UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *103d* CONGRESS
SECOND SESSION

VOLUME 140—PART 21

OCTOBER 7, 1994 TO DECEMBER 20, 1994
(PAGES 28747 TO 30356)

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UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1994

79-059 O—97 Vol. 140 (Pt. 21) 1

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PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

SENATE—*Friday, October 7, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BARBARA BOXER, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *For there is no power but of God: the powers that be are ordained of God.*—Romans 13:1.

Eternal God, Father of us all, our hearts are filled with unspeakable gratitude for the many men and women who serve the Senate.

We thank Thee for the security people—plainclothes and uniformed. We thank Thee for the officers—the Secretary of the Senate, the Sergeant at Arms, the Secretary to the majority and the Secretary to the minority—and all who support them in their responsibilities. We thank Thee for the men and women whose work requires them to be in the Senate Chamber all or much of the time, and for those who support them in their labors. We thank You for the pages, for the doorkeepers, and floorkeepers. We thank You for the office staffs and committee staffs. We thank You for those who maintain buildings and grounds, for the food service people, and the many others, most of whom whose labors are hidden.

Thank You, God, for faithful people, unheralded, without whom the Senate could not function. May Thy blessing rest upon them all.

In the name of the Servant of servants we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARBARA BOXER, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. BOXER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:35 a.m.

Under a previous order, the Senator from Pennsylvania [Mr. SPECTER], is recognized to speak for up to 15 minutes.

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

APPRECIATION FOR THE OUTSTANDING WORK OF REV. RICHARD C. HALVERSON

Mr. SPECTER. Madam President, at the outset, I express appreciation for the outstanding work of Reverend Halverson for the past 14 years. I know I speak for all of my colleagues in the U.S. Senate in commending him on his unique service to this institution and wishing him well for the future.

This may well be Reverend Halverson's last day to give the opening prayer, although the Senate schedule is always indefinite.

I am frequently asked when the Senate will be adjourning. My standard answer is: "The Senate adjourns when the last Senator stops talking," and that is a very indefinite standard.

But I have had the pleasure of working with Richard Halverson over the years in many ways. One way is a Bible class which I held in my office Wednesday afternoons at the request of a very, very distinguished Old Testament Biblical scholar, Mrs. Naomi Rosenblatt. Reverend Halverson was a regular participant and is a continuing regular participant, where we have gone over the Old Testament. He has made many very unique contributions to that study group.

I have also seen him, in addition to the Senate floor and the Senate environs, at our Wednesday morning prayer breakfast, where I had the honor the day before yesterday to give the final message for this year on the subject "Religion and Politics: Has the Far Right Gone Too Far?"

I salute you, Reverend Halverson. I know I speak for all of my colleagues and everybody in the Senate family, and beyond that, the congressional family, and beyond that, the country, for your service.

(The remarks of Mr. SPECTER pertaining to the introduction of Senate Resolution 277 and S. 2535 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NICKLES. Madam President, I ask unanimous consent to proceed in morning business for 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REV. RICHARD HALVERSON, SENATE CHAPLAIN

Mr. NICKLES. Madam President, I rise today to congratulate Dr. Richard Halverson, who is Chaplain of the Senate. He has been Chaplain of the Senate for the last 14 years and has done one outstanding job, I think not only as Chaplain but as friend, as mentor, as counselor for all Senators, for our staffs, and for our families.

He has been an outstanding Chaplain of the Senate. As a writer—and he has

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

written books that I would certainly encourage our colleagues and others to read—as a friend, as a pastor, his service to this body has been without equal. His health over the last couple of years has deteriorated to some extent, but his spirit is stronger than ever. His love for the Members and their families and their staffs and this institution is unequaled.

Certainly we wish him well in his retirement. He has been a real friend, and we wish him Godspeed. We thank him very much for the service he has given to all Members and to this body as well.

I yield the floor.

A CHANCE FOR PEACE IN NORTHERN IRELAND

Mr. LEAHY. Madam President, in the years since the fall of the Berlin Wall we have witnessed the end of some of the world's longest, bloodiest conflicts. In El Salvador and Nicaragua, brutal civil wars that polarized those countries for over a decade, were settled peacefully. In South Africa, we saw apartheid voted down and Nelson Mandela elected President. In the Middle East, Israel and the PLO have put aside years of hatred, and they are working together to transfer authority and support economic development in Gaza and Jericho.

In each instance, bitter enemies put aside their hatred and mistrust in recognition that years of violence had brought little but suffering, and in furtherance of the shared goal of a life of peace for their children.

And in each instance, I asked myself if Northern Ireland could be next. Was there a chance that this irrepressible desire for peace that had caused antagonists in so many troubled countries to find a way to live together would spill over to the Catholics and Protestants of Northern Ireland?

I especially remember thinking of Ireland as I watched Prime Minister Rabin and PLO Chairman Arafat shake hands at the White House a year ago. If those two bitterest of enemies could find it in themselves to put the past behind them, so could the Catholics and Protestants in Northern Ireland.

I was among those who urged President Clinton to grant a visa to Sinn Fein leader Gerry Adams earlier this year, and while I had no great expectations for his visit then, I felt, as the President did, that it was worth taking a chance for peace. I want to commend the President for his courage in taking that chance, and for the attention he has given to finding a solution to the Irish conflict.

Mr. President, with the announcement of a cessation of military activities by the IRA and Sinn Fein's commitment to seek a peaceful solution to the conflict, we are at the beginning of a new era in Ireland.

Today, I speak in support of this beginning, and to warn against a return to violence by either side. Violence has failed in Ireland. It should be universally condemned.

As John Hume, that passionate, reflective man of peace who is perhaps more responsible than anyone else for this breakthrough, told me in my office 2 weeks ago "since five British governments and 20,000 troops failed to stop the violence, I felt that if direct dialog could stop the killing, it was my duty to do so."

John Hume deserves the thanks of every citizen of Ireland, whether Catholic or Protestant, and I am honored to be able to call him a friend.

Last week I met with Ireland's Foreign Minister, Dick Spring, and he also stressed the great challenges that lie ahead. Each side, unionist and nationalist, has reason to be proud of their heritage. Each side has a legitimate stake in the outcome. But each side must also see that the time has come to let go of the belief that the only way to protect themselves is to concentrate power in their own hands to the exclusion of all others.

That approach will doom themselves as it will doom Ireland. Differences are inevitable, but the acceptance of diversity is the key to a strong, prosperous Ireland.

To the British, I say stop questioning whether the IRA meant what it said, and pay attention instead to what is happening on the ground. The question now should be when to bring Sinn Fein into the peace talks. The ceasefire was announced on August 31. If, after 3 months it is still holding, then let us see the British Government and Sinn Fein sitting together at the negotiating table.

I want to commend Gerry Adams for taking this chance for peace, and the IRA for its restraint in the face of attacks by loyalist extremists who would prefer to sabotage this effort. And I commend Prime Minister Major for his courage. I urge him to act quickly to suspend the implementation of the emergency laws, which have denied basic civil liberties to so many in Northern Ireland, and fueled the hatred.

The solution to the Irish conflict remains for the Irish people to decide. The key to a solution is tolerance, compromise and patience, which have been sorely lacking in Ireland over the years. As John Hume told me, he seeks "an agreed Ireland."

I do not forecast any particular outcome, but I do believe in the power of agreement, whether in Ireland or South Africa. And as a citizen of the oldest, most diverse democracy, I too believe that the future of Northern Ireland should be decided by a majority of its citizens.

As the son of an Irish father, I have long yearned for the day when the people of Belfast could walk the streets without fear. When the people of Ireland could work together to build their country economically, where unemployment in some areas exceeds 50 percent.

Mr. President, some weeks ago the European Parliament paid tribute to the more than 3,000 Irish citizens who have lost their lives since 1969, when political violence became a daily reality in Northern Ireland. Today, I and other Senators who will also speak during the coming days about the recent developments there, join with our European colleagues in remembrance and in hope for the future.

TRIBUTE TO ERNEST J. GERMAN

Mr. HARKIN. Madam President, I rise today in order to recognize the outstanding career of Mr. Ernest J. German of Virginia. On September 29, 1994, Mr. German retired after a long and distinguished career with the Federal Government, including over 30 years with the Department of Labor.

Mr. German began his Federal service in 1962 as a budget analyst for the Department's Office of Budget Administration. After a brief stint in a similar position at the Department of Health, Education, and Welfare, he returned to the Department of Labor in 1967. With the Manpower Administration from 1968 through 1972, he participated in the development and implementation of pre-CETA program decentralization activities. He was a Civil Service/American Political Science Association Congressional Fellow in 1973.

In 1974 he joined the Labor-Management Services Administration to direct its first planning and evaluation staff, later becoming Director of its Office of Planning, Evaluation, and Systems and its Office of Management.

In 1984, he joined the Office of Inspector General. As assistant inspector general for Resource Management and Legislative Assessment, Mr. German served as administrative and legislative officer. In this capacity, Mr. German worked closely and effectively with the Senate Appropriations Subcommittee on Labor. Mr. German will be sorely missed by his colleagues at the Department of Labor for his dedication and hard work.

On behalf of the Senate Appropriations Subcommittee on Labor, I would like to thank Mr. German for his many years of public service and wish him and his family the best in the years ahead.

STATEMENT ON THE CONFIRMATION OF JOHN E. ROUILLE TO BE U.S. MARSHAL FOR VERMONT

Mr. LEAHY. Madam President, it is with great pleasure that I rise to congratulate Jack Rouille on his appointment and confirmation to be the U.S.

marshal for Vermont. I have every confidence that the President has made a fine selection and that the people of Vermont will be well served by this dedicated public servant.

Jack Rouille is a veteran of the Burlington Police Department and the U.S. Marine Corps. He attended the Vermont Police Academy. He is a seasoned investigator and a person on whom I have relied since I had the privilege to serve as Chittenden County State's Attorney. I am proud to note that over the past 20 years, Jack has been a trusted member of my Vermont Senate staff and has gained extensive experience with veteran and military matters and a wide range of Federal Government activities. He and his wife Joyce are two of my family's closest friends.

Jack has been looking out for the interests of the people of Vermont for many years. It is just and fitting that he now do so as our U.S. marshal. His practical experience, background and training qualify him for the post.

More importantly, his dedication, fairness, integrity and common sense will ensure that he will carry out his duties with distinction.

I am proud to call Jack Rouille my friend. I am honored to have recommended his name to the President of the United States. I am delighted that the President saw fit to nominate him and that my Senate colleagues have acted so expeditiously to confirm this outstanding nomination.

TRIBUTE TO TENNESSEE GOVERNOR. NED McWHERTER

Mr. MATHEWS. Madam President, I rise today to pay tribute to a distinguished Tennessean who is one of the finest people and most dedicated public servants it has been my privilege to know. My remarks are especially appropriate now, because he is finishing the concluding weeks of his 8th year and final term as Governor of Tennessee.

Ned McWherter will be remembered as one of the greatest Governors in Tennessee history. Nothing I can say about Ned could be more significant than that fact. And little I could say would expand on what his many friends have said about him over the years. The best I can offer are my simple observations after watching him lead Tennessee over 20 years.

I have had the privilege of working in State government more than four decades, and over the past 20 months I have had the honor to serve Tennessee in the U.S. Senate. During that time, I have seen hundreds of men and women come and go in government. Some were motivated by ambition. Others were motivated by nothing more than a desire to make a contribution. Others floated in and out and never knew why they were there.

I thought about all these people, Madam President, and then I thought about Ned McWherter. Here is a man who dealt with the most controversial issues of our time. The changes he brought to education and health care will shape Tennessee for a generation. But despite all this change, he is as popular and respected as the day he was inaugurated in 1987.

I cannot explain that as a political scientist would. I can only explain it by saying Ned McWherter has a genuineness and concern for others which people respond to. I saw that in the way he always went back to the kitchen and spoke to the cooks after dinner. I saw it in the way he invited the security staff to sit at our table instead of waiting in the car outside. I saw humility in a man who was never too important to talk with staff and patients in Tennessee's mental care facilities. And I found compassion in a man who was never too busy to visit with inmates in maximum security cellblocks of Tennessee's prisons.

Time and again, I saw things in Ned McWherter that will not appear on the editorial pages or the 6 o'clock news. Things like the determination of a man who did more than talk about reducing the size of government, the vision of someone who never studied economics, but who knew we could restructure Tennessee's economy so every community would share in prosperity, the conviction that every child should have a good education and every citizen should have affordable health care, and especially a deep personal commitment to principles the Democratic Party has represented since Andrew Jackson.

No one every challenged Ned McWherter's honesty. Everyone knew that his political priorities rest squarely in serving what he called the thousands of Tennesseans who get up every morning, get their kids ready for school, and head out to work.

Mr. President, in a year when he could have eased into retirement by dedicating roads and cutting ribbons, he took on the greatest and most successful challenge of his career. And as a result, Tennessee is about to reach a goal few ever thought possible—providing every Tennessean with affordable, high-quality health care.

In a few weeks, the McWherter chapter of Tennessee history will close. It opened with a State that always had stood near the back of the line. It will end with a Tennessee that stands among the Nation's leaders in education reform, health care reform, and economic growth. All that happened because Ned McWherter kept the promises he made the day he was elected Governor—to stay close to the people of Tennessee and to be worthy of their trust. He always will have a special place in the heart and mind of the State he has served so well.

REMARKS TO RETIRING SENATORS

Mr. ROCKEFELLER. Madam President, Yogi Berra, a very underappreciated thinker, once said, "You can observe a lot by watching." As I wish a farewell to our retiring colleagues—Senators DANFORTH, METZENBAUM, WALLOP, DURENBERGER, DECONCINI, RIEGLE, MATHEWS, and of course our majority leader, Senator MITCHELL—I want to thank them for teaching us all so much. Just by watching these eight men, the rest of us in this Chamber learned the ways of Senatorial grace, excellence, and achievement.

If I can find one thing that unifies all of our retiring Senators, it is that none ever wore their office as a title. Across geographic and political and ideological lines, each and every one believed being a Senator meant carrying very real, very serious responsibilities. This is a trust to be earned and to be maintained, and well will miss the way these men made the entire institution look better for their conduct, their seriousness, and their integrity.

To Senator MITCHELL, my colleague and friend, I want to say no one has earned some private peace and quiet more than he has. His leadership in this Congress will serve as the standard by which all others will be measured. At a time when partisanship and gridlock seemed to be the U.S. Senate's middle names, he refused to stoop to that level or play those easy cards. I wish we could have delivered health care reform as his parting legacy to his own State and the Nation. But without his strong hand and patient guidance, health care would have withered long before reaching the floor of the Senate. So when the 104th Congress passes health care reform, it will do so because of GEORGE MITCHELL's beacon that lit our way.

I count myself lucky enough to have worked with Senator MITCHELL on two committees, Finance and Veterans' Affairs, and the standard of excellence he helped us set will be a challenge to match. His legislative legacy spans issues too numerous to mention, all important to the daily lives of Americans and the future of the country he has served with such devotion. Still, as much as he will be missed in those forums, GEORGE MITCHELL's move to a life outside the Senate walls is certain to be a journey to other forms of service.

Another Member I will miss working with is Senator DANFORTH. I have always respected his moderate, evenhanded leadership. His work on the Finance Committee will be, I hope, a lasting building block for the next steps on everything from trade with Japan to health care. His contributions to civil rights were invaluable.

My neighbor and colleague from Ohio, Senator METZENBAUM, will leave immense shoes to fill. He has been a leader in Ohio for 50 years, and generations have entered public life because of the model he offered. If my party were to pick the Senators who served as our conscience, it would include HOWARD METZENBAUM. I will always think of him as being unshakable in his commitment to those too often overlooked in this system—those people forgotten or left behind by America's prosperity and achievement, who had few to defend their interests, had him in their corner. He kept the Senate from losing sight of the world beyond Capitol Hill, and he pushed us to have the courage to ignore political expediency because being a Senator was about hard work and hard decisions that sometimes had hard consequences.

Senator WALLOP gave nearly 20 years to the Senate and made Wyoming proud. We did not always agree, but he always dealt with me honestly and respectfully. If the Senate is supposed to be a place for America's differences to get aired, he maintained that practice with aplomb and directness.

I have enjoyed the privilege of working with Senator DURENBERGER on health care over the recent years. We have toiled together in the complexities and hard questions that define health care. Reform of our health care system—especially for rural Americans like those in Minnesota and in my home State—will happen because of his efforts and that is a proud legacy that will help his State for generations.

My colleague on the Veterans' Affairs Committee, Senator DECONCINI, also leaves after almost 20 years. Watching him, I have learned that the Western streak of independence is alive and well. He has followed his own sense of duty in the face of pressure, he has stood firm when he was sure yielding was just plain wrong, and he has never been outworked. America's veterans have been lucky to have him standing tough for them, and I have been lucky to have him on my committee to push us all harder to do just a little more for the people who depend on us. He has been one of our great warriors against drugs and crime, urging us to act long ago.

The sum of 28 years on both sides of the aisle, I think, explains Senator RIEGLE's span of knowledge and achievements. Michigan's working men and women know him as a friend and a fighter, and they have become the better for that. I have been enriched by our personal friendship. I have been impressed with his work in the Finance Committee, making endless contributions in trade, health care, Social Security, and the other issues in our purview.

Finally, Senator MATHEWS who came to Washington when AL GORE got a promotion 2 years ago. Recalling a Tennessee colloquialism, when you show someone how to do something, you "learn" them. Well, in 2 years I think HARLAN MATHEWS has "learned" many of us on how to go about our business with dignity and care. Since he arrived, he knew it would be a short stay; but he never dodged the tough issues or took his responsibilities lightly. Senator MATHEWS reminded us that the Senate is about duty not just to your home State, but to the Nation.

To my eight colleagues who retire from Senate service at the end of this session, I wish them a second lifetime of peace, contentment, joy, and future service through other avenues. They have given back to the Senate so much more than they asked of it. They have done themselves, their families, their States, and us all so very proud. And when the history of this era is written, it will surely reflect the fact that their time in the Senate made a real difference. That is what we all aspire to when we come to public life, and that is the finest legacy any of us can hope to leave.

THE 50TH ANNIVERSARY OF THE AUSCHWITZ-BIRKENAU UPRISING AND THE HEROISM OF ROSA ROBOTA

Mr. COATS. Madam. President 50 years ago today on October 7, 1944, a little-known but important event occurred.

On that day, a group of sonderkommands—prisoners who fueled the crematoria at Auschwitz with human corpses—rose up against their Nazi oppressors in open revolt. The crematorium was blown up, several Nazi guards were killed and, as a result, hundreds of prisoners managed to escape.

Madam President, while most people believe that the Jewish people in the camps of Nazi Germany went docilely to their deaths like lambs to the slaughter, truth is that many, including many heroic Jewish women, fought back courageously and, with great ingenuity, used every weapon at their disposal.

In this case, four courageous women, led by 20-year-old Rosa Robota, stole minute quantities of gunpowder over the course of many months from the camp factory where they worked as slave laborers. From these small pilferings, which were passed on to the camp underground, primitive grenades were constructed and used in the uprising.

For these acts, Rosa and her three companions, Ester Wajcblum, Ala Gertner, and Regina Safirztajn, were indescribably tortured for weeks by the camp Gestapo. Yet they revealed nothing about the other members of the underground.

On January 6, 1945, all four were murdered in the last public hanging to occur before the Nazi camps were liberated by the Allies.

Madam President, I wish to commemorate the heroism of Rosa Robota and her companions, and of all those who participated in the uprising at Auschwitz.

While the event happened 50 years ago, it is important that we remember, and our children recognize, the terrible evil that was the Holocaust, so that they will have the courage to counter malevolence wherever it appears.

Madam President, I thank the Chair and yield the floor.

PRIVATE SECTOR INITIATIVES IN JOB TRAINING

Mr. HATCH. Madam President, the debate regarding the prevention programs in the crime bill highlighted one very important error of omission that we frequently make here in Congress. We get so tied up in debating Federal solutions to the problems faced by disadvantaged youth that we fail to recognize the many creative solutions that have already been invented by the private sector.

Private sector involvement is absolutely essential in putting the educationally and economically disadvantaged Americans to work.

Not only is there not enough money to serve all of the at-risk youth who could conceivably benefit from a training program, but also the private sector can often provide training more effectively. After all, private employers know best what new employees need to be successful long-term employees.

Moreover, the Federal Government does not have a lock on the best ways to deliver job training. Fresh and innovative ideas are continually coming from the everyday citizens and private businesses throughout our communities. There are hundreds of examples.

In my home State of Utah, for example, private businesses throughout Salt Lake County help economically disadvantaged people through on-the-job training programs and internships.

One program in particular is known as the Single Parent Economic Independence Demonstration. This public-private sector partnership places individuals who are receiving Aid to Families with Dependent Children [AFDC]. A number of Utah companies have provided internship opportunities for participants in this program. The sponsoring companies are in diverse industries. They include U.S. Lighting and Electric, Olympus Management Corp., and Southwest Airlines. Southwest Airlines recently opened a branch in Utah, and I look forward to working with this growing company.

Another noteworthy example is a program begun in 1968 by the Coors Brewing Co. This program, the Golden Door, is open to exoffenders and welfare recipients. Participants receive the training and education needed to get and keep well-paying, full-time jobs. They are paid an hourly wage for meaningful and responsible work at Coors' investment recovery or salvage yard facilities. They learn to operate forklift trucks, pallet nailers and denailers, cutting torches, grinders, and other industrial equipment. Their training comes at work and not in a classroom, but those without high school diplomas are required to complete GED certification through an onsite program.

Coors' Golden Door Program is self-supporting, with costs offset by the savings and income generated by the completed work. On graduation from Golden Door, participants are eligible to compete for open positions in the company. Since 1977, almost 80 percent of the trainees who entered the program have taken regular production and office jobs throughout Coors.

I believe such private efforts should be encouraged and recognized. The private sector commits billions of dollars every year to job training and employee education. While the cynics may say that such expenditures are in a company's own best interests, I believe we should give credit where credit is due. Without these private sector resources and without the new model programs they bring to the employment and training arena, far fewer individuals could be helped. Far fewer people would today be gainfully employed, contributing both to the productivity of an enterprise and to their own economic independence.

HEALTH CARE REFORM

Mr. HATCH. Madam President, there has been a lot of blame-saying recently regarding the demise of health care reform legislation. I think we need to get the record straight here.

Republicans are being blamed for killing health care reform this year.

Let me lay out the true scenario with which we were faced: We were given the choice to either kill the Clinton-Mitchell bill or kill our health care system. Guess which one we chose?

It is true we stood in firm opposition to the Clinton-Mitchell bill, but this was not because we do not want health care reform. It was because the Clinton-Mitchell bill was a bad bill. It would have killed our health care system. We do not want that to happen, and the American people do not want that to happen.

Those of us on this side of the aisle have been open and honest about our concerns with the cost of the bill, the extend to which Government would control our health care system under this bill, the negative impact the bill would have on the economy, and the massive new taxes it proposed.

Yet, even after all this, there was still no guarantee the bill would even work to accomplish its goals.

We share the same general goals as the proponents of the Clinton-Mitchell bill. We agree that some changes must be made to curb the rising costs of health care and to ensure that health care insurance is not easily taken away from individuals who have gotten sick or who have a preexisting condition.

There is also a great deal of support on this side of the aisle for other changes that would lower costs and improve access to care. For example, there is support for the idea of malpractice reform to curb the amount of health care dollars spent on litigation. Malpractice liability reform would permit us to spend less on lawyers and more on health care.

The difference between our approach to health care reform and that of the proponents of the Clinton-Mitchell bill is that we are confident we can accomplish the goals of health reform through the use of fundamentally sound market principles. Reform in this manner will not threaten to bring down our health care system and the freedom of those who use it.

I would like to continue the constructive dialog we have had concerning health care up to this point. I believe we have all learned a great deal and that we have arrived at some important conclusions. There are areas of agreement, and we are committed to building on this foundation next year.

Our distinguished Republican leader, Senator DOLE, has drafted a set of priorities for the 104th Congress. Health care reform is right up near the top of the list. We want health care reform, but we will not settle for health care proposals that destroy our health care system and our economy.

I have heard countless concerns and fears expressed about the detrimental effects of the Clinton-Mitchell bill. The American people are not fooled by the rhetoric of the bill's promoters. The American people have clearly discerned that the negatives of this bill far outweigh the positives.

Dr. Julian Whitaker, founder and director of the Whitaker Wellness Institute and a medical doctor for over 20 years, wrote an article to dispel any misconception that the Clinton-Mitchell bill is good for the health care system. His years of experience in surgery and preventive medicine as well as his heritage of being from a family of health care providers give him real, firsthand knowledge about the negative effects of Government intervention into the health care arena.

I encourage my colleagues to read this article. I ask unanimous consent that the entire text of Dr. Whitaker's article be placed in the RECORD.

I do not suggest that what Dr. Whitaker recommends is the ultimate solution to the health care problem. I do, however, believe that we should be looking for innovative ideas, like Dr. Whitaker's, which attack the heart of the problem, instead of the symptoms. The Clinton-Mitchell bill does nothing more than try to treat the symptoms of an ailing health care system, while the deeper problems continue to fester.

I am not alone in my opposition to the Clinton-Mitchell-type bills. There are millions of Americans who do not believe these types of bills are going to improve our health care system and will only make it worse. I am certain that if legislation like the Clinton-Mitchell bill is ever enacted, overall health care costs will rise. Our economy and health care system and the people they serve will be seriously injured.

I will continue my opposition to bills like the Clinton-Mitchell bill which threaten the viability of our health care system as long as my colleagues continue proposing them. I will, at the same time, give my full support to a health care reform bill that actually attacks the problems of our health care system and does something to improve health care without Government expansion or control.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Health & Healing, Sept. 1994]

HEALTH CARE REFORM: THE ONLY APPROACH THAT CAN WORK

(By Julian Whitaker, M.D.)

Folks, none of the so-called "health care reform" plans proposed so far will work. In fact, they will only make the problem we already have worse, because all of the proposals intend to use the cause of the problem as the solution. In this special supplement, I offer what is probably the only option for controlling the runaway costs of medical care and, at the same time, preserving your freedom to choose the best health care for your needs.

Besides its emphasis on drugs and surgery, American medicine has another problem: it costs too much. It has been on an inflationary spiral since the early 1960s, with no end in sight. In 1950, health care accounted for less than 5% of GNP; today it's at 13%. A semi-private room in a hospital costs up to $2,000 per day, and that is before they charge you $20 for a couple of aspirins!

Folks, this is ludicrous.

THE KIND OF HUMAN INTERACTION THAT DREW ME TO MEDICINE

My father, William G. Whitaker, Jr., is one of the best surgeons I know. Recently, a chair of surgery was established in his honor at Piedmont Hospital in Atlanta, Georgia. He isn't a "health care provider," he is a doctor. He solves patients' problems.

Back in the fifties, if he saw a patient with fever and a pain in the right lower quadrant of the abdomen, he would do a careful exam of the abdomen, likely finding sharp tenderness right over the appendix. He would order a few inexpensive tests to corroborate his focused, uncluttered judgment. Then he'd take the patient to surgery and cut out the infected appendix.

After three days the patient went home, a little sore, with a total bill of $500. Most—if not all of it—would be paid for "out of pocket," yet no bankruptcy notices went up. For the next ten years, the man's grateful family would send my father a Christmas present.

It was that sort of human interaction that drew me to medicine. It was simple—the family needed medical services. They got what they needed from one of the best. They paid for it. They were grateful.

Today, that same patient would "have" to get a barium enema, CAT scan, sonogram, and MRI, plus all sorts of blood tests. The surgery would be performed and the patient would be hit with a bill for $32,000, of which his part would be over $6,000—unless he had some kind of insurance that covered where his other three policies left off!

WHAT IS DRIVING UP THE COST OF MEDICAL CARE

This is outrageous! This is not problem-solving, it is common wastefulness! But let's look at what could be driving up the cost of medical care.

Doctors are greedy and evil. Yes, today many doctors are obsessed with money and some are downright greedy. The more important issue is the source of the money that has enabled doctors to become so avaricious. Who is really paying these outlandish bills? You see, in order to have this kind of inflation, there has to be a big supply of money to fuel it.

Technology has caused medical costs to skyrocket. This is even more implausible. The technological advancements that have occurred in virtually every sector of society have had the net effect of lowering costs. A hand-held calculator was a $750 marvel only 30 years ago; now, a calculator is virtually free, and everybody owns one. No, technology itself can't be blamed for driving up the cost of medicine, because it has tended to drive prices down in every other sector. Well, then, why are medical costs out of control?

THE GOVERNMENT

It is because for decades, our government has been force-feeding all of us what I call "Poisonous Political Pablum" (PPP)—my name for "entitlements." Entitlements are goods and services received by Mr. Jones, for which not he, but the government, pays. For this discussion, I call the money used to pay for PPP or entitlements Free Money (FM)—money that is neither earned nor saved by Mr. Jones, but is spent on his behalf, even though Mr. Jones has no control over how much is spent, or for what it is used. In fact, Mr. Jones never gets his hands on the money at all. Simply put, Free Money is money that the government takes from someone to be spent as it sees fit on someone else.

Folks, the inflationary spiral is caused specifically by the FM that is used to pay for one of the largest and most popular PPPs, Medicare. Yes, I know that many of you feel you could not survive without Medicare—financially or otherwise—but I am going to try and convince you that it is a form of slavery. The fact is that neither you nor your doctor has any control at all over how Medicare funds are spent for your own health care.

Before we examine Medicare and specifically demonstrate how it and all government payments for medical care are the problem, certainly not the solution, let's "create" an entitlement for college students, and follow it through to its logical conclusion. We'll call it RESTACARE.

INSURANCE TO EAT WHEREVER YOU LIKE, WHATEVER YOU LIKE

College students are often poor and eat at inexpensive restaurants. This has been going on for centuries. Now, let's say someone comes up with the notion that college students should be "entitled" to eat in any restaurant they choose. After all, nutrition is important for learning, so with better food, college students will learn more, and, ultimately, be more productive, tax-paying citizens.

Voila: A Poisonous Political Pablum is issued by the government. "No college students should have to cut corners of food. Since they are in college, they are entitled to the US government's RESTACARE. From now on each college student will be given a RESTACARE credit card, good at any restaurant. All bills will be paid by the US Department of Poisonous Political Pablum."

With the passage of the RESTACARE law, suddenly billions of dollars are dumped into the restaurant industry, with the following consequences:

The eating habits of students change drastically. Since their RESTACARE card is fully backed by free money, students can now dine at Chez Louis for $150, instead of McDonalds for $7.50. Some students with RESTACARE cards run up bills of tens of thousands of dollars, bills that had never been seen in the restaurant industry before. Each week, another "record" bill is published until $60,000 dinner bills are commonplace, even accepted.

The cost of restaurant food skyrockets as restaurant owners begin to display obvious greed, and public perception of them begins to change. All the low-budget places that had once catered to students are forced to close and reopen with a slogan, "Better food for more money. Students with RESTACARE cards welcomed."

Restaurant prices become out of reach for the non-student population. A study discloses that 37 million people do not have a RESTACARE card and cannot afford a bowl of soup, much less the broiled salmon that is now priced at $7,500. They live in terror that some day they might have to go out to eat, knowing that they would be in financial ruin before they finish the salad. Students refuse to graduate for fear that they would lose RESTACARE. Eighty-year-olds enroll in college just to get a RESTACARE card.

THE GOVERNMENT ACTS: RESTACARE CARDS FOR ALL!

In response to the new super-inflated cost of restaurant dining, those with RESTACARE cards suddenly began to panic, knowing that the government could get rid of RESTACARE the same way they created it—with the stroke of pen. This thought is terrifying because, now, just walking by a restaurant would cause financial destitution. RESTACARE holders for a powerful group for the sole purpose of preserving RESTACARE.

Finally, things get so bad that the bureaucrats at the US Department of PPP are forced to start a crack-down. They put a few dozen restaurant owners in jail for "RESTACARE fraud"—some had overcharged for bread sticks, while others had billed millions for desserts that were never served. Of course, this never happened before RESTACARE, since the customers usually looked over the bill before paying, but it had become widespread since passage of the RESTACARE law and the use of FM to pay the bills. With Free Money, nobody looks at the bill or even cares, except the person who is making it out. Yes, Free Money will cause greed.

A new president is elected. He instructs his wife, Valerie, to work on a restaurant "reform" package, which is brought before Congress and states that now all citizens will be issued a RESTACARE card, and that the FM for this PPP will be extracted from employers. Valerie sets up regional rationing quotas for salmon, pasta, vegetarian, and meat dinners. There will be monthly allotments for iced tea and other beverages, and these will be strictly observed to control spiraling costs. Any "food care provider" that encourages seconds or provides more than one dessert a week will be investigated and, if found guilty, taken out back and shot.

Now let us examine what has happened, not just to the students but to society since passage of RESTACARE.

WHY I'M FOR GETTING RID OF MEDICARE AND MEDICAID

Before RESTACARE, the restaurant system worked. Restaurant owners were pleasant, liked their customers and were appreciated in return. There was a lot of choice and virtually no inflation. And most striking of all, virtually no one in the restaurant industry or society had any reason to interact with government.

Since RESTACARE, the cost of a restaurant meal is out of sight. Restaurant owners have grown to distrust their customers, and vice versa. Suits against restaurant owners for "bad food" have increased dramatically. The public is terrified of having to live without a RESTACARE card, and everyone is demanding one. Those with the cards are terrified that they will be taken away and are determined to keep them. The government is engaged in a big debate on how to "reform" the restaurant industry. Rationing of meals is a must because the cost is just too high. The greedy restaurant owners cannot be trusted at all, so a whole army of government bureaucrats dictate to the owners what they can and cannot do. Now virtually everyone in society is not only desperately involved in the machinations of government but is at its mercy.

Folks, this may not be a popular position, but I hope you can see from the RESTACARE example that the answer to our health care crisis is the same as the answer to the restaurant crisis: to achieve rapid and permanent deflation of medical costs, the government must stop throwing free money into the pot. The first step is to repeal Medicare and Medicaid and develop a plan for phasing it out.

THE POOR WOULD BE BETTER OFF WITHOUT MEDICAID

But this terrifies people. A few days ago I was discussing this with some friends. One countered with, "Okay, Julian, what about a two-year-old girl living in poverty who needs a $100,000 operation? What are you going to do, just let her die?" In her view, it is incomprehensible that I would recommend repeal of Medicaid because I am concerned that a two-year-old does not have access to a life-saving operation. Incredibly, and in spite of all evidence to the contrary, many believe that only government can take care of the poor. They also believe that those in the private sector sit around profiteering.

In reality, people in the private sector are usually honest, innovative and productive, and are constantly trying to figure out how to serve their fellow man more efficiently and cheaply. They do this because if they don't, someone else will, and they will be out of a job! You ought to know that because most of you are in the "private sector."

Now, let's go back to that sick baby.

The reason that the operation costs $100,000 is because of the inflation brought on by all the Free Money used to pay the Medicare bills! Without Medicare, there wouldn't be a $100,000 operation because no one could afford it. That operation would cost $5,000, maybe $7,000, within easy reach of the child's community, church, or even family.

And without Medicare and all the other sources of FM polluting the medical industry, there would be deflation of medical costs. Almost all essential medical care would be easily affordable as an out-of-pocket expense because there would be no more money to inflate the bills! Not only that, there would be even greater strides in technology; and that technology would be far more available.

Folks, we can deflate medical costs and preserve your freedom of choice by getting all of the third-party payers who use Free Money out of the system—and fast.

There are reasonable and rational ways to phase out entitlements, and it can be done. If the Eastern Europeans and Russians can decide that centralized control doesn't work and simply walk away from it, then we can certainly find a way to roll back Medicare and Medicaid.

There is a little girl out there who needs an operation, but if you think the government is going to come up with a program that will help her, I ask you to think again. When has the government ever gotten any entitlement program right? That little girl could be your granddaughter. She is likely to die while her mother waits in line for the government's newest "hand-out" of Poisonous Political Pabulum.

NINETIETH BIRTHDAY TRIBUTE TO JOSEF MEIER

Mr. PRESSLER. Madam President, I wish to take a few moments to honor Josef Meier, one of the giants of South Dakota's tourism industry, on the occasion of his 90th birthday. To anyone familiar with tourism in the Black Hills, the Passion Play and Josef Meier are synonymous. South Dakotans do not think of one without the other.

Because the Passion Play and the Meier family have played a major role in South Dakota tourism and economic development the city of Spearfish and the State of South Dakota have jointly proclaimed October 9, 1994, as Josef Meier Day.

In 1938, after examining numerous possible sites throughout the United States, Josef Meier brought his Passion Play to the Black Hills of South Dakota. Since that time, he has been in the forefront in the development of the Northern Black Hills tourism industry. In 1954, Josef Meier and the citizens of Spearfish were presented the Freedoms Foundation Award, a reflection of their significant achievements in community development.

The beauty and powerful message of the Passion Play have attracted thousands to the Black Hills of South Dakota. For over 50 years, Josef Meier himself played the challenging role of Jesus Christ. Although health problems led to his retirement a few years ago, Josef's daughter and son-in-law have assumed the leadership reins, and the Passion Play performances continue.

Performed in an outdoor amphitheater with a cast of 250 and using live animals, the Passion Play's 22 scenes provide a truly memorable experience. Before his retirement, my wife, Harriet, and I had the opportunity to see Josef Meier's memorable performance.

I always have appreciated Josef's support and friendship over the years. His advice on tourism and other issues has been invaluable. Several years ago, Josef testified at a Senate Tourism Subcommittee field hearing I held at Mount Rushmore. His expertise and experience continue to provide valuable lessons for those who work in the tourism and service industries.

I congratulate Josef Meier on this joyous occasion marking his 90th birthday. His successful career has rewarded hundreds of thousands, if not millions, of South Dakotans, other Americans, and foreign tourists. He is truly a legendary pioneer of South Dakota's tourism industry.

BANKRUPTCY REFORM ACT OF 1994

Mr. METZENBAUM. Mr. President, I wish to commend Senators HEFLIN and GRASSLEY, and Congressmen BROOKS, FISH, and SYNAR, for their leadership on the enactment of the Bankruptcy Reform Act of 1994, one of the most important pieces of legislation to be considered by this Congress. They did yeoman's work in preparing this bankruptcy bill, and deserve tremendous credit for their efforts.

The Congress has considered the issue of bankruptcy reform for many years and we have debated every nuance, contemplated every scenario, and literally cited every statistic many times over. The legislation that has been enacted has been painstakingly crafted to address a wide variety and array of concerns that have been raised over the years and I want to thank the managers and sponsors of this legislation for their courtesy and cooperation in accepting my amendments which were offered in the spirit of solidifying consumer protections, promoting uniformity, and facilitating clearer treatment of many transactions under the Bankruptcy Code.

Mr. President, throughout the process of crafting a viable bankruptcy reform proposal, I have reiterated that there is one problem in particular that we must fix—professional fees in bankruptcy. I chaired a Judiciary Committee hearing on professional fees in bankruptcy that revealed a number of examples of how lawyers suck the financial life out of companies by charging exorbitant and often unnecessary fees. We learned that it is not uncommon for lawyers to engage in such tactics as overstaffing, superfluous conferencing, unnecessary research and duplication of work. Moreover, we learned that there is widespread disparity in the fees paid, in the standards and laws used to set them, and in the maneuvering lawyers use to get them. Just as recently as 2 weeks ago, the New York Times reported that a staff attorney for a U.S. trustee challenged what she believed to be excessive fees being rung up by the biggest bankruptcy department in this country. This firm's gross revenues had risen significantly since 1989, buoyed by at least $136.5 million in fees from a string of bankruptcies. That is right, almost $140 million in legal fees. As an arm of the Justice Department, the trustee's office is in a position to monitor fees in bankruptcy cases, and it occasionally makes objections in the public interest. Nonetheless, the New York Times reported, the attorney challenging the fees was removed from the case by her boss and later put back on the case on the condition that she not review the fees. The objection to the fees was withdrawn.

In light of these abuses, I am particularly pleased that my proposal relating to professional fees is included in the act. The legislation sets forth in clear and concise terms those factors that must be considered when deciding the appropriateness of a fee request. Some of the factors to be considered are: First, whether the services were beneficial at the time they were rendered toward the completion of the case; second, whether the services are reasonable and necessary; third, the customary rates charged for services; and fourth, whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem addressed. In addition, the U.S. trustees will be required to adopt uniform procedural guidelines for the review of fee applications and where appropriate, object to a fee request.

As omnibus bankruptcy fraud statute has been lacking in the Bankruptcy Code despite the dramatic increase over the past decade in the number of bankruptcy filings. Annual case filings have climbed from 300,000 in 1980 to 944,000 in 1991 and in excess of $26 billion is at stake in these filings. Commensurate with the rise in filings has been an increase in the number of fraudulent schemes that undermine the goals of Federal bankruptcy. For example, individuals have feigned bankruptcy to avoid debt collection and foreclosure by their creditors. Numerous bank officials and their customers have used the bankruptcy process to shield themselves from discovery or prosecution from fraud. Drug defendants are using bankruptcy filings to frustrate and delay drug asset forfeiture proceedings. Hundreds of typing mills are luring customers with vague promises of solving their credit problems, charging the customer hundreds of dollars while inducing them to sign bankruptcy petitions they often do not understand, and then improperly filing bankruptcy on their behalf.

The Bankruptcy Act contains my bankruptcy fraud proposal, which strengthens the Government's ability to prosecute bankruptcy fraud. The bankruptcy fraud section, which is modeled after the mail and wire fraud statutes, sets out criminal penalties for any person who knowingly uses the filing of a bankruptcy petition or document to defraud others. While this provision is tough on white-collar crime, it does not overreach in its applications. Proof beyond a reasonable doubt of a specific intent to defraud is required, persons committing an alleged fraudulent act for a lawful purpose are not covered, and any act, to be deemed criminal, must be a part of a scheme to defraud involving a bankruptcy proceeding.

In addition, the law provides for injunctive relief, damages, and criminal penalties against bankruptcy petition preparers who are negligent or commit fraud in preparing petitions. It also sets forth criteria for supervising their fees. This provision, which I introduced as an amendment to S. 540 in April of this year, is critically needed and empowers the Government to confront the large scale fraudulent conduct of those who prey on the poor and unsophisticated. While not all so-called typing mills or petition mills are abusive, data show that they are most prominent in major metropolitan areas with poor and minority communities. For example, in the central district of California, approximately 70,000 petitions were filed in 1991 and the Department of Justice estimates that almost 20,000 petitions were filed as a result of entities who entice a debtor into believing that his/her credit problems will be cured and most significantly, that (s)he will be able to avoid eviction by filing a bankruptcy petition.

The Bankruptcy Act closes another gap that permitted white-collar crooks and others to hide behind bankruptcy protections to avoid payment of criminal fines. As individuals have misused the bankruptcy process to avoid debt collection and foreclosure, so have persons convicted of crimes sought to shield themselves from the payment of court-imposed fines triggered by criminal activity. My proposal, which is included as section 302 of the law, removes this shield and creates continued liability for the payment of criminal fines even if bankruptcy is pursued.

Mr. President, many will recall that I introduced an amendment in April of this year which would have resolved the debate over how rent-to-own contracts would be treated in bankruptcy cases. The rent-to-own companies attempt to avoid credit sales and usury laws by writing their agreements as leases. Courts that have adopted the lease interpretation have ruled that to keep their property, consumers must pay the entire remaining balance of the rent-to-own contract, amounts which the Pennsylvania Attorney General has found to be the equivalent of 100 to 200 percent in interest. Consumers argue that these agreements should be treated as credit sales in bankruptcy, and courts adopting this view have allowed the consumer to keep possession of the goods by paying the creditor no more than the amount the creditor would realize if the goods were repossessed.

My proposal would have clarified the law in a way that debtors with rent-to-own contracts would be treated in the same way the Bankruptcy Code treats those with installment sales contracts, but this proposal is not contained in H.R. 5116. This exclusion should not be interpreted as a congressional determination with regard to the treatment of rent-to-own contracts in bankruptcy cases one way or another. The exclusion will leave this determination in the hands of the court in a particular case, depending upon the facts and circumstances of that case.

I would like to again thank all of those who have played a role in developing and honing the Bankruptcy Reform Act of 1994. And I did in April of this year, when S. 540 was on the Senate floor, I must pay special tribute to Pam Banks who, although no longer with my staff, continued to work tirelessly on this proposal during these last 2 weeks, as she has done for the past 4 years. Pam's dedication has been constant and skillful and the consensus that has been reached with regard to my concerns is largely attributable to her involvement and assistance.

REGARDING THE HONORABLE F. TROY BRAILEY

Ms. MIKULSKI. Madam President, I rise today to pay tribute to a fallen hero, former Maryland State Senator F. Troy Brailey, from Baltimore's 40th Legislative District. Senator Brailey passed away yesterday at his Baltimore home.

I have had the distinct pleasure of knowing and working closely with Senator Brailey since my days as a community organizer in Baltimore in the 1960's. I would have to count him as one of my early mentors as he was never too busy to offer words of wisdom.

Senator Brailey is often remembered as a strong supporter of organized labor. He was president of the Baltimore division of the Brotherhood of Sleeping Car Porters in the early days of the union as well as being very active in the Negro American Labor Council which was formed by A. Philip Randolph.

It is through his efforts in the area of civil rights that Troy Brailey made perhaps his greatest mark on the lives of Marylanders, and indeed all Americans. A great deal of his work on labor issues was to secure rights for the African-American worker. He was truly tireless in those efforts as evidenced by his stewardship as the Maryland State chairman for the 1963 March on Washington.

Elected to the Maryland House of Delegates in 1966, he served there with distinction until his election to the State Senate in 1982, where he served 8 years. I know that his beloved family, his friends in Baltimore, in Annapolis, and throughout Maryland join me today in expressing our deep respect for Troy Brailey's long and distinguished career as a champion for working people, and our sadness at his passing.

Senator Troy Brailey will be missed but he will most definitely be remembered.

HONORING SENATOR RIEGLE

Mr. DURENBERGER. Madam President, I rise today to pay tribute to the retiring Senator from Michigan, my friend DON RIEGLE.

I am convinced that this is the only occasion on which the phrase "retiring DON RIEGLE" is not oxymoronic. As my colleagues will testify, he is one of the least retiring people who ever served in this body.

Unlike most in this Chamber, I can remember when DON used to be a Republican. I think he is a great example of someone who chose not to change his principles to suit his party, but rather to change his party over issues of principle.

It is one of the toughest decisions one can make in partisan politics. Speaking for myself, I think my political views are sufficiently in the Republican mainstream that I can exert a moderating influence in our party.

DON RIEGLE found himself too far out—too often—to make the kind of difference he knew himself capable of making. And so he did a very courageous thing, and switched parties.

So it is as a Democrat that the U.S. Senate will remember DON RIEGLE, as he rides off into the next chapter in his life. But I think of true appreciation of DON'S career will call attention to the fact that he puts ideas over party.

He was a Republican against the Vietnam War. That was a really tough stand for him to take, and he has brought the same kind of passion to the other issues he has worked on.

We served together on the Finance Committee, and I know something about the strength of his convictions. Whether it is protecting the interests of autoworkers or protecting cost-of-living increases for Social Security recipients, DON RIEGLE has the kind of fiery commitment that makes you want him to be on your side in any debate.

Even when I have disagreed with him very intensely, I have always respected him as a sincere, committed, hard-working individual. He cares about the people of Michigan, and in losing him they are losing a very powerful voice.

I join all my colleagues in wishing him and his wife Lori Hansen a very happy future.

THE CONFIRMATION OF DR. CAROL KINSLEY TO THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mr. KENNEDY. Madam President, I commend my colleagues in the Senate for confirming President Clinton's nomination of Dr. Carol Kinsley of Springfield, MA to serve on the Board of Directors of the Corporation for National and Community Service.

Dr. Kinsley is recognized as a leader in the field of service learning, and serves as executive director of the Community Service Learning Center in Springfield. Under her leadership, the center has grown to become one of the Nation's most influential forces for making service learning a part of education. Educators and administrators come to Springfield from around the country to attend the center's seminars and workshops, which teach them how to assess local needs and incorporate a responsive community service program into their school curricula.

I was proud to sponsor the legislation which established the Corporation for National and Community Service in the Senate last year, and which President Clinton signed into law. The real work, however, is being done by people like Dr. Kinsley around the country, who care about improving their own communities and who recognize that community service is an excellent opportunity to do so.

Individuals like Carol Kinsley have recognized that national and community service is one of the best investments we can make in America's future. Problems are addressed, needs are met, and people learn that they truly can make a difference. Everyone benefits—the volunteers, those who receive the service, and the community as a whole.

Massachusetts has long been recognized as a leader in the community service movement. I am confident that Dr. Kinsley's participation on the Board will help to ensure that our State continues in this fine tradition of service to others.

It is gratifying that President Clinton recognized Dr. Kinsley's outstanding work and leadership in Springfield, and that the Senate has agreed with the President's choice of Carol Kinsley to serve on the Board. I know her ability and experience will be a positive force at the Corporation for National and Community Service, and I look forward to working with her in the years ahead.

HONORING SENATOR MITCHELL

Mr. DURENBERGER. Madam President, like myself, the majority leader is retiring at the end of this session. I want to take this opportunity to offer a few comments about his tenure as a Senator, and as leader of his party.

GEORGE MITCHELL came to the Senate 1½ years after I did, so I feel pretty well qualified to give an assessment of his 14½ years as a U.S. Senator.

Our years in the Senate were a time of rising partisanship. So it should come as no surprise that Senator MITCHELL and I disagreed more often than we agreed on controversial issues of the day.

In spite of Senator MITCHELL's reputation as an absolutely ferocious partisan—I have never seen him obstruct the work of the Senate purely for partisan advantage.

In fact, I have been privileged to work with him in a very bipartisan manner on a number of important issues. This year, we worked together in the Finance Committee to put together mainstream health reform legislation. And that was just the culmination of long years of cooperation on health issues like Medicare catastrophic, long term care, and the AHCPR.

On the Environment and Public Works Committee, we were able to work together in a bipartisan way on the Clean Air Act and other major environmental issues.

So it would be wrong to depict Senator MITCHELL's career as one of unrelieved partisanship. Indeed, every single act of this Senator—even in his years as leader of his party—has been dedicated to a vision of the good of our country. Often, I will disagree with the particulars. But I cannot doubt the sincerity and the passion with Senator MITCHELL for that vision.

Too often, people play games in the Senate with a view to winning elections. Senator MITCHELL does the exact opposite. He fights elections because he wants to do things in the Senate.

I remember the great electoral battle of 1986, in which Senator MITCHELL was a major player in recapturing the Senate for the Democrats. I will not soon forget the great passion with which he led that fight—and the passion he brought to his next caucus role as Senate floor leader.

I am not alone in believing that GEORGE MITCHELL's background has a lot to do with that passion. I think that people whose roots are still close to foreign lands appreciate the greatness and the promise of our country a heck of a lot more than some whose ancestors have been here for hundreds of years.

When I see the majority leader forging ahead relentlessly on some controversial issue—beating back opponents like some inexorable force of parliamentary nature—I think of an orphan whose parents were Irish immigrants. I think of a Lebanese immigrant working the night shift in a factory for decades.

And as I think of these two Americans, I believe that I can understand their son, GEORGE MITCHELL. GEORGE MITCHELL understands that the future of America is in the hands of Americans. We have it in our power to create the kind of country we want it to be.

What a breathtaking power. What an awesome responsibility. And what a tribute to George and Mary Mitchell that their son, the leader of the majority in the U.S. Senate, will spare no effort to build the country that lived in their dreams. To the extent that America enjoys greatness today, it is because of people with the spirit and character and perseverance of GEORGE MITCHELL. We need more people like him.

IN SUPPORT OF THE AFRICAN-AMERICAN ART MUSEUM

Ms. MIKULSKI. Madam President, I am deeply disappointed in this legislative body. The politics of gridlock, obstructionism, and divisiveness have once again reared their ugly heads—this time to stop a project which would only enrich the lives of Americans, the African-American Museum.

What does it say for our country, Madam President, when we cannot establish a museum honoring historical diversity in a capital city symbolizing freedom and democracy?

What does it say for this body when one Senator obstructs the promotion of African-American art and culture? When cataclysmic change is occurring—peacefully—in countries around the world?

So many other nations have begun to come together in search of peace and democracy, empowerment and enrichment. What does it say for us when on one day Nelson Mandela, the first President of South Africa elected by all the people of South Africa, uplifts us with a message of such inspirational dignity, maturity, hope, peace, tolerance, humility, and diversity; and on the very same day we cannot even pass a bill to begin the collection and preservation of African-American history in our own Nation's Capitol?

I am appalled. I am angered. I am ashamed.

Our culture is based on diversity, the sharing of heritages and histories from all over the world.

We should be proud of the ethnic makeup of our country, proud of the diversity of our history.

We should want to preserve and share this cultural mosaic with each other, with our children and our children's children.

We should not have to fight the divisive efforts of one Senator to educate and empower the next generation with the knowledge and experience of our cultural heritage.

We have been enriched by diversity in the shaping of our Nation, and we should want to enrich others.

I am cosponsor of this bill. I support it, and I know many others do—Republicans and Democrats. The American public deserves it. We cannot allow one Senator to stop it.

It is time to recognize that divisiveness and obstruction have no place here. It is time to act together in the spirit of hope and unity.

Let us show the American people and the world that we are not out of touch, that we care about people's day-to-day lives, and that we can act in recognition of the past, to promote a better future.

EXPRESSION OF APPRECIATION TO THE SENATE FLOOR STAFF

Mr. NUNN. Madam President, as the 103d Congress draws to a close, I want to say a special word of appreciation to our floor staff for all of their help to the members and staff of the Armed Services Committee during the past 2 years. It is a tribute to Senator MITCHELL's leadership that his staff is so supportive of the committee process and helps to insure that the work of the Senate is accomplished.

Our floor staff works under the capable direction of Abby Saffold, the secretary of the majority. Abby's thorough knowledge and attention to the details of the legislative process have made her indispensable in the U.S. Senate. Abby and Assistant Secretary to the Majority Marty Paone have always been available to provide counsel and assistance whenever they were needed. We especially appreciate their support in ensuring prompt Senate consideration of the thousands of nominations that the Armed Services Committee reports every year.

John Hilley, Senator MITCHELL's chief of staff and Ed King on the Democratic Policy Committee staff have worked very effectively with the Armed Services Committee members and staff on national security issues and legislation. They were particularly helpful this year in the difficult task of coordinating the work of the various Senate Committees who worked on the Federal Acquisition Streamlining Act of 1944.

Madam President, I cannot say enough about the excellent day-to-day support we have had from the Democratic floor staff of Lula Davis, Kelly Riordan, Arthur Cameron, Nancy Iacomini, and Brad Austin. It has not been easy passing the Defense authorization bills and other legislative items in this Congress. Lula, Kelly, Arthur and Nancy have always been very helpful in assisting us in moving our committee bills through the Senate.

I also want to thank our excellent Democratic cloakroom staff of Leonard Oursler, Gary Myrick, Paul Cloutier, and Cristina Kraswo for all their assistance during the past 2 years. They must get asked "When is the next vote and when will we adjourn?" hundreds of times a day—and they never fail to respond cheerfully. Their selfless and dedicated service has made all of our jobs easier.

I should also note that while not working with them on a day-to-day basis as we do with our own floor staff, the Republican floor staff has always tracked down and helped to resolve any problem areas associated with our committee's work.

Legislative clerk Scott Bates, bill clerk Kathleen Alvarez, enrolling clerk Brian Hallen and their staffs make a tremendous and indispensable contribution to the legislative process on the Senate floor. Executive clerks Gerry Hackett and Dave Marcos help all of us keep nominations on track. Gerry has been ill recently, and I know my colleagues join me in wishing him a speedy recovery.

I also want to express my appreciation to the Senate Parliamentarian, Alan Frumin, and his assistants Kevin Kayes, Beth Smerko, and Richard Buckley. Alan and his staff have consistently provided objective and timely answers to the many questions that our committee has directed to them.

Finally, I want to recognize the dedicated efforts of the people who take down every word that is said in this Chamber—the Official Reporter of Debates. Not only do they capture every word of debate in the Senate, but they also have the difficult task of incorporating all of the supporting material and documents that are inserted into the RECORD by Senators.

Madam President, on behalf of the members and staff of the Armed Services Committee, I want to say thanks to all of the Senate floor staff for a job well done during the 103d Congress.

HONORING SENATOR WALLOP

Mr. DURENBERGER. Madam President, I like to tell people that one of my favorite Senators was born in New York City, studied English at Yale, and was elected to the Senate three times from Wyoming. Then I like to watch their expressions of disbelief when I tell them I am referring to none other than MALCOLM WALLOP.

Many years ago, someone told Winston Churchill that one of his colleagues was modest. Sure, Churchill replied; but he has a lot to be modest about.

MALCOLM WALLOP is the exact opposite of Churchill's colleague. He is a man of true accomplishment and erudition who simply chooses to wear his achievements lightly.

He is perhaps best known for his work on defense policy. In the 1980's, he was a leader in the Senate for the peace-through-strength policies that led to the end of the cold war. He was particularly outspoken on the issue of the strategic defense initiative, which some historians believe was a major factor in the collapse of the Soviet Union.

I remember in particular his work on the Intelligence Committee in the 1980's. Since then, he has continued his national security crusade on the Armed Services Committee.

He was also key Republican on the Energy and Natural Resources Committee and a valued colleague on the Finance Committee. Few people disagree as often as do MALCOLM and I on the Finance Committee. But I have never met a person who is more agreeable in disagreement.

The people of Wyoming know MALCOLM as a fierce opponent of big government and high taxes. And he has been a very effective advocate on these issues.

But I will always remember him as one of the nicest guys on that finance panel. We were separated by a couple of seats; and while on some issues it felt like we were miles apart, I think that Congress would make a lot more progress if there were more people of MALCOLM WALLOP's disposition around.

I wish Senator WALLOP and French Wallop all the best as they move on to the next chapter in their lives.

HONORING SENATOR BOREN

Mr. DURENBERGER. Madam President, in these last days of the 103d Congress I would like to spend some time paying tribute to those of my colleagues who—like myself—are leaving the Senate to write a new chapter in their personal history.

I rise today for the purpose of thanking my colleague DAVE BOREN for the intelligence and independence with which he has contributed to the work of this Chamber.

Everybody in this town who has read Bob Woodward's book "The Agenda"—and if you know Washington, you know that means practically everybody in town—knows that DAVID BOREN is not going to give up on principles.

He will stand up for what he thinks is right—even against monumental pressure brought to bear by powerful forces in his own party.

At a time when Congress as a whole was moving in the wrong direction—toward greater partisanship and shallower sound bites—DAVID BOREN was valiantly, sometimes even singlehandedly, pulling the Senate in the right direction.

Ever since his first term as Governor of Oklahoma back in the 1970's—he used a broom as his campaign symbol—DAVE BOREN has been helping to change the boundaries of what's politically possible.

DAVID BOREN and I came to the Senate together in 1978.

We have served together on the Senate Finance Committee all 16 years. During the Senate Intelligence Committee's critical 1985–86 period, I chaired the committee and he was a most valuable minority member—before assuming the Chair for a record 6 straight years.

I will always remember David for his efforts to take politics out of national security and national economic policy. We differed occasionally, but he always sought to achieve shared goals.

In the last 2 years we committed ourselves to health care reform—and almost succeeded. From different parties, we worked the mainstream proposal in a shared effort to do reform right—without politics.

In losing Dave Boren, America will be losing a very important voice for legislative sanity and fiscal responsibility. But I envy the University of Oklahoma—because the Senate's loss will be the gain of everyone who cares about the future of higher education in the heartland of America.

Dave Boren will continue to be a leader in the public service for a very long time—and I join my colleagues in wishing Dave and his wife Molly all the best as they undertake their exciting new public services.

HONORING SENATOR DANFORTH

Mr. DURENBERGER. Madam President, I rise today to honor one of the greatest Senators I have ever had the privilege to know—and one of the best friends I personally have had in my 16 years in the Senate.

Jack Danforth had already been here for 2 years when I became a Senator. The Senate GOP was about to make a major shift to the right, and I am grateful to Jack for his leadership of what became a steadily smaller moderate wing in our party.

Jack Danforth is a public figure whose every act is motivated by a deeply private faith. This is what accounts for so much of the authority with which he speaks on so many issues.

Having been in Washington for 16 years, I can tell you that far too many politicians are motivated by so-called "talking points" concocted by staffers. Jack Danforth is motivated by "thinking points" that are based on a deep personal value system and a lifetime of study of the major issues facing America.

As my colleague on the Finance Committee, Jack has blazed a major trail on trade, tax policy, and health care reform.

On trade especially, Jack has been in the forefront throughout my years in the Senate. It is thanks in large part to him that Congress plays a role alongside the executive branch in international trade policy—and his outspoken activism has made him very well known in the financial councils of Tokyo and other foreign capitals. Danforth alumna Susan Schwab—who served as head of the U.S. and Foreign Commercial Service—has been just one of Jack's legacies to U.S. trade policy.

Jack cares about trade because he cares about Missouri. His work on trade—as well as his activism on behalf of home-State companies—has made him a very valuable booster for the State. In this regard, I would like to remind my friend of an incident that I am sure he would rather forget. In his capacity as a Missouri booster, he was forced back in 1987 to eat Wheaties in front of the Minnesota Twins. In 1987, the Twins—and I am sure this fact is stamped forever on the memories of all my colleagues—had beaten Jack's St. Louis Cardinals in the World Series.

Jack has been an all-around effective Senator for the people of Missouri. But I would like to talk today about one part of Jack's history that I predict will still be talked about a century from now.

In October of 1991, the blood was in the water on Clarence Thomas. The mood had shifted—and we all know how Congress' mood can shift, with the suddenness of an earthquake—and people were starting to position themselves for a defeated nomination. It gets to a point when you're going to fail, and you have to do it with good grace.

Except for one thing: Jack Danforth believed in his friend. Furthermore, he believed that if you are here in the Senate only to cut and run when its starts getting tough, you do not deserve to be here in the first place.

And so Jack Danforth got up and blasted this Chamber. He almost singlehandedly put a stop to the rush to judgment that was taking place on the Senate floor. He made an appeal to the deeper conscience of each and every one of us—the part of ourselves that believes in the Golden Rule.

Do unto others as you yourself would be done.

With Jack Danforth's Horatio-at-the-bridge act of moral heroism, the attempted character assassination of Clarence Thomas was averted.

Madam President, even if Clarence Thomas is on the Supreme Court for decades to come, I believe that Jack Danforth's action will be remembered after Justice Thomas has left the Court. I believe that long after that controversy has faded from America's memory, Jack Danforth's example of loyalty to friends—and loyalty to moral values—will be taught to schoolchildren as an example of the highest virtue of which human beings are capable.

As a Senator—and as a human being—Jack Danforth has been a man for others. I am proud to have been his coworker—and his friend—for 16 years. I wish him and his wife Sally all happiness in the years ahead.

HONORING SENATOR DECONCINI

Mr. DURENBERGER. Madam President, I rise today to pay tribute to someone who, like myself, is writing the final chapter of his career in the U.S. Senate.

I have been here for 16 of Dennis DeConcini's 18 years in the Senate. For this reason, I feel that I have some standing to appreciate the contributions he has made to this body and to this counrty.

Dennis and I have been Senators at a time when partisanship was on the rise in both Houses of Congress. I can testify to the fact that Dennis DeConcini always put his constituents, and America, first.

It is hard to imagine today how polarized this Chamber was at the height of the cold war. Remember what a warmonger Ronald Reagan was supposed to be? It is a far different world from the one we live in today. But Dennis DeConcini's thoughts and actions were not devoted to scoring political points off the President. He was concerned with the hard issues of defense and intelligence policy. What are the threats to this country? And what's the best way to defend ourselves?

Those were the questions Dennis grappled with. And his spirit of free inquiry—his bipartisanship and strength of character—made progress possible on countless foreign policy issues.

It is no fault of Dennis DeConcini's that the same kind of progress did not happen on the Federal budget. I think if it had been up to people like me and Senator DeConcini, we could have made the tough choices back in the 1980's, and made them stick. Dennis' work as founder and co-chairman of the Senate Grace Commission caucus is just one testimony to his commitment to deficit reduction.

In Dennis DeConcini, the people of Arizona, and the people of America, are losing a forceful voice for the future. If we judge Members of Congress on how much they did to leave the next generation better off than the one preceding it, Dennis DeConcini can hold his head up high in the pages of Senate history.

HONORING SENATOR MATHEWS

Mr. DURENBERGER. Madam President, when Al Gore left us to become Vice President, the people of Tennessee faced a major problem. They may have gained an important voice in the new administration, but they lost a powerful and well-respected voice in the U.S. Senate.

That is why Governor Ned McWherter's decision was so important. Who would represent Tennessee for the next 2 years?

I rise today on behalf of many of my colleagues—joined, I am sure, by the people of Tennessee—to say how glad I am that it turned out to be Harlan Mathews. Harlan knew when he got here that he did not have time to make noise. He would have to concentrate on the real work of being a Senator. And this he has done on the Commerce Committee, on the Energy and Natural

Resources Committee, in the Foreign Relations Committee, and on the floor of the Senate.

He has viewed these places not as platforms for posturing, as regrettably so many do, but as a workbench for the creation of policies that will help Tennessee and America. He has acquitted himself with great distinction, and we are all glad to have known him, even for such a short time.

HARLAN had a very distinguished career in the State government in Tennessee before joining us here in the Senate. Patsy Mathews, too, has compiled an outstanding record in her service as Tennessee's assistant commissioner for rehabilitative services.

I think HARLAN and Patsy can look back on their couple of years here as a very fitting "victory lap," after many years of dedication to the public service.

HONORING SENATOR METZENBAUM

Mr. DURENBERGER. Madam President, for the last 16 years I have been privileged to work with one of the most sincere, outspoken, and effective advocates for liberalism in America.

A little over 3 months from now, HOWARD METZENBAUM will ride into Senator history—leaving behind a record of controversy and commitment.

My colleagues know that HOWARD and I were rarely on the same side of public policy issues. But there is a more important respect in which we were in perfect agreement: We both went to work every morning with the idea of making America a better place. And we both knew that being in the Senate gave us a wonderful opportunity to try to make that happen.

My colleague PAUL SIMON has called HOWARD "the Tiger of the Senate." And that is an accurate description. When you look around Washington, DC, you see a lot of paper tigers—big bundles of noisy press releases and not a lot of intellectual muscle-power to back them up.

Make no mistake: When it comes to being a tiger, HOWARD METZENBAUM is the real McCoy.

When he says something, he backs it up with the force of character of someone who sees the lives of real people—in Ohio and all over America—riding on the success of his efforts.

On issues ranging from consumer protection and civil rights to product liability and antitrust policy, HOWARD has blazed a fierce trail throughout his 18 years in the Senate. The new Senators—of all parties and all ideologies—who come here in January should learn from character and the example of HOWARD METZENBAUM.

The lesson of HOWARD's career is this: Politics is not about press releases. It is not about spin. It is about the most important thing of all—the lives of real men, women, and children.

In an age of irony, HOWARD METZENBAUM has bucked the tide. He has continued to believe that it is OK to care—to care about people, and to care about your efforts to help them.

As Members of the Senate—and as Americans—we stand in his debt for this powerful example. And I join my colleagues in wishing him and Shirley all happiness in the years ahead.

URUGUAY ROUND AGREEMENT

Mr. LEVIN. Madam President, I ask unanimous consent to include in the CONGRESSIONAL RECORD a memo to me from Ambassador Rufus Yerxa which I received on Wednesday, October 5. This memo specifies those provisions in the implementing legislation of the Uruguay round that are required to implement the Uruguay round agreement.

The other section of the implementing legislation, the sections of the implementing legislation that he indicated were not strictly required by GATT, are:

Section 102. Relationship of the agreements to United States law and State law.

Section 115. Consultation and layover requirements for, and effective date of, proclaimed actions.

Section 116. Effective date.

Section 124. Annual report on the WTO.

Section 125. Review of participation in the WTO.

Section 126. Increased transparency.

Section 127. Access to the WTO dispute settlement process.

Section 128. Advisory committee participation.

Section 129. Administrative action following WTO panel reports.

Section 130. Effective Date.

Section 131. Working party on worker rights.

Section 133. Africa trade and development policy.

Section 135. Objectives for extended negotiations.

Section 218. Special rules for regional industries.

Section 226. Proprietary and nonproprietary information.

Section 227. Opportunity for comment by consumers and industrial users.

Section 228. Public notice and explanation of determinations.

Section 230. Anticircumvention.

Section 231. Evidence.

Section 234. Application to Canada and Mexico.

Section 281. Subsidies enforcement.

Section 282. Review of subsidies agreement.

Section 283. Amendments to title VII of the Tariff Act of 1930.

Section 291. Effective date.

All of title III, subtitle B—Foreign trade barriers and unfair trade practices: Sections 311.-316.

Section 332. Amendment to section 204 of the Agricultural Act of 1956.

Section 333. Textile transshipments.

Section 334. Rules of origin for textile and apparel productions.

Section 335. Effective date.

Section 411. Export programs.

Section 412. Other conforming amendments.

Section 424. Report to Congress on Access to Canadian dairy and poultry markets.

Section 425. Study of milk marketing order system.

Section 426. Additional program funding.

Section 512. Civil penalties for unauthorized fixation of and trafficking in sound recording and music videos of live music performances.

Section 513. Criminal penalties for unauthorized fixation of and trafficking in sound recordings and music videos or live musical performances.

Section 521. Definition of "abandoned."

All of title V, subtitle C—Patent provisions.

All of title VI—Related provisions.

All of title VII—Revenue provisions.

All of title VIII—Pioneer preferences.

As we study the implementing legislation of the Uruguay round agreement, I hope this information will be helpful to the Senate.

I ask unanimous consent that Mr. Yerxa's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

To: Senator Levin.
From: Rufus Yerxa, Deputy USTR.

Senator, I am enclosing a highlighted table of contents of the bill which distinguishes as much as possible between those provisions strictly required by the Uruguay Round and those amendments deemed to be "appropriate". But you should be aware of a number of factors that render this comparison somewhat aribtrary:

1. A number of sections of the implementing, particularly in the antidumping title, contain language which is partially "necessary" and partially "appropriate" That is because where the agreement required a change we wanted to ensure that the change occurred in a manner that continued to make our law effective. Thus we made other changes not "required" by the agreement but permitted under its terms to preserve the effectiveness of our laws. Therefore, many sections of the bill are a mixture of "necessary" and "appropriate".

2. Many other sections of the bill were not required by the agreements but were *demanded* by our Congressional oversight committees to ensure that U.S. rights were enforced and to ensure the proper relationship of U.S. law to the agreement. These included:

A. Section 102 (Relationship of U.S. law and State law to the agreement).

B. Consultation provisions.

C. Provisions relating to review of the WTO.

D. Provisions ensuring access and transparency in WTO dispute settlement.

E. Section 131 (calling for a WTO Working Party on Labor Standards).

F. Trade negotiating objectives for future WTO negotiations.

G. Numerous Antidumping Amendments such as captive production, anticircumvention and duty absorption.

H. The entire subtitle providing for enforcement of U.S. rights under the subsidies agreement.

I. All of our amendments to Super 301, Special 301 and regular 301 to ensure continued use of these laws.

J. Provisions prohibiting textiles transshipments and tightening rules of origin to prevent circumvention of quotas.

K. Numerous intellectual property amendments supported by the Judiciary Committee.

All of these sections were added during Committee considerations of the bill, at the behest of Committee members, and are designed to strengthen U.S. law in enforcing the new agreement.

Finally, Title VII, relating to revenues, is not "required" under the agreement. But it is "necessary" in the sense that it offsets the budget costs of the tariff revenue losses. These amendments are required to meet the paygo rules of the 1990 Budget Agreement, and without them CBO would score the bill a losing $12 billion over the first five years. They do not contain trade provisions.

KEN RUTHERFORD

Mr. LEAHY. Madam President, earlier this year I held a hearing in the Foreign Operations Subcommittee on the global landmine crisis. There are 100 million unexploded landmines in over 60 countries. Every month, over 1,200 people, mostly innocent civilians going about their daily lives, step on these weapons and are either killed or lose a leg, an arm or both. In countries like Cambodia, Afghanistan, and Nicaragua, where physical labor is a way of life for almost everyone, losing a limb can destroy a person's future. When you go to these countries you see amputees crawling or hobbling in the street, begging for food, shunned by passers by.

One of the witnesses at the hearing was Ken Rutherford, of Boulder, CO. Last year, Ken was working for the International Rescue Committee in Somalia, helping the Somali people rebuild their lives after the war and famine that devastated that country. On a day when Ken was riding in a jeep along a road that was regularly traveled on, his vehicle struck a landmine. When the dust settled, one of Ken's legs was gone and his other foot was practically destroyed. Fortunately, he was able to radio for help, and he was airlifted to a hospital.

Ken has never uttered a word of bitterness about his fate. When he testified, he spoke about how lucky he was to be able to get help, and to be alive. A Somali alone in the desert would almost certainly have died from loss of blood. If he or she were lucky enough to survive, they would have had no way to get an artificial limb, and no way to make a living.

At some point during the past year, between surgical operations and physical therapy, Ken made a pledge to himself. He was going to walk, unaided, down the aisle of the church when he and his fiance, Kim Schwers were married.

Madam President, on September 10, 1994, Ken and Kim were married in a church in Boulder, and knowing how determined Ken was to walk down that aisle without assistance I was not the least bit surprised to learn that that is exactly what he did. He walked with an artificial leg, and without a crutch.

Ken Rutherford is a source of hope for the hundreds of thousands of landmine victims all over the world. He has also become a powerful voice for outlawing these indiscriminate, cruel weapons. This is a goal I share, and which President Clinton, at the United Nations on September 26, embraced as a goal of the United States. I congratulate Ken and Kim, and wish them the very best. I ask unanimous consent that an article from the Denver Post about their wedding be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Sept. 11, 1994]

MAN STANDS ON HIS OWN FOR WEDDING

(By Mary George)

BOULDER.—Ken Rutherford, whose feet were destroyed by a land mine 10 months ago during a humanitarian mission in Somalia, walked tall yesterday.

Rutherford had some powerful motivation. When he returned to his hometown of Boulder, he and fiancee Kim Schwers set their wedding date for Sept. 10.

"I want to walk down the aisle," he resolved back then.

He did just that.

Aided by seven surgeries, nine months of physical therapy and an audience of about 250 family and friends, Rutherford greeted his bride yesterday at the altar of the First Presbyterian Church.

He stood on what remains of his left foot and the metal pylon that serves as his right.

"This is a wedding unlike any other I've taken part in in all my 42 years as a minister," said the Rev. Campbell Gillon, who ministers at the Georgetown University Presbyterian Church where Rutherford attended graduate school.

"Unlike most couples, they've had their love tested already," Gillon said. "And they've come through shining."

Though the couple took advantage of two strategically placed chairs during the sermon, readings and hymns, they stood for their vows, the ceremonial lighting of candles and their kiss.

Then they descended from the altar, greeted their parents and gracefully navigated the church aisle, their faces beaming and the church rollicking with applause.

"Kim—without her, I couldn't have made it," Rutherford said before the wedding. "Marrying her is the most natural thing in the world."

Walking is not.

On Dec. 16, Rutherford, a relief worker in Somalia with the International Rescue Committee, was riding in a vehicle that struck a land mine. When the dust cleared, he looked down at his feet.

"I saw a white bone sticking out where my right foot used to be . . ." he said. "My left foot was still attached. I had lost the fourth toe and (the) top part of my foot. Like an X-ray, I could see the bones going to the remaining toes."

Rutherford is campaigning for a proposal by Sen. Patrick Leahy, D-Vt., that would ban U.S. land mine production. Land mines kill or maim at least 1,200 people a month around the world.

"There are more unexploded land mines than people in places like Cambodia and Somalia," he said.

Rarely are victims as fortunate as he was. Rutherford had the best medical treatment and a job in which he uses his head, not his feet.

He still faces more surgery on what remains of his left foot, where 25 of the 26 bones were broken or are missing.

"But I'm way beyond where I thought I'd be," he said. "I'll never have a normal foot again, but it's no big deal. I can live with it."

THE SOCIAL SECURITY DOMESTIC EMPLOYMENT ACT OF 1994

Mr. DURENBERGER. Madam President, I rise to note with satisfaction that, late yesterday evening, the Senate unanimously approved the conference report on the Social Security Domestic Employment Act of 1994.

I am very pleased that this body has acted to remedy the problems associated with the payment of Social Security taxes on behalf of domestic workers.

We all know that the current system doesn't work. General ignorance of the present law, an absurdly low threshold for triggering liability for Social Security taxes, and overly burdensome quarterly reporting and payment obligations virtually ensure very low compliance.

As a result, many Americans who, in every other respect, are meticulously law-abiding are in violation of the law.

And tragically, many domestic workers are denied the Social Security benefits to which they are properly entitled. As Senator MOYNIHAN has eloquently noted, this tragedy is compounded by the fact that domestic workers are precisely the sort of men and women whom Frances Perkins sought to help when the Social Security Program was first conceived.

In the immediate aftermath of the doomed Zoe Baird nomination, I introduced—as primary sponsor—S. 402, the Occasional Employment Equity Act. The purpose of this bill was to remedy the most egregious shortcoming of current law—the absurdly low threshold for triggering Social Security tax obligations on wages paid to domestic workers.

Under current law, an employer must withhold Social Security taxes for a domestic worker who earns more than $50 per quarter. This threshold was established in 1954, and has never been adjusted for inflation. S. 402 would have raised this amount to $250, which the Congressional Budget Office estimates is roughly equivalent to $50 in 1954.

Madam President, I am pleased to note that the conference report adopted that $1,000 threshold

I believe the $1,000 threshold constitutes an improvement over the threshold included in the bill which initially passed this body. That figure, the amount required for one Social Security quarter of coverage—$620 in 1994—presented two problems.

First, it failed to reflect fully 30 years of inflation since the $50 figure was adopted in 1954. Second, it presented a less clear threshold than $1,000 per year. If we have learned nothing else in dealing with this issue, it is that the law must be easily understood if it is to be widely observed.

Like S. 402 would have done, the Social Security Domestic Employment Act of 1994 will help reduce the reporting burden on ordinary Americans—whether it's a parent who hires an occasional babysitter, or a senior citizen who needs occasional help in shoveling the sidewalk or running errands.

On the other hand, the legislation passed by the Senate will in no way relieve employers of their responsibility to pay Social Security taxes on behalf of those workers who perform a considerable amount of work for them.

I also applaud and endorse the other reforms included in the conference report.

Permitting employers to pay Social Security taxes on wages paid to domestic workers annually rather than quarterly—and to report those taxes on their Form 1040's—is simple common sense, something that has been missing from this area of law. Other reforms, such as exempting wages paid to domestic workers under age 18 from Social Security taxes, also make sense.

Finally, Madam President, I wish to congratulate Senator MOYNIHAN, chairman of the Finance Committee, on his leadership on this issue.

Acting on his deep concern for the men and women who work as domestic employees who do not yet benefit from Social Security coverage, Senator MOYNIHAN personally shepherded these reforms through the legislative process and fended off the addition of potentially damaging amendments.

Thanks to the efforts of Senator MOYNIHAN and others, many of the men and women most in need of Social Security will be covered for the first time. Frances Perkins would be pleased—and we also should be proud.

DEDICATED PUBLIC EMPLOYEES IN ALASKA

Mr. STEVENS. Madam President, today I would like to bring to the Senate's attention the valiant efforts of some dedicated public employees in the State of Alaska in arresting a dangerous drug dealer. Their efforts resulted in a guilty verdict on all 14 counts, including a life sentence for drug trafficking, the first time this has ever happened in Alaska. I ask that the text of the letter of commendation from the U.S. Department of Justice, Drug Enforcement Administration be printed as part of the permanent CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION,
Anchorage, AK, September 1, 1994.

FRANK PREWITT,
Commissioner, Department of Corrections, Anchorage, AK.

DEAR COMMISSIONER PREWITT, on December 24, 1993, defendant Jay Franklin Vought was arrested for being in possession of approximately three and a half kilograms of cocaine. At the time of his arrest Vought was on probation with the State of Alaska. Vought was subsequently indicted on fourteen counts of violating federal narcotic and money laundering laws, which included continuing criminal enterprise and conspiracy.

On December 22, 1993, this office advised Officers Allen and Tanner that Vought was travelling to Fairbanks, Alaska from Anchorage, Alaska. As a result of Officers Allen and Tanner conducting surveillance it was determined where Vought was staying in Fairbanks. Their efforts eventually led to the initial seizure of approximately one and a half kilograms of cocaine in Fairbanks from Vought during the late hours of December 24, 1993. A subsequent seizure of two kilograms of cocaine resulted from a cooperative effort between Officer Polhemus and agents of the DEA Anchorage Resident Office in the early morning hours of December 25, 1993 from Vought's residence in Anchorage, Alaska. Further investigation by this office and IRS revealed that Vought's organization had distributed and/or possessed an estimated eighteen kilograms of cocaine.

I would like to commend Probation and Parole Officers Michael Tanner, Donald Allen, and Kurt Polhemus for their initiative and dedication to duty. It is to their credit, that these officers unselfishly put forth time and hard work especially on the Christmas holiday.

Their professional attitude and spirit of cooperation throughout the investigation and testimony during the trial helped result in a guilty verdict on all fourteen counts by a jury in Fairbanks, Alaska. On August 31, 1994, Vought was sentenced to life on two counts; forty years on seven counts; twenty years on four counts; and ten years on one count. This is the first time in the history of Alaska that a defendant has been given a life sentence for drug trafficking. Due to his violent nature, Vought was a perfect candidate for life without parole.

It was a pleasure to have worked with these officers and we at DEA look forward to working in conjunction with the Alaska State Probation and Parole in the future.

Sincerely,

FRED B. THOMAS,
Resident Agent in Charge.

THE RETIREMENT OF GENERAL MERRILL A. MCPEAK, THE CHIEF OF STAFF OF THE AIR FORCE

Mr. THURMOND. Madam President, I rise today to recognize Gen. Merrill McPeak, the Chief of Staff of the Air Force, who will be retiring at the end of this month. General McPeak's career spanned over 36 years of distinguished service to our Nation including 4 years as the Chief of Staff of the Air Force.

The General's service is a reflection of the Nation's history during the era of the cold war. He entered service through the Reserve Officer Training Corps in 1957 and served as a fighter pilot in Great Britain at the height of East and West tension resulting from the construction of the Berlin Wall. He earned the Silver Star flying combat missions in the skies over Vietnam. Finally, he became the Chief of Staff of the Air Force in 1990, just as the Soviet Union collapsed.

General McPeak's legacy will be our Air Force's superb performance during Operation Desert Storm and his skillful management of the downsizing of the force during the past 4 years. He will be known for his deep concern for the welfare of the men and women who serve in the Air Force and for his efforts to provide them the technology and equipment to meet the challenges of the coming decades. As the Chief of Staff, he will be remembered for establishing the framework for an Air Force that will continue to provide for the defense of this Nation far into the next century.

Mr. President, on October 31, the Nation will lose one of its senior military leaders. I know I am joined by my colleagues in thanking General McPeak for his dedication and distinguished service to our Nation. I wish both the General and his wife, Elyna, the best in a well-deserved retirement.

TRIBUTE TO SENATOR DONALD W. RIEGLE

Mr. D'AMATO. Mr. President, I rise today to commend my friend and colleague, the Chairman of the Banking Committee, Senator DON RIEGLE.

Recently, the Banking Committee held the final hearing that DON RIEGLE will chair on the condition of the bank, thrift, and credit union industries. The regulators gave these depository institutions a clean bill of health. They told the committee that the banking industry is reporting record profits, the credit union industry and the National Credit Union Share Insurance Fund are in strong shape, and the thrift industry is stable and on the road to recovery.

Mr. President, this did not seem possible a few years ago as our financial system faced its greatest stress since the 1930's. The condition of all three of the depository industries was a matter of deep concern. But as a result of Chairman RIEGLE's legislative stewardship and hard work, assisted by stable economic conditions, these industries are again healthy, the most serious financial problems have been addressed, and public confidence in the stability of the financial system has been restored.

Mr. President, the hallmark of DON RIEGLE's tenure as chairman of the Banking Committee has been his dedication to improving the supervision and regulation of the banking, thrift, and credit union industries. FIRREA and FDICIA are the best examples of legislation that he sponsored to prevent a reoccurrence of the freewheeling and inappropriate use of federally insured deposits and ultimately, to protect U.S. taxpayers. Most recently, in the community development bill that President Clinton signed last month, Congress successfully pruned costly and antiquated regulatory and paperwork burdens.

Also, this year Chairman RIEGLE led the Banking Committee in the courageous, but unsuccessful effort, to consolidate the bank regulatory agencies. And he championed bills and amendments to make certain the bank and thrift regulators were truly independent—of both the Congress and the administration. Mr. President, Chairman RIEGLE's legislative accomplishments in this area are extensive and impressive.

Mr. President, for the past 14 years, I have had the honor and privilege to serve with DON RIEGLE on the Banking Committee. For the past 2 years, we have sat next to one another, as chairman and as ranking. During this entire period, he has been an exemplary member and then leader of the committee in the tradition of his immediate predecessors with whom I have also been privileged to serve, both Democrat and Republican. He has always been extremely fair. This is the tradition of our committee. As a matter of fact, since DON RIEGLE has occupied the chairman's seat, I can only remember one straight party vote. I don't think any other Senate committee can claim such a bipartisan record. One explanation for this is that the issues we deal with on the Banking Committee aren't cut and dry Republican versus Democrat—the differences are more regional, urban versus rural or big city versus small community. The more significant explanation is DON RIEGLE's approach to his responsibilities as chairman and his basic good nature. DON RIEGLE has been open minded and fair to all sides of the issues. He loves ideas but he is a pragmatist. He is a fierce debater but a reasonable decisionmaker. He is an articulate and passionate advocate and, at the same time, he is conciliatory and collegial.

Mr. President, I am especially proud of the Banking Committee's accomplishments this past Congress. As a result of the chairman's skills, we produced significant legislation with almost unanimous and bipartisan support on the committee—the community development bill, flood insurance reform, small business loan securitization, and interstate banking, to mention only a few highlights. At the same time, the committee conducted hearings on Whitewater and Madison. I know this was an assignment that Chairman RIEGLE did not volunteer for. Regardless of the potential for extreme partisanship, he played it right down the middle. Chairman RIEGLE conducted himself with objectivity, independence, and a judicious temperament. He was extremely fair in keeping the hearings within the guidelines established by Senate Resolution 229. Chairman RIEGLE gave equal and ample time to both the majority and minority. I think most importantly, Senator RIEGLE, along with his Democratic colleagues, did not shrink from asking tough questions. Chairman RIEGLE conducted the hearings, in the best traditions of the Senate, in a manner that has earned him accolades and respect from all of his Republican and Democratic colleagues on the committee and from seasoned observers in the press.

Mr. President, I am sincere in saying that with the retirement of DON RIEGLE the people of Michigan and the American people are losing a strong and steady voice. And the Banking Committee is losing a valuable member and a steady hand at the helm.

As DON RIEGLE casts his last votes in the Senate after a long career in public service, I want to take this moment to congratulate him.

In tribute to Chairman RIEGLE, the conference committee for the Community Development Banking Act titled the bill the "Riegle Community Development and Regulatory Improvement Act of 1994," and the conference committee for the Interstate Banking Efficiency Act titled the bill the "Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994." Both the bills were recently signed into law. Now, following nearly three decades of selfless devotion to his constituents, I hope DON follows through on his desire to spend more time with his wife and family and in his new home in his beloved State of Michigan.

Senator RIEGLE, I wish you well in whatever endeavors you decide to pursue.

REGARDING POSITIVE DEVELOPMENTS IN TUNISIA

Mr. REID. Mr. President, I rise today to bring to the attention of the Senate, Tunisia's efforts to bring peace and stability to Africa. On a continent wracked by inconceivable hardships, from widespread famine to genocidal civil wars, it is important for the United States to recognize and support those African nations actively working for peace. The Republic of Tunisia has consistently played just such a role over the years, promoting stability and cooperation on a continent in crisis.

Rwanda. Somalia. Ethiopia. Angola. The magnitude of the human suffering endured by these and other African countries boggles the mind. Though the United States has rightfully made efforts to ease this pain, the fact is, there is a limit on how much we can accomplish. That is why it is so important for there to be nations on the African Continent that can take care of their own. Tunisia has stepped forward to be one of those countries.

Surrounded by civil war, Islamic fundamentalism, and economic disaster, Tunisia has become an exception to the African rule. Since gaining independence from France in 1956, Tunisia has charted a course of openness and moderation in both its domestic and international affairs. Its President, Zine El Abidine Ben Ali, has welcomed Western friendship and embraced economic liberalization as a key element of progress. As a result, Tunisia has enjoyed average growth rates of over 4 percent since 1987, and over 1,500 foreign firms now have direct investments or joint ventures with Tunisian companies.

Tunisia also observes some of the most progressive cultural laws in the Moslem world, most prominent among them the Code of Personal Status [CPS]. The CPS, enacted shortly after independence in 1956, has been the driving force behind the emancipation of Tunisian women and the Arab world's most impressive example of enlightened tolerance. It abolished polygamy, allowed divorce, established minimum ages and requirements of consent before marriage, and codified the emancipation of women and their equality with men. Today, women in Tunisia enjoy the highest levels of independence in the Arab world, and in the world generally.

President Ben Ali has undertaken impressive reforms since taking office in 1987. For the first time in Tunisian history, the creation of new political parties was welcomed, the Presidency was limited to three 5-year terms, and political prisoners were freed. This year the first multiparty parliament in Tunisian history was elected, marking an important step toward full democracy. This was all done peacefully, unlike what happened after the aborted 1992 Algerian elections, when the army clashed with fundamentalists and thousands died.

Tunisia's domestic stability has allowed it to take the lead in African affairs, most recently as head of the Organization for African Unity. Together with South African President Nelson Mandela, President Ben Ali has produced a blueprint for a New African Order. Its ultimate objective is to make African nations abandon dictatorships and one-party rule, and to finally respect human rights. Some Africans already speak of a Tunis-Pretoria axis that could provide the battered continent with some effective leadership.

A driving force behind the progressive Tunisian foreign policy is the Foreign Minister, His Excellency Mr. Habib Ben Yahya. I first met Mr. Yahya during his service as Tunisian Ambassador to the United States, and developed a deep respect for his abilities. Today I consider him to be one of the premier Foreign Ministers in the world.

In June, Presidents Ben Ali and Mandela hosted a historic summit of African leaders in Tunis. For perhaps the first time, Africans realized that they must care for themselves, instead of waiting for outside intervention. Confronted with the horrific crisis in Rwanda, African leaders were forced to reassess their responsibility for ensuring stability on the continent. As a result, eight African countries sent military personnel to Rwanda, with Tunisia contributing 1,000 troops. Agreement was also reached to focus on domestic objectives, following the examples set by Tunisia and South Africa in the areas of democracy and economic development.

Assistant Secretary of State for Near Eastern Affairs, Robert Pelletreau, testified before the House Foreign Affairs Committee in March:

> In Tunisia we can see the fruits of our successful programs * * * it has now reached the point where it can offer training and assistance to less-developed countries.

As the former Ambassador to Tunisia, Mr. Pelletreau recognizes the strategic importance of having a tolerant, prowestern country bordering a volatile Algeria to the west and a hostile Libya to the south.

Mr. President, it is important for us to be aware of the fact that we have an important and valuable partner in Tunisia. As an oasis of tolerance and stability nestled between underdeveloped and unfriendly neighbors, Tunisia will play an important role in stabilizing and unifying Africa in the years to come.

STATEMENT ON THE APPROPRIATIONS PROCESS AND DEFICIT REDUCTION

Mr. BRADLEY. Mr. President, last week we finished with the last of the appropriations bills. The appropriations process is always a difficult one and this year has been certainly no exception to the rule. In many respects, it is very difficult for a Member of Congress to vote for these bills, For, with the passage of these bills, we, the Congress, guarantee another year of deficit spending, another year when the total national debt increases.

For some time, my concern has been growing about the deficit, about the overall level of national debt and the long-term liabilities that are created thereby. Not long ago, I commissioned a GAO report which articulated the dramatic implications of this debt. This GAO analysis predicted that continued deficits of the size experienced in the late 1980's would, within one generation, reduce all of our real incomes by 40 percent from what would be the case otherwise, 40 percent—an astounding figure.

It was in part this analysis which led me to support last year's budget package as a necessary step. I thought the package would reduce the deficit significantly, and I believe it has. However, I also concluded that we had to go further in our attempts to cut spending. This conclusion led me to offer a series of amendments to appropriations bills which actually identified programs that I believed to be ineffective, overfunded, or unworthy of Federal support.

Today, I would like to look briefly at the impact of that effort. I would use these experiences to make a point that our spending priorities are not locked in stone; that the Congress and the appropriations will respond to positive suggestions to cut spending; and that, sometimes, even when the votes are not there, the results are.

Last year, I offered a series of amendments to cut what I believed to be necessary Federal spending and which the Senate responded to in five votes. Only one of the amendments was adopted by the Senate. Only one other received more than 40 votes. Not one amendment was supported by a majority of Republican Senators. Most of these spending cuts were defeated handily.

While I might make the case that the single victory—which resulted in a savings of $10 million—made the overall effort worthwhile, few would normally conclude that this effort was a success. Indeed, most would interpret this experience as a cynical metaphor for a Congress that talks about restraint with no follow through, that reward a status quo of special interests and political pressure.

Let me say that I think that view would be a serious mistake. On the contrary, when considered from the vantage point of a year later, I believe these amendments had and continue to have a significant impact on these programs and their share of Federal spending. Furthermore, I hope that this history provides a partial response to those both inside and outside the Senate who have found it easy to conclude that big spending habits cannot be broken.

Mr. President, consider the amendments I proposed:

Last year, I challenged the rationale for the Selective Service System. I argued it was out of date, ineffective, and too expensive. Since only 40 other Senators agreed with me, my position was not adopted. But I believe the effort did not fail. Last year, the administration requested $29 million for Selective Service. We gave them $25 million. This year, the VA/HUD bill allocates $20 million. The trend is obvious. By identifying the obvious inefficiencies in the Selective Service System, I believe that my failed amendment will result in savings year after year, for as long as Selective Service System is maintained.

I also offered an amendment to delete $2.5 million in earmarked spending of Forest Service funding. The amendment lost badly. But that spending, which had been included year after year, is nowhere to be found in this year's appropriations bills. I think that is progress.

I offered an amendment to cut $150 million for tactical transport aircraft for the Army National Guard. At the time, I noted that I found the spending interesting and odd, since neither the Army nor the Army Reserve had any aircraft of this type. The amendment lost. But that amendment spawned several investigations, both public and inside the Department of Defense. And, more importantly, there is no funding for this equipment in this year's DOD bill.

Last year, my amendment to shut down the Department of Energy's High Temperature Gas Reactor Program was one of very few spending cut proposals adopted by the Senate. In conference, the House funding level was accepted, and the program has continued. However, when you consider this year's appropriations language, you will find that the funded amount is about half of what was proposed last year. Last summer's amendment did not kill the program as I wished, but I believe it resulted in savings last year and savings that continue to accrue.

My fifth amendment attempted to freeze spending on Federal water projects, saving some $300 million. This amendment never stood a chance. Nevertheless, in a year's time, the impossible becomes reality. This year's funding for these water projects is actually just below the spending level called for in my amendment.

Mr. President, we all know that the budget has to be controlled, that we need to spend less and make Government more efficient. We make the speeches. We promise to do more, but seldom follow through. One reason, I believe, that we do not try to cut programs is because of the perception—backed up by some experience—that these efforts are doomed.

I stand here today to refute that view. I urge my colleagues to look beyond the scoreboard and the win-loss percentage. We can adopt generic cut amendments such as the Exon-Grassley proposal to reduce discretionary spending. We need to pursue legislative reforms to the budget and appropriations process such as I have introduced this Congress. But, just as important, we cannot shy away from the need to create real, specific spending cut proposals to guide the Congress.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LOBBYING DISCLOSURE ACT OF 1993—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the conference report accompanying S. 349, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany S. 349, an act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate resumed consideration of the conference report.

The ACTING PRESIDENT pro tempore. The hour prior to the cloture vote shall be equally divided and controlled by the majority and minority leaders.

Who yields time?

Mr. COHEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Does the Senator from Maine control the time for the minority?

Mr. COHEN. No. I am going to seek time from Senator LEVIN.

Mr. LEVIN. I will be happy to yield 5 minutes to the Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Michigan yields 5 minutes of his time to the Senator from Maine.

Mr. COHEN. Madam President, a great deal of time has been spent on the issue of lobbying disclosure and gift ban reform. A number of charges have been made by Democratic Members against Republican Members that their concerns with respect to the conference report are without reasonable basis.

I do not subscribe to the view that the Republican Members are without any merit in raising questions about the conference report.

Someone once said that no one is so compelling as the person who knows that he is right because he prefers irrational conviction to reasonable doubt. I think the opponents of the Lobbying Disclosure Act as drafted by the conference committee can raise some reasonable doubts. They raise reasonable doubts based upon the fact that there were provisions added in the conference, which is not unusual, which in their judgment created some ambiguity which could, in fact, result in persons who did not contemplate being covered by the act, being forced to have their names and addresses disclosed in reports filed by paid professional lobbyists.

So, I do not question the motivation on the part of any Republican challenges to this particular conference report. While I think that we covered the provisions in question adequately to reflect our intent. Nonetheless, as was pointed out in a New York Times article yesterday, a number of Justices are not guided by congressional intent but instead rely on the written word of statutory language. To the extent which that kind of division exists on the Supreme Court, and to the extent that the Court will be called upon on this or any other legislation to determine what Congress wrote into law as opposed to what Congress intended, then I think there is a responsibility on our part to do whatever we can to remove any ambiguous language, to remove any doubts, so that what we write reflects what we intend.

Yesterday, I suggested that perhaps we could accommodate the views of the opponents of this legislation by making a few simple word changes. Since that time I have conferred with my colleagues, Senator LEVIN, Senator MITCHELL, and to others to see if we could revise the legislation in a way to address the legitimate fears and arguments on the part of the opponents.

We are hopefully going to consider a concurrent resolution which I believe addresses the concerns raised yesterday by the opponents of this conference report. Specifically, the concurrent resolution will remove the provisions which require the disclosure of grassroots lobbying activity. The provisions dealing with grassroots lobbying which were added by the conference committee seemed to be a major concern of those who were opposed to the legislation yesterday. In addition, the resolution would remove all references to individual members of coalitions or associations, and emphasize that only the coalitions and associations need to be disclosed and not their individual members. This modification again was made to accommodate the concerns of a number of Senators opposed to the conference report.

The resolution also removes the disclosure requirement when someone other than the client pays for the lobbying activity. This provision was also dropped to accommodate a number of objections from Senators and public interest groups which thought the requirement would require them to disclose donor and membership lists.

These changes I believe largely restore the lobby disclosure bill to the original Senate version. I believe this concurrent resolution is a good-faith effort on our part to address the concerns that were raised by a number of groups. We believe these concerns have been addressed and we urge our colleagues to support the passage of this concurrent resolution.

Let me say to my friend on this side of the aisle that I have never questioned the motivation of those who have raised concerns about the language contained in this legislation. I do not for a moment question the motivation of those who have gone to the airwaves. I do not question the motives of those who have filled the hallways outside of this Chamber. And I must also note for the record that yesterday as we exited the Chamber doors there were a number of lobbyists cheering the objection and the objections raised to this legislation.

Madam President, the whole purpose of this 2-year-long legislative endeavor that Senator LEVIN and I have worked on was to deal with what we believe to be a rising tide in public cynicism. A great many people in this country have come to the conclusion that laws are being shaped by high-paid lobbyists who do not really reflect the views or indeed the needs of the American people; that the average person does not have an effective voice in the Halls of the House or the Senate; and that their interests were being forfeited for those who could afford to pay the highest prices for the best lobbyists in town.

What we were trying to do was address that public perception. People wanted to know who was being paid how much to lobby whom on what issues. Those simple questions were being asked. We tried to devise legislation to deal with that and to reassure the American people that we are doing their business.

Lobbyists play a very important role in congressional affairs. We depend upon them. Contrary to a popular misconception, lobbyists do perform a valuable service. They are experts. They are hired by interest groups in this country to put the most persuasive case they can make on behalf of those groups to us. We are basically generalists; we are not specialists. We cannot possibly be considered to be knowledgeable in all the various and multifarious issues that we are confronted with. We depend upon the expertise of lobbyists to inform our staffs and ourselves about their clients' interests and arguments. But we want to ensure that the American people are aware of exactly what activities are being carried on and cast as much sunshine as possible upon this process.

We have lobby disclosure laws on the books right now. As I said yesterday, they are completely ineffective. Most lobbyists do not register. Those who do register file information which is completely useless for our purposes or for the public's purposes. So this legislation was an effort on our part to say we want to know who the lobbyists are in this town. We want to make sure that we are not talking about volunteers, to be sure we are not talking about groups who want to lobby for their companies or their States or their interest who are not professionals, who are not paid, who do not do this for a living. So we tried to strike the balance. Only paid professional lobbyists are being required to register and to file periodic reports about how much they are paid to lobby on what issues, and which institutions they are in fact lobbying. It is that simple.

The grassroots lobby provisions were inserted by the House. They were accepted during the conference report. That is where the basis of the objections have come.

We have tried to respond positively and not to charge Republicans with being obstructionist. I think there are at least valid concerns, even though I might disagree with the interpretation placed upon them. I think there is a basis of reasonable doubt. So now we are trying to remove that reasonable doubt and say, all right, you have raised issues which we need to address. We have now addressed them. We have taken out all of the complaints that you may have against this legislation.

We are back to square one. We are back to the legislation that we passed by an overwhelming vote a year ago. There were very few dissents, four as I recall. So we are back to the Senate version, and we are asking our colleagues to support the legislation.

Madam President, I think we can drop the acrimony. I think we can drop the charges of who is trying to obstruct, delay, or protect lobbyists and simply deal with the issues as forthrightly as we can.

I believe the American people are entitled to this legislation. I think they want this legislation. The groups that felt that their first amendment rights were being threatened I think should take some comfort in the fact that we have tried to address that in a responsible fashion.

So I urge my colleagues at the appropriate time to support the proposed concurrent resolution that is sponsored by Senators LEVIN, MITCHELL, WELLSTONE, ROTH, and myself.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NICKLES. Madam President, I yield 5 minutes to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Madam President, the proponents of the conference report said yesterday that our objections were fictional, that we were wrong about the negative impact the bill would have on grassroots activity. Yet, last night, a new proposal was sent forward and it took four pages of amendments to deal with what was called yesterday our fictional objections.

The proponents want to vote on a concurrent resolution, which I gather they believe would solve the problems that we identified in the debate yesterday. But this road is full of potholes. First, it is not clear to me that their amendments do the job to correct the defects in the bill that we will be voting on at 11:30. We need to be able to go through that, to talk to some of the groups on the outside who are concerned about this bill—for example, the American Civil Liberties Union—about the new version that appeared at 11 o'clock last evening.

In addition, the concurrent resolution, if we went to that, which I am not sure we should, clearly would be amendable and become another vehicle or central problem as we move here toward the end of the session.

Madam President, I think it is important to understand—and I feel somewhat apologetic for not having focused on the lobbying portion of this proposal much earlier in the year—back in the spring, we had a vigorous discussion of the gift ban portion, which is a rules change which I strongly recommend we go ahead and adopt.

The Senate rules change could be adopted today. I hope that the majority leader will bring it up and give us a chance to vote on it. But with regard to the lobbying portion of this package, leaving aside the grassroots problem, which may or may not have been corrected by this new concurrent resolution which has been sent to the desk, there are lots of other problems with the lobbying proposal.

First, there is the matter of penalties. Lobbyists—remember who lobbyists are. Those are people who represent Americans out across the country, who have a constitutional right to petition the Government. Those folks would be subject to $200,000 fines for violating the additional registration requirements under this legislation. A $200,000 fine. A Member of Congress, however, who met with an unregistered lobbyist would not suffer any penalty at all.

So let us think that through. This American citizen here representing other Americans, whether he is being paid or not, I guess could be classified as a lobbyist, and he makes the mistake under this legislation, he does not adequately comply with the registration requirement, and he gets a $200,000 fine. The Senator with whom he has met would suffer no penalty at all. So one of the things the American public, I think, is clearly interested in is seeing us subjected to the same kinds of rules and regulations that everybody else in the country is subjected to.

For example, I think the Senate is prepared to pass the compliance legislation, so that a variety of different laws that we have passed that apply to everybody else in the country would now apply to us. Yet, there is a problem on that legislation on the other side of the aisle, with folks over there engaging in gridlock, who do not want that legislation to go forward. Here there is a proposal that a citizen that represents other citizens before the Congress, who does not adequately comply with the registration requirement, gets a $200,000 fine, and the Member of Congress with whom he meets gets nothing.

There is a second problem with the bill. We are talking about problems over and above the grassroots communication section of the bill, which may or may not have been cured in the midnight concurrent resolution that was sent up last night. The second problem with the bill is that nonprofit organizations will be burdened by having to comply with multiple and conflicting definitions of lobbying.

One definition they must pay attention to is that which exists under the Internal Revenue Code. That is one set of definitions. Attention to the Tax Code, of course, protects their tax-exempt status. If this bill passes, they will have to comply with the registration requirements under a new and different definition of lobbying. So you have one set of definitions over here in the Internal Revenue Code and another set over in this area defining lobbying.

This will continue, in my opinion, and here I am stating the opinion of the American Civil Liberties Union, "to chill protected speech for those who belong to nonprofit organizations."

What a terrific idea. We want to chill the speech of those who belong to nonprofit organizations. Just another flaw in this legislation, Madam President.

The third issue that I referred to earlier is the concurrent resolution proposed by Senator LEVIN at approximately 11 p.m. last night. It purports to strike the grassroots section. We are not absolutely certain of that, and as I indicated earlier, I think it is important for people who are concerned about this legislation to have an opportunity to take a look at it. The proponents of this bill have moved their grassroots restrictions right to the heart of the lobbying definitions.

Again, this is based on very preliminary review, because we have not had this new proposal very long. But it appears that they are including communications with Members as a part of lobbying.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. I yield an additional 2 minutes to the Senator.

Mr. MCCONNELL. I thank the Senator from Oklahoma. So Americans can join a group or organization not for the purpose of influencing legislation, just regular citizens joining a group, not for the purpose of influencing legislation. But if the group communicates with its Members, the group then becomes subject to the disclosure and registration requirements and the penalties of the act.

Finally, Madam President, there is the issue of time. The Lobby Disclosure Act is to take effect January 1, 1996. That is about 15 months from now. That was intended to give the director of this new bureaucracy a chance to write some regulations. Instead, I think it would be a good idea for us to revisit this legislation next year and get it right. Let us write a good law to get lobbyists properly registered, let us put enforcement in the Department of Justice where it belongs, not in some new independent political agency.

Bear in mind, Madam President, in this legislation, there is a new agency set up, a new agency headed by a Presidential appointee with a 5-year term, who will oversee the activities of American citizens as they engage in the effort to petition the Congress—a constitutionally protected right.

In conclusion, it seems to me what we clearly ought to do here is to pass the gift ban rule. It is at the desk, and I believe it has 36 cosponsors. We can do that before we leave. Members have had vigorous debate on that last spring. I think we have all reached agreement that it is time to do that. I hope we will do it before we leave today.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I thank my friend from Kentucky for his statement. I also wish to thank Senator COHEN and Senator LEVIN for moving, I think, to correct some serious problems that were raised yesterday.

Yesterday, Madam President, some people disputed—not Senator COHEN, and I appreciate his assessment and also some of the statements of Senator LEVIN. I indicated that obviously some changes needed to be made, including in the definition of "client," because individuals were included.

I have glanced at the changes. The proposed change in the concurrent resolution is to eliminate the confusion and the outreach of grassroots lobbyists and contributors and of groups of various causes to change or affect legislation. I know that both of the principals, Senators LEVIN and COHEN, said we do not want to do that. It was not in the Senate bill. It was added in the conference. Now they have introduced the concurrent resolution, several pages of which they believe would address the problem. I have not studied it, but section 103(b), the paragraph I quoted from yesterday about 10 times—an individual or members when lobbyist activities are conducted in behalf or financed by one or more individual members, and over and above individual coalition or associations dues.

I raised that yesterday. That has been deleted, and I thank my colleagues for doing that. I also noted yesterday in my speech—and other persons did as well—that on page 10, section 105(B)(5), that they eliminated the sections 5 and 6—the name, address, and principal place of business of any person or entity other than the client who paid the registrant to lobby—and also 6. I raised those significantly.

Other people said that was a fig leaf, a facade, that was not real, it was "fictional." The majority leader said that. I was irritated that he would use that. As I said, how could it be fictional when it is in the language? It was not in the report. It is in the legislative language.

Now there is a Senate concurrent resolution that deletes those three paragraphs. I thank the principals for doing that. I think that change has to be made.

I also do not know that you can just amend a conference report. Conference reports are not amendable. If they were, I would have offered an amendment to strike it yesterday. Conference reports are not amendable. So the sponsors, or principals, introduced a Senate concurrent resolution, which is not in order.

I might inquire of the Parliamentarian, is the Senate concurrent resolution now pending at the desk in order?

The ACTING PRESIDENT pro tempore. It is not on the calendar, so it would take consent to bring it up at this time.

Mr. NICKLES. I thank the Parliamentarian.

So it will take unanimous consent to even consider the Senate concurrent resolution.

I want to notify all colleagues on both sides of the aisle that to consider a Senate concurrent resolution takes unanimous consent, not to pass it, to consider it. To consider it, it is going to take unanimous consent to have that on the floor.

I might mention, then, even if it gets that far and one Senator can object, it is subject to amendments.

Last night at, I think, 10 o'clock or 10:30, whenever the Senator from Idaho had his bill, the unfunded mandates bill before the Senate, a bill that is sponsored I believe by two-thirds of this body, there were amendments coming from all over the place, amendments by the Senator from Illinois, an amendment by the Senator from Texas, not germane to his unfunded mandate bill.

But people are looking for vehicles. They are looking for a bill on the floor of the Senate that can be amended to pass whatever bill that they have not been able to get passed yet. I respect that. I have been there. That is part of the procedure.

But that Senate concurrent resolution if it is on the floor of the Senate is amendable, and for this fix to take care of the grassroots lobbying, and again I commend the principals for their acknowledgment of the problem, their willingness to address it, but it has a long way to go. It has to have unanimous consent to be considered on the floor, and then it is open to any amendment. And then it also has to pass the House. In other words, I am very skeptical. I think the chances or the likelihood of that happening in the last day of the session are very nil.

Mr. WALLOP. Madam President, will the Senator yield for a question?

Mr. NICKLES. I am happy to yield.

Mr. WALLOP. Is it the Senator's view that a concurrent resolution is a statute, or is it the Senator's view that a current resolution merely states that both the House and the Senate agree that we did not mean it when we passed it? Does it have the effect of a statute?

Mr. NICKLES. I will respond to my colleague in just looking—and maybe the Senator should address the principal instead of me—it says "to correct technical errors or enroll the bill S. 349," and then it is legislative language.

But I might mention this is more than technical so a point of order may be made. This is legislative language as drafted. Maybe the principals could try to correct it, but it is clearly more than technical. It is legislative language.

Again, I think we will have to have unanimous consent for it to be considered on the floor.

Would the authors of the amendment care to respond? I will ask them that same question.

Mr. LEVIN. I would be happy to.

It would take unanimous consent for this concurrent resolution to be in order. That is the reason that unanimous consent will be requested. But it does address the issues which have been raised.

Again, the Senator from Oklahoma points out that we felt there was no need to make these changes, but we do not have the votes, and that is what it comes down to. There are not two-thirds of the Senate that want to adopt the current language. There was some objection to the language that was in there because it was felt it was ambiguous.

So we decided we would therein ask unanimous consent to strike it through this method.

But the Senator is correct. It would take unanimous consent to pass this concurrent resolution because it is an instruction to the enrolling clerk to strike the language to which the objections were made yesterday.

Mr. NICKLES. If the Senator will yield further, because I want to make sure I understand the question of the Senator from Wyoming at the same time. So this is labeled a technical correction. I would have to take objection to that. I find this very substantive legislative language. I find this as basically an amendment to a conference report, and I do not think we can amend a conference report.

Mr. LEVIN. It is not uncommon. It is uncommon but not unprecedented that a concurrent resolution will be adopted to direct the enrolling clerk to strike language which is going to the President. The Congress can do that if it wants to.

If we want to do it, if we are serious about striking the language, in other words, to which the objection was made yesterday, if we are serious about that, we can just simply pass this concurrent resolution directing the enrolling clerk to strike the language to which some raised an objection.

Mr. NICKLES. If the Senator will yield further, does the Senate concurrent resolution also have to pass the House?

Mr. LEVIN. It does indeed.

Mr. NICKLES. It is also amendable?

Mr. LEVIN. Of course.

Mr. NICKLES. Madam President, to continue, it has to pass, as my friend from Michigan stated.

Mr. LEVIN. If my friend will yield further on that last point just for a brief add-on, that is that you would not take it up. It is not the intent of the sponsors of this bill to take up the conference report unless and until a concurrent resolution passes both Houses. So we would know prior to taking up the conference report precisely what language had been stricken by agreement of both Houses.

Mr. NICKLES. I appreciate it.

Let me inquire further then of the sponsors of this bill. So it is their intention to try to pass the Senate concurrent resolution first, and I believe we have unanimous consent for a vote to occur at 11:35 a.m., so the Senator is hoping to be able to pass this through both Houses before 11:35 a.m. Or is the Senator going to vitiate the yeas and nays or postpone the yeas and nays?

Mr. LEVIN. The majority leader will be making a request relative to the yeas and nays on the conference report. I would let him do that. I think he is the proper person to state that.

But there will be a request made to take up and I believe pass this concurrent resolution prior to the yeas and nays on the conference report.

Mr. NICKLES. To inquire further of the sponsor, this Senate concurrent resolution, which I have just seen—actually I think our staff saw it last night—this morning, and again there are two or three things I call to the Senator's attention. I looked at the paragraphs. I spoke yesterday for 30 minutes on those three paragraphs that have been eliminated.

So I think that is a big step in the right direction. But a lot of people have not seen this. I expect that some Senators might want to amend it.

I am just kind of concerned about time. If nothing else, I think we should let our colleagues know there is a good chance we will not be voting at 11:35 a.m. I do not know. I should not say that because maybe there will be objection for waiving or postponing the vote.

But I would just say to my colleague from Michigan he has a big challenge to throw out a separate bill that is amendable that takes UC to even be considered and to hope that that is going to pass the Senate without amendment and then pass the House without amendment before we take up the conference report.

I compliment him on his ingenuity in trying to solve his problem with the conference report, which I believe is a very real problem dealing with grassroots lobbying, but I think the chances of this happening passing, taking up the Senate concurrent resolution without any objection, and all colleagues should know if they want to object they need to be ready to object, to taking up the Senate concurrent resolution because it is not in order, and then if colleagues have amendments, I know amendments were coming out of the woodwork on unfunded mandates. I want to pass the Congressional Accountability Act, but I also know there are amendments out there, and I know if any of them are adopted, or one or two adopted, it is going to kill that bill, too.

I am afraid if there are one or two amendments to this, this will go down. Conversely, if this goes down, then the conference report likewise will go down. I just mention that.

I compliment the sponsors for their ingenuity in trying to figure a legislative way out. I do not see this happening. I would be shocked if I did.

Mr. LEVIN. I thank the Senator from Oklahoma for yielding the additional time.

Mr. NICKLES. I yield the floor.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. LEVIN. Mr. President, I thank my friend from Oklahoma. I think the Senate is up to the challenge. It is a challenge. We laid out the parameters yesterday. There were a number of people who raised some problems specifically with this conference report.

Some people felt they saw in that conference report language which would require, for instance, organizations to disclose their membership list, to disclose people who are contacted at the grassroots.

The sponsors of this bill assured everybody that that is not what the language says. Indeed I think it is very clear there is no such requirement in this conference report. It is surely not the intent to the extent that the intent is relevant, if there is any ambiguity. We made those assurances yesterday. We got 52 votes on the conference report. It took more than 52 votes to pass it. The votes are not there with this language in it.

So, we have a concurrent resolution to strike that language, to simply strike it, to address the concerns which were raised by the Senator from Oklahoma, and others.

Now, yes, it is a challenge to have a concurrent resolution pass, because obviously if everybody comes down here and offers a bunch of amendments to it, it is not going to get passed.

But if we are serious about passing bills that we have passed twice before by a vote of 95 Senators, we can do it. We are up to the challenge, if we want to do it. That is what it kind of comes down to.

So I would hope that, in fact, when that unanimous-consent agreement is proposed by the majority leader we will give unanimous consent so we can change the language that some found to be either ambiguous or to create issues which nobody wanted to create in this bill, and I think the Senate if it wants to do so can do it. I know the Senate, if it wants to do so, can do so.

So are we up to the challenge? We will find out in about 20 minutes. I hope the Senate is. And I hope we are serious about this bill, because over 3 years of effort was put into this lobbying registration bill. The lobbying registration bill passed with 95 votes in May 1993, by the way, 1 year before the gift ban was taken up. This was not like there were two big pieces of one bill just in May 1994. There are two different bills which have now been consolidated. The lobbying disclosure bill was passed in May 1993. This is not just a 3-year effort on our part, my part, Senator COHEN's part, Senator ROTH's part, a whole bunch of us on the Governmental Affairs Committee.

It is much more than a 3-year effort. It is a 30-year effort, 30 years of effort to close the lobbying loopholes in our disclosure law.

We have been trying to close those loopholes for 30 years, and the lobbyists have got us every time. They stymied it every time, one way or another. In the 1960's, an effort was made to close the loopholes; 1970's an effort was made to close the loopholes; and we are trying it again and we are close. And if we are serious about it, we can do it.

What are these loopholes? I will just give you one example. Under one major lobbying law, lawyers who lobby are not covered. Now, how is that one? If you are a nonlawyer lobbyist, under the law, you have to register. But if you are a lawyer lobbyist, paid to lobby on behalf of others, under that law, you do not have to register.

Under another law, foreign interests are not required to register. Holy cow, if we want anybody to register in this country, anybody who is paid to represent interests, surely it should be people paid to represent foreign interests who are lobbying this body. But, oh, no, we have loopholes there, too.

And then there is another big loophole, probably the biggest one of all, which says, well, unless you are paid to lobby and actually do lobby Members themselves personally, excluding their staff, for 50 percent of your time, well, you do not have to register, either. There are more holes in the lobbying laws than there are in cheese. It is permeated with holes and loopholes, breeding disrespect for law.

We pretend that we have lobbying registration laws in this town. The public is told that we have lobbying registration laws and, again I emphasize, for people who are paid to lobby, who are paid professional lobbyists.

I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. LEVIN. I thank the Chair.

But the fact of the matter is that we do not. There are so many loopholes that probably three-quarters of the lobbyists in this town who are paid professional lobbyists, for whom the laws are intended, presumably, to require them to register, to disclose who is paying them and how much to lobby Congress on what issue, presumably, because in reality it does not work that way.

Mr. President, again, we argued yesterday that the issues which were raised about grassroots lobbying were not meritorious; in fact, the language did not require anybody—anybody—to register other than paid professional lobbyists. That is absolutely clear. Even the opponents of this legislation, I think, now will concede that that is absolutely clear.

Mr. NICKLES. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. NICKLES. I just take issue with you on that. If you are talking about the definition of a client, the definition of a client was included under the Senate concurrent resolution to include individuals.

Mr. LEVIN. I was talking about the definition of a lobbyist. I specifically said "paid professional lobbyist." I was not referring to client.

Mr. NICKLES. If the Senator will yield for an additional second, to make sure there is no confusion, individuals listed as clients have their names disclosed under the concurrent resolution.

Mr. LEVIN. There was no requirement for clients to register at all, No. 1. It was only paid professional lobbyists. And because of the arguments made yesterday, whether or not they were correct—we think they were incorrect—nonetheless we could not get the votes to pass this.

So we have addressed the arguments. We have eliminated the language which raises the issue. So, yes, the concurrent resolution does strike the language that the Senator from Oklahoma found to create the ambiguity.

Mr. President, basically what remains and, hopefully, what we are going to be allowed to vote on after adopting the concurrent resolution will be a conference report that incorporates Senate bills on gift bans and on lobby disclosure which passed this Senate by a vote of 95 Senators. Now, that is what we basically have left.

I find it incomprehensible that this Senate will now ditch 3 years of effort, a bipartisan effort, to close the loopholes in our lobbying disclosure and to have a tough gift ban mainly aimed at lobbyists but which also covers others, because you just cannot cover lobbyists without covering the universe because of definitional problems. If you want to get at gifts from lobbyists, you have to cover everybody. And we do get at gifts from lobbyists.

Now there will be a proposal made that would just put into a UC a gift ban on other than lobbyists. It is totally unworkable. It is not even a quarter of a loaf, because the quarter of a loaf that it purports to leave is undigestible. It is a loaf which cannot function, because the definitions referred to in what will be proposed on the gift ban are definitions which are not going to be incorporated into law and which we cannot effectively incorporate in our rulings.

We must change the lobbying laws. We must clearly require people who are paid to lobby to register. We must define what is meant by lobbying. Otherwise, we cannot effectively adopt a gift ban that covers lobbyists. We again would be pretending to do something, purporting to do something, holding out a promise of doing something, suggesting we are doing something, and maybe even proclaiming we are doing something but, in reality, would be doing nothing effective unless we adopt the conference report which has a tough gift ban with a new loophole-free definition of lobbyist.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 7½ minutes remaining.

Mr. LEVIN. I thank the Chair.

I yield the floor.

Mr. NICKLES. How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 7½ minutes remaining, as well.

Mr. LEVIN. I am happy to yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. COHEN. Mr. President, we have heard a number of arguments addressed against the proposed concurrent resolution. One, which struck me as being entirely new, is that we are imposing fines upon lobbyists but not upon ourselves.

I would refer to the report itself on page 19. The only time there would be a fine imposed upon a lobbyist who violated the act would be if there are extensive and repeated violations where the individual had actual knowledge that the conduct constituted a violation, he acted in deliberate ignorance of the provisions, or he acted in reckless disregard of the provisions.

There has to be a very calculated disregard of the law.

The notion that we are setting ourselves up as a separate class once again, that we are going to impose a fine upon citizens but not on ourselves, is spurious.

The fact is that we have campaign laws that apply to us. We are required to file disclosures of those who contribute to us. If we fail to do so, we are the ones who pay the penalty, not the individuals who contributed to us.

The fact is that we have ethics laws that apply to us. If we violate those laws, the penalties apply to us and not the citizenry.

So the notion that somehow we are going to fine lobbyists but not ourselves, that we are setting ourselves up as a separate class, to me is an untenable argument.

I might point out what we are seeking to do is return this bill to its original form—the gift ban that passed 95 to 4 and the lobby reform that passed 95 to 2.

So if you want to maintain the status quo, what we have today, is, in effect, no law whatsoever. It is very clear that what is worse than having no laws on the books is having laws which go completely unenforced or are unenforceable. That is what we have today, laws which are ignored, which are unenforced, and which breed contempt for this institution and for the rule of law.

I believe the choice is clear. If you want the status quo, reject the concurrent resolution. If you want reform and what you voted for once before, then you support the concurrent resolution and not raise an objection to the unanimous-consent request

The PRESIDING OFFICER. Who yields time? The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, again I thank my colleagues from Michigan and Maine for their willingness to take out some of the language to which I objected yesterday. But I find it a little troublesome when I hear some statements that were alluded to that this is not really necessary, because I read the legislation pretty clearly and, if you look at page 10, it says "the name of the registrant, the name of the client." That is the reason why I raised so many objections yesterday, because the definition of "client" includes an individual who contributes over and above their dues.

This is in the bill. That is the reason why we had the debate yesterday and I am glad my colleagues now are willing to take it out. But then in the rhetoric—or in the campaign—you say it does not really need to happen because we told you that is not our intent. It is in the bill, so we need the fix.

The question is whether or not we can pass the Senate concurrent resolution, and I doubt that we can. It takes unanimous consent.

I notice the majority leader is on the floor and will probably propound the unanimous-consent request. So people who have an interest in this legislation should be here.

But likewise, once it is on the floor, unless the majority leader gets unanimous consent it is nonamendable, it is going to be open to amendment, and then it is going to have to pass the House. And I think the probability of that happening is pretty slim.

Mr. President, I yield to the Senator from Kentucky, 1 minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank my friend from Oklahoma. I just wanted to reiterate, just so everybody understands, at a time when the American people would like us to shrink the Government, we are setting up a new Government agency called the Office of Lobbying Registration and Public Disclosure. It begins on page 13 of the conference report and it outlines the activities of the director of the office, and pages and pages of responsibilities and opportunities to hire new Federal employees; major penalties are outlined in here. There are 4 or 5 pages of new activities by a newly established Federal agency, "just what the American people are asking us to do—create another new Federal agency, hire lots of new employees, and harass lots of American citizens."

Frankly, we all know this responsibility ought to be located in the Department of Justice. I hope if we have a chance to fix this bill next year that it can—this responsibility and an appropriate amount of responsibility—be placed in the Department of Justice where it clearly belongs. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. LEVIN. Mr. President, the objection to the creation of an Office of Lobbying Registration is perhaps the most extraordinary of all of the arguments that have been made. When this bill was passed, the Republican leaders complimented us on the creation of this office. Reading his words, where he strongly supported the passage of the lobbying disclosure bill in May 1993, on page 5579 of the CONGRESSIONAL RECORD, the Republican leader said that "The authority to assess a penalty would rest with the Director of the Office of Lobbying Registration, a new division in the Justice Department, created by this bill. The director will have the authority to determine the amount of the penalty, depending on the severity of the violation. This new approach," the Republican leader said, "should encourage compliance and make enforcement a reality."

That was a very strong speech by the Republican leader supporting this bill when it passed a-year-plus ago, May 1993. So of all the arguments, the newest straw man—grassroots man?—that this creates a new office, is one of the very reasons this bill was complimented by the Republican leader when it passed.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am not as knowledgeable on the section the Senator from Michigan just alluded to, but staff informed me when this passed the Senate it was under the Justice Department and not an independent department.

I will yield a minute to the Senator from Maine.

Mr. LEVIN. Mr. President, if I can respond quickly, the office was made independent of the Department of Justice in conference at Republican requests to ensure the independence of the office.

Mr. NICKLES. I yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 minute.

Mr. COHEN. Mr. President, I want to indicate once again for the record, I thought the intent of the legislation as we proposed it was clear even though there may have been some ambiguity in the language itself. The Senator from Oklahoma and others who have raised objections have done so out of the best of motivations and are not doing it simply to be obstructionist in my judgment. But we have tried, likewise, to meet their reasonable requests. I believe the concurrent resolution that will be proposed momentarily by the majority leader is designed to do precisely that.

What the Senator from Oklahoma and others have done, by trying to correct something where there was a major misapprehension, is a credit to the institution. I think we corrected that and I hope we would have support for the concurrent resolution.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma controls 3½ minutes; the Senator from Michigan controls 5 minutes.

Mr. NICKLES. I yield to the Senator from Wyoming, 1 minute.

The PRESIDING OFFICER. Senator from Wyoming is recognized for 1 minute.

Mr. WALLOP. Mr. President, the concurrent resolution language before us was concocted without any negotiation with those of us who were in opposition to this legislation. A bill 3 years in the making has been drastically changed in a couple of hours of concocting a concurrent resolution. But let me suggest, none of us can know the full effects of what is in here. A cursory glance would indicate that the grassroots lobbying recordkeeping, the discussion of lobbying contacts, is not removed but merely moved, and in fact now is referenced in the Internal Revenue Code. It incorporates, by definition, lobbying of State and local government, and initiatives and referenda, vastly broadening the scope of the bill—contrary to the sponsors' claims.

We cannot know what has been done to us. This is no way to fix legislation that has alarmed so many of our colleagues for legitimate—not spurious—reasons, as was claimed yesterday.

I yield the remainder of my time.

Mr. COHEN. Mr. President, I yield myself 1 minute.

Mr. LEVIN. I yield my colleague 1 minute.

The PRESIDING OFFICER. The Senator from Maine has 1 minute on the Senator from Michigan's time.

Mr. COHEN. One of the issues raised is that establishing the Office of Lobbying Registration and Public Disclosure as an independent agency is an expansion of Government. This provision is a response to the objections raised by the House Republican Members who feared leaving the newly created office in the Justice Department, as proposed in the Senate-passed bill, because of a concern that it might be subject to political manipulation.

What we have tried to do on each and every occasion is to respond to the legitimate objections on the part of Members on both sides. The creation of this office as an independent office came about directly in response to Republican concerns about the politicalization of this office. That should be clear.

I would like to make one final point. This bill, as it will be proposed in the concurrent resolution, is simply a return to what we passed in the Senate by an overwhelming majority. There should be no mistake about it. We have tried to accommodate the interests of all in this. We have tried to really strike the balance of what is right and responsible for the Senate to do and I believe we should pass by unanimous consent the concurrent resolution offered by the majority leader.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that I use my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the Senate passed the lobbying disclosure bill by a vote of 95 to 2. Almost every single Member of the Senate voted for that bill, Democrat and Republican. And, as the Senator from Michigan has noted by reading into the RECORD, it was praised by the Republican leader, by other Republican Senators.

Now, when we came back with this conference report, Republican Senators raised what I termed, and believe to be, fictional arguments; suddently got a few phone calls that they themselves and their allies had organized, and then used the phone calls, which they solicited, as a rationale for reversing their positions.

But it was not reversal, they said, because this bill has something new and sinister that was not in the previous bill.

I said yesterday I thought that was a smokescreen to obscure other objections, and I still believe that to be the case. But there is one simple way to find out: Let us go back and take up the bill, basically, that they all voted for. Let us drop the provisions to which they say they have objected. So let us find out. Was this a smokescreen? Were these fictional arguments, or did they mean them?

So I am now going to ask unanimous consent that we proceed to a concurrent resolution that is basically the same bill that the Senate voted for 95 to 2 when it took the bill up, and anybody who objects to that, why, then we know it has been a smokescreen. If it is not a smokescreen, if these were not fictional arguments, then our colleagues should join us in passing the bill that we said that we wanted to do and we overwhelmingly passed by 95 to 2.

The argument has been raised, "Well, gee, we don't know what the House is going to do." I am going to propose that we delay the cloture vote and let us await action in the House. Let us adopt this to show that we really mean what we say about this; that all of these arguments were real and genuine and were not a smokescreen. And then let us send it over to the House and we will encourage the House to act and move right away, and we will postpone the cloture vote until after that.

So this is a good way to find out if people really mean what they have been saying for the past few days.

MOTION TO PROCEED

Mr. MITCHELL. So, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution, that I will send to the desk, making changes in the conference report in response to the concerns raised by our colleagues on the other side of the aisle; that the resolution be agreed to; that the motion to reconsider be laid on the table; that the cloture vote scheduled to occur this morning be delayed to occur at a time to be determined by the majority leader, after consultation with the Republican leader.

Mr. NICKLES. Reserving the right to object.

Mr. WALLOP. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, if I can ask the majority leader a question, under your unanimous-consent request, we do not get to amend the Senate concurrent resolution. I understand the leaders have said that this is the fix, but there are a lot of groups that have contacted us that have objections to the conference report. You mentioned that they were our allies. The American Civil Liberties Union, the Feminist Majority, and Planned Parenthood I am not sure would consider themselves allies with everybody on this side of the aisle. But they may not think this fix is satisfactory.

Is your UC open to where we could amend the Senate concurrent resolution if we find it lacking?

Mr. MITCHELL. Of course, Mr. President, the Senator knows the answer to that is no, because if we put it up and open it up for amendment, they will come up with a whole new bunch of amendments. I might just say, if I can conclude the answer, we passed this bill 95 to 2 in May 1993. We did not hear from the Senator from Oklahoma or from other Senators. We did not hear from all of these groups until just the last few days. So I think it is rather clear. The answer is no, we will adopt it. I am advised that it is basically the same bill that was passed in the Senate by a vote of 95 to 2.

Mr. NICKLES. If the majority leader will yield for another question, the Senate concurrent resolution which we have now seen, I guess our staffs received it last night at 11 o'clock. I was able to see it this morning for the last hour. It is several pages. It has 17 paragraphs, and it may be the perfect fix. If it is, I compliment the authors.

But some of us have worked on this particular section dealing with grassroots lobbying, and I offered to the Senator from Michigan, in the interest of trying to solve the problem, he may have the perfect fix. But the majority leader's request does not give us any opportunity to review this fix, to amend it if it is not perfect, and to make some suggested changes, as I understand it. I think that is a little dictatorial. We would like to have a chance to review the language. I know the Senator from Wyoming and the Senator from Kentucky have reviewed it, and they said they have some problems with it. I do not know. I know it makes some improvements, but I would like to have a chance to amend it.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine controls the time.

Mr. MITCHELL. This was put in the RECORD last night, and it does not try to fix the provision they complained about. It takes it out; it eliminates it. The Senator said he had objection to the provision—that is what they said the objection was—so we did not try to fix it; we eliminated it and we basically go back to the bill which the Senator voted on.

I have the concurrent resolution right here. It is 3½ pages long. It was put in the RECORD last night.

Mr. NICKLES. What time?

Mr. MITCHELL. I think, Mr. President, what we are seeing is a confirmation of what I said yesterday. This is a smokescreen. The objections raised were a smokescreen. They do not want to change the lobbying disclosure and gift provisions, but they do not want to stand up and say that. They made up an excuse, and now we have taken the excuse away. What else is there? Why do we not just get this agreement approved? By gosh, then, our colleagues will say, "It really was not a smokescreen. We really wanted to pass it, and we will all be happy."

The PRESIDING OFFICER. The Senator from Maine has made a unanimous-consent request.

Mr. WALLOP. Reserving the right to object, and I shall, there was at least one Senator—several of us—who saw this coming when we passed it. And there was at the time a moment in which we had sought to educate people as to what was really contained in it, and a lot of people I talked to said they did not know the provisions of it.

So, Mr. President, there is at the desk, as I understand it, a rules change upon which all the Senators could vote and, therefore, I object to this unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Do both sides yield back their remaining time? The Senator from Oklahoma has 2 minutes remaining. The Senator from Michigan has 3½ minutes remaining.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will yield back our time in just a moment. I have a couple comments.

The vote that we are going to have today is exactly on the same House-Senate conference report that we voted on yesterday. It has not been fixed. Maybe the proponents of the legislation said yesterday it did not need to be fixed, but clearly the legislative language said it did because it defines "client" as individuals, people who contributed over and above their dues.

I notice the majority leader and others said, "Well, yesterday that was not a problem, it was fictional." Today they said they would strike that one paragraph, and they came up with a 3½ page amendment which I have seen for about 2 hours. It may be the right fix. I do not know. Some people have said it is not. But the UC that the majority leader tried to propound did not give us a chance to amend it, did not give us a chance to really look at it. I do not think it solves all the problems.

Mr. President, as far as the timing, I heard my colleagues say we have been working on this for 3 years, and why all of a sudden change? The conference report came out September 26, and then once the groups found out about this—and not all conservative groups —but once groups like the American Civil Liberties Union, American Farm Bureau, groups like the Environmental Policy Task Force and the Feminist Majority, the Federation of American Scientists and the Family Research Council found out how intrusive this was, they said it needs to be changed.

I will just tell my colleagues, this is the same vote we had yesterday. I think this proposal is a step in the wrong direction. It does stifle free speech, and the cloture vote needs to be defeated.

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired. The Chair advises the Senator from Michigan that he has 3½ minutes remaining, and the majority leader has 2½ minutes of leader time remaining.

Mr. MITCHELL. I ask if the Senator will yield me his 3½ minutes?

Mr. LEVIN. I will be happy to.

Mr. MITCHELL. Mr. President, I come from Maine, where we get a lot of foggy days along the coast, and so when I came to the Senate and saw that it was regularly enveloped in fog, I felt at home.

Rarely, if ever, Mr. President—indeed, never—in my 15 years have I seen a fog more effectively pierced than it has been here this morning. We had a smokescreen laid out here yesterday by our Republican colleagues who said: Oh, we are for lobbying disclosure, and we are for gift reform, but we have this objection to this new provision that will have all of these disastrous effects.

It was, of course, a fiction, and I described it as such. It was a smokescreen, and we have now pierced that, because what we then proposed was to essentially go back to the bill that the Senate passed by a vote of 95 to 2. Almost every single Senator, Democratic and Republican, voted for it. We took out the provision that they said offended them, that is, we took out the smoke bomb, and they still object.

So, Mr. President, occasionally on the summer days in Maine there is a fog that rolls in off the coast and then with striking clarity the sun pierces through. And here and now in the Senate this morning the sun has strikingly and suddenly pierced through the fog of the other side and exposed for all Americans to see and laid bare what has occurred. They do not want lobbying disclosure and gift reform, and they are going to do anything to stop it, even if it means a complete reversal of the position they took when we passed this bill 95 to 2.

Mr. WALLOP. Mr. President, will the majority leader yield for a question?

I simply address the Senator that if the result on the cloture vote is the same as yesterday, is it the intention of majority leader to bring up the rules change that would solve the gift ban?

Mr. MITCHELL. If we have a rules change that will solve the gifts ban, we will certainly do it. But we are not going to be party to a rules change that will not solve the gift bans.

Mr. WALLOP. I think the majority leader knows that it would.

Mr. MITCHELL. I thank the Senator.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan has 45 seconds remaining.

Mr. LEVIN. There was an article in the paper the other day, the Wall Street Journal, that said, after that first vote, "Special interest representatives expressed delight with the filibuster. As a Senator left the Senate Chamber after an unsuccessful vote to break the filibuster, a group of lobbyists in the hallway outside began to cheer."

If we do not break this filibuster in this vote coming up, you are going to hear the loudest cheer in history in that hallway.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. Was leader time reserved?

The PRESIDING OFFICER. It has been reserved, and if there is no objection the Senator may use it.

Mr. DOLE. Mr. President, I am sorry I did not speak before the majority leader, but I have been to the dentist—special interest.

I think this session is about to end. I hope so. I hope we could pass unfunded mandates, which is being blocked on the other side with amendments. I hope we could pass congressional coverage. We are willing to in effect do both of those, with one or two amendments or maybe without any amendments.

But I must say, notwithstanding the good work that both Senator LEVIN and Senator COHEN have done—and certainly I have the highest regard for both—somebody asked me at a press conference today what happened. We said that we read the bill.

We made a mistake when we let it go through there so quickly. I think we felt intimidated by the liberal press in this country who always define at least our party. I do not know; the Washington Post must have a good lobbyist; they got a good sweetheart deal in the GATT agreement. I do not know what this deal cost or whether it is going to be disclosed, but it is worth hundreds of millions of dollars, so we understand how these things operate.

But the more we looked at this bill and the fact that the disclosure requirements do not take effect until the beginning of 1996, we will have plenty of time now to study this bill very carefully and make the right decision.

As we have indicated earlier, as far as the gift provisions are concerned, that can be done by a rules change. It cannot be done by this Senator but it could be offered by the majority leader. And we have indicated that we are prepared to do that. No fruit baskets, no travel, no anything. That is not a problem, I do not think, with many Members of this body at all. It may be a problem with some on the other side.

So I just suggest that we ought to just forget about this bill. We ought to forget about this Congress as quickly as we can and go home. That is what the American people want us to do. They are not interested in more laws and a new bureaucracy.

So there are still a lot of things in this bill that we continue to discover that we probably should have discovered earlier. I will confess that we did not do our job as well as we should have. And I think there was a certain intimidation: Oh, we have to be for this or somehow these awful lobbyists, these men and women who are much like the rest of us, who try to make a living, we have to sort of cast some aspersions not only on them but on Members of Congress. If we are not viewed as suspect when we get here, we are the day after we are here because we have got to have all these laws that say we can do this and we cannot do this.

Now, I do not know anybody here—if he violates the law, he is subject to the Ethics Committee. And some have been. But before we pass something we are not certain of, let us just take it easy. This will be around next year. We will be back. There may be a different management, but we will still be back, and we will be dealing with all those issues at that time.

Mr. President, there are a number of other points I would like to make:

I suspect that most of the changes proposed by Senator LEVIN would probably improve the bill. The bottom line, however, is that we need to take some time to look at the changes with a fine-tooth comb and examine their practical effect. The concurrent resolution was unveiled at about 10 or 11 last night, and the vast majority of Members have not taken at look at it.

There should not be any ambiguities, any nuances that are subject to different interpretations. The courts are in no mood to read legislative history into a statute. The statute should be clear on its face.

And as Senator MCCONNELL pointed out yesterday, we also need to look at the First amendment implications of what we are trying to do here. Are we going overboard? Are we trying to regulate too much?

My colleagues on the other side of the aisle claimed yesterday that we were raising fictional objections, but the real fiction is this concurrent resolution. We have no assurances that the House of Representatives will ever pass it. We are relying on a wing and a prayer.

One proposed change would include under the definition of "lobbying activities" the phrase "communications with Members, as described in section 4711(d)(1)(A) and (3) of the Internal Revenue Code." What's this all about? Are we talking about Internal organizational newsletters? Conventions? Phone banks? Would these activities become subject to the reporting requirements?

The new and improved version of the conference report would still treat Members of Congress and the public differently. If you are a lobbyist and you knowingly violate the new registration requirements, you could face a maximum fine of $200,000. But if you are a Member of Congress and you knowingly accept a gift that is banned under the new rules, there are no maximum fines, no big-dollar penalties. Instead, you get hauled before the Ethics Committee.

When the Senate passed the bill last year, it created a new Office of Lobbying Disclosure within the Justice Department. The Conference Report, however, elevates the Office to the status of a separate Federal agency. The Director of the new office has a 5-year term, is appointed by the President, and is removable only for cause. We need to take a look at whether this is the best approach. Should the Office of Lobbying Disclosure be a separate Federal agency? Should it be within the Justice Department? Should the Director of the Office have a five-year term, or a shorter term? Should the Director be removable for reasons other than just "for cause," whatever that may mean?

It is important to remember that the new disclosure and registration rules do not take effect until January 1, 1996. So even if the conference report does not pass this Congress, we will still have time to pick up the pieces, figure out what was right and what was wrong with the conference report, and then pass strong legislation that will improve the disclosure process without taking a sledgehammer to the constitutional rights of ordinary Americans.

Again, we are prepared to pass a resolution today prohibiting Senators from receiving gifts from just about anyone—lobbyist or nonlobbyist. No free lunches. No travel. No entertainment. No charity golf tournaments.

Mr. LAUTENBERG. Mr. President, this is why people do not believe in government. This is why people are disgusted with the Congress. This is why "Washington" has become a dirty word.

As Members of Congress, we are often frustrated by our inability to solve problems. Some of us decided that a major reason for that inability was the structure of our own institution. So we decided to fix our own house, clean up our own act, and regain some of the public faith and support that Government has lost.

We may have made the problem worse.

We hoped to reform the campaign finance system. We did not.

We hoped to simplify and modernize the organization of the Congress. We did not.

We hoped to pass legislation bringing the Congress under the same laws as the rest of the country. We did not.

We hoped to reduce the influence of special interest lobbyists by requiring greater disclosure of their activities and eliminating their ability to ply Members with food and entertainment and trips. And now it looks like we will not.

There may be, Mr. President, there may be some who oppose this last reform on the list because they honestly have problems with the language of the legislation.

There may be.

But when we offer to fix the problems they have identified, we are told "oh, thanks * * * but I just found a few more."

Mr. President, here on the floor is Senator COHEN, a Republican, who is fighting to pass this bill. Yesterday, there were a number of Democrats who voted to defeat it.

I am not saying this is a partisan matter. It is a national problem.

Killing lobbying reform and gift ban legislation is simple. It's easy. And some may believe that it will give them a partisan advantage. They will be able to demonstrate that President Clinton cannot move a bill through the Congress. They will be able to demonstrate that Democrats cannot move a bill through Congress. They will prove that Government is incapable of acting. And they hope that this will persuade people to elect them or give their party more power.

But you cannot base power on a foundation which is crumbling.

And their effort to get power does involve weakening the foundation of government. It involves loosening the bonds which tie the people to the Government. It involves undermining faith in the institutions of Government themselves.

That, Mr. President, is a strategy which will destroy us all.

We promised over a year ago to adopt gift reform legislation. I offered the amendment; almost every Senator voted for it. For a time, it looked like we would not keep that promise, but Senator WELLSTONE and Senator FEINGOLD and I pushed for Senate action on this issue. When it was not popular. When it did not make my colleagues happy. Even when it made me uncomfortable. I did that, Mr. President, because I firmly believe the present system is wrong and that we needed to keep the promise we made to fix it.

Well we did. Senator LEVIN helped craft a stronger and sounder bill than I had introduced. The Senate adopted it. But it does not look like it will become law.

Because some people do not want us to fix problems. They want to make them worse.

My constituents do not want to listen to me tell them why we did not do something. They want me to listen to them and do something about their problems.

That is what the gift ban lobbying reform bill is all about. Making it easier to hear our constituents instead of the special interests who buy us dinner and give us tickets to events and take us on trips. Their voice, amplified by their power and access and wealth, make it hard for us to hear the voice of the people we were elected to represent.

Mr. President, let us pass these bills. We have offered to fix what may be the legitimate problems some have found in the legislation. Let them accept the offer and let us get on with our business. The business of building this country rather than tearing it down.

And let me, Mr. President, explain why a gift ban is so necessary.

Right now, our constituents do not believe we represent them. They think we are being influenced by the special interests. That they give us gifts in order to secure our support for their views.

And make no mistake about it, Mr. President, that is the motive for the gifts even if not their effect. We do not get free tickets to concerts or sporting events because we are charming companions. We do not get taken out to dinner or flown away for free vacations because people like us. We get those things not because of who we are but rather what we are: Members of Congress whose actions and votes influence public policy and can mean a difference of millions of dollars for a company and contracts for lobbyists.

Now Mr. President, I am not—not—claiming that my colleagues are being "bought and sold" for a dinner or a round of golf. That is not my argument at all. I do, however, make two other arguments. First, the public believes there is undue influence being exerted. It may be an example of post hoc reasoning; it may be a valid concern. But it is a fact. During House debate on this issue, one Member said "I cannot be bought for a cup of coffee." I agree. But why can he not buy his own cup of coffee? What kind of sacrifice would that involve? We accept other sacrifices as part of the price of being in public life. We surrender, for example, a lot of our privacy; we lose control of our own schedules and lives; we give up many things in order to serve. This gift ban does not ask us to give up anything. Let me repeat that: this gift ban does not ask us to give up anything. It simply demands that we pay for everything. That is the sort of sacrifice people make in the private sector—it is the least we in public service can do.

But there is a second argument in favor of this bill, Mr. President. It is not just an appearance problem. Gifts do not buy our votes but they do influence our actions. Not because we got a gift. But because we spend an hour or two at a game or a restaurant with the lobbyist who uses that time to subtly make sure we are aware of the arguments which favor their position. There is nothing wrong with them making their case. What is wrong is giving them a special route of communication, an extended period of access, a unique opportunity to make their case. Most constituents are fortunate if they can get a 15-minute meeting to discuss their concerns directly with a Member of Congress. Lobbyists are paid to make sure they have a lot more time than that. Gifts which must be enjoyed together is one way to get the time, develop access, exercise influence.

Mr. President, I know that this bill will not cure everything that is wrong with the way Washington works. As others point out, we may be buying our own dinner, but we will still be getting checks for $10,000 from PAC's and $1,000 from individuals. I wish we had changed the campaign finance law, I really do. But our failure there does not mean that we ought to fail here. A gift ban will have an affect in and of itself. It will change the way business is done, alter the relationships which too often affect legislation, eliminate the excesses which so pollute the public perception of politics.

Let me make one final point: the gift ban and the lobby disclosure bill have been properly joined together. You cannot have one without the other. As Senators LEVIN and COHEN—a Democrat and a Republican—have demonstrated, current law designed to disclose lobbying activity is fatally flawed because most lobbyists are not required to register. We can't find out what they are doing and how much they are spending to get it done. I think that information is essential; it certainly would be interesting to know how much was spent on the lobbying effort designed to convince Senators that this bill would chill free speech. I think the people of this country would be interested in knowing that it was the very lobbyists they think have too much power who used that power to fool them and defeat this bill. There is an irony there which we ought to appreciate. And there is a lesson there we ought to learn.

Mr. President, I appreciate the efforts that Senator LEVIN and Senator MITCHELL have made to move this bill along. And I deplore and denounce—deplore and denounce—the tactics which opponents have used to mischaracterize the legislation and mislead the American people.

Mr. GORTON. Mr. President, when I voted yesterday against cloture on the Lobbying Disclosure Act, I did so because the final version of the bill contains onerous grassroots lobbying provisions. At that time, I made clear my desire to see those provisions dropped.

Today, the Senate had before it a unanimous consent agreement to consider a concurrent resolution to do just that. The concurrent resolution would strike the objectionable grassroots provisions from the bill, and move it closer to the version that had passed the Senate earlier—the version for which I had voted. I called for that course of action yesterday, and it is what I would have preferred.

However, there was an objection made to the unanimous consent request. The Senate therefore could not consider the concurrent resolution and could not strip the grassroots provisions from the present bill. I find that unfortunate and wish that objection had not been made.

But because an objection was lodged, the Senate voted again on the version of the conference report on which we voted yesterday. That conference report still includes the grassroots provisions that have my constituents in such an uproar. It is no better today than it was yesterday.

Because we are voting on the same conference report, I must again vote against cloture. Mr. President, I wish the Senate had chosen the other course of action and passed an amended version of the Lobbying Disclosure Act of 1994, absent the grassroots lobbying provisions.

Mr. BINGAMAN. Mr. President, I rise today to express my regret that the Senate did not approve Senate Concurrent Resolution 80.

Like many of my colleagues, I was concerned with certain provisions of the conference report and the potential impact that those provisions might have on grassroots organizations. My concerns included the fear of intimidating people from contributing by threatening them with public disclosure.

With the introduction of Senate Concurrent Resolution 80 by Senator LEVIN, which removed the offending provisions regarding grassroots organizations, I believe S. 349, the Lobbying Disclosure Act of 1994 should be passed. However, with the failure to approve the Resolution, my concerns for moving forward remain.

Mr. President, I commend my friend and colleague from Michigan for his tireless efforts to move lobby reform legislation through the Senate this year and especially for his willingness to work with members of both sides of the aisle at this late hour to fashion a bill which I believe sends a clear message to the American people that the days of business as usual are over.

Mr. President, I have supported and will continue to support lobbying reform and I hope we can have the opportunity to enact legislation at the beginning of the next Congress.

Mr. DURENBERGER. Mr. President, Washington—and particularly Congress—are held in contempt by the American people. Those are strong words and, some might say, an extreme statement of the case.

But when 83 percent of the American public do not trust the government to do the right thing most of the time, I think it is time to drop the rationalizations and the niceties and call it like it is. Wednesday morning the Washington Post quotes Oliver North saying that he will match his character against anyone in the U.S. Congress today. If Jay Leno delivered that line it would be met with peals of knowing laughter.

This institution is held in contempt by much of the American public. And who can blame them? In many places we are doing it to ourselves. I have watched the television ads this fall from around the country. I expect the challengers to run against the place that they all want to come to work. But many incumbents—freshmen and veterans alike—are out there criticizing the way we do business in Washington. How can we expect the American people to have any confidence in this place when so few of us are willing to defend it ourselves?

Jonathan Rauch, the author and commentator, said recently in the New York Times: "The government is well on its way to a crisis of legitimacy."

I urge my colleagues to think about that. What if it is true? What if our legitimacy as an institution is really in crisis? What does that mean about the ability of future Congresses to govern?

I know that it is easy for each of us to sit back and look at our own relationships with our own constituents and feel like we are loved, admired, and respected. But whatever the explanation for that, it is clear that as an institution we are literally despised by large numbers of Americans.

Mr. President, this week we were supposedly going to do something about that. But I have a profound feeling of ambivalence. As Jonathan Rauch said in the same New York Times essay: "Congress is riding to the rescue with an answer: banning fruit baskets."

Mr. President, as Mr. Rauch implies, that is not much. Compared to everything else that goes on around here, it is not really anything.

Right now the election laws allow lobbyists to give us $10,000 for our campaigns. The Democratic leadership offered last week to reduce that to $6,000 and thought they were making a big concession. In the face of the continuation of that system, we are kidding ourselves if we think that this ban of other gifts is going to make a difference in the way we are perceived by the American people.

Mr. President, we are, once again, failing to focus on the real problem.

Since 1970 we have passed six major reforms of the campaign and lobbying laws. Each one was well-intentioned and each one was touted as the answer to the problem.

But each one also failed to stem the tide of mistrust that threatens to drown our representative democracy. That does not mean they were all bad bills. But it does mean that they did not address the real problem.

I am afraid this latest reform will have the same miserable result.

It is fine to cut back the gifts and the junkets and the favors that many of us have received from lobbyists and special interests. It at least serves the purpose of taking an issue away from those who use it to tear down the Congress and its Members. And if that is all we do, I will support it as a useful piece of window dressing.

Mr. President, I voted against cloture yesterday when this bill went beyond the gift ban. I am troubled by the regulation of lobbyists that is in the bill. I want to take this opportunity to talk about why I oppose that section of the bill.

Mr. President, as much as we decry lobbyists and special interests and their supposed influence in Washington, it is apparent that in today's America the people make their voice heard through the groups that they join. It is their way to petition the Government in a day when each Congressman represents hundreds of thousands of people and most Senators represent millions of people.

Sending Representatives to Washington, paid or otherwise, is not a sin—it is a good thing. And it is not a trivial matter. It is fundamental to our form of government. And I am not convinced that we can or should insert into that process a Government official who is going to regulate the way we hear from our constituents. Especially when we are doing it in response to a bunch of demagoguery about special interests.

Furthermore, Mr. President, this bill will do a disservice to the country if it allows us to ignore the deeper problems that infect our legislative process.

The problem is not really the money, perks, or favors that come from the special interest groups. The problem is not really the proliferation of interest groups in Washington, DC. The problem is the seeming inability of Members of Congress to distinguish between the interests of a few and the interests of the country as a whole.

My first real experience with this was all the way back in 1981. That year I was looking forward to running for reelection for the first time. Prior to the election campaign I had cosponsored a modest proposal that would introduce some means-testing in Social Security. It was not a radical measure and it did not affect any but the wealthiest Social Security recipients. At the time I thought it was a good idea and I thought it deserved debate in the U.S. Senate.

Mr. President, the opening salvo of the campaign against me in came in September 1981, more than a year before election day in 1982. It was a letter sent to every senior citizen in the State of Minnesota. In an envelope that was made to look like a Social Security check, the letter accused me of trying to kill Social Security. It incited needless anger and fear among seniors which was totally unjustified by the modest proposal I had supported. It spawned an organization called S.O.S.—Save our Social Security—dedicated to the proposition that I should be thrown out of the Senate.

By the way, that letter was designed and produced, and a half million copies mailed, by a mega-millionaire who ran a self-financed campaign against me thanks to the Buckley versus Valeo interpretation of the first amendment.

That was my first experience. Since then groups that represent every narrow little interest that can be described have sprouted in Minnesota and Washington. Some of them give gifts and some of them give campaign contributions, to be sure. But the most influential and effective ones are much more sophisticated than that.

Today the really effective special interests use the mail, the FAX, Internet, and the telephone to generate what appear to be groundswells in the grass roots. They promise favorable mention to their members or threaten to heap abuse on those who do not toe the line. I think most of my colleagues would agree with me that the power of the N.R.A. does not come from gifts or campaign contributions. It comes from their large membership and their impressive mailing list.

When we were debating motor-voter, my administrative assistant was talking to the representative of one of the interest groups that promoted that legislation. When he mentioned my reservations about it the response was immediate. The spokesperson said that they would start the "telephone tree." In other words, they would generate hundreds of calls to my office to convince me not of the rightness of their cause, but of their ability to simulate grass roots support.

Mr. President, this is worse than sticking a wet finger in the wind before every vote. Because of the sophistication and proliferation of interest groups, the wind is unreliable. We are all blown by the winds, first one way and then the other. The result should surprise no one. It is gridlock.

We were not paralyzed in the health care debate by the money of the interest groups. We were paralyzed by the noise of the interest groups. I hesitate to start naming them because I will leave someone out.

We all know that the AARP told us what they would settle for, the chiropractors told us, the children's advocates, the small businesses, the large businesses, the insurance companies, the health plans, the nurses, the doctors, the optometrists, the liberals, the conservatives, the drug companies, the cities, the counties, the farmers, the miners, big labor, small labor, and I have not even scratched the surface.

They all generated telephone campaigns and letter campaigns. They put tear-out postcards in their magazines, circulated petitions, jammed our fax machines, and otherwise generated public outcry. Of course, each of these groups was only opposed to one small part of the overall effort, or there was only one small part that they had to have. The problem is that what one demanded, the others were strongly opposed to, and vice versa.

As Robert Samuelson said in Newsweek this week, health care reform "self-destructed" in the effort to give all things to all people.

Mr. President, while we are tinkering with all these rules to improve the appearance of what we do, we are leaving the fundamental problem unchanged.

The explanation for this is apparent. Washington—and Congress in particular—has become overly fond of simple solutions to problems. But there is no simple solution to this problem. There is a whole host of interest groups with fax machines, copy machines, and telephones who can create a demand for this bill. Whatever their reasons for promoting this nonsolution, it is apparent that there is no simple solution.

We cannot restrict or regulate the right to petition the Government, though some would argue that this bill does just that.

We cannot tax the right to petition the Government, though the campaign finance reform compromise came close.

We cannot tell people not to write or call.

We cannot insulate ourselves from the cacophony of American public opinion, no matter how poorly expressed.

Jonathan Rauch thinks that the answer is to do away with subsidies and Government regulation. He argues that if there is nothing to gain, nothing to lose, and nothing to protect, the interest groups will go away.

Some suggest that term limits are the answer. If we were not all looking to protect our jobs in this body we would be free to ignore the noise of special interests and concentrate on the public interest.

Some would hark back to a day when Members of Congress were able to rise above special interests and stand for principles, come what may.

I don't know if such a day ever existed. Mark Twain once commented that there was no professional criminal class in the United States excepting Congress. I am not sure there is a better day to look back on.

Senators BOREN and DOMENICI have looked into a series of reforms of the Senate that address some of these concerns. Neither I—nor Senator BOREN—will be around to implement any of them, but I recommend them to my colleagues.

Mr. President, the bill we are voting on today is not even a Band-Aid on the problem that this institution faces. It looks good, and it will take some of the ammunition out of the hands of demagogs who denounce the institution. But let's not kid ourselves or the American people, it solves nothing.

It will not end the crisis of legitimacy that this body and this Government now face. That is a more difficult problem. Credibility and legitimacy, once lost, are reacquired with great difficulty and years of work.

In my view that long, difficult job requires a commitment on the part of Senators to lead—as well as represent—their constituents.

It requires self-control on the part of those who see an opportunity to gain politically from tearing the institution down—especially those who would imply that Congress is for sale to special interests.

It requires a commitment on the part of partisans on both sides of the aisle, as well as at 1600 Pennsylvania Avenue, to put partisan interests aside after the election and work in good faith.

It requires that we not over-promise, that we not pretend to have answers to all the questions, that we acknowledge our limitations and the limitations of a Government already $5 trillion in debt.

It requires an ability to say no, even to good causes and friendly interest groups, when we think that their interest is not in the public interest.

And then it requires us to withstand the rhetoric of demagogs and their journalistic allies who will find fault in your FEC report, your speaking schedule, and your Christmas card list.

By my votes on this bill, I will simply produce more evidence for my case. I can predict that what I have said in this statement will be virtually ignored by the special interests. Common Cause or Citizen's Action or the Committee for Public Integrity will let their members know that I voted against their special interest. Their morally superior spokespersons will denounce me as a crook or as failing to live up to their standard for integrity. If I were running for re-election they would alert all their members that I had deviated from their version of the public interest.

I have already had a preview of what some of the press will say. Last week I spoke to the American League of Lobbyists. I suppose that some special interests see this group as the root of all evil in Washington. The League is a professional association whose members represent Planned Parenthood who were sent by some of my constituents to help me understand title X; the Corn Growers Association who were sent by some of my constituents to help me understand ethanol; the V.F.W. who were sent by some of my constituents to help me understand veterans health issues and military issues; And hundreds of others who bring messages to Washington from groups of Minnesotans.

I did not always vote their way. My view of the public interest was not always in accord with their special interest. But we have worked together for 16 years. They have each helped me understand the point of view of those Minnesotans who employ them in Washington. While I was invited there to talk to them about health reform I chose also to thank them for their representation of the special interests of my constituents. And I was sincere in my thanks.

Of course the next day a newspaper in Minnesota carried an article entitled "Durenberger Thanks Lobbyists." The reporter, in lock step with the Congress bashers, did not bother to find out what these people had done for my constituents over the years. She did not bother to ask me why I thanked them. Instead she wrote that the lobbyists have spent millions on me over the years. She implied that I was thanking them for their money, not for their representation of Minnesotans. She implied that I was thanking them like a store clerk thanks someone who just bought something over the counter.

Her story was sheer demagoguery. Her story was an unprincipled attack on me and on Congress. She wrote, and the Mankato Free Press published:

> In addressing the group, the senator highlighted "the positive contribution of people in your profession," saying that research and information provided on legislative issues is a valuable resource.
>
> "People at home can't be here day in and day out," Durenberger said of the groups that employ Washington lobbyists, "so they hire you to represent them."
>
> Durenberger is no stranger to special interest groups, which have spent millions on the senator over the years.

She missed the real story, because she was so intent on writing the half-truth/half-lie that she has probably come to believe.

Mr. President it is not my intention or my place to preach to my colleagues. I have never been associated in a common endeavor with a finer group of men and women and I am proud to have served with each of them.

But if I can impart some of the wisdom gained in 16 years of experience, I recommend to my colleagues that they not let this bill divert them from the important business of restoring the credibility and legitimacy of this body.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany S. 349, the Lobbying Disclosure Act:

Carl Levin, Daniel K. Akaka, D. Inouye, Byron L. Dorgan, Harry Reid, J. Lieberman, Patty Murray, Dianne Feinstein, Frank R. Lautenberg, Russel D. Feingold, Tom Harkin, Paul Simon, Paul Wellstone, Howard Metzenbaum, Claiborne Pell, Chris Dodd, and Herb Kohl.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on the conference report accompanying S. 349, the Lobbying Disclosure Act, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—56

Akaka
Baucus
Boren
Boxer
Breaux
Brown
Bryan
Bumpers
Chafee
Coats
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NAYS—41

Bennett
Bingaman
Bond
Burns
Byrd
Campbell
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin

Helms
Hollings
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
Mathews
McConnell
Murkowski
Nickles
Packwood
Pressler
Shelby
Simpson
Smith
Thurmond
Wallop
Warner

NOT VOTING—3

Biden
Bradley
Stevens

The PRESIDING OFFICER (Mr. FEINGOLD). On this vote the yeas are 56, the nays are 41. Two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

CALIFORNIA DESERT PROTECTION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report accompanying S. 21, the California Desert Protection Act.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I move to proceed to the conference report accompanying S. 21, the California Desert Protection Act.

Mr. WALLOP. I ask that the report be read, Mr. President.

The PRESIDING OFFICER. The clerk will read the conference report.

The legislative clerk proceeded to read the conference report.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the conference report be dispensed with.

Mr. WALLOP. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to read the conference report.

The legislative clerk continued with the reading of the conference report.

Mrs. FEINSTEIN. Mr. President, I move to suspend the reading.

Mr. SIMPSON. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue reading the conference report.

The legislative clerk continued with the reading of the conference report.

Mr. PRYOR. Mr. President, I ask unanimous consent that the reading of the conference report be dispensed with.

Mr. WALLOP. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read the report.

The bill clerk continued with the reading of the conference report.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I have been asked to object and I do object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. PRYOR. Mr. President, I ask unanimous consent that the reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, we object. I have to object on this side.

Mr. PRYOR. I thank the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will continue to read the conference report.

The legislative clerk continued with the reading of the conference report.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from California.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that further reading of the conference report be suspended.

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 4, 1994.)

The PRESIDING OFFICER. The question now occurs on the motion to proceed to the conference report.

Is there further debate?

The Senator from Arizona is recognized.

Mr. McCAIN. Thank you, Madam President.

I rise in opposition to the legislation. I hope we can get our differences resolved.

The PRESIDING OFFICER. The motion to proceed is not debatable.

The question is on agreeing to the motion to proceed.

The motion to proceed was agreed to.

CALIFORNIA DESERT PROTECTION ACT OF 1994—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Conference report to accompany S. 21.

The Senate proceeded to consider the conference report.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I ask unanimous consent to be recognized for 20 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Thank you, Madam President.

THE NUCLEAR AMBITIONS OF NORTH KOREA

Mr. McCAIN. Madam President, before the 103d Congress adjourns I want to return to an issue that has troubled me greatly for many months; an issue which surely represents the gravest threat to our national security interests that the United States has encountered in the post cold war world. While it may appear to some that this threat currently emanates from a small nation in the Caribbean, I have another larger problem on my mind: the nuclear ambitions of North Korea.

For a moment last Spring, North Korea's repeated and gross violations of the Nuclear Nonproliferation Treaty appeared to have brought a reluctant Clinton administration to the belated recognition that its concession-heavy diplomacy had failed to dissuade Pyongyang from the further pursuit of nuclear weapons. That moment, however, was brief.

Following former President Carter's discussions with Kim Il Song in June, and his public expressions of admiration for the previously under-appreciated personal charm of the late dictator, the administration abandoned its efforts in the United Nations Security Council to impose economic sanctions against North Korea. The administration had gone to the Security Council after North Korea rejected United States warnings that the further discharge of fuel rods from its Yongbyon reactor would constitute an unpardonable breach of its obligations under the NPT. But President Carter's subsequent proclamation of a breakthrough agreement, in which Kim Il Song agreed to freeze his nuclear program, refrain from further violating the NPT by expelling IAEA inspectors, and hold a summit meeting with South Korean President Kim Young Sam convinced the administration to reverse field yet again, cease its pursuit of sanctions and resume high level negotiations with North Korea.

While this breakthrough with North Korea was being celebrated in the media and in the offices of very relieved administration officials, I made the following observation on the Senate floor:

"What North Korea has done is withdraw a threatened stick regarding the expulsion of their inspectors and offered to refrain the expulsion of their inspectors and offered to refrain from utilizing a capacity that it presently does not have. For this, they received a celebration in the White House press office, and President Clinton's enthusiastic embrace of President Carter's diplomacy. While the talks drag on, the North Koreans will be granted sufficient time to reach a point when they can convert the fuel into weapons grade plutonium. During this time, they will not be constrained by economic sanctions or the build-up of U.S. military forces on the Korean peninsula. The most critical reinforcements necessary to diminish North Korea's ability to destroy Seoul with artillery fire will now be held in abeyance while the

> U.S. finds itself trapped in negotiations with the North, leaving Seoul a hostage to Pyongyang's future belligerence.
>
> I say we will be trapped because the Carter initiative is now the Clinton initiative. . . . This political reality, I suspect, will cause President Clinton to become a coconspirator with Kim Il Sung in dragging the talks out even if it becomes apparent that North Korea is only stalling until it can develop four to six additional weapons.

Madam President, it is edifying to recall what were the dimensions of the North Korean problem on the eve of former President Carter's visit. The North Koreans had discharged remaining fuel rods from their Yongbyon reactor without international supervision. This clear violation of the NPT seriously undermined the IAEA's ability to determine the amount of nuclear fuel diverted for weapons production in 1989. Although permissible under the terms of the NPT, special inspections of undisclosed nuclear sites in Korea, especially two nuclear waste sites, which offer the only other means of partially determining their past diversion of fuel, were denied by the North Koreans.

The discharged fuel rods were stored in a cooling pond because they were at that time too radioactive to be used for any other purpose. When they were sufficiently cooled near the end of summer, the fuel they contained could be converted into weapons grade plutonium in a nearby reprocessing plant and diverted for use in manufacturing four to six additional nuclear weapons.

Three miles west of their 5 megawatt reactor at Yongbyon, the North Koreans were constructing a new 50 megawatt reactor, intended to be operational in 1995. A 200 megawatt reactor was under construction at Sinpo, scheduled to come on line in 1996. A new reprocessing plant would also be operational next year.

North Korea had test launched a new ballistic missile, the NoDong 1, capable of carrying nuclear, biological and chemical warheads in 1993. The NoDong 2, with a range of 2000 kilometers, was in development. United States intelligence, as well as allied intelligence agencies, believed that North Korea intended to export these missiles to Iran, Syria and possibly, Libya. From Pyongyang, the NoDong 1 could strike Osaka; the NoDong 2, Tokyo. From Teheran, the former could reach Tel Aviv; the latter, Europe.

On the diplomatic front, North Korea had achieved an objective which it had pursued for 40 years—high level negotiations with the United States from which South Korea was, in effect, excluded.

After President Carter's intervention, the Clinton administration decided to include in its negotiations with North Korea, which began in August, offers to arrange for the supply of new light water reactors to replace North Korea's graphite reactors. Although the Yongbyon reactor is not, nor was it ever, connected to electrical power grids in North Korea, the administration accepted the North Koreans' argument that they could not shut down their plutonium producing graphite reactors unless they were supplied with alternative energy sources.

Additionally, the United States was prepared to offer North Korea substantial economic assistance as well as diplomatic relations. No sticks were to accompany the basket of carrots the administration's lead negotiator, Assistant Secretary Robert Gallucci, would carry to Geneva.

After the new negotiations were scheduled, I urged administration officials, publicly and privately, to compliment their offer of generous rewards for North Korea's compliance with the NPT with some indication of the seriousness with which we would respond to any further bad faith on their part. Specifically, I suggested that we open the negotiations by informing the North Koreans that while we welcome Kim Il Song's commitment to former President Carter, their past record of reneging on international commitments obliges us to take the purely precautionary action of denying Pyongyang the capital of South Korea as a hostage. Accordingly, we have deployed additional counter battery artillery—as requested by the American commander in Korea, General Luck—to our defenses north of Seoul. This development will be sufficient to greatly diminish North Korea's present ability to destroy Seoul in the event that their further violations of the NPT result in armed confrontation with the United States and South Korea.

Without evidence of our determination to resolve this crisis on our terms, I greatly feared that the North Koreans would not negotiate in good faith; make and break promises as frequently as they had in the past; and drag out the negotiations with the intention of delaying a favorable resolution of the crisis until such time as it became virtually impossible to resolve. While administration officials politely listened to my suggestions, they ultimately decided to dismiss them.

Despite the death of Kim Il Song, and the resulting uncertainties about the succession of Kim Jong Il, the North Koreans appeared in Geneva to be seriously considering the late leader's intimation that they would exchange their current nuclear program for light water reactors and economic assistance. On August 12, the United States and North Korea issued a joint statement that was interpreted by some as evidence that the Carter initiative had born fruit.

In the August 12 joint statement, North Korea agreed not to reprocess the discharged fuel rods; seal its reprocessing plant and allow the IAEA to monitor it; and freeze construction of its 50 megawatt and 200 megawatt reactors. Additionally, North Korea promised to remain a party to the NPT, which prohibits the transfer of nuclear weapons to non-nuclear states.

On the United States part, the administration promised to find funding and suppliers of our choosing for the light water reactors, to open diplomatic liaison offices in Pyongyang and Washington, and to provide various forms of economic assistance to North Korea.

One discordant note in the administration's upbeat assessment of the negotiations' progress was the disclosure that Pyongyang still refused to permit special inspections of the nuclear waste sites. But Assistant Secretary Gallucci made it abundantly clear that no deal would be finally concluded without an accounting for the 1989 diversion. At the press conference to announce the joint statement, he said:

> I wish to leave no uncertainty on the point that there will be no overall settlement, there will be no ultimate settlement, there will be no provision of light water reactors, until the question of special inspections is settled, until the question of the past, as it is sometimes known, is settled.

Not dismayed by this remaining obstacle to a settlement, the administration pressed ahead with negotiations over economic and diplomatic carrots, even agreeing to discuss in Pyongyang the details of opening diplomatic liaison offices. Formal negotiations on the nuclear question resumed in September.

During this latest round of negotiations, to which Mr. Gallucci returned yesterday, North Korea's irritating habit of breaking its word manifested itself yet again. North Korean negotiators began making demands that Mr. Gallucci characterized as bizarre, including their insistence that Pyongyang select the countries which would provide them with the light water reactors and also outrageous demands for economic compensation that amounted to a $7 billion bribe. North Korea now insists that the construction and operation of the two new reactors should continue until the light water reactors are operational—some 8 to 10 years from now. Indeed, construction of the reactors, which our negotiators intimated was to be suspended last August, has continued to this day.

Last week, in the middle of these bizarre negotiations, what I believe was an unprecedented event occurred: The North Korean military issued a press release which stated emphatically that they would never allow special inspections of suspected nuclear sites—thereby rejecting Mr. Gallucci's apparent ultimatum that there would be no deal without access to the nuclear waste sites. Due to North Korea's intransigence, the negotiations were, in effect, suspended last week, and Mr. Gallucci returned to Washington for new instructions from his superiors.

Mr. Gallucci returned to Geneva yesterday and negotiations resumed earlier today. According to the Washington Post, the administration instructed Mr. Gallucci to remain firm in his negotiating position. Reportedly, the administration believes North Korea's recent hard line is only a temporary negotiating tactic which they will abandon if United States negotiators refuse to yield. Perhaps.

However, I cannot shake the suspicion that the administration's commitment to "staying the course" might be less steadfast than advertised. For over a year, North Korea's many broken promises have been mirrored by the administration's many abandoned negotiating principles. And I fear past trends are reasserting themselves in this instance. Adding to my concern, is the administration's apparent lack of any strategy to coerce the North Koreans' cooperation should they persist in making a mockery of these negotiations.

In the same Washington Post article, an anonymous administration official admitted that the administration's return to the bargaining table was intended to "avoid having this thing come to head" while the United States was busy running Haiti and the administration was busy trying to salvage the coming congressional elections. The source went on to observe that "Nobody is enthusiastic about Plan B," in other words, a return to the Security Council for sanctions.

What that sounds like to me, is that we may soon see previously nonnegotiable United States demands tossed out the window in Geneva, irrespective of the administration's publicly expressed determination to stand firm. Or we may see the administration acquiesce in prolonging these negotiations long past the point when they could have led to any acceptable resolution of this crisis. I assume they would participate in this increasingly obvious charade in the expectation that the dire economic circumstances in North Korea will force the regime's collapse before the United States has to face the very grave consequences of North Korea's arrival as a nuclear power.

However, there is a problem looming in the very near term which I believe will soon squarely confront the United States with the folly of its carrots-only approach to North Korea and prevent the administration from kicking this can much further down the road.

Let us take a look at the dimensions of the problem now that nearly four months have passed since President Carter declared that his visit with Kim Il Song had defused the crisis. The crisis has not improved. Indeed, for the most part, it has worsened.

The discharged fuel rods remain in their cooling pond still available for reprocessing. North Korea still denies IAEA inspectors access to suspected nuclear sites. Construction of the two new, much larger reactors and a new reprocessing facility continues. Ballistic missile development is further advanced. Our allies, the South Koreans, are still excluded from the negotiations. No one has even seen Kim Jong Il, much less observed him speaking to Kim Young Sam.

The military balance of power on the Korean peninsula has not changed significantly. North Korea's artillery advantage along the DMZ remains daunting. The Clinton administration fears that the deployment of desperately needed counter artillery batteries to South Korea would threaten the future of negotiations or even provoke the North Korean military to attack, thereby acquiescing in leaving Seoul a hostage to the North's future belligerence.

To the extent that I have just described the situation, it looks strikingly similar to the situation before the Carter visit. There are significant differences.

First, Kim Il Song died. Since his tearful appearance at his father's funeral, the Dear Leader has kept a rather low profile in public. Indeed, he has been virtually invisible. Earlier this week, Kim Jong Il's ascendancy to the status of Great Leader was proclaimed by his foreign minister at the United Nations. But his curious lack of public visibility; incidents like the unprecedented public intervention of the North Korean military in the negotiations in Geneva; and the occasional incoherence of the North Korean negotiating position indicates that either Kim has not consolidated power, or, if he has, he does not intend to seriously negotiate. In either case, the picture for a diplomatic resolution of the crisis while the Dear Leader purports to be the Great Leader is not bright.

The second change in the crisis concerns the status of the 8000 or more fuel rods. While they remain in the cooling pond, they long ago reached a point where they could be safely reprocessed. North Korea has refused every suggestion for ensuring that these rods not be reprocessed in a way that would easily permit the plutonium they hold to be diverted to weapons production. Dry storage—encasing the rods in steel and concrete where they could be easily monitored—was rejected. Transfering the rods to another country was rejected.

Now, Madam President, the rods' magnesium cladding is believed to have seriously corroded. The import of this development is that at any moment Pyongyang could credibly make the argument that the corrosion of the cladding is about to cause an ecological disaster of such immense proportions that the rods must be reprocessed immediately. Given the possibility that the rods could actually be very dangerous at that point, dry storage would no longer be an option. Nor would any other country likely welcome the arrival of an imminent ecological disaster.

Given the prevailing winds on the Korean peninsula, public alarm over the North Korean warning will be greatest in Seoul and Tokyo, thereby obliging our allies most directly affected by North Korea's nuclear ambitions to accept the warning as fact, and acquiesce to North Korea's insistence that it must reprocess. It is unlikely that the United States will have much of a say in the matter.

No doubt, North Korea will offer assurances that IAEA inspectors will be allowed to monitor the reprocessing to prevent the diversion of plutonium to other uses. But the unfortunate reality is that plutonium is often lost in reprocessing and cannot be accounted for. Plutonium is lost when reprocessed in the United States. If the North Koreans have a secret diversion line in their reprocessing plant—and I am certain they do—we will never detect it. If the Koreans claim that fuel which was diverted to weapons production was merely lost in reprocessing—we will never be able to prove the contrary. In short, we may have already lost our primary objective of preventing the North Koreans from obtaining the material to build four to six additional nuclear weapons.

Coupled with my suspicion that the administration may relent in its insistence that Pyongyang account for its 1989 diversion, this new concern leads me to believe that North Korea is on the verge of becoming a nuclear power. They will have enough plutonium to blackmail South Korea and Japan, and enough to export to Iran, Syria, and Libya. Such a development could undermine our most vital interests in Asia and beyond for a generation.

Let us not be mistaken about the cause of this calamity should it come to pass. The fault will lie with the Carter initiative and with the administration that allowed that initiative to deter it from dealing with this problem forcefully from a position of strength. By allowing ourselves to be drawn into extended and ultimately fruitless negotiations with North Korea, we let the clock run out, and allowed the crisis to become so acute that it lacks a remedy short of military action.

Of course, we have also avoided taking the necessary military precautions that would make a military option a less dangerous proposition than it is; no doubt ensuring that the administration will decline to take this step as well. And while we are still waiting for the bankrupt economy of North Korea to destroy the regime, North Korea will have changed the balance of power in Europe and the Middle East. That it will have changed for the worse is obvious. How bad it becomes will be determined by whether these new nuclear powers use their weapons only to intimidate their neighbors or actually use them on their neighbors.

Madam President, I know that this very bleak scenario is not yet apparent. But I believe it is at least a 50-50 proposition that it will come to pass. I hope that I am as wrong about this as I have ever been wrong about anything. But in the event I am not wrong, I would suggest to the administration the following course of action.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. MCCAIN. Madam President, I ask unanimous consent for 4 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WALLOP. Madam President, parliamentary inquiry. It is my understanding that we are in general debate and there is no time allocation.

The PRESIDING OFFICER. The Senator from Arizona had requested 20 minutes in morning business.

Mr. MCCAIN. Thank you, Madam President.

Mr. Gallucci should address his North Korean counterpart at their next meeting and inform him that because Pyongyang is evidently not serious about a negotiated resolution to this crisis, these discussions have come to an end. There will be no diplomatic relations, no economic aid, no light-water reactors, and no further discussions until North Korea offers concrete evidence of its good faith—say, an immediate invitation to IAEA inspectors to visit two nuclear waste sites in North Korea, and an urgent request that another country relieve them of the burden of their discharged fuel rods.

In the meantime, the United States will seek in the Security Council a sanctions regime far more seriously than we sought it the last time. Simultaneously, we will seek an immediate interim agreement with Japan to curtail remittances to North Koreans from their relatives in Japan. Finally, Mr. Gallucci should inform the North Koreans that after consulting with President Kim Young Sam, President Clinton signed an order authorizing the dispatch of multiple rocket launch systems and various other artillery to South Korea. They will be in place within a few days.

Mr. Gallucci should then collect his papers, close his briefcase and return to the United States.

Short of persuading North Korea that they have reached the limit of our willingness to be played for fools, I am not sure there is anything else we can do to avert disaster. It is not a risk-free approach. I am not certain it will be successful. Whether we still possess sufficient influence and creditability to enlist other countries in this cause is uncertain. But since we have exhausted our supply of carrots without success, can't we at least make one attempt at pressuring the North Koreans to operate? Wasn't one of the rationales for occupying Haiti the restoration of credibility to the American threat of force?

Should this attempt to coerce North Korea into some semblance of responsible conduct prove unsuccessful we will at least have not made the situation any worse than it is already likely to become. Only the further reckless pursuit of accommodation with a regime that scorns our reasonableness and reviles our purpose could do that. Of that point, I am certain.

Mr. President, I yield the floor.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALIFORNIA DESERT PROTECTION ACT—CLOTURE MOTION

Mr. MITCHELL. Mr. President, the Senate is now debating the conference report on the California Desert Protection Act. I have been advised that it will be necessary to file a cloture motion to bring that debate to an end. And, accordingly, I now send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany S. 21, the California Desert Protection Act:

Barbara Boxer, Byron L. Dorgan, Paul Wellstone, Pat Leahy, George Mitchell, Paul Simon, Patty Murray, Tom Harkin, Richard Bryan, Barbara Mikulski, Jeff Bingaman, Don Riegle, Harris Wofford, John F. Kerry, Claiborne Pell, Joseph Lieberman, Carl Levin, Dianne Feinstein.

Mr. MITCHELL. Mr. President, I will return to this matter in just a moment, as I discussed the matter with the distinguished Senator from Wyoming, and we will have a colloquy on that in a moment.

In the meantime, however, I have also been advised by the Republican leader that it will be necessary to file cloture motions to bring to an end the debate on three nominations which are pending on the Executive Calendar. They all involve Air Force officers.

First is Calendar No. 1280, the nomination of Lt. Gen. Buster C. Glosson; Calendar No. 1281, the nomination of Col. Claude M. Bolton, Jr.; and Calendar No. 1282, the nomination of Lt. Gen. Edward P. Barry, Jr.

I note the presence on the floor of the distinguished Senator from Iowa, and I am advised that it will be necessary to file cloture motions to bring the debate on these nominations to an end, and I am prepared now to proceed to each of those nominations in order and file the cloture motions. Then I will be pleased to proceed to a colloquy with the Senator from Iowa immediately following my colloquy with the Senator from Wyoming, if that is agreeable to the Senator from Iowa.

Mr. GRASSLEY. Yes.

EXECUTIVE SESSION

AIR FORCE

Mr. MITCHELL. Mr. President, I move that the Senate proceed to executive session to consider the nomination of Lt. Gen. Buster Glosson, Executive Calendar No. 1280.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Lt. Gen. Buster C. Glosson, for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Lt. General Buster C. Glosson, USAF, for appointment to the grade of lieutenant general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

Trent Lott, Thad Cochran, Malcolm Wallop, Bob Smith, Kay Bailey Hutchison, Lauch Faircloth, Orrin G. Hatch, Sam Nunn, Dan Coats, Strom Thurmond, John McCain, Hank Brown, Jesse Helms, Larry Craig, Paul Coverdell, Al D'Amato.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I move that the Senate proceed to executive session to consider the nomination of Col. Claude Bolton.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Col. Claude M. Bolton, Jr., regular Air Force, to be retired at brigadier general.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with provisions of rule XXII of the Standing Rules of the Senate hereby move to bring to a close the debate on Executive Calendar 1281, Col. Claude M. Bolton, Jr., to be Brigadier General:

Harry Reid, John Glenn, Sam Nunn, D. Inouye, Tom Harkin, Daniel K. Akaka, Richard Shelby, Carl Levin, Howard Metzenbaum, Paul Wellstone, Byron L. Dorgan, Paul Simon, Richard Bryan, Strom Thurmond, Trent Lott, Bob Smith, Dirk Kempthorne.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I move that the Senate return to legislative session.

The motion was agreed to.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I move that the Senate proceed to executive session to consider the nomination of Lt. Gen. Edward P. Barry, Jr.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Lt. Gen. Edward P. Barry, Jr., United States Air Force, to be retired lieutenant general.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators in accordance with provisions of rule XXII of the Standing Rules of the Senate hereby move to bring to a close the debate on Executive Calendar 1282, Lt. Gen. Edward P. Barry to be Lieutenant General.

Harry Reid, John Glenn, Sam Nunn, D. Inouye, Tom Harkin, Daniel K. Akaka, Richard Shelby, Carl Levin, Howard Metzenbaum, Paul Wellstone, Byron L. Dorgan, Paul Simon, Richard Bryan, Strom Thurmond, Trent Lott, Bob Smith, Dirk Kempthorne.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to.

Mr. MITCHELL. Mr. President and Members of the Senate, we are attempting to bring this session of the Senate to a conclusion but for the matter of the GATT implementing legislation, which we will take up on November 30 and December 1. There are a number of nominations remaining on the Executive Calendar on which we hope to complete action, and there are a number of other matters on which we hope to complete action by unanimous consent.

The four matters which remain at this time known to me to be in dispute are those on which we have just filed cloture motions. The first deals with the California Desert Protection Act, and the other three deal with Air Force nominations. I am advised that the Senator from Wyoming opposes the California Desert Protection Act and notified us of the necessity to file cloture on that.

I note the presence of the Senator in the Chamber. We have discussed this privately prior to this time. Under the Senate's rules, the vote on the cloture motion would ripen on the second day of session following the day on which the motion is filed.

It has been my hope that the Senate could complete this session today, and I inquire of the Senator from Wyoming whether he would be willing to permit a vote on that cloture motion, assuming all other Senators agreed, since it would take unanimous consent today so that we would not have to keep the Senate in session over that period.

I have indicated to the Senator it is my intention that the Senate will remain in session for so long as is necessary to deal with the subject, and we have discussed it as I noted previously privately. I wanted to take this opportunity to make my inquiry of the Senator.

Mr. WALLOP. I would say to the majority leader that this is clearly not the way I had anticipated closing my, nor his, Senate career. I cannot deliver to the Senator an answer on that question at this time and do not consider it out of the question, but it is clearly not part of my current plans. Should it be, I would be only too delighted to notify the majority leader of that.

Mr. MITCHELL. I thank my colleague.

Mr. President, I earlier noted the presence in the Chamber of the distinguished Senator from Iowa, who we were advised would require the filing of cloture motions on the nominations, and I would like to direct a similar inquiry to the Senator from Iowa.

The rules would apply with equal force to the three cloture motions on the nominations. If the Senator from Wyoming were later willing to agree to permit a vote on the cloture motion on the California Desert Protection Act, I inquire through the Chair of the Senator from Iowa whether he would then be willing to permit cloture votes to occur on the nominations at that time as opposed to waiting for the full time to expire.

Mr. GRASSLEY. I cannot answer the Senator's question, but if I could comment further. I would like to say that just as a matter of record, I had been prepared to debate the Bolton nomination since last year. I have been prepared to debate the Barry nomination since very early this year. And I have been prepared to debate the Glosson promotion since April. So I very much regret that these are being brought up at such a late moment.

But to speak directly to what the floor leader, the majority leader, has asked me, I have a lot of material I wish to discuss on this. I would not pretend—it would be dishonest for me to say to the Senator that I know it is going to take all the time between now and 12:01 on Sunday morning to do it, and I would be happy to have a dialog with the Senator at a future time if it could be done sooner. But I would only want to do that after the things I have been waiting to say for well over a year on some of these nominations are stated.

Mr. MITCHELL. I thank my colleague. As he knows, I do not know the details of these nominations, nor of the reasons for the Senator's objections, but I will be pleased to do all I can to ensure that the Senator has full opportunity to say whatever he wants about these or any other matters.

Mr. GRASSLEY. Will the Senator yield for just a second——

Mr. MITCHELL. Sure.

Mr. GRASSLEY. On the point that the Senator made about which he did not know the details?

I do not expect the Senator to listen to my extensive remarks, but just for a short version of it. If I could just say that in the case of Colonel Bolton, it deals with his being a program manager and involves the mismanagement of the advanced cruise missile program. In the case of General Barry, it deals with his being involved with the mismanagement of the C-17. In the case of General Glosson, it involves his influencing the promotion process within the Department of Defense.

In each of these instances, in each of these instances, these people have been disciplined one way or another, are moved from one position to another or been reprimanded one way or another well in advance of their names coming to the Senate.

And so the point that I would make to the Senator from Maine, our distinguished leader, is that should these people be promoted and have the ratification of their mismanagement or their wrongdoing, have the stamp of approval of the Senate on those nominations, I presume, knowing how the political process works here, they will get that stamp of approval. But I wish to make sure that my colleagues in this body know fully what is at stake and my understanding is that some people in this body, some of my colleagues, disagree with me.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I thank the Senator for his comments. I listened to them carefully. And, of course, they are very serious allegations, and I will inform myself, and I believe and hope all Senators will therefore fully inform themselves, on these matters before the votes are cast and will also listen carefully and with attention to the remarks of the Senator from Iowa as he addresses these subjects more fully prior to the time the Senate votes.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. BYRD. Mr. President, I hope our friends will relent just a little bit because the way I hear this being played out, it means that the Senate will be in session on Sunday. It is my present inclination to vote against at least one of the nominations the Senator is talking about. But longer discussions concerning the nominations may not convince me any more than I might be convinced in 15 minutes or a half-hour.

I hope Senators will not prolong this situation so that we would have to be in on Sunday. There are some of us here who believe in trying to keep the Sabbath Day a little bit holy at least. We have other religious holidays around here. I have no objection to that. But there are some of us who feel Sundays ought to be a religious holiday. I hope our friends are not going to push us into Sunday and hold out that long. In my judgment, that is no way to pick up votes.

I just plead with my friends on the other side. Why hold out until 12:01 on Sunday morning? I am inclined to vote against cloture on some of these items, but not if we are going to do this. I can cast my vote right now on cloture. I can cast my vote right now on the nominations.

I hope Senators will not push us into Sunday, for Heaven's sake. And I am a leader who has had the Senate in on Sunday. But in those days I did not give the Senate entire days off for religious holidays. Lately, we have put the Senate out of session for religious holidays for other faiths. So why not those of us who would like to have Sunday as our Sabbath? Why not let us have that day off?

I hope our friends will not push the Senate like this. Let us have votes on cloture, and then vote up or down on nominations or on the California desert bill, or whatever.

Please consider what I am saying. In the long run, I do not think you will gain anything for your cause by pushing us into the Sabbath. The Senate looks bad enough as it is, without being in session on the Sabbath. We ought to get out and go to church on Sunday.

I thank the leader.

Mr. EXON. Mr. President, will the leader yield for a question?

Mr. MITCHELL. Yes, sir.

Mr. EXON. Mr. President, on another subject, while we are interrupting the business of the Senate, I would certainly advise the Senate and the majority leader that there are several measures that are going to have to be addressed early on today rather than midnight tonight that I think have the support and have been cleared on both sides of the aisle. The presumption is that the House of Representatives, as they have done before, are likely to adjourn sometime this afternoon or this evening and go home. I hope that there are a few matters that have been cleared on both sides so we could interrupt the proceedings at an early hour this afternoon to send those back to see if they could be acted upon. If not, they are going to die here by inaction. I just bring that to the attention of the leader. He may know about it. But I think he—and certainly the staff—knows there are some measures that I think, although there may not be total agreement, we have to move on.

Mr. MITCHELL. Mr. President, if I might respond, we are aware of it, and indeed a short time ago we requested that we be able to proceed with those. But we have been advised that they are not cleared by our colleagues. And, therefore, we have to wait until we get that clearance, which I hope will be coming soon.

Mr. EXON. Thank you.

Mr. MITCHELL. Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

UNANIMOUS CONSENT TO CHANGE VOTE

Mr. BREAUX. Mr. President, I have a unanimous-consent request that has been cleared by the office of the distinguished Republican leader and the office of the distinguished majority leader; that on vote No. 325, the motion to invoke cloture on the conference report on S. 349, the Lobbying Disclosure Act, that I could be recorded as having voted "no." The change would not affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if I could continue where our distinguished leader left off, and also because of the statements made by the Senator from West Virginia—obviously his opinions are important and carry a lot of weight with me, and I give them due consideration—but I do want to emphasize for every Member of this body that, once again, the nominations have been on the Hill, in the case of Colonel Bolton from last year; in the case of General Barry, late last year or early this year; in the case of General Glosson, late last year or early this year. I have been prepared to discuss the Bolton nomination since last year. I was prepared to discuss the Barry nomination last year. I was prepared to discuss the Glosson nomination earlier this year, in April.

The distinguished majority leader has stated that we will stay in session until we get the California desert bill out of the way and until we get these three nominations out of the way. I guess I feel badly, as a sponsor of legislation with Senator LIEBERMAN and myself, that somehow nominees from the Department of Defense—where there has been a tremendous mismanagement in the program, where people have already been disciplined for that mismanagement—that these nominations would have a higher priority than Congress being covered by the laws we have exempted ourselves from. That is the subject matter of the LIEBERMAN-GRASSLEY Congressional Accountability Act.

The people at the grassroots of America very much understand that we have exempted ourselves from a lot of major pieces of legislation. We are employers here in the Senate. Each individual Senator is an employer of staff with the right to hire and fire. The Senate as an institution has staff. A lot of subdivisions of Congress, like the Library of Congress and the General Accounting Office and other subagencies like that, are under Congress. They have been exempted from some of these laws, with 40,000 employees not having the protection of the law. There are two sets of laws in this country. One set is for Capitol Hill, the enclave here, and the other set of laws is for the rest of the Nation. There is one set of laws for Pennsylvania Avenue and another set of laws for Main Street America.

This is absolutely wrong. It comes up at every town meeting we have. A bill passed the House, 427 to 4, to end that last plantation mentality. It was brought up yesterday by the majority leader. There was an objection under a technicality that the report had not been filed on time. And so, now, it is not coming up.

Yet, we are told that the California desert and General Glosson, General

Barry, and Colonel Bolton—people who have been involved with mismanagement of programs or violations of rules on a promotion—are more important than to have Congress covered by the laws that cover the rest of the Nation, so that we have some appreciation of what the employers, particularly the small employers of America, go through. And they legitimately get very nervous that some bureaucrat might come into their place of business and, with the police power of the Federal Government, close them down. Those same people cannot come to our offices and close us down, because we are not covered by those laws.

How do we have an appreciation of the impact of Government regulation on the small businesses of America if we exempt ourselves? But somehow we are not going to go home until we do these other matters. Yet, congressional coverage, high on the list of our constituents, is held in abeyance. It is not so important. It may not be important at all.

We had a considerable debate last night on the unfunded liabilities bill that the Senator from Idaho, Mr. KEMPTHORNE, has put forth. When we pass regulations around this town, pass laws putting responsibilities on local government that cost local government money, we do not give them money. How terrible of a situation is that, that we are going to say that Butler County, IA, or Des Moines, IA, has to do something the Federal Government says they must do, which costs a lot of taxpayer money for the taxpayers of those States in the counties and cities? It is very easy and very irresponsible to pass laws that are applicable to the rest of the Nation and put the burden on the taxpayers at the local and State level and not give them money to do it.

So Senator KEMPTHORNE has come up with the legislation—I suppose he would describe it differently but, from my standpoint, it makes us either have the guts to pay something, put our money where our mouth is, put our checkbooks where our actions are, put our performance commensurate with our rhetoric, and either put up or shut up when we pass some sort of law applying to the rest of the Nation; and if we are not going to fund it, it is not going to apply. And the League of Cities; the Organization of Mayors; the Governors Association; the National Counties Association; the State Legislature Association, all these national organizations are pushing that legislation.

Yet, we are told that somehow the California desert and General Glosson and General Barry and Colonel Bolton, all people who have been involved in mismanagement of programs, and so cited by the General Accounting Office, or so cited by the inspector general, that these nominations are more important than the question of unfunded liability, or the question of the applicability of laws to the Congress of the United States so we have some appreciation of what other people are going through. I do not understand it.

I will bet if you go out even in downtown Washington, DC, as urban as that is, they would not understand it, and for sure, if you went to the grassroots of America, they would not understand it, because there is no justification for it. Yet, that is the situation we are in.

Do you think it is right for a general to unduly, or in any way, try to influence the promotion process within the Department of Defense? Why, that is such a serious challenge that our Armed Services Committee said in a report that we ought to make that a criminal offense. That legislation did not pass, but it is still contrary to the regulations of the department. We even had generals on the promotion board resign because of the undue influence. Yet, we are going to have debate on that subject at the last hour, when we could have had it last April.

I think we ought to have certain priorities, and those priorities ought to be not to wait until the midnight hour to bring up something that could have been brought up last year, in the case of Colonel Bolton; last year, in the case of General Barry; earlier this year, in the case of General Glosson—and then, legitimately, Senators plead with us not to debate these issues here at the last minute. And it is perfectly legitimate to plead that we not be in session on Sunday when, as Senator BYRD said, "We ought to be in church."

But it is not my side of the aisle that controls debate on these issues. It is the other side of the aisle. It is Senator BYRD's party that controls the agenda. There is nothing wrong with doing things more timely.

We are going to adjourn pretty soon, in a few days, and we will go home and come back with a new Congress on January 3. We will swear everybody in. And then we are so doggone tired from having 3 months at home that we will have to take a couple weeks off and rest up.

And then we will come back about January 20 or 25 to listen to the President's State of the Union message, and we will have one or two little minor items the first week in February, then we are going to be so tired that we are going to take the second week of February off. That ends on the President's holiday.

And then, around February 20, we are going to get serious about doing business. And then we are going to have Mondays and Fridays off through the month of March and probably April, and then in May and June and July, you can start not counting on having Mondays and Fridays out of session, but you will have several of them off. And then, all of a sudden, we will have late nights in July to get ready for the August recess. And we come back in September and work late nights in September because we have to finish up our appropriations bills by the end of the fiscal year.

So it seems to me like right now if you want to plan ahead the way to manage the business of the Senate, if you do not want to be in debating three generals who have already been reprimanded by their own superiors and debate whether or not they ought to have a promotion as a going away present, then we ought to be working harder during January, February, March, and April than what we generally do.

Then there will not be any problem that I am faced with now of having someone like Senator BYRD mad at me for the rest of my tenure in the Senate because I want to fully debate something that I have been waiting to debate for 12 months in some instances and at least 6 months in another instance.

Two years ago I think we adjourned on October 27. I think we are better off if we do adjourn and get out of here and go home. But the same leadership that kept us here until late October 2 years ago is now very anxious to get out of here very early now. I do not understand why, except just generally as a rule of thumb, the country is safer when we are not in session.

I hope that the discussion that occurred here in the last 48 hours about getting things done and doing them timely and not inconveniencing the entire institution, including a lot of people, more than the 100 Senators, will lead us to some thought about what we can do around here in the future to have better management of time so we do more in January, February, and March, and not have everything thrown into the last few days, particularly when the country is crying for us to do something about unfunded mandates, crying for us to do something about congressional accountability.

It seems to me like when more of our country was agrarian and there was a certain period of time to plant and there was a certain period of time to harvest, probably our forefathers who were a little closer to the soil had a much better outlook on the timeliness to do things.

The further you get away from the basics of nature, the more you get into a political environment that is separated from the realities of life, the more you become a society unto yourself as political leaders and public servants. The more you are losing touch with the grassroots, the more, it seems to me, these commonsense approaches to the running of an institution like this are left by the wayside.

The extent to which we can get back to the realities of life and put some of those simple principles into the formation of public policy, and we put those principles into the actual mechanics of running a public institution, we would not have these situations, and we would have a situation in which things were done more timely, and we would not have to have these late weekend sessions and have tempers flair and have bitterness. It is a needless waste of energy. It is not something that we should have to have. It just does not need to be.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I have several things I want to say today before we wrap up this session of Congress. So if I may, I will just tick them off in fairly rapid succession.

TRIBUTE TO SENATOR GEORGE MITCHELL

Mr. GRAMM. Mr. President, the first thing I want to do is talk about the majority leader, GEORGE MITCHELL.

It has been my special privilege for the last few years to serve with majority leader GEORGE MITCHELL of Maine. I do not think it will come as a surprise to anybody who has followed debate in the Senate to learn that GEORGE MITCHELL and I have been on opposite sides on many issues. But I would just like to make a couple of observations about the majority leader since he is retiring at the end of this term.

No. 1, I doubt that we will have as able an adversary again, at least speaking for Republicans, as we have had in GEORGE MITCHELL.

No. 2, I have often sat during long and boring debates in the Senate and thought about if you were going to put together Members of the Senate in an historical context who ought to be in that Senate. I have thought about which Members of the Senate serving today would rank among the Members of the Senate who are worthy of being remembered.

Those of us who have the privilege to sit here at these ancient desks from time to time pull out the drawers and look at the names of those who have written or carved their name into a desk drawer, which is a tradition here. And I do it to keep myself humble, because when I open the desk drawer and look at these names very few of them are people that I have ever even heard of. The world forgets very quickly most of those who serve in the U.S. Senate.

I have asked myself on occasion who, of those now serving in this Senate is worthy of being remembered, and as I have sat through long debates, often late at night, with nothing better to do at the moment, I have often tried to select five Members of the Senate who I think stand out as people who are worthy of being remembered. I can say that in the last few years I have never put that list together that GEORGE MITCHELL's name has not been on the list.

Finally, let me say that, at a time when so many people think of Congress as an organization which is separated from America, when it is conventional wisdom to try to present Members of the Senate as being some elite and remote group, I would just like to say that it is reassuring to me to know that a person born in Maine of very humble beginnings can rise to be majority leader of the U.S. Senate.

So I will not miss our distinguished majority leader as a tough and competitive adversary, I will not miss many of the votes he has cast, often on the winning side on many issues that I care deeply about, but as a human being and as a born leader, GEORGE MITCHELL is very hard to match. And I will be very proud someday to tell my grandchildren that I served in the Senate with GEORGE MITCHELL.

THE CHARGE OF GRIDLOCK

Mr. GRAMM. Mr. President, I would like also to say a few words in response to our President.

Our President today held a press conference and we, as Members of Congress, were apparently very much on his mind. In fact, the AP story says:

> President Clinton today ridiculed Republicans in Congress for blocking his legislative agenda, accusing them of embracing a policy of stop it, slow it, kill it, or just talk it to death.

He then accuses Republicans of wanting to take America back to the Reagan-Bush years.

Mr. President, I want to thank President Clinton for that advertisement. In truth, I would like to take America further than Presidents Reagan and Bush ever took it, but I think most Americans would like to go back to the Reagan years. I think if they had a choice between the Reagan years and the direction of the Clinton years they would choose the Reagan years.

And our President notes that his contract is with the American people for the future. I would say, Mr. President, not very long into the future.

I would like to respond very briefly to this charge of gridlock. I find it absolutely astounding that, in Washington, DC, progress is measured by how many bills you pass, by how many taxes you raise, by how much money you spend, by how many new agencies and bureaucracies you create.

I would imagine that if we could go out into America on Main Street in Mexia, Texas, that we would find that their idea of progress is exactly the opposite.

I hope that someday we have a Congress where a President will stand up and say: This Congress repealed 641 laws; this Congress terminated so many agencies; this Congress closed so many departments; this Congress cut so much spending; this Congress cut so much in the way of taxes.

I believe that this idea that seems fixed in the minds of Washington and, quite frankly, in the national media, that to say "no" is a bad thing is out of touch with reality.

I believe more than anything else that this Congress will be remembered for having killed the President's health care plan. I would like to remind my colleagues that the President's health care plan did not die because the President was not a great salesman. The President is a great salesman. The First Lady is even a better salesman. The President has the biggest megaphone in history.

The President's health care plan died because, try as he did, the President could never convince the American people that we ought to tear down the greatest health care system in history and rebuild it in the image of the Post Office. The American people wanted the President's health care plan stopped.

In my opinion, when this Congress is remembered—and I believe some elements of it will be—it is going to be remembered most as the Congress that, at the critical moment, when we were going down the wrong road at 100 miles an hour headed towards socialized medicine, we had a few Members who were willing to stand up and say "no."

I remember vividly 13 months ago we had a bunch of Republican pollsters come to Capitol Hill and say, "It's political suicide to stand up and say you're opposed to the President's health care plan. You can't take this thing on head-on. In some form it is going to pass and what you have got to try to do is to make marginal changes."

All three of the major auto makers were for the President's health care plan because they were being bought off by the taxpayer picking up health care for their early retirees. The American Medical Association could not make up its mind where it stood on a fundamental issue of our time: Do you believe in private medicine? The American Hospital Association was going to have the Government come in and solve all its problems. Big business was, at best, not helpful and in many cases was neutral in the whole debate.

But an interesting thing happened on the way to a Government takeover of the health care system. And the interesting thing that happened is the average American citizen got involved in the debate. People all over America started to think about what it was going to be like when Government made health care decisions for them.

At the peak of that debate, I got 7,000 first-class letters a day. At the peak of that debate, from 6 in the morning to midnight, every phone in my office and every other office on Capitol Hill rang off the hook and people basically had one message—stop the Clinton health care plan.

And I am happy to say, Mr. President, that we stopped the President's health care plan.

So when the President is standing up and lamenting the death of his health care plan as being an evidence of lack of progress in this Congress, I do not believe that Bill Clinton is speaking for the American people. I believe when Americans go to bed at night and they get down on their knees and they thank the good Lord for good things that have happened to them, one of the things they thank him for is that we defeated the President's health care bill.

I can remember vividly, Mr. President, when President Clinton gave the speech that we all saw on television where he pounded the podium and said, "Whenever I want something done, all the Republicans can say is no, no, no, no, no."

Well, I think when the American people on November 8 go back and look at the list the President wanted us to say yes to—whether you are talking about taxing Social Security or taxing gasoline or taxing small business or a so-called stimulus package that would have built ice-skating rink warming huts in Connecticut and alpine slides in Puerto Rico, or whether you are talking about U.N. control of U.S. troops or invading Haiti—I think, when the American people look at that list of items, that their answer is remarkably similar to the answer that the President accuses Republicans of having given, and that answer is no, no, no, no, no.

We are going to have a vote on health care, but not in this Congress. In fact, yesterday, when we had the adoption of a motion to proceed, it formally killed the President's health care plan by taking it off the agenda of this Congress. But it had died a long time ago.

But the President is going to get his vote on health care and he is going to get that vote on November 8, because I think the American people understand that the President has not changed his mind and the President has not changed his heart on health care. The President still wants a Government-dominated health care plan. He still has a dream of Government running the health care system. And in the next Congress he is going to make a proposal that is going to be remarkably similar in everything but its name to the proposal that he made in this Congress.

If people are opposed to that plan, they have an opportunity to go out and vote on November 8. They have an opportunity to vote for people who will not vote for the President's health care plan, and they have an opportunity, it seems to me, to vote for a new approach in health care reform.

This criticism that somehow saying no to the President's plan—whether that plan is a tax increase or spending increase or is Government-dominated health care—this idea that that is a negative thing, it seems to me, is out of touch with reality and with the American people.

When you are on the wrong road going in the wrong direction, speeding up does not help you. The only thing that helps you is to stop, get directions, turn around, and get on the right road going in the right direction.

I believe that this Congress, more than anything else, has done a good job in stopping the President's proposal, stopping the President's ability to have the Government take over and run the health care system, stopping the President's ability to spend money on programs that we do not need, that we cannot afford. And I believe when people look back at this Congress, the best things we did were the things where we said no.

The President says today, which I guess is a recognition on his part that we are about to have a lot more Republicans in Congress, that he wants to work with Republicans. Let me assure the President that we want to work with him.

When the President supported NAFTA—and might I say that it was a delayed, beleaguered support to begin with, until the issue built up a head of steam—I am proud to say that it was Republicans who stood up and first supported the President on NAFTA. If the President will start doing what he said he would do in the campaign, with programs like truly reinventing Government, reducing the bureaucracy, expanding the freedom of the people, letting working Americans keep more of what they earn by passing a middle-class tax cut, being a new kind of Democrat—when the President does the things he promised to do in the campaign he is going to have a lot more Republican support than he has had. But the President has not had Republican support and will not have Republican support so long as the President is trying to do things that he told the American people that he would not do.

I believe the American people have become convinced that the President was elected under false pretenses; that the President told the American people that he was a new kind of Democrat but he has turned out to be not a new kind of Democrat; that the President told the American people he was going to cut middle-class taxes but he raised taxes on middle-class retirees by taxing Social Security, when he taxed gasoline, when he taxed small business. When the President said he was going to cut wasteful spending I do not think the American people had the so-called stimulus package, or the so-called crime package in mind.

When the President said he was going to get tough on criminals, I do not think the American people conceived that as meaning $5 billion more social spending, nor do I believe the American people thought that entailed overturning mandatory minimum sentencing for drug felons who, in many cases, are trying to sell drugs at the door of every junior high school in America.

So, if the President wants to work with Congress and wants to work with Republicans, it seems to me that the President needs to get back to the agenda that he outlined in the campaign. I am happy to say that when the President has moved away from that agenda he has had strong Republican opposition. And as long as Bill Clinton is trying to raise taxes, increase spending, tear down defense, use the American military as a police force in a foreign land, and have the Government take over and run the health care system, he is going to face the strong opposition of Republicans, and more importantly he is going to face the strong opposition of the American people.

One final point. I know many of my colleagues want to speak. But let me make this point. When the President sent his health care bill to Congress he and members of his administration said: If Republicans oppose this bill they are going to be held accountable at the polls.

We opposed the bill and we killed the bill. Hold us accountable. But hold accountable the people who were for the bill. Hold accountable the Democrats who wanted the Government to take over and run the health care system. Hold accountable those people who signed on to the bill who, today, all over the country, are running away from it. Health care is an issue in this campaign. It is a dominant issue. Because the only time the American people are going to have a vote on health care directly is when they go to the polls on November 8. If they do not want the Clinton health care plan they have an opportunity to go to the polls and vote for the people who opposed it and vote against the people who were for it. I just have a feeling that is exactly what the American people are going to do.

So, I am delighted to have had an opportunity to come down and respond to the President. I always try to work with the President when I support what he is doing. But I do not support most of the things that the President is trying to do. But, more important, the American people do not support it. All the President has to do to get more support from the American people and more support from Republicans is to do more of the things he said he would do in the election and fewer of the things that he has done since he has been President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

CHANGE AND GRIDLOCK

Mr. BIDEN. Mr. President, I always enjoy hearing my friend from Texas. After listening to him, I sometimes wonder what Government he is talking about.

I just want to make one broad point and then I will yield the floor.

The Senator says two things that many of his colleagues say these days. That is, first he says: You know, we are a party that wants to repeal. We are a party that does not want to add—meaning Republican Party. He went through this thing about how he looks forward to the day when there are 640-something laws eliminated or whatever.

Then he says: But I want to cooperate with this President. I want to work with him. I do not understand why he does not come to me and say why do you not work with me? Why do you not cooperate with me?

The issue is not whether the Clinton health care plan failed or succeeded. Very seldom does any major initiative any President puts forward end up being what is in fact the law. It is always the case where the agenda is set by the President and they start the debate. So the issue is not whether you should hold someone accountable or not accountable for killing the health care plan. The issue is, if you like health care just the way it is—those millions of Americans who do not have any, those tens of millions who are about to lose it, the rest of them who cannot leave their job in order to keep health insurance—if you like it exactly the way it is then, fine, no problem. You should vote to give Senator GRAMM a full measure of credit.

But if you think the system is not working very well, if you think we should get together and cooperate and work on something that is going to provide health insurance for the people who do not have it, if you think we should get together and make sure people who worked like the devil all their lives, middle-class Americans who live in fear of losing their jobs, live in fear of what will happen to their families if they get ill—also look to Senator GRAMM. He is going to run for President, I think. Look to him. Look to him and say: PHIL, it is great that you made sure my sister, who is making $18,000 a year, with three kids, cannot have any health insurance. I am proud of you. It is a good thing you did. Keep the system just the way it is.

I also find it fascinating to listen and hear about what gridlock is. Let us talk about what gridlock is—my definition of gridlock. My definition of gridlock is when you have a clear majority of the elected representatives of the American people who work in the U.S. Congress—Democrat and Republican, House and Senate—when a clear, undisputed majority want to do something and a minority repeatedly comes along and says we are not going to even let you vote on whether or not we are going to do that—that seems to me to be gridlock, or obstruction. The irony is, the things that have been opposed are things that I do not even understand why they opposed them, because they have voted for them in the past. I mean, it is like the crime bill. A vast majority voted for it. And when it came back from the House essentially the same bill, all of a sudden it was a bad bill, because some pollster said "By the way, if the crime bill passes, the President will get credit, so don't let it pass."

Now, that is gridlock. I am not taking issue with anybody's views on the floor. I am not taking issue with their views, if they believe them as a matter of principle and that is the only reason. There are a lot of crazy ideas that are reflected in the American public and the American psyche and the U.S. Senate. I have been the father of some of those crazy ideas. So, I respect that. But the gridlock here—a case in point—is the California desert bill, and it is, by the way, within the rights of Senators under the rules. I want to make it clear.

But the American people do not understand, nor should they have to understand, the technicalities—such as with the legal system and the complexities of the operation of the fifth amendment and the fourth amendment and the second amendment and the first amendment. They look at it and say, "Wait a minute now, this is right and this is wrong. Why are we doing this?"

For example, I heard comments about the attempt of lawyers to suppress evidence in the *O.J. Simpson* case. "Well, if he is not guilty, why would they try to suppress?" They are complicated notions.

One of the things the American people, I think, also understand and view the same way is their Government. We all in this body know any Senator is within his rights to engage in a filibuster, to use the parliamentary rules to his or her advantage to keep a majority from prevailing—and there is an underlying, solid rationale for that having been put in the Senate rules. Notwithstanding that, I think the American people have had to wonder a little bit: Why is it that when repeatedly, time after time after time, an overwhelming majority of Members of both Houses of the U.S. Congress say they want to do something, our Republican friends stand up and just say no. The party of no.

Now, is campaign reform a bad idea? I want the American people to go out and judge. If they, in fact, use the same standard that Senator GRAMM said, if you like the way we finance our elections now, give Senator GRAMM credit. Give him credit. Election day, walk up and say, "I like this idea that you can go out to these super wealthy people and get large amounts of money. I like it. That's why I'm for you, Senator."

Now, if you also like the fact that we cannot reform the system whereby we require lobbyists to be what most Americans would say in a mode of full disclosure, you like the idea that lobbyists permeate this place and this town the way it is, with very little regulation, thank him, thank the Republicans. Go tell them, "I like it. I like it the way it is." Give them credit.

Do you like the way that we are allowed to, under the rules go play golf or all the stuff you read about in the paper, which we tried to change?. You like that? Give them credit for killing reform, they deserve it. They deserve the credit. I do not want to be the one to deny them the credit. They deserve every bit of the credit that they should be given, because he stands up and says, "Give us credit for stopping this stuff."

How about the California desert bill? I believe my friend from Wyoming feels very strongly about this. He does. Under the rules, he can do whatever he wants. But if we adjourn here without the California desert bill passing, the environment being protected, give them credit, give credit where credit is due.

They have been exceptionally—exceptionally—good at stopping things. I acknowledge that. I have been here 22 years. I have never seen a more adept—more adept—group of individuals able to stop campaign reform, any change at all in the health care system. We are not just arguing about whether or not we have the Clinton health care bill. That was dead when it came here. Guys like me never supported it. A lot of people did. But everybody knew it was a starting point. There were three, four, five, seven other plans. What did we do? Nothing. Nothing. Nothing.

Maybe the Senator is correct, that the American people do not like the Clinton health care plan. I did not like it. So maybe I am with the American people. But I did not think the alternative was if I did not like that, we were not going to cooperate and not going to deal with the health care problem in America. I thought that is what we were supposed to do. We disagree, we negotiate, we debate, we compromise and we act, when there is a majority that wishes to do that.

Mr. President, again, I will make it clear. I have been here long enough to know, and my colleagues who have worked with me long enough should know, I am in no way denigrating, in no way casting aspersions on or questioning whether or not they have the right under the rules to do this. They clearly have the right under the rules to do what has been going on this last year.

I thought the beautiful one was what we did on education. This is what I think I mean by gridlock. This is what my wife means by gridlock. That is what my mom means by gridlock. That is, we have an education bill. We are required to get cloture on the bill.

First of all, there is this long, drawn-out process whether there is a hold on the bill, whether the bill can be brought up, what we will do if it is brought up, are we going to bring things to a halt and all this kind of thing. And then when we finally bring it up they insist on cloture. A fancy word. For people who are listening, that means we are going to cut off debate. We have to get 60 people to say, "Stop the malarkey, let us vote," and then we have to get 50 people to pass. But you have to get 60 just to stop it so we can vote.

So they said on the education bill, we are not going to let that go forward. They did not quite say it that way. Everything dragged along and sputtered along and finally the leader said, "We are going to file cloture," meaning we are going to see if we have 60 votes, if there is any support for this bill.

We went through all this, wasted 3, 4 days, got cloture and 35 people voted for it. They even tried to slow down things they are for. Now, that is an unusual development. I have not seen that before. I have always thought the purpose of the filibuster and the unstated filibuster was to stop things you were against. Well, my Lord, we stop things on this floor that we are for.

So, anyway, that is what gridlock is. That is the frustrating part, I think, for all of us. It is not that we are saying, "Well, if you really oppose this bill, you should not fight to the death to stop it and use everything you can to stop it." But everything? Everything? A vote on a fellow named Sarokin. We kept trying to get a time agreement. This was repeated 100 times this year. What ordinarily would have taken a debate that would last 3 or 4 hours took a week. And so finally, I went to the majority leader and said we have to file a cloture motion to force everybody to the issue. We got a cloture motion. We get cloture and then over 70 people vote for the guy.

Now, in the past, people did not come in here and filibuster on things that they did not think they had at least a remote possibility—a remote possibility—of stopping. I am never as sure as to what the American people think as some of my colleagues are. Everybody always tells me what the American people think. I have enough trouble figuring out what my family thinks, and I am not sure I am good enough to know what the American people think. I think I know what the people of Delaware think, but as the Senator points out, in 2 years we will know whether or not I know, because I am up for reelection, if I run again. But I think what people are frustrated about is that there does not seem to be any sense of comity or good will to deal with problems everyone believes exist.

I did not sign on to any one of the health care bills because I was not enamored with any one of them, but I believe we have to have health care reform. I was ready to participate in the process of negotiation, compromise, and debate, in order to do something about the health care system.

I think the way we finance our campaigns is a disgrace. I have a way I think we should do it. Back as far as 1973, I introduced a bill saying we should publicly finance our campaigns so we are beholden to no one but our constituency. I do not expect people to accept my view, but I do expect us to say we should do something about the way we finance our campaigns.

I do not suggest that my way on how to deal with and reform the system of lobbying in this place is the only way, but I do think that most Americans and most people in this body think we should do something about it.

What has happened in the last couple of years is an all-or-nothing attitude; you do it exactly my way or it is not going to get done. And usually doing it exactly my way means you cannot get this done because, if you get it done, somebody is going to get credit for it and that will hurt my party.

That is a bad deal. That may be a short-term prescription for winning, but I truly believe it is a long-term prescription for disaster for a participatory democracy.

I truly believe that we are running ourselves into a circumstance where there is no win for any political party because the American people conclude that we cannot as institutions deal with things they know have to be fixed—campaign funding, gift bans, lobbying reform, health care, crime, which we finally did do after 6 years. It is no wonder people are frustrated.

I know that my friend from Texas is an able, able Senator. I know that he has a very coherent, cogent philosophy. I wish we could just debate straight up, his philosophy versus mine, how we should govern ourselves as people, the Democrats' versus the Republicans' philosophy on how to proceed. But then ultimately come to a resolution. When a majority of people in this body, in a representative Government, feel we should move in one direction, we should be allowed to move.

(Mrs. FEINSTEIN assumed the chair.)

Mr. BIDEN. Democracy is a very fragile thing, Madam President. It rests ultimately on the instinctive trust of the people—that the system that is designed to facilitate democratic principles is one that can work. My friends are going a long way to accomplish what some have publicly stated, that the only way to repair the system is to tear it down. If that is the objective, they are succeeding, I am afraid. If the objective is to see that there are fewer Democratic desks on this side of the aisle next time and the time after, and more Republican desks, that may be a very Pyrrhic victory, if it occurs, because ultimately what happens is fewer and fewer Americans believe any of us here make any difference in their lives.

I do not know how, in the most heterogeneous democracy in the history of mankind, you are able to make it function long term without instinctive trust in the institutions that are designed to allow it to function.

I think we are doing a great disservice to this country by refusing to act. I am optimistic, Madam President. For all of us, Democrats and Republicans, it is an occupational requirement. You must be an optimist to be in this business. I am optimistic that although there may be momentary lapses, the American people pretty well understand what is starting to happen.

I noticed a shift just in the last 3 days, Madam President. I am no political commentator, and I am not an analyst who has any claim on being able to tell you what trends are going on in the Nation. But I noticed one thing, just a very simple proposition. I commute back and forth to my home State every single day. I get on the train at 7:30 in the morning, thereabouts, 7:36, and I usually leave here at 8 o'clock at night and get home at 10. I do it every single day the Senate is in session.

It is my choice to do it that way. A lot of my colleagues would like to do it, too, but they live in Arkansas, California, Massachusetts, and Wyoming. There is no trick. I am just lucky. But it is an interesting thing. I do not want to make more of this than it is. But during the summer, no one had any appreciation or thought about anything having to do with gridlock. It was not that. The Democrats just could not get their act together. That is what this was all about. That is what I would hear on the platform. That is what I would hear when I would stop at the 7-Eleven, or when I would stop at a little pizza place—the best pizza in the country, Girardo's Pizza. I stop in there and they ask me—the woman who runs Girardo's Pizza—"Joe, why can't you get this going? What's the matter?"

Now what I am starting to hear is, "Why don't Republicans want anything to happen?" I may be wrong. We are going to find out soon. But I notice a shift in the paper in the last 3 or 4 days. For the first time, the papers are starting to write flat out what, as

Barry Goldwater would say, in their hearts they have known all along but have not written. That is, stopping everything between now and election day is part of a broad strategy. Whether it is good, bad, or indifferent, anything that passes is viewed as a success. Anything that is a success is viewed as a credit to a Democrat.

I do not believe that is how it works, by the way. But that is how I think they think. And any success diminishes the possibility of winning and increasing Republican majorities or minorities, and therefore they are shutting it all down.

Well, they may end with the result that is being sought. I have never been that good of a political prognosticator. So I cannot tell you what is going to happen. All I can tell you is that I truly believe it is not good for this country, for the political parties, either one, to decide that the road to success is to stop action on the problems that face America. I do not think that is a good thing.

I might conclude, Madam President, by pointing out how much I absolutely admire your forbearance. You have been working since you got here in the Senate to pass a bill that 73 U.S. Senators think is important, that Democrats and Republicans in your State think is critical—the California desert bill. She continues to evidence the grace and patience that she is known for. I admire it. But I would be mildly frustrated. That is not to suggest that my friend from Wyoming and others do not have a right to try to stop it. But I think that is what the American people mean by gridlock when 73 U.S. Senators and the House of Representatives have already acted on a matter that relates to putting aside a chunk of America into a system that guarantees its continued existence—and it is imperiled.

This is not a great ideological debate about whether or not we are going to have the Government run the health care system or whether or not we are going to invade Xanadu. There is no such country, I might add. This is about what an overwhelming number of people want in the region of the Senator from California. What an overwhelming number of U.S. Senators want, and what the House of Representatives already decided they want. And because we are getting down to the wire in time, it is imperiled. I think that is what people think gridlock is. At least that is what I think it is.

But then again, as I said, I am not nearly as certain as others what the American people think and know. All I know is that I think it is a shame the way in which we have operated over the last 9 months. We have been kept from being able to arrive at intelligent compromises on matters that are of great concern to me, my mother, my father, my wife, my family, the citizens of my State and I think the vast majority of Americans—reforming our campaign system, reforming the gift system, reforming the lobbying system, putting Americans back in control rather than special interests in control.

I cannot believe that they do not want us to do anything about those things. But, if they do, the real stark choice here is not whether you want the Clinton health care bill or any particular bill. At issue is, do you want anything done about these issues or do you want nothing done? If you want nothing done, give the Republicans credit because they have succeeded. Even though we have had a majority of people on almost all of these issues, they have succeeded. If you want something done and you believe there is a need for constructive change, then also give them the blame.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I would like to congratulate and thank the Senator from Delaware for his comments. He has been here longer than many of us on our side of the aisle. He and I actually began our political careers from different angles some 20 or so years ago. But it is interesting. I think that both of us came into this process with the view that it was an honorable profession that people ought to aspire to, and with the goal of trying to do what is in the best interests of the country.

I have been sitting in the Chair presiding for the last hour, and had the opportunity, like my colleague from Delaware, to think about the U.S. Senate while I listened to my colleague from the other side of the aisle. During this time, I was reminded of the great story by Harry Truman who once, during the early years of his service in the U.S. Senate, used to at times sit over there in the back of this Chamber, and write letters home to his mother. One time he wrote her late at night during a debate. It was late at night and he was barely a freshman. He looked across this great Chamber, he pondered for a moment, and then he wrote.

> Dearest Mother: It is another late night in the Senate, and we are debating the great issues of our time. And I look across this great Chamber. And I look across the aisle, and I see the ghosts of great Senators past, and I pinch myself. And I say, "How the hell did I get here anyway?"

And then about 4 months later he was again on another late night debate out on the Senate floor and again he wrote a letter to his mother. He said:

> Dearest Mother: Again a late night in the Senate. Again, we are debating great issues of war and peace, and here I am in this night looking across this great Chamber. And I look across the aisle at my colleagues, and I pinch myself. And I say, "How the hell did they get here anyway?"

There really is, it seems to me, a very, very serious problem brewing in this institution—not just on the House side but on this side of the Capitol; if we do not understand that, if we really do not understand and connect to what the American people want us to do relative to and compared to what we are doing, then I suppose the American people are absolutely correct in saying "throw them out." It is our actions in the U.S. Senate and in the Congress that are fueling a term limit revolution in this country, which is rather silly when you think about it because we already have term limits. The last time I looked, the Constitution said our term was 6 years. The last time I looked at the Constitution it said the term limit in the House was 2 years.

But everybody suddenly is saying, my God, we have to have term limits. The reason is that the average person cannot connect to the American political process. The reason is that there is so much money in American politics that the average person cannot run for the U.S. Senate or Congress. You have to be like this fellow out in California who can pour millions and millions of dollars of his own money into his. Even Senator DOLE said the other day that the race in California is a strange one, because when he goes to one of Mr. HUFFINGTON's fundraisers, it is Mr. HUFFINGTON who gives him money.

I mean, this is out of proportion to anything that the Founding Fathers ever dreamed of. Money is separating the American people from their politicians, from the people who are supposed to represent them. I think most Americans understand that. Most Americans have said they want us to change that. Sixty-three U.S. Senators voted to change that. We passed legislation. But because you have to jump through hoops several times in this institution to get something done, when what had already passed came back to be passed again, a few, a very few Senators decided not to let the public have its way. And once again the filibuster reared its ugly head.

Our friend from Texas came to the floor and talked about health care and tried to pretend that what the Republicans have been doing is in fact preventing Americans from the harm that is going to be done to them by overzealous legislators, by a Congress that keeps mucking up their lives.

But when you measure that very appealing rhetoric, when you measure that against the reality of what we were in fact trying to do for people, it does not stand up. And he knows it. That is why he wants to dwell on health care because he wants all of these good people who listen to these debates and who try to analyze what is happening in Washington to say that what this election really ought to be framed on is the failure of the President and the Democrats to get health care. And that somehow the failure is due to those who worked for health care reform, and not to those who prevented it.

What the Senator from Texas also wants to do is prevent America from understanding the real record of accomplishment of this Congress and of the President. And the truth sometimes is inescapable, even considering the power of negative media and advertisements. As Bobby Kennedy said, "It is the truth that sets us free."

The truth, Madam President, is that the record is inescapable on what has happened to this Congress and this Senate because of filibusters, obstructionism, and gridlock. And I know that some of my colleagues on other side of the aisle have raised this issue in caucuses and are nervous about the potential of this strategy because that is what it is—a conscious Republican strategy to benefit their party at the expense of the people. It is a strategy to forsake America just to impact the elections so that one political party can win; not so that America can win, not so that kids in our schools can win, not so that people who are subjected to violence in too many communities can win, but that one side, one party, can win.

And as we all know, one party has become particularly adept at holding onto the White House; one party always has a White House strategy. That, to them, is the only prize—not a good piece of legislation, not something better for the country, not to change something, improve something, to better the way we provide services, not to reduce the size of Government; but simply the ability to be able to destroy a sitting President and win back the White House.

Let the truth speak for itself. In 34 Congresses, from 1919 until 1986, there were a total of 217 votes on cloture motions. That is an average of three per year. From 1919 until 1986, an average of approximately three per year. Between 1987—when the politics of this country began to radically change in the 1980's—and 1992, there were 115 votes on cloture motions, which is an average of 19 votes per year. Suddenly, a meteoric rise in filibusters.

In the 100th Congress, there were 43 votes on cloture motions. In the 101st, there were 24; in the 102d, 48. And now we come to the grand 103d session. In the the 103d, there have been 72 cloture motions filed and 41 recorded cloture votes. A grand record number of cloture votes and cloture motions, a proud, recordbreaking amount of obstructionism.

What does that mean? What does it mean to an American when you translate that into what really goes on around here? It means that campaign finance reform, the effort to get the money out of American politics, was killed by filibuster. I will agree with my colleagues, sure, there were some problems in the bill. But Republicans didn't even let us get to a conference committee where you are supposed to work these problems out. They prevented the U.S. Senate from even doing its basic work of reaching a compromise. They simply killed it by filibuster.

The huge number of filibusters mean that health care dies. Stall tactics killed the Telecommunications Act. I serve on the Commerce Committee, and I know the effort Senator HOLLINGS, Senator DANFORTH, Senator PACKWOOD, and others—a bipartisan group—put into the effort to get a telecommunications bill. And we did it with good reason, because the communications industry is going crazy in development. This country has cable, video, and telephone systems, all of them struggling to be able to compete in an increasingly competitive world, and they are forced to operate under a system designed 60 years ago.

So you have a bipartisan bill that came out of committee, that came out of committee with a bipartisan vote of 18 to 2. It would have passed on the floor of the Senate. But at the last minute, in order to prevent another success, in order to stop another change, another piece of progress, it was killed by a demand for changes that were so onerous and contrary to the compromise that had been worked out, it augured filibuster. So it was a silent filibuster in effect. We never even had to file a cloture motion. It was just killed.

The clean water reauthorization. And the lobbying disclosure bill. We just had another vote on that here today. The Senator from Delaware was absolutely correct. I hope Americans will measure what those who stop things have accomplished versus what those who want to change things accomplish. Some people in the U.S. Senate—the majority until just recently—felt that in order to establish trust with the American people, it was our obligation to try to reduce the perception that everybody around here can get a free gift, free tickets, free everything simply because we are Senators and we vote on legislation. So there was a feeling that to try to reestablish trust that ought to be eliminated. But what happens?

There appears a phony kind of grassroots movement at the last moment, because some people just did not want a good bill to pass. So now, America, this system continues even though everybody in the country knows it stinks. So I hope, as the Senator from Delaware said, people will measure who is responsible for that.

The Safe Drinking Water Act. Most people here don't want our kids drinking lead or toxics and chemicals that seep into our drinking water. We want to do something about the quality of drinking water and continue helping communities that are hard pressed to be able to afford clean water. But, no, that too was killed.

Maritime reform. We are losing our maritime industry. We desperately need to help our ships, to keep them flying American flags, and keep shipbuilders in business in America. This is good for our future. But a few Republicans didn't care, so they killed it. It is not as if they came in and said: Hey, let's work this out. Here is a compromise, or here is a problem in your legislation that really makes a difference to my community, and if we were to approach it this way or that way—that is the normal thing you're supposed to do around here. But normality is not the order of the day here.

I have said it before and I say it again: There is a scorched Earth policy underway to try to prevent anything from happening in Congress so that the Congress will look bad so that, hopefully, the Republicans will be the beneficiaries, because they can go out to the country and they can say: You see, those Democrats are in the majority and they cannot run the show. Frankly, Republicans get away with this strategy because America does not understand that you have seven different cloture opportunities just to get one piece of legislation through here. And America does not understand that it takes 60 votes in order to break the logjam every time—not just a majority, which the Democrats have; not just 51, which the Democrats have—America just doesn't understand that a very few people can kill any bill in the Chamber. And Republicans can make people look silly and foul the whole process up and go out and claim victory.

The Roman historian Tacitus wrote about this when Carthage was pillaged. He said: "You know, they made a desert and they called it peace."

That is what is happening here—just ravaging this process, and when it is finished, we are going to call it peace, constructive, or something positive. I think America knows differently, I really do. I trust that and I hope it is true.

Let me tell you the other reason why the Senator from Texas spent so much time on health care. The Senator from Texas is the same Senator who came to the floor and told America that the Omnibus Budget Reconciliation Act—the budget, as we know it, or as Americans know it—was going to cost Americans jobs, put us into a depression, and was not going to lower the deficit, and was one of the worst economic programs in history. That is the same person America just heard telling you about gridlock. What is the truth of what happened when we passed the budget?

Well, they do not want to tell you, America, that for the first time in 3 years the deficit of the United States of America is going down, and this is the first time since Harry Truman was President of the United States that you can say that in America. They do not want to tell you that.

So the Senator from Texas comes out here and he talks about health care. Republicans do not want to tell you what a great success it was for the President to pass NAFTA, to pass the Brady bill, to pass the crime bill, to pass interstate banking, to pass the Community Development Financial Institutions Act, to pass an increase in student loans, to get Goals 2000 through here so we finally begin to elevate the standards of our schools, to get the Elementary and Secondary Education Act through here so we are finally going to redress the impoverishment of many of our inner cities and try to equalize education for kids in America.

We hear a lot of talk about values from the very people who are stopping these very programs from going through here, and they just do not want to acknowledge to Americans that values are not transferred by rhetoric, values are not transferred by political party platforms, values are not transferred by speeches on the floor of the U.S. Senate. Values are taught. Values and morals are passed on by teachers in one form or another, a teacher as a parent, a teacher as a Sunday school instructor or synagogue instructor, a teacher in the context of life in a boys and girls school.

And our friends have filibustered us on every single effort, including the crime bill, that tries to deal with those kinds of problems, that tries to avoid rhetoric and instead to provide opportunities for kids to have prolonged exposure to responsible adults with values.

So, Madam President, that is why they talk about health care. I think, as the Senator from Delaware said, they have adopted a very, very dangerous strategy indeed, if not dangerous for them personally or politically or for a party, certainly dangerous for the country, because the bottom line is that we are on the same path today as a consequence of this avoidance of decisionmaking as we were a number of years ago when everything was avoidance and we were having happy talk for politics and no effort to try to choose a realistic set of choices for the problems of this country.

I am like my colleague from Delaware; I did not sign onto a health care bill. I thought there were problems in most of them. But I certainly was willing to sit down at anybody's table at any time to work them out. And the record is also very clear about the number of times the President of the United States met with our friends on the other side of the aisle, the number of times that Hillary Rodham Clinton met with the leadership or individually with Senators on the other side of the aisle. And every time Democrats got closer, Republicans moved away, moving away even from the very legislation that they themselves had introduced and had at one time championed.

So I think the record is about as clear as you can make a record. But for some reason it does not get through very easily in this country today.

The fact is we have created more jobs in the last 2 years than were created in the entire Bush administration. Republicans do not like to talk about that. The fact is that the deficit of this country has gone from 4.5 percent of gross domestic product down to 2.4 percent, one-half. They do not like to talk about that. The fact is that inflation remains low, unemployment is coming down, and we are on a deficit-reduction line. They do not want to talk about that.

Then you look at the record of their avoidance—filibustering the crime bill; filibustering the national service bill to put young people to work for their country; filibustering the Family and Medical Leave Act which we finally passed; filibustering the motor-voter bill, which we finally passed; trying to stop the Interior appropriations bill, which protects parks and forests, which we passed; trying to kill the Brady bill which makes it tougher for criminals to buy a gun; trying to halt the assault weapons ban which the distinguished Presiding Officer, the Senator from California, fought so hard and offered leadership here to get through. They filibustered that, too.

So America has a choice, and my prayer is that the truth is going to begin to get out in this country and people will begin to understand what the real choices are, and I hope in the next 4 weeks of this election people will really tell the true story of what has happened in the U.S. Senate in the course of this Congress.

I am not suggesting that there is not culpability to go around on some of the issues. There was procrastination in the House of Representatives. There was procrastination on our side of the aisle for months about proceeding forward with campaign finance reform. So there is certainly a share of blame to spread there, and there have been other individualistic efforts and lack of cohesion that we can certainly take some credit for.

But the bottom line is this: almost every Senator on this side of the aisle certainly is prepared to vote today, now, and usually has been prepared to vote almost immediately on most measures—not always, but usually. But on the other side, they'd rather make us look bad than vote on anything.

It is clear to me that if we do not break this process and prove to Americans we are willing to be adults and act a little more maturely in this process and come together and look for a larger legislative product and not just a political one, we are all going to suffer the results as a consequence.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

DEDUCTION FOR HEALTH CARE INSURANCE

Mr. DORGAN. Madam President, I wanted to make a couple of observations on this subject that has just been discussed, but I came to the floor really to discuss a colloquy that is being put in the RECORD between myself and Senator MOYNIHAN.

One of the issues that is left unresolved in this Congress is the tax deduction for health insurance costs for sole proprietors and other self-employed individuals in this country. Until last year, they were allowed to deduct 25-percent of their health insurance costs. Yet, across the street an incorporated business can deduct 100 percent of their health costs. In fact, the 25-percent deduction for the self-employed expired December 31, 1993, and must be extended. In my judgment, it must be increased to 100 percent.

Fairness would dictate that for every farmer, rancher, and self-employed small business owner in America be allowed to deduct 100 percent of their health costs just as large corporations are now allowed to do. To do otherwise, is a disincentive for them to acquire health coverage and is moving us in exactly the wrong direction.

This Congress will not have extended the 25-percent health insurance tax deduction. The chairman of the Finance Committee has indicated, in a colloquy that will be in the RECORD, the following. He said:

> I intend to work expeditiously next year to bring legislation to the Senate floor that would extend, on a retroactive basis, the 25-percent health insurance tax deduction that expired on December 31, 1993. In other words, I intend to make sure that the legislation reaches back to protect the deduction for all of 1993.

He continued:

> We have been working to solve the tax inequity for self-employed individuals for many years. The Finance Committee passed a bill in July of this year that would have raised the deduction from 25 percent to 100 percent of the health insurance costs of the self-employed. That continues to be my goal.

The chairman of the Finance Committee continues to say:

> Early next year I will work to reinstate the 25-percent deduction as a starting point to getting the full deduction for these costs.

"I consider this an urgent priority," he said. And he says "I want Senator DORGAN to know that I support the 25-percent deduction and support expanding it to 100 percent."

The reason this is important to say at this point is as Congress adjourns without extending this, small businesses should know, farmers should know, and self-employed individuals should know that the Congress will, in my judgment, and will at least by the commitment of the chairman of the

Senate Finance Committee, extend the 25-percent health insurance tax deduction retroactively back to January 1, 1994.

We need to do much more than that. This needs to be a 100-percent deduction. A health insurance deduction for the self-employed should be identical to the health insurance deduction for the incorporated businesses in this country and this must be a priority.

This is not some idle issue or unimportant issue. This is an issue about health care coverage for farmers and unincorporated businesses and the current disincentive for them to have that coverage; and we must not only extend the 25 percent, we must extend that to 100 percent permanently.

RESTORING THE 25-PERCENT HEALTH INSURANCE TAX DEDUCTION FOR THE SELF-EMPLOYED

Mr. DORGAN. Madam President, I would like to make a statement and ask the distinguished chairman of the Finance Committee a question regarding the 25-percent tax deduction for the health insurance costs of the self-employed.

I believe that saving and expanding the 25-percent deduction is critical to small business owners who conduct their businesses as sole proprietors. Their competitors, who are organized as C corporations, are still able to take advantage of full, 100 percent deductibility of these same health expenditures.

The health of a farm family or small business owner is no less important than the health of the president of a large corporation, and the Internal Revenue Code should reflect this simple fact. We cannot afford to wait while Washington debates broader health care reform to save this provision.

The outcry from small businesses will be deafening next April unless we move quickly next year to extend this provision. It is indefensible that our tax laws tell some businesses that they can deduct 100 percent of their health costs, while others, mostly smaller businesses, are told they can deduct none of their health care costs.

Madam President, my question to the distinguished chairman of the Finance Committee is: Are you prepared to work quickly next year to reinstate the health insurance tax deduction for our farmers, ranchers and other self-employed business owners.

Mr. MOYNIHAN. Madam President, I am pleased to assure the Senator from North Dakota that I intend to work expeditiously next year to bring legislation to the Senate floor that would extend, on a retroactive basis, the 25-percent health insurance tax deduction that expired on December 31, 1993. In other words, I intend to make sure that the legislation reaches back to protect the deduction for all of 1993.

We have been working to solve the tax inequity for self-employed individuals for many years. The Finance Committee passed a bill in July of this year that would have raised the deduction from 25 to 100 percent of the health insurance costs of the self-employed. That continues to be my goal. Early next year I will work to reinstate the 25-percent deduction as a starting point to getting a full deduction for these costs.

I consider this an urgent priority. I want Senator DORGAN to know that I support the 25-percent deduction and I support expanding it to 100 percent.

ON THE ISSUE OF GRIDLOCK

Mr. DORGAN. Madam President, I want to make a couple observations about what has just been discussed.

I, too, listened to my friend, the Senator from Texas, and I am always interested and sometimes probably even often entertained by the Senator from Texas. He certainly does not pull any punches. I sometimes think this is a rehearsal. These discussions on the floor of the Senate are sort of a rehearsal for a wider audience that he will take on the road in New Hampshire or Iowa, or wherever he may travel, and they are always interesting, always interesting discussions.

The thing that bothers me, the thing that continues to bother me is the caricature of those discussions about us as a political body and about politicians, especially politicians on the Democratic side of the aisle.

The suggestion is, and a frontal suggestion, that those on this side of the aisle and, incidentally, the occupant of the White House, have really a couple of goals. One, get as much money as you can from people in the form of taxes because Democrats like to do that, he seems to assert, and then spend it and preferably spend it unwisely if you get half a chance.

That is the caricature that is given by the Senator from Texas. He knows better than that.

Last year, we had a vote here in the U.S. Senate. It was a vote on a budget. It prevailed by one vote—one. It was not an easy vote. In fact, not one Member of the minority in the Senate voted yes—not even one. The vote was to try to reduce the Federal budget deficit, because we are mortgaging our kids' future. We are $4.5 trillion in debt. It is ratcheting up, largely because of health care, of course, and a number of other things.

The question is, are we going to do something? Are we going to try to deal with this deficit problem?

So constructed was a budget package that did a lot of things, some of them very unpopular. Yes, it raised some taxes, it raised gasoline taxes, did a number of things to cut some spending, for example, in areas that were not very popular. But in that combination of budget proposals, in taxes and spending, were some very tough choices.

Now, I wonder if the Senator from Texas or others thought it would be fun for anybody to vote yes for that. No. I would think everybody here would sooner vote against anything that is as difficult to swallow as were some of those proposals. But the question that confronted us was not: Is this a tough vote? Of course, it is a tough vote. The question is, are we going to do something? Are we going to address this deficit or not?

Yes, the possible judgment and, incidentally, the political judgment would have been for every single one of us to say, "Not me. I'm sorry. Just count me out. I can find two dozen things I don't like about this, so I vote no. And I will be popular back home. Nobody likes taxes. They do not like the deficit, but increased taxes, no one would want that. They want all the spending. So just count me out. I'm not going to vote for this sort of thing."

But enough people, fortunately, voted for that package to reduce the deficit and it passed. And the deficit was reduced not by a little, but by a lot. That deficit is coming down.

Now, did we do the right thing? Well, I think we did. Was it the popular thing? Of course not. Can we be attacked for it? I suppose.

I mean, that is what politics has become these days—draw a caricature, say those who voted for that are people who are gleeful at raising taxes or who love to take from the taxpayers and spend on some nonsensical thing. That is a caricature that I reject.

I did not get involved in public service because I want to have public debates that were thoughtless. I mean, there are plenty of things that we can debate in a thoughtful way between people here of differing philosophies and probably could come to a conclusion that strengthens the sides that are represented in the debate on both sides. But instead, we tend to lower the bar and lower the standard lower and lower and lower and lower.

In fact, I have mentioned on the floor before and I think I will mention again, there is one set of instructions that has been spread around Capitol Hill here by a prominent politician on Capitol Hill that says:

> Here is an instruction manual on how you should be involved in politics. When you talk about your opponent, use these words—these are the words you ought to use—use "liar." Use "pathetic." Use the word "sick." Yes, even use the word "treason."

And the list goes on and on and on. I am serious. I could bring it to the floor and read the whole thing. That is what politics, unfortunately, for some has become.

It is kind of a wrecking crew operation. Anybody that has ever watched a building crew and a wrecking crew knows that it takes eminently more skill to construct than it does to tear down. It takes more time, more skill.

And, it seems to me, the same is true in politics. The easiest thing in the world is to oppose and to obstruct.

Now this country faces some enormous challenges. We have accomplished some significant things in this country's history, but we face now some enormous challenges, as well.

It seems to me that we can dwell on the negative. And I certainly have talked about the negative in this country—23,000 murders, murder capital of the world; cocaine capital of the world; 110,000 rapes every year; 1.1 million aggravated assaults; one-quarter million babies born every year without a father; we have 9 million people out of work; we have 25 million people on food stamps; we have 40 million people living in poverty. I mean, we could talk about some pretty tough statistics about where this country is and all that relates to human misery.

It seems to me we can also talk in these contexts about what we can do together to try to address some of these things.

The fact is, some things that are wrong in this country cannot be addressed in the Congress, cannot be solved by Government, can only be solved at home, can only be solved by parents, and can only be solved in the neighborhood and in the community by people who care. So some things we cannot do much about.

And the American people who complain about those things have to decide that this is a matter of self-responsibility. We have to roll up our own sleeves and look in our own home and our own neighborhoods and figure out how they can help themselves.

There are other things that we can and we must address. Does anyone think that our education system is just fine? It is not fine. We have enormous challenges. The question is not whether, the question is how do we fix them.

Does anybody here really believe that our health care system is just fine the way it is? Well, if you believe that, then you also believe we ought to have a higher Federal deficit because, I guarantee you, next year the Federal deficit will be higher than this year—well, not next year.

My point is, health care spending as a part of the Federal budget will be higher than this year, not because some here said let us charge more for health care but because health care prices are rising and rising too fast and it costs not just us, not just the Federal Government, not just Medicaid and Medicare, not just State governments, but especially the American family and especially businesses, more and more and more for health care.

Now if we say that does not matter, that is one thing. Then let us do nothing. But if we believe it matters, if we believe it matters that this is going to increase Federal spending and put the pressure on the family structure, then let us try to construct a method by which we achieve quality health care and try to control in some responsible way the costs.

You know, it is interesting, when you look at health care, with the combination of disgruntlement these days about Government and the disconnection in our country with Government. I was in a town meeting one time and a fellow who was there was just awfully crabby. Nothing was right. He hated Government; the Government was awful. He was in his mid-seventies, I guess. During the whole town meeting, he was berating Government—Government was spending too much; the Government is just a wasteful spending institution.

Then I discovered this fellow had recently had open heart surgery, paid for with Medicare. I am thinking to myself: how was there a disconnect here? How would a person that just went through open heart surgery, paid for by Medicare, think that the program, which was a Government program, was such an awful system?

Is there not some connection by which we can look thoughtfully at these things and decide that, you know, there are some things we do well, let us keep doing them; some things we can do better, let us improve them.

But the point that I wanted to make that I think the Senator from Delaware and the Senator from Massachusetts have made better than I is that you really face a couple of choices. You can decide that none of these things matter.

Crime. Does anyone think that we do not have a problem with crime? The debate really ought to be over the solution, not whether there is a problem. Crime and schools and a whole range of those issues.

The question is not whether we do something in these areas. The question is, what do we do?

And what we have is a circumstance today where some people feel very self-fulfilled by virtue of being able to prevent anybody from doing anything, and then blaming later the institution because nothing got done. It might be self-fulfilling for some but it is very frustrating for others who feel we should make some progress.

I come from a town of about 300 people. In my hometown, like the hometown of virtually everyone here, we had some folks who would sit around and play cards every day. They were retired, and basically were commentators on what was going on in town, and also critics of what was going on in town, and, really, never wanted to do very much of anything. Every time somebody else would start something, they would look at it and say, "Oh, look at those people over there. This makes no sense."

While they were playing cards and criticizing all the things that were going on in town, the other folks in town were rolling up their sleeves and paving the main streets and doing the things that were important to do to build our hometown. I tell you, this institution is not very much different than my hometown. There are some powerful influences here who kind of like to sit around and bring everything to a halt. There are some others who get a lot done—probably too much, in some cases. And there maybe is a broad middle in which we ought to decide there is a whole range of good ideas between both sides of this aisle, and instead of preventing either from winning we ought to get the best of what each can give. Somehow, we just miss that connection.

I understand some others want to speak and are probably waiting for other business. Let me just finish by telling a story about one of the folks I served with in the U.S. House of Representatives that my colleagues will remember, a fellow named Claude Pepper. Claude was a wonderful man in a lot of ways. He served in the Senate and then served in the House. Claude was in his eighties when, one day, outside of the Cannon Office Building, he and Congressman JIMMY HAYES, who still serves over in the House, were standing visiting. And this fellow in his eighties, Congressman Pepper, and young JIMMY HAYES, a freshman Congressman, were just talking and apparently a Boy Scout leader with several scouts bustled up the sidewalk. He did not know who these two fellows were, and he stopped and said say, "Could you tell me where the Jefferson Monument is?"

Claude says, "Why, of course. You go right across the Capitol Plaza to the building with the flag on top and then go down one block to the second building, it will be right there."

And young JIMMY HAYES, freshman Congressman, after the Boy Scout leader profusely thanked them and rustled off with his Boy Scouts in tow, JIMMY looked with sort of a strange look on his face at Claude Pepper, this 84-year-old Congressman.

Claude said, "JIMMY, I see you think I have sent them in the wrong direction. I see you think that I have given them bad directions."

He said, "You know, that fellow asked where the Jefferson Monument was. Of course I know the Jefferson Memorial is down near the 14th Street Bridge, everyone knows that. He was asking where the Jefferson Monument was. Of course, Jefferson was not in the United States when the U.S. Constitution was written, he was in Europe, but he contributed much through writings, especially to the principle of the Bill of Rights and especially the principle of free speech."

He said, "I figured if they wanted to see a monument to Jefferson this morning, I would send them over to the front of the Dirksen Building where there is a demonstration going on on the subject of abortion. Nowhere is there a better monument to free speech in Washington, DC than that monument to Jefferson's work."

All of us revere the ability of free speech and free exchange of ideas and the kind of political combat that we do on the floor of the Senate, the House, and in this country in elections. But I do worry, as others have suggested, that the engine of disaffection runs so deep and is so relentless these days, and the new language of politics crosses a threshold that is lower than in the past. And it does fray, I think, the trust of representative government.

One day, one way, soon we need to decide how we construct together the kinds of real solutions that address the real problems that people in this country know exist and know threaten their future. When we do that, I think we will once again restore trust. But as we do that, all of us, Republicans and Democrats, need to start using the language of debate that is thoughtful rather than thoughtless, and encouraging our constituents to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. REID). The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, this is one of the more successful beginnings of a filibuster in my experience. Those of us who have an opposition to the bill in front of us have now spent a little better than 2 hours without hearing a word spoken on it—other than a peripheral patter from time to time from the Senator from Delaware. What we have heard is all the evening news speeches. All the politics are coming out. Certainly, I do not have any objection to all the politics. But it is interesting, one thing keeps raining in on me is I cannot figure out what it is that is on the Democratic Party's mind. Half the time you hear monumental speeches of all the successes of this Congress. They prattle on about NAFTA and the crime bill and everything else. The other half of the time you would think nothing had happened.

What is most interesting, I think, from the standpoint of the evening news, is that what has not happened may be more beneficial to Americans than what has happened. Nobody will know that until time proves it. But I would just say, those who have been prattling on cannot have it both ways. It either was a good Congress or it was not a good Congress; it was not both a good one and a bad one.

I think I also heard the Senator from Delaware make mention of the fact that the purpose of this filibuster was to make Congress look bad. I have not found that to be a challenge that anybody in the Senate had to rise to.

Let us, though, pay some attention to the issue before us. It has been said that the reason for the opposition to it is, somehow or another, a political argument that must be settled against the Senator from California. If it is the cause for some, it is not the cause of the Senator from Wyoming. It is of no concern to me that a bill of this nature costs jobs in the Senator from California's State. It is no concern to me that 12 percent of her State ends up in a no use land classification. And it is no concern to me that 15 percent of her State ends up in restricted use. That is an issue for California, and that does not trouble me.

What is not an issue for California, but is an issue for me, is what this does to the National Park Service and the National Park System. I have said before, there is not a Senator in here who would admit to reducing the budget of any park in America. There is not a Senator in here who would admit to reducing the personnel of the park system and the parks in America. Yet, practically speaking, there is not a Senator in here who has not done just that by adding parks without adding resources—but with obligations beyond comprehension and condemnations of private property beyond comprehension. And with chores for the National Park Service for which it has no resources whatsoever to deal with—just new tasks. New tasks.

Here we are considering putting in a park that is twice the size of Yellowstone Park without putting in the necessary resources. The Senator from California is saying that money is being assigned to it—but, from what? And she says personnel are being assigned to it—but from where?

The Secretary of the Interior, who goes around the country boasting of his commitment to the parks and the environment and everything else, stands in California and looks out over the ocean and says, "Before I leave as the Secretary, I am going to put another $4 billion worth of land at Point Reyes National Seashore into the park system."

In the land to be added to the park system in this bill is the property of a number of Americans whose property titles will be clouded for the rest of their living days because there is not money to take their land and pay for it. So we just take it by putting it under park management, and by making it certain that there are no other options available for that land. And we have done it all over America. In fact we even passed a law requiring the Park Service to come in and report to us their priorities. We asked them what they thought was the outstanding debt of America to buy from Americans that which we have placed in the hands of the National Park Service.

And this administration blithely ignores the law. They did not reply last Congress when we were doing the energy bill and they did not follow it this Congress. They refuse to give us this information. When I came to the Senate, the backlog was said to be around $2 billion. And every year for 18 years we have added and added and added to the backlog of Americans whose property has been put into the park system but for whom no money has been set aside.

Uncle Sam has become the worst kind of neighbor. And those of us who come from land backgrounds—I come from a ranching background—know precisely what kind of a neighbor that is. That is a land hungry, money grubbing neighbor who sees land and acquires it and leaves it for his neighbors to fix the fences and leaves his neighbors to look after his livestock because they do not have money enough to keep up their buildings or keep up their fences.

They just acquire more and more land. But in the instance of Uncle Sam, it is worse yet. Uncle Sam takes the land and does not pay for it. All over this country, there are backlogs. That figure must now be close to $6 billion or $7 billion worth of Americans' lands that have been put in the parks for which no money has been set aside and for which no intention to pay has ever been exhibited.

This is not the kind of country that I thought we grew up in. Most of us do not believe that it is the appropriate thing for the Government of the United States to condemn people's property and then not pay for it. We have no money to do it, even if we wanted to.

In this bill before us, I think the figure is something in the neighborhood of 500,000 acres of private and State land. Some of this will be traded for other public land in California. The most important of the private landowners will be accommodated, but the little people will not be. Those titles are going to be clouded. They will try to sell a piece of property. And the reason people will do it is because they cannot do anything with their own property. The Park Service will come along and deny them the ability to build on it or change the use of it or do anything else because it will spoil the park.

The people will say, "Pay me," and the reply will be there is no money. Who can they sell it to? Nobody. But they have the privilege of paying taxes to the Government of the United States and to the State of California on property whose use has been absolutely squeezed down to its current, present use. Notwithstanding the fact that somebody may be going broke, notwithstanding the fact that somebody may have another idea as to how to use it, notwithstanding all of these things, that is going to be taken from them.

The impact of S. 21 on the integrity of the National Park System is substantial. The bill increases the National Park System by over 4 million acres without, as I said, any new funding for these additions.

Put in simple terms, the legislation adds the equivalent of two new Yellowstone National Parks to the system and pays for it by taking away from each of the other 367 units of the National Park System.

My State of Wyoming has the original national park, Yellowstone. This country has allowed the rangeland in Yellowstone Park to degrade due to overgrazing by wildlife to where it is in essentially the worst condition of any rangeland in the State. This country allows the rangers in this National Park to spend their winters there helping and protecting Americans and guiding them to their enjoyment in temporary summer housing. This country has allowed the road system of that park to degrade to such a point where $300 million is essential, not to improve the roads but just to bring them up to standard. No new roads, no road expansions, nothing else.

This country has allowed that and it has done it in Yosemite and it has done it in the Redwoods, and it has done it at Point Reyes, so they want more. It has done it in Chattahoochee, in Indiana Dunes, up here on Skyline Drive, and it has done it, and done it, and done it. And it is allowing, day after day, each of these parks of this great system to degrade.

But does that stop its appetite for new parks? Certainly not. Does that stop the appetite of Members of the Senate for new parks? Certainly not. Everybody professes their admiration for the National Park System, and so they put in things that are of political satisfaction, but they have nothing but detrimental effects on the American National Park System.

Mr. President, you could not get a Senator to stand up in this body and say, "I advocate reduction of the funds for any park in America." "I advocate a reduction in the personnel of the parks in America." But that is what they are doing, and that is what the Senator from California is doing, and that is what the Secretary of Interior is doing, who not only did not request enough money to even fund the pension obligations of the National Park System, but is taking 3,700 people out of the National Park Service, curiously enough, I think over 700 of which are going into the Office of the Secretary.

It is clear the bureaucracy of the Department of Interior is more important to him than the parks of America. But my point is this: Here we have an enormous new park with no funds and no personnel.

I know that the two Senators from California would wage a battle royal on this floor if there was legislation to reduce the funding or the number of rangers at Yosemite or Point Reyes or Santa Monica. I know that they would tell the papers and the press in their States that they would not do that, but they are. That is precisely what they are doing.

Mr. President, we all know that there is no new money for this park and there are no new ranger positions. In order to maintain and operate the equivalent of two new Yellowstones, other parks in the system will be raided to fund and operate them.

The alternative—and there is one—is to let the California desert lands remain under BLM management, where they are currently under protective management, a plan created by a negotiated settlement with the environmentalists, the users, and the land managers of America, for which the environmentalists only a couple of years ago stood and patted themselves on the back for its completeness and ingenuity and its success.

So the BLM has it in its budget. They are talking about transferring personnel. But that does not answer the problems that are created by this park. California environmentalists were so proud of themselves. They praised themselves in the Los Angeles Times; they praised themselves on television; they praised themselves in their magazines. They said that this was the means by which the desert would be and could be adequately protected in its great beauty.

They now have forgotten that. They now refuse to admit that they once had in mind a plan that worked, and still works. Had it not worked, it would not even have been possible to consider this for park status. Had it been abused and had it been threatened, it would not have been in condition to be considered for this status.

According to the National Park Service itself, in its 1992 self-appraisal called the Vale Agenda, Park Service employees concluded, and I quote:

> There is a wide and discouraging gap between the Service's potential and its current state, and the Service has arrived at a crossroads in its history.

That was 1992. That crossroads in its history is that since 1992, the Senate of the United States and the Energy and Natural Resources Committee and Senators and Members of the House of Representatives have been adding, and adding, and adding, obligations in the form of new parks, and new acreage, and new dimensions, and new interpretive requirements, and new building requirements, to the inventory of America's national parks.

It was just reported the other day that the famous old fighting ship, the U.S.S. *Constitution*, now under the care of the National Park Service, requires another $25 million in repairs to prevent it from sinking. Can you believe, Mr. President; to prevent it from sinking. This is the kind of care that America gives its park assets.

From the Grand Canyon to Acadia, back across the country to the 22 existing parks in California; infrastructure decay, accelerated by deferred maintenance, is clearly punishing not only the park system's roads but its trails, its septic systems, its employees' housing and its visitors' facilities as well, and Americans deserve better.

The Congressman from Minnesota has determined, in his wisdom, that there is no need to provide ranger housing, and because the bill contains my name, he is holding it up, punishing not the Senator from Wyoming, who is leaving the Senate with certain tacit regret, but punishing the rangers, the personnel of the park system. And that is what this bill does, too. That is what the Senators from California are doing, too. They are punishing the rangers and they are degrading the system of America's national parks.

According to the most recent edition of the National Geographic, the superintendent of Great Smokey Mountains speaks of the park's 800 miles of erodible back country trails. "We just can't keep up with it," but we can add new parks with new trails that will have to be maintained and kept up, new roads that will have to be maintained and kept up, and new obligations for personnel and new buildings and new interpretive centers and other things when we cannot keep up with 800 miles of trails in the Great Smokies.

The superintendent at Sleepy Bear Dunes states in the same article, "We have scores of 19th century buildings here and they're all just moldering into the ground." But we can add a new park, twice the size of Yellowstone.

Mr. President, the U.S.S. *Constitution*, the Great Smokey Mountains, Sleeping Bear Dunes, none of these is unique. The problem is nationwide. According to GAO, 60 percent of National Park Service housing, employee housing, needs repair at an estimated cost of $500 million. And we do not have it. But we are saying here that we have money enough for a new park, and we have money enough to load new obligations.

Now, if we cannot properly house rangers in the parks that we have because we do not have the money, how is it possible to stand here in any kind of good conscience and authorize millions of dollars for a new park? It is not right. Our priorities are completely out of order. The political benefit is what is sought and not the benefit to the park system of America.

According to information supplied to Congress by the National Park Service, the agency currently faces a 37-year backlog in construction funding and a 25-year backlog for land acquisition. But according to this bill, we have money enough to require 500,000 additional acres of private lands to be acquired and enough for a new park to be established. This is when that park is already under competent, negotiated management. Thirty-seven years backlog of funding, but we have money enough to do this. Twenty-five years to acquire Americans' lands that we have condemned for our personal privileges to their detriment, but we have money enough and time enough to add to that backlog.

Mr. President, it is disgraceful. And no one argues, certainly not this Senator, that the cost of existing infrastructure repair is literally in the billions of dollars while the cost of authorized but unacquired land acquisition seems to mimic the national debt.

This bill adds another 500,000 acres to the list of the private property that the Federal Government must acquire. We do not have money enough to buy it from Americans who have been condemned to live in that State.

I see my friend and colleague from the Energy Committee here. We have talked about this problem, but we have done nothing.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. WALLOP. I will be happy to yield for a question.

Mr. JOHNSTON. Mr. President, I simply want to say, although the Senator from Wyoming and I happen to disagree on this particular bill, we do agree very much with one of the points that the Senator from Wyoming is strongly making, and that is that the National Park Service is being starved in its revenues; that we are, indeed, adding additional burdens on the Park Service and are not, in fact, giving the Park Service the sustenance, the increases which they need.

I would simply like to say to the Senator from Wyoming, who is, of course, my dear friend and for whom I have the highest regard, and whose service in this Senate, I think, has been really exemplary for this country, for what he has produced, for what he has done—and he knows I feel that way—I would simply like to say his point is a proper one. It is not a new one. It is not a point that he makes for the first time on this Desert Protection Act. He has made the point repeatedly not just in this Congress but in previous Congresses, and I hope, as he goes into retirement in some new incarnation, in which I know he will be extremely successful, I hope upon his departure that in the next Congress we will find a way to deal with this problem.

As he knows, the solution which I have had in the past is to increase the revenue stream of the Park Service. I believe even in a time of short resources this country is big enough, strong enough, rich enough, and that its citizenry is in favor of increasing the resources for the Park Service, which is the solution not only I have—after all, it is a very small amount percentagewise of the Federal budget. It is on the order of one-tenth of 1 percent, as I recall, the amount of money going to the Park Service.

So I say to the Senator from Wyoming that I commend him for raising the issue of starving the parks. I commend him for being consistent in that concern. Not just on this Desert Protection Act, but on a host of other bills and in other years and in other Congresses he has raised that question.

So while I disagree with him on this Desert Protection Act, I very much agree with his point, and he has, I think, spurred and pricked the conscience of at least this Senator, and I think the whole Committee on Energy and Natural Resources.

I hope, having made this point so eloquently, so strongly, and so consistently, we will rise to the occasion and find a solution for it. I guess my question is, does the Senator not agree?

I guess that would be an unfair question because, really, what I have is a commendation for the Senator for the contribution he has made on this issue, as well as others in this Senate. So in this what I hope will be our last evening—I do not wish it to be the last day of the Senator's service because, as he knows, I would like for him to have stayed on in the Senate because of my regard for him personally and for what he has contributed to this Senate. But I hope that it will be the last day of our service other than the lame duck in this session, and so in what I hope will be his last day, I simply did not want the day to go by without giving my personal salute to the Senator from Wyoming for what he has done and to say that in the next Congress we will be aware of this issue.

Speaking at least for the senior Senator from Louisiana, we will search for solutions to this question of starvation of the Park Service in terms of revenues. Even if we created no new park in this Congress, that issue would be with us because we have already starved the Park Service. And I wish to tell the Senator from Wyoming I will be searching for ways to help solve that problem. And I know he knows that I am aware of that, and so I salute him for his service and for what he has done on this issue as well.

I thank the Senator for yielding.

Mr. WALLOP. Mr. President, I thank the Senator from Louisiana for pointing out—and I hope the Senator from California heard—that this is not a new issue with us. Nor have I singled out her park. I have stood in the breach over the course of half a dozen years on this issue.

My problem is that we have developed a fine stream of rhetoric but no priorities. If we honestly believe what the Senator from Louisiana said, we would not make it partisan. It is not threatened land. It is under good and competent management under an agreement that was negotiated by California environmentalists. We cannot gain the attention of this body if there is no penalty for proposing a park except that you have a few extra hours at the end of a closing session by the Senator from Wyoming, or somebody like that, and the rhetoric gets well placed and ever more eloquent to no avail, to no end.

I have been doing this for 16 of my 18 years, and since the backlog is 37 years, I have been here while half of that backlog has been developed. We have been doing it more and more in recent years because everybody seems to think that it is politically important for them to go home with a park.

I say to my friend from Louisiana, who would remember, that there have been a number of parks that were critical to people's reelection which we have authorized, and they get reelected—the Senator from Illinois, Mr. Percy, on the Illinois Canal and a couple of other ones come to mind. It has not been a great success as a tool. But it does not stop the erosion of the capacity of the Nation to deal with its problems. If this were terribly threatened, it would be a different story, but it is not. It is not threatened. It can be made a park anyway. The land is not going to go to Japan or Mexico or to Argentina. The land is there under a management plan that people have found sufficiently good to praise themselves and it innumerable times. They have said how good they were in the negotiation of it.

As I said, there is now another 500,000 acres that we have to acquire; that the Federal Government must acquire. But to add insult to injury, the House added yet another 6,000 acres of private property when they included the Bodie Bowl provisions in their version of it.

So, Mr. President, many of America's national parks are—many of them are—and indeed, the National Park Service itself is now in serious trouble. There is no money to repair or replace the broken pieces. There is certainly no money to add huge new units to the System without further raiding and in the process degrading the existing units.

This measure, many Senators may not realize, constitutes the largest land withdrawal since the Alaska National Interest Lands Conservation Act of 1980. If this becomes law, California will have the most wilderness ever designated in any State except Alaska. So much of California will be designated Federal parks and wilderness that there is not enough public land in that State left to trade off for the private inholdings created by this bill. There is not enough left, so much of it is condemned. And if there is not enough money and not enough land to trade, what will happen to the private property condemned by the Federal Government? They simply have to wait in line for the $3 billion to $4 billion to $6 billion backlog of authorized, but not acquired, inholdings throughout the Nation. And the private citizens of America will be the ones who wait while we and those with the political whimsy create a park that is not necessary to protect it, and certainly is detrimental to the service to which it is added.

Our appetite for parks is absolutely boundless. But our stomach for paying for them is nonexistent. That is why the backlog grows every year. In addition to our refusing to pay, and in addition to our adding to the obligations, the price of land generally rises and we still do not do anything with it.

So to live up to its promise to restore the original vision of the parks which Congress makes routinely, annually—this is not the first time the Senator from Wyoming has been on the floor doing this—Congress needs to act in a responsible fashion, and it has not. And it will not.

California has a tremendous appetite for parks. We have yet to pay for Santa Monica Mountains National Recreation Area. Members of the California congressional delegation have legislation referred to here as the "Headwater bill," the buyout of private landowners in northern California to the tune of $1.5 billion. This is not the 500,000 acres that are new into this bill. This is yet another piece of California's desire to spend Americans' money to protect its land.

They have also introduced legislation which would extend Point Reyes National Seashore to Bodega Bay; cost, $4 billion. This is not the 500,000 acres that we have added. These are new acquisitions. These bills were introduced before we have even disposed of this very expensive piece of business.

It is not only irresponsible, Mr. President, it is outrageous. It is unfair to say that anybody has affection for or admiration for the National Park Service or System and do this. It is simply not honest to say that you have an affection for this kind of service and this kind of tradition in America, and then do this to it.

I am disturbed, I am even angry, that we are apparently willing to assist in the destruction—this body is about to—of what used to be described as the best National Park System in the world. It was the model for the world. It was designed and invented here. It was the place where the rest of the world visited. Now some of the parks we would rather not show because of the condition into which they have fallen.

Throughout my Senate career, I have been one of the strongest advocates for the System. There have been times when I have disagreed with certain actions taken by the Service because I have been supportive of the concept and the vision that was created back in 1872.

This year, I tried to worked with the Senators from California—sad to say, because of problems on their side of the aisle—in advancing the Presidio legislation, not because it adds a new park to an overburdened System, but because the legislation, with the cooperation of the Senator from California, as we wrote it, would reduce the expenditures that would have otherwise been required of the National Park Service and given us a model by which we might have traveled and to which we might yet travel in future years. But, unfortunately, this piece of legislation, S. 21, serves only to increase the National Park Service's expenditures of funds and increase demands on its personnel. But it does nothing to enhance the System.

I am further troubled by the fact that Secretary Babbitt, who explained to us during his confirmation hearing that he was going to listen to the professionals in the field, has not. When you ask the professionals in the field privately, they will tell you that the Park Service cannot afford legislation of this magnitude. The Secretary may be listening, but he does not hear. We have had that trouble with him in other instances. He has ignored the advice of his professionals.

The bill places the National Park Service in the position of managing a multiple-use unit. Think of that, managing a multiple-use unit. The park personnel are not prepared to do that. That is not their order. That is not their mission. That is not what they were trained to do. But in our rush to do this, we are providing them with a series of obligations that are not in any way consistent with the obligations of the National Park Service.

Given our experience in another Park Service-managed preserve, the Big Cypress Reserve, the Park Service has had just a terrible time. They are incompetent at managing such an area. They simply cannot philosophically adjust to multiple-use activities. In a way, there is no reason why they should, except that we are obliging them knowing that they cannot, and knowing it is inconsistent with the philosophy and mission of the National Park Service. The Secretary knows this. Secretary Babbitt knows this and has chosen to ignore the advice.

This legislation is unfortunate for the National Park Service, for the Bureau of Land Management and, I might say, for the people of California, who believe that being in a preserve will protect their property rights and lifestyles.

Mr. President, mark my words now: The opposite will be true. Every instance in which the National Park Service has had such a challenge, they have gone back on their word to America, every single instance. The National Park Service will impose all sorts of limits on the multiple-use activities. They always have. There is no instance in which they have not. The National Park Service does not like multiple use and, in fact, there is a growing cadre within them that does not like human use. It wants these all to be put into some sort of far-off viewing bowl. The limitation on the inholders will place the service—I promise you, Senators from California—in constant conflict with its neighbors, and they will have been placed in that conflict by this action.

The administration's agenda is clear, and only the users of the public lands will become endangered in this administration's war on the West. The California desert consists of about 12 million acres of public lands, of which more than 7 million—12 percent of California—will be made into parks and wilderness. Over 3 million other acres will be set aside as critical desert tortoise habitat, which leaves but 1 million acres available for multiple use activity. And over 25 percent of California will have constrained activity on it as a result of this legislation.

I have to ask the indulgence of my colleagues on all these acreage figures. The truth is that nobody knows how many acres are involved. We know that the totals are huge, even beyond simple comprehension. When my staff approached the majority and the California Senators' staffs for exact figures, they were told that the numbers might be available later but, for now, they were still adding them up. We have the bill on the floor, but they are still adding them up.

We do know that the 1 million acres is all that remains of multiple-use land, and those acres are not contiguous. They are scattered throughout the world of the desert. Most are surrounded by wilderness, making those parcels of land inaccessible anyway. Furthermore, thousands of miles of established roadways have been included in wilderness, and they will be closed. The people of California are thinking they are having protection, and they will find they are the ones that are protected out of the traditional uses that they thought they had and that they thought would be protected.

The Federal Government currently owns more than half the land in the 12 western States. Unfortunately, the actions taken by the Clinton administration have made it clear that the Federal Government is managing these lands for the specific political interest groups, with little regard for the legitimate interests of western citizens and their businesses.

The Secretary has said as much—that multiple use is a concept whose time has passed. The Secretary now believes that there are only two fundamental uses—wildlife and watershed. And America's citizens in the West be damned. As a result, our citizens in the western States have increasingly less control over the vast land areas that at the time of statehood were contemplated to be available as a source of their livelihoods. In effect, another 12 million acres will be added to the Federal Reserve if this legislation is enacted. I say this because this legislation takes so much of the five-county area into the most restrictive forms of Federal control that the whole area will be considered a Federal reserve. The people of Inyo, San Bernardino, Kern, Riverside, and Imperial Counties must be thrilled to death. The bill will withdraw over 8 million acres of land from any further mineral exploration and development, affecting the jobs and future economy of California forever—not for the moment, but forever.

While the senior Senator from California eliminated a few of the larger mining companies from getting entrapped in the wilderness, hundreds of other businesses were less fortunate. Golden Quail Resources, for example, is just one. According to their prospectus, they have proven reserves of approximately 200,000 ounces of gold, having a market value of $80 million—pretty small peanuts for the Secretary of the Interior. To date, they have spent over $3 million on their project, including over $200,000 in claim fees to the BLM. They also pay local taxes.

Mr. President, if this bill passes, that is all gone; it is simply taken from them—their investment, their resources, their ingenuity, and their future. The company has 2,000 American stockholders, 500 of whom are Californians. All of them invested in the project with certain ground rules, and now their Government is changing those rules to their detriment. That project will close. Their Government has walked out on its ground rules.

There are many other similar cases in the parade of horribles, and they all have the same bottom line. They will be out of business. After all, the California desert produces 97 percent of America's rare Earth metals—97 percent; 43 percent of the Nation's pumice; 11 percent of its gold; 100 percent of borates; 12 percent of the sand and gravel. The existing mineral rights that would have to be purchased by the United States runs into billions and billions of dollars. The 1992 Bureau of Mines study estimated that the value of 701 mines and mineral prospects in private ownership in the Mojave National Preserve alone is $7.7 billion. There are 10,000 mining claims in the Mojave. Each will have to be reviewed, evaluated, and resolved with the owner. At what cost?

It is not just California's business. It is the business of the taxpayers of the United States, I say to my friends, ordinarily knowing that the tradition of this body has been that when two people agree on the land use treatment of their State, the rest of us agree. And I would, but the rest of us are going to be faced with paying this bill and having our park systems taxed and our park personnel reduced.

So in enacting it, we would be handing the National Park Service a one-way ticket to further mediocrity, and sentencing thousands of private landowners to a generation of injustice. If we continue these ill-considered ideas, historians will look back at these days as the demise of this great park system and characterize it as the death by a thousand hugs, all of us professing our admiration and affection, each of us contributing to its demise.

It will be reported that everyone loved it and wanted more of it but would not and could not pay for it. No Senator will admit to having done that, but each Senator who supports this bill is guilty.

(Mr. MATHEWS assumed the chair.)

Mr. WALLOP. Mr. President, we are today discussing the California desert issue and its implications to public land emancipation and management. What do I mean by emancipation? I mean the realization that there is an overwhelming Federal influence in the West and the need to greatly limit the ponderous Federal influence on the West exists. We are not diminishing it, but we are adding to it should we pass this bill.

In the West today, we are faced with an administration that is reaching unprecedented levels of Government intervention into every single aspect of each of our lives, using the terms "ecosystems," "environmentalism" and "fair market value" as spears which they chuck at every perceived public resource management problem.

Increasingly, the role of the Federal Government has become one of ruling Americans, not serving them. They are the masters, and we have become their servants. And if you listen to the rhetoric of the Secretary of the Interior, you have to know that that is what is on his mind when he said "the worst mistake that this country ever made was giving the States control over their own waters." Guess what? Because if you control the water of California, or of Wyoming, or of any State, you control that economy and its people. They are subservient. And he wishes to have us be just that, subservient. The Secretary of the Interior wishes to be king of the West, the emperor of all of us that we have to pay to and say, "Can I have my water, sir? Can I use this piece of land, sir, for just one more day?

"No, I am sorry. We have a better use for it than your traditional use."

I do not often agree with the Clinton administration, nor its spokesmen, but no one has expressed the problem in a more articulate manner than the man who I just quoted, Secretary Babbitt.

But the quotes I am about to give now were when he was a Governor, when he actually was not the emperor but when he was one of us, before he assumed this mantle of power that is so heavily resting on his shoulders that he thinks he must control and rule us. Let me quote to you what he said when he was one of us.

> I share the concerns of my fellow Governors. My sense of alarm is perhaps a little more extreme. A lot of observers in this country feel that, taken on a historic scale, the States are obsolete, they are headed the way of the passenger pigeon and the Edsel.
>
> Even the optimist, I think, would say the States at best are in dire danger of becoming administrative agents of Washington * * * it didn't begin that way.

He went on to say.

> The proper role between the States and the Federal Government * * * was the centerpiece * * * of the most brilliant debate in the history of western institutions.
>
> That debate * * * has gone neglected. The result is a Federal system * * * in total disarray.
>
> The United States Congress has lost all sense of restraint. It no longer asks the question that Hamilton, Madison, and Jefferson considered to be the central question * * * Is this an appropriate function of the Federal system?
>
> * * * Hamilton and Jefferson would certainly ask * * * how have we allowed their creation, a carefully layered construction of Federal, State, and local responsibilities, to become scrambled into one great undifferentiated, amorphous omelet by a cook in Washington?

Mr. President, that cook in Washington was a pale, pale, pale chef when Babbitt spoke those words compared to the Julia Childs the Government is now that Babbitt rules. What he once fretted over as a Governor, he now recklessly imposes as an emperor.

Fourteen years have passed since Bruce Babbitt spoke those words in the last year of the Carter administration. Today the current administration's concept of the "New West" has rapidly degenerated into a war on the West. Government officials have been transformed from environmental problem solvers to environmental storm troopers with the power to punish, to prohibit and to take.

Virtually all Federal agencies are making decisions on the use of land and resources in unquestioning response to an ill-conceived environmental agenda which ignores the human side of the equation and disregards the concept of private property rights. In this instance, we are disregarding the concept of private property rights. Worse still, it ignores Governor Babbitt's concern that the Federal Government, as Governor Babbitt—note I did not say Secretary Babbitt—his concern that the Federal Government has lost all sense of restraint and the concepts of Jefferson and Madison.

Listen to how different this man has become, I say to my friend from California.

In 1994, this year, in a speech to the Sierra Club's annual dinner, Bruce Babbitt, now Secretary Babbitt, said:

> We need a new western land ethic for non-wilderness. The old concept of multiple use no longer fits the reality of the new West.

Let me inject here to my friends from California when they are making the National Park Service a multiple use management area that is contrary to its mission and its philosophy, and they have this man as their Secretary. The Senator's plans, however honorable those intentions may be, will not be delivered to her or her citizens. They will not.

Let me go back to Babbitt's words.

> The old concept of multiple use no longer fits the reality of the new West. It must be a concept of public use. From this day on, we must recognize the new reality that the highest and best, most productive use, of western land will usually be for public purposes, watershed, wildlife, and recreation.

Typically, this man made no distinction in this speech between public and private land, because he does not believe in private property.

Unlike his views in 1980 as a western Governor, he now feels that the Federal Government deserves to be omnipotent, and he deserves to be the plenipotentiary of the operation.

The Clinton administration's agenda is clear, and only the users of the public lands will become endangered in the war on the West. Citizens have been threatened with rules and regulations denying them access to guns, rock collecting, and other forms of recreation. And now the chief of the Forest Service is talking about having a Federal hunting license when the Federal Government takes over the management of the game that the States once felt was not only their obligation but which they have done better at managing than has the Federal Government.

In order to pay for increased control by that big Government, we see increasingly the proposals to increase our fees. Hunters, outfitters, radio broadcast users, commercial air tour operators, ski area operators, concessioners, and any other use that requires a Federal permit are being asked to shoulder a bigger and bigger burden. Not all these permit holders will be able to stay in business after paying the new fees on top of their existing expenses, and their existing expenses are being daily added to by an administration which provides for them obligations of compliance that they never had before. So not only do they have new fees, but they have new compliance obligations, and these will all be part, I say to my friend, the Senator from California, of the obligations of the citizens whose lives are encompassed by these areas.

In addition, many of us have traditionally enjoyed a cooperative partnership with the Federal Government over the years, including counties and municipalities, and they are now being asked to help pay the costs for more Federal control. In a conversation with the Senator from California a little while ago, she said "Why do they increase?" I reply that one of the reasons why is to try to keep up with the new demands that the Federal Government is putting on our local communities to exist not cooperatively but subjectively to the Federal Government. So what we might have once had where we private lands as taxable resources, we are now begrudged the payment in lieu of taxes to them and yet we are having new obligations daily descending upon our local areas of government to try to live with and under the Federal Government.

Have we forgotten in this Senate that the original concepts of Jefferson and Madison were really very simple, that the Federal Government derived its power from the States. And guess what? The States are now begging the Federal Government for the authority to exist.

It has taken power from the States, taken power from its citizens. This bill S. 21 takes power from citizens to own property and rights to which their Government had promised them. This bill by producing the National Park Service as the administrative agency will take rights of usage that the Senators believe they have assured but will not be there when the administration is in place and fully operational.

Recently, the Secretary of the Interior was forced by the courts to obey the law. What a terrible statement that is on the arrogance of power that has become Washington—forced by the courts to obey the law. He had to issue patents on a Nevada gold mine. He had the nerve to characterize this as a steal and giveaway of land and minerals.

He had the nerve to characterize obeying the law as a giveaway of land and minerals. And it made good press for the uninformed, and the press is uninformed and it used it as good press.

But the Secretary failed to state that the Barrick Goldstrike Mines in Nevada have developed over 1,700 jobs that did not exist before. They were not there. The Federal Government did not provide those jobs. Those jobs would not have existed had it not been for the steal that he was required by law to accomplish. It means millions of dollars in tax revenues to the counties and States and, yes, even the Federal Government. But it is a steal because he was forced to obey the law.

The Secretary failed to mention $1 billion, Mr. President, that that company spent on developing the technologies to extract that mineral. The Federal Government would not have spent $1 billion. Can you imagine? We cannot even buy the land that is going into inholdings under S. 21 or any other lands. Can you imagine us spending $1 billion to develop an unknown technology on a gold mine? Who would appropriate it? The Senator from California sits on the Appropriations Committee; never would she do that. And should she do it, she would be criticized by the press. Nobody would know there was an outside edge.

So Government could not have done any of this that Secretary Babbitt calls a steal—could not have done it, would not have done it. The jobs would not have existed. The $1 billion that was spent and provided other jobs in upstream technology—science and technology and other kinds of things—would never have been spent, but it is a steal. The taxes that the Federal Government now receives in income taxes from those 1,700 high-paying jobs, and the counties and cities of Nevada, never would have existed. But that is a steal, according to the Secretary of the Interior.

He also forgot to mention that the land he was conveying was worth nothing. They could not sell it. It was the private sector, by settling it, that gave the Nation wealth and gave the Nation revenue. Washington does not know how to mine a damn thing, Mr. President; never will know how to mine minerals. And Congress will not ever pay $1 billion. And you know it and I know it and America knows it.

What was created from these lands was wealth and jobs for Americans. And it was realized by the private sector's willingness to commit capital and technology to a plan that it had no way of knowing was going to be successful.

And now I refer you back to the acreage that is withdrawn forever from access to this kind of creativity and wealth and jobs and future for America.

The battle in the war on the West, if won by this administration, will only serve to send the private mining sector to foreign countries—the jobs Americans might have had—to Colombia, to Uruguay, to the Pacific rim, to Russia. And the wealth that was derived from it will also be in Uruguay and Colombia and Chile, and the Pacific rim. Those riches will not belong to Americans, nor will the environment have been taken care of in anything like the detail and care that would be taken care of were it possible in this country. But here we are taking 7 million acres forever out of America's riches or ability to do it.

So, Mr. President, this is an example of the arrogance of which I speak. During the grazing debate, for example, we were told by the then Director of the Bureau of Land Management: It does not matter if Congress acts. If they do, well and good; if they do not, we will do it administratively.

Democracy is an inconvenience for this Secretary of the Interior. And democracy, I suggest, is an inconvenience for those who live on this land whose lives, livelihood, and flexibility will be greatly constrained by it.

Mr. President, this arrogance continues unabated. More recently, the Secretary seriously missed the point when he claimed that a Federal judge's recent decision to take the gnatcatcher off the endangered species list—again in the Senator's State—was a procedural error. This man does not wish to follow the law. This man mocks the law. And when he is called to account, he calls it a steal or a procedural error.

Any observer can see that Judge Stanley Sporkin's detailed analysis of that case of administrative arrogance on the part of the Secretary and the administration is a road map to the serious shortcomings of environmental actions under the Endangered Species Act and under other pieces of management legislation. It highlights abuses that Emperor Babbitt has tolerated in his eagerness to show that he can make the Endangered Species Act work and his reluctance to follow the law of the land in other areas.

How different from the man of 1980 when he was a Governor and one of us, a citizen of the West, not its new ruling master. How sad that this man does not view his job as Secretary of the Interior, but as the water master, the land master of the West and still the advocate of the League of Conservation Voters.

Mr. President, this bill is a travesty. I do not quarrel with the interests of the two California Senators in protecting that land. I make the case to the Senate that the land is protected. And to put this further protection on it, Mr. President, I am saying that the rights of Americans are being simply ignored; that jobs will be lost in California, revenues will be lost to America; obligations to the taxpayers of the United States that we have no means of or intention of shouldering will be laid in place, 500,000 new acres, billions of dollars of new obligations. And nowhere, nowhere, nowhere has there been even the most remote attempt to identify where these revenues would come from. To do what?

It will not be to save it—it is saved; not to manage it better—it is going to be managed worse. The Park Service does not know how to do multiple use management. It will not be to protect it forever—because it has been protected and it can be protected. It is not going to go overseas. It is not going to go to Japan or Hong Kong.

This is being done for political purposes. It is not for the land. The land is well taken care of. But the problem is that the taxpayer of America will be the one whose obligation it is to pick up the bill for this exercise. And rights in the Constitution of America will be flouted under this exercise. And the people of America whose lives and property will be affected will be the ones who bear the brunt of this exercise. But not for a new and protected piece of property; quite the contrary. The property will be the same property and the protection will be less. Just the new obligations to the taxpayer and new constraints on the citizens of California who reside in that area.

I say again, California does not now have the land to trade for what it is taking in this. It does not exist in that State. And we do not have the money. We have already been through that. Even the Senator from Louisiana, the chairman of the committee, and on the Appropriations Committee, has said the same thing.

There can be only one conclusion out of that and that is citizens' property is going to be taken to satisfy a need that does not exist. I hope that Senators join me in voting against cloture on this legislation and putting the priorities of this Congress where they belong.

It is one thing to say we will do it next year. But it is a statement that has been made annually for at least the 16 years upon which I have sat on that committee.

It is one thing to say that we will just add this one and we understand there is a problem—but we will add to the problem. You do not begin to solve a problem by constantly adding to it and never addressing it, and that is what this exercise is all about.

It is not about people's elections. It is nothing new to the Senator from Wyoming. It is my deep concern that this Congress, this Senate, those two Senators from California are degrading a park system beyond the point at which we can go back and rescue it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to respond to the distinguished Senator from Wyoming and I accept his remarks at face value. I think our citizens should really feel fortunate to have an advocate for our parks like the Senator from Wyoming.

As a matter of fact, I had the opportunity not very long ago to fly over Wyoming. And what I saw was a magnificent State where about a half a million people can live in the outdoors with freedom, with beauty, with mountains, with grass, with pasture—an incredible State. And I go home to my State, also a beautiful State, but instead of a half a million people, there are almost 32 million people.

I was thinking, as I was listening to the Senator from Wyoming, about just the city, San Francisco, which has about 750,000 people in it. I grew up in a park there called Golden Gate Park, one of our great municipal parks. When I was young there were very few people in the park. It was something you looked at and that was all. Today, they have to close the drives, there are so many people.

I will never forget walking in that park one day and I saw a small youngster bending over a daffodil. And the child was in wonder. I asked the mother, and the mother said, "My son has never seen a daffodil, and that is why we come to the park."

Well, our national parks are truly the jewels in the crown of America. It is difficult because there are many great national parks—the Senator from Wyoming has at least two of them in his State, the Grand Tetons and Yellowstone—magnificent parks.

In this situation it is a different situation than Yosemite or Yellowstone or any other park. It is a desert unlike any desert—not like the Sahara, where winds blow and there are huge dunes. This is a desert where there are precious resources: extinct volcanoes, cinder cones, Indian hieroglyphics on the walls, and 90 mountain ranges. It is also a desert which has been scarred by mining operations that have left open pits and sheds and broken-down equipment just there. It is also a desert where tens of thousands of people come.

Mrs. BOXER. Mr. President, the Senate is really not in order. I think the Senator from California, who has worked so long on this, deserves to have the Senate in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mrs. FEINSTEIN. Mr. President, it is also a desert where literally tens of thousands of people come with off-road vehicles and motorbikes and ride across the dunes. I have flown over every part of it at low altitude and the soil does not replace itself. The scaring is enormous.

I have seen petroglyphs where people come and chip out of canyon walls with Indian hieroglyphics to take them home and put them on their coffee table. I have seen the carcasses of desert tortoises, just unnecessarily shot. I have seen the herds of wild burros as they move through the desert, and bighorn sheep. It is an unusual place. And the largest number of people who view it today are wildlife viewers and those who want to see an incredible sunset and incredible carpet of flowers of all colors that bloom in the spring.

I have tried very hard with this bill to make it a bipartisan bill. I knew it had been gridlocked in the Senate long before I got here. I knew that my predecessors, as Senators, had problems with it, so I tried to find out what those problems were. And in many respects I went to the other side of the aisle to find out what people's concerns were about the bill, because I had a deep feeling that the resources somehow, some way, had to be protected and yet the private property owners, who are sparse, who are very rural, also have to be protected. This is not the traditional national park.

In the course of making amendments, 19 of the amendments in this bill have been offered by Republican Senators and Congressmen and incorporated in the bill. From the Argus Range; Bright Star; Piper Mountain; law enforcement; wildlife management; water, the Wallop amendment, the Death Valley

Advisory Commission, the Joshua Tree Advisory Commission, hunting, the Mojave Advisory Commission, a general management plan, no adverse effect on private property; Volco mining claims, the Quillen amendment, the Death Valley Wilderness, the Craig amendment, access to private property, the Wallop amendment, State exchanges, military overflights, limitations on appropriations, and so on.

And I have worked with Democratic Members to see what it was they needed in the bill. About 60 amendments were made to the original legislation.

Every active mine is protected in this legislation. All law enforcement needs are protected in this legislation. We worked with the Armed Services Committee to see to it that all military rights, obligations, and needs are protected in this bill. And we drafted language to protect private property: No taking of private property.

Recently, I went back to Secretary Babbitt, because I was talking with some of the private property owners and they said to me: Well, we are concerned. We have a house. We are concerned that the Secretary, who would control rights of way for electrical power and water and utilities, might not allow us to string the necessary lines to develop our property.

And so I went to the Secretary and got a letter from him dated September 30, which I ask unanimous consent be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE SECRETARY OF THE INTERIOR,
> *Washington, September 30, 1994.*
>
> Hon. DIANNE FEINSTEIN,
> *U.S. Senate,*
> *Washington, DC.*
>
> DEAR SENATOR FEINSTEIN: Thank you for your call concerning rights-of-way for utility lines to private lands in the proposed Mojave unit of the National Park System.
>
> We appreciate that private land owners in the East Mojave National Scenic Area may be apprehensive that the proposed transfer of federal lands to National Park Service (NPS) jurisdiction may limit their ability to obtain rights-of-way for utilities to their property. I want to assure you that if S. 21 is enacted, the Secretary still possesses the authority to grant rights-of-way across NPS administered lands to serve the utility needs of these property owners.
>
> Currently, the Bureau of Land Management (BLM) has the discretion, under title 5 of the Federal Land Policy and Management Act, to grant rights of way for utility lines after considering congressionally prescribed standards. Like the BLM, the National Park Service has similar authorities, regulations and procedures for granting rights-of-way for utilities across federal lands. The issuance of rights-of-way over lands administered by the Park Service is governed by statutory authorities in 16 USC 5 (electrical power transmission and distribution, radio and TV, and other forms of communications facilities) and 16 USC 79 (certain other public utilities and water conduits).
>
> Under 16 USC 5 and 79, the National Park Service regularly issues rights-of-way for utilities, such as electricity, water and telephone, necessary to serve the needs of private property owners. Issuance of a right-of-way under 16 USC 5 or 79 is discretionary and contingent upon a finding by the Park Service that the installation of such utility is compatible with the public interest.
>
> I want to assure you that the Department understands the concerns of private land owners in the Mojave. Upon enactment of S. 21, the Department and the National Park Service will work closely with affected land owners to accommodate their utility rights-of-way needs.
>
> Sincerely,
>
> BRUCE BABBITT.

Mrs. FEINSTEIN. Mr. President, this letter says:

> Thank you for your call concerning rights of way for utility lines to private lands in the proposed Mojave unit of the National Park System.

And it goes on to say that the park system will work with all private property owners to see to it that they are adequately served.

Mr. President, grazing is protected. It was not in the Cranston bill. I went out and visited with ranchers. I was on their ranches. I traveled around. I looked. One of these families drives their youngster to school 100 miles every day to the nearest school. It is fifty miles to the nearest store. This is the Blair family. Yet, they have an active grazing operation that they inherited from their parents, and their parents inherited from their parents. It was part of the Old West and it should continue. We provide for that right, as well.

We allow activities to maintain or restore fish and wildlife populations and their habitats, including the use of motorized vehicles. Senator MURKOWSKI indicated to me today that that was one of his concerns. We took that into consideration, and that is in this bill.

This bill was debated in April. We debated the concerns of the Senator from Wyoming about the National Park Service. In April, we pointed out and I introduced into the RECORD a letter from Secretary Babbitt on the financing of the park which points out that the lands were already targeted for acquisition in BLM plans; the land acquisition envisioned in this bill is less—is less—than that originally planned by the BLM. Thus, these acquisition costs are not new and the potential cost to the Federal Treasury will actually be less. They are discretionary to the extent that they can be spread over a long period of time.

The comment was made that there is a streamlining within the National Park Service, and 3,700 National Park Service personnel will be removed from parks and, therefore, to add a new park is wrong because it will stretch resources even thinner than thin.

I called Secretary Babbitt about this and put it in the RECORD in April. What he told me was all of these 3,700 people—Senator BOXER will be interested in this—are not coming from the parks. They are coming from the Washington office and they are going into the parks. So the streamlining that is being done will actually result in more park rangers and park personnel where they should be: In the national parks of this great country and not in the office buildings of Washington, DC.

I believe, and the Secretary has confirmed, that this present 1995 budget, if this bill is passed, has adequate resources in it to begin this park. As a matter of fact, in comparing it with the Presidio, the costs of operating this are less than one-fifth of what this body is willing to appropriate for the Presidio. It is not a high-cost national park. No taking of private property is required. No land acquisition is mandated.

It is a huge area which will simply change dimensions away from one where you can put mines anywhere, leave them to spoil the land, and chip out hieroglyphs. Do you know the last remaining dinosaur tracks in California have to be hidden because they are afraid that people are going to desecrate them? This bill protects those dinosaur tracks so that our children can come and look at where there was actually a dinosaur trackway, right through a certain area of this park.

The big issue of contention—the big issue of contention—was the East Mojave. As the bill left this Senate with 69 votes, the East Mojave was scheduled to be a national park. It went over to the House and the House saw differently, and the East Mojave became a preserve.

We have accepted the House language on the preserve. This was the major point of difference—the major point of difference—and we have accepted the language. The language in the conference bill provides a preserve in the East Mojave.

This was what, when I negotiated with the Republican Congressman from the district, he wanted and he won it in the House of Representatives, and the bill passed the House of Representatives handily.

When it came back, it survived a cloture motion in this body with 73 votes. I am very proud to say that there are a number of Republican Senators supporting this act. I am grateful to them. We have tried to work with them. I have tried to respect their needs. Senator HATFIELD in particular had certain concerns. We took care of those concerns. They are still in this bill, as he desired.

So I have tried to be true as the author of the bill to the needs of both sides of the aisle in crafting a bill. That is one of the reasons I find it so difficult to understand. If it is not politics, if it is not the fact that I am in a close election, what is it? Because we had 69 votes going out and we can have that many at this point in time.

Mrs. BOXER. Will the Senator yield on that point for a couple of questions?

Mrs. FEINSTEIN. I certainly will.

Mrs. BOXER. I do not want to interrupt the Senator because she is so eloquent on this. But I feel, sitting here listening to you, having listened to the Senator from Wyoming, I would just like to get some questions on the Record and answered.

Is the Senator aware that the San Diego Tribune says:

> The bill achieves a balance between environmental and economic concerns.

That is a recent editorial on the bill in San Diego. Has the Senator seen that editorial?

Mrs. FEINSTEIN. Yes, I have, and I thank the Senator.

Mrs. BOXER. And has the Senator seen the San Diego Sun? These are newspapers that I would call conservative newspapers. They say about the bill: "It aims to protect jobs." Has the Senator seen that particular comment?

Mrs. FEINSTEIN. Yes, and I believe it protects every active job in the area, and I believe it will generate between 1,000 and 2,000 additional private-sector jobs, based on Park Service estimates.

Mrs. BOXER. I say to the Senator that I could not agree with her more. We know that this is going to become another jewel, and we know people are going to travel there, and that will create jobs.

I compliment my friend for her tenacity and her courage. I feel that if democracy is going to work, we are going to have a bill.

Let me ask a couple of questions.

How many years has it taken to bring this desert bill to this point?

Mrs. FEINSTEIN. Seven years.

Mrs. BOXER. Has it ever gotten this far before?

Mrs. FEINSTEIN. No; it has not.

Mrs. BOXER. And, again, what was the vote the last time this bill passed the U.S. Senate?

Mrs. FEINSTEIN. Sixty-nine to twenty-nine.

Mrs. BOXER. Sixty-nine votes in favor of the desert bill in this very body. I would say—the last question—I know that the Senator and I are very concerned about working here for the will of the people of California. In the last poll that was taken on this, what was the result of that poll? What percentage of the people of California supported this desert bill?

Mrs. FEINSTEIN. There was a California poll, which is an independent poll, conducted by Mervin Field, which said that 75 percent of the people in the area supported it and over 70 percent of the people up and down the State supported the bill.

Mrs. BOXER. I thank the senior Senator from California. I am very, very proud to be one of her helpers on this legislation, and I really appreciate her answers to these questions because I think these answers, the way that she answered the questions, would say to every Senator, please stick with us on this bill and on this vote.

Mrs. FEINSTEIN. I thank the Senator very much. She has been quite a helper and I am grateful for it. I thank the Senator.

While the Senator is on that point, I would also like to comment that this bill is supported by the southern California Association of Governments, which includes Los Angeles County, Riverside County, Orange, Ventura, San Bernardino, and Imperial Counties. It is supported by resolutions passed by 16 California boards of supervisors representing 16 counties, 36 city councils representing 36 cities, including the 8 largest cities in California; and 15 California newspapers have endorsed the bill, 118 conservation groups have endorsed the bill.

There are 47 cosponsors of the desert bill. When we came into this, we had 22. It built up in the course of the past 15 months to 47. I might say that the House version passed by a vote of 298 to 128. This is a balanced bill. It has Republican concerns as well as Democratic concerns met. I believe, given all of the accommodations that have been made and the breadth and depth of the support for the bill, Senators might ask the question: Why are we debating the bill again today?

I was somewhat chagrined to read this morning an editorial in the Los Angeles Times which began:

> Beset by raw, mean-spirited politics, the proposed California Desert Protection Act stands at the precipice. Its fate now rests in the hands of Senator GEORGE MITCHELL of Maine.

It goes on to say:

> The only way it can be law is for him to hold the Senate in session over the weekend to allow for a final cloture vote and passage.

Indeed, I am grateful to the leader for doing that. It goes on to say:

> A few Republicans, motivated solely by the determination to undermine Senator DIANNE FEINSTEIN's bid for reelection, have resorted to every possible stalling tactic. By thwarting the clear bipartisan will of both Houses of Congress and the people of California, they hope to deny the California Democrat a key legislative victory to use in her race against Representative MIKE HUFFINGTON.

That is a direct quote. I ask unanimous consent that the entire editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Oct. 7, 1994]

CHANCE FOR A NOBLE FAREWELL

THE RETIRING MITCHELL CAN SAVE DESERT BILL BY DELAYING SENATE ADJOURNMENT

> Beset by raw, mean-spirited politics, the proposed California Desert Protection Act stands at the precipice. Its fate now rests in the hands of Sen. George J. Mitchell of Maine, the Democratic majority leader. The only way it can become law is for him to hold the Senate in session over this weekend to allow for a final cloture vote and passage.
>
> A few Republicans, motivated solely by the determination to undermine Sen. Dianne Feinstein's bid for reelection, have resorted to every possible stalling tactic. By thwarting the clear bipartisan will of both Houses of Congress and the people of California they hope to deny the California Democrat a key legislative victory to tout in her race against Rep. Mike Huffington. The House Rules Committee Thursday sent the final conference report on the bill to the House floor, and final passage there is assured.
>
> However, a handful of Republicans in the Senate have filibustered the bill at every juncture. On the last vote, they lost 73 to 20, with 15 Republicans joining the majority. Only one more cloture vote remains. But Senate rules require a 24-hour notice before such a vote, meaning that the final ballot cannot come before Saturday or Sunday, depending on when the House votes.
>
> The Senate is scheduled to adjourn today. Mitchell has the opportunity to perform one last, noble act before retiring from the Senate. He can keep that body in session for another day or two to salvage the eight years of work that have gone into preserving California's rich desert heritage.
>
> The searing desert is far from the rocky down east coast of Maine, but it is important to all of the nation. We implore Mitchell to do what is right in his final days, by helping defeat the crude partisanship that has gridlocked Congress this year.

Mrs. FEINSTEIN. Mr. President, I have done everything one is supposed to do when one seeks legislation. There is a broad consensus of support for it by the people. It is supported by the administration. It is supported by both bodies of this Congress by a substantial majority. It is thoughtful. It is well crafted. It takes no one's private property. And I believe the Secretary of the Interior will sustain my concerns that the Interior Department worked with the private property owners to show that this is a bill that is not going to stultify. It is going to beautify and enrich and enable people to really utilize the desert. It will produce jobs. There will be more visitors. They will need overnight accommodations. They will need restaurants. They will need a place to stay because the area is large. And that development is all permitted within the confines of this bill.

Mr. President, this is the most important environmental and wilderness bill since the passage of the Alaska Lands Act. It is a bill that has a majority of support. I earnestly beseech the Members of this Senate to let it come into law. I won my victory. I got it through the Senate before. This bill now is a victory for the people of the State of California, 70 percent of whom, by independent poll, want this bill. They want this resource protected.

In a sense, it goes back to that small child I saw in Golden Gate Park while I was mayor who had no garden at home, had no ability to know what the outdoors looked like but could come to a public park and smell a flower. To those who will have no idea of the vast hidden treasures of the California desert, this will open that experience to them. It will be an ennobling experience, an enriching experience, and I believe that every Member of these two bodies and every resident and worker within the desert community will be proud of the dream that can be built upon it and the lives that can be enriched.

I implore this body, let this bill come into law. Do not let a few people with their own agenda stop the overwhelming will of the people, of the National Government and of the State of California.

I thank the Chair. I yield the floor.

Mr. WALLOP. Will the Senator yield for a parliamentary inquiry, or point of order?

Mrs. FEINSTEIN. Yes, I will.

Mr. WALLOP. Mr. President, I make a point of order that there is a person on the floor not authorized to be here, not among the listed people authorized to be in the Chamber of the Senate.

I make a point of order that the Secretary of the Interior is not entitled to be in the Chamber.

The PRESIDING OFFICER. The Chair would instruct the Sergeant at Arms to follow out the Senator's point.

Mrs. BOXER. Mr. President, I rise today in strong support of the California Desert Protection Act. When we finally pass this bill, we will protect the California desert and prove once and for all that strong environmental policy makes good economic sense.

The Senate first passed this bill by an overwhelming majority last April. the House likewise passed very similar legislation in August. So why is the Senate only dealing with the conference of this important bill on the last scheduled day of the 103d Congress?

It is not because this bill is unpopular. Over three-quarters of the people of California support this legislation.

It is not because this bill will hurt California's economy. When passed, the California Desert Protection Act will bring in an estimated $200 million in new revenue to the Desert, and create up to 2,000 new jobs.

It's not because this bill is bad for California's environment. The California Desert Protection Act will protect a unique and magnificent desert landscape for my grandchildren's grandchildren's grandchildren.

And it is not because this bill lacks bipartisan support. When we voted in April 16 of my Republican colleagues joined 53 Democrats to pass this legislation by a vote of 69 to 29.

Mr. President, we are here on what was planned to be the last day of the session because there is a small minority of those who simply believe that new national parks have no value. Well, I am here to say that they do have value and that the arguments of delay; that the Desert Protection Act will harm California's economy; that we can't afford this bill, and that it will lock up the desert for the people of California and the Nation, are absolutely false.

They argue that this bill will cost California jobs. On the contrary, this bill will create jobs and help shatter a myth—the myth that says you can't have a healthy environment and a strong economy. This bill will protect current mining claims and allow all existing mining operations to continue. And as I said earlier, creating two new national parks and a new national preserve will help increase tourism, create roughly 2,000 new jobs and generate up to $200 million in revenue.

They argue that this bill will stretch the resources of the National Parks system to the breaking point. Nothing could be farther from the truth. The Joshua Tree and the Death Valley National Monuments, which will be elevated to national park status under the bill, are already managed by the National Parks Service. Likewise, the Mojave National Scenic Area, which will become a National Parks Service Preserve, is already federally managed by the Bureau of Land Management.

The CBO estimates that initial start up costs for this bill will run about $6–$9 million in each of the first 5 years of this bill. After that initial 5-year period, CBO estimates that increased Parks Service management costs under this bill at only $2.5 million per year. Since the lands encompassed by this bill are already under Federal management, much of these costs must already be met.

Finally, they argue that the California Desert Act will lock up the desert and that people will no longer have access. They say that this legislation will hurt the recreational vehicle users. This is untrue. Almost 500,000 acres of public land—an area ten times the size of Washington, DC—will remain open for trail bikes, for all-terrain vehicles and for other types of off-road vehicles. Likewise, as I noted above, existing mining claims and allow all existing mining operations to continue.

Mr. President, this legislation strikes the critical balance between protecting our fragile desert ecosystems, creating economic growth and preserving the legitimate uses of our public and private lands. Listen to the San Diego Union Tribune. They say that this bill achieves a "balance between environmental and economic concerns." The San Bernardino Sun agreed, explaining that the bill not only protects natural habitat, but "also aims to protect jobs."

After 8 years of hard work—first by Senator ALAN CRANSTON and now by my talented and hardworking colleague, Senator DIANNE FEINSTEIN—we finally have an opportunity to pass meaningful desert protection. When we pass the Desert Protection Act, we will give a healthy shot of adrenalin to the California economy and preserve our desert for generations to come. I urge my colleagues to support this important legislation and I yield the floor.

NOMINATION OF BUSTER C. GLOSSON

Mr. GRASSLEY. Mr. President, there is one advantage to being in the Chamber to listen to debate on other issues than on what a Member might be speaking because I probably had an opportunity to hear more of the pros and cons on the California desert issue than I would have watching it on television in my office. So I think that there have been good presentations on that issue.

Of course, I am not speaking on that issue. I wish to speak on these nominations, and to start out with I wish to concentrate on Lieutenant General Glosson.

Some of my colleagues have wondered why the Senate needs to be spending this weekend considering nominations of three Air Force officers, and I think it is very legitimate for that to be asked. Of course, I share their wonderment because in my view the Senate should not be considering these nominations at this very late date. Of course, the majority leader sets the agenda around here.

If he wanted to not bring these nominations up, he would not have to and we could all go home. Wasting the Senate's time on these tainted nominations is a very interesting reflection of the priorities that people have placed on this institution. Earlier I mentioned how we should be debating the issues that are important to the American people like congressional coverage or unfunded mandates. I only mentioned those two because those were the ones that we were dealing with last night as we closed business. Well, there are other items as well.

What about the 25-percent health care deduction for the self-employed? That deduction has been available to people for I believe 10 or more years and it ran out last year. We are going to have self-employed people of America who have traditionally wanted to deduct their health care from their taxes, their health care insurance from their taxes, or at least up to that 25-percent. They are not going to be able to do that. They are going to get hit with a big, huge tax increase this year because Congress has failed to act on that tax problem. But that is an issue that everyone agrees on. But for some reason or other, it is not the same priority as these tainted nominations that we are going to be dealing with. Just try to figure it out. It is very difficult to figure it out.

I along with many others have been pushing for renewing the 25 percent deduction ever since we failed on the health care reform issue. I have even offered an amendment in the Finance Committee that I serve on and was told by Chairman MOYNIHAN that the issue was a priority. When asked yesterday if the Senate would deal with the health care deduction issue, apparently there was not enough time left to deal with that issue. But of course, we have 2 or 3 days here at the end of the session to spend time on tainted Air Force nominations. Just try to figure it out. I cannot.

This is a prime example of why Congress might be held in low esteem by the people when we could be dealing with the important issues of the day. In our limited time we fritter it away on tainted nominations that would never be approved if the American people were able to vote on them.

Well, I hope that will change in future years. I do not know whether it will or not. But people this November are going to have an opportunity to speak to that point.

As I said earlier in this day, there are games that can be played in this process of legislation. We have waited on these nominations which I am interested in speaking on until the 11th hour. I said on one of these how I was ready to speak last October, another one in January or February of this year, another one in April. But here they come at the 11th hour. There is some intimidation with that. I do not know whether it is meant or not, or maybe I am intimidated. I do not know. But it does seem like it is putting off to the last minute things that could have been done before. But I hope that I will not be intimidated in this process because I think that we need to explore these nominations very thoroughly. I think we need to get the entire record out on the table. We need to debate such matters at the 11th hour if that is the way the game is going to be played.

I would like to suggest to my colleagues why I am here today discussing the nomination of Gen. Buster Glosson, and that he should not be promoted by the U.S. Senate to retire with a third star. And I want my colleagues to understand that this is indeed a promotion. The general officer announcement put out by the Department of Defense on this nomination announces that Gen. Glosson has been nominated "for advancement." It is up to the Senate now to determine if General Glosson's record since his last promotion warrants one final promotion.

It has been our tradition here in the Senate to show deference to departments and administrations for nominations and for promotions. I am second to no one in showing such deference. My record squarely reflects that. When questions about nominees arise it is the burden of Senators or committees to persuade our colleagues that the nominee is not fit for confirmation. But all things being equal, the Senate does show deference in the confirmation process.

In this case, Mr. President, the case of General Buster Glosson, all things are not equal. The circumstances make this a unique case. There is a record on General Glosson resulting from a criminal investigation by the independent office of the inspector general of the Department of Defense. That record says the general tampered with the promotion board and that he lied under oath about what he did; period. That is potentially a court-martial offense. Subsequent panels examined the same evidence as the inspector general. These subsequent panels came away with the same conclusion for the same reasons.

Some who support General Glosson might have hoped that the panel's report would overturn what the IG said. But it did not. It actually reinforced the IG's conclusions. The panel concluded that General Glosson tampered with the promotion board. That in and of itself is potentially a court-martial offense under the Uniform Code of Military Justice. The only difference between the IG report and the panel's report was that the panel did not conclude that the general had lied. But the panel, Mr. President, is not persuasive on this issue.

First, the IG interviewed the general a couple of weeks after the alleged activity when his memory was and should have been very fresh. The panel did not interview him until an entire year after the fact. The panel is therefore in a weak position to be able to test the credibility of the IG's conclusions on this point.

In addition, the panel said that the three complainants against General Glosson had told the truth. While the panel said General Glosson did not lie, it said that he was mistaken. It also did not say that he was truthful. Let me emphasize that. It did not say that he was truthful. And it said that he was evasive and it said that he was misleading. It says that what he said versus what the three generals said were irreconcilable. In other words, the panel all but said the general lied.

Of course, this is a game of semantics. This panel made a political judgment, not an investigative one like the IG did. The IG did it like a criminal investigation. In my view, the panel "Steinerized" the investigation. Let me explain what that means. The "Steinerizing" of this investigation. You remember Josh Steiner, do you not? He is the young Treasury staffer who testified on the Whitewater matter before the committees of Congress. He was the one with the diary, if you remember. When he testified he denied, if you remember, what he had written in his very own diary. Instead, Josh Steiner danced and he bobbed and he weaved around the issue. In short, he denied the obvious. And that is what this panel did. It denied the obvious.

When the panel concludes that the general was evasive and that the general was misleading when it says that the three generals told the truth, when it says their testimony versus his are irreconcilable, when it never says that Buster Glosson told the truth, when it says he ultimately remembered a version of events that was favorable to him but substantially inaccurate, and when it resorts to saying "we believe he never deliberately lied but is simply mistaken," then, Mr. President, that panel is denying the obvious and so it "Steinerized" the issue.

There is an old Malaysian saying. "Anything with scales counts as a fish." Mr. President, what we have here is a fish.

Regardless of this game of semantics, the fact still remains that the panel agreed with the IG on virtually all accounts. In fact, in some instances it went even further. And so the panel does not overturn what the IG did, in which case deference must be shown to the independent IG's investigation. I will say more about that shortly.

Given the record on General Glosson, which is the result of a criminal investigation, and which criminal investigation was signed off on by the Air Force judge advocate and by the Air Force general counsel; and given, two, that the subsequent panel review substantiated the IG report and failed to sufficiently overturn the IG's findings of lying under oath, the burden of proof should be on those of my colleagues who are pushing this general's nomination.

A dark cloud still hangs over General Glosson's name. He tampered with a promotion board, and he was not truthful about what he did.

Let me, Mr. President, just go back a little bit and remind my colleagues that they will read letters from members of the Armed Services Committee that General Glosson should be promoted because he has had an outstanding military record as an F-4 pilot in Vietnam; had primary responsibility for planning and implementing an air campaign in Operation Desert Storm; had service as an Air Force Deputy Chief of Staff for plans and operations.

There is not a thing in this letter that is not absolutely true about General Glosson. General Glosson has a record as a military person that he can be proud of and that his backers can be proud of, and I do not want to detract from that. But we are talking about a General Glosson who, after this, after he had been promoted because of past service, was interfering with the promotion board for an Air Force promotion. That is so serious that three generals resigned from the promotion board. As I stated, what the DOD general counsel had to say about it, and what the Air Force judge advocate had to say about it—it was wrong. Also, the Secretary of the Air Force took action against General Glosson. These generals resigned because there was tampering by General Glosson with the promotion board that was considering promotions of other people in the Air Force. That is a very, very serious offense.

The Senate Armed Services Committee found the Department of Defense's consideration of General Glosson so questionable in the first stage that they sent it back to the Department of Defense for reconsideration, and that is where this panel was set up. So you have the panel saying that he may have been mistaken. But the point is that the inspector general said that he lied. The inspector general said he lied under oath. The panel did not say that he did not lie. The panel did not say that he was truthful. The panel spoke about "mistake," or "mistaken notions," or maybe "too far away to understand." Now, you are comparing an inspector general's investigation and questioning of General Glosson 2 weeks after he supposedly tried to impact the decision of the promotion panel. And then you have the review of it a year later by a panel set up just to do that. And I would ask you, where should the most weight be? On what the IG says, or what the panel says?

I think the issue here, Mr. President, is all about integrity. Debating against General Glosson is not easy for me. I do not delight in this. But it is important enough that I cannot turn away from the obligation we have to all those who proudly wear the uniforms of each of our military services, and that obligation is to demand the preservation of integrity in the promotion process of military officers.

I would like to describe the importance of maintaining integrity in this process, Mr. President, and I begin with the most appropriate commentary on this issue that I have heard anywhere.

The distinguished President pro tempore of the Senate, ROBERT BYRD, recently spoke eloquently and persuasively about this issue. He was speaking at a hearing on February 3 of this year before the Armed Services Subcommittee of Force Requirement and Personnel. That was the hearing on the cheating scandal at the U.S. Naval Academy. Again, Senator BYRD was involved in a hearing about a cheating scandal at the U.S. Naval Academy. During the hearing, Senator BYRD spoke about the importance of leadership, of integrity. Every one of us Senators ought to be proud of the approach that Senator BYRD took. He spoke about setting a good example, and he spoke about sending the right signal. He said the following:

> A good commander must have two qualities: He or she must be able to direct the battle successfully. That is a requirement.

But a good commander must also have what Senator BYRD describes as "clean hands."

A commander must have clean hands or he or she should not pass.

Of course, the Senator from West Virginia credits this principle to a conversation between two soldier statesmen in ancient Athens as recounted by Plutarch. Mr. President, having clean hands is synonymous with honesty and with integrity. That should be as lucid to us today as it was to Greek statesmen 2,500 years ago.

Integrity is the foundation, integrity is the cornerstone of leadership.

When a military commander's integrity has been called into question, then those who would follow him or her into battle may not follow when the going gets rough and tough.

This issue and this nomination is all about integrity. Integrity as it applies to General Glosson and integrity as it relates to our responsibilities in the U.S. Senate. There is a saying about leadership, that a leader is only as good as the people he or she serves.

With that in mind, I suggest to my colleagues that we are in the leadership role on this nomination as Members of the U.S. Senate giving a stamp of approval to this nomination. If we are not in a leadership role in this decisionmaking process, I do not know who is or what our function is.

And, of course, then, we as leaders are only as good as those we confirm. If we confirm someone, especially a military officer, with a dark cloud still lingering, then that dark cloud reflects on us as well.

No doubt General Glosson deserves great credit for his outstanding achievements. Indeed, he has been rewarded for them over the years by a string of promotions. His performance during the gulf war earned him a second star.

But we are here, Mr. President, debating not that second star, or any of the general's previous promotions, we are debating his performance since his outstanding work in the Persian Gulf and after he was given a second star.

The findings of the IG—this cloud over the general's head —that he interfered with the promotion board, the findings of the IG that he lied under oath involves activity after his last promotion.

The question is does his recent record warrant this promotion? In my view, this confirmation comes down to one thing: it is an issue of integrity versus friendship. I know that he has made lots of friends here in the Senate. I know that he facilitated a tremendous amount of access for people up here while he was at the Pentagon and over at the Pentagon.

But friendship should not be the No. 1 concern of this body in carrying out its responsibilities in this confirmation process. If we are to be the leaders in the confirmation process, if we are to demand integrity in this process, if we are trying to change business as usual here in the Senate, and if we are trying to tell the voters every day that we are trying to do that and especially trying to tell them how we are going to change business as usual before the election, then we ourselves must put integrity at the top. Integrity is the cornerstone of leadership. Putting friendship above integrity is business as usual.

I am not going to sit idly by while this happens again and again. If there were ever a nominee who warrants a refusal by this body it is this one. This nomination is not being pushed even by the Air Force. The Secretary of the Air Force came to my office the other day and spoke on behalf of the other Air Force nominees, Colonel Bolton and General Barry, but she did not speak on behalf of General Glosson. Why?

You know why. Because this is an issue of integrity. Every single member of the U.S. Air Force, from the lowliest private to the highest general, is watching this vote.

Here is a general whose integrity is in question and they see a small group of Senators who are friends of his securing to protect him trying to whisk him through the confirmation process. The heck with demoralizing the troops. They are saying they are putting friendship over integrity without any consideration of the impact this will have throughout the ranks.

I have received countless letters and countless phone calls about this nomination from officers all around the country. They cannot believe the spectacle, believe me, Mr. President. What we do on this vote will send a powerful message to those men and women who serve our country.

It will tell our troops that having friends in high places is more important than having unquestioned integrity.

In Federalist Paper No. 77, Alexander Hamilton explained that to add advice-and-consent function was designed to maintain public accountability. Presidents have the sole power to nominate. Responsibility for poor nominees belongs solely to the White House.

But Alexander Hamilton said that the Senate was accountable for its role as well, that the Senate would have to answer to the public for rejecting good nominees or for passing bad ones.

Our function is to screen bad nominees or we will have to answer to the public. The more bad nominees we pass, the more cynical the public has become. And the result is not only taken out on us at the polling booths but our constituents' cynicism helps erode democracy detracting from the approximate process of representative government.

In the simplest terms, General Glosson monkeyed with the promotion process.

Now, you know there might be some things in this whole issue about lying or remembering or whether he was truthful or whether he was not that might be in dispute. It is not, as far as I am concerned, but some people might legitimately dispute that. But there is no dispute that he monkeyed with the promotion process.

He was cited by the DOD and by the Air Force IG's—not one, two—as having lied about it. To confirm General Glosson with such a record still standing would set a terrible example. It would serve as a blemish on the military promotion process. It would demoralize the military men and women across America and it would give the U.S. Senate a blemish on its record.

Now, in regard to my position, first, let me state what my position is on this matter. Some in the press corps has chosen to characterize my position as opposition to the retirement of General Glosson. This is not correct. From the beginning, my position has been to resolve the questions raised by some in light of the findings of the joint DOD Air Force IG investigation.

Thus far, in my view, the findings of the joint IG report still stand on solid ground, and that being the case, then we cannot move ahead with this nomination.

If some new information were to be brought forth to question the IG finding with credibility, I would say fine. It would make a big difference to me.

No one has successfully done that. In seeking to resolve these questions, I have pursued numerous questions of my own about the underlying facts of this case with the Air Force and also with the Defense Department, also with the White House, and with the chairman of the Armed Services Committee. I have done this over an entire year. I have tried to ensure that the issues outlined in the IG report and any doubts about them be thoroughly addressed.

But, after all the investigating had been done, it turns out that the questions raised about the IG report are groundless. I will speak more about this in awhile. That conclusion, though, is inescapable. If all the documents are reviewed, you cannot come to any other conclusion. And yet, we are moving ahead with this nomination.

The DOD and the Air Force IGs found that General Glosson lied under oath and that he improperly tampered with the promotion board. The Air Force JAG and the Air Force general counsel reviewed the IG's findings and, based on the evidence of the record, concluded that there were problems.

Let me emphasize that both concurred with the report of the DOD and the Air Force IGs; not one position, two positions. In other words, these two Air Force counsels agreed, after thorough review of the case, that General Glosson lied under oath and that he improperly tampered with a promotion board. That is powerful stuff, Mr. President. That is indeed powerful stuff.

What is more compelling is the fact that this is the first time ever—let me emphasize ever—that the DOD IGs have accused a high-ranking official of lying under oath. This is the first time ever that DOD IGs have accused a high-ranking official of lying under oath.

So what that means, Mr. President, is that the IG cannot justly be accused of being overly aggressive on this point. It is perhaps an understatement to say that the IGs have been judicious in the past of making such accusations.

Again, Mr. President, it seems to me that these are powerful facts that cannot be denied and ought to be persuasive in and of themselves.

Now what is it that would cause the IG's findings to be superseded? Because if they could be superseded, all of us in the Senate should be open to that.

Well, the obvious answer is, if subsequent investigation turned up new facts that countervail the original investigation, then it would warrant a new look. But that has not been the case, Mr. President. The three-member panel confirmed the facts put forth by the joint IG report. Remember, that is the panel set up after the Armed Services Committee sent it back to the department for review. This three-member panel that met sometime during August and reported back to the Senate in early September, this panel confirmed these facts. These are facts that the IG found. In fact, in some areas, it went even further. It differed only in its judgment as to whether General Glosson lied under oath.

This panel, that met a year later trying to determine whether General Glosson lied, the only difference whether the interview was anything other than what the IG a year before found wrong with General Glosson tampering with the promotion process, it differed only whether General Glosson lied under oath. But, at the same time, Mr. President, it did not say that he told the truth. And it stated that the three members—now, these are the three generals who resigned from the promotion board when it is being tampered with—it stated that these three generals who testified against General Glosson, that these three generals all told the truth.

The result: One, there is no disputing that General Glosson tampered with the promotion board; and, two, the three-member panel has not been persuasive that the charge of lying leveled by the IGs is inaccurate.

I want to go into further depth about the IG report and the panel's report, on the issue of lying.

Mr. President, our distinguished President pro tempore would like to have the floor. I would like to yield him the floor at this point, without losing my right to the floor. He said he would take about 10 minutes. I would be very happy to yield that 10 minutes at this point.

Is that permissible under the rules?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The President pro tempore is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I will not consume more than 10 minutes, at least that is my intention.

THE 103D CONGRESS

Mr. BYRD. Mr. President, we verge toward the final moments of the 103d Congress. Our work here is nearly finished. The good that we have achieved, and the efforts that have failed, will both become paragraphs in the history of this institution and in the unfinished biographies of us all. Even with the sincerest of regrets, that which we have done, cannot be undone; and even with the most impassioned of yearnings, that which we have left undone, cannot now be accomplished.

For ere the glass that now begins to run
Finish the process of his sandy hour,
These eyes, that see thee now well coloured,
Shall see thee wither'd, bloody, pale, and dead.—

HAITI

Mr. BYRD. Mr. President, yesterday, the Congress voted for a nonbinding legislation that places no limits on the mission in Haiti. I know that nothing succeeds like success, and I acknowledge that there is no appetite in the Congress today for placing any limits on the thus far successful operation in Haiti. But although the Congress will return on November 30 and December 1, those days are dedicated to addressing only the GATT agreement. Therefore, there is no further opportunity to address the United States mission in Haiti until the 104th Congress convenes in January 1995. While I fervently hope that the operation in Haiti continues to be relatively trouble-free, remains limited in scope, and a downward glidepath is followed toward handing the operation over to the United Nations, I remain deeply concerned about the potential for the mission to balloon into nation-building and about the safety of our troops.

One drop of blood drawn from thy country's bosom, should grieve thee more than streams of foreign gore* * *

"PORK" FOR THE WASHINGTON POST?

Mr. BYRD. On another matter, Mr. President, I have been the object of some very derogatory editorial writing on the part of the Washington Post recently. On September 21, 1994, the editorial page of the Washington Post labeled as mere "pork" certain provisions in the fiscal year 1995 Transportation appropriations bill. In trying to create a mountain out of a molehill, the Post's editors called me "the King of Pork." Now, the shoe is on the other foot, and dirt of another molehill is creating muddy going for the editors of the Post.

The Washington Post is now, apparently, guilty of using the same editorial page to urge the speedy passage of the GATT world trade agreement, although time for further inspection of this lengthy piece of legislation reveals a $900 million loophole that favors—whom? The Post's parent company, a fact that the Washington Post editorials failed to acknowledge. A provision inserted into the GATT implementing legislation—which is not subject to amendment or changes in conference, as are provisions in the appropriations bills—requires companies to pay only 85 percent of the average price of wireless telephone licenses in upcoming auctions, and no less than $400 million. But this is a far cry from the estimated $1.3 billion than those licenses might fetch in a free market. And the Washington Post was not even happy with that compromise. They had argued that those licenses should be given away, with no payment at all to the Government. Is this, then, "Pork" for the Post?

Mr. President, I ask unanimous consent that two articles from the Washington Post dated October 5 and October 7, 1994, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 5, 1994]

THE TRADE BILL * * * AND THE POST

The House remains scheduled to take up the trade bill today, and vote on it possibly tonight. That's what it ought to do. Some members have urged that the vote be put off until after the election, as was done in the Senate. They ask why the House should have to cast in advance a hard vote that the Senate won't cast until afterward. But the vote won't be any easier then. Nor will it be any less necessary.

The bill incorporates into U.S. law the terms of the new world trade agreement. Through worldwide tariff cuts—the largest tax cut in history—and various other means, the agreement is expected to generate a strong expansion of the U.S. and world economies. The fear among some is that it will cost the United States jobs; in fact it will have the opposite effect. Nor will it lead to the erosion of U.S. sovereignty they profess to foresee, a weakening of health and safety, labor or environmental standards or a higher deficit. In the long run, the growth will likely reduce the deficit.

This newspaper has been attacked in recent days from several quarters on grounds that our editorial support for the trade bill masks and is the result of a provision that would benefit The Washington Post Co. That's just plain false, as some of those making the charge best know. The paper has been a strong and tireless, if not actually tiresome, supporter through three administrations and eight years of the international negotiations that have now given rise to this bill. More than 400 editorials have been published in that period on the subject of trade. Virtually every one has been tilted in the direction of freer trade; many have endorsed provisions now part of the trade agreement; all but a few of these several hundred appeared before the bill and the revenue provision in question were even drafted.

We on the editorial page try to keep abreast of provisions in which The Post Co. has a commercial interest so that we can acknowledge them when they arise. Usually we do so and we failed to do so here; it was a mistake. What we should have known and said about the trade bill provision is as follows:

It involves the price that will have to be paid for a license to provide advanced cellular telephone service by a company in which The Post is a major investor and 70 percent limited partner. The critics describe the price as a deep discount; The Post Co. looks at it as anything but. The license was originally supposed to be free. It was one of three awarded by the Federal Communications Commission in a national competition meant to encourage companies to invest in new wireless technology. After the company in which The Post has its interest won the competition, the FCC changed its mind and said it would charge for the license. The possible proceeds were then seized upon by the administration and others looking for future revenues to offset the tariff losses under the trade bill. The license fee in the bill will be less than the fee would have been as proposed by the FCC. But the provision that officials of rival companies are calling a gift, Post company officials regard instead as a breaking of the government's word and a dunning.

But break or dunning, the revenue provision was not a basis for the editorial. Nor does it seem to us to be a basis for voting either way on the bill. We continue to think, as we have all along and for the same reasons, that the trade bill ought to pass.

[From the Washington Post, October 7, 1994]

POST TAKEN TO THE PILLORY—PAPER CRITICIZED ON TRADE PACT PROVISION

(By Howard Kurtz)

The Washington Post, which delights in exposing secret deals on Capitol Hill, suddenly finds itself accused of participating in one.

A media furor has developed over a provision involving the GATT world trade agreement that would provide what critics call a windfall for three firms, including a Post Co. subsidiary, that are seeking wireless telephone licenses from the government. The Post became the primary target of criticism after running editorials backing the trade pact without mentioning the company's financial interest.

"We did make a mistake and we really feel awful about it," Meg Greenfield, the paper's editorial page editor, said yesterday. "Of course we should have known. We wished we'd known. There's a system for information on these things, and it just broke down."

Opponents of the General Agreement on Tariffs and Trade have gleefully seized on the disclosure that The Post and the corporate parent of the Atlanta Constitution would benefit from the provision, which was inserted by the Clinton White House and House Energy and Commerce Chairman John Dingell (D-Mich.) into legislation implementing GATT. The ensuing controversy has helped temporarily derail a U.S. vote on GATT.

Former presidential candidate Ross Perot charged on "Larry King Live" that "the White House cut a deal with The Washington Post and the Atlanta Constitution that is going to cost the taxpayers $2 billion.

* * * It is the ultimate corruption of our system * * * the biggest piece of pork ever. * * * I mean this makes Whitewater look small."

Conservative commentator Pat Buchanan, also a former presidential contender, said on CNN's "Crossfire": "Somebody snuck that thing in there, and it is an outrage. . . .Let me give you a little sound bite: The Washington Post got a $200 million bailout in the GATT treaty. Did your congressman vote for it?

Executives at The Post Co. and American Personal Communications (APC), which is 70 percent owned by The Post, say the provision actually saves the taxpayers money and was hardly a back-room deal. In fact, they say, The Post disclosed the first legislative move in this direction last July, before it became part of the GATT bill.

"The idea that these terms would be put in GATT was emphatically not APC's idea," said Donald Graham, The Post's publisher and chief executive officer. "It was Chairman Dingell's idea."

Scott Schelle, APC vice president, said GATT opponents are using The Post's involvement as the "excuse dujour" to help sink the treaty. "There is no aspect of a give-away here at all," he said.

One man who helped broker the deal is former Democratic congressman Thomas Downey, now a lobbyist for APC. "My role has been useful but marginal," Downey said. "APC made their case both to Mr. Dingell and the White House. So did The Post. Both sides had big interests in explaining their side."

GOP critics take a more jaundiced view. "The Washington Post had no business editorializing and saying this was a good deal for the free world, and all of a sudden you see in the bowels of this legislation there's a little item they overlooked," said Rep. Robert Livingston (R-La). "That to me is appalling."

How a provision affecting The Post came to be added to the controversial GATT measure in the waning days of a congressional session is a tangled tale. In 1992, APC and two other firms won a federal competition to develop "pioneer" technology for wireless telephones. The licenses were awarded for free, which was standard practice at the time. The three companies spent tens of millions of dollars developing the technology, which is to compete with cellular phones.

Last year, however, Congress ordered the Federal Communications Commission to start auctioning off such licenses in the future. The chief rivals of the "pioneer" firms, Bell Atlantic and Pacific Telesis, argued vociferously that the newcomers should pay for their lucrative franchises.

PacTel, which tried to win one of the free licenses, is no slouch in the lobbying department. The company has contributed more than $1.3 million to congressional candidates over the past decade.

"Yes, we competed. Yes, we lost," said PacTel spokesman Robert Stewart. But he said the proposed deal is "too much of a give-away" and "would create a tremendous distortion in the marketplace."

In July, the FCC went further and decided to charge the three companies a total of more than $1 billion for their existing licenses. The Post subsidiary cried foul, suing the government for changing the rules in midstream.

Graham said, "There is no question whatsoever that the pioneer awards were supposed to be free of licenses. . . The pioneers feel this promise is being broken because of ferocious and successful lobbying" by corporate rivals. Graham said he too had "done some lobbying" with the administration and Congress.

Dingell, for one, was persuaded. In a letter to colleagues, he said the FCC does not have the legal authority to charge for phone licenses and that its effort could be "quite possibly overturned in court," leaving the government with "nothing." So the White House and Dingell struck a deal with the companies that the congressman defended as "a good deal for the taxpayers."

The compromise requires the companies to pay 85 percent of the average price of licenses in upcoming auctions, and no less than $400 million. While this is far less than the estimated $1.3 billion the licenses might fetch today, Graham said it is "grossly worse" than the deal the companies originally struck. Had The Post known the eventual cost, he said, "we would not have competed."

The GATT legislation suddenly loomed as a very attractive vehicle. Not only was it on a "fast track," meaning it could not be amended, but the administration was required to find some money to offset the revenue lost by lowering tariffs. The pot of cash to be raised from the three companies was ideal for this purpose, and the Dingell language was quietly added to the thousands of pages of GATT legislation.

PacTel officials discovered the move Sept. 21, and in the next two days the Associated Press and Wall Street Journal carried stories on the deal. Still, the issue remained muted.

That changed on Tuesday, when PacTel bought full-page ads in The Post and Washington Times. "The Washington Post and two other corporations have slipped in a billion-dollar loophole—and the Post forgot to mention its own special interest in two editorials urging quick passage of the trade pact," the ad said.

"We ran the ads because we'd had no success getting the attention of the administration," Stewart said. Dingell dismissed the ad as "misleading" and part of a "corporate cat fight."

Asked why he sold space to a business rival, Graham said: "The Post tries to give extraordinary freedom to advertisers to say what they wish. We've run many ads criticizing the newspaper and its policies."

While acknowledging its mistake in an editorial Wednesday, The Post said it has run more than 400 editorials in favor of free trade. Greenfield said the notion that her editorial page was secretly trying to advance corporate interests was "a bit nutty." But the political damage had been done: House Republicans succeeded that day in delaying a scheduled vote on GATT until after the November elections.

The disclosure of The Post's role was "explosive" and "dynamited support within the Republican Party," Buchanan said. "It's an insider's deal, and the fact that it's The Washington Post is icing on the cake. The Washington Post is not a beloved institution in the Republican Party."

All this has left the paper in the awkward position of reporting on a Capitol Hill struggle in which it has become central player.

"It's always hard to make sure you're having the same arm's-length relationship that you have with any other story," said Executive Editor Leonard Downie Jr. "Probably it's difficult to convince readers that we are treating it the same way as any other institution."

FAREWELL TO A GREAT AMERICAN

Mr. BYRD. Mr. President, I was officially sworn in as a Member of the United States Senate in 1959, January—more than 35 years ago.

During these almost 36 years of service in this institution, I have been privileged to know, and to count as personal friends, many men and women who tread the pages of American history—brilliant Senators, dedicated Senators, patriotic Senators, prophetic Senators, and many Senators who might rank among some of the outstanding legislators of this or any country.

With some still serving here today, I can rightly say that I have suffered sincerely from the departures and retirements of many of those Senators from our past, and as long as I live, I shall never forget my personal association with the long parade of Senators who have served with me here and who have gone into retirement and some who have gone to await their summons to the Eternal Roll Call.

I was the 1,579th Senator to be sworn in. From the beginning in 1789 to the present, there have been 1,814 men and women, who have graced the Senate Chamber and who have answered the rollcalls of this body.

Having said that, Mr. President, I cannot recall the departure from the Senate of anyone whose departure I regret more than the impending departure of Senator GEORGE MITCHELL from Maine, our Majority Leader and a man whom I admire deeply and sincerely, both as a colleague and a friend.

As I contemplate Senator MITCHELL's retirement from our midst, my unstudied initial reaction is, "Say it is not so!"

Like so many of our colleagues, I have benefited by the brilliance of Senator MITCHELL's mind, and from Senator MITCHELL's leadership and comradeship here in our parliamentary struggles.

Indeed, when the 104th Congress assembles next year, no matter who among us is no longer here, the vacuum left by GEORGE MITCHELL will be difficult to fill.

The basic outlines of Senator MITCHELL's career are a matter of public record. I shall not revisit that record here.

But I do remind our colleagues that Senator MITCHELL is the son of an immigrant mother who worked in a textile factory and of a father who was the orphaned son of Irish immigrants and who worked as a laborer and a janitor.

I recount those realities in order to underline the higher reality of GEORGE MITCHELL's life and career.

Contemporaneously, some cynics find amusement in ridiculing the Horatio Alger story—in asserting that the classic "American Dream" is a fantasy fit only for the gullible and weak-minded—a fantasy with no foundation in life and no realization in human experience.

To such cynics, I say, "look at GEORGE MITCHELL!"

Both Senator MITCHELL and I rose from less than auspicious origins to find our places in the life of a nation that rewards hard work and real effort.

Senator MITCHELL and I have lived out biographies as dramatic, perhaps, as one could ever find—lives of Americans not born to privilege, but lives presented with opportunities and rewards undreamt of by most Americans and impossible to the people of most other lands around the world.

As I stand before you, Mr. President, in the recesses of my imagination, I entertain a genuine fantasy—a fantasy of the Founding Fathers—Washington, Jefferson, Madison, and others—beaming down on us from on high, as this Congress moves toward adjournment and as Senator MITCHELL steps down from his Majority Leadership position.

And in my imagination I can see those Founding Fathers congratulating one another and saying to one another, "See! It works! That is what we intended when we made merit and ability the keystones to our American system of Self-Government, instead of artificial pedigrees, titles, and rigid class origins!"

Mr. President, I commend Senator MITCHELL for the reasoned passion that he brought to his responsibilities as Senate Majority Leader. I commend him further for his infinite patience in helping to guide this mighty institution through the stormy straits of partisanship and wrangling for, lo, these several years. If he has a fault, it is the fault of being too accommodating. I have said that before to him personally, and I have stated it on the floor.

I commend Senator MITCHELL for the incomparable dignity that he has brought to his duties and the grace with which he has carried us so often through the legislative rapids. I commend him further for his keen and incisive and discerning intellect and the logic of his thinking—attributes at which I more than once have marveled as I have watched him pilot the Senate so often.

This past Wednesday evening, Senator MITCHELL delivered a speech at a fundraiser for the George J. Mitchell Scholarship Fund—an endeavor by Senator MITCHELL to encourage and undergird scholastic achievement and education—causes in which both Senator MITCHELL and I have matching concerns.

Senator MITCHELL's remarks on that occasion on this past Wednesday evening, are far more revealing than the comments on his life and career that another might make, even in the sincerest effort to capsulize the values of Senator GEORGE MITCHELL.

For the benefit of all of our colleagues, and for the benefit of posterity, those who will read the CONGRESSIONAL RECORD 100 years from now, I ask unanimous consent that Senator MITCHELL's remarks at his scholarship fund dinner be printed in the RECORD.

And to Senator MITCHELL, I say, fare thee well, colleague and friend. Depart if you must, but never forget your friends here in the Senate, and take with you into the years ahead and into Eternity the assurance that you have made a difference in our work together and the life of this country which we both love so dearly.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATE MAJORITY LEADER GEORGE J. MITCHELL—OCTOBER 5, 1994

GEORGE J. MITCHELL SCHOLARSHIP FUND DINNER

I'm grateful to President Clinton, to my colleagues from the Congress, and to all of you for your support for this scholarship fund. This is as important to me as anything I've done since I entered public service.

Before I entered the Senate, I had the privilege of serving as a Federal judge. In that position, I had great power. The one I most enjoyed exercising was when I presided over what are called naturalization ceremonies. They're citizenship ceremonies. A group of people gathered before me in a federal courtroom. They'd come from every part of the world. They'd gone through the required procedures.

Now in the final act, I administered to them the oath of allegiance to the United States. And then I made them Americans.

It was always emotional for me because my mother was an immigrant, my father the orphan son of immigrants. They had no education and they lived hard lives. But because of their efforts, and more importantly, because of the openness of American society, I, their son, am today the Majority Leader of the United States Senate.

After every ceremony I spoke personally with each of the new Americans. I asked where they came from, how they came, why they came. Their stories were as different as their countries of origin, but all were infused with a tangible and inspiring love for this, the country of their choice.

The answers of the new Americans to my question of why they came were different. But a common theme ran through them. It was best expressed by a young Asian man who replied, in slow, broken English: "I came because here in America everyone has a chance."

A young man who'd been an American for five minutes summed up the meaning of America in a single sentence. Here, everyone has a chance.

But in the twenty-first century, and the third century of American history, everyone will not have a chance to succeed unless they first have a chance to learn. The competition will be fierce and unforgiving. Those who lack knowledge and skill will not succeed.

I consider myself to be especially fortunate. I had a chance. I got an education.

My mother spent her entire working life on the night shift in textile mills. She was a woman of strength and substance, the most influential person in my life. My father was a laborer and a janitor. Like many in their generation, they devoted their lives to providing for their children the education they never had. They had a profound, perhaps even exaggerated sense of the value of formal education. Although they died without property of prominence, my parents had rich and fulfilling lives by their standards—and mine.

I experienced early in life the value of learning. In my junior year at High School, I met an English teacher named Elvira Whitten.

I was fifteen years old, naive, totally lacking in self awareness or self-confidence. I had never read a book, other than what was required to move from one grade in school to the next.

She was elderly, intelligent and kind. One day she asked me to come back to class after school. I did, not knowing what to expect. She talked for a few minutes, then she asked me what and how much I read. I told her. She picked a book up off her desk and handed it to me, and said she thought I would find it interesting.

She made it clear I didn't have to read it, but she asked if I would, for her, and, if I did, to come back and tell her what I though of it. I agreed to read the book because I respected her and knew that it would please her. That night, I got into bed, opened the book and began reading.

It was "The Moon is Down," a short novel by John Steinbeck about a wartime military occupation—presumably the Nazi occupation of Norway. I stayed up most of the night reading it, and could hardly wait to tell Mrs. Whitten about it. She smiled, handed me another book and said, "I thought you'd like it. Here's another one you might like."

It went that way for a few months, and then she gently suggested that I start picking out my own books. I did so, and felt the first stirring of self-worth. It was my exposure to the world of books, to the excitement of knowledge, and it was my first step to adulthood.

I've often wondered what would have become of me if I had not met Mrs. Whitten, or if she had not taken an interest in me. I will always regret that before her death I never went back to tell her what a difference she made in my life. This is my way of doing so, and through her, all of the other teachers who hold the wondrous power to open young minds and inspire young lives.

Earlier this year, when I announced that I would not seek reelection, I received hundreds of requests from groups who wanted to honor me in some way.

I asked that all such offers be concentrated into this one effort. The money raised tonight will be combined with the remainder of my campaign fund to set up a scholarship foundation to help needy and deserving students get a college education.

Nothing is more important to success in American life than a good education. I believe that, because of my own experience and because of what I expect to be the rising demands of the next century.

I once needed help and got it.

Now, fate has provided me the opportunity to help others. I'm grateful for that opportunity. And I'm grateful to you for helping to make it possible.

I've been proud to serve the people of Maine in the United States Senate. It's a great honor, the greatest of my life. But when the 104th Congress convenes in January, I will not be there to take the oath of office as a United States Senator.

My decision not to seek reelection was based solely on my personal concept of public service. I will miss the Senate. I will miss my colleagues. Most of all, I will miss public service.

I've been in the private sector and then in the public sector, and I'm now returning to the private sector. I take nothing away from private life when I say that nothing can ever give the deep and meaningful satisfaction that comes from public service.

Public service gives work a value and meaning greater than mere personal ambition and private goals.

Public service must be and is its own reward, for it does not guarantee wealth, popularity, or respect.

It's often frustrating. But when you do something that will change the lives of people for the better, then it's worth all the frustrations.

We are the most fortunate people ever to have lived, to be Americans, citizens of the most free, the most open, the most just society in human history. Ours is virtually the only government in history dedicated to opening doors, not closing them.

In America today, I believe anyone can go as far and reach as high as work, talent, and education allow. We can't equalize effort or talent and we shouldn't. But we can provide equal opportunity—the promise to everyone of a fair chance to succeed.

It's because of the promise of America that I was able to become the Majority Leader of the United States Senate.

Whatever new problems arise, whatever unforeseeable challenges come, if we can keep that promise alive for our children and theirs, America will never lose her way. For me, that's the purpose of public service, its inspiration and finally, its reward.

Thank you for your support, your trust, and your friendship.

Mr. BYRD. Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for perhaps 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIS MISSION IS COMPLETED * * *

Mr. BYRD. Mr. President, as we near the end of the work of the 103d Congress, I am mindful that a number of our colleagues are retiring from their responsibilities here in the Senate, and will not be regularly among us when the 104th Congress convenes in January.

But one among the United States Senate family deserves particular notice here as he retires from his responsibilities and departs for a new phase of his life.

In this instance, I have particularly in mind our incomparable Senate Chaplain, Dr. Richard C. Halverson.

Dr. Halverson came to his duties as Senate Chaplain from a distinguished career in the Presbyterian ministry—most recently, from the Fourth Presbyterian Church, on River Road, in nearby Bethesda, Maryland.

There, through a committed pastorate and an enviable and unpretentious pulpit style, Dr. Halverson had built up one of the Washington area's most dynamic churches, with a vibrant and active congregation that is still, in itself, perhaps one of the most vivid monuments that any pastor might leave behind him.

Barely missing a beat, Dr. Halverson became a pastor to a new flock here in the Senate, and with touching dedication has moved among us as a living witness to his faith since he took up his duties in the Senate.

He has visited with us in the hospitals. He has visited with our wives and our families in their sick rooms. He has attended memorial services for our friends and our loved ones, and we shall never forget these good deeds.

I know that I speak for all of our colleagues as I express my own appreciation to Dr. Halverson for his ministry in the Senate, and as I voice my own admiration to him for the unquenched spirit and the deep compassion that he has shared with us over the years in the name of a common faith that cuts across the denominations and traditions represented among us.

We shall indeed miss Dr. Halverson, but we shall not soon forget the unequalled dedication that Dr. Halverson demonstrated as "a man of God among us" and as one who touched our lives with the Truth of Eternity.

Mr. President, I thank my friend, Mr. GRASSLEY, for his characteristic courtesy and kindness in yielding the floor temporarily. And now I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF BUSTER C. GLOSSON

The Senate continued with the consideration of the nomination.

Mr. GRASSLEY. Mr. President, as you know, I am discussing the reasons that I believe General Glosson should not be confirmed in his promotion recommended by the Department of Defense and by the President.

As I have tried to make clear, the sequence of events is that there was a panel, which is traditionally done in our military services for promotion, set up to promote some members of the Air Force. That promotion process is not to be interfered with. The integrity of it must be maintained.

The inspector general of the Air Force, backed up by the Department of Defense inspector general, said that General Glosson tampered with that process, and the evidence of it was given out by three generals who were on the board who knew that these communications by General Glosson were not only morally and ethically wrong, but they violated the regulations of the Air Force. They resigned. That was the basis for the inspector general investigation.

Those facts were supported by the investigations of the inspector general, and then further, when questioned about it, the inspector general said that General Glosson lied under oath. Made aware of this, the Secretary of the Air Force, although she would say it was on General Glosson's initiative, withdrew from consideration for other higher up positions within the Air Force.

Somehow it was surmised that a consolation prize for this process would be that General Glosson would retire at a three-star rank. So the nomination went through the Department of Defense, Secretary of Defense, the White House and came up here. It was up here for several months. Finally, the Armed Services Committee decided that it ought to go back to the Department of Defense for some review.

There was a special panel set up to go back and look at everything to see if General Glosson lied and these generals that resigned that said that General Glosson was tampering in the process, whether all that was accurate.

And so the panel reported back—and I discussed that—and that is why, because of the panel report, our own Armed Services Committee felt they could move ahead and bring General Glosson to the floor of the Senate for final confirmation at retirement rank of lieutenant general.

And so we are dealing with whether or not General Glosson, interfering in this process, should be rewarded by a three-star rank and the stamp of approval that Senate confirmation gives to that.

So I wish to speak a little about the inspector general's activity in this area versus what the panel had to say as it relates specifically to whether or not Glosson lied. As far as the panel is concerned, as far as the IG is concerned, there is no dispute that Glosson interfered in the process, and the three generals who resigned from the panel and said he did interfere, there is no dispute that they were telling the truth. The only dispute is did Glosson lie about it under oath.

But even if he only interfered in the process, that is a very, very serious matter and subject to all sorts of action that can be taken against anybody so doing.

But I want to just focus on this lying issue. Again, the joint IG investigation concurred in by the Air Force JAG and the Air Force general counsel found that General Glosson did lie under oath. The inspectors general conducted a criminal investigation into the allegations against General Glosson. It was conducted as a criminal investigation on the advice of the Air Force judge advocate after he was made aware of these allegations.

This was not an administrative inquiry. Had it been, the IG could have compelled General Glosson's testimony. But General Glosson did not fully cooperate in the way that reflected an administrative inquiry. For instance, he required the presence of a personal attorney, and he disallowed a transcript of the interview by the IG personnel. According even to the committee report, General Glosson was evasive and misleading in his responses.

The IG is duly authorized to conduct such investigations as was the case in this matter. It hires experienced investigators to conduct such investigations. These investigators make judgments based on weighing the facts against criminal standards. And when their judgments are signed off on by counsel, which it was in this case, it then makes a very powerful case.

The review panel, on the other hand—I am talking about the panel that was set up after the Armed Services Committee sent this back to the Defense Department for reconsideration—this review panel, on the other hand, made a political judgment about whether General Glosson lied, and it did not have criminal investigative expertise.

As a member of the Judiciary Committee, I have become familiar with the investigative process. In legal proceedings, facts are determined by skilled factfinders, the trial courts. In ensuing appeals, the appellate courts are to provide deference to the factfinding of the trial court. This deference is especially strong when the district court's factual findings were based on live testimony, where the district court was able to evaluate the credibility of the witnesses based on the testimony.

The IG's heard all the witnesses, and their findings on credibility should not be dismissed lightly. Because the parties often disagree about the facts and because anyone can testify in a self-serving way, the processes of cross-examination and observing credibility are extremely important in resolving the factual inconsistencies in litigation generally. The three-member panel, again, set up just a few weeks ago after the Armed Services Committee sent it back to DOD, did hear live testimony. They also concluded that the three generals testifying against General Glosson were telling the truth.

They did not say the same thing about General Glosson. However, the panel's live testimony was taken long after the IG's heard the testimony—nearly 1 year later, when witnesses' memories, except apparently General Glosson's, were fresher.

In my view, therefore, and for reasons I mentioned earlier, the three-member panel's review does little to persuade me that the finding of lying by the IG's on the part of General Glosson was wrong. This is especially true since the panel's factfinders said that General Glosson's testimony to them was evasive and misleading. Mind you, this is not the IG's talking. It is the review panel talking.

Couple this with the fact that the panel did not state that General Glosson told the truth. Let me repeat that: Couple that with the fact that the panel did not state that General Glosson told the truth and that is hardly, then, I think a ringing reversal of the findings of the IG's. So again, I say that that argument simply is not persuasive.

Mr. President, there are three main arguments used over the last year by those who want to push through the Glosson nomination. Each one of these arguments is flawed. I wish to review the three. The first argument is as follows: Yes, General Glosson improperly tried to influence the promotion board. However, you have to look at this in light of his entire military career.

General Glosson, indeed, had a distinguished military career.

It is punishment enough, the argument goes, that General Glosson's career was prematurely cut short. I wish to address this argument. First of all, General Glosson had been promoted often to reflect his distinguished career. He rose all the way to major general without a single blemish on his record. That was his last promotion. Since that promotion, General Glosson engaged in activity in question, and so this confirmation relates only to what he did since his last promotion.

The argument that he should get his promotion based on his entire career is simply not a persuasive one, particularly when you deal with something that is potentially a court martial offense, interfering with the promotions board processes and, for sure, lying under oath.

The second argument that I think can be discredited is that if the U.S. Senate confirms General Glosson, here is what it is saying, here is the signal we are sending, not just to other flag officers but the entire military and to cadets and to plebes and those who are at the bottom of the ladder. We are saying to them, you can have a distinguished military career, and near the end of that career, you can do something improper and we will overlook it. If you have an unblemished career, you are allowed one big foulup and we will look the other way, because one major foulup will be looked at in the context of your entire career.

That, Mr. President, is unacceptable because it is a political solution. It violates the very rigorous standards that we as an institution have fought hard to establish; namely, to make the promotion system like Tylenol—tamper proof.

A second argument I heard was the conspiracy argument. The conspiracy was that it was not General Glosson who lied, it was the other three generals who were influenced. They ganged up on General Glosson and conspired against him. It was they who lied to stop his career dead in its tracks.

Mr. President, none of the investigating bodies found one scintilla of evidence to support this conspiracy theory. To the contrary, at every turn, the three generals were found to be telling the truth—the Air Force IG, the DOD IG, the Air Force JAG, the Air Force general counsel, the Secretary of the Air Force, the three-member review panel, and the Armed Services Committee. Yet, this argument was used to get me to take a sympathetic view of General Glosson. Let me just say parenthetically the way to get me or anyone else to take a sympathetic view of General Glosson is to win the case on the merit of the findings in the joint IG report that these findings of the joint IG report are unfounded. So this argument of conspiracy is also a nonstart.

(Mr. AKAKA assumed the chair.)

Mr. GRASSLEY. Mr. President, a third key argument was that the joint IG report was biased. That argument said that the Air Force IG LTG Eugene H. Fischer held a bias against General Glosson and that, therefore, the joint IG report was tainted. This argument was not only wafting behind closed doors around here but the Armed Services Committee considered the issue in its deliberations as well.

In response to this argument, let me say first that the Air Force IG was merely a participant in the investigation invited by the DOD IG. It was the DOD IG that conducted the investigation and called all the shots.

Second, the three-member panel reviewed this allegation and found absolutely no basis for such allegations. In fact, the panel's findings even directly shot down these allegations. It said "We adduced no evidence establishing that Lieutenant General Fischer had serious personal conflicts with LTG Glosson." Again, this was one of those arguments wafting around the halls of this institution. Let me be very clear about it. There is no factual basis for these arguments.

I might say, Mr. President, at this point, all of these different arguments that I just alluded to were used back in the spring and the early summer of why this should go through. In recent weeks, I think that the people have come to the conclusion that these arguments do not hold water, and I have not been hearing them on the personal appeals that have been made to me by my friends in this body who have asked me to just look another way and let this go through.

Mr. President, the image and the integrity of the U.S. Navy has suffered greatly in recent years. Incidents like the Navy cheating scandal at the Naval Academy, also things like Tailhook, and other scandals have given the Navy much more than just a black eye. As a result of all of this, at the Naval Academy they talk about the new Navy—the new Navy now. What that means is that the Navy is trying to clean up its image. It is trying to instill in its lower ranks a new ethical standard. But if this new ethic is to take hold, what happens at the lower ranks must also take hold at the upper ranks. And the Senate is very much a part of that process.

It seems to me we need to follow the Navy's lead. We, in the Senate, have been trying to clean up our own act. We are passing laws restricting gifts and lobbying. We will soon pass a law to subject Congress to the new laws that we pass for the rest of the country that we have exempted ourselves from, although I doubt now if we are going to get this done this year. But this will be done by February next year. The new Senate needs to instill a new ethic. By eliminating the appearance of double standards, we build up our credibility and our integrity as an institution. We are trying to become the new Senate just like the Navy is trying to become the new Navy.

Mr. President, we would be taking a giant step backward if we let this nomination go forward having failed to resolve these very serious issues. There is no question that General Glosson tampered with the promotion board. And it is not disputed that he did not tell the truth about what he did. Meanwhile, all agree that the three generals who testified against General Glosson were truthful.

Advocates of General Glosson say the following: That despite this blemish, you have to look at his overall career. But the problem with this argument is, as I have said, that if we do that, it is business as usual. That certainly then would not be the new Senate speaking. That argument says it is all right to do something untoward at the end of a brilliant career and you will get away with it. What they are really doing is asking the entire Senate to just look the other way.

I do not know of one rule, I do not know of one guideline, one anything, Mr. President, that makes an exception for bad conduct if you have a brilliant career. That argument simply does not wash.

Do my colleagues really want to make that argument to the public? They look at that argument and they would say, yes, it is business as usual, business as usual here in the Nation's Capital. And I, for one, am just one Senator, but for one Senator, I would agree with that. This is such a clear case.

If we let this nominee go through, then who would ever stop? What would it take to put an end to business as usual? What would it take to put an end to placing political connections over integrity? What would it take for the U.S. Senate to rise up and finally say enough is enough?

The integrity of the nomination process is too important to be compromised for the benefit of one officer regardless of his or her military achievements and his or her friends in Congress.

Unless and until some new evidence is brought forward to alter the unanimous conclusions regarding General Glosson's conduct, the Senate must reject his nomination. To do otherwise elevates form over substance.

We saw how the Navy cracked down on the Naval Academy at the time of cheating. In a large part, the Senate played a major role in that, and I think they did it under the leadership of Senator BYRD and others. I have already referred to the fine arguments that Senator BYRD made in those hearings. Are we going to discipline those at the bottom but not discipline those at the top? Are we going to discipline the plebes but not discipline the lieutenant generals who influence the process?

I want to borrow an analogy. In the 6th century B.C., the Athenian lawmaker Solon spoke about the sometimes selective effectiveness of law. His observation is on all fours with today's experience. Solon said, "Laws are like spider webs in that if anything small falls into them, they ensnare it. But large things break through and escape."

Mr. President, Solon in 6th century B.C. could easily have been describing our confirmation process rather than laws. But it applies to both.

In other words, this is business as usual. This is what we have had all too often in this body, and all too often in this town. That is what is involved in the Glosson case. It is all right to punish the plebes and the cadets, but do not hold the generals to the same tough standards.

We are the leaders in the confirmation process. Do you not know that every officer and every enlisted man and woman in the military is watching how we vote on this nomination? We are about to send a clarion signal to those military men and women watching. In the context of their culture, the outcome of this debate is as big a deal as the Gore/Perot debate on NAFTA and what it was to most of us on that issue. It is pivotal, defining, and it will greatly affect the morale at all ranks in the military if we turn our heads on this issue.

The question is: How will we in the U.S. Senate respond? I suggest to my colleagues, Mr. President, that the Senate is on the spot here, perhaps even more so than General Glosson. Will we set the example needed to reflect a new sentiment? Or will it be business as usual, and will we allow General Glosson to bust through the spider's web?

In my view, this is a key vote on the credibility of our institution. This integrity issue, I think, is central to a lot of people in the bureaucracy. I was asked to meet with the Secretary of the Air Force on these nominations. But, you know, when they came to talk to me, they said they came to talk about the Colonel Bolton promotion and the General Barry promotion. They did not want to visit about General Glosson. They did not say they did not want to visit about it; they just said they came to speak about those other two.

Why, in my suspicion, they do not want to talk about it is that this integrity issue is pretty doggone important and central to the whole issue, and people in the Air Force do not want to have to be dealing with that integrity issue because it is very difficult to support and justify.

Let me read now from a letter from the DOD inspector general to Deputy Secretary Deutch responding to the panel report. Again, remember, there are these promotion panels which the three generals resigned from when Glosson tried to influence them. But the panel report that I am talking about refers to the three-member panel that was set out to go over the Glosson nomination a second time after our Armed Services Committee sent it back to the Defense Department. And so when that panel report came back, the Armed Services Committee felt that it gave them enough room to bring this to the Senate floor.

The inspector general had an opportunity to respond to that, and so this letter is from the inspector general to Deputy Secretary of Defense Deutch. This letter addresses how the panel dealt with the issue of General Glosson's lying. It is entitled "Memorandum for Deputy Secretary of Defense. Subject: Nomination, Lieutenant General Buster Glosson:

> I have reviewed the report on issues relating to the nomination of Lieutenant General Buster Glosson for retirement in grade, which was forwarded to this office by deputy general counsel on September 15, 1994. I believe the fact finders correctly concluded that Lieutenant General Fisher was not biased in any way with respect to his participation in the inquiry conducted by this office regarding the allegations against Lieutenant General Glosson.
>
> Further, the fact finders and the investigators who conducted the inspector general inquiry reached the same conclusion, based on the same rationale, that the conversations between Lt. General Glosson and the three complainants conformed more closely to the recollections of the complainants and that Lt. General Glosson's communications were highly improper.

The inspector general says:

> I disagree, however, with the fact finders' criticism of the manner in which the inspector general inquiry was conducted. The report asserts that the lead investigator concluded early in the investigation that Lt. General Glosson was lying and then attempted to gather evidence to prove that conclusion. However, the report cites not a single instance in which the investigators failed to pursue a material fact or were deficient in their evaluation or presentation of the evidence. In fact, the fact finders did not uncover any significant new information in the course of their own inquiry.
>
> The report also characterizes the approach to the investigation as too prosecutorial and aggressive. That characterization is based on anecdotal examples that do not withstand scrutiny. For instance, the report contends that the interview of General McPeak was combative and contains a small excerpt from the transcript of the interview.

Then the inspector says:

> I have reviewed the entire transcript and believe the investigators acted properly throughout the entire interview. The investigators did not badger the Air Force Chief of Staff. Rather, they brought him back to the issues when he sought to avoid tough questions by providing nonresponsive answers. Similarly, the report characterizes an interview by Major General

The name is redacted.

> A "grilling" because of questions the investigator asked about the details surrounding the telephone conversation which Major General

So and so.

> Overheard, including whether he recalled if Lt. General Glosson was wearing a long-sleeved or short-sleeved shirt that day, because the Air Force switches uniforms in the fall. The question was intended to help fix the date on which the conversation occurred. As such, it was completely proper and probative.
>
> I find it especially perplexing that the fact finders would criticize the investigators for a too-aggressive and prosecutorial approach in view of their acknowledgement that Lt. General Glosson was evasive and misleading in his initial interview with the investigator. Were it not for the investigators' determination to pursue the matter in spite of the dissimulation, we would have failed in our duty to uncover the truth.
>
> Finally, I feel compelled to disagree with the conclusion in the report that Lieutenant General Glosson did not lie during the investigation and that his testimony resulted merely from inaccurate recollection.
>
> I find it inconceivable that any senior Air Force officer could have gone through the crisis of the past several years relating to promotion boards, including one instance where an Air Force general officer was retired at a lower grade, without being cognizant both at the time and later recollections of any conversations he had with three board members relating to a fellow officer's potential promotion.
>
> It should also be noted that the entire report, including that important conclusion, was reviewed by the Air Force deputy general counsel and the Air Force judge advocate general. Those legal officials' initial concurrence was that the findings of the report were supported by the evidence of the record.
>
> The factfinders make no reference whatever to the legal review. I believe the legal review is further testimony to the fairness of the report and its conclusions, and I continue to stand on it. I request that you forward this memorandum to the chairman and ranking member of the Senate Committee on Armed Services.

Signed Derek J. Vander Schaaf, Deputy Inspector General.

Mr. President, from day one, I have argued that the Senate should not confirm General Glosson's nomination until the dark cloud hanging over his name is somehow lifted.

Well, Mr. President, that dark, ominous cloud still hangs over the Glosson name. A reinvestigation did not succeed in washing away the evidence. An independent panel of three judges took a fresh look at all the evidence, but it was unable to break free of the facts and to lift the cloud.

The evidence against General Glosson is compelling. It is impossible to reconcile General Glosson's story with the testimony of three senior Air Force officers. That is the problem we have to wrestle with today. That is the issue. The Glosson nomination has been a very difficult and contentious issue for the Armed Services Committee. The committee has been agonizing over it for months. It is kind of like a festering thorn in the committee's side.

The complaints that were lodged against General Glosson go right to the heart of the integrity of the military promotion boards.

This nomination poses a real dilemma for the committee since General Glosson was accused of breaking the rules that the committee has worked so hard over the past 5 years to put in place.

All the committee's hard work had one goal in mind, and that goal was to insulate the promotion board from improper influences and communications. The whole idea is to strengthen the officer corps by promoting the most qualified, based on skill, on performance and on integrity, and, let me say, not on political pull.

Those are the rules that General Glosson broke. The inspector general of the Department of Defense and the inspector general of the Air Force accused General Glosson of tampering with a promotion board and then lying about what he did when questioned by investigators. The accusations by the inspectors general are laid out in a joint report dated November 8, 1993.

The inspectors general's accusations rest primarily on the testimony of three senior Air Force officers. The three officers who filed complaints against General Glosson are as follows: Lt. Gen. John W. Nowak, Deputy Chief of Staff for Air Force Logistics; Lt. Michael Ryan, Assistant to the Chairman of the Joint Chiefs of Staff; and Maj. Gen. Richard Myers, Director of Fighter Weapons Programs for the Assistant Secretary of the Air Force for Acquisition. These are the ranks and the positions they held at the time of the investigation.

These three senior Air Force officers were members of the 1993 major general selection board. These three general officers, Nowak, Ryan and Myers, formally complained that General Glosson had communicated with each of them separately regarding the integrity of a fellow officer whose name was under consideration by the board.

I will refer to the person whose integrity Glosson questioned as General X to protect his privacy.

Communications with a promotion board regarding a particular officer are "expressly forbidden." They are "prohibited" by paragraph 11–d of Air Force regulation 36–9. A failure to obey this regulation could be a court-martial offense under the Uniform Code of Military Justice. Officers who are assigned to serve on these boards must take a solemn oath to "act without prejudice or partiality," and they have a duty to request relief if they think the board's proceedings have been compromised "by improper influence of superior military authority."

Mr. NUNN. Will the Senator yield for a brief question?

Mr. GRASSLEY. Yes. If I do not lose my right to the floor, I will yield.

Mr. NUNN. Mr. President, I would like to have our colleagues be able to hear both sides of this debate. I know the Senator has spoken now for I do not know how long and it is within his rights as long as he chooses to. But I think the other side of the issue should be heard so people can make a decision with both sides having been heard.

I would like to inquire of the Senator at what stage would he be willing to have others speak on this subject?

Mr. GRASSLEY. If the Senator can give me some information, I could answer that question. If the Senator can find out how many hours we are going to be in session tomorrow, because we will be voting on cloture sometime on the second day, and if we are just going to be in session a few hours tomorrow so I cannot discuss this, then I want to make sure we discuss it before we go home tonight.

And then I know—see, the reason I am concerned about this, I say to my friend from Georgia, is because we are involved in four debates all at one time. We are involved in the Glosson debate, the Barry debate, the Bolton debate, and then the California National Park debate, and we had 3 or 4 hours on the national park debate.

If we get into the national park debate tomorrow and they spend all the time on that, then cloture is going to come, and I will not have the opportunity to present the case that I want to present to the Senate. If we are going to have a long period of time for debate tomorrow, I would be glad to yield without losing my right to the floor to the Senator for what time he might want right now.

Mr. NUNN. I have no way of telling the Senator that. I will certainly inquire of the leadership what their intentions are.

I think most people would be able to speak if we vote on all these matters sometime tonight or in the morning. But if the Senator from Iowa is saying we really are going to be here until Sunday to debate these, I think the Senator would have plenty of time to debate, because if I know the Senate, and I think I do, there is nobody going to be here to speak after 11 o'clock anyway. I think we will have ample time to debate. I imagine if this is going to be stretched out to Sunday, there will be a number of hours that all of us would.

I defer to the Senator. I inquire of him how long does he think it will take him to present this case. Let us say in any circumstance does he anticipate he will take another 2 or 3 hours, 30 or 40 minutes, or another 5 or 6 hours?

I am trying to get a general idea on this. We have a number of speakers on the Armed Services Committee. Two of the nominations passed, as the Senator knows, by unanimous consent, all Republicans and Democrats. The Glosson nomination, I believe, was a 14-to-7 vote. So we will have other people who want to talk on the nomination on really both sides.

So I guess my question really is: If the Senator has all the time he needs to present his case on all of these, would he give us some general range of that so we can inform other Senators who may want to speak on this?

Mr. GRASSLEY. First of all, I would like to be cooperative and intersperse what I have to say with what the Senator has to say and others have to say on the other side, if that does not close me out of saying what I want to say in the whole process.

So the Senator asked a very legitimate part of the process. I would even benefit from hearing what the Senator has to say about it before I am done. I just want to make sure that we have an opportunity to do this. But do not forget that the issue before the Senate that is going to determine whether or not we vote tomorrow is not necessarily on these nominations, because the first vote on cloture is going to be on the national park bill.

Mr. NUNN. I understand.

Mr. GRASSLEY. So I do not want and I am not going to have that yoke around my neck. I am not responsible for extending debate until someone on the national park debate says they are going to vote sooner than the usual ripened time.

Mr. NUNN. I understand the Senator's point. I will also inquire into that and perhaps come back in an hour or so and at that stage determine when the remarks can be made.

Mr. GRASSLEY. If the Senator wants to come back before the hour is up, I am happy to cooperate with him and let him speak.

Mr. NUNN. I thank the Senator.

Mr. JOHNSTON. Will the Senator yield?

Mr. GRASSLEY. I will be glad to yield for a question if it is not for a long period of time and if I do not lose my right to the floor.

Mr. JOHNSTON. It is for a question. Mr. President, my question is part question and part plea.

I ask the Senator to please let Senators know whether or not we should cancel some very important things. My whole family is together for the first time in over a year and a half. The Senator has it within his power to cancel my weekend. That lies within the Senator's power.

I would tell him that if it is really important to do so, I understand he can exercise his prerogative. I ask him not to do that lightly. It is very important to me. And there are many other personal stories like this.

If the Senator wants to keep us here through the whole time, please tell us so. I plead with the Senator. Do not play cat and mouse and say, "Well, it depends on what you say and how the debate goes." I think the Senator knows what he is going to do.

I would personally appreciate it if I could call my wife and my children and their wives who are accompanied by their grandchildren and say, "I will not be coming tonight. Please proceed with the weekend without me."

You know, as the Nation goes, that is not an important issue. As my personal life goes, that is an important issue. And it is important enough so that the Senator from Iowa who is a friend can give me a straight answer. And I ask for one now.

Mr. GRASSLEY Mr. President, for reasons before said, I cannot answer the Senator's question, because the issues that I am debating will not be voted upon until there is a determination of when we are going to vote on the California national park bill.

Mr. JOHNSTON. Well, Mr. President, we do not get to that until we finish this. If the Senator could give us an idea on what his intentions are.

Mr. GRASSLEY. Is the Senator from Louisiana telling me that the debate on the national park bill is all done?

Mr. JOHNSTON. No. But you cannot get to that. I mean, I had good hopes that we would move to that vote as soon as we finish this.

Look, if the Senator wants to keep us here until Sunday, you know, I can accept that as an answer. But what I find difficult to accept is the vagueness of it all. Like, "Well, you know, it depends on them." And they say," No, it depends on you." You know, the old rope-a-dope.

The United States Senate, when I came 22 years ago, never operated like this. Senators were sensitive to the personal lives of other Senators. They were aware of what they were doing and they talked straight with one another. I think that is what we ought to do now. I mean, tell us. You have it within your power.

Mr. GRASSLEY. Mr. President, I am telling the Senator and any other Senator that is interested in the question that the Senator from Louisiana asked as forthright and as honest as I can.

Mr. JOHNSTON. That I should cancel the weekend?

Mr. GRASSLEY. I cannot answer for you or anybody else on that point. I can only tell you that I am going to present my case. I was prepared to debate one of these nominations last fall, I was prepared to debate the other in February, and I was prepared to debate another one as early as last April.

Mr. JOHNSTON. Would the Senator mind telling me how long he is prepared to debate tonight and tomorrow?

Mr. GRASSLEY. I would say 2 or 3 hours.

Now, when you are asking me, am I prepared to debate and stop at that point, then you get back still to the other question. It does not matter whether Chuck GRASSLEY stops right now or not, if the debate on the national park bill is not done, you are not going to go home, anyway. And I have nothing to do with that debate.

Mr. JOHNSTON. I fully understand.

Mr. GRASSLEY. I would resume my discussion.

A failure to obey the regulation that I was talking about could be a court-martial offense under the Uniform Code of Military Justice.

Officers, who are assigned to serve on these boards, must take a solemn oath to act "without prejudice or partiality."

And they have a duty to request relief if they think the board's proceedings have been compromised by improper influence of superior military authority.

After considerable anguish, the three generals stepped forward, asking to be excused.

Each then related the substance of their individual conversations with General Glosson to Air Force Secretary Widnall, and she subsequently excused them from the board.

Their complaints then triggered a criminal investigation.

The complaints were directed at General Glosson but they potentially involved the Chief of Staff of the Air Force, Gen. Merrill A. McPeak. That set off alarm bells.

Because of the serious nature of the complaints, a joint investigation was launched by the Inspectors General of the Department of Defense and the Air Force.

The Department of Defense Inspector General was in charge of the investigation. The Defense Department Inspector General made all the key decisions regarding the scope and direction of the investigation.

The Air Force Inspector General at the time, Lieut. Eugence H. Fischer, came along for the ride. He was invited to participate in the investigation—mainly as an afterthought—and at the urging of senior Air Force officials, including Secretary Widnall.

The DOD Inspector General overruled the Air Force IG when disagreements arose.

All the parties involved were questioned under oath.

Mr. President, I would like to review the principal evidence in the case—the testimony of the three senior Air Force generals—the complainants.

This is the key to the Glosson nomination.

It is important to note at this point that the testimony was gathered 2 to 3 weeks after the alleged communications occurred. So it's fresh material. The investigators were on a fresh trail.

I will take General Ryan's testimony first.

I will briefly hit the main points covered by General Ryan's testimony.

General Ryan testified that about 1 month after he was officially notified that he was designated as a member of the 1993 major general selection board in early October 1993, General Glosson called him on the telephone.

This is how General Ryan described the telephone conversation. I quote:

> I got a call from LTG Glosson, who related to me the following: That General X had lied to the Chief of Staff and that the Chief of Staff didn't want him promoted. I asked Gen. Glosson, I said, let me see if I got this right. I was kind of taken aback. General X lied to the Chief of Staff, and the Chief of Staff does not want General X promoted. And he says, that's it. And I said, I understand the message. And that was the end of the conversation. It was a very short conversation.

The investigators then asked General Ryan a very crucial question.

Do you think General Glosson knew you were a member of the promotion board when he called?

I quote: "In your mind, were you convinced that he knew you were a board member?" General Ryan's answer: "Oh, yeah, I'm sure." The IG followed up: "No doubt about that?" General Ryan: "No doubt * * * In fact, there was no question in the tenor and tone * * *"

After the conversation with General Glosson, General Ryan testified that he felt "disturbed." He said and I quote: "After a point, it started festering in me again * * * It really started bugging me * * * I don't think I can get through it. I can't sign that piece of paper at the end of the board and swear you know of no attempt to influence the outcome of the board."

Mr. President, those are the important points raised in General Ryan's testimony.

Now, I would like to turn to General Nowak.

General Nowak's testimony is almost identical to General Ryan's testimony.

Now, I would like to briefly summarize the key points raised in General Nowak's testimony.

On or about October 6, 1993, after he had been appointed to the board, General Ryan telephoned General Glosson to discuss a program of mutual interest.

After the business at hand was concluded, General Glosson then made these remarks to General Nowak. I quote:

> I want to tell you something, but you cannot check with the Chief to verify this or anything about it. I need you to know that

> General X lied to the Chief. The Chief caught him and knows he lied, and he should not be promoted. If, in the course of your activities over the next few days, his name and record should pop up on your radar screen, you need to make sure that you do what's necessary.

General Nowak said "that was the total extent of the conversation. We hung up."

General Nowark, like Ryan, was "somewhat taken aback" by what General Glosson had said to him.

"My honest assessment," at that point was "I was not influenced by General Glosson," but "I thought it was a poor thing to do."

General Nowak, like Ryan, was convinced that General Glosson knew he was a member of the board.

"It was clear to me," General Nowak said, "that he wanted to affect my evaluation of General X."

To General Nowak, Glosson's intent was crystal clear.

General Myers' testimony tracks exactly with the testimony given by Generals Ryan and Nowak.

Now. Mr. President, I would like to briefly summarize the high points in General Myers' testimony.

On or about October 6, 1993, General Myers was notified that he would serve on the 1993 major general board.

The next morning General Myers received a call from General Glosson, who asked him to come to his office for a visit. General Myers agreed.

This is how General Myers remembers the substance of his conversation with General Glosson.

General Glosson asked me: "Have you been notified you're on a board? And I said, yes sir, I talked with General Boles yesterday and he told me I was on a board. And he said Well * * * that seemed to concern him a little bit. And then he said, Well, I'm going to tell you this, anyway. Then General Glosson said General X has lied to the Chief, and words to the effect that the Chief doesn't want him to get promoted."

In reply, General Myers asked: "So what do you want me to do about this?"

General Glosson replied: "Well, there may not be much you can do * * * Maybe you ought to just rate the record fairly low and hope it comes up in discussion, comes up in the gray area, and then you, you know, take it from there."

General Myers testified that he told General Glosson: "You put me in a heck of a position here." Glosson agreed, saying "yes, I know."

And that was it. The conversation lasted no more than 5 minutes.

Like Generals Nowak and Ryan, Myers too was upset by what had transpired.

For Myers, one of the most disturbing aspects of the conversation was General Glosson's close personal relationship with the Chief of Staff, General McPeak. Glosson was considered a "confidant" and member of the Chief's "inner circle."

This thought might have passed through Myers' mind: could this be a "black channel" communication from the Chief designed to torpedo a candidate?

Myers thought it was "really a strange conversation and probably not proper." He concluded that the Chief of Staff of the Air Force would not attempt to influence a promotion board. The whole idea "was repugnant to me * * * The more I thought about it, it became ludicrous."

General Glosson's testimony presents a somewhat different picture of what happened.

To briefly summarize, here are the important points raised during the interview with General Glosson.

General Glosson admitted he had conversations with Generals Ryan, Nowak, and Myers.

General Glosson admits he questioned the integrity of General X during those conversations.

General Glosson admits telling them: "that General X had lied to him on more than one occasion" in the past.

General Glosson even admits saying General X "can't be truthful with the Chief and the Chief didn't trust him," complaining General X would be promoted anyway.

While the two versions of what happened bear many similarities, there are crucial differences.

First, General Glosson denied telling Generals Ryan, Nowak, and Myers that Chief of Staff did not want General X promoted.

Second, General Glosson denied knowing that Generals Ryan, Nowak, and Myers were members of the promotion board.

General McPeak's testimony did not help General Glosson, not by a long shot.

Mr. President, I would like to take a moment to summarize the key points raised by General McPeak's testimony.

General McPeak denied telling General Glosson that General X had lied to him.

And General McPeak also denied telling General Glosson, or anyone else, that General X should not be promoted.

But the most damaging part of General McPeak's testimony was the part about General Glosson's knowledge and awareness of promotion board membership.

General McPeak's testimony clearly indicates that General Glosson had access to this kind of information on a routine basis.

General McPeak testified that he would not be surprised or bothered if General Glosson had obtained board members' names from the "Personnel Office."

McPeak said: "lots of people know who's on the board. All the 4 stars do. And as I said, I've always put Glosson in a special category * * * I can think of no issues that I haven't been willing to discuss fully with Buster Glosson."

Mr. President, as I said a moment ago, the principal evidence in the case is the testimony of those involved.

What does the testimony tell us?

Does the testimony answer four critical questions?

First, did General Glosson tell Generals Ryan, Nowak, and Myers that General X was unfit for promotion to higher rank?

Second, did General Glosson tell them that General X had lied to the Chief of Staff and the Chief did not want him promoted?

Third, did General Glosson know that Generals Ryan, Nowak, and Myers were members of a promotion board when he spoke to them?

Fourth, did General Glosson attempt to influence the outcome of the promotion board?

We should not confirm General Glosson unless the answers to these four questions are a clear, unambiguous "no."

Now, let us revisit the testimony, the principal evidence in the case.

Does it support resounding "no" answers on those four questions?

Not quite.

What does the evidence show?

It tells us that General Glosson contacted three board members and made very unfavorable remarks about the integrity of a fellow officer whose name was before the board for promotion.

Now, why would General Glosson do such a thing?

You do not have to be a rocket scientist to figure it out.

General McPeak's testimony suggests that there is a high probability that Glosson knew at least one or all three generals was on the board. Glosson was trying to block General X's promotion.

The testimony of Generals Ryan, Nowak, and Myers is almost identical about what General Glosson supposedly said.

General Glosson, by comparison, gives a somewhat different version of what was said.

Mr. President, it comes down to this: His word against their word.

There is no room for miscommunication or misunderstanding. There is no way to resolve the conflicting testimony.

What we have here are irreconcilable accounts of what happened. There is just one inescapable conclusion: Somebody is lying.

The stories given by Generals Ryan, Nowak, and Myers are almost identical. The consistency in their individual accounts lends credibility to their testimony. But the consistency may not be absolute.

Generals Myers and Ryan discussed their separate communications with

General Glosson before the board met and before being questioned by investigators. That is significant.

Did they huddle to get their stories straight? Was this an act of conspirators?

The conspiracy theory does not stand up to much scrutiny.

Neither General Ryan nor General Myers spoke with General Nowak, yet his story is identical to theirs.

Moreover, Generals Ryan and Myers voluntarily disclosed their discussions about the Glosson communications.

Conspirators do not freely acknowledge their discussions.

In sum, there is not one shred of evidence to suggest that three generals conspired to fabricate the allegations against General Glosson.

What benefit could they possibly derive from doing that?

Quite to the contrary, Generals Ryan, Nowak, and Myers came forward at great personal risk and with no certainty about what the final outcome would be. Theirs was an act of moral courage. Their action could have blown up in their faces and ended their careers. It was very risky business.

So what is the bottom line?

The inspectors general concluded that Generals Ryan, Nowak, and Myers are telling the truth. Everything points in that direction.

The accounts given by Generals Ryan and Myers were corroborated by the testimony of General Nowak, who testified that Glosson made identical statements to him.

And if the three generals are telling the truth, then that leads to one inescapable and difficult conclusion: General Glosson is not being truthful.

Mr. President, I would now like to take a moment to read the IG's important findings regarding General Glosson's conduct.

I will quote directly from the inspectors' general report. These are the inspectors' general findings on General Glosson's conduct. I quote from page 18 of the report.

> We make the following findings based upon a preponderance of the evidence:
>
> A. Lt. Gen. Glosson improperly communicated with the complainants and did so with the intent to influence their consideration of General X for promotion during the Calendar Year 1993 Major General Selection Board.
>
> B. Lt. Gen. Glosson lied under oath during our interview in describing the nature and circumstances of his communications to the complainants.
>
> C. Lt. General Glosson lied in his comments to the complainants regarding General X.
>
> D. Gen. McPeak played no role in Lt. Gen. Glosson's misconduct.

There is an important issue that needs clarification.

The inspectors general are saying that there are two sets of lies.

First, the substance or guts of General Glosson's communications with the three complainants was the first set of lies. Those lies were told in early October 1993.

Second, General Glosson lied when interrogated by investigators. That is the second set of lies. Those lies were told in late October 1993.

Mr. President, that is strong medicine, I know, but that is the conclusion.

It is the first time the inspectors general have ever accused a high official of lying under oath.

And I know the inspectors general only reached this conclusion after long and careful deliberation. They stuck to the facts, and the facts led them to those conclusions. It is as simple as that.

Now, the inspectors general did not present those conclusions without first clearing them through the Department's legal counsel. That was done.

The department's lawyers put their stamp of approval on the report.

The joint inspectors general report was reviewed and approved by the General Counsel, Sheila Cheston and Judge Advocate General of the Air Force, Major General Sklute.

I repeat, this is what the lawyers said:

> We have reviewed this report and concluded that its findings are supported by the evidence of record.

Their signatures appear on the letter transmitting the report to the Secretary of the Air Force.

Those signatures are dated November 8, 1993.

The DOD General Counsel was neutral.

After reviewing the inspector general's report, Secretary of the Air Force Sheila Widnall issued a formal letter of admonishment to General Glosson for communicating with three designated members of the 1993 major general promotion board. She continued: "this communication called into question the integrity of a promotion candidate."

That is the Secretary of the Air Force making those accusations against the general.

Mr. President, from the start, I felt the inspectors general had presented a solid case against General Glosson.

I had no reason to disbelieve the evidence. It was a credible report.

But the Armed Services Committee took a different view.

The Armed Services Committee has been struggling with the Glosson nomination for months. Until now, it had been unable to reconcile all the conflicting evidence.

The Glosson nomination has been like festering thorn in the Committee's side.

So, in frustration, in August the Committee turned to the Defense Department for help.

The Committee asked the Department to form an objective panel to take a fresh look at all the evidence.

That was done, and I will not dwell on that process, since it will be covered in detail, I am sure, by the chairman of the committee Senator NUNN.

The independent panel's report is dated September 13, 1994.

For the most part, the panel's report is an excellent piece of work.

The panel examined the same evidence as the inspectors general did and came to the same conclusions for the very same reasons. Only the very bottom line is different. That is it.

The panel was less decisive on the question of lying under oath. But, of course, that is a difficult question for anyone to wrestle with—especially when a high-ranking official is involved.

But whether you go to the IG's report, ratified all the way up the line, or whether you see the panel's report, except or that one issue, everything else is the same.

The panel concluded that General Glosson did not tell a deliberate lie. His recollection was inaccurate. He was, quite simply, mistaken.

In my mind, these are semantic differences.

General Glosson does not now remember things as they really happened.

Mr. President, the panel report does not clear General Glosson's name.

It does not cast reasonable doubt over the IG's finding that Glosson lied.

The panel report merely suggests that things may not—and I say may not—be quite as bad as we thought they were, but they are still pretty bad.

Maybe he did lie. Maybe he did not lie. We will never know for sure.

But there is no doubt about it, he tampered with the promotion board, because here are the panels findings.

Here are the panel's main findings.

First, the panel concluded that preponderance of the evidence suggests that the testimony given by Generals Ryan, Nowak, and Myers was truthful and accurate.

Second, the panel concluded that General Glosson improperly attempted to influence General X's promotion.

Third, the panel concluded that General Glosson's testimony was inaccurate—but not because he was lying but because his memory was foggy.

And forth, the panel concluded that the conflicts in evidential material were irreconcilable.

The differences were simply too vast to be reconciled.

The panel report does not get General Glosson out of hot water.

It is difficult to believe that General Glosson's mind could fog up so quickly.

He was first questioned by the inspectors general just 3 weeks after the alleged conversations took place. How did he suffer memory loss in such a short span of time.

While the panel report concludes that General Glosson did not lie, it does not say that Glosson was truthful, either.

It does not say that General Glosson told the truth. That is an open question—at least for the panel.

For the inspector general, General Glosson lied under oath when questioned by investigators.

The IG is sticking to his guns. He is not backing off. He stands behind his report: General Glosson lied under oath.

In a memorandum to the Under Secretary of Defense on September 21, 1994, the Deputy DOD Inspector General Vander Schaaf states:

> I feel compelled to disagree with the conclusion in the report that Lt. Gen. Glosson did not lie during the investigation and that his testimony resulted merely from inaccurate recollection.

Mr. President, the inspectors general believe that Glosson told two distinct and separate sets of lies:

No. 1, the guts of his communications with the three complainants in early October.

No. 2, his statements to investigators in late October.

My reading of the DOD panel report suggests the panel only addressed the second set of lies.

The panel dodged the question of set No. 1.

Mr. Vander Schaaf, the inspector general, said it was inconceivable, that a senior officer like Glosson could not remember what he had said to the three complainants.

For a skilled fighter pilot and the mastermind of the air campaign against Iraq, it is hard to understand how he could so easily forget what he said to three members of the promotion about a fellow officer's suitability for advancement.

The three complainants did not suffer from memory loss. They did not have any trouble remembering what was said.

Mr. President, I just read Mr. Vander Schaaf's memo in its entirety.

The Deputy IG says that General Glosson is lying, and he said that barely 1 week ago.

While the panel concludes that Glosson suffered from inaccurate recollection, the panel is unambiguous about the truthfulness of the complainants. These are the three generals that resigned from the promotion board.

The panel concludes that the testimony given by Generals Ryan, Nowak, and Myers was truthful. It seems to me that that is the single most important finding and that in and of itself is devastating for Glosson. If the three generals are telling the truth, and the differences are irreconcilable, then a reasonable mind might conclude that General Glosson is lying.

Mr. President, it is important to revisit exactly the testimony given by the complainants. The three generals testified that General Glosson contacted each of them separately after they were appointed to the board and told them that general X had lied to the chief, meaning the chief of staff, and that the chief did not want general X promoted. The panel says all of that is true. That is what Glosson said.

Glosson denies saying those things, and the panel concludes that General Glosson improperly attempted to block the promotion of general X.

These two conclusions, when coupled together, tell me that General Glosson engaged in improper communications with members of a promotion board. Such communications are expressly forbidden and prohibited by paragraph 11 of the Air Force Regulations 36-9. A violation of those regulations could be a court-martial offense under the Uniform Code of Military Justice.

I asked the American Law Division at the Library of Congress to examine this question: would an attempt to influence the major-general selection board conceivably be subject to criminal prosecution? In response to my request, an excellent memo was prepared by Mr. Bob Burdette, legislative attorney within the division. I think he did a good job. The short answer to my question is, yes, a prosecution under articles 92, 133, and 134 could conceivably be undertaken.

I ask unanimous consent to print that memo in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, June 29, 1994.

Subject: Whether An Attempt To Influence a Major-General Selection Board Could Conceivably Be Subject To Criminal Prosecution.
To: Hon. Charles E. Grassley.
(Attention of Charlie Murphy).
From: American Law Division.

This memorandum responds to your request for an assessment of whether a possible attempt to influence the deliberations of a major-general selection board could conceivably be subject to criminal prosecution. You have indicated that the individual concerned spoke to persons who had been appointed as members of a major-general selection board, made negative comments concerning a particular individual who was under consideration by that board for promotion to the grade of major general, and represented his remarks as reflecting the views of the Chief of Staff of the uniformed service concerned. You have also indicated that the Inspector General of the uniformed service concerned and the Inspector General of the Department of Defense conducted a joint investigation of the matter and concluded, in relevant part, that the individual concerned had in fact "improperly communicated" with the members of the selection board "with the intent to influence their consideration" and had lied under oath to the investigators concerning the matter. Several distinct charges described in the Manual for Courts Martial (1984) could be implicated by such a set of circumstances. They are discussed separately below.

VIOLATION OF OR FAILURE TO OBEY A REGULATION (ART. 92, UCMJ)

The stated purpose of a relevant regulation of the uniformed service concerned[1] is to set out "objectives, policies, and procedures for promoting officers to and evaluating officers in the grades of brigadier and major general." Article 92 of the Uniform Code of Military Justice denominates "failure to obey any lawful . . . regulation" to be a punishable offense. Paragraph 16b(1) of the Manual for Courts Martial describes the elements of the offense, in relevant part, as follows:

> *Violation of or failure to obey a lawful . . . regulation.*
>
> (a) That there was in effect a certain lawful . . . regulation;
>
> (b) That the accused had a duty to obey it; and
>
> (c) That the accused violated or failed to obey the . . . regulation.

As part of the Manual's explanation of what constitutes a punishable violation, two items seem especially noteworthy for present purposes. Paragraph 16c(1)(d), relating to "*knowledge*," points out that: "Knowledge of a . . . regulation need not be alleged or proved, as knowledge is not an element of this offense and a lack of knowledge does not constitute a defense." Paragraph 16c(1)(e), relating to "enforceability," states that:

> Not all provisions in . . . regulations can be enforced under Article 92(1). Regulations which only supply general guidelines or advice for conducting military functions may not be enforceable under Article 92(1).

In this regard, it might be observed that, far from supplying only "general guidelines," the regulation at issue in the instant context is one which, *inter alia*, sets out two relevant rules with considerable specificity. Part 11 of the regulation is captioned "communications with selection boards." The very first (which is to say, the most prominent) sentence of paragraph a. thereof states, as follows:

> All communications intended to express the views of . . . the Chief of Staff of the Air Force . . . must be in writing, furnished to each member, and made a part of the board record.

Use of the command "must" and the detailed duties specified, taken together, imply a mandatory obligation rather than a merely directive general guideline. The second sentence of this same paragraph then explicitly declares that:

> Communications regarding particular officers are expressly forbidden, unless unusual circumstances exist that would preclude an officer's performance from being documented in the official record (i.e., sensitive classified mission, etc.).

A declaration that certain conduct is "expressly forbidden" clearly seems to be a mandatory prohibition rather than a mere general guideline.

In light of the foregoing, if the facts are as alleged, a prosecution under Article 92 could conceivably be undertaken.

CONDUCT UNBECOMING A GENTLEMAN (ART. 133, UCMJ)

Paragraph 59c(2) of the Manual for Courts Martial describes the nature of the offense of conduct unbecoming a gentleman, in relevant part, as follows:

> Conduct violative of this article is action or behavior in an official capacity which, in dishonoring or disgracing the person as an officer, seriously compromises the officer's character as a gentleman, or action or behavior in an unofficial or private capacity

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[1] AF Regulation 36-9.

which, in dishonoring or disgracing the officer personally, seriously compromises the person's standing as an officer.

Paragraph 59c(3) then offers, *inter alia*, examples of offenses, as follows:

> Instances of violation of this article include knowingly making a false official statement; . . . [and] using insulting or defamatory language to another officer in that officer's presence or about that officer to other military persons . . . .

If the facts are as alleged, a prosecution under Article 133 could conceivably be undertaken.

FALSE SWEARING (ART. 134, UCMJ)

Paragraph 79b of the Manual for Courts Martial sets out the elements of the offense of false swearing, in violation of the so-called General Article (Art. 134), as follows:

> (1) That the accused took an oath or equivalent;
>
> (2) That the oath or equivalent was administered to the accused in a manner in which such oath or equivalent was required or authorized by law;
>
> (3) That the oath or equivalent was administered by a person having authority to do so;
>
> (4) That upon this oath or equivalent the accused made or subscribed a certain statement;
>
> (5) That the statement was false;
>
> (6) That the accused did not then believe the statement to be true; and
>
> (7) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

By way of explaining the nature of the offense, paragraph 79c(1) states, in relevant part, that:

> False swearing is the making under a lawful oath or equivalent of any false statement, oral or written, not believing the statement to be true.
>
> * * * * *
>
> Unlike a false official statement under Article 107 . . . there is no requirement that the statement be made with an intent to deceive or that the statement be official.

If the facts are as alleged, a prosecution under Article 134 for false swearing could conceivably be undertaken.

CONCLUSIONS

The foregoing discussion has identified three distinct criminal charges which could conceivably be brought against an individual who attempted to influence the deliberations of a major-general selection board in the manner you have described.

ROBERT B. BURDETTE,
Legislative Attorney.

Mr. GRASSLEY. In sum, Mr. President, a dark cloud still hangs over General Glosson's name. General Glosson may have had a distinguished career. I respect that. He may have been masterful in the way he planned and directed air campaigns. That is very much to his credit. But that was 3 years ago when Glosson was a brigadier general.

A distinguished military record cannot become a license for misconduct. A good commander must be able to run the battle successfully, and General Glosson has demonstrated his capacity to do that. But as Senator BYRD has pointed out in another context, but I think applicable to this, a good commander must have two qualities. He or she must be able to defeat the enemy. That is a requirement. But a good commander must also have "clean hands." In other words, a military commander must be of unquestioned integrity. In Senator BYRD's mind a commander must have clean hands or the commander does not pass.

Mr. President, General Glosson does not have clean hands.

If a military commander's integrity has been called into question, then those who must follow him or her into battle may not follow when the going really gets tough. Integrity is the cornerstone, it is the very foundation of leadership.

Mr. President, General Glosson did in fact monkey with the promotion board, and he may or may not have lied about it. He is suspected of lying about it. That sets a terrible example if you are trying to clean up the military promotion process. If we reject the nomination, that will send a stern warning to military officers that if you tamper with the promotion board, you will get nailed.

In other words, I think it means that we have to have zero tolerance. We must demand accountability, both from within the ranks and at the top. That is the signal that the Senate should send. Senate confirmation of General Glosson would send the wrong signal. If we confirm General Glosson, we would be saying, so long as you have a great military career, it is OK to engage in misconduct. Anything goes. Do not worry. The Senate will confirm you. So I urge all my colleagues to vote against General Glosson's nomination.

Early in the debate I spoke about the Armed Services Committee's persistent, continuing effort to clean up the military promotion system. Over the past 5 years or more, the committee has worked very hard to bring some integrity to the process. General Glosson's alleged conduct is a step backward. Glosson's behavior threatens the integrity of the military promotion boards. His communication with three members of the 1993 major-general selection board pose a direct threat to the integrity of the board. That threat was very real. It threatened to compromise the impartiality of that board. Because of Glosson's behavior, three sitting board members felt honor bound to resign and did. General Glosson's communication also poses a threat to future promotion boards, unless, that is, General Glosson is disciplined in appropriate ways; others will follow General Glosson's example. And if they see the Senate ignoring what General Glosson did, they will say that it is a stamp of approval on this sort of undue influence on a promotion process. General Glosson's alleged conduct goes right to the heart of the problem. How do you protect the integrity of the military promotion process?

He is accused of violating the rules that the committee has worked so hard over the last 5 years to put in place. The goal of the committee's work in this area is clear—to insulate promotion boards from improper communication and improper influence. The whole idea is to make sure that the best, the very most qualified officers are selected for promotion and rise to the top.

Mr. President, there is a direct link between integrity of the promotion process and the integrity of the whole officer corps. This point was brought home by testimony of former Chief of Staff of the Army, General Gordon R. Sullivan. I wish to quote from General Sullivan's testimony before the Armed Services Committee. His thoughts on this important subject are presented on page 213 of the committee report on the fiscal year 1992 defense authorization bill, and that is report 102-113. General Sullivan said this, and I quote:

> There is a direct link between the integrity of the selection board process and the integrity of our officer corps. The link lies in the confidence our officer corps has in the objectivity and the professional ethic of the board. Our selection must be fair and must be impartial and based upon demonstrated potential instead of subjective criteria, and they must be seen as such by our officer corps.

General Sullivan's thoughts should tell us something about the Glosson nomination. It carries an important lesson. If General Glosson's improper communications with the 1993 major-general promotion board are tolerated by the Department of Defense and the Senate, then we could be undermining the integrity of the promotion process as well as the integrity of the officer corps.

I wish to take a moment to review some of the committee's most important work in this field. I think that will help put the Glosson nomination in better perspective.

Back in November 1991, the committee issued a report entitled, "The Conduct of Proceedings for the Selection of Officers for Promotion in the U.S. Air Force." That is Senate report No. 102-54. The guts of that report was subsequently reprinted in another committee document on the same topic, report No. 102-4892 dated September 1992.

This report contains the results of numerous investigations. The findings presented in the committee report in turn became the basis for legislative remedies proposed in the fiscal year 1992 defense authorization. These documents, reports issued by the Armed Services Committee, contain very important information. They tell us what is wrong with the military promotion process.

One of the most serious deficiencies identified by the committee is this: Improper communications between senior officials and promotion boards over specific candidates. That is the key problem identified by the committee. Improper communication.

Does that not sound familiar? That very same problem was created when General Glosson contacted 3 members of the 13-member board about general X. It is the same old problem that the Armed Services Committee studied and felt that something must be done about it back there in 1987. In 1987, the committee uncovered serious irregularities with the 1987 Marine Corps major general promotion list. I want to quote from page 213 of that committee report numbered 102–113:

> One of the key problems arising out of the 1987 inquiry involved verbal inquiry communication about specific candidates by senior officials to the president of the selection board.

That sounds very much like the Glosson case again, only Glosson did not contact the president of the board—at least we do not know of that. But he did contact at least three other members of the board. So when the committee found out about improper communication with the 1987 Marine Corps major generals board, the committee took the issue straight to the top. They took it straight to the Deputy Secretary of Defense. At that time, that was Secretary Cap Weinberger. In his usual way, Weinberger assured the committee that the problem was under control.

On June 13, 1987, the promise of Weinberger's directive was given ordering the military departments to issue regulations to "ensure the integrity of the promotion process by regulating the flow of information to the selection board."

The committee thought the departments would finally develop and implement a new set of rules designed to insulate promotion boards from improper influence and communications from senior officials.

The committee thought that those rules were in operation. But I think the committee soon found out otherwise. After reviewing a number of the nominations in 1991 and 1992, the committee quickly realized that the military departments had failed to comply with the Weinberger directive. The committee discovered that the Air Force was the worst offender. The Air Force was just flat out ignoring the Weinberger order. The committee was correctly angered by the Air Force's defiance.

I would like to quote from page 214 of that same report:

> The failure of the military departments to implement a DOD directive on a timely basis is inexcusable.

This is the Armed Services Committee of the Senate speaking.

> When it involves a directive that the Secretary has issued to address problems of abuse in the promotion selection process, the failure is intolerable. The failure to implement applicable laws and regulations undermines the integrity of the selection board process.

Mr. President, I do not care if anybody in this body listens to me, but I would like to be able not to hear a buzz behind me.

The PRESIDING OFFICER. The Senator is correct. We will have order in the Chamber so the Senator can be heard.

The Senator from Iowa.

Mr. GRASSLEY. Again, I am not asking so I can be heard. I am only asking so I am not disturbed.

The committee was furious. I think this statement states that. The hammer fell on a man named Thomas J. Hickey. He was Deputy Chief of Staff for Personnel from 1981 to 1991. In that post, he held rank of lieutenant general. Hickey got axed. He was held accountable. General Hickey was blamed for failing to comply with Secretary Weinberger's directive. And he was blamed for the "existence and continuation of irregular and improper Air Force officer promotion policies and procedures."

General Hickey was nominated for retirement in grade of lieutenant general just like the Glosson situation. But do you know what the committee refused to do? The committee refused to act on the Hickey nomination for retirement as lieutenant general unlike Glosson. So General Hickey did not retire in grade. He was forced to retire a lower grade as major general. The committee came down hard on General Hickey. Why? Because the committee was ticked off. They had been told that things were going to change. Secretary Weinberger sends out a memo. But 4 years later, the same old business—business as usual.

The committee was ticked off because General Hickey failed to comply with these directives and for allowing improper promotion policies and procedures to continue undiminished.

Mr. President, Mr. Bob Goldich of the National Defense Division of CRS has prepared an excellent background memo on the Hickey case.

I ask unanimous consent to place that CRS memo on General Hickey in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, June 27, 1994.

To: Hon. Charles E. Grassley, Attention: Charlie Murphy.

From: Robert L. Goldich, Specialist in National Defense, Foreign Affairs and National Defense Division.

Subject: Retirement of Maj. Gen. Thomas J. Hickey, U.S. Air Force, in the grade of major general.

This memorandum is provided in response to your request of June 24, 1994, regarding the retirement of Major General Thomas J. Hickey, U.S. Air Force, in the grade of major general. Prior to his retirement, General Hickey had been serving as Deputy Chief of Staff for Personnel of the Air Force in the grade of lieutenant general. General Hickey was nominated by the President for retirement in the grade of lieutenant general on September 11, 1990. However, on November 27, 1991, the Senate Armed Services Committee announced that it would not act on the nomination.[1] By statute [10 USC 601(b)(4)], this required General Hickey to be automatically retired in his permanent grade of major general within 90 days of relinquishing his post as Deputy Chief of Staff for Personnel of the Air Force on October 7, 1991.[2]

Press reports state that the Senate did not act on General Hickey's nomination for retirement in the grade of lieutenant general because of his responsibility, as Deputy Chief of Staff for Personnel of the Air Force during 1986–1991, for the existence and continuation of irregular and improper Air Force officer promotion policies and procedures.[3]

In a committee print published in late 1991 and a report published in late 1992, the Senate Armed Services Committee "identified the following systemic deficiencies in the Air Force officer selection process:

(1) Failure to issue implementing regulations required by applicable statutes and Department of Defense directives to ensure the fair operation of the selection board process.

(2) Use of a preselection process that improperly excluded ninety percent or more of the eligible officers from consideration by statutory selection boards.

(3) Improper communication to selection boards of "priority list" [of officers under consideration for promotion to the next higher grade] prepared by senior officers.

(4) Improper communication between the Air Force leadership and selection board members."[4]

Press reports appeared to suggest that of these four types of irregularities, that which generated the most concern was number (2), the preselection process.

The Committee was particularly concerned that these procedures had continued after a 1987 Committee investigation into Department of Defense (DOD) officer promotion procedures. This latter investigation was prompted by irregularities in the 1987 consideration of Marine Corps brigadier generals for promotion to the grade of major general. The specific issue that led to the 1987 investigation involved item (4), above—improper communications between senior uniformed leadership of a service and selection board members. However, the corrective action taken by the Secretary of Defense in both 1987 and 1989 involved the issuance of revised DOD directives which had broader aims of insuring "the integrity of the promotion process by regulating the flow of information to a selection board," not only improper communications by senior officers.[5]

There is no indication in the press reports that General Hickey was directly implicated in actively instigating any of these irregularities. However, although the two Senate Armed Services Committee documents do not mention General Hickey by name, they do discuss at length the participation of the Air Force Deputy Chief of Staff for Personnel (a position occupied by General Hickey during the time in question) in the continuation of improper procedures after the 1987 incident—and the corrective actions which should have prevented their recurrence. The Senate Armed Services Committee apparently believed that, because General Hickey had been the Air Force's senior uniformed

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Footnotes at end of article.

personnel manager when the 1987 incidents and investigations occurred, and presided over the continuation of these irregularities into the early 1990s, he should be held responsible.

If we can be of further assistance, please call me at extension 77633.

[1] Joe West, "Hickey Forced to Retire with 2 Stars, Not 3," *Air Force Times*, Dec. 9, 1991: 3.

[2] At the time of General Hickey's retirement, the statute provided for a 90-day maximum in which a general or flag officer appointed under its provisions could retain his or her three- or four-star grade while "awaiting retirement," Subsequent legislation, effective April 1, 1992, reduced the maximum to 60 days. Section 502(b), P.L. 102–190, December 5, 1991, 105 Stat. 1354, the National Defense Authorization Act for Fiscal Year 1992.

[3] Joe West, "Hickey Forced to Retire with 2 Stars, Not 3," *Air Force Times*, Dec. 9, 1991: 3.

[4] U.S. Congress. Senate. Committee on Armed Services. *Report on the Conduct of Proceedings for the Selection of Officers for Promotion in the U.S. Air Force.* October 8, 1992. Washington, U.S. Govt. Print. Off., 1992 (102nd Congress, 2nd session. Senate, Report no. 102–482): 2 (hereafter cited as SASC Report). Also cited in U.S. Congress. Senate. Committee on Armed Services. *The Conduct of Proceedings for the Selection of Officers for Promotion in the U.S. Air Force.* November 26, 1991. Washington, U.S. Govt. Print. Off., 1991 (102nd Congress, 1st session. Senate. Committee Print No. 102–54): iii (hereafter cited as SASC Print).

[5] *SASC Report*: 3–4; *SASC Print*: 4–5.

Mr. GRASSLEY. The committee was angry about certain improper promotion policies and procedures that blossomed under General Hickey. What did the committee find most troublesome? Guess what? It is still the same old story—improper communication between the Air Force leadership and the selection board members; same old business.

The committee was also disturbed about the existence of the preselection processes. These are the things the committee disliked about the Hickey operation. The committee also was disturbed about the continuation of these abusive practices that it recommended putting strict remedies into law.

The committee recommended establishing a statutory requirement for regulations to govern the flow of information to selection boards. The purpose of this legislation the committee said was to "ensure the independence of the selection boards and to eliminate improper communication with and improper pressure on promotion selection boards."

This legislation was proposed in the fiscal year 1992 defense authorization bill. It consisted of eight separate statutory requirements. These are summarized on pages 214 through 216 of the report No. 102–113.

I want to revisit one provision of particular importance. The key provision is summarized in paragraph 6. Provision No. 6 was tough. It was harsh. It was designed to curb improper influence on board members. Attempting to influence a board's proceedings was going to be a criminal offense, if the committee got its way.

This is the what Armed Services Committee was recommending in July 1991. That was just 3 years ago. That is what the committee wanted. They wanted criminal sanctions for monkeying with the promotion board process.

I would like to reread what the committee said on making improper influence a criminal offense on page 215.

> Improper influence on the board would be prohibited. In violation of regulations implementing this section would constitute a criminal violation of the Uniform Code of Military Justice. If a senior leadership of a service disagrees with the selections recommended by the board, the leadership's recourse is not to discuss the matter with the members of the board. The leadership was to use the statutory procedure for recommending that the President not approve the list in whole or in part.

And those are the words directly from the committee report. As I understand it, this provision never became law, but it speaks very clearly to the committee's attitude on improper influence of promotion boards. The committee's position was clear: Zero tolerance for board tampering. Such conduct was not to be tolerated. So why is the committee now willing to tolerate such behavior on General Glosson's part?

I hope the committee or the chairman sometime can answer two questions: Was it the committee's intention in July 1991 to make improper influence of the promotion board a criminal offense under the Criminal Code of Military Justice, and exactly what was intended in that suggestion? And then I ask: Did General Glosson attempt to improperly influence the 1993 major general promotion board?

After the Hickey affair, the committee thought the new rules were finally in operation. The new rules are embodied in Air Force regulation 36–9. The new rules may indeed be working, but they are not followed by everyone, because General Glosson came along and took it upon himself to break the rules. General Glosson contacted three members of the promotion board, questioning the integrity of a fellow officer who was before that board. General Glosson told them General "X" could not be trusted, that he had lied to the chief of staff, and the chief of staff did not want him promoted. That was improper communication, just as it is now, when Secretary Weinberger issued those regulations. It is an improper communication, if there is such a thing.

Communications of this nature about a particular officer are expressly prohibited by paragraph 11 of these Air Force regs. General Glosson violated paragraph 11 of the Air Force regs. If judged by the standard proposed by the committee in 1991, it seems to me that General Glosson might have engaged in criminal activity. If judged by paragraph 11, he could first face a court-martial.

There may be an inconsistency between the committee's action on the Hickey nomination and the proposed action on the Glosson nomination. General Hickey was hammered for failing to implement policies and procedures designed to insulate promotion boards from improper communications from senior officials. General Glosson, by comparison, violated the very same rules that General Hickey failed to implement. Yet, the committee is allowing him to skate.

I do not know which is worse, failing to implement rules or violating those same rules. You will have to answer that for yourself.

There seems to be an inconsistency, however, in the way that the committee handled these two nominations. It could be a double standard. Does General Glosson have more friends in Congress than General Hickey did? We have essentially the same problem, but we have different people. I do not understand the difference. The committee needs to explain why the Hickey and Glosson nominations have been handled in such different ways. I want to understand why the two were handled in these different ways.

As I said in the beginning, the Armed Services Committee worked very hard over the past 5 years to clean up the military promotion system. If the committee's efforts are to be effective, it needs to hold the Department's feet to the fire. But we will never really clean up the military promotion process if we let guys like Glosson off the hook. The Armed Services Committee's persistent and continuing efforts to bring integrity to the promotion system are working. Progress has been achieved.

Mr. EXON. Will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. EXON. I will ask a question of my friend. But, first, I compliment my colleague from Iowa, with whom I have worked on many cases. I compliment him for his very comprehensive and thorough study he has done in this matter. As the senior Member of the Armed Services Committee who generally supports what that committee has done, I am particularly impressed with the recitation of the case you have made against General Glosson. We have devoted a lot of attention to him in the Armed Services Committee, as you can imagine.

I appreciate some of the good things you have said about the work of the committee in this regard. I was one of those Senators who voted against sending the Glosson matter to the floor favorably. Although earlier I intended to support him, the more I looked into it, notwithstanding his outstanding service in the past, I happened to come down basically on the side of the points that have been made by the Senator from Iowa on this whole matter.

So when this comes to a vote, I will be supporting the Senator from Iowa on the Glosson matter, not on the other. My question is simply this, and it is twofold: No. 1, we have some wrap-up matters that this Senator is interested in, as is probably the Senator from Iowa, that need to be addressed very promptly so that we can get those matters over to the House of Representatives for their action before they adjourn.

I would also, at an appropriate time, ask the Senator from Iowa about how long he intends to continue in this discussion, for the benefit of all. But I ask the Senator, possibly, if he can work out something to not lose his right to the floor, to give the managers a chance to move some matters that have to be moved, that have been unanimously approved by both sides of the aisle, and get those to the House. Timeliness is a key factor here.

Mr. GRASSLEY. I will interrupt here. I think the point the Senator raises is a good one. I have already had discussions with our Republican whip, as it is his desire to take up some of these important measures. He has assured me that if I yield the floor momentarily, I will not lose my right to the floor, and that he would go through the business as he has to, and I will get the floor back.

(Mr. CONRAD assumed the chair.)

Mr. BREAUX. If the Senator will yield for a question, we plan to ask unanimous consent that the Senate be allowed to proceed as in morning business to do exactly that, without affecting the right of the Senator to retain the floor as soon as this business is concluded.

Mr. GRASSLEY. Then, Mr. President, for that purpose, I will yield.

MORNING BUSINESS

Mr. BREAUX. Mr. President, with that understanding, I ask unanimous consent that the Senate proceed into morning business for the purpose of doing some wrap-up, and that the Senator not lose his right to the floor.

The PRESIDING OFFICER. Without objection, the Senate will then proceed as in morning business.

TELECOMMUNICATION CARRIER DUTIES TO LAW ENFORCEMENT

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of bill H.R. 4922, a bill related to telecommunication carrier duties to law enforcement, just received from the House; that the bill be deemed read the third time, passed; that the motion to reconsider be laid upon the table, and any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4922) was deemed read the third time, and passed.

THE COASTAL BARRIER RESOURCES SYSTEM TECHNICAL CORRECTIONS ACT OF 1994

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 712, H.R. 4598, the coastal barrier technical corrections bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4598) to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. CORRECTION TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, no later than 30 days after the date of enactment of this Act, make such corrections to the maps described in subsection (b) as are necessary to ensure that—

(1) depictions of areas on the maps are consistent with the depictions of areas appearing on the maps entitled "Coastal Barrier Resources System", dated September 27, 1994, and on file with the Secretary of the Interior; and

(2) the Coastal Barrier Resources System does not include any area that, on the day before the date of the enactment of this Act, was part of unit FL-05P of the System.

(b) MAPS DESCRIBED.—The maps described in this subsection are maps that—

(1) are included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990; and

(2) related to the following units of the Coastal Barrier Resources System: AL-15P, FL-05P; P11A, P17, P17A, P18P, P19P, FL-15, FL-95P, FL-36P, P31P, FL-72P, MI21, NY75, and VA62P.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended to read as follows:

"SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary for carrying out this Act $2,000,000 for each of fiscal years 1995 to 1998.".

Mr. BREAUX. Mr. President, I ask unanimous consent that the committee amendment be agreed to; that the bill, as amended, be deemed read three times, passed and the motion to reconsider be laid upon the table; further that any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

So the bill (H.R. 4598), as amended, was deemed read three times and passed.

MEASURE READ FOR THE FIRST TIME

Mr. BREAUX. Mr. President, I understand that S. 2536, the Charitable Medical Care Act of 1994, introduced earlier today by Senators DANFORTH and MOSELEY-BRAUN is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. BREAUX. Mr. President, I ask for the bill's first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The bill clerk read as follows:

A bill (S. 2546) to encourage health care services, and other purposes.

Mr. BREAUX. Mr. President, I ask for the second reading of the bill.

Mr. SIMPSON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will lay over and will receive its second reading on the next legislative day.

MEASURE READ FOR THE FIRST TIME

Mr. BREAUX. Mr. President, I understand that S. 2545, the Home and Community-Based Services for Individuals With Disabilities Act, introduced earlier today by Senator FEINGOLD, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. BREAUX. Mr. President, I ask for that bill's first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (S. 2545) to provide for home and community-based services for individuals with disabilities.

Mr. BREAUX. Mr. President, I ask for its second reading.

Mr. SIMPSON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will lay over and will receive its second reading on the next legislative day.

THE TELECOMMUNICATIONS CARRIER'S DUTY ACT OF 1994

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 684, S. 2375, a bill relating to a telecommunications carrier's duty to assist law enforcement.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2375) to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. INTERCEPTION OF DIGITAL AND OTHER COMMUNICATIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 119 the following new chapter:

"CHAPTER 120—TELECOMMUNICATIONS CARRIER ASSISTANCE TO THE GOVERNMENT

"Sec.
"2601. Definitions.
"2602. Assistance capability requirements.
"2603. Notices of capacity requirements.
"2604. Systems security and integrity.
"2605. Cooperation of equipment manufacturers and providers of telecommunications support services.
"2606. Technical requirements and standards; extension of compliance date.
"2607. Enforcement orders.
"2608. Payment of costs of telecommunications carriers.

"§2601. Definitions

"(a) DEFINITIONS.—In this chapter—

"the terms defined in section 2510 have, respectively, the meanings stated in that section.

"'call-identifying information'—

"(A) means all dialing or signalling information that identifies the origin, direction, destination, or termination of each communication generated or received by the subscriber equipment, facility, or service of a telecommunications carrier that is the subject of a court order or lawful authorization; but

"(B) does not include any information that may disclose the physical location of the subscriber (except to the extent that the location may be determined from the telephone number).

"'Commission' means the Federal Communications Commission.

"'government' means the government of the United States and any agency or instrumentality thereof, the District of Columbia, any commonwealth, territory, or possession of the United States, and any State or political subdivision thereof authorized by law to conduct electronic surveillance.

"'information services'—

"(A) means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications; and

"(B) includes electronic publishing and electronic messaging services; but

"(C) does not include any capability for a telecommunications carrier's internal management, control, or operation of its telecommunications network.

"'telecommunications support services'" means a product, software, or service used by a telecommunications carrier for the internal signaling or switching functions of its telecommunications network.

"'telecommunications carrier'—

"(A) means a person or entity engaged in the transmission or switching of wire or electronic communications as a common carrier for hire (within the meaning of section 3(h) of the Communications Act of 1934 (47 U.S.C. 153(h)));

"(B) includes—

"(i) a person or entity engaged in providing commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))); or

"(ii) a person or entity engaged in providing wire or electronic communication switching or transmission service to the extent that the Commission finds that such service is a replacement for a substantial portion of the local telephone exchange service and that it is in the public interest to deem such a person or entity to be a telecommunications carrier for purposes of this chapter; but

"(C) does not include persons or entities insofar as they are engaged in providing information services.

"§2602. Assistance capability requirements

"(a) CAPABILITY REQUIREMENTS.—Except as provided in subsections (b), (c), and (d) of this section, and subject to section 2607(c), a telecommunications carrier shall ensure that its services or facilities that provide a customer or subscriber with the ability to originate, terminate, or direct communications are capable of—

"(1) expeditiously isolating and enabling the government to intercept, to the exclusion of any other communications, all wire and electronic communications carried by the carrier within a service area to or from equipment, facilities, or services of a subscriber of such carrier concurrently with their transmission to or from the subscriber's service, facility, or equipment or at such later time as may be acceptable to the government;

"(2) expeditiously isolating and enabling the government to access call-identifying information that is reasonably available to the carrier—

"(A) before, during, or immediately after the transmission of a wire or electronic communication (or at such later time as may be acceptable to the government); and

"(B) in a manner that allows it to be associated with the communication to which it pertains,

except that, with regard to information acquired solely pursuant to the authority for pen registers and trap and trace devices (as defined in section 3127), such call-identifying information shall not include any information that may disclose the physical location of the subscriber (except to the extent that the location may be determined from the telephone number);

"(3) delivering intercepted communications and call-identifying information to the government in a format such that they may be transmitted by means of facilities or services procured by the government to a location other than the premises of the carrier; and

"(4) facilitating authorized communications interceptions and access to call-identifying information unobtrusively and with a minimum of interference with any subscriber's telecommunications service and in a manner that protects—

"(A) the privacy and security of communications and call-identifying information not authorized to be intercepted; and

"(B) information regarding the government's interception of communications and access to call-identifying information.

"(b) LIMITATIONS.—

"(1) DESIGN OF FEATURES AND SYSTEMS CONFIGURATIONS.—This chapter does not authorize any law enforcement agency or officer—

"(A) to require any specific design of features or system configurations to be adopted by providers of wire or electronic communication service, manufacturers of telecommunications equipment, or providers of telecommunications support services; or

"(B) to prohibit the adoption of any feature or service by providers of wire or electronic communication service, manufacturers of telecommunications equipment, or providers of telecommunications support services.

"(2) INFORMATION SERVICES; PRIVATE NETWORKS AND INTERCONNECTION SERVICES AND FACILITIES.—The requirements of subsection (a) do not apply to—

"(A) information services; or

"(B) services or facilities that support the transport or switching of communications for private networks or for the sole purpose of interconnecting telecommunications carriers.

"(3) ENCRYPTION.—A telecommunications carrier shall not be responsible for decrypting, or ensuring the government's ability to decrypt, any communication encrypted by a subscriber or customer, unless the encryption was provided by the carrier and the carrier possesses the information necessary to decrypt the communication.

"(c) EMERGENCY OR EXIGENT CIRCUMSTANCES.—In emergency or exigent circumstances (including those described in sections 2518 (7) or (11)(b) and 3125 of this title and section 1805(e) of title 50), a carrier at its discretion may fulfill its responsibilities under subsection (a)(3) by allowing monitoring at its premises if that is the only means of accomplishing the interception or access.

"(d) MOBILE SERVICE ASSISTANCE REQUIREMENTS.—A telecommunications carrier offering a feature or service that allows subscribers to redirect, hand off, or assign their wire or electronic communications to another service area or another service provider or to utilize facilities in another service area or of another service provider shall ensure that, when the carrier that had been providing assistance for the interception of wire or electronic communications or access to call-identifying information pursuant to a court order or lawful authorization no longer has access to the content of such communications or call-identifying information within the service area in which interception has been occurring as a result of the subscriber's use of such a feature or service, information is made available to the government (before, during, or immediately after the transfer of such communications) identifying the provider of wire or electronic communication service that has acquired access to the communications.

"§2603. Notices of capacity requirements

"(a) NOTICES OF MAXIMUM AND ACTUAL CAPACITY REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this chapter, after consulting with State and local law enforcement agencies, telecommunications carriers, providers of telecommunications support services, and manufacturers of telecommunications equipment and after notice and comment, the Attorney General shall publish in the Federal Register and provide to appropriate telecommunications carrier associations, standard-setting organizations, and for a—

"(A) notice of the maximum capacity required to accommodate all of the communication interceptions, pen registers, and trap and trace devices that the Attorney General estimates that government agencies authorized to conduct electronic surveillance may conduct and use simultaneously; and

"(B) notice of the number of communication interceptions, pen registers, and trap and trace devices, representing a portion of the maximum capacity set forth under subparagraph (A), that the Attorney General estimates that government agencies authorized to conduct electronic surveillance may conduct and use simultaneously after the date that is 4 years after the date of enactment of this chapter.

"(2) BASIS OF NOTICES.—The notices issued under paragraph (1) may be based upon the type of equipment, type of service, number of subscribers, geographic location, or other measure.

"(b) COMPLIANCE WITH CAPACITY NOTICES.—

"(1) INITIAL CAPACITY.—Within 3 years after the publication by the Attorney General of a notice of capacity requirements or within 4 years after the date of enactment of this chapter, whichever is longer, a telecommunications carrier shall ensure that its systems are capable of—

"(A) expanding to the maximum capacity set forth in the notice under subsection (a)(1)(A); and

"(B) accommodating simultaneously the number of interceptions, pen registers, and trap and trace devices set forth in the notice under subsection (a)(1)(B).

"(2) EXPANSION TO MAXIMUM CAPACITY.—After the date described in paragraph (1), a telecommunications carrier shall ensure that it can

accommodate expeditiously any increase in the number of communication interceptions, pen registers, and trap and trace devices that authorized agencies may seek to conduct and use, up to the maximum capacity requirement set forth in the notice under subsection (a)(1)(A).

"(c) NOTICES OF INCREASED MAXIMUM CAPACITY REQUIREMENTS.—

"(1) The Attorney General shall periodically provide to telecommunications carriers written notice of any necessary increases in the maximum capacity requirement set forth in the notice under subsection (a)(1)(A).

"(2) Within 3 years after receiving written notice of increased capacity requirements under paragraph (1), or within such longer time period as the Attorney General may specify, a telecommunications carrier shall ensure that its systems are capable of expanding to the increased maximum capacity set forth in the notice.

"§2604. Systems security and integrity

"A telecommunications carrier shall ensure that any court ordered or lawfully authorized interception of communications or access to call-identifying information effected within its switching premises can be activated only with the affirmative intervention of an individual officer or employee of the carrier.

"§2605. Cooperation of equipment manufacturers and providers of telecommunications support services

"(a) CONSULTATION.—A telecommunications carrier shall consult, as necessary, in a timely fashion with manufacturers of its telecommunications transmission and switching equipment and its providers of telecommunications support services for the purpose of identifying any service or equipment, including hardware and software, that may require modification so as to permit compliance with this chapter.

"(b) MODIFICATION OF EQUIPMENT AND SERVICES.—Subject to section 2607(c), a manufacturer of telecommunications transmission or switching equipment and a provider of telecommunications support services shall, on a reasonably timely basis and at a reasonable charge, make available to the telecommunications carriers using its equipment or services such modifications as are necessary to permit such carriers to comply with this chapter.

"§2606. Technical requirements and standards; extension of compliance date

"(a) SAFE HARBOR.—

"(1) CONSULTATION.—To ensure the efficient and industry-wide implementation of the assistance capability requirements under section 2602, the Attorney General, in coordination with other Federal, State, and local law enforcement agencies, shall consult with appropriate associations and standard-setting organizations of the telecommunications industry and with representatives of users of telecommunications services and facilities.

"(2) COMPLIANCE UNDER ACCEPTED STANDARDS.—A telecommunications carrier shall be found to be in compliance with the assistance capability requirements under section 2602, and a manufacturer of telecommunications transmission or switching equipment or a provider of telecommunications support services shall be found to be in compliance with section 2605, if the carrier, manufacturer, or support service provider is in compliance with publicly available technical requirements or standards adopted by an industry association or standard-setting organization or by the Commission under subsection (b) to meet the requirements of section 2602.

"(3) ABSENCE OF STANDARDS.—The absence of technical requirements or standards for implementing the assistance capability requirements of section 2602 shall not—

"(A) preclude a carrier, manufacturer, or services provider from deploying a technology or service; or

"(B) relieve a carrier, manufacturer, or service provider of the obligations imposed by section 2602 or 2605, as applicable.

"(b) FCC AUTHORITY.—

"(1) IN GENERAL.—If industry associations or standard-setting organizations fail to issue technical requirements or standards or if a government agency or any other person believes that such requirements or standards are deficient, the agency or person may petition the Commission to establish, by notice and comment rulemaking or such other proceedings as the Commission may be authorized to conduct, technical requirements or standards that—

"(A) meet the assistance capability requirements of section 2602;

"(B) protect the privacy and security of communications not authorized to be intercepted; and

"(C) serve the policy of the United States to encourage the provision of new technologies and services to the public.

"(2) TRANSITION PERIOD.—If an industry technical requirement or standard is set aside or supplanted as a result of Commission action under this section, the Commission, after consultation with the Attorney General, shall establish a reasonable time and conditions for compliance with and the transition to any new standard, including defining the obligations of telecommunications carriers under section 2602 during any transition period.

"(c) EXTENSION OF COMPLIANCE DATE FOR FEATURES AND SERVICES.—

"(1) PETITION.—A telecommunications carrier proposing to deploy, or having deployed, a feature or service within 4 years after the date of enactment of this chapter may petition the Commission for 1 or more extensions of the deadline for complying with the assistance capability requirements under section 2602.

"(2) GROUND FOR EXTENSION.—The Commission may, after affording a full opportunity for hearing and after consultation with the Attorney General, grant an extension under this paragraph, if the Commission determines that compliance with the assistance capability requirements under section 2602 is not reasonably achievable through application of technology available within the compliance period.

"(3) LENGTH OF EXTENSION.—An extension under this paragraph shall extend for no longer than the earlier of—

"(A) the date determined by the Commission as necessary for the carrier to comply with the assistance capability requirements under section 2602; or

"(B) the date that is 2 years after the date on which the extension is granted.

"(4) APPLICABILITY OF EXTENSION.—An extension under this subsection shall apply to only that part of the carrier's business on which the new feature or service is used.

"§2607. Enforcement orders

"(a) ENFORCEMENT BY COURT ISSUING SURVEILLANCE ORDER.—If a court authorizing an interception under chapter 119, a State statute, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or authorizing use of a pen register or a trap and trace device under chapter 206 or a State statute finds that a telecommunications carrier has failed to comply with the requirements in this chapter, the court may direct that the carrier comply forthwith and may direct that a provider of support services to the carrier or the manufacturer of the carrier's transmission or switching equipment furnish forthwith modifications necessary for the carrier to comply.

"(b) ENFORCEMENT UPON APPLICATION BY ATTORNEY GENERAL.—The Attorney General may apply to the appropriate United States district court for, and the United States district courts shall have jurisdiction to issue, an order directing that a telecommunications carrier, a manufacturer of telecommunications transmission or switching equipment, or a provider of telecommunications support services comply with this chapter.

"(c) GROUNDS FOR ISSUANCE.—A court shall issue an order under subsection (a) or (b) only if the court finds that—

"(1) alternative technologies or capabilities or the facilities of another carrier are not reasonably available to law enforcement for implementing the interception of communications or access to call-identifying information; and

"(2) compliance with the requirements of this chapter is reasonably achievable through the application of available technology to the feature or service at issue or would have been reasonably achievable if timely action had been taken.

"(d) TIME FOR COMPLIANCE.—Upon issuance of an enforcement order under this section, the court shall specify a reasonable time and conditions for complying with its order, considering the good faith efforts to comply in a timely manner, any effect on the carrier's, manufacturer's, or service provider's ability to continue to do business, the degree of culpability or delay in undertaking efforts to comply, and such other matters as justice may require.

"(e) LIMITATION.—An order under this section may not require a telecommunications carrier to meet the government's demand for interception of communications and acquisition of call-identifying information to any extent in excess of the capacity for which notice has been provided under section 2603.

"(f) CIVIL PENALTY.—

"(1) IN GENERAL.—A court issuing an order under this section against a telecommunications carrier, a manufacturer of telecommunications transmission or switching equipment, or a provider of telecommunications support services may impose a civil penalty of up to $10,000 per day for each day in violation after the issuance of the order or after such future date as the court may specify.

"(2) CONSIDERATIONS.—In determining whether to impose a fine and in determining its amount, the court shall take into account—

"(A) the nature, circumstances, and extent of the violation;

"(B) the violator's ability to pay, the violator's good faith efforts to comply in a timely manner, any effect on the violator's ability to continue to do business, the degree of culpability, and the length of any delay in undertaking efforts to comply; and

"(C) such other matters as justice may require.

"(3) CIVIL ACTION.—The Attorney General may file a civil action in the appropriate United States district court to collect, and the United States district courts shall have jurisdiction to impose, such fines.

"§2608. Payment of costs of telecommunications carriers

"(a) EQUIPMENT, FEATURES, AND SERVICES DEPLOYED BEFORE DATE OF ENACTMENT; CAPACITY COSTS.—The Attorney General shall, subject to the availability of appropriations, pay telecommunications carriers for all reasonable costs directly associated with—

"(1) the modifications performed by carriers prior to the effective date of section 2602 or prior to the expiration of any extension granted under section 2606(c) to establish, with respect to equipment, features, and services deployed before the date of enactment of this chapter, the capabilities necessary to comply with section 2602;

"(2) meeting the maximum capacity requirements set forth in the notice under section 2603(a)(1)(A); and

"(3) expanding existing facilities to accommodate simultaneously the number of interceptions, pen registers and trap and trace devices for which notice has been provided under section 2603(a)(1)(B).

"(b) EQUIPMENT, FEATURES, AND SERVICES DEPLOYED ON OR AFTER DATE OF ENACTMENT.—

"(1) IN GENERAL.—If compliance with the assistance capability requirements of section 2602 is not reasonably achievable with respect to equipment, features, or services deployed on or after the date of enactment of this chapter, the Attorney General, on application of a telecommunications carrier, may pay the telecommunications carrier reasonable costs directly associated with achieving compliance.

"(2) CONSIDERATION.—In determining whether compliance with the assistance capability requirements of section 2602 is reasonably achievable with respect to any equipment, feature, or service deployed the date of enactment of this chapter, consideration shall be given to the time when the equipment, feature, or service was deployed.

"(c) ALLOCATION OF FUNDS FOR PAYMENT.—The Attorney General shall allocate funds appropriated to carry out this chapter in accordance with law enforcement priorities determined by the Attorney General.

"(d) FAILURE TO MAKE PAYMENT WITH RESPECT TO EQUIPMENT, FEATURES, AND SERVICES DEPLOYED BEFORE DATE OF ENACTMENT.—

"(1) CONSIDERED TO BE IN COMPLIANCE.—Unless the Attorney General has agreed to pay the telecommunications carrier for all reasonable costs directly associated with modifications necessary to bring the equipment, feature, or service into actual compliance with those requirements, provided the carrier has requested payment in accordance with procedures promulgated pursuant to subsection (e), any equipment, feature, or service of a telecommunications carrier deployed before the date of enactment of this chapter shall be considered to be in compliance with the assistance capability requirements of section 2602 unless the equipment, feature, or service is replaced or significantly upgraded or otherwise undergoes major modification.

"(2) LIMITATION ON ORDER.—An order under section 2607 shall not require a telecommunications carrier to modify, for the purpose of complying with the assistance capability requirements of section 2602, any equipment, feature, or service deployed before the date of enactment of this chapter unless the Attorney General has agreed to pay the telecommunications carrier for all reasonable costs directly associated with modifications necessary to bring the equipment, feature, or service into actual compliance with those requirements.

"(e) PROCEDURES AND REGULATIONS.—Notwithstanding any other law, the Attorney General shall, after notice and comment, establish any procedures and regulations deemed necessary to effectuate timely and cost-efficient payment to telecommunications carriers for compensable costs incurred under this chapter, under chapters 119 and 121, and under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

"(f) DISPUTE RESOLUTION.—If there is a dispute between the Attorney General and a telecommunications carrier regarding the amount of reasonable costs to be paid under subsection (a), the dispute shall be resolved and the amount determined in a proceeding initiated at the Commission or by the court from which an enforcement order is sought under section 2607.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 119 the following new item:

"120. Telecommunications carrier assistance to the Government .... 2601".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 2608 of title 18, United States Code, as added by section 1—

(1) a total of $500,000,000 for fiscal years 1995, 1996, and 1997; and

(2) such sums as are necessary for each fiscal year thereafter,

such sums to remain available until expended.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in paragraph (2), chapter 120 of title 18, United States Code, as added by section 1, shall take effect on the date of enactment of this Act.

(b) ASSISTANCE CAPABILITY AND SYSTEMS SECURITY AND INTEGRITY REQUIREMENTS.—Sections 2602 and 2604 of title 18, United States Code, as added by section 1, shall take effect on the date that is 4 years after the date of enactment of this Act.

SEC. 4. REPORTS.

(a) REPORTS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—On or before November 30, 1995, and on or before November 30 of each year for 5 years thereafter, the Attorney General shall submit to Congress and make available to the public a report on the amounts paid during the preceding fiscal year in payment to telecommunications carriers under section 2608 of title 18, United States Code, as added by section 1.

(2) CONTENTS.—A report under paragraph (1) shall include—

(A) a detailed accounting of the amounts paid to each carrier and the technology, equipment, feature or service for which the amounts were paid; and

(B) projections of the amounts expected to be paid in the current fiscal year, the carriers to which payment is expected to be made, and the technologies, equipment, features or services for which payment is expected to be made.

(b) REPORTS BY THE COMPTROLLER GENERAL.—

(1) PAYMENTS FOR MODIFICATIONS.—On or before April 1, 1996, and April 1, 1998, the Comptroller General of the United States, after consultation with the Attorney General and the telecommunications industry, shall submit to the Congress a report reflecting its analysis of the reasonableness and cost-effectiveness of the payments made by the Attorney General to telecommunications carriers for modifications necessary to ensure compliance with chapter 120 of title 18, United States Code, as added by section 1.

(2) COMPLIANCE COST ESTIMATES.—A report under paragraph (1) shall include the findings and conclusions of the Comptroller General on the costs to be incurred after the compliance date, including projections of the amounts expected to be incurred and the technologies, equipment, features or services for which expenses are expected to be incurred by telecommunications carriers to comply with the assistance capability requirements in the first 5 years after the effective date of section 2602.

SEC. 5. CORDLESS TELEPHONES.

(a) DEFINITIONS.—Section 2510 of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "but such term does not include" and all that follows through "base unit"; and

(2) in paragraph (12) by striking subparagraph (A) and redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(b) PENALTY.—Section 2511 of title 18, United States Code, is amended—

(1) in subsection (4)(b)(i) by inserting "a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit," after "cellular telephone communication,"; and

(2) in subsection (4)(b)(ii) by inserting "a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit," after "cellular telephone communication,".

SEC. 6. RADIO-BASED DATA COMMUNICATIONS.

Section 2510(16) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (D);

(2) by inserting "or" at the end of subparagraph (E); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) an electronic communication;"

SEC. 7. PENALTIES FOR MONITORING RADIO COMMUNICATIONS THAT ARE TRANSMITTED USING MODULATION TECHNIQUES WITH NONPUBLIC PARAMETERS.

Section 2511(4)(b) of title 18, United States Code, is amended by striking "or encrypted, then" and inserting ", encrypted, or transmitted using modulation techniques the essential parameters of which have been withheld from the public with the intention of preserving the privacy of such communication".

SEC. 8. TECHNICAL CORRECTION.

Section 2511(2)(a)(i) of title 18, United States Code, is amended by striking "used in the transmission of a wire communication" and inserting "used in the transmission of a wire or electronic communication".

SEC. 9. FRAUDULENT ALTERATION OF COMMERCIAL MOBILE RADIO INSTRUMENTS.

(a) OFFENSE.—Section 1029(a) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (3); and

(2) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a telecommunications instrument that has been modified or altered to obtain unauthorized use of telecommunications services; or

"(6) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses—

"(A) a scanning receiver; or

"(B) hardware or software used for altering or modifying telecommunications instruments to obtain unauthorized access to telecommunications services,".

(b) PENALTY.—Section 1029(c)(2) of title 18, United States Code, is amended by striking "(a)(1) or (a)(4)" and inserting "(a) (1), (4), (5), or (6)".

(c) DEFINITIONS.—Section 1029(e) of title 18, United States Code, is amended—

(1) in paragraph (1) by inserting "electronic serial number, mobile identification number, personal identification number, or other telecommunications service, equipment, or instrument identifier," after "account number,";

(2) by striking "and" at the end of paragraph (5);

(3) by striking the period at the end of paragraph (6) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(7) the term 'scanning receiver' means a device or apparatus that can be used to intercept a wire or electronic communication in violation of chapter 119.".

SEC. 10. TRANSACTIONAL DATA.

(a) DISCLOSURE OF RECORDS.—Section 2703 of title 18, United States Code, is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) by striking clause (i); and

(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and

(B) by adding at the end the following new subparagraph:

"(C) A provider of electronic communication service or remote computing service shall disclose to a governmental entity the name, address, telephone toll billing records, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, when the governmental entity uses an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury or trial subpoena or any means available under subparagraph (B)."; and

(2) by amending the first sentence of subsection (d) to read as follows: "A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction described in section 3126(2)(A) and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.".

(b) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 3121 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) LIMITATION.—A government agency authorized to install and use a pen register under this chapter or under State law, shall use technology reasonably available to it that restricts the recording or decoding of electronic or other impulses to the dialing and signalling information utilized in call processing.".

Mr. BREAUX. Mr. President, I ask unanimous consent that the committee substitute be agreed to, that the bill be read a third time, passed, the motion to reconsider be tabled and any statements appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

So the bill (S. 2375), as amended, was deemed read for a third time and passed, as follows:

(The text of the bill will be printed in a future edition of the RECORD.)

LAND SALE BY THE UNIVERSITY OF ARKANSAS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2550, relating to a land sale by the University of Arkansas, introduced earlier today by Senator PRYOR, that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this item be placed in the RECORD as if read in the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2550) was deemed read three times and passed, as follows:

(The text of the bill will be printed in a future edition of the RECORD.)

STATE DEPARTMENT AUTHORIZATION TECHNICAL CORRECTIONS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5034, the State Department authorization technical corrections bill just received from the House, that the bill be deemed read a third time and passed; the motion to reconsider laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 5034) was deemed read a third time and passed.

INTERNATIONAL NARCOTICS CONTROL CORRECTIONS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5030, the international narcotics control corrections bill, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5030) to amend the Foreign Assistance Act of 1961 to make corrections relating to international narcotics control activities, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2639

(Purpose: To add provisions relating to the membership of the North Atlantic Treaty Organization [NATO])

Mr. SIMPSON. Mr. President, I send an amendment to the desk on behalf of Senator BROWN, and I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] for Mr. BROWN proposes an amendment number 2639.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2639) was agreed to, as follows:

At the end of the bill, add the following:

TITLE—NATO PARTICIPATION ACT OF 1994

SEC. 01. SHORT TITLE.

This title may be cited as the "NATO Participation Act of 1994".

SEC. 02. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the leaders of the NATO member nations are to be commended for reaffirming that NATO membership remains open to Partnership for Peace countries emerging from communist domination and for welcoming eventual expansion of NATO to include such countries;

(2) full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date, if such participants—

(A) maintain their progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law; and

(B) remain committed to protecting the rights of all their citizens and respecting the territorial integrity of their neighbors;

(3) the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition to full NATO membership at an early date of full and active participants in the Partnership for Peace; and

(4) in particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law since the fall of their previous communist governments.

SEC. 03. AUTHORITY FOR PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) IN GENERAL.—The President may establish a program to assist the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to subsection (d).

(b) CONDUCT OF PROGRAM.—The program established under subsection (a) shall facilitate the transition to full NATO membership of the countries described in such subsection by supporting and encouraging, inter alia—

(1) joint planning, training, and military exercises with NATO forces;

(2) greater interoperability of military equipment, air defense systems, and command, control, and communications systems; and

(3) conformity of military doctrine.

(c) TYPE OF ASSISTANCE.—In carrying out the program established under subsection (a), the President may provide to the countries described in such subsection the following types of security assistance:

(1) The transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961, without regard to the restrictions in paragraphs (1) through (3) of subsection (a) of such section (relating to the eligibility of countries for such articles under such section).

(2) The transfer of nonlethal excess defense articles under section 519 of the Foreign Assistance Act of 1961, without regard to the restriction in subsection (a) of such section (relating to the justification of the foreign military financing program for the fiscal year in which a transfer is authorized).

(3)Assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training).

(4) Assistance under section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program").

(d) DESIGNATION OF PARTNERSHIP FOR PEACE COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President may designate countries emerging from communism and participating in the Partnership for Peace, especially Poland, Hungary, the

Czech Republic, and Slovakia, to receive assistance under the program established under subsection (a) if the President determines and reports to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that such countries—

(1) are full and active participants in the Partnership for Peace;

(2) have made significant progress toward establishing democratic institutions, a free market economy, civilian control of their armed forces, and the rule of law;

(3) are likely (in the future) to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area; and

(4) are not selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

(e) NOTIFICATION.—At least 15 days before designating any country pursuant to subsection (d), the President shall notify the appropriate congressional committees in accordance with the procedures applicable under section 634A of the Foreign Assistance Act of 1961.

(f) DETERMINATION.—It is hereby determined that Poland, Hungary, the Czech Republic, and Slovakia meet the criteria required in paragraphs (1), (2), and (3) of subsection (d).

SEC. 04. ADDITIONAL AUTHORITIES.

(a) ARMS EXPORT CONTROL ACT.—The President is authorized to exercise the authority of sections 63 and 65 of the Arms Export Control Act with respect to any country designated under section 03(d) of this title on the same basis authorized with respect to NATO countries.

(b) OTHER NATO AUTHORITIES.—The President should designate any country designated under section 03(d) of this title as eligible under sections 2350c and 2350f of title 10, United States Code.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in the interest of maintaining stability and promoting democracy in Poland, Hungary, the Czech Republic, Slovakia, and any other Partnership for Peace country designated under section 03(d) of this title, those countries should be included in all activities under section 2457 of title 10, United States Code, relate to the increased standardization and enhance interoperability of equipment and weapons systems, through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries.

SEC. 05. REPORTING REQUIREMENT.

The President shall include in the report required by section 514(a) of Public Law 103–236 (22 U.S.C. 1928 note) the following:

(1) A description of all assistance provided under the program established under section 03(a), or otherwise provided by the United States Government to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to section 03(d).

(2) A description on the basis of information received from NATO, of all assistance provided by other NATO member nations or NATO itself to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to section 03(d).

AMENDMENT NO. 2640

(Purpose: To retain existing authorities under the 1988 International Narcotics Control Act)

Mr. BREAUX. Mr. President, I send an amendment to the desk on behalf of Senator KERRY and I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] for Mr. KERRY proposes an amendment numbered 2640.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2640) was agreed to, as follows:

On page 8, line 21, delete the period and inset in lieu thereof the following:

"except for the title heading and section 4702 (a) through (f).".

Mr. BREAUX. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; the motion to reconsider be laid upon the table, and any statements thereon appear at appropriate place in the RECORD as though read.

So the bill (H.R. 5030), as amended, was deemed read three times and passed.

PROVIDING FOR THE PRINTING OF STATEMENTS MADE IN TRIBUTE TO THE LATE SPEAKER "TIP" O'NEILL, JR.—H. CON. RES. 292

PROVIDING FOR THE PRINTING OF THE BOOK ENTITLED "HISTORY OF THE U.S. HOUSE OF REPRESENTATIVES"—H. CON. RES. 293

PROVIDING FOR THE PRINTING OF THE BOOK ENTITLED "HISPANIC AMERICANS IN CONGRESS"—H. CON. RES. 299

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the consideration en bloc of the following concurrent resolutions now at the desk: House Concurrent Resolution 292, House Concurrent Resolution 293, and House Concurrent Resolution 299; that the concurrent resolutions be agreed to en bloc; the motions to reconsider laid on the table and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolutions (H. Con. Res. 292, H. Con. Res. 293, and H. Con. Res. 299) were agreed to.

THE CROW BOUNDARY SETTLEMENT ACT OF 1994

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5200, the Crow Boundary Settlement Act of 1994, just received from the House, that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; further that any statements on this measure be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 5200) was deemed read three times and passed.

TO REAUTHORIZE THE OFFICE OF SPECIAL COUNSEL

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2970, a bill to reauthorize the Office of Special Counsel, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2970) to reauthorize the Office of Special Counsel, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2641

(Purpose: To authorize appropriations for the United States Office of Special Counsel, the Merit Systems Protection Board, and for other purposes)

Mr. BREAUX. Mr. President, on behalf of Senators LEVIN and COHEN, I send a substitute to the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] for Mr. LEVIN proposes an amendment numbered 2641.

Mr. BREAUX. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) MERIT SYSTEMS PROTECTION BOARD.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 101-12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, 1992, 1993, and 1994" and inserting in lieu thereof "1993, 1994, 1995, 1996, and 1997".

(b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 101-12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1993, 1994, 1995, 1996, and 1997".

SEC. 2. REASONABLE ATTORNEY FEES IN CERTAIN CASES.

Section 1204 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m)(1) Except as provided in paragraph (2) of this subsection, the Board, or an administrative law judge or other employee of the Board designated to hear a case arising under section 1215, may require payment by the agency involved of reasonable attorney fees incurred by an employee or applicant for employment if the employee or applicant is the prevailing party and the Board, administrative law judge, or other employee (as the case may be) determines that payment by the agency is warranted in the interest of justice, including any case in which a prohibited personnel practice was engaged in by the agency or any case in which the agency's action was clearly without merit.

"(2) If an employee or applicant for employment is the prevailing party of a case arising under section 1215 and the decision is based on a finding of discrimination prohibited under section 2302(b)(1) of this title, the payment of attorney fees shall be in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).".

SEC. 3. OFFICE OF SPECIAL COUNSEL.

(a) Succession.—Section 1211(b) of title 5, United States Code, is amended by inserting after the first sentence: "The Special Counsel may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that the Special Counsel may not continue to serve for more than one year after the date on which the term of the Special Counsel would otherwise expire under this subsection.".

(b) Limitations on Disclosures.—Section 1212(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking out "provide information concerning" and inserting in lieu thereof "disclose any information from or about"; and

(2) in paragraph (2), by striking out "a matter described in subparagraph (A) or (B) of section 2302(b)(2) in connection with a" and inserting in lieu thereof "an evaluation of the work performance, ability, aptitude, general qualifications, character, loyalty, or suitability for any personnel action of any".

(c) Status Report Before Termination of Investigation.—Section 1214(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding at the end thereof the following new subparagraph:

"(D) No later than 10 days before the Special Counsel terminates any investigation of a prohibited personnel practice, the Special Counsel shall provide a written status report to the person who made the allegation of the proposed findings of fact and legal conclusions. The person may submit written comments about the report to the Special Counsel. The Special Counsel shall not be required to provide a subsequent written status report under this subparagraph after the submission of such written comments."; and

(2) in paragraph (2)(A)—

(A) in clause (ii) by striking out "and" after the semicolon;

(B) in clause (iii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new clause:

"(iv) a response to any comments submitted under paragraph (1)(D).".

(d) Determinations.—Section 1214(b)(2) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B) and (C) as subparagraphs (B), (C) and (D), respectively;

(2) by inserting before subparagraph (B) (as redesignated by paragraph (1) of this subsection) the following:

"(A)(i) Except as provided under clause (ii), no later than 240 days after the date of receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel shall make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

"(ii) If the Special Counsel is unable to make the required determination within the 240-day period specified under clause (i) and the person submitting the allegation of a prohibited personnel practice agrees to an extension of time, the determination shall be made within such additional period of time as shall be agreed upon between the Special Counsel and the person submitting the allegation."; and

(3) by inserting after subparagraph (D) (as redesignated by paragraph (1) of this subsection) the following new subparagraph:

"(E) A determination by the Special Counsel under this paragraph shall not be cited or referred to in any proceeding under this paragraph or any other administrative or judicial proceeding for any purpose, without the consent of the person submitting the allegation of a prohibited personnel practice.".

(e) Reports.—Section 1218 of title 5, United States Code, is amended by inserting "cases in which it did not make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(i)," after "investigations conducted by it,".

SEC. 4. INDEPENDENT RIGHT OF ACTION.

(a) Subpoenas.—Section 1221(d) of title 5, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) At the request of an employee, former employee, or applicant for employment seeking corrective action under subsection (a), the Board shall issue a subpoena for the attendance and testimony of any person or the production of documentary or other evidence from any person if the Board finds that the testimony or production requested is not unduly burdensome and appears reasonably calculated to lead to the discovery of admissible evidence.".

(b) Corrective Actions.—Section 1221(e)(1) is amended by adding after the last sentence: "The employee may demonstrate that the disclosure was a contributing factor in the personnel action through circumstantial evidence, such as evidence that—

"(A) the official taking the personnel action knew of the disclosure; and

"(B) the personnel action occurred within a period of time such that a reasonable person could conclude that the disclosure was a contributing factor in the personnel action.".

(c) Referrals.—Section 1221(f) of title 5, United States Code, is amended by adding after paragraph (2) the following new paragraph:

"(3) If, based on evidence presented to it under this section, the Merit Systems Protection Board determines that there is reason to believe that a current employee may have committed a prohibited personnel practice, the Board shall refer the matter to the Special Counsel to investigate and take appropriate action under section 1215.".

SEC. 5. PROHIBITED PERSONNEL PRACTICES.

(a) Personnel Actions.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (ix) by striking out "and" after the semicolon;

(2) by striking out clause (x) and inserting in lieu thereof the following:

"(x) a decision to order psychiatric testing or examination; and

"(xi) any other significant change in duties, responsibilities, or working conditions;"; and

(3) in the matter following designated clause (xi) (as added by paragraph (2) of this subsection) by inserting before the semicolon the following: ", and in the case of an alleged prohibited personnel practice described in subsection (b)(8), an employee or applicant for employment in a Government corporation as defined in section 9101 of title 31".

(b) Covered Positions.—Section 2302(a)(2)(B) of title 5, United States Code, is amended to read as follows:

"(B) 'covered position' means, with respect to any personnel action, any position in the competitive service, a career appointee position in the Senior Executive Service, or a position in the excepted service, but does not include any position which is, prior to the personnel action—

"(i) excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(ii) excluded from the coverage of this section by the President based on a determination by the President that it is necessary and warranted by conditions of good administration; and".

(c) Agencies.—Section 2302(a)(2)(C) of title 5, United States Code, is amended in clause (i) by inserting before the semicolon: ", except in the case of an alleged prohibited personnel practice described under subsection (b)(8)".

(d) Informational Program.—Section 2302(c) of title 5, United States Code, is amended in the first sentence by inserting before the period ", and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title".

SEC. 6. PERFORMANCE APPRAISALS.

Section 4313(5) of title 5, United States Code, is amended to read as follows:

"(5) meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles set forth under section 2301 of this title.".

SEC. 7. MERIT SYSTEMS APPLICATION TO CERTAIN VETERANS AFFAIRS PERSONNEL.

Section 2105 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) For purposes of sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, 2302, and 7701, employees appointed under chapter 73 or 74 of title 38 shall be employees.".

SEC. 8. CORRECTIVE ACTIONS ORDERED BY THE MERIT SYSTEMS PROTECTION BOARD.

(a) In General.—Section 1214 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) If the Board orders corrective action under this section, such corrective action may include—

"(1) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

"(2) reimbursement for attorney's fees, back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential damages.".

(b) CERTAIN REPRISAL CASES.—Section 1221(g) of title 5, United States Code (as amended by section 4(d) of this Act) is further amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1) of this subsection) the following new paragraph:

"(1)(A) If the Board orders corrective action under this section, such corrective action may include—

"(i) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

"(ii) back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential changes.

"(B) Corrective action shall include attorney's fees and costs as provided for under paragraphs (2) and (3).".

SEC. 9. AUTHORITIES RELATING TO ARBITRATORS AND CHOICE OF REMEDIES NOT INVOLVING JUDICIAL REVIEW.

(a) AUTHORITIES WHICH MAY BE EXTENDED TO ARBITRATORS.—Section 7121(b) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (C) of paragraph (3) as clauses (i) through (iii), respectively;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by striking "(b)" and inserting "(b)(1)"; and

(4) by adding at the end the following:

"(2)(A) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order—

"(i) a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board; and

"(ii) the taking, by an agency, of any disciplinary action identified under section 1215(a)(3) that is otherwise within the authority of such agency to take.

"(B) Any employee who is the subject of any disciplinary action ordered under subparagraph (A)(ii) may appeal such action to the same extent and in the same manner as if the agency had taken the disciplinary action absent arbitration.".

(b) CHOICE OF REMEDIES PROVISION NOT INVOLVING JUDICIAL REVIEW.—Section 7121 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) This subsection applies with respect to a prohibited personnel practice other than a prohibited personnel practice to which subsection (d) applies.

"(2) An aggrieved employee affected by a prohibited personnel practice described in paragraph (1) may elect not more than one of the remedies described in paragraph (3) with respect thereto. For purposes of the preceding sentence, a determination as to whether a particular remedy has been elected shall be made as set forth under paragraph (4).

"(3) The remedies described in this paragraph are as follows:

"(A) An appeal to the Merit Systems Protection Board under section 7701.

"(B) A negotiated grievance procedure under this section.

"(C) Procedures for seeking corrective action under subchapters II and III of chapter 12.

"(4) For the purpose of this subsection, a person shall be considered to have elected—

"(A) the remedy described in paragraph (3)(A) if such person has timely filed a notice of appeal under the applicable appellate procedures;

"(B) the remedy described in paragraph (3)(B) if such person has timely filed a grievance in writing, in accordance with the provisions of the parties' negotiated procedure; or

"(C) the remedy described in paragraph (3)(C) if such person has sought corrective action from the Office of Special Counsel by making an allegation under section 1214(a)(1).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 7121(a)(1) of title 5, United States Code, is amended—

(1) by striking "(d) and (e)" and inserting "(d), (e), and (g)"; and

(2) by inserting "administrative" after "exclusive".

SEC. 10. EXPENSES RELATED TO FEDERAL RETIREMENT APPEALS.

Section 8348(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B) by striking out "and" at the end thereof;

(2) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Merit Systems Protection Board in the administration of appeals authorized under sections 8347(d) and 8461(e) of this title.".

SEC. 11. ELECTION OF APPLICATION OF LAWS BY EMPLOYEES OF THE RESOLUTION TRUST CORPORATION AND THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) ELECTION OF PROVISIONS OF TITLE 5, UNITED STATES CODE.—If an individual who believes he has been discharged or discriminated against in violation of section 21a(q)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(1)) seeks an administrative corrective action or judicial remedy for such violation under the provisions of chapters 12 and 23 of title 5, United States Code, the provisions of section 21a(q) of such Act shall not apply to such alleged violation.

(b) ELECTION OF PROVISIONS OF FEDERAL HOME LOAN BANK ACT.—If an individual files a civil action under section 21a(q)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(2)), the provisions of chapters 12 and 23 of title 5, United States Code, shall not apply to any alleged violation of section 21a(q)(1) of such Act.

SEC. 12. IMPLEMENTATION.

(a) POLICY STATEMENT.—No later than 6 months after the date of enactment of this Act, the Special Counsel shall issue a policy statement regarding the implementation of the Whistleblower Protection Act of 1989. Such policy statement shall be made available to each person alleging a prohibited personnel practice described under section 2302(b)(8) of title 5, United States Code, and shall include detailed guidelines identifying specific categories of information that may (or may not) be communicated to agency officials for an investigative purpose, or for the purpose of obtaining corrective action under section 1214 of title 5, United States Code, or disciplinary action under section 1215 of such title, the circumstances under which such information is likely to be disclosed, and whether or not the consent of any person is required in advance of any such communication.

(b) TERMINATION STATEMENT.—The Special Counsel shall include in any letter terminating an investigation under section 1214(a)(2) of title 5, United States Code, the name and telephone number of an employee of the Special Counsel who is available to respond to reasonable questions from the person regarding the investigation or review conducted by the Special Counsel, the relevant facts ascertained by the Special Counsel, and the law applicable to the person's allegations.

SEC. 13. ANNUAL SURVEY OF INDIVIDUALS SEEKING ASSISTANCE.

(a) IN GENERAL.—The Office of Special Counsel shall, after consulting with the Office of Policy and Evaluation of the Merit Systems Protection Board, conduct an annual survey of all individuals who contact the Office of Special Counsel for assistance. The survey shall—

(1) determine if the individual seeking assistance was fully apprised of their rights;

(2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and

(3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel.

(b) REPORT.—The results of the survey conducted under subsection (a) shall be published in the annual report of the Office of Special Counsel.

SEC. 14. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall be effective on and after the date of the enactment of this Act.

Mr. DORGAN. Mr. President, I rise in support of the conference report on H.R. 2970, the proposed act to authorize appropriations for the U.S. Office of Special Counsel, the Merit Systems Protection Board [MSPB], and for other purposes.

One of the persistent complaints that surveys, conducted by both GAO and the Merit Systems Protection Board itself, of Federal civil servants reveals is the frustration people feel about the lack of communication on the part of the Office of Special Counsel.

The Office of Special Counsel is supposed to be the policeman of the merit system. The OSC is supposed to punish the perpetrator and help the victims of personnel crime. But, a policeman must be able to communicate with those he is trying to help.

Federal employees who have suffered retaliation for blowing the whistle on waste, fraud, or abuse are supposed to report first to the Office of Special Counsel. In the vast majority of cases, OSC has exclusive jurisdiction—a monopoly, if you will—of these cases. OSC typically waits for months before they take any action on a case. All too often cases are closed out by OSC well before critical witnesses have been interviewed or documents reviewed.

All the employee knows is that the fate of his or her career has entered a black box known as the OSC and that after an undetermined amount of time his or her case is spit out of the black box with a little note—called a close out memo—that says, in effect, "Sorry, you're out of luck."

It should be noted that, in one survey, over a third of cases closed out by the OSC were later won by the employees on appeal. Obviously, the OSC is missing something.

What this amendment says is that 10 days before the OSC rejects a case the OSC must tell the employee why. The employee then has one last chance to highlight a key fact or make sure that a critical witness is interviewed. At least the employee will have some idea why the agency charged with protecting his rights is not going to stand up for him.

There should not be any confusion that this status report is solely for the complainant's benefit. Like an OSC closeout letter, the Special Counsel's final status report with proposed findings of fact and legal conclusions may not be admitted into any administrative or judicial forum without the complainant's consent.

This amendment will open the lines of communication at an early stage of the process. This will help prevent the MSPB from being clogged with appeals that could have been avoided if the OSC had simply talked to the employee.

The notion that Federal agencies should serve their customers should not be limited to agencies that deal with the general public. Agencies that are supposed to help the employees of the people should also treat these employees as people. That means leveling with them, letting them know the score. That is what this amendment accomplishes.

Mr. HATCH. Mr. President, law enforcement agencies and representatives of the telecommunications industry have worked with members of the Judiciary and Commerce Committees for several years to draft legislation intended to clarify the responsibilities of telecommunications companies when assisting law enforcement in conducting court authorized wiretaps and traces. The proposed legislation, S. 2375, is the result of their labors. I commend the efforts of Senator LEAHY for sheperding this bill through the Senate. I also applaud FBI Director Louis Freeh and his staff for their dogged determination in fighting for this important legislation.

The Fourth Amendment to our Constitution underscores the careful balance that must be struck between the right of the people to private communications and the legitimate needs of law enforcement. Unfortunately, that balance has shifted in recent years. Law enforcement agencies have seen rapid advancements in telecommunications technology seriously undermining their ability to conduct court-authorized wiretaps. In the not too distant future, law enforcement may find that it will be unable to execute wiretaps. While we must applaud the telecommunications industry for developing extraordinary new means of communicating, we must be ever watchful that those who prey upon society's innocents will not be able to pervert those revolutionary technologies and use them for criminal gain. Who can forget the bombing of the World Trade Center in New York City? But how many of us remember that the FBI was able to thwart additional terrorist attacks in New York because of the Bureau's capability to intercept criminal conversations. Law enforcement's ability to conduct court-authorized electronic surveillance simply cannot be compromised.

American's concern about crime has never been greater than it is today. Court authorized electronic surveillance is one of the most important and effective tools that State and Federal law enforcement agencies have to fight and to prevent crime. The proposed legislation is essential to effective law enforcement. It preserves law enforcement's ability to conduct court-authorized wiretaps while maintaining the overall security and integrity of the communications network.

The bill requires telephone companies, when served with a court order, to continue to assist law enforcement as they have for the past 50 years by having the capability to identify, segregate, and provide access to the conversations of specific criminals and target numbers, to the exclusion of all others, regardless of the technology, services, or features offered. This bill is not requiring industry to do anything new; rather it simply requires industry to continue to take into account the needs of law enforcement as new communications technologies are designed and deployed. This bill strikes a careful balance between the legitimate needs of law enforcement and the right of the people to private communications. It also strengthens the cooperative relationship that industry and law enforcement have shared for the past 50 years. On this account, I am delighted to cosponsor this legislation and urge my colleagues to give it their wholehearted support.

Mr. BREAUX. Mr. President, I ask unanimous consent that amendment be agreed to and that the motion to reconsider be laid upon the table; that the bill, as amended, be deemed read three times, passed, the title amendment be agreed to, and the motions to reconsider be laid upon the table, en bloc, and that any statements be inserted in the RECORD at the appropriate place as if read.

The amendment (No. 2641) was agreed to.

So the bill (H.R. 2970), as amended, was deemed read three times and passed.

The title was amended so as to read: "An Act to authorize appropriations for the United States Office of Special Counsel, the Merit Systems Protection Board, and for other purposes."

TO ENHANCE BUSINESS DEVELOPMENT OPPORTUNITIES

Mr. BREAUX. Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further consideration of S. 2478, a bill to enhance the business development opportunities of socially and economically disadvantaged individuals, and that the Senate proceed to the bill's immediate consideration, that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; and further that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2478) was deemed read three times and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

THE FEGLI LIVING BENEFITS ACT

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 708, H.R. 512, relating to group life insurance benefits.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 512) to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2642

(Purpose: To provide for continuation of health benefits coverage for certain individuals enrolled in health benefits plans administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision)

Mr. BREAUX. Mr. President, on behalf of Senator PRYOR, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] for Mr. PRYOR proposes an amendment numbered 2642.

Mr. BREAUX. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new sections:

SEC. 5. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OFFICE OF THE COMPTROLLER OF THE CURRENCY OR THE OFFICE OF THRIFT SUPERVISION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision before the termination of such plans on January 7, 1995, shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—(1) Any individual who, on January 7, 1995, is covered by a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after January 8, 1995.

(2) An individual who, on January 7, 1995, is entitled to continued coverage under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after January 8, 1995.

(3) An individual who, on January 7, 1995, is covered as an unmarried dependent child under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on January 7, 1995, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after January 8, 1995.

(c) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—The Office of the Comptroller of the Currency and the Office of Thrift Supervision shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Office of the Comptroller of the Currency and the Office of Thrift Supervision, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section. The amounts so transferred shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of such title.

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer the provisions of this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

FEHB LEGISLATION FOR OCC AND OTS

BACKGROUND

In the 1980s, OCC and OTS (along with other federal banking agencies) established separate health plans to help attract and retain employees during a time when turnover was high and valuable examiner talent was being lost to private industry.

OCC plan was established in 1982; OTS in 1987. Both were attractive enough that the vast majority of employees chose the separate plans rather than a plan in FEHB.

In the last several years, the rationale for maintaining health plans outside the FEHB has eroded. Accounting rules have substantially increased the costs of maintaining separate health plans. And, as health care costs have increased generally over recent years, the differences between the agency plans and FEHB fee-for-service plans have narrowed.

The increased costs of accounting for separate health plans have come at a critical time for both OTS and OCC.

The OTS is confronted with a shrinking industry. Since OTS is 95% funded by assessments on the thrift industry, revenue has been decreasing at an alarming rate. In fact, even with two previous downsizing initiatives, OTS expenses have not declined as fast as revenues. OTS has been operating at a deficit for several years.

OCC is also primarily funded by assessments of the national banks it regulates. National banks are increasingly complaining about their costs of federal supervision. Consequently, OCC is launching a major effort to cut costs, with the hope that this will permit an assessment decrease for 1995.

Both agencies have decided to terminate their separate health plans at the end of 1994.

EMPLOYEES NEGATIVELY AFFECTED BY THE CHANGE TO FEHB

Active employees not close to retirement are not affected by the decision to terminate OCC and OTS separate agency plans, except that they will have to choose among FEHB plans during the next open season.

However, the statutory requirement that Federal employees participate in an FEHB plan for five years just prior to retirement is an impediment for employees close to retirement. To obtain FEHB insurance, these employees would have to work five additional years.

Also barred by statute from participation in FEHB plans are the OCC and OTS retirees currently covered by the agencies' separate plans.

OCC and OTS retirees and near-retirees have accumulated many decades of federal service and, in fact, in most cases participated in FEHB plans (and paid premiums) for as long as 20 years before selecting their agency health plan.

LEGISLATIVE SOLUTION

The Administration supports this legislative proposal.

OCC, OTS, and OPM staff have worked cooperatively to develop legislative language that will allow their near-retirees and retirees to enroll in FEHB plans during this coming open season. By treating participation in an FCC or OTS plan as though it were an FEHB plan, the proposed legislation makes the transition a seamless one.

For OTS, this legislation resolves the problems affecting 189 employees within five years of retirement, 175 current retirees, and a handful of non-employees (e.g., survivors of OTS employees; separated employees with temporary continuing coverage).

For OCC, the numbers are 330 employees within five years of retirement, 284 current retirees, and a small number of non-employees.

The retirees and near-retirees affected by the proposed legislation are located throughout the country, as are the current workforces.

FUNDING FEHB

OCC and OTS have agreed to pay the Employees Health Benefit Fund an amount determined by the Director of OPM for the benefits provided by this legislation not otherwise paid for by the individuals to be covered. According to OMB, this makes the proposal budget-neutral for pay-go purposes.

URGENCY

Legislation must be passed this session. Without it, OCC and OTS will be forced to purchase private health coverage at substantially higher premiums for this relatively small number of older individuals. This higher cost will exacerbate the OTS deficit and will not allow the OCC to reduce costs to the degree necessary to relieve pressure on national bank assessments.

Moreover, without this legislation, OCC and OTS retirees, most of whom have many years of federal service, would not have the range of choice and costs available to all other federal retirees. And near-retirees may feel they must work longer than they had planned to ensure themselves coverage under FEHB.

Last, OCC and OTS plans for rightsizing initiatives will be frustrated by the uncertainties in health insurance confronting those employees eligible for either optional or early retirement.

Mr. BREAUX. Mr. President, I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table; that the bill as thus amended be deemed read three times, passed, and the motion to reconsider be laid upon the table; that the title amendment be agreed to; that any statements relating to this measure be inserted in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2642) was agreed to.

So the bill (H.R. 512), as amended, was deemed read three times and passed.

The title was amended so as to read:

An Act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill; to provide for continuation of health benefits coverage for certain individuals enrolled in health benefits plans administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision; and for other purposes.

ADVANCEMENT OF NATIONAL EDUCATION GOALS FOR INDIANS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from further consideration of S. Res. 264, a resolution expressing the sense of the Senate on advancement of the national education goals for Indians; that the Senate then proceed to its immediate consideration, the resolution be adopted, the preamble be agreed to, and the motion to reconsider be laid on the table; and that, further, any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

(The text of the resolution will be printed in a future edition of the RECORD.)

CODIFICATION OF LAWS RELATED TO TRANSPORTATION

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4778, relating to codification of laws related to transportation to improve the code, just received from the House; that the bill be read a third time, passed, the motion to reconsider be laid on the table; and that any statement appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4778) was passed.

SENATE ARMS CONTROL OBSERVER GROUP

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 280, a resolution introduced earlier today by the majority leader and Senator DOLE regarding the Senate Arms Control Observer Group; that the resolution be agreed to, the motion to reconsider laid on the table, and any statement thereon appear in the RECORD at the appropriate place, as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 280) was agreed to.

(The text of the resolution will be printed in a future edition of the RECORD.)

WATER BANK EXTENSION ACT OF 1994

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5053, the Water Bank Extension Act of 1994, just received from the House; that bill be read three times, passed, the motion to reconsider be laid upon the table; and, further, that any statements related to this measure be printed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 5053) was passed.

Mr. LEAHY. Mr. President, I applaud the purpose of H.R. 5053 which is to protect the approximately 64,000 acres of wetlands and upland habitat enrolled in the Water Bank Program that are scheduled to expire on December 31, 1994. Unfortunately, no funds have been appropriated in fiscal year 1995 to renew these contracts. Therefore, we have been forced to pass this bill as a quick fix to protect these lands until the long-term future of the Water Bank Program can be resolved in the 1995 farm bill.

It is with reluctance, however, that I agree to utilize the scarce dollars that have been appropriated to fund the Wetland Reserve Program for a quick fix of the Water Bank Program. The Wetland Reserve Program is a unique program that seeks to restore wetlands, help farmers meet the wetland conservation provisions of the 1985 Food Security Act, and help all of us meet our overall goal of no net loss of wetlands. Most of the wetlands currently enrolled in the Water Bank Program would not, and should not, be eligible for inclusion in the Wetlands Reserve Program. The Wetlands Reserve Program was authorized for a single, unique purpose: to help farmers restore, and protect in perpetuity, wetlands that had previously been converted to cropland. It is critical that the Wetland Reserve Program not be diverted from this unique and important purpose.

Tight budgets have forced us to choose between two unique wetland management programs. I concur that this choice is best made in the farm bill when the overall needs of wetland conservation and protection can be debated more fully. I look forward to working with my colleagues from water bank States to resolve this problem next year.

INTERNATIONAL ANTITRUST ENFORCEMENT ASSISTANCE ACT OF 1994

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 699, S. 2297, a bill relating to international antitrust.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2297) to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Antitrust Enforcement Assistance Act of 1994".

SEC. 2. DISCLOSURE TO A FOREIGN ANTITRUST AUTHORITY OF ANTITRUST EVIDENCE.

Subject to section 8, except as provided in section 5, and in accordance with an antitrust mutual assistance agreement, the Attorney General and the Federal Trade Commission may provide antitrust evidence to a foreign antitrust authority to assist the foreign antitrust authority—

(1) in determining whether a person has violated or is about to violate any of the foreign antitrust laws administered or enforced by the foreign antitrust authority; or

(2) in enforcing any of such foreign antitrust laws.

SEC. 3. INVESTIGATIONS TO ASSIST A FOREIGN ANTITRUST AUTHORITY IN OBTAINING ANTITRUST EVIDENCE.

(a) AUTHORITY OF THE ATTORNEY GENERAL.—

(1) REQUEST.—Requests for assistance from a foreign antitrust authority pursuant to this section shall be made to the Attorney General.

(2) INVESTIGATION.—Subject to section 8, except as provided in section 5, and in accordance with an antitrust mutual assistance agreement, the Attorney General may, after consultation with the Commission, use antitrust investigative authority to conduct antitrust investigations to obtain antitrust evidence relating to a violation of the foreign antitrust laws administered or enforced by a foreign antitrust authority, and may provide such antitrust evidence to the foreign antitrust authority, to assist the foreign antitrust authority—

(A) in determining whether a person has violated or is about to violate any of such foreign antitrust laws; or

(B) in enforcing any of such foreign antitrust laws.

(3) FEDERAL ANTITRUST LAWS.—An investigation under this section may be conducted, and such antitrust evidence may be provided, without regard to whether the conduct investigated violates any of the Federal antitrust laws.

(b) AUTHORITY OF THE COMMISSION.—

(1) IN GENERAL.—After consultation with the Commission, and consistent with section 10(b), the Attorney General may refer to the Commission a request for assistance under this section from a foreign antitrust authority.

(2) INVESTIGATION.—Upon referral under paragraph (1), the Commission may, subject to section 8 and except as provided in section 5, use its investigative authority under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to conduct antitrust investigations in the same manner and of the same scope as those described under subsection (a).

(c) CONFORMING AMENDMENTS.—

(1) ANTITRUST CIVIL PROCESS ACT.—The Antitrust Civil Process Act (15 U.S.C. 1311 et seq) is amended—

(A) in section 2—

(i) in subsection (d)—

(I) by striking "or any" and inserting ", any"; and

(II) by inserting before the semicolon ", or any of the foreign antitrust laws"; and

(ii) by adding at the end the following new subsection:

"(k) The term 'foreign antitrust laws' has the meaning given such term in section 12 of the International Antitrust Enforcement Assistance Act of 1994."; and

(B) in the first sentence of section 3(a)—

(i) by inserting "or to an investigation authorized by section 3(a) of the International Antitrust Enforcement Assistance Act of 1994" after "investigation"; and

(ii) by inserting "by the United States" after "proceeding".

(2) FEDERAL TRADE COMMISSION ACT.—Section 6(h) of the Federal Trade Commission Act (15 U.S.C. 46(h)) is amended by striking the period after "advisable" and inserting "and to conduct investigations in accordance with the International Antitrust Enforcement Assistance Act.".

SEC. 4. JURISDICTION OF THE DISTRICT COURTS OF THE UNITED STATES.

(a) AUTHORITY OF THE DISTRICT COURTS.—On the application of the Attorney General made in accordance with an antitrust mutual assistance agreement, the United States district court for the district in which a person resides, is found, or transacts business may order such person to give testimony or a statement, or to produce a document or other thing, to the Attorney General to assist the foreign antitrust authority that is covered by the agreement—

(1) in determining whether a person has violated or is about to violate any of the foreign antitrust laws administered or enforced by the foreign antitrust authority; or

(2) in enforcing any of such foreign antitrust laws.

(b) CONTENTS OF ORDER.—

(1) IN GENERAL.—An order issued under subsection (a) may direct that testimony or a statement be given, or a document or other thing be produced, to a person who shall be recommended by the Attorney General and appointed by the court.

(2) POWER OF APPOINTEE.—A person appointed in an order under paragraph (1) shall have power to administer any necessary oath and to take such testimony or such statement.

(3) PRACTICE AND PROCEDURE.—(A) An order issued under subsection (a) may prescribe the practice and procedure for taking testimony and statements.

(B) Such practice and procedure may be in whole or in part the practice and procedure of the foreign state, or the regional economic integration organization, represented by the foreign antitrust authority with respect to which the Attorney General requests such order.

(C) To the extent such order does not prescribe otherwise, any testimony and statements required to be taken shall be taken, and any documents and other things required to be produced shall be produced, in accordance with the Federal Rules of Civil Procedure.

(c) RIGHTS AND PRIVILEGES PRESERVED.—A person may not be compelled under an order issued under subsection (a) or in connection with an investigation authorized by section 3 to give testimony or a statement, or to produce a document or other thing, in violation of any legally applicable right or privilege.

(d) VOLUNTARY CONDUCT.—This section does not preclude a person in the United States from voluntarily giving testimony or a statement, or producing a document or other thing, in any manner acceptable to such person for use in an investigation by a foreign antitrust authority.

SEC. 5. LIMITATIONS ON AUTHORITY.

Sections 2, 3, and 4 shall not apply with respect to the following antitrust evidence:

(1) Antitrust evidence that is received by the Attorney General or the Commission under section 7A of the Clayton Act (15 U.S.C. 18a), as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976. Nothing in this paragraph shall affect the ability of the Attorney General or the Commission to disclose to a foreign antitrust authority antitrust evidence that is obtained otherwise than under such section 7A.

(2) Antitrust evidence that is matter occurring before a grand jury and with respect to which disclosure is prevented by Federal law, except as may be directed by a court pursuant to Rule 6(e)(3)(C)(i) of the Federal Rules of Criminal Procedure. For purposes of this section, disclosure preliminary to or in connection with a judicial proceeding shall include disclosure to a foreign antitrust authority for the purposes provided in section 2.

(3) Antitrust evidence that is specifically authorized under criteria established by Executive Order 12356, or any successor to such order, to be kept secret in the interest of national defense or foreign policy, and—

(A) that is classified pursuant to such order or such successor; or

(B) with respect to which a determination of classification is pending under such order or such successor.

(4) Antitrust evidence that is classified under section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162).

SEC. 6. DISCLOSURE OF ANTITRUST EVIDENCE.

Neither section 4 of the Antitrust Civil Process Act (15 U.S.C. 1313) nor section 6(f) or 21 of the Federal Trade Commission Act (15 U.S.C. 46, 57b-2) shall apply to prevent the Attorney General or the Commission from providing to a foreign antitrust authority antitrust evidence in accordance with an antitrust mutual assistance agreement in effect under this Act and in accordance with the other requirements of this Act.

SEC. 7. PUBLICATION REQUIREMENTS APPLICABLE TO ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.

(a) PUBLICATION OF PROPOSED ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.—Not less than 45 days before entering into an antitrust mutual assistance agreement, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the proposed text of such agreement and any modification to such proposed text; and

(2) a request for public comment with respect to such text or such modification, as the case may be.

(b) PUBLICATION OF PROPOSED AMENDMENTS TO ANTITRUST MUTUAL ASSISTANCE AGREEMENTS IN EFFECT.—Not less than 45 days before entering into an agreement that makes an amendment to an antitrust mutual assistance agreement in effect under this Act, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the proposed text of such amendment, and

(2) a request for public comment with respect to such amendment.

(c) PUBLICATION OF ANTITRUST MUTUAL ASSISTANCE AGREEMENTS ENTERED INTO, AND AMENDMENTS TO AND TERMINATIONS OF, SUCH AGREEMENTS.—

(1) IN GENERAL.—Not later than 30 days after—

(A) entering into an antitrust mutual assistance agreement;

(B) entering into an agreement that makes an amendment to an antitrust mutual assistance agreement; or

(C) terminating an antitrust mutual assistance agreement,

the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register a notice containing the information described in paragraph (2).

(2) CONTENTS OF NOTICE.—A notice under this subsection shall contain—

(A) the text of the antitrust mutual assistance agreement or of such amendment, or the fact and any terms of termination as the case may be; and

(B) in the case of an agreement that makes such amendment, a notice containing—

(i) a statement of the fact that such agreement was entered into;

(ii) citations to the provisions of the Federal Register that contain the text of the amendment, of any previous amendments and of the antitrust mutual assistance agreement that is so amended; and

(iii) a description of the manner in which a copy of the antitrust mutual assistance agreement, as so amended, may be obtained from the Attorney General or the Commission.

(d) CONDITION FOR VALIDITY.—An antitrust mutual assistance agreement, or an agreement that makes an amendment to an antitrust mutual assistance agreement, entered into in violation of subsection (a) or (b) shall not be considered to be entered into under the authority of this Act.

SEC. 8. IMPLEMENTATION OF ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.

(a) DETERMINATIONS.—The Attorney General or the Commission may conduct an investigation under section 3 and may provide antitrust evidence to a foreign antitrust authority, under an antitrust mutual assistance agreement, only if the Attorney General or the Commission, as the case may be, determines in the particular instance in which such investigation or evidence is requested that—

(1) the foreign antitrust authority—

(A) will satisfy the assurances, terms, and conditions required by subparagraphs (A), (B), and (D) of section 12(2); and

(B) is capable of complying with and will comply with the confidentiality requirements applicable under such agreement to the requested antitrust evidence;

(2) providing the requested antitrust evidence will not violate section 5; and

(3) conducting such investigation, or providing the requested antitrust evidence, as the case may be, is consistent with the public interest of the United States, taking into consideration, among other factors, whether the foreign state, or the regional economic integration organization, represented by the foreign antitrust authority holds any proprietary interest that could benefit or otherwise be affected by such investigation or by the provision of such antitrust evidence.

(b) LIMITATION ON DISCLOSURE OF CERTAIN ANTITRUST EVIDENCE.—Neither the Attorney General nor the Commission may disclose in violation of an antitrust mutual assistance agreement any antitrust evidence received under such agreement, except that such agreement may not prevent the disclosure of such antitrust evidence to a defendant in an action or proceeding brought by the Attorney General or the Commission for a violation of any of the Federal antitrust laws if such disclosure would otherwise be required by Federal law.

(c) REQUIRED DISCLOSURE OF NOTICE RECEIVED.—If the Attorney General or the Commission receives a notice described in section 12(2)(G), the Attorney General or the Commission, as the case may be, shall transmit such notice to the person that provided the evidence with respect to which such notice is received.

SEC. 9. LIMITATIONS ON JUDICIAL REVIEW

(a) DETERMINATIONS.—Determinations made under section 8(a) (1) and (3) shall not be subject to judicial review.

(b) ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.—Whether an antitrust mutual assistance agreement satisfies the requirements specified in section 12(2) shall not be subject to judicial review under chapter 7 of title 5, United States Code.

(c) RULE OF CONSTRUCTION.—Nothing in this section affects the availability of judicial review under laws referenced in section 5.

SEC. 10. SUPPLEMENTATION AND PRESERVATION OF AUTHORITY.

(a) SUPPLEMENTAL AUTHORITY.—The authority provided by this Act is in addition to, and not in lieu of, any other authority vested in the Attorney General, the Commission, or any other officer of the United States.

(b) AUTHORITY PRESERVED.—This Act shall not modify or affect the allocation of responsibility between the Attorney General and the Commission for the enforcement of the Federal antitrust laws.

SEC. 11. REPORT TO THE CONGRESS.

In the 30-day period beginning 3 years after the date of the enactment of this Act, the Attorney General, with the concurrence of the Commission, shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report—

(1) describing how the operation of this Act has affected the enforcement of the Federal antitrust laws;

(2) the extent to which foreign antitrust authorities have complied with the confidentiality requirements applicable under antitrust mutual assistance agreements in effect under this Act;

(3) the number and identities of the foreign antitrust authorities, foreign states, and regional economic integration organizations that have entered into such agreements;

(4) the identity of each foreign state, and each regional economic integration organization, that has in effect a law similar to this Act;

(5) the approximate number of requests made by the Attorney General and the Commission under such agreements to foreign antitrust authorities for antitrust investigations and for antitrust evidence;

(6) the approximate number of requests made by foreign antitrust authorities under such agreements to the Attorney General and the Commission for investigations under section 3 and for antitrust evidence; and

(7) a description of any significant problems or concerns of which the Attorney General or the Commission is aware with respect to the operation of this Act.

SEC. 12. DEFINITIONS.

For purposes of this Act:

(1) The term "antitrust evidence" means information, testimony, statements, documents, or other things obtained in anticipation of, or during the course of, an investigation or proceeding under any of the Federal antitrust laws or any of the foreign antitrust laws.

(2) The term "antitrust mutual assistance agreement" means a written agreement, or written memorandum of understanding, that is entered into (i) between the Attorney General and the Commission, and the foreign antitrust authority and such other agencies of a foreign state or regional economic integration organization as may be necessary to carry out the agreement, or (ii) between the Government of the United States and a foreign state or regional economic integration organization, for the purpose of conducting investigations under section 3, or for providing antitrust evidence, on a reciprocal basis and that includes the following:

(A) An assurance that the foreign antitrust authority will provide to the Attorney General or the Commission assistance that is comparable in scope to the assistance the Attorney General or the Commission provides under such agreement or such memorandum.

(B) An assurance that the foreign antitrust authority is subject to laws and procedures that are adequate to maintain the confidentiality of antitrust evidence that may be received under section 2, 3, or 4 and will give protection to antitrust evidence received under such section that is not less than the protection provided under the laws of the United States to such antitrust evidence.

(C) Citations to, and brief descriptions of, the laws (including treaties, statutes, executive orders, and regulations) of the United States, and the laws (including treaties, statutes, executive orders, and regulations) of the foreign state, or the regional economic integration organization, represented by the foreign antitrust authority, that protect the confidentiality of antitrust evidence that may be provided under such agreement or such memorandum. Such citations and such descriptions shall include the enforcement mechanisms and penalties applicable under such laws.

(D) Terms and conditions that specifically prohibit disclosing or using antitrust evidence received under such agreement or such memorandum, for any purpose other than the administration or enforcement of the foreign antitrust laws involved unless, under special circumstances when such disclosure or use is essential to law enforcement and the evidence is not otherwise readily obtainable, the Attorney General or the Commission gives prior written consent to the disclosure or use of the antitrust evidence provided under this Act for such other law enforcement purpose as may be specified by the foreign antitrust authority, subject to the other confidentiality requirements of this Act.

(E) An assurance that antitrust evidence received under section 2, 3, or 4 from the Attorney General or the Commission, and all copies of such evidence, in the possession or control of the foreign antitrust authority will be returned to the Attorney General or the Commission, respectively, at the conclusion of the foreign investigation or proceeding with respect to which such evidence was so received.

(F) Terms and conditions that specifically provide that such agreement or such memorandum will be terminated if—

(i) the confidentiality required under such agreement or such memorandum is violated with respect to antitrust evidence; and

(ii) adequate action is not taken both to minimize any harm resulting from the violation and to ensure that such confidentiality requirement is not violated again.

(G) Terms and conditions that specifically provide that if the confidentiality required under such agreement or such memorandum is violated with respect to antitrust evidence, notice of the violation will be given—

(i) by the foreign antitrust authority promptly to the Attorney General or the Commission with respect to antitrust evidence provided by the Attorney General or the Commission, respectively; and

(ii) by the Attorney General or the Commission to the person (if any) that provided such evidence to the Attorney General or the Commission.

(3) The term "Attorney General" means the Attorney General of the United States.

(4) The term "Commission" means the Federal Trade Commission.

(5) The term "Federal antitrust laws" has the meaning given the term "antitrust laws" in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)) but also includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(6) The term "foreign antitrust authority" means a governmental entity of a foreign state or of a regional economic integration organization that is vested by such state or such organization with authority to enforce the foreign antitrust laws of such state or such organization.

(7) The term "foreign antitrust laws" means the laws of a foreign state, or of a regional economic integration organization, that are substantially similar to any of the Federal antitrust laws and that prohibit conduct similar to conduct prohibited under the Federal antitrust laws.

(8) The term "person" has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(9) The term "regional economic integration organization" means an organization that is constituted by, and composed of, foreign states and in which such foreign states have vested authority to make decisions binding on such foreign states.

SEC. 13. AUTHORITY TO RECEIVE REIMBURSEMENTS.

The Attorney General and the Commission are authorized to receive from a foreign antitrust authority, a foreign state, or a regional economic integration organization reimbursement in cash or in kind for the costs incurred by the Attorney General or the Commission, respectively, to conduct investigations under section 3 or provide antitrust evidence under a mutual assistance agreement.

AMENDMENT NO. 2643

(Purpose: To facilitate obtaining foreign-located antitrust evidence)

Mr. BREAUX. Mr. President, on behalf of Senator METZENBAUM and Senator THURMOND, I send a substitute amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX], for Mr. METZENBAUM for himself and Mr. THURMOND, proposes an amendment numbered 2643.

Mr. BREAUX. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. THURMOND. Mr. President, I rise today in support of H.R. 4781, the International Antitrust Enforcement Assistance Act, which is the House version of the legislation I introduced with Senator METZENBAUM in July of this year. It authorizes closer cooperation and sharing of information between United States and foreign antitrust authorities in order to more effectively enforce antitrust laws for the benefit of American consumers and businesses.

As I have stated previously, the goals of this legislation deserve broad bipartisan support. It is appropriate and necessary for our antitrust authorities to be given better tools for obtaining evidence abroad, because antitrust violations increasingly involve transactions and evidence which are located abroad or in more than one country. This bill achieves that goal by authorizing investigations to be conducted and information shared with foreign authorities in appropriate circumstances. However, this legislation does not change the jurisdictional reach or substance of either the U.S. antitrust laws or any foreign law.

Mr. President, I believe that this legislation now contains all necessary protections to safeguard American interests. Prior to any exchange of information, the bill requires a comprehensive agreement between the United States and foreign antitrust authorities, which is effective only after notice and an opportunity for public comment. That agreement is required to contain many terms to protect the confidentiality of any information disclosed, while the bill expressly precludes disclosure of certain categories of information.

Among other things, the confidentiality provisions require that the U.S. agencies must make a determination in each case that the foreign laws are sufficient to protect confidentiality and will be applied. Further, the bill ensures that there will be true reciprocity between the United States and foreign antitrust authorities in providing assistance and exchanging information so that the benefits and responsibilities are evenly shared.

For all of these reasons, this is a bill which is good for American consumers and which many American businesses wholeheartedly support. I urge my colleagues to vote for this legislation.

Mr. BREAUX. Mr. President, I ask unanimous consent the amendment be agreed to; that the committee substitute amendment, as amended, be agreed to; that the bill be read a third time, passed, the motion to reconsider be laid upon the table; and that any statements appear in the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2643) was agreed to.

So the bill (S. 2297) was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT

Mr. BREAUX. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 4361, the Federal Employees Family Friendly Leave Act and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4361) to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes.

AMENDMENT NO. 2644

(Purpose: To amend chapter 63 of title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, and for other purposes)

Mr. BREAUX. Mr. President, on behalf of Senator PRYOR, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] for Mr. PRYOR proposes an amendment numbered 2644.

Mr. BREAUX. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Family Friendly Leave Act".

SEC. 2. USE OF SICK LEAVE FOR PURPOSES RELATING TO A FAMILY MEMBER.

Section 6307 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) For the purpose of this subsection, the term 'family member' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall include any individual who meets the definition given that term, for purposes of the leave transfer program under subchapter III, under regulations prescribed by the Office (as in effect on January 1, 1993).

"(2) Subject to paragraph (3) and in addition to any other allowable purpose, sick leave may be used by an employee—

"(A) to give care or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave by such an employee; or

"(B) for purposes relating to the death of a family member, including to make arrangements for or attend the funeral of such family member.

"(3)(A) Sick leave may be used by an employee for the purposes provided under paragraph (2) only to the extent the amount used for such purposes does not exceed—

"(i) 40 hours in any year, plus

"(ii) up to an additional 64 hours in any year, but only to the extent the use of such additional hours does not cause the amount of sick leave to the employee's credit to fall below 80 hours.

"(B) In the case of a part-time employee or an employee on an uncommon tour of duty, the Office of Personnel Management shall establish limitations that are proportional to those prescribed under subparagraph (A).

"(4)(A) This subsection shall be effective during the 3-year period that begins upon the expiration of the 2-month period that begins on the date of the enactment of this subsection.

"(B) Not later than 6 months before the date on which this subsection is scheduled to cease to be effective, the Office shall submit a report to Congress in which it shall evaluate the operation of this subsection and make recommendations as to whether or not this subsection should be continued beyond such date.".

Mr. BREAUX. Mr. President, I ask unanimous consent that the amendment be agreed to; that the motion to reconsider be laid upon the table; that the bill, as amended, be read three times, passed and the motion to reconsider be laid upon the table; that the title amendment be agreed to; and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2644) was agreed to.

So the bill (H.R. 4361), as amended, was deemed read the third time and passed.

JUVENILE JUSTICE ACT

Mr. BREAUX. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from and the Senate proceed to immediate consideration of H.R. 3160, a bill relating to the Juvenile Justice Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill.

Mr. BREAUX. Mr. President, on behalf of Senator SIMON, I send an amendment to the desk, I ask unanimous consent to proceed to its immediate consideration, that the amendment be agreed to, the bill be read a third time, passed, and the motion to reconsider be laid upon the tale, and any statement appear at an appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2645) was agreed to, as follows:

On page 4, strike line 17 through the "(B)" on page 5 of line 3.

On page 6, strike line 13 and insert the following:

SEC. 3. DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.

Section 3505 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11805) is amended—

(1) by striking "$16,000,000 for fiscal year 1992 and"; and

(2) by striking "1993 and 1994" and inserting "1995".

SEC. 4. PROGRAMS FOR RUNAWAY AND HOMELESS YOUTH.

Section 3513 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11823) is amended—

(1) by striking "$16,000,000 for fiscal year 1992 and"; and

(2) by striking "1993 and 1994" and inserting "1995".

SEC. 5. EFFECTIVE DATES.

At the appropriate place set the following:

SECTION 1. FINDING AND PURPOSE.

(a) FINDING.—The Congress finds that Benchmark Rail Group, Inc., of St. Louis, Missouri, satisfactorily performed emergency work after the Northridge earthquake, but has not been reimbursed as a result of a technicality under California State law.

(b) PURPOSE.—The purpose of this Act is to fairly compensate Benchmark Rail Group, Inc., for the work for which, except for the technicality under California State law, it would otherwise have been paid under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

SEC. 2. PAYMENT.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the director of the Federal Emergency Management Agency shall pay to Benchmark Rail Group, Inc., of St. Louis, Missouri, an amount equal to the total amount owed to Benchmark Rail Group, Inc., by the Federal Emergency Management Agency and the State of California to compensate Benchmark Rail Group, Inc., for the emergency work and services performed at the request of the Southern California Regional Rail Authority, to the extent that such work and services are otherwise eligible for reimbursement under the Robert T. Stafford Disaster and Emergency Assistance Act. The payment shall be made from funds appropriated to implement such Act.

(b) DEOBLIGATION OF FUNDS.—The Federal Emergency Management Agency shall deobligate an equal amount to that obligated previously for payment to the State of California to cover the costs of work performed for the Southern California Regional Rail Authority by Benchmark Rail Group, Inc., after the Northridge earthquake which would have been eligible for reimbursement under such Act.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 3160), as amended, was passed.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION GRAND COULEE DAM SETTLEMENT ACT

Mr. BREAUX. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4757, the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act, just received from the House, the bill be read three times, passed, and the motion to reconsider be laid upon the table, and further that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4757) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING THE TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Mr. BREAUX. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5155, a bill to authorize the transfer of naval vessels to certain foreign countries received from the House, that the bill be read three times, passed, the motion to reconsider be laid upon the table, and further that any statements relating to this measure be printed in the RECORD at the appropriate place, as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5155) was ordered to a third reading, was read the third time, and passed.

RECOGNITION OF ALASKAN NATIVE INDIAN TRIBES

Mr. BREAUX. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4180, a bill related to recognition of Alaska native Indian tribes just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4180) to provide for the annual publication of a list of Federally recognized Indian tribes and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NOS. 2646, 2647, 2648

Mr. BREAUX. Mr. President I send three amendments to the desk and ask unanimous consent they be considered en bloc, agreed to en bloc, and the motions to reconsider be laid upon the table en bloc; also I send a title amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX], for Mr. STEVENS, proposes an amendment numbered 2646; for Mr. INOUYE, an amendment numbered 2647; and for Mr. AKAKA, an amendment numbered 2648, as follows:

AMENDMENT NO. 2646

(Purpose: to authorize appropriations for interest or earnings on trust funds created for the benefit of Alaska Indian, Aleuts, or Eskimo people)

At the appropriate place in the bill, add the following new section:

SEC. . AUTHORIZATION FOR INTEREST ON TRUST FUNDS.

(a) IN GENERAL.—There are authorized to be appropriated funds necessary to pay interest or earnings on any trust fund administered by the Secretary of the Interior for the benefit of Alaska Indian, Aleut or Eskimo people.

(b) DEPOSIT IN TRUST FUND.—Upon appropriation, the Secretary shall deposit in the appropriate trust fund such interest or earnings that have or should have accumulated during the period since any such trust fund was established.

(c) INTEREST OR EARNINGS.—Interest or earnings for each such trust fund shall be determined in accordance with section 9702 of title 31, United States Code.

(d) INTEREST ACCRUED.—Nothing in this section shall diminish any interest or earnings that have otherwise accrued on any trust funds administered by the Secretary for the benefit of Alaska Indian, Aleut or Eskimo people.

AMENDMENT NO. 2647

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 2648

Strike title I, and redesignate titles II and III as titles I and II, respectively.

After title II, as so redesignated, insert the following new titles:

TITLE III—MISCELLANEOUS

SEC. 301. EDUCATIONAL ASSISTANCE.

Notwithstanding any deadline established under section 5(a)(2) of the Act of September 30, 1950 (64 Stat. 1100, chapter 1124), the Secretary of Education shall accept, as if timely received, applications from the Window Rock, Arizona, local educational agency for funding under section 3 of such Act for fiscal years 1994 and 1995.

SEC. 302. PUEBLO DE TAOS.

(a) TRANSFER.—The parcel of land described in subsection (b) is hereby transferred without consideration to the Secretary of the Interior to be held in trust for the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 109, chapter 45) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is the land that is generally depicted on the map entitled "Lands transferred to the Pueblo of Taos—proposed" and dated September 1994. Such land comprises 764.33 acres, and is situated within sections 25, 26, 35, and 36, Township 27 North, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) CONFORMING BOUNDARY ADJUSTMENTS.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

(d) COMPLETION OF TRANSFER.—The Congress finds and declares that the lands described in subsection (b), which the United States shall hold in trust as part of the Pueblo de Taos Reservation pursuant to this section, complete the transfer effected by section 4 of the Act of May 31, 1933 (48 Stat. 109, chapter 45) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

Mr. DOMENICI. Mr. President, Section 402 of H.R. 4180 is essentially a substitute for S. 1509 which I am offering with my colleagues, Mr. BINGAMAN and Mr. DOLE. It will transfer 764 acres now locate in the Wheeler Peak Wilderness of the Carson National Forest to the Taos Pueblo, both in northern New Mexico.

The history of this area is fascinating and involves the only living culture in the United States to be recognized by the United Nations as a World Heritage Site. The United States of America can be very proud of the Taos Pueblo Indians who live in the Rocky Mountains of New Mexico. I know New Mexicans are proud of the Taos Pueblo for this most unique international honor in our Land of Enchantment.

Designation as a World Heritage Site is an honor we share with the Grand Canyon, Yosemite, the Statue of Liberty, and Independence Hall, to name several such sites in the United States. The Taos Pueblo, however, is the only living culture to be so honored in the Western Hemisphere.

A well-known cultural and religious attribute of this World Heritage Site at Taos Pueblo is the Blue Lake and its special spiritual significance to the Taos Pueblo and other New Mexico Indians. Blue Lake is nestled high in the Sangre de Cristo Mountains east of the Pueblo. The sacred ceremonies of the Taos Pueblo people at this site predate the signing of the Magna Carta.

The Bottleneck area is an integral part of Blue Lake and continues to be used by Taos Pueblo for religious pilgrimages. The sacred "Path of Life

Trail," connecting the Pueblo with Blue Lake, runs through the Bottleneck. The Blue Lake Wilderness includes Blue Lake, Star Lake, and Bear Lake. Headwaters to Rio Pueblo de Taos and the Rio Lucero are also in this sacred area. There is no doubt that he Blue Lake Wilderness, designated a wilderness area in the 1970 law, has been a vital source of livelihood and spiritual strength for the Taos Pueblo for over 1,000 years.

The bill pending before the Senate today is intended to complete the full transfer of the Blue Lake territory to the Taos Pueblo. The Path of Life Trail in the Bottleneck Tract will be returned to its rightful owners.

Most of the Blue Lake area transfer took place in 1970, when Public Law 91-550 was signed by President Richard M. Nixon. At the same time 48,000 of the 50,000 acres of Blue Lake Wilderness were returned to the Taos Pueblo. The entire 50,000 acre area known as the Blue Lake was acknowledged by the Indian Claims Commission in 1965 to be Taos Pueblo land. The creation of the Blue Lake Wilderness in 1970 by the Congress transferred 48,000 acres of the 50,000 acres back to back to Taos Pueblo to be held in trust by the United States for the Pueblo.

In 1979, the Federal District Court in Washington, DC, added 1,235 acres to the trust lands of Taos Pueblo in the Tract C transfer, leaving only the so-called Bottleneck Tract from the original 50,000 acre claim. Our legislation completes the Blue Lake transfer.

Drafted as an amendment to the Blue Lake Wilderness Act, our bill requires that the Bottleneck also be maintained as wilderness. The Taos Pueblo has an excellent record of maintaining the Blue Lake Wilderness. We have every confidence that adding the Bottleneck to the Blue Lake Wilderness will increase the enthusiasm of the Pueblo for continuing its excellent stewardship of the Blue Lake Wilderness.

The Wilderness Society, Audubon Society, Sierra Club, and the National Wildlife Federation support the return of the Bottleneck to Taos Pueblo.

Under the terms of this legislation, Taos Pueblo will hold the responsibility and right to manage and control the entire Blue Lake Territory. The Bottleneck Tract is currently a part of the Wheeler Peak Wilderness Area in the Carson National Forest, New Mexico, and is managed by the Forest Service. Taos Pueblo lands surround the Bottleneck on three sides (east, south, and west). Unfortunately, public access to this Bottleneck tract too often leads to unwelcome intrusions during Indian ceremonials into the surrounding Indian lands of the Blue Lake Wilderness Area.

The Bottleneck Tract, as managed by the Forest Service today, is essentially managed today as a scenic overlook. Taos Pueblo leaders are issued permits and the Forest Service closes the area for their pilgrimages. There are no public camping, fishing, or other recreational uses permitted, except hiking.

It is the intention of Taos Pueblo, under the terms of this bill, to continue to use these lands for traditional purposes only. These uses include religious and ceremonial pilgrimages, hunting and fishing, a source of water, forage for their domestic livestock, timber, and other natural resources for their personal use. These uses are all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe as managed by the Taos Pueblo under the terms of the Blue Lake wilderness legislation.

There is no intention in our legislation to change any water rights associated with the Blue Lake area or the Taos Pueblo. I have personally discussed this issue with the Taos tribal leaders who have assured me that the return of the Bottleneck will not alter their claims to water in the Taos Valley. There will be no adverse impact on downstream water users in the Taos Valley as a result of passage of this legislation. In fact, I remain optimistic about the on-going water negotiations in the Taos Valley and look forward to working with all parties to ratify a negotiated settlement in the Congress.

It is our intention that the lands shall remain forever wild and maintained as a wilderness.

Virtually identical legislation has been passed by the House on October 3, 1994, as Title VII of H.R. 4746, Gates of the Arctic National Park, and for other purposes. It is our hope that the Senate will pass this bill, return it to the House for final action, and then forward it to the President for signature.

We urge our colleagues to support our substitute bill for S. 1509, to transfer the last parcel of the Blue Lake Wilderness to the Taos Pueblo Indians of New Mexico.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 2646, 2647, 2648) were agreed to en bloc.

Mr. BREAUX. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection the bill is read for a third time and passed.

The amendment to the title is agreed to.

The bill (H.R. 4180) was ordered to a third reading, was read the third time, and passed.

The title was amended so as to read:

A bill to clarify the status of the Tlingit and Haida, and for other purposes.

AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994

Mr. BREAUX. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4833, the American Indian Trust Fund Management Reform Act of 1994 just received from the House, the bill be read three times and passed, and that the motion to reconsider be laid upon the table; and further that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4833) was ordered to a third reading, was read the third time, and passed.

INDIAN SELF-DETERMINATION ACT AMENDMENTS OF 1994

Mr. BREAUX. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4842, a bill to specify the terms and contracts entered under the Indian Self-determination and Education Assistance Act just received from the House, the bill be read three times and passed, the motion to reconsider be laid upon the table; further, that any statements on this measure appear in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4842) was ordered to a third reading, was read the third time, and passed.

Mr. McCAIN. Mr. President, I rise today to make a few remarks concerning H.R. 4842, the Indian Self-Determination Act amendments of 1994. H.R. 4842 passed the House earlier this morning and combines two bills regarding Indian Self-Determination and Tribal Self-Governance.

Title I of H.R. 4842 is the Indian Self-Determination Contract Reform Act of 1994 and is virtually identical to S. 2036, a bill that passed the Senate last night. Title I incorporates technical changes that were inadvertently omitted from the Senate bill. Although I made a statement on S. 2036 last night, I want to repeat my comments today so that they parallel the bill that hopefully will be enacted into law this year.

Title I of H.R. 3842 reflects a good faith effort on the part of the Senate, House and the tribes to be responsive to the administration's concerns. With the inclusion of the changes incorporated in this amendment, I am advised that the administration is finally able to express its full support for the bill.

I want to comment on one aspect of H.R. 4842 which relates to the standards to be applied to the exercise of discretion by the Secretary. Under Public Law 93-638, the Secretary must justify his decisions by a preponderance of the evidence. During the consideration of S. 2036 and H.R. 4842, the Indian tribes urged the Congress to raise this evidentiary standard to clear and convincing. The Department objected to this higher standard and suggested that it would compromise with the standard of clearly demonstrates which is included in H.R. 4842. Although this standard is not defined in the bill, it is clearly understood by all parties to mean more than a preponderance of the evidence, but less than clear and convincing evidence.

Although I am pleased that we are acting on H.R. 4842 today, I am deeply trouble by what has taken place during consideration of self-determination reform legislation. In my view, after the administration concluded that its attempts to indefinitely postpone the bill would be useless, the administration had one thing in mind with respect to self-determination reform: the administration's concerns were critical; tribal concerns were negotiable. I suspect the tribes themselves will be troubled by this because the administration has gone out of it way to proclaim itself as an administration that is more sensitive to tribal concerns. Frankly, if there is a unifying theme in this administration's Indian policy, it is the casual relationship between words and action.

Mr. President, this administration needs an Indian policy with fewer illusions and more attentiveness to the problems and opportunities that exist in Indian country today. If this administration really desires to match rhetoric with action, I encourage them to heed the advice contained in President Nixon's 1970 "Special Message to the Congress on Indian Affairs":

> For years we have talked about encouraging Indians to exercise greater self-determination, but our progress has never been commensurate with your promises. Part of the reason for this situation has been the threat of termination. But another reason is the fact that when a decision is made as to whether a Federal program will be turned over to Indian administration, it is the federal authorities and not the Indian people who finally make that decision.
>
> This situation should be reversed. In my judgment, it should be up to the Indian tribe to determine whether it is willing to assume administrative responsibility for a service program which is presently administered by a federal agency.

Mr. President, title II of H.R. 4842, the Tribal Self-Governance Act of 1994, is identical to H.R. 3508 and reflects the various agreements negotiated by the Senate Committee on Indian Affairs and the House Subcommittee on Native American Affairs with the Department of the Interior, Self-Governance tribes and the Senate Committee on Environment and Public Works. In addition, a new subsection (k) has been added which addresses further concerns raised by the International Association of Fish and Wildlife Agencies.

Title II is the culmination of months of hard work, persistence and determination by the self-governance tribes. Nearly 1 year ago I met with the leaders and representatives of these tribes to discuss the future of self-governance and their desire for legislation making self-governance permanent at the Department of the Interior. We had a frank and candid discussion about the possibility of extending self-governance to other Federal agencies, but in the end we agreed that, for now, the legislation would focus solely on the Department of the Interior. With the benefit of hindsight, I can say that we made a very wise decision, indeed. I know all of us who met that day fully anticipated that the Bureau of Indian Affairs as well as other Interior bureaus and offices would be resistant to the idea of establishing self-governance on a permanent basis. Nevertheless, I think all of us were a bit surprised at the level of resistance that came from an administration that takes pride in pointing out that reinventing government is one of its highest priorities. Perhaps changes are occurring in the operations of other Federal programs, but when it comes to the manner in which the Bureau of Indian Affairs administers Federal Indian programs, the old way of business—that is, the government knows best—still reigns at 1849 C Street.

Although the passage of permanent legislation has taken longer than I had expected, I never lost faith in the men and women who believe in self-governance and who have been committed to seeing this bill enacted into law. For them, the passage of this legislation is nothing less than the right of tribes to be self-governing. I am pleased to have played a small role in seeing that this legislation is passed by the Congress this year.

Mr. President, in recent weeks concerns have been raised by the International Association of Fish and Wildlife Agencies [IAFWA] about the potential impact of self-governance legislation on the existing jurisdiction and authority of the tribal, State and Federal governments over natural resources, including fish and wildlife resources. I ask unanimous consent that a copy of IAFWA's October 3, 1994, letter be printed in the RECORD immediately following my remarks.

Consequently, I asked Secretary Babbitt to review H.R. 3508 in light of IAFWA's concerns. Secretary Babbitt's letter of September 28, 1994, stated, in part, that

> Nothing in H.R. 3508 or Public Law 93-638 would change jurisdictional responsibilities for administering Federal laws governing natural resources, including fish and wildlife resources, or exempt Indian tribes from adhering to Federal laws and standards with respect to the protection and management of such resources.

Secretary Babbitt went on to state that

> * * * let me state a point which should be obvious to everyone—the Secretary of the Interior has no authority to change State law or jurisdiction. Consequently, I have no authority to confer on an Indian tribe jurisdiction exercised by a State government over any natural resource, including management of fish and wildlife resources. Nothing in Public Law 93-638 or H.R. 3508 confers such authority on the Secretary.

I ask unanimous consent that the Secretary's September 28, 1994, letter be printed in the RECORD immediately following the IAFWA letter.

I fully agree with the Secretary's construction of H.R. 3508—which also applies to title II of H.R. 4842—that the bill is not intended to change the jurisdictional authorities of the tribal, State, and Federal governments over natural resources, including fish and wildlife resources.

I am aware, for example, of reservations that are home to listed threatened or endangered species. Indian tribes are in a position to contribute data on those listed species that could be both helpful to the Secretary in carrying out his responsibilities under the Endangered Species Act, and beneficial to the Indian tribe in negotiating a compact for biological data collection. We also recognize that Indian tribes conduct conservation efforts on their reservations to benefit migratory birds, such as participation in the North American Waterfowl Management Plan. It is intended that H.R. 4842 facilitate such cooperation. This legislation is not intended to alter any existing State jurisdiction.

Concerns have been raised as to the scope of non-BIA programs, services, functions, and activities that are subject to compacts pursuant to sections 403(b)(2). Because National Parks and National Wildlife Refuges, for example, and programs such as the Endangered Species Act and the Marine Mammal Protection Act were established by Congress to benefit the general public, including Indians, a question could arise as to what elements, if any, of the Park and Refuge programs or the Endangered Species program fall within the scope of section 403(b)(2). It is not intended that the Secretary's authority to enter into compacts under section 403(b)(2) permit the transfer of inherently Federal responsibilities vested by Congress in the Secretary which are determined by the Federal courts not to be delegable under the constitution.

It is not possible at this time to list all the elements of Federal programs which may not be subject to self-governance compacts, but such a list certainly could include discretionary administration of Federal fish and wildlife protection laws, promulgation of regulations, obligation and allocation of Federal funds, the exercise of certain prosecutorial powers, and other discretionary functions vested in Federal officials. Thus, for example, with respect to Federal apportionments made to States under the Federal Aid in Fish Restoration Act (Dingell-Johnson-Wallop-Breaux Program) or with respect to the Federal Aid in Wildlife Restoration Act (Pittman-Robertson Program) exclusive authority appears to relate to aid to the States, and therefore these programs would not be subject to inclusion in compacts under section 403(b)(2) of this act. However, where a tribe otherwise meets grant, contract, or other requirements for a program, a tribe, tribes or Indians do not have be identified in the authorizing statute to have said program included in a compact under section 403(b)(2).

To make clear that nothing in H.R. 4842 is intended to permit the Secretary to enter into a compact for the performance of responsibilities which are inherently Federal, that is, Federal responsibilities vested by the Congress in the Secretary which are determined by the Federal courts not to be delegable under the Constitution, section 403 is amended by adding a new subsection (k), as follows:

(k) Disclaimer—Nothing in this section is intended or shall be construed to expand or alter existing statutory authorities in the Secretary as to authorize the Secretary to enter into any agreement under sections 403(b)(2) and 405(c)(1) with respect to functions which are inherently federal or where legislation establishing the existing program does not authorize the participation sought by the tribe; Provided, however an Indian tribe or tribes need not be identified in the authorizing statute in order for a program or element of a program to be included in a compact under section 403(b)(2).

Mr. President, I ask unanimous consent that a copy of the letter from the Secretary of the Interior stating the administration's views on these amendments, with the exception of subsection (k), be inserted in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE INTERIOR,
Washington, September 22, 1994.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Washington, DC.

DEAR MR. VICE CHAIRMAN: I am pleased to transmit to you the Department of the Interior's favorable response to your proposed amendments to sections 403(b) and 405 of H.R. 3508 of the Tribal Self-Governance Act of 1994. This attached suggested language encompasses the compromises reached by the Department, your staff, Mr. Richardson's staff and tribal representatives. With the inclusion of these amendments, the Administration strongly supports H.R. 3508, as amended.

Tribal Self-Governance is consistent with my commitment to enhancing the government-to-government relationship with Tribes. I believe that this legislation is the single most important piece of legislation to advance Indian self-determination since P.L. 93-638. Further, Tribal Self-Governance is consistent with the Federal government's efforts to reinvent itself, by shifting responsibility for use of federal resources to elected tribal leaders.

I realize that there are some who are concerned about the possibility that Self-Governance tribes may compact for national programs that benefit the public at large. I must point out that the only non-BIA programs that will be available are those listed by mutual consent of both the Department and the Self-Governance Tribes. In addition, actual negotiations between a Tribe and the Department regarding programs that are eventually included in a Self-Governance agreement will identify any special conditions or requirements that should be met. Consequently, I am confident that the attached language adequately protects the responsibilities that my Department has to the American people.

I appreciate the leadership of many Tribal leaders and especially the leadership that you have rendered in making the possibility of permanent Tribal Self-Governance a reality. The Department has also transmitted this response to Congressman Richardson.

The Office of Management and Budget advises that it has no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,
BRUCE BABBITT.

SEC. 403 (b) CONTENTS.—Each funding agreement shall—

(1) authorize the tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the Department of the Interior through the Bureau of Indian Affairs without regard to the agency or office of the Bureau of Indian Affairs within which it is performed, including funding for agency, area and central office functions in accordance with section 403(g)(3) and, also, including (but not limited to) those administered under the authority of * * *

A new 403(b)(2):

(2) subject to such terms as may be negotiated, authorize the tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities or portions thereof, administered by the Department of the Interior other than through the Bureau of Indian Affairs and that are otherwise available to Indian tribes or Indians as identified in section 405(c), except that nothing in subsection (b)(2) shall be construed to provide any tribe with a preference in its opportunity to administer programs, services, functions, activities or portions thereof, unless such preference is otherwise provided for by law;

A new 403(b)(3):

(3) subject to the terms of the agreement, authorize the tribe to redesign or consolidate programs, services, functions, and activities, or portions thereof, and to reallocate funds for such programs, services, functions, or activities, or portions thereof, except that reallocation, consolidation, and redesign with respect to 403(b)(2) programs shall require the joint agreement of the Secretary of the Interior and the tribe;

In section 403(g)(3), the first sentence should be changed to conform to the recommended changes above in the following manner:

(3) Subject to paragraph (4) of this subsection and paragraphs (1), (2) and (3) of subsection (b).

Revised Section 405(c)(1):

(1) In order to optimize opportunities for including non-Bureau Indian Affairs programs, services, functions, and activities, or portions thereof, in agreements with tribes participating in Self-Governance under this title, the Secretary—

(A) shall review all programs, services, functions, and activities, or portions thereof, administered by the Department of the Interior other than through the Bureau of Indian Affairs, without regard to the agency or office concerned, and

(B) within 90 days after the enactment of this title, provide to the appropriate committees of the Congress a listing of all such programs, services, functions and activities, or portions thereof, which the Secretary determines with the concurrence of tribes participating in Self-Governance under this title, are eligible for inclusion in such agreements at the request of a participating Indian tribe.

SECRETARY OF THE INTERIOR,
Washington, September 28, 1994.

Hon. JOHN MCCAIN,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR MCCAIN: It has come to my attention that concerns have been raised about the potential impact of H.R. 3508 on the existing jurisdiction and authority of the tribal, state and federal governments over natural resources, including fish and wildlife resources.

It is important to note that the self-governance project is authorized as part of the Indian Self-Determination and Education Assistance Act, more commonly referred to as P.L. 93-638 or 638. This law was originally enacted in 1974 and was amended to include the self-governance demonstration project in 1988. As you know, H.R. 3508 would make the self-governance project permanent.

Nothing in H.R. 3508 or P.L. 93-638 would change jurisdictional responsibilities for administering federal laws governing natural resources, including fish and wildlife resources, or exempt Indian tribes from adhering to federal laws and standards with respect to the protection and management of such resources. Indeed, I am obligated by virtue of my oath of office to uphold and carry out these federal laws. This responsibility includes conditioning approval of self-determination and self-governance compacts as necessary to fulfill my responsibilities under such laws. Lastly, let me state a point which should be obvious to everyone—the Secretary of the Interior has no authority to change state law or jurisdiction. Consequently, I have no authority to confer on an Indian tribe jurisdiction exercised by a state government over any natural resource, including management of fish and wildlife resources. Nothing in P.L. 93-638 or H.R. 3508 confers such authority on the Secretary.

Thank you again for your leadership on this important legislation. I look forward to continuing to work with you to ensure its enactment.

The Office of Management and Budget advises that it has no objection to the presentation of this report from the standpoint of the Administration's program

Sincerely,
BRUCE BABBITT.

INTERNATIONAL ASSOCIATION
OF FISH AND WILDLIFE AGENCIES,
Washington, DC, October 3, 1994.

Hon. JOHN MCCAIN,
Co-Chairman, Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: We sincerely appreciate your continuing efforts to address our concerns regarding H.R. 3508 and your willingness to provide language and legislative history which ensures that the scope of programs eligible for compact are those to which the statute already reaches. We would like to particularly recognize that both Mr. Dan Lewis and Mr. Eric Eberhard of your staff have been particularly helpful in bringing consensus to the proposal. We do regret that the lateness of the session constrains the time over which we have to perfect this language.

One of the Association's interests is in facilitating cooperation between the States and the tribes regarding the conservation of fish and wildlife resources. As you are aware, this cooperation has been improving in recent years because both parties have endorsed the merits of working together to meet all of our citizens' needs and interests in the future of fish and wildlife resources.

As you know, we are concerned about the overly broad and ambiguous language in H.R. 3508 because of its impact on both the tribes and the States. From the tribes' perspective, this language could raise expectations about programs which are not intended to be eligible for compact, or the Secretary is otherwise constrained from compacting to the tribes. From the States' perspective, this same ambiguous language may raise concerns about the reach of language such as "otherwise available to Indian tribes or Indians" which has yet to be judicially interpreted.

As agreed with Mr. Dan Lewis of your staff and tribal representatives/attorneys this morning, we have made a good faith effort to draft some language which makes minimal changes to the bill, and addresses most of our concerns through furthering the legislative history. We would ask for your endorsement of this language in response to the efforts we have made to further passage of H.R. 3508.

We also request that this letter and suggested language, along with that of Secretary Babbitt to you of September 28, 1994, be made a part of the public record for H.R. 3508.

Thank you for your sincere interest in facilitating cooperation between the Indian tribes and the States on fish and wildlife issues.

Sincerely,

R. MAX PETERSON,
Executive Vice-President.

AUTHORIZING TESTIMONY OF A SENATE EMPLOYEE

Mr. BREAUX. Mr. President, on behalf of the majority leader and the distinguished Republican leader, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 281, a resolution relating to testimony of a Senate employee submitted earlier today, the resolution be adopted, the motion to reconsider be laid upon the table, the preamble be agreed to, and that explanatory statement by the majority leader appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 281) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

(The text of the resolution will be printed in a future edition of the RECORD.)

Mr. MITCHELL. Mr. President, a law enforcement entity has requested testimony from staff of the Permanent Subcommittee on Investigations relating to its 3-year investigation into the management and operations of the Blue Cross and Blue Shield insurance network. The Senate has previously authorized documents to be produced in this matter with Senate Resolution 179 of the last Congress.

In keeping with the Senate's customary practice with regard to similar requests, and with the concurrence of the chairman and ranking minority member of the subcommittee, this resolution would authorize staff of the subcommittee to testify in response to this request, and in any related proceedings, except concerning matters for which a privilege should be asserted. In order to protect the Senate's privileges, the resolution would authorize the Senate Legal Counsel to represent subcommittee staff in connection with any testimony.

AUTHORIZING SENATE LEGAL COUNSEL TO REPRESENT OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

Mr. BREAUX. Mr. President, on behalf of the majority leader and the Republican leader, I send a resolution to the desk relating to the Office of Fair Employment Practices and ask unanimous consent that the Senate proceed to its immediate consideration; that the resolution be agreed to; that the preamble be agreed to; that a statement by the majority leader explaining this matter appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

(The text of the resolution will be printed in a future edition of the RECORD.)

Mr. MITCHELL. Mr. President, the case of Rhonda Farmer versus Office of Senate Fair Employment Practices, No. 94-6005, pending in the United States Court of Appeals for the Federal Circuit, involves judicial review of a final decision issued under the process created by title III of the Civil Rights Act of 1991 for adjudication of claims of discrimination in Senate employment.

Petitioner, a member of the Capitol Police, filed a complaint in December 1992 pursuant to section 307 of the Government Employee Rights Act of 1991, naming the Sergeant at Arms as the respondent. Petitioner seeks judicial review of the final decision, entered in the records of the Office of Senate Fair Employment Practices, which affirms a hearing board's rejection of her claims of discrimination on the basis of race and sex in the denial of a promotion and with respect to certain negative performance evaluations and disciplinary actions, and affirms an award of damages to Officer Farmer based on the hearing board's determination that she had proven that negative performance citations placed by a supervisor in her personnel file constituted retaliation for her exercise of rights under the 1991 Civil Rights Act.

The accompanying resolution would authorize the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices in defense of the final decision entered pursuant to the direction of the Ethics Committee. The resolution would also recognize the statutory right of the employing office, the Sergeant at Arms, to intervene and to be represented by its counsel of choice.

The Sergeant's at Arms choice of counsel in this case is the Senate Chief Counsel for Employment. The Office of the Senate Chief Counsel for Employment was established as a nonpartisan office in May 1993 at the direction of the joint leadership of the Senate. The Office of the Senate Chief Counsel for Employment is staffed by experienced attorneys who specialize in employment law matters and litigation. The Office was established to advise Senate Members, officers, administrators, and Senate employing offices regarding employment laws, to assist them in complying with those laws, and to defend them in administrative and judicial proceedings addressing employment matters.

The Emergency Supplemental Appropriations Act, 1994, Public Law 103-211, provided the initial funding for the compensation and expenses of this Office. Funding for this Office was included as part of the President's annual budget request and was appropriated in the Legislative Branch Appropriations Act for fiscal year 1995, Public Law 103-283.

CAPITOL PRESERVATION COMMISSION

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 283, a resolution introduced earlier today by Senator BYRD regarding the Capitol Preservation Commission; that the resolution and the preamble be agreed to; the motions to reconsider be laid upon the table en bloc; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 283) was agreed to.

The preamble was agreed to.

(The text of the resolution will be printed in a future edition of the RECORD.)

CONSTITUTION DAY

NATIONAL WOMEN AND GIRLS IN SPORTS DAY

RELIGIOUS FREEDOM DAY

NATIONAL BURN AWARENESS WEEK

NATIONAL GOOD TEEN DAY

Mr. BREAUX. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc and the Senate proceed to the immediate consideration en bloc of H.J. Res. 390, S.J. Res. 186, S.J. Res. 218, S.J. Res. 225, and H.J. Res. 326, just received from the House; that these joint resolutions each be read a third time, passed, and the motion to reconsider be laid upon the table en bloc; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolutions (H.J. Res. 390, S.J. Res. 186, S.J. Res. 218, S.J. Res. 225, and H.J. Res. 326) were deemed read the third time and passed.

(The text of the joint resolutions will be printed in a future edition of the RECORD.)

PROHIBITING DUPLICATION OF BENEFITS AND DISASTER PAYMENTS

MR. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2551, to prohibit the duplication of benefits and disaster payments, introduced earlier today by Senator HEFLIN; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to this item be placed at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2551) was deemed read the third time and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2461, a bill to provide for the transfer of surplus property for donation to providers of services to impoverished families and individuals, received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2461) to amend the Federal Property Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2649

(Purpose: To end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations)

Mr. BREAUX. Mr. President, on behalf of Senator NUNN, I send to the desk an amendment, which is the text of S. 560 as passed by the Senate. I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2649) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BREAUX. Mr. President, I ask unanimous consent that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements be inserted in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2461), as amended, was deemed read the third time and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

DEFENSE DEPARTMENT OVERSEAS TEACHER PAY AND PERSONNEL PRACTICES ACT

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 709, H.R. 3499, the Defense Department Overseas Teacher Pay and Personnel Practices Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2650

(Purpose: To provide that certain politically appointed Federal officers may not receive cash awards for a certain period during a Presidential election year, to prohibit cash awards to Executive Schedule officers, and for other purposes.)

Mr. BREAUX. Mr. President, on behalf of Senator LEVIN, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Louisiana [Mr. BREAUX], for Mr. LEVIN, proposes an amendment numbered 2650.

At the appropriate place insert the following:

SEC. . PROHIBITION ON CASH AWARDS TO CERTAIN FEDERAL OFFICERS.

(a) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by inserting after section 4507 the following new sections:

"§ 4508. Limitation of awards during a Presidential election year

"(a) For purposes of this section, the term—

"(1) 'Presidential election period' means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election; and

"(2) 'senior politically appointed officer' means any officer who during a Presidential election period serves—

"(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

"(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

"(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.

"§ 4509. Prohibition of cash award to Executive Schedule officers

"No officer may receive a cash award under the provisions of this subchapter, if such officer—

"(1) serves in—

"(A) an Executive Schedule position under subchapter II of chapter 53; or

"(B) a position for which the compensation is set in statute by reference to a section or level under subchapter II of chapter 53; and

"(2) was appointed to such position by the President, by and with the advice and consent of the Senate."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

"4508. Limitation of awards during a Presidential election year.

"4509. Prohibition of cash award to Executive Schedule officers."

Mr. BREAUX. I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table; that bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; further, that any statements relating to this item be inserted in the Record at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, the request is agreed to.

So, the amendment (No. 2650) was agreed to.

So the bill (H.R. 3499), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

THEODORE LEVIN U.S. COURTHOUSE

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4967, designating the Theodore Levin U.S. Courthouse received from the House and at the desk, and that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this matter be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4967) was passed.

COMPENSATION OF PERSIAN GULF WAR VETERANS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Veterans Committee be discharged from consideration of H.R. 4386, relating to the compensation of Persian Gulf war veterans, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4386) to amend title 38, United States Code, and so forth, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2651

Mr. BREAUX. Mr. President, on behalf of Senator ROCKEFELLER, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX], for Mr. ROCKEFELLER, proposes an amendment 2651 in the nature of a substitute.

(The amendment is printed in today's RECORD under "Amendment Submitted.")

Mr. BREAUX. I also ask unanimous consent that the amendment be agreed to; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table; that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

So the amendment (No. 2651) was agreed to.

H.R. 4386: VETERANS' BENEFITS IMPROVEMENTS ACT OF 1994

Mr. ROCKEFELLER. Mr. President, as the Chairman of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering H.R. 4386, a bill to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with the authority to pay compensation to any Persian Gulf veteran suffering from a disability resulting from an undiagnosed, disabling health condition, to revise and improve the assessment of the health consequences of service during the Persian Gulf War, and for other purposes. I urge my colleagues to give their unanimous support to the Senate amendments to H.R. 4386, which I will offer shortly, and their unanimous support to final Senate passage of the bill as amended.

The pending measure, H.R. 4386, with a Senate amendment to the original House bill, represents a compromise that the Committees on Veterans' Affairs of the House and the Senate have reached on H.R. 4386 as originally passed by the House on August 8, 1994. This measure, which I will refer to as the compromise agreement, incorporates amendments to title 38 and freestanding provisions from: S. 2330, which the Committee reported to the Senate on September 28, 1994; S. 2325 and S. 2094, which the Committee reported to the Senate on September 27, 1994; S. 1546, which the Senate passed on March 25, 1994; H.R. 3313 which contained provisions originally reported in S. 1626 and which passed the Senate on June 8, 1994; H.R. 4088 which the House also passed on August 8, 1994; and H.R. 4724, H.R. 4768, and H.R. 4776 which passed the House on August 1, 1994.

SUMMARY

Mr. President, I will at this time summarize the provisions of the bill. Detailed descriptions of all of the provisions are set forth in the explanatory statement which was developed in cooperation with the House Committee on Veterans' Affairs. My counterpart on the House Committee on Veterans' Affairs, Chairman G.V. "Sonny" Montgomery, intends to insert the same explanatory statement in the RECORD when the House considers this measure.

Mr. President, the compromise agreement has 12 titles: Persian Gulf War Veterans; Board of Veterans' Appeals Administration; Adjudication Improvements; Veterans' Claims Adjudication Commission; Miscellaneous Provisions; Education and Training Programs; Employment Programs; Cemeteries and Memorial Affairs; Housing Programs; Homeless Veterans Programs; Reductions in Department of Veterans Affairs Personnel; and Technical and Clerical Amendments.

PERSIAN GULF WAR VETERANS

Mr. President, Title 1 of the compromise agreement contains provisions that would:

First, set forth specific congressional findings regarding Persian Gulf War veterans.

Second, state the purposes of the compromise bill.

Third, order the Secretary to (a) develop and implement a uniform and comprehensive evaluation protocol to provide extensive medical examinations to Persian Gulf War veterans who are suffering from illnesses the origins of which are unknown and that may be attributable to service in the Gulf War; (b) develop case definitions or diagnoses from such illnesses; and (c) ensure that VA provides the evaluations as many VA medical centers as possible. In order to make these evaluations as accurate and available as possible, the Secretary would be authorized to contract out these medical examinations, and any necessary treatment, to non-VA facilities, and to pay for travel and incidental expenses.

Fourth, require the Secretary to develop and implement a comprehensive outreach program to uniform Persian Gulf veterans and their families of medical care and other benefits that may be available to them from VA and DOD. the outreach program would include a semiannual newsletter to be prepared in consultation with veterans service organizations, and a toll-free number to provide any other information the Secretary considers appropriate.

Fifth, provide the Secretary with authority to pay compensation to any Persian Gulf War veteran suffering from a disability resulting from an undiagnosed illness that became manifest during active duty or to a degree of 10 percent or more within a period to be determined by the Secretary, and, if the Secretary determines that compensation should be paid to these Persian Gulf War veterans, would require the Secretary to publish proposed regulations under which compensation would be paid.

Sixth, direct VA to conduct a pilot study, whereby VA would develop an evaluation protocol and guidelines for medical examinations and tests for dependents of Gulf War veterans. These procedures would be restricted to those dependents whose illnesses, birth defects, or other disorders may be associated with the veterans' service in the Gulf War. It would authorize VA to pay for the medical examinations, tests, and consultations through contracts with non-VA facilities, and to use the data to determine whether Gulf War symptoms are being transmitted to family members.

Seventh, clarify that the Persian Gulf War Veterans Health Registry includes diagnostic tests in its definition of medical examinations

Eighth, authorize the Secretary of the Department of Veterans Affairs, in coordination with the Secretary of Defense, to carry out a survey of Gulf War veterans to gather information about their health problems and the health problems of family members.

Ninth, authorize VA to conduct an epidemiological study or studies of Persian Gulf War veterans if such a study is recommended by the National

Academy of Sciences in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102-585).

Tenth, amend section 1317 of title 38 to permit surviving spouses eligible to receive dependency and indemnity compensation (DIC) to elect to receive death pension under chapter 15 in lieu of DIC, and provide that, with respect to any cost-of-living adjustment in the rates of compensation and DIC provided for fiscal year 1995, all increased rates (other than those equal to a whole dollar amount) must be rounded down to the next lower dollar.

BOARD OF VETERANS' APPEALS ADMINISTRATION

Mr. President, Title 2 of the compromise agreement contains provision that would:

First, eliminate term limits for members of the Board of Veterans' Appeals other than the Chairman and provide that members of the Board would receive the same basic pay as received by administrative law judges, unless that would result in a reduction in pay.

Second, require the Chairman to establish a panel, including the Chairman and two other members of the Board, to conduct reviews of the job performance of Board members, establish job performance standards, and conduct reviews of the job performance of Board members within 1 year after the establishment of those job performance standards, and then at least every 3 years thereafter.

Third, specify that if the position of Chairman were to become vacant upon the expiration of the Chairman's term, the current Chairman would be authorized, with the approval of the Secretary, to continue to serve as Chairman until the Chairman is appointed to another term or a new Chairman is appointed (but not beyond the end of the Congress during which the term of office expired).

ADJUDICATION IMPROVEMENTS

Mr. President, title 3 of the compromise agreement contains provisions that would:

First, for purposes of claims for VA benefits, allow the Secretary to accept a written statement from the claimant as evidence of marriage, dissolution of a marriage, birth of a child, or death of a family member.

Second, allow the Secretary to accept the medical examination report of a private physician in support of any claim for VA disability benefits, without a requirement for confirmation by an examination by a VA physician, if the report is sufficiently complete to be adequate for purposes of adjudicating the claim.

Third, require the Secretary to take such actions as may be necessary to provide that claims remanded by the Board of Veterans' Appeals to regional offices or by the Court of Veterans Appeals to VA be treated expeditiously.

Fourth, permit the Board to screen cases on appeal at any point in the decision process (a) to determine whether the record is adequate for decisional purposes, or (b) for the development or attempted development of a record that is inadequate for decisional purposes.

Fifth, require the Secretary to submit to the House and Senate Committees on Veterans' Affairs a report addressing the feasibility and impact of a reorganization of VA claims adjudication divisions to a number of such divisions that would result in improved efficiency in the processing of claims.

VETERANS CLAIMS ADJUDICATION COMMISSION

Mr. President, title 4 of the compromise agreement contains provisions that would:

First, establish an independent commission to study VA's system for the disposition of claims for benefits, both at the regional office level and at the Board of Veterans' Appeals.

Second, describe the composition of the commission to be made up of nine members appointed by the Secretary of Veterans Affairs, to include the following: One member who is a former VA official; two members from the private sector who have expertise in the adjudication of claims relating to insurance or similar benefits; two members who are employed in the Federal Government, outside VA, who have expertise in the adjudication of claims for Federal benefits other than VA benefits; two members who are representatives of veterans service organizations; one member recommended by the American Bar Association or a similar private organization who has expertise in administrative law issues; and one member who currently is a VA official.

Third, direct the Commission to evaluate the entire adjudication system in order to determine the efficiency of its processes and procedures, including the impact of judicial review on the system, means for reducing the backlog of pending cases in the system, and means for improving timeliness and quality of the claims process by examining the VA's system for the disposition of claims and benefits delivery and any related issues the commission determines are relevant to such a study.

Fourth, order the Secretary to submit to the commission and the Committees on Veterans' Affairs of the Senate and House of Representatives any information which the Chairman of the study has determined necessary to carry out the study within 30 days of the Chairman's request for such information.

Fifth, require the Commission to present a preliminary report within 1 year of enactment of the act and a final report within 18 months of enactment.

Sixth, authorize that $400,000 be made available from amounts appropriated to VA for fiscal year 1995 for the payment of compensation and pension for the activities of the commission.

MISCELLANEOUS BENEFITS-RELATED PROVISIONS

Mr. President, title 5 of the compromise agreement contains provisions that would:

First, clarify that, for the purposes of a presumption of service connection based on exposure to ionizing radiation, participation in atmospheric testing of nuclear devices includes non-U.S. tests.

Second, provide that provisions of law requiring VA to establish a procedure for a particular type of claim may not be construed to prevent the establishment of service connection on a direct basis.

Third, extend the Secretary's authority to maintain the regional office in the Republic of the Philippines until December 31, 1999.

Fourth, provide that an application filed for non-service-connected pension or parents' DIC made within 1 year of a renouncement of such benefits will not be treated as an original claim, and benefits will be paid as though the renouncement had not occurred.

Fifth, clarify that an attorney may receive payment for representation in proceedings before VA or the Court of Veterans Appeals directly from VA out of a retroactive benefit award only if the total amount of the fee is contingent upon the claim being resolved in favor of the appellant.

Sixth, codify the presumptions of service connection based on exposure to herbicides for Hodgkin's disease, porphyria cutanea tarda, respiratory cancers—lung, trachea, bronchus, and larynx, and multiple myeloma established administratively by the Secretary.

Seventh, exclude payments received from Alaska Native corporations under the Alaska Native Claims Settlement Act from the calculation of income for purposes of determining eligibility for VA pension, but only to the extent that these payments are excluded for purposes of other means-tested Federal benefits programs as specified in ANCSA.

Eighth, eliminate the requirement that certain VA benefits paid to eligible veterans in the Republic of the Philippines be paid in pesos, thereby allowing VA to issue regulations in order to comply with the requests of the Departments of State and Treasury that such restrictions be eliminated.

Ninth, require an evaluation of the feasibility of a study of the health consequences for family members of atomic veterans of exposure of atomic veterans to ionizing radiation.

Tenth, establish a Center for Minority Veterans and a Center for Women Veterans.

Eleventh, require (a) the Secretary to establish an Advisory Committee for

Minority Veterans for a period of 3 years; (b) the Committee membership to represent certain groups relating to minority veterans; and (c) the Committee to submit a report to the Secretary, not later than July 1 of each even-numbered year, which assesses the needs of and programs for minority veterans, and require the Secretary to share this report with Congress.

Twelfth, require that a notice of appeal be deemed received by the Court on the date it is postmarked, if it is mailed. Only legible United States Postal Service postmarks would be sufficient.

EDUCATION AND TRAINING PROGRAMS

Mr. President, title 6 of the compromise bill contains provisions that would:

First, make permanent the program of vocational flight training available under chapters 30 and 32 of title 38, and chapter 106 of title 10.

Second, authorize the use of Indian reservations for the purposes of section 3115 of title 38, to allow eligible veterans to participate in program of on-the-job training on Indian reservations.

Third, add to the definition of the term "educational institution," for the purposes of chapters 34 and 36 and as described in section 3452(c), entities which provide training required for completion of any State-approved alternative teacher certification program, as determined by the Secretary.

Fourth, remove the requirement that courses offered by approved foreign universities and colleges be located at the site of the approved institution in order for such courses to be eligible for approval by the Secretary.

Fifth, require that correspondence programs and combination correspondence-residence courses may be approved by State Approving Agencies only if the educational institution is accredited by an entity recognized by the Secretary of Education, and that no less than 50 percent of such courses require a minimum of 6 months to be completed.

Sixth, increase the maximum amount available to State approving Agencies to $13,000,000 per fiscal year, and eliminate certain reporting and supervision requirements.

Seventh, add chapter 106 of title 10 to the sources of education and training benefits for which the Secretary will define full- and part-time training.

Eighth, extend the authority for the Veterans' Advisory Committee on Education through December 31, 2003, and make technical changes to the Committee's mandate.

Ninth, increase the level of funding available for contract educational and vocational counseling services from $5,000,000 to $6,000,000, effective October 1, 1994.

EMPLOYMENT PROGRAMS

Mr. President, title 7 of the compromise bill contains provisions that would:

First, create the position of Deputy Assistant Secretary of Labor for Veterans' Employment and Training who shall perform such duties as the Assistant Secretary of Labor for Veteran's Employment and Training prescribes and who shall be a veteran.

Second, provide that compensation for disabled veterans' outreach program [DVOP] specialists shall be set at rates comparable to the rates paid to professionals performing essentially similar duties in the State Government of the State in which that specialist is employed.

Third, expand the scope of the biennial study required under section 4110A to include (a) veterans of the Vietnam era who served outside the Vietnam theater of operations, (b) veterans who served after the Vietnam era, (c) veterans discharged or released from active duty within the 4 years prior to the study, and (d) a category for women veterans for each of the classifications of veterans.

Fourth, require Federal contractors to immediately list with the local employment service officer all open positions except executive and top management positions, those positions that will be filled from within the contractor's organization, and positions lasting 3 days or less.

Fifth, add benefits received under chapter 30 of title 38 and chapter 106 of title 10 to the amounts disregarded pursuant to section 4213.

CEMETERIES AND MEMORIAL AFFAIRS

Mr. President, title 8 of the compromise agreement would revise and improve matters relating to the national cemeteries. Specifically, the compromise agreement would:

First, restore the statutory eligibility for burial in national cemeteries of spouses who predecease veterans eligible for such burial.

Second, restore eligibility for burial in national cemeteries to surviving spouses whose subsequent marriage ended by death or divorce.

Third, extend the authorization of appropriations for the State Cemetery Grants Program from September 30, 1994 to September 30, 1999.

Fourth, authorize the use of flat grave markers at the Willamette National Cemetery in Oregon.

HOUSING PROGRAMS

Mr. President, title 9 of the compromise bill contains provisions that would:

First, add to the definition of "veteran" persons discharged or released from the Selected Reserves before completing 6 years of service because of a service-connected disability, and extend eligibility to surviving spouses of reservists who died on active duty or due to a service-connected disability.

Second, allow the Secretary to waive the precondition to restoration of loan guaranty entitlement contained in subsection 3702(b)(1)(A) once for each veteran.

Third, eliminate VA's prohibition against guaranteeing a loan to purchase or construct a home not served by public water and sewerage systems where such service is certified as economically feasible.

Fourth, allow for the costs of energy efficiency improvements to be added to the loan balance in connection with a loan refinanced for the purpose of reducing the interest rate.

Fifth, authorized the refinancing of adjustable rate mortgage loans to fixed rate mortgage loans at a higher interest rate.

Sixth, eliminate VA inspection requirements under section 3712(h)(2)(A), and provide that manufactured housing that is certified to conform to standard under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be deemed in compliance with requirements of subsection 3712(h)(1).

Seventh, permit VA to acquire property from the lender at the price provided for under current law, despite the fact that the lender's bid at the foreclosure sale might have exceeded that price.

Eighth, add an exception from the 2-year minimum service requirement with respect to eligibility under chapter 37 of title 38 for service members discharged because of reduction in force.

HOMELESS VETERANS PROGRAMS

Mr. President, title 10 of the compromise agreement would revise and improve programs to assist homeless veterans. Specifically, the compromise agreement would:

First, require VA to submit an annual report on its activities to assist homeless veterans, including information on the numbers of homeless veterans served and the costs to the Department of its activities, and to report biannually on the effectiveness of these activities.

Second, require that VA complete and assessment of the needs of homeless veterans, as required by Public Law 102–405, report its finding to the Senate and House Committees on Veterans' Affairs by December 31, 1994, and update this report annually for 3 years.

Third, raise the limit on the number of comprehensive homeless centers that VA may establish from four to eight.

Fourth, remove the requirement in the Homeless Veterans Comprehensive Service Programs Act of 1992 that funds for various initiatives in the law be specifically provided for in an appropriations law.

Fifth, express that it is the sense of the Congress that (a) of the funds appropriated for any fiscal year for programs to assist homeless individuals, a share more closely approximating the proportion of the population of homeless individuals who are veterans should be appropriated to VA for VA homeless programs; (b) of the Federal grants made available to assist community organizations that assist homeless individuals, a share of such grants more closely approximating the proportion of the population of homeless individuals who are veterans should be provided to community organizations that provide assistance primarily to homeless veterans; and (c) the Secretary should encourage Federal agencies that assist homeless individuals, including homeless veterans, to be aware of and make appropriate referrals to VA for benefits, such as health care, substance abuse treatment, counseling, and income assistance.

REDUCTION IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

Mr. President, title 11 of the compromise agreement would limit the number of personnel reductions in VA and set other requirements regarding VA staff. Specifically, the compromise agreement would:

First, limit the cuts in the VA workforce from fiscal years 1993-99 to a total of 10,051 full-time equivalent employees [FTEE].

Second, require that, in determining the total number of FTEE in VA for purposes of achieving Federal workforce reductions, only those employees whose salaries and benefits are paid with appropriated funds may be counted VA FTEE.

Third, require the Secretary to submit an annual report, through the year 2000, to the House and Senate Committees on Veterans' Affairs that describes the numbers and positions of all VA employees cut and the rationale behind such cuts.

Fourth, provide enhanced authority for VA to contract for services during fiscal years 1995-1999 in order to assist VA in achieving its work force reduction, and provide certain assistance and hiring preference to those employees who are displaced by contract workers.

Fifth, require the Secretary to contract with an appropriate non-Federal entity to study and report to Congress on the feasibility and advisability of alternative organizational structures, such as the establishment of a quasi-Government corporation, to provide health care to veterans.

COMPENSATION FOR PERSIAN GULF WAR VETERANS FOR DISABILITIES RESULTING FROM UNDIAGNOSED ILLNESSES

Mr. President, the provisions of the compromise agreement regarding Persian Gulf war veterans would clearly provide the Secretary with authority to pay compensation to any Persian Gulf veteran suffering from a disability resulting from an undiagnosed illness that became manifest during active duty, or to a degree of 10 percent or more within a period following service in the Persian Gulf war to be determined by the Secretary. This strongly bipartisan and bicameral provision is derived from provisions that Representatives MONTGOMERY, KENNEDY, and EVANS offered in the House which were incorporated into H.R. 4386 which passed the House on August 8, 1994, and from provisions that Senator DASCHLE and I offered at the September 23, 1994, Senate Committee on Veterans' Affairs meeting.

My distinguished colleague on the committee, Senator DASCHLE, worked extremely long and hard with me on this issue throughout the entire 103d Congress. During the past several weeks, he and his staff member, Rachel Graham, have devoted much time and energy to crafting the final Senate provisions relating to Persian Gulf veterans.

Mr. President, I regret that this situation requires a legislative remedy. However, I strongly believe this measure is the appropriate action to take because the Department of Veterans Affairs will not take action on its own to provide compensation to Persian Gulf war veterans clearly disabled following their service in the Gulf. Under this measure, the Secretary would be required to decide whether to compensate these veterans, and, if so, to prescribe regulations to implement the decision and thereby provide Persian Gulf war veterans the compensation they deserve. The Secretary would determine the appropriate period of time following service in the Southwest Asia theater of operations for a presumption of service connection. In addition, the regulations would have to include a description of the particular military service involved, the illness for which compensation may be paid, and the relevant medical characteristics associated with the illnesses. Of the various legislative options available, I believe this is a good approach because it avoids micromanagement of the Department by Congress, and validates VA's authority to make decisions concerning service connection for specific conditions.

Mr. President, I strongly believe that Congress should not be in the business of legislating service connection for every new disease that results from service in particular wars or military conflicts. That is simply not where our expertise lies. Although this measure is limited to Persian Gulf war veterans, it still leaves the discretion for such decisions to VA, where it rightfully belongs. Only when VA fails to act poorly in carrying out its obligations with respect to compensating veterans for service-related disabilities should Congress step in and take some corrective action.

Mr. President, this measure will not resolve all of the problems faced by Persian Gulf veterans. There are still many unanswered questions concerning the health effects of service in the Persian Gulf and whether conditions that take a longer time to show up can be connected to Persian Gulf service. As has been noted previously, we will have to wait for the scientific and medical evidence to provide us with answers. However, I am happy to note that, in addition to the many steps already being taken in this effort by VA, the Secretary of Defense, and the Secretary of Health and Human Services, this measure also would require VA to develop a uniform and comprehensive medical evaluation protocol, and would provide for the evaluation of the health status of spouses and children of Persian Gulf war veterans.

Mr. President, my hope is that we can enact this measure, so that VA can begin to compensate all veterans who are suffering from undiagnosed, service-connected conditions that have left them severely disabled. These deserving veterans should not be penalized simply because their diseases have no name. They are sick because of their military service, and therefore should receive compensation from the Government they served so bravely.

EDUCATION, JOB TRAINING, AND HOME LOANS

This bill also contains many technical corrections and improvements to programs which provide education benefits, job training, and home loan benefits to millions of our veterans.

Among these improvements—thanks to my colleague and good friend TOM DASCHLE—vocational flight training will be established as a permanent program under chapters 30 and 32 of title 38, and chapter 106 of title 10, United States Code. Nearly 1,800 veterans have benefited from the financial assistance these programs have provided under the Montgomery GI bill and the Veterans Educational Assistance Program, a majority of whom have gained employment in the aviation industry. However, authority to allow eligible veterans to use their education benefits for flight training expired on September 30.

It is important to provide as many options as possible for eligible veterans who wish to pursue approved programs of education or vocational training. Eligible veterans who wish to pursue careers in aviation should continue to be allowed to use their education benefits for approved programs of flight training, a result achieved by this bill.

This bill also makes improvements and technical corrections to the Service Members Occupational Conversion and Training Act [SMOCTA]. SMOCTA has been instrumental in helping over 7,000 former service members secure job placement in the private sector. However, some adjustments will make SMOCTA even more valuable for participants.

Under current law, the 18-month limitation on payment of the subsidy is phrased in terms of an 18-month limit on the period of training. This limitation prevents veterans from entering into some training programs for stable, well-paying jobs. This bill allows employer and veteran to agree to a training program that lasts longer than 18 months if they are willing to do so without the benefit of a subsidy for the extended training period. While this will greatly improve the utility of the program for both veteran and employer, removing the 18-month cap on training will not increase the amount of the subsidy payable under a training program.

Mr. President, these are only a few examples of the adjustments made to VA education, home loan, and job training programs in this bill. While most are relatively minor, when taken together they will help VA maintain and improve services to many thousands of our veterans. I wish to recognize the hard work and dedication of GEORGE SANGMEISTER, chairman of the House Subcommittee on Housing and Memorial Affairs, who has made tremendous contributions to this bill and countless others which have benefited our veterans during his 6 years in Congress. He has been an active chairman, and I thank him for his good work.

REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

Mr. President, title 11 of the compromise agreement would limit the number of personnel reductions in VA and set other requirements regarding VA staff. This agreement follows months of discussions among the two Committees on Veterans' Affairs, VA, and the Office of Management and Budget. I believe it strikes a reasonable balance between the two difficult and competing objectives of reducing the Federal work force and delivering health care to our Nation's veterans. I thank my good friend and chairman of the House Committee on Veterans' Affairs, Mr. MONTGOMERY, for his cooperation, hard work, and ceaseless advocacy for veterans and veterans' health care.

BACKGROUND

Mr. President, in March 1993, Vice President Albert Gore, Jr., launched a 6-month national performance review of the Federal Government with the aim of finding ways to make Government work better and cost less. The report of the performance review described numerous changes to the Government that, according to the report could, if implemented, achieve these aims. The report suggested that these changes would enable the Government, through greater program and management efficiency, to reduce the Federal work force by 252,000 positions by the year 2000.

Mr. President, let me reiterate this last point. The National Performance Review team stated, "* * * the reinventions we propose *will allow* us to reduce the size of the civilian * * * work force by 12 percent [252,000 FTEE] over the next 5 years." The report does not state that cutting the workforce will necessarily result in greater efficiency or improved service for our citizens. The NPR report correctly puts the horse before the cart—improvements would enable a workforce reduction, not result from a workforce reduction.

On March 30, 1994, Congress considered legislation which, in part, was designed to codify the Federal cutback into law. The Federal Workforce Restructuring Act of 1994 proposed a reduction in the Federal Government of 272,900 positions between fiscal years 1993 and 1999. This proposal received the overwhelming support of both Houses of Congress. Public Law 103-226 was enacted March 30, 1994.

Mr. President, this law gives the Office of Management and Budget the authority to determine how to distribute personnel cuts among the Federal agencies. Unfortunately, OMB planned an across-the-board cut of 12 percent for all agencies, instead of looking carefully at each agency's workforce and ability to sustain cuts without compromising the agency's mission. For VA, OMB proposed to cut 27,000 FTEE during the next 5 years. This proposed cut concerned me enormously, particularly in the context of health care reform, as it did my fellow committee members, the House Committee on Veteran's Affairs, and the many veterans who contacted me about this issue.

Mr. President, I note that, contrasted with OMB's proposal, a later, specific analysis of VA by the National Performance Review showed that, if VA fully implemented all management streamlining proposals, VA would be able to cut a total of only 289 FTEE.

Mr. President, in response to OMB's projected 27,000 FTEE cut, the chairman of the House Committee on Veteran's Affairs [Mr. MONTGOMERY] introduced H.R. 4013 on March 11, 1994, which would have exempted the Veterans Health Administration from work force reductions over the next 5 years, provided that appropriate funding was provided for these positions. The bill would have exempted over 211,000 employees. H.R. 4013 passed the House on May 3, 1994.

Mr. President, I share the concern of my friend, Chairman MONTGOMERY, that VA medical centers cannot afford drastic cuts in staff. We must strengthen the veterans health system by protecting hospitals from arbitrary across-the-board cuts in medical staff. We must search for a long-term solution that maintains the Federal Government's commitment to veterans and permits VA flexibility to staff, contract out, purchase, sell, and do whatever else a business delivering health care services is permitted to do, but without the constraints of Federal employment ceiling and other restrictions. Mr. President, we should not put an artificial cap on health care staffing and, at the same time, tell VA to be a competitive health care provider. The compromise agreement attempts to address this issue.

SUMMARY OF AGREEMENT

Mr. President, the compromise agreement would set a 5-year limit on the number of VA personnel cuts, not to exceed 10,051 FTEE. I and others participating in the negotiation believe that VA could sustain this level of cuts without affecting direct medical care for veterans.

The agreement would also require that, in determining the total number of FTEE in VA for purposes of achieving Federal work force reductions, only those employees whose salaries and benefits are paid with appropriated funds may be counted as VA FTEE. The Department currently counts approximately 5,400 positions that are paid with funds other than federally appropriated funds. In fiscal year 1993, the Veterans' Canteen Service employed 3,065 staff who were paid from the receipts of canteen sales, not from Federal appropriations. Employees of the nonprofit research corporations and Medical Care Cost Recovery Program are similarly paid with nonappropriated money. I strongly believe that, for purposes of determining an accurate estimate of the number of Federal employees in VA, those employees whose salaries and benefits are not paid with taxpayers' money should not be counted.

Mr. President, the compromise agreement also would waive certain conditions with which VA must comply in order to contract out for services that the Department could otherwise perform, provided that certain protections and assistance are provided to those former VA employees who are replaced by workers hired by contract. The Secretary would be required to ensure that, in any contract for services that had been provided by VA employees, the contractor would be required to give priority to former VA employees who were displaced by the award of the contract. The Secretary would also be required to provide to such former VA employees all possible assistance in obtaining other Federal employment or entrance into job training programs.

Finally, Mr. President, the compromise agreement would require the Secretary to contract with an appropriate non-Federal entity to study and report to Congress on the feasibility and advisability of alternative organizational structures, such as the establishment of a quasi-Government corporation, to provide health care to veterans.

Mr. President, as a Federal agency which is funded with federally appropriated money, VA has not had the proper incentives to perform as a business. VA hospitals receive appropriations and remain open generally without regard to how many veterans are being served or the quality of service they provide. Although VA does collect a limited amount of third-party reimbursements and copayments, it does not need or rely upon such income. It does not need to attract a certain number of veterans to remain in service. In essence, VA does not have a bottom line to drive it to deliver high quality services for a competitive price.

The compromise agreement would require a study that assesses the management structures and organization of the VA health care delivery system. While there are many aspects of VA that should and must remain federally funded and centrally administered—such as programs to assist veterans who suffer from homelessness, posttraumatic stress disorder, or spinal cord injuries, or who need blind rehabilitation—certain aspects of VA's health delivery system could operate more like nongovernment businesses. I believe that VA should strive to serve veterans' health care needs in the best and most effective manner possible. Regardless of whether substantial changes occur in the Nation's health care system, this study should benefit the Department's health delivery system.

CONCLUSION

Mr. President, in closing, I again thank my good friends Representatives Sonny Montgomery and Bob Stump, the chairman and ranking minority member of the House Committee on Veterans' Affairs, for their cooperation and assistance as we have developed this compromise. I also thank our committee's ranking minority member, my good friend Frank Murkowski, and all the members of the Senate Committee for their support on this measure.

Mr. President, I also want to thank the staff who have worked extremely long and hard on this compromise—Mack Fleming, Jill Cochran, Ralph Ibson, Greg Matton, Winsome Packer, Gloria Royce, Pat Ryan, John Brizzi, Richard Jones, and Kingston Smith on the House committee, and Bill Brew, Meg Morrow, Tom Hart, Valerie, Kessner, Dan Rauh, Diana Zuckerman, Kim Lipsky, Patricia Olson, Lara Muldoon, Mary Schoelen, Jim Gottlieb, Bill Tuerk, Chris Yoder, Mickey Thursam, and John Moseman with the Senate committee. I also thank Robert Cover and Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting the compromise agreement.

Mr. President, I ask unanimous consent that the explanatory statement that I mentioned earlier appear in the Record.

JOINT EXPLANATORY STATEMENT FOR H.R. 4386, THE VETERANS' BENEFITS IMPROVEMENTS ACT OF 1994

H.R. 4386 reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered in the Senate and the House of Representatives during the 103d Congress. These are the following: H.R. 4386, which the House passed on August 8, 1994; H.R. 4088, which the House Committee on Veterans' Affairs reported on August 4, 1994, and the House passed on August 8, 1994 as S. 1927; H.R. 4768, which the House passed on August 1, 1994; H.R. 4776, which the House passed on August 1, 1994; H.R. 4724, which the House passed on August 1, 1994; H.R. 949, which the House passed on September 21, 1993; H.R. 3013, which the House passed on June 13, 1994; H.R. 3456, which the House passed on November 16, 1993; S. 1908, which the Senate passed on August 19, 1994; S. 1546, which the Senate passed on March 25, 1994; S. 2330, which the Senate Committee on Veterans' Affairs reported on September 28, 1994; S. 2325, which the Senate Committee on Veterans' Affairs reported on September 27, 1994; S. 2094, which the Senate Committee on Veterans' Affairs reported on September 27, 1994; and S. 1626, which was reported by the Senate Committee on Veterans' Affairs on May 23, 1994, and passed by the Senate as part of H.R. 3313 on June 8, 1994.

The Committee on Veterans' Affairs of the Senate and House of Representatives have prepared the following explanation of H.R. 4386 as amended (hereinafter referred to as the "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the above-mentioned bills are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

TITLE I—PERSIAN GULF WAR VETERANS

Findings

Current law: No provision.

House bill: Section 2 of H.R. 4386 sets forth specific congressional findings regarding Persian Gulf War Veterans, including the following: (1) During the Persian Gulf War, members of the Armed Forces potentially were exposed to toxic substances and psychological stress; (2) Persian Gulf War veterans suffer from illnesses that cannot now be diagnosed or defined, and, as a result, VA does not consider these illnesses to be service connected for VA benefit purposes; (3) the National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, held on April 27-29, 1994, was unable to identify a single disease entity or syndrome responsible for these illnesses; (4) the workshop concluded that the data on the range and intensity of the exposure to toxic substances are limited and were collected after considerable delay; (5) under Public Law 102-585, VA established the Persian Gulf War Veterans Health Registry, authorized health examinations, and authorized NAS to conduct a review and assessment of the information about the health consequences of service during the Persian Gulf War, and to make recommendations for research; (6) Public Law 103-210 authorized priority health care for Persian Gulf War veterans; (7) Public Law 103-160, the National Defense Authorization Act for Fiscal Year 1994, provided funding for a specialized environmental research medical facility; and, (8) further research and studies must be undertaken and veterans must be given the benefit of the doubt and provided compensation.

Senate bill: No comparable provision.

Compromise agreement: Section 102 follows the House, adding that the National Defense Authorization Act for Fiscal Year 1995 authorizes the Secretary of Defense to provide research grants for three types of studies of the Gulf War syndrome, including the following: (1) an epidemiologic study or studies; (2) studies related to the health consequences of the use of pyridostigmine bromide; and (3) other studies on the causes, treatment, and possible transmission of Gulf War illnesses.

Purposes

Current law: No provision.

House bill: Section 3 of H.R. 4386 states the purposes of the House bill as follows: (1) To provide compensation to Persian Gulf War veterans suffering disabilities resulting from undiagnosed illnesses; (2) to require the development of case assessment strategies and definitions and diagnoses at the earliest possible date: (3) to promote greater outreach to Persian Gulf War veterans and their families; and (4) to fund research activities and surveys of Persian Gulf War veterans.

Senate bill: No comparable provision.

Compromise agreement section 103 follows the House bill.

Development of medical evaluation protocol

Current law: Title VII of the Veterans Health Care Act of 1992 (Public Law 102-585) requires the Secretary of Veterans Affairs to establish and maintain a Persian Gulf War Veterans Health Registry. Those individuals who served as a member of the Armed Forces in the Persian Gulf War become eligible for enrollment in the registry after they give historical information about their health and military exposures, receive a physical examination, and receive routine diagnostic testing.

On June 17, 1994, VA announced the implementation of a comprehensive case assessment protocol to be used by selected VA medical centers. The first phase of the protocol would continue to be the evaluation provided through enrollment into the VA Persian Gulf War Veterans Health Registry. If necessary, additional evaluations would be offered.

House bill: Section 104 of H.R. 4386 would require the Secretary of Veterans Affairs, in consultation with the Secretaries of Defense and Health and Human Services, to develop at the earliest possible date uniform case assessment protocols and case definitions or diagnoses for illnesses attributed to service in the Persian Gulf War. The Secretary of Veterans Affairs would be required to provide status reports on these activities, with the first such report due to the Committees on Veterans' Affairs of the House and Senate not later that 6 months after the date of enactment of the act.

Senate bill: Section 3 of S. 2330 is similar to the House bill and would require the Secretary to develop and implement a uniform and comprehensive evaluation protocol to provide extensive medical examinations to Persian Gulf War veterans who are suffering from illnesses the origins of which are unknown and that may be attributable to service in the Gulf War. It would not require VA to provide a case definition of the illness. Section 3 of S. 2330 also would require that the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, ensure that information on the protocols of the two agencies is collected and maintained in a manner that enables the information to be analyzed together.

This section also would require that the VA provide the comprehensive clinical evaluations at as many VA medical centers are possible. This evaluation protocol must include evaluation for reproductive complaints, including but not limited to birth defects, miscarriages, and abnormal semen. If a VA medical center were to be unable to provide the comprehensive clinical evaluation, VA would have the authority to provide funding for the veteran to travel to a VA medical center or non-VA facility that can provide the necessary assessment, diagnosis, and treatment. VA would also have the authority to pay for care at non-VA medical facilities. For individuals whose symptoms or illnesses remain undiagnosed or unresponsive to treatment after comprehensive clinical evaluations at VA medical facilities, the Secretary of Veterans Affairs would be authorized to provide funds for the veteran to be evaluated by a recognized medical institution outside of the VA medical system. All information gathered by non-VA medical facilities as part of these protocols would be required to be maintained by VA.

VA would be authorized to enter into an agreement with the National Academy of Sciences under which appropriate members of the Academy would review the adequacy of the comprehensive clinical evaluation protocol and its implementation by VA.

Compromise agreement: Section 104 includes the requirement that VA develop a medical evaluation protocol, which was included in both the House and Senate bills. It includes the Senate provision requiring VA to make the medical protocol available in as many VA medical centers as possible and to include examinations and tests for reproductive complaints. The compromise agreement specifies that the Secretary has authority to contract out these medical examinations, tests, and consultations, and any necessary treatment, to non-VA facilities, and to pay for travel and incidental expenses, under section 1703 and section 111 of title 38. The Senate provision regarding reviews by the National Academy of Sciences is also included. The compromise agreement includes the House provision requiring that VA develop a case definition of "Gulf War Syndrome."

Section 104 reflects the Committees' concerns about the letters and Congressional testimony they have received from Gulf War veterans who report that they have had difficulty in obtaining appropriate medical examinations or diagnoses at numerous VA medical centers.

Outreach to Persian Gulf Veterans

Current law: Section 702(f) of Public Law 102–585 required VA to notify periodically individuals listed in the Persian Gulf War Veterans Health Registry of significant developments in research on the health effects of military service in the Persian Gulf during the Persian Gulf War. Neither this provision, nor any other provision in law otherwise specifically requires VA to establish an outreach program for Persian Gulf War veterans and their families. There are a number of benefits and services available to these individuals, but there currently is no single source of VA information to ensure that they know about the benefits and services for which they may be eligible, as well as the scientific studies and research currently being conducted and any developments with respect to such research.

House bill: Section 5 of H.R. 4386 would require the Secretary to develop and implement a comprehensive outreach program and information system to provide Persian Gulf War veterans and their families with information regarding VA's Persian Gulf War Veterans Health Registry, access to health services and health-related benefits, compensation and other benefits, and developments in research regarding the health consequences of service in the Persian Gulf, and to establish a toll-free telephone number for Persian Gulf veterans and their families.

This section also would amend section 702(f) of Public Law 102–585 to require VA to establish a newsletter to be distributed at least quarterly to all veterans listed on the VA's Persian Gulf War Veterans Health Registry, or survivors of such veterans. The newsletter would provide updates on the status and findings of Government-sponsored research on illnesses which may be related to the veteran's service in the Persian Gulf theater of operations. The newsletter also would include information regarding any VA or DOD compensation and benefits, including health care and other health-related benefits which may be available to Persian Gulf War veterans or their family members from either VA or DOD. The newsletter would be required to be prepared in consultation with veterans service organizations.

Senate bill: Section 4 of S. 2330 would require the Secretary to develop and implement a comprehensive outreach program to inform Persian Gulf veterans and their families of medical care and other benefits that may be available to them from VA and DOD. Subsection (b) would require that this outreach program include a newsletter to be updated and distributed at least annually to all veterans listed on VA's Persian Gulf War Veterans Health Registry. The newsletter would provide summaries of the status and findings of Government-sponsored research on illnesses which may be related to the veteran's service in the Persian Gulf theater of operations. The newsletter would also include information regarding any VA benefits which may be available to Persian Gulf veterans and their families. The newsletter would be required to be prepared in consultation with veterans service organizations.

Subsection (c) of section 4 would require that the outreach program include establishment of a toll-free number within 90 days after the enactment of the act to provide Persian Gulf War veterans and their families information about the Persian Gulf War Veterans Health Registry, health care, and other benefits provided by VA. In addition, the toll-free number would provide any other information the Secretary considers appropriate.

Compromise agreement: Section 105 follows the Senate bill, except that the Secretary would be required to issue the newsletter at least twice a year, and this requirement would terminate on December 31, 1999.

Compensation benefits for disability resulting from illness attributed to service during the Persian Gulf war

Current law: There is no provision in current law relating specifically to compensation for Persian Gulf War veterans.

House bill: Section 6 of H.R. 4386 would amend title 38 to add a new section 1117 which would require the Secretary to pay compensation to any Persian Gulf veteran suffering from a disability resulting from an undiagnosed illness that became manifest to a degree of at least 10 percent before October 1, 1996, or within 2 years after the veteran last performed active service in the Southwest Asia theater of operations, whichever is later. A veteran would not receive compensation if there was affirmative evidence that the disability was not incurred during service in the Persian Gulf theater of operations during the Persian Gulf War or if there was affirmative evidence showing that the veteran suffered from an intercurrent injury or illness, recognized to be a cause of the disability, between the time of the veteran's departure from the Persian Gulf and the onset of the disability.

Payment of compensation under this provision would be for 3 years following enactment of the act, with an automatic extension of 3 years if the Secretary reports to the Committees on Veteran's Affairs of the Senate and the House of Representatives prior to the end of the first 3-year period that no diagnoses for the illnesses experienced by Persian Gulf veterans can be made, based on then-current medical knowledge. A report from the Secretary submitted to the Committees would be due by no later than April 1, 1997.

Senate bill: Section 2(a) of S. 2330 would amend title 38 to add a new section 1112A, which would provide the Secretary with express general authority to conduct an inquiry when the Secretary becomes aware of assertions that a group of veterans with the same or similar military service share similar diseases, illnesses, or medical signs or symptoms, and that such health conditions are related to their service. Such an inquiry would be carried out for the following purposes: To determine whether veterans with the particular military service in question have the claimed health conditions; to identify all veterans who had such service to determine which veterans have such health conditions; and to determine whether a presumption of service connection should be established for such health conditions.

Under this new authority, if the Secretary determines that a presumption of service connection for any such health condition should be established, the Secretary would be required to prepare a proposal for establishing such a presumption. The proposal would be required to include a description of the particular military service involved, the health condition at issue, the relevant medical characteristics associated with the health condition, and a statement of any limitations on the period for which the Secretary proposes to pay compensation.

After completion of the proposal, the Secretary would be required to submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, including the proposal, as well as recommendations for legislation concerning the establishment of the presumption and the reasons for these recommendations.

With specific respect to veterans of the Persian Gulf War, section 2(c) of the Senate bill would require the Secretary to report to the Committees, within 30 days of enactment of the act, whether or not a presumption of service connection should be established between service in the Southwest Asia theater of operations and health conditions experienced by Persian Gulf War veterans. If the Secretary determines that such a presumption should be established, the Secretary, pursuant to section 2(d) of the bill, would be required to include in the report the elements of any report made under the provisions of the new section 1112A and publish proposed regulations relating to establishment of the presumption, allowing 30 days for public notice and comment on the proposed regulations. The Secretary would be required to publish final regulations within 30 days following the expiration of the public notice and comment period.

Section 2(e) would set certain requirements for the treatment of claims and compensation for Persian Gulf veterans if based on a presumption of service connection under the provisions of the Senate bill. First, an award of compensation under the new regulations would not preclude payment of retroactive benefits to a veteran with a claim pending on the date of enactment of these provisions, if VA later determines that the condition is service connected. Second, the Secretary would be required to consider sending all claims for compensation under the new regulations to one regional office for adjudication for purposes of ensuring consistency in rating decisions. Finally, VA would be required to reopen and readjudicate any claims for service-connected disability compensation for a health condition covered in the new regulations that were denied prior to enactment of these provisions. These claims would be considered original claims, and if compensation is eventually awarded, the effective date of the award would be the date the original claim was filed.

Compromise agreement: Section 106 would amend title 38 to add a new section 1117 which would provide the Secretary with authority to pay compensation to any Persian Gulf veteran suffering from a disability resulting from an undiagnosed illness that became manifest during active duty in the Southwest Asia theater of operations during the Persian Gulf War or to a degree of 10 percent or more within a period to be determined by the Secretary, based on a review of any available credible medical or scientific evidence and a review of the historic treatment afforded disabilities for which manifestation periods have been established. The Secretary also would be required to take into account other pertinent circumstances regarding the experiences of Persian Gulf veterans. The Secretary would be required to prescribe regulations to implement this provision.

New section 1117 would require the Secretary to include in the regulations a specification of the manifestation period of time following service in the Southwest Asia theater of operations that the Secretary finds appropriate for a presumption of service connection. In addition, the regulations would have to include a description of the particular military service involved, the illnesses for which compensation may be paid, and the relevant medical characteristics associated with each such illness.

Section 106 also contains a freestanding provision that would require the Secretary, within 60 days of enactment of the act, to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report indicating whether or not the Secretary intends to pay compensation under new section 1117. If the Secretary states in the report to the Committees an intent to pay compensation under new section 1117, the Secretary must publish proposed regulations, as required by new section 1117, in the Federal Register within 30 days of the date of the report.

Evaluation of health status of spouses and children of Persian Gulf war veterans

Current law: Section 702 of Public Law 102–585 created a Persian Gulf War Veterans Health Registry. Only veterans can be included in this registry.

House bill: No comparable provisions.

Senate bill: Section 5 of S. 2330 would authorize the inclusion of up to 10,000 dependents in the Persian Gulf War Veterans Health Registry. VA would be required to conduct medical examinations and testing, consultation, and counseling for the dependent of any veteran who is listed in the registry if the veteran believes that the illness of any family member is related to the veteran's service in the Gulf War. The registry would also include information about miscarriages and stillbirths.

The Secretary would be required to determine the types of medical examinations and tests are appropriate in order to determine the nature and extent of the connection, if any, between the illness or disorder of the individual and the illness of the veteran. These examinations are expected to be similar to registry exams for gulf War veterans. These tests may be provided by VA facilities or through contract with non-Department facilities.

Compromise agreement: Section 107, which is derived from the Senate provision, would require VA to conduct a pilot study, whereby VA would develop an evaluation protocol and guidelines for medical examinations, tests, and consultations with dependents of Gulf War veterans. These procedures would be restricted to those dependents whose illness, birth defects, or other disorder cannot be disassociated from the veterans' service in the Gulf War. There is no limit on the number of dependents who could be included in the registry; however, the number may be limited by the cost since the bill authorizes $2 million for the pilot study from November 1, 1994, through September 30, 1996. It would authorize VA to pay for the medical examinations, tests, and consultations through contracts with non-VA facilities. In addition, information provided by medical facilities that follow the VA protocol or guidelines could also be included in the registry even if the examinations and tests were not paid for by VA. The compromise also includes a provision regarding outreach to ensure that the maximum possible number of dependents would be included in this research.

The Committees expect that objective medical information on miscarriages, stillbirths, and birth defects can be included in the registry at minimum cost. The Committees also urge the VA to ensure that the pilot study is administered in such a way as to ensure that the medical information that is collected is sufficiently uniform, accurate, and appropriate to the goals of the study.

The purpose of the pilot study is to ensure that the VA conduct research on the illnesses of Gulf War veterans' spouses and children, using an existing data base and objective medical information. The VA is required to prepare a report to Congress describing the results of the pilot study, focusing on any information about the possible transmission of diseases associated with the Gulf War.

The Committees expect VA to use funds from the medical care account for the medical examinations and tests, data analysis, and administration of the pilot study.

Clarification of scope of health examinations provided for veterans eligible for inclusion in health-related registries

Current law: Under section 703 of the Persian Gulf War Veterans' Health Status Act (Title VII of Public Law 102–585), VA is required to conduct medical examinations for any veteran and the information from those exams must be included in the Persian Gulf War Veterans' Health Registry.

House bill: No comparable provision.

Senate bill: Section 108 would clarify that the Persian Gulf War Veterans' Health Registry includes diagnostic tests in its definition of medical examinations.

Compromise agreement: The compromise follows the Senate provision.

Survey of Persian Gulf veterans

Current law: There is no authorization in current law for VA to carry out a survey of Persian Gulf War veterans to gather information about their health status.

House bill: Section 8 of H.R. 4386 would require the Secretary of VA, in coordination with the Secretary of Defense, to carry out a survey of Gulf War veterans to gather information about their health problems and the health problems of family members.

Senate bill: No comparable provision.

Compromise agreement: Section 109 amends the House provision, so that it authorizes the survey as described in Section 8.

The Committees note that under the National Defense Authorization Act for FY 1995, Public Law 103–337, the Department of Defense will be providing research grants to non-Federal researchers to conduct similar research on Gulf War veterans, and encourages VA to ensure that VA funded research contributes unique information that will not be available from DoD-funded research.

Authorization for Epidemiological studies

Current law: Section 722 of the National Defense Authorization Act for FY 1995, Public Law 103–337, requires the Department of Defense to provide research funds to non-Federal scientists to conduct an epidemiological study or studies of U.S. service members and civilians who participated in the Persian Gulf War, and their families.

House bill: Section 9 of H.R. 4386 would authorize VA to conduct an epidemiological study or studies if such a study is recommended by the National Academy of Sciences in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102–585).

Senate bill: No comparable provision.

Compromise agreement: Section 110 follows the House provision.

The Committees note that the National Defense Authorization Act for FY 1995, Public Law 103–337, requires the Department of Defense to provide research grants to non-Federal researchers to conduct an epidemiological study or studies of Gulf War veterans and their families. The Committees therefore encourage the VA to coordinate their research efforts to ensure that any epidemiological research funded by VA contributes unique information that will not be available from DoD-funded research.

Cost savings provisions

Current law: The Omnibus Budget Reconciliation Act of 1990 (OBRA 90), Public Law 101–508, amended section 3203 (now section 5503) of title 38 to limit monthly VA pension payments to $90 for Medicaid-eligible veterans with no dependents who are in nursing homes. Previously, veterans receiving nursing home care covered by Medicaid did not have their pension benefits reduced; however, the amount of their pension had to be applied toward the cost of the nursing home care. No part of that $90 payment can be applied to the cost of the veteran's nursing home care.

Under OBRA 90, this provision was originally due to expire September 30, 1992. The Veterans' Benefits Act of 1992 extends the provision through September 30, 1997, and added a provision applying the limitation to payment of pension to surviving spouses who have no dependents and are receiving nursing home care covered by Medicaid. OBRA 93 extended the provision through September 30, 1998.

There is no comparable protection for any amount of dependency and indemnity compensation (DIC) received by surviving spouses in nursing homes participating in Medicaid. The amount of their benefit payments, minus any amount allowed by the State for personal use, is available to be applied to the cost of their nursing home care.

Section 1317 of title 38 prohibits any person eligible to receive DIC based on a death after

December 31, 1956, from being eligible for death pension.

There is no provision in current law which requires an adjustment of the rates of compensation and DIC based on an increase in the cost of living. However, Congress has passed legislation providing for a cost-of-living adjustment in these rates every year since 1976. With respect to calculating the annual cost-of-living adjustment in the rates of compensation and DIC, the Congressional Budget Office budget baseline assumes normal rounding, under which fractional dollar amounts of less than $0.50 are rounded down and fractional dollar amounts of $0.50 and more are rounded up.

House bill: Section 11(a) of H.R. 4386 would amend section 1317 of title 38 to permit surviving spouses eligible to receive DIC to elect to receive death pension under chapter 15 in lieu of DIC. This would permit surviving spouses who are in Medicaid-covered nursing homes and who receive DIC to elect to receive death pension, in order to be able to retain $90 of their monthly benefits.

Section 11(b) of H.R. 4386 would provide that, with respect to any cost-of-living adjustment in the rates of compensation under chapter 11 and DIC under chapter 13 provided for fiscal year 1995, all increased rates (other than those equal to a whole dollar amount) must be rounded down to the next lower dollar.

Senate bill: No comparable provision.

Compromise agreement: Section 111 follows the House bill.

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

Current law: Before 1990, members of the Board of Veterans' Appeals (BVA) had received pay and benefits comparable to those received by Administrative Law Judges (ALJ's). However, the pay Act of 1990, Public Law 101–194, removed ALJ's from the General Schedule, and thereby eliminated pay comparability between BVA members and ALJ's.

In 1988, Congress enacted the Veterans' Judicial Review Act of 1988, Public Law 100–687, which changed Board members' status (other than that of the Chairman) from permanent appointments to 9-year terms, subject to the possibility of reappointment. Under section 7101(b)(1) of title 38, the Chairman is appointed by the President, with the advice and consent of the Senate, for a term of 6 years.

Currently, a member of the Board may be removed by the Secretary, upon the recommendation of the Chairman. There are no standards that govern removal or reappointment of members. There is no statutory process for removal of a Board member. However, section 7101(b) provides grounds under which the President may remove the Chairman.

House bill: Sections 301 through 303 of H.R. 4088 would restore the pay comparability between members of BVA and ALJ's and eliminate term limits for Board members (other than the Chairman). These provisions also would require the Chairman to establish job performance standards, with the approval of the Secretary, and would require that reviews be conducted not less than every 3 years. If the Chairman recommended that the member be noncertified, the Secretary would establish a panel of non-BVA employees of the Department or Federal employees from outside the Department, or a combination of VA and other Federal employees, to review the member's case.

Senate bill: Sections 302 through 304 of S. 2325 would restore the pay comparability between members of BVA and ALJ's, eliminate term limits for Board of Veterans' Appeals members (other than the Chairman), require the establishment of a peer review panel to periodically review the performance and fitness of Board members, and clarify that those BVA members who hold appointments through the Senior Executive Service (SES) retain their SES pay and status.

Compromise agreement: Section 201 would amend title 38 to add a new section 7101A which would eliminate term limits for Board members other than the Chairman and provide that members of the Board (other than the Chairman and Board members who are members of the SES) would receive the same basic pay as received by ALJ's (unless that would result in a reduction in pay). The pay provision would be effective on the first day of the first pay period beginning after December 31, 1994.

Under new section 7101A, the provisions for pay comparability with ALJ's and the elimination of term limits would be accompanied by new provisions instituting a system for periodic job performance review and recertification of members of the Board (other than the Chairman and any member who is a member of the SES). Section 7101A would require the Chairman to establish a panel, to include the Chairman and two other members of the Board (other than the Vice Chairman), that would conduct reviews of the job performance of Board members. The membership of this panel (other than the Chairman) would rotate among all members of the Board.

Section 7101A also would require that the Chairman, with the approval of the Secretary, establish job performance standards for Board members (except the Chairman and Board members who are members of the SES), which are to be objective and fair criteria for the evaluation of job performance. Section 202 would require that the job performance standards be established not later than 90 days after the enactment date of this act. This section also would require that the Secretary submit a report describing these standards to the Senate and House Committees on Veterans' Affairs no later than the date on which these standards take effect.

With 1 year after the establishment of the job performance standards, section 7101A would require that the panel complete a review of the job performance of each member of the Board. Reviews would then have to be conducted and completed at least once every 3 years thereafter. If the panel determines that a Board member meets the performance standards, the Chairman would recertify the Board member. If a Board member does not meet the performance standards, the Chairman would be required either to grant the Board member conditional recertification or to recommend to the Secretary that the member be noncertified. A conditional recertification would require another review within 1 year after the conditional recertification. If the Board member does not meet the job performance standards after the period of conditional recertification, the Chairman must recommend to the Secretary that the member be noncertified.

If the Chairman recommends to the Secretary that a member be noncertified, either after a performance review or after a period of a conditional recertification, the Secretary would be authorized to grant a conditional recertification or determine that the member should be noncertified. If the Secretary grants a conditional recertification, the performance review panel would review the member's job performance within 1 year and if the member still does not meet the standards, the Chairman would be required to recommend to the Secretary that the member be noncertified.

If the Secretary determines that the member should be noncertified, the member's appointment would be terminated and the member removed from the Board. Any Board member whose appointment is terminated and who was a career or career-conditional employee in the civil service prior to service on the Board would revert to the civil service grade and series held prior to appointment to the Board.

Section 7101A would require the Secretary to prescribe procedures for carrying out the provisions of the section, including the deadlines and times schedules for the actions required.

Section 203 would amend section 7101(b)(3) to specify that if the position of Chairman were to become vacant upon the expiration of the Chairman's term, the current Chairman would be authorized, with the approval of the Secretary, to continue to serve as Chairman until the Chairman is appointed to another term or a new Chairman is appointed. However, this section would provide that the Chairman would not be able to continue to serve under this provision beyond the end of the Congress during which the term of office expired.

TITLE III—ADJUDICATION IMPROVEMENTS

Acceptance of certain documentation for claims purposes

Documents to be accepted as proof of relationships

Current law: Until recently, VA's regulations did not allow acceptance of photocopies of documents that were not certified as evidence to show marriage, the annulment of a marriage, birth, the relationship of a child to the veteran, or death, or of any evidence from a foreign country (sections 3.202(c); 3.204(b) and (c); 3.205(a); 3.207(b); 3.209; 3.210; and 3.211 of title 38, Code of Federal Regulations). A photocopy could only be accepted if the original document had been viewed by an authorized individual and was certified as a true and exact copy of the original document. This requirement of certification existed only in VA's regulations; it was not a statutory requirement.

On September 8, 1994, VA published interim regulations to amend sections 3.202(c), 3.204(b) and (c), 3.205(a), 3.207(b), 3.209(a) and (b), 3.210(b) and (c), and 3.211(a) and (d) of title 38, Code of Federal Regulations, to implement the Secretary's decision to allow VA to accept photocopies of documents necessary to establish marriage, the annulment of a marriage, birth, the relationship of a child to the veteran, or death, or of any evidence from a foreign country for purposes of processing claims for VA benefits. Under these regulations, VA would still have the authority to request certified documentation in cases in which it is questionable whether the photocopies are genuine and free from alteration.

House bill: Section 405(a) of H.R. 4088 would amend title 38 to add a new section 5124 which would provide that, for purposes of determining eligibility for benefits, VA must accept a written statement from a claimant as proof of marriage, dissolution of a marriage, birth of a child, and death of any family member. The Secretary would be authorized to require the submission of documentation in support of the claimant's statement if the claimant does not reside in a State, or if the statement on its face raises a question as to its validity.

Senate bill: Section 202 of S. 1908 is a freestanding provision that would allow VA to accept photocopies of documents as proof of marriage, dissolution of marriage, birth, or death for purposes of determining eligibility for certain VA benefits. The Secretary would be authorized to require the claimant to submit additional supporting documentation if the document on its face raises a question with respect to its validity, or if there is reasonable indication of fraud or misrepresentation, in the document or otherwise.

Compromise agreement: Section 301(a) would amend title 38 to add a new section 5124 which would allow the Secretary to accept a statement from the claimant as evidence of marriage, dissolution of a marriage, birth of a child, or death of a family member for purposes of VA benefits. The Secretary would be authorized to require documentation in support of the statement if the claimant does not reside in a State, if the statement on its face raises a question as to its validity, if there is conflicting information in the record, or if there is reasonable indication of fraud or misrepresentation in the document or otherwise.

The Secretary is encouraged to exercise the authority granted under this section to the maximum extent feasible.

Acceptance of private physician examinations

Current law: Currently, under section 3.326 of title 38, Code of Federal Regulations (as amended by 59 Fed. Reg. 35851 (July 14, 1994)), VA generally requires a VA examination for purposes of determining eligibility for disability benefits. However, section 3.326(d) permits VA to accept the statement of a private physician in the following cases: (1) A claim for increased compensation due to an increase in the severity of a service-connected disability or due to the need of the veteran's spouse for aid and attendance; (2) a veteran's pension claim, including a claim for housebound or aid and attendance benefits; (3) a surviving spouse's claim for housebound or aid and attendance benefits; (4) a surviving parent's claim for aid and attendance benefits; or (5) a claim by or on behalf of a child who is permanently incapable of self-support.

House bill: Section 405(b) of H.R. 4088 would amend title 38 to add a new section 5125 which would required VA to accept the medical examination report of a private physician in support of a claim for benefits, without further examination by a physician employed by the Veterans Health Administration, if the report is sufficiently complete to be adequate for disability rating purposes.

Senate bill: Section 203 of S. 1098 is a freestanding provision which would allow VA to accept the medical examination report of a private physician in support of a claim for disability compensation or pension. Under this provision, a private physician's report would be required to contain sufficient clinical data to support the diagnosis or provide a reliable basis for a disability rating.

Compromise agreement: Section 301(b) would amend title 38 to add a new section 5125 which would allow the Secretary to accept the medical examination report of a private physician in support of any claim for VA compensation or pension, without a requirement for confirmation by an examination by a VA physician, if the report is sufficiently complete to be adequate for purposes of adjudicating the claim.

It is the express intention of the House and Senate Committees on Veterans' Affairs that, to the maximum extent feasible, the Secretary exercise the authority provided under this section as being in the best interest of veterans in furthering the timely adjudication of their claims for compensation by reducing the need for duplicative medical examinations by VA physicians.

Expedited treatment of remanded claims

Current law: Section 7101 of title 38 provides that appeals to the Board of Veterans' Appeals (BVA) will be considered and decided in order according to their docket number. There is no statutory requirement governing the treatment of claims on remand to the Board from the Court of Veterans Appeals or to regional offices from the Board.

House bill: Section 406 of H.R. 4088 is a freestanding provision that would require the Secretary to take such actions as may be necessary to provide that claims remanded by the BVA to regional offices or by the Court of Veterans Appeals to the Board be treated expeditiously.

Senate bill: No comparable provision.

Compromise agreement: Section 302 follows the House bill.

Screening of appeals

Current law: Under section 7107 of title 38, appeals are considered and decided in order according to their docket numbers.

House bill: Section 407 of H.R. 4088 would amend section 7107 to permit the Board to screen cases on appeal at any point in the decision process (a) to determine whether the record is adequate for decisional purposes or (b) for the development or attempted development of a record that is inadequate for decisional purposes.

Senate bill: No comparable provision.

Compromise agreement: Section 303 follows the House bill.

Report on feasibility of reorganization of adjudication divisions in VBA regional offices

Current law: Currently, the administration of VA's compensation and pension programs is carried out in the 58 regional offices of the Veterans Benefits Administration, located in the 50 states, the District of Columbia, Puerto Rico, and the Republic of the Philippines. Each of these offices, except one, has an adjudication division.

House bill: Section 402 of H.R. 4088 would require the Secretary of Veterans Affairs to submit to the House and Senate Committees on Veterans' Affairs, within 180 days of enactment of this act, a report addressing the feasibility and impact of a reorganization of VA claims adjudication divisions to a number of such divisions that would result in improved efficiency in the processing of claims.

Senate bill: No comparable provisions.

Compromise agreement: Section 304 follows the House bill.

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

Current law: There is no provision in current law relating to a study of VA's system for adjudicating claims for benefits.

House bill: No comparable provisions

Senate bill: Section 101 of S. 1908 is a freestanding provisions that would require an independent, comprehensive 18-month study by the Administrative Conference of the United States of VA's system for adjudicating benefit claims at the regional office level and the appellate process at the Board of Veterans' Appeals (BVA).

The purpose of the study would be to evaluate the entire adjudication system in order to determine the efficiency of its processes and procedures, including the impact of judicial review on the system, means for reducing the backlog of pending cases in the system, and means for improving timeliness and quality of the claims process.

The study would be required to contain an evaluation and assessment of the entire claims adjudication system, including its historical development and the effect that the Veterans' Judicial Review Act of 1988 has had on the system; how claims are prepared and submitted; the procedures that exist for processing claims; the participation of attorney and nonattorney advocates in the system; VA's efforts to modernize its information management system; the impact of work performance standards at all levels of the claims process; the extent of implementation of the recommendations of the Blue Ribbon Panel on Claims Processing; the application of pilot programs initiated in regional offices; and the effectiveness of quality control and assurance practices.

In the course of its evaluation and study, ACUS would be required to consult with representatives of veterans service organizations and other organizations and entities representing veterans before VA, to include individuals who furnish such representation.

No later than 90 days following the enactment date of the legislation, VA would be required to provide ACUS and the Senate and House Committees on Veterans' Affairs with information deemed Necessary by the chairman of ACUS for purposes of conducting the study, including specific statistical information concerning the adjudication of claims during the 5-year period October 1, 1998, through September 30, 1993.

Within 1 year after the date of enactment, ACUS would be required to submit to the Secretary and the Committees a preliminary report on the study. This preliminary report would contain the initial findings and conclusions of ACUS regarding the evaluation and assessment required. The preliminary report would not be required to include any recommendations for improving the system.

Within 18 months following enactment, ACUS would be required to submit a full report on its study to the Secretary and the Committees. The report would include: (1) The findings and conclusions of ACUS with respect to the study; (2) the recommendations of ACUS for improving the VA adjudication system; and (3) any other information and recommendations concerning the system that ACUS deems appropriate.

An appropriation of $150,000 would be authorized to VA for payment to ACUS for the costs associated with conducting the study and completing and report to be submitted to the Secretary and the Committees.

Compromise agreement: Title IV would require the establishment of an independent comission to study VA's system for the disposition of claims for benefits, both at the regional office level and at the Board of Veterans' Appeals. Section 401 would require that the commission be composed of nine members, all to be appointed by the Secretary of Veterans Affairs by February 1, 1995. The membership of the commission would be required to be composed of the following: One member who is a former VA official; two members from the private sector who have expertise in the adjudication of claims relating to insurance or similar benefits; two members who are employed in the Federal Government, outside VA, who have expertise in the adjudication of claims for Federal benefits other than VA benefits; two members who are representatives of veterans service organizations; one member recommended by the American Bar Association or similar private organization who has expertise in administrative law issues; and one member who currently is a VA official.

Section 401 also would require that the commission hold its first meeting within 30 days after the last of the members has been appointed. Meetings would take place at the call of the chairman. The Secretary would be required to designate a member of the commission, other than the member who is a current official of the Department, to be the chairman.

Section 402(b), regarding the purposes of the study, is generally similar to section 101(b) of the Senate bill.

Section 402(c), regarding the contents of the study, is substantively similar to section 101(c) of the Senate bill. This section would require that the study consist of a comprehensive evaluation and assessment of VA's system for the disposition of claims and benefits delivery and any related issues the commission determines are relevant to such a study. However, section 402(c) would not include a specific requirement that the commission evaluate the historical development of the system and the effect that the Veterans' Judicial Review Act of 1988 has had on the system.

Section 402(d) would require the Secretary to submit to the commission and the Committees on Veterans' Affairs any information which the Chairman has determined necessary to carry out the study, not later than 30 days from the date on which the Chairman makes a request for such information.

Section 402(e), regarding the contents and timing of the preliminary and final reports required of the commission, is identical to section 101(f) of the Senate bill, requiring a preliminary report within 1 year of enactment of the act and a final report within 18 months of enactment.

Section 407 would authorize that $400,000 be made available from amounts appropriated to VA for fiscal year 1995 for the payment of compensation and pension for the activities of the commission.

TITLE V—MISCELLANEOUS BENEFITS-RELATED PROVISIONS

Restatement of Intent of Congress Concerning Coverage of Radiation-Exposed Veterans Compensation Act of 1988

Radiation Risk Activities

Current law: The Radiation-Exposed Veterans Compensation Act of 1988, Public Law 100-321, enacted on May 1, 1988, added a subsection (c) to section 1112 of title 38 which established a presumption of service connection for 13 cancers suffered by veterans who participated in a "radiation risk activity," defined as participation in an atmospheric test of nuclear devices, involvement in the occupation of Hiroshima and Nagasaki following World War II, or internment as a prisoner of war in Japan during World War II that might have resulted in exposure comparable to the occupation forces. Two additional cancers were added to this subsection by Public Law 102-578. On September 8, 1994, the Secretary published in the Federal Register a proposed amendment to section 3.309(d), Code of Federal Regulations, which would extend the presumption of service connection, and therefore eligibility for compensation, to U.S. veterans who participated in atmospheric nuclear tests conducted by Allied Governments.

House bill: Section 501(a) of H.R. 4088 would amend section 1112(c) of title 38 to clarify that participation in atmospheric testing of nuclear devices includes non-U.S. tests. The effective date of the amendment would be May 1, 1988, the date of enactment of Public Law 100-321.

Senate bill: No comparable provision.

Compromise agreement: Section 501(a) follows the House bill, except that the effective date of the amendment would be the date of enactment of the act.

Service connection for certain disabilities relating to exposure to ionizing radiation

Current law: The "Veterans' Dioxin and Radiation Exposure Compensation Standards Act," Public Law 98-542, required VA to establish standards for adjudicating claims based on exposure to Agent Orange and radiation. VA adopted regulations for those claims in sections 3.311a and 3.311b of title 38, Code of Federal Regulations.

The United States Court of Veterans Appeals in *Combee* v. *Principi*, 4 Vet. App. 78 (1993), held that a veteran may not establish direct service connection for a disability based on radiation exposure unless the disability is on VA's regulatory list of "radiogenic diseases" issued pursuant to Public Law 98-542. The essence of the Court's decision was that by establishing a process in Public Law 98-542 relating to claims based on radiation exposure, Congress repealed the general compensation law as to such claims. This decision was reversed by the United States Court of Appeals for the Federal Circuit in *Combee* v. *Brown*, No. 93-7101 (Fed. Cir. Sept. 1, 1994).

At a March 24, 1994, hearing of the Senate Committee on Veterans' Affairs on this bill and other pending legislation, Under Secretary for Benefits R. John Vogel announced Secretary Brown's intention to publish a proposed amendment to the regulation to "permit a veteran to establish direct service connection for disability resulting from a disease claimed to be caused by radiation exposure even if that disease is not included in the list of diseases VA already recognizes as radiogenic." As of the date of passage of this legislation, VA has not published a proposed regulation to implement this change.

House bill: Section 501(b)(1) of H.R. 4088 would amend section 1113(b) of title 38, which provides that the provisions of law governing statutory presumptions may not be construed to prevent the establishment of service connection on a direct basis. The amendment would add a reference to the provisions of Public Law 98-542 to the provisions governing statutory presumptions, thereby affirming a claimant's right to attempt to establish direct service connection for a disability associated with exposure to ionizing radiation. This section applies to claims submitted after the date of enactment.

Senate bill: Section 301 of S. 1908 has the same intent as the House provision, but accomplished that goal through a proposed amendment to Public Law 98-542 in order to clarify Congress' intent in enacting the law. The amendment to Public Law 98-542 would add a new section, specifying that the regulations adopted by VA under the statute may not prohibit a veteran who served during an eligible period of service from establishing direct service connection for a disease or disability based on exposure to radiation, even though the veteran's condition is not considered by VA to be a "radiogenic disease."

Compromise agreement: Section 501(b) follows the House bill.

Extension of authority to Maintain Regional office in the Philippines

Current Law: Under section 315(b) of title 38, the Secretary currently has the authority to maintain a regional office in the Republic of the Philippines until December 31, 1994.

House bill: Section 502 of H.R. 4088 would extend the Secretary's authority to maintain the regional office in the Republic of the Philippines until December 31, 1999.

Senate bill: No comparable provision.

Compromise agreement: Section 502 follows the House bill.

Renouncement of benefits rights

Current law: Under section 5306 of title 38, if a claimant renounces his or her right to VA pension, compensation, or dependency and indemnity compensation, and subsequently reapplies, the new claim is treated as an original claim. Therefore, for purposes of any income-based program (pension or parents' DIC), only prospective income may be considered in determining the claimant's eligibility.

House bill: Section 503 of H.R. 4088 would amend section 5306 to provide that an application filed for non-service-connected pension under chapter 15 of title 38, or parents' DIC under chapter 13 of title 38, made within 1 year of a renouncement of such benefits, will not be treated as an original claim and benefits will be paid as though the renouncement had not occurred.

Senate bill: No comparable provision.

Compromise agreement: Section 503 follows the House provision.

Clarification of payment of attorney fees under contingent fee agreements

Current law: Under section 5904(d) of title 38, an attorney otherwise authorized to collect a fee for representation in a VA case may receive payment for such representation directly from VA out of a retroactive benefit award, provided that the total fee not exceed 20 percent of the amount of any past-due benefits awarded to the appellant, and provided that the fee is contingent upon whether or not the claim is ultimately resolved in favor of the appellant.

House bill: No comparable provision.

Senate bill: Section 4 of S. 1546 would amend 4904(d) to clarify that an attorney may receive payment for representation in proceedings before VA or the Court of Veterans Appeals directly from VA out of a retroactive benefit award only if the total amount of the fee is contingent upon the claim being resolved in favor of the appellant.

Compromise agreement: Section 504 follows the Senate bill.

Codification herbicide-exposure presumptions Established administratively

Current law: The Agency Orange Act of 1991, Public Law 102-4, enacted on February 6, 1991, established a statutory presumption of service connection for three conditions resulting from exposure to herbicides in the Republic of Vietnam during the Vietnam era: chloracne, soft-tissue sarcoma, and non-Hodgkin's lymphoma. In addition, the act required VA to contract with the National Academy of Sciences for a review of the scientific literature on the health effects of exposure to herbicides. NAS was required to report its findings to the Secretary, who then was required to decide whether presumptions of service connection should be established for any of the conditions considered by NAS. In 1993, following the submission by NAS of the first report under the act, the Secretary announced decisions to add to the presumptive list Hodgkin's disease, porphyria cutanea tarda, respiratory cancers (lung, trachea, bronchus, and larynx), and multiple myeloma. VA has finalized regulations to implement these decisions, found in section 3.309(e) of title 38, Code of Federal Regulations.

House bill: Section 201 of H.R. 4088 would amend section 1116 of title 38 to codify the presumptions of service connection based on exposure to herbicides for Hodgkin's disease, porphyria cutanea tarda, respiratory cancers (lung, trachea, bronchus, and larynx), and multiple myeloma established administratively by the Secretary.

Senate bill: No comparable provision.

Compromise agreement: Section 505 follows the House bill.

Treatment of certain income of Alaska natives for Purposes of Needs-based benefits

Current law: Under current law, VA pays disability pension to non-service-connected wartime veterans whose annual incomes fall below levels specified in section 1521 of title 38 and who meet other qualifying criteria specified by statute. For purposes of computing annual income (and, thus, determining eligibility for pension and the amount of benefits paid), VA takes into account "all payments of any kind or from any source" received by the veteran, except as specified in section 1503 of title 38, or as otherwise excepted by law.

The Alaska Natives Claims Settlement Act, Public Law 92-203, codified at 43 U.S.C. section 1601 et seq. (ANCSA), sets forth the provisions under which the aboriginal land claims of Alaska's Native peoples were settled. ANCSA authorized the creation of 12 Native-owned and -operated regional corporations to administer assets transferred under the act for the benefit of Alaska Native shareholders. These corporations continue to exist today, and they distribute funds received in settlement of Native land claims and funds generated from corporate earnings to native village corporations and to Alaska Native shareholders.

House bill: No comparable provision.

Senate bill: Section 5 of S. 1626 would amend section 1503(a) by adding a new paragraph (11), to exclude payments received from Alaska Native corporations under ANCSA from the calculation of income for purposes of determining eligibility for VA pension, but only to the extent that these payments are excluded for purposes of other means-tested Federal benefits programs as specified in ANCSA.

Compromise agreement: Section 506 would establish a freestanding provision of law which reflects the intent of the Senate bill.

Elimination of requirement for payment of certain benefits in Philippine Pesos

Current law: Sections 107, 3532(d) and 3565(b)(1) of title 38, provide that VA benefits paid to certain eligible veterans in the Republic of the Philippines will be paid in Philippine pesos.

House bill: No comparable provision.

Senate bill: Section 402 of S. 2325 would amend sections 107, 3532(d), and 3565(b)(1) of title 38 to eliminate the requirement that certain VA benefits paid to eligible veterans in the Republic of the Philippines be paid in pesos, thereby allowing VA to issue regulations in order to comply with the requests of the Departments of State and Treasury that such restrictions be eliminated.

Compromise agreement: Section 507 follows the Senate bill.

Study of health consequences for family members of Atomic Veterans of Exposure of Atomic Veterans to ionizing radiation

Current law: There is no provision in current law relating to a study of the family members of atomic veterans.

House bill: No comparable provision.

Senate bill: Section 401 of S. 2325 would require the VA to enter into a contract with the Medical Follow-up Agency of the National Academy of Sciences, or a similar research entity, to convene an expert panel to determine the feasibility of a study of reproductive problems among atomic veterans. MFUA would be required to convene the panel and report their findings to Congress within 180 days. If MFUA concludes that such a study would be feasible, VA would be required to seek to enter into a contract with MFUA or a similar research entity to conduct such a study.

Compromise agreement: Section 509 is derived from the Senate provision but would delete the authorization for the research project itself, while maintaining the requirement that VA enter into a contract with MFUA to convene an expert panel to determine the feasibility of such research.

Center for Minority Veterans and Center for Women Veterans

Current law: Section 317 of title 38 requires the Secretary to designate one Assistant Secretary as VA's Chief Minority Affairs Officer (CMAO) with overall responsibility for assessing the needs of minority and women veterans, and for evaluating VA policies, regulations, programs, and other activities as they affect such veterans. Section 542 of title 38 establishes a VA Advisory Committee on Women Veterans and requires that the Committee consist of representatives of women veterans, experts in fields pertinent to the needs of women veterans, and representatives of both male and female veterans with service-connected disabilities.

House bill: H.R. 3013 would add a new section to Chapter 3 of title 38 to (a) establish a Center for Women Veterans in the Department of Veterans Affairs; (b) provide that the Director of the Center would report directly to the Secretary or the Deputy Secretary concerning the activities of the Center; (c) specify the functions for which the Director would be responsible; (d) require the Secretary to ensure that the Director is furnished with sufficient resources in order to carry out the functions of the Center in a timely manner; and (e) require that VA's documents regarding the budget include information about the Center.

Senate bill: S. 2429 would (a) create an Office for Minority Veterans which is similar in structure and purpose to the Center for Women Veterans in the House bill, in order to assist minority veterans; (b) establish an Advisory Committee on Minority Veterans; (c) designate a minority veterans representative at each VA facility; (d) create an Office for Women Veterans, which is substantively identical to the Center for Women Veterans established in the House bill; and (e) require that a representative of women veterans who have served in combat and a representative of those who have not served in combat serve on the Advisory Committee on Women Veterans.

Compromise agreement: Section 509 contains provisions derived from the House bill and the Senate bill which would establish a Center for Minority Veterans and a Center for Women Veterans.

Advisory Committee on Minority Veterans

Current law: There is no current law regarding the establishment of a VA Advisory Committee for Minority Veterans.

House bill: No comparable provision.

Senate bill: Section 2 of S. 2429 would (a) require the Secretary to establish an Advisory Committee for Minority Veterans; (b) require the Committee membership to represent certain groups relating to minority veterans; and (c) require the Committee to submit a report to the Secretary, not later than July 1 of each even-numbered year, which assesses the needs of and programs for minority veterans, and require the Secretary to share this report with Congress.

Compromise agreement: Section 510 follows the Senate bill, except that the statutory requirement to have an Advisory Committee for Minority Veterans would be for a period of three years.

Mailing of Notices of Appeal to the Court of Veterans Appeals

Current law: Under section 7266 of title 38, in order to obtain review of a final BVA decision by the United States Court of Veterans Appeals, an appellant must file a notice of appeal with the Court within 120 days after the date on which the notice of the BVA decision is mailed under section 7104(e). The Court implemented this statutory provision through adoption of Rule 4 of the Court's Rules of Practice and Procedure, which requires that a notice of appeal must actually be received by the Court within the statutory time limit in order to be timely filed. In a series of decisions, the Court has dismissed for lack of jurisdiction appeals that were mailed before, but received by the Court after, the 120-day limit had expired. (See, e.g., *DiDonato* v. *Derwinski*, 2 Vet. App. 42 (1991)).

Rule 4 of the Court's Rules of Practice and Procedure also allows the filing of a notice of appeal by "facsimile or other printed electronic transmission."

House bill: No comparable provision.

Senate bill: Section 3 of the S. 1546 would amend section 7266(a) of title 38 to require that a notice of appeal be deemed received by the Court on the date it is postmarked, if it is mailed. Only legible United States Postal Service postmarks would be sufficient. The Court's determination as to the legibility of a postmark would be final and not subject to review by any other court.

Under amended section 7266(a), if a notice of appeal is delivered to the Court (for example, by private courier or delivery service), it would be considered timely filed if it is received by the Court within the 120-day limit established by Congress.

Section 3(b) of the Senate bill would provide that the effective date of the amendment to section 7266(a) would be the date of the enactment of the act and would apply only to notices of appeal delivered or mailed to the Court on or after that date.

Compromise agreement: Section 511 follows the Senate bill, except that it also would require specifically that the notice of appeal be properly addressed to the Court.

TITLE VI—EDUCATION AND TRAINING PROGRAMS

Flight training

Current law: Sections 3034(d) and 3241(b) of title 38, and Section 2136(c) of title 10, allow eligible persons to use VA educational benefits for approved programs of vocational flight training commencing before October 1, 1994.

House bill: Section 2 of H.R. 4768 would establish vocational flight training as a permanent program under chapters 30 and 32 of title 38, and chapter 106 of title 10.

Senate bill: Section 1 of S. 2094 is substantively identical to the House provision, except that the Senate bill specifies that the provision would take effect on October 1, 1994.

Compromise agreement: Section 601 follows the Senate bill.

Training and Rehabilitation for Veterans with Service-connected disabilities

Current law: Section 3115 of title 38 authorizes vocational rehabilitation programs providing training or work experience for service-disabled veterans to be implemented through Federal, State, city, and local governments.

House bill: Section 3 of H.R. 4768 authorizes the use of Indian reservations for the purposes of section 3115 of title 38, in order to allow eligible veterans to participate in nonpay programs of on-the-job training on Indian reservations.

Senate bill: No comparable provision.

Compromise agreement: Section 602 follows the House bill.

Alternative teacher certification programs

Current law: Section 3452(c) of title 38 defines the term "educational institution" for the purposes of chapters 34 and 36 of title 38.

House bill: Section 4 of H.R. 4768 would add to the definition of the term "educational institution" as described in section 3452(c), for the purposes of chapters 34 and 36, entities which provide training required for completion of any State-approved alternative teacher certification program as determined by the Secretary, effective upon enactment for the period ending September 30, 1996.

Senate bill: No comparable provision.

Compromise agreement: Section 603 follows the House bill.

Education outside the United States

Current law: Section 3476 of title 38 denies education benefits to eligible individuals who pursue a course of education not in a State unless that course is pursued at an approved institution of higher learning and the course if approved by the Secretary.

House bill: Section 5 of H.R. 4768 would amend section 3476 to remove the requirement that courses offered by approved foreign universities and colleges be located at the site of the approved institution in order for such courses to be eligible for approval by the Secretary.

Senate bill: No comparable provision.

Compromise agreement: Section 604 follows the House bill.

Correspondence courses

Current law: Section 3672 of title 38 does not specifically address the requirements for approval of correspondence or combination correspondence-residence programs or courses.

House bill: Section 6 of H.R. 4768 would add to section 3672 of title 38 a provision requiring that a correspondence program or combination correspondence-residence course is eligible for approval by State Approving Agencies only if the educational institution offering such program or course is accredited by an agency recognized by the Secretary of Education. This section would also add a provision to section 3672 requiring that no less than 50 percent of the graduates of any such program or course take a minimum of 6 months to complete the program or course.

Senate bill: No comparable provision.

Compromise agreement: Section 605 follows the House bill except that the word "agency" is changed to "entity."

State approving agencies

Current law: Section 3674(a)(4) of title 38, relating to payments by VA to State and local agencies for reasonable expenses associated with approval of courses of education, limits the total amount made available under that section to $12,000,000 per fiscal year. Section 3674A(a)(3) requires the Secretary to functionally supervise course approval services.

House bill: Section 7 of H.R. 4768 would amend section 3674(a)(4) to increase the maximum amount available under the section to $13,000,000 per fiscal year, and would strike sections 3674A(a)(3)(B) and 3674(a)(3), thereby eliminating the reporting and supervision requirements contained therein.

Senate bill: No comparable provision.

Compromise agreement: Section 606 follows the House bill.

Measurement of Courses

Current law: Under Section 3688(b) of title 38, the Secretary defines full and part-time training for purposes of courses pursued under chapter 30, 32, 35, or 36.

House bill: Section 8 of H.R. 4768 would add chapter 106 of title 10 to the sources of educational and training benefits for which the Secretary will define full and part-time training.

Senate bill: No comparable provision.

Compromise agreement: Section 607 follows the House bill.

Veterans' Advisory Committee on Education

Current law: Section 3692 of title 38 establishes a Veterans' Advisory Committee on Education which shall remain in existence until December 31, 1994. The Secretary is required to consult with and seek the advice of the committee with respect to the administration of chapters 30, 32, 34, 35, and 36 of title 38.

House bill: Section 9 of H.R. 4768 would extend the Advisory Committee until December 31, 2003, and make technical changes to the Committee's mandate.

Senate bill: No comparable provision.

Compromise agreement: Section 608 follows the House bill.

Contract Educational and Vocational Counseling

Current law: Section 3697(b) of title 38 limits payments made under section 3697 for contractual educational and vocational counseling services to $5,000,000 in any fiscal year.

House bill: Section 10 of H.R. 4768 would amend section 3697(b) to raise the payment limitation to "$6,000,000," effective October 1, 1994.

Senate bill: No comparable provision.

Compromise agreement: Section 609 follows the House bill.

Service Members Occupational Conversion and Training Act of 1992

Current law: The Service Members Occupational Conversion and Training Act (SMOCTA), enacted by Public Law 102-484, authorizes payment of a subsidy to employers who train recently separated service members who are unemployed, whose military skills do not transfer to the civilian job market, or who are disabled. The subsidy is 50 percent of the starting training wage payable over a period of 18 months up to a maximum of $10,000 ($12,000 for disabled veterans). Under current law, the 18-month limitation on payment of the subsidy is phrased in terms of an 18-month limit on the period of training.

House bill: Section 11 of H.R. 4768 would allow the employer and veteran to agree to a training program that lasts longer than 18 months, but with no payment of a subsidy for the extended training period. The provision would also: a) Clarify that the requirement in current law that employers pay a comparable wage refers to wages paid in the community where the veteran is being trained; b) clarify that payment of the subsidy is limited to an 18-month period, or the equivalent where the length of a training program is calculated in hours; c) amend the requirement that a portion of the reimbursement be retained until the 4th month of the veteran's employment by also permitting payment 4 months after completion of the 18th month of training, whichever is earlier; d) allow a trainee to switch into an alternative approved training program with the employer; and e) permit an eligible veteran to begin an approved training program on the date that the notice of approval is transmitted.

Senate bill: Section 2 of S. 2094 is substantively identical to the House provision, except that: a) The amount of payment an employer may receive would be measured in the number of hours equivalent to 18 months, rather than in months; b) the provision for retaining a portion of the reimbursement until the fourth month of employment would not be changed; c) and the limit on assistance paid to employers would include amounts received but not amounts due.

Compromise agreement: Section 610 follows the House bill except that it includes the Senate provision which measures the amount of payment an employer may receive in the number of hours equivalent to 18 months.

TITLE VII—EMPLOYMENT PROGRAMS

Job counseling, training, and placement

Deputy assistant secretary of labor for veterans' employment and training

Current law: There is no provision in law for a Deputy Assistant Secretary for Veterans' Employment and Training.

House bill: Section 2(a) of H.R. 4776 provides that there shall be a Deputy Assistant Secretary of Labor for Veterans' Employment and Training who shall perform such duties as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes, that the position shall be a career position, and that the Deputy Assistant Secretary shall be a veteran.

Senate bill: No comparable provision.

Compromise agreement: Section 701(a) follows the House provision, except that the Deputy Assistant Secretary for Veterans' Employment and Training shall not be a career position.

DVOP specialists' compensation rates

Current law: Section 4103(a)(1) of title 38 provides that compensation for disabled veterans' outreach program (DVOP) specialists shall be set at a rate not less than the rate prescribed for an entry level professional in the State Government of the State in which the DVOP is employed.

House bill; Section 2(b) of H.R. 4776 would require compensation for DVOP's to be set at rates comparable to those paid other professionals in the State Government.

Senate bill: No comparable provision.

Compromise agreement: Section 701(b) follows the House provision with an addition providing that compensation shall be set at rates comparable to those paid other professionals performing essentially similar duties.

Special unemployment study

Current law: Section 4110A requires the Secretary, through the Bureau of Labor Statistics, to conduct a biennial study of unemployment among special disabled veterans and veterans who served in the Vietnam theater of operations during the Vietnam era.

House bill: Section 2(c) of H.R. 4776 expands the scope of the study to include veterans who served after the Vietnam era and veterans discharged or released from active duty within the 4 years prior to the study, and requires that information regarding women veterans shall be compiled for each category.

Senate bill: No comparable provision.

Compromise agreement: Section 701(c) provides that the scope of the study shall be expanded to include veterans of the Vietnam era who served outside of the theater of operations, veterans who served after the Vietnam era, and veterans discharged or released from active duty within the 4 years prior to the study. It requires that, for each of the classifications of veterans, there shall be a category for women veterans.

The Committees recognize that the Bureau of Labor Statistics uses a survey methodology that produces a small sample size for women veterans.

Employment and Training of Veterans

Federal contracts

Current law: Section 4212(a) of title 38 requires, among other things, that the President promulgate regulations which require Federal contractors to list all "suitable" job openings with the local employment service office.

House bill: Section 3(a)(1)(C) of H.R. 4776 would strike the word "suitable" from section 4212(a).

Senate bill: No comparable provision.

Compromise agreement: Section 702(a) would amend section 4212(a) to require Federal contractors to immediately list all open positions except executive and top management positions, those positions that will be filled from within the contractor's organization, and positions lasting three days or less.

It is the Committees' intent that Federal contractors may not exclude from the listings positions at the middle management and supervisory level.

Eligibility requirements for veterans under federal employment and training programs

Current Law: Section 4213 of title 38 excludes certain pay and other amounts received by veterans and eligible persons when determining the needs or qualifications of participants in employment or training programs financed in whole or in part with Federal funds.

House bill: Section 3(b) of H.R. 4776 would add benefits received under chapter 30 of title 38 and chapter 106 of title 10 to the amounts disregarded pursuant to section 4213, and would delete reference to chapter 34.

Senate bill: No comparable provision.

Compromise agreement: Section 702(b) follows the House bill, and, in addition, would delete the words "the needs or qualifications of participants in" in section 4213, and would insert, in lieu thereof, the words "eligibility under."

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

Eligibility for Burial in National Cemeteries of Spouses who Predecease Veterans

Current law: Section 2402 of title 38 specifies who is eligible to be buried in an open national cemetery. The Veterans' Benefits Improvement and Health Care Authorization Act of 1986, Public Law 99-576, made a technical correction in section 5 in order to make the section gender neutral. However, the change unintentionally deleted the statutory eligibility for burial in a national cemetery for a veteran's spouse who predeceases the veteran.

House bill: No comparable provision.

Senate bill: Section 403 of S. 2325 would restore the statutory eligibility for burial in national cemeteries of spouses who predecease veterans eligible for such burial.

Compromise agreement: Section 801 follows the Senate bill.

Restoration of burial eligibility for unremarried spouses

Current law: Section 2402 of title 38 permits the surviving spouse of a veteran to be buried in any open national cemetery. The term "surviving spouse" is currently defined in section 101(3) of title 38 as one who is the spouse of a veteran at the time of the veteran's death and who has not remarried. Section 8004 of the Omnibus Reconciliation Act of 1990, Public Law 101-508, precluded eligibility for certain benefits under title 38, including eligibility for burial in national cemeteries, for remarried surviving spouses whose subsequent marriages were ended by death or divorce.

House bill: Section 4 of H.R. 3456 would reinstate eligibility for burial in national cemeteries of surviving spouses whose subsequent marriage ended by death or divorce.

Senate bill: No comparable provision.

Compromise agreement: Section 802 follows the House bill.

Extension of authorization of appropriations for State cemetery grant program

Current law: Section 2408(a)(2) of title 38 authorizes appropriations of such funds as may be necessary for fiscal year 1985, and for each of the 9 succeeding fiscal years, for the purpose of making grants to any State in establishing, expanding, or improving veterans' cemeteries owned by such State.

House bill: Section 7 of H.R. 949 would extend the authorization of appropriations for the State Cemetery Grants Program from September 30, 1994, to September 30, 1999.

Senate bill: No comparable provision.

Compromise agreement: Section 803 follows the House bill.

Authority to use flat grave markers at the Willamette National Cemetery, Oregon

Current law: Section 2404(c)(2) of title 38 requires that all grave markers in national cemeteries be upright for interments on or after January 1, 1987, except that flat grave markers may be used (a) in any section of a cemetery that used flat grave markers prior to October 28, 1986, (b) in any cemetery located on the grounds of or adjacent to a VA health care facility, or (c) at those grave sites where cremated remains are interred.

House bill: No comparable provision.

Senate bill: Section 404 of S. 2325 would authorize the use of flat grave markers at the Willamette National Cemetery in Oregon, notwithstanding section 2404(c)(2) of title 38.

Compromise agreement: Section 804 follows the Senate bill.

TITLE IX—HOUSING PROGRAMS

Eligibility

Current law: Subsections (b)(2) and (b)(5)(A) of section 3701 of title 38 expand the definition of the term "veteran" for purposes of chapter 37.

House bill: Section 1 of H.R. 4724 would add to the definition of veteran, persons discharged or released from the Selected Reserves before completing 6 years of service because of a service-connected disability, and would extend eligibility to surviving spouses of reservists who died on active duty or due to a service-connected disability.

Senate bill: No comparable provision.

Compromise agreement: Section 901 follows the House bill.

Revision in computation of aggregate guaranty

Current law: Section 3702 of title 38 provides for the calculation of the loan guaranty entitlement. Subsection (b)(1)(A) of section 3702 requires that any home acquired with a VA-guaranteed loan must have been disposed of or destroyed as one precondition to the restoration of entitlement.

House bill: No comparable provision.

Senate bill: Section 2 of S. 1626 would eliminate the precondition to restoration of loan guaranty entitlement provided for in subsection 3702(b)(91)(A).

Compromise agreement: Section 902 follows the Senate bill, but provides that the Secretary may waive the precondition to restoration of loan guaranty entitlement contained in subsection 3702(b)(1)(A) once for each veteran.

Public and community water and sewerage systems

Current law: Section 3704(e) of title 38 prohibits VA from guaranteeing a loan to purchase or construct a home not served by public water and sewerage systems where such service is certified as economically feasible.

House bill: Section 4 of H.R. 4724 would eliminate the prohibition contained in section 3704(e).

Senate bill: No comparable provision.

Compromise agreement: Section 903 follows the House bill.

Authority to guarantee home refinance loans for energy efficiency improvements

Current law: Section 3710 of title 38 identifies the types of loans that may be guaranteed under the VA home loan program, and establishes certain conditions and restrictions with respect to such loans.

House bill: Section 3(a) of H.R. 4724 would allow for the costs of energy efficiency improvements to be added to the loan balance in connection with a loan refinanced for the purpose of reducing the interest rate.

Senate bill: Section 3 of S. 1626 would allow for the costs of energy efficiency improvements to be added to the balance of a loan being refinanced, and would provide an exception for such purposes from the maximum loan amount as provided in section 3710(e)(1)(C).

Compromise agreement: Section 904 follows both bills, except that it includes the exception to the maximum loan amount in a refinance as provided in the Senate bill.

Authority to guarantee loans to refinance adjustable rate mortgages to fixed rate mortgages

Current law: Subsection 3710(e)(1)(A) of title 38 requires that the interest rate of a loan which is guaranteed in order to refinance an existing loan must be lower than the rate of the loan which is being refinanced.

House bill: Section 3(b) of H.R. 4724 would authorize the refinancing of adjustable rate mortgage loans to fixed rate mortgage loans at a higher interest rate.

Senate bill: No comparable provision.

Compromise agreement: Section 905 follows the House bill.

Manufactured home loan inspections

Current law: Section 3712(h)(2)(a) of title 38 requires the Secretary to make certain inspections with respect to the financing of loans for the purchase of manufactured housing.

House bill: Section 4 of H.R. 4724 would eliminate VA inspection requirements under section 3712(h)(2)(A), and would provide that manufactured housing that is certified to conform to standards under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be deemed in compliance with requirements of subsection 3712(h)(1).

Senate bill: No comparable provision.

Compromise agreement: Section 906 follows the House bill.

Procedures on default

Current law: Section 3732(c) of title 38 permits the Secretary to acquire property from a loan holder who has purchased the property at foreclosure for a price not exceeding the lesser of the net value of the property or the total indebtedness.

House bill: Section 5 of H.R. 4724 would permit VA to acquire property from the lender at the price provided for under current law, despite the fact that the lender's bid at the foreclosure sale might have exceeded that price.

Senate bill: No comparable provision.

Compromise agreement: Section 907 follows the House bill.

Minimum active-duty service requirement

Current law: Section 5303A establishes, with certain exceptions, a minimum of 24 months of active duty service for eligibility for benefits under title 38.

House bill: Section 6 of H.R. 4724 would add an exception from the 2-year minimum service requirement with respect to eligibility under chapter 37 of title 38 for service members discharged because of a reduction in force.

Senate bill: No comparable provision.

Compromise agreement: Section 908 follows the House bill.

TITLE X—HOMELESS VETERANS PROGRAMS

Reports on activities of the Department of Veterans Affairs to assist homeless veterans

Current law: Section 10 of the Homeless Veterans Comprehensive Service Programs Act of 1992, Public Law 102-590, requires VA to submit, no later than May 1 of each year 1994, 1995, and 1996, reports to the Senate and House Committees on Veterans' Affairs on the implementation of that act, including the numbers of veterans served, the services provided, and an analysis of the clinical value and cost effectiveness of the programs authorized under that act. However, there is no other provision in current law that requires VA to submit a report to Congress on all of the Department's activities to assist homeless veterans.

House bill: No comparable provision.

Senate bill: Section 105 of S. 2325 would require VA to submit an annual report by April 15 on its activities to assist homeless veterans, including information on the numbers of homeless veterans served and the costs to the Department of its activities, and to report biannually on the effectiveness of these activities.

Compromise agreement: Section 1001 follows the Senate bill and repeals the reporting requirement under section 10 of Public Law 102-590.

It is the Committees' intention that the information that VA is required to furnish to the Committees under section 10 of Public Law 102-590 would be contained, along with other matters, in the reports required under this section of the compromise agreement.

Report on assessment and plans for response to needs of homeless veterans

Current law: Section 107 of the Veterans' Medical Programs Amendments of 1992, Public Law 102-405, enacted on October 9, 1992, requires the Secretary to assess programs developed by VA facilities which have been designed to assist homeless veterans. In carrying out this assessment, the Secretary is directed to require the director of each VA medical center and regional office (a) to assess the needs of homeless veterans within the area served by the facility, including veterans' needs for health care, education and training, employment, shelter, counseling, and outreach services; and (b) to develop, along with other local officials and providers of services to the homeless, a list of all public and private programs to assist homeless persons in the areas served by the VA facilities. Public law 102-405 does not set a date for submission of this report.

House bill: No comparable provision.

Senate bill: Section 106 of S. 2325 would require VA to submit the report described above to the Senate and House Committees on Veterans' Affairs by December 31, 1994, and update this report annually thereafter, through December 31, 1997.

Compromise agreement: Section 1002 follows the Senate bill.

Increase in number of demonstration programs under Homeless Veterans Comprehensive Service Programs Act of 1992

Current law: Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992, Public Law 102-590, requires VA to establish no more than four demonstration programs to be centers for the provision of comprehensive services to homeless veterans.

House bill: No comparable provision.

Senate bill: Section 108(a) of S. 2325 would raise the limit on the number of comprehensive homeless centers that VA may establish from 4 to 12.

Compromise agreement: Section 1003 follows the Senate bill, except that the limit would be raised to eight centers.

Removal of funding requirement of Homeless Veterans Comprehensive Service Programs Act of 1992

Current law: Section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992, Public Law 102-590, specifies that no funds may be used to carry out certain provisions in that law unless expressly provided for in an appropriations statute.

House bill: Section 8 of H.R. 949 would delete this requirement.

Senate bill: Section 108(b) of S. 2325 is identical to the House bill.

Compromise agreement: Section 1004 contains this provision.

Sense of Congress

House resolution: H. Res. 503 would express the sense of the House of Representatives that Congress, in providing funds for any fiscal year for programs to assist homeless individuals, should ensure that these funds are fairly apportioned for homeless veterans to help return homeless veterans to selfsufficient and productive lives.

Senate bill: No comparable provision.

Compromise agreement: Section 1005 is derived from the House resolution and would express that it is the sense of the Congress that (a) of the funds appropriated for any fiscal year for programs to assist homeless individuals, a share more closely approximating the proportion of the population of homeless individuals who are veterans should be appropriated to VA for VA homeless programs; (b) of the Federal grants made available to assist community organizations that assist homeless individuals, a share of such grants more closely approximating the proportion of the population of homeless individuals who are veterans should be provided to community organizations that provide assistance primarily to homeless veterans; and (c) the Secretary should encourage Federal agencies that assist homeless individuals, including homeless veterans, to be aware of and make appropriate referrals to VA for benefits, such as health care, substance abuse treatment, counseling, and income assistance.

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

Requirement for minimum number of full-time equivalent positions

Current law: There is no provision in current law relating to the specific number of personnel in VA.

Section 5(b) of the Federal Workforce Restructuring Act of 1994, Public Law 103-226, requires the President, through the Director of the Office of Management and Budget, to ensure that the total number of full-time equivalent employees (FTEE) in all Federal agencies not exceed specified levels set for each of fiscal years 1994 through 1999. The Office of Management and Budget has the authority to determine how and from where these cuts will be taken.

House bill: Section 2 of H.R. 4013 would (a) prohibit, during fiscal years 1995 to 1999, any reduction in the number of FTEE in the Veterans Health Administration (VHA) other than as specifically required by a law directing a reduction in personnel from VHA or by the availability of funds; and (b) require that the personnel of VHA be managed on the basis of the needs of eligible veterans and the availability of funds. Section 3 of H.R. 4013 would require the Secretary to submit, not later than January 15, 1995, a report to the Senate and House Committees on Veterans' Affairs on streamlining activities in VHA.

Senate bill: Section 7 of S. 2330 would limit the number of FTEE cuts in VA over the next 5 years, and impose certain requirements relating to VA personnel.

Specifically, section 7(b) would set the number of FTEE in VA between the date of enactment of this measure and September 30, 1999, at 224,377 (which is 10,051 FTEE lower than VA's personnel level during fiscal year 1993).

Section 7(c) would require that, in determining the number of FTEE in VA during a fiscal year for purposes of achieving Federal workforce reductions, as required by section 5(b) of Public Law 103-226, only those VA employees whose salaries and benefits are paid with appropriated funds may be counted as VA FTEE. In fiscal year 1993, the administration counted 5,375 positions in VA (including 3,065 in the Veterans Canteen Service, 2,066 in the Medical Care Cost Recovery program, and 244 in the Medical Center Research Organizations) that were paid with funds other than federally appropriated funds.

Section 7(d) would allow the level of VA FTEE to fall below 224,377 if cuts are necessary due to a reduction in funds available to the Department, or if a law enacted after the enactment of this measure specifically requires additional cuts.

Section 7(e) would require the Secretary to submit an annual report, through the year 2000, to the Senate and House Committees on Veterans' Affairs that describes the numbers and positions of all VA employees cut and the rationale behind such cuts. This information would be required to be contained in the annual President's budget submitted to Congress pursuant to section 1105 of title 31, United States Code.

Compromise agreement: Section 1102 follows the Senate bill.

The Committees believe that, for purposes of determining an accurate estimate of the number of Federal employees in VA, those employees whose salaries and benefits are not paid with taxpayers' money should not be counted. The Committees note VA's intention to pay 2,218 medical residents in VA medical centers on a contract basis with the residents' medical schools.

The Committees strongly discourage VA from achieving the workforce reduction required under this section by cutting staff in an arbitrary, across-the-board manner. Such arbitrary cuts cause indefensible staffing imbalances among VA programs and facilities, and hurt VA's ability to provide services to veterans. Although this section does not direct the Secretary how to implement personnel reductions, section 7(e) would require VA to share with the Committees the numbers and positions of any personnel cuts, and to justify such cuts. The Committees also believe that section 1103 of the compromise agreement would give VA a mechanism to avoid implementing across-the-board cuts.

Enhanced authority to contract for necessary services

Current law: Subsection 8110(c) of title 38 precludes VA from entering into contracts under which VA direct patient care or activities incident to direct patient care would be converted to activities performed by non-VA providers. For services other than those services, this section requires (a) that VA receive at least two bids from financially autonomous bidders; (b) that the cost to the Government of such contract service over the first 5 years to be 15 percent lower than the cost of Federal employees performing such services; and (c) that the quality and quantity of health care provided to veterans at the facility where such contract work is to be performed would be maintained or enhanced. Before carrying out a study in connection with a decision to consider entering such a contract, VA must submit notice to the appropriate Committees of the Congress of its intention to carry out such a study.

House bill: No comparable provision.

Senate bill: Section 8 of S. 2330 would (a) waive, during fiscal years 1995 to 1999, the limitations provided for under section 8110(c) of title 38; (b) require the Secretary to ensure that, in any contract for services that had been provided by VA employees, the contractor give priority to former VA employees who were displaced by the award of the contract; and (c) require the Secretary to provide to such former VA employees all possible assistance in obtaining other Federal employment or entrance into job training programs.

Compromise agreement: Section 1103 follows the Senate bill. The Committees note that providing VA enhanced authority to contract for services will assist VA in achieving its workforce reduction.

Study

Current law: No provision in current law requires a study of the feasibility and advisability of alternative organizational structures, such as the establishment of a quasi-Government corporation, to provide health care to veterans.

House bill: No comparable provision.

Senate bill: Section 9 of S. 2330 would (a) require the Secretary to contract with an appropriate non-Federal entity to study and report to Congress on the feasibility and advisability of alternative organizational structures, such as the establishment of a quasi-Government corporation, to provide health care services to veterans; and (b) authorize appropriations of $1 million for this purpose.

Compromise agreement: Section 1104 follows the Senate bill.

The Committees intend by this provision to draw on the expertise of an independent management consultant to study and assess the management structures and organization of the VA health care delivery system with particular reference to the likelihood that VA will need to compete with private health care providers. The Committees anticipate receiving a detailed evaluation of VA from a business perspective and recommendations on how VA's health care system might be improved and altered, if appropriate, to provide the highest quality medical services to our Nation's veterans in the most effective and efficient manner possible. It is the Committees' view that certain aspects of VA's health delivery system likely could operate more like nongovernment businesses.

Any analysis of VA's health care system must be made in the context of VA's overall mission to help veterans, especially those with service-connected disabilities. In this context, the Committees note that there are many aspects of VA that should and must remain federally funded and centrally administered, particularly programs to assist veterans who suffer from post-traumatic stress disorder, spinal cord dysfunction, or who need blind rehabilitation. VA provides a public good—a necessity which may or may not be adaptable to a competitive business environment. This study would attempt to find the most effective and efficient health delivery mechanism given this reality.

Mr. AKAKA. Mr. President, I rise in strong support of the pending measure, H.R. 4386, the Veterans Benefits Improvement Act of 1994. This is an omnibus measure that includes initiatives that have been considered and approved by the Senate Veterans' Affairs Committee.

Most importantly, this bill authorizes disability compensation for illnesses attributed to service during the Persian Gulf War; it also authorizes an outreach program to inform veterans and their families of research and other information relating to Persian Gulf syndrome. These provisions are based on separate legislation introduced by the distinguished chairman of the Committee, Senator ROCKEFELLER, and by my friend and colleague, Senator DASCHLE. Both deserve credit for making the health of Persian Gulf veterans a top priority of the 103rd Congress.

In addition, H.R. 4386 contains a provision that enables the President to continue efforts to downsize government, but wisely limits the number of personnel cuts that can be implemented at VA. The bill also makes various improvements relating to VA's adjudication system, education and training programs, burial benefits, and home loan guaranty program.

As the author of the underlying legislation, I note that H.R. 4386 incorporates provisions of S. 2305, the Veterans Law Judge Act of 1994, which I introduced earlier this year. S. 2305 called for re-establishing the historical parity in compensation which existed between members of the Board of Veterans Appeals and administrative law judges [ALJs] until 1990, when Congress raised the pay of ALJs above that of Board members. S. 2305 also provided for the reappointment of Board members at the expiration of their statutory 9-year terms, unless they were unable to meet certain performance criteria.

As called for under S. 2305, H.R. 4386 restores pay equity between Board members and ALJs; however, unlike my bill, the omnibus measure eliminates term limits for Board members altogether. To ensure continued accountability, the compromise measure provides for periodic recertification of Board members.

I believe that the BVA provisions included in H.R. 4386 represent an improvement on my original legislation. By simultaneously raising Board members' pay and eliminating term limits, the pending bill will enable VA to retain experienced Board members and recruit qualified candidates—problems which, if left unaddressed, will deplete the ranks of Board members and further exacerbate an already-enormous claims backlog.

H.R. 4386 also incorporates provisions derived from S. 2529, legislation I introduced on August 25 calling for the establishment in law of a minority veterans office, a women veterans office, and an advisory committee for minority veterans.

Specifically, H.R. 4386 establishes the existing minority and women's offices, which were created administratively pursuant to enactment of the Chief Minority Affairs Officer Act (Public Law 102–218), as statutory entities, redesignates them as "centers", and elevates them from the Assistant Secretary level to the Secretarial level. The omnibus bill also authorizes, for an initial 3 years, the establishment of an advisory committee for minority veterans. The function of this committee is to provide independent oversight of VA activities with respect to minorities—comparable oversight for women's activities is already undertaken by an existing advisory committee for women veterans.

It is my hope that, together, the minority and women veterans centers and minority advisory committee provisions will further raise the visibility of minority and women's issues within the Department, thus ensuring that the special needs and circumstances of these often overlooked groups receive full and appropriate consideration.

Mr. President, in closing, I would like to thank Chairman ROCKEFELLER and his fine staff for their work on this bill, particularly with respect to the BVA and women/minority veterans provisions. I understand that the negotiations with the House on this measure were long and arduous. Senator MURKOWSKI, the ranking member, and his staff also deserve credit for bringing this measure to the floor. This bill is ample proof that the welfare of veterans is not, and should never be, a partisan issue.

Thank you, Mr. President. I yield the floor.

So the bill (H.R. 4386), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD).

MENTAL HEALTH AND SUBSTANCE ABUSE PROGRAMS REAUTHORIZATION ACT

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 698, S. 2352, a bill to reauthorize certain programs relating to the Substance Abuse and Mental Health Services Administration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2352) to amend the Public Health Service Act to reauthorize certain programs relating to the Substance Abuse and Mental Health Services Administration, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2652

Mr. BREAUX. Mr. President, I send a substitute amendment to the desk on behalf of Senators KENNEDY and KASSEBAUM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX], for Mr. KENNEDY for himself and Mrs. KASSEBAUM proposes an amendment numbered 2652:

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. FAILURE TO COMPLY WITH MAINTENANCE OF EFFORT PROVISIONS.

(a) MENTAL HEALTH.—Section 1915(b)(3)(A) of the Public Health Service Act (42 U.S.C. 300x-4(b)(3)(A)) is amended—

(1) by striking "material"; and

(2) by inserting before the period at the end thereof the following: ", except that the Secretary may defer the reduction for a reasonable period of time, but in no event to exceed 1 year, to afford the State an opportunity to correct or mitigate the violation of the agreement that the State made for the preceding year under paragraph (1), and the Secretary shall recalculate the reduction accordingly".

(b) SUBSTANCE ABUSE.—Section 1930(c)(1) of the Public Health Service Act (42 U.S.C. 300x-30(c)(1)) is amended—

(1) by striking "material"; and

(2) by inserting before the period at the end thereof the following: ", except that the Secretary may defer the reduction for a reasonable period of time, but in no event to exceed 1 year, to afford the State an opportunity to correct or mitigate the violation of the agreement that the State made for the preceding year under subsection (a), and the Secretary shall recalculate the reduction accordingly".

SEC. 2. BLOCK GRANTS TO STATES REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE.

Section 205(b) of the ADAMHA Reorganization Act (42 U.S.C. 300x(b) note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2), the following new paragraph:

"(3) FISCAL YEAR 1995.—With respect to an allotment for fiscal year 1995 under section 1911 or 1921, the Secretary shall, upon the request of the chief executive officer of a State, make a transfer as described under paragraph (1) or (2) in the case of any State for which such an allotment for fiscal year 1995 is—

"(A) in the case of an allotment under section 1911, at least 20 percent less than the amount of the allotment for such State under such section for fiscal year 1994; or

"(B) in the case of an allotment under section 1921, at least 20 percent less than the amount of the allotment for such State under such section for fiscal year 1994.".

Mr. KENNEDY. Mr. President, I am pleased to join the ranking member of the Labor Committee, Senator KASSEBAUM, in proposing a substitute amendment to S. 2352. As introduced, S. 2352 was a simple 1-year reauthorization of certain mental health and substance abuse programs in the Department of Health and Human Services. The bill was reported favorably by the Labor Committee in August, but there is not unanimous consent to pass this bill in the Senate.

There is agreement, however, to address two short-term problems in the administration of the mental health substance abuse block grant programs, and this substitute amendment will accomplish that goal.

First, several States are in violation of a provision in current law requiring them to maintain their own substance abuse and mental health expenditures as a condition of receiving Federal funding. Some of these States may have remedied this violation after being notified of it, but current law does not permit subsequent remedial spending to be considered in assessing compliance with the maintenance of effort requirement. Section 1 of the substitute amendment would clarify this requirement and permit the Secretary to consider remedial spending in assessing compliance.

Second, current law does not permit States to transfer money between their substance abuse and mental health allotments in fiscal year 1995, and authority they were granted until this fiscal year. The expiration of the transfer authority is causing hardship to States, such as Vermont, which lose money in fiscal year 1995 under the operation of the current formula. Section 2 of the substitute amendment will extend the transfer for 1 more fiscal year for especially hard-hit States.

I expect the Labor Committee to take up a comprehensive, multiyear reauthorization of these mental health and substance abuse programs next year. In the meantime, I urge my colleagues to support this interim measure.

AMENDMENT NO. 2653

(Purpose: to increase the required rate of cases of AIDS in a State for purposes of the funding agreement concerning prevention and treatment grants)

Mr. SIMPSON. Mr. President, I send an amendment to the desk on behalf of Senator HATCH.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. HATCH, proposes an amendment numbered 2653 to amendment No. 2652:

The amendment is as follows:

At the end of the amendment add the following new sections:

SEC. 3. PREVENTION AND TREATMENT GRANTS.

Section 1924(b)(2) of the Public Health Service Act (42 U.S.C. 300x-24(b)(2)) is amended by striking "10 or more" and inserting "15 or more".

SEC. 4. EFFECTIVE DATE.

This Act shall take effect as if enacted on September 30, 1994.

Mr. HATCH. Mr. President, by way of background. Under current law, States which have an annual incidence of AIDS cases exceeding 10 cases per 100,000, must integrate HIV early intervention services into their substance abuse programs which can be funded by their Substance Abuse and Mental Health Services block grant funds.

Earlier this year, CDC broadened the case definition of AIDS, thereby causing several States which otherwise would not have had to meet the above requirement. States are concerned that the "trigger" of this requirement and the expenditure of funds for the early intervention services would lessen the amount of funds they would have otherwise had available under the block grant.

Amendment: The amendment would raise the "trigger point" from 10 cases per 100,000 to 15 cases per 100,000. The intent is that States which previously did not have to comply with the early intervention provision would not have to do so this year simply because CDC had changed the case definition.

Based on 1993 data, the States this would affect are as follows:

Alaska	11.7
Kansas	14.1
Maine	12.0
Minnesota	14.5
Nebraska	11.1
New Hampshire	11.0
Ohio	14.3
Utah	14.2
Vermont	12.9
Wisconsin	14.5

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. BREAUX. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BREAUX. Mr. President, I think at this time I can safely say there is no more business at this point as if in morning business.

I yield the floor.

Mr. SIMPSON. To Senator GRASSLEY.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Iowa is recognized.

NOMINATION OF BUSTER C. GLOSSON

Mr. GRASSLEY. For the benefit of people who maybe want to speak on any of the subjects that are before the Senate tonight, three nominations and the national park bill, I am going to speak just for 3 or 4 more minutes on Glosson, and then I hope to later on involve myself with some questioning of the chairman of the committee, after he has spoken. I still have not spoken at all on the Barry nomination or the Bolton promotion, and I have in that area a lot of things that I wish to say, as well. So I will be speaking just for 3 or 4 more minutes, finishing up one point that I wish to make on Glosson, and then I intend to yield the floor.

Before I yielded to the distinguished floor managers to take care of a lot of other business, I was complimenting the Armed Services Committee for all the efforts they had put forth to clean up the promotion process and some of the problems connected with it.

I see the Glosson nomination as something sitting there reminding us all the time that this situation has not improved from the problems that were brought up as far back as Secretary Weinberger.

So we have had these three senior Air Force generals step forward and they blew the whistle. They did that at great personal risk.

That is how this whole process is supposed to work. I think that is the way the committee wanted it to work. That is the way it should work. And that is how we want it to work. As General Sullivan testified before the committee when the committee was holding hearings on this subject, honesty in the officer corps depends upon an honest promotion process. I think he was saying that honesty breeds honesty. And honesty is the cornerstone of leadership. A good leadership is key to a strong military force.

All of the committee's hard work will go down the drain, in my estimation, if we let this bad example of Glosson abusing the system, trying to peddle influence—if this nomination goes through and the stamp of approval is on it, it is just like the Senate has turned its back on all those problems that have been so well exposed by the Senate Armed Services Committee. It is just a step backwards. The entire Armed Forces and, most importantly, senior Air Force officers I believe are watching us closely, waiting to see what we do on the Glosson nomination.

Now, as I said earlier, maybe you do not get a clear picture of these junior officers and other military people calling your office and telling you of problems like this, and that Glosson should not get a nomination, and it sends a bad signal—or letters that I have received. Maybe I should not make my judgment that that is the basis for saying that this is a bad example, but I have to draw that conclusion.

I know that because of these many telephone calls and letters that I have received. That is the message I am getting. I think it is loud and clear. If we reject the nomination, I think that would be a stern warning that if anybody is going to tamper with the board, you will get nailed. That would deter others from tampering with selection boards down the road. That is the signal that I believe we in the Senate should be sending when we consider this nomination. If we approve of the Glosson nomination, I think senior officers may say to themselves, well, if Glosson can do it and get away with it, then I am going to do it.

In a sense, Mr. President, this is where the rubber meets the road. Do we hold Glosson accountable and keep trying to bring integrity to the selection process or do we cave in to pressure? Do we reward Glosson and do we forget about integrity in the process?

Mr. President, in my mind, we do not have a choice. We have a responsibility to hold General Glosson accountable for misconduct, as unpleasant as that may be.

Misconduct must have unpleasant consequences. Without accountability, nothing else the Senate does will count for much. All of the fancy words and all of the well-meaning legislation will be nothing more than hollow promises.

Rules must be followed, rules must be enforced, and when rules are broken, those responsible must be held accountable. That is where we are with the Glosson nomination. General Glosson broke the rules. It seems to me he must face the music. Confirmation by the Senate is a reward and an honor, a reward and an honor given only to those who have demonstrated the highest levels of integrity and outstanding performance of duty.

Lt. Gen. Buster Glosson does not meet those standards. General Glosson does not deserve the honor of Senate confirmation.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Idaho.

THE FOREST HEALTH OF THE WEST

Mr. CRAIG. Mr. President, for a few moments this evening I would like to visit with the Senate about a problem that is plaguing the intermountain West that I believe this administration is not willing to address or be responsive to.

I say that in your presence, Mr. President, because it is fortuitous that you are in the chair at this moment in time because on August 29 you came to Boise with me and brought along the Forestry Subcommittee of the Senate Agriculture Committee, which you chair. At that time we held some very critical hearings in Idaho pertaining to the forest health of the West, and especially the intermountain West, an area of the Western United States that for the last 8 years has been plagued with an unprecedented drought that has plunged the forests of that area of Montana, Idaho, Oregon, Washington, and northern California into a tremendous state of illness that has in part produced the tragedy and the catastrophic events of this past summer.

What am I talking about? As the chairman knows, in August when he flew into Boise, ID, he flew across a blanket of smoke that was spread across the Western States from Oregon to Yellowstone and through Wyoming that was a product of forest fires that were burning at an unprecedented rate in total acreage that region of the country had never witnessed. Over 3.7 million acres of forested lands and rangelands burned in the States that I have just mentioned this past summer.

As we speak in the early part of October, fires are still smoldering in the unroaded forested areas of Idaho only to be put out by the snows that are beginning to fall in the high country of the Bitterroots and the Rockies of this inland area. Three point seven million acres of land, primarily forested land, has burned; 26 firefighters have lost their lives; $700 million in fire suppression costs have been extended to date and 5 billion board feet of timber—5 billion board feet of timber—have been tremendously damaged or destroyed.

Those were the statistics that were building on August 29 when you, Mr. President, and I held that hearing in Boise, ID. It was at that time that the chief of the Forest Service Jack Ward Thomas came before that hearing to announce a western forestry health initiative that he was going to put together in a team-like fashion to deal with the forest health problem that that hearing was speaking to and that you and I have been concerned about for nearly a year now as we held hearings and attempted to examine what the condition of these forests were, not just in my State or in that region, but in your own region, and also to understand what kinds of practices and policies were coming forth from the U.S. Forest Service that might in some way begin to alleviate this catastrophic problem.

The chief said at that time:

> I will put together a western forest health initiative team, and I will report to you initial recommendations by September 30.

It takes a simple glance at the calendar to know that September 30 has come and gone. And it was then because of that concern that staffs of myself, you, Senator DASCHLE, Senator LUGAR and Senator LEAHY arranged for a briefing on this very subject on the 4th of October of this past week. The Forest Service sent an individual to the Hill who, in my opinion, had never had any experience on the ground, and suggested to us that they were not ready yet to make their presentation, that it was proprietary information, and that sometime in the future, 30 or 40 days out, they might consider the possibility of being able to make their first presentation to us.

I would guess, Mr. President, that in the normal span of time that sounds a little reasonable; 30 to 40 days off from the mark that the chief had set for himself and for us on August 29.

Why then am I here at this late hour of the session talking about this issue? The reason I am or for all the figures that I have just given, the 3.7 million acres of land that has been destroyed or damaged, the 26 forest fighters' lives that were lost, the $700 million spent in fire suppression, but more importantly the 5 billion acres of timber that is standing out there at this moment that must be addressed and a solution must be brought as to how that timber will be managed.

This past week, yesterday to be exact, a group of forest industry representatives from my State brought back by Attorney General Larry Evelhoff, met in the Executive Office Building of this Presidency with Katie McGinty and a variety of other people from the administration to talk about this urgent problem. They brought with them a proposal that I have in my hand tonight that I would like to ask unanimous consent become part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UP FROM THE ASHES—ECOSYSTEM RESTORATION, REHABILITATION, AND TIMBER RECOVERY IN WESTERN NATIONAL FORESTS

SUMMARY

This summer's wildfires have created challenges that require decisive, prompt action. Huge volumes of burned timber now stand dead in forests throughout the west. This timber is still valuable, if it can be recovered before it deteriorates. Thousands of acres of watersheds are denuded, the soil to be washed into important spawning streams unless the are stabilized and reforested. Clearly, it is a time for leadership from the Administration to not only meet these challenges, but to use them as opportunities for developing innovative, constructive land management policies.

There are barriers to implementing the needed on-the-ground actions. They include:

Pending injunctions against logging in salmon habitat until consultations on comprehensive forest plans can be completed (Pacific Rivers Council v. Thomas).

The requirement for complete environmental analyses of the potential affects of salvage logging and watershed rehabilitation efforts.

The likelihood that salvage logging decisions will be stalled by administrative appeals, and thereby delayed until the timber no longer has commercial value.

Leadership and firm decisions from the Administration can help overcome these barriers, and, in fact, will be vital to the success of the effort to recover the value of the burned timber and rehabilitate damaged watersheds. A comprehensive strategy is needed in order to assure that fire damaged timber can be sold by June 1, 1995. Specific actions needed include:

A statement of policy from the Administration setting timely rehabilitation, reforestation and the salvage of burned timber for commercial use as the principal objectives to guide federal agency actions on post-fire projects.

Direct the National Marine Fisheries Service and the Forest Service to develop a plan that will lift any injunctions against logging based on Endangered Species Act consultation requirements and which expedites this process as it applies to salvage operations and rehabilitation of burned watersheds.

Where it is legally sufficient, order the use of relatively simple "environmental assessments" to meet NEPA requirements for salvage ad rehabilitation plans and assign additional staff to update this work.

Exempt, using emergency rulemaking authority, salvage and rehabilitation decisions from the administrative appeals process.

Approve and encourage the use of a "single-contract" approach to implementing all aspects of post-fire treatment plans. This would include watershed rehabilitation, reforestation, and salvage recovery to allow industry diversification and participation in the full range of post-fire treatment needs.

Earmark receipts from the sale of burned timber for investment in fire rehabilitation projects and for appropriate thinning and prescribed burning of overcrowded, high fire-risk timber stands.

Move quickly to assess the burned timber values and watershed rehabilitation needs of each area affected by this summer's wildfires. The assessment and action plan for each area should be completed and ready for implementation by June 1, 1995, in order to ensure the viability of salvage logging.

PROPOSAL FOR EXPEDITING SALVAGE, RESTORING WATERSHEDS IN WESTERN FORESTS

Problem: This summer's wildfires have killed valuable stands of trees and wreaked havoc with watersheds in many western national forests. Forest Service managers are now faced with a dual challenge—recovering burned timber which will quickly deteriorate, and assuring that burned watersheds are rehabilitated before erosion damages important fisheries, including endangered salmon.

Unfortunately, it is almost certain that the Forest Service will encounter numerous obstacles as they try to meet these challenges. Those who oppose logging and other well-established uses of the national forests will use all avenues the law provides to stop those activities with which they disagree. Because of the time sensitive nature of logging burned timber, even delaying the Forest Service's efforts can effectively stop proposed salvage of burned timber. Perhaps nowhere will the essence of the debate over the national forests—whether to log or not to log on these public lands—become clearer than in the struggle to decide how to deal with the aftermath of the fires of 1994.

While the challenges are great, the discussion over logging fire-killed timber provides the opportunity to explore new, efficient, economically and environmentally sound ways to manage the national forests. Salvage logging, if it can proceed, can serve as a way to not only utilize the dead timber, but to fund needed rehabilitation efforts, as well as to treat overcrowded, unhealthy forests to reduce the risk of future catastrophic fires where the danger is now unacceptably high.

THE BARRIERS

There exist in either case law or in administrative regulations all the tools necessary to enable those who disagree with salvage efforts to stop them. They are:

(1) As a result of the Federal Court's decision in Pacific Rivers Council v. Thomas an injunction is pending that would stop all logging and road building activities in salmon spawning drainages in six national forests in Idaho. These same forests hold most of the region's burned timber. If such an injunction is granted—and it likely will be—it can only be lifted through a court-approved process for consultation on the effects of the implementation of these comprehensive forest plans on salmon recovery.

(2) In addition to consultation on forest plans, the Forest Service and the National Marine Fisheries Service must also complete consultation on individual timber sales envisioned in these plans. This process is proving cumbersome and unclear even to those who must adhere to it.

(3) Irrespective of the Endangered Species Act requirements for consultation on the effects of logging on listed species, each proposed timber sale is subject to a rigorous analysis of its effects on the environment. Through this process, an adequate array of alternatives must be examined, and the effects of each recorded. This can easily become a time consuming process.

(4) Once the Environmental Assessments or Environmental Impact Statements and any required consultation among the involved federal agencies for the proposed action are complete, the ultimate decision is subject to administration appeals. Those who disagree with the decision can appeal the decision to higher levels of the Forest Service. This process, so long as the appellants choose to pursue it, can forestall actual logging beyond the point which the dead timber still has merchantable value.

THE SOLUTIONS

The Administration can take actions to either remove each of the barriers to logging the burned timber and rehabilitating watersheds or make them easier to overcome. Specific actions might include:

Clear direction from the Administration is needed. A statement of policy confirming the goals of prompt rehabilitation, reforestation and the salvage of commercial timber killed by the fires is a critical first step in assuring that the U.S. Forest Service understands the urgency of the situation.

The Federal Court's recent decision in Pacific Rivers Council v. Thomas will likely require that the Forest Service and the National Marine Fisheries Service develop a process for consultation on all forest plans in forests where salmon spawn. Leadership from the Administration is needed to assure that development of an adequate process is given a high priority within the two agencies and that the process itself can be completed quickly and efficiently.

Apart from the need to consult on forest plans, consultation on specific projects between NMFS and the Forest Service needs clarification and direction. The Administration can plan a key role in facilitating a process that is simple and effective.

The Forest Service has some flexibility in determining the level of environmental analysis that will be given each salvage timber sale and rehabilitation project. With direction from the Administration, the agency can choose less expensive and time consuming Environmental Assessments as opposed to the more expensive and time consuming effort to produce full Environmental Impact Statements, where it is legally appropriate to do so.

The Forest Service can define the harvest of all timber burned in this summer's fires as an emergency. Through emergency rulemaking, the Administration can exempt such timber sales from the appeals process. With an emergency declaration it is also possible to shorten the time period for filing and deciding appeals or limiting appeals to only one level of review.

These actions would expedite the harvest of timber that has been killed by the fires and now must be salvaged while it still has value (approximately one to two years). There are two other aspects of national forest management consequential to the fires that demand equal attention.

First, burned watersheds need stabilization and rehabilitation. Erosion must be checked with barriers to deflect running water or to capture the sediment and ash it will carry. Bare soil must be seeded and reforestation initiated. In addition, plans are needed to monitor burned watersheds, both to gauge levels of damage to wildlife habitat and streams, but also to assess the effectiveness of various rehabilitation efforts.

Second, it is essential that we learn from the fires of 1994 and begin now to prevent such devastating fires in the future. We now know that by controlling wildfires in the past, we have allowed many forests to accumulate fuels and grow more trees than natural for the site. Coupled with that, some of these now overcrowded, stressed stands are close to homes and other human developments. The combination of such fire prone stands in areas of high human use constitutes a risk that is now unacceptable. The Forest Service has a clear obligation to identify these stands, thin them and use prescribed fire to lower fuel levels to an acceptable, and more natural range.

A STRATEGY FOR SUCCESS

Foremost among the Administration's efforts to resolve the issues raised by the fires of 1994 must be a process to categorize the burned areas and identify appropriate land management practices for them. Again, timeliness is the byword; unless the assessment of salvage opportunities and rehabilitation can be completed promptly, salvage values will disappear and the ravages of weather will complete the damage to watersheds where ground cover has been burned away. The process should assess several key variables, among them:

The value and technical feasibility of logging specific stands of burned timber,

Watershed values that are at risk from accelerated erosion,

The types of watershed stabilization or rehabilitation work needed for each drainage,

The type of environmental analysis needed to allow recovery of burned timber or watershed rehabilitation work to proceed,

The nature of any needed consultation to assess impacts to species listed under the Endangered Species Act, and,

Any ancillary issues that may be specific to a burned area but which must be addressed.

The forest industry stands ready to become a partner with the Forest Service in meeting the challenges posed by this year's fires.

Salvage logging can be a source of both income and manpower for completing watershed rehabilitation work. There are three ways to utilize the helpful potential of salvage logging. First, logging, thoughtfully planned and carefully conducted, can actually help stop erosion from burned lands. Fires harden the soil surface and water flows across it unless there are areas for it to permeate the soil. Skid trails and roads built perpendicular to the natural flow of water slows runoff and allows it to sink into the subsoil.

Second, proceeds from logging, can be utilized to fund current rehabilitation efforts. Wildlife and watershed management funds are always lacking within the Forest Service's normal budget. With the Administration's direction, salvage sale proceeds can help support critical projects in these areas. Funds could be used for stream cleanup, reforestation, grass seeding on erosive areas, and plantings of wildlife food. Moneys should also be earmarked to monitor burned watersheds, both to gauge the levels of damage to wildlife habitat and streams, but also to assess the effectiveness of various rehabilitation measures in limiting the fires' impact.

Provisions should be made to use some of the money from salvage sales to treat overstocked timber stands where the risk of future fires is unacceptably high. Such stands include those where fuel loads are abnormally high and where fires, if they occurred, would threaten private lands or high fisheries or wildlife values in adjoining stands. Timber lands meeting "high risk" criteria should be thinned and/or lightly burned under controlled conditions to reduce the hazard.

Finally, through the use of a "single-contract" concept, salvage logging could not only fund, but also complete watershed rehabilitation work. Such contracts would include not only the right to harvest salvageable timber at some specified dollar amount, but also the obligation by the purchaser to actually complete the rehabilitation projects specified in the contract. Forest products companies would bid for the timber offered in these contracts knowing that the contract obligated them to also build erosion control structures, reforest or reseed burned areas, or otherwise help reach the Forest Service's rehabilitation goals for the area. The rehabilitation objectives in the contract would reduce the price paid for the timber (thus, the value of the timber helps fund the work), and the Forest Service can specify and supervise not only the timber to be harvested, but the rehabilitation work to be completed.

CONCLUSION

The Forest Service has long been heralded for its unique ability to fight wildfires. The skill, energy and resources they apply to this task is remarkable. But the fires of 1994 call for the same dedication and ingenuity to be directed toward both forest rehabilitation, the recovery of burned timber, and forest treatments that will prevent such fires in the future. Meeting that challenge is a major issue as the U.S. Forest Service moves toward "ecosystem management" in the 1990s. It is a task that will require firm leadership and decisive action.

Mr. CRAIG. Mr. President, it was a simple proposal. It talked about the fires of the summer of 1994. It talked about the billions of board feet of timber that had been lost. It talked about the lives that had been lost. It talked about the thousands of denuded acres of land, soil, spawning beds in streams that were now at risk unless there was an immediate management proposal put in place that would begin to redress the problems of these destroyed or damaged acreages. It talked about what National Marine Fisheries was attempting to do with the Forest Service in developing a plan to respond to all of these issues consistent with the endangered species issues out in the Western States.

While that plan was presented in a comprehensive and well-thought-out way, the word that came from this administration was very simple. We are not yet ready to respond. We have at least a 30- to 60-day need to consult with friends of ours in the environmental community and to decide what they want to do as it relates to the possibility of the management of these lands that would deal with civil cultural practices and salvage sales and a variety of other things.

Mr. President, that kind of response is irresponsible. That kind of lack of interest or lack of care is almost unbelievable coming from an administration that places its mark high on the environmentalist as someone who is responsive and caring about the lands of the West and the lands of our country to say we are not yet ready to talk about a problem; that we are not yet ready to even begin to look at a plan to respond to the 3.7 million acres of charred and destroyed land of the Western intermountain States, both for environmental reasons and for management reasons.

Why am I concerned? A lot of that land lies within the boundaries of the State of Idaho. But I am concerned well beyond that because our Nation today cries out for a responsible and reasonable management plan for our forested public lands that recognizes salvage sales, that says there is a need to respond quickly when you have a bug infestation or when you need to change the nature of a forest because of a catastrophic event that will result in negative environmental activity. That catastrophic event has occurred. It occurred in the summer of 1994 when these lands with huge fuel buildups of trees and underbrush began to burn in the drought States of Idaho, Oregon, Washington, Montana, and northern California.

What is the problem? Why can I not wait? Why cannot everyone wait for the 30 or 60 days that this administration talks about? For just a moment, let me tell you what that problem is.

It is demonstrated on this diagram tonight because this administration—and I would not ask them to do otherwise—should stay within the laws of the land that this Congress has created for the purposes of managing our public lands. I am talking about the Forest Planning Act. I am talking about the National Environmental Policy Act. I am talking about a course of activity that is standard when you ask for a human activity on the public land. But there is a problem in using the time line with an administration that simply wishes to drag its feet until it is consulted appropriately with the environmental community as to what they ought or ought not do on this 3.7 million acres. Here is the problem.

If they consult now, and they begin to act with all of the natural analyses that are necessary under existing law and the National Endangered Species

Act, here is a time line that would suggest that if all worked well without appeals, without any objections, we might actually be able to have a management plan in place in a year and 4 or 5 months. What is wrong with that, Senator CRAIG? Why can you not accept that? Is that not a reasonable approach to management? That is an entire seasonal cycle. That is the winter and the spring and the summer and the fall and the winter and the spring again. And that is moisture and runoff and erosion, and the lands go unmanaged, and the lands go untreated for environmental purposes, and to protect the ecosystems and to protect the critical habitat in the stream beds where fish are trying to spawn, and the environment is trying to rejuvenate.

I say to Katie McGinty and this administration: You are doing the most antienvironmental act I have yet to see. Do not hide behind your green cloak. Come forward with a reasonable management plan that does a variety of things. Let me suggest to you what they ought to be. That is to move immediately—I mean tomorrow —to work with the professionals on the grounds of the U.S. Forest Service that have the talent and the unique quality we have demanded over the years, to put together a management plan that does a variety of things, and does not just cut trees. It begins to stabilize the streams and the banks. It begins to take the steep hillsides and to make sure that this fall, before the winter snows come, that grasses are seeded so that they can sprout in the spring and build a root base that will disallow the kind of erosion that can happen as a result of these catastrophic fires. But, no, that will not happen because they will be caught up in the business of a bureaucratic morass, because they are afraid to lead, based on the policy that is available to them today. That is one side of the story.

Here is the other side of the story, and I will be brief. Five-billion board feet of timber; it is burned and it is dead. But much of it is still standing, and much of it still has a commercial value. But that window of opportunity, before that commercial value will fade, is less than a year—in some species, it may be a little more—before it is worthless, before it could only be cut for firewood.

So what I am suggesting to this administration is the reason why their 30- or 60-day timeframe is simply too long is because that plan needs to be in place now. Some of that logging could occur this winter, and some of it could be done on the snow and frozen ground, where it would not damage the environment at all. Yet, it could remove a variety of those types of fiber that could be used for paper or dimensional timber or all of those kinds of things.

What does it mean in my State? It literally means thousands of jobs. It means millions of dollars to the U.S. Treasury. It means hundreds of thousands of dollars in stumpage fees to the counties and schools and road systems of my State. In Grangeville, ID, today, a small logging community and agricultural community in north central Idaho, just this last week, Ida Pine Mill gave the 60-day notice to its 100 employees that the mill was shutting down. There was no more timber. As far as they were concerned, that would be a permanent shutdown.

That mill is located less than 100 miles from nearly 500 million board feet of the very kind of timber that I have just described—less than 100 miles from enough timber to keep that mill operating for 4 or 5 years. Yet, not one signal, not one green light from this administration have we heard. When our staffs came together and asked for a briefing, we were told: Oops, priority information, cannot talk to you. We do not have our act together.

When my forest products people came back here yesterday, they were told: Stand in line until the environmental communities of this country tell us what to do. Since when do the environmental communities of this country run the public policy as administered by any President or administration? They do now, apparently. That is what we heard yesterday.

Well, OK, 100 workers at Ida Pine Mill in Grangeville, ID. That is in the mill, and there are 100 others in the woods. Over 200 families in Grangeville, ID, you are going to be out of work, and you are not going to be able to put food on the table this winter. Happy Thanksgiving and Merry Christmas from the Clinton administration.

Is that tough talk? No, it is angry, frustrated talk. It is not me understanding what they are doing, because they are not giving us any signal that they are doing anything. And we know now that you act when these things occur. On the State lands in Idaho right now, the State Lands Department is out and the trees are being marked that ought to be pulled out. They are even logging today in the burns. Grass is being seeded, and stream banks are being stabilized. That is what is going on on the State lands.

On the millions of acres of Federal land, not one thing is going on. Until the management team is put together—and I assume it is now, although we do not know—and until we get a policy put together—because this appears to be some extraordinary event; yet, it really is not—we cannot do anything.

Well, let me close at this moment. The Senator from Georgia has been more than patient. I know he has some issues to talk about. I will conclude with these thoughts:

We are talking about 5 billion board feet of charred timber that could be logged and turned into dimensional lumber. A million homes in America could be built from the trees that were burned this summer in that intermountain area on the 3.7 million acres that I am talking about. I would not expect that all of those trees could or should be logged. But I would expect that a good many or a good amount should come out, because that would be the right practice. If they are left, they will rot and die, and they generate bug populations and endanger surrounding forests that were not burned, and it all goes on in a very damaging way.

There is the time track that apparently they are going to stay on board with, because that is in the law. But they have not even started. Mr. President, a few years ago, when I and others here worked to change the appeals process in the U.S. Forest Service, we made sure that within it was a clause that said in salvage sales, it would be unappealable, that up to a certain amount of board feet, that was an administrative action, a decisionmaking process on the part of the professionals inside the Forest Service, and that they could go ahead with salvage sales. This administration said "no" when they wrote the regulations to that new law. Even though we in the Senate said "yes," Jim Lyons of the Forest Service, an appointee of this administration, said "no." Therefore, he subjected all of what needs to be done in the intermountain West to the ability of a 29-cent stamp and a group that wants to appeal, outside the professional judgment and the necessary actions of the professionals of the U.S. Forest Service.

We had a crisis all summer in the West. Tragically enough, that crisis has not gone away. The crisis of the summer was 3.7 million acres of land, timberland, that burned; the loss of 26 firefighters' lives; the unprecedented expenditure of $700 million of taxpayers' money to extinguish those fires. That was the crisis of the summer of 1994.

What will the crisis of the winter of 1994 and 1995 be? The inability of this Clinton administration to make a simple management decision about the responsibility that they must undertake in the management of the public lands of the West, and to the thousands of people that could lose their jobs, and to the economy of regions that are threatened, simply because they will not act in a responsible fashion?

Well, I know by direct conversation with Jack Ward Thomas that he means well. When he said, "On August 29, I will assemble a team and I will have you an answer by September 30," he meant it. The problem is that he has not been able to do it. It has not been because of him. It has been because of others, in my opinion, who have disallowed his ability to make those kinds of sound decisions and move us ahead in a direction that will resolve that problem.

Mr. President, that is the issue. I have sent a letter, along with other Senators, to Jack Ward Thomas asking that we get a quick response. I hope he can fulfill that, and I hope this administration can be responsible in the wise and appropriate balanced management of our critical public lands. We have a crisis, and it needs to be resolved in an expedited fashion. I hope they can respond.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

NOMINATION OF LT. GEN. BUSTER C. GLOSSON

NOMINATION OF COL. CLAUDE M. BOLTON, JR.

NOMINATION OF LT. GEN. EDWARD P. BARRY, JR.

Mr. NUNN. Mr. President, I will speak briefly this evening on three nominations, all of which are subject to extended debate, although two of them have not been discussed, and I am not sure how much the Senator from Iowa is planning on discussing the Barry nomination and the Bolton nomination. But I will discuss those first and then make some remarks on the Glosson nomination, in the hope we can get a vote on all three of these individuals that have come out of committee with strong support.

The nomination, Lt. Gen. Edward P. Barry, U.S. Air Force, is a retirement nomination, to retire in grade. For people who do not follow these procedures, retiring in grade means the officer would be able to retire with the same number of stars—in this case as a three-star general—that the officer earned while on active duty. If do you not get confirmed by the Senate in grade, you revert to a two-star position for retirement. So that is what we mean when we say retire in grade. It is not a promotion. It is a retirement at the rank earned in active duty. The Barry nomination came out of the Armed Services Committee with a 22 to 0 vote. It was unanimous, Republicans and Democrats alike.

The second nomination I will discuss briefly is Col. Claude Bolton, U.S. Air Force. This is a promotion to the grade of brigadier general. In other words, he will stay in the service. He is not retiring.

The third nomination is another retirement question, and that is on Lt. Gen. Buster C. Glosson. The question is whether he will be able to retire with three stars, which he earned on active duty, or whether he will revert permanently to two stars at retirement. So those are the questions. One promotion in active duty, and two retirements.

First, I will discuss the nomination of Gen. Edward P. Barry, U.S. Air Force. As I mentioned, his nomination received unanimous support in the Armed Services Committee.

In a September 30, 1994, letter to that committee, Deputy Secretary of Defense John Deutch outlined the highlights of Lieutenant General Barry's military record. I quote from that letter:

> LTG Barry has had a 33-year distinguished career serving our country. His accomplishments have directly impacted our national security. For example, in 1982 he received the Air Force Association's National Award for Program Management as Program Director for the Defense Support Program. The system's detection of Iraqi-launched SCUD missiles during Desert Storm provided crucial advance notice of attack, which saved lives and enabled our air defense system to react. As Commander of the Ballistic Missile Division, he successfully fielded 50 Peacekeeper ICBMs, on schedule and under cost, while sustaining Minuteman II/III operational requirements.

Other highlights of his career include service as the Program Director of the NAVSTAR Global Positioning Satellite at its inception in 1978, Vice Commander of the Aeronautical Systems Division, and Commander of the Air Force Space and Missiles Systems Center.

Lieutenant General Barry's nomination has been pending since October 29, 1993—almost a year. The reason for the delay has been the committee's review of issues raised in connection with the C–17 program.

Mr. President, from 1990 to 1991, Lieutenant General Barry served as the Air Force's first program executive officer for Tactical and Airlift Systems. In that position, he had general oversight of a number of major programs, including the F–22, the F–15, the F–16, and the C–17. These are all programs under his jurisdiction. During this period, as Members well know, and as the Senator from Iowa has pointed out, the C–17 contractor experienced a variety of cost, schedule, and performance problems. These problems were examined in detail in 1993 by the inspector general of the Department of Defense.

So the controversy concerning Lieutenant General Barry, in spite of the fact that he had a number of systems, the F–22, F–16, F–15 all under his jurisdiction, the controversy as I understand it, relates to one of those, the C–17 program.

Although the IG issued over 60 pages of findings on problems in the C–17 program, the only specific discussion of Lieutenant General Barry involved an assessment he made that the risks of the contractor meeting its estimate of cost at completion was moderate to high. That was his risk assessment on the C–17 program.

Then the IG said they did not believe this was a strong enough assessment of risk. In other words, they believe moderate to high was not sufficient. It should have been higher than that. The Air Force then reviewed the inspector general report and concluded that the facts supported Lieutenant General Barry's assessment.

So the total case as I understand it against Lieutenant General Barry, that the IG said that his risk assessment was not high enough, the Air Force reviewed it and said they did not agree with the IG. They agreed with Lieutenant General Barry. If there is any further case against him, perhaps somebody could inform us.

Secretary Aspin reviewed the IG report and the Air Force's response on the range of individuals responsible for the C–17 program. He removed the program manager from his duties, and the program manager then retired. So when we talk about accountability, the program manager was forced off the job and forced to retire.

Secretary Aspin also stated that in order to restore confidence in the acquisition system, he would direct that a number of individuals no longer perform acquisition management functions, including Lieutenant General Barry. Secretary Aspin, however, made no specific findings with respect to Lieutenant General Barry.

Lieutenant General Barry then submitted a request to retire. The request was approved by the Department of Defense with a recommendation that he retire in grade, meaning that he could keep the number of stars he had earned under active duty.

The President approved this DoD recommendation and submitted the retirement nomination. Our committee took note of the Secretary's administrative action concerning Lieutenant General Barry's acquisition duties and asked Secretary Aspin for his views. Secretary Aspin affirmed his strong support for Lieutenant General Barry to retire in grade, which is what the committee has recommended to the Senate.

This nomination remained pending in the committee while the Department of Defense addressed a variety of questions regarding the management of the C–17 programs. None of these subsequent reviews found any culpability on the part of Lieutenant General Barry.

I note my friend and colleague from Iowa mentioned he was prepared to vote on the nomination last year. But the committee did not complete its review until after the C–17 inquiries were completed with respect to this nomination. If we had brought this nomination to the floor when the Senator from Iowa mentioned—I do not remember what he said, April or when he said he was ready to debate it—then we would not have had the benefit of these reviews and we would not have been able to tell our colleagues the facts relating to the findings in regard to Lieutenant General Barry and his part on the C–17 program.

The nomination remained pending in the committee while the Department of Defense went through the numerous management questions relating to the management of the C–17 program. None of these subsequent reviews found any culpability on the part of Lieutenant General Barry.

On September 30, 1994, Deputy Secretary Deutch advised the committee that he had personally reviewed Lieutenant General Barry's role in the C–17 program. This is the Deputy Secretary of Defense. He concluded that "if Lieutenant General Barry had not elected to retire, I would have returned him to acquisition duties." Secretary Deutch then added that his "performance in his current position of the Commander of the Space and Missile Systems Center in Los Angeles has further demonstrated his professionalism and his dedication to duty."

In effect, Mr. President—and this is no exaggeration—if we reject this nomination, Secretary Deutch—and this is the nomination for retirement in grade, not a promotion, this man is retiring from active duty if we approve it—but, if we reject it, Secretary Deutch says he wants him to serve out his remaining 3 years in acquisition, because he has full confidence in him. So if this nomination is rejected on the belief that he made a mistake in acquisition—to the IG rejected by the Air Force, made one mistake in all his career, if he did it all—if we reject it, it would result in his going into the acquisition system for 3 more years.

Now, I do not know whether that is what the Senator from Iowa wants, because he is opposed to this nomination I understand. But it would be the ultimate paradox if we rejected the nomination on the basis that he made a mistake in procurement and then he stays in procurement for 3 more years. It would not bother me because I think he has had an outstanding career, but for those who voted to reject him it would be the ultimate paradox. We have no authority to remove him from the military service. That is not in the power of the Senate. We have the authority to not approve his nomination to retire in grade.

That is our question. The Secretary of Defense has the authority to keep him on. I do not believe my colleagues who perhaps have opposition to this nomination would find that result to their liking if they really do believe he has made a serious mistake. I do not. I think with the outstanding record he has had in all these programs, that he has managed to have only one such allegation by the IG in all of this time—and, remember, he said the risk was moderate to high; that was the range. It turned out it was high. If he had not had the word moderate in there, perhaps there would have been no finding by the IG.

Mr. President, it is important to remember that the C–17 program was a troubled program long before Lieutenant General Barry became the program executive officer, and the decisions regarding cost, schedule and performance were not his. They were made at the highest levels of the Air Force.

It is certainly possible, with hindsight, as the IG did, to suggest that Lieutenant General Barry could have done more to address the problems in the C–17 program. I do not believe however, it is wise or desirable to insist that military officers achieve a standard of perfection in order to retire in grade. How many of us would like to be held to a standard of perfection in terms of the United States? How many of us have never made a single error in our careers?

There has been no showing that he acted or failed to act in any manner that would cast doubt upon his professionalism or integrity. I repeat that. There has been no showing that he failed to act in any manner or acted in any manner that would cast doubt upon his professionalism or integrity.

Lieutenant General Barry served the Nation with distinction and has had many successful tours of duty. He has contributed to the strength of our Armed Forces and to our national security through the development of sound and successful acquisition programs. In view of his overall career and in view of the high degree of confidence that the current leadership of Department of Defense has expressed in his abilities, I strongly endorse his nomination to be retired in grade.

Mr. President, I assume we will vote on this nomination, either on the nomination itself, I hope, or perhaps on the cloture motion, I hope, in the next several hours or perhaps even the next several days. That is up to the people who oppose the nomination.

Mr. President, the second nomination I will discuss this evening is the nomination of Col. Claude Bolton in the U.S. Air Force, for promotion to the grade of brigadier general. This is a different nomination.

This is one to stay in the military and move up a notch to brigadier general from colonel.

Colonel Bolton is a Vietnam combat veteran where he flew over 200 combat missions, including 40 missions over North Vietnam. Following his service in Vietnam, he served as a test pilot for the F–4, F–11, and F–15 aircraft. More recently, he was the first program manager for the Advanced Tactical Fighter Program, which evolved into what we now call the F–22. He then served as the program manager for the Advanced Cruise Missile Program.

According to Deputy Secretary of Defense Deutch, Colonel Bolton "turned around a troubled program and produced technically sound missiles regarding meeting the requirements of the Air Force. Since May 1993, he has served as commandant of the Defense System Management College. Deputy Secretary Deutch has advised the committee that he has "had the opportunity to personally observe Colonel Bolton's performance over the last 18 months in his capacity as the commander of the Defense System Management College. His service in that capacity, as in earlier assignments," according to Secretary Deutch, "has been outstanding."

Colonel Bolton was selected for promotion by a duly authorized selection board. His nomination for promotion was submitted to the Senate. The nomination has been pending in the committee since January 7, 1993. The committee withheld action on this nomination due to the reviews by the Air Force and the Department of Defense concerning the Advanced Cruise Missile Program, including the period during which he was program manager. That is the reason this nomination has not come before us. The Senator from Iowa said he was prepared to vote on it earlier. Perhaps he was, but it would have been without full information because the committee was waiting for the reviews concerning the Advanced Cruise Missile Program, the program he was associated with. On September 30, 1994, a week ago, Deputy Secretary Deutch described the results of those reviews.

And I quote Secretary Deutch again:

> I have personally reviewed the issues that have been raised about his management of the ACM (advanced cruise missile) program as a result of a DOD Inspector General Report on Air Force missile procurement. The report, which did not allege any misconduct or other deficiency by Colonel Bolton, recommended that the Air Force review and report on violations of the Anti-Deficiency Act. The Air Force conducted the review, and determined that the actions taken to fund the program did not violate the Anti-Deficiency Act. The Department of Defense General Counsel and DOD Comptroller have both concurred in this determination.

Secretary Deutch added:

> It is important to note that the funding decisions at issue were not made by Colonel Bolton; rather, they were made by the Secretary of the Air Force, with the advice and concurrence of the senior leadership of the service. Colonel Bolton reasonably and properly relied on their decisions and direction in his implementation of the program.

Mr. President, in summary, Colonel Bolton is a combat veteran, an acquisition specialist whose record has been characterized by the leaders of the Department of Defense as "outstanding."

With respect to the Advance Cruise Missile Program, the Deputy Secretary has noted that there is "no basis . . . for concluding that there was any significant deficiency in Colonel Bolton's management of the program. On the contrary, . . . he acted with professionalism and integrity to identify problems and implement the decisions made by authorized superior officials."

Secretary Deutch concluded:

Colonel Bolton has served his Nation with skill and dignity. I am confident that he has much more to offer our Nation.

Mr. President, in summary, what happened was this program had a funding problem. Colonel Bolton properly brought it to the attention of his superiors, the Secretary of the Air Force and others. They came up with a funding plan and told him what to do. This was his superiors. He reports a problem. He gets an order from the top that says, "This is what you are supposed to do." Then the IG criticized the funding of the program and said that there was a violation of the Anti-Deficiency Act, which is serious.

But Colonel Bolton did not make that decision. The Secretary of the Air Force did. The Air Force has now said there was no violation; and the DOD General Counsel said there was no violation—so that dispute has pretty much been laid to rest. But whether it has or not, Colonel Bolton had nothing to do with it.

I do not know what you can ask of a man any more than he report a problem to his superiors. And when they basically review it and tell him what to do, he does it. That is what he did.

He did not do anything wrong. He has not been accused of doing anything wrong by anyone. I repeat that. He has not been accused of doing anything wrong by anyone—by the IG, by the Air Force, by DOD, by the committee, by anyone.

So I certainly urge that this nomination for promotion to brigadier general be approved.

Mr. President, the third nomination is the one that my friend and colleague from Iowa has talked about at length on the floor. I know that the people who have heard this now, I think, pretty much understand his view of the nomination, and that is a view that all my colleagues should consider. I do not agree with it, but this is a closer case and it deserves consideration of those here on the floor of the Senate, as well as those who will be voting.

Mr. President, there are a couple of things that the Senator from Iowa said over and over again. I will address some of the other points he made in more detail, but he mentioned two or three of what I used to call back in my law practice days "straw man" arguments that he proceeded to knock down very hard. But the difficulty with citing those arguments, from the committee point of view, is we did not rely on them.

One was so the so-called conspiracy theory. And the Senator made a strong case that there was no conspiracy among the officers who were accusing General Glosson of misconduct. We agree with that. That is not part of our committee report. We did not in any way say there was a conspiracy.

The other one that he mentioned and then knocked down, was that the IG was biased. As the Senator knows in reading the report, I am sure, that we did not say in the report that the IG was biased.

So the main arguments he used on those two points, the committee did not in any way rely on those. We did not even mention those in our discussion of the merits of the nomination, although those were questions that came up in the overall investigation. But that was not the basis of the majority's opinion on this.

This was a vote that passed in the committee by 14 to 7. People on both sides of the aisle voted yes and people on both sides of the aisle voted no.

I want to emphasize, before I begin my remarks—and I will make short remarks tonight on this subject and then I will have perhaps more remarks tomorrow, depending on when we vote.

I want to emphasize to my colleagues again that this is not an active duty promotion. This is a retirement nomination.

The question here is not whether General Glosson stays in the Air Force. He is already out of the Air Force. The question is whether General Glosson retires with three stars, which were earned while he was on active duty, or whether he permanently retires with two stars because we disapprove his nomination for retirement in grade.

He is going to retire as a general. He is going to retire either as a two-star general—if we reject his nomination—or as a three-star general. He is not going to be court-martialed. He is not going to face any kind of criminal charges. There has been no charge like that.

The question we have before us is whether General Glosson is going to retire as a three-star or a two-star general.

Mr. WARNER. Mr. President, will the Senator yield for one added clarification?

Mr. NUNN. Yes.

Mr. WARNER. There is also a serious financial implication, which is not only shared by the service person but by his family, also.

Mr. NUNN. The Senator from Virginia is correct. There is approximately a $6,700 a year difference. So we are deciding, in terms of money, whether General Glosson gets $6,700 less, he and his family, as the Senator from Virginia said.

Mr. WARNER. I urge, Mr. President, the emphasis on the family, because they, in most instances, have worked throughout this 30-plus year career, moved hundreds of odd times, and borne the burdens of service life.

Mr. NUNN. I thank my friend from Virginia. And I certainly concur in that.

Mr. President, Lt. Gen. Glosson has served our Nation in uniform for over 29 years. The highlights of his career—and it has been an outstanding career—include: Combat in Vietnam as an F-4 pilot, for which he was awarded the Distinguished Flying Cross for 139 missions—139 missions in Vietnam.

Deputy Commander of the Joint Task Force, Middle East, United States Central Command, during the Persian Gulf conflict. General Glosson was responsible for planning and implementation of the Allied air campaign during Operation Desert Storm.

He was the individual in charge of Operation Desert Storm, the entire air campaign. He was responsible for planning and implementation right under General Horner. That team probably did as fine a job as any team has ever done in the history of warfare in terms of a complicated, complex operation. And we saw the results of an awful lot of it on our television screens. He served as the Deputy Chief of Staff of the Air Force for Plans and Operations. That is the job he had when he left the Persian Gulf war.

As Deputy Secretary of Defense John Deutch stated in support of the nomination, Lieutenant General Glosson's record of service in Vietnam and Desert Storm is impressive. This is a quote: His "record of service in Vietnam and Desert Storm is impressive."

Secretary Deutch added:

> "His demanding style and frankness contributed to protecting and saving the lives of American pilots during the Gulf War. This was part of a 29-year military career that has been distinguished * * * and justifies a retirement with a rank of lieutenant general."

Mr. President, I could make a 4-hour speech about General Glosson's military record. I could go through everything that was happening in Desert Storm. I could go through his whole career in Vietnam. But I think it should just be said for the record that this has been an outstanding military officer.

That does not decide the question tonight. That does not decide the question we must address. But it is certainly a relevant fact.

When you look at a mistake that an individual made, and he did make a mistake. I think it was a serious mistake. But when you look at that mistake, I think you also have to weigh that against a 29-year career. I hope my colleagues will do that.

There are people who will come to one or the other conclusion, but to me you have to consider the entire spectrum when you are considering retirement.

This is not a question of whether he is going to stay in the military. He has already paid a price. This individual is one of the few people in the Air Force who would probably have been in the final two or three—looking at the new Chief of Staff of the Air Force. He was going to be a four-star general. Everybody in the Air Force knew that.

So the question in people's minds is going to be did he do something wrong? In my opinion, he did not do anything that violated the Uniform Code of Military Justice in terms of any court-martial offense. The Senator from Iowa made some comments regarding that. But he did make a mistake, and I will get into that in a moment. He made a mistake which I think was a serious mistake.

The question will then be has he paid a price for that? The answer is he has paid an enormous price. He was basically retired from the military 6 years earlier than his career would otherwise have terminated. He was basically not given the opportunity to be a four-star general. He was basically removed from his outstanding potential career.

So has he paid a price? If you talk to General Glosson or his family, anybody who knows him, you would say he has paid a very high price for the mistake he made.

The Committee on Armed Services has given considerable attention to this nomination, as outlined in detail in the committee's report on this nomination—Executive Report 103-34. We go into great detail in that report. I am not going to lay it all out tonight. But anyone who wants to read every angle of this can read that report or even skim that report and get a full picture.

The information provided by the Department of Defense on this nomination, when it came over to us, raised more questions than it answered, so we directed the Department of Defense to establish an independent panel to review the issues concerning Lieutenant General Glosson's nomination.

Mr. President, the inspector general found that General Glosson had lied. That was said in the inspector general's report. When the Department of Defense sent the nomination over to us, they did not even reasonably comment on that. They just said we do not have to decide that.

Well, in effect, the committee was put in an impossible position.

If I felt he lied, I would not be out here tonight on this nomination. I would have said no on that nomination. I would have said no without any doubt. But that was not what the Department of Defense found. The IG found that: The Department of Defense did not take a position on that, which we found to be unacceptable. So we sent it back to the Department of Defense.

The independent panel then was formed by the Department of Defense and that panel, composed of Mr. Jeff Smith, who used to be the chief counsel of our committee, the Armed Services Committee, Mr. Will Taft, who was the Deputy Secretary and general counsel of the Department of Defense. Also he was our NATO head in the Bush administration. He was the second member of the panel, and the third member was Mr. Alan Chase, who was the minority staff director on the House side.

That panel was appointed. They confirmed the conclusion of an earlier joint DOD and Air Force inspector general investigation that Lieutenant General Glosson knew, at the time that he discussed the qualifications of a particular candidate with the three officers, that one or more of these officers had been designated to serve on the promotion board.

That is what this is all about—commenting to people in derogatory terms about an officer when General Glosson either knew or should have known that one or more of those officers could be or was likely to be on the promotion board, selecting or determining the future of that individual officer that he talked about.

The panel, this independent panel, then considered the issue of whether Lieutenant General Glosson lied about his communications with the three officers in his testimony during the joint IG investigation. The panel reviewed the evidence, interviewed the witnesses, assessed their credibility. That panel concluded that Lieutenant General Glosson's statements were "not accurate" but they also stated:

> We have concluded that LTG Glosson thinks his version is accurate and that it represents fairly what at this point he recalls. In short, we believe he is not deliberately lying but is simply mistaken.

Everyone who has practiced law knows if you are going to prove that someone committed perjury in any kind of court, you not only have to show the statement is false, you also have to show they knew it was false. Those are the two elements. So in this case the panel said they did not believe Lieutenant General Glosson knew that he was making a false statement. That is the heart of what they decided.

Before giving my evaluation of this nomination, I want to emphasize that the committee spent a lot of time on this nomination because of the high priority we give to matters involving the integrity of the promotion system.

The committee regards improper communications with selection board members to be a very serious matter. As we noted in a report in 1992, the "fair and impartial conduct of the selection process is a matter of great concern to the Committee. The integrity of the selection process is essential to the integrity of the officer corps. Adherence to the established laws and regulations is necessary to ensure the best officers are selected for promotion and that the officer corps has confidence in the integrity of the selection process."

The factfinding panel found that Lieutenant General Glosson "improperly attempted to influence" officers who had been designated to serve on a selection board. This finding was accepted by the Deputy Secretary of Defense, Mr. Deutch.

Mr. President, the committee's report on this nomination addresses this matter by noting that, "it was wrong for LTG Glosson to attempt to influence members of the board. The committee regards failure to comply with the restrictions on communications with selection boards as a serious matter in view of the committee's strong commitment to the integrity of the selection board process."

The committee also noted, however, that it is important to place these actions in their appropriate legal context. The regulations governing such communications are administrative in nature. Actions inconsistent with such regulations are subject to administrative action. They are not subject to punishment under the Uniform Code of Military Justice.

The Senator from Iowa has mentioned that UCMJ several times I think in his presentation. But these actions are not subject to that Uniform Code of Military Justice. They are subject to administrative action.

The committee further noted that, as a result of the administrative action taken against Lieutenant General Glosson, his military career has been prematurely terminated, 6 years before his projected retirement date. As Secretary Widnall has stated:

> General Glosson has earned the privilege of retiring in the grade of lieutenant general. The events of last fall do not erase his years of extraordinary contribution, nor, in my view, do they call for a different conclusion.

So the Secretary of the Air Force basically endorses this and sent this nomination up. The Secretary of Defense endorses it. The President endorses it.

The committee agreed in the final analysis after a great deal of discussion and months and months of deliberation on a very tough question. We agreed with the recommendations of the administration, based it upon the following factors:

First, this is a retirement nomination, and does not involve promotion or reassignment to a position of importance and responsibility. In that context, it is particularly important to take into account Lieutenant General Glosson's 29 years of distinguished service to the Nation, including his service as architect of the Persian Gulf air war during Operations Desert Shield and Desert Storm as well as his outstanding combat service in Vietnam.

Second, improper communications to a member of the selection board, while serious, involve an administrative matter, not a court-martial offense.

Third, Lieutenant General Glosson has suffered serious consequences as a result of the improper communications. His brilliant career, destined for four stars and perhaps even leadership of the Air Force, has been terminated. The improper communications are now a matter of public record. General Glosson must live with the consequences of the panel report and the decision by the Deputy Secretary of Defense to accept the panel's finding.

Mr. President, I heard the Senator from Iowa say several times that there needs to be a warning sent to the Air Force officers out there about this conduct being a mistake and improper. I agree with that. I agree with that. I think the Senator is entirely correct on that. This was not a correct action. It was a mistake. It basically could have tainted the process. Three Air Force officers came forward and said we do not think this is right, and they basically reported the conversations they had with Lieutenant General Glosson.

But where I perhaps would disagree with my friend from Iowa is I believe the warning has already gone out. When an Air Force officer who is slated for four stars, who has had one of the most outstanding combat records in the Air Force, certainly since World War II and including a lot of that war, when that happens and he and his career is cut off and he is to retire 6 years early, and when he has no opportunity for further promotion, when he gives up any opportunity to ever be in a four-star position, that is punishment in the eyes of anybody in the military.

The question for this body is: Is that punishment enough? The Senator from Iowa does not believe it is. I believe it is. I believe that is sufficient punishment. I understand how others could have a different view.

Mr. President, there is one final remark I want to make. I have known Lieutenant General Glosson personally for a number of years. Everyone should know that. I have known him, I have admired him, I have worked with him. You cannot divorce that from your view when you bring forth a nomination on the floor of the Senate. I do not in any way hide that knowledge of him. I know him, and the reason I do not believe he lied and the reason I agree with the panel and not the IG is because I have seen him time after time come forward and give information that is adverse to his own position in an honest and a fair and an objective way.

Time after time, we have worked with General Glosson and asked him for information about controversial programs. He has always been honest—honest and painfully so—even when he knows that the information being provided, even his own personal opinion, is adverse to a particular program that he has been in favor of.

So I know him personally. Others know him personally. Other Senators do not know him personally. They can make their own judgment, but I do not believe he lied intentionally. I do not believe he provided false information intentionally. I do know General Glosson is a very frank and candid guy. That is one of the characteristics of people who are usually warriors. He is a warrior. He is frank. He is candid.

When he says something about someone, he means it. And I can imagine him making derogatory comments about another officer. I want everyone to understand, it is no offense, administrative or otherwise, to make derogatory comments about another officer, any more than it is to make derogatory comments in the Senate—private comments—about a Senator. But what is wrong in this case is he was making comments to those people he either knew or should have known, might have known, or probably knew were likely to be on the promotion board. He may not have known specifically they were going to be on the promotion board, but he should have known when he was talking to that many generals at that rank.

Finally, if General Glosson is not confirmed or retired in grade as a three-star general, his retired pay will be reduced, as the Senator from Virginia said, by approximately $6,700 a year. While the improper communications, in my view, warrant serious administrative action—and action has been taken in this case—it was the committee's judgment that a single incident of noncriminal conduct in an otherwise distinguished career did not warrant an annual reduction of $6,700 of retired pay and a reversion back to two stars.

If anybody ever earned three stars in the United States Air Force since World War II, General Glosson earned those three stars. Our decision tonight will be whether to remove one of them from what would otherwise be justified.

The committee did not believe that that single misstep, even though significant and even though a serious mistake, in light of the overall total career, warranted compounding the consequences that General Glosson has already suffered and his family has already suffered by denying him one of the three stars he earned while on active duty.

Mr. President, I urge my colleagues to remember that this is a retirement nomination involving an individual who has already suffered serious consequences. In view of his long and distinguished service to the Nation, I believe this nomination should be confirmed.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. NUNN. Mr. President, I have not yielded yet. I will yield in just a moment.

Mr. President, I ask unanimous consent that the letters on Colonel Bolton and Lieutenant General Barry from Secretary Deutch be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, September 30, 1994.
Hon. SAM NUNN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support for the nomination of Colonel Claude M. Bolton for promotion to the grade of Brigadier General. I have had the opportunity to personally observe Colonel Bolton's performance over the last 18 months in his capacity as the Commander of the Defense Systems Management College. His service in that capacity, as in his earlier assignments, has been outstanding.

Colonel Bolton is a combat veteran of Vietnam, where he flew 232 combat missions over Southeast Asia in the F-4 with 40 of these missions over North Vietnam. He received two Distinguished Flying Crosses and 18 Air Medals. He then flew the F-4, F-111, and F-16 as a test pilot. He was the first program manager for the Advanced Tactical Fighter Technologies Program, which evolved into the F-22 System Program Office. As program manager for the Advanced Cruise Missile (ACM) program, he turned around a troubled program and produced technically sound missiles meeting the requirements of the Air Force. In March 1993, he assumed his current position as Commandant.

I have personally reviewed the issues that have been raised about his management of the ACM program as a result of a DOD Inspector General report on Air Force missile procurement. The report, which did not allege any misconduct or other deficiency by Colonel Bolton, recommended that the Air Force review and report on violations of the Anti-Deficiency Act. The Air Force conducted the review, and determined that the actions taken to fund the program did not violate the Anti-Deficiency Act. The Department of Defense General Counsel and the DOD Comptroller both have concurred in this determination. It is important to note that funding decisions at issue were not made by Colonel Bolton; rather, they were made by the Secretary of the Air Force, with the advice and concurrence of the senior leadership of the service. Colonel Bolton reasonably and properly relied on their decisions and direction in his implementation of the program.

It is always possible, with hindsight, to suggest ways in which an acquisition official might have taken a different approach in dealing with funding and management challenges. There is no basis, however, for concluding that there was any significant deficiency in Colonel Bolton's management of the program. On the contrary, it is my view that he acted with professionalism and integrity to identify problems and implement the decisions made by authorized superior officials.

Colonel Bolton has served his nation with skill and dignity. I am confident that he has much more to offer our nation, and urge the Senate to promptly confirm his nomination for promotion to Brigadier General. A similar letter is being provided to Senator Thurmond.

Sincerely,

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DEPUTY SECRETARY OF DEFENSE,
Washington, DC, September 30, 1994.
Hon. SAM NUNN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support for the nomination of Lieutenant General (LTG) Edward P. Barry, Jr., to retire in his current grade.

LTG Barry has had a 33-year distinguished career serving our country. His accomplishments have directly impacted our national security. For example, in 1982 he received the Air Force Association's National Award for Program Management as Program Director for the Defense Support Program. The system's detection of Iraqi-launched SCUD missiles during Desert Storm provided crucial advance notice of attack, which saved lives and enabled our air defense systems to react. As Commander of the Ballistic Missile Division, he successfully fielded 50 Peacekeeper ICBMs, on schedule and under cost, while sustaining Minuteman II/III operational requirements.

I have personally reviewed the issues that have been raised with respect to his role in the C-17 program. As a Program Executive Officer with a staff of seven people, he had supervision over six major acquisition programs, including the F-22, F-15, and F-16 programs. In a January 1993 report on the C-17 program, the DoD Inspector General alleged that the Air Force had failed to acknowledge or report cost and schedule difficulties and take decisive corrective action. Although the report contained detailed information concerning the role of the program manager and a number of other officials, the only information in the report concerning LTG Barry involves his assessment that the risk of the contractor meeting its estimate at completion was "moderate to high."

After reviewing the IG Report and the Air Force's comments on the Report, Secretary Aspin determined that it was important to take action that would restore confidence in the acquisition process. He directed that the former C-17 program manager be removed from his then-current duties. In addition, he directed that LTG Barry and two other officials no longer perform acquisition duties.

After Secretary Aspin took his action, LTG Barry asked to retire. Secretary Aspin reviewed the entire matter and recommended that he be retired in grade. The nomination was forwarded to the President, who submitted it to the Senate. Subsequently, at the request of the Senate Armed Services Committee, Secretary Aspin again reviewed the entire matter and reaffirmed his support for LTG Barry's nomination to retire in grade. He specifically noted at that time that there was no evidence of criminal conduct, and that LTG Barry had not engaged in any actions that were self-serving or malicious.

I have also reviewed these matters. I would like to make it clear that if LTG Barry had not elected to retire, I would have returned him to acquisition duties. His performance in his current position as the Commander of the Space and Missile Systems Center in Los Angeles has further demonstrated his professionalism and dedication to duty.

He has chosen to retire, and I respect that decision. In light of his 33-year distinguished career, I strongly endorse his nomination to retire in grade. A similar letter is being provided to Senator Thurmond.

Sincerely,

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, on February 22, 1994, the Senate Armed Service Committee received Gen. Buster Glosson's nomination to retire in the grade of lieutenant general. The committee was also notified that an inspector general report had been prepared on General Glosson concerning a promotion board.

I have a great deal of respect for the Chief of Staff of the Air Force, Merrill McPeak, so I requested his opinion of General Glosson. General McPeak assured me that Lieutenant General Glosson was a true war hero in Vietnam, the primary planner of the Air Force bombing campaign in Desert Storm, and a trusted officer well deserving of retirement in the rank of lieutenant general.

I have watched the Glosson nomination with keen interest. Over the past several months; first, there has been an inspector general report furnished the committee that is 4 inches thick; second a number of executive session hearings have been conducted by the Armed Services Committee; and third, a hearing was held at which the Deputy Secretary of Defense, the Secretary of the Air Force, and the Chief of Staff of the Air Force testified on General Glosson's behalf. After all is said and done, it comes back to what General McPeak and I discussed 7 months ago. This is an outstanding officer who is deserving of retirement in the grade of lieutenant general. Let me just mention a few facts that all Senators should know before they vote.

President Clinton recommended that General Glosson be retired as a lieutenant general.

General Glosson is from North Carolina and is strongly endorsed by both Senators HELMS and FAIRCLOTH.

Secretary Aspin read all the material on General Glosson and recommended that he be allowed to retire as a lieutenant general.

Secretary Perry read all the material on General Glosson and he recommended that General Glosson retire as a lieutenant general.

Secretary of the Air Force Sheila Widnall and Gen. Merrill McPeak both read the same material and made the same recommendations.

Three special consultants were asked to reexamine the entire body of information concerning General Glosson and concluded that there was a misunderstanding between four honorable general officers and that General Glosson had done no wrong in his communications with the Department of Defense inspector general.

Another set of facts are worth noting concern General Glosson's career. He has 29 years of honorable service in the U.S. Air Force. During that time he saw extensive combat service in Vietnam as an F-4 pilot and was awarded the Distinguished Flying Cross for 139 missions. In his capacity as Deputy Commander of the Joint Task Force Middle East, he was responsible for the planning and implementation of the allied air campaign during Operation Desert Storm. He has also served as the Deputy Chief of Staff of the Air Force for Plans and Operations. It has been said about him that his demanding style and frankness unquestionably contributed to protecting and saving the lives of American Pilots during the gulf war. His efforts during Desert Storm were described as "the most successful air campaign in the history of air power, a campaign brilliantly planned and flawlessly executed." I would remind each of you that it was General Glosson's work that we viewed on the evening news as bombs were dropped down the ventilation shafts of Sadaam Hussein's Air Force Headquarters.

General Glosson worked hard, risked his life for his country and delivered exceptional service when his country needed him most. To tell him now that he cannot retire in the grade he so richly deserves not only does not make sense, it sends the wrong signal. This is a country that rewards its citizens for hard work and results. It should not be a country where one can lose a 29 year career over a misunderstanding. I urge my fellow Senators to confirm this outstanding officer to retire in the grade he earned, the grade of lieutenant general.

Mr. President, I think it is worth noting that two additional generals are being held from consideration. Gen. Edward Barry Jr. and Col. Claude Boulton are two other nominees who have been before the Senate since early 1993. This is unconscionable. They are both good officers with outstanding records. The Armed Services Committee has reviewed all the information and materials relevant to these two nominations and has recommended both for confirmation. Holding them longer is not fair to them, the Air Force, or their families. The Senate should consider and approve both of these generals before it adjourns.

Now, Mr. President, Senator NUNN has discussed the allegations made against General Barry and Colonel Bolton. I think he has described the committee's actions and findings very accurately. I ask my colleagues also to review the letters from Secretary Deutch, which I understand are on your desk. Secretary Deutch has concisely described the circumstances under which these two outstanding officers came to be the subject of the delays to their confirmation. It is clear to me that the allegations we have heard here this evening are without merit. I urge my colleagues to support the retirement of General Barry and the promotion of Colonel Bolton.

Mr. President, I ask unanimous consent that a "Dear Colleague" letter sent by Senator NUNN, chairman of the Armed Services Committee, and myself as ranking minority member, follow at this point in the RECORD. This is a "Dear Colleague" that we sent out about General Glosson to explain the situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, October 7, 1994.

DEAR COLLEAGUE: The Committee on Armed Services has favorably reported the nomination of Lieutenant General Buster C. Glosson, U.S. Air Force, to retire in grade. LTG Glosson's distinguished 29-year career includes:

His service as an F-4 pilot in Vietnam for which he was awarded the Distinguished Flying Cross for 139 combat missions.

Primary responsibility for planning and implementing the air campaign in Operation Desert Storm.

Service as the Air Force Deputy Chief of Staff for Plans and Operations.

President Clinton, Secretary of Defense Aspin, Secretary of Defense Perry, Secretary of Air Force Widnall, and Air Force Chief of Staff McPeak, all recommend that LTG Glosson retire in the rank of Lieutenant General. As Deputy Secretary of Defense Deutch observed in testimony before the Armed Services Committee, LTG Glosson's "record of service in Vietnam and Desert Storm is impressive. His demanding style and frankness contributed to protecting and saving the lives of American pilots during the Gulf War. This was part of a brilliant 29-year military that has been distinguished . . . and justifies retirement with the rank of lieutenant general."

The Armed Services Committee has spend many hours considering this nomination and has recommended to the Senate that he be retired in grade. The Committee has issued a detailed report on this nomination (Exec. Rept. 103-34).

We urge our colleagues to confirm the nomination of this outstanding officer to retire in grade.

Sincerely,

SAM NUNN,
Chairman.
STROM THURMOND,
Ranking Minority Member.

Mr. THURMOND. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I shall not take a great deal of time. I wish to say that I join with the distinguished chairman of the committee, Senator NUNN, and the distinguished ranking member, Mr. THURMOND, in urging the Senate to accept the recommendations of the Senate Armed Services Committee.

It has been my privilege to serve on this committee for nearly 16 years. I assure my colleagues that we perform our work with a great deal of care and in a meticulous manner.

On the two particular nominations of Barry and Bolton, there was a unanimous vote by the Armed Services Committee. We relied on documentation and letters given by the Secretary and the Deputy Secretary of Defense. These are individuals that the Senate can confirm for these responsible posts.

Our committee worked very closely with the senior management in the Department of Defense. Likewise, in the case of General Glosson, I have not seen a case in my years that had been done with a greater thoroughness than this.

What we are asking, the chairman and the ranking member, and those of us on the committee, is that this Senate repose in us its confidence that we do these things in a fair and equitable manner, in the best interests of our country and the Department of Defense.

Each Member has a perfect right to challenge—and, indeed, one of our colleagues has challenged—our judgment, and I respect my good friend. But I assure Members of the Senate that we have looked at these very carefully, and you can repose in the committee, particularly its chairman and ranking member, the judgment that we have made is the correct one. We have to be very careful as we deal with these issues on retirement because it affects the morale of the entire officer corps, not just the general officers but many of the juniors who are now making those career decisions as to whether to remain and dedicate the remainder of their lives and, indeed, the lives of their families, to the service of our country.

I yield the floor.

IMPLEMENTATION OF THE NORTH AMERICAN FREE-TRADE AGREEMENT IMPLEMENTATION ACT

Mr. STEVENS. The State of Alaska has an interest in resolving a question which has arisen regarding implementation of a statutory change made last year in connection with NAFTA. Section 521 of the North American Free-Trade Agreement Implementation Act, Public Law No. 103-182, amended 19 U.S.C. 58c(a)(5) to impose a $6.50 fee for the arrival of each passenger aboard a commercial vessel or aircraft from outside the customs territory of the United States. The reason for this change was to recover a portion of the revenue lost as a result of the elimination of a series of duties and tariffs under NAFTA.

NAFTA imposed a new fee of $6.50 for cruise passengers arriving in the United States from the Caribbean, Mexico, and Canada. Previously, such passengers were exempt from the Customs user fee. The law also raised the fee for both air and sea passengers arriving from other foreign destinations from $5 to $6.50.

As a result of the wording of the NAFTA implementing legislation enacted by Congress last year, the Customs Service is claiming authority to collect the Customs user fee multiple times during the course of the same voyage. Substituting the phrase "from outside the customs territory of the United States" for the phrase "from a place outside the United States", had this unintended consequence.

This point is particularly important to cruise passengers in Alaska where this interpretation could require the Customs user fee to be assessed more than once in a single voyage. For example, during the course of an Alaska voyage when the vessel may call in Ketchikan, Juneau, Valdez, Seward, and Sitka and may sail outside the Customs territory of the United States between each of those Alaskan ports as part of one continuous cruise voyage, under the Customs Service interpretation the fee would be collected three, four, or even five times. This was not Congress' intention. Could the distinguished Senator from Louisiana please clarify if it was the intent of Congress to require multiple collection of the $6.50 Customs user fee?

Mr. BREAUX. No, it as not the intent of Congress to assess the $6.50 Customs user fee multiple times during the course of a single voyage as in the Alaska situation. A similar result would apply in certain Caribbean cruises where, during the course of a single voyage, the vessel stops at two or more United States ports and travels outside the Customs territory of the United States between those American ports. In both of these situations, multiple fees should not be collected. The Customs user fee should only be collected once per voyage.

As the distinguished Senator from Alaska stated, the statutory change made last year in the NAFTA implementing legislation replaced the phrase "from a place outside the United States" with the phrase "from outside the Customs territory of the United States". The intent of this language change, which has given rise to this discussion, was to make it clear that the Customs user fee would be applied to passengers on so-called cruises to nowhere. These cruises are not traditional voyages with multiport itineraries, rather they simply leave a U.S. port, go outside the Customs territory of the United States and then return to same port with no stops at any intervening ports. Again, the purpose of this language change was to apply the fee to these cruises to nowhere passengers and not to enable the Customs Service to assess the fee multiple times during the same cruise voyage.

In addition, the existing statute provides that passengers are not subject to the fee unless they are provided Customs inspectional services. With respect to the port calls at intervening U.S. ports, Customs inspections are not required.

Mr. STEVENS. Does the Senator believe Congress needs to enact a clarifying technical amendment in order to limit the collection of this fee to once per voyage?

Mr. BREAUX. Since it was not the intent of Congress to impose the fee multiple times, no new law should be required. If the Customs Service should, however, attempt to collect this fee multiple times, I would be happy to work with the senior Senator from Alaska in a bipartisan fashion to enact clarifying legislation during the next session. However, I urge the Customs Service to resolve this issue administratively in accordance with congressional intent, so that legislation will not be necessary.

JOB CORPS

Mr. SIMON. Mr. President, I would like to recognize the Job Corps Program and take this opportunity to celebrate its 30th anniversary and the 1.6 million young people it has served. I met yesterday with 45 members of the 9 teams, who competed earlier this week in the Fifth Annual National Job Corps Academic Olympics. These young people are an inspiration to all of us—and proof that Job Corps works.

Job Corps stands out as one of our country's most successful job training programs. It serves approximately 65,000 students each year in 111 centers throughout the United States Job Corps has a successful placement rate of 65 percent.

I am pleased that last year Job Corps announced its expansion to nine new centers, serving an additional 3,600 youth who are most at-risk. In Illinois, for every student enrolled in Job Corps there are 65 young people who are eligible and in need but who go unserved.

The average Job Corps student is 18 years old, reads at a seventh grade level, has a disruptive home life, has never held a full-time job, and comes from a family with an income of under $7,000. More than 80 percent are high school dropouts. These young people are at-risk. Too many of our disadvantaged young people are thrust into an unhealthy cycle of dead-end jobs, unemployment, and dependency on public assistance. Even worse, many turn to lives of crime.

I have often said that the true division in our society is not between black and white, or Anglo and Hispanic, or even between rich and poor. The true division in our society is between those who have hope and those who have given up. We have too many people who have given up. Job Corps gives people hope, and an opportunity to succeed.

According to a study by Mathematical Policy Research, for every $1 invested in Job Corps, $1.46 is returned to the economy through reductions in income maintenance payments, the costs of crime and incarceration, and through increased taxes paid by Job Corps graduates. In addition to improving their future earnings, Job Corps participants are less dependent on welfare and unemployment insurance.

Job Corps helps young people become productive, economically self-sufficient members of society. Few employment and training programs target high school dropouts with low reading levels, and fewer still have had their effectiveness documented in a rigorous and independent evaluation as has Job Corps.

The Department of Labor's inspector general has raised some concerns about the Job Corps. No program is perfect and Job Corps is no exception. But it is significant that while the inspector general has raised concerns, his testimony at a hearing on Tuesday emphasizes the importance of the program:

> The OIG has always believed that the Job Corps Program plays a pivotal role in the Nation's plan to enhance the economic earning power of America's youth. In its 30-year history, the program has enjoyed a great deal of success. However, as is always the case for programs of this size and magnitude, there is room for improvement.

Secretary of Labor Robert Reich described Job Corps as,

> One of the jewels in the crown of our work force investment system. If the Job Corps did not exist, we would have to invent it, and that mission of invention would be among the administration's highest priorities. But fortunately, the Job Corps already exists, and boasts a resounding record of success. So our mission is to preserve it, expand it, and further improve it.

We also heard the inspiring stories of three Job Corps participants: Miguel Garza, Tamika Butler, and Anna Street.

THE JANE ADDAMS CONFERENCE INTERNATIONAL WOMEN'S LEADERSHIP AWARD

Mr. SIMON. Mr. President, on November 2, 1994, the Jane Addams Conference will present its third International Women's Leadership Award. The award recipient for this year is Dr. Sadako Ogata of Japan, the United Nations High Commissioner for Refugees. Dr. Ogata is recognized for her exemplary work to world refugees and her strong commitment to the goals of the United Nations.

The Jane Addams Conference was founded in 1984 to provide an international forum for women. The conference strives to educate women for empowerment and influence in international issues, to promote the involvement of women in global affairs, and to encourage women to attain positions of leadership in the decisionmaking process.

The Women's International Leadership Award was established in 1991, the 60th anniversary of Jane Addams receiving the Nobel Prize for Peace. Award winners are women with international influence who have dedicated their lives to helping others.

The first award winner was Marjorie Benton, a prominent Illinois resident. Ms. Benton was appointed U.S. delegate to the United Nations five times and has served as the U.S. Representative to UNICEF. She travels the world to promote the work of Save the Children Foundation.

The second recipient was Dr. Wangari Maathai of Kenya. Dr. Maathai, founder of the Green Belt Movement, is the one of the foremost environmentalists in Africa. The Green Belt Movement has organized 50,000 women who have planted 12 million indigenous trees.

As the United Nations High Commissioner for Refugees, Dr. Ogata has been a strong and undaunted champion for the world's 20 million refugees. Previously Dr. Ogata served as the Independent Expert of the United Nations Commission on Human rights on the Human Rights Situation in Myanmar. Among her other many accomplishments, Dr. Ogata has served as chairman of the executive board of UNICEF, Envoy Extraordinary and Minister Plenipotentiary at the permanent Mission of Japan to the United Nations, dean of the faculty of foreign studies at Sophia University in Tokyo and director of the Institute of International Relations at Sophia University.

Dr. Ogata's commitment to world refugees and to the goals of the United Nations is exemplary. As we witness unrest, famine, and the disintegration of governments in many spots of the world, Dr. Ogata has been the shining light for refugees. Her tireless effort and her dedication to humanity has been an inspiration to all of us. I am pleased to join people from my State, across the Nation, and around the world to extend my congratulations and best wishes to Dr. Ogata for her outstanding accomplishments.

H.R. 783

Mr. SIMON. Mr. President, I would like to thank all of my colleagues who have made possible passage of H.R. 783, the immigration technical corrections bill, which contains many important provisions—both large and small—that will enable our immigration laws to work in a more sensible and efficient way.

In particular, I would like to commend my colleague from California, DIANNE FEINSTEIN, for her work on this bill and on immigration issues in general. She has long been in the forefront of efforts to strengthen and improve our immigration laws, and her efforts have already borne much fruit, in the form of increased resources for border enforcement, increased funding to the State of California for the costs of incarcerating illegal aliens, and more efficient procedures for dealing with deportable aliens.

Much work yet needs to be done, but Senator FEINSTEIN has my commitment that, as a member of the Immigration Subcommittee, I will work with her to explore further immigration reform legislation in the upcoming year. There is no question that our immigration laws need work, and I am confident that with Senator FEINSTEIN's help, we can achieve our objective of passing good, smart, and fair immigration legislation in the upcoming session.

AMBASSADOR ALBRIGHT'S REMARKS ON RUSSIA'S ROLE IN PEACEKEEPING

Mr. LEAHY. Mr. President, yesterday, during our debate on Haiti, my colleague Senator MCCONNELL argued that there is a hidden cost to the United States military operation there. He expressed concern that, in order to win Russia's abstention on the U.N. Security Council resolution authorizing this action, the administration told the Russians, and I quote Senator MCCONNELL, "you go ahead and do what you will in Ukraine or Georgia or Armenia, and Azerbaijan, or anywhere else in the former Soviet Union and we will utter not a peep."

Such a statement by the administration would be a tragic mistake. Senator MCCONNELL was not, however, actually quoting an administration official. He explained that this was the meaning of statements like one by Madeleine Albright, or Ambassador to the United Nations, when she was in Moscow on September 6. Senator MCCONNELL quoted Ambassador Albright as saying that "Russia is an empire where the mother country and the colonies are contiguous."

Mr. President, I was in Moscow on September 6. I was not present for Ambassador Albright's speech, but I did have the chance to meet with her there, and to hear from her personally about the grueling trip she had just made to Georgia, Armenia, and Azerbaijan to assess first-hand the conflicts in that region and the role that Russian forces are playing as peacekeepers there. And yesterday, as I listened to Senator MCCONNELL, it struck me that his depiction of the thrust of her remarks—that we are telling Russia we do not care what they do with their neighbors—bore no resemblance to what I remembered Ambassador Albright having told me about Russia's actions in that region and the administration's position on those actions.

Mr. President, I was concerned about this discrepancy. No one can predict the future, and I as much as anyone am concerned about the possibility that Russia could lapse back into the same kind of imperialistic habits relative to its neighbors that it exhibited during the cold war. Like most other Senators, I have supported President Clinton's efforts to build a new, more cooperative relationship with the Russian Government, but I have done so based on my understanding that Yeltsin Government has committed itself to renunciation of Russia's old ways and to accepting the principles of respect for the sovereignty and territorial integrity of its neighbors. I certainly would not support a United States policy towards Russia of the kind attributed to President Clinton by Senator MCCONNELL.

I therefore asked for and obtained a copy of the text of Ambassador Albright's remarks in Moscow, which number 11 single-spaced pages. And I am pleased to report that, although Ambassador Albright did make the statement attributed to her, her overall statement conveys clearly a message completely opposite to what the Senator form Kentucky inferred. Ambassador Albright in her speech repeatedly and emphatically put the Russian Government on notice that the world is watching closely Russia's actions in Georgia, Moldova, and elsewhere, and expects that it will act in full accordance with the accepted principles of international peacekeeping and national sovereignty.

Let me provide a few quotes:

First, the full comment from which the Senator from Kentucky quoted, and let me add that this particular comment was in answer to a question, was extemporaneous, and therefore was perhaps not as artfully worded as it might otherwise have been:

> The burden of proof is on Russia to abide by a variety of international principles that have to do with peacekeeping and neutrality. Russia has a very difficult task, and I think everybody needs to appreciate the difficulty of it. It is an empire that is, on its own, disassembling itself. That is unusual. It is an empire where the mother country and the colonies are contiguous. That is also unusual. It is taking place at a time when there is a greater sense of nationalism, I think, than at any time, and where we not only have nation states that are trying to be formed, but ethnic subgroups that believe that they need to have boundaries, flags, currency, and their own airline. I think that it creates incredible difficulties.
>
> So the United States' position has been in the United Nations, as far as activities in the "near abroad," that so long as Russia abides by the international peacekeeping principles, their mandates are created, and they follow through on them, that it is an appropriate thing for them to do, because in that way they are, in fact, part of the responsible international community that is trying to maintain stability. But—and it is a big but—they have to abide by the international peacekeeping principles. And they know, and we know, that the world is watching how it is done and that people are suspicious because of their past history. But that we should not just decide that they cannot do this kind of business simply because of their history, because something needs to be done to calm the forces. And when you have a person that's as respected as Chairman Shevardnadze asking for help, then I think it is legitimate to have a response.

Mr. President, I for one agree completely with this characterization of the issue and U.S. policy. Particularly, as Ambassador Albright had already stated it even more clearly:

> I think, however, and this is the message from my trip, by virtue of history, there is a certain suspicion in these NIS countries about Russia's intentions. The result of the history and geography basically places a special burden on Russia, and the burden of proof is on Russia to prove its commitment to accepted international principles, to the sovereignty of the newly independent states and to adopting a neutral stance in the ethnic conflicts that have exploded in Georgia, Nagorno-Karabakh and Moldova. And I think that they know that the world is watching. On the other hand, to a great extent, people in these countries and people in other countries are grateful that Russia is able to participate in these. So it's a very mixed kind of situation and a mixed message and very much a sign of the pragmatic approach that we have to take, in this day and age, where there are eruptions of kinds that are very different.

A few minutes later, Ambassador Albright addressed directly Senator MCCONNELL'S concern about linkage between the Russian peacekeeping effort in Georgia and the United States intervention in Haiti. She said, and I quote, "there is no moral equivalency and there is no analogy. * * * and, if I can say something just flat out, there is no analogy in history. None. The United States didn't have an empire. The United States never was totalitarian. And there is no analogy. The confluence or the coincidence is only one of time."

Mr. President, this is a strong assurance from the person best positioned to know, that there was no deal struck between the United States and Russia at the United Nations regarding United States support for Russian engagement in Georgia or anywhere else, in exchange for Russian assent to the Haiti resolution.

This is not the time to debate the fundamentals of United States policy toward Russia. I do feel, however, that it is important that there be no misimpression left about the words of our Ambassador to the United Nations concerning this very sensitive issue. Ambassador Albright is a dedicated public servant committed to identifying and pursuing the foreign policies that she believes best serve the interests of the American people. She went to the former Soviet Union last month because she wanted to assess for herself what the situation in the Caucusus is, so she would be able to help decide what United States policy should be relative to that region. I think we should salute her for that. I would suggest that she speaks with an authority that not many can match.

UKRAINE'S AGREEMENT WITH THE INTERNATIONAL MONETARY FUND

Mr. LEAHY. Mr. President, in the midst of the hustle and bustle in this body over the past week, I believe the Senate has failed to take appropriate notice of a very important development. On September 30, the International Monetary Fund announced that it had reached preliminary agreement with the Ukrainian Government on a cooperation arrangement. The IMF has entered this arrangement on the understanding that the Ukranian Government is moving forward with a program of economic reform designed to reduce the inflation that has been devastating the Ukrainian people, stabilize the Ukrainian economy, and stimulate private investment to begin to expand production and create jobs. As part of the arrangement, the IMF will provide a large loan to bolster the foreign exchange position of the Ukrainian Government and provide it the breathing space it needs to sustain reform.

This is exciting news. I and many other Senators have long entertained the hope that the Ukraine, a country with which we share many close and warm ties, would jump on the bandwagon of reform and proceed with the transition to democracy and a private enterprise-oriented market economy. This latest announcement, together with the news we are receiving from Kyiv, confirms that these hopes are being fulfilled. When I visited Kyiv a month ago, President Kuchma, who just entered office 3 months ago, told me that he intended to set his Government on a courageous new path. Rada Speaker Moroz, with whom I met here this week, has also pledged to support private investment.

Mr. President, I have said repeatedly that the United States should stand ready to support the Ukraine generously when it embarked on the reform path. There is no question that the Ukraine requires assistance. Its balance of payments is in crisis. Investment is badly depressed. The Ukrainian people do not understand well what has happened to them or where to turn for help. The IMF assistance, while significant, will only begin to close the financial gaps that President Kuchma faces.

The time has come for us to act. Some may argue that we should continue to hold back, make sure that the Ukrainians will actually implement the reforms that we believe essential. But what the Ukrainians need now is a vote of confidence, so that they can begin to have confidence in themselves. Let us be bold. Let us take President Kuchma at his word. I call on the administration to reopen its book on aid for the Ukraine. The United States should be front and center when it comes to welcoming the Ukraine to the ranks of democratic market economies.

NEED TO PASS SEC FUNDING LEGISLATION

Mr. RIEGLE. Mr. President, as time runs out in this Congress, there are many bills that should get done, but very few that must get done. I am taking the Senate floor to speak for a third time about a bill that must get done. I am referring to the urgent need to provide funding to the Securities and Exchange Commission. We face a very serious situation: the SEC has not yet been provided with funding sufficient to carry it through the new fiscal year that began on October 1.

As I have mentioned the Senate, the Congress has provided the agency with only a portion of the funding that it needs for the next 12 months. Legislation that would provide the needed full funding has passed the House of Representatives. That bill, H.R. 5060, is now at the Senate desk. It is crucial that the Senate immediately take up and pass this bill without amendment.

In the absence of full funding, the SEC has begun preparing to shut down. Arthur Levitt, chairman of the SEC, wrote me earlier this week, stating, "the SEC has been forced to suspend vital services." He noted that examinations of brokerages and investment advisers have been halted. The agency has had to stop seeking to recover funds from offshore accounts. The electronic filing system for all publicly traded companies will shut down on Tuesday. This will slow down the filing of securities registration statements, and increase their costs, for every public company in America. In addition, Congress' failure to pass the SEC funding bill has already cost the U.S. Treasury several million dollars, because of the reduced fee schedule now in place.

Why has the Senate not yet acted on H.R. 5060? Because a few Senators have placed holds on the bill. They would like to use the SEC funding bill to advance unrelated tax provisions, and so have prevented the SEC bill from coming to the Senate floor.

At this time of year, every Senator has a provision he or she would like to send through the Senate, I am sure many of the Senators who are holding up the SEC bill are seeking to advance provisions that, by themselves, have merit. It is counterproductive, however, to hold up the SEC bill in order to pursue unrelated provisions. It is costing the Federal Government money, and damaging an agency charged with the vital responsibility of policing our capital markets.

If Congress adjourns without providing the needed funds, the SEC will have to shut down. This would be a catastrophe, because the SEC is crucial to the smooth operation of the capital markets that stand at the heart of our economy. The success of the U.S. financial markets is due, in large part, because the markets and their investors know that the SEC is a vigilant cop on the beat. Leaving the SEC in budgetary limbo needlessly places the stability of the markets and the personal savings of millions of individual investors at risk. In addition, it will cost the U.S. Treasury millions of dollars every week.

This need not happen, if we pass H.R. 5060 without amendment. The language contained in H.R. 5060 passed the Senate earlier this year. It is crucial that the Senate take up and pass this legislation before adjournment, to protect the smooth operation of our markets, to ensure that investors are protected, and to guarantee the efficient operation of our Government. I urge all my colleagues to give their consent so that the Senate can take and pass this crucial bill.

JIM WHITMIRE

Mr. HOLLINGS. Mr. President, we are all proud of our staffs, and with good reason. No institution attracts people with more drive, intellect, or concern for the common good than the U.S. Congress. While it is the way of Washington that we see talent constantly come and go, I have been lucky to enjoy for 8 years the work of Jim Whitmire, a staffer who has simply exceeded in every way the high standards we expect.

Nominally, Jim was a writer but that does not begin to describe his portfolio. He was so good that I was reminded of the Will Rogers story about driving to Europe. Will Rogers said that was easy to work out, just drain the ocean and build a bridge. When asked how to do that, he said I'm just an idea man, you all work out the details. Jim Whitmire was the guy who would work out the details.

First and foremost, Jim pulled the details together in brilliant prose. It is said that one sees with the mind, and not the eye, and his mind was always presenting a brighter, sharper picture of the public interest and the political fray. He was a relentless, vigorous intellectual force, who presented his case with elegance. While some offices have a litmus test, we had a Whitmire test—if it was good enough for Jim, it was good enough for us. This elegant excellence is his gift that I will sorely miss.

While he carried a big pen, he spoke softly. He was an example and mentor to other staff. In a bustling office, he lent his help to others with no concern for who got the credit. And I knew that any new, young staffer sitting next to Jim would not only learn good work habits, but also have his horizons expanded by the enormous breadth and depth of Jim's intellect and experience. Just as importantly, Jim was a workhorse. No job was too big or too small for him, and when he took an assignment, it was considered done and done well. In all these things, Jim obviously made the people around him better—a fitting legacy for a former teacher and father of two adopted children who has spent his professional life in public service.

Mr. President, Jim Whitmire helped me and I hope I helped him. Appropriately, he has gone to carry on his good work at the National Education Association where he will no doubt provide the energy and intellect that was so valued in my office. I wish Jim, his wife, Shelley, and his children well.

HONORING SENATOR DONALD W. RIEGLE, JR.

Mr. FEINGOLD. Mr. President, the end of the 103d Congress marks the end of my first 2 years as a Member of the U.S. Senate. During this time, I have had the chance to work with many Senators on different issues of national importance.

Senator RIEGLE has been a true leader on issues affecting not only his State of Michigan, but working families all across the United States. Unfortunately, Senator RIEGLE is retiring this year, and his leadership both on the floor of the U.S. Senate and as chairman of the Senate Banking, Housing and Urban Affairs Committee will be profoundly missed.

I do not believe this can be more clearly illustrated than by looking at the series of speeches Senator RIEGLE has made over the last several months on the floor of the U.S. Senate about the issue of health care reform. Throughout this period, the Senate seemed to have lost itself in a myriad of multifarious health care proposals and perplexing concepts such as mandatory alliances, purchasing cooperatives and preexisting conditions. Yet while all this was going on, there was Senator Riegle on the floor of the Senate, reminding us of how the numerous flaws of the current health care system are affecting working families, persons with disabilities and older Americans.

I also had the pleasure of working with Senator RIEGLE on several other issues. On insurance redlining, we worked together to produce a bill that would end the discriminatory practice of some insurance companies denying minority and low-income communities the ability to obtain adequate and affordable homeowners insurance which is often a prerequisite for securing a home loan. Senator RIEGLE was also gracious enough to allow me to attend and testify before a Banking Committee hearing on this issue even though I am not a member of that committee. I particularly recall his passionate and obviously heartfelt words at that hearing about his lifelong efforts to combat such manifestations of racism. As members of the House and Senate Great Lakes Task Force, Senator RIEGLE and I had the opportunity to explore and pursue actions that will facilitate the removal and disposal of contaminated sediments from the Great Lakes. Senator RIEGLE has also been an outspoken advocate of the working men and women of our country as exemplified by his leadership role in supporting legislation to ban the hiring of permanent replacement workers and his opposition to the North American Free-Trade Agreement which placed the worker of his and other States at a competitive disadvantage with workers south of the border.

Let me close, Mr. President, by again expressing my admiration and respect not only for the outstanding career achievements of Senator RIEGLE, but also for the kind and considerable manner that he brought with him to the U.S. Senate. Although the citizens of Michigan are losing an effective and forceful representative in the Senate, the accomplishments of Senator RIEGLE will certainly not be forgotten either by his constituents or those of us who were fortunate enough to serve with him in this body.

I yield the floor.

SENATOR DAVID DURENBERGER

Mr. FEINGOLD. Mr. President, I rise to say goodbye to a colleague who has provided guidance and leadership for upper Midwest farmers on a great number of agricultural issues so important to producers in Wisconsin and Minnesota. Our rural constituents of Minnesota and Wisconsin are very similar in their tradition of small family farms as well as their philosophies about fairness and equity in farm programs and other government policies. Both Wisconsin and Minnesota are dairy States of similar structure and as such together our dairy farmers share the burden of a policy that discriminate against them.

Senator DURENBERGER has sought to rectify the inequities of the existing Federal milk marketing order system. He has persistently introduced sound legislation to reform this discriminatory policy under which the dairy producers of our States must operate, even though chances for passage were bleak. Unfortunately, legislation that rights the wrongs inflicted on some regions while benefiting others is quite difficult to fulfill in a democratic body such as ours. I respect his perseverance despite these barriers to reform and I am proud to have cosponsored his Dairy Equity Act of 1993. He has been a great resource on this very technical issue and I will miss his extensive knowledge and leadership on Federal milk marketing order reform.

Senator DURENBERGER must have a knack for recognizing when something is broken because during his tenure in this body he took on reform of another very technical but very important farm program. The Federal Crop Insurance Program, while well intentioned, has created problems for farmers throughout the country and the upper Midwest in terms of inadequate coverage, uncertain coverage and high costs. Senator DURENBERGER'S innovative ideas and solutions to the problems helped direct the Senate to finally pass crop insurance reform that embraced several of his reform proposals. It is a credit to his efforts that such extensive reform passed both the House and Senate unanimously just this week.

I also have great admiration for Senator DURENBERGER'S commitment to improving our health care system. While he and I may not have always agreed on what changes were necessary, I know that we have shared the same goal—to ensure that the best possible health care is available to all Americans. I respect his commitment on an issue that is so critical to this country and the health of American citizens.

Mr. President, there are many other issues on which Senator DAVE DURENBERGER showed tremendous leadership—from environmental policy to deficit reduction. But let me just say, Mr. President, in closing, that the U.S. Senate, American citizens and most definitely the people of Minnesota have benefited from the service of Senator DURENBERGER. I am proud to have had the privilege of serving with him.

TRIBUTE TO SENATOR HARLAN MATHEWS

Mr. FEINGOLD. Mr. President, with the end of this session, we will bid farewell to the junior Senator from Tennessee, Senator HARLAN MATHEWS. I have had the honor and pleasure to serve with Senator MATHEWS on the Senate Foreign Relations Committee, to which we were both appointed as freshmen last year. I valued our consultations during long and sometimes contentious markups, and enjoyed learning the issues and the ropes of the committee with him. We have certainly experienced historic moments together.

As did most of us who came to the Senate in 1993, Senator MATHEWS identified three goals to work on during his term: to begin balancing the Federal budget; to reduce the deficit; and to reform the Nation's health care system. He cosponsored legislation on rural health initiatives, and focused much of his legislative efforts on re-invigorating the American economy, and opening business opportunities for his constituents.

Throughout his long career in public service in Tennessee, Senator MATHEWS has served his State well, stressing his commitment to improve the lives of his fellow Tennesseans. They should be proud to have been represented by such a decent man, and we as a Senate were honored to have him in our ranks. I know that, on a personal note, I have rarely encountered such a courteous, pleasant, and thoughtful person.

THE RETIREMENT OF SENATOR DENNIS DECONCINI

Mr. FEINGOLD. Mr. President, the senior Senator from Arizona will be retiring from the Senate at the end of this Congress, and I want to take a brief moment to congratulate him on his public service.

Though I have been privileged to serve with the Senator for only a brief 2 years, I have fortunate to have gotten to know him through our common interest in addressing the Federal budget deficit, and especially because of his leadership in helping to establish a deficit trust fund.

I was pleased to cosponsor the Senator's amendment to the Budget Resolution of 1994 to establish a deficit trust fund. That deficit trust fund, eventually created by executive order of the President, ensured that any new revenues passed as part of the Omnibus Budget Reconciliation Act of 1993, as well as all savings generated by the spending cuts made in that act, would be used solely to reduce the deficit.

Mr. President, for the Senator who shares a birthday with former President Harry S. Thurman, the creation of the deficit trust fund guarantees that, rather than be used for additional spending, any new bucks will stop there.

Mr. President, deficit reduction and balanced budgets have been a focus of much of the work done in the Senate by the senior Senator from Arizona. In addition to sponsoring a constitutional amendment to balance the budget, he as a founder and cochairman of the Senate Grace Caucus, a bipartisan group of Senators looking for ways to eliminate waste and abuse within government.

He also led the fight to reduce government waste by cutting government spending on consulting, public relations, printing and motor vehicles, and be cosponsored legislation, now law, establishing an inspector general in the Department of Defense to scrutinize our military spending.

He has not been afraid to take stands that were unpopular among his colleagues to hold the line on spending, including opposition to a pay raise for Member of Congress. And when a pay raise was adopted, he donated his own pay raise back to the Treasury to help reduce the Federal debt.

Mr. President, I congratulate the senior Senator from Arizona on his 18 years of distinguished service in the Senate. Though I have known him and worked with him for only the last 2 of those 18 years, I will very much miss him, his thoughtful counsel, and his willingness to take a freshman Senator under his wing and teach him the deficit reduction ropes.

TRIBUTE TO SENATOR METZENBAUM

Mr. FEINGOLD. Mr. President, as I approach the end of the first Congress in my own first term as a U.S. Senator, I've been greatly impressed with the quality of leadership, the raw talent, intellectual discipline, and political courage of many colleagues with whom I have served. None of these has been more impressive than Senator HOWARD M. METZENBAUM of Ohio. After three terms, nearly 18 years of service to the citizens of this great Nation, Senator METZENBAUM will retire, when the 103d Congress concludes its business at the end of the year.

I, along with millions of American workers, consumers, children, seniors, minorities, and women have benefited from his dedication to what some have termed a dogged pursuit of fairness, safety and equality in the conduct of our daily lives as citizens. During his tenure, which began in the 95th Congress, Senator METZENBAUM has been the recongized leader of the struggle for worker's rights, children's development, minority and women's equality, social and economic justice. The Congressional Quarterly acknowledged his leadership acumen by calling him, "* * * a leader without portfolio,"—a lawmaker who wielded substantial power without holding official leadership positions.

I am pleased and honored to have been able to work closely with him as a cosponsor of legislation addressing the rights of striking workers, child labor abuses, worker retraining and plant closing notification, employment discrimination, and OSHA. One issue that Senator METZENBAUM focused on during this Congress involves the problems of fairness for members of the contingent work force. This is an area that I have a great interest in as well, and hope to be able to carry on some of the efforts he has begun. Senator METZENBAUM has also facilitated several informal meetings with Israeli officials to discuss the Middle East peace process, and consistently played a leading and constructive role in promoting peace in this region.

Senator METZENBAUM has established in the Senate a living example of unquestioned integrity for the benefit of the public interest, excellence in the performance of his work, and dedication to the principles of public service and justice. I will miss him. I will do my best to follow his wonderful example.

TRIBUTE TO SENATOR DAVID L. BOREN

Mr. FEINGOLD. Mr. President. At the conclusion of this Congress, I wish to extend my best wishes to departing Senator DAVID BOREN. I have greatly admired Senator BOREN's ability to assess and keenly lead at strategic points, and boldly steer this body, with strong new steps toward crucial congressional and budgetary reform.

Senator BOREN has been instrumental in working to achieve several major reforms during his time in the Senate including discouraging administration and congressional staff from cashing in on Government experience by becoming lobbyists and, during my tenure in the Senate, limiting congressional campaign spending and curtailing negative campaign practices. That landmark legislation was the first congressional reform package to pass both Houses in 14 years. I know Senator BOREN was deeply disappointed that we did not achieve final passage of these important measures but his work moved us demonstrably closer to our ultimate reform goals.

I am proud of those times where Senator BOREN and I have been partners in reform. He has consistently fought for deficit reduction, which is another issue where we have shared a common interest.

I have also been pleased to have shared in Senator BOREN's concerns for the fair application of Federal laws. This year, Senator BOREN and I joined together, along with a number of others in this body, to try to clarify the tax status of several native American tribes so that tribal members who had invested in tax-exempt retirement programs were able to access them without penalty.

The business of reform will continue in the next Congress without Senator BOREN, but we will be much poorer without his strong steps to follow.

On a personal note, I fondly remember that DAVID BOREN was one of the few members of the Congress who took time to encourage a long shot candidate for the U.S. Senate from Wisconsin. I am pleased that I had the opportunity to serve with him and wish him well as he moves on to playing what I know will be an important role in higher education.

TRIBUTE TO THE MAJORITY LEADER

Mr. FEINGOLD. Mr. President, as a freshman Senator, I quickly learned that GEORGE MITCHELL is a man of great ability, depth, and eloquence. He has a commitment to the public welfare that does not blow hot or cold with popular opinion polls. He has been willing to take difficult and sometimes unpopular stands. His commitment to protecting and preserving our Constitution and the balance of power between the three branches of Government enabled him to steer a steady course through difficult times.

His dedication stems from the values he learned as the son of hard-working immigrants; from the hard-working town of Waterville, ME on the banks of the Kennebec River; from the home of textile mills and shoe factories where his mother worked to put him through school. His story reflects the best sense of what it means to be an American.

He has been a force for the common good who has demonstrated uncommon skill and compassion.

His rapid rise to leadership, second only in this century to Lyndon Baines Johnson, is a testament to his ability and determination. Moreover, by all accounts, his record in 6 years as majority leader has been remarkable for not only his achievements but for his dogged resolve to remain fair and respectful to all of our colleagues.

His reputation for fairness and decency is unparalleled at a time when political debate too frequently deteriorates to mud-slinging and gamesmanship, rather than edification and statesmanship.

He is a credit to his party, standing up for its best principles and making us proud to be Democrats. In what can be, at times, fierce partisan battles on the floor of the Senate, he has steadfastly refused to engage in personal attacks as staunchly as he has refused to compromise his political ideals.

Mr. President, in my short tenure here as a Member of the Senate, I have had the honor to serve with one of the finest majority leaders who has ever served in the U.S. Senate. An astute politician, a skillful legislator, a vigorous leader, and remarkable man: The U.S. Senate will be a different place without GEORGE MITCHELL.

I am confident that although Senator MITCHELL is leaving the Senate, he will not be leaving public service and that he will continue to make important contributions to the country he loves and has served so well. We all wish him the very best.

DISASTERS

Mr. DURENBERGER. Mr. President, in my 16 years of representing the people of Minnesota in the U.S. Senate, I have been a first-hand witness to a number of catastrophic disasters that Minnesota farm families have endured. I have seen the disasters from the air and from the ground. And, I have visited with farmers who have suffered the effects of these natural disasters.

Everyone remembers the horror of the Midwest floods of 1993, even as we have seen floods occur in other parts of the country this year. But the call for crop insurance reform stemmed from years before that fateful summer.

In 1991, thousands of prime corn and soybean acres could not be planted because of extraordinary rainfalls in southern Minnesota. It was then that we came to the plain realization that crop insurance did not pay up when Minnesota farmers needed it. It was then that Minnesota farmers told me that reform was absolutely essential to their economic survival. And, it was then that we asked the Secretary of Agriculture to lend a hand in bringing about reform.

One year later—in the spring of 1992—three tornadoes devastated a portion of southwestern Minnesota. The tornadoes destroyed crops that, just moments before, looked as promising as anything we had seen. And, a few months later, an unusually early frost killed all of the crops in one northern county. But, unreformed and seriously flawed, crop insurance again fell short. In fact, a Jackson County corn farmer, Richard Peterson, had paid $21,000 in crop insurance premiums over 6 years but—while he endured extensive crop losses over the same period—the total payment he received was just $2,100. With crop insurance floundering, I decided it was time to put together a bill to give our farmers the kind of crop protection they deserve. And, in the fall of that year, I introduced the bill Minnesota farmers like Richard Peterson, Andy Quinn, and Grant Annexstad helped write. Unfortunately, the urgency of reform was not so apparent on Capitol Hill—and the bill never became law.

So, on March 9, 1993, I reintroduced the Federal Crop Insurance Fairness Act hoping that the need for reform would by that time be evident. But, it met with little fanfare. And, tragically, it was only a few months later that floods and rains of Biblical proportions caused 57 of Minnesota's 87 counties to be declared Federal disaster areas. Thousands of Minnesota farmers were not able to turn a wheel in their fields all season due to the floods and torrential downpours. Water stood in the fields all year—even into the winter. It was the worst natural disaster in Minnesota history. That summer, Congress approved millions of dollars in disaster assistance. And, a number of us fought for crop insurance reform during consideration of the disaster bill on the Senate floor. But, beyond the quick fix of disaster aid, there was little enthusiasm for taking on the real problem and fixing a tired crop insurance program that just did not work. We lost that battle but not without a fight and a promise—a promise of reform this year.

Early this spring, the reform legislation I originally introduced in 1992 and 1993 was embraced by the President and the Department of Agriculture. As a leading cosponsor of the Federal Crop Insurance Reform Act, I worked hard to give our farmers real security in crop insurance. The bill Minnesota farmers and I helped write would provide our farmers with a catastrophic yield adjustment to protect his or her actual production history from the effects or disaster. It would make 65 percent and 75 percent coverage more affordable. It would cut in half late planting penalties and allow our farmers to prove their yields in 4 years instead of 10. It would provide prevented planting as part of the standard coverage. And, last, it would provide catastrophic coverage for all our farmers at a nominal cost of $50 per crop per county with a maximum of $100 per farmer per county.

Now—months after we introduced the Federal Crop Insurance Reform Act of 1994 and nearly 4 years after we first began our fight for reform—this reform will finally be law. After all we've been through in Minnesota, the victory is bittersweet. Had Congress listened to Minnesota farmers and passed reform earlier, farmers nationwide could have been spared some of the pain and hardship the disasters of recent years brought. But, there is some consolation in the proof this process reveals: Minnesotans persevere when times get tough and they commit to solving problems with solutions far ahead of their time.

Mr. President, I would like to pay tribute to a group of people who have been tenacious in passing this critical legislation that they, in part, wrote. These friends include farmers and agricultural leaders including Richard Peterson, Andy Quinn, Grant Annexstad, Glenn Annexstad, Gerald Lacey, Noel Kjesbo, Mark Moenning, Paul and Alan Brutlag, Sharon Clark, Craig Weir, Doug Magnus, Kent Thiesse, and Gary Hachfeld. And my thanks to the farm organizations and commodity groups who persisted to see this reform through.

And, finally, I want to recognize members of my staff, including my former agriculture aide, Hank Snyder who sailed in to uncharted territory as he put together the original bill in 1992. I thank Jeff Harrison, who ably took his place and tenaciously hammered out this legislation with staff members of the Agriculture Committee. And, I am grateful to Karen Humphrey of my Minnesota staff who met with farmers throughout all of the disasters they suffered and brought his problem to our attention.

Mr. President, I am proud to have been a leading cosponsor of this important legislation. But, I am most proud of the Minnesota farmers who made it possible.

JUDGE WILLIAM W. WILKINS, JR., CHAIR, UNITED STATES SENTENCING COMMISSION

Mr. THURMOND. Mr. President, for more than two centuries of this Nation's history, Federal judges were the ultimate authority in sentencing defendants who appeared in their courts. Such power, while attractive to members of the bench, led to great disparities in how people were sentenced, from judge to judge, and even from case to case. It became apparent to those of us on the Judiciary Committee that this disparity could not stand, and that some sort of Federal sentencing guidelines needed to be established to ensure, that convicted criminals were sentenced uniformly and fairly for the crimes they committed. In an effort to achieve this goal, the Congress passed the Sentencing Reform Act in 1984, which created the U.S. Sentencing Commission.

As many of you may remember, our legislation required that the Commission be composed of seven voting members, three of whom would be Federal judges selected by the President from a list compiled by the Chief Justice of the Supreme Court. When I learned that my good friend and former member of my Senate staff, Judge William "Billy" Wilkins, Jr. was being considered for the Commission, I immediately contacted President Reagan and urged him to give Judge Wilkins every possible consideration. My enthusiastic support of Judge Wilkins was motivated by my knowledge of this man's impressive qualifications, ones that were ideally suited to master the challenging job of chairing the Sentencing Commission.

Since his days as a law student at the University of South Carolina, Billy Wilkins has distinguished himself in each and all of his undertakings. At Carolina he earned a reputation for excellence by winning the prestigious position of editor of the South Carolina Law Review; serving as captain of the moot court team; and, being a member of the Wig and Robe. His 3 years of curricular and extra curricular activities earned him the respect of the faculty at South Carolina's law school, which awarded him the title of Outstanding Graduate of the Year.

Upon his graduation from law school, Billy Wilkins entered the U.S. Army and began what has become a career dedicated to the service of the Nation. He continued his service by clerking for a Federal judge, before moving to Washington and becoming a capable and valued member of my Senate staff. It was during his time working for me in Washington that I recognized the great potential of this bright, young attorney, and I predicted that he would go far in his career.

After leaving Washington, Billy returned to South Carolina where he ran successfully for the position of district attorney of the largest judicial circuit in South Carolina. His record as a prosecutor was so well respected that when he sought re-election, District Attorney Wilkins' bid was endorsed by both the Republican and the Democratic Parties. That is clearly a telling testament to the high regard people hold for this man.

Billy's tenure as a district attorney led him down a trail that eventually saw him nominated as a Federal district judge for the district of South Carolina. It was from that position that he was appointed to the Chair of the Sentencing Commission. Since then, he has been elevated to the Fourth Circuit Court of Appeals, where he has served since 1986.

Mr. President, I am not exaggerating when I say that the work that Judge Wilkins and the Sentencing Commission have done over the past 8 years has had a tremendous and positive impact on the American criminal justice system. While there are those who dislike the guidelines and policies that the Commission has established, I have no doubt that time will validate the work of these fine men and women. A recent issue of Legal Times included an article about Judge Wilkins and his leadership of the Commission. I found it to be an accurate and fair account of what my friend has accomplished and I would like to share it with each of you. I ask unanimous consent be given to insert this article in the RECORD following my remarks.

While I am truly sorry to see Judge Wilkins step down as Chairman of the Commission, I know that he takes great satisfaction and pride in what has been accomplished under his leadership. I am proud of Judge Wilkins as a jurist and a friend, and I wish him good health, happiness, and success in all his future undertakings.

[From the Legal Times, Sept. 19, 1994]

WILKINS' TENURE TRANSFORMED THE COURTS

(By Naftali Bendavid)

Billy Wilkins' name is unlikely to pop up on many lists of the 20th century's most influential judges. Louis Brandeis, perhaps. Earl Warren, certainly. But not William Wilkins Jr.

Yet the changes wrought by Wilkins—who is stepping down as the only chairman that the eight-year-old U.S. Sentencing Commission has had to date—are arguably as profound as those brought about by the era's more famous jurists.

With a laserlike single-mindedness, Wilkins has helped transform U.S. jurisprudence, creating a sentencing guidelines system after two centuries in which judges had almost unlimited power to punish or forgive. And he's done it under a withering barrage of vilification from other judges—Wilkins' own colleagues and friends—who consider him a traitor for curtailing their power.

"I've seen judges stand up in his face and say, 'You have just ruined the system,'" says Judge G. Ross Anderson Jr. of the U.S. District Court for the District of South Carolina, one of the few judges who strongly support the guidelines. "He is totally unflappable. He'll just say, 'Awww, in a year of two I think you'll change your mind.'"

Congress, seeking to end sentencing disparities, created the commission a decade ago. Before most people recognized how great its power would be, Sen. Strom Thurmond (R-S.C.) picked as chairman the little-known Wilkins, a former staffer of his.

Then a U.S. District judge in South Carolina, Wilkins arrived for his fancy Washington job to find that he didn't even have an office. He and the six other commissioners were crammed into a single room in the Justice Department, two to a desk, sharing just one telephone.

Congress, not accounting for the magnitude of the job, had given the commission 18 months to write a new punishment system. That meant Wilkins had to make peace quickly between six commissioners with clashing philosophies.

Arguing away throughout 1986, they didn't even agree on such basics as whether the goal of prison is punishment or deterrence. One commissioner, fiercely opposed by other, proposed a scheme so elaborate it would have required a judge to tote up the "harm units" caused by a defendant and, in some cases, calculate the square root of a square root to figure out the sentence.

"Many times we all wanted to just say, 'Really, is it all worth it?'" admits Wilkins, who was appointed to the U.S. Court of Appeals for the 4th Circuit in 1986. "There were a lot of tense moments, and people's tempers got hot, feelings got hurt, but we had to overlook those things and keep moving forward."

Wilkins pulled it off by keeping his demeanor as a Southern gentleman. "You could be a porter at a hotel or chief justice of the United States, and his hand goes out and he says, 'Billwilkins,'" says longtime commission staffer Paul Martin. "It's incredibly disarming."

And it complements a bullheaded refusal to tolerate obstacles. When one commissioner complained about the arrangement of her office, Wilkins personally moved her couch to the other side of the room. As the deadline for completing the guidelines approached, Wilkins would stand by the copy machine at 3:30 a.m., scrutinizing each page as it emerged.

Few episodes reveal as much about Wilkins as his rejection of intense pressure from the Reagan administration to include the death penalty in the guidelines. Wilkins personally supports capital punishment, but including it, he knew, could cost the guidelines Democratic votes. Rather than risk this, Wilkins broke a 3-3 commission tie to vote against the death penalty.

When the commission, to many people's surprise, succeeded in actually producing a guideline system by April 1987, its work had only begun. Facing a wave of hostility, the commission was hit by 247 lawsuits by year's end.

Judges' sentiments were captured in a 1987 speech by U.S. District Judge G. Thomas Eisele of the Eastern District of Arkansas, who fantasized about lawmakers admitting their horrible error in creating the commission. "And then they would line up on the Capitol steps and say, 'Mea culpa, mea culpa, mea maxima culpa! We were wrong! Forgive us!,'" Eisele said.

Wilkins began traveling around the country, wading into crowds of hostile judges to argue for the guidelines.

The criticism was painful, he admits. "When the pressure's on and the clock's ticking and all you can hear is some judge calling you up and saying, 'You guys ought to quit and go home, this is going to be terrible.' that call kind of hurts." Wilkins says. But many judges, he adds, told him privately they supported the guidelines.

Others took issue with Wilkins' approach. Marc Miller, a professor at Emory University School of law and the co-editor of the Federal Sentencing Reporter, blames Wilkins for what he sees as the Sentencing Commission's defensiveness.

"The closed nature of some of the commission's activities, the private decisions in the midst of public meetings, the hostility toward judges and others with concerns—that reflects that a passion for success sometimes includes an excessive defensiveness about critics," Miller says.

But even those who fought Wilkins admire his achievement.

"I have nothing but praise for Billy Wilkins' tenure," says Sam Buffone, a partner in the D.C. office of Boston's Ropes & Gray and former chairman of the American Bar Association's U.S. Sentencing Guidelines Committee. "We certainly came from opposite sides in terms of the issues. But he was always fair, always willing to meet and talk. He did an exceptional job, given a very difficult situation."

REGARDING JUDGE WILLIAM W. WILKINS, JR.'S TERM AS CHAIRMAN OF THE UNITED STATES SENTENCING COMMISSION

Mr. HOLLINGS. Mr. President, I am pleased to join with Senator THURMOND and others in paying tribute to Judge William W. Wilkins, Jr., of Greenville, SC, who at the end of this Congress will complete an extended term as the first Chairman of the U.S. Sentencing Commission.

It has been my pleasure to know and work with Judge Wilkins for many years, including the period since October 1985 when he began his reign as Chairman of the U.S. Sentencing Commission.

Mr. President, when we passed the Sentencing Reform Act of 1984, we gave the Sentencing Commission an almost impossible task—to literally create itself from whole cloth. The Commission had to recruit and organize a staff, procure facilities and equipment, and in the short timeframe of 18 months, produce a comprehensive set of sentencing guidelines covering more than 2,000 Federal crimes.

Under Judge Wilkins able leadership, the Commission met its deadline and withstood congressional review that the guidelines were faithful to the statutory design and workable in the real world of the Federal courtroom. The guidelines took effect on November 1, 1987.

That, however, was just the beginning of the battle to accomplish the goal of a more uniform and certain sentencing system for our Federal courts. Members of the Federal judiciary, accustomed as they were to unrestrained sentencing discretion, had to be trained in the use of these new mandatory rules. And, perhaps the more formidable task was to convince often skeptical judges that the guidelines would work and actually improve the quality of justice in our Federal courts. In this endeavor, Mr. President, Judge Wilkins has clearly been the leading spokesman, ambassador, and trainer—working tirelessly to educate, persuade, and sell the sentencing guidelines. Today, the Federal judiciary still may not be enamored with the guidelines, but most will acknowledge that the guidelines are working well and have substantially reduced sentencing disparity.

As chairman of the Senate Appropriations Subcommittee with responsibility for the Sentencing Commission's budget, I have followed closely and strongly supported the Commission's work under Judge Wilkins' direction. The committee has always known that a budget request submitted by Chairman Wilkins was a frugal, responsible one. Judge Wilkins told us candidly what he thought was needed and then stretched the limited funds we were able to provide to accomplish the work of the Commission.

Judge Wilkins' laudable job as Chairman of the Sentencing Commission has necessitated a fulltime effort over the past 9 years. Yet, it was hardly his only responsibility. Throughout this same period, he has also been a fulltime jurist, sitting as a member of the Fourth Circuit Court of Appeals. At the same time, he has actively participated in the South Carolina National Guard, and even done some parttime teaching.

Mr. President, our Nation owes a great debt of gratitude to Judge William W. Wilkins, Jr., for the contributions he has made over the past 9 years in guiding the Sentencing Commission through its difficult, formative years. I congratulate Judge Wilkins on a job well done and look forward to continuing to work with him in other capacities in the days ahead.

REGARDING JUDGE WILLIAM WILKINS

Mr. HATCH. Mr. President, this week marks the end of Judge Billy Wilkins successful tenure as Chairman of the U.S. Sentencing Commission. I want to take this opportunity to praise Judge Wilkins for his service as the first Chairman of the Sentencing Commission. I applaud him for his tireless efforts to create a workable set of sentencing guidelines. Under Judge Wilkins able leadership, the Sentencing Commission has labored to end the sometimes gross sentencing disparities that existed under the former Federal sentencing scheme.

Although some criticize the guidelines for being inflexible, those same people forget the unfair sentencing disparities that existed under the former system. Similarly situation defendants who violated identical laws often received strikingly different sentences merely because they were sentenced by different judges. The guidelines have created much-needed sentencing uniformity.

After promulgating the initial sentencing guidelines, Judge Wilkins advocated tougher sentences where the need was shown. Violent offenders, for example, have seen their prison time increase by nearly one-third. Under Judge Wilkins leadership, the guidelines have brought about "truth in sentencing" in the Federal Criminal Justice system. According to the Bureau of Justice Statistics, 74 percent of defendants sentenced under the guidelines actually go to prison compared with only 52 percent of defendants in the pre-guidelines cases.

Judge Wilkins also fought for stiffer penalties for so-called white collar criminals. He led the effort to draft corporate sentencing guidelines with bite. Those guidelines have since been hailed as having a significant deterrent effect.

Although a steadfast advocate of the need for uniformity in sentencing, Judge Wilkins has underscored the need for constant improvement of the guidelines. He has emphasized that the Commission must be responsive to comments from the lawyers and judges who actually work with the guidelines on a day-to-day basis. He has laid a solid foundation for further improvements in the guidelines and has done everything asked of him by this body.

For these reasons, I commend Judge Wilkins for his service as Chairman of the Sentencing Commission.

REGARDING JUDGE WILLIAM W. WILKINS

Mr. KENNEDY. I am pleased to join my colleagues in paying tribute to the tenure of Judge William W. Wilkins as chairman of the United States Sentencing Commission.

The passage of the Sentencing Reform Act of 1984 was a triumph of bipartisan cooperation. Senator THURMOND and I worked for many years to persuade our colleagues of the need for this initiative. We shared the bipartisan goals of minimizing unwarranted disparity, enhancing the certainty of punishment and creating a common law of sentencing to replace the unduly discretionary system that then existed. There is much talk today of truth in sentencing, but too few people realize that we abolished parole in the Federal system effective November 1, 1987.

Similarly, the effort to write the guidelines was a bipartisan undertaking. Judge Wilkins, a Republican, was appointed the first chairman of the Commission in 1985, and he worked with Democratic members of the Commission, notably then-judge now-Justice Stephen Breyer, to draft the initial set of guidelines. Without the give and take of bipartisanship, neither the Sentencing Reform Act nor the guidelines would have come to fruition.

As chairman, Judge Wilkins organized the new agency, hired a well-regarded professional staff, and initiated the difficult job of creating a workable, rational set of sentencing guidelines within the 18-month timeframe provided by statute. Judge Wilkins deserves credit for delivering the guidelines to Congress on schedule on April 13, 1987.

Along the way, the chairman displayed a healthy pragmatism that helped keep the process on track. Although personally supportive of the death penalty, he opposed an effort by the Reagan Justice Department to have the Commission promulgate death penalty guidelines. Judge Wilkins recognized that the basic mission of the Commission was too important to risk its success by involving the Commission unnecessarily in the death penalty controversy. Judge Wilkins' courageous vote on this matter preserved the Federal sentencing reform effort at a time when it faced possible derailment.

Judge Wilkins has guided the Commission toward a strong stand against statutory mandatory minimum penalties. In congressional hearings and other public forums, he has persuasively explained that such statutes are structurally incompatible with and obsolete now that we have a functioning sentencing guideline system. Under the leadership of Judge Wilkins and Judge David Mazzone, the Commission produced a widely acclaimed, comprehensive report on mandatory minimum sentences in August, 1991.

In 1993, Judge Wilkins developed a legislative proposal to reconcile the statutory mandatory minimums for drug offenses and the sentencing guidelines. Unanimously approved by the Commission and supported in concept by the Judicial Conference, a version of the Wilkins proposal was introduced as S. 1596 by Senators SIMON, THURMOND, SIMPSON, LEAHY, and myself, and enacted as title VIII of the 1994 omnibus crime bill.

Judge Wilkins also played a key role in developing an innovative and effective approach to the sentencing of corporations convicted of Federal crimes. These corporate guidelines have the potential to make a real dent in white-collar crime by encouraging the development of anticrime compliance programs.

In these and many other ways, Judge Billy Wilkins has left an indelible mark on the guidelines, the Commission and the Federal criminal justice system. He has been a very constructive force at this important agency, and I congratulate him on the completion of a successful term as chairman.

THE RETIREMENT OF SENATOR MALCOLM WALLOP

Mr. THURMOND. Mr. President, I rise today to pay tribute to a good friend of mine, a fellow Republican, and one of the true gentlemen of this Chamber, Senator MALCOLM WALLOP of Wyoming, who is retiring at the end of the 103d Congress.

When MALCOLM first arrived in the Senate 1976, I immediately recognized him as an individual White House would make many important contributions to this body, and I am pleased to note that he far exceeded my expectations. A man of great ability and integrity, MALCOLM has dedicated himself to the responsibilities of his office and has truly distinguished himself over the past 18 years.

Senator WALLOP's keen mind, honed by the faculty at Yale University, and his strong sense of right and wrong have helped to guide his actions here in the Senate. As one who has strong understand of the Constitution, MALCOLM makes certain that he abides by the restrictions and provisions dictated by that grand document. Furthermore, his voting record is one that reflects a person who places the interests of the nation above all others. While such a philosophy is often unpopular with the public and other Senators, it is the wisest way in which to govern. I am convinced that if only more members followed Senator WALLOP's example, we would not face many of the disagreements and problems we do today.

Mr. President, I am truly sorry to see Senator WALLOP leave this body, but I know that he takes great pride in the service he has rendered the people of Wyoming and the United States. I have no doubt that MALCOLM will excel in all his future undertakings and I wish him, and his lovely wife, French, health, happiness, and success in the years ahead.

THE RETIREMENT OF SENATOR HARLAN MATHEWS

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of our colleagues, HARLAN MATHEWS, who will be leaving the Senate at the end of the 103d Congress.

While Senator MATHEWS' time here has been short—he was appointed to fill AL GORE's seat—he has represented the people of Tennessee well, and has lived up to the highest traditions of the U.S. Senate. No doubt, it was HARLAN's long career in public service that prepared him so well to carry out the duties of his office in this body.

A patriot, HARLAN served in the Navy during World War II, before entering college. After earning a bachelor's degree, HARLAN began what would become a lifetime of public service in Tennessee State government, including holding the positions of State treasurer, secretary of the cabinet, and commissioner of finance.

Mr. President, it is never easy to step in and complete the term of a previously elected Senator, but I am pleased to note that HARLAN MATHEWS has done so, and has distinguished himself well. I commend him on his service and I wish him and his lovely wife, Patsy, well in all his future endeavors.

RETIREMENT OF SENATOR DAVID L. BOREN

Mr. THURMOND. Mr. President, I rise today to pay tribute to a good friend and colleague, DAVID BOREN, who is leaving the U.S. Senate at the end of the 103d Congress.

In his 15 years in the Senate, DAVID has established a reputation for being one of this body's most dedicated and clear minded individuals. Educated at Yale and Oxford, DAVID possesses a very strong and active mind which he used to approach legislation in a thoughtful and methodical manner. His strong grasp of the issues and their possible effect on the Nation not only made him an influential opinion leader in the Senate, it also made him a popular guest on many of the network public affairs shows.

DAVID's record in the Senate is one that has earned him the respect of Members on both sides of the aisle, his constituents, and of individuals and groups throughout the Nation. I have no doubt that his skills as a manager and a scholar will serve him well in his new position as the president of the University of Oklahoma.

Leaving the Senate is never an easy experience for anyone, and I am sure that DAVID is looking at his departure with mixed emotions. What the good Senator from Oklahoma can take considerable satisfaction in is, that he has served the people of his State honorably and most ably. I know that we will all miss DAVID, and that each of us wishes him and his lovely wife, Molly, health, happiness, and success in his new job.

THE RETIREMENT OF SENATOR JOHN C. DANFORTH

Mr. THURMOND. Mr. President, the Senate is often characterized as being filled with wealthy individuals who know no other career outside this Chamber. I am happy to report that is simply not the case, and in my four decades in the Senate, I have seen men and women of all different means and background serve here. One of the most interesting and unique of these people is my good friend, JOHN DANFORTH, who is retiring from the U.S. Senate at the end of the 103d Congress.

The people of Missouri first elected JOHN DANFORTH to be their Senator in 1976, after he had served two terms as the attorney general of State, where he earned a well deserved reputation as an honest and reform minded public official. That JOHN would hold himself to high moral standards is hardly surprising, given that he graduated from both the Yale Law School and the Yale Divinity School and he served as an ordained member of the Episcopalian clergy prior to entering the attorney general's office. In the Senate, JOHN earned a reputation as a pragmatist who was often able to propose solutions to legislative logjams, and he quickly became one of the most respected Members of either party in the Senate. In the course of his 18 years in the Senate, JOHN has played an important role in the passage of a number of significant pieces of legislation and he was one of the key supporters of Clarence Thomas' nomination to the U.S. Supreme Court.

Mr. President, I do not know a Member of the Senate who is not saddened to know that when we reconvene for the 104th Congress, JOHN DANFORTH will not be among us. I will certainly miss my friend, and I wish him and his lovely wife, Sally, health and happiness in all their future undertakings.

THE RETIREMENT OF SENATOR HOWARD METZENBAUM

Mr. THURMOND. Mr. President, there are a handful of Senators in this body who, because of their stature, legislative record, or stand on certain issues, gain not only national prominence, but national constituencies. One such person is Senator HOWARD METZENBAUM of Ohio, who is retiring from the U.S. Senate at the end of this Congress.

Senator METZENBAUM is a man who has become known as a vocal supporter for many different causes, ranging from adoption rights to the rights of senior citizens. As a man who has become an advocate for many different groups of Americans, Senator METZENBAUM is not someone who hesitated to use Parliamentary procedures and tactics to advance legislation he supported, or stop legislation that he did not favor.

As ideological opposites, Mr. President, I doubt that there are more than a handful of issues which Senator METZENBAUM and I both supported in our time together here in the Senate. Despite our differences on the floor and in committee, I have always respected HOWARD for his steadfast beliefs. One must admire a person who will stand up and fight for what he or she believes is right, no matter what the cost.

Mr. President, I wish Senator METZENBAUM, and his lovely wife, Shirley, good health and happiness in the years ahead.

THE RETIREMENT OF SENATOR DAVE DURENBERGER

Mr. THURMOND. Mr. President, I rise today to pay tribute to a friend and a valued member of the Senate and the Republican Party, DAVE DURENBERGER, who is retiring from this body at the end of the 103d Congress.

DAVE first joined us in 1978, when he was elected to serve out the unexpired term of the late Hubert H. Humphrey, and he quickly earned a reputation as a thoughtful and competent Member of this body. A man whose service includes that as a soldier, a Governor's chief of staff, an attorney, and a corporate executive, DAVE possesses a solid background in both the public and private sectors; and, he was able to use his experiences in these arenas to approach matters from a unique perspective. DAVE has always understood that there is a real cost and consequence to the actions taken by any governmental entity and he always worked to ensure that his actions in the Senate were dictated by striking a balance between the two.

In his 16 years in the U.S. Senate, DAVE has made his mark on numerous pieces of legislation. In particular, though, he takes great pride in his role in the Clean Air Act, the Civil Rights Act of 1991, and the contributions he has made to the ongoing health care debate.

Mr. President, while Senator DURENBERGER will be missed by all those in this Chamber, he can take great pride in the service he has rendered his State and Nation. I wish him well in all his future endeavors.

THE RETIREMENT OF SENATOR GEORGE J. MITCHELL

Mr. THURMOND. Mr. President, I rise today to pay tribute to the majority leader, Senator GEORGE MITCHELL of Maine, who is retiring from the U.S. Senate at the conclusion of the 103d Congress.

To say that GEORGE MITCHELL has had an impressive career in the Senate would be an understatement. Appointed in 1980 to complete the unexpired term of Senator Ed Muskie, Maine's newest Senator quickly began to make his mark on this body and began his ascent into the Democratic leadership. In less than 6 years, the Senator served as the chairman of the Democratic Senatorial Campaign Committee, and only 3 years later, was elected to the position of majority leader where he has served since.

In his position as leader of Senate Democrats, Senator MITCHELL has played a key and pivotal role in passing numerous pieces of legislation. While I have certainly not supported all of the bills that Senator MITCHELL has advanced on behalf of the Democrats, I must say that his ability to guide legislation through the Congress, is impressive.

After 14 years of service in this body, Senator MITCHELL is ending his career of public service, one that includes time as a Department of Justice Attorney, a U.S. Attorney, and a Federal Judge. There is a great deal of speculation on what Senator MITCHELL's next undertaking will be; but whatever it is, I am confident that he will approach it with the same determination and commitment that he has his duties in the Senate. I wish him, and his lovely fiancee, Heather McLachlan, success and happiness in their marriage and all their future endeavors.

THE RETIREMENT OF SENATOR DON RIEGLE

Mr. THURMOND. Mr. President, I rise today to pay tribute to a fellow Member of this body, Senator DON RIEGLE, who will retire from the U.S. Senate at the end of the 103d Congress.

A native of Flint, MI, DON RIEGLE has represented the people of his State for almost 30 years, serving in the U.S. House of Representatives from 1967–76, and then in the Senate, from 1976 to the present. During his tenure in this body, Senator RIEGLE has emerged as one of its leading experts on business, economic, and monetary matters thanks to his extensive experience in these areas as both an academician and an executive. His expertise enabled him to do a commendable job as the chairman of the powerful Senate Banking, Housing, and Urban Affairs Committee, where he has won praise from many different sectors.

Mr. President, DON RIEGLE is a hard working, studious, and thoughtful man who has brought much to the U.S. Senate. I wish him, and his lovely wife, Lori, health, happiness, and great success in all their future undertakings, and I am pleased to have had the opportunity to serve with DON.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,690,448,546,845.94 as of the close of business Thursday, October 6. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,990.99.

WOULD THOMAS JEFFERSON DISDAIN POLITICAL MOANING ABOUT UNLIMITED SENATE DEBATE?

Mr. HELMS. Mr. President, a few days ago, I listened with fascination as the distinguished majority leader lectured the Senate on the evils of the filibuster, a word he uses with great frequency and with the most pejorative tone he can muster.

There is a touch of the thespian in the able majority leader. There is at least a trace of showmanship in most political figures, and the majority leader obviously relishes keeping a straight face as he debunks the patron saint of his party, Thomas Jefferson, who was the first real advocate of unlimited debate in the Senate. And the news media, reacting in the style of Pavlov's dog, races to convey to the public the majority leader's references to the evil filibuster.

We should all understand the majority leader's discomfort. He is upset. He is upset because no matter how often he talks about filibusters, the American people nonetheless instinctively understand why the majority leader is in such a snit these days. The Wall Street Journal pinned the tail on the donkey in an October 4 editorial headed, "Glorious Gridlock." The Wall Street Journal observed—

> The 103d Congress that began by boasting it would break gridlock is coming to an end mired in it. The striking political news is that voters seem more relieved than upset. This year the voters are looking beyond the label offered by politicians to inspect what's really being sold. From health care to campaign finance, voters have turned out to be discriminating when offered "reform." Instead of blaming Republicans for blocking bills, voters are holding the Democratic majority responsible for offering misguided change.

And the editorial concluded:

> No doubt Senator Mitchell will shout gridlock during each of these debates, but voters don't seem to be listening. Mr. Mitchell's handpicked successor for Senator from Maine is getting trounced in the polls. Two years of the Mitchell-Clinton administration have turned gridlock into a political advantage.

So, one must understand why the majority leader is upset. In fact things are so bad that one of our Democratic colleagues is now running a campaign commercial which proudly proclaims, "A majority of the time, I voted with the Republican leader, BOB DOLE." Another of our colleagues is running an ad which doesn't identify his party affiliation but highlights how many times he has voted against the Clinton-Mitchell program.

But, Mr. President, my purpose is not to focus on the majority leader's political problems. What needs to be understood is the charges that the majority leader has constantly made that somehow extended debate in the Senate is beyond the pale and that something out of the ordinary is afoot as the Senate winds down the clock on the 103d Congress.

As an aside, it should be noted that in the 102d Congress, this same majority leader singlehandedly stonewalled President Bush's capital gains tax cut and held up all Bush judicial nominations for months prior to the 1992 election. That, you see, was perfectly legitimate because it was the Mitchell ox that was doing the goring.

It is a bit strange, when one pauses to think about it, that the distinguished majority leader has attended literally scores of Jefferson-Jackson political dinners in his career. At these Democratic Party events, the majority leader many times surely joined in paying homage to Thomas Jefferson and everything Mr. Jefferson stood for. The problem is if you look at the big government, big spending agenda of the majority leader's present-day party, you certainly will not see much of anything which Thomas Jefferson would approve.

Let us ponder for a moment, Senator MITCHELL's frequent pejorative attacks on those of us to whom Thomas Jefferson is an historical hero. What did Mr. Jefferson think of unlimited debate in the Senate—which Senator MITCHELL repeatedly condemns as filibustering.

In his Manual of Parliamentary Practice for the Use of the United States Senate, Thomas Jefferson clearly warned those who, in the name of institutional reform, ending gridlock, or any other such contrivance, attack Senators who would openly and fairly use the Senate rules which govern debate in this body to check, or at least slow down, the raw power of the majority party and its leader. I am confident that if Mr. Jefferson were around today, he would disdain those who make such arguments. Consider this: Writing in 1801, 12 years after the convening of the First Congress, Mr. Jefferson said:

> * * * nothing tended to throw power into the hands of administration and those who acted with a majority of the House of Commons, than a neglect of, or departure from the rules of proceeding: that these forms [rules], as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were in many instances, a shelter and protection to the minority against the attempts of power * * *
>
> * * * and whether these forms be in all cases the most rational, or not, is really not of great importance.
>
> It is much more material that there should be a rule to go by, than what the rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the Speaker, or captiousness of the members.

Mr. President, what the majority leader really wants us to do is—ignore Mr. Jefferson's warning and let the majority leader, and Mr. KENNEDY, and other majority party Senators have their way. Every time a bloated spending bill is shot down the Republicans are chastised for not following as Mr. Jefferson put it, "the caprice of the Speaker [in this case the majority leader] or the captiousness of the members."

For my part, being chastised by the distinguished majority leader is like being flogged with a wet noodle.

But, in fact, as Mr. Jefferson went on to say, the rules of debate in the Senate are there to protect the American people from the wantonness of power of large and successful majorities.

I do not make these observations lightly. There is no right so essential to maintaining our freedoms, nor is there a right so misunderstood, as the right of unlimited debate in the Senate of the United States. If and when the Senate majority leader, regardless of party, is allowed to acquire the powers possessed by the Speaker of the House of Representatives, the U.S. Senate will be reduced to nothing more than an appendage of the House, as the distinguished President pro tempore, Senator ROBERT C. BYRD, eloquently noted in his history of the U.S. Senate.

Those like the majority leader who wail against gridlock are really implying that in a democracy the majority must always rule. And to that I must dissent with all my being. There was, it needs to be said, a man named Pontius Pilate who abdicated his responsibility to a mob.

Our Founding Fathers did not carelessly or thoughtlessly design this system for the convenience of any President, or the whims of any majority leader. Mortals come and go. The system was designed to protect all Americans from the dangers of hurried, arbitrary, and ill-considered legislation.

If that doesn't suit the majority leader's wishes he may need to remind himself that the American people know what is afoot in the U.S. Senate and it appears fairly obvious that they may register their feelings on November 8.

BEING FLOGGED WITH A WET NOODLE NOT SO BAD

Mr. HELMS. Mr. President, last evening I mentioned an editorial in yesterday's Washington Post—which a growing number of people call the The Washington Compost. The editorial writers of the Post, who never allow accuracy or fairness to interfere with an ad hominem attack on someone with whom they disagree, published a mean-spirited opinion piece favoring proposed legislation that is tantamount to having Congress write an open-ended check requiring the American taxpayers to pay for a new Smithsonian Museum at a time when the Federal Government has already run up a debt of more than $4.6 trillion.

The editorial, entitled "Another Congressional Casualty?" was akin to being flogged with a wet noodle. In short, the editorial was remarkable in that it was difficult to find any accuracy in it.

For example, Mr. President, the editorial stated that Senator ROBERT C. BYRD's amendment to the proposed museum legislation makes clear the new museum can't ask for public money for at least 5 years. In fact, the opposite is true. Had the editors bothered to look at the bill, they would have found that in section 9, the Byrd amendment reads as follows:

> There are authorized to be appropriated such sums as may be necessary only for costs directly relating to the operation and maintenance of the Museum.

The Washington Post editorial writer conveniently neglected to mention that thus far, the Smithsonian has refused to provide Congress with any budget estimates for its first 5 years of operation, or any assessment of the burden on the taxpayers in connection with the proposed museum's programs and activities, which will include traveling road shows, media promotions, and training programs. Nor has the Smithsonian been willing to advise Congress as to an estimate for the number of employees the museum will hire, their salaries, or how much of these salaries the taxpayer will have to foot.

For the record, I have, on numerous occasions asked the Smithsonian for the projected budget of this proposed museum including costs for its establishment, and its operation, maintenance and activities. The first Smithsonian response stated that the $475,000 already appropriated will be used to establish the museum, and that over the next 5 years, no additional taxpayer funds will be needed for the establishment of the museum. But the Smithsonian official refused to say how much in taxpayer funds will be needed for the other costs of the museum, that is, for its operation, maintenance, and programs, including the traveling exhibits, the media promotions, and the training programs for African-Americans, all of which will amount to the bulk of the cost of the museum.

So, I wrote back, thanking the Smithsonian for telling me how much it will cost to establish the museum, which of course was not the question I had asked. But now please tell me, I wrote, "how much in Federal funds do you project that the museum will spend, for each of the next 5 fiscal years, for all other aspects of the museum, that is, its maintenance, operation, programs, and other costs, other than the costs for establishing the museum?"

The Smithsonian responded that it will develop a strategy for private funding to support the establishment of the museum, a question I had not asked. I asked about the cost of all other aspects of the museum, that is, maintenance, operation, programs, and other costs.

So, you see what is going on, Mr. President, ask the Smithsonian one question, and you get a nonanswer, an answer to an entirely different question. The Washington Post editorial writer accepted the nonanswer as if it was the gospel.

Then the editorial claimed I raised dark hints that the Nation of Islam will want a museum of their own if we create an African-American museum. A contrived falsehood.

What I asked the Smithsonian, in my letter of June 8, was: (1) What criteria were used in approving a museum specifically dedicated to African-Americans? and (2) Will the Smithsonian support creation of separate museums for all ethnic, racial, and religious minorities meeting this criteria?

Mr. President, those are reasonable questions, and we'd better get answers to them now—not later. Once Congress establishes a museum dedicated solely to African-Americans every other minority will give thought to asking the taxpayers to pony up for a special museum for them. In fact, a Smithsonian report of May of this year, titled, "Willful Neglect: The Smithsonian Institution and U.S. Latinos" has already recommended a new museum dedicated to Americans of Hispanic descent.

Once Congress gives the go ahead for African-Americans, how can Congress then say no to Hispanics, and the next group, and the next group after that? Of course Congress can't, and Congress won't. So where will it stop? No one knows. I doubt it will ever stop as long as Congress has the power to reach into the pockets of the American taxpayer and sieze larger and larger amounts of tax dollars.

Mr. President, I did, in my questions to the Smithsonian, inquire as to how the Smithsonian would deal with requests by the Nation of Islam which may desire to participate in the museum's programs and activities, a valid question inasmuch as the taxpayer is already subsidizing the Nation of Islam through the Department of Housing and Urban Development.

I also asked how the Smithsonian would deal with requests to honor any of the leaders of the Nation of Islam. Another good question, to which I did not receive a straight answer, inasmuch, as I doubt many Americans want their tax dollars being spent to honor Louis Farrakhan and his ilk.

It is by no means far-fetched to anticipate requests to honor in the museum's exhibits, people like Farrakhan, remember, it is the Smithsonian which attempted to use the 50th anniversary of the dropping of the atomic bomb as an excuse for putting together an exhibit demonizing America.

The Post editors also lament what they claim is the possible loss of important collections, if the Congress fails to soak the taxpayer for this proposed museum. The editors declined to mention that these collections can be acquired by the Smithsonian for display in existing museums and exhibits dedicated to African-Americans.

You see, Mr. President, there is the question of whether this proposed museum duplicates activities already being undertaken by the Smithsonian. The answer is that it does. First, there is the Anacostia Neighborhood Museum—which the Smithsonian advertises as a Smithsonian Museum of African American History and Culture. Yet the multi-million dollar museum to be created by the pending amendment is also portrayed by the Smithsonian to be a Museum of African American History and Culture.

If there is already one museum, financed by the taxpayers, dedicated to African American History and Culture, why is another one needed?

Then, there is the African Art Museum on the Mall. And the National Museum of American History, which has two separate exhibits dedicated to African-Americans. And the National Museum of American Art, which this month opens an entire wing of one floor of its building dedicated to an African-American art exhibit entitled, "Free Within Ourselves." And the National Portrait Gallery which features one exhibit on African-American journalists of the World War II era, and another exhibit entitled "The Harlem Renaissance." The list goes on and on.

Mr. President, the bottom line is that with a $4.6 trillion Federal debt the Washington Post could not, on the facts, justify a new Smithsonian museum when, (1) nobody knows how much it will cost, and (2) we don't know the number of employees, what their pay will be or who will pay them, (3) it duplicates other museums already funded within the Smithsonian, (4) the Smithsonian can't afford upkeep on museums and collections it already has and, (5) the museum will undertake numerous extraneous activities such as training programs, seminars and travel of which no cost estimates have been provided.

So, Mr. President, the Washington Post did the next best thing—it handed out another one of its mean-spirited ad hominems. The trouble is, it was still a wet noodle.

Mr. President, I ask unanimous consent that The Washington Post editorial, "Another Congressional Casualty?", be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 6, 1994]

ANOTHER CONGRESSIONAL CASUALTY?

Back in 1990 when Congress first took up the idea of establishing a Smithsonian museum of African American "history and heritage," the museum's projected opening date was 1996. That still seemed feasible earlier this year: The House overwhelmingly passed a bill authorizing the museum, which would let it begin seeking contributions and gathering artifacts, and the Senate seemed poised to do likewise. Only one senator has been heard to express any opposition to the bill as it now exists. But that senator is Jesse Helms, and given the welter of other filibusters that need breaking in the Senate's last days, supporters now say the African American museum is a long shot at best.

Lots of worthy legislation is expiring this month, of course. But there are a few extra reasons for shame if the Senate lets Mr. Helms kill this one. The first is that the senator's stated concerns, reiterated in lists of questions to the Smithsonian—mainly about possible cost and possible undue "influence" by unsavory groups—have been exhaustively and repeatedly answered. An amendment by Sen. Robert Byrd makes clear the new museum can't ask for public money for at least five years. (The designated building already exists, and most funds are to be raised privately.) The senator's dark hints that "other groups," including the Nation of Islam, will "want one too" if this museum is created ignore the entire existing governance structure of the Smithsonian, not to mention a decade's worth of discussion as to what kinds of additions the Mall should make to its portrayal of history.

More important is that another year's delay would do serious damage to the quality of what the museum ultimately could show.

The delay threatens irretrievable loss of some important collections that Smithsonian prospectors have already identified—including actual 19th-century photographs taken on slave ships—but that, once identified, have come to the attention of private collectors. It was a Republican criticism in Congress that put a curb on the Smithsonian's ability to solicit such contributions, after complaints that the museum was backing congressional overseers into a corner by coming to them seeking funds for already-promised acquisitions. Museum officials then agreed that no such major acquisitions could be made without congressional authorization for the museum in which they would be put. That makes good sense—except when Congress dallies year after year for no other reason than procedural snarls and one senator's mean-spirited obstruction.

RECENT DEVELOPMENTS IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I commend my colleague, Senator LEAHY, for his continuing concern and effective leadership on the important issue of United States policy toward Northern Ireland. In recent months, we have seen dramatic and positive developments there. All friends of Ireland are hopeful that the auspicious peace process currently under way will finally end the tragic conflict in Northern Ireland that has claimed more than 3,000 lives over the past 25 years.

Many people deserve credit for the developments that led to the most hopeful breakthrough in many years—the August 31 announcement by the Irish Republican Army of a complete cease-fire. No one deserves more credit than John Hume, the leader of the Social and Democratic Labour Party in Northern Ireland. I first came to know John in the 1970's when he visited the United States to urge Irish Americans to stop supporting the violence and to start supporting his courageous leadership in the cause of nonviolence and peaceful change. In the past year, his long and tireless efforts for peace have finally begun to bear fruit, especially his initiative last year with Sinn Fein leader Gerry Adams that helped lead to the recent IRA cease-fire.

Last December, Irish Prime Minister Albert Reynolds and British Prime Minister John Major issued a landmark Joint Declaration which outlined a realistic path for peace. Both leaders deserve credit for recognizing this unique opportunity and for putting Northern Ireland high in their priorities.

President Clinton has also played an important role in the peace process. Last January, he granted Gerry Adams his first visa to visit the United States. That visit was a key step in leading the IRA to declare a cease-fire. His visit then, his new visit to this country in recent days, and the continued involvement of the Clinton administration have been of central importance in moving the peace process forward.

For years, all of us who oppose the violence in Northern Ireland have called on both sides to lay down their arms and seek to achieve their legitimate aspirations through the democratic process. Now that the IRA has agreed to do that, Sinn Fein should be encouraged, not isolated. In fact, as we now know, the British Government had been talking secretly with the IRA long before Gerry Adams received his visa to visit the United States. It is gratifying that the peace process is now so clearly in the open, and all of us are optimistic that the current progress will continue.

Credit for these developments also goes to a delegation of Irish Americans—Niall O'Dowd, Bill Flynn, Bruce Morrison and Chuck Feeney—who have actively contributed in recent months to bringing about the August 31 cease-fire.

Much remains to be done. Most important, the Protestant paramilitary organizations should halt their violence immediately, and all sides should come together at the peace table. My hope is that all sides will be able to build on the recent momentum and reach a lasting settlement soon. I am confident that the United States will do its part to facilitate that settlement in any way possible, and I look forward to working with Congress and the administration to provide whatever assistance we can.

EDUCATING CHILDREN FOR PARENTING PROGRAM

Mr. PELL. Mr. President, I wish to engage in a colloquy with the distinguished chairman of the Labor and Human Resources Committee.

The Educating Children for Parenting Program is being used in many school districts around the county to help parents and children to learn parenting skills. My understanding is that the managers of the Improving America's Schools Act intended to include language on this innovative program in the Statement of Managers.

Mr. KENNEDY. The Senator is correct. The managers commend the Educating Children for Parenting Program and urge local education agencies to consider incorporating this model as part of their comprehensive drug and violence prevention activities, as authorized under title IV of this act.

Mr. PELL. I thank the Senator.

RETIREMENT OF STEPHEN M. NYULASZI

Mr. MITCHELL. Mr. President; this year, the State of Maine is losing a tremendous public servant. Stephen M. Nyulaszi will be retiring as Director of the Department of Commerce's branch office in Maine.

Steve has served the people of Maine in this position for 15 years. His assistance to Maine Businesses has been invaluable. He has helped countless Maine companies to grow and become competitive in both domestic and international markets. His skills and dedication have made significant difference in the success of many businesses' effort, and I know that he will be deeply missed.

Steve Nyulaszi personifies the ideal public servant. He has worked above and beyond the call of duty to assist Mainers.

I have often said that it is not easy to choose public service. It guarantees neither wealth nor fame.

Rather, public service must be and is its own reward. It gives work a value and meaning greater than mere personal ambition and private goals. It affords you an opportunity to do something that will change the lives of people for the better.

Steve Nyulaszi has done just that. He has worked hard, and it has been both noticed and appreciated. I wish Steve the long, happy, and healthy retirement that he so richly deserves.

PASSAGE OF H.R. 6 AND THE REAUTHORIZATION OF THE NATIVE HAWAIIAN EDUCATION ACT

Mr. INOUYE. Mr. President, I rise today to express my deep appreciation to my colleagues, Senators KENNEDY, PELL, KASSEBAUM, and JEFFORDS for their efforts in securing passage of H.R. 6, the improving America's Schools Act. H.R. 6 represents literally thousands of hours of work by the members of the Senate Labor and Human Resources Committee and their staff. I think they all deserve special commendation.

I am especially pleased that included in H.R. 6 is a reauthorization of the Native Hawaiian Education Act. Mr. President, the Native Hawaiian Education Act is one of the most important measures with which I have had the privilege of being affiliated. It is a measure which is premised upon raising the educational status on native Hawaiian children and youth to national parity. Yet it is also a measure which recognizes the importance of native Hawaiian culture, language, and traditions and the critical role that these values can play in the education of all native Hawaiian people.

The Native Hawaiian Education Act had its origins in 1981, when the Senate authorized the Secretary of Education to submit a comprehensive report on native Hawaiian education to the Congress. The report, entitled the "Native Hawaiian Educational Assessment Project" was released in 1983 and Documented that native Hawaiians scored below parity with national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics, indicative of special educational needs, and that their educational needs were related to their unique cultural situation, such a different learning styles and low-self-image.

In recognition of these needs, the Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 to authorize and develop supplemental education programs to benefit native Hawaiians.

The programs established under the act have been extraordinarily successful. The Kamehameha Schools Family-Based Preschools and the Higher Education Program, the Punana Leo Hawaiian Immersion Preschools, Pihana Na Mamo—the native Hawaiian special education project, and Na pua No'EAU—the center for gifted and Talented Native Hawaiians, have touched the lives of literally thousands of native Hawaiian children and their families.

But despite these advancements, a recently released 10 year update of the native Hawaiian education assessment project found that many of the same educational needs still exist for native Hawaiians. Currently, native Hawaiian children and youth represent the single largest ethnic group within the state educational system, 23.6 percent, and their numbers are growing. Yet they represent more than 50 percent of youth committed to the Hawaiian Youth Correctional Facility. In special educational programs, Hawaiian students represent 32.7 percent of the total special education enrollment, with figures in some school districts approaching 42 percent. And in achievement tests of basic skills, Hawaiians score below national norms and scored the lowest of the four major ethnic groups in Hawaii.

These are only a few examples of the over-representation of Hawaiian children and youth in the at-risk population. They are also indications of a school system that has failed to meet the needs of the native Hawaiian people. For example, for the school years 1989–1991, approximately 17 percent of Hawaiian students enrolled in their junior year were not enrolled for their senior year.

In April 1993, the Indian Affairs Committee convened a 2-day native Hawaiian education summit, which brought together over 200 native Hawaiian educators, administrators, parents, students, and community leaders to collectively chart a course for the future of native Hawaiian education. The amendments to the Native Hawaiian Education Act contained in H.R. 6 reflect the recommendations which were issued forth from the summit.

I believe it is imperative that a unified approach be taken so that each of the programs receiving funding under the Native Hawaiian Education Act do not provide duplicative services but rather coordinate the provision of services, and reach out to other educational and related programs. Because only with such a comprehensive approach can we best utilize our limited resources. That is why H.R. 6 contains provisions which establish a native Hawaiian education council, as well as individual island education councils, in order to ensure the input of native Hawaiian communities.

On July 7, 1994, U.S. Secretary of Education Richard Riley met with representatives of the programs funded under the Native Hawaiian Education Act and other native Hawaiian educational programs. I wish to share with you the words that were offered to the Secretary by Ms. Haunani Apoliona, A native Hawaiian educator, singer and song writer, and a true native Hawaiian role model.

Nearly 18 months ago all of us in this room and many more who are not present today, returned to the bosom of Pauahi, in gathering for the Native Hawaiian Education Summit, to exchange both ancient and contemporary wisdom to assist us in moving together to take what is only a first step in collectively charting the journey of native Hawaiian education into the 21st century.

A context of concepts served as common starting points for our discussion on Hawaiian education—which highlighted the expectations for Native Hawaiian education:

To prepare our youth and adults to recognize that responsible jobs and rapidly changing occupational requirements call for workers with the ability to read, write, compute, analyze, solve problems, and exercise good judgment in carrying out their duties.

To promote the use of cognitive skills (induction, deduction, critical thinking) through exposure to and analysis of problems encountered and acquisition of basic skills.

To instill the appreciation for the dignity of work and its importance in determining a standard of living and instill in students the value of cooperation with others in order to accomplish a task.

To allow Hawaiian learning styles to influence how curriculum is shaped and how teaching strategies are accomplished, incorporating designs or educational programs that strengthen family and generational interaction, building on the strengths rather than on the deficits of families.

To identify viable non-traditional approaches to a learning environment that achieve measurable and high standards of results as well as consider the equal partnership of both academic and vocation education and for the Hawaiian.

To achieve educational reform not by just focusing on factors external to a child's educational experience but by also addressing the attitudes, feelings and fears on the inside of the child especially in the early years.

We also noted at least two aspects that make Native Hawaiian education special and distinct from other populations:

Aspect one, recognized the inclusion as well as consistent lead that Hawaiian language and Hawaiian values must play in Native Hawaiian education, education that begins even before the child is born; and that the utilization of such Hawaiian values and the striving for lokahi instills the wisdom and enlighten perspective of inter-dependency between ourselves, our environment and our spiritual forces promoting individual responsibility for the good of the whole * * * all key elements to the renewal of our people.

Aspect two, committed and dedicated ourselves, our families and communities, as Hawaiians, to the principle that education is synonymous with life long learning—that education takes on a different dimension and meaning, becomes relevant for all stages of life, individually and collectively, from before birth to the senior years.

The vigorous exchange of ideas on what ingredient elements must comprise Native Hawaiian education and what the vision will be is framed in our collective voice, our collective mele, resounding in the following statement of goals from the Native Hawaiian Education Summit:

"The 'ohana (extended family) and Native Hawaiian communities are essential to the success of Native Hawaiian education and we therefore shall determine, shape and guide the learning and education of our people."

"We collectively shall shape an education system that embraces, nurtures and practices our traditional foundation as embodied in our language, culture, values and spirituality."

"That we collectively shall shape an education system that empowers Native Hawaiians to be contributors, active participants, and leaders in our local and global communities."

We are prepared for the challenge and opportunity to chart the voyage of Native Hawaiian education, guided by the wisdom and work of Native Hawaiians for the benefit of Native Hawaiians. We are poised to work together, to collaborate among our people in assessment, planning and implementation (i.e., embodied in the mechanism of the Education Council) and with all partners (current and potential) who support and contribute to the achievement of our mission. Our unique legal and historic background with the United States underscores the special responsibility and relationship demonstrated by the U.S. Federal Government to Native Hawaiians; a special responsibility that the U.S. can not choose to abandon even in these difficult economic times.

Our work has begun* * *.

Put forward the paddle and draw it back.

Go on with the task that is started and finish it.

Let us work together, Natives of Hawai'i.

This 'olelo no'eau is shared in closing* * *.

Let us move forward and drink of the bitter waters (the challenging times) for we will not turn back, retreat (or give up). Mahalo.

Mr. President, I thank you for granting me this time.

REFLECTIONS ON THE HEALTH CARE REFORM DEBATE

Mr. ROCKEFELLER. Mr. President, as the final hours of the 103d Congress near, I rise to share some thoughts on the subject that so many of us thought would be the defining accomplishment of this challenging year. We were not able, it turns out, to arrive at a conclusion on health care reform. Many of the problems that sparked the drive for reform still exist and will continue. It is my deep and abiding hope that the experiences and lessons of these past 2 years will help guide a more successful course in the next year.

Lyndon Johnson used to say that other nations are confused by the nature of our democracy. He was referring to observers that mistake dissent for disloyalty, restlessness for a rejection of policy, and individual speeches for public policy. That could apply to our recent debate on health care. But the heated, tumultuous stage on health care was, yet again, democracy in practice. This legislative body took a serious problem on its broad shoulders and struggled to mend it. And while we have yet to conclude our work, we have seriously begun our push.

For too long, American families have struggled under the weight of health care. Medical bills have become more and more expensive while health insurance paid less and less. The same is true for American businesses—they have spent more and more to insure workers with policies that covered less and less.

My reason for deciding to focus on health care reform years ago was very simple. Over my many years in public life, I saw more and more harm being done to the people of my State. West Virginians—families, small businesses, providers—asked for help. They said they could not solve these problems on their own no matter how hard they tried.

Whenever I am back home, I meet a worried mother or father, a devoted son or granddaughter looking for a way to cope with burdens caused by a health care crisis or need. People who work, who pay their taxes, who play by the rules. But people who individually just can not stop an insurer from raising its rates or cutting off coverage at the moment it is needed the most.

As much as we can explain the reasons that Congress did not agree on a health reform bill this year, as much as we have learned from one another, one fundamental and simple truth remains: too many working American families are still falling through the cracks every single day, unable to pay their health care bills or get the treatment a loved one needs.

We must persist in the search of a solution. I am disappointed that health care reform did not happen in this session—there is no denying that. I try to find comfort in the fact that getting Social Security into place took 10 years.

Important ground was covered in the feisty, fiery debate that lasted over this entire Congress. If enough of us remain committed to solutions, Congress and the American people have much to draw on to chart the path to health care reform. We did not finish our work, and there should not be a competition for partisan trophies. There is no win here for Democrats or Republicans.

We dare not find ourselves satisfied. We dare not claim the moral high ground on what became of health care reform. Because, in America, people still lose their homes, parents still deplete college funds, and businesses still shutter their doors because health care costs are spiraling out of control. We have brought health care reform closer to happening than ever before in American history, but that means very little to the people hurting from the problems of our system and the bottom line that saddles our economy. Our heated exchanges did achieve one thing: it moved health care reform from a whisper in a few rooms into the national conversation.

Around lunch counters, on front porch stoops, in factory cafeterias, Americans now discuss the pros and cons of managed care, purchasing cooperatives, single payer, and mandates.

The debate of the past 2 years helped educate all Americans. Every single Member of Congress talked to and wrote to constituents about health care reform. I held town meetings in many counties in West Virginia where 8 out of 10 questions I was asked were about health care reform. And I bet my experience was the norm. When reporters from home started to pick up on this, I eagerly exchanged thoughts and information about health care reform with them. I know every Member of Congress did the same. As the questions got tougher and more detailed, I worked harder, researched more, tried to explain the issues as I understood them in greater length.

We saw the dividends. Our newspapers and talk shows, our radio programs and magazines gave more and more time, more and more space, to health care. We moved the country from arguing about whether or not there even was a health care crisis to how best to respond to the crisis. That does not happen easily in this country. That was the result of patient, committed work.

We had more partners than we can count. Whether people supported President Clinton's plan or not—whether they wanted a single payer system or some form of mandates or their very own prescription—they weighed in and got active. Involvement in health care reform spanned the entire American population. Union members, small business owners, seniors, handicapped, farmers, and so many others rallied their membership, educated themselves, and took an active role. Phones here really did ring off the hook with input. There was no apathy on health care reform. No time that America lost interest. I still get calls from people in West Virginia and from all over the country telling me "to keep on working on reform."

Even with this to be proud of and take solace in, far-reaching, meaningful health care reform will have to wait another day. Because fear and confusion, in the end, stalled our work.

After all our hours of deliberation, after caucusing and studying and hearing from constituents back home, the problems of our system are not retreating. Insurance companies will not be forced to change a thing. Consumers will still be buried under more paperwork, fine print, and bureaucratic waste. The $100 million spent to stir up a blinding sandstorm of bedlam and bewilderment overwhelmed our push to help Americans.

And that bedlam reigned, despite the fact that there are some basic reforms that we all agree are desperately needed, like the need to stop insurance companies from refusing to insure people with preexisting conditions—or the need to make home- and community-based care available for those in need of long-term care. Or, to make sure that all of our children have a health insurance card.

Real people lost out because we could not get a compromise agreement on even a scaled-back reform package, real people whom I was sent here to represent, like the Saunders family from Charles Town, WV, lost. The Saunders' story is not uncommon in today's system, and it will happened again and again without action on basic insurance reforms. Michael Saunders is an assistant pastor at a Baptist Church. The family lost their health care coverage suddenly when their church had to switch plans to an insurance company that then went broke. Now, the Saunders are faced with thousands and thousands of dollars of unpaid bills that make each day a struggle. I firmly believe that a majority of my colleagues would have ultimately voted to change that, but that vote never came.

A few early votes, like the bipartisan vote for the Pryor Rockefeller long-term care amendment during the Finance Committee's markup of health reform, or the Senate floor vote in favor of the amendment I wrote with Senator DASCHLE to help rural areas, did prove there is a strong, bipartisan base of support for some important pieces of reform.

In the Veterans' Affairs Committee that I am proud to chair, a substantial proposal was approved to both preserve a health care system for America's veterans and extend the choices and quality services that they deserve. This effort must resume, and Congress cannot ignore the obvious needs for improvements in the health care system dedicated to veterans.

I appreciate the thought and effort devoted to the need for reforms in our current system of financing medical education. Market changes and fiscal realities are forcing lawmakers and medical educators to adapt our policies. My hope is that we can build a consensus to generate the primary care doctors and health care workforce that Americans so clearly need.

With the few votes on health care cast in committees and on the Senate floor, they showed that Members were willing to make a commitment to new spending if it met serious needs and if the programs were designed to be fiscally responsible. Democrats and Republicans alike agreed on the need to act to provide some assistance to the families who want the ability to care for their own at home as they deal with the financial, physical, and emotional burdens of coping with chronic illnesses. But, on this issue, as on so many others, I regret to say that the real life needs of the people we represent were not elevated beyond gestures of support.

Here is what is so sad: It was easy to be stubborn, to draw lines in the sand and pull one objection after another out of the air when a $100 million blitz smothered the basic nuggets of truth. Confusion and hysteria about health care went hand-in-hand with calls for help. Those endless and divisive Harry and Louise ads, and others on radio and in newspapers, played fast and loose with the truth in an effort to scare people into believing that health care reform—any reform—was so complicated, so revolutionary, and so expensive that it would ruin us all. Well, that was not the truth, period. But a $100 million sky-is-falling media blitz was tough to drown out.

The nature of the American media only fueled the fire. At a time when everything from Michael Jordan's baseball career to O.J. Simpson were headline-grabbers, something as critically important in the real world as health care reform had to share precious airtime and ink. Now health care isn't very sexy and it won't sell many newspapers—unless it's a controversial story. So health care was reduced to a political horse race.

I am not faulting reporters for the fact that we did not get health care reform done. Most did us a great service with detailed and insightful work. But the American media is a very different entity than it used to be. Not so long ago, major newspapers and a few networks essentially served as a check on misleading and irresponsible information. The public gained perspective by how a restrained and cautious media covered subjects. That discrete judgment is just about gone. What the mainstream media rejects as trivial or simply titillating is delivered by the feeding frenzy of the alternative media.

So the ability to deliver an inaccurate message is easily found. And opponents of health care reform seized this chance—their hype, hysteria, and half-truths were broadcast far and wide. Take Harry and Louise. Actors who pretended to have health care worriers took on a life of their own. They pushed scary ideas like big government and bureaucracy without ever having to prove anything. They were unchallenged critics. Yet they were as fake as the sets for their home and office built on some back-lot soundstage. And the tabloid press treated them as real when they were products of the health insurance industry's public relations machine.

Factor together a $100 million blitz and news priorities skewed by the need to compete for audience share with the explosion of tabloid journalism, and it is no wonder the important elements of health care reform were drowned out.

This confusion helped to stall health care reform. It bogged reform down in so much uncertainty and fear that it made having to take a real stand on health care reform utterly avoidable.

We are sent to Washington by our constituents to act on their behalf—to take on the important issues and problems of a nation. Yet millions of dollars and thousands of column inches and hours of airtime make it harder to cut through—it takes more time, more education, to make a case for reform. That helped run the congressional clock down. And that came at the expense of virtually every single middle class family and every single small business in America. The people who really do drive this country, the people who work in our factories and on our farms, who pay taxes and play by the rules, who give their time and money to build their communities, are the people on the losing end of this score.

Sadly, I believe our falling short could have been avoided. We could have put as much time and effort into constructive negotiation as we did to fighting over labels. But that never really seemed an option. No one ever said Bill Clinton's plan was perfect. No one ever said Senator MITCHELL'S bill was a take-it-or-leave-it proposition. I was an advocate for both those bills, and I myself saw them as starting points. But the notion that health care reform had to start somewhere and would be an evolutionary process never seemed an option to some here—and that is a shame. So health care reform is something we all have to keep on pushing for.

I have not given up for West Virginia. Not unless and not until the problems that saddle our people and economy go away.

As frustrated as I am with what transpired on health care, I am still moved by the good-faith, sincere, and honorable efforts of individuals far, far too numerous to mention. I think of many Senators and Members of the other body. I think of the hundreds and hundreds of congressional staff, like my own, who sacrificed time with their families and gave their hearts and souls to the effort of the past 2 years. I think of the President and First Lady, and their own troops, all clearly trying to make life better for the American people. I think of the people from my State and across the country who did all they could to help achieve reform for themselves and their fellow citizens.

In the closing days of this Congress, Senate Majority Leader GEORGE MITCHELL and Republican Senator JOHN CHAFEE tried mightily to create a blueprint for health care reform. Together, they represented Senators from both parties who wanted to put the concerns of the American people ahead of partisan politics. They wanted to make a real effort to achieve universal coverage. The conviction they represented will not die, and it is one of the starting points we have to press on.

Health care reform should be bipartisan. It should represent what most Americans want, and not just for one faction or one theology. But it also has to be about dealing with real problems and achieving real results.

I do not see the endeavor getting any easier. The special interest money and the confusing claims will form their torrent when we try again next year or the year after or the year after.

Without reform, this Nation's deficit will balloon just when we have put it on a downward slope. Without reform, businesses and families will continue to struggle with an impossible choice: spend more for coverage or gamble on doing without. Without reform there will be no peace of mind for parents and no thoughts of a secure future for young people. So the stakes remain high, and the need remains undiminished. Our debate is over for this year, but the health crisis continues to grow.

We can succeed only if we stop listening to the voices for partisan wars and those that win when the status quo prevails. And success means relief for real people and the stability that our budget so clearly needs.

For those of us who will not give up on trying for our people, we have to look on the past 2 years as the foundation to build from. Before the 103d Congress, health care reform was something like the Loch Ness monster—sighted every few years, heard about, but never produced. President after President during the past 60 years had an idea of the importance of health care reform, only to be outdone by political inertia. This time, reform came closer to reality than ever before. And it is now a vivid issue, etched clearly onto the American agenda. People in rural and urban America young and old, regardless of ethnicity, income, or geography all see the need for reform.

At its very core, health care reform has been about offering real hope for resolving the real problems that weigh down too many of us. For me, it has been about helping West Virginians put their heads on their pillows at night with the peace of knowing that their families, their businesses, their jobs, and their homes will not be devastated by health care costs. For me, it has been about freeing my State from the exhausting burdens of out-of-control health care costs.

Let us not forget what health care reform was really about. It was about giving the American people the same security that they give Congress. It was about giving them the same reliable, affordable, flexible coverage we have. I have in my wallet a Blue Cross Blue Shield card. Because I am one of 9 million Federal employees in a common program, I get to choose from among dozens of different insurance plans. I chose this one because it suits the needs of my family best. I pay almost a third of the monthly premium, and my employer, the Federal Government and taxpayers, pays the rest. I have very good, very comprehensive health benefits. I don't wait in lines and I deal with a doctor, not a bureaucrat.

In fact, just a day or so after the reality that health care reform was not going to happen this year, the Washington Post ran a front page story detailing how the health care benefits of Congress and of all Federal employees were about to get better and less expensive. How can we watch the success of the health program that covers us and our own staff, and then endure the failures that plague the people we represent. There is no way to rationalize this, no way to spin or filibuster it into acceptability. Allowing Americans to get the same affordable, reliable coverage was what we fought for.

I know others think the same way, and I know I have Senate colleagues just as hopeful and determined to do right and pass reforms that Americans want from us. We've come so very far, but more trying and exhausting steps await us when the 104th Congress convenes next year. The growing interest in entitlement reform, and what that means for Americans relying on Medicare and Medicaid, will require serious attention.

My greatest hope is that the needs of our Nation and our own States, in the end, will ultimately outweigh the $100 million hype and hysteria that have put obstacle after obstacle after obstacle in our path.

During World War II, the Army Corps of Engineers—the people who helped bridge the Rhine and clinch the defeat of Germany—had a motto: The difficult we do immediately, the impossible takes a little longer. That should be our rallying cry for health care. It's a major undertaking, and I have acknowledged that from day one. But it's an undertaking we must resume. We have taken a long time, and we will take a little longer. If we have the integrity and the commitment to do right by the American people, we'll get to work with renewed vigor and determination and repair the health care system. We can and we must turn one of our Nations's more trying episodes into a moment of great effort and achievement.

SOCIAL SECURITY NOTCH ADJUSTMENT ACT OF 1993

Mr. DECONCINI. Mr. President, I introduced the Social Security Adjustment Reform Act of 1993 early in the 103d Congress. I have been a longtime supporter of legislation to correct the glaring inequity in our Social Security System known as the notch problem. In previous Congresses dating as far back as the 99th Congress, I have cosponsored legislation to address this notch disparity.

Mr. President, I had hoped to offer this legislation for a vote prior to the end of this Congress. However, our former colleague, Senator Sanford and I made a pledge on the floor of the Senate in 1992 that we would not force a vote on this matter until the Senate and the House received the recommendations of the Notch Commission. In turn, the opponents of this legislation agreed to allow passage of legislation establishing and funding a commission to study and report its recommendations to Congress. While I am very frustrated over the long delay in the appointment of members of the commission and the late date for the completion of their work, I have kept my word. As I am fast approaching the end of my term in the Senate, I wanted to lay out my arguments one last time in hopes my words will be an impetus for others to champion this legislation next year.

Mr. President, Social Security payroll contributions and benefits are based upon wages earned. However, because of inflation, increases in benefits are needed to maintain an adequate standard of living for retirees. In 1972, the Congress sought to ensure that these increases would occur automatically in response to rising prices, rather than being dependent upon a mandate from Congress, which might reflect partisan politics. With this intention, Congress changed the formula used to calculate increases so that it would be based on prices, rather than wages. Economic theory which had held true for some 50 years or so suggested that wages tend to rise nearly twice as fast as prices. So if increases were based on prices, benefit levels would keep pace with inflation, but the contributions being paid into the trust funds would increase faster, keeping pace with wage levels. This would ensure the solvency of the trust funds.

Unfortunately, that wage-price economic theory failed. Wages were rising only slightly faster than prices and the Social Security pension fund began to pay out more than it had available and was in danger of bankruptcy. Congress soon realized its mistake and in 1977 it again adjusted the formula for calculating benefits to prevent the Social Security trust funds from going broke.

However, since the 1977 formula provides a lower benefit than the benefit provided by the 1972 formula, and since activating that change immediately would have caused a reduction in benefits for people already receiving Social Security, Congress provided for a period of transition in an effort to be fair to new and near retirees.

Mr. President, individuals in the notch group understand too well the importance of equity in ensuring longterm confidence in the system. The notch group knows it has been disenfranchised by its own Government. Worse yet, many in their Government have portrayed them as greedy geezers merely attempting to squeeze yet another buck out of old Uncle Sam. I strongly disagree.

The problem does not stem from anything which the notch group did or said. It was the Congress and the President who enacted the transitional fix which provided them with lower benefits than their peers. It was the Congress and the President who chose not to reduce the benefit levels of those bonanza babies born before 1917 whom they argued were getting a windfall. In short, Congress and the President corrected an earlier mistake which resulted in another. Like it or not, thousands of individuals in the so-called notch group have a legitimate beef with their Government.

Mr. President, I have consistently maintained that the original transition period, 6 to 10 years, was far too short to give adequate notice to the people who had or were in the process of making retirement decisions. This short timeframe has worked to the detriment of those retirees who fall in the notch category and receive the middle benefit, but who at age 56 to 60 were too close to retirement to change decisions they had made based on their expected Social Security benefits. The notch benefit level as it exists today is simply not fair. It is plainly not fair to the many honest, hard working Americans who responsibly planned for their retirement and is it not fair to others in the notch group who had less opportunity to save for whatever reason.

Mr. President, if Social Security is indeed a social compact with the working class, then the Government owes those who pay into the system a duty of good faith and fair dealing. The opponents of fixing the notch problem argue that these beneficiaries are treated better and will continue to be treated better than those who are postnotch babies. This is not true. Some in the notch group were treated better than others, but many receive lower benefits and their loss has nothing to do with how much an individual worked or paid into the Social Security System in his or her lifetime. The transitional rules were supposed to guarantee against large discrepancies in benefits, but these new rules proved as unsound for that purpose as the bedrock economic theory that would have prematurely bankrupted the system.

Mr. President, the Congress had intended in the seventies to delegate its duty to manage the benefit computation authority in order to minimize the chance that benefit levels would be altered for political gain by any party or President. I believe that the Congress and the President did the right thing. I also believe that the Congress and the President were trying to do the right thing in 1977, but fell short of the mark. However, I now believe that the Congress and the President are doing the wrong thing by refusing to correct the problems the first fix created.

The legislation I offered in this Congress, and my dear friend Senator Sanford in the 102d Congress, would correct much of this unfair situation by enhancing benefit levels during the transition years and extending the transition period to also protect anyone born between 1922 and 1929. Few bills are ever perfect and this bill is not perfect. The bill does not fully compensate those who were not helped by the transition fix and it probably true would enrich some in the notch too much. But, the bill is no worse than the 1977 legislation that created the problem. In short, this bill is a fair compromise and it is high time we face up to our mistakes and fix the notch problem.

In conclusion, I would like to thank my friends and colleagues who have steadfastly supported despite the enormous weight of criticism by the notch opposition forces. Their courage and integrity have provided me with a great deal of personal satisfaction and hope for the future. I would note for the record that the following Senators cosponsored my bill in the 103d Congress: Senators HARKIN, HEFLIN, HOLLINGS, SHELBY, DASCHLE, BURNS, MIKULSKI, PRESSLER, PELL, and BRYAN. I certainly wish them Godspeed in the efforts to resolve this problem in the coming Congress.

TRIBUTE TO MAJORITY LEADER GEORGE MITCHELL

Mr. DODD. Mr. President, I rise today to pay tribute to our retiring colleague, the Majority Leader GEORGE MITCHELL. His 14-year Senate career is about to come to a close, and this institution will sorely miss him.

The role of Senate majority leader is a dual and seemingly contradictory one: He is supposed to be both a neutral arbiter of the Senate's business and the leader of his party, both a bipartisan manager and a partisan advocate. GEORGE MITCHELL has kept the two roles insulated from each other, and as a result, he has succeeded in both splendidly.

As majority leader, he has always been fair, above-board and completely honest. I think all of my colleagues from the other side of the aisle would agree with that assessment.

As the leader of the Senate Democrats, he has been highly effective and leaves behind him a string of legislative victories as proof. He has coaxed and wheeled, cajoled and convinced, pestered and pressured. Senator MITCHELL is a true leader, in the sense of the word Harry Truman used when he said, "You know what makes leadership? It is the ability to get men to do what they don't want to do, and like it."

One of Senators MITCHELL's principal achievements will undoubtedly be the Clean Air Act, which passed during his first year as majority leader. He made clean air his top priority when he came to the Senate in 1980. It took several years, but he was dogged and got it done.

Thanks to that legislation, Americans today are breathing cleaner air than they would have without it. We are also making strides in our efforts to fight acid rain and protect the ozone layer.

There are countless other monuments to GEORGE MITCHELL's skill as a legislator and compassion of ordinary Americans. Of all the achievements of his years as majority leader, I will list just a few.

The Family and Medical Leave Act, which he and I pushed for year after year until it finally became law in 1993.

The Brady bill and this year's crime bill, both of which will make our streets safer.

An increase in the minimum wage and expansion of the earned income tax credit, both of which provided a small boost to millions of working Americans.

The largest deficit reduction bill in our history, which has put us back on a course of fiscal responsibility after the drift of the 1980's.

The Americans with Disabilities Act, which has opened doors and new vistas to millions of physically challenged Americans.

A national service program, intended to bring help to the disadvantaged and a new spirit of service to our next generation.

Each of these by itself is a major achievement. Taken together, they represent a monument record of success.

We all know that the majority leader had hoped to make health care reform the final achievement of his Senate career—not to secure his own place in history, but to provide relief to millions and millions of Americans in desperate need of it. In fact, Senator MITCHELL turned down a lifetime appointment to the U.S. Supreme Court so that he could fully devote himself to this cause.

We fell short on health care this year, and I know that no one regrets that more than GEORGE MITCHELL. But all of our efforts were not futile. We made valuable progress, and we laid the foundation for major reform next year.

We will eventually get this job done, and the memory and example of GEORGE MITCHELL will be with us when we do. His inspiration will also be with us when we pass campaign finance reform, another of his passions.

As Walter Lippman said, "The final test of a leader is that he leaves behind him in other men the conviction and will to carry on." GEORGE MITCHELL will leave all of us with the will to carry on, with the conviction to fight the good fight for the American people.

TRIBUTE TO GOVERNOR LOWELL P. WEICKER, JR.

Mr. DODD. Mr. President, I rise today to pay tribute to Lowell Weicker, our former Senate colleague who will be leaving public office when his term as Connecticut Governor ends in January.

Governor Weicker is tough and tenacious, opinionated and outspoken, caring and compassionate. For proof of his credentials as a maverick, one need look no further than the fact that for years he was known as a "liberal Republican." When his chosen party had moved too far to the right for him, he formed his own party and carried its banner into the Connecticut Governor's mansion.

Lowell Weicker began his Senate career in 1970, and he quickly became a passionate advocate for Government reform and accountability. He made his first big splash nationally during the televised Watergate hearings. One might have expected a first-term Republican Senator to stick up for his party's leader, or at least to sit quietly with his hands folded in front of him. But that wouldn't have been his style. Instead, he was a relentless, probing, inquisitive questioner. His priority wasn't defending his party or sticking up for his President: He wanted to know the truth.

Senator Weicker was once questioned about his political philosophy by a reporter. He responded that he served the Republican Party best "by not striving to be a great Republican, but by striving to be a good Senator." Senator Weicker's achievements were many. He fought hard against organized school prayer, which he saw as an affront to the Constitution. He strenuously opposed cuts in health and education funding proposed by President Reagan.

He created a new program within the Education of the Handicapped Act to provide educational and rehabilitative services for disabled infants. He also launched a Federal initiative to encourage medical schools to offer specialities in geriatrics.

Lowell Weicker served in the Senate until 1988, when my friend and colleague, JOE LIEBERMAN, defeated him by 10,000 votes. But Lowell Weicker didn't simply recede from the scene in Connecticut. He decided to run for Governor in 1990 under the banner of a new party, called "A Connecticut Party." His campaign slogan was "Nobody's man but yours." In a three-way race, he won with 40 percent of the vote, become the first third-party Governor in Connecticut since the Civil War.

Governor Weicker inherited a terrible fiscal situation. In 1991, Connecticut's deficit was proportionately the largest in the United States. Jobs were vanishing from the State, and the mood was grim. Governor Weicker knew that tough medicine was called for, and he delivered it. He proposed a State income tax and painful spending cuts.

As one would expect, a storm of protest ensued, but Governor Weicker didn't ride it out in the Governor's mansion. He took to the streets to confront the protesters, some of whom literally spat on him. He took to the air waves to take calls on radio talk shows. He sought out his opponents wherever he could find them in order to make his case that the route he had taken was the only one available to fiscal stability.

When the legislature refused to enact his plan, he declared a state of emergency and shut down all nonessential services; 13,000 State employees were put on indefinite furlough. The legislature then acquiesced and passed the Governor's plan.

At the same time he was bringing the State's books back into balance he was dramatically improving Connecticut's business climate. He made a concerted effort to make Connecticut more attractive to business. He cut corporate taxes and directed the Department of Economic Development to fight aggressively to retain existing employers and attract new ones to the State.

After nearly 4 years in Office, the results on Governor Weicker's policies are in. The State of Connecticut now enjoys a surplus. The economy is far from robust, but it has come a long way from the dark days early in this decade. And further improvements are on the horizon.

As governor, Lowell Weicker has many other considerable achievements. Under his leadership, Connecticut became only the third State in the Nation to restrict the sale of military-style assault weapons. he also has sought voluntary, regional solutions to racial segregation in the problem. Governor Weicker has continued his lifelong advocacy for children and the disabled. He is chairman of the board of the International Special Olympics Summer Games, which will take place in New Haven, CT next year.

Governor Weicker announced a year ago that he would not seek reelection. It was time, he said, to devote himself to his family and to interests in the private sector.

I suspect, however, that one way or another we will be hearing again from Lowell Weicker. It would not be like him to simply go quietly into that good night. Whatever Lowell Weicker chooses to do next, I wish him all the best, and I commend him on his three decades of public service.

THE RETIREMENT OF SENATOR DON RIEGLE

Mr. DODD. Mr. President. I rise to pay tribute to our retiring colleague, DON RIEGLE, whose career here will come to an end with the close of this session.

Throughout his career in public service, DON RIEGLE has demonstrated hard work, sound political judgment and strong leadership. He has never forgotten his roots in Flint, MI, and he has devoted himself to bettering the lives of the people who live there and in the thousands of communities like it across this country.

Senator RIEGLE has a distinguished track record of standing up for an international trading system based on fairness, of fighting for the economic interests of his constituents, and of looking out for the interests of our society's most vulnerable people.

He has also made considerable contributions to the health and well-being of our financial system. Those of us who served with Senator RIEGLE on the Senate Banking Committee, which he has chaired for the past 6 years, will especially miss him. Under DON RIEGLE's leadership, the Banking Committee has been among the Senate's most active committees.

As chairman, Senator REIGLE shepherded critical legislation through the Senate to address the savings and loan crisis. the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA] attacked thrift industry problems head-on by cutting the flow of S&L losses, providing authority to investigate and sanction criminal abuses, and establishing the Resolution Trust Corporation to seize and sell thrift assets.

Senate RIEGLE's leadership was also instrumental in the passage of landmark legislation in 1990, the Federal Deposit Insurance Corporation Improvement Act. This important bill strengthened the banking industry by raising capital standards and created prompt corrective action procedures to avert future financial crises.

DON RIEGLE's legislative achievements also include passage of the $3 billion National Affordable Housing Act to expand access to home ownership to more Americans, as well as the HUD Reform Act passed to respond to agency mismanagement and abuse.

And just within the last 2 months, we passed the community development banking bill and what will go down as one of Senator RIEGLE'S foremost achievements, the Riegle-Neal Interstate Banking and Branching Act of 1994. Thanks to that legislation, which was years in the making, consumers will soon begin to enjoy a wealth of new benefits, and our banking system will be strengthened for years to come.

Since I succeeded Senator RIEGLE as chairman of the Securities Subcommittee, we have worked closely on a host of legislative initiatives to increase the integrity of the securities market, reduce the credit crunch, and provide increased capital to consumers, industry and the economy.

Senator RIEGLE'S invaluable support and leadership as my full committee chairman helped us rack up the most significant legislative achievements in the securities field in the past 15 years. The list includes the Securities Market Reform Act and the Securities Law Enforcement Act.

Like Majority Leader MITCHELL, Senator RIEGLE had hoped we would pass health care reform before his Senate career came to an end. We failed as a Congress to pass health care reform this year, and we must all accept responsibility for that outcome. But if there is anyone in this body who will go home at the end of this session sure in the knowledge that he did everything he was humanly capable of for this cause, it is DON RIEGLE.

Starting more than 2 years ago, Senator RIEGLE has talked about more than 60 Michigan families in a series of Senate speeches called "Faces of the Health Care Crisis." He has told the tales of people throughout Michigan whose lives have been wrecked, whose children have suffered needlessly, whose job prospects have been dashed—all because of the inadequacies of our health care system. These speeches periodically reminded all of us about why this fight really mattered.

During the Finance Committee's markup of health care legislation, he made sure that the package that finally emerged included a strong set of benefits for pregnant women and children.

We didn't succeed this year, but in the end, we will. And when we do, we will be guided by the inspiration of DON RIEGLE. It is with admiration for a long career of effective public service and with sadness for the departure of a dear colleague and dear friend, that I bid farewell to DON RIEGLE.

TRIBUTE TO SENATOR DENNIS DECONCINI

Mr. DODD. Mr. President, I rise today to pay tribute to Senator DENNIS DECONCINI, whose long record of service to this institution will soon come to an end.

Senator DECONCINI's work in the U.S. Senate has been broad and his achievements many. He has been especially effective in the fight against crime and illegal drug use. His crime-fighting credentials extend back to his days as Pima County district attorney, and he has never forgotten the evidence he saw there of crime's terrible impact on families and communities.

Senator DECONCINI has provided a strong voice in the fight against illegal drugs and has led efforts to encourage drug-exporting countries to cut off production at the source. He has also successfully pushed for major increases in drug interdiction funding.

It was not until this Congress that majorities of the House and Senate could agree to ban assault weapons, which may belong on the battle field but not the streets of America. But Senator DECONCINI has been trying to ban the sale of these terrible weapons since 1989.

He heard the complaints and fears of police officers about the extraordinary firepower being trained on them by criminals, and he decided to do something about it. It may have taken 5 years for the rest of this Congress to come around to DENNIS DECONCINI's view on this, but the fact that we eventually did stands as a testament to his foresight and courage.

Senator DECONCINI has not only tended to the security of our families but to the security of our Nation. As chairman of the Intelligence Committee, Senator DECONCINI has been thoughtful and persuasive in his contention that our intelligence community must do more to adjust to the post-cold-war world. He has honed in on the cultural and procedural problems at the Central Intelligence Agency that made it possible for Aldrich Ames to go undetected for so many years. He has also supported efforts to reign in the CIA's budget; declassify more of its records, and depoliticize its analysis.

As chairman of the Subcommittee on Children, I will particularly miss Senator DECONCINI's advocacy on behalf of the youngest Americans. He is one of the Senate's foremost advocate of the Women, Infants and Children Program, commonly known as WIC.

Senator DECONCINI has argued eloquently that on this issue at least—making sure infants and expectant mothers have enough to eat—we should agree. And he has succeeded in bringing literally millions more individuals into this program.

He wrote legislation that established a national background check to ensure that persons who work as child-care providers do not have a criminal history of child abuse. He also established Project Alert, a nationwide program to allow retired Secret Service, FBI, and other law-enforcement personnel to help find missing children.

At the same time that Senator DECONCINI acted forcefully on the national stage, he carefully tended to the interests of his constituents. More than anything else, he has said he wants to be remembered as a Senator "who put his constituents first."

He estimates that during his three terms in the Senate, his office has performed constituent service for 100,000 Arizona residents, with Senator DECONCINI personally involved in 15,000 of those.

I know I speak for all of my colleagues when I say that DENNIS DECONCINI will be missed. I wish him well in all his future endeavors.

TRIBUTE TO SENATOR DAVID BOREN

Mr. DODD. Mr. President, I rise to pay tribute to one of our retiring colleagues, DAVID BOREN of Oklahoma. Senator BOREN has been a voice of independence and integrity during his 16 years in the Senate, and he will be missed.

Senator BOREN has shown the same independence and grit shown by the Boomers and Sooners who settled his home State during the last century. He has talked repeatedly about the need for bipartisanship, about the need to do what's right for our country, not what's right for our party.

More than anything else, DAVID BOREN has been a reformer. For the last decade, he has fought with every ounce of his strength to reform our bankrupt system of campaign finance. He has sought to reduce the role of special interest money in the system, to limit out-of-control campaign spending and to cut into so-called soft money donations.

His goal has been to begin the long process of rebuilding the American people's faith in their elected representatives. We did not pass campaign finance this year, but our failure was certainly not due to any lack of effort on the part of DAVID BOREN.

We will get the job done eventually, because the American people are demanding that we act. Those demands are not going away. When we finally do succeed, the memory, inspiration, and eloquent words of DAVID BOREN will be there with us.

Senator BOREN chaired the Intelligence Committee for 6 years, becoming our leading expert on intelligence matters. He sought to improve relations between the executive and legislative branches in this area and help our intelligence community adjust to the post-cold-war world.

In addition, Senator BOREN has been a tough and tenacious advocate for his State and the farmers and oil producers that form its economic backbone. He was the architect of the $4 billion bailout of the farm credit system in the mid-1980's and has stood up for oil producers when he thought they were being unfairly singled out by tax proposals.

Senator BOREN has a long and distinguished career of public service. He served in the Oklahoma House of Representatives from 1968 to 1974. During that time he was also chairman of the government department at Oklahoma Baptist University. After literally campaigning with a broom in hand, he was elected Governor on a reform platform in 1974. He made good on his pledge to make State government more open and accountable.

He then won a seat in the Senate in 1978. He won reelection in 1984 with 76 percent of the vote. That was a record tally for Oklahoma, and it stood until 1990, when he broke his own record with 83 percent of the vote. He carried every county in the State that year.

Senator BOREN will now return to one of his true loves: education. He will become president of the University of Oklahoma, and I am sure he will lead that institution with the same distinction with which he has conducted himself as a U.S. Senator. I wish him well in all his future endeavors, and I want him to know he will be missed here.

TRIBUTE TO SENATOR HARLAN MATHEWS

Mr. DODD. Mr. President, I would like to pay tribute to Senator HARLAN MATHEWS, whose too-brief time serving with us in this body will soon come to an end. Senator MATHEWS was appointed to fill the remainder of AL GORE's Senate term, and he has acted as an honorable and able steward for the people of Tennessee.

Senator MATHEWS has only served here for 2 years, but he has made the most of the time. He has been a strong supporter of deficit reduction and spending restraint. He also provided a strong voice for comprehensive health care reform, measured to protect the environment, and the bill to deregulate the telecommunications industry. In addition, Senator MATHEWS and I worked together on efforts to reform our product liability and securities litigation systems.

I had the pleasure of serving with Senator MATHEWS on the Foreign Relations Committee, where he made a particular contribution to United States-Asian relations. Senator MATHEWS understands the critically important role Pacific trade plays and will continue to play in our economy. He has sought to strengthen the international institutions that undergird that trade. Last June, the Senate unanimously passed a resolution Senator MATHEWS authorized on the Asia Pacific Economic Cooperation Organization. I am proud to note that I was an original cosponsor of the resolution, which called on the President to reaffirm the U.S. commitment to make the organization an effective tool for increased trade and lowered tariff barriers across the Pacific rim.

Before coming to the Senate, HARLAN MATHEWS had a long and distinguished career of public service in Tennessee. He began working for the State in 1950 and joined Governor Frank Clement's budget staff in 1954. He was the State's commissioner of finance and administration from 1961 to 1971 and State treasurer from 1974 to 1987. He also served as cabinet Secretary to Gov. Ned McWherter.

I know I speak for all of my colleagues when I thank HARLAN MATHEWS for his 2 years of dedicated service to this institution. I want to extend him my congratulations for a job well done and to wish him well in all his future endeavors.

COL. ALAN P. SULLIVAN—A DISTINGUISHED CAREER IN THE MARINES

Mr. KENNEDY. I welcome this opportunity to recognize the dedication, public service, and patriotism of Col. Alan P. Sullivan of the U.S. Marine Corps, who is retiring after over 24 years of outstanding service to the Nation. Although he is leaving the Pentagon, I am pleased that he is not leaving Government service, and will soon become Director of the White House Military Office.

Colonel Sullivan is a native of Groveland, MA. He graduated from Villanova University and was commissioned as a second lieutenant in the Marine Corps in June 1970. After completing flight training, he reported to his first A-6 squadron, an aircraft he would fly throughout his career. Colonel Sullivan served with combat units based in the Philippines and Japan.

While based at the Marine Corps Air Station in Cherry Point, NC, Colonel Sullivan served as the Schedules Officer, Aviation Safety Officer, and Aircrew Training Officer. He graduated from the Marine Corps Staff and Command College in 1983 and from the Naval War College with distinction in 1989. During his Marine career, Colonel Sullivan also earned two masters degrees, including an M.B.A. from New York University.

Most recently, Colonel Sullivan has served in senior managerial posts in the Marine Corps and in the Office of the Secretary of Defense. In 1989, he was assigned responsibility for development of the Marine Corps Program Objective Memorandum. Beginning in March 1992, he served as Military Assistant to the Director of Defense Research and Engineering in the Office of the Secretary of Defense. In that capacity, his consummate leadership, intellect, and integrity ensured the effective selection and utilization of scarce research and development funding during a period of major defense restructuring. Working closely with Congress, Colonel Sullivan helped to obtain Senate and House support for critical defense research projects, and his effective work has contributed directly to the future readiness and success of our troops in the field.

Colonel Sullivan's awards include the Legion of Merit, the Meritorious Service Medal, the Navy Achievement Medal, and several unit awards.

I know that Colonel Sullivan's wife, Kathy, and his sons, Matthew and Christopher, are proud of his many accomplishments, and so are the Marine Corps and the Nation. His distinguished service will be genuinely missed in the Department of Defense, and all of us who know him wish him every success in his new responsibilities at the White House.

UNFUNDED MANDATE LEGISLATION

Ms. MIKULSKI. Mr. President, I hope we can pass the unfunded mandate bill. The Senate has a historic opportunity to provide relief to our State and local governments and restore a genuine sense of partnership.

I oppose unfunded mandates. Every time I travel in Maryland, one message comes through loud and clear from local governments—"put your money where your mandates are." Too often, Washington pushes off obligations on State and local governments without any thought as to what it will cost. This bill corrects this problem by requiring a cost estimate for every mandate bill that is considered.

We need to know what kind of burden we might be imposing on State and local governments before we act. If the burden is too high, we need to consider that.

This bill restores fairness and honesty to the Federal-State partnership without jeopardizing our ability to meet vital needs. That is why the Nation's governors, mayors, and legislators support this bill—and it is why I support this bill.

INDIAN GAMING REGULATORY AMENDMENTS

Mr. INOUYE. Mr. President, I rise today to join the vice-chairman of the Committee on Indian Affairs, Senator JOHN MCCAIN, in sharing with our colleagues, our efforts to address the matter of amendments to the Indian Gaming Regulatory Act of 1988.

Those of our colleagues who are well-versed in matters of Indian gaming know that almost before the ink was dry on the President's signature—on a bill that sought to establish a comprehensive framework for the conduct of gaming activities on Indian lands—there have been continuous calls for amendments to that Act.

Many of these overtures were prompted by the rulings of various Federal courts that were confronted with interpreting the Federal law as it interacts with State law.

For those that are less than well versed in matters of Indian gaming, it is important to understand the fundamental structure of the Act. It is based on the concept of equal protection as well as the public policy of each State.

That is, Indian tribal governments are authorized to conduct those games that are not against the public policy of the State in which the tribe's reservation is located and which are not criminally-prohibited as a matter of State law.

It is that sense that the Indian nations are afforded the equal protection of the laws of each State—by operation of the Federal law, tribal governments are authorized to conduct those games that are permitted to be played by anyone else in the State for any purpose.

When a State and a tribal government disagree as to which games are permitted to be played pursuant to State law, one task of the Federal courts is to examine the public policy of each State, and then turn to a more specific analysis of State gaming law.

The policy objective of the Indian Gaming Regulatory Act is thus based upon the premise that the citizens of each State have, by the exercise of their votes, made a determination as to the State's public policy with regard to gaming generally, and have also made specific decisions about which games are to be permitted and which games are to be prohibited by criminal sanction. The Federal law thus looks to the State's law to define the parameters of Indian gaming in each State.

This matter has come to be known as the "scope of gaming," and has become perhaps the most challenging controversy associated with the act.

The tribal governments, I think, would maintain that they seek only to engage in those activities that are permitted to other citizens of the State.

From a State perspective, the Federal courts are not construing State law and public policy in a manner that is consistent with the State's own interpretation of its laws.

The challenge posed to the committee is to amend the Federal act in such a way as to reduce or even eliminate the latitude with which courts interpret State public policy as it relates to gaming and the construction by the Federal courts of State gaming laws.

It is the resolution of this issue which, after hundreds of hours of dialog amongst representatives of State and tribal governments, has proven elusive.

The second matter that has been a source of considerable concern, at least for those tribes that are affected by such Federal court rulings, is the assertion by some States of the 10th and 11th amendments to the constitution as defenses to Federal court jurisdiction.

Two of the circuit courts of appeals have now ruled and are in agreement on the 10th amendment, while four of the circuit courts of appeals have now ruled on the 11th amendment and have come to different conclusions.

Thus, while it is likely that the Supreme Court will be addressing the conflict between the circuits on the 11th amendment, there have been a number of tribal governments who have called upon the committee to legislatively address this matter through amendments to the act.

Another area of concern to those States along the east coast is the effect of the 1988 Gaming Act on the terms of previously-enacted Indian Land Claims Settlement Acts.

The Supreme Court has not acted to deny certiorari in the challenge by the State of Rhode Island to the application of the Indian Gaming Regulatory Act to the extent that it is inconsistent with the provisions of the Rhode Island Indian Land Claims Settlement Acts, thereby letting stand the ruling of the first circuit that the Indian Gaming Regulatory Act impliedly repeals a portion of the Rhode Island Settlement Act.

And while there are other matters of concern to the States and the tribes, there is one matter that is important to everyone who has some involvement in Indian gaming—to the tribes and the States, to the managers and the patrons.

This is the matter of federally established minimal standards that would apply to the governmental regulation of Indian gaming—whether regulation is the responsibility of a State government, a tribal government, or both—and which would of course apply to the Federal Government in equal measure.

We have proposed the formation of an advisory committee of tribal, State, and Federal Government representatives to formulate these standards and recommend their adoption.

To those critics of minimal standards who suggest that it is somehow unfair or discriminatory to single out Indian gaming for compliance with standards for regulation, I would comment that if I were chairman of a committee with broader jurisdiction over all gaming, I would be equally supportive of minimal Federal standards for all gaming.

My jurisdiction as chairman of the Committee on Indian Affairs is, however, limited, and thus I am constrained by the scope of my authority.

These are the primary issues with which we have been engaged over the past year, and although the tribal-State dialog process that vice chairman McCAIN will detail did not come to fruition, I believe that there remains the will and the commitment on the parts of the States and the tribes to continue to work with the committee, so that we may have a measure ready for introduction in January.

In the interim, I want to express my deep appreciation and gratitude to those who have committed their time and energy, measured in hundreds if not thousands of hours, to the development of legislation to amend the Indian Gaming Regulatory Act of 1988.

This includes Governors and attorneys general, tribal government leaders and their attorneys, representatives of the Federal agencies, and last but certainly not least the members and staff of the Committee on Indian Affairs and those who have graciously lent their advice and counsel to the committee.

I also want to thank our colleague, Senator HARRY REID, for his forbearance in proceeding with his own legislation to amend this act, while this process of State-tribal dialog was ongoing. I hope that we can develop a measure that will address his concerns, and which will strike the proper balance between the interests of the Federal, State, and tribal governments in their capacities as sovereigns.

THE INDIAN GAMING REGULATORY ACT OF 1988

Mr. McCAIN. Mr. President, before the 103d Congress comes to a close, I would like to take this opportunity to inform my colleagues and the American people about the efforts of the Committee on Indian Affairs to enact amendment to the Indian Gaming Regulatory Act of 1988.

Since the enactment of the Indian Gaming Regulatory Act in 1988, there has been a dramatic increase in the amount of gaming activity among the Indian tribes. Indian gaming is now estimated to yield gross revenues of about $4 billion per year and net revenues are estimated at $750 million. There are about 160 class II bingo and card games in operation and there are now over 100 tribal/State compacts governing class III gaming in 20 States, including my own State of Arizona. Indian gaming comprises about 3 percent of all gaming in the United States. Gaming activities operated by State governments comprise about 36 percent of all gaming and the private sector accounts for the balance of the gaming activity in the Nation.

Indian gaming has become the single largest source of economic activity for Indian tribes. Annual revenues derived from Indian agricultural resources have been estimated at $550 million and have historically been the leading source of income for Indian tribes and individuals. Annual revenues from oil, gas, and minerals are about $230 million and Indian forestry resources revenues are estimated at $61 million. The estimated annual earnings on gaming now equal or exceed all of the revenues derived from Indian natural resources. In addition, Indian gaming has generated tens of thousands of new jobs for Indians and non-Indians. On many reservations gaming has meant the end of unemployment rates of 90 or 100 percent and the beginning of an era of full employment.

Under the Indian Gaming Regulatory Act, Indian tribes are required to expend the profits from gaming activities to fund tribal government operations or programs and to promote tribal economic development. Profits may only be distributed directly to the members of an Indian tribe under a plan which has been approved by the Secretary of the Interior. Only a few such plans have been approved. Virtually all of the proceeds from Indian gaming activities are used to fund the social welfare, education, and health needs of the Indian tribes. Schools, health facilities, roads, and other vital infrastructure is being built by the Indian tribes with the proceeds of Indian gaming.

In the years before the enactment of the Indian Gaming Regulatory Act and in the years since its enactment we have heard concerns about the possibility for organized criminal elements to penetrate Indian gaming. Both the Department of Justice and the FBI have repeatedly testified before the Committee on Indian Affairs and have indicated that there is not any substantial criminal activity of any kind associated with Indian gaming.

Some of our colleagues have suggested that no one would know if there is criminal activity because not enough people are looking for it. I believe that this point of view overlooks the fact that the act provides for a very substantial regulatory and law enforcement role by the States and Indian tribes in class III gaming and by the National Indian Gaming Commission in class II gaming. The record clearly shows that in the few instances of known criminal activity in class III gaming, the Indian tribes have discovered the activity and have sought Federal assistance in law enforcement.

Nevertheless, the record before the Committee on Indian Affairs also shows that the absence of minimum Federal standards for the regulation and licensing of all Indian gaming has allowed a void to develop which will become more and more attractive to criminal elements as Indian gaming continues to attract more patrons and generate increased revenues.

Mr. President, during the 102d Congress, the distinguished chairman of the Committee on Indian Affairs, Senator INOUYE, convened three oversight hearings on the implementation of the Indian Gaming Regulatory Act of 1988. Those hearings revealed that most States and Indian tribes were working with each other to resolve disagreements and enter into compacts to govern class III gaming. The Department of Justice advised the committee that there was no evidence of substantial criminal activity associated with Indian gaming. Appointments to the National Indian Gaming Commission had been delayed, but the Commission was finally up and running and in the final stages of issuing the regulations necessary to regulate class II gaming and carry out the act by late 1922.

The hearings in the 102d Congress also revealed that the act had resulted in substantial litigation between Indian tribes and States over the issue of the scope of gaming activity that should be subject to negotiation for inclusion in a class III compact between an Indian tribe and a State. Under the 1988 act, the scope of permissible gaming is determined by reference to State law in accordance with the 1987 decision of the U.S. Supreme Court in the case of Cabazon Band of Mission Indians versus California. In States such as Wisconsin and Connecticut the litigation over the scope of gaming ultimately resulted in final determinations by the Federal courts of the so-called "scope of gaming" permitted under State laws. In other States such as New Mexico, Florida, and Alabama no final determinations about the scope of gaming have been reached through negotiation or litigation. In these other States the provisions of the act which provide for a final determination by the Federal courts have been frustrated by the assertion by the States of defenses based on the 10th and 11th amendments to the U.S. Constitution.

Early in the 103d Congress, the Committee on Indian Affairs was called on by State and tribal leaders to consider amending the act to resolve issues related to the scope of gaming and the 10th and 11th amendments to the Constitution. In addition, legislation was introduced in both the House and Senate to amend the act to address these issues and concerns about the adequacy of regulation of Indian gaming. Here in the Senate, S. 1035 was introduced by Senators REID, BRYAN, GRAHAM, and SIMPSON on May 26, 1993.

In March 1993, Senator INOUYE initiated a series of meetings with Governors, State attorneys general, Federal officials and tribal leaders to see if a dialog among all of the parties would yield a consensus on amendments to the act. After a series of separate meetings with each of the parties, the Committee on Indian Affairs convened a joint meeting of the parties on July 2, 1993. That meeting resulted in the establishment of State and tribal work groups and negotiation teams to try to hammer out legislative language and a consensus on necessary amendments.

The negotiation teams met for a week during July 1993 and agreed upon a conceptual framework for amendments. In subsequent meetings during July and early August, substantial progress was made toward the development of legislative language. Unfortunately, at the National Governors Association meeting in August 1993, the Governors rejected the proposed compromise. After that, little progress was made until October, when the committee again convened a meeting of the Governors, the attorneys general, Federal officials and tribal leaders to see if the impasses could be broken.

At the meeting the Governors suggested a new framework for an agreement on the scope of gaming issue which the tribal leaders agreed to consider. A followup negotiation session was held in November but it quickly resulted in another impass. The committee urged the parties to meet again early this year, but no negotiations were convened.

When it became apparent that the parties could not reach agreement, Senator INOUYE and I announced that the Committee on Indian Affairs would hold hearings in April and May to provide all interested parties with an opportunity to formally identify problems with the 1988 act and to propose solutions. Based on the record of those hearings, the prior negotiations between the tribes and the States, and the recommendations of Federal officials, Senator INOUYE and I introduced S. 2230, the Indian Gaming Regulatory Act Amendments Act on June 23 of this year.

As introduced, S. 2230 provided for a major overhaul of the Indian Gaming Regulatory Act of 1988. It authorized a direct Federal presence in the regulation and licensing of class II and class III gaming as well as all of the industries associated with such gaming. This would be accomplished through the establishment of an expanded Federal Indian Gaming Commission which would be funded through assessment on Indian gaming and fees imposed on license applicants.

The bill also provided a new process for the negotiation of class III compacts which would allow the States to opt out of the negotiations if they so choose. Consistent with the 1987 decision of the U.S. Supreme Court in the case of Cabazon Band of Mission Indians versus California, the bill contained new provisions intended to reduce disagreements between tribes and States over the scope of gaming and to provide for prompt resolution of any disputes which may arise. Provisions of the Bank Secrecy Act will be applied to Indian gaming activities to the same extent that the act is applied to any other gaming activity.

The Committee on Indian Affairs held hearings on the bill on July 19 and July 25. Following those hearings, we developed a proposed amendment in the nature of a substitute and circulated it to interested parties during the August recess for review and comment.

Mr. President, it is important to understand this background in order to understand that the Committee on Indian Affairs has made every effort during this Congress to find a consensus on amendments to the Indian Gaming Regulatory Act. We have been assisted in our efforts by outstanding leaders such as Governor Mike Sullivan of Wyoming who represented the National Governors Association; Attorney General James Doyle of Wisconsin who represented the National Association of Attorneys General; Mr. Rick Hill, president of the National Indian Gaming Association, and Mr. Gaiashkibos, president of the National Congress of American Indians. Several members of the Committee on Indian Affairs, including Senators RIED, CAMPBELL, WELLSTONE, DOMENICI, and GORTON have expended countless hours of their time on this issue. Despite all of these efforts by all of these individuals, it is now clear that we will not be able to secure passage of legislation to amend the Indian Gaming Regulatory Act in the few days which remain in this Congress. I deeply regret that this is the case because I believe that the need for amendments is urgent.

I also believe that the States and the tribes have generally been in agreement for most of the past year on the need for amendments to the act. Agreement exists on the need for a new process for the negotiation of class III compacts and the determination of the scope of gaming activity permitted under the laws of a State. There is also agreement on the need for minimum Federal standards to govern the regulation of Indian gaming.

Despite these areas of agreement, it has not been possible to reach agreement on legislative language. When S. 2230 was introduced it was strongly opposed by the Indian tribes. The proposed amendment in the nature of a substitute which was circulated in August is strongly opposed by the States.

Agreement on bill language has proven elusive for several reasons, not the least of which is the complexity of the act itself. The delicate balance of tribal and State interests and authority also makes this a difficult issue. Notwithstanding these obstacles, I have observed that at several points during the past 2 years that the parties were extremely close to agreement, only to find a blizzard of legal technicalities raised by those, including some lawyers, who believe that their interests would be better served by litigation rather than by amendments to the Act.

This is not a strategy which has the development of sound public policy as its objective. Inevitably the Supreme Court of the United States will be called upon to review the constitutional issues which have arisen under the act. Once the court rules, the losing side will be before us seeking relief. Whether that is the States or the tribes, it is not likely that this Congress will be able to fashion any remedy which is more balanced than those already agreed to in concept by the tribes and States and contained in S. 2230 or the proposed substitute. Those who favor continued litigation rather than legislation will primarily succeed in enriching lawyers and creating animosity between the Indian tribes and States rather than providing a sound basis for the regulation and conduct of Indian gaming.

The failure to enact amendments to the Indian Gaming Regulatory Act will be viewed by the proponents of more litigation as a victory. I want to caution everyone that it is a hollow victory. It is also a victory which may ultimately lead to the demise of Indian gaming. The act must be amended to address the issues of scope of gaming and the compacting process.

More importantly, it must be amended to establish minimum Federal standards for the regulation of Indian gaming. In the absence of such standards it will only take one serious incident to call into question the integrity of all Indian gaming. Once that occurs the non-Indians who so avidly patronize Indian gaming will look elsewhere to spend their gaming dollars. The single greatest economic opportunity the tribes have had will fade away.

The Congress has an obligation to the Indian tribes and to the patrons of Indian gaming to make sure that Indian gaming activity is regulated in a manner which minimizes the chances for any criminal activity to occur. If such activity should occur we must also have the procedures and mechanisms in place to deal with it promptly and effectively. I believe that the tribes and some States are doing an adequate job at present, but as Indian gaming continues to grow the ever larger cash flow will become increasingly attractive to criminals. The time to act to ensure the integrity of Indian gaming is now. If we wait until there is a crisis, it will be too late.

I urge the States, the Indian tribes, Federal officials and all of my colleagues to join Senator INOUYE and I in the 104th Congress as we continue to seek to strengthen the Indian Gaming Regulatory Act.

THE YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT

Mr. BRADLEY. Mr. President, I am very concerned about the passage of a provision of S. 1146 regarding the Yakima Basin Water Conservation Program. As you know, despite the fact that at least one Senator had put a hold on this very contentious provision, and there were holds on other provisions of S. 1146, it was passed inadvertently by the Senate in the end-of-session confusion on Tuesday night.

First, no hearings have been held in the Senate on this very costly and controversial legislation which was referred to the Subcommittee on Water and Power, which I chair, of the Senate Energy and Natural Resources Committee.

Second, there has been a loud outcry of opposition from the national and Washington State environmental community, including American Rivers, the Sierra Club, the National Wildlife Federation, the Natural Resources Defense Council, Friends of the Earth, Trout Unlimited, the Environmental Defense Fund, and Waterwatch. Their opposition is based primarily on the fact that the bill grants tens of millions of dollars to the irrigation community with no guarantee that water conserved at public expense will go to the endangered Yakima fishery or to cure the serious water quality problems in the basin.

I have many questions of the Senator from Washington, that because of the peculiar nature of its passage, remain unanswered such as:

Are the bill's target instream flows for the endangered Yakima fishery greater than current river conditions?

Can the Bureau of Reclamation succeed in acquiring water for the fish from voluntary leases or purchases as the bill requires when the Bureau has been unable to buy or lease any water in the Snake this year, and it is expected to be even more difficult to do so in the Yakima?

If the fish, wildlife, and recreation purposes of the bill shall not impair the operation of the project to provide water for irrigation purposes and shall not impact existing contracts, is it possible that the bill may actually result in more irrigation in the basin, and thus even less water in the river?

I am also concerned that this bill takes us back in time to another era because of its lack of certain critical features contained in the Central Valley Project Improvement Act, which this body enacted over 2 years ago. This bill has no provision for a habitat restoration fund; no insurance that dry year reductions will not be disproportionately visited on the fishery; and no biological goals for fish recovery.

Early in the next Congress I intend to reopen the debate on the Yakima in order to address these questions.

Mrs. MURRAY. I share many of the concerns Senator BRADLEY expressed regarding the Yakima Basin Water Conservation Program. In condoning the passage of this legislation, I think we are supporting a strong step forward toward resolving the complex issues facing water appropriation in the Yakima Basin. In addition, I welcome hearings on this measure early in the next Congress and will support efforts by you and others to improve the legislation, particularly to ensure that conservation efforts in the basin result in more beneficial flows for endangered fisheries. I look forward to working closely with the Senator and the subcommittee to address the many legitimate concerns raised by you and the national and Washington State environmental organizations.

MAJORITY LEADER GEORGE MITCHELL

Mr. HEFLIN. Mr. President, when majority leader GEORGE MITCHELL announced that he would not be seeking reelection this year, it sent shockwaves through this body and the Washington political establishment. Democrats and Republicans alike were shocked because we have come to appreciate and respect his strong leadership, honesty, and principled partisanship. We have become comfortable with his soothing style and his judicious manner and temperament. Although he has only been majority leader since 1989, he has in those short 5 years become synonymous with the body like few others have, and we have come to take him for granted in many ways.

When most people use the term "partisan," they do so in the pejorative sense. They use it to imply blind allegiance to a political party or cause, without regard to right and wrong, or what is in the best interest of the country as a whole. Senator GEORGE JOHN MITCHELL, however, is a partisan in the very best sense of the term, In the sense that it was meant before it became distorted by the politics of obstruction and destruction.

GEORGE MITCHELL's partisanship is guided by principles—his own personal principles and the principles of the Democratic party to which he is so committed and which he loves so dearly. He is fiercely loyal to the broad goals that every Democrat professes to stand for—equal opportunity, liberty, fairness, and improving the lives of average Americans. In upholding his party's principles, he is also strictly guided by his own set of principles—honesty, integrity, forthrightness, and, above all, personal honor.

If GEORGE MITCHELL has appeared excessively partisan to Members on the other side of the aisle during his 5 years as majority leader, it is because he believes passionately in the Democratic party and what it stands for, and has been unwavering in supporting our party's goals. He has been anything but a blind partisan; there is not a hint of impaired political vision on his part. On the contrary, his brand of partisanship comes from his soul as clear, strong, principled leadership.

GEORGE MITCHELL's rise to the top leadership post in the Senate was meteoric, and a dramatic testament to the ability and legislative skill of the former Federal judge. When the venerable Senator Edmund S. Muskie left the Senate in 1980 to become President Carter's Secretary of State, GEORGE was appointed to his Maine seat. At that time, he had never won an election. In 1982, he won a full term with 61 percent of the vote against a proven campaigner. Just as he has as majority leader, GEORGE that year demonstrated steadiness and good humor in endearing himself to the Maine electorate.

He became chairman of the Democratic Senatorial Campaign Committee after the 1984 mid-term elections, and in 1986, the Democrats recaptured the

Senate with 55 seats. Almost no one had thought that possible when GEORGE took on the task. He later distinguished himself on the Iran-Contra Committee, where I had the privilege of working with him and getting to know him better.

GEORGE MITCHELL comes from one of the most humble backgrounds in the Senate. His father was an orphan who worked as a janitor at Colby College and his mother was a Lebanese immigrant. He grew up in the small town of Waterville, a poor athlete in an athletically conscious family. Many of his strong Democratic principles come from growing up among the hard-working poor. There is no doubt that when he evokes the principles of his party, he speaks from a heart shaped by personal experience.

After working his way through Bowdoin College in Maine and law school at Georgetown University, he served with the United States Army counter-intelligence corps in Berlin, Germany. He got his start in politics as a protege of Senator Muskie, another immigrant's son, became Democratic State Chairman in 1966, and then State attorney general. He ran an unsuccessful campaign for Governor in 1974, but 5 years later, after practicing law and serving for a time as U.S. attorney, was named a Federal judge by President Carter. It was from the Federal bench that he came to the Senate.

GEORGE MITCHELL is one of those Senators who many of us thought would be here for a very long time to come, and when he steps down next year he will leave a void that will be difficult, if not impossible, to fill for the foreseeable future. The Democratic Party will lose perhaps its most effective unifying force at bringing all of our diverse factions together. Our party will also lose one of its most accomplished orators and debaters on a host of issues.

The U.S. Senate will lose an impeccable ethical leader who is respected and admired by both parties. The country will lose a true national leader guided by traits such as intelligence, industry, and integrity.

GEORGE MITCHELL doesn't come close to setting any records for length of service in this body, something that we traditionally associate with so-called Senate giants. But he will leave an uncommon mark of distinction nonetheless, and will surely assume his place among the ranks of the giants who have dedicated themselves to this institution.

EDWARDS-LEAHY DIGITAL TELEPHONY BILL—H.R. 4922

Mr. LEAHY. I rise today to urge the Senate to pass H.R. 4922, the Edwards Leahy Digital Telephony bill, to expand privacy protection for our phone and computer conversations and to preserve law enforcement's ability to execute court orders for wiretaps.

Our law enforcement and intelligence agencies have sounded alarm bells about losing their ability to conduct wiretaps because new communications features and services are being deployed with no thought as to how they might affect law enforcement.

I, for one, do not want law enforcement to lose its capability to use this powerful tool in its crime-fighting arsenal.

Wiretaps produce powerful evidence against our most dangerous criminals, at the lowest risk to the agents involved. We don't have to make deals with criminals, protect witnesses, or expose agents to danger when police can convict criminals with tapes of their own conversations.

At the same time that I want to preserve law enforcement's wiretap capability, I want to make sure we do not jeopardize important privacy rights of all Americans or frustrate the development of new communications technologies.

I have worked very closely with Congressman DON EDWARDS to craft a bill to revise our wiretap law so that law enforcement's ability to execute court orders for wiretaps is preserved while expanding our privacy protections.

First, to ensure law enforcement's continued ability to conduct court-authorized wiretaps in light of new and emerging digital technologies, the bill sets forth four wiretap capability requirements that telecommunications carriers would be required to meet.

This means that when the phone companies set about designing and deploying new services or features, they must consider law enforcement's needs among the numerous other factors that go into such designs.

Just as phone companies make sure that when they plug-in new services, the phone system is not shorted out, so, too, we do not want to short-change the American people's need for effective law enforcement.

Second, on the privacy front, the bill expands privacy and security protection for our telephone and computer communications in ways that were first recommended to me by a Privacy and Technology Task Force I organized in 1991. The protections of the Electronic Communications Privacy Act are extended to cordless phones and certain data communications transmitted by radio. In addition, this bill increases the protection for transactional data on electronic communications services by requiring law enforcement to get a court order for access to those records.

The bill further protects privacy by requiring telecommunications systems to protect communications not authorized to be intercepted and by restricting the ability of law enforcement to use pen register devices for tracking purposes or for obtaining transactional information.

The bill sets up a mechanism for ensuring law enforcement's wiretap capability needs while at the same time deferring to industry to decide how best to meet law enforcement's wiretap needs. No Government official will be put in charge of the future of our telecommunications industry. This legislation leaves it to industry in the first instance. If industry is ready to deploy a new phone feature or service, but cannot yet figure out how to give law enforcement access for lawful wiretaps, a court must take that into consideration and may not stop deployment of the service. On the other hand, if industry can fix the service to assist law enforcement, it must do so.

This bill preserves a legitimate law enforcement tool without jeopardizing privacy rights or frustrating innovation and the development of new technologies or undercutting the competitiveness of America's high-tech industries. Finally, the bill improves the privacy of mobile phones by expanding criminal penalties for stealing the service from legitimate users.

Third, to encourage innovation in telecommunications services, the bill states expressly that law enforcement agencies may not require the specific design of telecommunications systems or features, nor prohibit adoption of any such design, by any telecommunications provider.

At the same time that I want to preserve law enforcement's wiretap capability, I want to make sure we do not jeopardize important privacy rights of all Americans or frustrate the development of new communications technologies.

I have worked very closely with Congressman DON EDWARDS to craft a bill to revise our wiretap law so that law enforcement's ability to execute court orders for wiretaps is preserved while expanding our privacy protections.

I urge my colleagues to support this measure.

I want to thank Senator HATCH and Chairman BIDEN, who are co-sponsors, and Senator SIMPSON for supporting and working with me to ensure passage of this important legislation. Senator HATCH, in particular, has been essential in clearing this matter of last minute problems and allowing for the action we take today. He understands the importance of the legislation and has worked hard to persuade our colleagues that we should pass this measure without delay.

I especially want to commend a retiring colleague of ours from the House, the distinguished DON EDWARDS. This measure could not have been developed without his commitment and dedication to resolving an impasse that had plagued law enforcement, telecommunications providers and privacy advocates for years. At a time when he could have sat back and enjoyed accolades for his longstanding public service in defense of individual rights and freedoms, he took on a daunting task.

And in typical fashion, DON EDWARDS' good sense, keen insight and determination made possible the joint drafting and revision of this important legislation and successful House passage.

I also commend Chairmen BROOKS and DINGELL and Congressman MARKEY of the House for their commitment to seeing this matter through to conclusion. They have each worked to improve the bill and we are grateful for their efforts and cooperation in moving this matter forward when we could have been sidetracked in jurisdictional disputes or distracted by some who continue to seek to defeat this measure through delaying tactics.

Most importantly, I need to acknowledge the efforts of our director of the Federal Bureau of Investigation Louis J. Freeh for working tirelessly and in good faith to craft the best legislation that we all could. It was Judge Freeh who sounded the call on this issue earlier this year. He and the dedicated men and women of the FBI, the National District Attorneys Association, the International Association of Chiefs of Police, and countless prosecutors, sheriffs, police chiefs, state and local public officials and concerned citizens have participated in our hearings and proceedings and shared with us their views.

All have been helpful but this bill is being considered today for final passage in no small measure because of the personal attention and commitment to effective law enforcement of Louis J. Freeh. The American people are well served by this tough and fair man, a person I am proud to call my friend.

I would be remiss if I did not also mention the important contributions of the Attorney General and the White House to the progress of this legislation. Attorney General Reno has been most supportive of our efforts.

The Vice President, who had worked on these matters while our colleague here in the Senate, was extremely helpful and attentive and helped keep us all on track. Finally, I wish to thank the President and his Staff Secretary, my good friend John Podesta, for their constant commitment to improving privacy protections while preserving law enforcement's ability to execute lawful, court-ordered wiretaps. Without their active participation, we would not be here today.

I thank all those who have worked with us over the last several months to try to find a solution to what had seemed an insurmountable problem for more than 4 years. The Business Software Alliance, the Electronic Frontier Foundation, and telecommunications companies who have worked with us to clarify the bill and resolve initial concerns are particularly to be commended.

Finally, I want to acknowledge publicly a few people whom I will be thanking personally for their extraordinary contributions. The principal staff work on this most difficult measure has been performed by my senior counsel Beryl Howell and Jim Dempsey from Congressman EDWARDS' staff.

Along with them Nelson Cunningham from Chairman BIDEN's staff and Ken Mendelson from Chairman BROOKS' staff, Manus Cooney of Senator HATCH's staff, Warren Schaeffer of Senator SIMPSON's staff, John Windhausen from Chairman HOLLINGS' staff, David Leach of Chairman DINGELL's staff and Gerry Waldron from Congressman MARKEY's staff, have all helped produce a bill of which we can all be proud. Beryl is a former Federal prosecutor whose practical experience and creative problem solving were indispensable to this project. Her House counterpart, Jim Dempsey, is a veteran of these wars whose depth of understanding of both the technological and legislative issues is unequalled. Together their persistence, patience and professionalism made this possible.

S. 1976, THE PRIVATE SECURITIES LITIGATION REFORM ACT

Mr. HATCH. Mr. President, I rise to support and to cosponsor S. 1976, the Private Securities Litigation Reform Act of 1994. I understand that this bill has not yet been considered by the Banking Committee and is unlikely to pass this session of Congress. However, when this measure is taken up, I hope that Senators, while acting on the many meritorious provisions of this bill, will also take into account several reservations that I, and I am sure others, have.

The proposed Private Securities Litigation Reform Act contains what I believe are worthwhile provisions that are designed to protect the interests of investors and preserve the integrity of the securities market. These include, in part, alternative dispute resolution procedures to settle implied right of actions under section 15(c) of the Securities Exchange Act of 1934 and added protection for accountants and auditors when diligence is practiced and the procedures established by this bill and the Commission are followed. A system of accountant self-regulation and discipline is established.

However, there are certain other provisions in this proposed measure that are troubling. For instance, the bill denies small investors access to the Federal courts for certain types of securities fraud. The bill also establishes what appears to me to be overly strict standards for fraud pleadings.

Nonetheless, because the bill does contain positive corrections to security law procedures, it is my hope that this measure will be reintroduced in the next Congress, fully considered, and passed. I commend the sponsor of S. 1976, Senator DODD, for his leadership and look forward to working with him on this legislation next year.

THE 25 PERCENT SELF-EMPLOYED HEALTH INSURANCE DEDUCTION

Mr. ROTH. Mr. President, I am removing my objections to proceeding with the Securities and Exchange Commission's 1995 fiscal year funding bill. The only objective I have had is salvaging the 25-percent health insurance deduction for the self-employed that expired at the end of 1993.

This issue is very misunderstood, and I think it is essential that people understand how vitally important an extension of the self-employed health insurance deduction is. The Congress' failure to pass this measure, which expired at the end of last year will potentially mean that millions of farmers and small business people will lose this benefit. It may also mean that they will have considerably more paperwork because when we retroactively reinstate the deduction for 1994 next year, millions of farmers and small business people will have to file amended returns. In short, the loss of this tax provision means a loss of millions of dollars every day to small business and farming, and new bureaucratic nightmares from Washington.

In addition, it is incredibly unfair that these businesses do not get to deduct 100 percent of their health insurance just like every corporation in America. The 25-percent deduction is something that must be extended at a minimum. At a time when we are urging employers to provide health insurance for their workers, we should not be pulling the rug out from under those who do buy health insurance.

Earlier this week, I asked that a number of proposals I have been working on to improve the Earned Income Tax Credit be estimated by the Joint Committee on Taxation. I would consider these proposals to be loophole closers, because, quite frankly, there is a lot of waste in this $20 billion a year program. I received back my estimates today. They raise plenty of money, not only to pass the 25-percent health insurance deduction, but a number of other expiring provisions as well. And by passing my Earned Income Tax Credit reforms, we will put to an end a number of unfair and abusive things that are currently allowed.

Right now, unfortunately, we are at a very late hour. The House is going to adjourn shortly, and has no hope of considering my proposals to fix these problems. It is clearly good tax policy for us to pass my whole package to extend these expiring tax provisions, and

I would hope we could get a commitment to do just that when we come back early next year.

Mr. MOYNIHAN. Senator ROTH has worked tirelessly to try to solve the problem faced by the self-employed small businesses and farmers in this country regarding their health insurance. I have supported him in his efforts to resolve this issue, but he is absolutely right that it is now impossible for us to act, and have any hope that the House could also complete action before their adjournment.

Senator ROTH has a splendid record on our committee, the Finance Committee, and I commend him for his efforts. He has an astute understanding of our tax laws. I would like to assure him and all of the other Members of the Senate, that as soon as it is possible—early next year—I will convene the Finance Committee and see to it that the self-employed get their 25-percent tax deduction retroactively back to January 1994. I will also promise you that we will take a very close look at his proposals to improve the earned income tax credit.

I have been working to solve the tax inequity for self-employed individuals for many years. The Finance Committee passed a bill in July of this year that would have raised the deduction from 25 percent to 100 percent of the health insurance costs of the self-employed. That continues to be my goal. Early next year, I will work to reinstate the 25-percent deduction as a starting point to getting a full deduction for these costs.

Mr. ROTH. Mr. President, I know that we have no other choice in this matter for this session. I am very happy to have the chairman's commitment to take up the self-employed health insurance deduction. I would emphasize that I feel we must do this right away—in January—so that farmers and small business people do not have to amend their tax returns. I look forward to working with him early next year to solve this problem.

DEMOCRATS DELIVER REAL LEADERSHIP

Mr. DASCHLE. Mr. President, it is in times of change and uncertainty that solid and decisive leadership is most important. The election of 1992, which ushered in the new Democratic administration, was a referendum on change and the American people voted yes. They voted yes to a stronger economy; yes to a leaner and more efficient Government; and yes to the financial freedom and dignity to control their daily lives and individual destinies.

Democrats have a proud, distinguished history of advocacy on behalf of American workers. Democratic values have always meant fighting for more jobs at higher wages; fighting to make sure that those who do the labor share in the prosperity; and standing up for the vulnerable against the powerful.

President Roosevelt responded to the crisis of the Great Depression with the policies of the New Deal which returned the dignity of work to millions of unemployed, hungry Americans. President Johnson enacted Medicare and Medicaid to bring health care to Americans who were sinking into poverty as a result of medical costs. And President Clinton has responded to the crises of the 1990's with policies to empower middle America through job creation, a smaller deficit, economic growth, and higher wages.

With the leadership of this new Democratic President, the 103d Congress has already accomplished significant changes in our economy, in our Government, and in our political system. The American people asked for a Government that delivers on its promises and provides real solutions—not just rhetoric. They asked for a Government that makes the tough financial trade-offs that American families have to make every day. They asked for a Government that begins to live within its means, fulfills its responsibilities, protects its citizens, and promotes the, quality of life of its people.

And Democrats are delivering.

Newsweek applauds this Democratic President's legislative accomplishments saying "Bill Clinton has already achieved more domestically than John F. Kennedy, Gerald Ford, Jimmy Carter, and George Bush combined. Although Richard Nixon and Ronald Reagan often have had their way with Congress, Congressional Quarterly says it's Clinton who has had the most legislative success of any president since Lyndon Johnson."

ECONOMIC GROWTH

Historically, America's economy has done better under Democrats than under Republicans. President Clinton's administration is no exception.

Under President Clinton's administration, the economy is growing at a strong and steady clip. A record 226,000 jobs have been created every month—the highest ever—for a total of well over 4 million jobs.

The jobless rate fell to 5.9 percent in September, the lowest rate in 4 years, the Bureau of Labor Statistics reported this morning. The report showed 239,000 net new payroll jobs last month; 174,000 in the private sector.

So far, more than 4.6 million jobs have been created under the Clinton administration.

This year alone, 2.5 million jobs have been created—that's more than during the entire Bush administration.

In January 1993, when President Clinton took office, the unemployment rate was 7.1 percent.

In August 1993—before the economic plan was passed—the rate was 6.7 percent.

In September 1994—it is 5.9 percent.

And these are good jobs.

Manufacturing jobs are up 139,000 this year. Manufacturing employment—especially autos—has rebounded since the economic plan passed.

Autos jobs—(motor vehicle employment)—increased by 6,000 last month and is only 2,000 jobs short of its highest level since 1979.

BLS reports that since January 1994, 72 percent of all net new jobs have been in managerial or professional occupations.

The Democratic economic growth and deficit reduction plan passed last August is working.

The deficit is down dramatically, the jobs outlook is much brighter, and the economy under Clinton has been growing faster than during any administration since Kennedy-Johnson. In fact, economic growth under Clinton is better than any Republican administration since World War II.

And not one Republican voted for the economic plan.

Under this administration, business investment is growing almost twice as fast as under any postwar administration of either party. In fact, under almost every single Democratic administration, except for the Truman administration, real business investment has grown faster than under Republican administrations.

DEMOCRATS OUTSHINE REPUBLICANS ON THE ECONOMY

Under every Democratic administration, the number of jobs has grown more quickly than under every Republican administration.

The average growth rate for private-sector jobs under Democratic administrations is more than double the average under Republican administrations.

Manufacturing jobs have declined under every Republican administration, except for Nixon's when they edged up a mere 0.1 percent annual rate. But manufacturing jobs have never fallen under a Democratic administration.

Under Democratic administrations, real GDP has grown faster than under Republican administration.

Productivity has grown more than a third faster under Democratic administrations than under Republican administrations.

Average growth of real after-tax income has been faster under Democrats than under any Republican administration.

Under Democratic administrations, living standards on average have grown faster than under every Republican administration in recent history.

Democrats promise change and economic growth and Democrats deliver.

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Democrats promise change and economic growth and Democrats deliver.

This week, Republicans went to the steps of the Capitol to unveil their most recent scheme. They call it a contract with America and the promises they made are virtually the same promises, with the same contradictions, they made over a decade again. They are the same tax breaks for the rich, that drove the country into massive debt; the same promises of a smaller government, that actually got bigger; and the same promises of a better economy that, under Republican leadership, experienced stagnation and decline.

It reminds me of an old story about a man who walked down his street one day and fell into a big hole he didn't know was there. The next time he carefully tiptoed around the hole. But the next day, he fell in again. Finally, he just got up and walked down a different street.

The American people have learned where these Republican policies will lead them. And they are not going to walk down that same street again.

This Democratic Congress has enacted laws which have already had, and will continue to have, real results in the lives of American families. It has not been an easy session. We have worked very hard and made difficult choices. But those difficult choices have reaped rewards. We have begun to put America's fiscal house in order; passed a comprehensive crime bill; lowered taxes for millions of Americans; and restored tax fairness.

Those are the facts.

In a review of these accomplishments, Newsweek notes "The standard for measuring results domestically should not be the coherence of the process but how actual lives are changed. By that standard, he [President Clinton] is doing well."

LOWER TAXES

The tax cut for working Americans that never materialized under the Republicans finally came through under this Democratic administration. Known as the earned income tax credit, this tax cut for the working poor has already provided tax relief for 20 million working households.

Under this administration, the trickle down policies of the 1980's have been turned around and tax fairness has been restored. According to the Economic policy Institute, regressive Federal tax changes for 1977 to 1989 amounted to a $52,000 tax break in 1989 for the richest families. The Clinton administration has reversed these policies and is giving the tax breaks to those who really need them.

The smaller government that Reagan only promised is actually happening under this Democratic administration. With the thoughtful leadership and pragmatic decision making of the President and the Vice President, the Government is becoming leaner and more efficient. Over 100 programs will be completely eliminated. Under this administration, the Federal Government will be smaller and leaner than it has been since John F. Kennedy was President. And the deficit has gone down for 3 straight years.

President Clinton has been the education President, that President Bush only promised to be. Already, he has increased investment in education and job training from Head Start to apprenticeship programs. He has revamped the student loan system. And passed a national service program that, in its first year, will have more youths in a domestic peace corps than the Peace Corps did in its biggest year.

If a government fails to protect the liberty of its citizens, it has failed in one of its most basic duties. Yet for 6 full years, Washington gridlock held anti-crime legislation hostage.

During the 103d Congress, because of the tenacity of this President and his willingness to go to the mat for the people, Democrats enacted legislation to address the Nation's enormous crime problem. The Violent Crime Control and Law Enforcement Act of 1993 will put more cops on the street, build more prisons, ban 19 specific assault weapons, toughen penalties for criminals, and begin to return control of communities to law-abiding citizens.

The bill, supported by every single law enforcement association in the United States, is funded with the money saved from the administration's reinventing Government initiative. Yet, Democrats passed this comprehensive anti-crime legislation over the opposition of all but a few Republicans in the Senate.

The Brady bill, enacted earlier this year, is already working to keep handguns out of the reach of criminals by requiring a 5-day waiting period so that law enforcement officials can conduct criminal background checks.

The Democratic Congress reached out to millions of disenfranchised voters by enacting the motor-voter legislation. This bill makes it easier to register to vote by allowing people to register to vote at motor vehicle agencies, armed services recruitment offices, at other public offices and by mail.

Predictably, Republicans opposed this measure as well and attempted to obstruct its passage.

It has taken 2 years to turn the ship. We are by no means done with the job. But we are making progress.

Changing the course of a Nation; reforming a Government; cutting billions of dollars from the deficit; and achieving results—these are not tasks which can be accomplished by rhetoric. They take hard work, thought and vision.

On these fronts, Democrats have delivered.

TRADE NEGOTIATIONS WITH JAPAN

Mr. DOLE. Mr. President, although the administration declared victory in the 15-month trade negotiations with Japan, I am afraid there is far less here than meets the eye. Naturally, one would expect U.S. negotiators to hail any agreement as a landmark achievement that fulfills every negotiating objective. Unfortunately, the only real achievement was that Japan dodged another bullet.

I take no issue with Ambassador Kantor's efforts on this matter. I believe he performed as well as possible under extremely difficult circumstances. A large part of the difficulty was the seemingly complete absence of a clear and unwavering strategy on the part of the administration to deal with the serious, long-running problem of Japan's closed markets.

Instead, the world watched and was treated to a 15-month exercise in rhetoric, posturing, grand predictions and overreaching, occasionally punctuated by false deadlines, jittery markets and needless brinkmanship. The tremors that shook the financial markets in February of this year were a harrowing experience that seemed to startle the administration about the real and dangerous consequences of a cavalier approach. So finally, to nearly universal relief, the administration decided to ring down the curtain, declare victory and go home.

After all the pomp and ceremony, the administration will take only minimal action: A section 301 investigation will begin of the Japanese "aftermarket" for auto parts. Otherwise, the agreements reached in the other sectors—government procurement, insurance and flat glass—are notable only because they lack the essential ingredient of any deal: A way of measuring progress. The Japanese completely rejected any numerical measurement or target of any kind, and they completely prevailed. The administration now denies ever seeking numerical targets.

Mr. President, whether or not one believes that numerical targets in trade agreements are effective, one thing is certain: United States and Japanese negotiators will be back at the table a year from now in deep disagreement over the fulfillment of the terms of the deal. The section 301 case on auto parts could last as long as 18 months, after which sanctions are possible.

So as the press conferences announcing this tremendous success come to an end, and the microphones are unscrewed from the podiums, and the video cable is rolled up and the negotiators wearily leave the stage and head home, one is left with a familiar feeling: once again, Japan has bought time.

In view of the nearly two decades of U.S. efforts to open up Japanese markets and the continuing trade deficit with Japan projected to reach $60 billion this year, the feeble agreements reached last weekend seem designed to ensure further repetition of an exceedingly tiresome pattern.

SUPERFUND

Mr. DOLE. Mr. President, this week we ran out of time to do meaningful superfund reform for this year.

But I want to make clear that superfund reform has not died because we were unable to get a bill through this year. We were in the fortunate position of not being forced to act right now. Superfund taxes do not expire until December 31, 1995. So we still have time to get it right.

A lot of very useful work has been done already. These early efforts have served to help us understand the problems we are facing better.

Almost everyone agrees that superfund is a bad law, in both the way it has been structured and implemented. Superfund reform has not worked to date, despite repeated tries, because it has been based on retroactive liability, inflexible and gold-plated remedial action inappropriate to the situation, and an unfair liability and payment scheme always subject to dispute.

I want to commend the efforts of the coalition of interested parties that was formed to identify areas of concern and suggest important steps forward. I have heard from a number of coalition members and know how strongly they felt about the proposal they had worked out.

While I applaud these initial efforts, I also heard just as vehemently from many other groups. They objected to the process by which the agreement was reached, which excluded many groups. Even Senate staff was excluded. Many of those not at the table felt that special deals were cut that would benefit those included at the expense of other private parties and the taxpayers.

I had heard from many of my colleagues who want to reform superfund the right way and were troubled that we might have rushed the bill through before we dealt with the fundamental problems that remain.

Some of the larger areas of concern involved the enlargement of the Federal bureaucracy, the interrelationship between States and the Federal Government—including the issue of cleanups at Federal facilities that troubled many of my colleagues, the need to ensure that sites addressed present real risk or that the sites with the greatest risk are cleaned up first, the need to assure that costs will be reasonable, authorizing new unfunded programs costing more than $500 million, owner-operator participation in the allocation process, other equity issues involving both private and public parties, and the tremendous uncertainties posed by the environmental insurance resolution fund [EIRF], including the constitutionality of a retrospective wholly new tax.

We now can use the time available to us in the next session to make constructive changes in these and other areas of concern.

The efforts of the past year were not wasted. But let's do superfund right. The bill reported was not yet real reform. Nobody was interested in killing superfund. We want to take this opportunity to get something meaningful. That is what I am committed to do.

SERVICE PERSONS READJUSTMENT ACT OF 1994

Mr. DOLE. Mr. President, it might be a little early to be outlining legislative priorities for the 104th Congress, but I want to take a moment to inform the Senate that next year I will introduce the Service Persons Readjustment Act of 1995, a measure which will provide education benefits to our brave service men and women comparable to the benefits that were once earned by their parents and grandparents. In my view, this measure is long overdue.

Fifty years ago, Congress and the American Legion worked diligently to pass the Servicemen's Readjustment Act of 1944, better known as the "GI bill of rights." The original GI bill has been recognized as one of the greatest pieces of legislation ever enacted. By educating America's veterans, the United States was able to transform the country from an industrial giant to a technological world leader. When first passed, the GI bill covered 100 percent of a veterans educational assistance.

Over the past 18 years however, the cost of a 4-year college education, including tuition, room, and board has increased a total of 240 percent. On the other hand, education benefits under the GI bill have increased by only 3.6 percent. Today's educational benefits cover only 37 percent of 4 years of college. Because the current benefit only provides $400 a month for 36 months, 62 percent of eligible veterans cannot afford to go to college.

Last year, Congress enacted legislation to create new nonmilitary programs for "paid" volunteerism with educational, health, and child care benefits for community service. Now let me be clear, I am all for young people volunteering to serve their communities. However, in my view, the ultimate form of national service is military service, and as such, we should provide benefits accordingly. Many young adults now question whether 8 years of their lives, a $1,200 contribution, the rigors of military life, and the frequent deployments to hostile environments—like the Persian Gulf, Somalia, and now Haiti—are worth the benefits of the current GI bill.

Last month, Labor Secretary Robert Reich expressed his concern about the widening of the wage gap between workers with a college degree and those without. The administration's solution is to increase funding for different social programs and to transform the unemployment insurance system to provide more income assistance. Well Mr. President, I think a new GI bill can do a lot to close the wage gap. By providing proper funding for our Nation's veterans we will increase opportunities for America's young men and women to gain an education, we prepare them to compete in the private sector and to gain high paying jobs. We empower them to fulfill their dreams, to become entrepreneurs and small business owners, and to even be captains of industry.

The American Legion has repeatedly asked Congress to increase education benefits for our brave men and women who have served honorably. The legislation which I will introduce will not only increase benefits, but will also teach young men and women the values of working hard and saving money to reach one's goals and dreams. It will create economic equality among all Americans. It will allow for those who are less fortunate to earn an education rather than being dependent on social handouts.

A new GI bill is a wise investment in America's future. People who are trained and educated make more money, pay more taxes and spend more money. Not only will the legislation be good for our Nation's veterans, it will be good for the United States of America. I look forward to working with my colleagues to ensure passage of this legislation.

NEW STRATEGIES NEEDED TO EMPLOY THE DISABLED

Mr. DOLE. Mr. President, the National Organization on Disability recently released an update of the groundbreaking 1986 Louis Harris survey of disabled Americans. The 1986 survey asked people with disabilities for the first time how they saw their lives and what was important to them. Taken together, the 1986 and 1994 Harris surveys allow us to determine America's progress in closing the gap in participation by those with disabilities—and the work that remains.

GOOD NEWS AND BAD NEWS

There is both good and bad news. First, the good news. Education levels have risen—the percentage of people with disabilities who have completed high school has grown from 60 to 75 percent. And fully 60 percent say things have changed for the better—including access to businesses, attitudes, public transportation, and portrayal of people with disabilities.

But there is bad news as well. In 1986, 33 percent of disabled Americans were working. In 1994, 31 percent. That is right—over the past 8 years employment among people with disabilities has not improved.

Mr. President, Humphrey Taylor, CEO of Louis Harris, presented other survey findings at a congressional briefing. I ask unanimous consent that his remarks be included in the RECORD at the end of my statement.

(See Exhibit 1.)

WHAT'S WRONG?

Mr. President, these employment findings have particular significance this month. In 1945 Congress first designated October as "National Disability Employment Awareness Month." Frankly, after 49 years, I would hope we would not still need a reminder of the importance of employing people with disabilities.

Something is wrong. Indeed, 10 years ago, I created the Dole Foundation because of my concerns, which is the only private foundation devoted to employment of people with disabilities.

Mr. President, we have to start by asking how well the Federal Government is doing its job. Today, it spends billions to promote employment of people with disabilities. We fund vocational rehabilitation programs run by the States, the Social Security Administration, and the VA. We give tax credits and contract preferences to businesses that hire the disabled. The Small Business Administration makes loans to businesses operated by or for people with disabilities. And since 1973, Congress has required nondiscrimination and even affirmative action in Federal hiring and hiring by Federal contractors.

Perhaps all these programs work great. I do not know. But I do know that too few people with disabilities have jobs. If the Federal Government passed out a lot of medicine and not many people got well, we might think new medicine was needed.

WE NEED A NATIONAL STRATEGY

In my view, the new medicine we need is a national strategy on employment of people with disabilities. A year ago, I suggested we translate our good intentions into a national goal. Consider again that goal—by the year 2000, employment among the disabled will increase to that of the nondisabled. That would involve putting perhaps 8 million people to work.

Alan Reich, president of the National Organization on Disability, has called for a goal of 2 million. Less ambitious, but maybe more realistic.

But the point is the same. Let us set a goal, then figure out how to reach it. If a program makes a difference, fine, let us keep it. If not, let us spend our money another way and try something else.

NEXT YEAR

Mr. President, in my maiden Senate speech 25 years ago I said, "We in America are far from the half-way point of assuring that every [person with a disability] can become as active and useful as his abilities will allow."

In my view, we still have not reached that halfway point—and we will only reach it when employment among people with disabilities is at least half that of people without disabilities.

Next year, I understand it is the intention of the Labor Committee to undertake a sweeping reexamination of the Nation's employment and training programs. I encourage them to look at the effectiveness of these programs for people with disabilities.

EXHIBIT 1

REMARKS BY HUMPHREY TAYLOR, CHAIRMAN AND CEO, LOUIS HARRIS AND ASSOCIATES, JULY 21, 1994

In 1986, Louis Harris and Associates conducted what we believe was one of the most important and valuable surveys we have conducted in the firm's 38-year history—the "ICD (International Center for the Disabled) Survey of Americans with Disabilities." This was the first nationwide survey of a cross-section of people with disabilities to measure the quality of their lives their financial and social status, their lifestyles, their needs, their problems and their attitudes.

That survey has been widely quoted and widely used. It has been presented several times in testimony to Congressional committees. It was widely used in the debate about the Americans with Disabilities Act (the ADA) and other legislation. Indeed, I have been told that it had a major influence on the passage of the ADA.

One of the most eloquent and effective users of that survey and other surveys of and about people with disabilities—many of them commissioned by him—has been Alan Reich, President of the National Organization on Disability (N.O.D.). I was, therefore, very delighted to be asked by Alan and N.O.D. to conduct a new study to update and build on our 1986 survey. The result is this new survey, the 1994 "N.O.D/Harris Survey of Americans with Disabilities." Like the 1986 survey, it is based on interviews with just over one thousand (1,021) people with disabilities who are not institutionalized. The definition of disability, as in 1986, was based on various Federal Government definitions (which are described in detail in the report). Fifteen percent of the interviews were conducted with someone else in the household who could speak for the person sampled; many of these "proxy interviews" were for people with severe disabilities which made it difficult or impossible for them to be surveyed.

Our survey was designed to be as representative as possible of all Americans with disabilities aged 16 and over excluding the institutionalized population (whether in nursing homes, hospitals or other institutions).

I believe this is an important and valuable survey. And on this fourth anniversary of the ADA, it is certainly timely. I would stress that it would not have happened without an enormous effort of will (and fund raising) by Alan Reich. Many others in the disability community had talked about doing a new version of our 1986 survey—to cover new ground and measure changes over the last 8 years. Only Alan Reich and N.O.D. made it happen.

There is much more in this survey than I can mention today. We asked a total of 256 questions (although no one person answered more than about 120) on many different subjects. What follows, therefore, is my personal summary and selection of findings not, in any sense, a definitive one.

A VERY HETEROGENEOUS GROUP

Americans with disabilities are not a homogeneous group. They differ very widely in many ways and, of course, they include members of all races, gender, ages and every demographic group.

Our sample of non-institutionalized Americans with disabilities includes people with hundreds of different disabilities:

40% have multiple disabilities.

Their primary, or most disabling, conditions include 54% with many different kinds of physical disabilities, 8% with sensory impairment, 7% with mental disabilities, 10% with cardiovascular disease, 5% with respiratory disease, 3% with cancer, and 4% with diabetes.

Twenty-one percent were born with their disability (6%) or had their disability start in adolescence or childhood. At the other extreme, over a quarter (28%) had no disabilities until they were over 55 years old.

Eleven percent describe their disability as "slight." Most describe their disabilities as either very severe (24%) or somewhat severe (35%).

Seven percent say their disabilities do not limit their activities at all. Half (49%) say their disability prevents them completely from working, going to school or taking care of the house.

Given the very heterogeneous population I hope you will forgive me for talking about them as though they are a homogeneous group, which they are not.

QUALITY OF LIFE

A finding of fundamental importance—if no surprise and totally consistent with our 1986 survey—is that people with disabilities do not, as a group, enjoy the same quality of life as other people. There are, of course, dozens of different definitions of quality of life. Some of those we measured are

Americans with disabilities have much lower incomes. Forty percent live in households with incomes of $15,000 or less, compared to 18% of Americans with no disabilities. Only 10% have household incomes of $50,000 compared to 22% of people with no disabilities.

A quarter (25%) of Americans with disabilities did not graduate from high school compared to 12% of other Americans.

Only one-third (31%) of Americans with disabilities aged 16 to 64 are working although the great majority want to work.

Only 35% are very satisfied with their lives in general compared to 55% for people without disabilities.

Two-thirds (64%) say their disabilities prevent them from getting around, attending events, and socializing as much as they would like. Comparisons with surveys of Americans with no disabilities show that indeed they socialize with friends less often (30% vs. 14% for "less than once a week"), visit supermarkets less often (43% vs. 15% for "less than once a week"), go to restaurants less often (35% vs. 55% once a week or more often), go to movies less often (42% vs. 71% once or more in the last 12 months), go to sports events less often (28% vs. 56% once or more in the last year), and attend church or synagogue less often (36% vs. 43% once a week or more).

When asked about the severity of various problems in their lives, fully 40% say that not having enough money is a major problem. Other major problems for substantial numbers of people with disabilities which they mention include inadequate health insurance (26%)—even though fully 86% of people with disabilities have some health insurance—inadequate work opportunities (21%) and inadequate transportation (14%).

Only 47% of people with disabilities believe that others treat them as equals—as opposed to feeling sorry for them or being embarrassed.

Over half (58%) say they need help from someone else in work, school, housework or other activities (most, I'm glad to report, say they get this help).

STRONG PERCEPTIONS OF IMPROVEMENT

Given the seriousness and difficulty of the many problems so many people with disabilities face, their positive attitudes are remarkable. For whatever combination of reasons, societal or personal, objective or subjective, there is a strong sense that things have gotten much better for people with disabilities and that they will go on improving. Fully 60% say that in general "things have changed" for the better for Americans with disabilities in the last ten years. Only 15% say things have gotten worse.

More specifically most people with disabilities, when asked about specific changes, see improvements over the last four years:

75% see better access to public facilities like restaurants, theaters, stores and museums.

63% see improved public attitudes toward people with disabilities.

63% see improvements in quality of life.

60% see improved access to public transportation.

59% and 56%, respectively, see improvements in the portrayal of people with disabilities by the media and in advertising.

The future (or their own futures) is somewhat more uncertain. While a plurality of 48% believe the quality of their lives will improve, a large minority (35%) think it will get worse. However, the negative responses mostly come from people aged 45 or older. More than two-thirds of those under 45 expect the quality of their lives will improve.

IMPROVED EDUCATION STATUS

One reason—and it is a very good one—which justifies the sense of improvement and optimism is that people with disabilities are making major gains in education, even if they still compare unfavorably with other Americans. Since 1986, the proportion of people with disabilities who did not complete high school has fallen from 40% to 25%, while those with at least some college education has risen from 29% to 44%.

This is probably the most encouraging single finding in the survey—and certainly the best objective (as opposed to attitudinal) one.

Having said that, it is equally important to note that people with disabilities are, as a group, still substantially less well educated (and, therefore, disadvantaged in the labor market) than other Americans, only 12% of whom did not graduate from high school. But this gap has narrowed since 1986.

MOST AMERICANS WITH DISABILITIES NOT WORKING: NO IMPROVEMENT SINCE 1986

If the improved educational attainment of people with disabilities is the most positive finding of this research, the failure of this improvement to translate into improvements in employment and, therefore, financial advantage is the most disappointing finding.

Indeed, the actual survey numbers are slightly worse in 1994 than they were eight years earlier even if the difference is well within possible sampling error.

In 1986, only 33% of disabled Americans of working age (that is, aged 16 to 64) were working. In 1994, only 31% are working.

Whatever else the ADA may have done, and whatever it may do in the future, it does not seem, as yet, to have resulted in many new jobs for Americans with disabilities.

However, it is possible that there are other forces here which are working against the employment of people with disabilities. The proportion (of working age people with disabilities) who say that they are unable to work because of their disability has increased from 29% to 35%. And the proportion of people who describe their disability as (very or somewhat) severe has risen from 52% to 59%. One possible trend, therefore, is that—perhaps because of the improved ability of medicine to increase life expectancy—the severity of disability in the population is increasing.

BARRIERS TO THE EMPLOYMENT OF PEOPLE WITH DISABILITIES

Whatever the explanation, the absence of improvement in the employment of people with disabilities is obviously a finding which should trigger further discussion and action. When we reported the 1986 survey results, we highlighted the large gulf that exists between people with disabilities who work and those who do not—a financial and quality of life gulf which caused us to conclude that "not working is the true definition of disability." This is equally true today.

What can be done to change this dismal state of affairs? The survey points to several barriers to employment which, in turn, suggest possible remedies. But it is important to recognize that some barriers will be very difficult to eliminate. While the great majority of people with disabilities in the working age population want to work, many (the number varies somewhat in reply to different questions) don't believe they could work. Some of those not working (18%) say they don't want to work. Of the remainder half (51%) say they would not be able to work even if "suitable jobs" were available in their area. There are many problems which relate to the supply side—the supply of labor—not just to the demand side—the demand from employers for workers with disabilities.

Having said that, this survey highlights substantial problems which discourage the employment of people who want to work. Forty-seven percent of working age people surveyed who are not working (and many of those who are) say employers are insensitive to people with their particular disabilities.

A quarter (24%) say they have encountered physical barriers which prevented them from working effectively. A third (30%) of working age people with disabilities say they have, at some time, encountered job discrimination because of their disability (but that means that two-thirds have not). Mostly this involved (at least as the job applicant perceived it) the refusal of a job. A third (33%) including a third of those now working, say they have encountered unfavorable attitudes in the workplace, most often from supervisors and co-workers who id not think they could do the job.

Over a third (38%) say they don't have the skills, education or training they need to get full-time jobs. More than a quarter (28%) cite lack of accessible transportation to get to work, and 18% say they would risk losing benefits or insurance if they worked.

This question—potential loss of benefits as a disincentive to work—is a very tough one, and I don't want to claim that this survey can provide a definite answer on what motivates people not to work, let along on what policy changes, if any, are called for. However, I note that fully 57% of those of working age who are not working say they would lose some income or insurance coverage if they took a full-time job.

COMPUTERS, INFORMATION TECHNOLOGY AND SPECIAL EQUIPMENT

One set of findings in the survey which suggest new employment opportunities relate to computers, information technology, and special equipment. One-fifth (20%) of those working full-time say they were able to work because they obtained equipment which they needed to work, communicate or get around. A quarter (26%) of the working age population that is working or wants to work say they need special equipment or technology to perform effectively at work. While this refers to many different things, from special furniture, wheelchairs, transportation assistance, respiratory aids or screen enlargers, it refers most often to personal computers or lap-top computers—not unlike many other working people.

The greater availability and use of such equipment holds promise of increasing the employment of people with disabilities.

THE AMERICANS WITH DISABILITIES ACT (ADA)

It may seem strange that I have said so little about the ADA. One reason is that the survey doesn't have very much to say about it. People in Washington may be astounded to learn that in this 1994 survey only 40% of people with disabilities say they have heard or read anything about a law called the Americans with Disabilities Act (42%) or believe that any laws have been passed in the last 4 years to give protection to people with disabilities. Only among people with a college education is there a majority who have heard of the ADA.

Among those who have heard of it, almost half (49%) do not believe it will make their lives better or worse, 35% think it will make their lives better; only 1% (the real cynics about government) think it will make their lives worse.

The true impact and value of the ADA will not be known for some years to come, and I have no crystal ball which gives me any special insights as to how well it will work. However, it is possible that the belief we found in this survey that access to public facilities, public transportation, and (among a plurality) work opportunities have all improved in the last four years would not have been as strong if the ADA had not passed.

THE FUTURE

Apart from this speculation about the impact of the ADA, this new N.O.D. survey prompts a few other thoughts about the future.

It underlines the critical importance of employment, and the need to substantially increase it. It points to changes that are needed in the attitudes of employers and co-workers. It underlines the crucial importance of further improvements in education and job training. It highlights the need to change the attitudes and motivation of people with disabilities themselves; if more of them believed they could work and were more assertive, more of them would probably find work. It suggests the use of computers and more special equipment to increase employment. And it underlines the need to change the attitudes of many Americans who, many people with disabilities believe, do not accept them as equals.

A GROWING SENSE OF IDENTITY

While it is critical to stress that Americans with disabilities are a very heterogeneous group, one of the key findings of this survey is that there is a growing sense of common identity among them.

Some seven years ago, when we presented the results of the N.O.D./Harris research on the Participation in Voting and Elections by Disabled Americans, Alan Reich and I used the phrase "sleeping giant" to describe the population of Americans with disabilities. Sleeping because it exerted very little impact on the political process, on elected officials or on policy formation, but had the potential to do so.

That, it seems, is changing. In 1986, 40% of Americans with disabilities told us that they felt a somewhat (20%) or very (20%) strong sense of identity with other people with disabilities. That 40% has risen over the last eight years to 54%. A modest majority now feels a very a strong 25% or somewhat strong (29%) sense of identity with other Americans with disabilities.

Alan Rich of N.O.D. has perceptively and accurately used the phrase "the awakening giant" to describe this new phenomenon—as America's largest disadvantaged minority seeks to participate in, and contribute more fully to, American life.

My colleagues at Harris are proud of this survey and we are grateful to N.O.D. for asking us to do it.

On the fourth anniversary of the ADA, I sincerely hope you make good use of it. If you do, all of us, with and without disabilities, will be winners.

IN SUPPORT OF BANKRUPTCY REFORM BILL, H.R. 5116

Mr. DOMENICI. Mr. President, I rise today to express my support for the bankruptcy bill now before us. After over 3 years of work, it appears we are about to pass comprehensive reform of the Bankruptcy Code. I applaud the efforts of those who worked so hard to get this done.

We passed by 94-0 a version of this bill in the spring. I thought it was a good bill then, and I still think it's a good bill. But after we passed it, a loophole in the Code was brought to my attention by a constituent in New Mexico.

I want to briefly tell you this man's story, because it illustrates very well the serious problem this loophole can create.

It has been alleged that my constituent's daughter had been sexually molested by another individual. When that individual heard of my constituent's intention to file a criminal complaint and a civil suit for damages arising out of the molestation, the alleged perpetrator filed for bankruptcy protection Chapter 13.

This section of the Code allows you to use your income, beyond what you need to live, to pay as much of your debt as possible over a fixed time. After that time is up, so is your obligation to pay. This is called a "wage earner's plan."

If you reach the end of that fixed period and haven't paid your debts fully, that doesn't matter. The Code gives you a "fresh start." All debts, except for a few like those for child or spousal support, can be erased in this manner.

My focus today is on those debts which cannot be avoided through the use of this part of the Code.

I mentioned child support. When Congress enacted the Bankruptcy Code, it decided that parents should not be able to avoid their obligations to their dependent children by using the bankruptcy laws. The interests of children and their well-being outweighed giving the parents a "fresh start" financially. Therefore, the responsibility to pay these types of debts is not eliminated by the bankruptcy process.

Amazingly, if you commit a willful and malicious act against someone, like an innocent child, you still can get that "fresh start," and the victim will be left with a meaningless and uncollectible right to damages.

Imagine that. Child molesters can avoid full civil liability for their actions merely by filing for personal bankruptcy. That's what may happen to my constituent in New Mexico.

While this Chapter 13 works well for individuals who may have made some bad financial decisions and need to get their personal finances in order, it should not be used by individuals who willfully and maliciously injure other people to avoid full liability.

I say no "fresh starts" for child molesters or anyone else who knowingly commits a violent act against another person.

Upon hearing of this problem the Code, I proposed that we amend Chapter 13's laws to make sure that debts arising out of willful and malicious acts are not forgiven. That proposal has not found its way into this bill.

I have been told that this bill increases the amount of debt which must be paid to creditors under Chapter 13 from $350,000 to $1 million. Presumably, this will give victims of intentional and malicious acts a greater chance for a full recovery of their claim.

However, it does not, as I believe it should, assure victims of complete compensation.

The bill's report also cautions bankruptcy judges, lawyers, and debtors that the bankruptcy laws should not be used as an artifice to avoid civil liability for intentional misconduct. I commend the authors of the report for including this language.

I hope that Federal bankruptcy judges will closely scrutinize these cases and properly penalize those debtors who in bad faith use the Code solely to avoid liability for their intentional acts.

I appreciate the difficult compromises which must be made to pass this type of comprehensive legislation and believe that this bill's approach to the problem is a step in the right direction. However, I would prefer to assure victims of willful and malicious acts that they will be fully compensated for their injuries, not merely increase their chances of success.

For that reason, I intend to continue to push for a change in this area of the law in the 104th Congress.

Today, however, the interests of comprehensive bankruptcy reform are more important than disagreement over a single issue or provision. This bill contains important changes agreed upon after years of work, and I won't stand in its way.

HUMAN EMBRYO RESEARCH AND BIOETHICS

Mr. HATFIELD. Mr. President, the Nation's attention has once again focused on a controversial research proposal which raises enormous moral and ethical questions: Federal funding of human embryo research. An advisory panel at the National Institutes of Health recently released recommendations for the conduct of this research. Once again, our traditional notions of life are being pushed to the limit by the scientific and technical advances that are now possible in medicine.

I raise this issue today not to criticize or applaud the work of the NIH advisory panel. Rather I do so to reiterate my belief that our Nation needs an independent ethics advisory board to evaluate and debate the difficult moral issues that are being raised more and more frequently in biomedical research.

Society will reap great benefits from advances made by modern science. Cures for hereditary diseases, a revolution in agriculture, miracle drugs, and an end to human infertility are all being predicted for our future. History has taught us, however, that new technologies often bring with them costs as well as benefits. New capabilities often pose dilemmas for society because they exceed the ethical and legal parameters we have in place to deal with them.

I have watched these advancements with great inspiration and continue to be one of the leading proponents of Federal biomedical research funding in the Congress. At the same time, however, I have watched as the Federal Government has allowed many of the most difficult biomedical ethical questions of our time to linger with little Federal guidance or dialogue. While society struggles to cope, public officials have too often preferred to allow such issues to be decided by default in a vacuum of leadership. We cannot continue to allow this to happen.

In each session of Congress since 1987, I have introduced legislation to place a moratorium on allowing the Patent and Trademark Office to issue patents on living organisms. Until this year, Harvard University had received the only such patent for the so-called Harvard Mouse. I did not introduce this so-called animal patenting legislation to object to the research that is being conducted using these creatures. My record shows that I am committed to the advancement of scientific research. I believe, however, that the elected members of Government have a solemn duty to ensure that serious social and ethical issues are addressed. For me, the idea of issuing patents on living creatures that have been somehow altered by man raises many serious ethical questions related to human life and the natural order.

Those who have followed the rapidly advancing field of biotechnology know that ethical parameters are very difficult to formulate. However, I believe that Congress bears a large part of the responsibility for seeing that ethical issues such as these are raised and, where appropriate, lines are drawn.

In order to provoke greater discussion of the ethical implications of biomedical research, I joined my colleagues Senator KENNEDY and Senator DECONCINI in requesting two reports from the Office of Technology Assessment. In its first report, "Biomedical Ethics in U.S. Public Policy," which was released in October 1993, the OTA reviewed the different governmental approaches to issues of bioethics, including the so-called President's Commission and the now defunct Biomedical Ethics Board. OTA found that the United States is virtually alone in the industrialized world in not having a commission to examine bioethics issues. OTA will release a more detailed review of the ethical, privacy, environmental, and policy issues involved in different areas of biotechnology later this year.

In addition, two Senate committees have held hearings on these issues. The first hearing was held by Senator DECONCINI in the Judiciary Committee's Subcommittee on Patents, Copyrights and Trademarks on September 22, 1992. The purpose of this hearing was to examine the ethical issues of gene patenting. A second hearing was held on October 12, 1993, by Senator KENNEDY in the Labor and Human Resources Committee. This hearing focused on the findings of the OTA report mentioned above and the feasibility of creating a standing Ethics Advisory Board. Both of these hearings were constructive and helpful in raising the visibility of biomedical ethics issues.

It has been my goal to foster dialogue on the difficult bioethical issues faced by this country. My hope is that these efforts will result in the establishment of a permanent body assembled to study bioethical policy issues and make recommendations to the administration and Congress.

That is why I was pleased to take a step toward these objectives by introducing legislation to establish a national Ethics Advisory Board to be located within the Department of Health and Human Services. The Board established in this legislation would be composed of 15 members. While located under the umbrella of HHS, the Board would report to the administration and to Congress.

The Board would be part of the Federal research review process already in place at HHS. It would also take requests for review from Congress and would have the authority to choose issues to review on its own motion, but would have no authority to veto research initiatives. The purpose of such a Board would be to promote the dialogue that is lacking on so many ethical issues today. This is dialogue that must take place if we are to have any hope of rational and informed decision-making in the field of bioethics.

The reestablishment of a permanent commission is not a universally supported idea. Students of this issue know that past attempts have taken place with mixed, and at times dismal results. Let me make it clear that I am not wedded to the idea of a permanent Ethics Advisory Board, although the information I have reviewed leads me to believe it is the best approach. One of may purposes in introducing this legislation is to provide a tangible proposal to be debated and considered as we continue the discussion on the ethics of biomedicine.

At this point, that debate is advancing. Senator KENNEDY has agreed that an Ethics Advisory Board could be an appropriate mechanism for evaluating biomedical ethics issues. I am working with him to move my legislation forward. In addition, the Clinton administration, led by Jack Gibbons, the President's adviser for Science and Technology, has recently published a proposal in the Federal Register which would create an agency-wide Ethics Advisory Board within the Office of Science and Technology Policy. The head of the National Institutes of Health's National Center for Human Genome Research, Dr. Francis Collins, has also been very interested in our efforts, because some of the most difficult ethical issues we will face will be in the area of genetics.

In closing, let me reiterate that I am not arguing against advances in biotechnology or other advancing areas of science. I am simply saying that society must carefully evaluate new breakthroughs in science and technology and the implications of these new developments. Although it is difficult to legislate in these complex areas, Congress—as the elected Representatives of the people—must play a role in seeing that a forum for discussion is provided and that these important issues are addressed openly.

TRIBUTE TO GORDON B. AVERY, M.D., PH.D. A LEADER IN PEDIATRIC HEALTH CARE

Mr. DURENBERGER. Mr. President, today I would like to invite my colleagues to note a milestone in the career of a nationally known leader in pediatric health care, Dr. Gordon B. Avery, M.D., Ph.D.

Launching a career that included a residency at Bethesda Naval Hospital and service as chief of pediatrics at Quantico Naval Hospital in Quantico, VA, Dr. Avery has successfully labored to provide outstanding leadership in a career that spans four decades.

Born in Beirut, Lebanon, on December 10, 1931, Gordon Avery completed his secondary education in Massachusetts, and went on to receive a bachelor of arts degree from Harvard College, a degree in medicine and a doctorate in embryology from the University of Pennsylvania in 1958 and 1959.

Currently the chief of medicine and pediatrician-in-chief at the Children's National Medical Center, Dr. Avery's achievements on behalf of our children and academic medicine are especially noteworthy. This year, Dr. Avery marks 30 years of service to the Children's National Medical Center. Families whose critically ill children are healed at the Children's National Medical Center owe Gordon Avery a debt of gratitude for his work as both a researcher and clinician, and as a nationally recognized pioneer in the field of neonatology.

Gordon Avery is a dedicated clinician. Under his leadership, Children's National Medical Center was one of the few regional referral centers that helped develop extracorporal membrane oxygenation, or ECMO. Today, ECMO is a well-established technology—a mini heart, lung, and blood machine, with well-trained medical professionals practiced in its effective use to save the lives of premature infants born with under-developed lungs. Over many years, Dr. Avery built and organized a cadre of some of the most talented and committee physicians in the world to pioneer the proper care and optimal administration of health services for newborns.

He is a physician who has led his profession in defining the scope and critical issues in the subspecialty of neonatology. His lectures and publications are not narrowly confined, but instead cover almost the entire scope of what was once a new subspecialty.

Dr. Avery has written and lectured on a variety of topics, including: Transport issues for the high-risk infant; developing and managing the neonatal intensive care nursery; automation in the clinical pediatric laboratory; ethics in the intensive care nursery; moral issues in newborn care; sepsis; apnea in the newborn; and nutrition in the premature infant, to name but a few.

In addition to his 120 published journal articles, he authored and edited a textbook, some would say the textbook on neonatology, "Neonatology, Pathophysiology and Management of the Newborn." Now in its fourth edition, this text has been translated into Spanish, Portuguese, and Italian.

Dr. Avery holds the post on interim chairman of pediatrics at the George Washington University School of Medicine, and is also the chief operating officer of the Children's Research Institute [CRI] at Children's National Medical Center. CRI is a unique national resource with state-of-the-art facilities and a direct link to a 279-bed pediatric specialty care hospital in the heart of the Nation's Capital. CRI is a privately supported undertaking with six centers and endowed research chairs in areas such as immunology and virology conducting critical pediatric health research.

I have named but a few of the contributions that Dr. Avery has made to the field of neonatology and the effective practice of pediatric medicine. In marking 125 years of service to children, Children's National Medical Center is very proud of this physician's contribution to the institution, our children and the field of neonatology.

Mr. President, I rise today to add my name to the long list of people, including parents, children, and colleagues who applaud the dedication and achievements that mark 30 years of uninterrupted service by Dr. Gordon Avery.

VICTIMS OF REICHSBANKNOTES

Mr. MURKOWSKI. Mr. President, I rise today to speak out on a matter of great importance to a multitude of the people of Taiwan and many Taiwanese-Americans. My long held admiration for the courage of the people of that nation is no secret and so I have become greatly troubled that I have not received an answer from the Government of Japan regarding the circumstances underlying the allegations of the forced issuance of Reichsbanknotes in Taiwan by the Government of Japan.

At issue, Mr. President, is the revelation that the Government of Japan, beginning in 1924, mobilized their colonial police and the military policy in Taiwan to compel the Taiwanese to sell their farm lands and other properties to raise cash to buy German Reichsbanknotes. This saga goes back to 1922 and 1923, when Reichsbanknotes, the German currency in circulation at that time, were given to the Japanese Government by the defeated German Government to fulfill a portion of Germany's obligation of reparation to Japan under the provisions of the Versailles Treaty. In Taiwan, Japanese governmental enterprises, including the Taiwan Sugar Co., the Taiwan Tobacco and Wine Monopoly Bureau, and the Taiwan Salt Co., paid a portion of employee salaries to its Taiwanese employees by the transfer of Reichsbanknotes.

The Government of Japan has in recent years acknowledged its obligation to redeem these Reichsbanknotes because similar notes held by citizens of South Korea were retired in August 1965 when diplomatic relations between South Korea and Japan were established. Reichsbanknotes sold to the Taiwanese by the Japanese, however, have not been retired as of this date even though several demands have been made upon the Japanese Government by the Taiwanese Reichsbanknotes Creditors Association since 1973.

Mr. President, because of the compelling evidence presented to me and my colleague, Senator ROBB of Virginia, the Foreign Relations Committee's East Asian and Pacific Affairs Subcommittee on which we serve has made not one, but two direct inquiries to the Japanese Ambassador regarding this matter. To date, we have received no response from the Government of Japan.

At this time, Mr. President, I ask unanimous consent that a translated version of a news story that appeared in the December 25, 1993, edition of the Mainichi Shinbun be printed in the RECORD. This news article documents first hand accounts of how parents of surviving Reichsbanknote holders were forced by Japanese colonial police to buy Reichsbanknotes from the Japanese Government 70 years ago.

There being no objection, the translation was ordered to be printed in the RECORD, as follows:

Lin Mu-Zon: Born July 31, 1933, Resides in Pintung County, Taiwan.

Grandfather owned and operated coal mining in Taipei and grandfather and father owned 960,000 square meters (237 acres) of land for rice and sugar cane plantation. Japanese police and neighborhood unit head forced my grandfather to buy Reichsbanknotes. My grandfather refused and then Japanese military police joined Japanese police, if my grandfather refused to buy, they will put my grandfather into prison. So, in order to satisfy demand of the Japanese police and Japanese military police, my grandfather sold one third of land for 5 luggagefuls of Reichsbanknotes.

The land my grandfather sold was turned over to Taiwan Sugar Co. (Japanese Government Enterprises) and the land today is still owned by Taiwan Sugar Co. The current value of land sold by my grandfather is estimated at 20 billion Taiwanese yen (U.S. $800 million).

Ask to return my grandfather's land to my family.

Chen Chi-Yao: Born March 7, 1925, Resides in Kaohsiung, Taiwan City.

Drafted by Japanese Army. There was a typhoon upon returning home after World War II. I discovered a bagful of Reichsbanknotes stored in the attic of my home.

According to my mother, my father was doing trading rice and sugar with Japan. Instead of cash, Japan pay one third at the beginning and later one half of payment to my father in Reichsbanknotes. At the beginning of trading, rice and sugar suppliers accepted a portion of payment in Reichsbanknotes, but later the suppliers refused to accept Reichsbanknotes. due to this my father sold property to cover the loss and send my two aunts to be employed by other to earn living.

Chen Tien An: Born October 10, 1921, Resides in Tainan County, Taiwan.

My father owned and operated family grocery store with average income. Japanese police and neighborhood unit head came and forced my father to buy Reichsbanknotes which my father left when he passed away. I was mechanics employed by Japanese Navy Base in Kaohsiung during World War II. Japan can afford to buy back Reichsbanknotes from us now.

Chen Chin Shan: Born November 15, 1927, Resides in Ping-tung County, Taiwan.

My father owned 500 ton ship and was doing trading. My family was wealthy so I went to Japanese school with Japanese children instead attending Taiwanese school for Taiwanese children.

My father was forced to buy these Reichsbanknotes currently owned by my family by Japanese Government. My wife's family also owned Reichsbanknotes. My father-in-law's elder brother was mayor of township and Japanese Government forced him to buy Reichsbanknote.

Liu Jin-Chang: Born March 6, 1923, Resides in Hsin Chu County, Taiwan.

Farm income alone can not support the family therefore my father went to Taiwan Sugar Co. and A-Li Shan Railway Co. to work as a temporary employee. One third of my father's salary was paid in Reichsbanknotes. My father died when I was a child. My mother kept Reichsbanknote in the cabinet believing that Japan will repay for Reichsbanknote.

JAPAN'S RULE ON TAIWAN AND REPAYMENT

Colonial Rule: After Sino-Japanese War in 1894, China ceded Taiwan to Japan. Japan established Taiwan Governor's office to rule Taiwan for 51 years. During that time native (Abroginees) revolted against Japan and were crushed by Japanese Army (Wu-Shia Incidence). Japan's policy was to force Japanese culture and language on Taiwanese.

Demands for Repayments: 1952 peace treaty was signed between Japan and Taiwan. Demand for repayment on property was to be determined separately. In 1972 Japan established diplomatic relations with People's Republic of China and terminated its diplomatic relation with Taiwan. Due to this, this problem is still unresolved.

Approach to Demands: Japan paid 2,000,000 yen for family of each person who died while serving in Japanese army. Military savings, salary and pensions shall be paid in accordance to wholesale price index. Victims demand 2000 times and Japanese Government is asking for 20 times of the amount of 1945 price.

Mr. ROBB. Would my distinguished colleague yield for a moment? I thank the Senator.

As my friend from Alaska, the ranking Republican on the East Asian and Pacific Affairs Subcommittee, knows, I too, consider myself a friend of Taiwan and would like to associate myself with my colleague's remarks in that regard. Senator MURKOWSKI and I are not the only Members of this Body who have sought to determine the true circumstances surrounding this matter of post-World War I reparations and the Government of Japan's use of Reichsbanknotes in Taiwan. Our Department of State has approached the Government of Japan about this controversy. Let me quote what the State Department was told, The Government of Japan has researched this issue previously and found no evidence that the activities which form the basis of the Taiwan Reichsbanknote Creditors Association's allegations against Japan took place.

Mr. President, despite the Japanese Government's statements to the contrary, I have in my possession a transcribed news story from the Taiwan Daily News dated August 19, 1930. The headline reads and I quote, "One Million and Five Hundred German Bonds received from Germanys as Reparation Payments to be Sold to the General Public by Japanese Government." Mr. President, I ask unanimous consent that this news story, too, be printed in the RECORD. I thank the Senator from Alaska for yielding to me.

There being no objection, the translation was ordered to be printed in the RECORD, as follows:

[From the Taiwan Daily News, Aug. 19, 1930]

ONE MILLION AND FIVE HUNDRED BONDS RECEIVED FROM GERMAN AS REPARATION PAYMENTS TO BE SOLD TO GENERAL PUBLIC BY JAPANESE GOVERNMENT

(Telephone From Tokyo on 18 (August 1930))

Government of Japan has decided to sell German Bonds paid to Japan between April and August this year to be sold to public and announced that applications must be submitted to Ministry of Finance by August 31 (1930) and terms are as follow:

Qualification—Creditable merchants who has been engaged trading with Germany for last three years.

Commodities purchased by merchants from this Reparation credit must exclude luxurious items.

Minimum purchase to be 50,000 Marks.

The purchasers to receive Reparation Credit from Japanese Imperial Government Reparation Material Transfer Commission in London.

Mr. MURKOWSKI. Mr. President, I thank the Senator from Virginia. I hope that the Government of Japan will be responsive to the subcommittee's requests for information so that we can make an informed decision as to the proper role for our Government in resolving this dispute.

Mr. President, I yield back the floor.

CHARITABLE MEDICAL CARE ACT

Ms. MOSELEY-BRAUN. Mr. President I am pleased to join my distinguished colleague from Missouri, Senator DANFORTH, in introducing the Charitable Medical Care Act of 1994. This legislation is designed to ensure that licensed providers, who, in good faith, provide medical treatment without compensation, are not sued. Currently, because of malpractice concerns, health care professionals have a disincentive to volunteer their services. Further, this act does not apply in situations of gross negligence or willful misconduct.

Protection from liability for voluntarily providing uncompensated care is not a new idea. Currently, eight States, including my home State of Illinois, have laws in place that free doctors, who practice voluntarily and in good faith, from at least some part of malpractice liability. These States include: Virginia, Utah, North Carolina, Florida, Kentucky, South Carolina, Iowa, and Washington, DC.

Our legislation builds upon existing Good Samaritan laws. Good Samaritan laws prevent an individual who acted in good faith to be held liable in the event a mishap occurs. In 1959, California enacted the Nation's first Good Samaritan statute. Today all 50 States, including Washington, DC, have adopted some form of a Good Samaritan statute. These statutes exempt the volunteer from tort liability for ordinary negligence in rendering emergency aid to an individual. The rationale for these laws is to encourage health professionals to aid persons in need of assistance.

The need for free clinics and volunteerism by health professionals has never been more striking. The number of uninsured increased from 35.4 in 1992 to 37.4, an increase of 2 million in 1 year. Volunteerism by health care professionals has been instrumental in providing health care to a portion of the uninsured. Free clinics and medical volunteers focus their services on preventive and primary care. Free clinics offer an alternative to emergency rooms and represent an enormous savings to the entire health care system. In the tradition of family doctors, these clinics offer a primary care continuum.

Free clinics supplement community clinics that provide care to those without insurance as well as those on Medicaid. Together these clinics provide the majority of care in underserved communities. More than 1,500 free and community clinics serve over 10,000,000 individuals each year in this country. In my State of Illinois last year, 17,350 people were served and over $600,000 worth of care was provided.

The potential impact of charitable care is not insignificant. It is estimated that charitable medical care meets the needs of 30 percent of the currently uninsured population. Free clinics have served a valuable service and will continue to provide vital access to health care for the poor. While I am a firm supporter of universal coverage, it appears that, at least for a while, millions of Americans will remain uncovered. The number of uninsured increased from 35.4 million in 1992 to 37.4 million in 1993 representing an increase of 2 million uninsured individuals. These figures are expected to continue to increase.

The role of free clinics and volunteerism by professionals is, and will remain, an important part of the health care delivery system. This is particularly true in urban and rural underserved areas. Thus far, free clinics have been very successful in serving the community. Their success is due to their broad-based community support and the volunteerism of the medical community. Medical liability suits are very rare.

Doctors and other medical personnel who volunteer their services to provide quality medical care to the poor are an essential component of free/community clinics. Free clinics cannot provide services, however, if barriers to volunteerism remain. The only way we can increase volunteerism to individuals is to offer some protection from liability. It is critical that we encourage doctors to volunteer their services to those who cannot afford such care. I believe the legislation I am introducing today with Senator DANFORTH will go a long way toward achieving this goal.

Mr. President, I would like to conclude my remakes today by thanking my friend, Senator JOHN DANFORTH, for his leadership and hard work in the area of health care. His sponsorship of this legislation on one of his last days in the Senate illustrates his compassion and dedication to improving health services for all Americans.

I urge my colleagues to join us in support of this important legislation.

ALBANIA'S TREATMENT OF ITS GREEK MINORITY

Mr. PRESSLER. Mr. President, I call attention to particularly troubling reports of the abuse of human rights in Albania. I had the opportunity to discuss, at length, the deterioriating situation between Greece and Albania with King Constantine of Greece on September 7. On that same day, an Albanian court found five ethnic Greeks guilty of espionage and imposed prison sentences ranging from 6 to 8 years in a trial which, according to Minnesota Advocates for Human Rights, was marred by procedural inadequacies and substantive shortcomings.

The five male defendants, all members of the ethnic Greek organization Omonia, the civil rights organization of the ethnic Greek minority in Albania, originally were charged with treason and illegal possession of weapons. Albanian prosecutors dropped treason charges, which carry the death penalty, after objections from Athens. The men, Vangjel Papakristo, Panajot Marto, Kosta Qirjako, Irakli Sirma, and Theodhori Bezhani, were arrested after a raid on an Albanian conscripts' camp in April. Two Albanian soldiers were killed in that raid.

The judge said the Greek Government had given three of the five men $130,000 to buy rifles in the Greek town of Ioaninna near the Albanian border. He claims their mission was to arm ethnic Greek Albanians to secede from Albania.

Greece has accused Albania of staging this political trial to strike fear in the heart of the Greek minority in southern Albania. Greece has deported some 70,000 Albanians, mostly illegal immigrants since the dispute erupted in August. In addition, Greece has tightened border controls and blocked European Union aid to Albania.

The Balkans historically have been a very volatile region. The most recent tensions created by the Albanians have thrown fuel on the fire. Kangaroo courts have no place in today's civilized world. The Albanian trial clearly was a sham, concocted for purely political purposes. It had no relationship to the standard concepts of justice observed in democratic countries. That trial and the subsequent convictions appear to be part of an effort to intimidate ethnic Greeks to abandon their homes in Albania and move to Greece. We have seen this type of intimidation before. It is the prelude to ethnic cleansing. Let us not allow the situation to deteriorate any further.

Mr. President, I ask unanimous consent that an article by Nicholas Gage from the New York Times appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANOTHER BALKAN FLASH POINT

The conviction of five leaders of Albania's ethnic Greek community on espionage charges in a political show trial has aggravated tensions between Greece and Albania and set in motion repercussions that could affect the entire Balkans and even the United States.

Observers from half a dozen foreign human rights groups have described the trial, which ended Sept. 7 with sentences of six to eight years in prison, as a gross violation of international standards. Albanian opposition leaders called the trial a political maneuver.

The defendants said they were physically and psychologically tortured during detention, and during the trial they were denied the right to question the prosecution's witnesses or to present their own. A representative of Amnesty International, Bjorn Elmquist, declared that the trial was "a staged process" that the authorities manipulated for propaganda. And Minnesota Advocates for Human Rights said in a report that "despite broad accusations and strong rhetoric, the prosecution did not present direct evidence of the charge." The defendants were convicted even though there was never proof that they were in any position to know Government secrets, much less pass them on to Greek agents.

Why did the Government try these men? They are the most vocal leaders of the civil rights organization Omonia (Greek for harmony), founded by the Greek minority in Albania. (The number of Greeks in Albania, located mostly in the southern region called Northern Epirus, is put at 400,000 by Athens, 60,000 by Tirana and 280,000 by the Central Intelligence Agency.)

These convictions (whose appeal is being considered this week) are part of a wave of persecution of Albania's Greek minority launched by the Government of President Sali Berisha. Since he came to power in 1992, he has forced virtually all Greek officers out of the armed forces, has drastically reduced Greek representation in the police, judiciary and public administration, and has cut back Greek-language schools.

All these measures, including the trial, are intended to make ethnic Greeks in Albania feel that the are powerless, have no hope of retaining their ethnic identity and must abandon their homes and move south to Greece.

The trial so angered the Greek Government that it expelled more than 70,000 illegal Albanian workers. Critics in Europe and the U.S. called the expulsions excessive. But Athens argues that other European countries have refused to accept Albanian workers, while Greece took in 400,000, who send home more than $350 million a year.

Why would Mr. Berisha provoke Greece and lose a major part of Albania's vital income? The most credible explanation is that the pressure on ethnic Greeks to abandon their homeland is the first step in his plan to enlarge Albania dramatically.

He hopes to force the Greeks out in order to secure the southern flank. Then he can encourage Albanian enclaves in the former Yugoslavia to revolt and seek union with Albania without worrying that Greece will take advantage of the unrest to occupy Northern Epirus.

MIDDLE EAST PEACE PROCESS

Mr. PRESSLER. Mr. President, I rise today to speak about the Middle East peace process. I must confess that on the question of peace in the Middle East, I have been a skeptic. Yet now, over a year after the signing of the Declaration of Principles between Israel and the Palestinian Liberation Organization, I am pleased to say that some—though not all—of my skepticism has dissipated.

In the last few days alone, the six nations of the Gulf Cooperation council have renounced the secondary and tertiary boycott of Israel. Should they have done so long ago? Without a doubt. Should they now renounce the direct boycott of Israel? Absolutely. But let us not damn them with faint praise: even these small moves have taken the courage to move away from long standing policies.

In addition, the Israelis and the Jordanians are fast approaching a peace treaty. There are further agreements on border crossings and tourism. King Hussein and Prime Minister Rabin have met again. Even Tunisia, former headquarters of the PLO, has agreed to exchange interest sections with the Israelis. Again, it is not a whole loaf, or even half, but it is a good beginning.

To see these kinds of developments, to watch lifelong enemies of Israel begin to face the reality of her existence, is quite uplifting. There is, however, another side to the peace process story.

For those of us who have watched the PLO over the years, watched Yasser Arafat go from one terrorist act to another, it was difficult to imagine him being able to make the transition from murdering to governing. We could not imagine it, and they have not yet done it. Arafat has conferred an interesting title on himself—"the President and the Symbol". Yet he shows few of the traits one expects of a modern political leader. In fact, Arafat is perilously close to being little more than a dictator.

We are told repeatedly that Palestinians will gauge the peace process by the change they feel on the ground. Give me money, Arafat says, or my people will turn on the peace process. Please note, Mr. Arafat, that nations have fallen all over each other to give you money, with the sole proviso that you put standard principles of economics and accounting ahead of posturing and political rhetoric. You have refused to do that.

Political posturing on the issue of Jerusalem caused the breakdown of the recent donors' meeting in Paris. Failure to guarantee open accounting has held up implementation of Israeli-Palestinian agreements. The few ministers Arafat has named have expressed frustration with his governing style, his autocracy and his conduct of Palestinian international relations. Arafat has shut down newspapers that disagree with him and shown a disturbing preference for leadership through secret police, armed militia, and the like.

I could go on with a litany of complaints about Arafat and the Palestinian Authority—the failure to change the Palestinian Covenant, Arafat's failure to condemn acts of terror, etc. The bottom line seems to be that governing is not glamorous and that running the Palestinian Authority is not the same as running the PLO.

Israel has taken great risks to move along the peace process. More Israelis have died in the year since the Declaration of Principles than died in the previous year of the Intifada. In spite of that sorry situation, the Israeli Government has stood firm in its pursuit of regional peace and stability. That steadfastness has begun to produce concrete results.

The United States must stand firm with Israel. I will continue to urge the Clinton administration—and its successors—to honor our commitments to Israel's security. I also will continue to urge that decisions must be made by all the parties involved. We must let the parties involved work out their peace.

We also must stand firm on another issue: Jerusalem must remain the undivided capital of Israel. Only once has Jerusalem been divided, from 1948 to 1967. Since Jerusalem was reunited by Israel in 1967, its holy sites have been open to all religious pilgrims. We must never allow Jerusalem to be divided again.

For that reason, last March I urged the administration to veto a U.N. resolution that referred to Jerusalem as occupied territory. Our Government should not undermine the status of Jerusalem as Israel's undivided and eternal capital.

I have noticed that the Government of Syria, which seems to be facing up to the need for accommodation with Israel, apparently expects a payoff from the United States in return for peace. President Assad, you better not start spending yet.

Syria wants the Golan Heights, and it wants aid and arms from the West. Syria will not get the Golan unless Israel chooses to cede that strategic territory. It most certainly will not get a penny from American taxpayers unless it gives up terror and drug trafficking and conforms to accepted standards of behavior in the civilized world. In addition, requests for American troops to serve as a buffer force between Syrian and Israeli forces in the Golan area must be examined carefully by Congress and the American people. The Golan Heights are not the Sinai desert. I hope no commitment is made by our State Department to introduce troops into that area unless such an action has had the benefit of ample public analysis and scrutiny.

We all want peace in the Middle East, but peace must be made by the nations of the Middle East. The Palestinians, Syrians, and Lebanese must realize—as have the Jordanians and Egyptians—that peace with Israel brings its own rewards; not necessarily massive external aid, not necessarily arms, but certainly a brighter, more secure future for their children.

AMERICANS MISSING IN CYPRUS

Mr. PRESSLER. Mr. President, I rise today to acknowledge the recent passage of S. 1329, the Missing in Cyprus bill. This important legislation will take a critical step forward in investigating the disapperance of the five Americans who have been missing since the illegal Turkish occupation of Cyprus in the summer of 1974. The establishment of an independent investigative commission will help ascertain the fate of those missing Americans. Their families hopefully will receive a long overdue accounting of their loved ones. It is doubtful that the personal wounds caused by this brutal conflict can ever be healed, but this bill is a step in the right direction. In addition, the same type of investigation needs to be undertaken to establish the whereabouts of the 1,614 Greek-Cypriots still missing since 1974.

The United Nations Commission on the Missing in Cyprus has reached no conclusion as to the whereabouts of the missing Americans and Greek-Cypriots. The past 20 years have yielded no viable resolution of this matter. S. 1329 directs the U.S. State Department and the appropriate international organizations to investigate and determine the fate of these missing individuals. It is time we knew the truth about the atrocities committed by the Turkish military in 1974 and the subsequent coverup by the Turkish Government.

I have introduced legislation, S. 2300, which would provide a strong incentive for the Turkish Government to comply with S. 1329. My bill would eliminate all United States military and economic assistance to Turkey until the five missing Americans and 1,614 Greek-Cypriots have been accounted for, released, and returned home. I ask my colleagues to consider my bill as a complement to S. 1329 in solving this important issue.

After a decade of unproductive dialog, the United States should reexamine its policy toward Turkey. The Government of Turkey keeps very precise records on all prisoners, both criminal and political. For that reason, it should not be difficult for the Government of Turkey to provide an accounting of the missing persons. Adherence to basic principles of human rights should continue to be a fundamental pillar of U.S. foreign policy. S. 1329, along with my bill, will provide a framework to end the trail of tears caused by this illegal occupation.

THE RETIREMENT OF SENATOR DENNIS DECONCINI (D–AZ)

Mr. THURMOND. Mr. President, I rise today to pay tribute to a fellow member of this body. DENNIS DECONCINI, who will retire from the U.S. Senate at the end of this Congress.

A native of Tucson, AZ, DENNIS established an impressive record of public service prior to his election to the Senate in 1976. His background includes a stint in the U.S. Army and Army Reserve; serving on the staff of the Governor; and, being elected Pima County attorney. Such experience has served DENNIS well in the Senate, particularly in his roles as a member of the Judiciary and Intelligence Committees, where he has done a fine job.

Mr. President, it has been a pleasure for me to serve with Senator DECONCINI a man of integrity, ability, and dedication for almost two decades, and we will all miss him. I wish DENNIS good health, happiness, and success in all his future undertakings.

REPRESENTATIVE BUTLER DERRICK

Mr. THURMOND. Mr. President, I rise today to pay tribute to a friend of mine, Representative BUTLER DERRICK of South Carolina, who will retire from the House of Representatives at the end of the 103d Congress.

The South is known as a small and friendly place where everyone knows one another, and that is certainly the case in the county—Edgefield—from which BUTLER and I hail. I have known the Derrick family for years, and BUTLER all his life, and there is one thing that every person in Edgefield County knows, the Derricks are people of integrity, ability, and dedication.

These qualities are ideally suited for a career in public service, and that is the road that BUTLER has taken. A graduate of the University of Georgia's law school, BUTLER served in the South Carolina House before his election to the U.S. House of Representatives in 1975. A hard working man, BUTLER steadily climbed the ladder of the Democratic House leadership to the position he holds today, that of chief deputy whip.

Mr. President, we are proud of BUTLER's many accomplishments in public service and thank him for his loyal service to his State and Nation. He leaves Washington knowing that he has worked hard for his constituents and I wish him and his lovely wife, Beverly, good health, happiness, and success in all their future undertakings.

REPRESENTATIVE ALEX MCMILLAN

Mr. THURMOND. Mr. President, I rise today to pay tribute to a good friend of mine, a man who I hold in high esteem, Representative ALEX MCMILLAN of North Carolina, who is leaving the House of Representatives at the end of the 103d Congress.

A successful businessman from Charlotte, NC, ALEX was first elected to Congress in 1984 after establishing an impressive record for public service. As a Member of the House, ALEX earned the reputation of being a bright and diligent Congressman, and he quickly gained important positions on some of the most significant committees in the House of Representatives.

Mr. President, ALEX MCMILLAN is a man of integrity, ability, and dedication. He has done an able and commendable job representing the people of North Carolina's Ninth Congressional District. His successor will certainly have big shoes to fill. I wish ALEX, and his lovely wife, Caroline—who is one of the finest and most attractive women I know—good health, happiness, and success in all their future endeavors.

REPRESENTATIVE ARTHUR RAVENEL

Mr. THURMOND. Mr. President, I rise today to pay tribute to a loyal Republican, an able and dedicated Congressman, and a very good friend of mine, Representative ARTHUR RAVENEL of South Carolina, who will leave the House of Representatives at the end of the 103d Congress.

ARTHUR was elected to the House in 1989 after establishing an impressive record for public service that included serving in the U.S. Marine Corps and in both Houses of the South Carolina State Legislature. A fiercely proud and patriotic Charlestonian and Southerner, Arthur diligently represented the interests of his district and was a loyal member of the South Carolina Congressional Delegation. If there was an issue before the Congress that would benefit our State, ARTHUR RAVENEL was always ready to fight for its victory.

Mr. President, South Carolina's First Congressional District is one of the most beautiful and historic regions in the United States, if not the world. Much to his credit, ARTHUR RAVENEL not only used his position to advocate historic and natural preservation and conservation that would keep the South Carolina lowcountry beautiful; but, he also worked hard to bring new commerce to this area so that the people of his district and State could enjoy better and more prosperous lifestyles. Few people worked harder than ARTHUR RAVENEL to bring much needed disaster relief to Charleston and other South Carolina towns and cities after Hurricane Hugo wrought such devastation on the Palmetto State. Never was it more evident that ARTHUR's folksy campaign slogan of "I be for you" was the truth, than in the aftermath of Hugo and his tireless efforts to help victims of this destructive storm.

During his tenure in the Congress, ARTHUR RAVENEL was an important ally to the people of his District, and the State of South Carolina. I will miss ARTHUR's wit and humor, but he may leave here knowing that he did an outstanding job of representing the people of the First Congressional District. I commend him on his accomplishments for the public, and on the fine family that he and his first wife Louise raised. I wish ARTHUR and his lovely wife, Rick, good health, happiness, and success in all their future endeavors, and look forward to visting them whenever I am in Charleston.

IN HONOR OF SENATOR DAVID BOREN

Mr. SASSER. Mr. President, I rise today to honor my distinguished colleague, DAVID BOREN, of Oklahoma on the eve of his retirement from the United States Senate to become President of the University of Oklahoma. It has indeed been a pleasure to work with DAVID for the last 16 years.

His education as a Rhodes Scholar and experience as a political science professor prepared him well for his work in politics. In 1966, Senator BOREN began his long and fruitful career in public service. He was a three-term Representative to the Oklahoma House of Representatives, served as Governor of Oklahoma for 4 years and then began his 16-year tenure in the U.S. Senate. During his years in the Senate, DAVID BOREN has worked tirelessly to support Oklahoma's interests while maintaining his commitment to serving the entire United States.

DAVID BOREN has traditionally been a moderate who favors a bipartisan approach to solving tough legislative problems. He was Chairman of the Select Intelligence Committee for six years where he distinguished himself as a knowledgeable and fair leader. He also served on the select committee named to investigate the Iran-Contra affair.

In recent years, DAVID BOREN has not hesitated to criticize Congressional procedures. He was the moving force behind the Joint Committee on the Organization of Congress, which examined Congressional procedures and made suggestions toward the improvement of the legislative process, and I was pleased to work with him on the Committee. In this capacity, DAVID BOREN's guiding principle was to restore the reputation of the U.S. Senate and help members of Congress better serve their constituents. He has rightly pointed to partisanship as one of the many obstacles to Congressional efficiency, and he believes members of Congress too often use Congressional rules to hinder legislative action.

As issue that DAVID BOREN has also been steadfast in supporting is campaign finance reform. During the Reagan and Bush Administrations, he fought to enact legislation in this area, and, after years of often heated debate, a campaign finance reform bill was passed during the 102d Congress only to be vetoed by President Bush. With the support of President Clinton, Senator BOREN has continued his work for reform of the campaign system during the 103d Congress—I commend his commitment to this endeavor and back him in his efforts.

Senator BOREN will be sorely missed in the Senate, and I believe the State of Oklahoma will be hard-pressed to find a comparable replacement. However, our loss in Congress will certainly be the University of Oklahoma's gain, and I wish Senator BOREN the best in his new position as President of the University.

GATT: A FACT CHECK

Mr. HOLLINGS. Mr. President, On Wednesday, October 5, Ambassador Mickey Kantor appeared before the Committee on Commerce, Science, and Transportation to testify on the Uruguay round of the General Agreement on Tariffs and Trade [GATT].

I have been friends with Ambassador Kantor for over 20 years, and we continue to be good friends. But he and I draw different conclusions about our trade policy, and about the direction of our economy. Ambassador Kantor was very generous with his time on Wednesday, but due to the large number of Senators in attendance at the hearing, I did not have time to fully debate every point with him. Today, I would like to outline some of the differences of opinion I have with the Ambassador based on his testimony.

First, sovereignty. Ambassador Kantor claims that our sovereignty is "more protected under the Uruguay round and this implementing legislation than it has been for 47 years." I wholeheartedly disagree with this assessment, and in fact I think it is a very dangerous and misleading assessment.

Ambassador Kantor claims that our sovereignty is protected because section 102 of the implementing bill provides that no provision of the Uruguay round nor the application of it that is inconsistent with any law of the United States shall have effect. That is just palaver. The dispute resolution panels under the World Trade Organization [WTO], meeting in secrecy in Geneva, will not care one hoot about what section 102 of our implementing bill says. A WTO panel can declare our Federal, State, and local laws inconsistent with the rules of GATT, and—unlike the current GATT regime—there will be two powerful incentives for the United States to change our laws. First, we will no longer be able to block a panel decision because under the new WTO rules there must be consensus to block a decision. And since the United States is always the good Boy Scout of the world, we know that there will be strong political pressure to fall in line with whatever the WTO says. Second, the new WTO rules will authorize cross-retaliation, so that, for example, if another country brings a successful challenge against a U.S. environmental regulation, that country can retaliate against U.S. intellectual property. We all know that the result will be a massive lobbying effort by the U.S. intellectual property industries to lobby the Congress to weaken environmental laws.

The pressures to change our laws are great even under the current GATT rules, despite our current ability to block panel reports and despite the current unavailability of cross-retaliation under GATT rules. I happen to be chairman of the committee that authorized the Marine Mammal Protection Act [MMPA], and I am well aware that there were voices within the current administration arguing that the United States should amend the MMPA to conform to the two GATT panel decisions finding it GATT-illegal.

In further defense of the WTO, Ambassador Kantor points out that the first sentence of article IX of the WTO rules says that the WTO will operate by consensus. He needs to read a little further, because the second sentence provides that, "where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting." Here is where I have tremendous concern over the procedures of the WTO. The WTO will be a commercial United Nations, with each of the 117 nations having one vote. But unlike the United Nations, where the United

States has veto power in the Security Council, the United States will have the same voting power as Cuba, or Sri Lanka, or Macau. In other words, Castro's vote cancels out our own vote. Furthermore, over half of these 117 nations have voted against us three quarters of the time in the United Nations.

Second, manufacturing jobs. Ambassador Kantor stated before our committee that the number of manufacturing jobs in the United States has increased over the last 11 months. This is a very clever way for him to put it because the truth of the matter is that we have fewer manufacturing jobs today than when President Clinton took office. In January 1993, we had 18,094,000 workers in manufacturing; the latest figures from the Bureau of Labor Statistics show 18,077,000 in manufacturing.

More important is the long-term decline in manufacturing jobs. Since 1960, our manufacturing sector has dropped from 26 percent of our work force to 16 percent. And when we passed the last round of the GATT, the Tokyo round in 1979, we were promised a great renaissance of American industry, but instead we have lost 3.2 million manufacturing jobs and have racked up a total trade deficit of $1.4 trillion.

As President Clinton himself has said, "most people's wages aren't going up because they're set in a competitive global economy." That's couching it in soft terms. Most working Americans have seen their wages decline by about 20 percent in real terms over the past 20 years. Worst of all, the gap between the rich and the poor in the United States is the widest documented since the Census Bureau started keeping these statistics following World War II. During the 1980's, the incomes of the richest 1 percent of Americans grew 63 percent, while the bottom 60 percent of families experienced a decline in income. These are the devastating effects of deindustrialization.

Third, the CAFE decision. If you picked up a newspaper in Europe last Saturday, you would have read that the United States lost the case before a GATT panel on our corporate average fuel economy [CAFE] standards for automobiles. However, the headlines in the United States read that we won. Why? Because the office of the U.S. Trade Representative did not release the decision to the public until it had done a snow job on the members of the press corps, who evidently didn't care to take time to read the opinion themselves.

Our fuel efficiency standards, which save the Nation some 2.5 million barrels of oil each day and save consumers some $40 billion per year in gasoline costs, apply equally to U.S. and foreign car manufacturers. Nevertheless, the Europeans challenged our CAFE laws at the GATT, claiming that they discriminate against their less fuel-efficient cars. Despite what U.S.T.R. says, the GATT panel severely weakened our CAFE laws by finding that the method used to calculate penalties is discriminatory and therefore GATT-illegal. And while Ambassador Kantor downplayed the importance of adverse GATT decisions before the Commerce Committee by saying that the tuna-dolphin case would have cost us only $250,000, I would like to point out that fines against the United States for our CAFE law could run over $291 million, and we all know that Japanese manufacturers already have expressed their intentions to challenge under the WTO any future United States policies designed to increase CAFE standards.

Fourth, effect of delaying GATT. I am flabbergasted to hear Ambassador Kantor report that the Department of the Treasury claims that delaying implementation of GATT in the Congress will cost us $70 billion in economic growth. How can that be when no other major industrialized country in the world has ratified GATT? How can this be when the World Bank's estimate of GATT's increase to U.S. GNP is $160 billion over 10 years? Does Secretary Bentsen really believe that we will lose $70 billion of that $160 billion in the next few months—months in which no country is even obligated to implement the Uruguay round? And let me remind Ambassador Kantor and Secretary Bentsen that the $160 billion figure has been termed overly optimistic by most economists—even the pro-GATT economists. The Institute for International Economics has estimated the gains of GATT to be $42 billion over 10 years, while the Economic Policy Institute projects a lower gain of $7 billion over 10 years. The wizards at Treasury somehow get a 70 billion dollar loss out of this before any major country ratifies GATT—and, of course, it is all the fault of Congress because we have decided to take the time guaranteed to the congressional committees under fast track to examine the 641 pages of the implementing bill and the 455 pages of the statement of administrative action. Instead of fast track, the administration wants instant track.

Fifth, the stock market. Before our committee, Ambassador Kantor attributed Tuesday's drop in the stock market to rumors that the House would delay a vote on the GATT. This interpretation was contrary to every news analysis I heard, each of which attributed the drop to inflation. Furthermore, I would like to point out that the day I announced that the Committee on Commerce would hold the GATT implementing bill for its full 45 days, the stock market rose 14 points. And the market dropped precipitously last month upon release of figures from the Department of Commerce indicating that the United States is racking up its largest yearly trade deficit ever.

So I could well draw conclusions opposite of those of Ambassador Kantor on what is important to Wall Street. Perhaps the more important point is that by engaging in this sort of debate, we only encourage Wall Street to act on the rumor of the day. Our debate about GATT should be about the long-term economic interests of this country and not about unfounded temporary jitters of Wall Street.

Sixth, GATT as a "tax cut." The administration has characterized the GATT as a $36 billion "tax cut" for Americans. Before our committee, Ambassador Kantor agreed that we would be more accurate in describing tariff cuts as decreases in costs to the consumer. The problem with this analysis is that it assumes that the savings will indeed be passed on to the consumer. My office is filled with clothes whose prices prove the consumer rarely gets the savings. Instead, the retailer gets to pocket the mark-up. For example, I have two identical women's jackets, one made in the United States where labor costs are around $8 per hour, and the other made in El Salvador where the labor costs are around 60 cents an hour. Yet both jackets cost $108. The retailers are pocketing the difference, sticking it to the consumer, and putting the consumer out of a job all at the same time.

Seventh, textile exports. Ambassador Kantor may be correct in saying that textile and apparel exports have increased 7.58 percent for 1993 and 1994, while imports have increased 4.45 percent. This is only half of the math problem, though. Since imports are at $36.07 billion while exports are at $10.3 billion, the truth is that imports are up $1.6 billion while exports are up $781 million.

A close analysis of apparel exports shows what is really going on in the global market. In 1993, the United States exported $4.9 billion of apparel. Of that, $143 million was simply reexports of foreign apparel. Of the remaining $4.8 billion, $3.1 billion consisted of exports of cut parts. In other words, the fabric was cut here and sent to low-wage countries to be sewn. Of the $1.7 billion of exports of finished apparel, over 95 percent went to Canada, Europe, and Japan. Only a paltry amount of $77 million went to the rest of the world.

Eighth, the future of trade policy. Ambassador Kantor said on Wednesday, "The definition of insanity is doing the same thing over and over again and expecting a different result." But that is exactly what we will be doing if we pass the Uruguay round. As Sir James Goldsmith testified immediately following the Ambassador, the WTO will continue the current policy and take it from a trot to a gallop. It will intensify the deindustrialization of the United States by making it even easier for U.S. manufacturers to move off-shore. And it will not open new markets for the United States to the extent claimed by the administration because the GATT is structured on an Anglo-American free market system while there is a whole other world out there operating under a different economic system. The GATT will knock down United States tariffs and subsidies, while leaving intact the structural, nontariff barriers favored by Japan and other competitors. Case in point: If the GATT is so great, why do we need a new bilateral trade agreement with Japan? It is time to abandon our current high-minded, self-sacrificial free trade policy and unabashedly rebuild the industrial strength of this Nation.

WTO AND PUBLIC PARTICIPATION

Mr. HOLLINGS. Mr. President, I would like to submit for the RECORD a letter to President Clinton from Paul McMasters, national president of the Society of Professional Journalists; John Seigenthaler, chairman of the Freedom Forum First Amendment Center at Vanderbilt University; and 51 other press leaders and press organizations regarding public access to decisionmaking under the proposed World Trade Organization, which will supplant the General Agreement on Tariffs and Trade [GATT] if Congress passes the Uruguay round implementing legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

September 14, 1994.

President BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT, As advocates for openness in government, we would like to register our deep concern about the dispute settlement process proposed as part of the World Trade Organization agreement. As it now stands, this proposal is riddled with provisions denying access to governmental deliberations that are an affront to the democratic traditions of this nation.

This unprecedented secrecy is particularly offensive, given the vast powers to punish and penalize that this body will hold, not over just the federal government, but state and local ones, too. Maximum access should be required in this dispute resolution process for the following reasons:

(1) The proposed process would have the power to determine the legality of a wide variety of laws at the local, state and federal levels, although officials from all levels would not be able to take part in the deliberations.

(2) The deliberations affect not only trade issues, but consumer, worker and environmental protections as well.

(3) Penalties exacted in this process could be severe.

We urge you to insist that signatories to this agreement understand that when state and federal laws are subjected to an international authority to the extent proposed in this document, that citizens of the United States have a constitutional right to access to those deliberations. Here are some of the secrecy and confidential provisions of the agreement that we hope will be revised to conform with democratic practices and traditions:

(1) The public and press should be able to monitor deliberations of the dispute settlement panels. Under the present proposal, those sessions would be closed to both the public and the press.

(2) Documents presented during panel deliberations should be made available to the public as they are in the U.S. judicial proceedings. The decisions of the panels in this process have the force of law, with serious penalties for a non-complying nation, yet the only concession to demands for openness on this point has been a proposal to provide a summary of this information. That falls far short of the public's needs in such critical matters.

(3) The American public's First Amendment right to petition the government should be made a part of this proposed agreement. As it stands, there are no means of direct input from the people, no right of public comment or amicus briefs.

(4) Provision should be made for conflict-of-interest disclosure requirements. As the proposal stands, there is no way for the public to determine whether panelists deciding an issue have economic or other interest in that matter. You may recall that the NAFTA dispute settlement panel operates like the one proposed for the WTO, and during a recent timber subsidy case between Canada and the United States it was discovered belatedly that two attorneys on the panel worked for the Canadian lumber industry.

(5) Documents relating to appeals of WTO panel decisions should be made public. Under the current proposal, all of the appeal process is conducted in secret.

The First Amendment advocates whose names appear below take no position, as a group, on the World Trade Organization agreement itself. Some may support it, others may oppose and still others may be undecided. But all of us, as a group, urge you and your negotiators to restore democratic openness to this crucial process. To do otherwise would break a sacred pact with the American people.

Sincerely,

Paul K. McMasters, National President, Society of Professional Journalists; Jo-Ann Huff Albers, President, Assoc. of Schools of Journalism and Mass Communication; Paul Anger, President, Associated Press Sports Editors; Gilbert Bailon, President, National Association of Hispanic Journalists; John Seigenthaler, Chairman, The Freedom Forum First Amendment Center at Vanderbilt University; Diana Baldwin, Chairman, Oklahoma Project Sunshine, Oklahoma City, OK; David Bartlett, Radio-Television News Directors Association, Washington, DC.

Maurine H. Beasley, Professor of Journalism, University of Maryland College of Journalism, 1993–1994 President, Association for Education in Journalism and Mass Communication; Lawrence K. Beaupre, Editor, The Cincinnati Enquirer, Vice President, Associated Press Managing Editors; Susan Bischoff, President, American Association of Sunday and Feature Editors; Ron Bridgeman, Editor, The Oak Ridger, Oak Ridge, TN; Benjamen Burns, Michigan FOI Committee, Inc., Northville, MI; Colorado Press Association, Colorado Freedom of Information Council, Denver CO; Lucy Dalglish, National Chairwoman, Freedom of Information Committee, Society of Professional Journalists; Kathleen Edwards, Manager, Freedom of Information Center, Columbia; MO; Dinah Eng, President, Asian American Journalists Association.

Gregory Favre, President, American Society of Newspaper Editors; The Florida First Amendment Foundation; Miami, FL; John R. Foreman, Editor, Champaign-Urbana News-Gazette, Illinois State Chairman for Project Sunshine; Terry Francke, Executive Director, California First Amendment Coalition; The Freedom of Information Foundation of Texas, Dallas, TX; Joseph E. Geshwiler, Editorial Associate, Atlanta Constitution, President, National Conference of Editorial Writers; Loren Ghiglione, The News Southbridge, MA; Bob Giles, Editor and Publisher, The Detroit News, Chairman, The Foundation for American Communications; Dorothy Gilliam, President, National Association of Black Journalists; Kelly Hawes, Metro Editor, Muncie Star, Muncie, IN.

William Hilliard, Former Editor, The Oregonian, Portland, OR; Max Jennings, Editor, Dayton Daily News, Dayton, OH; Ron Johnson, President, College Media Advisers; Gary Klott, President, Society of American Business Editors and Writers; Bill Kovach, Curator, The Nieman Foundation, Cambridge, MA; Linda Lightfoot, Baton Rouge Morning Advocate, Baton Rouge, LA; Michael Loftin, The Chattanooga Times, Chattanooga, TN; Bill Loving, President, FOI Oklahoma, Inc.; Diane McFarlin, Sarasota Herald Tribune, Sarasota, FL; Robert G. McGruder, Managing Editor, Detroit Free Press.

Karen Lincoln Michel, President, Native American Journalists Association; The National FOI Coalition; Ohio Coalition for Open Government, Dayton, OH; Burl Osborne, The Dallas Morning News, Dallas, TX; Geneva Overholser, Vice President and Editor, The Des Moines Register, Des Moines, IA; Peter Prichard, Editor, USA TODAY; Hyde Post, Managing Editor, Atlanta Constitution, President, Georgia First Amendment Foundation; Charles Rowe, Fredericksburg Free Lance Star, Fredericksburg, VA; Edward Seaton, Editor in Chief, The Manhattan Mercury, Manhattan, KS; John Simpson, Editor, USA TODAY International; Timothy Smith, Director, Ohio Center for Privacy and the First Amendment.

Dick Smyser, The Oak Ridger, Oak Ridge, TN; State of Connecticut, Freedom of Information Commission, Hartford, CT; Frank Sutherland, Editor, The Tennessean, Nashville, TN; William B. Toran, Professor Emeritus, Columbus, OH; Georgiana Vines, Immediate Past President, Society of Professional Journalists, Managing Editor, Knoxville News-Sentinel, Knoxville, TN; Pete Weitzel, Senior Managing Editor, Miami Herald, Miami, FL.

TRIBUTE TO SENATOR HARLAN MATHEWS

Mr. SASSER. Mr. President, I want to take a moment to reflect on the contributions of my esteemed friend and colleague, Senator HARLAN MATHEWS, who will be leaving the Senate at the end of the session.

President Woodrow Wilson once said,

> There is no cause so sacred as the cause of a people. There is no idea so uplifting as the cause of humanity.

In a State rich in patriotism and duty, HARLAN MATHEWS has been one of Tennessee's most dedicated public servants. He leaves behind him a legacy of service that challenges all who follow.

Senator MATHEWS began his illustrious career in public service in 1950 as a member of the planning staff of Governor Gordon Browning. And in 1954, he was named to the budget staff of Governor Frank Clement.

Senator MATHEWS also served for 10 years as Commissioner of Finance under Governors Clement and Buford Ellington—the longest tenure of any commissioner of that department.

HARLAN MATHEWS kept breaking records, and in 1974, he was elected State Treasurer and served in that office for a record 13 years.

Then in 1987, HARLAN MATHEWS joined the staff of Governor McWherter as Deputy to the Governor, serving as Secretary of the Cabinet until his appointment to the Senate in January 1993.

Like many of our best public servants, HARLAN is a modest man—a man of the people who never forgot his Alabama and Tennessee roots.

Senator MATHEWS brings a great spirit of humanity to the task of government. He brought to the Senate that tough compassion, tenacity and quiet strength that is characteristic of our great people.

Through a keen mind and dint of hard work, Senator MATHEWS served well the people of Tennessee during his all too brief tenure in the United States Senate.

I certainly could not have asked for a greater ally for deficit reduction than Senator MATHEWS. And he certainly can take a well deserved bow for his role in passing the largest deficit reduction package in history and for helping to fire up the engines of economic growth, creating tens of thousands of new jobs in Tennessee over the past 20 months.

Senator MATHEWS and I did not always agree on the various issues brought before this great body. But our differences of opinion certainly ended when it came to Tennessee.

There could be no greater advocate of Tennessee than Senator MATHEWS. There could no more dogged supporter of the Volunteer State, its people and its commerce than Senator MATHEWS.

Senator MATHEWS and I worked closely to bring the first non-stop air route from Nashville to London. And we worked side-by-side to provide for the civilian use of the Millington Naval Air Station.

Few people outside of this body know that Senator MATHEWS has the distinction of serving on three major Senate Committees: Energy and Natural Resources, Foreign Relations, and Commerce, Science and Transportation.

He used his seat on those Committees as a voice for his fellow Tennesseans. Whether it was promoting foreign trade or R&D at Oak Ridge, preserving the Great Smoky Mountain National Park or helping our transportation industry maintain its competitive edge, HARLAN MATHEWS was Tennessee's champion.

Like all of my colleagues, I wish Senator MATHEWS and his wonderful wife Patsy all the best in their future plans.

And I am sure Senator MATHEWS will be adding to the impressive list of accomplishments and contributions which I so briefly touched upon today.

Mr. President, I am proud to have called HARLAN MATHEWS "colleague."

ON UNFUNDED FEDERAL MANDATES

Mr. KENNEDY. Mr. President, I regret that we have not been able to move forward on consideration of the Federal Mandate Accountability and Reform Act of 1994.

Many mayors and other municipal officials from Massachusetts have told me about the difficulties they are having in paying for both federally mandated requirements and local priorities such as education and law enforcement. I am deeply concerned that the costs of meeting Federal requirements are making it harder and harder for many communities to hire more teachers, more police officers, or more firefighters. While it is important for the Federal Government to meet its national responsibility in protecting the environment, ensuring worker safety, preventing discrimination, and securing other basic rights for all citizens, Congress must also be sensitive to the burdens Federal legislation may impose on State and local governments.

I have consistently fought for more Federal funding to help Massachusetts communities meet Federal requirements such as those under the Clean Water Act. But I also believe that the time has come for Congress to review the entire problem of unfunded mandates more carefully. That is why I support S. 993, the Glenn-Kempthorne Federal Mandate Accountability and Reform Act of 1994.

I appreciate the efforts of Senators GLENN and KEMPTHORNE to craft a balanced and fair approach to the problem of unfunded mandates. By requiring Congressional Budget Office estimates of the State and local costs of new legislation, and providing for a specific vote if those expenses are not financed through savings or authorizations, their bill will ensure that Congress deals more effectively with the problems faced by States, cities, and towns in complying with new Federal laws.

The Glenn-Kempthorne bill is supported by the Clinton administration and by Members of both parties. It has been strongly endorsed by the major organizations representing State, county, and municipal officials. It is a good bill that addresses a serious problem for States and local governments, and it deserves to pass.

THE NATIONAL AFRICAN AMERICAN MUSEUM ACT

Mr. SIMON. Mr. President, as I said last night, I would have liked to reach agreement with my colleague from North Carolina on the National African American Museum. I am disappointed that agreement could not be reached.

It is unfortunate that the Senate is not able to pass the National African American Museum Act prior to adjournment. I urge those interested in donating artifacts or collections to the National African American Museum, to keep the Smithsonian in mind. It is too bad the American people, the Smithsonian and its millions of world-wide visitors have to lose out to this delay. My colleague in the House, Representative JOHN LEWIS, and I will be offering legislation again next year.

The debate on the museum has gone on far too long. I respect the right to filibuster; however, that right has been abused. The time has come for this country to have a national museum to honor and document the heritage of this country's 30 million African Americans.

I appreciate the strong bipartisan efforts of my colleagues in support of this museum over the past 5 years. I would specifically like to thank Senator JOHN MCCAIN and Senator WENDELL FORD for their efforts in support of this legislation. They have been helpful since I first introduced legislation in 1989.

Some will continue to ask why this museum? Why not an Irish American or a German American museum? The history of the United States unfortunately shows us that two groups were severely mistreated and had a very different American experience. Their experience should be remembered and their heritage should be remembered. One group, Native Americans, has been successful in having its story told nationally by the Smithsonian. The second, African Americans, will be remembered appropriately when this act is signed into law.

Museums are tools of immense power to educate and enrich. An African American Museum would help to educate all Americans about the contributions of African Americans. The museum will help facilitate the knowledge and understanding of African American culture that may change unhealthy attitudes and help foster better relations between people of all races.

African Americans make up 12 percent of the population in the United

States, and there are over 29 million African American citizens. Of the over 40 million schoolchildren in the United States, 16.2 percent are African American. These children need to learn about their ancestors' role in shaping this Nation. All Americans would be enriched by this knowledge. In addition, of the 30 million visitors to the Smithsonian every year, many are from other countries. These travelers also use museums to gain cultural impressions and information. If we are to preserve and present the American heritage to all Americans and to the world, then we must include the contributions of African Americans.

We often describe American culture as a multi-patterned quilt, intertwined with many fabrics. A fundamental thread of the American fabric is the history, culture, and art of African Americans. The heritage of African Americans is unique. If we are to educate Americans about our history and culture, and if we wish to present to the world an accurate picture of American heritage, we must show the African American experience in a national museum.

I thank my colleagues again for their support, and look forward to enacting the National African American Museum early next year.

HONORING DR. NINA McCLELLAND

Mr. RIEGLE. Mr. President, on Wednesday, October 19, colleagues, family, and friends of Dr. Nina McClelland will gather to pay tribute to her in honor of her retirement from National Science Foundation [NSF] International. It is my distinct pleasure to join them in honoring her distinguished career and major achievements in the fields of public health and the environment.

Dr. McClelland began her career as a chemist-bacteriologist at the Department of Health in Toledo, OH, in 1951. From 1956–63, she served as the chief chemist at Toledo's wastewater reclamation facility. But her work would not remain at the State level for long. In 1968 she was named Director of the Water Research Program at NSF International. Her commitment and excellence in this position earned her regular promotions within the agency, where she went on to serve as Director of Technical Services, Vice President of Technical Services and Treasurer. In 1980, she was appointed Chairman of the Board of Directors and Executive Committee, President, and Chief Executive officer; she has served in this capacity for the past 14 years. It is her exceptional leadership in this post that NSF International now must seek to replace. The task will be easy.

Throughout her career, Dr. McClelland has been sought after by the academic and international community. Since 1971, she has lectured frequently at the University of Michigan's School of Public Health, first as a nonresident lecturer and later as an adjunct professor. And in 1986, she served as a consultant to the United Nations on the interregional symposium on improved efficiency in the management of water resources. Her achievements in science are notable, but it is her ability to communicate her professional knowledge and experience as both instructor and consultant that truly demonstrates the depth of her talents.

Moreover, Dr. Nina McClelland has devoted a tremendous amount of her time and energy to community and professional organizations. She has served on boards and committees for a myriad of organizations: the Centers for Disease Control, the National Academy of Sciences, the U.S. Environmental Protection Agency, and the United Way, to name only a few. She has received honors and awards too numerous to mention for her vast contributions in the fields of public health and the environment. And she has worked tirelessly with local, national, and international professional organizations for years.

Mr. President, Dr. McClelland has had a truly remarkable career. We have all profited from her unswerving commitment to improving public health and the environment. Her work has been an inspiration to countless colleagues and students, and she is admired by us all. I am honored to have this opportunity to pay tribute to Dr. McClelland. Her tireless efforts and service have made our community a better place to live, and I wish her a long happy, and fulfilling retirement.

STATEMENT OF SENATOR CHRISTOPHER J. DODD—TRIBUTE TO MY STAFF

Mr. DODD. Mr. President, in the midst of our busy schedules, we do not pause often enough to thank the people who make this institution run: the Senate staff. These are people who toil for long hours for far less money than they could earn elsewhere. They display a splendid dedication to public service and the democratic process.

Outside this Chamber, there are five portraits hanging in the reception room. Those portraits reflect the decision by a committee that several decades ago decided who had been the most effective Members of the U.S. Senate in our history. Then Senator John F. Kennedy chaired that Commission. The Senators chosen were Senator Taft, Senator Calhoun, Senator Clay, Senator Webster, and Senator La Follette.

There is no such facility, that I know of, where Members of the Senate staff are so recognized for their contributions. They are rarely, if ever, mentioned in the press. They never get an opportunity to give a speech on the Senate floor. But I know each and every one of my colleagues deeply appreciates the work that the staff does.

I am deeply appreciative of my staff, both for their dedication to me and to this institution. I want to especially single out a few individuals who have recently left my staff or will be departing at the end of this Congress.

Bob Dockery served as my senior foreign policy adviser virtually since my arrival in the Senate in 1981. His knowledge of Latin America, sound political judgment, and utter reliability are legendary in the Senate. He is also a man of unparalleled principle and professionalism.

Sarah Flanagan has served the last 18 months as the staff director of the Subcommittee on Children, Family, Drugs and Alcoholism, which I Chair. One of the Senate's leading experts on education policy, she has played a key role in a number of major initiatives, including the Safe Schools Act, the Elementary and Secondary Education Act, and the ounce of prevention component of the crime bill.

Patty Cole was a longtime staffer of the Subcommittee on Children. She was a key mover behind a wide range of social legislation, including child care and early childhood education. Just this year, we passed a reauthorization bill that greatly expanded and improved the Head Start Program, and it was due in no small part to Patty's hard work.

Doug Sosnik was my administrative assistant for nearly 3 years. He took a leave of absence during that time to manage my successful reelection campaign in 1992.

I also want to thank a number of other departing staffers, all of whom we miss: Sira Berte, my scheduler; Gia Daniller, a legislative correspondent; Monica Guthrie, who worked in my reception area; Matt Hersh, a foreign policy legislative assistant; Jeanne Ireland, a fellow who worked on health care reform legislation; George Kramer, a fellow who worked on securities litigation; Sara Lanza of my foreign policy staff; Jorge Lopez, a fellow specializing in violence prevention; Erin Martin, my deputy press secretary, and Daniel Wirls, a fellow who worked on congressional reorganization.

In addition, I wish to pay tribute to the rest of my personal and committee staff for all of their hard work and commitment: Jill Adleberg, Chuck Bunnell, Adria Deasy, Suzanne Day, Sheila Duffy, Carolyn Egan, Marvin Fast, Bob Gillcash, Joan Gillman, Pat Gilory, Del Greer, Michelle Halloran, Holly Hanson, Cory Heyman, Diana Huffman, Stanley Israelite, Donna Jones, Kathy Keup, Michael Leahy, Jane Loewenson, Ed Mann, Katherine McCarron, Barbara McCredie, Tom Mezzio, Janice O'Connell, Tony Orza, Joe Palmore, Belinda Parker, Dana

Petaway, Michael Powell, Lee Reynolds, Christopher Ross, Lois Santiago, Andrea Siaflas, Deya Smith, Ashley Smoot, Mark Stephanou, Suzanne Stokes, Rick Van Ausdall, Pat Walsh, Courtney Ward, Ted Webber, and Emily Wolf.

TRIBUTE TO REAR ADM. ROBERT C.J. KRASNER, ATTENDING PHYSICIAN TO CONGRESS

Mr. HEFLIN. Mr. President, I want to take a moment to pay tribute to Rear Adm. Robert C.J. Krasner, who has served Congress tirelessly as its attending physician. Unfortunately, Admiral Krasner will be leaving his position after this session of Congress ends.

Robert Krasner was born in New Jersey, where he graduated from Lafayette College with a degree in history and literature. He attended medical school at the University of Maryland. In the early 1970's, after completing his medical degree, Dr. Krasner was commissioned under the Berry plan as a lieutenant in the medical corps of the U.S. Naval Reserves. He went on active duty in 1973.

By the end of a tour in London, he had become Lieutenant Commander Krasner. He transferred to the Bethesda Naval Hospital for training in internal medicine, eventually earning a diploma in tropical medicine from the Walter Reed Army Institute of Research. While on a tour in Indonesia, he was selected for promotion to commander.

Commander Krasner then served as staff physician in the Office of the Attending Physician. In 1982, he was assigned to be a staff internist at the Naval Hospital in Oakland, CA, serving there for 4 years.

In 1986, by-then Captain Krasner was sent back to the Office of the Attending Physician as director of clinical services. In May 1990, he was appointed the attending physician and promoted to the rank of rear admiral.

Admiral Krasner's decorations include the Navy Commendation Medal, the Meritorious Service Medal, and the Legion of Merit. He is a fellow of the American College of Physicians, a member of the Academy of Medicine of Washington, and a member of the International Society of Travel Medicine.

Dr. Krasner took great personal interest in each of his patients. Every time a blood test was performed, he personally got back to the Member and let him or her know the results. Any time a Senator or Congressman was referred to a specialist, he always followed-up and impressed everyone with his detailed, personal approach to every problem. I particularly remember while a patient at Bethesda Naval Hospital when he came by to check on me on a Saturday night around 1 a.m. after having attended a Navy function in Annapolis. Early the next morning, he was back at Bethesda Naval Hospital checking on my condition again. He was a tireless worker.

He took every step possible to guarantee the privacy of each Member's medical condition. Realizing that medical conditions demand complete privacy and that the Halls of Congress are full of a wide and large array of gossipers, he took great steps to guarantee that there were no leaks out of his office and that the right of privacy was fully and constantly protected.

Members of Congress have been very fortunate to have had the outstanding services of Admiral Robert Krasner over the last 8 consecutive years, particularly his last four as attending physician. we will miss him, we wish him well, and we offer our congratulations and thanks for a job well done.

REFERENCE SECTION 309 OF H.R. 5116, BANKRUPTCY AMENDMENTS ACT OF 1994.

Mr. THURMOND. Mr. President, I wish to congratulate the chairman of the Judiciary Committee's Courts and Administrative Practices Subcommittee on passing H.R. 5119, the Bankruptcy Amendments Act of 1994, in the Senate last night. I wish to ask the distinguished chairman one question relating to the amendment which I offered on the bankruptcy bill relating to the exception from discharge of certain fees and assessments which become due to condominium, cooperative and similar membership associations. Mr. Chairman, is it not correct, that although section 309 of H.R. 5116 as passed in the House and the Senate refers in particular to condominium and cooperative housing, that the section is broad enough to cover and intended to cover a variety of residential housing community associations?

Mr. HEFLIN. You are correct, Senator THURMOND. As long as the residential housing community association has the attributes of condominium and cooperative associations, including mandatory membership and mandatory assessments for maintaining common areas, which run with the land, section 309 would apply to the members of the association. The type of housing association makes no difference to the underlying purpose of section 309, which is to avoid the unfair burden on the other members of the association which results from discharging the debtor's assessments in the situations specified in section 309.

SECTION 216 (STATUTE OF LIMITATIONS) OF H.R. 5116

Mr. HEFLIN. Mr. President, I rise today to speak about section 216 of H.R. 5116 regarding limitations on avoiding powers of the bankruptcy trustee or estate representative.

The overriding purpose of any statute of limitations is to provide a definite and reasonable period of time for a plaintiff to provide potential defendants with notice of the time during which they may be at risk of suit so that they may take steps to preserve documents and witnesses necessary for their defense. The majority of circuits which have ruled on the issue regarding the statute of limitations contained in section 546(a) have held that, an avoidance action must be brought within two years of the filing of a chapter 11 petition, even if a trustee or other estate representative is subsequently appointed or the case is later converted, is intended to facilitate prompt and efficient resolution of bankruptcy cases. A need to provide a period of time for a later appointed bankruptcy estate representative to investigate and institute actions has been identified; this balances the rights of all parties by preserving the two year statute of limitations for estate representatives, and by providing for a maximum of 3 years if a trustee or estate representative is appointed during the initial 2 year period. This amendment prevents prejudice against potential defendants that would result from having to defend stale actions and should encourage estate representatives to investigate and resolve actions earlier in a bankruptcy case, thus minimizing estate expenses and maximizing the value of the estate to all creditors.

NORTH AMERICAN FREE-TRADE AGREEMENT IMPLEMENTATION ACT

Mr. STEVENS. The State of Alaska has an interest in resolving a question which has arisen regarding implementation of a statutory change made last year in connection with NAFTA. Section 521 of the North American Free-Trade Agreement Implementation Act, Public Law No. 103–182, amended 19 U.S.C. 58c(a)(5) to impose a $6.50 fee for the arrival of each passenger aboard a commercial vessel or aircraft from outside the customs territory of the United States. The reason for this change was to recover a portion of the revenue lost as a result of the elimination of a series of duties and tariffs under NAFTA.

NAFTA imposed a new fee of $6.50 for cruise passengers arriving in the United States from the Caribbean, Mexico and Canada. Previously, such passengers were exempt from the Customs user fee. The law also raised the fee for both air and sea passengers arriving from other foreign destinations from $5.00 to $6.50.

As a result of the wording of the NAFTA implementing legislation enacted by Congress last year, the Customs Service is claiming authority to collect the Customs user fee multiple times during the course of the same voyage. Substituting the phrase "from outside the customs territory of the United States" for the phrase "from a place outside the United States", had this unintended consequence.

This point is particularly important to cruise passengers in Alaska where this interpretation could require the Customs user fee to be assessed more than once in a single voyage. For example, during the course of an Alaska voyage when the vessel may call in Ketchikan, Juneau, Valdez, Seward, and Sitka and may sail outside the customs territory of the United States between each of those Alaskan ports as part of one continuous cruise voyage, under the Customs Service interpretation the fee would be collected three, four, or even five times. This was not Congress' intention. Could the distinguished chairman of the Finance Committee please clarify if it was the intent of Congress to require multiple collection of the $6.50 Customs user fee?

Mr. MOYNIHAN. The changes in the passenger processing fee that were approved in the NAFTA legislation were intended only to increase the fee temporarily and eliminate the existing exemptions from the fee, again temporarily. They were not intended to alter the manner or frequency of collection, with one exception.

The NAFTA legislation replaced the phrase "from a place outside the United States" with the phrase "from outside the customs territory of the United States" to clarify that the passenger processing fee would be applicable to passengers on so-called "cruises to nowhere." These cruises are not traditional cruises, but rather cruises that simply leave a U.S. port, venture outside the customs territory of the United States, and then return to the original port of departure.

Mr. STEVENS. Do you believe Congress needs to enact a clarifying technical amendment in order to limit the collection of this fee to once per voyage?

Mr. MOYNIHAN. If the Customs Service attempts to impose the fee multiple times in the course of a voyage between ports in the United States, I would be pleased to work with the senior Senator from Alaska, as always in a bipartisan fashion, to enact legislation during the next session to clarify that there would be a single collection to cover the costs incurred by Customs in processing arriving passengers.

FEDERAL MANDATE ACCOUNTABILITY AND REFORM ACT OF 1994

Mr. DURENBERGER. Mr. President, I rise today to join the U.S. Conference of Mayors, the National Association of Cities, the National Association of Counties, the National League of Cities, and countless State and local governments in support of S. 993, the Community Regulatory Relief Act of 1993.

During my years in the U.S. Senate, I have seen the burden of unfunded Federal mandates grow dramatically and have fought to return fiscal priority-setting and decision-making to the levels of government closest to the people. As chairman of the Senate Subcommittee on Intergovernmental Relations, I raised the consciousness of members to the growing threat of Federal mandates—a term which had only become a part of the intergovernmental lexicon a few years earlier. I sponsored and promoted legislation which addressed unfunded mandates in spite of opposition from those who refused to acknowledge the seriousness of the issue.

Beginning in the 98th Congress with my sponsorship of the Intergovernmental Regulatory Relief Act, I sought to not only determine the costs to State and local governments of complying with Federal regulations, but I demanded that the Federal Government assume the costs of new regulations and create a 10-year schedule for reducing the costs of compliance with existing regulations as well. Again, in the 100th and 101st Congress, I introduced regulatory relief bills which addressed what was finally becoming a concern to members outside the Governmental Affairs Committee. This year, in addition to my cosponsorship of the bill currently before us, I cosponsored a similar bill by Senator COVERDELL and sponsored the Preemption Clarification and Information Act of 1993 with Senator LEVIN.

As a member of the Advisory Commission on Intergovernmental Relations, I maintained my strong opposition to unfunded mandates and argued that this issue is not about political turf protection—rather, it is about accountability. One level of government should not decide what is in the public interest, while another level is required to fund it.

There was a time when Federal mandates were imposed on State and local governments and funding was provided through block grants and revenue sharing programs. Funding for these programs ended in the 1980's even as Federal aid to State and local governments sharply declined. Adding insult to injury, 100 new mandates were forced on States during the same decade. Although Federal aid to State and local governments has increased in the last several years, in real terms, it is still significantly below its earlier levels.

Mr. President, if the past is prologue, unfunded mandates will pose an even greater threat in the decades ahead. While we are unable to undo the damage which has already been done, we can—today—protect the fiscal viability and autonomy of State and local governments in the future. The Community Regulatory Relief Act accomplishes this and more.

First, this legislation requires Federal agencies to include cost-benefit estimates in proposed or final regulations that impose costs of $100 million per year or more on State, local, or tribal governments. Not only does this ensure that estimates of immediate and future compliance costs are included with a regulation, but it tells people what economic benefit the government thinks they'll be getting for their money—not simply an altruistic or ambiguous benefit.

Second, CBO would be directed to prepare estimates of the cost of Federal mandates not only on State, local, and tribal governments, but on the private sector as well. Federal mandates are more than a threat to the budgets of governing bodies—the repercussions of even a small mandate are felt throughout the economy. A recent study found that the costs of Federal regulations to our economy exceed $500 billion per year, or $5,000 per household. Clearly, no study of mandates is complete without a measure of its impact on the private sector.

Finally, and most significantly, S. 993 provides a majority point of order to lie against any bill which fails to include funding proposals to cover State, local, and tribal governments' costs. My mail is replete with pleas from State and local officials in Minnesota whose budgets stand at the brink of bankruptcy. New Federal mandates threaten to break their budgets or force them to slash vital funding for locally recognized needs. Needs that we in Washington, with out bloated budget deficits and burgeoning public debt, conveniently ignore or downplay.

Mr. President, I do not question the intentions of those who introduce legislation to promote public health and safety, protect the environment, ensure fair labor practices, or prohibit discrimination—I myself have sponsored or voted in favor of numerous measures which I felt improved the quality of life for not only my constituents in Minnesota, but for all citizens. I only ask that we in Congress do that which is responsible and fund those objectives that we deem worthy of mandating.

"National Unfunded Mandates Week" is this coming October 24 to 30. This year, let's not have this week serve only as a reminder of the burden the Federal Government has placed on State and local governments. Let's make this a turning point by showing our commitment to relieving this burden by passing the Federal Mandate Accountability and Reform Act of 1994.

State and local governments are not asking for a handout—they are simply asking that the Federal Government return to them their ability to address the unique concerns of their respective regions. I do not believe this is asking too much.

FINAL PASSAGE OF ESEA CONFERENCE COMMITTEE AGREEMENT AND GENERAL COMMENTS ON EDUCATION REFORM

Mr. DURENBERGER. Mr. President, on Wednesday I voted to pass the conference committee report on H.R. 6—legislation reauthorizing the Elementary and Secondary Education Act [ESEA].

Again, I want to thank Senators KENNEDY, KASSEBAUM, PELL, and JEFFORDS for their leadership during this long and at times, contentious process. They hung tough in shaping this legislation despite very strong opposition from the House of Representatives and from some Members in this body as well.

It has been a privilege and a pleasure to serve with my colleague on the Labor and Human Resources Committee. Our ability to work together on a bipartisan basis has resulted in some very important legislation. From Direct Lending and National and Community Service to Goals 2000 and ESEA, we have made a contribution to reforming education in this country.

HIGHLIGHTS OF THE BILL

While some provisions in this bill concern me, overall I am pleased with its final form.

Unfortunately when it comes to formulas, there will always be winners and losers. The title 1 formula in this bill seems to focus on Federal money to the poorest children and the communities and States most in need of assistance. My own State of Minnesota tells me that this is a formula that they can live with.

Reasonable compromises were reached on a number of difficult social issues including school prayer, school violence and school health related issues.

There are provisions which address one of my great concerns—federalizing education. Senator GREGG's amendment regarding unfunded mandates is now part of this legislation. It is clearly stated that if any requirement in this bill results in an unfunded mandate, affected States and communities don't have to comply. In addition, the Secretary of Education may not decide what standards or assessments a State may use. Finally, the bill prevents federally mandated opportunity to learn standards.

INCLUSION OF CHARTER SCHOOLS AND THE COMMUNITY SCHOOLS PARTNERSHIP ACT

There are two provisions in this bill I want to briefly discuss. I am very pleased that my recommendations regarding the Charter Schools Program were accepted by the conference committee. The changes I proposed authorize a stronger role for States in awarding grants, defer to States what public agencies may charter schools, and promote a stronger leadership role on charter schools for the U.S. Secretary of Education.

The legislation makes clear that charter schools must be non-sectarian, may not charge tuition and may not discriminate in admitting students. Charter schools have been authorized in 10 States and a dozen or more States are actively considering legislation to authorize charter schools.

I am also excited about inclusion of the Community Schools Partnership Act which creates and develops community-based, volunteer operated foundations in primarily low-income neighborhoods, towns and cities throughout the United States. These partnerships will improve education achievement levels and increase access to educational opportunities for all students.

CONGRESS CONTINUES TO STRUGGLE TO DEFINE A PROPER FEDERAL ROLE

Mr. President, I noted at the beginning of my remarks that this legislation was developed over a period of many months in a bipartisan process involving the Clinton administration and both Republicans and Democrats on the Senate Labor and Human Resources Committee.

Even though I don't agree with every item in this bill, I respect the process that produced it. I feel that I have had a sufficient opportunity for input—many of my own ideas were incorporated. And I believe it now deserves to become law.

On a more personal note, ESEA also represents my last opportunity to vote on a major education bill before I leave the U.S. Senate. I can't let that opportunity pass without offering at least a few more general comments on the Federal Government's role in helping to prepare future generations of Americans for work and for life.

Sixteen years ago, I entered the Senate at a time when much of the so-called education debate in this chamber was about creating a Federal Department of Education.

I supported creating that Department, Mr. President. And, I opposed efforts early in the 1980's to dismantle the new Department once it had been created. I continue to support a limited and appropriate Federal role in education to this day—most recently exemplified by my support for cloture and final passage of the ESEA reauthorization bill now before us.

ESSENTIAL PRINCIPLES FOR REFORM: COMPETITION AND CHOICE

A second major education issue during that period, Mr. President, was what role vouchers and tuition tax credits might play in expanding educational choices for America's parents and students.

I was an active participant in that debate on the side of those who wanted to expand parent choices—not just beyond traditional public schools but among public schools as well.

One of my mentors in those days—and still a frequent advisor—was Joe Nathan, a former teacher and administrator in the St. Paul public schools who now heads the Center for School Change at the University of Minnesota.

Back in the early 1980's Joe Nathan wrote a far-reaching book called "Free to Teach" in which he outlined the kinds of reforms in education needed to make it possible for both teachers and students to do their jobs better.

I talked about that book in a speech I gave at Hamline University in St. Paul 10 years ago next month. And, at the risk of repeating a gross overgeneralization, I described Joe Nathan's ideas as falling under two simple principles.

"One of those principles focuses on the student and one on the teacher," I told the audience at Hamline. "One is 'choice and the other is competition'."

About a year before I gave that speech, many Americans were shocked to learn that we were "A Nation at Risk." A blue ribbon commission appointed by President Reagan identified a whole litany of flaws and short-comings in our Nation's education system summed up by the following chilling quote:

"If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war."

A NEW EMPHASIS ON IMPROVED PERFORMANCE AND QUALITY

Despite this strong indictment—and a whole host of other reports from a variety of credible critics—it wasn't until the Education Summit called by President Bush in 1989 that an appropriate role for the Federal Government in addressing these shortcomings began to emerge.

Out of that Education Summit—involving the President and the nation's governors—came our first National Education Goals.

To help achieve those goals, President Bush and Education Secretary Lamar Alexander then launched a proposal they called America 2000.

I was a strong supporter of the Bush-Alexander initiative and proud that it was unveiled at the Saturn School of Tomorrow in St. Paul, MN. Beyond all the bells and whistles and rhetoric, the President used this opportunity in St. Paul to introduce a new national purpose in education.

Previously, the Federal Government's interest and involvement in education focused primarily on equalizing access to opportunity for every American child—the traditional goal of chapter I, special education, and other Federal education programs.

The Federal Government's interest in education was now being extended to quality—to results—to setting goals and measuring improvement in what students actually learn.

Most important, the Federal Government's role was to be enabling and empowering—for States, for school districts and individual schools, for parents and teachers and students—the Federal Government setting broad goals, creating opportunities, providing modest resources—but leaving decisions on how to achieve those goals up to those who know best—in each local community.

A NEW, BROADER DEFINITION OF "PUBLIC EDUCATION"

One of the central themes of the Bush-Alexander initiative was school choice—harkening back to the voucher-tuition tax credit debate of the early 1980s, but also incorporating new lessons that were being learned about school choice in various States including Minnesota.

Unfortunately, the Bush-Alexander initiative did not incorporate one of the key lessons being learned as States began to allow parents more control over which schools or programs their children attend.

Put simply, as the Bush-Alexander initiative bogged down in the Congress over whether choice programs should include both public and private schools, States like Minnesota were moving beyond that debate to fundamentally redefine American public education.

Minnesota did that first with its Post-secondary Options Program—allowing juniors and seniors in high school to attend public or private post-secondary institutions at State expense.

Minnesota also moved quickly to encourage new and alternative ways of delivering public education—through private, non-profit organizations under contract with local districts, through new area learning centers, that serve at-risk students and students who have dropped out of high school, and—in a landmark piece of legislation adopted in 1991—by allowing parents and teachers to form new, innovative "charter public schools."

Tying these new ways of delivering public education together is Minnesota's Open Enrollments Program—which allows students to cross district boundaries and attend the public school of their choice—anywhere in the State where there is room for them.

Taken together, then, Minnesota meets the challenging principles for reform summarized in Joe Nathan's book, "Free to Teach"—choice and competition.

No longer do Minnesota public school districts have an exclusive franchise on public education within a pre-defined geographic area. Minnesotans now have not just choice—but a number of ways of creating more choices.

To help promote the charter school idea nationally, I joined with Senator LIEBERMAN in 1991—and with a larger bipartisan group of both Senators and Representatives in 1993 to introduce what I then called the "Public School Redefinition Act."

As I noted earlier, this legislation—creating a new Federal grant program to support the start-up of charter schools—is now incorporated into H.R. 6.

MAJOR EDUCATION INITIATIVES IN THE 103D CONGRESS

Before I close, Mr. President, I'd like to briefly note the other major accomplishments of this Congress in the broad area of education and education reform. Despite the partisanship and legislative gridlock we're experiencing in a number of important issue areas, I'm pleased that there has been a great deal of bipartisanship, cooperation, and action on a number of major education initiatives in this 103d Congress.

The first of these initiatives—launching a new direct student loan program—actually had its roots in legislation initially authored by Congressman TOM PETRI. Senator PAUL SIMON and I introduced similar legislation to the Senate in the fall of 1991. The Petri/Simon/Durenberger "Income Dependent Education Assistance (IDEA) Act" was designed to reduce costs and offer needed flexibility for students burdened by ever-rising levels of debt and student loan defaults.

The Congress incorporated a pilot program modeled on the IDEA proposal in the Higher Education Amendments of 1992. And, the same concepts were then picked up by President Clinton and introduced in the spring of 1993 and incorporated in last year's major budget initiative. I was pleased to be the lead Republican cosponsor of this important proposal, along with Senator KENNEDY, the chair of the Labor and Human Resources Committee.

Renamed the Ford Direct Loan Program, a growing percentage of student loans will now be directly by the Federal Government through schools. And consistent with the flexibility offered by the Petri/Simon/Durenberger IDEA proposal, students will be able to repay their loans as a percentage of their post-college incomes.

In addition to reducing the level of student loan defaults, this new program will eventually save several billion dollars a year in administrative expenses—making an important contribution to deficit reduction at the same time we're improving access to an important Federal program.

A second major initiative in this Congress, Mr. President, is the National and Community Service Trust Act. Again, I felt privileged to be the lead Republican cosponsor of this legislation, along with Senator KENNEDY, that was given final approval just over a year ago. The first national service participants—in the new program called AmeriCorps—were sworn in by President Clinton earlier this fall.

I'm especially pleased that at my insistence, this legislation incorporated the word Community into its purpose and its title—as well as the name of the Corporation for National and Community Service that will give this program its overall guidance and direction. And, I'm pleased that the legislation included a series of studies and demonstrations I suggested as a way of refining and focusing the mission of this important new initiative prior to its first reauthorization in 3 years.

While most of the attention given to this new program is going to the stipended service opportunities it offers, I continue to believe its greatest contribution will come through its Educate and Serve America programs—grants to States, schools, community organizations and others to help integrate community service opportunities into the elementary, secondary and post-secondary school curriculum.

These goals were given an added boost through legislation that Senator WOFFORD and I introduced last year called the Wofford-Durenberger Service Learning Act. Portions of that legislation were included in both the National and Community Service Trust Act and the ESEA reauthorization legislation.

My own State is a national leader in service learning, Mr. President—an aspect of this movement that's a critical element in broader education reform. If young people are given the opportunity to serve their communities, I believe they can be a powerful force for change and improvement in their lives and in the quality of life for all those around them. And, if properly incorporated into the school curriculum, I'm convinced that community service opportunities can help produce improved educational results.

A third major educational initiative in this Congress, Mr. President, was the School to Work Opportunities Act. I was again pleased to act as the lead Republican cosponsor of this legislation—once more linking up with my distinguished colleague from Illinois, Senator PAUL SIMON.

The School to Work Opportunities Act assigns a limited but collaborative role to the U.S. Departments of Labor and Education to encourage States and local communities to start local workplace learning initiatives including youth apprenticeships.

These new initiatives are aimed at the majority of young people who will never finish college. Most of them won't even begin college, yet there's a growing recognition that today's competitive marketplace requires employees who have skills that go well beyond the capacity of many high school graduates.

I'm especially pleased that this new legislation includes sections I authored creating a national clearinghouse for information on work-place learning, as well as expanding eligibility under this legislation for workplace learning programs that begin at a younger age and that link the large number of young people who work part-time to teachers and others who can make that work experience a part of their education. And, I was pleased to make several major contributions to the governance sections of the bill—more clearly focusing accountability and responsibility for these programs within State government.

A fourth major education initiative in this Congress, Mr. President, was passage of legislation reauthorizing the Federal Head Start Program. While this legislation continued to expand the authorized funding level for this vital program, it also paid increased and needed attention to Head Start Program quality and accountability.

That's essential, Mr. President, if we are to begin to achieve the first of our National Education Goals—ensuring that every child starts school ready to learn.

My own contributions to the Head Start reauthorization were largely based on the input I received from Minnesotans—particularly on the need to encourage a greater degree of collaboration between Head Start, federally subsidized child care programs, and other programs that assist low-income children and their families.

I was pleased to discover during this reauthorization that at least some collaborative activity is now going on. But the changing needs of today's low-income families will require more—including linkages and even comingling of funds from child care and Head Start programs, more flexibility in offering full-day Head Start services for parents who are in school or working, and increased access to at least some Head Start services for families who are income-eligible, but not formally enrolled in a Head Start Program.

A final important education initiative in this Congress, Mr. President, is the Goals 2000 legislation that was approved earlier this year.

Members of this body worked long and hard to make sure Goals 2000 would not become a new Federal license to run local schools. I believe we succeeded—by eliminating much of the prescriptive language preferred by the House. In particular, I'm pleased we were able to keep the role of input-oriented Opportunity to Learn Standards to a minimum—clearly an optional part of state and local reform initiatives.

And, I'm especially pleased that the final version of Goals 2000 includes the provisions I had suggested that authorizes the use of school improvement funds to help start charter schools and other innovative public schools, to support public school choice, and to help launch programs that offer parents and students useful consumer information to help them make wise educational choices.

I'm also pleased that Goals 2000 includes a provision I authored along with Senator HATFIELD that makes it possible for up to six States to be delegated authority to waive Federal rules and regulations. Minnesota has indicated to me that they are interested in being one of those six "super ed-flex" States.

Mandate reform is a part of all the major education initiatives we've adopted this year, Mr. President. That affirms the reality that the best way the Federal Government can be supportive of State and local education initiatives is to simply get out of the way.

Let me conclude these comments where I began, Mr. President, with an appeal to my colleagues on both sides of the aisle to continue the work we have begun to design an effective and proper role for the Federal Government in education.

Flexibility, choice, competition, parent and teacher empowerment, making the whole community the classroom—these are the essential elements of education reform.

We can encourage high standards, we can give support and encouragement, we can help equalize access to resources, and we can help communicate what works and what doesn't.

But, we can't decide what will work where. And, we can't second guess local communities on how best they will respond to the challenges or opportunities we send forth.

If we follow that guidance, Mr. President, the national government can play a useful and supportive role in improving results—in meeting the challenges articulated by Joe Nathan and A Nation at Risk and the National Education Goals and the needs and aspirations and potential of every American child.

THANK YOU TO JON SCHROEDER

Before I close, I want to thank a key member of my staff, Jon Schroeder, who has been my policy advisor and now State director since 1984. Education has always been Jon's No. 1 issue, in terms of both interest and expertise. His efforts over the past 10 years have been instrumental in shaping my own views on this and a number of other important issues. With his help, I have been able to push Minnesota's forward-looking education reform agenda. And I have been able to accomplish important education reforms on a national level—national and community service, direct lending, results oriented education, choice and headstart among others.

His efforts to promote interest in charter schools on a nationwide basis, is particularly notable. Jon serves me effectively in many ways, but he has truly excelled in his efforts to help me achieve many of Minnesota's education priorities. I wish him well in his new career endeavors.

Thank you, Mr. President. I yield the floor.

AWARD TO CALIFORNIA TAQUERIA

Mr. BOND. Mr. President, I rise today to pay special recognition to the recipient of this year's Retail Firm of the Year Award given by the Minority Business Development Agency of the U.S. Department of Commerce. I am very pleased to be able to recognize California Taqueria, a mexican restaurant in Kansas City, MO.

This family-run business was started by Vincent Ramirez nearly 10 years ago as a small fruit and doughnut stand. Ramirez's wife, Marcella, and daughter, Rosina Valdivia, are partners in California Taqueria. With hard work and an untiring commitment, the Ramirez's dream has now grown into one of Kansas City's most successful restaurants. California Taqueria now seats 60 people, but due to its growing popularity, the restaurant will move at the end of the year to a new location that will seat 150 people, including patio seating and a rooftop deck.

The Ramirez family epitomizes the kind of dedication, work ethic, and ideals necessary to achieve the level of prosperity of California Taqueria. This Kansas City family is a fine example of hard working, goal driven individuals who banded together to surmount difficulties in order to fulfill their aspirations. California Taqueria recently was named the Chicago regional winner during Minority Enterprise Development Week from among businesses in 10 different States. Winners from the five regions then competed for the national award, ultimately claimed by California Taqueria. Vincent Ramirez and his family will be honored in Washington next week with this year's national award for the Retail Firm of the Year. It is my great pleasure to congratulate the Ramirez family and California Taqueria for this significant accomplishment.

SOUTH DAKOTA ASSOCIATION OF TELEPHONE COOPERATIVES

Mr. PRESSLER. Mr. President, I would like to take this opportunity to express my gratitude to the South Dakota Association of Telephone Cooperatives [SDATC]. At their 1994 annual meeting, SDATC adopted a resolution of appreciation for the work my staff and I did on S. 1822, the Communications Act of 1994.

We worked with Senator STEVENS, Senator EXON, Senator ROCKEFELLER, Senator DORGAN, and Senator KERREY of Nebraska, the so-called Farm Team, to incorporate certain rural safeguards in S. 1822. All Farm Team Senators were original cosponsors of S. 1822 and committed to the overall competitive policy goals of that legislation.

At the same time, we all represent sparsely populated States that may not support competition in all regions. Some areas of our States would not have had electricity or telephone service without the Rural Electrification

Administration [REA]. Rural telephone cooperatives have taken the lead in upgrading their networks, deploying fiber optic cable, and installing digital switches. We must ensure they can continue to do so. Our Nation's communications policy must ensure that the benefits of advanced telecommunications services are shared by all Americans.

I ask unanimous consent that a letter from Don Lee, administrator of SDATC, and SDATC 1994 Resolution No. 24 be placed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH DAKOTA ASSOCIATION OF
TELEPHONE COOPERATIVES, INC.,
Mitchell, SD, September 1, 1994.

Senator LARRY PRESSLER,
Room 133—Senate Dirksen Building, 1st and C Street, NE, Washington, DC.

DEAR MR. PRESSLER: Enclosed please find a copy of the Resolutions adopted by the SDATC while convened at their 1994 Annual Meeting in Pierre.

We appreciate your support, both in the past and future.

If you have any questions or comments, please feel free to contact me at 605-995-2573.

Sincerely,

DON LEE,
Administrator.

SDATC 1994 RESOLUTION

Whereas, Senator Larry Pressler and his staff have worked diligently to protect the rural industry in the hearing markups and deliberations on the U.S. Senate on SR1822 and,

Whereas, SDATC members desire to show their appreciation to Senator Pressler and his staff for their diligent work and invaluable assistance to the Farm Team on this legislation. Therefore be it

Resolved, That SDATC hereby expresses its gratitude and appreciation for the work done by Senator Pressler and his staff on SR1822.

GEN. BUSTER GLOSSON

Mr. HELMS. Mr. President, I am grateful for the leadership of the distinguished chairman of the Senate Armed Services Committee, Mr. NUNN, as well as that of the remarkable senior Senator from South Carolina [Mr. THURMOND].

They have advised on and consented to the nomination of Gen. Buster Glosson to retire as a lieutenant general, a wise and informed position the Senate will do well to follow.

General Glosson's career has been spectacular. He has led people at the highest levels of Government both in peace and in war.

His career began in 1965 when he was graduating from the ROTC Program at the University of North Carolina State. From that day on, his life has been a series of successfully completed missions and assignments. An extraordinary ability to inspire the confidence of his superiors and the loyalty of his subordinates have characterized his entire service.

Success, Mr. President, is not always an unalloyed advantage. It has at least one negative effect. Those who cannot replicate it often feel constrained to denigrate it. In a pyramidal structure like the Air Force any senior officer is in a position of extreme visibility, a target, and inevitably attracts competition. And so it was with General Glosson.

It is unfortunate that in the process of reviewing the general's qualifications, every possible decision was informed, or rather misinformed by the general's detractors rather than illuminated by his own performance and the testimony of those who knew him best. Otherwise, we would not now be discussing his nomination, for he would not have resigned.

One of the most moving tributes that I have ever read was volunteered to the Senate Armed Services Committee by five pilots who flew, under General Glosson's direction, the previously untried F-117's, called by the world "stealth bombers."

These are the aircraft that won the gulf war, aircraft Glosson had to send out knowing each pilot in them knew there was a high possibility he might not come home, not because of anything wrong with the planes or their pilots, but because the triple A was sometimes so thick in the air a bee would have been in danger.

He instructed them not only in how to fly missions, but how to report on them on return—truthfully, whatever mistakes occurred. Mr. President, I would like the Nation to read that letter.

Mr. President, I ask unanimous consent that that letter be printed at this point in the RECORD.

If my grandchildren ever enter the armed services of their country, this is the kind of man I want them under, a man who tells his subordinates that their most important mission in life—not just in battle, but in life—is to take care of their people: a fighter pilot with over 3,800 flying hours who has never lost a wingman; a man who told a thousand fighter pilots a few hours before sending them to war:

> There is not a damn thing in Iraq worth dying for until the first soldier, marine, or airman crosses the border * * * then your responsibility has no limit * * * good luck and Godspeed.

Success, Mr. President, is not always an unalloyed advantage. It has at least one negative effect. Those who cannot replicate it often feel constrained to denigrate it. In a pyramidal structure like the Air Force any senior officer is in a position of extreme visibility, a target, competition. And so it was with Glosson.

It is unfortunate that in the process of reviewing the general's qualifications, every possible decision was informed, or misinformed by the general's detractors rather than illuminated by his own performance. Otherwise, we would not now be discussing his nomination, for he would not have resigned.

Mr. President, I ask unanimous consent that the general's biography and related materials be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 20, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are Desert Storm veterans who are concerned at the continuing negative portrayal of Lt. Gen. Buster Glosson's integrity and offer our own experience in Desert Storm in rebuttal. Each of us worked closely with General Glosson during the war and personally observed his honesty. It seems incomprehensible to us that the leader we knew and observed under intense pressure during the war, would be accused of ducking truthfulness. Two examples attest to General Glosson's integrity under fire.

In the final days before the war, General Glosson, as the 14th Air Division Provisional Commander, took it upon himself to brief his flying wings. During these personal visits to each Air Force fighter wing in theater, General Glosson explained the pending campaign, emphasized the difference between bravery and stupidity, and stressed the importance of integrity in war. On integrity, he told us that we were human and would make mistakes. When they happened, we had to admit them or suffer the same consequences as his generation for their lack of integrity during Vietnam or after the Panama F-117 incident. He stated, if a mosque was accidentally bombed, tell your commander. Admit your mistakes so we can all finish his war with our integrity intact.

This same spirit and honesty and willingness to bare all was also evident later in the war while General Glosson was running the "Black Hole" as Director of Campaign Plans. Each night, General Glosson personally reviewed the gun cameras film of the F-117, F-111 and F-15B pilots. These were the crews dropping precision weapons on the most difficult targets, with some F-117 targets in urban, downtown Baghdad. We worried about incidents of pilots mistakenly dropping their bombs on the wrong target, and the potential for collateral damage and civilian loss of life. As the 14th Air Division Provisional Commander of all AF fighter wings in theater, General Glosson was personally responsible for his pilots' errors. Yet, in each case where bombs went astray, General Glosson did not hesitate. He forwarded the gun camera film to higher headquarters for public release.

Detractors during the war and after have angrily accused General Glosson of being blunt, tactless, intolerant of sloppy work, and impatient with individuals who cannot give a straight answer. Yet, even these rivals will admit that no commander has been more honest and forthright with his troops. Many Desert Storm veterans—soldiers, sailors, airmen, and marines alike—owe their lives to General Glosson's integrity and sound decisions.

Having witnessed General Glosson's performance and truthfulness under the pressure of war, we can only come to one conclusion—he must be innocent. Please allow Lt.

Gen. Glosson to retire in grade, as he deserves.

Sincerely,

ROBERT D. ECKRIDGE,
Lieutenant Colonel, USAF.
THOMAS R. O'BOYLE,
Major, USAF.
GREGORY A. ———,[1]
Lieutenant Colonel, USAF.
GARY W. GREEN,
Lieutenant Colonel, USAF.
——— ———,[1]
Major, USAF.

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[1] Illegible signature.

[Biography]

SECRETARY OF THE AIR FORCE,
OFFICE OF PUBLIC AFFAIRS,
Washington, DC.

LIEUTENANT GENERAL BUSTER C. GLOSSON

Lieutenant General Buster C. Glosson is deputy chief of staff for plans and operations, Headquarters U.S. Air Force, Washington, DC. He is responsible to the secretary of the Air Force and chief of staff for the planning, operations, requirements and force structure necessary to support the warfighter with air and space power. As the Air Force operations deputy to the Joint Chiefs of Staff, he determines operational requirements, concepts, doctrine, strategy, training and the assets necessary to support National Security Objectives and Military Stategy.

The general entered the Air Force in 1965 as a distinguished graduate of the University of North Carolina State Reserve Officer Training Corps program. He flew combat missions as a flight commander in both North and South Vietnam. He commanded the Air Force Fighter Weapons Squadron and two tactical fighter wings. During the Gulf War, he commanded the 14th Air Division (Provisional) and was director of campaign plans for U.S. Central Command Air Forces, Riyadh, Saudi Arabia. He is a command pilot with more than 3,600 flying hours primarily in the F-4, F-15C and F-15E.

General Glosson and his wife, Vicki, are both from Greensboro, NC. They are the parents of a son and a daughter.

Education

1965—Bachelor of science degree in electrical engineering, North Carolina State University.

1977—Armed Forces Staff College, Norfolk, Va.

1981—National War College, Fort Lesley J. McNair, Washington, DC.

Assignments

1. March 1965–July 1966, student, pilot training, Moody Air Force Base, Ga.
2. July 1965–December 1967, instructor pilot, T-38, 3500th Pilot Training Squadron, Air Training Command, Reese Air Force Base, Texas.
3. December 1967–September 1971, T-38 Instructor, academic instructor and flight examiner; assistant operations officer, then operations officer, 3250th Fighter Training Squadron, Air Training Command, Tyndall Air Force Base, Fla.
4. September 1971–April 1972, student, USAF Operational Training Course, F-4, 4435th Tactical Fighter Squadron, Tactical Air Command, George Air Force Base, Calif.
5. April 1972–September 1972, aircraft commander, F-4E, 4th Tactical Figher Squadron, Pacific Air Forces, Takhil Royal Thai Air Force Base, Thailand.
6. September 1972–April 1973, air operations officer, 366th Tactical Fighter Wing, Pacific Air Forces, Takhil Royal Thai Air Force Base, Thailand.
7. April 1973–September 1974, chief, fighter and forward air controller, standardization and evaluation, Headquarters 13th Air Force, Pacific Air Forces, Clark Air Base, Philippines.
8. September 1974–July 1977, executive officer to the director; special assistant to the director, legislative liaison, Washington, DC.
9. July 1977–January 1978, student, Armed Forces Staff College, NDU, Norfolk, Va.
10. January 1978–August 1978, student, USAF Operational Training Course, F-4D, 307th Tactical Fighter Squadron, Tactical Air Command, Homestead Air Force Base, Fla.
11. August 1978–August 1979, chief, Standardization and Evaluation Division, 58th Tactical Fighter Wing, Tactical Air Command, MacDill Air Force Base, Fla.
12. August 1979–June 1980, executive officer to the commander, USAF TFWC, TAC, Nellis Air Force Base, Nev.
13. June 1980–August 1980, chief, Standardization and Evaluation Division, 414th Fighter Weapons Squadron, Tactical Air Command, Nellis Air Force Base, Nev.
14. August 1980–July 1981, commander, 414th Fighter Weapons Squadron, TAC, Nellis Air Force Base, Nev.
15. July 1981–June 1982, student, National War College, Fort Lesley J. McNair, Washington, D.C.
16. June 1982–July 1983, chief, Tactical Forces Division, deputy director for forces, Headquarters U.S. Air Force, Washington, D.C.
17. July 1983–August 1984, chief, Programs Division, Deputy Director for Resources, Headquarters U.S. Air force, Washington, D.C.
18. August 1984–July 1986, vice commander, then commander, 347th Tactical Fighter Wing. Tactical Air Command, Moody Air Force Base, GA.
19. July 1988–June 1987, commander, 1st Tactical Fighter Wing, Headquarters Tactical Air Command, Langley Air Force Base, VA.
20. June 1987–September 1988, deputy chief of staff, plans and programs, Headquarters U.S. Air Forces in Europe, Ramstein Air Base, West Germany.
21. September 1988–July 1990, deputy assistant secretary of defense (legislative affairs), OSD, Washington, D.C.
22. July 1990–August 1990, deputy commander, Joint Task Force Middle East, USCENTCOM.
23. August 1990–May 1991, CENTAF director of campaign plans, USCENTCOM, and commander, 14th AD (Provisional), Riyadh, Saudi Arabia.
24. May 1991–May 1992, director, Legislative Liaison, and director AF Issues Team, the Pentagon, Washington, D.C.
25. June 1992–present, deputy chief of staff for plans and operations, Washington, D.C.

Flight information

Rating: Command pilot
Flight hours: More than 3,600
Aircraft flown: F-4, F-5, F-15C, F-15E and T-38

Major awards and decorations

Distinguished Service Medal
Defense Superior Service Medal
Legion of Merit with two oak leaf clusters
Distinguished Flying Cross
Defense Meritorious Service Medal
Meritorious Service Medal with two oak leaf clusters
Air Medal with three oak leaf clusters
Air Force Commendation Medal
Presidential Unit Citation
Air Force Outstanding Unit Award with "V" device and two oak leaf clusters
National Defense Service Medal with service star
Vietnam Service Medal with service star
Republic of Vietnam Gallantry Cross with Palm
Republic of Vietnam Campaign Medal
Kuwait Liberation Medal

Recent publication

"Impact of Precision Weapons on Air Combat Operations," Air Power Journal, Summer 1993.

Effective dates of promotion

Second Lieutenant, Jan. 23, 1985
First Lieutenant, Sept. 6, 1966
Captain, May 25, 1988
Major, Aug. 1, 1976
Lieutenant Colonel, Dec 1, 1979
Colonel, Oct 1, 1982
Brigadier General, July 1, 1988
Major General, Jun 1, 1991
Lieutenant General, Jun 1, 1992
(Current as of October 1993).

YAKIMA PROJECT ACT

Mr. GORTON. Mr. President, late Wednesday night the Senate approved several Bureau of Reclamation authorization measures, including the Yakima River Basin Water Enhancement Act. I would like to take time today to mention one provision of that act and, as the bill's author, discuss the intent behind it.

The act includes language authorizing the electrification of pumps at the Chandler Pumping Plant near Prosser, WA. That action is intended to free up water to use instream for fish enhancement purposes. The bill's language directs the Bonneville Power Administration to provide for project power needed to effect the electrification of the pumps at that facility.

The delivery of wholesale power to consumer-owned distribution systems is central to Bonneville's mission. It is not in the region's interest to have Bonneville compete with such systems to serve new load directly to end-use customers—whether public or private. Bonneville agrees with this and, as a matter of policy, prefers not to violate the service territory of preference power systems.

Currently, the Chandler Pumping Plant is within the service territory and is served by the Benton Rural Electric Association. While the act requires Bonneville to provide for project power for the plant, nothing in the act precludes Bonneville from serving those pumps through Benton REA. At the same time, as a member of the Senate Appropriations Subcommittee on Energy and Water, it is my hope to minimize the costs associated with this project.

In order to serve both the goals of keeping costs down and respecting the service territory of consumer-owned distribution systems, I would expect Bonneville to serve the Chandler Pumping Plant through Benton REA unless, in consultation with the Bureau of Reclamation, they find that the cost of such service is substantially more than the cost of service directly form BPA. I have confirmed that this is also the expectation of the House sponsor, Mr. INSLEE.

I thank the Chair for this opportunity to provide explanation of a small but important part of this bill.

PRESIDENTIAL SIGNING OF COMMUNITY DEVELOPMENT AND BANKING LAW

Mr. PELL. Mr. President, I speak today to bring attention to what turned out to be an almost unnoticed event when it occurred recently: the signing of the Riegle Community Development and Regulatory Improvement Act of 1994. While not able to compete with the more demanding news items of the day, such as the events in Haiti or the developments in the O.J. Simpson case, this act will have significant, lasting, and positive effects on the daily lives of millions of Americans.

The Community Development initiative will give much-needed access to credit and financial services to individuals previously left out by established banking practices. Our inner cities, the working poor, minorities, and women have too often been left unfairly behind in the pursuit of the basic lending services available to the more traditional customer. This program will help alleviate that disparity and in the process, provide the basis for community development in the distressed communities of our country that need it most.

I commend the President for making good on his campaign promise to make this a priority in his administration. He has delivered quickly and effectively. I also salute the Banking Committee and in particular, its chairman, Senator RIEGLE, who has worked diligently to see this proposal through a difficult legislative process. I also wish to commend those in the private sector who worked side by side with the President and the Congress to make this vision of hope into a concrete, workable plan in reality. I am particularly proud of the efforts of a banking concern in my home State, the Fleet Financial Group, for being in the forefront of this process and indeed for implementing earlier this year a comprehensive $8 billion program, called Fleet INCITY, in this very area. Terry Murray, the chairman and chief executive officer of Fleet, and Agnes Bundy, the director of Fleet INCITY, deserve special praise for putting together this program and making the idea of community banking a reality. I look forward to the day when we can point to revitalized cities and empowered individuals and say with satisfaction that they were, in part, a result of the work done this year to try to bring lending and financial services to all.

Once again, I commend all involved for the achievements and advancements made in community development and banking. With them, a new day is dawning for our inner cities and for those least advantaged in our society, with the ultimate benefit, of course, coming to society at large.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, October 5, 1994.
Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Administration is committed to maintaining close consultations with the Congress on major foreign policy and national security issues, but consultations between the Executive and the Legislative branches are never perfect. In particular on the ABM Treaty demarcation discussions and the Nuclear Posture Review, consultations were not held with the Senate Foreign Relations Committee. We are working to assure that this does not occur again.

We are committed to a regular dialogue with the Committee on all foreign policy and security issues and will make special efforts to improve serious two-way communication on arms control issues.

Sincerely,
SAMUEL R. BERGER,
Deputy Assistant to the President for National Security Affairs.

TIME FOR A REVIEW OF UNITED STATES POLICY TOWARD CUBA

Mr. PELL. Mr. President, this morning the Senate Foreign Relations Committee held a hearing on United States policy toward Cuba. I believe a serious review of United States policy toward Cuba is long overdue and I hope today's hearing will serve as a starting point for that process. I have traveled to Cuba three times since the revolution, meeting with President Castro and other high-level officials, dissidents, political prisoners, and members of the religious community. I have been frustrated by the Cuban Government's failure to implement political reforms and demonstrate respect for human rights. I believe current policy, however, is counterproductive to promoting a peaceful transition to democracy and improving human rights.

A recent CIA report warned President Clinton could face a major crisis in Cuba. Serious instability 90 miles away, could lead to a mass exodus of refugees—far more than we saw in August—and spur demands for a United States military intervention. I think we are heading along a dangerous path and I urge the Clinton administration to reassess its approach.

I am deeply troubled by the Clinton administration's recent tightening of sanctions and its unwillingness to enter into broad talks with the Cuban Government. I was pleased, however, that the United States took one small step in the right direction by finally reaching an agreement this week to expand telecommunications between our countries.

It is my view that the embargo hurts more than it helps. We should move toward lifting an embargo which provides the regime with a convenient scapegoat for its economic woes and a rallying point for Cuban nationalism. Rather than isolating the island, we should be expanding contact with the Cuban people. By flooding the island with people, ideas and information, we will better undermine the Castro regime.

The approach I outlined has bipartisan support and I would point out that previous administrations, Democratic and Republican, have understood that it is in the United States interest to normalize relations with Cuba. Pierre Salinger recently wrote in the Washington Post August 28, 1994 that President Kennedy, who imposed the embargo, realized he made a mistake. Five days before his death, Kennedy sent a note to Castro calling for negotiations to normalize relations. In his posthumously published book "Beyond Peace," former President Nixon wrote that we should have an open door policy toward Cuba, dropping the embargo and opening the way to trade, investment and economic interaction. Officials who served in the Reagan and Bush administrations have likewise criticized the embargo calling for a change in policy as has the Wall Street Journal, The Washington Post, the New York Times, USA Today, the Economist, the Journal of Commerce, the Chicago tribune and U.S. News and World Report.

We heard testimony today from several Members of Congress who have a keen interest in Cuba, including Senator MACK. We also heard from two former government officials, William D. Rogers, who served as Assistant Secretary for Inter-American Affairs under the Ford administration and Wayne Smith, who as a foreign service officer, served as Chief of the U.S. Interests Section in Havana during the Carter administration and the beginning of the Reagan administration. It was of particular interest to hear the lessons they learned from their experience in dealing with Cuba and their recommendations for where our policy ought to be headed.

Secretary Rogers noted that the original reasons for our policy have evaporated. He believes the embargo is counterproductive and should be dismantled and he called for opening diplomatic communication. He emphasized that we must learn from the fall of communism in the Eastern bloc noting that Eastern Europe collapsed not because we blocked communication but because we kept those lines open. As he so eloquently stated, Communist regimes can end with a wimper rather than a bang, and the United States is contributing to a hard landing rather than a soft one. He warned that our current policy is increasing the likelihood of violence and having a polarizing effect in Cuba.

Dr. Smith noted that United States policy is all stick and no carrot and urged the United States to respond to positive steps, including Cuba's cooperation on stopping the refugee flow, its initiation to the UN Human Rights Commissioner to visit Cuba, the opening up of the agricultural sector to the private sector, its expansion of freedom of religion and its dialog with some members of the Cuban American community. Contrary to some Members of Congress who believe the embargo should be expanded internationally, he pointed out that the international community is adamately opposed to the United States embago and that the United Nations condemned the embargo by a vote of 88 to 4. He believes the embargo should be lifted lock, stock and barrel. If that is not politically possible, he called for lifting the ban on remittances, abolishing travel restrictions, ending the ban on the sale of food and medicines, and closing TV Marti.

Our colleague Senator SIMON pointed out that our policy is more national passion than national interest. He urged the lifting of the travel ban, which he believes is unconstitutional and plays into the hands of the Cuban regime, and the embargo on the sale of food and medicine.

Mr. President, I hope my colleagues will join me in taking a hard look at United States policy toward Cuba and support a policy that will promote a peaceful transition to democracy in Cuba.

CONSULTATION BETWEEN THE BRANCHES

Mr. PELL. Mr. President, over a number of years, the Committee on Foreign Relations and other committees of the Congress have had difficulty in ensuring effective and meaningful consultations by the Executive Branch on key issues. Over time I, as chairman of the committee, as well as other members have expressed dissatisfaction with the consultation practice and there have been some improvements in certain areas. Unfortunately, the situation has remained far from satisfactory.

In the last year, several events have drawn attention to the problem. Last November, the administration decided to seek changes in the 1972 Anti-Ballistic Missile Treaty and dispatched a National Security Council staffer to broach the subject with the Russians. That negotiation was in process before the Committee on Foreign Relations was informed as to the administration's thinking on the matter and the decision to proceed was taken without particular regard for whether members of the committee agreed with the approach and the decision.

A second problem occurred more recently, when the committee learned of the administration's nuclear posture view from the newspapers. We were subsequently informed that the Pentagon had been tasked to tell us about this view but failed to carry out the assignment.

It might well be that decision makers, including the President, could make more informed decisions if they were to receive the benefits of the committee's assessment when significant foreign policy issues are faced. It might even be that the ensuing decisions could be better. In any event, they certainly would be the product of serious attention by both the Members and the officials of the Executive Branch.

A nominee recently considered by the Senate has certain responsibilities with regard to consultation, and the Senator from Illinois (Mr. SIMON) and I raised the matter of consultation with him. It soon became clear that corrections should be sought from the White House to ensure that all departments of the government understood the necessity of true consultation with the Committee on Foreign Relations as well as other committees. At Senator SIMON's request, the Deputy Assistant to the President for National Security affairs, Samuel R. Berger, provided assurances to the Committee. I ask unanimous consent that Mr. Berger's letter to me be printed in the RECORD following my remarks.

Mr. President, there are a number of people of good will and good intent in this administration. I know that they do not truly desire a situation in which information is shared grudgingly and belatedly. They would desire a situation in which information was shared more openly and true consultation was arranged when appropriate.

Too often the Congress and the Executive Branch are in needless and pointless conflict as they attempt to chart the proper course in matters central to our national interests. I take Mr. Berger's communication to this committee as a genuine commitment to seek a better way that will be of benefit both to the Executive Branch and the Congress, and by extension the Nation.

Thank you, Mr. President.

TRIBUTE TO SENATOR DECONCINI

Mr. PELL. Mr. President, I wish to salute my old friend and colleague, the senior senator from Arizona, DENNIS DECONCINI, on the occasion of his retirement from the Senate.

Senator DECONCINI family were among my earliest supporters when I first ran for the Senate and when he himself later came to the Senate we found ourselves joined in many common causes.

In his capacity as chairman of the Intelligence Committee and as chairman of the Commission on Security and Cooperation in Europe, Senator DECONCINI frequently dealt with matters that also were of concern to the Committee on Foreign Relations. I always found him well briefed and articulate in putting forward his viewpoint in support of worthy and humanitarian programs.

He has always been a cheerful presence in our midst and I have appreciated the Arizona oranges which arrived on my birthday with special greetings from DENNIS and his wife Susan. When my oldest son took up residence in Arizona a few years ago, DENNIS was quick to claim him as a constituent.

I am sorry that DENNIS DECONCINI has decided to leave the Senate. I wish him a long and productive retirement in the Arizona sunshine.

TRIBUTE TO SENATOR MITCHELL

Mr. PELL. Mr. President, it is with a real sense of loss and regret that I rise in tribute to our very distinguished colleague and highly respected leader, GEORGE MITCHELL, on the occasion of his retirement from the Senate.

As I said here when we first learned of his decision to leave, the Senate is a better place for having had the benefit of his steady leadership and his special gift for effective advocacy. He addresses the issues before this body with precision, clarity and, for most of us, great persuasiveness.

And he has run the cumbersome machinery of the Senate with great skill, fairness, and consummate patience. He has always been a faithful and ardent advocate for his party's priorities, while maintaining a solid base of good faith on both sides of the aisle.

All in all, it seems to me that GEORGE MITCHELL has exemplified all of the best characteristics of an effective legislative leader, especially in the fluid and sometimes volatile environment of the U.S. Senate. He leaves a new standard of performance that his successors hopefully will emulate.

I might add that I have been especially appreciative of the leader's stalwart support of a number of pieces of legislation in which I have had a special interest, such as the landmark reauthorization of the Elementary and Secondary Education Act on which we took final action just this week. And I also particularly appreciate his support of the work of the Foreign Relations Committee as we strive to define the role of the United States in the post cold war world. In all of this, he has been unfailingly courteous and considerate.

For all of these reasons, I am truly sorry to see GEORGE MITCHELL leave this body. We shall miss him. But I wish him well in his future endeavors and hope that the Nation will continue to be the beneficiary of his great skills and many talents.

TRIBUTE TO SENATOR DANFORTH

Mr. PELL. Mr. President, I salute our departing colleague, the senior Senator from Missouri, JOHN DANFORTH. Although we often have found ourselves on opposite sides of the issues, I have great respect for him and for the sense of probity he has brought to this body.

Senator DANFORTH has been a force for the good here in the Senate, and I have appreciated the fact that he crossed party lines to support my efforts on such matters as control of drunk driving and education for prisoners. His perspective as a member of the clergy has been, I believe, a positive contribution to the life of the Senate.

I wish JOHN DANFORTH well in all his future endeavors.

TRIBUTE TO SENATOR BOREN

Mr. PELL. Mr. President, I rise in tribute to my friend and colleague, the senior Senator from Oklahoma, DAVID BOREN, who will soon be leaving the Senate to begin a new career as president of the University of Oklahoma.

I have shared a number of interests with DAVID BOREN since he came to the Senate in 1979. In his capacity as chairman of the Select Committee on Intelligence, he was concerned with many issues that were also of concern to the Committee on Foreign Relations.

I especially appreciated his concern that the United States might lapse into a state of isolationism in the wake of the cold war. And in that connection, I share his interest in the concept of U.S. participation in a standing international military force.

Our shared concern about world affairs culminated last year in a memorable around-the-world tour that took us to China, southeast Asia, the Mideast, and Europe.

Another notable aspect of DAVID BOREN's Senate career has been his unabashed commitment to reform, both as chairman of the Joint Committee on the Organization of Congress and as the principal sponsor of campaign finance legislation. It is a sad irony that both of these good causes have fallen victim to procedural impasses in the final days of Senator BOREN's tenure. It remains for those of us who stay to continue his fight.

I extend all best wishes to DAVID and Molly BOREN as they move on to a new life and new challenges.

TRIBUTE TO SENATOR HOWARD METZENBAUM

Mr. SASSER. Mr. President, I rise today to pay tribute to my good friend from Ohio, Senator HOWARD METZENBAUM. Senator METZENBAUM is retiring at the end of this session, closing his public career as one of America's leading advocates for the common man.

Whether he's fighting on behalf of the American worker or taking on the powerful special interests, Senator METZENBAUM brings a dogged determination rarely seen in the Senate. He has especially been an effective advocate for the forgotten people in our society—the poor, the elderly, women, minorities, and those who could not afford high-priced lobbyists to represent their interest. Of course, they didn't need to, they had HOWARD METZENBAUM in their corner.

His tenacity of purpose and strength of will has been both a blessing and an annoyance, depending on one's point of view. During debate on the Senate floor, his knowledge of Senate rules and sharp wit can either be powerful allies or difficult obstacles to overcome. Regardless of how one stood on the issues, no one expressed their conscience, their values, or their ideals more effectively or purposely than HOWARD METZENBAUM.

During his tenure in the Senate, HOWARD METZENBAUM has been one of the most productive Senators in passing or improving legislation. As chairman of the Senate Subcommittee on Antitrust, Monopolies and Business Rights, he led efforts to protect workers' insurance benefits at bankrupt companies. He also investigated price fixing among companies and oversaw restructuring of the savings and loan industry.

As chairman of the Senate Subcommittee on Labor, HOWARD METZENBAUM helped enact important legislation to improve the lives of workers. Senator METZENBAUM was instrumental in passing a bill requiring advance notice to workers of plant closings. He also used his position on the subcommittee to produce compromise legislation revising a Supreme Court ruling that allowed age-based discrimination in employee benefits.

Most important, HOWARD puts his own special touch on every piece of legislation he comes across, and we are better for it. Countless times, he has stayed on the Senate floor ensuring that nothing slips through in the dead of night. He is aptly named the Senate watchdog and his efforts have probably saved the American taxpayers over a billion dollars.

Now, he leaves us to spend more time with his wife and family, a prospect I know many of us envy. However, I'm confident we have not heard the last of HOWARD METZENBAUM. His voice will always be ready to speak up for the downtrodden, the discriminated, and the forgotten people of our Nation. It has been an honor and a privilege to serve with him all these years, and I will miss him deeply. I wish him well in his future endeavors.

CONNECTICUT'S BLUE RIBBON SCHOOLS

Mr. LIEBERMAN. Mr. President, I rise today to recognize eight Connecticut elementary schools that yesterday received Blue Ribbon School awards from the U.S. Department of Education. This year 276 schools from 45 States and the District of Columbia were honored by the Blue Ribbon School Program for their excellence in leadership, school organization, teaching, curriculum, and parental involvement. The selection was based on evaluations of written materials from nominated schools and reports of experienced principals who conducted site visits.

The program also recognized three schools for excellence in mathematics and three for excellence in science. I am especially proud that two of the three schools receiving special honors in mathematics were from Connecticut. Improving student achievement in mathematics is a critical goal given our need to stay competitive in a technologically advanced global economy.

At a time when American parents are concerned about the challenges facing today's schools and schoolchildren, it is important to identify and learn from those schools that have achieved excellence. I commend the teachers, parents, students, and administrators of Connecticut's Blue Ribbon Schools for their accomplishments and congratulate them for their awards. Connecticut's Blue Ribbon Schools are: Anna M. Reynolds School, Newington; Flanders Elementary School, East Lyme; Mitchell Elementary School, Woodbury; New Canaan Country School, New Canaan; Noah Wallace School, Farmington; the Rectory School, Pomfret; Roger Sherman School, Meriden, and Stratfield School, Fairfield. The two schools awarded special honors in mathematics are Mitchell Elementary School and Noah Wallace School.

THE USE OF PERMANENT PAPER FOR HISTORICAL DOCUMENTS

Mr. MOYNIHAN. Mr. President, I was recently contacted by the New York Public Library regarding the Federal Government's policy on the use of recycled paper and a possible conflict between the President's Executive order on recycling, Executive Order 12873, and the requirement of Public Law 101–423 that permanent paper be used for historical documents. Happily, this matter seems to have been resolved to the satisfaction of all parties concerned. Fran McPoland, Federal environmental executive at the Environmental Protection Agency, has written the New York Public Library that the requirement for the use of recycled paper does not conflict in any way with the requirement for the use of permanent paper for historical documents. The administration fully intends to use permanent paper for documents of enduring historic value.

The Federal environmental executive was appointed by the authority of Executive Order 12873. One of the roles of the Federal environmental executive will be to assist individual agencies in the development of specifications to fulfill the requirements of both the Executive order on recycling and the joint resolution on permanent paper. Executive Order 12873 also called for the appointment of agency environmental executives in each executive department and major procuring agency.

Mr. President, for the information of all Senators, I ask unanimous consent that a letter from Federal Environmental Executive Fran McPoland to Paul LeClerc, president of the New York Public Library, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE FEDERAL
ENVIRONMENTAL EXECUTIVE,
Washington, DC, July 19, 1994.

Mr. PAUL LECLERC,
President, The New York Public Library, New York, NY.

DEAR MR. LECLERC: As the Federal Environmental Executive appointed by the authority of the President's Executive Order on Recycling, I am in the receipt of your communication regarding the necessity to ensure that the federal government's use of recycled paper not be perceived to be in conflict with P.L. 101–423's requirement to use permanent paper for documents of enduring historical value. I am writing to assure you that there is no such conflict, and to tell you of the steps this Administration is taking to ensure that the recycled paper requirements are not implemented in such a way as to result in the inappropriate use of acidic paper.

The Administration is completely aware of and strongly supports the Joint Resolution on permanent paper and its goals. Paper which contains recycled material and is either permanent of alkaline is available for purchase, and it is our intention to continue to use these papers for documents of enduring value.

I will be working with the individual agencies to develop specifications to fulfill the goals of the Executive Order and the Joint Resolution. Executive Order 12873 called for the appointment of Agency Environmental Executives for each Executive department and major procuring agency, in addition to a Federal Environmental Executive within EPA, the position to which I have recently been appointed. I intend to transmit a copy of this letter to all Agency Environmental Executives in order to restate our position that the requirements for use of recycled paper are not to conflict in any way with the concurrent requirement for permanent paper use. Furthermore, I am meeting this week with the Agency Environmental Executives, and I intend to discuss and reaffirm our commitment to the use of permanent or alkaline paper during this meeting. I will be continuing to work closely with these executives to ensure on-going sensitivity to this issue as we implement Executive Order 12873.

I very much appreciate your interest and concern for the permanence of historical documents, and applaud your efforts to reduce the use of acid papers by the federal government. We fully share your concern, and I look forward to continuing to work with you on issues of recycling and paper permanence.

Sincerely,

FRAN MCPOLAND,
Federal Environmental Executive.

THE CASE FOR AMMUNITION CONTROL

Mr. MOYNIHAN. Mr. President, 3 weeks ago, the city of Chicago became the first in America to ban the sale of handgun ammunition. I rise today to congratulate the Chicago City Council for this courageous action, which I hope will prompt other cities and towns to follow suit.

Chicago has long been a pioneer in seeking innovative ways to fight gun violence; 12 years ago, the city banned the sale of all handguns. That was a step in the right direction, but as we all know, such a move could only have had a limited effect. There are roughly 70 million handguns in circulation in the United States. Unless abused, they will last almost indefinitely.

That is why we must go after the bullets. A gun is useless without ammunition. If we have perhaps a two-century supply of handguns, but only a 4-year supply of ammunition, then clearly gun control must lead to ammunition control. The Chicago City Council has displayed foresight in recognizing this inevitable fact.

Mr. President, ammunition control is not a new idea. Indeed, many local jurisdictions already employ efforts to regulate ammunition. The District of Columbia and some other cities prohibit a person from possessing ammunition without a valid license for a firearm of the same caliber or gauge as the ammunition. Beginning in 1990, the city of Los Angeles banned the sale of all ammunition 1 week prior to Independence Day and New Year's Day in an effort to reduce injuries and deaths caused by the firing of guns into the air.

Such efforts are laudable, but these are isolated attempts to cure what is in truth a national disease. The scourge of gun violence now affects even the most tranquil of our neighborhoods. So we must press for national laws, as the Senator from New York has done over the last decade. I have repeatedly introduced legislation to ban or heavily tax some of the most pernicious types of bullets. And I will continue to push for Federal legislation to restrict those rounds most often used in the commission of crimes as well as particularly dangerous rounds such as Black Talons and bullets capable of piercing the soft body armor worn by police officers.

The city of Chicago deserves high praise for the precedent it has set. As Daniel Kotowski, project coordinator for the Illinois Council Against Handgun Violence, has said, "A city can only do so much to control handguns, but Chicago has done all it can." I commend the Chicago City Council for their brave decision and I hope that the rest of the country will not be far behind.

THE RETIREMENT OF THE MAJORITY LEADER

Mrs. MURRAY. Mr. President, it is with great admiration and respect that I rise today to honor our esteemed Majority Leader, Senator GEORGE MITCHELL, on his retirement from the Senate.

When I first came to the U.S. Senate almost 2 years ago, I was unsure what my reception would be. The Majority Leader and his staff quickly put me at ease. He treated everyone, veterans and newcomers alike, with dignity and respect. He dispelled many of the myths about the good old boys network. The Leader immediately gave every member of my freshmen class a part in the decisionmaking process.

I have had the privilege of serving with him for only the past 2 of this 12 years. Even in this short time, I have stood in awe of his unending patience, fairness and perseverance. Nowhere were these qualities more apparent than in his effort to shepherd comprehensive health care reform through the legislative and political thicket. Although the legislation did not pass, his leadership laid a strong foundation upon which we will build a successful bill next year.

He has championed numerous other issues during my tenure. His commitment to women's issues and a woman's right to choose has been unshakeable. He made the landmark Family and Medical Leave bill the first order of business of the 103rd Congress. He withstood filibusters and threats from the gun lobby to push the Brady bill to passage, and his persistence brought us a major anti-crime bill with an unprecedented ban on assault weapons.

High on his accomplishments list should also be many significant environmental and infrastructure bills, and his unceasing attempt to reform Congress and campaign financing. His roots as a son of immigrant parents are reflected in his deep devotion to defending civil rights and to improving education and the lives of average, working Americans.

It is with fondness and some sadness that I wish the Majority Leader well on his departure from the Senate.

NATURAL RESOURCES AND WASHINGTON STATE IN THE 103D CONGRESS

Mrs. MURRAY. Mr. President, Washington State is a special place to live. Perched on the edge of the Pacific Ocean, it looks west across that vast body of water toward Asia. It is bisected by towering peaks, across which glaciers march and streams tumble. Islands dot its western shores, and open spaces stretch from border to border. The air is clean. The water is clear. Wildlife abounds.

Simply stated, Mr. President, Washington State is defined by its natural resources. Whether people hail from small towns or metropolitan Puget Sound, they all recognize that few places offer the diversity of climate, culture, geography, or economics of Washington State.

This situation puts my State in a quandary. Natural resources make Washington a great place live; unfortunately, there are many different ideas regarding how these resources ought to be used.

Long before I ran for office, my State was divided by conflicts over natural resource management. It is a part of life; after all, the Federal Government is the largest single landowner in the State. During the past two decades, natural resources policy has dominated public discourse, usually with mixed results.

During 1993 and 1994, Congress and the executive branch of Government have faced some big natural resource challenges affecting Washington State. We confronted one of the longest-running disputes ever—the Old Growth forest debate; and, we began to address what is perhaps the most complex—the Pacific Salmon crisis.

Mr. President, I am going to spend a few minutes summarizing the actions, accomplishments, and shortfalls of the past 2 years, and talk about some of the challenges we will face in the next 2 years. This is very important, because how this Government handles these issues has—and will have—a direct effect on the quality of life for everyone in Washington State.

CLINTON FOREST PLAN

In 1992, the situation in our Federal forests was nearly impossible. Court injunction had brought everything to a halt. We faced the consequences of a decade of over-cutting, 5 years of mismanagement, inaction, litigation, and social divisions.

President Clinton pledged his leadership to the Old Growth forest issue. He didn't have anything to gain by stepping in, other than trying to set forest policy back on its feet. The inherent controversy of the issue virtually guaranteed that one—or both—sides would be angered by his actions. The President's goal, in his own words, was to resolve the stalemate and bring the 25 million acres of national forest under a scientifically credible, legally responsible, and economically sustainable management plan. This is a goal I supported at the time, and one I still support today.

After convening a "forest summit" in Portland during April 1993, the administration created the Forest Ecosystem Management Assessment Team. This team was composed of a variety of scientific experts and agency personnel. Its charge was to create a set of options for ensuring multi-species habitat conservation on the national forests, while permitting a sustainable timber harvesting program.

The plan has not been without its critics. In fact, there have been no less than 15 challenges in Federal courts to the forest plan in the past summer from environmental groups and the timber industry lawyers alike. But, through unprecedented cooperation between Federal and State Governments, industry, private landowners, and communities throughout the Northwest, the plan is moving forward slowly but surely.

On June 6, 1994, Judge William Dwyer issued an order dissolving the injunction banning timber sales from Federal lands. From that point forward, the forest plan went into effect. The first step toward resuming the timber sale program has been watershed analysis. This involves doing biological assessments of some 150 key watersheds throughout the region. Funds have been appropriated for these purposes the past 2 years.

It is hoped these actions will result in a gradual resumption of timber sales to a sustainable level of 1 billion board feet per year. In the short term, such sales will include off-the-shelf sales that have been sold but not harvested, or that have been prepared but not sold. Added to an eastside harvest of several hundred million feet, the total amount is certainly more than we've seen in recent years. In the absence of the Clinton Forest Plan, I believe this entire issue would remain tangled in the courts, with little prospect of resuming timber management.

Oral arguments on the legal validity of the plan will take place November 10, 1994. All of the pending challenges have been consolidated into one case. I eagerly anticipate a final ruling by Judge Dwyer before the end of this year on the plan.

Government policies—first through in-action and now through action—have created serious economic hardship in timber communities in Washington State since 1989. Therefore concurrent with the formation of the forest plan, President Clinton crafted the Northwest Economic Adjustment Initiative. This economic development aspect of the President's plan recognizes the responsibility of Government in helping these areas manage change constructively.

The initiative establishes a framework to assist workers, businesses, and communities that rely on a forest-product based economy to adjust to their changing economies. The impacted timber communities can access funds through 18 existing Federal loan and grant programs. Since last year, counties and municipalities throughout the Pacific Northwest using resources under the plan have begun escaping the burdens of the timber sale injunctions.

Under the initiative, more than $1.3 billion will be provided through congressional appropriation from 1993 through 1997 to the Pacific Northwest. In fiscal years 1994 and 1995, the Federal Assistance package was nearly $250 million each year.

The fundamental principle of this plan is stewardship, and the key to its success is job creation. By taking care of our natural resources, we will be taking care of the towns and people who depend on them. Watersheds are being rebuilt and soil erosion is being controlled. Incentives are provided for non-Federal land managers to implement habitat conservation plans. Our forests are being managed to ensure biodiversity, high water quality, and a healthy environment over the long term.

Programs provide displaced timber workers and their families with rent and mortgage assistance, job retraining benefits, additional funds for food banks, and a flexible mitigation fund, providing funds that otherwise would be locally unavailable to assist impacted families and individuals. Other programs address the needs of communities to replenish and diversify their economies. Grants and low interest loans fund the development of industrial areas, the redevelopment of downtowns, as well as developing the infrastructure of tourism.

A big part of implementing the initiative successfully has been identifying barriers to participation and eliminating them. Some are administrative, and others are statutory. We haven't found them all, but we have over come several.

On the administrative front, the Secretary of Agricultural signed an order early this year allowing watershed restoration contracts to be offered with a local award preference. This has been critical to ensuring job opportunities favor dislocated workers.

Legislatively, obstacles were identified in the Forest Service Community Assistance Program and several Rural Development Administration [RDA] programs. Last year, I authored legislation with Senator MARK HATFIELD and Rep. NORM DICKS to resolve the forest service issue in favor of communities such as Pt. Angeles and Aberdeen. This year, we passed a similar bill to open RDA programs to all timber communities.

Earlier this year, I received a letter with good news from the city of Forks, one of several cities on the Olympic Peninsula hard bit by years of Federal timber policy mismanagement. They were celebrating the ground-breaking in March for a new mill. This mill will be the largest mill on the Northern Olympic Peninsula. It will create 42 jobs, and give the city of Forks the opportunity to market themselves to the secondary growth manufacturing sector. This would not have been possible without the $280,000 Rural Business Enterprise Grant to the city of Forks for the development of the Forks Industrial Park.

Throughout the region, the initiative is designed to provide 31,000 new job opportunities over 5 years. This morning I heard the national unemployment rate had fallen to a 4-year low of 5.9 percent. In Washington State, unemployment trend has been very promising. When I came to the Senate 2 years ago, double-digit unemployment rates were prevalent in counties throughout timber country. Last month, rates in these counties ranged from 5.1 percent in Clark, to 5.3 percent in Snohomish, to 5.9 percent in Jefferson, to 7.0 percent in Lewis, to 7.5 percent in Skamania county. Statewide, the rate was 6.1 percent last month, compared with 7.5 percent 1 year ago.

Housing starts in Washington State are up 3.1 percent over the past year, compared with annual 3 percent decreases over the previous 4 years. The bottom line, Mr. President, is after years of conflict and controversy, things in my State are looking up.

Mr. President, I have received other letters like this, as well as a year-end report summarizing Northwest Economic Adjustment Initiative. Each of these reports different successes of the program over the past year. I now ask unanimous consent that these materials be included in the RECORD.

Mr. President, this plan is by no means perfect. It is very complex, and slow to implement. The region will endure years of transition in the future, and it should be clear to everyone the problems of the past cannot be cured quickly. However, we have made great progress from where we were in 1992. There has been a sea-change in forest policy, and a shift in direction for the land management agencies. I believe these changes are welcome in a region that has been rife with controversy for too long.

SALMON RECOVERY

The forest plan set a precedent for resource management that will serve us well long into the future. This year, and in coming years, we will face what is perhaps the most complex natural resource question—the Pacific Salmon crisis.

Everywhere we look along the Pacific coast today, we see salmon runs in trouble. In the smallest coastal streams, to the most distant inland tributaries, returning wild salmon have dwindled year after year.

In 1990, petitions were filed with National Marine Fisheries Service proposing Endangered Species Act protection for five salmon stocks. In December, 1991, the Snake River Sockeye were listed under the Endangered Species Act. In early 1992, they were joined by the Snake River Spring and Fall Chinook. Most recently, the National Marine Fisheries Service has announced plans to look at the prospect for extinction for every run of anadromous fish-all salmon, steelhead, and sea-run cutthroat trout—in the west.

The seriousness of the situation struck home this spring, when the entire coastal fishing season was shut down as a result of poor ocean conditions. This led five counties and the State of Washington to declare a state of emergency. Commercial and recreational fishing interests went along with this policy, because they recognized the dire situation was are facing.

In response to the problem, the Department of Commerce assembled a $15.7 million assistance package for fishing communities. This package hasn't been everything people would have liked, but it showed once again a government willing to step up and deliver when Government policies lead to economic hardships.

The future for salmon is in doubt if there is not a comprehensive, coordinated plan that looks at each phase of the salmon life cycle. Such a plan can work on each agency of Government at each level works to solve the problem.

Let me give an idea of how complex this issue has become:

This year, there were three major court decisions finding the Government in violation of salmon-protection laws.

There are no less than five Federal agencies with legal responsibility for keeping salmon healthy.

There are four laws and two treaties binding us to salmon recovery, not including the Endangered Species Act.

There are three administrative processes currently underway to address salmon recovery: the Recovery Plan for ESA-listed stocks; the Northwest Power Planning Council's Strategy for Salmon; and the Bonneville Power System Operational Review, a comprehensive EIS covering the entire Columbia/Snake River system.

If any of these latter processes are remotely inconsistent, chances are that legal wrangling over salmon will continue.

This past spring, U.S. District Court Judge Malcolm Marsh delivered a resounding wake-up call to the Northwest regarding salmon. He ruled on a suit brought by the States of Oregon and Idaho against the 1993 biological opinion for salmon. Judge Marsh found, among other things, the National Marine Fisheries Service relied on flawed data to guide its conclusion that power dams pose "no jeopardy" to listed salmon. Overall, the judge condemned Government action to date by saying current efforts are "too heavily geared toward a status quo that has allowed all forms of river activity to proceed in a deficit situation—that is, relatively small steps, minor improvements and adjustements—when the situation literally cries out for a major overhaul."

More recently, another sobering call echoed in the ears of the Federal agencies that manage Columbia River fish. The 9th U.S. Court of Appeals ordered the Northwest Power Planning Council to reconsider its strategy for salmon. Among other things, the Council was found at fault for not establishing biological objectives for salmon, and for not giving sufficient credence to recommendations by the affected tribes and States agencies.

These decisions—when taken together are at once damning, sobering, and enlightening. They leave the Pacific Northwest one judicial step removed from total power system paralysis.

This is the new reality we must face: the courts have effectively taken control of the issue. The 1994 biological opinion is based on the same flawed data used in the 1993 opinion, and several groups have already filed notice of intent to file suit against it; the status quo in the power system is now recognized as insufficient by the Federal courts.

Mr. President, as I have said before, salmon are the lowest common denominator in our region. We must collectively decide—as a region and a people—that we are dedicated to recovering this species, and agree to put everything on the table to achieve this goal. All of us together must ask ourselves whether we are committed to recovering salmon to healthy, harvestable populations. It we are, then we must be willing to face the costs, consider every available option, and find a way to share the burden with equity.

There is no silver bullet. A strong, broad-based recovery strategy is needed that addresses each phase of the salmon life cycle. Most importantly, all of these actions must be coordinated rationally to ensure that future crises are handled correctly. Each plan—the Recovery Plan, the United States-Canada Treaty, the Forest Plan, and the Power Planning Council's Strategy for Salmon—must all be coordinated together to ensure maximum benefit to the salmon. We must constantly remind ourselves the cost of acting now may be infinitely less than being forced to act later.

This fall and winter, several critical decisions will be made affecting the course of the salmon debate. This December, the Power Planning Council will unveil its revised Strategy for Salmon. At roughly the same time, the National Marine Fisheries Service will unveil its draft final recovery plan. Finally, the settlement negotiations currently underway before Judge Marsh should yield an agreement for a multiyear river operating plan with biological objectives.

Each of these plans must complement the others. They must all be consistent, and they must be coordinated. We will know very early next year whether significant progress has been made. I am committed to working with my colleagues in Congress and the Clinton administration to review these events next year and act as necessary to steer the region toward a rational salmon policy.

ENDANGERED SPECIES ACT

One issue that faced more attention in Congress over the last 2 years than any other is the Endangered Species Act. If there is one State that has experienced the highs and lows of ESA more than any other, it is my State of Washington. People live in Washington because it is special. It is blessed with incredible natural beauty, and it provides a unique quality of life for all its citizens.

Since enactment of ESA 20 years ago, to its saving of the bald eagle, to its role in the spotted owl debate, to the endangered salmon crisis today, it has always been part of the Washington State policy landscape.

At the heart of almost any natural resource conflict you will find ESA. This is particularly true in my State. In the case of salmon, changing the Endangered Species Act [ESA] would only address the symptom, not the cause. Even without the ESA, we would still have a crisis on our hands. There are critics on the right who appear to be interested in repealing ESA, or gutting its essential principles; there are others on the left who don't want it touched. Let me be very clear on this: neither extreme is going to solve the problem.

The problem we are facing is balancing competing values. The fundamantal premise of ESA remains valid: that by taking care of our ecosystems, we are ultimately taking care of ourselves. I truly believe each generation must leave the environment in no worse condition for the next. We also have economic development values that are fundamental to a democratic, free market society. Sometimes, these two sets of values come into conflict.

Some have suggested that when such conflicts occur, the ESA is at fault, and therefore it must give way. We should not be so quick to generalize. As I mentioned above, there are a number of other Federal laws requiring actions to protect natural resources. These include the Northwest Power Planning and Conservation Act, the Magnuson Fisheries Conservation and Management Act, the United States-Canada Treaty, and United States treaty obligations under the Boldt decision, the National Environmental Policy Act, and the National Forest Management Act. The existence of these laws demonstrate that America has always placed a high priority on protecting the environment, and continues to do so.

Until now, ESA has functioned as a fire alarm, going off when species are on the brink of extinction. Inevitably, this is a result of mismanagement, lack of coordination, or litigation. And it creates confusion, controversy, and acrimony. In short, a train wreck. Clearly, this is a problem. It affects the lives—and livelihoods—of many Washingtonians. Clearly we must find a way to make this law work better for people.

I believe a little preventive medicine would make ESA work much better than driving an ambulance to the crash site every time. I've spent my whole life dealing with kids. Believe me when I tell you everybody wins when a child gets prenatal care, preventative health care, and head-start. I think the same would be true of ESA. If the agencies work together, ahead of the curve, sharing information and recognizing their mutual interests, I believe we can achieve the goals of ESA without creating economic chaos.

I am prepared to support a moderate, thoughtful approach to ESA reauthorization that balances these competing concerns and enables the agencies of Government to work better for people in this country.

CONCLUSION

Mr. President, I have not begun to scratch the surface of all the natural resource issues facing Congress. The 104th Congress will no doubt spend innumerable hours wrestling with the challenges I have discussed here. But it will also be faced with many others.

The Clean Water Act must be re-visited. Wetlands policy will continue to confound. The Farm bill will surface issues ranging from soil erosion, to pesticide use, to water quality. And we have a number of pollution-control laws in need of review.

In the past 2 years, I have seen this system of government attempt to come to grips with environmental conflicts. It has not been easy. But I believe progress has been made on several fronts, and I will always subscribe to the theory that reasonable people can come together to solve problems. We almost saw it happen with the Superfund re-authorization bill this year.

We had a number of small victories as well. In addition to the community assistance bills I mentioned above, I pushed through a bill to preserve the ban on log exports from public lands. I also introduced early retirement legislation to help the Forest Service downsize to meet its changing mission and budget structure. This bill was enacted early this year as part of a larger Government downsizing program. And finally, like so many other years, Congress used its power of the purse to steer environmental policy. The Interior appropriations subcommittee, on which I am privileged to serve, has provided funding to support the forest plan and help communities pursue conservation goals throughout the country.

I look forward to the coming Congress with anticipation. There will be many on-going issues to monitor, especially involving forest policy and salmon recovery. The U.S. Senate and the House of Representatives should be the places where society finds its compromises. As always, the heart and soul of my home State will be at the center of our debates. I hope, as an institution, we will be able to work through our differences and find solutions that serve the interest of our States, our constituents, our families, and future generations.

The material follows:

THE PRESIDENT'S ECONOMIC ADJUSTMENT INITIATIVE FOR THE PACIFIC NORTHWEST AND NORTHERN CALIFORNIA—IMPLEMENTATION IN WASHINGTON STATE—FISCAL YEAR 1994

Timber impact areas: Chelan; Clallam; Columbia; Cowlitz; Ferry; Grays Harbor; Kittitas; Klickitat; Lewis; Mason; Okanogan; Pacific; Pend Orielle; East Skagit; East Snohomish; Stevens; Whatcom; Yakima; Quilcene, Queets, Clearwater in Jefferson County * * *.

PREFACE

Washington state has been responding to the impacts of federal forest management policies since 1989. Programs provide displaced timber workers and their families with rent and mortgage assistance, timber retraining benefits, additional funds for food banks, and a flexible mitigation fund. This fund provides resources that otherwise would be locally unavailable to assist impacted individuals and families.

A notable success in this area is the "New Chance" Program. New Chance is a 10-week program for unemployed men and women who need or want help in exploring retraining options and new career opportunities. Coursework is customized to meet individual needs, and may include self-esteem assessment, life planning, interest inventories, reading, writing, math and computer training, as well as education and training exploration.

Other state programs address the needs of communities to replenish and diversify their economies. Grants and low interest loans fund the development of industrial areas, the redevelopment of downtowns, as well as tourism support facilities.

An example of a success in this area is the partnership between the Timber Public Works Trust Fund and the Community Economic Recovery Board to finance a water project for the City of Omak in Okanogan County. The project resulted in a new water supply for the city so that it could pursue its economic diversification strategy. It also gave Omak Wood Products the means to retain 400 jobs and satisfy Environmental Protection Agency water discharge requirements.

Another state priority is the development of value-added forest products industries. The state's Forest Products Program provides technical assistance, grants and loans to firms wishing to diversify, retool, expand into new markets and develop new product lines.

The example from Forest Products program:

During the 1993 state legislature two programs were created with the goals of habitat restoration and job creation. To date, the program has granted a total of $8,398,033 to 30 projects utilizing $6.5 million appropriated to Jobs of the Environment and $8 million for fish restoration. These projects will create 359 new jobs of displaced forest products workers.

The state continues its commitment to the timber impacted workers, communities and businesses of the state. The President's Initiative enhances these efforts.

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THE WA-CERT

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Appendix B provides the complete listing of these projects and their status at the close of the federal fiscal year.

HIGHLIGHTS OF 1994

This section highlights accomplishments in four broad categories: 1) Workers and Families, 2) Communities and Infrastructure, 3) Business and Industry and 4) Ecosystem Enhancement.

Workers and family

The Department of Labor awarded two grants through the Se Title III Secretary's Reserve. The first grant was to the Olympic Consortium. The Olympia Consortium serves Clallam, Jefferson and Kitsap Counties. The $1.2 grant will be used to provide retraining assistance to workers.

The second grant of $600,000 was awarded to the Pacific Mountain blank blank. The PTC is using the funds to augment an earlier grant received when the ITT Rayonier plant closed in Grays Harbor County.

Of the $12 million available to the region in DOL Title III monies, $1.2 million were allocated in Washington state.

Communities and infrastructure

Funding in this category is available the Economic Development Administration (EDA), the USDA Farmers Home, Rural Development Administration (RDA), the US Forest Service (USFS) and state resources.

The US Forest Service awarded $2.7 million in grants to projects in timber impact counties. Awards range from an $18,000 grant to the Skamania Economic Development Council for the Downtown Stevenson Improvement Project, to a $40,000 grant to the City of Cosmopolis in Grays Harbor County for and Inflow and Infiltration Study, the first step towards the community solving a sewer system problem.

The Cosmopolis project is one example of agencies working together to benefit a community. When the USFS funded study is complete, RDA will step to the table to begin structuring the financial package for construction phase of the project.

Another example of partnering is the City of Oroville's Dorothy Scott Airport Light Industrial Park. This project got its start prior to the Initiative when the state's Timber Public Works Trust Fund and Community Economic Revitalization Board provided $175,000 in loans and $500,000 grant to the project. Then the USFS stepped to the table with a $150,000 grant. The final piece of the financing puzzle is a $790,000 EDA grant, which is imminently pending. The project will foster creation of 175 jobs.

Of the $3 million available to the region in EDA Technical Capacity grants were awarded to jurisdictions in Washington state.

RDA has been very successful in investing its allocations in Washington state. Highlights include a $2,399,400 Community Facilities loan to the Quinault Indian Nation for consolidation of its administrative buildings, a $280,000 Rural Business Enterprise Grant to the City of Forks for the Forks Industrial Park Project, and a $1,200,000 Water and Wastewater grant and $2,102,600 in loans to the Malaga Water District in Chelan County.

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Ecosystem enhancement

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The USFS allocated $6,327,000 to 202 Jobs in the Woods contracts. Nearly all the program was through small contracts to local individuals and businesses. Wages ranged from $10.64 to $24.95, with most over $15.43 plus fringe benefits. Projects occurred in the Gifford Pinchot, Okanogan, Olympic, Mount Baker-Snoqaulmie and Wenatchee National Forests. Overall, the USFS employed displaced timber workers on restoration projects.

The USFS entered into a partnership with the Pacific Mountain PIC and the Grays Harbor Reemployment Center. The success of this effort is described below.

PARTNERING FOR SUCCESS

(By Glenda Burch)

The Olympic National Forest (USFS) and the Pacific Mountain Private Industry Council (PIC) entered into a Participating Agreement to complete USFS restoration projects while providing, as well as training and development, to dislocated timber workers who lack adequate skills to compete for public or private sector jobs in the field of ecosystem restoration.

The Agreement was reached after numerous discussion with the Governor's Timber Team, the USFS, and later the PIC and members of the WA-CERT. As the USFS has the responsibility for administration of lands in the National Forest, and the PIC has a large population of dislocated timber workers, it seemed that each entity could possibly benefit the other. They realized the advantages of forming a partnership to accomplish individual goals.

The USFS agreed to provide technical oversight of specific projects and to reimburse the PIC for expenses incurred on a time and materials basis (versus putting jobs out for bid). The PIC agreed to recruit, train, employ and supervise local dislocated timber workers to complete USFS restoration projects.

As a result of this Agreement, ten local dislocated workers are employed at family wage jobs. In addition, participants receive coverage through the Washington State Basic Health Plan, standard unemployment insurance coverage, and Workmen's Compensation Coverage. The workers demonstrated the ability to quickly learn the complex and specialized tasks involved in watershed and timber restoration and receiving college credit for their training.

This Agreement allows the USFS to: a) participate in the restoration of the resource bases and the economies and lives that have long depended on that base, and b) meet the goals set for it by the Administration of using currently appropriate funds to the benefit of dislocated timber workers and their communities.

This project demonstrates the value of forming partnerships which create win-win situations for all: the dislocated timber workers, timber impacted communities, local and federal agencies, and the natural resources base.

It shows what can be done when people are willing to work together.

JOBS IN THE WOODS, FISCAL YEAR 1994—U.S. FOREST SERVICE IN WASHINGTON STATE—WATERSHED RESTORATION CONTRACT ACTIVITY SUMMARY ESTIMATED FOR SEPT. 30, 1994

	GIP	OKA	OLY	MBS	WEN	Totals
Number contracts	35	14	66	47	40	202
Number people					76	
Hourly wages		$10.64 to $24.95—most over $15.43 plus fringe benefits				
Pieces equipment					76	
Days worked					800	
Dollar awards to date	$300,000	$64,000	$513,000	$1,300,000	$800,000	$2,977,000
To be awarded	500,000	450,000	1,200,000	700,000	500,000	3,350,000
Total dollars	800,000	514,000	1,713,000	2,000,000	1,300,000	[1]6,327,000

[1] Please note that this is direct dollar amount to contractors. Total appropriation for the Forests in the State was $8,300,000 which includes project planning and contract administration.

Note.—Nearly all the program was through small contracts to local individuals and businesses. There were a few agreements with "Private Industry Councils", "WA Conservation Corps" and others (less than 5 percent) who hire woods workers direct. The attached report from the Wenatchee National Forest provides an example of the magnitude of the program and how successful it was at targeting jobs in the impact countries. "Competition territory procedures" on the attachment were used.

WENATCHEE NATIONAL FOREST FISCAL YEAR 1994 JOBS IN THE WOODS

Contract no.	Contractor county	County of award	Award amount	Wage from	Wage to	No. employees	No. equipment	Work days
1	Yak	Chel	$6,400	14.09		1	1	Incomp
2	Yak	Chel	12,600	14.09		1	1	Incomp
3	King	Kit	12,000	16.43		1	1	Incomp
4	Kit	Yak	127,000	16.18		3	2	Incomp
5	Kit	Kit	10,700	16.18	22.00	1	1	Incomp
6	Yak	Yak	7,400	22.05		1	1	Incomp
7	Yak	Yak	14,900	22.05		1	1	Incomp
8	King	Kit	25,000	15.43	21.25	2	2	21 days
9	Chel	Chel	59,000	13.71	22.31	10	10	Incomp
10	Chel	Chel	116,000	17.86	25.80	2	2	Incomp

WENATCHEE NATIONAL FOREST FISCAL YEAR 1994 JOBS IN THE WOODS—Continued

Contract no.	Contractor county	County of award	Award amount	Wage from	Wage to	No. employees	No. equipment	Work days
11	Chel	Chel	65,000	17.86	25.80	2	2	Incomp
12	Chel	Chel	7,000	19.58		1	1	Incomp
13	Chel	Chel	80,000	19.58		9	9	Incomp
14	Chel	Chel	29,000	17.86	25.80	2	2	Incomp
15	Chel	Chel	73,000	13.71		1	1	Incomp
16	Pierce	Kit	21,800	16.18	22.00	1	1	Incomp
17	Oka	Chel	80,000	17.86	25.80	7	7	Incomp
18	Yak	Yak	4,000	10.64		3		36 day
19	Chel	Chel	12,000	18.45		1	1	14 day
20	Chel	Chel	12,000	18.45		1	1	11 day
21	Chel	Chel	4,400	18.45		1		9 day
22	Yak	Yak	13,000	24.95		1	1	14 day
23	Yak	Yak	8,000	24.95		1	1	21 day
24	Yak	Yak	8,000	24.95		1	1	21 day
25	Chel	Chel	20,000	18.45		1	1	14 day
26	Snoh	Kiti	16,000	16.88	22.00	1	1	Incomp
27	Yak	Yak	17,000	18.00	22.00	1	1	Incomp
28	King	Yak	6,000	18.00	22.00	1	1	Incomp
29	Yak	Yak	6,000	18.00	22.00	1	2	Incomp
30	Kiti	Kiti	7,000	22.00		1	2	Incomp
31	Yak	Yak	46,000	18.00	22.00	1	2	Incomp
32		Nach	20,000	18.00		1	1	Incomp
33		Nach	15,000	16.88		2	1	Incomp
34		Nach	5,000	16.88		1	1	Incomp
35		Nach	15,000	22.00		1	2	Incomp
36		Chel	130,000	16.88	22.00	4	4	Incomp
37		Chel	9,000	18.00		1	1	Incomp
38		Cle	10,000	16.88		1	1	Incomp
39		Cle	9,000	18.00		1	1	Incomp
40		Cle	48,000	16.88	18.00	1	2	Incomp
Actual award total			925,000					
Estimated 9/30 total			1,300,000			56	51	

Note.—The awarded amounts are probably higher by now due to modifications.

K. 15 CERTIFICATION OF LOCATION WITHIN "COMPETITION TERRITORY"

Definition. The term, "Competition Territory," as used in this solicitation, means the geographical area within which the offeror must have an existing and ongoing place of business, so as to qualify the offeror as being eligible to be considered for contract award.

Competition is limited to individuals and businesses within the following counties:

Washington: Okanogan, Douglas, Chelan, Kittitas, Yakima, Klickitat, Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Lewis, Pierce, Thurston, Grays Harbor, Mason, Jefferson, Clallam, Kitsap, Island, San Juan, King, Snohomish, Skagit, and Whatcom;

Oregon: Wasco, Jefferson, Deschutes, Lake, Klamath, Jackson, Josephine, Curry, Coos, Douglas, Lane, Linn, Benton, Lincoln, Marion, Yamhill, Polk, Clackamas, Multnomah, Hood River, Tillamook, Washington, Columbia, and Clatsop;

California: Siskiyou, Shasta, Tehama, Glenn, Lake, Trinity, Humboldt, Del Norte, and Mendocino.

Certification. The offeror certifies that it [] IS [] IS NOT located in the competition territory counties as listed above.

Penalty for False Certification. Any contract awarded as a result of a false certification will be subject to termination and reprocurement. Any offeror who falsely certifies will be subject to criminal penalties and all reasonable costs associated with termination and reprocurement.

CLALLAM COUNTY
COMMISSIONERS' OFFICE,
Port Angeles, WA, August 9, 1994.

Hon. SIDNEY R. YATES,
Washington, DC.

DEAR SENATOR YATES: Re: HR 4602. We County Commissioners are on the front lines in our community and have an intimate knowledge of the impacts of the decisions that have created the current need for Northwest Economic Adjustment Initiative (NWEAI) We are aware of the WA-CERT process as we have representatives and observers in attendance at the meetings. You have used the Department of Interior and the United States Forest Service of the Department of Agriculture appropriation's bill in the past to fund the Initiative. We are concerned about funding levels and funding issues in for fiscal 1995 (H.R. 4602) as the United States Forest Service and the Department of the Interior are the two main sources of the funds for the economic initiative. We believe that the very life of our communities depends on the continuance of the Initiative's funding as promised by the Administration

We believe that the process that has been developed by the WA-CERT to disperse the funds is working. As with any new approach to a problem it has taken time for the system to get in place. We believe that many of the barriers and impediments that have slowed the train of funding to the communities have been changed, identified or are in the works to be changed to make the process work. All the agencies that are at the table are working out conflicts in time-tables, accepting responsibility to be lead agency and finding appropriate shortcuts for the applicants to speed-up the process. In some cases, using each other's applications is helping cut down the mountains of paper. We find this very refreshing as opposed to each agency working in isolation. That is not to say that there are not levels of the agencies that seem to still think in old ways.

The exciting thing that is happening on the home front is that all the entities such as the Cities, County, Tribes, Non-profits, groups and individuals with an idea are talking together and no longer working in isolation. The Initiative has caused applicants within a number of county to sit down together and, again, together set priorities for funding requests. This process has helped develop a comprehensive picture of their needs and barriers. As they talk together they are discovering how projects fit together and which should come first in the scheme of things. The priority criterion in the prioritization process is job development. We are delivering projects to the CERT for their consideration that will produce jobs, improve our economy and give our community's stability.

Alaska

We are thankful for the additional $4 million USFS funds for Community Assistance and Old Growth Diversification that the Senate Budget proposed. We suggest that the Conference Committee send funds for Alaska through the Forest Service. Alaska can then develop their own program.

We do not believe that including Alaska's funding in with the three States that have been impacted by the President's Forest Plan is appropriate. Including Alaska could slow the process for the States now under the plan while Alaska works to get on line. We have concerns that their inclusion in the budget for the NWEAI would cause problems for the Alaska People due to the complex process involving local, state and federal people currently in place. We support the aid to the Alaska Communities that have been devastated by mill closures and other forest related problems. We believe they should be funded in a separate line item and based on our experience, as soon as possible.

FUNDS FOR EASTERN WASHINGTON

We urge the Conference Committee to recognize the immediacy of East Side problems and increase the appropriation within the President's Northwest Economic Adjustment Initiative for those areas.

The devastating fires that are still burning have really highlighted the concern many of us have had over the last number of years. That part of the state had already started to feel the impact of changing Federal forest policies and now the fires have created incredible urgency for assistance to that part of the state.

JOBS IN THE WOODS UNDER THE DEPARTMENT OF THE INTERIOR

We urge the Conference Committee to seriously consider funding the full $30 million as requested by the Administration. We understood that the President's Northwest Economic Adjustment Initiative is based on a Memorandum of Understanding with the three states for an annual appropriation of $30 million. This program is vital to the recovery of many timber families. There are plans in the process that will bring together planners at the federal, state and local levels to develop plans for watershed restoration from the sea to the mountain top. Watershed Restoration is vital to our forest—we must have the funding to accomplish this task. Many of our counties are also impacted by the salmon issue. The Jobs in the Woods program is also beneficial to the fish in the streams that will be enhanced.

USFS STEWARDSHIP PROGRAM

We believe that watershed restoration is the base of the President's Forest Plan and that the Stewardship program assists in the inclusion of the state and private lands in the process. The Stewardship program should be funded at the Administrations requested level of $4 million. Watershed restoration work across the landscape is a vital portion of The Forest Plan. National Forest System Funds can not be used for work on state and private lands. We need the flexibility of Stewardship Funds as we work to accomplish the work of improving the health of our streams and meeting the needs of the various species that use those areas. Again, there will also be jobs available to the workers. Due to the lower elevations of many of these lands, this could stretch the number of months available for working in woods.

OLD GROWTH DIVERSIFICATION FUNDING

We urge the Conference Committee to fund the Old Growth Diversification program at the FY 94 level of $6,410,000. As we work to assist our timber dependent communities, the people that have worked on WA CERT and at home have found that this program has been the most useful one in the NWEAI due to its' flexibility. We believe the amount appropriated by both houses is not sufficient. We understand the need to have a balanced budget. This item is so important we would support the above level even if it was necessary to consider reducing other Initiative programs.

We can give you real-life examples of what we are doing in our county with the help of the NWEAI.

Our families and the County Governments that serve them are struggling with the economic impacts and the social consequences of the Federal decisions that have changed our lives. We are constantly trying to manage with the tighter budgets as are you. We feel the pain of our people as we see them every day. We need the help as indicated above. We thank you for your time as you consider our request and sincerely hope you will provide the economic assistance requested.

LAWRENCE GAYDESKE,
Chair.

TIMBER COUNTY COMMISSIONERS

Asotin County Commissioner Harley Williams.
Columbia County Commissioner George Wood.
Garfield County Commissioner Steve Ledgerwood.
Chelan County Commissioner Tom Green.
Clallam County Commissioner Lawrence Gaydeski.
Clark County Commissioner John Magnano.
Cowlitz County Commissioner Van Youngquist.
Ferry County Commissioner Gary Kohler.
Grays Harbor County Commissioner Dick Dixon.
Island County Commissioner Mike Shelton.
Jefferson County Commissioner Robert Hinton.
King County Councilmember Ken Pullen.
King County Executive Gary Locke.
Kintsap County Commissioner Win Granlund.
Kittitas County Commissioner Don Sorenson.
Klickitat County Commissioner Ron Ihrig.
Lewis County Commissioner Richard Graham.
Mason County Commissioner Marv Faughender.
Okanogan County Commissioner Ed Thiele.
Pacific County Commissioner Pat Hamilton.
Pend Oreille County Commissioner Mike Hanson.
Pierce County Councilmember Dennis Flannigan.
Pierce County Executive Doug Sutherland.
San Juan County Commissioner Tom Starr.
Skagit County Commissioner Harvey Wolden.
Skamania County Commissioner Dean Evans.
Snohomish County Councilmember Karen Miller.
Snohomish County Executive Bob Drewel.
Stevens County Commissioner Fran Bessermin.
Thurston County Commissioner Dick Nichols.
Wahkiakum County Commissioner Red Almer.
Watcom County Councilmember Bob Imhof.
Whatcom County Executive Shirley Van Zanten.
Yakima County Commissioner Chuck Klarich.

OKANOGAN COUNTY
COMMISSIONERS' OFFICE,
Okanogan, WA, August 23, 1994.

To: Members of the Interior Appropriations Conference Committee.
From: Timber County Commissioners in Washington State.
Re: HR 4602.

We County Commissioners are on the front lines in our community and have an intimate knowledge of the impacts of the decisions that have created the current need for Northwest Economic Adjustment Initiative. (NWEAI) We are aware of the WA-Cert process as we have representatives and observers in attendance at the meetings. You have used the Department of Interior and the United States Forest Service of the Department of Agriculture appropriation's bill in the past to fund the Initiative. We are concerned about funding levels and funding issues in for fiscal 1995 (H.R. 4602) as the United States Forest Service and the Interior are the two main sources of the funds for the economic initiative. We believe that the very life of our communities depends on the continuance of the Initiative's funding as promised by the Administration.

We believe that the processes that have been developed by the WA-CERT to disperse the funds are working. As with any new approach to a problem it has taken time for the system to get in place. We believe that many of the barriers and impediments that have slowed the train of funding to the communities have been changed, identified or are in the works to be changed to make the process work. All the agencies that are at the table are working out conflicts in timetables, accepting responsibility to be lead agency and finding appropriate shortcuts for the applicants to speed-up the process. In some cases, using each other's applications is helping cut down the mountains of paper. We find this very refreshing as opposed to each agency working in isolation. That is not to say that there are not levels of the agencies that seem to still think in old ways.

The exciting thing that is happening on the home front is that all the entities such as the Cities, County, Tribes, Non-profits, groups and individuals with an idea are talking together and no longer working in isolation. The Initiative has caused the applicants within each county to sit down together, and again, together set priorities for funding requests. This process has helped develop a comprehensive picture of their needs and barriers. As they talk together they are discovering how projects fit together and which should come first in the scheme of things. The priority criterion in the prioritization process is job development. We are delivering projects to the CERT for their consideration that will produce jobs, improve our economy and give our community's stability.

FUNDS FOR EASTERN WASHINGTON

We urge the Conference Committee to recognize the immediacy of East Side problems and increase the appropriation within the President's Northwest Economic Adjustment Initiative for those areas. The devastating fires that are still burning have really highlighted the concern many of us have had over the last number of years. That part of the state had already started to feel the impact of changing Federal forest policies and now the fires have created incredible urgency for assistance to that part of the state.

JOBS IN THE WOODS UNDER THE DEPARTMENT OF INTERIOR

We urge the Conference Committee to seriously consider funding the full $30 million as requested by the Administration. We understood that President's Northwest Economic Adjustment Initiative is based on a Memorandum of Understanding with the three states for annual appropriation of $30 million. This program is vital to the recovery of many timber families. There are plans in the process that will bring together planners at the federal, state and local levels to develop plans for watershed restoration from the sea to the mountain top. Watershed Restoration is vital to our forest. We must have the funding to accomplish this task. Many of our counties are also impacted by the salmon issue. The jobs in the Woods program is also beneficial to the fish in the streams that will be enhanced.

USFS STEWARDSHIP

We believe that watershed restoration is the base of the President's Forest Plan and that the Stewardship program assists in the inclusion of the state and private lands in the process. The Stewardship program should be funded at the Administrations requested level of $4 million. Watershed restoration work across the landscape is vital portion of The Forest Plan. USFS funds can not be used for work on state and private lands. We need the flexibility of these funds as we work to accomplish the work of improving the health of our streams and the meeting the needs of the various species that use those areas. Again, there will also be jobs available to the workers. Due to the lower elevation of many of these lands, this could stretch the number of months available for working in the woods.

For the impacts and future benefits please see the letter from Ron Nielsen, Executive Director of Olanogan County Council for Economic Development.

EDWIN E. THIELE,
Chairman.
RONALD V. WEEKS,
Member.
DAVE SCHULZ,
Member.

OKANOGAN COUNTY COUNCIL
FOR ECONOMIC DEVELOPMENT,
August 19, 1994.

Commissioner ED THIELE,
Okanogan, WA.

In response to Harriette Buchmann's letter dated August 1994.

DEAR COMMISSIONER THIELE: Regarding the President's Federal Economic Adjustment Initiative (NWEAI), we are still very early in the program to give you detailed analysis of benefits. However, here's what I can provide as of this moment.

There were 16 Okanogan County applications submitted in February of 1994, of which two applications have been awarded. The two applications are:

The City of Oroville's request for funding associated with their industrial park. The city was awarded $790,000 from the Economic Development Association from the US Department of Commerce and a $150,000 grant from the US Forest Service Department of Agriculture.

The other award was made to our office in the amount of $60,000 to develop and implement a business investment plan for the communities of Oroville and Twisp Industrial Parks. OCCED will also serve as the focal point of coordination in Okanogan County for the Federal Economic Adjustment Initiative.

Anticipated benefits from this program would be as follows:

In the City of Oroville the Federal funding filled the financial gap to complete the construction of the Industrial Park, which should begin the later part of this year or the beginning of 95 (weather permitting) with the park expected to be the turn key in the later part of 95 or the early part of 96. The Federal investment of $940,000 was a significant portion of the overall $1.6 million to build the park without that there would be no Oroville Industrial Park. Regarding OCED's work in the recruitment of industrial tenants, we anticipate that we will have two anchor tenants creating approximately 60 new jobs with an estimated annual payroll of $1.5 million which will be directly infused into the area economy. Using the economic multiplier of 2.1, the estimated economic value realized by Okanogan County would be $3,150,000, and its anticipated that the employment in the park the second year could conservatively double.

In closing please remember we are still very early in the program and will be glad to give you a more detailed analysis at a later date. If you have any questions please feel free to contact me.

Regards,

RON NIELSEN,
Executive Director, OCCED.

PEND OREILLE COUNTY,
BOARD OF COMMISSIONERS,
Newport, WA, August 15, 1994.

To: PATTY MURRAY.

We, Pend Oreille County Commissioners, are on the front lines in our community and have an intimate knowledge of the impacts of the decisions that have created the current need for Northwest Economic Adjustment Initiative (NWEAI). We are aware of the WA-CERT process as we have representatives and observers in attendance at the meetings. You have used the Department of the Interior and the United States Forest Service of the Department of Agriculture appropriations bill in the past to fund the Initiative. We are concerned about funding levels and funding issues in fiscal 1995 (H.R. 4602) as the United States Forest Service and the Interior are the two main sources of the funds for the economic initiative. We believe that the very life of our communities depends on the continuance of the Initiative's funding as promised by the Administration.

We believe that the processes that have been developed by the WA-CERT to disperse the funds are working. As with any new approach to a problem it has taken time for the system to get in place. We believe that many of the barriers and impediments that have slowed the train of funding to the communities have been changed, identified or are in the works to be changed to make the process work. All the agencies that are at the table are working out conflicts in timetables, accepting responsibility to be lead agency and finding appropriate shortcuts for the applicants to speed up the process. In some cases, using each other's applications is helping cut down the mountains of paper. We find this very refreshing as opposed to each agency working in isolation. That is not to say that there are not levels of the agencies that seem to still think in old ways.

The exciting thing that is happening on the home front is that all the entities such as the Cities, County, Tribes, Non-profits, groups and individuals with an idea are talking together and no longer working in isolation. The initiative has caused the applicants within each county to sit down together and again, together, set priorities for funding requests. This process has helped develop a comprehensive picture of their needs and barrier. As they talk together they are discovering how projects fit together and which should come first in the scheme of things. The priority criterion in the prioritization process is job development. We are delivering projects to the CERT for their consideration that will produce jobs, improve our economy and give our communities stability.

Alaska

We are thankful for the additional $4 million USFS funds for Community Assistance and Old Growth Diversification that the Senate Budget proposed. We ask that you accept their recommendation and divide the amount equally among the four states. We encourage you to earmark the funds for the three states impacted by the President's Forest plan through the NWEAI and send funds for Alaska through the Forest Service. Alaska can develop their own program.

We do not believe that including Alaska's funding in with the three states that have been impacted by the President's Forest Plan is appropriate. Including Alaska could slow the process for the States now under the plan while Alaska works to get on line. We have concerns that their inclusion in the budget for the NWEAI would cause problems for the Alaska people due to the complex process involving local, state and federal people currently in place. We support the aid to the Alaska communities that have been devastated by mill closures and other forest related problems. We believe they should be funded in a separate line item and based on our experience, as soon as possible.

FUNDS FOR EASTERN WASHINGTON

We urge the Conference Committee to recognize the immediacy of East Side problems and increase the appropriation within the President's Northwest Economic Adjustment Initiative for these areas. The devastating fires that are still burning have really highlighted the concern many of us have had over the last number of years. That part of the state had already started to feel the impact of changing Federal forest policies and now the fires have created incredible urgency for assistance to that part of the state.

JOBS IN THE WOODS UNDER THE DEPARTMENT OF THE INTERIOR

We urge the Conference Committee to seriously consider funding the full $30 million as requested by the Administration. We understood that the President's Northwest Economic Adjustment Initiative is based on a Memorandum of Understanding with the three states for an annual appropriation of $30 million. This program is vital to the recovery of many timber families. There are plans in the process that will bring together planners at the federal, state and local levels to develop plans for watershed restoration from the sea to the mountain top. Watershed Restoration is vital to our forest. We must have the funding to accomplish this task. Many of our counties are also impacted by the salmon issue. The Jobs in the Woods program is also beneficial to the fish in the streams that will be enhanced.

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We believe that watershed restoration is the base of the President's Forest Plan and that the Stewardship program assists in the inclusion of the state and private lands in the process. The Stewardship program should be funded at the Administrations request level of $4 million. Watershed restoration work across the landscape is a vital portion of the Forest Plan. USFS funds cannot be used for work on state and private lands. We need the flexibility of these funds as we work to accomplish the work of improving the health of our streams and meeting the needs of the various species that use those areas. Again, there will also be jobs available to the workers. Due to the lower elevations of many of these lands, this could stretch the number of months available for working in woods.

OLD GROWTH DIVERSIFICATION FUNDING

We urge the Conference Committee to fund the Old Growth Diversification program at the FY 94 level of $6,410,000. As we work to assist our timber dependent communities, the people that have worked on WA-CERT and at home have found that this program has been the most useful one in the NWEAI due to its flexibility. We believe the amount appropriated by both houses is not sufficient. We understand the need to have a balanced budget. This item is so important we would support the above level even if it was necessary to consider reducing other initiative programs.

We can give you real-life examples of what we are doing in our county with the help of NWEAI.

Our families and the County Governments that serve them are struggling with the economic impacts and the social consequences of the Federal decisions that have changed our lives. We are constantly trying to manage with the tighter budgets as are you. We feel the pain of our people as we see them every day. We need the help as indicated above. We thank you for your time as you consider our request and sincerely hope you will provide the economic assistance requested.

Sincerely,

MIKE HANSON,
Chairman.

MICAHEL D. KEOGH,
Member.
KARL D. MCKENZIE,
Member.

TRIBUTE TO MAJORITY LEADER GEORGE MITCHELL

Mr. SASSER. Mr. President, like many of my colleagues, I was surprised and saddened when I learned that my good friend, majority leader GEORGE MITCHELL, decided not to seek reelection.

I say this with a sense of personal regret, because Senator MITCHELL is indeed my good friend. I will miss his counsel and his good company. But he and I will remain friends as he pursues other interests and opportunities.

We Senators lose a colleague. For the Senate and the Nation, the loss is far greater. GEORGE MITCHELL is probably the finest, most dedicated public servant I have known. As majority leader, he has brought together a subtle understanding of the law with a profound human sympathy and compassion. As a man, he combines an acute intelligence, a ready wit, and an absolute devotion to principle.

During his brilliant career in the Senate, GEORGE MITCHELL has established an enviable record of legislative accomplishment. That record was highlighted, I believe, by his leadership of the historic 103d Congress.

GEORGE MITCHELL led the effort for reauthorization of both the Clean Air Act and the Clean Water Act. He worked to strengthen the laws against discrimination in employment and for the passage of the landmark Americans with Disabilities Act.

During his time as leader the Congress has enacted a higher education bill that expands college opportunities for millions of Americans and a major transportation bill that is helping create jobs and rebuild our crumbling infrastructure. In this Congress alone, he has helped pass into law the Motor Voter bill, Family and Medical Leave, and the largest deficit reduction bill in history. In part because of his leadership, our economy is experiencing a sustained recovery that has resulted in 2 million new jobs.

Mr. President, Senator MITCHELL has been guided in this important work by one principle: to extend the American dream to all of our citizens.

GEORGE MITCHELL knows just what the American dream is—he has lived it. His mother came to this country from Lebanon. His father was the son of Irish immigrants. Both worked hard to provide increased opportunities for their son.

He attended Maine public schools and Bowdoin College. After service as an officer in the U.S. Army Counter-Intelligence Corps, he attended Georgetown University law School, receiving his degree in 1960. He later became executive assistant to our former colleague, Ed Muskie.

GEORGE MITCHELL later returned to Maine, eventually becoming a U.S. attorney. In 1971, he was appointed U.S. district court judge. In 1980, he was appointed to the Senate when Ed Muskie was appointed Secretary of State. A short 8 years later, he was chosen by his colleagues to be majority leader.

Through it all, he has served with quiet dignity, with good humor, and with brilliance. Both we and the country owe him a tremendous debt of gratitude. It may seem early to say so, but I think history will record that Congress has lost one of its great statesmen.

So, Mr. President, I wish him well, and I trust that the country will continue to benefit from his leadership and good judgment in the future.

UNITED NATIONS INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT

Mr. KERRY. Mr. President, last month over 160 countries debated and signed a powerful and far-reaching document that will direct global efforts to curtail population growth and overconsumption problems for the next 20 years. This document was the outgrowth of the International Conference on Population and Development [ICPD] which I believe was one of the most successful U.N. conferences in recent history.

As the chairman of the Senate delegation, I was pleased to join Senator ALAN SIMPSON and other Members of Congress and the U.S. delegation—which included administration officials and a wide array of nongovernment organization representatives—in attending the Cairo conference. I would like to take a few minutes to share my thoughts on this important and historic gathering that I believe will make a significant contribution toward addressing the critical population and development issues into the 21st century.

First, let me say that the United States was very well represented by its delegation led by Vice President AL GORE. I particularly want to thank Under Secretary of State Tim Wirth, who did an outstanding job of consensus-building and helping to deliver a final product that I believe will prove enormously valuable as time progresses. I worked closely with Under Secretary Wirth during the time I was in Cairo and I know that he and his staff and the United States delegation members worked extremely long hours, often under trying circumstances, to maneuver through the labyrinth of diverse interests, and to bring the vast majority of parties to agreement. In addition, I want to commend President Mubarak and the Egyptian people for their warm hospitality that was evident everywhere and for the great effort that they invested to host such a successful conference.

Today, the world's population is over 5.5 billion people. In just 1 year's time, that number will grow by over 90 million people—the equivalent of adding the populations of California, New York, New Jersey, Texas, and Florida combined. Reliable projections estimate that the world's population will double by the middle of the next century. While these figures are staggering in and of themselves, they are even more sobering when one takes into account that this growth is occurring after a two-decade effort to promote family planning worldwide.

Most of the increase in population will occur in less-developed countries in Africa, the Indian subcontinent, the Middle East and Latin America—those areas which are least prepared to accommodate such growth and whose governments currently have trouble meeting the basic needs of their citizens today. In many of these areas population problems are exacerbated by institutional and cultural factors that inhibit the equality of women. For instance, in some countries it is illegal for men to have vasectomies and women need the written permission of their husbands to have medical procedures producing sterilization. Another area of grave concern is the proliferation of the traditional practice of female genital mutilation which poses enormous psychological and public health dangers. There are more than 100 million women and girls alive today who have been affected by this harmful medical procedure, the vast majority in Africa. Without increased education and awareness, an additional 2 million girls will be subjected to this inhumane custom each year. In addition, deaths of women from pregnancy complications and from unsafe abortions now total hundreds of thousands per year.

Of equally significant concern are the U.N. projections that, while the global population is increasing, the world's natural resources base is on a steady decline. The U.N. food and agriculture organization predicts that by the year 2010 the world will be subjected to a double digit net loss per capita—ranging from 10 to 30 percent—in renewable resources, including fish catch, irrigated land, cropland, rangelands and pastures, and forests. In addition, 26 countries currently have insufficient renewable water supplies within their own territories to meet the needs of a moderately developed society at their current population size, much less after further growth.

Unchecked human-induced environmental degradation will lead to environmental decline which will bring about additional widespread flooding and erosion caused by deforestation and overgrazing; worsened drought and crop losses from desertification; as well as pervasive marine pollution and fisheries losses from wetlands destruction and overfishing. Ultimately these disasters will lead to massive problems of famine, disease and other human hardships.

With these looming global crises, the United Nations in 1991 called for a conference to address the critical problems of overconsumption and overpopulation. For the past 3½ years, delegates from around the world have been meeting to develop an all-encompassing program of action to present to participants at the Cairo meeting. In the interim the United Nations also held a global sustainable development conference—often called the Earth Summit—in Rio de Janeiro in June, 1992. The Rio conference, while focusing on sustainable development, did not specifically address the growing population crisis but acknowledged that population issues were a critical component of sustainability and would be addressed through the global forum in Cairo.

The final preparatory committee meeting, prior to the Cairo conference, was held last April and succeeded in producing a draft document of which 92-percent received unanimous agreement—a major accomplishment given a text of 16 chapters and over 115 pages with issues ranging from migration to environment to adolescent education.

In light of the enormous success of the preparatory meetings, it was indeed regrettable that so little press coverage of the Cairo conference focused on the areas of unanimous agreement and so many stories focused exclusively on one contentious issue—abortion. This is particularly true since the United States position was quite clear: the United States does not view abortion as a component of family planning. It is true that the press did not have to go far to find critics who were willing to air their views, because the conference's message—increasing womens' individual freedoms and economic opportunities—was not welcome in many male-dominated nations and within the hierarchy of the Roman Catholic Church.

Unfortunately, by focusing so exclusively on one narrow aspect of the crosscutting document, I fear the press wasted an important opportunity to enlighten citizens about the global issues or sustainable development, adolescent education of boys and girls, child health and infant mortality, and refugees that impact the population debate. I find it amazing and distressing that in reporting about such a sweeping document with such widespread support through an open, conciliatory process the media would focus so much of their coverage on only one controversial facet.

Ultimately, after much dialogue and debate, a compromise was reached which was supported my many countries with predominantly Muslim and Catholic populations, including Brazil with the world's largest Catholic population and Pakistan, a Muslim country which played a key role in advancing the negotiations. In fact, the Vatican ultimately endorsed major portions of the Cairo document that included sections on, for lack of a more descriptive term, the empowerment of women—the first time the Vatican has ever supported such an international statement on this topic. Empowering women refers to increasing opportunities for women to become better educated and to increase their decision-making and economic opportunities and means. This is critical to reducing population growth since studies have shown a direct correlation between education and lower birth rates.

So, what is in this global consensus document and why is it important for countries to fulfill the commitments made in Cairo?

In my view, the international conference on population and development made enormous strides in focusing the world's attention on the urgency of the population crisis and in establishing a global framework within which to address our world's population problems.

The final document embraces a new approach which couples a continuing emphasis on family planning and other health services with the previously undervalued but important roles of education and empowerment of women—areas that will enable women to take more responsibility for their own lives. This is a major step forward from past population conferences.

At the 1974 population conference in Bucharest, when many countries were wary of any effort to address such issues, the agenda focused primarily on promoting family planning services.

In 1984 the United Nations gathering was held in Mexico City. Under the control of the Reagan-Bush administration, the United States delegation split from the majority of nations which called for global efforts to address population problems and withheld its support for many international family planning initiatives.

However, in 1994, the United States played a key role in advancing the new emphasis of empowering women and winning over many of the more conservative countries that initially had withheld support for some of the key provisions in the document. Among the factors in this outcome was the expertise of the U.S. delegation's nongovernmental organization representatives, whose participation was critical.

The final program of action is an all-encompassing document that goes far beyond previous efforts. In addition to providing universal access to family planning programs, it stresses the need for increased efforts in maternal and child health care. It has been demonstrated many times that when families believe their children will live to adulthood, they will take steps to ensure they will have fewer children.

This conference, following up on the call at the Earth summit in Rio to address the need to link population and consumption issues with environmental concerns, focused on the need for sustainable development. Expanding on the efforts of the Rio summit, the Cairo document states that, to achieve sustainable development and a higher quality of life for all people, countries should reduce and eliminate unsustainable patterns of production and consumption. Also, countries are urged to promote appropriate population-related policies and to work to eradicate poverty as an indispensable requirement for sustainable development.

Several chapters of the Cairo document are focused on the need for universal access to health-care services, including those related to reproductive health care and family planning. Included in this measure is a call to address the issue of unsafe abortion in the 172 countries that allow some form of legal abortions. Much time at the conference was spent grappling with language about unsafe abortions, and the final document acknowledged each country should establish practices for safe abortions that are consistent with its own national laws. Successfully addressing this problem would have a significant impact on the 200,000 women who die each year from unsafe abortion. In addition, there was a call to reduce the demand for abortion by providing universal access to other critical health care and family planning services. This also would help to reduce the 500,000 deaths per year due to complications from pregnancies. The Cairo document recommends making family planning and other reproductive health services more widely available and broadening accessibility to underserved groups such as teenage youth, including young men, and indigenous peoples.

Another important aspect of the document is its assessment of existing resources and specific resource needs for family planning, reproductive health services, sexually-transmitted disease prevention including HIV-AIDS, and biomedical and social science research.

So, the pertinent question, now that this conference has concluded successfully, is where do we go from here? What follow-up steps should the United States be taking to fulfill our Cario commitments? The Federal Government must significantly expand its efforts to work with the private sector as well as to reach out to the bilateral organizations and multilateral institutions such as the World Bank to encourage them to make population a significant consideration in their work. In addition, we must seek ways to enhance the effectiveness of our ongoing efforts and to improve our coordination with and outreach and technical assistance to southern countries. And we must better educate the American people concerning the importance to all Americans of the U.S. investment in this global effort to meet the goals set forth in the Cairo action plan, which are expected to cost $17 billion per year by the turn of the century.

This is an daunting challenge, but if each country accepts an appropriate share of the responsibility, we can realize enormous benefits for the quality of life of all humankind. I believe the United States can and must continue to provide strong leadership to accomplish these objectives. I hope that the Senate, in the months ahead, will join me in helping us achieve this new world vision.

URBAN INSTITUTE REPORT ON COSTS OF UNDOCUMENTED ALIENS

Mr. GRAHAM. Mr. President, on September 14, the Urban Institute released the second part of its study on the fiscal impact of undocumented aliens in seven States, including my home State of Florida. The Urban Institute study was initiated by and prepared for the Office of Management and Budget [OMB], and its purpose is to develop both reliable estimates of States' costs for services provided to undocumented aliens and a uniform methodology for calculating these costs.

The principle findings include:

An estimated 3.4 million undocumented aliens lived in the United States in October 1992, and the population grew by an estimated 299,000 each year between 1988 and 1992. Florida had 322,000 undocumented aliens, 9.5 percent of the total undocumented population and 2.3 percent of the total State population.

An estimated 21,395 illegal aliens were incarcerated as of March 1994, at an annual cost of $471 million. The report estimated that Florida had 951 incarcerated illegal aliens and that Florida's cost of incarceration was $11.8 million.

An estimated 641,000 undocumented alien children were enrolled in public primary and secondary schools at a total State and local cost of $3.1 billion. Florida had 97,000 undocumented aliens enrolled in public schools, 107 percent higher than the State's estimate of 47,000 students. The estimated cost was $424 million, 135 percent higher than the State's estimate of $180 million.

Although the report revealed that $1.9 billion was collected from undocumented aliens for sales, property, and State income taxes, in Florida, undocumented aliens paid only $277 million in taxes, less than 2 percent of the total taxes collected.

Mr. President, during the 103d Congress, I have worked with my colleagues from the six other States who are primarily impacted by Federal immigration policy in an attempt to force the Federal Government to live up to its responsibility. In many cases, we have had little success, and a major obstacle to our efforts has been the lack of reliable information about the numbers and costs of illegal immigration. I am hopeful that this report will finally put to rest any doubts about the true impact of illegal immigration on our State and local governments.

The report overwhelmingly support Florida's estimates of the costs of providing services to illegal immigrants. In every category, the report found that Florida had either accurately or underestimated its costs. For years, Florida has repeatedly asked the Federal Government for assistance in bearing these costs, without adequate response. In March 1994, as a last resort, the State filed a lawsuit against the Federal Government for the unreimbursed costs of providing education, law enforcement, and health care services to undocumented aliens.

In the past month, Florida narrowly avoided a tidal wave of uncontrolled immigration from Cuba that threatened both the security of Florida communities and the lives of refugee rafters. Although a new agreement between Cuba and the United States promotes a legal, limited, and orderly process of immigration and lessens the threat of dangerous, illegal immigration, this policy represents a potential burden that Florida taxpayers should not be asked to shoulder. The agreement does not change Florida's most important priority: to compel the Federal Government to pay the price for the unfair burden immigration places on the State.

As an article from the September 10 Miami Herald states,

> Cuba and the United States talked for seven days. Now Florida will pay the price. As the state with the highest concentration of Cubans, Florida will attract the majority of the approximately 29,000 refugees who will come from the island over the next year. And the 20,000 every year after that * * *. [Although] legal immigrants are eligible to receive some cash, medical help, and job training from the federal government, the aid runs out after eight months. Then it's up to the state and local governments to step in.

The Clinton administration was the first administration to take partial responsibility for the costs of illegal immigration. However, recent influxes of Cubans and Haitians have intensified the impact of immigration on Florida's communities, and the burden remains overwhelming. Alice Rivlin, the Acting Director of OMB, expressed her hope that this report will contribute to shaping the policy and budgetary decisions of the executive and legislative branches. I share her hope that this information will finally convince the administration and the Congress that our States and localities are facing an emergency situation and can no longer bear the burden alone.

WHEN EPA EXAGGERATES RISKS

Mr. FAIRCLOTH. Mr. President, I would like to bring the attention of my Senate colleagues to an op-ed written by Kent Jeffreys of the Alexis de Tocqueville Institution entitled, "When EPA Exaggerates Risks."

We are now spending close to $150 billion annually in public and private resources to comply with environmental regulation. We need to make sure that this money is being spent to reduce real risks to human health and the environment, not exaggerated risks. Enhanced risk assessments would target scarce resources, thereby strengthening our environmental protection efforts.

In this article, Mr. Jeffreys summarizes the finding of a major study he conducted for the Alexis de Tocqueville Institution entitled "Science, Economics, and Environmental Policy: A Critical Examination." This study critiqued the scientific methods that form the basis of the EPA's risk assessments and cost-benefit test for environmental tobacco smoke, radon, pesticides, and hazardous waste clean-up under the Superfund law. This report found that the EPA's assessment of potential risks in these four areas was based on faulty scientific analysis and selective use of date. Further, in the instances where the EPA did conduct a cost-benefit analysis, the purported benefits were greatly overstated.

Mr. President, as this session of Congress draws to a close, there may be a last ditch effort to consider several pieces of environmental legislation, including the Safe Drinking Water Act reauthorization. In my view, if these environmental bills are to pass the Congress, they should at the very least include sound risk and cost-benefit analysis provision. That only makes common sense. I ask unanimous consent that Mr. Jeffrey's article be printed in the RECORD immediately following my remarks.

I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce and Commercial, Sept. 15, 1994]

WHEN EPA EXAGGERATES RISKS

(By Kent Jeffreys)

Opinion polls consistently show that Americans are cynical toward government. Too often such cynicism is well-earned. Yet, one policy area that might deserve even more cynicism is environmental regulation. There is substantial evidence that the American people are not getting accurate and complete information from the government when it comes to environmental risks. Remarkably, however, the government is not ignoring large risks but greatly exaggerating tiny ones.

With the Sept. 13 release of the Environmental Protection Agency's new report on the health risks of exposure to dioxin, the public debate over environmental risks is likely to reach a fever pitch in the coming weeks. Yet, given EPA's track record, this new risk assessment should be viewed with a healthy dose of skepticism.

At the Alexis de Tocqueville Institution, we recently completed a review of the EPA's risk assessments of four specific environmental issues: "environmental" tobacco smoke, indoor radon, pesticide residues on the food supply and hazardous waste cleanup under the federal Superfund law. In each case, the human health risks have been greatly exaggerated and the resulting costs from regulations have vastly exceeded the potential benefits.

As a first example, consider pesticides. Under the so-called Delaney clause of the federal Food, Drug and Cosmetics Act, a zero tolerance is established for any chemical linked to cancer in laboratory animals, regardless of the dose actually tested in the experiment. Yet when the Delaney clause was adopted as law, scientists could only detect chemicals at fairly high levels. Thus, the regulation provided the desired margin of safety with little impact on food production and processing.

Today, much smaller quantities are routinely analyzed, often detecting a few molecules per quadrillion. In other words, "zero" has gotten much smaller and therefore much harder to achieve. Indeed, under the Delaney clause, many useful agricultural chemicals must be banned lest they somehow be detected in processed foods. No health consequences can be shown for such small amounts; they can only be assumed.

Even when the potential health risk arises from nature itself, the environmental bureaucracy consistently overstates the risks. Radon, a naturally radioactive gas that is constantly seeping out of most soil and rock formations, can accumulate in the lower level of man-made structures. Potentially a health risk can arise, since high doses of radioactive gases in the air can increase the risk of developing lung cancer.

Yet the EPA and its environmental allies insist that a single molecule of radon can cause lung cancer. In other words, there is no "safe" exposure level. Although EPA concedes the reality that no one could achieve radon-free indoor air—after all; the outdoor air has measurable quantities of radon—it still insists that all homes and schools should be tested. Even if the tests show low to moderate readings of radon, EPA "recommends" that expensive remediation work be performed, especially if the home is to be sold on the open market.

This is unnecessary for several reasons. First, the EPA's recommended action level was based on an assumption of 70 years of constant exposure. Few people are so homebound. Even worse, the EPA's research data came from studies of underground mining operations with extremely high exposure levels. It should become apparent that the average home does not closely resemble a mine shaft. The needless expenditures by worried homeowners have run into the hundreds of millions, even billions, of dollars.

Perhaps no less more perfectly displays the problem of exaggerating health risks than the fight over smoking in public. The latest weapon in the war on tobacco seems to be an unfortunate willingness to distort the truth.

Almost everyone now admits that heavy smoking is detrimental to the health of millions of Americans. Thus, the facts about smoking should be sufficient to make the point: If you smoke, you should probably stop. There is a widespread effort under way, however, to prohibit smoking universally, regardless of the willingness of the smoker to assume the risks.

The EPA and its partners in the anti-tobacco war have seriously exaggerated what is known about secondhand smoke. For example, standard procedures for estimating the possibility of radon error were altered by the EPA so that it could assert its findings on secondhand smoke were "statistically significant." Yet, even if one uncritically accepts the EPA's conclusions, the resulting increase in risk is about the same as the lifetime risk of being killed while riding a bicycle.

If the EPA were trying to prove that secondhand smoke can be an annoyance to many people, then it would be on solid ground. But the EPA is attempting to prove that serious medical risks are created by even casual exposure to secondhand smoke. In its effort to do so, the EPA has manipulated selected portions of the existing literature until it produced the desired result. Whatever the motivations of the EPA officials in this matter, it is unacceptable to distort the science for the sake of a policy goal. The EPA's stance on secondhand smoke has an Alice in Wonderland quality of "sentence first—verdict afterwards."

Even among those of us who don't smoke, there is reason to be concerned with the direction of the debate over tobacco. This issue is much bigger than tobacco itself because if science is distorted in an effort to "do good," society ultimately may be left much worse off. Skeptics should consider that whenever a tobacco company makes a statement about smoking and health, it is generally discounted because of the "special interest" it holds in the issue. This is no less applicable to the "special interests" of the EPA. The bureaucrats are strongly interested in justifying their budgets and generating favorable publicity. Yet that does not excuse flagrant disregard for the scientific method.

EPA officials have a duty to conduct the best science possible and report the results fully and honestly. One would hope they would avoid unnecessarily alarming the American public over issues of health. That has not been the case with most low-level environmental risks. Sadly, the EPA itself is becoming a health risk by distracting Americans from the true hazards.

REGULATION OF INTRASTATE MOTOR CARRIER SYSTEMS

Mrs. MURRAY. In the weeks since Congress passed the Federal Aviation Administration Authorization Act of 1994, H.R. 2739, I have had concerns raised by constituents in Washington State regarding whether this law preempts State and local regulatory authority of the transportation of garbage and refuse, and the transportation for collection of recyclable materials that are part of a residential curbside recycling program.

Mr. FORD. I can assure the Senator it was not the intent of Congress to preempt State and local regulation of the activities that the Senator just mentioned. As a matter of fact, the Senate recently passed an amendment in the nature of a substitute to H.R. 5123, which I did not feel was necessary, but made it abundantly clear to everyone the transportation of garbage and refuse was not affected by H.R. 2739.

Mr. GORTON. Senator FORD, as you know, it was my intent to offer an amendment to clarify the recycling issue during the last Commerce Committee markup, but I was assured by DOT and ICC that such an amendment was not necessary. Is that the Senator's recollection as well?

Mr. FORD. Yes, and I would like to add that the Interstate Commerce Commission [ICC] has issued a legal opinion that title VI of the Federal Aviation Act of 1994 does not preempt a State or municipality from regulating curbside collection for recyclable. According to the ICC, "recyclable segregated from trash for curbside collection should not be deemed to be property under the ICC precedent and as such would not come within the purview of title VI of the FAA Act."

Mrs. MURRAY. I want to thank the Senator for making it clear that it is not the congressional intent of section VI of the FAA Act to preempt State and local regulation in the areas we just mentioned.

RESPOND ACTIVELY TO THE FACTS AS THEY ARE: A PRAGMATIC APPROACH TO CREATING JOBS AND OPPORTUNITY IN PENNSYLVANIA

Mr. WOFFORD. Mr. President, as Congress prepares to adjourn, it is important to take stock of what we have accomplished and what more must be done to continue to build our economy and create jobs.

We have had significant successes. To paraphrase Vice President GORE, what should be up and what should be down is down."

But we cannot be satisfied with the progress we have made. Too many businesses are struggling, too many workers are underskilled, underemployed, or undereducated. Much work remains to be done.

What worries people, what angers people most today is not just crime, or health care, or even jobs. It is the fact that Government seems incapable or unwilling to solve these problems. Petty, partisan bickering gets in the way.

The crime bill was a welcome exception. It took 6 years, but Congress finally came up with a tough, smart law that reasonable people on both sides of the aisle could support, whatever their personal qualms about particular details. I was pleased to join moderate Republicans like Pennsylvania's senior Senator, ARLEN SPECTER, to finally win passage of this bill, which will make a difference in every community.

Now, it is time to apply that same bipartisanship and pragmatic action to America's economic needs. It is time to stop bickering, and start building.

Before I got this job, I worked for 4½ years as Pennsylvania's Secretary of

Labor and Industry. When Governor Casey first approached me about that job, I had my doubts. Pennsylvania had a reputation for poor labor-management relations. And the labor and industry job itself had long reflected the division.

But Governor Casey made an offer I could not refuse. He told me that Republican Governors choose their Labor and Industry Secretaries from the House of Business and Democratic Governors choose theirs from the House of Labor. He wanted someone who was part of neither and could bring them together.

It was the same point President Kennedy made when I had worked for him. Instead of being a liberal or a conservative, he said, be responsible in the sense of responding actively to the facts as they are.

That is what I tried to do as Secretary of Labor and Industry. And that is what I have been doing since I came the Senate.

We have made progress in the last 3 years. Business investment and job creation are up. The deficit and interest rates are down.

But we cannot be satisfied. When leading Pennsylvania employers like Boeing and Scott Paper continue to announce major layoffs, there is a lot more we need to do. Not enough Pennsylvanians are seeing their own quality of life improve.

Our challenge today is to position our economy where the jobs and opportunities are going to be in the future so that we can sustain our recent economic gains and expand them to more Pennsylvania companies and families.

How do we do that?

By investing in the fundamentals of our economy. By making sure businesses have the capital they need to grow and create good jobs. By investing in new technologies and in training and education so that people can use them. And by reaching out to tap emerging new markets around the globe.

Government cannot achieve those goals by itself. But Government has a responsibility to be a good partner. It should help individuals and companies acquire the tools and the opportunities to succeed. It should invest in the basic building blocks of a strong, competitive economy. It should pursue trade policies that give American companies and workers the chance to compete fairly. And then, it should get out of the way.

In other words, it should respond actively to the facts as they are.

I. WHAT WE HAVE DONE

Expanding access to capital—the record:

What does responding actively to the facts mean?

For one thing, it means acknowledging that it takes more than hard work to turn a good idea into a business. It takes capital.

In 1991, when I came to the Senate, however, it was often impossible for businesses to get the money they needed to grow, no matter how creditworthy they were. Years of increasingly unbalanced Federal budgets had quadrupled our national debt, forcing the Government to borrow heavily and eating up too much of the available capital.

To free up capital for investment, I voted last year for the largest deficit reduction plan in our Nation's history. The plan is projected to reduce the deficit by $700 billion over 5 years. It will cut 272,000 Government jobs, paring the Federal bureaucracy to its lowest levels since the Kennedy administration. And it makes cuts in 300 different programs, including every major entitlement program.

The plan is working. Already, the deficit is $85 billion less than it would have been if we had done nothing. Unemployment is down nationally and in Pennsylvania. Corporate profits and investment in new plants and equipment are up. Interest rates—both short- and long-term—are the lowest they've been since the 1970's. And the Federal deficit is decreasing. If we stay on track—and indications are we will—next year will mark the first time since Harry Truman was in the White House that the deficit has gone down 3 years in a row. By 1999, the projected deficit will be cut in half.

We are putting less money into the bureaucracy and more money into the hands of the people who create jobs.

We are also working to target capital where it is often most needed, and where it will create the greatest number of jobs: small business.

I voted to create a new 50-percent capital gains tax cut for people who make long-term investments in small businesses.

I also worked closely with the administration to ease the credit crunch by eliminating unnecessary regulations that prevented banks from making loans to small businesses.

And, as a member of the Senate Small Business Committee, I am fighting to make sure that Pennsylvania's small businesses get their fair share of Small Business Administration loans.

After hearing from one after another Pennsylvania business owner who had been turned down for an SBA loan, I discovered that, despite ranking fifth nationally in the number of small businesses, Pennsylvania ranked only 14th in the number of SBA loans. And the percentage of Pennsylvania businesses approved for SBA loans had been less than half the national average.

Now, with the help of a new SBA loan program called Low Doc, for low documents, I hope that will change. The program provides loans of up to $100,000 to creditworthy small businesses. Just as important, it replaces the endless loan application forms businesses used to fill out with one simple form, so that employers in Pennsylvania and across the country can spend less time filling out forms—and more time creating good jobs.

Investing in competitiveness—the record:

Responding actively to the facts also means acknowledging that we can't keep our economy moving if our roads, rails and waterways are falling apart.

In 1991 Congress passed the Intermodal Surface Transportation Efficiency Act—ISTEA in Washington-speak, to rebuild America's crumbling roads and bridges—the backbone of our economy—and to improve our railways and ports.

This Marshall plan for American transportation will pump billions of dollars into Pennsylvania over 6 years for highway and mass transit projects. Among the benefits: upgrading and maintaining all 5,388 miles of interstate highway in our State.

I have worked to expand the Federal investment in Pennsylvania's basic infrastructure in a number of other key areas as well, including: dredging the Delaware River channel to keep Philadelphia's ports competitive; modernizing locks and dams along the Monongehela River outside Pittsburgh; and building a new Pittsburgh Airport Busway, just to name a few.

We are also investing in America's technological infrastructure. Japan and Western Europe have already demonstrated the benefits of linking public and private resources to develop new technologies and target them to the marketplace.

The National Competitiveness Act, which I worked to pass in the Senate, is designed to level the playing field and restore U.S. leadership in manufacturing and technology. Modeled after the Industrial Resource Centers, the Ben Franklin Partnership, and other market-driven, public-private partnerships we created in Pennsylvania, the act helps manufacturers develop and market new technologies and cut costs.

Another way to make Pennsylvania companies competitive is by making Pennsylvania communities competitive.

That is why I voted to establish 9 empowerment zones and 95 enterprise communities to attract new jobs where they are most needed by combining tax benefits, social service grants and improved program coordination.

Training a skilled work force—the record:

Responding actively to the facts means overhauling our education and training systems so that workers and companies can remain competitive in a rapidly changing economy.

A top executive at Bell of Pennsylvania once told me his company had to interview thousands of applicants just to find a few hundred entry-level workers with the most basic reading, math, and social skills. And they are not alone.

As Secretary of Labor and Industry, I worked with Bell and other leading Pennsylvania employers and unions to make sure that workers had the skills to get good jobs, and keep them, in today's work place.

In the Senate, I used that experience to fight for the Nation's new School-to-Work Opportunities Act. Modeled largely after the Youth Apprenticeship Program we started in Pennsylvania, the School-to-Work Opportunities Act helps States develop apprenticeship programs and tech-prep programs for the more than 50 percent of young people who do not go on to college. By linking high schools with local employers and combining classroom study with hands-on learning-by-doing, the school-to-work bill will help give employers the skilled workers they need, and give many more young Americans the chance to succeed in the world of work.

At the same time, we helped make college more affordable for middle-class families by changing the rules governing financial aid and reforming the Direct Student Loan Program. The result is a major savings to taxpayers and lower cost loans for students.

And I am proud to have played a leading role in enabling students to pay for college with their own "sweat equity," by serving their communities for a year or more in demanding, well-organized youth corps. AmeriCorps brings the spirit of the Peace Corps home to deal with problems facing American communities. It is a goal I have fought for over 30 years, since I helped Sargent Shriver found the original Peace Corps during the Kennedy administration. Now it is a reality.

Reaching new markets—the record:

Responding actively to the facts means answering the challenges—and seizing the opportunities—in today's rapidly changing global marketplace. That means first, ensuring that other nations do not employ unfair trading practices, and second, helping U.S. firms identify and reach new export markets.

As chairman of the Senate Small Business Subcommittee on Export Expansion, I'm committed to opening more foreign markets to American products—through negotiation if possible, through our own trade laws if necessary.

Last year, Rhom & Haas, the Philadelphia chemical giant, ran into a major problem when the Government of Honduras wrongly blocked the company from shipping products into that country and collecting payment on a timely basis. I went to work with our Ambassador and the U.S. trade representative, and we quickly put an end to the illegal obstructionism.

Right now, trade with Chile—mostly fruit shipped through Philadelphia ports—pumps $100 million a year into southeastern Pennsylvania's economy and is responsible for about 1,000 jobs.

I coauthored a bill with Representative GEPHART to boost those numbers by authorizing the President to negotiate a free-trade agreement with Chile. Because expanding trade on a level playing field with other countries can benefit all of us.

But where the playing field is not level, where there has been unfair foreign competition, I have been fighting for Pennsylvania's workers and industries. The steel industry is just one example. I have worked closely with USX, Bethlehem Steel, and other domestic manufacturers to stop illegal foreign dumping, open new markets, and enforce our trade laws. Given the chance, American steelmakers can not only survive, but thrive in a global economy.

In addition, I cowrote the new law requiring the Department of Commerce to step up its efforts to increase the sales of American-made auto parts to Japanese car manufacturers—a measure that is especially important to the 17,000 Pennsylvania workers who are employed in auto-related manufacturing.

II. NEXT STEPS

Most importantly, responding actively to the facts as they are means accepting that our work is never finished. In a time when new technologies can become obsolete in a year and new markets are appearing around the globe, rebuilding Pennsylvania's economy must be an ongoing business.

Again, Government's role is limited—but important. Here are some steps I believe Government must now take to sustain the progress we've made and expand the benefits of the current recovery to more people.

Expanding access to capital—next steps:

Congress was right in 1993 to extend the Federal research and development tax credit. Now we need to go further and make the tax credit permanent.

We should also pass a balanced budget amendment to the Constitution. Congress ought to have the fiscal discipline to balance its books without, in effect, holding a gun to its head. But experience has shown that it does not. A balanced budget amendment may force Washington to develop the habit of discipline. At the very least, it will force Government to live within its means and prevent it from borrowing heavily and driving up interest rates.

Most importantly, we need to stop the ruinous inflation of health care costs. A report by the National Governor's Association makes the case starkly: Unless Washington and the States bring Medicaid costs under control, everything else we do to control the deficit will fail.

Health care reform ought to make it possible for other Americans to have the same kind of affordable coverage and choice of private health plan that Members of Congress have arranged for themselves. Indeed, the Federal Employees Health Benefits plan—which covers some 9 million people—provides a good model for our efforts. It is a private, employer-based, consumer-choice system that uses its bargaining power to actually bring costs down.

While bitter partisanship inside Congress and powerful special interests outside have so far succeeded in blocking health care reform, there are a number of commonsense steps Congress can take now toward bipartisan health reform. These steps include opening up the Federal employees plan to small businesses and individuals, as well as children; reforming the insurance market to end unfair and discriminatory insurance practices such as exclusions for preexisting conditions; 100 percent deductibility of insurance premiums for the self-employed and other sole proprietors; administrative simplification that uses the private sector—rather than a Government bureaucracy—to computerize and streamline today's mass of health care paperwork. These are steps we can and should take sooner rather than later. The cost of doing nothing is too high for families and companies alike.

Investing in competitiveness—next steps:

ISTEA is the road map America needs to create the best transportation network in the world—better than Germany, better than Japan, better than anyone. A critical piece of the plan is the proposed National Highway System linking economically important highways coast-to-coast.

A map of the proposed system has already been drawn up. Congress should sign off on that map now. If it does not do so by October, 1995, Pennsylvania will lose $211 million a year in Federal highway funds, and the Nation will lose a total of $6.5 billion a year.

The 1995 farm bill provides a different—but equally important—map, a map that will guide agriculture and rural development into the next century. The farm bill will provide farmers with access to the latest in agricultural research and technology, and help in marketing their goods.

In Pennsylvania, where agriculture is the No. 1 industry and agriculture processing is No. 2, that kind of planning and assistance is essential to a healthy economy. I want to see the farm bill on the top of the Senate's agenda next year.

Sometimes the most effective thing Government can do to encourage competition is just to get out of the way.

Congress should pass the National Cooperative Production Act. That act builds on the 1984 National Cooperative Research Act, which relaxed antitrust regulations and encouraged United States and foreign companies to cooperate on research and development projects. Together, the two acts will increase U.S. competitiveness by allowing American companies to share the risks and costs of developing new products and bringing them to market.

I want to see Congress pass the Superfund reform bill I helped draft as a member of the Senate Environment and Public Works Committee. The bill includes a responsible brownfields propose that encourages the reuse of old industrial sites by protecting new owners from liability for contamination by past owners and setting new clean-up standards that are predictable, flexible, and tailored to the intended new use of the property.

Beyond that, we need to expand the Industrial Development Bond Program to help communities finance critical building and infrastructure projects, and encourage flexibility and innovation in Federal economic development programs. One-size-fits-all approaches aren't nearly as effective as solutions that are tailored to fit communities' specific needs.

Training a skilled work force—next steps:

As Secretary of Labor and Industry I helped turn Pennsylvania's unemployment offices into one-stop job centers. In 1992, the job centers were hailed as one of the 75 top innovations in State and local government by the Ford Foundation and Harvard's Kennedy School of Government.

It's time to apply that same kind of common sense to the way the Federal Government supports worker training. We can fill gaps, eliminate costly duplication of services, and develop accurate new ways to measure results by coordinating the current patchwork of 154 Federal employment and training programs. The programs are now spread out over 14 departments and independent agencies, with a combined budget of $25 billion. As it was in Pennsylvania, cutting out this overlapping bureaucracy and improving the effectiveness of these programs will be among my high priorities in the next Congress.

Reaching new markets—next steps:

The benefits of the recovery are coming perhaps most slowly to those connected to exporting. The United States racked up the second-worst merchandise trade deficit in history in July, 1994.

As chairman of the Senate Small Business Subcommittee on Export Expansion, I have seen how Government can get in the way and prevent business from seizing opportunities in the new global marketplace. I want to change that.

We need to modernize and simplify our whole system of controls over the export of technology. The current system is a cold war relic that's often irrelevant and counterproductive.

The United States also needs to be more vigilant about monitoring foreign countries' compliance with trade agreements and, if violations are found, imposing penalties on the offending nation's exports to the United States.

III. CHANGING WITH THE TIMES

We live in a time of unprecedented change. At the same time political forces are redrawing the world's map, technological and economic changes are dramatically reshaping the world marketplace.

I believe Pennsylvanians can not only compete in this new world economy, but lead it—if we respond actively to the facts as they are. I am pleased that Washington has begun to apply so many of the commonsense lessons we pioneered in job training and other fields in Pennsylvania.

But what's more important than what we are giving to Washington is what Pennsylvanians are finally starting to get from Washington—a fair return on our investment of tax dollars.

I want to continue to work with business leaders to invest in the fundamentals of Pennsylvania's economy and respond actively to the facts as they are. Because the goals of business and Government are the same; creating good jobs for our people and new opportunities for our companies, now and in the future. Let us pursue those goals by turning away from the partisanship and division that has characterized far too much of our public discussion, and build on the common ground of commonsense action on the challenges facing our Commonwealth and our country.

LOBBYING DISCLOSURE ACT

Mr. LEVIN. Mr. President, earlier today the Senate failed in a second attempt to invoke cloture on the Lobbying Disclosure Act of 1994. This occurred despite a good faith offer to meet the stated concerns of the opponents with respect to the provisions on grassroots lobbying. We were unable to obtain the necessary unanimous concurrent resolution to strike the provisions they said they were concerned about in the conference report.

The outcome of this legislative battle is, of course, deeply disappointing. Senator COHEN and I and other members of the Governmental Affairs Committee, in particular Chairman GLENN and Ranking Republican ROTH, have worked long and hard on this legislation. The bill was first introduced in early 1992, following a series of hearings we held on the problems with lobbying registration laws. We held a hearing on that bill, S. 2279, that same year. As a result of that hearing, we introduced a revised bill, S. 2766, which was approved unanimously by the Oversight Subcommittee on June 16, 1992 and by voice vote of the Governmental Affairs Committee on June 25, 1992. The 102d Congress adjourned without final action on that bill. Senator COHEN and I then reintroduced the Lobbying Disclosure Act early in 1993 with Senators GLENN, ROTH, BOREN, CAMPBELL, MCCAIN, STEVENS, and DECONCINI. S. 349 was reported by the Governmental Affairs Committee by voice vote on February 25, 1993, and passed the Senate on May 6, 1993, after three days of consideration by a vote of 95–2.

This bill was the product of lengthy and thoughtful deliberations which reflected just what the legislative process should be. It was only in the final days that the process went terribly awry when largely the same bill that had passed the Senate by a vote of 95–2 was sacrificed for political purposes.

This setback, however, is only temporary, and we will be back early in the next Congress.

I want to take this opportunity to express my appreciation and admiration for my colleagues and their staffs who contributed so much to getting us this far. First, I want to thank my principal sponsor, Senator COHEN, for his leadership, commitment, and steady support. He never wavered in his support of this legislation and in his willingness to work to advance it. His advice was always helpful, and his good judgment always welcome.

Second, I want to thank Congressman JOHN BRYANT who labored so diligently for this bill in the House. He is one of the finest Members of Congress with whom I have worked. I value his commitment, his common sense, and the ease with which he navigated the challenges we faced.

I also want to thank Senator GLENN, the Chairman of our Committee, and Senator ROTH, the Ranking Republican. They provided the leadership and support we needed to get this legislation through the Committee and onto the Senate floor.

My appreciation also goes to the Senators who served on the Conference Committee—Senators AKAKA and STEVENS. All five Senators on the Conference Committee signed the Conference Report. We had some differences of opinion on some of the provisions, but we were able to work those differences out with sometimes lively, but largely successful, debates.

Mr. President, the leadership and support of Majority Leader MITCHELL is also greatly appreciated. He was extraordinarily effective in getting this legislation to the floor.

Of course, Mr. President, the staff representatives of all of these Members were key to the progress we did make. My thanks goes to Paul Brubaker and Dave Wilby of Senator COHEN's staff; Len Weiss and Brian Dettelbach of Senator GLENN's staff; Frank Polk and J.C. Boggs of Senator ROTH's staff; Paul Drolet and David Naimon of Congressman BRYANT's staff; Nancy Langley of Senator AKAKA's staff; Christine Piccone and Pat Raymond of Senator

STEVENS' staff; and Jim Weber of Senator MITCHELL's office.

Finally, Mr. President, I want to thank Peter Levine and Linda Gustitus of my subcommittee staff. They brought this issue to my attention back in 1989 when we were looking into the contracting and lobbying practices of the Wedtech Corporation. When we learned that persons who are paid to lobby executive branch agencies aren't required under current law to register, we decided to try to change the lobbying laws. The more we looked into these laws, the worse the picture became. We finally decided that an overall reform was necessary. We started with that reform back in 1990, and Peter and Linda pursued this matter from beginning to end. They have worked long and hard on this legislation, and I sincerely appreciate their effort. We all look forward to success next year.

Their effort has been inspiring. Night after night, week after week, Linda devoted precious hours she would have loved to have been spending with her husband Bob, and her children R.J. and Sandra, instead to the cause of lobbying and gift reform, and Peter, whose wife Mary Ellen is expecting a child in but a few months, took untold hours he would have loved to be spending with her, and gave them to this cause instead.

We owe it to our country, first and foremost, to reform lobbying disclosure laws and gift laws; we owe it next to this institution and to ourselves. But we finally also owe it to our staff and their families.

TRIBUTE TO HOWARD METZENBAUM

Mr. DECONCINI. Mr. President, as the 103rd Congress draws to a close, I want to pay tribute to one of my colleagues on the Judiciary Committee who will be retiring at the end of the session, Senator HOWARD METZENBAUM.

Howard was elected to his first full term in the Senate, as I was, in 1976. We were both appointed to the Senate Judiciary Committee where we have served for 18 years. While we have been on opposite sides of issues from time to time, HOWARD and I came to know and respect one another and to better understand the constituencies we represented.

I do not think there is a Member of the Senate who would not prefer to have HOWARD as an ally rather than an adversary. We all know HOWARD as a fighter. He was tireless and tenacious. A formidable foe, we know HOWARD will go to the mat fighting for the things in which he believes so deeply. If you're in the ring with HOWARD, you know it will be a 10-round bout. HOWARD is persistent, sometimes pugnacious, sometimes pesky, but always a man of principle.

From his seat on the Judiciary, HOWARD can boast a long list of legislative accomplishments. But among the achievements of which I know he is most proud are his successful efforts to reduce crime in our neighborhoods by eliminating guns on our streets. He was a fierce opponent of the gun lobby. After years of effort to pass legislation requiring a waiting period for the purchase of guns, HOWARD succeeded in enacting the Brady bill, a landmark piece of legislation which he authored and I supported. Battling great odds, HOWARD, Senator FEINSTEIN and I worked together in a successful effort to ban the sale of certain military style, semi-automatic assault weapons. That bill was also enacted into law as part of the 1994 Crime Bill. And HOWARD was successful as well in banning cop killer bullets which earned him numerous rewards from major law enforcement organizations. HOWARD will leave knowing he made an enormous contribution to the Senate with an impressive legacy to safe streets.

A man of considerable wealth, HOWARD chose not to become the protector of the privileged, but chose instead to be the protector of the less fortunate in our society. He chose to be the defender of the defenseless, the voice of the voiceless, the hands of the helpless. During his tenure in the Senate, HOWARD earned a reputation as the champion of the poor, the sick, the disadvantaged, the disabled, the disenfranchised, the consumer, the worker and women and children. Time precludes me from a recitation of HOWARD's legislative successes in helping these groups. Suffice it to say that HOWARD's name or his fingerprints were on every significant piece of legislation to enhance the quality of life for the less fortunate in our society. From civil rights to worker rights; from consumer protection to protection of the environment; from health security to pension security; from child labor laws to women's health, HOWARD was in the vanguard.

One of reasons that HOWARD has decided to leave the Senate is to spend more time with his family. His love for children is legendary. I would like to share with you a personal experience in this regard. In 1988, I had a fundraiser here in Washington hosted by a number of my colleagues to which one of my staff brought his 7-year-old son. It didn't take HOWARD long to greet me and my guests, and then gravitate to the child with whom he spent the rest of the evening, entertaining him with pictures and stories of his own children and grandchildren.

Trying to define Senator METZENBAUM is no easy task. He has earned many nicknames—the Conscience of the Senate, the Tiger of the Senate, Senator No, Senator Can-Do, among others. My staff affectionately referred to him as the Senate Ombudsman. That title grew from HOWARD's long and lonely vigil at the end of each session of Congress, checking every bill and every amendment under a microscope to ensure that no special interest legislation was snuck through the legislative process in the final hectic days and hours of a congressional session. As Senator BYRD has said of HOWARD, "I have often felt that if we did not have a HOWARD METZENBAUM in the Senate we ought to somehow make one."

HOWARD METZENBAUM's retirement from the Senate will leave a void in this Chamber that will not soon be filled. He will be sorely missed, but he leaves behind a legacy of impressive legislative accomplishments as well as many friends and admirers, including this Senator. As we walk out the door together, I want to wish HOWARD and his devoted wife Shirley every success and happiness. Enjoy your grandchildren and smell the roses!

TRIBUTE TO SENATOR HARLAN MATHEWS

Mr. DECONCINI. Mr. President, the poet Oliver Wendell Holmes once described the importance of acting on a commitment or an ideal: "I find the great thing in this world is not so much where we stand, as in what direction we are moving. We must sail sometimes with the wind and sometimes against it—but we must sail, and not drift, nor lie at anchor." When HARLAN MATHEWS was appointed 2 years ago to fill the unexpired term of Vice President GORE, he came to the Senate with a determination to act on his convictions. At the beginning of his tenure, he stated three primary goals he wished to pursue during his term in office: reduce the deficit, address the Nation's health care crisis, and look after the needs of his fellow Tennesseans. He has followed that course with distinction.

HARLAN came to the Senate with an outstanding background in economic policy. He served his State of Tennessee as Commissioner of Finance for 10 years, a position he held longer than any commissioner of that department to date. He was subsequently elected state treasurer. His 13 years in that position made him the longest holder of that office in Tennessee history. In his home state he made his mark as a sound fiscal conservative and continued his commitment to fiscal responsibility when he came to the U.S. Senate.

HARLAN MATHEWS has been a strong voice for economic accountability, cosponsoring a balanced budget amendment and calling on this nation to square its accounts. From his seat on the Foreign Relations Committee, Senator MATHEWS has fought to improve America's economy by improving our trade performance. He sponsored a Senate Resolution emphasizing the importance of trade relations between the

United States and the Asia Pacific countries, a critical ingredient for the U.S. to remain competitive in the 21st century. As a member of the Energy and Natural Resources Committee, HARLAN MATHEWS championed legislation to promote a working partnership among the Department of Energy, American industry, and our educational institutions, thereby allowing our Nation's research labs to spearhead economic growth and keep us economically strong in the global marketplace.

HARLAN MATHEWS has served his constituents in Tennessee with distinction. He has worked tirelessly on issues of vital concern to his home State, including coal production, research and development at the Oak Ridge National Laboratory, revitalization of the Lower Mississippi Delta region, improvement of our rural health care system, and preservation of the Great Smoky Mountains National Park.

It has been a pleasure to serve with my colleague from Tennessee over the past 2 years. He leaves behind a proud and distinguished record of service. I wish him and his family every happiness and success in the years to come.

TRIBUTE TO THE HONORABLE DAVID L. BOREN

Mr. DeCONCINI. Mr. President, it has been said that every job is a self-portrait of the person who did it. When we look at the career of the distinguished Senator from the State of Oklahoma, Senator BOREN, it is quickly apparent that he has excelled in virtually every effort he has undertaken. Senator BOREN graduated from Yale University in the top one percent of his class. He was a Rhodes Scholar and attended Oxford University in England where he received his master's degree in Government with honors. He subsequently attended the University of Oklahoma College of Law and was named by the faculty as the outstanding graduate of his class.

The State of Oklahoma and the nation are the beneficiaries of Senator BOREN's decision to dedicate the next 30 years of his life to public service. Once again, he excelled in his chosen path. After serving with distinction in the Oklahoma House of Representatives, he became the youngest governor in the Nation. Next there would follow 16 years of service in the U.S. Senate. Oklahoma's overwhelming endorsement of Senator BOREN's Senate job performance is reflected in the fact that he made state election history in both of his re-election campaigns, carrying all but two of the State's 2,354 precincts in his last election.

Senator BOREN and I came to the Senate just a few years apart. Together we worked on many issues to reform our system of government. Senator BOREN was a key player in campaign finance reform as well as legislation to streamline congressional operations; limit lobbyists' gifts and travel subsidies to government workers; and to put a rein on the revolving door between public service and private profit. He has done yeoman's work in making government more efficient and responsive to the American people. He has been in the vanguard of the fight to ensure that Federal employees serve the public interest—not special interests.

I had the privilege of succeeding Senator BOREN as chairman of the Intelligence Committee. His genius in foreign policy is widely acknowledged, and his expertise has been tapped by U.S. Presidents, Republican and Democrat alike. President Reagan chose Senator BOREN to be advisor on U.S. policy during the Philippines' transition to democracy. President Bush chose him as informal advisor on South Africa during the transition from President Botha to President de Klerk. Senator BOREN was one of three Senators who first visited China following the events of Tiananmen, and President-elect Clinton acknowledged his expertise by choosing him as an informal advisor on U.S. policy on China.

Teddy Roosevelt once stated that "real success consists in doing one's duty well in the path where one's life is led." Throughout his life DAVID BOREN not only has performed his duties well, he has excelled in virtually every endeavor he has undertaken. I am certain he will continue his outstanding record of success as he assumes the Presidency of the University of Oklahoma. I wish Senator BOREN and his family every success and happiness in the years ahead.

TRIBUTE TO SENATOR DAVE DURENBERGER

Mr. DECONCINI. Mr. President, as Senator DAVE DURENBERGER prepares to leave the U.S. Senate, I want to pay tribute to his dedicated service is this body and to wish him well as he moves on to new challenges in an already remarkable career.

Senator DURENBERGER is the first Republican in Minnesota's history ever elected to serve three terms in the U.S. Senate. In a predominantly Democratic state, that is a remarkable achievement. What the voters of Minnesota recognized in DAVE DURENBERGER are the same qualities that have earned DAVE the deep respect of his Senate colleagues: intellectual acumen, thoughtfulness, hard work, creativity, effectiveness, and independence. DAVE's willingness to work in a bipartisan manner has made him the linchpin who was able to fore complicated compromises, thereby clearing the way for enactment of such landmark legislation as the Clean Water Act and the Civil rights Act of 1991. His role as a respected mediator and honest broker led to consensus and passage of other major pieces of legislation such as enactment of the Motor Voter bill and Senate passage of Campaign Finance Reform. While Campaign Finance Reform was not enacted due to a filibuster in the waning days of this session, Dave's role in trying to reach a reasonable middle ground is greatly appreciated by those of us who understand that enactment of this legislation is central to restoring confidence in Congress.

I can speak first-hand of DAVE DURENBERGER's commitment to sound environmental policy. In the mid-1980's, we cochaired the National Water Alliance where we worked with business and grassroots organizations to develop responsible and workable policy initiatives to address water quality and access issues. But this is only one small area of DAVE's work on environmental issues. From his seat on the Environmental and Public Works Committee, one can see DAVE's "fingerprints" on every significant piece of environmental legislation passed in the last decade, including Superfund, the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act.

But I suspect that Senator DURENBERGER will be best remembered for his passionate and tireless efforts to improve our health care delivery system and ensure access to care for all Americans. Even before he came to the Senate, DAVE became involved in the health care issue in Minnesota—long before it was on the radar screen for most politicians. Together with others in the Twin Cities' business community, he initiated a successful experiment in the use of competition and consumer choice in health care purchasing.

Because of DAVE's interest and involvement in health care in Minnesota, he immediately sought a seat on the Senate Finance Committee upon being elected to the Senate in 1978 so he could continue his work in this area. As ranking member of the Finance Subcommittee on Medicare and Long Term Care, he has played a seminal role in developing health care legislation for more than a decade. The knowledge and expertise he has developed will not easily nor soon be replaced. His advice and counsel on health care issues are sought by Republicans and Democrats alike, and his centrist approach to reform is the only realistic way to find a responsible solution to this very complicated problem. Like many of his colleagues, myself included, I know that DAVE is disappointed that the 103d Congress was unable to pass either comprehensive or incremental reform. But he was persistent to the very end, working day and night with the Mainstream Coalition trying to forge a fair and workable reform package. We all owe DAVE a debt of gratitude for his efforts. I am confident that his untiring efforts on health care will provide a solid foundation on which the Members of the 104th Congress can build. He has left a legacy in this area of which he can be eminently proud.

Teddy Roosevelt once said that "real success consists in doing one's duty well in the path where one's life is led." By that standard, or any standard, DAVE DURENBERGER's life in the Senate has been one of success and great achievement. As DAVE moves on to new challenges, I want to pay tribute to his dedicated service in the U.S. Senate and to wish him and his family every success and happiness in the years to come. Godspeed, DAVE.

TRIBUTE TO SENATOR MALCOLM WALLOP

Mr. DECONCINI. Mr. President, as the 103d Congress grinds slowly to a close, I would like to pay tribute to one of my colleagues who will be retiring with me at the end of this session, Senator MALCOLM WALLOP.

Senator WALLOP and I were both elected to the Senate in 1976 and have served three terms together. Both being from the West, we had many common interests. Ironically, our first Judiciary subcommittee offices were located directly across the hall from one another on the 6th floor of the Dirksen Senate Office Building. We came to the Senate together and we will be leaving together. Like me, I am certain that Senator WALLOP will depart with a sense of great sadness and great expectations—sad to be leaving an institution we love, but looking forward to other challenges in the next phase of our lives.

With the retirement of Senator WALLOP, the citizens of Wyoming are losing a very articulate spokesman and strong advocate of the West. No Member, past or present, has been a more staunch defender of western traditions than Senator WALLOP. His leadership and expertise on issues ranging from mining law, grazing fees and water rights to energy production and the sound management of our public lands are recognized by all who have had the pleasure to serve with him. He has worked tirelessly during his 18 year tenure in the Senate to strike the proper balance between the need to protect our environment and to maintain a viable economy in the western United States. From his position as the ranking member of the Energy and Natural Resources Committee, he had a powerful forum from which to ensure the protection of the most valuable resources of the West. He did so with great vigor and effectiveness and he will be greatly missed.

Senator WALLOP's love for and deep commitment to the preservation of the western way of life are not surprising given that he represents the third generation of a Wyoming pioneer family. After more than 25 years of public service, I know he is looking forward to returning to his beloved ranch and I wish him and his family every success and happiness in the years ahead. Good luck and godspeed.

DR. CHRISTINE WARNKE

Mr. SASSER. Mr. President, it is my pleasure to commend Dr. Christine Warnke on her confirmation as a member to the Board of the National Institute for Building Sciences. Christine began her career working for the then Senate majority leader, Senator ROBERT BYRD, who imparted to her his vast amounts of knowledge about the legislative process, as well as his serious commitment to the spirit of community and national leadership.

Christine is an accomplished professional and prominent community leader. As a champion of youth, Christine serves as a member of the Board for the National Learning Center and Capital Children's Museum here in Washington. She is also the president of the Romanian Children Leukemia Aid Foundation. Christine devotes her time and effort on a pro bono basis to many organizations, including the International Human Rights Law Group. She is currently a governmental affairs advisor with the law firm of Hogan & Hartson. Working full time in Washington, Dr. Warnke last year earned her doctorate degree from the University of Maryland.

I am confident that Christine will be an invaluable member of the National Institute for Building Sciences.

SAFE DRINKING WATER

Mr. DOLE. The effort to pass the Safe Drinking Water Act has been a bipartisan affair. The Senate passed this legislation in May, and the bill recently passed the House. Unfortunately, there was never a conference between Members of the House or Senate on the Safe Drinking Water Act.

Throughout the negotiations on this legislation, I have made it clear the final package must include the Senate-passed version of a Private Property Rights Act. During Senate consideration of the Safe Drinking Water Act in May, a bipartisan amendment was attached which required the Government to conduct an impact assessment before issuing or promulgating any policy, regulation, proposed legislation, or related agency action which is likely to result in the taking of private property. The Senate adopted this amendment on a voice vote. Mr. President, there were no objections to this language.

The private property amendment was supported overwhelmingly by our colleagues. At this time, I would like to introduce for the RECORD a letter from 74 Members of the House of Representatives urging inclusion of the private property rights amendment in any final compromise on the Safe Drinking Water Act.

Time and again, I have heard from people all across America that Congress must do more to stop the tide of infringement on private property rights. I believe we have all heard this message. This provision was a small first step toward ensuring that Government mandates and Government bureaucrats do not continue to run over individual citizens and individual rights. Unfortunately, the average citizen cannot afford to take the Federal Government to court. That is why they have asked Congress to intervene.

Even though this provision was supported by our colleagues in May, there were doubts about keeping it in the legislation. Mr. President, the Safe Drinking Water Act is an important piece of legislation, and I support its intent. But there is no reason why it should not include language to protect the constitutional rights of Americans to keep their property from being taken without compensation. In the end, Congress failed to pass the Safe Drinking Water Act because of those who refused to protect these rights.

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 7, 1994.

Hon. MAX BAUCUS,
Hon. JOHN DINGELL,
Hon. JOHN CHAFEE,
Hon. CARLOS MOORHEAD,
Washington, DC.

DEAR COLLEAGUES: As part of the pending negotiations on the reauthorization of the Safe Drinking Water Act, a major issue continues to be the Dole Amendment to S. 2019 regarding the protection of private property rights.

In numerous votes throughout the 103d Congress, the House and Senate have separately shown a strong desire to protect private property rights as provided by the U.S. Constitution. However, the protections separately approved by the House and Senate are still to be enacted into law. Now is an opportunity to pass and enact strong provisions to re-affirm our earlier votes of the 103d Congress.

We urge the inclusion of the Dole Amendment in any final compromise on the SDWA.

Sincerely,

PAT ROBERTS,
(And 73 others).

PRIOR USER RIGHTS ACT

Mr. DECONCINI. Mr. President, the substitute I am offering today to S. 2272, the Patent Prior User Rights Act makes some significant changes to the bill. In particular, it clarifies that good faith purchasers of products resulting from a prior user would not be liable as an infringer—see section 273(b)(2). In addition, the substitute provides that the defense of prior use does not apply to acts of infringement already litigated or to pending litigation for infringement. In any action for infringement in which the defense of prior user is found to be valid, the court is provided discretionary authority to award equitable compensation.

In the context of subsection (a), the definition of commercially used, the bill eliminates "design or testing" and limits the definition to "used in the production of commercial products". This does not mean that the use of test equipment or design equipment, with respect to the use of the equipment itself, is precluded from meeting the definition of commercial use. The commercial use of test equipment or design equipment prior to the effective filing date of the application for patent would provide prior user rights as to the continued use of such equipment itself to the extent provided for in the statute.

Furthermore, "use in the production of a commercial product" has different implications in different commercial contexts. For example, in the context of expensive and time consuming commercial operations such as pharmaceuticals or biotechnology, the term means the use of a pharmaceutical/biotechnological product or process in the production of a product used in commerce in a commercial context under applicable Federal law.

As to the definition of effective and serious preparation, language relating to "serious plans" and "substantial investment" have been deleted to narrow the scope of conduct that would qualify as a prior use right. The term "* * * a substantial portion of the total investment" is intended to mean that a majority of the investment necessary in producing a commercial product has been expended. For example, in the pharmaceutical and biotechnology industry this would mean that an average investment of something in excess of $100 million. This is so because according to the Congressional Office of Technology Assessment [OTA] it takes, on average, over $350 million and 10 to 12 years to get a commercial product to market in the pharmaceutical or biotechnology area.

To the extent that the language of the bill before us today differs form the bill reported earlier by the Committee on the Judiciary, the explanations offered here are controlling.

Mr. President, this is an important piece of legislation and I hope that it will be enacted this year.

COMMENDING STATEMENT OF MR. WERNER FORNOS

Mr. KERRY. Mr. President, the International Conference on Population and Development, which was recently held in Cairo, Egypt, was one of the most successful U.N. conferences in recent memory. The Cairo conference, I believe, will make a significant contribution toward addressing the critical global population and development issues for the next 20 years.

The program of action which was finalized at the Cairo conference produced statements addressing a wide range of issues, including, for example, universal access to modern family planning services. The Cairo conference issued the strongest international statement yet crafted for empowering women to make vital decisions in their personal lives and in the development process.

The United States delegation to Cairo, under the skillful leadership of Vice President AL GORE and under Secretary of State Tim Wirth, made significant contributions to the consensus-building process that ultimately produced the notable final document. In addition, the U.S. delegation was assisted by numerous representatives from nongovernmental organizations [NGO] whose experience and dedication proved enormously helpful to the U.S. effort.

I would like to commend to my colleagues the statement of Mr. Werner Fornos, which Mr. Fornos delivered at the Cairo conference. Mr. Fornos, a nongovernmental organization representative to the conference, is president of the Population Institute, a nonprofit, Washington-based organization.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY WERNER FORNOS, PRESIDENT OF THE POPULATION INSTITUTE

During these still early hours of the 1994 International Conference on Population and Development, many of us sense that we are participating in more than the third decennial United Nations conference on population.

It is our sense and our vision that the final Cairo document will become a milestone in the annals of humankind.

This very meeting may be the last best chance for the nations of the world to shape the principles and the strategies that will result in an equitable balance between the world's population, its environment and resources.

My own expectation is that we will focus sharply on the issue of universal access to family planning. I firmly believe we can develop at this meeting a definitive strategy to achieve such access within the next 5 to 10 years.

Slowing down the rapid growth of human population must be the first and foremost item on our agenda.

Consider that we live today in a world of some 5.7 billion people that last year increased by 93 million—the equivalent of adding to our planet the populations of the United Kingdom, Denmark, Belgium, the Netherlands and Norway.

But only 5 million of these people were added to the industrialized world, where there might have been some hope that they could be reasonably accommodated.

Some 88 million people, however, were added to the world's very poorest countries—those where mere survival is too often a day-to-day struggle.

It is in these countries where each year reproductive related complications claim the lives of up to 1 million women—the equivalent of a World War II Holocaust every 6 years.

It is high time for an iron-clad global commitment to the proposition that every woman who wants to control her own fertility has both the right and the means to do so.

It is high time for the world to ensure universal access to voluntary family planning.

Within this context, we must always reject coercion and we must keep in mind that there are two sides to the coercion coin.

We must neither condone nor tolerate coercion as a strategy for reducing population growth.

At the same time, we must never condone nor tolerate coercive pregnancies that women are subjected to when they are denied access to the methods and means to control their own fertility.

There are two special matters that this conference must deliberate in a courageous and forthright manner.

First, there is the issue of male responsibility. There is virtual worldwide acceptance of an apparent axiom that both the burden of fertility regulation and the burden of rearing children rest solely with women.

Male attitudes must change if there is to be gender equality and a meaningful improvement in the quality of life for the next generation, and generations yet unborn.

Governments can assist in this endeavor by instituting information, education and communication programs that emphasize the importance of male participation, both in the planning of the family and in family life thereafter.

Though serious concern has been directed toward the breakdown of the family unit, I believe the basic family unit can not only survive but actually thrive, as it never has before.

But only if the status of women can be substantially raised. And only if men throughout the world can be convinced that assuming responsibilities in family planning and in family life enhances rather than threatens their masculinity.

Secondly, it is essential that there be a modification of unsustainable consumption practices.

Developing countries are implored to reduce their population growth to avoid an erosion in development gains.

But these same developing countries have every right to question the wasteful consumption habits of industrialized countries—patterns that contribute to draining resources available to the developing as well as the industrialized world.

There can be neither prevention of environmental degradation nor the realization of sustainable development until there is considerable progress in reducing population growth and in reversing current consumption and production patterns.

Finally, each and every one of us must resolve that the 1994 ICPD Program of Action will have a life beyond Cairo. The stakes are too high for this document to remain mere words on paper.

I implore each of you here today to extend your very best effort toward transforming the words we write in Cairo into deeds: viable programs in the cities, towns and villages across the length and breadth of this planet.

We simply cannot afford the luxury of waiting for someone else to follow through on what we have begun.

If the next billion people join us on this planet in 10 years, measurable improvements through development will not be achieved.

Time lost in the struggle to stabilize world population before it doubles again can never be recovered.

We must address the goals of development and slowing population growth simultaneously.

It is by our ability to convert the Cairo Program of Action from rhetoric into reality the work of this conference will be ultimately judged.

The reward for our success in this endeavor will be a better quality of life for people everywhere. The penalty for failure is unthinkable.

TRIBUTE TO DON RIEGLE

Mr. SASSER. Mr. President, I rise today to compliment my friend and colleague, Senator DON RIEGLE. It was about a year ago this time that Senator RIEGLE first announced his retirement. I have wished many times since that he would change his mind.

There is not enough I can say about Senator RIEGLE. As chairman of the Senate Banking Committee, Senator RIEGLE has an unparallel record of legislative accomplishments.

Under his leadership, Congress passed the toughest financial reform bill in 50 years, the Financial Institutions Recovery, Reform and Enforcement Act.

Also during his tenure, Congress passed the Federal Deposit Insurance Corporation Improvement Act which brought important improvements to the way banks are run and regulated, as well as to preserve the ability of the FDIC to protect depositors. This year alone, we have seen enacted into law the Riegle Community Development and Financial Institutions Act and the Riegle-Neal Interstate Banking and Branching Act.

Senator RIEGLE has always been a champion of the working people of both his home State of Michigan and the Nation. In particular, I remember our fight during the last recession to extend the unemployment insurance to help the many families in desperate need. Side by side, time and time again, we supported one another to ensure that the hard working people across the country were not forgotten. In his next pursuits I know he will continue to be a tireless advocate for the forgotten working men and women of America.

Senator RIEGLE always attacked these sometimes difficult issues in a bipartisan manner. He worked with Senators from both sides of the aisle to garner overwhelming support to pass crucial legislation. He is an excellent model of cooperative leadership—leadership that gets things done. And this is evident by the significant number of bills that are now law because of his vigorous efforts.

The Senate will miss him. DON RIEGLE has been an outstanding leader and public servant to the people of Michigan and to the Nation, as well as a good friend and colleague to me. I know DON will take the same vigor and commitment that he has displayed for over 30 years in the House and the Senate to his next endeavors and most importantly, to his young family. I wish him the very best in the years to come.

RETIREMENT OF SENATOR DON RIEGLE

Ms. MOSELEY-BRAUN. Mr. President, I want to take this opportunity to pay tribute to may good friend, Senator DON RIEGLE, the distinguished chairman of the Banking Committee. He has been a leader in the areas of banking, housing, consumer affairs, economic development, health care and child immunization, trade issues, and U.S. competitiveness. He has been a leader for his constituents in Michigan, as well a leader for the entire Nation. He has been a voice for those who are all too often left behind or left out of the process.

While I have not had the pleasure to work with DON RIEGLE as many of my colleagues, I have found him to be a caring and effective legislator. When I came to the U.S. Senate, I had the good fortune of becoming a member of the Banking Committee, and I have learned so much under his outstanding leadership. He has been kind and helpful to me from the start.

As I said on the day he announced his resignation, Senator RIEGLE took me under his wing when I came to the Senate. When people asked how I was received here, I often reflect on my first meeting with him. We discussed the equal opportunity issues we both care so deeply about—how poor people are treated in the financial system and the limited access that women and minority business owners have to capital. He said, "We're going to work together. I'd love to have you on my committee."

Since that meeting, I am proud to say that he has been true to his word in every way. He has been effective in assign legislation, and in addressing issues that protect consumers, that help to ensure fairness, that, in effect, help the "little guy".

When I approached Chairman RIEGLE with the idea of establishing a National Commission on Financial Services, he was a champion. He helped to shepard this bill through the committee as part of the interstate banking bill. This commission would assess the strengths and weaknesses of our financial system, and the public policies that affect that system. Importantly, the Commission's review would be from the perspective of the users of our financial system, and our economy generally, rather than from the perspective of only the current providers of financial services.

I also want to commend his leadership on the Community Development Banking and Financial Institutions Act. This legislation created the Community Development Financial Institutions fund to promote the formation and expansion of community development funds. As we have seen with the South Shore Bank in Chicago, effective revitalization of our urban neighborhoods will only happen when community partnerships are formed among banks, States, local governments and community organizations.

Mr. President, I could continue to list his accomplishments in the areas of banking, securities, consumer protection, affordable housing and trade issues. It is clear that the Senate is losing a powerful voice on these issues.

Because of his dedication to these matters, I know his decision not to seek reelection was not an easy one. His decision to put his family first—to spend more time with his wife and two young daughters is one that I greatly admire. As a mother of a teenage son, I know the pain of missing important events in our loved ones lives.

I am happy for his family; I am sad for his constituents in Michigan, this body and the entire country. He will be missed.

RETIREMENT OF SENATOR DAVID BOREN

Ms. MOSELEY-BRAUN. Mr. President, I rise today to honor my friend and colleague, Senator DAVID BOREN, who will be leaving the U.S. Senate at the end of this session to become the next president of the University of Oklahoma.

Mr. President, the distinguished Senator from Oklahoma began is career in public service in the Oklahoma House of Representatives, where he served with distinction from 1966 through 1974. During his four terms in the Oklahoma legislature, Senator BOREN not only served his constituents in Seminole County in elected office, but also as chairman of the department of government at Oklahoma Baptist University in Shawnee.

Senator BOREN was elected Governor of Oklahoma in 1974, and served in that office until 1979. As the youngest sitting Governor in the Nation, Senator BOREN enacted many progressive government reform laws, which strengthened conflict-of-interest statutes, expanded campaign financing disclosure requirements, and increased the number of contracts open to competitive bidding.

First elected to the U.S. Senate in 1979, Senator BOREN brought his commitment to reform to Washington, where he has led numerous efforts to make Government work better for all Americans. As the chair of the Joint Economic Committee on the Organization of Congress, Senator BOREN conducted a comprehensive review of congressional operations in order to make the institution more efficient and responsive.

In 1991, he introduced legislation to limit congressional campaign spending, discourage negative campaigning, and abolish PACs. Senator BOREN also introduced legislation to discourage administration and congressional staff from benefiting from Government service by becoming lobbyists.

A leading member of the Senate Agriculture Committee, Senator BOREN authored the Farm Credit Act of 1987, which stabilized the farm credit system and saved thousands of its borrowers from bankruptcy.

Senator BOREN has also worked tirelessly in the Senate Finance Committee to reform our Nation's Federal tax and energy policies and enhance our Nation's competitiveness in the emerging global economy.

As the longest-serving chairman in the history of the Senate Select Committee on Intelligence, Senator BOREN has stressed bipartisan cooperation in U.S. foreign policy. In fact, Senator BOREN helped negotiate the final terms of the Intermediate Nuclear Forces [INF] Treaty, the Conventional Forces in Europe [CFE] Treaty, and the Start Arms Control Treaty.

Mr. President, after 28 years of distinguished public service, Senator BOREN has decided, once again, to help meet the educational needs of our Nation's young people by becoming the next president of the University of Oklahoma.

Although all of us here in the Senate will miss Senator BOREN, we understand and admire his commitment to the education of our Nation's citizens.

Mr. President, I would like to conclude my remarks today by thanking my colleague, Senator DAVID BOREN, for all of his hard work on behalf of the citizens of the United States, and by wishing him and his family all the best.

THE RETIREMENT OF SENATOR DENNIS DECONCINI

Ms. MOSELEY-BRAUN. Mr. President, I rise today to express my sadness that, when the 104th Congress convenes in January, it will be doing so without one of the Senate's most valuable Members, Senator DENNIS DECONCINI of Arizona. Since my election to the Senate in 1992, I have had the pleasure of working with Senator DECONCINI. I know his presence will be sorely missed, not only by those of us in Congress, but by his constituents in Arizona as well, who knew that Senator DECONCINI was always looking out for their interests.

Senator DECONCINI has a long and distinguished career in public service, beginning with his successful campaign to become the Pima County, Arizona, attorney in 1972. It was while serving as Pima County's chief prosecutor that Senator DECONCINI began his efforts to strengthen drug enforcement and consumer protections, efforts that he has continued on a national level to this day. His Pima County office was named the model office of its size in the Nation by the national district attorneys association, and he was named county attorney of the year in 1975.

In 1976, Senator DECONCINI was elected to the U.S. Senate, the first of his three terms. He was not a timid freshman legislator, passing more bills than any other Senator and being named by the Wall Street Journal as the freshman most likely to succeed. Although I don't often find myself in agreement with the Wall Street Journal, as anyone looking back over Senator DECONCINI's long and distinguished career knows—on this occasion at least—they weren't wrong.

Currently the chairman of the Senate Select Committee on Intelligence, Senator DECONCINI has to be one of the busiest Members of this body. In addition to his intelligence duties, he chairs the Judiciary Committee's Subcommittee on Patents, Copyrights and Trademarks, chairs the Appropriations Committee's Subcommittee on Treasury, Postal Service and General Government, while also serving on the Committee on Veterans' Affairs, the Committee on Rules and Administration, and the Select Committee on Indian Affairs. In addition, he heads the Commission on Security and Cooperation in Europe, and cochairs the Drug Enforcement Caucus.

It is particularly fitting that he chairs the Drug Enforcement Caucus, as keeping illegal drugs off the streets—and putting those who distribute them behind bars—has been one of Senator DECONCINI's main priorities during his 18 years in this body. He was the principal author of the Anti-Drug Abuse Act of 1988, including its tough drug interdiction provisions. He has sponsored legislation to ensure Federal funding for State and local law enforcement efforts to fight drugs, and helped divert excess military aircraft to protect U.S. borders from drug smugglers.

Mr. President, since passage of the crime bill, much has been said about the bill's prohibition on the manufacture of 19 deadly semiautomatic assault weapons. That is certainly one of the more popular provisions in the bill, with polls showing that well over 70 percent of the public support a ban on these instruments of mass destruction. I think it is worth noting that Senator DECONCINI was working to ban semiautomatic assault weapons long before it was politically popular. Beginning in the late 1980's, Senator DECONCINI crafted legislation to take these weapons off our streets. His early support of this legislation is a testament to his political courage, and a prime example of why he will be so sorely missed.

Senator DECONCINI has also been a leader on issues affecting our most vulnerable populations, children and senior citizens. His work to help establish the national center for missing and exploited children was but one of the reasons he received a national award for legislative leadership in child abuse prevention. He has repeatedly supported increased funding for education programs, including financial aid to deserving student, vocational, and adult education, and bilingual education. He has opposed efforts to delay cost-of-living increases for Social Security recipients, and is the sponsor of legislation to equalize Social Security benefits for those senior citizens known as notch babies. In addition, he has sponsored legislation, now law, to create the first nationally coordinated program for the prevention, identification, and treatment of abuse against the elderly.

In a time of skyrocketing Federal deficits, Senator DECONCINI has actively searched for ways to reduce Government expenditures. He helped write legislation enabling the Federal Government to employ more aggressive debt-collection methods, and cosponsored legislation establishing an inspector general in the Department of Defense, to uncover fraud and waste. While on the Appropriations Committee, he has helped reduce the amount of money that the Federal Government can spend on consultant services, public relations, printing, and motor vehicles.

But Senator DECONCINI's efforts have not been limited to the problems within the United States. He authored legislation to promote democracy and human rights in the Philippines, South Korea, and Chile. He was the sponsor of a successful resolution to remove Soviet and Cuban troops in Angola, and to encourage a peaceful settlement of that country's civil war. He sponsored legislation, now law, to keep sophisticated U.S. antiaircraft missiles out of the hands of terrorists and to direct U.S. loans to the poorest of the poor in Third World nations, so they can work toward self-sufficiency. So it is not just Arizona's citizens, but citizens in all parts of the world, who are better off due to Senator DECONCINI's service in the Senate.

Those in Arizona who know Senator DECONCINI's family are not surprised by this dedication to public service. Indeed, some might say that his family is an Arizona political dynasty. His father, Evo, enjoyed a long and distinguished legal career, serving as a Pima County Superior Court judge, as attorney general for the State of Arizona, and as an Arizona Supreme Court Justice. His mother, Ora, was the State's Democratic National Committee woman from 1972 to 1980. We certainly owe his mother and father a debt of gratitude for instilling Senator DECONCINI with the will and desire to serve.

Mr. President, the downside of paying tribute to someone with a career as long and distinguished as Senator DECONCINI's is that you will inevitably leave out many important accomplishments. But my purpose in speaking today is not to recap everything the Senator from Arizona has ever done. Rather, I want to give everyone a sense of why I, personally, will miss him so much. When asked how he wanted to be remembered, Senator DECONCINI replied that he wanted to be remembered as someone who put his constituents first. Whether they were rich and powerful or poor and humble, I was fighting against the Government or with the Government to get what was right.

Mr. President, I would submit that Senator DECONCINI will be remembered as all that and more. I wish him well in all his future endeavors, and hope that he will not hesitate to continue to weigh in on legislation. That way, we can continue to benefit from his insight and wisdom.

THANKING MAJORITY LEADER GEORGE MITCHELL

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment to commend our truly distinguished illustrious leader, Majority Leader Senator GEORGE MITCHELL, and tell him how sorry I am that he will no longer be here to lead us when the Senate returns to Washington early next year. I know that I cannot possibly pay tribute to all of Senator MITCHELL's accomplishments in a manageable time. However, I would like to take a moment to comment on at least a few of his many accomplishments.

Senator MITCHELL can rightly claim credit for the passage of the budget bill, the Clean Air Act, NAFTA legislation, and the crime bill. Although these bills were authored by other Senators, none would have passed without the strong leadership of Majority Leader MITCHELL. Indeed, his legacy will extend well into the future.

I very much regret that we were unable to vote on a health care reform bill, but when we act in the next Congress, there is no question that we will be building on the work the majority leader has done and I am convinced that the groundwork he laid will lead to a new health care system that is better for every American and better for our Nation.

GEORGE MITCHELL came to the Senate in 1980 through a special election, and then campaigned and won again in 1982. Early in his Senate career he demonstrated in his strength as a legislator, an ability to bring differing ideas and points of view together, and a judicial bearing that is a consequence of the years he spent as a U.S. attorney and a district court judge.

His previous services as the Maine Democratic Party chairman, and in Senator Ed Muskie's Presidential campaign steeled him for duty as the head of the Democratic senatorial campaign committee, where he engineered the highly successful Democratic senatorial election in 1986. He showed an ability in elective politics that was every bit as strong as his ability as a legislator.

Senator MITCHELL was awarded the title of deputy president pro tempore for the 100th Congress. Two years later he was elected leader, by creating a broad-based, unbeatable coalition.

Since his election to majority leader, GEORGE MITCHELL has been successful in negotiating with and between Members on both sides of the aisle, on and off the Senate floor. He has been simultaneously patient and stubborn, making sure that every Senator's rights are protected, but never allowing his aims in legislation to be sidetracked. Senator MITCHELL has shown versatility in representing concerns ranging from the interests of his constituents in Maine to those of the President. He is indeed a great legislator and a wonderful politician.

In the 2 years since I was elected to the Senate in 1992, I have learned a great deal and one of my greatest teachers has been Senator MITCHELL. He has taught me that there is always more than one way to approach legislation and that it is important to remember that if one is able to maintain a patient and listening attitude, often opposition which seems implacable can be transformed into agreement. It is clear that we are all going to miss GEORGE MITCHELL a great deal. I want to thank him personally for the spectacular job he has done. He has been a superb public servant. Our Nation is a better place today because GEORGE MITCHELL served in the Senate.

DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT

Mr. HARKIN. Mr. President, I am very pleased that today the Senate gave final approval to the Dietary Supplement Health and Education Act. This is an important moment for American consumers and for preventive health care. And it has been a long time coming. My colleague from Utah, Senator HATCH, and I have been working for months to bring about this bipartisan compromise which promotes consumer protection and education and freedom of choice.

The compromise before us is the result of many months of discussions and alterations. It guarantees the American people access to supplements to their diets that promote improved health and well-being. It also takes steps to assure that consumers will receive truth and nonmisleading information about these products without excessive, biased regulation by the Federal government.

Mr. President, there is an overwhelming irony in a government that subsidizes to the tune of a billion dollars a year the advertising and promotion of tobacco, which kills over 450,000 Americans a year, while running roughshod over the promotion of products that aim to promote health and save lives.

Taxpayers are being asked to subsidize activities that are designed to hook our kids on a habit that we know robs health. At the same time the FDA seems to want to deny people access to information they can use to take charge of their own health. Something's out of whack here. And the legislation before us changes that.

As with any compromise, no one is going to be 100 percent pleased with every detail of our efforts. Certainly, if I were able to draft the bill by myself, it would have been different. But given our system, the bill before us is as good as it could be. It responds to the concerns of millions of Americans who want to see our health care system opened up and consumers armed with better information.

I have been a long-time advocate of preventive health care. And this proposal is an important part of that. We don't have a health care system in this Nation. We have a sick care system. We spend billions patching and mending. But we flunk when it comes to helping people stay healthy in the first place. If all we do is change how we pay the bills, we're just rearranging the deck chairs on the *Titanic*. We're going down. The only way we'll really get costs under control is to emphasize prevention and giving people the wherewithal to stay healthy.

Mr. President, I want to commend my colleague from Utah, Senator HATCH, for his tireless and skillful efforts on this legislation. As the author of S. 784, he successfully fought a tough, uphill battle and should be proud of his success in moving the bill forward. I also want to commend my House colleagues for the critical role they played in making passage of this legislation possible. Congressman BILL RICHARDSON authored the original bill in the House and was vital to this successful effort. In addition, this legislation clearly would not have been possible without the cooperation and work of Congressman HENRY WAXMAN and the distinguished Chairman of the House Energy and Commerce Committee, Congressman JOHN DINGELL. These two individuals have been in the middle of virtually every important piece of health legislation over the past two decades.

Again, Mr. President, I am very pleased that the Senate is taking final action on the Dietary Supplement Health and Education Act. This bill is an important step forward in health care policy. I hope the President signs it and makes it the law of the land promptly as possible.

TRIBUTE TO THE MITCHELL FIELD STAFF

Mr. MITCHELL. Mr. President, as I reflect upon my time in the Senate and all of those who have helped me here, I find myself wondering where I would have been without my field staff. Perhaps the more important question is where would the people of Maine have been without them. I have called them my eyes and ears in my home State and indeed they are. They ensure that people of Maine have access to their Federal Government.

I have 8 offices throughout the State, each staffed by extremely dedicated and competent people. My central Maine offices are headed by Tom Bertocci. Tom is well-known for his excellent outreach skills, and he represents me well in many communities throughout his area. In Augusta, Sue Gurney holds down the fort. Her knowledge of immigration procedures is outstanding, and many local families have relied on her assistance to bring their loved ones from foreign countries to Maine.

In Rockland, Jeanne Hollingsworth is renowned for her perseverance and dedication. She fights hard to make sure that Mainers get what they deserve from their government. Elaine Huber-Neville is also in Rockland. Elaine brings a terrific "can-do" attitude to her job, and has been an outstanding caseworker.

My Waterville office is staffed by Janet Dennis. She has been with me since the beginning, and has always attended to the needs of the people of the Waterville area.

My senior field representative, Clyde MacDonald, works out of the Bangor office. His institutional memory is invaluable, as is his willingness to dig into the nitty-gritty of an issue. Clyde is assisted by Margaret Samways, one of the truly nicest people I have ever met. She is also a terrific caseworker, and the people of the Bangor area have benefited greatly from her efforts.

In Biddeford, Judy Cadorette is my field representative. She has worked hard on numerous local economic development issues and has been an excellent representative. She is joined in the office by Ann Paquette. Ann takes great care of my Biddeford-area constituents, and I appreciate it.

Jeff Porter is my field representative in Lewiston. He also serves as my driver while I am in Maine, advancing my trips and working valiantly to keep me on schedule. I am going to miss spending 20 hours in the car with him every weekend. Also in the Lewiston office is Joan Pedersen, a resourceful, efficient, and persistent caseworker.

My Portland office is headed by Margaret Kneeland. She and Sharon Sudbay have been with me forever it seems. They have become trusted employees, working both in the field office and taking time off to work on my reelection campaigns. Margaret and Sharon are hard workers with excellent political judgment whose efforts I very much have appreciated. Also in the Portland office are Joan Beard and John McLaughlin. Joan and John each handle a tremendous caseload, and yet remain cheerful and efficient. They go out of their ways to provide as much help as possible to every person who calls or stops by the Portland office.

All the way at the northern end of the State, Mary Leblanc is my field representative in Presque Isle. She has put too many hours to count into the effort first to save Loring Air Force Base from closure, and then to redevelop the base. I believe that every person in Aroostook County knows Mary and is greateful to her for her outstanding work. She is joined in the Presque Isle office by Marcia Gartley. Marcia is a true professional, who handles a demanding caseload with ease.

Each member of my field staff has made tremendous efforts on behalf of the people of Maine. Each has many stories to tell of successful cases, large and small. I thank them all for their commitment, their dedication and their many years of service.

TRIBUTE TO THE MITCHELL STAFF

Mr. MITCHELL. Mr. President, one of the great pleasures of serving as majority leader of the U.S. Senate is working with the talented and dedicated group of men and women who make this institution run. These outstanding Americans are here every day the Senate is in session, and many days that the Senate is not. They often arrive here early in the morning and stay here late into the night to ensure that we can do our work effectively and successfully.

Many of these individuals could be earning more money in the private sector. All of them could be working normal jobs, living normal lives; instead, they are here serving their country and their government.

They have certainly made my years in the Senate much easier. Therefore, in the closing hours of the 103d Congress, and in my closing hours as majority leader, I want to take a few minutes to thank them for all their help and cooperation.

I begin by thanking my chief of staff, John Hilley. Every Member of this chamber is indebted to John. His political acumen, his keen judgment, his grasp of Senate procedure, and his ability to work with 100 occasionally testy lawmakers made him a logical choice for this demanding position. My faith was not misplaced. I will always remember and appreciate his outstanding service both to me and to the Senate.

Lisa Nolan has the remarkable ability to take the complexities of the budget and make them understandable. Her analytical skills and her grace under pressure have made her an invaluable part of my office. John and I both thank her.

My executive assistant, Pat Sarcone, is the miracle worker every office needs. She has the rare but wonderful ability to simplify the complex, to ease the difficult, and to make routine the extraordinary. She keeps the office, and indeed my life, running smoothly. To work with her is a pleasure—to know her is a delight. I thank her.

John is assisted by Alice Aughtry, whose work and loyalty alone make her indispensable. The positive, pleasant attitude she brings to her job makes her even more indispensable. John appreciates it. I appreciate it.

The staff assistants in the leader's office perform many of the routine but critical tasks. Beth Gentile, Jamillia Ferris, and Elizabeth Harrington all put in long hours and perform their jobs superbly. I appreciate all that they do.

I would like to thank a very special collection of people—my state office staff—for all their help during my years in this chamber. I cannot imagine my being here or remaining here without them. They are highly skilled and dedicated men and women, and they have served both me and the people of Maine tirelessly.

My administrative assistant, Mary McAleney, is a counselor as well as a supervisor, a conciliator as well as a troubleshooter, a puller as well as a pusher, a servant as well as a boss; foremost, she is a blessing.

My legislative staff has been outstanding. Both professionally and personally they are the best there is, and as I leave the Senate, I do so realizing I will leave behind some of the best colleagues I will ever know.

Bobby Rozen has an expert knowledge of everything. I have relied on him mostly for tax, banking, and health care issues. I could have asked him to do anything. I depend on him. I trust him. He has never let me down, and I appreciate it.

Anita Jensen's superb writing abilities and her outstanding work on Judiciary Committee issues has made her an invaluable part of my staff. She has been with me since the beginning, and I thank her for sticking with me, through the bad as well as the good. She has forgotten more about most things than any of us will ever know to begin with. I have counted on her political judgment, her wisdom and her ability to find the right words for any situation. I owe her much, and I thank her.

Anita is assisted by Ashley Abbott, who my staff now likes to call "Anita Junior"—a nickname that is a wonderful tribute to both individuals. Her writing is simply excellent, and her ability to jump in and handle a variety of diverse issues has been greatly appreciated by everyone, especially Anita and myself.

Grace Reef does it all. Social issues, labor issues, bridges and roads, LIHEAP, welfare reform, unemployment compensation—I could go on and on. She is thorough, conscientious, and incredibly dedicated. The State of Maine and I have been very fortunate to have her. I have said before and will say it again that she truly is "Amazing Grace."

Chris Williams knows more about the need to reform the American health care system than anybody. She was tireless and tenacious during our fight to reform our flawed and failing system. She will never know how much I appreciated her efforts and her strengths during those trying and tiring days.

Chris has been assisted by several bright, capable and effective Fellows. Parashar Patel, Dr. Oliver Fein, and Judy Whang all made invaluable contributions to our efforts, and I thank them for their work.

Sandy Brown handles everything from the arts and humanities to economic development. She works very closely with my field staff on projects of tremendous importance to the State of Maine. She is the person most responsible for the resumption of train service from Boston to Portland. I thank her and look forward to riding the first train with her in the very near future.

Sandy is assisted by Patrick Maxcy. He works on Maine-related economic development issues, as well as covering agriculture and aviation. Patrick has done an outstanding job in fighting for Maine's interests, and I know many people who are grateful to him. I am certainly one of them.

Seth Brewster has done excellent work on trade issues. Between the NAFTA and GATT, this Congress has certainly put his skills to the test. Seth has met every challenge, and I thank him.

Peggy Dorothy is splendid in her work on labor issues and with the fishing industry. These are difficult areas, with their common denominator being the large number of competing interests with which to deal. I thank her for her efforts.

On foreign policy matters, how can I ever express my thanks to Ed King. I have constantly depended on his experience and expertise. His foreign policy, military, and academic experiences have given him both a practical and scholarly background that is heavily utilized on Capitol Hill. During the past year, our ever-changing world has presented constant challenges. Bosnia, Haiti, Cuba, and Korea spring immediately to mind. Ed has responded to each of these challenges like the champ he is. He has been ably assisted by Carol Grigsby and Leah Titerence. I thank them all.

Heidi Bonner has worked on defense and veterans issues for me this year. She has filled the shoes of not just 1 but 2 people, and she became a mother for the first time. She has balanced and juggled, and she has done a remarkable job.

Few people are as concerned with protecting and preserving our precious natural resources as are Jeff Peterson and Ann Tartre. As my environmental issues team, they have handled so many issues that are important to so many people, and so dear to me, that I could not name them all. Jeff and Ann's efforts have helped to make our water and air cleaner, to keep our solid and nuclear waste from overtaking us, and to prevent our Earth's species from vanishing. Many thanks to both of you.

Jeff and Ann have been assisted this year by Ted Lillestolen. He has concentrated on the complexities of Superfund, as well as pitching in wherever else help was needed. He has been a terrific addition to the office, and I appreciate his help.

I have been fortunate to have the services of Jim Weber this year. Jim came to me from the Parlimentarian's office, where I know that he is still missed. He has handled some of this session's most contentious issues, ranging from lobbying reform to the Whitewater investigation. He has done a superb job, and I am grateful to him.

Lauren Griffen returned to my staff this year and is now covering education issues for me. Her work has been excellent and I thank her.

I also express my appreciation for those who perform the essential day to day operations that keeps a Senate office functioning. The diligence and attention to detail required in these jobs would tax not only the patience as well but the sanity of most mortals. They have done them, patiently and successfully.

My office manager, Donna Beck, takes care of the financial matters and the day to day affairs that are instrumental to the smooth operations of an office. She manages to keep all of us in line, and knows the Senate's ethics rules inside and out. As I leave office, Donna will be the last one out the door. I thank her for her past efforts and for the work she will continue to do.

In closing the office, Donna will be assisted by Sally Ehrenfried, who recently returned to my staff. In the past, Sally has served as my page and intern coordinator and has helped Donna in managing the office. Kristi Mashon, my new archivist and a very new mother, will also be critical in retiring my office. I appreciate Sally and Kristi's work.

David Webber is Mary McAleney's assistant. He serves as her gatekeeper, helping to prioritize and handle the overwhelming flow of paperwork and telephone calls into and out of her office. He has a great attitude, and is always willing to pitch in where needed. I thank him.

My correspondence staff is outstanding. Since becoming majority leader, it has been my policy to respond to every piece of mail that I receive. This has often been many hundreds of letters every day, and I could not have done it without the assistance of many dedicated staffers.

Alice Steward oversees the mail operation. The piles of mail on her desk have often seemed insurmountable, but she has worked countless hours making sure that every American received a timely response from me.

My legislative correspondents have performed above and beyond the call of duty. They work long hours for relatively low pay and almost no recognition. My legislative assistants, the American people and I owe them a debt of gratitude.

Josh McIntyre responds to constituents about budget, human resources, housing and urban development, Social Security and public works issues. Jeff Sanders addresses health, labor, science and technology and small business concerns. Joan Sutton is responsible for communications, energy, environment, judiciary and tax mail. Josh, Jeff and Joan each do an outstanding job, and I appreciate their work.

Faye Johnson is the last critical link in the mail operation. She runs the CCMS system, making sure that every constituent receives the appropriate response. She has been with me for many years, and she has been a true pleasure to have in the office. Faye has also volunteered as the Coordinated Federal Campaign coordinator for our office, and I know that many people and charitable organizations in the Greater Washington area greatly appreciate her efforts.

Janie O'Connor is by far the best tour guide on the Hill. She is also my liaison with various school and tour groups, as well as the visitors who happens through my office in quest of seeing their tax dollars at work. Janie has been with me for nearly 14 years—I will miss her.

Diane Smith is the wonder worker who keeps my Maine schedule balanced with the requests and needs placed on me as Majority Leader. It has been a most difficult and demanding job, and she has handled it splendidly. I have said before that I thought she is the one person who could schedule 11 hours of work and travel into a 10-hour day and still leave time for a quick lunch. Now I know that assessment to be wrong. She can schedule 12 hours into a 10-hour day and leave time for a leisurely lunch. I thank her for her many talents and her patience.

My Maine press secretary, David Bradon, and his assistant, John Dougherty, have done excellent work in keeping the people of the state of Maine aware of our legislative efforts. They have the ability to make the driest piece of legislation interesting, and to communicate that to the people of Maine. It is not an easy task, and I commend them for their efforts.

Jeff Hecker works long and hard to keep our office computer systems functioning. This is work that requires expert knowledge and long hours, usually into the evenings and on weekends when no one else is in the office. Thank you, Jeff.

The staff assistants in my personal office are terrific. Andrew Haggard and Kim Crichton answer the phones which never seem to stop ringing. Charlie Strout and Clay Boothby open the mail which never seems to stop arriving. All 4 have the patience of saints. They give each constituent—and each constituent's letter—the time and respect that they deserve. I thank them for all of their work.

I also want to mention a number of people who have left my staff in the last 6 months since I announced my retirement. Each has gone on to pursue new and existing challenges, and I wish them well in their pursuits. However, I want them to know that I appreciated very much their hard work, professionalism, and dedication during the time they served on my staff. My sincere thanks to Rich Arneberg, Kim Wallace, Bob Carolla, Brett O'Brien, Steve Hart, Paul Carliner, Deb Cotter, Trey Kelleter, Jill Ward and Elizabeth Sutherland.

My driver in Washington, Willie Allen, has made sure that I meet my demanding schedule, and he has done so cheerfully and pleasantly. He tolerates my back seat driving, and I appreciate his long hours.

I should also thank the numerous interns who have volunteered their time here in Washington. Although I cannot possibly name them all, I do hope that they know how much I appreciate the work they have done for me.

My communications office is under the direction of the very capable and tenacious Diane Dewhirst. During my tenure as majority leader, Diane has helped keep the press and the public informed on the workings of this chamber and its achievements, and has effectively promoted the Democratic agenda in the media. In a free society such as ours, the press can be very demanding, and it requires a dedicated professional to meet those demands. Diane has been outstanding, and so has her staff, deputy press secretary Mary Ann Hill, and their capable assistants Mary Helen Fuller, Julie Goldberg, and Jonathan Hale.

Diane and Mary Ann each became mothers this year, and I appreciate the special effort each has made to balance their new responsibilities with their old ones.

Also vital to keeping the public informed about key Democratic initiatives during my tenure has been the work of the Democratic Policy Committee. Under the direction of Vice Chairman Senator TOM DASCHLE, DPC has become an important forum and vehicle for developing and promoting Democratic policies on education, environment, health care, the economy, and other issues. DPC's director of outreach, Debra Silimeo, has brought an energetic devotion to her task. DPC's director of services, Greg Billings, has brought a dedication to his administrative responsibilities.

Debra and Greg are ably assisted by the DPC's policy staff Ken Rynne, Paul Brown, Lauren Griffin, Rindy O'Brien, Jennefer Smith, Tony Morgan, Leah Titerence, Rob Graham, Tricia Moreis, Heather Mayes, and David Corbin. They are assisted by Joy Leach and Joe Stensland.

Working hard to ensure that DPC's publication are developed, produced, printed, and distributed is the publications office. It is headed by Marguerite Beck Rex, who is assisted by Lynn Terpstra, Tim Metrovich, Karen Hutchinson, Bill McCabe, and Chris Bois.

DPC–TV is operated by Michael Mozden and Kirstan Jennings.

Assisting Senators with television communications is DPC broadcast services. This office is headed by the experienced and very capable Kevin McNanus. He is assisted by Christine Deckle, Clare Flood, Kevin Kelleher, and Mark Marchions.

Vote information records are maintained by Marian Bertram, Doug Connolly, Colleen Stephenson, Von Brown, and Rob Sweeney.

Mr. President, for me, representing the people of Maine in the Senate has been the greatest honor of my life. I could not have accomplished all that I have without the help of each of these individuals.

Most of them will never get the attention and recognition that they deserve, nor will they be mentioned in history books. But they are people who help make history every day that they are here. They are the people who make the Senate work.

Each has my most profound and sincere appreciation for the work they do for this body. I commend them for their service to their country and their contributions to the U.S. Senate.

FAREWELL TO SENATOR DAVID BOREN

Mr. MITCHELL. Mr. President, in January, when the 104th Congress is sworn in, Senator DAVID BOREN will instead be sworn in as president of the University of Oklahoma. I certainly wish him well in this new endeavor, but at the same time I know that his presence in the Senate will be sorely missed.

DAVID BOREN has earned a reputation as a "bridge builder." He is known for putting together working groups of Members with different perspectives on an issue. These groups are often able to find common ground and advance their legislative goals by building strong, bipartisan consensus.

Bringing people together is a skill which is all too rare. Assembling a balanced group and helping its members to put aside their differences and focus on commonalities is a test of anyone's leadership abilities. DAVID BOREN has consistently met this test, and his leadership is unquestioned.

To me, it seems clear that Senator BOREN's greatest legacy will be his tremendous efforts to reform the way our campaign finance laws are structured. Nobody understands more clearly than DAVID BOREN the problems inherent in our current system. He has fought hard to remove the overriding influence of money on our system, to take elections out of the hands of political action committees and return them to the hands of the people.

I admire Senator BOREN's willingness to take on this difficult and contentious issue. He has been a tireless campaigner on this issue, and he has brought us to the very brink of success. I regret that it was not possible to complete action on this important measure this year, but I commend Senator Boren for his heroic efforts.

DAVID BOREN has a sharp mind and a keen intellect. I am sure that he will be a strong leader at the University of Oklahoma and a role model to the University's students. I wish him every success in this endeavor.

FAREWELL TO SENATOR JOHN DANFORTH

Mr. MITCHELL. Mr. President, When the 104th Congress convenes in January, the Senate will be without the sound voice of experience of JOHN DANFORTH.

I will be the first to admit that I have not always agreed with the policy positions of my good friend, Senator DANFORTH. He and I have served on opposite sides of the aisle and have disagreed on more than one occasion.

But there have also been many times when we have agreed. And there have been few Members who have been as instrumental in seeking common ground during my tenure as majority leader as has Senator DANFORTH.

I think back to the Civil Rights Act of 1991. JACK DANFORTH worked tirelessly to mediate the differences of those on the left and the right, working between the range of civil rights organizations and those who thought that the very words "civil rights" in fact meant "quota." Although it was a difficult position for him to be in at the time, Senator DANFORTH led the effort to find an acceptable compromise. Without his efforts, there might not have been a Civil Rights Act in 1991.

Senator DANFORTH has also worked to expand the market for American products. His efforts as ranking member of the Finance Committee's trade subcommittee have helped to open the global market to American goods and services. As we all know, a larger market leads to greater demand. His work in this area has been instrumental to many American businesses, and I know that they are grateful to him.

Senator DANFORTH, the only ordained minister now serving in the Senate, has brought a unique perspective to his duties as a legislator. He has represented the people of Missouri both honorably and effectively.

JACK DANFORTH has been a commanding presence in the Senate for more than two decades. I know that he will be sorely missed and I wish him well as he leaves this institution.

FAREWELL TO SENATOR DENNIS DECONCINI

Mr. MITCHELL. Mr. President, the close of the 103d Congress will see the departure of many of our colleagues. Among them will be Senator DENNIS DECONCINI.

For nearly 20 years, the people of Arizona have had a tireless advocate in DENNIS DECONCINI. He has worked hard to make sure his State was not forgotten in matters of public policy of special concern to them.

As chairman of the Treasury, Postal, and General Government appropriations subcommittee, DENNIS has demonstrated his outstanding ability to balance numerous competing demands, including those of Federal personnel, the needs of law enforcement, the modernization of the Internal Revenue Service, and others. He has worked to find adequate funding to meet the needs of the agencies under his subcommittee's domain, while at the same time recognizing the need to reduce expenditures during these difficult budgetary times.

DENNIS has also served as chairman of the Select Committee on Intelligence, advocating for changes in our intelligence operations to meet the shifting demands of our post-cold-war world. His efforts are notable for their focus both on reducing costs and improving effectiveness.

I will always have fond memories of my first foreign trip as a Senator. DENNIS DECONCINI and I, with a number of other Members, went to the Soviet Union in 1984 to meet with Mikael Gorbachev. The conditions were difficult, and the situation was tense in those cold war days. But we had a good and productive trip.

More importantly, I had the opportunity to get to know DENNIS better. Although we didn't have the opportunity to play in the Soviet Union, we discovered a mutual love for the game of tennis. I have enjoyed our many games, and hope that after our retirements we will both have more time to play.

Over the last 14 years, DENNIS has been a good friend. I have enjoyed serving in the Senate with him, and I thank him for his excellent work.

FAREWELL TO SENATOR DURENBERGER

Mr. MITCHELL. Mr. President, when the 104th Congress convenes next January, the senior Senator from Minnesota will no longer be DAVID DURENBERGER. As he retires from the Senate, I want to express my gratitude to him for his efforts on many issues of interest to both of us.

Senator DURENBERGER has been a leader in this Congress on issues of vital importance to all Americans. For many years, he has been committed to reforming our Nation's broken health care system to improve patient choice, to contain costs, and extend care to those who need it but cannot afford it.

In this session, Senator DURENBERGER was instrumental in our efforts to break the gridlock and reach agreement on much needed reforms. He came to the negotiating table with an open mind and with a true understanding of the magnitude of the problem facing our Nation.

He worked tirelessly, investing countless hours in our effort to develop a bill which could attract the 60 necessary votes to overcome the promised filibuster. And I know that he was as frustrated as I was by our inability to complete action on any health care reform proposal.

Senator DURENBERGER rose above party politics and put the good of the American people first. He sought not political advantage, but compromise and action. I cannot fully express how much I appreciated his support and his work during the difficult and trying negotiations.

The people of Minnesota are losing a good friend, and the senior citizens of America are losing a strong voice. Senator DURENBERGER has long been concerned with our Nation's elderly, advocating for long-term care, catastrophic health care coverage, and other programs of benefit to America's fastest growing group of citizens: those over 65.

Senator DURENBERGER has also worked to make higher education available to more American youth by reforming student loan programs. He recognizes that our Nation's future is tied to the ability of young people to get the education they need to be competitive and employable in the 21st century. His efforts have made a significant difference in this area.

In short, Senator DURENBERGER has worked hard to make life better for all Americans. I have very much enjoyed working with him, and I wish him the very best as he returns to private life.

FAREWELL TO SENATOR HOWARD METZENBAUM

Mr. MITCHELL. Mr. President, the end of the 103d Congress will see the retirement of one of the Senate's most visible members, HOWARD METZENBAUM. After nearly 50 years in public service, he certainly has earned his return to private life. However, the Senate without him will be a much different place.

Senator METZENBAUM has been an effective voice for many who might otherwise have been silent in the Senate's deliberations. He has spoken out on behalf of the poor, the elderly, women, and minorities.

I respect his deep commitment to his principles, and I appreciate him for being the kind, compassionate, and caring man that he truly is. These traits have benefited the constituents he has represented for the past 16 years. They have also benefited the Senate as an institution.

HOWARD METZENBAUM has a well developed sense of right and wrong. He loudly cheers those things which are right, and works tirelessly to correct those which are wrong.

Senator METZENBAUM has worked tirelessly to make our Nation a safer place. His outstanding work on behalf of the Brady bill—now the Brady law—was critical in ensuring its passage. He understood all too clearly the need to develop an effective system to keep guns out of the hands of people who were already precluded by law from having guns. He also worked hard to pass the assault weapons ban, recognizing that the guns affected by this legislation were the most deadly on the market.

HOWARD METZENBAUM has been a champion of the American worker. He has led many fights to defend and protect the rights of organized labor. His efforts were essential in passage of the plant-closing notice legislation. He has had far too many other successes to list.

Senator METZENBAUM has been a dynamic Member of the Senate, and his contributions to this institution and to our Nation will not soon be forgotten. He has been an active Member of this body from the first days here in 1976 until the closing days of his final session.

I wish Senator METZENBAUM well in his retirement, and thank him for his dedicated service to his country.

FAREWELL TO SENATOR DONALD RIEGLE

Mr. MITCHELL. Mr. President, with the close of the 103d Congress comes also the close of DON RIEGLE'S career in the Senate. The people of Michigan are losing a strong and effective voice, and the Senate is losing a dear friend and colleague.

It was 28 years ago that Senator RIEGLE, then just 28 himself, was first elected to Congress. As a Republican. Things have certainly changed.

I like to say that in 1973, DON RIEGLE saw the light and switched to the Democratic party. Since then, we have been pleased to have such a forceful and dedicated legislator in our midst.

Senator RIEGLE'S leadership on the Banking Committee has been excellent. He is regarded as intense and hard-working, and deserves much credit for the recently passed interstate banking bill. He enjoys a challenge, and perseveres rather than giving up in the face of adversity.

His constituents have always been foremost in Senator RIEGLE'S mind. He has worked to ensure that American jobs are protected and that the American worker is not exploited. He is fair and level-headed.

DON RIEGLE has brought vision and initiative to the Senate that I know will be missed. I wish him well and thank him for his many contributions to this institution and our nation.

FAREWELL TO SENATOR MALCOLM WALLOP

Mr. MITCHELL. Mr. President, I am sure that the people of Wyoming were saddened to learn that Senator MALCOLM WALLOP would be retiring at the end of the 103d Congress. Since 1976, he has been a strong voice for the interests of the people of Wyoming, and for the interests of the West in general.

I have viewed Senator WALLOP as a member of the loyal opposition since I entered the Senate in 1980. From my perspective, he has been a little bit too effective in this role, working to stop or change legislation which I supported.

But although we often disagree on policy matters, I certainly respect Senator WALLOP'S courage of his convictions. He came to the Senate with certain views and beliefs, and he has held fast to them. Senator WALLOP has been a strong voice in foreign policy issues, advocating changes in policy even when they were not popular. He has never catered to public opinion polls, but rather has stuck to his guns and done what he believed to be right.

I admire his tenacity and his perseverance. It has been a pleasure to serve in the Senate with him, and I wish him well in whatever new challenges he may choose to pursue in the future.

TRIBUTE TO THE SERGEANT AT ARMS AND RELATED OFFICES

Mr. MITCHELL. Mr. President, the Sergeant at Arms has a number of diverse offices under his purview. Each of these offices is essential to the smooth running of the Senate, and I want to take a moment to express my appreciation to those who perform these vital functions.

For 14 years I depended on Larry Benoit as my chief field representative in Maine and as my campaign manager. Few people know the State of Maine as well as Larry. He is insightful, thoughtful and persuasive.

He was so effective and tireless in those demanding but often thankless positions that when the opportunity arose, I appointed him to serve as the Senate's Sergeant at Arms. Larry has held this position for only a short period of time, but he has already proven himself an outstanding public servant. I thank him for taking the position and for the professional work he is doing.

I also commend his superior staff, Deputy Sergeant at Arms Robert Bean and their able and energetic assistants, Patty McNally, Loretta Fuller Symms, Patrick Hynes, Alvin Spriggs, Pete Beatty, Laura Parker, Jennifer Carter, Colin Raymond, Rita Harris, and Ted Jones. Thanks also to Director of Human Resources, Patty Fitzgibbons.

I take this opportunity to express my appreciation for the work of Gayle Cory. Gayle is now postmaster of the Senate, but I have known her for so long and worked with her in so many ways that I still like to consider her as personal staff. We worked together on Senator Muskie's staff, and she served as my executive assistant after I was appointed to the Senate. She has always been there, as an ally, as my right hand and as a friend. I thank her for her work and her long and loyal friendship, and I wish her well. I also appreciate the work of the post office staff who sort and deliver many thousands of letters every day.

Russell Jackson and the entire service department staff make sure that Senate publications are ready the next day. Their hours can be long. Their jobs can be difficult and tedious. But their work always is important and they are extraordinary in performing it. I give them a special thank you for their efforts to ensure that the publications of the Democratic policy committee, including the DPC daily reports, legislative bulletins, special reports, and issue alerts are always prompt and timely. I am aware that the policy committee has occasionally made nearly impossible demands, but the service department always comes through.

The director of the computer center, Michael Bartell, and the director of telecommunications, Robert McCormick, and their staffs, do outstanding work in very demanding jobs. A special thanks goes to the telephone operators who answer thousands of calls daily.

I also want to commend those who keep this historic building so clean and well maintained, including Karen Ellis, Phyllis Timms, and Ross Thomas.

Special acknowledgement also goes to the financial management team of Chris Dey, Ray Payne, Richard Zelkowitz, Amy Blanchard, and Alan Block. They may not always get the recognition they deserve for their outstanding work in their very demanding jobs, but all of them are appreciated.

One of the most demanding and difficult jobs on Capitol Hill belongs to the Capitol security forces. Chief Abrecht and Assistant Chief Langley and all the U.S. Capitol Police deal with the public and their right of free speech, their right to observe their law makers in action, and their right to petition their government. At the same time, during these dangerous times, they must provide for the safety of the men and women who work here, and for the security and integrity of this magnificent building. Theirs is a most difficult task. They handle it courageously and superbly. They have my respect and my thanks.

Senate doorkeepers are with us each hour we are in session. Their long hours are noted, and their work is always appreciated. I express my sincerest thanks to Supervisor Arthur Curran and his assistant Donn Larson.

The Capitol Guide service, headed by Frances Rademaekers, helps thousands of visitors more fully appreciate the Capitol building and its historic contents.

Debbie Jans and her outstanding staff provide special services for staff and visitors with disabilities. Debbie and her team have made great strides in improving the accessibility of the Capitol.

Don Gardner is the foreman of the cabinet shop, Vince Proctor is the garage foreman, and Pete O'Brien manages the parking office. These individuals and all of their employees, do an outstanding job and are a great help to the Senate.

I also commend the outstanding work of the Senate photographers. The quality of their finished products usually far outshines the crudeness of the raw materials with which they have to work. I congratulate as well as praise them for the quality of their work.

Crucial in enabling Americans to follow Senate proceedings are the Senate press galleries. Bob Peterson, press gallery; Jim Talbert, periodical press gallery; Maurice Johnson, press photographers gallery; Larry Janezich, radio, television gallery, and their deputies perform a valuable service in assisting members of the media in following the activities of this chamber.

As everyone is aware, the American people can now follow the deliberations of the U.S. Senate in their own homes, thus enabling them to become even better participants in their Federal Government. Jim Grahne, director, and the staffs for the recording studio's broadcast control and the TV control offices are in the forefront of this effort, and they do a splendid job.

I also call attention to services of the people who manage the Senate reception room, Shirley Herath, "Irish" McLain, and Ruby Paone. Their friendliness and cooperation are well known, as is the excellent and dedicated work they do.

Mr. President, I am grateful to each of these individuals for their tremendous efforts on behalf of the Senate. Without them, it would be practically impossible for the Senate to transact business, and I commend them for their work.

TRIBUTE TO THE SECRETARY FOR THE MAJORITY AND THE FLOOR STAFF 103D CONGRESS, SECOND SESSION

Mr. MITCHELL. Mr. President, there are a number of individuals who serve here on the Senate floor who are critical in controlling the flow of legislation. They work directly with me in developing the Senate's schedule, negotiating unanimous-consent agreements, and monitoring the debate. Without them, the majority leader would be unable to effectively function. They have my sincere thanks and my admiration.

Secretary for the majority, Abby Saffold, has a demanding job that requires a high degree of competence and professionalism. Fortunately, Abby has ample quantities of both. Indeed, her professionalism and competence are exceeded only by her pleasantness. Her assistants, Jerri Davis, Maura Farley, and Sue Spatz, are also dedicated professionals whose work we all appreciate.

I cannot imagine myself—or anyone, for that matter—serving as majority leader without the assistance of Marty Paone, assistant secretary for the majority. He and the Democratic floor staff, Lula Davis, Art Cameron, and Kelly Riordan, are true professionals.

Their courteousness, their meticulous attention to detail, their willingness to work long into the night, and their many other invaluable skills and talents have made them a vital part of the 103d Congress. I salute them, and I thank them for their dedicated and tireless work. My thanks also to Nancy Iacomini and Brad Austin who have provided valuable assistance to the floor operations.

Every Democratic Senator knows and appreciates the staff of the Democratic Cloakroom, Lenny Oursler, Gary Myrick, Paul Cloutier, and Cristina Krasow. They do excellent work, helping to make life easier and more pleasant for myself and my colleagues on this side of the aisle.

Mr. President, I want to take this opportunity to express my appreciation to the Republican counterparts to the Democratic staff I have just mentioned. Their work and their cooperation has been appreciated, and it has certainly contributed to the successes of the 103d Congress. At times I have found myself wishing that the staff of the loyal opposition was not quite as good and as effective as they are, but I always have appreciated their friendliness and their contributions to the Senate as an institution.

I begin by recognizing Sheila Burke, chief of staff to the Republican leader. I also recognize the secretary for the minority, Howard O. Greene, and his assistant, John L. Doney, and Elizabeth Greene of the Republican floor staff, and the staff of the Republican Cloakroom, Brad Holsclaw, Dave Schiappa, and Sarah Whitaker. Each of them is a formidable part of the loyal opposition, but their tireless efforts and cooperation are nonetheless appreciated.

I also want to thank the distinguished Republican leader, Senator DOLE. Although we serve on different sides of the aisle, and although we often disagree on policy matters, we have worked well together. We are good friends and we trust each other. Without this trust, it would be nearly impossible for the Senate to conduct its business. Senator DOLE is a man of his word and I have enjoyed working with him.

No one who works in this building is more deserving of special attention and special thanks than the Senate pages. These young Americans are here learning how their Federal Government operates, while performing needed, important work for the institution and for us as individuals. They are a valuable part of the Senate. I thank them for their energy and their enthusiasm. I wish each of them the best in whatever endeavors they choose to pursue.

Attending to our spiritual needs is Rev. Dr. Richard Halverson, the Senate Chaplain. He is always there to offer comfort to Members and their families in times of need and he is here on the Senate floor at the beginning of each Senate day to offer the daily blessing. Our inability to perform the miracles for which he prays each morning is our failure, not his nor the powers to whom he prays. But I do appreciate the sincerity of the request and thank him for making it.

Although they are not a direct part of the Senate's floor operation, congressional agencies like the General Accounting Office and Government Printing Office deserve a thank you for a job well done. In this time of difficult budget constraints, the work of the Congressional Budget Office has become increasingly important. CBO's thorough but prompt analysis of the costs of pending legislation and their analysis of historical and programmatic trends are an important part of the legislative process. I thank the staffs of GAO, GPO, and CBO for their long hours and hard work.

Mr. President, I very much appreciate the work of the people whom I have just mentioned. Their outstanding performance has made my job as majority leader much easier, and for that I am truly grateful. I have enjoyed working with them and I commend them for their efforts on behalf of the Senate and our Nation.

TRIBUTE TO THE SECRETARY OF THE SENATE AND RELATED OFFICES, 103D CONGRESS, SECOND SESSION

Mr. MITCHELL. Mr. President, many of the offices that are crucial to the day-to-day functioning of the Senate as a legislative body are under the direction of the Secretary of the Senate. I want to pay tribute to the many individuals who work in these offices for the outstanding work they do in keeping the Senate functioning.

First, I must express my deep appreciation for the services and support of my longtime friend and staffer, Martha Pope. Martha has served me for so many years in so many ways: as my legislative assistant, my legislative director, my Administrative Assistant, my Chief of Staff, and as the Senate Sergeant of Arms. She is now Secretary of the Senate and she is a good one.

I was concerned when Joe Stewart left this position several months ago because I knew his shoes would be difficult to fill. I also knew that if anyone could fill them, it would be Martha, and she has done so very well. As Secretary of the Senate, she is ably assisted by Assistant Secretary of the Senate Jeri Thomson, Michelle Haynes, Ann Anderson, Dot Svendson, Barbara Muller, and Ray Strong, and his staff.

Knowing the Senate's complex rules and being able to interpret them is essential to the effective workings of the U.S. Senate. Parliamentarian Alan Frumin and his assistants, Kevin Kayes, Beth Smerko, and Richard Buckley, and Parliamentary Assistant Sally Goffinet provide competent and courteous service to all. We are fortunate to have them.

The Official Reporters of Debates prepare Senators' remarks for publication in the CONGRESSIONAL RECORD. Chief Reporter Chick Reynolds, his deputy Scott Sanborn, Morning Business editor Ken Dean and his assistant Elizabeth MacDonough, and the Official Reporters Frank Smonskey, Ron Kavulick, Jerry Linnell, Raleigh Milton, Joel Breitner, Mary Jane McCarthy, and Paul Nelson, and the transcribers all have my gratitude for jobs well done.

Thom Pellikaan and his staff, Linda Sebold and Kimberly Longsworthy, ably prepare the RECORD's Daily Digest.

A special thank you goes to Katie-Jane Teel and her staff who enable the hearing impaired to follow Senate floor action by providing closed captioning of Senate proceedings. They continue to set the standards of competence and accuracy in their field.

Taking recorded votes, preparing the Senate Calendar and managing the official papers is the purview of Scott Bates, the Legislative Clerk, and his assistant David Tinsley; Bill Clerk Kathie Alvarez Tritak and her assistants Mary Anne Moore and Christopher

Mann; Executive Clerk Brian Hallen and his assistant Tom Lundregun. The Senate Journal is prepared as required by the Constitution by Journal Clerk William Lackey and his assistants Mark Lacovara and Patrick Keating. All have my thanks for their tireless dedication to the Senate.

The other departments under the direction of the Secretary of the Senate perform the vital duties that keep this institution operating every day. These departmental directors should know that their service is noticed and appreciated not only by me, but by all Senators and staff.

Not to be overlooked are Kathryn Weeden, principal of the Senate Page School, and her faculty who see to the education of our Senate Pages. Their special dedication, and most notably their flexibility in scheduling, are to be commended.

The Senate Research facilities are simply superb, and their staffs are even better. No matter how difficult, how trivial, how absurd the question, they can always find the answer. For this, we thank the Senate Library, staffed by Librarian Roger Haley, Ann Womeldorf, Greg Harness, Donnee Gray, and others.

The capabilities of the Senate Library and the Congressional Research Service, headed by David Molhollan, to provide reliable information so quickly make them a fundamental part of the effective workings of the U.S. Senate.

In the same vein, I call attention to and express my appreciation for the work of Senate historian, Dr. Richard Baker, and the Senate Curator, James R. Ketchum. With the help of their talented staffs, they perform the invaluable service of documenting and preserving the history of this great institution and this historic building.

I also want to thank the Attending Physician, Dr. Robert Krasner, and his fine medical staff for helping to preserve the health of Members, staff, and visitors to the Capitol. Dr. Krasner is retiring this year, and I know he will be deeply missed by the congressional community.

Mr. President, in some way each of the individuals I have just named is an integral part of the daily operations of the U.S. Senate. I appreciate their willingness to serve their government and wish each of them the very best in the future.

AWARD A CONGRESSIONAL GOLD MEDAL TO LUBAVITCHER GRAND REBBE MENACHEM SCHNEERSON

Mr. D'AMATO. Mr. President, I rise today to comment on the passage of my bill to award a Congressional Gold Medal to Lubavitcher Grand Rebbe Menachem Schneerson.

The Grand Rebbe for over forty years, made generous and lasting contributions to the cause of peace and understanding in the United States and in the world, through his selfless acts of kindness and education. His dedication to enriching the lives of our youth is an enduring part of his legacy.

His generosity, his kindness, and his care for his fellow human beings was what made him such a revered leader. As such, the awarding of a Congressional Gold Medal, would be a just honor to the memory of his good deeds and his good works. I can think of no other man more deserving of such an award. I am pleased that Congress has bestowed this high honor upon a man so dedicated to peace and justice. It is a just tribute to his memory.

Thank you Mr. President.

WASTE LEGISLATION

Mr. SPECTER. Mr. President, I am pleased to support this vital legislation concerning municipal solid waste. It includes two components which control interstate shipments of waste and allow the control of waste within a local jurisdiction. Rather than reiterate my thoughts on the importance of legislation empowering States to restrict cross-border shipments of garbage, I would refer my colleagues to my remarks on September 30, 1994, in which I expressed my support for S. 2345, the Interstate Transportation of Municipal Solid Waste Act of 1994, which passed the Senate by unanimous consent.

During this session of Congress, we have encountered a new issue with respect to municipal solid waste—the issue of waste flow control. As a result, today we are also considering legislation which would restore local authority to control the flow of municipal solid waste.

On May 16, 1994, the Supreme Court held (6-3) in Carbone v. Clarkstown that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the Commerce Clause of the United States Constitution. In striking down the Clarkstown ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits.

As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional. Therefore, it is necessary for Congress to enact legislation providing clear authorization for local governments to utilize waste flow control.

This issue is of vital importance to the local governments in Pennsylvania, as evidenced by the numerous phone calls and letters I have received from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. The County Commissioners Association of Pennsylvania has pointed out that since 1988, flow control has been the primary tool used by 65 of the 67 Pennsylvania counties to enforce solid waste plans and meet waste reduction/recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resource recovery facilities, and co-composing facilities. In the absence of flow control authority, many of these worthwhile projects could be jeopardized.

I am pleased that the parties in interest on this legislation have been able to agree on a compromise that protects the ability of municipalities to plan effectively for the management of their municipal solid waste while also guaranteeing that market forces will still provide opportunities for enterprising companies in the waste management industry.

In conclusion, this legislation makes sense because in the absence of Federal legislation to empower States to restrict cross-border flows of waste, Pennsylvania and other States inevitably become dumping grounds for States that haven't bit the bullet and enacted realistic long-term waste management plans. Further, by restoring flow control authority, this legislation protects Pennsylvania and its component local jurisdictions, which have promulgated comprehensive solid waste management plans and established state-of-the-art facilities to handle waste generated within the Commonwealth.

I urge my colleagues to support this critical legislation.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from California.

Mrs. BOXER. I thank the Chair. I just will say to the Senate, as soon as the majority leader is ready to speak, or the distinguished Republican leader, I will yield the floor at that time.

RETIREMENT OF SENATORS

Mrs. BOXER. Madam President, I should like to at least begin a few remarks about our retiring Senators as we wind down this 103d Congress. To DAVID BOREN, JOHN DANFORTH, DENNIS DECONCINI, DAVID DURENBERGER, HARLAN MATHEWS, GEORGE MITCHELL, HOWARD METZENBAUM, DON RIEGLE, and MALCOLM WALLOP, I want to send my warmest wishes for their personal happiness. Each of these men has ably represented the people of their State, and I am confident that each will know great success in the future.

Madam President, I wish to pay special tribute to three Senators with whom I have had the great privilege to work closely the past 2 years. Each has served as a shining example of what it means to be a leader and a true public servant.

How can one say enough about HOWARD METZENBAUM? The man is a fighter for those who do not have a voice—for consumers, for those who cannot afford to pay high-priced lobbyists. You do not need a PAC or a high-powered lobbyist to get on HOWARD METZENBAUM'S agenda. All you need is a belief in justice, and the good Senator will rally to your side.

Frankly, he has stood up for the little guy, for the ordinary person, and I hope that many of us will be able to work doubly hard so that we can continue his work.

When I was appointed to the Banking Committee, Madam President, with you, I did not fully realize how fortunate I was to be serving under the able leadership of DON RIEGLE. Senator RIEGLE is a highly professional man and a productive leader. He was successful in moving very important legislation. But really, when I think about what makes DON RIEGLE such a special legislator, it is not just his list of accomplishments; it is his heart, the way he feels about helping America's working family. And that, too, will be missed.

Just a few words about Senator MITCHELL, before he gets up to lead us through this very long and complicated end of the session.

In my opinion, Senator MITCHELL will go down in history as one of the greatest majority leaders of the Senate. With the Senator's record on the environment and his belief in people, he leaves a legacy as a champion for the ordinary people of this country.

In closing, I just want to add that the thing about Senator MITCHELL that is extraordinary is he never forgets his roots, and he never forgets his family and the sacrifices they made to give him the chance to become a great leader in this country. I think all too often some of us forget that, and we have to remember it. I think that his greatest legacy will be that message to all of us.

So I want to say to Senator MITCHELL how much I will miss him, how much all of us will miss him on both sides of the aisle. And to all of our colleagues who will not be returning for the 104th Congress, you will be missed, but your collective experience and wisdom has enriched this body. Your participation has made the Senate stronger than when you entered it.

Thank you very, very much, Madam President, and I yield the floor at this time.

The PRESIDING OFFICER. The majority leader, the Senator from Maine.

ORDERS FOR SATURDAY, OCTOBER 8, 1994

Mr. MITCHELL. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. tomorrow; that the time for the two leaders be waived and that immediately upon the completion of the prayer, the Senate resume consideration of the conference report on S. 21, the California desert bill; that the time between then and 10 a.m. be equally divided between Senators JOHNSTON and WALLOP or their designees, and that at 10 a.m., without any intervening action or debate, the Senate vote on the motion to invoke cloture on the conference report, with the mandatory live quorum being waived; that if cloture is invoked, the Senate, without any intervening action or debate, vote on passage of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I thank my colleagues for their cooperation. I thank the Senator from Wyoming.

The Senate will vote at 10 a.m. on the motion to invoke cloture on the conference report on the California Desert Protection Act. At 10 a.m. tomorrow, that vote will occur.

Madam President, we will then complete action on the nominations that have been pending. So I want to make that clear. We are going to complete action on the nominations.

Mr. LOTT. Madam President, may I inquire of the distinguished majority leader, if he will yield, what the schedule will be for the balance of the night?

Mr. MITCHELL. Madam President, I am hoping to have an announcement on that shortly. I am waiting for clearance from the distinguished Republican leader on one other matter which we must do at this time. As soon as I receive that, I expect shortly I will make an announcement with respect to this evening.

I thank my colleagues.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, is it in order for me to give remarks on the Glosson nomination at this time?

The PRESIDING OFFICER. Yes. The Chair, however, would like to make some announcements first.

APPOINTMENT BY THE REPUBLICAN LEADER

THE PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to Public Law 96-114, as amended, the appointment of the following individuals to the Congressional Award Board: W. Russell King of Virginia; and Michael L. Lunceford of Texas.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

THE PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to P.L. 103-227, appoints the following individuals to the National Skill Standards Board:

Upon the recommendation of the majority leader: E. William Crotty of Florida, representing business; Katherine Schrier of New York, representing organized labor; Michael P. Riccards of West Virginia, representing human resource professionals.

And upon the recommendation of the Republican leader: Bruce Carswell of New York, representing business; Stephen L. Sayler of Kansas, representing human resource professionals.

APPOINTMENT BY THE VICE PRESIDENT

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-380, appoints the Senator from Florida [Mr. GRAHAM] to the Advisory Commission on Intergovernmental Relations.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE AND THE SENATE

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 315, the adjournment resolution, that the resolution be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 315) was considered and agreed to; as follows:

H. CON. RES. 315

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, October 7, 1994 pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand adjourned until noon on Tuesday, November 29, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns or recesses at the close of business on any day from Friday, October 7, 1994 through Friday, October 14, 1994, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until 9 a.m., on Wednesday, November 30, 1994, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. When the House adjourns on the legislative day of Tuesday, November 29, 1994, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns at the close of business on Thursday, December 1, 1994, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

Sec. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, further, as if in executive session, I ask unanimous consent that immediately following disposition of S. 21, the Senate proceed to executive session to consider the nomination of Lieutenant General Buster Glosson, that is Executive Calendar 1280; that there be 25 minutes for debate divided as follows: 15 minutes under the control of Senator GRASSLEY, 5 minutes under the control of Senator NUNN, and 5 minutes under the control of Senator THURMOND; that following the using or yielding back of time, the Senate vote, without any intervening action, on the nomination; that if confirmed, the motion to reconsider be tabled and the President be notified of the Senate's action and, further, that the cloture motion filed on this nomination be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LT. GEN. BUSTER C. GLOSSON

Mr. LEVIN. Madam President, seven members of the Armed Services Committee voted against the confirmation of General Glosson to retire as a three-star. I was one of the seven that voted against that nomination. I will vote against it if it comes to the floor because I believe that to vote for General Glosson to retire as a three-star would reward a high-ranking military officer who recently violated a very important principle of military ethical conduct.

Approval of that nomination, I believe, will send the wrong message about the seriousness of that misconduct. On the central question of whether Lieutenant General Glosson improperly attempted to interfere with the promotion process, there is agreement among the Department of Defense and the Air Force inspectors general and the special panel of factfinders appointed by the Secretary of Defense. They agreed that General Glosson attempted to interfere with that board. That fact alone, I believe, is so serious that it is sufficient to deny him Senate confirmation of retirement as a three-star general.

The special panel of factfinders appointed by the Secretary of Defense, at the suggestion of the Senate Armed Services Committee, agreed and emphasized this finding in its report. I want to read from the factfinders' unanimous report:

> We must conclude that LTG Glosson was improperly attempting to influence the promotion.

And in another part of their report:

> The board selected by the Department of Defense in a finding accepted by the Department of Defense—

And I believe accepted by even the majority of the Armed Services Committee.

> said that we believe that LTG Glosson was attempting to influence the promotion.

Those are chilling words. It was his sworn duty not to try to influence a promotion board. It is serious business when you attempt to influence a promotion board in the military. I repeat this because this is the heart of the matter. Did he lie or did he not lie? And I will get to that in a moment.

But the heart of the findings of this independent panel is that Lieutenant General Glosson improperly attempted to influence the promotion—not that he should have known, not that he might have been construed to, not that he inadvertently did something, not that it might appear that he did something. The finding is that he attempted improperly to influence a promotion. The DOD inspector general, Derek Vander Schaaf, reached the same conclusion, that Lieutenant General Glosson's communications were highly improper.

Retiring in grade above two stars, with an additional pension, requires Senate confirmation because it is a reward for exemplary service. It should not be a right. It should not be automatic.

General Glosson's actions to influence the promotion board through improper communication violated regulations and basic principles of honorable conduct to which he, as a high-ranking officer, was especially responsible to adhere to.

Officer promotion boards are near sacred. The committee has witnessed problems with these boards in the past, with the Air Force, Navy, and Marine Corps; and has done extensive work over the past several years to try to maintain the integrity of the military services' promotion system and to prevent unauthorized interference with promotion boards.

The committee was so concerned that it instructed the Department of Defense to look at the selection process in all of the services. And in 1991, the committee passed legislation specifically relating to promotion board procedures.

In 1992, the committee completed a report on the conduct of proceedings for the selection of officers for promotion in the United States Air Force. In that report, the committee found, "there were serious, significant deficiencies in Air Force promotion practices," and warned the following:

> The fair and impartial conduct of the selection process is a matter of great concern to the committee. The integrity of the selection process is essential to the integrity of the officer corps. Adherence to established laws and regulations is necessary to ensure that the best qualified officers are selected for promotion and that the officer corps has confidence in the integrity of the selection process.

If we approve this nomination when we know—indeed, I believe it is conceded in the majority report, as was found by the independent panel—that General Glosson improperly attempted to interfere with the promotion board, I believe it will undermine our efforts to promote integrity in the military services promotion system.

Early on in the Senate Armed Services Committee proceedings in this matter, the main issue was whether or not Lieutenant Glosson lied about his actions. The November 1993 inspector general's report concluded that, "Lieutenant General Glosson improperly communicated with the complainants"—that is the three generals who blew the whistle on him, that had enough guts and courage to blow the whistle on a fellow officer. The finding is that he improperly communicated with those three generals and did so with the intent to influence—"with the intent to influence their consideration"—of the officer being considered for promotion during that selection board. The inspector general also found that Lieutenant General Glosson lied under oath "during our interview in describing the nature and circumstances of his communications to the complainants"—that is to the three generals who blew the whistle—"and Lieutenant General Glosson lied in his comments to those three generals." The special fact finders that reviewed the inspector general's report and the related materials agreed with the inspector general that the three generals that Glosson improperly contacted were telling the truth about those contacts. And this is what the fact finders said, this independent panel.

> In sum, we believe that the preponderance of evidence shows that the three conversations happened substantially as Lieutenant General Nowack, Ryan, and Myers recall. [Those are the three generals.] And that Lieutenant General Glosson improperly attempted to influence the promotions.

This is what the panel went on to say:

> We wish to be absolutely clear that in our view Generals Nowack, Ryan, and Myers were truthful to the inspector general's investigators and to us.

Indeed, the three fact finders praised those three generals for their actions after the improper contact, noting that all three generals contacted by General Glosson, "were truthful, acted with integrity in reporting what they considered to be inappropriate attempts to influence a promotion board, and then asking to be excused from service on the board."

They had to ask to be excused from service because of the improper contacts.

And the independent panel then went on to say that their actions in this regard were proper and helped maintain the integrity of the Air Force promotion system. Then the independent panel found that General Glosson remembered the events incorrectly, as distinguished from intentionally lying. He just remembered wrong. And the independent panel said Lieutenant General Glosson thinks his version is accurate, and that it represents fairly what at this point he recalls. In short, the panel found, we believe that he is not deliberately lying, but is simply mistaken.

Now, the line that the fact finders attempted to draw in my book is too fine to be seen by me. But, frankly, that is not the problem. The problem is that even though the truthfulness issue might be finessable, what is not finessable is the finding of the fact finders—those same fact finders—that General Glosson attempted improperly to influence a promotion board. That is the stark finding of the fact finders. And of the Department of Defense inspector general.

That is serious business. Just how seriously we take it will be determined, I believe, tomorrow. And just what type of signal we send out—we, the Senate, send out about this attempt to improperly influence, will be determined by this vote tomorrow.

Now, this is not easy for me to say because I happen to know that General Glosson has had an extremely distinguished career. And it is never easy to reach this kind of conclusion. But I believe that that finding of that panel, which we asked to be created and which apparently is accepted, leaves us no alternative if we are going to be serious about our own statements of just how important these promotion boards are.

So, that is what we are faced with—no fun. But that is what we are faced with. And we may want to try to say he has been punished enough because he might have gotten a fourth star had he continued and he retired early because of this problem. We can all speculate as to whether he would have been promoted further or would have achieved even greater success. That is speculation. That is not our decision, or our vote.

We have to vote, we have to make a decision, we have to send a signal as to whether or not we are going to, in effect, I believe, reward, to give him a privilege that he is not entitled to or it would not be in front of us for confirmation. It is in front of us for confirmation because it is not automatic. It is in front of us for confirmation because we must reach a judgment. And when confronted with a finding as stark as the finding of an independent panel that he attempted to improperly influence the promotion board, I believe that no matter how difficult it is for us, that we must say that this nomination cannot be confirmed if we are serious about the integrity of the promotion boards in the Air Force.

Madam President, in closing, I want to commend the chairman of the Armed Services Committee, because I think that, in the approach he has taken, he has laid out the facts before us for our judgment.

It was a difficult committee decision. It was a 14-to-7 vote, with Members on both side of the aisle voting both ways. Minority findings were filed by myself and Senators GLENN and KEMPTHORNE.

As difficult as it was, I believe that chairman, in attempting to lay out the facts of this case for us, has done the Senate a real service so that then we can judge whether or not we, as a Senate, want to put, in effect, our approval on a retirement as a three-star for someone who so recently has been found by an independent panel to have violated a very important ethical standard of the Air Force.

I thank the Chair and I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader, the Senator from Maine.

Mr. MITCHELL. Madam President, there will be no further rollcall vote this evening. A rollcall vote will occur at 10 a.m. tomorrow morning. All Senators are requested to be present at that time for that vote.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Madam President, I now ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar Order Nos. 1092, 1289, 1318, 1322, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1353, 1354, 1355, 1356, 1369, 1370, 1385, 1387, 1388, 1389, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, and 1406.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Valerie Lau, of California, to be Inspector General, Department of the Treasury.

THE JUDICIARY

David F. Hamilton, of Indiana, to be United States District Judge for the Southern District of Indiana.

DEPARTMENT OF STATE

Thomas E. McNamara, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

THE JUDICIARY

Vanessa Ruiz, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Diana E. Murphy, of Minnesota, to be United States Circuit Judge for the Eighth Circuit.

Fred I. Parker, of Vermont, to be United States Circuit Judge for the Second Circuit.

William T. Moore, Jr., of Georgia, to be United States District Judge for the Southern District of Georgia.

David A. Katz, of Ohio, to be United States District Judge for the Northern District of Ohio.

Sean J. McLaughlin, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Elaine F. Bucklo, of Illinois, to be United States District Judge for the Northern District of Illinois.

Robert W. Gettleman, of Illinois, to be United States District Judge for the Northern District of Illinois.

Helen W. Gillmor, of Hawaii, to be United States District Judge for the District of Hawaii.

Roslyn Moore-Silver, of Arizona, to be United States District Judge for the District of Arizona.

Alvin W. Thompson, of Connecticut, to be United States District Judge for the District of Connecticut.

William H. Walls, of New Jersey, to be United States District Judge for the District of New Jersey.

Sven E. Holmes, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Vicki Miles-LaGrange, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

DEPARTMENT OF JUSTICE

Sheldon C. Bilchik, of Maryland, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

STATE JUSTICE INSTITUTE

Joseph Francis Baca, of New Mexico, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1995.

Robert Nelson Baldwin, of Virginia, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1995.

Florence K. Murray, of Rhode Island, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1995.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Alan J. Dixon, of Illinois, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress.

Alan J. Dixon, of Illinois, to be a Chairman of the Defense Base Closure and Realignment Commission.

ENVIRONMENTAL PROTECTION AGENCY

Frederic James Hansen, of Oregon, to be Deputy Administrator of the Environmental Protection Agency.

DEPARTMENT OF EDUCATION

G. Mario Moreno, of Texas, to be Assistant Secretary for Intergovernmental and Interagency Affairs, Department of Education.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Joel David Valdez, of Arizona, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jorge M. Perez, of Florida, to be a Member of the National Council on the Arts for a term expiring September 3, 1998.

THE JUDICIARY

James A. Beaty, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina.

David Briones, of Texas, to be United States District Judge for the Western District of Texas.

Okla Jones III, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

G. Thomas Porteous, Jr., of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

James Robertson, of Maryland, to be United States District Judge for the District of Columbia.

Thomas B. Russell, of Kentucky, to be United States District Judge for the Western District of Kentucky.

Kathleen M. O'Malley, of Ohio, to be United States District Judge for the Northern District of Ohio.

DEPARTMENT OF JUSTICE

Charles R. Wilson, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Steven Scott Alm, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years.

Eisenhower Durr, of Mississippi, to be United States Marshal for the Southern District of Mississippi for the term of four years.

Michael R. Ramon, of California, to be United States Marshal for the Central District of California.

Michael D. Carrington, of Indiana, to be United States Marshal for the Northern District of Indiana for the term of four years.

Robert Bradford English, of Missouri, to be United States Marshal for the Western District of Missouri for the term of four years.

John R. Murphy, of Alaska, to be United States Marshal for the District of Alaska for the term of four years.

Herbert M. Rutherford III, of the District of Columbia, to be United States Marshal for the District of Columbia for the term of four years.

Robert Moore, of Illinois, to be United States Marshal for the Central District of Illinois for the term of four years.

STATEMENT ON THE NOMINATION OF FRED I. PARKER

Mr. LEAHY. Mr. President, when I recommended Judge Parker to the President in June, I noted that there then existed three vacancies among the 13-member Court of Appeals for the Second Circuit. I am delighted that with the confirmation of Judge Parker, the President will have nominated and the Senate will have confirmed three outstanding appointments to fill the vacancies on this important court with jurisdiction over Vermont, Connecticut, and New York with nominees from each of its component States.

When the Senate considers judicial nominees, we often speak about the special qualities a lawyer needs to fill a seat on the Federal bench. We speak of legal acumen, we speak of experience in the law, we speak of judicial temperament. These are qualities only a select few lawyers possess.

From my knowing Judge Parker for more than 30 years—first as a fellow law student at Georgetown and then after we returned to Vermont—I know well that he has all of the attributes needed to be an outstanding judge, in the great tradition of the Vermont bar and the second circuit. I believe that the President has selected a worthy successor to our respected James Oakes, former chief judge of this historic court.

Judge Parker has served with distinction since his confirmation to the district court in 1990. Before his appointment to the Federal bench, Judge Parker was recognized as among the Vermont bar's finest attorneys. His legal career and life experiences have been broad and he brings that knowledge and good sense with him to the bench.

Public service in the Vermont Attorney General's Office, a diverse civil and criminal practice in Vermont State and Federal courts, an outstanding record at Georgetown Law School, have all helped prepare Judge Parker. It came as no surprise to me that the Vermont bipartisan nominating commission returned Judge Parker's name as best qualified to fill this important post.

In addition to his qualifications and background, Judge Parker possesses the quality essential to outstanding judges, the ability to be fair. No matter what the cause or whom the litigant, I have every confidence that Judge Parker will provide a fair and impartial hearing. Whether a petitioner is rich or poor, or a cause popular or not, Judge Parker will listen with an open mind and apply the law fairly in a manner that accords with the best traditions of Vermont common sense and justice.

If you look at the range of his opinions, you will see this to be true. For that reason above others, I am pleased that President Clinton made this nomination. Judge Parker is a man of integrity and independence—a judge who calls them as he sees them.

Fred Parker is a good friend, husband, father, and Vermonter. More importantly my friend Fred Parker will be an exceptional judge.

When I was considering my recommendation to President Clinton, I reached across party lines to Judge Parker. I am proud that the President saw fit to accept my recommendation. When the President made his selection, he demonstrated that he chooses nominees for lifetime judicial appointments based on the qualities and qualifications of the person rather than on political party or any litmus test.

Finally, I wish to acknowledge the associate counsel to the President Victoria Radd for her professionalism and attention to this nomination and to thank my colleagues on the Judiciary Committee for approving this nomination in short order. I greatly appreciate the help of our chairman, Senator BIDEN, and our ranking Republican, Senator HATCH.

Madam President, I should note that I see the distinguished Senator from Vermont, Mr. JEFFORDS, on the floor. I know he will speak later on this.

I note my sense of pride and I am sure Senator JEFFORDS' sense of pride upon the confirmation of Fred Parker. This is a judge whose career has actually touched both of us.

Fred Parker was a schoolmate of mine at Georgetown Law School. We have known each other for over 30 years. When he came to Vermont, he came as the deputy attorney to then Attorney General JAMES JEFFORDS and served in that function in an exemplary fashion.

It was Senator JEFFORDS who recommended him to be a district judge, with my strong support. He has served the State of Vermont in a fantastic fashion in that regard.

And, even though Senators normally do not get their choices automatically for circuit court of appeals judges, I went to President Clinton and recommended him, saying that even though we were of different parties, we both felt that Vermonters deserve the best.

I join my friend, JIM JEFFORDS, in congratulating Fred Parker on his confirmation at this witching hour of the night.

STATEMENT ON THE NOMINATION OF ROSEMARY BARKETT

Mr. BIDEN. Mr. President, during the April 14, 1994, floor debate on the nomination of Rosemary Barkett, some editorial material was placed in the RECORD suggesting that information about the nominee was leaked to journalists by a member of the Republican Judiciary Committee staff. To my knowledge, Republican staff mailed copies of Justice Barkett's opinions and their own summaries thereof. That type of information is not considered confidential information by the committee.

STATEMENT ON THE NOMINATION OF SENATOR ALAN J. DIXON

Mr. NUNN. Mr. President, I am pleased to support the nomination of our former colleague Senator Alan Dixon to be the chairman of the Base Closure and Realignment Commission. This Commission has a very important function to perform next year, and I think President Clinton has made an excellent selection in nominating Senator Dixon to the chairman.

The Defense Base Closure and Realignment Act of 1990 set up a process to close and realign military bases in the United States that is fair, objective, nonpartisan, and open to the public. The Defense Department is currently implementing the base closures from the 1988, 1991, and 1993 Base Closure Commissions.

Overall, DOD is closing 70 major bases and realigning 38 others in the United States, as well as implementing over 200 smaller closures and realignments. Once all of these closures and realignments are implemented by the end of this decade, the annual savings to the Defense budget will be approximately $4 billion per year. That is a good record of achievement, but there is much more to be done.

By fiscal year 1999, the Defense budget will decline by more than 40 percent in real terms from the mid 1980's, and the size of the military services will drop by almost 30 percent from 1990 levels. At the same time, our domestic base structure has been reduced by only 15 percent in the first three rounds of base closings.

If we are going to maintain the readiness of our Forces, provide for needed modernization, preserve the Bottom-Up Review force levels, and improve the quality of life for our military members and their families under the current budget levels, we are going to have to make further reductions in our base infrastructure.

Back in January of this year, Secretary Perry gave the military departments and overall goal of 15 percent reduction in plant replacement value as the minimum goal for the 1995 base closure and realignment process. If DOD meets this goal, the 1995 base closures and realignments will be much more extensive than any of the three previous rounds—making the job of the next Base Closure and Realignment Commission even more challenging than in the past.

Few people have more experience with all aspects of the base closure process than our former colleague Alan Dixon. As a legislator, Senator Dixon played a key role in the Armed Services Committee in drafting the legislation that set up the current base closure process. As a subcommittee chairman on the Armed Services Committee, he took the lead in the committee's oversight of the 1988 and 1991 base closure rounds. As a Senator from Illinois, he saw first-hand the economic consequences of the base closure process when he worked closely with communities in his State that experienced the closure of a military base.

All of us who worked closely with Senator Dixon on the Armed Services Committee during his tenure in the Senate know that he is a person of great integrity with the leadership ability to deal with difficult issues in an open, even-handed manner. As chairman of the Subcommittee on Military Readiness, Sustainability and Support, Senator Dixon earned the respect of every member of the Armed Services Committee for his expertise on military support and infrastructure issues.

Although this nomination was not received in the Senate until Tuesday of this week, the Armed Services Committee carefully followed all our standard procedures in considering this nomination. Senator Dixon responded in writing to prehearing policy questions on some of the major issues in the area of base closings. These written questions, along with his completed committee questionnaire, will be made a part of the committee's published record of this nomination. The committee has also received and reviewed the standard material from the executive branch required of all nominees for service on the Commission.

On Wednesday afternoon, the committee held a confirmation hearing with the nominee. At that hearing, Mr. President, Senator Dixon stated his strong commitment to carry out both the letter and the spirit of the base closure statute to conduct the business of the Commission in an open, fair, and objective manner.

As we consider the nomination of the next chairman of the Base Closure and Realignment Commission, I want to recognize the service of the previous chairman. Congressman Jim Courter chaired both the 1991 and the 1993 Base Closure and Realignment Commissions, and he did an excellent job. His leadership of the Commission and his strong commitment to the integrity of the process established by the Base Closure and Realignment Act of 1990, resulted in the complete endorsement of the 1991 and 1993 Commission recommendations by both the President and the Congress.

Mr. President, the base closure process is a painful but necessary process, and serving as chairman of the Base Closure and Realignment Commission is a thankless but very important job. I appreciate Senator Dixon's willingness to take on a very difficult assignment.

Once confirmed, Senator Dixon will assume the office of chairman of the Base Closure and Realignment Commission and serve through the end of 1995, the statutory termination of the Commission. In order for the Commission to carry out it responsibilities next year, it is important for the chairman to be appointed promptly so that staff can be hired and all of the other necessary preparations can be made.

Mr. President, I hope all of my colleagues will join me in supporting Senator Alan Dixon's nomination to be the chairman of the Base Closure and Realignment Commission.

JUDICIAL NOMINATIONS

Mr. BIDEN. Mr. President, I would like to take this opportunity to acknowledge the tremendous effort of the members of my staff who have worked tirelessly to process the nominations of hundreds of judges, U.S. attorneys, U.S. marshals, and other Department of Justice nominees. As of today, the Senate has confirmed district and circuit court nominees this Congress—100 in this year alone. Only once in the last 16 years has the Senate confirmed this number of judges in a single session of Congress. It has been an extraordinary feat.

Reviewing and processing these nominations is one of the most difficult aspects of our work on the committee. It is a job that we all take very seriously and I am proud that my staff approaches the task with diligence and care.

Cathy Poston, chief nominations counsel to the Senate Judiciary Committee, has the unenviable responsibility of ensuring the careful review of every nomination approved by the committee. She has accomplished this task with the utmost professionalism and unfailing good humor. I have relied heavily on her excellent judgment and her knowledge of the law. Mary DeOreo, committee investigator, and the committee's two nominations counsels, Kirra Jarratt and Daniel Cort, have made herculean efforts to process nominees carefully. Each is committed to a fair, but thorough examination of the nominees before the committee. They have been ably assisted in this effort by Sarah DeLeo, who as the chief nominations clerk has the difficult job of keeping track of every single nomination that passes through the committee.

I would also like to acknowledge the tremendous cooperation of Senator HATCH and his excellent staff. Mark Disler, Manus Cooney, Sharon Prost, Ed Whelan, Jim Phillips, Shawn Bentley, and Anna Cabral have carefully reviewed each nominee. While there were a few instances in which there were disagreements on ideology, the investigative portion of our work has always done professionally and on a bipartisan basis.

These staff members have worked hard to help Members of the Senate move their nominees through the Senate. Moreover, they have played an invaluable role in addressing the problems created by the extraordinary number of judicial vacancies. For that, each of us owes our respect and deep gratitude.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

UNFUNDED MANDATES

Mr. KEMPTHORNE. Will the majority leader yield for a question?

Mr. MITCHELL. Yes; certainly, I yield to the Senator.

Mr. KEMPTHORNE. I would like to ask our distinguished majority leader, it is my understanding that S. 993, the unfunded mandates legislation, is the underlying pending business. Can you give me what the intent will be, when we come in tomorrow and we deal with the other business, how we will deal with S. 993?

Mr. MITCHELL. Well, as the Senator knows, I support S. 993, the unfunded mandates bill, and moved to bring the bill before the Senate. Unfortunately, several amendments were offered to it and there are now, I believe, three amendments pending to the bill.

When we return tomorrow, we will first have to vote on the motion to end the filibuster on the California Desert Protection Act. Then, under an order, when we dispose of that, we will proceed to vote on one of the three nominations, and then two further filibusters will remain in place with respect to two pending nominations.

I do not know now and have no present way of knowing how long those will go on. I hope it will not be days, but it could be. Following disposition of those, I will then consult with the distinguished Republican leader before making any decisions with respect to the schedule further.

I wish we could pass the unfunded mandates bill.

Mr. KEMPTHORNE. I thank the majority leader.

I just note that we do have 67 Senators who are cosponsors of the bill, so two-thirds of the Senate support in joining you in saying we should pass this bill before we adjourn.

Mr. MITCHELL. I sure hope so. I should say to the Senator, we had another bill on our side on which we had 99 Senators for it and we were not able to pass that. So sometimes that happens.

NORTHEAST INTERSTATE DAIRY COMPACT

Mr. LEAHY. Madam President, it is with disappointment that I rise today.

I had hoped to bring before this body a matter of vital interest to my State and to all of New England. What I wanted to bring before this body was a bill to grant congressional consent to the Northeast Interstate Dairy Compact.

Now, Madam President, the distinguished majority leader, GEORGE MITCHELL, has worked so hard on this matter. Senator MITCHELL has joined with both Republicans and Democrats, the Governors of every State in New England, the Senators of every State in New England to try to pass this compact.

It is, however, being filibustered, and I am sorry that the Senator who is filibustering it is not here on the floor, but I understand that he would object to it being here. And because of the gridlock we are facing us it will not go forward. It is unfortunate.

Madam President, I incidentally compliment the Presiding Officer for her support. When this was before the Senate Judiciary Committee I thank her for her willingness to let this come to the floor of Senate, and I realize her own concerns about aspects of it, but to at least allow the Senate to vote on it.

I have no idea how she might have voted had it come to the floor of the Senate, but she was willing to allow it to come to a vote and not filibuster it.

We all understand that interstate compacts are agreements among two or more States. The Constitution allows these interstate compacts. It is a way for States to work together on issues of interest to their citizens.

For 200 years, following our Constitution, Congress has had this history of approving these compacts. In fact, I might say, Madam President, and to my colleagues on the floor at this midnight hour, Congress has a long history of approving these compacts. We approved several in the past few days.

Here we have a compact where all six State legislatures in New England came together and voted for it.

I might say, Madam President, if we think of New England as this kind of unique bicameral unified group of States, it is anything but. If there are a number of States more unique, more individualistic than the States of New England, I know of none. Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, every one of these States are extraordinarily different, but they came together on this one issue.

It passed incidentally overwhelmingly by the legislatures in each State.

Now, it has to be approved by Congress to take effect, but it is an idea that originated in New England. People criticize Washington for being unresponsive to the States. They criticize Washington for being unresponsive to anybody outside the beltway. Here was a time when we could have proven them wrong. We could let the New England States do something on their own.

But unfortunately, the Senator has blocked this in the wee hours, waning hours of this Congress. Using the rules he has the right, but I questioned his reason in doing it.

The compact is simple. It would form a commission made up of representatives from each State in New England. The commission would be made up of both farmers and consumers. It would have the authority to set prices for fluid, or drinking milk, above the minimum prices set by the New England Federal milk marketing order.

The compact's purpose is simple. It brings some fairness and sanity to milk pricing. Dairy farmers in Vermont and New England are receiving less for their milk than it cost to produce it. The people of New England want to take more control over how prices are set. The New England States want to help farmers by giving them a fair return for their work, and consumers want to have some kind of voice in setting stable milk prices.

As I said earlier, the compact was supported overwhelmingly by the State legislatures in New England.

Connecticut is not a major dairy State, but it passed 143 to 4 in the Connecticut House. It passed 38 to 0, as I recall, in the Rhode Island Senate.

(Mr. LEVIN assumed the chair.)

Mr. LEAHY. In fact, Mr. President, I ask unanimous consent that the vote tallies in each State legislature be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTHEAST INTERSTATE DAIRY COMPACT COMMITTEE—INTERSTATE COMPACT LEGISLATIVE PROCESS

Connecticut: (P.L. 93-320) House vote = 143-4; Senate vote = 30-6. (Joint Committee on Environment voted bill out 22-21; Joint Committee on Government Administration and Relations voted bill out 15-3; Joint Committee on Judiciary voted bill out 28-0)

Maine: Originally adopted Compact enabling legislation in 1989 (P.L. 89-437) Floor votes and Joint Committee on Agriculture vote not recorded. The law was amended in 1993. (P.L. 93-274) House vote = 114-1; Senate vote = 25-0. (Joint Committee on Agriculture vote not recorded)

Massachusetts: (P.L. 93-370) Approved by unrecorded voice votes.

New Hampshire: (P.L. 93-336) Senate vote = 18-4; House vote = unrecorded voice vote; (Senate Committee on Interstate Cooperation vote = unrecorded voice vote; House Committee on Agriculture voted bill out 17-0.)

Rhode Island: (P.L. 93-336) House vote = 80-7; Senate vote = 38-0. (House Committee on Judiciary voted bill out 11-2; Senate Committee on Judiciary voice vote not recorded.)

Vermont: Originally adopted Compact in 1989. (P.L. 89-95) House vote = unanimous voice vote; Senate vote = 29-1. The law was amended in 1993. (P.L. 93-57) Floor voice votes, and House and Senate Agriculture Committees voice votes, not recorded.

Mr. LEAHY. But it appears we are going to have to wait until next year.

A lot of major initiatives have been derailed by gridlock here in the last few weeks of the session.

I guess in a year of filibusters and gridlock the northeast interstate dairy compact was another victim.

But my distinguished colleague from Vermont, Senator JEFFORDS and I have worked very, very hard on this piece of legislation forming a bipartisan alliance on it. In fact our distinguished colleague in the House, Congressman BERNARD SANDERS, also worked very, very hard on it. If you want to have a nonpartisan alliance, Mr. President, this is one Democrat, one Republican, and one independent making up the whole congressional delegation for Vermont. We all join in this, one Democrat, one Republican, one independent. We all agree.

I will admit that Senators on my side of the aisle have been instrumental until delaying the dairy compact. They were unwilling to set a time agreement despite the fact that the sponsors offered them many compromises including one that made it very, very clear, and Senator JEFFORDS and I pointed out this compact would not affect other regions. The milk processor lobby also fought this bill, and that is a powerful lobby I understand. But when the milk processor lobby fights such a bill it should come as no surprise because they fight every blooming bill that might help a dairy farmer.

The Northeast Dairy Compact matter has been debated nearly 7 years in the States of New England. It is an idea from the grassroots. It is rooted in our deepest tradition of federalism. It is a way for the New England States to solve the problem on their own by taking more control of our milk pricing.

Time is running out for many hard working dairy farmers of New England. The men and women in New England who are dairy farmers are among the hardest working people we will see any place in this country. I have to tell them they have to wait for next year.

Mr. President, I ask unanimous consent to print in the RECORD a letter I received from a farmer in Richford, VT.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Richford, VT, September 13, 1994.

Hon. PATRICK LEAHY,
Attn: CHUCK ROSS VT State Director, Courthouse Plaza, Main Street, Burlington, VT.

DEAR SENATOR LEAHY: Prompt action is needed on the Proposed Northeast Dairy Compact. Our small Vermont farms cannot continue with milk prices falling as they are. We need these farms to preserve our beautiful state and close knit farm families.

It pains me to see my daughter and son-in-law struggle to continue milking cows with no financial reward.

Sincerely,

CLINTON F. HOLMES.

Mr. LEAHY. Mr. President, it is a poignant testimony to this problem. It is a short letter. He is saying he hopes his children will be able to continue farming. It is a short letter. But in many ways it speaks more volumes than all of the hours of hearings and debate that we had on this bill and we have had hours of hearings. We have had hours of debate to get this far.

So I want to thank some people who worked so hard on this measure. I thank Danny Smith and Bob Gray, who have worked tirelessly for this measure. I thank Tom Cosgrove of my own staff of the Senate Agriculture Committee, who has given up evenings and weekends, who has traveled to Vermont, who has worked so hard on this, and I am proud to have him here on the floor of the Senate with me.

I appreciate the work of my good friend and colleague, Senator JEFFORDS. I cannot even think of the number of hours he spent buttonholing other Senators and calling them and proving to them this is a bipartisan effort.

I thank the outstanding efforts of my two Judiciary Committee colleagues, Senator KENNEDY from Massachusetts, who worked so hard on the Democratic side of the aisle, and Senator COHEN of Maine, who worked so hard on the Republican side of the aisle. They were instrumental in our ability to favorably report the bill from the committee.

But it is especially important to commend the majority leader, Senator GEORGE MITCHELL. Senator MITCHELL has been with us from the beginning. He has been a wonderful leader. Frankly, I wish he could be our leader on our side for as long as I remain in the Senate. He is going to be impossible to replace.

But I believe it is to his credit as we wind down this session that support for the bill comes not because he is majority leader, but it comes as his being a Senator from the great State of Maine, fighting for a bill that would help the farmers in his State who would be put in a very difficult situation. He has been always, first and foremost, a man who reflects the heart and soul of the very special region and a very special people.

Mr. President, I see my friend and colleague from Vermont, Senator JEFFORDS, and I will yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, first of all, I thank my senior colleague from Vermont for his very articulate and well-expressed thoughts upon the matter of the Northeast Dairy Compact and also most assuredly second his comments on our new second circuit judge, Judge Parker. I will put in an appropriate statement in the RECORD tomorrow with respect to his nomination.

NORTHEAST DAIRY COMPACT

Mr. JEFFORDS. Mr. President, last summer, the heavens opened and much of the Midwest was flooded. We did exactly what we should have done, we provided the farmers and others out there with all the help we could.

I suppose if we had sharpened our pencils and engaged in a bloodless cost-benefit analysis we would not have done so. After all, why should our tax dollars subsidize other farmers?

When the Southeast had a serious drought several years ago, our farmers went out and got extra hay out of their fields, and I had the honor and pleasure and fun of being an engineer on a train that carried the hay from one end of Vermont to the other as we collected it and sent it down to the Southeast in order that their farmers could make it through that very bad summer.

Farmers in my State have always pitched in to help others, whether it was floods in the Midwest or drought in the South.

But what baffles me today is that some of my colleagues from the Midwest were engaged in an even more extreme calculation. Despite the fact that the New England dairy compact would have no impact on States outside the region, a small group of my colleagues seemed hell bent on destroying it.

The logic escapes me. This bipartisan scorched earth policy seems to have so infected this place that spite seems to rule rather than reason. Right now we could not ship milk from this place, the somatic cell count is so high.

What is this terrible monster that we propose? It is a simple effort by the people of six States to control their destiny. I say the people and I mean it. This compact has been the product of six very different legislatures, and six very public processes.

These States, Republicans and Democrats, farmers and consumers, from the concrete of the cities to the rocky hillside farms, all pulled together to agree on the future of those farms.

The compact would provide a mechanism for New England States to coordinate their efforts to establish price stability for both farmers and consumers. We would improve milk markets and milk marketing in the compact region. The compact would set up a commission representative of the milk producer, marketer, and consumer interests in each New England State.

The bill itself is the formal product of a thorough interstate legislative process. The six New England legislatures carefully dissected all of the issues involved, assessing and considering consumer protection, potential impact on the marketplace, both regional and national, and the benefit to the dairy farmers. I believe, as do many of my colleagues, that the compact strikes a successful balance among the different concerns.

The compact provides a benefit to the region's farmers and consumers. There would be no adverse impact on either the national dairy industry or the Federal Marketing Agreement Act which regulates the industry. Let me repeat that. There would be no adverse impact on other farmers in this Nation.

On a different day, many of my colleagues who oppose the compact would agree with me that it is in the best interest of consumers and rural areas that supplying dairy farms remain local, as well as productive and stable. Ensuring a local supply of fluid milk to the region is in the best interest of the consumers and processors. Stabilizing farm prices is one way to help ensure that dairy farmers can continue to supply fresh, high quality fluid milk to the local markets.

Our dairy farmers are receiving milk prices well below the cost of production. Current milk prices to farmers are as low as they were over 10 years ago, yet the cost of production and price to the consumer have increased. The compact would protect the interests of consumers located within the compact region. Farmers and consumers would both benefit from the compact's ability to establish a more stable price structure for the milk they produce and purchase, removing the fluctuations in fluid milk prices, assuring the region a viable supply of locally produced milk.

Mr. President, as you can see, the compact was developed in the best interest of the consumers and the farmers. Consumers in the compact region have sufficient power to protect themselves. The compact allows one State, one vote. Consuming States, such as Rhode Island, with 35 farmers and 1.3 million people, have equal say in the decision to impose a pricing regulation with Vermont, having 2,200 farmers and 550,000 people. Also, the imposition of a pricing regulation requires a two-thirds vote of the compact commission's delegations.

In Massachusetts consumers outnumber the farmers about 1,800 to 1. Yet, the support for the compact is overwhelming. I say God bless them.

It must be made clear that the compact would not discriminate against out-of-region farmers or processors. The compact models or mirrors the Federal law of milk price regulation. Under the compact, as under Federal law, no burden other than the regulation of the farm price would be placed on the interstate shipment of milk. Any dairy farmer, without any competitive disadvantage, may market milk in the compact region, whether they reside in the region or not. No barriers to trade are created. Milk would continue to flow into and from the compact region in the same manner as it does under the current Federal law.

New England produces approximately 3 to 4 percent of the Nation's milk supply. Of that only half goes into class 1 or fluid milk, which represents 1½ percent of the Nation's supply. We are talking about an extremely small amount of milk in a localized area.

Yet there are still those who insist that the dairy compact will result in a surplus of milk. Those who believe this are wrong. New England is a milk deficit area for its fluid milk. Rhode Island, Massachusetts, and Connecticut produce milk at levels far below the needs to serve consumer's fluid milk. Only Vermont and Maine produce more milk than they consume. New England, to meet the demands of the consumers, must go well into the New York State area. The fact is, the result of the compact would be no increase in milk production in New England.

And for those of us in the North, we cannot ship to Canada, yet Canada can ship into our manufactured product market. Our farmers need the flexibility of benefiting from our local markets. The compact would give us that opportunity. As I say, we cannot ship to Canada. They are a highly subsidized area, and yet they can ship to businesses in our area.

The compact would have the authority to set a price on class 1 or bottled milk only. Almost all of this fluid milk is produced within a 300-mile radius of Boston. All other classes of milk purchased for manufacturing purposes such as cheese, ice cream, and milk powder would be exempt from the compact.

This past weekend I was back in my home State of Vermont. Dairy farmers spent most of the weekend chopping the last of their corn and finishing fall chores, getting ready for the cold Vermont winter. Since only 1984, almost a third of the 3,170 dairy farms operating in Vermont have shut down. The trend continues, not only Vermont and New England but other regions of the country as well.

What does it say about our values and priorities when farmers, who perform one of the most basic and important jobs to our society, are underpaid and unappreciated? Do we value farmers or do we not? New England, along with its Governors, legislatures, consumers, processors, and farmers know the importance and value of their dairy farmers. A fresh local supply of milk, open productive land, rural economic communities, strong family values, and the need for good farmers for many years to come is why the consumers of New England are willing to pay to farmers the money they deserve.

Our consumers have proved they are willing to pay 5 to 10 cents more per gallon of milk to give the farmers the price they deserve. The average family will spend about $5 more per year on milk if the compact increased the price to consumers by 10 cents.

I was asking my colleagues to respect the interstate cooperation among the compact region. Concerns of the compact, with respect to several of my colleagues, have been addressed with amendments and explanations.

Six years of interstate cooperation has gone into this dairy compact to assure those outside the compact region would not be adversely impacted.

New England's dairy industry will continue to slip away, unless the region can act together to help protect one of the region's most vital resources, its dairy farms. This interstate compact gives us the opportunity to do just that. It would give New England the chance we deserve to help ourselves.

As Sam Rayburn used to say, any jackass can kick down a barn, but it takes a carpenter to build one. We have the drawings, thanks to the people of New England. Now let us raise that barn.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I commend the Senators from Vermont and associate myself with their remarks and with the compact which they have fought so hard for.

Although the dairy industry in Maine is not as proportionately significant statewide as it is in Vermont, for those involved it is, of course, of equal and total significance.

Over the past few weekends, I have met with several of the dairy farmers in my State and can verify from personal experience and knowledge the difficult circumstances that exist as a result of the situation described by the Senators from Vermont.

We believe that the compact would have had the dual benefits of assisting farmers in the region without threatening in any way farmers in any other region. We regret that not all saw it that way, and we regret even more that this important legislation will not be enacted this year.

But I think it inevitable, and I encourage my colleagues to continue their efforts. I will not attempt to restate all of the facts set forth in their statements or the reasons for the need for such a compact.

I can only say that I strongly support the compact. I regret that the underlying legislation to which it was intended to be offered was prevented from being brought to the Senate, and therefore it was not possible to complete action in the Senate. In any event, as we know, the House did not act on the matter, and therefore it will have to go over until the next year.

In the meantime, many farm families throughout New England will suffer through a most difficult winter because of the circumstances which now exist.

And so I conclude by thanking my colleagues from Vermont for their leadership and aggressive effort. It has been a pleasure for me to work with them on this matter, and I join them in regretting that we were not able to enact this legislation this year.

Mr. President, I yield the floor.

Mr. FEINGOLD. Mr. President, it is with no great happiness that I must rise in opposition to S. 2069, a bill which grants the consent of Congress to the Northeast Interstate Dairy Compact. I have a great deal of respect for

Senator LEAHY, the sponsor of this legislation and my Chairman on the Agriculture Committee as well as the majority leader, Senator MITCHELL, and the junior Senator from Vermont [Mr. JEFFORDS] as well. I have very high regard for their commitment to agricultural producers in their States and throughout the country. In particular, there is no one in this body who has worked harder to develop and pass national dairy policy for the farmers of this country than Senator LEAHY.

Unfortunately, the Compact is the antithesis of national policy—it is an approach which divides the U.S. dairy industry by insulating the northeast dairy industry from the market conditions that all other farmers in this country must face. That is inconsistent with the national approach to policy reform that Wisconsin dairy farmers tell me is desperately needed.

I also want to say that I have the utmost respect for the intentions of Senator LEAHY, the majority leader and the other cosponsors of this bill. I understand the plight of their farmers, I understand the pain those farmers and the rural northeast communities have experienced, I understand the loss of family farms.

I understand these things because producers and others in Wisconsin have experienced these problems more acutely than any other region of the country and more than any other individual State. My State of Wisconsin, which until last year was the No. 1 milk producing State in the country, suffers from the loss of over 1,000 dairy farmers per year. We lose more farms per year than the current number of dairy farmers in five of the six compact States.

Wisconsin is not only losing farms but we are also losing milk production overall. We are also losing cheese processing plants to other regions due to artificial advantages provided to other regions by Federal law.

In the early 1980's we had nearly 45,000 family dairy farmers in Wisconsin. Today we have only 29,000. While we still have more producers than any other State in this country, our numbers are dwindling. A recent survey indicated that in the next 5 years 40 percent of our remaining farmers will go out of business. That is over 11,000 family dairy farmers.

This trend is mirrored in other States throughout the Upper Midwest. While we recognize that there are many reasons for this decline, the overwhelming message I hear from family dairy farmers in Wisconsin, Minnesota and throughout the Midwest is that we need reform of outdated federal milk marketing orders which provide artificial advantages to other regions of the country driving Wisconsin farmers out of business.

So I understand the desire of Senator LEAHY and others in the Northeast to remedy their local and regional problems in their dairy industry, however further regionalizing dairy policy is not the answer. Milk is marketed nationally and regulated federally. Similarly, congressional changes to dairy policy must recognize the national nature of milk marketing as well as the comprehensive and interrelated nature of fluid and manufactured milk products.

I had hoped to work with him on the compact in the context of national milk marketing order reform. I had hoped the situation was not at a stalemate. I do look forward to working with the chairman on dairy policy next year.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAUMATIC BRAIN INJURY ACT OF 1994—MESSAGE FROM THE HOUSE

Mr. FEINGOLD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 725) to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 725) entitled "An Act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 703 of Public Law 103-183 (107 Stat. 2240), is amended by inserting after section 317F the following section:

"PREVENTION OF TRAUMATIC BRAIN INJURY

"SEC. 317G. The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

"(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and

"(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.

"(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(d) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 2. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

"(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

"(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training."; and

(2) in subsection (h), by adding at the end the following paragraph:

"(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.".

SEC. 3. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following section:

"SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve access to health and other services regarding traumatic brain injury.

"(b) STATE ADVISORY BOARD.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board

within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(2) FUNCTIONS.—An advisory board established under paragraph (1) shall advise and make recommendations to the State on ways to improve services coordination regarding traumatic brain injury. Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

"(A) representatives of—

"(i) the corresponding State agencies involved;

"(ii) public and nonprofit private health related organizations;

"(iii) other disability advisory or planning groups within the State;

"(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(v) injury control programs at the State or local level if such programs exist; and

"(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(f) REPORT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 4. STUDY; CONSENSUS CONFERENCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(A) In collaboration with appropriate State and local health-related agencies—

(i) determine the incidence and prevalence of traumatic brain injury; and

(ii) develop a uniform reporting system under which States report incidences of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(B) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(i) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(ii) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(iii) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(C) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(2) DATES CERTAIN FOR REPORTS.—

(A) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) DEFINITION.—For purposes of this section, the term "traumatic brain injury" means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1995 through 1997.

SEC. 5. STATE STANDARDS.

(a) PREEMPTION.—Section 403A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343-1(a)) is amended—

(1) in paragraph (1), by inserting at the end the following: "except that this paragraph does not apply to a standard of identity of—

"(A) a State or political subdivision of a State for maple syrup which is of the type required by sections 401 and 403(g), or

"(B) a State for fluid milk which is of the type required by sections 401 and 403(g) and which specifies a higher minimum level of milk components than is provided for in the corresponding standard of identity promulgated under section 401,",

(2) in paragraph (2), by inserting at the end the following: "except that this paragraph does not apply to a requirement of a State or political subdivision of a State which is of the type required by section 403(c) and which is applicable to maple syrup,",

(3) in paragraph (3), by inserting at the end the following: "except that this paragraph does not apply to a requirement of a State or political subdivision of a State which is of the type required by section 403(h)(1) and which is applicable to maple syrup,", and

(4) by adding at the end the following: "For purposes of paragraph (1)(B), the term 'fluid milk' means liquid milk in final packaged form for beverage use and does not include dry milk, manufactured milk products, or tanker bulk milk.".

(b) PROCEDURE.—Section 701(e)(1) of such Act (21 U.S.C. 371(e)(1)) is amended by striking "or maple syrup (regulated under section 168.140 of title 21, Code of Federal Regulations)".

SEC. 6. SELENIUM.

The stay (published at 58 Fed. Reg. 47962) of the 1987 food additive regulation relating to selenium (21 Code of Federal Regulations 573.920) is suspended until December 31, 1995.

Mr. FEINGOLD. Mr. President, I move that the Senate concur in the House amendment with the amendment I now send to the desk on behalf of Senators KENNEDY and HATCH; that the motion to reconsider be laid on the table, and that any statements appear thereon at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for Mr. KENNEDY and Mr. HATCH, proposes an amendment numbered 2654.

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 209 of the Minority Health Improvement Act of 1994, is amended by inserting after section 317G the following section:

"PREVENTION OF TRAUMATIC BRAIN INJURY

"SEC. 317H. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

"(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and

"(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.

"(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(d) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 2. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

"(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

"(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training."; and

(2) in subsection (h), by adding at the end the following paragraph:

"(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 3. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following section:

"SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve the availability of health services regarding traumatic brain injury.

"(b) STATE ADVISORY BOARD.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(2) FUNCTIONS.—An advisory board established under paragraph (1) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

"(A) representatives of—

"(i) the corresponding State agencies involved;

"(ii) public and nonprofit private health related organizations;

"(iii) other disability advisory or planning groups within the State;

"(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(v) injury control programs at the State or local level if such programs exist; and

"(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(f) REPORT.—Not later than 2 years after the effective date under section 901 of the Minority Health Improvement Act of 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 4. STUDY; CONSENSUS CONFERENCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(A) In collaboration with appropriate State and local health-related agencies—

(i) determine the incidence and prevalence of traumatic brain injury; and

(ii) develop a uniform reporting system under which States report incidence of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(B) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(i) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(ii) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(iii) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(C) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(2) DATES CERTAIN FOR REPORTS.—

(A) Not later than 18 months after the effective date under section 901, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the effective date under section 901, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) DEFINITION.—For purposes of this section, the term "traumatic brain injury" means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

Mr. HATCH. Mr. President, As the 103d Congress is drawing to a close, it is important that we approve S. 725, the Traumatic Brain Injury Act. This bill is critically important to the millions of Americans who suffer from traumatic brain injuries, and those who will have the misfortune of this type of injury in the future. There is no reason this legislation should not be enacted into law this year.

The Traumatic Brain Injury bill will provide visibility to the silent epidemic of brain injuries, which currently plague an additional 2 million Americans per year. Traumatic brain injuries have become the number one killer and cause of disability of young people in the U.S., far outdistancing all other causes.

Because of the serious consequences of traumatic brain injury and the failure of human services systems and educational programs to properly meet the needs of sufferers of these injuries, S. 725 will make large strides toward helping these people to be identified as people with a brain injury, and not labeled as having some other disability. This is important if appropriate services are to be developed and targeted and prevention efforts are to be conducted.

With the passage of the Traumatic Brain Injury Act will come funding for research, not only for the treatment of TBI, but also for prevention and awareness programs which will help decrease the occurrence of such tragedies.

Specifically, S. 725 will authorize the Centers for Disease Control and Prevention to conduct projects to reduce the incidence of traumatic brain injury.

It will also authorize the National Institutes of Health to conduct basic and applied research on traumatic brain injury.

It will provide matching grants to the states through the Health Resources and Services Administration for demonstration projects to improve access to health and other services regarding traumatic brain injury.

And, S. 725, will provide for an HHS study of a number of factors relating to traumatic brain injury and for a national consensus conference on traumatic brain injury.

The Traumatic Brain Injury Act should be high priority legislation, and at the top of our legislative Agendas. As my colleagues are aware, this bill was passed in the Senate in April of this year and as part of H.R. 3869, "The Minority Health Improvement Act" in the House. Because this bill has been passed by members from both sides of the aisle and by both legislative bodies, we know it isn't controversial.

However, because of the popularity of this bill, it became a target for unrelated amendments. I do not want to argue for or against any amendments at this time, but I feel that in order to get the Traumatic Brain Bill enacted into law this year, we must move it through the Senate today, without amendments. Let them stand on their own merit, and not on that of a good bill like S. 725.

Mr. President, let's not forget that traumatic brain injury is the leading cause of death and disability among Americans under the age of 30. There are 8 million Americans who currently suffer from traumatic brain injuries and an additional 2 million Americans who suffer brain injuries each year. Many of these people would be helped by this legislation. We need to make passage of this bill an immediate priority.

Let's proceed in this manner, by encouraging the passage of S. 725 as a clean bill, without unrelated amendments. There are millions of Americans in need of this legislation this year. I ask my colleagues' support in speedily enacting the Traumatic Brain Injury Act. I am hopeful the House will be able to take it up in the future.

The motion was agreed to.

DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994—MESSAGE FROM THE HOUSE

Mr. FEINGOLD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 784) to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 784) entitled "An Act to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes", do pass with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Dietary Supplement Health and Education Act of 1994".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Safety of dietary supplements and burden of proof on FDA.
Sec. 5. Dietary supplement claims.
Sec. 6. Statements of nutritional support.
Sec. 7. Dietary supplement ingredient labeling and nutrition information labeling.
Sec. 8. New dietary ingredients.
Sec. 9. Good manufacturing practices.
Sec. 10. Conforming amendments.
Sec. 11. Withdrawal of the regulations and notice.
Sec. 12. Commission on dietary supplement labels.
Sec. 13. Office of dietary supplements.

SEC. 2. FINDINGS.

Congress finds that—

(1) improving the health status of United States citizens ranks at the top of the national priorities of the Federal Government;

(2) the importance of nutrition and the benefits of dietary supplements to health promotion and disease prevention have been documented increasingly in scientific studies;

(3)(A) there is a link between the ingestion of certain nutrients or dietary supplements and the prevention of chronic diseases such as cancer, heart disease, and osteoporosis; and

(B) clinical research has shown that several chronic diseases can be prevented simply with a healthful diet, such as a diet that is low in fat, saturated fat, cholesterol, and sodium, with a high proportion of plant-based foods;

(4) healthful diets may mitigate the need for expensive medical procedures, such as coronary bypass surgery or angioplasty;

(5) preventive health measures, including education, good nutrition, and appropriate use of safe nutritional supplements will limit the incidence of chronic diseases, and reduce long-term health care expenditures;

(6)(A) promotion of good health and healthy lifestyles improves and extends lives while reducing health care expenditures; and

(B) reduction in health care expenditures is of paramount importance to the future of the country and the economic well-being of the country;

(7) there is a growing need for emphasis on the dissemination of information linking nutrition and long-term good health;

(8) consumers should be empowered to make choices about preventive health care programs based on data from scientific studies of health benefits related to particular dietary supplements;

(9) national surveys have revealed that almost 50 percent of the 260,000,000 Americans regularly consume dietary supplements of vitamins, minerals, or herbs as a means of improving their nutrition;

(10) studies indicate that consumers are placing increased reliance on the use of nontraditional health care providers to avoid the excessive costs of traditional medical services and to obtain more holistic consideration of their needs;

(11) the United States will spend over $1,000,000,000,000 on health care in 1994, which is about 12 percent of the Gross National Product of the United States, and this amount and percentage will continue to increase unless significant efforts are undertaken to reverse the increase;

(12)(A) the nutritional supplement industry is an integral part of the economy of the United States;

(B) the industry consistently projects a positive trade balance; and

(C) the estimated 600 dietary supplement manufacturers in the United States produce approximately 4,000 products, with total annual sales of such products alone reaching at least $4,000,000,000;

(13) although the Federal Government should take swift action against products that are unsafe or adulterated, the Federal Government should not take any actions to impose unreasonable regulatory barriers limiting or slowing the flow of safe products and accurate information to consumers;

(14) dietary supplements are safe within a broad range of intake, and safety problems with the supplements are relatively rare; and

(15)(A) legislative action that protects the right of access of consumers to safe dietary supplements is necessary in order to promote wellness; and

(B) a rational Federal framework must be established to supersede the current ad hoc, patchwork regulatory policy on dietary supplements.

SEC. 3. DEFINITIONS.

(a) DEFINITION OF CERTAIN FOODS AS DIETARY SUPPLEMENTS.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(ff) The term 'dietary supplement'—

"(1) means a product (other than tobacco) intended to supplement the diet that bears or contains one or more of the following dietary ingredients:

"(A) a vitamin;

"(B) a mineral;

"(C) an herb or other botanical;

"(D) an amino acid;

"(E) a dietary substance for use by man to supplement the diet by increasing the total dietary intake; or

"(F) a concentrate, metabolite, constituent, extract, or combination of any ingredient described in clause (A), (B), (C), (D), or (E);

"(2) means a product that—

"(A)(i) is intended for ingestion in a form described in section 411(c)(1)(B)(i); or

"(ii) complies with section 411(c)(1)(B)(ii); and

"(B) is not represented for use as a conventional food or as a sole item of a meal or the diet; and

"(C) is labeled as a dietary supplement; and

(3) does—

"(A) include an article that is approved as a new drug under section 505, certified as an antibiotic under section 507, or licensed as a biologic under section 351 of the Public Health Service Act (42 U.S.C. 262) and was, prior to such approval, certification, or license, marketed as a dietary supplement or as a food unless the Secretary has issued a regulation, after notice and comment, finding that the article, when used as or in a dietary supplement under the conditions of use and dosages set forth in the labeling for such dietary supplement, is unlawful under section 402(f); and

"(B) not include—

"(i) an article that is approved as a new drug under section 505, certified as an antibiotic under section 507, or licensed as a biologic under section 351 of the Public Health Service Act (42 U.S.C. 262), or

"(ii) an article authorized for investigation as a new drug, antibiotic, or biological for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public,

which was not before such approval, certification, licensing, or authorization marketed as a dietary supplement or as a food unless the Secretary, in the Secretary's discretion, has issued a regulation, after notice and comment, finding that the article would be lawful under this Act.

Except for purposes of section 201(g), a dietary supplement shall be deemed to be a food within the meaning of this Act.".

(b) EXCLUSION FROM DEFINITION OF FOOD ADDITIVE.—Section 201(s) (21 U.S.C. 321(s)) is amended—

(1) by striking "or" at the end of subparagraph (4);

(2) by striking the period at the end of subparagraph (5) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(6) an ingredient described in paragraph (ff) in, or intended for use in, a dietary supplement.".

(c) FORM OF INGESTION.—Section 411(c)(1)(B) (21 U.S.C. 350(c)(1)(B)) is amended—

(1) in clause (i), by inserting "powder, softgel, gelcap," after "capsule,"; and

(2) in clause (ii), by striking "does not simulate and".

SEC. 4. SAFETY OF DIETARY SUPPLEMENTS AND BURDEN OF PROOF ON FDA.

Section 402 (21 U.S.C. 342) is amended by adding at the end the following:

"(f)(1) If it is a dietary supplement or contains a dietary ingredient that—

"(A) presents a significant or unreasonable risk of illness or injury under—

"(i) conditions of use recommended or suggested in labeling, or

"(ii) if no conditions of use are suggested or recommended in the labeling, under ordinary conditions of use;

"(B) is a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury;

"(C) the Secretary declares to pose an imminent hazard to public health or safety, except that the authority to make such declaration shall not be delegated and the Secretary shall promptly after such a declaration initiate a proceeding in accordance with sections 554 and 556 of title 5, United States Code, to affirm or withdraw the declaration; or

"(D) is or contains a dietary ingredient that renders it adulterated under paragraph (a)(1) under the conditions of use recommended or suggested in the labeling of such dietary supplement.

In any proceeding under this subparagraph, the United States shall bear the burden of proof on each element to show that a dietary supplement is adulterated. The court shall decide any issue under this paragraph on a de novo basis.

"(2) Before the Secretary may report to a United States attorney a violation of paragraph (1)(A) for a civil proceeding, the person against whom such proceeding would be initiated shall be given appropriate notice and the opportunity to present views, orally and in writing, at least 10 days before such notice, with regard to such proceeding.".

SEC. 5. DIETARY SUPPLEMENT CLAIMS.

Chapter IV (21 U.S.C. 341 et seq.) is amended by inserting after section 403A the following new section:

"DIETARY SUPPLEMENT LABELING EXEMPTIONS

"SEC. 403B. (a) IN GENERAL.—A publication, including an article, a chapter in a book, or an official abstract of a peer-reviewed scientific publication that appears in an article and was prepared by the author or the editors of the publication, which is reprinted in its entirety, shall not be defined as labeling when used in connection with the sale of a dietary supplement to consumers when it—

"(1) is not false or misleading;

"(2) does not promote a particular manufacturer or brand of a dietary supplement;

"(3) is displayed or presented, or is displayed or presented with other such items on the same subject matter, so as to present a balanced view of the available scientific information on a dietary supplement;

"(4) if displayed in an establishment, is physically separate from the dietary supplements; and

"(5) does not have appended to it any information by sticker or any other method.

"(b) APPLICATION.—Subsection (a) shall not apply to or restrict a retailer or wholesaler of dietary supplements in any way whatsoever in the sale of books or other publications as a part of the business of such retailer or wholesaler.

"(c) BURDEN OF PROOF.—In any proceeding brought under subsection (a), the burden of proof shall be on the United States to establish that an article or other such matter is false or misleading.".

SEC. 6. STATEMENTS OF NUTRITIONAL SUPPORT.

Section 403(r) (21 U.S.C. 343(r)) is amended by adding at the end the following:

"(6) For purposes of paragraph (r)(1)(B), a statement for a dietary supplement may be made if—

"(A) the statement claims a benefit related to a classical nutrient deficiency disease and discloses the prevalence of such disease in the United States, describes the role of a nutrient or dietary ingredient intended to affect the structure or function in humans, characterizes the documented mechanism by which a nutrient or dietary ingredient acts to maintain such structure or function, or describes general well-being from consumption of a nutrient or dietary ingredient,

"(B) the manufacturer of the dietary supplement has substantiation that such statement is truthful and not misleading, and

"(C) the statement contains, prominently displayed and in boldface type, the following: 'This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.'.

A statement under this subparagraph may not claim to diagnose, mitigate, treat, cure, or prevent a specific disease or class of diseases. If the manufacturer of a dietary supplement proposes to make a statement described in the first sentence of this subparagraph in the labeling of the dietary supplement, the manufacturer shall notify the Secretary no later than 30 days after the first marketing of the dietary supplement with such statement that such a statement is being made.".

SEC. 7. DIETARY SUPPLEMENT INGREDIENT LABELING AND NUTRITION INFORMATION LABELING.

(a) MISBRANDED SUPPLEMENTS.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

"(s) If—

"(1) it is a dietary supplement; and

"(2)(A) the label or labeling of the supplement fails to list—

"(i) the name of each ingredient of the supplement that is described in section 201(ff); and

"(ii)(I) the quantity of each such ingredient; or

"(II) with respect to a proprietary blend of such ingredients, the total quantity of all ingredients in the blend;

"(B) the label or labeling of the dietary supplement fails to identify the product by using the term 'dietary supplement', which term may be modified with the name of such an ingredient;

"(C) the supplement contains an ingredient described in section 201(ff)(1)(C), and the label or labeling of the supplement fails to identify any part of the plant from which the ingredient is derived;

"(D) the supplement—

"(i) is covered by the specifications of an official compendium;

"(ii) is represented as conforming to the specifications of an official compendium; and

"(iii) fails to so conform; or

"(E) the supplement—

"(i) is not covered by the specifications of an official compendium; and

"(ii)(I) fails to have the identity and strength that the supplement is represented to have; or

"(II) fails to meet the quality (including tablet or capsule disintegration), purity, or compositional specifications, based on validated assay or other appropriate methods, that the supplement is represented to meet.".

(b) SUPPLEMENT LISTING ON NUTRITION LABELING.—Section 403(q)(5)(F) (21 U.S.C. 343(q)(5)(F)) is amended to read as follows:

"(F) A dietary supplement product (including a food to which section 411 applies) shall comply with the requirements of subparagraphs (1) and (2) in a manner which is appropriate for the product and which is specified in regulations of the Secretary which shall provide that—

"(i) nutrition information shall first list those dietary ingredients that are present in the product in a significant amount and for which a recommendation for daily consumption has been established by the Secretary, except that a dietary ingredient shall not be required to be listed if it is not present in a significant amount, and shall list any other dietary ingredient present and identified as having no such recommendation;

"(ii) the listing of dietary ingredients shall include the quantity of each such ingredient (or of a proprietary blend of such ingredients) per serving;

"(iii) the listing of dietary ingredients may include the source of a dietary ingredient; and

"(iv) the nutrition information shall immediately precede the ingredient information required under subclause (i), except that no ingredient identified pursuant to subclause (i) shall be required to be identified a second time.".

(c) Percentage Level Claims.—Section 403(r)(2) (21 U.S.C. 343(r)(2)) is amended by adding after clause (E) the following:

"(F) Subclause (i) clause (A) does not apply to a statement in the labeling of a dietary supplement that characterizes the percentage level of a dietary ingredient for which the Secretary has not established a reference daily intake, daily recommended value, or other recommendation for daily consumption."

(d) Vitamins and Minerals.—Section 411(b)(2) (21 U.S.C. 350(b)(2)) is amended—

(1) by striking "vitamins or minerals" and inserting "dietary supplement ingredients described in section 201(ff)";

(2) by striking "(2)(A)" and inserting "(2)"; and

(3) by striking subparagraph (B).

(e) Effective Date.—Dietary supplements—

(1) may be labeled after the date of the enactment of this Act in accordance with the amendments made by this section, and

(2) shall be labeled after December 31, 1996, in accordance with such amendments.

SEC. 8. NEW DIETARY INGREDIENTS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following:

"NEW DIETARY INGREDIENTS

"Sec. 413. (a) In General.—A dietary supplement which contains a new dietary ingredient shall be deemed adulterated under section 402(f) unless it meets one of the following requirements:

"(1) The dietary supplement contains only dietary ingredients which have been present in the food supply as an article used for food in a form in which the food has not been chemically altered.

"(2) There is a history of use or other evidence of safety establishing that the dietary ingredient when used under the conditions recommended or suggested in the labeling of the dietary supplement will reasonably be expected to be safe and, at least 75 days before being introduced or delivered for introduction into interstate commerce, the manufacturer or distributor of the dietary ingredient or dietary supplement provides the Secretary with information, including any citation to published articles, which is the basis on which the manufacturer or distributor has concluded that a dietary supplement containing such dietary ingredient will reasonably be expected to be safe. The Secretary shall keep confidential any information provided under paragraph (2) for 90 days following its receipt. After the expiration of such 90 days, the Secretary shall place such information on public display, except matters in the information which are trade secrets or otherwise confidential, commercial information.

"(b) Petition.—Any person may file with the Secretary a petition proposing the issuance of an order prescribing the conditions under which a new dietary ingredient under its intended conditions of use will reasonably be expected to be safe. The Secretary shall make a decision on such petition within 180 days of the date the petition is filed with the Secretary. For purposes of chapter 7 of title 5, United States Code, the decision of the Secretary shall be considered final agency action.

"(c) Definition.—For purposes of this section, the term 'new dietary ingredient' means a dietary ingredient that was not marketed in the United States before October 15, 1994 and does not include any dietary ingredient which was marketed in the United States before October 15, 1994.".

SEC. 9. GOOD MANUFACTURING PRACTICES.

Section 402 (21 U.S.C. 342), as amended by section 4, is amended by adding at the end the following:

"(g)(1) If it is a dietary supplement and it has been prepared, packed, or held under conditions that do not meet current good manufacturing practice regulations, including regulations requiring, when necessary, expiration date labeling, issued by the Secretary under subparagraph (2).

"(2) The Secretary may by regulation prescribe good manufacturing practices for dietary supplements. Such regulations shall be modeled after current good manufacturing practice regulations for food and may not impose standards for which there is no current and generally available analytical methodology. No standard of current good manufacturing practice may be imposed unless such standard is included in a regulation promulgated after notice and opportunity for comment in accordance with chapter 5 of title 5, United States Code.".

SEC. 10. CONFORMING AMENDMENTS.

(a) Section 201.—The last sentence of section 201(g)(1) (21 U.S.C. 321(g)(1)) is amended to read as follows: "A food or dietary supplement for which a claim, subject to sections 403(r)(1)(B) and 403(r)(3) or sections 403(r)(1)(B) and 403(r)(5)(D), is made in accordance with the requirements of section 403(r) is not a drug solely because the label or the labeling contains such a claim. A food, dietary ingredient, or dietary supplement for which a truthful and not misleading statement is made in accordance with section 403(r)(6) is not a drug under clause (C) solely because the label or the labeling contains such a statement.".

(b) Section 301.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(u) The introduction or delivery for introduction into interstate commerce of a dietary supplement that is unsafe under section 413.".

(c) Section 403.—Section 403 (21 U.S.C. 343), as amended by section 7, is amended by adding after paragraph (s) the following:

"A dietary supplement shall not be deemed misbranded solely because its label or labeling contains directions or conditions of use or warnings.".

SEC. 11. WITHDRAWAL OF THE REGULATIONS AND NOTICE.

The advance notice of proposed rulemaking concerning dietary supplements published in the Federal Register of June 18, 1993 (58 FR 33690-33700) is null and void and of no force or effect insofar as it applies to dietary supplements. The Secretary of Health and Human Services shall publish a notice in the Federal Register to revoke the item declared to be null and void and of no force or effect under subsection (a).

SEC. 12. COMMISSION ON DIETARY SUPPLEMENT LABELS.

(a) Establishment.—There shall be established as an independent agency within the executive branch a commission to be known as the Commission on Dietary Supplement Labels (hereafter in this section referred to as the "Commission").

(b) Membership.—

(1) Composition.—The Commission shall be composed of 7 members who shall be appointed by the President.

(2) Expertise requirement.—The members of the Commission shall consist of individuals with expertise and experience in dietary supplements and in the manufacture, regulation, distribution, and use of such supplements. At least three of the members of the Commission shall be qualified by scientific training and experience to evaluate the benefits to health of the use of dietary supplements and one of such three members shall have experience in pharmacognosy, medical botany, traditional herbal medicine, or other related sciences. Members and staff of the Commission shall be without bias on the issue of dietary supplements.

(c) Functions of the Commission.—The Commission shall conduct a study on, and provide recommendations for, the regulation of label claims and statements for dietary supplements, including the use of literature in connection with the sale of dietary supplements and procedures for the evaluation of such claims. In making such recommendations, the Commission shall evaluate how best to provide truthful, scientifically valid, and not misleading information to consumers so that such consumers may make informed and appropriate health care choices for themselves and their families.

(d) Administrative Powers of the Commission.—

(1) Hearings.—The Commission may hold hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

(2) Information from federal agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section.

(3) Authorization of appropriations.—There are authorized to be appropriated such sums as may necessary to carry out this section.

(e) Reports and Recommendations.—

(1) Final report required.—Not later than 24 months after the date of enactment of this Act, the Commission shall prepare and submit to the President and to the Congress a final report on the study required by this section.

(2) Recommendations.—The report described in paragraph (1) shall contain such recommendations, including recommendations for legislation, as the Commission deems appropriate.

(3) Action on recommendations.—Within 90 days of the issuance of the report under paragraph (1), the Secretary of Health and Human Services shall publish in the Federal Register a notice of any recommendation of

Commission for changes in regulations of the Secretary for the regulation of dietary supplements and shall include in such notice a notice of proposed rulemaking on such changes together with an opportunity to present views on such changes. Such rulemaking shall be completed not later than 2 years after the date of the issuance of such report. If such rulemaking is not completed on or before the expiration of such 2 years, regulations of the Secretary published in 59 F.R. 395-426 on January 4, 1994, shall not be in effect.

SEC. 13. OFFICE OF DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Title IV of the Public Health Service Act is amended by inserting after section 485B (42 U.S.C. 287c-3) the following:

"Subpart 4—Office of Dietary Supplements

"SEC. 485C. DIETARY SUPPLEMENTS.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Dietary Supplements within the National Institutes of Health.

"(b) PURPOSE.—The purposes of the Office are—

"(1) to explore more fully the potential role of dietary supplements as a significant part of the efforts of the United States to improve health care; and

"(2) to promote scientific study of the benefits of dietary supplements in maintaining health and preventing chronic disease and other health-related conditions.

"(c) DUTIES.—The Director of the Office of Dietary Supplements shall—

"(1) conduct and coordinate scientific research within the National Institutes of Health relating to dietary supplements and the extent to which the use of dietary supplements can limit or reduce the risk of diseases such as heart disease, cancer, birth defects, osteoporosis, cataracts, or prostatism;

"(2) collect and compile the results of scientific research relating to dietary supplements, including scientific data from foreign sources or the Office of Alternative Medicine;

"(3) serve as the principal advisor to the Secretary and to the Assistant Secretary for Health and provide advice to the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs on issues relating to dietary supplements including—

"(A) dietary intake regulations;

"(B) the safety of dietary supplements;

"(C) claims characterizing the relationship between—

"(i) dietary supplements; and

"(ii)(I) prevention of disease or other health-related conditions; and

"(II) maintenance of health; and

"(D) scientific issues arising in connection with the labeling and composition of dietary supplements;

"(4) compile a database of scientific research on dietary supplements and individual nutrients; and

"(5) coordinate funding relating to dietary supplements for the National Institutes of Health.

"(d) DEFINITION.—As used in this section, the term 'dietary supplement' has the meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1994 and such sums as may be necessary for each subsequent fiscal year.".

(b) CONFORMING AMENDMENT.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end the following:

"(E) The Office of Dietary Supplements.".

Mr. FEINGOLD. Mr. President, I move that the Senate concur in the House amendment, the motion to reconsider be laid on the table, and any statements thereon appear in the RECORD at the appropriate place as though read.

The motion was agreed to.

Mr. KENNEDY. Mr. President, the Dietary Supplement Health and Education Act of 1994 represents a bi-partisan agreement which resolves the controversy surrounding dietary supplements. All of us in Congress have received a large number of calls and letters from constituents afraid that supplements will no longer be available. This compromise will assure consumers freedom of choice while guaranteeing that unsafe products can be removed quickly from the market.

Implementation of the Nutrition Labeling and Education Act, NLEA, has caused great uncertainty about how supplements are to be regulated; this legislation will allay these concerns while preserving the important purposes of the NLEA.

I would like to thank Senators HATCH and HARKIN for their hard work that has allowed for the resolution of this difficult issue. The chief sponsors of the bill from both chambers have agreed that the only legislative history for this legislation will be a statement of agreement. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF AGREEMENT

This statement comprises the entire legislative history for the Dietary Supplement Health and Education Act of 1994, S. 784. It is the intent of the chief sponsors of the bill (Senators Hatch, Harkin and Kennedy, and Congressmen Richardson, Bliley, Moorhead, Gallegly, Dingell, Waxman) that no other reports or statements be considered as legislative history for the bill.

1. The bill does not affect the Food and Drug Administration's existing authority under the Federal Food, Drug and Cosmetic Act to prohibit the import or sale of any product marketed as a drug in a foreign country.

2. In section 201(ff)(3)(B)(ii), added by section 3 of the bill, the term "substantial clinical investigations" does not include compassionate investigational new drug applications or an investigational new drug application submitted by a physician for a single patient.

3. Section 403B, added by section 5, does not apply to a summary of a publication other than an official abstract of a peer-reviewed scientific publication.

4. Section 403(r)(6)(A), added by section 6, does not permit premarket approval or require premarket review by the FDA of any statement permitted under that provision.

5. In section 413(a)(1), added by section 8, the term "chemically altered" does not include the following physical modifications: minor loss of volatile components, dehydration, lyophlization, milling, tincture or solution in water, slurry, powder, or solid in suspension.

Mr. HATCH. Mr. President, any statement I could make would pale in comparison to the elation I feel over passage of S. 784 tonight.

Our compromise bill is a tremendous victory. It is a victory for the American people. It is a victory for consumers who want to lead healthy lifestyles.

And it is a victory for the legislative process, for it shows that the Congress can act decisively to affirm the desires of the American public.

I want to thank each and every one of the individuals who have made this legislation a possibility.

COMMENDATION OF THE U.S. RICE INDUSTRY "MENY OTIS WARREN DAY" TESTIMONY IN DOMESTIC VIOLENCE TRIALS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc and the Senate proceed en bloc to the immediate consideration of Senate Joint Resolution 219, Senate Joint Resolution 222, and Senate Concurrent Resolution 21; that the joint resolutions each be read a third time; that the concurrent resolution be adopted; that the motions to reconsider be laid upon the table en bloc; that the preambles be agreed to en bloc; that the title amendment at the desk be agreed to; that the consideration of each of these items appear individually in the RECORD, and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The joint resolutions (S.J. Res. 219, S.J. Res. 222) were passed. The concurrent resolution (S. Con. Res. 21) was agreed to. (The text of the resolutions will be printed in a future edition of the RECORD.)

SAMUEL PERRY POST OFFICE

GRAHAM PURCELL POST OFFICE

JOHN LONGO POST OFFICE

ARTURO WATLINGTON POST OFFICE

UBALDINA SIMMONS POST OFFICE

FANNIE LOU HAMER POST OFFICE

WILLIAM RANDALL POST OFFICE

WILBERT ARMSTRONG POST OFFICE

MARIAN OLDHAM POST OFFICE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged en bloc from consideration of the following bills, H.R. 2056, H.R. 2294, H.R. 3984, H.R. 4192, H.R. 4193, H.R. 4452, H.R. 4551, H.R. 4571, and H.R. 4595; that the Senate then proceed en bloc to their immediate consideration; that the bills be deemed read three times, passed, and the motion to reconsider laid upon the table en bloc; further that any statements relative to the passage of these measures be placed in the RECORD at the appropriate place and the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bills were passed.

CRIMES RELATING TO THE CONGRESSIONAL MEDAL OF HONOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5102, a bill relating to certain crimes relating to the Congressional Medal of Honor just received from the House, that the bill be read three times, passed, and the motion to reconsider laid upon the table, and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 5102) was deemed read the third time, and passed.

FOR THE RELIEF OF LETEANE CLEMENT MONATSI

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 526, H.R. 2411, a bill for the relief of the Leteane Clement Monatsi, that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table, and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2411) was deemed read the third time, and passed.

VETERANS BENEFITS AND SERVICES AMENDMENTS OF 1994—MESSAGES FROM THE HOUSE

Mr. FEINGOLD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (H.R. 3313) to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 3313) entitled "An Act to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes", with the following amendments:

In lieu of the matter proposed to be inserted by said amendment to the text, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Programs Extension Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

Sec. 101. Sexual trauma counseling and services.
Sec. 102. Research relating to women veterans.
Sec. 103. Extension of expiring authorities.
Sec. 104. Facilities in Republic of the Philippines.
Sec. 105. Savings provision.

TITLE II—CONSTRUCTION AUTHORIZATION

Sec. 201. Authorization of major medical facility projects and major medical facility leases.
Sec. 202. Authorization of appropriations.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

SEC. 101. SEXUAL TRAUMA COUNSELING AND SERVICES.

(a) AUTHORITY TO PROVIDE TREATMENT SERVICES FOR SEXUAL TRAUMA; REPEAL OF LIMITATION ON TIME TO SEEK SERVICES.—Subsection (a) of section 1720D is amended—

(1) by striking out paragraph (2); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition that the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that paragraph.".

(b) EXTENSION OF PERIOD OF AUTHORITY TO PROVIDE SEXUAL TRAUMA SERVICES.—Such subsection is further amended—

(1) in paragraph (1), by striking out "December 31, 1995," and inserting in lieu thereof "December 31, 1998,"; and

(2) in paragraph (3), by striking out "December 31, 1994," and inserting in lieu thereof "December 31, 1998,".

(c) REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF SERVICES.—Such section is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(d) COORDINATION OF CARE.—Paragraph (1) of subsection (b) of such section, as redesignated by subsection (c)(2), is amended to read as follows:

"(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a), the Secretary shall ensure that the veteran is furnished counseling and care and services under this section in a way that is coordinated with the furnishing of such care and services under this chapter.".

(e) INCREASED PRIORITY OF CARE.—Section 1712(i) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "To a veteran"; and

(B) by inserting ", or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services" before the period at the end; and

(2) in paragraph (2)—

(A) by striking out ", (B)" and inserting in lieu thereof "or (B)"; and

(B) by striking out ", or (C)" and all that follows through "such counseling".

(f) PROGRAM REVISION.—(1) Section 1720D is further amended—

(A) by striking out "woman" in subsection (a)(1);

(B) by striking out "women" in subsection (b)(2)(C) and in the first sentence of subsection (c), as redesignated by subsection (c); and

(C) by striking out "women" in subsection (c)(2), as so redesignated, and inserting in lieu thereof "individuals".

(2)(A) The heading of such section is amended to read as follows:

"§ 1720D. Counseling and treatment for sexual trauma".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"1720D. Counseling and treatment for sexual trauma.".

(g) Information by Telephone.—(1) Paragraph (1) of section 1720D(c), as redesignated by subsection (c) of this section, is amended to read as follows:

"(1) shall include availability of a toll-free telephone number (commonly referred to as an 800 number); and".

(2) In providing information on counseling available to veterans as required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)), the Secretary of Veterans Affairs shall ensure that the Department of Veterans Affairs personnel who provide assistance under such section are trained in the provision to persons who have experienced sexual trauma of information about the care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations.

(3) The telephone assistance service shall be operated in a manner that protects the confidentiality of persons who place calls to the system.

(4) The Secretary shall ensure that information about the availability of the telephone assistance service is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

(5) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone assistance service required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)). The report shall set forth the following:

(A) The number of persons who sought information during the period covered by the report through a toll free telephone number regarding services available to veterans relating to sexual trauma, with a separate display of the number of such persons arrayed by State (as such term is defined in section 101(20) of title 38, United States Code).

(B) A description of the training provided to the personnel who provide such assistance.

(C) The recommendations and plans of the Secretary for the improvement of the service.

(h) Conforming Repeal.—Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

SEC. 102. RESEARCH RELATING TO WOMEN VETERANS.

(a) Inclusion of Women and Minorities in Clinical Research Projects.—Section 7303 is amended—

(1) by transferring the text of subsection (c) to the end of subsection (a)(1); and

(2) by striking out "(c)" and inserting in lieu thereof the following:

"(c)(1) In conducting or supporting clinical research, the Secretary shall ensure that, whenever possible and appropriate—

"(A) women who are veterans are included as subjects in each project of such research; and

"(B) members of minority groups who are veterans are included as subjects of such research.

"(2) In the case of a project of clinical research in which women or members of minority groups will under paragraph (1) be included as subjects of the research, the Secretary shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.".

(b) Health Research.—(1) Such section is further amended by adding after subsection (c), as added by subsection (a), the following new subsection:

"(d)(1) The Secretary, in carrying out the Secretary's responsibilities under this section, shall foster and encourage the initiation and expansion of research relating to the health of veterans who are women.

"(2) In carrying out this subsection, the Secretary shall consult with the following to assist the Secretary in setting research priorities:

"(A) Officials of the Department assigned responsibility for women's health programs and sexual trauma services.

"(B) The members of the Advisory Committee on Women Veterans.

"(C) Members of appropriate task forces and working groups within the Department (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).".

(2) Section 109 of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 7303 note) is repealed.

(c) Population Study.—Section 110(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4948) is amended by adding at the end of paragraph (3) the following: "If it is feasible to do so within the amounts available for the conduct of the study, the Secretary shall ensure that the sample referred to in paragraph (1) constitutes a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women.".

SEC. 103. EXTENSION OF EXPIRING AUTHORITIES.

(a) Authority To Provide Priority Health Care for Veterans Exposed to Toxic Substances.—Chapter 17 is amended—

(1) in section 1710(e)(3)—

(A) by striking out "June 30, 1994" and inserting in lieu thereof "June 30, 1995"; and

(B) by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995"; and

(2) in section 1712(a)(1)(D), by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(b) Drug and Alcohol Abuse and Dependence.—Section 1720A(e) is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(c) Pilot Program for Noninstitutional Alternatives to Nursing Home Care.—(1) Effective as of October 1, 1994, subsection (a) of section 1720C is amended by striking out "During the four-year period beginning on October 1, 1990," and inserting in lieu thereof "During the period through September 30, 1995,".

(2) Such subsection is further amended by striking out "care and who—" and inserting in lieu thereof "care. The Secretary shall give priority for participation in such program to veterans who—".

(d) Enhanced-Use Leases of Real Property.—Section 8169 is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(e) Authority for Community-based Residential Care for Homeless Chronically Mentally Ill Veterans and Other Veterans.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

(f) Demonstration Program of Compensated Work Therapy.—Section 7(a) of Public Law 102–54 (105 Stat. 269; 38 U.S.C. 1718 note) is amended by striking out "1994" and inserting in lieu thereof "1995".

(g) Report Deadlines.—Section 201(b) of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101–366; 38 U.S.C. 1720C note) is amended by striking out "February 1, 1994," and inserting in lieu thereof "February 1, 1995,".

SEC. 104. FACILITIES IN REPUBLIC OF THE PHILIPPINES.

Notwithstanding section 1724 of title 38, United States Code, the Secretary of Veterans Affairs may contract with facilities in the Republic of the Philippines other than the Veterans Memorial Medical Center to furnish, during the period from February 28, 1994, through June 1, 1994, hospital care and medical services to veterans for nonservice-connected disabilities if such veterans are unable to defray the expenses of necessary hospital care. When the Secretary determines it to be most feasible, the Secretary may provide medical services under the preceding sentence to such veterans at the Department of Veterans Affairs Outpatient Clinic at Manila, Republic of the Philippines.

SEC. 105. RATIFICATION OF ACTIONS DURING PERIOD OF LAPSED AUTHORITY.

Any action of the Secretary of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act is hereby ratified.

TITLE II—CONSTRUCTION AUTHORIZATION

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) Projects Authorized.—The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the President for fiscal year 1995. The authorization in the preceding sentence applies to projects and leases which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects and leases which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(b) Additional Projects.—(1) In addition to the projects authorized in subsection (a), the Secretary may carry out the following major medical facility projects in the amounts specified for such projects:

(A) The projects that are proposed in the documents submitted to Congress by the Secretary of Veterans Affairs in conjunction with the budget of the President for fiscal year 1995 to be financed with funds from the proposed Health Care Investment Fund.

(B) Construction of a nursing home facility at the Department of Veterans Affairs Medical Center in Charleston, South Carolina, in the amount of $7,300,000.

(C) Construction of an outpatient care addition at the Department of Veterans Affairs medical center in Phoenix, Arizona, in the amount of $50,000,000.

(D) A lease/purchase of a nursing home facility near Fort Myers, Florida, in the amount of $12,800,000.

(2) The authorizations in paragraph (1) apply to projects which have not been authorized, or for which funds have not been

appropriated, in any fiscal year before fiscal year 1995 and to projects which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(c) PROJECTS FOR WHICH FUNDS APPROPRIATED.—In addition to the projects authorized in subsections (a) and (b), the Secretary may carry out the following major medical facility projects for which funds were appropriated in chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103–211; 108 Stat. 10) in the amounts specified:

(1) Construction of an ambulatory care/support services facility at the Department of Veterans Affairs Medical Center in Sepulveda, California, $53,700,000.

(2) Other major medical facility projects required to repair, restore, or replace earthquake-damaged facilities at the Department of Veterans Affairs Medical Center in Sepulveda, California, $50,000,000.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995—

(1) $379,370,000 for the major medical facility projects authorized in subsections (a), (b), and (c) of section 201; and

(2) $15,800,000 for the major medical facility leases authorized in section 201(a).

(b) LIMITATION.—The projects authorized in subsections (a) and (b) of section 201 may only be carried out using—

(1) funds appropriated for fiscal year 1995 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1995 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1995 for a category of activity not specific to a project.

(c) LIMITATION ON CERTAIN PROJECTS.—The projects authorized in subsection (c) of section 201 may only be carried out using—

(1) funds appropriated to the Construction, Major Projects account under chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103–211; 108 Stat. 10) and funds transferred by the President to the Construction, Major Projects account pursuant to chapter 8 of that Act (108 Stat. 14);

(2) funds appropriated to the Medical Care account by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 that are transferred to the Construction, Major Projects account;

(3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1995 that remain available for obligation; and

(4) funds appropriated to the Construction, Major Projects account for fiscal year 1995 for a category of activity not specific to a project.

Amend the amendment of the title so as to read: "An Act to amend title 38, United States Code, to extend certain expiring veterans' health care programs, and for other purposes.".

VETERANS HEALTH PROGRAMS EXTENSION ACT OF 1994

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to approve the compromise agreement on H.R. 3313, the proposed Veterans Health Programs Extension Act of 1994. This compromise is the result of efforts to reach a compromise on many issues.

Mr. President, I am deeply disappointed that we will be unable to pursue passage of a more comprehensive veterans health care bill this session. The bill we are passing today, the Veterans Health Programs Extension Act of 1994, is a much abbreviated version of an omnibus measure which was the final result of over a year of hearings, discussions, and most recently, successful negotiations involving the majority and minority staff of both Committees on Veterans' Affairs. If passed in the originally negotiated form, this bill would have been the only veterans omnibus health care bill of this year. Unfortunately, at the last minute, a Republican member of the House Committee raised objections—ones which I believe were without merit—that in light of the little time left in the session, made it impossible for the overall bill to pass. As a result, we were forced to pare it back to the very modest measure that comes before the Senate today.

Mr. President, this measure originally encompassed many different programs and would have helped many more veterans. It is truly sad, that because of the intransigence of one Republican Member of the House, many groups of deserving veterans will have to wait until next Congress to see real improvements in their health care—the health care which they have earned by their service.

Mr. President, the women veterans of this Nation will be particularly hurt by the blockage of some of the provisions of this bill. The measure would have expanded the list of women's health services offered by VA, and assured that women veterans would receive pap smears, breast examinations and mammography, services related to menopause and osteoporosis, and prenatal care, delivery, and postpartum care.

Additionally, the bill included provisions to authorize VA to furnish readjustment counseling to World War II or Korean conflict veterans, to furnish some preventive health services in Vet Centers, and to provide bereavement counseling services to family members of certain deceased servicemembers.

The bill would have improved VA's research on mental illness, including posttraumatic stress disorder, schizophrenia, and alcohol and drug abuse. And the bill, as originally negotiated, would have made it easier for VA to recruit nurses and other health professionals.

Mr. President, I will at this time highlight some of the provisions that remain in the compromise. Detailed descriptions of all the provisions are set forth in the explanatory statement accompanying the compromise agreement which was developed in cooperation with the House Committee on Veterans' Affairs. My distinguished counterpart, Chairman G.V. "SONNY" MONTGOMERY, inserted the same explanatory statement in the RECORD during House consideration of this measure.

Mr. President, the proposed Veterans Health Programs Extension Act of 1994 has two titles: General Medical Authorities and Construction Authorization.

TITLE I—GENERAL MEDICAL AUTHORITIES

SEXUAL TRAUMA COUNSELING AND SERVICES

Mr. President, the provisions in title I relating to sexual trauma services are derived, in part, from S. 2973 of the 102d Congress, which was ultimately enacted as the Veterans Health Care Act of 1992 (Public law 102–585), an omnibus veterans health measure.

Mr. President, this legislation would extend the entire sexual trauma counseling program within VA. Under current law, VA's authority to carry out this program would expire on December 31, 1995. VA needs more time to reach the veterans who need these services.

In addition, this legislation would repeal the restriction in current law that requires women veterans to seek sexual trauma counseling within 2 years of discharge from active duty, and it would also repeal the 1-year time limit during which a veteran could receive VA care for sexual trauma.

Women veterans have served with dignity and courage in all wars since the American Revolution, and we must ensure that any veteran who is raped or sexually assaulted while serving on active duty, is able to seek care at any point after leaving the service and get care for as long as is necessary.

EXTENSION OF EXPIRING AUTHORITIES

AUTHORITY TO PROVIDE PRIORITY HEALTH CARE

Mr. President, I am pleased that this legislation includes provisions relating to eligibility for medical care for exposure to dioxin or ionizing radiation.

These provisions also symbolize Congress' resolve to help veterans who were poorly informed or misinformed about their exposures to chemicals or atomic radiation. We want to assure these veterans that Congress is committed to providing the health care they need, even if the nature of their exposure makes it difficult to establish scientific proof that their exposures caused specific illnesses.

The proposed bill would extend, until June 30, 1995, current eligibility criteria for dioxin-exposed or radiation-exposed veterans to inpatient and nursing home care for the treatment of any disability not found to have resulted from a cause other than the exposure in question.

Mr. President,, although it may take years to determine all the causes of the mysterious illnesses experienced by our Persian Gulf war veterans, we must continue to provide medical care to those veterans who are suffering from these illnesses.

In this regard, the pending measure also includes a provision to authorize VA to provide inpatient or outpatient care to Persian Gulf war veterans until December 31, 1995.

TITLE II—CONSTRUCTION AUTHORIZATION

Mr. President, I am pleased that the compromise agreement would authorize major medical facility projects—projects for the construction, alteration, or acquisition of a medical facility currently involving a total expenditure of more than $3 million, as requested in the President's budget for fiscal year 1995. The following five projects, and the amounts specified, were requested in the President's budget submission for fiscal year 1995: (1) Design funds for construction of a new medical facility and nursing home in Brevard County, FL, $17.2 million; (2) seismic corrections to an existing facility in Memphis, TN, $62.3 million; (3) a tower addition to the David Grant Medical Center in Travis, CA, $7.3 million; (4) a research addition to the Medical Education Building in Huntington, WV, $9.9 million; (5) a research addition at the Portland, OR, Medical Center, $16.1 million.

As noted by both committees in the explanatory statement, three of the major medical facility projects in the VA fiscal year 1995 budget submission were authorized or partially funded in a prior year and therefore do not require authorization under section 8104(a)(2) of title 38, United States Code. These projects are at the VA medical centers in Memphis, TN—$10.7 million was authorized for FY 1994; Travis, CA—$11 million was appropriated for fiscal year 1993; and Huntington, WV—$250,000 was appropriated for fiscal year 1991.

The compromise agreement would also authorize the ambulatory care projects that were proposed in the documents submitted to Congress by the Secretary of Veterans Affairs in conjunction with the budget, to be financed with funds from the Health Care Investment Fund to be established under the proposed Health Security Act. These projects will be crucial to VA's ability to adapt to changing trends in health care practices. They are: (1) $9.6 million for the lease-purchase of an outpatient clinic in Bay Pines, FL; (2) $48 million for an ambulatory care addition and renovations at the Boston, MA, Medical Center; (3) $14 million to renovate the Naval Training Center Hospital in Orlando, FL, for use as a VA outpatient clinic and nursing home; (4) $29.2 million for an ambulatory care addition at the Hampton, VA, Medical Center; and (5) $48.6 million for an ambulatory care addition and renovations at the West Haven, CT, Medical Center.

Ambulatory care projects proposed to be constructed through the investment fund that do not require authorization are: (1) $17.8 million for an ambulatory care addition at the Gainesville, FL, Medical Center; (2) $22.9 million for an ambulatory care addition at the Columbia, MO, Medical Center; and (3) $34.8 million for an ambulatory care addition and parking garage at San Juan, PR.

Mr. President, I am pleased that the compromise agreement would also authorize the following additional projects: (1) a nursing home facility at the VA Medical Center in Charleston, SC, $7,300,000; (2) a lease/purchase of a nursing home facility near Ft. Myers, FL, $12,800,000; and (3) an outpatient care addition at the VA Medical Center in Phoenix, AZ, $50,000,000.

The compromise agreement would also authorize funds for construction of an ambulatory care facility to replace the earthquake-damaged facility in Sepulveda, CA. Funds for this project totaling $103.7 million have been made available through the Emergency Supplemental Appropriations Act of 1994.

I am pleased also that the compromise agreement would authorize the Secretary of Veterans Affairs to carry out two major medical facility leases—leases of space for use as a medical facility at an average annual rental rate of more than $300,000—for which funds were requested in the President's budget submission for fiscal year 1995, and would authorize the appropriation of $15,800,000 for those leases.

The major medical facility leases proposed in the President's budget and authorized by the committees are: an outpatient clinic in Ponce, PR—$1,175,040; and an outpatient clinic in Winston-Salem, NC—$844,800.

Leases for which funding is requested in the President's fiscal year 1995 budget, but for which authorization is not required are: a residential facility in Hilo, HI—$457,200; an outpatient expansion in Sacramento, CA—$345,000; a parking garage in Birmingham, AL $546,000; and a health care medical education center in Washington, DC—$350,000.

I am pleased that the compromise agreement also would include an authorization of $379,370,000 for the major medical facility projects I have outlined.

It is critical to the VA's mission that it maintain its capital investment and modernize the physical plants where appropriate to ensure that the VA health care system can provide state-of-the-art medical care and respond to the changing needs of our Nation's veterans.

Mr. President, in closing, I thank our committee's ranking Republican member, Senator MURKOWSKI, for his cooperation and help with this bill. I am also grateful to many other members of the committee for their support on this measure.

I also express my gratitude for their work on this legislation to the committee's minority staff, Carrie Gavora, Mickey Thursam, Chris Yoder, Bill Tuerk, and John Moseman, and, for all their help to me on this measure, majority staff members Kim Lipsky, Tom Hart, Diana Zuckerman, Valerie Kessner, Bill Brew, and Jim Gottlieb.

I also thank the chairman of the House Committee on Veterans' Affairs, G.V. "SONNY" MONTGOMERY, and the committee's ranking Republican member, BOB STUMP, as well as the other members of the House committee.

We also owe a debt of gratitude to Charlie Armstrong of the Senate Legislative Counsel's office and to Bob Cover of the House Legislative Counsel's office for the painstaking care and skill they devoted to the drafting of this legislation.

Thank you, Mr. President.

Mr. President, I ask unanimous consent that the explanatory statement on this compromise agreement prepared by the House and Senate Committees on Veterans' Affairs be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT FOR H.R. 3313, THE PROPOSED VETERANS HEALTH PROGRAMS EXTENSION ACT OF 1994

H.R. 3313, the proposed "Veterans Health Programs Extension Act of 1994", reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on a number of bills considered in the Senate and House during the 103d Congress, including: H.R. 3313 as passed by the House on November 16, 1993 (hereinafter referred to as the "House bill"); H.R. 4425 as passed by the House on May 23, 1994; S. 1030 as passed by the Senate on July 26, 1994 (hereinafter referred to as the "Senate bill"); S. 2277 as passed by the Senate on August 19, 1994; and S. 2325, which the Senate Committee on Veterans' Affairs reported on September 27, 1994, but which did not receive Senate consideration prior to the end of the 103d Congress.

The Committees on Veterans' Affairs have prepared the following explanation of H.R. 3313 as amended (hereinafter referred to as the "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

TITLE I—GENERAL MEDICAL AUTHORITIES

SEXUAL TRAUMA COUNSELING AND SERVICES

Current law: Section 102 of 1720D of title 38 (a) provides that through December 31, 1995, VA may furnish sexual trauma counseling to any woman who seeks counseling within 2 years after her discharge from service; (b) authorizes VA to provide counseling services through contract with non-VA providers through December 31, 1994; (c) prohibits VA from providing counseling for a period in excess of 1 year unless the Secretary determines that a longer period of counseling is needed; and (d) requires the Secretary to provide information on the availability of such counseling.

Under section 103 of Public Law 102-585, veterans who seek care for sexual trauma have the same priority for care as a veteran who has a service-connected disability rated at 30 percent or below and who is seeking care for a non-service-connected disability or who is being examined to determine the existence or severity of a service-connected disability.

House bill: Section 106 would (a) extend the time period during which VA may provide sexual trauma counseling to veterans to December 31, 1998; (b) repeal the limitation on the period within which a veteran could seek sexual trauma counseling; (c) extend VA's authority to provide sexual trauma care through contracts with non-VA providers for 4 years, through December 31, 1998; (d) authorize VA to provide sexual trauma counseling to males; (e) require, rather than permit, VA to establish a toll-free telephone number to provide informational services; and (f) require a report on the operation of the telephone program. Section 106(d) would increase the priority for VA outpatient care accorded to veterans for sexual trauma care to that accorded to any veteran seeking care for a service-connected disability or for the treatment of any disability of a veteran who has a service-connected disability rated at 50 percent or above.

Senate bill: Section 101 is similar to the House bill, except that it authorizes VA to provide, in addition to counseling for sexual trauma, treatment for physical conditions resulting from that trauma.

Compromise agreement: Section 101 contains provisions derived from the two bills, including the provision from the Senate bill relating to treatment for physical conditions.

RESEARCH RELATING TO WOMEN VETERANS

Current law: Section 109 of Public Law 102–585 directs the Secretary to foster and encourage research relating to the health of women veterans; section 110 of Public Law 102–585 authorizes a population study of women veterans.

House bill: Section 105 would (a) require the Secretary to include women and minority veterans in research projects whenever possible and appropriate and ensure that in studies in which such veterans are included, the studies be designed and carried out so as to yield information on such veterans; and (b) amend section 110 of Public Law 102–585 to require that the population study include a sample that is representative of all women veterans.

Senate bill: Section 105 would (a) amend section 109(a) of Public Law 102-585, relating to VA research activity, to require the Secretary to consult with other specified VA officials as part of the effort to foster and encourage the initiation and expansion of research into women's health issues, to ensure that certain personnel be engaged in such research, and to include in such research, research into the following matters as they relate to women: (1) breast cancer, (2) gynecological and reproductive health, including gynecological cancer, infertility, sexually transmitted diseases, and pregnancy, (3) Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), (4) mental health, including post-traumatic stress disorder and depression, (5) diseases relating to aging, including menopause, osteoporosis, and Alzheimer's disease, (6) substance abuse, (7) sexual violence and related trauma, and (8) exposure to toxic chemicals and other environmental hazards; and (b) amend section 109(b), relating to the population study, in a way similar to the House provision.

Compromise agreement: Section 102 follows the House bill with respect to the amendment to section 110 of Public Law 102–585 relating to the population study. However, rather than amending section 109(a) of Public Law 102–585 with respect to the Secretary's role in encouraging research, the compromise agreement repeals that section and adds a new subsection to section 7303 of title 38. The compromise agreement follows the Senate bill with respect to requiring the Secretary to consult with individuals charged with overseeing women's health programs, including the Director of the Nursing Service, Central Office officials who have the responsibility for women's health programs and sexual trauma services, members of the Advisory Committee on Women Veterans, and other members of appropriate task forces and working groups within the Department.

The Committees strongly urge the Secretary to improve VA research on women's health issues by establishing research priorities, supporting more research on women's health, and when possible, comparing the efficacy of treatment regimens for male and female patients.

EXTENSION OF EXPIRING AUTHORITIES

Authority to Provide Priority Health Care

Current law: Under section 1710(e) of title 38, various groups of veterans exposed to hazardous substances during their service—those exposed (a) to ionizing radiation from the detonation of a nuclear device or during service in Hiroshima or Nagasaki, Japan, following World War II; (b) to dioxin or other toxins during service in Vietnam; or (c) to toxins or environmental hazards during the Persian Gulf War—are eligible for inpatient and nursing home care for the treatment of any disability not found to have resulted from a cause other than the exposure in question. Veterans exposed to radiation or dioxin are eligible for certain outpatient care for the treatment of such disabilities under section 1712(a)(4). Persian Gulf War veterans are eligible under section 1712(a)(1)(D) for comprehensive outpatient care for the treatment of such disabilities. The authority expired on June 30, 1994, as to veterans exposed to radiation or dioxin, and expires on December 31, 1994, as to Persian Gulf War veterans.

House bill: Section 201 would modify current law so as to (a) limit the treatment of veterans exposed to dioxin to treatment of those diseases as to which the National Academy of Sciences has determined there is sufficient evidence to conclude there is a positive association between the disease in humans and exposure to an herbicide agent, those as to which there is evidence suggestive of an association, but such evidence is limited, and those as to which available studies are insufficient to permit a conclusion of an association; (b) extend the period of eligibility for hospital and nursing home care for those exposed to dioxin until September 30, 1996; (c) limit the treatment of veterans exposed to radiation to treatment of those diseases listed in section 1112(c)(2) of title 38 and those as to which VA determines there is credible evidence of a positive association between disease occurrence and radiation exposure for which the Congress has established presumptive service connection; (d) repeal the sunset date for eligibility for hospital and nursing home care for veterans exposed to radiation; (e) mandate, in the case of veterans exposed to either radiation or dioxin, any needed outpatient treatment for covered illnesses and provide a higher priority to such treatment; and (f) provide that veterans who had received care under the prior authority would not lose eligibility for continued care.

Senate bill: Section 201 would amend section 1710(e) of title 38 to extend the period of entitlement to VA inpatient and nursing home care for veterans exposed to dioxin or radiation until December 31, 2003. Section 202 would extend the authority to provide care for veterans of the Persian Gulf War until October 1, 2003.

Compromise agreement: Section 103(a) would amend section 1710(e) of title 38 to extend current law regarding care for veterans exposed to dioxin or radiation until June 30, 1995, and to extend current law regarding care for Persian Gulf War veterans until December 31, 1995.

Drug and Alcohol Abuse and Dependence

Current law: Section 1720(A) of title 38 authorizes VA, through December 3, 1994, to provide veterans who are suffering from substance abuse disabilities with care on a contract basis through community halfway houses.

House bill: No comparable provision.

Senate bill: Section 102 of S. 2325 would make permanent VA's authority to contract with non-VA halfway houses for rehabilitation services for veterans with substance abuse problems.

Compromise agreement: Section 103(b) would extend the authorization of this program until December 31, 1995.

Pilot Program for Noninstitutional Alternatives to Nursing Home Care

Current law: Section 1720C of title 38 authorizes VA, through October 1, 1994, to conduct a pilot program for furnishing certain services in noninstitutional settings for certain veterans who are in need of nursing home care.

House bill: Section 202 of H.R. 4425 would extend, until September 30, 1997, the pilot program, and would expand eligibility for the program to include all veterans who are eligible for and in need of VA nursing home care.

Senate bill: No comparable provision.

Compromise agreement: Section 103(c) would extend the pilot program until September 30, 1995.

Enhanced-Use Leases of Real Property

Current law: Subchapter V of chapter 81, title 38, authorizes the Secretary, through December 31, 1994, to enter into enhanced-use leases under which another party may use VA property so long as at least part of the property will provide for an activity which contributes to the mission of the Department of Veterans Affairs and enhances the use of the property.

House bill: No comparable provision.

Senate bill: Section 408 of S. 2325 would extend until December 31, 1996, the authority for VA to enter into enhanced-use leases.

Compromise agreement: Section 103(d) follows the Senate bill with an extension until December 31, 1995.

Authority for Community-Based Residential Care for Homeless Chronically Mentally Ill Veterans and Other Veterans

Current law: Public Law 100-322, based on Public Law 100-6, authorizes VA to conduct a program, known as the Homeless Chronically Mentally Ill (HCMI) program, through which VA outreach workers contact homeless veterans in the community, assess and refer veterans to community services, and place eligible veterans in contracted community-based residential treatment facilities. Public Law 102-405 extended VA's authority to conduct the HCMI program until September 30, 1994.

House bill: No comparable provision.

Senate bill: Section 104 of S. 2325 would reauthorize until September 30, 1999, the HCMI program and codify the program in title 38, United States Code.

Compromise agreement: Section 103(e) would reauthorize the HCMI program until September 30, 1995.

Demonstration Program of Compensated Work Therapy

Current law: Section 7 of Public Law 102-54, enacted in 1991, authorizes VA to conduct through October 1, 1994, a demonstration program of compensated work therapy and transitional residences (CWT/TR), which shall have two components. Under one component, VA is authorized to purchase and renovate no more than 50 residences as therapeutic transitional houses for chronic substance abusers. Under the second component, VA is authorized to contract with nonprofit corporations which would own and operate the transitional residences in conjunction with existing VA compensated work therapy programs.

House bill: Section 402 would (a) extend the CWT/TR demonstration program from fiscal year 1994 through fiscal year 1998, and (b) permit the Department to increase incrementally the number of residences it operates to a maximum of 106 in fiscal year 1998.

Senate bill: Section 101 of S. 2325 would extend the authorization of the CWT/TR program to fiscal year 1996.

Compromise agreement: Section 103(f) would reauthorize the CWT/TR program until October 1, 1995.

FACILITIES IN THE REPUBLIC OF THE PHILIPPINES

Current law: Section 1724 of title 38 limits the circumstances under which VA may provide medical care outside the United States, Puerto Rico, and the Virgin Islands. Under that section, VA may furnish non-service-connected treatment in the Philippines only on a contract basis with the Veterans Memorial Medical Center, a non-VA facility.

House bill: Section 504 of H.R. 4425 would ratify VA's actions in finding alternative means for caring for patients at the Veterans Memorial Medical Center in the Philippines during the period between February 29 and June 1, 1994, to include the provision of medical services to non-service-connected veterans at its Manila outpatient clinic.

Senate bill: No provision.

Compromise agreement: Section 104 follows the House bill.

TITLE II—CONSTRUCTION AUTHORIZATION

Authorization of Major Medical Facility Projects and Major Medical Facility Leases

Current law: Section 8104(a)(2) of title 38 provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease, unless funds for that project or lease have been specifically authorized by law.

House bill: Section 101(a)(1) of H.R. 4425 would authorize the Secretary, except as provided in section 101(a)(2), to carry out the major medical facility projects and major medical facility leases for the Department of Veterans Affairs for which funds were requested in the President's budget for fiscal year 1995.

Section 101(a)(2) would prohibit the Secretary from carrying out the projects for the construction of research additions at Huntington, WV, and Portland, OR.

Section 101(b) would authorize the Secretary to carry out the following additional major medical facility projects in the amounts specified: (1) The projects for ambulatory care facilities that are proposed in the budget for fiscal year 1995 to be financed with funds from the Health Care Investment Fund; (2) a nursing home facility at the VA Medical Center in Charleston, SC, $7,300,000; (3) a lease/purchase of a nursing home facility near Ft. Myers, FL, $18,630,000; and (4) an outpatient care addition at the VA Medical Center in Phoenix, AZ, $50,000,000.

Section 201(c) would authorize the construction of an ambulatory care/support services facility and other projects required to repair, restore, or replace, earthquake damage at the VA Medical Center in Sepulveda, CA, for which funds were appropriated in the Emergency Supplemental Appropriations act of 1994.

Senate bill: Section 1(a) of S. 2277 is substantively identical to the House provision in section 101(a), except that it would authorize all of the VA major medical facility projects for which funds are requested for fiscal year 1995, including the research additions in Portland, OR, and Huntington, WV. Section 1(a) states that the authorization in section 1(a) includes projects or leases that were previously authorized or funded.

Section 1(b) would authorize the following additional projects: (1) The projects for ambulatory care facilities that are proposed in the budget for fiscal year 1995 to be financed with funds from the Health Care Investment Fund; (2) a nursing home facility at the VA Medical Center in Charleston, SC, $7,300,000; and (3) an outpatient care addition at the VA Medical Center in Phoenix, AZ, $50,000,000.

Section 1(c) authorizes the construction of an ambulatory care/support services facility and other projects required to repair, restore, or replace, earthquake damage at the VA Medical Center in Sepulveda, CA, for which funds were appropriated in the Emergency Supplemental Appropriations Act of 1994.

Compromise agreement: Section 201(a) follows Senate provision section 1(a) and would authorize the VA to enter into the major medical facility projects and major medical facility leases for the Department of Veteran's Affairs for which funds were requested in the President's budget for fiscal year 1995.

Section 201(b) generally follows House provision section 101(b) and would authorize the following additional projects: (1) The projects for ambulatory care facilities that are proposed in the budget for fiscal year 1995 to be financed with funds from the Health Care Investment Fund; (2) a nursing home facility at the VA Medical Center in Charleston, SC, $7,300,000; (3) a lease/purchase of a nursing home facility near Ft. Myers, FL, $12,800,000; and (4) an outpatient care addition at the VA Medical Center in Phoenix, AZ, $50,000,000.

Section 201(c) is identical to House provision section 101(c) and Senate provision section 1(c) and would authorize the construction of an ambulatory care/support services facility and other projects required to repair, restore, or replace, earthquake damage at the VA Medical Center in Sepulveda, CA, for which funds were appropriated in the Emergency Supplemental Appropriations Act of 1994.

The Committees note that some major medical facility projects in the VA fiscal year 1995 budget submission were authorized or partially funded in a prior year and therefore do not require authorization under section 8104(a)(2) of title 38. These projects are: (1) Seismic corrections at the Memphis, TN, Medical Center, $62.3 million ($10.7 million was authorized for FY 1994); (2) construction of a medical center in Travis, CA, to replace the Martinez facility, $7.3 million for phase I ($11 million was appropriated for FY 1993); (3) construction of research facility in Huntington, WV, $9.9 million ($250,000 was appropriated for FY 1991); (4) construction of an ambulatory care addition at the Columbia, MO, Medical Center, $22.9 million ($300,00 was appropriated for FY 1993); (5) construction of an ambulatory care addition and parking garage at the San Juan, PR, Medical Center, $34.8 million ($46 million was authorized FY 1994); and (6) construction of an outpatient facility at the VA Medical Center in Gainesville, FL, $17.8 million (8.9 million appropriated for FY 1990).

Leases for which funding is requested in the budget but for which authorization is not required are: (1) Hilo, HI, residential facility, $457,200 (funds appropriated for FY 1992); (2) Sacramento, CA, outpatient expansion, $345,000 (funds authorized for FY 1994); (3) Birmingham, AL, parking garage $546,000 (GSA lease); (4) Washington, DC, health care medical education center, $350,000 (GSA lease).

Authorization of Appropriations

Current law: Section 8104(a)(2) of title 38 provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease, unless funds for that project or lease have been specifically authorized by law.

House bill: Section 102(a) of H.R. 4425 would authorize to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995 (1) $343,800,000 for the authorized major medical facility projects; and (2) $15,800,000 for the authorized major medical facility leases.

Section 102(b) would limit the authorized projects to be carried out using only (1) specifically authorized major construction funds appropriated for fiscal year 1995; (2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1995 that remain available for obligation; and (3) funds appropriated for Construction, Major Projects, for fiscal year 1995 for a category of activity not specific to a project.

Section 102(c) would limit the project authorized in section 101(c) to be carried out using only (1) funds appropriated as well as funds transferred by the President to the Construction, Major Projects account pursuant to the Emergency Supplemental Appropriations Act of 1994; (2) funds appropriated to the Medical Care Account by the Emergency Supplemental Appropriations Act of 1994 that are transferred by law to the Construction, Major Projects account; (3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1994 that remain available for obligation; and (4) funds appropriated for Construction, Major Projects, for fiscal year 1994 for a category of activity not specific to a project.

Senate bill: Section 2(a) of S. 2277 would authorize to be appropriated for fiscal year 1995 (1) $395,000,000 for major medical facility projects; and (2) $15,900,000 for major medical facility leases.

Section 2(b) is substantively identical to the House provision in section 102(b).

Section 2(c) is substantively identical to the House provision in section 102(c).

Comprise agreement: Section 202(a) would authorize to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995

(1) $379,370,000 for the authorized major medical facility projects; and (2) $15,800,000 for the authorized major medical facility leases.

Section 202(b) is identical to House provision section 102(b), and Senate provision section 2(b).

Section 202(c) would limit the projects authorized in section 101(c) to be carried out using only: (1) Funds appropriated as well as funds transferred by the President to the Construction, Major Projects account pursuant to the Emergency Supplemental Appropriations Act of 1994; (2) funds appropriated to the Medical Care Account by the Emergency Supplemental Appropriations Act of 1994 that are transferred by law to the Construction, Major Projects account; (3) funds appropriated to the Construction, Major Projects account; (3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1995 that remain available for obligation; and (4) funds appropriated for Construction, Major Projects, for fiscal year 1995 for a category of activity not specific to a project.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate concur in amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

CENTER FOR RARE DISEASE RESEARCH IN THE NATIONAL INSTITUTES OF HEALTH

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 714, S. 1203, a bill to establish a center for rare disease research in the National Institutes of Health; that the committee substitute be agreed to; the bill be read a third time and passed and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office for Rare Disease Research Act of 1994".

SEC. 2. ESTABLISHMENT OF OFFICE FOR RARE DISEASE RESEARCH.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 404F. OFFICE FOR RARE DISEASE RESEARCH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of the National Institutes of Health an office to be known as the Office for Rare Disease Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of the National Institutes of Health.

"(b) PURPOSE.—The purpose of the Office is to promote and coordinate the conduct of research on rare diseases through a strategic research plan and to establish and manage a rare disease research clinical database.

"(c) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the purpose of providing advice to the director of the Office concerning carrying out the strategic research plan and other duties under this section. Section 222 shall apply to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

"(d) DUTIES.—In carrying out subsection (b), the director of the Office shall—

"(1) develop a comprehensive plan for the conduct and support of research on rare diseases;

"(2) coordinate and disseminate information among the institutes and the public on rare diseases;

"(3) support research training and encourage the participation of a diversity of individuals in the conduct of rare disease research;

"(4) identify projects or research on rare diseases that should be conducted or supported by the National Institutes of Health;

"(5) develop and maintain central database on current government sponsored clinical research projects for rare diseases;

"(6) determine the need for registries of research subjects and epidemiological studies of rare disease populations; and

"(7) prepare biennial reports on the activities carried out or to be carried out by the Office and submit such reports to the Secretary and the Congress.".

So the bill (S. 1203), as amended, was deemed read the third time and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

PAPERWORK REDUCTION ACT

The text of the bill (S. 560) to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, as passed by the Senate on October 6, 1994, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Reduction Act of 1994".

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purposes.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities; submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Government Information Locator Service.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

"(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

"(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

"(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

"(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

"(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

"(4) the term 'Director' means the Director of the Office of Management and Budget;

"(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

"(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

"(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

"(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

"(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records.

"§3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

"(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities.

"§3504. Authority and functions of Director

"(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including service delivery to the public. In performing such oversight, the Director shall—

"(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

"(B) provide direction and oversee—

"(i) the review of the collection of information and the reduction of the information collection burden;

"(ii) agency dissemination of and public access to information;

"(iii) statistical activities;

"(iv) records management activities;

"(v) privacy, confidentiality, security, disclosure, and sharing of information; and

"(vi) the acquisition and use of information technology.

"(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

"(b) With respect to general information resources management policy, the Director shall—

"(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

"(2) foster greater sharing, dissemination, and access to public information, including through—

"(A) the use of the Government Information Locator Service; and

"(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

"(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

"(4) oversee the development and implementation of best practices in information resources management, including training; and

"(5) oversee agency integration of program and management functions with information resources management functions.

"(c) With respect to the collection of information and the control of paperwork, the Director shall—

"(1) review proposed agency collections of information, and in accordance with section 3508, determine whether the collection of information by or for an agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

"(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

"(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

"(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

"(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

"(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

"(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

"(e) With respect to statistical policy and coordination, the Director shall—

"(1) coordinate the activities of the Federal statistical system to ensure—

"(A) the efficiency and effectiveness of the system; and

"(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

"(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

"(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

"(A) statistical collection procedures and methods;

"(B) statistical data classification;

"(C) statistical information presentation and dissemination;

"(D) timely release of statistical data; and

"(E) such statistical data sources as may be required for the administration of Federal programs;

"(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

"(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

"(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

"(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

"(A) be headed by the chief statistician; and

"(B) consist of—

"(i) the heads of the major statistical programs; and

"(ii) representatives of other statistical agencies under rotating membership; and

"(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

"(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

"(B) all costs of the training shall be paid by the agency requesting training.

"(f) With respect to records management, the Director shall—

"(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

"(2) review compliance by agencies with—

"(A) the requirements of chapters 29, 31, and 33 of this title; and

"(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

"(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

"(g) With respect to privacy and security, the Director shall—

"(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

"(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, the Director shall—

"(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

"(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

"(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

"(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and review proposed determinations under section 111(e) of such Act;

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

"§3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden;

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759), and the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions; and

"(4) in cooperation with the Administrator of General Services, issue guidelines for the establishment and operation in each agency of a process, as required under section 3506(h)(5) of this chapter, to review major information systems initiatives, including acquisition and use of information technology.

"§3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(5) The head of each agency shall establish a permanent information resources management steering committee, which shall be chaired by the senior official designated under paragraph (2) and shall include senior program officials and the Chief Financial Officer (or comparable official). Each steering committee shall—

"(A) assist and advise the head of the agency in carrying out information resources management responsibilities of the agency;

"(B) assist and advise the senior official designated under paragraph (2) in the establishment of performance measures for information resources management that relate to program missions;

"(C) select, control, and evaluate all major information system initiatives (including acquisitions of information technology) in accordance with the requirements of subsection (h)(5); and

"(D) identify opportunities to redesign business practices and supporting information systems to improve agency performance.

"(b) With respect to general information resources management, each agency shall—

"(1) develop information systems, processes, and procedures to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) develop and maintain an integrated, comprehensive and controlled process of information systems selection, development, and evaluation;

"(C) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(D) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(iii) an exemption from coverage of the collection of information, or any part thereof;

"(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) contains the statement required under paragraph (1)(B)(iii);

"(G) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

"(d) With respect to information dissemination, each agency shall—

"(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

"(A) encouraging a diversity of public and private sources for information based on government public information, and

"(B) agency dissemination of public information in an efficient, effective, and economical manner;

"(2) regularly solicit and consider public input on the agency's information dissemination activities; and

"(3) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination.

"(e) With respect to statistical policy and coordination, each agency shall—

"(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

"(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

"(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

"(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

"(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

"(6) make data available to statistical agencies and readily accessible to the public.

"(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

"(g) With respect to privacy and security, each agency shall—

"(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

"(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, each agency shall—

"(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

"(2) assume responsibility and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

"(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

"(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

"(5) establish, and be responsible for, a major information system initiative review process, which shall be developed and implemented by the information resources management steering committee established under subsection (a)(5), consistent with guidelines issued under section 3505(4), and include—

"(A) the review of major information system initiative proposals and projects (including acquisitions of information technology), approval or disapproval of each such initiative, and periodic reviews of the development and implementation of such initiatives, including whether the projected benefits have been achieved;

"(B) the use by the committee of specified evaluative techniques and criteria to—

"(i) assess the economy, efficiency, effectiveness, risks, and priority of system initiatives in relation to mission needs and strategies;

"(ii) estimate and verify life-cycle system initiative costs; and

"(iii) assess system initiative privacy, security, records management, and dissemination and access capabilities;

"(C) the use, as appropriate, of independent cost evaluations of data developed under subparagraph (B); and

"(D) the inclusion of relevant information about approved initiatives in the agency's annual budget request.

"§ 3507. Public information collection activities; submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

"(1) the agency has—

"(A) conducted the review established under section 3506(c)(1);

"(B) evaluated the public comments received under section 3506(c)(2);

"(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

"(D) published a notice in the Federal Register—

"(i) stating that the agency has made such submission; and

"(ii) setting forth—

"(I) a title for the collection of information;

"(II) a summary of the collection of information;

"(III) a brief description of the need for the information and the proposed use of the information;

"(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

"(V) an estimate of the burden that shall result from the collection of information; and

"(VI) notice that comments may be submitted to the agency and Director;

"(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

"(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

"(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

"(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

"(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

"(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

"(A) the approval may be inferred;

"(B) a control number shall be assigned without further delay; and

"(C) the agency may collect the information for not more than 2 years.

"(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Office of the Director, the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information which has not been approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of an independent regulatory agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning such an agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

"(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

"(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

"(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

"(A) a collection of information—

"(i) is needed prior to the expiration of such time periods; and

"(ii) is essential to the mission of the agency; and

"(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

"(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

"(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

"(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§ 3508. Determination of necessity for information; hearing

"Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent that the Director determines that the collection of information by an agency is unnecessary for the proper performance of the functions of the agency, for any reason, the agency may not engage in the collection of information.

"§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

"§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

"(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

"(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

"§ 3511. Establishment and operation of Government Information Locator Service

"In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

"(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

"(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

"(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

"(4) consider public access and other user needs in the establishment and operation of the Service;

"(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

"(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

"§ 3512. Public protection

"Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the applicable collection of information—

"(1) was made after December 31, 1981; and

"(2)(A) does not display a valid control number assigned by the Director; or

"(B) fails to state that such collection is not subject to this chapter.

"§ 3513. Director review of agency activities; reporting; agency response

"(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

"(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

"(1) be taken to address information resources management problems identified in the report; and

"(2) improve agency performance and the accomplishment of agency missions.

"§ 3514. Responsiveness to Congress

"(a)(1) The Director shall—

"(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

"(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

"(2) The Director shall include in any such report a description of the extent to which agencies have—

"(A) reduced information collection burdens on the public, including—

"(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

"(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter; and

"(iii) a list of any increase in the collection of information burden, including the authority for each such collection;

"(B) improved the quality and utility of statistical information;

"(C) improved public access to Government information; and

"(D) improved program performance and the accomplishment of agency missions through information resources management.

"(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

"§ 3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

"§ 3516. Rules and regulations

"The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

"§ 3517. Consultation with other agencies and the public

"(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

"(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, the person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

"(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

"(2) take appropriate remedial action, if necessary.

"§ 3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of—

"(i) a civil action to which the United States or any official or agency thereof is a party; or

"(ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

"§ 3519. Access to information

"Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

"§ 3520. Authorization of appropriations

"(a) Subject to subsection (b), there are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, $8,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

"(b)(1) No funds may be appropriated pursuant to subsection (a) unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section.

"(2) No funds are authorized to be appropriated to the Office of Information and Regulatory Affairs, or to any other officer or administrative unit of the Office of Management and Budget, to carry out the provisions of this chapter, or to carry out any function under this chapter, for any fiscal year pursuant to any provision of law other than subsection (a) of this section.".

SEC. 3. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall take effect on March 31, 1995.

NURSING EDUCATION CONSOLIDATION AND REAUTHORIZATION ACT

The text of the bill (S. 2433) to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes, as passed by the Senate on October 6, 1994, is as follows:

S. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing Education Consolidation and Reauthorization Act of 1994".

SEC. 2. PURPOSE.

It is the purpose of this Act to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 3. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subparts II and III of part B and section 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS

"Subpart I—General Program";

(3) by redesignating subpart III as subpart II;

(4) by striking section 837;

(5) in section 846, by striking subsection (d) and inserting the following new subsection:

"(d) Breach of Agreements for Obligated Service.—

"(1) In general.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this subsection referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the nursing program for disciplinary reasons; or

"(iii) voluntarily terminates the nursing program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) Waiver or suspension of liability.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such paragraph if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) Date certain for recovery.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) Availability.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.";

(6) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) Eligible entities.—The term 'eligible entities' means schools of nursing, nursing centers, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

"(2) School of nursing.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

"(3) Collegiate school of nursing.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

"(4) Associate degree school of nursing.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(5) Diploma school of nursing.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

"(6) Accredited.—

"(A) In general.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

"(B) New programs.—A new school of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such school.

"(7) Nonprofit.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) State.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

"(a) In General.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) Plan.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) Performance Outcome Standards.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) Linkages.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

"(a) In General.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

"(b) Maintenance of Effort.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

"In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

"(a) Awarding of Grants and Contracts.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title.

"(b) Information Requirements.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"SEC. 807. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

"(a) ESTABLISHMENT.—There is hereby established a National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Council'), consisting of the Secretary or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson), and 15 members appointed by the Secretary without regard to the Federal civil service laws, of which—

"(1) 2 shall be selected from full-time students enrolled in schools of nursing;

"(2) 3 shall be selected from the general public;

"(3) 2 shall be selected from practicing professional nurses; and

"(4) 8 shall be selected from among the leading authorities in the various fields of nursing, higher, and secondary education, and from representatives of hospitals and other institutions and organizations which provide nursing services.

A majority of the members shall be nurses. The student-members of the Council shall be appointed for terms of one year and shall be eligible for reappointment to the Council.

"(b) DUTIES.—The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement.

"(c) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

"SEC. 808. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"SEC. 809. RECOVERY FOR CONSTRUCTION ASSISTANCE.

"(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1985)—

"(1) the owner of the facility ceases to be a public or nonprofit school,

"(2) the facility ceases to be used for the training purposes for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) NOTICE OF CHANGE IN STATUS.—The owner of a facility which ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or the owner of a facility the use of which changes as described in paragraph (2) or (3) of such subsection shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of the Health Professions Training Assistance Act of 1985, whichever is later.

"(c) AMOUNT OF RECOVERY.—

"(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

"(2) INTEREST.—

"(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of 91-day Treasury bills auctioned during such period.

"(B) TIME PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of such subsection, or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover if collected.

"(d) WAIVER OF RIGHTS.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIMITATION ON LIENS.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, AND OTHER ADVANCED PRACTICE NURSES

"SEC. 811. ADVANCED PRACTICE NURSING GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

"(1) projects that support the enhancement of advanced practice nursing education and practice; and

"(2) traineeships for individuals in advanced practice nursing programs.

"(b) DEFINITION OF ADVANCED PRACTICE NURSES.—For purposes of this section, the term 'advanced practice nurses' means nurses trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives or nurse anesthetists, in certificate programs that received funding under this title on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, nurse midwives, nurse anesthetists, nurse educators, or public health nurses, or in other nurse specialties determined by the secretary to require advanced education.

"(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—

"(1) IN GENERAL.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(A) meet guidelines prescribed by the Secretary in accordance with paragraph (2); and

"(B) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities and other health care institutions.

"(2) GUIDELINES.—After consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs described in paragraph (1). Such guidelines shall, as a minimum, require that such a program—

"(A) extend for at least one academic year and consist of—

"(i) supervised clinical practice directed toward preparing nurses to deliver primary health care; and

"(ii) at least four months (in the aggregate) of classroom instruction that is so directed; and

"(B) have an enrollment of not less than six full-time equivalent students.

"(d) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced practice nurse education programs eligible for support under this section.

"(e) TRAINEESHIPS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of advanced nursing practice with respect to which the traineeship is provided; and

"(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

"(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

"(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced practice nurses who will practice in health professional shortage areas designated under section 332.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"(2) SET ASIDES.—Of the amount appropriated under paragraph (1) for a fiscal year—

"(A) not less than 60 percent of such amount shall be made available for projects to enhance the training and practice of nurse practitioners and nurse midwives; and

"(B) not less than 6 percent of such amounts shall be made available for projects to enhance the training and practice of nurse anesthetists.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged racial and ethnic backgrounds underrepresented among registered nurses by providing student scholarships or stipends, pre-entry preparation, and retention activities.

"(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First and Second Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992 and 1993, and consult with nursing associations including the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the Black Nurses Association, the Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the National Nurses Association, the Native American Indian and Alaskan Nurses Association.

"(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

"(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for ethnic and racial minorities in the school or schools involved in the projects.

"(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

"(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

"(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the education mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education for purposes of—

"(1) improving nursing services in schools and other community settings;

"(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, homeless, and battered women;

"(3) providing case management, quality improvement, delegation and supervision, other skills needed under new health care systems;

"(4) developing cultural competencies among nurses;

"(5) providing emergency health services;

"(6) promoting career mobility for nursing personnel in a variety of training settings and cross training or specialty training among diverse population groups; or

"(7) other priority areas as determined by the Secretary.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $12,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997."; and

(7) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (6)).

SEC. 4. SAVINGS PROVISION AND TECHNICAL AMENDMENTS.

(a) SAVINGS PROVISION.—In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 3, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

(b) CLINICAL RESEARCHERS.—Paragraph (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288-5(a)(3)) is amended to read as follows:

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—With respect to the National Health Service Corps loan repayment program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps loan repayment programs.".

(c) TECHNICAL AMENDMENTS.—Section 839 of such Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:"; and

(B) in paragraph (1), by striking "at the close of September 30, 1999," and inserting "on the date of termination of the fund"; and

(2) in subsection (b), to read as follows:

"(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).".

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on October 1, 1994, or the date of enactment of this Act, whichever is later.

YEAR OF THE GIRL CHILD

The text of the joint resolution (S.J. Res. 188) to designate 1995 the "Year of the Girl Child," as passed by the Senate on October 6, 1994, is as follows:

S.J. RES. 188

Whereas girls are the most neglected, deprived, and mistreated resource in the world;

Whereas girls throughout the world are frequently condemned to a cycle of poverty, illiteracy, unwanted pregnancy, and poor health;

Whereas it is not uncommon for girls in certain regions of the world to become pregnant at the onset of puberty, and to continue to become pregnant thereafter, damaging their health and increasing the chances that they will suffer complications during pregnancy;

Whereas girls in developing countries are fed less, withdrawn from school earlier, forced into hard labor sooner, and given less medical care than boys in those same countries;

Whereas numerous studies indicate that girls are disadvantaged by the perception that they are temporary members of a family, and by the belief that boys will become the main financial source for the family and, therefore, are more deserving of scarce family resources;

Whereas parents of girls in some regions of the developing world frequently choose to resort to infanticide, rather than drain family resources to raise girls;

Whereas girls in the United States and in other countries are exploited and victimized by sexual abuse and child prostitution;

Whereas the most recent study of child sexual abuse in the United States shows that, of the cases reported, 23 percent of the victims were males and 77 percent were females;

Whereas, by any measure, including test scores, curriculum, or teacher-student interaction, girls in the United States receive an unequal education;

Whereas studies indicate that in developing countries where girls have as little as 4 to 6 years of formal education there is a 20 percent decline in infant deaths;

Whereas girls with at least a seventh grade education have half as many pregnancies as girls with less education;

Whereas the World Health Organization estimates that improved education for girls, and improved family planning services for women, would reduce maternal deaths by 15 to 33 percent; and

Whereas the World Fertility Survey indicates that the age of a female at marriage increases with the number of years she has spent in school, and that with as little as 7 years of education, a female is more likely to marry at 22 than at 17: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1995 is designated the "Year of the Girl Child". The President is authorized and requested to direct all diplomatic personnel of the United States, and the Secretaries of Education and Health and Human Services, to encourage at every appropriate opportunity—

(1) the opening of educational opportunities to girls;

(2) gender equality in health care; and

(3) gender equality in all phases of family and community life.

NATIONAL SILVER HAIRED CONGRESS

The text of the concurrent resolution (S. Con. Res. 66) to recognize and encourage the convening of a National Silver Haired Congress, as agreed to by the Senate on October 6, 1994, is as follows:

S. CON. RES. 66

Whereas many States have encouraged and facilitated the creation of senior citizen legislation and advocacy bodies;

Whereas in creating such bodies such States have provided to many older Americans the opportunity to express concerns, promote appropriate interests, and advance the common good by influencing the legislation and actions of State government; and

Whereas a National Silver Haired Congress, with representatives from each State, would provide a national forum for a nonpartisan evaluation of grassroots solutions to concerns shared by an increasing number of older Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby recognizes and encourages the convening of an annual National Silver Haired Congress in the District of Columbia.

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION

The text of the bill (S. 1413) to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics for 8 years, and for other purposes, as passed by the Senate on October 6, 1994, is as follows:

S. 1413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Government Ethics Authorization Act of 1994".

SEC. 2. GIFT ACCEPTANCE AUTHORITY.

Section 403 of the Ethics in Government Act of 1978 (5 U.S.C. App. 5) is amended by—

(1) inserting "(a)" before "Upon the request"; and

(2) adding at the end thereof the following:

"(b)(1) The Director is authorized to accept and utilize on behalf of the United States, any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics.

"(2) No gift may be accepted—

"(A) that attaches conditions inconsistent with applicable laws or regulations; or

"(B) that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Office of Government Ethics.

"(3) The Director shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money, services, use of facilities, or personal property under this subsection would reflect unfavorably upon the ability of the Office of Government Ethics or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.".

SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

The text of section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App. 5) is amended to read as follows: "There are authorized to be appropriated to carry out the provisions of this title and for no other purpose, not to exceed $14,000,000 for fiscal year 1995 and for each of the next 7 fiscal years thereafter.".

SEC. 4. ASSISTANCE FROM OTHER AGENCIES.

Section 403(a) of the Ethics in Government Act of 1978 (5 U.S.C. App. 5), as designated by section 2, is amended—

(1) in paragraph (1) by striking "under this Act; and" and inserting "of the Office of Government Ethics; and"; and

(2) in paragraph (2) by striking "duties." and inserting "duties under this Act or any other Act.".

SEC. 5. LIMITATION ON POSTEMPLOYMENT RESTRICTIONS.

Section 207(j) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(7) POLITICAL PARTIES AND CAMPAIGN COMMITTEES.—(A) Except as provided in subparagraph (B), the restrictions contained in subsections (c), (d), and (e) shall not apply to a communication or appearance made solely on behalf of a candidate in his or her capacity as a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party.

"(B) Subparagraph (A) shall not apply to—

"(i) any communication to, or appearance before, the Federal Election Commission by a former officer or employee of the Federal Election Commission; or

"(ii) a communication or appearance made by a person who is subject to the restrictions contained in subsections (c), (d), or (e) if, at the time of the communication or appearance, the person is employed by a person or entity other than—

"(I) a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party; or

"(II) a person or entity who represents, aids, or advises only persons or entities described in subclause (I).

"(C) For purposes of this paragraph—

"(i) the term 'candidate' means any person who seeks nomination for election, or election, to Federal or State office or who has authorized others to explore on his or her behalf the possibility of seeking nomination for election, or election, to Federal or State office;

"(ii) the term 'authorized committee' means any political committee designated in writing by a candidate as authorized to receive contributions or make expenditures to promote the nomination for election, or the election, of such candidate, or to explore the possibility of seeking nomination for election, or the election, of such candidate, except that a political committee that receives contributions or makes expenditures to promote more than 1 candidate may not be designated as an authorized committee for purposes of subparagraph (A);

"(iii) the term 'national committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level;

"(iv) the term 'national Federal campaign committee' means an organization that, by virtue of the bylaws of a political party, is established primarily for the purpose of providing assistance, at the national level, to candidates nominated by that party for election to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

"(v) the term 'State committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level;

"(vi) the term 'political party' means an association, committee, or organization that nominates a candidate for election to any Federal or State elected office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

"(vii) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

SEC. 6. REPEAL AND CONFORMING AMENDMENTS.

(a) REPEAL OF DISPLAY REQUIREMENT.—The Act entitled "An Act to provide for the display of the Code of Ethics for Government Service", approved July 3, 1980 (Public Law 96-303; 5 U.S.C. 7301 note) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) FDIA.—Section 12(f)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1822 (f)(3)) is amended by striking ", with the concurrence of the Office of Government Ethics,".

(2) ETHICS IN GOVERNMENT ACT OF 1978.—(A) The heading for section 401 of the Ethics in Government Act of 1978 is amended to read as follows:

"ESTABLISHMENT; APPOINTMENT OF DIRECTOR".

(B) Section 408 is amended by striking "March 31" and inserting "April 30".

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on October 1, 1994, except section 5 shall take effect and apply to communications or appearances made on and after the date of enactment of this Act.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TECHNOLOGY INVESTMENT ACT

The text of the bill (S. 1881) to establish and implement a technology investment policy for aeronautical and

space activities of the National Aeronautics and Space Administration, and for other purposes, as passed by the Senate on October 6, 1994, is as follows:

S. 1881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Technology Investment Act of 1994".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) Federal investment in research and technology development can enhance the competitiveness of United States industry in global markets.

(2) Industry and government partnerships in the development of technologies increase the effectiveness of Federal investment in the United States economy.

(3) Ongoing defense reductions impact the aerospace industrial base and require greater effort by the National Aeronautics and Space Administration to ensure technological advancements in support of its missions as well as in support of competitiveness.

(4) Increased contribution to the health of the United States economy by the National Aeronautics and Space Administration is important to the long-term support of civilian aeronautics and space activities.

(5) Investments in research and development at the National Aeronautics and Space Administration can be made to enhance the competitiveness of United States industry, as well as to promote development of technologies for government and commercial aeronautics and space missions.

(6) The National Aeronautics and Space Administration directs a large portion of its budget toward the procurement of goods and services for its aeronautical and space missions and can use such procurement to advance technology development in industry and academia.

SEC. 3. TECHNOLOGY INVESTMENT POLICY.

It is the policy of the United States that—

(1) improving the competitive capabilities of United States industry in conjunction with implementing aeronautics and space missions shall be a fundamental goal of the National Aeronautics and Space Administration;

(2) the Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the "Administrator"), in planning for and implementing national programs in aeronautics and space, shall advocate technology development designed to foster competitiveness of United States industry in global markets;

(3) the investment in technology by the National Aeronautics and Space Administration shall be coordinated closely with investment of other Federal agencies, the States, and local governments;

(4) technology investments shall be identified in concert with United States industry; and

(5) the establishment of industry-led consortia, alliances, or other entities shall be encouraged to enhance opportunities for United States industry to develop and advance technologies.

TITLE I—ROLE OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION IN TECHNOLOGY INVESTMENT

SEC. 101. AMENDMENTS TO NATIONAL AERONAUTICS AND SPACE ACT OF 1958.

Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (e) and inserting the following:

"(e) The aeronautical and space activities of the United States shall be conducted so as to contribute materially to the economic growth, competitiveness, and productivity of the Nation.";

(2) by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(3) in subsection (g), as so redesignated, by striking "(f), and (g)" and inserting "and (f)".

SEC. 102. TECHNOLOGY DEVELOPMENT AND COMMERCIALIZATION GOALS.

The Administrator shall require that, to the maximum extent practicable, aeronautical and space projects of the National Aeronautics and Space Administration—

(1) incorporate a technology plan that fosters technological advances of value to both the mission and the economy and reduces the life cycle costs of such projects;

(2) promote commercial technology applications;

(3) measure and evaluate technology development and the potential for commercialization; and

(4) seek the involvement of United States industry.

SEC. 103. INDUSTRY TECHNOLOGY PROGRAM.

(a) PURPOSE; CRITERIA.—The Administrator shall establish a competitive program under which the Administrator may fund research and development projects proposed by industry-led consortia, alliances, or other entities, for the purpose of developing new technologies. In selecting projects to be funded under this section, the Administrator shall weigh and consider—

(1) each project's scientific and technical merit;

(2) the potential of the project to advance mission needs of the National Aeronautics and Space Administration;

(3) each project's potential to advance technologies that enhance the competitiveness of United States industry in global markets; and

(4) such other criteria as the Administrator considers appropriate to carry out the purposes of this section.

(b) COST-SHARING.—The Administrator shall ensure that the amount of the funds provided by the Federal Government under this section for a project does not exceed the total amount provided by non-Federal participants for that project.

(c) FINANCING MECHANISMS.—In funding the technology projects selected under this section, the Administrator is encouraged—

(1) to make greater use of the authority of the National Aeronautics and Space Administration under section 203(c)(5) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)(5)) especially when applied to non-aerospace firms; and

(2) to enter into innovative procurement, financing, and management arrangements, consistent with existing statutes.

(d) COORDINATION WITH FEDERAL AGENCIES.—In carrying out this section, the Administrator shall consult with the Secretaries of Commerce, Defense, Energy, and Transportation and with such other Federal agency heads as the Administrator considers appropriate.

(e) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out the provisions of this section. Sums appropriated under this section shall remain available until expended.

SEC. 104. CONDITIONS ON TECHNOLOGY INVESTMENT; ECONOMIC BENEFIT.

In funding technology programs and activities under this title, the Administrator shall ensure that the principal economic benefits accrue to the economy of the United States. The Administrator may consider such specific criteria as appropriate, and in developing such criteria, shall consult with appropriate Federal agency heads.

SEC. 105. ROLE OF PROCUREMENT IN TECHNOLOGY INVESTMENT.

The Administrator, in meeting aeronautical and space mission needs, shall coordinate and direct resources of the National Aeronautics and Space Administration in the area of procurement to—

(1) advance state-of-the-art technologies;

(2) assess and procure, where appropriate, commercially available technologies from the marketplace;

(3) use performance incentives; and

(4) reduce the paperwork requirements associated with procurement.

SEC. 106. COORDINATION WITH OTHER FEDERAL PROGRAMS.

(a) TECHNOLOGY PROGRAMS AND TECHNOLOGY TRANSFER PROGRAMS.—To ensure a consistent Federal investment policy and to preclude multiple awards for a single proposal, the Administrator shall ensure that the technology investment activities established under this title are coordinated closely with existing and future—

(1) Federal technology programs such as the Technology Reinvestment Program of the Advanced Research Projects Agency and the Advanced Technology Program of the National Institute of Standards and Technology; and

(2) Federal technology transfer programs and activities established to promote and advocate the use of technologies developed in the Federal laboratories.

(b) IDENTIFICATION OF FUNDING RECEIVED FROM OTHER AGENCIES.—The Administrator shall identify, as part of the annual budget submission to Congress, all funding received by the National Aeronautics and Space Administration from other Federal agencies for technology investment and development, including funds from programs listed in (a)(1) above.

SEC. 107. INTERAGENCY TECHNOLOGY INITIATIVES.

As part of the National Aeronautics and Space Administration's annual budget submission to Congress, the Administrator shall identify funding requirements, project milestones, and 5-year budget projections, for the portion undertaken by the National Aeronautics and Space Administration of each interagency technology project.

SEC. 108. COORDINATION WITH OTHER NASA PROGRAMS.

(a) SMALL BUSINESS INNOVATION RESEARCH.—The Administrator shall coordinate the technology investment activities under this title with the Small Business Innovation Research activities of the National Aeronautics and Space Administration to ensure the effectiveness of funding to small businesses, to the maximum extent permitted by law.

(b) INDEPENDENT RESEARCH AND DEVELOPMENT FUNDS.—The Administrator shall identify all funds provided to contractors of the National Aeronautics and Space Administration for activities commonly referred to as

"Independent Research and Development" and coordinate such funds with the technology investment activities under this title.

(c) TECHNOLOGY TRANSFER AND COMMERCIAL PROGRAMS.—The Administrator shall coordinate the activities of ongoing and future technology transfer, innovation, and commercial programs of the National Aeronautics and Space Administration with the technology investment activities under this title.

SEC. 109. PERSONNEL INCENTIVES.

To encourage the personnel of the National Aeronautics and Space Administration to pursue technology innovation and development, the Administrator shall provide personnel incentives, including—

(1) promotions and within-grade increases;

(2) bonuses and cash awards under the inventions and contributions system and senior executive service; and

(3) paid leave, sabbaticals, or intergovernmental personnel transfers to other Federal agencies or the private sector to pursue technology innovation and development, as the Administrator deems appropriate.

SEC. 110. ANNUAL REPORT TO CONGRESS.

The Administrator shall assess the technology investment activities established under this title and shall submit a report to Congress on the results of such assessment of activities. The report shall accompany the annual budget submission to Congress.

SEC. 111. APPLICATION OF ANTITRUST LAWS.

Nothing in this title shall be construed to create an immunity from any civil or criminal action under any Federal or State antitrust law, or to alter or restrict in any manner the applicability of any Federal or State antitrust law.

SEC. 112. DEFINITIONS.

For the purposes of this title, the term—

(1) "Federal laboratory" has the meaning given such term in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6)).

(2) "United States" means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

TITLE II—NATIONAL AERONAUTICS FACILITIES

SEC. 201. FINDINGS.

The Congress finds and declares the following:

(1) Aerospace technologies contribute substantially to the balance of trade and the competitiveness of United States industry.

(2) The international market share of the United States aerospace industry has eroded steadily due to competition from foreign consortia that receive substantial direct subsidies from their governments.

(3) The United States aerospace industry continues to be impacted negatively by the reduced investment in national defense.

(4) The national civil and military aeronautics facilities of the United States are aging and, with few exceptions, cannot be modified to simulate adequately the flight conditions that will be required for highly productive aircraft design and development.

(5) Inadequate domestic facilities force the United States aerospace industry to use the aeronautics facilities of foreign countries, increasing the likelihood that technologies will be transferred to competing foreign industries.

SEC. 202. POLICY.

It is the policy of the United States that—

(1) Federal investment in domestic aerospace technologies shall be a priority of the United States to safeguard the international market share of the United States aerospace industry;

(2) maintaining world class aeronautics facilities in the United States shall be a major element of Federal investment in aerospace research and development;

(3) the National Aeronautics and Space Administration shall work closely with industry to identify and address aeronautics technology and facility issues; and

(4) industry and government cost-sharing for facilities construction and use shall be investigated to achieve aeronautics research and technology goals within a constrained Federal budget.

SEC. 203. WORLDWIDE FACILITIES ASSESSMENT.

The President shall conduct an assessment of all aeronautics facilities in the United States and in other countries and report to Congress the results of this assessment at the time the fiscal year 1996 budget is submitted. The assessment shall include—

(1) identification of all existing and planned aeronautics research and development facilities in the United States and in other countries;

(2) analysis of the capabilities of each aeronautics facility that impact aeronautical research and technology objectives of the United States Government and domestic industries; and

(3) determination of the current use and plans for use of foreign aeronautics facilities for research and technology activities of the United States Government and domestic industries.

SEC. 204. AERONAUTICS FACILITIES STRATEGY.

(a) STRATEGY.—The President or his designees shall work closely with domestic industries to coordinate, develop, and implement a strategy for Federal investment in aeronautics research and technology and aeronautics facilities. This strategy shall establish—

(1) priorities for Federal investment in aeronautics facilities;

(2) a facilities implementation schedule to meet research and technology project milestones and aerospace industry market requirements;

(3) the projected cost of constructing and operating new facilities; and

(4) options and recommendations to provide funding (including cost-sharing and risk-sharing with industries and among Federal agencies and innovative procurement, financing, or management arrangements) for the construction of new aeronautics facilities and for the operation of new aeronautics facilities.

(b) DEADLINE.—The strategy required by subsection (a), and budget requirements associated with implementing such strategy, shall accompany the fiscal year 1996 budget submission to Congress.

TITLE III—COMMERCIAL SPACE LAUNCH AMENDMENTS

SEC. 301. COMMERCIAL REENTRY VEHICLES.

Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites, and reentries.";

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

and

(D) by adding at the end the following new item:

"70120. Report to Congress.";

(2) in section 70102—

(A) by inserting "from Earth" after "and any payload" in paragraph (3);

(B) by redesignating paragraphs (10) through (12) as paragraphs (12) through (14), respectively; and

(C) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return purposefully, or attempt to return, a reentry vehicle and payload, if any, from Earth orbit or outer space to Earth.

"(11) 'reentry vehicle' means any vehicle designed to return from Earth orbit or outer space to Earth substantially intact.";

(3) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§70104. Restrictions on launches, operations, and reentries";

(B) by inserting ", or reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES OR REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(4) in section 70105—

(A) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(B) by striking "or operation" and inserting ", operation, or reentry" in subsection (b)(2)(A);

(5) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site"; and

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle";

(6) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§70108. Prohibition, suspension, and end of launches, operation of launch site, and reentries";

and

(B) in subsection (a)—

(i) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(7) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(8) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(9) in section 70112—

(A) by inserting "or reentry" after "one launch" in subsection (a)(3);

(B) by inserting "or reentry" after "launch services" in subsection (a)(4);

(C) by inserting "or reentry" after "launch services" each place it appears in subsection (b);

(D) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e); and

(E) by inserting "or reentry" after "launch site" in subsection (e);

(10) in section 70113 (a)(1) and (d) (1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(11) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "site of a launch vehicle";

(12) in section 70117—

(A) by inserting "or reentry a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) in subsection (f)—

(i) by inserting "OR REENTRY" after "LAUNCH" in the subsection heading;

(ii) by inserting ", reentry vehicle," after "A launch vehicle";

(iii) by inserting "or reentered" after "that is launched"; and

(iv) by inserting "or reentry" after "the launch"; and

(D) in subsection (g)—

(i) by inserting "reentry of a reentry vehicle," after "or launch site," in paragraph (1); and

(ii) by inserting "reentry," after "launch," in paragraph (2);

(13) in section 70119, by inserting the following after paragraph (2):

"There are authorized to be appropriated to the Secretary of Transportation such amounts as may be necessary to carry out this chapter for fiscal year 1995."; and

(14) by adding at the end the following new section:

"§ 70120. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

SEC. 302. LICENSE APPLICATIONS.

(a) IN GENERAL.—Section 70105 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "receiving an application" both places it appears and inserting "accepting an application in accordance with subsection (b)(2)(D)";

(2) by striking "and" at the end of subsection (b)(2)(B);

(3) by striking the period at the end of subsection (b)(2)(C) and inserting "; and"; and

(4) by adding at the end of subsection (b)(2)(C) the following new subparagraph:

"(D) regulations establishing criteria for accepting an application for a license under this chapter.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by subsection (a)(4).

SEC. 303. PROHIBITION ON SPACE ADVERTISING.

(a) DEFINITION.—Section 70102 of title 49, United States Code, is amended by inserting after paragraph (14), as redesignated by section 301(2)(B) of this title, the following new paragraph:

"(15) 'space advertising' means advertising in outer space that is capable of being seen by a human being on the surface of the Earth without the aid of a telescope or other technological device.".

(b) PROHIBITION.—Chapter 701 of title 49, United States Code, is amended by inserting after section 70109 the following new section:

"§ 70109a. Prohibition on space advertising

"(a) PROHIBITION.—Notwithstanding the provisions of this chapter or any other provision of law—

"(1) the Secretary shall not—

"(A) issue or transfer a license under this chapter; or

"(B) waive the license requirements of this chapter;

for the launch of a payload containing any material to be used for the purposes of space advertising; and

"(2) no holder of a license under this chapter, on or after the date of enactment of the National Aeronautics and Space Administration Technology Investment Act of 1994, shall launch a payload containing any material to be used for purposes of space advertising.

"(b) CIVIL PENALTIES.—Any person who violates the provisions of subsection (a)(2) shall—

"(1) be subject to a civil penalty, not to exceed $30,000,000 which shall be assessed by the Secretary; and

"(2) not be issued a license under this chapter for a period of 2 years from the date of such violation, or, in the case of multiple violations, from the date of the most recent violation.".

(c) NEGOTIATION WITH FOREIGN SPACE LAUNCHING NATIONS.—

(1) The President is requested to negotiate with foreign launching nations for the purpose of reaching an agreement or agreements that prohibit the use of outer space for advertising purposes.

(2) It is the sense of Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for advertising purposes.

(3) As used in this subsection, the term "foreign launching nation" means a nation—

(A) which launches, or procures the launching of, a payload into outer space; or

(B) from whose territory or facility a payload is launched into outer space.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 701 of title 49, United States Code, is amended by inserting the following after the item relating to section 70109:

"70109a. Prohibition on space advertising".

INDIAN CHILD PROTECTION FAMILY VIOLENCE PREVENTION ACT

The text of the bill (S. 2075) to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve program under the Act, as passed by the Senate on October 6, 1994, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Indian Child Protection and Family Violence Prevention Act Amendments of 1994".

(b) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a provision of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.).

SEC. 2. FINDINGS AND PURPOSE.

Section 402(1) (25 U.S.C. 3201(1)) is amended—

(1) by striking "and" at the end of subparagraph (F); and

(2) by adding at the end the following new subparagraph:

"(G) it is necessary to address the scope of family violence in order to break the cycle of intrafamily child abuse and neglect; and".

SEC. 3. REAUTHORIZATION AND IMPROVEMENT OF INDIAN CHILD PROTECTION AND VIOLENCE PREVENTION PROGRAMS.

(a) DEFINITION.—Section 403 (25 U.S.C. 3202) is amended—

(1) by striking "and" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(19) 'Director' means the Director of the Indian Health Service of the Department of Health and Human Services.".

(b) CENTRAL REGISTER.—Section 405 (25 U.S.C. 3204) is amended—

(1) in subsection (c), by striking ", together with recommendations and draft legislation to implement such regulations,"; and

(2) by adding at the end the following new subsections:

"(d) If the Secretary establishes in the Bureau of Indian Affairs a Central Register described in the study conducted under this section, the Central Register shall, if feasible, be connected to existing tribal, Federal, or State central registries.

"(e)(1) The Secretary of the Interior may establish a grant program to award grants to Indian tribes that submit an application that is approved by the Secretary to establish, operate, and maintain a central registry system for the tribe that contains information regarding child abuse with respect to the tribe.

"(2) An application submitted under paragraph (1) shall—

"(A) be in such form as the Secretary may prescribe; and

"(B) specify the nature of the central registry proposed by the applicant.

"(3) Each tribe that receives a grant under paragraph (1) shall furnish the Secretary with such information as the Secretary may require to evaluate the implementation of the central registry and ensure that the grant funds are expended for the purpose for which the grant was made.

"(4) There are authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out this subsection.".

(c) PROVISION OF RECORDS AND INFORMATION TO TRIBES.—Section 406 (25 U.S.C. 3205) is amended—

(1) in the first sentence, by striking "may" and inserting "shall";

(2) by inserting after the first sentence, the following new sentence: "Federal law enforcement agencies that investigate incidents of child abuse in Indian country shall provide information and records to Indian tribal law enforcement agencies requiring such information and records in order to fulfill the duties of such tribes under this Act."; and

(3) in the last sentence—

(A) by striking "governments" and inserting "agencies"; and

(B) by striking "entities" and inserting "agencies".

(d) MEDICAL EXAMINATIONS IN CONNECTION WITH CHILD ABUSE REPORTS.—Section 407 (25 U.S.C. 3206) is amended by adding at the end the following new subsection:

"(e) MEDICAL EXAMINATIONS IN CONNECTION WITH CHILD ABUSE REPORTS.—

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this subsection, the Secretary, acting through the Service, shall develop and publish suggested guidelines for physicians employed by the Service concerning the appropriate use of a medical examination in an investigation of a report of child abuse in Indian country.

"(2) CONTENT OF GUIDELINES.—The guidelines developed by the Secretary shall provide for protocols that—

"(A) ensure against unnecessary and intrusive medical examinations; and

"(B) provide guidance for physicians in treating children who are subject to child abuse in Indian country.".

(e) CHARACTER.—

(1) CHARACTER INVESTIGATIONS.—Section 408 (25 U.S.C. 3207) is amended—

(A) in subsection (a)(3), by inserting "with the participation of Indian tribes," before "prescribe regulations";

(B) in subsection (c)(1), by inserting "including, at a minimum, an inquiry into the previous employment, residential, and academic history of the individual who is employed or being considered for employment" after "Indian children"; and

(C) by adding at the end the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1995 through 2005.".

(2) ISSUANCE OF MINIMUM CHARACTER STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Health and Human Services shall—

(A) publish in the Federal Register regulations containing the minimum standards of character that are required under section 408(a)(3) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(a)(3)); and

(B) provide a copy of the regulations containing such minimum standards to each Indian tribe.

(f) INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.—

(1) ADMINISTRATIVE RESPONSIBILITY.—Section 409(a) (25 U.S.C. 3208 (a)) is amended—

(A) by striking "and in cooperation with the Bureau"; and

(B) by striking "intertribal" and inserting "inter-tribal".

(2) TREATMENT CONCEPTS.—Section 409(b) (25 U.S.C. 3208(b)) is amended by adding at the end the following new paragraph:

"(3) Nothing in the criteria referred to in paragraph (2) may be construed to limit the ability of an Indian tribe or an inter-tribal consortium to provide culturally relevant child abuse treatment concepts that are consistent with tribal values and customs.".

(3) ELIMINATION OF MAXIMUM GRANT AMOUNT.—Section 409 (25 U.S.C. 3208) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(4) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of section 409, as redesignated by paragraph (3)(B), is amended by striking "each of the fiscal years 1992, 1993, 1994, and 1995" and inserting "each of fiscal years 1995 through 2005".

(5) CLERICAL AMENDMENT.—Subsection (d) of section 409 (as so redesignated), as amended by paragraph (3), is further amended by striking "there is hereby" and inserting the following: "AUTHORIZATION OF APPROPRIATIONS.—There are".

(g) INDIAN FAMILY VIOLENCE TREATMENT GRANT PROGRAM.—The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.) is amended—

(1) by redesignating sections 410 through 412 as sections 411 through 413, respectively; and

(2) by inserting after section 409 the following new section:

"SEC. 410. INDIAN FAMILY VIOLENCE TREATMENT GRANT PROGRAM.

"(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Health and Human Services, acting through the Indian Health Service, shall establish a Family Violence Grant Program. Such Program shall provide grants to any Indian tribe or inter-tribal consortium that submits an application that is approved by the Secretary, for the establishment on Indian reservations of treatment programs for Indians who have been victims of family violence (including Indians who have been victims of elder abuse).

"(b) GRANT APPLICATIONS.—

"(1) IN GENERAL.—An Indian tribe or inter-tribal consortium may submit to the Secretary of Health and Human Services an application for a grant under subsection (a).

"(2) APPLICATION CONTENT.—An application submitted under paragraph (1) shall—

"(A) be in such form as the Secretary of Health and Human Services may prescribe; and

"(B) specify—

"(i) the nature of the program that the applicant proposes to carry out, and the extent to which family violence (including elder abuse) will be addressed in the program;

"(ii) the data and information on which the proposed program is based;

"(iii) the extent to which the proposed program would use or incorporate existing services that are available on the Indian reservation; and

"(iv) the specific treatment concepts to be used under the program.

"(c) GRANT ADMINISTRATION AND FINAL REPORT.—Each recipient of a grant made under subsection (a) shall—

"(1) furnish the Secretary of Health and Human Services with such information as the Secretary may require to—

"(A) evaluate the program for which the grant is made; and

"(B) ensure that the funds provided under the grant are expended for the purposes for which the grant was made; and

"(2) submit to the Secretary of Health and Human Services on the termination of the period of the grant, a final report that shall include such information as such Secretary may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Health and Human Services to carry out this section $4,000,000 for each of fiscal years 1995 through 2005.".

(h) INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.—

(1) ADMINISTRATIVE RESPONSIBILITY.—Section 411 (as redesignated by subsection (g)(1)) is amended—

(A) in subsection (a), by striking "The Secretary" and inserting "The Director";

(B) in subsection (b)—

(i) by striking "The Secretary and the Secretary of Health and Human Services shall" and inserting "The Secretary and the Director may"; and

(ii) by adding at the end the following new sentence: "In making a determination whether to enter into a Memorandum of Agreement with the Secretary pursuant to this subsection, the Director shall take into consideration whether the Indian tribes within an area to be served by the Director have contracted for social service programs or rely primarily on the Bureau for the direct provision of child abuse and family violence counseling services.";

(C) in subsection (d)(2)—

(i) by inserting "including" after "family violence"; and

(ii) by inserting "and provide incentives for Indians pursuing college degrees in social work" after "trainees";

(D) in subsection (d)(5), by inserting "in consultation with the appropriate official of the Bureau," before "develop policies";

(E) in subsection (e), by adding at the end the following new flush sentence:

"In each area served by a school of the Bureau, an employee of the Office of Indian Education shall serve on the multidisciplinary team established for the area pursuant to this section.";

(F) in subsection (f)—

(i) by striking "The Secretary, in consultation with the Secretary of Health and Human Services, shall establish," and inserting "The Director, or the Director and the Secretary (acting jointly in accordance with any Memorandum of Agreement entered into under subsection (b)), shall establish,"; and

(ii) by striking "the Secretary" in the second sentence and inserting "the Director"; and

(G) in the second sentence of subsection (g), by inserting "pursuant to such Act" after "contract".

(2) CENTER SERVICE AREAS.—Subsection (a) of section 411 (as redesignated by subsection (g)(1), and as amended by paragraph (1)(A)) is further amended by striking "each area office of the Bureau" and inserting "each area of the Service".

(3) CENTER ADVISORY BOARDS.—Section 411 (as redesignated by subsection (g)(1), and as amended by paragraph (1)) is further amended—

(A) in subsection (f)—

(i) by striking "an area office of the Bureau" in the second sentence and inserting "an area of the Service"; and

(ii) by adding at the end the following new sentence: "The advisory board shall provide such assistance in accordance with the provisions of the Memorandum of Agreement, if any, entered into under subsection (b) of this section."; and

(B) in the second sentence of subsection (g), by striking "an area office of the Bureau" and inserting "an area of the Service".

(4) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of section 411 (as redesignated by subsection (g)(1)) is amended by striking "each of the fiscal years 1992, 1993, 1994, and 1995" and inserting "each of fiscal years 1995 through 2005".

(5) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Interior shall transfer any funds available to the Department of the Interior on the date of the enactment of this Act for the purposes of carrying out the functions of the Indian Child Resource and Family Services Centers to the Secretary of Health and Human Services for the purposes of carrying out such functions.

(i) INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION.—

(1) ADMINISTRATIVE RESPONSIBILITY.—Section 412 (as redesignated by subsection (g)(1)) is amended—

(A) by striking "Secretary" each place it appears and inserting "Director"; and

(B) in subsection (a), by striking "the Bureau" and inserting in lieu thereof "the Service".

(2) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Subsection (i) of section 412 (as redesignated by subsection (g)(1)) is amended by striking "each of the fiscal years 1992, 1993, 1994, and 1995" and inserting "each of fiscal years 1995 through 2005".

(3) MISCELLANEOUS AMENDMENTS.—Section 412 (as redesignated by subsection (g)(1), and as amended by paragraph (1)) is further amended—

(A) in subsection (b), by striking "Indian Self-Determination Act" and inserting "Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)";

(B) in subsection (d)(3)—

(i) in the matter preceding subparagraph (A), by inserting "and family violence" after "multidisciplinary child abuse";

(ii) in subparagraph (A), by inserting "and family violence" after "child abuse"; and

(iii) in subparagraph (B)—

(I) by inserting "and family violence" after "child abuse"; and

(II) by striking "child victim" and inserting "victim";

(C) in subsection (d)(4), by inserting "and family violence" after "child protection";

(D) by striking "(f) SECRETARIAL REGULATIONS; BASE SUPPORT FUNDING.—" and inserting the following:

"(e) COMPETITIVE GRANTS.—"; and

(E) in subsection (e) (as so redesignated)—

(i) in paragraph (1), by striking ", and promulgate by regulations, a formula which establishes base support funding" and inserting "a competitive grant program";

(ii) by striking paragraph (2), and inserting the following new paragraph:

"(2)(A) In awarding each competitive grant for a program referred to in paragraph (1), the Director shall consider—

"(i) with respect to the applicant, and among other criteria, the degree of need, preexisting resources; and

"(ii) if feasible, the potential of the grant in facilitating the development on a regional level of intertribal cooperative programs.

"(B) In developing regulations for the competitive grant program established under this subsection, the Secretary of Health and Human Services, acting through the Director, shall develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements that account for the resources and needs of Indian tribes and tribal organizations. ";

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking "development of the base support funding formula" and inserting "in awarding grants under this subsection"; and

(II) in subparagraph (A), by inserting before the semicolon the following: ", including any projected regional development of intertribal programs, if feasible"; and

(iv) in paragraph (4), by striking "formula established" and inserting "grants awarded".

(4) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Interior shall transfer any funds available to the Department of the Interior, on the date of the enactment of this Act for the purposes of carrying out the Indian Child Protection and Family Violence Prevention Program established under section 412 of the Indian Child Protection and Family Violence Prevention Act (as redesignated by subsection (g)(1)), to the Secretary of Health and Human Services for the purposes of carrying out such program.

(j) RESPONSIBILITY FOR ANNUAL REPORT.—Section 413 (as redesignated by subsection (g)(1)) is amended by striking "Secretary" and inserting "Director".

(k) CONFORMING AMENDMENTS.—Section 407(c) (25 U.S.C. 3206) is amended—

(1) by striking "411" and inserting "412"; and

(2) by striking "410" and inserting "411".

BASE CLOSURE AND COMMUNITY REDEVELOPMENT AND HOMELESS ASSISTANCE ACT

The text of the bill (S. 2534) to revise and improve the process for disposing of buildings and property at military installations under the base closure laws, as passed by the Senate on October 6, 1994, is as follows:

S. 2534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may cited as the "Base Closure Community Redevelopment and Homeless Assistance Act of 1994".

SEC. 2. DISPOSAL OF BUILDINGS AND PROPERTY AT MILITARY INSTALLATIONS APPROVED FOR CLOSURE.

(a) IN GENERAL.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7)(A) Determinations of the use to assist the homeless of buildings and property located at installations approved for closure under this part after the date of the enactment of this paragraph shall be determined under this paragraph rather than paragraph (6).

"(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

"(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another department or agency of the Federal Government has identified a use, or of which another department or agency will accept a transfer;

"(II) take such actions as are necessary to identify any building or property at the installation not identified under subclause (I) that is excess property or surplus property;

"(III) submit to the Secretary of Housing and Urban Development and to the redevelopment authority for the installation (or the chief executive officer of the State in which the installation is located if there is no redevelopment authority for the installation at the completion of the determination described in the stem of this sentence) information on any building or property that is identified under subclause (II); and

"(IV) publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the buildings and property identified under subclause (II).

"(ii) Upon the recognition of a redevelopment authority for an installation covered by this paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the redevelopment authority.

"(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

"(ii) The redevelopment authority for an installation shall assist the governments, representatives, and parties referred to in clause (i) in evaluating buildings and property at the installation for purposes of this subparagraph.

"(iii) In providing assistance under clause (ii), a redevelopment authority shall—

"(I) consult with representatives of the homeless in the communities in the vicinity of the installation concerned; and

"(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities.

"(iv) It is the sense of Congress that redevelopment authorities should begin to conduct outreach efforts under clause (iii)(II) with respect to an installation as soon as is practicable after the date of approval of closure of the installation.

"(D)(i) State and local governments, representatives of the homeless, and other interested parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later than the date specified for such notice by the redevelopment authority.

"(ii) The date specified under clause (i) shall be—

"(I) in the case of an installation for which a redevelopment authority has been recognized as of the date of the completion of the determinations referred to in paragraph (5), not earlier than 3 months and not later than 6 months after that date; and

"(II) in the case of an installation for which a redevelopment authority is not recognized as of such date, not earlier than 3 months and not later than 6 months after the date of the recognition of a redevelopment authority for the installation.

"(iii) Upon specifying a date for an installation under this subparagraph, the redevelopment authority for the installation shall—

"(I) publish the date specified in a newspaper of general circulation in the communities in the vicinity of the installation concerned; and

"(II) notify the Secretary of Defense of the date.

"(E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest in the use of buildings or property at an installation to assist the homeless, a representative of the homeless shall submit the following:

"(I) A description of the homeless assistance program that the representative proposes to carry out at the installation.

"(II) An assessment of the need for the program.

"(III) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.

"(IV) A description of the buildings and property at the installation that are necessary in order to carry out the program.

"(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

"(VI) An assessment of the time required in order to commence carrying out the program.

"(ii) A redevelopment authority may not release to the public any information submitted to the redevelopment authority under clause (i)(V) without the consent of the representative of the homeless concerned unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

"(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

"(ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall prepare legally binding agreements that provide for the use to assist the homeless of buildings and property, resources, and assistance on or off the installation. The implementation of such agreements shall be contingent upon the approval of the redevelopment plan by the Secretary of Housing and Urban Development under subparagraph (H) or (J).

"(II) Agreements under this clause shall provide for the reversion to the redevelopment authority concerned, or to such other entity or entities as the agreements shall provide, of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

"(iii) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (G).

"(iv) A redevelopment authority shall complete preparation of a redevelopment plan for an installation and submit the plan under subparagraph (G) not later than 9 months after the date specified by the redevelopment authority for the installation under subparagraph (D).

"(G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment authority shall submit an application containing the plan to the Secretary of Defense and to the Secretary of Housing and Urban Development.

"(ii) A redevelopment authority shall include in an application under clause (i) the following:

"(I) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (F)(iii).

"(II) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C), together with a description of the manner, if any, in which the plan addresses the interest expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

"(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

"(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

"(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

"(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

"(H)(i) Not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless—

"(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the plan for the use and needs of the homeless in such communities;

"(II) takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation;

"(III) balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities;

"(IV) was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation; and

"(V) specifies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes.

"(ii) It is the sense of Congress that the Secretary of Housing and Urban Development shall, in completing the review of a plan under this subparagraph, take into consideration and be receptive to the predominant views on the plan of the communities in the vicinity of the installation covered by the plan.

"(iii) The Secretary of Housing and Urban Development may engage in negotiations and consultations with a redevelopment authority before or during the course of a review under clause (i) with a view toward resolving any preliminary determination of the Secretary that a redevelopment plan does not meet a requirement set forth in that clause. The redevelopment authority may modify the redevelopment plan as a result of such negotiations and consultations.

"(iv) Upon completion of a review of a redevelopment plan under clause (i), the Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under that clause.

"(v) If the Secretary of Housing and Urban Development determines as a result of such a review that a redevelopment plan does not meet the requirements set forth in clause (i), a notice under clause (iv) shall include—

"(I) an explanation of that determination; and

"(II) a statement of the actions that the redevelopment authority must undertake in order to address that determination.

"(I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a redevelopment authority shall have the opportunity to—

"(I) revise the plan in order to address the determination; and

"(II) submit the revised plan to the Secretary of Housing and Urban Development.

"(ii) A redevelopment authority shall submit a revised plan under this subparagraph to the Secretary of Housing and Urban Development, if at all, not later than 90 days after the date on which the redevelopment authority receives the notice referred to in clause (i).

"(J)(i) Not later than 30 days after receiving a revised redevelopment plan under subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan and determine if the plan meets the requirements set forth in subparagraph (H)(i).

"(ii) The Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under this subparagraph.

"(K) Upon receipt of a notice under subparagraph (H)(vi) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property located at the installation that are identified in the plan as available for use to assist the homeless in accordance with the provisions of the plan. The Secretary of Defense may dispose of such buildings or property directly to the representatives of the homeless concerned or to the redevelopment authority concerned. The Secretary of Defense shall dispose of the buildings and property under this subparagraph without consideration.

"(L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a revised redevelopment plan for an installation does not meet the requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—

"(I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;

"(II) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;

"(III) request that each such representative submit to that Secretary the items described in clause (ii); and

"(IV) based on the actions of that Secretary under subclauses (I) and (II), and on any information obtained by that Secretary as a result of such actions, indicate to the Secretary of Defense the buildings and property at the installation that meet the requirements set forth in subparagraph (H)(i).

"(ii) The Secretary of Housing and Urban Development may request under clause (i)(III) that a representative of the homeless submit to that Secretary the following:

"(I) A description of the program of such representative to assist the homeless.

"(II) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless.

"(III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.

"(IV) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

"(iii) The Secretary of Housing and Urban Development shall indicate to the Secretary of Defense and to the redevelopment authority concerned the buildings and property at an installation under clause (i)(IV) to be disposed of not later than 90 days after the date of a receipt of a revised plan for the installation under subparagraph (J).

"(iv) The Secretary of Defense shall dispose of the buildings and property at an installation referred to in clause (iii) to entities indicated by the Secretary of Housing and Urban Development or by transfer to the redevelopment authority concerned for transfer to such entities. Such disposal shall be in accordance with the indications of the Secretary of Housing and Urban Development under clause (i)(IV). Such disposal shall be without consideration.

"(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K), the redevelopment authority for the installation shall be responsible for the implementation of and compliance with agreements under the redevelopment plan described in that subparagraph for the installation.

"(ii) If a building or property reverts to a redevelopment authority under such an agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

"(N) The Secretary of Defense may postpone or extend any deadline provided for under this paragraph in the case of an installation covered by this paragraph for such period as the Secretary considers appropriate if the Secretary determines that such postponement is in the interests of the communities affected by the closure of the installation. The Secretary shall make such determinations in consultation with the redevelopment authority concerned and, in the case of deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and Urban Development.

"(O) For purposes of this paragraph, the term 'communities in the vicinity of the installation', in the case of an installation, means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the redevelopment authority for the installation.".

(b) DEFINITION.—Section 2910 of such Act is amended by adding at the end the following:

"(10) The term 'representative of the homeless' has the meaning given such term in section 501(h)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(h)(4)).".

(c) CONFORMING AMENDMENT TO 1990 BASE CLOSURE ACT.—Section 2905(b)(6)(A) of such Act is amended by adding at the end the following: "For procedures relating to the use to assist the homeless of buildings and property at installations closed under this part after the date of the enactment of this sentence, see paragraph (7).".

(d) CONFORMING AMENDMENT TO MCKINNEY ACT.—Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) APPLICABILITY TO PROPERTY UNDER BASE CLOSURE PROCESS.—(1) The provisions of this section shall not apply to buildings and property at military installations that are approved for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) after the date of the enactment of this subsection.

"(2) For provisions relating to the use to assist the homeless of buildings and property located at certain military installations approved for closure under such Act, or under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), before such date, see section 2(e) of Base Closure Community Redevelopment and Homeless Assistance Act of 1994.".

(e) APPLICABILITY TO INSTALLATIONS APPROVED FOR CLOSURE BEFORE ENACTMENT OF ACT.—(1)(A) Notwithstanding any provision of the 1988 base closure Act or the 1990 base closure Act, as such provision was in effect on the day before the date of the enactment of this Act, and subject to subparagraphs (B) and (C), the use to assist the homeless of building and property at military installations approved for closure under the 1988 base closure Act or the 1990 base closure Act, as the case may be, before such date shall be determined in accordance with the provisions of paragraph (7) of section 2905(b) of the 1990 base closure Act, as amended by subsection (a), in lieu of the provisions of the 1988 base closure Act or the 1990 base closure Act that would otherwise apply to the installations.

(B)(i) The provisions of such paragraph (7) shall apply to an installation referred to in subparagraph (A) only if the redevelopment authority for the installation submits a request to the Secretary of Defense not later than 60 days after the date of the enactment of this Act.

(ii) In the case of an installation for which no redevelopment authority exists on the date of the enactment of this Act, the chief executive officer of the State in which the installation is located shall submit the request referred to in clause (i) and act as the redevelopment authority for the installation.

(C) The provisions of such paragraph (7) shall not apply to any buildings or property at an installation referred to in subparagraph (A) for which the redevelopment authority submits a request referred to in subparagraph (B) within the time specified in such subparagraph (B) if the buildings or property, as the case may be, have been transferred or leased for use to assist the homeless under the 1988 base closure Act or the 1990 base closure Act, as the case may be, before the date of the enactment of this Act.

(2) For purposes of the application of such paragraph (7) to the buildings and property at an installation, the date on which the Secretary receives a request with respect to the installation under paragraph (1) shall be treated as the date on which the Secretary of Defense completes the final determination referred to in subparagraph (B) of such paragraph (7).

(3) Upon receipt under paragraph (1)(B) of a timely request with respect to an installation, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information describing the redevelopment authority for the installation.

(4)(A) The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall not, during the 60-day period beginning on the date of the enactment of this Act, carry out with respect to any military installation approved for closure under the 1988 base closure Act or the 1990 base closure Act before such date any action required of such Secretaries under the 1988 base closure Act or the 1990 base closure Act, as the case may be, or under section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(B)(i) Upon receipt under paragraph (1)(A) of a timely request with respect to an installation, the Secretary of Defense shall notify the Secretary of Housing and Urban Development and the Secretary of Health and Human Services that the disposal of buildings and property at the installation shall be determined under such paragraph (7) in accordance with this subsection.

(ii) Upon receipt of a notice with respect to an installation under this subparagraph, the requirements, if any, of the Secretary of Housing and Urban Development and the Secretary of Health and Human Services with respect to the installation under the provisions of law referred to in subparagraph (A) shall terminate.

(iii) Upon receipt of a notice with respect to an installation under this subparagraph, the Secretary of Health and Human Services shall notify each representative of the homeless that submitted to that Secretary an application to use buildings or property at the installation to assist the homeless under the 1988 base closure Act or the 1990 base closure Act, as the case may be, that the use of buildings and property at the installation to assist the homeless shall be determined under such paragraph (7) in accordance with this subsection.

(5)(A) In preparing a redevelopment plan for buildings and property at an installation covered by such paragraph (7) by reason of this subsection, the redevelopment authority concerned shall—

(A) consider and address specifically any applications for use of such buildings and property to assist the homeless that were received by the Secretary of Health and Human Services under the 1988 base closure Act or the 1990 base closure Act, as the case may be, before the date of the enactment of this Act and are pending with that Secretary on that date; and

(B) in the case of any application by representatives of the homeless that was approved by the Secretary of Health and Human Services before the date of enactment of this Act, ensure that the plan adequately addresses the needs of the homeless identified in the application by providing such representatives of the homeless with—

(i) properties, on or off the installation, that are substantially equivalent to the properties covered by the application;

(ii) sufficient funding to secure such substantially equivalent properties;

(iii) services and activities that meet the needs identified in the application; or

(iv) a combination of the properties, funding, and services and activities described in clause (i), (ii), and (iii).

(6) In the case of an installation to which the provisions of such paragraph (7) apply by reason of this subsection, the date specified by the redevelopment authority for the installation under subparagraph (D) of such paragraph (7) shall be not less than 1 month and not more than 6 months after the date of the submittal of the request with respect to the installation under paragraph (1)(B).

(7) For purposes of this subsection:

(A) The term "1988 base closure Act" means title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(B) The term "1990 base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(f) CLARIFYING AMENDMENTS TO BASE CLOSURE ACTS.—(1) Section 204(b)(6)(F)(i) of the Defense Authorization Amendments and Base Closure Act and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by inserting "and buildings and property referred to in subparagraph (B)(ii) which have not been identified as suitable for use to assist the homeless under subparagraph (C)," after "subparagraph (D),".

(2) Section 2905(b)(6)(F)(i) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting "and buildings and property referred to in subparagraph (B)(ii) which have not been identified as suitable for use to assist the homeless under subparagraph (C)," after "subparagraph (D),".

RECOGNITION OF RADIO AMATEURS

The text of the joint resolution (S.J. Res. 90) to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy, as passed by the Senate on October 6, 1994, is as follows:

S.J. RES. 90

Whereas Congress has expressed its determination in section 1 of the Communications Act of 1934 (47 U.S.C. 151) to promote safety of life and property through the use of radio communication;

Whereas Congress, in section 7 of the Communications Act of 1934 (47 U.S.C. 157), established a policy to encourage the provision of new technologies and services;

Whereas Congress, in section 3 of the Communications Act of 1934, defined radio stations to include amateur stations operated by persons interested in radio technique without pecuniary interest;

Whereas the Federal Communications Commission has created an effective regulatory framework through which the amateur radio service has been able to achieve the goals of the service;

Whereas these regulations, set forth in part 97 of title 47 of the Code of Federal Regulations clarify and extend the purposes of the amateur radio service as a—

(1) voluntary noncommercial communication service, particularly with respect to providing emergency communications;

(2) contributing service to the advancement of the telecommunications infrastructure;

(3) service which encourages improvement of an individual's technical and operating skills;

(4) service providing a national reservoir of trained operators, technicians and electronics experts; and

(5) service enhancing international good will;

Whereas Congress finds that members of the amateur radio service community have provided invaluable emergency communications services following such disasters as Hurricanes Hugo, Andrew, and Iniki, the Mt. St. Helens eruption, the Loma Prieta earthquake, tornadoes, floods, wildfires, and industrial accidents in great number and variety across the Nation; and

Whereas Congress finds that the amateur radio service has made a contribution to our Nation's communications by its crafting, in 1961, of the first Earth satellite licensed by the Federal Communications Commission, by its proof-of-concept for search and rescue satellites, by its continued exploration of the low Earth orbit in particular pointing the way to commercial use thereof in the 1990s, by its pioneering of communications using reflections from meteor trails, a technique now used for certain government and commercial communications, and by its leading role in development of low-cost, practical data transmission by radio which increasingly is being put to extensive use in, for instance, the land mobile service: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND DECLARATIONS OF CONGRESS.

Congress finds and declares that—

(1) radio amateurs are hereby commended for their contributions to technical progress in electronics, and for their emergency radio communications in times of disaster;

(2) the Federal Communications Commission is urged to continue and enhance the development of the amateur radio service as a public benefit by adopting rules and regulations which encourage the use of new technologies within the amateur radio service; and

(3) reasonable accommodation should be made for the effective operation of amateur radio from residences, private vehicles and public areas, and that regulation at all levels of government should facilitate and encourage amateur radio operation as a public benefit.

UNITED NEGRO COLLEGE FUND WEEK

The text of the joint resolution (S.J. Res. 181) to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week", as passed by the Senate on October 6, 1994, is as follows:

S.J. RES. 181

Whereas in 1943, Dr. Frederick D. Patterson of the Tuskegee Institute convened the first meeting to consider the feasibility of a united appeal on behalf of historically black private colleges and universities;

Whereas on May 13, 1944, the organizing meeting of the United Negro College Fund was held at the Waldorf-Astoria Hotel in New York City;

Whereas Atlanta University, Bethune-Cookman College, Clark College, Dillard University, Fisk University, Gammon Theological Seminary, Morehouse College, Spelman College, and the Tuskegee Institute were the founding member institutions of the United Negro College Fund;

Whereas the initial combined campaign of the United Negro College Fund raised $760,000;

Whereas through the year 1993, the 41 member institutions of the United Negro College Fund now enroll more than 55,000 students, have shared more than $58,000,000, and have raised more than $889,000,000 for the 50th Annual Campaign, and more than $190,000,000 for the United Negro College Fund Capital Campaign 2000; and

Whereas the United Negro College Fund continues to provide students quality academic instruction in a positive learning environment and assist as the mission of the Federal Government to promote equal opportunity in higher education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the week of May 8, 1994, through May 14, 1994, is designated "United Negro College Fund Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate programs, ceremonies, and activities;

(2) Congress salutes and acknowledges the United Negro College Fund, the president of the United Negro College Fund, William H. Gray, III, and the presidents, faculties, staff, and trustees of the 41 member institutions of the United Negro College Fund for their vigorous and persistent efforts in support of equal opportunity in higher education, and commends the students who benefit from the United Negro College Fund for their pursuit of academic excellence; and

(3) this joint resolution may be cited as the "United Negro College Fund 50th Anniversary Resolution".

NATIONAL HEALTH INFORMATION MANAGEMENT WEEK

The text of the joint resolution (S.J. Res. 208) to designate the week of November 6, 1994, through November 12, 1994, as "National Health Information Management Week", as passed by the Senate on October 6, 1994, is as follows:

S.J. RES. 208

Whereas accurate, timely, and complete medical records and related health information play a vital role in planning and providing quality health care for the citizens of the United States, beginning at birth and continuing throughout their lives;

Whereas there is an escalating public concern about the quality, appropriateness, and effectiveness of health care, and, to provide public accountability, specific skills in evaluating and reporting the results of that care are required;

Whereas equitable third-party reimbursement for health care is dependent upon health information that is collected, analyzed, classified, verified, and disseminated;

Whereas computer technology is changing the character of health information, requiring proficiency in designing systems, controlling comprehensive database, managing computer networks and related technology while regulating access to the data, and maintaining the security and confidentiality of individual patient information;

Whereas there is an increasing public awareness of patient rights including the right of patients to access their own medical information;

Whereas protecting the confidentiality of patient-identifiable health data is an important consideration in the contemporary health care environment;

Whereas the health care industry's needs, requirements, and use of health information is changing rapidly, and the rate of change will continue to escalate in the future as new technology is utilized and new health care reform policies are promulgated; and

Whereas the members of the American Health Information Management Association are America's health information leaders, with demonstrated commitment to and expertise in health information management, including balancing patients' rights and confidentiality of health information with legitimate uses of data, serving as an advocate for the patients' right to access their own records, preserving the confidentiality and security of patient data, valuing the quality of health information as evidenced by its integrity, accuracy, consistency, reliability, and validity, valuing the quality of health information as evidenced by its impact on the quality of health care delivery, investigating and applying new technology to advance the management of health information, and developing the computer based-patient record: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 6, 1994, through November 12, 1994, is designated "National Health Information Management Week", and the President is authorized and requested to issue a proclamation calling upon the citizens of the United States to observe that week with appropriate ceremonies and activities.

NATIONAL MILITARY FAMILIES RECOGNITION DAY

The text of the joint resolution (S.J. Res. 209) designating November 21, 1994, as "National Military Families Recognition Day", as passed by the Senate on October 6, 1994, is as follows:

S.J. RES. 209

Whereas the Congress recognizes and supports the Department of Defense policies to recruit, train, equip, retain, and field a military force that is capable of preserving peace and protecting the vital interests of the United States and its allies;

Wheras military families shoulder the responsibility of providing emotional support for their service members;

Whereas, in times of war and military action, military families have demonstrated their patriotism through their steadfast support and commitment to the Nation;

Whereas the emotional and mental readiness of the United States military personnel around the world is tied to the well-being and satisfaction of their families;

Whereas the quality of life that the Armed Forces provide to military families is a key factor in the retention of military personnel;

Whereas the people of the United States are truly indebted to military families for facing adversities, including extended separations from their service members, frequent household moves due to reassignments, and restrictions on their employment and educational opportunities;

Whereas 75 percent of officers and 57 percent of enlisted personnel in the Armed Forces are married;

Whereas families of active duty military personnel (including individuals other than spouses and children) comprise more than one-half of the active duty community of the Armed Forces, and spouses and children of members of the reserve component of the Armed Forces in paid status comprise more than one-half of the individuals constituting the reserve component of the Armed Forces community;

Whereas hundreds of thousands of spouses, children, and other dependents living abroad with members of the Armed Forces face financial hardship and feelings of cultural isolation;

Whereas the significantly reduced global military tensions following the end of the Cold War have resulted in a downsizing of the national defense and a refocusing of national priorities on strengthening the American economy and increasing competitiveness in the global marketplace;

Whereas the Congress is grateful for the sacrifices of military families and is committed to assisting the service members and their families who undergo the transition from active duty to civilian life; and

Whereas military families are devoted to the overall mission of the Department of Defense and have supported the role of the United States as the military leader and protector of the Free World: Now, therefore, be it

Resolved by the Senate and House Representatives of the United States of America in Congress assembled, That November 21, 1994, is designated as "National Military Families Recognition Day" in appreciation of the commitment and devotion of present and former military families and the sacrifices that such families have made on behalf of the Nation and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

NATIONAL MAMMOGRAPHY DAY

The text of the joint resolution (S.J. Res. 220) to designate October 19, 1994, as "National Mammography Day" as passed by the Senate on October 6, 1994, is as follows:

S.J. RES. 220

Whereas, according to the American Cancer Society, 182,000 women will be diagnosed with breast cancer in 1994, and 46,000 women will die from this disease;

Whereas, in the decade of the 1990's, it is estimated that about two million women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with 50 percent of the breast cancer cases occurring in women over age 65;

Whereas 80 percent of women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at an accredited facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives; and

Whereas mammograms can reveal the presence of small cancers up to two years before regular clinical breast examinations or breast self-examinations (BSE), saving as many as a third more lives; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 19, 1994, be designated as "National Mammography Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on October 7, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 21) A bill to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

The message also announced that the Speaker has signed the following bills and joint resolution:

S. 2170. An act to provide a more effective, efficient, and responsive Government.

S. 2406. An act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

H.R. 1520. An act to amend the Petroleum Marketing Practices Act.

H.R. 2826. An act to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

H.R. 2902. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to reauthorize the annual Federal payment to the District of Columbia for fiscal year 1996, and for other purposes.

H.R. 3485. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1995 and 1996.

H.R. 4308. An act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes.

H.R. 4653. An act to settle Indian land claims within the State of Connecticut, and for other purposes.

H.J. Res. 401. Joint resolution designating the months of March 1995 and March 1996 as "Irish-American Heritage Month".

H.J. Res. 417. Joint resolution providing for temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Company and certain of its employees.

MESSAGES FROM THE HOUSE

At 11:45 a.m., message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 4842. An act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes.

H.R. 5200. An act to resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States.

The message also announced that the House has passed the following bills and joint resolutions; each without amendment:

S. 340. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 2534. An act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws.

S.J. Res. 90. Joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

S.J. Res. 221. Joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park.

The message further announced that the House has agreed to the following concurrent resolutions; in which it requests the concurrence of the Senate:

H. Con. Res. 292. Concurrent resolution providing for the printing of a collection of statements made in tribute to the late Speaker of the House of Representatives, Thomas P. "Tip" O'Neill, Jr.

H. Con. Res. 293. Concurrent resolution providing for the printing of the book entitled "History of the United States House of Representatives".

H. Con. Res. 299. Concurrent resolution authorizing the printing of the book entitled "Hispanic Americans in Congress".

H. Con. Res. 313. Concurrent resolution providing for a technical correction in the enrollment of S. 21.

The message also announced that the House has passed the bill (S. 784) to amend the Federal Food, Drug and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes, with an amendment; in which it requests the concurrence of the Senate.

The message further announced that the House has passed the joint resolution (S.J. Res. 227) to approve the location of a Thomas Paine Memorial, with amendments; in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 4709) to make certain technical corrections, and for other purposes.

At 3:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 4867) to authorize appropriations for high-speed rail transportation, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

At 4:55 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills; in which it requests the concurrence of the Senate:

H.R. 3344. An act for the relief of Lloyd B. Gamble.

H.R. 3917. An act for the relief of Arthur A. Carron, Jr.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 1927) to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3313) to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes, with amendments; in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3664) to direct the Secretary of the Interior to transfer certain national fish hatcheries, with an amendment; in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to H. Res. 577 stating that the bill of the Senate (S. 1216) to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

ENROLLED JOINT RESOLUTION SIGNED

At 5:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 221. Joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

MESSAGES FROM THE HOUSE

At 6:26 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 5231. An Act to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior.

The message also announced that the House has passed the following bill; without amendment:

S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1348) to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4950) to extend the authorities of the Overseas Private Investment Corporation.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes.

At 10:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it request the concurrence of the Senate:

H.R. 934. An act to amend title 28, United States Code, relating to jurisdictional immunities of the Federal Republic of Germany, to grant jurisdiction to the courts of the United States in certain cases involving acts of genocide occurring against United States nationals during World War II in the predecessor states of the Federal Republic of German, or in any territories or areas occupied, annexed, or otherwise controlled by those states.

H.R. 4522. An act to amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes.

H.R. 4852. An act to provide congressional approval of a governing international fishery agreement, to authorize appropriations for the Coast Guard for fiscal year 1995, and for other purposes.

H.R. 4946. An act to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes.

H.R. 5164. An act to provide for the enrollment of individuals enrolled in a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision in the Federal Employees Health Benefits Program.

H.R. 5179. An act to amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, and for other purposes.

H.R. 5220. An act to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, Arizona, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal years 1994 and 1995.

H.R. 5243. An act to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other programs.

H.R. 5244. An act to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.

H.R. 5245. An act to provide for the extension of certain programs relating to housing and community development, and for other purposes.

H.R. 5246. An act to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

H.J. Res. 184. Joint resolution designating the weekend of October 15–16, 1994, as "Small Towns and Townships Weekend".

H.J. Res. 411. Joint resolution designating October 29, 1994, as "National Firefighters Day".

H.J. Res. 413. Joint resolution designating November 1, 1994, as "National Family Literacy Day".

H.J. Res. 425. Joint resolution providing for the convening of the First Session of the One Hundred Fourth Congress.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2384. An act to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes.

The message further announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 2073. An act to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse", and for other purposes.

S. 2100. An act to provide for rural development, multiple-use management, expenditures under the Knutson-Vandenburg Act of 1930, and ecosystem-based management of certain forest lands, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization.

The message further announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 2372) to reauthorize for three years the Commission on Civil Rights, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 14. Concurrent Resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration.

H. Con. Res. 35. Concurrent resolution recognizing Belleville, New Jersey, as the birthplace of the industrial revolution in the United States.

H. Con. Res. 314. Concurrent resolution providing for the printing of a collection of statements made in tribute to Representative Jamie L. Whitten.

H. Con. Res. 315. Concurrent resolution providing for an adjournment or recess of the two Houses.

The message further announced that the House has passed the following bills and joint resolutions, each without amendments:

S. 2395. An act to designate the United States Federal Building and Courthouse in Detroit, Michigan, as the "Theodore Levin Federal Building and Courthouse", and for other purposes.

S. 2407. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2466. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively and for other purposes.

S.J. Res. 220. Joint resolution to designate October 19, 1994, as "National Mammography Day".

S.J. Res. 229. Joint resolution regarding United States policy toward Haiti.

At 10:47 p.m. a message from the House of Representatives, delivered by Mr. Hays, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 4497. An act to award a congressional gold medal to Rabbi Menachem Mendel Schneerson.

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 4278. An act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

H.R. 4379. An act to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes.

H.R. 4950. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

At 12:22 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills; in which it requests the concurrence of the Senate:

H.R. 5252. An act to amend the Social Security Act and related Act to make miscellaneous and technical amendments, and for other purposes.

H.R. 5248. An act to require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes.

The message also announced that the House has passed the following bill, with amendments; in which it requests the concurrence of the Senate:

S. 2345. An act to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes.

The message further announced that the House disagrees to the Senate amendment to the bill (H.R. 5123) to make a technical correction to an act preempting State economic regulation of motor carriers.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 4598) to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on October 7, 1994, she had presented to the President of the United States, the following enrolled bills and joint resolution:

S. 2170. An act to provide a more effective, efficient, and responsive Government.

S. 2406. An act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

S.J. Res. 221. Joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3381. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 90-5; to the Committee on Appropriations.

EC-3382. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92-7; to the Committee on Appropriations.

EC-3383. A communication from the Chief of the Programs and Legislative Division (Office of Legislative Liaison), Department of the Air Force, transmitting, pursuant to law, notice relative to a contract that will continue for a period exceeding ten years; to the Committee on Armed Services.

EC-3384. A communication from the Chief of the Programs and Legislative Division (Office of Legislative Liaison), Department of the Air Force, transmitting, pursuant to law, notice relative to a contract that will continue for a period exceeding ten years; to the Committee on Armed Services.

EC-3385. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a determination relative to the Export-Import Bank and the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-3386. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board and the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, a report of the unaudited financial statements for the period January 1 through June 30, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-3387. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3388. A communication from the Administrator of the Federal Aviation Adminstration, transmitting, pursuant to law, the report relative to the Traffic Alert and Collision Avoidance System; to the Committee on Commerce, Science, and Transportation.

EC-3389. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Relative Cost of Shipbuilding"; to the Committee on Commerce, Science, and Transportation.

EC-3390. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Transportation Security"; to the Committee on Commerce, Science, and Transportation.

EC-3391. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report relative to the Earth's upper atmosphere; to the Committee on Commerce, Science, and Transportation.

EC-3392. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the inventory of all Government-owned uranium or uranium equivalents; to the Committee on Energy and Natural Resources.

EC-3393. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Compact of Free Association with the Republic of Palau; to the Committee on Energy and Natural Resources.

EC-3394. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation to approve the location of the World War II Memorial; to the Committee on Energy and Natural Resources.

EC-3395. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report entitled "Nuclear Waste: Comprehensive Review of the Disposal Program Is Needed"; to the Committee on Energy and Natural Resources.

EC-3396. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on Medicare for fiscal year 1992; to the Committee on Finance.

EC-3397. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report on the impact of the Andean Trade Preference Act for calendar year 1993 ; to the Committee on Finance.

EC-3398. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report on the impact of the Caribbean Basin Economic Recovery Act for calendar year 1993; to the Committee on Finance.

EC-3399. A communication from the U.S. Commissioner, Delaware River Basin Commission, transmitting, pursuant to law, the report of the internal control requirements; to the Committee on Governmental Affairs.

EC-3400. A communication from the U.S. Commissioner, Susquehanna River Basin Commission, transmitting, pursuant to law, the report of the internal control requirements; to the Committee on Governmental Affairs.

EC-3401. A communication from the Manager (Human Resources), Western Farm Credit Bank, transmitting, pursuant to law, the annual report and audited financial statement for calendar year 1993; to the Committee on Governmental Affairs.

EC-3402. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the report of the Opinion and Recommended Decision on Remand; to the Committee on Governmental Affairs.

EC-3403. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Indian Civil Service Retirement Act; to the Committee on Indian Affairs.

EC-3404. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled "The Native American Financial Services Organization Act of 1994"; to the Committee on Indian Affairs.

EC-3405. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the report on the Airmen and Aircraft Registry System; to the Committee on Commerce, Science, and Transportation.

EC-3406. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC-3407. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on coal combustion/desulfurization byproducts; to the Committee on Energy and Natural Resources.

EC-3408. A communication from the Secretary of Energy, transmitting, pursuant to law, the report for the Strategic Petroleum Reserve for the period April 1 through June 30, 1994; to the Committee on Energy and Natural Resources.

EC-3409. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled "Clean Energy Demonstration Project"; to the Committee on Energy and Natural Resources.

EC-3410. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation to approve the location of the Thomas Paine Memorial; to the Committee on Energy and Natural Resources.

EC-3411. A communication from the Administrator of the Environmental Protection Agency and the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Nitrogen Oxide Emissions and Their Control From Uninstalled Aircraft Engines in Enclosed Test Cells"; to the Committee on Environment and Public Works.

EC-3412. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential determination relative to the emigration laws and policies of the Russian Federation; to the Committee on Finance.

EC-3413. A communication from the Attorney General, transmitting, pursuant to law, the report on the Young American Medals for Bravery and Service for calendar year 1992; to the Committee on the Judiciary.

EC-3414. A communication from the General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation entitled "The Patent Application Publication Act of 1994"; to the Committee on the Judiciary.

EC-3415. A communication from the Director of Communications (Legislative Affairs), Equal Employment Opportunity Commission, transmitting, pursuant to law, the report on the operations of the Office of General Counsel for fiscal year 1993; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-646. A petition from a citizen of the State of Texas relative to the regulation of minerals and natural resources; to the Committee on the Judiciary.

POM-647. A resolution adopted by the Senate of the Commonwealth of Kentucky; to the Committee on Governmental Affairs.

"SENATE RESOLUTION 32

"Whereas, the Tenth Amendment to the Constitution of the United States of America reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

"Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States of America and no more; and

"Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

"Whereas, today, in 1994, the states are treated as agents of the federal government; and

"Whereas, numerous resolutions have been forwarded to the federal government by the General Assembly of the Commonwealth of Kentucky without any response or result from the Congress or the federal government; and

"Whereas, many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States of America; and

"Whereas, the United States Supreme Court has ruled in *New York* v. *United States*, 112 S. Ct. 2408 (1992), that Congress simply may not commandeer the legislative and regulatory processes of the states; and

"Whereas, a number of proposals from previous administrations and some now pending from the present administration and from the Congress may further violate the Tenth Amendment to the Constitution of the United States of America: Now, therefore, be it

"*Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

"Section 1. That the Commonwealth of Kentucky hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States of America over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States of America.

"Section 2. That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, issuing mandates to the states that are beyond the scope of its constitutionally-delegated powers.

"Section 3. That the Clerk of the Senate is directed to send copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and President of the Senate of each state's legislature of the United States of America, and Kentucky's Congressional delegation."

REPORTS OF COMMITTEES

The following reports of committee were submitted:

By Mr. PRYOR from the Special Committee on Aging:

Special report entitled "Developments in Aging: 1993," volumes 1 and 2 (Rept. No. 103-403).

By Mr. PELL, from the Committee on Foreign Relations.

Report to accompany the bill (S. 2475) to authorize assistance to promote the peaceful resolution of conflicts in Africa (Rept. No. 103-404).

By Mr. BIDEN, from the Committee on the Judiciary:

Report to accompany the bill (S. 2272) to amend chapter 28 of title 35, United States Code, to provide a defense to patent infringement based on prior use by certain persons, and for other purposes (Rept. No. 103-405).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 2023. A bill to provide for the transfer of certain real property to the General Services Administration and for other purposes (Rept. No. 103-406).

By Mr. BIDEN, from the Committee on the Judiciary:

Report to accompany the bill (S. 1485) to extend certain satellite carrier compulsory licenses, and for other purposes (Rept. No. 103-407).

By Mr. GLENN, from the Committee on Governmental Affairs:

Special report entitled "Corruption In Professional Boxing" (Rept. No. 103-408).

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2150. A bill to establish a Native Hawaiian housing program (Rept. No. 103-409).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 1946. A bill to provide for the repurchase of land taken by eminent domain, by Native American organizations, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following reports of committee were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Report to accompany the nomination of Robert A. Pastor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama (Exec. Report. No. 103-39).

Nominee: Robert A. Pastor.

Post: Ambassador to the Republic of Panama.

Contributions, amount, date, donee:

1. Self and spouse: Robert and Margaret Pastor:

$50—1/20/90—Ben Jones for Congress.
$50—6/10/90—Ben Jones for Congress.
$45—8/22/90—Democratic National Committee.
$50—9/27/90—Ben Jones for Congress.
$40—10/2/90—Democratic National Committee.
$25—7/2/91—Democratic National Committee.
$80—12/19/91—DNC Federal Account.
$40—3/23/92—Worley for Congress.
$200—5/26/92—Clinton for President.
$100—7/2/92—Democractic National Committee.
$300—7/21/92—Clinton for President.
$100—7/23/92—Solarz for Congress.
$200—8/31/92—Solarz for Congress.
$200—9/30/92—Steinberg for Congress.
$100—9/30/92—Fowler for Senate.
$1,000—10/12/92—Clinton-Gore Compliance Fund.
$100—10/12/92—George Democratic Victory Fund.
$100—6/16/93—Georgia Democratic Fund.

2. Children and spouses: Tiffin Margaret, Robert Kiplin, none.

3. Parents: Norman and Ruth Pastor, none.

4. Grandparents: Mr. and Mrs. Abraham Pastor, deceased; Mr. and Mrs. Bernard Kagan, deceased.

5. Brothers and spouses:

Bruce and Joyce Pastor:

$500—6/89—John Kerry for Senate.
$100—2/90—John Kerry for Senate.
$250—10/90—John Kerry for Senate.
$250—2/90—Chet Atkins for Congress.
$50—10/90—Barney Frank for Congress.
$100—9/92—Democratic National Committee.
$100—10/92—Ed Markey for Congress.
$250—4/93—Edward Kennedy for Senate.

Donald Pastor:

$50—1990—Gerry Studds for Congress.
$100—1992—Bill Clinton for President.
$100—1992—Gerry Studds for Congress.
$100—1992—Barney Frank for Congress.
$100—1993—Edward Kennedy for Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Ms. MOSELEY-BRAUN, and Mr. WOFFORD):

S. 2535. A bill to promote a new urban agenda, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DANFORTH (for himself, Ms. MOSELEY-BRAUN, and Mr. DOMENICI):

S. 2536. A bill to encourage the furnishing of health care services to low-income individuals by exempting health care professionals from liability for negligence for health care services provided without charge, except in cases of gross negligence or willful misconduct, and for other purposes; read the first time.

By Mr. DANFORTH:

S. 2537. A bill to regulate interstate commerce by providing uniform principles to address the multiple imposition of punitive damages, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. STEVENS, and Mr. MURKOWSKI):

S. 2538. A bill to amend the Magnuson Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2539. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 2540. A bill to amend the Internal Revenue Code of 1986 to provide for taxpayer empowerment, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2541. A bill to amend the Age Discrimination in Employment Act of 1967 to protect elected judges against discrimination based on age; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2542. A bill to require the Secretary of the Interior to carry out an expedited negotiated settlement of the land rights of the owners of patented and unpatented mining claims within Denali National Parks, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOREN:

S. 2543. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuge System Administration Act of

1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity, to designate special areas where extractive logging is prohibited, to place restraints upon clearcutting and certain other cutting practices on the forests of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG:

S. 2544. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FEINGOLD:

S. 2545. A bill to provide for home community-based services for individuals with disabilities; read the first time.

By Mr. FORD:

S. 2546. A bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON:

S. 2547. A bill to amend title I of the Employee Retirement Income Security Act of 1974, to improve enforcement of such title by adding certain provisions with respect to the auditing of employee benefit plans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. D'AMATO):

S. 2548. A bill to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. DURENBERGER, Mr. GRAHAM, Mr. BINGAMAN, Mr. KOHL, and Mr. FEINGOLD):

S. 2549. A bill to amend the National Trails System Act to expand Federal authority relating to land acquisition for the majority of the trails, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRYOR:

S. 2550. A bill to provide for the sale of certain lands of the University of Arkansas; considered and passed.

By Mr. HEFLIN:

S. 2551. A bill to prohibit the duplication of benefits; considered and passed.

By Mr. ROTH:

S. 2552. A bill to amend the Internal Revenue Code of 1986 to deny the earned income credit to illegal aliens and to prevent fraudulent claims for the earned income credit; to the Committee on Finance.

By Mrs. BOXER:

S. 2553. A bill to amend the Endangered Species Act of 1973 to authorize the Secretary of the Interior to enter into cooperative agreements with States and political subdivisions of States to provide assistance for habitat acquisition to carry out conservation plans, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PELL:

S. 2554. A bill to establish the position of United States Special Envoy for Tibet, and for other purposes; to the Committee on Foreign Relations. .

By Mr. DECONCINI:

S. 2555. A bill to establish Cooperative Units of Research in Infectious Diseases [CURID] to evaluate the potential etiology of chronic inflammatory diseases with emphasis upon arthritis and chronic lung disease; to the Committee on Labor and Human Resources.

By Mr. DANFORTH:

S. 2556. A bill to provide for the portability of validly executed advance directives, to provide patients with a better understanding of their health care choices, and to promote study of the quality of care for the gravely or terminally ill or injured, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. CHAFEE, Mr. COHEN, Mr. COVERDELL, Mr. DANFORTH, Mr. DECONCINI, Mr. GORTON, Mr. GRAMM, Mr. HARKIN, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. KOHL, Mr. LAUTENBERG, Mr. MATHEWS, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PRESSLER, Mr. SHELBY, Mr. SIMON, Mr. STEVENS, Mr. WARNER, and Mr. WOFFORD):

S. Res. 277. A resolution expressing the sense of the Senate that the Schindler Project should be recognized for its efforts to educate high school seniors about the lessons of the Holocaust and the application of those lessons to contemporary society; to the Committee on Labor and Human Resources.

By Mr. ROBB:

S. Res. 278. A resolution relating to Pakistan; to the Committee on Foreign Relations.

By Mr. ROTH:

S. Res. 279. A resolution to state the sense of the Senate concerning the Government of Japan recognizing American college and university branch campuses in Japan as American Institutions of higher learning; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 280. A resolution extending the provisions of Senate Resolution 149 of the One Hundred Third Congress, First Session, relating to the Senate Arms Control Observer Group.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 281. A resolution to authorize testimony by an employee of the Senate and to authorize representation by the Senate Legal Counsel; considered and agreed to.

S. Res. 282. A resolution to direct the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices, and to authorize the Office of the Sergeant at Arms of the United States Senate to intervene and be represented by its counsel of choice in Rhonda Farmer v. Office of Senate Fair Employment Practices, No. 94-6005 (Fed. Cir.); considered and agreed to.

By Mr. BYRD:

S. Res. 283. A resolution relating to the Capitol Preservation Commission; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Ms. MOSELEY-BRAUN, and Mr. WOFFORD):

S. 2535. A bill to promote a new urban agenda, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

NEW URBAN AGENDA ACT OF 1994

Mr. SPECTER. Madam President, I have asked for 15 minutes this morning in morning business to talk about two subjects. First, to offer a resolution acknowledging the efforts of the Schindler Project to educate high school seniors about the horrors of Nazism and the Holocaust against Jewry and to enable our youth to bring those lessons to bear on contemporary society. And also to offer legislation entitled "The New Urban Agenda Act of 1994."

The legislation which I am proposing today is an effort to deal with the problems of the cities of America. It follows recommendations made by the distinguished mayor of Philadelphia, Edward G. Rendell, who worked on these issues in collaboration with the mayors and the League of Cities. Working with Mayor Rendell, we have fashioned this legislation which we are proposing at this time so that our colleagues in the Senate and those in the House, as well, will be in a position to study this legislation in the course of the several months between now and the 104th Congress when we will be reintroducing it and pressing it.

I offer this legislation on behalf of the distinguished Senator from Illinois, Senator CAROL MOSELEY-BRAUN. It will be introduced contemporaneously in the House of Representatives today by Congressman CHRISTOPHER SHAYS of Connecticut.

Madam President, the cities are in urgent need of assistance. The thrust of this legislation is to help the cities of America without the expenditure of Federal Funds but in very carefully targeted ways where existing Federal funds are spent on purchases or on establishment of Federal facilities or on foreign aid funds which should be redeemed in cities and in a variety of other ways without impacting on the Federal budget and without spending more Federal money in light of the very grave restraints there are on the deficit and on the national debt.

This legislation is being introduced, Madam President, as part of a larger legislative program which I have authored and which I intend to introduce to try to help the cities.

It may well be, Madam President, that America has given up on its cities. That is a stark statement but it is one which I believe may be true; that America has given up on its cities. There are many who do not know of city life, who are far removed from the cities and would not be expected to have any key interest in what goes on in the big cities of America.

I cite my own boyhood experience illustratively: Born in Wichita, KS, raised in Russell, KS, a small town of 5,000 people on the plains of Kansas, where there is not much knowledge of what goes on in Philadelphia, PA, my home, or the big cities in your State of

California, Los Angeles, San Francisco, or Chicago.

Those big cities are alien to people in much of America. But there is a growing understanding that the problems of America are created, or at least the small towns are very much affected, by the problems of the big cities.

If you take the Bloods and the Crips gangs from Los Angeles, CA, they are all over America. They are in Lancaster, PA, in Des Moines, IA, and all over America. If you take a town like Williamsport, PA, there is an influx from the criminal element from New York City and Philadelphia; if you take Midwestern towns, from Chicago, from Denver, from the big cities.

The cities are causing an enormous amount of problems for a wide variety of reasons which I cannot cover in the course of these brief few moments that I have allotted to me this morning.

In the cities themselves, there is really an attitude of despair, an attitude of grimness. The metropolitan areas, the suburban areas significantly bypass the problems of the cities, as well.

There are corridors coming into Philadelphia on the Schuylkill Expressway, or on the rapid transit, to save passage from the suburbs into the city, for major financial and commercial centers, banks, insurance companies, brokerage houses, and law firms.

The only time, other than the business day would be, perhaps, to come in for the baseball game when there are baseball, football or basketball games, or the opera. And there are blinders, without really focusing on the problems of the major cities. And that picture is duplicated around the country.

I believe there are ways to assist the cities. Mayor Rendell has come up with this legislative package which has a great many good ideas. One of the elements is to require that a percentage of Government purchases will be directed into distressed urban areas, enterprise zones or empowerment zones. Foreign aid funds ought to be redeemed in a certain percentage, 15 percent, in those zones. When the Federal Government seeks to expand facilities, build new centers, precedence—priority should be given for the location of those facilities in the urban areas.

There should be a recommitment to the Historical Rehabilitation Tax Credit, which produce an enormous number of jobs. The relatively small losses in taxes would be more than offset by the jobs which would be created, people taken off of the welfare rolls and put on the payrolls—additional city taxes, State taxes, and Federal taxes.

I might say parenthetically, Madam President, the Office of Management and Budget, I think, needs a revision of its analysis of economic impact to credit those gains as well as always to figure the costs when the budget implications are considered.

The cities ought to be relieved of the unfunded Federal mandates. On this subject I take my hat off to my distinguished colleague, Senator DIRK KEMPTHORNE, who has pending legislation, a major bill which was tied up on the Senate floor last night. But we really ought to stop a practice coming out of Washington, DC, of telling everyone else what to do and telling them to pay for it. That goes for cities; it goes for States. It it is a matter which the Federal Government thinks ought to be attended to, then we really ought to find the funding sources for it. If it is worthwhile doing we ought to find a way to pay for it. We ought not to impose those mandates on cities or States without their acquiescence.

This legislation has provisions for housing block grants, to allow local governments to use the funds as they see it, without all the Federal red tape.

Also, a curious provision on arbitrage costs. The law now requires taxes to be paid on interest earned in excess of the interest which is paid. I shall not delve into that except to say it is complicated and it costs more money to administer than it gains for the Federal Government in taxes.

Another provision exempts municipalities under certain appropriate circumstances for limitations for obligations on waste cleanup, where there would not be any impact on the obligation of others to have the cleanup—those who caused it—but would enable the municipality to take over land which is now not being used and to put it to productive use.

This legislation, I think would be a very significant first step in helping the cities help themselves.

Madam President, I have sought recognition to express my concern with the plight of our Nation's cities and Washington's apparent increasing neglect of them. To commence an effort to turn this situation around, I am introducing legislation today that will begin to force us to address the continuing decay and decline of our Nation's cities, and to do so without the use of massive Federal outlays. If we are to really address the very serious issues that we face—jobs, teenage pregnancy, welfare reform, and other pressing issues—we cannot give up on our cities. In my judgment, the revitalization of our cities is critical to our domestic peace and international prosperity.

I commend the mayor of Philadelphia, Edward Rendell, for his efforts to revitalize America's cities and his proposal called a New Urban Agenda, which is the basis for much of this legislation. I also want to make mention of my colleague in the House of Representatives who is very familiar with the plight of urban America and who will be introducing companion legislation in the House: Congressman CHRISTOPHER SHAYS of Connecticut. Representative SHAYS is cochairman of the House urban caucus, and has introduced a legislative package called the Urban Marshall Plan containing eight different bills designed to combat the decay of our cities.

As a Philadelphia resident, I have firsthand knowledge of the growing problems that plague our cities. I have long supported a variety of programs to assist our cities such as increased funding for community development block grants and legislation to establish enterprise and empowerment zones. To encourage similar efforts, in April of this year I took the opportunity as a U.S. Senator to host my Republican colleagues on a visit to explore urban problems in my hometown. We talked with people who want to obtain work, but opportunities are few; we saw a crumbling infrastructure and its impact on residents and businesses; we were reminded of the devastating effect that the loss of inner city businesses and jobs has had on our neighborhoods in America's cities.

Historically, cities have been the center of commerce and culture. Surrounding communities have relied on a thriving, growing economy in our metropolitan areas to provide jobs and opportunities. Over the past several decades, however, America's cities have struggled with the loss or exodus of businesses and industry. The resultant tax base shrinkage causes enormous budget problems for city governments. Across the country, cities such as New York, Los Angeles, and the District of Columbia have experienced the flight of major industries to the suburbs.

As a result, city residents who remain are faced with dwindling opportunities leading to welfare dependence and unemployment assistance. The Federal Government has attempted to revitalize our ailing urban infrastructure by providing Federal funding for transit and sewer systems, roads and bridges. Federal assistance for urban areas, however, has become increasingly scarce as we grapple with the Nation's deficit and debt. Therefore, we must find alternatives to reinvigorate our Nation's cities so they can once again be economically productive areas providing promising opportunities for residents and neighboring areas.

The New Urban Agenda legislation encompasses six initiatives that, if passed, would help to revitalize American cities through the use of tax incentives and the easing of Federal regulations.

First, recognizing that the Federal Government is the Nation's largest purchaser of goods and services, this legislation would require that no less than 15 percent of Government purchases be made from businesses and industries within designated urban empowerment zones and enterprise communities. Similarly, it would require that not less than 15 percent of foreign aid funds be redeemed through purchases of products manufactured in urban empowerment zones and enterprise communities. I presented this idea to Treasury Secretary Bentsen at a March 22, 1994, Foreign Operations Subcommittee on Appropriations hearing. The Secretary responded favorably.

I have also written to several mayors across the country regarding this concept. By letter dated July 28, 1994, Miami Mayor Stephen P. Clark responded:

> Miami's selection as a procurement center for foreign aid would be a natural complement to our status as the Business Capital of the Americas.

Miami has a wide range of businesses, such as high-technology firms and medical equipment manufacturers that would benefit from this provision. And by letter dated April 6, 1994, Harrisburg, Pennsylvania Mayor Stephen R. Reed wrote:

> Many of our existing businesses would no doubt seize upon the opportunity to broaden their market by engaging in export activity triggered by foreign aid vouchers * * *. Therefore, in brief, we believe the voucher proposal has considerable merit and that this city would benefit from the same.

I ask unanimous consent that an executive summary and a copy of my letter and the letters from Mayor Clark and Mayor Reed be included in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. [See exhibit 1.]

Mr. SPECTER. To further enhance job opportunities within our urban centers, this legislation contains Mayor Rendell's recommendation that manufacturing technology outreach centers called for in the National Competitiveness Act be located in the urban zones. These proposals do not require new expenditures of Federal funds. Instead, these proposals would require that a minimum amount of existing Government procurement and foreign aid monies be used to spur economic activity within urban areas.

The second major provision of this bill would commit the Federal Government to play an active role in restoring the economic health of our cities by encouraging the location, or relocation, of Federal facilities in urban areas. To accomplish this, all Federal agencies would be required to prepare and submit to the President an urban impact statement detailing the impact that relocation or downsizing decisions would have on the affected city. Presidential approval would be required to place a Federal facility outside an urban area, or to downsize a city based agency.

The third critical component of this bill would revive and expand Federal tax incentives that were eliminated or restricted in the Tax Reform Act of 1986. These provisions offer meaningful incentives to business to invest in our cities. I am calling for the restoration of the historic rehabilitation tax credit which support inner city revitalization projects. According to information provided by Mayor Rendell, there were 8,640 construction jobs involved in 356 projects in Philadelphia from 1978 to 1985 stimulated by the historic rehabilitation tax credit. In Chicago, 302 projects prior to 1985 generated $524 million in investment and created 20,695 jobs. In St. Louis, 849 projects generated $653 million in investment and created 27,735 jobs. Nationally, according to National Park Service estimates for the 16 years before the 1986 Act, the historic rehabilitation tax credit stimulated $16 billion in private investment for the rehabilitation of 24,656 buildings and the creation of 125,306 homes which included 23,377 low- and moderate-income housing units. The enactment of the Tax Act of 1986, and the drastic limitations placed on the utilization of the historic rehabilitation tax credit, dramatically reduced the pool of private investment capital available for rehabilitation projects. In Philadelphia, projects dropped from 356 to 11 by 1988 from 1985 levels. During the same period, investments dropped 46 percent in Illinois and 92 percent in St. Louis.

Another tool, is to expand authorization of commercial industrial development bonds. Under the Tax Reform Act of 1986 authorization for commercial industrial bonds was permitted to expire. Consequently, private investment in cities declined. For instance, according to Mayor Rendell, from 1986—the last year commercial development bonds were permitted—to 1987, the total number of city supported projects in Philadelphia was reduced by more than half. Industrial development or private activity bonds encourage private investment by allowing, under certain circumstances, tax-exempt status for projects where more than 10 percent of the bond proceeds are used for private business purposes. The availability of tax-exempt commercial industrial development bonds will encourage private investment in cities, in particular in the construction of sports, convention and trade show facilities; free standing parking facilities owned and operated by the private sector; air and water pollution facilities owned and operated by the private sector, and industrial parks. The bill I am introducing would allow this. It would also increase the small issue exemption, which means a way to help finance private activity in the building of manufacturing facilities, from $10 million to $50 million to allow increased private investment in our cities.

Finally, a minor change in the Federal Tax Code related to arbitrage rebates on municipal bond interest earnings could free additional capital for infrastructure and economic development by cities. Currently, municipalities are required to rebate to the Federal Government any arbitrage—a financial term meaning interest earned in excess of interest paid on the debt—earned from the issuance of tax-free municipal bonds. Furthermore, I am informed that compliance, or the cost for consultants to perform the complicated rebate calculations, is actually costing municipalities more than the actual rebate owed to the government.

A fourth element of this bill is the elimination of unfunded Federal mandates. I am a cosponsor of legislation, S. 993, introduced by my colleague from Idaho, Senator KEMPTHORNE, that would eliminate unfunded Federal mandates. The language of S. 993 as introduced is written into this legislation. In Senator KEMPTHORNE's home State of Idaho, the city of Boise had to cover over $3 million for eight mandates in fiscal year 1993, according to a report done by the accounting firm of Price Waterhouse for the U.S. Conference of Mayors. I am informed that six Pennsylvania cities: Allentown, Altoona, Philadelphia, Pittsburgh, Wilkes-Barre, and York faced 10 unfunded Federal mandates that cost them a collective total of $17 million for fiscal year 1993. In Philadelphia alone, it will cost city taxpayers approximately $140 million to comply with the worthwhile goals of the Americans with Disabilities Act [ADA]. This is three times the amount the city budgeted for street resurfacing and reconstruction in fiscal year 1994.

All over the country the story is the same. In California, a total of 54 cities had to cover a grand total $948.3 million in unfunded Federal mandates, with Los Angeles paying almost $582 million, according to the report done for the Conference of Mayors. In Texas, 27 cities had to cover $316 million in unfunded mandates, with Houston covering $154 million. New York State had nine cities working to find $517 million and New York City was $475 million of that total. Illinois, in fiscal year 1993, had 22 cities facing a total of $88 million, with Chicago comprising $70 million of that number.

Individual cities are facing incredible financial burdens from unfunded Federal mandates as the Conference of Mayor's report shows. Atlanta, GA had to pay for nine unfunded Federal mandates—totaling almost $50 million—taking much needed funds from infrastructure projects, an overburdened criminal justice system, and housing programs. Phoenix, AZ has had to raise consumer's sewage and water rates to cover the costs of unfunded Federal mandates, almost $36 million, along with curtailing most of the city's service departments. The release from Federal mandates would allow Houston, TX to allocate $154 million more for the maintenance of city property and public safety. The U.S. Conference of Mayors report presents similar facts on 314 cities. It is critical that as legislators we financially back the laws we write, or otherwise provide the appropriate assistance so that municipalities can comply.

A fifth provision of this legislation provides needed reforms to regulations concerning affordable housing. This legislation changes the section 8 rental subsidies—from 15 to 50 percent—to provide increased assistance for renters in urban areas, and to make Federal dollars go further. There is also language in the bill to study streamlining Federal housing program assistance to urban areas into block grant form so that municipal agencies can better serve local residents. Finally, I have improved the circumstances of public housing tenants by encouraging the location of newly built units on the lots of demolished older housing and allowing the original residents to move into the new units. This provision will contribute to community stability and promote urban renewal.

Lastly, the development of urban areas can be accelerated by being more realistic on environmental factors on urban land. Provisions in this legislation will encourage the redevelopment of industrial sites by cities, without fear of incurring liability as "potentially liable parties" under Superfund laws, by providing a "governmental exception." This measure also contains a provision for a pilot powerplant designed to burn solid waste and create inexpensive energy for energy intensive industries. Such a plant will create jobs and help provide a solution for cities to deal with their treatment of waste.

Mr. President, this effort to help our cities is good public policy. I am introducing this bill at this time so that my colleagues have an opportunity to review and consider it between Congresses. I urge the input of my colleagues on this pressing matter. The plight of our cities is of extreme concern to me. During the 104th Congress I intend to press ahead with this and other legislation with the ultimate goal of restoring the former vitality of our cities which can only help make our country stronger and more competitive.

I ask unanimous consent to place additional material in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

EXECUTIVE SUMMARY OF SENATOR SPECTER'S NEW URBAN AGENDA ACT OF 1944

A. Promotes Urban Economic Development through Empowerment and Enterprise Zones. Requires a portion of federal and foreign aid purchases, (not less than 15 percent) and commits the government to purchase recycled products, from businesses operating in the urban zones. The proposed Manufacturing Technology Outreach centers would also be located in the zones. Legislation to implement these centers, the National Competitiveness Act (S. 4/H.R. 820), is currently in conference.

B. Locating/Relocating Federal Facilities in Distressed Urban Areas. Requires an urban impact statement, with Presidential approval, that details the impact on cities of agency downsizing or relocation. Under the bill, a "distressed urban area" follows HUD's definition, namely any city having a population of more than 100,000.

C. Revives and Expands Federal Tax Incentives. Expands the Historic Rehabilitation Tax Credit reduced in 1986. It would restore the issuance of tax-free industrial development bonds, and would allow cities to keep arbitrage earned from the issuance of tax-free municipal bonds. Currently, local governments are required to rebate to the federal government arbitrage earned from the issuance of tax-free municipal bonds, and often spend more on compliance than on the actual rebate.

D. Eliminate Unfunded Federal Mandates. Incorporates languages of S. 993. Six Pennsylvania cities faced 10 mandates that cost them a total of $17 million in FY93; for instance it will cost Philadelphia $140 million to comply with the ADA in FY94. In FY93, California had 54 cities covering $948.3 million in unfunded mandates, with Los Angeles paying almost $582 million. Texas had 27 cities facing a $316 million shortfall with Houston paying $154 million. New York had 9 cities paying $517 million with New York City making up $475 million of the total. Illinois had 22 cities covering $88 million with Chicago comprising $70 million of that number.

E. Lifts Federal Restrictions on Community-Based Housing Development. The Section 8 rent subsidies allocated to specific affordable housing developments would be raised from 15 percent to 50 percent. To boosts the efficiency of regional housing authorities, a study would be done to streamline current and future housing programs into "block grants." The bill would also allow the reconstruction of new units on demolished sites, and relocate the original tenants to the newly constructed units.

F. Address Urban Environmental Challenges. Promotes the ability of cities to redevelop contaminated industrial sites, and order a study to find a speedier remediation process for those sites that would qualify. The bill also establishes a pilot power plant designed to give energy intensive industry a place to dispose solid waste and get inexpensive electricity. This provision would provide a pilot for the development of a comprehensive national strategic energy intensive industry initiative.

U.S. SENATE,
Washington, DC, March 29, 1994.

Hon. STEPHEN R. REED,
Mayor, Harrisburg, PA.

DEAR STEPHEN, I was interested to read in the Washington Post on March 20, 1994, of Philadelphia Mayor Rendell's interest in requiring some amount of foreign aid to be issued in vouchers "redeemable only in distressed cities." I raised this idea with Secretary of Treasury Bentsen at a hearing before the Foreign Operations Subcommittee on Appropriations on Tuesday, March 22, 1994. I agree that we must look for innovative ways to make cities attractive investment opportunities for the businesses of the future. Foreign aid vouchers could play an effective role in accomplishing this objective.

In order to flesh out this foreign aid proposal in more detail, I am interested in your views on whether this would be an effective tool in attracting investment capital to cities. If you could have someone on your staff help us identify which business activities and services in Harrisburg could be useful in extending foreign assistance, I would be very appreciative. This information will help me in pursuing this idea in my capacity as a member of the Foreign Operations Subcommittee.

I look forward to working with you on this important matter. Please have your staff contact Morrie Ruffin (202 224-9016) of my staff with any information that could be useful in this endeavor.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, March 31, 1994.

Hon. STEVE CLARK,
Mayor, Miami, FL.

DEAR MAYOR CLARK: I was interested to read in the *Washington Post* on March 20, 1994, of Philadelphia Mayor Rendell's interest in requiring some amount of foreign aid to be issued in vouchers "redeemable only in distressed cities." I raised this idea with Secretary of Treasury Bentsen at a hearing before the Foreign Operations Subcommittee on Appropriations on Tuesday, March 22, 1994. I agree that we must look for innovative ways to make cities attractive investment opportunities for the businesses of the future. Foreign aid vouchers could play an effective role in accomplishing this objective.

In order to flesh out this foreign aid proposal in more detail, I am interested in your views on whether this would be an effective tool in attracting investment capital to cities. If you could have someone on your staff help us identify which business activities and services in Harrisburg could be useful in extending foreign assistance, I would be very appreciative. This information will help me in pursuing this idea in my capacity as a member of the Foreign Operations Subcommittee.

I look forward to working with you on this important matter. Please have your staff contact Morrie Ruffin (202 224-9016) of my staff with any information that could be useful in this endeavor.

My best.

Sincerely,

ARLEN SPECTER.

OFFICE OF THE MAYOR,
THE CITY OF HARRISBURG,
Harrisburg, PA, April 6, 1994.

Hon. ARLEN SPECTER,
Washington, DC.

DEAR SENATOR SPECTER: This is to acknowledge and thank you for your correspondence, which I was pleased to receive on April 4, 1994, regarding the suggestion by the Mayor of Philadelphia that a portion of foreign aid be issued in the form of vouchers that would be redeemable only in distressed cities.

The concept has considerable merit and we would support such. The key to such a voucher provision having a measurable and nearly immediate impact in urban communities would be for a proper and clearly stated definition of the words "distressed cities." At a minimum, such a definition should stipulate that eligible cities would be those with 15% or more of its households living at or below the Federal poverty income level.

I suspect that most cities would be able to benefit by such a voucher program. It would redirect investment, development and growth forces into such cities since foreign aid vouchers would represent a far less speculative venture and, in some cases, a literally guaranteed opportunity.

In the case of the City of Harrisburg, there are few areas of products and services which could not be provided. Many of our existing businesses would no doubt seize upon the opportunity to broaden their market by engaging in export activity triggered by foreign aid vouchers. Our infrastructure is sufficient to also accommodate additional growth of existing and new businesses and industries.

Therefore, in brief, we believe the voucher proposal has considerable merit and that this City would benefit from the same.

I appreciate your affording us this opportunity to express an opinion on the subject.

With warmest personal regards, I am

Yours sincerely,

STEPHEN R. REED,
Mayor.

CITY OF MIAMI,
Miami, FL, July 28, 1994.

Hon. ARLEN SPECTER,
Washington, DC.

DEAR SENATOR SPECTER: On behalf of the City of Miami, thank you for including our community in your and Mayor Rendell's proposal to require some amount of foreign aid to be issued in vouchers, which can be redeemed in distressed cities throughout the country. The initiative set forth in Mayor Rendell's New Urban Agenda, will benefit Greater Miami/Dade County, should our application for Empowerment Zone or Enterprise Community status be successful. Miami's selection as a procurement center for foreign aid would be a natural complement to our status as the Business Capital of the Americas.

My staff and The Beacon Council, Greater Miami/Dade County's economic development organization, have been working for the past several months with Doug Troutman of your staff to determine which business activities and services in Miami could be useful in extending foreign assistance. Toward this end, Mr. Troutman has been extremely helpful in providing further background information to assist our efforts. We look forward to working with you and your staff further on this important issue.

On behalf of our community, thank you for involving Miami in this significant project.

Sincerely,

STEPHEN P. CLARK,
Mayor.

By Mr. DANFORTH (for himself, Ms. MOSELEY-BRAUN, and Mr. DOMENICI):

S. 2536. A bill to encourage the furnishing of health care services to low-income individuals by exempting health care professionals from liability for negligence for health care services provided without charge, except in cases of gross negligence or willful misconduct, and for other purposes; read the first time.

THE CHARITABLE MEDICAL CARE ACT OF 1994

• Mr. DANFORTH. Mr. President, Senator MOSELEY-BRAUN and I are introducing today a bill that we hope will give some needed reinforcement to free clinics and volunteers in every community providing charitable medical services to those who cannot afford to pay for medical care. We have called this bill the Charitable Medical Care Act of 1994 and its purpose is to expand the concept of the good Samaritan laws, giving immunity from civil liability for care rendered in emergency situations, to encompass charitable medical care provided without charge.

There are over 170 free clinics across our country, as well as countless volunteers that provide care to those without means to pay. Over time, it is my hope that we will find ways to expand health insurance coverage to all. But until we reach that goal, and probably continuing even after that, these clinics and volunteers are badly needed and wonderful examples of the giving elements of the medical community. We need their contribution and they deserve our support.

A major concern that free clinics have identified—and one that they believe is an obstacle to achieving greater participation by health professionals—is the concern for an increased malpractice exposure for those who volunteer to provide such services. While lawsuits against free clinics and other volunteer health professionals have been rare, the complexities of malpractice insurance in those settings and the perception that there is higher risk of suit in such settings make this a formidable barrier to participation.

Virginia passed legislation to provide immunity from negligence for health professionals who give free services and the free clinics there have found it to be a tremendous boost to their participation rates. I am inserting in the RECORD an article written by a physician who is the chairman of Medical Services at the Bradley Free Clinic of Roanoke, VA. His article provides a good overview of the services provided by free clinics and the need for this legislation. It is my hope that in passing this bill, we will help health care volunteers and the clinics in which they serve.

I also want to acknowledge the initiative of Sister Christine Bowman from the Saint Therese Medical Center in Waukegan, IL, in bringing this issue to our attention and in her tireless efforts to support and move forward with this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CARE FOR THE POOR? WE FOUND A SOLUTION

(By Kevin C. Kelleher, M.D.)

One way or another, there will apparently be changes in our health-care system. But how soon or how comprehensive, no one really knows. Meanwhile, a lot of people, including many of the working poor, don't have health insurance and can't afford adequate care. In my opinion, the medical profession should be doing something about that now, without waiting for the government to act.

What we can do right away, in many communities and for hardly any money, is set up free clinics. The idea isn't new or revolutionary. In fact, free clinics are already working—some for more than 18 years—in at least 120 places, according to the Free Clinic Foundation of America. They're an interim solution, but also adaptable to whatever major reform comes along.

I'm chairman of medical services at the Bradley Free Clinic of the Roanoke Valley, in Roanoke, Va., established in 1974. Patients there get more than $2 of services for every dollar donated to us. In 1991 alone, we collected more than $380,000 in cash contributions, which went toward 6,000 patient visits and some 11,000 prescriptions.

These patients aren't getting low-quality medicine, either. We provide all of their primary care, including lab tests, X-rays, dental care, and free medications. (Try finding dental care and prescriptions in a typical universal-coverage proposal.) In addition, specialists volunteer to treat patients in-office or at the clinic.

In some respects, clinic care goes beyond that provided to insured patients. At our free clinic, we give patients more training in basic self-care and hygiene than most insured people get.

More important, free clinics can link with social services that help provide such things as drug treatment, prenatal care, and teen counseling. Private practices rarely have the time or staff to do this.

Our local hospitals and medical societies endorse us, and we have the financial support of area businesses and charitable organizations such as United Way. We've even received some grant money from national corporations.

We also enjoy backing from pharmaceutical companies and medical- and dental-equipment suppliers. One dental firm donated nearly $100,000 in X-ray equipment on the condition that we let its salespeople bring clients in to observe the technology in action.

Word of our success has spread. We've helped start 10 other clinics in six states, from Illinois to Mississippi. And you can imagine my surprise when we got an inquiry from the former Soviet Union. Health-care consultants from nine African nations visited our clinic last year and left with much-needed insight into caring for the poor.

LEGAL WORRIES ARE NOT A PROBLEM

Community-minded doctors and businesses have been the back-bone of our clinic, but state legislators made it possible for us to donate our time. That's because doctors who work at free clinics in Virginia are shielded against malpractice suits. The legislation, enacted in 1978, was recently amended to include retired physicians who volunteer, and specialists who use their own offices to see clinic patients.

With such protection, it would be easy to drop our guard. But we follow the same protocols at the clinic as we do with our private patients, including quality-review checks. Volunteer nurses continually monitor records and keep tabs on outcomes. This is important because patients are likely to see a different physician on each visit. Our statistics tell us the clinic doctors are treating the same problems—and getting the same good results—that we already see in our private practices. The only difference is that patients aren't charged anything.

We've adopted a few other policies to head off problems: Abusive or intoxicated patients are discharged for good. Also, we don't dispense controlled substances. Prescriptions for scheduled drugs are filled at cost by local pharmacists, or gratis if patients truly can't afford them.

Although we'll see anyone in an emergency, every patient who uses the clinic is screened for need at the first visit. Unemployment isn't a prerequisite. In fact, 60 percent of our patients have jobs. The rest are on fixed incomes, temporarily out of work, or Medicare-eligible without Part B coverage.

Clinic patients appreciate our services so much that they're careful not to abuse them, as they might be tempted to do under an entitlement program. (Still, some "free" clinics in other areas of the country charge nominal fees for visits and prescriptions, to guard against abuses.)

Our rules are seldom broken, and we've never been sued. When times are tough, patients are grateful for free care. Several years ago, for instance, one unemployed cardiac patient wrote a letter praising use to former President Ronald Reagan. The commendation we got back from the Gipper hangs in or waiting room.

Some patients take such pride in the clinic that they also volunteer their time—an hour or two each month to do filing, housekeeping, or landscaping. Others sit with patients and take down the information we use to screen each person for need.

Today, 120 physicians—one-third of the doctors in Roanoke—work at the clinic (each averaging two to three hours a week) or take referrals in their own offices. Even the doctors who don't see patients at the clinic appreciate the importance of what we're doing: In 1991, 128 non-participating physicians made contributions to our fund drives.

Additional services at the clinic are contributed by more than 100 pharmacists, nurses, front-desk staffers, lab technicians, dentists and hygienists.

We're all kept hopping when the clinic opens at 5:30 p.m. Three or four physicians are on duty, and each of us usually sees 25 to 30 patients a night. Patients understand there may be a long wait, but eventually gets seen. (We make appointments only for physicals.) Most of us don't leave until 10 p.m., and occasionally later.

In response to the demand for our services, the clinic grew from 2,500 square feet of donated space in 1974 to 7,000 square feet in a new building today. An architectural firm drew up the plans for free, and local builders supplied much of the materials at cost. The rest of the money came from corporate grants and donations.

We now have nine modern, well-equipped exam rooms and four dental stations. That's quite a difference from our beginnings on the creaky first floor of an old house, with $250 in the bank and shower curtains separating the exam areas. We had one doctor and one nurse then.

GET YOUR CLINIC STARTED—NOW

If you want to start such a clinic, plenty of assistance is available. Here in Roanoke, we established the Free Clinic Foundation of America to help create new facilities and support existing ones. We've put together a "how-to" handbook as well as a national directory listing 120 free clinics. With more funding, physician participation, and community interest, many other clinics can be set up.

Our foundation will work for congressional legislation, federal grant money, and funding from private sources to create as many as 24 new clinics a year over the next three years, each treating about 4,000 to 6,000 patients. This is a start, but hundreds more free clinics would be needed to extend basic coverage to most of the nation's medically indigent.

To encourage doctors to participate in our proposed national network for free clinics, we need more protection against malpractice suits. Last spring, I met with the staff of Rep. John D. Dingell (D-Mich.) to present a version of Virginia's Volunteer Clinic Act. The bill would provide the same malpractice immunity we enjoy in Virginia to all doctors who donate their services to free clinics. But, as with any proposed legislation, it may be several years before it becomes law. Meanwhile, the need for such clinics isn't likely to diminish anytime soon.●

By Mr. DANFORTH:

S. 2537. A bill to regulate interstate commerce by providing uniform principles to address the multiple imposition of punitive damages, and for other purposes; to the Committee on the Judiciary.

MULTIPLE PUNITIVE DAMAGES FAIRNESS ACT OF 1994

Mr. DANFORTH. Mr. President, I introduce the Multiple Punitive Damages Fairness Act of 1994. This legislation is intended to reform abusive punitive damages awards by disallowing the repeated sanction of punitive damages against the same defendant for one act. By doing so, this bill protects the due process rights of corporate defendants as well as the rights of injured plaintiffs to be compensated, rather than see money which is rightfully theirs be distributed as a windfall.

I believe that punitive damages can be a valuable deterrent and punishment. However, like any sanction, they must be applied with sound judgment. For example, in the Civil Rights Act of 1991, I supported and pushed for the expansion of punitive damages to cases involving intentional discrimination against women, the disabled and religious minorities. It is important that perpetrators of such harms be required to do more than simply supply backpay and reinstatement. But I supported the caps that were placed on these damages because unlimited and disproportionate punishment is pointlessly destructive.

The Multiple Punitive Damages Fairness Act which I introduce today is also designed to bring some modicum of fairness to the awarding of punitive damages. Specifically, the bill establishes the general rule that punitive damages may only be awarded once for harms based on a single act or course of conduct. There are two exceptions to this rule. First, when there is new evidence of additional wrongful behavior by the defendant. Second, if a court determines in a pretrial hearing that prior punitive damages were not high enough to punish the defendant or deter the behavior.

With the exception of those lawyers who reap the windfall millions from repeat punitive damages, nobody seriously argues that repeatedly punishing the same company for one act makes sense or benefits society. On the contrary, out of control punitive awards have had a debilitating effect on many vital high-technology and health-related industries.

And this bill does not adversely impact the rights of plaintiffs to be fully and fairly compensated for any and all harms. On the contrary, my bill protects the rights of future plaintiffs to collect by preventing defendants' assets from being needlessly squandered.

My bill only limits repeated punitive awards and punitive damages do not compensate victims for their loss. Both economic and noneconomic harm are taken care of through compensatory damage awards. Punitive damages are permitted only in order to deter the wrongdoer from repeating the wrongful act and to deter others from taking similar actions. Thus, there can be no credible argument that stopping redundant punitive damages harms victims.

The concept of punitive damages was first articulated in England in 1763. At that time, these damages were referred to as "exemplary damages." According to former Attorney General Griffin Bell, these awards were designed to compensate the victim for nonphysical injuries and to punish the wrongdoer. The typical punitive damages claim arose from an isolated incident involving two parties in which one party's honor was called into question. Since one's honor was highly valued and its injury was not usually included in compensatory damages, the concept of exemplary damages was established.

Between 1763 and the 1960's, the awarding of noneconomic damages became more commonplace as a way to compensate a victim for nonphysical injuries. During the 20th century, however, punitive damages became divorced from the concept of compensation. They became a weapon to punish and deter wrongdoers.

Prior to 1970, punitive or exemplary damages were not commonly awarded. Then, in the mid-1970's, there was an explosion of lawsuits in which plaintiffs sought punitive damages. With the increase in applications came a destructive increase in the amounts of the awards. The Institute for Civil Justice, in a study of 24,000 punitive damage cases, found that between 1965 and 1969 the average sum awarded was $43,000. But, between 1980 and 1984, the inflation-adjusted amounts averaged $729,000—a jump of 1,500 percent.

During this period when punitive damage awards were exploding, many of the academics following the issue criticized their expansion. Professor John Jeffries of the University of Virginia stated that "punitive damages are out of control." Dean Dorsey D. Ellis at Washington University in St. Louis stated that the punitive damage "process currently in place in most jurisdictions contributes substantially to the misallocation of resources and is so lacking in fundamental fairness that it denies defendants, especially institutional defendants, the due process required by the Constitution and embedded in our legal system."

Criticism of punitive damages has not been limited to individual academics. The American College of Trial Lawyers and the American Law Institute each have noted the need for punitive damage reform. The American College of Trial Lawyers, half defense counsel and half plaintiffs' attorneys, has made the following observation: "* * * awards often bear no relation to deterrence and merely reflect a jury's dissatisfaction with a defendant and a desire to punish, often without regard to the true harm threatened by a defendant's conduct." The American Law Institute has stated that "[u]nlike other aspects of tort damages, there is serious debate, both scholarly and political, about whether any punitive component of a tort award is legitimate, as well as sharp controversy about how much to award in this category."

Ultimately, this skepticism about punitive damages has reached the highest court in the land. In 1991, the Supreme Court in Pacific Mutual Life Insurance Co. versus Haslip, expressed concern about punitive damages that run wild and can offend the due process clause of the Constitution. Again, in two more recent cases, TXO Production Corp. versus Alliance Resources Corp. (1993) and Honda Motor Co. versus Oberg (1994), the Supreme Court has expressed strong concern with respect to unbridled punitive damages procedures and awards. Unfortunately, the Court has remained unable to articulate a solution. I ask that a National Law Journal article describing the Court's most recent treatment of the punitive damages issue be included in the RECORD at the close of my remarks.

As the last part of the article suggests, the problem addressed by my bill, that of multiple punishments for the same act, is one which will require some resolution soon. This is logical. The most blatant circumstance for constitutional and public policy objections to punitive damages is where they are awarded over and over without limits for cases arising out of a single act or course of conduct. Not only is it arbitrary and fundamentally unfair to punish someone many times for a single conduct, but repetitive punitive damages awards can strip a corporate defendant of its assets or insurance coverage. This hurts defendant but it also hurts plaintiffs by awarding a windfall to earlier claimant until the coffers are empty.

What do we say to subsequent defendants who have valid claims for compensation? Sorry, we tell them. You get nothing for your suffering. You can't recover your medical bills or lost wages. You missed the gravy train. Someone else already won the sweepstakes. So, Mr. President, plaintiffs and defendants are losing.

And Congress alone is responsible to remedy this problem which has frustrated courts and commentators alike. State and lower Federal courts are powerless. As one frustrated Federal Judge wrote in 1989 in Juzwin versus Amtorg:

> [T]his court does not have the power or the authority to prohibit subsequent awards in other courts, notwithstanding its opinion that such subsequent awards violate the due process rights of the defendants. . . . Until there is uniformity either through Supreme Court decision or national legislation, this court is powerless to fashion a remedy that will protect the due process rights of the defendant or other defendants similarly situated.

Other courts have sent the same message. A Federal District Court in New York wrote "[t]here must * * * be some limit, either as a matter of policy or as a matter of due process, to the amount of times defendants may be punished for a single transaction." (In re Agent Orange Prod. Liab. Litig., 1983.)

State legislatures cannot provide a remedy. A recent study by tort scholars at the American Law Institute concluded that "single-state action * * * is an ineffectual response to the problem [of multiple punitive damages] because one state cannot control what happens in other jurisdictions. In fact, the State that acts alone may simply provide some relief to out-of-state manufacturers at the expense of its own citizen-victims, a situation that hardly provides much law reform incentive for state legislators." (The American Law Institute, "Enterprise Responsibility for Personal Injury—Reporters' Study," Vol. II (1991).)

A Federal solution is the only remedy to the unfairness of multiple punitive damages awards. The Third Circuit Court of Appeals summed it all up when they wrote that "[u]nquestionably, a national solution is needed." (Dunn verses Hovic, 1992). The bill I introduce today will uniformly and effectively protect claimants from the risk that corporate defendants are unfairly stripped of their ability to pay damages. At the same time, this bill will address legitimate due process concerns which arise when a business is punished repeatedly and without limit for just one wrongful act.

I urge my colleagues to consider the merits of this very reasonable measure and take it up in the next Congress.

Mr. President, I ask unanimous consent that the text of the bill and an article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multiple Punitive Damages Fairness Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Purpose.
Sec. 5. Definitions.
Sec. 6. General rule.
Sec. 7. Applicability; preemption; jurisdiction of Federal courts.
Sec. 8. Effective date.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) Multiple or repetitive imposition of punitive damages for harms arising out of a single act or course of conduct may deprive a defendant of all of the assets or insurance coverage of the defendant, and may endanger the ability of claimants to receive compensation for basic out-of-pocket expenses and damages for pain and suffering.

(2) The detrimental impact of multiple punitive damages exists even in cases that are settled, rather than tried, because the threat of punitive damages being awarded results in a settlement that provides for a higher award amount than would ordinarily be obtained. To the extent that this premium exceeds what would otherwise be a fair and reasonable settlement for compensatory damages, assets that could be available for satisfaction of future compensatory claims are dissipated.

(3) Fundamental unfairness results when anyone is punished repeatedly for what is essentially the same conduct.

(4) Federal and State appellate and trial judges, and well-respected commentators, have expressed concern that multiple imposition of punitive damages may violate constitutionally protected rights.

(5) Multiple imposition of punitive damages may be a significant obstacle to global settlement negotiations in repetitive litigation.

(6) Limiting the imposition of multiple punitive damages awards would facilitate the resolution of mass tort claims involving thousands of injured claimants.

(7) Federal and State trial courts cannot provide solutions to problems caused by the multiple imposition of punitive damages because they lack the power or authority to prohibit subsequent awards in other courts.

(8) Individual State legislatures can create only a partial remedy to address problems caused by the multiple imposition of punitive damages, because each State lacks the power to control the imposition of punitive damages in other States.

SEC. 4. PURPOSE.

The purpose of this Act is to provide a fair and balanced resolution to the problem of multiple imposition of punitive damages in interstate commerce.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term "punitive damages" means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future;

(2) the term "specific findings of fact" are findings in written form focusing on specific behavior of a defendant that demonstrates a conscious, flagrant, indifference to the safety or welfare of the claimant; and

(3) the term "claimant" means—

(A) any person who brings a civil action and any person on behalf of whom such action is brought;

(B) if such action is brought through or on behalf of an estate, the term includes the claimant's decedent; and

(C) if such action is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian.

SEC. 6. GENERAL RULE.

(a) GENERAL RULE.—Except as provided in subsection (b), punitive damages shall be prohibited in any civil action in Federal or State court in which such damages are sought against a defendant based on the same act or course of conduct for which punitive damages have already been awarded against such defendant.

(b) CIRCUMSTANCES FOR AWARD.—

(1) SUBSTANTIAL NEW EVIDENCE.—If the court determines in a pre-trial hearing that the claimant will offer new and substantial evidence of previously undiscovered, additional wrongful behavior on the part of the defendant, other than the injury to the claimant, the court may award punitive damages in accordance with subsection (c).

(2) INSUFFICIENT AWARD.—If the court determines in a pre-trial hearing that the amount of punitive damages previously imposed were insufficient to either punish the defendant's wrongful conduct or to deter the defendant and others from similar behavior in the future, the court may award punitive damages in accordance with subsection (c).

(c) LIMITATIONS ON AWARD.—A court awarding punitive damages pursuant to subsection (b) shall—

(1) make specific findings of fact on the record to support the award;

(2) reduce the amount of the punitive portion of the damage award by the sum of the amounts of punitive damages previously paid by the defendant in prior actions based on the same act or course of conduct; and

(3) prohibit disclosure to the jury of the court's determination and action under this subsection.

SEC. 7. APPLICABILITY; PREEMPTION; JURISDICTION OF FEDERAL COURTS.

(a) APPLICABILITY TO PUNITIVE DAMAGES ACTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act shall apply to any civil action brought on any theory where punitive damages are sought based on the same act or course of conduct for which punitive damages have already been awarded against the defendant.

(2) STATUTORY EXCEPTION.—This Act shall not apply to any civil action involving damages awarded under any Federal or State statute that prescribes the amount of punitive damages to be awarded.

(b) PREEMPTION.—Except as provided in subsection (a)(2), this Act shall supersede any Federal or State law regarding recovery for punitive damages.

(c) JURISDICTION OF FEDERAL COURTS.—The district courts of the United States shall not have jurisdiction over any civil action pursuant to this Act based on sections 1331 or 1337 of title 28, United States Code.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the date of its enactment.

(b) PENDING ACTIONS.—This Act shall apply to—

(1) any civil action pending on the date of enactment of this Act; and

(2) any civil action commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred prior to such date.

[From the National Law Journal, Aug. 1, 1994]

TORTS

(By Sheila L. Birnbaum and J. Russell Jackson)

On June 24, near the end of its term, the U.S. Supreme Court rendered its decision in *Honda Motor Co.* v. *Oberg*[1] a products liability case involving a constitutional challenge to a punitive damages award. The 7-2 decision is a high-water mark in the recent Supreme Court decisions on the subject, as it represents the largest number of justices agreeing that punitive damages awards may violate due process. The case is almost certain to spawn numerous constitutional challenges to punitive damages awards in products liability litigation, as it reaffirms the viability of due process challenges to punitive damages and reserves for another day the question of "the character of the standard that will identify unconstitutionally excessive awards."

To understand the significance of Oberg fully, one must review the two Supreme Court decisions that affirmed punitive damages awards in the face of due process challenges. In *Pacific Mutual Life Insurance Co.* v. *Haslip*,[2] the court affirmed a punitive damages award in an insurance fraud case. The justices explained that punitive damages awards could violate due process, but they refused to declare what minimum procedures are required to keep a state punitive damages award from being constitutionally impermissible.

The Haslip court merely held that Alabama's procedures governing punitive damages awards did not violate due process. The procedures approved by the court included jury instructions that limit the jury's discretion in awarding punitive damages, substantive trial court review of the verdict and substantive appellate review of the verdict.

The Haslip court also declared that a punitives award should bear "some reasonable relationship to compensatory damages," and that the approximate 4-to-1 ratio in that case of punitive damages to compensatory damages "may be close to the line of constitutional propriety."

The lack of a well-defined constitutional standard in Haslip led to some confusion among courts and litigants about the boundaries of due process in punitive damages procedures. Some courts established more rigorous procedures in light of Haslip.[3] Others upheld punitive damages schemes by finding that *Haslip* did not establish the bare minimum of process due to defendants.[4]

Court watchers waited expectantly for guidance when the court rendered its decision last summer in *TXO Production Corp.* v. *Alliance Resources Corp.*[5] In *TXO*, an intentional tort case involving slander of title to land, the court affirmed the constitutionality of a punitive damages award that was 526 times the amount of the compensatory damages award.

The TXO court did not articulate a clear standard for evaluating whether the $10 million punitive damages award comported with due process. A majority of the TXO court agreed that punitive awards must comport with due process, with a plurality requiring such awards to be procedurally fair and noting that "concerns of reasonableness probably enter into the constitutional calculus."

The dissent in TXO attacked the plurality for summarily reaffirming the notion that there are constitutional limits to punitives awards and "abandon[ing] all pretense of providing further instruction." Justice Anthony M. Kennedy, in his concurrence, complained that the plurality's "reasonableness" standard was unclear. Justice Antonin Scalia, in another concurrence, accused the plurality of leaving the door open to the assertion of a standardless substantive due process right.

Oberg is the first case in which the court has overturned a punitive damages award for failure to comply with due process, and it represents the first real attempt by the court to begin sketching the boundaries of due process with respect to punitive damages.

The facts in Oberg are somewhat unusual, which means the holding will have little direct effect on the punitive damages schemes of most states. The principles articulated by the court, however, lay important groundwork for future constitutional challenges to punitive damages awards.

The defendant in Oberg had been found liable in a products liability suit for $735,512.31 in compensatory damages and $5 million in punitive damages. The defendant sought post-verdict review of the punitives award in the trial court and on appeal. The Oregon Supreme Court declined to review the award, relying on a 1910 amendment to the Oregon Constitution that prohibits judicial review of the amount of punitive damages awarded by a jury "unless the court can affirmatively say there is no evidence to support the verdict." Oregon appears to be the only state to prohibit judicial review of punitive damages awards.

The Oregon Supreme Court, according to the U.S. Supreme Court's opinion, refused to "interpret Haslip to hold that an award of punitive damages, to comport with the requirements of the Due Process Clause, always must be subject to a form of post-verdict or appellate review that includes the possibility of remittitur."

The Oregon court was confident that the Oregon punitive damages scheme comported with due process, as it provided for very detailed jury instructions with substantive criteria and required that the plaintiff prove entitlement to punitive damages by clear and convincing evidence. The scheme also allowed courts to reverse punitive awards when there was no evidence to support liability for punitive damages. Additionally, Oregon law required the trial judge to determine that a prima facie case for punitive damages had been presented before evidence of the defendant's wealth could be submitted to the jury.

The safeguards of the Oregon scheme did not comport with due process, the Supreme Court held. The "decision to punish a tortfeasor by means of an exaction of exemplary damages is an exercise of state power that must comply with the Due Process Clause of the Fourteenth Amendment."

The justices held that judicial review must cover more than whether there is evidence to support liability for any award of punitive damages. Due process requires a judicial review of the propriety of the *amount* of punitive damages awarded. As the court explained:

"Oregon, unlike the common law, provides no assurance that those whose conduct is sanctionable by punitive damages are not subjected to punitive damages of arbitrary amounts. What we are concerned with is the possibility that a guilty defendant may be unjustly punished; evidence of guilt warranting some punishment is not a substitute for evidence providing at least a rational basis

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Footnotes at end of article.

for the particular deprivation of property imposed by the State to defer future wrongdoing."

The analysis the Oberg court used in arriving at its conclusion that the punitives award violated due process is telling. It reflects more of the historical approach advocated by Justice Scalia than the procedural due process analysis that Justice Sandra Day O'Connor has advocated.

In Haslip, the majority failed to articulate the standard it used to evaluate whether the punitive award comported with due process. Justice Scalia, in his Haslip concurrence, advocated a primarily historical analysis: "If the government chooses to follow a historically approved procedure, it necessarily provides due process, but if chooses to depart from historical practices, it does not necessarily deny due process."

Justice O'Connor, in her *Haslip* dissent, had proposed different criteria, based on the Supreme Court's landmark 1976 procedural due process decision in *Mathews v. Eldridge*.[6] In her view, the court should look at three factors in evaluating punitive awards: "(1) the private interest at stake; (2) the risk that existing procedures will wrongly impair this private interest, and the likelihood that additional safeguards can effect a cure; and (3) the governmental interest in avoiding these additional procedures."

The Supreme Court's decision in *Oberg* focused almost exclusively on the fact that judicial review of the amount of punitive damages awards has a long historical basis. The court relied on English cases from the 18th century, U.S. common-law decisions from the 19th century treatises to conclude that "judicial review of the size of punitive damages awards has been a safeguard against excessive verdicts for as long as punitive damages have been awarded." Modern practice, the court stated, "is consistent with these earlier authorities."

Perhaps most interesting was the court's pronouncement that "abrogation of a well-established common law protection against arbitrary deprivations of property raises a presumption that its procedures violate the Due Process Clause."

Because the Oregon procedure departed from "traditional" procedure without providing substitute safeguards, the court concluded that it violated due process. As Justice Scalia elaborated in his concurrence, "The deprivation of property without observing (or providing a reasonable substitute for) an important traditional procedure for enforcing state-prescribed limits upon such deprivation violates the Due Process Clause."

Justice Ruth Bader Ginsburg, joined by Chief Justice William H. Rehnquist, criticized in her dissent the majority's reliance on history as the standard for due process, and she took issue with conclusions the majority drew about historical procedures. She noted that the majority "barely acknowledges the large authority exercised by American juries in the 18th and 19th centuries." Juries usually had the power to determine both law and fact, she observed, and common-law courts "reviewed punitive damage verdicts extremely deferentially, if at all."[7]

Two aspects of the *Oberg* opinion ensure that there will be future due process challenges to punitives awards. First, the court stated in strong terms its concern about the potential for unfairness that is inherent in punitive damages awards. Second, it recognized that historical change may require adaptation of punitives standards that were satisfactory at one point in history.

The court warned, "Punitive damages pose an acute danger of arbitrary deprivation of property. Jury instructions typically leave the jury with wide discretion in choosing amounts, and the presentation of evidence of a defendant's net worth creates the potential that juries will use their verdicts to express biases against big business, particularly those without strong local presences."

The *Oberg* court also encouraged future challenges by reserving the question of what standard identifies a constitutionally excessive punitives award and by discussing the effect of historical change on the constitutional analysis. The court recognized that not all change from historical procedures would violate due process, because the law must respond to changes in society. The court cited as an example the expansion of the notion of personal jurisdiction in the 1945 case *International Shoe Co. v. Washington*,[8] which developed as a new business entity, the corporation, whose ability to conduct business without physical presence had created new problems not envisioned by rules developed in another era," as well as to the "dramatic improvements in communication and transportation that made litigation in a distant forum less onerous."

The fact of historical change will play prominently in the analysis of future punitive damages challenges. Modern products liability litigation bears little resemblance to tort litigation of the 18th and 19th centuries. Defendants in some jurisdictions are now held liable for punitive damages based on underlying strict liability theories that, by their very terms, may ignore traditional notions of fault. This represents a sharp break from the past.

Moreover, the development of sophisticated mass production processes and the emergence of national and international corporations make it increasingly likely that a defendant may be held liable for punitive damages in numerous different law suits for the same course of conduct: marketing a single type of product. The potential for arbitrariness in awards of this type is magnified by the fact that in many jurisdictions—as was the case in *Oberg*—the jury may base its award in part on the net worth of the defendant.

Thus, a products liability defendant may be subject to numerous punitive damages awards for the same conduct, with each award being intended to punish the defendant fully on the basis of the defendant's net worth. This, too, appears to be at odds with the historical application of punitive damages.

Basing multiple punitive damages awards on a defendant's net worth is seen to prejudice large corporate defendants in particular. One commentator[9] has posited this example: Company A is 10 times larger than Company B. Both make the same type of product, and both have identical management and costs, so that Company A's annual net profit is 10 times larger than company B's. If each is sued for product defects at the same rate, Company A will pay 10 times more in compensatory awards each year than Company B.

But the punitives awards against the larger company are exponentially higher than those against the smaller company, even though they are premised on the same misconduct. Because each punitive award is based on the company's net worth, each award Company A pays already will be 10 times more than Company B's. If it pays 10 times as many awards, at the end of each year Company A will have paid 100 times the punitive damages than Company B did. This, it may be argued, is the sort of arbitrariness inherent in modern punitive damages awards that violates due process.

The Supreme Court has not yet been confronted with challenges, such as the examples given above, that go to the heart of products liability litigation. It seems clear that in the wake of *Oberg*, such challenges will be made, and that given the court's concern about arbitrary punitives awards, the court may well decide to hear them.

FOOTNOTES

(1) 1994 WL 276687 (U.S., June 24, 1994).

(2) 111 S. Ct. 1032 (1991).

(3) See, e.g., Johnson v. Hugo's Skateway, 974 F.2d 1408 (4th Cir. 1992); Mattison v. Dallas Carrier Corp., 947 F.2d 95 (4th Cir. 1991); Garnes v. Fleming Landfill Inc., 413 S.E.2d 897 (W.Va 1991).

(4) See, e.g., Dunn v. Hovic, 1 F.3d 1371 (3d Cir.), cert. denied, 114 S. Ct. 650 (1993).

(5) 113 S. Ct. 2711 (1993).

(6) 424 U.S. 319 (1976).

(7) Although it might seem surprising that justice Scalia voted with the majority given the historical overlay that Justice Ginsburg crafted in her dissent, his position was consistent with his dissent in TXO, in which he said, "To say (as I do) that 'procedural due process' requires judicial review of punitive damages awards for reasonableness is not to say that there is a federal constitutional right to a substantively correct 'reasonableness' determination."

(8) 326 U.S. 310 (1945).

(9) Malcolm W. Wheeler, "A Proposal for Further Common Law Development of the Use of Punitive Damages in Modern Product Liability Litigation," 40 Ala. L. Rev. 919 (1989).

By Mr. KERRY (for himself and Mr. STEVENS):

S. 2538. A bill to amend the Magnuson Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUSTAINABLE FISHERIES ACT

Mr. KERRY. Mr. President, on March 1, 1977 the United States Fishery Conservation and Management Act of 1976 was signed into law in response to an urgent threat to the valuable living marine resources of our coastal waters. At that time, the threat to our domestic fisheries came in the form of an efficient and aggressive state-of-the-art foreign fishing fleet that was operating within sight of our shores and displacing our domestic fishermen and processors. In response, Congress, led by Senator Warren Magnuson, passed the Fishery Conservation and Management Act establishing a 200-mile fishery conservation zone and asserting United States management authority over fish within the conservation zone, as well as over anadromous species such as salmon throughout their migratory range. In honor of Senator Magnuson's leadership, in 1980 the act was officially retitled the Magnuson Fishery Conservation and Management Act.

The Magnuson Act succeeded—it limited the operation of foreign fishing vessels and processors and encouraged the development of the U.S. domestic fishing fleet and processing industry. In 1993, U.S. commercial fishermen landed over 10 billion pounds of fish, producing $3.4 billion in dockside revenues. By weight of catch, the United States is now the world's sixth largest fishing nation. The United States is also the top seafood exporter, with exports valued at $3.1 billion in 1993.

However, we have succeeded too well in some ways and today there is another threat to our coastal fisheries. This time it comes not from abroad but from ourselves. Since the implementation of the Magnuson Act, the number of commercial groundfish vessels in New England has increased by 70 percent, and the number of fishermen has risen by 130 percent. Although fish and shellfish are renewable resources, they are not unlimited. In several U.S. fisheries, a pattern has been repeated: Fishermen, lured by the promise of large and lucrative harvests, enter a fishery when fish populations are abundant. As the fishery develops, larger boats often replace small boats, the number of boats increases, and new technologies are continually introduced to improve each vessel's fishing power and efficiency. In several U.S. fisheries, these trends have been bolstered by government policies, including tax incentives and Federal loan guarantees, designed to stimulate development of the domestic fishing industry. The result is that the harvesting capacity in many fisheries has outpaced the capacity of the fisheries to renew themselves. U.S. fisheries also have suffered from destruction of essential habitat, destructive fishing practices, and water pollution.

The key to the success of the Magnuson Act is the ability of the eight regional fisheries management councils established under the act to work with the National Marine Fisheries Service to manage the fisheries on a regional level while meeting the national standards set forth in the Act. The Councils have made a substantial effort to manage the nation's fisheries—as of September 1, 1993, 33 fishery management plans are in effect with several others in development. However, their success in managing the nation's fisheries has been mixed. Critics charge that since the enactment of the Magnuson Act, the councils have sometimes reacted to developments in fisheries rather than anticipating problems—even when looming problems are apparent. In addition, the complexity of the process has impeded the council response, often exacerbating the problem. In many instances, minor management actions could have been taken sooner to avoid the need for more dramatic measures later. In some regions, including parts of the Northwest, the Council members are no longer perceived as stewards of the public resource, providing fair and balanced representation, but are seen as protectors of special economic interests. The Magnuson Act requires that Council members be knowledgeable or experienced with regard to the conservation and management, or the recreational or commercial harvest, of the fishery resources within their geographic area of responsibility. However, this requirement has created situations in which Council members may have personal or financial interests in a fishery they are responsible for managing.

In fact, despite the work of the Councils, problems continue to exist in varying degrees in many regions. These include: continued overfishing; lack of coordination between Councils and the Federal Government; lack of accountability; inconsistency in State and Federal management measures; and adoption of unenforceable management measures.

The collapse of the traditional New England groundfish stocks of cod, haddock, and yellowtail flounder unfortunately is an example of what happens when the fisheries management process fails. The commercial fishing industry in Massachusetts was a $300 million industry in 1990. By 1993, revenues had dropped to almost $232 million, and this year revenues are certain to be much lower. In 1993, the decline of these valuable fish stocks necessitated a substantial amendment to the fisheries management plan for these stocks in an effort to eliminate overfishing by cutting in half fishing mortality over the next 5 to 7 years. The initiation of regulations necessary to rebuild the fishery has had significant economic impact on the lives of those in coastal communities throughout New England. The latest reports from the National Marine Fisheries Service indicate that the situation is even worse than predicted, and the New England Council is now considering even more drastic measures. This is a dire situation with potentially disastrous economic and social impacts on the historic fishing communities of New England. I believe it must be addressed and reversed. The bill I am introducing today should have this effect.

Over the last 2 years, the Commerce Committee has conducted a series of hearings here in Washington and in fishing communities around the U.S. coast. We have reviewed comments from members of the fishing industry, the administration, conservation groups, and other public interest groups. This has been a bipartisan effort. I have worked closely with the senior Senator from Alaska. We and our colleagues share the desire to ensure plentiful yields of fish for years to come. The bill that I am introducing today is an effort to address the existing problems of the fisheries management process. Even though I do not anticipate it can be passed during the very few days remaining before this Congress concludes its work, I think it is important to present it now to permit interested persons to voice any concerns they may have about its provisions so these can be considered and addressed if appropriate, thereby enabling us to move forward with expedience when the new Congress convenes next year.

I recognize that this bill is ambitious in scope. However, the fisheries of the United States are at a crossroads and significant action is required to remedy our fisheries management problems and preserve the way of life of our fishing communities. Fish on the dinner table is something that many Americans may have taken for granted in the past; but unless we take steps to ensure that these resources are conserved, they will not be there for future generations. I hope my colleagues will join me in committing themselves to passing legislation in the next year to ensure that the fisheries of the United States once again will be bountiful and sustainable.

I want to thank the distinguished chairman of the Commerce Committee, Senator STEVENS and his staff, and the staff of the majority and the minority, for their assistance in the preparing this bipartisan bill for introduction today. I also want to express special appreciation to Penny Dalton of the Commerce Committee's National Ocean Policy Study Majority Staff, Mara Brown, a fellow on the Committee staff, Steve Metruck, a fellow in my office, Trevor McCabe and John Moran of the Commerce Committee's National Ocean Policy Study Minority Staff, Jim Sartucci, a fellow on the Minority Staff and Earl Comstock of Senator STEVENS' staff for the many hours of collaborative work they invested in the drafting of this bill.

I ask unanimous consent that the statement of Senator STEVENS, followed by a summary of the bill's principal provisions and the bill itself, appear in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Sustainable Fisheries Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Amendment of the Magnuson Fishery Conservation and Management Act.
Sec. 102. Findings; purposes; and policy.
Sec. 103. Definitions.
Sec. 104. Authorization of appropriations.
Sec. 105. Highly migratory species.
Sec. 106. Foreign fishing.
Sec. 107. Permits for foreign fishing.
Sec. 108. Large-scale driftnet fishing.
Sec. 109. National standards.
Sec. 110. Regional fishery management councils.
Sec. 111. Fishery management plans.
Sec. 112. Plan review and implementation.

Sec. 113. Ecosystem management.
Sec. 114. State jurisdiction.
Sec. 115. Prohibited acts.
Sec. 116. Civil penalties and permit sanctions.
Sec. 117. Enforcement.
Sec. 118. North Pacific fisheries conservation.
Sec. 119. Transition to sustainable fisheries.

TITLE II—FISHERY MONITORING AND RESEARCH

Sec. 201. Change of title.
Sec. 202. Registration and data management.
Sec. 203. Data collection.
Sec. 204. Observers wages as maritime liens.
Sec. 205. Fisheries research.
Sec. 206. Incidental harvest research.
Sec. 207. Repeal.
Sec. 208. Clerical amendments.

TITLE III—FISHERIES STOCK RECOVERY FINANCING

Sec. 301. Short title.
Sec. 302. Fisheries stock recovery refinancing.
Sec. 303. Federal financing bank relating to fishing vessels and fishery facilities.
Sec. 304. Fees for guaranteeing obligations.
Sec. 305. Sale of acquired collateral.

TITLE IV—ATLANTIC TUNAS CONVENTION ACT

Sec. 401. Short title.
Sec. 402. Research and monitoring activities.
Sec. 403. Advisory committee procedures.
Sec. 404. Regulations.
Sec. 405. Fines and permit sanctions.
Sec. 406. Authorization of appropriations.
Sec. 407. Report.

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. AMENDMENT OF MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 102. FINDINGS; PURPOSES; AND POLICY.

Section 2 (16 U.S.C. 1801) is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of (A) increased fishing pressure, (B) the inadequacy of fishery resource conservation and management practices and controls, or (C) direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.";

(2) by inserting "to facilitate long-term protection of essential fish habitats," in subsection (a)(6) after "conservation,";

(3) by adding at the end of subsection (a) the following:

"(9) One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats on a national level. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.";

(4) by inserting "in a non-wasteful manner" in subsection (b)(6) after "such development"; and

(5) by adding at the end of subsection (b) the following:

"(7) to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.".

SEC. 103. DEFINITIONS.

Section 3 (16 U.S.C. 1802) is amended—

(1) by redesignating paragraphs (2) through (32) as paragraphs (3) through (33) respectively, and inserting after paragraph (1) the following:

"(2) The term 'bycatch' means fish which are harvested by a fishing vessel, but which are not sold or kept for personal use, including, but not limited to, economic and regulatory discards.";

(2) by redesignating paragraphs (7) through (33) (as redesignated) as paragraphs (9) through (35), respectively, and inserting after paragraph (6) (as redesignated) the following:

"(7) The term 'economic discards' means fish which are the target of a fishery, but which are not retained by the fishing vessel which harvested them because they are of an undesirable size, sex or quality, or for other economic reasons.

"(8) The term 'essential fish habitat' means any area essential to the life cycle of a stock of fish, or to the production of maximum sustainable yield of one or more fisheries managed under this Act.";

(3) by redesignating paragraphs (12) through (35) (as redesignated) as paragraphs (13) through (36), respectively, and inserting after paragraph (11) (as redesignated) the following:

"(12) The term 'fishery dependent community' means a community which is substantially dependent on the harvest of fishery resources to meet social and economic needs.";

(4) by redesignating paragraphs (19) through (36) (as redesignated) as paragraphs (20) through (37), respectively, and inserting after paragraph (18) (as redesignated) the following:

"(19) The term 'individual transferable quota' means a revocable Federal authorization to harvest or process a quantity of fish under a unit or quota share that represents a percentage of the total allowable catch of a stock of fish, that may be received or held by a specific person or persons for their exclusive use, and that may be transferred in whole or in part by the holder to another person or persons for their exclusive use.";

(5) by redesignating paragraphs (22) through (37) (as redesignated) as paragraphs (23) through (38), respectively, and inserting after paragraph (21) (as redesignated) the following:

"(22) The term 'limited access system' means any system for controlling fishing effort which includes such measures as license limitations, individual transferable quotas, and non-transferable quotas.";

(6) by striking "Pacific Marine Fisheries Commission" in paragraph (23), as redesignated, and inserting "Pacific States Marine Fisheries Commission";

(7) by striking paragraph (27), as redesignated, and inserting the following:

"(27) The term 'optimum', with respect to the yield from a fishery, means the amount of fish which—

"(A) will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities, and taking into account the protection of marine ecosystems;

"(B) is prescribed on the basis of the maximum sustainable yield from a fishery, as modified by any relevant social, economic, or ecological factor; and

"(C) provides for the rebuilding of an overfished fishery to a level consistent with producing the maximum sustainable yield.";

(8) by redesignating paragraphs (28) through (38) (as redesignated) as paragraphs (29) through (39), respectively, and inserting after paragraph (27) (as redesignated) the following:

"(28) The terms 'overfishing' and 'overfished' mean a level or rate of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.";

(9) by redesignating paragraphs (30) through (39) (as redesignated) as paragraphs (31) through (40), respectively, and inserting after paragraph (29) (as redesignated) the following:

"(30) The term 'regulatory discards' means fish caught in a fishery which fishermen are required by regulation to discard whenever caught, or are required by regulation to retain but not sell.";

(10) by striking "for which a fishery management plan prepared under title III or a preliminary fishery management plan prepared under section 201(h) has been implemented" in paragraph (38), as redesignated, and inserting "regulated under this Act";and

(11) by redesignating paragraph (40), as redesignated, as (41), and inserting after paragraph (39) the following:

"(40) The term 'vessel subject to the jurisdiction of the United States' has the same meaning as in section 3(c) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)).".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

The Act is amended by inserting after section 3 the following:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this Act, not to exceed the following sums (of which 15 percent in each fiscal year shall be used for enforcement activities):

"(1) $102,000,000 for fiscal year 1993;
"(2) $106,000,000 for fiscal year 1994;
"(3) $143,000,000 for fiscal year 1995;
"(4) $147,000,000 for fiscal year 1996;
"(5) $151,000,000 for fiscal year 1997;
"(6) $155,000,000 for fiscal year 1998; and
"(7) $159,000,000 for fiscal year 1999.".

SEC. 105. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended by striking "promoting the objective of optimum utilization" and inserting "promote the achievement of optimum yield".

SEC. 106. FOREIGN FISHING.

Section 201 (16 U.S.C. 1821) is amended—

(1) by inserting a comma and "or is approved under section 204(b)(6)(A)(ii)" before the semicolon in subsection (a)(1);

(2) by striking "(g)" in subsection (a)(2) and inserting "(f)";

(3) by striking "(i)" in subsection (c)(2)(D) and inserting "(h)";

(4) by striking ", including any regulations promulgated to implement any applicable fishery management plan or any preliminary fishery management plan" in subsection (c); and

(5) by striking subsection (f) and redesignating subsections (g), (h), (i), and (j) as (f), (g), (h), and (i), respectively.

SEC. 107. PERMITS FOR FOREIGN FISHING.

(a) So much of section 204(b) (16 U.S.C. 1824(b)) as precedes paragraph (2) is amended to read as follows:

"(b) APPLICATIONS AND PERMITS.—

"(1) ELIGIBILITY.—

"(A) Each foreign nation with which the United States has entered into a governing international fishery agreement shall submit an application to the Secretary of State each year for a permit for each of its fishing vessels that wishes to engage in fishing described in subsection (a).

"(B) An owner of a vessel, other than a vessel of the United States, who wishes to engage in the transshipment at sea of fish products in the exclusive economic zone or within the boundary of any State, may submit an application to the Secretary each year for a permit for a vessel belonging to that owner, whether or not such vessel is subject to an international fishery agreement described in section 201(b) or (c).

"(C) No permit issued under this section may be valid for longer than a year. Section 558(c) of title 5, United States Code, does not apply to the renewal of any such permit.".

(b) Section 204(b)(4) (16 U.S.C. 1824(b)(4)) is amended—

(1) by inserting "(A)" after the caption;

(2) by inserting "submitted under paragraph (1)(A)" after "any application";

(3) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(4) by inserting at the end thereof the following:

"(B) Upon receipt of any application submitted under paragraph (1)(B) which complies with the requirements of paragraph (3), the Secretary shall promptly transmit copies of the application or summary as indicated under subparagraphs (A)(ii) and (iii), and shall also promptly transmit such application or summary to States bordering the exclusive economic zone where such transhipment is proposed to occur.".

(c) Section 204(b)(5) (16 U.S.C. 1824(b)(5)) is amended by striking "under paragraph (4)(C)" and inserting "submitted under paragraph (1)".

(d) Section 204(b)(6) (16 U.S.C. 1824(b)(6)) is amended—

(1) by striking "transmitted under paragraph (4)(A)" and inserting "submitted under paragraph (1)(A)" in subparagraph (A);

(2) by inserting "(i)" before "After" in subparagraph (A); and

(3) by inserting before subparagraph (B) the following:

"(ii) In the case of any application submitted under paragraph (1)(B), the Secretary, after taking into consideration any comments submitted by the Council under paragraph (5) or any affected State, may approve the application upon determining that the activity described in the application will be in the interest of the United States and will meet the applicable requirements of this Act, and that the owners or operators have agreed to comply with requirements set forth in section 201(c)(2) and have established any bonds or financial assurances that may be required by the Secretary; or the Secretary may disapprove all or any portion of the application.".

(e) Section 204(b)(8) (16 U.S.C. 1824(b)(8)) is amended—

(1) by inserting a comma and "or the agent for the foreign vessel owner for any application submitted under paragraph (1)(B)" before the semicolon at the end of subparagraph (A); and

(2) by inserting "and any affected State" before the period at the end of subparagraph (C).

(f) Section 204(b)(9) (16 U.S.C. 1824(b)(9)) is amended—

(1) by inserting "paragraph (1)(A) of" after "by a foreign nation under";

(2) by inserting "(A)" after the heading in paragraph (9); and

(3) by adding at the end thereof the following:

"(B) If the Secretary does not approve any application submitted by a foreign vessel owner under paragraph (1)(B) of this subsection, the Secretary shall promptly inform the vessel owner of the disapproval and the reasons therefore. The owner, after taking into consideration the reasons for disapproval, may submit a revised application under this subsection.".

(g) Section 204(b)(11) (16 U.S.C. 1824(b)(11)) is amended—

(1) by inserting "(A)" after the paragraph heading,

(2) by inserting "submitting an application under paragraph (1)(A)" after "If a foreign nation"; and

(3) adding at the end thereof the following:

"(B) If the vessel owner submitting an application under paragraph (1)(B) notifies the Secretary of acceptance of the conditions and restrictions established by the Secretary under paragraph (7), and upon payment of the applicable fees established pursuant to paragraph (10) and confirmation of any bonds or financial assurances that may be required for such transhipment of fish, the Secretary shall thereupon issue a permit for the vessel.".

(h) Section 204 (16 U.S.C. 1824) is amended by adding at the end thereof the following:

"(d) PROHIBITION ON PERMIT ISSUANCE.—Notwithstanding any other provision of this Act, the Secretary is prohibited from issuing, before December 1, 1999, any permit to authorize the catching, taking, or harvesting of Atlantic mackerel or Atlantic herring by foreign fishing vessels within the exclusive economic zone. This subsection shall not apply to permits to authorize foreign fish processing vessels to process Atlantic mackerel or Atlantic herring harvested by fishing vessels of the United States.".

SEC. 108. LARGE-SCALE DRIFTNET FISHING.

(a) Section 206(e) (16 U.S.C. 1826(e)) is amended by striking paragraphs (3) and (4), and redesignating paragraphs (5) and (6) as (3) and (4), respectively.

(b) Section 206(f) (16 U.S.C. 1826(f)) is amended by striking "(6)" and inserting "(4)".

SEC. 109. NATIONAL STANDARDS.

(a) Paragraph (1) of section 301(a) (16 U.S.C. 1851(a)) is amended to read as follows:

"(1) Conservation and management measures shall prevent overfishing and rebuild overfished fishery resources while achieving, on a continuing basis, the optimum yield from each fishery.".

(b) Section 301(a)(5) (16 U.S.C 1851(a)(5)) is amended by striking "promote" and inserting "consider".

(c) Section 301(a) (16 U.S.C. 1851(a)) is amended by adding at the end thereof the following:

"(8) Conservation and management measures shall take into account the importance of the harvest of fishery resources to fishery dependent communities.".

SEC. 110. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) Section 302(a) (16 U.S.C. 1852(a)) is amended—

(1) by inserting "(1)" after the subsection heading;

(2) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (H);

(3) by striking "section 304(f)(3)" wherever it appears and inserting in lieu thereof "paragraph (3)";

(4) by striking paragraph (1)(F), as redesignated, and inserting the following:

"(F) PACIFIC COUNCIL.—The Pacific Fishery Management Council shall consist of the States of California, Oregon, Washington, and Idaho and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Pacific Council shall have 13 voting members, including 7 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State), and including one appointed from an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho in accordance with subsection (b)(5).";

(5) by indenting the sentence at the end thereof and inserting "(2)" in front of "Each Council", and by inserting "The Secretary shall establish the boundaries between the geographical areas of authority of adjacent Councils." after "authority."; and

(6) by adding at the end the following:

"(3) The Secretary shall have authority over any highly migratory species fishery that is within the geographical area of authority of more than one of the following Councils: New England Council, Mid-Atlantic Council, South Atlantic Council, Gulf Council, and Caribbean Council.".

(b) Section 302(b) (16 U.S.C. 1852(b)) is amended—

(1) by striking subparagraph (C) of subsection (b)(1) and inserting the following:

"(C) The members required to be appointed by the Secretary in accordance with subsections (b)(2) and (5).";

(2) by redesignating paragraph (5) as paragraph (6), and inserting after paragraph (4) the following:

"(5)(A) The Secretary shall appoint to the Pacific Fishery Management Council one representative of an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho, from a list of not less than 3 individuals submitted by the tribal governments. The representative shall serve for a term of 3 years and may not serve more than 3 consecutive terms. The Secretary, in consultation with the Secretary of the Interior and tribal governments, shall establish by regulation the procedure for submitting lists under this subparagraph.

"(B) Representation shall be rotated among the tribes taking into consideration—

"(i) the qualifications of the individuals on the list referred to in subparagraph (A),

"(ii) the various treaty rights of the Indian tribes involved and judicial cases that set forth how those rights are to be exercised, and

"(iii) the geographic area in which the tribe of the representative is located.

"(C) A vacancy occurring prior to the expiration of any term shall be filled in the same manner set out in subparagraphs (A) and (B), except that the Secretary may use the list from which the vacating representative was chosen."; and,

(3) by striking "subsection (b)(2)" in paragraph (6), as redesignated, and inserting "subsections (b)(2) and (5)".

(c) Section 302(e) (16 U.S.C. 1852(e)) is amended by adding at the end the following:

"(5) At the request of any voting member of a Council, the Council shall hold a roll call vote on any matter before the Council. The official minutes and other appropriate records of any Council meeting shall identify all roll call votes held, the name of each voting member present during each roll call vote, and how each member voted on each roll call vote.".

(d) Section 302(g) (16 U.S.C. 1852(g)) is amended by redesignating paragraph (4) as

(5), and by inserting after paragraph (3) the following:

"(4) The Secretary shall establish advisory panels to assist in—

"(A) the collection and evaluation of information relevant to the development of or amendment to any fishery management plan under section 303(e)(2); and

"(B) carrying out the purposes of section 303(f).".

(e) Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking "section 304(f)(3)" in paragraphs (1) and (5) and inserting "subsection (a)(3)"; and

(2) by striking "204(b)(4)(C)" in paragraph (2) and inserting "204(b)(4)(A)(iii)".

(f) Section 302(i) (16 U.S.C. 1852(i)) is amended to read as follows:

"(i) NEGOTIATED CONSERVATION AND MANAGEMENT MEASURES.—

"(1) Acting through the Secretary, a Council may, on its own or at the request of the Secretary, establish a negotiation panel to assist in the development of specific conservation and management measures for a fishery under authority of such Council. In making the decision to establish such panel, the Council shall consider whether—

"(A) there are a finite number of identifiable interests that will be significantly affected by the development of such measures;

"(B) there is a reasonable likelihood that a negotiation panel can be convened with a balanced representation of persons who—

"(i) can adequately represent the interests identified under subparagraph (A); and

"(ii) are willing to act in good faith to reach a consensus on the development of a such measures;

"(C) there is reasonable likelihood that a negotiation panel will contribute to the development of such measures within a fixed period of time; and

"(D) the process under this subsection will not unreasonably delay the development of any conservation and management measure or its submission to the Secretary.

"(2) If the Council decides to establish a negotiation panel it shall notify all identifiable interests of its intention to convene such panel at least 30 calendar days prior to the appointment of members. Such notification shall be published in accordance with subsection (j)(2)(C) of this section and shall include—

"(A) a description of the subject and scope of the measures to be developed and the issues to be considered;

"(B) a list of interests likely to be significantly affected by the measures to be developed;

"(C) a list of the persons proposed to represent such interests, the person or persons proposed to represent the Council, and the person or persons proposed to be nominated as facilitator;

"(D) an explanation of how a person may apply or nominate another person for membership on the negotiation panel; and

"(E) a proposed agenda and schedule for completing the work of the negotiation panel.

"(3) No more than 45 calendar days after providing this notification the Council shall make appointments to the negotiation panel in such a manner as to achieve balanced representation of all significant interests to the conservation and management measures. Such interests shall include, where appropriate, representatives from the fishing industry, consumer groups, the scientific community, tribal organizations, conservation organizations and other public interest organizations, and Federal and State fishery managers.

"(4) Each negotiation panel established under this section shall attempt to reach a consensus concerning specific conservation and management measures and any other issue such panel determines is relevant to such measures. The Council, to the maximum extent possible consistent with its legal obligations, will use the consensus of the negotiation panel, with respect to such measures, as the basis for the development of the conservation and management measures to be adopted by the Council or submitted by the Council to the Secretary in accordance with this Act.

"(5) The person or persons representing the Council on a negotiation panel shall participate in the deliberations and activities of such panel with the same rights and responsibilities as other panel members, and shall be authorized to fully represent the Council in the discussions and negotiations of such panel.

"(6) Any facilitator nominated by the Council to a negotiation panel must be approved by the panel by consensus. If the panel does not approve a facilitator nominated by the Council the panel shall select by consensus another person to serve as facilitator. No person appointed by the Council to the negotiation panel to represent any intereston the Council may serve as facilitator or otherwise chair such panel.

"(7) A facilitator approved or selected by a negotiation panel shall—

"(A) chair the meetings of such panel in an impartial manner;

"(B) impartially assist the panel members in conducting discussions and negotiations; and

"(C) manage the keeping of any minutes or records, (except that any personal notes and materials of the facilitator or the panel members shall not be subject to disclosure, except upon order of a court).

"(8) A negotiation panel may adopt any additional procedures for the operation of the negotiation panel not in conflict with those specified in this section.

"(9) At the conclusion of the negotiation process, if the negotiation panel reaches a consensus on proposed conservation and management measures, such panel shall transmit to the Council, and present to the Council at the next scheduled meeting of the Council, a report containing the proposed conservation and management measures. If the negotiation panel does not reach consensus on proposed conservation and management measures, such panel shall transmit to the Council, and present to the Council at the next scheduled meeting of the Council, a report specifying its recommendations and describing the areas in which the negotiation panel reached consensus and the areas in which consensus was not achieved. The negotiation panel may include in a report any other information or materials that such panel considers appropriate. Any panel member may include, as an addendum to the report, additional information or materials.

"(10) A negotiation panel shall terminate upon approval by the Secretary of the conservation and management measures recommended by the Council on the basis of the report by the panel, unless the Council in consultation with the panel, or the panel itself specifies an alternative termination date.

"(11) For the purposes of this subsection—

"(A) The term 'negotiation panel' means an advisory panel established by a Council under section (g)(2) to assist in the development of specific conservation and management measures through the process established under this subsection.

"(B) The term 'consensus' means general but not unanimous concurrence among the interests represented unless such panel—

"(i) agrees by consensus to define such term to mean a unanimous concurrence; or

"(ii) agrees by consensus upon another specified definition.

"(C) The term 'facilitator' means a person experienced or trained in group mediation and negotiation who impartially aids in the discussions and negotiations among the members of a negotiation panel.

"(D) The term 'interest' means, with respect to this subsection, multiple persons or parties who have a similar point of view or which are likely to be affected in a similar manner.".

(g) Section 302(j) (16 U.S.C. 1852(j)) is amended—

(1) by deleting "of the Councils" in paragraph (1) and inserting "established under subsection (g)"; and

(2) by deleting "of a Council:" in paragraph (2) and inserting "established under subsection (g):".

(3) by adding at the end of paragraph (2)(C): "Interested persons may propose to modify the published agenda of a meeting by submitting to a Council, panel or committee within 14 calendar days of the published date of the meeting a notice containing a written description of the proposed modification signed by not less than two Council members.";

(4) by adding the following at the end of paragraph (2)(D): "All written data submitted to a Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the qualifications and interests of the person in the subject of the oral or written statement.";

(5) by amending paragraph (2)(E) to read as follows:

"(E) Detailed minutes of each meeting of the Council shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed, issued, or approved by the Council. The Chairman shall certify the accuracy of the minutes of each meeting and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction."; and

(6) by striking "303(d)" in paragraph (2)(F) and inserting "402(b)".

(g) Section 302(k) (16 U.S.C. 1852(k)) is amended—

(1) by inserting "and recusal" in the subsection heading;

(2) by striking paragraph (1) and inserting the following:

"(1) For the purposes of this subsection—

"(A) the term 'affected individual' means an individual who—

"(i) is nominated by the Governor of a State for appointment as a voting member of a Council in accordance with subsection (b)(2); or

"(ii) is a voting member of a Council appointed under subsection (b)(2); and

"(B) the term 'designated official' means a person with expertise in Federal conflict-of-interest requirements who is designated by the Secretary, with the concurrence of the Council, to attend Council meetings and make determinations under paragraph (7)(B).";

(3) by striking "(1)(A)" in paragraph (3)(A) and inserting "(1)(A)(i)";

(4) by striking "(1)(B) or (C)" in paragraph (3)(B) and inserting "(1)(A)(ii)";

(5) by striking "(1)(B) or (C)" in paragraph (4) and inserting "(1)(A)(ii)";

(6)(A) by striking "and" at the end of paragraph (5)(A);

(B) by striking the period at the end of paragraph (5)(B) and inserting a semicolon and the word "and"; and

(C) by adding at the end of paragraph (5) the following:

"(C) be kept on file by the Secretary for use in reviewing determinations under paragraph (7)(B) and made available for public inspection at reasonable hours.";

(7) by striking "(1)(B) or (C)" in paragraph (6) and inserting "(1)(A)(ii)";

(8) by redesignating paragraph (7) as (8) and inserting after paragraph (6) the following:

"(7)(A) An affected individual required to disclose a financial interest under paragraph (2) shall not vote on a Council decision which would have a significant and predictable effect on such financial interest. A Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the Council decision and an expected benefit, shared only by a minority of persons within the same industry sector or gear group, to the financial interest. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

"(B) At the request of an affected individual, or at the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have a significant and predictable effect on a financial interest.

"(C) Any Council member may submit a written request to the Secretary to review any determination by the designated official under subparagraph (B) within 10 days of such determination. Such review shall be completed within 30 days of receipt of the request.

"(D) Any affected individual who does not participate in a Council decision in accordance with this subsection shall state for the record how he or she would have voted on such decision if he or she had voted.

"(E) If the Council makes a decision before the Secretary has reviewed a determination under subparagraph (C), the eventual ruling may not be treated as cause for the invalidation or reconsideration by the Secretary of such decision.

"(F) No later than December 1, 1995, the Secretary, in consultation with the Councils, shall issue guidelines with respect to voting recusals under subparagraph (A) and the making of determinations under subparagraph (B)."; and

(9) by striking "(1)(B) or (C)" in paragraph (8), as redesignated, and inserting "(1)(A)(ii)".

SEC. 111. FISHERY MANAGEMENT PLANS.

(a) Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) by striking paragraph (6) and inserting the following:

"(6) consider and provide for, after consultation with the Coast Guard and persons participating in the fishery,—

"(A) safety of life and property at sea;

"(B) temporary adjustments regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery (except that any such adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery), and

"(C) enforcement measures (including an estimate of the resources necessary for effective implementation of such measures).";

(2) by striking paragraph (7) and inserting the following:

"(7) facilitate the protection of essential fish habitat by—

"(A) summarizing available information on the significance of such habitat to the fishery and the effects of changes to such habitat on the fishery; and

"(B) identifying Federal actions that should be considered to promote the long-term protection of essential fish habitats.";

(3) by striking "and" at the end of paragraph (8);

(4) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(5) by adding at the end the following:

"(10) specify objective and measurable criteria for classifying when the fishery to which the plan applies would be or is overfished, with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery;

"(11) assess the level of bycatch occurring in the fishery, and to the extent practicable, assess and specify the effect of the fishery on stocks of fish to which the plan does not apply, but which are associated with the ecosystem of the fishery; and

"(12) to the extent practicable, minimize mortality caused by economic and regulatory discards in the fishery.".

(b) Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by striking paragraph (6) and inserting the following:

"(6) establish a limited access system for the fishery in order to achieve optimum yield if—

"(A) in developing such system, the Council and the Secretary take into account present participation in the fishery, historical fishing practices in and dependence on the fishery, the economics of the fishery, the capability of fishing vessels used in the fishery to engage in other fisheries, the cultural and social framework relevant to the fishery and fishery dependent communities, and any other relevant considerations; and

"(B) in the case of any system that provides for individual transferable quotas, such system also complies with the guidelines and fee requirements established under section 303(f);"; and

(2) by striking "and" at the end of paragraph (9);

(3) by striking the period at the end of paragraph (10) and inserting a semicolon and "and"; and

(4) by adding at the end the following:

"(11) include, consistent with the other provisions of this Act, conservation and management measures that provide a harvest preference or other incentives for fishing vessels within each gear group that employ fishing practices resulting in lower levels of bycatch.".

(c) Section 303 (16 U.S.C. 1853) is amended by striking subsection (c) and all thereafter and inserting the following:

"(c) REGULATIONS TO IMPLEMENT A FISHERY MANAGEMENT PLAN.—Proposed regulations which the Council deems necessary or appropriate for the purposes of implementing a fishery management plan or amendment to a plan may be submitted to the Secretary for action under section 304—

"(1) simultaneously with submission of the plan or amendment to the Secretary for action under section 304; or

"(2) at any time after the plan or amendment is approved.

"(d) FISHERIES UNDER AUTHORITY OF MORE THAN ONE COUNCIL.—

"(1) Except as provided in section 302(a)(3), if any fishery extends beyond the geographical area of authority of any one Council, the Secretary may—

"(A) designate which Council shall prepare the fishery management plan for such fishery and any amendment to such plan, as well as any proposed regulations for such fishery; or

"(B) require that the plan, amendment, and proposed regulations be prepared jointly by the Councils concerned.

"(2) No jointly prepared fishery management plan, amendment, or proposed regulations may be submitted to the Secretary unless approved by a majority of the voting members, present and voting, of each Council concerned.

"(e) PREPARATION BY THE SECRETARY.—

"(1) The Secretary shall prepare a fishery management plan with respect to any fishery (other than a fishery to which section 302(a)(3) applies), or any amendment to any such plan, in accordance with the national standards, the other provisions of this Act, and any other applicable law, if—

"(A) the appropriate Council fails to develop and submit to the Secretary, after a reasonable period of time, a fishery management plan for such fishery, or any necessary amendment to such plan, if such fishery requires conservation and management and the Secretary provides written notice to the Council of the need for such conservation and management;

"(B) the Secretary disapproves or partially disapproves any such plan or amendment, or disapproves a revised plan or amendment, and the Council involved fails, after a reasonable period of time, to take final action on a revised or further revised plan or amendment, as the case may be; or

"(C) the Secretary determines that the appropriate Council has failed to take sufficient action on a fishery management plan, a plan amendment or proposed regulations to rebuild an overfished fishery pursuant to section 305(b) within 1 year after determining that such fishery is overfished.

"(2) The Secretary shall prepare a fishery management plan with respect to any highly migratory species fishery to which section 302(a)(3) applies that requires conservation and management, or any amendment to any such plan, in accordance with the national standards, the other provisions of this Act, and any other applicable law. In preparing and implementing any such plan or amendment, the Secretary shall—

"(A) conduct public hearings, at appropriate times and in appropriate locations in the geographical areas concerned, so as to allow interested persons an opportunity to be heard in the preparation and amendment of the plan and any regulations implementing the plan;

"(B) consult with and consider the comments and views of affected Councils, as well as commissioners and advisory groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species;

"(C) establish an advisory panel under section 302(g) for each fishery management plan to be prepared under this paragraph, which shall consist of a balanced number (but not less than seven) of representatives who are knowledgeable and experienced with respect to the fishery concerned selected from among members of advisory groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species and other interested parties;

"(D) evaluate the likely effects, if any, of conservation and management measures on participants in the affected fisheries and minimize, to the extent practicable, any disadvantage to United States fishermen in relation to foreign competitors;

"(E) with respect to a highly migratory species for which the United States is authorized to harvest an allocation or quota or fishing mortality level under a relevant international fishery agreement, provide fishing vessels of the United States with a reasonable opportunity to harvest such allocation, quota, or fishing mortality level;

"(F) review, on a continuing basis (and promptly whenever a recommendation pertaining to fishing for highly migratory species has been made under a relevant international fishery agreement), and revise as appropriate, the conservation and management measures included in the plan;

"(G) diligently pursue, through international entities (such as the International Commission for the Conservation of Atlantic Tunas), comparable international fishery management measures with respect to fishing for highly migratory species; and

"(H) ensure that conservation and management measures adopted under this paragraph—

"(i) promote international conservation of the affected fishery;

"(ii) take into consideration traditional fishing patterns of fishing vessels of the United States and the operating requirements of the fisheries; and

"(iii) are fair and equitable in allocating fishing privileges among United States fishermen and not have economic allocation as the sole purpose.

"(3) In preparing any plan or amendment under this subsection, the Secretary shall consult with the Secretary of State with respect to foreign fishing and with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea.

"(4) The Secretary may not include in any fishery management plan, or any amendment to any such plan, prepared by the Secretary under paragraph (1), a provision establishing a limited access system, unless such system is first approved by a majority of the voting members of each appropriate Council.

"(f) Individual Transferable Quotas.—

"(1) The Secretary may not approve a fishery management plan that includes individual transferable quotas until the Secretary has promulgated guidelines under paragraph (2). Thereafter, the Secretary may approve a fishery management plan or amendment that includes individual transferable quotas only if the plan or amendment is consistent with the guidelines promulgated under paragraph (2).

"(2) The Secretary shall promulgate, after consultation with the Councils and public notice and comment, mandatory guidelines for the establishment of any individual transferable quota system. The guidelines shall—

"(A) ensure that any individual transferable quota system—

"(i) is consistent with the requirements for limited access systems under section 303(b)(6),

"(ii) promotes conservation,

"(iii) requires collection of fees from holders of individual transferable quotas under section 304(f(2),

"(iv) provides for the fair and equitable allocation of fishing privileges, and facilitates a reduction in excessive fishing capacity in the fishery;

"(v) establishes a national lien registry system for the identification, perfection, determination or lien priorities, and nonjudicial foreclosure of encumbrances or individual transferable quotas; and

"(vi) facilitates a reduction in excessive fishing capacity in the fishery;

"(B) address the characteristics of fisheries that are relevant to the design of suitable individual transferable quota systems, the nature and extent of the privilege established under an individual transferable quota system, factors in making initial allocations and determining eligibility for ownership of individual transferable quotas, limitations on the consolidation of individual transferable quotas, and methods of providing for new entrants, including, in fisheries where appropriate, mechanisms to provide a portion of the annual harvest for entry-level fishermen or small vessel owners who do not hold invididual transferrable quotas;

"(C) provide for effective monitoring and enforcement of individual transferable quota systems, including providing for the inspection of fish harvested under such systems before the fish is transported beyond the geographic area under a Council's jurisdiction or the jurisdiction of the United States;

"(D) provide for appropriate penalties for violations of individual transferable quota systems, including the revocation of individual transferable quotas for such violations; and

"(E) include recommendations for potential management options related to individual transferable quotas, including the authorization of individual units or quotas that may not be transferred by the holder, and the use of leases or auctions by the Federal government in the establishment or allocation of individual transferable or nontransferable units or quotas.

"(3) Any fishery management plan which includes individual transferable quotas that the Secretary approved on or before June 30, 1994, shall be amended by June 30, 1997, to be consistent with this subsection and any other applicable provisions of this Act.

"(4) No later than 60 days after the date of enactment of the Sustainable Fisheries Act, the Secretary shall establish an advisory panel on individual transferable quotas under section 302(g)(3) which shall be comprised of fishery scientists and representatives of the Councils, representatives of affected States and fishery dependent communities, fishery participants and conservation organizations. Such advisory panel shall provide recommendations on the guidelines required under paragraph (2), a list of all United States fisheries that may be suited for the development of limited access systems that include individual transferable quotas, and other information as the Secretary or the advisory panel deem appropriate.

"(5) An individual transferable quota does not constitute a property right. Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary to terminate or limit such individual transferable quota at any time and without compensation to the holder of such quota. The term 'holder of an individual transferable quota' includes, (A) fishing vessel owners, fishermen, crew members or other citizens of the United States, and (B) United States fish processors.".

SEC. 112. PLAN REVIEW AND IMPLEMENTATION.

Section 304 (16 U.S.C. 1854) is amended to read as follows:

"SEC. 304. PLAN REVIEW AND IMPLEMENTATION.

"(a) Action by the Secretary After Receipt of Plan.—

"(1) Upon transmittal by the Council to the Secretary of a fishery management plan, or amendment to such plan, the Secretary shall—

"(A) immediately commence a review of the management plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

"(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the document or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

"(2) In undertaking the review required under paragraph (1), the Secretary shall—

"(A) take into account the data, views, and comments received from interested persons;

"(B) consult with the Secretary of State with respect to foreign fishing; and

"(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

"(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

"(A) the applicable law with which the plan or amendment is inconsistent;

"(B) the nature of such inconsistencies; and

"(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

"(4) If the Secretary disapproves or partially approves a plan or amendment, the Council may submit a revised plan or amendment to the Secretary for review under this subsection.

"(b) Action on Regulations.—

"(1) Upon transmittal by the Council to the Secretary of proposed regulations prepared under section 303(c), the Secretary shall immediately initiate an evaluation of the proposed regulations to determine whether they are consistent with the fishery management plan, this Act and other applicable law. Within 15 days of initiating such evaluation the Secretary shall make a determination and—

"(A) if that determination is affirmative, the Secretary shall publish such regulations, with such technical changes as may be necessary for clarity and an explanation of those changes, in the Federal Register for a public comment period of 15 to 60 days; or

"(B) if that determination is negative, the Secretary shall notify the Council in writing of the inconsistencies and provide recommendations on revisions that would make the proposed regulations consistent with the fishery management plan, this Act, and other applicable law.

"(2) Upon receiving a notification under paragraph (1)(B), the Council may revise the proposed regulations and submit them to the Secretary for reevaluation under paragraph (1).

"(3) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (1)(A). The Secretary shall consult with the Council before making any revisions to the proposed regulations, and must publish in the Federal Register an explanation of any differences between the proposed and final regulations.

"(c) Definition.— For purposes of subsections (a) and (b), the term 'immediately' means on or before the 5th day after the day on which a Council transmits to the Secretary a plan, amendment, or proposed regulation that the Council characterizes as final.

"(d) Secretarial Plan Review.—

"(1)(A) Whenever, under section 303(e), the Secretary prepares a fishery management plan or amendment, the Secretary shall immediately—

"(i) for a plan or amendment prepared under section 303(e)(1), submit such plan or amendment to the appropriate Council for consideration and comment;

"(ii) publish in the Federal Register a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

"(B) Whenever a plan or amendment is submitted under subsection (1)(A)(i), the appropriate Council must submit its comments and recommendations, if any, regarding the plan or amendment to the Secretary before the close of the 60-day period referred to in subparagraph (A)(ii). After the close of such 60-day period, the Secretary, after taking into account any such comments and recommendations, as well as any views, data, or comments submitted under subparagraph (A)(ii), may adopt such plan or amendment.

"(2) The Secretary may propose regulations in the Federal Register to implement any plan or amendment prepared by the Secretary. The comment period on proposed regulations shall be 60 days, except that the Secretary may shorten the comment period on minor revisions to existing regulations.

"(3) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (3). The Secretary must publish in the Federal Register an explanation of any substantive differences between the proposed and final rules. All final regulations must be consistent with the plan, with the national standards and other provisions of this Act, and with any other applicable law.

"(e) Judicial Review.—

"(1) Regulations promulgated by the Secretary under this Act and actions described in paragraph (2) shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a complaint for such review is filed within 30 days after the date on which the regulations are promulgated or the action is published in the Federal Register, as applicable; except that—

"(A) section 705 of such title is not applicable, and

"(B) the appropriate court shall only set aside any such regulation or action on a ground specified in section 706(2)(A), (B), (C), or (D) of such title.

"(2) The actions referred to in paragraph (1) are actions that are taken by the Secretary under regulations which implement a fishery management plan, including but not limited to actions that establish the date of closure of a fishery to commercial or recreational fishing.

"(3) (A) Notwithstanding any other provision of law, the Secretary shall file a response to any complaint filed in accordance with paragraph (1) not later than 45 days after the date the Secretary is served with that complaint, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

"(B) A response of the Secretary under this paragraph shall include a copy of the administrative record for the regulations that are the subject of the petition.

"(4) Upon a motion by the person who files a complaint under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date and shall expedite the matter in every possible way.

"(f) Establishment of Fees.—

"(1) The Secretary shall by regulation establish the level of any fees that are authorized to be charged pursuant to section 303(b)(1). The Secretary may enter into a cooperative agreement with the States concerned under which the States administer the permit system and the agreement may provide that all or part of the fees collected under the system shall accrue to the States. The level of fees charged under this paragraph shall not exceed the administrative costs incurred in issuing the permits.

"(2)(A) Notwithstanding paragraph (1), the Secretary shall collect a fee from each person holding an individual transferable quota pursuant to a limited access system established under section 303(b)(6). Fees assessed under this paragraph shall be sufficient to recover the cost of managing the fishery to which the quota applies, including reasonable costs for salaries, training, data analysis and other costs directly related to fishery management and enforcement, up to—

"(i) four percent annually of the value of fish harvested or processed in that year under the individual transferable quota; and

"(ii) an additional 1 percent of the value of fish authorized to be harvested or processed for that year under the individual transferable quota to be assessed on a person receiving an initial quota or transferring a quota.

"(B) The Secretary, in consultation with the Councils, shall promulgate regulations, prescribing the method of determining the value of fish authorized to be taken, the amount of each fee, and the method of collecting fees. Fees collected under this paragraph shall meet the requirements of section 9701(b) of title 31, United States Code. Fees collected under this paragraph shall be an offsetting collection and shall be available only to the Secretary for the purposes of administering and implementing this Act in the region in which the fees were collected.

"(C) Persons holding individual transferable quota pursuant to limited access systems established in the surf clam and ocean quahog fishery or in the wreckfish fishery are exempt from the collection of fees under this paragraph for a period of 5 years from the date of enactment of the Sustainable Fisheries Act.

"(g) Effect of Certain Laws on Certain Time Requirements.—The Secretary shall comply with any applicable provisions of chapter 35 of title 44, United States Code, chapter 6 of title 5, United States Code, and Executive Order Numbered 12866, dated September 30, 1993, within the time limitations specified in subsections (a) and (b).

"(h) Responsibility of the Secretary.—The Secretary shall have general responsibility to carry out the provisions of this Act. The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to discharge such responsibility.".

SEC. 113. ECOSYSTEM MANAGEMENT.

Section 305 (16 U.S.C. 1855) is amended to read as follows:

"SEC. 305. ECOSYSTEM MANAGEMENT.

"(a) Report on Status of Fisheries.—The Secretary shall report annually to the Congress and the Councils on the status of fisheries within each Council's geographical area of authority and identify those fisheries that are approaching a condition of being overfished or are overfished. For those fisheries managed under a fishery management plan, the status shall be assessed using the criteria for overfishing specified by the appropriate Council under section 303(a)(10). A fishery shall be classified as approaching a condition of being overfished if, based on trends in fishing effort, fishery resource size, and other appropriate factors, the Secretary estimates that the fishery will become overfished within two years. Any fishery determined to be a commercial fishery failure under section 316, shall be deemed to be overfished for the purposes of subsections (a) and (b).

"(b) Fishery Recovery Effort.—

"(1) The Council shall take immediate action to prepare a fishery management plan, a plan amendment, or proposed regulations for fisheries under such Council's authority—

"(A) to prevent overfishing of a fishery from occurring whenever such fishery is classified under subsection (a) as approaching an overfished condition, or

"(B) to stop overfishing of a fishery whenever such fishery is classified under subsection (a) as overfished, and to rebuild affected stocks of fish.

"(2) The Council shall submit a fishery management plan, amendment or proposed regulations required under paragraph (1) to the Secretary within 1 year from the date of transmittal of the report on the status of stocks under subsection (a). For a fishery that is overfished, such fishery management plan, amendment or proposed regulations shall specify a time period for stopping overfishing and rebuilding the fishery. The time period shall be as short as possible, taking into account the status and biology of the overfished stock of fish, the needs of fishery-dependent communities, and the interaction of the overfished stock of fish within the marine ecosystem. The time period may not be more than 10 years, except under extraordinary circumstances.

"(3) During the development of a fishery management plan, a plan amendment, or proposed regulations under this subsection, the Council may request that the Secretary promulgate emergency regulations under subsection (e)(2) to reduce overfishing. Any request by the Council under this paragraph shall be deemed an emergency.

"(c) Fish Habitat.—

"(1) The Secretary, in cooperation with the Councils and the Secretary of the Interior, after notice and public comment, shall identify the essential fish habitat for each fishery for which a fishery management plan is in effect. The identification shall be based on the description of essential fish habitat contained in the plan.

"(2) Each Council shall—

"(A) notify the Secretary regarding, and may comment on and make recommendations concerning, any activity undertaken, or proposed to be undertaken, by any Federal or State agency that, in the view of the Council, may have an adverse effect on essential fish habitat of a fishery under its authority; and

"(B) comment on and make recommendations to any Federal or State department or agency concerning any such activity that, in the view of the Council is likely to substantially affect the habitat of an anadromous fishery resource under its jurisdiction.

"(3) If the Secretary receives information from a Council or determines from other sources that an action authorized, funded, carried out, or proposed to be carried out by any Federal agency may result in the destruction or adverse modification of any essential fish habitat identified under paragraph (1), the Secretary shall comment on and make recommendations to the Federal agency concerning that action.

"(4) Within 45 days after receiving a comment or recommendation under paragraphs (2) or (3) from a Council or the Secretary, a Federal agency shall provide a detailed response, in writing, to the commenting Council and the Secretary regarding the matter. The response shall include a description of measures being considered by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with a recommendation from any Council or the Secretary, the Federal agency shall explain its reasons for not following the recommendations.

"(d) GEAR EVALUATION AND NOTIFICATION OF ENTRY.—

"(1) Each Council shall submit to the Secretary by June 1, 1995, information describing (A) all fishing technologies employed under such Council's authority; and (B) all fisheries under the authority of such Council. The Secretary shall compile such information, along with information to comply with both (A) and (B) for fisheries to which section 302(a)(3) applies.

"(2) By July 15, 1995, the Secretary shall publish a proposed list of all technologies and fisheries, for each Council and for fisheries to which section 302(a)(3) applies, in the Federal Register for a public comment period of not less than 60 days. The Secretary shall include with such list specific guidelines for determining when a technology or fishery is sufficiently different from those listed as to require notification under paragraph (3). Within 30 days after the close of the public comment period the Secretary shall publish in the Federal Register a final list (including the guidelines), after taking into account any public comment received.

"(3) Beginning on the date that is 180 days after the date of the publication of the final list required under paragraph (2), no person or vessel shall employ a fishing technology or engage in a fishery that is not included on the final list for the appropriate Council or for fisheries to which section 302(a)(3) applies without first giving 90 days advance written notice of the intent to employ such unlisted technology or engage in such unlisted fishery to the appropriate Council, or the Secretary with respect to a fishery to which section 302(a)(3) applies. Such notice shall be by first class mail, return receipt requested, and shall include information on the use of the unlisted technology in other fisheries, if any, and a detailed description, including drawings, maps or diagrams if appropriate, of the unlisted technology or unlisted fishery which such person or vessel seeks to employ or engage in.

"(4) A Council may submit to the Secretary amendments to the final list published under paragraph (2) to reflect any substantial changes in the fishing technologies employed or fisheries engaged in under the authority of such Council. The Secretary may submit any amendments for fisheries to which section 302(a)(3) applies. The Secretary shall publish any such amendments in the Federal Register as proposed amendments (along with any proposed revisions to the guidelines) to the final list for a public comment period of not less than 60 days. Within 45 days of the close of the comment period, the Secretary shall publish a revised final list incorporating such proposed amendments, after taking into account any public comments received.

"(5) A Council may request the Secretary to promulgate emergency regulations under subsection (e) prohibiting any persons or vessels from employing an unlisted technology or engaging in an unlisted fishery if the appropriate Council, or the Secretary for fisheries to which section 302(a)(3) applies, determines that use of such technology or entry into such fishery would compromise the effectiveness of conservation and management efforts under this Act.

"(6) If, after providing the notice required under paragraph (3), no emergency regulations are implemented under paragraph (5), the person or vessel submitting notice under paragraph (3) may, after the required 90 day period has lapsed, employ the unlisted technology or enter the unlisted fishery to which such notice applies. The signed return receipt shall constitute adequate evidence of the submittal of such notice and the date upon which the 90-day period begins.

"(7) A violation of this subsection shall be considered a violation of section 307, punishable under section 308.

"(e) EMERGENCY ACTIONS.—

"(1) If the Secretary finds that an emergency exists involving any fishery, he may promulgate emergency regulations necessary to address the emergency, without regard to whether a fishery management plan exists for such fishery.

"(2) If a Council finds that an emergency exists involving any fishery within its jurisdiction, whether or not a fishery management plan exists for such fishery—

"(A) the Secretary shall promulgate emergency regulations under paragraph (1) to address the emergency if the Council, by unanimous vote of the voting members of the Council, requests the taking of such action; and

"(B) the Secretary may promulgate emergency regulations under paragraph (1) to address the emergency if the Council, by less than a unanimous vote, requests the taking of such action.

"(3) Any emergency regulation which changes an existing fishery management plan shall be treated as an amendment to such plan for the period in which such regulation is in effect. Any emergency regulation promulgated under this subsection—

"(A) shall be published in the Federal Register together with the reasons therefor;

"(B) shall, except as provided in subparagraph (C), remain in effect for not more than 180 days after the date of publication, and may be extended by publication in the Federal Register for an additional period of not more than 180 days, provided the public has had an opportunity to comment on the emergency regulation, and, in the case of a Council recommendation for emergency regulations, the Council is actively preparing a fishery management plan, amendment, or proposed regulations to address the emergency on a permanent basis;

"(C) that responds to a public health emergency may remain in effect until the circumstances that created the emergency no longer exist, provided that the Secretary of Health and Human Services concurs with the Secretary's action and the public has an opportunity to comment after the regulation is published;

"(D) that reduces overfishing may be approved without regard to the requirements of section 301(a)(1); and

"(E) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, except for emergency regulations promulgated under paragraph (2) in which case such early termination may be made only upon the agreement of the Secretary and the Council concerned.

"(4) The Secretary may, pursuant to guidelines established by a Council in a fishery management plan, close or restrict a particular fishery covered by such fishery management plan in order to prevent overfishing or reduce bycatch. Any such guidelines shall specify appropriate means for providing timely notice to fishermen of any closure or restriction. In exercising the authority granted under this paragraph, the Secretary shall not be required to provide an opportunity for notice and comment if such closure or restriction is done in accordance with the fishery management plan guidelines and does not extend beyond the end of the current fishing period established for that fishery by the fishery management plan.".

SEC. 114. STATE JURISDICTION.

(a) Section 306(b) (16 U.S.C. 1856(b)) is amended by adding at the end the following:

"(3) If the State involved requests that a hearing be held pursuant to paragraph (1), the Secretary shall conduct such hearing prior to taking any action under paragraph (1).".

(b) Section 306(c)(1) (16 U.S.C. 1856(c)(1) is amended—

(1) by striking "and" in subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon and the word "and"; and

(3) by inserting after subparagraph (B) the following:

"(C) the owner or operator of the vessel submits reports on the tonnage of fish received from U.S. vessels and the locations from which such fish were harvested, in accordance with such procedures as the Secretary by regulation shall prescribe.".

SEC. 115. PROHIBITED ACTS.

(a) Section 307(1)(J)(i) (16 U.S.C. 1857(1)(J)(i)) is amended by striking "American Lobster Fishery Management Plan, as implemented by" and ", or any successor to that plan, implemented under this title".

(b) Section 307(1)(L) (16 U.S.C. 1857(1)(L)) is amended to read as follows:

"(L) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, or interfere with any observer on a vessel under this Act, or any data collector employed by or under contract to the National Marine Fisheries Service;".

(c) Section 307(1)(M) (16 U.S.C. 1857(1)(M)) is amended to read as follows:

"(M) to engage in large-scale driftnet fishing on a vessel of the United States or a vessel subject to the jurisdiction of the United States upon the high seas beyond the exclusive economic zone of any nation or within the exclusive economic zone of the United States. Any vessel that is shoreward of the outer boundary of the exclusive economic zone of the United States or beyond the exclusive economic zone of any nation, and that has onboard gear that is capable of use for large-scale driftnet fishing, shall be presumed to be engaged in such fishing, but that presumption may be rebutted; or".

(d) Section 307(2)(A) (16 U.S.C. 1857(2)(A)) is amended to read as follows:

"(A) in fishing within the boundaries of any State, except—

"(i) recreational fishing permitted under section 201(i),

"(ii) fish processing permitted under section 306(c), or

"(iii) transshipment at sea of fish products within the boundaries of any State in accordance with a permit approved under section 204(b)(6)(A)(ii);".

(e) Section 307(2)(B) (16 U.S.C. 1857(2)(B)) is amended by striking "201(j)" and inserting "201(i)".

(f) Section 307(3) (16 U.S.C. 1857(3)) is amended to read as follows:

"(3) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to transfer at sea directly or indirectly, or attempt to so transfer at sea, any United States harvested fish to any foreign fishing vessel, while such foreign vessel is within the exclusive economic zone or within the boundaries of any State except to the extent that the foreign fishing vessel has been permitted under section 204(b)(6)(B) or section 306(c) to receive such fish;".

(g) Section 307(4) (16 U.S.C. 1857(4)) is amended by inserting "or within the boundaries of any State" after "zone".

SEC. 116. CIVIL PENALTIES AND PERMIT SANCTIONS.

(a) The first sentence of section 308(b) (16 U.S.C. 1858(b)) is amended to read as follows: "Any person against whom a civil penalty is assessed under subsection (a), or against whom a permit sanction is imposed under subsection (g) (other than a permit suspension for nonpayment of penalty or fine), may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such order.".

(b) Section 308(g)(1)(C) (16 U.S.C. 1858(g)(1)(C)) is amended by striking the matter from "(C) any" through "overdue" and inserting the following: "(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary, has not been paid and is overdue,".

(c) Section 308(16 U.S.C. 1858) is amended by inserting at the end thereof the following:

"(h) After deduction for any administrative or enforcement costs incurred, all funds collected under this section shall be deposited in a separate account of the Ocean Conservation Trust Fund established under section 315.".

SEC. 117. ENFORCEMENT.

(a) Section 311(e)(1) (16 U.S.C. 1861(e)(1)) is amended—

(1) by striking "fishery" each place it appears and inserting "marine";

(2) by inserting "of not less than 20 percent of the penalty collected" after "reward" in subparagraph (B), and

(3) by striking subparagraph (E) and inserting the following:

"(E) claims of parties in interest to property disposed of under section 612(b) of the Tariff Act of 1930 (19 U.S.C. 1612(b)), as made applicable by section 310(c) of this Act or by any other marine resource law enforced by the Secretary, to seizures made by the Secretary, in amounts determined by the Secretary to be applicable to such claims at the time of seizure; and".

(b) Section 311(e)(2) (16 U.S.C. 1861(e)(2)) is amended to read as follows:

"(2) Any person found in an administrative or judicial proceeding to have violated this Act or any other marine resource law enforced by the Secretary shall be liable for the cost incurred in the sale, storage, care, and maintenance of any fish or other property lawfully seized in connection with the violation.".

(c) Section 311 (16 U.S.C. 1861) is amended by redesignating subsection (f) as subsection (h), and by inserting the following after subsection (e):

"(f) Annual Report on Enforcement.—Each year at the time the President's budget is submitted to the Congress, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall, after consultation with the Councils, submit a report on the effectiveness of the enforcement of fishery management plans and regulations to implement such plans under the jurisdiction of each Council, including—

"(1) an analysis of the adequacy of federal personnel and funding resources related to the enforcement of fishery management plans and regulations to implement such plans; and

"(2) recommendations to improve enforcement that should be considered in developing amendments to plans or to regulations implementing such plans.

"(g) Fishermen's Information Networks.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, shall conduct a program to encourage the formation of volunteer networks, to be designated as Fishermen's Information Networks, to advise on and assist in the monitoring, reporting, and prevention of violations of this Act.".

SEC. 118. NORTH PACIFIC FISHERIES CONSERVATION.

Section 313 (16 U.S.C. 1862) is amended—

(1) by striking "research plan" in the section heading and inserting "conservation"; and

(b) by adding at the end the following:

"(f) Reduction of Waste.—

"(1) No later than January 1, 1996, the North Pacific Fishery Management Council shall include in each fishery management plan under its jurisdiction conservation and management measures, including fees or other incentives, to reduce bycatch in each fishery. Notwithstanding section 304(d), in implementing this subsection the Council may recommend, and the Secretary may approve and implement any such recommendation, consistent with the other provisions of this Act, a system of fees to provide an incentive to reduce bycatch, and, in particular, economic and regulatory discards. Any such system of fees or incentives shall be fair and equitable to all fishermen and United States fish processors, and shall not have economic allocation as its sole purpose.

"(2) Not later than January 1, 1997, the North Pacific Fishery Management Council shall recommend, and the Secretary may approve and implement any such recommendation, consistent with the other provisions of this Act, conservation and management measures to ensure total catch measurement in each fishery under the Council's jurisdiction. Such conservation and management measures shall ensure the accurate enumeration of target species, economic discards, and regulatory discards.

"(3) Beginning on January 1, 1998, such conservation and management measures shall include an allocation preference to fishing and processing practices within each gear group that result in the lowest levels of economic discards, processing waste, regulatory discards, and other bycatch. In determining which practices shall be given priority, the reduction of economic discards shall be given the greatest weight, followed by processing waste (where applicable), regulatory discards and other bycatch, in that order.

"(4) In determining the level of target species catch, economic discards, regulatory discards, other bycatch, and processing waste, the Council and Secretary shall base such determinations on observer data or the best available information.

"(5) In the case of fisheries occurring under an individual transferable quota system under the jurisdiction of the North Pacific Fishery Management Council after January 1, 1998—

"(A) the Council shall designate non-target species, bycatch species, and regulatory discards for each such fishery;

"(B) the Council may not recommend, and the Secretary may not approve, any assignment or allocation of individual transferable quotas for regulatory discards, or non-target species for those fisheries, other than for each individual fishing season on an annual basis pursuant to subparagraph (C) of this subsection; and

"(C) the allocation preference required under paragraph (3) shall be implemented by giving priority in the allocation of quotas for regulatory discards and non-target species and to fishing practices that result in the lowest levels of economic discards, regulatory discards, processing waste, and other bycatch.

"(6) Nothing in this section shall be construed to preclude the North Pacific Fishery Management Council from allocating a portion of any quota for a directed fishery for use as bycatch in another fishery or fisheries, if the Council determines such allocation is necessary to prosecute a fishery, after taking into account the requirements of this section regarding reduction of bycatch and processing waste.

"(g) Full Retention and Full Utilization.—

"(1) The North Pacific Fishery Management Council shall, consistent with the other provisions of this Act, submit to the Secretary by January 1, 1997, a plan to phase-in by January 1, 2000, to the maximum extent practicable, fishery management plan amendments to require full retention by fishing vessels and full utilization by United States fish processors of all fishery resources, except regulatory discards, caught under the jurisdiction of such Council if such fishery resources cannot be quickly returned alive to the sea with the expectation of extended survival.

"(2) The plan shall include conservation and management measures to minimize processing waste and ensure the optimum utilization of target species, including standards setting minimum percentages of target species harvest which must be processed for human consumption.

"(3) In determining the maximum extent practicable, the North Pacific Fishery Management Council shall consider—

"(A) the state of available technology;

"(B) the extent to which species brought on board can be safely returned alive, with the expectation of extended survival, to the sea;

"(C) the extent to which each species is fully utilized as a target species by United States fishermen;

"(D) the impact of different processing practices on the price paid to fishermen and processors;

"(E) the nature and economic costs of each specific fishery; and

"(F) the effect of a full retention or full utilization requirement in a given fishery on other fisheries when compared with the beneficial effect of reducing economic discards and processing waste.

"(4) Notwithstanding section 304(f), the North Pacific Fishery Management Council may propose, and the Secretary may approve and implement any such recommendation, consistent with the other provisions of this Act, a system of fines or other incentives to implement this section. Any such fines or incentive system shall be fair and equitable to all fishing vessels and United States fish processors, and shall not have economic allocation as its sole purpose.

"(h) Regulatory Discards.—

"(1) Regulatory discards shall not be considered an economic discard for purposes of this section, however, the North Pacific Fishery Management Council shall seek to reduce the incidental catch of regulatory discards to the maximum extent practicable while allowing for the prosecution of fisheries under its jurisdiction.

"(2) Not later than January 1, 1996, the North Pacific Fishery Management Council shall propose, and the Secretary may approve and implement any such recommendation, consistent with the other provisions of this Act, for each groundfish fishery under the Council's jurisdiction, conservation and management measures to reduce the incidental harvest of regulatory discards to the minimum level necessary to prosecute directed fisheries for designated target species, and to otherwise meet the requirements of this section. Notwithstanding section 304(f), such conservation and management measures may include a system of fines, caps, or other incentives to reduce the incidental harvest of regulatory discards. Any system of fines or incentives under this section shall be fair and equitable to all fishing vessels and United States fish processors, and shall not have economic allocation as its sole purpose.

"(3) The North Pacific Fishery Management Council shall establish for each fishery which incidentally harvests regulatory discards under the Council's jurisdiction a cap which prevents such regulatory discards from being overfished or from being placed in risk of being overfished. Upon reaching such cap, the commercial fishery in which such regulatory discards are incidentally caught shall be closed for that season.

"(i) Observer Program.—

"(1) Beginning January 1, 1996, the North Pacific Fishery Management Council shall require under the authority granted to it by subsection (a)—

"(A) 100 percent observer coverage on all fishing vessels which can safely accommodate an observer or observers, and at all United States fish processors, and

"(B) for vessels which cannot safely accommodate an observer, statistically reliable sampling of a fishing vessel's effort in each fishery in which that fishing vessel participates,

when such vessel or processor is fishing in a fishery under the North Pacific Fishery Management Council's jurisdiction. In implementing subparagraph (A) the North Pacific Fishery Management Council shall require that more than one observer be stationed on a fishing vessel or at a United States fish processor whenever the Council determines that more than one such observer is necessary to accurately monitor that vessel or processor's operation.

"(2) Observers stationed on fishing vessels or at United States fish processors under the authority of this section shall be paid by the Secretary using funds deposited in the North Pacific Fishery Observer Fund. Such payment shall not make an observer an employee of the Federal Government, unless such observer is otherwise employed by an agency of the United States.

"(3) Failure to pay the fee established by the North Pacific Fishery Management Council under subsection (a) shall be a considered a violation of section 307, punishable under section 308. Any fines collected pursuant to the authority granted by this subsection shall be deposited in the North Pacific Fishery Observer Fund account in the United States Treasury, and shall remain available until expended under the terms of that fund.

"(4) Notwithstanding sections 304(f) and subsection (b), the Secretary is authorized to recover from vessels participating in a fishery under an individual fishing quota regime or other limited access program established by the North Pacific Fishery Management Council, the full cost of any observers stationed on such vessel (including all costs for salaries, expenses, equipment, food and lodging, transportation, insurance, and analysis of observer data, plus reasonable costs for training and administrative overhead). Each participant in an individual fishing quota regime shall only be required to contribute the same proportion of the costs as that participant's quota shares represent to the total number of quota shares in such regime. To the extent that the costs recovered under this paragraph exceed the fee established by the Council under subsection (b), the Secretary shall deduct any payment by a vessel under subsection (b) from the amount owed by such vessel under this paragraph. The Secretary shall deposit any fees collected under this paragraph in the North Pacific Fishery Observer Fund account in the United States Treasury.

"(j) Industry Assistance.—

"(1) The Secretary shall submit a plan by June 1, 1995, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives to develop jointly with industry accurate methods of weighing the fish harvested by U.S. fishing vessels in fisheries under the jurisdiction of the North Pacific Fishery Management Council. Such plan shall include methods for assessing contributions from industry to fund such development, as well as recommendations from the Secretary concerning the level of funds needed to successfully implement the plan in Fiscal Year 1996.

"(2) The Secretary shall submit by January 1, 1995, to the Committee on Commerce, 1995, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a plan to develop markets and harvesting and processing techniques for arrowtooth flounder. The Secretary shall include in such plan recommendations concerning the level of funds needed to successfully implement the plan in Fiscal Year 1996.

"(3) For fiscal years 1995, 1996, 1997, and 1998, $50,000 is authorized to be appropriated for the purposes of implementing paragraph (1), and $250,000 is authorized to be appropriated for programs to implement paragraph (2).

"(k) Definition.—For the purposes of this section, 'processing waste' means that portion of a fish which is processed and which could be used for human consumption or other commercial use, but which is not so used.".

SEC. 119. TRANSITION TO SUSTAINABLE FISHERIES.

(a) The Act is amended by adding at the end of title III the following:

"SEC. 315. TRANSITION TO SUSTAINABLE FISHERIES.

"(a) Sustainable Development Strategy.—

"(1) At the discretion of the Secretary or at the request of the Governor of an affected State or a fishery dependent community, the Secretary, in consultation with the Councils and Federal agencies, as appropriate, may work with regional authorities, affected States, fishery dependent communities, the fishing industry, conservation organizations, and other interested parties, to develop a sustainable development strategy for any fishery classified as overfished under section 305(a) or determined to be a commercial fishery failure under section 316.

"(2) Such sustainable development strategy shall—

"(A) take into consideration the economic, social, and ecological factors affecting the fishery and provide recommendations for addressing such factors in the development of a fishery recovery effort under section 305(b);

"(B) identify Federal and State programs which can be used to provide assistance to fishery dependent communities during development and implementation of a fishery recovery effort;

"(C) develop a balanced and comprehensive long-term plan to guide the transition to a sustainable fishery, identifying alternative economic opportunities and establishing long-term objectives for the fishery including vessel types and sizes, harvesting and processing capacity, and optimal fleet size;

"(D) establish procedures to implement such a plan and facilitate consensus and coordination in regional decision-making; and

"(E) include any program established under subsection (b) to reduce the number of vessels or level of capital investment in the fishery.

"(2) Report.—The Secretary shall complete and submit to the Congress a report on any sustainable development strategy developed under this section.

"(b) Buy-out Program.—

"(1) The Secretary, in consultation with the appropriate Council, may develop and implement a buy-out program for fishing vessels or permits in a fishery for the purpose of reducing the number of fishing vessels and fishing effort in such fishery, if the Secretary, with the concurrence of the majority of the voting members of such Council, determines that a buy-out program is necessary for the development and implementation of a fishery recovery effort under section 305(b).

"(2) Any buy-out program developed or implemented in a fishery shall—

"(A) require a fishery management plan to be in place for such fishery that is adequate to limit access to the fishery and prevent the replacement of fishing effort removed by the buy-out program;

"(B) require fishing vessels or permits acquired under such program to be disposed of in a manner ensuring that such vessels or permits do not re-enter the fishery or contribute to excess fishing effort in other fisheries;

"(C) establish criteria for determining types and numbers of vessels which are eligible for participation in such program consistent with—

"(i) any strategy developed under subsection (a);

"(ii) the requirements of applicable fishery management plans; and

"(iii) the need to minimize program costs;

"(D) establish procedures (such as submission of owner bid under an auction system or fair market-value assessment) to be used in determining the level of payment for fishing vessels or permits acquired under the program; and

"(E) identify Federal and non-Federal mechanisms for funding the buy-out program, consistent with paragraphs (3) and (4).

"(3) The Federal share of the cost of a buy-out program implemented under this section shall not exceed 50 percent of the cost of that program. Such Federal share may be provided from monies made available under subsection (d)of this section, section 316(b) of this Act, or under section 2(b) of the Act of August 11, 1939 (15 U.S.C. 713c-3(b)).

"(4) Notwithstanding section 305(f)(1), the Secretary, with the concurrence of a majority of the voting members of the affected Council, may establish a fee system to collect those funds required for the non-Federal share of such program that are not available from other non-Federal sources. Under such fee system, the Secretary may assess an annual fee on holders of fishing permits in the fishery for which the buy-out program is established which may not exceed 5 percent annually of the value of the fish harvested under the fishing permit. Assessments may not be used to pay any costs of administrative overhead or other costs not directly incurred in carrying out the specific buy-out program under which they are collected and shall be deposited in the Ocean Conservation Trust fund established under subsection (d).

"(5)(A) Upon completion of a proposal for a buy-out program (including any fee system to be established under this subsection), the Secretary shall immediately—

"(i) submit the proposed program and regulations necessary for its implementation to the appropriate Council for consideration and comment;

"(ii) publish in the Federal Register a notice stating that the proposed program and regulations are available and that written data, views, or comments of interested persons on the proposed program and regulations may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

"(B) During the 60-day public comment period—

"(i) the Secretary shall conduct a public hearing in each State affected by the proposed buy-out program; and

"(ii) the appropriate Council shall submit its comments and recommendations, if any, regarding the proposed program and regulations.

"(C) Within 45 days after the close of the public comment period, the Secretary, in consultation with the affected Council, shall analyze the public comment received and publish a final buy-out program and regulations for its implementation. The Secretary shall include an explanation of any substantive differences between the proposed and final program and regulations.

"(c) TASK FORCE.—The Secretary shall establish a task force to assist in the development of a sustainable development strategy or a buy-out program under this section. Such task force shall, at a minimum, consist of members of the affected communities and individuals with expertise in fishery management and conservation, economics, and sociology. Members of the task force are authorized to receive per diem and travel expenses consistent with section 302 of this Act.

"(d) OCEAN CONSERVATION TRUST FUND.—There is established in the Treasury an Ocean Conservation Trust Fund. The Fund shall be available, without appropriation or fiscal year limitation, only to the Secretary for the purpose of carrying out the provisions of this section subject to the restrictions of this Act. This fund shall consist of all monies deposited into it in accordance with this section and section 308(h). Sums in the Fund that are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"SEC. 316. FISHERIES DISASTER RELIEF.

"(a) DETERMINATION OF FAILURE.—At the discretion of the Secretary or at the request of the Governor of an affected State or a fishery dependent community, the Secretary shall determine whether there is a commercial fishery failure due to a fishery resource disaster as a result of—

"(1) natural causes;

"(2) man-made causes beyond the control of fishery managers to mitigate through conservation and management measures; or

"(3) undetermined causes.

"(b) ECONOMIC ASSISTANCE.—

"(1) Upon the determination under subsection (a) that there is a commercial fishery failure, the Secretary is authorized to make sums available to be used by the affected State, fishery dependent community, or by the Secretary in cooperation with the affected State or fishery dependent community for—

"(A) assessing the economic and social effects of the commercial fishery failure; and

"(B) any activity that the Secretary determines is appropriate to restore the fishery or prevent a similar failure in the future and to assist a fishery dependent community affected by such failure.

"(2) Before making funds available for an activity authorized under this section, the Secretary shall make a determination that such activity will not expand the size or scope of the commercial fishery failure into other fisheries or other geographic regions.

"(c) FEDERAL COST-SHARING.—The Federal share of the cost of any activity carried out under the authority of this section shall not exceed 75 percent of the cost of that activity.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for each of the fiscal years 1995, 1996, 1997, 1998 and 1999, provided that such sums are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(b) CONFORMING AMENDMENT.—Section 2(b)(1)(A) of the Act of August 11, 1939 (15 U.S.C. 713c-3(b)(1)(A)) is amended—

(1) by striking "and" at the end of clause (ii); and

(2) by adding at the end the following new clause:

"(iii) to fund the Federal share of a buy-out program established under section 315(b) of the Magnuson Fishery Conservation and Management Act.".

TITLE II—FISHERY MONITORING AND RESEARCH

SEC. 201. CHANGE OF TITLE.

The heading of title IV (16 U.S.C. 1881 et seq.) is amended to read as follows:

"TITLE IV—FISHERY MONITORING AND RESEARCH".

SEC. 202. REGISTRATION AND DATA MANAGEMENT.

Title IV (16 U.S.C. 1881 et seq.) is amended by inserting after the title heading the following:

"SEC. 401. REGISTRATION AND DATA MANAGEMENT.

"(a) STANDARDIZED FISHING VESSEL REGISTRATION AND DATA MANAGEMENT SYSTEM.—The Secretary shall, in cooperation with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, develop recommendations for implementation of a standardized fishing vessel registration and data management system on a national or regional basis. The proposed system shall be developed after consultation with interested governmental and nongovernmental parties and shall—

"(1) be designed to standardize the requirements of vessel registration and data collection systems required by this Act, the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.), and any other marine resource law implemented by the Secretary;

"(2) integrate programs under existing fishery management plans into a nonduplicative data collection and management system;

"(3) avoid duplication of existing state, tribal, or federal systems (other than a federal system under paragraph (1)) and rely, to the maximum extent practicable, on information collected from existing systems;

"(4) provide for implementation through cooperative agreements with appropriate state, regional, or tribal entities;

"(5) establish standardized units of measurement, nomenclature, and formats for the collection and submission of information;

"(6) minimize the paperwork required for vessels registered under the system;

"(7) include all species of fish within the geographic areas of authority of the Councils and all fishing vessels, except for private recreational fishing vessels used exclusively for pleasure; and

"(8) prescribe procedures necessary to ensure the confidentiality of information collected under this section.

"(b) The registration and data management system should, at a minimum, obtain the following information for each fishing vessel—

"(1) the name and official number or other identification, together with the name and address of the owner or operator or both;

"(2) vessel capacity, type and quantity of fishing gear, mode of operation (catcher, catcher processor or other), and such other pertinent information with respect to vessel characteristics as the Secretary may require;

"(3) identification of the fisheries in which the fishing vessel participates;

"(4) estimated amounts of fish caught, and processed (if applicable) in each fishery; and

"(5) the geographic area of operations and the season or period during which the fishing vessel operates.

"(c) The registration and data management system should, at a minimum, provide basic fisheries performance data for each fishery, including—

"(1) the number of vessels participating in the fishery;

"(2) the time period in which the fishery occurs;

"(3) the approximate geographic location, or official reporting area where the fishery occurs;

"(4) a description of fishery gear used in the fishery, including the amount of such gear and the appropriate unit of fishery effort;

"(5) catch and ex-vessel value of the catch for each stock of fish in the fishery; and

"(6) the amount and types of economic and regulatory discards, and an estimate of any other bycatch.

"(d) PUBLIC COMMENT.—On or before December 1, 1995, the Secretary shall publish in the Federal Register for a 60-day public comment period, a proposal that would provide for implementation of a standardized fishing vessel registration and data collection system that meets the requirements of subsections (a) through (c). The proposal shall include—

"(1) a description of the arrangements for consultation and cooperation with the department in which the Coast Guard is operating, the States, the Councils, Marine Fisheries Commissions, the fishing industry and other interested parties; and

"(2) proposed regulations and legislation necessary to implement the proposal.

"(e) CONGRESSIONAL TRANSMITTAL.—On or March 1, 1996, the Secretary, after consideration of comments received under subsection (b), shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a proposal for implementation of a national fishing vessel registration system that includes—

"(1) any modifications made after comment and consultation;

"(2) a proposed implementation schedule; and

"(3) recommendations for any such additional legislation as the Secretary considers necessary or desirable to implement the proposed system.

"(f) REPORT TO CONGRESS.—By March 1, 1996, the Secretary shall report to Congress on the need to include private recreational fishing vessels used exclusively for pleasure into a national fishing vessel registration and data collection system. In preparing its report, the Secretary shall cooperate with the Secretary of the department in which the Coast Guard is operating, the States, the Councils, and Marine Fisheries Commissions, and consult with governmental and nongovernmental parties.".

SEC. 203. DATA COLLECTION.

Section 402 is amended to read as follows:

"SEC. 402. DATA COLLECTION.

"(a) COUNCIL REQUESTS.—If a Council determines that additional information and data (other than information and data that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement a data collection program for the fishery which would provide the types of information and data (other than information and data that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) specified by the Council. The Secretary shall approve such a data collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for a data collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this subsection regarding a Council request shall be made within a reasonable period of time after receipt of that request.

"(b) CONFIDENTIALITY OF INFORMATION.—Any information submitted to the Secretary by any person in compliance with any requirement under this Act shall be confidential and shall not be disclosed if disclosure would significantly impair the commercial interests of the person from whom the information was obtained, except—

"(1) to Federal employees and Council employees who are responsible for fishery management plan development and monitoring;

"(2) to State employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

"(3) when required by court order;

"(4) when such information is used to verify catch under an individual transferable quota system; or

"(5) unless the Secretary has obtained written authorization from the person submitting such information to release such information and such release does not violate other requirements of this subsection.

The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with regulations promulgated under this Act.

"(c) RESTRICTION ON USE OF CERTAIN DATA.—

"(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), or the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

"(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a Federal fishing permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.".

SEC. 204. OBSERVERS.

Title IV of the Act (16 U.S.C. 1882) is amended by adding the following new section 403:

"SEC. 403. OBSERVERS.

"(a) GUIDELINES FOR CARRYING OBSERVERS.—Within one year of the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations, after notice and public comment, for fishing vessels that are required to carry observers. The regulations shall include guidelines for determining—

"(1) when a vessel is not required to carry an observer on board because the facilities of such vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; and

"(2) actions which vessel owners or operators may reasonably be asked to take to render such facilities adequate and safe.

"(b) TRAINING.—The Secretary, in cooperation with State programs and the National Sea Grant College Program, shall—

"(1) establish programs to ensure that each observer receives adequate training in collecting and analyzing data necessary for the conservation and management purposes of the fishery to which such observer is assigned; and

"(2) require that an observer demonstrate competence in fisheries science and statistical analysis at a level sufficient to enable such person to fulfill the responsibilities of the position.

"(c) WAGES AS MARITIME LIENS.—Claims for observers' wages shall be considered maritime liens against the vessel and be accorded the same priority as seamen's liens under admiralty and general maritime law.".

SEC. 205. FISHERIES RESEARCH.

Section 404 is amended to read as follows:

"SEC. 404. FISHERIES RESEARCH.

"(a) IN GENERAL.—The Secretary shall initiate and maintain, in cooperation with the Councils, a comprehensive program of fishery research to carry out and further the purposes, policy, and provisions of this Act. Such program shall be designed to acquire knowledge and information, including statistics, on fishery conservation and management and on the economics of the fisheries.

"(b) STRATEGIC PLAN.—Within one year after the date of enactment of the Sustainable Fisheries Act, and at least every 3 years thereafter, the Secretary shall develop and publish in the Federal Register a strategic plan for fisheries research for the five years immediately following such publication. The plan shall—

"(1) identify and describe a comprehensive program with a limited number of priority objectives for research in each of the areas specified in subsection (c);

"(2) indicate the goals and timetables for the program described in paragraph (1); and

"(3) provide a role for commercial fishermen in such research, including involvement in field testing.

"(c) AREAS OF RESEARCH.—The areas of research referred to in subsection (a) are as follows:

"(1) Research to support fishery conservation and management, including but not limited to, research on the economics of fisheries and biological research concerning the abundance and life history parameters of stocks of fish, the interdependence of fisheries or stocks of fish, the identification of essential fish habitat, the impact of pollution on fish populations, the impact of wetland and estuarine degradation, and other matters bearing upon the abundance and availability of fish.

"(2) Conservation engineering research, including the study of fish behavior and the development and testing of new gear technology and fishing techniques to minimize bycatch and any adverse effects on essential fish habitat and promote efficient harvest of target species.

"(3) Information management research, including the development of a fishery information base and an information management system that will permit the full use of data in the support of effective fishery conservation and management.

"(d) PUBLIC NOTICE.—In developing the plan required under subsection (a), the Secretary shall consult with relevant Federal, State, and international agencies, scientific and technical experts, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan. The Secretary shall ensure that affected commercial fishermen are actively involved in the development of the portion of the plan pertaining to conservation engineering research. Upon final publication in the Federal Register, the plan shall be submitted by the Secretary to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.".

SEC. 206. INCIDENTAL HARVEST RESEARCH.

Section 405 is amended to read as follows:

"SEC. 405. INCIDENTAL HARVEST RESEARCH.

"(a) Within 9 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall, after consultation with the Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council, conclude the collection of data in the program to assess the impact on fishery resources of incidental harvest by the shrimp trawl fishery within the authority of such Councils. Within the same time period, the Secretary shall make available to the public aggregated summaries of data collected prior to June 30, 1994 under such program.

"(b) The program concluded pursuant to subsection (a) shall provide for the identification of stocks of fish which are subject to significant incidental harvest in the course of normal shrimp trawl fishing activity.

"(c) For stocks of fish identified pursuant to subsection (b), with priority given to stocks which (based upon the best available scientific information) are considered to be overfished, the Secretary shall conduct—

"(1) a program to collect and evaluate data on the nature and extent (including the spatial and temporal distribution) of incidental mortality of such stocks as a direct result of shrimp trawl fishing activities;

"(2) an assessment of the status and condition of such stocks, including collection of information which would allow the estimation of life history parameters with sufficient accuracy and precision to support sound scientific evaluation of the effects of various management alternatives on the status of such stocks; and

"(3) a program of data collection and evaluation for such stocks on the magnitude and distribution of fishing mortality and fishing effort by sources of fishing mortality other than shrimp trawl fishing activity.

"(d) The Secretary shall, in cooperation with affected interests, commence a program to design and evaluate the efficacy of technological devices and other changes in fishing technology for the reduction of incidental mortality of nontarget fishery resources in the course of shrimp trawl fishing activity which are designed to be inexpensive to operate and which cause insignificant loss of shrimp. Such program shall take into account local conditions and include evaluation of any reduction in incidental mortality, as well as any reduction or increase in the retention of shrimp in the course of normal fishing activity.

"(e) The Secretary shall, within one year of completing the programs required by this subsection, submit a detailed report on the results of such programs to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.

"(f) Any measure implemented under this Act to reduce the incidental mortality of nontarget fishery resources in the course of shrimp trawl fishing shall, to the extent practicable,—

"(1) apply to such fishing throughout the range of the nontarget fishery resource concerned; and

"(2) be implemented first in those areas and at those times where the greatest reduction of such incidental mortality can be achieved.".

SEC. 207. REPEAL.

Section 406 (16 U.S.C. 1882) is repealed.

SEC. 208. CLERICAL AMENDMENTS.

The table of contents is amended by striking the matter relating to title IV and inserting the following:

"Sec. 315. Transition to sustainable fisheries.
"Sec. 316. Fisheries disaster relief.

"TITLE IV—FISHERY MONITORING AND RESEARCH

"Sec. 401. Registration.
"Sec. 402. Data collection.
"Sec. 403. Observers.
"Sec. 404. Fisheries research.
"Sec. 405. Incidental harvest research.".

TITLE III—FISHERIES STOCK RECOVERY FINANCING

SEC. 301. SHORT TITLE.

This title may be cited as the "Fisheries Stock Recovery Financing Act".

SEC. 302. FISHERIES STOCK RECOVERY REFINANCING.

Title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271 et seq.), is amended by adding at the end the following new section:

"Sec. 1111. (a) Pursuant to the authority granted under section 1103(a) of this title, the Secretary shall, under such terms and conditions as the Secretary shall prescribe by regulation, guarantee and make commitments to guarantee the principal of, and interest on, obligations which aid in refinancing, in a manner consistent with the reduced cash flows available to obligors because of reduced harvesting allocations during implementation of a fishery recovery effort, existing obligations relating to fishing vessels or fishery facilities. Guarantees under this section shall be subject to all other provisions of this title not inconsistent with the provisions of this section. The provisions of this section shall, notwithstanding any other provisions of this title, apply to guarantees under this section.

"(b) Obligations eligible to be refinanced under this section shall include all obligations which financed or refinanced any expenditures associated with the ownership or operation of fishing vessels or fishery facilities, including but not limited to expenditures for reconstructing, reconditioning, purchasing, equipping, maintaining, repairing, supplying, or any other aspect whatsoever of operating fishing vessels or fishery facilities, excluding only such obligations—

"(1) which were not in existence prior to the time the Secretary approved a fishery recovery effort eligible for guarantees under this section and whose purpose, in whole or in part, involved expenditures which resulted in increased vessel harvesting capacity; and

"(2) as may be owed by an obligor either to any stockholder, partner, guarantor, or other principal of such obligor or to any unrelated party if the purpose of such obligation had been to pay an obligor's preexisting obligation to such stockholder, partner, guarantor, or other principal of such obligor.

"(c) The Secretary shall refinance up to 100 percent of the principal of, and interest on, such obligations, but, in no event, shall the Secretary refinance an amount exceeding 75 percent of the unencumbered (after deducting the amount to be refinanced by guaranteed obligations under this section) market value, as determined by an independent marine surveyor, of the fishing vessel or fishery facility to which such obligations relate plus 75 percent of the unencumbered (including but not limited to homestead exemptions) market value, as determined by an independent marine surveyor, of all other supplementary collateral. The Secretary shall do so regardless of—

"(1) any fishing vessel or fishery facility's actual cost or depreciated actual cost; and

"(2) any limitations elsewhere in this title on the amount of obligations to be guaranteed or such amount's relationship to actual cost or depreciated actual cost.

"(d) Obligations guaranteed under this section shall have such maturity dates and other provisions as are consistent with the intent and purpose of this section (including but not limited to provisions for obligors to pay only the interest accruing on the principal of such obligations during the period in which fisheries stocks are recovering, with the principal and interest accruing thereon being fully amortized between the date stock recovery is projected to be completed and the maturity date of such obligations).

"(e) No provision of section 1104A(d) of this title shall apply to obligations guaranteed under this section.

"(f) The Secretary shall neither make commitments to guarantee nor guarantee obligations under this section unless—

"(1) the Secretary has first approved the fishery recovery effort, for the fishery in which vessels eligible for the guarantee of obligations under this section are participants; and

"(2) the Secretary has considered such factors as—

"(A) the projected degree and duration of reduced fisheries allocations;

"(B) the projected reduction in fishing vessel and fishery facility cash flows;

"(C) the projected severity of the impact on fishing vessels and fishery facilities;

"(D) the projected effect of the fishery recovery effort;

"(E) the provisions of any related fishery management plan under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); and

"(F) the need for and advisability of guarantees under this section;

"(3) the Secretary finds that the obligation to be guaranteed will, considering the projected effect of the fishery recovery effort involved and all other aspects of the obligor, project, property, collateral, and any other aspects whatsoever of the obligation involved, constitute, in the Secretary's opinion, a reasonable prospect of full repayment; and

"(4) the obligors agree to provide such security and meet such other terms and conditions as the Secretary may, pursuant to regulations prescribed under this section, require to protect the interest of the United States and carry out the purpose of this section.

"(g) All obligations guaranteed under this section shall be accounted for separately, in a subaccount of the Federal Ship Financing Fund to be known as the Fishery Recovery

Refinancing Account, from all other obligations guaranteed under the other provisions of this title and the assets and liabilities of the Federal Ship Financing Fund and the Fishery Recovery Refinancing Account shall be segregated accordingly.

"(h) For the purposes of this section, the term 'fishery recovery effort' means a fishery management plan, amendment, or regulations required under section 305(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1854(b)) to rebuild a fishery which the Secretary has determined to be a commercial fishery failure under section 316 of such Act.".

SEC. 303. FEDERAL FINANCING BANK RELATING TO FISHING VESSELS AND FISHERY FACILITIES.

Section 1104A(b)(2) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(b)(2)), is amended by striking "*Provided, further*, That in the case of a fishing vessel or fishery facility, the obligation shall be in an aggregate principal amount equal to 80 percent of the actual cost or depreciated actual cost of the fishing vessel or fishery facility, except that no debt may be placed under this proviso through the Federal Financing Bank:" and inserting the following: "*Provided, further*, That in the case of a fishing vessel or fishery facility, the obligation shall be in an aggregate principal amount not to exceed 80 percent of the actual cost or depreciated actual cost of the fishing vessel or fishery facility, and obligations related to fishing vessels and fishery facilities under this title shall be placed through the Federal Financing Bank unless placement through the Federal Financing Bank is not reasonably available or placement elsewhere is available at a lower annual effective yield than placement through the Federal Financing Bank:".

SEC. 304. FEES FOR GUARANTEEING OBLIGATIONS.

Section 1104A(e) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(e)), is amended to read as follows:

"(e)(1) The Secretary is authorized to fix a fee for the guarantee of obligations under this title. Obligors shall pay all such fees to the Secretary when moneys are first advanced under guaranteed obligations and at least 60 days prior to each anniversary date thereafter. All such fees shall be computed and shall be payable to the Secretary under such regulations as the Secretary may prescribe.

"(2) For fishing vessels and fishery facilities, such fee shall—

"(A) if the obligation will not be purchased by the Federal Financing Bank, be in an amount equal to 1 percent per year of the average principal amount of the obligation outstanding (unless such obligation is issued under section 1111 of this title, in which case such fee shall be 1 and one-half percent per year of such average principal amount; and

"(B) if the obligation will be purchased by the Federal Financing Bank, be in an amount equal to 2 percent per year of the average principal amount of the obligation outstanding (unless such obligation is issued under section 1111 of this title, in which case such fee shall be 2 and one-half percent per year of such average principal amount), less any fee the Federal Financing Bank customarily charges for its services with respect to federally guaranteed obligations purchased by it and less the amount, if any, by which the interest rate on such obligation (which shall be fixed at the time the Federal Financing Bank commits to purchase such obligation) exceeds the current new issue rate on outstanding marketable obligations of the United States of comparable maturity.

"(3) For everything other than fishing vessels and fishery facilities, such fee shall—

"(A) if the security for the guarantee of an obligation under this title relates to a delivered vessel, not be less than one-half of 1 percent per year nor more than 1 percent per year of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this title; and

"(B) if the security for the guarantee of an obligation under this title relates to a vessel to be constructed, reconstructed, or reconditioned, not be less than one-quarter of 1 percent per year nor more than one-half of 1 percent per year of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this title. For the purposes of this subsection, if the security for the guarantee of an obligation under this title relates both to a delivered vessel or vessels and to a vessel or vessels to be constructed, reconstructed, or reconditioned, the principal amount of such obligation shall be prorated in accordance with regulations prescribed by the Secretary. The regulations to be prescribed by the Secretary under this subsection shall provide a formula for determining the creditworthiness of obligors under which the most creditworthy obligors pay a fee computed on the lowest allowable percentage and the least creditworthy obligors pay a fee which may be computed on the highest allowable percentage (the range of creditworthiness to be based on obligors which have actually issued guaranteed obligations).".

SEC. 305. SALE OF ACQUIRED COLLATERAL.

Section 1104A(a)(3) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(a)(3)), is amended by inserting after "financing" the following: "(without requiring subsidy cost ceiling or other authorization under the Federal Credit Reform Act of 1990)".

TITLE IV—ATLANTIC TUNAS CONVENTION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Atlantic Tunas Convention Authorization Act of 1994".

SEC. 402. RESEARCH AND MONITORING ACTIVITIES.

(a) REPORT TO CONGRESS.—The Secretary of Commerce shall, within 90 days after the date of enactment of this Act, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives—

(1) identifying current governmental and nongovernmental research and monitoring activities on Atlantic bluefin tuna and other highly migratory species;

(2) describing the personnel and budgetary resources allocated to such activities; and

(3) explaining how each activity contributes to the conservation and management of Atlantic bluefin tuna and other highly migratory species.

(b) RESEARCH AND MONITORING PROGRAM.—Section 3 of the Act of September 4, 1980 (16 U.S.C. 971i) is amended—

(1) by amending the section heading to read as follows:

"SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.";

(2) by striking the last sentence;

(3) by inserting "(a) BIENNIAL REPORT ON BLUEFIN TUNA.—" before "The Secretary of Commerce shall"; and

(4) by adding at the end the following:

"(b) HIGHLY MIGRATORY SPECIES RESEARCH AND MONITORING.—

"(1) Within 6 months after the date of enactment of the Atlantic Tunas Convention Authorization Act of 1994, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the 'Commission') and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

"(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

"(B) provide for appropriate participation by nations which are members of the Commission.

"(2) The program shall provide for, but not be limited to—

"(A) statistically designed tagging studies;

"(B) genetic and biochemical stock analyses;

"(C) population censuses carried out through aerial surveys of fishing grounds;

"(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

"(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable estimates of the catch by private anglers;

"(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

"(G) integration of data from all sources and the preparation of data bases to support management decisions; and

"(H) other research as necessary.".

SEC. 403. ADVISORY COMMITTEE PROCEDURES.

Section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) is amended—

(1) by inserting "(a)" before "There"; and

(2) by adding at the end the following:

"(b)(1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations.

"(2) The advisory committee shall elect a Chairman for a 2-year term from among its members.

"(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State.

"(4)(A) The Secretary shall provide to the advisory committee in a timely manner such administrative and technical support services as are necessary for the effective functioning of the committee.

"(B) The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

"(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the Magnuson

Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.".

SEC. 404. REGULATIONS.

Section 6(c)(3) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d(c)(3)) is amended by adding "or fishery mortality level" after "quota of fish" in the last sentence.

SEC. 405. FINES AND PERMIT SANCTIONS.

Section 7(e) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971(e)) is amended to read as follows:

"(e) The civil penalty and permit sanctions of section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858) are hereby made applicable to violations of this section as if they were violations of section 307 of that Act.".

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS.

"Sec. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in article X of the Convention, the following sums:

"(1) For fiscal year 1994, $2,750,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A, and $1,500,000 are authorized for research activities under this Act.

"(2) For fiscal year 1995, $4,000,000, of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

"(3) For fiscal year 1996, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.".

SEC. 407. REPORT.

The Atlantic Tuna Convention Act of 1975 (16 U.S.C. 971 et seq.) is amended by adding at the end thereof the following new section:

"ANNUAL REPORT.

"Sec. 11. By April 1, 1995, and annually thereafter, the Secretary of Commerce shall prepare and transmit to Congress a report, that—

"(1) details for the 10-year period the catches and imports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from nations fishing on Atlantic stocks of such species that are subject to management by the International Commission for the Conservation of Atlantic Tunas;

"(2) identifies those fishing nations whose harvests are incompatible with existing international conservation and management programs;

"(3) for those nations whose harvests are determined to be incompatible under paragraph (2), certifies pursuant to section 8 of the Fishermen's Protective Act (22 U.S.C. 1978) that such nations are conducting fishing operations in a manner which diminishes the effectiveness of an international fishery conservation and management regime; and

"(4) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party.".

SUMMARY OF MAJOR PROVISIONS—
SUSTAINABLE FISHERIES ACT OF 1994

The Sustainable Fisheries Act amends the Magnuson Fishery Conservation and Management Act to extend the authorization of appropriations through 1999, strengthen conservation efforts and rebuild depleted fisheries. Major provisions include the following:

FISHERIES CONSERVATION

Preventing overfishing and rebuilding depleted fisheries. The bill would require the Councils to define overfishing in each fishery management plan. It also calls for an annual report by the Secretary of Commerce (Secretary) on the status of fisheries under each Council and identification of fisheries that are overfished or approaching an overfished condition. A Council would have one year to come up with a plan to stop overfishing and rebuild the fishery, and the Secretary would be required to step in if the Council fails to act. While a plan is under development, interim measures to reduce overfishing could be implemented as emergency measures. To deal with the socioeconomic issues associated with rebuilding the fishery, the Secretary would work with the states and local communities to develop a sustainable development strategy.

Habitat protection. The Secretary would be required to identify essential habitat for all fisheries under management, based on information provided by the Councils. The bill also would expand the existing authority of the Councils and the Secretary to comment and make recommendations to Federal agencies concerning actions that would affect essential fish habitat. In addition, the Secretary and the Councils would develop and publish a list of fisheries and approved gear for each fishery. Ninety days prior to using a new gear type or expanding into a new fishery, a fisherman would be required to provide a Council with notice and the opportunity to take emergency action to restrict such gear or fishery.

Bycatch and waste reduction. The bill defines categories of bycatch and requires any fishery management plan developed by a Council or the Secretary to (1) assess the level of bycatch occurring in each fishery, including the effect of a fishery on other stocks of fish in the ecosystem; and (2) minimize, to the extent practicable, mortality caused by waste and discards of unusable fish. In addition, the bill would encourage plans to provide incentives for fishing vessels within each gear group to reduce bycatch. Finally, provisions are included to establish specific timetables for reducing waste and promoting full utilization in the North Pacific fisheries.

MANAGEMENT PROCESS

Streamlining the approval process for plans and regulations. The bill simplifies and tightens the approval process for fishery management plans and regulations.

Council procedures and conflicts of interest. The bill proposes a number of changes to increase Council accountability, requiring that (1) a Council member be recused from voting on a Council decision "which would have a significant and predictable effect" on any financial interest; (2) each Council keep detailed minutes of each Council meeting, including a complete and accurate description of discussions and conclusions; (3) each Council record all roll call votes; and (4) with advance notice and member concurrence, each Council consider additional agenda items at meetings. The bill also establishes procedures for appointing a treaty tribe representative to the Pacific Council.

Individual transferable quotas (ITQS). The bill prohibits the Secretary from approving ITQ programs until guidelines are established to deal with ITQ-related issues such as initial allocation, eligibility for participation, consolidation, and access by entry-level fishermen. To cover management costs of an ITQ program, the Secretary would be authorized to establish an annual fee of up to four percent of the value of fish harvested or processed, and an additional one percent transfer fee. A 5-year fee exemption is provided in the existing programs for the surf clam and ocean quahog fishery and the wreckfish fishery. The bill also clarifies that ITQs do not convey a property right and are subject to termination at any time.

Scientific basis for management. The bill includes several provisions to improve monitoring and data collection for fisheries management: (1) development (in cooperation with the states and the Councils) of a federal plan for a standardized vessel registration and data management system to ensure the availability of basic fisheries data; (2) establishment of an observer training and education program and regulations for vessels that carry observers, including protection from sexual harassment; and (3) an expanded research program to provide better biological information and to study the effects of fishing on the marine ecosystem.

Enforcement. The bill would (1) establish voluntary fishermen's networks to promote compliance with fishery regulations; (2) require an annual report analyzing the adequacy and effectiveness of enforcement efforts; (3) encourage a reward of not less than 20 percent of any penalty assessed for information leading to an enforcement action; (4) require that fishery management plans identify needed enforcement.

TRANSITION TO SUSTAINABLE FISHERIES

Fisheries disaster relief. At the discretion of the Secretary or at the request of an affected State or community, the Secretary would (1) determine whether there is a commercial fishery failure; and (2) make relief funds available to the affected State or community, with the Federal cost-share not to exceed 75 percent.

Vessel or permit buy-out. As part of a sustainable development strategy and to limit effort in an overfished fishery, the Secretary would be authorized to develop and implement a vessel or permit buy-out program requiring that (1) a fishery management plan is in place that limits access to the fishery and prevents replacement of fishing effort that is bought out; (2) vessels or permits acquired under the buy-out program cannot reenter the fishery or contribute to excess fishing effort in other fisheries; and (3) criteria are established to determine types and numbers of vessels which are eligible for participation. The bill specifies that the Federal share of a buy-out program may not exceed 50 percent of the program costs. Working with the Council, the Secretary would be authorized to establish a fee system to collect the non-Federal share of funds for the program. Annual fees could not exceed 5 percent of the value of fish harvested in the fishery and would be deposited into a newly established Ocean Conservation Trust fund.

Vessel refinancing. The bill would amend Title XI of the Merchant Marine Act of 1936 to provide for a fisheries stock recovery refinancing program under the Fishing Vessel Obligation Guarantee Program. For those fisheries in which a fishery recovery effort is under way, the Secretary would be authorized to refinance vessel mortgages, providing for an extended repayment schedule (including interest-only payments) that reflects reduced vessel income due to stock rebuilding restrictions.

INTERNATIONAL MANAGEMENT

Highly migratory species. The bill would require the Secretary to establish advisory panels for development of fishery management plans under the Magnuson Act for Atlantic tuna and other highly migratory species. It also amends the Atlantic Tunas Convention Act to (1) extend the authorization of appropriations; (2) make penalties and permit sanctions consistent with the Magnuson Act; (3) establish advisory committee procedures and expand research efforts; (4) require an annual report on international trade activities and calling for trade sanctions on nations that fail to comply with ICCAT.

Mr. STEVENS. Mr. President, I am pleased to introduce this bill with Senator KERRY to improve and reauthorize the Magnuson Fishery Conservation and Management Act.

Over the past 2 years, the Commerce Committee has held hearings in Massachusetts and Alaska, as well as numerous hearings here in Washington, DC.

Since the last time we revised the Magnuson Act in 1990, the act has been successful in many of the ways we intended.

However, it is clear from our review that the act needs fine turning in places, and major improvements in other areas.

This bill includes;

First, significant new mandates to reduce waste in U.S. fisheries;

Second, new conflict-of-interest and recusal requirements for regional Fishery Management Council members, as well as other reforms to the Council process; and

Third, the creation of guidelines for individual transferable quotas, or ITQs, to help define and clarify these new management tools.

In addressing these and other issues, Senator KERRY and I incorporated many of the suggestions from our colleagues on the Commerce Committee and fishermen in our home states, as well as from the administration, industry groups, conservation groups, and various members of both the House and Senate.

We hope the bill we introduce today will provide a solid foundation on which to build a consensus for the reauthorization of the Magnuson Act in the 104th Congress.

WASTE REDUCTION

This bill incorporates virtually all of the operative provisions of S. 2022, a bill I introduced earlier this year to address the problems of fishery waste in the North Pacific.

The bill we are introducing today includes specific definitions of "bycatch," "economic discards" and "regulatory discards" (which we in the North Pacific call prohibited species) in order to clearly delineate between specific types of waste which may require different solutions.

The bill requires each Council to assess bycatch and to minimize the mortality caused by economic and regulatory discards in each fishery which is managed by that Council.

For the North Pacific, the bill also requires the Council to incorporate provisions in its fishery management plans to reduce bycatch, economic and regulatory discards, as well as to reduce "processing waste" and to achieve full retention and full utilization by specific dates.

These are the same mandates for the North Pacific and the same basic definitions as those that I included in S. 2022 earlier this year.

This bill directs the Council to take additional steps to ensure that the valuable fishery resources off Alaska are available for future generations.

In addition to the provisions from my earlier bill, we have also included a definition of "overfishing."

This bill requires each Council to include in each fishery management plan specific criteria for determining when a fishery under that Council's jurisdiction is overfished or is approaching such a condition. The intent of this provision is to get the Councils to establish a mechanism to provide sufficient warning so that preventive measures can be put in place before any additional fisheries become overfished.

The Secretary of Commerce (Secretary) will use the criteria to report to Congress (and back to the Councils) on the fisheries within each Council's geographical area that are overfished or approaching a condition of being overfished.

Each Council will have one year to submit appropriate fishery management plans, amendments or regulations to prevent the overfishing of fisheries approaching that condition, and to stop overfishing and begin to rebuild fisheries that are already overfished.

If the Council fails to take action to begin this process within one year, the Secretary will be required to prepare an appropriate fishery management plan or plan amendment.

We know from current National Marine Fisheries Service data that our fisheries in Alaska are not overfished.

I have included these provisions to make sure Alaska's fisheries remain healthy for generations to come.

COUNCIL REFORM

This bill includes measures to reform the Council process, perhaps the most difficult issue we've dealt with in this reauthorization process.

Our bill would prevent Council members from voting on certain matters that benefit them financially, but does not require such widespread recusal by Council members that the Councils would be rendered ineffective.

I still believe in the basic goal Senator Magnuson and I had for the original Act—that the Councils should be made up of the people directly affected by fishery management decisions.

Senator KERRY and I have incorporated valuable portions of other proposals, including the administration's proposal (which was based on the existing Alaska Board of Fisheries recusal process) and Senator Breaux's proposal in the recusal section of our bill.

This bill requires Council members to recuse themselves from voting on Council decisions that would have a "significant and predictable effect" on their financial interests.

A Council decision would be considered to have a "significant and predictable effect" if there is "a close causal link between the Council decision and an expected benefit, shared only by a minority of persons within the same industry sector or gear group, to the financial interest" of the Council member.

This language will prevent Council members from voting on decisions benefitting only themselves or a minority in their gear group, but will not prevent them from expressing views or from voting on most matters on which they have expertise.

The Secretary, with the concurrence of the Council, will select a "designated official" with Federal conflict-of-interest experience to attend Council meetings and make determinations regarding the financial interests of members.

These determinations will occur at the request of the affected Council member or at the initiative of the designated official.

Any Council member can ask for a review by the Secretary of a determination, but this review will not be treated as cause for the invalidation or reconsideration by the Secretary of a Council decision.

This bill also increases Council reporting requirements, and includes a provision to require a roll call vote for the record at the request of any Council member.

ITQ'S

This bill establishes a definition and sets out general requirements for any individual transferable quota [ITQ] systems.

The bill prohibits the Secretary from approving any more ITQ plans until ITQ guidelines are completed.

Under this bill, the Secretary would be required to convene an advisory panel within 60 days to provide recommendations for the ITQ guidelines.

The guidelines would be required to, among other things:

First, provide for the fair and equitable allocation of fishing privileges;

Second, provide for the collection of fees of up to four percent annually of the value of the fish harvested or processed under an ITQ, and an additional one percent of the value of fish harvested or processed by a person receiving an initial quota or transferring a quota;

Third, address methods for providing for new entrants, including, in fisheries where appropriate, mechanisms to provide a portion of the annual harvest for entry-level fishermen or small vessel owners who do not hold an ITQ; and

Fourth, provide requirements for the effective monitoring and enforcement of ITQ systems, and provide for penalties, including the revocation of fishing privileges under ITQ systems.

This bill clearly states that an ITQ does not constitute a property right, and that no provision of law shall be construed to limit the ability of the Secretary to terminate or limit an ITQ at any time and without compensation.

The bill also specifies that holders of an ITQ may include fishing vessel owners, fishermen, crew members or other citizens of the United States, as well as United States fish processors.

By requiring the ITQ guidelines to provide for the fair and equitable allocation of fishing privileges, we mean for the Councils and Secretary to fairly and equitably allocate fishing privileges among all of the potential holders of ITQs if the potential holders have historically participated in the fishery.

The bill provides for increased fees to be assessed on any ITQ in order to, among other things, allow the Secretary to recoup the increased enforcement costs of ITQ systems, and to extract from ITQ holders an increased rent commensurate with the increased privilege received from ITQs.

The bill requires existing ITQ plans to come into compliance with these ITQ guidelines by June 30, 1997.

OTHER PROVISIONS

I will briefly mention some of the other improvements to the Magnuson Act included in our bill.

The bill simplifies the review process by the Secretary of fishery management plans and amendments by eliminating a preliminary evaluation required under current law.

The bill also provides a framework for Secretarial review of proposed regulations, providing the councils and with greater certainty that proposed regulations and regulatory amendments will be implemented in a timely manner.

There are provisions providing for the increased protection of fishery habitat essential to the life cycles of fish stocks.

The bill also defines the term, "fishery dependent community" for purposes of its use in the Magnuson Act as part of a new national standard and for purposes of defining who is eligible for programs included in new sections 315 and 316 of the Magnuson Act.

A new national standard is added to the Magnuson Act which requires all Councils "to take into account the importance of the harvest of fishery resources to fishery dependent communities" in recommending conservation and management measures under each fishery management plan.

This new standard has been included in the bill as a means of ensuring that all of the Councils consider measures like the closure of the Gulf of Alaska pollock fishery to certain vessels, community development quotas, and the allocation of Pacific whiting to shore plants that have already been included in fishery management plans by the North Pacific Council and the Pacific Council in order to address the needs of certain fishery dependent communities.

Another provision requires consideration be given to fishery dependent communities in developing any limited access systems, including ITQ systems.

By including these new provisions we intend to increase the Councils' consideration of the needs of coastal communities dependent on fishery resources.

In addition, the bill contains important new sections authorizing vessel and permit buy-back programs, and providing authorization for emergency funding for fishery failures which affect fishery dependent communities.

Funding for buy-back programs could be self-financed at up to 5 percent of the value of the fishery, but we also authorize the use of certain Federal funding for buy-outs and emergencies under certain circumstances.

These new measures will provide a relief mechanism for fisheries when factors beyond the control of the Council result in a fishery failure, and will provide an additional tool to address overcapitalization problems.

I look forward to working with Senator KERRY and our colleagues on the Commerce Committee on this legislation over the fall, and hope to reintroduce this bill as early in the session of Congress as possible.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2539. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

THE LANDLESS NATIVES LAND ALLOCATION ACT

• Mr. MURKOWSKI. Mr. President, I introduce S. 2539, the Landless Native Land Allocation Act of 1994. I am joined by Senator TED STEVENS in introducing this important legislation.

This legislation is intended to provide entitlements pursuant to the Alaska Native Claims Settlement Act [ANCSA] for five southeastern Alaska Native communities, namely Haines, Ketchikan, Petersburg, Tenakee, and Wrangell. These five communities were inadvertently and unfairly left off the list of Native communities eligible for ANCSA benefits at the time of its enactment in 1971. The facts and circumstances do not justify this omission and I call for Congress to rectify the situation.

Mr. President, as many Members of this body know, ANCSA was enacted to recognize and settle the aboriginal claims by Alaska Natives to the lands they had lived on and used for hundreds of years.

In passing ANCSA, Congress created a settlement mechanism that called for the establishment of Native corporations to receive and manage the $1 billion and 44 million acres awarded under the Act. Congress intended these corporations to be the vehicles through which Alaska natives could use their settlement resources to integrate into the non-Native economy. In many cases Native corporations have established businesses, effectively managed their resources, and prospered financially. Furthermore, Native corporations have served an important role as stewards of the ANCSA lands. These lands are an essential element of the traditional Native culture and way of life.

The five Native communities of Haines, Ketchikan, Petersburg, Tanakee, and Wrangell inexplicably were not listed under ANCSA as communities eligible to form village or urban corporations. This omission occurred despite the five communities comprising over 20 percent of the southeast Alaska regional corporation's shareholders and displaying historic cultural and traditional Alaska Native qualities.

For two decades, the five communities have attempted to appeal their omission from the ANCSA list of eligible Native communities. Such attempts have yet to find success as ANCSA does not provide southeast Native communities with the same right to eligibility determinations enjoyed by villages in other areas of Alaska. This lack of evenhanded treatment is unexplained in the Act or legislative record.

As a result of the unclear history surrounding the eligibility determination of the five communities, Congress, in 1993, directed the Secretary of the Interior to prepare a report examining whether it had inadvertently denied ANCSA eligibility to the five communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell. A thorough review of ANCSA and its legislative history provides the basis for the report.

Published in February 1994, the report finds that the five communities do not differ significantly from southeast Alaska native communities that were permitted to form village or urban corporations under ANCSA. The five are similar to other southeast Alaska communities in the percentage of natives residing in the communities as well as historic native use and occupation of the land in and around the communities.

Furthermore, the report indicates that the omission of the five communities from ANCSA is not clearly explained in any provision of ANCSA or in the accompanying conference report.

Mr. President, the report examines many other comparisons of the five communities with eligible southeast Native communities. Based on the overall data, it is apparent that Congress inadvertently omitted the five communities from ANCSA eligibility. If there are reasons for this omission, they are not clearly explained or evidenced in the RECORD and thus should be given no weight. Therefore, Congress should act to rectify the inequity suffered by the five communities for the last two decades by providing them the right to incorporate and receive benefits under ANCSA.

Specifically, S. 2539 would allow the five communities to incorporate as village corporations under ANCSA. These newly created corporations will be known as Landless Village Corporations. Each Native member of the five communities will be issued shares of stock in their respective Landless Village Corporation in proportion to the amount of shares they hold in Sealaska Corporation.

The Landless Village Corporations will be allowed to select certain public lands and receive from the Secretary of the Interior a patent for the surface rights thereto pursuant to ANCSA. As provided for in ANCSA, the Native regional corporation for southeast Alaska will receive the subsurface rights of the selected lands. Eligible public lands will include all public land in southeast Alaska excluding: (i) Conservation system units, (ii) lands within the Tongass National Forest Land Management Plan timber base, (iii) lands withdrawn for national defense purposes, (iv) lands selected by Regional, Village or Urban Corporations pursuant to ANCSA; and, (v) lands selected pursuant to the Alaska Statehood Act.

The number of acres of and a Landless Village Corporation may select will be based on the number of Natives enrolled to it. This population based method is the same method used by most village corporations under ANCSA and will best provide the Landless Village Corporations with an equitable settlement. It will result in the corporations being allowed to select from three to seven townships each.

It is well known that the lumber mills of southeast Alaska and the people who work for them have suffered significant economic hardship because of Forest Service timber policies aimed at reducing timber sales in southeast. Therefore, in order to support the sagging economy of southeastern Alaska, it will be required that timber harvested from lands selected by the Landless Village Corporations be processed in southeastern Alaska.

While I realize that there is no time for the 103d Congress to consider this legislation at this late date in the session, much work has gone into the development of this bill and I believe it is important that it receive the distinction of being introduced. I introduced this legislation at the request of my constituents in southeast Alaska and have developed this bill in close consultations with their representatives.

I intend to introduce this legislation next year and seek a hearing before the Senate Energy and Natural Resources Committee. Introduction in this Congress will provide the concepts in this bill with important public exposure that will serve the interested parties and enhance the opportunity for constructive public comment as we work to produce a fair settlement with broad public support.

Therefore, Mr. President, I ask my colleagues to support me in this effort to provide these Native communities in southeast Alaska with their just ANCSA entitlement and I look forward to their cooperation.•

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2541. A bill to amend the Age Discrimination in Employment Act of 1967 to protect elected judges against discrimination based on age; to the Committee on Labor and Human Resources.

AGE DISCRIMINATION ACT AMENDMENTS

Mr. MOYNIHAN. Mr. President, I join my colleague from New York in introducing this important piece of legislation which would correct an anomaly in the Age Discrimination in Employment Act of 1967 relating to the mandatory retirement of elected judges. Today, many able jurists in my State are unjustly prevented from serving on the bench past the Page of 70. This simple legislation would eliminate this vestige of age discrimination by allowing these judges to determine at their own will when they should retire.

Mr. President, I might remind the Senate that there are more than a dozen distinguished Members of this body over the age of 70, and a few others well on their way. The Senate benefits from their wisdom and experience much the same as my State would profit from the sagacity of our elder jurists.

I urge my colleagues to support this bill.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2542. A bill to require the Secretary of the Interior to carry out an expedited negotiated settlement of the land rights of the owners of patented and unpatented mining claims within Denali National Parks, AK, and for other purposes; to the Committee on Energy and Natural Resources.

DENALI MINING CLAIMS ACT

• Mr. MURKOWSKI. Mr. President, I introduce the Denali Mining Claims Act of 1994. Last November, I held an oversight hearing in Anchorage focusing on the difficulties that many Alaskan miners face when their claims are surrounded by Federal lands. Over 20 miners testified that Government regulations and procedures prevented them from mining their land even though they were promised continued access and use when the Alaska National Interest Lands Conservation Act was passed in 1980.

Mr. President, the legislation I am introducing today should help resolve many of the inholding problems within Denali National Park and Preserve. When Denali was expanded by ANILCA, the Kantishna Hills Mining District and two others were surrounded by Federal lands. At that time there were over 250 claims in the Kantishna area. Since 1980 the effect of litigation relating to the management of such mining claims has resulted in the cessation of all significant mining operations in the Denali area. ANILCA specifically allowed for mining in Kantishna, yet the National Park Service has literally vetoed all attempts to mine within the area.

I would prefer that these miners be permitted to mine their claims, a right statutorily preserved under ANILCA, however, I recognize that the National Park Service does not support mining in Denali and will continue to delay and deny plans of operation submitted in accordance with established guidelines.

To resolve this dispute, my bill directs the Park Service to enter into good faith negotiations with individuals who have patents or mining claims that they wish to sell in an attempt to find a reasonable way to compensate people for valuable claims or land that they are prevented from using. If good faith negotiations fail, my bill provides two additional options: A miner can choose to receive an offer of a fixed price per acre based upon a 1983 congressionally mandated study of the value of the claims, or the Secretary of Interior will use the Federal court system to institute a takings procedure. This bill provides three options to create as much flexibility as possible in the process.

Should negotiations between the Park Service and claims owner fail, the Park Service would be required and the land owner allowed to make a statement to Congress giving their reasons for the failure to reach an acceptable compromise. If a fixed price per acre is used to set a fair price, the valuation would vary depending upon the status of the claim and whether it had direct road access and/or a view of Denali itself. The final option would be use of the court system in a takings procedure.

Mr. President, previous attempts by the National Park Service to set a fair price on the value of mineral claims in Denali Park and Preserve have resulted in heated disputes over valuations and the length of time required to reach an agreement. My legislation would provide a balanced approach to determining mineral and land values within a reasonable time frame. It would do so using a fixed process including good-faith, full disclosure negotiations. If a mining claim holder choose not to participate in this process, there would be no penalty.

Mr. President, I realize this legislation will not be acted on before the adjournment of this Congress. I am introducing this bill now to give interested parties an opportunity to comment upon it. It is my intention to reintroduce this bill at the beginning of the next Congress and work toward its passage.•

By Mr. CRAIG:

S. 2544. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

FAIR LABOR STANDARDS ACT AMENDMENT

• Mr. CRAIG. Mr. President, I am introducing a bill today, which this body previously approved as an amendment to the first bill amending the Fair Labor Standards Act [FLSA] that the Senate passed in 1989. This bill would solve a problem with the interpretation of a provision of the FLSA, clarifying that the maximum hour exemption for agricultural employees applies to water delivery organizations that supply 90 percent or more of their water for agricultural purposes.

This would restore an exemption that was always intended by Congress. The Department of Labor has interpreted current law to require that 100 percent of water delivered by a qualified delivery organization must be used for agricultural purposes. Thus, if even a negligible amount of water ends up being used for road watering, lawn and garden irrigation, stock consumption, or construction, for example, delivery organizations are assessed severe penalties.

The exemption for overtime pay requirements was placed in the FLSA to protect the economies of rural areas. Irrigation has never been, and can not be, a 40-hour-per-week undertaking. During the summer, water must be managed and delivered continually. Later in the year, following the harvest, the work load is light, consisting mainly of maintenance duties.

Winter compensation and time off traditionally have been the method of compensating for longer summer hours. Without this exemption, delivery organizations are forced to lay off their employees in the winter. Therefore, my bill would benefit farmers and employees, who would continue to earn a year-round income.

I realize that it is late in the legislative season in the 103d Congress and action on this legislation is not likely this year. However, I am introducing the bill at this time to make my colleagues aware of my intention to pursue this matter in the 104th Congress, and will reintroduce similar legislation on the first day of that Congress.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by inserting after "water" the following: ", at least 90 percent of which is ultimately delivered".•

By Mr. FEINGOLD:

S. 2545. A bill to provide for home community-based services for individuals with disabilities; read the first time.

HOME AND COMMUNITY-BASED SERVICES

• Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation to reform fundamentally the way we provide long-term care in this country.

Though it is now apparent that we will not be voting on comprehensive health care reform in this Congress, we must not wait to renew our efforts. We should begin now, and universal coverage should again be our goal.

This legislation does not attempt to reform our health care system in any comprehensive way, but it does serve to resume the debate, and can be a first step in the effort to pursue universal coverage.

The measure I introduce today establishes a system of consumer-oriented, consumer-directed home and community-based long-term care services for individuals with disabilities of any age.

It is similar in large part to the excellent long-term care proposal included in President Clinton's health care reform bill, as well as to the provisions establishing home and community long-term care benefits in the versions of the President's bill that came out of the Senate Committee on Labor and Human Resources and the Senate Committee on Finance—provisions which had, in both cases, strong bipartisan support.

The legislation also provides for a hospital—long-term care link program, identical to legislation I introduced on S. 52, on the first day for introduction of bills in the 103d Congress.

The hospital link program is based on our experiences in Wisconsin where such an initiative has helped direct individuals needing long-term care services out of hospitals, and back to their own homes and communities. The hospital discharge is a critical point of embarkation into the long-term care system for many, and this program helps ensure that those who leave a hospital in need of long-term care can receive needed services where they prefer them—in their own homes.

Mr. President, a key feature of this proposal that was not included in the other long-term care proposals I mentioned is a provision that allows States to channel any savings this program generates in Medicaid funded long-term care services, institutional or home and community-based, back into this more flexible program.

In the long run, it is this provision that will result in helping to realize significant savings from a system that currently diverts the vast majority of its resources into expensive institutional settings.

Mr. President, though I am convinced that long-term care reform can result in substantial savings to taxpayers—and this has been our experience in Wisconsin—this measure does not depend on hypothetical savings for funding. This measure includes funding provisions consisting of specific cuts within the health care system, scored by the Congressional Budget Office to reduce Federal spending under Medicare.

Included in these proposed spending cuts is a provision that reduces the subsidy we give to the wealthiest Medicare beneficiaries through the Part B premium. The provision would peg the part B premium to income, reducing the taxpayer subsidy for individuals with income over $100,000 and couples with income over $125,000. The subsidy would be completely phased out for individuals with income over $125,000, and couples with income over $150,000.

Other savings are generated from a 10 percent home health copayment applied to individuals with incomes over 150 percent of poverty—still only half the copayment charged on other Medicare services; modifying the routine cost limits for home health services; correcting an anomaly in the formula for certain outpatient services; and continuing the reduction in the inpatient hospital capital reimbursement formula.

Over the 5 fiscal years for which we have estimates, the proposal actually generates savings in each year, producing a total of $6.1 billion in deficit reduction over that time.

This must be the approach we adopt, even for those proposals which experience shows will result in savings. By including funding provisions in this long-term care reform measure, we ensure that any additional savings produced by these reforms will only further reduce the budget deficit.

Mr. President, I am proud to note that, like the President's initial long-term care proposal and the provisions reported out of the two Senate Committees, this legislation has its roots in Wisconsin's own Community Options Program, known as COP—a program for which I was privileged to advocate and help develop during my 10 years as chair of the Wisconsin Senate Aging Committee.

With the end of the 103d Congress upon us, and our efforts to achieve comprehensive health care reform set aside, at least for the remainder of this session, long-term care reform generally, and this proposal in particular, can serve to renew the best parts of the health care debate.

In part, we saw this potential in the efforts of the two Senate committees charged with primary oversight of health care reform. Both reported out proposals that included language very much like this legislation, and in each case, that language has strong bipartisan support.

Beyond that, this proposal can be adopted independently of the comprehensive reform that has been unable to attract a majority of Members. It is my hope that the momentum generated by reforming long-term care will help advance the push for comprehensive health care reform.

In the respect, Mr. President, though it can be considered apart from the remainder of health care reform, long-term care reform contains the important elements around which a consensus might develop for a more general health care bill. This means that not only can it proceed apart from comprehensive reform I strongly support, it can serve to reinitiate the push for broader changes.

Home and community-based long-term care reform can be the building block of health care reform.

This proposal will not interrupt my own efforts to push for those elements of health care reform that can deliver needed services and contain costs. To the contrary, it can accomplish both.

Mr. President, I have spoken with nearly every Member of the Senate about our experience in Wisconsin with long-term care reform, and I hope to have reached all 100 Members, including new members, by early next year. The Wisconsin experience is especially relevant, because, as a State, we have faced many of the same problems that continue to face the Nation as whole in long-term care.

In the early 1980's, Wisconsin's Medicaid nursing home bed use was soaring, as was the daily cost of a nursing home bed. Long-term care consumers had little choice but to enter an institution, or go without services. There was almost a complete absence of community- or home-based long-term care services for people in need of support. With the rare exception of a few older disabled with sufficient resources to create their own system of in-home supports, many were forced to enter nursing homes who would have liked to have remained in their own home or community.

Mr. President, there are many compelling reasons to reform our long-term care system. Over the past year and a half, I have detailed many of them on this floor: an exploding population of the very old the largest group of long-term care consumers; the relative shrinking population of caregivers; the growing need of family caregivers to leave the workplace just to provide a loved one with long-term care; and, the enormous and rapidly increasing expense to the taxpayer of institutional settings.

But, Mr. President, as with health care reform overall, I view long-term care reform first and foremost as a matter of simple humanity.

Chuck McLaughlin, of Black River Falls, WI, administers COP for Jackson County. He testified before a Senate Special Committee on Aging field hearing that I chaired about what that lack of choice meant to many disabled, especially elderly disabled, before Wisconsin implemented its reforms.

McLaughlin noted that though some "eventually adjusted to leaving their home and entering the nursing home, others never did." Although McLaughlin noted he had no hard empirical evidence to document the fact, he said he "saw people who simply willed their own death because they saw no reason to continue living. These were people who were literally torn from familiar places and familiar people. People who had lost the continuity of their lives an the history that so richly made them into who they were now. People who had nurtured and sustained their communities which in turn provided them with positive status in that community. These people were truly uprooted and adrift in an alien environment lacking familiar sights, sounds, and smells. Many of them simply chose not to live any longer. While the medical care they received was excellent, they were more than just their physical bodies. Modern medicine has no treatment for a broken spirit."

For many, the current long-term care system is so inflexible as to be inhumane. Even if there were no other reason to reform the system, this would be reason enough.

Mr. President, earlier this year I issued a report reviewing the long-term care provisions in President Clinton's health care reform legislation and offering some modifications to those provisions based on our experience in Wisconsin. In that report, I noted that Chuck McLaughlin's eloquent comments on the importance of community were not only relevant, even central, to the discussion of long-term care, but that community must also be the focus of our efforts in many other areas of our lives as Americans and citizens of the world.

More often than not the critical problems we face stem from a failure of community or a lack of adequate community-based supports—for example jobs and economic development, housing, crime, and education. These and other important issues are usually confronted by policymakers at a distance—from Washington, DC or from State capitals—essentially from the top down.

Too often we have tried to solve these challenges, including the challenge of long-term care, by imposing a superior vision from above. This approach has led to inflexible systems that cannot react to individual needs, but rather end up trying to fit the problem to their own structure.

This fundamental weakness is often enough to undermine even the sometimes huge amounts of money that we send along to implement the problem solving. It also limits the kinds of creative approaches those who are on the ground may see as useful and necessary.

Mr. President, just as we have a need to reinvent Government to respond more efficiently to our country's needs and our national deficit, we need also to reinvent community to allow flexible approaches to problems, and to allow those in the community to exercise their judgment as to how best solve problems.

A great strength of the Wisconsin long-term care reforms, and especially the home and community-based benefit on which this legislation is based, is that it is focused on the needs of the individual. Eligibility is based on disability, not age, and services are centered around the particular needs of an individual rather than the perceived needs of a group.

The approach this legislation takes is not only appropriate, but integral to the nature of long-term care.

Mr. President, of the many misconceptions about long-term care, and about programs providing long-term care services, the most common may be that long-term care is purely an elderly issue. Though it is true that the elderly make up the largest part of the population needing long-term care services, long-term care is an issue facing millions of younger Americans. Approximately 1 million children have severe disabilities that require long-term care services. And over and above those individuals needing assistance for long-term disabilities, long-term care is a problem facing millions more who are the family members of those needing services.

Beyond the wide variety of ages among those needing long-term care services, there is a diversity of needs. From families that have a loved one afflicted with Alzheimer's disease, to individuals with cerebral palsy, however well intentioned, no one set of services will address the individual needs of long-term care consumers.

Rather than trying to fit all of those needing long-term care services into one set of services, this legislation lets case managers, working with long-term care consumers and their families, determine just what services are needed and preferred.

Mr. President, as I noted earlier, the failure to enact comprehensive reform will not interrupt my own efforts to advocate and push individual reforms that respond to the needs of people and that can help save our health care system money.

In home and community-based long-term care reform, we can achieve both.

For taxpayers in Wisconsin, COP has saved hundreds of millions of dollars that would otherwise have been spent on more expensive institutional care.

During the 1980's, while the rest of the country was experiencing a 24-percent increase in Medicaid nursing home bed use, in Wisconsin, thanks to COP and other long-term care reforms, Medicaid nursing home bed use actually dropped by 19 percent. In a recent talk, Governor Tommy Thompson noted that COP saves Wisconsin taxpayers about $25 million every year.

At the same time, COP has provided an alternative that allows the consumer to participate in determining the plan of care and in the execution of that plan.

But, Mr. President, at the Federal level we are behind Wisconsin and other States in reforming long-term care. Despite the creation of community-based Medicaid waiver programs, consumers are, for the most part, faced with few alternatives.

In describing the situation facing many elderly disabled prior to the establishment of COP in Wisconsin, Chuck McLaughlin testified before our field hearing that he recalled thinking that when he went to a grocery store there was incredible choice. He noted that there was an entire aisle for various types of pet food.

> But when elderly people encountered frailty and the loss of independence, there were basically no choices for them. It seemed a sad reality that society was doing a much better job at providing meal diversity to cats and dogs than we were doing at offering choices to humans facing frailty.

Mr. President, that is the plight of many needing long-term care today. The disabled of all ages have few options. And those that they do have are expensive for them, for their families, and for taxpayers.

This proposal will begin to provide the flexibility that state and local government needs to provide consumer-oriented and consumer-directed services.

Mr. President, I want to emphasize that I will continue to strive for comprehensive health care reform, reform that establishes universal coverage—guaranteed coverage that can never be taken away.

This legislation by itself will not achieve that coverage, but it can be an important first step to achieving it.

More importantly, long-term care reform is necessary for its own sake. The 10 million individuals, and their families, who need long-term care today foreshadow a need that will expand as our population ages.

Nearly every American lacks long-term care security. Only the very will off are not exposed to the risk of financial devastation that can accompany a long-term disability.

Now is the time to begin putting a structure in place that builds on the informal family supports, that provides the needed consumer-oriented and consumer-directed services, and that will save taxpayers money.

Mr. President, I ask unanimous consent that the text of the bill, along with a summary of the legislation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Home and Community-Based Services for Individuals with Disabilities Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES

Sec. 102. State programs for home and community-based services for individuals with disabilities.
Sec. 103. State plans.
Sec. 104. Individuals with disabilities defined.
Sec. 105. Home and community-based services covered under State plan.
Sec. 106. Cost sharing.
Sec. 107. Quality assurance and safeguards.
Sec. 108. Advisory groups.
Sec. 109. Payments to States.
Sec. 110. Appropriations; allotments to States.
Sec. 111. Federal evaluations.
Sec. 112. Information and technical assistance grants relating to development of hospital linkage programs.

TITLE II—PROVISIONS RELATING TO MEDICARE

Sec. 201. Recapture of certain health care subsidies received by high-income individuals.
Sec. 202. Imposition of 10 percent copayment on home health services under medicare.
Sec. 203. Reduction in payments for capital-related costs for inpatient hospital services.
Sec. 204. Elimination of formula-driven overpayments for certain outpatient hospital services.
Sec. 205. Reduction in routine cost limits for home health services.

TITLE I—HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES

SEC. 102. STATE PROGRAMS FOR HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Each State that has a plan for home and community-based services for individuals with disabilities submitted to and approved by the Secretary under section 103(b) may receive payment in accordance with section 109.

(b) ENTITLEMENT TO SERVICES.—Nothing in this title shall be construed to create a right to services for individuals or a requirement that a State with an approved plan expend the entire amount of funds to which it is entitled under this title.

(c) DESIGNATION OF AGENCY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall designate an agency responsible for program administration under this title.

SEC. 103. STATE PLANS.

(a) PLAN REQUIREMENTS.—In order to be approved under subsection (b), a State plan for home and community-based services for individuals with disabilities must meet the following requirements:

(1) STATE MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—A State plan under this title shall provide that the State will, during any fiscal year that the State is furnishing services under this title, make expenditures of State funds in an amount equal to the State maintenance of effort amount for the year determined under subparagraph (B) for furnishing the services described in subparagraph (C) under the State plan under this title or the State plan under title XIX of the Social Security Act.

(B) STATE MAINTENANCE OF EFFORT AMOUNT.—

(i) IN GENERAL.—The maintenance of effort amount for a State for a fiscal year is an amount equal to—

(I) for fiscal year 1996, the base amount for the State (as determined under clause (ii)) updated through the midpoint of fiscal year 1996 by the estimated percentage change in the index described in clause (iii) during the period beginning on October 1, 1994, and ending at that midpoint; and

(II) for succeeding fiscal years, an amount equal to the amount determined under this clause for the previous fiscal year updated through the midpoint of the year by the estimated percentage change in the index described in clause (iii) during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous underestimations or overestimations under this clause in the projected percentage change in such index.

(ii) STATE BASE AMOUNT.—The base amount for a State is an amount equal to the total expenditures from State funds made under the State plan under title XIX of the Social Security Act during fiscal year 1994 with respect to medical assistance consisting of the services described in subparagraph (C).

(iii) INDEX DESCRIBED.—For purposes of clause (i), the Secretary shall develop an index which reflects the projected increases in spending for services under subparagraph (C), adjusted for differences among the States.

(C) MEDICAID SERVICES DESCRIBED.—The services described in this subparagraph are the following:

(i) Personal care services (as described in section 1905(a)(24) of the Social Security Act).

(ii) Home or community-based services furnished under a waiver granted under subsection (c), (d), or (e) of section 1915 of such Act.

(iii) Home and community care furnished to functionally disabled elderly individuals under section 1929 of such Act.

(iv) Community supported living arrangements services under section 1930 of such Act.

(v) Services furnished in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other institutional setting specified by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—Within the amounts provided by the State and under section 109 for such plan, the plan shall provide that services under the plan will be available to individuals with disabilities (as defined in section 104(a)) in the State.

(B) INITIAL SCREENING.—The plan shall provide a process for the initial screening of an individual who appears to have some reasonable likelihood of being an individual with disabilities. Any such process shall require the provision of assistance to individuals who wish to apply but whose disability limits their ability to apply. The initial screening and the determination of disability (as defined under section 104(b)(1)) shall be conducted by a public agency.

(C) RESTRICTIONS.—

(i) IN GENERAL.—The plan may not limit the eligibility of individuals with disabilities based on—

(I) income;

(II) age;

(III) residential setting (other than with respect to an institutional setting, in accordance with clause (ii)); or

(IV) other grounds specified by the Secretary;

except that through fiscal year 2004, the Secretary may permit a State to limit eligibility based on level of disability or geography (if the State ensures a balance between urban and rural areas).

(ii) INSTITUTIONAL SETTING.—The plan may limit the eligibility of individuals with disabilities based on the definition of the term "institutional setting", as determined by the State.

(D) CONTINUATION OF SERVICES.—The plan must provide assurances that, in the case of an individual receiving medical assistance for home and community-based services under the State medicaid plan under title XIX of the Social Security Act as of the date a State's plan is approved under this title, the State will continue to make available (either under this plan, under the State medicaid plan, or otherwise) to such individual an appropriate level of assistance for home and community-based services, taking into account the level of assistance provided as of such date and the individual's need for home and community-based services.

(3) SERVICES.—

(A) NEEDS ASSESSMENT.—Not later than the end of the second year of implementation, the plan or its amendments shall include the results of a statewide assessment of the needs of individuals with disabilities in a format required by the Secretary. The needs assessment shall include demographic data concerning the number of individuals within each category of disability described in this title, and the services available to meet the needs of such individuals.

(B) SPECIFICATION.—Consistent with section 105, the plan shall specify—

(i) the services made available under the plan,

(ii) the extent and manner in which such services are allocated and made available to individuals with disabilities, and

(iii) the manner in which services under the plan are coordinated with each other and with health and long-term care services available outside the plan for individuals with disabilities.

(C) TAKING INTO ACCOUNT INFORMAL CARE.—A State plan may take into account, in determining the amount and array of services made available to covered individuals with disabilities, the availability of informal care. Any individual plan of care developed under section 105(b)(1)(B) that includes informal care shall be required to verify the availability of such care.

(D) ALLOCATION.—The State plan—

(i) shall specify how services under the plan will be allocated among covered individuals with disabilities,

(ii) shall attempt to meet the needs of individuals with a variety of disabilities within the limits of available funding,

(iii) shall include services that assist all categories of individuals with disabilities, regardless of their age or the nature of their disabling conditions,

(iv) shall demonstrate that services are allocated equitably, in accordance with the needs assessment required under subparagraph (A), and

(v) shall ensure that—

(I) the proportion of the population of low-income individuals with disabilities in the State that represents individuals with disabilities who are provided home and community-based services either under the plan, under the State medicaid plan, or under both, is not less than,

(II) the proportion of the population of the State that represents individuals who are low-income individuals.

(E) LIMITATION ON LICENSURE OR CERTIFICATION.—The State may not subject consumer-directed providers of personal assistance services to licensure, certification, or other requirements which the Secretary finds not to be necessary for the health and safety of individuals with disabilities.

(F) CONSUMER CHOICE.—To the extent feasible, the State shall follow the choice of an individual with disabilities (or that individual's designated representative who may be a family member) regarding which covered services to receive and the providers who will provide such services.

(4) COST SHARING.—The plan shall impose cost sharing with respect to covered services in accordance with section 106.

(5) TYPES OF PROVIDERS AND REQUIREMENTS FOR PARTICIPATION.—The plan shall specify—

(A) the types of service providers eligible to participate in the program under the plan, which shall include consumer-directed providers of personal assistance services, except that the plan—

(i) may not limit benefits to services provided by registered nurses or licensed practical nurses; and

(ii) may not limit benefits to services provided by agencies or providers certified under title XVIII of the Social Security Act; and

(B) any requirements for participation applicable to each type of service provider.

(6) PROVIDER REIMBURSEMENT.—

(A) PAYMENT METHODS.—The plan shall specify the payment methods to be used to reimburse providers for services furnished under the plan. Such methods may include retrospective reimbursement on a fee-for-service basis, prepayment on a capitation basis, payment by cash or vouchers to individuals with disabilities, or any combination of these methods. In the case of payment to consumer-directed providers of personal assistance services, including payment through the use of cash or vouchers, the plan shall specify how the plan will assure compliance with applicable employment tax and health care coverage provisions.

(B) PAYMENT RATES.—The plan shall specify the methods and criteria to be used to set payment rates for—

(i) agency administered services furnished under the plan; and

(ii) consumer-directed personal assistance services furnished under the plan, including cash payments or vouchers to individuals with disabilities, except that such payments shall be adequate to cover amounts required under applicable employment tax and health care coverage provisions.

(C) PLAN PAYMENT AS PAYMENT IN FULL.—The plan shall restrict payment under the plan for covered services to those providers that agree to accept the payment under the plan (at the rates established pursuant to subparagraph (B)) and any cost sharing permitted or provided for under section 106 as payment in full for services furnished under the plan.

(7) QUALITY ASSURANCE AND SAFEGUARDS.—The State plan shall provide for quality assurance and safeguards for applicants and beneficiaries in accordance with section 107.

(8) ADVISORY GROUP.—The State plan shall—

(A) assure the establishment and maintenance of an advisory group under section 108(b), and

(B) include the documentation prepared by the group under section 108(b)(4).

(9) ADMINISTRATION AND ACCESS.—

(A) STATE AGENCY.—The plan shall designate a State agency or agencies to administer (or to supervise the administration of) the plan.

(B) COORDINATION.—The plan shall specify how it will—

(i) coordinate services provided under the plan, including eligibility prescreening, service coordination, and referrals for individuals with disabilities who are ineligible for services under this title with the State medicaid plan under title XIX of the Social Security Act, titles V and XX of such Act, programs under the Older Americans Act of 1965, programs under the Developmental Disabilities Assistance and Bill of Rights Act, the Individuals with Disabilities Education Act, and any other Federal or State programs that provide services or assistance targeted to individuals with disabilities, and

(ii) coordinate with health plans.

(C) ADMINISTRATIVE EXPENDITURES.—Effective beginning with fiscal year 2004, the plan shall contain assurances that not more than 10 percent of expenditures under the plan for all quarters in any fiscal year shall be for administrative costs.

(D) INFORMATION AND ASSISTANCE.—The plan shall provide for a single point of access to apply for services under the State program for individuals with disabilities. Notwithstanding the preceding sentence, the plan may designate separate points of access to the State program for individuals under 22 years of age, for individuals 65 years of age or older, or for other appropriate classes of individuals.

(10) REPORTS AND INFORMATION TO SECRETARY; AUDITS.—The plan shall provide that the State will furnish to the Secretary—

(A) such reports, and will cooperate with such audits, as the Secretary determines are needed concerning the State's administration of its plan under this title, including the processing of claims under the plan, and

(B) such data and information as the Secretary may require in a uniform format as specified by the Secretary.

(11) USE OF STATE FUNDS FOR MATCHING.—The plan shall provide assurances that Federal funds will not be used to provide for the State share of expenditures under this title.

(12) HEALTH CARE WORKER REDEPLOYMENT.—The plan shall provide for the following:

(A) Before initiating the process of implementing the State program under such plan, negotiations will be commenced with labor unions representing the employees of the affected hospitals or other facilities.

(B) Negotiations under subparagraph (A) will address the following:

(i) The impact of the implementation of the program upon the workforce.

(ii) Methods to redeploy workers to positions in the proposed system, in the case of workers affected by the program.

(C) The plan will provide evidence that there has been compliance with subparagraphs (A) and (B), including a description of the results of the negotiations.

(13) TERMINOLOGY.—The plan shall adhere to uniform definitions of terms, as specified by the Secretary.

(b) APPROVAL OF PLANS.—The Secretary shall approve a plan submitted by a State if the Secretary determines that the plan—

(1) was developed by the State after a public comment period of not less than 30 days, and

(2) meets the requirements of subsection (a).

The approval of such a plan shall take effect as of the first day of the first fiscal year beginning after the date of such approval (except that any approval made before January 1, 1996, shall be effective as of January 1, 1996). In order to budget funds allotted under this title, the Secretary shall establish a deadline for the submission of such a plan before the beginning of a fiscal year as a condition of its approval effective with that fiscal year. Any significant changes to the State plan shall be submitted to the Secretary in the form of plan amendments and shall be subject to approval by the Secretary.

(c) MONITORING.—The Secretary shall annually monitor the compliance of State plans with the requirements of this title according to specified performance standards. In accordance with section 109(e), States that fail to comply with such requirements may be subject to a reduction in the Federal matching rates available to the State under section 109(a) or the withholding of Federal funds for services or administration until such time as compliance is achieved.

(d) TECHNICAL ASSISTANCE.—The Secretary shall ensure the availability of ongoing technical assistance to States under this section. Such assistance shall include serving as a clearinghouse for information regarding successful practices in providing long-term care services.

(e) REGULATIONS.—The Secretary shall issue such regulations as may be appropriate to carry out this title on a timely basis.

SEC. 104. INDIVIDUALS WITH DISABILITIES DEFINED.

(a) IN GENERAL.—For purposes of this title, the term 'individual with disabilities' means any individual within one or more of the following categories of individuals:

(1) INDIVIDUALS REQUIRING HELP WITH ACTIVITIES OF DAILY LIVING.—An individual of any age who—

(A) requires hands-on or standby assistance, supervision, or cueing (as defined in regulations) to perform three or more activities of daily living (as defined in subsection (d)), and

(B) is expected to require such assistance, supervision, or cueing over a period of at least 90 days.

(2) INDIVIDUALS WITH SEVERE COGNITIVE OR MENTAL IMPAIRMENT.—An individual of any age—

(A) whose score, on a standard mental status protocol (or protocols) appropriate for measuring the individual's particular condition specified by the Secretary, indicates either severe cognitive impairment or severe mental impairment, or both;

(B) who—

(i) requires hands-on or standby assistance, supervision, or cueing with one or more activities of daily living,

(ii) requires hands-on or standby assistance, supervision, or cueing with at least such instrumental activity (or activities) of daily living related to cognitive or mental impairment as the Secretary specifies, or

(iii) displays symptoms of one or more serious behavioral problems (that is on a list of such problems specified by the Secretary) which create a need for supervision to prevent harm to self or others; and

(C) who is expected to meet the requirements of subparagraphs (A) and (B) over a period of at least 90 days.

Not later than 2 years after the date of enactment of this Act, the Secretary shall make recommendations regarding the most appropriate duration of disability under this paragraph.

(3) INDIVIDUALS WITH SEVERE OR PROFOUND MENTAL RETARDATION.—An individual of any age who has severe or profound mental retardation (as determined according to a protocol specified by the Secretary).

(4) YOUNG CHILDREN WITH SEVERE DISABILITIES.—An individual under 6 years of age who—

(A) has a severe disability or chronic medical condition that limits functioning in a manner that is comparable in severity to the standards established under paragraphs (1), (2), or (3), and

(B) is expected to have such a disability or condition and require such services over a period of at least 90 days.

(5) STATE OPTION WITH RESPECT TO INDIVIDUALS WITH COMPARABLE DISABILITIES.—Not more than 2 percent of a State's allotment for services under this title may be expended for the provision of services to individuals with severe disabilities that are comparable in severity to the criteria described in paragraphs (1) through (4), but who fail to meet the criteria in any single category under such paragraphs.

(b) DETERMINATION.—

(1) IN GENERAL.—In formulating eligibility criteria under subsection (a), the Secretary shall establish criteria for assessing the functional level of disability among all categories of individuals with disabilities that are comparable in severity, regardless of the age or the nature of the disabling condition of the individual. The determination of whether an individual is an individual with disabilities shall be made by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title and by using a uniform protocol consisting of an initial screening and a determination of disability specified by the Secretary. A State may not impose cost sharing with respect to a determination of disability. A State may collect additional information, at the time of obtaining information to make such determination, in order to provide for the assessment and plan described in section 105(b) or for other purposes.

(2) PERIODIC REASSESSMENT.—The determination that an individual is an individual with disabilities shall be considered to be effective under the State plan for a period of not more than 6 months (or for such longer period in such cases as a significant change in an individual's condition that may affect such determination is unlikely). A reassessment shall be made if there is a significant change in an individual's condition that may affect such determination.

(c) ELIGIBILITY CRITERIA.—The Secretary shall reassess the validity of the eligibility criteria described in subsection (a) as new knowledge regarding the assessments of functional disabilities becomes available. The Secretary shall report to the Congress on its findings under the preceding sentence as determined appropriate by the Secretary.

(d) ACTIVITY OF DAILY LIVING DEFINED.—For purposes of this title, the term 'activity of daily living' means any of the following: eating, toileting, dressing, bathing, and transferring.

SEC. 105. HOME AND COMMUNITY-BASED SERVICES COVERED UNDER STATE PLAN.

(a) SPECIFICATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the State plan under this title shall specify—

(A) the home and community-based services available under the plan to individuals with disabilities (or to such categories of such individuals), and

(B) any limits with respect to such services.

(2) FLEXIBILITY IN MEETING INDIVIDUAL NEEDS.—Subject to subsection (e)(2), such services may be delivered in an individual's home, a range of community residential arrangements, or outside the home.

(b) REQUIREMENT FOR NEEDS ASSESSMENT AND PLAN OF CARE.—

(1) IN GENERAL.—The State plan shall provide for home and community-based services to an individual with disabilities only if the following requirements are met:

(A) COMPREHENSIVE ASSESSMENT.—

(i) IN GENERAL.—A comprehensive assessment of an individual's need for home and community-based services (regardless of whether all needed services are available under the plan) shall be made in accordance with a uniform, comprehensive assessment tool that shall be used by a State under this paragraph with the approval of the Secretary. The comprehensive assessment shall be made by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title.

(ii) EXCEPTION.—The State may elect to waive the provisions of clause (i) if—

(I) with respect to any area of the State, the State has determined that there is an insufficient pool of entities willing to perform comprehensive assessments in such area due to a low population of individuals eligible for home and community-based services under this title residing in the area, and

(II) the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(B) INDIVIDUALIZED PLAN OF CARE.—

(i) IN GENERAL.—An individualized plan of care based on the assessment made under subparagraph (A) shall be developed by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title, except that the State may elect to waive the provisions of this sentence if, with respect to any area of the State, the State has determined there is an insufficient pool of entities willing to develop individualized plans of care in such area due to a low population of individuals eligible for home and community-based services under this title residing in the area, and the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(ii) REQUIREMENTS WITH RESPECT TO PLAN OF CARE.—A plan of care under this subparagraph shall—

(I) specify which services included under the individual plan will be provided under the State plan under this title,

(II) identify (to the extent possible) how the individual will be provided any services specified under the plan of care and not provided under the State plan,

(III) specify how the provision of services to the individual under the plan will be coordinated with the provision of other health care services to the individual, and

(IV) be reviewed and updated every 6 months (or more frequently if there is a change in the individual's condition).

The State shall make reasonable efforts to identify and arrange for services described in subclause (II). Nothing in this subsection shall be construed as requiring a State (under the State plan or otherwise) to provide all the services specified in such a plan.

(C) INVOLVEMENT OF INDIVIDUALS.—The individualized plan of care under subparagraph (B) for an individual with disabilities shall—

(i) be developed by qualified individuals (specified in subparagraph (B));

(ii) be developed and implemented in close consultation with the individual (or the individual's designated representative); and

(iii) be approved by the individual (or the individual's designated representative).

(c) REQUIREMENT FOR CARE MANAGEMENT.—

(1) IN GENERAL.—The State shall make available to each category of individuals with disabilities care management services that at a minimum include—

(A) arrangements for the provision of such services, and

(B) monitoring of the delivery of services.

(2) CARE MANAGEMENT SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the care management services described in paragraph (1) shall be provided by a public or private entity that is not providing home and community-based services under this title.

(B) EXCEPTION.—A person who provides home and community-based services under this title may provide care management services if—

(i) the State determines that there is an insufficient pool of entities willing to provide such services in an area due to a low population of individuals eligible for home and community-based services under this title residing in such area; and

(ii) the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(d) MANDATORY COVERAGE OF PERSONAL ASSISTANCE SERVICES.—The State plan shall include, in the array of services made available to each category of individuals with disabilities, both agency-administered and consumer-directed personal assistance services (as defined in subsection (h)).

(e) ADDITIONAL SERVICES.—

(1) TYPES OF SERVICES.—Subject to subsection (f), services available under a State plan under this title may include any (or all) of the following:

(A) Homemaker and chore assistance.

(B) Home modifications.

(C) Respite services.

(D) Assistive devices, as defined in the Technology Related Assistance for Individuals with Disabilities Act.

(E) Adult day services.

(F) Habilitation and rehabilitation.

(G) Supported employment.

(H) Home health services.

(I) Transportation.

(J) Any other care or assistive services specified by the State and approved by the Secretary that will help individuals with disabilities to remain in their homes and communities.

(2) CRITERIA FOR SELECTION OF SERVICES.—The State electing services under paragraph (1) shall specify in the State plan—

(A) the methods and standards used to select the types, and the amount, duration, and scope, of services to be covered under the plan and to be available to each category of individuals with disabilities, and

(B) how the types, and the amount, duration, and scope, of services specified, within the limits of available funding, provide substantial assistance in living independently to individuals within each of the categories of individuals with disabilities.

(f) EXCLUSIONS AND LIMITATIONS.—A State plan may not provide for coverage of—

(1) room and board,

(2) services furnished in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other institutional setting specified by the Secretary, or

(3) items and services to the extent coverage is provided for the individual under a health plan or the medicare program.

(g) PAYMENT FOR SERVICES.—In order to pay for covered services, a State plan may provide for the use of—

(1) vouchers,

(2) cash payments directly to individuals with disabilities,

(3) capitation payments to health plans, and

(4) payment to providers.

(h) PERSONAL ASSISTANCE SERVICES.—

(1) IN GENERAL.—For purposes of this title, the term 'personal assistance services' means those services specified under the State plan as personal assistance services and shall include at least hands-on and standby assistance, supervision, cueing with activities of daily living, and such instrumental activities of daily living as deemed necessary or appropriate, whether agency-administered or consumer-directed (as defined in paragraph (2)). Such services shall include services that are determined to be necessary to help all categories of individuals with disabilities, regardless of the age of such individuals or the nature of the disabling conditions of such individuals.

(2) CONSUMER-DIRECTED.—For purposes of this title:

(A) IN GENERAL.—The term 'consumer-directed' means, with reference to personal assistance services or the provider of such services, services that are provided by an individual who is selected and managed (and, at the option of the service recipient, trained) by the individual receiving the services.

(B) STATE RESPONSIBILITIES.—A State plan shall ensure that where services are provided in a consumer-directed manner, the State shall create or contract with an entity, other than the consumer or the individual provider, to—

(i) inform both recipients and providers of rights and responsibilities under all applicable Federal labor and tax law; and

(ii) assume responsibility for providing effective billing, payments for services, tax withholding, unemployment insurance, and workers' compensation coverage, and act as the employer of the home care provider.

(C) RIGHT OF CONSUMERS.—Notwithstanding the State responsibilities described in subparagraph (B), service recipients, and, where appropriate, their designated representative, shall retain the right to independently select, hire, terminate, and direct (including manage, train, schedule, and verify services provided) the work of a home care provider.

(3) AGENCY ADMINISTERED.—For purposes of this title, the term 'agency-administered' means, with respect to such services, services that are not consumer-directed.

SEC. 106. COST SHARING.

(a) NO COST SHARING FOR POOREST.—

(1) IN GENERAL.—The State plan may not impose any cost sharing for individuals with income (as determined under subsection (d)) less than 150 percent of the official poverty level (referred to in paragraph (2)) applicable to a family of the size involved.

(2) OFFICIAL POVERTY LEVEL.—The term 'applicable poverty level' means, for a family for a year, the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

(b) SLIDING SCALE FOR REMAINDER.—

(1) REQUIRED COINSURANCE.—The State plan shall impose cost sharing in the form of coinsurance (based on the amount paid under the State plan for a service)—

(A) at a rate of 10 percent for individuals with disabilities with income not less than 150 percent, and less than 175 percent, of such official poverty line (as so applied);

(B) at a rate of 15 percent for such individuals with income not less than 175 percent, and less than 225 percent, of such official poverty line (as so applied);

(C) at a rate of 25 percent for such individuals with income not less than 225 percent, and less than 275 percent, of such official poverty line (as so applied);

(D) at a rate of 30 percent for such individuals with income not less than 275 percent, and less than 325 percent, of such official poverty line (as so applied);

(E) at a rate of 35 percent for such individuals with income not less than 325 percent, and less than 400 percent, of such official poverty line (as so applied); and

(F) at a rate of 40 percent for such individuals with income equal to at least 400 percent of such official poverty line (as so applied).

(2) REQUIRED ANNUAL DEDUCTIBLE.—The State plan shall impose cost sharing in the form of an annual deductible—

(A) of $100 for individuals with disabilities with income not less than 150 percent, and less than 175 percent, of such official poverty line (as so applied);

(B) of $200 for such individuals with income not less than 175 percent, and less than 225 percent, of such official poverty line (as so applied);

(C) of $300 for such individuals with income not less than 225 percent, and less than 275 percent, of such official poverty line (as so applied);

(D) of $400 for such individuals with income not less than 275 percent, and less than 325 percent, of such official poverty line (as so applied);

(E) of $500 for such individuals with income not less than 325 percent, and less than 400 percent, of such official poverty line (as so applied); and

(F) of $600 for such individuals with income equal to at least 400 percent of such official poverty line (as so applied).

(c) RECOMMENDATION OF THE SECRETARY.—The Secretary shall make recommendations to the States as to how to reduce cost-sharing for individuals with extraordinary out-of-pocket costs for whom the cost-sharing provisions of this section could jeopardize their ability to take advantage of the services offered under this title. The Secretary shall establish a methodology for reducing the cost-sharing burden for individuals with exceptionally high out-of-pocket costs under this title.

(d) Determination of Income for Purposes of Cost Sharing.—The State plan shall specify the process to be used to determine the income of an individual with disabilities for purposes of this section. Such standards shall include a uniform Federal definition of income and any allowable deductions from income.

SEC. 107. QUALITY ASSURANCE AND SAFEGUARDS.

(a) Quality Assurance.—

(1) In general.—The State plan shall specify how the State will ensure and monitor the quality of services, including—

(A) safeguarding the health and safety of individuals with disabilities,

(B) setting the minimum standards for agency providers and how such standards will be enforced,

(C) setting the minimum competency requirements for agency provider employees who provide direct services under this title and how the competency of such employees will be enforced,

(D) obtaining meaningful consumer input, including consumer surveys that measure the extent to which participants receive the services described in the plan of care and participant satisfaction with such services,

(E) establishing a process to receive, investigate, and resolve allegations of neglect and/or abuse,

(F) establishing optional training programs for individuals with disabilities in the use and direction of consumer directed providers of personal assistance services,

(G) establishing an appeals procedure for eligibility denials and a grievance procedure for disagreements with the terms of an individualized plan of care;

(H) providing for participation in quality assurance activities, and

(I) specifying the role of the long-term care ombudsman (under the Older Americans Act of 1965) and the Protection and Advocacy Agency (under the Developmental Disabilities Assistance and Bill of Rights Act) in assuring quality of services and protecting the rights of individuals with disabilities.

(2) Issuance of regulations.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations implementing the quality provisions of this subsection.

(b) Federal Standards.—The State plan shall adhere to Federal quality standards in the following areas:

(1) Case review of a specified sample of client records.

(2) The mandatory reporting of abuse, neglect, or exploitation.

(3) The development of a registry of provider agencies or home care workers and consumer directed providers of personal assistance services against whom any complaints have been sustained, which shall be available to the public.

(4) Sanctions to be imposed on States or providers, including disqualification from the program, if minimum standards are not met.

(5) Surveys of client satisfaction.

(6) State optional training programs for informal caregivers.

(c) Client Advocacy.—

(1) In general.—The State plan shall provide that the State will expend the amount allocated under section 110(b)(2) for client advocacy activities. The State may use such funds to augment the budgets of the long-term care ombudsman (under the Older Americans Act of 1965) and the Protection and Advocacy Agency (under the Developmental Disabilities Assistance and Bill of Rights Act) or may establish a separate and independent client advocacy office in accordance with paragraph (2) to administer a new program designed to advocate for client rights.

(2) Client advocacy office.—

(A) In general.—A client advocacy office established under this paragraph shall—

(i) identify, investigate, and resolve complaints that—

(I) are made by, or on behalf of, clients; and

(II) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the clients (including the welfare and rights of the clients with respect to the appointment and activities of guardians and representative payees), of—

(aa) providers, or representatives of providers, of long-term care services;

(bb) public agencies; or

(cc) health and social service agencies;

(ii) provide services to assist the clients in protecting the health, safety, welfare, and rights of the clients;

(iii) inform the clients about means of obtaining services provided by providers or agencies described in clause (i)(II) or services described in clause (ii);

(iv) ensure that the clients have regular and timely access to the services provided through the office and that the clients and complainants receive timely responses from representatives of the office to complaints; and

(v) represent the interests of the clients before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the clients with regard to the provisions of this title.

(B) Contracts and arrangements.—

(i) In general.—Except as provided in clause (ii), the State agency may establish and operate the office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

(ii) Licensing and certification organizations; associations.—The State agency may not enter into the contract or other arrangement described in clause (i) with an agency or organization that is responsible for licensing, certifying, or providing long-term care services in the State.

(d) Safeguards.—

(1) Confidentiality.—The State plan shall provide safeguards which restrict the use or disclosure of information concerning applicants and beneficiaries to purposes directly connected with the administration of the plan.

(2) Safeguards against abuse.—The State plans shall provide safeguards against physical, emotional, or financial abuse or exploitation (specifically including appropriate safeguards in cases where payment for program benefits is made by cash payments or vouchers given directly to individuals with disabilities). All providers of services shall be required to register with the State agency.

(3) Regulations.—Not later than January 1, 1996, the Secretary shall promulgate regulations with respect to the requirements on States under this subsection.

(e) Specified Rights.—The State plan shall provide that in furnishing home and community-based services under the plan the following individual rights are protected:

(1) The right to be fully informed in advance, orally and in writing, of the care to be provided, to be fully informed in advance of any changes in care to be provided, and (except with respect to an individual determined incompetent) to participate in planning care or changes in care.

(2) The right to—

(A) voice grievances with respect to services that are (or fail to be) furnished without discrimination or reprisal for voicing grievances,

(B) be told how to complain to State and local authorities, and

(C) prompt resolution of any grievances or complaints.

(3) The right to confidentiality of personal and clinical records and the right to have access to such records.

(4) The right to privacy and to have one's property treated with respect.

(5) The right to refuse all or part of any care and to be informed of the likely consequences of such refusal.

(6) The right to education or training for oneself and for members of one's family or household on the management of care.

(7) The right to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints imposed for purposes of discipline or convenience and not included in an individual's plan of care.

(8) The right to be fully informed orally and in writing of the individual's rights.

(9) The right to a free choice of providers.

(10) The right to direct provider activities when an individual is competent and willing to direct such activities.

SEC. 108. ADVISORY GROUPS.

(a) Federal Advisory Group.—

(1) Establishment.—The Secretary shall establish an advisory group, to advise the Secretary and States on all aspects of the program under this title.

(2) Composition.—The group shall be composed of individuals with disabilities and their representatives, providers, Federal and State officials, and local community implementing agencies. A majority of its members shall be individuals with disabilities and their representatives.

(b) State Advisory Groups.—

(1) In general.—Each State plan shall provide for the establishment and maintenance of an advisory group to advise the State on all aspects of the State plan under this title.

(2) Composition.—Members of each advisory group shall be appointed by the Governor (or other chief executive officer of the State) and shall include individuals with disabilities and their representatives, providers, State officials, and local community implementing agencies. A majority of its members shall be individuals with disabilities and their representatives. The members of the advisory group shall be selected from the those nominated as described in paragraph (3).

(3) Selection of members.—Each State shall establish a process whereby all residents of the State, including individuals with disabilities and their representatives, shall be given the opportunity to nominate members to the advisory group.

(4) Particular concerns.—Each advisory group shall—

(A) before the State plan is developed, advise the State on guiding principles and values, policy directions, and specific components of the plan,

(B) meet regularly with State officials involved in developing the plan, during the development phase, to review and comment on all aspects of the plan,

(C) participate in the public hearings to help assure that public comments are addressed to the extent practicable,

(D) report to the Governor and make available to the public any differences between the group's recommendations and the plan,

(E) report to the Governor and make available to the public specifically the degree to which the plan is consumer-directed, and

(F) meet regularly with officials of the designated State agency (or agencies) to provide advice on all aspects of implementation and evaluation of the plan.

SEC. 109. PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to section 103(a)(9)(C) (relating to limitation on payment for administrative costs), the Secretary, in accordance with the Cash Management Improvement Act, shall authorize payment to each State with a plan approved under this title, for each quarter (beginning on or after January 1, 1996), from its allotment under section 110(b), an amount equal to—

(1)(A) with respect to the amount demonstrated by State claims to have been expended during the year for home and community-based services under the plan for individuals with disabilities that does not exceed 20 percent of the amount allotted to the State under section 110(b), 100 percent of such amount; and

(B) with respect to the amount demonstrated by State claims to have been expended during the year for home and community-based services under the plan for individuals with disabilities that exceeds 20 percent of the amount allotted to the State under section 110(b), the Federal home and community-based services matching percentage (as defined in subsection (b)) of such amount; plus

(2) an amount equal to 90 percent of the amount demonstrated by the State to have been expended during the quarter for quality assurance activities under the plan; plus

(3) an amount equal to 90 percent of amount expended during the quarter under the plan for activities (including preliminary screening) relating to determination of eligibility and performance of needs assessment; plus

(4) an amount equal to 90 percent (or, beginning with quarters in fiscal year 2004, 75 percent) of the amount expended during the quarter for the design, development, and installation of mechanical claims processing systems and for information retrieval; plus

(5) an amount equal to 50 percent of the remainder of the amounts expended during the quarter as found necessary by the Secretary for the proper and efficient administration of the State plan.

(b) FEDERAL HOME AND COMMUNITY-BASED SERVICES MATCHING PERCENTAGE.—In subsection (a), the term 'Federal home and community-based services matching percentage' means, with respect to a State, the State's Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) increased by 15 percentage points, except that the Federal home and community-based services matching percentage shall in no case be more than 95 percent.

(c) PAYMENTS ON ESTIMATES WITH RETROSPECTIVE ADJUSTMENTS.—The method of computing and making payments under this section shall be as follows:

(1) The Secretary shall, prior to the beginning of each quarter, estimate the amount to be paid to the State under subsection (a) for such quarter, based on a report filed by the State containing its estimate of the total sum to be expended in such quarter, and such other information as the Secretary may find necessary.

(2) From the allotment available therefore, the Secretary shall provide for payment of the amount so estimated, reduced or increased, as the case may be, by any sum (not previously adjusted under this section) by which the Secretary finds that the estimate of the amount to be paid the State for any prior period under this section was greater or less than the amount which should have been paid.

(d) APPLICATION OF RULES REGARDING LIMITATIONS ON PROVIDER-RELATED DONATIONS AND HEALTH CARE RELATED TAXES.—The provisions of section 1903(w) of the Social Security Act shall apply to payments to States under this section in the same manner as they apply to payments to States under section 1903(a) of such Act.

(e) FAILURE TO COMPLY WITH STATE PLAN.—If a State furnishing home and community-based services under this title fails to comply with the State plan approved under this title, the Secretary may either reduce the Federal matching rates available to the State under subsection (a) or withhold an amount of funds determined appropriate by the Secretary from any payment to the State under this section.

SEC. 110. APPROPRIATIONS; ALLOTMENTS TO STATES.

(a) APPROPRIATIONS.—

(1) FISCAL YEARS 1996 THROUGH 2004.—Subject to paragraph (5)(C), for purposes of this title, the appropriation authorized under this title for each of fiscal years 1996 through 2004 is the following:

(A) For fiscal year 1996, $1,800,000,000.

(B) For fiscal year 1997, $3,500,000,000.

(C) For fiscal year 1998, $5,800,000,000.

(D) For fiscal year 1999, $7,300,000,000.

(E) For fiscal year 2000, $10,000,000,000.

(F) For fiscal year 2001, $15,700,000,000.

(G) For fiscal year 2002, $22,800,000,000.

(H) For fiscal year 2003, $30,700,000,000.

(I) For fiscal year 2004, $34,600,000,000.

(2) SUBSEQUENT FISCAL YEARS.—For purposes of this title, the appropriation authorized for State plans under this title for each fiscal year after fiscal year 2004 is the appropriation authorized under this subsection for the preceding fiscal year multiplied by—

(A) a factor (described in paragraph (3)) reflecting the change in the consumer price index for the fiscal year, and

(B) a factor (described in paragraph (4)) reflecting the change in the number of individuals with disabilities for the fiscal year.

(3) CPI INCREASE FACTOR.—For purposes of paragraph (2)(A), the factor described in this paragraph for a fiscal year is the ratio of—

(A) the annual average index of the consumer price index for the preceding fiscal year, to—

(B) such index, as so measured, for the second preceding fiscal year.

(4) DISABLED POPULATION FACTOR.—For purposes of paragraph (2)(B), the factor described in this paragraph for a fiscal year is 100 percent plus (or minus) the percentage increase (or decrease) change in the disabled population of the United States (as determined for purposes of the most recent update under subsection (b)(3)(D)).

(5) ADDITIONAL FUNDS DUE TO MEDICAID OFFSETS.—

(A) IN GENERAL.—Each participating State must provide the Secretary with information concerning offsets and reductions in the medicaid program resulting from home and community-based services provided disabled individuals under this title, that would have been paid for such individuals under the State medicaid plan. At the time a State first submits its plan under this title and before each subsequent fiscal year (through fiscal year 2004), the State also must provide the Secretary with such budgetary information (for each fiscal year through fiscal year 2004), as the Secretary determines to be necessary to carry out this paragraph.

(B) REPORTS.—Each State with a program under this title shall submit such reports to the Secretary as the Secretary may require in order to monitor compliance with subparagraph (A). The Secretary shall specify the format of such reports and establish uniform data reporting elements.

(C) ADJUSTMENTS TO APPROPRIATION.—

(i) IN GENERAL.—For each fiscal year (beginning with fiscal year 1996 and ending with fiscal year 2004) and based on a review of information submitted under subparagraph (A), the Secretary shall determine the amount by which the appropriation authorized under subsection (a) will increase. The amount of such increase for a fiscal year shall be limited to the reduction in Federal expenditures of medical assistance (as determined by Secretary) that would have been made under title XIX of the Social Security Act but for the provision of home and community based services under the program under this title.

(ii) ANNUAL PUBLICATION.—The Secretary shall publish before the beginning of such fiscal year, the revised appropriation authorized under this subsection for such fiscal year.

(D) CONSTRUCTION.—Nothing in this subsection shall be construed as requiring States to determine eligibility for medical assistance under the State medicaid plan on behalf of individuals receiving assistance under this title.

(b) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—The Secretary shall allot the amounts available under the appropriation authorized for the fiscal year under paragraph (1) of subsection (a) (without regard to any adjustment to such amount under paragraph (5) of such subsection), to the States with plans approved under this title in accordance with an allocation formula developed by the Secretary which takes into account—

(A) the percentage of the total number of individuals with disabilities in all States that reside in a particular State;

(B) the per capita costs of furnishing home and community-based services to individuals with disabilities in the State; and

(C) the percentage of all individuals with incomes at or below 150 percent of the official poverty line (as described in section 106(a)(2)) in all States that reside in a particular State.

(2) ALLOCATION FOR CLIENT ADVOCACY ACTIVITIES.—Each State with a plan approved under this title shall allocate one-half of one percent of the State's total allotment under paragraph (1) for client advocacy activities as described in section 107(c).

(3) NO DUPLICATE PAYMENT.—No payment may be made to a State under this section for any services provided to an individual to the extent that the State received payment for such services under section 1903(a) of the Social Security Act.

(4) REALLOCATIONS.—Any amounts allotted to States under this subsection for a year that are not expended in such year shall remain available for State programs under this

title and may be reallocated to States as the Secretary determines appropriate.

(5) SAVINGS DUE TO MEDICAID OFFSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), from the total amount of the increase in the amount available for a fiscal year under paragraph (1) of subsection (a) resulting from the application of paragraph (5) of such subsection, the Secretary shall allot to each State with a plan approved under this title, an amount equal to the Federal offsets and reductions in the State's medicaid plan for such fiscal year that was reported to the Secretary under subsection (a)(5), reduced or increased, as the case may be, by any amount by which the Secretary determines that any estimated Federal offsets and reductions in such State's medicaid plan reported to the Secretary under subsection (a)(5) for the previous fiscal year were greater or less than the actual Federal offsets and reductions in such State's medicaid plan.

(B) CAP ON STATE SAVINGS ALLOTMENT.—In no case shall the allotment made under this paragraph to any State for a fiscal year exceed the product of—

(i) the Federal medical assistance percentage for such State (as defined under section 1905(b) of the Social Security Act); multiplied by

(ii)(I) for fiscal year 1996, the base medical assistance amount for the State (as determined under subparagraph (C)) updated through the midpoint of fiscal year 1996 by the estimated percentage change in the index described in section 103(a)(1)(B)(iii) during the period beginning on October 1, 1994, and ending at that midpoint; and

(II) for succeeding fiscal years, an amount equal to the amount determined under this clause for the previous fiscal year updated through the midpoint of the year by the estimated percentage change in such index during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous underestimations or overestimations under this clause in the projected percentage change in such index.

(C) BASE MEDICAL ASSISTANCE AMOUNT.—The base medical assistance amount for a State is an amount equal to the total expenditures from Federal and State funds made under the State plan under title XIX of the Social Security Act during fiscal year 1994 with respect to medical assistance consisting of the services described in section 103(a)(1)(C).

(c) STATE ENTITLEMENT.—This title constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide for the payment to States of amounts described in subsection (a).

SEC. 111. FEDERAL EVALUATIONS.

(a) IN GENERAL.—Not later than December 31, 2001, December 31, 2004, and each December 31 thereafter, the Secretary shall provide to Congress analytical reports that evaluate—

(1) the extent to which individuals with low incomes and disabilities are equitably served;

(2) the adequacy and equity of service plans to individuals with similar levels of disability across States;

(3) the comparability of program participation across States, described by level and type of disability; and

(4) the ability of service providers to sufficiently meet the demand for services.

(b) GERIATRIC ASSESSMENTS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress concerning the feasibility of providing reimbursement under health plans and other payers of health services for full geriatric assessment, when recommended by a physician.

SEC. 112. INFORMATION AND TECHNICAL ASSISTANCE GRANTS RELATING TO DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) demonstration programs and projects have been developed to offer care management to hospitalized individuals awaiting discharge who are in need of long-term health care services that meet individual needs and preferences in home and community-based settings as an alternative to long-term nursing home care or institutional placement; and

(2) there is a need to disseminate information and technical assistance to hospitals and State and local community organizations regarding such programs and projects and to provide incentive grants to State and local public and private agencies, including area agencies on aging, to establish and expand programs that offer care management to individuals awaiting discharge from acute care hospitals who are in need of long-term care so that services to meet individual needs and preferences can be arranged in home and community-based settings as an alternative to long-term placement in nursing homes or other institutional settings.

(b) DISSEMINATION OF INFORMATION, TECHNICAL ASSISTANCE, AND INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.—Part C of title III of the Public Health Service Act (42 U.S.C. 248 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 327B. DISSEMINATION OF INFORMATION, TECHNICAL ASSISTANCE AND INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.

"(a) DISSEMINATION OF INFORMATION.—The Secretary shall compile, evaluate, publish and disseminate to appropriate State and local officials and to private organizations and agencies that provide services to individuals in need of long-term health care services, such information and materials as may assist such entities in replicating successful programs that are aimed at offering care management to hospitalized individuals who are in need of long-term care so that services to meet individual needs and preferences can be arranged in home and community-based settings as an alternative to long-term nursing home placement. The Secretary may provide technical assistance to entities seeking to replicate such programs.

"(b) INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.—The Secretary shall establish a program under which incentive grants may be awarded to assist private and public agencies, including area agencies on aging, and organizations in developing and expanding programs and projects that facilitate the discharge of individuals in hospitals or other acute care facilities who are in need of long-term care services and placement of such individuals into home and community-based settings.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (b) an entity shall be—

"(A)(i) a State agency as defined in section 102(43) of the Older Americans Act of 1965; or

"(ii) a State agency responsible for administering home and community care programs under title XIX of the Social Security Act; or

"(B) if no State agency described in subparagraph (A) applies with respect to a particular State, a public or nonprofit private entity.

"(2) APPLICATIONS.—To be eligible to receive an incentive grant under subsection (b), an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including—

"(A) an assessment of the need within the community to be served for the establishment or expansion of a program to facilitate the discharge of individuals in need of long-term care who are in hospitals or other acute care facilities into home and community-care programs that provide individually planned, flexible services that reflect individual choice or preference rather than nursing home or institutional settings;

"(B) a plan for establishing or expanding a program for identifying individuals in hospital or acute care facilities who are in need of individualized long-term care provided in home and community-based settings rather than nursing homes or other institutional settings and undertaking the planning and management of individualized care plans to facilitate discharge into such settings;

"(C) assurances that nongovernmental case management agencies funded under grants awarded under this section are not direct providers of home and community-based services;

"(D) satisfactory assurances that adequate home and community-based long term care services are available, or will be made available, within the community to be served so that individuals being discharged from hospitals or acute care facilities under the proposed program can be served in such home and community-based settings, with flexible, individualized care which reflects individual choice and preference;

"(E) a description of the manner in which the program to be administered with amounts received under the grant will be continued after the termination of the grant for which such application is submitted; and

"(F) a description of any waivers or approvals necessary to expand the number of individuals served in federally funded home and community-based long term care programs in order to provide satisfactory assurances that adequate home and community-based long term care services are available in the community to be served.

"(3) AWARDING OF GRANTS.—

"(A) PREFERENCES.—In awarding grants under subsection (b), the Secretary shall give preference to entities submitting applications that—

"(i) demonstrate an ability to coordinate activities funded using amounts received under the grant with programs providing individualized home and community-based case management and services to individuals in need of long term care with hospital discharge planning programs; and

"(ii) demonstrate that adequate home and community-based long term care management and services are available, or will be made available to individuals being served under the program funded with amounts received under subsection (b).

"(B) DISTRIBUTION.—In awarding grants under subsection (b), the Secretary shall ensure that such grants—

"(i) are equitably distributed on a geographic basis;

"(ii) include projects operating in urban areas and projects operating in rural areas; and "(iii) are awarded for the expansion of existing hospital linkage programs as well as the establishment of new programs.

"(C) EXPEDITED CONSIDERATION.—The Secretary shall provide for the expedited consideration of any waiver application that is necessary under title XIX of the Social Security Act to enable an applicant for a grant under subsection (b) to satisfy the assurance required under paragraph (1)(D).

"(4) USE OF GRANTS.—An entity that receives amounts under a grant under subsection (b) may use such amounts for planning, development and evaluation services and to provide reimbursements for the costs of one or more case mangers to be located in or assigned to selected hospitals who would—

"(A) identify patients in need of individualized care in home and community-based long-term care;

"(B) assess and develop care plans in cooperation with the hospital discharge planning staff; and

"(C) arrange for the provision of community care either immediately upon discharge from the hospital or after any short term nursing-home stay that is needed for recuperation or rehabilitation;

"(5) DIRECT SERVICES SUBJECT TO REIMBURSEMENTS.—None of the amounts provided under a grant under this section may be used to provide direct services, other than case management, for which reimbursements are otherwise available under title XVIII or XIX of the Social Security Act.

"(6) LIMITATIONS.—

"(A) TERM.—Grants awarded under this section shall be for terms of less than 3 years.

"(B) AMOUNT.—Grants awarded to an entity under this section shall not exceed $300,000 per year. The Secretary may waive the limitation under this subparagraph where an applicant demonstrates that the number of hospitals or individuals to be served under the grant justifies such increased amounts.

"(C) SUPPLANTING OF FUNDS.—Amounts awarded under a grant under this section may not be used to supplant existing State funds that are provided to support hospital link programs.

"(d) EVALUATION AND REPORTS.—

"(1) BY GRANTEES.—An entity that receives a grant under this section shall evaluate the effectiveness of the services provided under the grant in facilitating the placement of individuals being discharged from hospitals or acute care facilities into home and community-based long term care settings rather than nursing homes. Such entity shall prepare and submit to the Secretary a report containing such information and data concerning the activities funded under the grant as the Secretary determines appropriate.

"(2) BY SECRETARY.—Not later than the end of the third fiscal year for which funds are appropriated under subsection (e), the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the results of the evaluations and reports conducted and prepared under paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1994 through 1996.".

TITLE II—PROVISIONS RELATING TO MEDICARE

SEC. 201. RECAPTURE OF CERTAIN HEALTH CARE SUBSIDIES RECEIVED BY HIGH-INCOME INDIVIDUALS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

"PART VIII—CERTAIN HEALTH CARE SUBSIDIES RECEIVED BY HIGH-INCOME INDIVIDUALS

"Sec. 59B. Recapture of certain health care subsidies.

"SEC. 59B. RECAPTURE OF CERTAIN HEALTH CARE SUBSIDIES.

"(a) IMPOSITION OF RECAPTURE AMOUNT.—In the case of an individual, if the modified adjusted gross income of the taxpayer for the taxable year exceeds the threshold amount, such taxpayer shall pay (in addition to any other amount imposed by this subtitle) a recapture amount for such taxable year equal to the aggregate of the Medicare part B recapture amounts (if any) for months during such year that a premium is paid under part B of title XVIII of the Social Security Act for the coverage of the individual under such part.

"(b) MEDICARE PART B PREMIUM RECAPTURE AMOUNT FOR MONTH.—For purposes of this section, the Medicare part B premium recapture amount for any month is the amount equal to the excess of—

"(1) 200 percent of the monthly actuarial rate for enrollees age 65 and over determined for that calendar year under section 1839(a)(1) of the Social Security Act, over

"(2) the total monthly premium under section 1839 of the Social Security Act (determined without regard to subsections (b) and (f) of section 1839 of such Act).

"(c) PHASE-IN OF RECAPTURE AMOUNT.—

"(1) IN GENERAL.—If the modified adjusted gross income of the taxpayer for any taxable year exceeds the threshold amount by less than $25,000, the recapture amount imposed by this section for such taxable year shall be an amount which bears the same ratio to the recapture amount which would (but for this subsection) be imposed by this section for such taxable year as such excess bears to $25,000.

"(2) JOINT RETURNS.—If a recapture amount is determined separately for each spouse filing a joint return, paragraph (1) shall be applied by substituting '$50,000' for '$25,000' each place it appears.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) THRESHOLD AMOUNT.—The term 'threshold amount' means—

"(A) except as otherwise provided in this paragraph, $100,000,

"(B) $125,000 in the case of a joint return, and

"(C) zero in the case of a taxpayer who—

"(i) is married (as determined under section 7703) but does not file a joint return for such year, and

"(ii) does not live apart from his spouse at all times during the taxable year.

"(2) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income—

"(A) determined without regard to sections 135, 911, 931, and 933, and

"(B) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

"(3) JOINT RETURNS.—In the case of a joint return—

"(A) the recapture amount under subsection (a) shall be the sum of the recapture amounts determined separately for each spouse, and

"(B) subsections (a) and (c) shall be applied by taking into account the combined modified adjusted gross income of the spouses.

"(4) COORDINATION WITH OTHER PROVISIONS.—

"(A) TREATED AS TAX FOR SUBTITLE F.—For purposes of subtitle F, the recapture amount imposed by this section shall be treated as if it were a tax imposed by section 1.

"(B) NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The recapture amount imposed by this section shall not be treated as a tax imposed by this chapter for purposes of determining—

"(i) the amount of any credit allowable under this chapter, or

"(ii) the amount of the minimum tax under section 55.

"(C) TREATED AS PAYMENT FOR MEDICAL INSURANCE.—The recapture amount imposed by this section shall be treated as an amount paid for insurance covering medical care, within the meaning of section 213(d)."

(b) TRANSFERS TO FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—

(1) IN GENERAL.—There are hereby appropriated to the Federal Supplementary Medical Insurance Trust Fund amounts equivalent to the aggregate increase in liabilities under chapter 1 of the Internal Revenue Code of 1986 which is attributable to the application of section 59B(a) of such Code, as added by this section.

(2) TRANSFERS.—The amounts appropriated by paragraph (1) to the Federal Supplementary Medical Insurance Trust Fund shall be transferred from time to time (but not less frequently than quarterly) from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1). Any quarterly payment shall be made on the first day of such quarter and shall take into account the recapture amounts referred to in such section 59B(a) for such quarter. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) REPORTING REQUIREMENTS.—

(1) Paragraph (1) of section 6050F(a) of the Internal Revenue Code of 1986 (relating to returns relating to social security benefits) is amended by striking "and" at the end of subparagraph (B) and by inserting after subparagraph (C) the following new subparagraph:

"(D) the number of months during the calendar year for which a premium was paid under part B of title XVIII of the Social Security Act for the coverage of such individual under such part, and".

(2) Paragraph (2) of section 6050F(b) of such Code is amended to read as follows:

"(2) the information required to be shown on such return with respect to such individual."

(3) Subparagraph (A) of section 6050F(c)(1) of such Code is amended by inserting before the comma "and in the case of the information specified in subsection (a)(1)(D)".

(4) The heading for section 6050F of such Code is amended by inserting "and medicare part b coverage" before the period.

(5) The item relating to section 6050F in the table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting "and Medicare part B coverage" before the period.

(d) WAIVER OF CERTAIN ESTIMATED TAX PENALTIES.—No addition to tax shall be imposed under section 6654 of the Internal Revenue Code of 1986 (relating to failure to pay estimated income tax) for any period before April 16, 1997, with respect to any underpayment to the extent that such underpayment resulted from section 59B(a) of the Internal Revenue Code of 1986, as added by this section.

(e) Clerical Amendment.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Part VIII. Certain health care subsidies received by high-income individuals."

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 202. IMPOSITION OF 10 PERCENT COPAYMENT ON HOME HEALTH SERVICES UNDER MEDICARE.

(a) In General.—

(1) Part A.—Section 1813(a) of the Social Security Act (42 U.S.C. 1395e(a)) is amended by adding at the end the following new paragraph:

"(5)(A) The amount payable for a home health service furnished to an individual under this part shall be reduced by a copayment amount equal to 10 percent of the average nationwide per visit cost for such a service furnished under this title (as determined by the Secretary on a prospective basis for services furnished during a calendar year).

"(B) Subparagraph (A) shall not apply to individuals whose family income does not exceed 150 percent of the official poverty line (referred to in section 1905(p)(2)) for a family of the size involved.".

(2) Part B.—

(A) In general.—Section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended by adding at the end the following new sentence: "If the total amount of the expenses incurred by an individual as determined under the preceding provisions of this subsection include expenses for a home health service, such expenses shall be further reduced by a copayment amount equal to 10 percent of the average nationwide per visit cost for such a service furnished under this title (as determined by the Secretary on a prospective basis for services furnished during a calendar year). The preceding sentence shall not apply to individuals whose family income does not exceed 150 percent of the official poverty line (referred to in section 1905(p)(2)) for a family of the size involved.".

(B) Conforming amendment.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (A), by striking "to home health services," and by striking the comma after "opinion)";

(ii) in subparagraph (D), by striking "and" at the end;

(iii) in subparagraph (E), by striking the semicolon at the end and inserting "; and"; and

(iv) by adding at the end the following new subparagraph:

"(F) with respect to any home health service—

"(i) the lesser of —

"(I) the reasonable cost of such service, as determined under section 1861(v), or

"(II) the customary charges with respect to such service,

less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), or

"(ii) if such service is furnished by a public provider of services, or by another provider which demonstrates to the satisfaction of the Secretary that a significant portion of its patients are low-income (and requests that payment be made under this clause), free of charge or at nominal charges to the public, the amount determined in accordance with section 1814(b)(2).".

(3) Provider charges.—Section 1866(a)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)(i)) is amended—

(A) by striking "deduction or coinsurance" and inserting "deduction, coinsurance, or copayment"; and

(B) by striking "or (a)(4)" and inserting "(a)(4), or (a)(5)".

(b) Effective Date.—The amendments made by subsection (a) shall apply to home health services furnished on or after January 1, 1995.

SEC. 203. REDUCTION IN PAYMENTS FOR CAPITAL-RELATED COSTS FOR INPATIENT HOSPITAL SERVICES.

(a) PPS Hospitals.—

(1) Reduction in base payment rates for PPS hospitals.—Section 1886(g)(1)(A) of the Social Security Act (42 U.S.C. 1395ww(g)(1)(A)) is amended by adding at the end the following new sentence: "In addition to the reduction described in the preceding sentence, for discharges occurring after September 30, 1995, the Secretary shall reduce by 7.31 percent the unadjusted standard Federal capital payment rate (as described in 42 CFR 412.308(c), as in effect on the date of the enactment of the Home and Community-Based Services for Individuals with Disabilities Act of 1994) and shall reduce by 10.41 percent the unadjusted hospital-specific rate (as described in 42 CFR 412.328(e)(1), as in effect on the date of the enactment of the Home and Community-Based Services for Individuals with Disabilities Act of 1994).".

(2) Reduction in update.—Section 1886(g)(1) of the Social Security Act (42 U.S.C. 1395ww(g)(1)) is amended—

(A) in subparagraph (B)(i)—

(i) by striking "and (II)" and inserting "(II)", and

(ii) by striking the semicolon at the end and inserting the following: ", and (III) an annual update factor established for the prospective payment rates applicable to discharges in a fiscal year which (subject to reduction under subparagraph (C)) will be based upon such factor as the Secretary determines appropriate to take into account amounts necessary for the efficient and effective delivery of medically appropriate and necessary care of high quality;";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C)(i) With respect to payments attributable to portions of cost reporting periods or discharges occurring during each of the fiscal years 1996 through 2003, the Secretary shall include a reduction in the annual update factor established under subparagraph (B)(i)(III) for discharges in the year equal to the applicable update reduction described in clause (ii) to adjust for excessive increases in capital costs per discharge for fiscal years prior to fiscal year 1992 (but in no event may such reduction result in an annual update factor less than zero).

"(ii) In clause (i), the term 'applicable update reduction' means, with respect to the update factor for a fiscal year—

"(I) 4.9 percentage points; or

"(II) if the annual update factor for the previous fiscal year was less than the applicable update reduction for the previous year, the sum of 4.9 percentage points and the difference between the annual update factor for the previous year and the applicable update reduction for the previous year.".

(b) PPS-Exempt Hospitals.—Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) is further amended by adding at the end the following new subparagraph:

"(T) Such regulations shall provide that, in determining the amount of the payments that may be made under this title with respect to the capital-related costs of inpatient hospital services furnished by a hospital that is not a subsection (d) hospital (as defined in section 1886(d)(1)(B)) or a subsection (d) Puerto Rico hospital (as defined in section 1886(d)(9)(A)), the Secretary shall reduce the amounts of such payments otherwise established under this title by 15 percent for payments attributable to portions of cost reporting periods occurring during each of the fiscal years 1996 through 2003.".

SEC. 204. ELIMINATION OF FORMULA-DRIVEN OVERPAYMENTS FOR CERTAIN OUTPATIENT HOSPITAL SERVICES.

(a) Ambulatory Surgical Center Procedures.—Section 1833(i)(3)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395l(i)(3)(B)(i)(II)) is amended—

(1) by striking "of 80 percent"; and

(2) by striking the period at the end and inserting the following: ", less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A).".

(b) Radiology Services and Diagnostic Procedures.—Section 1833(n)(1)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395l(n)(1)(B)(i)(II)) is amended—

(1) by striking "of 80 percent"; and

(2) by striking the period at the end and inserting the following: ", less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A).".

(c) Effective Date.—The amendments made by this section shall apply to services furnished during portions of cost reporting periods occurring on or after July 1, 1994.

SEC. 205. REDUCTION IN ROUTINE COST LIMITS FOR HOME HEALTH SERVICES.

(a) Reduction in Update To Maintain Freeze in 1996.—

(1) In general.—Section 1861(v)(1)(L)(i) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(i)) is amended—

(1) in subclause (II), by striking "or" at the end;

(2) in subclause (III), by striking "112 percent," and inserting "and before July 1, 1996, 112 percent, or"; and

(3) by inserting after subclause (III) the following new subclause:

"(IV) July 1, 1996, 100 percent (adjusted by such amount as the Secretary determines to be necessary to preserve the savings resulting from the enactment of section 13564(a)(1) of the Omnibus Budget Reconciliation Act of 1993).".

(2) Adjustment to limits.—Section 1861(v)(1)(L)(ii) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(ii)) is amended by adding at the end the following new sentence: "The effect of the amendments made by section 205(a)(1) of the Home and Community-Based Services for Individuals with Disabilities Act of 1994 shall not be considered by the Secretary in making adjustments pursuant to this clause.".

(b) Basing Limits in Subsequent Years on Median of Costs.—

(1) In general.—Section 1861(v)(1)(L)(i) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(i)), as amended by subsection (a), is amended in the matter following subclause (IV) by striking "the mean" and inserting "the median".

(2) Effective date.—The amendment made by paragraph (1) shall apply to cost reporting periods beginning on or after July 1, 1997.

SUMMARY OF LONG-TERM CARE REFORM LEGISLATION

OVERALL

The measures establishes a new home and community-based long-term care program to persons of all ages. The program would provide funds to States in the form of a block grant, matched by State funds, on a voluntary basis. Federal and State financial participation is capped, and the program would not constitute an entitlement to individuals. In particular, neither States nor the Federal government would be required to spend anymore than set forth by this measure.

ELIGIBILITY

Those meeting any of the following criteria would be eligible for the program:

(1) Individuals requiring assistance with three or more activities of daily living.

(2) Individuals with severe mental retardation.

(3) Individuals with severe cognitive or mental impairment.

(4) Children, under 6, with severe disabilities.

In addition, States could set aside up to 2% of their program funding for individuals who may not meet any one of the above criteria, but who have a disability of comparable level of severity.

SERVICES

States participating in the program would be required to provide assessment, plan of care, personal assistance, and case management services. In addition, states may also offer homemaker services, home modifications, respite, assistive devices, adult day care, habilitation/rehabilitation, supported employment home health care, and any other service at State discretion.

FEDERAL ALLOTMENT TO STATES

The total Federal allotment to States under this program would be:

(A) for fiscal year 1996, $1,800,000,000;
(B) for fiscal year 1997, $3,500,000,000;
(C) for fiscal year 1998, $5,800,000,000;
(D) for fiscal year 1999, $7,300,000,000;
(E) for fiscal year 2000, $10,000,000,000;
(F) for fiscal year 2001, $15,700,000,000;
(G) for fiscal year 2002, $22,800,000,000;
(H) for fiscal year 2003, $30,700,000,000; and
(I) for fiscal year 2004, $34,600,000,000.

Thereafter, the total Federal allotment would be increased by factors relating to inflation, and the change in the number of disabled.

In addition, States would be allowed to capture any Medicaid savings generated by the new benefit, and apply that savings to their program.

COPAYMENTS AND DEDUCTIBLES

The program includes a sliding scale payment schedule for eligible individuals based on income. Individuals with incomes below 150% of poverty would have no copayment or deductible. Above 150% of poverty, copayments and deductibles would range from 10% and $100 respectively for those with incomes between 150% and 175% of poverty, up to 40% and $600 respectively for those with incomes above 400% of poverty.

HOSPITAL/HOME & COMMUNITY LINKAGE

The program includes a hospital/home and community-based long-term care linkage program, to establish and expand State run programs designed to help facilitate the placement of individuals in need of long-term health care services into home- and community-based settings rather than institutional settings. This provision authorizes up to $5 million per year for three years.

FUNDING PROVISIONS

The measure includes the following modifications to Medicare:

Applies an income test to Medicare Part B premiums for individuals with incomes over $100,000 and couples with incomes over $125,000, increasing to 100% of Medicare costs for individuals with incomes over $125,000 and couples with incomes over $150,000.

Applies a 10% copayment to home health services for individuals with incomes over 150% of poverty.

Modifies aggregate cost limits for home health agencies.

Eliminates formula-driven overpayments to hospitals for certain outpatient services.

Modifies reimbursement for inpatient-related capital costs.•

By Mr. FORD:

S. 2546. A bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FAA INDEPENDENT ESTABLISHMENT ACT

Mr. FORD. Mr. President, today I am introducing a bill to make the FAA an independent Federal agency. Over the past year, there has been much discussion as to what should, must, or needs to be done with the FAA. Much of the debate has been over the form of the organization. This has prevented us from beginning any sort of meaningful discussion about the substance of the problems and how to continue to provide a safe and efficient air transportation system.

We must begin the process of talking to the users of the system to hear their concerns and needs for the future. We must begin to talk to the controllers and employees of the FAA to hear their concerns and needs for the future. We must continue to recognize the needs of the airports, and the important role they play in facilitating the air transportation system.

We also must begin the process of talking to the administration. I caution all of the interested parties to recognize the bill that I have introduced as a means to begin the hard work of determining what is needed for the entire FAA to move forward and continue to provide a safe and efficient air transportation system. All parties to these discussions must understand that there are limits on what is doable. The bill introduced is not by any means a final product. Instead, I view the bill as a first step in a long process, a process that will take the entire aviation community time to address. Congressman OBERSTAR and I, earlier this year, in response to the administration's proposal to create a corporation, indicated our strong opposition to such a proposal. I know all concerned are aware of our views, and we now need to focus our sights on the potential problems down the road, and how to address those needs.

The question of how we provide and set the stage for air transportation in the future is critical to our economy, critical to our children, and critical to all of us that fly. We all are aware that airports and aviation are a key component in opening up business opportunities, generating jobs, and invigorating communities. I have seen first hand the impact one airline company can have on a community. UPS came to Louisville a number of years ago, and along came a host of other companies seeking to utilize their delivery services. A similar positive situation has occurred in northern Kentucky when Delta established a hub at the Cincinnati-Northern Kentucky International Airport.

We also know that travel and tourism is the No. 1 industry in this country, generating more than $740 billion in direct and indirect expenditures in the United States per year. The industry directly accounts for more than 5.1 million jobs. Our airports, airlines, airline employees, air traffic controllers, and general aviation community work hard to ensure that the system is safe and that travel and tourism continue. We must support their efforts.

That support must focus on how best to revamp the FAA, how to modernize the air traffic control system, and how to increase capacity of our Nation's airports. The FAA has done a credible job over the years in making the system safe. The criticisms of the FAA generally have focused on their inability to modernize the system. After the controller strike in 1981, Congress was promised a plan, the National Air Space Plan, to modernize the system over 10 years at a cost of $12 billion. That blueprint quickly became fodder for much criticism. The original plan was overly ambitious, and made too many promises. There were very few details in the NAS plan when it was authorized by the Congress. I recognize that modernization of a fail proof system takes time—it is not as easy as merely buying a computer at a store and plugging it in. Thorough testing and validation must occur—the machines must work virtually error free.

The FAA also knows that it must deliver the modernization package. Too much time and money has been lost. I also want to point out that it appears that much of what needs to occur at the FAA is beginning to happen. Whether you agree with the FAA or not on its decision to cut the microwave landing system or move forward with the advanced automation system [AAS], the fact is that the Administrator and Deputy Administrator have recognized that it is important to decide, and not merely continue to pour money into dry holes. The FAA recently stated that "[r]esponsibility, authority, and accountability are key elements to the success of the ATC automation program". I agree and urge the FAA to take their own words to heart. The FAA also recognized that its "[f]ailure to manage risks was a primary contributing factor to the unacceptable cost growth and schedule delays". Again, I agree with FAA. Much scrutiny of the AAS program has led to these realizations. These are not factors that one can readily legislate, but rather factors that the FAA has now recognized and addressed.

I also want to point out that the recent passage of S. 1587, the Federal Acquisition Streamling Act, provided the entire FAA with significant relief from the procurement laws, something the administration has sought. In talking to procurement specialists, one thread appears to be that the laws are not the problem, but rather how the FAA carries out its procurement activities.

We also simply cannot afford to have an aviation transportation system that is not capable of providing sufficient airport capacity to meet future demands. Administrator Hinson recently indicated that airport capacity is the No. 1 priority for the agency. With the projected growth in traffic, airports must be able to handle all of the passengers—simply put, there is much that can be done to increase air space capacity. New approach procedures, precision runway monitors, and dual and triple independent approaches all can be used to increase capacity. Yet, 15 of the 33 high-volume airports have only one runway. Technology alone will not solve the problem.

We all know that the FAA is the premier aviation agency in the world. Yet, airport delays continue to be a problem. Some two-thirds of those delays are weather-related, and as much as I would like to be able to change the weather, Congress simply does not have that power. We can, though, work to figure out how to get new radars installed more quickly and efficiently. We can work to figure out what systems can be purchased off the shelf to provide weather-related information. We also must ensure that our hardworking controllers have the tools needed to safely guide aircraft, that power failures not occur, that ASR-9's work properly, and all of the host of hardware used to meter the system continue to function properly.

These types of problems are not a function of whether or not the FAA is a corporation, independent, or a part of the DOT. However, these issues need to be addressed. The FAA just submitted a master plan on its air traffic control automation program. Over the years, Congress has seen many of these sorts of documents. The plan submitted needs to be thoroughly reviewed and discussed. Does it get us to where we want to be at the end of the decade? Will we be able to provide a more efficient system? I appreciate the Administrator's diligence in submitting the plan, and it is clear that this year has been a different one at the FAA than those in the past. A thorough examination and revalidation of its mission and its programs has occurred. Again, the examination of the AAS program has served all of us well. I look forward to working with the administration further on its modernization efforts.

Over the years, the FAA has received more than its fair share of Federal funding. This past year, its funding declined—primarily as a result of cuts in the airport improvement program. The administration and Congress must work together to fully fund the needs of the FAA. The airlines and airports must work together to increase the spending out of the trust fund. They must come to the Hill and make the case for full funding. We all know that unlike the vast majority of programs under the Transportation Department, the FAA is funded through user fees. Either we have got to make folks understand the real need for those dollars, or cut the fees collected.

I want to work with the airlines, the unions, the airports, the general aviation community, State aviation officials, and the General Accounting Office to craft a workable bill to move the agency forward as a Federal Agency. I know I share a common desire with the administration to see that the skies remain safe, that the system remains efficient, and that the FAA has the ability to do its job. I also want to work with the administration, and I look forward to their input.

We have spent most of the year arguing over the need for a corporation. Through a series of statements and discussions, the administration is well aware of congressional opposition to the plan. We now must step back and recognize what is in all of our and the user's best interests. There is the promise that much of what all of us seek can be achieved and I hope the administration recognizes and takes advantage of this opportunity.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Independent Establishment Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the civil aviation industry in the United States has experienced an unprecedented period of rapid development and expansion over the past decade;

(2) the Federal Aviation Administration, an administration within the Department of Transportation, has been charged by the Congress with the responsibility for overseeing the safe operation of this essential segment of the national economy;

(3) the Federal Aviation Administration operates the most efficient air traffic control system in the world;

(4) the Federal Aviation Administration must be able to move forward with its plans to modernize the air transportation network in an efficient and cost effective manner to reduce delays, provide more direct routing of aircraft, and facilitate the use of satellite technology;

(5) funds must be collected from all of the users of the air transportation system on an equitable basis and those funds must be spent on improving the safety and efficiency of the air transportation system;

(6) the ability to expand capacity of the air traffic control system depends on a complex set of variables and the Federal Aviation Administration must have sufficient funds, resources and appropriate personnel to manage the future air traffic control system;

(7) the ability to expand capacity of the air traffic control system is highly dependent upon sufficient runway and airport capacity, and as such, Congress must ensure that appropriate funds are provided to fund the airport improvement program.

(8) the Federal Aviation Administration must oversee the growth and development of the entire air transportation system, and coordinate and facilitate research, development, implementation and installation of new technology, new runways and new airports; and

(9) the Federal Aviation Administration must coordinate its modernization plans with the ultimate users of the systems and seek input from the users and air traffic controllers, on how best to proceed with modernization efforts;

(10) the importance of the airport and airway system to our national defense and the need for a working relationship between civil and military aviation necessitates the continued highly successful relationship and cooperative efforts between the Federal Aviation Administration and the Department of Defense;

(11) to assure air safety through the continued modernization and expansion of the Nation's system of airports and airways, the Federal Aviation Administration must continue to emphasize research and development projects; and

(12) if the Federal Aviation Administration is provided with greater autonomy and consistent leadership, it can be expected to exercise vigorously its prerogatives with the direction and guidance of the President and under the ongoing oversight of the Congress.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administration" means the Federal Aviation Administration established under section 4; and

(2) the term "Administrator" means the Administrator of the Federal Aviation Administration appointed under section 5(a).

SEC. 4. ESTABLISHMENT.

There is established as an independent establishment of the Government the Federal Aviation Administration. The Administration shall succeed the Federal Aviation Administration of the Department of Transportation in existence on the day before the effective date set forth in section 28(a).

SEC. 5. OFFICERS.

(a) The Administration shall be administered by an Administrator, who shall be appointed by the President to a 5-year term of office, by and with the advice and consent of the Senate. Under the supervision and direction of the President, the Administrator shall carry out all functions transferred to the Administrator by this Act and shall have authority and control over all personnel, programs, and activities of the Administration. The Administrator may be removed by the President for neglect of duty or malfeasance in office. The Administrator shall be compensated at the rate prescribed for level I of the Executive Schedule pay rates.

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed by the Administrator. The Deputy Administrator shall perform such functions, duties, and powers as the Administrator shall prescribe. The Deputy Administrator shall act for and perform the functions of the Administrator when the Administrator is absent or unable to serve, or when the office of the Administrator is vacant. The Deputy Administrator shall be compensated at the rate prescribed for level II of the Executive Schedule pay rates.

(c) There shall be in the Administration a maximum of 8 Assistant Administrators, who shall be appointed by the Administrator. The Assistant Administrators shall perform such functions as the Administrator shall prescribe. The Administrator shall designate the order in which the Assistant Administrators shall act for and perform the functions of the Administrator when the Administrator, or in the Administrator's place the Deputy Administrator, is absent or unable to serve, or when the offices of the Administrator and the Deputy Administrator are vacant. An Assistant Administrator shall be compensated at the rate prescribed for level IV in the Executive Schedule pay rates.

(d) There shall be in the Administration a Chief Counsel, who shall be appointed by the Administrator. The Chief Counsel shall be the chief legal officer for all legal matters arising from the conduct of the functions of the Administration. The Chief Counsel shall be compensated at the rate prescribed for level IV of the Executive Schedule pay rates.

(e) There shall be in the Administration an Inspector General appointed in accordance with the Inspector General Act of 1978, approved October 12, 1978 (5 App. U.S.C.). The Inspector General shall be compensated at the rate prescribed for level IV of the Executive Schedule pay rates.

(f)(1) Each of the officers referred to in this section must be a citizen of the United States. The Administrator must be a civilian.

(2) Such officers may not have a pecuniary interest in, or own stock in or bonds of, an aeronautical enterprise, or engage in another business, vocation, or employment.

SEC. 6. POWERS.

(a) The Administration shall be responsible for the exercise of all powers and the discharge of all duties of the Administration.

(b) In carrying out the functions of the Administration under this Act, the Administrator shall be governed by all applicable statutes, including the policy standards set forth in Subtitle VII of Title 49 United States Code.

(c) Nothing in this Act shall be construed to limit in any manner the authority of the Administrator to promote safety by establishing and administering accident prevention programs, encouraging airport development, educating the public on the importance of aeronautics, and encouraging the adoption of worldwide safety standards.

(d) Decisions of the Administrator made pursuant to the exercise of the functions enumerated in Subtitle VII of Title 49, United States Code, shall be administratively final, and appeals as currently authorized by law shall be taken directly to the National Transportation Safety Board or to any court of competent jurisdiction, as appropriate.

SEC. 7. TRANSFERS AND INCIDENTAL PROVISIONS.

(a) The following are transferred to the Administration:

(1) All functions vested by law in the Federal Aviation Administration of the Department of Transportation or its Administrator, and all functions vested by law in the Secretary of Transportation or the Department of Transportation which are administered through the Federal Aviation Administration, including those exercised under Subtitle VII of Title 49, United States Code, except for those functions exercised under section 40104 of title 49, United States Code, relative to fostering the development of civil aeronautics and air commerce, and exercised by the Secretary of Transportation under Part A, Subpart II (Economic Regulation) of such Subtitle.

(2) The functions of the Department of Transportation or the Federal Aviation Administration of the Department of Transportation necessary and appropriate for the performance of the functions transferred by paragraph (1) of this subsection.

(3) So much of the personnel, property, records, funds, accounts, and unexpended balances of appropriations, allocations, and other moneys of the Department of Transportation as are employed, used, held available, or to be made available in connection with the functions transferred by paragraphs (1) and (2) of this subsection.

(b) The personnel transferred under this section shall be so transferred without reduction in classification or compensation, except that after such transfer, such personnel shall be subject to changes in classification or compensation in the same manner, to the same extent, and according to the same procedure, as provided by law.

(c) The Administrator shall exercise all functions transferred by subsection (a) of this section and any other function vested in the Federal Aviation Administration or the Administrator of the Federal Aviation Administration by and law enacted on or after the date of enactment of this Act. The Administrator may from time to time make such provisions as the Administrator shall deem appropriate authorizing the performance by any other officer, employee, or office of the Administration of such functions.

SEC. 8. DEVELOPMENT PLAN.

The Administrator shall prepare a 3-year development plan outlining goals and objectives for personnel, technology, and regulation in such areas as air traffic control, aviation standards, airport security, airport and airway development, and research and development. The plan shall, not later than January 1, 1996, be submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation in the House of Representatives, and updated plans shall be so submitted every 3 years thereafter.

SEC. 9. RULES; REGULATIONS.

(a) In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to make, promulgate, issue, rescind, and amend rules and regulations. The promulgation of such rules and regulations shall be governed by the provisions of chapter 5 of title 5, United States Code.

(b) The Administrator shall consider comments and recommendations submitted by the Secretary of Transportation in response to any notice of proposed rulemaking by the Administrator, and shall address the comments raised by the Secretary during the course of the rulemaking, providing an explanation of any decision not to adopt a recommendation by the Secretary.

SEC. 10. DELEGATION.

Except as otherwise provided in this Act, the Administrator may delegate any function to such officers and employees of the Administration as the Administrator may designate, and may authorize such successive redelegations of such functions in the Administration as may be necessary or appropriate. No delegation of functions by the Administrator under this section or under any other provision of this Act shall relieve the Administrator of responsibility for the administration of such functions.

SEC. 11. PERSONNEL AND SERVICES.

(a) In the performance of the functions of the Administrator and in addition to the officers provided for by section 5, the Administrator is authorized to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and compensated in accordance with title 5, United States Code.

(b) The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(c) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57, of title 5, United States Code.

(d) The Administrator is authorized to utilize, on a reimbursable basis, the services of personnel of any Federal agency.

(e)(1)(A) The Administrator is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The Administrator is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The Administrator is authorized to provide for incidental expenses, including transportation, lodging, and subsistence for such volunteers.

(3) An individual who provides voluntary services under this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(f)(1) The Administrator is authorized to grant to any employee of the Administration an incentive allowance of not to exceed 20 percent of the basic pay of the employee if necessary to provide safe and efficient service in major facilities which the Administrator finds—

(A) are critical to the national airspace system;

(B) have been chronically understaffed; or

(C) are in remote or high cost locations.

(2) An incentive allowance may be granted under paragraph (1) only of—

(A) the Administrator transmits a full written explanation of the proposed allowance and the reasons therefor, including the basis for each required determination and finding, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives; and

(B) the 60-day period immediately following the transmission of such written explanation has expired.

(g) The Administrator shall study ways to compensate or otherwise provide additional incentives to encourage employees to seek, accept, and remain in supervisory and managerial positions, including compensation opportunities that are at least as substantial as those available to employees in nonsupervisory and nonmanagerial positions of comparable grades within the General Schedule. The Administrator shall, not later than 6 months after the effective date of this section, report to Congress on the results of such study, including any recommendations for legislative action.

SEC. 12. CONTRACTS.

The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, agreements, and transactions with any Federal agency or any instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate. The authority of the Administrator to enter into contracts and leases under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

SEC. 13. FINANCE AND BUDGET.

(a)(1) There is established in the Treasury of the United States a trust fund to be known as the "Aviation Trust Fund Account", consisting of such amounts as may be appropriated or credited to the Aviation Trust Fund Account as provided in this subsection and section 9502(a) of the Internal Revenue Code of 1986 (26 U.S.C. 9502(a)), as amended by paragraph (2) of this subsection.

(2) There are appropriated to the Aviation Trust Fund Account amounts determined by the Secretary of the Treasury to be equivalent to those taxes described in section 9502(b) of the Internal Revenue Code of 1986 (26 U.S.C. 9502(b)) received after September 30, 1995.

(3) There are authorized to be appropriated to the Aviation Trust Fund Account such additional sums as may be required to make the expenditures referred to in paragraph (5) of this subsection.

(4) The Secretary of the Treasury shall invest such portion of the Aviation Trust Fund Account as is not, in the Secretary's judgment, required to meet current withdrawals. The interest on, and the proceeds from, any such investments shall be credited to and form a part of the Aviation Trust Fund Account.

(5) Amounts in the Aviation Trust Fund Account shall be available, without further appropriation, for making expenditures after October 1, 1995, to meet those obligations of the United States incurred by the Administration—

(A) under subtitle VII of title 49, United States Code; or

(B) for administrative expenses attributable to the activities described in subparagraphs (A) and (B).

(2)(A) Section 9502(a) of the Internal Revenue Code of 1986 (26 U.S.C. 9502(a)) is amended by inserting immediately before the period at the end the following: ", except that the interest and proceeds received after October 1, 1995, as a result of Trust Fund investments under section 9602(b) shall be credited to the Aviation Trust Fund Account established by section 14 of the Federal Aviation Administration Independent Establishment Act of 1994.".

(B) Section 9502(b) of the Internal Revenue Code of 1986 (26 U.S.C. 9502(b)) is amended by striking "January 1, 1991" each place it appears and inserting in lieu thereof "October 1, 1995".

(C) Section 9502(d) of the Internal Revenue Code of 1986 (26 U.S.C. 9502(d)) is amended—

(1) in paragraph (2) by inserting "and before October 1, 1995," immediately after "August 31, 1982,"; and

(2) in paragraph (3) by inserting "and before October 1, 1995" immediately after "August 31, 1982".

(D) Section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) is amended by adding at the end the following new subsection:

"(e) TERMINATION OF AIRPORT AND AIRWAY TRUST FUND.—The Airport and Airway Trust Fund shall terminate on October 1, 1996, and all amounts in such Trust Fund shall be transferred upon termination to the Aviation Trust Fund Account established by section 14 of the Federal Aviation Administration Independent Establishment Act of 1994.".

(b) Notwithstanding any other provision of law, the receipts and disbursements of the Aviation Trust Fund Account shall not, for any fiscal year—

(1) be counted in calculating the deficit under section 3(6) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(6)) for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985;

(2) be counted in calculating the excess deficit for purposes of sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 and 902); or

(3) be subject to sequestration or reduction under such sections 251 and 252.

(c)(1) Each year the Administrator shall prepare a budget for the Administration, which shall contain estimates of the financial condition and operations of the Administration for the current and ensuing four fiscal years, and the actual condition and results of operations for the last completed fiscal year. Such budget shall be submitted to the Office of Management and Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classification of data, and the manner in which such reports shall be prepared and presented. The budget shall identify separately the programs, projects, and activities determined by the Administrator to be appropriate for obligation from the Trust Fund pursuant to the provisions of this section. The budget submission shall also include a statement of income and expenses, and analysis of surplus or deficit, and any other such supplementary information as is necessary or desirable to make known about the financial condition and operations of the Administration. The annual budget shall be included in the budget submitted by the President pursuant to chapter 11 of title 31, United States Code.

(2) For fiscal years beginning after September 30, 1995, the Director of the Office of Management and Budget, after consulting with the Director of the Congressional Budget Office and the Joint Committee on Taxation, shall prepare an estimate of revenues and receipts that will be appropriated or credited to the Aviation Trust Fund Account established by subsection (a) of this section. In no event shall expenditures authorized by the Administrator for any fiscal year exceed the amount of such revenues and receipts estimated for that year pursuant to this subsection.

(3) In the budget prepared pursuant to paragraph (1) of this subsection, the Administrator shall identify all expected expenditures from the Aviation Trust Fund Account by program, project, or activity.

(4) The Administrator shall report to the appropriate committees of the Senate and House of Representatives by April 15 of each year on any changes in planned expenditures from the Aviation Trust Fund Account for the upcoming fiscal year pursuant to paragraph (3) of this subsection. Consistent with the provisions of this section, the Administrator may thereafter modify the report and shall advise in writing the appropriate committees of the Senate and House of Representatives regarding any such modification.

(d)(1) In preparing the budget report pursuant to subsection (c) of this section and in approving for expenditures from the Aviation Trust Fund Account for programs, projects, and activities under this section, the Administrator shall—

(A) approve for obligation capital projects in amounts up to the limit of authorizations provided by law, and

(B) from available funds not obligated under subparagraph (A), approve for obligation non-capital activities authorized by law.

(2) The budgetary resources available for obligation for each fiscal year after September 30, 1995, from the Aviation Trust Fund Account shall be obligated in accordance with the most recent report of the Administrator pursuant to subsections (c) and (d) of this section.

(e) For fiscal years beginning after September 30, 1995, committees in the Senate and House of Representatives with jurisdiction to authorize and appropriate new budget authority for programs of the Administration shall authorize and appropriate such new budget authority for periods of two fiscal years.

SEC. 14. USE OF FACILITIES.

With their consent, the Administrator may, with or without reimbursement, use the services, equipment, personnel, and facilities of Federal agencies and other public and private agencies, and may cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate fully with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, supplies and equipment other than administrative supplies or equipment.

SEC. 15. ACQUISITION AND MAINTENANCE OF PROPERTY.

(a) The Administrator is authorized—

(1) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

(A) air traffic control facilities and equipment;

(B) research and testing sites and facilities; and

(C) such other real and personal property (including office space and patents), or any interest therein within and outside the continental United States, as the Administrator considers necessary;

(2) to lease to others such real and personal property; and

(3) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at its installations and to purchase and maintain equipment for such facilities.

(b) Title to any property or interest therein acquired pursuant to this section shall be in the United States.

(c) The authority granted by subsection (a) shall be available only with respect to facilities of a special purpose nature which the Administrator determines cannot readily be reassigned from similar Federal activities and are not otherwise available for assignment to the Administration by the Administrator of General Services.

(d) The authority of the Administrator to enter into contracts and leases under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

SEC. 16. FACILITIES AT REMOTE LOCATIONS.

(a) The Administrator is authorized to provide, construct, or maintain for employees and their dependents stationed at remote locations as necessary and when not otherwise available at such remote locations—

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) meeting facilities;

(4) audiovisual equipment, accessories, and supplies for recreation and training;

(5) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(6) living and working quarters and facilities; and

(7) transportation for school-age dependents of employees to the nearest appropriate educational facilities.

(b) The furnishing of medical treatment under subsection (a)(1) and the furnishing of services and supplies under subsection (a)(2) shall be at prices reflecting reasonable value as determined by the Administrator.

(c) Proceeds derived from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of work or services provided under this section, to repay or make advances to appropriations of funds which do or will bear all or a part of such cost, or to refund excess sums when necessary, except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing such funds if the fund is available for use by the Administrator for performing the work or services for which payment is received.

SEC. 17. ADVISORY COMMITTEE.

(a) There is established an advisory committee which shall be known as the Federal Aviation Advisory Committee (hereafter in this section referred to as the "Advisory Committee").

(b) The Advisory Committee shall consist of 5 members, who shall consist of—

(1) the Secretary of Transportation (who shall serve as Chairman);

(2) 2 members appointed by the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation of the Senate; and (3) 2 members appointed by the Chairman and Ranking Minority Member of the Committee on Public Works and Transportation of the House of Representatives.

(c) Each individual appointed under subsection (b)(2) and (3) as a member of the Advisory Committee shall be knowledgeable about matters involving aviation.

(d) The Advisory Committee shall provide advice and counsel to the Administrator on issues which affect or are affected by the operations of the Administration.

(e) Members of the Advisory Committee, including replacement members appointed to fill a vacancy, shall be appointed to serve until the Advisory Committee is terminated pursuant to subsection (h).

(f) Each member of the Advisory Committee shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(g) The Administrator shall make available to the Advisory Committee such staff, information, and administrative services and assistance as may reasonably be required to enable the Advisory Committee to carry out its responsibilities under this section.

(h) The Advisory Committee shall cease to be in effect on the date that is 2 years after the effective date of this section.

SEC. 18. TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES.

The Administrator is authorized to accept transfers from other Federal agencies to funds which are available to carry out functions transferred by this Act to the Administrator or functions assigned by law to the Administrator on or after the date of enactment of this Act.

SEC. 19. SEAL OF ADMINISTRATION.

The Administrator shall cause a seal of office to be made for the Administration of such design as the Administrator shall approve. Judicial notice shall be taken of such seal.

SEC. 20. STATUS OF ADMINISTRATION UNDER CERTAIN LAWS.

For purposes of section 551 of title 5, United States Code, the Administration is an agency. For purposes of chapter 9 of such title, the Administration is an independent regulatory agency.

SEC. 21. SAVINGS PROVISIONS.

(a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, on or after the date of enactment of this Act, in regard to functions which are transferred under this Act to the Administration, and

(2) which are in effect at the time of the effective date set forth in section 28(a), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time of the effective date set forth in section 28(a); and such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceeding shall continue in effect until modified, terminated, suspended, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c)(1) The provisions of this Act shall not affect suits commenced prior to the effective date set forth in section 28(a).

(2) In all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) In any case involving one or more officers required by this Act to be appointed by and with the advice and consent of the Senate who shall not have entered upon office on the effective date set forth in section 28(a), the President may designate any officer whose appointment was required to be made by and with the advice and consent of the Senate, and who was such an officer immediately prior to the effective date set forth in section 28(a), to act in such office until the office is filled as provided in this Act. While so acting, any such person shall receive compensation at the rates provided by this Act of the respective office in which he or she acts.

SEC. 22. LAWS AND REGULATIONS.

Except to the extent otherwise provided in this Act, all laws, rules, and regulations in effect and applicable to the Federal Aviation Administration of the Department of Transportation and to the Administrator of such Administration on the date immediately preceding the effective date set forth in section 28(a) shall, on and after such effective date, be applicable to the Federal Aviation Administration and the Administrator established by this Act, until such law, rule, or regulation is repealed or otherwise modified or amended.

SEC. 23. AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.

Section 2 of the Inspector General Act of 1978, approved October 12, 1978 (5 App. U.S.C.) is amended by inserting "Federal Aviation Administration," immediately after "Veterans' Administration,".

SEC. 24. AMENDMENTS TO GENERAL SCHEDULE.

(A) Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Administrator, Federal Aviation Administration.".

(b) Section 5313 of title 5, United States Code, is amended by striking "Administrator, Federal Aviation Administration." and inserting in lieu thereof the following: "Deputy Administrator, Federal Aviation Administration.".

(c) Section 5315 of title 5, United States Code, is amended by striking "Deputy Administrator, Federal Aviation Administration." and inserting in lieu thereof the following: "Assistant Administrators, Federal Aviation Administration (8).

"Chief Counsel, Federal Aviation Administration.".

(d) Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Inspector General, Federal Aviation Administration.".

SEC. 25. EFFECTIVE DATES.

The provisions of this Act shall take effect upon the expiration of the 180-day period following the date of enactment of this Act.

By Mr. SIMON:

S. 2547. A bill to amend title I of the Employee Retirement Income Security Act of 1974, to improve enforcement of

such title by adding certain provisions with respect to the auditing of employee benefit plans, and for other purposes; to the Committee on Labor and Human Resources.

ERISA AUDIT IMPROVEMENT ACT OF 1994

• Mr. SIMON. Mr. President, I introduce the ERISA Audit Improvement Act of 1994. Congress passed ERISA in 1974 in order to protect the interest of participants and beneficiaries for the purposes of protecting the interests of participants and beneficiaries of employee benefit plans. This bill proposes to improve ERISA enforcement.

Over the last several years, both Congress and the inspector general's office at the Department of Labor have become increasingly concerned over the Department of Labor's oversight of ERISA. In response, this new legislation offers a common sense approach to ensuring its implementation. It calls for the law to be amended on three fronts: Limited-scope audits, peer review requirements, compliance audits, and the reporting of crimes and intentional misstatements. These proposals are offered without imposing unreasonable burdens on plan sponsors. As enunciated by D. George Bell, the former Assistant Secretary for Pension and Welfare Benefits at the Department of Labor under the Bush administration, "The goal is to strike a balance between the interests of plan sponsors on the one hand and participants and beneficiaries on the other."

I understand that those in the accounting profession have raised concerns regarding the proposed reporting requirements and potential liability. I intend to work with accountants and accounting firms to address those concerns, while still protecting the interests of beneficiaries and the public-at-large.

American workers who participate and benefit from pension plans deserve the protection that ERISA requires. This legislation helps to accomplish this goal. I ask for unanimous consent that a brief summary of the bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ERISA AUDIT IMPROVEMENT ACT OF 1994

SECTION 1: TITLE

SECTION 2: REPEAL OF LIMITED SCOPE AUDIT

Under current law, ERISA plan auditors are permitted to exclude plan assets when they are invested in regulated institutions such as banks, insurance companies or similar entities pursuant to the so-called "limited scope exemption". Section 2 amends ERISA to require the inclusion of plan assets which are held by these institutions within the accountant's audit of the plan. This requirement does not necessarily mean that the plan's accountant will duplicate the work of the bank or insurance company's accountant. It is expected that the ERISA plan accountant will rely on the reports of the financial institution which speak to the reliability of the audit.

SECTION 3: PEER REVIEW

There is no external quality control review requirement for public accountants who perform ERISA audits under current law. Section 3 amends ERISA to require that public accountants participate in an external quality control review of the accountant's practices relevant to employee benefit plans. This provision will be effective three years after enactment to provide the profession with sufficient time to prepare for this requirement.

SECTION 4: REPORTING OF CERTAIN EVENTS

Under current law, there is no duty for an ERISA plan administrator or an accountant to disclose to the Secretary information indicating that a crime or intentional misstatement may have occurred. Section 4 creates a reporting process whereby an accountant who learns of certain crimes is required to notify the plan administrator within 5 days. If the plan administrator does not notify the Secretary of Labor within that time frame, the accountant is required to provide notice to the Secretary.

If the accountant has reason to believe that the plan administrator may have been involved in the crime, then the accountant shall notify the Secretary directly.•

By Mr. DODD (for himself and Mr. D'AMATO):

S. 2548. A bill to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit; to the Committee on Banking, Housing, and Urban Affairs.

BANK INSURANCE FUND AND DEPOSITOR PROTECTION

• Mr. DODD. Mr. President, I introduce the Bank Insurance Fund and Depositor Protection Act of 1994. Sponsoring this legislation with me is my colleague, Senator ALFONSE D'AMATO, the ranking member of the Senate Banking Committee.

The Bank Insurance Fund and Depositor Protection Act of 1994 is simple and straightforward. It prohibits Federal deposit insurance coverage for a new financial product that recently emerged from a small corner of the retail banking world. This first of its kind product, called a retirement CD, has been been cleverly constructed to receive both the benefits of Federal deposit insurance and tax deferral.

Earlier this year, the Office of the Comptroller of the Currency [OCC] and the Federal Deposit Insurance Corporation [FDIC] sanctioned the sale of the retirement CD by Blackfeet National bank, a small national bank in Montana. In separate letters dated May 12, 1994, the FDIC and the OCC stated that they had no objection to the sale of the retirement CD by Blackfeet. I would note that the Internal Revenue Service has not issued a similar opinion on the tax status of the retirement CD.

At this time, Blackfeet is the only insured depository institution going forward with the sale of the retirement CD to consumers. However, it is my understanding that approximately eight other institutions have signed licensing agreements to sell the retirement CD and may begin offering the product within the next few weeks. Many others are carefully examining the retirement CD with an eye toward offering it at some time in the future.

Mr. President, as it is currently structured, the retirement CD is not an appropriate product to be covered by Federal deposit insurance. The retirement CD raises significant policy issues related to consumer protection, safety and soundness, regulatory control, and competitive equity. I believe that if it is allowed to proliferate as it is currently structured, the retirement CD could have a tremendously negative impact on consumer confidence in our financial institutions and on the stability of our deposit insurance system.

I have described in detail most of my concerns about the retirement CD in a June 20, 1994, letter that I and several of my Banking Committee colleagues sent to the OCC and the FDIC. I would like to include that letter along with the regulators' responses in the RECORD.

I will not reiterate all the concerns described in that letter, but will briefly mention a couple of the more troubling issues that arise in connection with the retirement CD.

First, there is enormous potential for customer confusion about the retirement CD's terms and conditions. This product is not a plain vanilla certificate of deposit; it is not a simple annuity. It is a complex newfangled hybrid that has both CD and annuity features.

The retirement CD pays a fixed rate of interest for up to 5 years, after which the rate is adjusted at the sole discretion of the bank. This rate is never supposed to fall below 3 percent. Interest ceases to be posted upon maturity. The customer may withdraw up to two-thirds of the balance at maturity, and the remainder will be disbursed in fixed periodic payments for life, incorporating the imputed interest rate.

Consumers must understand that the interest rate is set at the sole discretion of the bank. While there is a 3 percent floor during the period when interest accrues, there is no similar threshold during the payout phase. This raises the prospect that a customer may not know what the imputed rate is tied to, and that the bank could offer a fixed payout at an extremely unfavorable rate.

Second, a consumer must understand that this retirement CD, unlike traditional certificates of deposit, contains a component that is not FDIC insured. FDIC insurance only applies to the balance that is not withdrawn at maturity, less the full dollar amount of any payments received. If a bank that issues a retirement CD fails at a point when the customer had already received the full value of the account through lump-sum distribution and monthly payments, the FDIC would neither insure nor continue to pay the monthly payments for the rest of the customer's life. This is the case despite the fact that the promotional material claims to guarantee payments for life.

Mr. President, the OCC and the FDIC share many of my concerns about the likelihood of customer confusion, the existence of misleading marketing information, and the impact of this product on bank safety and soundness. They outlined these concerns in their respective no objection letters I referred to earlier. However, the regulators chose not to prevent Blackfeet from going forward with the issuance of the retirement CD, as long as the bank complied with a lengthy list of conditions.

Mr. President, I think this was ill-advised. There is already strong evidence of substantial customer confusion regarding the insurance status of non-deposit investment products like mutual funds and annuity products being sold by banks and other insured depository institutions. These products are much less complex than the retirement CD. The regulators themselves have helped to collect compelling evidence about the ongoing problem of customer confusion. At a time when we are wrestling with how to eliminate this problem, I find it difficult to understand why the regulators gave their stamp of approval to the sale of this new complex product which can only make a bad situation worse.

Mr. President, for this and many other reasons, the retirement CD as it's currently structured should not be offered by banks to the public. The legislation I am introducing today will exclude the retirement CD from the definition of a deposit under the Federal Deposit Insurance Act. The retirement CD will therefore not be covered by Federal deposit insurance.

The legislation does not prohibit banks from offering the retirement CD. It simply denies the product deposit status under the Federal Deposit Insurance Act.

The legislation is not intended to eliminate existing levels of deposit insurance coverage to deposit accounts established in connection with certain individual retirement accounts, Keogh plans, eligible deferred compensation plans, pension plans, or similar employee benefit plans which may be maintained at an insured depository institution. This legislation eliminates Federal deposit insurance coverage for products which expose the issuing insured depository institution, and ultimately the deposit insurance funds, to liabilities that are annuity contracts and are tax deferred under section 72 of the Internal Revenue Code of 1986.

The provisions of this act do not apply to any liability which is not an annuity contract, whether or not tax deferred under section 72 of the Internal Revenue Code. For example, a liability other than an annuity contract which is part of an individual retirement account would not be affected by the provisions of this act even though the tax liability is deferred under section 72 of the Internal Revenue Code of 1986 because section 408(d) of the code incorporates section 72 only by reference.

Mr. President, the retirement CD may be cleverly packaged. It may be a tempting new business opportunity for the banking industry. But because it raises serious public policy concerns that have not been fully explored, it must not be provided the protection of the Federal safety net—at least until it is more closely examined by Congress, the banking regulators, and the Internal Revenue Service. I hope that the Banking Committee will hold hearings on this matter early next year.

I ask unanimous consent that the Bank Insurance Fund and Consumer Protection Act of 1994 be printed in the RECORD along with the three letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bank Insurance Fund and Depositor Protection Act of 1994".

SEC. 2. DEFINITION OF DEPOSIT.

Section 3(*l*)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(*l*)(5)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) any liability of an insured depository institution that arises under an annuity contract, the income on which is tax deferred under section 72 of the Internal Revenue Code of 1986.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any liability of an insured depository institution that arises under an annuity contract issued on or after October 6, 1994.

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, June 20, 1994.

Hon. EUGENE LUDWIG,
Comptroller of the Currency,
Washington, DC.
Hon. ANDREW C. HOVE,
Acting Chairman, Federal Deposit Insurance Corporation, Washington, DC.

DEAR MR. LUDWIG AND CHAIRMAN HOVE: We are following with great interest and concern the efforts of the Blackfeet National Bank ("Blackfeet") of Browning, Montana to offer to the general public a new "Retirement CD." We are disappointed that the OCC and the FDIC, by separate correspondence dated May 12, 1994, have in effect sanctioned, with certain conditions, plans to market and offer this Retirement CD investment product.

We are very troubled that the OCC and FDIC would react favorably to a product with such enormous ramifications for the banking system, the Bank Insurance Fund, the insurance industry—and, most importantly, for the consumers of financial products—without consultation with Congress and without requesting more specific commitments and information from American Deposit Corp. or Blackfeet.

The Retirement CD product raises a number of significant concerns which we have detailed below. We strongly believe these matters need to be thoroughly addressed by the regulators and Congress before this investment product is offered to the public.

1. CONSUMER PROTECTION ISSUES

The OCC and FDIC letters clearly indicate that both regulators have rather significant reservations about the consumer-protection implications of the Retirement CD. Both letters contain suggestions or conditions aimed at ensuring customer understanding and adequate disclosure. This insured deposit product combines features of both certificates of deposit and annuities, and it is enormously complex. Consumers may not fully comprehend how it works, the interest rate structure or the extent of FDIC insurance coverage.

The Retirement CD will pay a fixed rate of interest for up to five years, after which the rate becomes adjustable until the agreed-upon maturity date. The only assurance given to the consumers with respect to this variable interest rate is that it will be at least 3 percent. Upon maturity, the customer may withdraw up to two-thirds of the account balance, and the remainder of the account will be dispersed for life in fixed payments. These periodic payments incorporate an imputed interest rate. The consumer must understand that the interest rate, during much of the accumulation period (prior to the agreed-upon maturity date) and all of the payout phase, will be determined at the sole discretion of the bank. Furthermore, as we understand this product during the payout phase, there will be no minimum imputed interest rate, similar to the three percent floor in the accumulation phase. This raises an ominous prospect: that a customer will not know exactly what the "imputed" rate is keyed to and that the bank could offer a fixed payout at an extremely unfavorable rate.

As we understand the product, FDIC insurance would only apply to the balance (principal plus accrued interest) that was not withdrawn on the date of maturity, less the full dollar amount of any payments received during the pay-out period. Therefore, a customer would have to understand that if the bank were to fail at a point when the customer had already received the full value of the account through lump-sum distribution and monthly payments, the FDIC would neither insure, nor continue to pay, the monthly payments for the rest of the customer's life.

The OCC and the FDIC have expressed consumer protection concerns with respect to depository institution sales of uninsured non-deposit investment products, such as mutual fund shares. There is evidence that banking consumers do not always understand the simple fact that some of the products that banks offer are not FDIC-insured. With respect to the Retirement CD, we are concerned that consumers will not be able to fully-understand that a product that is called a "certificate of deposit"—a traditional insured deposit product—contains a component that is not FDIC-insured (although we understand that the promotional materials misleadingly "guarantee" payments for life).

Even the regulators seem somewhat uncertain about how the Retirement CD works.

The respective letters from the OCC and the FDIC differ in their descriptions of one of the most important basic terms of the product—mainly, at what point the payout is agreed to. The OCC letter states, "[o]n the maturity date the customer will select from various options for repayment" (p. 2, emphasis added). The FDIC letter states, "[u]pon opening the account, the customer also chooses his/her payout options" (p. 1-2, emphasis added). If the regulators are confused, certainly the potential for consumer confusion is enormous.

We must ask this question: Do the regulators honestly believe that this product—that contains variable interest rates, certain tax benefits, and partial FDIC-insured deposit status—will not create substantially greater confusion that non-deposit investment products?

2. REGULATORY ISSUES

Annuities are currently subject to state regulations enforced by state insurance officials. It is unclear if state insurance regulatory requirements will apply to the Retirement CD. Both customers and the bank should know this. If state regulations do not apply, it should be determined whether banks and bank regulators currently have the ability or resources to safeguard these accounts, and what policies and procedures are necessary to train bank personnel about annuities and about appropriate sales practices.

3. SAFETY AND SOUNDNESS ISSUES

Blackfeet and other banks that may offer the Retirement CD clearly will be acting as an underwriter of what is essentially an annuity. Although clever lawyering has gained this annuity product designation as a "deposit", it poses much greater risk to the bank than a traditional deposit. National banks will be assuming an unprecedented and inappropriate risk as a result of having to make a fixed payout for the life of a customer. Ultimately, these payments could exceed the consumer's balance on deposit at maturity. While the OCC suggests that Blackfeet's business plan should indicate how it will manage the risk associated with the annuity payment, the OCC requires no specific showing that the bank has the capability to quantify or manage this long-term liability of unknown proportions.

This "deposit" is structured so that at the date of maturity, the bank must determine the fixed lifetime payout for the customer using a complex and not entirely-discernible process to achieve a proper rate of return. The Congress has opted not to authorize banks to assume the type of risk Blackfeet would assume in offering the Retirement CD. The OCC and the FDIC seem willing to disregard this consistent record of Congressional reluctance to allow federally-insured depository institutions to engage in such high-risk activities. The OCC and FDIC also seem too willing to take it on faith that a small national bank (armed with a software program) will have the business acumen and operational know-how to handle the risk of underwriting this annuity product.

4. COMPETITIVE EQUALITY ISSUES

The proliferation of the Retirement CD will produce an unfair competitive advantage for banks. It is reasonable to expect that consumers will be drawn to a tax-deferred annuity that also offers federal deposit insurance. By allowing national banks to underwrite, market and sell a tax-deferred annuity that is FDIC-insured, the FDIC is granting a substantial competitive advantage over similar annuity products that do not come with a government guarantee.

In expanding future opportunities for all financial service providers and consumers, the Federal government's goal should be to encourage competition on a free and fair basis. Balance sheet strength, customer service and other market-determined characteristics, not market-distorting government guarantees, should determine success. Given the recent savings and loan crisis, and the regulators' concerns over the abuse of deposit insurance, it would seem ill-advised to extend the reach of the federal safety net to a product that raises so many regulatory, competitive and consumer protection concerns.

The OCC and the FDIC have made it very clear that when given the opportunity, they will usually take the most expansive and creative view of bank powers under current law. We strongly support the view that, to the maximum extent possible, an explicit statutory mandate must exist before the regulators authorize expanded powers for banks, or any other financial intermediaries. For this reason, we continue to support comprehensive modernization of our entire financial system. Until this can be accomplished by Congress, we urge the OCC and FDIC to balance the proclivity to expand bank powers through regulatory channels against the legitimate public policy concerns of consumer protection, safety and soundness, and competitive equality. Products that raise serious public policy concerns deserve great scrutiny, regardless of how cleverly they are packaged or how attractive they may be to the banking industry. The Retirement CD is clearly one such product.

We do not share your view that this product, as it is currently structured, is an appropriate product for national banks to offer to retail customers. Therefore, we are developing, and will soon introduce, legislation to prohibit the sale of this investment product. Pending consideration of this legislation by Congress, we urge the OCC and the FDIC to reconsider their respective positions on the Retirement CD.

Sincerely,

CHRISTOPHER J. DODD.
RICHARD H. BRYAN.
ALFONSE M. D'AMATO.
LAUCH FAIRCLOTH.

COMPTROLLER OF THE CURRENCY,
ADMINISTRATOR OF NATIONAL BANKS,
Washington, DC, August 18, 1994.

Hon. CHRISTOPHER J. DODD,
Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR DODD: I am responding to your June 20, 1994, letter addressed jointly to me and Andrew C. Hove, Acting Chairman, Federal Deposit Insurance Corporation ("FDIC"), concerning our recent letters to the Blackfeet National Bank (the "Bank") regarding its new Retirement CD. I appreciate this opportunity to address the concerns expressed in your letter relating to this bank product. Since your letter was also signed by them, we have sent identical responses to Senators Bryan, D'Amato and Faircloth.

Your letter states you are troubled that the OCC "would react favorably to a product with such enormous ramifications for the banking system, the Bank Insurance Fund, the insurance industry—and, most importantly, for the consumers of financial products—without consultation with Congress and without requesting more specific commitments and information from American Deposit Corp. or Blackfeet."

Please be assured that during the OCC's review of the Bank's November 8, 1993, letter in which the Bank informed us of its intention to market the Retirement CD, our staff had numerous telephone conversations with blackfeet and its legal counsel, and did request a substantial amount of additional information. On the basis of that information and our own research, we found no reason in law or supervisory policy to prohibit the offering of this product. Accordingly, we issued our no-objection letter to the Bank. Our administrative process does not routinely involve consultation with Congress. However, we are available to discuss the Blackfeet matter with you and the members of your staff at your convenience.

1. CONSUMER PROTECTION ISSUES

The consumer protection issues generally arise from the mix of features that comprise the Retirement CD, and the ability of the Bank to explain and of consumers adequately to understand this combination of features. You are concerned that the product's structure may prevent consumers from fully comprehending how the product works, its interest rate structure and the extent to which the product is covered by FDIC insurance. In addition, your letter indicates that consumers may not be able to understand a product that is called a certificate of deposit but contains a non-FDIC insured component. Moreover, you ask whether we believe that the Retirement CD, which contains variable interest rates, tax benefits, and partial FDIC-insured deposit status, will create substantially greater confusion than nondeposit investment products.

The OCC is concerned about any bank product that potentially may confuse customers. I understand your concern that the combination of certain attributes of the Retirement CD, including variable interest rates, tax benefits, partial FDIC-insured deposit status presents complications and could create customer confusion. We fully agree that it is important customers not misunderstand the nature of financial products offered to them. This is a problem to which we and the other federal banking agencies have been sensitive in our evaluation of bank sales of all types of nondeposit investments products. While the Retirement CD's complexities do not present a legal basis for preventing its offer and sale by the Bank, they do raise supervisory concerns. In response to those concerns we imposed conditions on the operation of Bank sales programs to address the potential problem of customer confusion.

Our legal review of the Retirement CD rested upon an analysis of the powers of national banks to engage in the business of banking. We concluded that offering the product represents the exercise by the Bank of its express authorizations to receive deposits and enter into contracts, coupled with its powers to incur liabilities and fund its operations. By offering the Retirement CD, the Bank is engaging in the business of banking, an activity federal law authorizes it to undertake.

The Bank did not seek and the OCC did not issue a formal approval of the product. Because offering the Retirement CD lies within the business of banking, the Bank does not need specific OCC approval to offer the product. Even so, the Bank may not ignore safety and soundness and customer protection concerns when it actually sells the product. We therefore advised the Bank that the OCC would not object to the offering of the Retirement CD only if the Bank met certain supervisory and consumer protection related conditions.

To address consumer-related concerns, our letter cautioned the Bank that the OCC expects it accurately to represent the "product's risks and economics, deposit insurance status and tax treatment in dealing with actual and prospective customers." We also stipulated twelve conditions that concern adequate disclosure and customer protection. Among these conditions are requirements that the Bank—(1) take steps to assure that its representations to customers regarding the FDIC insured status of the product are fair and accurate (condition #6); (2) make specific disclosures concerning the tax aspects of the product (conditions #9–10); (3) adequately explain the product's mechanics and economics (condition #12); (4) properly explain the calculation of the applicable interest rate (condition #13); and (5) implement an appropriate training program for personnel who will be involved in marketing the product, OCC examiners will periodically evaluate the Bank's compliance with these conditions.

In addition to the conditions detailed to our letter concerning disclosures, we informed the Bank that the Interagency Statement on Retail Sales of Nondeposit Investments Products, NR 94–21 (February 17, 1994) is applicable to the non-FDIC insured portion of the product. We have also advised the Bank of the applicability of 12 U.S.C. §4301 et seq. and 12 C.F.R. §230 et seq. (Truth in Savings).

You also set forth your understanding that during the payout phase of the Retirement CD there will be no minimum imputed interest rate, similar to the three percent floor in the accumulation phase. This is not our understanding. The Bank has represented to us that at the end of the accumulation phase, a monthly payment amount is calculated for the depositor based primarily on three elements—(1) the balance left in the account after the depositor has made any withdrawals; (2) an imputed interest rate that cannot be below three percent; and (3) the depositor's life expectancy. Once the payment amount is determined, it remains fixed for life of the depositor. Thus, there is a minimum imputed interest rate of three percent used in calculating the monthly payments.

Another concern expressed in your letter relates to the fact that FDIC insurance only applies to the balance (principal plus accrued interest) that is left in the account at the end of the accumulation phase. Your concern is that depositors may not understand that if the Bank fails after the depositor has received payments equal to this balance, the FDIC would neither insure, nor continue to pay, the monthly payments for the rest of the customer's life. We addressed this specific concern in condition #6 of our letter where we directed the Bank to take steps to assure that representations to customers concerning the FDIC insured status of the product are fair and accurate, and that any limitations on FDIC insurance are conspicuously indicated.

You also expressed concern that the Bank's promotional materials contained the phrase "guaranteed payments for life." This language was contained in an early draft of the Bank's materials, and we strongly objected to it. (See condition #8 in our letter.) The phrase has been deleted from the current draft promotional materials and the term "guaranteed" now is used only with respect to the three percent guaranteed minimum interest rate. We are discussing use of the term in this context with the Bank's counsel to make sure its use is not confusing to investors.

Finally as to consumer issues, you point out an apparent discrepancy between our letter and the FDIC's with respect to the time at which consumers may select from various options for repayment. The FDIC's letter states the selection is made "upon opening the account" whereas our letter states the selection is made "on the maturity date." The depositor is actually allowed to select the terms for repayment on either date. We viewed the maturity date as the most effective time for this selection, and that is why we used that date in our letter. However, the FDIC is correct in stating that depositors may make their selections upon opening the account.

2. REGULATORY ISSUES

You state that annuities are currently subject to State regulations enforced by state insurance officials, and note that it is unclear if State insurance regulatory requirements will apply to the Retirement CD. In addition, you believe that customers should know whether State regulations apply to the product. If they do not, you suggest we consider whether banks and bank regulators currently have the ability or resources to safeguard these accounts, and what policies and procedures are necessary to train Bank personnel about annuities and appropriate sales practices.

Our legal analysis and conclusions to date have been limited to a determination of the Bank's authority to conduct the business of banking under the National Bank Act. State regulatory officials may conclude that State insurance laws also apply to the Retirement CD or any other activity which we interpret as being authorized by the National Bank Act. Such a conclusion, however, does not affect our interpretation of that Act. The applicability of any particular State law to the Retirement CD will have to be reviewed on a case by case basis.

We believe the OCC has the expertise fully to examine and evaluate Bank practices to mitigate the risks associated with the Retirement CD. The most significant concerns associated with the Retirement CD, in our view, relate to liquidity and funding. Written procedures and formal training presently available to, and extensively used by, OCC examiners address a variety of issues relevant to the supervision of bank obligations, including the evaluation of bank liquidity and funding issues. In the event additional guidance of training is necessary, it will be provided to examiners.

Condition #15 of our no-objection letter specifically requires the Bank to implement a program for training personnel who will be involved in marketing the Retirement CD. The training program must ensure a thorough understanding of the product so that customer questions are answered properly, and investment risks are adequately conveyed. The OCC has focused, and will continue to focus, on the Bank's training efforts in this regard, as well as its other efforts to mitigate the risks associated with the product.

3. SAFETY AND SOUNDNESS ISSUES

You state that offering the Retirement ED is tantamount to acting as an underwriter of an annuity. The risks associated with the product you believe are much greater to the Bank than a traditional deposit. This risk you state comes from the "unprecedented and inappropriate risk" a bank assumes by agreeing to make a fixed payout for the life of a customer. You are also troubled that the OCC "requires no showing that the bank has the capability to quantify or manage this long-term liability of unknown proportions."

Our letter to the Blackfeet National Bank prescribed conditions for the Bank, including the need for Bank expertise in designing and implementing product controls and systems to mitigate the risks associated with the product. We directed the Bank to pay particular attention to adequate planning for the use of funds generated from the product, accurate estimation of product payouts, and proper design of internal controls. Additionally, we required that the Bank adequately manage its funding sources for the payout obligations that will arise from the Retirement CD, considering the financial risks associated with the product.

We directed the Bank to take appropriate steps to deal with the risks it will assume by offering the Retirement CD and required the Bank to furnish us with a detailed business plan. The OCC will review the business plan and will evaluate the manner in which the Bank utilizes funds received from the Retirement CD and funds these obligations.

We believe these steps adequately and responsibly address the supervisory concerns you have expressed with the payment risks associated with the Retirement CD. As with any bank product, we will continue to review the Bank's implementation of these procedures and evaluate the Bank's effectiveness in dealing with the risks associated with the product. Should we determine at any point that the Bank is materially not in compliance with these requirements, we would direct it to cease offering the product until it took appropriate corrective actions.

4. COMPETITIVE EQUALITY ISSUES

You state your belief that the proliferation of the Retirement CD will result in an unfair competitive advantage for banks over annuity products offered by insurance companies. Given the wide and growing range of products that could be viewed as competitive in this area, and uncertainties as to the popularity of the product, it is hard to tell whether any competitive advantage will actually be present. But the potential for competitive implications does not affect the Bank's legal authority to offer the product.

I hope this letter addresses the questions and concerns you expressed in your letter concerning the Blackfeet Retirement CD. Should you have any questions or need any additional information, please let me know.

Sincerely,

EUGENE A. LUDWIG,
Comptroller of the Currency.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, July 8, 1994.

Hon. CHRISTOPHER J. DODD,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR DODD: Thank you for your letter concerning the Retirement CD, a produce developed by American Deposit Corporation which is being offered by Blackfeet National Bank, Browning, Montana. Your letter expresses reservations regarding the Federal Deposit Insurance Corporation's position, as expressed in our Legal Division's May 12, 1994 advisory opinion. We appreciate the opportunity to address your concerns. Similar letters will be sent to Senators D'Amato, Bryan and Faircloth.

Your primary concern is the "consumer protection implications of the Retirement CD." The FDIC shares your concern that potential customers not be misled with regard to the workings of and the federal deposit insurance coverage afforded to the Retirement CD. That is precisely why the advisory opinion discusses these issues in such detail. The advisory opinion expressly states that the "FDIC therefore strongly believes that all promotional materials, advertisements, agreements and other customer materials concerning the Retirement CD should clearly and conspicuously state that the lifetime monthly annuity payments are not guaranteed by the FDIC." The opinion then goes on to discuss, in great detail, the Legal Division's concerns regarding the customer promotional materials which it reviewed, including explicit suggestions to revise certain portions of the text which were found to be inaccurate and possibly misleading. The advisory opinion also states that the offering bank should follow the applicable provisions of the "Interagency Statement on Retail Sales of Nondeposit Investment Products."

Your letter questions whether (i) State insurance laws and regulations apply to the Retirement CD and (ii) a national bank may offer this type of product. Our advisory opinion makes it quite clear that since the FDIC was addressing these questions as insurer, not as the primary Federal regulator of Blackfeet National Bank, the only questions considered by the Legal Division were whether the Retirement CD is a "deposit" as that term is defined in section 3(*l*) of the FDI Act and, if so, the extent to which it is insured by the FDIC. Thus, the FDIC did not consider and has taken no position on these other issues. Your letter also asserts that the FDIC has "sanctioned" and "reacted favorably" to the Retirement CD. While the FDIC has determined that the Retirement CD is a "deposit" as that term is defined in the FDI Act and, therefore, is entitled to a certain level of deposit insurance coverage, the advisory opinion explicitly provides that it "should in no way be represented or construed as an endorsement or approval by the FDIC of this product."

You suggest in your letter that the regulators seem uncertain about how the Retirement CD works since the FDIC's and OCC's descriptions of the choice of payout options differ slightly. While our advisory opinion does state that the customer chooses his/her payout option when the account is opened, it goes on to explain that this election may be changed at any time up until thirty days prior to the maturity date. Thus, the FDIC and OCC share a common understanding of the product's parameters.

Section 11(a)(1)(A) of the FDI Act requires the FDIC to insure the deposits of all insured depository institutions. Since our staff determined that the Retirement CD qualifies as a deposit—to the extent described in the advisory opinion—we are required by law to insure it. In making its determination, the Legal Division considered all applicable statutory factors. The FDI Act does not require, or even permit, the FDIC to consider the "ramifications for the . . . insurance industry."

If you have any further questions or need any additional information, please let us know.

Sincerely,

ANDREW C. HOVE, Jr.,
Acting Chairman.•

• Mr. D'AMATO. Mr. President, I am pleased to cosponsor the Bank Insurance Fund and Depositor Protection Act of 1994 with my distinguished colleague from Connecticut, Senator DODD. This bill makes a necessary and important refinement to our banking laws. This bill would clarify the definition of a deposit in the Federal Deposit Insurance Act to make clear that certain annuity products are not FDIC-insured deposits. This legislation would provide necessary guidance to the banking regulators, make the law more precise, and protect the bank insurance fund from potential unquantifiable losses.

Mr. President, recently there has been a lot of marketing hype about a new investment product—the retirement CD. This product will operate much like a traditional annuity, but will be underwritten by a bank under the rubric of certificate of deposit. In short, a federally-insured hybrid investment vehicle—and a potential roll-of-the-dice with Uncle Sam's implicit backing. The Comptroller of the Currency and the FDIC will permit this so-called CD to be offered to depositors, with FDIC protection, under current law. Senator DODD and I, along with several of our colleagues on the Senate Banking Committee, wrote to the OCC and the FDIC to express our concern about this product, a product that would be marketed with the market-enhancing lure of FDIC insurance.

This bill has been refined in an attempt to avoid any undesired effect on standard deposit products that banks commonly offer today. For instance, qualified plans and individual retirement accounts are not intended to be covered by this legislation, to the extent that they do not generate depository institution liabilities that constitute annuity contracts. This is so even if the depository institution liability has tax-deferred status under section 72 of the Internal Revenue Code.

Again, I support this bill with the hope that it will protect consumers of financial products, safeguard FDIC funds, and promote safe-and-sound banking practices.•

By Mr. LEVIN (for himself, Mr. DURENBERGER, Mr. GRAHAM, Mr. BINGAMAN, Mr. KOHL, and Mr. FEINGOLD):

S. 2549. A bill to amend the National Trails System Act to expand Federal authority relating to land acquisition for the majority of the trails, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL TRAILS SYSTEM ACT AMENDMENTS

• Mr. LEVIN. Mr. President, today I am introducing a bill to correct a problem with the National Trails System Act. I am pleased to be joined by Senators DURENBERGER, GRAHAM, BINGAMAN, KOHL, and FEINGOLD, in sponsoring this bill.

The bill removes the current statutory prohibition on the Federal Government's ability to acquire lands or interest in lands from willing sellers for seven national trails. This puts these trails on equal footing with the Appalachian Trail, and nine other national trails, where acquisition is allowed. But, this bill explicitly states that any acquisition would require the consent of the owner of the land. The affected trails are the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Ice Age National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, or the Iditarod National Historic Trail.

Providing the Federal Government with acquisition authority to purchase land from willing sellers for these trails will help address increasing development pressures that threaten the long-range continuity of the National System in many areas. With voluntary acquisition as an additional tool, the Federal Government can more efficiently participate in the trail building process, and direct resources toward protecting vulnerable trail segments.

The bill does not mandate or provide funds for acquisition. It simply authorizes acquisition from willing sellers, subject to appropriations.

Mr. President, this country's scenic beauty and precious natural resources deserve protection. I am committed to that effort, and believe that a strong and extensive National Trails System is an important component of it. This bill will help bring us closer to achieving that goal.•

By Mr. ROTH:

S. 2552. A bill to amend the Internal Revenue Code for 1986 to deny the earned income credit to illegal aliens and to prevent fraudulent claims for the earned income credit; to the Committee on Finance.

THE ILLEGAL ALIEN CREDIT DENIAL ACT

• Mr. ROTH. Mr. president, I am introducing a bill today that is part of what will be a bigger plan to overhaul problems in the earned income tax credit, as well as problems with our immigration laws.

As many now know, President Clinton's 1993 tax increase also included a plan that will approximately double primarily an outlay program of the Federal Government—earned income tax credit, or EITC. Under prior law, the program cost about $10 billion annually, but under the new legislation passed last year, we will soon be spending about $20 billion annually.

Earlier this year, in response to an inquiry from Delaware, I asked the Internal Revenue Service what their estimate of noncompliance in the EITC was, and what kind of resources they were committing to resolving problems. They responded that noncompliance, including outright fraud, was "between 30 percent and 40 percent nationally". In other words, about $8 billion annually is being lost to fraud and other noncompliance in the EITC Program—this is about $40 billion over a 5-year period—a massive problem.

I immediately called for a full scale investigation of the EITC Program by the General Accounting Office. They have been working on my request for several months, and I expect to have a great many possible reforms as a result of their work with my staff and me on this issue. Already, I have a legislative proposal that surely every American can agree on.

Under current law, there is no requirement that EITC claimants must be legal residents of this country. When we are spending $20 billion annually on a program, and we have a large Federal deficit, I cannot understand how we can afford to spend scarce resources on people that should not even be in this country. My proposal is very simple. I would simply deny the EITC for any illegal alien. In addition, it would provide procedures so that the Treasury Secretary would no longer supply temporary social security numbers.

As a result of the Secretary temporarily assigning social security numbers, I believe that a significant number of illegal aliens and ineligible recipients do receive a large amount of EITC money. Currently, a claimant often files for the EITC and either leaves the social security number (taxpayer identification number—TIN) blank, or writes in §205(c). I asked why any one would write in §205(c), and I learned that many tax preparers do this because it is the section of the Social Security law that states that you do not qualify for a social security number. Often, it is believed, these claimants cannot get a TIN because they are illegal. This must be stopped.

Only the Social Security Administration should be allowed to issue social security numbers, and under my bill, that is what will happen. When the EITC is claimed in the future, without a social security number, then the Treasury Secretary will refer those taxpayers to Social Security to first get a number assigned. My bill provides for an expedited process so that those who are legally allowed to claim the credit are not burdened by these new rules.

It seems only to be good government for us to set out procedures so that we can cut waste and abuse in this program. It is clear that undeserving individuals often try to game the tax system so that they can claim a new cash benefit from the Government. On the House side, hearings have been held showing that the electronic refund system is being gamed by using the EITC to cheat the Government out of millions and millions of dollars. I have no doubt that some of this is being done by illegal aliens.

We know there is a significant amount of revenue to be raised by my legislation. I hope we will move early next year to enact this bill, and move forward with more EITC reforms to improve the program and make it more efficient. I hope my colleagues will join me in this effort.

I would ask that a copy of my bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Illegal Alien Credit Denial Act."

SEC. 2. DENIAL OF EARNED INCOME CREDIT TO ILLEGAL ALIENS.

(a) IN GENERAL.—Paragraph (1) of section 32(c) of the Internal Revenue Code of 1986 (defining eligible indi vidual) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR ILLEGAL ALIENS.—The term 'eligible individual' does not include any individual who is an illegal alien as of the close of the taxable year."

(b) ILLEGAL ALIEN DEFINED.—Section 32(c) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) ILLEGAL ALIEN.—

"(A) IN GENERAL.—The term 'illegal alien' means an individual who is not—

"(i) a citizen or national of the United States, or

"(ii) an alien permanently residing in the United States under color of law.

"(B) ALIEN PERMANENTLY RESIDING IN THE UNITED STATES UNDER COLOR OF LAW.—For purposes of subparagraph (A), the term 'alien permanently residing in the United States under color of law' means an alien lawfully admitted for permanent residence (within the meaning of section 101(a)(20) of the Immigration and Nationality Act), and includes any of the following:

"(i) An alien who is admitted as a refugee under section 207 of the Immigration and Nationality Act.

"(ii) An alien who is granted asylum under section 208 of such Act.

"(iii) An alien whose deportation is withheld under section 243(h) of such Act.

"(iv) An alien who is admitted for temporary residence under section 210, 210A, or 245A of such Act.

"(v) An alien who has been paroled into the United States under section 212(d)(5) of such Act for an indefinite period or who has been granted extended voluntary departure as a member of a nationality group.

"(vi) An alien who is the spouse or unmarried child under 21 years of age of a citizen of the United States, or the parent of such a citizen if the citizen is over 21 years of age, and with respect to whom an application for adjustment to lawful permanent residence is pending."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 3. VERIFICATION OF IDENTITY OF INDIVIDUALS CLAIMING EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) is amended by adding at the end the following new subsection:

"(k) VERIFICATION OF TAXPAYER IDENTIFICATION NUMBERS.—No credit shall be allowed under subsection (a) to any taxpayer unless the Secretary has verified that the taxpayer identification numbers of the taxpayer and any qualifying children set forth on the return claiming the credit are valid."

(b) EXPEDITED PROCEDURES.—The Secretary of the Treasury and the Secretary of Health and Human Services shall establish procedures under which—

(1) the taxpayer identification numbers of individuals claiming the earned income credit under section 32 of the Internal Revenue Code of 1986 are verified, and

(2) the issuance of taxpayer identification numbers to individuals claiming such credit and entitled to such numbers is expedited.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.•

By Mrs. BOXER:

S. 2553. A bill to amend the Endangered Species Act of 1973 to authorize the Secretary of the Interior to enter into cooperative agreements with States and political subdivisions of States to provide assistance for habitat acquisition to carry out conservation plans, and for other purposes; to the Committee on Environment and Public Works.

THE FEDERAL-STATE COOPERATION ACQUISITION ASSISTANCE ACT OF 1994

• Mrs. BOXER. Mr. President, I am pleased today to introduce the Cooperative Planning Assistance Act of 1994.

This legislation will help local governments in California, and throughout the country, meet the goals of the Endangered Species Act by supporting their habitat conservation efforts. Moreover, by supporting these efforts, this bill will reinforce the partnership between local, State, and Federal governments that is so crucial to the future success of the Endangered Species Act.

I strongly believe in the goals of the Endangered Species Act. I also believe that the act must be made to work for people as well as the plants and animals it is designed to protect. Unfortunately, the act's species-by-species focus has often led to redundant, inefficient, and onerous preservation measures.

Several southern Californian counties, including Riverside, San Diego, and Orange, have taken the lead in developing a way out of this species-by-species trap. They have taken the practical step of developing habitat conservation plans to map the most important habitat for a group of species. They then use these plans to balance development and conservation by preserving some habitat while clearing the way for development on other land.

It is disappointing however, that these counties, and other local governments across the country, have had to go it alone. The Federal Government has provided very little direct support for these innovative efforts. The legislation I am introducing today will give these local planning efforts a significant shot of Federal support and encourage their use elsewhere.

The Cooperative Planning Assistance Act of 1994 would amend the Endangered Species Act to allow the Secretary of the Interior to pay the interest on certain local government land acquisition debt. Under this legislation, local governments who take on debt to purchase habitat under a conservation plan can ask the Secretary of the Interior to enter into an agreement. Under the terms of such an agreement, the local government would retain responsibility for payment of that debt's principal, while the Federal Government would take on the associated interest payments. The bill would leave the decision on whether to enter into such an agreement largely within the discretion of the Interior Secretary.

This legislation ensures that debt serviced under its authority only be used for habitat conservation under a federally approved habitat conservation plan. It also provides that if a local government defaults on a loan, it must pay the Federal Government back for any interest payments made on its behalf. Finally, the bill would give the Federal Government the opportunity to assume ownership of the land for conservation purposes once the habitat acquisition debt had been paid off.

I strongly believe that both California's and the Nation's biological diversity are tied to our long-term economic future. It is crucial that we develop long-range strategies for preserving natural diversity. These strategies must focus on habitat, rather than species, and prevent species from reaching threatened status. Since local governments have taken the lead in implementing such an approach on the ground, I feel that the Federal Government has the obligation to support that leadership. It is time for the Federal Government to begin to meet this obligation. I urge my colleagues' support for this legislation.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cooperative Planning Assistance Act of 1994".

SEC. 2. ASSISTANCE FOR HABITAT ACQUISITION.

Section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539) is amended by adding at the end the following new subsection:

"(k) ASSISTANCE FOR HABITAT ACQUISITION.—

"(1) IN GENERAL.—In accordance with this subsection, the Secretary may enter into a cooperative agreement with a State, political subdivision of a State, or group of States or political subdivisions of a State (referred to in this subsection as an 'entity') to provide assistance for the acquisition of habitat required to carry out a conservation plan approved pursuant to subsection (a)(2), including assisting the entity with meeting the requirement of subsection (a)(2)(B)(iii).

"(2) COOPERATIVE AGREEMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may pay to an entity that is a party to a cooperative agreement under paragraph (1), the full amount of interest on—

"(i) a loan obtained by the entity;

"(ii) a bond issued by the entity; or

"(iii) any other debt instrument that the Secretary determines to be appropriate;

that is approved by the Secretary before entering into the cooperative agreement.

"(B) CONDITIONS FOR ENTERING INTO COOPERATIVE AGREEMENTS.—

"(i) IN GENERAL.—Subparagraph (A) shall apply only in the case of a loan, bond, or other debt instrument that is used solely to cover the cost of acquisition of habitat identified in a conservation plan approved by the Secretary pursuant to subsection (a)(2).

"(ii) DEMONSTRATION OF ABILITY TO REPAY.—Before entering into a cooperative agreement with the Secretary under this subsection, the entity that is a party to the cooperative agreement shall demonstrate, to the satisfaction of the Secretary, the ability of the entity to repay the amount of principal of the debt incurred through the debt instrument—

"(I) in a timely manner; and

"(II) from a source, other than the general tax revenue of the entity, that is dedicated to the repayment of the amount of principal of the debt.

"(C) FACTORS.—In making a determination whether to enter into a cooperative agreement under this subsection, the Secretary may take into consideration—

"(i) the number of species for which the approved conservation plan under subsection (a)(2) was developed;

"(ii) the quantity of habitat that will be preserved under the conservation plan;

"(iii) the history of the commitment of the entity that intends to enter into a cooperative agreement to conserve habitat;

"(iv) the participation of diverse interests, including government, business, environmental and landowner interests, in the planning process that produced the approved conservation plan;

"(v) the amount of funds other than the funds obtained through the debt instrument under the cooperative agreement that the entity has expended or will expend to set aside and preserve habitat;

"(vi) the likelihood of success of the conservation plan; and

"(vii) such other factors as the Secretary considers to be appropriate.

"(3) CONDITIONS DURING COOPERATIVE AGREEMENTS.—

"(A) IN GENERAL.—The conditions described in this paragraph shall apply to a cooperative agreement entered into under this subsection.

"(B) PAYMENT OF INTEREST.—The sole obligation to be paid by the Secretary pursuant to the cooperative agreement shall be the interest on the debt described in paragraph (2). The Secretary shall pay the interest at the time the interest becomes due.

"(C) PAYMENT OF PRINCIPAL.—The entity that is a party to the cooperative agreement shall pay the amount of principal of the debt described in paragraph (2) in the manner described in paragraph (2)(B)(ii).

"(D) EFFECT OF DEFAULT ON PAYMENT OF PRINCIPAL.—If the entity that is a party to the cooperative agreement defaults on the payment of an amount of principal of the debt described in paragraph (2) and the default continues for a period of 2 years or more—

"(i) the obligation of the Secretary to pay interest shall terminate; and

"(ii) the defaulting entity shall be required to repay the Secretary all interest payments made pursuant to the terms of the cooperative agreement.

"(E) CONVEYANCE TO THE UNITED STATES.—On full payment of the debt described in paragraph (2), and at the request of the Secretary, the habitat purchased by the entity with funds obtained through the debt instrument pursuant to the cooperative agreement shall be conveyed to the United States pursuant to paragraph (4).

"(4) CONVEYANCE TO THE SECRETARY.—

"(A) RIGHT OF SECRETARY.—The Secretary shall have the right to assume ownership of the real property purchased as habitat as described in paragraph (3)(E) at such time as—

"(i) the purchase of habitat financed through a debt instrument that is the subject of a cooperative agreement under this subsection has been carried out; and

"(ii) the debt incurred for the purchase of the habitat has been paid in full.

"(B) TRANSFER.—If the Secretary exercises the authority described in subparagraph (A)—

"(i) the entity shall transfer title to the property to the Secretary; and

"(ii) the use of the property shall be dedicated to the protection of species and the preservation of any wilderness areas of the property.".●

By Mr. PELL:

S. 2554. A bill to establish the position of United States Special Envoy for Tibet, and for other purposes; to the Committee on Foreign Relations.

THE TIBET SPECIAL ENVOY ACT OF 1994

Mr. PELL. Mr. President, I send to the floor for consideration a bill that would establish the position of United States Special Envoy for Tibet within the Department of State.

President Clinton, at the time of his decision in May to delink trade and human rights, acknowledged that among the areas he had sought improvement by the Chinese Government with regard to its human rights record, Tibet stood out as the one area where China had made no progress.

I believe the President and his emissaries made a strong effort to promote negotiations between the Dalai Lama and his representatives and senior representatives of the Chinese Government on the future of Tibet. I recognize the emphasis they put on this important issue, and I commend their commitment to continue to seek new ways, in consultation with the Congress, to pursue this issue with the Chinese. It is in this spirit of working together, that I introduce legislation that would establish the position of United States Special Envoy for Tibet.

In spite of President Clinton's commitment to the issue of Tibet, I recall how difficult it was to engage previous administrations in serious, knowledgeable discussions on Tibet and how the Congress and the administration were unable to pursue a foreign policy that reflected mutual concerns about China's policies in Tibet, the Dalai Lama, or the survival of Tibetan culture.

A Special Envoy for Tibet would ensure that this important element of United States-China relations was continually reflected in policy discussions on a senior level. Moreover, it would assure that the same administration official would be available to the Congress for consultation on a thorough and consistent basis. As it stands now, the Tibet brief is juggled around with the effect that no single official has command of the intricate and strategic understandings of this issue.

Mr. President, I am aware that the creation of a new position at the State Department is a matter for careful consideration, and I look forward to discussing this posting with my colleagues. However, if the administration is indeed committed to having the Chinese end human rights abuses in Tibet and engage in good faith negotiations with the Dalai Lama, a Special envoy could be one very useful and effective tool.

By Mr. DECONCINI:

S. 2555. A bill to establish Cooperative Units of Research in Infectious Disease [CURID] to evaluate the potential etiology of chronic inflammatory diseases with emphasis upon arthritis and chronic lung disease; to the Committee on Labor and Human Resources.

THE COOPERATIVE UNITS OF RESEARCH IN INFECTIOUS DISEASES ACT

• Mr. DECONCINI. Mr. President, I introduce the cooperative units of research in infectious diseases bill. This proposed legislation addresses the need for a new approach to research in chronic diseases of possible infectious etiology.

I believe that one of the Federal Government's best investments is the commitment of funds to biomedical research. The National Institutes of Health is rightfully a source of great national pride.

In the past decade, tremendous strides have been made in the biomedical research field. While we still have not been able to unlock the mystery of Acquired Immune Disease Syndrome [AIDS], the intensive research into the cause of this terrible disease has produced powerful new technology for detection of infectious agents and increased our understanding of the potential role they may play in chronic diseases like rheumatoid arthritis and chronic lung disease.

For example, we have advanced our understanding of how the body's defense mechanisms function as well as learned that the final outcome of an infection is influenced by both the genetic background of the patient and genetic composition of the infecting agent. This new knowledge is quickly changing the traditional way in which chronic diseases have been viewed. Researcher are beginning to believe that numerous chronic diseases of humans for which the causes are now unknown may be triggered by an infectious agent.

Recent animal model research data suggest that some cases of rheumatoid arthritis, juvenile arthritis, and reactive arthritis may have infectious origins. I understand that results from antibiotic treatment trials in humans also indicate this may be true but we need not only more research but coordinated research to determine if chronic illnesses like arthritis, chronic lung disease and certain forms of coronary artery disease are caused by infectious agents. In the event that the research establishes infectious agents as the cause of these diseases, more successful therapy protocols can be designed.

The bill I am proposing would provide authority to the National institutes of Health and the Centers for Disease Control and Prevention to support collaborative research groups using intramural and extramural scientists. These research groups would be composed of researchers who are highly skilled in clinical and epidemiological investigation. This approach will ensure a coordinated investigative effort by the research groups into single chronic disease entities.

A need for an indepth long-term approach to exploring the role of infectious agents is crucial to ensure that all potential causes of these debilitating diseases, which rob millions of people of the most productive periods of their lives, are investigated. We need to take all steps possible to prevent the 1994 National Centers for Disease Control and Prevention forecasts, that by the year 2020, 54.9 million people will suffer from arthritis, from becoming a reality. We need to take steps which may help us to slow today's alarming rate of increase of asthma in all age groups and eliminate chronic lung disease from the top 10 leading causes of death for adults.

I urge my colleagues to consider the new approach to chronic disease research proposed by this bill.•

ADDITIONAL COSPONSORS

S. 1379

At the request of Mr. WOFFORD, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1379, a bill to limit the continued availability of foreign assistance funds for obligation and expenditure.

S. 1976

At the request of Mr. DODD, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 2411

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2441

At the request of Mr. HEFLIN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2441, a bill to provide for an independent review of the implementation of the National Implementation Plan for modernization of the National Weather Service at specific sites, and for other purposes.

S. 2511

At the request of Mr. LIEBERMAN, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 2511, a bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Virginia [Mr. WARNER], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE JOINT RESOLUTION 220

At the request of Mr. BIDEN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Joint Resolution 220, a joint resolution to designate October 19, 1994, as "National Mammography Day."

SENATE JOINT RESOLUTION 222

At the request of Mr. LAUTENBERG, the names of the Senator from Oregon [Mr. PACKWOOD] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 222, a joint resolution to designate October 19, 1994, as "Mercy Otis Warren Day," and for other purposes.

SENATE JOINT RESOLUTION 224

At the request of Mr. SIMON, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Louisiana [Mr. BREAUX], the Senator from Hawaii [Mr. AKAKA], the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Dakota [Mr. DORGAN], the Senator from Minnesota [Mr. DURENBERGER], the

Senator from Maine [Mr. COHEN], the Senator from Kentucky [Mr. FORD], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 224, a joint resolution designating November 1, 1994, as "National Family Literacy Day."

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. LEVIN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Concurrent Resolution 80, a concurrent resolution to correct technical errors in the enrollment of the bill (S. 349), and for other purposes.

SENATE RESOLUTION 270

At the request of Mr. COATS, his name was added as a cosponsor of Senate Resolution 270, a resolution to express the sense of the Senate concerning U.S. relations with Taiwan.

SENATE RESOLUTION 277—RELATIVE TO THE SCHINDLER PROJECT

Mr. SPECTER (for himself, Mr. CHAFEE, Mr. COHEN, Mr. COVERDELL, Mr. DANFORTH, Mr. DECONCINI, Mr. GORTON, Mr. GRAMM, Mr. HARKIN, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. KOHL, Mr. LAUTENBERG, Mr. MATHEWS, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PRESSLER, Mr. SHELBY, Mr. SIMON, Mr. STEVENS, Mr. WARNER, and Mr. WOFFORD) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 277

Whereas the Schindler Project is a nonprofit organization founded by Marian Ungar Davis under the auspices of the Holocaust Center of the United Jewish Federation of Greater Pittsburgh;

Whereas the Schindler Project has developed a national program to provide every high school senior in the United States with the opportunity to view the feature film, "Schindler's List" and then to discuss their views with Holocaust survivors;

Whereas education is the foundation on which we form a strong society;

Whereas teaching future generations about the Holocaust and its lessons for humanity serves as the best assurance that such atrocities will be prevented in the future;

Whereas the movie "Schindler's List" depicts the moral catharsis of its central figure Oskar Schindler, from an indifferent observer of the Holocaust to the savior of more than 1,200 Jews; and

Whereas the depiction of Oskar Schindler's actions show in a very compelling way, the profound impact one person's actions can have on the lives of others: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the feature film "Schindler's List" is an important tool in educating high school seniors about the Holocaust; and

(2) the Senate supports the efforts of the Schindler Project to provide students with the opportunity to view the film and discuss its historical implications and the application of those lessons to contemporary society.

Mr. SPECTER. Madam President, I turn to the submission of the Schindler Project to educate high school seniors about the horrors of Nazism and the holocaust against Jewry, and to enable our youth to bring those lessons to bear on contemporary society.

I offer this resolution on behalf of myself and 22 Senators: Senator CHAFEE, Senator COHEN, Senator COVERDELL, Senator DANFORTH, Senator DECONCINI, Senator GORTON, Senator GRAMM, Senator HARKIN, Senator HOLLINGS, Senator HUTCHISON, Senator KOHL, Senator LAUTENBERG, Senator MATHEWS, Senator MOSELY-BRAUN, Senator MURKOWSKI, Senator PACKWOOD, Senator PRESSLER, Senator SHELBY, Senator SIMON, Senator STEVENS, Senator WOFFORD and Senator WARNER.

Madam President, the Schindler Project is a nonprofit organization founded by a very distinguished Pennsylvanian, Mrs. Marion Ungar Davis, who is in the Senate gallery today along with her father, Mr. Ungar, who traveled from Pittsburgh to be present at the introduction of this resolution.

The Schindler Project has developed a national program to provide high school seniors with the opportunity to view the feature film "Schindler's List" and then to discuss their views with Holocaust survivors.

The regrettable fact of historical life, Madam President, is that although the Holocaust was an occurrence of recent origin during World War II, during my lifetime—I am not sure about the younger Presiding Officer, if it was during her lifetime as well—she nods in the affirmative—notwithstanding the horror of the mutilation and annihilation, murder of 6 million Jews by the Nazis, already there are historical revisionists who say it never happened.

Already we are seeing a revival of antisemitism in Germany. We see it in Italy today. We see it across Europe. And regrettably we continue to see it in the United States.

As a young man growing up, born in Wichita, KS, I saw it. I saw it in the small community of Russell, KS; 5,000 people. And I saw it even with greater intensity when I came to the University of Pennsylvania and became a Pennsylvanian, and lived in Philadelphia.

One of the efforts which I have made personally, earlier referring to Reverend Halverson and our Wednesday morning prayer group, in discussing the issue with my colleagues, very few of whom are Jewish, is to talk about the subject of the Old Testament and the impact on young Jewish children of the New Testament talking about Jews being responsible for killing Christ. It was a revelation to some of my colleagues to know that on certain religious holidays there would be that consequence. But it is a fact of life. The problems of intolerance, the problems of discrimination, the problems of bigotry are issues that we have to face and we have to fight every day of our lives.

When we look at prejudice we see it all around us, and I think it is indispensable that we confront prejudice. And when we find an event like the Holocaust, with the murder of 6 million Jews, an effort at genocide, it is something that we cannot forget. Steven Spielberg's movie, "Schindler's List," has the artistic and theatrical direction to be a powerful implement to acquaint young men and young women of America about the nature of the issue.

Madam President, I think my time has probably expired but I do not see my colleague, Senator GRAMM, who has the remainder of the time so I ask unanimous consent I may be permitted to proceed for up to 5 more minutes. If Senator GRAMM appears, I will abbreviate that time and yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for an additional 5 minutes.

Mr. SPECTER. Madam President, this project on the display and showing of "Schindler's List" is one of enormous importance. There has already been an effort to show it to some 300,000 students in the United States, in some 23 States. Some more than $200,000 has been raised on its behalf. There is a distribution of a curriculum on how to teach the Holocaust. And the showing of the movie has been done in conjunction with having Holocaust survivors come to the school. So, I am pleased to offer this resolution on behalf of 22 U.S. Senators and myself. The resolution concludes with the resolved clause that;

> It is the sense of the Senate that the feature film "Schindlers List" is an important tool in educating high school seniors about the Holocaust and the Senate supports the efforts of the Schindler Project to provide students with the opportunity to view the film and discuss its historical implications and the application of those lessons to contemporary society.

Mr. President, to reiterate, today I am submitting along with 22 of my colleagues a resolution acknowledging the efforts of the Schindler Project to educate high school seniors about the horrors of Nazism and the Holocaust against Jewry and to enable our youth to bring those lessons to bear upon contemporary society.

The Schindler Project is a nonprofit organization based in Pittsburgh, PA, that was founded by Mrs. Marion Ungar Davis under the auspices of the Holocaust Center of the United Jewish Federation of Greater Pittsburgh. This program offers high school seniors nationwide the opportunity to view the film "Schindler's List" and to discuss the film—the history it depicts and the lessons it teaches—with a Holocaust survivor.

The horrors of the Holocaust are incontestable, and Steven Spielberg's award winning film "Schindler's List" has further etched those horrors upon our national conscience with great vividness and emotion. Now, thanks to the efforts of Marion Ungar Davis and the Schindler Project, out Nation's young people are being given the opportunity to learn more about a chapter of terror that preceded them, about the difference that one man, Oskar Schindler, was able to make in the midst of that terror, and about how we all might apply those lessons to our own lives today. If we are to avoid another Holocaust, we must educate our young people about the Holocaust of World War II, and the Schindler project is taking a significant step in that direction.

Marion Ungar Davis and the Schindler Project are surely worthy of our recognition, Mr. President, and I offer this resolution today as a means of doing so.

Mr. CHAFEE. Mr. President, I am pleased to be an original cosponsor of a resolution offered today by Senator SPECTER that acknowledges the enormous contribution of the Schindler project to educating our Nation's children about the effects of prejudice and intolerance. This project is intended to help American students to understand the unimaginable horror and brutality of the Holocaust.

The Schindler project was begun by Marian Ungar Davis who, after seeing Steven Spielberg's Academy Award winning film "Schindler's List," concluded that every teenager should have an opportunity to experience this extraordinary movie.

She began by raising funds from her friends and neighbors to purchase tickets for high school seniors in her community of Allegheny County, PA. She was so successful that she expanded her goal to include all students graduating from high school in the United States. She has received cooperation from Mr. Spielberg and the film distribution company, as well as from a number of theater chains. To date, 200,000 high school students from 23 States have participated in the project, and Ms. Ungar Davis has had inquiries from high schools in more than a dozen other States to express interest in participating in the Schindler project.

If just a handful of the students who view this film as a result of Ms. Ungar Davis' efforts realize that they have the ability, through courage and strength of character, to have a positive effect on the lives of others, the Schindler project will be an enormous success. Similarly, if these students—who have grown up during a time in which we have seen a rise in intolerance and an increase in so-called hate crimes—come to a better understanding of the principles of equality and tolerance, then the Schindler project will be of inestimable value.

Oskar Schindler saved 1,100 Jews from death. Ms. Ungar Davis hopes to save our Nation's children from ignorance and prejudice.

SENATE RESOLUTION 278—RELATING TO PAKISTAN

Mr. ROBB submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 278

Mr. ROBB. Mr. President, I rise this morning to introduce a resolution calling on the State Department to carefully assess recent allegations regarding Pakistan's nuclear weapons program and support for terrorism abroad. I have serious concerns on both fronts because information that has come to light, if accurate, suggests that Pakistan's actions are directly contrary to our official nonproliferation and antiterrorism policies.

Mr. President, on August 23, 1994, former Pakistan Prime Minister Nawaz Sharif stated that Pakistan had produced a nuclear weapon. That represents a sharp departure from statements made by Pakistan Government officials in the past that Islamabad has the technology to construct a nuclear device but did not maintain such a weapon in its arsenal.

I am not unaware of Prime Minister Benazir Bhutto's denial of her predecessor's charges, nor am I unmindful of the political rivalries extant between herself and the former Prime Minister. I do not, however, lightly dismiss his remarks. Mr. Sharif would have direct knowledge of the scope of Pakistan's nuclear weapons program as former leader of the country and I believe he is a credible figure.

Mr. Leonard Spector, a nonproliferation specialist at the Carnegie Endowment, observed in late August that Mr. Sharif's charge was "the first time a person of this rank has been as specific" about the exact status of Pakistan's nuclear weapons program. Accordingly, I would strongly urge the State Department to redouble its efforts to ensure that Pakistan is not proceeding to a more advanced stage with its nuclear program.

Equally troubling, Mr. President, are allegations that Pakistan played a role in terrorist bombings that occurred in Bombay in early 1993. According to the Indian Interior Minister, a leading suspect in the case captured by Indian authorities, Mr. Takub Menom, has implicated Pakistan's Inter Service Intelligence Agency (ISI) in the bombings that devastated central Bombay on March 12, 1993, killing over 300 people.

Mr. Menom accuses the ISI of providing him materiel support to carry out the bombing attacks in Bombay. Moreover, there are allegations that the ISI directly assisted Mr. Menom, his brother and their associates on where to locate the bombs within the city and provided transportation to and from Pakistan for group members.

Mr. President, I believe these alleged activities are troublesome and serious. In early 1993, Pakistan was subject to active continuing review for possible inclusion on the terrorist watch list compiled by the State Department. On July 14, 1993, Pakistan was removed from the watch list because Pakistan had implemented a policy of ending official support for terrorists in India.

Given these recent developments, I urge the State Department to reconsider Pakistan's status and whether it should be cited for sponsoring overseas terrorist activities. I believe a fair and impartial review of the Bombay bombings and any other Pakistani actions relevant to conducting terrorism abroad, specifically in India, is warranted at this time, and I look forward to following up with State Department officials to ensure this occurs.

I ask that the full text of the resolution appear in the RECORD following this statement.

The resolution follows:

Whereas the United States government has longstanding policies opposing the spread of terrorism and narcotics trafficking;

Whereas the United States government has committed massive amounts of funding through the years to combat both of these problems;

Whereas on January 7, 1993, the Islamic Republic of Pakistan was placed on the State Department's watch list of nations suspected of supporting terrorism;

Whereas on July 14, 1993, the State Department removed the Islamic Republic of Pakistan from the watch list;

Whereas former Pakistan Prime Minister Narwaz Sharif recently alleged that his Army Chief of Staff, General Aslam Beg, and General Asad Durrani, head of the Inter Service Intelligence agency, had informed him while in office that the Pakistani Army and ISI planned to conduct covert acts of terrorism in other countries and fund these activities through large scale narcotics sales;

Whereas 317 Indian citizens were killed in March 1993, in a series of bombings of the Bombay Stock Exchange and other sites in Bombay;

Whereas a leading suspect in the bombing has publicly implicated the Pakistan government in the bombings by alleging that the ISI provided weapons, money and explosives for the attacks in Bombay;

Whereas former Prime Minister Sharif recently stated that Pakistan has possessed nuclear weapons for several years;

Whereas in 1985 the United States Congress enacted legislation prohibiting foreign assistance to Pakistan unless the President certified that Pakistan does not possess a nuclear explosive device;

Whereas President Bush and President Clinton have been unable to certify that Pakistan does not possess a nuclear explosive device;

Therefore, it is the sense of the Senate that:

(1) The United States condemns the alleged involvement of Pakistan in acts of terrorism in other countries;

(2) The United States condemns any involvement by Pakistan in the illegal manufacture, sale, transportation or distribution of any narcotic substance;

(3) The Administration should review the 1993 State Department decision to remove

Pakistan from the Watch List of nations suspected of involvement in terrorism abroad;

(4) The United States reaffirms current law prohibiting foreign assistance to Pakistan in light of Prime Minister Sharif's claim that Pakistan has possessed a nuclear weapon for several years.

SENATE RESOLUTION 279—RELATIVE TO AMERICAN INSTITUTIONS OF HIGHER LEARNING IN JAPAN

Mr. ROTH. Mr. President, I rise today to support the efforts of American college and university branch campuses in Japan seeking to gain official status as American institutions of higher education from the Government of Japan. I strongly urge that Japan cease its discriminatory policy toward American branch campuses in Japan, and that the United States and Japanese Governments immediately commence negotiations toward a satisfactory resolution of this important issue.

Currently, Japan has approximately 45,000 students studying in the United States. The United States, however, only has 1,500 students studying in Japan. This gross imbalance is detrimental to the best interests of the United States as well as Japan.

The importance of educational and cultural exchange between our two countries cannot be overemphasized. Through such exchange, people from two very different countries learn to work and cooperate with one another. In current global economy, moreover, it is essential that the United States have citizens with the skills that permit our country to compete better with Japan.

For these reasons, Japan must eliminate the arbitrary and unreasonable restraints they have imposed on student exchange. Tokyo must make the policy changes necessary to enable greater numbers of American students to study in Japan.

Japanese Government officials at the highest level have repeatedly called for increased grassroots exchange between the United States and Japan. American colleges and universities, partly in response to these calls, established overseas branch campuses in Japan in order to facilitate such educational and cultural exchange. These programs provide a unique opportunity for American students to study Japanese social, political, and economic systems firsthand in Japan. They also provide a unique opportunity for Japanese students to pursue their own interests in America studies.

To study at Japanese universities, Americans must first possess advanced language skills. Branch campuses have no such prerequisite. Indeed, they provide opportunities for Americans to acquire Japanese language skills in the best place to gain them—Japan itself.

Unfortunately, Japan's current policies deny student visas to most American students wishing to attend American branch campuses. Mr. President, the greatest irony in this matter is that Japan has repeatedly promised to change its policies. Indeed, this Senator has received several written promises from appropriate officials that changes have actually been made. But the facts show otherwise. I urge my colleagues to support this resolution to send a message to Japan, and to assist American students encounter who wish to study there.

I ask that the full text of the resolution appear in the RECORD following the statement.

The resolution follows:

S. RES. 279

Whereas Japan sends approximately 45,000 students to study in the United States, but hosts only 1,500 American students study in Japan;

Whereas increased educational and cultural exchange between the United States and Japan is mutually beneficial to both countries;

Whereas Japanese government officials at the highest level have repeatedly called for cooperative ventures between the United States and Japan in educational and cultural exchange and stressed the need to foster the development of mutual understanding of each country's social, political and economic systems;

Whereas certain U.S. institutions of higher education established overseas branch campuses in Japan in order to facilitate such educational and cultural exchange;

Whereas the Association of American Colleges and Universities in Japan (AACUJ) was formed to ensure the academic quality of American branch campuses in Japan and to enhance the educational contributions by American branch campuses in Japan;

Whereas AACUJ-approved campuses in Japan have been fully accredited by appropriate accrediting agencies in the United States;

Whereas the Government of Japan has unreasonably refused to accord official status to AACUJ-approved branch campuses in Japan as accredited American institutions of higher education;

Whereas the Government of Japan, by its refusal to accord official status to AACUJ-approved campuses in Japan as American institutions of higher education, degrades the status of AACUJ-approved branch campuses of the rights and privileges available to students attending similar Japanese institutions of higher education, including transportation pass discounts, student visas and other rights and benefits accompanied by student visas;

Whereas foreign students wishing to attend AACUJ-approved branch campuses in Japan are not eligible for student visas and almost all American students must instead apply for "enhanced cultural activities visas" in order to study at these branch campuses in Japan;

Whereas the process for securing "enhanced cultural visas" has not been regularized and is unnecessarily burdensome, time-consuming, and subject to procedural surprises, irregularities, uncertainty and delay;

Whereas the policy of the Government of Japan constitutes unreasonable restrictions on the number of American students studying in Japan and contributes to the disproportionate disparity between the number of Japanese students studying in the United States and the number of American students studying in Japan;

Whereas Japanese university branch campuses in the United States receive appropriate recognition through accreditation by American accrediting agencies in the same way as American universities;

Whereas the Government of the United States grants foreign students attending Japanese branch campuses in the United States student visas with the same rights and privileges available to students attending similar American institutions of higher education: Now, therefore, be it

Resolved, That is the sense of the Senate that:

(1) the Government of Japan immediately cease its discriminatory policy toward AACUJ-approach branch campuses in Japan;

(2) the Government of Japan accord official status to AACUJ-approved branch campuses in Japan as American institutions of higher education and grant them all the rights and privileges enjoyed by similar Japanese educational institutions; and

(3) the Government of Japan grant student visas to students wishing to attend AACUJ-approved branch campuses in Japan and accord them all the rights and privileges available to students attending similar Japanese educational institutions.

SENATE RESOLUTION 280—RELATIVE TO THE SENATE ARMS CONTROL OBSERVER GROUP

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 280

Resolved, That subsection (a) of the first section of Senate Resolution 149, agreed to October 5, 1993 (103d Congress, 1st Session) is amended by striking "until December 31, 1994" and inserting "until December 31, 1996".

SENATE RESOLUTION 281—RELATIVE TO THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 281

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been conducting an investigation into the management and operations of the Blue Cross and Blue Shield insurance network;

Whereas, a law enforcement entity has requested testimony from Alan Edelman, counsel to the Subcommittee, about the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the

Senate may direct its counsel to represent employees of the Senate with respect to requests for testimony made to them in their official capacities: Now, therefore, be it *Resolved*, That Alan Edelman, and any other Subcommittee staff from whom testimony may be necessary, are authorized to provide testimony about the Subcommittee's investigation into the management and operations of the Blue Cross and Blue Shield insurance network, sought in conjunction with law enforcement investigations or related proceedings, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Senate in connection with the testimony authorized by section 1 of this resolution.

SENATE RESOLUTION 282—TO DIRECT THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 282

Whereas, in the case of *Rhonda Farmer* v. *Office of Senate Fair Employment Practices*, No. 94-6005, pending in the United States Court of Appeals for the Federal Circuit, the Office of Senate Fair Employment Practices is the respondent in a proceeding under section 309 of the Civil Rights Act of 1991, 2 U.S.C. §1209, to review a final decision concerning allegations of discrimination in Senate employment;

Whereas, section 303(f) of the Civil Rights Act of 1991, 2 U.S.C. §1203(f), provides that for the purpose of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices shall be deemed a committee within the meaning of title VII of the Ethics in Government Act of 1978, 2 U.S.C. §288, et seq.;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its Counsel to defend a committee of the Senate in any civil action in which there is placed in issue any action taken by such committee in its official capacity;

Whereas, in accordance with 28 U.S.C. §2348, as made applicable by section 309(b) of the Civil Rights Act of 1991, 2 U.S.C. §1209(b), the Office of the Sergeant at Arms of the United States Senate, as a party in interest in the underlying proceeding within the Senate, may intervene on judicial review of the final decision in that proceeding. Now, therefore, be it

Resolved, The Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *Rhoda Farmer* v. *Office of Senate Fair Employment Practices*.

SEC. 2. The Office of the Sergeant at Arms of the United States Senate may as a matter of statutory right intervene and be represented by its counsel of choice in the case of *Rhonda Farmer* v. *Office of the Senate Fair Employment Practices*.

SENATE RESOLUTION 283—RELATIVE TO THE U.S. CAPITOL PRESERVATION COMMISSION

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 283

Resolved, That the Senate Co-chairman of the Commission may appoint an executive secretary of the Senate Membership of the Commission from public or private life to serve without compensation and to advise and assist the Senate Members of the Commission at the direction of the Senate Co-chairman.

AMENDMENTS SUBMITTED

INTERNATIONAL NARCOTICS CONTROL CORRECTIONS ACT OF 1994

BROWN AND OTHERS AMENDMENT NO. 2639

Mr. SIMPSON (for Mr. BROWN for himself, Mr. SIMON, and Ms. MIKULSKI) proposed an amendment to the bill (H.R. 5030) to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE —NATO PARTICIPATION ACT OF 1994

SEC. 01. SHORT TITLE.

This title may be cited as the "NATO Participation Act of 1994".

SEC. 02. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the leaders of the NATO member nations are to be commended for reaffirming that NATO membership remains open to Partnership for Peace countries emerging from communist domination and for welcoming eventual expansion of NATO to include such countries;

(2) full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date, if such participants—

(A) maintain their progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law; and

(B) remain committed to protecting the rights of all their citizens and respecting the territorial integrity of their neighbors;

(3) the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition to full NATO membership at an early date of full and active participants in the Partnership for Peace; and

(4) in particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law since the fall of their previous communist governments.

SEC. 03. AUTHORITY FOR PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) IN GENERAL.—The President may establish a program to assist the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to subsection (d).

(b) CONDUCT OF PROGRAM.—The program established under subsection (a) shall facilitate the transition to full NATO membership of the countries described in such subsection by supporting and encouraging, inter alia—

(1) joint planning, training, and military exercises with NATO forces;

(2) greater interoperability of military equipment, air defense systems, and command, control, and communications systems; and

(3) conformity of military doctrine.

(c) TYPE OF ASSISTANCE.—In carrying out the program established under subsection (a), the President may provide to the countries described in such subsection the following types of security assistance:

(1) The transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961, without regard to the restrictions in paragraphs (1) through (3) of subsection (a) of such section (relating to the eligibility of countries for such articles under such section).

(2) The transfer of nonlethal excess defense articles under section 519 of the Foreign Assistance Act of 1961, without regard to the restriction in subsection (a) of such section (relating to the justification of the foreign military financing program for the fiscal year in which a transfer is authorized).

(3) Assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training).

(4) Assistance under section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program").

(d) DESIGNATION OF PARTNERSHIP FOR PEACE COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President may designate countries emerging from communism and participating in the Partnership for Peace, especially Poland, Hungary, the Czech Republic, and Slovakia, to receive assistance under the program established under subsection (a) if the President determines and reports to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that such countries—

(1) are full and active participants in the Partnership for Peace;

(2) have made significant progress toward establishing democratic institutions, a free market economy, civilian control of their armed forces, and the rule of law;

(3) are likely (in the near future) to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area; and

(4) are not selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

(e) NOTIFICATION.—At least 15 days before designating any country pursuant to subsection (d), the President shall notify the appropriate congressional committees in accordance with the procedures applicable under section 634A of the Foreign Assistance Act of 1961.

(f) DETERMINATION.—It is hereby determined that Poland, Hungary, the Czech Republic, and Slovakia meet the criteria required in paragraphs (1), (2), and (3) of subsection (d).

SEC. 04. ADDITIONAL AUTHORITIES.

(a) ARMS EXPORT CONTROL ACT.—The President is authorized to exercise the authority of sections 63 and 65 of the Arms Export Control Act with respect to any country designated under section 03(d) of this title on the same basis authorized with respect to NATO countries.

(b) Other NATO Authorities.—The President should designate any country designated under section 03(d) of this title as eligible under sections 2350c and 2350f of title 10, United States Code.

(c) Sense of Congress.—It is the sense of Congress that, in the interest of maintaining stability and promoting democracy in Poland, Hungary, the Czech Republic, Slovakia, and any other Partnership for Peace country designated under section 03(d) of this title, those countries should be included in all activities under section 2457 of title 10, United States Code, related to the increased standardization and enhanced interoperability of equipment and weapons systems, through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries.

SEC. 05. REPORTING REQUIREMENT.

The President shall include in the report required by section 514(a) of Public Law 103–236 (22 U.S.C. 1928 note) the following:

(1) A description of all assistance provided under the program established under section 03(a), or otherwise provided by the United States Government to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to section 03(d).

(2) A description on the basis of information received from NATO, of all assistance provided by other NATO member nations or NATO itself to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to section 03(d).

KERRY ADMENDMENT NO. 2640

Mr. BREAUX (for Mr. Kerry) proposed an amendment to the bill, H.R. 5030, supra; as follows:

On page 8, line 21, delete the period and insert in lieu thereof the following: "except for the title heading and section 4702 (a) through (f)."

THE OFFICE OF SPECIAL COUNSEL REAUTHORIZATION ACT OF 1994

LEVIN (AND OTHERS) AMENDMENT NO. 2641

Mr. BREAUX (for Mr. Levin for himself, Mr. Pryor, and Mr. Cohen) proposed an amendment to the bill (H.R. 2970) to reauthorize the Office of Special Counsel, and for other purposes; as follows.

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) Merit Systems Protection Board.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 101–12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, 1992, 1993, and 1994" and inserting in lieu thereof "1993, 1994, 1995, 1996, and 1997".

(b) Office of Special Counsel.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 101–12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1993, 1994, 1995, 1996, and 1997".

SEC. 2. REASONABLE ATTORNEY FEES IN CERTAIN CASES.

Section 1204 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m)(1) Except as provided in paragraph (2) of this subsection, the Board, or an administrative law judge or other employee of the Board designated to hear a case arising under section 1215, may require payment by the agency involved of reasonable attorney fees incurred by an employee or applicant for employment if the employee or applicant is the prevailing party and the Board, administrative law judge, or other employee (as the case may be) determines that payment by the agency is warranted in the interest of justice, including any case in which a prohibited personnel practice was engaged in by the agency or any case in which the agency's action was clearly without merit.

"(2) If an employee or applicant for employment is the prevailing party of a case arising under section 1215 and the decision is based on a finding of discrimination prohibited under section 2302(b)(1) of this title, the payment of attorney fees shall be in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).".

SEC. 3. OFFICE OF SPECIAL COUNSEL.

(a) Succession.—Section 1211(b) of title 5, United States Code, is amended by inserting after the first sentence: "The Special Counsel may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that the Special Counsel may not continue to serve for more than one year after the date on which the term of the Special Counsel would otherwise expire under this subsection.".

(b) Limitations on Disclosures.—Section 1212(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking out "provide information concerning" and inserting in lieu thereof "disclose any information from or about"; and

(2) in paragraph (2), by striking out "a matter described in subparagraph (A) or (B) of section 2302(b)(2) in connection with a" and inserting in lieu thereof "an evaluation of the work performance, ability, aptitude, general qualifications, character, loyalty, or suitability for any personnel action of any".

(c) Status Report Before Termination of Investigation.—Section 1214(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding at the end thereof the following new subparagraph:

"(D) No later than 10 days before the Special Counsel terminates any investigation of a prohibited personnel practice, the Special Counsel shall provide a written status report to the person who made the allegation of the proposed findings of fact and legal conclusions. The person may submit written comments about the report to the Special Counsel. The Special Counsel shall not be required to provide a subsequent written status report under this subparagraph after the submission of such written comments."; and

(2) in paragraph (2)(A)—

(A) in clause (ii) by striking out "and" after the semicolon;

(B) in clause (iii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new clause:

"(iv) a response to any comments submitted under paragraph (1)(D).".

(d) Determinations.—Seciton 1214(b)(2) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B) and (C) as subparagraphs (B), (C) and (D), respectively;

(2) by inserting before subparagraph (B) (as redesignated by paragraph (1) of this subsection) the following:

"(A)(i) Except as provided under clause (ii), no later than 240 days after the date of receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel shall make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

"(ii) If the Special Counsel is unable to make the required determination within the 240-day period specified under clause (i) and the person submitting the allegation of a prohibited personnel practice agrees to an extension of time, the determination shall be made within such additional period of time as shall be agreed upon between the Special Counsel and the person submitting the allegation."; and

(3) by inserting after subparagraph (D) (as redesignated by paragraph (1) of this subsection) the following new subparagraph:

"(E) A determination by the Special Counsel under this paragraph shall not be cited or referred to in any proceeding under this paragraph or any other administrative or judicial proceeding for any purpose, without the consent of the person submitting the allegation of a prohibited personnel practice.".

(e) Reports.—Seciton 1218 of title 5, United States Code, is amended by inserting "cases in which it did not make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(i)," after "investigations conducted by it,".

SEC. 4. INDEPENDENT RIGHT OF ACTION.

(a) Subpoenas.—Section 1221(d) of title 5, United States Code is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) At the request of an employee, former employee, or applicant for employment seeking corrective action under subsection (a), the Board shall issue a subpoena for the attendance and testimony of any person or the production of documentary or other evidence from any person if the Board finds that the testimony or production requested is not unduly burdensome and appears reasonably calculated to lead to the discovery of admissible evidence."

(b) Corrective Actions.—Section 1221(e)(1) is amended by adding after the last sentence: "The employee may demonstrate that the disclosure was a contributing factor in the personnel action through circumstantial evidence, such as evidence that—

"(A) the official taking the personnel action knew of the disclosure; and

"(B) the personnel action occurred within a period of time such that a reasonable person could conclude that the disclosure was a contributing factor in the personnel action."

(c) Referrals.—Section 1221(f) of title 5, United States Code, is amended by adding after paragraph (2) the following new paragraph.

"(3) If, based on evidence presented to it under this section, the Merit Systems Protection Board determines that there is reason to believe that a current employee may have committed a prohibited personnel practice, the Board shall refer the matter to the Special Counsel to investigate and take appropriate action under section 1215.".

SEC. 5. PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTIONS.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (ix) by striking out "and" after the semicolon;

(2) by striking out clause (x) and inserting in lieu thereof the following:

"(x) a decision to order psychiatric testing or examination; and

"(xi) any other significant change in duties, responsibilities, or working conditions;"; and

(3) in the matter following designated clause (xi) (as added by paragraph (2) of this subsection) by inserting before the semicolon the following: ", and in the case of an alleged prohibited personnel practice described in subsection (b)(8), an employee or applicant for employment in a Government corporation as defined in section 9101 of title 31".

(b) COVERED POSITIONS.—Section 2302(a)(2)(B) of title 5, United States Code, is amended to read as follows:

"(B) 'covered position' means, with respect to any personnel action, any position in the competitive service, a career appointee position in the Senior Executive Service, or a position in the excepted service, but does not include any position which is, prior to the personnel action—

"(i) excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(ii) excluded from the coverage of this section by the President based on a determination by the President that it is necessary and warranted by conditions of good administration; and".

(c) AGENCIES.—Section 2303(a)(2)(C) of title 5, United States Code, is amended in clause (i) by inserting before the semicolon: ", except in the case of an alleged prohibited personnel practice described under subsection (b)(8)".

(d) INFORMATIONAL PROGRAM.—Section 2302(c) of title 5, United States Code, is amended in the first sentence by inserting before the period ", and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title".

SEC. 6. PERFORMANCE APPRAISALS.

Section 4313(5) of title 5, United States Code, is amended to read as follows:

"(5) meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles set forth under section 2301 of this title.".

SEC. 7. MERIT SYSTEMS APPLICATION TO CERTAIN VETERANS AFFAIRS PERSONNEL.

Section 2105 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) For purposes of sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, 2302, and 7701, employees appointed under chapter 73 or 74 of title 38 shall be employees.".

SEC. 8. CORRECTIVE ACTIONS ORDERED BY THE MERIT SYSTEMS PROTECTION BOARD.

(a) IN GENERAL.—Section 1214 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) If the Board orders corrective action under this section, such corrective action may include—

"(1) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

"(2) reimbursement for attorney's fees, back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential damages.".

(b) CERTAIN REPRISAL CASES.—Section 1221(g) of title 5, United States Code (as amended by section 4(d) of this Act) is further amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1) of this subsection) the following new paragraph:

"(1)(A) If the Board orders corrective action under this section, such corrective action may include—

"(i) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

"(ii) back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential changes.

"(B) Corrective action shall include attorney's fees and cost as provided for under paragraphs (2) and (3).".

SEC. 9. AUTHORITIES RELATING TO ARBITRATORS AND CHOICE OF REMEDIES NOT INVOLVING JUDICIAL REVIEW.

(a) AUTHORITIES WHICH MAY BE EXTENDED TO ARBITRATORS.—Section 7121(b) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (C) of paragraph (3) as clauses (i) through (iii), respectively;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by striking "(b)" and inserting "(b)(1)"; and

(4) by adding at the end the following:

"(2)(A) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order—

"(i) a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board; and

"(ii) the taking, by an agency, of any disciplinary action identified under section 1215(a)(3) that is otherwise within the authority of such agency to take.

"(B) Any employee who is the subject of any disciplinary action ordered under subparagraph (A)(ii) may appeal such action to the same extent and in the same manner as if the agency had taken the disciplinary action absent arbitration.".

(b) CHOICE OF REMEDIES PROVISION NOT INVOLVING JUDICIAL REVIEW—Section 7121 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) This subsection applies with respect to a prohibited personnel practice other than a prohibited personnel practice to which subsection (d) applies.

"(2) An aggrieved employee affected by a prohibited personnel practice described in paragraph (1) may elect not more than one of the remedies described in paragraph (3) with respect thereto. For purposes of the preceding sentence, a determination as to whether a particular remedy has been elected shall be made as set forth under paragraph (4).

"(3) The remedies described in this paragraph are as follows:

"(A) An appeal to the Merit Systems Protection Board under section 7701.

"(B) A negotiated grievance procedure under this section.

"(C) Procedures for seeking corrective action under subchapters II and III of chapter 12.

"(4) For the purpose of this subsection, a person shall be considered to have elected—

"(A) the remedy described in paragraph (3)(A) if such person has timely filed a notice of appeal under the applicable appellate procedures;

"(B) the remedy described in paragraph (3)(B) if such person has timely filed a grievance in writing, in accordance with the provisions of the parties' negotiated procedure; or

"(C) the remedy described in paragraph (3)(C) if such person has sought corrective action from the Office of Special Counsel by making an allegation under section 1214(a)(1).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 7121(a)(1) of title 5, United States Code, is amended—

(1) by striking "(d) and (e)" and inserting "(d), (e), and (g)"; and

(2) by inserting "administrative" after "exclusive".

SEC. 10. EXPENSES RELATED TO FEDERAL RETIREMENT APPEALS.

Section 8348(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B) by striking out "and" at the end thereof;

(2) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Merit Systems Protection Board in the administration of appeals authorized under sections 8347(d) and 8461(e) of this title.".

SEC. 11. ELECTION OF APPLICATION OF LAWS BY EMPLOYEES OF THE RESOLUTION TRUST CORPORATION AND THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) ELECTION OF PROVISIONS OF TITLE 5, UNITED STATES CODE.—If an individual who believes he has been discharged or discriminated against in violation of section 21a(q)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(1)) seeks an administrative corrective action or judicial remedy for such violation under the provisions of chapters 12 and 23 of title 5, United States Code, the provisions of section 21a(q) of such Act shall not apply to such alleged violation.

(b) ELECTION OF PROVISIONS OF FEDERAL HOME LOAN BANK ACT.—If an individual files a civil action under section 21a(q)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(2)), the provisions of chapters 12 and 23 of title 5, United States Code, shall not apply to any alleged violation of section 21a(q)(1) of such Act.

SEC. 12. IMPLEMENTATION.

(a) POLICY STATEMENT.—No later than 6 months after the date of enactment of this Act, the Special Counsel shall issue a policy statement regarding the implementation of the Whistleblower Protection Act of 1989. Such policy statement shall be made available to each person alleging a prohibited personnel practice described under section 2302(b)(8) of title 5, United States Code, and shall include detailed guidelines identifying specific categories of information they may (or may not) be communicated to agency officials for an investigative purpose, or for the purpose of obtaining corrective action under section 1214 of title 5, United States Code, or disciplinary action under section 1215 of such title, the circumstances under which such information is likely to be disclosed, and whether or not the consent of any person is required in advance of any such communication.

(b) TERMINATION STATEMENT.—The Special Counsel shall include in any letter terminating an investigation under section 1214(a)(2) of title 5, United States Code, the name and telephone number of an employee of the Special Counsel who is available to respond to reasonable questions from the person regarding the investigation or review conducted by the Special Counsel, the relevant facts ascertained by the Special Counsel, and the law applicable to the person's allegations.

SEC. 13. ANNUAL SURVEY OF INDIVIDUALS SEEKING ASSISTANCE.

(a) IN GENERAL.—The Office of Special Counsel shall, after consulting with the Office of Policy and Evaluation of the Merit Systems Protection Board, conduct an annual survey of all individuals who contact the Office of Special Counsel for assistance. The survey shall—

(1) determine if the individual seeking assistance was fully apprised of their rights;

(2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and

(3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel.

(b) REPORT.—The results of the survey conducted under subsection (a) shall be published in the annual report of the Office of Special Counsel.

SEC. 14. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall be effective on and after the date of the enactment of this Act.

FEGLI LIVING BENEFITS ACT

PRYOR AMENDMENT NO. 2642

Mr. BREAUX (for Mr. PRYOR) proposed an amendment to the bill (H.R. 512) to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes; as follows:

At the end of the bill, add the following new sections:

SEC. 5. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OFFICE OF THE COMPTROLLER OF THE CURRENCY OR THE OFFICE OF THRIFT SUPERVISION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision before the termination of such plans on January 7, 1995, shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—(1) Any individual who, on January 7, 1995, is covered by a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after January 8, 1995.

(2) An individual who, on January 7, 1995, is entitled to continued coverage under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after January 8, 1995.

(3) An individual who, on January 7, 1995, is covered as an unmarried dependent child under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on January 7, 1995, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after January 8, 1995.

(c) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—The Office of the Comptroller of the Currency and the Office of Thrift Supervision shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Office of the Comptroller of the Currency and the Office of Thrift Supervision, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section. The amounts so transferred shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of such title.

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer the provisions of this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

INTERNATIONAL ANTITRUST ENFORCEMENT ASSISTANCE ACT OF 1994

METZENBAUM AMENDMENT NO. 2643

Mr. BREAUX (for Mr. METZENBAUM, for himself and Mr. THURMOND) proposed an amendment to the bill (S. 2297) to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Antitrust Enforcement Assistance Act of 1994".

SEC. 2. DISCLOSURE TO A FOREIGN ANTITRUST AUTHORITY OF ANTITRUST EVIDENCE.

In accordance with an antitrust mutual assistance agreement in effect under this Act, subject to section 8, and except as provided in section 5, the Attorney General of the United States and the Federal Trade Commission may provide to a foreign antitrust authority with respect to which such agreement is in effect under this Act, antitrust evidence to assist the foreign antitrust authority—

(1) in determining whether a person has violated or is about to violate any of the foreign antitrust laws administered or enforced by the foreign antitrust authority, or

(2) in enforcing any of such foreign laws.

SEC. 3. INVESTIGATIONS TO ASSIST A FOREIGN ANTITRUST AUTHORITY IN OBTAINING ANTITRUST EVIDENCE.

(a) REQUEST FOR INVESTIGATIVE ASSISTANCE.—A request by a foreign antitrust authority for investigative assistance under this section shall be made to the Attorney General, who may deny the request in whole or in part. No further action shall be taken under this section with respect to any part of a request that has been denied by the Attorney General.

(b) AUTHORITY TO INVESTIGATE.—In accordance with an antitrust mutual assistance agreement in effect under this Act, subject to section 8, and except as provided in section 5, the Attorney General and the Commission may, using their respective authority to investigate possible violations of the Federal antitrust laws, conduct investigations to obtain antitrust evidence relating to a possible violation of the foreign antitrust laws administered or enforced by the foreign antitrust authority with respect to which such agreement is in effect under this Act, and may provide such antitrust evidence to the foreign antitrust authority, to assist the foreign antitrust authority—

(1) in determining whether a person has violated or is about to violate any of such foreign antitrust laws, or

(2) in enforcing any of such foreign antitrust laws.

(c) SPECIAL SCOPE OF AUTHORITY.—An investigation may be conducted under subsection (b), and antitrust evidence obtained through such investigation may be provided, without regard to whether the conduct investigated violates any of the Federal antitrust laws.

(d) RIGHTS AND PRIVILEGES PRESERVED.—A person may not be compelled in connection with an investigation under this section to give testimony or a statement, or to produce a document

or other thing, in violation of any legally applicable right or privilege.

(e) CONFORMING AMENDMENTS.—

(1) ANTITRUST CIVIL PROCESS ACT.—The Antitrust Civil Process Act (15 U.S.C. 1311 et seq.) is amended—

(A) in section 2—

(i) in subsection (d)—

(I) by striking "or any" and inserting ", any", and

(II) by inserting before the semicolon "or, with respect to the International Antitrust Enforcement Assistance Act of 1994, any of the foreign antitrust laws", and

(ii) by adding at the end the following:

"(k) The term 'foreign antitrust laws' has the meaning given such term in section 12 of the International Antitrust Enforcement Assistance Act of 1994.", and

(B) in the first sentence of section 3(a)—

(i) by inserting "or, with respect to the International Antitrust Enforcement Assistance Act of 1994, an investigation authorized by section 3 of such Act" after "investigation", and

(ii) by inserting "by the United States" after "proceeding".

(2) FEDERAL TRADE COMMISSION ACT.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(A) in section 6 by inserting after subsection (h) the following:

"(i) With respect to the International Antitrust Enforcement Assistance Act of 1994, to conduct investigations of possible violations of foreign antitrust laws (as defined in section 12 of such Act).";

(B) in section 20(a) by amending paragraph (8) to read as follows:

"(8) The term 'antitrust violation' means—

"(A) any unfair method of competition (within the meaning of section 5(a)(1));

"(B) any violation of the Clayton Act or of any other Federal statute that prohibits, or makes available to the Commission a civil remedy with respect to, any restraint upon or monopolization of interstate or foreign trade or commerce;

"(C) with respect to the International Antitrust Enforcement Assistance Act of 1994, any violation of any of the foreign antitrust laws (as defined in section 12 of such Act) with respect to which a request is made under section 3 of such Act; or

"(D) any activity in preparation for a merger, acquisition, joint venture, or similar transaction, which if consummated, may result in any such unfair method of competition or in any such violation.".

SEC. 4. JURISDICTION OF THE DISTRICT COURTS OF THE UNITED STATES.

(a) AUTHORITY OF THE DISTRICT COURTS.—On the application of the Attorney General made in accordance with an antitrust mutual assistance agreement in effect under this Act, the United States district court for the district in which a person resides, is found, or transacts business may order such person to give testimony or a statement, or to produce a document or other thing, to the Attorney General to assist a foreign antitrust authority with respect to which such agreement is in effect under this Act—

(1) in determining whether a person has violated or is about to violate any of the foreign antitrust laws administered or enforced by the foreign antitrust authority, or

(2) in enforcing any of such foreign antitrust laws.

(b) CONTENTS OF ORDER.—

(1) USE OF APPOINTEE TO RECEIVE EVIDENCE.—(A) An order issued under subsection (a) may direct that testimony or a statement be given, or a document or other thing be produced, to a person who shall be recommended by the Attorney General and appointed by the court.

(B) A person appointed under subparagraph (A) shall have power to administer any necessary oath and to take such testimony or such statement.

(2) PRACTICE AND PROCEDURE.—(A) An order issued under subsection (a) may prescribe the practice and procedure for taking testimony and statements and for producing documents and other things.

(B) Such practice and procedure may be in whole or in part the practice and procedure of the foreign state, or the regional economic integration organization, represented by the foreign antitrust authority with respect to which the Attorney General requests such order.

(C) To the extent such order does not prescribe otherwise, any testimony and statements required to be taken shall be taken, and any documents and other things required to be produced shall be produced, in accordance with the Federal Rules of Civil Procedure.

(c) RIGHTS AND PRIVILEGES PRESERVED.—A person may not be compelled under an order issued under subsection (a) to give testimony or a statement, or to produce a document or other thing, in violation of any legally applicable right or privilege.

(d) VOLUNTARY CONDUCT.—This section does not preclude a person in the United States from voluntarily giving testimony or a statement, or producing a document or other thing, in any manner acceptable to such person for use in an investigation by a foreign antitrust authority.

SEC. 5. LIMITATIONS ON AUTHORITY.

Sections 2, 3, and 4 shall not apply with respect to the following antitrust evidence:

(1) Antitrust evidence that is received by the Attorney General or the Commission under section 7A of the Clayton Act (15 U.S.C. 18a), as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976. Nothing in this paragraph shall affect the ability of the Attorney General or the Commission to disclose to a foreign antitrust authority antitrust evidence that is obtained otherwise than under such section 7A.

(2) Antitrust evidence that is matter occurring before a grand jury and with respect to which disclosure is prevented by Federal law, except that for the purpose of applying Rule 6(e)(3)(C)(iv) of the Federal Rules of Criminal Procedure with respect to this section—

(A) a foreign antitrust authority with respect to which a particularized need for such antitrust evidence is shown shall be considered to be an appropriate official of any of the several States, and

(B) a foreign antitrust law administered or enforced by the foreign antitrust authority shall be considered to be a State criminal law.

(3) Antitrust evidence that is specifically authorized under criteria established by Executive Order 12356, or any successor to such order, to be kept secret in the interest of national defense or foreign policy, and—

(A) that is classified pursuant to such order or such successor, or

(B) with respect to which a determination of classification is pending under such order or such successor.

(4) Antitrust evidence that is classified under section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162).

SEC. 6. EXCEPTION TO CERTAIN DISCLOSURE RESTRICTIONS.

Section 4 of the Antitrust Civil Process Act (15 U.S.C. 1313), and sections 6(f) and 21 of the Federal Trade Commission Act (15 U.S.C. 46, 57b–2), shall not apply to prevent the Attorney General or the Commission from providing to a foreign antitrust authority antitrust evidence in accordance with an antitrust mutual assistance agreement in effect under this Act and in accordance with the other requirements of this Act.

SEC. 7. PUBLICATION REQUIREMENTS APPLICABLE TO ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.

(a) PUBLICATION OF PROPOSED ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.—Not less than 45 days before an antitrust mutual assistance agreement is entered into, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the proposed text of such agreement and any modification to such proposed text, and

(2) a request for public comment with respect to such text or such modification, as the case may be.

(b) PUBLICATION OF PROPOSED AMENDMENTS TO ANTITRUST MUTUAL ASSISTANCE AGREEMENTS IN EFFECT.—Not less than 45 days before an agreement is entered into that makes an amendment to an antitrust mutual assistance agreement, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the proposed text of such amendment, and

(2) a request for public comment with respect to such amendment.

(c) PUBLICATION OF ANTITRUST MUTUAL ASSISTANCE AGREEMENTS, AMENDMENTS, AND TERMINATIONS.—Not later than 45 days after an antitrust mutual assistance agreement is entered into or terminated, or an agreement that makes an amendment to an antitrust mutual assistance agreement is entered into, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the text of the antitrust mutual assistance agreement or amendment, or the terms of the termination, as the case may be, and

(2) in the case of an agreement that makes an amendment to an antitrust mutual assistance agreement, a notice containing—

(A) citations to the locations in the Federal Register at which the text of the antitrust mutual assistance agreement that is so amended, and of any previous amendments to such agreement, are published, and

(B) a description of the manner in which a copy of the antitrust mutual assistance agreement, as so amended, may be obtained from the Attorney General and the Commission.

(d) CONDITION FOR VALIDITY.—An antitrust mutual assistance agreement, or an agreement that makes an amendment to an antitrust mutual assistance agreement, with respect to which publication does not occur in accordance with subsections (a), (b), and (c) shall not be considered to be in effect under this Act.

SEC. 8. CONDITIONS ON USE OF ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.

(a) DETERMINATIONS.—Neither the Attorney General nor the Commission may conduct an investigation under section 3, apply for an order under section 4, or provide antitrust evidence to a foreign antitrust authority under an antitrust mutual assistance agreement, unless the Attorney General or the Commission, as the case may be, determines in the particular instance in which the investigation, application, or antitrust evidence is requested that—

(1) the foreign antitrust authority—

(A) will satisfy the assurances, terms, and conditions described in subparagraphs (A), (B), and (E) of section 12(2), and

(B) is capable of complying with and will comply with the confidentiality requirements applicable under such agreement to the requested antitrust evidence,

(2) providing the requested antitrust evidence will not violate section 5, and

(3) conducting such investigation, applying for such order, or providing the requested antitrust evidence, as the case may be, is consistent with the public interest of the United States, taking into consideration, among other factors, whether the foreign state or regional economic integration organization represented by the foreign antitrust authority holds any proprietary

interest that could benefit or otherwise be affected by such investigation, by the granting of such order, or by the provision of such antitrust evidence.

(b) LIMITATION ON DISCLOSURE OF CERTAIN ANTITRUST EVIDENCE.—Neither the Attorney General nor the Commission may disclose in violation of an antitrust mutual assistance agreement any antitrust evidence received under such agreement, except that such agreement may not prevent the disclosure of such antitrust evidence to a defendant in an action or proceeding brought by the Attorney General or the Commission for a violation of any of the Federal laws if such disclosure would otherwise be required by Federal law.

(c) REQUIRED DISCLOSURE OF NOTICE RECEIVED.—If the Attorney General or the Commission receives a notice described in section 12(2)(H), the Attorney General or the Commission, as the case may be, shall transmit such notice to the person that provided the evidence with respect to which such notice is received.

SEC. 9. LIMITATIONS ON JUDICIAL REVIEW.

(a) DETERMINATIONS.—Determinations made under paragraphs (1) and (3) of section 8(a) shall not be subject to judicial review.

(b) CITATIONS TO AND DESCRIPTIONS OF CONFIDENTIALITY LAWS.—Whether an antitrust mutual assistance agreement satisfies section 12(2)(C) shall not be subject to judicial review.

(c) RULES OF CONSTRUCTION.—

(1) ADMINISTRATIVE PROCEDURE ACT.—The requirements in section 7 with respect to publication and request for public comment shall not be construed to create any availability of judicial review under chapter 7 of title 5 of the United States Code.

(2) LAWS REFERENCED IN SECTION 5.—Nothing in this section shall be construed to affect the availability of judicial review under laws referred to in section 5.

SEC. 10. PRESERVATION OF EXISTING AUTHORITY.

(a) IN GENERAL.—The authority provided by this Act is in addition to, and not in lieu of, any other authority vested in the Attorney General, the Commission, or any other officer of the United States.

(b) ATTORNEY GENERAL AND COMMISSION.—This Act shall not be construed to modify or affect the allocation of responsibility between the Attorney General and the Commission for the enforcement of the Federal antitrust laws.

SEC. 11. REPORT TO THE CONGRESS.

In the 30-day period beginning 3 years after the date of the enactment of this Act and with the concurrence of the Commission, the Attorney General shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report—

(1) describing how the operation of this Act has affected the enforcement of the Federal antitrust laws,

(2) describing the extent to which foreign antitrust authorities have complied with the confidentiality requirements applicable under antitrust mutual assistance agreements in effect under this Act,

(3) specifying separately the identities of the foreign states, regional economic integration organizations, and foreign antitrust authorities that have entered into such agreements and the identities of the foreign antitrust authorities with respect to which such foreign states and such organizations have entered into such agreements,

(4) specifying the identity of each foreign state, and each regional economic integration organization, that has in effect a law similar to this Act,

(5) giving the approximate number of requests made by the Attorney General and the Commission under such agreements to foreign antitrust authorities for antitrust investigations and for antitrust evidence,

(6) giving the approximate number of requests made by foreign antitrust authorities under such agreements to the Attorney General and the Commission for investigations under section 3, for orders under section 4, and for antitrust evidence, and

(7) describing any significant problems or concerns of which the Attorney General is aware with respect to the operation of this Act.

SEC. 12. DEFINITIONS.

For purposes of this Act:

(1) The term "antitrust evidence" means information, testimony, statements, documents, or other things that are obtained in anticipation of, or during the course of, an investigation or proceeding under any of the Federal antitrust laws or any of the foreign antitrust laws.

(2) The term "antitrust mutual assistance agreement" means a written agreement, or written memorandum of understanding, that is entered into by the United States and a foreign state or regional economic integration organization (with respect to the foreign antitrust authorities of such foreign state or such organization, and such other governmental entities of such foreign state or such organization as the Attorney General and the Commission jointly determine may be necessary in order to provide the assistance described in subparagraph (A)), or jointly by the Attorney General and the Commission and a foreign antitrust authority, for the purpose of conducting investigations under section 3, applying for orders under section 4, or providing antitrust evidence, on a reciprocal basis and that includes the following:

(A) An assurance that the foreign antitrust authority will provide to the Attorney General and the Commission assistance that is comparable in scope to the assistance the Attorney General and the Commission provide under such agreement or such memorandum.

(B) An assurance that the foreign antitrust authority is subject to laws and procedures that are adequate to maintain securely the confidentiality of antitrust evidence that may be received under section 2, 3, or 4 and will give protection to antitrust evidence received under such section that is not less than the protection provided under the laws of the United States to such antitrust evidence.

(C) Citations to and brief descriptions of the laws of the United States, and the laws of the foreign state or regional economic integration organization represented by the foreign antitrust authority, that protect the confidentiality of antitrust evidence that may be provided under such agreement or such memorandum. Such citations and such descriptions shall include the enforcement mechanisms and penalties applicable under such laws and, with respect to a regional economic integration organization, the applicability of such laws, enforcement mechanisms, and penalties to the foreign states composing such organization.

(D) Citations to the Federal antitrust laws, and the foreign antitrust laws, with respect to which such agreement or such memorandum applies.

(E) Terms and conditions that specifically require using, disclosing, or permitting the use or disclosure of, antitrust evidence received under such agreement or such memorandum only—

(i) for the purpose of administering or enforcing the foreign antitrust laws involved, or

(ii) with respect to a specified disclosure or use requested by a foreign antitrust authority and essential to a significant law enforcement objective, in accordance with the prior written consent that the Attorney General or the Commission, as the case may be, gives after—

(I) determining that such antitrust evidence is not otherwise readily available with respect to such objective,

(II) making the determinations described in paragraphs (2) and (3) of section 8(a), with respect to such disclosure or use, and

(III) making the determinations applicable to a foreign antitrust authority under section 8(a)(1) (other than the determination regarding the assurance described in subparagraph (A) of this paragraph), with respect to each additional governmental entity, if any, to be provided such antitrust evidence in the course of such disclosure or use, after having received adequate written assurances applicable to each such governmental entity.

(F) An assurance that antitrust evidence received under section 2, 3, or 4 from the Attorney General or the Commission, and all copies of such evidence, in the possession or control of the foreign antitrust authority will be returned to the Attorney General or the Commission, respectively, at the conclusion of the foreign investigation or proceeding with respect to which such evidence was so received.

(G) Terms and conditions that specifically provide that such agreement or such memorandum will be terminated if—

(i) the confidentiality required under such agreement or such memorandum is violated with respect to antitrust evidence, and

(ii) adequate action is not taken both to minimize any harm resulting from the violation and to ensure that the confidentiality required under such agreement or such memorandum is not violated again.

(H) Terms and conditions that specifically provide that if the confidentiality required under such agreement or such memorandum is violated with respect to antitrust evidence, notice of the violation will be given—

(i) by the foreign antitrust authority promptly to the Attorney General or the Commission with respect to antitrust evidence provided by the Attorney General or the Commission, respectively, and

(ii) by the Attorney General or the Commission to the person (if any) that provided such evidence to the Attorney General or the Commission.

(3) The term "Attorney General" means the Attorney General of the United States.

(4) The term "Commission" means the Federal Trade Commission.

(5) The term "Federal antitrust laws" has the meaning given the term "antitrust laws" in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)) but also includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(6) The term "foreign antitrust authority" means a governmental entity of a foreign state or of a regional economic integration organization that is vested by such state or such organization with authority to enforce the foreign antitrust laws of such state or such organization.

(7) The term "foreign antitrust laws" means the laws of a foreign state, or of a regional economic integration organization, that are substantially similar to any of the Federal antitrust laws and that prohibit conduct similar to conduct prohibited under the Federal antitrust laws.

(8) The term "person" has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(9) The term "regional economic integration organization" means an organization that is constituted by, and composed of, foreign states, and on which such foreign states have conferred sovereign authority to make decisions that are binding on such foreign states, and that are directly applicable to and binding on persons within such foreign states, including the decisions with respect to—

(A) administering or enforcing the foreign antitrust laws of such organization, and

(B) prohibiting and regulating disclosure of information that is obtained by such organization in the course of administering or enforcing such laws.

SEC. 13. AUTHORITY TO RECEIVE REIMBURSEMENT.

The Attorney General and the Commission are authorized to receive from a foreign antitrust authority, or from the foreign state or regional economic integration organization represented by such foreign antitrust authority, reimbursement for the costs incurred by the Attorney General or the Commission, respectively, in conducting an investigation under section 3 requested by such foreign antitrust authority, applying for an order under section 4 to assist such foreign antitrust authority, or providing antitrust evidence to such foreign antitrust authority under an antitrust mutual assistance agreement in effect under this Act with respect to such foreign antitrust authority.

FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT

PRYOR AMENDMENT NO. 2644

Mr. BREAUX (for Mr. PRYOR) proposed an amendment to the bill (H.R. 4361) to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Family Friendly Leave Act".

SEC. 2. USE OF SICK LEAVE FOR PURPOSES RELATING TO A FAMILY MEMBER.

Section 6307 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) For the purpose of this subsection, the term 'family member' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall include any individual who meets the definition given that term, for purposes of the leave transfer program under subchapter III, under regulations prescribed by the Office (as in effect on January 1, 1993).

"(2) Subject to paragraph (3) and in addition to any other allowable purpose, sick leave may be used by an employee—

"(A) to give care or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave by such an employee; or

"(B) for purposes relating to the death of a family member, including to make arrangements for or attend the funeral of such family member.

"(3)(A) Sick leave may be used by an employee for the purposes provided under paragraph (2) only to the extent the amount used for such purposes does not exceed—

"(i) 40 hours in any year, plus

"(ii) up to an additional 64 hours in any year, but only to the extent the use of such additional hours does not cause the amount of sick leave to the employee's credit to fall below 80 hours.

"(B) In the case of a part-time employee or an employee on an uncommon tour of duty, the Office of Personnel Management shall establish limitations that are proportional to those prescribed under subparagraph (A).

"(4)(A) This subsection shall be effective during the 3-year period that begins upon the expiration of the 2-month period that begins on the date of the enactment of this subsection.

"(B) Not later than 6 months before the date on which this subsection is scheduled to cease to be effective, the Office shall submit a report to Congress in which it shall evaluate the operation of this subsection and make recommendations as to whether or not this subsection should be continued beyond such date.".

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT TECHNICAL AMENDMENTS

SIMON AMENDMENT NO. 2645

Mr. BREAUX (for Mr. SIMON) proposed an amendment to the bill (H.R. 3160) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102–586, and for other purposes; as follows:

On page 4 strike line 17 through the "(B)" on page 5 line 3.

On page 6, strike line 13 and insert the following:

SEC. 3. DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.

Section 3505 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11805) is amended—

(1) by striking "$16,000,000 for fiscal year 1992 and"; and

(2) by striking "1993 and 1994" and inserting "1995".

SEC. 4. PROGRAMS FOR RUNAWAY AND HOMELESS YOUTH.

Section 3513 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11823) is amended—

(1) by striking "$16,000,000 for fiscal year 1992 and"; and

(2) by striking "1993 and 1994" and inserting "1995".

SEC. 5. EFFECTIVE DATES.

At the appropriate place insert the following:

SECTION 1. FINDING AND PURPOSE.

(a) FINDING.—The Congress finds that Benchmark Rail Group, Inc., of St. Louis, Missouri, satisfactorily performed emergency work after the Northridge earthquake, but has not been reimbursed as a result of a technicality under California State law.

(b) PURPOSE.—The purpose of this Act is to fairly compensate Benchmark Rail Group, Inc., for the work for which, except for the technicality under California State law, it would otherwise have been paid under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

SEC. 2. PAYMENT

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the director of the Federal Emergency Management Agency shall pay to Benchmark Rail Group, Inc., of St. Louis, Missouri, an amount equal to the total amount owed to Benchmark Rail Group, Inc., by the Federal Emergency Management Agency and the State of California to compensate Benchmark Rail Group, Inc., for the emergency work and services performed at the request of the Southern California Regional Rail Authority, to the extent that such work and services are otherwise eligible for reimbursement under the Robert T. Stafford Disaster and Emergency Assistance Act. The payment shall be made from funds appropriated to implement such Act.

(b) DEOBLIGATION OF FUNDS.—The Federal Emergency Management Agency shall deobligate an equal amount to that obligated previously for payment to the State of California to cover the costs of work performed for the Southern California Regional Rail Authority by Benchmark Rail Group, Inc., after the Northridge earthquake which would have been eligible for reimbursement under such Act.

SECTION 1. RELIEF OF WADE BOMAR.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $100,000 to Mr. Wade Bomar in full settlement of a claim for injuries sustained by Mr. Bomar in the line of duty on August 6, 1989, while fighting the Pryor Gap fire, permanently depriving him of the use of his limbs.

Amend the title so as to read: "A bill for the relief of Wade Bomar, and for other purposes".

PROHIBITING THE WITHDRAWAL OF RECOGNITION OF INDIAN TRIBES OF ALASKA NATIVE GROUPS

STEVENS AMENDMENT NO. 2646

Mr. BREAUX (for Mr. STEVENS) proposed an amendment to the bill (H.R. 4180) to prohibit the withdrawal of acknowledgement or recognition of an Indian tribe or Alaska Native group or of the leaders of an Indian tribe or Alaska Native group, absent an Act of Congress; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . AUTHORIZATION FOR INTEREST ON TRUST FUNDS.

(a) IN GENERAL.—There are authorized to be appropriated funds necessary to pay interest or earnings on any trust fund administered by the Secretary of the Interior for the benefit of Alaska Indian, Aleut or Eskimo people.

(b) DEPOSIT IN TRUST FUND.—Upon appropriation, the Secretary shall deposit in the appropriate trust fund such interest or earnings that have or should have accumulated during the period since any such trust fund was established.

(c) INTEREST OR EARNINGS.—Interest or earnings for each such trust fund shall be determined in accordance with section 9702 of Title 31, United States Code.

(d) INTEREST ACCRUED.—Nothing in this Section shall diminish any interest or earnings that have otherwise accrued on any trust funds administered by the Secretary for the benefit of Alaska Indian, Aleut, or Eskimo people.

Amend the title so as to read: "A bill to clarify the status of the Tlingit and Haida, and for other purposes.".

AKAKA AMENDMENT NO. 2647

Mr. BREAUX (for Mr. AKAKA) proposed an amendment to the bill, H.R. 4180, supra; as follows:

At the appropriate place insert the following new title:

TITLE ___ HAWAIIAN HOME LANDS

SEC. ___01. SHORT TITLE.

This title may be cited as the "Hawaiian Home Lands Recovery Act".

SEC. ___02. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term "agency" includes—

(A) any instrumentality of the United States;

(B) any element of an agency; and

(C) any wholly owned or mixed-owned corporation of the United States Government.

(2) BENEFICIARY.—The term "beneficiary" has the same meaning as is given the term "native Hawaiian" under section 201(7) of the Hawaiian Homes Commission Act.

(3) CHAIRMAN.—The term "Chairman" means the Chairman of the Hawaiian Homes Commission of the State of Hawaii.

(4) COMMISSION.—The term "Commission" means the Hawaiian Homes Commission established by section 202 of the Hawaiian Homes Commission Act.

(5) HAWAIIAN HOMES COMMISSION ACT.—The term "Hawaiian Homes Commission Act" means the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq., chapter 42).

(6) HAWAII STATE ADMISSION ACT.—The term "Hawaii State Admission Act" means the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4, chapter 339; 48 U.S.C. note prec. 491).

(7) LOST USE.—The term "lost use" means the value of the use of the land during the period when beneficiaries or the Hawaiian Homes Commission have been unable to use lands as authorized by the Hawaiian Homes Commission Act because of the use of such lands by the Federal Government after August 21, 1959.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 03. SETTLEMENT OF FEDERAL CLAIMS.

(a) DETERMINATION.—

(1) The Secretary shall determine the value of the following:

(A) Lands under the control of the Federal Government that—

(i) were initially designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(ii) were nevertheless transferred to or otherwise acquired by the Federal Government.

(B) The lost use of lands described in subparagraph (A).

(2)(A) Except as provided in subparagraph (B), the determinations of value made under this subsection shall be made not later than 1 year after the date of enactment of this Act. In carrying out this subsection, the Secretary shall use a method of determining value that—

(i) is acceptable to the Chairman; and

(ii) is in the best interest of the beneficiaries.

(B) The Secretary and the Chairman may mutually agree to extend the deadline for making determinations under this subparagraph beyond the date specified in subparagraph (A).

(3) The Secretary and the Chairman may mutually agree, with respect to the determinations of value described in subparagraphs (A) and (B) of paragraph (1), to provide—

(A) for making any portion of the determinations of value pursuant to subparagraphs (A) and (B) of paragraph (1); and

(B) for making the remainder of the determinations with respect to which the Secretary and the Chairman do not exercise the option described in subparagraph (A), pursuant to an appraisal conducted under paragraph (4).

(4)(A) Except as provided in subparagraph (C), if the Secretary and the Chairman do not agree on the determinations of values made by the Secretary under subparagraphs (A) and (B) of paragraph (1), or, pursuant to paragraph (3), mutually agree to determine the value of certain lands pursuant to this subparagraph, such values shall be determined by an appraisal. An appraisal conducted under this subparagraph shall be conducted in accordance with appraisal standards that are mutually agreeable to the Secretary and the Chairman.

(B) If an appraisal is conducted pursuant to this subparagraph, during the appraisal process—

(i) the Chairman shall have the opportunity to present evidence of value to the Secretary;

(ii) the Secretary shall provide the Chairman a preliminary copy of the appraisal;

(iii) the Chairman shall have a reasonable and sufficient opportunity to comment on the preliminary copy of the appraisal; and

(iv) the Secretary shall give consideration to the comments and evidence of value submitted by the Chairman under this subparagraph.

(C) The Chairman shall have the right to dispute the determinations of values made by an appraisal conducted under this subparagraph. If the Chairman disputes the appraisal, the Secretary and the Chairman may mutually agree to employ a process of bargaining, mediation, or other means of dispute resolution to make the determinations of values described in subparagraphs (A) and (B) of paragraph (1).

(b) AUTHORIZATION.—

(1) EXCHANGE.—Subject to paragraphs (2) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands in exchange for the continued retention by the Federal Government of lands described in subsection (a)(1)(A).

(2) VALUE OF LANDS.—(A) The value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government in accordance with an exchange made under paragraph (1) may not be less than the value of the lands retained by the Federal Government pursuant to such exchange.

(B) For the purposes of this subsection, the value of any lands exchanged pursuant to paragraph (1) shall be determined as of the date the exchange is carried out, or any other date determined by the Secretary, with the concurrence of the Chairman.

(3) LOST USE.—Subject to paragraphs (4) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands as compensation for the lost use of lands determined under subsection (a)(1)(B).

(4) VALUE OF LOST USE.—(A) The value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government as compensation under paragraph (3) may not be less than the value of the lost use of lands determined under subsection (a)(1)(B).

(B) For the purposes of this subparagraph, the value of any lands conveyed pursuant to paragraph (3) shall be determined as of the date that the conveyance occurs, or any other date determined by the Secretary, with the concurrence of the Chairman.

(5) FEDERAL LANDS FOR EXCHANGE.—(A) Subject to subparagraphs (B) and (C), Federal lands located in Hawaii that are under the control of an agency (other than lands within the National Park System or the National Wildlife Refuge System) may be conveyed to the Department of Hawaiian Home Lands under paragraphs (1) and (3). To assist the Secretary in carrying out this Act, the head of an agency may transfer to the Department of the Interior, without reimbursement, jurisdiction and control over any lands and any structures that the Secretary determines to be suitable for conveyance to the Department of Hawaiian Home Lands pursuant to an exchange conducted under this section.

(B) No Federal lands that the Federal Government is required to convey to the State of Hawaii under section 5 of the Hawaii State Admission Act may be conveyed under paragraph (1) or (3).

(C) No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to an exchange made under this paragraph to the Department of Hawaiian Home Lands.

(c) AVAILABLE LANDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall require that lands conveyed to the Department of Hawaiian Home Lands under this Act shall have the status of available lands under the Hawaiian Home Commission Act.

(2) SUBSEQUENT EXCHANGE OF LANDS.—Notwithstanding any other provision of law, lands conveyed to the Department of Hawaiian Home Lands under this paragraph may subsequently be exchanged pursuant to section 204(3) of the Hawaiian Homes Commission Act.

(3) SALE OF CERTAIN LANDS.—Notwithstanding any other provision of law, the Chairman may, at the time that lands are conveyed to the Department of Hawaiian Home Lands as compensation for lost use under this Act, designate lands to be sold. The Chairman is authorized to sell such land under terms and conditions that are in the best interest of the beneficiaries. The proceeds of such a sale may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act.

(d) CONSULTATION.—In carrying out their respective responsibilities under this section, the Secretary and the Chairman shall—

(1) consult with the beneficiaries and organizations representing the beneficiaries; and

(2) report to such organizations on a regular basis concerning the progress made to meet the requirements of this section.

(e) HOLD HARMLESS.—Notwithstanding any other provision of law, the United States shall defend and hold harmless the Department of Hawaiian Home Lands, the employees of the Department, and the beneficiaries with respect to any claim arising from the ownership of any land or structure that is conveyed to the Department pursuant to an exchange made under this section prior to the conveyance to the Department of such land or structure.

(f) SCREENING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense and the Administrator of General Services shall, at the same time as notice is provided to Federal agencies that excess real property is being screened pursuant to applicable Federal laws (including regulations) for possible transfer to such agencies, notify the Chairman of any such screening of real property that is located within the State of Hawaii.

(2) RESPONSE TO NOTIFICATION.—Notwithstanding any other provision of law, not

later than 90 days after receiving a notice under paragraph (1), the Chairman may select for appraisal real property, or at the election of the Chairman, portions of real property, that is the subject of a screening.

(3) Selection.—Notwithstanding any other provision of law, with respect to any real property located in the State of Hawaii that, as of the date of enactment of this Act, is being screened pursuant to applicable Federal laws for possible transfer (as described in paragraph (1)) or has been screened for such purpose, but has not been transferred or declared to be surplus real property, the Chairman may select all, or any portion of, such real property to be appraised pursuant to paragraph (4).

(4) Appraisal.—Notwithstanding any other provision of law, the Secretary of Defense or the Administrator of General Services shall appraise the real property or portions of real property selected by the Chairman using the Uniform Standards for Federal Land Acquisition developed by the Interagency Land Acquisition Conference, or such other standard as the Chairman agrees to.

(5) Request for conveyance.—Notwithstanding any other provision of law, not later than 30 days after the date of completion of such appraisal, the Chairman may request the conveyance to the Department of Hawaiian Home Lands of—

(A) the appraised property; or

(B) a portion of the appraised property, to the Department of Hawaiian Home Lands.

(6) Conveyance.—Notwithstanding any other provision of law, upon receipt of a request from the Chairman, the Secretary of Defense or the Administrator of the General Services Administration shall convey, without reimbursement, the real property that is the subject of the request to the Department of Hawaiian Home Lands as compensation for lands identified under subsection (a)(1)(A) or lost use identified under subsection (a)(1)(B).

(7) Real property not subject to recoupment.—Notwithstanding any other provision of law, any real property conveyed pursuant to paragraph (6) shall not be subject to recoupment based upon the sale or lease of the land by the Chairman.

(8) Valuation.—Notwithstanding any other provision of law, the Secretary shall reduce the value identified under subparagraph (A) or (B) of subsection (a)(1), as determined pursuant to such subsection, by an amount equal to the appraised value of any excess lands conveyed pursuant to paragraph (6).

(9) Limitation.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

SEC. ___04. PROCEDURE FOR APPROVAL OF AMENDMENTS TO HAWAIIAN HOMES COMMISSION ACT.

(a) Notice to the Secretary.—Not later than 120 days after a proposed amendment to the Hawaiian Homes Commission Act is approved in the manner provided in section 4 of the Hawaii State Admission Act, the Chairman shall submit to the Secretary—

(1) a copy of the proposed amendment;

(2) the nature of the change proposed to be made by the amendment; and

(3) an opinion regarding whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act.

(b) Determination by Secretary.—Not later than 60 days after receiving the materials required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall determine whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act, and shall notify the Chairman and Congress of the determination of the Secretary.

(c) Congressional Approval Required.—If, pursuant to subsection (b), the Secretary determines that the proposed amendment requires the approval of Congress, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(1) a draft joint resolution approving the amendment;

(2) a description of the change made by the proposed amendment and an explanation of how the amendment advances the interests of the beneficiaries;

(3) a comparison of the existing law (as of the date of submission of the proposed amendment) that is the subject of the amendment with the proposed amendment;

(4) a recommendation concerning the advisability of approving the proposed amendment; and

(5) any documentation concerning the amendments received from the Chairman.

SEC. 05. LAND EXCHANGES.

(a) Notice to the Secretary.—If the Chairman recommends for approval an exchange of Hawaiian home lands, the Chairman shall submit a report to the Secretary on the proposed exchange. The report shall contain—

(1) a description of the acreage and fair market value of the lands involved in the exchange;

(2) surveys and appraisals prepared by the Department of Hawaiian Home Lands, if any; and

(3) an identification of the benefits to the parties of the proposed exchange.

(b) Approval or Disapproval.—

(1) In general.—Not later than 120 days after receiving the information required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall approve or disapprove the proposed exchange.

(2) Notification.—The Secretary shall notify the Chairman, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives of the reasons for the approval or disapproval of the proposed exchange.

(c) Exchanges Initiated by Secretary.—

(1) In general.—The Secretary may recommend to the Chairman an exchange of Hawaiian home lands for Federal lands described in section ___03(b)(5), other than lands described in subparagraphs (B) and (C) of such section. If the Secretary initiates a recommendation for such an exchange, the Secretary shall submit a report to the Chairman on the proposed exchange that meets the requirements of a report described in subsection (a).

(2) Approval by chairman.—Not later than 120 days after receiving a recommendation for an exchange from the Secretary under paragraph (1), the Chairman shall provide written notification to the Secretary of the approval or disapproval of a proposed exchange. If the Chairman approves the proposed exchange, upon receipt of the written notification, the Secretary shall notify the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives of the approval of the Chairman of the proposed exchange.

(3) Exchange.—Upon providing notification pursuant to paragraph (2) of a proposed exchange that has been approved by the Chairman pursuant to this section, the Secretary may carry out the exchange.

(d) Selection and Exchange.—

(1) In general.—Notwithstanding any other provision of law, the Secretary may—

(A) select real property that is the subject of screening activities conducted by the Secretary of Defense or the Administrator of General Services pursuant to applicable Federal laws (including regulations) for possible transfer to Federal agencies; and

(B) make recommendations to the Chairman concerning making an exchange under subsection (b) that includes such real property.

(2) Transfer.—Notwithstanding any other provision of law, if the Chairman approves an exchange proposed by the Secretary under paragraph (1)—

(A) the Secretary of Defense or the Administrator of General Services shall transfer the real property described in paragraph (1)(A) that is the subject of the exchange to the Secretary without reimbursement; and

(B) the Secretary shall carry out the exchange.

(3) Limitation.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

(e) Surveys and Appraisals.—

(1) Requirement.—The Secretary shall conduct a survey of all Hawaiian home lands based on the report entitled "Survey Needs for the Hawaiian Home Lands", issued by the Bureau of Land Management of the Department of the Interior, and dated July 1991.

(2) Other surveys.—The Secretary is authorized to conduct such other surveys and appraisals as may be necessary to make an informed decision regarding approval or disapproval of a proposed exchange.

SEC. ___06. ADMINISTRATION OF ACTS BY UNITED STATES.

(a) Designation.—

(1) In general.—Not later than 120 days after the date of enactment of this Act, the Secretary shall designate an individual from within the Department of the Interior to administer the responsibilities of the United States under this title and the Hawaiian Homes Commission Act.

(2) Default.—If the Secretary fails to make an appointment by the date specified in paragraph (1), or if the position is vacant at any time thereafter, the Assistant Secretary for Policy, Budget, and Administration of the Department of the Interior shall exercise the responsibilities for the Department in accordance with subsection (b).

(b) Responsibilities.—The individual designated pursuant to subsection (a) shall, in administering the laws referred to in such subsection—

(1) advance the interests of the beneficiaries; and

(2) assist the beneficiaries and the Department of Hawaiian Home Lands in obtaining assistance from programs of the Department of the Interior and other Federal agencies that will promote homesteading opportunities, economic self-sufficiency, and social well-being of the beneficiaries.

SEC. ___07. ADJUSTMENT.

The Act of July 1, 1932 (47 Stat. 564, chapter 369; 25 U.S.C. 386a) is amended by striking the period at the end and adding the following: ": *Provided further*, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section.".

SEC. ___08. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chairman shall report to the Secretary concerning any claims that—

(1) involve the transfer of lands designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(2) are not otherwise covered under this title.

(b) REVIEW.—Not later than 180 days after receiving the report submitted under subsection (a), the Secretary shall make a determination with respect to each claim referred to in subsection (a), whether, on the basis of legal and equitable considerations, compensation should be granted to the Department of Hawaiian Home Lands.

(c) COMPENSATION.—If the Secretary makes a determination under subsection (b) that compensation should be granted to the Department of Hawaiian Home Lands, the Secretary shall determine the value of the lands and lost use in accordance with the process established under section ___03(a), and increase the determination of value made under subparagraphs (A) and (B) of section ___03(a)(1) by the value determined under this subsection.

SEC. ___09. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary for compensation to the Department of Hawaiian Home Lands for the value of the lost use of lands determined under section ___03. Compensation received by the Department of Hawaiian Home Lands from funds made available pursuant to this section may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act. To the extent that amounts are made available by appropriations pursuant to this section for compensation paid to the Department of Hawaiian Home Lands for lost use, the Secretary shall reduce the determination of value established under section ___03(a)(1)(B) by such amount.

INOUYE AMENDMENT NO. 2648

Mr. BREAUX (for Mr. INOUYE) proposed an amendment to the bill, H.R. 4180, supra; as follows:

Strike title I, and redesignate titles II and III as titles I and II, respectively.

After title II, as so redesignated, insert the following new titles:

TITLE III—MISCELLANEOUS

SEC. 301. EDUCATIONAL ASSISTANCE.

Notwithstanding any deadline established under section 5(a)(2) of the Act of September 30, 1950 (64 Stat. 1100, chapter 1124), the Secretary of Education shall accept, as if timely received, applications from the Window Rock, Arizona, local educational agency for funding under section 3 of such Act for fiscal years 1994 and 1995.

SEC. 302. PUEBLO DE TAOS.

(a) TRANSFER.—The parcel of land described in subsection (b) is hereby transferred without consideration to the Secretary of the Interior to be held in trust for the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 109, chapter 45) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is the land that is generally depicted on the map entitled "Lands transferred to the Pueblo of Taos—proposed" and dated September 1994. Such land comprises 764.33 acres, and is situated within sections 25, 26, 35, and 36, Township 27 North, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) CONFORMING BOUNDARY ADJUSTMENTS.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

(d) COMPLETION OF TRANSFER.—The Congress finds and declares that the lands described in subsection (b), which the United States shall hold in trust as part of the Pueblo de Taos Reservation pursuant to this section, complete the transfer effected by section 4 of the Act of May 31, 1933 (48 Stat. 109, chapter 45) (as amended, including as amended by Public Law 91-550 (84 Stat. 1437)).

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

NUNN AMENDMENT NO. 2649

Mr. BREAUX (for Mr. NUNN) proposed an amendment to the bill (H.R. 2461) to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; as follows:

At the end of the bill, add the following new title:

TITLE V—PAPERWORK REDUCTION

SEC. 501. SHORT TITLE.

This title may be cited as the "Paperwork Reduction Act of 1994".

SEC. 502. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purposes.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities; submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Government Information Locator Service.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

"(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

"(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

"(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

"(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

"(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100-235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

"(4) the term 'Director' means the Director of the Office of Management and Budget;

"(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

"(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

"(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

"(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

"(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records.

"§3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

"(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities.

"§3504. Authority and functions of Director

"(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including service delivery to the public. In performing such oversight, the Director shall—

"(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

"(B) provide direction and oversee—

"(i) the review of the collection of information and the reduction of the information collection burden;

"(ii) agency dissemination of and public access to information;

"(iii) statistical activities;

"(iv) records management activities;

"(v) privacy, confidentiality, security, disclosure, and sharing of information; and

"(vi) the acquisition and use of information technology.

"(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

"(b) With respect to general information resources management policy, the Director shall—

"(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

"(2) foster greater sharing, dissemination, and access to public information, including through—

"(A) the use of the Government Information Locator Service; and

"(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

"(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

"(4) oversee the development and implementation of best practices in information resources management, including training; and

"(5) oversee agency integration of program and management functions with information resources management functions.

"(c) With respect to the collection of information and the control of paperwork, the Director shall—

"(1) review proposed agency collections of information, and in accordance with section 3508, determine whether the collection of information by or for an agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

"(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

"(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

"(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

"(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

"(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

"(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

"(e) With respect to statistical policy and coordination, the Director shall—

"(1) coordinate the activities of the Federal statistical system to ensure—

"(A) the efficiency and effectiveness of the system; and

"(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

"(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

"(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

"(A) statistical collection procedures and methods;

"(B) statistical data classification;

"(C) statistical information presentation and dissemination;

"(D) timely release of statistical data; and

"(E) such statistical data sources as may be required for the administration of Federal programs;

"(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

"(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

"(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

"(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

"(A) be headed by the chief statistician; and

"(B) consist of—

"(i) the heads of the major statistical programs; and

"(ii) representatives of other statistical agencies under rotating membership; and

"(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

"(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

"(B) all costs of the training shall be paid by the agency requesting training.

"(f) With respect to records management, the Director shall—

"(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

"(2) review compliance by agencies with—

"(A) the requirements of chapters 29, 31, and 33 of this title; and

"(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

"(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

"(g) With respect to privacy and security, the Director shall—

"(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

"(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, the Director shall—

"(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

"(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

"(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

"(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and review proposed determinations under section 111(e) of such Act;

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

"§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden;

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759), and the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions; and

"(4) in cooperation with the Administrator of General Services, issue guidelines for the establishment and operation in each agency of a process, as required under section 3506(h)(5) of this chapter, to review major information systems initiatives, including acquisition and use of information technology.

"§ 3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(5) The head of each agency shall establish a permanent information resources management steering committee, which shall be chaired by the senior official designated under paragraph (2) and shall include senior program officials and the Chief Financial Officer (or comparable official). Each steering committee shall—

"(A) assist and advise the head of the agency in carrying out information resources management responsibilities of the agency;

"(B) assist and advise the senior official designated under paragraph (2) in the establishment of performance measures for information resources management that relate to program missions;

"(C) select, control, and evaluate all major information system initiatives (including acquisitions of information technology) in accordance with the requirements of subsection (h)(5); and

"(D) identify opportunities to redesign business practices and supporting information systems to improve agency performance.

"(b) With respect to general information resources management, each agency shall—

"(1) develop information systems, processes, and procedures to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) develop and maintain an integrated, comprehensive and controlled process of information systems selection, development, and evaluation;

"(C) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(D) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(iii) an exemption from coverage of the collection of information, or any part thereof;

"(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) contains the statement required under paragraph (1)(B)(iii);

"(G) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

"(d) With respect to information dissemination, each agency shall—

"(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

"(A) encouraging a diversity of public and private sources for information based on government public information, and

"(B) agency dissemination of public information in an efficient, effective, and economical manner;

"(2) regularly solicit and consider public input on the agency's information dissemination activities; and

"(3) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination.

"(e) With respect to statistical policy and coordination, each agency shall—

"(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

"(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

"(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

"(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

"(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

"(6) make data available to statistical agencies and readily accessible to the public.

"(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

"(g) With respect to privacy and security, each agency shall—

"(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

"(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, each agency shall—

"(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

"(2) assume responsibility and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

"(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

"(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

"(5) establish, and be responsible for, a major information system initiative review process, which shall be developed and implemented by the information resources management steering committee established under subsection (a)(5), consistent with guidelines issued under section 3505(4), and include—

"(A) the review of major information system initiative proposals and projects (including acquisitions of information technology), approval or disapproval of each such initiative, and periodic reviews of the development and implementation of such initiatives, including whether the projected benefits have been achieved;

"(B) the use by the committee of specified evaluative techniques and criteria to—

"(i) assess the economy, efficiency, effectiveness, risks, and priority of system initiatives in relation to mission needs and strategies;

"(ii) estimate and verify life-cycle system initiative costs; and

"(iii) assess system initiative privacy, security, records management, and dissemination and access capabilities;

"(C) the use, as appropriate, of independent cost evaluations of data developed under subparagraph (B); and

"(D) the inclusion of relevant information about approved initiatives in the agency's annual budget request.

"§ 3507. Public information collection activities; submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

"(1) the agency has—

"(A) conducted the review established under section 3506(c)(1);

"(B) evaluated the public comments received under section 3506(c)(2);

"(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

"(D) published a notice in the Federal Register—

"(i) stating that the agency has made such submission; and

"(ii) setting forth—

"(I) a title for the collection of information;

"(II) a summary of the collection of information;

"(III) a brief description of the need for the information and the proposed use of the information;

"(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

"(V) an estimate of the burden that shall result from the collection of information; and

"(VI) notice that comments may be submitted to the agency and Director;

"(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

"(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

"(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

"(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

"(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

"(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

"(A) the approval may be inferred;

"(B) a control number shall be assigned without further delay; and

"(C) the agency may collect the information for not more than 2 years.

"(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Office of the Director, the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information which has not been approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of an independent regulatory agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning such an agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

"(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

"(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

"(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

"(A) a collection of information—

"(i) is needed prior to the expiration of such time periods; and

"(ii) is essential to the mission of the agency; and

"(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

"(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

"(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

"(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§3508. Determination of necessity for information; hearing

"Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent that the Director determines that the collection of information by an agency is unnecessary for the proper performance of the functions of the agency, for any reason, the agency may not engage in the collection of information.

"§3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

"§3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

"(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

"(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

"§3511. Establishment and operation of Government Information Locator Service

"In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

"(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

"(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

"(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

"(4) consider public access and other user needs in the establishment and operation of the Service;

"(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

"(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

"§3512. Public protection

"Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the applicable collection of information—

"(1) was made after December 31, 1981; and

"(2)(A) does not display a valid control number assigned by the Director; or

"(B) fails to state that such collection is not subject to this chapter.

"§3513. Director review of agency activities; reporting; agency response

"(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

"(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

"(1) be taken to address information resources management problems identified in the report; and

"(2) improve agency performance and the accomplishment of agency missions.

"§ 3514. Responsiveness to Congress

"(a)(1) The Director shall—

"(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

"(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

"(2) The Director shall include in any such report a description of the extent to which agencies have—

"(A) reduced information collection burdens on the public, including—

"(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

"(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter; and

"(iii) a list of any increase in the collection of information burden, including the authority for each such collection;

"(B) improved the quality and utility of statistical information;

"(C) improved public access to Government information; and

"(D) improved program performance and the accomplishment of agency missions through information resources management.

"(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

"§ 3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

"§ 3516. Rules and regulations

"The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

"§ 3517. Consultation with other agencies and the public

"(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

"(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, the person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

"(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

"(2) take appropriate remedial action, if necessary.

"§ 3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of—

"(i) a civil action to which the United States or any official or agency thereof is a party; or

"(ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

DEPARTMENT OF DEFENSE OVERSEAS TEACHERS PAY AND PERSONNEL PRACTICES ACT AMENDMENTS

LEVIN AMENDMENT NO. 2650

Mr. BREAUX (for Mr. LEVIN) proposed an amendment to the bill (H.R. 3499) to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; as follows:

At the appropriate place insert the following:

SEC. ___. PROHIBITION ON CASH AWARDS TO CERTAIN FEDERAL OFFICERS.

(a) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by inserting after section 4507 the following new sections:

"§ 4508. Limitation of awards during a Presidential election year

"(a) For purposes of this section, the term—

"(1) 'Presidential election period' means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election; and

"(2) 'senior politically appointed officer' means any officer who during a Presidential election period serves—

"(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

"(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

"(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.

"§ 4509. Prohibition of cash award to Executive Schedule officers

"No officer may receive a cash award under the provisions of this subchapter, if such officer—

"(1) serves in—

"(A) an Executive Schedule position under subchapter II of chapter 53; or

"(B) a position for which the compensation is set in statute by reference to a section or level under subchapter II of chapter 53; and

"(2) was appointed to such position by the President, by and with the advice and consent of the Senate.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

"4508. Limitation of awards during a Presidential election year.
"4509. Prohibition of cash award to Executive Schedule officers.".

VETERANS' PERSIAN GULF WAR BENEFITS ACT

ROCKEFELLER AMENDMENT NO. 2651

Mr. BREAUX (for Mr. ROCKEFELLER) proposed an amendment to the bill (H.R. 4386) to amend title 38, United States Code, authorizing the Secretary of Veterans Affairs to provide compensation to veterans suffering from disabilities resulting from illnesses attributed to service in the Persian Gulf theater of operations during the Persian Gulf war, to provide for increased research into illnesses reported by Persian Gulf war veterans, and for other purposes; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Improvements Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—PERSIAN GULF WAR VETERANS

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Purposes.

Sec. 104. Development of medical evaluation protocol.
Sec. 105. Outreach to Persian Gulf veterans.
Sec. 106. Compensation benefits for disability resulting from illness attributed to service during the Persian Gulf War.
Sec. 107. Evaluation of health status of spouses and children of Persian Gulf War veterans.
Sec. 108. Clarification of scope of health examinations provided for veterans eligible for inclusion in health-related registries.
Sec. 109. Survey of Persian Gulf veterans.
Sec. 110. Authorization for epidemiological studies.
Sec. 111. Cost-savings provisions.

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

Sec. 201. Appointment, pay comparability, and performance reviews for members of the Board of Veterans' Appeals.
Sec. 202. Deadline for establishment of performance evaluation criteria for Board members.
Sec. 203. Continuation in office of Chairman pending appointment of successor.

TITLE III—ADJUDICATION IMPROVEMENTS

Sec. 301. Acceptance of certain documentation for claims purposes.
Sec. 302. Expedited treatment of remanded claims.
Sec. 303. Screening of appeals.
Sec. 304. Report on feasibility of reorganization of adjudication divisions in VBA regional offices.

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

Sec. 401. Establishment of commission.
Sec. 402. Duties of the commission.
Sec. 403. Powers of the commission.
Sec. 404. Commission personnel matters.
Sec. 405. Termination of the commission.
Sec. 406. Definitions.
Sec. 407. Funding.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Restatement of intent of Congress concerning coverage of Radiation-Exposed Veterans Compensation Act of 1988.
Sec. 502. Extension of authority to maintain regional office in the Philippines.
Sec. 503. Renouncement of benefit rights.
Sec. 504. Clarification of payment of attorney fees under contingent fee agreements.
Sec. 505. Codification of herbicide-exposure presumptions established administratively.
Sec. 506. Treatment of certain income of Alaska natives for purposes of needs-based benefits.
Sec. 507. Elimination of requirement for payment of certain benefits in Philippine pesos.
Sec. 508. Study of health consequences for family members of atomic veterans of exposure of atomic veterans to ionizing radiation.
Sec. 509. Center for Minority Veterans and Center for Women Veterans.
Sec. 510. Advisory Committee on Minority Veterans.
Sec. 511. Mailing of notices of appeal to the Court of Veterans Appeals.

TITLE VI—EDUCATION AND TRAINING PROGRAMS

Sec. 601. Flight training.
Sec. 602. Training and rehabilitation for veterans with service-connected disabilities.
Sec. 603. Alternative teacher certification programs.
Sec. 604. Education outside the United States.
Sec. 605. Correspondence courses.
Sec. 606. State approving agencies.
Sec. 607. Measurement of courses.
Sec. 608. Veterans' Advisory Committee on Education.
Sec. 609. Contract educational and vocational counseling.
Sec. 610. Service Members Occupational Conversion and Training Act of 1992.

TITLE VII—EMPLOYMENT PROGRAMS

Sec. 701. Job counseling, training, and placement.
Sec. 702. Employment and training of veterans.
Sec. 703. Conforming amendments to ERISA relating to the Uniformed Services Employment and Reemployment Rights Act of 1994.

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

Sec. 801. Eligibility for burial in national cemeteries of spouses who predecease veterans.
Sec. 802. Restoration of burial eligibility for unremarried spouses.
Sec. 803. Extension of authorization of appropriations for State cemetery grant program.
Sec. 804. Authority to use flat grave markers at the Willamette National Cemetery, Oregon.

TITLE IX—HOUSING PROGRAMS

Sec. 901. Eligibility.
Sec. 902. Revision in computation of aggregate guaranty.
Sec. 903. Public and community water and sewerage systems.
Sec. 904. Authority to guarantee home refinance loans for energy efficiency improvements.
Sec. 905. Authority to guarantee loans to refinance adjustable rate mortgages to fixed rate mortgages.
Sec. 906. Manufactured home loan inspections.
Sec. 907. Procedures on default.
Sec. 908. Minimum active-duty service requirement.

TITLE X—HOMELESS VETERANS PROGRAMS

Sec. 1001. Reports on activities of the Department of Veterans Affairs to assist homeless veterans.
Sec. 1002. Report on assessment and plans for response to needs of homeless veterans.
Sec. 1003. Increase in number of demonstration programs under Homeless Veterans Comprehensive Service Programs Act of 1992.
Sec. 1004. Removal of funding requirement of Homeless Veterans Comprehensive Service Programs Act of 1992.
Sec. 1005. Sense of Congress.

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

Sec. 1101. Findings.
Sec. 1102. Requirement for minimum number of full-time equivalent positions.
Sec. 1103. Enhanced authority to contract for necessary services.
Sec. 1104. Study.

TITLE XII—TECHNICAL AND CLERICAL AMENDMENTS.

Sec. 1201. Amendments to title 38, United States Code.
Sec. 1202. Amendments to other laws administered by Secretary of Veterans Affairs.
Sec. 1203. Amendments to other laws.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—PERSIAN GULF WAR VETERANS

SEC. 101. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Veterans' Benefits Act".

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) During the Persian Gulf War, members of the Armed Forces were exposed to numerous potentially toxic substances, including fumes and smoke from military operations, oil well fires, diesel exhaust, paints, pesticides, depleted uranium, infectious agents, investigational drugs and vaccines, and indigenous diseases, and were also given multiple immunizations. It is not known whether these servicemembers were exposed to chemical or biological warfare agents. However, threats of enemy use of chemical and biological warfare heightened the psychological stress associated with the military operation.

(2) Significant numbers of veterans of the Persian Gulf War are suffering from illnesses, or are exhibiting symptoms of illness, that cannot now be diagnosed or clearly defined. As a result, many of these conditions or illnesses are not considered to be service connected under current law for purposes of benefits administered by the Department of Veterans Affairs.

(3) The National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, held in April 1994, concluded that the complex biological, chemical, physical, and psychological environment of the Southwest Asia theater of operations produced complex adverse health effects in Persian Gulf War veterans and that no single disease entity or syndrome is apparent. Rather, it may be that the illnesses suffered by those veterans result from multiple illnesses with overlapping symptoms and causes that have yet to be defined.

(4) That workshop concluded that the information concerning the range and intensity of exposure to toxic substances by military personnel in the Southwest Asia theater of operations is very limited and that such information was collected only after a considerable delay.

(5) In response to concerns regarding the health-care needs of Persian Gulf War veterans, particularly those who suffer from illnesses or conditions for which no diagnosis has been made, the Congress, in Public Law 102-585, directed the establishment of a Persian Gulf War Veterans Health Registry, authorized health examinations for veterans of the Persian Gulf War, and provided for the National Academy of Sciences to conduct a comprehensive review and assessment of information regarding the health consequences of military service in the Persian Gulf theater of operations and to develop recommendations on avenues for research regarding such health consequences. In Public

Law 103-210, the Congress authorized the Department of Veterans Affairs to provide health care services on a priority basis to Persian Gulf War veterans. The Congress also provided in Public Law 103-160 (the National Defense Authorization Act for Fiscal Year 1994) for the establishment of a specialized environmental medical facility for the conduct of research into the possible health effects of exposure to low levels of hazardous chemicals, especially among Persian Gulf veterans, and for research into the possible health effects of battlefield exposure in such veterans to depleted uranium.

(6) In response to concerns about the lack of objective research on Gulf War illnesses, Congress included research provisions in the National Defense Authorization Act for Fiscal Year 1995, which was passed by the House and Senate in September 1994. This legislation requires the Secretary of Defense to provide research grants to non-Federal researchers to support three types of studies of the Gulf War syndrome. The first type of study will be an epidemiological study or studies of the incidence, prevalence, and nature of the illness and symptoms and the risk factors associated with symptoms or illnesses. This will include illnesses among spouses and birth defects and illnesses among offspring born before and after the Gulf War. The second group of studies shall be conducted to determine the health consequences of the use of pyridostigmine bromide as a pretreatment antidote enhancer during the Persian Gulf War, alone or in combination with exposure to pesticides, environmental toxins, and other hazardous substances. The final group of studies shall include clinical research and other studies on the causes, possible transmission, and treatment of Gulf War syndrome, and will include studies of veterans and their spouses and children.

(7) Further research and studies must be undertaken to determine the underlying causes of the illnesses suffered by Persian Gulf War veterans and, pending the outcome of such research, veterans who are seriously ill as the result of such illnesses should be given the benefit of the doubt and be provided compensation benefits to offset the impairment in earnings capacities they may be experiencing.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to provide compensation to Persian Gulf War veterans who suffer disabilities resulting from illnesses that cannot now be diagnosed or defined, and for which other causes cannot be identified;

(2) to require the Secretary of Veterans Affairs to develop at the earliest possible date case assessment strategies and definitions or diagnoses of such illnesses;

(3) to promote greater outreach to Persian Gulf War veterans and their families to inform them of ongoing research activities, as well as the services and benefits to which they are currently entitled; and

(4) to ensure that research activities and accompanying surveys of Persian Gulf War veterans are appropriately funded and undertaken by the Department of Veterans Affairs.

SEC. 104. DEVELOPMENT OF MEDICAL EVALUATION PROTOCOL.

(a) UNIFORM MEDICAL EVALUATION PROTOCOL.—(1) The Secretary of Veterans Affairs shall develop and implement a uniform and comprehensive medical evaluation protocol that will ensure appropriate medical assessment, diagnosis, and treatment of Persian Gulf War veterans who are suffering from illnesses the origins of which are (as of the date of the enactment of this Act) unknown and that may be attributable to service in the Southwest Asia theater of operations during the Persian Gulf War. The protocol shall include an evaluation of complaints relating to illnesses involving the reproductive system.

(2) If such a protocol is not implemented before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such a protocol has not yet been developed.

(3)(A) The Secretary shall ensure that the evaluation under the protocol developed under this section is available at all Department medical centers that have the capability of providing the medical assessment, diagnosis, and treatment required under the protocol.

(B) The Secretary may enter into contracts with non-Department medical facilities for the provision of the evaluation under the protocol.

(C) In the case of a veteran whose residence is distant from a medical center described in subparagraph (A), the Secretary may provide the evaluation through a Department medical center described in that subparagraph and, in such a case, may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

(4)(A) If the Secretary is unable to diagnose the symptoms or illness of a veteran provided an evaluation, or if the symptoms or illness of a veteran do not respond to treatment provided by the Secretary, the Secretary may use the authority in section 1703 of title 38, United States Code, in order to provide for the veteran to receive diagnostic tests or treatment at a non-Department medical facility that may have the capability of diagnosing or treating the symptoms or illness of the veteran. The Secretary may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

(B) The Secretary shall request from each non-Department medical facility that examines or treats a veteran under this paragraph such information relating to the diagnosis or treatment as the Secretary considers appropriate.

(5) In each year after the implementation of the protocol, the Secretary shall enter into an agreement with the National Academy of Sciences under which agreement appropriate experts shall review the adequacy of the protocol and its implementation by the Department of Veterans Affairs.

(b) RELATIONSHIP TO OTHER COMPREHENSIVE CLINICAL EVALUATION PROTOCOLS.—The Secretary, in consultation with the Secretary of Defense, shall ensure that the information collected through the protocol described in this section is collected and maintained in a manner that permits the effective and efficient cross-reference of that information with information collected and maintained through the comprehensive clinical protocols of the Department of Defense for Persian Gulf War veterans.

(c) CASE DEFINITIONS AND DIAGNOSES.—The Secretary shall develop case definitions or diagnoses for illnesses associated with the service described in subsection (a)(1). The Secretary shall develop such definitions or diagnoses at the earliest possible date.

SEC. 105. OUTREACH TO PERSIAN GULF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall implement a comprehensive outreach program to inform Persian Gulf War veterans and their families of the medical care and other benefits that may be provided by the Department of Veterans Affairs and the Department of Defense arising from service in the Persian Gulf War.

(b) NEWSLETTER.—(1) The outreach program shall include a newsletter which shall be updated and distributed at least semi-annually and shall be distributed to the veterans listed on the Persian Gulf War Veterans Health Registry. The newsletter shall include summaries of the status and findings of Government sponsored research on illnesses of Persian Gulf War veterans and their families, as well as on benefits available to such individuals through the Department of Veterans Affairs. The newsletter shall be prepared in consultation with veterans service organizations.

(2) The requirement under this subsection for the distribution of the newsletter shall terminate on December 31, 1999.

(c) TOLL-FREE NUMBER.—The outreach program shall include establishment of a toll-free telephone number to provide Persian Gulf War veterans and their families information on the Persian Gulf War Veterans Health Registry, health care and other benefits provided by the Department of Veterans Affairs, and such other information as the Secretary considers appropriate. Such toll-free telephone number shall be established not later than 90 days after the date of the enactment of this Act.

SEC. 106. COMPENSATION BENEFITS FOR DISABILITY RESULTING FROM ILLNESS ATTRIBUTED TO SERVICE DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—(1) Chapter 11 is amended by adding at the end of subchapter II the following new section:

"§ 1117. Compensation for disabilities occurring in Persian Gulf War veterans

"(a) The Secretary may pay compensation under this subchapter to any Persian Gulf veteran suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that—

"(1) became manifest during service on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; or

"(2) became manifest to a degree of 10 percent or more within the presumptive period prescribed under subsection (b).

"(b) The Secretary shall prescribe by regulation the period of time following service in the Southwest Asia theater of operations during the Persian Gulf War that the Secretary determines is appropriate for presumption of service connection for purposes of this section. The Secretary's determination of such period of time shall be made following a review of any available credible medical or scientific evidence and the historical treatment afforded disabilities for which manifestation periods have been established and shall take into account other pertinent circumstances regarding the experiences of veterans of the Persian Gulf War.

"(c)(1) The Secretary shall prescribe regulations to carry out this section.

"(2) Those regulations shall include the following:

"(A) A description of the period and geographical area or areas of military service in connection with which compensation under this section may be paid.

"(B) A description of the illnesses for which compensation under this section may be paid.

"(C) A description of any relevant medical characteristic (such as a latency period) associated with each such illness.

"(d) A disability for which compensation under this subchapter is payable shall be considered to be service connected for purposes of all other laws of the United States.

"(e) For purposes of this section, the term 'Persian Gulf veteran' means a veteran who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1116 the following new item:

"1117. Compensation for disabilities occurring in Persian Gulf War veterans.".

(b) CONFORMING AMENDMENTS.—Section 1113 is amended—

(1) by striking out "section 1112 or 1116" in the first and third place it appears and inserting in lieu thereof "section 1112, 1116, or 1117";

(2) by striking out "title" the second place it appears and inserting in lieu thereof "title, or payments of compensation pursuant to section 1117 of this title,"; and

(3) by inserting "or disabilities" after "diseases" both places it appears in subsection (a).

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report stating whether or not the Secretary intends to pay compensation as provided in section 1117 of title 38, United States Code, as added by subsection (a).

(d) REGULATIONS.—If the Secretary states in the report under subsection (c) that the Secretary intends to pay compensation as provided in section 1117 of title 38, United States Code, as added by subsection (a), the Secretary shall, not later than 30 days after the date on which such report is submitted, publish in the Federal Register proposed regulations under subsections (b) and (c) of that section.

SEC. 107. EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) EVALUATION PROGRAM.—Subject to subsection (c), the Secretary of the Veterans Affairs shall conduct a study to evaluate the health status of spouses and children of Persian Gulf War veterans. Under the study, the Secretary shall provide for the conduct of diagnostic testing and appropriate medical examinations of any individual—

(1) who is the spouse or child of a veteran who—

(A) is listed in the Persian Gulf War Veterans Registry established under section 702 of Public Law 102–585; and

(B) is suffering from an illness or disorder;

(2) who is apparently suffering from, or may have suffered from, an illness or disorder (including a birth defect, miscarriage, or stillbirth) which cannot be disassociated from the veteran's service in the Southwest Asia theater of operations; and

(3) who, in the case of a spouse, has granted the Secretary permission to include in the Registry relevant medical data (including a medical history and the results of diagnostic testing and medical examinations) and such other information as the Secretary considers relevant and appropriate with respect to such individual.

Such testing and examinations shall be carried out so as to gather such medical data as the Secretary considers relevant and appropriate in order to determine the nature and extent of the association, if any, between illness or disorder of the spouse or child and the illness of the veteran.

(b) DURATION OF PROGRAM.—The program shall be carried out during the period beginning on November 1, 1994, and ending on September 30, 1996.

(c) FUNDING LIMITATION.—The amount spent for the program under subsection (a) may not exceed $2,000,000.

(d) CONTRACTING.—The Secretary shall provide for the conduct of testing and examinations under subsection (a) through appropriate contract arrangements.

(e) STANDARD PROTOCOLS AND GUIDELINES.—The Secretary shall seek to ensure uniform development of medical data through the development of standard protocols and guidelines for such testing and examinations. If such protocols and guidelines have not been adopted before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such protocols and guidelines have not yet been developed.

(f) ENTRY OF RESULTS IN REGISTRY.—The results of diagnostic tests, medical histories, and medical examinations conducted under subsection (a) shall be entered into the Persian Gulf War Veterans Health Registry.

(g) OUTREACH.—The Secretary shall conduct such outreach activities as the Secretary determines necessary to ensure that implementation of this section results in sufficient information to enable the Secretary—

(1) to analyze the health status of large numbers of spouses and children of Persian Gulf veterans; and

(2) to formulate research hypotheses regarding possible association between illnesses or disorders suffered by Persian Gulf veterans and illnesses or disorders (including birth defects, miscarriages, and stillbirths) suffered by their spouses and children.

(h) USE OUTSIDE DEPARTMENT OF STANDARD PROTOCOLS AND GUIDELINES.—The Secretary shall—

(1) make the standard protocols and guidelines developed under this section available to any entity which requests a copy of such protocols and guidelines; and

(2) enter into the registry the results of any examination of the spouse or child of a veteran who served in the Persian Gulf theater which a licensed physician certifies was conducted using those standard protocols and guidelines.

(i) REPORTS TO CONGRESS.—(1) The Secretary shall submit to Congress no later than October 31, 1995, a report on the Secretary's implementation of this section.

(2) The Secretary shall analyze the data entered into the registry under this section and shall submit to Congress, not later than March 1, 1997, a report on that analysis and on the Secretary's recommendation for any further legislation or studies regarding the health status of spouses and children of Persian Gulf War veterans.

(j) DEFINITIONS.—For purposes of this section, the terms "child" and "spouse" have the meanings given those terms in paragraphs (4) and (31), respectively, of section 101 of title 38, United States Code.

SEC. 108. CLARIFICATION OF SCOPE OF HEALTH EXAMINATIONS PROVIDED FOR VETERANS ELIGIBLE FOR INCLUSION IN HEALTH-RELATED REGISTRIES.

Section 703 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended—

(1) by inserting "(including diagnostic tests)" after "examination" each place it appears other than in subsection (a)(1)(A);

(2) in subsection (a)(1)(A)—

(A) by inserting "(including any appropriate diagnostic tests)" after "a health examination"; and

(B) by inserting "and the tests" after "the examination"; and

(3) in subsection (a)(2), by inserting "(including any diagnostic tests)" after "examinations".

SEC. 109. SURVEY OF PERSIAN GULF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out a survey of Persian Gulf veterans to gather information on the incidence and nature of health problems occurring in Persian Gulf veterans and their families.

(b) COORDINATION WITH DEPARTMENT OF DEFENSE.—Any survey under subsection (a) shall be carried out in coordination with the Secretary of Defense.

(c) PERSIAN GULF VETERAN.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War as defined in section 101(33) of title 38, United States Code.

SEC. 110. AUTHORIZATION FOR EPIDEMIOLOGICAL STUDIES.

(a) STUDY OF HEALTH CONSEQUENCES OF PERSIAN GULF SERVICE.—If the National Academy of Sciences includes in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102–585) a finding that there is a sound basis for an epidemiological study or studies on the health consequences of service in the Persian Gulf theater of operations during the Persian Gulf War and recommends the conduct of such a study or studies, the Secretary of Veterans Affairs is authorized to carry out such study.

(b) OVERSIGHT.—(1) The Secretary shall seek to enter into an agreement with the Medical Follow-Up Agency (MFUA) of the Institute of Medicine of the National Academy of Sciences for (A) the review of proposals to conduct the research referred to in subsection (a), (B) oversight of such research, and (C) review of the research findings.

(2) If the Secretary is unable to enter into an agreement under paragraph (1) with the entity specified in that paragraph, the Secretary shall enter into an agreement described in that paragraph with another appropriate scientific organization which does not have a connection to the Department of Veterans Affairs. In such a case, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, at least 90 days before the date on which the agreement is entered into, notice in writing identifying the organization with which the Secretary intends to enter into the agreement.

(c) ACCESS TO DATA.—The Secretary shall enter into agreements with the Secretary of Defense and the Secretary of Health and Human Services to make available for the purposes of any study described in subsection (a) all data that the Secretary, in consultation with the National Academy of Sciences and the contractor for the study, considers relevant to the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department such sums as are necessary for the conduct of studies described in subsection (a).

SEC. 111. COST-SAVINGS PROVISIONS.

(a) ELECTION OF DEATH PENSION BY SURVIVING SPOUSE.—Section 1317 is amended—

(1) by striking out "No person" and inserting in lieu thereof "(a) Except as provided in subsection (b), no person"; and

(2) by adding at the end the following:

"(b) A surviving spouse who is eligible for dependency and indemnity compensation may elect to receive death pension instead of such compensation.".

(b) POLICY REGARDING COST-OF-LIVING ADJUSTMENT IN COMPENSATION RATES FOR FISCAL YEAR 1995.—The fiscal year 1995 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title will be no more than a percentage equal to the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), with all increased monthly rates and limitations (other than increased rates or limitations equal to a whole dollar amount) rounded down to the next lower dollar.

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

SEC. 201. APPOINTMENT, PAY COMPARABILITY, AND PERFORMANCE REVIEWS FOR MEMBERS OF THE BOARD OF VETERANS' APPEALS.

(a) MEMBERS OTHER THAN CHAIRMAN.—(1) Chapter 71 is amended by inserting after section 7101 the following new section:

"§ 7101A. Members of Board: appointment; pay; performance review

"(a) The members of the Board of Veterans' Appeals other than the Chairman (and including the Vice Chairman) shall be appointed by the Secretary, with the approval of the President, based upon recommendations of the Chairman.

"(b) Members of the Board (other than the Chairman and any member of the Board who is a member of the Senior Executive Service) shall, in accordance with regulations prescribed by the Secretary, be paid basic pay at rates equivalent to the rates payable under section 5372 of title 5.

"(c)(1)(A) The Chairman shall establish a panel to review the performance of members of the Board. The panel shall be comprised of the Chairman and two other members of the Board (other than the Vice Chairman). The Chairman shall periodically rotate membership on the panel so as to ensure that each member of the Board (other than the Vice Chairman) serves as a member of the panel for and within a reasonable period.

"(B) Not less than one year after the job performance standards under subsection (f) are initially established, and not less often than once every three years thereafter, the performance review panel shall determine, with respect to each member of the Board (other than the Chairman or a member who is a member of the Senior Executive Service), whether that member's job performance as a member of the Board meets the performance standards for a member of the Board established under subsection (f). Each such determination shall be in writing.

"(2) If the determination of the performance review panel in any case is that the member's job performance as a member of the Board meets the performance standards for a member of the Board established under subsection (f), the Chairman shall recertify the member's appointment as a member of the Board.

"(3) If the determination of the performance review panel in any case is that the member's job performance does not meet the performance standards for a member of the Board established under subsection (f), the Chairman shall, based upon the individual circumstances, either—

"(A) grant the member a conditional recertification; or

"(B) recommend to the Secretary that the member be noncertified.

"(4) In the case of a member of the Board who is granted a conditional recertification under paragraph (3)(A) or (5)(A), the performance review panel shall review the member's job performance record and make a further determination under paragraph (1) concerning that member not later than one year after the date of the conditional recertification. If the determination of the performance review panel at that time is that the member's job performance as a member of the Board still does not meet the performance standards for a member of the Board established under subsection (f), the Chairman shall recommend to the Secretary that the member be noncertified.

"(5) In a case in which the Chairman recommends to the Secretary under paragraph (3) or (4) that a member be noncertified, the Secretary, after considering the recommendation of the Chairman, may either—

"(A) grant the member a conditional recertification; or

"(B) determine that the member should be noncertified.

"(d)(1) If the Secretary, based upon the recommendation of the Chairman, determines that a member of the Board should be noncertified, that member's appointment as a member of the Board shall be terminated and that member shall be removed from the Board.

"(2) Upon removal from the Board under paragraph (1), a member of the Board (other than the Chairman) who was a career or career-conditional employee in the civil service before commencement of service as a member of the Board shall revert to the civil service grade and series held by the member immediately before the appointment of the member to the Board.

"(e)(1) A member of the Board (other than the Chairman or a member of the Senior Executive Service) may be removed as a member of the Board by reason of job performance only as provided in subsections (c) and (d). Such a member may be removed by the Secretary, upon the recommendation of the Chairman, for any other reason as determined by the Secretary.

"(2) In the case of a removal of a member under this section for a reason other than job performance that would be covered by section 7521 of title 5 in the case of an administrative law judge, the removal of the member of the Board shall be carried out subject to the same requirements as apply to removal of an administrative law judge under that section. Section 554(a)(2) of title 5 shall not apply to a removal action under this subsection. In such a removal action, a member shall have the rights set out in section 7513(b) of that title.

"(f) The Chairman, subject to the approval of the Secretary, shall establish standards for the performance of the job of a member of the Board (other than the Chairman or a member of the Senior Executive Service). Those standards shall establish objective and fair criteria for evaluation of the job performance of a member of the Board.

"(g) The Secretary shall prescribe procedures for the administration of this section, including deadlines and time schedules for different actions under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7101 the following new item:

"7101A. Members of Board: appointment;
pay; performance review.".

(b) SAVE PAY PROVISION.—The rate of basic pay payable to an individual who is a member of the Board of Veterans' Appeals on the date of the enactment of this Act may not be reduced by reason of the amendments made by this section to a rate below the rate payable to such individual on the day before such date.

(c) EFFECTIVE DATE.—Section 7101A(b) of title 38, United States Code, as added by subsection (a), shall take effect on the first day of the first pay period beginning after December 31, 1994.

(d) CONFORMING AMENDMENTS.—Section 7101(b) is amended—

(1) by striking out paragraph (2);

(2) by designating as paragraph (2) the text in paragraph (1) beginning "The Chairman may be removed"; and

(3) by striking out "Members (including the Chairman)" in paragraph (3) and inserting in lieu thereof "The Chairman".

SEC. 202. DEADLINE FOR ESTABLISHMENT OF PERFORMANCE EVALUATION CRITERIA FOR BOARD MEMBERS.

(a) DEADLINE.—The job performance standards required to be established by section 7101A(f) of title 38, United States Code, as added by section 201(a), shall be established not later than 90 days after the date of the enactment of this Act.

(b) SUBMISSION TO CONGRESSIONAL COMMITTEES.—Not later than the date on which the standards referred to in subsection (a) take effect, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing the standards established by the Chairman of the Board of Veterans' Appeals.

SEC. 203. CONTINUATION IN OFFICE OF CHAIRMAN PENDING APPOINTMENT OF SUCCESSOR.

Section 7101(b)(3) is amended by adding at the end the following new sentence: "If, upon the expiration of the term of office for which the Chairman was appointed, the position of Chairman would become vacant, the individual serving as Chairman may, with the approval of the Secretary, continue to serve as Chairman until either appointed to another term or a successor is appointed, but not beyond the end of the Congress during which the term of office expired.".

TITLE III—ADJUDICATION IMPROVEMENTS

SEC. 301. ACCEPTANCE OF CERTAIN DOCUMENTATION FOR CLAIMS PURPOSES.

(a) STATEMENTS OF CLAIMANT TO BE ACCEPTED AS PROOF OF RELATIONSHIPS.—Chapter 51 is amended by adding at the end the following new section:

"§ 5124. Acceptance of claimant's statement as proof of relationship

"(a) For purposes of benefits under laws administered by the Secretary, the Secretary may accept the written statement of a claimant as proof of the existence of any relationship specified in subsection (b) for the purpose of acting on such individual's claim for benefits.

"(b) Subsection (a) applies to proof of the existence of any of the following relationships between a claimant and another person:

"(1) Marriage.

"(2) Dissolution of a marriage.

"(3) Birth of a child.

"(4) Death of any family member.

"(c) The Secretary may require the submission of documentation in support of the claimant's statement if—

"(1) the claimant does not reside within a State;

"(2) the statement on its face raises a question as to its validity;

"(3) there is conflicting information of record; or

"(4) there is reasonable indication, in the statement or otherwise, of fraud or misrepresentation.".

(b) REPORTS OF EXAMINATIONS BY PRIVATE PHYSICIANS.—Such chapter, as amended by subsection (a), is further amended by adding at the end the following new section:

"§ 5125. Acceptance of reports of private physician examinations

"For purposes of establishing any claim for benefits under chapter 11 or 15 of this title, a report of a medical examination administered by a private physician that is provided by a claimant in support of a claim for benefits under that chapter may be accepted without a requirement for confirmation by an examination by a physician employed by the Veterans Health Administration if the report is sufficiently complete to be adequate for the purpose of adjudicating such claim.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"5124. Acceptance of claimant's statement as proof of relationship.
"5125. Acceptance of reports of private physician examinations.".

SEC. 302. EXPEDITED TREATMENT OF REMANDED CLAIMS.

The Secretary of Veterans Affairs shall take such actions as may be necessary to provide for the expeditious treatment, by the Board of Veterans' Appeals and by the regional offices of the Veterans Benefits Administration, of any claim that has been remanded by the Board of Veterans' Appeals or by the United States Court of Veterans Appeals for additional development or other appropriate action.

SEC. 303. SCREENING OF APPEALS.

Section 7107 is amended—

(1) in subsection (a)(1), by striking out "Each case" and inserting in lieu thereof "Except as provided in subsection (f), each case"; and

(2) by adding at the end the following new subsection:

"(f) Nothing in this section shall preclude the screening of cases for purposes of—

"(1) determining the adequacy of the record for decisional purposes; or

"(2) the development, or attempted development, of a record found to be inadequate for decisional purposes.".

SEC. 304. REPORT ON FEASIBILITY OF REORGANIZATION OF ADJUDICATION DIVISIONS IN VBA REGIONAL OFFICES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report addressing the feasibility and impact of a reorganization of the adjudication divisions located within the regional offices of the Veterans Benefits Administration to a number of such divisions that would result in improved efficiency in the processing of claims filed by veterans, their survivors, or other eligible persons for benefits administered by the Secretary.

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

SEC. 401. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is hereby established a commission to be known as the Veterans' Claims Adjudication Commission (hereinafter in this title referred to as the "commission").

(b) MEMBERSHIP.—(1) The commission shall be composed of nine members, appointed by the Secretary of Veterans Affairs as follows:

(A) One member shall be appointed from among former officials of the Department of Veterans Affairs (or the Veterans' Administration).

(B) Two members shall be appointed from among individuals in the private sector who have expertise in the adjudication of claims relating to insurance or similar benefits.

(C) Two members shall be appointed from among individuals employed in the Federal Government (other than the Department of Veterans Affairs) who have expertise in the adjudication of claims for benefits under Federal law other than under laws administered by the Secretary of Veterans Affairs.

(D) Two members shall be appointed from among individuals recommended to the Secretary by representatives of veterans service organizations.

(E) One member shall be appointed based on a recommendation of the American Bar Association or a similar private organization from among individuals who have expertise in the field of administrative law.

(F) One member shall be appointed from among current officials of the Department of Veterans Affairs.

(2) The appointment of members of the commission under this subsection shall be made not later than February 1, 1995.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members of the commission shall be appointed for the life of the commission. A vacancy in the commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—The commission shall hold its first meeting not later than 30 days after the date on which all members of the commission have been appointed.

(e) MEETINGS.—The commission shall meet at the call of the chairman.

(f) QUORUM.—A majority of the members of the commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Secretary shall designate a member of the commission (other than the commission member who is a current official of the Department of Veterans Affairs) to be chairman of the commission.

SEC. 402. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The commission shall carry out a study of the Department of Veterans Affairs system for the disposition of claims for veterans benefits.

(b) PURPOSE OF STUDY.—The purpose of the study is to evaluate the Department of Veterans Affairs system for the disposition of claims for veterans benefits in order to determine the following:

(1) The efficiency of current processes and procedures under the system for the adjudication, resolution, review, and final disposition of claims for veterans benefits, including the effect of judicial review on the system, and means of increasing the efficiency of the system.

(2) Means of reducing the number of claims under the system for which final disposition is pending.

(3) Means of enhancing the ability of the Department of Veterans Affairs to achieve final determination regarding claims under the system in a prompt and appropriate manner.

(c) CONTENTS OF STUDY.—The study to be carried out by the commission under this section is a comprehensive evaluation and assessment of the Department of Veterans Affairs system for the disposition of claims for veterans benefits (as defined in section 406) and of the system for the delivery of such benefits, together with any related issues that the commission determines are relevant to the study. The study shall include an evaluation and assessment of the following:

(1) The preparation and submission of claims by veterans under the system.

(2) The processes and procedures under the system for the disposition of claims, including—

(A) the scope and nature of the review undertaken with respect to a claim at each stage in the claims disposition process, including the role of hearings throughout the process;

(B) the number, Federal employment grade, and experience and qualifications required of the persons undertaking such review at each such stage;

(C) opportunities for the submittal of new evidence; and

(D) the availability of alternative means of completing claims.

(3) The effect on the system of the participation of attorneys, members of veterans service organizations, and other advocates on behalf of veterans.

(4) The effect on the system of actions taken by the Secretary to modernize the information management system of the Department, including the use of electronic data management systems.

(5) The effect on the system of any work performance standards used by the Secretary at regional offices of the Department and at the Board of Veterans' Appeals.

(6) The extent of the implementation in the system of the recommendations of the Blue Ribbon Panel on Claims Processing submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives on December 2, 1993, and the effect of such implementation on the system.

(7) The effectiveness in improving the system of any pilot programs carried out by the Secretary at regional offices of the Department and of efforts by the Secretary to implement such programs throughout the system.

(8) The effectiveness of the quality control practices and quality assurance practices under the system in achieving the goals of such practices.

(d) COOPERATION OF SECRETARY.—Upon the request of the chairman of the commission, the Secretary shall, within 30 days of such request, submit to the commission, and to the Committees on Veterans' Affairs of the Senate and House of Representatives, such information as the chairman shall determine is necessary for the commission to carry out the study required under this section.

(e) REPORTS.—(1) Not later than one year after the date of the enactment of this Act, the commission shall submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a preliminary report on the study required under subsection (c). The report shall contain the preliminary findings and conclusions of the commission with respect to the evaluation and assessment required under the study.

(2) Not later than 18 months after such date, the commission shall submit to the Secretary and to such committees a report on such study. The report shall include the following:

(A) The findings and conclusions of the commission, including its findings and conclusions with respect to the matters referred to in subsection (c).

(B) The recommendations of the commission for means of improving the Department of Veterans Affairs system for the disposition of claims for veterans benefits.

(C) Such other information and recommendations with respect to the system as the commission considers appropriate.

SEC. 403. POWERS OF THE COMMISSION.

(a) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—In addition to the information referred to in section 402(d), the commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out the provisions of this title. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission.

(c) POSTAL SERVICES.—The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 404. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the commission. All members of the commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(c) STAFF.—(1) The chairman of the commission may, without regard to the civil service laws and regulations, appoint an executive director and such other personnel as may be necessary to enable the commission to perform its duties. The appointment of an executive director shall be subject to approval by the commission.

(2) The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of the department or agency to the commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 405. TERMINATION OF THE COMMISSION.

The commission shall terminate 90 days after the date on which the commission submits its report under section 402(e)(2).

SEC. 406. DEFINITIONS.

For the purposes of this title:

(1) The term "Department of Veterans Affairs system for the disposition of claims for veterans benefits" means the processes and procedures of the Department of Veterans Affairs for the adjudication, resolution, review, and final disposition of claims for benefits under the laws administered by the Secretary.

(2) The term "Secretary" means the Secretary of Veterans Affairs.

(3) The term "veterans service organizations" means any organization approved by the Secretary under section 5902(a) of title 38, United States Code.

SEC. 407. FUNDING.

(a) FISCAL YEAR 1995.—From amounts appropriated to the Department of Veterans Affairs for fiscal year 1995 for the payment of compensation and pension, the amount of $400,000 is hereby made available for the activities of the commission under this title.

(b) AVAILABILITY.—Any sums appropriated to the commission shall remain available until expended.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. RESTATEMENT OF INTENT OF CONGRESS CONCERNING COVERAGE OF RADIATION-EXPOSED VETERANS COMPENSATION ACT OF 1988.

(a) RESTATEMENT OF ABSENCE OF STATUTORY LIMITATION TO UNITED STATES TESTS.—Clause (i) of section 1112(c)(3)(B) is amended by inserting "(without regard to whether the nation conducting the test was the United States or another nation)" after "nuclear device".

(b) PROOF OF SERVICE CONNECTION OF DISABILITIES RELATING TO EXPOSURE TO IONIZING RADIATION.—(1) Section 1113(b) is amended—

(A) by striking out "title or" and inserting in lieu thereof "title,"; and

(B) by inserting ", or section 5 of Public Law 98–542 (38 U.S.C. 1154 note)" after "of this section".

(2) The amendments made by paragraph (1) shall apply with respect to applications for veterans benefits that are submitted to the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 502. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1999".

SEC. 503. RENOUNCEMENT OF BENEFIT RIGHTS.

Section 5306 is amended by adding at the end the following new subsection:

"(c) Notwithstanding subsection (b), if a new application for pension under chapter 15 of this title or for dependency and indemnity compensation for parents under section 1315 of this title is filed within one year after renouncement of that benefit, such application shall not be treated as an original application and benefits will be payable as if the renouncement had not occurred.".

SEC. 504. CLARIFICATION OF PAYMENT OF ATTORNEY FEES UNDER CONTINGENT FEE AGREEMENTS.

(a) CLARIFICATION.—Subparagraph (A) of section 5904(d)(2) is amended to read as follows:

"(A) A fee agreement referred to in paragraph (1) is one under which the total amount of the fee payable to the attorney—

"(i) is to be paid to the attorney by the Secretary directly from any past-due benefits awarded on the basis of the claim; and

"(ii) is contingent on whether or not the matter is resolved in a manner favorable to the claimant.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fee agreements entered into on or after the date of the enactment of this Act.

SEC. 505. CODIFICATION OF HERBICIDE-EXPOSURE PRESUMPTIONS ESTABLISHED ADMINISTRATIVELY.

Section 1116(a)(2) is amended by adding at the end the following new subparagraphs:

"(D) Hodgkin's disease becoming manifest to a degree of disability of 10 percent or more.

"(E) Porphyria cutanea tarda becoming manifest to a degree of disability of 10 percent or more within a year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(F) Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea) becoming manifest to a degree of 10 percent or more within 30 years after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(G) Multiple myeloma becoming manifest to a degree of disability of 10 percent or more.".

SEC. 506. TREATMENT OF CERTAIN INCOME OF ALASKA NATIVES FOR PURPOSES OF NEEDS-BASED BENEFITS.

Any receipt by an individual from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of cash, stock, land, or other interests referred to in subparagraphs (A) through (E) of section 29(c) of that Act (43 U.S.C. 1626(c)) (whether such receipt is attributable to the disposition of real property, profits from the operation of real property, or otherwise) shall not be countable as income for purposes of any law administered by the Secretary of Veterans Affairs.

SEC. 507. ELIMINATION OF REQUIREMENT FOR PAYMENT OF CERTAIN BENEFITS IN PHILIPPINE PESOS.

(a) GENERAL RULE.—The second sentence of each of subsections (a) and (b) of section 107 is amended—

(1) by striking out "rate in pesos as is equivalent to" and inserting in lieu thereof "rate of"; and

(2) by striking out "rate in Philippine pesos as is equivalent to" and inserting in lieu thereof "rate of".

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Sections 3532(d) and 3565(b)(1) are amended by striking out "a rate in Philippine pesos equivalent to" and inserting in lieu thereof "the rate of".

(c) Effective Date.—The amendments made by this section shall apply with respect to payments made after December 31, 1994.

SEC. 508. STUDY OF HEALTH CONSEQUENCES FOR FAMILY MEMBERS OF ATOMIC VETERANS OF EXPOSURE OF ATOMIC VETERANS TO IONIZING RADIATION.

(a) Interagency Agreement.—The Secretary of Veterans Affairs shall enter into an agreement with the Medical Follow-Up Agency of the Institute of the Medicine of the National Academy of Sciences under which that agency shall convene a panel of appropriate individuals to carry out the evaluation described in subsection (b).

(b) Evaluation of Feasibility of Study.—(1) The panel convened under subsection (a) shall evaluate the feasibility of carrying out a study as described in subsection (c).

(2) The panel shall submit the results of the evaluation under paragraph (1) to the Secretary not later than 180 days after the date of the enactment of this Act. The Secretary shall promptly notify the Committees on Veterans' Affairs of the Senate and the House of Representatives of such results.

(c) Description of Study To Be Evaluated.—The study referred to in subsection (b) (the feasibility of which is to be evaluated under that subsection by the panel convened under subsection (a)) is one which would determine the nature and extent, if any, of the relationship between the exposure of veterans described in subsection (d) to ionizing radiation and the following:

(1) Genetic defects and illnesses in the children and grandchildren of such veterans.

(2) Untoward pregnancy outcomes experienced by the wives of such veterans, including premature births, stillbirths, miscarriages, neonatal illnesses and deaths.

(3) Periparturient diseases of the mother which are the direct result of such untoward pregnancy outcomes.

(d) Covered Veterans.—Subsection (c) applies to—

(1) any veteran who was exposed (as determined by the Secretary) to ionizing radiation as a result of—

(A) participation while on active duty in the Armed Forces in an atmospheric nuclear test that included the detonation of a nuclear device;

(B) service in the Armed Forces with the United States occupation force of Hiroshima or Nagasaki, Japan, before July 1, 1946; or

(C) internment or detention as a prisoner of war of Japan before that date in circumstances providing the opportunity for exposure to ionizing radiation comparable to the exposure of individuals who served with such occupation force before that date; and

(2) any other veteran who the Secretary designates for coverage under the study.

SEC. 509. CENTER FOR MINORITY VETERANS AND CENTER FOR WOMEN VETERANS.

(a) In General.—Chapter 3 is amended by striking out section 317 and inserting in lieu thereof the following new sections:

"§ 317. Center for Minority Veterans

"(a) There is in the Department a Center for Minority Veterans. There is at the head of the Center a Director.

"(b) The Director shall be a noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

"(d) The Director shall perform the following functions with respect to veterans who are minorities:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are minorities.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are minorities are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are minorities and the conduct of outreach activities to veterans who are minorities, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are minorities.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are minorities and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are minorities about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are minorities.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are minorities.

"(9) Publicize the results of medical research which are of particular significance to veterans who are minorities.

"(10) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Center;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.

"§ 318. Center for Women Veterans

"(a) There is in the Department a Center for Women Veterans. There is at the head of the Center a Director.

"(b) The Director shall be a noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

"(d) The Director shall perform the following functions with respect to veterans who are women:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are women and the conduct of outreach activities to veterans who are women, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are women and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.

"(9) Publicize the results of medical research which are of particular significance to veterans who are women.

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (relating to the inclusion of women and minorities in clinical research) and of particular health conditions affecting womens' health which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.

"(11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.

"(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Center;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 317 and inserting in lieu thereof the following new items:

"317. Center for Minority Veterans.

"318. Center for Women Veterans.".

SEC. 510. ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) ESTABLISHMENT.—Subchapter III of chapter 5 is amended by adding at the end the following new section:

"§ 544. Advisory Committee on Minority Veterans

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Veterans (hereinafter in this section referred to as 'the Committee').

"(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

"(i) representatives of veterans who are minority group members;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans who are minority group members;

"(iii) veterans who are minority group members and who have experience in a military theater of operations; and

"(iv) veterans who are minority group members and who do not have such experience.

"(B) The Committee shall include, as ex officio members, the following:

"(i) The Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment).

"(ii) The Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense).

"(iii) The Secretary of the Interior (or a representative of the Secretary of the Interior designated by the Secretary of the Interior).

"(iv) The Secretary of Commerce (or a representative of the Secretary of Commerce designated by the Secretary of Commerce).

"(v) The Secretary of Health and Human Services (or a representative of the Secretary of Health and Human Services designated by the Secretary of Health and Human Services).

"(vi) The Under Secretary for Health and the Under Secretary for Benefits, or their designees.

"(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

"(4) The Committee shall meet as often as the Secretary considers necessary or appropriate, but not less often than twice each fiscal year.

"(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for veterans who are minority group members, reports and studies pertaining to such veterans and the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department.

"(c)(1) Not later than July 1 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are minority group members. Each such report shall include—

"(A) an assessment of the needs of veterans who are minority group members with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

"(d) In this section, the term 'minority group member' means an individual who is—

"(1) Asian American;

"(2) Black;

"(3) Hispanic;

"(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

"(5) Pacific-Islander American.

"(e) The Committee shall cease to exist December 31, 1997.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 543 the following new item:

"544. Advisory Committee on Minority Veterans.".

SEC. 511. MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—Section 7266(a) is amended to read as follows:

"(a)(1) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans' Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e) of this title.

"(2) An appellant shall file a notice of appeal under this section by delivering or mailing the notice to the Court.

"(3) A notice of appeal shall be deemed to be received by the Court as follows:

"(A) On the date of receipt by the Court, if the notice is delivered.

"(B) On the date of the United States Post Service postmark stamped on the cover in which the notice is posted, if the notice is properly addressed to the Court and is mailed.

"(4) For a notice of appeal mailed to the Court to be deemed to be received under paragraph (3)(B) on a particular date, the United States Postal Service postmark on the cover in which the notice is posted must be legible. The Court shall determine the legibility of any such postmark and the Court's determination as to legibility shall be final and not subject to review by any other Court.".

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to notices of appeal that are delivered or mailed to the United States Court of Veterans Appeals on or after that date.

TITLE VI—EDUCATION AND TRAINING PROGRAMS

SEC. 601. FLIGHT TRAINING.

(a) ACTIVE DUTY PROGRAM.—Section 3034(d) is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(d)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(b) POST-VIETNAM ERA.—Section 3241(b) is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(b)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(c) RESERVE PROGRAM.—Section 2136(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(c)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1994.

SEC. 602. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) REHABILITATION RESOURCES.—Section 3115 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out "or" after "(including the Department of Veterans Affairs),"; and

(ii) by inserting "or of any federally recognized Indian tribe," after "financial assistance,"; and

(B) in paragraph (4), by inserting "any federally recognized Indian tribe," after "contributions,"; and

(2) by adding at the end the following:

"(c) For purposes of this section, the term 'federally recognized Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

(b) ALLOWANCES.—Section 3108(c)(2) is amended by inserting "or federally recognized Indian tribe" after "local government agency".

(c) TECHNICAL CORRECTION.—(1) Section 404(b) of the Veterans' Benefits Act of 1992 (106 Stat. 4338) is amended by striking out the period at the end and inserting in lieu thereof ", but shall not apply to veterans and other persons who originally applied for assistance under chapter 31 of title 38, United States Code, before November 1, 1990.".

(2) The amendment made by paragraph (1) shall take effect as of October 29, 1992.

SEC. 603. ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

(a) IN GENERAL.—Section 3452(c) is amended by adding at the end the following: "For the period ending on September 30, 1996, such term includes any entity that provides training required for completion of any State-approved alternative teacher certification program (as determined by the Secretary).".

(b) CLARIFYING AMENDMENT.—Section 3002 is amended by adding at the end the following new paragraph:

"(8) The term 'educational institution' has the meaning given such term in section 3452(c) of this title.".

SEC. 604. EDUCATION OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The first sentence of section 3476 is amended to read as follows: "An eligible veteran may not enroll in any course offered by an educational institution not located in a State unless that educational institution is an approved institution of higher learning and the course is approved by the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to courses approved on or after the date of the enactment of this Act.

SEC. 605. CORRESPONDENCE COURSES.

(a) APPROVAL OF PROGRAMS OF EDUCATION.—(1) Section 3672 is amended by adding at the end the following new subsection:

"(e) A program of education exclusively by correspondence, and the correspondence portion of a combination correspondence-residence course leading to a vocational objective, that is offered by an educational institution (as defined in section 3452(c) of this title) may be approved only if (1) the educational institution is accredited by an entity recognized by the Secretary of Education, and (2) at least 50 percent of those pursuing such a program or course require six months or more to complete the program or course.".

(2)(A) Section 3675(a)(2)(B) is amended by striking out "A State" and inserting in lieu thereof "Except as provided in section 3672(e) of this title, a State".

(B) Section 3680(a) is amended—

(i) by inserting "or" at the end of paragraph (2);

(ii) by striking out "; or" at the end of paragraph (3) and inserting in lieu thereof a period; and

(iii) by striking out paragraph (4).

(C) Section 3686(c) is amended by striking out "(other than one subject to the provisions of section 3676 of this title)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after the date of the enactment of this Act.

SEC. 606. STATE APPROVING AGENCIES.

(a) REIMBURSEMENT.—(1) Section 3674(a)(4) is amended by striking out "$12,000,000" each place it appears and inserting in lieu thereof "$13,000,000".

(2) The amendments made by subsection (a) shall apply with respect to services provided under such section after September 30, 1994.

(b) ELIMINATION OF REQUIREMENT FOR QUARTERLY REPORT TO CONGRESS.—Section 3674(a)(3) is amended—

(1) by striking out subparagraph (B); and

(2) by striking out "(A)" after "(3)".

(c) EVALUATION OF AGENCY PERFORMANCE.—Section 3674A is amended—

(1) in subsection (a)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(2) in subsection (b)—

(A) by striking out "subsection (a)(5) of this section" both places it appears and inserting in lieu thereof "subsection (a)(4)"; and

(B) by inserting "of this title" after "section 3674(a)" both places it appears.

SEC. 607. MEASUREMENT OF COURSES.

Section 3688(b) is amended—

(1) by striking out "this chapter or" and inserting in lieu thereof "this chapter,"; and

(2) by inserting before the period at the end thereof the following: ", or chapter 106 of title 10".

SEC. 608. VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692 is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "34,"; and

(B) by inserting "and chapter 106 of title 10" before the period at the end;

(2) in the first sentence of subsection (b), by striking out "this chapter" and all that follows through "of this title" and inserting in lieu thereof "this chapter, chapters 30, 32, and 35 of this title, and chapter 106 of title 10"; and

(3) in subsection (c), by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 2003".

SEC. 609. CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING.

(a) PAYMENT LIMITATION.—Section 3697(b) is amended by striking out "$5,000,000" and inserting in lieu thereof "$6,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 610. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING ACT OF 1992.

(a) PERIOD OF TRAINING.—(1) Section 4485(d) of the Service Members Occupational Conversion and Training Act of 1992 (106 Stat. 2759; 10 U.S.C. 1143 note) is amended by striking out "or more than 18 months".

(2)(A) Section 4486(d)(2) of such Act (102 Stat. 2760; 10 U.S.C. 1143 note) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "in the community for the entire period of training of the eligible person.".

(B) The amendment made by subparagraph (A) shall apply with respect to programs of training under the Service Members Occupational Conversion and Training Act of 1992 beginning after the date of the enactment of this Act.

(b) PAYMENTS.—Section 4487 of such Act (106 Stat. 2762; 10 U.S.C. 1143 note) is amended—

(1) in subsection (a)(1)—

(A) by striking out "subparagraph (B)" in subparagraph (A) and inserting in lieu thereof "subparagraphs (B) and (C)";

(B) by inserting before the period at the end of subparagraph (A) the following: "but in no event to exceed hours equivalent to 18 months of training"; and

(C) by adding at the end the following new subparagraph:

"(C) Assistance may be paid under this subtitle on behalf of an eligible person to that person's employer for training under two or more programs of job training under this subtitle if such employer has not received (or is not due) on that person's behalf assistance in an amount aggregating the applicable amount set forth in subparagraph (B)."; and

(2) in subsection (b)(3), by inserting before the period at the end thereof ", or upon the completion of the 18th month of training under the last training program approved for the person's pursuit with that employer under this subtitle, whichever is earlier".

(c) ENTRY INTO PROGRAM OF JOB TRAINING.—Section 4488(a) of such Act (106 Stat. 2764; 10 U.S.C. 1143 note) is amended by striking out the third sentence thereof and inserting in lieu thereof "The eligible person may begin such program of job training with the employer on the day that notice is transmitted to such official by means prescribed by such official. However, assistance under this subtitle may not be provided to the employer if such official, within two weeks after the date on which such notice is transmitted, disapproves the eligible person's entry into that program of job training in accordance with this section.".

TITLE VII—EMPLOYMENT PROGRAMS

SEC. 701. JOB COUNSELING, TRAINING, AND PLACEMENT.

(a) DEPUTY ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 4102A(a) is amended—

(1) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively;

(2) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following:

"(2) There shall be within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment and Training. The Deputy Assistant Secretary shall perform such functions as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes. The Deputy Assistant Secretary shall be a veteran.".

(b) DVOP SPECIALISTS COMPENSATION RATES.—Section 4103A(a)(1) is amended by striking out "a rate not less than the rate prescribed for an entry level professional" and inserting in lieu thereof "rates comparable to those paid other professionals performing essentially similar duties".

(c) SPECIAL UNEMPLOYMENT STUDY.—Subsection (a) of section 4110A is amended to read as follows:

"(a)(1) The Secretary, through the Bureau of Labor Statistics, shall conduct a study every two years of unemployment among each of the following categories of veterans:

"(A) Special disabled veterans.

"(B) Veterans of the Vietnam era who served in the Vietnam theater of operations during the Vietnam era.

"(C) Veterans who served on active duty during the Vietnam era who did not serve in the Vietnam theater of operations.

"(D) Veterans who served on active duty after the Vietnam era.

"(E) Veterans discharged or released from active duty within four years of the applicable study.

"(2) Within each of the categories of veterans specified in paragraph (1), the Secretary shall include a separate category for women who are veterans.

"(3) The Secretary shall promptly submit to Congress a report on the results of each study under paragraph (1).".

SEC. 702. EMPLOYMENT AND TRAINING OF VETERANS.

(a) FEDERAL CONTRACTS.—Section 4212(a) is amended by striking out "all of its suitable employment openings," in clause (1) of the third sentence and inserting in lieu thereof "all of its employment openings except that the contractor may exclude openings for executive and top management positions, positions which are to be filled from within the contractor's organization, and positions lasting three days or less,".

(b) ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER FEDERAL EMPLOYMENT AND TRAINING PROGRAMS.—Section 4213 is amended—

(1) by striking out "chapters 11, 13, 31, 34, 35, and 36 of this title by an eligible veteran

and" and inserting in lieu thereof "chapters 11, 13, 30, 31, 35, and 36 of this title by an eligible veteran,";

(2) by inserting "and any amounts received by an eligible person under chapter 106 of title 10," after "chapters 13 and 35 of such title, and"; and

(3) by striking out "the needs or qualifications of participants in" and inserting in lieu thereof "eligibility under".

SEC. 703. CONFORMING AMENDMENTS TO ERISA RELATING TO THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994.

(a) PERIOD OF CONTINUATION COVERAGE.—Section 602(2)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)) is amended by adding at the end the following new clause:

"(vi) SPECIAL RULE FOR ABSENCE FROM EMPLOYMENT BY REASON OF SERVICE IN THE UNIFORMED SERVICES.—In the case of a qualifying event described in section 603(2), resulting in an absence from employment by reason of service in the uniformed services to which section 4317 of title 38, United States Code, applies, if the covered employee makes an election under such section 4317, the date which is the earlier of—

"(I) 18 months after the date of the qualifying event, or

"(II) the day after the date on which the covered employee fails to apply for or return to a position of employment, as determined under section 4312(e) of such title 38.".

(b) PREMIUM REQUIREMENTS.—Section 602(3) of such Act (29 U.S.C. 1162(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "The plan may require" and inserting the following:

"(A) IN GENERAL.—The plan may require";

(3) by adjusting the left-hand margination of subparagraph (A) and clauses (i) and (ii) thereof (as redesignated by paragraphs (1) and (2)) accordingly;

(4) in the last sentence of subparagraph (A) (as redesignated), by striking "subparagraph (A) of this paragraph" and inserting "clause (i) of this subparagraph"; and

(5) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR ABSENCE FROM EMPLOYMENT BY REASON OF SERVICE IN THE UNIFORMED SERVICES.—

"(i) LIMITATION ON EMPLOYEE PREMIUM.—In the case of a qualifying event described in section 603(2), resulting in an absence from employment by reason of service in the uniformed services to which section 4317 of title 38, United States Code, applies, if the covered employee makes an election under such section 4317 and the covered employee performed such service for less than 31 days, the portion of the premium which the covered employee is required to pay may not exceed the portion (if any) of the premium which the covered employee would have been required to pay but for the qualifying event.

"(ii) TREATMENT OF MULTIEMPLOYER PLANS.—In the case of a group health plan that is a multiemployer plan, any liability under the plan for the portion of the premium payable by the employer shall be allocated by the plan in such manner as the plan sponsor shall provide, except that, if the plan sponsor does not so provide, such liability shall be allocated by the plan—

"(I) to the last employer employing the covered employee before the period served by the covered employee in the uniformed services, or

"(II) if such last employer is no longer functional, to the plan.".

(c) ENFORCEMENT OF CONTINUATION COVERAGE REQUIREMENTS.—Section 607 of such Act (29 U.S.C. 1167) is amended by adding at the end the following new paragraph:

"(6) ENFORCEMENT OF PROVISIONS RELATING TO ABSENCE FROM EMPLOYMENT BY REASON OF SERVICE IN THE UNIFORMED SERVICES.—For purposes of part 5, the provisions of section 4317 of title 38, United States Code (as in effect on the effective date of this paragraph) shall be treated as provisions of this title to the extent such provisions relate to group health plans covered under this title. The remedies provided pursuant to this paragraph shall be in addition to remedies otherwise available under such title 38. An action or proceeding commenced under part 5 shall not preclude further recourse to remedies otherwise available under such title 38. The Secretary shall ensure that covered employees and other qualified beneficiaries commencing actions or proceedings under part 5 are informed of remedies also available under such title 38.".

(d) ENFORCEMENT OF RULES RELATING TO PENSION PLAN COVERAGE.—Section 204 of such Act (29 U.S.C. 1054) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

"(i) ENFORCEMENT OF PROVISIONS RELATING TO ABSENCE FROM EMPLOYMENT BY REASON OF SERVICE IN THE UNIFORMED SERVICES.—For purposes of part 5, the provisions of section 4318 of title 38, United States Code (as in effect on the effective date of this subsection) shall be treated as provisions of this title to the extent such provisions relate to pension plans covered under this title. The remedies provided pursuant to this subsection shall be in addition to remedies otherwise available under such title 38. An action or proceeding commenced under part 5 shall not preclude further recourse to remedies otherwise available under such title 38. The Secretary shall ensure that participants and beneficiaries commencing actions or proceedings under part 5 are informed of remedies also available under such title 38.".

(e) EFFECTIVE DATE AND TRANSITION RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994.

(2) TRANSITION RULES.—Section 8 of the Uniformed Services Employment and Reemployment Rights Act of 1994 shall apply with respect to the amendments made by this section in the same manner and to the same extent as such section applies with respect to sections 4317 and 4318 of title 38, United States Code (as amended by such Act).

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

SEC. 801. ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES OF SPOUSES WHO PREDECEASE VETERANS.

Section 2402(5) is amended by inserting "spouse," after "The".

SEC. 802. RESTORATION OF BURIAL ELIGIBILITY FOR UNREMARRIED SPOUSES.

Section 2402(5), as amended by section 801, is further amended by inserting after "surviving spouse" the following: "(which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)".

SEC. 803. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR STATE CEMETERY GRANT PROGRAM.

Paragraph (2) of section 2408(a) is amended by striking out "nine" and inserting in lieu thereof "fourteen".

SEC. 804. AUTHORITY TO USE FLAT GRAVE MARKERS AT THE WILLAMETTE NATIONAL CEMETERY, OREGON.

Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary of Veterans Affairs may provide for flat grave markers at the Willamette National Cemetery, Oregon.

TITLE IX—HOUSING PROGRAMS

SEC. 901. ELIGIBILITY.

(a) RESERVISTS DISCHARGED BECAUSE OF A SERVICE-CONNECTED DISABILITY.—Section 3701(b)(5)(A) is amended—

(1) by inserting "(i)" before "who has"; and

(2) by striking out the period at the end and inserting in lieu thereof ", or (ii) who was discharged or released from the Selected Reserve before completing 6 years of service because of a service-connected disability.".

(b) SURVIVING SPOUSES OF RESERVISTS WHO DIED WHILE IN ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The second sentence of section 3701(b)(2) is amended—

(1) by inserting "or service in the Selected Reserve" after "duty" each place it appears; and

(2) by striking out "spouse shall" and inserting in lieu thereof "deceased spouse shall".

SEC. 902. REVISION IN COMPUTATION OF AGGREGATE GUARANTY.

Section 3702(b) is amended—

(1) in the matter preceding paragraph (1), by striking out "loan, if—" and inserting in lieu thereof "loan under the following circumstances:";

(2) in paragraph (1)—

(A) by striking out "the property" at the beginning of subparagraph (A) and inserting in lieu thereof "The property";

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out "a veteran-transferee" at the beginning and inserting in lieu thereof "A veteran-transferee";

(B) by striking out "; or" at the end and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out "the loan" at the beginning of subparagraph (A) and inserting in lieu thereof "The loan";

(5) by inserting after paragraph (3) the following new paragraph:

"(4) In a case not covered by paragraph (1) or (2)—

"(A) the loan has been repaid in full and, if the Secretary has suffered a loss on the loan, the loss has been paid in full; or

"(B) the Secretary has been released from liability as to the loan and, if the Secretary has suffered a loss on the loan, the loss has been paid in full.";

(6) in the last sentence, by striking out "clause (1) of the preceding sentence" and inserting in lieu thereof "paragraph (1)"; and

(7) by adding at the end the following new sentence: "The authority of the Secretary under this subsection to exclude an amount of guaranty or insurance housing loan entitlement previously used by a veteran may be exercised only once for that veteran under the authority of paragraph (4).".

SEC. 903. PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS.

Section 3704 is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 904. AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.

(a) LOANS.—Section 3710(a) is amended by inserting after paragraph (10) the following new paragraph:

"(11) To refinance in accordance with subsection (e) an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d).".

(b) AMOUNT OF GUARANTY.—Section 3710(e)(1) is amended—

(1) in the matter preceding subparagraph (A), by inserting "or for the purpose specified in subsection (a)(11)" after "subsection (a)(8)"; and

(2) in subparagraph (C), by striking out "may not exceed" and all that follows in such subparagraph and inserting in lieu thereof "may not exceed—

"(i) an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 3703(c)(3)(A) of this title) as may be authorized by the Secretary (under regulations which the Secretary shall prescribe) to be included in the loan; or

"(ii) in the case of a loan for the purpose specified in subsection (a)(11), an amount equal to the sum of the amount referred to with respect to the loan under clause (i) and the amount specified under subsection (d)(2);".

(c) FEE.—Section 3729(a)(2)(E) is amended by inserting "3710(a)(11)," after "3710(a)(9)(B)(i),".

SEC. 905. AUTHORITY TO GUARANTEE LOANS TO REFINANCE ADJUSTABLE RATE MORTGAGES TO FIXED RATE MORTGAGES.

Section 3710(e)(1)(A) is amended by inserting before the semicolon at the end the following: "or, in a case in which the loan is a fixed rate loan and the loan being refinanced is an adjustable rate loan, the loan bears interest at a rate that is agreed upon by the veteran and the mortgagee".

SEC. 906. MANUFACTURED HOME LOAN INSPECTIONS.

(a) CERTIFICATION OF CONFORMITY WITH STANDARDS.—Paragraph (2) of subsection (h) of section 3712 is amended to read as follows:

"(2) Any manufactured housing unit properly displaying a certification of conformity to all applicable Federal manufactured home construction and safety standards pursuant to section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415) shall be deemed to meet the standards required by paragraph (1).".

(b) REPEAL OF INSPECTION REQUIREMENTS.—Subsection (j) of such section is amended by striking out "in the case of" the first place it appears and all that follows and inserting in lieu thereof "in the case of—

"(1) manufactured homes constructed by a manufacturer who fails or is unable to discharge the manufacturer's obligations under the warranty;

"(2) manufactured homes which are determined by the Secretary not to conform to the standards provided for in subsection (h); or

"(3) a manufacturer of manufactured homes who has engaged in procedures or practices determined by the Secretary to be unfair or prejudicial to veterans or the Government.".

(c) ELIMINATION OF REPORTING REQUIREMENT.—Subsection (l) of such section is amended—

(1) by striking out "the results of inspections required by subsection (h) of this section,"; and

(2) by striking out "of this section,".

SEC. 907. PROCEDURES ON DEFAULT.

(a) IN GENERAL.—Paragraph (7) of section 3732(c) is amended—

(1) in the matter preceding subparagraph (A), by striking out "that was the minimum amount for which, under applicable State law, the property was permitted to be sold at the liquidation sale";

(2) in subparagraph (A)—

(A) by striking out "the Secretary may accept conveyance of the property to the United States for a price not exceeding" and inserting in lieu thereof "(i) the amount was the minimum amount for which, under applicable State law, the property was permitted to be sold at the liquidation sale, the holder shall have the option to convey the property to the United States in return for payment by the Secretary of an amount equal to"; and

(B) by striking out "and" after "loan;" and inserting in lieu thereof "or";

(C) by adding at the end the following:

"(ii) there was no minimum amount for which the property had to be sold at the liquidation sale under applicable State law, the holder shall have the option to convey the property to the United States in return for payment by the Secretary of an amount equal to the lesser of such net value or total indebtedness; and"; and

(3) in subparagraph (B), by striking out "paragraph (6)(B)" and inserting in lieu thereof "paragraph (6)".

(b) CONFORMING AMENDMENT.—Paragraph (6) of such section is amended—

(1) by striking out "either";

(2) by striking out "sale or acquires" and all that follows through "(B) the" and inserting in lieu thereof "sale, the"; and

(3) by redesignating clauses (i) and (ii) as clauses (A) and (B), respectively.

SEC. 908. MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT.

Subparagraph (F) of section 5303A(b)(3) is amended by inserting "or chapter 37" after "chapter 30" in the matter preceding clause (i).

TITLE X—HOMELESS VETERANS PROGRAMS

SEC. 1001. REPORTS ON ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO ASSIST HOMELESS VETERANS.

(a) ANNUAL REPORT.—(1) Not later than April 15 of each year, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the activities of the Department of Veterans Affairs during the year preceding the report under programs of the Department for the provision of assistance to homeless veterans.

(2) The report shall—

(A) set forth the number of homeless veterans provided assistance under those programs;

(B) describe the cost to the Department of providing such assistance under those programs; and

(C) provide any other information on those programs and on the provision of such assistance that the Secretary considers appropriate.

(b) BI-ANNUAL REQUIREMENT.—The Secretary shall include in the report submitted under subsection (a)(1) in 1995, and every two years thereafter, an evaluation of the effectiveness of the programs of the Department in providing assistance to homeless veterans.

(c) CONFORMING REPEAL.—Section 10 of Public Law 102-590 (106 Stat. 5141; 37 U.S.C. 7721 note) is repealed.

SEC. 1002. REPORT ON ASSESSMENT AND PLANS FOR RESPONSE TO NEEDS OF HOMELESS VETERANS.

(a) UPDATE OF ASSESSMENT.—Subsection (b) of section 107 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102-405; 106 Stat. 1977; 38 U.S.C. 527 note) is amended by adding at the end the following new paragraph:

"(6) The Secretary shall require that the directors referred to in paragraph (1) update the assessment required under that paragraph during each of 1995, 1996, and 1997.".

(b) REPORTS ON ASSESSMENTS AND PLAN.—Subsection (i) of such section (106 Stat. 1978) is amended—

(1) by striking out "REPORT.—" and inserting in lieu thereof "REPORTS.—(1)"; and

(2) by adding at the end the following:

"(2) Not later than December 31, 1994, the Secretary shall submit to such committees a report that—

"(A) describes the results of the assessment carried out under subsection (b);

"(B) sets forth the lists developed under paragraph (1) of subsection (c); and

"(C) describes the progress, if any, made by the directors of the medical centers and the directors of the benefits offices referred to in such subsection (c) in developing the plan referred to in paragraph (2) of such subsection (c).

"(3) Not later than December 31 of each of 1995, 1996, and 1997, the Secretary shall submit to such committees a report that describes the update to the assessment that is carried out under subsection (b)(6) in the year preceding the report.".

SEC. 1003. INCREASE IN NUMBER OF DEMONSTRATION PROGRAMS UNDER HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.

Section 2(b) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended in the first sentence by striking out "four" and inserting in lieu thereof "eight".

SEC. 1004. REMOVAL OF FUNDING REQUIREMENT OF HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.

Section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking out the second sentence.

SEC. 1005. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) of the funds appropriated for any fiscal year to support Federal programs which are designed to assist homeless individuals, a share more closely approximating the proportion of the population of homeless individuals who are veterans should be appropriated to the Secretary of Veterans Affairs for programs to assist homeless veterans that are administered by that Secretary;

(2) of the Federal grants made available to assist community organizations that assist homeless individuals, a share of such grants more closely approximating the proportion of the population of homeless individuals who are veterans should be provided to community organizations that provide assistance primarily to homeless veterans; and

(3) the Secretary of Veterans Affairs should take such actions as are necessary to ensure that Federal agencies that provide assistance, either directly or indirectly, to homeless individuals, including homeless veterans, are aware of and encouraged to make appropriate referrals to facilities of

the Department of Veterans Affairs for benefits and services, such as health care, substance abuse treatment, counseling, and income assistance.

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) Under proposals for national health care reform, the Department of Veterans Affairs will be required to provide health care services to veterans on a competitive basis with other health care providers.

(2) The elimination of positions from the Department that the Office of Management and Budget has scheduled to occur in fiscal years 1995 through 1999 would prevent the Department from meeting the responsibilities of the Department to provide health care to veterans under law and from maintaining the quality of health care that is currently provided to veterans.

SEC. 1102. REQUIREMENT FOR MINIMUM NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

(a) IN GENERAL.—Chapter 7 is amended by adding at the end the following new section:

"§712. Full-time equivalent positions: limitation on reduction

"(a) Notwithstanding any other provision of law, the number of full-time equivalent positions in the Department of Veterans Affairs during the period beginning on the date of the enactment of this section and ending on September 30, 1999, may not (except as provided in subsection (c)) be less than 224,377.

"(b) In determining the number of full-time equivalent positions in the Department of Veterans Affairs during a fiscal year for purposes of ensuring under section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 115; 5 U.S.C. 3101 note) that the total number of full-time equivalent positions in all agencies of the Federal Government during a fiscal year covered by that section does not exceed the limit prescribed for that fiscal year under that section, the total number of full-time equivalent positions in the Department of Veterans Affairs during that fiscal year shall be the number equal to—

"(1) the number of such positions in the Department during that fiscal year, reduced by

"(2) the sum of—

"(A) the number of such positions in the Department during that fiscal year that are filled by employees whose salaries and benefits are paid primarily from funds other than appropriated funds; and

"(B) the number of such positions held during that fiscal year by persons involved in medical care cost recovery activities under section 1729 of this title.

"(c) The Secretary shall not be required to make a reduction in the number of full-time equivalent positions in the Department unless such reduction—

"(1) is necessary due to a reduction in funds available to the Department; or

"(2) is required under a law that is enacted after the date of the enactment of this section and that refers specifically to this section.

"(d) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report, through the year 2000, on the number and type of full-time equivalent positions in the Department that are reduced under this section. The report shall include a justification for the reductions and shall be submitted with the materials provided in support of the budget for the Department contained in the President's budget submitted to Congress for a fiscal year pursuant to section 1105 of title 31.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"712. Full-time equivalent positions: limitation on reduction.".

SEC. 1103. ENHANCED AUTHORITY TO CONTRACT FOR NECESSARY SERVICES.

Section 8110(c) is amended by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) Paragraphs (1) through (6) shall not be in effect during fiscal years 1995 through 1999.

"(8) During the period covered by paragraph (7), whenever an activity at a Department health-care facility is converted from performance by Federal employees to performance by employees of a contractor of the Government, the Secretary shall—

"(A) require in the contract for the performance of such activity that the contractor, in hiring employees for the performance of the contract, give priority to former employees of the Department who have been displaced by the award of the contract; and

"(B) provide to such former employees of the Department all possible assistance in obtaining other Federal employment or entrance into job training and retraining programs.

"(9) The Secretary shall include in the Secretary's annual report to Congress under section 529 of this title, for each fiscal year covered by paragraph (7), a report on the use during the year covered by the report of contracting-out authority made available by reason of paragraph (7). The Secretary shall include in each such report a description of each use of such authority, together with the rationale for the use of such authority and the effect of the use of such authority on patient care and on employees of the Department.".

SEC. 1104. STUDY.

(a) REQUIREMENT.—The Secretary of Veterans Affairs shall enter into an agreement with an appropriate non-Federal entity under which the entity shall carry out a study of the feasibility and advisability of alternative organizational structures, such as the establishment of a wholly-owned Government corporation or a Government-sponsored enterprise, for the effective provision of health care services to veterans.

(b) SUBMISSION OF REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study required under subsection (a). The report shall be submitted not later than one year after the date of the enactment of this Act.

(c) AUTHORIZATION OF FUNDS.—There is hereby authorized to be appropriated for the Department of Veterans Affairs the sum of $1,000,000 for the purposes of carrying out the study required under subsection (a).

TITLE XII—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1201. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

(a) REFERENCES TO "SECRETARY" AND "DEPARTMENT".—Title 38, United States Code, is amended as follows:

(1) Paragraph (1) of section 101 is amended to read as follows:

"(1) The terms 'Secretary' and 'Department' mean the Secretary of Veterans Affairs and the Department of Veterans Affairs, respectively.".

(2) Section 1532(c) is amended by striking out "Secretary" and inserting in lieu thereof "Veterans' Administration".

(3) Section 3745(a) is amended by striking out "Secretary" after "consult with the" and inserting in lieu thereof "Administrator".

(4) Section 4102A(e) is amended by striking out "Regional Secretary" both places it appears and inserting in lieu thereof "Regional Administrator".

(5) Section 4110(d)(9) is amended by striking out "Secretary of the Small Business Administration" and inserting in lieu thereof "Administrator of the Small Business Administration".

(b) REFERENCES TO DEPARTMENT OF MEDICINE AND SURGERY.—

(1) The following sections of title 38, United States Code, are amended by striking out "Department of Medicine and Surgery" each place it appears and inserting in lieu thereof "Veterans Health Administration": sections 3120(a), 3120(f), 3121(a)(3), 7603(a), 7603(c)(1)(B), 7604(1)(B), 7604(2)(D), 7612(c)(1)(B), 7615, 7616(b)(2), 7616(c), 7622(b)(1), 7622(c)(2)(A), 7623(b), 7635(a)(1), 7635(a)(2), and 8110(a).

(2) Section 7622(c)(2)(B) of such title is amended by striking out "such Department" and inserting in lieu thereof "the Veterans Health Administration".

(c) CONFORMING AMENDMENTS RELATING TO CONVERSION OF POSITIONS OF CHIEF MEDICAL DIRECTOR AND CHIEF BENEFITS DIRECTOR TO UNDER SECRETARY POSITIONS.—Title 38, United States Code, is amended as follows:

(1) Section 305 is amended—

(A) in subsection (a)(1), by striking out "a Under Secretary" and inserting in lieu thereof "an Under Secretary"; and

(B) in subsection (d)(2)(F), by striking out "Under Secretary" the second place it appears and all that follows through the closing parenthesis and inserting in lieu thereof "Chief Medical Director of the Veterans' Administration)".

(2) Section 306 is amended—

(A) in subsection (a), by striking out "a Under Secretary" and inserting in lieu thereof "an Under Secretary"; and

(B) in subsection (d)(2)(F), by striking out "Under Secretary" the second place it appears and all that follows through the closing parenthesis and inserting in lieu thereof "Chief Benefits Director of the Veterans' Administration)".

(3) Section 7306 is amended—

(A) in subsection (a)—

(i) in paragraph (3), by striking out "Assistant Chief Medical Directors" and inserting in lieu thereof "Assistant Under Secretaries for Health";

(ii) by redesignating the last three paragraphs as paragraphs (8), (7), and (9) respectively;

(iii) by reversing the order in which the penultimate and antepenultimate paragraphs appear; and

(iv) in paragraph (8), as so redesignated, by striking out "Chief Medical Director" and inserting in lieu thereof "Under Secretary for Health";

(B) in subsection (b), by striking out "Assistant Chief Medical Directors" in the matter preceding paragraph (1) and inserting in lieu thereof "Assistant Under Secretaries for Health"; and

(C) in subsection (c), by striking out "and (7)" and inserting in lieu thereof "and (8)".

(4) Section 7314(d) is amended—

(A) in paragraph (1)—

(i) by striking out "the Chief Medical Director and the Secretary to carry out" and inserting in lieu thereof "the Secretary and the Under Secretary for Health in carrying out''; and

(ii) by striking out ''the Assistant Chief Medical Director described in section 7306(b)(3)'' and inserting in lieu thereof ''the Assistant Under Secretary for Health described in section 7306(b)(3)''; and

(B) in paragraph (3), by striking out ''Assistant Chief Medical Director'' both places it appears and inserting in lieu thereof ''Assistant Under Secretary''.

(5) Section 7318 is amended by striking out ''Chief Medical Director'' each place it appears and inserting in lieu thereof ''Under Secretary for Health''.

(6) Section 7440(1) is amended by striking out ''Chief Medical Director's'' and inserting in lieu thereof ''Under Secretary for Health's''.

(7) Section 7451(g)(1) is amended by striking out ''Chief Medical Director's'' and inserting in lieu thereof ''Under Secretary for Health's''.

(d) CROSS REFERENCE AMENDMENTS TO PROVISIONS OF TITLE 38.—Title 38, United States Code, is amended as follows:

(1) Section 115 is amended by striking out ''sections 230'' and inserting in lieu thereof ''sections 314, 315, 316,''.

(2) Section 1710(f)(3)(E) is amended by striking out ''section 1712(f)'' and ''section 1712(f)(4)'' inserting in lieu thereof ''section 1712(a)'' and ''section 1712(f)'', respectively.

(3) Section 1712 is amended—

(A) in subsection (i)(5), by striking out ''section 1722(a)(1)(C)'' and inserting in lieu thereof ''section 1722(a)(3)''; and

(B) in subsection (j), by striking out ''Section 4116'' and inserting in lieu thereof ''Section 7316''.

(4) Section 3018A(d)(3) is amended by striking out ''section 3015(e)'' and inserting in lieu thereof ''section 3015(f)''.

(5) Section 3018B(d)(3) is amended by striking out ''section 3015(e)'' and inserting in lieu thereof ''section 3015(f)''.

(6) Section 3032(f)(3) is amended by striking out ''(c), or (d)(1)'' and inserting in lieu thereof ''(d), or (e)(1)''.

(7) Section 3035(b) is amended—

(A) in paragraph (2), by striking out ''section 3015(c)'' and inserting in lieu thereof ''section 3015(d)''; and

(B) in paragraph (3)(C), by striking out ''section 3015(e)'' and inserting in lieu thereof ''section 3015(f)''.

(8) Section 3103(b)(3) is amended by striking out ''section 3102(1)(A)'' and inserting in lieu thereof ''section 3102(1)(A)(i)''.

(9) Section 3106(a) is amended by striking out ''section 3102(1)(A) or (B)'' and inserting in lieu thereof ''clause (i) or (ii) of section 3102(1)(A)''.

(10) Section 3113(a) is amended by striking out ''section 3102(1)(B) and (2)'' and inserting in lieu thereof ''subparagraphs (A)(ii) and (B) of section 3102(1)''.

(11) Section 3120(b) is amended by striking out ''section 3012(1)(A)'' and inserting in lieu thereof ''section 3102(1)(A)(i)''.

(12) Section 3241(c) is amended by striking out ''1663,''.

(13) Section 3735(a)(1)(A) is amended by striking out ''section 3402'' and inserting in lieu thereof ''section 5902''.

(14) Section 4103(c)(2) is amended by striking out ''subchapter IV of chapter 3'' and inserting in lieu thereof ''subchapter II of chapter 77''.

(15) Section 5104(a) is amended by striking out ''section 211(a)'' and inserting in lieu thereof ''section 511''.

(16) Section 8103(d)(6)(A) is amended by striking out ''section 230(c)'' and inserting in lieu thereof ''section 316''.

(17) Section 8110(c)(3)(B) is amended by striking out ''section 213 or 4117'' and inserting in lieu thereof ''section 513 or 7409''.

(18) Section 8135(a)(3) is amended by striking out ''section 8134(2)'' and inserting in lieu thereof ''section 8134(a)(2)''.

(19) Section 8155(a) is amended by striking out ''section 4112'' and inserting in lieu thereof ''section 7312''.

(20) Section 8201(c) is amended by striking out ''section 4112(a)'' and inserting in lieu thereof ''section 7312(a)''.

(e) PUNCTUATION, CAPITALIZATION, SPELLING, ETC.—Title 38, United States Code, is amended as follows:

(1) Section 111(b)(3)(B) is amended by striking out ''the Department facility'' and inserting in lieu thereof ''a Department facility''.

(2) Sections 305(d)(2)(F) and 306(d)(2)(F) are amended by striking out ''Commission'' and inserting in lieu thereof ''commission''.

(3) Section 312(a) is amended by striking out ''(5 U.S.C. App. 3)'' and inserting in lieu thereof ''(5 U.S.C. App.)''.

(4) Section 317(b)(2) is amended by striking out ''provided, by the'' and inserting in lieu thereof ''provided by, the''.

(5) Section 711(d) is amended by striking out ''Committees'' and inserting in lieu thereof ''committees''.

(6) Section 1116(a)(1)(B) is amended by striking out ''(1)'' and ''(2)'' and inserting in lieu thereof ''(i)'' and ''(ii)'', respectively.

(7) Section 1722A(a)(1) is amended by striking out the closing parenthesis after ''veteran'' in the first sentence.

(8) Section 1969(e) is amended—

(A) by striking out ''sections 1971 (a) and (c)'' and inserting in lieu thereof ''subsections (a) and (c) of section 1971''; and

(B) by striking out ''sections 1971 (d) and (e)'' and inserting in lieu thereof ''subsections (d) and (e) of section 1971''.

(9) Section 1977(f) is amended by striking out ''sections 1971 (d) and (e)'' and inserting in lieu thereof ''subsections (d) and (e) of section 1971''.

(10) Section 3011(f)(1) is amended by striking out ''whose length'' and inserting in lieu thereof ''the length of which''.

(11) Section 3018B(d) is amended—

(A) in paragraph (1), by striking out ''(a)(2)(D) of this subsection'' and inserting in lieu thereof ''(a)(2)(D) of this section''; and

(B) in paragraph (3)—

(i) by striking out ''such Account'' and inserting in lieu thereof ''such account''; and

(ii) by striking out ''this chapter'' and inserting in lieu thereof ''this title''.

(12) Section 3688(a)(6) is amended by inserting a comma after ''3241(a)(2)''.

(13) Section 3706 is amended by striking out ''of this chapter'' the second and third places it appears and inserting in lieu thereof ''of this title''.

(14) Section 3712 is amended—

(A) in subsection (c)(3)—

(i) by inserting ''of'' in subparagraph (D) after ''subparagraph (B)''; and

(ii) by striking out ''of this subsection'' in subparagraph (E) and inserting in lieu thereof ''of this paragraph''; and

(B) in subsection (m), by striking out ''section 3704(d) and section 3721 of this chapter'' and inserting in lieu thereof ''sections 3704(d) and 3721 of this title''.

(15) Section 3713(b) is amended in the last sentence by striking out ''subsection 5302(b) of this title, if eligible thereunder'' and inserting in lieu thereof ''section 5302(b) of this title, if the veteran is eligible for relief under that section''.

(16) Section 5702 is amended—

(A) by inserting ''(a)'' before ''Any person desiring'';

(B) by striking out ''custody of'' and all that follows through ''stating'' and inserting in lieu thereof ''custody of the Secretary that may be disclosed under section 5701 of this title must submit to the Secretary an application in writing for such copy. The application shall state''; and

(C) in subsection (c), by striking out ''is authorized to fix'' and inserting in lieu thereof ''may establish''.

(17) Section 6101(a) is amended by inserting a comma after ''title 18''.

(18) Section 6103(d)(1) is amended in the second sentence—

(A) by striking out ''(a)'' and ''(b)'' and inserting in lieu thereof ''(A)'' and ''(B)'', respectively; and

(B) by striking out ''prior to'' and inserting in lieu thereof ''before''.

(19) Section 6105(c) is amended—

(A) in the first sentence, by striking out ''clauses (2), (3), or (4) of subsection (b) of this section'' and inserting in lieu thereof ''paragraph (2), (3), or (4) of subsection (b)'';

(B) in the second sentence, by striking out ''clause (1) of that subsection'' and inserting in lieu thereof ''paragraph (1) of subsection (b)''; and

(C) by transposing the two sentences of that subsection (as so amended).

(20) Section 7312(d) is amended by striking out ''the advisory groups activities'' and inserting in lieu thereof ''the activities of the advisory group''.

(21) Section 7408(a) is amended by striking out ''civil-service'' and inserting in lieu thereof ''civil service''.

(22) Sections 7433(b)(3)(A) and 7435(b)(3)(A) are amended by striking out ''nation-wide'' and inserting in lieu thereof ''nationwide''.

(23) Section 7451(d)(3)(C)(i)(I) is amended by striking out ''labor market area'' and inserting in lieu thereof ''labor-market area''.

(24) Section 7453 is amended by striking out ''subsections'' in subsections (f) and (g) and inserting in lieu thereof ''subsection''.

(25) Section 7601(a) is amended by striking out the comma at the end of paragraph (1) and inserting in lieu thereof a semicolon.

(26) Section 7604 is amended by striking out ''subchapters'' in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof ''subchapter''.

(27) Section 8126 is amended—

(A) in subsection (e)(1)(A), by striking out ''1-year'' and inserting in lieu thereof ''one-year''; and

(B) in subsection (f)(2), by striking out '', and'' and inserting in lieu thereof a period.

(f) DATE OF ENACTMENT REFERENCES.—Title 38, United States Code, is amended as follows:

(1) Section 1922A(b) is amended by striking out ''insurance not later than'' and all that follows through ''that the Department'' and inserting in lieu thereof ''insurance. Such application must be filed not later than (1) October 31, 1993, or (2) the end of the one-year period beginning on the date on which the Secretary''.

(2) Sections 3011(e) and 3012(f) are amended by striking out ''the end of the 24-month period beginning on the date of the enactment of this subsection'' and inserting in lieu thereof ''October 28, 1994,''.

(3) Section 3018B(a)(2)(A) is amended by striking out ''the date of enactment of this section'' and inserting in lieu thereof ''October 23, 1992,''.

(4) Section 3702(a)(2)(E) is amended by striking out ''For the 7-year period beginning on the date of enactment of this subparagraph,'' and inserting in lieu thereof

"For the period beginning on October 28, 1992, and ending on October 27, 1999,".

(5) Section 6103(d)(2) is amended by striking out "the date of enactment of this amendatory Act" and inserting in lieu thereof "June 30, 1972".

(6) Section 8126 is amended—

(A) in subsection (e)(1)(A), by striking out "30 days after the date of the enactment of this section" and inserting in lieu thereof "December 4, 1992"; and

(B) in subsection (g), by striking out "the date of the enactment of this section" in paragraphs (1) and (2) and inserting in lieu thereof "November 4, 1992".

(g) OBSOLETE OR EXECUTED PROVISIONS.—Title 38, United States Code, is amended as follows:

(1) Section 312(b) is amended by striking out paragraph (3).

(2) Section 1524(a)(2) is amended by striking out "Subject to paragraph (3) of this subsection, if" and inserting in lieu thereof "If".

(3) Section 4110(c)(1) is amended by striking out "shall, within 90 days after the date of the enactment of this section, appoint" and inserting in lieu thereof "shall appoint".

(4)(A) Section 5505 is repealed.

(B) The table of sections at the beginning of chapter 55 is amended by striking out the item relating to section 5505.

(5) Section 7311 is amended by striking out subsections (f) and (g).

(6) Section 7453(i)(3) is amended by striking out "of title 5".

(7) Section 8110(c) is amended by striking out paragraph (7).

(8) Section 8111(b) is amended—

(A) in paragraph (2)—

(i) by striking out "During fiscal years 1982 and 1983" in the second sentence and inserting in lieu thereof "During odd-numbered fiscal years";

(ii) by striking out "During fiscal year 1984" in the third sentence and inserting in lieu thereof "During even-numbered fiscal years"; and

(iii) by striking out the fourth sentence; and

(B) in paragraph (4), by striking out "Within nine months of the date of the enactment of this subsection and at such times thereafter as" and inserting in lieu thereof "At such times as".

(h) AMENDMENTS TO HEADINGS AND TABLES OF CONTENTS.—Title 38, United States Code, is amended as follows:

(1) The table of chapters before part I and the table of chapters at the beginning of part III are amended by striking out the item relating to chapter 42 and inserting in lieu thereof the following:

"42. Employment and Training of
Veterans .... 4211".

(2) The heading of section 2106 is amended by revising each word after the first word so that the initial letter of each such word is lower case.

(3) The item relating to subchapter III in the table of sections at the beginning of chapter 73 is amended to read as follows:

"SUBCHAPTER III—PROTECTION OF PATIENT RIGHTS".

(4) The heading of section 7458 is amended to read as follows:

"§ 7458. Recruitment and retention bonus pay".

(5) The heading of chapter 81 is amended by inserting "enhanced-use" before "leases of real".

(6) The item relating to section 8126 in the table of sections at the beginning of chapter 81 is amended to read as follows:

"8126. Limitation on prices of drugs procured
by Department and certain
other Federal agencies.".

(i) OTHER MISCELLANEOUS CORRECTIONS.—Title 38, United States Code, is amended as follows:

(1) Section 1718(c)(1) is amended by inserting "of Veterans Affairs" after "Department" in the first sentence.

(2) Section 1922(b)(4) is amended by striking out "Notwithstanding" and all that follows through "title," and inserting in lieu thereof "Notwithstanding section 1917 of this title,".

(3) Section 1969(d)(3) is amended by striking out "'General Operating Expenses, Department'" and inserting in lieu thereof "'General Operating Expenses, Department of Veterans Affairs'".

(4) Section 3018A(a)(1) is amended by striking "after December 31, 1990," and all that follows through "whichever is later," and inserting in lieu thereof "after February 2, 1991,".

(5) Section 3121(a)(3) is amended by striking out "Department of Veterans' Benefits" and inserting in lieu thereof "Veterans Benefits Administration".

(6) Section 3680(a)(C) is amended by striking out "1 full" and inserting in lieu thereof "one full".

(7) Section 4110(e)(3)(B) is amended—

(A) by striking out ", United States Code,"; and

(B) by striking out "the Board" and inserting in lieu thereof "the advisory committee".

(8) Section 5110 is amended by striking out subsection (m).

(9) Section 7315(b)(2) is amended by striking out "Department" and inserting in lieu thereof "Veterans' Administration".

(10) Section 8111(f)(6) is amended by inserting "of Defense" after "the Secretary" the second place it appears.

(11) Section 8502(d) is amended by striking out "General Post Fund, National Homes, Department," and inserting in lieu thereof "General Post Fund, National Homes, Department of Veterans Affairs,".

SEC. 1202. AMENDMENTS TO OTHER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) PUBLIC LAW 102–54.—Effective as of June 13, 1991, and as if included in the enactment of Public Law 102–54, Public Law 102–54 is amended as follows:

(1) Section 13(e) (105 Stat. 275) is amended by striking out "subsection (b)(10)" and inserting in lieu thereof "subsection (c)(10)".

(2) Section 15(a)(1)(A) (105 Stat. 289) is amended by inserting "the first place it appears" before "in the first sentence".

(b) PUBLIC LAW 102–83.—Effective as of August 6, 1991, and as if included in the enactment of Public Law 102–83, section 4(a) of Public Law 102–83 (105 Stat. 403) is amended as follows:

(1) Paragraph (2)(E) is amended by striking out "Section 601(4)" and inserting in lieu thereof "Section 601(3)".

(2) Paragraph (4) is amended by adding at the end the following:

"(E) Sections 7314(b)(1) and 7315(b)(2).".

(c) PUBLIC LAW 102–86.—Section 403(b)(4) of the Veterans' Benefits Programs Improvement Act of 1991 (Public Law 102–86; 105 Stat. 423; 36 U.S.C. 493(b)(4)) is amended by striking out "section 235" and inserting in lieu thereof "section 707".

(d) PUBLIC LAW 102–547.—Section 10(b)(2) of the Veterans Home Loan Program Amendments of 1992 (106 Stat. 3643; 38 U.S.C. 3703 note) is amended by striking out "paragraph 4" and inserting in lieu thereof "paragraph (4)".

(e) PUBLIC LAW 102–585.—The Veterans Health Care Act of 1992 (Public Law 102–585) is amended as follows:

(1) Section 202 (38 U.S.C. 8111 note) is amended by striking out "the Chief Medical Director" and inserting in lieu thereof "the Under Secretary for Health of the Department of Veterans Affairs".

(2) Section 511(c) (38 U.S.C. 7318 note) is amended by striking out "Chief Medical Director" each place it appears and inserting in lieu thereof "Under Secretary for Health".

SEC. 1203. AMENDMENTS TO OTHER LAWS.

(a) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act is amended as follows:

(1) Section 502(b)(2)(D) (42 U.S.C. 290aa–1(b)(2)(D)) is amended to read as follows:

"(D) the Under Secretary for Health of the Department of Veterans Affairs;".

(2) Section 542(b)(2) (42 U.S.C. 290dd–1(b)(2)) is amended by striking out "Chief Medical Director" and inserting in lieu thereof "Under Secretary for Health".

(3) Section 2604(b)(2)(A) (42 U.S.C. 300ff–14(b)(2)(A)) is amended by striking out "Veterans Administration facilities" and inserting in lieu thereof "Department of Veterans Affairs facilities".

(b) MISCELLANEOUS DEPARTMENT AND SECRETARY REFERENCES.—Section 5102(c)(3) of title 5, United States Code, is amended by striking out the comma after "Department of Veterans Affairs".

(c) MISCELLANEOUS CROSS-REFERENCE CORRECTIONS.—

(1) Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "section 4303".

(2) Section 441(b)(2)(B) of the Job Training Partnership Act (29 U.S.C. 1721(b)(2)(B)) is amended—

(A) by striking out "subchapter IV of chapter 3" and inserting in lieu thereof "subchapter II of chapter 77"; and

(B) by striking out "sections 612A, 620A, 1787, and 2003A" and inserting in lieu thereof "sections 1712A, 1720A, 3687, and 4103A".

(3) Section 107 of the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6706) is amended by striking out "section 4211(2)(A)" and "section 2011(1)" inserting in lieu thereof "section 4211(2)" and "section 4211(1)", respectively.

(4) Section 4(g)(2) of the Employment Act of 1946 (15 U.S.C. 1022a(g)(2)) is amended—

(A) by striking out "this subsection" and inserting in lieu thereof "this section"; and

(B) by striking out "section 2011(1) or (2)(A)" and inserting in lieu thereof "section 4211(1) or (2)".

MENTAL HEALTH AND SUBSTANCE ABUSE PROGRAMS REAUTHORIZATION ACT OF 1994

KENNEDY (AND KASSEBAUM) AMENDMENT NO. 2652

Mr. BREAUX (for Mr. KENNEDY, for himself and Mrs. KASSEBAUM) proposed an amendment to the bill (S. 2352) to amend the Public Health Service Act to reauthorize certain programs relating to the Substance Abuse and Mental Health Services Administration, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. FAILURE TO COMPLY WITH MAINTENANCE OF EFFORT PROVISIONS.

(a) MENTAL HEALTH.—Section 1915(b)(3)(A) of the Public Health Service Act (42 U.S.C. 300x-4(b)(3)(A)) is amended—

(1) by striking "material"; and

(2) by inserting before the period at the end thereof the following: ", except that the Secretary may defer the reduction for a reasonable period of time, but in no event to exceed 1 year, to afford the State an opportunity to correct or mitigate the violation of the agreement that the State made for the preceding year under paragraph (1), and the Secretary shall recalculate the reduction accordingly".

(b) SUBSTANCE ABUSE.—Section 1930(c)(1) of the Public Health Service Act (42 U.S.C. 300x-30(c)(1)) is amended—

(1) by striking "material"; and

(2) by inserting before the period at the end thereof the following: ", except that the Secretary may defer the reduction for a reasonable period of time, but in no event to exceed 1 year, to afford the State an opportunity to correct or mitigate the violation of the agreement that the State made for the preceding year under subsection (a), and the Secretary shall recalculate the reduction accordingly".

SEC. 2. BLOCK GRANTS TO STATES REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE.

Section 205(b) of the ADAMHA Reorganization Act (42 U.S.C. 300x(b) note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2), the following new paragraph:

"(3) FISCAL YEAR 1995.—With respect to an allotment for fiscal year 1995 under section 1911 or 1921, the Secretary shall, upon the request of the chief executive officer of a State, make a transfer as described under paragraph (1) or (2) in the case of any State for which such an allotment for fiscal year 1995 is—

"(A) in the case of an allotment under section 1911, at least 20 percent less than the amount of the allotment for such State under such section for fiscal year 1994; or

"(B) in the case of an allotment under section 1921, at least 20 percent less than the amount of the allotment for such State under such section for fiscal year 1994.".

HATCH AMENDMENT NO. 2653

Mr. SIMPSON (for Mr. HATCH) proposed an amendment to the bill (S. 2352) to amend the Public Health Service Act to reauthorize certain programs relating to the Substance Abuse and Mental Health Services Administration, and for other purposes; as follows:

At the end of the amendment add the following new sections:

SEC. 3. PREVENTION AND TREATMENT GRANTS.

Section 1924(b)(2) of the Public Health Service Act (42 U.S.C. 300x-24(b)(2)) is amended by striking "10 or more" and inserting "15 or more".

SEC. 4. EFFECTIVE DATE.

This Act shall take effect as if enacted on September 30, 1994.

TRAUMATIC BRAIN INJURY ACT OF 1994

KENNEDY (AND HATCH) AMENDMENT NO. 2654

Mr. FEINGOLD (for himself, Mr. KENNEDY, and Mr. HATCH) proposed an amendment to the bill (S. 725) to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes, as follows.

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 209 of the Minority Health Improvement Act of 1994, is amended by inserting after section 317G the following section:

"PREVENTION OF TRAUMATIC BRAIN INJURY

"SEC. 317H. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out projects to reduce the incidence of traumatic brain injury. Such projects may be carried out by the Secretary directly or through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

"(1) the conduct of research into identifying effective strategies for the prevention of traumatic brain injury; and

"(2) the implementation of public information and education programs for the prevention of such injury and for broadening the awareness of the public concerning the public health consequences of such injury.

"(c) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(d) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 2. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

"(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

"(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

"(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

"(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training."; and

(2) in subsection (h), by adding at the end the following paragraph:

"(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.".

SEC. 3. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following section:

"SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve the availability of health services regarding traumatic brain injury.

"(b) STATE ADVISORY BOARD.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

"(2) FUNCTIONS.—An advisory board established under paragraph (1) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

"(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

"(A) representatives of—

"(i) the corresponding State agencies involved;

"(ii) public and nonprofit private health related organizations;

"(iii) other disability advisory or planning groups within the State;

"(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

"(v) injury control programs at the State or local level if such programs exist; and

"(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

"(f) REPORT.—Not later than 2 years after the effective date under section 901 of the Minority Health Improvement Act of 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

"(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.".

SEC. 4. STUDY; CONSENSUS CONFERENCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(A) In collaboration with appropriate State and local health-related agencies—

(i) determine the incidence and prevalence of traumatic brain injury; and

(ii) develop a uniform reporting system under which States report incidence of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(B) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(i) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(ii) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(iii) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(C) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(2) DATES CERTAIN FOR REPORTS.—

(A) Not later than 18 months after the effective date under section 901, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out paragraph (1)(A).

(B) Not later than 3 years after the effective date under section 901, the Secretary shall submit to the Committees specified in subparagraph (A) a report describing the findings made as a result of carrying out subparagraphs (B) and (C) of paragraph (1).

(b) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(c) DEFINITION.—For purposes of this section, the term "traumatic brain injury" means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BREAUX. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, October 7, 1994, at 10 a.m., to hold a hearing entitled "Review of U.S. Policy Toward Cuba."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. BREAUX. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities be authorized to meet for a hearing on education and parental involvement, during the session of the Senate on October 7, 1994, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IMPROVING AMERICA'S SCHOOLS ACT

• Mr. REID. During Senate consideration of S. 1513, the Senate accepted an amendment to specify that an eligible local education agency under the infrastructure title is one in which the United States owns Federal property of 90 percent or more. This amendment was also accepted by the conference committee. The intent of this provision, as established in the RECORD during its consideration, was to meet the needs of the Mineral County School District in Nevada which consists of 94 percent Federal land and is in dire need of new elementary school construction on the Walker River Indian Reservation at Schurz. The situation faced by the students at Schurz was also recognized by the Senate Appropriations Committee in its report on Labor, Health and Human Services, and Education fiscal year 1995 appropriations. A drafting inaccuracy in the definition, however, may construe a different meaning and should be interpreted to mean 90 percent Federal land by acre. Is this the understanding and intent of the committee?

Mr. PELL. The Senator is correct. The definition should be interpreted to authorize a local education agency as eligible under the infrastructure title if the district consists of at least 90 percent Federal land as is the case for the Mineral County School District in Nevada.

Mr. REID. Also included in title XII, section 12004(a)(2), is a special rule stating that the Secretary of Education may reserve up to 1 percent of the amount appropriated under section 12013 to provide assistance to Indian schools in accordance with this title. I would like to clarify with the chairman whether this provision, as intended by the committees of both the House and Senate, would include former Bureau of Indian Affairs schools that were transferred to a public school district before 1960, but still serves its intended population: high concentrations of Indian students.

Mr. PELL. The Senator is correct. Schools such as those he mentioned would qualify under the section that the Senator specifically cited, section 12004(a)(2).

Mr. REID. Finally, I would like to clarify for the record that the Secretary shall award grants made available under title XII, section 12005(a)(6), on the basis of six criteria with the sixth category being any such other criteria as the Secretary may prescribe.

Mr. PELL. The Senator is correct. I foresee this sixth category as essential in allowing the Secretary to award grants to districts like Mineral County. In fact, I urge the Secretary in implementing this legislation to utilize criteria within this category to fund a school infrastructure project in the Mineral County School District in your State of Nevada and remedy the critical need for a new school there at Schurz.

Mr. REID. I thank the chairman for clarifying these provisions of the bill and for his support of our Nation's educational infrastructure. The Senator from Rhode Island has worked diligently and admirably to improve the standards for education and educational opportunities for students across the Nation.

Mr. PELL. I thank the Senator from Nevada for his kind remarks.●

HI-LO-L

● Mr. JEFFORDS. Mr. President, there is, in my home State of Vermont, a long tradition of patriotism and of caring for the land that many feel makes Vermont unique. This has just been well exemplified through the selfless act of a Vermont family living on a hill farm at the very center of our State.

Gary and Alice Lake and Dorothy Wathley have sold the development rights on their dairy farm to the State of Vermont. This will Insure that this handsome acreage, high in the Green Mountain foothills, will remain forever in farming.

This is well and good. But in addition, the land happens to lie in full view of the Vermont Veterans Cemetery, dedicated just a year ago. Vermont's is a military history stretching from the capture of Fort Ticonderoga, through the War of 1812, Gettysburg and Cedar Creek, to Manila Bay, Belleau Wood, Guadalcanal and Normandy, to the present day.

The new veterans cemetery commands one of Vermont's fine views, southward from its hillside location over the ancient hills and valleys. The farm, known as Hi-Lo-L, is the centerpiece of that view. By the generosity of these wonderful people, this farm will ever be a farm. And the final resting place of those men and women who have given so much to their State and Nation will ever hold a view of the best of Vermont.●

JAPANESE FINANCIAL MARKETS

● Mr. DASCHLE. Mr. President, as we evaluate the results of the recent negotiations with Japan and take up the Uruguay round implementing legislation, our focus will understandably be drawn to more traditional trade concerns. Nevertheless, international financial issues can have as significant, if not more significant, an impact upon our economy as these trade agreements and should not be overlooked.

Over the course of the 1980's, Japan quietly had become a leading creditor nation, a major player in United States domestic public and private debt markets, and a significant factor in American commercial real estate. Thus, when reports of financial scandals, collapsing stock and real estate markets, and a banking crisis in Japan raised legitimate concerns within United States financial circles several years ago, I introduced legislation that directed the Treasury Department to report to Congress the results of a study of Japanese financial markets and their implications for the United States. Given that financial dislocations in Japan could not help but have an impact on the United States, it seemed to me that the findings of this study would help the administration and Congress base policy in this area on a solid foundation of knowledge and understanding.

Events since the introduction of that bill have affirmed the importance of these issues. Japanese banks remain mired in problems comparable to the American savings and loan debacle. The Japanese real estate market has not recovered from its collapse. The Japanese stock market index hovers around one-half of its 1989 peak. And reform initiatives falter under political upheaval.

Meanwhile, American investment in Japanese securities has increased markedly over the past year. Among the leading investors are American pension funds and mutual funds.

Continuing Japanese financial difficulties and the importance of the economic relationship between Japan and the United States serve to reinforce the need for a comprehensive study of Japan's financial markets. Although the Senate likely will not be in session when the Treasury report is issued later this year, I would ask my colleagues—as well as the relevant officials in the White House, the Treasury Department, the United States Trade Representative's office, the Securities and Exchange Commission, and other executive branch agencies—to do some homework on Japan's financial problems while Congress is in recess.

First, I would encourage my colleagues and administration officials to take a moment to review Treasury's conclusions when they receive this important study. Second, I raise for consideration alongside the Treasury report five proposals for reform of the Japanese financial martets offered by a leading critic of Japanese financial practices. Ideas such as these, as well as the results of Treasury's study, could guide us in formulating United States objectives in future negotiations with Japan.

If adopted, these proposal reforms could help ensure that American investors enjoy adequate rights and protections for their investments in Japan. Three of the proposals would encourage Japanese stock market reform that would make that market more responsive to the forces of supply and demand. Specifically, they seek to: First, foster more competition in the Japanese brokerage industry; second, improve Japanese enforcement of existing securities and consumer laws in the securities industry; and third, encourage greater liquidity standards for continued listing of a stock on the exchange.

The reform proposals also would address the rights of American shareholders in Japanese corporations. With the increase in American investment in Japanese stocks, the proposals seek to ensure that American shareholders will enjoy adequate rights to participate in the management of Japanese corporations.

Finally, the proposals suggest reforms to the Japanese legal system to ensure that foreign investors can obtain fair and impartial arbitration of disputes with Japanese institutions.

These proposals attempt to address concerns about Japanese financial practices raised by events of the past few years. But, if adopted, their impact could reach beyond financial practices and help break down structural barriers that the United States has been attempting to address in other ways.

For example, United States manufacturers have complained about close intercorporate relationships in Japan as barriers to penetrating the Japanese market. It is my understanding that these kinds of relationships are often premised, at least in part, upon cross-shareholding relationships. One way to loosen those bonds, and the commercial linkages they foster, is through reform of the Japanese stock market,

I look forward to the opportunity to review the Treasury Department's report and hope that the next Congress will take a serious and timely look at the issues it raises. In the meantime, I would encourage my colleagues and our trade negotiators to consider the Treasury study and these reform proposals. I believe that they contribute to our efforts to strengthen policymaking on these vital issues.●

ISSUES CRITICAL TO FARMERS

● Mr. GRASSLEY. Mr. President, in anticipation of the 1995 farm bill, I would like my colleagues to have the benefit of a series which appeared earlier this year in the Cedar Rapids Gazette from Cedar Rapids, IA.

These thoughtful reports represent the work of three Gazette reporters: Marlene Lucas, rural affairs writer; Dale Kueter, staff writer; and David Lynch, Washington reporter. I am proud to submit them for the CONGRESSIONAL RECORD as they address issues critical to farmers, rural communities, and the economy generally in the upper Midwest.

[From the Cedar Rapids Gazette, May 1, 1994]

CASH CROP

(By Phyllis Fleming)

Federal farm subsidies are under attack. Critics hit them hard on several fronts: They cost billions in tax dollars each year, appear to help only one segment of the population and some programs "pay people to do nothing." They are incredibly complicated and not well understood—even by many farmers.

One thing that's clear, however, is that subsidies and price supports don't affect only farmers. They ripple through the entire economy—rural and urban.

That's especially true in Iowa, the second biggest recipient of farm subsidies in the country. Only Texas receives more.

Indeed, farm subsidies have been a significant cash crop in Iowa for over a half century. Last year, subsidies and farm disaster payments brought $1.2 billion to the state; in 1992, Iowa received $662 million in subsidies.

Although subsidies come in for most of the criticism, at $18 billion they are not the main part of the current $72 billion federal agriculture budget. More than half of that—$40 billion—goes for food stamps and other food assistance programs.

The current system of farm subsidies was born 61 years ago during the Depression. World Was II helped lock them into the system as a way of guaranteeing a stable and cheap food supply.

There has been general public support for the paternal politics that fostered their growth. Americans have long had a romantic notion about rural life and family farms.

Some of these notions are fading as farming becomes a bigger and bigger business.

And as farms get bigger the number of farmers shrinks.

Shrinking, too, is support in Congress and urban America for farm subsidies.

The subsidy system is being overwhelmed by the forces of international trade agreements and the pressures to cut the federal budget. Some experts, like Stanley Johnson of Iowa State University, predict the end of subsidies by 2000.

If payments to farmers survive at all, some say, it will be only in "green" money—rewards for protecting the environment.

"The idea of paying farmers to do nothing," says Coggon farmer Doran Zumbach, 44, "no longer has much support."

So what will it mean if, as expected, farm subsidies eventually end?

Will food and other prices climb?

Will more farmers be forced off the land?

Will more small towns wither along with implement dealers, sales barns and other farm-related businesses?

The 1995 farm bill, now being developed, may help provide some answers.

The Gazette will be taking a weeklong look at all these issues starting today.

TIMELINE

From the administration of George Washington to that of Bill Clinton, farmers have dealt with federal bureaucrats and agriculture policies. What shape will farm programs take in years to come? A look back suggests a wide range of possibilities.

1776: Declaration of Independence encourages development of agriculture by allowing settlers to move west. Exports freed from taxation by the British Empire.

1796: A National Board of Agriculture is created at the recommendation of President Washington.

1837: Patent office begins distribution of improved seeds and plants, the first federal effort to support improved farming methods.

1839: Congress provides $1,000 for collecting agricultural statistics.

1855: Pennsylvania and Michigan become home to the nation's first agricultural colleges.

1861: Civil War begins. Food demand—and farm prices—rise sharply. Producers push for more output and expand use of new horse-drawn machinery.

1862: The U.S. Department of Agriculture is established by President Lincoln. The Land Grant College Act provides sites for state agricultural colleges. The Homestead Act gives 160 acres to anyone who will live on it for five years.

1887: Legislation provides for federal funding of state experiment stations.

1889: USDA gains cabinet status.

1896: Rural Free Delivery of mail starts.

1910–14: Period of prosperity, which is later used as a base to set parity price supports from 1938 to 1954.

1914: World War I begins in Europe. Smith-Lever Act establishes the Cooperative Extension Service to bring the results of agricultural research to farmers.

1916: Federal Farm Loan Act provides for a system of 12 Federal Land Banks to be regulated by a Federal Farm Loan Board.

1917: The U.S. enters World War I. Concerned about food for the war effort, President Wilson sets minimum prices on wheat and provides price supports for hogs. New legislation funds a nationwide program of vocational education.

1918: World War I ends and so do wartime food production incentives, minimum hog prices and food distribution controls.

1920: Wheat price guarantees end. Farm prices drop sharply.

1933: As the U.S. slips into economic depression, President Franklin Roosevelt's New Deal moves to attack farm problems. The Commodity Credit Corp. (CCC) is created to handle "non-recourse" loans. That is, grain used as equity for government loans can, for the first time, be forfeited without penalty or payment of interest. Farmers who agree to maintain planting within newly created acreage allotments qualify for loan programs. The Farm Credit Administration forms to provide subsidized credit.

1934: First great dust storm begins in "Dust Bowl" of Great Plains.

1935: Declaring soil erosion a national menace, Congress establishes the Soil Conservation Service.

1936: The Supreme Court invalidates farm production controls established by 1933 legislation.

1938: Legislation is revised to comply with Supreme Court ruling. A new "parity price" formula is added to set price support levels. The objective is to bring back the good times farmers enjoyed in 1910–14 when there was a greater parity of income between farmers and non-farmers. Congress also establishes Federal Crop Insurance Corp.

1939: World War II breaks out in Europe.

1940: Roosevelt orders USDA to begin post-war planning to prevent another farm depression like the one that occurred after World War I.

1941: Lend-Lease Act approved, giving aid to Allies. USDA establishes price support program for hogs, dairy products, chickens and eggs at rates above market prices. Hogs were to be supported at not less than $9 per hundredweight. Japan bombs Pearl Harbor. Congress raises loan rates on basic farm commodities to encourage production.

1942: Price controls are put in place. Food rationing begins with sugar and is later extended to a long list of foods, including meat, fats, oils, processed fruits and vegetables and processed dairy products. Selective Service Act amended to provide deferment of farm labor.

1945: Surrender of Germany and Japan. U.S. food rationing ends on all products but sugar.

1946: Post-war period begins. Price controls end on all food products except sugar and rice.

1948: Parity formula revised to use most recent 10 years as a base. Price supports on non-basic commodities, including soybeans, turkeys, beans, dry peas and flax seed, are lowered from 90 percent of parity to 60 percent.

1950: Price supports on hogs, chickens, turkeys, long-staple cotton, peas and sweet potatoes discontinued. Korean War breaks out.

1951: Wartime economy returns. President Truman given authority to control prices. Acreage controls removed from 1951 and 1952 crops.

1953: War winds down, price controls removed, surplus concerns return. Secretary of Agriculture applies mandatory quotas on wheat.

1954: New farm program established to provide flexible price supports tied to stocks level.

1956: Soil bank established to idle land in an effort to reduce surplus production and cut erosion.

1958: Corn farmers vote in referendum against maintaining acreage allotments and having prices supported between 75 percent and 90 percent of parity. They vote instead for no allotments, with prices supported at 90 percent of the past three years or 65 percent of parity whichever is highest.

1959: Food stamp program authorized.

1961: Feed Grain Act approved, idles land from production in return for payments for conservation efforts. Farmers set aside 25 million feed grain acres and receive payment-in-kind (PIK) certificates.

1963: Wheat growers vote down mandatory quotas in referendum. They're given the option to divert a percentage of their acreage allotment in return for a direct payment.

1965: Cropland Adjustment Program introduced with five- to 10-year land retirement contracts.

1970: New agricultural act introduces acreage set-aside requirements to qualify for program benefits. Set-asides to be maintained in soil conserving cover crops.

1973: First use of target prices based upon cost of production rather than a parity formula.

1974–76: Period of expanding exports. Market prices remain above program targets.

1977: Establishment of Farmer-Owned Reserve, which provides for three- to five-year grain storage loans. Acreage allotments replaced with set-asides and Normal Crop Acreage (NCA) concept created. Set-aside for each crop must maintain soil conserving cover crop. Total plantings and diversions must not exceed NCA.

1980: President Carter embargoes grain sales to Soviet Union. Target prices set at $3.63 a bushel for wheat and $2.35 a bushel for corn.

1983: Farmers receive PIK certificates to reduce acreage. Serious drought hits and production drops sharply.

1985: New five-year farm legislation scales back target prices over five years. Loan rates lowered and export bonuses provided to expand markets. In-kind certificate payments used to move surpluses—CCC stocks and crops held under loan by farmers) into market channels. Ten-year Conservation Reserve Program established.

1988 and 1989: Disaster relief provided over and above crop insurance payments.

1990: New farm bill authorized wetland reserve program.

1991: Reduced payment on corn acres by 15 percent.

1993: Start of major disaster payments for flood losses.

BOTTOM LINE NOT ROMANTIC

(By Dale Kueter)

WASHINGTON, IOWA.—Ezra and Wanda Smith bought a house in town eight years ago. "It's a nice house," say Ezra. But they never moved into it, instead retiring on their farm along Highway 1 on the road to Kalona.

It's hard to get off the soil," say Ezra, 77, fully admitting he's the one who doesn't want to move.

There has long been a romantic notice about farming, about rural life and family farms. Mostly these are urban sentiments, void of sweat and hard times. But most farmers, too, hold a kinship with the soil, a love of seeing things grow.

Some of these images of farming are fading fast as fewer farmers work bigger farms. Somewhere between those who envision farming as a Norman Rockwell painting and those who size it up with bottom-line Wall Street savvy lies the present state of agriculture.

Nowhere does this changing picture of agriculture come more into focus than on the issue of farm subsidies, a staple on American farms for six decades. Fewer farmers translates into less political clout, which has led to declining subsidies and now the possibility of no subsidies at all.

Yet farm subsidies are important to Iowa's economy. Aside from Social Security and Medicare, subsidies have been the main pipeline for federal dollars coming back to the state—$1.2 billion in subsidies and disaster payments in 1993; $662 million in 1992.

Farm subsidies were born out of economic crisis 61 years ago as part of President Franklin Roosevelt's New Deal. Critics called it economic tinkering. There were 7 million farms then. Today, with fewer than 400,000 farms, those opposed to dumping the farm subsidy machinery are being overwhelmed by the forces of international trade agreements and pressures to cut the budget.

Congress has already acted to eliminate subsidies on honey, wool and mohair. However, eliminating subsidies is easier said than done. The honey subsidy, because of confusing congressional procedures, will buzz to new life in fiscal 1995.

Says one U.S. Department of Agriculture official: "Congress didn't know what it was doing."

SUBSIDIES TO BE LEFT ALONE?

Not all agree that farm subsidies are about to be plowed under. Wayne Rasmussen, retired U.S. Department of Agriculture (USDA) historian, says subsidies have been shrinking during the last decade, "and Congress may just leave them alone. They will see the ag budget contains a lot of money for food stamps and comparatively little for subsidies, and say, 'Let them go.' "

The scope of farm subsidies has long been exaggerated. The fiscal 1994 USDA budget is $72 billion, or 4.8 percent of a $1.5 trillion federal budget. Of that $72 billion, $40 billion goes for food stamps and other food assistance programs.

This year's USDA budget has $18 billion for the Commodity Credit Corp., which, minus administration, constitutes the primary source for farm subsidies. Another $1.7 billion goes toward the Conservation Reserve program, a plan that idles hilly cropland. Some 1.2 billion more goes toward other conservation programs.

There are older farmers—and sons and daughters of older farmers—who sing the praises of farm supports. They remember corn prices so low that they burned corn instead of wood. They remember spending summer without shoes. "I have a warms pot in my heart for FDR's programs," says Ezra. "It allowed my dad to sell corn (government loan) at 45 cents a bushel, gave him some cash flow and allowed him to keep on farming."

Today, farm income has improved dramatically along with farm productivity. In 1985, the average income of farm households—even though nearly half is from off-farm sources—surpassed the average income of urban households.

"It's hard to convince non-farm people anymore that they should be taxed (for subsidies) if farm household income is higher," says Stanley Johnson, an Iowa State University economist and adviser on congressional farm policy. "They may be convinced to help the low-end farmer, but that requires more targeting of assistance. Most government payments are going to large farmers, those with annual gross sales of over $250,000."

Coggon farmer Doran Zumbach says about one-third of farmers are "doing well," while another one-third are "getting by" and a bottom third are "doing poorly."

While greater productivity boosts income, ISU's William Edwards says most farmers maintain income levels through expansion. "They are running their equipment over more acres. Larger and larger farms make the difference.

American farmers have always fed the nation and then some. Surpluses have been the offspring of farmer productivity. While some policy-makers want to put the brakes on production, even removing marginal lands permanently from crop growing, others see American land as an asset to supply the world.

ISU's Johnson says the old farm subsidy pillars—food security, price stability and maintenance of farm income—are gone. Price protection, he says, can be achieved through the futures market. An adequate food supply is ensured by international markets, he claims.

Urban consumers, says Rodney Leonard, executive director of the Community Nutrition Institute in Washington, DC, have less interest in continuing farm subsidies "because 90 percent of it goes to big farmers." They have more interest in healthy foods "and they are willing to pay a premium price."

NEED FOR A SAFETY NET?

Many, like Iowa Secretary of Agriculture Dale Cochran, argue that the nature of farming, with its peculiar reliance on fickle weather, requires some sort of publicly financed safety net. There is even stronger support for the idea that the costs of conservation—terraces, grassways or idling of land—should be shared by all.

"I got a subsidy check in the mail today," says Ezra, whose 120 acres are rented on a 50–50 share basis. "Sure, I'm glad to get it. Some think it's all a big giveaway, but it's helped stabilize things, and it's good for younger farmers.

Ezra began farming in 1938. "For a good many years we'd be just as poor at the first of the year as the year before, but we built up net worth. If I had to do it all over, I definitely would farm. I liked all of it. We never put in just eight-hour days. But it's an enjoyable lifestyle. I just wish I could still be out there doing it."

SUBSIDIES

Top receivers of subsidies in 1992:

1. Texas—$1,158,606,607, much of it from cotton and rice.
2. Iowa—$662 million including $449,566,621 in corn deficiency payments, the highest of any state.
3. Kansas—$591 million including $250 million in wheat deficiency payments and $124 million in corn deficiency payments.
4. Illinois—$481 million.
5. Nebraska—$477 million.
6. North Dakota—$443 million.
7. California—$430 million.
8. Minnesota—$422 million.
9. Arkansas—$410 million.
10. Montana—$298 million.

Source: USDA.

INCOME

Farm income has not come close to keeping pace with inflation.

In 1940, according to Iowa State University economists, Iowa farms averaged $27 an acre in net income.

In 1992, an acre had net income of $70. In that period, inflation rose 886 percent, making that $27 worth $239 today.

Without Subsidies, Iowa's Economy Will Suffer: Cochran

Dale Cochran, Iowa secretary of agriculture, believes if farm subsidies end, "and they are not replaced by new programs to stimulate the farm economy, there will be a major impact on Iowa's economy."

Cochran says more than half of Iowans gain income directly or indirectly from agriculture.

"So when ag falters, it's quite an effect on the state. That's the thing people need to understand."

He says the 1980s farm recession was proof of that. Farm receipts account for about 8 percent of Iowa's economy.

A Democrat, Cochran acknowledges that farm subsidies are likely to be eliminated.

Farmers, he says, will have to change with the times.

"Farmers have been an independent lot," says Cochran, who owns a 400-acre farm near Fort Dodge and has participated in subsidy programs.

"I know. We used to get together for threshing and similar chores. Then as we all got our own machinery we became very independent."

"Just as we worked together in production, now we have to work together in marketing. Farmers have become master producers. Now they must become master marketers."

FARM FACTS

Iowa farms numbered 96,543 in 1992, dropping from 105,180 in 1987.

Average size of an Iowa farm was 325 acres in 1992, an increase of 24 acres since 1987.

Farms of 1,000 acres or more grew in number from 3,742 in 1987 to 4,733 in 1992.

Farms with 180 to 4599 acres decreased from 39,071 in 1987 to 33,988 in 1992.

Farming was the principal occupation of 66,900 Iowans in 1992. That's 8,394 fewer than in 1987.

43,610 Iowa farms raised cattle and calves in 1992; down from 49,469 in 1987.

31,790 Iowa farms raised hogs and pigs, down from 36,670 in 1987.

Big Cash Crop

Farmers are about to weather the end of an era. Sixty years of farm subsidies are about to be shifted to another form, if not reduced or ended entirely. These changes will affect the rest of us, not just because we all eat, but because we live in Iowa. Only one other state, Texas, receives more farm subsidy dollars than this one.

The public has long had romantic notions about farming and rural life and family farms, as pointed out in a week-long series beginning in The Gazette today. The images are fading as fewer farmers work bigger farms. One of many results is declining clout, in Congress and in competition with urban America: When subsidies began in the 1930s, 10.6 percent of the gross national product came from the country's 7 million farms; farmers represented 25 percent of the population. Today, farm crops and livestock account for 2.8 percent of the gross national product, which is generated by 400,000 farms; farmers comprise less than 2 percent of the nation's population. Consequently, as a means of reducing federal spending and the national debt, farm programs make an easy target.

As Coggon farmer Doran Zumbach laments, "There are about 2 percent producers in this country and 100 percent eaters. That tells the political clout tale."

But don't expect the end of subsidies to either erase your tax burden or to leave Iowa unmarked.

As an overview story in today's Gazette points out, the scope of farm subsidies has long been exaggerated. Subsidies account for $18 billion of the current $72 billion agriculture budget. More than half the ag budget—$40 billion—goes to food stamps and other assistance programs. Still, on the receiving end, farm subsidies have been a significant Iowa cash crop for a half century: Subsidies and farm disaster payments brought $1.2 billion here last year; Iowa received $662 million in subsidies in 1992. Some economists say most government payments go to farmers whose gross annual sales exceed $250,000—another blemish on the romantic image of farming. Even so, the economies of many small towns across Iowa will likely be hurt first if dollars in circulation are reduced.

And even if crop subsidies are modified or reduced, society will likely retain, if not expand, its participation in conservation costs. That's only fair: Taking land out of production costs owners money. Expect the Conservation Reserve Program ($1.7 billion), wetlands reserve ($1.2 billion) and other programs to continue.

What else lies ahead? A coalition of Iowa farm groups has developed a plan that would assure farmers some support in years of bad prices or poor weather. The fact that those groups could work together is heartening. If the plan is adopted, farmers would have more freedom to decide for themselves what crops to plant and how many acres. Similar results were seen in New Zealand, where farm subsidies were dropped nine years ago and where both land and crops are now priced more realistically.

Whatever happens, you should know something about it. It's a part of your world. And The Gazette will bring that part of your world a little closer between now and next Sunday.

Farm Programs, Subsidies Confuse E. Iowans

(By Dale Kueter)

Add to the list of federal issues that baffle Iowans—things such as health care reform and the actions of the Federal Reserve Board—the complicated machinery of farm subsidies.

In conjunction with preparing this series of stories, The Gazette's research department sought opinions on farm subsidies from farmers, and small-town and urban people throughout Eastern Iowa. One-third of those contacted decline participation because of a lack of knowledge on the subject.

"This is much higher than normal," says Jeff Wolff, research director. "Most surveys we conduct have a refusal rate of between 5 percent and 10 percent."

Lack of understanding about farm subsidies is pervasive. During interviews for the series, it became clear that farmers and bureaucrats alike were befuddled about parts—even significant portions—of federal programs.

The 308 people who participate in the survey were asked to assess on a 1 to 5 scale, with 1 meaning "nothing" and 5 meaning "a lot," their knowledge of farm subsidy programs. Farmers rated themselves at 2.7 on average; urban residents, 1.9; and small-town residents, 2.

In general, respondents believe farm subsidies are important to Iowa. However, if eliminating them would reduce the federal budget, a majority would favor it. That includes 54 percent of urban residents, 54 percent of small town residents and 51.7 percent of farmers.

When asked to estimate 1993 subsidies coming into Iowa, 40 percent said they didn't have any idea. Given a range of choice, 31 percent pegged the amount at about $60 million. In reality, Iowa farmers received more than 10 times that amount.

The $60 million guess was the main choice by farmers as well as small-town and urban residents.

However, when asked where most farm subsidies go, about two-thirds in each group said "big farmers," the correct answer.

See accompanying charts for details. The survey, which has a 5.8 percent margin of error, was taken in mid-April. All respondents were over age 21.

Smallest Cut of All

(By Marlene Lucas)

It's no wonder consumers have a hard time understanding why they should care whether farmers get subsidies.

Looking at the food on grocery store shelves, they see little change in the prices they pay even though farmers are watching commodity prices rise and fall.

"Prices in the grocery stores are cushioned from the prices farmers get by all the processors in between," says Dennis Dunham, an economic researcher for the U.S. Department of Agriculture (USDA) in Washington, D.C.

"The price of grains is a small portion of the final selling price of bread. Farm prices can be quite volatile and not affect the price of the final product," he says. "A 3 to 4 percent change in the price of a bushel of wheat is nothing. It's a 3 to 4 percent change in price at the retail level that we think is significant."

And as has been pointed out many times, those providing the box get more money than the farmer who grows the grain used in the cereal in the box. That $1.46 box of corn flakes sends only 9 cents to farmers, says the USDA in 1990 figures.

Additionally, government officials may seem to talk out of both sides of their mouths when they discuss farm subsidies. In one breath, they say subsidies benefit consumers by keeping food cheap. In the next, they say subsidies support farmers.

They say farm programs are needed to control the overall supply of food. And yet, it's clear that if U.S. farmers reduce their corn crop to raise their prices, foreign corn growers will supply the markets with cheaper corn.

They say subsidies are needed to stabilize the rural economy, but on the other hand, fiscal responsibilities must be met by reducing subsidies.

Two of the largest subsidy and/or price support programs with the most potential to affect consumer prices are also the two that Iowa farmers benefit from the most—feed grains and dairy.

We'll look at feed grains today; dairy tomorrow.

Grains grown in Iowa that are part of the program include corn, sorghum, barley, oats and rye. Soybeans are not a subsidized crop.

The earliest form of the feed grains program was initiated in 1933 during the Depression. Prices were low and farmers had a crop surplus, says Phil Sronce, an analyst for the USDA.

[From the Cedar Rapids Gazette, May 3, 1994]

Sending Cows to Slaughter

(By Dale Kueter)

EARLVILLE.—On July 6, 1986, it took Vern and Margaret Bockenstedt a couple of hours to milk 38 Holsteins and do other farm chores. The next day, chores took only 10 minutes.

In between they had gotten out of the dairy business and had been paid $52,000 by the federal government to do it. As part of the agreement, Vern put "X" marks on jaws of the cows, a sign that they were destined for slaughter.

Under the program, entire herds had to be sent to slaughter or exported to another country. Like most, the Bockenstedts sold their herd to a packinghouse.

"Did you ever wake up in the morning with a headache and not feel so good?" asks Vern. "That's the way I felt the first morning. You do something all your life, and it bothers you. I went out and bought some beef cows."

In Iowa alone, the dairy termination program, as it was called in the 1985 farm bill, sent 51,000 dairy cows, heifers and calves to slaughter over a two-year period. It cost the government nearly $53 million.

Nationwide, more than a million cows—9 percent of the total—and 590,000 heifers and calves were sent to slaughter. The Federal government paid $1.8 billion for the dairy termination program; however, 30 percent of the cost was assessed to dairy farmers still in business. The goal, of course, was to reduce milk production so that the government would not be forced, under the dairy price support program, to buy more surplus cheese, butter and dry milk.

Did it work? According to the Government Accounting Office (GAO), the government will save an estimated $8.5 billion by 2001 and consumers will save $3.3 billion in that time.

The GAO report, issued a year ago, actually underestimated the decline in government surplus purchases. In the early 1980s, surplus purchases were in the 11-billion-pound range annually. Now purchases are about half that.

The Bockenstedts and 14,000 others who sold their herds agreed to keep themselves and their facilities out of dairy production for five years. Bockenstedt felt bad when a neighbor, after his dairy barn burned down, asked to use theirs. He had to tell him no.

"I didn't want to be mean, but I wasn't allowed to do it," says Vern.

Bockenstedt, 58, could have returned to dairying in 1991. Like most who sold their cows, he didn't. He has since retired from farming and does construction work.

The GAO in 1991 surveyed 1,145 farmers who disposed of milk cows. Fifty-five percent said they definitely would not return to dairying, and another 28 percent said it was unlikely.

DAIRY TERMINATION

The Dairy Termination Program in the 1985 farm bill allowed female dairy cows, heifers and calves to be slaughtered over a two-year period. The goal was to reduce milk production.

County	Farmers' bids to sell herds	Bids accepted by ASCS	Amount paid to farmers
Allamakee	119	34	$2,605,500
Benton	15	4	213,710
Black Hawk	22	15	1,096,111
Buchanan	44	8	356,300
Cedar	13	12	739,760
Clayton	176	50	3,777,450
Clinton	32	16	1,406,580
Delaware	92	36	2,639,280
Dubuque	158	62	6,032,820

County	Farmers' bids to sell herds	Bids accepted by ASCS	Amount paid to farmers
Fayette	103	32	2,065,160
Iowa	14	8	304,660
Jackson	85	36	2,117,000
Johnson	13	4	276,280
Jones	37	19	1,036,740
Keokuk	5	5	264,540
Linn	35	15	898,060
Marshall	8	4	211,750
Muscatine	13	7	413,130
Poweshiek	4	2	200,160
Tama	13	2	50,570
Washington	4	4	416,080
Winneshiek	204	57	3,819,740
Iowa	1,951	803	52,776,000

Source: U.S. Department of Agriculture.

DAIRY PRODUCERS GROUP DESIGNS NEW PLAN TO EXPORT SURPLUS MILK

(By Dale Kueter)

Last month officials of the National Milk Producers Federation walked into the office of Secretary of Agriculture Mike Espy. They were hoping to make some political hay with an idea they claim would yield both higher dairy income and government savings.

So far, it appears Espy and his U.S. Department of Agriculture colleagues have been skeptical.

The federation, the umbrella group for dairy cooperatives, is hoping to get dairy's foot in the legislative door this year—before Congress settles on the 1995 farm program.

Its plan is known as "self-help." The idea would be to open more foreign markets for U.S. dairymen through a program financed by producers themselves.

"Self-help would give us a bridge to compete in world markets," says Gary Hanman, chief executive officer of Mid-America Dairymen, a cooperative based in Springfield, Mo.

"All it says is let dairy farmers step forward, and through a national board like they have in New Zealand buy surplus products we don't use domestically. The board would then be able to sell the surpluses anywhere."

The board's export marketing efforts would be financed with a 10-cent-per-hundredweight assessment on dairy farmers. Even though proceeds from the assessment would in part be used to lower prices on the international market, Hanman and other self-help boosters believe such a plan would be legal under new GATT subsidy restrictions.

Steve Eure, federation director for legislative affairs, says the plan would buy up to 2 billion pounds of dairy products that the government would have to buy currently.

By lowering the government's surplus-buying obligation, Eure says "we can save (the federal treasury) $150 million a year and make more money for farmers."

The USDA thinks those estimates are optimistic. One top agency official also believes that over time GATT will not only prohibit the present dairy export enhancement program but rule out the self-help concept.

Marjorie Foust, assistant professor and Extension dairy specialist at Iowa State University, says there is a danger the present milk support program could evaporate if "self-help" is adopted.

She says there are great uncertainties about what will happen with any replacement policy. "The devil we do know may be better than the one we don't know."

But Hanman doesn't foresee any change in the dairy price support program—at least in the upcoming farm bill. "We would like to see the support price increased, but the flip side is a federal ag policy not driven by need but by budget.

"Even though we have lowered (federal) costs of the dairy program from $2 billion to $200 million, we still have exposure. To be a safety net, the support price should be raised beyond (the present) $10.10. People tell us it takes $12 to $12.50 to stay in business."

COMPLEX MACHINERY OF MILK PRICES

(By Dale Kueter)

Years ago it was simple. The dairy farmer hauled his milk to a nearby town where he bartered with the customer over the price.

Today, milk from cows just outside Cedar Rapids may end up in St. Louis, and milk in Cedar Rapids stores may come from cows hundreds of miles away. The price farmers get—which affects what consumers pay—filters through government machinery so complicated that few understand it.

Dairy policy and regulations are distinct and far more complex than those affecting grain and other commodities. Milk, unlike corn, cannot be put into storage until prices improve. Price stability for a product that pours into the marketplace every day has long been the goal of dairy interests.

Supply and demand has a role in what consumers pay for milk, but price also is influenced by three government programs:

Federal price supports: The 1990 farm bill sets the milk support price at $10.10 per hundred pounds. Government, through the Commodity Credit Corp. (CCC), is willing to buy what the free market doesn't consume in an effort to keep the price paid to farmers above $10.10. The market price today is high enough—above $13—that the government is purchasing little surplus.

Milk orders: The average price farmers receive for milk in any given locality is established by a system known as federal milk orders. Two-thirds of the nation, including Iowa, are covered by the orders.

Dairy export subsidy: The government, through subsidies to brokers, allows U.S. dairy products to cost less in the export marketplace. This practice will end with new international trade agreements.

SUPPORTS' UP-AND-DOWN HISTORY

Federal milk price supports were begun during World War II under wartime legislation to stimulate production. They became a permanent part of agriculture policy in 1949.

That year the milk support price was $3.14. Over the years it was increased several times until it peaked at $13.10 in 1980, a price that spurred production and created major surpluses the government had to buy.

The USDA during the Reagan-Bush era sought to lower government supports and production. It paid farmers to sell their entire herds. Then during the cost-cutting clamor of the 1990 Budget Reconciliation Act, Congress and President bush decided dairy farmers should pay back 1 percent of costs for dairy supports. While a drop in the bucket toward balancing the budget, dairy farmers must return $700 million over five years ending in 1995.

However, that same year the dairy lobby convinced Congress that farmers who do not increase milk production from one year to the next should get that money back.

So for fiscal 1993, the CCC collected $202 million in assessments and refunded $51 million. The assessments lowered the net cost of the dairy support program to $253 million.

The CCC collects the money with assessments on farmers' checks ranging from 11.25 cents to 16 cents or higher per hundred pounds. The size of the assessment depends on how many farmers seek refunds.

The CCC continues to buy surplus milk products for two reasons—to keep raw milk at or above the $10.10 support level and to provide food for various federal programs. Currently, it pays 65 cents a pound for surplus butter, $1.03 for dry milk and $1.12 for cheese—figures all below today's market price.

The surplus products are used for school lunch programs and as assistance for needy families. The government at times has also returned some of its purchases to the market, which has a depressing impact on prices. In the mid-1980s it bought so much surplus cheese it had to give it away.

The 1990 farm bill also established trigger levels for adjusting the milk price support. Twice a year—Aug. 1 and Nov. 1—the USDA estimates how much dairy surplus it expects to buy in the next year.

If estimates are less than 3.5 billion pounds, the support price is increased, sending a signal to farmers to produce more milk.

If the estimate is between 3.5 billion and 5 billion pounds, the situation is considered stable and the price is not changed.

If the amount is above 5 billion pounds, the price support is lowered, signaling farmers to cut production. However, the price support cannot be cut below the $10.10 base.

For that reason last November, even though the 1994 dairy surplus was estimated to reach 6.5 billion pounds, the support price didn't change.

The law also provides that if surpluses exceed 7 billion pounds, dairy farmers would be assessed to cover the costs. However, that has never occurred.

ORDERS DICTATE PAYMENTS

In 1937, Congress approved laws establishing the federal milk marketing system. This process is separate from price supports.

Cooperatives and other milk handlers are told through monthly federal milk marketing orders what they must pay farmers. Farmers in a certain area are paid the same minimum price based on a formula.

The system, which some call antiquated, is based on Minnesota-Wisconsin market prices, called the M-W, for Class B milk—milk destined to become cheese. Historically, those two states have been the major producers of milk. Eau Claire, Wis. is designated as the center for M-W prices.

The M-W market price for Class B milk plus $1.04 a hundredweight differential price for Class I drinking milk are combined to produce the base price and that's the price paid Eau Claire area farmers. The differential price increases in proportion to distance from Eau Claire to reflect hauling costs.

For instance, at Dubuque the differential is $1.36; in Iowa City, $1.48. Hence, if a Monticello farmer sells his milk to a Dubuque plant, the minimum he gets is 12 cents a hundredweight less than at Iowa City.

Butterfat and protein content boost the total price received.

The system was established initially to stabilize prices received by farmers and encourage dairy production in places far from Minnesota and Wisconsin. The southeast United States has long been a milk-deficient area.

With no pricing order system, it is argued, some surplus Wisconsin and Minnesota milk would be hauled to Iowa City or Florida and put the squeeze on local farmers.

In reality, say experts, hauling costs are slightly higher than the differential allows. Hence, a Wisconsin tanker taking milk to Florida for the fluid market usually cannot compete with Florida prices. The only reason Florida buys milk from Wisconsin is because of shortages in local production.

INFLUENCING GLOBAL MARKET

Export subsidies are also part of the federal government's effort to boost U.S. dairy prices. World prices right now are roughly 5 to 10 percent lower than U.S. markets. Brokers seek bids for surplus U.S. dairy products from foreign buyers, then present the offer and subsidy needed to the USDA's Foreign Agriculture Service. If approved, the deal goes forward.

In 1992, the Dairy Export Incentive Program amounted to $24.2 million. Last year the subsidy swelled to $134 million.

One USDA official said the 1993 export allocation was set during the 1992 presidential campaign. However, the 1994 allocation announced last month is about the same.

Early each year the government sets export allocations for countries. For example, 25,000 metric tons of powdered milk is allocated to Mexico this year under the subsidy program.

Both the North America Free Trade Agreement and General Agreement on Trades and Tariffs mandate substantial reductions in government subsidies in coming years.

MISUNDERSTOOD MILK

(By Dale Kueter)

DELHI.—The Holsteins file into the milking barn as methodically as kindergarteners coming in from recess. There's Molly followed by her offspring, Mol and Molla. There's Crunch and Carmel. They all know where to go.

Every morning, every night, 365 days a year, Nancy and Larry Shover milk nearly 70 cows. They have one of the top-producing herds in northeast Iowa, averaging 22,000 pounds of milk per head annually.

Every day they send about 600 gallons of milk to the Mid-America Dairymen cooperative transfer plant in Marion. From there, the milk is trucked to Roberts Home Town Dairies in Iowa City where it is processed, bottled and sent to area stores.

"We get up about 5:30 every day," says Nancy. She and their herdsman usually handle the milking. Setup, milking and cleanup is a 6 to 9 routine. Larry mixes the silage and grain.

Dairy farming is a demanding business. Not only must cows be milked twice a day, but the product cannot be held until market prices get better. The Shovers, as members of the co-op, have an ongoing contract with Mid-America.

The Shovers usually get top price for their grade A milk, currently $13.26 a hundred pounds for 3.5 percent butterfat content.

Like most farm programs, dairy price supports began more than a half a century ago and are complex. Contrary to what many believe, there is no direct federal subsidy payment.

Instead, the government sets a support price—currently $10.10 per hundred pounds. To maintain prices paid to farmers at or above that point, the Commodity Credit Corp. (CCC) buys cheese, butter and non-fat dry milk—ideally in quantities that will stimulate the market, but not lead to vast surpluses.

The CCC also acts as a consumer, using the surplus dairy products for government programs such as school lunches.

MISUNDERSTOOD MACHINERY

How such government economic machinery works is widely misunderstood (see dairy regulations story). And the whole picture is complicated by international trade considerations.

"Farm support programs provide a price floor," says Larry, 46, a 1969 graduate of Iowa State University, "but they also serve as a ceiling. While the government buys excess dairy products, these surplus commodities always hang over the market."

Is it time to dump the federal dairy program and put farmers and milk drinkers at the mercy of the free market?

"If we could be assured of fair competition internationally," replies Larry, "I'd say let's go with a free market system."

"The objective of the dairy price support program has been to provide support at a level that will assure adequate supplies," says Charlie Shaw, a dairy economist in the U.S. Department of Agriculture. "We believe the program has done that, although sometimes we've had too large a surplus.

"Assuring an adequate supply is really all the support program ought to do. When the program has been used in that manner historically, we've had a reasonable supply-demand balance. It's been mainly in those periods," he says, "when the program was used for income enhancement instead of price stability where we saw more farmers come into dairy, with resulting surpluses."

POLITICS PLAYS ROLE

Translate Shaw's statement about "income enhancement" to mean politics—manipulating the support base for political rather than economic reasons. And both political parties have done it.

"Right now we've got a market price that is well above the support price. We're not buying much surplus." Economically, says Shaw, the dairy industry today may not be too far off from what it would be under a free market system, "assuming all other countries did the same.

Last year the government's net cost for the dairy price support program was $253 million. In 1992 it was $232 million. For 1983, the cost peaked at $2.5 billion (see chart).

The Carter Administration boosted milk supports, adjusting them twice annually for inflation. The price floor hit a maximum of $13.10 per hundred pounds in 1980, spurring unprecedented milk production. By 1984, the government's cost just for handling and storing surpluses zoomed to $79 million.

To bring down surpluses and government costs, the Reagan administration launched cheese give-aways and paid farmers to get out of the dairy business (see accompanying story).

PRODUCTION ON DECLINE

Milk production has taken a downward splash—declining 1 percent just in the last year. The number of cows on farms is nearing 8 million, some 125,000 below September of 1992.

The government does not purchase fluid milk but rather what is called manufactured products. It pays 65 cents a pound for butter, $1.12 cents for American cheese and $1.03 for dry milk. Right now, it is buying no cheese and little dry milk. Butter in storage—about 216 million pounds—is half the amount of a year ago.

While it's hard work, dairying has its positives. There's a regular paycheck. Most Iowa dairy farmers are able to grow their own forage and grain.

BUILDING NET WORTH

Like many dairy farmers, Nancy and Larry Shover have accumulated a sizeable net worth. They are not poor. Neither do they live in a $200,000 house nor drive a Cadillac.

With nearly 70 cows, their dairy paychecks may look like milk and honey. But there are plenty of expenses. And the $13.26 price is lowered by 11 to 16 cents in a federal assessment (see government machinery story), 15 cents to promote dairy products and hauling costs.

Earlier this year, the Shovers paid 48 cents per hundredweight for hauling. That has dropped to 7 cents to match offers by a Wisconsin dairy plant looking for new customers in northeast Iowa. "Farmers must build net worth," Larry emphasizes. "if you don't grow in net worth you have no reservoir to withstand the rough years. Basically, net worth is your ticket for a bank loan and your retirement plan."

"It's a stable way of life," says Nancy. "There is never any problem about being fully employed," she jokes. "It is labor demanding, but that's a good way to raise a family. There are chores for youngsters."

The Shover's son, Todd, is a senior at Iowa State University. He is majoring in dairy science.

"We would like him to come back and be part of the farm," says his mother. "But he needs to make that decision. If you don't have farming in your heart, there is not much fun in getting up at the crack of dawn and working late hours.

"At Christmas, he said he would like to become a doctor, a pediatrician. He will take some courses at Drake this summer and take medical school entrance exams (at the University of Iowa) in August."

Whatever Todd decides is fine with Larry and Nancy. They plan to stick with dairy farming. They like cows. "They are docile animals," says Larry. "Each has a distinct personality."

FARMERS NOW IN BUSINESS AS EDUCATED ENVIRONMENTALISTS

(By Marlene Lucas)

Farmers are no longer farmers. Now they are in business—and their business is farming.

"The old adage of the farmyard with chickens, sheep and cows is gone," says Stan Herr, regional manager for the Iowa Farm Bureau Federation, based in Marion. "Those days are long gone. It's a great tradition, but the use of technology has changed the farmer as well as anyone else."

The typical farmer is "extremely (well) educated," he says. Many have college degrees, and most have attended college.

Farmers must know the Environmental Protection Agency regulations regarding their use of chemicals. They must keep detailed records of the amount they use, the way the wind was blowing and the equipment used during application.

"They're environmentalists. No one is more concerned about the environment than farmers nowadays. Water quality is their main concern, and they get picked on over water quality and the chemicals they use. Farmers in the country are drinking water, too," Herr says.

City people driving down country roads see a farmer driving a big new tractor and assume he's wealthy, he says. They don't consider the farmer's debt, and "its a major debt."

Farmers are taxpayers, too. They pay an average of $18 per acre and could easily face a $9,000 tax bill every six months, he says.

The lifestyle of the farmer is often envied by others as the ideal way to have lots of free time. Herr points out that Rockwell employees get 11 paid holidays a year, have two weeks off at Christmas and get several weeks of vacation.

"A farmer's work doesn't stop on the Fourth of July. He's got to fee the livestock and milk the cows every day," he says. During busy times, farmers will work 18-hour days.

As for those city cousins objecting to paying farm subsidies, "we are trying to work with them. We are not the bad guys. We're getting low prices for our products, and the profit is low," he says.

"Most farmers would like to do without a farm program. The reason we have cheap food is the government subsidizes food production. If it was market driven, we could get rid of the program and get a fair market price for our products," he says.

EASTERN IOWA FARMS

[Eastern Iowa counties in 1993: number of farms, land in farms and average size of farms]

Counties	Number of farms	Land in farms acres	Average size acres
Allamakee	1,020	369,300	362
Benton	1,370	429,700	314
Black Hawk	1,220	305,200	250
Buchanan	1,270	344,500	271
Cedar	1,120	349,800	312
Clayton	1,590	463,300	291
Delaware	1,360	346,000	254
Dubuique	1,570	345,700	220
Fayette	1,440	440,500	306
Iowa	1,010	357,500	354
Jackson	1,290	375,500	291
Johnson	1,300	232,000	248
Jones	1,110	346,600	312
Keokuk	980	353,000	360
Linn	1,600	381,200	238
Louisa	600	230,300	384
Powershiek	990	355,200	359
Tama	1,330	428,800	322
Washington	1,100	340,500	310
Winneshiek	1,550	416,800	269

Source: Iowa Agricultural Statistics.

Benefits of Bees—Honey Subsidy Helps Keep Prices of Other Products Low

(By Marlene Lucas)

MONONA.—Many consumers can take honey or leave it.

In fact, they probably would be quick to say that ending the annual subsidy of $22 million would be a good way to save money.

But they are likely to pay more at the grocery store, not necessarily for honey but for other food products, if that happens and beekeepers go out of business.

"Bees are pollinators, and you need bees to have seeds," says Dave Fassbinder, a full-time honey producer in Clayton County. "If there were no bees to pollinate alfalfa, which is already expensive, it would be even more expensive."

Costly alfalfa would drive up the cost of feeding cows, which could drive up the price of hamburgers and ice cream. Bees also are invaluable as pollinators of the California almond and Florida citrus crops.

"If the honey (subsidy) goes, beekeepers will have to raise fees for pollination and make things more expensive. It will be a whole different way of beekeeping." he says.

POLLINATION SERVICE

By maintaining bee colonies on area farmland, Fassbinder provides free pollination services for a Waukon farmer who grows strawberries and melons and a Postville farmer who grows crown vetch. Other colonies are spread out from north of Waukon and north of Garnavillo to Postville.

His payment is the honey he collects.

"I don't think the melon farmer and crown vetch farmer could afford to pay me for pollination services. I don't feel it's ethical (to ask for payment) as long as I'm getting good crops of honey, especially with the support price. So why should I charge them extra?" he asks.

But without the government subsidy and the income from the nursing career of his wife, Barb, Fassbinder doubts he could afford to stay in beekeeping. The market price for honey is too low.

One reason is cheap honey coming from China.

Fassbinder needs to sell his honey at 60 cents a pound to cover his costs and earn a living. But that never happens, so the subsidy helps make up the difference. He sells honey to smaller companies, when he can, for 56 cents a pound. Commercial buyers pay 51 or 52 cents a pound.

Honey production is much affected by weather. Last year, Fassbinder's bees produced 18,900 pounds of honey, the smallest amount since he began keeping bees 17 years ago. The best was 81,900 pounds.

His expenses last year were $21,500, without including his labor.

SUPPORT UP AND DOWN

Although Fassbinder needs the subsidy, he sees problems in the way it is tied to production. Beekeepers receive the most support during high production years and less support in low production years, when they most need it.

"I wish they could regulate it so you get support only in bad years," he says.

He calls himself a midsize producer. This year he will increase his 600-colony operation to 1,000 colonies, the limit of hives he can handle by himself.

"In the last few years, costs have gone up in just keeping bees. Two mites have come into the United States and are causing havoc in the bee industry. It costs $5 per hive a year to treat for mites," he says.

Wild honey bees are being decimated by the mites, he says, eradicating the chances of crops being pollinated without the help of bees from treated hives.

In 1993, the government program allowed producers to use their honey as collateral for a government loan at 54 cents a pound. They could repay the loan at 47 cents, creating a 7-cent subsidy. Producers also could claim the 7-cent subsidy without getting a loan. However, the government assesses 1 cent a pound to fund the National Honey Board, which promotes honey consumption.

SUSPENSION ENDING

For fiscal year 1994, the Congressional Appropriations Committee suspended the honey support subsidy but maintained the loan program. Honey producers may borrow against their honey stocks at 50 cents a pound and repay the loan at that rate plus interest.

The suspension of the subsidy expires Sept. 30. On Oct. 1, the program reverts to its former system unless Congress acts again, says Jane Phillips, a government honey analyst.

"The main reason for a honey program is to ensure pollination. We can't support pollination directly, so we support honey production. According to recent Cornell University study, pollination by bees adds about $9 billion in value to crops," Phillips says.

In fiscal 1993, the honey program cost taxpayers $22.1 million. However, some of that reflects loans made that weren't due at the close of the year. In 1992, the program cost $16.6 million; in 1991 $18.6 million and in 1990 $46.7 million. After 1990, the loan rate went down and the market got stronger, so subsidies were reduced, Phillips says.

The number of producers who participate varies from 4,000 to 7,000, she says. In 1991, the latest available statistics, Iowa had 160 producers in the program.

Iowa participants received $2.6 million in 1993; $2.6 million in 1992; $2.2 million in 1991; and $2.1 million in 1990.

The honey subsidy began in 1949 and has been as high as $100 million in 1988 and as low as less than $1 million during several years in the '60s and early '70s. In 1979, the program showed a credit of $2 million when more loans were paid back than loans were granted.

FYI

1993 Honey production in Iowa:

Beekeepers maintained 60,000 colonies.

Bees produced 3 million pounds of honey.

Each colony produced an average of 49 pounds of honey.

Value of the 1993 honey crop was $1.6 million.

Source: USDA.

Pennies a Pound—Wool Producers Face Loss of Gov't Support

(By Marlene Lucas)

OXFORD.—Nick Greiner, holding a squirming sheep with one hand, motions to a pile of wool with the other and says, "That's worth about a dollar.

"That 5 pounds of wool is worth about 20 cents a pound to the farmer as it is. When it's washed and cleaned, it'll weight about 2.5 pounds and will make about four or five sweaters. So you have about $150 worth of sweaters from something that's worth $1 to a farmer."

And if Greiner hadn't owned the sheep, he would have collected $2.25, at least, for his work.

So why, at those prices, don't producers just leave the wool on sheep raised for meat?

Greiner, who shears sheep for area producers and raises 2,000 sheep a year on 20 acres near Oxford, says sheared sheep gain weight better than non-sheared sheep. Sheared sheep also are worth more per pound when sold to packers.

With wool being a money-loser, it's easy to see why Iowa producers favor continuation of the federal wool subsidy, scheduled to be phased out by 1995 to trim federal expenditures.

About 5,600 of Iowa's 8,000 sheep producers participated in the wool subsidy program and received $2,033,984 in 1992. Nationally, the U.S. sheep industry supports 100,000 families and 350,000 rural jobs.

The Wool Act was initiated in 1954 after domestic producers experienced hardships when the government lowered wool import tariffs from 25 cents to 10 cents a pound. Producers asked that imports be limited, but instead the government created the current subsidy system.

SUBSIDY TIED TO PRICE

The subsidy is a percentage tied to the wool's selling price.

For instance, Midwest farmers, whose sheep produce medium-quality wool, sold their wool for 10 cents a pound in 1993. Because the program pays wool producers 300 percent of the price they received, Midwest producers actually received 40 cents for each pound sold—10 cents plus a 30-cent subsidy. In the West, where the wool is considered higher quality and sells for $1 a pound, producers get a subsidy of $3 per pound.

The 1993 subsidy of 300 percent was calculated to pay producers the difference between the year's national average wool market price of 51 cents and the government's price level of $2.04. The price level is set each year based on the amount producers spend raising wool.

Another factor is a national checkoff supporting the American Sheep Industry, a promotional organization. Growers are assessed 8.5 cents a pound.

PROGRAM ENDS IN '95

Iowa sheep producers, who raise sheep mainly for meat, will be little affected by the 1995 ending of the subsidy, Greiner said, but those in Western states stand to lose a lot.

Of the total $103.4 million paid in wool subsidies in 1993, Texas producers received $24.9 million, Wyoming producers received $11.7 million and Montana producers received $9.5 million.

While rural communities will likely feel the loss of subsidy income, urban consumers will see little difference in the supply of wool products.

"Australia has such a supply of wool that the best guestimates say it will take until 1997 to reduce the stockpile. We can't expect better prices until that glut is finished," Greiner says.

TERMINATION CALLED POLITICAL

Voting to end the wool subsidy was "a big political move. It was an easy target. It didn't have too many people that would bitch, and there's not a lot of votes to be lost, but they get a lot of publicity for cutting programs," Greiner says.

Supporters of the subsidy claim that no money will be saved by ending the program because the program is funded by tariffs on imported wool. However, Sharon Diel at the Agricultural Stabilization and Conservation Service in Washington says that's not so.

"The tariff revenues go directly into the treasury and are not earmarked for the subsidy. That's always been a confusing area. The money for the wool and mohair subsidy is appropriated by Congress," she says.

"The only thing the act specifically says is that our program shall not cost more than 70 percent of the amount the tariff collects," she says.

In 1991, the tariff collected more than $401 million, and $172 million was paid out in subsidies.

CROPLAND BACK TO WETLAND—GOVERNMENT AND FARMER SHARE COST OF RESTORATION

(By Marlene Lucas)

BRIGHTON.—In a horseshoe bend of the Skunk River north of Brighton, 102 acres of cropland are becoming a home for ducks and frogs.

Burnett Smith, who has owned the land for 32 years, recently tore up 40 feet of tile that drained the cropland and is watching the low area slowly fill with water. During the floods last year, it was awash 13 times.

"I've always thought that's what should be down there. I've never been real thrilled with river bottoms as croplands," says Smith, 67, who runs a cow-calf operation on 1,000 acres. "You can fight the river or decide to live with it. We decided to live with it. When you look at the power of water and the power of man, water will win. I think a lot of people found that out last year."

Smith has placed the land in the Wetlands Reserve Program (WRP), a federal program that purchases a permanent easement to croplands converted from wetlands. The land is restored to wetland conditions by the owner with cost-sharing by the government.

Smith is among the first group to enroll. He signed up in 1992, and the easement purchase was completed this year.

"I don't want to say how much we got for it. We found out we were about half of what others bid. But I thought it was a fair value when I put in my bid," he says.

Pre-acre prices paid to date in Washington County have ranged from $650 to $1,500.

PROGRAM GROWING

At a time when most government farm programs are shrinking, WRP is growing.

"The proposal for the 1995 budget includes" $241 million for WRP, says Lois Hubbard, Agriculture Stabilization and Conservation Service program specialist in Washington, D.C. "The proposed goal is to have 330,000 acres in the program by the end of '95. Everything depends on appropriations."

The federal government accepted 49,888 acres in six states, at a cost of $46.1 million, in the 1992 WRP enrollment. For the second enrollment, held this year, $66.7 million has been allotted for 75,000 acres. Landowners have offered 508,735 acres.

Hubbard says program officials initially thought farmers would be turned off by the program's permanent easement clause, but "we've been pleasantly surprised. There has been a lot more intentions to participate than we could accept."

"They're more interested in . . . protecting the land," she says.

Wendell Jones, district conservationist for the Soil Conservation Service in Washington, Iowa, says, "Burnett had an appreciation for the program for what it could do for the land.

"For other farmers, their first objective can be to unload the land." They see the program as a way to make money on cropland that floods or produces less-than-average crops.

Farmers struggle with marginal croplands because "the farming economy is such that some farmers feel they have to use every acre to make a living," Jones says. "There are different answers for different farmers."

5,000 ACRES IN IOWA

A total of 587 acres in Washington County, where Smith lives, was accepted in the 1992 enrollment. Across Iowa, 5,096 acres are in the program. In the 1994 enrollment, 1,058 Iowa farmers offered a total of 57,702 acres. Offers will be evaluated by the end of May.

Land is accepted into WRP according to the amount of money the farmer requests for the permanent easement and on the expected cost of restoration to wetland. The government will pay up to 75 percent of the restoration costs.

Smith retains ownership of the land and will continue to pay taxes. But the taxes will be reduced as the value of the land decreases now that it is no longer producing crops. He is permitted to grow hay and graze the land, he retains access for hunting and recreation, and he may sell the land. But, the land would remain in WRP under the new owner's care.

"The WRP benefits the public in several ways," Jones says. "It creates a wildlife habitat very quickly and you see the return of water fowl, plants and vegetation. A major benefit is improved water quality, and it's a floodwater storage area.

"This little bit of land may not make a tremendous amount of change, but it's a start. This is a reversal piece by piece."

GREEN FARMING—MARKET PRICES AND ENVIRONMENT BENEFIT FROM IDLED LAND

(By Dale Kueter)

SCOTCH GROVE.—The fields that surround the farm buildings at Barb and Glenn Tobiason's place are out of an Iowa picture book—fertile loam on gentle Jones County slopes.

You can smell the soil's richness as it is reopened to once again accept the seeds that produce the crops that make Iowa famous as America's breadbasket. It's the essence of Iowa.

Three miles to the south the Tobiasons own 250 acres of clayish loam, less productive soil that lies on hills and is highly susceptible to erosion. In 1986, a farm crisis time when the Tobiasons were looking for some steady income, they placed these acres in the Conservation Reserve Program (CRP).

Again this spring, the CRP land is sprouting alfalfa, brome and other grasses the Tobiasons seeded eight years ago as required by the program. CRP yields are measured in erosion protection, nesting places for wildlife and idling corn production that would otherwise depress prices.

CRP, begun in 1985, is a major component of the U.S. farm program. Conservationists like it. Urban politicians prefer it to crop subsidies. Farmers have mixed feelings.

Nationwide, 36.5 million acres are idled in CRP—8 percent of all U.S. cropland. Farmers are paid an average of $50 per CRP acre per year by the government. The CRP contracts are for 10 years, and no one knows what will happen when the first acres come out of CRP in 1995.

"They have not come up with any follow-up to CRP," says Glenn Tobiason. "I don't think it will be extended because of budget problems." The Tobiasons' CRP contract expires in 1996. "We could put ours back into crops or use it for grazing, but we'd have to do a lot of fencing for grazing, so now it looks like we'll go back to cropping it."

Tobiason, 48, lifts his Pioneer seed corn hat and scratches his head in one motion.

"If you want to analyze farm programs," he cautions, "you can't. Remember, it took a lot of lawyers to do this."

Yet, Tobiason is uncertain about throwing out farm subsidies altogether. He's interested in something simpler, perhaps the so-called Iowa Plan—revenue assurance—that would guarantee farmers 70 percent of some base-period income.

"The principle of a free market is great," says Tobiason, "if all countries are playing the same game. Without a farm program, I think you'd see more volatility in grocery prices. And programs—price supports and subsidy—help get young people into farming.

"CRP is not that costly compared to other things," he adds, "and I help pay for it, too, through my taxes. Still, I don't know if the government can afford to keep it. It's a society program, really. How important is it?"

COST OF CONSERVATION

CRP will cost $1.8 billion this fiscal year. Meanwhile, the government will shell out $18 billion for commodity subsidy programs, including corn deficiency payments.

Agriculture budget number-crunching has already begun. The trick is to cut the budget but keep farm production down and conservation practices up.

Doing all that is a little like slopping the hogs in your best suit and coming out smelling like a rose.

Bob Wisner, grain marketing economist at Iowa State University, tends to agree with Tobiason's CRP predictions.

"I expect that much of the CRP land will go back into production," says Wisner. "There may be federal payments for filter strips along creeks but not much more."

One floor up from Wisner's office, Professor Stan Johnson, director of ISU's Center for Agriculture and Rural Development (CARD), envisions a different future. CARD and a team at the University of Missouri are advising Congress on options for the 1995 farm program.

"CRP or something like it will be renewed" he predicts. "It may not survive as a line item in the agriculture budget, but conservationists want it. And if necessary, they will push to take money from deficiency (subsidy) payments to pay for it."

One of Johnson's ideas would pay farmers a reduced amount to keep CRP land out of corn and soybean production but allow them to harvest the hay. Farmers could cut CRP hay last year only because wet weather produced emergency conditions and a poor hay crop.

Some critics say the government made a mistake in 1985 when CRP was created. Instead of paying an annual rent, they say the government should simply have purchased the marginal acres. As it is, they say, the government is spending an average of $500 an acre over 10 years and farmers still own the land.

But explains one agriculture observer, "that's the price of politics." Congress, he says, wasn't about to buy up a lot of farmland and accelerate the depopulation of rural America and hasten the demise of rural towns.

FARMERS BID FOR PROGRAM

The Tobiasons receive $85 an acre for their CRP land, considerably above average. Farmers who applied for CRP had to submit a "bid" that did not exceed prevailing local rent for comparable land. Payments are limited to $50,000 per farm operator per year.

Tobiason, once he figures his costs—equipment, fuel, seed, fertilizer, chemicals, land, taxes and labor—and assuming an average yield of 125 bushels per acre at a price of $2.80 a bushel, expects corn land will yield $70 more an acre than CRP.

"But there is no risk with CRP," he quickly adds. Last year, because wet weather drastically reduced yields, CRP produced the most income. Many farmers lost money on corn.

The Soil and Water Conservation Society, an ardent booster of CRP, estimates the program will cost upwards to $20 billion over the life of current contracts, not including administration. The estimate also does not reflect savings of price and income support programs resulting from idling acres.

Environmental benefits of CRP are difficult to quantify. USDA officials have made broad estimates for environmental benefits of $6 billion to $13 billion.

Clearly, says the Soil and Water Conservation Society, CRP has reduced top soil erosion and resulting sediment damage, provided an emergency source of forage, reduced federal commodity program costs and stabilized land prices. But, it added, dollar estimates of these benefits have not been made.

With environmentalists overtaking farmers in political clout, agriculture policy experts expect CRP legislation or something "similarly green" will be planted in the 1995 farm fill.

FYI

A look at the farm operation of Glen and Barb Tobiason, Scotch Grove:

Own 450 acres of cropland.

250 acres in Conservation Reserve Program (CRP).

Rent 150 acres more for crops.

Finish 400 head of feeder cattle.

Farrow and finish 1,500 hogs a year.

Students Pen Narrative of Revenue Assurance Plan

(By Marlene Lucas)

A group of high school English students took on a project last fall that could make them part of farming history.

They wrote the narrative of a revolutionary proposal that would replace the federal feed grains program with a Revenue Assurance program. Instead of the complex provisions of crop insurance, disaster programs, set-asides and deficiency payments, farmers would be guaranteed 70 percent of their income in a bad crop year.

Doran Zumbach, a Coggon farmer who headed the Iowa Farm Bill Study Team, contacted Jim Oberbroeckling, North Linn High School English teacher, with the idea of having his students write the narrative of the proposal.

"We wanted a group without preconceived prejudices. We wanted someone that would mirror our feelings. Adults have preconceived ideas. We saw this in this age of youth," Zumbach says.

"We needed a group with writing skills. And everyone talks about involving youth in agriculture, but no one does anything about it," he says.

LEARNING ABOUT FARMING

The students agreed to take on the project. Several of them are from farming families and have a rudimentary understanding of farm programs. Others have always lived in a city and were ignorant of the programs. The students were surprised by what they learned from the project.

"It was worse than we actually realized. I didn't realize how the farmers were hit. I didn't pay attention," says student Deidra Blin.

"The target price and the set yields aren't up to date. They were set 15 years ago. They relied on ARPs (acreage reduction program), and they haven't done what they set out to do (which was to reduce supply and raise prices). There's a lot more behind the scenes that go on than we thought before," says Kristin Michael.

Krista Moenk and Nicole Price were surprised that some farmers didn't buy crop insurance and that they could receive as much or more from disaster programs than those who bought insurance.

Nichole Zumbach, Doran's daughter, became more aware of the politics that formulated the farm program and about the practice of piggybacking special interest bills onto other bills.

"I learned about dirty politics and how everyone has to get something for themselves. The Brady bill and flood disaster aid bill both had something tacked on. Why do (politicians) act that way? Why do they have to have something for themselves?" she asks.

Other students who participated are Nikki Aden, Chris Chrystal, Jamie Meier, Mark Neighbor, Stephania Sauer, Alan Schaul and Tami Webster.

Oberbroeckling regularly assigns a research paper to his senior, college-bound English class and writing this narrative took the place of that assignment for the students who chose to participate.

"I was quite skeptical at first," he says. "Many of these students are not farm-reared. They are living in town. I didn't know if they would get involved and understand what they were doing.

"I'm really pleased and happy and proud of the accomplishment on the part of the students. They did a good job, all of them."

PROPOSAL PRESENT

The 18-page document titled "The Findings of the 1994 Farm Bill Study Team" discusses the impact of current policies and their shortcomings and describes the benefits of Revenue Assurance.

Doran Zumback presented the proposal at the Iowa Farm Bureau Federation annual meeting in December, and the members adopted it. He continues to promote the plan at meetings of other farm organizations.

He's happy with the reaction so far. "I'm not naive enough to think it's a done deal, but Congress is ready for a change. We have been successful at setting the early debate. We're hopeful it will become law," Zumbach says.

Leaner Harvest—1995 Farm Bill Seen as Less Generous

(By David Lynch)

WASHINGTON, DC.—Rep. E (Kika) de la Garza, D-Texas, is famous for his "Submarine Story."

The submarine is a modern masterpiece of machinery, he says, able to go on and on, but ultimately it is forced to come to the surface.

Why?

The chairman of the House Agriculture Committee, with great glee and a flourish, then delivers the punch line: "Because they have no food left."

Food production, he explains, is what has made this country great and why the federal government has to help the people who grow the food. Since we eat cheaply compared to other nations, he continues, we should feel indebted to the federal farm program.

There are many, and their number is growing, who no longer fully share the chairman's convictions for assisting agriculture. Reps. Dick Armey, a conservative Republican from Texas, and Rep. Charles Schumer, a liberal Brooklyn Democrat, are among them.

Four years ago they waged a sophisticated attack against the 1990 farm bill, offering a series of amendments aimed at capping federal farm payments, eliminating the honey and wool and mohair programs as well as cutting the price supports on sugar.

They landed some body blows to the farm bloc, still felt today. It allowed President Clinton to win congressional approval of his proposals to suspend the honey price support program and to phase out the wool and mohair price support program in 1996.

Armey and Schumer are back, as are the environmental lobbies that scored major successes in the 1985 farm bill with soil and wetlands preservation provisions that are tied to participation in the federal farm program. In other words, farmers who apply for federal price supports must comply with federal soil and wetlands provisions.

"Conventional wisdom says the 1995 farm bill will look a lot like the 1990 bill—only less generous," says John Campbell, a former undersecretary of agriculture to Clayton Yeutter.

"Conventional wisdom says that commodity loans, target prices and set-asides will stay. Conventional wisdom says that the Conservation Reserve Program (CRP) will hang around in midget form and a larger triple base will be offered up for the budget cutters.

"Unfortunately, conventional wisdom is usually right," adds Campbell.

"I really don't know what to expect," admits Susan Keith, an official with the National Corn Growers Association. She says the future is clouded with questions about the General Agreement on Tariffs and Trade (GATT), "green boxes," the Iowa Plan and, of course, money.

"We really won't know what the bill's going to look like until January when the president makes his budget request to Congress. But when it comes to the farm bill, I'll always bet with the status quo."

Campbell, now a top executive with AGP, an Omaha-based agribusiness, warns that if the status guo and conventional wisdom hold, "agriculture has nothing but less of the same to look forward to." He says American agriculture "will continue its post-1970s state of splendid decline."

PROGRAM BEGAN IN 1933

What is the farm bill, anyway?

Technically, it's the reauthorization of permanent federal law that dictates long-term farm legislation.

The first farm bill was the Agricultural Adjustment Act of 1933. The purpose then was the same as the purpose today—to protect farmers from the unknowns of weather and market fluctuations so they may stay in business through bumper crops and disasters and so the American people can reap the fruits of a cheap food policy.

The farm bill was reauthorized every four years, but in 1985 lawmakers realized it would be less job threatening if they did the farm bill every five years. Not only did it give them more political breathing room, but it took the issue out of cycle with presidential elections.

The CRP that Campbell referred to provides federal rent checks for highly erodible land that is kept out of production. The first parcels under 10-year CRP contracts with the government are coming due. Keith, the former agriculture adviser to former Rep. Dave Nagle, D-Iowa, says there is no funding to renew these contracts. She says farm bill formulators will have the unenviable task of having to find the money or drop the mostly successful CRP.

The environmental lobby has grown in stature and clout since 1985, and that is not being lost on any of the players in the coming farm bill debate.

Dean Kleckner, president of the American Farm Bureau Federation, warned in 1990 that to give in to the environmental extremists would be to give up control of federal farm policy. His rhetoric is toned down a bit, but he continues to warn farm audiences that the Nature Conservancy has an annual budget of $173 million; the National Wildlife Federation, $87 million; the Sierra Club, $50 million plus; and "the 10 wealthiest environmental organizations have a total budget approaching a half a billion dollars."

LITTLE FROM ESPY

Agriculture Secretary Mike Espy has not had much to say about the farm bill yet. However, he has made a number of references to Revenue Assurance. The concept would assure farmers a certain percentage of past crop revenue. The most common figure used has been 70 percent, but it could be adjusted.

The plan would combine crop insurance, price support and conservation practices, and ideally would allow the farmer to make the basic choices on what to plant in reaction to market prices.

No one expects Espy and Congress to buy the proposal lock, stock and barrel. Keith thinks that if it is made a part of the farm bill, it will be a voluntary pilot program.

Given budget constraints, pressure from non-farm elements in Congress and the environmentalists, change can no longer be held back.

Campbell urges farmers to resist conventional wisdom. He urges them to form a new farm bloc that includes environmentalists, who he says "offer a natural political partnership with progressive and market-oriented agricultural interests."

"The average person is much more worried about how food is produced than the adequacy of farm income or the need to pay farmers for not working," says Campbell.

"A positive political and economic strategy for agriculture would be to trade in the worn-out supply/management, command and control income support programs for new environmental enhancement programs."

He recommends government lock in all future projected budget outlays for price and income support payments and earmark them for producers who need only to live up to current sodbuster, swampbuster and conservation compliance measures. Farmers would therefore have full flexibility to plant for the market, not the farm program.

The program would bring farmers and environmentalists together on greener, more productive ground.

NEW SAFETY NET—IOWA'S REVENUE ASSURANCE PROPOSAL TOUTED AS IMPROVEMENT OVER SUBSIDIES

(By Dale Kueter)

COGGON.—A year ago 11 Iowa agriculture groups, motivated by changing times, developed the seeds for a new federal farm program—a hybrid that would end traditional subsidies yet protect farmers from disaster.

Getting diverse farm organizations to sit down together was amazing enough. That they produced a new concept for farm economic security was regarded by some as a miracle.

The proposal has become known as Revenue Assurance. Some call it the Iowa Plan. In its simplest form, it would assure farmers—in years of bad prices or poor weather—a certain percentage of past crop revenue. Seventy percent of gross revenue is commonly used, but it could be some other figure.

Conservaton practices would be tied to the plan, but farmers would decide for themselves—reacting to market prices—what crop and how many acres to plant.

Federal price supports have been used for 60 years. But there is a realization, says Doran Zumbach, 44, that less money will be available in the 1995 farm bill. Many believe the subsidy concept will be plowed under by the turn of the century.

Zumbach, who farms north of Coggon in Delaware County, is vice president of the Iowa Corn Growers Association and was chairman of the Iowa Farm Bill Study Team that created Revenue Assurance. He calls the concept a "safety net."

"Revenue Assurance is like auto insurance," says Zumbach. "You hope you never have to collect. In 1977, central Iowa farmers had a poor crop because of a localized drought. Prices didn't respond upward because yields elsewhere were good. So they had both a poor crop and low prices. That's what the producer fears."

The study team projects the program would pay farmers once every five years instead of nearly every year as under the current system. Savings to the government is estimated in excess of $2 billion annually.

Zumbach says farmers "can holler all they want, but there will be more cuts in the agriculture budget." He says President Clinton has promised to cut the deficit, "a pledge he must keep to be re-elected."

"There are 2 percent producers in this country and 100 percent eaters. That tells the political clout tale."

ISU ANALYZING PROJECT

Stan Johnson, Iowa State University professor who is among those advising the U.S. House and Senate agriculture committees on the 1995 farm bill, praised the Iowa agriculture organizations for working together. He says, "It's a sign that farm groups are . . . realizing it will be difficult to hold traditional deficiency payments."

ISU is doing an analysis of Revenue Assurance with results due in June. "We need to translate what is a loose concept," says Johnson. "How will you calculate the 70 percent? Will it be on basis of county average yields or farm average yields? There are lots of mechanical questions."

If incorporated into federal farm policy, Johnson believes Revenue Assurance would come down to "less price protection and more weather protection." Price protection, he says, can be purchased through the futures market. Johnson says the trigger for Revenue Assurance should be on the basis of county yield averages.

"So if you are a bad farmer, an inefficient farmer and all others in the county do a good job, you don't get any payments," he explains. Once a county would be declared eligible for Revenue Assurance payments, then individual farm records would be used to determine amounts, he says.

Revenue Assurance would be the farmer's reward, says Zumbach, for conservation compliance. There has long been a belief among agriculture policy-makers that all society should share in conservation costs. "It costs farmers real dollars to build terraces or buy no-till drills," he adds.

PLENTY OF CRITICISM

The plan has plenty of critics. Farmers are not famous for building consensus. Negative response has already come from some rice and cotton farmers in the South and wheat interests in the Midwest. Iowa Plan proponents argue that most opposition is based on fear of change.

Sen. Tom Harkin, D-Iowa, initially charged the plan would lead to expanded corn production. Zumbach believes the opposite.

"Now the farmer is locked in by the program," says Zumbach, referring to corn-base acres that provide the starting point for figuring subsidies. "Ask farmers if they plant corn on corn, and two-thirds will say yes. Ask them if they would grow less corn if it weren't for maintaining a base or receiving a subsidy, and 80 percent will say yes."

Zumbach and other proponents say there would be more crop rotation under a system that didn't subsidize corn.

Zumbach says Canada is revising its farm program along the lines of Revenue Assurance. No all of the 11 organizations that helped draft the plan have formally endorsed it yet. However, Zumbach says he would be surprised if any didn't.

WHAT SENATORS SAY

Sen. Charles Grassley, R-Iowa: "We've got to get away from the traditional commodity programs because of the reduced (federal) budget." Grassley said he likes the Revenue Assurance plan. "On my farm we would be better off if we could rotate between corn and soybeans, but the (present) farm program requires that we maintain a corn base." Grassley said he is struck by the fact that disparate farm organizations have endorsed Revenue Assurance.

Sen. Tom Harkin, D-Iowa: The Revenue Assurance proposal is a good starting point for the farm bill debate, but it has to be studied to see how it would really work, he said. "It's a serious effort that should be put through the hoops." While it is an interesting idea, he said it's too soon to say if it should be part of the farm bill.

A FUTURE WITHOUT SUBSIDIES

(By Dale Kueter)

In 1984, New Zealand was a nation of 3 million people and 60 million sheep. The large sheep population was in part attributed to the country's generous farm subsidy program, which was based on livestock numbers.

Then in 1984, after bitter debate, New Zealand's Parliament abolished its subsidy system. In protest, farmers slit the throats of sheep. Some political opponents predicted half the farmers would go out of business.

"In the end only 3 percent of farmers went under," said Denis McLean, New Zealand's ambassador to the United States. "There's barely a farmer today who wants to go back to the old system," he added during a telephone interview.

After a 60-year run, farm subsidies in the United States, too, are getting close review. Some even predict their elimination by the end of the century. Subsidies are caught up in changing times, the drive to cut the federal deficit and new international trade agreements that restrict such programs.

Stanley Johnson, farm policy expert at Iowa State University, says paying farmers a subsidy to make up for low prices has declining support. If direct payments survive at all, he says, they will be targeted to smaller farmers who need them. "Most government payments now to the largest farmers."

What would the future be like without farm subsidies?

There is an array of opinion. Some say farm prices would initially go down, forcing many marginal farmers out of business. Then prices would rise. Many see a period of volatile consumer prices. Others predict a hastening of corporate involvement in farming.

It's clear that more than just farmers would feel the impact. Coggan farmer Doran Zumbach puts it this way: Even though farmers make up less than 2 percent of the U.S. population, "100 percent of Americans eat." Food prices affect everyone.

The ripple would go beyond farmers and consumers. Rural towns that grew up on providing services to farmers would be hurt by fewer farmers. Rural schools, churches and hospitals would be affected.

"And what do we do with displaced farmers?" asks Bob Wisner, ISU grain marketing economist. "That's something we need to be aware of. They will be competing with urban people for city jobs."

The subsidy issue has been debated for years. Farming is a business like any other, some have argued, and should stand on its own. Subsidies have not only benefited farmers, others counter, but have maintained a cheap food policy in the nation.

The subsidy debate has been joined by new forces and new attitudes.

Environmentalists, who gained a foothold in farm policy with the 1985 farm bill, are poised to assert greater influence. So called "green" programs, incentives to farmers for environmental protection, will likely expand.

Federal farm programs have been tied to conservation compliance. Even though farmers generally are good stewards of the soil, it is feared conservation practices would decline if subsidies were eliminated. Some believe environmentalists would then seek mandatory conservation steps without reimbursing farmers.

"Our programs traditionally have required farmers to idle cropland, to take conservation steps in return for payments to help stabilize prices," says Wisner. "In Europe, farmers have produced all they wanted and were paid for the excess."

ATTITUDES CHANGE

ISU's Johnson says urban attitudes toward the family farm have changed dramatically. He says city people, generally, "are more interested in preserving the rural landscape than farm families. The traditional idea of the family farm is dead.

"Not that there won't be family farms," he says. Instead of mom and dad and the kids, "family farms will be family partnerships or proprietorships and family corporations." He says several family entities will operate bigger and bigger farms.

In six decades of existence, farm support programs have taken on the layered look. Responding to various interests, they have been patched together in a complex pattern that itself is a basis for criticism. Many farmers don't understand them.

A 1991 survey of dairy farmers by the Government Accounting Office showed that half were not familiar with the 1990 farm bill.

"I don't know which way the future will take farm subsidies," says Wayne Rasmussen, who served as USDA historian for a half century. "I believe they will survive in some form, but most certainly be tied to environmental concerns."

If subsidies are eliminated, Rasmussen says farm markets are stable enough "that we wouldn't drop into any 1920s kind of collapse." The farm economy then constituted 40 percent of the country's economy, he said. "If subsidies are dropped, I think some farmers will be driven out of business. But somebody will be out there to produce the food."

AFFORDABLE FOOD

"I don't think our food will ever get expensive under any scenario because of our inherent ability to produce," says Gary Hanman, chief executive officer of Mid-America Dairymen. "Right now we have agriculture production throttled back to 60 percent.

"Our farmers are the most productive anywhere. They are the first to adopt new technology. We ought to be producing the food because we are more efficient than farmers in Europe. They ought to be doing something else."

But with the General Agreement on Tariffs and Trade (GATT), farm products are likely to be moving in all directions. Most experts say GATT is good for U.S. farmers. While more foreign food products will be coming into the United States, American farmers expect to be sending more out.

GATT has yet to be ratified by Congress. Some farm groups and farm state senators have threatened to oppose GATT if farm subsidies are cut to make up for income lost because of reduced tariffs.

ISU's Johnson says the old pillars for farm programs—an adequate and cheap supply of food, stability in agriculture and maintenance of farm income—are being replaced. Global trade has changed the food supply issue. Market tools like futures trading can protect farmers from price changes, he says.

In the future, he predicts, agriculture policy and expenditures will be shifted further to environmental issues, control of food quality, research, and development of rural infrastructure.

Next year's farm bill, however, will retain some price protection for farmers, many believe. That will either come through the present deficiency payments system or adoption of some new program like the Iowa Plan. The latter, developed by a coalition of Iowa farm groups, would put a price "safety net" under farm revenue.

There is also a move to revise the 1937 federal milk marketing order system, a complex formula regarded by many as antiquated. A federal judge has ordered Agriculture Secretary Mike Espy to restudy the system, which helps determine the price of liquid milk.

In New Zealand, farm subsidies were the first to go in reforming government involvement in the economy. In the United States, too, other subsidies may be in for examination.

"We all receive some subsidies," says USDA spokesman Ray Wagner. "Newspapers get favorable postal rates. When I deduct mortgage interest from my income tax, that's a form of subsidy."

But farmers' political clout has withered. And the cash crop that subsidies have provided for 60 years is withering with it.

FYI

One scenario if subsidies end:

Prices of some goods will go up, while prices of other goods will go down. The resulting changes in prices will affect farm markets and consumer prices.

Marginal farmers will probably go out of business.

The number of large, family corporation farms likely will grow.

Fewer farmers will mean less business for small-town merchants. Many communities in rural America would suffer unless jobs were created.

Jobless farmers will compete with urban residents for city jobs.

Trade agreements will steer food policy and markets in new directions.

USDA REFUSES TO DIVULGE NAMES OF SUBSIDY RECIPIENTS

(By Dale Kueter)

Legal counsel for the U.S. Department of Agriculture says privacy rights of individual farmers prohibit the agency from releasing names of top recipients of agriculture subsidies.

The Gazette sought the names in preparing this series of stories on federal farm programs. The USDA spokesman said a 1989 Supreme Court ruling elevates privacy rights to new standards. The media must show that the public interest clearly surpasses privacy interests, he says.

Prior to the 1989 ruling names of subsidy recipients could be published.

The newspaper had sought the information in an effort to help both rural and urban readers decide if dwindling federal subsidies were being used in a fashion they agree with. The newspaper argued that such information was vital for any debate on the future direction of farm policy and subsidies.

USDA officials said they can release information about subsidies given to farm corporations, unless they represent family operations. Nearly all Iowa farm corporations are those involving family farmers.

Federal law restricts deficiency payments on commodities such as corn to $50,000 a year. There is also a $50,000 limit on payments for land idled under the Conservation Reserve Program.

The number of Eastern Iowa farmers who received the maximum payment in 1992 ranged from none in Clayton and Winneshiek counties to 27 in Buchanan and 19 in Fayette. However, officials at Iowa State University say many farmers reach payment levels of $30,000, $40,000 and amounts just short of $50,000.

Some, including economists at ISU, believe that over the years many farmers have managed, legally, to work around the $50,000 limit. Souses, parents or siblings would form separate corporations to establish ownership in part of a farm to qualify for separate subsidy payments. A prominent Eastern Iowa grain producer says "any farmer with a halfway decent lawyer" could work around the $50,000 limit.

USDA officials in Des Moines questioned claims that such legal maneuvering was widespread. Most Iowa farmers, they say, aren't big enough to reach the payment limit.

However, after a mid-1980s scandal in Mississippi, in which a group of individuals formed 21 corporations to reap federal subsidies, Congress passed legislation limiting each individual to forming three such entities.

With the 1990 farm bill, Congress said a husband and wife can be treated as separate persons for purposes of subsidy qualification without each forming a corporation.

In such a 50-50 joint operation, each, in theory, could qualify for up to $50,000 in payments. However, stresses Steve Phillips, an Iowa USDA official, a spouse must make a labor and management contribution to be eligible.

If, for example, the wife holds an off-farm job, the USDA could decide it is a 55-45 partnership. In such a case, the husband could receive the full $50,000 in payments, but the wife could not receive more than 45 percent of that.

For 1994, Phillips says, based on the proposed deficiency payment schedule, a farmer would have to have some 1,250 acres of corn base before nearing subsidy payment limits. For a spouse to also qualify for payments, the acreage would have to be even more.

The Gazette has requested congressional agriculture leaders to include language in the upcoming farm bill that would inform farmers who receive subsidy payments that their names would be published. A USDA official says that would be similar to a law regarding publishing of salaries received by federal employees.•

"ISLAM ENGAGES THE WORLD"

• Mr. SIMON. Mr. President, we live in a world where Islam is an important cultural, religious and political phenomenon.

Even in the United States, we now have more Moslems than Presbyterians.

And, unquestionably, there is prejudice against Moslems because frequently there is a tie-in in the public mind with fanaticism.

The Christian Century, obviously, not a Moslem publication, recently had an article titled "Islam engages the world." No author is given for the item, but it is an insight into the Moslem world that is divided just as the Christian world, the Jewish world, the Buddhist world, and the Hindu world are divided.

Because we need to have more understanding and because every avenue for pursuing that understanding should be followed, I ask to insert the Christian Century article into the RECORD at this point.

The article follows:

[From the Christian Century, Sep. 21, 1994]

ISLAM ENGAGES THE WORLD

So much attention was focused on Vatican opposition to abortion at the UN International Conference on Population and Development that it was easy to overlook a far more significant religious milestone. After Cairo, Muslims and non-Muslims have even fewer reasons to speak about a monolithic Islamic world. Such a world, of course, has never existed: Islam has always been a rich mixture of different theological and political traditions. But the Cairo conference marked the first time that Muslims from countries throughout the world met and debated under the glare of such an intense international spotlight.

It also was the first time that such a major international conference had been held—Egypt—a fact that afforded many non-Muslim delegates and journalists their first significant exposure to a predominantly Muslim country. The resulting encounters, said Riffat Hassan, a Muslim scholar who teaches at the University of Louisville, may prove to be one of those rare moments in history when understanding wins out over intolerance and misunderstanding.

When it convened September 5, the conference was threatened with violence by Muslim extremists, who said discussion of such issues as birth control, family planning and abortion demeaned Islamic belief. By the end it was clear that the conference "broke a lot of stereotypes," Hassan said, and in doing so it became apparent that there is not one Muslim world, but many. "We are much more diverse than people think we are," said Hassan, a Pakistani who participated in the conference as both an observer and frequent lecturer on problems facing Muslim women. In Hassan's view, Cairo represented a kind of breakthrough for Muslim women. "We are on the threshold of what women in the United States were experiencing in the '60s—a kind of opening up, a chance to become more vocal."

The women had some important allies, particularly on what many consider the most obvious example of repression against Muslim women: female circumcision, the removal of a woman's clitoris. At a public forum on the issue, several of Egypt's most respected scholars and clerics condemned the practice. "Mecca does not know about female circumcision," said Sheikh Mansour Abdel Gaffar. "The Prophet Muhammad did not circumcise his own daughters." At moments like these the Islamic faith put itself through what Hassan called "something necessary for all religions self-critique."

In Cairo the public face of Islam was not limited to strictly theological concerns. Abdallah Schleifer, an American-born Muslim journalist and a professor at Cairo's American University, said the fact that a number of Islamic nations—including Iran—ignored a call by other Muslim countries to boycott the conference affirmed a long Islamic tradition of "being ready to engage intellectually" with the rest of the world. "by participating, they [the Iranians] ceased to be 'The Other,'" Schleifer said.

The Cairo conference generated vocal criticism from a number of Islamic and non-Islamic observers. Saudi Arabia, the Sudan and Lebanon boycotted the conference, saying it was a Western, secular-oriented gathering that would weaken the family and undercut sexual ethics. Many Muslim leaders, citing Islamic law and tradition, joined with the Vatican to condemn what they perceived as the conference's support for abortion as a means of birth control. Participants in an early September meeting of the Islamic Society of North America in Chicago maintained that the Cairo conference's action plan for population control is essentially a Western conspiracy to ruin the Muslim world.

Still other critics objected that the conference glossed over consumption and development issues—issues expected to be addressed at the UN's Social Development Summit next year. A coalition that included the World YWCA and various Third World organizations declared that "we find the Program of Action to be nothing but an insult to women, men and children of the South who will receive an ever-growing dose of population assistance, while their issues of life and death will await" the 1995 summit. Charges were also made that the conference's emphasis on reproductive issues ignored more pressing social and economic problems in developing nations, such as the servicing of foreign debt and continued widespread poverty.

"For us, coming from the South, [reproductive issues] don't form the crux of the central issue that affects the lives of millions of women in our countries," noted Evelyn Hong, a member of the activist group Third World Network. "The burning issues are social and economic problems." As the conference neared its end September 12, a dozen protesters representing a coalition of several hundred Third World women ringed the gates of the conference site terming the event an attempt by richer nations to impose order on the developing world. International conferences, argued Cairo University professor Awatef Abdel-Rahman, have become a way for the North to impose its "new world order" on the South.

Despite such harsh, unbending criticism, some Western delegates nevertheless expressed appreciation for what they characterized as the pointed but reasoned stance that the participating Islamic nations took against abortion. One senior U.S. delegate, quoted by the *Egyptian Gazette*, said Muslim countries "were among those that contributed most to this process." One reason for the Iranians' popularity among some Western delegations was that in their view the Islamic position on abortion proved more nuanced than the Vatican's.

Egypt's chief Islamic cleric, Grand Mufti Mohamed Said Tantawy, stressed that while Islamic scholars and jurists have declared abortion wrong, they have also said it is permissible when a mother's life is in danger. In an interview Tantawy said he believes that abortion is neither fully permissible nor fully forbidden in Islam, but that each case should be decided "one by one, each on its own merits."

Tantawy went on to say that the Cairo conference exemplified Islamic traditions of tolerance, diversity of opinions, and intellectualism—traditions he said Muslim extremists have ignored by embracing a political fanaticism that "is not real Islam."•

TRIBUTE TO GRAND LODGE OF VERMONT

• Mr. JEFFORDS. Mr. President, I rise today to commend my fellow Vermonters, the Freemason Grand Lodge of Vermont, for their contributions to the rich history of the State of Vermont in celebration of the bicentennial of Freemasonry in Vermont on October 14, 1994.

Freemasonry made its entry into Vermont during the period of the French and Indian wars as English military forces moved through the region. The surrender of Quebec to the British took place on September 18, 1759; 2 months later, on November 28, 1759, a meeting of Masons belonging to the several military lodges in the vicinity was held there—including lodges which had traversed Vermont and had introduced the craft to the Green Mountain State.

In 1791, in Vergennes, the first civilian Masonic Lodge was chartered in Vermont. Thereafter, town after town received their charters and the fraternity became firmly entrenched into the fabric of the State.

On October 14, 1794, the Grand Lodge of Vermont was formed at Rutland at the site of the present Lindholm Block at the corners of Main and West Streets, to govern the several lodges within the State.

Freemasons were prominent in the struggle for Vermont independence. Among them were Thomas Chittenden, Seth Warner, Remember Baker, Robert Cochran, Joseph Wait, Ira Allen and, it is believed, Ethan Allen.

Freemasons have continued to be prominent in the affairs of the State, including Governors Thomas Chittenden, George D. Aiken, Harold A. Arthur, Joseph B. Johnson, Robert T. Stafford, F. Ray Keyser, Jr., Dean C. Davis, and Richard A. Snelling. Other well-know Vermont Masons include Warren R. Austin, who was the first U.S. Ambassador to the United Nations, and noted artist, Norman Rockwell.

For all the foregoing reasons, it is right and proper to join together and wish Freemasonry continued success as it celebrates its bicentennial in Vermont on October 14, 1994.•

ANNOUNCING THE 25TH ANNIVERSARY OF THE MICHIGAN STATE UNIVERSITY COLLEGE OF OSTEOPATHIC MEDICINE

• Mr. LEVIN. Mr. President, this year the Michigan State University College of Osteopathic Medicine celebrates its 25th anniversary. I would like to congratulate the school on its exceptional academic work and service to communities in Michigan.

The College of Osteopathic Medicine serves as an educational model for other medical schools as its many achievements prove.

The school produces more primary-care physicians than any other college in the State and ranks near the top in this category nationwide. Approximately 65 percent of all graduates of the college practice family medicine, internal medicine or pediatrics—more than double the national average.

The College of Osteopathic Medicine is the first medical school to implement a community integration program. This program brings students, alumni and the community together to volunteer time where it is needed most.

The school was also the first osteopathic school in the Nation to award joint D.O.-Ph.D. degrees for physician scientists, establishing itself as a leader in osteopathic manual medicine.

I would like to congratulate Michigan State University's College of Osteopathic Medicine for its many achievements and wish the school continued success on its 25th anniversary.•

IN HONOR OF 94TH AMERICAN INFANTRY DIVISION

• Mr. WARNER. Mr. President, I rise today to honor a group of distinguished Americans, the men of the 94th American Infantry Division who served during World War II. These men demonstrated their devotion to the infallible principle of democracy and made the supreme sacrifice for freedom.

I call attention to these men and their families because today, in Paris, France, they are participating in the relighting ceremony of the Eternal Flame at the Tomb of the Unknown Soldier at the Arch de Triomphe. This great honor is only the beginning of an anniversary tour that marks the great victories of the 94th Infantry Division, and culminates in the dedication ceremony of the "Peace Monument" on October 16.

On October 16, a memorial will be dedicated to recognize the heroic men who broke through the heavily defended German line at Siegfried almost 50 years ago today. This memorial is aptly named the "Peace Monument," and it will be dedicated at Potsdamer Platz on the former Siegfried Line near Nennig, Germany.

This memorial has special significance. The original monument was established in 1945, and it was one of the first memorials built after V-J Day. The idea to construct a permanent memorial was jointly conceived by World War II veterans of both nations, namely the 94th Infantry Division and Germany's 11th Panzer Division.

The "Peace Memorial" is constructed on land generously donated by the Federated Republic of Germany. The focal point of the monument will be two bronze tablets inscribed with a message written in English and German from former President George Bush. The design and setting are truly worthy of the name "Park of Peace."

The sole purpose of this shrine is to demonstrate the goodwill of both Germany and the United States of America in its hopes of lasting peace.

I would like to note that this memorial is the only World War II monument of its kind which the United States of America constructed on a historic battlefield on former enemy soil. In the words of those responsible for this monument, "it is the only monument/memorial of its kind on the entire planet, on a former battlefield, dedicated to peace between former enemies who have been at war twice this century, twice in a single generation."

Accordingly, I would like this body to hereby recognize that this commemoration should be remembered and cherished. Henceforth, the monument should be regarded as an emblem of peace the world so desires, and for which World War II was fought for so honorably.•

STATUS OF MEDICARE PHYSICIAN PAYMENT REFORM

• Mr. ROCKEFELLER. Mr. President, it is my strong belief that the defeat of comprehensive health care reform legislation in this session of Congress affects not only the health security of virtually every single American, but our Nation's long term economic security as well.

Beyond the human tragedy of the failure to extend universal health care coverage to every American, Congress' inaction on health care legislation will have a great many specific programmatic effects which we will have to deal with next year.

As the chairman of the Medicare and Long Term Care Subcommittee on the Senate Finance Committee, I want my colleagues to be award what since we were unable to make some important technical corrections and improvements in the Medicare program, we missed an opportunity to do some general housekeeping regarding certain parts of the program that is truly regrettable.

Today, I would like to discuss one particular section of the Medicare program that we will have to turn our attention to next year—Medicare's physician payment system. The absence of congressional action on health care legislation this year will mean that physicians who participate in the Medicare program will receive payment updates that are specified by a statutory default formula written in the legislation I authored in 1989. For fiscal year 1995, this amounts to, on average, an update of almost 8 percent for all physicians and over 12 percent for surgeons.

I am concerned that in 3 of the 5 years that an update has been established under the Medicare volume performance standard [MVPS] system—enacted as part of physician have both been set by the default formula in the statute and not according to policy adopted by the Congress. When we passed this reform, Congress did not intend that we would regularly resort to the default. The legislative history will certainly testify to that. A default was put into place as a safeguard.

The default formula for the MVP standard produces a high standard, and a high standard leads to a high update. For example, the 1995 update is based on the 1993 MVP standard which was established by the default formula. This is the second year in a row that the update and standard have been established by the default formulas which partly explains why they are high. The 1995 default standard will similarly lead to a high 1997 update.

To review, Medicare physician payment reform consisted of three separate but interrelated provisions. The first part consisted of developing a resource-based relative value scale which properly valued surgical and other procedures in relationship to primary care procedures. This helped to end the payment imbalance in Medicare which contributed to the underpayment of primary care services.

The second part consisted of the Medicare volume performance standard [MVPS] which was designed to slow the growth in the volume and intensity of Medicare part B services. Medicare part B expenditures had an annual average growth approaching 15 percent during the 1980s. The MVPS system was designed to reward physicians for controlling volume and intensity of Medicare services by allowing for higher updates if they did so. Prior to 1989, the default update was the amount estimated that physician input prices would increase. This usually averages three to four percent a year. Congress sometimes enacted a lower amount. It rarely established a higher amount.

Thirdly, Medicare physician payment reform put in place beneficiary protections that limited the amounts physicians could extra-bill beneficiaries.

The first MVP standard was set in 1990 which governed the 1992 physician update. The relative value scale is currently being phased-in over 4 years. Although the transition will not be completed for another year, Medicare payments for overpriced procedures have been dramatically reduced. Balance billing limits were phased in and were fully effective in 1992 resulting in millions of dollars of beneficiary liability being removed from the system.

Part B growth has slowed dramatically in recent years. However, it is still unclear whether the national system of updates gives an individual physician an incentive to control his or her volume and intensity of services. It is also unclear whether the recent lower growth in Medicare part B physician outlays is attributable to lower inflation in general and national trends in utilization that go beyond Medicare.

I believe that we ought to examine the Medicare volume performance system in the next Congress to see whether fundamental changes are warranted. On the one hand, we need to avoid the further erosion of Medicare fees in relationship to private sector fees to protect beneficiary access. On the other hand, Medicare physician fees should not increase more rapidly than Medicare payments to hospitals, home health agencies, nurses, and other providers or general medical inflation absent unique justification for such increases.

I believe we should explore a variety of options which could include returning to an update based on the rise in input prices, shortening the time between measurement of performance, or testing a system base on withholds. I am sure there are other options which should be reviewed as well.

I also strongly believe we ought to explore several refinements to the existing system if it is concluded that more fundamental changes are not desirable at this time. These include decentralizing the reward system to the State or speciality level, redressing the growing imbalance in the relative value system between services engendered by the system of differential updates for surgeons, primary care and other physicians, and reexamining the default formulas to determine if a more objective baseline for growth should be used, such as per capita GDP.

Finally, we should also explore other ways, outside of the MVPS system to redress the balance between payment for primary and specialty care. These include reforming the methodology for paying practice expenses and the system of bonuses paid to physicians practicing in underserved areas. Many of these ideas were promoted as parts of health care reform measures which a large number of my colleagues supported.

Mr. President, I believe, that after five Congressional sessions since the enactment of physician payment reform, it is time to evaluate and reexamine the systems we put in place. Improvements and refinements are needed and I intend to make that a high priority in the next Congress.•

IS IMMIGRATION A THREAT TO NATIONAL SECURITY?

• Mr. SHELBY. Mr. President, I ask that the following statement by Mr. Dan Stein, executive director of the Federation for American Immigration Reform before the National War College, entitled, "Population, Migration and America: Is Immigration a Threat to National Security?" be entered into the RECORD.

Mr. Stein's comments before the War College's class of 1995 raises critical security issues that this country will face in the future if we do not act soon to control our national borders, slow our exploding population, and ensure political and societal stability.

His call for a better understanding of immigration in this country and a pressing need for immigration reform is well-taken. There is no doubt that immigration reform will a top priority in the 104th Congress.

The speech follows.

POPULATION, MIGRATION AND AMERICA: IS IMMIGRATION A THREAT TO NATIONAL SECURITY?

(By Dan Stein)

If the grass is always greener on the other side, then a quick glance at our daily papers tells us that for an awful lot of people worldwide, the grass they covet grows in the United States. Never before in the history of this nation have so many people wanted to move here. Never before have we faced so many difficult choices in deciding who, out of hundreds of millions of basically nice folks, we will allow to enter. And never before have we faced a greater challenge in trying to regulate the force of millions pressing at our national borders.

A storm is brewing. The differential pressure inside and outside our borders has left the nation vulnerable to unregulated storm surges of people seeking our shores. Never has a well meaning group of public-spirited Americans been so perfectly positioned to be blind-sided by the thrall of outdated notion.

We are truly at a watershed today. Americans are beginning to wake up to this fact. The out-migrations from Cuba, Haiti, the Dominican Republic and Mexico reveal that we are at the headstreams of what could be a chronic state of unmanaged immigration for the next forty years. Before us lie stark choices that are now within our power to decide. Soon they may not be. The international demographic forces at work are strong and powerful. They are perhaps the strongest external forces this nation has ever faced. If we hope to control them, we must choose soon, or it will be too late.

The patterns of regional population growth—and the dynamics of that growth—will generate the most unregulated flow of migrants in the history of the human race. This has profound national security implications for the United States today and tomorrow. Are we prepared?

THE LARGER PICTURE: POPULATION DYNAMICS AND MIGRATION PRESSURE

This metronome in my hand illustrates the rate of world population growth: 171 more people a minute—that's births minus deaths. The United Nations estimates that 90 million people are now added to the population of the planet each year. In just the next ten years, more people will be added to the population than there were in the entire world in the year 1800. Just two generations ago, total world population was 2.5 billion. And that was considered a remarkable number. In 1992, we reached the 5.5 billion mark, and the UN estimates that we will exceed 10 billion in the next century before population growth levels off.

This demographic force will generate an unprecedented wave of human migration in the 21st Century as ten of millions seek economic opportunity, escape from environmental disaster, civil strife and repression. The patterns have just begun to emerge and will grow with intensity in decades to come.

Abstract figures don't tell the whole story. To consider fully the national security implications of in-migrations, we must also examine the dynamics of the demographic picture. It's an aphorism now to observe that demographics is destiny, but it's true. The size of the youthful component, in particular the size and growth rate of the illiterate young male population entering the labor force relative to the size of the labor force as a whole, has a great bearing on a nation's (tribe or bloc's), political stability. Idle young men are the leading edge of any radical political force. They are the pool of discontent that most readily challenges static institutions and habits. Other factors, such as rural to urban migration, educational attainment generally, and differential growth rates between different ethnic groups are key to any fair appraisal of the security implications of immigration.

Robert Kaplan's now much-cited "The Coming Anarchy," from the February (1994) issue of the Atlantic Monthly, painted a dismal mosaic of fragmenting nations and tribes in regional and local flare-ups worldwide. Citing Samuel Huntington's thought-provoking piece in Foreign Affairs (Summer 1993), entitled "the Clash of Civilizations," Kaplan observes that "the world * * * has been moving during the course of this century from nation-state conflict to ideological conflict to, finally, cultural conflict. I

(Kaplan) would add that as refugee flows increase and as peasants continue migrating to cities around the world—turning them into sprawling villages—national borders will mean less, even as more power will fall into the hands of less educated, less sophisticated groups. In the eyes of these uneducated but newly empowered millions, the real borders are the most tangible and intracticable ones: those of culture and tribe * * * It is apparent how surging populations, environmental degradation, and ethnic conflict are deeply related." (at 60)

Look at Haiti. Haiti today is a very poor nation of 6.3 million. It has a rapidly growing population (2.3 percent per annum), and a population doubling time of 30 years. From a population under 5 million in 1980, its extraordinary growth will cause it to exceed 7.6 milion people by the year 2000. the "population pyramid" of Haiti compares to Rwanda, and starkly contrasts with that of France (a nation that enjoys population size stabilization, a high standard of living and the political stability that accompanies healthy national institutions). Today, most of Haiti's civilian legal structure is dysfunctional, its economy is in ruins, and the nation lacks even the ability to enforce its own frontiers. It is an ecological disaster, and the povery/illiteracy rate is over 80 percent. And, as Kaplan says, the rapid growth of young people—especially young males—into such an unstable and overcrowded situation can throw a nation into anarchy.

Haiti is not unique, of course. We don't need Kaplan to remind us that Haiti's troubles are part of a pattern emerging worldwide. As the political situation deteriorates, general civil violence erupts. Power and influence are spread about each community as local thugs—Kaplan calls them "less sophisticated groups"—control access to necessities of life. Official and unofficial corruption merge and blur into a generalized pattern of bribery, favoritism and fraud. As more and more young people enter their teenage years (as a result of a very rapid teen growth), they are recruited into what amounts to street gangs. Central political control collapses into generalized anarchy and civil war. In the coming decades, scholars and the United Nations suggest, this scenario will repeat itself over and over in country after country.

In much of the less developed world we have witnessed the flight from rural to urban areas of the past two generations. Those in the countryside are moving—voting with their feet—in response to poor and declining living conditions. Pushed from the countryside and pulled by the city's bright lights and economic opportunity—real or imagined—tens of millions have elected to crowd into teeming metropolitan areas. Mexico City, for example, with 3.5 million people as recently as 1950, now holds around 18 million. And what we have witnessed to date is only the tip of the iceberg. The UN estimates that between 1987 and 2025, the urban population of the Third World will have grown by 2.75 billion—twice the amount that were added during the period from 1950 to 1987. In 1950, North America had an urban population of 108 million; Asia (excluding Japan) had an urban population of 175 million. In 1990, the figures were 207 million and 900 million, respectively. By 2025, North America is projected to have 280 million urban dwellers, while Asia will have an urban population of 2.5 billion—roughly the population of the entire world in 1950.

In other words, by 2025, Asia's urban population will be as large—in itself—as was the population of the entire world in 1950 (about the time many of us here today were born!).

In 1990, the entire labor force of the more developed regions was 584 million people. In just the next 10 years, the less developed countries will have to produce 372 million jobs to accommodate all the new labor force entrants. These are not projections. The workers of the early 21st Century are already born. By 2025, another billion people will be seeking employment, a number more than double the present total labor force of the more developed regions.

These figures represent an economic challenge unsurpassed in the history of the human race. They paint a picture of tomorrow's megacity: teaming with uneducated souls, trapped in urban squalor and poverty, who, gaping at U.S.-made movies, believe that passage to the United States is the only real opportunity for an improved state of being. These same figures reveal that the size of the population most likely to migrate—15 to 45—is growing explosively in real terms unimaginable to earlier generations. Of those who want to move and can physically move, the numbers are swelling at a staggering rate.

We do not know the degree to which civil war and violence will intensify this desire to move, but we do know that many who would like to move only want to move to a particular country. If only those fleeing under emergent conditions are admitted to a country like the United States, then soon everyone will try to flee under the same pretense of emergency.

THE "GOOD OLD DAYS"

This acute pressure can only grow in intensity. Any loophole in our immigration processes, any opportunity for exploitation or illegal border crossing will produce uncontrolled waves of in-migrants. This is the most obvious impact on our national security.

I will discuss more about border security in a bit. But for now, let's keep in mind that these are the "good old days." That may seem hard to believe, but recently, the United Nations named 17 nations as "potential Somalias," or nations that could face collapse, including Mexico, Egypt, Nigeria, and Algeria. Thirteen are already in various stages of crisis, including Afghanistan, Angola, Haiti, Iraq, Mozambique, Burma, Sudan, Zaire, Rwanda, Burundi, Georgia, Liberia, and Tajikistan. The Chiapas region of Mexico is considered extremely volatile. Cuba, Haiti, Venezuela, Mexico, the Dominican Republic, and portions of Central America remain the greatest migration threats in our Hemisphere. In each nation or region, we see similar phenomena: a breakdown of civil order, a large, growing, poorly-educated and dissatisfied population in danger of starvation. There are right now perhaps fifteen to twenty ongoing secessionist movements worldwide, most in full swing.[1] Civil war, separatist movements, generalized civil and social breakdown—each produce large refugee flows. It is a scenario we have warned was coming for many years. It was brought on—or made much more significant—by rapid, uncontrolled or differential population growth rates in high-risk nations.

This pattern has already generated an explosion in the number of refugees worldwide, and, over the next thirty years, is going to generate the most unregulated flow of migrants in the history of the human race. (The most recent estimates provided by the United Nations High Commissioner for Refugees suggest there are about 20 million refugees who live outside their home countries—eight times the number of two decades ago—and another 24 million displaced within their own borders.)

WHAT IS THE AMERICAN SECURITY INTEREST?

A typhoon occurs not because of pressure per se, but because of relative differences in pressure. In our case, the United States, with its generous entitlement structure, free public education, relatively high wages and lower density, is attractive for those who would like to leave a country that lacks those characteristics. Relative pressure dictates that those with the greatest advantage from the move will try to make the move—and all the pressure is moving more this way. The poor, less educated and lesser skilled have the most to gain by moving to the United States. Because of our high tax rates, relatively low quality of life factors, we have more difficulty in attracting the best and the brightest.

But let's not get ahead of ourselves, here.

The implications of these regional demographic facts are staggering. The U.S. security agencies were discussing the long-range challenges presented by this picture years ago. The National Security Council, in "National Security Study Memorandum 200: Implications of Worldwide Population Growth for U.S. Security and Overseas Interests," Washington, D.C., December 10, 1974," stated the threats this way: [P]opulation factors are indeed critical in, and often determinants of, violent conflict in developing areas. Segmental (religious, social, racial) differences, migration, rapid population growth, differential levels of knowledge and skills, rural/urban differences, population pressure and the spatial location of population in relation to resources—in this rough order of importance—all appear to be important contributions to conflict and violence * * * Clearly, conflicts which are regarded in primarily political terms often have demographic roots. Recognition of these relationships appear crucial to any understanding or prevention of such hostilities. (at 66)[2]

When this analysis was written, the 1980 Mariel Cuban boatlift had not occurred. Immigration from Mexico was problematic but still under some control, and illegal immigration was a minor political issue.

Today, things are different. We now know that this analysis correctly analyzed the relationship between population mobility/hostility dynamics and other security issues. It just didn't bother to place the United States anywhere in the picture. (This is not surprising, of course. Until recently, the United States was in the thrall of the "myth of American exceptionalism." This holds that all the lessons of human history have no bearing on the United States. We're different. "We're special," says immigration expansionist Larry King.)

Here is the bad news: Simply put, unless the United States develops better control over its borders and curtails immigration, we will simply be overwhelmed. Our institutions will erode, our harmony of outlook will disappear, and our entire sense of national cohesion will evaporate. In short, we will cease to be a nation. We will not continue to function as we have in the past. We will become, instead, groups living on this land, each contending for a larger share of its remaining resources.

Here is why.

THE SECURITY PERSPECTIVE

First, let me make one thing perfectly clear. The United States does not now have

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Footnotes at end of article.

any security interest in additional immigration. We don't need immigration.

Now, on its face, that might not seem to be a very profound statement (particularly through our romanticized notions of our history). But consider that the United States did have a profound security interest in immigration from 1607 until 1920. The fledgling colonies needed immigration to create a buffer zone between themselves and the hostile Native American forces. They, and later the original thirteen states, also needed settlers to populate new territories that were subject to hostile foreign colonial domination. In other words, settling the continent—settling the land and claiming the territory—was a condition precedent to projecting jurisdiction and, therefore, the nation. That land would not have been left to the Indians. It would have been claimed by Spain, France, Russia, China, Holland, or some other colonial power.

So imperative was the need to populate the continent that the United States was admitting a new state almost every year in the early 19th Century. The mold for the new territories, laid out in the Northwest Ordinance of 1787, established the entire frame of government, legal and philosophical institutions, and basic natural rights of the future inhabitants.[3]

It might be worth noting here that the level of immigration was much, much lower than it is today. In fact, it was tiny by comparison. And most of the immigrants came from Northern Europe. So even though there was a language problem, these immigrant groups came primarily from Northern European nations, with the Enlightenment traditions of Western Civilization. (Even so, British immigration was high enough, relative to Dutch immigration, to virtually wipe out the colony of New Amsterdam in the mid-17th century. This was true demographic hegemony; New Amsterdam slipped under the waves without a fight.)

The Framers surely knew the relative importance of actors in making a nation competitive. Shortly after the Northwest Ordinance was passed by Congress, Alexander Hamilton noted in the Federalist Papers that: The wealth of nations depends upon an infinite variety of causes. Situation, soil, climate, the nature of the productions, the nature of the government, the genius of the citizens—the degree of information they possess—the state of commerce, of arts, of industry—these circumstances and many much too complex, minute, or adventitious, to admit of a particular specification, occasion differences hardly conceivable in the relative opulence and riches of different countries. (No. 21)

In the case of the United States, we undertook a long, protracted process of establishing a new nation across a vast, mostly unsettled territory. It was a territory possessed of vast, resource-rich tracts of land, game, wildlife, strategic and life-giving rivers and streams, and great natural bounty. This enormous resource base, the selective nature of immigration, the form of government (and its underlying philosophy), the social and civic institutions, and the industriousness of the citizens, all fused to create a great national superpower in the 20th Century.

Israel Zangwill's "melting pot" succeeded because:

(1) a firm, long-developed framework of national political and economic culture and operations had been firmly established by the time the largest immigration waves hit;

(2) sheer abundance of physical space permitted immigrants and their descendants extraordinary mobility, and an ability to move to, or establish, new communities in which to live;

(3) the absence of any large population that laid an a priori claim to burial grounds, holy land, ancestral homes or sacred grounds that would resist the encroachment of new settlers.

(4) the absence of any officially-sanctioned linguistic and cultural preservation, preference or priority that could discourage assimilation.

If the United States is exceptional, it is exceptional because of past historical circumstances and the recency of its settlement. But, as noted ecologist Garret Hardin has observed, the same factors that enable a group or nation to prosper and multiply are often the same ones that lead to its demise.

The nation's need for immigration ended shortly after the turn of this century. With the labor supplies met for the industrial revolution (accomplished through immigration from 1870 through 1920, and internal rural to urban migration over the same period), the annual immigration level was firmly capped at that point (below 200,000 a year). And, most importantly from our standpoint, there was never any national consensus to this day to raise the numbers. Lost in our somewhat rosy view of immigration history is the fact that this turn-of-the-century wave was an exception, not a rule. Most of our immigration history was of much lower levels, usually below 250,000, and often far below that.

We enjoyed a virtual end to immigration from 1920 through 1965. It was during this period that the children of the Ellis Island wave made great strides toward assimilating into the national culture. Arguably, this assimilation would not have occurred had there not been a stop to immigration in 1920. World War II gave immigrants' children a chance to enter the labor force, compete on equal terms and prove their worth in combat. Post-war prosperity led to the creation of new suburban communities that enabled the melting pot to work in earnest. A new suburban neighborhood had the advantage of eliminating the force of prior territorial claim so characteristic of urban ghettos. Everyone's new on the block.

Everything seemed to be working fine, until 1965. At that point, some in Congress and the holdovers from the Kennedy Administration decided that immigration should be viewed as a "civil rights issue," rather than one tailored to meet the national needs. In 1965, without meaningful debate, we put in place new immigration laws that set in motion the greatest single flow of immigration in American history. Why? At this point in our history, why do we need immigration?

Do we need more people? Are we underpopulated?

Is there an acute labor shortage in the U.S.?

Is there insufficient traffic on our roads?

Are the water tables in Florida, California and Texas flooded?

Is there an excess of prime farmland in America?

Is there too much wildlife in our national parks?

Is there an overabundance of beachfront property to be developed?

Do we need immigration to improve American public education?

Do we need immigration to reduce crime in America?

Do we need immigration to improve medical care?

Are there too many acres of wetlands in need of paving?

Are we too homogeneous to be a legitimate nation?

Does our national security depend on any way on significant immigration?[4]

I think (and FAIR thinks) the answer to each of these questions is no. So if we don't need immigration, why have it?

The answer seems to be perceived tradition and habit.

But this habit is going to create a lot of problems.

First, legal immigration ("legal immigration" is a fictional concept that implies "by consent of the majority," something that is not in any way happening today) is running too high for any reasonable national future. According to demographers Lindsey Grant and Leon Bouvier: the United States grew from a nation of 76 million in 1900 to 249 million in 1990 (and to an estimated 260 million in 1994). Forty-three percent of that growth consisted of post-1990 immigrants and their descendants. Present immigration and fertility patterns place us on the path to a population of 397 million by 2050 and 492 million in 2100. More than 90% of that growth will be a direct result of post-2000 immigration.* * * We find the idea of another doubling of U.S. population thoroughly frightening. Consider the impact of many of the nation's current problems: urban decay and unemployment, energy dependence, nuclear waste and sewage disposal; loss of biodiversity and resistance of agricultural pests and diseases to pesticides and medicines; acid rain, climate change, depletion of water resources, topsoil erosion, loss of agricultural lands and destruction of forests, wetlands and fisheries, to name just some.[5]

Most of this population growth will take place in America's coastal counties (the counties that include big cities like New York, Los Angeles and Miami). Fully 60 percent of the coastal county population increase during the 1980's is due to immigrants entering the U.S. during the decade, compared to a much smaller 20 percent share in the non-coastal counties. If you've driven through many of America's coastal counties, you know what is already happening: crowding and congestion are the norm, open space is the exception. Well, things are going to get a lot worse, thanks in large part to immigration.

In California's coastal counties, where 80 percent of the state's population is concentrated, population density is currently just over 600 people per square mile. By 2010, when California's population is projected to reach 50 million (or more—the projections grow faster than I can keep up with them), population density in the coastal areas would be a staggering 1,050 people per square mile! That's twice the population density of Haiti. Most of this growth is concentrated in the urban core or the coasts itself.[6]

So it's easy to see why Bouvier and Grant are concerned about urban decay, sewage disposal, housing, wetlands loss, crowding and congestion. Who wouldn't be? Most people don't seem concerned because they don't really know about it. But others who do know are turning a blind eye: most of the "establishment" environmental community, population organizations and government planning agencies have accepted a growth projection that cannot possibly be accommodated in these coastal regions without dramatic changes to our quality of life, living standards and basic liberties. Where are the roads? What about the housing, the infrastructure, jobs, waste removal and water? We will be marshalling our scarce national resources to try to accommodate this huge influx of people without any sense of our national destiny or goal. Yet no one seems to want to pull heads out of the sand and ask "why"?

THE SKILLS MISMATCH

Another security concern relates to the mismatch of immigrants to skills. The family preference policies in place since the mid-1960's continue to select most immigrants based on who they know, not what they know. At a time when our economy is placing a premium on a highly skilled, educated work force, our immigration policies are admitting ever-growing numbers of unskilled, poorly educated people. Moreover, our policies, as they are currently formulated to favor family "reunification" (a euphemism of classic proportions), will result in an acceleration of this trend in the coming decades. Family preferences are self-promoting, self-multiplying, and capable of fueling downstream expectations prematurely among millions of prospective immigrants. These factors lead to a de-skilling of the immigrant stream.

In other word, immigrants are getting . . . well, less literate and technically endowed. Of the nearly 1 million people who come here through the legal immigration, refugee or asylum processes, a mere 160,000 visas are set aside for people based on their skills. And even that is a misleading statistic, because approximately two-thirds of those visas go to the dependents of the skilled workers. In addition, between 250,000 and 500,000 illegal aliens settle permanently each year. Thus, of the 1.2 to 1.4 million permanent immigrants who come to the United States each year, only about 60,000 or 5% are selected because they have some unique qualifications that our country desires. No doubt some highly skilled individuals come through the family preference or refugee process, but relying on that is the policy equivalent of fishing with a drift net. (Including educational and income data on the recent amnesty recipients only skews the data more dramatically in the same direction. Unlike 1970, today's immigrant is more likely to be on welfare, more likely to be working in a low income job, and more likely to be eligible for the Federal Earned Income Tax Credit than the native born American.)

As honest, sincere and hard working as most may be, the profile of today's immigrants simply does not match our needs as a nation. Faced with the already daunting task of making the transition to the high-tech, highly competitive global economy of the 21st Century, an immigration policy that admits more than a million people a year, without regard to their skills, is a luxury we can no longer afford.

BRAIN DRAIN

It has been often observed that the developed nations probably do not want to siphon all the technical talent from the developing nations. The American interest in the respective security of all nations means sometimes resisting the impulse to substitute American technical labor for cheaper imported labor.

But new evidence just reported in Money (July 1994) confirms what many of us have feared for some time. We are losing the best and the brightest to other nations. According to Money, "driven by rising crime rates, and limited job opportunities, as many as 250,000 Americans are leaving the country for good every year. Nearly one in five Americans are thinking about moving abroad, and fully 26% of those with incomes of $50,000 or more have contemplated it." The article claims this foreign flight is related to "a pervasive sense of disillusionment and pessimism in the country today." Many cite objective quality of life factors (many, I think, related to overcrowding). This out-migration trend would put the U.S. in the same position Britain found herself in back in the 1960's. Large scale unskilled immigration, native-born highly-skilled emigration. It is devastating to national competitiveness.

RAPID ETHNIC CHANGE—THE SECURITY OF AMERICA'S INSTITUTIONS

Immigration is an emotional issue for many good reasons. Race and ethnicity are two of them. These sensitive topics have a long history of exploitation by ethnic leaders, demagogues and historians. But the implications of current trends are so marked that they must be mentioned in any serious discussion of the impact of immigration on national security. Again, Leon Bouvier: If current demographic trends persist, that is to say, if fertility remains fairly low, if life expectancy increases slightly, and if net immigration is about 950,000 annually, the majority Anglo group, now representing about three-quarters of the population, will comprise just over half of that population by the middle of the twenty-first century. The Latino group will surpass Blacks before 2020 and comprise 22 percent of the nation's population by 2050 while the Black share will be about 13 percent. The proportion held by Asians too will grow—from 3 percent in 1990 to 11 percent sixty years later.[7]

We know from the growing border pressures down the line, these are probably conservative projections. Bouvier notes that "the remarkable shifts taking place in the composition of the population of the United States are bound to have momentous impact on the political structure of the United States." (Supra. note 6 at 7) This takes us back to the security questions enumerated earlier: we must look at the nature of these shifts, and their relative dynamic within the nation as a whole. In other words, we need to look at what is really going on.

There really is no precedent for these kinds of rapid ethnic shifts taking place in the U.S. over so short a period of time. (And no nation has ever sustained these kinds of shifts for any prolonged period of time and survived as a nation.) The last wave (still smaller than today's) at the turn of the century had features different than this one. First, in 1900 many Americans were also migrating from farms to cities. This meant that both foreign immigrants and native Americans were converging on cities simultaneously. Today, as we'll discuss in a moment, native Blacks and whites are fleeing high impact areas (Florida is the only exception, for its peculiar reasons).

Second, the rate of ethnic change is much faster now because of the stable population growth rates previously established by most of the U.S. population in the 1970's. At the turn of the century, the U.S. birth rate was much higher, as much as twice the current level. Today, whites are at or below replacement level, while minorities are above it. That means that immigration is a higher proportion of population change now than it was at the turn of the century-and it means that immigration in the 1980's (and 1990's) has been contributing to a higher percentage of population growth (over 35%) than it was in the first decade of this century (about 28%).

The result: faster and more robust ethnic changes, with greater regional concentration and growing fragmentation.

The 1990 Census revealed these troubling trends: sharpening regional divisions along racial and economic lines. University of Michigan's Dr. William Frey, a demographer, says that "rather than leading toward a new national diversity, the new migration dynamics are contributing to a demographic 'Balkanization' across broad regions and areas of the country." The evidence is clear: poor immigrants move in, poor whites and blacks move out. This is a new trend, not consistent with earlier historic immigration and internal mobility patterns. There emerges an increasingly bifurcated economy, in which low-skilled immigrant laborers have relatively few opportunities to work their way up into higher paying, skilled jobs and middle-class status. The loss of a middle class, combined with ethnic fragmentation, should be the first real flare in the sky. People have to want to live together, interact and assimilate to get along. At some point this must happen. But can it ever happen if there is no let up in immigration?

None of this new evidence surprises me, of course. Why should it? They are the natural consequences of the nation's immigration laws: admissions without planning, oversight or consideration of domestic impacts. (Not a single sponsor of the 1965 Act accurately predicted the full consequences of the laws effects.)

But these changes are happening, and we must face them or alter their course. While immigration policy should not discriminate against any particular immigrant based on race, religion or ethnicity, these ethnic concentrations must be considered within the context of our future security and health as a nation. We must consider whether we want to keep doing what we are doing, or try something else for a while. (Polls show most Americans want immigration reduced, and FAIR thinks the nation could use a moratorium or "time out" on immigration for a while.)

Few would deny that we are balkanizing and re-segregating the nation into regional enclaves at a time when our political, academic and cultural institutions eschew the "melting pot" concept. It is fashionable to foster the barriers that divide, and on college campuses today, it is required for social acceptance that one be part of an ethnically-defined subgroup. Through the operation of laws such as the Voting Rights Act (guaranteed seats, ethnically-based districts, bilingual ballots), the Census Act (counting illegal immigrants in the Census for reapportionment), the watering of distinctions of citizenship (non-citizen voting, certain "equal protection" holdings), and a full battery of federal and state programs, such as Affirmative Action and long-term, non-transitional bilingual education, that encourage separate identification, immigrants and their self-appointed ethnic leaders are inundated with messages that "unum" is out, "pluribus" is in.[8]

What does it all mean for the nation and its security? It depends on our speculations regarding the health of our institutions. For those influentials who believe that "United States is simply an idea," or "a nation of immigrants," or "a concept," all this probably means nothing much.

But a nation is more. It is a people, its land and its institutions. The institutions include customs and conventions, common conceptions of right and just, a shared history sufficient to create some bond, and shared habits and traditions that enable them to co-exist, interact and engage in commerce and political life. In short, through our civic institutions, a people must recognize one another and what defines them as part of a national community. We must look realistically at the conditions that have allowed us to prosper and cohere as a nation. With those in mind, a people must be prepared to defend its land and institutions against outside assault. If we do not wish to protect American institutions, and defend the land for our people, then at that point we will cease to be a nation. Do we have a lot of time?

THE SECURITY OF THE LAND

If we don't really care to defend our domestic institutions, and we don't much care to define who we are as a people, then what about the land? Look at our borders. We've had ten million illegal immigrants come to the country since 1970, and more enter each year. Until recently, most Americans seemed willing to ignore this invasion of the soil. But polls show a changing public mood. People are ready for a change: they want the nation to control its borders. The reasons are simple: when illegal immigrants enter at low rates, no one minds a few harvesters and service workers. But on a sustained, chronic basis, large scale illegal immigration is a wage subsidy for employers that ultimately undermines the entire labor base of an area. And the costs all fall on state and local taxpayers. The voting public has again asserted its desire for meaningful borders and its prerogative to describe who "We the People" are and are not.

The dismal state of political asylum is now common knowledge.[9] Asylum has become a symbol of the broken state of America's entire immigration control system. People just show up at our airports and make phony asylum claims. Shortly, they receive work documents and a hearing date, often without any positive proof of identification. Many are never heard from again. The public is outraged at the situation. But what has Congress done? Nothing.

Attached as Appendix A is a flowchart of the steps required in the deportation process. The chart looks like something from the health care debate. No one could easily follow or understand it. But this is the procedural morass that has rendered America's borders unenforceable. Yet this chart illustrates the variety of appeals and delays that are available to the alien to stall deportation indefinitely. The possibilities for collateral attacks, motions to reopen, motions to reconsider, and parallel avenues of relief are endless, and so is the process.

Lacking adequate detention space for all but a tiny fraction of illegal aliens, most go free. This maze of delay serves their interest quite well. The entire process continues, broken and unabated, until the nation is faced with a highly visible national security crisis such as the World Trade Center bombing, or the Haiti and Cuba outflows. Then, suddenly, the political leadership pays attention.

CRIMINAL ALIENS

A series of jarring incidents in 1993 gave the public the unmistakable impression that immigrants are not all honest and hard working. Some are here to commit crimes, while others are part of a growing number of international organized crime rings that specialize in everything from alien smuggling to computer and credit card fraud. Criminal aliens are overrepresented in the Federal criminal justice system, and information about the nature of sophisticated international syndicates is creating resentment and anxiety among the general public.

The security threat comes from an inability to identify someone as an alien during pretrial screening or arrest. A person's capacity to slip in and out of the country with several identities certainly facilitates criminal activity. Agencies do not check with one another, and everyone knows the Immigration and Naturalization Service lacks the basic capacity to verify its own documents and information.

The internationalization of organized crime poses a particular security threat to the United States. Our ineffective identification technologies make it very easy for international criminal syndicates to manipulate U.S. admissions and eligibility procedures to render an illegal alien "entitled" to medical treatment, employment or residence. As the level of desperation to move grows around the world, these international syndicates that specialize in the movement of people are only going to grow, and be a more powerful component in the field of organized crime.

THE SECURITY OF A SECURE ID

In the United States today, we do not have any way of linking people to their birth records. This means there is an enormous gap between personal identity and basic government documents. For years, commissions and agencies have sought improved documentary standards. Nearly all advanced industrialized nations have ID systems. Yet, here in the U.S., we steadfastly oppose them. Why?

We will never properly secure our borders without improved ID systems. Yet just this month, we had another flare up over the ID issue. It was as predictable as the sun rising in the east. No sooner had Barbara Jordan, head of the Commission on Immigration Reform recommended a pilot program to test a verifiable Social Security card than the fear mongers leaped into action. The usual buzz words and phrases, designed to strike fear into the hearts of various groups of Americans flew in all directions. Jordan's recommendation was to simply create a fraud-proof social security card to verify the number electronically. Even that was tough to swallow (even though the Internal Revenue Service has several pilot Social Security number verification programs now underway).

The United States today maintains citizenship on the honor system, and millions of people around the world know it and are prepared to take advantage of that weakness. The nation needs a national birth-death registry.

Why this loophole hasn't been corrected seems less to do with the fact the idea is controversial and more to do with fact that no Federal agency really has responsibility for the problem. Secret Service worries about fraud and Social Security hands out numbers based on presentation of a (hopefully) valid state birth certificate. That's it at the Federal level. And there seems to be a great deal of inertia to tackle this problem. Given the absence of revenue possibilities, the projects seems to fall into the "too hard bin." Yet the security of our borders, and our ability to detect criminal aliens, depends upon more and better systems of identification verification now.

No amount of border enforcement will work without improved capacity to identify who is a citizen, and who is here legally and who is not. Unless we clean up the citizenship records, a vital crack in our national security remains vulnerable to exploitation.

CUBA AND HAITI

What a disaster! The Clinton Administration seems to be determined to demonstrate its inability to anticipate events that its own intelligence predict will occur with 100% certainty. Our intelligence agencies have seen this outflow from Cuba coming for at least two years (surely longer).

The Governor of Florida has just asked the Federal Government to declare a "state of immigration emergency." This is new. This is a new name to describe a phenomenon that has underscored the acute national security implications of massive, uncontrolled in-migration situations to Florida. First there are costs to Florida. State and county costs for health care, education, resettlement assistance, food stamps and related expenditures are prompting Florida to ask for Federal assistance.

Secondly, there is the Federal and national security interest in the regulation of our borders. A foreign nation that seeks to export its opposition, or its unemployed labor force should be considered as engaging in a hostile act. This interest must be asserted in a way that is consistent with our overall foreign policy in the region. But since we now know that these situations will be common and growing in frequency and magnitude, we cannot allow our foreign policy to be dictated by threats of massive expulsions or uncontrolled out-migrations of people.

As the Cuba and Haiti disasters reveal, the chronic threat of uncontrolled migration has the potential to jeopardize U.S. security interests in regional Hemispheric operations and in vulnerable domestic communities. It is also possible that larger U.S. security interests are threatened by the apparent readiness implications of the concentrated deployment of Navy ships in the affected regions. Drug trafficking, refugee and humanitarian relief, economic blockades and immigration interdiction emergencies have all siphoned money from potentially vital strategic hardware acquisition programs and related projects. Soon, if not already, America's military capacity is likely to be compromised.

Lastly, the Clinton Administration announced this week that it was prepared to detain Cubans in Guantanamo Bay Naval Base "indefinitely." While this threat was made to try to discourage Cubans from leaving Cuba, it may also produce a disaster at Gitmo. Firstly, the United States has as security interest in not detaining thousands—tens of hundreds of thousands perhaps—of foreign nations indefinitely on our soil (lease or otherwise). Putting that aside, what happens if Castro removes his Guards from the Cuba side of Gitmo and Cubans run in? Has anyone considered this?

CONCLUSION

The ad hocracy of this administration's response to migration crises amply illustrates the hazards and potential threats to our national security represented by uncontrolled migration. We must have a better plan in the future. We must have a better understanding now. As a nation, we must be better prepared psychologically to make the sure calls that sound principles permit. We need to understand that the age when international migration could solve human problems is over for the overwhelming majority of mankind. If we and the other developed nations are to control our own destinies and respective national security, then we must recognize the most worldwide will have to "bloom where they're planted." Most will never be able to move from their place of birth, instead individuals will have to work to change those conditions they find unacceptable.

Our role must be to try to help people improve conditions where they are, within our capacity as a people. While we have a moral obligation to use our resources wisely, nations are and must remain the essential unit of governance. Some say the nation state is a thing of the past. I do not agree. Nation states will emerge from the present age stronger then ever.

But ours will not necessarily survive unless we prepare to weather the forces in our path these next thirty years. We must reassert control over our borders now—before it is too late. We have been too lax for too long. Sovereignty is the guarantee of a nation's and its citizens' right to exist—and their right to regulate entry. It is the sole guarantor of our ability to pass along our natural and environmental resources in healthy conditions to future generations. It is our only reliable security for our future.

Thank you.

FOOTNOTES

[1] These include the Kurdish secessionist movements in three countries, Northern Somalia, the Tamils of Sri Lanka, the South Ossetians and Abkhazians in Georgia, the Indian Kashmiris, the Sikhs of India's Punjab, the Armenians of Nagorno-Karabakh, Northern Cyprus, the Southern Sudanese, the Oromo of Ethiopia, the continuing secessionist embroglio in Burma, Bougainville in Papua New Guinea, and the Chittangong Hill Tracts in Bangladesh. Basques, Quebec, Sardinia, Corsica, Wales, Scotland and Bretons are examples of ethnonational movements in the Western world. "Historical and Contemporary Assessment of How States Use Secessionist/Ethnic Movements to Achieve Political Objectives," Alexis Heraclides, et. al., June 1993, National Strategy Information Center paper, at 15.

[2] Reprinted in The Social Contract, Winter 1992-93, at 118.

[3] These were mostly carried forward in the Constitution of the United States as ratified, and later amended by Bill of Rights.

[4] Here there is some difficulty. Some argue, like Edward Luttwak and Ben Wattenberg, that the nation needs young people to form the modern day equivalent of Napoleon's Grand Armee. A nation that is unwilling to risk the lives of its (definitionally) expendable young people must no longer be a great power, says Luttwak in the July/August issue 1994 of Foreign Affairs. Wattenberg claims that a rapidly growing population is vital to national strength, especially if your enemies are growing faster. In 1987, for example, in a book entitled "The Birth Dearth," Wattenberg claimed we were in trouble because our population growth was not slated to grow as rapidly as that of the Soviet Union. This, he claimed, would leave us in mortal jeopardy by the year 2000. These arguments, like those arguments that insist immigration is needed to insure the solvency of Social Security, rely on a cramped view of the true source of national power. In the former case, it is a high quality, well trained and educated workforce, in the latter case, it is fiscal discipline at the federal level.

It's also possible that an Albert Einstein could immigrate as a refugee. No question about it. Albert Einstein not only expanded the productive potential of the American economy, he did wonders for improving our national security. But we can't run an immigration program admitting millions of people in the hopes of getting another Einstein. It is just not practical. The problem is that Einstein's greatness had nothing to do with the fact that he was a refugee. Had he been allowed to work anywhere, he would have made great contributions where ever he was. Remember, many great inventors produced inventions in other nations that led to great commercial advances here. Ideas can be freely exchanged more easily than people. (Of course, if you know you have an Einstein who wants to immigrate to the U.S., we could hardly be faulted for making the extra effort to bring him or her in. On the other hand, if America's only immigration problem was that ten Einstein's wanted to immigrate to the U.S. each year, I would not be here talking with you today.)

[5] Bouvier and Grant, "The issue is Overpopulation," Los Angeles Times, August 10, 1994, B7.

[6] For more information on these trends, see Fox and Mehlman * * * Crowding Out the Future: World Population Growth, U.S. Immigration, and Pressure on Natural Resources, Federal * * * American Immigration Reform (1992).

[7] Bouvier, "The Domestic Political Consequences of Projected Immigration to the United States in the First Quarter of the Twenty-first Century," National Strategy Information Center, June 3, 1993. It is a tribute to assimilation that today, all non-Hispanic whites are being labelled "Anglo."

[8] Bilingual translations and training in the military has been a mighty challenge when it has been tried. Consider that over 50 languages are now spoken in Los Angeles County public schools. Surely the maintenance of a common language in the military is of vital interest in ensuring the efficient operations of our military establishments.

[9] See, e.g., transcript of 60 Minutes, CBS News, air date, March 15, 1993, 7 p.m., e.s.t., segment "A" on political asylum abuse at JFK airport FAIR has endorsed several bills pending in Congress that would accelerate the hearing process and provide for "summary denials" at ports of entry. We believe that if the Clinton Administration had moved more aggressively to implement a one-shot summary procedure, there would be much less need for these chaotic, embarrassing interdiction efforts in the Windward Passage and between Cuba and Florida.●

HONORING HARRY LEMIEUX

● Mr. DURENBERGER. Mr. President, I rise today to honor a good friend of mine and a man who devoted his life to serving his country and advancing its health care institutions. Today we mourn the passing of Harry Lemieux of Eagan, MI, a champion of veteran's rights and the health care providers of our state.

Harry was born in St. Paul where he graduated from the old Marshall High School. He enlisted in the Navy and served for 22 years, including several years in the South Pacific during World War II. He specialized in submarine warfare and worked with the Naval Reserve's Weekend Warrior Program until his retirement from the military in 1966.

As chairman of the Veterans' Legislative Committee for 8 years, Harry led a coalition of military groups that still fights on the veterans' front. He was a member of the American Legion, VFW, Fleet Reserve, Shekinah Masonic Lodge 171, and Osman Temple Shrine.

He worked briefly for the St. Paul Housing and Redevelopment Authority before he and wife, Pearl, bought West St. Paul's Southview Acres, a nursing home complex in 1966, which they enlarged from 71 to 257 beds. In 1983, he built the 200-bed Apple Valley Health Care Center, and 3 years later a 208-bed Villa apartment complex for senior citizens attached to the health care center.

Harry was also an active leader in the health industry. He was president of the Minnesota Association of Health Care Facilities and lobbied the legislature on bills to benefit the elderly.

My good neighbor Harry Lemieux's contributions remind us, as we discuss health care reform, how important it is to maintain a system that cares for the individual and rewards individual achievement. Harry's contributions will not soon be forgotten by those who most benefited from his work—the veterans, the elderly and the beneficiaries of his innovative care. We will miss him greatly.●

UPDATE ON PROGRESS ON THE NATIONAL COMMISSION ON CHILDREN'S CHALLENGE: BEYOND RHETORIC: A NEW AMERICAN AGENDA FOR CHILDREN AND FAMILIES

● Mr. ROCKEFELLER. Mr. President, almost six years ago, thanks to the leadership of Lloyd Bentsen who was chairman of the Senate Finance Committee at the time, Congress established a bipartisan panel to take a comprehensive look at the well-being of children and families—the National Commission on Children.

It was my distinct honor and privilege to chair this panel of 32 members that included elected officials, child advocates, academics, and leaders from all levels representing the complete range of the political spectrum. Each of these individuals continue to provide tremendous service to children and families across the country.

As the Commission's charter directed, our group dedicated 4 years to studying the challenges facing America's children and families through intense study and by traveling the country to meet, not only with experts, but also with American children and parents.

Many of the most moving events and greatest learning experiences for the Commission were at our meetings with children who spoke in compelling personal terms about their needs and their fears. Our visit to West Virginia, to talk to families struggling to make ends meet and to explore ways to help them raise their children, was memorable.

After 2½ years of hard work and intense study, this diverse group voted unanimously in support of our final report released in 1991, Beyond Rhetoric: A New American Agenda for Children and Families.

The process of forging this historic consensus among such a diverse group was an important experience for me. It convinced me that when leaders are willing to set partisanship aside and focus on the core problems facing children and families, there is tremendous agreement on what should be done.

After issuing our report, the Commission stayed active for 2 more years to aggressively publicize our recommendations and the information gathered throughout our work. Our goal was to ensure that the course of action suggested in our unanimous report did not vanish into thin air. To go beyond rhetoric, we felt we had to promote the decisions and commitment needed at all levels to build a better future for America's children and families.

The Commission's final event was a major summit in Washington, DC, in 1993 to gather leaders and child advocates from around the country together to discuss how to move beyond rhetoric and into action. There, we passed the torch from a commission to the people and organizations committed to children and families. I was especially proud that several Cabinet officials participated in our summit along with a wide array of leaders from communities, States, and national groups.

The report of the Children's Commission has become my own personal and legislative blueprint for action on behalf of children and families. I believe it charts the right course for helping children by strengthening families, a goal which has attracted increasing attention and bipartisan support since 1991.

Today, I want to report on the accomplishments made during this Congress in implementing recommendations of the National Commission on Children. This is also my chance to renew my pledge to push forward—bit by bit—until the full proposals of the Children's Commission becomes the Nation's agenda.

In order to keep pushing ahead, I think it is essential to recognize the results achieved on behalf of children and families since our Children's summit last year.

The Commission outlined several major areas for action on behalf of children and families. It challenges all of us—elected officials at every level, community leaders, parents, and concerned citizens to each do our part. It is gratifying to report that real progress has made in each of seven specific areas highlighted by the Commission for change:

ENSURING INCOME SECURITY

The National Commission on Children concluded that the fundamental key to improving the future of America's children is in strengthening the financial security of our Nation's families. In our report, we laid out the elements involved in achieving greater income security or families. We called on the country to recognize that investing first in families and making family income security a priority is the way to build a more stable society and promote the values of work, responsibility, and family.

This is a challenging agenda. It involves making decisions to direct resources to families rather than less important areas.

I am proud to note that last year when Congress enacted the deficit reduction and economic plan, called the 1993 Reconciliation Act, we made some major strides on behalf of children through elements of the package that some of us worked hard to include. Much of the national debate on this budget package focused on the tax provisions and spending cuts included to achieve the historic result of $500 billion in deficit reduction over a 5-year period.

That louder debate about the tough choices involved in deficit reduction practically drowned out the major steps we also included to meet other important goals.

In this budget package, we expanded the earned income tax credit to help parents who work but are struggling to raise their children. This provision will invest $21 billion in helping families with children over a 5-year period to lift them out of poverty. It sends all the right signals about work and personal responsibility. With President Clinton's strong commitment, I fought for this part of the agreement because it was a key recommendation of the Children's Commission strategy to enhance income security for families.

The package also strengthened child support enforcement by pushing States to be more aggressive with hospital-based paternity establishment programs. Obviously, we will need to do much more to strengthen child support enforcement as suggested by the Commission. I am continuing to press for the Commission's recommended demonstration of child support insurance to increase the income security of families broken up by divorce or in cases where a parent is absent.

The other remaining elements of the Children's Commission agenda include a refundable child tax credit and promoting work over welfare and dependency. President Clinton put forward a bold initiative with his welfare reform bill that tries to meet some of this challenge, and I am eager to work next year for passage of a balanced proposal to dramatically strengthen child support and provide jobs so parents can work and become role models for their children.

IMPROVING HEALTH CARE

The Commission laid out the importance of action to improve the chances of children being born healthy and growing up healthy. A majority of the members endorsed a detailed plan to achieve universal health coverage of children. While nine Commissioners differed from that proposal, we all expressed broad support for a series of actions to promote personal responsibility, prevention, and public health.

Since then, major progress has been made toward full funding for the Supplemental Food Program for Women, Infants and Children [WIC] with an increase of $600 million over the past 2 years. Every dollar spent on WIC yields savings in Medicaid because proper nutrition for pregnant women and infants makes a real difference in their health. Increased investments also are being made in a comprehensive program for child immunizations to ensure that every child gets vaccinated.

The Commission also agreed on the need for parents and communities to create a healthy, safe environment for children. Action in the Violent Crime Control and Law Enforcement Act of 1994 will provide funding to communities to keep our streets and schools safe. At a session with teens in Kansas City, Children's Commission members were stunned to hear teenagers candidly talk about fears of being shot or hurt. The numbing statistics that guns are the leading cause of death for both black and white teenage boys in America tell us that crime and violence is a severe health care problem.

Unfortunately, there is no single solution for the violence that plagues our Nation, but I hope that growing public awareness and investment in community-based prevention efforts in the crime package will help curb violent crime that places the lives of children and teens at such grave risk.

Having made health care reform a priority, I had hoped that this session of Congress would have done much more to provide health care to children by enacting comprehensive reform to provide universal coverage. Lack of action on this fundamental issue is a major disappointment. But we must learn from this effort, and I will continue to work for universal health care coverage with the belief that it makes sense to put children and pregnant women first.

INCREASING EDUCATION ACHIEVEMENT

The untold success story of this Congress is the magnitude of progress made to improve our schools and other aspects of education. Comprehensive changes and investments have been made over the past 2 years in areas that include education reform, Head Start improvement, and direct lending for college student loans. These legislative initiatives support the broad goals of the Children's Commission.

Our report emphasized fundamental points beginning with the need to prepare children to enter school ready to learn through the expansion of Head Start to all eligible children and greater emphasis on quality child development.

For schools, we called for rigorous academic curriculum, professional development for teachers, school-based management, greater accountability, improvements in school environments, and more equitable financing. The commissioners thoroughly debated the issue of school choice and ultimately supported school choice among public schools only.

These specific goals are reflected in both Goals 2000, Educate America Act, signed into law on March 31, 1994, and the Elementary and Secondary Education Act [ESEA] that the Senate approved by a strong vote on October 5, 1994. I was proud to support each of the bills. Special investments also have been made in promoting school safety which is a major factor in improving school environment.

Head Start continues to earn strong bipartisan support; and, despite the tight constraints of the Federal budget, this key program received an increase of more than $700 million combined in the past 2 years. Congress also passed legislation reauthorizing this program which includes efforts to ensure that each Head Start Program delivers the full quality services promised to children and families. We have not achieved full funding yet, but we are on the right course; and the enactment of our national education goals which begin with school readiness should keep us on track.

Secretary of Education Dick Riley also has recently announced a major initiative to promote parental involvement in education, and I believe this is crucial. Nothing is as important for a child's education as having concerned, engaged parents who work with teachers and encourage children to read and work hard in school. As commissioners, we visited the Helene Grant Elementary School in New Haven, CT, and saw for ourselves what a difference parental involvement can make. Even though this school was old and somewhat rundown the classrooms were alive with eager students engaged in learning, thanks to the help from Dr. James Comer and his extraordinary work in school-based approaches that engage parents in school activities.

PREPARING ADOLESCENTS FOR ADULTHOOD

The Commission also called for greater emphasis and attention to helping teens make a smoother transition into adulthood. We stressed the need for education and training. Our report also urged greater efforts to link school to work, including expansion of the Job Corps Program. Our recommendations also noted the importance of promoting healthy development to urge teens to avoid high-risk behaviors.

Important progress has been made in this area with the passage of the bipartisan School-To-Work Opportunities Act which will promote a variety of innovative transitional programs like tech prep and apprenticeships so teens can get experience and acquire job skills needed to compete in the modern workforce. Many States, including my State of West Virginia, are investing in such programs. Enactment of this bill will promote a more comprehensive strategy to ensure that teens can learn the skills they need to get good jobs and become independent. I cosponsored this bill and hope recognition will grow to see the consensus on education that emerged during this Congress and allowed us to push forward on the Commission's education goals. Job Corps funding has increased, and the direct lending program should make it easier for students to borrow and then repay loans for college.

The effort to persuade teens to avoid high risk behaviors is a major challenge, but many communities are rallying to respond. At the Federal level, various prevention initiatives are underway to reduce dropping out of school, to reduce teen pregnancy, and to curb substance abuse. Trying new approaches through the demonstration projects is important, and I believe that we must provide flexibility in programs because what may work in inner cities may not necessarily be appropriate for teens in Elkins, WV. President Clinton's welfare reform proposal includes a major commitment to reduce teen pregnancy, and it deserves our attention and action next year.

As the Children's Commission noted time and time again, primary responsibility in this area rest with parents and caring adults willing to provide guidance and support for teens on a one-to-one level to avoid high risk behaviors as they grow up.

STRENGTHENING FAMILIES AND PROTECTING VULNERABLE CHILDREN

The Commission also clearly stated the simple but crucial fact that the best way to help children is to strengthen families. This basic truth will require many changes. Public policy can help reinforce fundamental values and provide crucial support for families; but the lion's share of this work must be done by caring individuals getting involved with their own families, friends, and communities.

Still, where Federal policies can make a difference, there has been positive action with the enactment of the Family Preservation and Family Support Services provisions of the 1993 Reconciliation Act. This program will invest almost $1 billion to offer intensive services to high-risk families and support innovative efforts like Parents As Teachers and Home Instruction Program for Preschool Youngsters [HIPPY] to help parents get the support and education they need to raise their children.

This initiative is a down payment on the more comprehensive approach suggested by the Commission to provide coordinated community-based family support networks with services ranging from intensive support for severely troubled families to more preventive services in parent education and child development. The idea is to give communities the resources and tools to reach out to families early with support.

MAKING POLICIES AND PROGRAMS WORK

Thanks to the leadership of Vice President GORE with the National Performance Review initiative to reinvent Government, there is a new concern about cutting redtape across-the-board on all Federal agencies which has enormous potential to help streamline programs for children and families.

While the Children's Commission never envisioned nor had the scope to suggest such a broad initiative to revamp Federal bureaucracy, the success of the National Performance Review can help meet the Commission's recommendations to bring greater cohesion and efficiency to the delivery of public health and social services to children and families. While uniform eligibility criteria and streamlined applications seems dry and unimportant, it is crucial. Complicated forms and regulations are serious barriers that prohibit children and families from getting the help they need and deserve.

CREATING A MORAL CLIMATE

The final chapter of our report challenged every American to take a leadership role in their own lives and communities in providing a clear, consistent message to children about personal conduct and responsibility. We urged every adult to renew their efforts to promote fundamental values of human dignity, character, and citizenship.

It is enormously gratifying to me to see this happening on many levels in a bipartisan manner. The bipartisan initiative, led with inspiration by Senator DOMENICI, called Character Counts, is just one example of an effort to reinforce fundamental values for our children; and I believe such initiatives are a vital piece of our comprehensive strategy for children and families.

While there is obviously much more to do on behalf of children and families, I am encouraged by these recent and significant achievements made in advancing the Children's Commission agenda. Our report provided a blueprint, and several cornerstones are now in place. We now must build on this success and keep working until we have a support structure for families that will help each child reach their potential and become a productive, caring citizen.

When asked, each one of us say that we care about our children. Words are simply not enough. The final chapter of our report focused on building the necessary commitment; and it begins with a quote from Goethe: "Knowing is not enough, we must apply. Willing is not enough, we must do."

With this statement, I have chosen to highlight the better news about children in America. We are surrounded with evidence of the failures and the problems that afflict children. We must never accept the intolerable. The progress described in this statement is the result of leadership, persistence, and cooperation.

We know how to help children and families, but we must summon the personal commitment and the political will to face the challenge and move beyond rhetoric to results.

This is a chance to thank the many individuals whose hard work and dedication have formed this record of achievement for America's children and families. With gratitude, I note the leadership of Cheri Hayes, who was the Executive Director of the National Commission on Children, and the talented team who worked with her over the years. With thanks, I commend my colleagues and administration officials for their consistent efforts to promote the values and the policies needed to hand America's children a brighter future.●

TRIBUTE TO EDWARD B. McREE

• Mr. RIEGLE. Mr. President, I would like to bring to the attention of my colleagues a renowned leader in health care in the State of Michigan. Mr. Edward B. McRee has just retired from his position as president of Ingham Medical Center Corp. in Lansing MI, after 33 years of service.

Mr. McRee is known to many as the "father of Ingham Medical Center." He has developed Ingham Medical Center from its early days as a tuberculosis sanitorium, into the highly specialized, acute-care institution that it is today. The center has become a premier heart care center in mid-Michigan, and is world renowned for implementing the use of arthroscopic surgery.

Edward McRee understands the need for comprehensive health care services, but he also believes in trying to control the rising costs. Due to his insight and creativity, Mr. McRee was the guiding force behind the merger of Ingham Medical Center and Lansing General Hospital in 1992, now referred to as Michigan Capital Medical Center. This system has allowed for the resources from each hospital to be joined, which means expanded services for clients at reasonable prices.

The leadership, public confidence, and character of Mr. McRee are demonstrated in his achievements in both his professional and private lifestyles. He is a life member of the Michigan Hospital Association, and currently holds positions as a trustee and executive committee member, and he has been a trustee for Blue Cross-Blue Shield of Michigan since 1986. Mr. McRee has been affiliated with numerous other local, State, and national professional, civic and religious organizations.

Mr. McRee demonstrates a deep personal commitment to improving the lives of others. He has dedicated his life to raising the quality of care for people in his community and across the United States. He has set a standard that all health care professionals should be proud to follow.

For his insights and leadership in the field of health care, I commend Edward McRee. He richly deserves this recognition for his important contributions to health care in Lansing, in Michigan, and in the world. On behalf of the citizens of Michigan, and on behalf of the U.S. Senate, I want to thank Mr. McRee for his outstanding efforts.•

SUE LUTHENS

• Mr. HARKIN. Mr. President, on Wednesday the Senate passed the conference report for the Improving America's Schools Act which includes a number of important provisions that impact our Nation's schools. I would like to highlight one change in this legislation and talk about the individual who brought to my attention the need to make this change.

In the 1988 reauthorization of the Elementary and Secondary Education Act, we recognized the unique circumstances facing schools with high numbers or concentrations of poverty and created the Concentration Grant Program. Under this program, certain high poverty school districts would receive additional title I funds.

The Des Moines Independent School District is the largest school district in Iowa. The district has the highest number of low-income children in Iowa as well as one of the highest concentrations of poverty. But, they do not substantially benefit from concentration grants.

Over 5 years ago, Sue Luthens, a member of the Des Moines Board of Education brought this issue to my attention. She was on a mission and talked with any one who would listen about the need to change the concentration grant formula. She provided evidence about the district's need for the additional funding to adequately meet the needs of the students. She never gave up and I am very pleased to report that the formula has now been changed. For the 1996-97 school year, Des Moines should receive about $700,000 in concentration grant funding.

This is the story of one woman's dedication to education and the students of Des Moines. So, if people say that one person can't make a difference, just tell them about Sue Luthens.

Sue served on the Des Moines Board of Education for 12 years and just retired from the board where she served as president for two terms and vice president for three. She also served on the board of directors of the Iowa School Boards Association and as chairperson of that organization's Federal relations network. She is a former high school teacher and has been involved in a number of other community activities.

Sue Luthens is a remarkable woman and as she retires from the Des Moines Board of Education I wanted to just let her know that her many contributions to education and children have been recognized and are greatly appreciated. I know that she will continue to serve her community in other ways. But maybe, she will have a little more time to do the things that she really enjoys, like spend time with and read to her grandchildren.

We thank you, Sue.•

USAF SCIENTIFIC ADVISORY BOARD 50TH ANNIVERSARY

• Mr. BINGAMAN. Mr. President, I rise today to commemorate the Air Force Scientific Advisory Board.

Fifty years ago, American technology ended a world war and saved several hundred thousand lives. General Hap Arnold formalized the role of top scientists played in advising the then Army Air Corps by creating the Scientific Advisory Group on December 1, 1944, and naming Dr. Theodore von Karman as its first chairman.

That group produced the renowned study, "Toward New Horizons," that set forth many of the early research and development goals by the early Air Force. The Scientific Advisory Group evolved into the Scientific Advisory Board that we commemorate today.

The mission of the Scientific Advisory Board is to provide the Air Force senior leadership with independent advice and counsel that will help the Air Force maintain technological superiority in air and space. Today's challenge for that group of renowned scientists is not unlike the original Scientific Advisory Group aim of assembling and evaluating facts on long-range research and development, and preparing special studies on scientific and technical matters pertaining to air power.

The growth of American air and space power since World War II has paralleled the scientific and technological development of the United States' industry. The Scientific Advisory Board established a vision for aerospace research and development and then remained active in forging lasting ties among academia, industry, and the military.

The Scientific Advisory Board epitomizes those critical ties that foster innovative concepts and applications of science and technology for a strong national defense. The people of these United States deeply appreciate the contribution Board members have made to preserving our freedoms and applaud their continued commitment to those ideals of self-sacrifice in public service.•

THE GOLDEN DOOR PROGRAM

• Mr. CAMPBELL. Mr. President, while the debate over the crime bill is finally over, the problems of crime are still with us. We must continue our search for creative and effective ways to confront these problems.

I have a unique perspective, from being on every side of the law, so to speak, as a youngster headed for trouble, as a sheriff's deputy and prison counselor, and now as a legislator. I know we have to lock up the violent criminals and keep them there.

I also know we simply can't ignore the other side of the question—prevention. Let's look at it realistically. When's the best time to go see the dentist—regularly, throughout your life, or after your teeth have all rotted out and your mouth is screaming in pain? Common sense tells us that preventative maintenance is a more efficient, cost-effective way to manage our lives and societal problems.

We must also realize that the problem is too big and too complex for government to handle alone. I want to tell you about a private sector initiative that works by putting ex-offenders and the educationally, economically, and socially disadvantaged to work. It provides opportunity and alternatives to folks who need it most.

This program, called the Golden Door Program, is offered by Coors Brewing Co., in Colorado. For 25 years the Golden Door has given people a second chance.

The Golden Door teaches people to be more productive, reliable employees, providing participants the training and education needed to get and keep well-paying, full-time jobs. It's not a classroom training program—participants are paid an hourly wage for meaningful and responsible work at Coors' investment recovery facility. They learn how to operate fork lifts, pallet nailers and denailers, cutting torches, grinders, and other industrial equipment.

The Golden Door Program participants also receive counseling and other related services. Those without high school diplomas are required to complete GED certification through an on-site program. State and nonprofit agencies identify candidates for the program.

Golden Door graduates are eligible to compete as internal candidates for open positions at the company. Since 1977, 180 graduates, or almost 80 percent of the trainees, have taken regular production and office jobs with Coors. These folks have become loyal employees—about 75 percent are still with the company.

The Golden Door is a self-supporting program, with costs offset by the savings and income generated by the completed work. Of course, the real benefit is what it does for the individuals who return to a productive role in society.

The Coors Golden Door Program shows there is another group—business—ready, willing and able to partner with government to combat crime and its root causes. As Members of Congress, we should continue to look at ways to encourage this kind of private-sector creativity that allows us to help those who need a second chance.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise today to tell the story of a Michigan family that has been torn apart by the health care crisis. Although my Democratic colleagues and I have not been able to pass comprehensive health care reform legislation this year, the urgent need for such legislation has not diminished. I would like to tell you about Mark Foster, a 39-year-old divorced father of two children and a seasonal construction worker in Lansing, MI. Recently, Mark was diagnosed with testicular cancer.

Mark first realized that he might be ill this past August, when he noticed some swelling. Although his family has a history of cancer, Mark delayed consulting a doctor because, like thousands of Americans, he did not have any health insurance and was afraid that he could not afford medical care on his own. But within days the swelling had increased so dramatically, and was so extremely painful, that Mark left work and rushed to an emergency room for care.

Initially, Mark was referred to a urologist, who diagnosed a simple infection, prescribed an antibiotic, and sent him home. But the continuing pain was so excruciating that Mark returned for a second opinion. This time an ultrasound test was performed that revealed a large mass. A physician removed the mass, performed a biopsy and found the tumor to be malignant, so Mark's testicle was surgically removed to contain the cancer. Sadly, a CT Scan conducted at Mark's fourth follow-up exam showed that the cancer had already spread to several lymph nodes. So a second surgery has been scheduled for today, October 7, and will require 1 full week of inpatient hospital care. Mark's physician has warned him that chemotherapy treatments may also be necessary after the surgery to contain the malignancy.

Incredibly, Mark actually wanted to delay this second surgery until later this year because he is completely overwhelmed by the $10,000 in medical bills he already has received for his medical treatment to date. You see, because his employer is a small, non-union, seasonal business, it does not offer any health insurance coverage. Last year Mark earned $22,000 a year from both work and unemployment. He paid child support for his 9-year-old daughter Angie, who lives with her mother, and he has raised their 16-year-old son, Mark Jr., himself.

Mark's income varies widely during the year depending on the labor needs of the contracts the construction company can obtain. His hours can range from 8 hours up to 70 hours per week. Like many construction workers, he relies on unemployment benefits to support himself and his children during the winter months. With such variable income, a monthly premium payment is beyond Mark's ability to pay on his own, and his employer is unwilling to obtain group coverage for their workers.

Mark has been overwhelmed by the financial and emotional consequences of his cancer. Right now Mark is on an unpaid leave of absence because he is in constant pain, and faces further chemotherapy treatment after his second surgery. He has depleted his $1,600 in savings to pay what portion of the medical bills he can. The rest of his bills remain unpaid and the stack is growing.

Without any income, he has not been able to pay any child support since August. Because Mark is unable to care for his son, Mark Jr. has moved back in with his mother and sister, and the family depends on AFDC. Ironically enough, because their mother qualifies for AFDC, the children both now have health insurance coverage through Medicaid. Mark Jr. did not qualify for the program while he lived with his father because Mark made too much money, yet Mark could not afford to buy health insurance for himself and his children.

Mark contacted the American Red Cross for help with his medical costs through their Medical Access Program. Because Mark had no health insurance, did not qualify for any State programs and fell within low-income guidelines. The Red Cross negotiated with the hospital a 40-percent discount on the charges for his initial surgery and other treatment. Still, with the discount the nightly room charge alone was $2,800, which he will face again when he returns for a week's stay. Of the $10,000 charges he has accrued, Mark estimates that he still owes $6,000.

While Mark is debilitated by the pain and weakness caused by his cancer, he has even more obstacles facing him. His landlord has evicted him from his apartment because, after paying the medical bills, mark had no money left to pay rent. He has been staying with a friend who is herself disabled and faces eviction as well. Mark is separated from his children and unable to support them. Understandably, he feels as though the system has failed him.

Because he lacked health insurance, Mark tried to save money by not seeking medical treatment—now, with his advanced cancer, he has been wiped out financially. If health insurance coverage had been affordable, he would have purchased it. But right now in this country, millions of families like Mark's cannot find health insurance coverage that they can afford.

Mr. President, over the last 2 years I have presented the stories of 68 individuals and families from Michigan who suffer because of the breakdown of our health care system. People looked to us to help them through passage of health care reform. Sadly, we have not been able to pass such legislation this Congress. When I return to my home State of Michigan, I will continue to fight for health reforms as a private citizen, because I remain hopeful that my colleagues in the Senate and the House will continue this effort in the 104th Congress.•

HISPANIC BUSINESSES AND HISPANIC HERITAGE MONTH

• Mr. BINGAMAN. Mr. President, I rise today to recognize the role of Hispanic businesses in promoting trade and exports. As we are currently celebrating Hispanic Heritage Month, it seems a particularly good time to recognize this important contribution to our nation's economy.

International trade between the United States and Spanish-speaking Mexico was given a tremendous boost last year when Congress approved the North American Free-Trade Agreement. This historic agreement, which removes trade barriers, tariffs, and other restrictions on the flow of goods, services, and investment among the United States, Mexico, and Canada, would likely not have been possible without the support of Hispanic Americans.

For Hispanics, NAFTA did not occur in a vacuum nor was it just another trade agreement. Although the number of Hispanic Americans has increased dramatically, Hispanic economic and political empowerment has yet to be fully realized in this Nation. Furthermore, Hispanic Americans face discrimination linked in part to antiimmigrant sentiments. Many Hispanics saw NAFTA as an opportunity to significantly participate in the development of policy that could help rebuild their communities, improve quality of life, and combat racism. In an increasingly global economic framework, many also saw an opportunity for the United States to move beyond its traditional focus of trade with Canada and along an East-West axis. For the first time since the demise of the Camino Real and other colonial trade routes, the United States had the opportunity to look south, toward Latin America, for trading partners.

Hispanics seized upon the opportunity provided by the NAFTA debate to not only discuss the economic benefits of improved trade relations with Mexico but to ensure that Hispanics and Hispanic communities would benefit from the job opportunities and economic development NAFTA would spawn. They highlighted the need for sustainable economic development, increased resources for border development, and community involvement in decisions affecting them. These efforts led to the creation of the North American Development Bank, a binational entity that will help generate billions of dollars of new resources to meet border needs. Hispanics also contributed to calling attention to the underlying consequences of immigrant bashing occurring in the United States, fueled in part by the ignorance in the United States about Mexico and Latin America.

Leading Hispanic organizations developed a Hispanic consensus on NAFTA to present to U.S. policymakers. Mexico, which had earlier reached out to develop a long-term working relationship with Hispanic Americans, opened its NAFTA process to them to forge an agreement that better addressed the vision of Hispanics through conferences and seminars, inviting Hispanic leaders to Mexico, and creating opportunities to assist Hispanics doing business in Mexico.

This month, as we celebrate Hispanic Heritage Month, we need to add to the long list of Hispanic contributions to our Nation this contribution to the expansion of trade with Mexico and Latin America and the renewed efforts that will be focused on border development. These efforts are already paying dividends. Trade with Mexico has surpassed that with Japan. Recent studies have shown that Hispanic-owned businesses are increasing dramatically. There are now 720,000 Hispanic-owned businesses in the United States, generating more than $30 billion in sales. Those involved in international trade are growing faster than nonexporting businesses. U.S. companies are also hiring record numbers of Hispanics as they expand their export-related activities. Furthermore, both Mexico and the United States are focusing on improving the infrastructure along the border.

As a result of contributions of Hispanics and their working relationship with Mexico, Americans can look forward to a cleaner environment, to more and better jobs, to increased living standards, to badly needed border infrastructure, and to improved quality of life on both sides of the United States-Mexico border.

In short, we have one more reason to reflect upon Hispanics' contributions to our country. I join in those saluting the Hispanic community and its achievements during this Hispanic Heritage Month.•

IN SUPPORT OF H.R. 5060

• Mr. DODD. Mr. President, I rise in support of H.R. 5060, a bill which must pass before we adjourn for the recess or the Securities and Exchange Commission [SEC] will have to shut down. This bill is part of a legislative package worked out to fund the SEC for the 1995 fiscal year.

Most of the SEC's funding, about $192 million, is available to the SEC only if further legislation is passed to authorize a level of fees charged to register securities that fully offsets the SEC's appropriation. Without this offsetting revenue, the SEC simply will not have most of the funding that it needs to stay in business, and will have no choice but to start shutting down.

Mr. President, H.R. 5060 has now been blocked for almost a week. The SEC is now nearly a week into its new fiscal year without sufficient funding to make it through the end of this calendar year. As of today, the U.S. Treasury has been drained of almost $20 million—$20 million that has just been wasted for no good reason.

The SEC has already had to suspend enforcement investigations and inspections of mutual funds and broker-dealers. The SEC plans to shut down its electronic filing system for companies within a few days. Tens of millions of investors trust the SEC to make sure that their mutual fund, their broker, and the securities markets themselves are honest and operating properly.

The entire American economic system ultimately depends on the confidence on investors in the fairness of the markets. That confidence is being needlessly threatened right now by the unjustified delay in passing the SEC bill.

The agency will have to lay off most of its work force within a few weeks unless the Senate acts before it adjourns. That development, if it were to come to pass, would amount to suspending the operation of the American capital markets, with economic consequences we can hardly imagine. I do not seriously believe this body would wish that to happen.

The funding delay is already taking its toll on morale at the SEC. This at an agency that competes with high-paying Wall Street firms for the talent needed to properly oversee derivatives markets or to detect and prosecute insider trading.

This bill must pass, and the delays that have already occurred are inflicting mounting damage on the SEC and on the confidence of the capital markets. I urge all of my colleagues to give their consent so that the Senate can take up and pass this essential measure at once.•

TRIBUTE TO THE SAGINAW GANG TASK FORCE

• Mr. RIEGLE. Mr. President, today I rise to pay tribute to the organizers and members of the Saginaw Gang Crime Task Force [SGCTF]. Comprised of Federal agents from the FBI, BATF, and the Secret Service, working with officers from State and local law enforcement agencies, the task force has just completed 6 months of successful operations.

While its primary mission is to save children from the ravages of gang activity by working full-time to help guarantee neighborhood safety, the task force has also dedicated itself to the improvement of the quality of life for all who live in the Saginaw area.

Saginaw Police Chief Alex Perez and Saginaw County Prosecutor Michael D. Thomas have praised the task force for its role in the recent reduction of crime in the city of Saginaw. Since its inception on April 6, 1994, the SGCTF effort has contributed to 40 arrests, a 10-percent reduction in violent crime, a 23-percent reduction in homicide, and a 12-percent reduction in assaults. The SGCTF has earned the respect and support of the entire Saginaw community through its aggressive multifaceted approach to law enforcement.

A number of individuals and groups deserve special mention for their efforts. They include: Gary L. Loster, mayor of the city of Saginaw, who, with the assistance of leaders from Milwaukee, Bridgeport, Buena Vista, Carrollton, Saginaw, and Thomas Townships, provided the leadership to inaugurate this crime fighting initiative; Senior FBI Agent Philip L. Kerby, task force supervisor, who organized the effort and designed the structure of the task force; the Michigan State Police Department, Saginaw County Sheriff's Department, Saginaw Police Department, Saginaw Township Police Department, and Bridgeport Police Department, all of which provided manpower and equipment; Larry Porte of the Secret Service, who has shared his expertise in crimes dealing with currency and food stamps; and the Federal Bureau of Investigation for funding the task force.

Finally, I would like to commend the Saginaw Gang Crime Task Force for its commitment to making the Saginaw area a better place in which to live and work. I am happy to join with the Saginaw community in wishing the task force continued success.•

THE FREEDOM AND FAIRNESS RESTORATION ACT

• Mr. CRAIG. Mr. President, I want to call the attention of my colleagues in the Senate to a bill introduced some weeks back by our colleague in the other body, Representative DICK ARMEY of Texas.

His bill, H.R. 4585, titled the Freedom and Fairness Restoration Act of 1994, outlines a far-ranging, sweeping declaration of war on big government. It displays again a vision of a government returned to the role of servant of the people, with its appetites for power and money reined in.

From reducing most Americans' tax return to the size of a postcard, to enforcing a balanced budget, and demanding that the government take responsibility for the costs that its mandates impose on other parties, the bill is a refreshing reminder that reinventing government ought to run deeper than adjusting at the margins.

A 17-percent flat tax system like that set forth in H.R. 4585 would represent the greatest paperwork reduction initiative in history. Automatic sunsetting of most government programs would remove the current presumption that, once a program is created, it is entitled to eternal life. Enforcing private property rights would recall the spirit of our Nation's founding.

I have been studying this bill over the past weeks and I urge my colleagues to do the same. When the 104th Congress convenes in January 1995, I believe many of us will realize that we return with a mandate to undertake just this kind of fundamental rethinking of the appropriate role of the Federal Government in our society.

I look forward to that endeavor. I also ask to include several editorials and columns that have appeared in recent weeks on this legislation.

The material follows:

[From the Washington Post, Sept. 11, 1994]

WE NEED THE FLAT TAX

(By George F. Will)

The first—make that the only—thing Congress should do before adjourning is pass Rep. Dick Armey's "Freedom and Fairness Restoration Act." Congress won't, any more than a crocodile will drain the swamp that is its habitat. Still, the bill is a blueprint for relimiting government and changing Washington's political culture.

Armey, a Dallas Republican, believes government grows faster than most Americans want or know because of the stealth and meretriciousness of the political class. The withholding tax siphons away money before earners see it. Everyone, says Armey, knows how much his monthly car payment costs, but who knows exactly how much the IRS is taking each month? By the fiction of the "employer contribution" to Social Security taxes, which actually is just part of the employees' compensation, government blurs the fact that government is taking a 15.3 percent bite from paychecks. Two-thirds of Americans pay more in Social Security taxes (counting the employer "contribution") than in federal income taxes, but do they know that? Under "current services baseline budgeting" a $2 billion spending "cut" is proclaimed when a program scheduled to increase $10 billion is increased by "only" $8 billion. And there is the hidden taxation of government subsidies and regulations, such as the 40 cents of the cost of an average jar of peanut butter that is the cost of subsidizing peanut farmers. The average family, says Armey, pays more in taxes than it spends on food, shelter and clothing combined.

The core of Armey's bill is a 17 percent flat tax on income. This net tax cut for the nation would be paid for by thorough simplification of the tax code and by spending restraints.

Taxpayers would add up their wages, salaries and pensions, subtract personal and dependent deductions, and pay 17 percent of the remainder. With a personal deduction of $26,200 for a married couple and $5,300 per child, a family of four earning $36,800 would pay nothing. These high allowances make Armey's flat tax progressive: The wealthy would pay a larger percentage of their incomes in taxes than middle-income people would pay. Many millions of the working poor would be removed from the tax rolls. A family of four earning $50,000 would pay 4 percent of its earnings, a similar family earning $200,000 would pay 14 percent.

But all would file their returns on a form the size of a postcard. This would radically reduce the estimated 5.4 billion hours a year—as many hours as the entire population of Indiana works—that Americans spend complying with federal income tax laws. Furthermore, a flat tax would cause wholesale and wholesome unemployment in Washington's parasite class of lawyers and lobbyists who rent themselves to the sort of people's economists call "rent-seekers"—people seeking to gain advantages, or impose disadvantages on others, by tampering with the tax code's baroque complexities.

Because savings would be untaxed under the flat tax, there would be more savings, so the pool of investment capital would grow, interest rates would fall and new businesses would proliferate. Elimination of capital gains taxation would remove the disincentive to shift money from old investments to new ones, and the stock market would boom.

Armey's bill would build into the American year a dozen incitements of popular resistance to government. By eliminating withholding, it would require taxpayers to write monthly checks to the IRS. Imagine: 12 occasions for comparing the value of government benefits received with the value of disposable income lost.

Armey knows that his bill stands no chance in Congress as it is currently controlled. However, he believes the flat tax idea is going to be carried to Washington by many new members of Congress next January. Certainly the end of the Democrats' control of Congress would churn the national agenda.

Armey, who has been tireless in taking his message on the road and onto talk radio, believes his bill could be in 1994 what the Kemp-Roth tax cut proposal was in 1978—an anticipation of a Republican president's program. Already there is occurring here an unexpected shift in the intellectual center of gravity.

The coming of the Clintons and their friends was assumed to mean the ascendancy in Washington of the Ivy League political culture. However, the tone of Congress, which today is the tone-setting institution in this town, is increasingly set by two former professors of economics from universities far from the Northeast, Sen. Phil Gramm from Texas A&M and the former chairman of the economics department at North Texas State University (now the University of North Texas), Dick Armey.

[From the Omaha World-Hearld, July 28, 1994]

"NEW" FLAT TAX IDEA STIRS UP INTEREST

(By William F. Buckley, Jr.)

Rep. Dick Armey is an economist by training, a legislator by profession, and a Republican of singular prominence. Indeed, he is the chairman of the House Republican Conference. He is not easily surprised, having been around the track for many seasons, but he professes to be astonished by the reception given to the bill he introduced last June in Congress, the "Freedom and Fairness Restoration Act." It is a call for organic revision of the tax code, and its key element is the flat tax, and according to the evidence, people are truly excited about it.

One gets proposals for a flat tax every now and again, and not always from the right. It was the principal economic plank of Jerry Brown when he ran for president in 1992, though it was thought an aberration of sorts given that liberals aren't supposed to endorse anything at all that could lower the rate at which wealthy Americans and corporations pay taxes.

There are people out there who would not vote to lower the tax rate these days, having inhaled presidential rhetoric about fairness, even if it were absolutely demonstrated that to do so would cause poor people to become richer. Their interest is minimal: to make rich people poorer.

Anyway, under the Armey tax code, you would be taxed 17 percent on what you earn. The word "earn" is used carefully. You would not be taxed anything at all on dividends or on capital gains. And corporations? Seventeen percent on their profit.

Wouldn't this gravely afflict poor people? Well, no, actually. Because under the Armey tax code a single person would not pay any taxes at all until after he earned $13,100. If he were a household head, single—which nowadays applies to about 30 percent of gestating households—he would begin to pay only after earning $17,200. Every child would qualify the parent for a deduction of $5,300, which is about double the size of the current deduction and a great deal closer to the cost of raising a child.

What are the givebacks in the Armey proposal? No deductions. No, none for mortgage interest even.

What would be done about the deficit? Answer: For the first year you freeze all entitlements at the current level. Thereafter, entitlements rise only as much as inflation. The estimated saving here over a period of a mere two years is almost $600 billion. By pursuing such a code, which is to say preventing the government from growing any bigger in proportion to the private sector, we'd head toward a balanced budget.

Above all, the springs of productivity would leap up with the joy of liberation. This sensation of a reduced overhead would course through the arteries and veins of America.

The proposal—the flat tax—is not novel. Indeed, the author of these lines devoted a substantial part of a book to the question, and that was 20years ago. The idea is there, but the pulsations, to judge from the response to Armey, are greater than at any time in the recent past.

The reason for this, surely, is that the whole country is aching to hear from the Republican Party something truly, daringly, engagingly new. Not, "Will we have total medical coverage by 1998 or 1997?" but something truly bracing, and this is what Armey has come up with.

Now there are two traditional launches given to tax proposals of this kind. One is empirical, the second philosophical. There is simply no doubting the bona fides of economists like Armey and Milton Friedman, who genuinely believe the proposition—and who have abundant evidence to corroborate it—that the economic effect would be like the mobile that lifts everything simultaneously.

But the other launch asks the root question, which is: Are we committed to equal treatment under the law? If so, how do we swivel-hip our way around to charging a higher rate of taxation to someone who elects to drive his taxi 70 hours per week than to someone who works 40 hours per week?

Rep. Newt Gingrich has promised that late in September he will enunciate the half-dozen steps a Republican majority would take if brought to power in November. One hopes the Armey tax code will be one of them.

[From the Philadelphia Daily News, July 26, 1994]

FINALLY, A TAX PLAN THAT MAKES SENSE

You think the battle over health-care reform has been tough? Wait until everyone learns about Congressman Dick Armey's plan for basically abolishing the Internal Revenue Service.

You probably don't know much about Armey or his flat-tax proposal. Just wait. Later this year, as health care fades or dies as an issue, his Freedom and Fairness Restoration Act will become the biggest legislative battle since the income tax itself.

By the time the 1996 presidential election gets along, Armey's Army will make every other domestic policy debate seem second rate. As the congressman puts it, the average family is mad about paying "more in taxes than it spends on food, clothing and shelter combined."

Armey says his flat tax will "make it unnecessary for the IRS to send out eight billion pages of paper or for the taxpayers to spend 5.4 billion man-hours filling out tax forms."

How will it work? Today's incomprehensive tax forms would be replaced with a simple post card. You'd be asked how much you earned in wages, salary and pensions. Then you would deduct between $13,000 and $26,200 for dependents depending on whether you are single, a single head of household or married and filing jointly.

Then add other deductions of $5,300 for all dependents; not including your spouse, and you pay your tax of 17 percent of wages, salary and pensions—minus your family deductions.

That's it. On a post card.

Thanks to those hefty deductions, the flat tax also becomes very progressive while dropping lots of people from the tax rolls altogether. Armey estimates that "a family of four earning $36,800 would pay zero percent of its income in taxes, a family earning $50,000 would pay 4.5 percent, and a family earning $200,000 would pay 14 percent."

Corporate taxes would be similarly simplified. The same 17 percent would be applied to gross revenue less purchases of goods and services, capital equipment, structures, land and wages and pension contributions paid to employees. No deductions would be permitted for fringe benefits, interest or payments to owners.

Armey realizes his plan won't please many tax lawyers or accountants, let alone Maalox salesmen. However, individual and corporate taxpayers who spend about $600 billion completing those eight billion pages of tax forms will certainly smile as they throw away the Maalox.

Some critics will dismiss Armey's plan simply because the author is a conservative Republican from Texas. That's fair, if your objective is partisan politics. However, Armey's approach is disarmingly similar to the flat tax proposals presented during the 1992 presidential election by former California Gov. Jerry Brown.

That means a conservative Republican congressman from Texas has done nothing more, but nothing less, than translate liberal Governor Moonbeam's greatest campaign idea into legislative language. The result will be Armey's Army of taxpayers who have been mad as hell for a very long time but didn't realize there was anything they could do about it.

Just think of it. No more double taxation of savings because your capital gains and interest from savings are now tax-free. Why? You already paid the tax when you earned the money. No more double-dip for Uncle.

Sure, everyone loses the cherished homeowner's deduction, just as a business loses deductions for interest costs when it borrows billions of dollars to raid other businesses. The trade-off comes as everyone, and every business, gets a clearer, simpler and lower tax payment which only taxes what you earn, this year.

Simultaneously, a massive percent of that $600 billion which Americans now spend reading, preparing, defending, and disassembling under the current IRS non-system will be saved. Much of that $600 billion, annually, can now be invested in anything you or your employer wants instead of trying to fool Uncle Sam.

What's $600 billion worth? It's twenty times the amount of money President Clinton wanted for his economic stimulus package, but it's free. It's money we won't waste traipsing down the worthless IRS paper trail nor add to the national debt.

Army's proposal is so ingenious, so populist and so timely that it will probably be stolen by multiple 1996 presidential candidates. In fact, after he loses the health-care battle, a lame duck Bill Clinton may well embrace it.

He'll be desperate for something to polish his tarnished New Democrat image, and there won't be anything Armey could do to prevent Clinton from stealing this idea. It may surprise you to discover that Armey probably wouldn't care.

He's not one of those pit-bull partisans who cares more about getting credit than getting something done.

He see his Freedom and Fairness Restoration Act as "a populist proposal in the finest sense. By taking power from the government and returning it to the people, it reflects great confidence in the integrity and know-how of free Americans. It is a proposal for those who believe in the American Dream."

He won't care if Clinton steals his dream as long as everyone can enjoy it.

[From the Washington Times, June 16, 1994]

DECLARING WAR ON BIG GOVERNMENT

Why should big-government types have all the fun offering sweeping proposals? Why not a sweeping proposal for a drastic limitation on the size of the federal government and the scope of its activities? Now we have one. Rep. Dick Armey is introducing today a bill that amounts to nothing less than a declaration of war against big government and the pieties espoused by its acolytes.

His Freedom and Fairness Restoration Act, is not content to tinker at the margins with smallish conservative reforms, an activity rather like pruning kudzu. Instead, Mr. Armey's legislation proposes to radically alter the foundation of the modern federal government by changing the way Washington gets and spends taxpayer monies and by capping both the direct and the indirect costs of government.

Taxes would be radically reduced, and more important, simplified. After a couple of years of transition, the bill calls for one tax rate of 17 percent, both for individuals on their incomes and businesses on their profits. Single people would enjoy a personal exemptions on the first $13,100 of income, with single heads of household permitted a $17,200 exemption. Married couples filing together would have $26,100 as their tax starting point. Taxpayers would have a $5,300 exemption for each dependent. So much for all the wasted energy and complicated diseconomic actions taken through tax contortionism. With such a simple and straightforward tax code, businesses and individuals could make life decisions based on their true druthers rather than on their analysis of the tax consequences.

Such a tax system, because it would reduce Washington's revenues, would put a crimp in the federal government, but is not in and of itself enough to transform the dynamics of national politics. And so Mr. Armey's package proposes an even more radical assault on the current system: the end of withholding. Taxation was not able to soar until the invention of withholding. By taking money out of the paycheck before it is ever in the worker's pocket, taxpayers are not confronted with how much money they are handing over to the government. As any investment advisor will counsel, the way to save is to have money automatically taken out of your pay—all of a sudden, saving is easy. So too with taxation. Not only do we not feel the true bite of taxation, the system has been set up so that we think we are getting goodies from Uncle Sam in the form of tax rebates. Voters will take a different view of taxes when they receive their pay up front and have to write a monthly check to cover their tax liabilities. Once this system of taxation is in place, there will hardly be any need for the spending limits Mr. Armey's bill also includes, because lawmakers will know all too well that they won't have any luck coercing new revenues out of the electorate through deficit spending.

The Freedom and Fairness Act also calls for truth in regulating. The CBO and OMB will be required to estimate in detail the costs that will flow from federal regulation. This would be a death blow to the current regulatory regime. How compelling, for example, would be the administration's current complaints about the expense of high tech medical devices ($5 million, for example, for a new surgical imaging machine) when those costs can be compared with the hundreds of millions spent per life only hypothetically saved by EPA rules and regulations?

Rounding out the legislation is a provision that would statutorily reestablish the Constitution's neglected takings clause. If the government writes a regulation that significantly reduces the value of a private citizen's property, compensation is in order. The Constitution, of course, already mandates this, but Mr. Armey isn't holding his breath for the courts to enforce the Fifth Amendment's injunction against takings.

Republicans may be hesitant to follow Mr. Armey's lead, thinking the legislation too fundamental a change. But fundamental change is what the electorate has been clamoring for, only to be bamboozled by Bill Clinton's vision of a new and improved leviathan. It's a safe bet they did not have in mind the creation of yet another gargantuan entitlement program when Mr. Clinton promised welfare reform.

Mr. Armey is showing that Republicans can take back the rhetoric of change, and perhaps even make electoral hay out of it. He says that some of his colleagues may fear that the bill is a bigger chew than they can chew, but he thinks the proposal is quite practical. "With a Republican majority in the House, this is eminently do-able," he says. "But we aren't going to get a Republican majority if we're timid."•

TRIBUTE TO MARYLAND STATE SENATOR TROY BRAILEY

• Mr. SARBANES. Mr. President, it is with deep personal sadness that I rise today to pay tribute to my long-time friend and colleague, Maryland State Senator Troy Brailey, who died yesterday.

Troy and I first elected to the Maryland House of Delegates in 1966, and served together there for 4 years. But even before he began his distinguished career of elected public service in the Maryland legislature, which spanned 24 years, Troy Brailey was already an outstanding national leader in both the labor and civil rights movements.

Early in his life, Troy Brailey was a Pullman porter, who worked with A. Philip Randolph in the early days of the Brotherhood of Sleeping Car Porters to organize the porters. He went on to serve as national vice president of the Afro-American Labor Council and president of the Baltimore division of the Porters Union.

His work on behalf of working men and women, combined with his leadership in the civil rights movement for justice and opportunity made Senator Troy Brailey an inspiration and model for all of us.

From his early efforts helping to plan the Washington march which was called off when President Franklin D. Roosevelt issued the Executive order establishing the Fair Employment Practices Commission, to his role as state chairman and organizer of the historic 1963 March on Washington, Troy Brailey was a tireless fighter for civil rights for all of our people.

Beyond his leading role in the labor movement, civil rights, and elected public service, Senator Troy Brailey was deeply involved in countless efforts on behalf of the people he served, including many years of service on the executive board of the NAACP; the Boy Scouts; the board of directors of the YMCA; the Baltimore Street Car Museum; the Apprenticeship Advisory Board and many others.

Mr. President, I have indeed been fortunate to be among those who were influenced by Senator Troy Brailey, who benefited from his wisdom and experience and who were honored to have him as a friend. I extend my heartfelt condolences to his widow Chessie, his son Norman, daughter Alice, and other members of his family on the passing of this genuine champion for working men and women.

I ask that articles from today's Baltimore Afro-American and Baltimore Sun recounting Maryland State Senator Troy Brailey's life and accomplishments be reprinted in the RECORD at this point.

The article follows:

[From the Baltimore Sun, Oct. 7, 1994]

TROY BRAILEY, CHAMPION FOR CIVIL RIGHTS, DIES AT 78

(By Fred Rasmussen and Dewitt Bliss)

F. Troy Brailey, civil rights champion, founder of the Maryland Legislative Black Caucus and former executive of the Brotherhood of Sleeping Car Porters, died yesterday of cancer at his West Baltimore Home. He was 78.

Mr. Brailey, who represented West Baltimore in the Maryland General Assembly for 24 years, was a staunch supporter of organized labor, but best known for his efforts in the civil rights movement. He often would regale friends with stories of the movement's leaders, as well as tales of old politicians and deals from the glory days of west-side politics.

While he had not been active in politics for four years, after losing a re-election bid for his seat in the Maryland Senate, he was remembered yesterday on all levels of government—on Capitol Hill, at the State House and at City Hall.

"Troy Brailey was a magnificent individual in this business who never lost the ability to poke fun at himself and offer a smile to others," said Democratic U.S. Rep. Kweisi Mfume of Baltimore. "His work in the 40th District is virtually legendary."

Gov. William Donald Schaefer, another elected official with roots in West Baltimore, said: "I remember [him] as a tireless worker who loved his community and the city of Baltimore. He was one of the civil rights workers who respected everyone and used the law to force change. He was my good friend, I'll miss him."

Senate President Thomas V. Mike Miller Jr. echoed the governor's praise and said he considered Mr. Brailey "living history."

"I was honored to serve with him in the House of Delegates and in the Senate of Maryland," said Mr. Miller, a Democrat from Prince George's County. "I enjoyed immensely his conversations and discussions * * * particularly the role he personally played in the civil rights movements in the 1960s. He helped organize the march in Washington, D.C., and before that was instrumental in promoting and achieving minority gains in the Pullman workers union."

Mayor Kurt L. Schmoke said "Senator Brailey was a true pioneer, making achievements in the fields of labor relations and politics. He worked with some of the giants of the civil rights movement, especially A. Philip Randolph, and he was an inspiration to a generation of political activists."

Mr. Brailey, a native of Lynchburg, S.C., rose from humble beginnings.

He would tell the story that he and the late Solomon Liss, a former Baltimore City Councilman, judge and state official, got their start on the same South Baltimore street corner, across the street from the Cross Street Market. They met there as very young men, when Mr. Liss was selling newspapers and Mr. Brailey was shining shoes.

He later pressed clothing and was a waiter at Rossiter's Restaurant in South Baltimore and the old Baltimore Press Club before becoming a railroad porter.

Mr. Brailey's work for civil rights included service as state chairman for the 1963 March on Washington, organizer for the 1957 Prayer Pilgrimage to Washington and state chairman for the 1958 and 1959 youth marches to Washington. He had also been a leader in the planned 1941 march on Washington, a demonstration that was called off after President Franklin D. Roosevelt issued an Executive Order 8802 establishing the Fair Employment Practices Commission. He had also been an adviser to local civil rights demonstrators who participated in sit-ins at restaurants that refused them service.

In the early 1960s, he had stopped work as a Pullman porter, a job he head held since 1941, and had ended his service as president of the Baltimore division of the Brotherhood of Sleeping Car Porters. He had worked to organize porters in the early days of the union.

For about 20 years, he was active in the Negro American Labor Council, also started by Mr. Randolph, serving as president of the local unit and as a national vice president.

"I'm really saddened to hear this," said Edward A. Mohler, president of the Maryland-D.C. AFL–CIO. "He had a long political career and was always interested in working people. He was proud of his union affiliation and for being able to boost folks. He was a first-class guy."

In 1966, Mr. Brailey was elected to the House of Delegates, where he served until 1982, when he defeated the late Verda F. Welcome, the state's first black woman senator, for the 40th District Senate seat.

He lost his seat in 1990 to Ralph M. Hughes, a two-term delegate who was credited for authoring the state law aimed at preventing the sale of cheaply made guns. Ironically, Mr. Brailey had long been a supporter of a ban on so-called "Saturday night specials" and had offered legislation as early as 1986 to outlaw them.

Just last month, his son, Norman Brailey, lost a bid to win back the seat from Mr. Hughes.

Mr. Brailey also informally aided individual workers and small groups. He advised black firefighters in Baltimore during the early days of integration. He also headed the labor committee of the Baltimore unit of the National Association for the Advancement of Colored People.

He was a member of the Enterprise Lodge of the Prince Hall Masons and of the Leadenhall Baptist Church, 1021 Leadenhall St., where he will lie in state from 9 a.m. to 11 a.m. Monday. The family hour will begin at 11 a.m. and the service will be held at noon.

He is also survived by his wife, the former Chessie Granger; a daughter, Alice Brailey-Torriente of Baltimore; two sisters, Ophelia Brailey Singletary of Washington and Fannie Brailey Bailey of Seat Pleasant; three grandchildren and two great-grandchildren.

[From the Baltimore Afro-American, Oct. 7, 1994]

SENATOR TROY BRAILEY DIES, WAS A POLITICAL PIONEER

Always regarded as a gentle man with a determination cast in concrete, Troy Brailey, 76, passed away quietly at his home early Thursday morning, bringing an end to a career that had seen him as a close ally and friend of such greats as A. Philip Randolph, Martin Luther King Jr., and others and a member of the Maryland General Assembly for more than 20 years.

Though he had been out of the Assembly for a number of years, he was still referred to as senator, as a mark of respect and affection for him.

Funeral services have been set for Monday, October 10, at 12 noon at Leadenhall Baptist Church, 1021 Leadenhall St. The family will receive from 11 a.m. until noon.

Senator Brailey's body will lie in state on Saturday and Sunday at the Leroy Dyett Funeral Home.

He had strong ties to organized labor, and during the height of the civil rights movement of the 1950s and 60s, he was a participant in many of the campaigns.•

HEALTH CARE REFORM THAT WORKS: A TRIBUTE TO TENNCARE

• Mr. MATHEWS. Mr. President, as I look toward the end of my service in the Senate, one of my few regrets is that we were not able to pass a measure that assures high-quality and cost-effective medical care for all Americans. However, there is one fortunate side effect of our inaction, and it is that we have another chance to study state-wide health delivery programs that achieve what we are attempting to create nationally. And one of the most effective of those programs is at home in my native Tennessee.

Last year, Tennessee was in a predicament common to many families and businesses: Medical costs were soaring out of control. Cost increases associated with Medicaid had outstripped inflation, the growth of Tennessee's economy, and the growth of any revenue source that could fund the program.

At the same time, Tennesseans needed Medicaid more than ever. Besides nearly 1 million enrolled in Medicaid at some time during the year, nearly 500,000 Tennesseans were uninsured or uninsurable—most of them working poor and middle-class Tennesseans.

Constitutionally prohibited from deficit spending, Tennessee had only three choices in dealing with the Medicaid dilemma: huge tax increases, major reductions in service, or fundamental change.

Tennessee tried the approach followed by many States—taxes. Between 1987 and 1993, taxes on health care providers produced nearly $500 million in annual revenues. However, smaller, rural hospitals lacked the revenue base to pay those taxes and stay in business. This endangered care in counties already underserved by the medical community, and still there was not enough money to continue "feeding the Medicaid bear," as Governor McWherter put it.

Fortunately, the State was developing a model for reforming its own employee health insurance program. This program utilizes a statewide managed care network of hospitals, doctors, pharmacists, and other providers put together by Blue Cross and Blue Shield of Tennessee. Initial implementation problems and resistance to the system were resolved in its first 3 years. A statewide network in place served urban and rural areas, employees were happy with their coverage, and costs were being controlled. In fact, Medicaid costs rose 15.3 percent in fiscal 1993, but State employee health care costs declined more than 1 percent.

President Clinton pledged cooperation in allowing States to become "laboratories of experimentation" for health care reform and his policy has given States like Tennessee flexibility in providing health care for their citizens. Tennessee used this flexibility to create a program that works. It is called TennCare, and it is based on two chief principles.

First it assumes there is enough money in the system to provide health care for all who need it if we use resources wisely. Policymakers long observed that the amount spent on Medicaid in Tennessee could buy private insurance at corporate rates for the Medicaid population and the uninsured. Success comes from group buying, competent management, and incentives to control costs.

Second, TennCare believes market forces are more effective than government control and intervention. By letting managed care organizations negotiate rates and provisions with health care providers, Tennessee provided incentives for efficiency and innovation.

Bolstered by these beliefs, Governor McWherter requested legislative authority to replace Medicaid with TennCare. His request was approved by a bipartisan majority in the Tennessee legislature. The Governor directed staff to prepare a section 1115 waiver request from the Health Care Financing Administration.

Organized medicine and others who benefited from the Medicaid system opposed TennCare—unlike the majority of Tennessee's physicians, nurses, pharmacists, dentists, hospital personnel, and health care providers who worked to resolve problems and serve patients. Before the waiver was granted, the Tennessee Medical Association launched an unprecedented lobbying effort at HCFA to have it delayed or denied. They insisted that more and more money would have to be spent on health care to satisfy them.

Mr. President, they are wrong. TennCare serves more than 800,000 people formerly on Medicaid plus 350,000 Tennesseans who were previously uninsured or uninsurable. It has survived every political and legal challenge. It is a remarkable success story being written every day in hospitals, doctor's offices, and the lives of working taxpayers.

By the end of 1994 Tennessee will achieve 95-percent insurance coverage for its citizens, the highest rate of any State. It puts Tennessee 7 years ahead of the ambitious timetable currently discussed in Congress to reach 95-percent coverage by 2002. And the money is already appropriated in the program to cover the State's remaining 300,000 uninsured individuals.

TennCare now covers about 350,000 people who were formerly uninsured or uninsurable. Nearly half of those Tennesseans are the working poor with incomes below poverty level.

TennCare is the cornerstone of Tennessee's efforts to reform welfare. TennCare uses a sliding scale of premiums, deductibles, and copayments for those who are working their way off welfare. They can maintain coverage for their family without quitting their job when someone becomes sick.

TennCare has enabled Tennessee to enact the largest tax cut in its history—a $500 million elimination of hospital service taxes that threatened the existence of many rural hospitals—while letting policymakers redirect savings to education and other programs. The budget for TennCare this year is about $3.3 billion, about $700 million less than projections for continuing with Medicaid.

The number of paid emergency room claims among Blue Cross' TennCare patients, which make up 40 percent of total enrollees, declined 90 percent in the first 5 months of TennCare. By paying for emergency room use only in real emergencies and charging nominal fees for nonemergency cases, TennCare creates an incentive for patients to use less expensive primary care physicians as their first point of contact with the health care system.

TennCare is meeting all Federal requirements for access to care and for maintaining quality of care. In the Blue Cross TennCare network alone, the percentage of physicians seeing TennCare patients is almost double those who formerly would see Medicaid patients. Every Tennessee hospital now participates in TennCare, as do a majority of the State's doctors.

To the greatest extent possible, TennCare has preserved an individual's right to choose his or her own doctor. About half the Medicaid population and all the uninsured took advantage of the opportunity offered by TennCare to select the managed care organization they wanted to represent them when the program first began. Every enrollee will have the opportunity again this year to redesignate his or her choice of MCO's after determining which MCO his or her doctor has joined.

Maybe the best news about TennCare is that participants like the program, believe they are getting quality medical care, and have access to care. Those were the findings of a survey conducted among 5,000 Tennesseans by the University of Tennessee.

The bottom line, Mr. President, is that TennCare is working for Tennessee, thanks to the efforts of Tennessee Governor Ned McWherter and Commissioner of Finance and Administration David Manning. TennCare can teach many lessons as the Senate continues to study national health care reform. And I add that the efforts of President Clinton and the First Lady will do much in building a base for our Nation's continuing deliberations. I believe that the example of TennCare will serve as a worthy case to consider as those deliberations go forward in the 104th Congress.•

WHITEWATER

• Mr. PRYOR. Mr. President, it has been more than 2½ years since the "Whitewater" story first appeared on the front page of the New York Times. Since then, allegations of wrongdoing by the President and the First Lady have been replayed over and over by the national media. These allegations have been investigated for months by two different special prosecutors, at considerable taxpayer expense. In fact, this investigation is still ongoing. These allegations have also been the subject of no less than 4 days of hearings by the House Banking Committee and 6 days of hearings by its Senate counterpart.

And what have these efforts produced? Legal wrongdoing has yet to be found, but the reputations of Bill and Hillary Clinton, two devoted public servants, have been tarnished. The shadow of scandal has been cast over the Clinton Presidency. The public's perception that Government officials are more interested in partisan politics and personal gain than the welfare of the people they are supposed to represent has been reinforced.

This damage has already been done. And even if the special prosecutor's investigation finds all allegations to be groundless, it cannot easily be repaired.

The question remains, however: do these allegations warrant the attention they have been given, and continue to be given? Or are they merely unfounded insinuations that have been blown up into something more?

An article in this month's edition of Harper's Magazine addresses this very issue. It was written by Gene Lyons, an Arkansas journalist who describes his past writings about Clinton as "mostly critical." Lyons asserts that the Whitewater scandal began with a series of damaging articles by Jeff Gerth of The New York Times, articles which were thoroughly researched yet not fair or balanced in their content. According to Lyons, most reporters have adopted Gerth's findings without questioning their basis in fact, raising some question as to whether his articles were an example of the facts fitting a theory rather than the facts demonstrating a case. Lyons' article seeks to correct what he asserts are factual distortions and to refute specific allegations and/or insinuations of wrongdoing by the Clintons.

I hope my colleagues will take this opportunity to read Mr. Lyons' article. It presents a persuasive case that there may be less to the Whitewater affair than the media might have us believe.

I ask that a copy of Mr. Lyons' article be printed in the RECORD immediately following my remarks.

The article follows:

[From Harper's Magazine, Oct. 1994]

FOOL FOR SCANDAL—WHAT THE TIMES DIDN'T TELL YOU ABOUT WHITEWATER

(By Gene Lyons)

The Great Whitewater Political Scandal and Multimedia Extravaganza, now on the verge of entering its second smash year, has always played very differently here in Little Rock than in, say, Washington, New York, or Los Angeles. To read the great metropolitan newspapers, observe the grave demeanor of network TV anchors, and heed the rhetoric of the politicians and radio talk-show hosts who have made the issue their own, one would gather the republic teeters on the brink of a constitutional crisis. The dread "gate" suffix of Nixonian legend has been applied. Melodramic charges of bribery, corruption, cover-up, even suicide and murder, fill the air (although at the time of this writing the focus has shifted to "improprieties" in Washington). There has even been loose talk of presidential impeachment.

All this over a failed $200,000 dirt-road real estate deal up in Marion County and a savings and loan flameout that cost taxpayers a lousy $65 million—the 196th most costly S&L failure of the 1980s, nationally speaking, and one that accounted for about 7 percent of the roughly $1 billion tab bankrupt institutions ran up right here in little old Arkansas. For the longest time, it was hard for most Arkansans to take all the bellyaching over Whitewater and Jim McDougal's Madison Guaranty very seriously.

Apart from a superficial acquaintance with both Clintons shared by thousands of Arkansans, I know none of the characters in the Whitewater saga personally. (My wife gave Clinton a little bit of money and went to Wisconsin for a week on his behalf as an "Arkansas Traveler" at her own expense. But that's her business.) What little I have written over the years has been mostly critical. Indeed, I cherish a videotape of myself in a short-lived guise as the poor man's Andy Rooney on a Little Rock TV station back in 1988 predicting that the governor had won his last election.

It angers me, though, that Whitewater has brought back all the old stereotypes, what the Arkansas Times magazine once called the image of "the Barefoot State." Barefoot, hell. To hear the national press go on about it under Clinton poor little Arkansas became a veritable American Transylvania: a dark, mysterious netherworld populated by a mob of ignorant peasants and presided over by a half dozen corrupt tycoons in collusion with the Clintons as the Count and Countess Dracula. Scarcely a Whitewater story has appeared in the national press that hasn't made references to the state's uniquely "incestuous" links between business, government, and the legal establishment—concepts utterly foreign to places like Washington, D.C., and New York City, of course.

Even Arkansans long weary of Clinton's smooba-like style of leadership—his indecisiveness, his downright genius for equivocation, his habit of launching more trial balloons than the National Weather Service—can't recognize the caricature of either the man or his milieu in the national press. And we're not just talking about such off-the-wall publications as The American Spectator or the Wall Street Journal editorial page. In The New Republic, author L. J. Davis accused Bill and Hillary Clinton of a nefarious plot to void Arkansas usury limits for the benefit of the First Lady's banker clients. Problem is, the deed was done through an amendment to the Arkansas constitution by public referendum during the term of Republican Governor Frank White—a banker.

So how did we get here? Well, at the expense of shocking you, dear reader, it all began with the New York Times—specifically with a series of much-praised articles by investigative reporter Jeff Gerth: groundbreaking, exhaustively researched, but not particularly fair or balanced stories that combine a prosecutorial bias and the art of tactical omission to insinuate all manner of sin and skullduggery. Accompanied by a series of indignant editorials, Gerth's work helped create a full-scale media clamor last December for a special prosecutor. Testimony in recent Senate hearings showed that the Resolution Trust Corporation's Whitewater investigation began in direct response to the Times coverage; the hearings themselves resulted in large part from the Clinton Administration's panicky reaction to reporters' queries about the RTC probe, Gerth's among them. Absent the near-talismanic role of the New York Times in American journalism, the whole complex of allegations and suspicions subsumed under the word "Whitewater" might never have made it to the front page, much less come to dominate the national political dialogue for months at a time. It is all the more insinuations in Gerth's reporting are either highly implausible or demonstrably false.

Let us return briefly to those thrilling days of yesteryear—specifically the 1992 primary season. On March 8, 1992, Jeff Gerth's initial story about Whitewater appeared on the Times front page under the headline "Clintons Joined S. & L. Operator in an Ozark Real-Estate Venture."

"[In 1984], Madison started getting into trouble. Federal examiners studied its books that year, found that it was violating Arkansas regulations and determined that correcting the books to adjust improperly inflated prices would "result in an insolvent position," records of the 1984 examination show.

"Arkansas regulators received the Federal report later that year, and under state law the securities commissioner was supposed to close any involvent institution.

"As the Governor is free to do at any time, Mr. Clinton appointed a new securities commissioner in January, 1985. He chose Beverly Bassett Schaffer. . . .

"In interviews, Mrs. Schaffer, now a Fayetteville lawyer, said she did not remember the Federal examination of Madison, but added that in her view, the findings were not "definitive proof of insolvency."

"In 1985, Mrs. Clinton and her Little Rock law firm, the Rose firm, twice applied to the [Arkansas] Securities Commission on behalf of Madison, asking that the savings and loan be allowed to try two novel plans to raise money.

"Mrs. Schaffer wrote to Mrs. Clinton and another lawyer at the firm approving the ideas. "I never gave anybody special treatment," she said.

"Madison was not able to raise additional capital. And by 1986 Federal regulators, who insured Madison's deposits, took control of the institution and ousted Mr. McDougal. Mrs. Schaffer supported the action."

Gerth's original story was recently praised in the American Journalism Review as containing 80 to 90 percent of what the press knows about Whitewater today. Rival reporters complained, though, that the 1992 article lacked a "nut paragraph" summing up what the Clintons had done wrong and why it was important.

The insinuations became clearer in subsequent Gerth stories in the fall of 1993.* Following the Washington Post's October 31, 1993, revelation that the RTC had made a referral to the Justice Department naming the Clintons as (perhaps unwitting) beneficiaries of possible criminal actions, Gerth and Stephen Engelberg, another Times reporter, wrote lengthy articles that appeared on November 2 and December 15. The first dealt mainly with the still-unsubstantiated claims of former Municipal Judge David Hale that Bill Clinton urged him to commit federal bank fraud by lending $300,000 to Jim McDougal's wife, Susan. (Gerth and Engelberg neglected to point out that David Hale—no Clinton intimate but a courthouse pol first appointed by Republican Governor Frank White—had set up thirteen dummy companies with the same mailing address as his own, evidently without pressure from the Clintons.) Elsewhere, the November 2 piece was pretty much a rehash of the original 1992 article, with a few characteristically misleading tidbits added for emphasis. "By 1983, Mr. McDougal's bank was in trouble with Arkansas regulators," the Times informed readers. The state's banking commissioner, Marlin S. Jackson, ordered the bank to stop making imprudent loans.

Mr. Jackson, a Clinton appointee, said in an interview last year that he told Mr. Clinton at the time of Mr. McDougal's questionable practices. "Now, what Jackson told the Los Angeles Times (which also turned the tale inside out but did give fair context) was that the governor had urged him to ignore politics and be the "best banking commissioner you can [be]." Jackson had acted on this suggestion, with the result that the Clintons' own note was called.

The real bombshell was Gerth and Engleberg's December 15, 1993, story, which all but accused both Clintons, Jim McDougal, and Beverly Bossett Schaffer of criminal conspiracy to keep Madison Guaranty afloat regardless of the cost. But the implicator in that account that has shown the most staying power involves a supposed quid pro quo involving Hillary Rodham Clinton. It centers on an April 1985 political fund-raiser Jim McDougal held and the suspicion that he may have illegally siphoned Madison Guaranty funds into Bill Clinton's campaign coffers. "Just a few weeks after Mr. McDougal raised the money for him," the Times noted darkly, "Madison Guaranty won approval from Mrs. Schaffer, Mr. Clinton's new financial regulator, for a novel plan to sell stock."

"The search for new capital," Gerth and Engelberg continued, took Madison to the offices of Mrs. Schaffer, who had the ultimate authority to approve any such stock sale. One of the lawyers employed by Madison to argue its case before the state regulators was Mrs. Clinton.

Within weeks, Mrs. Schaffer wrote a letter to Mrs. Clinton giving preliminary approval to Madison's stock plan.

The sale never went forward. But this fall the [RTC] asked the Justice Department to examine a number of Madison's transactions, and federal officials say the state's approval of the stock plan was among the matters raised by investigators.

The Times also quoted McDougal to the effect that Bassett Schaffer was his handpicked choice as Arkansas securities commissioner.

The theory implicit in Gerth's Times stories may be summarized as follows: when his business partner and benefactor McDougal got in trouble, Bill Clinton dumped the sitting Arkansas securities commissioner and appointed a hack, Beverly Bassett Schaffer. He and Hillary then pressured Bassett Schaffer to grant McDougal special favors—until the vigilant feds cracked down on Madison Guaranty, thwarting the Clintons' plan. This is the Received Version of the Whitewater scandal as it first took shape in the pages of the New York Times—what all the fuss is ultimately about. And it bears almost no relation to reality.

The distortions begin with the headline of the original Gerth story in the Times: "Clintons Joined S&L Operator in an Ozark Real-estate Venture." This headline was misleading because when Bill and Hillary Clinton entered into the misbegotten partnership to subdivide and develop 230 forested acres along the White River as resort property in 1978. Jim McDougal wasn't involved in the banking and S&L businesses at all. He was a career political operative—a former aide to Senators J. William Fulbright and John L. McClellan. In the meantime, McDougal had done well in the inflation-fueled Ozarks land boom of the Seventies. But it wouldn't be until five years later—by which time the Whitewater investment was already moribund—that he bought a controlling interest in Madison Guaranty.

Details, details. Gerth wrote that McDougal quickly built Madison "into one of the largest state-chartered associations in Arkansas." Wrong again. Among thirty-nine S&Ls listed in the 1985 edition of Sheshunoff's Arkansas Savings and Loans, Madison ranked twenty-fifth in assets and thirtieth in amount loaned. These errors of detail might be forgiven if Gerth had in fact uncovered a conspiracy between the Clintons and the Arkansas securities commissioner to treat Jim McDougal leniently. The appearance of conspiracy, however, was created not by the actions of the alleged parties but by selective reporting.

Consider, for example, Gerth's treatment of the appointment of Beverly Bassett Schaffer as Arkansas securities commissioner in his March 8, 1992, article. "After federal regulators found that Mr. McDougal's savings institution Madison Guaranty, was insolvent meaning it faced possible closure by the state, Mr. Clinton appointed a new state securities commissioner . . ." The clear implication is that in response to a Federal Home Loan Bank report dated January 20, 1984, suggesting that Madison might be insolvent, Clinton in January 1985 installed Bassett Schaffer as Arkansas securities commissioner for the purpose of protecting McDougal.

So how come he waited an entire year. In reality, the timing of Bassett Schaffer's appointment had nothing to do with the FHLBB report, which there's no reason to think Clinton knew about. (The Clintons had no financial stake in Madison Guaranty, although that, too, has been obscured.) The fact is that Bill Clinton had to find a new commissioner in January 1985 because the incumbent, Lee Thalhiemer, had resigned to reenter private practice. Appointed by Republican Governor Frank White and kept on by Clinton. Thalhiemer says he told Gerth this in an interview, and describes the Times version as "unmitigated horseshit."

Bassett Schaffer strenuously insists that to this day she had never met McDougal, never heard Bill Clinton mention his name, and does not believe he influenced her appointment—and told Gerth so. She had actively sought the job from the moment she learned that Thalhiemer was quitting (he confirms recommending her to Clinton). She herself had volunteered in Clinton's 1974 congressional campaign and had worked for him full time on the Arkansas attorney general's staff while in law school. And her brother, Woody Bassett, also a Fayetteville attorney, was a personal friend and supporter of Bill Clinton.

The claim that Jim McDougal was behind Bassett Schaffer's appointment rests entirely on the word of McDougal himself, a victim of manic-depressive illness whose lawyer filed an insanity plea in a 1990 bank-fraud trial in U.S. District Court, in which McDougal was ultimately found not guilty. In his original 1992 article, Gerth had acknowledged McDougal's history of emotional illness but described him as "stable, careful

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*By this time, recall, the stakes were incontestably higher—Bill Clinton was President of the United States; politically damaging memos by one Jean Lewis, an employee in the ostensibly neutral RTC, had been leaked to Republican Congressman Jim Leach and others; and right-wing outfits like Floyd Brown's Citizens United had begun to churn out what Trudy Lieberman in the Columbia Journalism Review called "a steady stream of tips, tidbits, documents, factoids, suspicions and story ideas for the nation's press."

"and calm." By 1993 mention of those difficulties had all but vanished from the pages of the New York Times—despite the fact that the supposed recipient of Bill Clinton's largess was living in Arkadelphia in a trailer on SSI disability payments. Also unmentioned, for what it's worth, was that McDougal had long since recanted his accusations against Clinton and taken to blaming the whole mess on Republican partisans in the RTC.

But did Bassett Schaffer help McDougal anyway? Did the Arkansas Securities Department, as Gerth asserts, have proof of Madison Guaranty's insolvency in early 1985? Did Bassett Schaffer have the legal authority to shut it down?

Consider the allegation that Madison was insolvent and Bassett Schaffer failed to respond. True, the 1984 FHLBB report did argue that Madison Guaranty had overestimated its profit from contract land sales—not including Whitewater—by $564,705. "Correcting entries will adversely effect [sic] net worth and result in an insolvent position." But is this proof of legal insolvency? Hardly. In the first place (although Gerth neglected to point this out), the title page of the document from which the Times reporter took the one brief passage he cited stipulated that it had "been prepared for supervisory purposes only and should not be considered an audit report." More significantly, federal auditors later accepted Madison's position on contract land sales, and the putative adjustments were never made. Indeed, on June 26, 1984, six months after the report Gerth cited, and six months before Bassett Schaffer took office, Madison Guaranty's board of directors met in Dallas with state and federal regulators. They agreed to enter a formal "Supervisory Agreement" with the FHLBB that spelled out detailed legal and accounting procedures designed to help the S&L improve its financial position. In a letter dated September 11, 1984, the FHLBB gave Madison formal approval of a debt-restructuring plan that "negat[ed] the need for adjustment of $564,705 in improperly recognized profits" and dropped all references to insolvency. Arkansas officials also called Gerth's attention to an independent 1984 audit that also refuted Madison's insolvency. In his story the reporter neglected to mention either document.

If McDougal shoved any funny money in the Clinton's direction—either through Whitewater or an April 1985 campaign fundraiser—the Arkansas Securities Department sure found an odd way to reward him. No sooner did Bassett Schaffer receive the FHLBB's 1986 report on Madison than she recommended stringent action. On July 11, 1986, she and a member of her staff flew to Dallas to meet with FHLBB and Federal Savings and Loan Insurance Corporation regulators for a showdown with Madison's board. McDougal himself was not invited. McDougal was stripped of authority, and federal officials agreed to supervise the failed thrift until the FSLIC found money to pay depositors. When, a year later, Bassett Schaffer received an audit for 1986 (and a revised audit for 1985) officially reflecting that Madison Guaranty was insolvent, she wrote the FHLBB and FSLIC a letter, dated December 10, 1987, strenuously urging them to shut down Madison and two other Arkansas S&Ls. Fifteen months later, federal regulators (whose tardiness cannot be blamed on pressure from a state governor) finally locked Madison's doors.

There is not the slightest evidence, then, that Bassett Schaffer inappropriately delayed taking action against Madison. Nor, it seems, did she bend the law when asked by Hillary Clinton to approve a stock sale by the ailing thrift.

Remember the dark hint of misdeeds in Gerth and Enelberg's December 15, 1993, story: "Just a few weeks after Mr. McDougal raised the money for [Governor Clinton], Madison Guaranty won approval from Mrs. Schaffer, Mr. Clinton's new financial regulator, for a novel plan to sell stock." Now, what made Madison Guaranty's plan "novel" is hard to say. The vast majority of state-regulated S&Ls in 1985 issued stock. Even so, the adjective, with its implication of wrongdoing, has recurred mantra-like in virtually every Whitewater roundup article since.

For Hillary Rodham Clinton to have ventured anywhere near Madison in any capacity was a damn fool thing to do. But the fact is that her entire involvement in the "novel" stock issue consisted of the mention of her name in a letter written by a junior member of the Rose Law Firm expressing the opinion that it would be permissible under state law for Madison Guaranty to make a preferred stock offering. After studying the applicable statutes and consulting with her staff, Bassett Schaffer agreed. "Arkansas law," she wrote in a two-paragraph letter dated May 14, 1985—the now-famous "Dear Hillary" missive—"expressly gives state chartered associations all the powers given regular business corporations . . . including the power to authorize and issue preferred capital stock." Bassett Schaffer had issued the narrowest sort of regulatory opinion. Had she ruled otherwise, Madison Guaranty would have had no difficulty finding a judge to reverse her. Anyway, no application was ever filed.

The Arkansas Securities Department's power to close ailing S&Ls was mostly theoretical. Unlike the feds, Bassett Schaffer's office had no plenary authority to shut S&Ls down and seize their assets. Nor did Arkansas law make any provision for the state to pay off depositors of bankrupt S&Ls. That duty belonged to the FSLIC. "We acted in unison at all times," says Walter Faulk, then director of supervision for the FHLBB in Dallas. "I never saw [Bassett Schaffer] take any action that was out of the ordinary. Nor, to be perfectly honest, could she have gotten away with anything if she did. To my knowledge, there is nothing that she or the governor of Arkansas did or could have done that would have delayed the action on this institution."

When I asked him recently about the discrepancies and omissions in his reporting, Jeff Gerth stood his ground, alternately argumentative and defensive, and did not wish to be quoted. He argues, for example, that he never literally wrote that Jim McDougal had in fact gotten Bassett Schaffer the job, merely that he'd claimed to. Her denial struck him as beside the point. In other instances, he pleaded limitations of time and space.

The perception that Gerth most resents is the one most talked about in Arkansas: his reliance upon the hidden hand of Sheffield Nelson—Clinton's 1990 Republican gubernatorial opponent and a legendary political infighter. The Times reporter insists that Nelson did no more than give him Jim McDougal's phone number and later introduce him to former Judge David Hale, whose defense attorney is Nelson's associate. Nelson, the Republican nominee for governor again in 1994, tends to be coy about his role. But he has given other reporters a thirty-eight-page transcript of an early 1992 conversation between himself and McDougal, then embittered by what he saw as Clinton's abandonment.

Indeed, Jeff Gerth, Sheffield Nelson, and the New York Times go way back. As long ago as 1978, Gerth wrote a well-timed exposé of Nelson's mortal foes Witt and Jack Stephens—the billionaire natural-gas moguls and investment bankers who ran Arkansas like a company store during the Orval Faubus era (1955–67). The Stephens brothers owned a small gas-distribution company in Fort Smith that was paying them at a better rate than other gas-royalty owners. But what made Gerth's piece significant was its timing; it appeared shortly before a Democratic primary in which the Stephenses' nephew, U.S. Representative Ray Thornton, was eliminated in a three-man race for the U.S. Senate. Gerth had promised local reporters he'd uncovered a scandal that would knock Thornton out of the race. Some observers think the Times article about the business dealings of Thornton's uncles did swing just enough votes in Fort Smith to keep him out of a runoff election won by Senator David Pryor.

A few more highlights from Sheffield Nelson's political biography may help underline his motives for helping reporters portray the Clintons in the worst possible light. Hired out of college as Witt Stephen's personal assistant, Nelson was later installed as CEO of Arkansas-Louisiana Gas Co. (Arkla), controlled by the Stephens family and the state's principal natural-gas utility. (It was his subsequent refusal to use Arkla pipeline to carry gas from other Stephens-owned companies to buyers east of the state that eventually provoked a lifelong blood feud of Shakespearean malevolence.) Until 1989 Nelson was a Democrat, impatiently biding his time until the end of the Clinton era. But when it became apparent that Clinton would run again in 1990, Nelson became a Republican and won the 1990 gubernational primary over an opponent funded by Stephens interests. Bill Clinton then proceeded to humiliate Nelson 58 percent to 42 percent in the general election.

Clinton owed his 1990 triumph in part to the fact that his Public Service Commission conducted an inquiry into a business deal involving Nelson and a friend of Nelson's named Jerry Jones. It seems that back when Nelson was CEO of Arkla, he'd overridden the objections of company geologists and sold the drilling rights to what turned into a mammoth gas field in western Arkansas to Arkoma, a company owned by Jones, whom Nelson had brought onto Arkla's board of directors. The price was $15 million. Jones found gas almost everywhere he drilled. Two years after Nelson's departure, Arkla paid Jones and his associates a reported $175 million to buy the same leases back as well as some other properties. Jerry Jones then proceeded to buy the Dallas Cowboys and win two Super Bowls. The election-year probe of the Arkla-Arkoma deal resulted in millions of dollars of refunds to rate payers, which wasn't necessarily the point. It also earned the President's permanent spot on Sheffield Nelson's enemies list. The result, it's no exaggeration to say, has been Whitewater.

The talents of investigative reporters now poring over Whitewater documents might be better spent looking into another McDougal real estate venture. Sheffield Nelson and Jerry Jones put up a reported $225,000 each in return for a 12.5 percent share of McDougal's ill-conceived luxury retirement community on Campobello Island, New Brunswick, Canada. It was New Deal Democrat McDougal's odd conceit that wealthy vacationers and retirees would be moved by sentimental memories of FDR's summer retreat (remember

Sunrise at Campobello?) to purchase lots on a resort island that is in fact damp, cold, foggy, and remote. The Campobello project not only failed but helped pull Madison Guaranty down with it. Gerth and the Times have left that aspect of the Madison Guaranty story unexplored—even though, unlike Whitewater, the name of Campobello Properties Ventures is mentioned prominently and repeatedly in the very FHLBB examination report that Gerth quoted in his original March 8, 1992, article. Also unlike Whitewater, the Campobello's project did put a big chunk of Madison Guaranty's scant capital at risk—some $3.73 million, to be exact, at a time when the FHLBB examiner contended that the S&L was actually $70,000 in the hole.

At last report, that particular picturesque stretch of Canadian coastline belonged to the Resolution Trust Corporation. Nelson and Jones, however, actually made a profit. In 1988, the FHLBB, then supervising Madison Guaranty's assets, bought the boys out for $725,000—leaving them a profit of $275,000. No doubt there's a plausible explanation, although William Seidman, chief of the FDIC and the RTC at the height of the S&L crisis, told the Fort Worth Star-Telegram that "I can't believe it. It's an extraordinary event. It smells. It could be legit, but I doubt it." Gerth says the Campobello deal holds no interest for Times readers. But imagine the uproar had your tax dollars bailed out the Clintons rather than an embittered Republican politician feeding damaging allegations to the New York Times.

The same faults that mar Jeff Gerth's reporting on Whitewater—misleading innuendo and ignorance or suppression of exculpatory facts—also showed up in the *Times* accounts of Hillary Rodham Clinton's commodity trades with Springdale attorney Jim Blair and her husband's dealings with Tyson Foods. "During Mr. Clinton's tenure in Arkansas," Gerth wrote near the top of his March 18, 1994, front-page account, "Tyson benefited from a variety of state actions, including $9 million in government loans, the placement of company executives on important state boards and favorable decisions on environmental issues." The alleged $9 million in loans was the implied quid pro quo for old pal Blair's generous tips to Hillary in the 1970s that helped her turn $1,000 into nearly $100,000.

Following Gerth's report the incriminating $9 million figure appeared virtually everywhere. The *Times* itself weighed in with a March 31 editorial called "Arkansas Secrets," attacking the "seedy appearances" of Bill and Hillary Clinton's "extraordinary indifference to . . . the normal divisions between government and personal interests." The same editorial went on to deride what it called "the Arkansas Defense": that "you cannot apply the standards of the outside world to Arkansas, where a thousand or so insiders run things in a loosey-goosey way that may look unethical or even illegal to outsiders." Nor have *Times* editorial writers been the only ones to scold the Clintons for succumbing to the lax moral climate of the President's native state. The *Baltimore Sun*, Spiro Agnew's hometown paper, opined that the First Lady's adventures in the cow trade "certainly [don't] smell right, especially considering that [Jim Blair] represented a giant, influential agribusiness firm in Arkansas that later received what seemed to be favors from Gov. Clinton." *Newsweek's* Joe Klein wrote of the President's "multiple-personality disorder," involving a moderate Clinton, a liberal Clinton, and "the likely suspect in the Whitewater inquiry, a pragmatic power politician who did whatever necessary to get and keep office in Arkansas . . . granting low-interest loans to not-very-needy business interests, who in turn contributed generously to his political campaigns. This Clinton snuggled up close to the Arkansas oligarchs, the bond daddies and chicken pluckers—and never quite escaped the orbit of the shadowy Stephens brothers, Witt and Jackson." (Witt Stephens has been dead for three years, and Jack Stephens is a Reagan Republican who has bankrolled nearly every Clinton opponent—except Sheffield Nelson—since the early 1980s.)

There's just one problem with this chorus of self-righteous denunciation: the $9 million in loans that inspired it never existed. Especially attentive readers of the New York Times may have noticed an odd little item in the daily "Corrections" column on April 20, 1994:

"An article on March 18 about Hillary Rodham Clinton's commodity trades misstated benefits that the Tyson Foods company received from the state of Arkansas. Tyson did not receive $9 million in loans from the state; the company did benefit from at least $7 million in state tax credits, according to a Tyson spokesman."

Gerth blames a chart misread on deadline.

But was the Times embarrassed? Hardly. In the journalistic equivalent of double jeopardy, the Times editors, having convicted Hillary Clinton on a spurious charge, decided she was guilty of a new charge: helping Tyson Foods to that $7 million in tax credits. No sooner had she held her April 22 press conference on Whitewater-related issues than the Times fretted that the First Lady's performance had been smooth but cleverly evasive. Particularly suspicious, an April 24 editorial found, were her dealings with Jim Blair, "a lawyer for Tyson Foods, a large company that was heavily regulated by and received substantial tax credits from the Arkansas government." [Emphasis added] And people call the President slick!

The truth is far less lurid. The $7 million in investment tax credits Tyson Foods claimed against its Arkansas state tax bill after 1985—that is, between seven and fourteen years after Hillary's commodity trades—were written into the state's revenue code and were never Bill Clinton's to bestow or withhold. True, the Clinton Administration did sponsor the 1985 legislation that created the tax credits. It did so under strong pressure, not from Tyson but from International Paper, which threatened to take its processing plants elsewhere unless Arkansas matched tax breaks available from other states—a potentially severe economic blow to the already poor southern half of the state. Far from being unique to Arkansas, state investment tax credits are now the rule from sea to shining sea. One week after the Times made its lame correction, Tyson announced the opening of a new plant in Portland, Indiana. According to a press release by Indiana Governor Evan Bayh, the state and local governments provided some $9 million in economic incentives—approximately equal to what Tyson got from Arkansas during Bill Clinton's six terms.

Elsewhere, nearly every bit of evidence cited as proof of shady connections between the Clintons and Tyson Foods in the Times March 18, 1994, front-page story got the familiar Gerth treatment. Besides the imaginary $9 million in loans, Gerth cited several other suspicious transactions, among them a bitter court battle over polluted groundwater in the town of Green Forest in which the Clinton Administration "failed to take any significant action," and a pair of seemingly tainted appointments—including renaming a Tyson veterinarian to the state Livestock and Poultry Commission and Jim Blair to the University of Arkansas board. An objective account of the court battle would have pointed out that the city of Green Forest was itself a defendant in the same lawsuit. Bill Clinton was not. Officials of the Arkansas Department of Pollution Control and Ecology testified for the plaintiffs against Tyson Foods. So much for yet another dark Clintonian conspiracy.

Reappointing a Tyson veterinarian to the Livestock and Poultry Commission? Clinton is guilty as charged. Except that the fellow happens to be the state's ranking expert on chicken diseases, the prevention and treatment of which is the commission's principal task. As for naming Jim Blair himself to the University of Arkansas board? Well it's quite an honor, and Blair can undeniably score great Razorback tickets. Otherwise, where's the scandal? At any rate, Blair wasn't a Tyson employee back when he and Hillary did their cattle trades. He was in private practice as one of Springdale's most prominent corporate attorneys, representing banks, trucking companies, insurance firms, and poultry interests.

Gerth portrayed chicken mogul Don Tyson as a major Clinton supporter and fund-raiser, one whose close ties to the President had "been a subject of debate for years in Little Rock and (which) became an issue during the 1992 Presidential campaign." The fact is that Clinton's battles with Tyson and the poultry industry are legendary in Arkansas. After Clinton failed to support an effort by the poultry and trucking lobbies to raise the truck weight limit to 80,000 pounds, Tyson backed his Republican opponent, Frank White, in 1980 and 1982 and refused to speak to Clinton for years. When Clinton finally gave in on the 80,000-pound limit (making Arkansas the last of the states to do so), he pushed through the legislature an unusual "ton-mile" tax on eighteen wheelers—scaling the fee to the weight and distance they drove on Arkansas highways. The ton-mile tax was eventually thrown out after a bitter court battle. (In keeping with tradition, a profile of Clinton in The New York Times Magazine by Michael Kelly last July omitted the political context and cited the same fight as evidence of Clinton's spinelessness.)

Like most Arkansans, Tyson did back Clinton's 1983 educational reforms and made relatively modest campaign contributions from then on—something that was clearly prudent on the part of one of the state's largest private employers. But in the legislature the poultry and trucking industries fought virtually every Clinton initiative. Indeed it was Clinton's anger at the poultry industry and the Stephens interests, among others, after they combined to beat back a half-cent education sales tax in 1987 that provoked him to create a statewide "blue-ribbon" panel to write Arkansas's first meaningful ethics and disclosure law. After the selfsame "special interests" gutted the thing during a special session, Clinton dissolved the legislative session, led the effort to put the new standard on the ballot as an inspired act, campaigned for it hard, and won. (Times editorial writers may be interested to know that New York Governor Mario Cuomo's having earned $270,000 in 1992 giving speeches might constitute a felony here in darkest Arkansas.)

Don Tyson did throw in with the governor on one notable issue during Clinton's last go-around with the Arkansas legislature. A charter member of the so-called Good Suit Club—a group of wealthy bankers and businessmen, like the late Sam Walton of Wal-Mart, who met informally to encourage educational reform—Tyson endorsed Clinton's plan to levy a ½ of 1 percent increase in the corporate income tax to benefit community technical colleges, helping the bill win the necessary three-fourths vote. Quick, somebody call Gerth at the *New York Times* and notify the special prosecutor. Something tells me they're fixing to load those technical colleges up with poultry-science courses.

All of this raises the really interesting question at the heart of the Whitewater scandal: why—with representatives of the vaunted national press camped out in Little Rock for weeks at a time, squinting over aged public documents and pontificating nightly at the Capital Hotel bar—has nobody blown the whistle on Gerth and the *New York Times*? There are several reasons, ambition and fear among them. It is always safest to run with the pack, and editors who invest thousands of dollars on a scandal don't normally want to hear that there's no scandal to be found. Reporters who have challenged aspects of the official version, like Greg Gordon and Tom Hamburger of the *Minneapolis Star Tribune* and John Camp of CNN, have not found their celebrity enhanced. Those who have tried to split the difference, like the reporters for *Time* magazine—which has always reported (albeit parenthetically) that Arkansas bank regulators treated Madison Guaranty sternly—have ended up producing accounts as muddled and self-referential as a John Barth novel. "The dealings in question," *Time's* George Church wrote last January 24, "are so complex that it is difficult even to summarize the suspicions they arouse, let alone cite the evidence supporting such suspicions. * * * Violations of law, if any, would be extremely difficult to prove." And people call Clinton mealy-mouthed.

Regional bias and cultural condescension play a part, too. How could the *New York Times* be wrong and the *Arkansas Times* be right? But even if Bill Clinton had been governor of Connecticut instead of Arkansas, in the post-Watergate, post-everythinggate culture no reporter wishes to appear insufficiently prosecutorial—particularly not when the suspects are the President and his wife. By definition they've got to be guilty of something; it may as well be Whitewater.•

PROPERTY RIGHTS PROPOSAL

• Mr. HATCH. Mr. President, over the last year, I have been studying the problems posed by the takings clause to the fifth amendment and have concluded that a legislative solution may be necessary. Today, I would like to place into the CONGRESSIONAL RECORD a proposal I have developed for legislation entitled the "Property Rights Litigation Relief Act" so that the public as well as Members of the Senate can examine it. I hope the Judiciary Committee will give this issue a high priority next year.

According to James Madison, the "Father of the Constitution," government is instituted "to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. Thus being the end of government that alone is a just government which impartially secures to every man whatever is his own."

Sadly, Mr. President, in the rush by some to resolve all social problems through the heavy hand of governmental regulation, we have all too often failed to honor Madison's philosophy. All too often in order to protect the environment or to promote the esthetics of our neighborhoods, we have placed a disproportionate burden on small landowners. All this in violation of the fifth amendment's command of just compensation and that property be taken only for public use.

We have witnessed horror stories of the worst kind of arbitrary use of governmental power, in Utah and all around America, such as where a property owner was imprisoned for cleaning up his garage and backyard because the area was declared a wetland. Acts such as these have spawned a nationwide property rights movement—a revolt of small landowners, farmers and ranchers, and owners of "mom and pop" businesses. I believe that the fight to restore property rights is one of the premier civil rights issues of the nineties.

To be sure, the need to protect our natural resources—our environemt—is of great concern. It is a legacy owed to posterity. But a balance needs to be struck between conservation and development, between the environment and the right of property.

This proposed legislation would do just that. It will allow for the protection of the environment by affording no protection to those who actively pollute our rivers, land, or air. But it provides for the protection of private property through judicial action. It also establishes concrete standards for such claims, thereby clarifying what, heretofore, has been inconsistent and incoherent case law. Finally, it resolves the jurisdictional muddle between the Federal district courts and the Court of Federal Claims over takings litigation by allowing the action to be brought in either forum.

Mr. President, I ask to place this proposed measure in the RECORD. This will allow the public to offer their counsel and advice as to the nature of the problem and the efficacy of the solution.

The proposal follows:

SECTION 1. SHORT TITLE.

This Act may be cited as "Property Rights Litigation Relief Act of 1994."

SEC. 2. FINDINGS.

The Congress finds that—

(A) the protection in the Fifth Amendment to the Constitution of the United States, against takings of private property by the federal government without just compensation, is an essential component of the liberty of individual citizens;

(B) these rights have been abrogated often by the application of laws, regulations and other actions by the federal government that adversely affect the value of private property;

(C) the "Tucker Act," which delineates the jurisdiction of courts hearing property rights claims, complicates the ability of a property owner to vindicate a property owner's right to just compensation for a governmental action that has caused a physical or regulatory taking. The law currently forces a property owner to elect between equitable relief in the district court and monetary relief (the value of the property taken) in the United States Court of Federal Claims. Further difficulty arises when the law is used to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims, and used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should seek equitable relief in district court. The Supreme Court of the United States recently described the Tucker Act as "badly drafted" and noted that the Court's decision in *Keene Corporation* v. *United States*, 1993 U.S. LEXIS 3726 (1993), "may have the salutary effect of hastening its repeal or amendment." Id. at *41.

SEC. 3. PURPOSE.

The purpose of this Act is twofold: to establish a clear, uniform, and efficient process whereby aggrieved property owners can obtain vindication of rights guaranteed by the Fifth Amendment to the Constitution of the United States, and to amend the Tucker Act to correct procedural deficiencies noted by the Supreme Court in *Keene Corporation* v. *United States*, 1993 U.S. LEXIS 3726 (1993).

SEC. 4. DEFINITIONS.

(A) "Agency" means a United States department, agency or instrumentality of the United States that engages in activity with the potential for taking private property, including any military department, government corporation, government-controlled corporation, or other establishment in the executive branch of the United States Government.

(B) "Final agency action" means any action or decision taken by an agency as defined by this law, including actions treated as final under the doctrine of futility, that affects property interests, or any other type of action or decision that is intended to bind, or actually binds the owner of the property.

(C) "Just compensation" means compensation equal to the fair market value of the private property taken, whether the taking is by physical occupation or through regulation, exaction, or other means, and shall include compounded interest calculated from the date of the taking until the date of entry of judgment.

(D) "Owner" means the owner of property or rights in property at the time the statute, regulation, rule, order, guideline, policy or action was passed or promulgated, or the time that the permit, license, authorization or governmental permission was denied or suspended.

(E) "Private property" or "property" means all property protected by the Fifth Amendment to the Constitution of the United States, the constitution or commonwealth in which the property is located, or this Act, including, but not limited to: (1) real property, whether vested or unvested, including but not limited to estates in fee, life estates, estates for years, or otherwise; inchoate interests in real property such as remainders and future interests; personality that is affixed to or appurtenant to real property; easements; leaseholds; recorded liens; contracts or other security interests in, or related to, real property; (2) any water right, including any recorded lines on such water right; (3) rents, issues, and profits of land, including but not limited to minerals, timber, fodder, crops, oil and gas, coal or geothermal energy; (4) rights provided by, or memorialized in, a contract; (5) any interest defined as property under state law; or (6) any interest understood to be property based on custom, usage, common law, and/or mutually reinforcing understandings sufficiently well-grounded in law to back a claim of interest.

(F) "Taking of private property" means any action whereby "private property" is taken in such a way, including by physical invasion, regulation, exaction, condition, or other means, as to require compensation under the Fifth Amendment to the United States Constitution or under this Act.

(G) "State agency" means any state department, agency, political subdivision, or instrumentality that carries out or enforces a regulatory program required under federal law, has been delegated administrative or substantive responsibility under a federal regulatory program, or receives federal funds in connection with a regulatory program established by a state.

SEC. 5. COMPENSATION FOR TAKEN PROPERTY.

(A) IN GENERAL.—No department, agency, or independent agency, or instrumentality of the United States, or state agency as defined in Section Four of this Act, shall take private property except for public purpose and with just compensation to the property owner. A property owner shall receive just compensation where, as a consequence of a final decision of any department, agency, or instrumentality of the United States or state agency, "private property" (whether all or in part) has been physically invaded, diminished in value, or appropriated for use without the consent of the owner, and

(i) such final action does not substantially advance the stated governmental interest to be achieved by the legislation or regulation on which the final action is based. The government shall bear the burden of proof with regard to showing the nexus between stated governmental purpose of the governmental interest and the impact on the proposed use of private property; or

(ii) such final action exacts the owner's constitutional or otherwise lawful right to use the property or a portion of such as a condition for the granting of a permit, license, variance, or any other agency action without a rough proportionality between the stated need for the required dedication and the impact of the proposed use of the property. The government shall bear the burden of proof with regard to showing the proportionality between the exaction and the impact of the proposed use of the property; or

(iii) such final action results in the property owner being deprived, either temporarily or permanently, of all or substantially all economically beneficial or productive use of the property or that part of the property affected by the final action without a showing that such deprivation inheres in the title itself. The government shall bear the burden of proof with regard to showing that such deprivation of value inheres in the title to the property; or

(iv) such final action diminishes the fair market value of property which is the subject of the final action by 25 percent or greater immediately prior to the governmental action. The property owner shall bear the burden of proof with regard to establishing the diminution of value of property.

(B) COMPENSATION AND PUBLIC NUISANCE EXCEPTION TO PAYMENT OF JUST COMPENSATION.—No compensation shall be required by virtue of this Act if the owner's use or proposed use of the property amounts to a public nuisance as commonly understood and defined by background principles of nuisance and property law, as understood within the state within which the property is situated, and to bar an award of damages under this Act, the United States shall have the burden of proof to establish that the use or proposed use of the property is a public nuisance; otherwise where the final agency action directly takes property or a portion of property under Section 5(A), compensation to the owner of the property that is affected by the final action shall be an amount equal to the difference between—

(i) the amount of the fair market value of the property or portion of the property affected by agency action before it becomes the subject of government regulation; and

(ii) the fair market value of the property or portion of the property at the time of the final action, except for Section 5(A)(iv) in which case it will be 25 percent or greater of the fair market value of the property at the time of the final action.

(iii) Compensation due under the Act shall include compounded interest calculated from the date of the taking until the date of entry of judgment.

(C) SOURCE OF COMPENSATION.—Except as provided in Section 7 (Alternative Dispute Resolution), the compensation referred to in this subsection shall be paid out of funds made available to the federal agency or department by appropriation for the fiscal year in which the property deprivation referred to in Section 5(A) occurred, provided that if no such funds have been made to the agency, such payment shall be made from the Judgment Fund.

SEC. 6. JURISDICTION AND JUDICIAL REVIEW.

(A) A property owner may bring suit under this Act to challenge the validity of legislation, a regulation, rule, order, policy, guideline, or action that adversely affects his or her interest in private property in either the United States District Court or Court of Federal Claims. Each court shall have concurrent jurisdiction over both claims for monetary relief and claims seeking invalidation of any Act of Congress or any regulation of an agency as defined by this act affecting private property rights. The plaintiff shall have the election of which court in which to file a claim for relief.

(1) Title 28 U.S.C. §1346(a)(2) (the district court) is hereby amended, striking the clause "not exceeding $10,000 in amount" in the first sentence. The first sentence of Title 28 U.S.C. §1346(a)(2) shall now read: "Any other civil action or claim against the United States, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort, except that the district courts shall not have jurisdiction of any civil action or claim against the United States founded upon any express or implied contract with the United States or for liquidated or unliquidated damages in cases not sounding in tort which are subject to sections 8(g)(1) and 10(a)(1) of the Contract Disputes Act of 1978."

(2) Title 28 U.S.C. §1491(a)(1), (the "Tucker Act," Court of Federal Claims), is hereby amended by adding the following clause at the end of the first sentence of subsection (a)(1); "or for invalidation of any Act of Congress or any regulation of an executive department that adversely affects private property rights in violation of the Fifth Amendment." The first sentence of Title 28 U.S.C. §1491(a)(1) shall now read as follows. "The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or liquidated damages in cases not sounding in tort, or for invalidation of any Act of Congress or any regulation of an executive department adversely affecting private property rights in violation of the Fifth Amendment."

(B) Persons adversely affected by an agency action taken pursuant to this Act shall have standing to challenge and seek judicial review of that action.

SEC. 7. ALTERNATIVE DISPUTE RESOLUTION.

(A) IN GENERAL.—Either party to a dispute over a taking of property as defined by this Act or litigation commenced under Section 6 of this Act may elect to resolve the dispute through settlement or arbitration—

(i) such alternative dispute resolution may only be effectuated by the consent of all parties;

(ii) arbitration procedures shall be in accordance with the alternative dispute resolution procedures established by the [ ]; and,

(iii) in no event shall arbitration be considered a condition precedent or an administrative procedure to be exhausted prior to the filing of a lawsuit under this Act.

(B) COMPENSATION AS A RESULT OF NEGOTIATED SETTLEMENTS OR ARBITRATION.—The funds used for compensation to the owner (as determined by the appropriate official of the federal agency or department) shall be transferred to the agency from the Judgment Fund for payment to the owner.

(C) REVIEW OF ARBITRATION.—Appeal from arbitration decisions shall be to the United States District Court or the United States Court of Federal Claims in the manner prescribed by law for the claim under this Act.

(D) PAYMENT OF CERTAIN COMPENSATION.—If a review is carried out pursuant to paragraph C, and the Court does not rule in favor of the federal agency or department, the amount of the award of compensation determined by the arbitrator shall be paid from funds made available to the federal agency or department by appropriation in lieu of being paid from the Judgment Fund, provided that if no such funds have been made available to the agency such payment shall be made from the Judgment Fund.

SEC. 8. RULES OF CONSTRUCTION.

Nothing in this Act shall be construed to—

(A) interfere with states' rights to create additional property rights; or,

(B) constitute a conclusive determination of the value of any property for purposes of an appraisal for the acquisition of property, or for the determination of damages.

SEC. 9. ATTORNEYS FEES AND COSTS.

The court, in issuing any final order in any action brought under this Act, shall award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing plaintiff.

SEC. 10. EFFECTIVE DATE.

This Act shall apply to any activity of the United States Government after the date of enactment of this Act.•

SALUTE TO NORTHERN HIGH SCHOOL

• Mr. SARBANES. Mr. President, I rise today to pay tribute to the young men and women of Northern High School, who on October 18, 1994, plan to dedicate a new environmental center in Calvert County, MD.

Four years ago, the students of Northern High School were given 1,000 juvenile rockfish to grow until they were ready to release back into the wild as part of the Department of Natural Resources' Raise and Release Program. This was the Department's first school-based project of its kind. Because of the dedicated efforts of these students, the program received significant praise from the community and substantial media attention. As a result, the program has grown and evolved over the past few years and parents, local businesses and county, State, and Federal agencies have now become involved.

Northern High's enthusiasm, commitment, and success eventually allowed the Raise and Release Program to prosper and develop into a permanent environmental center for Calvert County and the State of Maryland.

Mr. President, I am very pleased to have this opportunity to honor the outstanding efforts of Northern's students and faculty and members of the Calvert County community who have volunteered countless hours of their time and effort in making this center a reality.●

SENATOR DORGAN'S ARTICLE ABOUT DERIVATIVES

● Ms. MIKULSKI. Mr. President, I would like to bring to the attention of our colleagues an excellent article in this month's Washington Monthly written by our colleague, Senator BYRON DORGAN. The article eloquently states that derivatives pose a danger for our Nation's financial institutions and taxpayers. Senator DORGAN outlines the huge risks that Wall Street is taking when they do high stakes gambling with derivatives, and warns of a possible market shakeup could put taxpayers on the line for another bailout.

I am a cosponsor of Senator DORGAN's derivatives legislation because I do not believe federally insured deposits should fund high risk investments. This bill would prohibit banks and other federally insured institutions from investing funds insured by taxpayers in the derivatives market.

I commend Senator DORGAN for his article, and hope my colleagues will add it to their reading lists.

The article follows:

[From the Washington Monthly, Oct. 1994]

VERY RISKY BUSINESS

(By Senator Byron Dorgan)

Last spring, when the stock market took its hair-raising ride, in one corner of Wall Street there was more than the usual anxiety. In fact, there was stockbrokers-looking-for-upper-floor-windows kind of fright. In April, clients of the giant Bankers Trust New York Inc.—including Procter & Gamble—took multimillion dollar losses on a kind of trading most Americans had never even heard of, called "derivatives." A rumor went around the Street: Maybe something truly sinister was brewing. Maybe this was a . . . derivatives collapse.

The spring market panic hit just as the March issue of Fortune—hardly a carping business critic—cast a dark pall over derivatives, which are complicated futures contracts based on mathematical formulas. Fortune called them an "enormous, pervasive, and controversial financial force." The magazine added: "Most chillingly, derivatives hold the possibility of systemic risk—the danger that these contracts might directly or indirectly cause some localized or particularized trouble in the financial markets to spread uncontrollably."

The headline on the Fortune cover was "The Risk That Just Won't Go Away," shown over a pool of alligators. With that staring back at brokers and investors from their coffee tables, the sudden dip in the Dow and the story of Bankers Trust made people think, Hey, we really need to get a grip on this. But the dip turned out to be a blip, and the crisis passed out of the news. In typical fashion, the media moved on the other matters, content that where there's no immediate crisis, there can be no fire.

Yet, this "false alarm" could turn out to be a harbinger of a real financial conflagration—one that would make us nostalgic for the days of the $500 billion savings-and-loan collapse. In August, The Wall Street Journal declared that derivatives were now a $35 trillion—that's right, trillion—worldwide market. The U.S. share is estimated at $16 trillion, which is four times the nation's economic output. And the Journal estimates that since 1993 there have been $6.4 billion lost in the derivatives game—$6.4 billion that could have opened businesses and created jobs. Derivatives are no doubt widespread: An Investment Company Institute survey found that 475 mutual funds with net assets of $350 billion recently held derivatives; about two-thirds of those assets were in short-term bond funds sold to average investors. And here's the real kicker: Because the key players are federally insured banks, every taxpayer in the country is on the line.

So what is this thing called a derivative? Bankers and speculators maintain it's just hedging, a perfectly normal practice to manage risk. Farmers hedge, so do banks and businesses. So what's the big deal? Derivatives have become much more than managing risk. They have begun, in some cases, to look like a financial casino where the decisions are wagering decisions, not business ones. Derivatives may well be the most complicated financial device ever—contracts based on mathematical formulas, involving multiple and interwoven bets on currency and interest rates in an ever-expanding galaxy of permutation. Of course, what individual investors knowingly do with their own money is their own business. But when financial institutions are setting up what amount to keno pits in their lobbies, it's something that should concern all of us.

Let me explain by example. One form of derivative—the most simple—is a futures contract, which is the traditional device for a company to lock in a price for materials at a future time. Say a company that manufactures film—Company X—needs to buy silver every year and wants to guard against rising silver prices. So in 1994 it enters into a contract with a mining company to pay the going 1994 rate in 1995. This is a risk for X if silver prices tumble, because they will be required to pay the higher price. But if prices rise, X wins because it will be able to buy the silver for less than the 1995 market price. Of course, speculators can buy and sell such commodities contracts with no intention of actually obtaining the commodity, hence gambling on the fluctuation of prices. But this kind of traditional futures trading takes place on organized exchanges that are well-regulated and well-understood.

The troubling derivative deals are much different. They take the basic futures idea a quantum leap further into a netherworld of high finance. Let's take a simple example. Say Company X is under an obligation to sell film in Japan next year. Assume further that the company's analysts believe the value of the yen will fall against the dollar. The analysts would like to protect against the risk that silver and yen prices may fluctuate over the course of the year, thus hedging their original hedge. The company can't go to an exchange in Chicago and get that precise deal, so it gets on the telephone to its bankers and suggests that the bank write a customized contract that is based on the delivery price of silver in yen, not in dollars. This is called an "over-the-counter," or OTC, transaction, since it does not take place on an organized exchange.

The new speculative twist is much, much riskier for both Company X and the bank. It doubles the stakes: now, instead of betting just on the price of silver, it is also wagering on the value of the yen. Why would X do this? Because doubling the bet may hedge their risk in both the silver and yen markets. Why the yen? Because its analysts, in consultation with the bankers, used complex mathematical models and probability charts to decide the yen bet was a good gamble.

If the analysts were right about the yen, of course, it all works out. But if they were wrong about the yen, and wrong about the silver, too, the result would be like having two lead weights slide to one end of a seesaw.

Unlike a traditional future, moreover, these exotic derivatives are almost impossible to sell if one of the two bets goes south. They are especially tailored to X's needs, and are therefore unattractive to other buyers.

And that's a simple example. Currency fluctuations are just the beginning. Interest rate gambles are common, too, and in this volatile year have led to many of the big losses, including the $700 million that Piper Jaffray, the respected Minneapolis firm, lost on behalf of clients that included small city governments and the local symphony association. Piper Jaffray had decided on the basis of obscure mathematical formulas that interest rates would not rise. Unfortunately, the formula didn't anticipate the Federal Reserve Board's rate hikes this year.

More trouble comes from exotic new derivatives called "swaps." Say Company A has borrowed money at a floating interest rate but is worried that rates might rise. It wants to lock in the rates at the lower level. So it calls a derivatives dealer—often a major bank—to find another company, call it B, which is willing to bet that the floating rates will be more favorable than the set rate. A swap results: Company A will pay a fixed rate of interest to Company B, which will pay a floating market rate to Company A. The risk to Company A is that rates will fall but A will be obligated to pay the higher, fixed rate. The risk to Company B is that B will end up paying higher rates than the fixed rate it receives from A. If you had trouble following that, then you are starting to get the idea. And all of this can be done without anyone even knowing, since such transactions can be done "off book"—effectively concealing them from stockholders and employees. Proctor & Gamble bought a floating rate deal like this from Bankers Trust, losing a reported $157 million in the process.

There has been a steady flow of such losses in past months. The reports of recent derivatives disasters could be the first trickles of water through a rickety dam: Askin Capital Management, in New York, lost $600 million; Kidder Peabody, $350 million; CS First Boston Inc., $40 million. Such debacles have led some leading Wall Street sages—Gerald Corrigan, the former president of the New York Federal Reserve; Felix Rohatyn, the investment banker; and Henry Kaufman, the bond guru, among others—to warn that derivatives are out of control. These men are not given to impetuous overstatement where finance is concerned. Nobody would care if these were just a few Donald Trumps taking a hit at a respectable financial casino.

But the truly scary thing is how losses like these could spread through the entire banking system. Suppose X, our film company, had entered into a swap with a New York bank. That bank in turn might then enter an offsetting contract with another bank which in turn might continue to pass along that risk on and on and on, perhaps using exchange-traded futures. So now a default by X could create a domino effect: X could not pay its bank, and its bank therefore couldn't make the payments on its offsetting contract, and so on until the chain of losses enters the exchange, where the originally esoteric bet can hurt real businesses. This is not mere fantasy. According to the Brady Report on the causes of 1987's Black Monday 508-point fall, the problem was worsened by automatic computer programs that kept ordering traders to sell stock index futures—which are, in essence, derivatives.

Making matters still worse is the concentration of big derivatives dealers. The General Accounting Office found this year that much of the big OTC derivatives dealing is concentrated among 15 major U.S. dealers—including federally insured banks—that are extensively linked to one another and to exchange-traded markets. The top seven domestic bank OTC dealers accounted for more than 90 percent of total bank derivatives action, and the top five U.S. securities firms accounted for 87 percent of all such activity in securities in the country. Add in the always-more-volatile foreign markets (tied to about $4 trillion of the U.S.'s $16 trillion) and we're talking real money.

"This combination of global involvement, concentration, and linkages," warns Charles Bowsher, the head of the GAO, "means that the sudden failure or abrupt withdrawal from trading of any of these large U.S. dealers could cause liquidity problems in the markets and could also pose risks to the others, including federally insured banks and the financial system as a whole."

If this seems a remote possibility, don't forget that financial implosions nearly always seem that way—before they happen. This kind has happened before, albeit on a smaller scale. The S&Ls are the most notorious example, of course, but there are others. The failure of the Bank of New England, in 1991, cost taxpayers $1.2 billion, and the bank had a $30 billion portfolio of derivatives that had to be painstakingly unwound to avoid, in the words of the GAO, "market disruptions." And the feds have had to clean up non-banking financial messes as well. In 1990, when Drexel Burnham Lambert failed, the government had to insure payments that flowed between Drexel's sundry creditors and debtors to avoid a chain reaction. With a $35 trillion derivatives market, a crash would make these precursors look Lilliputian.

All that stands between the public and a financial disaster of this sort is the guardians of the banking system in Washington. Regrettably, they are outgunned by the derivatives dealers in several ways. For one, there are fewer examiners than dealers, and many examiners are young and inexperienced. Worse, exotic derivatives—the stuff the big boys are doing—just don't fit within the existing scheme of federal finance regulation. It's a little like asking traffic cops to stop the nation's computer crime.

Perhaps it seems that none of this concerns you directly, but in this spooky new financial world, there are basically three ways you could lose.

You have money in a money market fund or a mutual fund. This is the scariest and most immediate prospect for most Americans. It's entirely possible—in fact, it's all too likely—that you wouldn't know whether your fund had money at risk. Two-thirds of the assets held by tax-exempt U.S. money market funds, which were created to give the small investor access to high rates of return, are now covered by derivatives. BankAmerica recently had to pump $67.9 million into its Pacific Horizon money market funds to make up for derivatives losses. As for mutual fund losses, ask Mound, Minnesota. When the public officials of the Minneapolis suburb wanted to tuck $2.5 million away to pay for new water meters and sewers, it chose an eminently respectable, reputedly conservative Piper Jaffray mutual fund that invests in U.S. government securities. But as the Wall street Journal reported this summer, Mound lost $500,000 because Piper Jaffray was playing a derivatives game with the town's money, betting that interest rates would fall. Leaders of Moorhead, Minnesota, can tell you a similar story.

A private investment goes bad. If you are a stockholder in a company that's trading in derivatives, and the bets turn out badly, the stock is going to take a hit. In some of the biggest cases so far, the German firm Metallgesellschaft, a mining, metals, and industrial company, took what may be a $2 billion loss on derivatives. One of the company's U.S. subsidiaries, MG Corp., which owns an oil refinery, bet on oil prices and lost badly. Several divisions of the company have had to be sold, and 7,500 out of 46,000 employees were laid off.

Government takes a hit—either directly or indirectly—through bank losses in derivatives. Mound's local taxpayers lost money; in Orange County, California, taxpayers had to meet a $140 million collateral call when some derivatives speculations started going bad. This is not the best use of the taxpayers' money. The federal government, too, is quietly but rapidly getting into the game. The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation use exotic derivatives, as does Sallie Mae. And because these are federally chartered corporations, the possibility of the federal government getting stuck with clean-up costs is great.

BANK SHOTS

In the peculiar market of recent years, successful exotic derivatives have been a miracle drug for bank balance sheets, not to mention the dealers who are shovelling in millions. It's not surprising, then, that these banks and dealers are resisting reform. What is surprising is that the Office of the Comptroller of the Currency (OCC) and the Federal Reserve agree, too, that legislative reform is unnecessary. "As far as the Federal Reserve Board is concerned," Chairman Alan Greenspan testified in May, "we believe that we are ahead of the curve on this issue as best one can get." Why would Greenspan, in light of the mounting evidence, soft-peddle the problem? Partly, it's the old story. Because the Federal Reserve, like other banking regulators, tends to think more like the people it is supposed to be watchdogging—in this case, the banks and the larger financial community—than they think like the rest of us. And in fact, in the case of the Federal Reserve, it is the industry it is supposed to oversee: The members of the Federal Reserve are bankers.

This does not augur well. Just a few years ago, the S&L crisis began with a trickle of bad news, a few seemingly unrelated belly-flops. A chorus of operators, experts, and federal regulators assured the public and Congress that nothing was substantially amiss.

Certainly the industry understands the parallel—enough, at least to try to convince Congress that the parallel doesn't exist. The International Swamps and Derivatives Association, a trade group of the most exotic operators, recently hired one of the top Washington lobbying firms to make their case. And although some members of Congress are awake to the derivatives problem, it takes more than that to reach a critical mass.

That's where the press comes in—or should. But except for a few pieces, the nation press has been cowed by the complexity of the subject. Instead of inquisitive reporting, we get reports of assurances from Greenspan and others. Part of the reason is that, as with the S&Ls, the disasters so far seem local: Piper Jaffray is a Minnesota story, etc. Back in the mid-eighties, when thrifts were beginning to collapse, it seemed as if it were a Texas story one day, a California story the next—never a national story. With the huge exception of The Wall Street Journal (and even it is more specialized a publication than, say, The New York Times or The Washington Post), a story like the S&Ls or derivatives only makes it off the business pages after disaster strikes and it's too late to rally public attention to reform .

Another reason is that much of this story lies in the pedestrian precincts of the regulatory culture. "It's a case where the government is outgunned and outmanned," says a senior GAO official. "One or two people at the top of the agencies are really knowledgeable, but I don't know how deep the talent goes. And at the big banks, you're going to have talent all the way down." At the Fed and the OCC, there are about 3,000 examiners but hardly any of them monitor derivatives. That task falls to small teams of about 10 to 15 examiners who go into major banks like Citicorp and are expected to track deals that the banks need up to 100 different analysts and traders to put together.

DOLLARS AND SENSE

House Banking Chairman Henry Gonzalez wants to strengthen reporting requirements for derivatives trading—a sound step, but alone this keeps federal taxpayers in the line of fire. I think I have a better, cleaner idea. I have introduced S. 2123 in the U.S. Senate, which would prohibit banks and other federally insured institutions from playing roulette in the derivatives market. If an institution has deposits insured by the federal government, it should not be involved in trading risky derivatives. Of course, what investors do with their own money is their own business. (And of course, dealers must be required to tell their customers when derivatives are involved; in the Piper Jaffray debacle, customers did not understand what was happening.) But what banks do with money insured by the taxpayers is another matter entirely.

The classic purpose of deposit insurance, one of the enduring legacies of the New Deal, is to encourage saving and create a pool of capital to build homes and businesses and jobs. Deposit insurance is not supposed to underwrite airy speculation on Wall Street, and my bill will stop that.

Banks will argue that derivatives are good since they hedge risks they take by loaning money to real people. But my proposal would not affect traditional, conservative forms of hedging. And banks, so long as they created pools of betting money outside their federally insured deposits, could gamble to their hearts' content. But not with our money.•

BANKRUPTCY REFORM ACT

• Mr. LAUTENBERG. Mr. President, let me begin by praising Chairman HEFLIN for his commitment to getting this bill passed. This has been a long and difficult process; it has taken years to get to this point and Chairman HEFLIN deserves a great deal of credit for his refusal to become discouraged and his determination to get this bill passed.

I want to comment briefly on one provision in the bill: section 209. I was the original sponsor of the amendment which became section 209 and I am pleased to see that it is contained in the current version of the bill.

The purpose of my original amendment and the current section 209 is to provide additional substantive and procedural protections for sellers of goods to reclaim their unpaid goods under section 546(c)(1) of the Bankruptcy Code. A similar amendment to section 546(c)(1) was included in the bankruptcy bill which died at the end of the last Congress.

Currently, section 546(c) incorporates the Uniform Commercial Code's [UCC] principle of reclamation. In all States, absent misrepresentation of solvency by the buyer, a seller of goods may demand return of goods sold to an insolvent buyer if the seller makes that demand within 10 days of delivery of the goods. The 10-day limit does not apply if the buyer misrepresented solvency to the seller; in that case, the seller may demand reclamation at any time.

There are, Mr. President, two problems with the current requirement. First, the 10-day rule to file reclamation notices is simply too short. Particularly in the bankruptcy context, many businesses—including small businesses—need more time to file reclamation notices. Trade creditors typically do not learn about the debtor's insolvency until an invoice goes unpaid or the debtor seeks bankruptcy relief—events that normally do not occur within 10 days of the debtor's receipt of goods. Additionally, because the definition of insolvency varies between the Bankruptcy Code and the UCC, notice effective under one law might not be effective under the other. The net result is that the 10-day rule precludes most creditors, especially small creditors, from exercising their reclamation rights.

Even if the seller meets the 10-day deadline problems remain. For example, the debtor is under no obligation to segregate and husband the goods. Again, smaller creditors are less likely to be able to preserve their rights. Additionally, again, even if the seller meets the deadline, unnecessary litigation often results. Issues related to truthfulness and fraud often make these proceedings lengthy and acrimonious. And since this litigation occurs at the outset of a bankruptcy filing, efforts by the court and the parties involved to determine the assets of the estate and settle preliminary matters are unnecessarily complicated.

The second major problem with the current reclamation rule relates to the fact that the provision only protects goods delivered within 10 days of the debtor becoming insolvent. As a result, creditors who deliver good 11 days before the purchaser files for bankruptcy have no protection. I recognize that any limit is inherently arbitrary, but 10 days is both arbitrary and unrealistic. I had originally proposed a 30-day limit; the bill before us extends the the right to reclaim goods received 20 days before the bankruptcy in those cases where a trade creditor has continued to deliver goods to a struggling company. It is less than I wanted but more than we have today.

Philosophically, reclamation should encourage sellers to provide inventory to struggling companies. Yet the current statute, with its "quick trigger," has the opposite effect; it encourages sellers to withhold vital supplies rather than run the risk of seeing them captured by the bankruptcy process. Under the bill before us, however, goods received during the prior 20 days can be reclaimed only if the supplier has delivered goods within 10 days prior to the bankruptcy. Thus, trade creditors are encouraged to continue to supply purchasers who might be teetering on the brink—a benefit to creditors and struggling companies as well.

One effect, then, of section 209 is to ease the burden of the filing on both debtor and seller by reducing the need for constant monitoring and interrogation of struggling companies and reducing the need for accelerated litigation at the outset of a bankruptcy filing. Section 209 provides sellers who continue to ship goods to a financially weak purchaser the right to reclaim goods delivered during the prior 20 days.

Operationally, Mr. President, section 209 is very simple. The first part continues current law by providing 10 days in which a seller may file a reclamation notice in most situations. But, second, section 209 will provide sellers of goods with up to 20 days in which to file notice of their intent to reclaim their goods in the event of an intervening bankruptcy. That strikes a reasonable balance between competing interests and will, I believe, solve many of the problems in the current statute.

Again, I commend Senator HEFLIN for his work on this legislation and urge its adoption.•

BUDGET ESTIMATES REGARDING S. 2266 AND S. 2253

• Mr. JOHNSTON. Mr. President, on September 26 the Committee on Energy and Natural Resources filed the reports to accompany S. 2266, a bill to amend the Recreation Management Act of 1992, and for other purposes, and S. 2253, the Mountain Park Project Act of 1994.

At the time these two reports were filed, the Congressional Budget Office had not submitted its budget estimates regarding these measures. The committee has since received these communications from the Congressional Budget Office, and I ask that they be printed in the RECORD in full at this point.

The letters follow:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 5, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2253, the Mountain Park Project Act of 1994, as reported by the Senate Committee on Energy and Natural Resources on September 26, 1994. Enactment of S. 2253 could result in a long-run loss of offsetting receipts to the federal government, but over the 1995-1999 period, it would result in a net reduction in outlays of $8 million. Because the change in outlays would be direct spending, pay-as-you-go procedures would apply to the bill.

Under current law, the Bureau of Reclamation (BOR) is authorized to accept a prepayment of certain repayment obligations owned to the federal government for the construction of the Mountain Park water supply project in Oklahoma. The BOR has proposed prepayment terms, but the three cities required to pay a portion of the costs of constructing the project have rejected the current offer. While the cities are making annual payments totaling about $1.,3 million as required under current law, the amounts due each year are growing and the cities believe that they may be unable to continue making these payments in the future.

S. 2253 would allow BOR to recalculate the prepayments, using terms and conditions that are more favorable to the cities. The bill also would authorize BOR to reallocate certain costs of the Mountain Park project to environmental quality. The recalculation and reallocation would have the effect of lowering, by an estimated $15 million, the prepayment the cities may make to the federal government. Whether this reduction would result in a long-run loss to the federal government depends on whether the cities would be able to meet their repayment obligations under current law.

The budget reflects these transactions on a cash basis in each fiscal year. On this basis, a prepayment, even if much smaller than the current repayment obligation, has the effect of reducing the deficit in the short term. Based on information provided to us by BOR, CBO estimates that enactment of this bill by October 1994 would result in additional offsetting receipts to the federal government totaling about $12 million in fiscal year 1995. The federal government would lose offsetting receipts totaling about $1 million annually once this prepayment is made.

The following table summarizes the pay-as-you-go impact of this bill.

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998
Change in Outlays	−12	1	1	1
Change in Receipts	(1)	(1)	(1)	(1)

[1] Not applicable.

Enactment of S. 2253 would result in long-run savings to the three cities involved, and in no costs or savings to other state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer, Director).

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 3, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has review S. 2266, a bill to amend the Recreation Management Act of 1992, and for other purposes, as reported by the Senate Committee on Energy and Natural Resources on September 26, 1994. We estimate that implementing S. 2266 would cost the federal government about $1 million annually, assuming appropriation of the necessary funds. The bill would not significantly affect the budgets of state and local governments. Because enactment of S. 2266 would affect direct spending and receipts, pay-as-you-go procedures would apply to this bill. We expect the pay-as-you-go impact to be insignificant.

S. 2266 would authorize the Secretary of the Interior to designate employees of the agency as law enforcement officers and other federal employees and state and local law enforcement officials as special officers. These officials would maintain law and order and protect property and persons on land under the jurisdiction of the Bureau of Reclamation (BOR). State and local governments would not be required to take part in these activities, and the Secretary of the Interior would be authorized, under certain circumstances, to reimburse state and local governments for their expenses. CBO estimates that implementing these provisions would cost the federal government about $1 million annually.

State and local law enforcement officials, when carrying out these law enforcement activities, would be considered federal employees for purposes of tort claims and work-related injuries. If a tort claim or work-related injury were to occur, the BOR would make any necessary payments from an appropriate appropriation, if one exists. If not, tort claims would be paid out of the Claims and Judgments Fund and injury compensation would be paid out of the Employee Compensation Fund. Payments from these two funds would be direct spending. CBO cannot estimate the extent of such payments, but we expect them to be small.

Finally, the bill would establish a criminal penalty for individuals who violate regulations promulgated by the Secretary of the Interior to protect resources and the public on BOR land. Any amounts collected from such fines would be deposited in the Crime Victims Fund and spent the following year. CBO estimates that the additional receipts and the resulting direct spending would be insignificant.

The following table shows the estimated pay-as-you-go impact of this bill.

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998
Change in Outlays	0	0	0	0
Change in Receipts	0	0	0	0

If you wish further details on this estimate, we will be pleased to provide them. The CBO contact is John Patterson.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer, Director.)•

THE VERMONT AIR NATIONAL GUARD/WILLIAM TELL COMPETITION

• Mr. LEAHY. Mr. President, I rise today to give recognition to a special group of Vermonters who are members of the Vermont Air National Guard. In the next few days, these dedicated men and women will compete in the annual William Tell competition to determine the Air Force's best fighter pilots and maintenance crews.

The competition is composed of different air-to-air engagements and ground maintenance evaluations, so the winning team must demonstrate seamless teamwork. Under the leadership of Col. "Farmer John" Scott, these Vermonters have worked countless hours preparing for this competition. When their F-16 Falcon fighters roar into the Florida sky next week, the thoughts and best wishes of all Vermonters go with them.

Mr. President, I ask that the names of the entire team from the Vermont Air National Guard be printed in the RECORD.

The team follows:

Rank, name, and Hometown:
SSG, Eric D. Anderson, Jericho, VT.
SSG, Scott W.F. Aubin, Plattsburgh, NY.
TSG, Paul E. Baldwin, Jr., Birdport, VT.
TSG, Kenneth C. Berry, Fairfield, VT.
TSG, David M. Bouffard, Winooski, VT.
CMS, Timothy J. Brisson, So. Hero, VT.
TSG, Gary B. Brousseau, Essex Junction, VT.
SRA, Alton L. Curtis, III, Windsor, VT.
SGT, Bryan P. Deep, Barre, VT.
TSG, Michael R. Delphia, Vergennes, VT.
TSG, James Desranlear, Milton, VT.
MSG, Donald W. Dingman, Underhill, VT.
TSG, Brent T. Farnham, Essex Junction, VT.
MAJ, Douglas E. Fick, Essex Junction, VT.
TSG, Joseph Forgione, Bolton, VT.
MSG, Kendrick J. Forguites, So. Burlington, VT.
LTC, Mark Fredenburgh, Colchester, VT.
MSG, Glenn G. Gale, Huntington, VT.
CPT, Lloyd J. Goodrow, Essex Junction, VT.
MAJ, Stephen P. Gulick, So. Burlington, VT.
SSG, Patrick T. Haire, Monticello, ME.
CPT, Richard N. Harris, Jr., Essex Junction, VT.
TSG, Gary L. Hopper, Jeffersonville, VT.
SMS, Kenneth B. Johnson, Irasburg, VT.
SSG, Richard G. Keiser, Jr., Moretown, VT.
SSG, Dennis D. King, Colchester, VT.
SSG, Kevin L. King, Shirleyburg, PA.
SSG, Daniel A. Lamont, Danville, VT.
TSG, Charles A. Magnant, Franklin, VT.
CPT, Mark J. Matsushima, Cleveland, OH.
SSG, Michael L. McCarty, Charlotte, VT.
STC, James S.McIntyre, Hinesburg, VT.
TSG, John L. Merchant, Jericho, VT.
MAJ, Terry B. Moultroup, Huntington, VT.
SSG, Leonard A. Nalette, Hinesburg, VT.
TSG, Foster Orton, Jr., Essex Junction, VT.
MSG, Charles W. Peacock, Essex Junction, VT.
MAJ, Martha T. Rainville, St. Albans, VT.
MSG, Nicholas P. Ricci, Jr., Danby, VT.
MSG, Michael J. Robert, Colchester, VT.
TSG, Dwight D. Rolston, Essex Junction, VT.
SSG, James S. Sanford, Waterburt Ctr., VT.
SSG, Kevin R. Sendra, Colchester, VT.
MSG, Raymond P. Steiner, Eden Mills, VT.
1LT, Scott H. Summers, Santa Rosa, CA.
SSG, John L. Talcott, Jr., Burlington, VT.
SSG, Christopher J. Walker, Stowe, VT.•

ILO CONVENTION 150 CONCERNING LABOR ADMINISTRATION

• Mr. MOYNIHAN. Mr. President, early this morning the Senate took action on a rare form of legislation—we adopted an ILO convention. While this year marks the 75th anniversary of the creation of the ILO, up until 1988, the United States had only ratified 7—6 maritime and 1 technical—of the 175 ILO conventions. However, in 1988 a new era commenced. The United States ratified its first convention in 35 years. In all, the Senate has now ratified four more since 1988. Most notably in 1991 when the United States for the first time ratified an ILO human rights convention: Convention 105 on the Abolition of Forced Labor. I think it fitting that the Senate has now chosen to commemorate the 75th anniversary of the ILO by ratifying our 12th convention: ILO Convention 150 concerning labor administration.

While ILO Convention 150 is not a substantive convention, I think it is the right one for this occasion. It is unique among all other conventions the ILO has adopted because it is the first attempt to directly address the importance of having in place a labor administration to implement the obligations a state assumes under the ILO. Convention 150 establishes guidelines for national systems of labor administration as a whole. It has precise minimum obligations, but allows for maximum flexibility in recognition of differing systems of government.

I can report to my colleagues that the Foreign Relations Committee held a hearing on September 20 to examine this convention. Testimony was received from representatives of government, labor, and business; specifically from Secretary of Labor Robert B. Reich; secretary-treasurer of the AFL–CIO Thomas R. Donahue; and from the international labor counsel for the U.S. Council for International Business, Edward E. Potter. All three stated for the record that the United States is already in compliance and that they support ratification of ILO Convention 150.

ILO conventions are not sent to the Senate on an arbitrary basis. In 1980, President Carter established the President's Committee on the ILO. This committee established the Tripartite Advisory Panel on International Labor Standards [TAPILS] to examine ILO conventions with a view toward making recommendations to the President on ones that can be ratified without changes in U.S. law.

The TAPILS review does not automatically ensure that an ILO convention will be transmitted to the Senate for ratification. If the United States is not found to already be in compliance with a particular convention, then TAPILS will not recommend ratification to the President, as was the case after they reviewed Convention 138 concerning minimum age for admission to employment. As much as we may like to ratify a specific treaty to show solidarity with its aims, we will not do so until our normal legislative process brings us into compliance.

Not every country is so responsible, and thus the nations with some of the worst labor standards have ratified the largest number of ILO conventions. In general, observing labor practices in a country offers important insights into the living conditions there. Secretary Reich in his testimony before the Committee said:

> Mr. Chairman, as you know—and you have talked on this many times—the less democratic the country, the greater the grounds for suspicion or concern that labor standards are being suppressed in order to serve narrow or misguided interests.

While some countries may have ratified too many ILO conventions, the U.S. ratification efforts can only be characterized as stingy. As Tom Donahue stated in his testimony:

> The typical member of the European community has ratified 70 of the conventions. Indeed of all the countries in the world that have been ILO members as long as the United States, there is only one, El Salvador, that has ratified fewer conventions than the United States.

He went on to state that at our current rate of ratification, it would take the United States 133 years to ratify our 70th convention.

The hearing also underscored an important point about the ILO. It was the forum for the first human rights conventions the world has known. Perhaps none is more important than the right to organize the bargain collectively. It took 30 years for these rights to be incorporated in labor treaty, as they finally were with the adoption of ILO Convention 88 the Freedom of Association and Protection of the Right to Organize, and Convention 98, which established the right to bargain collectively. Thus it is natural that at the end of the hearing the discussion turned to the next ILO convention which TAPILS will consider: Convention 111 concerning employment discrimination. Edward Potter concluded his testimony by noting that "we should be able to ratify [Convention 111], simply because we have the most far-reaching employment discrimination laws in the world."

And so the Senate can look forward to the possibility of receiving the second ILO human rights convention in the next Congress. I hope that those engaged in the TAPILS review of that convention will do so with dispatch.

Finally, Mr. President, in tribute to the 75th anniversary of the ILO, I would like to take a moment to focus on its early years. The history of the ILO goes a long way back into our national life, before it finally came to fruition at the end of the Great War. One of the strong demands of the working people in France, Britain, and the United States during that war was that there be some attention paid to the fact that labor standards were often the victim of international trade.

The Western nations were shaken by the revolution which had swept Russia in 1917. Samuel Gompers of the American Federation of Labor was enthusiastically received as he traveled through Europe in the fall of 1918 to speak out against the growing bolshevik influence in the European labor movement. The idea of an international labor organization became imperative to prevent uprisings like the one in Russia from spreading across Europe. So much so that as the terms of a new international order were being drawn up at the peace conference, a commission headed by Gompers created the ILO—much more a part of the campaign for the League of Nations than we remember.

The League of Nations, which was the subject of such fierce debate on the Senate floor in the fall and winter of 1919–20, came to life somewhat furtively in the cloak room of the Quai d'Orsay in Paris in January 1920. In point of fact the league system had already begun to work here in Washington in October and November of 1919 when the first international labor conference was held as directed by article 425 of the ILO Constitution signed as part of the Treaty of Versailles on June 28, 1919. The Washington Conference, held at the Pan American Union Building on Constitution Ave., turned out to be an almost complete success, despite all the prospects of failure. Six major labor conventions, the first human rights treaties in the history of the world, were adopted, including the 8-hour day convention, and the minimum age convention.

Woodrow Wilson, on his great trip across the nation campaigning for the United States to join the League, spoke continuously of the International Labor Organization. Indeed, almost the last words he spoke before his stroke, before he collapsed in Pueblo, CO, were about the ILO. Literally the last paragraphs. He told the people in Colorado about the League covenant and the ILO. But, he collapsed, and was prostrate when the International Labor Conference was organizing here in Washington.

His Secretary of Labor, William B. Wilson, did not know what to do. The Senate was caught up in a protracted debate about whether to have anything at all to do with the League. A very distinguished British civil servant, Harold Butler—later Sir Harold Butler—arrived in New York by ship and then came down here, assigned to put in place the new international organization as article 425 of the ILO Constitution intended. He found the President prostrate and silent, and the Secretary of Labor unable to take any action without the President.

By sheer chance, Butler dined one evening with the then Assistant Secretary of the Navy, a young, rising New York political figure, Franklin Delano Roosevelt, and his wife Eleanor. Butler recounted his difficulties. "Well, we have to do something about this," said Roosevelt. "I think I can find you some offices at any rate. Look in at the Navy Building tomorrow morning and I will see about it in the meanwhile." Roosevelt was devoted to Wilson. By the next day Roosevelt had 40 rooms cleared of its admirals and captains to make room for the conference.

Harold Butler later became the second director-general of the ILO, serving from 1932 to 1938. Subsequently, he returned to Washington during the second World War and his continued friendship with President Roosevelt made him a hugely influential figure in the wartime alliance. A biography of Sir Harold is long overdue.

Just as Roosevelt helped get the ILO off the ground, when he came to the oval office, his administration soon laid the groundwork for the United States to join. In June, 1934, the House and Senate both passed a resolution clearing the way for our participation. Thus while this is the 75th anniversary of the ILO, it is also the 60th anniversary of U.S. membership. The ILO is the part of the league system the United States was least likely to join. The league system consisted of the league itself, the Permanent Court of International Justice, and the ILO. In fact, the ILO was the only one we did join and it was the only one to survive the next war.

And so we have before us today the fruits of the labors of men like Gompers and Butler. However, one might ask, since the United States has only ratified 12 of the 175 conventions are we getting all we could from our participation in the ILO. In 1988 when the Senate, which for 35 years had not ratified a single ILO convention, ratified two, Senator HATCH was struck by this fact when on the Senate floor he observed:

> The hearing [on the ILO conventions] made it quite clear that our failure to ratify a single ILO convention during the last 3 decades has undermined the effectiveness of our representatives to this important international organization. * * * Unfortunately, when we have criticized Communist violations of ILO standards, our credibility has always been somewhat suspect given our own refusal to even consider ratifying ILO conventions. To be taken seriously in this organization, Congress must break away from the policy of abstention we have practiced for the last 30 years, the policy of not ratifying a convention regardless of its content.

Those words are still instructive. With the observation that it was not just communist violations of labor standards which affect us. The premise of the ILO is that all states must act together to improve labor practices. Otherwise an imbalance occurs and an unfair advantage is created. I think it is fitting that on the 75th anniversary of the ILO that we take steps to strengthen our efforts to play a leading role there.●

THE VISIT OF NELSON MANDELA, PRESIDENT OF SOUTH AFRICA

● Ms. MOSELEY-BRAUN. Mr. President, I want to welcome President Mandela to the United States on the occasion of his first trip to America as Head of State, and to pay special tribute to him as a unique leader. His emergence from prison, and his ascent to the Presidency of the new South Africa, are a testament to his leadership, to his courage, and, at the same time, to his humility. He is successfully leading all of his people to a new South Africa.

I visited Nelson Mandela in South Africa 2 years ago, before I joined the Senate and before his election to the Presidency. I was struck at that time by his vision, by his total commitment to build a unified South Africa. And as someone who was involved through the years in the struggle against apartheid in this country, it gave me great pride to attend his inauguration as President in May.

South Africa has a long history of struggle that has been duly recognized by the international community. Mahatma Ghandi began his work preaching nonviolent civil disobedience in South Africa. Albert Luthuli was awarded the Nobel Peace Prize in 1960. It was later awarded to Bishop Desmond Tutu. And last year F.W. de Klerk and Nelson Mandela were so honored. This continuum of leadership was critical to the evolution of democracy today.

I also want to acknowledge the vision of Vice President de Klerk. He came to understand that the continuation of apartheid was untenable. Many white South Africans undoubtedly came to the same conclusion. But it takes a great leader to negotiate a peaceful transition to a new political order.

The United States and the international community recognized and supported and assisted in the struggle against apartheid. But the work is not finished. We must continue to lay the framework to ensure that President Mandela and South African democracy succeed. President Mandela and the South African people have won the war against racial injustice. But that war is only a preamble to the war against poverty, against homelessness, and against illiteracy.

Today, South Africa is on the verge of becoming one of the most influential nations in Africa. It can become an engine of economic growth for the whole continent. But it is also a shining example to the world that political revolution can be peaceful. It can be negotiated. It can occur without bloodshed and without civil war.

President Mandela has extended the hand of reconciliation to all South Africans. That country is enjoying stability because he has assured blacks as well as whites, coloreds as well as Asians, that everyone has a role to play in the new South Africa. And the people understand that everyone will benefit. We saw enormously long voting lines last April because no matter which party they supported, each person felt a vested interest in the development of the new South Africa. I believe that all of the enthusiasm and good will is in no small part due to the leadership and vision of Nelson Mandela.

We, in the U.S. Government, must now ask ourselves what we can do to help consolidate the incredible gains that have taken place. President Mandela has come to the United States not seeking aid. He has come seeking trade. His message is that South Africa is open for business.

Trade and investment are critical to the future success of President Mandela and the new South Africa, economic prosperity is the only guarantor of future stability, but expanding trade is good for the United States too. United States investment creates South African jobs. The standard of living of individual South Africans rises. More and more South Africans become consumers and able to afford United States products. As the United States sells more and more American made products to South Africa, we create jobs here at home. United States investment in South Africa today will encourage job creation and expand economic opportunities for both Americans and South Africans tomorrow, just as expanding trade and investment has expanded economic growth and improved the standard of living for people around the world throughout our history.

The U.S. Government has responded. President Clinton sent a trade mission to South Africa led by Secretary of Commerce Ron Brown. The Commerce Department has targeted South Africa as one of the 10 big emerging markets for United States exports. The United States Information Agency and some Members of Congress hosted a conference in Atlanta devoted to encouraging American trade and investment in South Africa. Some States have set up trade offices in South Africa.

U.S. multinationals have also responded. On Monday, Pepsi Cola announced a $20 million investment in a bottling venture that includes substantial investment from African-American entrepreneurs. This is but one high profile investment. Thirty United States firms have reinvested in South Africa since last year when Nelson Mandela asked for all trade restrictions to be lifted. I am very proud that Sara Lee, based in Chicago, is the largest United States employer in South Africa with over 4,700 employees.

These business people are not investing in South Africa out of altruism alone. They are investing because there is money to be made. In 1993, South Africa bought $2.2 billion worth of United States products, mostly airplanes, airplane parts, and grain. But forecasts predict that United States sales to South Africa could grow to $3.4 billion in 5 years. For this to happen, for the customer base to grow, South Africa must create jobs. It must provide for the wider distribution of wealth.

South Africa is blessed with valuable natural resources. It is a beautiful land, which tourists will find enchanting. South Africa has the best transportation infrastructure in Africa. It has modern banking and commercial laws. It has signed the GATT Agreements to reenter the international community of trading nations. And it has a hardworking labor force that is eager for new jobs and new opportunities.

Democracy means more than one person, one vote. It means more than the election of a President from the African majority. For democracy to succeed, it must meet the needs of all its people.●

THE VOLUNTARY ENVIRONMENTAL CLEANUP AND ECONOMIC REDEVELOPMENT ACT OF 1994

● Mr. RIEGLE. Mr. President, I rise to commend my friend and colleague, Senator LAUTENBERG, for his efforts this legislative session to enact S. 773, the Voluntary Environmental Cleanup and Economic Redevelopment Act of 1994, and the compromise substitute to the bill that he and I worked together to develop.

The substitute bill—which is supported by members of both the Environment and Banking Committees—recognizes that the economic revitalization of our distressed communities depends upon the encouragement of voluntary cleanups and the availability of credit to help finance the removal of environmental contamination.

In crafting this substitute bill, Senator LAUTENBERG and I have built upon the objectives of S. 299, the Abandoned Land Reuse Act, which I introduced in February 1993 and which was referred to the Committee on Environment and Public Works.

Mr. President, the substitute bill does not incorporate some of the authorities we had proposed in S. 299. But it is very important legislation that will successfully encourage the revitalization of our Nation's abandoned industrial and commercial sites. For example, the substitute bill authorizes the Department of Housing and Urban Development to provide partial credit enhancement of site assessment and authorizes public or private lenders to provide to local governments, local community development organizations and other borrowers.

I am particularly pleased that the substitute bill contemplates a risk sharing arrangement, whereby the Federal Government shares equally with participating lenders in the credit risk of loans used to finance either environmental site assessment or site cleanup. An incentive for lenders to undertake sound loan underwriting is created by requiring participating lenders to assume 50 percent of the risk of loss. Additionally, the Federal Government's risk of realizing a loss on its guarantee of the remaining 50 percent of the loan is minimized by requiring that participating lenders fund a separate loss reserve to cover their anticipated program loan losses. Furthermore, the program requires that participating lenders have sufficient commercial lending experience and financial and managerial capacity.

Mr. President, I am also pleased that the credit program authorized by this legislation will be administered through State agencies selected by the Governors with HUD's concurrence. HUD's primary role, therefore, will be to allocate assistance among the States in response to information received annually from participating lenders and State administering agencies. This arrangement is an improvement over the credit program originally outlined in S. 773, in which HUD was given a direct lending role without lender participation. Representatives of HUD have confirmed that the substitute bill's economic redevelopment credit assistance program is preferable to a direct loan program administered by HUD. Private and public lenders have also indicated their interest in and support for the proposed credit assistance program.

Mr. President, I commend Senator LAUTENBERG for his efforts and cooperation in developing the substitute amendment for the Voluntary Environmental Cleanup and Economic Redevelopment Act of 1994. I hope that upon his return to the Senate next Congress, Senator LAUTENBERG will continue his efforts to enact this important legislation.•

THE EAST ST. LOUIS JEFFERSON NATIONAL EXPANSION MUSEUM

• Mr. SIMON. Mr. President, my colleagues and I from Illinois as well as my colleagues from Missouri have been working hard to extend the Jefferson National Expansion Memorial [JNEM] from the banks of the Mississippi River in St. Louis, MO, to the east bank of the river in Illinois. The extension of the JNEM to the Illinois riverfront completes the plans initiated in 1935 by the U.S. Congress for the construction of a memorial to Thomas Jefferson and the Nation's westward expansion, and fulfills the visions and dreams of Eero Saarinen, designer of the arch. It was his intention that the east side of the river be brought into the design of the memorial.

I think this effort will also provide hope for the troubled community of East St. Louis, IL. East St. Louis has suffered devastating economic hardships over the years. If we are successful in attracting the kind of public and private investment to the east side of the river as St. Louis, MO, did to the westbank, this effort could be a model for the renewal of other urban centers.

My bill is only one step in the long, involved process toward revival of the area. S. 1726 directs the National Park Service to conduct an architectural design competition to solicit design proposals for a museum commemorating the role of ethnic diversity in the development of the United States. A museum that celebrates the American spirit in all of its rich diversity would be a powerful statement. As a nation, we are strong because of that diversity. I believe there is no better place for such a symbol as in the heartland of Illinois, along the banks of the Mississippi River.

The bill goes further and requires that a study be done and submitted to Congress on possible funding mechanisms for the development, construction, and maintenance of such a world class museum.

The potential for redevelopment of East St. Louis has been studied for years. This project enjoys the bipartisan support of business leaders in St. Louis, mayors, Governors, and congressional delegation members of both States. The Senate should act judiciously and pass this legislation.•

HONORING DANIEL D. CANTOR

• Mr. GRAHAM. Mr. President, today I rise to honor Daniel D. Cantor of Tamarac, FL. Few Americans have a record of philanthropy and commercial accomplishment as distinguished as Daniel Cantor. He has well earned the honor of being selected by the Joint Commission on the American Promenade in Israel as a founding father for the State of Florida.

The United States and Israel have long shared special bonds—political, cultural, and economic. These bonds have led to an exceptional friendship between our two peoples. The people of Israel have initiated the American Promenade in Israel project, at the gateway to Jerusalem, as a monument to this exceptional friendship. The Promenade will consist of 50 marble, 20-feet high monuments bearing the flags and the official seals of the 50 States, as well as the United States-Israel Friendship Botanical Garden featuring Biblical and State trees, flowers and wildflowers. A stainless steel time capsule with a glass-lined interior will be buried 25 feet under each State obelisk, to be opened in the year 2048 at Israel's 100th anniversary celebrations.

A well-deserving personality from each State will be honored by the Joint Commission as a Founding Father, whose name will be permanently inscribed on the monument of their State. Daniel Cantor has been designated as the Founding Father from the State of Florida.

Daniel Cantor began his lifetime career of service in the United States Navy in 1942 immediately after his graduation from the City College of New York Law School. After his service in the Navy, Daniel went on to become a successful builder, developer, and operator of shopping centers and homes for the aged in Florida and New York. He has been a leader of the United Jewish Appeal, a member of the America-Israel Political Action Committee's Executive Committee, and has long been a key supporter of United States-Israel cooperative initiatives. Daniel has also been an honoree of numerous humanitarian awards for his contribution in the area of health and health services.

The American Promenade serves as a poignant reminder of the strength of friendship between two great democracies, the United States and Israel. It is to his credit that Daniel Cantor's name will be carved into the stone obelisk representative of the State of Florida, an eternal reminder of his generosity of spirit.•

TAIWAN IN INTERNATIONAL ORGANIZATIONS: VIEWS OF DR. TRONG CHAI

• Mr. SIMON. Mr. President, the 21 million people of Taiwan constitute the largest democratic society without an effective voice in international organizations. Despite that country's explosive growth in GDP and its progress in building a democratic political system—areas in which, I would note, Beijing comes nowhere close to Taipei—Taiwan finds itself closed out of major multilateral bodies such as the United Nations and the GATT. That is one reason why earlier this session I introduced a resolution that called for reintegration of Taiwan into international institutions, as well as a significant improvement in terms of dialog between the United States and Taiwan. I am pleased that so many colleagues joined me in cosponsoring or voting for that measure.

Of course, the question of Taiwan's representation in international institutions is also a very important one to that country's legislators. One such man is Dr. Trong Chai, a major leader in the Taiwanese parliament's principal opposition party, the Democratic Progress Party. It is a measure of Dr. Chai's commitment to Taiwan's future that, when democratic political action became possible, he gave up his American citizenship in order to run for parliament there.

The question of how best to get Taiwan into the United Nations is one to which Dr. Chai has devoted considerable thought. In his view, the country would stand a better chance applying under the name "Taiwan," rather than under the name "Republic of China." Dr. Chai recommends that the people of Taiwan be given the chance to vote in a referendum on the question of which name it should use.

I am not going to advocate or discourage the referendum proposal, which is one with domestic political repercussions in Taiwan, and one that ultimately the people of Taiwan must decide themselves. But as someone who has known and respected Dr. Chai for some years, I always listen with interest his proposals on Taiwan and the world stage.•

BANNING BONUSES FOR POLITICAL APPOINTEES DURING A PRESIDENTIAL ELECTION CYCLE AND PLACING A COMPLETE BAN ON BONUSES TO EXECUTIVE SCHEDULE OFFICERS

• Mr. LEVIN. Mr. President, I am pleased that the Senate today is passing my amendment banning bonuses to political appointees for the 6-month period at the end of an administration and placing a permanent ban on bonuses to the very top political appointees—Executive Schedule I-V and their equivalents who are Senate-confirmed, Presidential appointees.

This amendment is nearly identical to legislation I sponsored in the last session of Congress, S. 1070—a bipartisan proposal cosponsored by Senators STEVENS and DORGAN. S. 1070 passed the Senate last November by unanimous consent. It was then referred to the House Post Office and Civil Service Committee's Subcommittee on Compensation and Employee Benefits chaired by Congresswoman HOLMES NORTON where it was discovered that the legislation's provisions regarding the permanent ban on cash bonuses unintentionally covered certain career employees. The amendment we are acting on today corrects that error and tightens the bill's provisions to ensure that no career employees are affected.

The need for this legislation was amply demonstrated by the midnight bonuses award to political officials at the close of the Bush administration. While in 1991, 50 bonuses were awarded to this class of Federal employees, in 1992—the end of the Bush administration—that figure rose to 133. While this increase on its face did not prove an abuse of the system, it certainly raised questions about the purpose of these bonuses—especially given the number of top-level political officials who received them.

President Clinton directed the Office of Personnel Management [OPM] to conduct a review of these bonuses and report back to him. The review looked at monetary awards during the "Presidential transition period" which was defined as October 1992 through January 1993. OPM's initial report was released in late March. The findings of the report are quite compelling. The report states,

> In brief, we found that there was a significant increase in the number of awards granted to political appointees during the transition period, creating at least the appearance that they were granted for reasons other than recognition of benefit to the Government. While technical procedures were followed, we believe the spirit and purpose of the awards program was evaded, and that additional safeguards are needed.

Mr. President, I ask that the executive summary of the OPM report from which I quoted be included in the RECORD immediately following my remarks.

This legislation is an important step in an effort to reassess and revise the Federal Government's bonus system to ensure that bonuses are not merely rewards for political loyalty but for effective governing and a true commitment to public service. As it now stands, the waters have been muddied by the bonuses awarded during the final months of the Bush administration and the integrity of the bonus system has been weakened.

The legislation places a 6-month ban on cash awards from June 1 prior to a Presidential election to the following January 20. This would put an end to the bonuses which, at the very least, give rise to the appearance that they are rewards for political loyalties at the end of an administration rather than for effort.

The complete ban on cash awards for those top-level officials in the Executive Schedule codifies current OPM policy regarding the award of cash bonuses to those who are in positions which require Senate confirmation. Individuals in the Executive Schedule are making salaries which range from $108,200 to $148,400 and serve in very high profile positions. Cash bonuses are unnecessary and inappropriate at this level. The OPM guidance states that "(h)onorary recognition is considered appropriate in light of the honor, salaries, and perquisites associated with such positions, and advisable because of the potential for adverse publicity that could result if such officials were to receive significant cash awards." OPM indicates that at the close of the previous administration, this policy guidance was ignored in several instances. My legislation would enforce this guidance as law.

During the Federal Services, Post Office and Civil Service Subcommittee's consideration of this legislation, an amendment was added by Chairman PRYOR to include what are termed "Executive Schedule Equivalents" under the complete ban on cash awards. These are political appointees who are not in the Executive Schedule itself, but whose pay rates are equivalent to Executive Schedule employees by law.

At a time when we are all undertaking efforts to restore faith in the integrity of our Federal Government, it makes sense to make appropriate changes in our bonus system to eliminate any opportunity for abuse. Bonuses can be an effective management tool, but they become counterproductive if there is an appearance that they are being awarded for political purposes.

As I indicated before, I see this as a first step in the effort to reassess and revise our Federal employee bonus system. An additional issue that was raised by the OPM report and which I believe needs to be addressed is the award of bonuses to inspectors general [IG's]. OPM reports that nine IG's received bonuses during the final days of the previous administration. IG's play one of the most significant roles in our efforts to increase the effectiveness, efficiency, and the integrity of the Government. Their independence and integrity must be without question. Bonuses to IG's can become highly questionable when they are authorized by the head of the agency over which a particular IG holds oversight responsibility.

I am pleased that the Inspectors General in the current administration have signed pledges not to take bonuses. This is an important step to address this issue in the short term. However, we need to devise a policy for the long term. This is an issue which concerns Senator GLENN as the chairman of the Governmental Affairs Committee, and his staff is working closely with the IG community to devise an effective and equitable pay system for IG's. My staff and I will be working with Senator GLENN and his staff to explore ways to address this matter in the long term and, therefore, I have decided to not address bonuses for IG's in this bill.

This amendment would eliminate two problems which were identified by the OPM report, and it has the support of the administration. Mr. President, I ask that a May 31, 1994, Office of Personnel Management letter in support of S. 1070 also appear in the RECORD immediately following my remarks.

I thank my Senate colleagues for their support in passing this legislation, and it is my expectation that our colleagues in the House will also act quickly to get these important reforms enacted into law.

The letter follows:

EXECUTIVE SUMMARY

In response to the President's direction, the Office of Personnel Management (OPM) conducted a review of monetary awards granted during the Presidential transition period.

The President expressed concern that the granting of large monetary awards as the former Administration departed raised disturbing questions about their timing and amounts. The review focused on awards granted for superior accomplishment (also call special acts) granted at the headquarters of major departments and agencies.

PURPOSE OF THE REVIEW

OPM's review focused on two questions: whether the awards were granted consistent with established criteria and procedures and whether new or revised safeguards are necessary.

FINDINGS OF THE REVIEW

There was a substantial increase in the number of awards given to political appointees during the transition period as compared to the same months the year before (from 49 to 133). The number and dollar value of awards granted by each agency reviewed during the relevant periods are presented in attachment 5 to the report.

Current safeguards clearly were not adequate to prevent misuse of flexibilities in the awards program. The political leadership at several agencies used these flexibilities to grant awards to political appointees that create the appearance they were given as "political favors" rather than for their intended purpose.

Six of the 23 agencies reviewed accounted for two-thirds of awards to political appointees. These were Energy, Education, Agriculture, Justice, Small Business Administration, and Labor.

Technical procedures were followed, but the evidence indicates that the purpose of the award program was evaded. For example, the justification on a large number of awards was questionable. Superior accomplishment awards should not be given for the performance of regular duties, particularly given the level of the employees involved. Also, there is an indication that some of these awards were given as a means to avoid the limitations on other award categories.

The review revealed that awards were given to Inspectors General in five agencies. While the awards were legal and in line with previous awards in non-transition periods, we believe the practice of giving awards in non-transition periods, we believe the practice of giving awards to IG's is problematic because it could call into question the integrity and independence of their work.

The Department of Justice granted several awards to Presidential appointees. These awards contravene explicit OPM guidance in Chapter 451 of the Federal Personnel Manual.*

SCOPE OF THE REVIEW

The Government gives thousands of awards to its employees each year. Of all these, two types have the greatest cash value: "superior accomplishment" and "performance" awards. This review focused on the superior accomplishment awards because, although a small percentage of the total, these are the ones most likely to be abused—agencies have broad discretion in making them and they can be given at any time.

The larger group of awards are performance awards. They are based on written standards, given on a scheduled basis, and approved only after a multiple review process. Given the volume of these awards, a manual examination would be a huge and costly undertaking and infeasible within our timeframe. However, when the automated awards data for FY 92 is compiled on a Governmentwide basis later this year, we will be able to conduct a parallel examination to see if our concerns with superior accomplishment awards also apply to performance awards.

CONCLUSION

Clearly the flexibility granted agencies under the awards program must be exercised responsibly and only for the purpose for which the awards are intended. Our review indicates that this was not the case in all agencies during the recent transition period. Since the awards program is a critical part of the Federal performance management system, used to recognize the outstanding contributions of our many fine employees, maintaining its integrity in both fact and appearance is of great importance.

The report contains a number of options for providing greater safeguards for the awards program in the future. OPM will further develop these options and take steps to monitor the program more closely. In addition, given the importance of the awards program to the Federal service and to the public's perception of it, we believe the issues surfaced in the report would also be appropriate for consideration in the context of the National Performance Review.

OFFICE OF PERSONNEL MANAGEMENT,
Washington, DC, May 31, 1994.

Hon. WILLIAM L. CLAY,
Chairman, Committee on Post Office and Civil Service, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to offer the views of the Office of Personnel Management on S. 1070, concerning awards for political appointees under Federal employee awards programs. S. 1070 would bar awards during Presidential election periods to noncareer members of the Senior Executive Service and to lower-level political appointees, and would establish a complete prohibition on cash awards to most appointees in Executive Schedule positions or equivalent positions.

The Office of Personnel Management supports enactment of S. 1070. OPM's March 1993 study, conducted at the President's request, found that there was a significant increase in the number of awards granted to political appointees during the preceding transition period. We believe that S. 1070 will provide the additional safeguards needed to ensure that the future operation of the Government's awards programs with respect to political appointees will be free from the reality or appearance of abuse. This Office would be pleased to provide any assistance that may be helpful to your Committee on matters related to S. 1070.

The Office of Management and Budget advises that, from the standpoint of the President's program, there is no objection to the submission of this report.

Sincerely,

JAMES B. KING,
Director.•

THE AMERICAN PROMENADE IN ISRAEL

• Mr. RIEGLE. Mr. President, I rise today to speak about the progress that has been made on the American Promenade in Israel. The Promenade, once completed, will stand as a monument to the strong friendship between Israel and the United States. Funded entirely by private citizens, the American Promenade will be a national park at the gateway to Jerusalem consisting of 50 marble monuments bearing the flags and official seals of the 50 States, and the United States-Israel Friendship Botanical Garden featuring Biblical and State trees, flowers and wildflowers.

In 1988, the year that marked Israel's 40th anniversary, I was named to the honorary National Advisory Council of the Joint Commission on the American Promenade in Israel. I continue to take provide in having my name attached to a project which so elegantly commemorates the American-Israeli friendship. But friendships between countries really are forged by dedicated individuals. As part of its efforts to honor those who have played a particularly important role in fostering United States-Israeli relations, the Joint Commission on the American Promenade will honor one outstanding personality from each State as a founding father of the project. As a member of the National Advisory Council, I am particularly pleased to recognize Mr. Louis Berry who has been chosen as the founding father from Michigan.

Born to a working-class family in Liverpool, England, Mr. Berry came to the United States in 1922, bringing his widowed mother and five brothers and sisters to Detroit shortly thereafter. But even as he struggled to build a life of his own in America, he tirelessly supported the Zionist movement. Thanks to the deep commitment of individuals like Louis Berry, the Zionist dream was finally realized when the state of Israel was founded in 1948. Today, he continues to raise millions of dollars for Israel and volunteer his time and talents to numerous organizations including refugee committees, committees for mental health, Jewish charities, hospitals, synagogues, schools, and other educational institutions. His tireless efforts on behalf of Israel will long be remembered.

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*OPM recommends that: "Presidential appointees whose appointments require Senate confirmation receive honorary, rather than monetary awards. Honorary recognition is considered appropriate in light of the honor, salaries, and prerequisites associated with such positions, and advisable because of the potential for adverse publicity that could result if such officials were to receive significant cash awards."

Louis Berry is an exemplary representative of the special bond of friendship which is shared by the United States and Israel. I am proud to express my support for the American Promenade and for the Joint Commission's excellent choice of Louis Berry as the founding father from Michigan.•

THE FORMULA OF PYE

• Mr. LAUTENBERG. Mr. President, the Star Ledger is our State's largest paper. It speaks with a powerful voice on issues of concern to New Jersey. It is a big paper—especially if you pick up the Sunday edition. It is also a successful one.

Mr. President, the Star Leger's prominent standing in our State can be largely attributed to its editor, Mort Pye. The news and editorial comments of his newspaper have informed and entertained. They have opened the publics' and public officials' eyes to emerging issues and problems that need attention.

The September issue of New Jersey Monthly ran a profile of this remarkable man and the mark that he has made and continues to make on his newspaper and our State.

I ask that the full text of the article be printed in the RECORD.

The article follows:

[From the New Jersey Monthly, Sept. 1994]

THE FORMULA OF PYE

(By Stephen Barr)

In early May, Star-Ledger editor Mort Pye sat in his Newark office waiting for the arrival of Governor Christine Todd Whitman. Running New Jersey's largest newspaper had always assured him of easy access to the state's chief executives. Tom Kean promptly took his phone calls; Jim Florio occasionally stopped by the newsroom of a lunchtime sandwich, and a private chat. But this encounter would be neither casual nor amiable: Carl Golden, Whitman's press secretary, had contacted Pye to schedule a meeting so that the governor could give him an earful.

Seven weeks earlier, in her March 15 budget address, Whitman had announced that she was dismantling the state Board of Higher Education. She wanted to give New Jersey's public colleges and universities more autonomy over their affairs. There would still be state oversight, she insisted, but exactly what it would be and how it would work was uncertain.

With no press leaks before the speech, the governor's announcement hit Pye particularly hard. At the helm of the Star-Ledger since 1963, he considers the newspaper's support for the board's creation in 1967 part of his legacy. "I had the idea that higher education could be stronger in New Jersey if it had its own separate department," Pye says. "We were involved in [the board's] formation. It was one of the first big things we promoted, so you can understand out feelings about what's happening now."

Education editor Robert Braun—who at the time of the announcement had been working for a month on a multipart series about the board's achievements over the past 27 years—immediately launched a full-scale assault on the Whitman plan. Day after day, in news stories and twice-weekly opinion pieces, he attacked—often viciously—Whitman's move and anybody who supported it. "There's no way any governor can say to a newspaper, 'Get with the program,'" complains a Whitman-administration insider. "Her only request was for fairness and balance in the coverage, which was utterly and totally lacking. The way Braun goes from elucidation to advocacy and agitprop, it's disgusting."

Pye talked to the governor and then talked to Braun, but little changed and the newspaper continued to attack Whitman's proposal. Pye now disputes the assessment of Braun's work and makes no apologies for the Ledger's campaign—albeit an unsuccessful one—to save the higher-education board. Apologizing is not Mort Pye's style.

For more than three decades, Pye has refused to give in. When he joined the paper as an associate editor in 1958, the Ledger was on shaky ground. Since then, he has not only reversed its fortunes but has built it into the nation's fifteenth largest daily and eleventh largest Sunday paper. Two out of every five New Jersey newspaper readers buy the Ledger. It is the dominant paper even in counties like Middlesex and Morris, which boast their own local dailies.

Pye has done this while defying conventional wisdom. The Ledger regularly uses its news pages to launch crusades and influence policy. And while its competitors have jazzed up their offerings with vibrant color, zippy graphics, and snappy writing, this slumbering giant has prospered in spite of a heavy gray look and a flat writing style. Pye makes no apologies for that either. "What you're trying to do is get people addicted to the paper the way it is," he explains. "If you suddenly make drastic changes, then you're telling the reader, 'What you're used to is no good, and now we're going to give you something that's really good.' That's an insult."

While most contemporary editors might find such an argument ludicrous, there is no debating the fact that the Ledger has spent the last decade gobbling up readers while barely changing its news presentation.

During his dynastic reign, Mort Pye has done as much to influence state affairs and promote New Jersey's interests as any other individual. He has watched six governors come and go, and the 76-year-old editor shows no signs of coasting toward retirement.

Pye's achievement of building what appears to be an invincible temple of journalism is rather remarkable when one considers that few people—particularly in journalism—think of the Ledger as a world-class newspaper. Editors and reporters around the sate routinely slam the paper's quality, although they follow and clip the paper religiously. But even as they toss insults, Pye is having the last laugh. To him, it is the readers of the Star-Ledger who count, and in an age when fewer and fewer people are buying newspapers, it is clear they are buying Mort Pye's in droves. "It is the 800-pound gorilla of New Jersey newspapers," says Neil Upmeyer, president and editor of the public-policy journal New Jersey Reporter.

Mort Pye brown-bags his lunch, which today consists of a cheese-and-mustard sandwich on white bread and an apple. We're eating in the conference room adjacent to his humble office (which overlooks a Newark side street and lacks any trappings of power). The surfaces are neat and tidy; the only sign of clutter is on the walls, which are plastered with plaques from business and civic groups and the New Jersey Press Association. Conspicuously missing is journalism's top award—the Pulitzer prize.

Over the years, Pye has steadfastly remained offstage, ducking interviews and refusing personal publicity. He rarely ventures far from his office, except to visit the newspaper's fifteen bureaus around the state. His idea of a vacation is to drive the back roads of New Jersey with his wife in search of hideaways along the Delaware River or in the mountains. And he shies away from newspaper-industry seminars because, he says, colleagues always "try to talk me out of what I'm doing."

What he's doing—or, more accurately, what he's done—is to take a failing property and make it the most lucrative link in the privately held newspaper chain owned by billionaire brothers Si and Donald Newhouse. How he's done it is the stuff of legend in newspaper circles. By opting for sheer heft—an eleven-person Trenton bureau, a huge sports section, a cadre of specialty writers—he has fashioned the only New Jersey newspaper with truly statewide appeal. He has shrewdly pushed regional and local coverage as suburbs boomed, and added readers as the state's population migrated south and west from the Ledger's base in Essex County. By shamelessly turning his news pages into a soapbox for causes and crusades, he has made the newspaper a major player behind big development projects and countless public-policy initiatives.

Pye accomplished all of this by stubbornly and doggedly shaping the newspaper into a creature of his own making. "If there ever was a man dedicated to putting out a newspaper, it is Mort Pye. He is the Star-Ledger," says Joseph Carragher, a former Trenton bureau chief. "He built the paper section by section, as if he had an idea in his head of how he wanted to make the Ledger number one. His imprint is on every page of that paper."

Pye, a small man with a frail, reedy voice, has a manner that is both gentle and gracious. When he displays anger, which is rare, staffers say he can manage no more than a high-pitched squeal. Today at lunch he wears a maroon cardigan over a robin's-egg-blue shirt, with a striped tie of mutted browns and blues. As he speaks, he leans back and curls his fingers around his belt. In such asceric environs, his angular jaw and the remains of white hair on his bald head give him a monklike look.

But his low-key appearance belies a certain impish quality. Below the surface is an intensely competitive man who seems to revel in the brickbars that come his way: that the Ledger's advocacy of issues compromises its journalistic integrity, that the newspaper goes after impersonal bureaucracies (the Department of Motor Vehicles is a favorite) and not public officials, that the look of the paper is woefully out of date, that the writing favors the assembling of facts and statements over style and perspective.

Releasing a mirthful, almost devilish chuckle, Pye recalls the name of a television talk show that featured media experts dissecting the paper. It was called Pye = Power. "The approach was to try and show we were up to no good, too big for our britches," he says. He had no desire to be part of that dressing-down, but jokes that the real reason he didn't participate was that "I don't like to go on TV because I don't have the right voice. And no one's interested in seeing my sexy bald head."

When Rutgers University president Francis L. Lawrence gave Pye an honorary degree in May, he cited the editor's "disarmingly modest mien" as he raised "the quality of life and caliber of politics" in the state. Pye hadn't told his staff that he would be receiving the Rutgers accolade, but it's no secret he thrives on just that sort of praise.

That is evident from a sampling of favorable letters he's saved over the years, dating from 1968 to 1993 (interestingly, he throws out all unfavorable letters). One bunch is from business and community leaders, public figures, and just plain readers. In its own way, each letter strikes the same theme—that Pye's newspaper is good for New Jersey. A 1975 note from Lawrence's predecessor, Edward J. Bloustein, is particularly apt:

"Dear Mort:

"I have only recently returned from an all too brief vacation, but I did not want to let too much time slip by before complimenting the Star-Ledger on the exceptionally fine August series on higher education written by Bob Braun.

"It was one of the most comprehensive and thoughtful series that I have seen and I believe that you and Bob and the Star-Ledger have done a great service for both higher education in New Jersey and for the people of this state."

Mort Pye got his first taste of newspapering in 1926 at the wizened age of eight. Even then, his focus was decidedly local. A cousin gave him an old typewriter, and he published several issues of the Sumner Park Gazette—a flyer with news about the street he grew up on in Rochester, New York.

At the University of Illinois, Pye wrote for the Daily Illini and sent dispatches about school activities to the New York Times, which sent back checks for $25 every once in a while. After his sophomore year, he moved to New York and began playing the trombone in swing bands while finishing his degree at City College of New York. He decided to pursue a career in journalism upon graduation in 1940, sending three articles to a newspaper called PM. Two of them—one on efforts to control the weather, the other on suicides in the military—were accepted at a rate of two cents a word.

At the same time, Pye sent 250 letters to newspapers all over the country. One response came from the Long Island Press, which, like Pye, was based in Jamaica, Queens. Managing editor Ed Gottlieb noticed the local postmark and offered a few dollars a pop for freelance work. Soon Pye was making about $35 a week, which was $10 more than staff reporters, so he was given a job. He continued playing the trombone at dances and bar mitzvahs, which paid more for a Saturday night than he earned in a week at the paper. But after Pye refused one too many weekend assignments, Gottlieb gave him an ultimatum: journalism or the jive joints. Pye chose journalism.

One day, Gottlieb asked Pye to drive a woman's-page reporter to the dentist. Florence Newhouse was a cousin of the newspaper's owner, S. I. Newhouse, and she had a toothache. "I drove her in my beat-up old Chevy," says Pye, "and that's how we got acquainted." The romance quickly blossomed, and the two were inseparable. When Pearl (as she's known) would get off from the paper at midnight, she'd go to a deli down the street and kill time by helping to make coleslaw and potato salad for the couple who ran the store. When Mort got off two hours later, they'd drive into Manhattan and chase fire engines or hang out in Greenwich Village. They wouldn't get back to Queens until after sunrise.

Professionally, things were starting to gel as well. One night in 1941, Pye was on the rewrite desk when he got a call from a reporter with a late-breaking story. A woman's body had been found in a Rockaway Beach bungalow. The 23-year-old Pye felt a surge of adrenaline as he scribbled down the details. This was hot stuff: a nude body in a cottage owned by a local politician. He wrote up the story with all the verve and sensation he could muster. "Blonde Found Dead" screamed the next day's front page.

That afternoon, Pye was near a newsstand waiting for Pearl when a well-dressed businessman stopped to look over the rack of a dozen or so newspapers. As he reached for the New York World-Telegram, the Long Island Press seemed to catch his eye. He plunked down his nickel for the Press, and Pye, excited at the ideas that his story had sold a newspaper, went up to the man and asked him what had changed his mind. "I remembered I needed to look for something in the classifieds," the man responded.

Pye relates the tale as an amusing anecdote, but in a way it poignantly reveals the source of his vision for the Star-Ledger and one of the secrets of its success. In Pye's view, the more things there are in the paper, the more readers there will be. "Not everybody is interested in everything, but hopefully everybody is interested in something," he says. "The percentage of people who read a particular story is very low. If you cut out everything with less than 15 percent readership, what would you have left? Maybe 'Ann Landers,' the horoscope, and a couple of comics."

The Star-Ledger was little more than that in 1958, when Pye was named its associate editor. S. I. Newhouse had owned the paper since 1934, and it was the wallflower of the newsstands. "It was not making a lot of money," says Newhouse's son Donald, whose office today is one floor below Pye's. "It was a marginal operation, and it might have been losing money."

The Ledger was a scandal sheet that played up crime stories, carried racing results on the front page, and saw its readership rise when circulation contests were running and then fall when the promotions ended. By the mid-fifties, city editor Arthur Heenan, a staunch supporter of Senator Joseph McCarthy, avidly pushed reporters to root out Reds in New Jersey. All along, the Ledger was Newark's second paper—a poor stepchild to the beloved Newark Evening News, which had more readers, national recognition, and a reputation as New Jersey's New York Times.

After Pye arrived, he walked into the newsroom one day carrying an edition of the Ledger from a year or two before. Noted gangster Longie Zwillinan had killed himself, and the paper ran a main story and eighteen sidebars (accompanying stories) on the suicide. "Mort said, 'This will never happen again,'" Joseph Carragher recalls. "The whole attitude of the place changed: the philosophy, the tone, what was important and what was not." Crime news was relegated to the back of the newspaper, and Pye began demanding a front-page education story every Sunday.

Pye decided to stay at the Ledger because he liked the New York metropolitan area, but progress was slow and the roadblocks substantial. The newspaper operation was run out of a converted horse barn on Halsey Street, and antiquated presses made it impossible to add more news and better features or build the circulation much beyond what at the time was about 200,000 daily readers.

The moment of truth came in 1963, when S. I. Newhouse sent Donald, then the general manager of the Jersey Journal, to see Pye. It was their first real conversation, and Donald Newhouse did all the talking. He said the Ledger was in bad shape and of poor quality; it was time to either spend a lot of money to build the paper up or shut it down. "We had great faith in Mr. Pye's ability as an editor and substantial belief that a properly edited paper could be a successful paper," Newhouse says. "Our decision [to continue] reflected our confidence in him as an individual."

Newhouse unequivocally displayed his faith. A new plant with new presses opened in February 1966, and though they would talk frequently, Newhouse never asked Pye for a formal plan to turn the Ledger around. Pye never had a budget, and spent what he wanted to increase news coverage and add staff. Newhouse never balked when his editor asked if he was overstepping his bounds, and he often encouraged him to spend more.

"The rules of the game were changing, and Mort and Donald saw that," says a Ledger insider. The growth of the suburbs had fostered the building of highways, and the new roads were free and clear before daybreak for the delivery of a morning paper like the Ledger. It was a snap to reach once distant towns and follow readers as they moved into Middlesex, Morris, and Somerset counties and beyond.

What helped matters was that Richard Scudder, the owner of the Newark Evening News, apparently wasn't seeing what Pye and Newhouse were. He had built a new plant in downtown Newark in the sixties, but delivery of his evening paper during daytime hours proved increasingly difficult: His trucks faced clogged roadways and had trouble getting out to the suburbs. "The News was never really able to break out of its urban base," says former Ledger political reporter Jim McQueeny. "It had news from around the state, but when people left Newark, they left the News."

Pye declines to offer specifics about going head-to-head with the News ("I don't want to talk about them, I want to talk about us," he says), but by the end of the sixties, the Ledger had as many readers—about 255,000 daily and 400,000 Sunday—as its once seemingly invincible competitor. An eleven-month strike at the News starting in [97] was the final blow; on August 31, 1972, the paper folded. That afternoon, Pye came as close to making a newsroom speech as anyone could remember. "We never had staff meetings, but Mort talked to employees for about fifteen minutes," says Fred Hillmann, a former reporter who was there at the time. "There was a sense of euphoria, but not so much because we bear the News. It was for the opportunity that we now had."

In Pye's cache of letters is this one he received from Scudder in 1984;

"Dear Mort:

"I am much indebted to your for your help in securing clippings about automobile insurance. The articles are excellent, and so far as I know, are the only thoroughly competent review of the matter by any New Jersey newspaper. Indeed, The Star-Ledger under your direction is, in my opinion, the most powerful force for good in the State today. Your series on pollution by New York was excellent.

"It makes me feel less sad about there being no Newark News to see The Star-Ledger do that kind of work so competently."

Mort Pye loves New Jersey. For proof, look no farther than his desk, where he keeps a small framed drawing by Bunny Hoest, who pens "The Lockhorns" syndicated comic strip. A few years ago, Hoest poked fun at New Jersey in one of his cartoons, and Pye promptly canceled the strip. He reinstated it when Hoest personally called to apologize and promised he wouldn't knock the Garden State again. To seal the deal, the cartoonist sent a drawing of Mr. And Mrs. Lockhorn standing in front of an outline of the state and making a toast: "We love New Jersey."

But Pye's fondness for the state is a lot more complex than that. It exists because he knows that what is good for New Jersey is good for the Ledger. Construction of Giants Stadium started seven years after the Ledger floated the idea. (Pye says he wondered, "If Green Bay can have a football team, why can't New Jersey?") The newspaper was also a force behind the building of key highways to the suburbs, like Route 78 and Route 280 (Ledger insiders call the latter the Pyeway). The Liberty Science Center and Newark's new Center for the Performing Arts represent more recent projects that the newspaper has promoted.

There's probably not a bigger newspaper in the country with a focus so relentlessly local. The Ledger depends primarily on wire-service copy for national and international news; unlike other papers its size, it has no reporters in major cities and foreign capitals. Even the news from its two-person Washington bureau always carries a hometown view. "A reporter in Sussex County at the Ledger is like a New York Times reporter based in London in terms of importance in filling the news pages," says Nancy Jaffer, who runs the Morris/Sussex/Warren county bureau.

It's all part of Pye's basic formula: Build circulation by covering things that interest the largest number of readers—but don't leave anything out. Clearly, the Ledger's franchise has been that it offers a lot of stuff for a quarter (75 cents for the Sunday edition, whose telephone-book weightiness dwarfs other New Jersey newspapers). It doesn't matter what the stuff is, because there's something for everybody; and at 25 cents, you know you're getting a good deal. "I've always credited their overall growth to the fact that they've kept the circulation price extremely low," says Frank J. Savino, a former advertising executive at the Home News and the Record of Hackensack. The Ledger cost 15 cents as recently as 1990 and remains of the cheapest daily newspapers in the state. "People bought the paper," adds Savino, "and readers mean advertisers."

But many journalists are quick to point out that a large readership doesn't necessarily mean the product is top-quality. "The Star-Ledger's strength is that no other newspaper is as thorough in its coverage of the state. There's no comparable source for the news," admits Neil Upmeyer of the New Jersey Reporter. But he feels the paper's photographs are a big culprit in its tedious feel. "Whether a social event or a legislative event, they're straightforward stock shots. That, as much as the character and length of the stories, leads readers to see the Ledger as a gray, boring paper."

Trenton was one of the first beats that Pye beefed up in the midsixties, and one of his first big crusades was against inflated milk prices. "Mort came in one Monday morning," says managing editor Chick Harrison, who was the paper's assistant city editor at the time, "and he asked, "Why are they paying less for milk on Long Island than in New Jersey?" A reporter was assigned to write a series on the issue. Soon afterward, the Legislature changed some regulations and milk prices came down.

Pye added sports coverage—an area where the News was weak—and also put reporters on the education and legal beats, because news out of the schools and the courts touched so many lives across the state. He ran a Monday party page, with pictures from a dozen or more week-end parties, and he hit on the idea of the multipart series starting on Sunday—knowing that readers would be inclined to pick up the daily paper to see what came next.

Pye also balanced his public-policy crusades with stories that catered directly to politicians and opinion makers. The front page, particularly on Sunday, is the space reserved for New Jersey's elite. Daily stories regularly feature straightforward, unexciting photographs of the state's powerful standing around in suits and ties or pearls and heels, shaking hands, cutting ribbons, or testifying before legislative committees. The dry stuff of politics is spiced with people pleasers, such as lots of sports stories, sometimes two cross-word puzzles, and both "Ann Landers" and "Dear Abby."

The voice of the Ledger is best defined by its specialty writers—Bob Braun on education, Herb Jaffe on law, and Gordon Bishop on the environment, to name a few. Over the years, these reporters have been given long leashes; they've mounted their soapboxes, and by dint of the decades spent on them, they have helped make the Ledger influential. They are loathed or revered, depending on what advocacy position they have taken up lately. The specialty reporters are often behind the Ledger's signature multiday series stories that fill page after page of the newspaper.

Responding to the charge that the Ledger's stories keep going and going longer than the Energizer bunny, assistant managing editor Leonard Fisher says: "That criticism is fair. We write too long, and part of that is the luxury of space. We're conscious of that problem, but making changes is not easy to do—It can be a battle of egos. Reporters want as much space as the next person, and they don't want their words, their pearls of wisdom, cut."

The crusades themselves have also not gone unnoticed in the media at large. Ledger reporters have become a lightning rod for criticism that they hide sometimes virulent opinion behind the guise of objective reporting. "There's unanimous opinion among journalists in the state that the newspaper often violates journalism standards by editorializing through news articles," says Upmeyer.

Not long after the demise of the Newark Evening News, Pye began to invest heavily in bureaus around the state, a strategy that has proved to be very successful. The paper today has bureaus in 15 out of 21 New Jersey counties, and by adding local coverage in areas of potential growth, the Ledger has been able to attain more circulation than the local daily newspapers.

Was all of this part of some master plan that Pye had been nurturing for years? Not exactly. The only principle at work was that he wanted to take things slowly. "In my mind I had a plan, and you had to proceed with caution so you didn't regret what you did," Pye says. Former managing editor Andy Stasiuk, who was Pye's top associate until he retired in 1992, says there was nothing formal about the way the Ledger worked. "It's a very informal place," he says. "We don't have meetings and proposals and so forth. This is a catch-as-it-flies operation."

While Pye's style was quietly cautious, he depended on Stasiuk, a hulking man whose biceps bulged out of his short-sleeved shirts, for brashness and motivation. "Andy got everybody going," says Joseph Carragher, "but Mort was back there telling Andy what he wanted. They were a great good cop-bad cop ream; if Mort wanted something, Andy carried it out, would go the extra mile to please Mort and get the staff to respond."

Chick Harrison, Stasiuk's replacement, is a more gentle spirit. Reporters observe a change in the tone of the newsroom. It's a bit quieter with a bit less nervous energy. What hasn't changed is that Mort Pye is in control.

Pye grabs the previous Sunday's front page and throws it on the table. "One of the things that pleases me is the play we give a story like that," he says, pointing to the launch of a series on biotechnology by Kitta MacPherson, his science editor. "This is not the kind of thing a tabloid would go crazy over, but it's a big story." Why? "Because [biotechnology] is important to the state," he answers. "It's a positive thing, which I like, and it could be very important to the future of the state in terms of the economy if we're in the forefront. It should get this kind of play because it's more important than another car being hijacked."

Pye relates the contents of another love letter to the Ledger, this one from Princeton scientist Joseph Cecchi effusively praising a series on biotechnology written by MacPherson in 1987. "The last line pleased me quite a bit," Pye says. "It said, 'You've made a Star-Ledger reader out of me.'"

It's just before noon on a Saturday in June. As has been his practice almost every Saturday for more than 30 years, Pye is in the composing room, taking a last look at the layout of Sunday's front page. The Sunday Ledger is his pride and joy. Saturday is a slow news day, so he has always seen Sunday as a chance to push some big idea or to launch a boffo series that would carry through the rest of the week. With 728,579 readers—over three times more than its closest competitor—the Sunday Ledger has the advantage of a front page that gets noticed.

On this Saturday, however, the end of an era is nearing. The composing room is where the copy, headlines, and pictures are pasted up together on each page, and it used to be a flurry of activity. But almost the entire operation is computerized now; millions of dollars have been spent in recent years to buy state-of-the art presses and the latest technology to go with them. The Sunday front page is one of the last pages to be done the old way, and it, too, will be done electronically in a few months.

Pye scans the page, which is mounted on a drafting table, and his attention is drawn to the headline of a D day anniversary story by Bill Gannon. It reads Memories Amid Headstones in bold type and capital letters. Wondering if it's too strong, Pye asks a composing-room worker to strip it off and put in an alternative. Memories Among the Headstones, in a lighter typeface with uppercase and lowercase characters. "That's too weak," he says. He asks for the original back. He studies it approvingly but wants a final touch: a thin line under the headline that he feels makes it slightly less overpowering. "The key to quality is attention to details," Pye says after giving the final okay. "Folks at home aren't going to notice what we're fussing over, but fussy is a good thing. It's the fun part of the business."

Curiously, despite his obvious, obsessive interest in tinkering and his willingness to embrace technological innovations, Pye steadfastly refuses to ape his competitors by livening up his sleeping giant with loud graphics, lots of color, and snappy writing. change does occur, but the pace is as leaden as the Ledger's gray look. Since last year, the Sunday front page has had color photographs and a few more varied graphic elements, but that's it.

Even as television and other media threaten to erode newspaper circulation, Pye, unlike other newspaper editors, has decided not to try to make his paper as fast-paced as watching TV. "People who are interested in a story are interested in the details. If you cut a story down to a few paragraphs, it doesn't tell you more than you already know or whet your appetite for more. We try to get all the detail, and that's what brings people to the paper. Apparently there's something right about it."

People don't leave the Star-Ledger. Its staff of some 300 reporters and editors includes financial writer Alexander Milch, who is nearing 90 and covered the depression for the Newark Evening News, and sports editor Willie Klein, who is 80. The office that houses the newspaper's four main editorial writers—three of whom are in their seventies—is fondly called the geriatric ward by some of the younger journalists. Pye makes it clear that he, too, has no plans to retire.

I ask one editor why staffers stay at the Ledger for life; he says it's because many old-timers have no place else to go. But it's also because the Ledger is a difficult place to leave. Loyalty is based on the "golden handcuff" theory; reporters are paid better than many of their unionized counterparts at other newspapers (union is a dirty word at the Ledger), and everybody's on the honor system when it comes to expense accounts and overtime. "They don't play head games that way," one reporter says. When it's time for a raise, Pye makes the call personally, and year-end bonuses are doled out bureau by bureau, as reporters and editors are summoned to Newark for a brief chat with Pye in his office.

For business writer Iris Taylor, her loyalty to the Ledger was solidified three years ago. During the recession, ad revenues were down at all New Jersey newspapers. Some were forced out of business; others laid off workers. But at the Ledger, a rare memo was circulated. It told staffers that they would never be laid off for economic reasons—a sure sign that profitability was never in jeopardy. "We don't live with the fear that we won't have a job tomorrow," says Taylor. "This is a lean-and-mean operation. The paychecks are good and the bonuses are good and there are no fancy anythings."

"No doubt there's plenty of carping among other journalists that the Ledger's stories are long and tedious, that the look is drab and boring, that opinion is passed off as fact," adds Upmeyer. "But a lot of that may also be professional jealousy. Reporters aspire to the New York Times or the Philadelphia Inquirer for the professional prestige, but they aspire to the Star-Ledger because they will get paid more and they will write for a paper with a huge circulation. You wouldn't hear a reporter carp if Mort offered him a job."

Some of the Ledger's top editors are bucking the work-till-you-drop motif, however. The newsroom was stunned two years ago when Andy Stasiuk, who was 69 at the time, announced he was retiring to Las Vegas after 38 years with the paper. Chick Harrison, who moved up from assistant managing editor when Stasiuk left, told me that he may retire as early as next year and certainly within two years, even though he just turned 65.

Former assistant city editor Isabelle Spencer once told me that she thought Pye, Stasiuk, and Harrison would all leave at once. But that wouldn't have been Pye's style. No matter how prepared their replacements might be, that would be quite a void to fill. If anything is obvious, it is that Pye believes in gradual change, and with one top editor bowing out every few years, the organization can better absorb what is a wrenching but ultimately unavoidable transition in leadership.

Whether Mort Pye will ever be ready to step down—say on May 28, 1998, his 80th birthday—may depend on how wise Christie Whitman's decision to abolish the Board of Higher Education turns out to be. Pye assures me that even though he couldn't dissuade the governor from radically changing state oversight of higher education, the Ledger and its resident pit bull, Bob Braun, will stay on top of developments under Whitman's system.

Pye won't say it, but perhaps what's at stake is the one accolade that has eluded him: the Pulitzer prize. "Mort has done something that few in the newspaper business can claim, but he hasn't been justly rewarded," says Joseph Carragher, who believes that Braun's recent work on the board's dissolution was Pulitzer-quality.

I mention to Carragher that Braun won't even have a chance at such an award unless he can expose the flaws in Whitman's policy and force her to admit that her action was foolhardy. "It may not happen this year," he concedes, "but maybe next year or the year after. It would be the crowning touch if Mort won the Pulitzer for his education coverage."

In the interim, Mort Pye will just keep selling papers—one hefty issue at a time.•

THE HOLOCAUST MEMORIAL CENTER IN WEST BLOOMFIELD

• Mr. RIEGLE. Mr. President, I rise today to offer my congratulations to the Holocaust Memorial Center in West Bloomfield, MI, which will celebrate its 10th anniversary on October 21 of this year. The HMC is America's first free standing Holocaust center. Since opening to the public, it has worked to preserve the memory of the 6,000,000 Jews killed during the Holocaust and to disseminate the universal lessons of this tragic period in history—most importantly, the need to protect the freedom and dignity of all people. Its unique facilities and educational programs instruct thousands of young people annually, and its extensive library-archive comprises one of the most impressive collections in the world on the Holocaust, the Christian-Judaic relationship, and European Jewish history.

In 1962, Rabbi Charles Rosensveig first proposed the idea for a Holocaust Memorial Center to a group of Holocaust survivors in Metropolitan Detroit. The group, known as Shaarit Haplaytah ("the Remnant"), quickly embraced the idea. After years of planning, the Holocaust Memorial Center finally opened to the public in 1984 on the Jewish Community Campus in West Bloomfield, MI. Since that time, the center has educated the public through daily tours, periodic lectures by knowledgeable Holocaust scholars and authors, and annual seminars and symposiums for teachers. In order to reach the larger community, the HMC also frequently sponsors special events such as the "Celebration of Survival" and the children's opera "Brundibar."

The contributions that have been made to the community of Detroit and to all of Michigan by the Holocaust Memorial Center in its first 10 years are significant. In addition, the HMC has served as a catalyst and a role model for other Holocaust centers in the United States and abroad. The center honors the dead and ensures that they will not be forgotten. But most importantly, the HMC perpetually strives to promote tolerance and understanding between people of diverse cultural backgrounds.

Mr. President, centers like the HMC have significantly elevated public awareness about the lessons of the Holocaust. Today, I think most Americans understand how deeply important it is that we remember the tragedies that occurred in order that history not be allowed to repeat itself. Hatred, intolerance, fear and silence were the accomplices of the Holocaust. We are very fortunate to have dedicated individuals in our communities like Rabbi Rosensveig, and the people Shaarit Haplaytah, to show us the perils of succumbing to such debilitating weaknesses. It is a pleasure to commemorate the 10th anniversary of the Holocaust Memorial Center in West Bloomfield, and it is an honor to recognize the individuals who made it possible.•

THE DEPARTURE OF TAIWANESE REPRESENTATIVE DING AND THE ARRIVAL OF TAIWANESE REPRESENTATIVE LU

• Mr. SIMON. Mr. President, over the past few months the Senate has focused additional attention on the need to improve the quality of United States relations with the 21 million people of Taiwan. By an overwhelming margin, this body has urged the Clinton administration to reduce the increasingly outdated restraints that hinder what should be a more healthy and open political dialog between the United States and Taiwan.

The Taiwan phenomenon is remarkable in many respects. Its political evolution to a wide-open democracy with free, multiparty elections makes Taiwan the first Chinese society in history to embrace democracy. Added to that is an amazing record of economic achievement, one that makes Taiwan's robust economy the envy of much of Asia. Yet, absurdly, the 21 million people of Taiwan have no voice in most multilateral organizations. On the level of such organization, other nations, our own included, sustain an artificial situation that treats Taiwan as if it does not exist. If "the truth will set us free," we must be open and honest about this issue so as to be fair to the very people whose political liberalization we so actively urged over the years.

For that reason, I introduced a resolution earlier in this session that called for reintegration of Taiwan into multilateral institutions, as well as a significant improvement in terms of dialog between this Government and the government of Taiwan. The administration has taken some small steps in the right direction, but, admittedly, most of us were disappointed that it did not seize the opportunity to make substantial, meaningful movement forward. The recent policy review will not, we trust, be the last word on United States relations with Taiwan.

That Taiwan has so far not been able to achieve the level of official recognition that its political and economic development warrants is no reflection on the caliber of its diplomatic representatives here. On the contrary; Taiwan's representatives have distinguished themselves by their energy, intelligence, and great friendship for the United States.

One such man, Ambassador Moo-Shih Ding, has just completed his tour of duty in Washington. I know I speak for others in this Chamber when I say his efforts were appreciated, and he will be truly missed. I likewise am sure my colleagues will join me in extending a warm welcome to his successor, Benjamin C. Lu, who has just assumed his duties. We pledge to the new Taiwan extending a warm welcome to his successor, Benjamin C. Lu, who has just assumed his duties. We pledge to the new Taiwan representative that our dialog with his country will continue to grow in quality and strength, both politically and economically, during his period of service here.•

NAFTA

• Mr. DECONCINI. Mr. President, about this time last year, Congress was engaged in a contentious debate about the North American Free-Trade Agreement. Many colorful remarks were made about the supposed effects NAFTA would have on the American economy. Many of the most memorable, were those made by Ross Perot. He claimed that with the passage of NAFTA there would be a "giant sucking sound" of jobs being lost in the United States and moved to Mexico.

Almost 1 year after NAFTA went into effect, however, the facts paint a much different picture than the alarmist concerns raised by some opponents of NAFTA. For example, in my home State of Arizona, it is estimated that our State's exports to Mexico in the first half of 1994 were up almost 25 percent. This comes on the heels of the 1993 all-time record high for exports to Mexico—$1.9 billion. Nationwide, United States exports to Mexico in the first half of this year were up 17 percent, a record level. Our exports to Canada during the same period increased 10 percent. These export figures compare to our exports to the rest of the world which increased 5 percent over the same period.

This increase in exports to Mexico and Canada will support an estimated 100,000 new American jobs in 1994. These jobs are in such areas as agriculture, semiconductors, computer equipment, electronics and other consumer items.

By reducing tariffs and other barriers to trade among the United States, Mexico, and Canada, NAFTA has made American products more available for Mexicans and Canadians. And when our exports are available they are popular with consumers because of their high quality. With the implementation of NAFTA we have created the largest free trade area in the world where American products are welcomed, not blocked.

Several examples from Arizona show that American companies are taking advantage of reduced tariffs and import restrictions to start selling their products and services to Mexican consumers. An Arizona housing company has contracted to build 1,000 housing units in Nogales, Mexicali, and Tijuana using building materials from the United States, a Phoenix-based bank has created a group to provide financing to medium-sized businesses seeking to increase their exports to Mexico and has joined with the largest Mexican commercial bank to establish a credit card service in Latin America, and a Phoenix based retailer is opening locations in Mexico. These are just a few of the many examples from Arizona of companies which are taking advantage of the tremendous opportunities created by NAFTA to increase the sale of their goods and services into Mexico.

Passage of NAFTA was a difficult political battle for the President and congressional supporters of NAFTA. But as we approach the 1 year anniversary of the implementation of NAFTA, all assessments show that voting for NAFTA was the right vote. NAFTA has been greatly beneficial for American companies and American jobs.•

TRIBUTE TO MARYLAND STATE SENATOR TROY BRAILEY

• Mr. SARBANES. Mr. President, it is with deep personal sadness that I rise today to pay tribute to my long-time friend and colleague, Maryland State Senator Troy Brailey, who died yesterday.

Troy and I were first elected to the Maryland House of Delegates in 1966, and served together there for 4 years. But even before he began his distinguished career of elected public service in the Maryland Legislature, which spanned 24 years, Troy Brailey was already an outstanding national leader in both the labor and civil rights movements.

Early in his life, Troy Brailey was a pullman porter, who worked with A. Philip Randolph in the early days of the brotherhood of Sleeping Car Porters to organize the porters. He went on to serve as national vice president of the Afro-American Labor Council and president of the Baltimore Division of the Porters Union.

His work on behalf of working men and women, combined with his leadership in the civil rights movement for justice and opportunity, made Senator Troy Brailey an inspiration and model for all of us.

From his early efforts helping to plan the Washington march which was called off when President Franklin D. Roosevelt issued the Executive order establishing the Fair Employment Practices Commission, to his role as State chairman and organizer of the historic 1963 March on Washington, Troy Brailey was a tireless fighter for civil rights for all of our people.

Beyond his leading role in the labor movement, civil rights, and elected public service, Senator Troy Brailey was deeply involved in countless efforts on behalf of the people he served, including many years of service on the executive board of the NAACP; the Boy Scouts; the board of directors of the YMCA; the Baltimore Street Car Museum; the Apprenticeship Advisory Board, and many others.

Mr. President, I have indeed been fortunate to be among those who were influenced by Senator Troy Brailey, who benefited from his wisdom and experience, and who were honored to have him as a friend. I extend my heartfelt condolences to his widow Chessie, his son Norman, daughter Alice, and other members of his family on the passing of this genuine champion for working men and women.•

RHINOCEROS AND TIGER CONSERVATION ACT

Mr. FEINGOLD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 692, H.R. 4924, the Rhinoceros and Tiger Conservation Act of 1994, that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to this item be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4924) was deemed read the third time, and passed.

THOMAS PAINE MEMORIAL JOINT RESOLUTION—MESSAGE FROM THE HOUSE

Mr. FEINGOLD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a joint resolution (S.J. Res. 227) to approve the location of a Thomas Paine Memorial.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 227) entitled "Joint resolution to approve the location of a Thomas Paine Memorial", do pass with the following amendments:

Strike all after the resolving clause, and insert:

That (a) the location of a Thomas Paine Memorial, authorized by Public Law 102–407, as amended by Public Law 102–459, within either Area I or Area II as described in Public Law 99–652 (100 Stat. 3650), is approved and (b) the location of a World War II Memorial, authorized by Public Law 103–32, within either Area I or Area II as described in Public Law 99–652 (100 Stat. 3650), is hereby approved.

Strike the preamble, and insert:

Whereas section 6(a) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (Public Law 99–652; 100 Stat. 3650) provides that the location of a commemorative work in the area described as Area I shall be deemed disapproved unless the location is approved by law not later than 150 days after notification of Congress that the commemorative work may be located in Area I; and

Whereas Public Law 102–407, as amended by Public Law 102–459, authorized the Thomas Paine National Historical Association U.S.A. Memorial Foundation to establish a memorial on Federal land in the District of Columbia to Thomas Paine; and

Whereas Public Law 103–32, approved May 25, 1993 (107 Stat. 90), authorized the American Battle Monuments Commission to establish a memorial on Federal land in the District of Columbia to members of the Armed Forces who served in World War II; and

Whereas the Secretary of the Interior has notified the Congress of his determination that such memorials should be located in Area I: Now, therefore, be it

Amend the title so as to read as follows: "Joint resolution approving the location of a Thomas Paine Memorial and a World War II Memorial in the Nation's Capitol".

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate concur in the House amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

WARREN B. RUDMAN UNITED STATES COURTHOUSE—MESSAGE FROM THE HOUSE

Mr. FEINGOLD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2073.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2073) entitled "An Act to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse", and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. WARREN B. RUDMAN UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse to be constructed in Concord, New Hampshire, shall be known and designated as the "Warren B. Rudman United States Courthouse".

(b) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Warren B. Rudman United States Courthouse".

SEC. 2. JAMIE L. WHITTEN FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building located at the northeast corner of the intersection of 14th Street and Independence Avenue, Southwest, in Washington, District of Columbia, shall be known and designated as the "Jamie L. Whitten Federal Building".

(b) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Jamie L. Whitten Federal Building".

SEC. 3. WILLIAM H. NATCHER FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The Federal building and United States courthouse located at 242 East Main Street in Bowling Green, Kentucky, shall be known and designated as the "William H. Natcher Federal Building and United States Courthouse".

(b) LEAGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "William H. Natcher Federal Building and United States Courthouse".

Amend the title so as to read: "An Act to designate the Warren B. Rudman United States Courthouse, the Jamie L. Whitten Federal Building, and the William H. Natcher Federal Building and United States Courthouse.".

Mr. FEINGOLD. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. FEINGOLD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURES INDEFINITELY POSTPONED—H.R. 4576 AND H.R. 4577

Mr. FEINGOLD. I now ask unanimous consent that Calendar No. 572 and 573 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL SATURDAY, OCTOBER 8, 1994 AT 9 A.M.

Mr. FEINGOLD. Mr. President, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 12:34 a.m., recessed until tomorrow, Saturday, October 8, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 7, 1994:

EXECUTIVE OFFICE OF THE PRESIDENT

G. EDWARD DESEVE, OF PENNSYLVANIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE EDWARD JOSEPH MAZUR, RESIGNED.

MARTIN NEIL BAILY, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE ALAN S. BLINDER, RESIGNED.

SECURITIES INVESTOR PROTECTION CORPORATION

CHARLES L. MARINANCCIO, OF THE DISTRICT OF COLUMBIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996, VICE GEORGE H. PFAU, JR., TERM EXPIRED.

FEDERAL TRADE COMMISSION

ROBERT PITOFSKY, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM SEPTEMBER 26, 1994, VICE DEBORAH KAYE OWEN, TERM EXPIRED.

NUCLEAR REGULATORY COMMISSION

ROBERT M. SUSSMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF 5 YEARS EXPIRING JUNE 30, 1998, VICE JAMES R. CURTISS, TERM EXPIRED.

COMMUNICATIONS SATELLITE CORPORATION

CHARLES T. MANATT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1997, VICE RUDY BOSCHWITZ.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. SAMUEL E. EBBESEN, [redacted]

CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 7, 1994:

DEPARTMENT OF THE TREASURY

VALERIE LAU, OF CALIFORNIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY.

DEPARTMENT OF STATE

THOMAS E. MCNAMARA, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE.

THE JUDICIARY

VANESSA RUIZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF 15 YEARS.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

ALAN J. DIXON, OF ILLINOIS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 104TH CONGRESS.

ALAN J. DIXON, OF ILLINOIS, TO BE CHAIRMAN OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

ENVIRONMENTAL PROTECTION AGENCY

FREDERIC JAMES HANSEN, OF OREGON, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF EDUCATION

G. MARIO MORENO, OF TEXAS, TO BE ASSISTANT SECRETARY FOR INTERGOVERNMENTAL AND INTERAGENCY AFFAIRS, DEPARTMENT OF EDUCATION.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JOEL DAVID VALDEZ, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JORGE M. PEREZ, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

CHARLES R. WILSON, OF FLORIDA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS.

STEVEN SCOTT ALM OF HAWAII, TO BE U.S. ATTORNEY FOR THE DISTRICT OF HAWAII FOR THE TERM OF 4 YEARS.

EISENHOWER DURR, OF MISSISSIPPI, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS.

MICHAEL R. RAMON, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA.

MICHAEL D. CARRINGTON, OF INDIANA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS.

ROBERT BRADFORD ENGLISH, OF MISSOURI, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS.

JOHN R. MURPHY, OF ALASKA, TO BE U.S. MARSHAL FOR THE DISTRICT OF ALASKA FOR THE TERM OF 4 YEARS.

HERBERT M. RUTHERFORD III, TO THE DISTRICT OF COLUMBIA, TO THE U.S. MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF 4 YEARS.

ROBERT MOORE, OF ILLINOIS, TO BE U.S. MARSHAL FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS.

SHELDON C. BILCHIK, OF MARYLAND, TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

STATE JUSTICE INSTITUTE

JOSEPH FRANCIS BACA, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1995.

ROBERT NELSON BALDWIN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1995.

FLORENCE K. MURRAY, OF RHODE ISLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1995.

THE JUDICIARY

JAMES A. BEATY, JR., OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

DAVID BRIONES, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS.

OKLA JONES II, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

G. THOMAS PORTEOUS, JR., OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

JAMES ROBERTSON, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

THOMAS B. RUSSELL, OF KENTUCKY, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY.

KATHLEEN M. O'MALLEY, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

DAVID F. HAMILTON, OF INDIANA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.

DIANE E. MURPHY, OF MINNESOTA, TO BE U.S. CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

FRED I. PARKER, OF VERMONT, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

WILLIAM T. MOORE, JR., OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA.

DAVID A. KATZ, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

SEAN J. MCLAUGHLIN, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

ELAINE F. BUCKLO, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

ROBERT W. GETTLEMAN, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

HELEN W. GILLMOR, OF HAWAII, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF HAWAII.

ROSLYN MOORE-SILVER, OF ARIZONA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

ALVIN W. THOMPSON, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

WILLIAM H. WALLS, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

SVEN E. HOLMES, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

VICKI MILES-LAGRANGE, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA.

HOUSE OF REPRESENTATIVES—*Friday, October 7, 1994*

The House met at 12 noon.

The Reverend Gabriel O'Reilly, pastor, St. David's Church, Davie, FL, offered the following prayer:

Almighty God, You spoke to man a message of peace. Your message took form in the vision of our forefathers as they fashioned a nation where people might live as one. This message lives on in our midst as a task for men and women today and a promise for tomorrow.

We thank You for Your blessings in the past and for all that with Your help we must yet achieve. Hear our prayer for this House of Representatives. By their wisdom and integrity may there be lasting prosperity and peace. As they decide, debate, divide, and appropriate, teach them the wisdom of the old Indian proverb "we did not inherit this land from our forefathers; we are merely borrowing it from our children." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Virginia [Mr. MORAN] to come forward and lead the House in the Pledge of Allegiance.

Mr. MORAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 3050. An act to expand the boundaries of the Red Rock Canyon National Conservation Area;

H.R. 3678. An act to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources;

H.R. 4196. An act to ensure that timber-dependent communities adversely affected by the Forest Plan for a Sustainable Economy and a Sustainable Environment qualify for loans and grants from the Rural Development Administration;

H.R. 4535. An act to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes;

H.R. 4777. An act to make technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees;

H.R. 5084. An act to amend title 13, United States Code, to improve the accuracy of census address lists, and for other purposes;

H.R. 5116. An act to amend title 11 of the United States Code;

H.J. Res. 271. Joint resolution designating the month of November in each of calendar years 1993 and 1994 as "National American Indian Heritage Month."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4278) "An Act to make improvements in the old-age, survivors, and disability insurance program under title I of the Social Security Act."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 783) "An Act to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization" with amendments.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2440) "An Act to Amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes."

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 560. An act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes;

S. 1413. An act to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics for eight years, and for other purposes;

S. 2433. An act to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes;

S.J. Res. 188. Joint resolution to designate 1995 the "Year of the Girl Child"; and

S. Con. Res. 66. Concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1614) "An Act to Amend the Children Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes."

A WELCOME TO FATHER O'REILLY

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, it is my honor today to introduce Father O'Reilly, who is the pastor at St. David's Catholic Church in Davie, FL, West Briar County, in my district.

He is up here today for a ceremony at the White House. St. David's School is one of the few schools in the country that has won the national blue ribbon award for excellence. The school has over 800 students. The church started over 20 years ago in a restaurant in Davie, and it has now grown to over 17,000 parishioners.

I welcome him with us today.

PRIVATE CALENDAR

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that today there be a special call of the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

POSTPONING CONSIDERATION OF CERTAIN ELIGIBLE BILLS ON THE PRIVATE CALENDAR

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that H.R. 3718, Calendar No. 6, for the relief of Mark A. Potts; H.R. 1184, Calendar No. 9, for the relief of Jung JaGolden; and H.R. 2084, Calendar No. 10, for the relief of Fanie Phily Mateo Angeles, each be passed over without prejudice en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. The Clerk will call the next eligible bill on the Private Calendar.

LLOYD B. GAMBLE

The Clerk called the bill (H.R. 3344) for the relief of Lloyd B. Gamble.

There being no objection, the Clerk read the bill, as follows:

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 3344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROPRIATION OF FUNDS.

(a) PAYMENT.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Lloyd B. Gamble of Fairfax, Virginia, the sum of $253,488.

(b) BASIS.—The payment required by subsection (a) shall be to compensate Lloyd B. Gamble for the injuries sustained by him as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by United States Army personnel in 1957.

SEC. 2. SATISFACTION OF CLAIMS.

The payment made pursuant to section 1 shall be in full satisfaction of all claims Lloyd B. Gamble may have against the United States for any injury described in such section.

SEC. 3. INELIGIBILITY FOR ADDITIONAL BENEFITS.

Upon payment of the sum referred to in section 1, Lloyd B. Gamble shall not be eligible or any compensation or benefits from the Department of Veterans Affairs or the Department of Defense for any injury described in such section.

SEC. 4. LIMITATION OF AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount of more than 10 percent of the amount paid pursuant to section 1 to be paid to or received by any agent or attorney for any service rendered to Lloyd B. Gamble in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTHUR A. CARRON, JR.

The Clerk called the bill (H.R. 3917) for the relief of Arthur A. Carron, Jr.

There being no objection, the Clerk read the bill, as follows:

H.R. 3917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(b) of title 31, United States Code, shall not apply with respect to a claim by Arthur A. Carron, Jr., of Bark River, Michigan, for amounts due to him by the Department of the Navy. The amounts due are represented by the following checks that were received but not negotiated by Arthur A. Carron, Jr.:

(1) Treasury check number 2,831,843, dated October 18, 1966, in the amount of $10,850.74 for salary and expenses.

(2) Treasury check number 10,445,856, dated January 29, 1971, in the amount of $1,361.00 for salary and expenses.

(3) Treasury check number 71,681,041, dated April 1, 1971, in the amount of $562.25 for retirement pay.

SEC. 2. DEADLINE.

Section 1 shall apply only if Arthur A. Carron, Jr., or his authorized representative, submits a claim pursuant to such section before the expiration of the 3-month period beginning on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This completes the call of the Private Calendar.

CHILDREN AND HEALTH CARE

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, while my colleagues and I will go home to our respective districts next week to campaign and to talk about what happened to health care reform, 9.6 million uninsured children, and 1 million uninsured pregnant women, primarily poor, will continue to go without access to badly needed preventive, primary, and acute health care. In addition, millions of children live in medically unserved areas of the country, whereby access to health insurance would not ensure access to timely health care.

These children do not have a primary care doctor whom they see on a regular basis. Instead, they get their medical care in local emergency departments and free clinics when their situation has become acute. There is no case management, no followup, no parental counseling, and no preventive measures instituted to avoid recurring episodes of unnecessary illness or injury.

For those of us covered under the Federal Employee Health Benefit Program, when our children are ill, we do not think twice about seeking medical advice from our regular pediatrician or pediatric specialist. When an uninsured child becomes ill, the parent has no alternative. Even under Medicaid, a program originally intended to overcome financial barriers to preventive and primary health care for the poor children and pregnant women, the low level of physician reimbursement precludes significant participation by pediatricians.

In those States with particularly low Medicaid reimbursement rates, children are seen in emergency departments, not in doctors' offices. These children, who are at high risk for a number of acute and chronic conditions, never get the opportunity to receive the legislated benefit package of preventive screening and diagnostic services, and thus do not reap the intended long-term benefits of improved health status.

Children that live in medically underserved areas or are uninsured, including many who are Medicaid eligible, are more likely to have chronic health problems from birth complications; they have higher blood lead levels; they are three times more likely to have severely impaired vision, two times more likely to have severe iron deficiency; they suffer from more severe cases of asthma; and they have poorer survival rates from life-threatening conditions such as leukemia. Uninsured children are 75 percent more likely to be admitted to a hospital in a given year and for four times as long as other children. They miss 40 percent more school days than the nonpoor due to acute illness, and 30 percent more due to chronic health problems which go uncontrolled.

Pregnant women who are uninsured or live in medically underserved areas do not receive timely or adequate prenatal care and counseling, and are at high risk for delivering low-birth-weight babies. In fact, 86 percent of all infant deaths and 86 percent of all low-birth-weight babies are born to these women. Low-birth-weight babies are at risk for a multitude of acute and chronic health problems that follow them throughout their lives. For every $1 spent on prenatal care, an average of $15 is saved on the care of each low-birth-weight baby and complications of delivery.

Providing preventive and primary health care to pregnant women and children is one of the most effective and least costly investments our Nation can make to lower its total health bill and improve health status. Without exception, European countries take the health and welfare of their children much more seriously than we do, through federally funded, comprehensive preventive health programs aimed at the young and, as a direct result, face lower total medical bills. For example, the average age of detecting impaired hearing in the United States is 2½ years of age, compared to 7 months in countries like the United Kingdom and Israel. The mortality rate of American children 1–4 years of age is 35 to 250 percent greater than in Europe, primarily due to preventable injuries. While European countries are experiencing a decline in death rates among teenagers, U.S. teens are dying in greater proportions: They are 31–66 percent more likely to die than their European counterparts.

Our children are the future of this country. Yet, over one-fourth of all U.S. children live in poverty, and less than half of these families participate in any assistance program. Fewer than one-third of all eligible children participate in Medicaid, in large part due to the gross underfunding of the program.

Children have replaced the elderly as the predominant group living in poverty in this country. We explicitly require all employers and employees to pay for the health needs of their parents and grandparents through the Medicare hospital insurance tax, yet we leave the fate of our children to legislators faced with increasingly tight State budgets. Real per capita spending of Medicaid, AFDC, and Social Security for surviving children continues to decrease by several percentage points a year, in contrast to real per capita spending on Medicare and Social Security, which continue to increase.

The problem of inadequate health coverage is not limited just to poor children. Fewer than half of all private insurance policies cover the range of preventive and primary care services recommended for children, resulting in financial deterrents to seeking prenatal care, immunizations, screening, and early detection of illness. I have been working on a plan to extend health insurance and appropriate medical services to uninsured children and pregnant women of working families. I have called this bill KidsCare, as it is intended to improve the health and medical care that is available to all children.

The bill would establish a federally funded program for States to expand coverage to pregnant women and children up to 200 percent of the Federal poverty level; expand the capacity of the Public Health System to better meet the needs of underserved populations across the country; increase funding to the National Institutes of Health for biomedical and behavioral research on diseases that disproportionately affect children and pregnant women; institute insurance reforms to ensure that no one could be denied health insurance as a result of a preexisting condition; and establish a 100 percent tax deduction for the self-employed.

The bill is financed by revenues derive from a $2 excise tax on tobacco products. Tobacco products are the leading cause of morbidity and mortality in the United States and cost taxpayers in excess of $65 billion each year, in medical costs and lost productivity.

As the 103d Congress comes to a close, we must rededicate ourselves to protecting the health and welfare of our children. KidsCare is meant to serve as a staring point for comment and discussion. I hope that Members of Congress can work together over the next few months to craft legislation that achieves the goals articulated in this bill. We have a responsibility, as trustees of the national interest, to protect and nurture our most important national resource, our children.

PARTISAN POLITICS

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, the lobby reform bill presently in the Senate is being destroyed by partisanship. The partisanship was first evident when the so-called gag rule was attached to it after it passed the House; in other words there is little doubt that this was inserted by the liberal Democrats to risk the passage of the bill. This gag rule was aimed at severely threatening grassroots or spontaneous lobbying by individuals of the Members of Congress.

I voted against the bill after the gag rule was attached to it; having voted for it without the gag rule.

The liberal Democrats at this late date now say that they will remove the gag rule provisions if the Senate Republicans would allow this bill to come to a vote; the Senate Republicans incredibly are now saying that they will block this legislation anyway. This is partisanship obstructionism, meaning that the reason for the resistance is based more on which party will get the credit as opposed to the merits of the bill.

It is this that is destroying our country. I respectfully ask the Senate Republicans to release this bill so that we can vote on it. And I plead with the small number of people who control this Congress to please quit using partisanship as a reason to strangle the attempts of Americans to reform this body.

IN TRIBUTE TO THE HONORABLE TIM VALENTINE, THE HONORABLE STEPHEN L. NEAL, AND THE HONORABLE J. ALEX McMILLAN

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, when this House adjourns sine die in November, three very special friends and colleagues from North Carolina will return home for a well-deserved retirement: Congressman TIM VALENTINE, Congressman STEPHEN NEAL, and Congressman ALEX McMILLAN.

Each of these very special Members has brought extraordinary talents and made unique contributions to this body.

TIM VALENTINE is a man of great humor and common sense and his expertise in transportation and scientific research issues has served his district well, since he represents one of the fastest growing areas of North Carolina and the very valuable Research Triangle Park area where much of the research in our state is conducted.

STEVE NEAL has been a steady and competent member of the Committee on Banking, Finance and Urban Affairs and has developed recognized expertise in those very complex banking issues which have been so important and which have experienced so much progress in this session of the Congress.

ALEX McMILLAN has brought to the Congress great knowledge and experience in business to our deliberations and has been a leader as we have addressed subjects of economic prosperity and fiscal responsibility, the latter being a particular interest of his in his capacity as a senior member of the Committee on the Budget.

I commend these three gentlemen on their very fine service to this institution and wish them God's speed and His blessing as they begin their retirement.

☐ 1210

IT'S TIME FOR A CHANGE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, this November the voters are going to be offered a real choice—vote to maintain the status quo, or vote to change the way Congress does its business. After 40 years of Democrat control of the House, the Democrats have continuously strangled issues that are important to the American people. It's time to make a change.

Republicans have signed a contract with the American people. We have pledged to bring to the floor issues like term limits, congressional reform, tax cuts for families, welfare reform. If Republicans take control, we promise to take action in the first 100 days. And, unlike Bill Clinton's empty promises of middle class tax cuts and health care reform, we will keep our promise.

It is time to make a change, Mr. Speaker—it is time to make a change for the better. It is what the American people want, and it is what the American people deserve.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3392

Mr. YATES. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill, H.R. 3392.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

ROZA ROBOTA

(Mr. Yates asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, this year and next we mark the 50th anniversaries of a series of military achievements leading across Europe and the Pacific toward the end of World War II. As we remember and celebrate the heroic progress of the Allied Forces, let us also remember and celebrate other heroes of whom we know less—those who struggled against the Nazis and their collaborators even while in their very grasp. Few survived to tell their stories; it is for us to speak on their behalf.

Fifty years ago this week on October 7, 1944, prisoners assigned to work the crematoria at Auschwitz-Birkenau revolted, blowing up one of the four crematoria and killing several SS. Virtually all the resisters where killed as they tried to flee. Their bravery was made possible by the bravery of others—women who over a period of weeks smuggled explosives from their forced labor in a nearby factory. Today I want to tell you the story of those women and the woman who led them.

Already politically active, 18-year-old Roza Robota became involved with the resistance when the Germans occupied her hometown of Ciechanow, Poland, in 1939. In 1942, her family was departed from the ghetto to Auschwitz-Birkenau, where her parents were immediately sent to their deaths. Roza was selected for the slower death of slave labor. Unlike most of the women, who were assigned to a factory that produced detonators for grenades, she was assigned to a clothing warehouse.

Knowing of her work in the ghetto, the camp underground soon contacted Roza. An uprising was being planned, and she was assigned to procure the explosives for bombs to be used during the revolt. Roza recruited other women from Ciechanow who worked in the factory's powder pavilion. Despite the scrutiny of guards, despite their own fears, they agreed to steal explosives while working, smuggling them out to Roza during the night shift.

For weeks, 20 Jewish women carried small quantities of explosives out of the factory, concealing the powder in their head scarves and mess tins. Each night, Roza collected their offerings and turned them over to her underground contact. The powder eventually made its way to a man we know only as Filatov, a Russian prisoner of war who served as the underground's bombmaker.

The bombs were made, but the planned uprising never came—time and again, circumstances forced postponement. But for the Sonderkommando, the prisoners forced to spend their days loading piles of corpses into the crematoria, postponement had become intolerable. They saw first-hand the cost of delay. They had waited in vain for an uprising to save the 400,000 Hungarian Jews who comprised one of the last mass transports to Birkenau. They could wait for the underground uprising no longer. On October 7 they acted.

The enraged SS soon traced the explosives used by the Sonderkommando back to the factory. Three weeks after the revolt, they arrested Esther Wajsblum, Ella Gertner, and Regina Saphirstein, powder pavilion workers. They also arrested Roza Robota.

Three months of torture followed. All four suffered terribly, with Roza Robota, as the chief suspect of the SS, subjected to singular cruelty. SS suspicions were correct—only Roza, as the direct link between the smugglers and the underground, knew the names of all involved. Knowing the brutality Roza faced, her underground comrades expected the worst. But their fears, although understandable, were misplaced. Torture destroyed Roza's body, but not her spirit. She named no names. She betrayed no one. She asked only that others continue her struggle. "It is easier to die," she told one of the last to see her, "when you know that the others will go on."

All four women were hanged on January 6, 1945—6 days before the Red Army liberated Auschwitz. Roza was 23 years old when she died.

URGING MEMBERS TO SUPPORT THE PILT BILL

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I come to the well to talk about an issue that will be on the floor shortly. It is called PILT, payment in lieu of taxes. This is a bill that has to do with fairness and equity.

Traditionally local units of government have been reimbursed by the Federal Government when there is a great deal of federally owned land or property there that does not produce the typical taxes that support local units of government. Since 1976, Mr. Speaker, this PILT payment has not been adjusted, and it affects primarily, of course, the States in the West.

My State of Wyoming is 50 percent owned by the Federal Government. Nevada is as much as 85 percent federally owned. However, there are still, of course, services to be provided: hospital services, sheriff services, all kinds of services to people who come to these Federal facilities.

Today we are going to talk about being able to update that 1976 payment to States so local governments can continue to provide services, can continue to have an economic future in the West. It affects 49 States, but particularly those States in the West. I urge my associates in the House to vote yes on this PILT bill today.

TRIBUTE TO JOHN N. McMAHON

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, today I have the pleasure of paying tribute to one of my constituents, John McMahon, on the occasion of his retirement as president of the Lockheed Missiles & Space Systems Group.

John McMahon has been with Lockheed since 1986. He has steered Lockheed Missiles & Space Co. through economic shoals that have snagged other corporations. During this time he has been an outstanding community leader. Just as importantly, he has ensured that Lockheed was always a good corporate citizen.

John McMahon is one of the most respected and trusted authorities on our Nation's national security. His integrity is well-chronicled, his expertise acknowledged by our leaders. The decorations a grateful country bestowed on him speak of his courage and public service.

Mr. Speaker, when John McMahon retired from the Central Intelligence Agency in 1986, Congress passed a concurrent resolution commending his service. Today, Mr. Speaker, I know my colleagues join with me in acknowledging his retirement from Lockheed and the success and service he has performed during his tenure there.

REFLEX SYMPATHETIC DYSTROPHY

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, today I rise to discuss a difficult illness that afflicts millions of Americans, but which is often overlooked—reflex sympathetic dystrophy or RSD.

RSD is a chronic neurological condition of severe, burning pain, extreme sensitivity to touch, excessive swelling, and changes in bone and skin tissue. Its attacks can last from 1 hour to days on end. It often completely debilitates the victim.

This illness was brought to my attention by a brave lady in my district who deals with it every day. Her name is Esther Miller, and she has organized support groups and lobbied our general assembly in Virginia to pass RSD awareness week.

As a nation, we need to focus on finding a cure, preserving the rights of RSD sufferers to seek doctors who understand this illness, and holding open access to experimental treatments that offer real hope. I urge my colleagues to learn more about RSD and to join me in bringing greater awareness to this condition.

HAPPY 21ST BIRTHDAY TO BRIAN FRANK

(Ms. HARMAN asked and was given permission to address the house for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, for this new Member, the last day of the 103d Congress is symbolic. It marks the end of the chapter in a long journey, a journey full of challenges, many successes, some disappointments, and lots of hard work.

It is a journey most of us could not have made without the love and support of our families. Certainly I could not have made it.

So it is fitting that as I observe a milestone today, I also observe a milestone in the life of the oldest of my four children, whose 21st birthday is today.

I am now blessed with an adult son who, very early in his life, displayed kindness and gentleness as well as rigorous intellect and good judgment. I have watched these qualities develop—and benefited from his extraordinary skills and loyalty as he worked in my campaign this summer.

Brian, I am very proud to be your mother. Happy 21st birthday.

APPARENT GRIDLOCK OFTEN REFLECTS THE WILL OF THE AMERICAN PEOPLE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, as we come on what I hope, and I think most of my colleagues hope, will be the last day of this part of our session before we go home for the election, I could not help but reflect a moment on what so often is written in the paper as gridlock.

Mr. Speaker, I hope that the American people will look at that and not just accept that this Congress is controlled by gridlock. One person's gridlock is another person's checks and balances. I believe very firmly that when a bill does not make it through this process, more often than not, it is a piece of legislation that the American people do not want, Not something that this body cannot pass, because we do reflect, to a great degree, what the American people want.

If we want to get rid of gridlock, then we need to come to the middle on issues and address legislation in a way that is acceptable to the American people.

CAMINO REAL CORRIDOR AND COMMISSION

(Mr. COLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN. Mr. Speaker, I rise to announce that I am introducing legislation to create the Camino Real Corridor and Commission.

While the passage of NAFTA will no doubt affect the entire Nation, perhaps no area will witness greater changes than the Southwestern region along the Mexican border. Along this border, El Paso is the busiest point of entry for commercial trucks. Eighteen percent of United States imports from and 25 percent of United States exports to Mexico pass through the El Paso-Ciudad Juarez region each year.

To ensure the smooth flow of this traffic, I am introducing legislation to create the Camino Real Corridor, which would be achieved through the enhancement of the trade route that today connects El Paso to Albuquerque to Denver, and of the border arterials that feed into this route.

I am also proposing the creation of the Camino Real Corridor Commission. This board would be responsible for making recommendations to maximize effective utilization of the highways and border crossings of the corridor.

We should not wait until our borders and our trade routes are overwhelmed before taking decisive action. Our infrastructure and our border enforcement agencies should keep pace with growing trade levels, and with the realities of increasing international interdependence. For this reason, the creation of the Camino Real Corridor and its accompanying commission deserves the support of my colleagues.

□ 1220

TOO LIBERAL FOR TOO LONG

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, President Clinton seeks to change his colors just like the fall leaves. And he only does it during autumns with an election.

This chameleon candidacy of the Democrat party has become a see-through strategy to the American people.

So in addition to trying to hide themselves, Democrats are trying to disguise and distort the Republican record. That is why President Clinton has begun attacking our contract with America.

Our contract was signed, sealed, and delivered to the American people, not in backroom deals, but in broad daylight on the Capitol steps.

It is what America wants from Washington. A positive statement that we will cut the spending, balance the budget, rebuild our defense, and secure this country.

Without good ideas of his own, President Clinton has decided to attack the good ideas of others.

President Clinton and his party have been too liberal for too long. They know it, the Nation knows it, and their only hope is that voters forget it in time for the election.

ESTONIAN FERRY VICTIMS RELIEF FUND

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I rise today to pay tribute to compassion and generosity in the face of tragedy. Many of us were greatly saddened by the recent sinking of the passenger ferry *Estonia* last month. Now, a group of Americans of Baltic descent is spearheading a response.

Nearly 1,000 people were lost when the *Estonia* sank, many of them from Lithuania, Latvia, Estonia, and Sweden. Hundreds of families have been devastated by these tragedies.

Now the Estonian American National Council and the United States-Baltic Foundation are working to provide much-needed help. They have established the Estonian Ferry Victims Relief Fund to provide financial assistance to the grieving families.

The group plans a short campaign of fund-raising so that help may be given as quickly as possible. In addition, all funds raised through this campaign will be directed to the families.

I commend those involved in this important effort, and hope they will be able to assist many.

SENIOR CITIZENS' EQUITY ACT AND OUR CONTRACT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the American people are no longer willing to endure the ceaseless torrent that has poured out of the House of Representatives for the last 40 years.

But no single group has been hit harder by this reign of taxation than our senior citizens, who were forced to watch 85 percent of their Social Security checks become taxable under President Clinton's 1993 Budget Act.

The Senior Citizens' Equity Act, included in our contract with America, will reverse this alarming trend of increased taxation on our seniors. We must ensure that our senior citizens will be able to keep more of their money without losing their hard-earned benefits.

Mr. Speaker, unlike candidate Clinton's empty promises to "lift the Social Security earnings test limitation," the more than 300 Republican Members and challengers who signed the contract with America will guarantee that this tax relief for our senior citizens is debated right here in this very Chamber.

I urge all my colleagues, Democrats who did not sign the contract and Republicans who did, to endorse this proposal, and help secure the golden years of our Nation's elderly.

FAREWELL FROM HON. ROMANO L. MAZZOLI

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, this is not technically the last day of the 103d Congress; we will meet in November for the lame duck session on GATT, but I think this might be a propitious time for me to tell all my colleagues what a great privilege and honor it has been for me to serve as a Member of Congress. I will, as you know, not be returning in the 104th Congress having decided last year to return to Kentucky and to take up a new life of one sort or another after this congressional life.

But, I wanted all my friends to know, and you are all my friends, that your love and your support and your friendship over these years has been absolutely magnificent. I have appreciated it, my wife and my family have, and we will take away as we return to Kentucky the wonderful and warm feelings of this place and all of its people.

Mr. Speaker, I have no idea exactly what the Lord has in mind for me for the future, but I hope it is something that will allow our paths to cross very often.

I thank you, I love you, and may God shower His blessings on each and every one of you.

HOUSE REPUBLICAN CONFERENCE RESOLUTION CONFERRING TITLE OF HOUSE REPUBLICAN LEADER EMERITUS TO THE HONORABLE ROBERT H. MICHEL

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I have asked for this 1-minute to read into the RECORD of the United States House of Representatives the following resolution:

Whereas Republican Leader Bob Michel is retiring from the Congress after 19 terms of service to his country and his constituents as a Representative from the 18th District of Illinois;

Whereas Bob Michel has led House Republicans for 14 years with high honor, dignity and integrity beyond reproach;

Whereas his stalwart leadership has left an indelible mark on the course of our country's history and made lasting contributions that will benefit not only the Republican Party but generations of Americans yet to come;

Whereas that leadership skill and resolve has brought House Republicans to the brink of taking control of the House for the first time in 40 years;

Whereas his constancy of character, legacy of leadership and dedication to family sets a high standard to which all of us can aspire as we confront new challenges in the years ahead;

Whereas his unending store of patience, common sense advice and cheerful demeanor will remain much in need after he officially steps down: Now, therefore, be it

Resolved, That, in appreciation of those years of service, in recognition of his unparalleled institutional knowledge, expertise in world affairs and wisdom born of experience, and in fond hope that he will remain active in our ranks, the House Republican Conference hereby proudly confers upon Republican Leader Robert H. Michel the title House Republican Leader Emeritus, with all the rights and privileges that the title entails, including, but not limited to, regular attendance at any and all House Republican Leadership meetings, caucuses and other gatherings, official and social; Be it further

Resolved, That the House Republican Conference extends to him and his family a sincere wish for many good years of health and happiness in a retirement well and honorably earned;

And that the House Republican Conference officially extends to his wife, Corrinne, and their children, spouses and grandchildren genuine appreciation for the sacrifices that they have endured so that her husband, their father and grandfather could so honorably serve his country;

With heartfelt gratitude and profound respect, on this day, October 7, 1994.

INTERIM RESULTS OF CLINTON ECONOMIC PLAN

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the Clinton economic plan promised change. Here is the change. The Clinton Congress has increased poverty. Yes, the number of Americans living in poverty increased to 39.3 million last year. That is 15.1 percent of the population, up from 14.8 percent of the population in 1992, the last year under President Bush. In fact, poverty has not been this high since the early 1980's, before the Reagan economic recovery took hold and brought us better times.

But wait. The news gets worse. Income is down. In 1989 under George Bush, median household income was over $33,000. Today it is a whopping $2,300 less.

The Clinton Congress was going to help women in the workplace. Well, for female workers median wages dropped from $22,000 in 1992 to $21,700 in 1993. The U.S. worker, man or woman, and the American family, cannot take too much more of the Clinton Congress and the Clinton administration. America is getting poorer and the American middle class is going broke.

REPUBLICANS' PRETZEL POLITICS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the two things that you do not want to watch, as the old saying goes, is making sausage and making law.

Well, the Republicans have come up with a new one—making pretzels.

The Republicans are practicing what some are starting to call pretzel politics. They bemoan gridlock on the one hand and they tie the legislature in knots on the other.

And they have succeeded. They have scuttled GATT, the housing bill, campaign finance reform, Superfund, and legislation banning free meals, trips, and golf games to Congressmen.

They complain about unfair rules in the House and Senate when what they really want is inaction.

They gripe about a Congress that does not respond to the American people and then they filibuster every bill, even bills like lobbying reform that have support in every corner of America.

Mr. Speaker, as Congress winds down, the Republican pretzel politics is certainly tying Congress and the American people in a knot. But on November 8, the Republicans are going to find they have tied someone else in a knot—themselves.

TRIBUTE TO HON. HELEN DELICH BENTLEY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, when I was running for Congress in Maryland 2 years ago, I came upon a force that was unusually strong, profoundly outspoken, and one of the warmest, most honest entities I had ever encountered. I am, of course, talking about Congresswoman HELEN DELICH BENTLEY.

HELEN told me I had a tough row ahead of me. She let me know in no uncertain terms that I had to be better, smarter, and tougher than I was when I was first out of the gate. Suffice it to say, she did not sugarcoat her advice to me. And I am eternally grateful to her for this.

As countless Marylanders and others nationwide have learned—when HELEN BENTLEY is on your side, she is 100 percent on your side. There is nothing superficial about this woman. And that is a lesson many in Washington can learn from her.

I have learned a great deal from this unique woman, and I look forward to learning a lot more from her in her next endeavor. HELEN BENTLEY has been a grand success at literally everything she has attempted. There will be many more successes.

□ 1230

AGENTS OF CHANGE CONVERTED TO AGENTS OF THE STATUS QUO

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, 2 years ago in the 1992 campaign Members of Congress all started as agents of change in terms of making change and President Clinton in his State of the Union address in the proposals put before Congress sought to accomplish that change to challenge the order of priorities that existed. But as many have all evolved during this Congress and through our work in Washington, those agents of change turned into the agents of the status quo, too often doing the bidding of the special interests and too often not doing the bidding of the people back home.

The fact is that today what we are facing is a question for the voters of whether we want business as usual, what has happened, or business as unusual, what has happened in the other body where they have gone to unusual extent to try and stop many of the reforms, including health care. And now we hear in the national media people boasting about the fact that they were able to stop health care, and now they are asking for the endorsement and support of the American people on an agenda to take apart the Federal Government, not to put the Federal Government to work and sound policies for the 40 million or so Americans who have no health insurance in this country every year, not to put the Federal Government to work to deal with the problems of people, but to pursue a pledge which reneges and to withdraw from helping the people back home.

Mr. Speaker, I hope the voters will speak loud on November 8. And send a message of hope of renewal for the Federal Government to address the problems our Nation and people face.

TRIBUTE TO MIKE SYNAR, AN EXAMPLE FOR ALL

Mr. MEEHAN. Mr. Speaker, early last year, a C-SPAN interviewer asked what Member of Congress I most admired. I had only been here a few months, but one person had already made a deep impression: MIKE SYNAR.

If legislators can be judged by their enemies, MIKE rates at the top of this body. The causes he took up—and the special interests he took on—speak to his remarkable political courage. He worked to reduce Government handouts for grazing on public lands, so ranchers did not like him. He wanted to regulate cigarettes under the same rules that govern other products, so the tobacco industry wanted him gone. He favored sensible restrictions on firearms, so the gun lobby targeted him.

After fighting so many hard battles, MIKE learned a thing or two about the influence of special interest groups. He worked relentlessly to pass a campaign finance reform bill that would reduce the influence of special interests and increase access to the political process for ordinary people. He was serious about campaign finance reform, and he will be missed for that reason alone.

MIKE knew there was a price to be paid for crossing so many well-organized and well-financed special interests. He did what he thought was right for the country even if it was not right for his political career. That is an example we all ought to follow.

SUPPORTING OUR ARMED FORCES

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, I would say to my friends on both sides of the aisle I hope that all of them have the opportunity I had to see the President visiting our young men and women yesterday. It was shown on television, the President, this young President visiting men and women on board the aircraft carrier, the U.S.S. *Dwight D. Eisenhower*, and to see the response of our servicemen and women to our President as he thanked them and was thanking the battle group for the splendid performance of our military in Haiti. I had to feel proud both of our military and our President.

There has been so much said on this floor, I wish we could step back and look at what really is going on there. The mission is being carried out by the military in a manner such as we have never seen before with great restraint. We can be very, very proud of our country.

Let us all hope that all goes well, and let us back our President and our service personnel.

BINDING CONGRESS TO THE LAWS IT PASSES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, common sense goes a long way in government. Ohio has passed a law that requires that new or renovated buildings have double the number of restrooms for women that they have for men because, says the logic, it takes women much longer to use the restroom, and therefore there should be more. It is called the potty parity law. Common sense.

Now, today, Congress considers voting on a bill that would apply the laws that we pass, that are binding on mom and dad to be binding on Members of Congress. I think today it is time to squeeze the Charmin, folks. If the law is binding on mom and dad and Congress passes these types of laws, Congress should pass the same laws to be binding on themselves.

We have been flush with deception for too many years.

SEC BUDGET HELD HOSTAGE IN SENATE

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, last week I came to the floor to congratulate the SEC on its 60th anniversary. Today I take the well to inform the American people that the SEC is being forced to shut down because its budget is being held hostage by rolling Senate Republican holds.

A Senate aide was quoted in today's Washington Post: "It has nothing to do with the SEC, it's just a kind of game Congress plays in the final days of every session." Well, this is not a game to me. It is not a game to the House, which passed SEC funding twice, only to have the other body drop the ball. It is not a game to the American people who should be outraged.

The antics in the other body are adding to the Federal budget deficit to the tune of $1 million per day due to lost filing fees. The tab at the close of business yesterday was $10 million and counting. Corporations are shrewdly and fairly exploiting a loophole created by the other body, making filings before the SEC at 50 percent off.

Without an operating budget, the SEC has had to curtail all enforcement activities, and all examinations of broker-dealers, investment advisers, and mutual funds. The crooks will have a field day, rascality will reign and the financial wellbeing of millions of small investors put at risk.

Next week, the SEC will have to shut down its electronic filing system, thus crippling our capital-raising process and costing millions of dollars to the industry. The SEC will also be without the ability to respond to market emergencies, greatly exacerbating both risk and size of any serious downturn. This outrageous situation poses a serious threat to the world's leading capital market and to the dedicated agency and its excellent staff that has served as the cop on Wall Street.

This is a situation which threatens the welfare of millions of investors, large and small, exposes them and our financial system to unnecessary and large risk, costs the taxpayers millions and imperils our financial system.

I urge the other body to move swiftly to curtail this egregious behavior and to restore full protection to the American people.

RAILTEX TAKEOVER OF CENTRAL VERMONT RAILROAD

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, my understanding is that the Railtex Corp. intends to file a petition today before the ICC in order to purchase the Central Vermont Railway.

First, Senator LEAHY and I will be requesting the ICC to hold a hearing in St. Albans, VT, so that the workers, community, and local and State officials will be able to comment on that transaction. Second, we will be exploring the possibility of formally intervening in the process.

Mr. Speaker, Railtex has made its plans every clear. It intends to lay off all 175 employees, hire 78 of them back at lowered wages and, in the process, break the unions that currently represent the Central Vermont workers. It intends to avoid the labor protection currently guaranteed by law to railroad workers by requesting a 10901 exemption—claiming that this company, Railtex, which owns 23 railroads, is not really a railroad and should not have to obey existing law.

This country is becoming poorer and poorer every day, and one of the reasons is that corporations like Railtex treat their workers like disposable garbage. People who have worked for the Central Vermont for 10, 20, or 30 years are now being tossed out on the street, despite the service they have rendered to the company.

Mr. Speaker, if Railtex cannot provide the labor protection that current law guarantees, this transaction should be denied by the ICC. I intend to do all that I can to make that happen.

□ 1240

BIPARTISAN HEALTH CARE REFORM

(Mr. ROWLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND. Mr. Speaker, yesterday, I introduced, along with nine of my colleagues from both sides of the aisle, the Bipartisan Health Care Reform Act of 1994. In doing this, we hope that this legislation will serve as a benchmark for the consideration of health care reform in the next Congress. It is truly consensus. It was put together by taking from those pieces of legislation that had already been introduced, areas where there is general agreement: Insurance reform, malpractice reform, antitrust reform, administrative simplification, fraud and abuse reform, and subsidization of the purchase or insurance for the low income, without more taxes, burdensome mandates or increased Government bureaucracy.

But just as important as the product, is the process. Five Republicans and five Democrats, working together produced this bill, proving that both sides of the aisle can work together, and indeed must work together, to address an issue of this magnitude.

PAKISTAN'S INVOLVEMENT IN NARCO-TERRORISM

(Mr. FINGERHUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINGERHUT. Mr. Speaker, I rise to bring to the attention of my colleagues a report carried by the Washington Post of September 12, 1994, reminding us once again of the real and present danger posed by the nexus between narcotics and terrorism. The Karachi datelined report headlined "Heroin Plan by Top Pakistanis Alleged" quoting Pakistan's former Prime Minister Nawaz Sharif saying that "drug deals were to pay for covert operations" brings to mind other reports not so long ago of Pakistani involvement in using the Bank of Credit and Commerce Internationale [BCCI] to launder drug money that was eventually believed to have been used in financing terrorist groups involved in the New York World Trade Center bombing.

It is shocking that the report cites Pakistan's army chief and head of intelligence agency proposing to then Prime Minister Sharif "a detailed blueprint for selling heroin to pay for the country's covert military operations in early 1991". The role played by Pakistan's Inter Services Intelligence Agency in exporting terror to Kashmir and Punjab in neighboring India was sufficiently well-documented for the previous administration to place the country on the watch list of states sponsoring terrorism. Its removal from that list is justified neither by its past track record nor by its present performance. The State Department's most recent report on Global Patterns of Terrorism talks of credible reports in 1993 of official Pakistani support to Kashmiri militants who undertook attacks of terrorism in Indian-controlled Kashmir.

The administration cannot afford to ignore the Washington Post report. Mr. Speaker, a country that produces 70 tons of heroin annually and accounts for a significant part of the heroin consumed in the U.S. market is a matter of concern under any circumstances. That a part of the same country's intelligence establishment can conceive blueprints to use profits from smuggling these drugs for supporting insurgency in Kashmir and export of terror elsewhere is a fact that we ignore at our own peril.

FAREWELL TO THE 103D CONGRESS

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, this great item in today's Washington Times to kind of close out this last day of the 103D Congress.

Tim Russet, one of the better journalists on the electronic media, better because he is fairer, met alone in a room with Pope John Paul II recently. True story. And he said he was going to try to talk the Pope into coming on the "Today Show," but then when the Pope walked into the room, "all thoughts," and this is a quote, "of Bryant Gumbel and NBC ratings" went out of his head.

He said the Pope put his arm around his shoulder and whispered. "'You are the one called Timothy, the man from NBC?' I said, 'Yes; yes, that's me.' 'They tell me you are a very important man.' Somewhat taken aback, I said, 'Your Holiness, with all due respect, there are only two of us in this room, and I am certainly a distant second.'"

The Pope looked at him and said, "That's right."

Folks, have you seen the ads in last week's Washington Post and this Tuesday's Washington Times of two prominent women in the world, Joycelyn Elders and Mother Teresa? Look at their eyes. Look at the angelic countenance of Mother Teresa, and look at the face of Joycelyn Elders who calls most of this country un-Christian.

Mr. Speaker, saving our immortal souls is what a lot of us will be thinking about on November 9 whether we win or not, and that is as it should be.

God bless you and God bless the 103d Congress.

Onward.

WE MUST REINVEST IN OUR PEOPLE

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the Republicans are already laying blame rather than taking credit for the reduction in Americans' income reported for 1993. Try again. And don't forget the good news: We have the best economy in decades.

The report in today's papers showing a reduction in the incomes of Americans also shows that this is a 15-year trend, and we know who was in power for most of that time. The figures are for 1993 when the President's initiatives were only just being enacted. The first year of the 103rd Congress, 1993, saw a historic reduction in the deficit begin and investment in our people for the first time in a very long time: earned income tax credit, immunizations for children, empowerment zones, and much more. The figures we now have for 1993 would have been worse, and they will get worse, if we do not follow up on what was begun during the 103rd Congress and continue to reinvest in our people, and especially our children.

Those who take credit for the gridlock Congress, the second year of the 103rd, ought to also take credit for gridlocking the country. The rising poor and the frightened middle class deserve a lot better.

SUPPORT EXTENSION OF HEALTH-CARE DEDUCTION FOR SMALL BUSINESS

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I am extremely disappointed that Congress has not found the opportunity to reenact the 25 percent deduction for health care for small business. This is not an issue that would take explaining.

It has been in the law since 1986. Everyone understands. Ways and Means could meet, and we could bring this issue to the floor under suspension, and it could be done in a matter of hours.

My bill to extend has over 200 signatures, and if you are not a cosponsor, please call. This is the most important issue to small business, the farmers, the self-employed.

If we do not do this until February, it will mean expense and hassle and confusion for a great many small business people who have already done their income tax and will have to file an amended return.

Please, cosponsor H.R. 5062. Please, help me get this to the floor sometime today.

THE WONDERFUL RECORD OF THE 103D CONGRESS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am sure all the news reporters will tune out now, because I am here to say there is some terrific good news about this Congress, and obviously that is what no one wants to hear.

But this Congress has been so historic on women's issues, it gives me goose bumps.

In these 2 years with this wonderful freshman class that came in, we have passed more legislation that will benefit women and their families than we almost have in the prior 200, and I think that is news. I guess there is a disagreement between myself and some of the news media.

But what have we passed? We passed such things as family leave, we passed all the women's health initiatives, increasing research, doing all sorts of other such things, getting better health initiatives for women in defense and job opportunities in defense and veterans. We have also passed the whole Violence Against Women Act, $1.6 billion to start attacking domestic violence. We have done a much better job tracking child-care workers to make sure they have not been molesters. We have done a great job of making sure that interstate protection orders are followed through. I could go on and on and on. The list is almost endless.

We have also gotten all sorts of educational issues through for gender equity and also allowing women to bid better in Government contracts.

I think this is a wonderful record. I just hope somebody will cover it.

CONTRACT WITH AMERICA

(Mr. PORTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, 2 weeks ago I joined colleagues on this side of the aisle in signing a contract. A signed agreement with our constituents that we would do certain things.

Perhaps one of the most important provisions of the contract was one which stated my commitment to ensure that the contract, as a whole, will result in a reduction, I repeat, a reduction, in the Federal budget deficit.

I am proud of the fact that the contract provides for selected tax cuts to stimulate the economy. Because of the way the congressional budget office insists on analyzing the impact of these cuts using a so-called static rather than dynamic model, it appears on paper that they will result in a $140 billion decrease in Federal receipts over 5 years. No economist would believe that.

Taking the capital gains tax cut and indexing proposal as an example. I am convinced from looking at the actual record of what happened to tax revenues when the capital gains cut was repealed in 1986, that restoring this incentive will increase revenue to the Federal Government. It is as simple as it is empirically true: this tax cut will provide a far stronger incentive for Americans to invest in our country's future, thereby growing the economy, creating jobs, and generating Federal revenue.

But for those who insist on using the so-called static model to determine the impact on the national debt—let me provide some comfort. Along with my support for this and other tax cuts in the contract, I am also supporting, and have voted for, cuts in Federal spending that far exceed any potential revenue decrease. Indeed, this year I joined most of my Republican colleagues in supporting a budget proposal that included specific spending cuts that are roughly triple the size of the expected revenue decrease.

The misstatements about the fiscal impact of this contract bring to light, more than ever, the need for us to restore the bonds of trust between Americans and their elected officials. There can be an honest debate over the merits of our proposals but let us stick to the facts as we go home.

□ 1250

THE AMERICAN PEOPLE ARE READY TO TAKE BACK THIS HOUSE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, Thomas Jefferson once suggested that every country should have a revolution every 25 years or so. Well, by that standard, this House is long overdue for a change after 40 years of one-party domination.

Republicans have signed a contract with America that is based upon one fundamental principle—we will represent the American people, not lord over them.

We have made a commitment to bring the issues that enjoy the overwhelming support of the American people—such as term limits, a balanced budget amendment, tax fairness for families and welfare reform—out into the open, and to the floor for free and open debate.

No longer will Congress think of itself as the stern parent who treats the people of this country like little children who have to be told what can and can't be said at the dinner table.

The American people know that as Democrats return to their districts they will be using negative ads and every political trick in the book to maintain their control of Congress. But they also know that the time has come to take back their government, and especially this House.

PRIVILEGES OF THE HOUSE—RETURNING TO SENATE S. 1216, CROW BOUNDARY SETTLEMENT ACT OF 1994

Mr. GIBBONS. Mr. Speaker, I rise to a question of the privileges of the House, to offer a privileged resolution (H. Res. 577) returning to the Senate the bill S. 1216, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 577

Resolved, That the bill of the Senate (S. 1216) entitled the "Crow Boundary Settlement Act of 1994", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. MAZZOLI). In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

The gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes, and the gentleman from California [Mr. HERGER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 577 returns to the Senate the bill, S. 1216, because it contravenes the constitutional requirements that revenue measures originate in the House of Representatives.

S. 1216 contains a provision which would exempt from Federal taxation certain payments made, and certain benefits conferred, pursuant to the Crow Boundary Settlement Act.

This provision constitutes a revenue measure in the constitutional sense because it would have an immediate effect on revenues. Under the provision, Federal tax would not be collected on certain payments and benefits that otherwise would be taxable.

Therefore, I am asking the House insist on its constitutional prerogatives.

By adopting this resolution, the House will preserve the prerogative to originate revenue matters. Our action does not constitute a rejection of the Senate bill on its merits. In fact, last night the House adopted and sent to the Senate a new bill, H.R. 3200, that contains substantially the same provisions but omits the language regarding the Federal tax treatment of payments and benefits.

Our action today is merely procedural in nature. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on revenue bills and the Senate to add its amendments and seek a conference.

There are numerous precedents on this, Mr. Speaker, I will not bore the House with taking them up at this time. But I submit the following statement for the RECORD: For example, on July 21, 1994, the House passed House Resolution 487, returning to the Senate S. 1030, which contained a provision exempting from taxation certain payments made on behalf of participants in the Education Debt Reduction Program. On June 15, 1989, the House passed House Resolution 177, returning to the Senate S. 774, which would have conferred tax-exempt status to two newly created corporations that otherwise would have been taxable entities. On October 22, 1991, the House passed House Resolution 251, returning to the Senate S. 1241, which would have made various changes to tax laws and would have had an immediate impact on revenues anticipated by the Internal Revenue Service.

Mr. Speaker, I move the previous question on the resolution.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Montana.

Mr. WILLIAMS. I appreciate the gentleman yielding, and as the Member of Congress who has the effect of this legislation within his district, that is, the 107th meridian change to benefit both the Crow Indian people as well as the Northern Cheyenne Indian people, I recognize, support, and find the chairman's action to be appropriate.

We did, as the chairman notes, by unanimous consent pass the boundary adjustment last night without the tax implications in it, and we are very hopeful that the Senate can handle that legislation today.

Mr. GIBBONS. I thank the gentleman for his statement.

Mr. Speaker, we are not opposed to the legislation on its merits; we are merely attempting to protect the House prerogatives under the Constitution.

The gentleman pointed out that corrective legislation has already passed the House, and I assume it will pass the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the privileged resolution offered by the chairman of the Ways and Means Committee.

I agree with the gentleman's comment that the procedure we are following is important. It reminds the other body once again that the Constitution requires that all revenue measures originate in the House of Representatives.

We have just passed a bill which contains the substance of the legislation contained in S. 1216—with the revenue provision in question removed. The purpose of the resolution before us is simply to send the earlier bill which inappropriately contained a revenue measure back to the Senate as a reminder of our constitutional responsibilities and prerogatives.

I urge the adoption of the resolution offered by Mr. GIBBONS.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST TO CONCUR IN SENATE AMENDMENTS TO H.R. 3313, VETERANS HEALTH IMPROVEMENTS ACT OF 1993, WITH AMENDMENTS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3313) to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes, with Senate amendments thereto and concur in the Senate amendments with amendments that are at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the proposed amendments.

The Clerk read the House amendments to the Senate amendments, as follows:

House Amendments to the Senate Amendments: In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Improvements Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—WOMEN VETERANS HEALTH IMPROVEMENTS

Sec. 101. Short title.
Sec. 102. Health care services for women.
Sec. 103. Women's health services.
Sec. 104. Mammography quality standards.
Sec. 105. Research relating to women veterans.
Sec. 106. Sexual trauma counseling and services.
Sec. 107. Coordinators of women's services.
Sec. 108. Patient privacy for women patients.

TITLE II—CARE FOR VETERANS EXPOSED TO TOXIC SUBSTANCES

Sec. 201. Authority to provide priority health care.
Sec. 202. Savings provision.

TITLE III—READJUSTMENT SERVICES

Sec. 301. Scope of services provided in vet centers.
Sec. 302. Advisory committee on the readjustment of veterans.
Sec. 303. Plan for expansion of Vietnam veteran resource centers pilot program.
Sec. 304. Organizational autonomy of the Readjustment Counseling Service.
Sec. 305. Report on collocation of vet centers and Department of Veterans Affairs outpatient clinics.
Sec. 306. Bereavement counseling for deaths on active duty.

TITLE IV—SERVICES FOR MENTALLY ILL VETERANS

Sec. 401. Authority to establish nonprofit corporations.
Sec. 402. Extension of demonstration program.
Sec. 403. Department committee on care of severely chronically mentally ill veterans.
Sec. 404. Centers for mental illness research, education, and clinical activities.
Sec. 405. Codification and extension of authority for community-based residential care for homeless chronically mentally ill veterans and other veterans.

TITLE V—CONSTRUCTION PLANNING AND AUTHORIZATION

Sec. 501. Authorization of major medical facility projects and major medical facility leases.
Sec. 502. Authorization of appropriations.
Sec. 503. Revision to prospectus requirements.
Sec. 504. Annual compilation of construction priorities.

TITLE VI—GENERAL MEDICAL AUTHORITIES AND MEDICAL ADMINISTRATION

Sec. 601. Assistance in the payment of education debts incurred by certain Veterans Health Administration employees.

Sec. 602. Pilot program for noninstitutional alternatives to nursing home care.
Sec. 603. Per diem for adult day health care.
Sec. 604. State home construction assistance program.
Sec. 605. Department of Veterans Affairs research advisory committees.
Sec. 606. Child care services.
Sec. 607. Contracts for utilities, Audie L. Murphy Memorial Hospital.
Sec. 608. Facilities in Republic of the Philippines.
Sec. 609. Technical amendments.
Sec. 610. Center for Minority Veterans and Center for Women Veterans.
Sec. 611. Advisory Committee for Minority Veterans.
Sec. 612. Authority to enter into agreement for use of property at Edward Hines, Jr., Department of Veterans Affairs Hospital.
Sec. 613. Counseling services for POW/MIA family members.
Sec. 614. Revision of authority on use of tobacco products in Department facilities.
Sec. 615. Extension of certain expiring authorities.
Sec. 616. Protection against certain prohibited personnel practices.
Sec. 617. Permanent authority for waiver of reduction of retirement pay for registered-nurse positions.
Sec. 618. Submittal date for report on annual analysis of department-wide admissions policies.
Sec. 619. Health care resources.

TITLE VII—HEALTH CARE DELIVERY PILOT PROGRAM

Sec. 701. Pilot program authority.
Sec. 702. Conditions of participation.
Sec. 703. Operation of pilot programs.
Sec. 704. Provision of benefits.
Sec. 705. Funding.
Sec. 706. Annual reports to congress.
Sec. 707. Expiration of authority.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—WOMEN VETERANS HEALTH IMPROVEMENTS

SEC. 101. SHORT TITLE.

This title may be cited as the "Women Veterans Health Improvements Act of 1994".

SEC. 102. HEALTH CARE SERVICES FOR WOMEN.

(a) ENSURED PROVISION OF SERVICES.—The Secretary of Veterans Affairs shall ensure that each health-care facility under the direct jurisdiction of the Secretary is able, through services made available either by individuals appointed to positions in the Veterans Health Administration or under contracts or other agreements made under section 7409, 8111, or 8153 of title 38, United States Code, or title II of Public Law 102–585, to provide in a timely and appropriate manner women's health services (as defined in section 1701(10) of title 38, United States Code (as added by section 103)) to any veteran described in section 1710(a)(1) of title 38, United States Code, who is eligible for such services.

(b) HEALTH CARE SERVICES TO BE PROVIDED DIRECTLY WHEN COST EFFECTIVE.—(1) The Secretary shall ensure that each health-care facility under the direct jurisdiction of the Secretary shall provide women's health services directly (rather than by contract or other agreement) when it is cost effective to do so.

(2) The Secretary shall ensure that each such facility is provided appropriate equipment, treatment facilities, and staff to carry out paragraph (1) and to ensure that the quality of care provided under that paragraph is in accordance with professional standards.

(c) CONFORMING REPEAL.—Section 302 of the Veterans' Health Care Amendments of 1983 (Public Law 98–160; 97 Stat. 1004; 38 U.S.C. 1701 note) is repealed.

SEC. 103. WOMEN'S HEALTH SERVICES.

(a) WOMEN'S HEALTH SERVICES.—Section 1701 is amended—

(1) in paragraph (6)(A)(i), by inserting "women's health services," after "preventive health services,"; and

(2) by adding at the end the following:

"(10) The term 'women's health services' means—

"(A) health care services to prevent diseases specific to women and to treat disabilities specific to women, including—

"(i) papanicolaou tests (pap smears);

"(ii) breast examinations and mammography;

"(iii) management of menopause; and

"(iv) management and treatment of osteoporosis; and

"(B) prenatal care, delivery, and postpartum care.".

(b) EXTENSION OF ANNUAL REPORT REQUIREMENT.—Section 107(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 1710 note) is amended by striking out "Not later than January 1, 1993, January 1, 1994, and January 1, 1995" and inserting in lieu thereof "Not later than January 1 of 1993 and each year thereafter through 1998".

(c) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act is amended—

(1) in paragraph (1), by striking out "services described in section 106 of this Act" and inserting in lieu thereof "women's health services (as such term is defined in section 1701(10) of title 38, United States Code)";

(2) in paragraph (2)(A), by inserting "(including information on the number of inpatient stays and the number of outpatient visits through which such services were provided)" after "facility"; and

(3) by adding at the end the following new paragraph:

"(5) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.".

SEC. 104. MAMMOGRAPHY QUALITY STANDARDS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§ 7319. Mammography quality standards

"(a) A mammogram may not be performed at a Department facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary. An organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

"(b) The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities of the Department of Veterans Affairs consistent with the requirements of section 354(f)(1) of the Public Health Service Act. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

"(c)(1) The Secretary, to ensure compliance with the standards prescribed under subsection (b), shall provide for an annual inspection of the equipment and facilities used by and in Department health care facilities for the performance of mammograms. Such inspections shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Service Act.

"(2) The Secretary may not provide for an inspection under paragraph (1) to be performed by a State agency.

"(d) The Secretary shall ensure that mammograms performed for the Department under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

"(e) For the purposes of this section, the term 'mammogram' has the meaning given such term in paragraph (5) of section 354(a) of the Public Health Service Act (42 U.S.C. 263b(a)).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7318 the following new item:

"7319. Mammography quality standards.".

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The Secretary of Veterans Affairs shall prescribe standards under subsection (b) of section 7319 of title 38, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the later of—

(1) the date on which the Secretary of Health and Human Services prescribes quality standards under section 354(f) of the Public Health Service Act (42 U.S.C. 263b(f)); or

(2) the date of the enactment of this Act.

(c) TRANSITION.—(1) Subsection (a) of section 7319 of title 38, United States Code, as added by subsection (a), shall take effect on the date on which standards are prescribed by the Secretary of Veterans Affairs under subsection (b) of that section.

(2) During the transition period, the Secretary of Veterans Affairs may waive the requirement of subsection (a) of section 7319 of title 38, United States Code, as added by subsection (a), to any facility of the Department. The Secretary may provide such a waiver in the case of any facility only if the Secretary determines, based upon the recommendation of the Under Secretary for Health of the Department of Veterans Affairs, that during the period such a waiver is in effect for such facility (including any extension of the waiver under paragraph (3)) the facility will be operated in accordance with standards prescribed by the Secretary under subsection (b) of such section to assure the safety and accuracy of mammography services provided.

(3) The transition period for purposes of this section is the six-month period beginning on the date specified in paragraph (1). The Secretary may extend such period for a period not to exceed 90 days in the case of any Department facility. Any such extension may be made only if the Under Secretary for Health determines that—

(A) without the extension access of veterans to mammography services in the geographic area served by the facility would be significantly reduced; and

(B) appropriate steps will be taken before the end of the transition period (as extended) to obtain accreditation of the facility as required by subsection (a) of section 7319 of title 38, United States Code, as added by subsection (a).

(d) IMPLEMENTATION REPORT.—The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of section 7319 of title 38, United States Code, as added by subsection (a). The report shall be submitted not later than 120 days after the date on which the Secretary prescribes the quality standards required under subsection (b) of that section.

SEC. 105. RESEARCH RELATING TO WOMEN VETERANS.

(a) INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.—Section 7303 is amended—

(1) by transferring the text of subsection (c) to the end of subsection (a); and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c)(1) In conducting or supporting clinical research, the Secretary shall ensure that, whenever possible and appropriate—

"(A) women who are veterans are included as subjects in each project of such research; and

"(B) members of minority groups who are veterans are included as subjects of such research.

"(2) In the case of a project of clinical research in which women or members of minority groups will under paragraph (1) be included as subjects of the research, the Secretary shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.".

(b) HEALTH RESEARCH.—(1) Such section is further amended by adding after subsection (c), as added by subsection (a), the following new subsection:

"(d)(1) The Secretary, in carrying out the Secretary's responsibilities under this section, shall foster and encourage the initiation and expansion of research relating to the health of veterans who are women.

"(2) In carrying out this subsection, the Secretary shall consult with the following to assist the Secretary in setting research priorities:

"(A) Officials of the Department assigned responsibility for women's health programs and sexual trauma services.

"(B) The members of the Advisory Committee on Women Veterans.

"(C) Members of appropriate task forces and working groups within the Department (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).".

(2) Section 109 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is repealed.

(c) POPULATION STUDY.—Section 110(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948) is amended by adding at the end of paragraph (3) the following: "If it is feasible to do so within the amounts available for the conduct of the study, the Secretary shall ensure that the sample referred to in paragraph (1) constitutes a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women.".

SEC. 106. SEXUAL TRAUMA COUNSELING AND SERVICES.

(a) AUTHORITY TO PROVIDE TREATMENT SERVICES FOR SEXUAL TRAUMA; REPEAL OF LIMITATION ON TIME TO SEEK SERVICES.—Subsection (a) of section 1720D is amended—

(1) by striking out paragraph (2); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition that the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that paragraph.".

(b) EXTENSION OF PERIOD OF AUTHORITY TO PROVIDE SEXUAL TRAUMA SERVICES.—Such subsection is further amended—

(1) in paragraph (1), by striking out "December 31, 1995," and inserting in lieu thereof "December 31, 1998,"; and

(2) in paragraph (3), by striking out "December 31, 1994," and inserting in lieu thereof "December 31, 1998,".

(c) REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF SERVICES.—Such section is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(d) COORDINATION OF CARE.—Paragraph (1) of subsection (b) of such section, as redesignated by subsection (c)(2), is amended to read as follows:

"(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a)(1), the Secretary shall ensure that the veteran is furnished counseling and care and services under this section in a way that is coordinated with the furnishing of such care and services under this chapter.".

(e) INCREASED PRIORITY OF CARE.—Section 1712(i) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "To a veteran"; and

(B) by inserting ", or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services" before the period at the end; and

(2) in paragraph (2)—

(A) by striking out ", (B)" and inserting in lieu thereof "or (B)"; and

(B) by striking out ", or (C)" and all that follows through "such counseling".

(f) PROGRAM REVISION.—(1) Section 1720D is further amended—

(A) by striking out "woman" in subsection (a)(1);

(B) by striking out "women" in subsection (b)(2)(C) and in the first sentence of subsection (c), as redesignated by subsection (c); and

(C) by striking out "women" in subsection (c)(2), as so redesignated, and inserting in lieu thereof "individuals".

(2)(A) The heading of such section is amended to read as follows:

"§1720D. Counseling and treatment for sexual trauma".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"1720D. Counseling and treatment for sexual trauma.".

(g) INFORMATION BY TELEPHONE.—(1) Paragraph (1) of section 1720D(c), as redesignated by subsection (c) of this section, is amended to read as follows:

"(1) shall include availability of a toll-free telephone number (commonly referred to as an 800 number); and".

(2) In providing information on counseling available to veterans as required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)), the Secretary of Veterans Affairs shall ensure that the Department of Veterans Affairs personnel who provide assistance under such section are trained in the provision to persons who have experienced sexual trauma of information about the care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations.

(3) The telephone assistance service shall be operated in a manner that protects the confidentiality of persons who place calls to the system.

(4) The Secretary shall ensure that information about the availability of the telephone assistance service is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

(5) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone assistance service required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)). The report shall set forth the following:

(A) The number of persons who sought information during the period covered by the report through a toll free telephone number regarding services available to veterans relating to sexual trauma, with a separate display of the number of such persons arrayed by State (as such term is defined in section 101(20) of title 38, United States Code).

(B) A description of the training provided to the personnel who provide such assistance.

(C) The recommendations and plans of the Secretary for the improvement of the service.

(h) CONFORMING REPEAL.—Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

SEC. 107. COORDINATORS OF WOMEN'S SERVICES.

(a) FULL-TIME STATUS.—Section 108 of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948; 38 U.S.C. 1710 note) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following:

"(b) Each official who serves in the position of coordinator of women's services under subsection (a) shall serve in such position on a full-time basis.".

(b) SUPPORT FOR WOMEN'S SERVICES COORDINATORS.—The Secretary of Veterans Affairs shall take appropriate actions to ensure—

(1) that sufficient funding is provided to each Department of Veterans Affairs facility in order to permit the coordinator of women's services assigned to that facility to carry out the responsibilities of the coordinator at the facility; and

(2) that each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 108. PATIENT PRIVACY FOR WOMEN PATIENTS.

(a) IDENTIFICATION OF DEFICIENCIES.—The Secretary of Veterans Affairs shall conduct a survey of each medical center under the jurisdiction of the Secretary to identify deficiencies relating to patient privacy afforded to women patients in the clinical areas at each such center which may interfere with appropriate treatment of such patients.

(b) CORRECTION OF DEFICIENCIES.—The Secretary shall ensure that plans and, where appropriate, interim steps, to correct the deficiencies identified in the survey conducted under subsection (a) are developed and are incorporated into the Department's construction planning processes and given a high priority.

(c) REPORTS TO CONGRESS.—The Secretary shall compile an annual inventory, by medical center, of deficiencies identified under subsection (a) and of plans and, where appropriate, interim steps, to correct such deficiencies. The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than October 1, 1995, and not later than October 1 each year thereafter through 1997 a report on such deficiencies. The Secretary shall include in such report the inventory compiled by the Secretary, the proposed corrective plans, and the status of such plans.

TITLE II—CARE FOR VETERANS EXPOSED TO TOXIC SUBSTANCES

SEC. 201. AUTHORITY TO PROVIDE PRIORITY HEALTH CARE.

(a) AUTHORIZED INPATIENT CARE.—Section 1710(e) is amended to read as follows:

"(e)(1)(A) A herbicide-exposed veteran is eligible for hospital care and nursing home care under subsection (a)(1)(G)—

"(i) during the period before January 1, 1996, for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure, except in the case of a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure to a herbicide agent; and

"(ii) during the period beginning on January 1, 1996, and ending on the date specified in paragraph (3), for any disease specified in paragraph (2).

"(B) A radiation-exposed veteran is eligible for hospital care and nursing home care under subsection (a)(1)(G) for any disease—

"(i) which is listed in section 1112(c)(2) of this title; and

"(ii) for which the Secretary, based on the advice of the Advisory Committee on Environmental Hazards or other relevant scientific research, determines that a significant statistical association exists between the disease and exposure to ionizing radiation.

"(C) Subject to paragraph (3), a veteran who the Secretary finds may have been exposed while serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War to a toxic substance or environmental hazard is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

"(2) The diseases referred to in paragraph (1)(A) are those for which the National Academy of Sciences, in the most recent report issued in accordance with section 3(g) of the Agent Orange Act of 1991 (Public Law 102-4), has determined—

"(A) that there is sufficient evidence to conclude that there is a positive association between occurrence of the disease in humans and exposure to a herbicide agent;

"(B) that there is evidence which is suggestive of an association between occurrence of the disease in humans and exposure to a herbicide agent, but such evidence is limited in nature; or

"(C) that available studies are insufficient to permit a conclusion about the presence or absence of an association between occurrence of the disease in humans and exposure to a herbicide agent.

"(3) Hospital and nursing home care may not be provided under or by virtue of paragraph (1)(A) after September 30, 2003, and may not be provided under or by virtue of paragraph (1)(C) after September 30, 1998.

"(4) For purposes of this subsection and section 1712 of this title—

"(A) the term 'herbicide-exposed veteran' means a veteran (i) who served on active duty in the Republic of Vietnam during the Vietnam era, and (ii) who the Secretary finds may have been exposed during such service to a herbicide agent;

"(B) the term 'herbicide agent' has the meaning given that term in section 1116(a)(4) of this title; and

"(C) the term 'radiation-exposed veteran' has the meaning given that term in section 1112(c)(3) of this title.".

(b) AUTHORIZED OUTPATIENT CARE.—(1) Subsection (a)(1) of section 1712 is amended—

(A) by striking out "and" at the end of subparagraph (C);

(B) in subparagraph (D)—

(i) by striking out "December 31, 1994" and inserting in lieu thereof "September 30, 1998"; and

(ii) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(E) during the period beginning on January 1, 1996, and ending on the date specified in section 1710(e)(3) of this title, to any herbicide-exposed veteran for any disease specified in section 1710(e)(2) of this title; and

"(F) to any radiation-exposed veteran for any disease covered under section 1710(e)(1)(B) of this title.".

(2) Subsection (i)(3) of such section is amended—

(A) by striking out "(A)"; and

(B) by striking out ", or (B)" and all that follows through "title".

SEC. 202. SAVINGS PROVISION.

(a) PRESERVATION OF EARLIER ELIGIBILITY.—The provisions of sections 1710(e) and 1712(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply on and after such date with respect to the furnishing of hospital care, nursing home care, and medical services for any veteran who was furnished such care or services before such date of enactment on the basis of presumed exposure to a substance or radiation under the authority of those provisions, but only for treatment for a disability for which such care or services were furnished before such date.

(b) RATIFICATION OF ACTIONS DURING PERIOD OF LAPSED AUTHORITY.—Any action of the Secretary of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act is hereby ratified.

TITLE III—READJUSTMENT SERVICES

SEC. 301. SCOPE OF SERVICES PROVIDED IN VET CENTERS.

(a) EXPANSION OF SERVICES.—Section 1712A is amended—

(1) in subsection (a)(1) by inserting "and, to the extent otherwise authorized by law, may furnish such additional needed services as described in subsection (i)" in the first sentence after "life";

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting after subsection (g) the following new subsections:

"(h) The Secretary may, to the extent resources and facilities are available, furnish to any veteran who served in combat during World War II or the Korean conflict counseling in a center to assist such veteran in overcoming the effects of the veteran's combat experience.

"(i) In operating centers under this section, the Secretary may provide (1) preventive health care services, (2) medical services reasonably necessary in preparation for hospital admission or to complete treatment furnished under section 1710 or 1712(a) of this title, and (3) referral services to assist in obtaining specialized care. The Secretary shall provide such services through such health care personnel as the Secretary determines appropriate.".

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report relating to the implementation of the amendments made by subsection (a). The report shall include the following:

(1) The number of veterans provided services described in section 1712A(i) of title 38, United States Code, as added by subsection (a).

(2) The number of centers which provided services described in that section.

(3) An assessment of the effect providing such services has had on access to and timeliness of service delivery, both for veterans to whom services described in that section were provided and for other veterans.

SEC. 302. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter III of chapter 5 is amended by adding at the end the following new section:

"§ 544. Advisory Committee on Veterans Readjustment Counseling

"(a)(1) There is in the Department the Advisory Committee on Veterans Readjustment Counseling (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of 18 members. The members of the Committee shall be appointed by the Secretary and shall include individuals who are recognized authorities in fields pertinent to the social, psychological, economic, or educational readjustment of veterans. An officer or employee of the United States may not be appointed as a member of the Committee. At least 12 members of the Committee shall be veterans of the Vietnam era or other period of war. Appointments of members of the Committee shall be made from among individuals who have experience with the provision of veterans benefits and services by the Department or who are otherwise familiar with programs of the Department.

"(3) The Secretary shall seek to ensure that members appointed to the Committee include persons from a wide variety of geographic areas and ethnic backgrounds, persons from veterans service organizations, minorities, and women.

"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

"(2) In providing advice to the Secretary under this subsection, the Committee shall—

"(A) assemble and review information relating to the needs of veterans in readjusting to civilian life;

"(B) provide information relating to the nature and character of psychological problems arising from military service;

"(C) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

"(D) provide on-going advice on the most appropriate means of responding to the readjustment needs of future veterans.

"(3) In carrying out its duties under paragraph (2), the Committee shall take into special account veterans of the Vietnam era and the readjustment needs of those veterans.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

"(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) Not later than 90 days after the receipt of each report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.".

(2) The table of sections at the beginning of chapter 5 is amended by adding at the end the following new item:

"544. Advisory Committee on Veterans Readjustment Counseling.".

(b) Original Members.—(1) Notwithstanding subsection (a)(2) of section 544 of title 38, United States Code (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee established under that section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary shall carry out such appointments as soon as is practicable. The Secretary may make such appointments from among such original members.

SEC. 303. PLAN FOR EXPANSION OF VIETNAM VETERAN RESOURCE CENTERS PILOT PROGRAM.

(a) Plan.—The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan for expansion of the Vietnam Veteran Resource Centers program established by section 105 of Public Law 99-166. The plan submitted shall be a plan which the Secretary would implement if resources for such implementation were available.

(b) Submission of Plan.—The plan, together with an analysis setting forth in detail the resources required for the implementation of the plan, shall be submitted under subsection (a) not later than four months after the date of the enactment of this Act.

SEC. 304. ORGANIZATIONAL AUTONOMY OF THE READJUSTMENT COUNSELING SERVICE.

(a) Establishment of RCS By Law.—Section 7305 is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) A Readjustment Counseling Service.".

(b) Director of RCS.—Section 7306(a) is amended by inserting after paragraph (5) the following:

"(6) A Director of Readjustment Counseling Service.".

(c) Administration of RCS.—(1) Subchapter II of chapter 73 is amended by adding after section 7319, as added by section 104(a), the following new section:

"§ 7320. Readjustment Counseling Service: administration

"(a) Except as provided in subsection (b), the Secretary shall administer the Readjustment Counseling Service through an organization which involves a direct line of authority from centers described in section 1712A of this title through an official charged with administration and oversight of the provision of readjustment counseling services within a geographic region, to the Director of the Readjustment Counseling Service.

"(b)(1) The Secretary may not alter or revise the organizational structure of the readjustment counseling service from one which involves a direct line of authority as described in subsection (a) until—

"(A) the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a full and complete statement of the proposed alteration or revision; and

"(B) a period of 45 days has elapsed after the date on which the report is received by the committees.

"(2) In the computation of the 45-day period under paragraph (1)(B), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain.

"(c) Budget Autonomy.—Each budget submitted to Congress by the President under section 1105 of title 31 shall set forth the amount requested in the budget for the operation of the Readjustment Counseling Service in the fiscal year covered by the budget.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7319, as added by section 104(a), the following new item:

"7320. Readjustment Counseling Service: administration.".

SEC. 305. REPORT ON COLLOCATION OF VET CENTERS AND DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINICS.

(a) Requirement.—The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of the collocation of Vet Centers and outpatient clinics of the Department of Veterans Affairs as current leases for such centers and clinics expire. The report shall be submitted not later than one year after the date of the enactment of this Act.

(b) Covered Matters.—The report under this section shall include an assessment of the following:

(1) The results of any collocation of Vet Centers and outpatient clinics carried out by the Secretary before the date of the enactment of this Act, including the effects of such collocation on the quality of care provided at such centers and clinics.

(2) The effect of such collocation on the capacity of such centers to carry out their primary missions.

(3) The extent to which such collocation might impair the operational independence or administrative integrity of such centers.

(4) The feasibility of combining the services provided by such centers and clinics in the course of the collocation of such centers and clinics.

(5) The advisability of the collocation of centers and clinics of significantly different size.

(6) The effect of the locations (including urban and rural locations) of the centers and clinics on the feasibility and desirability of such collocation.

(7) The amount of any costs savings to be achieved by Department as a result of such collocation.

(8) The desirability of such collocation in light of plans for the provision of health care services by the Department under national health care reform.

(9) Any other matter that the Secretary determines appropriate.

(c) Definition.—For purposes of this section, the term "Vet Centers" means centers which are operated by the Secretary of Veterans Affairs for the provision of services under section 1712A of title 38, United States Code.

SEC. 306. BEREAVEMENT COUNSELING FOR DEATHS ON ACTIVE DUTY.

(a) Statutory Reorganization.—Subchapter I of chapter 17 is amended—

(1) in section 1701(6) (as amended by section 103(a)(1))—

(A) by striking out subparagraph (B) and the sentence following that subparagraph; and

(B) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) surgical services;

"(B) dental services and appliances as described in sections 1710 and 1712 of this title;

"(C) optometric and podiatric services;

"(D) preventive health services (in the case of a person otherwise receiving care or services under this chapter);

"(E) women's health services;

"(F) except under the conditions described in section 1712(a)(5)(A) of this title, wheelchairs, artificial limbs, trusses, and similar appliances;

"(G) special clothing made necessary by the wearing of prosthetic appliances;

"(H) such other supplies or services as the Secretary determines to be reasonable and necessary; and

"(I) travel and incidental expenses pursuant to the provisions of section 111 of this title."; and

(2) by adding at the end of such subchapter the following new section:

"§1705. Counseling, training, and mental health services for immediate family members; bereavement counseling

"(a)(1) In the case of a veteran who is receiving treatment for a service-connected disability pursuant to section 1712(a) of this title, the Secretary shall provide to individuals described in paragraph (3) such consultation, professional counseling, training, and mental health services as are necessary in connection with that treatment.

"(2) In the case of a veteran who is eligible to receive treatment for a non-service-connected disability under the conditions described in section 1712(a)(5)(B) of this title, the Secretary may, in the discretion of the Secretary, provide to individuals described in paragraph (3) such consultation, professional counseling, training, and mental health services as are necessary in connection with that treatment if—

"(A) those services were initiated during the veteran's hospitalization; and

"(B) the continued provision of those services on an outpatient basis is essential to permit the discharge of the veteran from the hospital.

"(3) Individuals who may be provided services under this subsection are—

"(A) the members of the immediate family or the legal guardian of a veteran; or

"(B) the individual in whose household such veteran certifies an intention to live.

"(b)(1) In the case of an individual who was a recipient of services under subsection (a) at the time of the death of the veteran, the Secretary may provide bereavement counseling to that individual in the case of a death—

"(A) that was unexpected; or

"(B) that occurred while the veteran was participating in a hospice program (or a similar program) conducted by the Secretary.

"(2) The Secretary may provide bereavement counseling to an individual who is a member of the immediate family of a member of the Armed Forces who dies in the active military, naval, or air service in the line of duty and under circumstances not due to the person's own misconduct.

"(3) For purposes of this subsection, the term 'bereavement counseling' means such counseling services, for a limited period, as the Secretary determines to be reasonable and necessary to assist an individual with the emotional and psychological stress accompanying the death of another individual.

"(c) Services provided under subsection (a) may include, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of individuals described in subsection (a)(3) in the case of—

"(1) a veteran who is receiving care for a service-connected disability; and

"(2) a dependent or survivor receiving care under the last sentence of section 1713(b) of this title.".

(b) CONFORMING AMENDMENT.—Section 1713(b) is amended by adding at the end the following new sentence: "A dependent or survivor receiving care under the preceding sentence shall be eligible for the same medical services as a veteran.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1704 the following new item:

"1705. Counseling, training, and mental health services for immediate family members; bereavement counseling.".

TITLE IV—SERVICES FOR MENTALLY ILL VETERANS

SEC. 401. AUTHORITY TO ESTABLISH NONPROFIT CORPORATIONS.

(a) IN GENERAL.—Chapter 17 is amended by inserting after section 1718 the following new section:

"§1718A. Nonprofit corporations

"(a) The Secretary may authorize the establishment at any Veterans Health Administration facility of a nonprofit corporation (1) to arrange for therapeutic work for patients of such facility or patients of other such Department facilities pursuant to section 1718(b) of this title, and (2) to provide a flexible funding mechanism to achieve the purposes of section 1718 of this title.

"(b) The Secretary shall provide for the appointment of a board of directors for any corporation established under this section and shall determine the number of directors and the composition of the board of directors. The board of directors shall include—

"(1) the director of the facility and other officials or employees of the facility; and

"(2) members appointed from among individuals who are not officers or employees of the Department.

"(c) Each such corporation shall have an executive director who shall be appointed by the board of directors with concurrence of the Under Secretary for Health. The executive director of a corporation shall be responsible for the operations of the corporation and shall have such specific duties and responsibilities as the board may prescribe.

"(d)(1) A corporation established under this section shall arrange with the Department under section 1718(b)(2) of this title to provide for therapeutic work for patients.

"(2) Such a corporation may—

"(A) accept gifts and grants from, and enter into contracts with, individuals and public and private entities solely to carry out the purposes of this section; and

"(B) employ such employees as it considers necessary for such purposes and fix the compensation of such employees.

"(e)(1) Except as provided in paragraph (2), any funds received by a corporation established under this section through arrangements authorized under subsection (d)(1) in excess of amounts reasonably required to carry out this section (including expenditures under subsection (d)(3)) shall be deposited in or credited to the fund established under section 1718(c) of this title.

"(2) The Secretary, in accordance with guidelines which the Secretary shall prescribe, may authorize a corporation established under this section to retain funds derived from arrangements authorized under subsection (d)(1).

"(3) Any funds received by a corporation established under this section through arrangements authorized under subsection (d)(2) may be transferred to the fund established under section 1718(c) of this title.

"(f) A corporation established under this section shall be established in accordance with the nonprofit corporation laws of the State in which the applicable medical facility is located and shall, to the extent not inconsistent with Federal law, be subject to the laws of such State.

"(g)(1)(A) The records of a corporation established under this section shall be available to the Secretary.

"(B) For the purposes of sections 4(a)(1) and 6(a)(1) of the Inspector General Act of 1978, the programs and operations of such a corporation shall be considered to be programs and operations of the Department with respect to which the Inspector General of the Department has responsibilities under such Act.

"(2) Such a corporation shall be considered an agency for the purposes of section 716 of title 31 (relating to availability of information and inspection of records by the Comptroller General).

"(3) Each such corporation shall submit to the Secretary an annual report providing a detailed statement of its operations, activities, and accomplishments during that year. The corporation shall obtain a report of independent auditors concerning the receipts and expenditures of funds by the corporation during that year and shall include that report in the corporation's report to the Secretary for that year.

"(4) Each member of the board of directors of a corporation established under this section, each employee of such corporation, and each employee of the Department who is involved in the functions of the corporation during any year shall—

"(A) be subject to Federal laws and regulations applicable to Federal employees with respect to conflicts of interest in the performance of official functions; and

"(B) submit to the Secretary an annual statement signed by the director or employee certifying that the director or employee is aware of, and has complied with, such laws and regulations in the same manner as Federal employees are required to.

"(h) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the number and location of corporations established and the amount of the contributions made to each such corporation.

"(i) No corporation may be established under this section after September 30, 1999.

"(j) If by the end of the four-year period beginning on the date of the establishment of a corporation under this section the corporation is not recognized as an entity the income of which is exempt from taxation under the Internal Revenue Code of 1986, the Secretary shall dissolve the corporation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1718 the following new item:

"1718A. Nonprofit corporations.".

SEC. 402. EXTENSION OF DEMONSTRATION PROGRAM.

Section 7(a) of Public Law 102-54 (105 Stat. 269; 38 U.S.C. 1718 note) is amended by striking out "1994" and inserting in lieu thereof "1998".

SEC. 403. DEPARTMENT COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.

(a) ESTABLISHMENT.—Subchapter II of chapter 73 is amended by adding after section 7320, as added by section 304(c), the following new section:

"§7321. Committee on Care of Severely Chronically Mentally Ill Veterans

"(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Health, shall establish in the Veterans Health Administration a Committee on Care of Severely Chronically Mentally Ill Veterans. The Under Secretary shall appoint employees of the Department with expertise in the care of the chronically mentally ill to serve on the committee.

"(b) DUTIES.—The committee shall assess, and carry out a continuing assessment of, the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of mentally ill veterans whose mental illness is severe and chronic and who are eligible for health care furnished by the Department. In carrying out that responsibility, the committee shall—

"(1) evaluate the care provided to such veterans through the Veterans Health Administration;

"(2) identify systemwide problems in caring for such veterans in facilities of the Veterans Health Administration;

"(3) identify specific facilities within the Veterans Health Administration at which program enrichment is needed to improve treatment and rehabilitation of such veterans; and

"(4) identify model programs which the committee considers to have been successful in the treatment and rehabilitation of such veterans and which should be implemented more widely in or through facilities of the Veterans Health Administration.

"(c) Advice and Recommendations.—The committee shall—

"(1) advise the Under Secretary regarding the development of policies for the care and rehabilitation of severely chronically mentally ill veterans; and

"(2) make recommendations to the Under Secretary—

"(A) for improving programs of care of such veterans at specific facilities and throughout the Veterans Health Administration;

"(B) for establishing special programs of education and training relevant to the care of such veterans for employees of the Veterans Health Administration;

"(C) regarding research needs and priorities relevant to the care of such veterans; and

"(D) regarding the appropriate allocation of resources for all such activities.

"(d) Annual Report.—(1) Not later than April 1, 1996, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. The report shall include the following:

"(A) A list of the members of the committee.

"(B) The assessment of the Under Secretary for Health, after review of the initial findings of the committee, regarding the capability of the Veterans Health Administration, on a systemwide and facility-by-facility basis, to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

"(C) The plans of the committee for further assessments.

"(D) The findings and recommendations made by the committee to the Under Secretary for Health and the views of the Under Secretary on such findings and recommendations.

"(E) A description of the steps taken, plans made (and a timetable for their execution), and resources to be applied toward improving the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

"(2) Not later than February 1, 1997, and February 1 of each of the three following years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted under this subsection before the submission of such report.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7320, as added by section 304(b), the following new item:

"7321. Committee on Care of Severely Chronically Mentally Ill Veterans.".

SEC. 404. CENTERS FOR MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES.

(a) In General.—(1) Subchapter II of chapter 73 is amended by adding after section 7321, as added by section 403(a), the following new section:

"§7322. Centers for mental illness research, education, and clinical activities

"(a) The purpose of this section is to provide for the improvement of the provision of health-care services and related counseling services to eligible veterans suffering from serious mental illness (especially mental illness related to service-related conditions) through—

"(1) the conduct of research (including research on improving mental health service facilities of the Department and on improving the delivery of mental health services by the Department);

"(2) the education and training of health care personnel of the Department; and

"(3) the development of improved models and systems for the furnishing of mental health services by the Department.

"(b)(1) The Secretary shall establish and operate centers for mental illness research, education, and clinical activities. Such centers shall be established and operated by collaborating Department facilities as provided in subsection (c)(1). Each such center shall function as a center for—

"(A) research on mental health services;

"(B) the use by the Department of specific models for furnishing services to treat serious mental illness;

"(C) education and training of health-care professionals of the Department; and

"(D) the development and implementation of innovative clinical activities and systems of care with respect to the delivery of such services by the Department.

"(2) The Secretary shall, upon the recommendation of the Under Secretary for Health, designate the centers under this section. In making such designations, the Secretary shall ensure that the centers designated are located in various geographic regions of the United States. The Secretary may designate a center under this section only if—

"(A) the proposal submitted for the designation of the center meets the requirements of subsection (c);

"(B) the Secretary makes the finding described in subsection (d); and

"(C) the peer review panel established under subsection (e) makes the determination specified in subsection (e)(3) with respect to that proposal.

"(3) Not more than five centers may be designated under this section.

"(4) The authority of the Secretary to establish and operate centers under this section is subject to the appropriation of funds for that purpose.

"(c) A proposal submitted for the designation of a center under this section shall—

"(1) provide for close collaboration in the establishment and operation of the center, and for the provision of care and the conduct of research and education at the center, by a Department facility or facilities in the same geographic area which have a mission centered on care of the mentally ill and a Department facility in that area which has a mission of providing tertiary medical care;

"(2) provide that no less than 50 percent of the funds appropriated for the center for support of clinical care, research, and education will be provided to the collaborating facility or facilities that have a mission centered on care of the mentally ill; and

"(3) provide for a governance arrangement between the collaborating Department facilities which ensures that the center will be established and operated in a manner aimed at improving the quality of mental health care at the collaborating facility or facilities which have a mission centered on care of the mentally ill.

"(d) The finding referred to in subsection (b)(2)(B) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendation of the Under Secretary for Health, that the facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an accredited medical school that provides education and training in psychiatry and with which one or more of the participating Department facilities is affiliated under which medical residents receive education and training in psychiatry through regular rotation through the participating Department facilities so as to provide such residents with training in the diagnosis and treatment of mental illness.

"(2) An arrangement with an accredited graduate school of psychology under which students receive education and training in clinical, counseling, or professional psychology through regular rotation through the participating Department facilities so as to provide such students with training in the diagnosis and treatment of mental illness.

"(3) An arrangement under which nursing, social work, or allied health personnel receive training and education in mental health care through regular rotation through the participating Department facilities.

"(4) The ability to attract scientists who have demonstrated creativity and achievement in research—

"(A) into the evaluation of innovative approaches to the design of mental health services; or

"(B) into the causes, prevention, and treatment of mental illness.

"(5) The capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of mental health services provided by the Department at or through individual facilities.

"(e)(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section.

"(2) The panel shall consist of experts in the fields of mental health research, education and training, and clinical care. Members of the panel shall serve as consultants to the Department.

"(3) The panel shall review each proposal submitted to by the official referred to in paragraph (1) and shall submit to that official its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

"(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(f) Clinical and scientific investigation activities at each center established under this section—

"(1) may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account; and

"(2) shall receive priority in the award of funding from such account insofar as funds are awarded to projects and activities relating to serious mental illness.

"(g) The Under Secretary for Health shall ensure that at least three centers designated under this section emphasize research into means of improving the quality of care for veterans suffering from serious and persistent mental illness through the development of community-based alternatives to institutional treatment for such illness.

"(h) The Under Secretary for Health shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration. Such dissemination shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(i) The official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall be responsible for supervising the operation of the centers established pursuant to this section and shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

"(j)(1) There are authorized to be appropriated to the Department of Veterans Affairs for the basic support of the research and education and training activities of centers established pursuant to this section amounts as follows:

"(A) $3,125,000 for fiscal year 1996.

"(B) $6,250,000 for each of fiscal years 1997 through 1999.

"(2) In addition to funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate to carry out the purposes of this section.".

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7321, as added by section 403(b), the following new item:

"7322. Centers for mental illness research, education, and clinical activities.".

(b) ANNUAL REPORTS.—Not later than February 1 of each of 1996, 1997, and 1998, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the centers for mental illness, research, education, and clinical activities established pursuant to section 7322 of title 38, United States Code (as added by subsection (a)). Each such report shall include the following:

(1) A description of the activities carried out at each center and the funding provided for such activities.

(2) A description of the advances made at each of the participating facilities of the center in research, education and training, and clinical activities relating to serious mental illness in veterans.

(3) A description of the actions taken by the Under Secretary for Health pursuant to subsection (h) of that section (as so added) to disseminate information derived from such activities throughout the Veterans Health Administration.

(4) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs shall designate at least one center under section 7322 of title 38, United States Code, not later than January 1, 1996.

SEC. 405. CODIFICATION AND EXTENSION OF AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.

(a) IN GENERAL.—Subchapter II of chapter 17 is amended by adding at the end the following:

"§1720E. Community-based residential care: homeless chronically mentally ill veterans and other veterans

"(a)(1) The Secretary may provide to homeless veterans suffering from chronic mental illness disabilities who are eligible for care under section 1710(a)(1) of this title care and treatment and rehabilitative services (directly or by contract) in—

"(A) halfway houses;

"(B) therapeutic communities;

"(C) psychiatric residential treatment centers; and

"(D) other community-based treatment facilities.

"(2) In providing care and treatment and rehabilitative services under paragraph (1), the Secretary may also provide such care and treatment and rehabilitative services—

"(A) to veterans being furnished hospital or nursing home care by the Secretary for a chronic mental illness disability; and

"(B) to veterans with service-connected chronic mental illness disabilities.

"(b)(1) Before furnishing care and treatment and rehabilitative services by contract under subsection (a) to a veteran through a facility described in subsection (a), the Secretary shall approve the quality and effectiveness of the program operated by such facility for the purpose for which the veteran is to be furnished such care and services.

"(2) The Secretary shall prescribe criteria for the approval under paragraph (1) of the quality and effectiveness of programs.

"(c)(1) The Secretary may provide in-kind assistance (through the services of Department employees and the sharing of other Department resources) to a facility described in subsection (a) under this section. The Secretary shall provide such assistance to a facility under a contract between the Secretary and the facility.

"(2) The Secretary may provide assistance under paragraph (1)—

"(A) only for use solely in the furnishing of appropriate care and services under this section; and

"(B) only if, under such contract, the Secretary receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment.

"(3) Reimbursement under paragraph (2)(B) may be made by reduction in the charges to the United States or by payment to the United States.

"(4) Any funds received through reimbursement under paragraph (3) shall be credited to funds allotted to the Department facility that provided the assistance.

"(d) The Secretary may not provide care and treatment and rehabilitative services under this section after September 30, 1999.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Community-based residential care: homeless chronically mentally ill veterans and other veterans.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is repealed.

TITLE V—CONSTRUCTION PLANNING AND AUTHORIZATION

SEC. 501. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) PROJECTS AUTHORIZED.—The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the President for fiscal year 1995. The authorization in the preceding sentence applies to projects and leases which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects and leases which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(b) ADDITIONAL PROJECTS.—(1) In addition to the projects authorized in subsection (a), the Secretary may carry out the following major medical facility projects in the amounts specified for such projects:

(A) The projects that are proposed in the documents submitted to Congress by the Secretary of Veterans Affairs in conjunction with the budget of the President for fiscal year 1995 to be financed with funds from the proposed Health Care Investment Fund.

(B) Construction of a nursing home facility at the Department of Veterans Affairs Medical Center in Charleston, South Carolina, in the amount of $7,300,000.

(C) Construction of an outpatient care addition at the Department of Veterans Affairs medical center in Phoenix, Arizona, in the amount of $50,000,000.

(D) A lease/purchase of a nursing home facility near Fort Myers, Florida, in the amount of $12,800,000.

(2) The authorizations in paragraph (1) apply to projects which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(c) PROJECTS FOR WHICH FUNDS APPROPRIATED.—In addition to the projects authorized in subsections (a) and (b), the Secretary may carry out the following major medical facility projects for which funds were appropriated in chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103-211; 108 Stat. 10) in the amounts specified:

(1) Construction of an ambulatory care/support services facility at the Department of Veterans Affairs Medical Center in Sepulveda, California, $53,700,000.

(2) Other major medical facility projects required to repair, restore, or replace earthquake-damaged facilities at the Department of Veterans Affairs Medical Center in Sepulveda, California, $50,000,000.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995—

(1) $379,370,000 for the major medical facility projects authorized in subsections (a), (b), and (c) of section 501; and

(2) $15,800,000 for the major medical facility leases authorized in section 501(a).

(b) LIMITATION.—The projects authorized in subsections (a) and (b) of section 501 may only be carried out using—

(1) funds appropriated for fiscal year 1995 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1995 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1995 for a category of activity not specific to a project.

(c) LIMITATION ON CERTAIN PROJECTS.—The projects authorized in subsection (c) of section 501 may only be carried out using—

(1) funds appropriated to the Construction, Major Projects account under chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103-211; 108 Stat. 10) and funds transferred by the President to the Construction, Major Projects account pursuant to chapter 8 of that Act (108 Stat. 14);

(2) funds appropriated to the Medical Care account by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 that are transferred to the Construction, Major Projects account;

(3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1995 that remain available for obligation; and

(4) funds appropriated to the Construction, Major Projects account for fiscal year 1995 for a category of activity not specific to a project.

SEC. 503. REVISION TO PROSPECTUS REQUIREMENTS.

(a) ADDITIONAL INFORMATION.—Section 8104(b) is amended—

(1) by striking out "shall include—" and inserting in lieu thereof "shall include the following:";

(2) in paragraph (1)—

(A) by striking out "a detailed" and inserting in lieu thereof "A detailed"; and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(B) by striking out "; and" and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(5) by adding at the end the following new paragraphs:

"(4) Demographic data applicable to the project.

"(5) Current and projected workload and utilization data.

"(6) Current and projected operating costs of the facility, to include both recurring and non-recurring costs.

"(7) The priority score assigned to the project under the Department's prioritization methodology and, if the project is being proposed for funding ahead of a project with a higher score, a specific explanation of the factors other than the priority that were considered and the basis on which the project is proposed for funding ahead of projects with higher priority scores.

"(8) A listing of each alternative to construction of the facility that has been considered.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any prospectus submitted by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 504. ANNUAL COMPILATION OF CONSTRUCTION PRIORITIES.

Section 8107 is amended—

(1) in subsection (a)(2)—

(A) by inserting "and" at the end of subparagraph (A);

(B) by striking out subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) by adding at the end the following new subsection:

"(c)(1) The Secretary shall submit to each committee, not later than January 31 of each year, a report showing the current priorities of the Department for proposed major medical construction projects. Each such report shall identify the 20 projects, from within all the projects in the Department's inventory of proposed projects, that have the highest priority and, for those 20 projects, the relative priority and rank scoring of each such project. The 20 projects shall be compiled, and their relative rankings shall be shown, by category of project (including the categories of ambulatory care projects, nursing home care projects, and such other categories as the Secretary determines).

"(2) The Secretary shall include in each report, for each project listed, a description of the specific factors that account for the relative ranking of that project in relation to other projects within the same category.

"(3) In a case in which the relative ranking of a proposed project has changed since the last report under this subsection was submitted, the Secretary shall also include in the report a description of the reasons for the change in the ranking, including an explanation of any change in the scoring of the project under the Department's scoring system for proposed major medical construction projects.".

TITLE VI—GENERAL MEDICAL AUTHORITIES AND MEDICAL ADMINISTRATION

SEC. 601. ASSISTANCE IN THE PAYMENT OF EDUCATION DEBTS INCURRED BY CERTAIN VETERANS HEALTH ADMINISTRATION EMPLOYEES.

(a) PROGRAM.—(1) Chapter 76 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"§ 7661. Authority for program

"(a) The Secretary shall carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program. The purpose of the program is to assist individuals serving in health-care positions in the Veterans Health Administration in reducing the amount of debt incurred by such individuals in completing educational programs that qualify those individuals for such service.

"(b)(1) Subject to paragraph (2), assistance under the Education Debt Reduction Program shall be in addition to the assistance available to individuals under the Educational Assistance Program established under this chapter.

"(2) An individual may not receive assistance under both the Education Debt Reduction Program and the Educational Assistance Program for the same period of service in the Department.

"§ 7662. Eligibility; application

"(a) An individual eligible to participate in the Education Debt Reduction Program is any individual (other than a physician or dentist) who—

"(1) serves in a position in the Veterans Health Administration under an appointment under section 7402(b) of this title;

"(2) serves in an occupation, specialty, or geographic area for which the recruitment or retention of an adequate supply of qualified health-care personnel is especially difficult (as determined by the Secretary);

"(3) has pursued or is pursuing, as the case may be—

"(A) a two-year or four-year course of education or training at a qualifying undergraduate institution which course qualified or will qualify, as the case may be, the individual for appointment in a position referred to in paragraph (1); or

"(B) a course of education at a qualifying graduate institution which course qualified or will qualify, as the case may be, the individual for appointment in such a position; and

"(4) owes any amount of principal or interest under a loan or other obligation the proceeds of which were used or are being used, as the case may be, by or on behalf of the individual to pay tuition or other costs incurred by the individual in the pursuit of a course of education or training referred to in paragraph (3).

"(b) Any eligible individual seeking to participate in the Education Debt Reduction Program shall submit an application to the Secretary relating to such participation.

"§ 7663. Agreement

"(a) The Secretary shall enter into an agreement with each individual selected to participate in the Education Debt Reduction Program. The Secretary and the individual shall enter into such an agreement at the beginning of each year for which the individual is selected to so participate.

"(b) An agreement between the Secretary and an individual selected to participate in the Education Debt Reduction Program shall be in writing, shall be signed by the individual, and shall include the following provisions:

"(1) The Secretary's agreement to provide assistance on behalf of the individual under the program upon the completion by the individual of a one-year period of service in a position referred to in section 7662(a) of this title which period begins on the date of the signing of the agreement (or such later date as is jointly agreed upon by the Secretary and the individual).

"(2) The individual's agreement that the Secretary shall pay any assistance provided under the program to the holder (as designated by the individual) of any loan or other obligation of the individual referred to in section 7662(a)(4) of this title in order to reduce or satisfy the unpaid balance (including principal and interest) due on such loan or other obligation.

“(3) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless and until the individual completes the one-year period of service referred to in paragraph (1).

“(4) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless the individual maintains (as determined by the Secretary) an acceptable level of performance during the service referred to in paragraph (3).

“§ 7664. Amount of assistance

“(a) Subject to subsection (b), the amount of assistance provided to an individual under the Education Debt Reduction Program for a year may not exceed $4,000 (adjusted in accordance with section 7631 of this title).

“(b) The total amount of assistance received by an individual under the Education Debt Reduction Program may not exceed $12,000 (as so adjusted).”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

“SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

“7661. Authority for program.
“7662. Eligibility; application.
“7663. Agreement.
“7664. Amount of assistance.”.

(b) Conforming Amendments.—Section 7631 is amended—

(1) in subsection (a), by striking out “and the maximum Selected Reserve member stipend amount” and inserting in lieu thereof “the maximum Selected Reserve stipend amount, and the education debt reduction amount and limitation”; and

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) The term ‘education debt reduction amount and limitation’ means the maximum amount of assistance, and the limitation applicable to such assistance, for a person receiving assistance under subchapter VI of this chapter, as specified in section 7663 of this title and as previously adjusted (if at all) in accordance with this subsection.”.

(c) Regulations.—The Secretary of Veterans Affairs shall prescribe regulations necessary to carry out the Education Debt Reduction Program established under subchapter VI of chapter 76 of title 38, United States Code (as added by subsection (a)). Such regulations shall be prescribed not later than 90 days after the date of the enactment of this Act.

(d) Report.—Section 7632 is amended—

(1) in the matter preceding paragraph (1), by inserting “and the Education Debt Reduction Program” before the period at the end;

(2) in paragraph (1)—

(A) by inserting “and the Education Debt Reduction Program” after “Educational Assistance Program”;

(B) by striking out “Program and” and inserting in lieu thereof “Program,”; and

(C) by inserting “, and the Education Debt Reduction Program” before “separately”;

(3) in paragraph (3), by striking out “the Educational Assistance Program (or predecessor program) has” and inserting in lieu thereof “each of the Educational Assistance Program (or predecessor program) and the Education Debt Reduction Program have”; and

(4) in paragraph (4)—

(A) by striking out “and per” and inserting in lieu thereof “, per”; and

(B) by inserting “, and per participant in the Education Debt Reduction Program” before the period at the end.

(e) Authorization of Appropriations.—(1) There is authorized to be appropriated for the Department of Veterans Affairs the amount of $10,000,000 for each of fiscal years 1994 through 1998 to carry out the Education Debt Reduction Program.

(2) No funds may be used to provide assistance under the program unless expressly provided for in an appropriations law.

(f) Exemption From Limitation.—Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7601 note) shall not apply to the Education Debt Reduction Program.

SEC. 602. PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.

(a) Extension of Program.—Effective on October 1, 1994, subsection (a) of section 1720C is amended by striking out “During the four-year period beginning on October 1, 1990,” and inserting in lieu thereof “During the period through September 30, 1997,”.

(b) Veterans Eligible To Participate in Program.—Such subsection is further amended by striking out “care and who—” and inserting in lieu thereof “care. The Secretary shall give priority for participation in such program to veterans who—”.

(c) Report Deadlines.—Section 201(b) of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366; 38 U.S.C. 1720C note) is amended—

(1) by striking out “February 1, 1994,” and inserting in lieu thereof “February 1, 1997,”; and

(2) by striking out “September 30, 1993,” and inserting in lieu thereof “September 30, 1996,”.

SEC. 603. PER DIEM FOR ADULT DAY HEALTH CARE.

(a) In General.—Subsection (a) of section 1741 is amended to read as follows:

“(a)(1) The Secretary shall pay to each State a per diem amount for each veteran receiving domiciliary care, nursing home care, hospital care, or adult day health care in a State home if the veteran is eligible to receive that care in a Department facility.

“(2) The per diem amount to be paid under this subsection is as follows:

“(A) For domiciliary care, $15.11.

“(B) For nursing home care and hospital care, $35.37.

“(C) For adult day health care, an amount to be prescribed by the Secretary, not in excess of the amount under subparagraph (A).”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to adult day health care provided in a State home after the date of the enactment of this Act.

SEC. 604. STATE HOME CONSTRUCTION ASSISTANCE PROGRAM.

(a) In General.—Subchapter III of chapter 81 is amended as follows:

(1) Section 8131(3) is amended by inserting “or adult day health care” after “hospital care”.

(2) Section 8132 is amended by inserting “or adult day health care” after “hospital care”.

(3) Section 8135(a)(4) is amended by inserting “and, in the case of adult day health care, not more than 25 percent of the number of patients participating in that program,” after “occupancy”.

(4) Section 8135(b) is amended—

(A) in paragraph (2)(C), by inserting “or adult day health care facilities” after “domiciliary beds”; and

(B) in paragraph (3)(A), by inserting “, or would involve expansion, remodeling, or alteration of existing buildings for the furnishing of adult day health care” after “buildings”.

(5) Section 8136 is amended by inserting “or adult day health care” after “hospital care”.

(6) The heading of such subchapter is amended to read as follows:

“SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING DOMICILIARY CARE, NURSING HOME CARE, ADULT DAY HEALTH CARE, AND HOSPITAL CARE”.

(b) Clerical Amendment.—The item relating to subchapter III in the table of sections at the beginning of such chapter is amended to read as follows:

“SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING DOMICILIARY CARE, NURSING HOME CARE, ADULT DAY HEALTH CARE, AND HOSPITAL CARE”.

(c) Effective Date.—The amendments made by subsection (a) shall apply with respect to grants made to States using funds appropriated after the date of the enactment of this Act.

SEC. 605. DEPARTMENT OF VETERANS AFFAIRS RESEARCH ADVISORY COMMITTEES.

(a) Statutory Basis for Research Advisory Committees.—Subchapter III of chapter 5 is amended by adding after section 544, as added by section 302(a), the following new section:

“§ 545. Veterans research advisory committees

“(a) Congress declares that each of the veterans research advisory committees specified in subsection (c) (previously established by the Secretary in carrying out the duties of the Secretary under section 7303 of this title) has a continuing, ongoing function that is integrally related to the successful completion by the Department of its statutory duties. Each such committee shall, for all purposes, operate as though such committee had been established by, and chartered pursuant to, law. The objectives and scope of the activities of each such committee and the duties for which the committee is responsible, as specified by the Secretary as of September 1, 1993, shall be those in effect as of that date.

“(b) The Secretary may not terminate a veterans' research advisory committee specified in subsection (c) unless the Secretary finds that the committee is no longer needed. Not less than 120 days before terminating such a committee, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the proposed termination. The report shall include an explanation of (1) the basis for the Secretary's determination that such committee is no longer needed, and (2) the manner in which the Secretary will carry out the Secretary's responsibilities under section 7303 of this title in the absence of the committee.

“(c) For purposes of this section, each of the following committees and boards, as established by the Secretary as of September 1, 1993, shall be considered to be a veterans' research advisory committee:

“(1) The Career Development Committee.

“(2) The Department of Veterans Affairs Cooperative Studies Evaluation Committee.

“(3) The Merit Review Board for Basic Sciences Programs.

“(4) The Merit Review Board for Cardiovascular Programs.

“(5) The Merit Review Board for Clinical Pharmacology, Alcoholism, and Drug Dependence Programs.

"(6) The Merit Review Board for Endocrinology Programs.

"(7) The Merit Review Board for Gastroenterology Programs.

"(8) The Merit Review Board for Hematology Programs.

"(9) The Merit Review Board for Immunology Programs.

"(10) The Merit Review Board for Infectious Diseases Programs.

"(11) The Merit Review Board for Mental Health and Behavioral Sciences Programs.

"(12) The Merit Review Board for Nephrology Programs.

"(13) The Merit Review Board for Neurobiology Programs.

"(14) The Merit Review Board for Oncology Programs.

"(15) The Merit Review Board for Respiration Programs.

"(16) The Merit Review Board for Surgery Programs.

"(17) The Scientific Review and Evaluation Board for Health Services Research and Development.

"(18) The Scientific Review and Evaluation Board for Rehabilitation Research and Development.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 is amended by inserting after the item relating to section 544, as added by section 302(a), the following new item:

"545. Veterans research advisory committees.".

SEC. 606. CHILD CARE SERVICES.

(a) REVISED CHILD CARE AUTHORITY.—Chapter 81 is amended by inserting after section 8116 the following new section:

"§ 8117. Child care centers

"(a) The Secretary may provide for the operation of child care centers at Department facilities. The operation of such centers under this section shall be carried out to the extent that the Secretary determines, based on the demand of employees of the Department for the care involved, that such operation is in the best interest of the Department and that it is practicable to do so.

"(b)(1) In offering child care services under this section, the Secretary shall give priority (in the following order) to employees of—

"(A) the Department;

"(B) other departments and agencies of the Federal Government; and

"(C) schools affiliated with the Department and corporations created under section 7361 of this title.

"(2) To the extent that space is available, the Secretary may provide child care services to members of the public at a child care center operated under this section if the Secretary determines that to do so is necessary to assure the financial success of that center.

"(c)(1) The Secretary shall establish reasonable charges for child care services provided at each child care center operated under this section. Such charges may be established at different rates for different centers.

"(2) In establishing charges for child care services provided at a center, the Secretary—

"(A) shall (except as provided in paragraph (3)) establish the charges so as to ensure that the sum of all charges for child care services at that center is sufficient to meet the staffing expenses of that center; and

"(B) may also consider the expenses of constructing or acquiring space for the center, the expenses of converting existing space into the center, and the expenses of equipment and services furnished to the center under subsection (d)(2).

"(3) The Secretary may establish charges for child care services provided at a center at rates less than those necessary to ensure that the sum of all charges for child care services at that center is sufficient to meet the staffing expenses of that center if the Secretary determines (with respect to a particular facility of the Department) that—

"(A) the operation of a child care center at that facility would help overcome serious recruitment or retention problems;

"(B) adherence to the requirement to establish charges for child care services at that center at rates sufficient to meet the staffing expenses of that center would make the operation of a child care center at that facility infeasible; and

"(C) there are no other practical alternatives to meeting the needs of employees at that facility for child care services.

"(4) Proceeds from charges for child care services shall be credited to the applicable Department of Veterans Affairs account and shall be allotted to the facility served by the child care center and shall remain available until expended.

"(d) In connection with the establishment and operation of a child care center under this section, the Secretary—

"(1) may construct or alter space in any Department facility, and may lease space in a non-Department facility for a term not to exceed 20 years, for use as a child care center;

"(2) may provide, out of operating funds, other items and services necessary for the operation of the center, including furniture, office machines and equipment, utility and custodial services, and other necessary services and amenities;

"(3) shall provide for the participation (directly or through a parent advisory committee) of parents of children receiving care in the center in the establishment of policies to govern the operation of the center and in the oversight of the implementation of such policies;

"(4) shall require the development and use of a process for determining the fitness and suitability of prospective employees of or volunteers at the center; and

"(5) shall require in connection with the operation of the center compliance with all State and local laws, ordinances, and regulations relating to health and safety and the operation of child care centers.

"(e) The Secretary shall prescribe guidelines to carry out this section.

"(f) For the purpose of this section, the term 'parent advisory committee' means a committee comprised of, and selected by, the parents of children receiving care in a child care center operated under this section.".

(b) CONFORMING REPEAL.—Section 7809 is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8116 the following new item:

"8117. Child care centers.".

(2) The table of sections at the beginning of chapter 78 is amended by striking out the item relating to section 7809.

SEC. 607. CONTRACTS FOR UTILITIES, AUDIE L. MURPHY MEMORIAL HOSPITAL.

(a) AUTHORITY TO CONTRACT.—Subject to subsection (b), the Secretary of Veterans Affairs may enter into contracts for the provision of utilities (including steam and chilled water) to the Audie L. Murphy Memorial Hospital in San Antonio, Texas. Each such contract may—

(1) be for a period not to exceed 35 years;

(2) provide for the construction and operation of a production facility on or near property under the jurisdiction of the Secretary;

(3) require capital contributions by the parties involved for the construction of such a facility, such contribution to be in the form of cash, equipment, or other in-kind contribution; and

(4) provide for a predetermined formula to compute the cost of providing such utilities to the parties for the duration of the contract.

(b) FUNDS.—A contract may be entered into under subsection (a) only to the extent that appropriations are available.

(c) ADDITIONAL TERMS.—The Secretary may include in a contract under subsection (a) such additional provisions as the Secretary considers necessary to secure the provision of utilities and to protect the interests of the United States.

SEC. 608. FACILITIES IN REPUBLIC OF THE PHILIPPINES.

Notwithstanding section 1724 of title 38, United States Code, the Secretary of Veterans Affairs may contract with facilities in the Republic of the Philippines other than the Veterans Memorial Medical Center to furnish, during the period from February 28, 1994, through June 1, 1994, hospital care and medical services to veterans for nonservice-connected disabilities if such veterans are unable to defray the expenses of necessary hospital care. When the Secretary determines it to be most feasible, the Secretary may provide medical services under the preceding sentence to such veterans at the Department of Veterans Affairs Outpatient Clinic at Manila, Republic of the Philippines.

SEC. 609. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—Sections 7361(b) and 7363(c) are each amended by striking out "section 501(c)(3) of".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of May 20, 1988.

SEC. 610. CENTER FOR MINORITY VETERANS AND CENTER FOR WOMEN VETERANS.

(a) IN GENERAL.—Chapter 3 is amended by striking out section 317 and inserting in lieu thereof the following new sections:

"§ 317. Center for Minority Veterans

"(a) There is in the Department a Center for Minority Veterans. There is at the head of the Center a Director.

"(b) The Director shall be a noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

"(d) The Director shall perform the following functions with respect to veterans who are minorities:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are minorities.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are minorities are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are minorities and the conduct of outreach activities to veterans who are minorities, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are minorities.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are minorities and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are minorities about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are minorities.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are minorities.

"(9) Publicize the results of medical research which are of particular significance to veterans who are minorities.

"(10) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Center;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.

"§ 318. Center for Women Veterans

"(a) There is in the Department a Center for Women Veterans. There is at the head of the Center a Director.

"(b) The Director shall be a noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

"(d) The Director shall perform the following functions with respect to veterans who are women:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are women and the conduct of outreach activities to veterans who are women, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are women and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.

"(9) Publicize the results of medical research which are of particular significance to veterans who are women.

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (relating to the inclusion of women and minorities in clinical research) and of particular health conditions affecting womens' health which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.

"(11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.

"(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Center;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 317 and and inserting in lieu thereof the following new items:

"317. Center for Minority Veterans.
"318. Center for Women Veterans.".

SEC. 611. ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) ESTABLISHMENT.—Subchapter III of chapter 5 is amended by adding after section 545, as added by section 605(a), the following new section:

"§ 546. Advisory Committee on Minority Veterans

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Veterans (hereinafter in this section referred to as 'the Committee').

"(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

"(i) representatives of veterans who are minority group members;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans who are minority group members;

"(iii) veterans who are minority group members and who have experience in a military theater of operations; and

"(iv) veterans who are minority group members and who do not have such experience.

"(B) The Committee shall include, as ex officio members, the following:

"(i) The Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment).

"(ii) The Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense).

"(iii) The Secretary of the Interior (or a representative of the Secretary of the Interior designated by the Secretary of the Interior).

"(iv) The Secretary of Commerce (or a representative of the Secretary of Commerce designated by the Secretary of Commerce).

"(v) The Secretary of Health and Human Services (or a representative of the Secretary of Health and Human Services designated by the Secretary of Health and Human Services).

"(vi) The Under Secretary for Health and the Under Secretary for Benefits, or their designees.

"(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

"(4) The Committee shall meet as often as the Secretary considers necessary or appropriate, but not less often than twice each fiscal year.

"(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for veterans who are minority group members, reports and studies pertaining to such veterans and the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department.

"(c)(1) Not later than July 1 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are minority group members. Each such report shall include—

"(A) an assessment of the needs of veterans who are minority group members with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

"(d) In this section, the term 'minority group member' means an individual who is—

"(1) Asian American;

"(2) Black;

"(3) Hispanic;

"(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

"(5) Pacific-Islander American.

"(e) The Committee shall cease to exist December 31, 1997.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 545, as added by section 605(b), the following new item:

"546. Advisory Committee on Minority Veterans.".

SEC. 612. AUTHORITY TO ENTER INTO AGREEMENT FOR USE OF PROPERTY AT EDWARD HINES, JR., DEPARTMENT OF VETERANS AFFAIRS HOSPITAL.

(a) IN GENERAL.—The Secretary of Veterans Affairs may enter into a long-term lease or similar agreement with the organization known as The Caring Place at Loyola, Inc., a not-for-profit organization operating under the laws of the State of Illinois, to permit that organization to establish on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Hospital, Hines, Illinois, a facility to provide temporary accommodations for family members of severely ill children who are being treated at the Loyola University of Chicago Medical Center and other hospitals.

(b) CONDITIONS.—An agreement under subsection (a)—

(1) shall ensure that there shall be no cost to the United States as a result of the property use authorized by that subsection;

(2) may permit the use of the property without rent; and

(3) shall, to the extent practicable, ensure that one room of the facility is available for the use of a veteran (at no cost to the veteran) as temporary accommodations for the veteran while a severely ill child of the veteran is treated at the Loyola University of Chicago Medical Center or other hospitals.

SEC. 613. COUNSELING SERVICES FOR POW/MIA FAMILY MEMBERS.

(a) AUTHORITY.—The Secretary of Veterans Affairs may, in accordance with arrangements described in subsection (c), provide counseling services to the members of the immediate family of a member of the Armed Forces who is a prisoner of war or missing in action or who is an unaccounted-for POW/MIA.

(b) SERVICES AUTHORIZED.—Services authorized under this section are such counseling services as the Secretary of Veterans Affairs determines to be appropriate to assist family members with the mental or psychological problems associated with the status of the member as a prisoner of war, missing in action, or an unaccounted-for POW/MIA.

(c) ARRANGEMENTS WITH DEPARTMENT OF DEFENSE.—Counseling services under this section shall be provided in accordance with arrangements between the Secretary of Veterans Affairs and the Secretary of Defense. Such arrangements shall provide for reimbursement in accordance with the methodology described in section 8111(e) of title 38, United States Code. The Secretary of Veterans Affairs may waive reimbursement under this subsection if the Secretary determines that it would not be cost-effective to attempt to secure such reimbursement.

(d) DEFINITION.—For purposes of this section, the term "unaccounted-for POW/MIA" means an individual who, as a result of service in the Armed Forces, was at any time classified as a prisoner of war or missing-in-action and whose person or remains have not been returned to United States control and who remains unaccounted for.

SEC. 614. REVISION OF AUTHORITY ON USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

Subsection (a) of section 526 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1715 note) is amended to read as follows:

"(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall ensure that each facility of the Department of Veterans Affairs described in subsection (b) may establish and maintain a smoking area for patients or residents of the facility. Any such area shall be—

"(A) a suitable indoor area which is ventilated in a manner that, to the maximum extent feasible, prevents smoke from entering other areas of the facility; or

"(B) an area in a building that is detached from the facility but that is accessible to patients or residents of the facility and has appropriate heating and air conditioning.

"(2) The Secretary shall ensure that access to a smoking area established and maintained under paragraph (1) at a Department facility is provided, consistent with medical requirements and limitations, for patients or residents of the facility who are receiving care or services at the facility and who desire to use tobacco products.

"(3) The Secretary shall ensure that the establishment and maintenance of smoking areas under paragraph (1) is carried out in a manner consistent with medical requirements and limitations.

"(4) The Secretary shall ensure that any facility that as of the date of the enactment of the Veterans Health Improvements Act of 1994 has established a smoking area under this section shall continue to maintain such a smoking area.".

SEC. 615. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) DRUG AND ALCOHOL ABUSE AND DEPENDENCE.—Section 1720A(e) is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1997".

(b) ENHANCED-USE LEASES OF REAL PROPERTY.—Section 8169 is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1997".

SEC. 616. PROTECTION AGAINST CERTAIN PROHIBITED PERSONNEL PRACTICES.

(a) IN GENERAL.—Subchapter II of chapter 74 is amended by adding at the end the following:

"§ 7427. Protection from prohibited personnel practices

"(a)(1) The provisions of law specified in paragraph (2) apply to any individual appointed as an employee of the Veterans Health Administration under chapter 73 of this title or under this chapter.

"(2) The provisions of law referred to in paragraph (1) are sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, and 2302 of title 5.

"(b) The authority of the Merit Systems Protection Board and of the Office of Special Counsel to review any personnel action under the authority provided for under a provision of law specified in subsection (a)(2) shall apply only to the extent specified in that provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7426 the following new item:

"7427. Protection from prohibited personnel practices.".

SEC. 617. PERMANENT AUTHORITY FOR WAIVER OF REDUCTION OF RETIREMENT PAY FOR REGISTERED-NURSE POSITIONS.

Section 7426(c) is amended by striking out the second sentence.

SEC. 618. SUBMITTAL DATE FOR REPORT ON ANNUAL ANALYSIS OF DEPARTMENT-WIDE ADMISSIONS POLICIES.

Section 8110(a)(3)(B) is amended by striking out "December 1" and inserting in lieu thereof "April 1".

SEC. 619. HEALTH CARE RESOURCES.

(a) Section 8123 is amended—

(1) by inserting "(a)" at the beginning of the text;

(2) by inserting after subsection (a) the following:

"(b)(1) The director of a Department health care facility located in a State that has established a State health care reform plan may, without regard to section 1703 of this title, or any other law or regulation pertaining to competitive procedures, acquisition procedures, or policies (other than contract dispute procedures), or bid protests, contract with any entity or individual to procure or furnish any health care resource, as that term is defined in section 8152 of this title. The references in this subsection to laws or regulations shall not be construed to apply to any provision of title XVIII or XIX of the Social Security Act.

"(2) A director may contract to furnish services under this subsection to individuals who are not veterans or enrollees in a health plan operated by the Secretary only if the director has determined that a contract to furnish such services—

"(A) is necessary to maintain an acceptable level and quality of service to veterans at that facility;

"(B) will result in the improvement of services to eligible veterans at that facility; and

"(C) will not result in the denial of, or a delay in providing access to, care to any veteran at that facility.

"(3) In entering into a contract to provide services under this subsection, the director shall require payment to the Department in accordance with rates of payment sufficient to recover the cost of the Department in providing services under the contract. Any proceeds to the Government received therefrom shall be credited to the applicable appropriation of the Department and to funds that have been allotted to the facility that furnished the care or services.

"(4) For purposes of this subsection, a State health care reform plan shall be considered to have been established in a State if the Secretary determines that the State has enacted legislation that is intended, at least in part, to provide residents of that State who lack, or have inadequate, health insurance coverage access to health care services.

"(c) A provision of law enacted after the date of enactment of this subsection shall not be construed as applicable to purchases of prosthetic appliances or health care resources by the Department unless that provision of law specifically refers to this section and specifically states that such provision of law modifies or supersedes this section.

"(d) The authority to enter into a contract under subsection (b) shall expire upon the expiration of the authority of the Secretary to conduct pilot programs under title VII of the Veterans Health Improvements Act of 1994.".

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 8123 is amended to read:

"§8123. Procurement of prosthetic appliances and health care resources".

(2) The table of sections at the beginning of chapter 81 is amended by striking out the item relating to section 8123 and inserting in lieu thereof the following:

"8123. Procurement of prosthetic appliances and health care resources.".

TITLE VII—HEALTH CARE DELIVERY PILOT PROGRAM

SEC. 701. PILOT PROGRAM AUTHORITY.

(a) IN GENERAL.—Subject to section 702, the Secretary of Veterans Affairs may establish and operate a pilot program under this title in any State that has established a State comprehensive health benefit plan. Such a pilot program may not be established in more than five States.

(b) STATE COMPREHENSIVE HEALTH BENEFIT PLAN.—For purposes of this title, a State comprehensive health benefit plan shall be considered to have been established in a State if the Secretary determines that the State has enacted legislation which establishes a plan or program that is intended to ensure access to comprehensive basic health care benefits to all residents of the State who otherwise lack such health care coverage.

(c) AUTHORITIES UNDER PILOT PROGRAM.—Subject to subsection (d), the Secretary, in carrying out a pilot program in a State under this title, may—

(1) establish and operate health plans, either independently or through a joint venture with any health care plan, insurer, or any other entity—

(A) in accordance with the statutory requirements applicable to the establishment and operation of a health plan under the comprehensive health benefit plan of the State in which the pilot program is carried out, and

(B) through the provision of the required benefits to persons eligible for such benefits under subsection (f) by Department of Veterans Affairs health care facilities or by contract;

(2) conduct the pilot program in some or all Department of Veterans Affairs health care facilities located in the State; and

(3) establish such coverage areas for participation in the pilot programs as the Secretary determines appropriate.

(d) COMPLIANCE WITH STATE LAW.—In carrying out subsection (c), the Secretary shall comply with applicable provisions of State law, except that a State may not impose on a health plan established under this section any standard or requirement that—

(1) would prevent the Secretary from establishing and operating a plan solely because it is not open to all residents of the State;

(2) would require particular health care personnel employed by the Secretary to be licensed in that State;

(3) imposes reserve or reinsurance requirements, requirements to purchase reinsurance coverage or financial reporting requirements based on such requirements;

(4) is based on a professional practice act of such State;

(5) would limit the number of beds which the Secretary may operate at any health care facility under the jurisdiction of the Secretary;

(6) would limit or restrict the Secretary from procuring equipment or carrying out any construction work at a health care facility under the jurisdiction of the Secretary; or

(7) would require payment of any tax which is not based on revenues generated from operating a health plan or which imposes a discriminatory burden on a Department health plan.

(e) DESIGNATION OF STATES AS LOCATIONS FOR PILOT PROGRAMS.—(1) Not later than 45 days after the date of the enactment of this Act, the Secretary shall (subject to section 702) designate not less than two States as locations for pilot programs under this title. The Secretary may (subject to section 702) designate additional States (not in excess of three) for locations for a pilot program under this title. The Secretary shall seek to make any such designation not later than the end of the 90-day period beginning on such date of enactment. After the end of such period, the Secretary may make such a designation of an additional State only after—

(A) the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report stating that the Secretary intends to make such a designation and setting forth the rationale for each proposed designation; and

(B) a period of 30 days of continuous session of Congress has elapsed after the submission of the report under subparagraph (A).

For purposes of subparagraph (B), continuity of a session of Congress is broken only by adjournment sine die, and there shall be excluded from the computation of such 30-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

(2) In designating locations for pilot programs from among States other than States described in paragraph (3), the Secretary shall give preference to States with respect to which the Secretary determines that the establishment and operation of a pilot program in those States would result in substantial collections by the United States under section 705(e) from sources such as employer contributions and premium subsidy payments.

(3)(A) In carrying out this title, the Secretary shall (subject to subparagraph (C)) designate as a location for a pilot program each State with respect to which the Secretary has determined, based on factors that the Secretary considers relevant (which shall include the factors specified in subparagraph (B)) that a failure to establish a Department of Veterans Affairs plan in that State would result in a decline in the projected workload in one or more Department of Veterans Affairs health care facilities in that State to such an extent that the decline—

(i) would threaten to impair the capability of those facilities to meet one or more assigned missions; or

(ii) would result in a deterioration in the quality of service-delivery to a degree that it would not be reasonable to continue to provide a needed service or services in such facility or facilities.

(B) Factors considered by the Secretary for purposes of subparagraph (A) shall include—

(i) the scope of benefits offered under the State comprehensive health benefit plan; and

(ii) the extent of financing supporting that plan.

(C) If the Secretary makes a determination described in subparagraph (A) with respect to more than five States, the requirement in that subparagraph that each such State be designated as a location for a pilot program shall not apply and the Secretary shall designate five (rather than all) of such States as locations for a pilot program.

(f) ELIGIBLE PERSONS.—A person eligible for health care benefits under a pilot program is any person residing within the coverage area (as established by the Secretary under subsection (c)(3)) of a Department health care facility which the Secretary has designated for participation in the pilot program as follows:

(1) Any veteran.

(2) Any spouse or child of a veteran who enrolls in a Department of Veterans Affairs health plan.

(3) Any individual eligible for care under paragraph (2) or (3) of section 1713(a) of title 38, United States Code.

(g) COPAYMENTS AND OTHER CHARGES.—(1) Except as provided in paragraph (2), the Secretary may collect from or on behalf of any individual receiving health care benefits from the Secretary under a pilot program under this title a premium, deductible, copayment, or other charge with respect to the provision of a benefit under the pilot program.

(2) The following individuals who receive health care benefits from the Secretary under a pilot program incur no liability to pay a premium, deductible, copayment, or other charge in connection with receiving such benefits:

(A) A veteran with a compensable service-connected disability.

(B) A veteran whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty.

(C) A veteran who is in receipt of, or who, but for a suspension pursuant to section 1151 of title 38, United States Code (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veteran's continuing eligibility for such care is provided for in the judgment or settlement provided for in such section.

(D) A veteran who is a former prisoner of war.

(E) A veteran of the Mexican border period or of World War I.

(F) A veteran who is unable to defray the expenses of necessary care, as determined in accordance with section 1722(a) of such title.

(3) In no case shall an enrollee under a health plan operated under this title be liable for unsatisfied claims against such plan.

SEC. 702. CONDITIONS OF PARTICIPATION.

(a) IN GENERAL.—The Secretary may establish and operate a pilot program in a State under section 701 only if the Secretary has done each of the following:

(1) Taken action to ensure that in designing and establishing a health plan under the pilot program, provisions are made, to the extent feasible, for the applicability and

compatibility of data collection, services, and other aspects of medical care and administration with those of other Department health care facilities that are not participants in the pilot program in that State.

(2) Provided for an evaluation of the pilot program to assess—

(A) access to care;

(B) cost of care;

(C) patient satisfaction;

(D) quality of care;

(E) the ability of health plans under the pilot program to attract enrollees; and

(F) such other matters as the Secretary determines appropriate.

(3) Required the director of each medical center that is to participate in the pilot program to establish, and to consult regularly with, a committee, which shall include veteran and other patient representatives, regarding the delivery of services and the conduct of the pilot program.

(b) Submission of Plan to Congress.—The Secretary may implement a pilot program under section 701 only after the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the proposed plan.

(c) Matters To Be Included in Report.—Each report under subsection (b) shall include the following:

(1) A detailed description of the rationale for proposed participation in the State comprehensive health benefit plan.

(2) A detailed business plan for the Department's participation under the State comprehensive health benefits plan.

(3) A description of the actions the Secretary has taken to consult with veterans on the Department's proposed participation in the State comprehensive health benefit plan.

(4) A description of the provisions the Secretary has made to ensure the fiscal solvency of the proposed pilot programs.

(d) Retention of Specialized Capacities.—In carrying out the pilot programs, the Secretary shall ensure that the Department maintains its capacity to provide for the specialized treatment and rehabilitative needs of disabled veterans described in section 1710(a) of title 38, United States Code, including veterans with spinal cord dysfunction, blindness, and mental illness.

SEC. 703. OPERATION OF PILOT PROGRAMS.

(a) Delegation of Authority.—Not later than 30 days after the date of the enactment of this Act, the Secretary, with respect to the authority of the Secretary to operate pilot programs under this title in those States in which pilot program are established—

(1) shall delegate, to the maximum extent feasible, authority for the operation of that pilot program to an official described in subsection (e)(1);

(2) shall delegate in full the authority of the Secretary under subsection (f)(2); and

(3) shall delegate so much of the authority of the Secretary under subsection (f)(1) as is applicable to an administrative reorganization concerning a medical facility of the Department in that State which does not result—

(A) in a mission change to, or closure of, that medical facility; or

(B) in a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at that facility by 20 percent or more.

(b) Development of Contract Provisions.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall, in connection with the development of contracts relating to the establishment and operation of pilot programs, prescribe the following:

(1) Procedures which—

(A) identify classes of contracts, other than contracts described in subsection (e)(2), which shall not be subject to prior Central Office review; and

(B) provide for expedited review and consideration of proposed contracts which the Secretary determines require such review.

(2) Accountability mechanisms to ensure that such procedures are implemented.

(c) Implementation Report.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. The report shall—

(1) describe the delegations of authority prescribed under subsection (a) and identify and describe the areas of responsibility for which the Secretary proposes to retain decisionmaking authority with respect to the operation of the pilot program and the rationale for such proposed retention in each instance; and

(2) in connection with contracts relating to the establishment and operation of the pilot programs, identify—

(A) the classes of proposed contracts which are subject to prior Central Office review;

(B) the procedures and accountability mechanisms for expediting review and consideration of such proposed contracts; and

(C) the mechanism or mechanisms by which such expedited review and decisionmaking will take place.

(d) Timely Central Office Review.—The accountability mechanisms described in subsection (b)(2) shall include a requirement that any required prior review of a contract by Central Office be completed within 30 days of its submittal and a requirement that the failure to approve or reject a contract described in subsection (b)(1)(B) within such 30-day period result in the contract being deemed approved.

(e) Administration.—In carrying out pilot programs under section 701, the Secretary shall—

(1) designate a health system director for each State in which a pilot program is carried out under this title;

(2) ensure that contracts for health care services may be entered into without prior review by the Central Office of the Department; and

(3) provide for training Department personnel in each State in which a pilot program will be carried out in the negotiation and development of managed care contracts and for ensuring that an attorney employed by the Department and a warranted contracting officer employed by the Department participate in negotiation and development of all such contracts.

(f) Administrative Flexibility.—The Secretary, when the Secretary considers it necessary in carrying out a pilot program under section 701, may—

(1) carry out administrative reorganizations, subject to section 702(d), without regard to section 510(b) of title 38, United States Code;

(2) appoint personnel to positions in the health care system of the Department in the State in which the pilot program is carried out in accordance with such standards for such positions as the Secretary may establish and promote and advance personnel serving in such positions in accordance with such standards as the Secretary may establish;

(3) enter into contracts, including contracts under the terms and conditions described in section 8123(b) of title 38, United Sates Code, as added by this Act, without regard to the provisions of section 8110(c) or 8125 of title 38, United States Code; and

(4) carry out consumer-survey, promotional, advertising, and marketing activities related to establishing and operating a health plan.

SEC. 704. PROVISION OF BENEFITS.

In the case of care and services that may be provided under chapter 17 of title 38, United States Code, and that are not included among the comprehensive basic health care benefits provided for under a State comprehensive health benefit plan in a State in which the Secretary operates a pilot program under this title, the Secretary shall provide to any veteran (whether or not enrolled in a Department of Veterans Affairs health plan under the pilot program in that State) the care and services authorized under that chapter in accordance with the terms and conditions applicable to that veteran and that care under that chapter.

SEC. 705. FUNDING.

(a) Establishment of Revolving Fund.—There is established in the Treasury of the United States a revolving fund for conduct of the pilot programs under this title. Subject to subsection (e), amounts in the revolving funds are available without fiscal year limitation for all expenses necessary to carry out the purposes of the pilot program.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the revolving fund such sums as may be necessary for each of fiscal years 1995 through 2000 for conduct and evaluation of the pilot programs.

(c) Authorization To Transfer Certain Funds.—In addition to funds appropriated pursuant to subsection (b), the Secretary may transfer to the revolving fund authorized by subsection (a) funds from the Medical Care Appropriation Account of the Department when the Secretary determines that such transfer is necessary to carry out the purposes of the pilot program. The Secretary shall include in budget documents of the Department for any fiscal year the Secretary's estimate of the amount to be transferred pursuant to this subsection.

(d) Authorized Disbursements.—(1) The Secretary, subject to paragraph (2) and to subsection (e), may make such disbursements from the revolving fund established under subsection (a) as the Secretary considers necessary to carry out the purposes of the pilot programs and their evaluation. Such disbursements may be made to cover any expense, both direct and indirect, related to the establishment and operation of a health plan, including the following:

(A) The furnishing of medical care and services.

(B) The acquisition of information systems.

(C) Acquisition, construction, repair, and renovation of facilities (including the land on which facilities are located or to be constructed) necessary to carry out the pilot program.

(D) Legal services provided in support of the pilot program by the General Counsel of the Department of Veterans Affairs.

(E) Conduct of consumer surveys and printing, marketing, and advertising (including contracts for such services).

(2) Funds in the revolving fund shall not be available for a major medical facility project, or a major medical facility lease, as defined in section 8104(a)(3) of title 38, United

States Code, unless funds for such project or lease have been specifically authorized by law.

(e) RECEIPT OF CERTAIN FUNDS.—(1) The Secretary, subject to section 701(g)(2), may collect premiums, deductibles, copayments, and other charges with respect to health care services furnished by the Secretary under a pilot program authorized under section 701 from any party obligated to pay such expenses.

(2) Any funds received under paragraph (1), other than funds for which recovery could have been accomplished under section 1710(f), 1712(f), 1722A, or 1729(a) of title 38, United States Code, shall be deposited in the revolving fund. Funds for which recovery could have been accomplished under any of those sections shall be deposited in the Medical-Care Cost Recovery Fund established under section 1729(g) of that title.

(3) Funds deposited in the Medical-Care Cost Recovery Fund during any fiscal year in an amount in excess of the Congressional Budget Office baseline (as of the date of the enactment of this Act) for deposits in that fund for that fiscal year shall not be subject to paragraph (4) of section 1710(f), 1712(f), or 1729(g) (as the case may be) of that title, but shall be transferred to the revolving fund. Such transfer for any fiscal year shall be made at any time that the total of amounts so received less amounts estimated to cover the expenses, payments, and costs described in paragraph (3) of section 1729(g) of that title is in excess of the applicable Congressional Budget Office baseline.

(f) TRANSFER OF EXCESS FUNDS.—If the Secretary determines that moneys in the revolving fund established under subsection (a) are in excess of the needs of the pilot program, the Secretary shall transfer the excess funds to the Medical Care Appropriation account of the Department.

(g) REIMBURSEMENT REQUIRED FOR VETERANS ENROLLED WITH HEALTH PLANS OUTSIDE DEPARTMENT.—(1) A veteran who is residing in a State in which the Secretary operates a pilot program under this title and who is enrolled in a health plan other than a health plan operated by the Secretary under that pilot program may be provided the items and services in the comprehensive basic health benefits package in effect in that State by a VA health plan operating in that State only if (except as provided in paragraph (2)) the plan is reimbursed for the cost of the care provided.

(2) The Secretary may not impose on or collect from a veteran described in paragraph (1) a cost-share charge of any kind in the case of treatment for a service-connected disability that (as determined by the Secretary) requires a specialized treatment capacity for which the Department has particular expertise.

SEC. 706. ANNUAL REPORTS TO CONGRESS.

Not later than 14 months after the completion of the designation of States as locations for pilot programs under this title and not later than November 30 of each year from 1997 through the expiration of all pilot programs under this title, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report of the Department's experience in carrying out the provisions of this title and the findings or interim findings or evaluations carried out in accordance with section 702(a)(2). Each such report shall include information regarding the effect on Department health care delivery and operations in each State in which a State comprehensive health benefit plan has been implemented and shall specifically identify each transfer of funds under section 705(c) and account specifically for the use of such funds.

SEC. 707. EXPIRATION OF AUTHORITY.

The authority to conduct a pilot program under this title shall expire on the earlier of (1) the date that is five years after the date of the commencement of the provision of benefits under the pilot program, or (2) the effective date of a Federal health-care reform statute which has the effect of superseding State laws establishing reformed systems.

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to revise and improve veterans' health care programs, and for other purposes.".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent the House amendments to the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi [Mr. MONTGOMERY]?

Mr. SMITH of New Jersey. Mr. Speaker, I object to the original request.

The SPEAKER pro tempore. Objection is heard.

VETERANS HEALTH IMPROVEMENTS ACT OF 1993

Mr. MONTGOMERY. Mr. Speaker, since the gentleman (Mr. SMITH of New Jersey) objected to my request, I will make the following request:

Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3313), to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes, and concur in the Senate amendments with amendments that are at the desk.

Mr. Speaker, this is the same number, but with different nomenclature.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will request the proposed amendments.

The Clerk read the House amendments to the Senate amendments, as follows:

House amendments to the Senate amendments: In lieu of the matter proposed to be inserted by the amendment to the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Programs Extension Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

Sec. 101. Sexual trauma counseling and services.
Sec. 102. Research relating to women veterans.
Sec. 103. Extension of expiring authorities.
Sec. 104. Facilities in Republic of the Philippines.
Sec. 105. Savings provision.

TITLE II—CONSTRUCTION AUTHORIZATION

Sec. 201. Authorization of major medical facility projects and major medical facility leases.
Sec. 202. Authorization of appropriations.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

SEC. 101. SEXUAL TRAUMA COUNSELING AND SERVICES.

(a) AUTHORITY TO PROVIDE TREATMENT SERVICES FOR SEXUAL TRAUMA; REPEAL OF LIMITATION ON TIME TO SEEK SERVICES.—Subsection (a) of section 1720D is amended—

(1) by striking out paragraph (2); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition that the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that paragraph.".

(b) EXTENSION OF PERIOD OF AUTHORITY TO PROVIDE SEXUAL TRAUMA SERVICES.—Such subsection is further amended—

(1) in paragraph (1), by striking out "December 31, 1995," and inserting in lieu thereof "December 31, 1998,"; and

(2) in paragraph (3), by striking out "December 31, 1994," and inserting in lieu thereof "December 31, 1998,".

(c) REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF SERVICES.—Such section is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(d) COORDINATION OF CARE.—Paragraph (1) of subsection (b) of such section, as redesignated by subsection (c)(2), is amended to read as follows:

"(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a), the Secretary shall ensure that the veteran is furnished counseling and care and services under this section in a way that is coordinated with the furnishing of such care and services under this chapter.".

(e) INCREASED PRIORITY OF CARE.—Section 1712(i) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "To a veteran"; and

(B) by inserting ", or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services" before the period at the end; and

(2) in paragraph (2)—

(A) by striking out ", (B)" and inserting in lieu thereof "or (B)"; and

(B) by striking out ", or (C)" and all that follows through "such counseling".

(f) PROGRAM REVISION.—(1) Section 1720D is further amended—

(A) by striking out "woman" in subsection (a)(1);

(B) by striking out "women" in subsection (b)(2)(C) and in the first sentence of subsection (c), as redesignated by subsection (c); and

(C) by striking out "women" in subsection (c)(2), as so redesignated, and inserting in lieu thereof "individuals".

(2)(A) The heading of such section is amended to read as follows:

"§1720D. Counseling and treatment for sexual trauma".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"1720D. Counseling and treatment for sexual trauma.".

(g) INFORMATION BY TELEPHONE.—(1) Paragraph (1) of section 1720D(c), as redesignated by subsection (c) of this section, is amended to read as follows:

"(1) shall include availability of a toll-free telephone number (commonly referred to as an 800 number); and".

(2) In providing information on counseling available to veterans as required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)), the Secretary of Veterans Affairs shall ensure that the Department of Veterans Affairs personnel who provide assistance under such section are trained in the provision to persons who have experienced sexual trauma of information about the care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations.

(3) The telephone assistance service shall be operated in a manner that protects the confidentiality of persons who place calls to the system.

(4) The Secretary shall ensure that information about the availability of the telephone assistance service is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

(5) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone assistance service required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)). The report shall set forth the following:

(A) The number of persons who sought information during the period covered by the report through a toll free telephone number regarding services available to veterans relating to sexual trauma, with a separate display of the number of sucn persons arrayed by State (as such term is defined in section 101(20) of title 38, United States Code).

(B) A description of the training provided to the personnel who provide such assistance.

(C) The recommendations and plans of the Secretary for the improvement of the service.

(h) CONFORMING REPEAL.—Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

SEC. 102. RESEARCH RELATING TO WOMEN VETERANS.

(a) INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.—Section 7303 is amended—

(1) by transferring the text of subsection (c) to the end of subsection (a)(1); and

(2) by striking out "(c)" and inserting in lieu thereof the following:

"(c)(1) In conducting or supporting clinical research, the Secretary shall ensure that, whenever possible and appropriate—

"(A) women who are veterans are included as subjects in each project of such research; and

"(B) members of minority groups who are veterans are included as subjects of such research.

"(2) In the case of a project of clinical research in which women or members of minority groups will under paragraph (1) be included as subjects of the research, the Secretary shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.".

(b) HEALTH RESEARCH.—(1) Such section is further amended by adding after subsection (c), as added by subsection (a), the following new subsection:

"(d)(1) The Secretary, in carrying out the Secretary's responsibilities under this section, shall foster and encourage the initiation and expansion of research relating to the health of veterans who are women.

"(2) In carrying out this subsection, the Secretary shall consult with the following to assist the Secretary in setting research priorities:

"(A) Officials of the Department assigned responsibility for women's health programs and sexual trauma services.

"(B) The members of the Advisory Committee on Women Veterans.

"(C) Members of appropriate task forces and working groups within the Department (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).".

(2) Section 109 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is repealed.

(c) POPULATION STUDY.—Section 110(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948) is amended by adding at the end of paragraph (3) the following: "If it is feasible to do so within the amounts available for the conduct of the study, the Secretary shall ensure that the sample referred to in paragraph (1) constitutes a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women.".

SEC. 103. EXTENSION OF EXPIRING AUTHORITIES.

(a) AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR VETERANS EXPOSED TO TOXIC SUBSTANCES.—Chapter 17 is amended—

(1) in section 1710(e)(3)—

(A) by striking out "June 30, 1994" and inserting in lieu thereof "June 30, 1995"; and

(B) by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995"; and

(2) in section 1712(a)(1)(D), by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(b) DRUG AND ALCOHOL ABUSE AND DEPENDENCE.—Section 1720A(e) is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(c) PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.—(1) Effective as of October 1, 1994, subsection (a) of section 1720C is amended by striking out "During the four-year period beginning on October 1, 1990," and inserting in lieu thereof "During the period through September 30, 1995,".

(2) Such subsection is further amended by striking out "care and who—" and inserting in lieu thereof "care. The Secretary shall give priority for participation in such program to veterans who—".

(d) ENHANCED-USE LEASES OF REAL PROPERTY.—Section 8169 is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(e) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

(f) DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY.—Sction 7(a) of Public Law 102-54 (105 Stat. 269; 38 U.S.C. 1718 note) is amended by striking out "1994" and inserting in lieu thereof "1995".

(g) REPORT DEADLINES.—Section 201(b) of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366; 38 U.S.C. 1720C note) is amended by striking out "February 1, 1994," and inserting in lieu thereof "February 1, 1995,".

SEC. 104. FACILITIES IN REPUBLIC OF THE PHILIPPINES.

Notwithstanding section 1724 of title 38, United States Code, the Secretary of Veterans Affairs may contract with facilities in the Republic of the Philippines other than the Veterans Memorial Medical Center to furnish, during the period from February 28, 1994, through June 1, 1994, hospital care and medical services to veterans for nonservice-connected disabilities if such veterans are unable to defray the expenses of necessary hospital care. When the Secretary determines it to be most feasible, the Secretary may provide medical services under the preceding sentence to such veterans at the Department of Veterans Affairs Outpatient Clinic at Manila, Republic of the Philippines.

SEC. 105. RATIFICATION OF ACTIONS DURING PERIOD OF LAPSED AUTHORITY.

Any action of the Secretary of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act is hereby ratified.

TITLE II—CONSTRUCTION AUTHORIZATION

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) PROJECTS AUTHORIZED.—The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the President for fiscal year 1995. The authorization in the preceding sentence applies to projects and leases which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects and leases which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(b) ADDITIONAL PROJECTS.—(1) In addition to the projects authorized in subsection (a), the Secretary may carry out the following major medical facility projects in the amounts specified for such projects:

(A) The projects that are proposed in the documents submitted to Congress by the Secretary of Veterans Affairs in conjunction with the budget of the President for fiscal year 1995 to be financed with funds from the proposed Health Care Investment Fund.

(B) Construction of a nursing home facility at the Department of Veterans Affairs Medical Center in Charleston, South Carolina, in the amount of $7,300,000.

(C) Construction of an outpatient care addition at the Department of Veterans Affairs medical center in Phoenix, Arizona, in the amount of $50,000,000.

(D) A lease/purchase of a nursing home facility near Fort Myers, Florida, in the amount of $12,800,000.

(2) The authorizations in paragraph (1) apply to projects which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(c) PROJECTS FOR WHICH FUNDS APPROPRIATED.—In addition to the projects authorized in subsections (a) and (b), the Secretary may carry out the following major medical facility projects for which funds were appropriated in chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103–211; 108 Stat. 10) in the amounts specified:

(1) Construction of an ambulatory care/support services facility at the Department of Veterans Affairs Medical Center in Sepulveda, California, $53,700,000.

(2) Other major medical facility projects required to repair, restore, or replace earthquake-damaged facilities at the Department of Veterans Affairs Medical Center in Sepulveda, California, $50,000,000.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995—

(1) $379,370,000 for the major medical facility projects authorized in subsections (a), (b), and (c) of section 201; and

(2) $15,800,000 for the major medical facility leases authorized in section 201(a).

(b) LIMITATION.—The projects authorized in subsections (a) and (b) of section 201 may only be carried out using—

(1) funds appropriated for fiscal year 1995 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1995 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1995 for a category of activity not specific to a project.

(c) LIMITATION ON CERTAIN PROJECTS.—The projects authorized in subsection (c) of section 201 may only be carried out using—

(1) funds appropriated to the Construction, Major Projects account under chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103–211; 108 Stat. 10) and funds transferred by the President to the Construction, Major Projects account pursuant to chapter 8 of that Act (108 Stat. 14);

(2) funds appropriated to the Medical Care account by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 that are transferred to the Construction, Major Projects account;

(3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1995 that remain available for obligation; and

(4) funds appropriated to the Construction, Major Projects account for fiscal year 1995 for a category of activity not specific to a project.

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to extend certain expiring veterans' health care programs, and for other purposes.".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the House amendments to the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to dispensing with the reading?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, H.R. 3313 was a comprehensive health care bill which the House passed in April after a year of work by our Subcommittee on Hospitals and Health Care. The other body would not take up our bill. We had to wait months before it acted on a series of its own veterans bills. Tough negotiations finally produced a good compromise bill. The compromise would have dramatically improved VA care for many veterans—particularly women veterans, veterans exposed to agent orange and other toxic substances, homeless veterans, and the chronically mentally ill. The bill would have allowed VA to participate in ongoing State health reform plans, and would have improved VA construction planning.

I deeply regret that our efforts today to bring up that compromise were blocked. They were blocked because the bill would have expanded services to women veterans. I respect the deep convictions which prompted the objection, but I believe the gentleman from New Jersey has misread the bill. Despite my repeated efforts to reach an accord, we faced continued insistence on language objectionable to the other body.

Mr. Speaker, we were reluctantly prepared to drop this controversial provision in order to salvage a good bill. Our Senate counterparts insisted, however, on what amounted to an "all or nothing" approach. When they didn't get everything they wanted, they rejected every provision that was not absolutely critical to them. One provision the Senate was prepared to accept would have authorized VA to launch a modest pilot program in States undertaking health reforms. The major veterans organizations and the administration supported this vital provision. But late yesterday, the gentleman from New Jersey announced his objection to that provision, a provision he had supported as the ranking minority member of the subcommittee that marked it up.

There will be those who will second-guess us from the sidelines or criticize our failure to override these objections through a conference agreement. Members should be aware that we discussed legislative strategies with leaders in the other body. It became clear that because of the nature of the objections being raised in the House, a conference agreement could not have been brought up in the Senate.

I am disappointed that real veterans' needs have been subordinated to remote "what if's" and "take-it-or-leave-it" politics. Veterans are the losers when that happens.

Mr. Speaker, this bill takes very modest steps forward, and we should enact it. But we should not—and I pledge that I will not—abandon efforts to make real progress for our veterans. I pledge to take up early in the 104th Congress the cause of women veterans, mentally ill veterans, homeless veterans, and the victims of agent orange, radiation, and Persian Gulf service, who are not getting all they deserve in this bill today.

There follows a joint explanatory statement comparing the House bill, the Senate amendments, and the compromise agreement.

JOINT EXPLANATORY STATEMENT FOR H.R. 3313, THE PROPOSED VETERANS PROGRAMS EXTENSION ACT OF 1994

H.R. 3313, the proposed "Veterans Health Programs Extension Act of 1994", reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on a number of bills considered in the Senate and House during the 103rd Congress, including: H.R. 3313 as passed by the House on November 16, 1993 (hereinafter referred to as the "House bill") H.R. 4425 as passed by the House on May 23, 1994; S. 1030 as passed by the Senate on July 26, 1994 (hereinafter referred to as the "Senate bill") S. 2277 as passed by the Senate on August 19, 1994; and S. 2325, which the Senate Committee on Veterans' Affairs reported on September 27, 1994, but which did not receive Senate consideration prior to the end of the 103rd Congress.

The Committees on Veterans' Affairs have prepared the following explanation of H.R. 3313 as amended (hereinafter referred to as "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes made necessary by the compromise agreement, and minor drafting technical and clarifying changes.

TITLE I—GENERAL MEDICAL AUTHORITIES

SEXUAL TRAUMA COUNSELING AND SERVICES

Current law.—Section 102 of 1720D of title 38(a) provides that through December 31, 1995, VA may furnish sexual trauma counseling to any woman who seeks counseling within 2 years after her discharge from service; (b) authorizes VA to provide counseling services through contract with non-VA providers through December 31, 1994; (c) prohibits VA from providing counseling for a period in excess of 1 year unless the Secretary determines that a longer period of counseling is needed; and (d) requires the Secretary to provide information on the availability of such counseling.

Under section 103 of Public Law 102–585, veterans who seek care for sexual trauma have the same priority for care as a veteran who has a service-connected disability rated at 30 percent or below and who is being examined to determine the existence or severity of a service-connected disability.

House bill.—Section 106 would (a) extend the time period during which VA may provide sexual trauma counseling to veterans to

December 31, 1998; (b) repeal the limitation on the period within which a veteran could seek sexual trauma counseling; (c) extend VA's authority to provide sexual trauma care through contracts with non-VA providers for 4 years, through December 31, 1998; (d) authorize VA to provide sexual trauma counseling to males; (e) require, rather than permit, VA to establish a toll-free telephone number to provide informational services; and (f) require a report on the operation of the telephone program. Section 106(d) would increase the priority for VA outpatient care accorded to veterans for sexual trauma care to that accorded to any veteran seeking care for a service-connected disability or for the treatment of any disability of a veteran who has a service-connected disability rated at 50 percent or above.

Senate bills.—Section 101 is similar to the house bill, except that it authorizes VA to provide, in addition to counseling for sexual trauma, treatment for physical conditions resulting from that trauma.

Compromise agreement.—Section 101 contains provisions derived from the two bills, including the provision from the Senate bill relating to treatment for physical conditions.

RESEARCH RELATING TO WOMEN VETERANS

Current law.—Section 109 of Public Law 102-585 directs the Secretary to foster and encourage research relating to the health of women veterans, section 110 of Public Law 102-585 authorizes a population study of women veterans.

House bill.—Section 105 would (a) require the Secretary to include women and minority veterans in research projects whenever possible and appropriate and ensure that in studies in which such veterans are included, the studies be designed and carried out so as to yield information on such veterans; and (b) amend section 110 of Public Law 102-585 to require that the population study include a sample that is representative of all women veterans.

Senate bill.—Section 105 would (a) amend section 109(a) of Public Law 102-585, relating to VA research activity, to require the Secretary to consult with other specified VA officials as part of the effort to foster and encourage the initiation and expansion of research into women's health issues, to ensure that certain personnel be engaged in such research, and to include in such research, research into the following matters as they relate to women: (1) breast cancer, (2) gynecological and reproductive health, including gynecological cancer, infertility, sexually transmitted diseases, and pregnancy, (3) Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), (4) mental health, including post-traumatic stress disorder and depression, (5) diseases relating to aging, including menopause, osteoporosis, and Alzheimer's Disease, (6) substance abuse, (7) sexual violence and related trauma, and (8) exposure to toxic chemicals and other environmental hazards; and (b) amend section 109(b), relating to the population study, in a way similar to the House provision.

Compromise agreement.—Section 102 follows the House bill with respect to the amendment to section 110 of Public Law 102-585 relating to the population study. However, rather than amending section 109(a) of Public Law 102-585 with respect to the Secretary's role in encouraging research, the compromise agreement repeals that section and adds a new subsection to section 7303 of title 38. The compromise agreement follows the Senate bill with respect to requiring the Secretary to consult with individuals charged with overseeing women's health programs, including the Director of the Nursing Service, Central Office officials who have the responsibility for women's health programs and sexual trauma services, members of the Advisory Committee on Women Veterans, and other members of appropriate task forces and working groups within the Department.

The Committees strongly urge the Secretary to improve VA research on women's health issues by establishing research priorities, supporting more research on women's health, and when possible, comparing the efficacy of treatment regimens for male and female patients.

EXTENSION OF EXPIRING AUTHORITIES

Authority to provide priority health care

Current law.—Under section 1710(e) of title 38, various groups of veterans exposed to hazardous substances during their service—those exposed (a) to ionizing radiation from the detonation of a nuclear device or during service in Hiroshima or Nagasaki, Japan, following World War II; (b) to dioxin or other toxins during service in Vietnam; or (c) to toxins or environmental hazards during the Persian Gulf War—are eligible for inpatient and nursing home care for the treatment of any disability not found to have resulted from a cause other than the exposure in question. Veterans exposed to radiation or dioxin are eligible for certain outpatient care for the treatment of such disabilities under section 1712(a)(4). Persian Gulf War veterans are eligible under section 1712(a)(1)(D) for comprehensive outpatient care for the treatment of such disabilities. The authority expired on June 30, 1994, as to veterans exposed to radiation or dioxin and expires on December 31, 1994, as to Persian Gulf War veterans.

House bill.—Section 201 would modify current law so as to (a) limit the treatment of veterans exposed to dioxin to treatment of those diseases as to which the National Academy of Sciences has determined there is sufficient evidence to conclude there is a positive association between the disease in humans and exposure to an herbicide agent, those as to which there is evidence suggestive of an association, but such evidence is limited, and those as to which available studies are insufficient to permit a conclusion of an association; (b) extend the period of eligibility for hospital and nursing home care for those exposed to dioxin until September 30, 1996; (c) limit the treatment of veterans exposed to radiation to treatment of those diseases listed in section 1112(c)(2) of title 38 and those as to which VA determines there is credible evidence of a positive association between disease occurrence and radiation exposure for which the Congress has established presumptive service connection; (d) repeal the sunset date for eligibility for hospital and nursing home care for veterans exposed to radiation; (e) mandate, in the case of veterans exposed to either radiation or dioxin, any needed outpatient treatment for covered illnesses and provide a higher priority to such treatment; and (f) provide that veterans who had received care under the prior authority would not lose eligibility for continued care.

Senate bill.—Section 201 would amend section 1710(e) of title 38 to extend the period of entitlement to VA inpatient and nursing home care for veterans exposed to dioxin or radiation until December 31, 2003. Section 202 would extend the authority to provide care for veterans of the Persian Gulf War until October 1, 2003.

Compromise agreement.—Section 103(a) would amend section 1710(e) of title 38 to extend current law regarding care for veterans exposed to dioxin or radiation until June 30, 1995, and to extend current law regarding care for Persian Gulf War veterans until December 31, 1995.

Drug and alcohol abuse and dependence

Current law.—Section 1720(A) of title 38 authorizes VA, through December 31, 1994, to provide veterans who are suffering from substance abuse disabilities with care on a contract basis through community halfway houses.

House bill.—No provision.

Senate bill.—Section 102 of S. 2325 would make permanent VA's authority to contract with non-VA halfway houses for rehabilitation services for veterans with substance abuse problems.

Compromise agreement.—Section 103(b) would extend the authorization of this program until December 31, 1995.

Pilot program for noninstitutional alternatives to nursing home care

Current law.—Section 1720C of title 38 authorizes VA, through October 1, 1994, to conduct a pilot program for furnishing certain services in noninstitutional settings for certain veterans who are in need of nursing home care.

House bill.—Section 202 of H.R. 4425 would extend, until September 30, 1997, the pilot program, and would expand eligibility for the program to include all veterans who are eligible for and in need of VA nursing home care.

Senate bill.—No provision.

Compromise agreement.—Section 103(c) would extend the pilot program until September 30, 1995.

Enhanced-use leases of real property

Current law.—Subchapter V of chapter 81, title 38, authorizes the Secretary, through December 31, 1994, to enter into enhanced-use leases under which another party may use VA property so long as at least part of the property will provide for an activity which contributes to the mission of the Department of Veterans Affairs and enhances the use of the property.

House bill.—No provision.

Senate bill.—Section 408 of S. 2325 would extend until December 31, 1996, the authority for VA to enter into enhanced-use leases.

Compromise agreement.—Section 103(d) follows the Senate bill with an extension until December 31, 1995.

Authority for community-based residential care for homeless chronically mentally ill veterans and other veterans

Current law.—Public Law 100-322, based on Public Law 100-6, authorizes VA to conduct a program, known as the Homeless Chronically Mentally Ill (HCMI) program, through which VA outreach workers contact homeless veterans in the community, assess and refer veterans to community services, and place eligible veterans in contracted community-based residential treatment facilities. Public Law 102-405 extended VA's authority to conduct the HCMI program until September 30, 1994.

House bill.—No provision.

Senate bill.—Section 104 of S. 2325 would reauthorize until September 30, 1999, the HCMI program and codify the program in title 38, United States Code.

Compromise agreement.—Section 103(e) would reauthorize the HCMI program until September 30, 1995.

Demonstration program of compensated work therapy

Current law.—Section 7 of Public Law 102-54, enacted in 1991, authorizes VA to conduct through October 1, 1994, a demonstration program of compensated work therapy and transitional residences (CWT/TR), which shall have two components. Under one component, VA is authorized to purchase and renovate no more than 50 residences as therapeutic transitional houses for chronic substance abusers. Under the second component, VA is authorized to contract with nonprofit corporations which would own and operate the transitional residences in conjunction with existing VA compensated work therapy programs.

House bill.—Section 402 would (a) extend the CWT/TR demonstration program from fiscal year 1994 through fiscal year 1998, and (b) permit the Department to increase incrementally the number of residences it operates to a maximum of 106 in fiscal year 1998.

Senate bill.—Section 101 of S. 2325 would extend the authorization of the CWT/TR program to fiscal year 1996.

Compromise agreement.—Section 103(f) would reauthorize the CWT/TR program until October 1, 1995.

FACILITIES IN THE REPUBLIC OF THE PHILIPPINES

Current law.—Section 1724 of title 38 limits the circumstances under which VA may provide medical care outside the United States, Puerto Rico, and the Virgin Islands. Under that section, VA may furnish non-service-connected treatment in the Philippines only on a contract basis with the Veterans Memorial Medical Center, a non-VA facility.

House bill.—Section 504 of H.R. 4425 would ratify VA's actions in finding alternative means for caring for patients at the Veterans Memorial Medical Center in the Philippines during the period between February 29 and June 1, 1994, to include the provision of medical services to non-service-connected veterans at its Manila outpatient clinic.

Senate bill.—No provision.

Compromise agreement.—Section 104 follows the House bill.

TITLE II—CONSTRUCTION AUTHORIZATION

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Current law.—Section 8104(a)(2) of title 38 provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease, unless funds for that project or lease have been specifically authorized by law.

House bill.—Section 101(a)(1) of H.R. 4425 would authorize the Secretary, except as provided in section 101(a)(2), to carry out the major medical facility projects and major medical facility leases for the Department of Veterans Affairs for which funds were requested in the President's budget for fiscal year 1995.

Section 101(a)(2) would prohibit the Secretary from carrying out the projects for the construction of research additions at Huntington, WV, and Portland, OR.

Section 101(b) would authorize the Secretary to carry out the following additional major medical facility projects in the amounts specified: (1) The projects for ambulatory care facilities that are proposed in the budget for fiscal year 1995 to be financed with funds from the Health Care Investment Fund; (2) a nursing home facility at the VA Medical Center in Charleston, SC, $7,300,000; (3) a lease/purchase of a nursing home facility near Ft. Myers, FL, $18,630,000; and (4) an outpatient care addition at the VA Medical Center in Phoenix, AZ, $50,000,000.

Section 201(c) would authorize the construction of an ambulatory care/support services facility and other projects required to repair, restore, or replace, earthquake damage at the VA Medical Center in Sepulveda, CA, for which funds were appropriated in the Emergency Supplemental Appropriations Act of 1994.

Senate bill.—Section 1(a) of S. 2277 is substantively identical to the House provision in section 101(a), except that it would authorize all of the VA major medical facility projects for which funds are requested for fiscal year 1995, including the research additions in Portland and Huntington. Section 1(a) states that the authorization in section 1(a) includes projects or leases that were previously authorized or funded.

Section 1(b) would authorize the following additional projects: (1) The projects for ambulatory care facilities that are proposed in the budget for fiscal year 1995 to be financed with funds from the Health Care Investment Fund; (2) a nursing home facility at the VA Medical Center in Charleston SC, $7,300,000; and (3) an outpatient care addition at the VA Medical Center in Phoenix, AZ, $50,000,000.

Section 1(c) authorizes the construction of an ambulatory care/support services facility and other projects required to repair, restore, or replace, earthquake damage at the VA Medical Center in Sepulveda, CA, for which funds were appropriated in the Emergency Supplemental Appropriations Act of 1994.

Compromise agreement.—Section 201(a) follows Senate provision section 1(a) and would authorize the VA to enter into the major medical facility projects and major medical facility leases for the Department of Veterans Affairs for which funds were requested in the President's budget for fiscal year 1995.

Section 201(b) generally follows House provision section 101(b) and would authorize the following additional projects: (1) The projects for ambulatory care facilities that are proposed in the budget for fiscal year 1995 to be financed with funds from the Health Care Investment Fund; (2) a nursing home facility at the VA Medical Center in Charleston, SC, $7,300,000; (3) a lease/purchase of a nursing home facility near Ft. Myers, FL, $12,800,000; and (4) an outpatient care addition at the VA Medical Center in Phoenix, AZ, $50,000,000.

Section 201(c) is identical to House provision section 101(c) and Senate provision section 1(c) and would authorize the construction of an ambulatory care/support services facility and other projects required to repair, restore, or replace, earthquake damage at the VA medical Center in Sepulveda, CA, for which funds were appropriated in the Emergency Supplemental Appropriations Act of 1994.

The Committees note that some major medical facility projects in the VA fiscal year 1995 budget submission were authorized or partially funded in a prior year and therefore do not require authorization under section 8104(a)(2) of title 38. These projects are: (1) Seismic corrections at the Memphis, TN, Medical Center, $62.3 million ($10.7 million was authorized for FY 1994); (2) construction of a medical center in Travis, CA, to replace the Martinez facility, $7.3 million for phase I ($11 million was appropriated for FY 1993); (3) construction of a research facility in Huntington, WV, $9.9 million ($250,000 was appropriated for FY 1991); (4) construction of an ambulatory care addition at the Columbia, MO, Medical Center, $22.9 million ($300,000 was appropriated for FY 1993); (5) construction of an ambulatory care addition and parking garage at the San Juan, PR, Medical Center, $34.8 million ($46 million was authorized FY 1994); and (6) construction of an outpatient facility at the VA Medical Center in Gainesville, FL, $17.8 million ($8.9 million appropriated for FY 1990).

Leases for which funding is requested in the budget but for which authorization is not required are: (1) Hilo, HI, residential facility, $457,200 (funds appropriated for FY 1992); (2) Sacramento, CA, outpatient expansion, $345,000 (funds authorized for FY 1994); (3) Birmingham, AL, Parking garage $546,000 (GSA lease); (4) Washington, DC, health care medical education center, $350,000 (GSA lease).

AUTHORIZATION OF APPROPRIATIONS

Current law.—Section 8104(a)(2) of title 38 provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease, unless funds for that project or lease have been specifically authorized by law.

House bill.—Section 102(a) of H.R. 4425 would authorize to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995 (1) $343,800,000 for the authorized major medical facility projects; and (2) $15,800,000 for the authorized major medical facility leases.

Section 102(b) would limit the authorized projects to be carried out using only (1) specifically authorized major construction funds appropriated for fiscal year 1995; (2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1995 that remain available for obligation; and (3) funds appropriated for Construction, Major Projects, for fiscal year 1995 for a category of activity not specific to a project.

Section 102(c) would limit the project authorized in section 101(c) to be carried out using only (1) funds appropriated as well as funds transferred by the President to the Construction, Major Projects account pursuant to the Emergency Supplemental Appropriations Act of 1994; (2) funds appropriated to the Medical Care Account by the Emergency Supplemental Appropriations Act of 1994 that are transferred by law to the Construction, Major Projects account; (3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1994 that remain available for obligation; and (4) funds appropriated for Construction, Major Projects, for fiscal year 1994 for a category of activity not specific to a project.

Senate bill.—Section 2(a) of S. 2277 would authorize to be appropriated for fiscal year 1995 (1) $395,000,000 for major medical facility projects; and (2) $15,900,000 for major medical facility leases.

Section 2(b) is substantively identical to the House provision in section 102(b).

Section 2(c) is substantively identical to the House provision in section 102(c).

Compromise agreement.—Section 202(a) would authorize to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995 (1) $379,370,000 for the authorized major medical facility projects; and (2) $15,800,000 for the authorized major medical facility leases.

Section 202(b) is identical to House provision section 102(b), and Senate provision section 2(b).

Section 202(c) would limit the projects authorized in section 101(c) to be carried out using only: (1) Funds appropriated as well as funds transferred by the President to the Construction, Major Projects account pursuant to the Emergency Supplemental Appropriations Act of 1994; (2) funds appropriated to the Medical Care Account by the Emergency Supplemental Appropriations Act of 1994 that are transferred by law to the Construction, Major Projects account; (3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1995 that remain available for obligation; and (4) funds appropriated for Construction, Major Projects, for fiscal year 1995 for a category of activity not specific to a project.

Mr. STUMP. Mr. Speaker, I rise in support of the House amendments to the Senate amendments to H.R. 3313. Despite the best efforts of all concerned, we were not able to reach agreement on two major issues—the scope of women's health care services and a pilot program for VA participation in State health care plans. I regret that so many other provisions also fell out of the bill in our negotiations with the other body.

This bill does not contain provisions to extend the VA health care authorization for veterans who have been exposed to Agent Orange and radiation. The bill also expands the VA's authority to provide sexual trauma counseling and services to veterans and authorizes the VA to establish an 800 number to deal with this important issue.

As part of these amendments to the Senate amendments, women and minorities will be included in the important clinical research programs of the VA. Through these new provisions, research relating to the health of women veterans will be expanded. Furthermore, understanding the need for noninstitutional alternatives to nursing home care, H.R. 3313 would provide for an emphasis in this evolving program area.

Most importantly, this bill provides the VA with authority to proceed with $379 million of needed construction projects, including funding for a new outpatient care addition for the Phoenix VA Medical Center. The addition is greatly needed for veterans. Due to the rapid growth of the veterans population in the Phoenix area, the outpatient clinic has been operating at a patient volume which is far greater than its planned capacity.

I urge my colleagues to support this compromise and we will make every effort in the next Congress to act promptly with new legislative proposals on the remaining issues.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

□ 1300

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1927) to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendment, as follows:

Senate amendment to House amendment: In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1994".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1994, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b)—

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(7) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF PERCENTAGE INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1994. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not an even multiple of $1 shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1994, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased pursuant to section 2.

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of S. 1927, as amended.

S. 1927 provides a cost-of-living-adjustment for disabled veterans and recipients of dependency and indemnity compensation [DIC]. This COLA is effective December 1, 1994.

S. 1927 is a good bill which will benefit our Nation's veterans, and I urge my colleagues to support S. 1927.

Mr. STUMP. Mr. Speaker, I rise in strong support of S. 1927, as amended. I commend Chairman MONTGOMERY for leading the way on this legislation to provide a veterans' cost-of-living adjustment [COLA]. Also, I commend Mr. SLATTERY, chairman of the Subcommittee on Compensation, Pension and Insurance, and Mr. BILIRAKIS, the subcommittee's ranking minority member, for their commitment in seeing to it that veterans receive their COLA.

This is a clean bill which would assure veterans of a full fiscal year 1995 COLA for service-connected disability compensation and for dependency and indemnity compensation, effective December 1, 1994. The amount of the veterans' COLA will be the same as the Social Security COLA. It is noncontroversial and very important to our Nation's veterans and their families. It comes to this body from the Senate after we reached agreement on the form of the adjustment and the content of the bill.

Therefore, Mr. Speaker, I urge my colleagues to approve S. 1927, as amended.

Mr. SLATTERY. Mr. Speaker, I simply want to echo the thoughts of Chairman MONTGOMERY as to the importance of our favorable action on the Compensation and DIC Cost-of-Living Adjustment Act. I am proud to have sponsored the House counterpart to this bill, H.R. 4088, which would accomplish the same result as S. 1927.

I thank Chairman MONTGOMERY and the committee's ranking minority member, the gentleman from Arizona [Mr. STUMP], for their strong leadership on this issue and also wish to express my appreciation to the gentleman from Florida [Mr. BILIRAKIS], for his great cooperation on this matter.

I urge my colleagues to support this bill.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the amendments to the two bills which have just been adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONVEYANCE TO STATE OF MINNESOTA OF NEW LONDON NATIONAL FISH HATCHERY

Mr. STUDDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3664) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, with Senate amendments thereto, and concur in the Senate amendments with amendments.

The Clerk read the title of the bill.

The Clerk read the House amendments to the Senate amendments, as follows:

House amendments to Senate amendments; In lieu of the matter proposed to be inserted by the Senate amendment to the text, insert the following:

TITLE I—FISH HATCHERY CONVEYANCES

SECTION 101. CONVEYANCE OF NEW LONDON NATIONAL FISH HATCHERY PRODUCTION FACILITY TO THE STATE OF MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law and within 180 days after the enactment of this Act, the Secretary of the Interior shall convey to the State of Minnesota without reimbursement all right, title, and interest of the United States in and to the property comprising the New London National Fish Hatchery production facility, located outside of downtown New London, Minnesota, including—

(1) all easements and water rights relating to that property; and

(2) all land, improvements, and related personal property comprising that production facility.

(b) USE OF PROPERTY.—All property and interests conveyed under this section shall be used by the Minnesota Department of Natural Resources for the Minnesota fishery resources management program.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property interests conveyed under this section shall revert to the United States on any date on which any of the property or interests are used other than for the Minnesota fishery resources management program.

SEC. 102. CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA.

(a) CONVEYANCE.—The Secretary of the Interior shall convey to the State of Iowa, without reimbursement and by no later than December 31, 1994, all right, title, and interest of the United States in and to the fish hatchery described in subsection (b) for use by the State for purposes of fishery resources management.

(b) HATCHERY DESCRIBED.—The fish hatchery described in subsection (a) is the Fairport National fish Hatchery located in Muscatine County, Iowa, adjacent to the State Highway 22 west of Davenport, Iowa, including all real property, improvements to real property, and personal property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Iowa pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States.

SEC. 103. CONVEYANCE OF CORNING NATIONAL FISH HATCHERY TO THE STATE OF ARKANSAS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of the Interior shall convey to the State of Arkansas, without reimbursement and by no later than 90 days after the enactment of this act, all right, title, and interest of the United States in and to the property described in subsection (b), for use by the Arkansas Game and Fish Commission as part of the State of Arkansas Fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Corning National Fish Hatchery (popularly known as the William H. Donham State Fish Hatchery), located one mile west of Corning, Arkansas, on Arkansas State Highway 67 in Clay County, Arkansas, consisting of 137.34 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST OF THE UNITED STATES.—All right, title, and interest in property described in subsection (b) shall revert to the United States if the property ceases to be used as part of the State of Arkansas fish culture program. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

TITLE II—OCEAN RADIOACTIVE WASTE DUMPING BAN

SEC. 201. OCEAN RADIOACTIVE WASTE.

(a) AMENDMENTS TO THE OCEAN DUMPING ACT.—The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is amended—

(1) in section 3 (33 U.S.C. 1402), by—

(A) striking paragraph (j); and

(B) redesignating the following paragraphs accordingly;

(2) by altering a reference to the paragraphs redesignated under paragraph (1) of this section;

(3) in section 102(a) (33 U.S.C. 1412(a)), by striking "high-level" before "radioactive waste"; and

(4) in section 104 (33 U.S.C. 1414), by striking subsection (i).

(b) CLARIFICATION.—Nothing in this section shall affect the transportation of material containing de minimis levels of radioactivity for the purpose of dumping it into ocean waters under the Marine Protection, Research, and Sanctuaries Act of 1972.

TITLE III—THE EDWIN B. FORSYTHE NATIONAL WILDLIFE REFUGE

SEC. 301. VISITOR CENTER.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior shall, subject to the availability of appropriations, construct and operate a visitor center at the Edwin B. Forsythe National Wildlife Refuge in Atlantic County, New Jersey for purposes of—

(A) providing public opportunities, facilities, and resources to study the natural history and natural resources of New Jersey and its coast;

(B) providing public opportunities, facilities, and resources to highlight and research areas and artifacts of historical significance within the Refuge;

(C) fostering an awareness and understanding of the interactions among wildlife, coastal and wetland ecosystems, and human activities both in a modern and historical context; and

(D) providing office space and facilities for refuge administration, research, educational, and related activities.

(b) DESIGN.—The Secretary of the Interior shall ensure that the design, size, and location of a facility constructed under this section are consistent with the cultural and natural history of the area with which the facility will be concerned.

(c) COST SHARING.—The Secretary of the Interior may accept contributions of funds from non-Federal sources to pay the costs of operating and maintaining the facility authorized under this section, and shall diligently pursue appropriate steps to obtain such contributions.

TITLE IV—STATE AND FEDERAL COOPERATION

SEC. 401. IN GENERAL.—To the greatest extent practicable, the Secretary of the Interior and the heads of other federal agencies shall consult and cooperate with state fish and wildlife agency personnel on areas of mutual concern involving the conservation of fish, wildlife and their habitats, and the implementation of federal laws involving the conservation of such species and their habitats. In cooperating with such agencies, the Secretary and the heads of other federal agencies shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. APP. 2).

TITLE V—DON EDWARDS CENTER FOR ENVIRONMENTAL EDUCATION AT SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

SEC. 501 FINDINGS.

The Congress Finds that—

(1) The San Francisco Bay National Wildlife Refuge provides great opportunities for observing and interpreting the biological richness of the San Francisco Bay estuary and its wetlands and wildlife.

(2) Congressman Don Edwards was the sponsor of legislation to establish and to expand the San Francisco Bay National Wildlife Refuge and has led the efforts to secure acquisition funds for the refuge.

(3) The people of the San Francisco Bay area and the State of California will benefit, for decades to come, from the tireless efforts of Congressman Don Edwards on behalf of environmental protection and specifically, in establishing the San Francisco Bay National Wildlife Refuge.

(4) Congressman Don Edwards should most appropriately be recognized for his work by having the San Francisco Bay National Wildlife Refuge visitor center named and dedicated in his honor.

SEC. 502. SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE NAMED AS DON EDWARDS CENTER FOR ENVIRONMENTAL EDUCATION.

Within 60 days of enactment, the Secretary of the Interior shall rename the San Francisco Bay National Wildlife Refuge visitor center as the Don Edwards Center for Environmental Education.

SEC. 503. COST SHARING.

Notwithstanding any provision of law, the Secretary of the Interior may solicit, accept and expend contributions of funds from non-Federal sources to help support the costs of operation and maintenance of the Don Edwards Center for Environmental Education.

TITLE VI—AMENDMENTS TO THE COASTAL BARRIER RESOURCES SYSTEM

SEC. 601. CORRECTION TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, not later than 30 days after the enactment of this Act, make such corrections to the maps described in subsection (b) as are necessary to ensure that—

(1) depictions of areas on the maps are consistent with the depictions of areas appearing on the maps entitled "Coastal Barrier Resources System", dated September 27, 1994, and on file with the Secretary of the Interior; and

(2) the Coastal Barriers Resources System does not include any area that, on the day before the date of the enactment of this Act, was part of unit FL–O5P of the system.

(b) MAPS DESCRIBED.—The maps described in this subsection are maps that—

(1) are included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990; and

(2) relate to the following units of the Coastal Barrier Resources System: AL–01P, FL–O5P, P11A, P17, P17A, P18P, P19P, FL–15, FL–95P, FL–36P, P31P, FL–72P, MI–21, NY–75, and VA–62P.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of Coastal Barrier Resources Act (16 U.S.C. 3510) is amended to read as follows:

"SEC 12. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary for carrying out this Act $2,000,000 for each of fiscal years 1995 through 1998.".

TITLE VII—RHINOCEROS AND TIGER CONSERVATION

SEC. 701. SHORT TITLE.

This title may be cited as the "Rhinoceros and Tiger Conservation Act of 1994".

SEC. 702. FINDINGS.

The Congress finds the following:

(1) The world's rhinoceros population is declining at an alarming rate, a 90 percent decline since 1970.

(2) All 5 subspecies of tiger are currently threatened with extinction in the wild, with approximately 5,000 to 6,000 tigers remaining worldwide.

(3) All rhinoceros species have been listed on Appendix I of CITES since 1977.

(4) All tiger subspecies have been listed on Appendix I of CITES since 1987.

(5) The tiger and all rhinoceros species, except the southern subspecies of white rhinoceros, are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(6) In 1987, the parties of CITES adopted a resolution that urged all parties to establish a moratorium on the sale and trade in rhinoceros products (other than legally taken trophies), to destroy government stockpiles of rhinoceros horn, and to exert pressure on countries continuing to allow trade in rhinoceros products.

(7) On September 7, 1993, under section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978) the Secretary certified that the People's Republic of China and Taiwan were engaged in trade of rhinoceros parts and tiger parts that diminished the effectiveness of an international conservation program for that endangered species.

(8) On September 9, 1993, the Standing Committee on CITES, in debating the continuing problem of trade in rhinoceros horn and tiger parts, adopted a resolution urging parties to CITES to implement stricter domestic measures, up to and including an immediate prohibition in trade in wildlife species.

(9) On November 8, 1993, under section 8 of the Fishermen's Protection Act of 1967 (22 U.S.C. 1978), the President announced that the United States would impose trade sanction against China and Taiwan unless substantial progress was made by March 1994 towards ending trade in rhinoceros and tiger products.

(10) On April 11, 1994, under section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978), the President—

(A) directed that imports of wildlife specimens and products from Taiwan be prohibited, in response to Taiwan's failure to undertake sufficient actions to stop illegal rhinoceros and tiger trade; and

(B) indicated that the certification of China would remain in effect and directed that additional monitoring of China's progress be undertaken.

SEC. 703. PURPOSES.

The purposes of this Act are the following:

(1) To assist in the conservation of rhinoceros and tigers by supporting the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and the CITES Secretariat.

(2) To provide financial resources for those programs.

SEC 704. DEFINITIONS.

In this Act—

(1) "CITES" means the Convention of International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and its appendices;

(2) "conservation" means the use of all methods and procedures necessary to bring rhinoceros and tigers to the point at which there are sufficient populations to ensure that those species do not become extinct, including all activities associated with scientific resource management, such as research, census, law enforcement, habitat protection, acquisition, and management, propagation, live trapping, and transportation;

(3) "Fund" means the Rhinoceros and Tiger Conservation Fund established under section 706(a);

(4) "Secretary" means the Secretary of the Interior; and

(5) "Administrator" means the Administrator of the Agency for International Development.

SEC. 705. RHINOCEROS AND TIGER CONSERVATION ASSISTANCE.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations and in consultation with the Administrator, shall use amounts in the Fund to provide financial assistance for projects for the conservation of rhinoceros and tigers.

(b) PROJECT PROPOSAL.—A country whose activities directly or indirectly affect rhinoceros or tiger populations, the CITES Secretariat, or any other person may submit to the Secretary a project proposal under this section. Each proposal shall—

(1) name the individual responsible for conducting the project;

(2) state the purposes of the project succinctly;

(3) describe the qualifications of the individuals who will conduct the project;

(4) estimate the funds and time required to complete the project;

(5) provide evidence of support of the project by appropriate governmental entities of countries in which the project will be conducted, if the Secretary determines that the support is required for the success of the project; and

(6) provide any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—Within 30 days of receiving a final project proposal, the Secretary shall provide a copy of the proposal to the Administrator. The Secretary shall review each final project proposal to determine if it meets the criteria set forth in subsection (d). Not later than 6 months after receiving a final project proposal, and subject to the availability of funds, the Secretary, after consulting with the Administrator, shall approve or disapprove the proposal and provide written notification to the person who submitted the proposal, to the Administrator, and to each country within which the project is to be conducted.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project under this section if the project will enhance programs for conservation of rhinoceros or tigers by assisting efforts to—

(1) implement conservation programs;

(2) enhance compliance with provisions of CITES and laws of the United States or a foreign country that prohibit or regulate the taking or trade of rhinoceros or tigers or the use of rhinoceros or tiger habitat; or

(3) develop sound scientific information on that species' habitat condition and carrying capacity, total numbers and population trends, or annual reproduction and mortality.

(e) PROJECT SUSTAINABILITY.—To the maximum extent practical, the Secretary should give consideration to projects which will enhance sustainable development programs to ensure effective, long-term conservation of rhinoceros and tigers.

(f) PROJECT REPORTING.—Each person that receives assistance under this section for a project shall provide periodic reports, as the Secretary considers necessary, to the Secretary and the Administrator. Each report shall include all information requested by the Secretary, after consulting with the Administrator, for evaluating the progress and success of the project.

SEC. 706. RHINOCEROS AND TIGER CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account to be known as the "Rhinoceros and Tiger Conservation Fund", which shall consist of amounts deposited into the Fund of the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE FUND.—The Secretary of the Treasury shall deposit into the Fund—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Fund.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Fund without further appropriation to provide assistance under section 705.

(2) ADMINISTRATION.—Of amounts in the Fund available for each fiscal year, the Secretary may use not more than 3 percent to administer the Fund.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 705. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund $10,000,000 for each of fiscal years

1996, 1997, 1998, 1999, and 2000 to carry out this Act, to remain available until expended.

Amend the title so as to read "A bill to direct the Secretary of the Interior to transfer certain national fish hatcheries, and for other purposes".

Mr. STUDDS (during the reading). Mr. Speaker, I ask unanimous consent that the House amendments to the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, I will not object, but I would like to give the distinguished gentleman from Massachusetts [Mr. STUDDS] an opportunity to explain the bill.

Mr. STUDDS. Mr. Speaker, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Speaker, after H.R. 3664 passed the House in March of this year, the Senate amended and returned it a little over a month ago. In the pending month that I have at the desk, I will ask that we concur in most of the Senate amendments with some further amendments.

As the gentleman knows, these amendments have been worked out in a bipartisan manner in our committee and the appropriate committee in the Senate is aware of the action we are about to take.

Our bipartisan amendments contain seven titles.

Title I transfers three fish hatchery facilities from the U.S. Fish and Wildlife Service; one to the State of Minnesota, one to Iowa, and one to Arkansas.

Title II is the text of H.R. 3982, the Ocean Radioactive Waste Dumping Ban Act. This bill also was passed previously in the House.

Title III authorizes the construction of a visitor center at the Edwin B. Forsythe National Wildlife Refuge in New Jersey.

Title IV directs the Secretary of the Interior and other Federal agencies to consult and cooperate with State agencies in the implementation of Federal conservation laws and exempts such consultations from the requirements of the Federal Advisory Committee Act. Because of some recent court holdings, there is a chill in the traditionally cooperative Federal and State management of fish and wildlife. Instead of working directly with the States to achieve the intent of Federal conservation laws, Federal agencies are either requiring the formation of formal Federal advisory committees before dealing with the States or are avoiding discussions altogether. The quality of decisionmaking is adversely affected. This amendment will help restore the historically strong cooperation between State and Federal agencies.

Title V names the visitor center at the San Francisco Bay National Wildlife Refuge for our distinguished colleague, the Honorable (and venerable) DON EDWARDS. The Don Edwards Center for Environmental Education will be a great and lasting tribute to the years of hard work which DON EDWARDS has put into protecting our environment. It is especially appropriate given Mr. EDWARDS' leadership in establishing and expanding the San Francisco Bay refuge.

Title VI is the text of H.R. 4598, a bill which makes technical corrections to the Coastal Barrier Resources Act. Title VI is identical to the House-passed bill with the addition of one property in Alabama. The Interior Department identified this mapping error after House passage and the correction was added during action by the Senate Committee.

Title VII is the text of H.R. 4924, the Rhinoceros and Tiger Conservation Act of 1994, a bill that passed the House about 10 days ago by unanimous consent and is a matter of great interest to our ranking minority member, the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of H.R. 3664, as amended, which contains a number of bills that have previously been passed by the House of Representatives.

Title I would convey the New London National Fish Hatchery Production Facility to the State of Minnesota, the Fairport National Fish Hatchery to the State of Iowa, and the Corning National Fish Hatchery to the Arkansas Game and Fish Commission.

Title II of the bill includes the text of H.R. 3982, amendments to the Ocean Dumping Act. This legislation was authored by the gentleman from Pennsylvania, CURT WELDON, previously adopted by the House of Representatives, and I support its inclusion in this bill.

Title III authorizes the Fish and Wildlife Service to construct and operate a visitor center at the Edward B. Forsythe National Wildlife Refuge in New Jersey, subject to the availability of appropriations.

Title IV exempts the Secretary of the interior from provisions of the Federal Advisory Committee Act when the Secretary is consulting with State fish and wildlife agency personnel on wildlife conservation matters.

Title V of the bill authorizes the Secretary of the Interior to rename the San Francisco Bay National Wildlife Refuge Visitor Center as the Don Edwards Center for Environmental Education.

Title VI amends the Coastal Barriers Resources System by correcting errors on maps that have previously been placed into the Coastal Barrier System.

Finally, Mr. Speaker, title VII establishes a grant program for the conservation of rhinoceros and tigers. It includes the text of H.R. 4924, a bill previously adopted by the House of Representatives.

Mr. Speaker, I support the bill and ask my colleagues to join me in its adoption.

Mr. MINETA. Mr. Speaker, I rise today in strong support of House Resolution 3664, legislation which includes a provision to name the visitors center at the San Francisco Bay National Wildlife Refuge after our colleague, DON EDWARDS.

Mr. Speaker, I cannot think of a more appropriate way to honor DON EDWARDS for his many years of distinguished service to this body and to his constituents.

The San Francisco Bay National Wildlife Refuge is one of our Nation's most treasured natural resources. Currently measuring more than 23,000 acres, this land is home to numerous plant and wildlife species, and provides critical habitat for species that are threatened and endangered. The refuge also protects thousands of acres of threatened wetlands around the San Francisco Bay.

Further, the refuge will ensure that these vital resources will be preserved and protected for generations to come.

The existence of the San Francisco Bay National Wildlife Refuge is due to the persistent work of one man—DON EDWARDS. From the time he entered Congress, DON EDWARDS has worked tirelessly for the protection of the bay.

In 1972, DON was successful in passing legislation to establish the refuge. That legislation authorized the Federal Government to acquire 20,000 acres around the bay to stop the development that was harming the area's ecological balance.

Since that time, DON has continued to work to secure appropriations for land acquisition for the refuge, and to expand the authorization of the refuge.

In fact, in 1988 DON convinced Congress to double the authorized size of the refuge. And this year, the bill to provide appropriations for the Department of the Interior included $4 million to acquire land for the San Francisco Bay Wildlife Refuge.

His work on behalf of the San Francisco Bay also led DON to introduce the most sweeping wetlands protection bill in memory. That legislation would ensure that this Nation's wetlands, and the vital responsibilities they perform, receive the protection they deserve.

Throughout his time in Congress, DON EDWARDS has maintained a close working relationship with local community and environmental groups in the bay area. I can think of no more fitting tribute to DON's work than to create the Don Edwards Center for Environmental Education at the San Francisco Bay National Wildlife Refuge—a place for DON's constituents to visit and enjoy.

Again Mr. Speaker, I thank DON for his many contributions to this body and to our community, and I urge my colleagues to support this legislation.

Ms. ESHOO. Mr. Speaker, I rise in strong support of H.R. 3664, which contains a provision to name the visitor center at the San Francisco Bay National Wildlife Refugee the

Don Edwards Center for Environmental Education.

This is a fitting tribute to a man who throughout his distinguished tenure in public service has committed himself to protecting the environment. Indeed, he is responsible for the creation and expansion of the 40,000 acre San Francisco Bay Federal Wildlife Refuge and I look forward to the day when the entire refuge will be named in his honor.

Bay area residents and visitors will benefit for decades to come from Mr. EDWARDS' tireless efforts on behalf of the refuge.

The visitor's center will not only stand as a reminder of his efforts on behalf of the refuge, but his efforts on behalf of the environment as a whole.

I have had the pleasure of knowing DON EDWARDS for years and serving with him in the 103d Congress. He has served in this body and represented his San Jose district since 1962.

Although he has stood firmly behind the principles he supports, he has always been a fair and honest legislator. He has not only been a gentleman but he has also been a gentle man.

To me, he has also been a friend and I will sorely miss him.

I am pleased that we can pay tribute to DON EDWARDS with the Don Edwards Center for Environmental Education and I urge my colleagues to join me in support of this legislation.

Mr. FIELDS of Texas. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Massachusetts?

There was no objection.

A motion to reconsider was laid on the table.

REQUEST FOR DISCHARGE OF COMMITTEE ON, AND IMMEDIATE CONSIDERATION OF, H.R. 4852, OCEANS ACT OF 1994

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the bill (H.R. 4852) to provide congressional approval of a governing international fishery agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, I would ask the gentleman from Massachusetts [Mr. STUDDS], chairman of the Committee on Merchant Marine and Fisheries, for an explanation of this bill.

Mr. STUDDS. Mr. Speaker, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Speaker, on dozens of occasions this Congress, the Merchant Marine and Fisheries Committee has brought to this House carefully crafted, bipartisan legislation and asked for your support. JACK FIELDS and I are extraordinarily proud of the fact that we have never been turned down.

Today, we bring before you—in one package—many of these same bills. As is our practice, the contents of this package have been worked out with Members on both sides of the aisle, and in consultation with our sister committee in the Senate.

Suffice it to say that re-passing this legislation is, at this late date, the only way these bills will ever be considered by the Senate and the only way they will ever be enacted into law.

So, while the title of this bill—officially—is providing for congressional approval of a Governing International Fishery Agreement with Lithuania, it contains more. Much, much, more.

At the end of my statement, I will include for the RECORD a list of the bills incorporated into this package and their accompanying reports.

The first six titles deal with fisheries issues. Title I implements an international treaty to require fishing vessels on the high seas to comply with conservation and management measures. Title II authorizes U.S. participation in the Northwest Atlantic Fisheries Organization. Title III is the stated purpose of this bill, approval of a fishing agreement with Lithuania. Title IV takes care of our Atlantic bluefin tuna stocks by amending the Atlantic Tunas Convention Act and directing the U.S. to seek greater international cooperation in conserving bluefin. Title V amends the Fishermen's Protective Act to allow American fishermen to be compensated for an illegal transit fee charged earlier this year by Canada. Title VI is dear to the heart of my friend from Alaska in that it implements a treaty for managing fisheries in the Sea of Okhotsk—otherwise known as the Peanut Hole.

Titles VII through XV embody provisions of the fiscal year 1995 authorization for the U.S. Coast Guard which passed the House on September 22. These include strong recreational boating safety requirements with specific new protections for children, the elimination of burdensome and duplicative Coast Guard regulations, incentives to jump-start a U.S.-flag passenger cruise ship industry and help U.S. shipyards, a stable source of funding for the Coast Guard's state boating safety grant program, and a significant improvement in the safety of our towing industry—including requirements for more rigorous crew licensing and the carriage of navigational equipment.

In addition, we have added in Title XVI provisions sponsored by Mr. TAUZIN which define offshore supply vessel.

Title XVII grants authority to convey ownership of a number of Coast Guard properties.

Title XVIII incorporates a House-passed bill offered by Mr. LIPINSKI to help keep critters like zebra mussels out of our waters.

Title XIX is the fiscal year 1995 authorization for the "wet" programs of the National Oceanic and Atmospheric Administration.

Title XX includes a variety of miscellaneous Coast Guard provisions ranging from the treatment of vegetable oil spills to a study of how to keep ships from hitting endangered right whales.

Title XXI is House-passed legislation to stimulate the promising field of marine biotechnology research. Title XXII would provide a flag and burial benefits for World War II merchant marine veterans.

And last but not least, title XXIII includes a number of coastwise trade endorsements for vessels.

Mr. Speaker, the only thing that much of this package has in common is the shared jurisdiction of the House Merchant Marine and Fisheries Committee and the Senate Commerce, Science, and Transportation Committee. It is diverse, it represents good, sound, public policy, and it deserves the support of this House.

LEGISLATIVE HISTORY OF H.R. 4852

Title I—H.R. 4760, High Seas Fisheries Licensing Act.

Title II—H.R. 3058, Northwest Atlantic Fisheries Convention Act, passed House as part of H.R. 3188, November 2, 1993, House Report 103-316.

Title III—H.R. 4852, Governing International Fishery Agreement with Lithuania.

Title IV—H.R. 779, Amendments to the Atlantic Tunas Convention Act; H. Con. Res. 295, Atlantic Bluefin Tuna Resolution, passed House October 5, 1994.

Title V—H.R. 3817, Amendments to the Fishermen's Protective Act, House Report 103-585, passed House July 12, 1994.

Title VI—H.R. 3188, Fisheries Enforcement in the Sea of Okhotsk, House Report 103-316, passed House November 2, 1993.

Title VII-X—H.R. 4422, Coast Guard Authorization Act for Fiscal Year 1995, House Report 103-706, passed House September 22, 1994; see Congressional Record that date for legislative history of floor amendments beginning at page H9504.

Title XI—H.R. 3786, Recreational Boating Safety Improvement Act, House Report 103-445, passed House March 21, 1994; also incorporated into H.R. 4422.

Title XII—H.R. 4959, Coast Guard Regulatory Reform Act, passed House as part of H.R. 4422.

Title XIII—H.R. 3821, United States Passenger Vessel Development Act, passed House as part of H.R. 4422.

Title XIV—H.R. 4477, Boating Improvement Act, passed House as part of H.R. 4422.

Title XV—H.R. 3282, Towing Vessel Navigational Safety Act, passed House as part of H.R. 4422.

Title XVI—H.R. 5136, Offshore Supply Vessel Construction and Development Act.

Title XVII—Miscellaneous Coast Guard property transfers most of which were included in H.R. 4422.

Title XVIII—H.R. 3360, Ballast Water Control Act, House Report 103-440, passed House March 21, 1994.

Title XIX—H.R. 4008, National Oceanic and Atmospheric Administration Authorization

Act, House Report 103-583, passed House September 26, 1994; also included in H.R. 4008: H.R. 3807, Convey the National Marine Fisheries Service Laboratory to Gloucester, MA; H.R. 3886, to amend the boundaries of the Flower Garden Banks National Marine Sanctuary; and, H.R. 4236, National Undersea Research Program Act.

Title XX—Miscellaneous Coast Guard provisions most of which were included in H.R. 4422.

Title XXI—H.R. 1916, Marine Biotechnology Investment Act, House Report 103-170, passed House July 13, 1993.

Title XXII—H.R. 44, Merchant Mariner Benefits, passed House as part of H.R. 4422 and as part of H.R. 2150 on July 30, 1993.

Title XXIII—Miscellaneous waivers of the Jones Act, virtually all of which were included in H.R. 4422.

Mr. FIELDS of Texas. Mr. Speaker, further reserving the right to object, I rise in support of the H.R. 4852, the Oceans Act of 1994, as amended.

Mr. Speaker, this is bipartisan legislation developed by the Merchant Marine and Fisheries Committee. It includes several important international fisheries provisions, which will allow the United States to remain a leader in conservation and management.

We have included in this legislation provisions to: implement the recommendations of the United Nations' Conference of the Food and Agriculture Organization to establish a licensing and reporting system for U.S. fishing vessels which engage in fishing operations on the high seas; implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries and allow the United States to participate in the Northwest Atlantic Fisheries Organization; approve the governing international fishery agreement between the United States and the Republic of Lithuania; require a report to Congress on the status of monitoring and research programs to support the conservation and management of Atlantic bluefin tuna and other highly migratory species; reauthorize and expand the ability of the Fishermen's Protective Act to reimburse fishermen for the loss of their vessels and catch if seized illegally by a foreign government or to reimburse them if they are forced to pay an illegal transit fee by a foreign government; and require that the U.S. fishermen comply with international fishery agreements that govern fisheries management in the Central Sea of Okhotsk.

Title VII of this bill authorizes funds for the Coast Guard for fiscal year 1995 at the level requested by the President, plus $13 million to fund the bridge administration program, and an additional $21 million for drug interdiction activities. Title VIII through X contain important provisions to improve vessel and navigation safety and improve Coast Guard personnel management.

Title XI of this bill contains the text of H.R. 3786, the Recreational Boating Safety Improvement Act of 1994. This bill is one of my highest priorities, and I am pleased that the most important requirements of my bill, H.R. 2812, are incorporated into the bill. This legislation will save lives and reduce the number of injuries that occur on America's waterways each year.

Title XII, the Coast Guard Regulatory Reform Act of 1993, is intended to simplify U.S. construction requirements to reduce the regulatory burden on the U.S. maritime industry without compromising safety. These provisions were developed by the Coast Guard, industry representatives, and the Merchant Marine and Fisheries Committee. They will streamline shipbuilding requirements for all the U.S. maritime industry and allow it to become more competitive internationally.

Title XIII, the United States Passenger Vessel Development Act, is designed to promote the construction and operation of domestic passenger ships that will operate out of U.S. ports and cater to Americans.

Title XIV contains the provisions of the Boating Improvement Act of 1994, to establish a reasonable, stable funding method for the State boating safety program. The Boating Improvement Act is supported by all the affected groups, including the National Association of Boating Law Administrators, the American League of Anglers and Boaters, and the Boat Owners Association of the United States.

I also support the remaining titles of this bill, which will improve towing vessel safety and offshore supply vessel shipbuilding opportunities, and address various miscellaneous problems. I am pleased that title XX of this bill contains my amendments to maintain the President's proposed level of Coast Guard drug interdiction and to require a complete cost accounting of Coast Guard expenses related to Haiti.

Title XIX of this bill contains an authorization for the ocean and coastal programs of the National Oceanic and Atmospheric Administration [NOAA] for fiscal years 1995 and 1996. In addition to NOAA's national ocean service programs, ocean and Great Lakes research, selected fisheries programs, and general administrative support, the title also improves the Saltonstall-Kennedy Program; encourages dual use of military oceanographic assets; amends the boundary of the Flower Garden Banks National Marine Sanctuary; improves congressional oversight of NOAA's fleet modernization activities; and authorizes the National Undersea Research Program.

These programs contribute to America's understanding and wise use of the greatest resource of the Earth—our oceans. I note that through the outstanding leadership of Oceanography Subcommittee Chairman SOLOMON ORTIZ that the Gulf of Mexico finally receives its due in this bill. The authorization of a National Undersea Research Program Center for the Gulf, a study using satellites to help pinpoint sea turtles, and the consideration of an offshore platform as a research facility in the only Gulf national marine sanctuary are all a result of his tireless work. Chairman ORTIZ has also been extremely responsive to the views of all members of the Merchant Marine Committee, on NOAA matters.

I also want to commend Oceanography Subcommittee Ranking Republican Member CURT WELDON for his efforts on behalf of NOAA, especially his work on the use of military resources for civilian oceanographic research. This is a new but potentially fruitful avenue for the committee. Finally, Committee Chairman STUDDS has helped steer our course to the floor to ensure NOAA's future.

The Merchant Marine and Fisheries Committee had completed action in a fair, bipartisan manner, on matters that are extremely important to our maritime industry and to the safety of our citizens. Mr. Speaker, I urge my colleagues to overwhelmingly enact H.R. 4852 and express my highest compliments to our distinguished chairman, GERRY STUDDS, for his outstanding leadership on this important legislation.

Mr. Speaker, further reserving the right to object, I yield to my friend, the gentleman from Alaska [Mr. YOUNG].

Mr YOUNG of Alaska. Mr. Speaker, reserving the right to object, and I will not object, I want to take this opportunity to thank the Chairman for his hard work on this bill, and make a few observations about its contents.

This bill contains several measures which have previously passed the House of Representatives, including the Coast Guard authorization, the NOAA authorization, and several miscellaneous fisheries measures. The bill has been thoroughly cleared by both the majority and minority in the House. The bill provides necessary reauthorizations for a number of different programs including fisheries management, enforcement of various laws and treaties, and Coast Guard search and rescue.

There is one item that is not included in the bill because, while it affects commercial vessels under our jurisdiction, it also involves the jurisdiction of the Committee on Ways and Means. This concerns a decision by the U.S. Customs Service to collect a tax on passengers multiple times within a one cruise voyage. This means they will be taxed every time they enter a U.S. port, even if the cruise is from point to point within the United States. The decision was reflected in a letter sent to the chairman of the Ways and Means Committee by the Customs Service.

I believe that this interpretation by the Customs Service is incorrect. Congress has increased the amount of tax that cruise vessel passengers should pay, but clearly did not intend that they pay the tax multiple times, such as when traveling from Juneau, AK, to Sitka, AK, and then again when traveling from Sitka, AK, to Ketchikan, AK. The clear intent of Congress was to only assess the tax once during each voyage.

My colleague, the distinguished chairman of the Ways and Means Committee, has indicated to me that he is sympathetic to my concerns and will attempt to address these issues in the proper form in the next Congress. I want to thank him for his offer to take a fair look at this issue.

Again, Mr. Speaker, I will not object to this bill. It is a good piece of legislation that represents all of the hard work our committee has done this year and I urge its passage.

□ 1310

Mr. FIELDS of Texas. Mr. Speaker, continuing my reservation of objection, I think this is a good piece of legislation that should be accepted. If it is not accepted at this point, this authorization will not occur this term.

Mr. Speaker, I withdrew my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. TAUZIN. Mr. Speaker, reserving the right to object, I will object, and I want to point out that this bill has been indeed worked out with some Members of this House. It has not been worked out with many Members of this House, including the chairman of the Subcommittee on Coast Guard and Navigation, to which most of the amendments will address.

More important, there are five Members of the Senate prepared to put a hold on this bill the moment it arrives in the Senate for the very reason it contains a bill that has passed this House and rejected repeatedly in the Senate dealing with the documentation of Merchant Mariners.

This bill, which is now contained in this bill, has been rejected by the Senate for a number of reasons, not the least of which is that the Coast Guard opposes it, does not believe it should be required, will not inure to the safety of programs in the Foreign Vessel Navigational Safety Act.

In fact, Mr. Speaker, the provisions of the bill that are contained in this unanimous consent on Merchant Mariner documents surprisingly contains an exemption for one State, the State of Alaska.

Now, I contend and the Coast Guard contends that this is not a necessary safety element within this bill. In fact, it is only paperwork and bureaucracy that should not be imposed upon the industry.

But let us assume for purposes of argument that the proponents of this bill who have been defeated repeatedly in the Senate are correct, that this is some kind of a safety measure. Why on Earth would we want to exempt the State of Alaska, *Exxon-Valdez*, Prince William Sound?

Mr. Speaker, the point is that this provision in the bill will be objected to in the Senate. The Senate is now trying to put together a similar package without these provisions in it.

The chairman of our full committee stated during committee markup of this bill that he did not intend to see this bill sink on this one provision. I hope those words are correct.

When the Senate reports the bill, as I believe it will, without these provisions in it, we will have another opportunity to enact all of these good programs that are otherwise contained in the bill.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Speaker, let me say to my friend, and I mean that with all sincerity, my friend, I take issue with the point that this was not done in a bipartisan fashion. I will be the first to admit not everyone agrees with everything in this bill.

Mr. TAUZIN. Mr. Speaker, continuing my reservation of objection, I did not say that there was not some bipartisan negotiations. Obviously, when the State of Alaska got exempted, there were clearly some bipartisan negotiations. What I am telling the gentleman is that very many of us in this body were not negotiated with personally, although there were staff discussions.

More important, we did not have the kind of Member-to-Member consultation we should have had on this bill.

But even more important, this is not agreed in the Senate, and five Senators are prepared to put a hold on this bill if this provision is insisted upon. And for that reason, this gentleman intends to object to this unanimous consent.

Mr. FIELDS of Texas. Mr. Speaker, if the gentleman will continue to yield, what I was going to say to my friend, just so the House will know, we voted on the merchant mariner document, which is the point of controversy. It passed our full committee 30 to 15. The House of Representatives passed the full bill, which contained that provision, 408 to 7.

I am not aware that the Senate has yet acted upon this provision.

Mr. TAUZIN. Mr. Speaker, when the House passed the bill, it did not contain an exemption for Prince William Sound in Alaska. The committee rejected that exemption. The gentleman and I know what is happening here.

More important, the Senate has refused to take up this bill for many sessions now because it objects to it. Five Members are prepared to reject this whole package on the basis of that. I know that, and the gentleman knows that. It is ridiculous for us to proceed with this bill to the Senate.

My suggestion is that we give the Senate a chance to bring us a bill without this provision in it.

It was my understanding, when this bill began to be worked out through whatever staff consultations occurred, that if there were controversial provisions, those controversial provisions would be dropped.

I had one of those. I had a controversial provision that restated the current law. The Coast Guard is about to build some motorized lifeboats, the kind of boats that can flip over in the surf and save people's lives. That is under a small business contract setaside. But there is one company in this country that used its influence in this House to put a provision in the appropriations bill to change the law and, indeed, open that up to big company bidding.

I included a provision to give the Coast Guard the authority in this bill to follow the small business setaside law. That has been deleted, because some Senators objected to following the current law.

Mr. TAYLOR from our committee had an amendment dealing with cruises to nowhere. A Senator objected. That provision I understand has been deleted because it was controversial.

There is no more controversial provision than these mariner document provisions. It is so controversial that my friend from Alaska has worked day and night, after voting for it, to then exempt his State from it. I understand that. It is so controversial that five Senators on the Senate side are prepared to put a hold on this bill to kill the entire bill over it. And yet it is in this package.

I am confused as to why some controversial provisions are deleted when we support them and other controversial provisions are continued.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding to me.

When we say this on the floor many times it is not meant with sincerity, "My good friend," when under our breath we are saying other things.

In this case, the gentleman from Louisiana [Mr. TAUZIN] is a good friend of mine.

He has mentioned two things about the Alaska exemption. The first he knows it does not affect the Prince William Sound. He knows that good and well. This is the waterways, riverways, and his objection has nothing to do with it. Every vessel that goes into the Prince William Sound, every crewman already has documents. So please do not stretch the truth and bring up *Exxon-Valdez*. This is riverways.

Mr. TAUZIN. Mr. Speaker, the gentleman deserves something I am going to extend to him. It does not apply to Prince William Sound, but it applies to the inland waterways, that spill in the Prince William Sound.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will continue to yield, this is riverways, and he and I know that.

Mr. TAUZIN. It applies to towing on inland waterways and inland waterways, to my recollection, do in fact leave waters in the Prince William Sound.

Let me make the point, I am not at all taking umbrage with my good friend from Alaska. He represents his State as well as I have ever seen any State represented in this body. In fact, I am often in awe of his capacities and his abilities to represent his State, certainly in awe of his ability to win this exemption after it was denied him in the committee and denied him on the floor.

I am in awe of his abilities. I am only saying that when one State gets exempted, it kind of tells us that maybe we ought not to have this bill in effect for the entire 49 other States.

I am telling the gentleman that the Senate will not approve it. It is foolish for us to move forward with this provision when we ought to object.

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman has mentioned the Alaska exemption. Would he lift his objection, if I were to move to remove the Alaskan exemption.

Mr. TAUZIN. Mr. Speaker, no. I would not at that point fail to object.

I want to make it clear, the principal reason I object is that it does not belong in this bill, because it is a controversial matter that will sink this bill on the Senate side. It does not belong in the bill. The Senate is prepared to report us a bill that does not contain this controversial provision, but my friend from Alaska knows what I speak when I say, if it is so repugnant to my friend from Alaska and the State of Alaska that they need this special exemption from it, then the whole thing ought to come out for the benefit of the other 49 States and for the benefit of the Coast Guard which opposes it and for an industry which is prepared to indeed live by the very important other safety precautions that the bill contains.

☐ 1320

The SPEAKER pro tempore. (Mr. MAZZOLI). Is there objection to the request of the gentleman from Massachusetts?

Mr. TAUZIN. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me. I just wanted to make the point that I understand the gentleman's concerns. I want to point out that there are other concerns. I have found, for instance, that title 19 was placed in this bill. The gentleman from Massachusetts [Mr. STUDDS] did not mention that one of the jurisdictions in this bill is that of the Committee on Science, Space, and Technology. Title 19 is partially within our jurisdiction. We were not consulted with, at least on the minority side, about provisions in that particular part of the bill.

Mr. Speaker, I have deep concerns about some things that were dropped out that we think are important, and I would not want to see this bill go forward as long as title 19 was a part of it, because we have not been given the courtesy of being able to review these matters.

Mr. Speaker, I, too, have some concerns here that there was not the kind of consultation that I think should have taken place with regard to the measures in the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. TAUZIN. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Massachusetts [Mr. STUDDS], chairman of the committee.

Mr. STUDDS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me just say to the gentleman from Pennsylvania [Mr. WALKER], he is correct, there are some items in that title which are of joint jurisdiction. I had been advised by staff that it had been cleared with the staff of the committee. If it has not been, I apologize. There is not, I do not think, any major controversy there. If I have the opportunity, and I just have a feeling from what the gentleman from Louisiana [Mr. TAUZIN] has said that I would not, I would ask unanimous consent to strike those provisions which the gentleman feels have been the subject of inadequate consultation. That was not our intention

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. TAUZIN. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, I want to reiterate what the chairman of the committee has said. I was under the impression that these provisions had been worked out. I hope we can work out something before the end of this session. This is a good bill, and I hope we can work it out.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. TAUZIN. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I will be very brief. It is not my intention to engage in a lengthy debate with the gentleman from Louisiana.

Mr. Speaker, the matter to which he objects, as he has alluded to quite clearly, is the towing safety provisions; most specifically, the merchant mariner document qualifications. That is the matter that he says is sufficiently controversial to sink the bill in the Senate. That is a matter which was, as the gentleman from Texas [Mr. ORTIZ] has pointed out, debated and voted on overwhelmingly both in the committee and in the House. It is the House position, substantially. It was my information, as of about an hour ago, that as of this moment, miracle of miracles, there were no holds in the Senate. Heaven only knows what will happen between now and when they have the good sense to go away.

However, Mr. Speaker, let me say to the gentleman that certainly it is his prerogative to do this. At this time of year we are acting sort of as a Senate for a time, where any single Member can interpose his or her will against the totality of the House.

If indeed the gentleman is correct, that there are Members of the Senate disposed to sink this bill, I would have preferred that the glory be the Senate's and the credit be the Senate's for having sunk the bill, but the gentleman is certainly within his right.

I hope he does not do it, but he may do as he wishes.

Mr. TAUZIN. Mr. Speaker, continuing my reservation of objection, I thank the gentleman. Let me point out that the chairman of the committee is correct, that there is no hold currently. There can be no hold until this bill gets over there. The Senate uses a system called the hot wire system. When a bill hits, it is not wired to all offices. We have been informed that five Senators are prepared, the moment that hot wire listing occurs on this bill, to put a hold on the bill.

For that reason, Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair hears an objection.

REQUEST FOR DISCHARGE OF COMMITTEE ON, AND IMMEDIATE CONSIDERATION OF, H.R. 5238, AUTHORIZING DOCUMENTATION OF THE VESSEL "R/V ROSS SEAL"

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the bill (H.R. 5238) to authorize the vessel *R/V Ross Seal* to be documented under the laws of a foreign country during a 3-year period, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, and I will not object, we have had an opportunity to review this matter, but I yield to the gentleman from Texas [Mr. BROOKS] to have an opportunity to explain the legislation.

Mr. BROOKS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in a nutshell, this is a bill to allow seal craft operators, who are ship operators, to register their ship for a couple of years under some other registry, so they can do some work in the Caspian Sea.

Mr. Speaker, at the conclusion of that, they want to come back into a U.S. Registry. Otherwise, if they do not have that opportunity, their business is in the United States, they are U.S.-registered now, and if they cannot get that assurance that they can come back into the American registry, then they cannot do that job, and that work will go to some other country and not to the United States. We will lose that business.

Mr. FIELDS of Texas. Mr. Speaker, continuing my reservation of objection, I would like to clarify something the chairman of the committee has said. As I understand it, this ship is currently flagged American.

Mr. BROOKS. If the gentleman will yield further, that is correct.

Mr. FIELDS of Texas. Mr. Speaker, that is with all the demanding requirements and inspections required by the Coast Guard and other domestic laws. This is an opportunity for an American business to go abroad and bring dollars back home, jobs for Americans. If this is not done, Mr. Speaker, that opportunity is going to be lost.

I would ask the gentleman if that is a correct statement.

Mr. BROOKS. That is correct, Mr. Speaker. That is all it does.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. FIELDS of Texas. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I would ask a question of either gentleman from Texas. If this bill came up in the regular order, would it be a private bill?

Mr. BROOKS. Mr. Speaker, if the gentleman from Texas [Mr. FIELDS] will continue to yield, possibly.

Mr. SENSENBRENNER. Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair hears an objection.

PAYMENT IN LIEU OF TAXES ACT

The SPEAKER pro tempore. Pursuant to House Resolution 565 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the Senate bill, S. 455.

☐ 1325

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 455) to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes, with Mr. LANCASTER in the chair.

The Clerk read the title of the Senate bill.

The CHAIRMAN. Pursuant to the rule, the Senate bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 30 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to S. 455 because I think it extremely unwise for Congress to approve a massive spending increase on the very last day of the session.

This bill provides for $484 million in new spending—a 150-percent increase within 4 years—in the Payment in Lieu of Taxes [PILT] program—as well as an additional $1.3 billion in the next decade thanks to annual cost-of-living escalator that guarantees permanent increases as the years roll along.

Do not let anyone pretend this is a minor bookkeeping bill. The vote on this legislation will be a good test of whether we are serious about controlling government spending, or just spouting campaign rhetoric.

The House Committee on Natural Resources reported this legislation last week with language identical to that contained in the Senate-passed bill. If S. 455 were to be approved by the House in its current form, therefore, the measure would go directly to the President, and the permanent increases will be locked in year and year after year. Any opportunity for real reform will be eliminated because, as we know, Western senators will block any efforts to modify their uncapped spending.

I know that PILT is a highly popular program in Western States that hugely benefit from its largesse—including my own State of California. I know that lobbyists for counties and States have showered you with printouts of how much money you can bring home by voting for this bill. I know that your counties are as hard pressed as mine and could use a little Federal pork.

Those are not sufficient reasons to boost Federal spending by hundreds of millions of dollars on the last day of the Congress.

I appreciate that PILT funding has not increased since the program was created in 1976.

It is not a crime to have kept a program at a fixed authorization level. Let us remember what we have been doing in this House over the past decade and a half: We have cut, frozen and eliminated dozens of programs since 1976. We eliminated General Revenue Sharing, which affected far more districts than PILT; we cut jobs programs, reduced educational programs, cut military programs and closed bases, cut hundreds of millions from farm programs—all affecting more districts and more Americans than PILT.

Why does PILT, unlike all others, deserve an absolute right a 150 percent increase, as well as a permanent cost-of-living escalator?

Before you think that voting for PILT is smart because you will be "bringing home the bacon," read the fine print: PILT money is distributed very disproportionately. Three quarters of the money goes to just a handful of States with a small number of Members of this body.

Of the $99.3 million distributed just last week, for example, Florida received just $1.3 million, Connecticut $25,000, Illinois, $323,279, Indiana $225,433, and Massachusetts $51,554.

By contrast, Alaska received $4.4 million, Arizona $8.7 million, Colorado $6.2 million, Idaho $7.4 million, and Montana $8.2 million.

Michigan received $1.2 million, New Jersey received $48,442, New York $58,121, Ohio $249,079, and Pennsylvania $185,000.

By contrast, Nevada received $6.7 million, New Mexico $10.6 million, and Utah $8.9 million.

To get an increase of a few thousand dollars in your district, do you want to go on record voting for over a billion dollars in new spending and an uncapped authorization in the waning hours of the congressional session? I hope not.

Neither does the National Taxpayers Association which opposes this bill.

This is not a free vote. There is not a lot of excess money packed into the Interior appropriations budget. In fact, major cuts have been made in that budget in recent years. Every dollar spent on a PILT increase is going to come out of one of the already strapped programs of the Department of the Interior: national parks, wilderness, forest programs, historic areas, heritage areas, and many more.

The issue is not whether PILT has increased since 1976, but whether an increase is warranted. Because of the many question and uncertainties about the soundness of this program, a massive, uncapped increase at this time is profoundly unwise.

PILT, as originally proposed by the Public Land Law Review Commission, was supposed to replace streams of Federal funds for local governments derived from timber harvests, grazing, mining and other activities. But instead of replacing the funds, Congress created a formula to add PILT to the existing payments and provided for the PILT payment to reflect some, but not all, of those other receipts.

PILT is also justified as compensation for services provided by local governments on Federal lands. But the PILT formula includes no consideration of whether counties that receive PILT funds actually are performing any services. Nor does it calculate the value of the services rendered or, conversely, the value of Federal services related to the Federal lands, for example, law enforcement, fire protection, that benefit local interests.

Other questions abound:

Why are some Federal lands included among the definition of "entitlement lands" eligible for PILT while others are not?

Why are some Fish and Wildlife Service-managed acres carved from the public domain considered entitlement lands, but those on acquired lands are not?

In the East, mineral receipts from acquired lands are not eligible for PILT payments, but those from the public domain are.

This legislation fails to answer these questions and raises new ones. S. 455 would continue PILT funding for lands that are transferred from Federal ownership to State, or even private, ownership. The whole idea of PILT was to compensate for Federal lands; now we are compensating for State and private lands. Where does the gravy train stop?

I will be offering a reasonable compromise to the House: a 2-year increase, combined with a mandate for a GAO study, that will give States some needed funding, but also provide us with the accounting we need to determine what reforms are required.

My amendment would provide for the first 2 years of increase contained in S. 455. During those 2 years, we would commission a review of PILT's financing mechanism and operations, which would provide the substantive basis for comprehensive PILT oversight and reform during the 2 years of interim funding. This amendment was rejected by my committee which, I must note, is well populated by Members from those small States where PILT's greatest largesse is distributed.

Should that amendment fail, I would urge you to vote for Congressman VENTO's amendment to eliminate the cost-of-living escalator in S. 455. I cannot believe that the Members who have voted against every other COLA are going to acquiesce in an unlimited COLA for PILT that will cost taxpayers hundreds of millions of dollars.

Do not fall prey to the argument that we cannot change a comma in S. 455 because the Senate does not have time to pass an amended bill. Have you been watching the television? Do not tell me they do not have time to pass a bill that saves us the embarrassment of voting for a sky's-in-the-limit spending bonanza for a few small States.

There is virtually no way for additional PILT money to be distributed in fiscal year 1995 in any event, which is the first year of increase under S. 455. Granting a short term increase and initiating reasonable oversight afford us more than enough time to pass a reauthorization bill next year and seek the funding increase allowed under my amendment.

If the Senate wants a PILT bill, they will vote to take our responsible, limited expansion. But no House Member should accept the argument that we must vote uncritically for the precise language sent us by the Senate without expressing our own concerns and preferences about this legislation.

□ 1330

Mr. Chairman, there are many other questions, and I will come back and address other problems with this program, the most glaring of which is that this used to be for Federal lands, and we would provide payments on the theory that those Federal lands were a burden to local communities. But in this legislation, we find out that even if those lands are now transferred into State ownership or to private ownership, we are in fact now going to continue a Federal payment.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I ask unanimous consent that 15 minutes of my time be given to the gentleman from Montana [Mr. WILLIAMS] for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] will be recognized for 15 minutes, and the gentleman from Montana [Mr. WILLIAMS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have looked at this PILT thing, payment in lieu of taxes, for a long time. I think we have heard some things that are not exactly correct about this. Let us just look at what this does. True, the majority of this ground is in the States that are owned by the Federal Government. The Federal Government is the owner of this ground. Now we find these little communities strung out all over the West, and in the East, and in the South where they are owned 70, 80, and 90 percent by the Federal Government. They have to take care of their kids, they have to go to school, they have to do their infrastructure, and how do they pay for it? They levy taxes.

If you happen to live in one of these counties that is privately owned, you can levy taxes everywhere. What do you do in Garfield County, UT or Kane County or Sweetwater County, WY? Where do you levy the taxes? Do you say to the Federal Government, "Now we're going to put a levy on you for schools, we're going to put a levy on you for other things"? No, they do not do that.

So in 1976, this Congress wisely passed the payment in lieu of taxes. In the interim period, the folks from the East love to go out to the West. They love to go to our national parks, they love to go to the wilderness areas they create, they love to go to these areas, and what do they do? They put their garbage down and it costs thousands and thousands of dollars out of these poor little counties to take care of it. They go up and they hike in our beautiful mountains and then they fall off a rock and break a leg and who do they call on? They call on these little counties to come and rescue them.

They are careless with their campfires, they put a match out, they are not thinking and all of a sudden they burn a lot of acreage. And who do they call upon? They call upon these little counties to come and pay for it. One case after the other, and the list goes on and on. Yet the owner of the ground, he will not step up to the plate. He will not step up and say, "Hey, I own it. I want to tell you how to take care of your garbage, I want to tell you about wilderness, I want to tell you how to do it, but I won't step up to the plate and pay for it."

What kind of deal is that? That is the most unfair situation I have ever seen.

So 49 states are going to receive PILT payments. In 1976 they passed it with no cost-of-living adjustment. It comes out to about 20 cents an acre. All we are asking is equity, we are asking fairness. We are asking, "Federal Government, you own it, you step up to the plate and you pay it." This will bring it up to about 50 cents is all it will bring it to. I cannot understand why we would not want to go along with this at this particular time.

Have we had a chance to look at this? Of course we had. In committee we have been playing around with this for 5 years. Yet we keep hearing, "Oh, you save it until the last." It is about time we brought it up.

Many, many States receive an awful lot of money in regard to this particular payment in lieu of taxes. Please keep in mind, my colleagues, all we are asking for is some equity to help these people out. If you do not want to do that, why do you not step up to the plate and give it back? They would like to take it over just like New York got theirs, New Jersey got theirs, and other States got theirs. Give it back to them. The Governor of the State of Utah said he would be happy to take it over. And then you do not have to worry about payment in lieu of taxes, do not have to worry about AUM's, you do not have to worry about critical minerals. Just give it back to the States. But you will not do that because you want to control it. Why do you not then have the courage to at least pay your way? You are the owner. Pay your way.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Madam Chairman, I yield myself such time as I may consume.

The CHAIRMAN pro tempore (Ms. NORTON). The gentleman from Montana is recognized.

Mr. WILLIAMS. My colleagues, your States need this help, your county commissioners need this help, unless you are from Rhodes Island. That is the only State in the United States that does not receive payments in lieu of taxes. This law to help out your county commissioners is about 20 years old. From the day it was first enacted, your counties have not received one penny, count it, not one penny of inflationary increase in PILT payments. Consequently, the program's value because of inflation has not diminished to less than half of what it was when your counties first started receiving payments in lieu of taxes because of Federal land in your State and in your counties.

☐ 1340

The bill that is before us today is the companion Senate bill to legislation which I have introduced in the last two or three Congresses. We are finally hearing it on the floor of the House on the last day of the session.

Because this is the last day of the session, the only way that our countries can receive an increase in these PILT payments is if this Senate bill, a companion to mine but different than mine, passes without amendments. A vote for any amendment is a vote to kill PILT, and these increases that our States need in this session of Congress.

This bill phases in, by the way, the increase during 5 years. The inflationary increase phases in in a very moderate way over 5 years beginning in 1995 and ending in 1999.

The bill that is before us was not held at the desk. This bill came through the Committee on Natural Resources, and by the way, came through on a bipartisan vote of 31 to 10. It passed the Senate last April. We have been trying to bring it to the floor of the House since spring. It passed the Senate last April by a vote of 78 to 20, a very bipartisan vote. Why the bipartisanship? Because our county commissions are Republicans and Democrats and independents. This is money to help them for the Federal land that is in their countries, and they use this money for emergency services including search and rescue, and ambulance services that are needed by the people on the Federal land. Often they use it for law enforcement and fire protection, and they use it for the health and social services and solid waste management. And, my colleagues, the States and counties use it for the schools.

This PILT payment is helping to keep property taxes lower than they would be in the counties and in the States without it.

Madam Chairman, I include for the RECORD letters in support of this legislation as follows:

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO,
Washington, DC, October 4, 1994.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I strongly urge you to support S. 455, the Payments in Lieu of Taxes (PILT) legislation when it comes to the floor and oppose all amendments.

PILT was first enacted in 1976 to compensate counties for the taxable revenues they forego by having tax-exempt federal lands within their boundaries. This is excellent legislation except for one problem. The PILT has never been adjusted for inflation and consequently the program is compensating counties in 1976 dollars while the counties' budget is in 1994 dollars. Today the program's value has diminished to less than half of what it was when it was first enacted. This bill corrects that.

S. 455 has garnered bipartisan support this session in the Senate and in the House. The Senate has passed Senator Hatfield's PILT legislation, S. 455, by a vote of 78-20 last April. And, S. 455 was reported out of the House Natural Resources Committee with bipartisan support, 31-10. Now, it is imperative that the House act before it adjourns.

We all know that the demands on local governments have increased enormously in the last 18 years. S. 455 would restore the level of compensation which the more than 1,900 local units of government receive to their 1976 level in current dollars over a five-year period beginning in 1995 and ending in 1999. $105 million was appropriated for PILT in 1994. This could reach $255 million by 1999 only if the legislation is fully appropriated. CBO stated that, "Pay-as-you-go procedures would not apply to the bill."

PILT funds are used for critical services provided by local governments including road repair and maintenance; emergency services; law enforcement and fire protection; education; health and social services; and solid waste management.

In an era when local governments are pressed by budgetary constraints to maintain service levels, I urge you to support S. 455 which restores fairness to federal-local government relations.

Thank you.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, September 30, 1994.

DEAR MEMBER OF CONGRESS: Within the next few days you will be asked to vote on S. 455, a revision of the Payments in Lieu of Taxes (PILT) program. The National Association of Counties (NACo), representing the Nation's three thousand counties, fully supports this legislation, and opposes any attempt to amend the measure when it reaches the floor.

When PILT was enacted in 1976, it was an expansion of a notion of government partnership between the Federal government and States and local governments that has existed since 1906. Since that time, the Federal government has accepted the obligation to share with local governments a percentage of the revenues it derives from commodity uses of public lands. PILT funds are spent by counties to support services provided to users of public lands: emergency search and rescue, law enforcement, fire and emergency medical services, solid waste management, road maintenance, and health and other human services. In each case, costs have risen while PILT payments monetary value has diminished. The shortfall must come from taxpayers pockets or decreased services.

S. 455, which passed the Senate 78-20 and the House Committee on Natural Resources 31-10, would restore the value of the program and bring authorized payment levels to the 1994 cost of supplying the above mentioned services.

There will be attempts to amend this legislation on the House floor. These amendments, while possibly well intentioned, would be the death knell for this legislation should they pass. NACo and its membership strongly opposes any amendments to S. 455 and asks that you support the basic needs of America's public land counties by voting against amendments and for final passage of the legislation.

On behalf of the Nation's local governments, we thank you for your consideration and willingness to review our concerns.

Sincerely,

LARRY E. NAAKE,
Executive Director.

SERVICE EMPLOYEES
INTERNATIONAL
UNION, AFL-CIO, CLC,
Washington, DC, October 5, 1994.

DEAR REPRESENTATIVE: On behalf of the one million members of the Service Employees International Union, I urge you to vote for S. 455, Payments in Lieu of Taxes (PILT), and oppose all weakening amendments. Since enactment, PILT has never been adjusted for inflation. Consequently the program's value has diminished to less than half of what it was when enacted. This bill corrects that shortfall.

PILT funds are directed to 49 states, and over 1400 local units of government. The funds provide compensation to states, counties, and local governments which have tax-exempt federal lands within their borders. They are used for essential local services including: 1) road maintenance; 2) emergency services; 3) law enforcement and fire protections; 4) education; and 5) health and social services.

Many of the public employees providing the essential services supported by PILT are SEIU members. Unless S. 455 passes, both the services and their jobs are endangered.

Again, I urge you to support S. 455 without weakening amendment.

Sincerely,

JOHN J. SWEENEY,
International President.

NATIONAL LEAGUE OF CITIES,
Washington, DC, October 4, 1994.
Hon. PAT WILLIAMS,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE WILLIAMS: I am writing to urge your positive action on S. 455, Payments in Lieu of Taxes (PILT). The National League of Cities strongly urges you to support this measure and to oppose any amendments. We believe this legislation is essential to support the cost of municipal services in lieu of real property taxes.

PILT funds are spent by local governments to support police, fire and emergency rescue services provided to users of public lands; environmental compliance; highway construction and maintenance; solid waste management; and health and human services. The cost for these services has risen, while PILT payment' monetary value has diminished. The shortfall has come from either taxpayers' pockets or decreased services.

The current PILT program monetary value has been reduced by 18 years of inflation, to the point where its value today is less than half of its value when it was passed in 1976. The FY 1995 appropriation of $104 million is actually worth about $50 million in FY 1976 dollars. While the Consumer Price Index has skyrocketed 130% since 1976, PILT payments have remained flat. This legislation would rectify this situation.

Amendments to this legislation at this late date could doom this legislation. Congress has had a version of this legislation before it for over five years; there has been plenty of time to make changes to the bill.

Please support S. 455 and oppose any amendments. Passage would help the nation's cities and towns by restoring equity to the Payments in lieu of Taxes program.

Sincerely,

SHARPE JAMES,
President, Mayor of Newark.

STATE OF ARKANSAS,
OFFICE OF THE GOVERNOR,
Little Rock, AR, July 23, 1991.

Hon. ROY ROMER,
Governor of Colorado, State Capitol, Denver, CO.

DEAR ROY: I am in receipt of your correspondence concerning Payments-In-Lieu-of-Taxes (PILT) to Units of Local Government. With over 3.1 million entitlement acres in the State of Arkansas, it is indeed an important issue here as well. The shrinking availability of resources for all levels of local government in this state as well as the nation is of extreme concern. Achieving an appropriate and inflation adjusted level of funding under the PILT program should be a priority among all the states involved.

You can be assure that the Arkansas congressional delegation is being made aware of the significance of House Resolution 1495 and Senate Bill 140.

I appreciate your correspondence concerning this critical issue.

Sincerely,

BILL CLINTON,
Governor.

AMERICAN TRUCKING ASSOCIATIONS,
Alexandria, VA, October 4, 1994.

Hon. PAT WILLIAMS,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE WILLIAMS: We are writing in support of S. 455, the Payment in Lieu of Taxes (PILT) legislation recently reported from the Committee on Natural Resources. We support the legislation as reported and would oppose any amendments on the House floor.

PILT funds are spent by counties to support services provided to users of public lands: in some counties primarily for road construction and road maintenance, with other PILT funds used for law enforcement, emergency search and rescue, fire and emergency medical services, solid waste management, and health and human services. For these services, costs have risen while PILT payments' monetary value has diminished. The shortfall must come from taxpayers pockets or decreased road maintenance.

The current PILT program monetary value has been reduced by 18 years of inflation, to the point where its value today is less than half of its value when it was passed in 1976. The FY1994 appropriation (and the FY1995 request) of $104 million is actually worth about $50 million in FY1976 dollars. While the Consumer Price Index has skyrocketed 120% since 1976, PILT payments have remained flat. This legislation would rectify this situation and provide additional funds for needed road improvements.

We urge Members of Congress to support S. 455, without amendments and we appreciate the opportunity to support this legislation.

Sincerely,

TED SCOTT.

NATIONAL ASSOCIATION
OF COUNTY ENGINEERS,
October 4, 1994.

Hon. PAT WILLIAMS,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE WILLIAMS: We are writing in support of S. 455, the Payment in Lieu of Taxes (PILT) legislation recently reported from the Committee on Natural Resources. We support the legislation as reported and would oppose any amendments on the House floor.

PILT funds are spent by counties to support services provided to users of public lands: in some counties primarily for road construction and road maintenance, with other PILT funds used for law enforcement, emergency search and rescue, fire and emergency medical services, solid waste management, and health and human services. For these services, costs have risen while PILT payments' monetary value has diminished. The shortfall must come from taxpayers pockets or decreased road maintenance.

The current PILT program monetary value has been reduced by 18 years of inflation, to the point where its value today is less than half of its value when it was passed in 1976. The FY1994 appropriation (and the FY1995 request) of $104 million is actually worth about $50 million in FY1976 dollars. While the Consumer Price Index has skyrocketed 120% since 1976, PILT payments have remained flat. This legislation would rectify this situation and provide additional funds for needed road improvements.

We urge Members of Congress to support S. 455, without amendments and we appreciate the opportunity to support this legislation.

Sincerely,

A.R. GIANCOLA, P.E.,
Executive Director.

AMERICAN ROAD & TRANSPORTATION
BUILDERS ASSOCIATION,
Washington, DC, October 4, 1994.

Hon. PAT WILLIAMS,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE WILLIAMS: The American Road & Transportation Builders Association (ARTBA) applauds your initiative in introducing H.R. 1181. As a national federation representing the transportation construction industry, including over 700 public transportation officials and county engineers nationwide, ARTBA strongly supports H.R. 1181 and S. 455 introduced by Senator Hatfield, the Payment in Lieu of Taxes (PILT) legislation. ARTBA would oppose any amendment to S. 455 as currently reported by the House Committee on Natural Resources.

PILT funds are spent by counties to support services provided to users of public lands, and in many counties the funds are used primarily for road construction and road maintenance. While the cost for such services has escalated, the PILT payments' monetary value, due to 18 years of inflation, has diminished. Without the additional funds provided by H.R. 1181/S. 455, road maintenance and other county services will decline or taxpayer dollars will supplement the shortfall in funding.

The monetary value of the current PILT program is less than one-half of its initial value when passed in 1976. Since 1976, the Consumer Price Index has increased 120% while PILT payments have remained constant over the same period. In other words, the FY 1994 appropriation and FY 1995 request of $104 million is actually worth about $50 million in FY 1976 dollars. This legislation would rectify the situation and provide additional funding for county road improvements across the country.

ARTBA fully supports this legislation without amendments and we urge timely consideration of this vital bill.

Sincerely,

T. PETER RUANE,
President & CEO.

NATIONAL ASPHALT
PAVEMENT ASSOCIATION,
Lanham, MD, October 4, 1994.

Hon. PAT WILLIAMS,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE WILLIAMS: We are writing in support of S. 455, the Payment in Lieu of Taxes (PILT) legislation recently reported from the Committee on Natural Resources. We support the legislation as reported and would oppose any amendments on the House floor.

PILT funds are spent by counties to support services provided to users of public lands: in some counties primarily for road construction and road maintenance, with other PILT funds used for law enforcement, emergency search and rescue, fire and emergency medical services, solid waste management, and health and human services. For these services, costs have risen while PILT payments' monetary value has diminished. The shortfall must come from taxpayers pockets or decreased road maintenance.

The current PILT program monetary value has been reduced by 18 years of inflation, to the point where its value today is less than half of its value when it was passed in 1976. The FY 1994 appropriation (and the FY1995 request) of $104 million is actually worth about $50 million in FY1976 dollars. While the Consumer Price Index has skyrocketed 120% since 1976, PILT payments have remained flat. This legislation would rectify this situation and provide additional funds for needed road improvements.

We urge Members of Congress to support S. 455, without amendments and we appreciate the opportunity to support this legislation.

Sincerely,

NICK YAKSICH,
Director of Governmental Affairs.

[From the National Association of Counties]

DON'T BE MISLED BY THE MILLER-VENTO "DEAR COLLEAGUE" ON P.I.L.T.—PAYMENT IN LIEU OF TAXES

On October 3, 1994, Representatives George Miller and Bruce Vento sent a "Dear Colleague" to members of the House opposing S. 455, which would modify the Payments in Lieu of Taxes program to provide equity for the Nation's counties. In that letter they make a number of misstatements about the program, its impact and its future. These inaccuracies must be addressed. Also, the "reform" approach advocated in their letter was rejected by their own committee 28-14, and subsequently, S. 455 was reported from that committee 31-10.

Concern has been raised about the cost of this legislation, and Mr. Miller and Mr. Vento cite this concern in their letter. However, this bill is merely an authorization, fully subject to appropriations. It does not add to federal spending, but redistributes existing revenues to the counties, and to local decisionmakers, to offset costs incurred in supporting federal land ownership. This authorization does not add to the deficit nor is in conflict with deficit reduction efforts.

In their letter, Miller and Vento write that PILT is a "controversial program", yet not one Member of Congress, from either body, testified against the legislation in committee. The only "controversy" are proposed Miller-Vento amendments. They suggest this legislation has proceeded "without adequate review". A version on the legislation has been before the Committee on Natural Resources for over five years, and specifically, S. 455, has been before the Committee since April. The Senate heard the bill last November and passed it in April by a vote of 78-20.

The "Dear Colleague" says this legislation will "eat away at limited funds *currently* [emphasis added] available for national parks, wilderness areas and other national treasures . . .". S. 455 is subject to the appropriations process, and it is too early to second guess allocations that may be made by the next Congress' Budget committees for the Interior appropriations bill. Miller-Vento write of "massive" increases in the program. S. 455 will only restore the PILT program to its original Congressional intent, nothing more. Remember, these payments go to counties for services already provided to the federal government.

The letter goes on to suggest, that if this should pass, there would be "no review whatsoever" for five years. Does this mean the Committee on Natural Resources is going to abrogate its oversight responsibility for the next five years? We think not. They raise concerns about the cost over ten years, yet the Committee on Natural Resources has authorized billions of dollars in programs in the 103rd Congress, including many in recent days without the clarion call for budget restraint. Besides, this is returning hard earned tax money to the local communities for tax dollars already spent to support federal ownership of the land.

Miller and Vento write that PILT was "intended to replace local revenue 'lost' because of the presence of untaxed federal lands". In reality, counties generally spend much more supporting federal lands than they receive from PILT funds. One of the greatest misstatements in the letter refers to the "supplement" local governments receive from "federal services like law enforcement and fire protection." In reality, counties provide the law enforcement on public lands, not the federal government, and in the case of fire protection, it is generally to protect the federal resource, not local county property. Counties also spend millions of dollars fighting fire attributable to federal property.

The "Dear Colleague" states that the PILT program does not, "fully recognize the often significant amounts of funds that go to *states* [emphasis added] from activities such as timber harvests, grazing, mining and other activities." This is just plain WRONG. The PILT formula specifically reduces the counties' PILT payments dollar for dollar for previous year natural resource receipt payments attributable to those counties. Miller and Vento argue a GAO study is needed, yet neither member has moved, in the six years a PILT bill has been pending before their committee, to request such a study, and there is no bar to them asking for one in the future. Indeed, supporters of S. 455 have expressed a willingness to participate in such a study once this legislation has passed.

Mr. Miller and Mr. Vento argue that passing this legislation will "end any serious opportunity for reform" yet the only reform proposed for the PILT program is S. 455. The last minute effort of proposing amendments is nothing more than a thinly-veiled attempt to kill this legislation.

As you can see, Mr. Miller and Mr. Vento are not providing an accurate picture of the PILT program, or the services that nearly eighteen hundred counties in 49 states provide in support of federal land ownership. As committee and subcommittee chairs, they have not pursued these amendments until the eleventh hour, even after having PILT legislation before them for over five years!

We ask you to support S. 455 as reported from the Committee on Natural Resources and oppose the amendments of Mr. Miller and Mr. Vento.

If you have any questions, call Jeff Arnold, NACo Associate Legislative Director at (202) 942-4286.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 4, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 455, the Payment In Lieu of Taxes Act. This estimates assumes that the bill will be amended to make section 2(b)(2) effective as of October 1, 1998.

Enactment of S. 455 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

1. Bill Number: S. 455.
2. Bill Title: Payment In Lieu of Taxes Act.
3. Bill Status.

As ordered reported by the Senate Committee on Energy and Natural Resources on February 2, 1994.

4. Bill Purpose:

S. 455 would change the formula used to calculate payments in lieu of taxes (PILT payments) to local governments and would provide for annual adjustments to these payments based on changes in the Consumer Price Index (CPI). The higher payments would be phased in over a five-year period beginning in 1995. Counties containing certain types of federal land within their borders currently receive PILT payments as compensation for taxes that would be levied on these lands if they were privately owned. The changes in the formula would increase the amount of money authorized for PILT payments, though total payments would still be limited to the amounts provided in appropriation acts. The bill would delete a provision of current law that prevents the federal government from making PILT payments on certain land.

5. Estimated Cost to the Federal Government.

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Estimated authorization level	25	53	78	109	137

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Estimated outlays	25	53	78	109	137

Note: This table does not include an estimate of the impact of a provision in S. 455 that deletes a current prohibition against making PILT payments on certain types of federal lands. While enactment of this provision would further increase the authorization for PILT payments, CBO has no information on the number of acres nationwide that would be affected.

The costs of this bill fall within budget function 800.

Basis of Estimate:

In preparing this estimate, CBO assumed that S. 455 would be enacted during fiscal year 1994 and that appropriations would be provided as estimated beginning in fiscal year 1995. We also assumed that the permanent population caps specified in section 2(b)(2) would be made effective beginning in fiscal year 1999.

The Bureau of Land Management provided CBO with estimates of the total PILT payments that each county would receive over the 1995-1999 period as a result of the formula changes specified in the bill. This information indicates that the payments would total about $132 million in fiscal year 1995 and would reach $255 million by 1999. The 1994 appropriations bill for the Department of the Interior and related agencies provides about $105 million for PILT payments. Under current law, we expect such payments to remain at about this level, adjusted only for inflation, over the 1995-1999 period. The estimated cost of S. 445 is the difference between payments under the formula specified in the bill and the amounts included in CBO's baseline projections.

6. Pay-as-You-Go Considerations:

The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1996. CBO estimates that enactment of S. 455 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated Cost to State and Local Governments:

Assuming appropriation of the necessary funds, county governments would receive additional PILT payments beginning in fiscal year 1995 as specified in the table above.

8. Estimate Comparison: None.
9. Previous CBO Estimate: None.
10. Estimate Prepared by: Theresa Gullo (226-2860).
11. Estimate Approved by:

C.G. NUCKOLS,
Assistant Director for Budget Analysis.

This legislation has the support of the National Association of Counties the National League of Cities, the American Federation of State, County and Municipal Employees [AFSCME], the Service Employees Union [SEIU], the American Federation of Teachers [AFT], the American Trucking Association, the American Road and Transportation Builders Association, the National Sheriffs' Association, the National Asphalt Association, The National Association of County Engineers, and the National Stone Association.

I urge my colleagues to support S. 455 and oppose all amendments.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Madam Chairman, I strongly favor the Senate bill, S. 455.

I urge Members to vote in favor of S. 455, increasing the authorization for Payments in Lieu of Taxes [PILT]. This legislation is necessary for the sole reason of making an inflation adjustment in the Federal payments now made to counties for the nontaxable Federal lands in their jurisdictions.

S. 455 is a compromise with H.R. 1181, legislation I cosponsored to increase the PILT authorization by 120 percent—the amount of inflation increase since 1976, the year of the original PILT legislation. The Senate bill phases in the authorization increase over 5 years, and I support this as a reasonable compromise.

Current PILT payments are made on a per-acre basis for entitlement lands, which include national parks, national forests, Bureau of Land Management, and Bureau of Reclamation lands. The monetary value of PILT payments to localities has been reduced by 18 years of inflation, to the point where its value today is not even half of its value when first enacted in 1976. The fiscal year 1995 request of $105 million is actually worth about $50 million in fiscal year 1976 dollars. While the consumer price index has increased 120 percent since 1976, PILT payments have remained flat.

S. 455 would correct the current PILT deficiencies. Local governments have the right to be compensated by the Federal Government for untaxable lands within their jurisdictions. Those who use public lands have a right to expect emergency search and rescue services, law enforcement, fire and emergency medical services, solid waste management, road maintenance, and health and other human services. I urge Members to support S. 455.

Mr. MILLER of California. Madam Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Madam Chairman, I rise in support of the bill, but with, and in strong support of the amendments offered by the chairman of the Committee on Natural Resources [Mr. MILLER]. There is plenty of time if these amendments are adopted this afternoon for the Senate to concur in these amendments, and I think it is vital that we structure the bill with the amendments.

Yes, the PILT program helps my district, and I will not object to helping because I do not object to helping beleaguered counties who have Federal lands in their land services. On the surface, I should be one of the biggest supporters of the PILT program. But I cannot in good conscience support the legislation as it is currently written.

My objection is not with PILT itself, but with the inflation adjustments and the ongoing in perpetuity program, entitlement program which we are creating here today. Certainly additional PILT outlays in the future will have a beneficial impact on my district, but these benefits come at too great a cost; namely, the loss or erosion of other needed programs that benefit my district and others, and the loss of control of our fiscal house. Madam Chairman, that price tag is too expensive.

There has been a lot of talk around here about addressing entitlement programs, that entitlements are the real villain in deficit reduction efforts. The bill before us today, by adding an automatic inflation adjustment, would effectively become an entitlement program and make our budget fight in the 104th Congress that much tougher, and much more difficult in years to come.

As recently as 1962 discretionary spending was a full 70 percent of the total Federal outlays. That has dwindled to less than 40 percent today, and is projected to drop to less than 30 percent in 1999. Entitlements today make up 50 percent of the budget, and combined with all mandatory spending make up over 60 percent of all spending. This total is only going to increase by this bill today. By the end of the decade, entitlements and mandatory spending will top 70 percent of all Federal outlays. When all spending is entitlement spending, we cede the constitutional power of the purse to existing statutes, and we lose our ability to effectively restrain the deficit.

That is the decision we face today, whether to recklessly expand a program, even one I believe to be among the most worthy programs in the Federal Government, at the risk of deepening our already dire fiscal crisis.

Madam Chairman, time and time again Members stand here and say we must balance the budget. Time and time again they say we must not create new entitlement programs. Time and time again they say we will not balance the budget unless all of us, all of the congressional districts share in the deficit reduction. And we must do that in a fair and equitable manner across the board.

By voting in this billion dollar program today we are doing exactly what so many of us promised people back home we would not do. Tomorrow many will go home to the districts and people will ask: "What did you do?" Will my colleagues be willing to forthrightly stand before their constituents and tell them they created a new entitlement program that adds $1 billion in the Federal deficit with an automatic escalator clause in it? That is the question before Members today.

Mr. TAYLOR of Mississippi. Madam Chairman, will the gentleman yield?

Mr. KOPETSKI. I am glad to yield to the gentleman from Mississippi for a question.

Mr. TAYLOR of Mississippi. Madam Chairman, would the gentleman quickly explain to the American public how someone can be entitled to money that we do not have? Will we not have to borrow this $1 billion?

Mr. KOPETSKI. The gentleman from Mississippi raises a valid point. This money does not exist except and unless we go borrow it. That is how we are going to pay for this program, and American people ought to know that. Every Member ought to understand, there are no fees involved where we are going to get this. We are going to get it out of the income tax of hard-working Americans, out of the corporate earnings of corporations to pay for this money.

Mr. TAYLOR of Mississippi. Since we are running a deficit, if we spend an additional $1 billion, we have to go borrow an additional $1 billion, and then pay it back with interest?

Mr. KOPETSKI. The gentleman is correct.

Madam Chairman, the vote on the Miller amendments are a test, a true test of whether Members are sincere in reducing the Federal deficit. It is even a better test than the balanced budget amendment itself, because this bill is about real American taxpaying dollars, real deficit dollars.

I urge Members to put their deficit reduction vote where their deficit reduction rhetoric is. Vote yes on the Miller amendment and send this bill over to the Senate and watch them agree to good legislation.

Mr. HANSEN. Madam Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Madam Chairman, I rise in strong support of S. 455 which increases the payments in lieu of taxes to counties. I think this is a matter of fundamental fairness to counties in Western States where the Federal Government is the largest landlord, the largest owner of land.

We have already heard about how we have already reduced the value of this program by more than 50 percent because we have made no change in this program since 1976. The result has been that in many counties there has been a downsizing of programs, of police forces, or school programs. Even while we add more mandates for those schools from the Federal level, they have had no relief from the same Government on paying its fair share of expenses for the land it holds on a tax-free basis.

Let me just tell Members about one county in my State that is 98-percent owned by the Federal Government. That means 98 percent of the land mass is not available in its tax base. How is that county supposed to function? How is it supposed to continue to carry out its responsibilities? This is a matter of fairness.

I would agree, we can get rid of this. We can abolish these payments altogether. Just let the States own the lands, or let them revert to private ownership. Then let the land be developed, let it be used, let the resources be developed. Then we really could abolish all of these other Federal payments to local governments.

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The worst thing we can do is for the Federal Government to continue to own the land and continue to tell the States and the counties what they have to do. We cannot keep imposing these mandates on them, and not give them the resources to do it.

This is not the same as revenue sharing, which is a generalized program. This is a payment specifically because the Federal Government denies these counties the ability to use the resources, denies them the tax base. That is why it is so important that we make this change now. This is a matter of fairness to the counties.

It is going to be up to the Committee on Appropriations that I serve on to actually appropriate the money. But, we cannot do it unless we have the authorization, and we have been locked into the same formula for almost 20 years now. It is time that we change that formula. It is time that we gave this fairness to rural counties where the Federal Government owns so much of their land mass.

Mr. WILLIAMS. Madam Chairman, I yield 1½ minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Madam Chairman, ladies and gentleman, let me give you a specific example. I have what I believe is the most beautiful district in the country, probably in the world, five national parks, three national recreation areas.

But let me share with you one county, Daggett County, almost one-half million acres, 7 percent of it private, under 30,000 acres of private land to carry the tax base of operating this county, 690 residents, over 2 million visitors per year. If you think they are coming as a destination and staying there and bringing all kinds of tourist revenue, wrong—150 hotel rooms in the county. Their budget has to pay all of the costs that my colleagues have outlined for fire protection, garbage collection, search and rescue, law enforcement, public safety, on and on and on.

Garfield County, all of the same problems, 3 percent private, 3,900 residents, almost 6 million visitors, and not only do they have all of those problems, they also have 35 students living in Bullfrog, UT, in the national recreation area. These are children of the Park Service employees. Not only do the private residents of Garfield County have to pay the costs of their education, but the Federal Government will not even allow Garfield County to put an education facility on the public land. They have got to bus these students onto private land and pay the costs of educating these students.

Ladies and gentlemen, there is something wrong with this picture, something dreadfully wrong.

An increase in PILT will help correct it, but it is only the beginning.

I urge you to support the payment in lieu of taxes.

Mr. Speaker, I rise today in support of S. 455, a bill designed to increase the payments in lieu of taxes [PILT] to local governments. This legislation is urgently needed to narrow the increasingly wide gap between what local governments should be paid by the Federal Government due to the ownership of Federal property in that jurisdiction and what little they have been receiving over the last 18 years. When all is said and done, it comes down to a simple question of fairness—are we as a nation going to further penalize these residents by not properly compensating their local government for the vast amounts of untaxable Federal property within their jurisdictions.

The increase in the PILT payments that will occur in this legislation is only the first increase in this payment since PILT was first passed by Congress, way back in 1976. It is unimaginable that it has taken the Federal Government this long to recognize such a glaring oversight, but I am pleased that Congress is finally recognizing this shortcoming with legislation that will provide a much more realistic and fair reimbursement.

As the debate in Congress over unfunded mandates has grown to a fevered pitch, the residents of my district have let me know in no uncertain terms that a fair PILT payment from the Federal Government is one of their very top priorities. The lack of a fair and just PILT payment may be one of the most extreme unfunded mandates that my constituents must face. While the vast majorities of the rural counties in my district are owned by the Federal Government, and thus unable to generate tax revenue, the residents of these counties are still forced to pay for the police and fire protection, the solid waste removal, and search and rescue teams, to name only a few.

Many of my colleagues from areas other than the West may not fully understand the undue hardship that Federal property ownership can play on our local jurisdictions in the West. A lack of a fair PILT payment puts the rural residents of my district at a distinct disadvantage because they are unable to develop or tax vast portions of their jurisdictions due to so much Federal ownership. In fact, I have one county in my district, Daggett County, that has only 7 percent private ownership of the land in the entire county. You can just imagine what kind of hardships that places on the Daggett County government who has to perform a very difficult task every year in just coming up with a budget to serve its citizens in a safe and responsible manner. With only 690 full-time tax paying residents in Daggett County, and a national recreation area in the county that generates approximately 2 million visitors per year, these few residents are being forced to pay for the services of the many. In my opinion, this is blatantly unfair.

Some Members of this body are supposedly opposing this legislation for budgetary reasons, and some have even asked me, an outspoken deficit hawk, how I could support this legislation. The answer is simple, when budget questions arise, I believe we need to address questions of priorities and fairness when these decisions are made. This legislation does not represent runaway spending, rather it represents a promise that Congress has made to the American people, and particularly westerners. For the supporters of Washington, DC in this House, this legislation also represents a question of fairness. Much like the direct Federal payment that is made to our Nation's Capital each year, PILT is intended to compensate local jurisdictions for the presence of untaxable and undevelopable Federal property within that jurisdiction.

I find it just a little ironic and disingenuous when Members of Congress who are opposed to this legislation try and camouflage their true position by raising a red herring about budgetary concerns. Clearly, this legislation is fair and equitable, and in terms of priorities this funding should be near the top of Congress' agenda. We cannot continue to always make the pain-free decision by simply pushing the costs of our initiatives off on local jurisdictions. PILT should be a top priority for several important reasons. First of all, Congress has ignored this issue for almost the last 20 years and needs to address how inflation has wreaked havoc on the PILT payments. You cannot stretch 1976 dollars very far in 1994. Second, this funding should be a priority for those Americans who like to travel through the West viewing our beautiful landscape and visiting our national parks. It has to be remembered that the residents of these communities are being forced to provide the plethora of services for these visitors, but are increasingly unable to keep up with the rapidly growing pace of visitors who come to view Utah's natural wonders.

Mr. Speaker, these are just a few examples of how an inadequate PILT payment has wreaked havoc in my district over the last decade and a half. The majority of small rural communities throughout the West have all been faced with this problem and have been screaming at Washington to fix the problem. I am glad that Congress is finally addressing this inadequacy and I urge my colleagues to accept the Senate language and pass this legislation today.

Mr. MILLER of California. Madam Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, the gentleman from Utah is absolutely right. There is something wrong with this picture, dreadfully wrong, and that is the Federal Government owns too much land in this country. The way to solve this problem is by selling that land off.

PILT is a wonderful acronym, as my good friend from Ohio has called it, not payment in lieu of taxes but pork in lieu of taxes. Maybe it is pork, maybe it is not, but the fact is that what we have got to do to change the policy with respect to Federal ownership of land is to put some pressure on the people that would not change it, and the best way to put that pressure on those people is from the grassroots, from those counties that will, if it is true or if it is not, be disadvantaged by not getting this increase from the 1976 formula, on the U.S. Congress, because that is what is wrong with this picture.

Ninety percent of the land? For what? Why on Earth should the Federal Government be the owner of 90 percent of the lands in some parts of the West? It makes absolutely no sense. It is unjustifiable.

If you think that the Federal Government is ever going to be a better steward of land ownership than private citizens who care about it, who use it, who farm on it, who use it for ranching, you have completely missed the point.

You are absolutely right when you say that there is something wrong with the picture, but throwing more money on an automatic, regular basis with automatic cost increases to county commissioners all across the West will never, never solve that problem. The way to solve it is to divest, have an auction, sell it off over time slowly, but surely, and get out of the land business.

Mr. HANSEN. Madam Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Chairman, I rise in strong support of S. 455, a bill to reform the payments-in-lieu-of-taxes program established nearly 20 years ago. Payments to local governments under this Act, Public Law 94–565, have not increased during this period despite years of inflation. Consequently, the buying power of these funds, which are provided as compensation for real estate taxes not paid by the Federal Government as landowner, has greatly diminished.

S. 455 would correct the inequity by changing the PILT formula to increase the authorized per-acre payment over the next 5 years and then annually index the payment for inflation. Madam Chairman, this is only fair. County governments in my State are strapped and the ability to raise revenues from the local tax base is quite limited in most of them because we are awash in Federal lands, and Uncle Sam will not waive sovereign immunity to pay his annual property tax bill.

Of course, there is another way to solve this problem—start putting the public range and forest lands into private ownership, by one means or another, so that taxes will be paid. But that appears not to be the sense of this Congress. Oh no, public lands must be retained in Federal ownership at all costs say many Members from nonpublic land States. And so we find many counties in western States—but also in many eastern States with large national forest or park holdings—unable to expand their tax bases, left begging for Federal crumbs such as PILT.

I can hear some critics say already "Barbara Vucanovich, avowed fiscal conservative, supports an increase in an entitlement program. For shame!" Well, Madam Chairman, I'm not ashamed to support S. 455. The formula is old, it does not reflect reality, and most of all Congress has only itself to blame for the problem. Shortly after PILT passed in 1976, the 94th Congress enacted the Federal Land Policy and Management Act codifying a general retention policy for public lands. Now we must face the consequences of this policy and pay up. I urge a "no" vote on the weakening amendments to this bill and an "aye" on final passage.

Mr. WILLIAMS. Madam Chairman, I yield 1½ minutes to the gentleman from Idaho [Mr. LAROCCO], an original cosponsor of my PILT legislation and a great assist in this effort.

Mr. LAROCCO. Madam Chairman, I thank the gentleman for yielding me this time.

I also thank the gentleman from Montana for his leadership, and the gentleman from Utah as well for helping us move to this point on the floor now.

Now, let me speak directly to my colleagues whether they are here on the floor or watching the debate back in their offices, we have to keep this bill clean. Let us be very clear about this. We have to defeat any weakening amendments, and we have to get this bill out of here.

We can do a lot to end gridlock today by passing this bill exactly as it has come over. It is not the bill my colleague from Montana originally sponsored. It is a compromise bill. But what it does is it is fair.

The reason I am an original cosponsor of this bill is because it is fair.

My colleagues, we have not raised the PILT payments in 18 years. My State is owned 64 percent by the Federal Government. Every one of the 19 counties in my district has a large Federal presence, and they have not had a cost-of-living increase.

Across this country we are going to be able to say to the American people we are fair and the Federal Government is treating them fairly.

Let me make an important point about this legislation. It is an authorizing piece of legislation. Some of the people who have come to the well of the House to talk about the high cost had no problem voting for other authorizing pieces of legislation, the California Desert Protection Act which comes to mind, and that, too, is an authorizing piece of legislation. We will deal with the appropriations, but let us get this train on the track. Let us get it out of here in the closing days. Let us put an end to gridlock, and let us be fair to the counties in America, and let us be fair to the schoolkids. Let us be fair to the kids in the education systems back home that have been shouldering the burden because we have not done our work here and been able to get anything passed. Today we can remedy that for the schoolkids, the highway districts, the counties, and the property taxes back home, those individuals who have seen their private property taxes go up because we have not done this.

Let us get this out of here. Let us defeat the amendments. Let us get this bill out of here exactly as is.

So I urge the passage of this legislation.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. First of all, let me thank the gentleman from California for yielding me this time.

I was quite surprised when I saw this bill noticed earlier in the week that at the closing tail end of the session we are going to address a bill which has such severe fiscal implications.

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It is very ironic that on the last day of the regular session we are possibly going to pass this bill which, over the short run, will cost $400 million; putting payments on automatic pilot, it is going to cost well over $1 billion.

We are going to pass this today, we are all going to fly home to our districts tonight and tomorrow we are going to end up in your back yards telling you how we are going to cut Federal spending, how we are going to balance the Federal deficit, how we are going to rein in entitlement programs and programs that are on an automatic cost increase.

What we are doing today, my friends, is ludicrous. If in fact the payments to these communities had not been raised since 1972, let us look at it and raise them. But to raise them and then put into the Federal statutes the fact that every year, without anyone looking at it, they are going on automatic pilot, if we have not learned anything in this Congress or the Federal Government, that is the thing we should not do.

Long before I got here, the Federal pensions were on automatic pilot, other social program payment increases on automatic pilot.

Whether or not we come to Washington, whether or not do anything, the costs continue to go up.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KLECZKA. I yield to the chairman of the full committee, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding to me.

Mr. Chairman, the gentleman makes a very important point. You know, part of the budget negotiations last year where we had an entitlement review commission, the gentleman from Utah on this side of the aisle who just spoke is championing entitlement review. Yet here we are, we have fully indexed open-ended entitlement that has nothing to do with whether or not Garfield County needs the money more than another county, whether they have more needs or not, more burdens because of Federal lands.

We are not channeling the money to the areas that need it. It is simply like, in fact, throwing it out of an airplane, we just throw $99.3 million out of an airplane across these United States and nobody has to show how they use it, how they account for it, what are the benefits they are getting from Federal lands in those States from mining activities or budget for it, whatever, for mining activities or what have you.

You know, the formula was rigged from the beginning. All we are asking for is the right—not denying them an increase—but the right to get a handle on this and get a chance to review it. Yet that is resisted because the Senate says it is take it or leave it. We have tried to do the reform bills; in the Senate they will not entertain it, they will not entertain reform discussions, they will not entertain legislation from this House. They will only entertain a fee increase.

So the gentleman is right, that is how we end up here on the last day of the session.

I thank the gentleman for his point.

Mr. KLECZKA. The gentleman from California is exactly right. The payment involves so much per acre, and if that community had no fires, no extra police cost or anything, they get a fat check from the Federal Government.

So let us look at the formula: If you have these costs, I think the responsibility of the Federal Government is let us offset some of those costs with the local taxpayers. But just to send you a blank check, one that will increase every year, is the wrong thing to do.

What is really ironic about this legislation is that the people who are supporting it today are the very same people who signed the A-to-Z petition, on the A-to-Z legislation. The same people who are coming to the well today to support this boondoggle are the members of Porkbusters caucus.

So after this rollcall today, I am going to make those comparisons and we will send those back to those fellows' and ladies' districts, show the taxpayer that, yes, they are a Porkbuster but that is for the program in my district, not in their district.

So let us put our voting card where our mouth is. Let us vote for the Miller amendment. If it is not adopted, vote against this boondoggle.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have another suggestion, we might put the rhetoric where the facts are. This is not an entitlement. This is an authorization. This has to go to Appropriations every year.

The fact that the gentleman stands up here and says this is entitlement is not true, is not true, and I do not think the gentleman ought to be doing that, he or the chairman, either one. This is not an entitlement. It is an authorization. The COLA the gentleman talks about simply raises the authorization. The money is not there, and the gentleman knows it is not there.

It is sort of interesting that he invokes the National Taxpayers Union. They argue there ought to be a review, there should have been a review. How long has it been since we had a review? We have had plenty of time to do this.

Talk about bringing it up at the last day, that is why it is here, because we have not talked about it in the committee. That is why it is here. But it is not a entitlement, it is an authorization. You have to go to the Appropriations Committee to get any of the funds that come forward.

It is sort of interesting that the people who are promoting it using the National Taxpayers Union, they have an F on the National Taxpayers Union. I do not know why they invoke this all of a sudden.

Let me talk about some of the people that are for it: National League of Cities, American Federation of State and County Employees, National Association of Counties, American Federation of Teachers, Service Employees International, Sierra Club, National Asphalt Association, and others.

This is a fairness question.

The gentleman talks about a windfall to western States. How about having 50 percent of Wisconsin being in Federal ownership, where there is no activity, no tax? How about that? My counties, 98 percent on some of them, down to 80 percent. But we are expected to provide services, we are expected to have an economy, we are expected to have some kind of a trade-off. We have asked, let the clients go back to the States; they have not had these costs. We are not talking about parks, we are not talking about wilderness; we are talking about the lands that were left there, the BLM lands, these are the lands we are talking about.

If there is any kind of fairness doctrine, there ought to be some sort of a trade-off.

I urge support for this bill and opposition to the amendments.

Mr. WILLIAMS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, cost is not to be a concern of the Members. If this bill was fully appropriated next year, it would cost $130 million nationwide. It could cost as much as $255 million in 1999.

Now this year, authorized out of the Committee Natural Resources has been $5 billion, $5 billion.

The people who are complaining about $132 million authorized out of the Committee on Natural Resources this Congress, $5 billion.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this bill which increases the authorization for the Payment in Lieu of Taxes Program. I realize that this program has some problems with it. And I will be right beside other Members of the House asking for a review of this program. However, if we do not pass this bill as passed out of both the committee and the other body, then our local governments will not get the much-needed support that they need.

Mr. Chairman, there is a perception that the PILT Program only benefits Western States. As a Member who represents one of the Original Thirteen Colonies, I want to say that this is not true. Currently, 1,700 counties in 49 States benefit from this program. In my district alone, 19 out of 20 counties depend on PILT. In fact, Federal land covers more than 65 percent of Rabun County, GA. To my fellow southerners I would say this: If your district includes national parks, forests, wildlife refuges or BLM land, then a vote in support of this bill is a vote in support of your local governments.

Once again, I urge a "yes" vote on this bill and a "no" vote on all amendments.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

I see the gentleman from the Subcommittee on Interior Appropriations, the ranking member, Mr. REGULA, in the room, and I would like to take this opportunity to engage in a dialog, ask a couple of questions.

Mr. REGULA. Mr. Chairman, would the gentleman yield to me in order to ask some questions?

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, do the counties in question get any other funding other than the PILT payment in lieu of taxes from the Federal Treasury?

Mr. MILLER of California. Yes, they do, they do.

Mr. REGULA. Is it correct that out of revenues from timber, mining, recreational use, that 25 percent of those revenues go to the counties?

Mr. MILLER of California. The gentleman is correct. As he knows, that is because of his involvement in those programs during his service on the Subcommittee on Appropriations, those are shared; not only is the revenue shared, but obviously then the wage base and others credited for those activities are generated in that area.

Mr. REGULA. I heard some testimony earlier about the fact that the counties have to provide funds to rescue people and so on. But in the case of firefighting, is the cost of firefighting paid out of the Federal Treasury?

Mr. MILLER of California. The cost of firefighting is paid out of a revolving fund within the jurisdiction of the gentleman's committee. As the gentleman knows, we have seen now more and more the cost of firefighting is going up higher and higher because we are trying to protect lands where the private people built right up alongside the national forests, along the BLM lands. That is causing more and more expensive fire suppression to take place. This is a burden that all Federal taxpayers pay for the benefit, again, of private and locally owned lands.

Mr. REGULA. Is there any form of means testing? In other words, would a wealthy county on a per capita basis get the same amount as a very poor county?

Mr. MILLER of California. That is exactly the problem with this program and this formula. It is an entitlement for an acre of land, whether that acre of land generates a burden or a benefit. You simply, by the status of that acre of land being in Federal ownership, money is given to these counties.

As I said, we do not try to target the money. We have spent the last decade in this Congress trying to target resources to those most in need, whether it is industries, families on public assistance, school children, or people on school lunch.

□ 1410

We tried to target it to keep down the cost to the Federal Government, but in this one we do not do that. We simply give the money on the fact that this acre is in Federal ownership, and there is no processing, there is no prioritizing of that effort, and I appreciate the question from the gentleman.

Mr. REGULA. I notice one of the amendments is a proposed review of the program. It went in place, I think, in 1976. Has there been any review or analysis by GAO since that time to determine the financial impact, as well as the financial need?

Mr. MILLER of California. There has been. The gentleman from Minnesota [Mr. VENTO] has held hearings on this program. There has been a whole series of questions raised about how these moneys are appropriated to individual lands, why some lands are included, why other lands are not included, why are minerals counted one way in some areas and not counted in others, and again there is no relationship to any burden generated by these lands and the payments that are given either to the States or not and whether or not the States are even using these lands, I mean these moneys received, that are related to either the burdens or the losses in property taxes. In some instances we know that the revenue that we send to the States far exceeds what would be generated if those lands were private land holdings. They would not generate hardly any property taxes at all. It far exceeds that, and that is why we are asking for the opportunity to have a review of this program and have a chance to reform it. But the Senate, just as the gentleman knows from his experience in the grazing legislation and mining, the Senate refuses to let us engage in the discussion of reform, and so we are left with the program that has lost all rhyme and reason as to its existence.

Mr. REGULA. Two more questions:

To the gentleman's knowledge is there any other discretionary program that is indexed? It seems like we have been moving away from indexing.

Mr. MILLER of California. No. I cannot currently recall any other discretionary spending. As the gentleman knows, most discretionary programs have to go in. There is a cap on their authorization level. They have to come back to the authorizing committees, go through a periodic review every 2 years, or every 5 years, to find out if this program is being run wisely or not, is the taxpayer still getting the benefit that they sought. This indexing in this program means that they never again have to come around and seek that kind of renewed authorization because they then have a fully indexed entitlement that we cannot get at again.

Mr. REGULA. If this is an authorization and therefore the money that would be appropriated for this program would have to be done so at the expense of other park or forest activities, would that be correct?

Mr. MILLER of California. No question, and the problem we have here, and why this is different than a park, or a wilderness area, or historical site, is they very often have an advocate over here in the House or what have you. But here we have a program, as we have already seen, where we have a large bloc of Senators that think that it comes to them as a matter of their birthright, and so that means that in fact this spending will in political reality, in terms of the gentleman's committee and the Senate Appropriations Committee, will come out of those other programs. There is no question about it at all because there is no other coalition or group that can defend those budgetary decisions against this increase in PILT. In fact the only thing that has kept that from happening is the cap on the authorization.

Mr. REGULA. One last question, and that is has the gentleman's committee given any consideration to turning some of these lands that do not have unique recreational values back to the States either through a purchase or some type of arrangement? It seems like some of the States have an inordinate amount of Federal land.

Mr. MILLER of California. Those discussions are going on all of the time. As a matter of fact, there is legislation that is trapped in the Senate now dealing with the trades of Federal lands for private lands for State lands. That is almost an ongoing process that happens all the time in the interaction between States, and municipalities, and private parties engaged in swaps and trades of lands, and clearly I am one who believes that. I think we ought to have a wholesale review of the status of Federal lands. I do not think we necessarily should be locked into that pattern, but I will tell the gentleman, "The more money you push behind these Federal lands, more likely you are to be locked into those patterns."

Mr. Chairman, I thank the gentleman from Ohio [Mr. REGULA].

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Utah for a question.

Mr. HANSEN. Mr. Speaker, I ask the gentleman, "Isn't the same question that you referred to the gentleman from California regarding will it come out of other areas, wouldn't that also apply to the Presidio? Wouldn't that also apply on California desert? Wouldn't that also apply on the headwaters, all of those? Doesn't that also apply in the same way that the chairman has——"

Mr. MILLER of California. Mr. Chairman, if the gentleman would yield, the answer is quite clearly yes. The difference is that here we have built up an open-ended entitlement with enough Senators that can match this, the political power of this program, against anything else. So it really takes a second class, those other programs take a second class, out. That is the political reality of what is going to happen in the Committee on Appropriations when we set down a $1,300,000,000 program in their lap over the next decade.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I am going to yield to the gentleman from Ohio [Mr. REGULA], and I say to him, "You were here, I think, when this went in in 1976."

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman is correct.

Mr. HANSEN. I ask the gentleman, "Isn't it clear this was here to replace property taxes? As I go back and read this thing, that is what I read. I didn't read anything in here about other things that they would bring in. Realizing that many of these counties have 2 and 3 percent of their county that are in private property, and all the rest is in Federal Government, of course they can pick up a little bit here and there, but I would like to point out that they have such an infinitesimal amount coming in that they almost have to have gone, but isn't that a true statement, it was there to replace property taxes?"

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think the gentleman is correct, and I think we really need to look at the whole package of the land transfers, the land swaps, the means testing. The wealthy counties may need less, and the poor ones more, and I do not think we have really evaluated all those things, and the gentleman is correct that in 1976 it was just what the title says, payment in lieu of taxes.

Mr. HANSEN. Mr. Chairman, I appreciate that and also would like to add something to what the gentleman from California [Mr. MILLER] pointed out on the idea of land transfer. Fourteen years on the committee; land transfers do not happen. I do agree that maybe we should take an overall look at it and try to come up with some way to adjudicate the land either to the local or the private.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman from Montana [Mr. WILLIAMS] for yielding this time to me.

Mr. Chairman, I was part of the original effort to create payment in lieu of taxes over 20 years ago: I drafted the original legislation for my predecessor, John Blatnik—for whom I was administrative assistant—in 1972, and it was enacted in my first term in Congress.

The idea of payment in lieu of taxes is a matter of fairness, a gesture of fairness, to local governments, to the people who live near areas of huge public land tracts. If we are going to maintain trust in the public compact under which we reserve lands for use by all the people and the respect for public lands, then I think we have to make a payment to local governments to compensate them for the costs they must incur in service to those who use public lands, from which no revenues are derived to the benefit of local government.

Take Cook County in my northeastern Minnesota district. That is the area that juts out into Lake Superior. Its population: 3,600 people. Its land surface: some 900,000 acres, 94 percent of it in public ownership. Six percent of the land has to generate the tax revenue needed to sustain all the economic activity of 3,600 people in the winter, and about 15,000 people who come up there at one time or another during the summer. When there is an accident involving someone, for example, who comes up from my good friend Mr. VENTO's district in St. Paul, it is the Cook County commissioners who have to maintain the ambulance to scrape the victims off the highway, and bring them into the Cook County hospital. The county board and the hospital do not get any additional funding to provide those services or any of the other services they are called upon to perform on behalf of the non-Cook County residents who are traveling to public lands within the county.

☐ 1420

We have not adjusted this formula in 20 years. I think it is time to do so, and it is long overdue time to include a cost-of-living escalator in the formula. We ought to proceed with this legislation, which is not an entitlement, it is subject to the appropriations process. Most importantly, this is a matter of simple, basic fairness to people whose livelihoods are affected by lands that are not available for private development and who still have to perform public services for all those who come to enjoy those public lands.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, the PILT reform bill, before us today, will simply compensate counties for the taxable revenues they forego by having tax-exempt Federal lands within their boundaries. The authorization of PILT has been at the same level since 1976. These payments are now worth less than half of their original value when adjusted to inflation.

This PILT money goes a long way toward helping distressed communities cope with Federal mandates and inflationary losses. New Mexico is heavily reliant on PILT funds to make up the lost taxable values of Federal lands. They rely on PILT payment to provide the basic necessities such as law enforcement, fire and emergency medical service, as well as road maintenance.

I believe that it is the Federal Government's responsibility to make full restitution to these communities. But for those of you who do not agree, I have an answer.

Why don't we just transfer the public lands to the States. This would once and for all solve the complaints about so-called wasted taxpayer money and fat subsidies to ranchers, miners, and the timber industries. It also would save the American taxpayers millions of dollars by decreasing the public expenditures for bureaucratic management and the need to provide PILT payments each year.

At the same time, giving these lands to the States addresses our concerns that the Federal Government is not sympathetic to our local needs. These lands could go on the tax rolls so local communities could support their own education, transportation, law enforcement, and other economic development needs.

Over 60 percent of New Mexico is owned by the Federal Government. We should be treated like every other State east of the 30-inch rainfall belt.

Until Congress allows this transfer to occur, we should, at the very least, provide adequate PILT compensation and pass S. 455.

Mr. Chairman, I include for the RECORD the following tabular information:

SUMMARY OF APPROPRIATIONS AND RECEIPTS FOR THE BUREAU OF LAND MANAGEMENT ON A STATE-BY-STATE BASIS

[For fiscal years 1991–93]

State	Fiscal year 1991		Fiscal year 1992		Fiscal year 1993	
	Cost	Receipts	Cost	Receipts	Cost	Receipts
Alabama	$122,000	$363,175	$139,000	$2,046,504	$166,000	$1,617,663
Alaska	67,773,000	1,171,830	73,836,000	8,972,740	88,102,000	8,387,603
Arizona	40,640,000	1,871,741	48,130,000	2,004,133	57,429,000	2,026,364
Arkansas	1,013,000	1,867,719	972,000	3,213,498	1,160,000	4,331,281
California	61,529,000	66,575,118	63,392,000	58,164,234	75,640,000	54,784,855
Colorado	78,728,000	113,459,230	84,804,000	95,966,587	101,189,000	84,741,025
Connecticut	18,000		17,000		20,000	
Delaware	10,000		10,000		12,000	
District of Columbia	92,799,000		93,925,000		112,072,000	
Florida	1,087,000	153,273	1,080,000	153,105	1,289,000	477,710
Georgia	789,000		822,000	437	981,000	218
Hawaii	38,000		38,000		45,000	
Idaho	52,951,000	6,680,792	61,184,000	7,230,068	73,005,000	7,243,439
Illinois	332,000	82,194	317,000	108,816	378,000	354,653
Indiana	165,000		220,000		263,000	30
Iowa	133,000		133,000	415	159,000	1,118
Kansas	352,000	3,980,851	613,000	4,316,051	731,000	6,552,657
Kentucky	623,000	588,463	618,000	952,238	737,000	439,748
Louisiana	168,000	8,317,630	165,000	8,392,841	197,000	7,811,596
Maine	91,000		98,000		117,000	
Maryland	41,000	202	45,000	25,281	54,000	29,688
Massachusetts	55,000		56,000		67,000	
Michigan	1,169,000	2,138,047	1,184,000	2,843,767	1,413,000	2,388,422
Minnesota	850,000	32,494	713,000	119,209	851,000	74,783
Mississippi	2,223,000	3,169,638	2,484,000	2,169,844	2,964,000	3,690,904
Missouri	890,000	4,420,618	895,000	2,714,318	1,068,000	2,197,423
Montana	37,545,000	51,065,757	39,386,000	48,175,162	46,996,000	54,915,490

SUMMARY OF APPROPRIATIONS AND RECEIPTS FOR THE BUREAU OF LAND MANAGEMENT ON A STATE-BY-STATE BASIS—Continued

[For fiscal years 1991–93]

State	Fiscal year 1991		Fiscal year 1992		Fiscal year 1993	
	Cost	Receipts	Cost	Receipts	Cost	Receipts
Nebraska	355,000	346,792	347,000	317,976	414,000	264,056
Nevada	47,761,000	16,205,889	50,622,000	18,169,840	60,403,000	26,833,274
New Hampshire	223,000		93,000		111,000	
New Jersey	42,000		44,000		53,000	
New Mexico	49,831,000	231,136,274	48,069,000	228 301,735	57,357,000	305,486,571
New York	43,000	2,194	42,000	7,131	50,000	20,744
North Carolina	1,324,000		1,318,000	1,783	1,573,000	5,469
North Dakota	1,821,000	28,377,713	1,835,000	22,967,223	2,190,000	18,359,344
Ohio	175,000	348,330	216,000	474,110	258,000	493,614
Oklahoma	7,595,000	6,899,039	12,972,000	5,204,055	15,478,000	10,545,846
Oregon	130,935,000	161,139,265	140,042,000	18,263,808	167,100,000	20,666,075
Pennsylvania	218,000	26,506	220,000	52,532	263,000	55,313
South Carolina	136,000		176,000		210,000	2,067
South Dakota	1,391,000	1,136,116	1,352,000	1,095,852	1,613,000	1,162,677
Tennessee	477,000		483,000	253	576,000	3,246
Texas	1,408,000	3,963,221	2,019,000	3,112,393	2,409,000	4,408,300
Utah	38,930,000	68,678,136	43,771,000	61,241,011	52,228,000	74,557,527
Vermont	241,000		246,000		294,000	
Virginia	9,407,000	83,418	11,705,000	218,715	13,967,000	454,119
Washington	4,150,000	537,923	7,239,000	1,990,683	8,638,000	592,747
West Virginia	963,000	595,628	808,000	872,169	964,000	965,510
Wisconsin	2,078,000	360	2,440,000	14,277	2,911,000	7,456
Wyoming	45,593,000	407,148,111	48,407,000	376,882,975	57,760,000	416,628,383
Totals	787,231,091	1,192,563,778	849,742,092	986,748,861	1,013,925,093	1,123,579,201

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. DEFAZIO], former county commissioner.

Mr. DEFAZIO. Mr. Chairman, yes, I have been a county commissioner representing a county more than half owned by the Federal Government. But that is not as material to this debate, because my counties in total get about 3/100ths of 1 percent of this money. So I am not here to argue that this is going to be a tremendous windfall for my counties. But I am here to argue the equity of this issue.

We heard this is an entitlement. Here is what CBO says:

> The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of S. 455 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If it was an entitlement, they would apply. This is not an entitlement. This has to be appropriated.

Let us look at Harding County in eastern Oregon. I am really puzzled by the remarks about all these mineral receipts that flow to the county. Harding County gets no mineral receipts. It gets no timber receipts. It is a county that is owned 76 percent by the Federal Government. It has to maintain 2,000 miles of roads and because of the problems with our mining law, a huge heap leach mine is being built there, which is going to more than triple the population in one part of that county with no money coming from the Federal Government, no sharing of receipts from the Federal Government, nothing, zero.

We are saying that people of Harding County should just eat that so the Federal Government can give away the land to a Canadian mining company to extract public resources.

This is great, but we cannot give Harding County a few more pennies per acre under this bill. We cannot afford that. I believe we can afford it. Equity calls for it, and we should move this bill without amendment, because an amendment is simply a killer. Any amendment and this is dead for this Congress.

If we want to adjust the formulas later, let us address that in the next Congress.

Mr. WILLIAMS. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, I rise in support of S. 455 to adjust Federal payments made to counties in lieu of property taxes, for federally owned lands.

These payments are critical for paying the costs of providing public services in many rural counties across the county and in my district in which significant properties are federally owned.

There is no question that the public interest is well served by Federal ownership of property. Our Federal forests, wilderness areas, and national parks all promote important public interests which are not achieved through private ownership.

We must not forfeit those benefits.

But there is no reason that the counties in which these lands are located should bear the burden of meeting public expenses with Federal payments in lieu of taxes without the adjustment for inflation authorized by this legislation.

Payments in lieu of taxes are subject to appropriation each year. This is not an entitlement program which will lock us into increased deficit.

I urge my colleagues to support S. 455 without amendment.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. FOLEY], the Speaker of the House.

Mr. FOLEY. Mr. Chairman, I hope that Members will recognize the importance of this legislation to so many Members on both sides of the aisle and to people in every part of our country. This legislation that has an immediate opportunity to consider, to consider, not necessarily to provide, some adjustments in the payment in lieu of taxes position.

I have great respect for the gentleman from Minnesota [Mr. VENTO] and, of course, the chairman, the gentleman from California [Mr. MILLER], but I believe that the reality is that any amendments, any amendments adopted to this bill doom it.

There is no practical possibility for this legislation to go to conference at this stage, and be reported back to this House for further consideration. So the practical consequence, I know it is not the intention, but the practical consequence of adopting any amendment, is to kill the legislation. And since it is authorization legislation only and it involves the interests of so many districts in this country where there are large Federal holdings, I hope that Members of Congress in both parties will reject amendments of any kind and adopt this language as it comes to the House.

Mr. WILLIAMS. Mr. Chairman, I thank the Speaker for his support of this legislation and for recognizing that acceptance of any amendments would "doom," in his words, the legislation, because this is, after all, the final day of this session of Congress.

May I inquire of the Chair how much time each of the three of us have remaining?

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] has no time remaining, the gentleman from California [Mr. MILLER] has 5 minutes remaining, and the gentleman from Montana [Mr. WILLIAMS] has 3 minutes remaining.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. HANSEN].

□ 1430

Mr. Chairman, I yield myself 1 minute, and ask to be informed when that minute has expired.

Mr. Chairman, this legislation has the support of not just westerners. The mayor of Newark, NJ, has written in support of this legislation on behalf of all of the urban mayors on all of the National League of Cities.

This legislation is supported by the National Association of Counties, the American Federation of State, County and Municipal Employees, the Service Employees' Union, the American Trucking Association, the American Road and Transportation Builders Association, the National Sheriffs Association, the National Asphalt Association, the National Association of County Engineers, the National Stone Association, the Service Employees Union, the American Federation of Teachers, all of whom recognize that if this legislation is amended this afternoon, it is, in the words of the Speaker of the House, doomed.

If Members support 20 cents an acre, plus, as a payment to your counties for the Federal land, because that is what they now get, two dimes an acre, if Members would like to see that increased, please support this legislation without amendment.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the comments of the Speaker of the House, pointing out how important it is that no one amends this. That clock is running. We will not have a chance to do it. This is the last good chance we have.

The counties rely upon this PILT payment to provide services to help the Federal Government manage the Park Service, the national forests, the Corps of Engineers, recreation, fish and wildlife. I really believe, Mr. Chairman, and those of us who come from States that are largely owned by the Federal Government, we all realize that local governments are efficient providers of services on Federal land. They do a good job. Combined with their very small, infinitesimal tax base, they do a tremendous job to all the rest of us who go out and visit those areas.

Mr. Chairman, it makes no sense at all to destroy this partnership. The way we are stuck together, we are destroying this partnership. What we want to do is enhance it so those from the east can come and enjoy our areas, so we can all enjoy them together. Now we have a chance to enhance that great partnership between the local small, rural areas of the West. Let us not cut them off at the knees at this point. Let us stay with them.

The CHAIRMAN. The gentleman from Montana [Mr. WILLIAMS] is recognized for his remaining 1 minute.

Mr. WILLIAMS. Mr. Chairman, the companion bill to this in the House is my bill, cosponsored by so many Members on both sides.

I want to say first, Mr. Chairman, that this is a compromise on my legislation, but I am willing to accept it. However, if we compromise it further, it is dead, because this is the final day.

Mr. Chairman, this is not, as has been said, an entitlement. The people that say that, I think, recognize it is not an entitlement. The money is not on automatic pilot. It has to be appropriated. The Committee on Appropriations will have to make the choice.

Mr. Chairman, I do not disagree with my colleagues, the subcommittee and full committee chairman, that we ought to have a review of how money goes out from the Federal Government for these land payments, but I have had a bill in three Congresses. The Committee on Natural Resources had a chance to amend the bill in three Congresses. We have only had two hearings and one mark-up in all that time.

Here we are on the final day, finally trying to take a compromise so we can move our counties from the two dimes, the 20 cents per acre they get in payments, to a little more. They have not gotten any more for the 20 years of the life of this program.

Help your local property taxpayers. Help your counties. Help your State. Support this legislation with no amendments.

The CHAIRMAN. The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

Mr. MILLER of California. Mr. Chairman, I yield my remaining time to the gentleman from Minnesota [Mr. VENTO].

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes.

Mr. VENTO. Mr. Chairman, I rise in opposition to this bill and in defense of reason and judgment.

Mr. Chairman, I want to, at the outset, say that I regret that in committee we did not spend more time working on this. I think most Members are aware that our committee, the Committee on Natural Resources, probably holds more hearings and processes more bills than most of the committees in the Congress.

We tried to resolve this issue at the hearings we had. We pointed out that there are 11 different programs that fund local governments, 11 programs that deliver money, revenue from the Federal Government, to the State and local governments that come from that public land that surrounds these communities within such States.

In fact, Mr. Chairman, there has been a suggestion here that there has been no increase for inflation since 1976 with regard to PILT in 18 years, but the sharing of revenue since 1976 from the Federal lands has gone from $103 to $230 million estimated in this year, 1994, so there has been over a doubling of the revenue being produced from the land.

My colleagues talk about the fact that they have to provide various services. My colleague, the gentleman from Minnesota, my friend Mr. OBERSTAR, referred to my constituents visiting the Boundary Waters Canoe Area and other areas in northern Minnesota and the services they receive. This is nothing different than the same type services which translate into municipal overburden that other urban areas face, the same sort of thing, providing services in turn for many others.

Mr. Chairman, back in the 1970's when this program was conceived and put forward, there were programs like revenue sharing. There were programs that helped local government. I think my colleagues know about the demise of those programs, the withdrawal of those programs, because we did not have the revenue to fund them.

Now, of course, the suggestion is, do not amend this bill, do not modify it. I would suggest to my colleagues that almost every measure that comes from the Senate is not perfect. In fact, the fact is, that very often we do modify those programs and try to send them back and come to an agreement.

They say in this case we cannot do that, we have to suspend good judgment, we have to suspend reason, we have to give in to the Senate. The Senate is portrayed here as being unwilling. The guardians of gridlock want what they want and they are not going to accept any change.

The fact is that the amendments that will be offered will offer the opportunity to give exactly the same number of dollars for 2 years, but will not put this authorization in the law permanently, will not lock in an automatic cost of living increase which will not be possible to change. There is no incentive to make any changes beyond that.

Mr. Chairman, the fact of the matter is that we will have no leverage. Mr. Chairman, we have sought a lot of reform. There are a lot of bills that need reform. This Congress has attempted, through the Committee on Natural Resources, to reform them.

How about the 1872 mining law? It has been 122 years since that's been changed. We made a valiant effort this term that would need to be in place without the type of substantive reform that is necessary. The special interests said no. The grazing reform law under PRIA has been in place for 16 years, and of course by Executive order. We tried to reform that in this Congress and the Senate said no.

The Senate said no to mining reform. We tried to reform the BLM reauthorization process. It has been 14 years since that has been reformed, and the Senate said no. We tried to reform the Engle Act, and the withdrawal with regard to military lands, since 1958, that has been 36 years, and the Senate said no.

We tried to reform the Communications Act to try to raise more money. To raise money for all of these programs, incidentally, would have helped to reform and improve the type of revenues that can be raised from those that are using the public lands, and returned to the counties and States. They would have been beneficiaries from all of these programs and the changes that we are talking about in terms of sharing dollars, yet the Senate has said no. Here we are in the last week of the session and the Senate is saying "We want this, we want you to pass it, but we are not going to accept any changes to it."

Mr. Chairman, I would submit to my colleagues that that is unfair, that is unreasonable. We need to have an opportunity to, yes, address this in a fair manner, to provide for some substantial adjustment, and relief, but to come back to be certain, to deal with a sound policy. Counties that do not receive the types of revenues that we have discussed today, the oil revenues, mineral revenues, the other types of mining and timber revenues and so forth, should have an opportunity to achieve this reform.

There are some poor counties that receive little revenue. The fact is that some counties are so poor that the money they get from PILT even today, even today the money they get is greater than the property taxes that they can collect from adjacent lands.

There are many flaws in this particular bill, Mr. Chairman. This bill goes forward to, for instance, provide for and maintain such flaws. There is no possibility to amend or change those today. Say the proponents, send this to the President. This bill goes forward without a comma change.

When we transfer Federal, public lands to the State, and perhaps even to private hands, eventually, it would continue to pay payment in lieu of taxes to those that would be paying private taxes on those same lands. In other words, it personifies and creates new loopholes. There is not a single correction in this bill of any of the defects that exist today. In fact new inconsistencies are established.

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Were these problems pointed out? Were they debated? Were they discussed in the hearings?

Yes. The administration, in fact, came out opposed to the increase in PILT. Past administrations have sought to completely zero fund it in the 1980's. And the House resisted that. I shared it continuing the funding for PILT. I am not an absolute opposed opponent of PILT, but I do want fairness and equity. I want us to represent the taxpayers. That is why we need to defeat this bill or amend it today.

Mr. Chairman, unless it is amended, I will continue to oppose S. 455, a bill to increase the authorization for appropriations for the so-called Payments in Lieu of Taxes Program, or PILT.

Under the PILT program counties and other local units of government receive payments with respect to certain types of Federal lands located within the jurisdiction of the local governments. These include national parks, national forests, public lands managed by the BLM, Bureau of Reclamation lands, and some others. Other Federal lands, such as military bases and some National Wildlife Refuge lands, don't count for PILT purposes.

Under current law, full funding for these payments means appropriations of about $100 million annually. But, this Senate bill would phase in an authorization increase to more than $250 million annually. A quarter billion dollars a year permanently. After that, it would index the payments to the Consumer Price Index, so that before too long they might well be closing in on a half-billion dollars every year.

History shows that full appropriations are always provided for PILT, so this is more than just an empty authorization.

The second year of the increases in this bill would take PILT to over $150 million annually.

By comparison, in just that first year of authorization $150 million is more than 80 percent of the National Park Service construction budget and 14 percent of its operating budget.

It is over 75 percent of the forest research budget, over 90 percent of the Forest Service's State and private forestry program, and almost 75 percent of the Forest Service construction budget.

So, under the bill, PILT would equal 90 percent of the budget of the National Biological Survey, 100 percent of the budget of the Bureau of Mines, 136 percent of the budget of the Office of Surface Mining, and over 80 percent of the Abandoned Mine Reclamation Fund. It would be more than 64 percent of the entire land acquisition budget of the four Federal land managing agencies combined.

Remember, all of these other programs are funded from the same appropriation bill—so they will be in direct competition with PILT for the scarce money available under the budget caps.

In short, this is a big-money, big-spending bill. It is not one that the House should be rushing to rubber-stamp a defective Senate work product in the final days of the session.

Like Chairman MILLER, I oppose the bill as it now stands, and I think it is very important that other Members who oppose such a massive, permanent, and open-ended increase have the chance to offer amendments to the bill. There will be little opportunity for any change in policy once signed into law and the defective policy would change the way the money is allocated. Even the $100 million being expended today would be spent in the future on a perverted basis. State and even private lands would count toward PILT payments.

It is true that because the PILT authorization level has not been increased since 1976, inflation has had the effect of considerably diminishing the purchasing power of the payments the local governments receive under this program.

At the same time, however, we have to keep in mind the realities of the Federal deficit and the importance of holding down spending.

Also, since the PILT program has not been thoroughly reviewed since 1976, I strongly believe that we need to step back and view the PILT program in a broader perspective.

I am not unalterably opposed to PILT. I recognize its virtues, especially its relative stability and predictability. In fact, when previous administrations tried to zero fund the program, I stood with my colleagues to fund the program.

Because the PILT payments are related to entitlement land acreages, which don't fluctuate very much, they have a higher degree of stability than other payment programs based on how Federal lands are used, such as stumpage fees, mineral receipts, grazing receipts, and the like.

Often, the linkage in other programs between land uses and payments has the effect of thrusting local governments into the midst of debates about how the Federal lands are to be managed.

In my view, it would be better, if possible, to combine changes in PILT and other laws that would bring greater financial stability to local governments and at the same time keep them from being hostages in fights over management decisions such as timber sales, mineral leases, and the like.

Furthermore, while updating the PILT formulas to reflect the effects of inflation is important, other changes in the PILT Act may well be in order as well.

For example, under the current law, there are few if any restrictions on how PILT payments can be used. The law merely says that they must be used for governmental purposes.

What a governmental purpose might be is pretty much left up to the local governments that gets the money. I expect that some of them have used PILT funds to lobby Congress in favor of increasing PILT payments. Yes money is fungible—but whereever the money is from, its paying big dividends.

In fact, there is one county in New Mexico that, in the last few weeks, adopted an ordinance claiming that all the Federal lands in the county really belong not to the people of the United States, but to the State or maybe to the county in that State. According to the press accounts, the purpose of that ordinance is to lay the foundation for a lawsuit aimed at moving those lands into State or county ownership.

I expect that the county will claim that bringing that lawsuit—and forcing the taxpayers of the whole Nation to bear the costs of responding to it—is a governmental purpose, for which they can use their PILT payments.

I can see why they would want to, since on September 27—just last month, Mr. Chairman—the taxpayers of the Nation sent that same county—a single New Mexico county—a nice PILT check: A check for $927,731, as a matter of fact—nearly $1 million. That certainly will help them with their legal costs! Yes money is fungible.

Incidentally, Mr. Chairman, that payment of nearly a million dollars to a New Mexico county was more than received by several entire States, including my own State of Minnesota.

It seems to me that this question of just how PILT payments can be used is something that deserves careful scrutiny. There is no requirement in law other than any government purpose. The advocate may paint a warm fuzzy portrait as to the uses but the law in no shape, form, or manner limits the use of the money.

Because of our concerns about the cost of the bill and the need for more scrutiny of the PILT program, in the committee, Chairman MILLER and I supported a substitute to combine a temporary increase in the authorization level for the PILT program with a requirement for a study of PILT and related programs. It needs review, it needs attention. PILT shouldn't be placed on auto pilot. The temporary increases would be the same as the first two increases provided for in the Senate bill and provide us with the responsibility to react and rewrite sound PILT policy.

While the committee didn't adopt that substitute, I still believe it represents a reasonable compromise, and I strongly urge the House to adopt it when it is offered later today.

I am confident that the House will see the virtue and wisdom of the compromise contained in the substitute, and vote to adopt it. There also may be an amendment to delete the indexing of future PILT payments.

There are also other amendments that while not provided for by the rule would nonetheless make necessary improvements in the bill. The Senate bill would also, for the first time, authorize PILT payments for formerly Federal lands exchanged to a State. The effect of that would be that the Federal Government would pay PILT not only for the lands the United States gets from a State, but also would pay PILT for the lands that the State gets—and those PILT payments would continue even if the State later transfers the land and the land goes onto the tax rolls.

Furthermore, since the provision I've just described is not clearly limited to future exchanges, we can expect the States to argue that it applies to all the lands that have been exchanged to a State since PILT was enacted in 1976.

Obviously, this part of the bill has serious shortcomings, in terms of simple fairness and equity for the Nation's taxpayers.

Mr. Chairman, some will argue that the House should not consider amending this S. 455 because the little time remaining in this session means the Senate will not be able to consider any House amendments this year.

Of course, now that the Senate has decided to return after the elections, that argument should no longer have any weight.

But, anyway, we should be careful and we have the time to be careful. PILT payments for fiscal 1994 have already been made. The money for the fiscal 1995 payments has been appropriated. My substitute would provide for increases in fiscal 1996 and fiscal 1997, and there will be plenty of time next year to consider PILT levels for the years after 1997.

Mr. Chairman, I urge all Members to listen carefully to this debate, and to join me in seeking to improve this badly flawed bill—or, if it is not improved, in voting to kill it so the House can reconsider this matter in a more thorough, deliberative way next year.

Mr. LEHMAN. Mr. Chairman, this is a simple issue of fairness—fairness to rural counties with large amounts of Federal land. A collection of laws provide counties revenues from their Federal lands, but since these laws are mostly based on extractive uses of those lands, contributions to counties can fluctuate widely from one year to the next. Payments in lieu of taxes serve to balance these fluctuations and make consistent the revenues counties derive from these Federal lands. As well, it makes counties less dependent from one year to the next on revenues from the extractive use of those lands.

This legislation is supported by a broad array of groups and, at this late date, nothing short of the precise text included in S. 455 will give us a law this Congress. I and many of my colleagues have for years examined the issue of how to provide mechanisms that will allow our rural counties to gain their fair share from the Federal lands within their boundaries. Admittedly, this payment should not be the foundation upon which most counties balance their budgets—there need to be other mechanisms that provide revenue to benefit county services. But, it must be recognized, these counties are not able to derive direct tax benefits from these lands because they cannot be taxed as private lands would be.

My district contains significant acreage managed by the Bureau of Land Management, the U.S. Forest Service and the National Park Service. There has been no change in the formula that provides these counties with revenues for 20 years. The legislations supported by Mr. WILLIAMS and Mr. HANSEN would simply update the formula to reflect changes in inflation over that period of time. The Federal Government cannot deny its part in the prosperity of these counties. Grants and loans counties receive from the Department of Education, the Department of Housing and Urban Development, or the Department of Health and Human Services benefit these counties tremendously. It is this cooperative relationship that enables us to educate our children, provide affordable housing for our citizens, and provide valuable health services to our elderly. We have an obligation.

I am not alone in my view of this legislation—the Sierra Club and the Nature Conservancy share the view of many of our rural counties and many in this body. The Sierra Club in its testimony before the Senate cited its importance to rural counties. "We do not at the Sierra Club think that local governments should be punished for the presence of Federal lands * * * and that is in fact what is happening today." And it continues, "S. 455 begins to address a chronic shortfall of funding, particularly for areas where Federal holdings make up a large part of the land base."

In closing, this is a fairness issue. Bringing current value to Federal lands is not an entitlement, it is just compensation. These funds are all subject to appropriation and do not obligate Federal spending. This is why this bill does not violate our Budget Acts. The substitute offered by the gentlemen from California is not a significant change from the bill we have before us. However, it would mean that changes to the Federal payment in lieu of taxes formula would once again not happen. This response from the chairman amounts to too little, too late and should be rejected.

I urge passage of S. 455 without change.

Mr. RAHALL. Mr. Chairman, as a proponent of increasing the PILT authorization, I rise in support of the substitute amendment offered by the distinguished chairman of the Committee on Natural Resources, GEORGE MILLER.

Let there be no mistake about. I support increasing the amount authorized for PILT. Just last week, the Interior Department released $433,096 in PILT payments to 11 southern West Virginia counties that have Forest Service, National Park Service, and U.S. Army Corps of Engineers lands located within their jurisdictions.

However, this amount of compensation may or may not be equivalent to the tax rate for private property in those counties because it is difficult to make comparisons. In West Virginia, each county uses a different figure per $100 of appraised value of timberlands in devising its property tax rate. In addition, the appraised value depends on the class as well as the grade of the timber. These factors are not part of how PILT payments are calculated.

This is one reason why I support the Miller substitute. It provides for the same increase in the PILT authorization for the next 2 years as does the pending legislation. In the meantime, the General Accounting Office would review the program to provide the Congress with the type of information we do not currently possess to make an informed determination as to what other changes are necessary in the program.

In other words, I believe we should examine whether PILT payments should reflect the different values of timber on Federal lands, where timber exists on those lands, in the same manner as are private property tax rates in West Virginia. If they did, perhaps the counties in my area, as well as others, would see an increase in PILT payments.

Today, this is not the case. Under the existing program, over 75 percent of the total PILT payments go to 10 Western States. And, under the existing program, the same value is placed on an acre of desert land located in the West as is on rich hardwood timberlands located in West Virginia. This does not seem fair.

Another reason why I support the study approach in the Miller substitute again relates to what I see as the overall need to review all types Federal landownership-based payments to the States and counties. Let me be specific.

For Federal onshore oil and gas leases on public domain lands, after the deduction of certain administrative expenses, 50 percent of all receipts collected from rents and royalties are returned on a monthly basis to those States where the leases are located. As such, the Federal Government returns to these States almost 50 cents on every dollar paid in rents and royalties collected from oil and gas operations located on Federal lands.

However, for the same type of leases on acquired Federal lands, such as those purchased pursuant to the Weeks Act of 1911 and the Bankhead-Jones Act of 1937, the State or local share of receipts is only 25 percent. These are the types of Federal lands we have in the East. In effect, the local share of a Federal oil and gas lease in the East is only 25 cents on every dollar paid in rents and royalties.

These Eastern Federal lands are known as federally acquired lands, rather than what are known as public domain lands which are located in the Western States. This nomenclature overall has no meaning except with respect to mineral activities. And, in this regard, this antiquated quirk in Federal law favors the West over the East. In my view, this discrepancy should be reviewed and remedied, and that is something that the GAO would look at as part of its study under the Miller substitute.

The final reason that I support the Miller substitute again has to do with equity and fairness. Today, the American taxpayer subsidizes a number of activities that take place on Federal lands for which the taxpayer receives nothing in return. The taxpayer, the owner of our public lands, gets nothing in return from the extraction of gold and silver on these lands under the mining law of 1872. The law does not allow for royalty payments to be made. And certain Western interests continue to stymie the enactment of reasonable mining law reform legislation.

My colleagues, the question begs an answer. Can we continue to award 75 percent of all PILT payments to just 10 Western States when they are, for the most part the very same Western States that want to continue to deprive the public from receiving 1 red cent in return for the production of billions of dollars worth of federally owned gold and silver?

Let us vote for fairness, for equity. I urge a vote for MILLER and VENTO.

Mr. RICHARDSON. Mr. Chairman, PILT payments, or payments in lieu of taxes are of significant importance in my State of New Mexico.

Because of a strong Federal land ownership presence in New Mexico, we have the distinction of being the No. 1 recipient of PILT payments in the Nation.

PILT payments to New Mexico counties total approximately $10 million per year.

While these payments provide a critical source of revenue for the local communities into which they are sent, the authorization levels for PILT payments have not changed since the program was begun in 1976.

Inflation, economic growth, and consumer prices have changed in the last 18 years. The level of services constituents expect from their county governments has certainly increased.

However, the same, small, insufficient payment structure has remained unchanged.

In the past several months, I have received letters from county officials in nearly every county in New Mexico. Every single letter highlights the same point: We must pass PILT legislation this year to provide relief to counties staggering under the weight of a high demand for services with an insufficient tax base and Federal PILT payments to meet their needs.

As Mr. WILLIAMS and others have so ably explained, the only option for doing that this year is to pass S. 455 without amendments so that we can send it back to the Senate and then to the President before time runs out for this session of Congress.

But PILT is about more than economics: It is about basic fairness.

Many counties in New Mexico and other States across the country contain only small percentages of private land from which local tax revenue can be collected.

For counties with 60, 70, even 80 or 90 percent public land, PILT payments represent one of the only means of securing the necessary funding for the provision of the local services their constituents expect.

Without this funding, many counties would simply not be able to provide even the most basic services.

S. 455 is supported by the National Association of Counties, the Nature Conservancy, and the Sierra Club, among others.

I urge my colleagues to join me in supporting this basic fairness legislation by passing S. 455 today and ensuring that it becomes law this year.

Mr. SMITH of Oregon. Mr. Chairman, I rise in support of both of S. 455, a bill that is going to bring some equity back to local units of government.

Like many of my colleagues from the West, my district is 75 percent Federal land, all of which is immune from taxes, depriving county governments of a viable tax base. This places an unfair burden on counties that provide vital services on Federal lands such as road maintenance, law enforcement, solid waste and search and rescue operations.

Let me give few reasons in my district why we need to increase the PILT authorization. Grant County in my district is 60 percent federally owned. In 1976, PILT was 22 percent of the county budget. Today, PILT payments have fallen to a paltry 9 percent of the county budget.

Or how about Klamath County, which is 50 percent Federal land. Since 1976, the cost of police protection in the county has risen 454 percent. Or Lake County, with 76 percent Federal land—they have trimmed 20 teachers from their schools in the last several years. Students cannot even get a foreign language or even a calculus course. Lake County would like to use PILT funds to supplement their educational system so their students will be able to compete.

Another example is Harney County, which happens to be where I am from. Harney County is 76 percent owned by the Federal Government and has over 2,000 miles of county roads to maintain. PILT pays the county a meager 6.4 cents per acre.

It's been 16 years since our counties have had a cost-of-living increase. It's time we give them a raise. This House has voted itself several pay raises in the 16 years our counties have waited for a simple COLA.

I urge my colleagues to support S. 455 and oppose any weakening amendments.

Mr. DOOLITTLE. Mr. Chairman, I rise today in strong support of S. 455, the Payments in Lieu of Taxes Act, otherwise known as PILT, and in opposition to amendments aimed at gutting this essential legislation.

I represent several mountain counties in the Sierra-Nevada mountain range in northern California. Federal land ownership in these counties is pervasive. For example, 97 percent of the county of Alpine is owned by the Federal Government.

I would submit, as their representative, that the residents of these counties would gladly welcome these lands back into private ownership and say goodbye to the intrusive bureaucrats who run our land management agencies.

Unfortunately, Mr. Chairman, those who are working against this legislation, disguised as budget hawks, are the same members who continue to vote to authorize more land grabs by the Federal Government and who are ranked among the biggest spenders in Congress. Furthermore, Congress not only continues to purchase more land, but at the same time tighten restrictions on the use of both private and Federal lands.

The American people have had enough of unaccountable bureaucrats running over their constitutional rights. A majority of Congress, responding to these concerns, has been seeking to gain more authority over land management bureaucrats and validate the rights of private property owners. This bill represents another important milestone in bringing sense and fairness to our public land policy.

S. 455, simply says that if Congress thinks it is in the public interest to own vast amounts of land, it has to pay for it. Why should the residents of counties like Tuolumne or Calaveras shoulder the cost of road maintenance, emergency services, law enforcement, and waste disposal for the millions of visitors to the Federal lands in the Sierras each year?

It is only fair that the Federal Government reimburse the loss of revenue a county sustains when land is taken from private hands, and taxes are no longer collected.

In the long run, Mr. Chairman, I hope that passage of PILT will result in Members of the House taking a closer look at land acquisitions in the future and carefully assessing their consequences. Currently, these acquisitions merely amount to unfunded mandates.

I urge my colleagues to support this legislation, and to reject all gutting amendments.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of S. 455 is as follows:

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Payments In Lieu of Taxes Act".

SEC. 2. INCREASE IN PAYMENTS FOR ENTITLEMENT LANDS.

(a) INCREASE BASED ON CONSUMER PRICE INDEX.—Section 6903(b)(1) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking "75 cents for each acre of entitlement land" and inserting "93 cents during fiscal year 1995, $1.11 during fiscal year 1996, $1.29 during fiscal year 1997, $1.47 during fiscal year 1998, and $1.65 during fiscal year 1999 and thereafter, for each acre of entitlement land"; and

(2) in subparagraph (B), by striking "10 cents for each acre of entitlement land" and inserting "12 cents during fiscal year 1995, 15 cents during fiscal year 1996, 17 cents during fiscal year 1997, 20 cents during fiscal year 1998, and 22 cents during fiscal year 1999 and thereafter, for each acre of entitlement land".

(b) INCREASE IN POPULATION CAP.—Section 6903(c) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking "$50 times the population" and inserting "the highest dollar amount specified in paragraph (2)"; and

(2) in paragraph (2), by amending the table at the end to read as follows:

“If population equals—	the limitation is equal to the population times—
5,000	$110.00
6,000	103.00
7,000	97.00
8,000	90.00
9,000	84.00
10,000	77.00
11,000	75.00
12,000	73.00
13,000	70.00
14,000	68.00
15,000	66.00
16,000	65.00
17,000	64.00
18,000	63.00
19,000	62.00
20,000	61.00
21,000	60.00
22,000	59.00
23,000	59.00
24,000	58.00
25,000	57.00
26,000	56.00
27,000	56.00
28,000	56.00
29,000	55.00
30,000	55.00
31,000	54.00
32,000	54.00
33,000	53.00
34,000	53.00
35,000	52.00
36,000	52.00
37,000	51.00
38,000	51.00
39,000	50.00
40,000	50.00
41,000	49.00
42,000	48.00
43,000	48.00
44,000	47.00
45,000	47.00
46,000	46.00
47,000	46.00
48,000	45.00
49,000	45.00
50,000	44.00.”.

SEC. 3. INDEXING OF PILT PAYMENTS FOR INFLATION; INSTALLMENT PAYMENTS.

Section 6903 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(d) On October 1 of each year after the date of enactment of the Payment in Lieu of Taxes Act, the Secretary of the Interior shall adjust each dollar amount specified in subsections (b) and (c) to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, for the 12 months ending the preceding June 30.”.

SEC. 4. LAND EXCHANGES.

Section 6902 of title 31, United States Code, is amended to read as follows:

§ 6902. Authority and Eligibility.

“(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located, as set forth in this chapter. A unit of general local government may use the payment for any governmental purpose.

“(b) A unit of general local government may not receive a payment for land for which payment under this Act otherwise may be received if the land was owned or administered by a State or unit of general local government and was exempt from real estate taxes when the land was conveyed to the United States except that a unit of general local government may receive a payment for—

“(1) land a State or unit of general local government acquires from a private party to donate to the United States within 8 years of acquisition;

“(2) land acquired by a State through an exchange with the United States if such land was entitlement land as defined by this chapter; or

“(3) land in Utah acquired by the United States for Federal land, royalties, or other assets if, at the time of such acquisition, a unit of general local government was entitled under applicable State law to receive payments in lieu of taxes from the State of Utah for such land: *Provided, however*, That no payment under this paragraph shall exceed the payment that would have been made under State law if such land had not been acquired.”.

SEC. 5. EFFECTIVE DATE; TRANSITION PROVISIONS.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act and the amendments made by this Act shall become effective on October 1, 1994.

(2) LIMITATION.—The amendment made by section 2(b)(2) shall become effective on October 1, 1998.

(b) TRANSITION PROVISIONS.—

(1) FISCAL YEAR 1995.—During fiscal year 1995, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

“If population equals—	the limitation is equal to the population times—
5,000	$62.00
6,000	58.00
7,000	54.50
8,000	51.00
9,000	47.00
10,000	43.50
11,000	42.00
12,000	41.00
13,000	40.00
14,000	38.50
15,000	37.00
16,000	36.50
17,000	36.00
18,000	35.50
19,000	34.50
20,000	34.00
21,000	33.75
22,000	33.50
23,000	33.00
24,000	32.50
25,000	32.25
26,000	32.00
27,000	31.75
28,000	31.50
29,000	31.25
30,000	31.00
31,000	30.75
32,000	30.50
33,000	30.00
34,000	29.75
35,000	29.50
36,000	29.25
37,000	28.75
38,000	28.50
39,000	28.25
40,000	28.00
41,000	27.50
42,000	27.25
43,000	27.00
44,000	26.50
45,000	26.25
46,000	26.00
47,000	25.75
48,000	25.50
49,000	25.00
50,000	24.75.”.

(2) FISCAL YEAR 1996.—During fiscal year 1996, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

“If population equals—	the limitation is equal to the population times—
5,000	$74.00
6,000	69.50
7,000	65.00
8,000	61.00
9,000	56.00
10,000	52.00
11,000	50.50
12,000	49.00
13,000	47.50
14,000	46.00
15,000	44.50
16,000	43.50
17,000	43.00
18,000	42.00
19,000	41.50
20,000	41.00
21,000	40.25
22,000	40.00
23,000	39.50
24,000	39.00
25,000	38.50
26,000	38.25
27,000	38.00
28,000	37.50
29,000	37.25
30,000	37.00
31,000	36.75
32,000	36.25
33,000	36.00
34,000	35.50
35,000	35.00
36,000	34.75
37,000	34.50
38,000	34.00
39,000	33.75
40,000	33.25
41,000	33.00
42,000	32.50
43,000	32.25
44,000	32.00
45,000	31.50
46,000	31.00
47,000	30.75
48,000	30.50
49,000	30.00
50,000	29.50.”.

(3) FISCAL YEAR 1997.—During fiscal year 1997, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

“If population equals—	the limitation is equal to the population times—
5,000	$86.00
6,000	81.00
7,000	76.00
8,000	71.00
9,000	65.50
10,000	60.00
11,000	58.50
12,000	57.00
13,000	55.00
14,000	53.50
15,000	51.50
16,000	51.00
17,000	50.00
18,000	49.00
19,000	48.00
20,000	47.50
21,000	47.25
22,000	46.25
23,000	46.00
24,000	45.25
25,000	45.00
26,000	44.50

27,000	44.00
28,000	43.75
29,000	43.50
30,000	43.00
31,000	42.50
32,000	42.00
33,000	41.75
34,000	41.25
35,000	
1.00	
36,000	40.50
37,000	40.00
38,000	39.50
39,000	39.00
40,000	38.75
41,000	38.25
42,000	38.00
43,000	37.50
44,000	37.00
45,000	36.50
46,000	36.00
47,000	35.75
48,000	35.25
49,000	35.00
50,000	34.50.".

(4) FISCAL YEAR 1998.—During fiscal year 1998, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—	**the limitation is equal to the population times—**
5,000	$98.00
6,000	92.00
7,000	86.00
8,000	80.50
9,000	74.50
10,000	68.50
11,000	66.50
12,000	64.50
13,000	63.00
14,000	61.00
15,000	59.00
16,000	58.00
17,000	57.00
18,000	56.00
19,000	55.00
20,000	54.00
21,000	53.50
22,000	52.75
23,000	52.00
24,000	51.50
25,000	51.00
26,000	50.50
27,000	50.25
28,000	50.00
29,000	49.50
30,000	49.00
31,000	48.50
32,000	48.00
33,000	47.50
34,000	47.00
35,000	46.50
36,000	46.00
37,000	45.50
38,000	45.00
39,000	44.50
40,000	44.00
41,000	43.50
42,000	43.00
43,000	42.75
44,000	42.25
45,000	41.75
46,000	41.25
47,000	40.75
48,000	40.25
49,000	39.75
50,000	39.25.".

The CHAIRMAN. No amendment shall be in order except those amendments printed in House Report 103-830. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 103-830.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment in the nature of a substitute made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Supplemental Payments in Lieu of Taxes Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) since 1907, Congress has enacted a variety of laws under which the United States makes payments to States and local governments based in various ways on the location, management, or use of Federal lands;

(2) in 1970, the Public Land Law Review Commission found that "existing revenue-sharing programs do not meet a standard of equity and fair treatment either to State and local governments nor to the Federal taxpayers" and recommended that these programs be replaced with a system of payments-in-lieu-of-taxes ("PILT");

(3) in 1976, Congress enacted a PILT program, based primarily on the location rather than the management or use of Federal lands, in addition to, but not as a replacement for, other payment programs;

(4) local governmental units eligible for payments under the PILT program vary considerably in terms of the rates of taxation of non-Federal lands, the services provided to and received from the United States because of the location of Federal lands, and the level of payments received from the United States under programs other than the PILT program;

(5) since 1976, inflation has eroded the purchasing power of PILT payments, while other developments have greatly affected the other payments to States and local governments that are related to the management and use of Federal lands; and

(6) under the circumstances described in these findings, it is appropriate to authorize temporary increases in payments under the PILT program, and to provide for later consideration of a restructuring of both the PILT program and other payment programs, along lines suggested by the Public Land Law Review Commission.

(c) PURPOSE.—The purpose of this Act is to authorize a temporary increase in PILT payments, while requiring a review of payment programs and the submission of recommendations as to whether the PILT program and other payment programs should be revised to more fully achieve the goals of equitable treatment of both payment recipients and the Federal taxpayers.

SEC. 2. DEFINITIONS AND ADDITIONAL PAYMENTS.

(a) DEFINITIONS.—As used in this Act—

(1) the term "PILT Act" means chapter 69 of title 31, United States Code;

(2) the term "unit of general local government" has the same meaning as in the PILT Act; and

(3) the term "supplemental PILT payments" means payments made under this Act.

(b) SUPPLEMENTAL PAYMENTS IN FISCAL YEARS 1996 AND 1997.—(1) There are hereby authorized to be appropriated such sums as may be necessary for supplemental PILT payments pursuant to this Act to be made for fiscal years 1996 and 1997 to units of general local government qualified to receive payments under the PILT Act.

(2) Payments authorized by this Act shall be calculated in the same manner as payments under the PILT Act, except that solely for the purpose of calculating payments authorized by this Act—

(A) the phrase "93 cents for each acre of entitlement land for fiscal year 1996, and $1.11 for fiscal year 1997," shall be substituted in subparagraph (A) of section 6903(b)(1) of title 31, United States Code, in lieu of "75 cents per each acre of entitlement land"; and

(B) the following tables shall be substituted for the table at the end of section 6903(c)(2) of title 31, United States Code—

(i) for fiscal year 1996:

If population equals—	the limitation is equal to the population times—
5,000	$62.00
6,000	58.00
7,000	54.50
8,000	51.00
9,000	47.00
10,000	43.50
11,000	42.00
12,000	41.00
13,000	40.00
14,000	38.50
15,000	37.00
16,000	36.50
17,000	36.00
18,000	35.50
19,000	34.50
20,000	34.00
21,000	33.75
22,000	33.50
23,000	33.00
24,000	32.50
25,000	32.25
26,000	32.00
27,000	31.75
28,000	31.50
29,000	31.25
30,000	31.00
31,000	30.75
32,000	30.50
33,000	30.00
34,000	29.75
35,000	29.50
36,000	29.25
37,000	28.75
38,000	28.50
39,000	28.25
40,000	28.00
41,000	27.50
42,000	27.25
43,000	27.00
44,000	26.50
45,000	26.25

If population equals—	the limitation is equal to the population times—
46,000	26.00
47,000	25.75
48,000	25.50
49,000	25.00
50,000	24.75

(ii) for fiscal year 1997:

If population equals—	the limitation is equal to the population times—
5,000	$74.00
6,000	68.50
7,000	65.00
8,000	61.00
9,000	56.00
10,000	52.00
11,000	50.50
12,000	49.00
13,000	47.50
14,000	46.00
15,000	44.50
16,000	43.50
17,000	43.00
18,000	42.00
19,000	41.50
20,000	41.00
21,000	40.25
22,000	40.00
23,000	39.50
24,000	39.00
25,000	38.50
26,000	38.25
27,000	38.00
28,000	37.50
29,000	37.25
30,000	37.00
31,000	36.75
32,000	36.25
33,000	36.00
34,000	35.50
35,000	35.00
36,000	34.75
37,000	34.50
38,000	34.00
39,000	33.75
40,000	33.25
41,000	33.00
42,000	32.50
43,000	32.25
44,000	32.00
45,000	31.50
46,000	31.00
47,000	30.75
48,000	30.50
49,000	30.00
50,000	29.50

SEC. 3. STUDY AND REPORT.

(a) DEADLINE AND RECOMMENDATIONS.—(1) No later than January 1, 1996, the Comptroller General of the United States shall submit to the Congress a report concerning the results of the study described in subsection (b) of this section.

(2) The report required by paragraph (1) shall include recommendations for revisions of the PILT Act and other laws that would—

(A) provide reasonably predictable payments that are at least as stable as receipts from taxes on non-Federal lands; and

(B) provide an equitable payment system to compensate units of local government for the net costs incurred by such governments as a result of the presence of Federal lands that are not within the local tax base.

(b) STUDY.—In preparing the report required by this section, the Comptroller General shall—

(1) review the authorities and resulting payments under the PILT Act and other laws providing payments to States and units of local government related to the presence of Federal lands within the jurisdiction of recipient units of government, including the extent to which such payments differ because of disparate treatment of lands classed as public domain and those classed as acquired lands;

(2) assess the adequacy of agency auditing and monitoring, and of the funding for such auditing and monitoring, of the reports required by section 6903(b)(2) of title 31, United States Code;

(3) compare the payments under the PILT Act and other studied laws with—

(A) the net costs imposed on recipient units of local governments by the presence of Federal lands;

(B) the tax payments private landowners would likely have paid to recipient units during the same period; and

(C) services provided to local units of government by Federal land-managing agencies;

(4) examine how payments under the PILT Act and other studied laws affect and interact with the rates of taxation imposed by local units of government on non-Federal lands, including the extent to which total Federal payments are affected by State laws providing for the distribution to independent entities (other than units of general local government);

(5) assess the cost and equity of expanding the categories of lands that would be included in the "entitlement lands", as such term is used in the PILT Act, including (but not limited) to Indian trust lands and acquired lands included in the National Wildlife Refuge System;

(6) identify the extent to which the States make payments to their political subdivisions that are related to the presence within such subdivisions of State-owned lands; and

(7) examine alternatives to the current system of payments under the PILT Act and other laws, including (but not limited to) methods used by States to make payments to their political subdivisions related to the location of State-owned lands within such subdivisions.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 10 minutes and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would hope that the House would accept this amendment in the spirit in which it is offered, and, that is, to provide, recognizing as the gentleman have said, that this program has not been raised since 1976, that this amendment would allow them the same amount of funding over the next 2 years as they receive under legislation reported by the Committee on Natural Resources. But in that 2 years' time, what we are asking is that GAO do a study and we get an opportunity on a comprehensive basis to review this program. Why do we need that 2-year timeframe? Because if we do not stop the funding at that time, if we do not put some financial barrier at that time, we will simply be going on as we have in the past, and, that is, with the Senate's complete and total unwillingness to allow reforms to be considered in the legislative dialog back and forth between the Senate and the House.

What we have seen and the reason we are here today is because every time we have tried to initiate a discussion about the reform of this program with the Senate, there has been no discussion, only an increase in fees that they have talked to us about. So we are here because again the Senate, the Senate is saying no reform, send us the money. We are saying under my substitute, "We are prepared to send you the money for 2 years. If we have not achieved the reforms, then in fact the money stays at that level and does not continue to escalate up as it does under the committee bill."

We think this is fair, we think this provides an increase. It also provides the taxpayers an opportunity to see how their moneys are being used. This is the only indexed discretionary spending program we have in the Federal Government. I appreciate that the mayor of Newark is for it. But the mayor of Newark ought to know that when we underwent the comprehensive review of the nutrition programs in his school districts that we had to because of a lack of Federal funding try to target that spending to the most vulnerable children, to those where we could have the best opportunity at having a positive impact, we could not give everybody a school lunch, we could not give everybody school milk, we had to focus on the vulnerable populations. And I hope that the mayor of Newark understands that when we redid the Elementary and Secondary Education Act, we had to try to refocus the dollars we have on the areas most in need, because we did not have an open-ended entitlement, we did not have an indexed program. We had 5 years. And we will be back again to review that program. That is how we do it in the Congress. Except for PILT.

PILT, with no review of the program, no changes in the program, no seeing whether or not the benefits match the burdens, no seeing whether or not this is equal to the property taxes that the States collect or the counties collect in the local region. We just send them the money.

With this program being indexed as it is today, we preclude the opportunity to have the kind of discussion that this Congress should have about this kind of a program, whether or not this program that was conceived in 1976 still makes sense in the 1990's. Can we still talk about those lands that do not receive it compared to those that do? Can we have a discussion about the increased revenues that the Federal Government shares with these counties now, that have doubled in the time that this program has been in existence? But we do not get to take back PILT moneys because we are helping to make the counties whole with these other revenues. No, they want it both. They want to double dip. They want to double dip out of the Federal treasury.

I appreciate the people for this program. We owe it to the people that we represent to have that kind of review. But as the gentleman from Minnesota pointed out, you could not get that kind of review in the mining law, you could not get that kind of review in the grazing reform laws. Why? Because the Senate will not allow it. And after 120 years, the Senate just killed again the mining review. What did we want for the public? We wanted a 3-percent royalty. But some of the richest corporations in America said, "No, you get nothing. We get the gold and the taxpayer gets the shaft."

That is what PILT is continuing, that same mentality, and it is not fair to the taxpayers.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] is recognized for 10 minutes.

Mr. HANSEN. Mr. Chairman, I ask unanimous consent that half of my time be allocated to the gentleman from Montana [Mr. WILLIAMS].

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] will be recognized for 5 minutes, and the gentleman from Montana [Mr. WILLIAMS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr Chairman, the Miller amendment we are just seeing come up was defeated before in committee 28 to 14. This amendment only gives a temporary increase and then the PILT payment goes right back to the current levels. Let us get this over with. This is a very small band-aid approach to a very large program.

The gentleman from California [Mr. MILLER] implies that the PILT program is controversial and needs serious review. No Federal agency or private organization has suggested that the PILT program is flawed or needs changing. This is a simple program based on a formula of Federal acres and population that is designed to compensate for lost property tax. We have got it so confused with everything else. Keep in mind, it was to compensate property tax. That is all. The Miller amendment will effectively kill PILT reform for this Congress and I hope everyone realizes that. Counties, Governors, and many other national groups strongly oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Washington [Mrs. UNSOELD], who has worked along with me for several sessions of Congress to try to improve these PILT payments.

Mrs. UNSOELD. Mr. Chairman, I thank the gentleman from Montana [Mr. WILLIAMS] for yielding me the time.

Mr. Chairman, I rise in support of the bill and in opposition to the amendments restricting PILT payments to counties.

The payment in lieu of taxes program, or PILT, was designed to compensate local government for lost tax revenue due to Federal ownership in land. While costs to operate rural counties have continued to rise, the PILT program has not been adjusted for inflation in the 18 years it has existed. This is unacceptable and what this legislation is merely about.

I want to give my colleagues an example of what the PILT program represents. In Skamania County, one of the counties that I represent in Washington State, the Federal Government owns nearly 80 percent of the land. This means 80 percent of the county's land base is outside its tax base. As a county commissioner, how do you provide services for the people when most of your tax base is exempt? Now, once you figure that one out, tell me how you would provide the additional services from search and rescue to road maintenance and construction needed to handle all of those invading your county to use the Federal lands.

I would submit to the gentleman from California who spoke of the need to remember the children, that in these same counties where unemployment has officially hit 26 percent, 27 percent, the domestic abuse rate has risen enormously and the PILT payments are an essential part of protecting those children and those families.

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PILT program funds help county government meet those needs. They are an extremely important source of revenue for counties which are continually asked to provide increased services despite diminishing budgets.

Without adequate PILT payments, the Federal Government is not just failing its responsibility to ensure that counties are not penalized for having Federal land, but imposing another unfunded Federal mandate on local governments.

When PILT was enacted it was based on a partnership between Federal and local governments. This concept is as valid today as when it was passed in 1976. But the lag of payments behind inflation has produced a hardship on the local communities, the same communities that are struggling to respond to new Federal timber policies.

I urge my colleagues to support this bill, oppose the amendments being offered, and if changes are needed in the underlying structure of this concept, let us tackle them next year earlier in the session so that we do not run the risk of killing this very valid assistance to the families and the children and the counties and local governments.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to the Miller substitute which effectively kills S. 455, the Payment in Lieu of Taxes Act.

Make no mistake about it, the only way a PILT increase can become law this session is to pass this bill without amendment today. Amending this bill is nothing more than a vote against PILT, rural communities, and for unfunded mandates.

PILT payments simply compensate local communities throughout the country for property taxes lost due to Federal land ownership which is nontaxable.

This money goes to local communities for emergency law enforcement, medical assistance, waste disposal, and countless other services for local communities and the thousands of visitors who come to our public lands every year.

Since enactment, PILT has never been adjusted for inflation. The program's value has diminished to less than half of what it was. This hardly makes up for the millions of dollars of foregone property tax revenues that are supposed to go to these counties.

PILT in its current form simply cannot supply our local counties with the resources to comply with the unfunded mandates this Congress hands down to them every year.

If the proponents of this substitute really want to do something fiscally responsible for a change, they should help us stop the Federal Government from consuming more private property which is costly and bad for rural America.

Mr. Chairman, I urge a no vote on this substitute and an aye vote for an unamended S. 455.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I support the PILT program. The issue before us is how much of an increase and for how long.

If this were a bill to give automatic increases forever to monies for public health programs for the counties, Members would say no, we cannot afford it. If it was for moneys forever for Chapter 1 reading programs for local school districts, Members would say no, we cannot afford it. If the moneys were for local government water treatment facilities forever, Members would say no, we cannot afford it.

All the Miller amendment says is that in the next 2 years we ought to review the program, see how much of an increase and in what form it ought to come. Next session, the 104th Congress is going to have to deal with deficit reduction. This program, like every other program ought to be on the table for discussion and review in terms of how to best reduce the deficit and put monies out there in the local governments where they are richly deserved.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I rise in opposition to this amendment. It is the same old deal that we have seen before by the same people who believe that grazing fees are not high enough, that we are not paying enough for mineral leases and so forth. But these were all contract deals that were set by the Federal Government in the beginning, and right now, once again to use my own State as an example, my State is now affording the Federal Government $200 million more in revenues from grazing fees, from mining leases, from forest trees and some of the rest of that than they are getting in PILT payments, which is about $20 million. So there is no equity insofar as what the value of production on these lands would return to local government institutions.

That is what PILT was designed to do. It was to level the playing field. But we are subsidizing operations all over the rest of the United States that have and own most of their lands because when they came into the Union every State got its private lands or got its lands and was able to privatize them. But in the West, because of the lack of 30 inches of rain, we have huge public lands, and it is going to go on forever until we get somebody who can really understand what it is all about rather than to put us all in reform school every week.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of the amendment in the nature of a substitute.

In considering this substitute, Members should remember two important points—

First, a vote for this substitute is a vote for PILT increases. The substitute provides for exactly the same increases in the next 2 years as would be authorized by the Senate bill. So, if you agree with the proponents of the bill that PILT increases should be authorized—this substitute authorizes them.

Second, however, a vote for this substitute is a vote for a careful, measured approach instead of the massive, permanent, and open-ended spending increase that would come with the bill as passed by the Senate.

The substitute combines a 2-year increase in PILT payments with a provision for a thorough study of the PILT Program and related programs by the General Account Office, to lay the foundation for a comprehensive review of the program by the Natural Resources Committee next year.

Mr. Chairman, this is the careful approach. It is the responsible approach.

The PILT Program has not been thoroughly reviewed since 1976, and I strongly believe that we need to step back and view the PILT Program in a broader perspective.

This substitute is not an attack on PILT. As I have said before, the PILT Program has a number of virtues, especially its relative stability and predictability as compared with other programs under which the Nation shares with the States and local governments the receipts from stumpage fees, mineral receipts, grazing receipts, and the like.

In fact, I think we should seriously consider making changes not only in PILT but these other laws that could mean greater stability for local governments and at the same time keep them from being hostages in fights over such management decisions as timber sales, mineral leases, and the like.

Ths study required by this substitute will give us the information we need to decide whether those kinds of changes, or other changes, should be seriously consider next year.

Mr. Chairman, I know that the argument will be made that the House cannot vote for any amendment to this Senate bill because that will kill PILT increase.

Of course, the substitute provides for PILT increases. But the claim will be that with so little time remaining in this session, the Senate will not be able to consider any House amendments this year.

Of course, now that the Senate has decided to return after the elections, that argument should no longer have any weight, assuming that it should ever have any weight.

But, anyway, we should always take the time to be careful. And, there is no hurry, because the PILT payments for fiscal 1994 have already been made and the money for the fiscal 1995 payments has been appropriated.

We will not be making more PILT payments until 1996, and the substitute provides for increasing those payments in both fiscal 1996 and fiscal 1997. There will be plenty of time next year to consider PILT levels for the years after 1997.

Mr. Chairman, I urge a vote for the careful approach and the responsible approach—which means a vote for the substitute.

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Mr. WILLIAMS. Mr. Chairman, I yield myself 2 minutes, the remainder of my time.

Mr. Chairman, I appreciate the chairman of the subcommittee, our good friend, the gentleman from Minnesota [Mr. VENTO], in his words admitting that he has not been as attentive and admitting his transgressions on this.

You see, this is the problem, my friends, for three Congresses we have tried to do this, and now here we are in the final hours of the last session of this Congress, and now they offer their amendments. It kills the bill. No wonder they waited until the end. This is the same amendment that we are about to vote on, by the way, that was offered in the Committee on Natural Resources and lost 2 to 1, exactly 2 to 1, 28 to 14 on a bipartisan vote.

Here is what the amendment would do: It would give your counties a 20-percent increase in PILT payments this year, a 20-percent increase in payments the next year. What the bill would do is provide those 20-percent, approximately 20-percent, increases for 5 years. But there is another critical difference, my colleagues. After the second 20-percent increase under the Miller-Vento amendment, they then cut your counties 40 percent. They take 40 percent. They take the entire increase back.

Now, you are going to be sitting maybe in this Congress, in 1997, and your county commissioners are going to be calling and writing and saying, "Wait a minute, the Federal Government just took 40 percent of our money back." If this amendment passes, that is what is going to happen.

Do not vote to create that kind of fiscal instability for your counties and for your States.

Now, should there be a review, as both the chairman of the full committee and chairman of the subcommittee are asking for, with regard to all of this type of money that is going out, absolutely, and the gentleman from Utah [Mr. HANSEN] and I suggested, recommended to the chairman, the gentleman from California [Mr. MILLER], and the chairman, the gentleman from Minnesota [Mr. VENTO], in the committee that we were prepared that day to sign a letter to GAO to ask for the review that they now mandate in this amendment.

My colleagues, we think there ought to be a review, and the gentleman from Utah [Mr. HANSEN] and I stand ready right now to sign the letter asking GAO to make this review. So that part of the amendment is OK. The part we will not accept is cutting your county commissioners' money by 40 percent in the year 1997.

Please, vote against this amendment. It kills this bill.

Mr. MILLER of California. Mr. Chairman, I yield myself 2½ minutes, the balance of my time.

Mr. Chairman, if we do not accept this amendment, what we have done is we have, in fact, created an entitlement program, because if you look at the history of this program, while many, many other programs dealing with the West, dealing with natural resources and elsewhere, have not been fully funded as authorizations have been approved, it is true in education, it is true in health, true in housing, this program has always been fully funded.

As we went through the 1970's and 1980's and reforming government, we went through cuts, and we had 2-percent cuts, 3-percent cuts, and the fact is this program has been fully funded.

If you do not take the Miller amendment, you are setting it on automatic pilot with no reviews, with no checks, with no reforms. You are empowering the guardians of gridlock in the Senate. You are saying to those Senators who have invested their careers in killing reform as they did this morning with the lobbying reform, as they did yesterday with lobbying reform, as they did last week with campaign reform, as they have with concessions reform, as they have with grazing reform, as they have 120 years in mining reform, as they have with concessions reform in the national parks over the last 30 years, you are telling the guardians of gridlock in the Senate they can have the money and none of the reform. It is not fair to the taxpayers. It is not fair to the taxpayers, whether they live in the West or they live in the East.

You cannot take a program like this and simply put it on automatic pilot for a 150-percent increase at a time when Members are here on discharge petitions over A to Z, they are sitting on entitlement-reform panels, beating the hell out of the Congress for not meeting its responsibilities, but in the last day of this session, they have decided that they will increase the spending on this automatically 150 percent to a $1.3 billion program, and they cannot tell you where the money goes, they cannot tell you if it goes to needy counties, poor counties, counties that are overburdened. They cannot tell you if it is equal to the property taxes that they say it replaces. It does not. And in other places, it more than does. They cannot tell you why some lands are increased and some lands are not. And they cannot tell you why this bill now as the Federal taxpayers are going to have to pay for even those lands that are put into private ownership and into State ownership. They now have an entitlement to the Federal Treasury.

It is not fair. You ought to accept this amendment so we can have some reform, because if you want the public's money, you ought to take a little bit of the public interest along with it.

I ask for an "aye" vote on the amendment.

The CHAIRMAN. The Chair would remind the Members of the body that they should refrain from making reference to, and characterizing the actions of, the other body.

PARLIAMENTARY INQUIRY

Mr. VENTO. Mr. Chairman. I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. VENTO. Mr. Chairman, was that comment talking about the "guardians of gridlock"?

The CHAIRMAN. It was indeed.

Mr. HANSEN. Mr. Chairman, I yield 1 minute, the remainder of my time, to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, the bottom line, of course, is that if we move toward fairness, if we move toward equity, if we move toward moving this bill, then this amendment and the second amendment must be defeated. There is clearly no way that this will function otherwise.

It is sort of interesting, the gentleman who just spoke, worked up about expenditures, over there on the floor on the card is $3 billion authorized for California. The gentleman seemed to think that is all right.

Now, we have 49 States to participate in it, but it is not California, so it does not matter; $3 billion you have over there, but that is fair though, is it not, Mr. Chairman?

You know, if the subcommittee chairman's argument would have come a year ago, it probably would have been useful. I recognize what the chairman is saying, but it is not useful now. It is simply a delaying tactic. We went through this in the committee.

It is a little too bad that the leadership does not represent the committee; 28 to 14 voted on this.

So we need to take a look at what we are doing here in terms of obligations. This is simply not just a spending measure. It is a fairness measure. It is an equity measure, and it is one we ought to pass without amendment.

I urge my associates to vote against the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 262, not voting 18, as follows:

[Roll No. 502]

AYES—160

Abercrombie
Andrews (TX)
Armey
Barca
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Boucher
Brown (OH)
Bryant
Cardin
Carr
Castle
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cox
Crane
de Lugo (VI)
Dellums
Deutsch
Diaz-Balart
Dreier
Duncan
Durbin
Edwards (CA)
Ehlers
Engel
Ewing
Faleomavaega (AS)
Fawell
Fields (LA)
Filner
Fingerhut
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gejdenson
Gephardt
Gilchrest
Gillmor
Glickman
Gordon
Grams
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hancock
Hastert
Hinchey
Hobson
Hoke
Holden
Inglis
Jacobs
Jefferson
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
McCrery
McHale
McHugh
Meehan
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Moorhead
Moran
Morella
Murphy
Nadler
Neal (MA)
Neal (NC)
Olver
Owens
Pallone
Pelosi
Penny
Petri
Pickle
Porter
Portman
Pryce (OH)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schumer
Sensenbrenner
Sharp
Shays
Shuster
Slaughter
Smith (NJ)
Stark
Studds
Synar
Torricelli
Traficant
Underwood (GU)
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Watt
Waxman
Weldon
Woolsey
Yates
Zimmer

NOES—262

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dunn
Edwards (TX)
Emerson
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (TX)
Fish
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Furse
Gallegly
Gekas
Geren
Gibbons
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hamburg
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hochbrueckner
Hoekstra
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kennedy
Kennelly
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
LaRocco

Laughlin
Lazio
Lehman
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Machtley
Manton
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McDade
McDermott
McInnis
McKeon
McKinney
McMillan
McNulty
Meek
Menendez
Mica
Moakley
Molinari
Montgomery
Murtha
Myers
Norton (DC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Quillen
Ramstad
Richardson
Ridge
Roberts
Rogers
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Sanders
Sangmeister
Schaefer
Schenk
Schiff
Schroeder
Scott
Serrano
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Unsoeld
Valentine
Vucanovich
Walker
Waters
Wheat
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—18

Applegate
Barton
Bilirakis
Chapman
DeLay
Gallo
Inhofe
Istook
Levy
Lewis (FL)
McCurdy
Ravenel
Romero-Barcelo (PR)
Slattery
Sundquist
Tucker
Washington
Whitten

□ 1529

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. DeLay against.

Ms. ESHOO, and Messrs. PETERSON of Minnesota, FARR of California, TAYLOR of Mississippi, SWETT, and ORTON changed their vote from "aye" to "no."

Mr. MILLER of Florida, Mr. YATES, Mrs. COLLINS of Illinois, Mrs. LOWEY, Mr. HOKE, Ms. VELÁZQUEZ, Mr. FIELDS of Louisiana, Mr. NADLER, and Ms. KAPTUR changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

□ 1530

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 103–380.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VENTO: Page 4, strike lines 1 through 12 and renumber subsequent sections accordingly.

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the amendment is very simple. It would delete from the bill a provision that would link future PILT authorizations to future changes in the prices of goods and services, as shown by the Consumer Price Index.

Mr. Chairman, the PILT authorization that we have before us will increase by $468 million in 5 years. Based on inflation, it will increase beyond that to $1.3 billion in the next 10 years.

I would remind my colleagues, this is at a time when we are committed to a policy path of reducing the deficit over that time by cutting domestic discretionary spending. These authorization levels that are anticipated in this bill, as had been pointed out earlier, are not just any old authorization.

Mr. Chairman, these authorizations have been consistently fulfilled. This is a situation where the authorization process works, where it actually has limited the amount of spending under PILT.

The authors of the amendment are right in the sense there needs to be an adjustment. There has been no adjustments since 1976. Of course, I point out that there have been many other programs that we have offered as reform this year that have had a life much longer than that affecting public lands that have been summarily dismissed by the Congress and especially by the other body.

The fact is that this PILT program is not a perfect program. There are many problems with it. The public lands commission that met pointed out that the stream of revenues coming from the public lands should be used, and I think logically would be used, to offset the PILT payments so that we would have a maintenance of a constant source of income for those counties that have and those States that have lower receipts from public lands.

That is not part of the PILT package that we have before us. The only chance that we have to revisit this issue is if there is some leverage, if there is some force to, in fact, recall or bring this issue back before the Congress.

Certainly, one further impediment is the fact that we don't limit the cost-of-living adjustment. If we don't change or stop the cost-of-living adjustment in this PILT program it will be very, very difficult to change in the PILT program in the future.

I think the Members know that. The argument is not so much against this amendment. It is against the fact that the other body, the Senate will resist all change, we have to suspend reason. We have to suspend judgment because the other body is not capable of dealing with even one amendment from the House.

Repeatedly we have been faced with measures that are before the House and before the other body where they are not able to make any modifications. It is sort of a slam dunk legislative process. Bring it over here and we have to take what we get. We cannot make any modifications.

I am appealing to my colleagues, I think this issue is important enough, even in the U.S. Senate, for them to take one small, one small adjustment. That adjustment is to reduce or to eliminate the cost-of-living adjustments so that we have some real chance of revisiting this issue in the years ahead and dealing with a policy that is admittedly flawed and, I think, recognized by many that are fair-minded in this body.

Mr. Chairman, I would appeal to my colleagues to support this Vento amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I ask unanimous consent that I may divide my time with the gentleman from Montana [Mr. WILLIAMS].

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

The CHAIRMAN. The gentleman from Montana [Mr. WILLIAMS] will be recognized for 5 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 5 minutes.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I find it interesting that this particular amendment was not offered in committee, when there was ample time to do it. It was not offered. It is kind of like the 5 years we have had to do some reform on PILT, and we have not done it. I say to my colleagues on both sides of the aisle, this is the chance to get this job done. This is a killer amendment.

If we want to kill PILT, vote for this. If we want to see it go on and accomplish what we have been working for, this is an amendment to be carefully looked at and to kill this amendment so we do not kill the bill.

I have a hard time with this, as I look at it. The fiscal concerns that we see coming from some of our friends are the same folks that, as the gentleman from Idaho pointed out, have authorized $5 billion in new spending in this same area.

The purpose of S. 455 is to update PILT payments for inflationary increases. The index provision affects the authorization only and for some reason all through this debate things other than authorizations have been brought up and will prevent this problem from recurring.

This is a compromise, and I would ask that the Members defeat this amendment and vote for the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentlewoman from Arkansas [Ms. LAMBERT].

Ms. LAMBERT. Mr. Chairman, I would just like to speak in support of the bill today. We have heard an awful lot of east-west argument. It is not an east-west argument. There are many areas out in rural America, such as my district in Arkansas, that would stand to benefit a tremendous amount from this bill. We have seen these areas. Since 1976, they have seen no inflationary increases. The price of bread has certainly gone up since 1976.

□ 1540

As I was stating, Mr. Chairman, it is not an East-West issue. We have many of the small counties in the Nation, just like I represent in my district in Arkansas, surrounded by Federal lands, who are still having to maintain school systems, county roads and other programs that are in vital need of the resources that they no longer get from the limited tax base that they have.

Mr. Chairman, it is an important issue. It is one we need to resolve at this point. We need to move ahead with this issue. I encourage my colleagues to vote in support of this bill, so we can move on it this year. These counties have suffered long enough. It is time that we come to the point where we can help them out and give them the necessary resources that they need.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARRETT], a member of the Committee on Natural Resources.

Mr. BARRETT of Wisconsin. Mr. Chairman, this is an excellent amendment. I urge my colleagues to support it.

Mr. Chairman, what this bill does is, it sets into automatic pilot indexing after 5 years. That would be a great idea if we had billions of dollars to spend in this country, but we do not have it.

It would be a great idea to have permanent indexing for things like minimum wage increases for the working men and women in this country, but we cannot afford to do that. It would be great to have indexes built in for payments for medical care. We do not have those built into our law. It would be great if we were able to fund the crime bill that we just passed for more than 5 years, but we were responsible, because we know we cannot stick those costs on future taxpayers.

Mr. Chairman, somehow we are saying in this area, in this area only, we are going to bind future Congresses and we are going to require them to keep this authorization in law. That is irresponsible and it is something we should not do.

This is a reasonable amendment and it is one that I hope my colleagues will support.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the legislation permanently indexes these payments. Where else do we have permanent indexing in a discretionary program? In Social Security, with a funding source. Where is the funding source for this particular program? It is the other discretionary programs which we are already committed to cut. That is why this indexing amendment is important to pass, and to eliminate it from this program.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Chairman, I am not a big spender. I am also not from the West, as the gentlewoman from Arkansas [Ms. LAMBERT] pointed out.

Mr. Chairman, this is not a western issue, as we pointed out. About a third of my district is owned by the Federal Government, over 50 percent of the western half of the district. Two counties are 65 percent and 85 percent owned. These have some of the lowest per capita income in the Southeast. It is park, parkway, National Forest, and so forth. All the funds they have to derive, most of the money has to come from ad valorem taxes.

This body has placed on these counties a series of mandates in this Congress alone. We have the motor-voter bill that is going to pass about $50 million onto the States and counties. We have EPA regulations in the areas of landfills, we have OSHA, that is doing such things in the area of roofing as saying you cannot chew gum on a roof, so that is going to put a cost on any county building, any school, or any facility. We have the Americans With Disabilities Act.

Everywhere we look there is an additional mandate being placed on the counties. Yet we are saying that because the Federal Government owns most of those counties, we are not going to give them the extra dollars they need to meet these mandates. The ad valorem tax is the only thing they have left, essentially, to pay for schools, pay for health care, to do any of the improvements and charges that we put on the counties.

Mr. Chairman, we have taken their other revenue. We have said in national forests that they cannot harvest timber. We are saying they cannot mine, they cannot graze. In fact, there is a big sign on our public lands that says, "Thou shall not do anything with these publicly-owned lands." Consequently, they are deprived of the revenue that usually comes into the county governments to go to the educational programs.

Mr. Chairman, unless we allow the increase we are talking about, we are mandating costs to these counties and sending them further and further behind. We are condemning those counties with Federal lands to obscurity, poverty, and the inability to carry out any public services on the basis of the locality.

I think that is wrong. That is why I support S. 455 as it is now. As the gentleman from Utah [Mr. HANSEN] pointed out, this is a killer amendment. It comes down to whether or not Members want the counties to get these PILT funds and the increases or Members do not.

Mr. Chairman, I offer the top 10 reasons to support S. 455:

10. It's good policy. PILT was established in 1976 to provide an appropriate payment to local governments based on the presence of tax exempt Federal lands in their jurisdiction.

9. It has broad, bipartisan support. The Natural Resources Committee reported the bill 31–10. It passed the Senate last spring 79–20. PILT is supported by the National Association of Counties, and other organizations supporting law enforcement, education, and local construction. Conservation organizations like the Nature Conservancy and Sierra Club support PILT, understanding the inherent fairness of a local payment on the basis of Federal land holdings. 49 of the 50 States receive payments under PILT.

8. It's a sound program. Since its inception, no independent or governmental organization has suggested that PILT is either inefficient or ineffective in filling its basic purpose. No organization has suggested that the policy of PILT is in any way inappropriate or misdirected in accomplishing its goal.

7. It will actually happen. By passing the Senate bill—without amendment—we assure that this legislation goes directly to the President, marking an important accomplishment of the 103d Congress in appropriate support of local governments.

6. It's a compromise. We are cosponsors of H.R. 1181, legislation which would have provided the full 120 percent increased authorization in the first year of the bill. S. 455, the Senate passed bill, phases in this increase over 5 years.

5. It's moderate legislation which complies with the budget rules. The original PILT bill had no trigger for inflation; this bill retains the existing PILT formula while adjusting for the increase in inflation—120 percent—since 1976. The Congressional Budget Office scores the bill as increasing the authorization in $25 million increments in years 1995 through 1999, and states that the bill does not affect pay as you go requirements since these funds are subject to annual appropriations.

4. It's needed. PILT funds are the Federal fair share to help fund local

services—services which benefit the public users and managers of Federal lands. These services include law enforcement, road maintenance, search and rescue, and education. The problem is that PILT funds buy less than half the public services of the level in 1976.

3. It's simple. PILT provides a reasonable payment in lieu of the property taxes which would otherwise have been generated by federally owned lands. A county's PILT payment is determined by the total acreage of federal land; adjusted on the basis of the county population—more people, higher PILT—and adjusted on the basis of receipts from the sale of Federal natural resources—if a county's receipts are high, it's PILT is low.

2. PILT is the single major Federal program that has had no adjustment for inflation.

And the No. 1 reason to pass S. 455 is—it's fair. It's appropriate that the Federal Government make a fair share payment in lieu of taxes on the basis of Federal land holdings; it's also fair that this program be adjusted for inflation.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. JOHNSON], a great assist in our efforts.

Mr. JOHNSON of South Dakota. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, three very quick points, besides the fact that I have great respect for the chairman of the committee. Nonetheless, we are faced with a critical problem all across America with our counties being under enormous pressure as a result of the Federal holdings east and west across this country, and in creating a tremendous real estate tax burden in my State of South Dakota.

A point that needs to be made here, this underlying bill does not guarantee assent to any county anywhere in America. There is no entitlement to it. This has no pay-go implications. It simply allows the county to go to the Committee on Appropriations in future years to ask that their PILT formula be funded. It allows them to make the arguments on the merits. I think that is only fair, again.

Lastly, of course, the argument that has been made here repeatedly is that regardless of the merits of the amendment that is pending, the fact is that whether we like it or not, it is a killer amendment. If the amendment passes, it means that our counties all across this country will not have an opportunity to make an argument on the merits to the appropriators for an equitable share of financial resources to account for their lost tax base.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, I believe this is a very important amendment. The reason why I believe it is an important amendment is because we have been talking about, throughout this Congress, looking for ways to rein in automatic increases in spending. What we will be doing is ending our Congress by putting into place an automatic adjustment in spending.

As far as I know, Mr. Chairman, and as far as our staff has been able to determine, this would be the only area of discretionary spending that would have an automatic COLA increase built into it. Do we want to set this precedent at the end of the 103d Congress, that we should then look to other areas to have automatic COLA increases?

Mr. Chairman, this is in fact a very important amendment. If this amendment does not pass, then I do not think the bill should pass, because I believe this would be a very bad precedent to set at any time in the Congress, but especially to end the 103d Congress with an automatic escalator clause.

I think that is irresponsible. The National Taxpayers Union has spoken out loudly against this, and rightfully so.

Mr. Chairman, I would ask my colleagues to please join us in this effort, so we are not just adding to the statutes an automatic increase for the first time in discretionary spending.

Mr. HANSEN. Mr. Chairman, might I inquire as to the amount of time we have remaining?

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] has 1 minute remaining, the gentleman from Montana [Mr. WILLIAMS] has 3 minutes remaining, and the gentleman from Minnesota [Mr. VENTO] has 5 minutes remaining.

Mr. HANSEN. Mr. Chairman, I yield my remaining time to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I yield briefly to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just need to make the point, the previous speaker talks about built-in spending increases. That is not the case. That is not a fact. That is not true. There are built-in increases in authorization, not in spending.

Mr. KOLBE. Mr. Chairman, I appreciate gentleman's contribution.

Mr. Chairman, Let us be clear about this amendment. This is a red herring. This is an attempt simply to kill the idea that we should have payments in lieu of taxes to our countries, or any change in the formula to index it, to allow for an increase that we have not had for the last 20 years.

We know we cannot go to conference today. We know this kills it. This is a bill that is long overdue. This is not something where we are talking about States that are taking money.

This is not a handout. This is not an entitlement. This is because the Federal Government retains the ownership for more than 100 years of these lands and requires the countries to maintain basic services. This is a payment for those services.

We have a responsibility as a Federal Government to pay our fair share. That is why this amendment should be defeated, and we should allow this indexing of the authorization, not the appropriation, not the appropriation, but only of the authorization.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to the gentleman from the Sixth District of Ohio [Mr. STRICKLAND].

☐ 1550

Mr. STRICKLAND. Mr. Chairman, I strongly support the passage of S. 455 to increase Federal payments in lieu of taxes to local governments and schools. Some critics make the absurd claim that this legislation is an entitlement. PILT is not welfare. It is plain fair. This bill will increase the PILT formula to give local governments more fair compensation for the lost tax revenue caused by federally owned, tax-exempt land like the Wayne National Forest in my poor southern Ohio district. S. 455 will increase payments in my district from just over $47,000 to more than $200,000 in 5 years, and local governments, including my schools, will be assured that their payments from Washington will keep up with inflation. Amendments that would cut PILT payments after 2 years or say that the Frontier Local School District and others do not deserve to keep up with inflation are just plain wrong.

I urge my colleagues to reject the amendments and pass the bill to ensure fair compensation to our governments and our schools.

Mr. VENTO. Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield 1 minute to gentleman from the Third District of California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, first of all, I want to pay tribute to my friend, the gentleman from the First District of Montana [Mr. WILLIAMS], the Representative from Montana, for leading the fight that has brought us to this point.

I think it is evident to everybody here that if we do not act on this measure without amendment, it is dead, and we have one more time failed to keep faith with the communities across this country that have allowed Federal participation in their communities through Federal land ownership. We have not been keeping faith with them. Inflation has eroded the value of our payments. Communities—often small rural communities, counties, and cities—are suffering because we have been taking and not giving back.

This is the essence of the whole fight we have had here on mandates. This is even in my view worse, because instead of not paying for something we have mandated, in this case we have taken the land and we have not compensated the communities that have it no longer on the tax rolls.

We have an opportunity here to allow the authorization to move forward, but in no sense do we tell the subcommittee of the gentleman from Illinois [Mr. YATES] what it must appropriate.

So, for all the discussion about automatic increases, that is a red herring. The Committee on Appropriations will continue to struggle with whatever is required. We know it has never been what was authorized. But at least it is an effort here to give our communities what they deserve.

Please put aside all the rhetoric. Keep faith with our local communities that have contributed to public participation and enjoyment of our environment across this land.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, my colleague from Minnesota is absolutely correct. While it is understandable for advocates for payments in lieu of taxes to ask for an increase after an 18-year freeze on the funding level for this worthwhile program, it is not reasonable in my judgment to ask that we automatically index this payment for future years. Indexing is what got us in trouble with so much of our Federal budget today. Automatic increases should not be expanded to cover additional programs regardless how valuable.

We ought to analyze what the budget can afford and analyze what is fair in comparison to other priorities within the budget. An automatic increase should not be slated. Bear in mind, as well, this is not an entitlement program, this is a discretionary program, an annually appropriated program, which means an expected increase in this program each year would naturally come at the expense of other programs in the same part of the budget.

Let us not put further pressure on the valuable programs. Let us be reasonable, take this more slowly. At the very least, we ought to deny a COLA as part of this legislation. I urge support for the Vento-Miller amendment.

Mr. VENTO. Mr. Chairman, I yield the remainder of my time to the gentleman from California [Mr. MILLER], the chairman of the committee.

The CHAIRMAN. The gentleman from California [Mr. MILLER] is recognized for 4 minutes.

Mr. MILLER of California. Mr. Chairman, I would hope that Members would give very strong consideration to the passage of this amendment.

This amendment does no harm to this legislation. What this amendment does is it says we will treat this legislation the same as we treat every other piece of legislation in this Congress of discretionary spending.

If you do not support this amendment, what you are doing is taking this program that is scheduled to go up over 150 percent for the next 5 years and automatically indexing it into the future. No other discretionary spending program in the entire Federal Government is treated this way.

We just passed the authorization for the Elementary and Secondary Education Act that affects millions of school children. They got a 5-year authorization. Next year we are going to authorize the farm bill that affects millions of farmers and families. They get a 5-year authorization. We authorize the housing programs. They get a 5-year authorization. None of them get their programs indexed into the future so they can escape the review of the policy committees. And why are we going to do that? Not on the merits. We are going to do that because the Senate, the same Senate that has held program after program after program of Member after Member after Member of this body hostage, says that they do not want to discuss reforms. They do not want legislation with reform on it. They only want the money.

Your choice here is whether or not you are going to be responsible to your taxpayers. One of the speakers earlier today said, "You know, there hasn't been an increase in this program since 1976. But the price of bread has gone up since 1976." That is right.

But what has not gone up since 1976? The wages of middle-class working people in this country who go to work every day. Their real wages have fallen. But you are going to index this program. You are going to index this program that has no constraints on it, has no priorities, goes out simply based upon the amount of acreage, not based upon the burden, not based upon the benefit, not based upon offsets of other Federal dollars that we give to these exact same counties, to these exact same cities. we do not index the minimum wages of workers in this country. We do not index education dollars. We do not index WIC dollars for at-risk infants. We do not index crime money for troubled communities because of crime. But somehow we can index this money that so disproportionately goes to States with very few people and relatively few problems that people from other States who get chunk change, chunk change.

You get $48,000 in the State of New Jersey, and you think you have to support the effort because you might get $52,000. And Nevada is walking away with $8 million and New Mexico $10 million and California $10 million. You are playing for chunk change but you are giving away the principles here of automatic indexed Federal spending and you should not do it. Support this amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair reminds the Members again that they are not to characterize the actions of the other body in their debate.

The gentleman from Montana [Mr. WILLIAMS] is recognized for 1 minute to conclude the debate on this amendment.

Mr. WILLIAMS. Mr. Chairman, a Presidential candidate not so long ago used to say this: "Now here's the deal."

Well, here's the deal, my colleagues. You vote for this amendment, the bill dies. It is the last day of the session. So if you want PILT payments to be increased, vote no on this amendment, vote for the bill. That is the deal. It is that simple.

There is no automatic appropriation increase in this bill, none.

□ 1600

What is in this bill is the right for your county commissioners for the first time in almost 20 years to come and ask you to go to the appropriators and say, "Will you give us a little more," to your county commissioner than you got 18 years ago. If this amendment passes, the day comes again when that choice is taken away from you and your county commissioners and they are going to be stuck with no inflationary increase.

So here is the deal: Oppose this amendment. Let the appropriators have the choice. Give your counties a break and give your property tax payers a break. Every single State in this country with the exception of one, Rhode Island, benefits from PILT payments.

Vote against this amendment. Help those other States. Vote for this bill. Help your State, help your counties.

I also want to thank Mr. HANSEN for the cooperation we received from him and his staff, Mr. Alan Freemeyer and Mr. David Dye, and for the help of Mr. Jon Weintraub and Mr. David Blair of my staff.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 223, not voting 22, as follows:

[Roll No. 503]

AYES—195

Abercrombie
Andrews (TX)
Armey
Baesler
Ballenger
Barca
Barcia
Barrett (WI)
Beilenson
Bereuter
Berman
Blute
Boehlert
Borski
Bryant
Buyer
Cardin
Carr

Castle
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cox
Coyne
Crane
Danner
de Lugo (VI)
Dellums
Deutsch
Diaz-Balart
Dingell
Duncan
Durbin
Edwards (CA)
Ehlers
Engel
Ewing
Fawell
Fields (LA)
Filner
Fingerhut
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gonzalez
Goodling
Gordon
Grams
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastert
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hughes
Hutto
Inglis
Jacobs
Jefferson
Johnson (GA)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
King
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
Lambert
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
McCloskey
McCollum
McCrery
McHale
McHugh
McKinney
McMillan
McNulty
Meehan
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Olver
Owens
Oxley
Pallone
Payne (VA)
Pelosi
Penny
Petri
Pickle
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Reed
Regula
Reynolds
Roemer
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roukema
Royce
Rush
Sabo
Santorum
Sawyer
Saxton
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Shuster
Sisisky
Skaggs
Slaughter
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stark
Stearns
Swett
Synar
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Waters
Watt
Waxman
Weldon
Woolsey
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—223

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Archer
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Barlow
Barrett (NE)
Bartlett
Bateman
Becerra
Bentley
Bevill
Bilbray
Bishop
Blackwell
Bliley
Boehner
Bonilla
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Conyers
Cooper
Coppersmith
Costello
Cramer
Crapo
Cunningham
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (TX)
Fish
Flake
Foley
Ford (MI)
Frost
Furse
Gallegly
Gibbons
Gilman
Gingrich
Glickman
Goodlatte
Goss
Grandy
Gunderson
Hall (TX)
Hamburg
Hancock
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Hunter
Hutchinson
Hyde
Inslee
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kennelly
Kim
Kingston
Knollenberg
Kolbe
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Machtley
Manton
Martinez
Matsui
Mazzoli
McDade
McDermott
McInnis
McKeon
Meek
Menendez
Mica
Moakley
Molinari
Montgomery
Moorhead
Moran
Myers
Norton (DC)
Nussle
Oberstar
Obey
Ortiz
Orton
Packard
Parker
Pastor
Paxon
Payne (NJ)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Quillen
Rangel
Richardson
Ridge
Roberts
Rogers
Rose
Roth
Rowland
Roybal-Allard
Sanders
Sangmeister
Sarpalius
Schaefer
Schenk
Schiff
Scott
Shaw
Shepherd
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Snowe
Stenholm
Stokes
Strickland
Stump
Stupak
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Underwood (GU)
Unsoeld
Valentine
Vucanovich
Wheat
Williams
Wilson
Wise
Wolf
Wyden
Young (AK)

NOT VOTING—22

Applegate
Barton
Bilirakis
DeLay
Faleomavaega (AS)
Ford (TN)
Gallo
Houghton
Inhofe
Istook
Levy
Lewis (FL)
McCandless
McCurdy
Ravenel
Romero-Barcelo (PR)
Slattery
Studds
Sundquist
Tucker
Washington
Whitten

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Tucker for, with Mr. Barton against.

Mrs. MEEK of Florida, Messrs. HEFLEY, BACHUS of Alabama, SMITH of Michigan, DICKEY, and THOMPSON of Mississippi changed their vote from "aye" to "no."

Messrs. CRANE, SERRANO, SMITH of Texas, ROSTENKOWSKI, and BRYANT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1620

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. SHARP] having assumed the chair, Mr. LANCASTER, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 455) to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes, pursuant to House Resolution 565, he reported the Senate bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KLECZKA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR ACT OF 1993

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1348) to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Strike all after the enacting clause and insert the following:

TITLE I—QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR

SECTION 101. SHORT TITLE.

This title may be cited as the "Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994".

SEC. 102. FINDINGS.

The Congress finds that—

(1) the Quinebaug and Shetucket Rivers Valley in the State of Connecticut is one of the last unspoiled and undeveloped areas in the Northeastern United States and has remained largely intact, including important aboriginal archaeological sites, excellent water quality, beautiful rural landscapes, architecturally significant mill structures and mill villages, and large acreages of parks and other permanent open space;

(2) the State of Connecticut ranks last among the 50 States in the amount of federally protected park and open space lands within its borders and lags far behind the other Northeastern States in the amount of land set-aside for public recreation;

(3) the beautiful rural landscapes, scenic vistas and excellent water quality of the

Quinebaug and Shetucket Rivers contain significant undeveloped recreational opportunities for people throughout the United States;

(4) the Quinebaug and Shetucket Rivers Valley is within a two-hour drive of the major metropolitan areas of New York City, Hartford, Providence, Worcester, Springfield, and Boston. With the President's Commission on Americans Outdoors reporting that Americans are taking shorter "closer-to-home" vacations, the Quinebaug and Shetucket Rivers Valley represents important close-by recreational opportunities for significant population;

(5) the existing mill sites and other structures throughout the Quinebaug and Shetucket Rivers Valley were instrumental in the development of the industrial revolution;

(6) the Quinebaug and Shetucket Rivers Valley contains a vast number of discovered and unrecovered Native American and colonial archaeological sites significant to the history of North America and the United States;

(7) the Quinebaug and Shetucket Rivers Valley represents one of the last traditional upland farming and mill village communities in the Northeastern United States;

(8) the Quinebaug and Shetucket Rivers Valley played a nationally significant role in the cultural evolution of the prewar colonial period, leading the transformation from Puritan to Yankee, the "Great Awakening" religious revival and early political development leading up to and during the War of Independence; and

(9) many local, regional and State 'agencies businesses, and private citizens and the New England Governors' Conference have expressed an overwhelming desire to combine forces: to work cooperatively to preserve and enhance resources region-wide and better plan for the future.

SEC. 103. ESTABLISHMENT OF QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR; PURPOSE.

(a) ESTABLISHMENT.—There is hereby established in the State of Connecticut the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

(b) PURPOSE.—It is the purpose of this title to provide assistance to the State of Connecticut, its units of local and regional government and citizens in the development and implementation of integrated cultural, historical, and recreational land resource management programs in order to retain, enhance, and interpret the significant features of the lands, water, and structures of the Quinebaug and Shetucket Rivers Valley.

SEC. 104. BOUNDARIES AND ADMINISTRATION.

(a) BOUNDARIES.—The boundaries of the Corridor shall include the towns of Ashford, Brooklyn, Canterbury, Chaplin, Coventry, Eastford, Franklin, Griswold, Hampton, Killingly, Lebanon, Lisbon, Mansfield, Norwich, Plainfield, Pomfret, Preston, Putnam, Scotland, Sprague, Sterling, Thompson, Voluntown, Windham, and Woodstock. As soon as practical after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of boundaries established under this subsection.

SEC. 105. STATE CORRIDOR PLAN.

(a) PREPARATION OF PLAN.—Within two years after the date of enactment of this title, the Governor of the State of Connecticut is encouraged to develop a Cultural Heritage and Corridor Management Plan. The plan shall be based on existing Federal, State, and local plans, but shall coordinate those plans and present a comprehensive historic preservation, interpretation, and recreational plan for the Corridor. The plan shall—

(1) recommend non-binding advisory standards and criteria pertaining to the construction, preservation, restoration, alteration and use of properties within the Corridor, including an inventory of such properties which potentially could be preserved, restored, managed, developed, maintained, or acquired based upon their historic, cultural or recreational significance;

(2) develop an historic interpretation plan to interpret the history of the Corridor;

(3) develop an inventory of existing and potential recreational sites which are developed or which could be developed within the Corridor;

(4) recommend policies for resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Corridor's historical, cultural, recreational, scenic, and natural resources in a manner consistent with supporting appropriate and compatible economic revitalization efforts;

(5) detail ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(6) contain a program for implementation of the plan by the State and its political subdivisions.

(b) PUBLIC INVOLVEMENT IN PLAN DEVELOPMENT.—During development of the Plan, the Governor is encouraged to include:

(1) the participation of at least the following:

(A) local elected officials in the communities defined in section 104;

(B) representatives of the three Regional Planning Agencies defined in section 108;

(C) representatives of Northeast Connecticut Visitors District and Southeastern Connecticut Tourism District;

(D) the Commissioners, or their designees, of the Connecticut Department of Environmental Protection and the Connecticut Department of Economic Development;

(E) Director, or his designee of the Connecticut State Historical Commission; and

(F) residents of the communities within the Corridor as defined in section 104.

(2) hold at least one public hearing in each of the following counties: Windham; Tolland; and New London; and

(3) consider, to the maximum extent practicable, the recommendations, comments, proposals and other information submitted at the public hearings when developing the final version of the plan. The Governor is encouraged to publish notice of hearings discussed in subparagraph (2) of this paragraph in newspapers of general circulation at least 30 days prior to the hearing date. The Governor is encouraged to use any other means authorized by Connecticut law to gather public input and/or involve members of the public in the development of the plan.

(c) IMPLEMENTATION OF PLAN.—After review of the plan by the Secretary as provided for in section 106, the Governor shall implement the plan. Upon the request of the Governor, the Secretary may take appropriate steps to assist in the preservation and interpretation of historic resources, and to assist in the development of recreational resources within the Corridor. These steps may include, but need not be limited to—

(1) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in preserving the Corridor and ensuring appropriate use of lands and structures throughout the Corridor;

(2) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in establishing and maintaining visitor centers and other interpretive exhibits in the Corridor;

(3) assisting the State and local governmental entities or regional planning organizations, and nonprofit organizations in developing recreational programs and resources in the Corridor;

(4) assisting the State and local governmental entities or regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the historical and architectural resources and sites in the Corridor;

(5) assisting the State and local governmental or regional planning organizations and nonprofit organizations in the restoration of historic building within the Corridor identified pursuant to the inventory required in section 5(a)(1);

(6) encouraging by appropriate means enhanced economic and industrial development in the Corridor consistent with the goals of the plan;

(7) encouraging local governments to adopt land use policies consistent with the management of the Corridor and the goals of the plan; and

(8) assisting the State and local governmental entities or regional planning organizations to ensure that clear, consistent signs identifying access points and sites of interest are put in place throughout the Corridor.

SEC. 106. DUTIES OF THE SECRETARY.

(a) ASSITANCE.—The Secretary and the heads of other Federal Agencies shall, upon request of the Governor assist the Governor in the preparation and implementation of the plan.

(b) COMPLETION.—Upon completion of the plan the Governor shall submit such plan to the Secretary for review and comment. The Secretary shall complete such review and comment within 60 days. The Governor shall make such changes in the plan as he deems appropriate based on the Secretary's review and comment.

SEC. 107. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Corridor shall consult with the Secretary and the Governor with respect to such activities to minimize any adverse effect on the Corridor.

SEC. 108. DEFINITIONS.

For the purposes of this title.

(1) The term "State" means the State of Connecticut.

(2) The term "Corridor" means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor under section 3.

(3) The term "Governor" means the Governor of the State of Connecticut.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "regional planning organization" means each of the three regional planning organizations established by Connecticut State statute chapter 127 and chapter 50 (the Northeastern Connecticut Council of Governments, the Windham Regional Planning Agency or its successor, and the Southeastern Connecticut Regional Planning Agency or its successor).

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title: Provided, That not more than

$200,000 shall be appropriated for fiscal year 1995, and not more Secretary to carry out this duties under this title for a period not to exceed seven years; *Provided further*, That the Federal funding for the Corridor shall not exceed 50 percent of the total annual costs for the Corridor.

SEC. 110. NATIONAL PARK SERVICE.

The Corridor shall not be deemed to be a unit of the National Park System.

TITLE II—WEIR FARM NATIONAL HISTORIC SITE ADDITIONS

SEC. 201. SHORT TITLE.

This title may be cited as the 'Weir Farm National Historic Site Expansion Act of 1994'.

SEC. 202. PURPOSE.

The purpose of this title is to preserve the last remaining undeveloped parcels of the historic Weir Farm that remain in private ownership by including the parcels within the boundary of the Weir Farm National Historic Site.

SEC. 203. BOUNDARY ADJUSTMENT.

(a) ADJUSTMENT.—Section 4(b) of the Weir Farm National Historic Site Establishment Act of 1990 (Public Law 101-485; 104 Stat. 1171) is amended—

(1) by striking out 'and' at the end of paragraph (1);

(2) by striking out the flush material below paragraph (2); and

(3) by adding at the end the following:

'(3) the approximately 2-acre parcel of land situated in the town of Wilton, Connecticut, designated as lot 18 on a map entitled 'Revised Map of Section I, Thunder Lake at Wilton, Connecticut, Scale 1"=100', October 27, 1978, Ryan and Faulds Land Surveyors, Wilton, Connecticut', that is on file in the office of the town clerk of the town of Wilton, and therein numbered 3673; and

'(4) the approximately 0.9-acre western portion of a parcel of land situated in the town of Wilton, Connecticut, designated as Tall Oaks Road on the map referred to in paragraph (3).'.

(b) GENERAL DEPICITION.—Section 4 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

'(c) GENERAL DEPICTION.—The parcels referred to in paragraphs (1) through (4) of subsection (b) are all as generally depicted on a map entitled 'Boundary Map, Weir Farm National Historic Site, Fairfield County Connecticut', dated June, 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.'.

TITLE III—CANE RIVER CREOLE NATIONAL HISTORICAL PARK

SECTION 301. SHORT TITLE.

Titles III and IV of this Act may be cited as the "Cane River Creole National Historical Park and National Heritage Area Act".

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Natchitoches area along Cane River, established in 1714, is the oldest permanent settlement in the Louisiana Purchase territory;

(2) the Cane River area is the locale of the development of Creole culture, from French-Spanish interactions of the early 18th century to today's living communities;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, unlike the Cane River area, most are isolated examples, and lack original outbuilding complexes or integrity;

(5) the Cane River area includes a great variety of historical features with original elements in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, four other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefited from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs.

(b) PURPOSES.—The purposes of titles III and IV of this Act are to—

(1) recognize the importance of the Cane River Creole culture as a nationally significant element of the cultural heritage of the United States;

(2) establish a Cane River Creole National Historical Park to serve as the focus of interpretive and educational programs on the history of the Cane River area and to assist in the preservation of certain historic sites along the river; and

(3) establish a Cane River National Heritage Area and Commission to be undertaken in partnership with the State of Louisiana, the City of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

SEC. 303. ESTABLISHMENT OF CANE RIVER CREOLE NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—In order to assist in the preservation and interpretation of, and education concerning, the Creole culture and diverse history of the Natchitoches region, and to provide technical assistance to a broad range of public and private landowners and preservation organizations, there is hereby established the Cane River Creole National Historical Park in the State of Louisiana (hereinafter in titles III and IV of this Act referred to as the "historical park").

(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:

(1) Lands and structures associated with the Oakland Plantation as depicted on map CARI, 80,002, dated January 1994.

(2) Lands and structures owned or acquired by Museum Contents, Inc. as depicted on map CARI, 80,001A, dated May 1994.

(3) Sites that may be the subject of cooperative agreements with the National Park Service for the purposes of historic preservation and interpretation including, but not limited to, the Melrose Plantation, the Badin-Roque site, the Cherokee Plantation, the Beau Fort Plantation, and sites within the Natchitoches National Historical Landmark District: *Provided*, That such sites may not be added to the historical park unless the Secretary of the Interior (hereinafter referred to as the "Secretary") determines, based on further research and planning, that such sites meet the applicable criteria for national historical significance, suitability, and feasibility, and notification of the proposed addition has been transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the House of Representatives.

(4) Not to exceed 10 acres of land that the Secretary may designate for an interpretive visitor center complex to serve the needs of the historical park and heritage area established in title IV of this Act.

SEC. 304. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the historical park in accordance with this title and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461-467). The Secretary shall manage the historical park in such a manner as will preserve resources and cultural landscapes relating to the Creole culture of the Cane River and enhance public understanding of the important cultural heritage of the Cane River region.

(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, or other public or private entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of titles III and IV of this Act. Any funds donated to the Secretary pursuant to this subsection may be expended without further appropriation.

(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center on lands identified by the Secretary pursuant to section 303(b)(4). Such center shall provide for the general information and orientation needs of the historical park and the heritage area. The Secretary shall consult with the State of Louisiana, the City of Natchitoches, the Association for the Preservation of Historic Natchitoches, and the Cane River National Heritage Area Commission pursuant to section 402 of this Act in the planning and development of the interpretive center.

(d) COOPERATIVE AGREEMENTS AND TECHNICAL ASSISTANCE.—(1) The Secretary, after consultation with the Cane River National Heritage Area Commission established pursuant to section 402 of this Act, is authorized to enter into cooperative agreements with owners of properties within the heritage area and owners of properties within the historical park that provide important educational and interpretive opportunities relating to the heritage of the Cane River region. The Secretary may also enter into cooperative agreements for the purpose of facilitating the preservation of important historic sites and structures identified in the historical park's general management plan or other heritage elements related to the heritage of the Cane River region. Such cooperative agreements shall specify that the National Park Service shall have reasonable rights of access for operational and visitor use needs and that preservation treatments will meet the Secretary's standards for rehabilitation of historic buildings.

(2) The Secretary is authorized to enter into cooperative agreements with the City of Natchitoches, the State of Louisiana, and other public or private organizations for the

development of the interpretive center, educational programs, and other materials that will facilitate public use of the historical park and heritage area.

(e) RESEARCH.—The Secretary, acting through the National Park Service, shall coordinate a comprehensive research program on the complex history of the Cane River region, including ethnography studies of the living communities along the Cane River, and how past and present generations have adapted to their environment, including genealogical studies of families within the Cane River area. Research shall include, but not be limited to, the extensive primary historic documents within the Natchitoches and Cane River areas, and curation methods for their care and exhibition. The research program shall be coordinated with Northwestern State University of Louisiana, and the National Center for Preservation Technology and Training in Natchitoches.

SEC. 305. ACQUISITION OF PROPERTY.

(a) GENERAL AUTHORITY.—Except as otherwise provided in this section, the Secretary is authorized to acquire lands and interests therein within the boundaries of the historical park by donation, purchase with donated or appropriated funds, or exchange.

(b) STATE AND LOCAL PROPERTIES.—Lands and interests therein that are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation or exchange.

(c) MUSEUM CONTENTS, INC.—Lands and structures identified in section 303(b)(2) may be acquired only by donation.

(d) COOPERATIVE AGREEMENT SITES.—Lands and interests therein that are the subject of cooperative agreements pursuant to section 303(b)(3) shall not be acquired except with the consent of the owner thereof.

SEC. 306. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and in consultation with the Cane River heritage Area Commission, the National Park Service shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—

(1) a visitor use plan indicating programs and facilities that will be provided for public use, including the location and cost of an interpretive center;

(2) programs and management actions that the National Park Service will undertake cooperatively with the heritage area commission, including preservation treatments for important sites, structures, objects, and research materials. Planning shall address educational media, roadway signing, and brochures that could be coordinated with the Commission pursuant to section 403 of this Act; and

(3) preservation and use plans for any sites and structures that are identified for National Park Service involvement through cooperative agreements.

TITLE IV—CANE RIVER NATIONAL HERITAGE AREA

SEC. 401. ESTABLISHMENT OF THE CANE RIVER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Cane River National Heritage Area (hereinafter in this title referred to as the "heritage area").

(b) PURPOSE.—In furtherance of the need to recognize the value and importance of the Cane River region and in recognition of the findings of section 302(a) of this Act, it is the purpose of this title to establish a heritage area to complement the historical park and to provide for a culturally sensitive approach to the preservation of the heritage of the Cane River region, and for other needs including—

(1) recognizing areas important to the Nation's heritage and identity;

(2) assisting in the preservation and enhancement of the cultural landscape and traditions of the Cane River region;

(3) providing a framework for those who live within this important dynamic cultural landscape to assist in preservation and educational actions; and

(4) minimizing the need for Federal land acquisition and management.

(c) AREA INCLUDED.—The heritage area shall include—

(1) an area approximately 1 mile on both sides of the Cane River as depicted on map CARI, 80,000A, dated May 1994;

(2) those properties within the Natchitoches National Historic Landmark District which are the subject of cooperative agreements pursuant to section 304(d) of this Act;

(3) the Los Adaes State Commemorative Area;

(4) the Fort Jesup State Commemorative Area;

(5) the Fort St. Jean Baptiste State Commemorative Area; and

(6) the Kate Chopin House.

A final identification of all areas and sites to be included in the heritage area shall be included in the heritage area management plan as required in section 403.

SEC. 402. CANE RIVER NATIONAL HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—To assist in implementing the purposes of titles II and III of this Act and to provide guidance for the management of the heritage area, there is established the Cane River National Heritage Area Commission (hereinafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall consist of 19 members to be appointed no later than 6 months after the date of enactment of this title. The Commission shall be appointed by the Secretary as follows—

(1) one member from recommendations submitted by the Mayor of Natchitoches;

(2) one member from recommendations submitted by the Association for the Preservation of Historic Natchitoches;

(3) one member from recommendations submitted by the Natchitoches Historic Foundation, Inc.;

(4) two members with experience in and knowledge of tourism in the heritage area from recommendations submitted by local business and tourism organizations;

(5) one member from recommendations submitted by the Governor of the State of Louisiana;

(6) one member from recommendations submitted by the Police Jury of Natchitoches Parish;

(7) one member from recommendations submitted by the Concerned Citizens of Cloutierville;

(8) one member from recommendations submitted by the St. Augustine Historical Society;

(9) one member from recommendations submitted by the Black Heritage Committee;

(10) one member from recommendations submitted by the Los Adaes/Robeline Community;

(11) one member from recommendations submitted by the Natchitoches Historic District Commission;

(12) one member from recommendations submitted by the Cane River Waterway Commission;

(13) two members who are landowners in the residents of the heritage area;

(14) one member with experience and knowledge of historic preservation from recommendations submitted by Museum Contents, Inc.;

(15) one member with experience and knowledge of historic preservation from recommendations submitted by the President of Northwestern State University of Louisiana;

(16) one member with experience in and knowledge of environmental, recreational and conservation matters affecting the heritage area from recommendations submitted by the Natchitoches Sportsmans Association and other local recreational and environmental organizations; and

(17) the director of the National Park Service, or the Director's designee, ex officio.

(c) DUTIES OF THE COMMISSION.—The Commission shall—

(1) prepare a management plan for the heritage area in consultation with the National Park Service, the State of Louisiana, the City of Natchitoches, Natchitoches Parish, interested groups, property owners, and the public;

(2) consult with the Secretary on the preparation of the general management plan for the historical park;

(3) develop cooperative agreements with property owners, preservation groups, educational groups, the State of Louisiana, the City of Natchitoches, universities, and tourism groups, and other groups to further the purposes of titles III and IV of this Act; and

(4) identify appropriate entities, such as a non-profit corporation, that could be established to assume the responsibilities of the Commission following its termination.

(d) POWERS OF THE COMMISSION.—In furtherance of the purposes of titles III and IV of this Act, the Commission is authorized to—

(1) procure temporary and intermittent services to the same extent that is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable;

(2) accept the services of personnel detailed from the State of Louisiana or any political subdivision thereof, and may reimburse the State or political subdivision for such services;

(3) upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties;

(4) appoint and fix the compensation of such staff as may be necessary to carry out its duties. Staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive services, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(5) enter into cooperative agreements with public or private individuals or entities for research, historic preservation, and education purposes;

(6) make grants to assist in the preparation of studies that identify, preserve, and plan for the management of the heritage area;

(7) notwithstanding any other provision of law, seek and accept donations of funds or services from individuals, foundations, or other public or private entities and expend the same for the purposes of providing services and programs in furtherance of the purposes of titles III and IV of this Act;

(8) assist others in developing educational, informational, and interpretive programs and facilities;

(9) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; and

(10) use the United States mails in the same manner and under the same conditions as other departments or agencies of the United States.

(e) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government services are allowed expenses under section 5703 of title 5, United States Code.

(f) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(g) TERMS.—The terms of Commission members shall be for 3 years. Any member of the Commission appointed by the Secretary for a 3-year term may serve after expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(h) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report is made, and actions that are planned for the following year.

SEC. 403. PREPARATION OF THE PLAN.

(a) IN GENERAL.—Within 3 years after the Commission conducts its first meeting, it shall prepare and submit a heritage area management plan to the Governor of the State of Louisiana. The Governor shall, if the Governor approves the plan, submit it to the Secretary for review and approval. The Secretary shall provide technical assistance to the Commission in the preparation and implementation of the plan, in concert with actions by the National Park Service to prepare a general management plan for the historical park. The plan shall consider local government plans and shall present a unified heritage preservation and education plan for the heritage area. The plan shall include, but not be limited to—

(1) an inventory of important properties and cultural landscapes that should be preserved, managed, developed, and maintained because of their cultural, natural, and public use significance;

(2) an analysis of current land uses within the area and how they affect the goals of preservation and public use of the heritage area;

(3) an interpretive plan to address the cultural and natural history of the area, and actions to enhance visitor use. This element of the plan shall be undertaken in consultation with the National Park Service and visitor use plans for the historical park;

(4) recommendations for coordinating actions by local, State, and Federal governments within the heritage area, to further the purposes of titles III and IV of this Act; and

(5) an implementation program for the plan including desired actions by State and local governments and other involved groups and entities.

(b) APPROVAL OF THE PLAN.—The Secretary shall approve or disapprove the plan within 90 days after receipt of the plan from the Commission. The Commission shall notify the Secretary of the status of approval by the Governor or Louisiana when the plan is submitted for review and approval. In determining whether or not to approve the plan the Secretary shall consider—

(1) whether the Commission has afforded adequate opportunity, including public meetings and hearings, for public and governmental involvement in the preparation of the plan; and

(2) whether reasonable assurances have been received from the State and local governments that the plan is supported and that the implementation program is feasible.

(c) DISAPPROVAL OF THE PLAN.—If the Secretary disapproves the plan, he shall advise the Commission in writing of the reasons for disapproval, and shall provide recommendations and assistance in the revision of the plan. Following completion of any revisions to the plan, the Commission shall resubmit the plan to the Governor of Louisiana for approval, and to the Secretary, who shall approve or disapprove the plan within 90 days after the date that the plan is revised.

SEC. 404. TERMINATION OF HERITAGE AREA COMMISSION.

(a) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the first official meeting of the Commission.

(b) EXTENSION.—The Commission may petition to be extended for a period of not more than 5 years beginning on the day referred to in subsection (a), provided the Commission determines a critical need to fulfill the purposes of titles III and IV of this Act; and the Commission obtains approval from the Secretary, in consultation with the Governor of Louisiana.

(c) HERITAGE AREA MANAGEMENT FOLLOWING TERMINATION OF THE COMMISSION.—The national heritage area status for the Cane River region shall continue following the termination of the Commission. The management plan, and partnerships and agreements subject to the plan shall guide the future management of the heritage area. The Commission, prior to its termination, shall recommend to the Governor of the State of Louisiana and the Secretary, appropriate entities, including the potential for a nonprofit corporation, to assume the responsibilities of the Commission.

SEC. 405. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the Commission with respect to implementation of their proposed actions; and

(2) to the maximum extent practicable, coordinate such activities with the Commission to minimize potential impacts on the resources of the heritage area.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out titles III and IV of this Act.

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, this is a measure that comes back from the Senate that we sent there about a year ago. It provides for the designation of a heritage corridor, the Quinebaug and Shetucket Rivers. It provides for the addition of lands to the Weir Park, a historic park in Connecticut, and provides for a heritage corridor on the Cane River Creole National Historical Park in Louisiana.

These are all measures that were heard—the latter measure was heard in the committee—this Congress. The Weir Park issue had been an issue under consideration in the past Congress, and it is a good addition to the park, and I would urge my colleagues to support it. I want to commend especially the gentleman from Connecticut [Mr. GEJDENSON], for his persistence in pursuing his heritage corridor. This corridor was not a part of the package of the measures that we sent over, the Quinebaug and Shetucket Rivers were in a separate bill sent to the Senate about 1 year ago.

I thank the gentleman from Utah for yielding and urge the Members' support.

Mr. Speaker, H.R. 1348 establishes the Quinebaug and Shetucket Rivers Valley National Heritage Corridor consisting of 25 towns in the Quinebaug and Shetucket Rivers Valley in Connecticut. The legislation originally passed the House on September 13, 1994. Subsequently the Senate considered the measure on October 6, 1994 and has returned the bill to the House with an amendment in the nature of a substitute.

In lieu of what was provided for in the House-passed measure, the Senate amendment encourages the Governor or Connecticut to prepare a plan to provide for preservation, interpretation and recreation in the Heritage corridor with the input of the public and specified representatives of regional, State and local agencies. After review by the Secretary of the interior, the plan would be implemented by the Governor of Connecticut.

The Senate amendment also expands the boundaries of the Weir Farm National Historic Site in the State of Connecticut. These provisions are similar to S. 2064, introduced by Senator LIEBERMAN on May 3, 1994 and H.R. 4480, introduced by Representative FRANKS on May 24, 1994. This boundary expansion will allow the National Park Service to acquire an adjacent parcel of land.

Finally, the Senate amendment establishes the Cane River Creole National Historical Park and Cane River National Heritage Area in the State of Louisiana. These provisions are similar to S. 1980 which was introduced by Senator JOHNSTON on March 24, 1994. The park would consist of certain named plantations as well as a visitor center complex to be constructed. The heritage area would consist of areas along the Cane River, as well as other named locations in and around Natchitoches.

Mr. Speaker, while H.R. 1348, as amended, is not the legislation I would have preferred, I appreciate the time constraints we are under. These provisions are adequate to protect the resources in these areas, and I urge my colleagues support.

Mr. GEJDENSON. Mr. Speaker, I rise in strong support of H.R. 1348. I want to thank the gentleman from Minnesota [Mr. VENTO], the gentleman from California [Mr. MILLER], the gentleman from Utah [Mr. HANSEN], and the gentleman from Alaska [Mr. YOUNG], for their assistance in bringing this bill to the floor today.

Mr. Speaker, as many of my colleagues may remember, the House passed H.R. 1348 by a voice vote on September 13, 1993. Today, we are considering an amended version of the bill that passed the Senate by unanimous consent on October 7. Senators DODD and LIEBERMAN worked closely with Energy and Natural Resources Committee Chairman JOHNSTON as well as Ranking Member MALCOLM WALLOP to draft this amendment. In fact, this version of the bill is largely the result of close negotiations with Senator WALLOP and his staff. Senators JOHNSTON and WALLOP support this bill. I truly appreciate the efforts of these distinguished members of the other body.

H.R. 1348 has been amended in several ways. First, the Quinebaug and Shetucket National Heritage Corridor Commission has been eliminated. This bill encourages, but does not direct, the Governor to develop the cultural heritage and corridor management plan called for under the bill. The Governor can request the assistance of the Secretary of Interior in developing such a plan. Under my previous bill, the Commission was comprised almost entirely of local officials and residents. Without the Commission, it was necessary to amend the bill to include a section guaranteeing broad-based public participation in the development of the plan. The Governor is authorized to involve a wide range of people, including local elected officials, members of the regional planning agencies in the corridor, experts in historic preservation and economic development, citizens, and others. The plan will be implemented by the Governor with the assistance of the Secretary.

Under this amendment, no entity is authorized to acquire land through any means. The authorization of appropriations continues to be very modest, $200,000 in the first year and $250,000 in the succeeding years, and is limited to 7 years. This represents a reduction of 3 years from the House-passed bill. Like my earlier bill, the amendment limits Federal contributions to 50 percent of the total costs of the corridor in any given fiscal year. State, local, and other sources must cover the remaining half. Furthermore, the amendment makes it clear that the Quinebaug and Shetucket National Heritage Corridor shall not be considered a unit of the National Park Service.

Mr. Speaker, recently we have heard many Members of this body expressing their concerns about the possible effects of certain legislation on private property rights. These are legitimate concerns in light of our long tradition of valuing and protecting private property in this country. I share their desire to ensure that the interests of local land owners are protected and that is why I support the heritage corridor concept. Under this amendment, private property rights are completely protected. No entity is given authority to acquire property through any means. Land will stay in local hands and under local control. All zoning and land use regulations will remain unchanged. Neither the Governor nor the Secretary is authorized to change these local policies in any way. Zoning boards, elected officials, and residents will retain full authority over developing land use regulations within their communities. The role of the Secretary is advisory and technical in nature.

I want my colleagues to know that this bill has overwhelming support in the proposed corridor area. It is backed by residents who own property in my State. For of the past 3 years, we have had walking weekend tours which have drawn between 3,000 to 4,000 people each year for hikes, tours, lectures, archeological digs, and other events. Other than a few large fairs and a University of Connecticut basketball game, no other single event attracts so many people in my area of Connecticut. Local elected officials, regional planning agencies, the State of Connecticut, business groups, and a wide range of others strongly support this bill.

Finally, some have questioned whether the Department of Interior should have a role in supporting heritage corridors. I firmly believe that it should. In the eastern United States, it is impossible to place large tracts of land in traditional parks or monuments in order to protect natural resources or to provide recreational opportunities for residents. Current budgetary circumstances make large-scale land acquisition virtually impossible. Moreover, the residents of my area do not want the Federal Government to become a landlord.

At the same time, my area has nationally significant natural, cultural, and historic resources which are threatened and are worthy of protection. This area has been referred to as the "last green valley" between Boston and New York. It contains the birthplaces and homes of signers of the Declaration of Independence and the Constitution and includes massive 19th and early 20th century textile mills which powered the Industrial Revolution in our Nation. Small towns in this area lack the technical and financial resources to preserve and promote these resources on their own. The Department, especially the National Park Service, has the technical expertise to assist these communities. This assistance will allow local groups and residents to preserve and develop these resources which are intimately connected to some of the most significant events in our Nation's history. Under my bill, the Department plays a supporting role which is completely consistent with its mission as guardian of our natural, cultural, and historic resources.

In addition, I would briefly like to comment on the other two sections of this bill. TItle II expands the boundaries of the only national park in Connecticut, the Weir Farm, by adding about 3 acres. One acre will be donated and the other 2 will be acquired by the Service with unobligated funds set aside for land acquisition. This bill does not authorize any funds whatsoever. Finally, title III contains a bill introduced by Energy Chairman JOHNSTON to create a heritage area along the Cane River in Louisiana. Chairman VENTO has explained this portion of the bill adequately.

Mr. Speaker, this is a balanced bill which has been developed with the assistance and guidance of Senators JOHNSTON and WALLOP. Private property rights are completely protected, land will stay in local hands and residents in the area will retain full authority over local zoning and land use regulations. This bill has a limited time frame and an extremely modest authorization of appropriations. Finally, this amendment has the overwhelming support of a wide range of interests throughout the proposed corridor area. I urge my colleagues to support this important measure.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise in support of H.R. 1348, the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1993. The bill would establish the Quinebaug and Shetucket Rivers Valley National Corridor in Connecticut and a Commission within the Interior Department to assist with the management of the corridor. Most importantly, the measure includes my legislation to expand the boundary of the Weir Farm National Historic Site. The National Park Service is authorized to acquire the last two remaining undeveloped parcels of the historic Weir Farm that remain in private ownership. This requires no additional funding authority or appropriations. Although these parcels were a part of the historic Weir Farm and were identified as such when the State of Connecticut and the trust for public land began acquiring the land that eventually became the Weir Farm National Historic Site, the Federal legislation that designated the site moved more quickly than the negotiations between the State and the trust for public land. Not wanting to include land from an owner who was unwilling to be included within the boundaries of a national park site, the sponsors of the authorizing legislation removed these parcels from the boundary maps.

The legislation I introduced was prompted by an agreement between the owner of the land, the recent acquisition of the land by the trust for public land, and the expressed interest by the National Park Service of acquiring the land. The funds to do so have been appropriated, so no new funding authority or appropriations would be required.

Moving forward with this acquisition would preclude development of these last remaining privately owned undeveloped parcels. Because these parcels are directly in view of the most visited part of Weir Farm, their undeveloped state is necessary to preserve the aesthetic integrity of the site. This will preserve the landscape as it was in the late 19th and early 20th century when it was painted by those—led by J. Alden Weir—who became known internationally as the American impressionists.

The J. Alden Weir National Historic Site is the only site in the National Park System to commemorate an American painter and it is Connecticut's only national park.

Mr. Speaker, I support this legislation, and would urge my colleagues to support it as well.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota [Mr. VENTO]?

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4950, JOBS THROUGH TRADE EXPANSION ACT OF 1994

Mr. GEJDENSON. Mr. Speaker, I call up the conference report on the bill (H.R. 4950) to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, October 4, 1994, at page 27779.)

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. ROTH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

GENERAL LEAVE

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say that this legislation would not be possible without the cooperation of the gentleman from Wisconsin [Mr. ROTH] and other minority Members, particularly the gentleman from Nebraska, [Mr. BEREUTER], on the other side with whom we have worked diligently on this bill.

It is a noncontroversial measure that will substantially assist us in exports.

Mr. Speaker, I am pleased to present to my colleagues the conference agreement on the Jobs Through Trade Expansion Act of 1994 which will improve the effectiveness of U.S. export promotion programs and create jobs here at home.

This is a bipartisan piece of legislation with wide support in the business community. Both the National Association of Manufacturers and the Coalition for Employment through Exports endorse the bill.

The Jobs Through Exports Act will: Significantly enhance the ability of the United States Government to provide grants, loans, loan guarantees, and risk insurance for U.S. export projects and investments overseas; provide specific programs for the expansion of U.S. environmental exports; protect U.S. intellectual property overseas; and ensure the extension of all OPIC programs to Northern Ireland and the Republic of Ireland.

In addition, the bill will create at least 80,000 U.S. jobs.

Allow me to briefly explain the provisions of this bill. Title I extends the authority of the Overseas Private Investment Corporation for 2 years. OPIC offers U.S. investors assistance in finding overseas investment opportunities, insurance to protect those investments and loans, and loan guarantees to help finance projects. OPIC cannot insure or finance projects that would displace American workers. In fact, OPIC helped create over 24,000 U.S. jobs in 1993 alone.

In title II, we extend the authorization for the Trade and Development Agency for another 2 years. This Agency simultaneously promotes economic development and the export of U.S. goods and services to developing countries. TDA has estimated that for every $1 it spends, it generates $25 in U.S. goods and services.

Title III reauthorizes the funding for the export promotion programs within the International Trade Administration.

Title IV promotes the export of U.S. environmental technologies and products.

The last title involves intellectual property. Title V requires AID, in conjunction with Commerce's Patent and Trademark Office, to establish a program of training and technical assistance. The program is aimed at countries that have expressed a willingness to improve their record on intellectual property protection but lack the expertise or the resources to do so.

Before we vote on this measure I would like to extend a sincere thank you to my fellow Democrats and the Republican Members of the House for their support of the agreement. In particular, I want to extend a special note of thanks to Chairman HAMILTON, and Congressmen ROTH, GILMAN, and BEREUTER.

At this point in the RECORD I would like to include correspondence between the committee and the Committee on Ways and Means on this conference report.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, October 4, 1994.

Hon. SAM GIBBONS,
Acting Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write regarding H.R. 4950, the Jobs Through Trade Expansion Act of 1994.

As you may be aware, the Senate passed a one-year extension of the current authorities of the Overseas Private Investment Corporation on September 30, 1994 and requested a conference on H.R. 4950. It is my intention to appoint conferees, convene a meeting of the conference committee and file the conference report today, in order that the conference report will be eligible for House consideration before the end of the Congress.

Knowing of your interest in the section of the original House bill relating to the use of bonded public debt, I have attached the tentative conference agreement for your review. As you can see from the attached, it is our intention to adopt the Senate approach to this issue by simply extending OPIC's authority for two years and making other necessary technical adjustments to that authority.

With that understanding, and given the expedited timetable for this legislation, I would request that the Committee on Ways and Means forego representation on the conference on H.R. 4950.

Thank you for your attention to this request.

With best wishes, I am
Sincerely,
LEE H. HAMILTON,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 4, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write to you in response to your letter of earlier today regarding H.R. 4950, the Jobs Through Trade Expansion Act of 1994.

Thank you for informing me, in light of the Committee on Ways and Means' jurisdictional interest in the bill, that the Committee on Foreign Affairs is about to begin conference with the Senate on H.R. 4950. As our correspondence of September 22, 1994, acknowledged, H.R. 4950 contains one provision in the jurisdiction of the Committee on Ways and Means concerning the issuance of public debt.

Your letter describes the tentative conference agreement with regard to the provision extending and changing OPIC's borrowing authority and on that basis requests that the Committee on Ways and Means not exercise its jurisdictional right to be included in the House-Senate conference on H.R. 4950. Based on your assurance that the conference report will adopt the Senate approach and include only a simple two-year extension of the current-law authority for OPIC to borrow from the Department of the Treasury, the Committee on Ways and Means will not exercise its jurisdictional prerogative to be conferees in this case, with the understanding that this does not in any way prejudice its jurisdictional interests, now and in the future.

I wish to thank you for your cooperation in this matter and for your attention to the jurisdictional concerns of the Committee on Ways and Means. I look forward to working with the Committee on Foreign Affairs in the future, should any similar issues arise.

Sincerely yours,
SAM M. GIBBONS,
Acting Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise in support of the conference report on H.R. 4950, particularly title IV, the Environmental Export Promotion Act of 1994. Our Committee on Energy and Commerce shares jurisdiction with the Committee on Foreign Affairs on this title.

I call attention to the provisions that provide that environmental technology specialists in the United States and in the foreign commercial service will, among other things, be promoting in foreign countries the equal treatment of United States' environmental, safety, and related requirements—that is regulations and standards—with those of other exporting countries in order to promote the export of U.S.-made products. I also note that the provision includes participation of industries producing such products and of labor in the working group established by this title.

Mr. Speaker, this is an important change because the European Union and others are gaining an advantage over the United States by encouraging adoption of their regulations by the developing world. That serves their manufacturers very well, to the detriment of our industries.

In this regard, I insert in the record the following correspondence with the Secretary of Commerce:

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 1, 1994.
Hon. RONALD H. BROWN,
Secretary, Department of Commerce, Washington, DC.

DEAR MR. SECRETARY: Enclosed is a May 26, 1994 letter I sent to the Secretaries of State and Transportation and to the Environmental Protection Agency (EPA) concerning a proposal by the EPA and the National Highway Traffic Safety Administration (NHTSA) to amend the U.N. Economic Commission for Europe's (ECE) 1958 Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval of Motor Vehicle Equipment and Parts.

It is my understanding that the prime objective of these efforts to amend the 1958 agreement is to help U.S. firms export vehicles to the Pacific Basin, Asia, Latin America and elsewhere. Some reportedly believe that the European Union (EU) is gaining an advantage because other countries tend to gravitate toward EU regulations and adopt them as their regulations. That would purportedly provide an international process for treating U.S. regulations on an equal footing with those of the EU. However, the proposal is not limited to safety regulations or to motor vehicle regulations. It is in the clear economic interest of the U.S. to increase U.S.-made vehicle exports. I certainly have no objection to the purpose, particularly if it will, in fact, increase sales of U.S. vehicles made by U.S. labor. However, it is not clear to me that this proposal addresses the real issues hindering U.S. exports to other countries or that your Department, in particular, has participated in this matter or that your Department has taken all the necessary measures to open up markets in Asia, Latin America, and the African continent to vehicle exports from the U.S. Thus, I would appreciate your reply to the following:

1. Do you agree that nothing in U.S. law precludes U.S. auto firms from building vehicles according to the safety, emission, noise, and other standards of other countries and exporting them for sale in those countries? How and to what extent are you encouraging U.S. auto firms to export U.S. made vehicles to the Pacific Basin, Asia, Latin America, and Russia? To what extent does your Department, including its foreign embassy personnel, assist U.S. auto firms in identifying and removing obstacles to exporting U.S.-made vehicles to S. Korea, Malaysia, India, Indonesia, New Zealand, Australia, China, the Philippines, Singapore, Taiwan, Thailand, and Latin America? Which Commerce Department officials have this duty?

In a September 8, 1992 letter, the Commerce Department said it would "continue to respond aggressively to grievances raised by the U.S. industry including the automotive industry." That, however, is not a very satisfactory response because it suggests that the industry raise grievances. The government should not have to wait for the filing of grievances unless, of course, you are unaware of the barriers. Please explain this grievance approach.

2. Please provide an update on barriers to U.S. auto exports for each of the above listed countries and Latin America and explain what your Department is doing to remove them. Are they an obstacle to U.S. firms developing a market for U.S. exports?

3. What safety standards have each of these countries adopted? Do they recognize our safety standards as complying with theirs and do they allow self-certification?

4. What emission standards have each of these countries adopted? Do they require unleaded gasoline? If not, can U.S. built vehicles that meet U.S. emission standards with catalysts be sold in such countries? Is that a disadvantage?

5. Is the EU gaining an advantage through the 1958 agreement or otherwise by having uniform safety and other regulations for motor vehicles that are often adopted or followed by other non-EU countries in Europe and elsewhere? Is this a significant problem? Is it proper under international agreements? How is the U.S. dealing with it? To what extent do countries tend to adopt or prefer European or Japanese safety and emission standards over U.S. standards? Are such U.S. standards an obstacle in such countries to U.S. exports? Please explain.

6. Has the EU adopted noise standards for motor vehicles in Europe that require test procedures and test tracks that are not used in the U.S.? What is the effect of such requirements on U.S. auto firms? Has the U.S. protested? Are these standards consistent with our trade agreements?

7. Recent articles show significant smog in Thailand and other developing countries. Those same articles show that those countries receive significant exports of vehicles from Europe and Japan. What is being done internationally, with or without U.S. prodding, to encourage those countries to adopt stricter emission standards like those in the U.S.? To what extent are used vehicles from Japan exported by Japanese interests to these countries?

8. I understand that while the auto industry generally supports the goals encompassed by the NHTSA-EPA proposal, they also believe that becoming a Party to the ECE agreement will be a hollow gain if it is not followed with a fundamentally different approach in the preparation for, and participation in, overseas technical and regulatory meetings by the U.S. The auto industry and other industries are not satisfied that the U.S. has an effective and institutionalized policy and practice for regular consultation with U.S. industry and commerce on technical, economic, and marketing matters that arise in international meetings to develop regulations, agreements, protocols, etc. (I would add that all too often little effort is made to consult with labor as well.) Other countries, including Canada, conduct such consultants far more regularly. These industries also think there is a need for a program to objectively assess the functional equivalence of U.S. and EU regulations. I would appreciate your response to these criticisms—many of which I share—and an explanation of the actions you can and will take, working within the Administration, to address these concerns of many industries and labor.

At a recent briefing for our Committee about the next international meeting in August regarding the adequacy of commitments beyond the year 2000 under the Global Climate Convention, the State Department, Energy Department, and the EPA were represented. The Commerce and Treasury Departments and the Office of the Trade Representative were conspicuously absent. In short, the economic, trade, and commercial side of the Administration went unrepresented. Yet such interests concerned many of the congressional staff participating in the meeting. That suggests either a lack of interest or a failure on the part of these other agencies to actively include this side in all aspects of the preparations for such international meetings. There also is no evidence of such participation by that side of the Administration in the development of the NHTSA-EPA proposal for the 1958 agreement, and I would like to know why.

I request your response by July 15, 1994.

With every good wish.

Sincerely,
JOHN D. DINGELL,
Chairman.

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 26, 1994.
Hon. WARREN CHRISTOPHER,
Secretary, Department of State, Washington, DC.
Hon. FEDERICO PEÑA,
Secretary, Department of Transportation, Washington, DC.
Hon. CAROL M. BROWNER,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR SECRETARIES CHRISTOPHER AND PEÑA, AND ADMINISTRATOR BROWNER: On May 9, 1994, the National Highway Traffic Safety Administration's (NHTSA) Director of the Office of International Harmonization wrote to the Committee on Energy and Commerce to explain that NHTSA and the Environmental Protection Agency (EPA) have been granted authority by the Department of State to negotiate revisions to the U.N. Economic Commission for Europe's (ECE) 1958 Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval of Motor Vehicle Equipment and Parts. Last November the Working Party on the Construction of Vehicles (WP-29), which is a subsidiary of the ECE, circulated a proposal to revise the 1958 agreement. Prior to that, WP-29 reportedly agreed to this approach to encourage other countries, especially Japan, Canada, Australia, and the U.S., to become Parties to the 1958 Agreement. It is unclear why the ECE seeks such participation.

Attached to the NHTSA letter is a "draft Proposed Revised 1958 Agreement" developed by NHTSA and the EPA. It differs significantly from the WP-29 proposal of November 1993. The letter indicates that the U.S. plans to propose it at the 103rd session of WP-29 in June, apparently in lieu of the ECE proposal. The NHTSA letter does not explain why a substitute is needed. Also, NHTSA does not explain the role of the Secretaries of Energy, Commerce, Agriculture, and Treasury and the Chairman of the Consumer Product Safety Commission and the U.S. Trade Representative in developing the draft. Further, there is no indication that these agencies have sought the views of industry, labor, and others, although, the draft is being made available to both industry and consumer organizations to "inform them."

After more than 30 years of not wanting to be a Party, I do not understand why the U.S. is now rushing to become a Party. While there may be good reasons, they are not readily apparent.

I also have concerns about the draft proposal, particularly the broadening of the agreement to cover more than motor vehicles, such as locomotives, off-highway vehicles, lawn and garden equipment, bicycles, and trailers, and the impact on federal and state standards and regulations. Additionally, I question the need to expand the scope beyond safety to include energy and environmental matters, particularly in light of the existence of other international agreements, such as the Global Climate Convention, the North American Free Trade Agreement, and the General Agreement on Tariffs and Trade of December 1993. The agreement now in effect only deals with safety issues. I understand that in 1967 WP-29 established a subcommittee to develop regulations concerning pollution and energy, but obviously that subcommittee has not been effective.

Pursuant to Rules X and XI of the Rules of the House of Representatives, I therefore request your response to the enclosed questions. I also request that NHTSA and the EPA not submit any such draft to WP-29 until after your response has been adequately reviewed by this Committee.

With every good wish.

Sincerely,

JOHN D. DINGELL,
Chairman.

Enclosure.

QUESTIONS BY HON. JOHN D. DINGELL, CHAIRMAN, COMMITTEE ON ENERGY AND COMMERCE REGARDING NHTSA-EPA PROPOSAL FOR AMENDING THE 1958 ECE AGREEMENT CONCERNING ADOPTION OF UNIFORM CONDITIONS OF APPROVAL FOR MOTOR EQUIPMENT AND PARTS—MAY 26, 1994

1. Please provide a list of Parties to the ECE's 1958 agreement. In your opinion, why have Japan, Canada, and Australia not become Parties? In your opinion, what is the likelihood of each of these countries becoming a Party? Why does the ECE want these countries and the U.S. to join as Parties?

2. For some time, the U.S. has been engaged in extensive negotiations regarding the opening of Japan's markets. One area of continued controversy has been self-certification of automobiles to Japanese safety standards (see enclosed Commerce Department letter). How would this agreement help those negotiations, particularly if Japan fails to become a Party?

3. On several occasions, I have questioned the advantages to the U.S. of being a Party to the ECE Convention on Longrange Transboundary Pollution and subsequent protocols. The benefits to the U.S. have been minimal because our laws and regulations are generally more stringent. In fact, the U.S. recently declined to sign an ECE sulfur dioxide protocol because it was inconsistent with the Clean Air Act.

As I have noted, for more than 30 years the U.S. has declined to become a Party to the 1958 ECE agreement. One reason is that the 1958 agreement requires type approval for conformity with safety regulations, while the U.S. uses self-certification. According to an undated State Department Circular 175 memorandum from Daniel K. Tarullo to another official in the Department, another reason is that the U.S. did not want to "engage in a European common regulatory development forum nor incur reciprocal recognition obligations," although the U.S. has participated in WP-29 in a technical advisory capacity. Other than the self-certification issue, what has changed to cause the U.S. to now believe that becoming a Party is advantageous? In the past, WP-29 has not been an effective forum to harmonize safety standards. Please explain why and provide the basis for Mr. Tarulllo's comment that it is now becoming an "increasingly important forum." What influence are we trying to exert through this forum?

4. Mr. Tarullo adds that this agreement "could facilitate efforts to reduce barriers to trade in motor vehicles, and thereby improve the international competitiveness of the U.S. motor vehicle industry." The NHTSA-EPA draft, however, is not limited to that industry. Moreover, I understand that U.S. exports of vehicles to the European Union (EU) were less than one percent in 1993. I presume that this is because the Big Three auto companies already have manufacturing operations in Europe.

I also understand from a February 23, 1994 research paper by the Commission of the European Community that EU car exports to the U.S., Japan, and South Korea are decreasing. The document says it is "essential that the EU industry develops a world-wide sales basis which allows production cycles to be smoothed." The EU sees growth potential in Malaysia, the Philippines, and Indonesia, but local industry in those countries continues to be protected through high import duties, local content sales, or restrictive licenses. These are also problems for U.S. exports (see enclosed September 8, 1992 letter from the Commerce Department). The 1958 agreement and the draft do not address these other barriers. The lack of uniform standards and regulations is not cited as a barrier.

What trade advantages does the U.S. gain by becoming a Party to the 1958 agreement, particularly in light of the GATT agreement pending approval by the U.S.? How will this action improve international competitiveness of the U.S. motor vehicle industry, particularly if Japan, South Korea, Malaysia, India, Indonesia, the Philippines, and China are not Parties? How does it help the U.S. in Europe?

5. An EPA-NHTSA concept paper states: A potential benefit attendant to the adoption of common standards on a wider international basis would be improved global levels of motor vehicle safety and environmental protection. This is because mobile product rules are difficult for a country to develop, if that country has no such rules or is not a member of a body that supplies the country with mobile product rules. Further, the adoption of common standards on a wider international basis would significantly aid mobile product exports by reducing the potential of technical barriers to trade and thus would improve the competitiveness of these industries. It is costly for industry to certify a product to different standards, but it is even more costly to develop different versions of the same product for markets that have different, but very similar, standards.

I again note that the draft is not limited to motor vehicles.

What is being proposed by any country, including the U.S., that will result in the adoption of "common standards"? What is the likelihood of that occurring? Are U.S. manufacturers urging such action for Europe and elsewhere? Does this agreement provide greater benefits to the imports of other countries by giving them even easier access to our regulatory system than they now enjoy? Is that in our economic and employment interest?

6. The Circular 175 memorandum by Mr. Tarullo states that NHTSA and the EPA have "engaged in communications" with the Committee staff about the proposed agreement. That comment is misleading. The Committee staff was informed by letter a few days prior to the last WP-29 meeting that NHTSA and the EPA were going to that meeting to negotiate. The draft was only provided to us with NHTSA's May 9 letter. Please provide a copy of the signed Circular 175 memorandum and a copy of all internal and interagency memoranda, letters, and related documents in your files since November 1, 1993 regarding the Circular 175 authorization to negotiate and the development of the draft substitute.

7. The 1958 agreement requires that the Parties establish "uniform conditions for the approval of motor vehicle equipment and parts and for approval markings" and that they "recognize one another's approvals." A November 5, 1993 proposed ECE revision requires that the Parties establish regulations for wheeled vehicles, equipment and parts. The NHTSA-EPA draft states that it has been decided "to expand the mandate and scope of the existing forum that administers the 1958 Agreement to that of a world forum for the cooperative development of common or compatible standards and regulations governing the safety, environmental pollution and energy efficiency of vehicles and engines." Article 5 of the draft creates a "global registry of standards and regulations" comprised of national and regional standards and regulations of the Parties and standards and regulations developed with the forum as generally representing agreement among Parties that they are considered to be "common or compatible" with existing national or regional regulations. It establishes an "Administrative Committee" with each Party having one vote. Global regulations are established by vote of the Committee. The Committee "may evaluate comparability among regulations and issue comparability assessments" by vote. Votes under Article 5 must be unanimous.

As noted, WP-29 circulated draft amendments to the 1958 agreement in November 1993 which were adopted in principle by WP-29. What is the status of that draft and why is the U.S. offering at this late date a completely different draft rather than seeking to amend that draft?

The draft appears to permit self-certification. The WP-29 proposal does not appear to permit it. Has the WP-29 agreed to self-certification? If not, why not? What other countries approve vehicles through this method? Is self-certification an issue for locomotives and other vehicles and engines?

Please explain why it is in the interest of the U.S. and U.S. manufacturers and workers to provide for the development of safety, environmental and energy standards and regulations by an international group that is comprised of diplomats, politicians, and civil servants, and that decides by negotiation and the vote of Parties. Is the requirement for unanimous voting consistent with the United Nations' rules and procedures? (The ECE's November 1993 draft provides for a two-thirds majority.) Must the Parties always vote or can they decide by consensus?

While I have no objection to registering U.S. standards and regulations with this forum, I would like to understand the benefits to the U.S. of such registration. The NHTSA-EPA concept paper suggests that such registration would make them "available for adoption by countries that wish to regulate" their mobile sources. That seems quite speculative. Also, what is the need for comparability assessments and what is the effect of such assessments on competition and the U.S.?

In the case of emissions, U.S. standards result in the use of catalysts that require unleaded gasolines. To what extend do countries in Europe, Asia, and Latin America rely solely on unleaded gasoline and thus could adopt U.S. standards and technology? Which U.S. standards would be registered, the Federal emissions standards or California emission standards from the standpoint of increasing exports of U.S. made vehicles?

8. The draft states that each regulation in the registry must be a "performance" rule. I

believe that some U.S. rules, like the air bag rule established by Congress, are not performance rules. They are design rules. Is that correct?

Please explain the purpose of the provision in the draft that provides that regulations "may include optional levels of stringency."

The draft provides for binding arbitration in the case of disputes concerning the interpretation or application of the Agreement. Why does the U.S. want to submit to such arbitration?

9. The draft does not mention the word "new." Does it apply to both new and existing vehicle and engines? If yes, please explain why. Does it apply only to the manufacturers of vehicles or engines or does it apply also to the use and operation of such vehicles and engines under Federal and state laws?

10. The draft defines "vehicles and engines" to mean: "* * * any vehicles, mobile equipment and parts whose characteristics have a bearing on road safety, environmental pollution and energy efficiency, including, but not limited to, automobiles, motorcycles, mopeds, on-highway trucks and truck engines, agricultural and forestry tractors and their engines, off-highway mobile engines (such as commercial, industrial, construction, utility, lawn and garden, inland and recreational marine, locomotives and movable power sources), bicycles and trailers."

Please explain why NHTSA and EPA want to expand the 1958 agreement to cover such a broad and unlimited spectrum of "vehicles and engines." What are examples of commercial, industrial, construction, utility, and marine power sources? Why are locomotives and off-road vehicles included? Why does the draft exclude airplanes?

11. European countries have lagged far behind the U.S. in adopting U.S. mobile sources safety and pollution standards. How does this agreement change that? Please explain why the draft agreement is proposed to cover energy and environmental standards and regulations, particularly since 1967 the ECE has not covered them.

One Federal standard or rule applicable in the U.S. to foreign and domestic motor vehicles relates to fuel economy. Yet the EU is challenging that requirement in GATT. What is the status of that challenge? Why should the U.S. engage in negotiating to participate in the 1958 agreement when the EU is challenging one of our basic energy and environmental laws and when they have never adopted such an equivalent energy savings requirements for Europe?

12. A November 18, 1993 "Memorandum of Law" by the Assistant Legal Advisor for Economic, Business and Communications Affairs at the State Department lists some federal laws with regulations and standards that could be covered by the draft. It also states: "While U.S. states are generally preempted from establishing emissions standards for new motor vehicle or non-road engines or vehicles, section 209 of the Clean Air Act permits states to enact standards that are in the aggregate more stringent than the federal standards in this area. Thus, legislation may be required to overcome more stringent state law standards (if any) in order to permit the sale of vehicles meeting ECE regulations in all states."

The Circular 175 memorandum states: "The proposed agreement would not result in a reduction of the level of safety and environmental protection that U.S. law provides. The United States will maintain its right to opt out of any ECE adopted regulation if it fails to meet the level of U.S. standards. The United States will endeavor to include as one of the agreement's specific goals the raising of global levels of safety and environmental standards in addition to the current stated goal of eliminating technical barriers to trade."

These two statements appear inconsistent, although one refers to state rules and the other refers to Federal rules. While some federal laws occupy the field, that is not the case for the Clean Air Act. Please explain why the states should weaken their requirements in order to permit EU vehicles entry to U.S. commerce. Where does the draft ensure that U.S. requirements would not be weakened? What would be the process for deciding which states' rules and standards should be registered and for registering them? Please also list the federal laws under which regulations and standards are promulgated that are likely to be subject to this draft.

13. What agency would implement the agreement? What would be the annual cost and source of funds?

14. The memorandum says the draft has been "discussed" with the Industry Sector and Functional Advisory Committees. The NHTSA letter said the draft was being made available to both industry and consumer organizations "to inform them." Please provide a list of such organizations, as well as the membership of the two Committees. Is NHTSA and EPA also seeking the comments of such organizations, a well as of those of labor, environmentalists, the States and the users of these vehicles and engines? If yes, when is the deadline for comments? If not, why not?

THE SECRETARY OF COMMERCE,
Washington, DC, August 12, 1994.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the U.S. amendment to the U.N. Economic Commission for Europe's 1958 agreement for establishing uniform regulations regarding motor vehicle equipment and parts, including those affecting road safety.

In addition to the questions you provided us on the 1958 agreement, you also asked a number of questions concerning foreign barriers and the role of the U.S. Department of Commerce in facilitating U.S. automotive industry exports. We agree that the real issues concern all barriers to full participation in foreign motor vehicle markets. I appreciate your including us, along with the Departments of State and Transportation and the Environmental Protection Agency, in your inquiry process.

We are making every effort to prepare thorough replies to your questions and will be back in touch with you soon.

Sincerely,

RONALD H. BROWN.

Mr. Speaker, I again urge support for this legislation and express appreciation to the Committee on Foreign Affairs and their staff for their cooperative help in regard to this title.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, Jobs Through Export Expansion Act of 1994, will create 100,000 jobs for American workers. It is a bipartisan bill. I ask all Members to vote for this bill.

Mr. Speaker, as the ranking Republican member of the Foreign Affairs Trade Subcommittee, I rise to urge my colleagues to vote for this conference report. This legislation—the Jobs Through Trade Expansion Act—will create 100,000 jobs for American workers.

This is a bipartisan bill. I worked with our chairman, the gentleman from Connecticut [Mr. GEJDENSON] to craft a bill that every Member of this House can vote for. We passed our bill on September 19, on a voice vote.

A similar version was passed by the other body on September 30. Today we bring to the House a conference report that reflects the goals of our original bill.

We expand the Overseas Private Investment Corporation, which finances and insures American companies in their efforts to expand into overseas markets.

Last year alone, OPIC generated 1.6 billion dollars in American exports.

Our bill increases OPIC's operating ceiling so they provide even more assistance to American companies.

Our bill expands the Trade and Development Agency, which helps finance engineering and feasibility studies for large construction projects overseas.

TDA assistance gives American companies a leg up in winning the ultimate construction contracts on these projects. Evidence presented to our subcommittee confirms that TDA returns $25 in American exports for every dollar we invest in this program.

Our bill nearly doubles TDA's authorization, which will provide even more job-creating assistance.

This legislation extends the U.S. and Foreign Commercial Service, our front-line agency that helps American companies find export opportunities and beat the competition.

We also have included the provisions of H.R. 3818, our environmental export promotion bill.

This provision puts a priority on promoting environmental technology exports to the five biggest potential markets for environmental equipment.

We are the world leader in this field, which is a $300 billion annual world market. It will double over the next 6 years, providing enormous export opportunities.

This bill will improve our competitive position in this rapidly growing market.

Finally, we have authorized the use of foreign aid funds to help protect American intellectual property rights.

This will reduce the theft of patents, trademarks and other protected property of American entertainment, computer, engineering and related knowledge-based industries.

In short, Mr. Speaker, today we bring the House a good bill—a bill that creates jobs for American workers.

This legislation is supported by the National Association of Manufacturers and the National Coalition for Employment Through Exports.

I ask all my colleagues to join with me in voting for the jobs through Trade Expansion Act.

Ms. FURSE. Mr. Speaker, I rise today in strong support of H.R. 4950, the Environmental Export Promotion Act of 1994. This conference report is a landmark achievement for environmental businesses across the Nation, and is the result of a 2-year effort to expand exports of environmental technologies. I must thank my Chairman, Mr. STUDDS, for his work on this legislation and his friendship. Thanks are also due to my friend from Connecticut, Mr. GEJDENSON. As chair of the Foreign Affairs Subcommittee on Trade, the Export Promotion Act is the result of his collaboration with Chairman STUDDS and myself. Today would not be possible without his leadership and tireless efforts to craft a bill that will create thousands of jobs in America.

In Oregon, environmental technologies means jobs—good jobs. Environmental technologies, goods, and services are produced in my home State by 400 envirotech companies. These companies employ 14,000 Oregonians and the number increases every year. Importantly, the average salary in the environmental technology industry is about $31,000—a remarkable $9,000 higher than the next closest industry. These are truly the family wage jobs of the future. In fact, by the year 2000, it is estimated that the global environmental technology marketplace will triple to an estimated $600 billion. Environmental technologies are key to Oregon's and the Pacific Northwest's future economy.

It is important to point out that, due to our Nation's environmental protection laws, hundreds of American companies currently enjoy a huge comparative advantage in the production of environmental goods and services. The challenge facing the envirotech industry is linking all businesses that produce export-ready goods—from large corporations to small, entrepreneurial startups—with opportunities for success in the global marketplace. Direct access to world markets within a private-sector drive, clearly defined public/private partnership is the backbone of the Environmental Export Promotion Act.

Briefly, let me explain how the Environmental Export Promotion Act works. The Export Promotion Act helps promote a true public-private partnership in five key ways. First, it creates an Environmental Technologies Trade Advisory Committee to ensure that the private sector is at the table in designing export promotion strategies. Second, regional alliances are created to draw upon the expertise of existing envirotech business, and will build upon regional strengths. Third, environmental technology specialists in the U.S. Foreign and Commercial Service will be continuously identifying potential markets and customers for U.S. environmental technology companies, acting as a liaison for American business with foreign governments, and providing information on local business practices. Fourth, the newly created U.S. Export Assistance Centers will include information on environmental technologies and market possibilities. Fifth, international regional environmental initiatives, including trade missions, are also encouraged. For example, Oregon environmental technology firms have established key relationships in the Pacific Rim and Latin America; this legislation helps build these partnerships. An Environmental Technologies Project Advocacy Calendar is also created to assist in the dissemination of this information.

Think for a moment about the economic effects of a remediation project on a piece of community land. When you use environmental technologies to help restore land which has been rendered useless from contamination, for example, you pay the salaries of the envirotech firms which develop effective environmental products or services, you pay the salaries of the people who work and use that technology to clean up that land, and the entire community regains a previously lost asset. There are significant, tangible economic benefits at every stage.

In short, Mr. Speaker, the Environmental Export Promotion Act is about creating win-win situations. This act is important because it proves that protecting and enhancing our environment works hand-in-hand with job creation. Because of this bill, countries all across the globe will no longer be forced to look the other way when faced with serious environmental problems; they will have American envirotech businesses knocking on their door with solutions. As I've said before, this legislation is about cleaning up in the job market by cleaning up the globe.

Again, my thanks to Chairman STUDDS and Mr. GEJDENSON. I am proud that one of my top initiatives this Congress is on the verge of becoming a reality. I urge all my colleagues to give their strong support to the conference report on H.R. 4950, which includes the Environmental Export Promotion Act.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the conference report for H.R. 4950, the "Jobs Through Trade Expansion Act of 1994." This legislation reauthorizes the legislative charter of the Overseas Private Investment Corporation [OPIC], the Trade and Development Agency [TDA], and the International Trade Administration [ITA] of the Department of Commerce. Additionally, it promotes the export of environmental technologies and services and directs the Agency for International Development [AID] to assist developing countries in improving their protection of intellectual property rights.

Mr. Speaker, these export promotion agencies and these initiatives are absolutely critical to ensure the competitiveness of U.S. manufacturing and service industries. For example, the Trade and Development Agency helps U.S. exporters compete against foreign competitors for lucrative infrastructure projects in developing countries by providing grants which hire U.S. consultants and engineers for the planning and design of large multilateral development bank [MDB] projects. Therefore, I am especially pleased that this conference report reauthorizes the Trade and Development Agency for fiscal year 1995 at $77 million. This amount represents a substantial increase from former and current authorizations ($45 million) and therefore appropriately reflects the contribution this agency makes in promoting the export of U.S. goods and services.

Because U.S. consultants and engineers are more likely to design, for example, a multimillion dollar power generation plant in China with United States goods and services in mind, TDA grants ultimately ensure that United States goods and services are more likely to receive the detailed design, construction, equipment, and maintenance and resupply business for such MDB/financed projects over the long term.

Currently, Mr. Speaker, our European competitors and Japan greatly outspend the United States in this trust fund game to the detriment of U.S. exporters. The General Accounting Office recently reported that Japan, for example, currently outspends the United States by approximately $5 for every $1 we devote to this important purpose, and the United Kingdom just announced a $78 million tied-aid commitment to Vietnam.

Mr. Speaker, in the power generation market alone, investors and energy market analysts predict a whopping $1.8 trillion investment demand by the year 2010. Agencies such as the Overseas Private Insurance Company and the Trade and Development Agency help to ensure that small and medium-sized U.S. businesses can compete for the billions of dollars in service and manufactured goods which will design, construct, and operate massive infrastructure projects in the developing world.

Mr. Speaker, the State of Nebraska boasts of one of the lowest unemployment rates in the country. This may be due in large part to the fact that Nebraska led all but one State in dramatically increasing its exports 429 percent in the last 6 years. However, Nebraska's economy depends on small and medium-sized businesses to maintain its rapid growth and high standard of living. Agencies like the Overseas Private Investment Corporation and the Trade and Development Agency mostly benefit these small and medium-sized investors and exporters who would not be able to compete against foreign-subsidized competition without U.S. assistance.

In closing, this Member urges his colleagues to support the conference report for the Jobs through Trade Expansion Act of 1994. This legislation is necessary to ensure the competitiveness of United States goods and services through the promotion of exports and the protection of intellectual property rights worldwide.

Mr. GILMAN. Mr. Speaker, I rise in support of the conference report on H.R. 4950, The Jobs Through Trade Expansion Act of 1994, a bill reauthorizing the Overseas Private Investment Corporation [OPIC] and the Trade and Development Agency [TDA].

I am pleased that a provision in this legislation will permit OPIC to operate all of its programs in Ireland and Northern Ireland and thereby assist the peace process in that troubled part of the world.

I would like to thank the chairman of the International Economic Policy Subcommittee, Mr. GEJDENSON, and the ranking member of this subcommittee, Mr. ROTH, for their leadership in enacting this legislation.

The incorporation of an amendment will for the first time permit OPIC to operate all of its programs in Ireland and Northern Ireland. With its proven ability to attract private sector funding, OPIC programs can help to promote economic development and the prospects for a lasting peace in Northern Ireland. At this critical moment, I believe that OPIC, can play a key role in building a public and private partnership in support of the peace process.

In its report on this legislation, the Foreign Affairs Committee urges OPIC to undertake a feasibility study of an equity fund of up to $60 million for Ireland and Northern Ireland. A recently passed House resolution also urged the adoption of an OPIC equity fund effort for Ireland.

The report asks that the study be completed no later than 120 days after the date of enactment of this conference report. While it does not spell out the precise objectives of an equity fund for Ireland, I can only assume that if and when OPIC establishes such a fund, it will help to change the present inequalities, where unemployment among Catholics is roughly twice that for Protestants in many areas in Northern Ireland.

I would also note that the president of Sinn Fein, Gerry Adams, in his recent visit here, urged that any assistance to Northern Ireland should not be used to perpetuate the unsatisfactory economic status quo, and any such aid should follow the McBride principles, which the administration also supports, promoting human rights and equality among all citizens of Northern Ireland. These principles are also supported by States like New York and many cities, such as Chicago, New York, and New Haven.

A list of the MacBride principles and the cities and States that support them follows:

1. Increasing the representation of individuals from underrepresented religious groups in the work force, including managerial, supervisory, administrative, clerical and technical jobs.
2. Adequate security for the protection of minority employees both at the workplace and while traveling to and from work.
3. The banning of provocative religious or political emblems from the workplace.
4. All job openings should be publicly advertised and special recruitment efforts should be made to attract applicants from underrepresented religious groups.
5. Layoff, recall and termination procedures should not, in practice, favor particular religious groupings.
6. The abolition of job reservations, apprenticeship restrictions and differential employment criteria, which discriminate on the basis of religion or ethnic origin.
7. The development of training programs that will prepare substantial numbers of current minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees.
8. The establishment of procedures to assess, identify and actively recruit minority employees with potential for further advancement.
9. The appointment of a senior management staff member to oversee the company's affirmative action efforts and the setting up of timetables to carry out affirmative action principles.

STATES AND CITIES THAT SUPPORT MACBRIDE

Connecticut
Florida
Illinois
Kentucky
Maine
Massachusetts
Michigan
Minnesota
Montana
New Hampshire
New Jersey
New York
Pennsylvania
Rhode Island
Vermont
Virginia
Binghamton, NY
Boston, MA
Bridgeport, CT
Bucks City, PA
Burlington, UT
Cambridge, MA
Carbondale, PA
Chicago, IL
Cleveland, OH
Detroit, MI
Hartford, CT
Honolulu, HI
Kansas City, MO
Lackawanna County, PA
Lawrence, MA
Monroe, NY
Minneapolis, MN
Nashua, NH
New Haven, CT
New York, NY
Orangetown, NY
Philadelphia, PA
Pittsburgh, PA
Providence, RI
Rochester, NY
Rockland County, NY
San Francisco, CA
Saint Louis, MO
Saint Paul, MN
Scranton, PA
Springfield, MA
Tucson, AZ
Union City, NJ
Washington, DC
West Caldwell, NJ
Westchester County, NY
Wilmington, DE
Worcester, MA
Yonkers, NY

We must help end the discriminatory employment practices where the Catholic minority is more than two times likely to face discrimination, especially in the area of unemployment. Any OPIC projects should keep that goal in mind in Northern Ireland.

Mr. ROTH. Mr. Speaker, I yield back the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I have no further requests for time, I yield back the remainder of my time and I move the previous question on the conference report.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

□ 1630

PROVIDING FOR MANAGEMENT OF PORTIONS OF THE PRESIDIO

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 576 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 576

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5231) to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior. All points of order against the bill and against its consideration are waived. Debate on the bill shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. SHARP). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], and pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 576 is the rule providing for the consideration of H.R. 5231, legislation for the management and operation of the historic Presidio military post in San Francisco. The rule provides for consideration of the bill in the House. It waives all points of order against the bill and against its consideration. The rule also provides 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. Finally, Mr. Speaker, the rule provides for one motion to recommit.

Mr. Speaker, the Committee on Natural Resources requested this rule for H.R. 5231, a bill that is identical to H.R. 3433, as passed the House in August. The bill, as recently introduced, is needed to give the Senate the opportunity to act on this legislation. As my colleagues will recall, the Senate committee considering the bill we approved earlier added several unrelated provisions and has not returned it to the House in a timely fashion. H.R. 5231 is being considered with the hope that the plan can be approved before we adjourn. The lack of action on the legislation leaves the Secretary of the Interior without adequate authority to properly manage the Presidio, which the Department of the Army turned over to the Department of the Interior on October 1. The trust fund called for by H.R. 5231 is a responsible managerial and financial mechanism to reduce costs at the Presidio. The bill would save money, protect and improve Federal property, and free up appropriated money for other use in national parks.

Mr. Speaker, this rule and the legislation which it provides consideration for deserves the support of our colleagues. We urge approval of this rule so that we may proceed with consideration of this important legislation.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the Committee on Rules heard testimony on this rule at about 2 a.m. this morning, we were told that the bill providing for the management of the Presidio, which passed the House earlier this year, has become bogged down in the Senate.

A Senate committee has amended the original bill so that the spending in the bill is no longer subject to appropriation.

A hold has been put on the bill because of a plan to use it as a vehicle for another proposal.

This rule makes in order consideration of exactly the same text that has already passed the House back on August 18 of this year by a vote of 245 to 168.

There will be 1 hour of general debate and no amendments. However this rule allows for a motion to recommit which could include an amendment in its instructions.

Mr. Speaker, at the Rules Committee meeting I offered a motion for an open rule with the exception of the Ways and Means portion of the bill.

The Ways and Means portion contains the language making spending in the bill subject to appropriation.

My motion reflected the request of the ranking Republicans on both the Committees on Natural Resources and Ways and Means. Unfortunately, it was turned down by the majority on the Rules Committee.

Mr. Speaker, this rule is not the right way to do the business of the House. This is the second time in this Congress we have passed identical bills to send a message to the other body. It is not only a bad precedent, but a costly communications system.

In addition this rule prohibits amendments. This kind of a rule unnecessarily restricts the ability of the House to work its will on the legislation. We should do better than this.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	104	31	30	73	70

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 6, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993)
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993)
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993)
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993)
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993)
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994)
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994)
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994)
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994)

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	O	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	O	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	O	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	O	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	O	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	
H. Res. 544, Sept. 23, 1994	O	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	O	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A	A: Voice Vote (Oct. 5, 1994).
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A	F: 83–339 (Oct. 5, 1994).
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A	A: 384–28 (Oct. 6, 1994).
H. Res. 570, Oct. 5, 1994	MC	H. J. Res. 416: U.S. in Haiti	N/A	N/A	A: 241–182 (Oct. 6, 1994).
H. Res. 576, Oct. 6, 1994	C	H.R. 5231: Presidio Management	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I, too, yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. VENTO. Mr. Speaker, pursuant to House Resolution 576, I call up the bill (H.R. 5231) to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 5231 is as follows:

H.R. 5231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Presidio of San Francisco, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

(2) the Presidio is the oldest continually operating military post in the Nation dating from 1776, and was designated as a National Historic Landmark in 1962;

(3) preservation of the cultural and historic integrity of the Presidio for public use would give due recognition to its significant role in the history of the United States;

(4) the Presidio in its entirety will transfer to the jurisdiction of the National Park Service on September 30, 1994, in accordance with Public Law 92-589;

(5) as part of the Golden Gate National Recreation Area, the Presidio's outstanding natural, historic, scenic, cultural and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protect the Presidio from development and uses which would destroy the scenic beauty and natural character of the area;

(6) activities and management at the Presidio must be consistent with both the Act establishing the Golden Gate National Recreation Area (Public Law 92-589) and the General Management Plan for the Golden Gate National Recreation Area, as amended;

(7) the Presidio will be a global center dedicated to addressing the world's most critical environmental, social, and cultural challenges and a working laboratory at which models of environmental sustainability shall be developed;

(8) the Presidio, as an urban park, will be managed in a manner that is responsive to the concerns of the public and cognizant of its impact on the local community, and as a public resource, will reflect, in both activities and management, of the diversity that exists in the surrounding community; and

(9) the Presidio will be managed in an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources that could be utilized in the public interest.

SEC. 2. AMENDMENT OF ACT ESTABLISHING GOLDEN GATE NATIONAL RECREATION AREA.

(a) STATEMENT OF PURPOSES.—Section 1 of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), is amended by inserting the following after the second sentence: "In addition, the Secretary may utilize the resources of the Presidio of San Francisco to provide for and support programs and activities that foster research, education or demonstration projects, and relate to the environment, energy, transportation, international affairs, arts and cultural understanding, health and science.".

(b) ADMINISTRATION.—Section 4 of such Act is amended by adding the following new subsection at the end thereof:

"(g) INTERIM AUTHORITY.—(1) In addition to other available authorities, the Secretary may, in his discretion, negotiate and enter into leases, as appropriate, with any person, firm, association, organization, corporation or governmental entity for the use of any property within the Presidio in accordance with the General Management Plan and any of the purposes set forth in section 1 of this Act.

"(2) In addition to other available authorities, the Secretary may, in his discretion, enter into—

"(A) interagency permitting agreements or other appropriate agreements with the Secretary of Defense and the Director of the Federal Emergency Management Agency, and

"(B) leases with the American Red Cross, to house their activities and employees at the Presidio.

"(3) Any leases or other appropriate agreements entered into under this subsection shall be subject to such procedures, terms, conditions and restrictions as the Secretary deems necessary. The Secretary is authorized to negotiate and enter into leases or other agreements, at fair market value and without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), fair market value shall take into account the uses permitted by the General Management Plan and this Act. The preceding sentence shall not apply to any interagency permitting agreement entered into between the Secretary and the Secretary of Defense regarding the housing of activities and employees of the Sixth United States Army. For purposes of any such lease or other agreements, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to the leased properties.

"(4) The proceeds from leases under this subsection, and from concession and other use authorizations and from other services that may be provided by the recreation area under this subsection shall be retained by the Secretary for 5 years after the date of enactment of this paragraph or until the leased property is transferred to the Presidio Trust and shall be available without further appropriation and used to offset the costs of preservation, restoration, maintenance, improvement, repair and related expenses including administration of the above, incurred by the Secretary with respect to Presidio properties, with the balance used to offset other costs incurred by the Secretary in the administration of the Presidio.

"(5) Each lessee of a lease entered into under this subsection shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the lease have been and are being faithfully performed. The Secretary and the Comptroller General and their duly authorized representatives shall, for the purpose of audit and examination, have access to financial records pertinent to the lease and all the terms and conditions thereof.

"(6) The Secretary shall annually prepare and submit to Congress a report on property leased under this subsection.

"(7) In addition to other available authorities, the Secretary may, in his discretion, enter into cooperative agreements and permits for any of the purposes of the recreation area set out in section 1 of this Act.".

SEC. 3. THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established within the Department of the Interior a nonprofit public benefit government corporation to be known as the Presidio Trust (hereinafter in this Act referred to as the "Trust"). The Trust shall manage, in accordance with the purposes set forth in section 1 of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), and with this Act, the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio which is transferred to the Trust by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"). The Trust may participate in the development of programs and activities at the properties that have been transferred to the Trust.

(b) TRANSFER.—Except as provided in this subsection, the Secretary shall transfer to the Trust, under such terms and conditions as the Secretary deems appropriate, a leasehold in the following properties within the Presidio under the control of the Secretary: the Letterman-LAIR complex, Fort Scott, Main Post, Cavalry Stables, Presidio Hill, Wherry Housing, East Housing, the structures at Crissy Field, and such other properties, within the Presidio as the Secretary and the Trust deems appropriate. Any such property shall be transferred within 60 days after a request is made by the Trust. The leasehold shall be of sufficient term to enable the Trust to obtain necessary and beneficial financing arrangements and to carry out the purposes of this Act. The Secretary may withhold transfer to the Trust of any buildings necessary to house or support activities of the National Park Service. The Secretary may not transfer to the Trust any property irrevocably permitted to the Department of Army. The Secretary shall transfer, with any transferred property, all leases, concessions, licenses and other agreements affecting such transferred property. The Secretary may transfer any properties within the Presidio to the Trust not requested by the Trust subject to terms and conditions mutually agreed to by the Secretary and the Trust. All proceeds received by the Presidio Trust from the leasing of properties managed by the Trust within the Presidio shall be retained by the Trust without further appropriation and used to offset the costs of administration, preservation, restoration, operation, maintenance, repair, and related expenses incurred by the Trust with respect to such properties.

(c) BOARD OF DIRECTORS.—(1) The powers and management of the Trust shall be vested in a Board of Directors consisting of 13 members, as follows:

(A) The Director of the National Park Service.

(B) Secretary of the Army.

(C) Administrator of the Environmental Protection Agency.

(D) Ten individuals, who are not employees of the Federal Government, appointed by the Secretary within 6 months after the date of the enactment of this Act, 6 of whom shall have knowledge and experience in one or more of the fields of the environment, energy, transportation, international affairs, health, science, education, or any other such field related to the activities at the Presidio; 4 of whom shall have knowledge and experience in one or more of the fields of city planning, finance, real estate, labor or historic preservation. With respect to the 10 individuals, 5 shall meet the additional requirement of possessing extensive knowledge of the region in which the Presidio is located.

Each member of the Board of Directors specified in subparagraphs (A) through (C) paragraph (1) may designate (through written notice to the Secretary and Chairman of the Board) an alternative senior official (classified as Senior Executive Service) of his or her department or agency who may serve on the Board in his or her stead. The Secretary of the Army shall serve on the Board until such time as the Sixth Army Headquarters ceases to maintain a presence at the Presidio. In such an event, the Secretary of Energy shall replace the Secretary of the Army on the Board.

(d) TERMS OF BOARD MEMBERS.—Each member of the Board of Directors appointed under subparagraph (D) of subsection (c)(1) shall serve for a term of 5 years from the expiration of his or her predecessor's term; except that the Secretary, in making the initial appointments to the Board under subparagraph (D), shall appoint 3 Directors to a term of 2 years and 3 Directors to a term of 3 years. Any vacancy on the Board of Directors shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed. Each member shall continue to serve after the expiration of his or her term until his or her successor is appointed. No appointed director may serve more than 10 years in consecutive terms.

(e) ORGANIZATION AND COMPENSATION.—(1) The Board of Directors shall elect at the initial meeting a Chairman and a Vice Chairman from among the members of the Board of Directors. The Director of the National Park Service shall serve as Chairman until such time as the Board holds such election.

(2) The Board of Directors may establish an Executive Committee within the Board and other such committees within the Board as it deems appropriate, and delegate such powers to such committees as the Board determines appropriate to carry out its functions and duties. Any such committees established by the Board may meet and take action on behalf of the Board between meetings to the extent the Board delegates such authority. Delegations to such committees shall not relieve the Board of full responsibility for the carrying out of its functions and duties, and shall be revocable by the Board in its exclusive judgment.

(3) Members of the Board of Directors shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Trust.

(4) The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once every 6 months. A majority of the members of the Board of Directors (or their designated alternates) shall constitute a quorum. The Board shall hold at least one public meeting per year at the Presidio at which time the Board shall report on its operations, accomplishments and goals for the upcoming year.

(5) Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and other statutes defining legal liability.

(f) STAFF.—The Board of Directors shall have the power to appoint and fix the compensation and duties of an Executive Director and such other officers and employees of the Trust as may be necessary for the efficient administration of the Trust. Officers and employees of the Trust may be appointed and compensated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code (relating to classification and General Schedule pay rates), except that no such officer or employee may receive a salary which exceeds the salary payable to officers or employees of the United States classified a level IV of the Executive Schedule.

(g) EXPERTS AND CONSULTANTS.—The Board of Directors is authorized to procure the services of experts or consultants, or organizations, including but not limited to urban planners, architects, engineers, and appraisers.

(h) AUTHORITIES.—In exercising its powers and duties, the Trust shall act in accordance with both the approved General Management Plan, as amended (hereinafter in this Act referred to as the "Plan") and the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589: 86 Stat. 1299; 16 U.S.C. 460bb), and have the following authorities:

(1) The Trust shall manage, maintain, improve and repair those properties within the Presidio which are transferred to the Trust by the Secretary.

(2) The Trust shall publish and disseminate information and make known to potential occupants, by advertisement, solicitation, or other means, the availability of the property within the Presidio which the Trust manages.

(3) The Trust may prepare or cause to be prepared plans, specifications, designs, and estimates of costs for the rehabilitation, improvement, alteration, or repair of any property managed by the Trust, and from time to time may modify such plans, specifications, designs, or estimates.

(4)(A) The Trust may negotiate and enter into agreements, including contracts, leases, and cooperative agreements, with any person including any governmental entity) for the occupancy of any property within the Presidio which the Trust manages.

(B) Agreements under this paragraph shall be subject to procedures established by the Secretary under paragraph (5).

(C) Agreements under this paragraph may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(5) The Secretary shall establish procedures for agreements under paragraph (4), including a requirement that in entering into such agreements the Trust shall obtain such competition as is practicable in the circumstances.

(6) The Trust shall establish (through easements, covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure the maintenance, protection, and aesthetic character of the property managed by the Trust.

(7) The Trust may make commercially reasonable loans to the occupants of property managed by the Trust for the preservation, restoration, maintenance, or repair of such property.

(8) The Trust may provide technical assistance to the occupants of property managed by the Trust, to assist such occupants in making repairs or improvements to the property or applying for loans under paragraph (7) of this section.

(9) The Trust and the Secretary may solicit and the Trust may accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purpose of carrying out its duties.

(10) The Trust may retain any revenues from leases or other agreements concerning property managed by the Trust, including preexisting leases or agreements and any donations, and use the proceeds without further appropriation to offset any costs for any function of the Trust authorized by this Act, except for those moneys transferred to the Secretary as stipulated in paragraph (11).

(11) The Secretary and the Trust shall agree on an amount of revenues received by the Trust to be transferred to the Secretary, to be applied by the Secretary, without further appropriation or offset to appropriation, for common operating and maintenance expenses at the Presidio.

(12)(A) The Trust may not (directly or indirectly) borrow funds from any source other than the Secretary of the Treasury as provided in this paragraph.

(B) Except as provided in subparagraph (F), if at any time the funds available to the Trust are insufficient to enable the Trust to discharge its responsibilities under this Act, the Trust may issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy.

(C) The aggregate amount of obligations issued under this paragraph which are outstanding at any one time may not exceed $150,000,000.

(D) Obligations issued under this paragraph—

(i) shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and

(ii) shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(E) No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.

(F) The Secretary of the Treasury may purchase obligations issued under this paragraph only to the extent provided in advance in appropriation Acts.

(13) Upon the request of the Trust, the Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities with maturities suitable to the needs of the Trust, as determined by the Trust, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(14) The Trust may enter into and perform such contracts and other transactions with any person, firm, association, organization, corporation or governmental entity as may be necessary or appropriate to the conduct of activities authorized under this Act.

(15) The Trust may execute all instruments necessary or appropriate in the exercise of any of its functions under this Act, and may delegate to the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Trust.

(16) The Trust may obtain by purchase, rental, donation, or otherwise, such goods and services as may be needed to carry out its duties. In the event of the termination of the Trust, all property and unexpended funds shall be transferred to the Department of the Interior, except that such funds shall only be expended for the purposes of this Act.

(17) The Trust shall procure insurance against any loss in connection with the properties managed by it as is reasonable and customary; and shall procure such additional insurance for losses arising out of any of its authorized activities as is reasonable and customary.

(18) The Trust may sue and be sued in its name. All litigation arising out of the activities of the Trust shall be conducted by the Attorney General; the Trust may retain private attorneys to provide advice and counsel on transactional issues.

(19) The Trust may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised.

(20) The Trust shall have perpetual succession.

(21) The Trust shall have an official seal selected by the Board which shall be judicially noticed.

(22) The Trust shall have all necessary and proper powers for the exercise of the authorities invested in it.

(23) For purposes of complying with section 106 of the National Historic Preservation Act, the Trust may work directly with the National Park Service, the State Historic Preservation Office, and the Advisory Council on Historic Preservation and enter into programmatic agreements, where appropriate.

(i) USE OF FEDERAL PERSONNEL, FACILITIES, AND SERVICES.—The Secretary and the heads of other Federal departments and agencies may provide personnel, facilities, and other administrative services to the Trust to assist it in carrying out its duties under this Act. Furthermore, the Secretary and the heads of other Federal departments and agencies may loan or transfer to the Trust excess or surplus personal property deemed necessary for the management of the Presidio.

(j) TAXES.—Since the exercise of the powers granted by this section will be in all respects for the benefit of the people, the Trust is hereby declared to be devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of every kind of the State of California, and its political subdivisions, including the City and County of San Francisco.

(k) VOLUNTEERS.—The Secretary may accept, without regard to the Civil Service classification laws, rules, or regulations, the services of the Trust, the Board, and the officers, and employees and consultants of the Board, without compensation from the Department of the Interior, as volunteers in the performance of the functions authorized herein, in the manner provided for under the Volunteers in the Parks Act of 1969 (16 U.S.C. 18g et seq.).

(l) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from exercising any of his or her lawful powers within the Presidio.

(m) AFFIRMATIVE ACTION.—The Trust shall ensure that affirmative steps are taken, consistent with other Federal law, to afford equal access and equal opportunities for leases, concessions, contracts, subcontracts, and other contracting and employment opportunities to minorities, women, and other socially and economically disadvantaged individuals, commensurate with local availability.

(n) FINANCIAL RECORDS.—The financial records of the Trust shall be available for inspection by the Secretary, the Inspector General of the Department of the Interior, and the Comptroller General at any time and shall be audited by a reputable firm of certified public accountants not less frequently than once each year. Such audit shall be made available to the Secretary and the Congress. The Trust shall be subject to the provisions of the Government Corporation Control Act (31 U.S.C. 9109 et seq.), including the budget and credit provisions, except that the Trust shall submit its budget through and in consultation with the Secretary.

(o) LEASING.—In managing and leasing the properties transferred to it, the Trust should consider the extent to which prospective tenants maximize the contribution to the implementation of the General Management Plan and to the generation of revenues to offset costs of the Presidio. If the Trust has difficulty securing a tenant for a property under its control, it may enter into negotiation with a prospective tenant whose proposed use may be inconsistent with the approved General Management Plan. The Trust may not enter into a lease which is inconsistent with the approved General Management Plan unless the Secretary makes a finding that the proposed lease will not have a detrimental effect on the natural, historical, scenic and recreational values for which the Golden Gate National Recreation Area was established. For major leasing actions, the Trust shall submit the proposed lease to the Secretary of the Interior or his designee for a period of 10 working days for his review of the lease for consistency with the General Management Plan. Before executing the lease, the Trust shall consider issues of consistency raised by the Secretary or his designee.

(p) APPLICATION OF OTHER LAWS.—(1) All general penal statutes relating to the larceny, embezzlement, or conversion of public moneys or property of the United States shall apply to the moneys and property of the Trust.

(2)(A) Except as provided in subparagraphs (B) and (C), Federal laws and regulations governing procurement by Federal agencies shall apply to the Trust.

(B) The Secretary may authorize the Trust, in exercising authority under section 303(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 253(g)) relating to simplified purchase procedures, to use as the dollar limit of each purchase or contract under that subsection an amount which does not exceed $500,000.

(C) The Secretary may authorize the Trust, in carrying out the requirement of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) to furnish to the Secretary of Commerce for publication notices of proposed procurement actions, to use as the applicable dollar threshold for each expected procurement an amount which does not exceed $1,000,000.

(q) Golden Gate National Recreation Area Advisory Commission.—The Trust shall maintain liaison with the Golden Gate National Recreation Area Advisory Commission in matters relating to the General Management Plan, and shall meet with the Commission at least annually.

(r) Reversion.—In the event of failure or default, all interests and assets of the Trust shall revert to the United States to be administered by the Secretary.

(s) Report.—The Trust shall transmit to the Secretary and the Congress, annually each January, a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes, in general terms, the Trust's goals for the current fiscal year. The portion of the report containing the audited financial statement may be submitted at a later date, but no later than the first day of March of such year.

(t) Authorization of Appropriations for Presidio.—For purposes of the Presidio, including the Presidio Trust, there is authorized to be appropriated to the Secretary such sums as may be necessary, but the aggregate of funds appropriated for purposes of the Presidio (excluding the Presidio Trust) under this subsection and under the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb) may not exceed $25,000,000 in any one fiscal year. Funds appropriated under this Act (other than funds appropriated for operations) remain available until expended.

(u) Separability of Provisions.—If any provisions of this Act or the application thereof to any body, agency, situation, or circumstance is held invalid, the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

(v) The provisions of the Act of March 3, 1931 (40 U.S.C. 276a et seq.; commonly known as the Davis-Bacon Act), and the provisions of the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), shall apply to the Trust. All laborers and mechanics employed on the construction, rehabilitation, reconstruction, alteration, or repair of projects funded in whole or in part by the Trust and projects financed in whole or in part by loans, grants, loan guarantees, or any other assistance by the Trust shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a et seq.; commonly known as the Davis-Bacon Act). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

SEC. 4. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 5. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 6. PROHIBITION OF CONTRACTS.

It has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

The SPEAKER pro tempore. Pursuant to House Resolution 576, the gentleman from Minnesota [Mr. Vento] will be recognized for 30 minutes, and the gentleman from Utah [Mr. Hansen] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5231, replaces H.R. 3433, which was introduced by Representative Nancy Pelosi and passed by the House on August 18, 1994. The primary purpose of this legislation is to establish a public benefit corporation to lease and manage property at the Presidio in order to reduce costs to the Federal Government. Over the past several years, the Presidio has been the subject of extensive discussion and debate.

As of October 1, 1994, the Presidio, by law, was transferred from the U.S. Army to the National Park Service to be administered as part of the Golden Gate National Recreation Area [GGNRA]. This transfer was the result of the 1972 enabling legislation for GGNRA which required the Presidio be transferred to the National Park Service when it was determined to be excess to the Army's needs.

The 1,480 acre Presidio contains a wealth of natural, historical, and recreational resources. With 220 years of military history captured in over 500 historic buildings, natural beauty ranging from coastal bluffs to grasslands and forests, and abundant recreational opportunities, the Presidio is a unique place which is made even more remarkable by its location in the middle of a major urban metropolitan area. Sites throughout the Presidio provides views of the Pacific Ocean, the Golden Gate Bridge, the Marin headlands, San Francisco Bay, and the skyline of San Francisco. The Presidio also contains numerous recreational resources where visitors hike, bike, and tour scenic trails and drives. The Golden Gate National Recreation Area is currently the most visited unit of the National Park System, and the addition of the Presidio will provide millions of national and international visitors with the opportunity to enjoy and learn from this truly unique area.

The challenge facing us is to preserve the national assets of the Presidio in a manner which is sensitive to the budgetary constraints of the Federal Government. This concern is bipartisan and it is shared by Congress and the administration. The Congress has already acted once to reduce costs at the Presidio by authorizing the National Park Service to lease the 1.8 million square foot Letterman/Lair hospital complex. The measure we are considering today takes the next step by establishing a public benefit Government corporation to lease the remaining Presidio properties and reinvest the lease income into repair and rehabilitation of structures.

The activities of the National Park Service and the trust will be closely monitored by the authorizing and appropriations committees of Congress. The bill ensures that the activities of the trust are consistent with both the purposes of the act establishing the GGNRA and the approved general management plan of the Presidio. The Secretary of the Interior has the authority to review major leases for consistency with the general management plan. The bill also contains a number of other provisions to increase accountability including requirements for public meetings and maintaining liaison with the GGNRA Advisory Commission as well as other financial reporting requirements.

H.R. 5231 is an important measure which provides for the responsible management of the numerous nationally significant resources of the Presidio. I urge my colleagues to support the bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. Pelosi].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Minnesota [Mr. Vento] for yielding this time to me, and for his leadership and cooperation in bringing this legislation once again to the floor. I want to also commend the chairman of the full Committee on Natural Resources, the gentleman from California [Mr. MILLER] for his leadership on it, and the gentleman from Utah [Mr. HANSEN] as well, even though we are not in agreement, for his graciousness in opposition. I also want to thank the gentleman from Florida [Mr. GIBBONS], the chairman of the Committee on Ways and Means, and the gentleman from Missouri [Mr. GEPHARDT], the majority leader, for their assistance in making it possible for us to consider this legislation today.

□ 1640

The gentleman from New York [Mr. SOLOMON], in the debate on the rule, mentioned to the body why it is necessary for us to bring this same legislation up again. I would like to just add to his remarks by emphasizing that this legislation is identical, not one word different, from legislation that passed the House in August and was voted upon and passed the House.

The reason we are bringing it up again is because it is the last day of session. We have not received our bill back from the Senate. It is necessary for us to put the ball back in their court as we adjourn and they approve the legislation so that the much-needed Presidio trust can be put in place.

Mr. Speaker, last weekend, the Presidio changed from an Army post to a national park. So it is necessary for us to have this legislation right now because this park is born.

I think that we can stipulate to the fact that Members have seen the historic value, the value, the biological diversity of the park. It is the only urban park that is a U.S. biosphere in the United States. It is rich in history as far as the U.S. Army is concerned. And its magnificent vistas will be enjoyed for generations to come as a national park.

It was quite a moving occasion to see the Army flag replaced by the national park flag. Of course, the Army flag will still fly there, but side by side with the national park flag.

I say that to emphasize the fact that it is a park; the transition has taken place. This legislation is necessary, and that is why we are taking the unusual measure of reintroducing the bill and sending it over to the Senate.

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we are, deja vu all over again. This same bill is sitting over in the Senate right now. I am really tempted to deliver the same speech I did 50 days ago, when we last considered this bill. I did not think it was a good bill then. I do not think it is a good bill now.

We have all gone through the reasons and we have all talked money and all the things we did earlier. Instead of spending time on this measure, I refer my colleagues to the debate on pages 23137 through 23141 in the CONGRESSIONAL RECORD dated August 18, 1994.

Mr. ALLARD. Mr. Speaker, I hope Members are listening carefully to the discussion and fully understand exactly what is happening with this rule we are now considering.

If this rule passes, and I stress if because I intend to oppose and seek a vote on this rule, Members of this body will be spending several hours of our final day discussing a bill which is identical to what was agreed to on this floor just 50 days ago and which cannot be amended. A bill which was just introduced at 1:30 a.m. this morning and on which a rule was reported 45 minutes later.

We will spend several hours discussing a bill identical to one which is sitting in the Senate.

Further, we know that the Senate committee of jurisdiction opposes this version of the bill, because they amended it; it is also opposed by the chairman of the responsible Senate Appropriations Committee. In fact, I believe even the sponsor of the bill does not support this version of the bill.

I am sympathetic to the sponsors of this bill that the measure has not moved in the Senate. In fact, the Senate Energy Committee has about 50 of our Natural Resources bills reported from the committee and waiting for action on the Senate floor.

Should we reconvene the Rules Committee and ask them to issue 50 rules so that this body can spend time on each of these important bills?

What about bills of the other 26 committees, don't they deserve equal consideration?

The two fundamental questions we should ask before you vote on this rule are: First, is this action essential from a time perspective? And second, do we have a guarantee that if we pass the same bill again it will be agreed to?—the answer to both questions is no.

The fiscal year 1995 Interior budget is passed and signed into law. It provides $25 million for the Presidio. Even if we pass this bill today it would not increase funding for the Presidio one nickel. Further, we have also enacted legislation to allow NPS to lease the most valuable property at the Presidio. Further, legislation today is not essential for the basic preservation or management of this site over the next 12 months.

What assurances do we have that 100 Senators have agreed to this version of the bill? The fact is, that we have ample evidence that the Senate opposes this version of the Presidio bill.

Further, there is absolutely nothing which prevents the Senate from taking the Presidio bill right now and passing it, except that there is no agreement on the bill.

Passing this bill changes nothing in the Senate and wastes the time of Members of this body.

Therefore, I believe we should vote. Members who don't want to waste their valuable time on passing a bill now sitting in the Senate should vote "no" on this rule.

Mr. HANSEN. Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I would point to the excellent debate record that occurred, with the votes on this bill, on August 18, 1994. I see no need to reiterate my thoughts at this time.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHARP). Pursuant to House Resolution 576, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 134

Mr. HUNTER. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of House Concurrent Resolution 134.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO THE HONORABLE DOUGLAS APPLEGATE AND MEMBERS RETIRING FROM COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

(Without objection, Mr. TRAFICANT was given permission to address the Houses for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when I came to this body 10 years ago, there was a fellow in the neighboring district by the name of DOUGLAS APPLEGATE who is now chairman of the Subcommittee on Water Resources and Environment of the Committee on Public Works and Transportation.

The gentleman from Ohio [Mr. APPLEGATE] is leaving the Congress, is retiring.

I just wanted to say on the House floor that he will be very much missed. He was a dear friend and a mentor. He helped many Members in this body. He is one of the finest human beings I have ever met.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I want to thank the gentleman from Ohio, my friend for calling attention to the fact that the gentleman from Ohio, DOUG

APPLEGATE, like myself, is leaving the Congress.

DOUG is a very nice person, one I very much enjoyed working with. I completely join with the gentleman from Ohio in his sentiments expressed today.

Mr. TRAFICANT. Mr. Speaker, I also would like to say the gentleman from Kentucky [Mr. MAZZOLI], as well, a great Member, we will miss him dearly, and many others member of the Committee on Public Works and Transportation, the gentleman from the Virgin Islands [Mr. DELUGO], the gentleman from North Carolina [Mr. VALENTINE], the gentleman from Illinois [Mr. SANGMEISTER], there are many Members that are leaving this body and retiring.

I just would like to conclude and say that the gentleman from Ohio [Mr. APPLEGATE], helped me as much as anybody in my entire life. I will miss him dearly.

He is a dear friend. I love him.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1569, MINORITY HEALTH IMPROVEMENT ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 574

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 574 provides for the consideration of the conference report on S. 1569, the conference report on the Minority Health Improvement Act of 1994.

The rule waives all points of order against the conference report and against its consideration.

The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the conference report on S. 1569, the bill for which the committee has recommended this rule, is crafted to strengthen Federal programs designed to improve the health status of minorities through the delivery of health care services, training of health professionals, and expanded research and data collection.

This legislation includes an important provision which I drafted to address serious problems confronting women scientists employed at the National Institutes of Health.

Several studies, hearings and task force investigations have been conducted concerning the employment climate at the NIH. In 1993, it was found that disparities and inequities existed for women scientists with regard to pay, tenure, mentoring, promotion and visibility. Underrepresentation of women scientists was found at the more senior levels of the Institutes: only 18 percent of the tenured women scientists at NIH were women, despite the fact that women make up 30 percent of PhD's in the life sciences and medicine.

In May of this year an EEOC report on employment conditions at NIH found that women scientists were leaving the NIH at a rate above their representation in the work force. And entry-level pay for women and minority scientists was lower than for entry-level white male scientists.

Other problems with harassment, discrimination and a pervasive mistrust of the Institute's Equal Employment Opportunity office were also raised.

I have met recently with senior staff at NIH, including the director. And I have been heartened by the Institute's response to many of these problems. I do not doubt their commitment to bring about deep and lasting changes in the culture of this large organization.

Still, I believe it is important for the Congress to enact a legislative response to help support and speed up the process of equalizing opportunity for the women scientists at NIH. That is why I introduced a bill calling on the NIH to establish policies relating to employment of women scientists. These include defining the standard tenure process for all scientific fellows, and calling on the Director of NIH to establish a standard family, including maternity, leave policy throughout the organization. Special consideration should also be given to development of a policy on the recruitment of minority women into tenured posts. And the NIH would be directed to require significant participation of women scientists in intramural and extramural conferences, workshops, congresses and other events funded or sponsored by NIH. Finally, the legislation calls for a study to identify pay differences between women and men scientists, and this information would be open and available to all NIH scientists.

For too long, women in the workplace have put up with substandard treatment and lower pay. It is time for this behavior to end at the Federal Government's premier medical scientific research establishment. I look forward to continuing to work with the NIH to improve conditions for women scientists.

Mr. Speaker, I urge my colleagues to support both the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, although I do not favor blanket waivers, I will not object to adoption of this rule. The House version of the Minority Health Improvement Act passed by voice vote earlier this year, and although there may be some controversy over the cost of the final measure and over some of the provisions, we can discuss these issues thoroughly during general debate and vote accordingly.

Mr. Speaker, numerous bills come before the House during these last hectic hours of Congress, and we are not always given sufficient time to review the provisions of all legislation.

□ 1650

Mr. Speaker, I urge my colleagues to pay close attention to the debate on these final measures before casting their votes. Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANTIQUATED PROCEDURES IN THE OTHER BODY BOTTLE UP ACCOMPLISHMENTS OF CONGRESS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I have had an interesting day, where many of the members of the press called me out and said, "Isn't it a shame that this Congress did not do anything?" I have been saying, "They did something. They did a lot of things."

The amazing thing to me is that there have been individuals in the other body that have been able to stop everything that has transpired over here. That is really more power than a President has. If a President uses a veto, we have the right to at least attempt a veto override with two-thirds.

However, Mr. Speaker, there are certain procedures that have grown up over the centuries on the other side of this building where one person can stop what the President wants, what a majority of both Houses want, and there is not anything we can do about it. It is pretty shocking to me that lobbying reform, campaign finance reform, putting the House under the same rules that we pass for everyone else, things like that that there is a tremendous consensus on, one person can stop. I think that has been the real problem.

Mr. Speaker, I just really hope that we get the story straight, because there has been a phenomenal agenda here this year, and many, many good bills have passed. Unfortunately, certain people are able to totally bottle them up. I wish I could do a wanted sign with the faces of those bottlers on it, so people could really find out what happened, because I do not think that is democratic, with a small "d", and I resent very much having this whole body get smeared by those kinds of practices.

RECESS

The SPEAKER pro tempore (Mr. SHARP). Pursuant to clause 12 of rule I, the Chair declares the House in recess for 5 minutes.

Accordingly (at 4 o'clock and 53 minutes p.m.) the House stood in recess until 4:58 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GONZALEZ) at 5 p.m.

CONFERENCE REPORT ON S. 1569, MINORITY HEALTH IMPROVEMENT ACT OF 1994

Mr. WAXMAN. Mr. Speaker, pursuant to House Resolution 574, I call up the conference report on the Senate bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 574, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, October 6, 1994, at page 28578.)

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present the conference report on S. 1569, the Minority Health Improvement Act of 1994. This report represents the culmination of months of hard work and compromise by Members and staff to create legislation that reflected the spirit of both the House and Senate bills.

The conference agreement honors two Americans—Cesar Chavez and Thurgood Marshall—through the establishment of health professions scholarship programs in their name. These programs will provide an enduring legacy for their work in the cause of civil rights by providing hundreds of young Americans the opportunity to attend health professions schools and to work in medically underserved areas.

The agreement underscores the Congress' commitment to increasing the numbers of disadvantaged students in the health professions through the establishment of new academic consortia. These consortia will promote the recruitment and enrollment of students by placing greater emphasis upon stimulating the interest of younger children in the health sciences. If we are to increase the enrollment of African-American, Hispanic, American Indian and Asian students as physicians, dentists, nurses, and mental health providers, we must devote increased resources at the secondary and college level.

Mr. Speaker, the success of this agreement would not have been possible without the critical participation of Members representing the Hispanic and Black Caucuses. The result is a series of reforms that will achieve a genuine and quantifiable improvement in the availability of programs and health services targeted toward minority and other disadvantaged communities. The reforms reflected in this agreement address what we understand are the most critical needs of minority communities today: improving health status by increasing access to primary and preventive health care.

Mr. Speaker, allow me to briefly summarize three of the most important provisions.

First, establishment of two scholarship programs that will provide tuition assistance to students in exchange for a service commitment among a medically underserved population. The agreement offers hundreds of disadvantaged students who desire a health professions career the opportunity to attend school without the fear of insurmountable debt. It allows talented students the ability to attend the school of their choice and the financial freedom to practice in disadvantaged communities.

Second, reauthorization of the Nation's community, migrant and homeless health care centers. These centers provide invaluable services to millions who lack access to basic primary and preventive health care.

Third, reauthorization of the Healthy Start Program which is designed to reduce infant mortality in communities with high rates.

Mr. Speaker, we know that discretionary funding next year is under severe budgetary caps. Common sense dictates that in times of fiscal austerity, we must prioritize federal programs to address the most pressing needs. The reforms contained in the conference agreement will help increase access to health services and target limited Federal funding to those individuals and communities in greatest need.

I would like to thank all my colleagues on the conference committee for working so cooperatively to achieve these important reforms. The conference report was approved unanimously by all Members—House and Senate.

I want to single out the contributions of several Members who deserve special praise for their concern and commitment to improving the health status of minority populations. Bill Richardson and the Members of the Hispanic Caucus have been strong supporters of efforts to improve the health status of minority populations. With their assistance we have incorporated strong provisions to strengthen the Centers of Excellence Program and assure the collection of accurate health status data used in identifying medically underserved communities.

ED TOWNS and the dean of the Black Caucus, LOUIS STOKES, worked tirelessly to strengthen the conference agreement and expand opportunities for talented students to enter a health professions career. When the hundreds of students who will benefit from this bill complete their education, the communities in which they serve will owe an important debt to the efforts of these valued colleagues.

Finally, I want to thank our Republican conferees, particularly the gentleman from Virginia [Mr. BLILEY], who were so helpful in facilitating this agreement. They are all strongly committed to the objectives of these programs and it has been an honor to work with them.

Mr. Speaker, I urge support for the conference report. Members can take great pride in the ideals and objectives embodied in this important legislation. I urge support for the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference agreement largely reflects the House-passed bill with several amendments that improve on that legislation.

First, the conference agreement provides that 30 percent of the funds appropriated for scholarships can be awarded to students who have not declared a medical specialty. This compromise provides much more flexibility for students who under the House-passed bill would have been required to choose primary care upon entering medical school. The conference agreement also provides that in return for scholarship funds students who enter primary care must serve in a health professions shortage area for each year of funds received and students who select a specialty field incur a two-for-one service requirement. By making these changes all students who receive Federal scholarship funds will now receive full tuition and incur a service requirement.

I am also pleased that the conference agreement eases the new matching requirements imposed by the House bill on health careers opportunities programs. These are programs which recruit and help retain disadvantaged minority students in health professions programs. The conference agreement caps the matching requirements for these programs at 50 percent. Under the House bill these programs were ultimately required to fully fund their programs. We received letters from nearly every program across the country expressing their concern about this provision.

In addition to reauthorizing the health professions programs the conference agreement codifies in law the Healthy Start Program which was initiated by the Bush administration to prevent infant mortality. It also reauthorizes the Community and Migrant Health Centers Programs. All of the programs included in this conference report are intended to improve the health of individuals who live in areas where there is a shortage of health care providers or severe access barriers to health care services.

I urge my colleagues to join me in supporting the conference report on S. 1569.

Mr. Speaker, I would like to commend the gentleman from California [Mr. WAXMAN], the chairman of the Subcommittee on Health and the Environment; the gentleman from Michigan [Mr. DINGELL], the chairman of the full committee; and my colleague, the gentleman from California [Mr. MOORHEAD], the ranking Member, for their working in turning out this bill and conference report.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, I compliment the gentleman and his committee for reporting this Minority Health Improvement Act. The Congresswomen's Caucus certainly supports this and supports it fully. I was very pleased that there is also a women's health provision in here because we know how difficult all of this has been in making our whole health community much more sensitive to the diversity in America.

Mr. Speaker, my colleagues who were horrified by the CNN Program on female genital mutilation (FGM) in Egypt, or heard from their constituents about it, should support the Minority Health Improvement Act. This bill does something about it.

FGM is a traditional practice that involves the cutting off of all or part of the female genitalia. There is no comparison to male circumcision. Over 100 million girls and women in the world have undergone some form of FGM. While the CNN piece focused on FGM in Egypt, I have received reports that FGM is happening in the U.S.

The Minority Health Improvement Act meets this damaging tradition head on. It requires the Office of women's Health and the Office of Minority Health to:

First, collect data on the number of women and girls living in the United States who have experienced some form of FGM.

Second, identify communities in the United States that traditionally practice FGM, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice.

Third, develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation, and complications arising from such practices; and disseminate the recommendations.

The Minority Health Improvement Act gives our doctors and social workers the information they need to treat the special health needs of women who have undergone FGM, and to start the education necessary to eradicate FGM in the United States.

□ 1710

Mr. BLILEY. Mr. Speaker, it gives me pleasure to yield as much time as he may consume to the gentleman from California [Mr. MOORHEAD], the ranking minority member of the full committee.

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 3869. The conference report reauthorizes a number of expiring programs in the Public Health Service Act. The purpose of many of these programs is to improve the health of individuals who are members of minority groups through the provision of health care services and by increasing the number of minorities who enter the health professions. The bill: (1) reauthorizes the office of minority health; (2) consolidates three scholarship and loan programs for disadvantaged students and imposes a service requirement on students who receive scholarships; (3) reauthorizes the migrant and community health centers programs; (4) reauthorizes the health care for the homeless program; and (5) reauthorizes the state offices of rural health.

Mr. Speaker, I am especially pleased that this bill reauthorizes the Community Health Centers Program. These centers provide comprehensive, high-quality, primary health care to populations living in medically underserved areas.

Community health centers are located in areas throughout the country where there are financially, geographic, or cultural barriers to primary health care. In many communities, these centers are the sole providers of care. Currently, Community Health Centers (CHCs) serve large proportions of poor and minority people. Sixty percent of C-H-C users are below the poverty level, 29 percent are between 100 and 200 percent of poverty and 11 percent are above 200 percent of poverty. In fiscal year 1992, 44 percent of individuals receiving services were children from newborn to 19 years of age.

I also support the consolidation and modification of the existing health professions scholarship programs. The conference report specifies that scholarships are for the full tuition at a health professions school and in return for this money students are required to serve in a health professions shortage area upon graduation. In this manner this bill not only increases the number of disadvantaged minorities who can attend health professions school but improves the access to health care for underserved areas.

Mr. Speaker, the Senate receded to the House language in Section 807 of title VIII. The House amendment to section 340B creates narrow exemptions from current law eligibility requirements for purchases of covered outpatient drugs by certain entities identified pursuant to the amendments. It is my understanding that it is the intent of the conferees that eligibility for government-mandated price reductions under these amendments is available only to entities that fall within these categories as of the date of enactment of this provision. It is these entities, and only these entities, that have made the case to the Congress to qualify for the exemption.

Any subsequent business arrangement or government actions that may make the terms of subparagraph (L) as modified or new subparagraph (M) appear to be applicable to entities in addition to those eligible as of the date of enactment, should not be construed as extending eligibility for government-mandated pharmaceutical prices under section 340B to such additional entities.

For example, the conferees found that hospitals meeting the requirement of 340B(a)(4)(L)(i) and (ii) in Los Angeles County and currently purchasing through the Health Services Purchasing Group under the control of Los Angeles County warranted this narrow exemption. It is not the intent of the conferees to cover entities that may begin purchasing through the L.A. County purchasing group after date of enactment.

Mr. Speaker, I urge my colleagues to join me in supporting the conference report on S. 1569

Mr. WAXMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, I rise in strong support of S. 1569.

I rise in strong support of the conference report for S. 1569, the Minority Health Improvement Act of 1994. I applaud the leadership of Chairman DINGELL and Congressman WAXMAN for bringing this vital initiative to the floor.

This bill includes the authorization of a cooperative regional environmental laboratory to supplement the existing public health laboratories of the border States. A recent incidental discovery of highly toxic fish in the Rio Granda exemplished the need for additional laboratory capacity, because our current labs are stretched beyond capacity and are unable to detect a number of these potential health threats.

This report includes the reauthorization of a host of important health initiatives, such as migrant and community health centers, as well as the creation of a new comprehensive scholarship program. These scholarships are aimed at minority and disadvantaged medical students choosing to go into primary care. This bill will also reserve one-third of medical scholarships for undecided students that may decide to go into specialty areas.

These scholarships will provide stipends and fully fund students' medical education in exchange for service obligations in medically underserved communities. This will complement the existing National Health Service Corps Program, which has only been able to provide assistance to 2 out of every 10 applicants due to funding limitations. This change will result in scholarship recipients getting full funding for their education versus the current $200 to several thousand dollar range that had been awarded.

This minority health bill also includes the reauthorization and improvements in the Health Careers Opportunity Program [H–COP], which provides grants to public, nonprofit entities, health profession, or training programs to promote science and math education in high schools to encourage students from disadvantaged background to go into health professions. This program has been redesigned to focus on making linkages between health profession programs and elementary and secondary schools, including border areas, rather than focusing on remedial math and science classes. The hope is to expose minority children to community-based health clinics via internships, in addition to the academic experience they will receive.

These are only a few examples of the initiatives in this bill. These programs are very important for my district in El Paso, where we have a shortage of primary care providers and a great number individuals that stand to benefit from this bill.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman form New York [Mr. TOWNS], a very important member of our subcommittee and one of the coauthors of the legislation.

Mr. TOWNS. Mr. Speaker, let me begin by first congratulating and thanking Chairman WAXMAN, chairman of the subcommittee, and the ranking member of the committee, the gentleman from Virginia [Mr. BLILEY], and of course the gentleman from Ohio [Mr. STOKES], who has been involved in this issue down through the years.

Mr. Speaker, I rise in support of S. 1569, the Disadvantaged and Minority Health bill. This legislation is a compromise that reflects the concerns of all minority groups. The gross underrepresentation of minorities across all medical specialties dictates that scholarship opportunities be made available to all students. That is why I am particularly gratified that the scholarship provisions contain a 30 percent setaside for students who do not elect a primary care specialty.

The changes in the Office of Minority Health language will result in a more effective use of that office's resources as well as ensuring that all groups benefit from the programs. Finally, I am pleased that we upgraded the Office of Civil Rights at the Department of Health and Human Services. Unfortunately, the office has a backlog of complaints and lapses between the filing of a complaint and the final internal administrative resolution of a complaint. It is our hope that the elevation of the position of Director of Civil Rights to the rank of Assistant Secretary will assist in reducing the backlog and the processing time for complaints filed with the office.

Mr. Speaker, in conclusion, we have crafted a bill that is fair to all parties. I would urge my colleagues to adopt the conference report.

Again, I thank the ranking member, the gentleman from Virginia [Mr. BLILEY], the chairman of the subcommittee, the gentleman from California [Mr. WAXMAN], and all of the staff on both sides of the aisle for the outstanding job they have done.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. STOKES], the dean of the Black Caucus.

Mr. STOKES. Mr. Speaker, I rise in support of the Minority Health Improvement Act, S. 1569. I want to begin by commending the distinguished chairman of the House Subcommittee on Health and the Environment [Mr. WAXMAN] for bringing this conference report to the floor. There have been a number of complicated issues related to this legislation. I want to especially note his work with both the congressional Hispanic Caucus and the Congressional Black Caucus in working out the concerns of both groups.

I also want to express my appreciation to both Mr. JOSÉ SERRANO, chairman of the congressional Hispanic Caucus, and Mr. LUIS GUTIERREZ, chairman of the congressional Hispanic Caucus health task force, for the excellent cooperation that I have had with them as chairman of the Congressional Black Caucus health braintrust.

One of the stickiest areas of this bill involved the whole issue of primary health care. While the bill emphasizes primary care training, it does include some support to allow students to train in nonprimary care fields as well. The bill also includes support for the establishment of Offices of Minority Health at the Centers for Disease Control and other health related agencies.

Mr. Speaker, the health crisis facing the minority population must be elevated on the Nation's health agenda. Until then, the minority health disparity gap will continue to widen. To effectively address this national crisis, the number of minority health professionals must be increased. Currently, African Americans constitute only 3.7 percent of the Nation's physicians, and Hispanics represent only 5.5 percent of the Nation's physicians. This low representation is reflective of the minority health crisis. Let me take a moment to share just a few of the startling statistics with regard to African Americans.

The infant mortality rate for African Americans is more than twice the rate for whites.

Both cancer incidence and mortality rates are higher for African Americans than for whites.

The life expectancy for white males is 8.2 years longer than for African-American males.

AIDS, HIV infection is now the 6th leading cause of death for African Americans while it is the 10th for whites.

To begin to address the crisis, for the Office of Minority Health, the bill includes an authorization level of $25 million and $28 million for fiscal years 1996 and 1997 respectively. For the Centers of Excellence, the bill includes an authorization level of $28 million and $33 million respectively. For primary care scholarships, the bill includes an authorization level of $38 million and $48 million for fiscal years 1996 and 1997 respectively. These authorization levels will allow the Nation to begin to address the crisis in minority health.

Mr. Speaker, as a nation and as a Congress, we must increase our commitment to resolving the crisis in minority health. S. 1569 is a beginning, however, much more needs to be done to reduce the drastic underrepresentation of minorities in all the health professions.

Again, I commend Chairman WAXMAN for his efforts in bringing this important legislation to the floor. I look forward to working with him in the next Congress in implementing and improving this legislation. Minority health must be on the front burner as this Nation seeks to improve the quality of life for all Americans.

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Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise today in strong support of the conference report on S. 1569, the Disadvantaged Minority Health Improvement Act Reauthorization.

I would first like to salute the gentleman from California, Mr. WAXMAN, the gentleman from New York, Mr. SERRANO, the Chair of the Congressional Hispanic Caucus, and the gentleman from Ohio, Mr. STOKES, who has represented the Congressional Black Caucus in the negotiations which have brought this conference report to the floor.

Each of these Members, and their staffs, have shown an extraordinary commitment to the goal of improving the work of the Department of Health and Human Services and its agencies in addressing the needs of this Nation's minority populations. I believe that we all owe them a debt of gratitude for their dedication.

I would particularly like to acknowledge the work of Julia Fortier of the staff of the Subcommittee on Health and the Environment. Her commitment to, and understanding of, the issues facing Asian Pacific Americans around this country has been extraordinary and is deeply appreciated.

I am proud to support this conference report, as I supported the earlier House passage of the bill. As Chair of the Congressional Asian Pacific American Caucus, I would like to draw particular attention to the provisions of S. 1569 which are of great concern to the Asian Pacific American communities.

First, S. 1569 restates the commitment made by the Congress in 1990, that the necessity of linguistically and culturally appropriate care must be a priority within the Office of Minority Health at the Department of Health and Human Services.

Unfortunately, OMH chose to ignore the directions of the Congress and the requirements of the law, and for 3 years refused to implement the bilingual grants program. With the restatement by the conference report before us today that clearly earmarks $3 million of the agency's budget for that purpose, they hopefully will not ignore it further.

Second, the conference report reauthorizes the special research grants program at the National Center for Health Statistics. Since the passage of the Disadvantaged Minority Health Improvement Act in 1990, NCHS has been using this program as a means to measure the health status of ethnic minority groups too small to be picked up by their normal surveys. The resulting data are already providing important results for the smaller Asian and Pacific Islander communities—particularly Southeast Asian refugees.

The bill would also resolve a longstanding difficulty which the Asian Pacific American community has had with the operation of the Community and Migrant Health Centers Program. Current law is ambiguous about the ability of the Secretary of Health and Human Services to approve the funding of a community health center within the same geographic area as an existing center.

This has had a devastating effect on efforts around the country by Asian Pacific American community organizations to establish community health centers responsive to our community's needs.

Existing centers often have well-established patient caseloads, and are severely underfunded. Expansion of their existing programs to accommodate services in three, four, or five Asian languages is something which may not be in the reach of their current resources.

Asian Pacific American health advocates have therefore been faced with an impossible choice: to fight existing centers doing outstanding work in the African-American and Latino communities, or simply do without access to the Community Health Centers Program. Neither one of those options is acceptable, and the language contained in this conference report will remove this ongoing difficulty.

The conference agreement also accepts language adopted in the other body elevating the position of Director of the Office of Civil Rights at the Department of Health and Human Services to an Assistant Secretary of Civil Rights.

Mr. Speaker, the problem of discrimination in our Nation's health care system is a major one. It seems to me that, in order to show the proper level of concern for this issue, and to give the occupant of this office the necessary clout to deal with this problem, the elevation of the Civil Rights Division at Health and Human Services to the Assistant Secretary level is crucial.

The conference report would create a Minority Health Advisory Committee at the Department of Health and Human Services, in order to ensure that the Department no longer ignores the needs of racial and ethnic minority communities. It is my hope that this Advisory Committee can heal longstanding divisions between the Department of Health and Human Services and the communities the Department was intended to serve.

The conference report will also extend and reauthorize two crucial programs: The Native Hawaiian Health Care Program and the Health Services for Pacific Islanders Program.

Finally, the conference agreement accepts language adopted in the Senate requiring the Office of Civil Rights the Department of Health and Human Services to issue regulations establishing standards for linguistically appropriate care. While these regulations have technically been required since a Supreme Court decision in the late 1970's, they have not yet been issued. This conference agreement clearly demonstrates that the Congress considers these regulations a priority, and would require their issuance within 180 days of the President signing this bill into law.

In closing, Mr. Speaker, this conference agreement will restate this Congress' commitment to ensuring that health care programs within the Federal Government are fully responsive to the needs of racial and ethnic minority populations. I urge my colleagues to join me in approving it.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise to thank the chairman, the gentleman from California [Mr. WAXMAN], and the ranking member, the gentleman from Virginia [Mr. BLILEY], for their hard work on the Minority Health Improvement Act. Their work assuages some of my disappointment that we were not able to enact full-fledged health care this year. With this act we at least continue to work to alleviate some of the problems of those who have the least access, as with people of color, and those who have been often overlooked, as with many women who have neglected health problems.

The Office of Minority Health, I know, will reach to some of the places where health care simply does not exist, especially in rural areas and in public housing. The increase in scholarships to health professionals, in particular, means that the people most inclined to carry their skills back to where they are most needed will be favored with these scholarships.

I am particularly delighted at the establishment of an Office of Women's Health now to match the Office of Minority Health. Only through such an office can we get to such troublesome issues as the study needed on female genital mutilation in the United States, a practice which we simply must not allow to grow here.

The new office, of course, will yield some of the advocacy that came almost exclusively from our own Women's Caucus.

I thank both gentlemen for their hard work on this very important bill.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Speaker, as chairman of the Congressional Hispanic Caucus, I rise in strong support of the conference report accompanying

S. 1569, the Minority Health Improvement Act of 1994. I strongly commend Chairman WAXMAN, the drafter of the House counterpart, H.R. 3869, and Representative BILL RICHARDSON, who was a conferee, for their continued leadership in moving this legislation forward.

The legislation includes measures sponsored by the Hispanic Caucus in H.R. 3230. I introduced H.R. 3230 on behalf of the Hispanic Caucus last year to improve the health opportunities and outcomes of Latinos and other underserved communities. The enactment of the original Minority Health Improvement Act of 1990 was historic because it brought the health concerns of ethnic and racial minority communities to the forefront of Federal health policy. The bill before us today improves that bill and makes great strides toward assuring that Federal health programs better serve Latinos and other disadvantaged persons.

Regardless of what some may say, there is a massive health care crisis. The Latino experience demonstrates that many hard working Americans are left behind by the current health insurance structure. Nearly half of Latinos at some point during the past year lacked health insurance. Yet 80 percent of uninsured Latinos are fully employed.

Indeed, receiving timely and adequate health care is the exception rather than the rule for many underserved communities. Latinos in both urban and rural settings face severely limited health care options because there are too few providers and health care facilities are overcrowded. Studies of Latino communities in New York City, like the one I represent, reveal that existing health care providers can only meet 50 percent of the residents' needs for primary health care visits. Many Latino communities on the United States-Mexico border do not have a single doctor.

Mr. Speaker, the bill before us today is an important step toward improving the health of underserved communities. However, in light of the great barriers faced by Latinos and other hard working Americans, broad changes are needed. We need universal health insurance.

But, that is not the purpose of the bill before us now. The Minority Health Improvement Act is an excellent, let me repeat, excellent, step toward addressing the needs of Latinos and other underserved communities. I would like to detail for the record the numerous reforms proposed by this bill.

Indeed, measures included in this bill will enhance the responsiveness of Federal programs in meeting the needs of Latino and other underserved communities. S. 1569, as worked out in Conference, places renewed emphasis on attempting to equitably balance the needs of all groups served. It improves and strengthens the health care capacity of community-based facilities, includes programs to help minority students enter in health professions, and improves research on the health status of ethnic minorities.

This legislation reauthorizes the program of community and migrant health centers, which are badly needed in Latino communities. In addition, with the introduction of this legislation, the way community and migrant health center grants are allocated will now be more sensitive to the access needs of Latinos. I, and the Hispanic Caucus, strongly support the modifications made to the Medically Underserved Area [MUA] designation contained in the bill. The age and infant morbidity factors contained in existing MUA criteria, which target community and migrant health center grants, discriminate against Hispanics. S. 1569 modifies the criteria to include factors indicative of health status, availability of residents to pay, and other barriers to access. Report language specifies that lack of health insurance may be considered under the availability of residents to pay criteria. Latinos are the single group most likely to lack health insurance coverage.

We are in strong support of provisions included in the bill to improve and increase services for limited-English-proficient persons so that care is provided in an appropriate language and cultural context.

This legislation also improves programs that give access to Latino and other minority students to health professions schools. We welcome the renewed emphasis on attempting to equitably balance the needs of all groups served. Measures are included to improve the low participation rates of institutions who serve Latinos in the Health Careers Opportunities Program [H-COP]. H-COP is a pipeline program to increase the number of minority health professionals, will allow for more to participate in the program.

Many Latino medical students who want to return to their underserved communities to practice complain that they are having problems choosing primary care as a health professional option because of the huge debt they must incur. This legislation includes scholarships for minority students interested in working in underserved communities, like those in New York City and along the U.S.-Mexico border, to choose a primary care specialty for career interest rather than not having it as an option because of economic reasons.

I hope that Congress will return next year to finish the job begun by today's important legislation.

I urge my colleagues to vote aye.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on S. 1569, now under consideration.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the conference report on the Minority Health Improvement Act, S. 1569.

The Minority Health Improvement Act contains important provisions to ensure equitable treatment of minorities and women under our health system.

The provisions in the conference report on women's health, known as the Women's Health Equity Act, will improve the treatment and health of women across the Nation. My colleagues will describe many of the provisions in the women's health equity title—all of which will contribute to better treatment of women's health issues. But I will take just a moment to highlight provisions, which I sponsored, to improve the attention given to women's health needs in medical school curricula.

Women have unique health needs. But traditional medical education uses men as the standard for research, surgical training, and diagnosis of disease. Traditional medical education, therefore, has failed American women by not adequately addressing their unique health needs. Inadequate focus by medical schools on the unique health issues women confront leads to misdiagnosis of women's health problems, increased costs associated with these problems, and degeneration of the health of many American women.

It is time to ensure equity in the classroom and in the examining room. We must correct the lack of clinical training in women's health to ensure that women receive the appropriate primary and preventive care they need to improve their health and save health care dollars.

The provisions included in the Minority Health Improvement Act will correct this inequity. This legislation directs the Department of Health and Human Services to study and detail the content of women's health curricula in medical schools, identify gaps and omissions, and make recommendations to correct inequities.

These provisions are essential, Mr. Speaker, and this is a very important bill. I urge my colleagues to support the conference report.

Mr. ORTIZ. Mr. Speaker, today I rise in support of the conference report on S. 1569, the Minority Health Improvement Act. This legislation seeks to improve the health status of racial and ethnic minorities along with reducing the disparities in the health status of minorities. While this legislation does address the needs of minorities, it also contains provisions that would affect the public health of our country. In particular, one invaluable provision addresses the incidence of birth defects, a national health problem that crosses all geographic areas and affects children of all races and economic classes.

It is astonishing to note that every hour a baby dies due to a birth defect, and that birth defects are the leading cause of infant mortality in the United States. Our country lacks a coherent, comprehensive national strategy to address the birth defects problem. Because we lack such a strategy, there are inadequate State and local resources that work to combat the incidence of birth defects. As a result, most Americans have insufficient knowledge about birth defects, and remain unaware of the high rate of birth defects in our country.

I became more aware of birth defects through a tragedy in Cameron County, TX, when it was noticed that there was a high rate of spinal and neural tube birth defects in infants born in the border region of south Texas. When the matter was first brought to my attention, I was astonished that there was no national monitoring system with which to track and investigate such birth defects.

At that time, I introduced legislation, the Birth Defects Prevention Act, to establish a nationwide birth defects surveillance and prevention program. Such programs could identify clusters of birth defects, study patterns to determine causes, and ultimately lead to the development of prevention strategies.

Legislation to collect and analyze data on birth defects could not have been possible without the drive of the March of Dimes. The allegiance of the March of Dimes and its staff on this effort has been remarkable. The March of Dimes' commitment and fervor for establishing a national program for birth defects prevention should be acknowledged by all Americans. For if this legislation can begin to identify causes of birth defects, then we can help prevent the occurrence of future ones.

Ms. SNOWE. Mr. Speaker, I rise today in support of S. 1569, the Minority Health Improvement Act. This bill expands and reauthorizes health services, education, professional programs, and research for minorities. It also incorporates four provisions of the Women's Health Equity Act of 1993, of which I am a cosponsor as cochair of the Congressional Caucus for Women's Issues.

Women's health has been overlooked for far too many years. It is only within the last decade that a governmental task force was formed to review and recommend a comprehensive women's health agenda. With the Congressional Caucus for Women's Issues leading the charge, the inadequacies and inequities in health care and medical research on women have begun to be addressed in legislation.

The Minority Health Improvements Act authorizes $5 million for fiscal year 1995 for the establishment in law of the Office of Women's Health in the Public Health Service. I sponsored this bill as part of the Women's Health Equity Act. The Office will be administered by the Deputy Assistant Secretary for Women's Health, who has the authority to develop and support programs concerning women's health and advise heads of the PHS agencies and monitor activities that relate to women's health.

I am pleased that the Office of Women's Health will have general authority to offer recommendations on all programs and activities conducted by the Public Health Service to assure that women's health care needs will be addressed through a comprehensive and coordinated policy. Codifying this Office in statute will ensure that women's health concerns are integrated into all programs and activities of the Public Health Service and that women are no longer a footnote in the annals of medical research and care.

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in strong support of S. 1569, the Minority Health Improvement Act. I would like to thank Chairman WAXMAN, Representative LUIS GUTIERREZ, and the distinguished Hispanic Caucus Chairman JOSÉ SERRANO for their hard work on this bill.

Comprehensive health care reform may be dead in Congress, but for millions of Americans, the health care crisis is very much alive. This is especially true for minorities. We lack access to health providers and information about our health options. For example, in New York's lower east side, a poor and minority area in my district, there are only 450 doctors per 100,000 people. Sixty blocks away, in the affluent upper east side, there are 1,700 doctors per 100,000 people. Even when health professionals are available, many people of color cannot access them because they do not accept Medicaid patients or provide linguistically and culturally appropriate care.

The conference report on S. 1569 represents a strong response to the crisis. It will provide comprehensive data collection on the health status and needs of minorities, recruitment programs targeted at minority youth, scholarship opportunities for minorities entering medical school, and authorize funds for language services and disease prevention programs. S. 1569 reauthorizes the Community and Migrant Health Centers, the safety net providers who treat a large portion of the poor minority population. The bill also includes key provisions originally contained in H.R. 3230, the Minority Health Opportunity Enhancement Act [M-HOPE]. M-HOPE, which focused on enhancing the responsiveness of the Federal health programs in meeting the needs of Latinos, was unanimously supported by the Congressional Hispanic Caucus.

I urge my colleagues to seize the day. The chance for comprehensive health reform in this Congress has passed, but we still have an opportunity to respond to a major component of the health care crisis. We must not let this moment pass—millions of lives depend upon it. Vote yes on the conference report on S. 1569.

Mr. RICHARDSON. Mr. Speaker, I rise in support of the conference report on the Minority Health Improvement Act of 1994. This conference report represents a huge leap in the right direction for all minorities.

There have been some very contentious issues included in the conference on this bill and even though not all of them may have been worked out to the complete content of all parties, this conference report is far too important for minority health to be held up now.

I joined by colleagues in the Hispanic caucus over a year ago to introduce H.R. 3230, the Minority Health Opportunity Enhancement Act of 1993. Since that introduction, staff and members have been in very lengthy discussions and negotiations and the conference report contains many of the original goals of H.R. 3230.

All of the programs in this conference report have great importance for minority health but I would like to take a moment to focus on just a few.

Back when we first passed this act in 1990, I helped create the Center of Excellence Program in this act for both native Americans and Hispanics.

I am happy to report that the conference report changes the distribution of funding for Centers of Excellence to make the allocations to Hispanic and Native American Centers more equitable in the future while protecting the funding all centers currently receive.

The total authorization for all Centers of Excellence is increased and this is critical because many Hispanic and Native American Centers have had trouble meeting their goals with the money made available to them now.

This conference report also contains specific funding that must be devoted to the collection of data on Hispanic Health at the agency for health care policy and research and the National Center for Health Statistics.

There is an incredible lack of data available on the health of Hispanic citizens in this country. And within the Hispanic population, there are great differences in health indicators among various subgroups of the Hispanic population.

This definitely promotes gross overgeneralizations on Hispanic health. All Hispanics are hurt by this narrow focus on certain health indicators.

This conference report adds additional funding specifically for the gathering of more complete data on Hispanic health.

Mr. Speaker, we had hoped that we would be able to pass a health care reform bill this year but that was not possible. However, this bill may be as important or more important for minorities in the immediate future.

For that reason I want to express my thanks to Chairmen WAXMAN and DINGELL for their continuing leadership on this issue as well as Senator KENNEDY and Senator KASSEBAUM for their important work on this bill in the Senate.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 5, not voting 35, as follows:

[Roll No. 504]

YEAS—394

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne

Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stokes
Strickland
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—5

Burton
Duncan
Hancock
Johnson, Sam
Stump

NOT VOTING—35

Applegate
Barton
Bateman
Bentley
Bilirakis
Brewster
DeLay
Foglietta
Ford (TN)
Gallo
Grandy
Houghton
Inhofe
Istook
Laughlin
Lehman
Levy
Lewis (FL)
McCurdy
McMillan
Payne (VA)
Pickle
Porter
Ravenel
Roukema
Slattery
Slaughter
Spratt
Stenholm
Studds
Sundquist
Torricelli
Tucker
Washington
Whitten

□ 1749

Mr. STUMP changed his vote from "yea" to "nay."

Messrs. BONILLA, GILCHREST, and BARCIA of Michigan changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote 504 today. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, I was unable to be present on the House floor for the vote on S. 1569, the Minority Health Improvement Act. I requested to be paired against this bill, and had I been present, I would have voted "No."

NATIONALITY AND NATURALIZATION AMENDMENTS OF 1993

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization, with Senate amendments to the House amendment thereto, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the bill.

The text of the Senate amendments to the House amendment to the Senate amendment is as follows:

Senate amendments to House amendment:

Page 36, after line 19 of the House engrossed amendment, insert:

SEC. 220. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) WAIVER.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended—

(1) in the first proviso by inserting "(or, in the case of an alien described in clause (iii), pursuant to the request of a State Department of Public Health, or its equivalent after "interested United States Government agency"; and

(2) by inserting after "public interest" the following: "except that in the case of a waiver requested by a State Department of Public Health, or its equivalent the waiver shall be subject to the requirements of section 214(k)".

(b) RESTRICTIONS ON WAIVER.—Section 214 of such Act (8 U.S.C. 1184) is amended by adding at the end the following:

"(k)(1) In the case of a request by an interested State agency for a waiver of the two-year foreign residence requirement under section 212(e) with respect to an alien described in clause (iii) of that section, the Attorney General shall not grant such waiver unless—

"(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver;

"(B) the alien demonstrates a bona fide offer of full-time employment at a health facility and agrees to begin employment at such facility within 90 days of receiving such waiver and agrees to continue to work in accordance with paragraph (2) at the health care facility in which the alien is employed for a total of not less than 3 years (unless the Attorney General determines that extenuating circumstances such as the closure of the facility or hardship to the alien would justify a lesser period of time);

"(C) the alien agrees to practice medicine in accordance with paragraph (2) for a total of not less than 3 years only in the geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

"(D) the grant of such waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed twenty.

"(2)(1) Not withstanding section 248(2), the Attorney General may change the status of an alien that qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b).

"(B) No person who has obtained a change of status under subparagraph (A) and who has failed to fulfill the terms of a contract with a health facility shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of nonimmigrant status until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States.

"(3) Notwithstanding any other provision of this subsection, the two-year foreign residence requirement under section 212(e) shall apply with respect to an alien described in clause (iii) of that section, who has not otherwise been accorded status under section 101(a)(27)(H), if at any time the alien practices medicine in an area other than an area described in paragraph (1)(C).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to aliens admitted to the United States under section 101(a)(15)(J) of the Immigration and Nationality Act, or acquiring such status after admission to the United States before, on, or after the date of enactment of this Act and before June 1, 1996.

Page 36, after line 19 of the House engrossed amendment, insert:

SEC. 221. VISAS FOR OFFICIALS OF TAIWAN.

Whenever the president of Taiwan or any other high-level official of Taiwan shall apply to visit the United States for the purposes of discussions with United States federal or state government officials concerning:

(i) Trade or business with Taiwan that will reduce the U.S.-Taiwan trade deficit;

(ii) Prevention of nuclear proliferation;

(iii) Threats to the national security of the United States;

(iv) The protection of the global environment;

(v) The protection of endangered species; or

(iv) Regional humanitarian disasters.

The official shall be admitted to the United States, unless the official is otherwise excludable under the immigration laws of the United States.

Page 36, after line 19 of the House engrossed amendment, insert;

SEC. 222. EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) EXPANSION OF DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

"(A) murder;

"(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

"(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive material (as defined in section 841(c) of that title);

"(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceed $100,000;

"(E) an offense described in—

"(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

"(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) of (h) of title 18, United States Code (relating to firearms offenses); or

"(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

"(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

"(G) a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

"(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

"(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

"(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influence corrupt organizations) for which a sentence of 5 years' imprisonment or more may be imposed;

"(K) an offense that—

"(i) relates to the owning, controlling, managing, or supervising of a prostitution business; or

"(ii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

"(L) an offense described in—

"(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code; or

"(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

"(M) an offense that—

"(i) involves fraud or deceit in which the loss to the victim or victims exceeds $200,000; or

"(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds $200,000;

"(N) an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

"(O) an offense described in section 1546(a) of title 18, United States Code (relating to document fraud) which constitutes trafficking in the documents described in such section for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

"(P) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 15 years or more; and

"(Q) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to convictions entered on or after the date of enactment of this Act.

SEC. —. SUMMARY DEPORTATION.

(a) EXPEDITED PROCEDURES.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(1) in subsection (b)(4)(D), by striking "the determination of deportability is supported by clear, convincing, and unequivocal evidence and"; and

(2) in subsection (b)(4)(E), by striking "entered" and inserting "adjudicated".

(b) TECHNICAL CORRECTION.—Section 106(d)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended by striking "242A(b)(5)" and inserting "242A(b)(4)".

SEC. —. JUDICIAL DEPORTATION.

(a) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(d) JUDICIAL DEPORTATION.—

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A), if such an order has been requested by the United States Attorney with the concurrence of the Commissioner and if the court chooses to exercise such jurisdiction.

"(2) PROCEDURE.—

"(A) The United States Attorney shall file with the United States District court, and serve upon the defendant and the Service, prior to commencement of the trial or entry of a guilty plea a notice of intent to request judicial deportation.

"(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 30 days prior to the date set for sentencing a charge containing factual allegations regarding the alienate of the defendant and identifying the crime or crimes which make the defendant deportable under section 241(a)(2)(A).

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under this Act, the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order. If the conviction is reversed on direct appeal, the order entered pursuant to this section shall be void.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order of deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial without a decision on the merits of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).".

(b) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking "The" and inserting "Except as provided in section 242Aj(d), the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

SEC. —. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

The SPEAKER pro tempore (Mr. SHARP). Is there objection to the request of the gentleman from Texas?

Mr. FISH. Mr. Speaker, reserving the right to object, I do believe when we are dealing with unanimous consent requests, it is very, very important that Members hear the discussion.

I have asked for the reservation in order to inquire of the chairman of the full Committee or the chairman of the Subcommittee on International Law, Immigration, and Refugees if they could tell us what the bill, as it has come over from the Senate, H.R. 783, what is different from the bill that passed this House unanimously last week.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, H.R. 783 provides improvements to the immigration laws and those relating to naturalization and citizenship. H.R. 783 last passed the House on September 20, 1994, and was amended by the Senate last evening.

The Senate amendment maintains the House-passed language, with the addition of several items. First, it expands the list of crimes that are considered "aggravated felonies" for immigration purposes. Second, it authorizes Federal judges to enter deportation orders at the same time that criminal aliens are sentenced in Federal court. Third, it clarifies that the first two provisions and the requirement in current law of speedy deportation for criminal aliens do not create enforcement rights against the United States. Fourth, it allows State health agencies to ask the Attorney General to permit foreign doctors in the United States on temporary visas to remain here permanently if they agree to practice in areas with shortages of medical personnel. This authorization sunsets in 2 years. Finally, it addresses the grant of temporary visas to high-level Taiwanese officials.

Mr. FISH. Mr. Speaker, further reserving the right to object, can the gentleman from Texas, chairman of the full committee, assure the House that no private relief legislation has been added to this bill by the other body?

Mr. BROOKS. Mr. Speaker, if the gentleman will continue to yield, none.

Mr. FISH. Mr. Speaker, that is pretty emphatic.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I have been consulting with the gentleman from New York and the gentleman from Texas, our chairman, and with other Members in the other body concerning these amendments that were added to the House-passed version of the bill. I join with the chairman from Texas in saying, I think that they are not objectionable. Of course, the underlying bill has in it may things which came out of our committee.

The gentleman from Florida [Mr. McCOLLUM] and I, as chairman and ranking member of the subcommittee, worked very hard to produce a good bill. The basic bill, the big bulk of this bill is exactly what the gentleman from Florida and I put together.

So I rise in very strong support of this bill and hope that the body will approve it.

Mr. FISH. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Florida [Mr. McCOLLUM] ranking member.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman from New York [Mr. FISH] for yielding to me.

I just want to comment that I agree with the gentleman from Kentucky that this does not do anything untoward. The Senate amendments are all positive. In fact, one of the Senate amendments makes a major stride toward expediting the deportation of criminal aliens, which is something that has been long overdue, something we on this side tried very hard to get in the crime bill.

Granted, this is not 100 percent of what we would like to have seen. It goes a good deal of the distance the way it should. So it is a very positive addition.

The others are very technical in nature. Frankly the underlying bill contains the extension of the visa waiver provision, which is the main thrust of that that came out of here on the floor a week or so ago. And it passed.

We would certainly encourage the passing of this bill tonight.

Mr. FISH. Mr. Speaker, further reserving the right to object, I yield to the gentleman, Mr. ROGERS.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding to me.

I rise for a somewhat extraneous matter but related in many ways to the matter before us. Tonight is the last night we have the good fortune of serving with the dean of the Kentucky delegation now, who has been a spokesman for many years on this very topic. I know that all of my colleagues in this room join with me when I say, thank you, ROM MAZZOLI, for the tremendous service you have given to our Nation and to this body and to this topic.

ROM, thank you for your service.

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Mr. FISH. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Florida [Mr. McCOLLUM].

TRIBUTE TO HAMILTON FISH, JR., ON HIS RETIREMENT

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I cannot help but note that while we have just honored the gentleman from Kentucky [ROM MAZZOLI] a good gentleman with whom I have served a long time, who is having his last night with us, the same is true of the gentleman from New York [Mr. FISH]. This is his last night with us. I think it is only fitting that with all the time he has put in with immigration as well as many other things, that at the same time we honor the gentleman from Kentucky [Mr. MAZZOLI] we also honor the gentleman from New York [Mr. FISH]. I would suggest a round of applause for HAM FISH.

Mr. McCLOSKEY. Mr. Speaker, I rise in strong support of H.R. 783, particularly as it applies to giving equal rights to Irish visitors, similar to visa-receiving visitors from other countries. It is very important legislation, and particularly the gentleman from Kentucky [Mr. MAZZOLI] was outstanding in his support and leadership on this.

Mr. Speaker, I rise in strong support of the conference report on H.R. 783, the Nationality and Naturalization Amendments of 1994. On September 20, 1994, the House gave its overwhelming support to H.R. 783, legislation to reauthorize and reform the Visa Waiver Pilot Program while implementing much needed reforms. The Visa Waiver Program enables tourists and business travelers from specified countries to come to the United States without first having to obtain a nonimmigrant visa. Current eligibility standards are overly restrictive and hinge largely on nonimmigrant visa refusal rates—a standard which fails to operate in the best interest of the United States or of the countries which are denied participation.

The shortcomings of the eligibility criteria came to my attention in my role as chairman of the Friends of Ireland Committee. The fact that Ireland has been excluded from participation best illustrates the current program's shortcomings. Ireland is one of only three Western European countries excluded from the Visa Waiver Program, even though Ireland has demonstrated exemplary overstay rates and steadily declining refusal rates during the last 3 years. Additionally, while Irish citizens are denied inclusion, citizens from Northern Ireland are able to fully participate in the pilot program.

H.R. 783 will incorporate the overstay rate as a factor in determining eligibility for probationary status in the Visa Waiver Program. The overstay rate is a critical element because it demonstrates how many nationals of a particular country actually violated the terms of their stay in the United States. I would like to commend Chairman ROM MAZZOLI and BILL MCCOLLUM, the distinguished ranking member of the subcommittee, for their leadership on this issue and for incorporating this reform into H.R. 783. It is a commonsense approach which enjoys broad bipartisan support.

The Visa Waiver Pilot Program has proven its worth over the years by generating good will toward many of our neighbors overseas and generating tourist dollars for our economy. This legislation has been designated as a high priority by the Irish Government and the Friends of Ireland Committee. Foreign tourism brought $74 billion into the U.S. economy last year and provided nearly 900,000 jobs for American workers. Today's vote can extend these benefits. I urge my colleagues to vote in favor of H.R. 783.

Mr. MAZZOLI. Mr. Speaker, I rise in strong support of H.R. 783, as amended, the "Immigration and Nationality Technical Corrections Act of 1994."

H.R. 783 originally passed the House by voice vote on November 20, 1993. It consisted of five sections, all of which dealt with naturalization and citizenship. The bill also passed the Senate by voice vote on that day, but the Senate added a number of new sections to the original five.

Then, on September 20, 1994, the House concurred with the Senate amendment, and added an amendment. Last night the Senate accepted our version of the bill, as passed on September 20, in its totality, but added additional provisions concerning criminal aliens, foreign doctors, and diplomatic visas. The Senate amendment makes some needed changes in the law regarding criminal aliens.

First, the Senate amendment expands the definition of aggravated felony. Under current law, if an alien commits an aggravated felony the consequences are far reaching because such an alien is not eligible for most forms of discretionary relief from deportation.

Under current law, aggravated felony is defined as a felony involving murder, drug trafficking, trafficking in firearms, money laundering, or any crime of violence for which the term of imprisonment is at least 5 years.

The Senate amendment expands the definition of aggravated felony to include other violent crimes, immigration related crimes such as alien smuggling, specified white collar crimes and various other extremely serious crimes. A similar provision was included in a bill, H.R. 1459, introduced by the ranking member of the subcommittee, Mr. MCCOLLUM.

Second, the Senate amendment establishes a judicial deportation mechanism which would give the U.S. district courts the authority to enter judicial orders of deportation when they sentence a deportable alien who has been convicted of a crime. This provision will alleviate resource problems at INS and result in more criminal aliens being deported. Again, a similar provision was included in the bill, H.R. 1459, introduced by the ranking member, Mr. MCCOLLUM.

Mr. Speaker, the Subcommittee on International Law, Immigration and Refugees, which I Chair, held hearings on criminal aliens on February 23, 1994 and it was clear from that hearing that INS and the Congress have much more work to do in this area. We heard from a long line of witnesses, including 10 Members of Congress, who testified as to ways in which we could do a better job of deporting criminal aliens form the United States.

The Senate also included a new provision that requires the Secretary of State to extend to the President of Taiwan, and other high-ranking officials of that nation, the same courtesies extended to every other nation in the world in terms of their right to receive a visa to enter the United States to discuss matters relating to their relations with the United States.

Three times this summer the Senate has attached amendments to appropriations bills that would require our Government to issue visas to such Taiwanese officials. Each time, the amendments were dropped due to State Department opposition, but I am now told that the State Department, having worked with the Senate to refine the language, no longer objects to the provision. This provision would not allow a Taiwanese official who is excludable from the United States to receive a visa.

In addition, Senator CONRAD sponsored a provision which creates a much needed avenue through which States can petition to bring physicians into areas which otherwise would have little or no health care available to the community.

A doctor sponsored under this amendment would adjust to a nonimmigrant visa and must practice medicine for at least 3 years in a location which HHS has designated as being medically underserved. If a doctor does not complete the 3 years, he or she would be excluded from receiving any other visa into the United States for 2 years.

The program is limited to 1,000 nonimmigrant visas per year and has a 2-year sunset. Foreign medical graduates receiving waivers would be eligible to adjust status without departing the United States.

H.R. 783 still contains the five core provisions regarding naturalization and citizenship that were in the original House-passed version of H.R. 783. These provisions correct problems in current immigration law that impose unnecessary burdens on persons who wish to become citizens and on the transmission of citizenship from parent to child.

One of the provisions corrects a problem in law dating from 1934. Prior to 1934, only U.S. citizen men could confer citizenship on children born outside the United States. The child of a U.S. citizen father and a noncitizen mother was a U.S. citizen. The child of a U.S. citizen mother and noncitizen father was not a U.S. citizen.

In 1934, Congress revised that clearly discriminatory rule. However, the 1934 Act was not made retroactive. Thus, persons born abroad before 1934 to U.S. citizen mothers and alien fathers are not citizens of the United States. H.R. 783 corrects this inequity, but does so while expressly prohibiting the conferral of citizenship to anyone who assisted in the Nazi persecutions.

H.R. 783 also enables children of U.S. citizens who live and work abroad for long periods of time to receive U.S. citizenship. Under current law, U.S. citizen parents are forced to decide between quitting their jobs and returning to the United States or denying their children U.S. citizenship.

The bill requires, with regard to the U.S. history and government knowledge portions of the naturalization test, that the Attorney General publish regulations that recognize the special needs and equities of persons over 65 who have been permanent residents for at least 20 years.

The bill also provides a general waiver of all testing requirements for persons of any age who, because of "physical or developmental disability or mental impairment," could not reasonably be expected to pass the test.

H.R. 783 allows an individual who lost U.S. citizenship because of failure to meet the retention requirements of the law as they existed prior to repeal in 1978, to regain such citizenship upon application to the Attorney General and upon taking the oath of allegiance, provided such person meets the requirements of existing law.

An extremely important provision in this bill is section 210, which extends the Visa Waiver Pilot Program for 2 years. The Visa Waiver Program allows visitors for business or pleasure from qualified foreign countries to enter the United States for up to 90 days without first having to obtain a visa from a U.S. consular officer abroad; 22 countries now satisfy these standards and are participating in the program. They are France, Germany, Italy, Japan, Brunei, Great Britain, Holland, Sweden, Switzerland, Andorra, Austria, Belgium, Denmark, Finland, Iceland, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, San Marino, and Spain.

In general, for its nationals to qualify for visa waiver, a foreign country must have a low rate of visa refusal, averaging less than 2 percent during the 2 previous fiscal years and less than 2.5 percent during any 1 fiscal year. In addition, the Attorney General must determine that a country's inclusion would not damage U.S. law enforcement interests. To stay in the program nationals from the country must have low rates of visa violations, specifically below 2 percent.

Visa waiver was first enacted by Congress in 1983 as part of a 3-year pilot program. In 1990, after it had proven successful, Congress extended the program until September 30, 1994. Thus, at this point the program is officially expired and will remain so unless we pass this bill.

The travel and tourism industries as well as officials from both the Bush and Clinton administrations have strongly urged the subcommittee to extend the program.

In addition to extending the program, H.R. 783 provides that countries whose rates are low, but not quite low enough to qualify under current law, could qualify for visa waiver on a probationary basis. Specifically, a country would qualify if its refusal rate was less than 3.5 percent for 2 fiscal years and less than 3 percent during the previous fiscal year.

H.R. 783 also reauthorizes appropriations for the Refugee Resettlement Program for 3 years.

Mr. MINETA. Mr. Speaker, I rise today in strong support of H.R. 783, the Immigration and Nationality Technical Corrections Act.

This is a vital piece of legislation, and I am very pleased to see us bringing it to resolution before adjournment.

First and foremost, Mr. Speaker, this legislation will extend for 2 years the visa waiver pilot program under which more than 9 million international tourists and business people per year travel to the United States.

The Visa Waiver Program, under which the United States has signed cooperative agreements with 20 western European nations, Japan, and New Zealand, is a crucial boost to the American travel and tourism industry, and a failure to extend this program could have meant substantial disruption to our tourism-based sectors of our economy.

Thankfully, due to the leadership of the chairman of the subcommittee, Mr. MAZZOLI, and with the assistance of the minority here in the House, this legislation is before us today.

In addition, Mr. Speaker, H.R. 783 will clarify a provision of immigration law dealing with stowaways on international aircraft under which this Nation's airlines have suffered a severe and undue burden for many years.

As Chair of the Committee on Public Works and Transportation, I applaud and strongly endorse this reform.

Mr. Speaker, there are a number of other provisions of this bill which are of major importance to me, as well.

H.R. 783 contains my H.R. 283, the Equity in Citizenship Act, legislation designed to remove one of the last remaining vestiges of discrimination against women in our immigration code.

This legislation, which appears as section 201 of H.R. 783, would grant U.S. citizenship to the children of American mothers who have been denied that citizenship because they were born before 1934.

This discriminatory provision of our immigration laws is continuing to affect people today—people who by all rights should be American citizens. H.R. 783 will finally grant them the citizenship that should always have been theirs by right.

The bill will also ease the availability of the knowledge of English language and American Government requirement for older, long-term permanent residents. This humanitarian provision was authored by my good friend, Congressman BARNEY FRANK, and will be a tremendous benefit to Asian-Pacific American immigrants who are eager to declare their loyalty to this, their adopted country, by taking the oath of citizenship.

H.R. 783 will also:

Reauthorize current programs for refugee assistance, under which States receive roughly $400 million in fiscal year 1995. This reauthorization represents an affirmation of the Federal Government's commitment to helping State and local governments deal with the pressing humanitarian, health and economic needs of the refugees in their communities.

Streamline the procedures to obtain American citizenship for children adopted by American parents living abroad.

Extend the special immigration status for religious workers.

Extend the off-campus work authorization for foreign students studying the United States.

And, under language adopted in the other body, establish a new visa category allowing foreign students graduating from American medical schools to remain in this country if they agree to practice in areas with a shortage of health professionals.

All of these provisions are worthy of our support, and I wholeheartedly endorse the bill.

Finally, Mr. Speaker, I would like to salute the gentleman from Kentucky, my good friend, Congressman ROM MAZZOLI. This is the last bill he will do prior to his retirement, and I believe that all of us owe him a debt of gratitude for his leadership and his dedication on issues relating to immigration.

There is probably no more difficult issue to manage in the Congress these days, but the gentleman from Oklahoma has shown an extraordinary care to ensure that the bills that come out of this subcommittee are calmly and well-reasoned, are balanced and fair, and show true concern for the people whose lives and livelihoods are often at stake in these debates.

For that work, and for all of his service to this Nation, I would like to thank him. He will be sorely missed in the Congress.

Once again, Mr. Speaker, I would like to reiterate my support for H.R. 783, and urge my colleagues to join me in sending it on to the President.

Mr. MCCLOSKEY. I rise in strong support of H.R. 783, the nationality and naturalization amendments of 1994. On September 20, 1994, the House gave its overwhelming support to H.R. 783, which the Senate has amended. This legislation would reauthorize and reform the Visa Waiver Pilot Program while implementing much needed reforms. The Visa Waiver Program enables tourists and business travelers from specified countries to come to the United States without first having to obtain a nonimmigrant visa. Current eligibility standards are overly restrictive and hinge largely on nonimmigrant visa refusal rates—a standard which fails to operate in the best interest of the United States or of the countries which are denied participation.

The shortcomings of the eligibility criteria came to my attention in my role as chairman of the Friends of Ireland Committee. The fact that Ireland has been excluded from participation best illustrates the current program's shortcomings. Ireland is one of only three Western European countries excluded from the Visa Waiver Program, even though Ireland has demonstrated exemplary overstay rates and steadily declining refusal rates during the last 3 years. Additionally, while Irish citizens are denied inclusion, citizens from Northern Ireland are able to fully participate in the pilot program.

H.R. 783 will incorporate the overstay rate as a factor in determining eligibility for probationary status in the Visa Waiver Program. The overstay rate is a critical element because it demonstrates how many nationals of a particular country actually violated the terms of their stay in the United States. I would like to commend Chairman ROM MAZZOLI and BILL MCCOLLUM, the distinguished ranking member of the subcommittee, for their leadership on this issue and for incorporating this reform into H.R. 783. It is a commonsense approach which enjoys broad bipartisan support.

The Visa Waiver Pilot Program has proven its worth over the years by generating good will towards many of our neighbors overseas and generating tourist dollars for our economy. This legislation has been designated as a high priority by the Irish Government and the Friends of Ireland Committee. Foreign tourism brought $74 billion into the U.S. economy last year and provided nearly 900,000 jobs for American workers. Today's vote can extend these benefits. I urge my colleagues to vote in favor of H.R. 783.

Mr. OBERSTAR. Mr. Speaker, as chairman of the Congressional Travel and Tourism Caucus and the Subcommittee on Aviation, I offer my strong support for H.R. 783 which extends the Visa Waiver Pilot Program for 2 years and expands the program to include several countries on a probationary basis. I recognize that with the appropriate measures in place to preserve American security interests, the visa waiver program is a proven economic stimulus for local, State, and the national economy.

This legislation has particular significance for me in my role as chairman of the Congressional Travel and Tourism Caucus. The Visa Waiver Pilot Program, which has been in place since 1988, has been a tremendous catalyst in encouraging travel and tourism to the United States. From July 1988 through fiscal year 1993, 31 million people were admitted to our country under the Visa Waiver Program. Should the program have expired on September 30 as scheduled, over 10 million prospective travelers who did not need U.S. visas would have been required to acquire a nonimmigrant visa. Additionally, expiration of the program would have caused some countries to reinstate visa requirements for U.S. citizens. Clearly, a situation such as this one would have burdened both travelers to the United States and American citizens traveling abroad. Moreover, the expiration of the program would have undoubtedly had a negative impact on the travel and tourism sector of the economy. Delays due to visa processing would have resulted in canceled travel plans and loss of revenue for airlines, hotels, restaurants, small businesses, and other tourism-related industries in the United States.

As you may be aware, over 45 million international visitors spent $74 billion in the United States in 1993, which resulted in employment for 900,000 Americans and made travel and tourism the second-largest employer and the third largest retail industry. The revenues from these travelers gave the United States a $20.8 billion trade surplus—one of the few trade surpluses the U.S. still maintains. Extending the Visa Waiver Program ensures the continuation of this vital economic trend.

The benefits of ease of travel for visitors is felt in every congressional district. Every time a visitor enters our country, he or she generates new dollars for State and local economies as well as the national economy. Historic sites, national parks, museums, amusement parks, resorts, and the many other businesses in our communities prosper through tourism. Travel and tourism is the first, second, or third largest employer in 30 States. In my home State of Minnesota, more than 8,000 jobs were generated by foreign visitor spending while an additional 100,000 jobs were generated by domestic travel and tourism.

In order to participate in the program, the member countries must meet a basic criteria, which ensures the protection of American interests and security. At the same time, countries in the program must also reciprocate the visa waiver for U.S. citizens. The 22 member countries currently involved in the program all represent American ideological partners and allies. No attempt is being made to allow countries that do not meet our standards of conduct into the program. It is also important to note that the 2-year extension will in no way dilute the authority of the Customs Service. Visitors from foreign nations will still be subjected to scrutiny upon entering the country. This would include the display of passport identification and searches by customs agents of traveler's personal belongings. H.R. 783 simply eliminates the need to obtain a visa, and in the end, promotes international tourism by lifting bureaucratic travel restrictions.

As an aside, the White House Conference on Travel and Tourism, an idea that originated with my colleagues on the Caucus, will examine, among other items, barriers to tourism. The Visa Waiver Program is certainly a wonderful example of the benefits that come with fewer barriers for travelers. By alleviating bureaucratic procedures and making travel to and from the United States a less cumbersome experience, the Visa Waiver Program sends a strong signal that we welcome foreign travelers and the dollars they bring to our communities.

In closing, I want to commend Chairman MAZZOLI for his efforts to see the pilot program extended. I also want to commend Mr. MCCLOSKEY and Mr. MACHTLEY for their initiatives concerning expansion of the visa waiver program. It is thrilling to see the array of support for increasing travel opportunities for visitors. Extending the Visa Waiver Program will facilitate the free flow of travel for foreign visitors and U.S. citizens and ensure that this vital sector of our economy continues to thrive.

Mr. FISH. Mr. Speaker, before this goes any further, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SHARP). Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

CIVIL RIGHTS COMMISSION REAUTHORIZATION ACT OF 1994

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 2372) to reauthorize for 3 years the Commission on Civil Rights, and for other purposes, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Senate amendment to House Amendments: Page 10, line 12, strike out "September 30, 1995" and insert "September 30, 1996".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. FISH. Mr. Speaker, reserving the right to object, and I shall not object, but I make the reservation for the sole purpose of inquiring from the chairman of the full committee, am I not correct that the only change made by the Senate amendments to the House-passed bill is that we had a length of the authorization for 1 year that was changed and lengthened by the Senate amendment? That is the only change that was involved, is that correct?

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, the gentleman is absolutely correct.

Mr. FISH. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

JUDICIAL AMENDMENTS ACT OF 1994

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 2407) to make improvements in the operation and administration of the Federal courts, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I would request that the gentleman from Texas [Mr. BROOKS] explain what is in the legislation.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, S. 2407, the Judicial Amendments Act of 1994, contains extensions of three expiring provisions relating to the Federal courts. First, it extends and improves the operation of the judiciary automation fund for 3 years. The Director of the Administrative Office of the Courts has written to me regarding the authority that the courts intend to exercise with regard to this fund. I would ask unanimous consent that the letter be entered into the RECORD. Second, it extends the authorization of court arbitration pilot projects for 3 years. Finally, it extends the Civil Justice Reform Act pilot programs for 1 year. All three of these programs are valuable and deserve to be continued.

Mr. Speaker, I include this letter for the RECORD:

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS,
Washington, DC, October 5, 1994.

Hon. JACK BROOKS,
Chairman, House Judiciary Committee, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that you are concerned about some of the authorities granted to the Judiciary in S. 2407. Recognizing your legitimate concerns, I want to inform you about how the judiciary plans to exercise some of that discretion in the event that S. 2407 is enacted into law:

a. Courts will not deposit money into the Judiciary Automation Fund for the salaries and expenses of court support personnel;

b. The authority granted to the Director to enter into contracts in advance of appropriations, contained in subsection (e)(1), will include a cap of $75,000,000 or the amount collected in fees, whichever is less;

c. The annual report, described in subsection (h), will include a description of automation activities and expenditures by the appellate, district and bankruptcy courts and the pretrial and probation offices not funded through the Judiciary Automation Fund;

d. The judiciary will not exercise the authority to reprogram funds out of the Judiciary Automation Fund up to $1,000,000, leaving the authority to reprogram funds unchanged from the original authorization bill enacted in 1990;

e. The strategic business plan required by added subsection (k) in S. 2407 will be developed by September 30, 1996;

f. The Long Range Plan for Automation in the Federal Judiciary will include a commitment to establish cost efficient and uniform national automation systems; provide for the use of such systems by the courts; and ensure the collection of nationwide data regarding the operations of the courts.

Your interest in this legislation is greatly appreciated. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

L. RALPH MECHAM,
Director.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, I would ask the gentleman if there is any private relief in this legislation.

Mr. BROOKS. Mr. Speaker, if the gentleman will yield further, not that I know of.

Mr. Speaker, I would also like to say, before I ask the gentleman from California [Mr. MOORHEAD] to yield to him, that we are also going to miss the services of one of the finest minds on the Committee on the Judiciary, the gentleman from New Jersey [Mr. HUGHES].

He is not only innovative and hardworking, but he is a very dedicated Member of this body. He has made a tremendous contribution in the last few years.

Mr. Speaker, I hope the Members would join me in applauding his excellent service here.

Mr. MOORHEAD. Mr. Speaker, further reserving my right to object, I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding time to me. I also thank the gentleman from Texas

[Mr. BROOKS], chairman of the Committee on the Judiciary, for those kind remarks, and I thank my colleagues for that warm good wish that they extended to me.

Mr. Speaker, S. 2407 as it appears before the House today is a stop-gap version of the Federal Courts Improvement Act of 1994. Unfortunately, our colleagues in the other body have determined that they would not consider a more comprehensive courts bill this year.

This disappoints me very much, particularly as it relates to the court-annexed arbitration portion of the bill which the House acted upon last year by passing H.R. 1102. H.R. 1102 would have expanded court-annexed arbitration to other jurisdictions while S. 2407 would merely continue for another 3 years the authorization for court-annexed arbitration in the 20 districts which are currently authorized to operate such programs. Ten of these programs contain mandatory nonbinding arbitration, and these programs have met with almost universal acclaim and success. I was hoping that we could expand upon this process to facilitate experimentation of similar programs throughout the rest of the country.

I sincerely hope that the Congress will again get the opportunity to revisit this issue next year when the Department of Justice also will present its civil justice reform package. Reportedly their proposal will deal with alternate dispute resolutions programs, generally.

The second portion of this interim legislation involves the judicial automation fund. This fund expired on September 29, 1994, and this legislation will reauthorize it for 3 more years.

The third part of the bill would extend a Rand Corporations' study of civil litigation which was required by the Civil Justice Reform Act of 1990 for 1 additional year.

I believe these three provisions are noncontroversial and will be a vital interim solution for civil justice reform in our courts. I urge my colleagues to pass S. 2407.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, I want to commend the gentleman from New Jersey [Mr. HUGHES] for his fine work on this legislation, and for a vast amount of legislation that he has worked on in the intellectual property area over the last number of years. We have enjoyed working together with him, and I think we have accomplished a lot.

Mr. Speaker, this particular bill has four noncontroversial parts to it. They have already been described.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Amendments Act of 1994".

SEC. 2. AMENDMENTS TO THE JUDICIARY AUTOMATION FUND.

Section 612 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in the second sentence by inserting after "equipment for" the following: "program activities included in the courts of appeals, district courts, and other judicial services account of"; and

(B) in the third sentence by striking out all after "personal services" and inserting in lieu thereof", support personnel in the courts and in the Administrative Office of the United States Courts, and other costs, for the effective management, coordination, operation, and use of automatic data processing equipment purchased by the Fund. In addition, all agencies of the judiciary may make deposits into the Fund to meet their automatic data processing needs in accordance with subsections (b) and (c)(2).";

In subsection (b)(1) by striking out "judicial branch" and inserting in lieu thereof "activities funded under subsection (a) and shall include an annual estimate of any fees that may be collected under section 404 of the Judiciary Appropriations Act, 1991 (Public Law 101–515; 104 Stat. 2133";

(3) in subsection (b)(2) by striking out "judicial branch of the United States" and inserting in lieu thereof "activities funded under subsection (a)";

(4); in subsection (c)(1)(A), by inserting after "surplus property" the following: ", all fees collected after the date of the enactment of the Judicial Amendments Act of 1994 by the judiciary under section 404 of the Judiciary Appropriations Act. 1991 (Public Law 101–515; 104 Stat. 2133)";

(5) in subsection (e)(1)—

(A) by striking out "(A)"; and

(B) by striking out "$75,000,000" and inserting in lieu thereof "amounts estimated to be collected under subsection (c) for that fiscal year";

(6) in subsection (h) by amending the subsection to read as follows:

"(h) ANNUAL REPORT.—

"(1) IN GENERAL.— The Director shall submit to the Congress an annual report on the operation of the Fund, including on the inventory, use, and acquisition of automatic data processing equipment from the Fund and the consistency of such acquisition with the plan prepared under subsection (b). The report shall set forth the amounts deposited into the Fund under subsection (c).

"(2) ADDITIONAL CONTENTS OF REPORT.—The annual report submitted under this subsection shall include—

"(A) the specific actions taken and the progress made to improve the plan developed under subsection (b) and the long range automation plan and strategic business plan developed under subsection (k); and

"(B) a comparison of planned Fund expenditures and accomplishments with actual Fund expenditures and accomplishments, and the reasons for any delays in scheduled systems development, or budget overruns.

"(3) REPORT IN YEAR OF TERMINATION OF AUTHORITY.—The annual report submitted under this subsection for any year in which the authority for this section is to terminate under subsection (m), shall be submitted no later than 9 months before the date of such termination.";

(7) in subsection (i) by striking out all after "Judicial Conference of the United States," and inserting in lieu thereof "may transfer amounts up to $1,000,000 from the Fund into the account to which the funds were originally appropriated. Any amounts transferred from the Fund in excess of $1,000,000 in any fiscal year may only be transferred by following reprogramming procedures in compliance with section 606 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100–459; 102 Stat. 2227).";

(8) in subsection (j) in the second sentence by inserting "in statute" after "not specified";

(9) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively, and by inserting after subsection (j) the following new subsection:

"(k) LONG RANGE MANAGEMENT AND BUSINESS PLANS.—The Director of the Administrative Office of the United States Court shall—

"(1) develop an overall strategic business plan which would identify the judiciary's missions, goals, and objectives;

"(2) develop a long range automation plan based on the strategic business plan and user needs assessments;

"(3) establish effective Administrative Office oversight of court automation efforts to ensure the effective operation of existing systems and control over developments of future systems;

"(4) expedite efforts to complete the development and implementations of life cycle management standards;

"(5) utilize the standards in developing the next generation of case management and financial systems; and

"(6) assess the current utilization and future user requirements of the data communications network."; and

(10) in subsection (m) (as redesignated under paragraph (9) of this section—

(A) in the first sentence by striking out "1994", and inserting in lieu thereof, "1997"; and

(B) in the second sentence by striking out "'Judicial Services Account'" and inserting in lieu thereof "fund established under section 1931 of this title".

SEC. 3. COURT ARBITRATION AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note) is amended—

(1) in the first sentence by striking out "for the fiscal year ending September 30, 1989, and for each of the succeeding 7 fiscal years," and inserting in lieu thereof "for each of the fiscal years 1994 through 1997"; and

(2) in the third sentence by striking out all beginning with ", except that" through "this Act".

(b) REMOVAL OF REPEALER.—Section 906 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note), and the item relating to such section in the table of contents contained in section 3 of such Act, are repealed.

SEC. 4. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PILOT PROGRAMS.

Section 105 of the Civil Justice Reform Act of 1990 28 U.S.C. 471 note; 104 Stat. 5097) is amended—

(1) in subsection (a)(1) by striking out "4-year period" and inserting in lieu thereof "5-year period";

(2) in subsection (b)(3)—

(A) in the first sentence by striking out "3 years" and inserting in lieu thereof "4 years"; and

(B) in the second sentence by striking out "3-year period" and inserting in lieu thereof "4-year period"; and

(3) in subsection (c)(1) by striking out "December 31, 1995," and inserting in lieu thereof "December 31, 1996,".

The Senate bill was ordered to be read a third time and passed, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGARDING UNITED NATIONS POLICY TOWARD HAITI

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 229) regarding United States policy toward Haiti, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but I just want to explain that the minority has reviewed this request and has no objection.

Mr. Speaker, continuing my reservation of objection, I am pleased to yield to the gentleman from Indiana [Mr. HAMILTON] for an explanation.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, this resolution was passed by the Senate last night, and is identical to the Dellums-Murtha-Hastings amendment which the House adopted. This action will allow us to send to the President a measure reflecting the will of the Congress on the issue of Haiti.

Mr. LEVIN. Mr. Speaker, each of the resolutions before us tonight has its serious imperfections.

I voted against the Michel resolution because I believe that it would have led to chaos in Haiti and threatened our troops.

The Dellums resolution would set no target date for withdrawing American troops from Haiti.

The Torricelli resolution sets a target date, but its retroactive authorization is unwise and easily misunderstood.

I opposed the use of force in Haiti. Now that our troops are there, I believe that we must support them. I also believe that there must be a clear mission and a target date set for their safe withdrawal.

Since none of the resolutions before us tonight adequately address my concerns, I must reluctantly vote "no" on all of them.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 229

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SENSE OF CONGRESS REGARDING UNITED STATES ARMED FORCES OPERATIONS IN HAITI.

It is the sense of Congress that—

(a) The men and women of the United States Armed Forces in Haiti who are performing with professional excellence and dedicated patriotism are to be commended;

(b) the President should have sought and welcomed Congressional approval before deploying United Stats Forces to Haiti;

(c) the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy and the rule of law are in the best interests of the Haitian people;

(d) the President's lifting of the unilateral economic sanctions on Haiti, and his efforts to bring about the lifting of economic sanctions imposed by the United Nations are appropriate; and

(e) Congress supports a prompt and orderly withdrawal of all United Stats Forces from Haiti as soon as possible.

SEC. 2. PRESIDENTIAL STATEMENT OF NATIONAL SECURITY OBJECTIVES.

The President shall prepare and submit to the President Pro Tempore of the Senate and the Speaker of the House of Representatives (hereafter, "Congress") not later than seven days after enactment of this resolution a statement of the national security objectives to be achieved by Operation Uphold Democracy, and a detailed description of the United States policy, the military mission and the general rules of engagement under which operations of the United States Armed Forces are conducted in and around Haiti, including the role of United States Armed Forces regarding Haitian on Haitian violence, and efforts to disarm Haitian military or police forces, or civilians. Changes or modifications to such objectives, policy, military mission, or general rules of engagement shall be submitted to Congress within forty-eight hours of approval.

SEC. 3. REPORT ON THE SITUATION IN HAITI.

Not later than November 1, 1994, and monthly thereafter until the cessation of Operation Uphold Democracy, the President shall submit a report to Congress on the situation in Haiti, including—

(a) a listing of the units of the United States Armed Forces and of the police and military units of other nations participating in operations in and around Haiti;

(b) the estimated duration of Operation Uphold Democracy and progress toward the withdrawal of all United States Armed Forces from Haiti consistent with the goal of Section 1(e) of this resolution;

(c) armed incidents or the use of force in or around Haiti involving United States Armed Forces or Coast Guard personnel in the time period covered by the report;

(d) the estimated cumulative incremental cost of all United States activities subsequent to September 30, 1993 in and around Haiti, including but not limited to—

(1) the cost of all deployments of the United States Armed Forces and Coast Guard personnel, training, exercises, mobilization, and preparation activities, including the preparation of police and military units of the other nations of the multinational force involved in enforcement of sanctions, limits on migration, establishment and maintenance of migrant facilities at Guantanamo Bay and elsewhere, and all other activities relating to operations in and around Haiti; and

(2) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction, aid and other financial assistance, and all other costs to the United States Government;

(e) a detailed accounting of the source of funds obligated or expended to meet the costs described in subparagraph (d), including—

(1) in the case of funds expended from the Department of Defense budget, a breakdown by military service or defense agency, line item and program, and

(2) in the case of funds expended from the budgets of departments and agencies other than the Department of Defense, by department or agency and program;

(f) the Administration plan for financing the costs of the operations and the impact on readiness without supplemental funding;

(g) a description of the situation in Haiti, including—

(1) the security situation;

(2) the progress made in transferring the functions of government to the democratically elected government of Haiti; and

(3) progress toward holding free and fair parliamentary elections;

(h) a description of issues relating to the United Nations Mission in Haiti (UNMIH), including—

(1) the preparedness of the United Nations Mission in Haiti (UNMIH) to deploy to Haiti to assume its functions;

(2) troop commitments by other nations to UNMIH;

(3) the anticipated cost to the United States of participation in UNMIH, including payments to the United Nations and financial, material and other assistance to UNMIH;

(4) proposed or actual participation of United States Armed Forces in UNMIH;

(5) proposed command arrangements for UNMIH, including proposed or actual placement of United States Armed Forces under foreign command; and

(6) the anticipated duration of UNMIH.

SEC. 4. REPORT ON HUMAN RIGHTS.

Not later than January 1, 1995, the Secretary of State shall report to Congress on the participation or involvement of any member of the de jure or de facto Haitian government in violations of internationally-recognized human rights from December 15, 1990 to December 15, 1994.

SEC. 5. REPORT ON UNITED STATES AGREEMENTS.

Not later than November 15, 1994, the Secretary of State shall provide a comprehensive report to Congress on all agreements the United States has entered into with other nations, including any assistance pledged or provided, in connection with United States efforts in Haiti. Such report shall also include information on any agreements or commitments relating to United Nations Security Council actions concerning Haiti since 1992.

SEC. 6. TRANSITION TO UNITED NATIONS MISSION IN HAITI.

Nothing in this resolution should be construed or interpreted to constitute Congressional approval or disapproval of the participation of United States Armed Forces in the United Nations Mission in Haiti.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution was laid on the table.

CHILD SUPPORT REFORM AMENDMENTS ACT OF 1994

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service, the Committee on Government Operations, and the Committee on Foreign Affairs be discharged from further consideration of the bill (H.R. 5179) to amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I rise in strong support of H.R. 5179, a bill to strengthen child support enforcement orders from Federal employees.

The bill authorizes expedited garnishment proceedings for child support owed by Federal employees. It gives the person owed child support the ability to attach retirement funds for child support after an administrative proceeding. H.R. 5179 denies Federal benefits (like VA and FHA loans and Federal employment) to people owing more than 3 months back child support unless a payment plan is accepted. Further, the measure denies passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support.

H.R. 5179 is a substantial starting point that we hope will lead to even stronger child support enforcement measures in the next Congress.

In my State of Maryland, $200 million in child support is collected each year, but an additional $500 million remains delinquent. Incredibly, 330,000 child support enforcement cases are pending in the State meaning that every case worker must handle 500 claims. Clearly, our Nation's child support collection system is badly broken and must be fixed.

Nationally $34 billion is owed by child support that is uncollected. Shockingly, 49 percent of child support payments are in default. Yet the default rate for car loans is only 3 percent. Does that suggest we care more about our cars than our children? Our children deserve the support of both parents. They can wait no longer.

Mr. Speaker, I yield to my distinguished colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], one of the major proponents of this legislation who has worked hard on it.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman from Maryland for yielding. I thank her for her work, and I thank the gentlewoman from the District for her work in the caucus who has worked so hard.

Basically what these are are recommendations that came from a long, long study that was done nationally on what we could do to do welfare prevention. I am saying welfare prevention because we know if we did a better job of child support enforcement, we would have much better statistics, as the gentlewoman mentioned, the $34 billion. It is tragic that we do better with our cars than our children.

I thank the gentlewoman very much. I hope we can pass this expeditiously and get on with finally doing what we should have done years ago.

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman for her comments and for the work that went into it. I also want to commend the gentlewoman from the District of Columbia [Ms. NORTON] for her leadership in this bill on the Committee on Post Office and Civil Service.

Ms. NORTON. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentlewoman from the District of Columbia, the sponsor of this legislation.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, H.R. 5179 represents the first national approach to assuring child support from both parents and gives Congress a head start on passing far more comprehensive child support legislation, which will surely come in the 104th Congress.

I am particularly proud and pleased that the Committee on Post Office and Civil Service and the Committee on Foreign Affairs have been the first to come forward with historic changes in the way parents' obligations to support the children are required under law.

H.R. 5179 represents the first national approach to assuring child support from both parents. No issue before the Congress has undergone more study or engendered more widespread anguish. The Federal sector, both in its responsibility for Federal benefits for millions of Americans and as the largest employer in the country, is the most critical actor in solidifying national enforcement of child support.

This bill requires Federal agencies to comply with child support garnishment orders within 5 days of receipt where the order appears regular on its face. It provides that Federal agencies which fail to comply with clearly valid garnishment orders within 10 working days after the date wages would have been paid or credited to the employee by the agency will be subject to, and comply with, any civil fine of not more than $1,000 imposed by a State.

The bill provides that an individual owed a child support arrearage determined under a court order or an order of an administrative process established under State law may attach the civil service retirement annuity monies which would otherwise be payable to an employee, Member, or annuitant who owes the support, without the requirement of a separate order specifically directing garnishment of the retirement monies. This streamlined process would, however, only apply when the State provides procedures for notice and expedited hearing if requested by such employee, Member, or annuitant. Payments attached under this paragraph shall be held in escrow pending a determination pursuant to such a hearing, if any.

The bill prohibits the payment of Federal grants, loans, professional licenses, or commercial licenses provided by an agency of the United States to an individual who is in arrears by more than 3 months in the payment of child support, determined under a court order or an order of an administrative process established under State law, and has not entered into or gotten into compliance with a plan or agreement to repay the arrearage. Similarly, an individual who is in arrears by more than 3 months in the payment of child support, determined under such an order, must, as a condition of accepting employment in any position in the Federal Government, enter into or be in compliance with a plan or agreement to pay the arrearage.

Finally, section 5 of the bill, an amendment authorized by the Foreign Affairs Committee, authorizes the Secretary of State to refuse a passport or revoke, restrict, or limit a passport in any case in which the Secretary of State determines or is informed by competent authority that the applicant or passport holder is a noncustodial parent who is the subject of an outstanding State warrant of arrest for nonpayment of child support, where the amount in controversy is not less than $10,000.

Mrs. MORELLA. Mr. Speaker, our children deserve the support of both parents. Our children cannot wait any longer. This bill gives us that head start.

Ms. SNOWE. Mr. Speaker, I rise in support of H.R. 5179, a bill to prevent noncustodial parents who are delinquent in child support obligations to flee the country. This bill closes a loophole that allows deadbeat parents to escape their obligations to their children.

At a time when approximately 25 percent of our Nation's children grow up in single-parent households, delinquent child support payments create irreparable problems—both emotional and financial. The Urban League estimates the potential for child support collections to be $48 billion. States are currently collecting $14 billion annually from noncustodial parents, leaving a $34 billion gap, and with 15 million cases and a growing caseload, there is a definite need for reform.

The bill before you would authorize the Secretary of State to refuse a passport or revoke, restrict, or limit a passport in any case in which the Secretary of State determines or is informed by a competent authority that the applicant or passport holder is a noncustodial parent who is the subject of an outstanding State warrant of arrest for nonpayment of child support, where the amount in controversy is not less than $10,000. Current law provides for other instances in which passports are denied or revoked, such as for default on a Federal loan.

According to the U.S. Commission on Interstate Child Support's report to Congress, there are over 2.4 million American parents living abroad, with a significant number who have child support obligations. We all are aware of the myriad problems of collecting interstate child support, but historically these difficulties are only magnified when a deadbeat parent relocates to a foreign nation, causing child support enforcement to become more time-consuming and expensive.

I urge my colleagues to support this bill, keeping in mind that the quality of the lives of our children is at stake.

Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of the Child Support Amendments of 1994, H.R. 5177.

The provisions of the bill before us originated from the Child Support Responsibility Act (H.R. 4570), which I introduced on behalf of the Congressional Caucus for Women's Issues last June. H.R. 4570 builds upon the 1992 recommendations of the U.S. Commission on Interstate Child Support. The caucus is fortunate to have two executive committee members who were on the Commission and they have lent their expertise to the legislation. H.R. 4570 is so comprehensive in its approach to child support enforcement it was referred to seven different committees.

Child support enforcement is a pressing issue in our Nation. A majority of Members readily agree that immediate action is needed to strengthen our present child support system. The caucus believes that for many families, child support payments are in reality welfare prevention measures. Initially, we supported moving child support legislation along with welfare reform legislation. However, when it became apparent that time was running out for action on welfare reform in this Congress, the caucus began working to have comprehensive child support enforcement legislation passed. We are able to get the support of the leadership on both sides and the support of the chairman of the Ways and Means Committee. Time simply ran out on moving the larger bill; however, we managed to get several provisions passed by the House.

I thank the gentlewoman from the District of Columbia [Ms. NORTON] for acting so expeditiously on the provisions of H.R. 4570 under the subcommittee's jurisdiction. With the gentlewoman's help, the Post Office and Civil Service Committee became the first committee to approve provisions of caucus' bill.

The bill before us includes important provisions from the larger bill. H.R. 5177 would significantly strengthen the Federal Government's child support enforcement mechanisms. For the first time, individuals will be prohibited from receiving Federal benefits or become employed by the Federal Government if their child support obligations are 3 months in arrears and they refuse to enter into a payment plan for the arrearage. I would like to make clear that the bill will not deny access to any federally means-tested benefits. However, if noncustodial parents refuse to financially support their children, the Federal Government will no longer issue them a professional license or loan them money.

H.R. 5177 also includes a provision from H.R. 4570 under the jurisdiction of the Foreign Affairs Committee. The gentleman from Indiana [Mr. HAMILTON] has agreed to discharge the committee's provisions to the Post Office Committee. This child support enforcement tool would restrict the passports of individuals with child support arrears exceeding $10,000. The Interstate Commission found that collecting child support payments internationally is extremely difficult. This provision would require noncustodial parents to pay up before they fly out.

I want to take a minute to thank the chairman of the Judiciary Committee, the gentleman from Texas [Mr. BROOKS], and the chairman of the Armed Services Subcommittee on Military Forces and Personnel, the gentleman from Missouri [Mr. SKELTON], for their work on the provisions of H.R. 4570 referred to their committees. Provisions of the caucus' bill pertaining to bankruptcy proceeding were incorporated into the bankruptcy reform bill, passed by the House on October 4. On the same day, the House also passed H.R. 5140, a bill which would improve the collection of child support payments owed by military personnel.

With the passage of these four provisions, we have accomplished what was possible this Congress. On the first day of the 104th Congress, we will reintroduce the Child Support Responsibility Act and begin working to pass this much needed legislation.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HUGHES). Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Reform Amendments Act of 1994".

SEC. 2. GARNISHMENT OF PAY OF FEDERAL EMPLOYEES.

Subsection (i) of section 5520a of title 5, United States Code, is amended—

(1) by striking out "The provisions" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the provisions"; and

(2) by adding at the end thereof the following:

"(2)(A) Each agency, upon receipt of legal process relating to an employee's legal obligation to provide child support that is regular on its face shall—

"(i) within five working days after the date pay would have been paid or credited to the employee by the agency, comply with the order, notwithstanding subsection (f);

"(ii) forward the amount withheld pursuant to the order to the State or custodial parent specified in the order; and

"(iii) keep records of the amounts so withheld.

"(B) In addition to service provided for under subsection (c), such an order may be served on the agency by first-class mail.

"(C) Each agency shall be subject to, and comply with, any civil fine of not more than $1,000 imposed by a State if the agency receives such an order and fails to comply with the order within 10 working days after the date wages would have been paid or credited to the employee by the agency.".

SEC. 3. ELIMINATION OF SECOND COURT ORDER TO ATTACH RETIREMENT FUNDS FOR CHILD SUPPORT.

(a) CSRS.—Subsection (j) of section 8345 of title 5, United States Code, is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following new paragraph:

"(3) Notwithstanding paragraph (1), an individual owed a child support arrearage (determined under a court order or an order of an administrative process established under State law) may attach any interest in payments under this subchapter which would otherwise be payable to an employee, Member, or annuitant who owes the support, without the requirement of a separate order, but only if the State provides procedures for notice and an expedited hearing if requested by such employee, Member, or annuitant. Payments attached under this paragraph shall be held in escrow pending a determination pursuant to such a hearing (if any).".

(b) TSP.—Paragraph (3) of section 8437(e) of such title is amended by adding at the end the following: "An individual owed a child support arrearage (determined under a court order or an order of an administrative process established under State law) may attach any interest in moneys due or payable from the Thrift Savings Fund which would otherwise be payable to an employee, Member, or annuitant who owes the support, without the requirement of a separate order, but only if the State provides procedures for notice and an expedited hearing if requested by such employee, Member, or annuitant. Amounts due or payable which are attached under this paragraph shall be held in escrow pending a determination pursuant to such a hearing (if any).".

(c) FERS.—Section 8467 of such title is amended by adding at the end the following:

"(c) Notwithstanding paragraph (1), an individual owed a child support arrearage (determined under a court order or an order of an administrative process established under State law) may attach any interest in payments under this subchapter which would otherwise be payable to an employee, Member, or annuitant who owes the support, without the requirement of a separate order, but only if the State provides procedures for notice and an expedited hearing if requested by such employee, Member, or annuitant. Payments attached under this paragraph shall be held in escrow pending a determination pursuant to such a hearing (if any).".

SEC. 4. DENIAL OF FEDERAL BENEFITS AND EMPLOYMENT TO CERTAIN PERSONS WITH LARGE CHILD SUPPORT ARREARAGES.

(a) BENEFITS.—Notwithstanding any other provision of law, an agency of the Federal Government may not provide a Federal benefit to any person—

(1) who is in arrears by more than 3 months in the payment of child support, determined under a court order or an order of an administrative process established under Sate law; and

(2) who has not entered into or is not in compliance with a plan or an agreement to pay the arrearages.

(b) EMPLOYMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an individual who is in arrears by more than 3 months in the payment of child support, determined under a court order or an order of an administrative process established under State law, must, as a condition of accepting employment in any position in an agency, enter into or be in compliance with a plan or agreement to pay the arrearages.

(2) REGULATIONS.—Regulations to carry out paragraph (1) shall—

(A) with respect to positions in the executive branch, be prescribed by the President (or designee); and

(B) with respect to positions in the legislative branch, be prescribed jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives (or their designees) and in consultation with the heads of the agencies of the legislative branch.

(c) STUDY.—With respect to the judicial branch, the Director of the Administrative Office of the United States Courts shall assess the feasibility of denying Federal benefits and employment to persons with child support arrears exceeding three months.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "child support" has the meaning given such term in section 462 of the Social Security Act;

(2) the term "Federal benefit" means a grant, loan, professional license, or commercial license provided by an agency of the United States, but does not include—

(A) any benefit eligibility for which, or the amount of which, is based, in whole or in part, on the financial means of the applicant or recipient;

(B) loans or grants made for educational purposes; or

(C) loans or grants for job training; and

(3) the term "agency" means any department, agency, or instrumentality in the executive or legislative branches of the Federal Government.

(e) EFFECTIVE DATE.—This section shall take effect as of November 1, 1995.

SEC. 5. DENIAL OF PASSPORTS TO NONCUSTODIAL PARENTS SUBJECT TO STATE ARREST WARRANTS IN CASES OF NONPAYMENT OF CHILD SUPPORT.

The Secretary of State is authorized to refuse a passport or revoke, restrict, or limit a passport in any case in which the Secretary of State determines or is informed by competent authority that the applicant or passport holder is a noncustodial parent who is the subject of an outstanding State warrant of arrest for nonpayment of child support, where the amount in controversy is not less than $10,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous matter, on H.R. 5179, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

FOREIGN SOVEREIGN IMMUNITIES AMENDMENTS ACT OF 1994

Mr. BROOKS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 934) to amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant jurisdiction to the courts of the United States in certain cases involving torture or extrajudicial killing occurring in that state.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. FISH. Mr. Speaker, reserving the right to object, these are amendments to the Foreign Sovereignty Immunities Act.

I would like to ask the chairman of the full committee if this is not a true statement. If the amendment, as I understand it, to H.R. 934 would allow suits for damages in Federal court for personal injury or death which occurred during the Holocaust in World War II. The legislation has been very narrowly drafted to cover only that fact situation.

Is that the gentleman's understanding of the amendment before us?

Mr. BROOKS. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. Speaker, this legislation represents a narrow yet reasonable response to what appears to be a gap in the law. It provides access to Federal court for U.S. citizens who were victims of the Nazi Holocaust. While I had hoped the House could address this issue in a broader fashion, this bill will provide a measure of justice to at least some of those who suffered reprehensible treatment at the hands of a foreign power.

Mr. FISH. Mr. Speaker, further reserving the right to object, it is my understanding that the only foreign power involved in here is the Federal Republic of Germany.

Mr. BROOKS. I believe that is correct.

Mr. FISH. Mr. Speaker, the minority withdraws its prior objections because of this compromise, but further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the distinguished chairman of the committee and ranking member for bringing this measure to the floor to correct an injustice.

Mr. FISH. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the chairman and the ranking minority member. This is a severe injustice, it is narrow in scope, and we are all showing a great deal of compassion and foresight by moving this legislation.

Mr. FISH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

H.R. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES INVOLVING TORTURE OR EXTRAJUDICIAL KILLING IN A FOREIGN STATE.

Section 1605(a) of title 28, United States Code, is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(7) not otherwise encompassed in paragraph (2), in which money damages are sought against a foreign state for personal injury or death of a United States citizen occurring in such foreign state and caused by the torture or extrajudicial killing of that citizen by such foreign state or by any official or employee of such foreign state while acting within the scope of his or her office or employment, except that—

"(A) the court shall decline to hear a claim under this paragraph if the claimant has not exhausted adequate and available remedies in the place in which the conduct giving rise to the claim occurred; and

"(B) an action under this paragraph shall not be maintained unless it is commenced within 10 years after the cause of action accrues.

For purposes of paragraph (7), the term 'torture' and 'extrajudicial killing' have the meanings given those terms in section 3 of the Torture Victim Protection Act of 1991.".

SEC. 2. EXCEPTION TO IMMUNITY FROM ATTACHMENT.

(a) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(1) by striking the period at the end of paragraph (6) and inserting in lieu thereof ", or"; and

(2) by adding at the end thereof the following new paragraph:

"(7) the judgment relates to a claim for which the foreign state is not immune by virtue of section 1605(a)(7) of this chapter, regardless of whether the property is or was involved in the act upon which the claim is based.".

(b) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(1) by striking "or (5)" and inserting in lieu thereof "(5), or (7)"; and

(2) by striking "used for the activity" and inserting in lieu thereof "involved in the act".

SEC. 3. APPLICABILITY.

The amendments made by this Act shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BROOKS: Strike all after the enacting clause, and insert the following:

SECTION 1. EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES INVOLVING ACTS OF GENOCIDE IN A FOREIGN STATE.

Section 1605(a) of title 28, United States Code, is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following:

"(7) not otherwise encompassed in paragraph (2), in which money damages are sought against the Federal Republic of Germany for the personal injury or death of a United States citizen occurring in the predecessor states of the Federal Republic of Germany, or in any territories or areas occupied, annexed or otherwise controlled by those states and caused by an act of genocide committed against that citizen, by such predecessor state or by any official or employee of such predecessor state while acting within the scope of his or her office or employment during World War Two except that—

"(A) an action under this paragraph shall not be maintained unless the individual whose injury or death gave rise to the action was a United States citizen at the time the conduct causing such injury or death occurred;

"(B) the court shall decline to hear a claim under this paragraph if the claimant has not exhausted adequate and available remedies in the places in which the conduct giving rise to the claim occurred; and

"(C) STATUTE OF LIMITATIONS.—An action under this paragraph shall not be maintained unless the cause of action is brought within 18 months after the date of enactment of this paragraph.

For purposes of paragraph (7), the term 'act of genocide' means conduct that would be a violation of section 1091 of title 18 if committed in the United States.".

SEC. 2. EXCEPTION TO IMMUNITY FROM ATTACHMENT.

(a) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(1) by striking the period at the end of paragraph (6) and inserting in lieu thereof ", or"; and

(2) by adding at the end thereof the following new paragraph:

"(7) the judgment relates to a claim for which the foreign state is not immune by virtue of section 1605(a)(7) of this chapter, regardless of whether the property is or was involved in the act upon which the claim is based.".

(b) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(1) by striking "or (5)" and inserting in lieu thereof "(5), or (7)"; and

(2) by striking "used for the activity" and inserting in lieu thereof "involved in the act".

SEC. 3. APPLICABILITY.

The amendments made by this Act shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. BROOKS].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended so as to read:

TITLE AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. BROOKS: "A bill to amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant jurisdiction to the courts of the United States in certain cases involving torture, extrajudicial killing, or genocide occurring in that state.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

□ 1820

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT OF 1994

Mr. MARKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4522) to amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HUGHES). Is there objection to the request of the gentleman from Massachusetts?

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, and I will not object, I would just like to give the gentleman from Massachusetts [Mr. MARKEY] an opportunity to explain the bill, and I yield for that purpose.

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much for yielding.

This bill was introduced by the gentleman from Michigan [Mr. DINGELL], the gentleman from California [Mr. MOORHEAD], along with the gentleman from Texas [Mr. FIELDS], and myself, and reauthorizes the Federal Communications Commission for fiscal year 1995 at the appropriated level of $186 million. This figure reflects the Commission's needs to carry out its mission under the Communications Act and to implement legislation that this Congress has passed.

In addition, the bill will relieve the burden on certain radio operators who obtain a license, such as recreational boaters, and ensures the communications industry bears a fair share of the operations of the Commission and clarifies in a number of instances the authority of the Commission.

The bill also allows the Commission to develop an accounting system as it establishes new fees, and to report to Congress each year on how the activity of the Commission translates into fees. This truth-in-budgeting requirement will force the Commission to justify its fee proposal, and will give this Congress the information it needs to assess the fees established by the Commission.

Mr. Speaker, I want to congratulate the gentleman from Texas [Mr. FIELDS]. We have worked long and hard on this bill. It is bipartisan and unanimously agreed to.

Mr. FIELDS of Texas. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. MOORHEAD], the ranking minority member.

Mr. MOORHEAD. Mr. Speaker, I rise in support of the substitute amendment to H.R. 4522 to reauthorize the Federal Communications Commission for fiscal year 1995 at $186 million. The bill also provides that a portion of the appropriated funds may be raised from application and user fees.

I am pleased that the legislation also contains some disciplinary measures on the FCC and sets up procedures for tighter budget planning by the FCC and for reporting proposed budget adjustments to Congress.

The bill directs the Commission to waive license requirements for maritime personal radio services, which is very important to recreational boat owners.

Among other things, the legislation clarifies the Commission's authority to reject tariffs and its authority to order refunds resulting from carrier rule violations. The bill also adjusts the statute of limitations for forfeiture proceedings against common carriers to conform with the Commission's accounting procedures.

Mr. Speaker, I want to commend Chairman DINGELL, subcommittee Chairman MARKEY and subcommittee ranking Republican FIELDS for their work on this bill. I urge my colleagues to support the bill.

Mr. FIELDS of Texas. Mr. Speaker, further reserving the right to object, I rise in support of the substitute amendment of H.R. 4522. This bipartisan legislation would reauthorize the Federal Communications Commission for fiscal year 1995 at $186 million. The bill further authorizes that a portion of the FCC's budget shall be derived from what is known as "section 8" application fees and "section 9" user fees, and it expands the commission's section 8 and section 9 fee authority to include all executive and legal costs incurred by the Commission.

Mr. Speaker, while expanding the FCC's fee authority, this bill, in response to the concern raised by committee members, also creates a procedure for mandating tighter FCC budget planning so that the authorizing committees will have adequate time to review future proposed increases or adjustments to fee schedules.

Further, it is worth noting that this bill is only a 1 year authorization. Thus, if we determine next year that further scrutiny of the fee schedules is needed, we will be able to look into it next year.

H.R. 4522 also now requires that the Commission waive license requirements for maritime personal radio services if the Commission determines that to do so is in the public interest. This provision will relieve boatowners from the burden of unnecessary fees. The bill also provides for more efficient and flexible inspection of ship radio equipment.

Among other things, the legislation clarifies the Commission's authority to reject tariffs and its authority to order refunds resulting from carrier rule violations. The bill also adjusts the statute of limitations for forfeiture proceedings against common carriers to conform with the Commission's accounting procedures. This provision reflects the agreement worked out between the FCC and the telephone industry. The bill provides authority for the Commission to use outside consultants.

Mr. Speaker, I want to commend the Subcommittee Chairman, Mr. MARKEY, for his leadership on this bill and I urge my colleagues to support the legislation.

Mr. Speaker, I strongly support the gentleman from Massachusett's request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Communications Commission Authorization Act of 1994".

SEC. 2. EXTENSION OF AUTHORITY.

Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

"SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for the administration of this Act by the Commission $188,400,000 for fiscal year 1995, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for fiscal year 1995. Of the sum appropriated in each fiscal year under this section, a portion, in an amount determined under section 9(b), shall be derived from fees authorized by section 9.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MARKEY:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Communications Commission Authorization Act of 1994".

SEC. 2. EXTENSION OF AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Communications Act of 1934 (47 U.S.C. 156) is amended to read as follows:

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for the administration of this Act by the Commission $186,000,000 for fiscal year 1995, together with such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other nondiscretionary costs, for fiscal year 1995. Of the sum appropriated in each fiscal year under this section, a portion, in an amount determined under section 9(b), shall be derived from fees authorized by section 9.".

(b) TRAVEL AND REIMBURSEMENT PROGRAM.—Subsection (g) of section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(1) by striking paragraph (2), and

(2) by redesignating paragraph (3) as (2).

(c) COMMUNICATIONS SUPPORT FROM OLDER AMERICANS.—Section 6(a) of the Federal Communications Commission Authorization Act of 1988 (47 U.S.C. 154 note) as amended by striking "fiscal years 1992 and 1993" and inserting "fiscal year 1995".

(d) HAWAII MONITORING STATION.—Section 9(a) of the Federal Communications Commission Authorization Act of 1988 (Public Law 100–594; 102 Stat. 3024) is amended by striking "1991, 1992, 1993, and 1994" and inserting "1995,".

SEC. 3. APPLICATION FEES.

(a) SCHEDULE OF APPLICATION FEES FOR PCS.—The schedule of application fees in section 8(g) of such Act is amended by adding, at the end of the portion under the heading "COMMON CARRIER SERVICES", the following new item:

"23. Personal communications services	
"a. Initial or new application	230
"b. Amendment to pending application.	35
"c. Application for assignment or transfer of control.	230
"d. Application for renewal of license.	35
"e. request for special temporary authority.	200
"f. Notification of completion of construction.	35
"g. Request to combine service areas.	50".

(b) VANITY CALL SIGNS.—

(1) LIFETIME LICENSE FEES.—

(A) AMENDMENT.—The schedule of application fees in section 8(g) of such Act is further amended by adding, at the end of the portion under the heading "PRIVATE RADIO SERVICES", the following new item:

"11. Amateur vanity call signs .... 150.00".

(B) TREATMENT OF RECEIPTS.—Moneys received from fees established under the amendment made by this subsection shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Commission.

(2) TERMINATION OF ANNUAL REGULATORY FEES.—The schedule of regulatory fees in section 9(g) of such Act (47 U.S.C. 159(g)) is amended by striking the following item from the fees applicable to the Private Radio Bureau:

"Amateur vanity call-signs .... 7".

(c) DESCRIPTION OF APPLICATIONS FUNCTIONS.—Section 8(b) of such Act is amended by adding at the end the following new paragraph:

1"(3) Any fees established under this section shall be assessed and collected to recover the costs of performing application activities, including all executive and legal costs incurred by the Commission in the discharge of these activities.".

SEC. 4. REGULATORY FEES.

(a) EXECUTIVE AND LEGAL COSTS.—Section 9(a)(1) of the Communications Act of 1934 (47 U.S.C. 159(a)(1)) is amended by inserting before the period at the end the following: ", and all executive and legal costs incurred by the Commission in the discharge of these functions".

(b) ESTABLISHMENT AND ADJUSTMENT.—Section 9(b) of such Act is amended—

(1) in paragraph (4)(B), by striking "90 days" and inserting "45 days"; and

(2) by adding at the end the following new paragraph:

"(5) EFFECTIVE DATE OF ADJUSTMENTS.—The Commission may continue to collect fees at the prior year's rate until the effective date of any fee adjustment or amendment of that fee under this section."

(c) REGULATORY FEES FOR SATELLITE TV OPERATIONS.—The schedule of regulatory fees in section 9(g) of such Act is amended, in the fees applicable to the mass media bureau, by inserting after each of the items pertaining to construction permits in the fees applicable to VHF commercial TV the following new item:

"Terrestrial television satellite operations .... 500".

(d) GOVERNMENTAL ENTITIES USE FOR COMMON CARRIER PURPOSES.—Section 9(h) of such Act is amended by adding at the end the following new sentence: "The exceptions provided by this subsection for governmental entities shall not be applicable to any services that are provided on a commercial basis in competition with another carrier.".

(e) INFORMATION REQUIRED IN CONNECTION WITH ADJUSTMENT OF REGULATORY FEES.—Title I of such Act is amended—

(1) in section 9, by striking subsection (i); and

(2) by inserting after section 9 the following new section:

"SEC. 10. ACCOUNTING SYSTEM AND ADJUSTMENT INFORMATION.

"(a) ACCOUNTING SYSTEM REQUIRED.—The Commission shall develop accounting systems of the purposes of making any adjustments authorized by sections 8 and 9. The Commission shall annually prepare and submit to the Congress an analysis of such systems and shall annually afford interested persons the opportunity to submit comments concerning the allocation of the costs of performing the functions described in section 8(b)(3) and 9(a)(1).

"(b) INFORMATION REQUIRED IN CONNECTION WITH ADJUSTMENT OF APPLICATION AND REGULATORY FEES.—

"(1) SCHEDULE OF REQUESTED AMOUNTS.—No later than May 1 of each calendar year, the Commission shall prepare and transmit to the Committees of Congress responsible for the Commission's authorization and appropriations a detailed schedule of the amounts requested by the President's budget to be appropriated for the ensuing fiscal year for the activities described in sections 8(b)(3) and 9(a)(1), allocated by bureaus, divisions, and offices of the Commission.

"(2) EXPLANATORY STATEMENT.—If the Commission anticipates increases in the application fees or regulatory fees applicable to any applicant, licensee, or unit subject to payment of fees, the Commission shall submit to the Congress by May 1 of such calendar year a statement explaining the relationship between any such increases and either (A) increases in the amounts requested to be appropriated for Commission activities in connection with such applicants, licensees, or units subject to payment of fees, or (B) additional activities to be performed with respect to such applicants, licensees, or units.

"(3) Definition.—For purposes of this subsection, the term 'amount requested by the President's budget' shall include any adjustments to such requests that are made by May 1 of such calendar year. If any such adjustment is made after May 1, the Commission shall provide such Committees with updated schedules and statements containing the information required by this subsection within 10 days after the date of any such adjustment.".

SEC. 5. INSPECTION OF SHIP RADIO STATIONS.

(a) Contracting Out Inspections.—Section 4(f)(3) of the Communications Act of 1934 (47 U.S.C. 154(f)(3)) is amended by adding at the end the following: "Notwithstanding the preceding provisions of this paragraph, the Commission may designate an entity to make the inspections referred to in this paragraph instead of using engineers in charge, radio engineers, or other field employees.".

(b) Annual Inspection Required.—Section 362(b) of the Communications Act of 1934 (47 U.S.C. 360(b)) is amended—

(1) by striking "as may" in the third sentence and inserting "as the Commission determines to", and

(2) by striking "thereby" in the fourth sentence and all that follows and inserting the following: "thereby—

"(1) waive the annual inspection required under this section for a period of up to 90 days for the sole purpose of enabling a vessel to complete its voyage and proceed to a port in the United States where an inspection can be held, or

"(2) waive the annual inspection required under this section for a vessel that is in compliance with the radio provisions of the Safety Convention and that is operating solely in waters beyond the jurisdiction of the United States, but the inspection shall be performed within 30 days after the vessel's return to the United States.".

(c) Conforming Amendment.—Section 385 of the Communications Act of 1934 (47 U.S.C. 385) is amended—

(1) by inserting "or an entity designated by the Commission" after "Commission", and

(2) by striking out "as may" and inserting "as the Commission determines to".

SEC. 6. EXPEDITED ITFS PROCESSING.

Section 5(c)(1) of the Communications Act of 1934 (47 U.S.C. 155(c)(1)) is amended by striking the last sentence and inserting the following: "Except for cases involving the authorization of service in the Instructional Television Fixed Service, or as otherwise provided in this Act, nothing in this paragraph shall authorize the Commission to provide for the conduct, by any person or persons other than persons referred to in paragraph (2) or (3) of section 556(b) of title 5, United States Code, of any hearing to which such section applies.".

SEC. 7. TARIFF REJECTION AUTHORITY.

sECTION 203(d) of the Communications Act of 1934 (47 U.S.C. 203(d)) is amended by inserting after the first sentence the following new sentences: "The Commission may, after affording interested parties an opportunity to comment, reject a proposed tariff filing in whole or in part, if the filing or any part thereof is patently unlawful. In evaluating whether a proposed tariff filing is patently unlawful, the Commission may consider additional information filed by the carrier or any interested party and shall presume the facts alleged by the carrier to be true.".

SEC. 8. REFUND AUTHORITY.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 230. REFUND AUTHORITY.

"In addition to any other provision of this Act under which the Commission may order refunds, the Commission may require by order the refund of such portion of any charge by any carrier or carriers as results from a violation of sections 220 (a), (b), or (d) or 221 (c) or (d) or of any of the rules promulgated pursuant to such sections or pursuant to sections 215, 218, or 219. Such refunds shall be ordered only to the extent that the Commission or a court finds that such violation resulted in unlawful charges and shall be made to such persons or classes of persons as the Commission determines reasonably represent the persons from whom amounts were improperly received by reason of such violation. No refunds shall be required under this section unless—

"(1) the Commission issues an order advising the carrier of its potential refund liability and provides the carrier with an opportunity to file written comments as to why refunds should not be required; and

"(2) such order is issued not later than 5 years after the date the charge was paid.

In the case of a continuing violation, a violation shall be considered to occur on each date that the violation is repeated.".

SEC. 9. LICENSING OF AVIATION, MARITIME, AND PERSONAL RADIO SERVICES BY RULE.

Section 307(e) of the Communications Act of 1934 (47 U.S.C. 307(e)) is amended to read as follows:

"(e)(1) Notwithstanding any license requirement established in this Act, if the Commission determines that such authorization serves the public interest, convenience, and necessity, the Commission may by rule authorize the operation of radio stations without individual licenses in the following radio services: (A) the personal radio services; (B) the aviation radio service for aircraft stations operated on domestic flights when such aircraft are not otherwise required to carry a radio station; and (C) the maritime radio service for ship stations navigated on domestic voyages when such ships are not otherwise required to carry a radio station.

"(2) Any radio station operator who is authorized by the Commission to operate without an individual license shall comply with all other provisions of this Act and with rules prescribed by the commission under this Act.

"(3) For purposes of this subsection, the terms 'personal radio services', 'aircraft station', and 'ship station' shall have the meanings given them by the Commission by rule, except that the term 'personal radio services' shall not include the amateur service.".

SEC. 10. AUCTION TECHNICAL AMENDMENTS.

Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

"(1) by inserting "are authorized to remain available until expended and" after "Such offsetting collections" in the second sentence of subparagraph (B), and

"(2) by adding at the end thereof the following:

"(C) Revenues on deposit.—The Commission is authorized, based on the competitive bidding methodology selected, to provide for the deposit of monies for bids in an interest-bearing account until such time as the Commission accepts a deposit from the high bidder. All interest earned on bid monies received from the winning bidder shall be deposited into the general fund of the Treasury. All interest earned on bid monies deposited from unsuccessful bidders shall be paid to those bidders, less any applicable fees and penalties.".

SEC. 11. FORFEITURES FOR VIOLATIONS IMPERILING SAFETY OF LIFE.

(a) Administrative Sanctions.—Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(8) failure to comply with any requirement of this Act or the Commission's rule that imperils the safety of life.".

(b) Forfeitures.—Section 503(b)(1) of such Act (47 U.S.C. 503(b)(1) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the semicolon at the end of subparagraph (D) and inserting "; or"; and

(3) by adding after subparagraph (D) the following new subparagraph:

"(E) failed to comply with any requirement of this Act or the Commission's rules that imperils the safety of life;".

SEC. 12. USE OF EXPERTS AND CONSULTANTS.

Section 4(f)(1) of the Communications Act of 1934 (47 U.S.C. 154) is amended by adding at the end thereof the following: "The Commission may also procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily rate equivalent to the maximum rate payable for senior-level positions under section 5276 of title 5, United States Code.".

SEC. 13. STATUTE OF LIMITATIONS FOR FORFEITURE PROCEEDINGS AGAINST COMMON CARRIERS.

Section 503(b)(6) of the Communications Act of 1934 (47 U.S.C. 503(b)(6) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "and is not a common carrier" after "title III of this Act" in subparagraph (B);

(3) by redesignating subparagraph (B) as subparagraph (C); and

(4) by inserting after subparagraph (A) the following new subparagraph:

"(B) such person is a common carrier and the required notice of apparent liability is issued more than 5 years after the date the violation charged occurred; or".

SEC. 14. UTILIZATION OF FM BAND FOR ASSISTIVE DEVICES FOR HEARING IMPAIRED INDIVIDUALS.

Within 6 months after the date of enactment of this Act, the Federal Communications Commission shall report to the Congress on the existing and future use of the FM band to facilitate the use of auditory assistive devices for individuals with hearing impairments. In preparing such report, the Commission shall consider—

(1) the potential for utilizing FM band auditory assistive devices to comply with the Americans with Disabilities Act;

(2) the impact on such compliance of the vulnerability of such devices to harmful interference from radio licensees; and

(3) alternative frequency allocations that could facilitate such compliance.

SEC. 15. TECHNICAL AMENDMENT.

Section 302(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) is amended—

(1) in subparagraph (A), by striking "allocated to the domestic cellular radio telecommunications service" and inserting "utilized to provide commercial mobile service (as defined in section 332(d))"; and

(2) in subparagraph (C), by striking "cellular" and inserting "commercial mobile service".

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts [Mr. MARKEY].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4522, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS ACT OF 1994

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2466) to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, and I shall not object, I take this reservation for the purpose of asking the gentleman from Indiana, [Mr. SHARP] to explain the bill, and I yield to the gentleman for that purpose.

Mr. SHARP. Mr. Speaker, this is a simple extension of the existing authority with respect to the U.S. Government's ability to use the Strategic Petroleum Reserve to protect our economy in the time of an emergency crisis, and also to participate in the International Energy Agency. All parties, political and otherwise, fully agree that we should get this done, and the news today about Iraq makes it all the more imperative that we not let this authority lapse at this time.

So we make no changes in the existing law, even though we worked and hoped to make the changes. This gives an 18-month extension of the current authority.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, I support this bill, which reauthorizes certain programs under the Energy Policy and Conservation Act. These programs provide the authorization to operate, maintain and drawdown the strategic petroleum reserve and for the U.S. to participate in the international energy agreement.

These programs expired on September 30th of this year. Significantly, if the strategic petroleum reserve authorization is not renewed, the President will lack the authority to draw down the strategic petroleum reserve in the event of an energy emergency. It would be irresponsible for us to adjourn without reauthorizing this program.

Thus, Mr. Speaker, I strongly support this bill and I urge my colleagues to support it.

Mr. Speaker, the gentleman from Indiana, who is now retiring from Congress, has worked very hard in this particular field to fill the petroleum reserve and many other things concerning energy over the last number of years. We have had an opportunity to work close together on a lot of energy issues, and I think we have a lot of bills out that will do a lot of good for the country.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Policy and Conservation Act Amendments Act of 1994".

TITLE I—ENERGY POLICY AND CONSERVATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Energy Policy and Conservation Act Amendments of 1994".

SEC. 102. TITLE I AMENDMENTS.

Part D of title I of the Energy Policy and Conservation Act is amended in section 181 (42 U.S.C. 6251), by striking "September 30, 1994" each time it appears and inserting "June 30, 1996".

SEC. 103. TITLE D AMENDMENTS.

Part D of title II of the Energy Policy and Conservation Act is amended in section 281 (42 U.S.C. 6285), by striking "September 30, 1994" each time it appears and inserting "June 30, 1996".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ILLINOIS LAND CONSERVATION ACT OF 1994

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture, the Committee on Armed Services, and the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 4946) to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Illinois Land Conservation Act of 1994".

(b) DEFINITIONS.—For purposes of this Act:

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) The terms "applicable law" and "applicable laws" mean all applicable Federal, State, and local laws, regulations, and requirements, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.), and any amendments and implementing regulations of such Acts, and any other laws, regulations, and requirements related to protection of human health or the environment.

(4) The terms "applicable environmental law" and "applicable environmental laws" mean all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health or the environment, including but not limited to those stated in section 1(b)(3).

(5) The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(6) The acronym "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), as amended.

(7) The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) The abbreviation "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 4 and managed as a part of the National Forest System.

(9) The term "person" has the meaning given that term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(10) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(11) The term "response action" has the meaning given the term "response" by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

(12) The term "national cemetery" means a cemetery established and operated as part of the Department of Veterans Affairs National Cemetery System and subject to the

provisions of chapter 24 of title 38, United States Code.

SEC. 2. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER THE JOLIET ARSENAL.

(a) PRINCIPLES OF TRANSFER.—

(1) The Congress hereby ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on April 8, 1994.

(2) The area constituting the MNP shall be transferred, without reimbursement, to the Secretary of Agriculture.

(3) Management by the Secretary of Agriculture of those portions of the Arsenal so transferred shall be in accordance with section 4.

(4) This Act does not change in any fashion the responsibilities or liabilities of any person under any applicable environmental law except that the Secretary of Agriculture shall not be liable or responsible for contamination resulting from or related to the condition of the property existing prior to transfer of the property, including but not limited to migration of hazardous substances, pollutants, contaminants, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(5) The Secretary of the Army shall be responsible for the upkeep and maintenance of all fences, guard houses, and other security facilities, as well as the costs of security personnel on all portions of the Arsenal that have not been transferred to the Secretary of Agriculture.

(6) The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal, State and local governments, private organizations and corporations for the purposes of implementing this Act and carrying out the purposes for which the MNP is established.

(b) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the MNP is established. Except as provided in section 2(a)(4), the Secretary of Agriculture shall not be liable or responsible in any way under CERCLA or any other applicable environmental law for environmental conditions related to any such interim activities.

(c) TRANSFER OF JURISDICTION.—Jurisdiction over lands comprising the Arsenal shall be transferred as follows:

(1) Within 6 months of enactment of this Act and in accordance with section 2(a), the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to section 2(c)(2) and to the Secretary of Veterans Affairs pursuant to section 5.

(2) The lands so transferred pursuant to paragraph (1) of subsection (c) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in section 2(d) or designated for disposal under section 5.

(3) All costs of necessary surveys for the transfer of jurisdiction of properties among Federal agencies shall be shared equally by the Secretary of the Army and the Secretary of the Department to whom the land is being transferred. For lands transferred to a non-Federal agency pursuant to section 5, the Army shall pay the survey costs.

(d) PROPERTY USED FOR ENVIRONMENTAL CLEANUP PURPOSES.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for water treatment; the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, petroleum products or their derivatives; or other purposes related to any response action at the Arsenal and other action required under any other applicable environmental law to remediate contamination or conditions of non-compliance at the Arsenal. The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this paragraph and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the MNP is to be established under section 4(c), and consistent with the provisions of sections 4 (a), (b), and (d)–(i). In the case of any conflict between management of the property by the Secretary of Agriculture and any response action or action required under applicable law to remediate petroleum products or their derivatives, the response action or other action shall take priority.

SEC. 3. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF THE SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.

(a) RESPONSIBILITY.—The Secretary of the Army shall, with respect to the real property at the Arsenal, remain liable for and continue to carry out—

(1) all response actions required under CERCLA and other applicable provisions of law at or related to the property, and

(2) all actions required under any other applicable law to remediate petroleum products or their derivatives (including motor oil and aviation fuel).

The liabilities and responsibilities of the Secretary of the Army described in the preceding sentence shall not transfer under any circumstances to the Secretary of Agriculture. The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property subject to any such response action or other action at the property being carried out by or under the authority of the Secretary of the Army under such provisions of law.

(b) LIABILITY.—(1) Subject to subsections (b)(3) and (b)(4), nothing in this Act shall relieve, and no action may be taken under this Act to relieve, the Secretary of the Army or any other person from any obligation or other liability that they may have at the Arsenal under CERCLA and other laws.

(2) After the transfer of jurisdiction under section 2(c), the Secretary of the Army shall retain any obligation or other liability at the Arsenal that it may have under CERCLA and other applicable laws and shall be accorded all easements and access as may be reasonably required to carry out such obligation or other liability.

(3) Subject to subsection (b)(4), the Secretary of Agriculture shall not be responsible or liable for any costs of response actions required under CERCLA at or related to the Arsenal, or, with respect to non-compliance at or related to the Arsenal by the Secretary of the Army of any applicable environmental law, for any costs, penalties, fines, costs of actions necessary to remedy such non-compliance, or costs of other obligations. The Secretary of Agriculture shall not be responsible or liable for any contamination resulting from or related to conditions of the property existing prior to transfer of the property, including contamination arising from the operations of the Department of the Army and its contractors. Contamination shall include but not be limited to migration of hazardous substances, pollutants, contaminants, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(4) The Secretary of Agriculture shall be responsible and liable only for and only to the extent of any other contamination affirmatively introduced into the environment at the Arsenal by the Secretary of Agriculture or the Department of Agriculture. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property.

(c) DEGREE OF CLEANUP.—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under applicable law. All response actions and other actions required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) carried out at the Arsenal shall attain a degree of cleanup of hazardous substances, pollutants, contaminants, and petroleum products or their derivatives that, at a minimum, is sufficient to fully meet the purposes set forth in section 4(c) for which the MNP will be established.

(d) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(e) CONSULTATION.—In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with sections 4 (a), (b), and (d)–(i), and, to the extent practicable, consistent with the purposes set forth in section 4(c) for which the MNP will be established.

SEC. 4. ESTABLISHMENT OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the transfer of jurisdiction under section 2(c), there is thereby established the Midewin National Tallgrass Prairie consisting of the real property so transferred for administration by the Secretary of Agriculture.

(b) ADMINISTRATION.—(1) The Secretary of Agriculture shall manage the MNP as a part of the National Forest System in accordance with this Act and the laws, rules and regulations pertaining to the National Forests: *Provided*, That the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) Notwithstanding the provisions of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), monies appropriated from the Land and Water Conservation Fund shall be available for acquisition of lands and interests therein for the MNP.

(3) In order to expedite the administration and public use of the MNP, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(4) In developing a land and resource management plan for the MNP, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture, pursuant to section 2(d) and subsequent to the development of a land and resource management plan for the MNP, may be managed in accordance with such plan without need for an amendment thereto.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The MNP is established to be managed for National Forest purposes, including the following:

(1) To conserve and enhance populations and habitats of fish, wildlife, and plants, including populations of grassland birds, raptors, passerines, and marsh and water birds.

(2) To restore and enhance, where practicable, habitat for species listed as proposed, threatened or endangered under the Endangered Species Act.

(3) To provide fish and wildlife oriented public uses at levels compatible with the conservation, enhancement and restoration of native wildlife and plants and their habitats.

(4) To provide opportunities for scientific research.

(5) To provide opportunities for environmental and land use education.

(6) To manage the land and water resources of the MNP in a manner that will conserve and enhance the natural diversity of native fish, wildlife, and plants.

(7) To conserve and enhance the quality of aquatic habitat.

(8) To provide for public recreation insofar as such recreation is compatible with the other purposes for which the MNP is established.

(d) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the MNP. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(e) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the MNP, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction pursuant to section 2 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue special use authorizations to persons for use of the MNP for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act: *Provided*, That nothing in this Act shall preclude the Secretary from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of this Act.

(f) FEES.—The Secretary is authorized to charge reasonable fees for the admission, occupancy and use of the MNP and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education: *Provided*, That the Secretary shall permit admission, occupancy and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(g) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary of Agriculture pursuant to this Act.

(h) MIDEWIN NATIONAL TALLGRASS PRAIRIE RESTORATION FUND.—Monies received pursuant to subsection (e) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908 and March 1, 1911, as amended (16 U.S.C. 500). All monies not so distributed pursuant to said Acts, and all other monies collected pursuant to subsections (f) and (g) of this section shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund ("Fund"). Deposits in this fund are appropriated and made available, without need for further appropriation, until expended, for use, with or without funds otherwise appropriated, for restoration and administration of the MNP, including but not limited to: construction of a visitor and education center; restoration of ecosystems; construction of recreational facilities such as trails; construction of administrative offices; and operation and maintenance.

(i) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the MNP, the Secretary is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978, as amended, and the Forest and Rangeland Renewable Resources Research Act of 1978, as amended. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes of this Act. Activities conducted pursuant to this subsection shall be exempt from the requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix 2) and the rules and regulations promulgated thereunder.

SEC. 5. DISPOSAL OF CERTAIN REAL PROPERTY AT THE ARSENAL FOR INDUSTRIAL DEVELOPMENT, A NATIONAL VETERANS CEMETERY, AND A COUNTY LANDFILL.

(a) PROPERTY DESIGNATED FOR DISPOSAL UNDER THIS SECTION.—The following areas of real property at the Arsenal are designated for disposal under this section:

(1) An area of real property consisting of approximately 1,900 acres located at the Arsenal, the approximate legal description of which includes part of section 30, Jackson Township, T34N R10E, and sections or part of sections 24, 25, 26, 35, and 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept to be conveyed to the Village of Elwood, Illinois for the purpose of an industrial park. Any funds received by the Village of Elwood from the sale or other transfer of this property, or portions thereof, less any costs expended for improvements thereon, shall be remitted to the Department of the Army. Any sale or transfer of this property by the Village of Elwood for the development of the industrial park shall be at fair market value, as determined in accordance with Federal appraisal standards and procedures.

(2) An area of real property consisting of approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, 18 Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept to be conveyed to the City of Wilmington, Illinois, for the purpose of an industrial park. Any funds received by the City of Wilmington from the sale or other transfer of this property, or portions thereof, less any costs expended for improvements thereon, shall be remitted to the Department of the Army. Any sale or transfer of this property by the City of Wilmington for the development of the industrial park shall be at fair market value, as determined in accordance with Federal appraisal standards and procedures.

(3) An area of real property consisting of approximately 425 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept to be conveyed to the County of Will to be operated as a landfill by the County: *Provided*, That such additional acreage shall be added to the landfill as is necessary to reasonably accommodate needs for the disposal of refuse and other materials from the restoration and cleanup of only the Arsenal property as provided for in this Act: *Provided further*, That the use of this additional acreage by any agency of the Federal Government or its agents or assigns shall be at no cost to the Federal Government.

(4) An area of real property consisting of approximately 910 acres, the approximate legal description of which includes part of sections 30 and 31 Jackson Township, T34N R10E, and including part of sections 25 an 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land

Use Concept to be transferred to the Department of Veterans Affairs in accordance with all provisions of section 2337, Public Law 100–180.

(5) Pursuant to the requirements of subsection (b) and section 2(a), the Secretary of the Army shall transfer to the Administrator of the General Services Administration the following areas: Manufacturing Area—Study Area 1—Southern Ash Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant. Load Assemble Packing Area—Group 61: Study Area L1, Explosive Burning Ground: Study Area L2, Demolition Area: Study Area L3, Landfill Area: Study Area L4, Salvage Yard: Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Doyle Lake: Study Area L12, Group 68: Study Area L13, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 20, Study Area L20, Group 25: Study Area L22, Group 27: Study Area L23, Group 62: Study Area L25, Group 64: Study Area L27, Group 65: Study Area L28, Extraction Pits: Study Area L31, PVC Area: Study Area L33, Former Burning Area: Study Area L34, Fill Area: Study Area L35, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant Joliet, Illinois (May 30, 1993. Contract No. DAAA15-90-D-0015 task order No. 6 prepared for: United States Army Environmental Center); and excepting the two industrial parks, national cemetery and landfill described in subsections (a)(1), (a)(2), (a)(3), and (a)(4).

(b) TRANSFER OF LANDS IN SUBSECTION (a)(5).—Within 6 months of satisfying all cleanup and other requirements contained in section 120(h) of the CERCLA and in accordance with the requirements of section 2(a), the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a)(5), without reimbursement, to be added to the MNP as described in section 4 and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property shall be disposed of as surplus property under the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) ENVIRONMENTAL QUALITY OF THE PROPERTY.—(1) Nothing in this section shall be construed to restrict or lessen the degree of cleanup required to be carried out under applicable law at the property designated for disposal under this section.

(2) The disposal of real property under this section shall be carried out in compliance with all the provisions of section 120(h) of the CERCLA and any other applicable law.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DE LA GARZA:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Illinois Land Conservation Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Transfer of management responsibilities and jurisdiction over the Arsenal.
Sec. 4. Continuation of responsibility and liability of the Secretary of the Army for environmental cleanup.
Sec. 5. Establishment of the Midewin National Tallgrass Prairie.
Sec. 6. Disposal of certain real property at the Arsenal for a national veterans cemetery and a county landfill and to the Administrator of General Services.
Sec. 7. Degree of environmental cleanup.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(6) The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(7) The abbreviation "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 5 and managed as a part of the National Forest System.

(8) The term "national cemetery" means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(9) The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(10) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(11) The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22))

(12) The term "response action" has the meaning given such term by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

SEC. 3. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER THE ARSENAL.

(a) PRINCIPLES OF TRANSFER.—

(1) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on April 8, 1994.

(2) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the MNP shall be transferred, without reimbursement, to the Secretary of Agriculture.

(3) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this Act shall be in accordance with section 5 establishing the MNP.

(4) SECURITY MEASURES.—The Secretary of the Army, the Secretary of Agriculture, and the Secretary of Veterans Affairs, shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(5) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the MNP is established.

(b) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the MNP is established.

(c) PHASED TRANSFER OF JURISDICTION.—Jurisdiction over lands comprising the Arsenal shall be transferred as follows:

(1) INITIAL TRANSFER.—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d) and to the Secretary of Veterans Affairs pursuant to section 6(a)(2). In the case of the Arsenal property to be transferred to the Secretary of Agriculture, the Secretary of the Army shall transfer to the Secretary of Agriculture only those portions for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this paragraph.

(2) ADDITIONAL TRANSFERS.—The Secretary of the Army shall transfer in accordance with section 6(b) to the Secretary of Agriculture any portion of the property generally identified in subsection (d) and not transferred pursuant to paragraph (1) after the Secretary of the Army and the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this paragraph, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction pursuant to this paragraph may be accomplished on a parcel-by-parcel basis. This paragraph, paragraph (1), and their requirements shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 4.

(d) IDENTIFICATION OF PORTIONS FOR TRANSFER FOR MNP.—The lands to be transferred under subsection (c) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 6.

(e) PROPERTY USED FOR ENVIRONMENTAL CLEANUP.—

(1) RETENTION.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(A) water treatment;

(B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the MNP is established, as specified in subsection (c) of section 5, and with the other provisions of such section.

(3) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action or other action required under environmental law to remediate petroleum products or their derivatives, the response action or other such action shall take priority.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of properties among Federal agencies shall be shared equally by the Secretary of the Army and the Secretary of the Department receiving the property. For lands transferred to a non-Federal agency pursuant to section 6, the Secretary of the Army shall pay the survey costs.

SEC. 4. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF THE SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.

(a) RESPONSIBILITY.—The liabilities and responsibilities of the Secretary of the Army under any environmental law shall not transfer under any circumstances to the Secretary of Agriculture as a result of the property transfers made under section 3 or section 6(b), or as a result of implementation of section 3(b). With respect to the real property at the Arsenal, the Secretary of the Army shall remain liable for and continue to carry out—

(1) all response actions required under CERCLA and other environmental law at or related to the property; and

(2) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel).

(b) LIABILITY.—

(1) IN GENERAL.—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any applicable environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) LIABILITY OF SECRETARY OF THE ARMY.—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) SPECIAL RULES FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in paragraph (B).

(c) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(d) CONSULTATION.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the MNP subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the MNP that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property. In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the MNP is established, as specified in subsection (c) of section 5, and the other provisions of such section.

SEC. 5. ESTABLISHMENT OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 3(c)(1), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie, which shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 3(c)(2).

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the MNP as a part of the National Forest System in accordance with this Act and the laws, rules and regulations pertaining to the National Forests, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460*l*–5) shall be available for acquisition of lands and interests in land for inclusion in the MNP.

(3) ACQUISITION OF PRIVATE LANDS.—Acquisition of private lands for inclusion in the MNP shall be on a willing seller basis only.

(4) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the MNP, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(5) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the MNP, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The MNP is established to be managed for National Forest purposes, including the following:

(1) To conserve and enhance populations and habitats of fish, wildlife, and plants, including populations of grassland birds, raptors, passerines, and marsh and water birds.

(2) To restore and enhance, where practicable, habitat for species listed as proposed, threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) To provide fish and wildlife oriented public uses at levels compatible with the conservation, enhancement and restoration of native wildlife and plants and their habitats.

(4) To provide opportunities for scientific research.

(5) To provide opportunities for environmental and land use education.

(6) To manage the land and water resources of the MNP in a manner that will conserve and enhance the natural diversity of native fish, wildlife, and plants.

(7) To conserve and enhance the quality of aquatic habitat.

(8) To provide for public recreation insofar as such recreation is compatible with the other purposes for which the MNP is established.

(d) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the MNP. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(e) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the MNP, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 3 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue special use authorizations to persons for use of the MNP for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the MNP.

(f) TREATMENT OF RENTAL FEES.—Monies received pursuant to subsection (e) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All monies not so distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such prairie-improvement work as the Secretary of Agriculture may direct. Any portion of any deposit made to the fund which the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(g) USER FEES.—The Secretary is authorized to charge reasonable fees for the admission, occupancy, and use of the MNP and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(h) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary of Agriculture pursuant to this Act.

(i) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (g) and (h) shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund ("Fund"). Deposits in this fund shall be available, subject to appropriation, until expended for use for restoration and administration of the MNP, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

(j) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the MNP, the Secretary is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes of this Act.

SEC. 6. DISPOSAL OF CERTAIN REAL PROPERTY AT THE ARSENAL FOR A NATIONAL VETERANS CEMETERY AND A COUNTY LANDFILL AND TO THE ADMINISTRATOR OF GENERAL SERVICES.

(a) PROPERTY DESIGNATED FOR DISPOSAL UNDER THIS SECTION.—The following areas of real property at the Arsenal are designated for disposal under this section:

(1) An area of real property consisting of approximately 425 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept to be conveyed to the County of Will, without compensation, to be operated as a landfill by the County: *Provided*, That such additional acreage shall be added to the landfill as is necessary to reasonably accommodate needs for the disposal of refuse and other materials from the restoration and cleanup of only the Arsenal property as provided for in this Act: *Provided further*, That the use of this additional acreage by any agency of the Federal Government or its agents or assigns shall be at no cost to the Federal Government. The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this paragraph as the Secretary considers appropriate to protect the interests of the United States.

(2) An area of real property consisting of approximately 910 acres, the approximate legal description of which includes part of sections 30 and 31 Jackson Township, T34N R10E, and including part of sections 25 an 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept to be transferred without reimbursement to the Department of Veterans.

(3) The following areas are designated for disposal pursuant to subsection (b): Manufacturing Area—Study Area 1—Southern Ash Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant. Load Assemble Packing Area—Group 61: Study Area L1, Explosive Burning Ground: Study Area L2, Demolition Area: Study Area L3, Landfill Area: Study Area L4, Salvage Yard: Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Doyle Lake: Study Area L12, Group 68: Study Area L13, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 20, Study Area L20, Group 25: Study Area L22, Group 27: Study Area L23, Group 62: Study Area L25, Group 64: Study Area L27, Group 65: Study Area L28, Extraction Pits: Study Area L31, PVC Area: Study Area L33, Former Burning Area: Study Area L34, Fill Area: Study Area L35, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant Joliet, Illinois (May 30, 1993. Contract No. DAAA15–90–D–0015 task order No. 6 prepared for: United States Army Environmental Center); and excepting the national cemetery and landfill described in paragraphs (1) and (2).

(b) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a)(3), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a)(3), without reimbursement, to be added to the MNP and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

SEC. 7. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the MNP shall not restrict or lessen in any way response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under section 6 shall be carried out in compliance with all applicable provisions of section 120(h) of the CERCLA and other environmental laws.

Mr. DE LA GARZA (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, this bill deals with the Joliet Army Ammunition Plant facility in Illinois, and it is to be used for environmental and civic and health use in this area.

Mr. SANGMEISTER. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Illinois.

Mr. SANGMEISTER. Mr. Speaker, it is with great enthusiasm that I rise today in support of H.R. 4946, a bill which will establish the first national tall grass prairie east of the Mississippi River. This is an exciting grass-roots, bi-partisan, community effort. This bill will convert what was once one of the largest ammunition producing plants in the country, the Joliet Army Ammunition Plant, into a massive conservation and recreation area for future generations to enjoy. In addition—this bill will create one of the finest and largest national veterans cemetery in the Nation—something veterans in Illinois have worked towards for many, many years.

Let me paint you a picture of what we are talking about: the Arsenal's 23,500 acres lie at the heart of a conservation area which eventually could be linked to existing State parks to create a 40,000 acre conservation and recreation complex to service over 8 million people in the Chicagoland area.

The Arsenal produced tons of ammunition and explosives for World War II, Korea and the Vietnam conflicts. However, most of the land was never fully developed. Today, it is one of the richest natural areas of its size in the midwest: possessing an abundance of rare and unusual plant species, wetlands, forests, prairie groves, and remnants of the fabled Illinois tall grass prairie.

With the ever-shrinking availability of open space in the city of Chicago and its surrounding suburbs, these 23,500 acres present a once in a lifetime opportunity for developing outdoor recreation programs and environmental education facilities for the third largest metropolitan area in the United States.

The untiring efforts of the Departments of Army, Agriculture, and Veterans Affairs, the Forest Service and U.S.E.P.A., and O.M.B. and the administration, the two Senators from Illinois, the respected minority leader in the House, the Governor of Illinois and the Mayor of Chicago have all contributed to making this project, and this bill, a reality.

However, H.R. 4946 is not some top-down bureaucratic venture; it has come directly from the people of my district and my State. The plan for the Arsenal's future began 2 years ago with the creation of the Joliet Arsenal Citizens Planning Commission. This Commission—comprised of a variety of mayors, State representatives, environment and conservation groups, agriculture, economic, and State interests—developed a land use plan which was unanimously approved by every member of the Commission. It is their vision for what has been called an "ecological wonderland" that is at the heart and soul of this bill.

Mr. Speaker, H.R. 4946 is an extraordinary "win-win" situation for my district, the State of Illinois and the Nation. I urge my colleagues to support this project by voting for H.R. 4946.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1830

ECONOMIC DEVELOPMENT REAUTHORIZATION ACT OF 1994

Mr. WISE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation and the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 5243) to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SHARP). Is there objection to the request of the gentleman from West Virginia?

Mr. DUNCAN. Mr. Speaker, reserving the right to object, and I will not object, I yield to the distinguished chairman of the Subcommittee on Economic Development, the gentleman from West Virginia [Mr. WISE], for a brief explanation of the bill.

Mr. WISE. Mr. Speaker, for the first time in 14 years, Congress has a realistic opportunity to reauthorize the Economic Development Administration with adoption of H.R. 5243. This bill mirrors S. 2257, a bill which we hope Senators BAUCUS, Chair of the Environment and Public Works Committee, and Senator CHAFEE, the Committee's ranking member, will bring to the Floor of the other body very shortly.

Many people are responsible for this historic moment and I would like to take this opportunity to thank the subcommittee's ranking member SUSAN MOLINARI and our full committee chairman NORM MINETA and its ranking member BUD SHUSTER for all of their hard work on this bill. I would also like to thank members of the Banking Committee, particularly full committee chairman GONZALEZ and ranking member LEACH and Banking Subcommittee chairman KANJORSKI and ranking member RIDGE for their efforts on this bill. Moreover, I want to thank Environment and Public Works chairman BAUCUS and ranking member CHAFEE for their ongoing efforts to reauthorize EDA. Finally, I want to thank Secretary of Commerce Ron Brown for his leadership on these issues and his articulation of EDA's role in the administration's efforts to help our distressed communities.

The Economic Development Administration has embarked on a new beginning. Last May, the House overwhelmingly passed H.R. 2442, a bill which closely reflects the bill we take up today. During debate of H.R. 2442 on the House floor, I asked "Who are you going to call"—when you need to put a water system into an industrial park; when the Defense Department decides that it must close your community's No. 1 employer, its military base; or when your community is hit by a devastating flood, earthquake, or hurricane? Three hundred and twenty-eight Members of the House, from both sides of the aisle, said they were going to call the Economic Development Administration and with that vote we overwhelmingly passed H.R. 2442, the Economic Development Reauthorization Act of 1994.

H.R. 5243 authorizes the Economic Development Administration for a period of 3 years through fiscal year 1997. Several of the provisions contained in the bill address past criticisms of EDA. Gone are the inefficient bureaucracies;

gone are the archaic eligibility requirements; and gone are the time-consuming and cumbersome approval processes.

However, the Economic Development Reauthorization Act of 1994 does not only improve EDA's existing programs it builds upon them. H.R. 5243 includes programs which will help communities meet the economic development challenges of the 1990's. For instance, H.R. 5243 includes a competitive communities pilot program which will encourage local communities, private businesses, labor organizations, and the Federal Government to forge partnerships to help distressed communities build the necessary competitive industrial base to meet today's economic challenges. With EDA's assistance, high-growth businesses will become the anchors of our distressed communities.

Using this additional tool, together with EDA's public works, defense conversion, and technical assistance programs, these communities will be able to encourage business start-ups of high-growth companies; enable existing businesses and industries to flourish; create jobs; and compete on a global scale.

I thank the gentleman for yielding and I urge adoption of H.R. 5243.

Mr. DUNCAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. MINETA], the distinguished chairman of the full committee.

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding.

I, too, rise in strong support of H.R. 5243, the Economic Development Reauthorization Act of 1994.

In doing so, I join with Congressman WISE, Chair of the Subcommittee on Economic Development, in commending the efforts of all those individuals who have worked to bring this legislation forward. Moreover, I would like to take this opportunity to pay special tribute to the gentleman from West Virginia for his leadership on this bill. I also appreciate the cooperation and assistance of the ranking Republican on the subcommittee, Ms. MOLINARI. With adoption of H.R. 5243, Congress will be able to reauthorize the Economic Development Administration for the first time in more than a decade.

Although our Nation's economy has improved in recent months, desperate conditions continue to exist in too many of America's inner cities and distressed rural communities. These communities, suffering from the problems of crime, poverty, drugs, unemployment, and homelessness, have become the home of a marginal class of Americans who are no longer able to share in the American dream.

This bill renews the Economic Development Administration's efforts to ensure that all communities have the opportunity to share in our economic future and all Americans share in the dream. H.R. 5243 launches EDA on a mission founded on reform, responsibility, efficiency, and accountability.

In addition, the bill builds upon EDA's existing programs to further empower communities to carry out innovative strategies to promote economic growth. For instance, the Competitive Communities pilot program of H.R. 5243 will help communities which are outside the mainstream of economic growth create high-wage jobs in globally competitive businesses and develop the necessary industrial base for the future.

These reforms of EDA's existing programs, together with the new economic development tools of H.R. 5243, will better enable the Economic Development Administration to help our distressed communities help themselves and better compete in the global marketplace. In this way, we can ensure that our Nation's economic development programs are second to none.

I thank the gentleman for yielding and I urge adoption of H.R. 5243, and, again, applaud the distinguished Gentleman from West Virginia for making this historic moment possible.

Mr. DUNCAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I want to take this opportunity to congratulate the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA], the chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ], the chairman of the subcommittee, the gentleman from West Virginia [Mr. WISE], the Committee on Public Works and Transportation, and the members of my subcommittee, who have worked hard over the last year.

This is an opportunity for this Congress to show not only that those on this side of the aisle have been very effective in working together to try to get this bill through and completed, but also it shows cooperation with the other side of the aisle, that economic development is very important in this country. It had overwhelming support in the House in May when it passed the House by a margin of almost 3 to 1.

This bill, unfortunately, does not include some of the work that we would have liked to have seen in the original House bill, but it does narrow the focus, make the agency much more efficient, effective, and user-friendly.

Particularly I would like to thank the ranking members of the full committee and the subcommittee, and particularly my ranking Member, the gentleman from Pennsylvania (Mr. RIDGE). He and I struggled for well over a year in putting our contributions into this bill, and I think it will go a long way toward paving the way for economic development in the United States, towards the 21st century.

This is an historic moment. We are about to pass a bill that will authorize the Department of Commerce's Economic Development Administration (EDA) for the first time since 1980.

EDA was created in 1965 to help communities recover from serious economic dislocations. During the 1960s and 1970s, the EDA aided numerous economically distressed communities throughout the nation in their efforts to get back on their feet. Even though its budget was drastically cut during the 1980s, EDA continued to play an important role in helping communities, especially rural communities, respond to economic distress.

In recent years, EDA has been called upon once again to meet rapidly growing demands for assistance from an increasing number of regions and communities experiencing a wide range of economic difficulties.

The EDA has been playing a major role in natural disaster relief. It is helping communities from Florida, to Kansas, to Los Angeles, to Hawaii recover from the hurricanes, floods, fires, and earthquakes that have plagued this country over the last couple of years.

EDA is a key agency involved in implementing the economic diversification and conversion efforts of communities and businesses throughout the nation hurt by defense contract cutbacks and military base closures.

EDA is helping numerous other rural and urban communities suffering from long-term economic decline, or from sudden economic shocks due to major plant closings, as they struggle to build sustainable economies that are competitive in the global economy.

In May of this year, the House passed H.R. 2442, the *Economic Development Reauthorization Act of 1994* by a three-to-one margin, illustrating the broad bipartisan support for this measure. The Senate Committee on Environment and Public Works recently reported out S. 2257 which contains most of the provisions in Title I of the House-passed bill. That bill is expected to be taken up under unanimous consent before adjournment; however, the other body is proceeding toward adjournment as a slower pace than the House.

Therefore, the House Committee on Banking, Finance and Urban Affairs has joined with the Committee on Public Works and Transportation to introduce in the House a bill which is identical to S. 2257. By adopting this new bill in the House now, we will not be faced with the unpleasant prospect that the Senate does not act on its bill until after the House has adjourned and therefore have the reauthorization die.

Although there are some things in the House-passed legislation that I personally would liked to have seen retained in the Senate bill, S. 2257—and by extension, the new measure we are now introducing—is a good and important bill. It not only reauthorizes EDA, but helps to further efforts already underway to significantly retool the agency, to make it far more effective, responsive, and user-friendly:

It tightens EDA's eligibility criteria for targeting its assistance grants, so that only communities with genuine economic distress can qualify.

It requires the EDA to dramatically expedite its processing of grants applications, reducing the response time to just 60 days.

It requires performance evaluations of the agency's technical and planning assistance programs.

It expands the category of eligible recipients so that innovative community development corporations and other not-for-profit economic development organizations can now qualify for EDA assistance.

It creates an Office of Strategic Economic Development Planning and Policy to support research, evaluation, and demonstration projects on "best practices" in economic development, and to develop both short- and long-term policies regarding economic development issues. The Office is in particular directed to study and evaluate innovative economic development financing tools, such as loan guarantees. This important new office will enable EDA to take a leadership role in fostering the development and diffusion of state-of-the-art knowledge and approaches to economic development at the Federal, State and local level.

S. 2257 also requires that the new Office establish and lead a new Federal Coordinating Council for Economic Development comprised of representatives of all Federal agencies engaged in economic development activities. To overcome the current fragmentation of such programs within the Federal Government, this effort will attempt to develop a unified framework for designing and implementing a government-wide strategy for addressing economic development issues.

It authorizes a new Office of Economic Development Information, which expands the roles and responsibilities of an existing conversion information clearinghouse created last year by administrative action.

It authorizes EDA's new competitive communities pilot program. This initiative will provide assistance to distressed communities in a national competition, with awards given to the best proposals for stimulating new private sector business activities, including the modernization, expansion, recruitment, and development of high-growth industries that generate new long-term jobs.

It requires the Secretary to issue and implement regulations that will effectively prioritize allocations by the EDA based on the level of distress of an area, rather than on preference for geographic area or a specific type of economic distress.

It makes it easier for EDA to provide support to communities with military base closures, even before an installation has actually closed, thus giving communities adequate time to make and implement their response strategies.

It defederalizes EDA revolving loan funds after the initial repayment of loans, thus removing some of the burden of Federal regulations on further utilization of these funds for new economic development projects.

It allows loans and other financial instruments in an EDA revolving loan fund to be sold to a third party. This also will expand the utility of these funds for new economic development activities within the region in which the loan fund operates.

This impressive list includes only some of the innovative provisions in this legislation that I believe will help EDA become one of the most effective Federal agencies in this Government. I therefore strongly urge my colleagues to vote for this bill, which will make the reauthorization of the Economic Development Administration a reality for the first time in 14 years.

Mr. DUNCAN. Mr. Speaker, further reserving the right to object, I yield to my friend, the gentleman from Erie, PA [Mr. RIDGE], the next Governor of Pennsylvania.

Mr. RIDGE. Mr. Speaker, I thank the gentleman for yielding.

I want to thank my colleague, the gentleman from Pennsylvania, with whom I have had the pleasure and privilege of chairing the subcommittee.

I would just tell my colleagues that the appropriation of this $415 million in this measure, given both the technical amendments we have made to the EDA proposal, streamlining the application process, expanding these dollars through loan guarantees, using them to leverage more private dollars, providing for the sale of these loans to the secondary market; we are going to recycle these Federal dollars so we will again expand a little bit further the pool of these resources to help communities combat either long-term economic decline, deal with defense conversion, deal with natural-disaster relief.

Again, the technical changes, as well as the changes that we brought into this EDA Program to expand the pool of resources through loan guarantees and through recycling and securitization, really enhance this authorization.

I am grateful to my colleagues for giving me the opportunity to participate in the dialog. More importantly, I am grateful for the opportunity to work with them during the past 2 years to make substantial improvements in this economic development tool.

Mr. DUNCAN. Mr. Speaker, further reserving the right to object, I thank especially our outstanding chairman, the gentleman from California [Mr. MINETA], for his explanation of this bill, along with the chairman of the subcommittee, the gentleman from West Virginia [Mr. WISE], for his help, and the other gentlemen who spoke.

At this time I will state that there is no Member on this side of the aisle who has any objection to this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Development Reauthorization Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Direct and supplementary grants.
Sec. 3. Grants for public works facilities.
Sec. 4. Repeal of financial assistance for sewer facilities.
Sec. 5. Relationship of overall economic development plan to public works and development facility loans.
Sec. 6. Elimination of overall economic development program.
Sec. 7. Redevelopment area loan program.
Sec. 8. Technical assistance, research, and information.
Sec. 9. Business outreach center demonstration project.
Sec. 10. Office of Strategic Economic Development Planning and Policy.
Sec. 11. Office of Economic Development Information.
Sec. 12. Authorization of appropriations for technical assistance, research, and information.
Sec. 13. Redevelopment areas.
Sec. 14. Annual review.
Sec. 15. Economic development districts.
Sec. 16. Equity between rural and urban areas.
Sec. 17. Applications for assistance.
Sec. 18. Performance evaluations of grant recipients.
Sec. 19. Transfer of funds.
Sec. 20. Extension of benefits.
Sec: 21. Supervision of Regional Counsels.
Sec. 22. Purpose.
Sec. 23. Definition of eligible recipient.
Sec. 24. Base closings and realignments.
Sec. 25. Outreach to communities adversely affected by closures and realignments of military installations.
Sec. 26. Treatment of revolving loan funds.
Sec. 27. Sale of financial instruments in revolving loan funds.
Sec. 28. Competitive communities pilot program.
Sec. 29. Special economic development and adjustment assistance.
Sec. 30. Compliance with Buy American Act.
Sec. 31. Regulatory relief.

SEC. 2. DIRECT AND SUPPLEMENTARY GRANTS.

(a) GRANTS.—Section 101(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "representing any redevelopment area or part thereof" and inserting "acting in cooperation with an official of a local government"; and

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "acquisition, construction" and inserting "acquisition, design, engineering, construction";

(B) by striking subparagraph (C) and inserting the following new subparagraph:

"(C) the area for which the project is to be undertaken has an approved overall economic development plan as provided in section 402 and such project is consistent with such plan; and"; and

(C) in subparagraph (D)—

(i) by striking "so designated under section 401(a)(6)," and inserting "described in section 401(a)(7),"; and

(ii) by striking "area." and inserting "area; and".

(b) CONSIDERATIONS FOR SUPPLEMENTARY GRANTS.—Section 101(c) of such Act is amended—

(1) in the second and third sentences, by striking "designated as such under section 401(a)(6) of this Act." and inserting "described in section 401(a)(7)."; and

(2) in the last sentence—

(A) by striking "the area, the" and inserting "the area and the"; and

(B) by striking ", and the amount of such" and all that follows and inserting a period.

SEC. 3. GRANTS FOR PUBLIC WORKS FACILITIES.

Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended to read as follows:

"SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $195,000,000 for each of fiscal years 1995 through 1997. Such sums shall remain available until expended. Not less than 15 percent and not more than 35 percent of the amounts appropriated for any of fiscal years 1995 through 1997 under this section shall be expended in redevelopment areas described in section 401(a)(7).".

SEC. 4. REPEAL OF FINANCIAL ASSISTANCE FOR SEWER FACILITIES.

(a) IN GENERAL.—Title I of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131–3137) is amended—

(1) by repealing section 106;

(2) by redesignating section 107 as section 104; and

(3) by moving such section 104 to appear after section 103.

(b) CONFORMING AMENDMENT.—Section 211(b)(3) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 211(b)(3)) is amended in the last sentence by striking "Notwithstanding" and all that follows through "education-related" and inserting "An education-related".

SEC. 5. RELATIONSHIP OF OVERALL ECONOMIC DEVELOPMENT PLAN TO PUBLIC WORKS AND DEVELOPMENT FACILITY LOANS.

Section 201(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "representing any redevelopment area thereof" and inserting "acting in cooperation with an official of a local government"; and

(2) by striking paragraph (5) and inserting the following new paragraph:

"(5) such area has an approved overall economic development plan as provided in section 402 and the project for which financial assistance is sought is consistent with such plan.".

SEC. 6. ELIMINATION OF OVERALL ECONOMIC DEVELOPMENT PROGRAM.

Section 202(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3142(b)) is amended—

(1) in paragraph (1), by striking "Such financial assistance shall not be extended" and inserting "The applicant for such financial assistance shall include, in the application of the applicant for such assistance, an assurance that the assistance will not be used"; and

(2) in paragraph (10), by striking "there shall be submitted to and approval of the Secretary an overall program for the economic development of the area and" and inserting "the applicant shall submit to the Secretary under section 402, and obtain approval of, an overall economic development plan and there is".

SEC. 7. REDEVELOPMENT AREA LOAN PROGRAM.

(a) IN GENERAL.—Section 204(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144(a)) is amended by striking the last two sentences.

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for title I through IV through fiscal year 1971", approved July 6, 1970 (42 U.S.C. 3162 note) is repealed.

(2) Section 6 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a one-year period", approved June 18, 1973 (42 U.S.C. 3162 note) is amended—

(A) in subsection (a), by striking "(a)"; and

(B) by striking subsection (b).

SEC. 8. TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION.

Section 301(a)(1) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151(a)(1)) is amended by striking "areas which he has designated as redevelopment areas under this Act," and inserting "redevelopment areas,".

SEC. 9. BUSINESS OUTREACH CENTER DEMONSTRATION PROJECT.

Section 303 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended to read as follows:

"SEC. 303. BUSINESS OUTREACH CENTER DEMONSTRATION PROJECT.

"(a) DEFINITION.—As used in this section, the term 'isolated small business' means a small business that is unable to effectively access small business services provided by a Federal, State, or local government due to linguistic, cultural, or geographic barriers, as determined by the Secretary.

"(b) DEMONSTRATION PROJECT.—Using funds made available under this title, the Secretary shall conduct a demonstration project in each of fiscal years 1995 through 1997 for the purpose of demonstrating methods of assisting isolated small businesses to access small business services provided by Federal, State, and local governments.

"(c) ESTABLISHMENT OF CENTERS.—In conducting the demonstration project under this section, the Secretary shall establish 3 business outreach centers. At least 1 of the centers shall be located in a rural area.

"(d) DUTIES OF CENTERS.—Each business outreach center established under this section shall—

"(1) provide a one-stop clearinghouse to assist isolated small businesses in accessing small business services provided by Federal, State, and local governments; and

"(2) improve efficiency in the delivery of such services.

"(e) SERVICES TO BE PROVIDED.—Each business outreach center established under this section shall provide each of the following services:

"(1) Outreach to isolated small businesses.

"(2) Assessment of the need of isolated small businesses for assistance services.

"(3) Referral of isolated small businesses to small business assistance agencies.

"(4) Preparation of materials required by isolated small businesses for participation in small business assistance programs.

"(5) Case management to ensure follow-up and quality control of business services.

"(6) Coordination of networking among isolated small businesses.

"(7) Quality control of small business assistance services.".

SEC. 10. OFFICE OF STRATEGIC ECONOMIC DEVELOPMENT PLANNING AND POLICY.

Title III of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151–3153) is amended by adding at the end the following new section:

"SEC. 305. OFFICE OF STRATEGIC ECONOMIC DEVELOPMENT PLANNING AND POLICY.

"(a) ESTABLISHMENT.—The Secretary shall establish in the Economic Development Administration an Office of Strategic Economic Development Planning and Policy (referred to in this section as the 'Office').

"(b) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary and who shall report to the Assistant Secretary for Economic Development.

"(c) DUTIES.—The duties of the Director are as follows:

"(1) RESEARCH, EVALUATION, AND DEMONSTRATION PROJECTS.—The Director shall support research, evaluation, and demonstration projects to study and assess best practices in economic development and to examine trends and changes in economic conditions that affect regional development. The Director shall conduct a study of innovative economic development financing tools, including loan guarantees, rural development investment zones, and other measures, that may be employed to further economic development of States, regions, and localities.

"(2) POLICY DEVELOPMENT.—The Director shall develop and submit to the Secretary recommendations on both short- and long-term policies regarding economic development issues and programs, to help foster the diffusion of innovative, best practices in economic development throughout the Department of Commerce.

"(3) INFORMATION AND COORDINATION.—The Director shall establish procedures to ensure that the Economic Development Administration assumes a central role in developing and promoting means of greater coordination among States, regions, and local communities in the design and implementation of Federal economic development programs, and to foster coordination among Federal economic development programs, to reduce duplication and fragmentation of Federal economic development efforts.

"(d) FEDERAL COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT.—

"(1) IN GENERAL.—There is established a Federal Coordinating Council for Economic Development (referred to in this subsection as the 'Council').

"(2) COMPOSITION OF THE COUNCIL.—

"(A) IN GENERAL.—The Council shall be composed of representatives from Federal agencies, appointed by the heads of the agencies, involved in matters that affect regional economic development. The Secretary shall determine the Federal agencies that are involved in matters that affect regional economic development.

"(B) VACANCIES.—Any vacancy in the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

"(3) DUTIES.—The Council shall assist the Secretary in providing a unifying framework for economic development efforts and shall develop a governmentwide strategic plan for economic development. The Council shall work to improve coordination of Federal economic development efforts to eliminate duplication and to direct Federal resources to improve economic conditions.

"(4) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for service on the Council but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the homes or regular places of business of the members in the performance of services for the Council.

"(5) FACILITIES, SUPPLIES, AND PERSONNEL.—

"(A) IN GENERAL.—Upon the request of the Council, the Secretary shall provide to the Council any facilities, supplies, and personnel necessary for the Council to carry out the responsibilities of the Council under this subsection.

"(B) DETAILS.—In the case of a detail of a Federal Government employee under paragraph (1), the employee may be detailed to the Council without reimbursement. The detail shall be without interruption or loss of civil service status or privilege.

"(6) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out this subsection.

"(7) INFORMATION FROM FEDERAL AGENCIES.—The Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out this subsection. Upon request of the Council, the head of such department or agency shall furnish such information to the Council.

"(8) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(9) TERMINATION.—The Council shall terminate 1 year after the date of the establishment of the Council.".

SEC. 11. OFFICE OF ECONOMIC DEVELOPMENT INFORMATION.

Title III of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151–3153) (as amended by section 10) is further amended by adding at the end the following new section:

"SEC. 306. OFFICE OF ECONOMIC DEVELOPMENT INFORMATION.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Economic Development Information (referred to in this section as the 'Office') within the Office of Strategic Economic Development Planning and Policy.

"(b) RESPONSIBILITIES.—The Office shall—

"(1) serve as a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, industrial retention, and defense reinvestment programs and activities of the Federal and State governments, including political subdivisions of the States; and

"(2) help potential and actual applicants for economic development, economic adjustment, disaster recovery, industrial retention, and defense reinvestment assistance under Federal, State, and local laws in locating and applying for such assistance, including financial and technical assistance.

"(c) INFORMATION DATA BASES.—

"(1) USES.—The Office shall develop information data bases for use by Federal departments and agencies, State and local governmental agencies, public and private entities, and individuals to assist such agencies, entities, and individuals in the process of identifying and applying for assistance and resources under economic development, economic adjustment, disaster recovery, industrial retention, and defense reinvestment programs and activities of the Federal, State, and local governments.

"(2) SPECIFIC KINDS OF INFORMATION REQUIRED TO BE INCLUDED.—The data bases shall include each of the following kinds of information:

"(A) A comprehensive compilation of all relevant information concerning available economic development, economic adjustment, disaster recovery, industrial retention, and defense reinvestment programs of the Federal Government, including key contact personnel, descriptions of the application process, eligibility requirements and criteria, selection and followup procedures, and other such relevant information.

"(B) A compilation of major State and local governmental economic development, economic adjustment, disaster recovery, industrial retention, and defense reinvestment assistance programs, including lists of appropriate offices, officers, and contact personnel connected with, or involved in, such programs.

"(C) A compilation of relevant and available economic data and trends, including information about the national, regional, and local impacts of trade agreements, defense spending and downsizing, technological change, and other sources of substantial economic dislocation.

"(D) A compilation of case studies and best practices in economic development, adjustment, and reinvestment.

"(E) A compilation of technology utilization programs, assistance, and resources.

"(F) A compilation of published works (books, reports, articles, videos, and tapes), and selected texts of such works, related to all facets of economic development, economic adjustment, and defense reinvestment.

"(G) A compilation of information on case studies on early warning and intervention efforts.

"(3) POINTS OF PUBLIC ACCESS.—

"(A) IN GENERAL.—The Office shall establish several means to ensure easy access by the public and others to such data bases, and to ensure that the data bases be as accessible, user-friendly, culturally neutral, and affordable as possible.

"(B) MEANS OF ACCESS.—Access to the data services of the Office shall include each of the following means:

"(i) A toll-free nationwide telephone number to provide direct phone access to the public.

"(ii) On-line electronic access through existing computer network services and publicly available computer data base access facilities, such as at repository libraries and by direct call-in via modem.

"(iii) Printed manuals and orientation materials.

"(iv) Periodic orientation workshops available to the public.

"(v) On-call information specialists to address special problems requiring person-to-person assistance.

"(d) INTERAGENCY COORDINATION.—The Secretary shall enter into such agreements and understandings as may be necessary with other Federal departments and agencies to coordinate the accomplishment of the objectives of this section.".

SEC. 12. AUTHORIZATION OF APPROPRIATIONS FOR TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION.

Title III of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151–3153) (as amended by section 11) is further amended by adding at the end the following new section:

"SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 1995 through 1997. Such sums shall remain available until expended.".

SEC. 13. REDEVELOPMENT AREAS.

Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended to read as follows:

"SEC. 401. AREA ELIGIBILITY.

"(a) CERTIFICATION.—An applicant seeking assistance under title I or II to undertake a project for an area shall certify, as part of an application for such assistance, that the area on the date of submission of such application meets 1 or more of the following criteria:

"(1) The per capita income of the area is 80 percent or less of the per capita income of the United States.

"(2) The average rate of unemployment in the area (seasonally adjusted), as determined by the Secretary of Labor for the most recent 24-month period for which statistics are available, minus the national average rate of unemployment (seasonally adjusted), as so determined, is equal to or exceeds 1 percent.

"(3) The average rate of unemployment in the area (seasonally adjusted), as determined by the Secretary of Labor for the most recent 12-month period for which statistics are available, minus the national average rate of unemployment (seasonally adjusted), as so determined, is equal to or exceeds 2 percent.

"(4) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect on the rate of unemployment in the area (if information on such rate is available), as such rate is determined by the Secretary of Labor.

"(5) The population growth rate of the United States, as determined by the Secretary of Commerce for an appropriate period, minus the population growth rate of the area, as so determined, is equal to or exceeds 3 percent.

"(6) The area has experienced a decline in total employment that is equal to or exceeds 2 percent over the most recent 5-year period for which statistics are available, as such employment is determined by the Secretary of Labor, acting through the Commissioner of Labor Statistics.

"(7) The area is a community or neighborhood (defined without regard to political or other subdivisions or boundaries) that the Secretary determines has 1 or more of the following conditions:

"(A) A large concentration of low-income persons.

"(B) A rural or urban area having substantial outmigration or substantial economic deterioration and unemployment.

"(C) Substantial unemployment.

"(b) DOCUMENTATION.—

"(1) DATA AND STATISTICS.—A certification made under subsection (a) shall be supported by Federal data, if available, and in other cases by data available through the appropriate State government. The applicant shall use the most recent statistics available to support the certification.

"(2) ACCEPTANCE OF DATA.—The Secretary shall accept the data unless the Secretary determines that the data are inaccurate.

"(c) SPECIAL RULE.—With respect to a redevelopment area described in subsection (a)(7)—

"(1) the project to be carried out in the area shall not be subject to section 101(a)(1)(A);

"(2) the area shall not be subject to section 101(a)(1)(C); and

"(3) the area shall not be considered to be a redevelopment area for purposes of section 403(a)(1)(B).

"(d) PRIOR DESIGNATION.—Any designation of a redevelopment area for the purposes of this Act that was made before the date of enactment of the Economic Development Reauthorization Act of 1994 shall not be effective after such date.

"(e) DEFINITION.—As used in this Act, the term 'redevelopment area' means an area that is the subject of a certification that is—

"(1) described in subsection (a); and

"(2) submitted by an applicant as part of an application for assistance—

"(A) that is described in subsection (a); and

"(B) for which the applicant obtains the approval of the Secretary.".

SEC. 14. ANNUAL REVIEW.

(a) IN GENERAL.—Section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended to read as follows:

"SEC. 402. OVERALL ECONOMIC DEVELOPMENT PLAN AND INVESTMENT STRATEGY.

"(a) OVERALL ECONOMIC DEVELOPMENT PLAN AND INVESTMENT STRATEGY.—The Secretary may provide assistance under title I or II to an applicant for a project to be undertaken in an area only if the applicant has prepared and submitted to the Secretary, and obtained approval of, an overall economic development plan or an investment strategy. Such an overall economic development plan or investment strategy shall—

"(1) identify the economic development problems to be addressed using such assistance;

"(2) identify past, present, and projected further economic development investments in such area and public and private participants and sources of funding for such investments; and

"(3) set forth a strategy for addressing the economic development problems identified pursuant to paragraph (1) and describe how the strategy will solve such problems.

"(b) APPLICATION REQUIREMENTS.—In submitting an application for assistance under title I or II, an applicant shall describe how the proposed project implements the plan or strategy, provide estimates of costs and timetables for completion for the project, and provide a summary of public and private resources expected to be available for the project.

"(c) EXISTING PLANS AND INVESTMENT STRATEGIES.—To the maximum extent practicable, the Secretary shall approve under subsection (a) overall economic development plans, and overall economic development programs, that were approved by the Secretary under this Act before the date of enactment of the Economic Development Reauthorization Act of 1994 and that substantially meet the requirements of this section.

"(d) DEFINITION.—As used in this Act, the term 'economic development plan' includes—

"(1) a plan or program described in subsection (c) and submitted for approval under subsection (a); and

"(2) an investment strategy submitted for approval under subsection (a) in lieu of such a plan.".

(b) CONFORMING AMENDMENTS.—

(1) TRADE ACT OF 1974.—Section 273(c)(2) of the Trade Act of 1974 (19 U.S.C. 2373(c)(2)) is amended—

(A) by striking "overall economic development program" and inserting "overall economic development plan or investment strategy"; and

(B) by striking "section 202(b)(10)" and inserting "section 402".

(2) COMMUNITY ECONOMIC DEVELOPMENT ACT OF 1981.—Section 626(b)(1) of the Community Economic Development Act of 1981 (42 U.S.C. 9815(b)(1)) is amended—

(A) by striking "Publc" and inserting "Public";

(B) by striking "overall economic development program" and inserting "overall economic development plan or investment strategy"; and

(C) by striking "section 202(b)(10)" and inserting "section 402".

SEC. 15. ECONOMIC DEVELOPMENT DISTRICTS.

(a) RELATIONSHIP TO OVERALL ECONOMIC DEVELOPMENT PLANS.—Section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended—

(1) in subsections (a)(1)(C), (a)(1)(D), (a)(2)(A), (a)(3)(A), (a)(4)(B), (e), and (i) by striking "overall economic development program" and inserting "overall economic development plan";

(2) in subsection (a)(1)(D), by striking "program" the second place the term appears and inserting "plan"; and

(3) in subsections (b) and (b)(2)(B), by striking "overall economic development programs" and inserting "overall economic development plans".

(b) RELATIONSHIP TO REDEVELOPMENT AREA.—Section 403(a)(4) of such Act is amended by striking "(designated under section 401)".

(c) ECONOMIC DEVELOPMENT DISTRICT DEFINED.—Section 403(d) of such Act is amended by adding at the end the following new sentence: "Such term includes any economic development district designated by the Secretary under this section before the date of enactment of the Economic Development Reauthorization Act of 1994, unless the Secretary terminates the designation.".

(d) FUNDING.—Section 403 of such Act is amended—

(1) by striking subsection (g) and inserting the following new subsection:

"(g) Amounts authorized to be appropriated under other sections of this Act shall be available for purposes of carrying out paragraphs (3) and (4) of subsection (a).";

(2) by striking subsection (h); and

(3) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

SEC. 16. EQUITY BETWEEN RURAL AND URBAN AREAS.

Title IV of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161 et seq.) is amended by adding at the end the following new part:

"PART E—EQUITY BETWEEN RURAL AND URBAN AREAS

"SEC. 406. ALLOCATIONS BASED ON THE LEVEL OF ECONOMIC DISTRESS OF AN AREA.

"Not later than 6 months after the date of enactment of the Economic Development Reauthorization Act of 1994, the Secretary shall issue and implement regulations containing criteria and procedures to prioritize allocations of Federal assistance made under this Act, so that, notwithstanding any other provision of this Act, the level of economic distress of an area, not a preference for a geographic area or a specific type of economic distress, is the primary factor considered by the Secretary in determining whether the area receives an allocation of Federal assistance under this Act.".

SEC. 17. APPLICATIONS FOR ASSISTANCE.

(a) EXPEDITED PROCESSING.—Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3201–3204) is amended by adding at the end the following new section:

"SEC. 605. EXPEDITED PROCESSING OF APPLICATIONS.

"(a) GUIDELINES.—Not later than 60 days after the date of enactment of this section, the Assistant Secretary for Economic Development shall—

"(1) develop and publish in the Federal Register guidelines that establish procedures to expedite the processing of applications for assistance under this Act; and

"(2) transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing such guidelines.

"(b) CONTENTS.—Guidelines to be developed and published under subsection (a) shall, at a minimum, provide for—

"(1) increased reliance on self-certification by applicants for such assistance to establish compliance with other Federal laws;

"(2) greater use of uniform application forms and procedures;

"(3) delegation of decisionmaking authority to regional offices of the Economic Development Administration; and

"(4) reduction in the time and number of reviews conducted by offices of the Department of Commerce other than the Economic Development Administration.".

(b) UNIFORM APPLICATION FORM.—Title VI of such Act (as amended by subsection (a)) is further amended by adding at the end the following new section:

"SEC. 606. UNIFORM APPLICATION FORM.

"(a) DEVELOPMENT.—The Secretary shall, in cooperation with the heads of appropriate Federal departments and agencies, develop a general, simplified application form for grant assistance under this Act that may be used by all Federal departments and agencies that provide grant assistance.

"(b) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall transmit to Congress a report on use of the form developed pursuant to subsection (a) by Federal departments and agencies.".

SEC. 18. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3201–3204) (as amended by subsections (a) and (b) of section 17) is further amended by adding at the end the following new section:

"SEC. 607. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

"(a) IN GENERAL.—At least once every 2 years, the Secretary shall conduct an evaluation of each university center receiving assistance under title III (referred to in this section as a 'university center') and economic development district receiving grant assistance under this Act to assess the performance and contribution toward job creation of the recipient.

"(b) CRITERIA.—

"(1) ESTABLISHMENT.—The Secretary shall establish criteria for use in conducting evaluations under subsection (a).

"(2) CRITERIA FOR UNIVERSITY CENTERS.—The criteria for evaluation of a university center shall, at a minimum, provide for an assessment of the contribution of the center to providing technical assistance, conducting applied research, and disseminating results of the activities of the center.

"(3) CRITERIA FOR ECONOMIC DEVELOPMENT DISTRICTS.—The criteria for evaluation of an economic development district shall, at a minimum, provide for an assessment of management standards, financial accountability, and program performance.

"(c) PEER REVIEW.—In conducting an evaluation of a university center under subsection (a), the Secretary shall provide for the participation in the evaluation of at least 1 other university center on a cost-reimbursement basis.".

SEC. 19. TRANSFER OF FUNDS.

Section 708 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3218) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the Secretary may accept such transfers of funds from other departments and agencies of the Federal Government as the Secretary determines to be appropriate and use such funds to carry out objectives of this Act, if the Secretary uses the funds to carry out objectives for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated. Not more than 5 percent of such funds may be transferred to the account relating to salaries and expenses of the Economic Development Administration.".

SEC. 20. EXTENSION OF BENEFITS.

Section 715 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3225) is amended by striking "such areas as may be designated as 'redevelopment areas' or 'economic development centers' under the authority of section 401 or 403 of this Act:" and inserting "redevelopment areas and such areas as may be designated as 'economic development centers' under section 403:".

SEC. 21. SUPERVISION OF REGIONAL COUNSELS.

Title VII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211–3226) is amended by adding at the end the following new section:

"SEC. 717. SUPERVISION OF REGIONAL COUNSELS.

"The Secretary shall take such actions as may be necessary to ensure that individuals serving as Regional Counsels of the Economic Development Administration report directly to their respective Regional Directors, except that the General Counsel shall have authority to make determinations relating to the technical legal ability of the individuals.".

SEC. 22. PURPOSE.

The first sentence of section 901 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241) is amended by striking "It is the purpose of this title" and inserting "The purposes of title I and of this title are".

SEC. 23. DEFINITION OF ELIGIBLE RECIPIENT.

Section 902 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3242) is amended to read as follows:

"SEC. 902. DEFINITION.

"As used in this title, the term 'eligible recipient' means a redevelopment area, an economic development district, an Indian tribe, a State, a city or other political subdivision of a State, a consortium of such political subdivisions, a public or private nonprofit organization, or a public or private nonprofit association.".

SEC. 24. BASE CLOSINGS AND REALIGNMENTS.

Section 903 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3243) is amended—

(1) in the matter following subparagraph (B) of subsection (a)(1), by striking "unemployment compensation (in accordance with subsection (d) of this section), rent supplements, mortgage payment assistance, research," and inserting "administrative expenses, industrial retention,"; and

(2) by adding at the end the following new subsection:

"(e)(1) In any case in which the Secretary determines that a need exists for assistance under subsection (a) due to the closure or realignment of a military installation, or for an industrial, a community, or a workforce adjustment due to a reduction in amounts made available under or termination of a defense contract, the Secretary may make such assistance available to an eligible recipient for a project to be carried out on the military installation, for a project to be carried out in a community adversely affected by the closure or realignment, or for defense conversion activities.

"(2) Notwithstanding any other provision of law, the Secretary may provide to an eligible recipient any assistance available under this title for a project to be carried out on a military installation that is closed or scheduled for closure or realignment, or for defense conversion activities, without requiring that the eligible recipient have title to the property on which the installation is located or the activities will be carried out, or a leasehold interest in the property, for any specified term.".

SEC. 25. OUTREACH TO COMMUNITIES ADVERSELY AFFECTED BY CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) is amended—

(1) by redesignating section 905 as section 909; and

(2) by inserting after section 904 the following new section:

"SEC. 905. OUTREACH TO COMMUNITIES ADVERSELY AFFECTED BY CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS.

"(a) DESIGNATION OF AGENCY REPRESENTATIVES.—The Assistant Secretary for Economic Development shall designate for each State in which communities are adversely affected by closures and realignments of military installations, an individual to serve as a representative of the Economic Development Administration. Such individual may be the State Economic Development Agency Representative or another qualified individual.

"(b) RESPONSIBILITIES.—Individuals appointed as agency representatives under subsection (a) shall provide outreach and technical assistance, to communities adversely affected by closures and realignments of military installations, on obtaining assistance from the Economic Development Administration.".

SEC. 26. TREATMENT OF REVOLVING LOAN FUNDS.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) (as amended by section 25) is further amended by inserting after section 905 the following new section:

"SEC. 906. TREATMENT OF REVOLVING LOAN FUNDS.

"(a) IN GENERAL.—An amount made available through a grant made under this title that is used by an eligible recipient to establish a revolving loan fund shall not be treated, except as provided by subsection (b), as an amount derived from Federal funds for the purposes of any Federal law after such amount is loaned from the fund to a borrower and repaid to the fund.

"(b) EXCEPTIONS.—An amount described in subsection (a) that is loaned from a revolving loan fund to a borrower and repaid to the fund—

"(1) may be used only for a project that is consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing requirements that were originally applicable to such amount on the date on which the Secretary made the amount available to the recipient through a grant described in subsection (a).

"(c) REGULATIONS.—Not later than 30 days after the date of enactment of this section, the Secretary shall issue regulations to carry out subsection (a).

"(d) PUBLIC REVIEW AND COMMENT.—Before issuing any final guidelines or administrative manuals governing the operation of revolving loan funds established using amounts from grants made under this title, the Secretary shall provide reasonable opportunity for public review of and comment on such guidelines and administrative manuals.".

SEC. 27. SALE OF FINANCIAL INSTRUMENTS IN REVOLVING LOAN FUNDS.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) (as amended by section 26) is further amended by inserting after section 906 the following new section:

"SEC. 907. SALE OF FINANCIAL INSTRUMENTS IN REVOLVING LOAN FUNDS.

"Any loan, loan guarantee, or other financial instrument in the portfolio of a revolving loan fund described in section 906 may be sold, at the discretion of the grant recipient that established the fund, to a third party. The proceeds of the sale—

"(1) shall be deposited in the fund and only used for projects that are consistent with the purposes of this title; and

"(2) shall be subject to the financial management, accounting, reporting, and auditing requirements that were originally applicable to the financial instrument on the date on which the financial instrument was entered into.".

SEC. 28. COMPETITIVE COMMUNITIES PILOT PROGRAM.

Title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241–3245) (as amended by section 27) is further amended by inserting after section 907 the following new section:

"SEC. 908. COMPETITIVE COMMUNITIES PILOT PROGRAM.

"(a) DEFINITION.—As used in this section, the term 'eligible intermediary recipient' means—

"(1) a redevelopment area or an economic development district established under title IV;

"(2) an Indian tribe;

"(3) a public-private entity sponsored by a State or other political subdivision of a State, or by a community division of a State;

"(4) a community development corporation;

"(5) a public or private not-for-profit corporation; and

"(6) a consortium of recipients described in any of paragraphs (1) through (5);

that demonstrates the financial expertise, ability, and legal authority to provide the investment for a transaction, as well as the ability to develop and implement an overall economic development plan as provided in section 402.

"(b) PROGRAM.—The Secretary may establish a competitive communities pilot program and, in carrying out the program, may make grants, loans, or loan guarantees directly to or for the benefit of any eligible recipients (including eligible intermediary recipients) for the purpose of investing in identified business transactions that will create opportunities for long-term employment in economically distressed communities.

"(c) APPLICATIONS.—To be eligible to receive financial assistance under this section, a person or an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) PANEL OF EXPERTS.—The Secretary shall establish a panel of experts to review applications submitted to the Secretary under subsection (c). The panel shall consist of 7 members as follows:

"(1) The Secretary (or the designee of the Secretary).

"(2) The Assistant Secretary for Economic Development.

"(3) 1 Regional Director of the Economic Development Administration, appointed by the Secretary.

"(4) 1 State Economic Development Representative, appointed by the Secretary.

"(5) 3 private citizens with economic development and business expertise, appointed by the Secretary.

"(e) CRITERIA FOR SELECTION.—The Secretary shall select recipients to receive financial assistance under this section, based on the quality of the applications submitted and the extent to which the applications describe activities to encompass investment initiatives that promote public and private sector partnerships to advance the competitiveness of the economy of local communities through the creation of long-term sustainable employment opportunities.

"(f) DEADLINES.—

"(1) ACTION ON APPLICATIONS.—In the case of each application submitted under subsection (c) that is received by a deadline established and published in the Federal Register, the Secretary shall approve or disapprove the application on or before the 60th day after the deadline.

"(2) USE OF ASSISTANCE.—Any agreement relating to an amount of financial assistance under this section that is entered into by the Secretary and an eligible recipient under the program shall require that the eligible recipient provide assistance to businesses using the amount on or before the 90th day after the date of receipt of such amount or shall return any remaining portion of such amount to the Secretary for subsequent awards under the program.".

SEC. 29. SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE.

Section 909 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3245) (as redesignated by section 25(1)) is amended to read as follows:

"SEC. 909. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 1995 through 1997. Such sums shall remain available until expended.

"(b) ADDITIONAL AMOUNTS.—In addition to the appropriations authorized by subsection (a), there are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 and 1997, to provide assistance for activities related to closures and realignments of military installations and for defense conversion activities and to provide assistance in the case of a natural disaster. Such sums shall remain available until expended.

"(c) SET-ASIDE FOR COMPETITIVE COMMUNITIES PILOT PROGRAM.—Of the amounts appropriated under subsections (a) and (b), not more

than $40,000,000 shall be available for fiscal year 1995 to carry out section 908, of which not more than $15,000,000 shall be available from amounts appropriated under subsection (a) and not more than $25,000,000 shall be available from amounts appropriated under subsection (b).".

SEC. 30. COMPLIANCE WITH BUY AMERICAN ACT.

None of the funds made available under this title, or any amendment made by this title, may be expended to acquire articles, materials, or supplies, or to procure services, in violation of the applicable provisions of sections 2 through 4 of title III of the Act of March 3, 1933 (commonly known as the "Buy American Act") (41 U.S.C. 10a–10b–1).

SEC. 31. REGULATORY RELIEF.

The Assistant Secretary for Economic Development, acting on a petition from an entity impacted adversely by a Federal regulation on a matter of economic development described in the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), shall notify the officer who is the head of the department or agency that issued and administers the regulation and suggest that the officer waive regulations that interfere with economic development. Nothing in this section shall be construed to preempt the authority of the head of a department or agency to waive regulations. Nothing in this section shall be construed to affect the ability of the Assistant Secretary for Economic Development to carry out the duties of the Assistant Secretary, as otherwise provided by law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WISE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5243, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THEODORE LEVIN COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2395) to designate the United States Courthouse in Detroit, MI, as the "Theodore Levin Courthouse", and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

□ 1840

The SPEAKER pro tempore (Mr. SHARP). Is there objection to the request of the gentleman from Ohio?

Mr. DUNCAN. Mr. Speaker, reserving the right to object, and I shall not object, at this time I yield to my good friend, the chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], for a brief explanation of the bill.

Mr. TRAFICANT. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the bill, S. 2395, as amended, to designate the Federal building in Detroit, MI, as the Theodore Levin U.S. Courthouse.

The gentleman from Michigan, Chairman DINGELL, and the gentlewoman from Michigan, Miss COLLINS, have been strong supporters of this legislation.

Mr. Speaker, Judge Levin was a man who had great dignity, compassion, and superior intellect. He championed and supported unpopular causes, particularly on issues associated with immigration and alien's rights, and unfair sentencing practices. He was nominated in 1946 by President Truman to serve as the U.S. District Judge for the Eastern District of Michigan, and served for almost 25 years, retiring in 1970.

Probably most important, he was a devoted family man, husband and father.

It is with great pleasure that I support S. 2395 as amended and urge my colleagues to join me in support of this legislation.

Mr. DUNCAN. Further reserving the right to object, Mr. Speaker, everyone on this side of the aisle is in strong support of this legislation that the building be named after the very distinguished uncle of our colleague, the gentleman from Michigan, [Mr. LEVIN]. I thank the gentleman from Ohio [Mr. TRAFICANT] for his explanation of the bill. I support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THEODORE LEVIN FEDERAL BUILDING AND COURTHOUSE.

(a) REDESIGNATION.—The courthouse facility located at 231 West Lafayette, in Detroit, Michigan, shall be known and designated as the "Theodore Levin Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to be courthouse facility referred to in subsection (a) shall be deemed to be a reference to the "Theodore Levin Courthouse".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2395, the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

OCEANS ACT OF 1994

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the bill (H.R. 4852) to provide congressional approval of a governing international fishery agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, and I will not object, I take this reservation in order to give the distinguished gentleman from New Jersey [Mr. HUGHES] an opportunity to explain the bill.

Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Speaker, earlier today, in an effort to try and expedite Senate action on a number of Merchant Marine and Fisheries Committee bills pending before the other body, Chairman STUDDS sought unanimous consent for a package of legislation that could then be approved by the Senate and forwarded to the President for signature.

This motion was objected to, but I am happy to now return on behalf of the committee with a package that has been worked out and should cause no Member to object.

I will not repeat the explanation given by Chairman STUDDS as to the contents of this package but will tell Members that the concerns raised by the gentlemen from Louisiana and Pennsylvania have been accommodated.

We have dropped from the towing safety title the language requiring merchant mariners documents for industry crew members. We have also dropped language dealing with the definition of offshore supply vessels, and language in the NOAA authorization title questioned by Mr. WALKER.

Mr. Speaker, adoption of the bill will make our waterways safer, protect the lives of young boaters, encourage scientific research, support the tremendous efforts of our U.S. Coast Guard, and continue and improve several important fisheries laws.

Adoption of this bill right now is our only chance to make all of this happen. I urge its approval.

Mr. FIELDS of Texas. Mr. Speaker, continuing my reservation, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman from Texas for yielding to me.

First of all, Mr. Speaker, I want to thank the gentleman from Louisiana [Mr. TAUZIN], and others for working out a compromise on this legislation so that this very important bill concerning the Coast Guard and the freight forwarders industry is able to move through this body.

Mr. Speaker, this freight forwarding section of the bill is very important to the ocean freight forwarder of this country who have been set aside and shut out for more than 10 years. We are taking the step now to give them the opportunity to share in collecting the fees, as have everybody else in the shipping industry.

So the freight forwarder compensation language is so important that again I thank the gentleman from Louisiana [Mr. TAUZIN] and others for this opportunity.

Mr. FIELDS of Texas. Mr. Speaker, continuing my reservation of objection, I would just like to point out to my colleagues in the House that this may be one of the last speeches by the gentlewomen from Maryland [Mrs. BENTLEY] and I think it is highly appropriate that this speech occurs on this particular piece of legislation. There has not been a stronger advocate for the domestic maritime industry than the gentlewoman from Maryland, and she will be sorely missed by the Committee on Merchant Marine and Fisheries.

Mrs. BENTLEY. Mr. Speaker. I thank the gentleman from Texas for his kind words. Let me say I am not going to let you be far away from me.

Mr. FIELDS of Texas. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Louisiana [Mr. TAUZIN.].

Mr. TAUZIN. I thank the gentleman for yielding.

Let me also confirm indeed we have reached agreement on a package that we hope will be acceptable to the Senate now.

Mr. Speaker, I point out to the Members of the House that one of the items that is contained in the bill is a very important section on towing vessels safety that is designed to increase the margins of safety in inland waterways of our country.

Mr. Speaker, it was about a year ago that we had the awful Amtrak accident in Alabama which cost the lives of some of our citizens and called to our attention the need for drastic changes in the ways in which the inland waterways operate.

The bill contains some very important steps in improving the safety of waterways, it contains some very important reform in the way the Coast Guard regulates the maritime industry. Indeed it allows for much more efficiency in self-regulation, and we want to again commend this package to the floor of the House and urge its adoption under this unanimous consent request.

And I thank the gentleman from Texas [Mr. FIELDS] and the gentleman from New Jersey [Mr. HUGHES]. In particular I want to thank my dear friend, Mr. HUGHES, and wish him the best of luck in all his future endeavors. And I also thank the members of the committee and subcommittee.

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of the H.R. 4852, the Oceans Act of 1994, as amended.

Mr. Speaker, this is bipartisan legislation developed by the Merchant Marine and Fisheries Committee. It includes several important international fisheries provisions, which will allow the United States to remain a leader in conservation and management.

We have included in this legislation provisions to: implement the recommendations of the U.N.'s Conference of the Food and Agriculture Organization to establish a licensing and reporting system for United States fishing vessels which engage in fishing operations on the high seas; implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries and allow the United States to participate in the Northwest Atlantic Fisheries Organization; approve the governing international fishery agreement between the United States and the Republic of Lithuania; require a report to Congress on the status of monitoring and research programs to support the conservation and management of Atlantic bluefin tuna and other highly migratory species; reauthorize and expand the ability of the Fishermen's Protective Act to reimburse fishermen for the loss of their vessels and catch if seized illegally by a foreign government or to reimburse them if they are forced to pay an illegal transit fee by a foreign government; and require that United States fishermen comply with international fishery agreements that govern fisheries management in the Central Sea of Okhotsk.

Title VII of this bill authorizes funds for the Coast Guard for fiscal year 1995 at the level requested by the President, plus $13 million to fund the bridge administration program, and an additional $21 million for drug interdiction activities. Titles VIII through X contain important provisions to improve vessel and navigation safety and improve Coast Guard personnel management.

Title XI of this bill contains the text of H.R. 3786, the Recreational Boating Safety Improvement Act of 1994. This bill is one of my highest priorities, and I am pleased that the most important requirements of my bill, H.R. 2812, are incorporated into the bill. This legislation will save lives and reduce the number of injuries that occur on America's waterways each year.

Title XII, the Coast Guard Regulatory Reform Act of 1993, is intended to simplify U.S. construction requirements to reduce the regulatory burden on the U.S. maritime industry without compromising safety. These provisions were developed by the Coast Guard, industry representatives, and the Merchant Marine and Fisheries Committee. They will streamline shipbuilding requirements for all the U.S. maritime industry and allow it to become more competitive internationally.

Title XIII, the United States Passenger Vessel Development Act, is designed to promote the construction and operation of domestic passenger ships that will operate out of U.S. ports and cater to Americans.

Title XIV contains the provisions of the Boating Improvement Act of 1994, to establish a reasonable, stable funding method for the State boating safety program. The Boating Improvement Act is supported by all the affected groups, including the National Association of Boating Law Administrators, the American League of Anglers and Boaters, and the Boat Owners Association of the United States.

I also support the remaining titles of this bill, which will improve towing vessel safety and offshore supply vessel shipbuilding opportunities, and address various miscellaneous problems. I am pleased that title XX of this bill contains my amendments to maintain the President's proposed level of Coast Guard drug interdiction and to require a complete cost accounting of Coast Guard expenses related to Haiti.

Title XIX of this bill contains an authorization for the ocean and coastal programs of the National Oceanic and Atmospheric Administration [NOAA] for fiscal years 1995 and 1996. In addition to NOAA's National Ocean Service programs, ocean and Great Lakes research, selected fisheries programs, and general administrative support, the title also improves the Saltonstall-Kennedy program; encourages dual use of military oceanographic assets; amends the boundary of the Flower Garden Banks National Marine Sanctuary; improves congressional oversight of NOAA's fleet modernization activities; and authorizes the National Undersea Research Program.

These programs contribute to America's understanding and wise use of the greatest resource of the Earth—our oceans. I note that through the outstanding leadership of Oceanography Subcommittee Chairman SOLOMON ORTIZ that the Gulf of Mexico finally receives its due in this bill. The authorization of a National Undersea Research Program Center for the gulf, a study using satellites to help pinpoint sea turtles, and the consideration of an offshore platform as a research facility in the only gulf national marine sanctuary are all a result of his tireless work. Chairman ORTIZ has also been extremely responsive to the views of all members of the Merchant Marine Committee on NOAA matters.

I also want to commend Oceanography Subcommittee ranking Republican member CURT WELDON for his efforts on behalf of NOAA, especially his work on the use of military resources for civilian oceanographic research. This is a new but potentially fruitful avenue for the committee. Finally, committee Chairman STUDDS has helped steer our course to the floor to ensure NOAA's future.

The Merchant Marine and Fisheries Committee has completed action in a fair, bipartisan manner, on matters that are extremely important to our maritime industry and to the safety of our citizens. Mr. Speaker, I urge my colleagues to overwhelmingly enact H.R. 4852 and express my highest compliments to our distinguished chairman, GERRY STUDDS, for his outstanding leadership on this important legislation.

I urge my colleagues to support this legislation and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

The Clerk read the bill, as follows:

H.R. 4852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the Government of the Republic of Lithuania, as contained in the message to Congress from the President of the United States dated July 18, 1994, is approved by the Congress as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HUGHES:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oceans Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—HIGH SEAS FISHERIES LICENSING

SEC. 101. SHORT TITLE.

This title may be cited as the "High Seas Fisheries Licensing Act of 1994".

SEC. 102. PURPOSE.

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 103. DEFINITIONS.

As used in this Act—

(1) The term "Agreement" means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term "FAO" means the Food and Agriculture Organization of the United Nations.

(3) The term "high seas" means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

(4) The term "high seas fishing vessel" means any vessel of the United States used or intended for use —

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term "international conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.

(6) The term "length" means —

(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel's documentation.

(7) The term "person" means any individual (whether or not a citizen of or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(8) The term "Secretary" means the Secretary of Commerce.

(9) The term "vessel of the United States" means—

(A) a vessel documented under chapter 121 of title 46, United States Code, or numbered in accordance with chapter 123 of title 46, United States Code;

(B) a vessel owned in whole or part by—

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States; or

(iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms "vessel subject to the jurisdiction of the United States" and "vessel without nationality" have the same meaning as in section 1903(c) of title 46 United States Code Appendix.

SEC. 104. LICENSING.

(a) IN GENERAL.—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid license issued under this section.

(b) ELIGIBILITY.—

(1) Any vessel of the United States is eligible to receive a license under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a license under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply if the Secretary makes a determination that issuing a license would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a license to a vessel unless the Secretary is satisfied that the United States will be able to exercise effectively its responsibilities under the Agreement with respect to that vessel.

(c) APPLICATION.—

(1) The owner or operator of a high seas fishing vessel may apply for a license under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) the vessel's previous flags (if any);

(C) the vessel's International Radio Call Sign (if any);

(D) the names and addresses of the vessel's owners and operators;

(E) where and when the vessel was built;

(F) the type of vessel;

(G) the vessel's length; and

(H) any other information the Secretary requires.

(d) CONDITIONS.—The Secretary shall establish such conditions and restrictions on each license issued under this section as are necessary and appropriate to carry out the obligations of the United States under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855); and

(2) The license holder shall report such information as the Secretary by regulation requires, including area of fishing operations

and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this paragraph may be released.

(e) FEES.—

(1) The Secretary may by regulation establish the level of fees to be charged for licenses issued under this section. The amount of any fee charged for a license issued under this section may not exceed the administrative costs incurred in issuing such licenses. The licensing fee shall be in addition to any fee required under any regional licensing regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Fees collected under this subsection shall be available for the necessary expenses of the National Oceanic and Atmospheric Administration in implementing this Act, and shall remain available until expended.

(f) DURATION.—A license issued under this section is valid for the period specified in regulations issued under section 105(d). A license issued under this section is void in the event the vessel is no longer eligible for U.S. documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

SEC. 105. RESPONSIBILITIES OF THE SECRETARY.

(a) RECORD.—The Secretary shall maintain an automated file or record of high seas fishing vessels issued licenses under section 104, including all information submitted under section 104(c)(2).

(b) INFORMATION TO FAO.—The Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(2) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletion;

(4) convey to FAO information relating to any license granted under section 104(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the license;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and any sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG NATIONS.—If the Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, has reasonable grounds to believe that a foreign vessel has engaged in activities undermining the effectiveness of international conservation and management measures, the Secretary shall—

(1) provide to the flag nation information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign vessel is voluntarily in a United States port, promptly notify the flag nation and, if requested by the flag nation, make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this title. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, in order to minimize duplication of license application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

SEC. 106. UNLAWFUL ACTIVITIES.

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 105(e);

(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid license issued under section 104;

(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a license issued under section 104;

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this title or any regulation issued under this title, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(5) to refuse to permit an authorized officer to board a high seas fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation issued under this title;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detention for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any living marine resource taken or retained in violation of this title or any regulation or license issued under this title; or

(10) to violate any provision of this title or any regulation or license issued under this title.

SEC. 107. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—This title shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this title or any regulation or license issued under this title.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized under subsection (a) to enforce the provisions of this title may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by paragraph (6), (7), (8), or (9) of section 106;

(ii) board, and search or inspect, any high seas fishing vessel;

(iii) seize any high seas fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this title or any regulation or license issued under this title;

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106;

(v) seize any other evidence related to any violation of any provision of this title or any regulation or license issued under this title;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) ISSUANCE OF CITATIONS.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this title, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this title for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

SEC. 108. CIVIL PENALTIES AND LICENSE SANCTIONS.

(a) CIVIL PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a

hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 106 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(b) LICENSE SANCTIONS.—

(1) In any case in which—

(A) a vessel of the United States has been used in the commission of an act prohibited under section 106;

(B) the owner or operator of a vessel or any other person who has been issued or has applied for a license under section 104 has acted in violation of section 106; or

(C) any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a license under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any license issued to or applied for by such vessel or person under this title, with or without prejudice to the issuance of subsequent licenses;

(ii) suspend such license for a period of time considered by the Secretary to be appropriate;

(iii) deny such license; or

(iv) impose additional conditions and restrictions on such license.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(3) Transfer of ownership of a high seas fishing vessel, by sale or otherwise, shall not extinguish any license sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any license sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any license that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the license upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) HEARING.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a license sanction is imposed under subsection (b) (other than a license suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) COLLECTION.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 106 shall be liable in rem for any civil penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 109. CRIMINAL OFFENSES.

(a) OFFENSES.—A person is guilty of an offense if the person commits any act prohibited by paragraph (6), (7), (8), or (9) of section 106.

(b) PUNISHMENT.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 110. FORFEITURES.

(a) IN GENERAL.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any living marine resources (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106 (other than an act for which the issuance of a citation under section 107 is a sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF DISTRICT COURTS.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this title or for which security has not previously been obtained. The provisions of the customs laws relating to —

(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, unless such provisions are inconsistent with the purposes, policy, and provisions of this title.

(d) PROCEDURE.—

(1) Any officer authorized to serve any process in rem that is issued by a court under section 107(b) shall—

(A) stay the execution of such process; or

(B) discharge any living marine resources seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this title may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 106 are presumed to have been taken or retained in violation of this title, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

SEC. 111. EFFECTIVE DATE.

This title shall take effect 120 days after the date of enactment of this Act.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

SEC. 201. SHORT TITLE.

This title may be cited as the "Northwest Atlantic Fisheries Convention Act of 1994".

SEC. 202. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a "United States Commissioner to the Northwest Atlantic Fisheries Organization"; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

(3) TERMS.—

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a "United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council".

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specified by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meetings of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

(B) consult with the committee established under section 208.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coordination and consultations under this subsection.

SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b)(1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

SEC. 205. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 206. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this title. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

SEC. 207. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this title or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the

Coast Guard is operating shall enforce the provisions of this title and shall have the authority specified in sections 311(a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and (c)) for that purpose.

(f) Jurisdiction of Courts.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

SEC. 208. CONSULTATIVE COMMITTEE.

(a) Establishment.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) Membership.—(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) Terms and Reappointment.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) Duties of the Committee.—Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) Relationship to Other Law.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the consultative committee established under this section.

SEC. 209. ADMINISTRATIVE MATTERS.

(a) Prohibition on Compensation.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 208.

(b) Travel and Expenses.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 202(e) with respect to their actual performance of their official duties pursuant to this title, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) Status as Federal Employees.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

SEC. 210. DEFINITIONS.

In this title the following definitions apply:

(1) Authorized enforcement officer.—The term "authorized enforcement officer" means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

(2) Commissioner.—The term "Commissioner" means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202(a).

(3) Convention.—The term "Convention" means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) Fisheries commission.—The term "Fisheries Commission" means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) General council.—The term "General Council" means the General Council provided for by Article II, III, IV, and V of the Convention.

(6) Magnuson Act.—The term "Magnuson Act" means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) Organization.—The term "Organization" means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) Person.—The term "person" means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) Representative.—The term "Representative" means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202(c).

(10) Scientific council.—The term "Scientific Council" means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) Secretary.—The term "Secretary" means the Secretary of Commerce.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, and 1998.

TITLE III—GOVERNING INTERNATIONAL FISHERY AGREEMENT

SEC. 301. AGREEMENT WITH LITHUANIA.

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the government of the Republic of Lithuania, as contained in the message to Congress from the President of the United States dated July 18, 1994, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

TITLE IV—ATLANTIC TUNAS CONVENTION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Atlantic Tunas Convention Authorization Act of 1994".

SEC. 402. RESEARCH AND MONITORING ACTIVITIES.

(a) Report to Congress.—The Secretary of Commerce shall, within 90 days after the date of enactment of this Act, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives—

(1) identifying current governmental and nongovernmental research and monitoring activities on Atlantic bluefin tuna and other highly migratory species;

(2) describing the personnel and budgetary resources allocated to such activities; and

(3) explaining how each activity contributes to the conservation and management of Atlantic bluefin tuna and other highly migratory species.

(b) Research and Monitoring Program.—Section 3 of the Act of September 4, 1980 (16 U.S.C. 971i) is amended—

(1) by amending the section heading to read as follows:

"SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.";

(2) by inserting "(a) Biennial Report on Bluefin Tuna.—" before "The Secretary of Commerce shall"; and

(3) by adding at the end the following:

"(b) Highly Migratory Species Research and Monitoring.—

"(1) Within 6 months after the date of enactment of the Atlantic Tunas Convention Authorization Act of 1994, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the 'Commission') and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

"(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

"(B) provide for appropriate participation by nations which are members of the Commission.

"(2) The program shall provide for, but not be limited to—

"(A) statistically designed cooperative tagging studies;

"(B) genetic and biochemical stock analyses;

"(C) population censuses carried out through aerial surveys of fishing grounds;

"(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

"(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

"(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

"(G) integration of data from all sources and the preparation of data bases to support management decisions; and

"(H) other research as necessary.

"(3) In developing a program under this section, the Secretary shall provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act applies with respect to effort and species composition of catch and discards. The Secretary through the Secretary of State shall encourage other member nations to adopt a similar program.".

SEC. 403. ADVISORY COMMITTEE PROCEDURES.

Section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) is amended—

(1) by inserting "(a)" before "There"; and

(2) by adding at the end the following:

"(b)(1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations.

"(2) The advisory committee shall elect a Chairman for a 2-year term from among its members.

"(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State.

"(4)(A) The Secretary shall provide to the advisory committee in a timely manner such administrative and technical support services as are necessary for the effective functioning of the committee.

"(B) The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

"(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.

"(6) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.".

SEC. 404. REGULATIONS.

Section 6(c)(3) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d(c)(3)) is amended by adding "or fishery mortality level" after "quota of fish" in the last sentence.

SEC. 405. FINES AND PERMIT SANCTIONS.

Section 7(e) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971(e)) is amended to read as follows:

"(e) The civil penalty and permit sanctions of section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858) are hereby made applicable to violations of this section as if they were violations of section 307 of that Act.".

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS.

"Sec. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in article X of the Convention, the following sums:

"(1) For fiscal year 1994, $2,750,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A, and $1,500,000 are authorized for research activities under this Act.

"(2) For fiscal year 1995, $4,000,000, of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

"(3) For fiscal year 1996, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.".

SEC. 407. REPORT AND CERTIFICATION.

The Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.) is amended by adding at the end thereof the following:

"ANNUAL REPORT.

"Sec. 11. Not later than April 1, 1995, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that—

"(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from nations fishing on Atlantic stocks of such species that are subject to management by the Commission;

"(2) identifies those fishing nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

"(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

"(4) describes actions taken by the Secretary under section 12.

"CERTIFICATION

"Sec. 12. (a) If the Secretary determines that vessels of any nation are harvesting fish which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the convention area in a manner or under circumstances which would tend to diminish the effectiveness of the conservation recommendations of the Commission, the Secretary shall certify such fact to the President.

"(b) Such certification shall be deemed to be a certification for the purposes of section 8 of the Fishermen's Protective Act (22 U.S.C. 1978).

"(c) Upon certification under subsection (a), the Secretary shall promulgate regulations under section 6(c)(4) with respect to a nation so certified.".

SEC. 408. SENSE OF THE CONGRESS REGARDING CONSERVATION AND MANAGEMENT OF ATLANTIC BLUEFIN TUNA.

(a) Finding.—The Congress finds the following:

(1) Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States.

(2) Many other countries also harvest Atlantic bluefin tuna in the Atlantic Ocean and the Mediterranean Sea.

(3) The International Commission for the Conservation of Atlantic Tunas (hereinafter in this section referred to as the "Commission"), was established in 1969 to develop conservation and management recommendations for Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea.

(4) The Commission adopted conservation and management recommendations in 1974 to ensure the recovery and sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and the Mediterranean Sea.

(5) In 1981, the Commission adopted a management strategy for Atlantic bluefin tuna predicated on a hypothesis that 2 stocks of the fish existed: a western stock found in the Atlantic west of 45 degrees west longitude (hereinafter in this section referred to as the "45 degree line"), and an eastern stock found in the Atlantic Ocean east of the 45 degree line and in the Mediterranean Sea.

(6) Since 1981, the Commission has adopted additional, more restrictive conservation and management recommendations for Atlantic bluefin tuna for countries that harvest bluefin tuna west of the 45 degree line, including a 25 percent quota reduction since 1991 with an additional 40 percent quota reduction scheduled for 1995.

(7) The United States and other Commission members that harvest bluefin tuna west of the 45 degree line have implemented all conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna west of the 45 degree line.

(8) Many other Commission members do not comply with the conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna east of the 45 degree line.

(9) A recent National Academy of Sciences review of the scientific data used by the Commission concluded that the available data is consistent with a 1-stock management strategy for bluefin tuna in the North Atlantic.

(10) The National Academy of Sciences review also found that abundance of Atlantic bluefin tuna in the western Atlantic has remained stable since 1988, in contrast to the roughly 50 percent decline in abundance reported by the Commission.

(11) The continued unrestricted harvesting of Atlantic bluefin tuna east of the 45 degree line and in the Mediterranean Sea will undermine the conservation recommendations being implemented west of the line to rebuild Atlantic bluefin tuna.

(12) In order to successfully rebuild the Atlantic bluefin tuna stock, conservation and management recommendations must be adopted and implemented throughout the Atlantic Ocean and the Mediterranean Sea.

(b) Sense of Congress.—It is the sense of the Congress that—

(1) the United States and the Commission should continue to promote the conservation and management of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea and develop a program to rebuild Atlantic bluefin tuna that requires the participation of all nations that harvest this species;

(2) the United States should ensure that the scientific findings and recommendations of the National Academy of Sciences Atlantic bluefin tuna review panel are made available to and included in the considerations of the Commission's scientific advisory panel;

(3) the United States should oppose any further quota reductions for nations harvesting Atlantic bluefin tuna west of the 45 degree line and insist that all nations harvesting Atlantic bluefin tuna west and east of the 45 degree line implement comparable conservation and rebuilding programs for the Atlantic bluefin tuna resource;

(4) the continued harvesting by fishermen from any country which is a member of the Commission and which does not comply with the conservation and management recommendations of the Commission will be considered by the Congress to diminish the effectiveness of an international fishery conservation program and, as such, will be considered by the Congress to be subject to the embargo provision in section 6 of the Atlantic Tunas Convention Act;

(5) the United States should encourage other nations with significant markets for Atlantic bluefin tuna to prohibit the importation of that species from harvesting nations which do not comply with the conservation and management recommendations adopted by the Commission; and

(6) the United States should encourage the Commission to adopt recommendations encouraging the use of trade actions by member nations as enforcement measures when the actions of a nation are undermining the effectiveness of conservation and management recommendations of the Commission.

TITLE V—FISHERMEN'S PROTECTIVE ACT

SEC. 501. FINDINGS.

The Congress finds that—

(1) customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, to vessels through the waters commonly referred to as the "Inside Passage" off the Pacific Coast of Canada;

(2) Canada recently required all commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a "license which authorizes transit" through the Inside Passage;

(3) this action was inconsistent with international law, including the United Nations Convention on the Law of the Sea, and, in particular, Article 26 of that Convention, which specifically prohibits such fees, and threatened the safety of United States commercial fishermen who sought to avoid the fee by traveling in less protected waters;

(4) the Fishermen's Protective Act of 1967 provides for the reimbursement of vessel owners who are forced to pay a license fee to secure the release of a vessel which has been seized, but does not permit reimbursement of a fee paid by the owner in advance in order to prevent a seizure;

(5) Canada required that the license fee be paid in person in 2 ports on the Pacific Coast of Canada, or in advance by mail;

(6) significant expense and delay was incurred by commercial fishing vessels of the United States that had to travel from the point of seizure back to one of those ports in order to pay the license fee required by Canada, and the costs of that travel and delay can not be reimbursed under the Fishermen's Protective Act;

(7) the Fishermen's Protective Act of 1967 should be amended to permit vessel owners to be reimbursed for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country if the United States considers that fee to be inconsistent with international law;

(8) the Secretary of State should seek to recover from Canada any amounts paid by the United States to reimburse vessel owners who paid the transit license fee;

(9) the United States should review its current policy with respect to anchorage by commercial fishing vessels of Canada in waters of the United States off Alaska, including waters in and near the Dixon Entrance, and should accord such vessels the same treatment that commercial fishing vessels of the United States are accorded for anchorage in the waters of Canada off British Columbia;

(10) the President should ensure that, consistent with international law, the United States Coast Guard has available adequate resources in the Pacific Northwest and Alaska to provide for the safety of United States citizens, the enforcement of United States law, and to protect the rights of the United States and keep the peace among vessels operating in disputed waters;

(11) the President should continue to review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that any reinstatement of the transit license fee would be against Canada's long-term interests, and should immediately implement any actions which the President deems appropriate if Canada reinstates the fee;

(12) the President should continue to convey to Canada in the strongest terms that the United States will not now, nor at any time in the future, tolerate any action by Canada which would impede or otherwise restrict the right of passage of vessels of the United States in a manner inconsistent with international law; and

(13) the United States should redouble its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern.

SEC. 502. AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is amended by adding at the end the following new section:

"Sec. 11. (a) In any case on or after June 15, 1994, in which a vessel of the United States exercising its right of passage is charged a fee by the government of a foreign country to engage in transit passage between points in the United States (including a point in the exclusive economic zone or in an area over which jurisdiction is in dispute), and such fee is regarded by the United States as being inconsistent with international law, the Secretary of State shall reimburse the vessel owner for the amount of any such fee paid under protest.

"(b) In seeking such reimbursement, the vessel owner shall provide, together with such other information as the Secretary of State may require—

"(1) a copy of the receipt for payment;

"(2) an affidavit attesting that the owner or the owner's agent paid the fee under protest; and

"(3) a copy of the vessel's certificate of documentation.

"(c) Requests for reimbursement shall be made to the Secretary of State within 120 days after the date of payment of the fee, or within 90 days after the date of enactment of this section, whichever is later.

"(d) Such funds as may be necessary to meet the requirements of this section may be made available from the unobligated balances of previously appropriated funds remaining in the Fishermen's Guaranty Fund established under section 7 and the Fishermen's Protective Fund established under section 9. To the extent that requests for reimbursement under this section exceed such funds, there are authorized to be appropriated such sums as may be needed for reimbursements authorized under subsection (a).

"(e) The Secretary of State shall take such action as the Secretary deems appropriate to make and collect claims against the foreign country imposing such fee for any amounts reimbursed under this section.

"(f) For purposes of this section, the term 'owner' includes any charterer of a vessel of the United States.

"(g) This section shall remain in effect until October 1, 1995.".

(b) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is further amended by adding at the end the following:

"Sec. 12. (a) If the Secretary of State finds that the government of any nation imposes conditions on the operation or transit of United States fishing vessels which the United States regards as being inconsistent with international law or an international agreement, the Secretary of State shall certify that fact to the President.

"(b) Upon receipt of a certification under subsection (a), the President shall direct the heads of Federal agencies to impose similar conditions on the operation or transit of fishing vessels registered under the laws of the nation which has imposed conditions on United States fishing vessels.

"(c) For the purposes of this section, the term 'fishing vessel' has the meaning given that term in section 2101(11a) of title 46, United States Code.

"(d) It is the sense of the Congress that any action taken by any Federal agency under subsection (b) should be commensurate with any conditions certified by the Secretary of State under subsection (a).".

SEC. 503. REAUTHORIZATION.

(a) Section 7(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(c)) is amended by striking the third sentence.

(b) Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "October 1, 1993" and inserting "October 1, 2000".

SEC. 504. TECHNICAL CORRECTIONS.

(a)(1) Section 15(a) of Public Law 103-238 is amended by striking "April 1, 1994," and inserting "May 1, 1994.".

(2) The amendment made by paragraph (1) shall be effective on and after April 30, 1994.

(b) Section 803(13)(C) of Public Law 102-567 (16 U.S.C. 5002(13)(C)) is amended to read as follows:

"(C) any vessel supporting a vessel described in subparagraph (A) or (B).".

TITLE VI—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

SEC. 601. SHORT TITLE.

This title may be cited as the "Sea of Okhotsk Fisheries Enforcement Act of 1994".

SEC. 602. FISHING PROHIBITION.

The Central Bering Sea Fisheries Enforcement Act of 1992 (16 U.S.C. 1823 note) is amended—

(1) in section 302, by inserting "and the Central Sea of Okhotsk" after "Central Bering Sea"; and

(2) in section 306—

(A) by redesignating paragraphs (2), (3), (4), (5), and (6) in order as paragraphs (3), (4), (5), (6), and (7); and

(B) by inserting after paragraph (1) the following:

"(2) Central Sea of Okhotsk.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.".

TITLE VII—COAST GUARD AUTHORIZATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1995, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,630,505,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $439,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to

navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $20,310,000, to remain available until expended, of which—

(A) $3,150,000 shall be derived from the Oil Spill Liability Trust Fund; and

(B) $1,500,000 is authorized to conduct, in cooperation with appropriate Federal and State agencies, local maritime education organizations, and local marine industry representatives, a demonstration project on the lower Mississippi River and in the Houston Ship Channel to study the effectiveness of currently available Electronic Chart Display and Information Systems (ECDIS) and Electronic Chart Systems (ECS) for use on commercial vessels.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $562,585,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $13,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 702. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 39,000 as of September 30, 1995. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1995, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,000 student years.

(2) For flight training, 133 student years.

(3) For professional training in military and civilian institutions, 344 student years.

(4) For officer acquisition, 955 student years.

SEC. 703. DRUG INTERDICTION ACTIVITIES.

In addition to amounts otherwise authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation for operation and maintenance expenses of Coast Guard drug interdiction activities $21,000,000 for fiscal year 1995.

TITLE VIII—COAST GUARD PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 801. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of $25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to such personnel.

SEC. 802. DISSEMINATION OF RESULTS OF 0-6 CONTINUATION BOARDS.

Section 289(f) of title 14, United States Code, is amended by striking "Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large.".

SEC. 803. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

"(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.".

SEC. 804. PROVISION OF CHILD DEVELOPMENT SERVICES.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 514 the following new section:

"§515. Child development services

"(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development services benefits provided under this section shall be in addition to benefits provided under other laws.

"(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of child development services under this section at Coast Guard child development centers be used only for compensation of Coast Guard child development center employees who are directly involved in providing child care.

"(2) If the Commandant determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of amounts received as such fees, the Commandant may (to the extent that such compliance would be uneconomical and inefficient) use such amounts—

"(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

"(B) if the requirements of such centers for consumable or disposable items for a given fiscal year have been met, for other expenses of those centers.

"(c) The Commandant may use Department of Defense or other training programs to insure that all child development services providers under this section meet minimum standards.

"(d) The Commandant may provide assistance to members and civilian employees of the Coast Guard for obtaining services of qualified family home child development services providers. The cost per child to the Coast Guard of obtaining those services may not exceed the average of the cost per child incurred by the Coast Guard for child development services provided at all Coast Guard child development centers.

"(e)(1) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary shall use for child development services under this section an amount equal to the total amount the Commandant estimates will be received by the Coast Guard in the fiscal year as fees for the provision of those services.

"(2) The amount of funds used under paragraph (1) each fiscal year shall not exceed $1,000,000.

"(f) For purposes of this section, the term 'Coast Guard child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).

"(g) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which are based on total family income.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item related to section 514 the following:

"515. Child development services.".

TITLE IX—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 901. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking "(a) Except as" and inserting "Except as"; and

(2) by striking subsection (b).

SEC. 902. DOCUMENTATION VIOLATIONS.

(a) CIVIL PENALTIES.—Section 12122(a) of title 46, United States Code, is amended by striking "$500" and inserting "$25,000".

(b) SEIZURE AND FORFEITURE.—

(1) IN GENERAL.—Section 12122(b) of title 46, United States Code, is amended to read as follows:

"(b) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government, if—

"(1) the owner of the vessel or a representative or agent of the owner knowingly falsifies or conceals a material fact, or makes a false statement or representation about the documentation or in applying for documentation of the vessel;

"(2) a certificate of documentation is knowingly and fraudulently used for the vessel;

"(3) the vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(4) the vessel is employed in a trade without an appropriate trade endorsement; or

"(5) in the case of a documented vessel with only a recreational endorsement, the vessel is operated other than for pleasure.".

(2) CONFORMING AMENDMENT.—Section 12122(c) of title 46, United States Code, is repealed.

(c) LIMITATION ON OPERATION OF VESSEL WITH ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c) of title 46, United States Code, is repealed.

(d) TERMINATION OF RESTRICTION ON COMMAND OF RECREATIONAL VESSELS.—

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended—

(A) by inserting ", other than a vessel with only a recreational endorsement operating within the territorial waters of the United States," after "A documented vessel"; and

(B) by redesignating that subsection as subsection (c).

(2) CONFORMING AMENDMENT.—Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: "in violation of section 12110(c) of this title".

SEC. 903. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 904. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102-241, 105 Stat. 2208-2235) is amended—

(1) in section 18 by adding at the end the following:

"(h) The Committee shall terminate on October 1, 1999."; and

(2) in section 19 by adding at the end the following:

"(g) The Committee shall terminate on October 1, 1999.".

TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

"(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

"(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

"(C) if eligible for retirement under any law, be retired.".

SEC. 1002. CONTINUING OBLIGATION TO PROVIDE DOCUMENTATION INFORMATION AT EXISTING LOCATIONS.

The Secretary of Transportation shall, until October 1, 1999, maintain an ability, at Coast Guard offices that are located in the immediate vicinity of former regional vessel documentation offices, to assist the public with information on obtaining, altering, and renewing the documentation of a vessel and on vessel documentation laws and regulations generally.

SEC. 1003. CONTINUATION OF THE COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "October 1, 1999".

SEC. 1004. PROHIBITION ON STATION CLOSURES.

(a) PROHIBITION.—The Secretary of Transportation may not close or consolidate any multimission small boat station in fiscal year 1995 until the Secretary has submitted a list of proposed station closures to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

(b) DEADLINE FOR SUBMISSION.—The Secretary shall submit such list at least 60 days prior to any such closure or consolidation.

SEC. 1005. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended in subsection (d) by striking "September 30, 1995" and inserting "September 30, 2000".

SEC. 1006. COAST GUARD RESERVE PEACETIME REQUIREMENTS PLAN.

No later than February 1, 1995, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to more fully utilize the Coast Guard Selected Reserve to augment peacetime operations. As part of the plan, the Secretary shall include—

(1) methods to deliver more cost-effective Coast Guard services by supplementing active duty personnel with Coast Guard reservists while preserving the current level of service to the public;

(2) methods to more fully integrate the Coast Guard Reserve in peacetime Coast Guard programs, including, but not limited to, search and rescue, marine safety, and marine environmental protection;

(3) the most effective command structure for the Coast Guard Reserve; and

(4) a specific estimate of the number of reservists needed to augment peacetime Coast Guard missions under the plan.

SEC. 1007. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS.

(a) PROHIBITION.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

"A Coast Guard vessel may not be overhauled, repaired, or maintained in any shipyard located outside the United States, except that this section does not apply to emergency repairs.".

(b) CLERICAL AMENDMENT.—Title 14, United States Code, is amended in the analysis at the beginning of chapter 5 by adding at the end the following:

"96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.".

SEC. 1008. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

"(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.".

SEC. 1009. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 1010. CONTRACTS FOR HEALTH CARE SERVICES.

(a) Chapter 17 of title 14, United States Code, is amended by inserting after section 644 the following new section:

"§644a. Contracts for health care services

"(a) Subject to the availability of appropriations for this purpose, the Commandant may enter into personal services and other contracts to carry out health care responsibilities pursuant to section 93 of this title and other applicable provisions of law pertaining to the provision of health care services to Coast Guard personnel and covered beneficiaries. The authority provided in this subsection is in addition to any other contract authorities of the Commandant provided by law or as delegated to the Commandant from time to time by the Secretary, including but not limited to authority relating to the management of health care facilities and furnishing of health care services pursuant to title 10 and this title.

"(b) The total amount of compensation paid to an individual in any year under a personal services contract entered into under subsection (a) shall not exceed the amount of annual compensation (excluding allowances for expenses) allowable for such contracts entered into by the Secretary of Defense pursuant to section 1091 of title 10.

"(c)(1) The Secretary shall promulgate regulations to assure—

"(A) the provision of adequate notice of contract opportunities to individuals residing in the area of a medical treatment facility involved; and

"(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

"(2) Upon establishment of the procedures under paragraph (1), the Secretary may exempt personal services contracts covered by this section from the competitive contracting requirements specified in section 2304 of title 10, or any other similar requirements of law.

"(d) The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under subsection (a).".

(b) The table of sections for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 644 the following:

"644a. Contracts for health care services.".

(c) The amendments made by this section shall take effect on October 1, 1994. Any personal services contract entered into on behalf of the Coast Guard in reliance upon the authority of section 1091 of title 10, United States Code, before that date is confirmed and ratified and shall remain in effect in accordance with the terms of the contract.

SEC. 1011. VESSEL FINANCING.

(a) ELIMINATION OF MORTGAGEE RESTRICTIONS.—Section 31322(a) of title 46, United States Code, is amended to read as follows:

"(a) A preferred mortgage is a mortgage, whenever made, that—

"(1) includes the whole of the vessel;

"(2) is filed in substantial compliance with section 31321 of this title; and

"(3)(A) covers a documented vessel; or

"(B) covers a vessel for which an application for documentation is filed that is in substantial compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter.".

(b) ELIMINATION OF TRUSTEE RESTRICTIONS.—

(1) REPEAL.—Section 31328 of title 46, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking "31328 or" each place it appears.

(c) REMOVAL OF MORTGAGE RESTRICTIONS.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended—

(1) in subsection (c)—

(A) by striking "31328" and inserting "12106(e)"; and

(B) in paragraph (1) by striking "mortgage," each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking "transfer, or mortgage" and inserting "or transfer";

(B) in paragraph (2) by striking "transfers, or mortgages" and inserting "or transfers";

(C) in paragraph (3)(B) by striking "transfers, or mortgages" and inserting "or transfers"; and

(D) in paragraph (4) by striking "transfers, or mortgages" and inserting "or transfers".

(d) Public Law 74–835 (49 Stat. 1985 et seq.) is amended in section 615 by striking ", until September 30, 1983,"; by inserting "use" after "this title to"; by striking "tons" and inserting "regulatory tons built"; and by repealing subsection (b).

(e) Lease Financing.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the vessel is eligible for documentation under section 12102;

"(B) the vessel is otherwise qualified under this section to be employed in the coastwise trade;

"(C) the person that owns the vessel, or any other person that owns or controls the person that owns the vessel, is primarily engaged in leasing or other financing transactions;

"(D) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916; and

"(E) the demise charter is for—

"(i) a period of at least 3 years; or

"(ii) such shorter period as may be prescribed by the Secretary.

"(2) On termination of a demise charter required under paragraph (1)(D), the coastwise endorsement may be continued for a period not to exceed 6 months on any terms and conditions that the Secretary of Transportation may prescribe.

"(f) For purposes of the first proviso of section 27 of the Merchant Marine Act, 1920, section 2 of the Shipping Act, 1916, and section 12102(a), a vessel meeting the criteria of subsection (d) or (e) is deemed to be owned exclusively by citizens of the United States.".

SEC. 1012. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) Repeal.—Section 12107 of title 46, United States Code, is repealed.

(b) Conforming Amendments.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking "or 12107".

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 12319 U.S.C. 288) is amended by striking "coastwise, Great Lakes" and inserting "registry".

(5) Section 441(6) of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking "with a Great Lakes endorsement when towing vessels" and inserting "when towing vessels on the Great Lakes or their tributary or connecting waters".

(6) Public Law 74–835 (49 Stat. 1985 et seq.) is amended in section 805(a) by striking "1935" each place it appears and inserting "1993"; and by repealing sections 605(c) and 610.

TITLE XI—RECREATIONAL BOATING SAFETY

SEC. 1101. SHORT TITLE.

This title may be cited as the "Recreational Boating Safety Improvement Act of 1994".

SEC. 1102. PERSONAL FLOTATION DEVICES REQUIRED FOR CHILDREN.

(a) Prohibition.—Section 4307(a) of title 46, United States Code, is amended—

(1) in paragraph (2) by striking "or" after the semicolon at the end;

(2) in paragraph (3) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(4) operate a recreational vessel under 26 feet in length unless each individual 6 years of age or younger wears a Coast Guard approved personal flotation device when the individual is on an open deck of the vessel.".

(b) State Authority Preserved.—Section 4307 of title 46, United States Code, is further amended by adding at the end the following:

"(c) Subsection (a)(4) shall not be construed to limit the authority of a State to establish requirements relating to the wearing of personal flotation devices on recreational vessels that are more stringent than that subsection.".

SEC. 1103. ALLOCATION OF FUNDS BASED ON STATE ADOPTION OF LAWS REGARDING BOATING WHILE INTOXICATED.

Section 13103 of title 46, United States Code, is amended—

(1) by redesignating subsections (a), (b), and (c) in order as subsections (b), (c), and (d);

(2) by inserting before subsection (b) (as so redesignated) the following new subsection:

"(a)(1) Beginning in fiscal year 1998, of the amounts transferred to the Secretary each fiscal year pursuant to section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), the Secretary shall allocate for State recreational boating safety programs $10,000,000 as follows:

"(A) One-half shall be allocated in accordance with paragraph (2) among eligible States that—

"(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

"(ii) establish a blood alcohol concentration limit of .10 percent or less.

"(B) One-half shall be allocated in accordance with paragraph (2) among eligible States that—

"(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

"(ii) establish an implied consent requirement that specifies that an individual is deemed to have given their consent to evidentiary testing for their blood alcohol concentration or presence of other intoxicating substances.

"(2) Of the amount allocated under subparagraph (A) or (B) of paragraph (1) each fiscal year—

"(A) one-half shall be allocated equally among all eligible States receiving an allocation under that subparagraph for the fiscal year; and

"(B) one-half shall be allocated among those eligible States so that each such State receives an amount bearing the same ratio to the total amount allocated under that subparagraph for the fiscal year as the number of vessels numbered in that State under a system approved under chapter 123 of this title bears to the total number of vessels numbered under approved systems of all States receiving an allocation under that subparagraph for the fiscal year.";

(3) in subsection (b) (as so redesignated) in the matter preceding paragraph (1) by inserting "the balance of remaining" after "allocate"; and

(4) by adding at the end the following new subsection:

"(e) A State shall not be ineligible for an allocation under subsection (a) because of the adoption by the State of any requirement relating to the operation of a recreational vessel while under the influence of alcohol or drugs that is more stringent than the requirements for receiving the allocation.".

SEC. 1104. MARINE CASUALTY REPORTING.

(a) Submission of Plan.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) Penalties for Violating Reporting Requirements.—Section 6103(a) of title 46, United States Code, is amended by inserting "or 6102" after "6101" the second place it appears.

SEC. 1105. REQUIRING VIOLATORS TO TAKE RECREATIONAL BOATING SAFETY COURSE.

(a) Negligent Operation.—Section 2302 of title 46, United States Code, is amended by adding at the end the following:

"(e) An individual operating a recreational vessel in violation of this section shall complete a boating safety course approved by the Secretary.".

(b) Other Violations.—Section 4311 of title 46, United States Code, is amended by adding at the end the following:

"(h) A person who operates a recreational vessel in violation of this chapter or a regulation prescribed under this chapter may be ordered to complete a recreational boating safety course approved by the Secretary.".

SEC. 1106. TECHNICAL CORRECTIONS.

Section 13108(a)(1) of title 46, United States Code, is amended by—

(1) striking "proceeding" and inserting "preceding"; and

(2) striking "Secertary" and inserting "Secretary".

TITLE XII—COAST GUARD REGULATORY REFORM

SEC. 1201. SHORT TITLE.

This title may be cited as the "Coast Guard Regulatory Reform Act of 1994".

SEC. 1202. SAFETY MANAGEMENT.

(a) Management of Vessels.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

"CHAPTER 32—MANAGEMENT OF VESSELS

"Sec.
"3201. Definitions.
"3202. Application.
"3203. Safety management system.
"3204. Implementation of safety management system.
"3205. Certification.

"§ 3201. Definitions

"In this chapter—

"(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

"(2) 'responsible person' means—

"(A) the owner of a vessel to which this chapter applies; or

"(B) any other person that has—

"(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

"(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

"(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

"(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

"(B) making a voyage between places outside the United States; or

"(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

"§3202. Application

"(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

"(1) Beginning July 1, 1998—

"(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

"(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

"(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

"(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

"(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

"(1) a barge;

"(2) a recreational vessel not engaged in commercial service;

"(3) a fishing vessel;

"(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

"(5) a public vessel.

"§3203. Safety management system

"(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

"(1) a safety and environmental protection policy;

"(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

"(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

"(4) procedures for reporting accidents and nonconformities with this chapter;

"(5) procedures for preparing for and responding to emergency situations; and

"(6) procedures for internal audits and management reviews of the system.

"(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

"§3204. Implementation of safety management system

"(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

"(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

"(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

"§3205. Certification

"(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

"(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

"(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

"(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

"(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

"(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

"32. Management of vessels .... 3201".

(c) STUDY.—

(1) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 1203. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

"§3103. Use of reports, documents, and records

"The Secretary may rely, as evidence of compliance with this subtitle, on—

"(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

"(2) other methods the Secretary has determined to be reliable.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3103. Use of reports, documents, and records.".

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting "or have examined" after "examine".

SEC. 1204. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

"(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

"(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

"(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

"(C) for lifesaving equipment, the foreign government—

"(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

"(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.".

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking "clauses (1)-(3)" and inserting "paragraphs (1), (2), and (3)".

SEC. 1205. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "nautical school vessel" and inserting ", nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage"; and

(B) by adding "and" after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "2 years" and inserting "5 years".

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking "24 months" and inserting "5 years".

SEC. 1206. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking "(but not more than 60 days)".

SEC. 1207. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

"(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

"(A) review and approve plans required for issuing a certificate of inspection required by this part;

"(B) conduct inspections and examinations; and

"(C) issue a certificate of inspection required by this part and other related documents.

"(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

"(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

"(B) if the foreign classification society has offices and maintains records in the United States.".

(b) CONFORMING AMENDMENTS.—(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

"§ 3316. Classification societies".

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

"3316. Classification societies.".

SEC. 1208. STUDY OF MARINE CASUALTY REPORTING REQUIREMENTS.

The Coast Guard shall, within 9 months after the effective date of this title, conduct a study of current regulatory requirements regarding the reporting of marine casualties under section 6101 of title 46, United States Code, to determine whether—

(1) marine casualties should be classified according to the seriousness of nonfatal casualties;

(2) further regulations pertaining to the necessity for alcohol and drug testing for each classification need to be proposed;

(3) the regulations may exclude certain non-serious casualties from the requirement that drug or alcohol testing be performed; and

(4) the reporting of certain marine casualties that may be classified as minor may be done on a quarterly basis.

TITLE XIII—UNITED STATES CRUISE VESSEL DEVELOPMENT

SEC. 1301. SHORT TITLE.

This title may be cited as the "United States Cruise Vessel Development Act".

SEC. 1302. PURPOSE.

The purpose of this title is to promote construction and operation of United States flag cruise vessels in the United States.

SEC. 1303. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes", approved June 19, 1886 (46 App. U.S.C. 289), is amended to read as follows:

"SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

"(a) IN GENERAL.—Except as otherwise provided by law, a vessel may transport passengers in coastwise trade only if—

"(1) the vessel is owned by a person that is—

"(A) an individual who is a citizen of the United States; or

"(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916;

"(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920; and

"(3) for a vessel that is at least 5 net tons, the vessel is issued a certificate of documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

"(1) IN GENERAL.—Subsection (a)(1) does not apply to a cruise vessel operating under a demise charter that—

"(A) has a term of at least 18 months; and

"(B) is to a person described in subsection (a)(1).

"(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

"(A) is approved by the Secretary; and

"(B) in accordance with such terms as may be prescribed by the Secretary for that approval.

"(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

"(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

"(A) the vessel—

"(i) is not documented under chapter 121 of title 46, United States Code, on the date of enactment of the United States Cruise Vessel Development Act; and

"(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

"(B) the owner or charterer of the vessel has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the cruise vessel.

"(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation with a coastwise endorsement is first issued for the vessel after the date of enactment of the United States Cruise Vessel Development Act if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similar stage of construction, under a contract required for the vessel under paragraph (1)(B).

"(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the period under paragraph (2) for not more than 6 months for good cause shown.

"(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) that owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

"(1) any 2 ports served by another cruise vessel that transports passengers in coastwise trade under subsection (a) on the date the Secretary issues the coastwise endorsement; or

"(2) the islands of Hawaii.

"(e) PENALTIES.—

"(1) CIVIL PENALTY.—A person operating a vessel in violation of this section is liable to the United States Government for a civil penalty of $1,000 for each passenger transported in violation of this section.

"(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, are liable to seizure by and forfeiture to the United States Government.

"(3) DISQUALIFICATION FROM COASTWISE TRADE.—A person that is required to enter into a construction contract under subsection (c)(1)(B) with respect to a cruise vessel (including any related person with respect to that person) may not own or operate any vessel in coastwise trade after the period applicable under subsection (c)(2) with respect to the cruise vessel, if before the end of that period a keel is not laid and a similar stage of construction is not reached under such a contract.

"(f) DEFINITIONS.—In this section—

"(1) the term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port;

"(2) the term 'cruise vessel' means a vessel that—

"(A) is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code);

"(B) has berth or stateroom accommodations for at least 200 passengers; and

"(C) is not a ferry; and

"(3) the term 'related person' means, with respect to a person—

"(A) a holding company, subsidiary, affiliate, or association of the person; and

"(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A).".

SEC. 1304. CONSTRUCTION STANDARDS.

Section 3309 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) A vessel described in paragraph (3) is deemed to comply with parts B and C of this subtitle.

"(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

"(3) A vessel is described in this paragraph if—

"(A) it meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States;

"(B) a coastwise endorsement is issued for the vessel under section 12106 of this title after the date of enactment of the United States Cruise Vessel Development Act; and

"(C) the vessel is authorized to engage in coastwise trade by reason of section 8(c) of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved June 19, 1886.".

SEC. 1305. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), is amended—

(1) in subsection (a) by inserting "other than primarily in the transport of passengers," after "the coastwise trade"; and

(2) by adding at the end the following:

"(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States.".

SEC. 1306. LOAN GUARANTEES.

Title XI of the Act of June 29, 1936 (46 App. U.S.C. 1271 et seq.), is amended—

(1) in section 1101(b), by striking "passenger cargo" and inserting "passenger, cargo,"; and by striking "owned by citizens of the United States";

(2) in section 1104B(a), in the material preceding paragraph (1), by striking "owned by citizens of the United States";

(3) in section 1110(a), by striking "owned by citizens of the United States"; and

(4) in section 1103, by adding at the end the following:

"(g) Notwithstanding any other law, the cost of a loan guarantee commitment entered into under this title shall be calculated using only the projected cost of that individual guarantee.".

SEC. 1307. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

(a) PRIORITY.—Notwithstanding any other provision of law, the Secretary of the Interior may not permit a person to operate a vessel in any unit of the National Park System except in accordance with the following priority:

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

(B) holds rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(A)).

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

(B) on the date of the enactment of this Act is permitted to be operated by the person in the unit.

(3) Third, any person that will operate a vessel other than a vessel described in paragraph (1) or (2).

(b) REVOCATION OF PERMITS FOR FOREIGN-DOCUMENTED VESSELS.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

(1) a person requests permission to operate a vessel documented under the laws of the United States in that unit; and

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

(c) RESTRICTIONS ON REVOCATION OF PERMITS.—The Secretary of the Interior may not revoke or refuse to renew permission under subsection (b) for any person holding rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(d) RETURN OF PERMITS.—Any person whose permission to provide visitors services in a unit of the National Park System has been revoked or not renewed under subsection (b) shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

TITLE XIV—BOATING IMPROVEMENT

SEC. 1401. SHORT TITLE.

This title may be cited as the "Boating Improvement Act of 1994".

SEC. 1402. BOATING SAFETY GRANTS.

(a) TRANSFER OF AMOUNTS FOR STATE BOATING SAFETY PROGRAMS.—

(1) TRANSFERS.—Section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), is amended to read as follows:

"(b)(1) Of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $15,000,000 for fiscal year 1995, $40,000,000 for fiscal year 1996, $55,000,000 for fiscal year 1997, and $69,000,000 for each of fiscal years 1998 and 1999, shall, subject to paragraph (2), be used as follows:

"(A) A sum equal to $7,500,000 of the amount available for fiscal year 1995, and a sum equal to $10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(B) A sum equal to $7,500,000 of the amount available for fiscal year 1995, $30,000,000 of the amount available for fiscal year 1996, $45,000,000 of the amount available for fiscal year 1997, and $59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(C) A sum equal to $10,000,000 of the amount available for each of fiscal years 1998 and 1999 shall be available for use by the Secretary of the Interior for—

"(i) grants under section 1403(e) of the Boating Improvement Act of 1994; and

"(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(2)(A) Beginning with fiscal year 1996, the amount transferred under paragraph (1)(B) for a fiscal year shall be reduced by the lesser of—

"(i) the amount appropriated to the Secretary of Transportation for that fiscal year to carry out the purposes of section 13106 of title 46, United States Code, from the Boat Safety Account in the Aquatic Resources Trust Fund established under section 9504 of the Internal Revenue Code of 1986; or

"(ii) $35,000,000; or

"(iii) for fiscal year 1996 only, $30,000,000.

"(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) by the Secretary of the Interior.".

(2) CONFORMING AMENDMENT.—Section 5604(c)(1) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended by striking "section 4(b)(2) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(2), as amended by this Act)" and inserting "section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))".

(3) EXCESS FY 1995 BOAT SAFETY ACCOUNT FUNDS TRANSFER.—Notwithstanding any other provision of law, $20,000,000 of the annual appropriation from the Sport Fish Restoration Account in fiscal year 1996 made in accordance with the provisions of section 3 of the Act of August 9, 1950 (16 U.S.C. 777b), shall be excluded from the calculation of amounts to be distributed under section 4(a) of such Act (16 U.S.C. 777c(a)).

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

(1) in subsection (a)(1) by striking the first sentence and inserting the following: "Subject to paragraph (2), the Secretary shall expend under contracts with States under this chapter in each fiscal year for State recreational boating safety programs an amount equal to the sum of the amount appropriated from the Boat Safety Account for that fiscal year plus the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year."; and

(2) by amending subsection (c) to read as follows:

"(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) not more than $35,000,000 each fiscal year.".

SEC. 1403. BOATING ACCESS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

(2) The majority of recreational vessel access facilities constructed with Aquatic Resources Trust Fund moneys benefit trailerable recreational vessels.

(3) More Aquatic Resources Trust Fund moneys should be spent on recreational vessel access facilities that benefit recreational vessels that are nontrailerable vessels.

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

(c) SURVEY.—Within 18 months after the date of the enactment of this Act, any State may complete and submit to the Secretary of the Interior a survey which identifies—

(1) the number and location in the State of all public facilities for transient nontrailerable vessels; and

(2) the number and areas of operation in the State of all nontrailerable vessels that operate on navigable waters in the State.

(d) PLAN.—Within 6 months after submitting a survey to the Secretary of the Interior in accordance with subsection (c), a State may develop and submit to the Secretary of the Interior a plan for the construction and renovation of public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on navigable waters in the State.

(e) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior may obligate not less than ½ of the amount made available for each of fiscal years 1998 and 1999 under section 4(b)(1)(C) of the Act of August 9, 1950, as amended by section 1402(a)(1) of this title, to make grants to any State to pay not more than 75 percent of the cost of constructing or renovating public facilities for transient nontrailerable vessels.

(2) PRIORITIES.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (b).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

SEC. 1404. DEFINITIONS.

For the purpose of this title the term—

(1) "Act of August 9, 1950" means the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes", approved August 9, 1950 (16 U.S.C. 777a et seq.);

(2) "nontrailerable vessel" means a recreational vessel greater than 26 feet in length;

(3) "public facilities for transient nontrailerable vessels" means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) "recreational vessel" means a vessel—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure; and

(5) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE XV—TOWING VESSEL NAVIGATIONAL SAFETY

SEC. 1501. SHORT TITLE.

This title may be cited as the "Towing Vessel Navigational Safety Act of 1994".

SEC. 1502. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT FOR TOWING VESSELS.

(a) IN GENERAL.—Section 4102 of title 46, United States Code, is amended by adding at the end the following:

"(f)(1) In prescribing regulations for towing vessels, the Secretary shall—

"(A) consider the characteristics, methods of operation, and nature of the service of towing vessels;

"(B) consult with the Towing Safety Advisory Committee; and

"(C) require, to the extent appropriate, the installation, maintenance, and use of and familiarity with the following equipment on each towing vessel, other than a towing vessel that is used only for towing disabled vessels:

"(i) A radar system.

"(ii) An electronic position-fixing device.

"(iii) A sonic depth finder.

"(iv) A compass or swing meter.

"(v) Adequate towing wire and associated equipment.

"(vi) Up-to-date navigational charts and publications for the areas normally transited by the vessel.

"(vii) Other safety equipment the Secretary determines to be necessary.

"(2) The Secretary shall establish in regulations under this chapter requirements that—

"(A) any equipment required on a towing vessel under paragraph (1) shall be maintained in effective operating condition; and

"(B) if such equipment on a vessel ceases to operate, the master of the vessel shall exercise due diligence to restore the equipment to effective operating condition, or cause it to be restored to that condition, at the earliest practicable date.".

(b) REGULATIONS.—The Secretary of Transportation shall issue regulations by not later than 12 months after the date of the enactment of this Act, prescribing navigational publication and equipment requirements under subsection (f) of section 4102 of title 46, United States Code, as added by subsection (a) of this section.

SEC. 1503. REPORTING MARINE CASUALTIES.

(a) EXPEDITED REPORTING REQUIRED.—Section 6101(b) of title 46, United States Code, is amended by striking "within 5 days" and inserting "by as soon as practicable, but in no case later than within 5 days,".

(b) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 1504. REPORT ON FEASIBILITY OF ESTABLISHING A DIFFERENTIAL GLOBAL POSITIONING SATELLITE NAVIGATION SYSTEM AND ELECTRONIC CHARTS FOR INLAND WATERWAYS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Congress on the feasibility of establishing a differential global positioning satellite navigation system and creating electronic charts for the inland waterways of the United States.

SEC. 1505. PROTECTION OF SEAMEN AGAINST DISCRIMINATION.

Section 2114 of title 46, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discharge or in any manner discriminate against a seaman because the seaman—

"(1) in good faith has reported or is about to report to the Coast Guard that the seaman believes that a violation of this subtitle, or a regulation issued under this subtitle, has occurred; or

"(2) refuses to violate this subtitle or a regulation issued under this subtitle."; and

(2) in subsection (b)—

(A) in paragraph (1) by striking "and" after the semicolon;

(B) in paragraph (2) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) an award of costs and reasonable attorney's fees to the prevailing plaintiff.".

SEC. 1506. MANNING AND LICENSING REQUIREMENTS FOR TOWING VESSELS.

(a) MANNING REQUIREMENTS.—Section 8904 of title 46, United States Code, is amended by adding at the end the following:

"(c) A towing vessel that is at least 26 feet in length, other than a vessel referred to in subsection (b), shall—

"(1) while being operated, have on board an individual licensed by the Secretary as a master of that type of towing vessel; and

"(2) be operated by an individual licensed by the Secretary to operate that type of towing vessel.".

(b) REGULATIONS ESTABLISHING LICENSES FOR MASTERS AND OPERATORS.—Section 7101 of title 46, United States Code, is amended by adding at the end the following:

"(j)(1) The Secretary shall prescribe regulations which establish licenses for masters and mates of towing vessels.

"(2) Regulations under this subsection shall provide that an individual may be issued a license as a master or mate of a towing vessel only if the individual—

"(A) demonstrates proficiency in the use of the equipment required pursuant to section 4102(f)(1)(C) of this title; and

"(B) demonstrates proficiency in operating a towing vessel.

"(3) Regulations under this subsection may establish standards and procedures under which the Secretary may delegate, to individuals who have experience in the operation of towing vessels and to other qualified persons, the authority to conduct examinations required for the issuance of a license as a master or mate of a towing vessel.".

(c) EXISTING UNINSPECTED TOWING VESSEL OPERATOR LICENSE HOLDERS.—An uninspected towing vessel operator license that is valid on the effective date of this section shall be valid as a master or mate license required by section 8904 of title 46, United States Code, as amended by this section, until otherwise required to be renewed. The Secretary shall require that an individual applying for a first renewal of such a license as a master or mate license under that section demonstrate proficiency under the requirements of section 7101(j) of title 46, United States Code, as added by this section.

(d) EFFECTIVE DATE.—The amendments made by this section, other than the amendments made by subsection (e), shall take effect 2 years after the date of the enactment of this Act.

(e) DEADLINE FOR REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall issue regulations under the amendments made by this section by not later than 1 year after the date of the enactment of this Act.

SEC. 1507. CIVIL PENALTIES.

(a) PROHIBITED OPERATION OF UNINSPECTED TOWING VESSEL, GENERALLY.—Section 4106 of title 46, United States Code, is amended by striking "$5,000" and inserting "$25,000".

(b) OPERATION OF UNINSPECTED TOWING VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 1508. MODEL TOWING VESSEL COMPANY INSPECTION PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Towing Safety Advisory Committee, shall—

(1) develop a model towing vessel company inspection program, including a Coast Guard boarding program to determine compliance with the model program; and

(2) submit to the Congress for its approval the model program and a description of the statutory changes necessary to implement the model program.

(b) SAVINGS.—The requirement to submit a model program under subsection (a) shall not be construed to supersede or modify the authority of the Coast Guard to inspect vessels under title 46, United States Code.

TITLE XVI—MERCHANT MARINER BENEFITS

SEC. 1601. MERCHANT MARINER BENEFITS.

(a) Part G of subtitle II, title 46, United States Code, is amended by adding the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

"Sec.
"11201. Qualified service.
"11202. Qualified service benefits.

"§ 11201. Qualified service

"An individual who was in training for, or who served as a member of, the United States merchant marine during World War II, including the Army Transport Service and the Naval Transportation Service, or who received a notice of induction, before September 2, 1945, is deemed to have been engaged in qualified service for purposes of this chapter.

"§ 11202. Qualified service benefits

"(a) An individual who believes that individual performed qualified service under section 11201 of this chapter may apply to the Secretary. Not later than 180 days after the Secretary receives an application under this section, the Secretary shall determine whether the individual performed qualified service.

"(b) The Secretary shall issue an honorable discharge to an individual who performed qualified service as determined by the Secretary under subsection (a). The Secretary shall issue the discharge subject to the standards that apply to honorable discharges issued under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"(c) The qualified service of an individual who—

"(1) receives an honorable discharge under subsection (b); and

"(2) is not eligible for benefits under a law administered by the Secretary of Veterans Affairs—

shall be treated as active duty in the armed forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38, United States Code.

"(d) The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits provided to an individual by reason of eligibility under this chapter.

"(e) An individual is not entitled to, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.".

(b) The analysis at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

"112. Merchant mariners benefits ...... 11201.".

TITLE XVII—LIGHTHOUSE AND OTHER PROPERTY CONVEYANCES

SEC. 1701. CONVEYANCE OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

SEC. 1702. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation, in cooperation with the Administrator of General Services, shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10–11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

SEC. 1703. CONVEYANCE OF LIGHT STATION MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Montauk Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) For purposes of this section—

(1) the term "Montauk Light Station" means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term "Montauk Lighthouse" means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 1704. CONVEYANCE OF CAPE ANN LIGHTHOUSE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term "Cape Ann Lighthouse" means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 1705. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Secretary of Transportation shall transfer administrative jurisdiction over the Federal property, consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 1706. SQUIRREL POINT LIGHTHOUSE.

(a) CONVEYANCE AUTHORIZATION.—

(1) AUTHORIZATION.—The Secretary of Transportation may convey to Squirrel Point Associates, Inc., by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Squirrel Point Lighthouse, located in the town of Arrowsic, Maine.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Squirrel Point Lighthouse pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of Maine;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Squirrel Point Associates, Inc., may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Squirrel Point Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property.

(4) MAINTENANCE OF LIGHTHOUSE.—Any conveyance of property under this section shall be subject to the condition that the Squirrel Point Associates shall maintain the Eastern Point Lighthouse in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) OBLIGATION LIMITATION.—The Squirrel Point Associates, Inc., shall not have any obligation to maintain any active aid to navigation equipment on the property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section, the term "Squirrel Point Lighthouse" means the Coast Guard property located in the town of Arrowsic, County of Sagadahoc, Maine, including the light tower, dwelling, boathouse, oil house, barn, any other ancillary buildings, and such land as may be necessary to enable Squirrel Point Associates, Inc., to operate a nonprofit center for public benefit, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 1707. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Secretary of Transportation may convey, without consideration, to the Island Institute, Rockland, Maine (in this section referred to as the "Institute"), all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) COVERED FACILITIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

(A) Whitehead Island Light.

(B) Deer Island Thorofare (Mark Island) Light.

(C) Burnt Island Light.
(D) Rockland Harbor Breakwater Light.
(E) Monhegan Island Light.
(F) Eagle Island Light.
(G) Curtis Island Light.
(H) Moose Peak Light.
(I) Great Duck Island Light.
(J) Goose Rocks Light.
(K) Isle au Haut Light.
(L) Goat Island Light.
(M) Wood Island Light.
(N) Doubling Point Light.
(O) Doubling Point Front Range Light.
(P) Doubling Point Rear Range Light.
(Q) Little River Light.
(R) Spring Point Ledge Light.
(S) Ram Island Light (Boothbay).
(T) Seguin Island Light.
(U) Marshall Point Light.
(V) Fort Point Light.
(W) West Quoddy Head Light.
(X) Brown's Head Light.
(Y) Cape Neddick Light.
(Z) Halfway Rock Light.
(AA) Ram Island Ledge Light.
(BB) Mount Desert Rock Light.
(CC) Whitlock's Mill Light.

(3) LIMITATION ON CONVEYANCE.—The Secretary shall retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The Secretary shall identify any equipment, system, or object covered by this paragraph.

(4) DEADLINE FOR CONVEYANCE.—The conveyances authorized by this subsection shall take place, if at all, not later than 5 years after the date of the enactment of this Act.

(5) ADDITIONAL CONVEYANCES TO UNITED STATES FISH AND WILDLIFE SERVICE.—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith, directly to the United States Fish and Wildlife Service:

(A) Two Bush Island Light.
(B) Egg Rock Light.
(C) Libby Island Light.
(D) Matinicus Rock Light.

(b) CONDITIONS OF CONVEYANCE.—The conveyance of a lighthouse, and any real property and improvements associated therewith, under subsection (a) shall be subject to the following conditions:

(1) That the lighthouse and any such property and improvements be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses as the Secretary determines to be not inconsistent or incompatible with such uses.

(2) That the lighthouse and any such property and improvements be maintained at no cost to the United States in a manner that ensures the use of the lighthouse by the Coast Guard as an aid to navigation.

(3) That the use of the lighthouse and any such property and improvements by the Coast Guard as an aid to navigation not be interfered with, except with the written permission of the Secretary.

(4) That the lighthouse and any such property and improvements be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(5) That public access to the lighthouse and any such property and improvements be ensured.

(c) RESERVATIONS.—In the conveyance of a lighthouse under subsection (a), the Secretary shall reserve to the United States the following:

(1) The right to enter the lighthouse, and any real property and improvements conveyed therewith, at any time, without notice, for purposes of maintaining any aid to navigation at the lighthouse, including any light, antennae, sound signal, and associated equipment located at the lighthouse, and any electronic navigation equipment or system located at the lighthouse.

(2) The right to enter the lighthouse and any such property and improvements at any time, without notice, for purposes of relocating, replacing, or improving any such aid to navigation, or to carry out any other activity necessary in aid of navigation.

(3) An easement of ingress and egress onto the real property conveyed for the purposes referred to in paragraphs (1) and (2).

(4) An easement over such portion of such property as the Secretary considers appropriate in order to ensure the visibility of the lighthouse for navigation purposes.

(5) The right to obtain and remove any historical artifact, including any lens or lantern that the Secretary has identified pursuant to paragraph (3) of subsection (a).

(d) MAINTENANCE OF AIDS TO NAVIGATION.—The Secretary may not impose upon the Institute, or upon any entity to which the Institute conveys a lighthouse under subsection (g), an obligation to maintain any aid to navigation at a lighthouse conveyed under this section.

(e) REVERSIONARY INTEREST.—All right, title, and interest in and to a lighthouse and any real property and improvements associated therewith shall revert to the United States and the United States shall have the right of immediate entry thereon if—

(1) the Secretary determines at any time that the lighthouse, and any property and improvements associated therewith, conveyed to the Institute or to the United States Fish and Wildlife Service under subsection (a) or conveyed by the Institute under subsection (g), as the case may be, is not being utilized or maintained in accordance with subsection (b); or

(2) the Secretary determines that—

(A) the Institute is unable to identify an entity eligible for the conveyance of the lighthouse under subsection (g) within the 3-year period beginning on the date of the conveyance of the lighthouse to the Institute under subsection (a); or

(B) in the event that the Institute identifies an entity eligible for the conveyance within that period—

(i) the entity is unable or unwilling to accept the conveyance and the Institute is unable to identify another entity eligible for the conveyance within that period; or

(ii) the Maine Lighthouse Selection Committee established under subsection (g)(3)(A) disapproves of the entity identified by the Institute and the Institute is unable to identify another entity eligible for the conveyance within that period.

(f) INSPECTION.—The State Historic Preservation Officer of the State of Maine may inspect any lighthouse, and any real property and improvements associated therewith, that is conveyed under this subsection at any time, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsections (b)(4) and (b)(5). The Institute, and any subsequent conveyee of the Institute under subsection (g), shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(g) SUBSEQUENT CONVEYANCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Institute shall convey, without consideration, all right, title, and interest of the Institute in and to the lighthouses conveyed to the Institute under subsection (a), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(B) EXCEPTION.—The Institute, with the concurrence of the Maine Lighthouse Selection Committee and in accordance with the terms and conditions of subsection (b), may retain right, title, and interest in and to the following lighthouses conveyed to the Institute:

(i) Whitehead Island Light.
(ii) Deer Island Thorofare (Mark Island) Light.

(2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the Government of the State of Maine, any local government in that State, or any nonprofit corporation, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) has agreed to permit the inspections referred to in subsection (f); and

(iii) has agreed to comply with the conditions set forth in subsection (b) and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) ORDER OF PRIORITY.—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

(ii) Entities of the Government of the State of Maine.

(iii) Entities of local governments in the State of Maine.

(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) SELECTION OF CONVEYEES AMONG ELIGIBLE ENTITIES.—

(A) COMMITTEE.—

(i) IN GENERAL.—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the "Committee").

(ii) MEMBERSHIP.—The Committee shall consist of five members appointed by the Secretary as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) Appointment deadline.—The Secretary shall appoint the members of the Committee not later than 180 days after the date of the enactment of this Act.

(iv) Membership term.—

(I) Members of the Committee shall serve for such terms not longer than 3 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) Voting.—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) Responsibilities.—

(i) In general.—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Institute may make the conveyance of the lighthouse under this subsection.

(ii) Approval.—If the Committee approves an entity for the conveyance of a lighthouse, the Committee shall notify the Institute of such approval.

(iii) Disapproval.—If the Committee disapproves of the entities, the Committee shall notify the Institute and, subject to subsection (e)(2)(B), the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove of entities identified pursuant to the preceding sentence in accordance with this subparagraph and the criteria set forth in subsection (b).

(C) Exemption from FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) Termination.—The Committee shall terminate 8 years from the date of the enactment of this Act.

(4) Conveyance.—Upon notification under paragraph (3)(B)(ii) of the approval of an identified entity for conveyance of a lighthouse under this subsection, the Institute shall, with the consent of the entity, convey the lighthouse to the entity.

(5) Responsibilities of conveyees.—Each entity to which the Institute conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (f).

(h) Description of Property.—The exact acreage and legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary.

(i) Report.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the next 7 years, the Secretary shall submit to Congress a report on the conveyance of lighthouses under this section. The report shall include a description of the implementation of the provisions of this section, and the requirements arising under such provisions, in—

(1) providing for the use and maintenance of the lighthouses conveyed under this section in accordance with subsection (b);

(2) providing for public access to such lighthouses; and

(3) achieving the conveyance of lighthouses to appropriate entities under subsection (g).

(j) Additional Terms and Conditions.—The Secretary may require any additional terms and conditions in connection with a conveyance under subsection (a) that the Secretary considers appropriate in order to protect the interests of the United States.

TITLE XVIII—BALLAST WATER MANAGEMENT

SEC. 1801. SHORT TITLE.

This title may be cited as the "Ballast Water Management Act".

SEC. 1802. EVALUATION.

(a) Subsection 1102(a) of Public Law 101–646 (16 U.S.C. 4712(a)) is amended by adding the following new paragraph at the end:

"(4) National ballast water management evaluation.—

"(A) Subject to the availability of appropriations, the Task Force shall contract with the Marine Board of the National Research Council to identify and evaluate ballast water management technologies and practices that prevent the introduction and spread of nonindigenous species through ballast water discharged into United States waters.

"(B) In conducting the evaluation, the Marine Board shall consider, at a minimum, ballast water management technologies and practices identified in the study prepared under paragraph (3).

"(C) In conducting the evaluation, the Marine Board shall identify, at a minimum, ballast water management technologies and practices that—

"(i) may be retrofitted on existing vessels or incorporated in new vessel designs;

"(ii) are operationally practical;

"(iii) are safe for vessel and crew;

"(iv) are environmentally sound;

"(v) are cost effective;

"(vi) the vessel operator can monitor; and

"(vii) are effective against a broad range of nuisance organisms.".

(b) Subsection 1102(c) of Public Law 101–646 (16 U.S.C. 4712(c)) is amended by adding the following new paragraph at the end:

"(3) National ballast water management evaluation report.—Not later than 1 year after the date of enactment of the Ballast Water Management Act, the Task Force shall submit to the appropriate Committees a report on the results of the evaluation conducted under paragraph (4) of subsection (a).".

SEC. 1803. NATIONAL BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.

(a) Section 1202 of Public Law 101–646 (16 U.S.C. 4722) is amended by—

(1) redesignating subsection (k) as subsection (l); and

(2) inserting after subsection (j) the following:

"(k) National Ballast Water Management Demonstration Program.—

"(1) Authorization.—Following the submission of the evaluation authorized under section 1102(a)(4) and subject to the availability of appropriations under section 1301(e), the Secretary of Transportation, in consultation with the Task Force, shall conduct a national ballast water management demonstration program to test and evaluate ballast water management technologies and practices, including those identified in the evaluation authorized under paragraph 1102(a)(4), to prevent the introduction and spread of nonindigenous species through ballast water discharged into United States waters.

"(2) Criteria.—In carrying out the demonstration program authorized under this subsection, the Secretary of Transportation shall use vessels that are documented under chapter 121 of title 46, United States Code, including vessels operating on the Great Lakes. Any necessary ballast water management technology installation or construction on a vessel used in the demonstration program shall be performed by a United States shipyard or ship repair facility.

"(3) Authorities.—In conducting the demonstration program under this subsection, the Task Force and the Secretary of Transportation may accept donations of property and services.".

(b) Subsection 1202(l), as redesignated by this Act, is amended by adding the following new paragraph at the end:

"(3) Not later than 1 year after the submission of the evaluation authorized under section 1102(a)(4) and periodically as necessary to report new findings, the Secretary of Transportation, in consultation with the Task Force, shall submit to the appropriate Committees a report on the results of the demonstration program conducted under subsection (k).".

SEC. 1804. AUTHORIZATION OF APPROPRIATIONS.

Section 1301 of Public Law 101–646 (16 U.S.C. 4741) is amended by adding the following new subsection at the end:

"(e) National Ballast Water Management Evaluation and Demonstration Program.—There are authorized to be appropriated to the Director and the Under Secretary $150,000 for fiscal year 1995 and to the Secretary of Transportation $1,850,000 for fiscal year 1996, to remain available until expended, to carry out the evaluation authorized under section 1102(a)(4) and the demonstration program authorized under section 1202(k).".

TITLE XX—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. 2001. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting "or beyond 3 nautical miles from the coastline of the Great Lakes" after "high seas".

SEC. 2002. IMPLEMENTATION OF OIL POLLUTION REQUIREMENTS WITH RESPECT TO VEGETABLE OIL.

In implementing the Oil Pollution Act of 1990 (Public Law 101–380), the Coast Guard and other agencies shall differentiate between animal fats or oils of vegetable origin and other oils, including petroleum oils, on the basis of their physical, chemical, biological, and other properties, and their environmental effects.

SEC. 2003. DUAL PURPOSE VESSEL.

Subject to the availability of appropriations, the Secretary of Transportation is authorized to expend up to $10,000,000 in fiscal year 1996 for the design and construction of a passenger ferry to be owned and operated by the State of Alaska, provided that—

(1) any amounts expended under this provision by the Secretary for such ferry are matched by an equal or greater amount from the State of Alaska or other sources;

(2) such ferry shall, when completed, be used by the State of Alaska as part of the National Contingency Plan in accordance with section 311(d)(2)(H) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)(2)(H)), in the event of a worst case discharge of crude oil off Alaska;

(3) the State of Alaska shall agree to use such ferry in cooperation with the Federal On-Scene Coordinator in the event of a worst case discharge of crude oil off Alaska; and

(4) such ferry shall be made available by the State of Alaska to be included on the list of equipment available in an Area Contingency Plan off Alaska under section 311(j)(4)(C)(iv) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(C)(iv)).

SEC. 2004. EQUITABLE TREATMENT OF UNITED STATES OCEAN FREIGHT FORWARDERS BY OCEAN CARRIER CONFERENCES.

(a) INDEPENDENT ACTION.—Section 5(b) of the Shipping Act of 1984 (46 U.S.C. App. 1704(b)) is amended by striking paragraph (8) and inserting the following:

"(8) provide that—

"(A) any member of the conference may take independent action on any rate, service item, or level of ocean freight forwarder compensation required to be filed in a tariff under section 8(a) upon not more than 10 calendar days notice to the conference; and

"(B) the conference will include the new rate, service item, or level of ocean freight forwarder compensation in its tariff for use by that member, effective no later than 10 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate, service item, or level of ocean freight forwarder compensation on or after its effective date, in lieu of the existing conference tariff provision for that rate, service item, or level of ocean freight forwarder compensation;".

(b) PROHIBITION ON DENYING COMPENSATION.—Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)), is amended by striking paragraph (5) and inserting the following:

"(5) deny in the export foreign commerce of the United States compensation to an ocean freight forwarder, or limit that compensation to less than 1.25 percent of the aggregate of all of the rates and charges applicable under the tariff assessed against the cargo on which the forwarding services are provided; or".

SEC. 2005. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 2006. LIMITATION ON CONSOLIDATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 2007. BUY AMERICAN REQUIREMENT FOR SURFACE SEARCH RADAR SYSTEMS AND MULTIBEAM SONAR.

Notwithstanding any other law, at least 51 percent of the components of surface search radar systems and multibeam sonar systems for Coast Guard vessels shall be manufactured in the United States, provided the United States manufacturer offers the Coast Guard a competitive price.

SEC. 2008. SPECIAL RECRUITING AUTHORITY TO ACHIEVE DIVERSITY.

(a) FINDINGS.—The Congress makes the following findings:

(1) Women and minorities have historically been underrepresented in the Coast Guard officer corps and at the United States Coast Guard Academy.

(2) Notwithstanding application of traditional recruiting programs, the Coast Guard has not been able to rectify the historic underrepresentation of women and minorities in the service and at the Academy.

(3) The education and professional training provided at the United States Coast Guard Academy will be enhanced by the benefits that flow from a diverse student body.

(b) NEW AUTHORITY.—Section 93 of title 14, United States Code, is amended—

(1) in paragraph (t)(2) by striking "and" after the semicolon;

(2) in paragraph (u) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(v) for the purposes of rectifying underrepresentation or underutilization of women and minorities in the Coast Guard and meeting identified personnel resource requirements and training needs—

"(1) conduct studies and analyses on Coast Guard personnel resource and training needs; and

"(2) employ special programs for recruiting women and minorities, including, subject to appropriations, provision of financial assistance by grant, cooperative agreement, contract, or otherwise, to public or private associations, organizations, or individuals to implement national or local outreach programs.".

SEC. 2009. RECOMMENDATIONS ON ACTIONS FOR THE PROTECTION OF THE NORTH ATLANTIC RIGHT WHALE.

(a) RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall recommend to the Secretary of Commerce actions that could be undertaken by the Coast Guard and the International Maritime Organization to prevent mortalities of the northern right whale from vessel collisions in the Great South Channel off Cape Cod, Massachusetts. Such recommendations may include—

(1) the designation of 1 or more areas to be avoided;

(2) the shifting of the traffic separation scheme in the Great South Channel; or

(3) other measures the Secretary considers appropriate.

(b) INTERNATIONAL MARITIME ORGANIZATION.—The Secretary of Transportation, in consultation with the Secretary of Commerce, shall submit the appropriate recommendations under subsection (a) to the International Maritime Organization for consideration.

(c) REPORT.—The Secretary of Commerce shall report in accordance with section 103(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1373(f)) on any actions taken by the Secretary of Commerce and the Secretary of Transportation pursuant to this section.

SEC. 2010. PROHIBITION ON DIVERSION OF DRUG INTERDICTION FUNDS.

The Secretary of Transportation may not reduce the level of Coast Guard drug interdiction activities during fiscal year 1995 below the level proposed by the President in the fiscal year 1995 budget.

SEC. 2011. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii or the State of Alaska, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.".

SEC. 2012. POLLUTION FROM SHIPS.

(a) PREVENTION OF POLLUTION FROM SHIPS.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) If" and inserting the following: "(2)(A) Subject to subparagraph (B), if"; and

(ii) by adding at the end the following new subparagraphs:

"(B) The Secretary may issue a certificate attesting to the adequacy of reception facilities under this paragraph only if, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate.

"(C) The Secretary may, with respect to certificates issued under this paragraph prior to the date of enactment of the Oceans Act of 1994, prescribe by regulation differing periods of validity for such certificates."; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and"; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.".

(b) RECEPTION FACILITY PLACARDS.—Section 6(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1905(f)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.".

(c) Compliance Reports.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100–220; 33 U.S.C. 1902 note) is amended—

(1) by striking "for a period of 6 years"; and

(2) by inserting before the period at the end the following: "and, not later than 1 year after the date of enactment of the Oceans Act of 1994, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)".

(d) Marine Plastic Pollution Research and Control Public Outreach Program.—Section 2204(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100–220; 42 U.S.C. 6981 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "for a period of at least 3 years,";

(B) in subparagraph (C), by striking "and" at the end;

(C) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to ships and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)."; and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) Authorized Activities.—

"(A) Public outreach program.—A public outreach program under paragraph (1) may include—

"(i) developing and implementing a voluntary boaters' pledge program;

"(ii) workshops with interested groups;

"(iii) public service announcements;

"(iv) distribution of leaflets and posters; and

"(v) any other means appropriate to educating the public.

"(B) Grants and cooperative agreements.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States, and provide other financial assistance to eligible recipients.

"(C) Consultation.—In developing outreach initiatives targeted at the interested groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, shall consult with—

"(i) the heads of State agencies responsible for implementing State boating laws; and

"(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.".

(e) Coordination.—

(1) Establishment of marine debris coordinating committee.—The Secretary of Commerce shall establish a Marine Debris Coordinating Committee (referred to in this section as the "Committee").

(2) Membership.—The Committee shall include a senior official from—

(A) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

(B) the Environmental Protection Agency;

(C) the United States Coast Guard;

(D) the United States Navy; and

(E) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

(3) Meetings.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(f) Monitoring.—The Secretary of Commerce, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist the United States Coast Guard in assessing the effectiveness of this section.

SEC. 2013. COST ACCOUNTING FOR HAITIAN OPERATIONS.

(a) No later than 30 days after the enactment of this Act, the Secretary of Transportation shall submit a full accounting of all Coast Guard costs related to Haiti during fiscal year 1994 to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate. This accounting shall include numbers of Coast Guard personnel involved, the numbers of Coast Guard vessels involved, and the amount of funds diverted from other Coast Guard missions.

(b) Until all United States military operations in Haiti cease, the Secretary of Transportation shall submit monthly reports on all Coast Guard costs related to Haiti to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate.

SEC. 2014. PLAN FOR RESCUE OF PASSENGERS ON THE CHESAPEAKE BAY.

(a) The Secretary of the department in which the Coast Guard is operating, in consultation with officials of the States of Maryland and Virginia, and other interested persons, shall develop and submit to Congress by March 30, 1995, a plan for the rescue of persons transported on passenger vessels or small passenger vessels on the Chesapeake Bay.

(b) The plan developed in subsection (a) shall include—

(1) a protocol for command, control, and communications among Federal, State, and local authorities;

(2) a protocol for training exercises to prepare for an emergency rescue on the Chesapeake Bay;

(3) an identification of emergency medical personnel that would be available for an emergency rescue on the Chesapeake Bay; and

(4) an identification of procedures to be followed and equipment that would be needed in the event of weather that could result in hypothermia of the passengers.

SEC. 2015. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101–225, 103 Stat. 1914) is mandatory, and applies to any application pending before the Board or the Secretary of Transportation on June 12, 1990.

SEC. 2016. SENSE OF THE CONGRESS REGARDING PASSENGERS ABOARD COMMERCIAL VESSELS.

It is the sense of the Congress that section 521(a)(1) of Public Law 103–182 (19 U.S.C. 58c(a)(5)) was intended to require the collection and remission of a fee from each passenger only one time in the course of a single voyage aboard a commercial vessel.

TITLE XXI—MARINE BIOTECHNOLOGY INVESTMENT ACT OF 1993

SEC. 2101. SHORT TITLE.

This Title may be cited as the "Marine Biotechnology Investment Act of 1993".

SEC. 2102. FINDINGS.

Congress finds and declares the following:

(1) Throughout human history, the oceans and Great Lakes have been an important source of food and a wealth of other natural products.

(2) Marine biotechnology holds tremendous promise for expanding the range and increasing the utility of products from the oceans, understanding and treating human illness, and enhancing the quality and quantity of seafood.

(3) Marine biotechnology offers opportunities to improve the stewardship of marine resources through the development and application of effective methods to restore and protect marine ecosystems, to manage fisheries, to promote the economic growth of coastal economies (particularly those which rely substantially on income from traditional fisheries), and to monitor marine biological and geochemical processes.

(4) The United States currently is a world leader in marine biotechnology, a position with the potential for contributing to business and manufacturing innovations, creation of new jobs, and stimulation of private sector investment.

(5) Maintaining national leadership in the face of growing foreign competition will require federal investment in a well-defined and coordinated national program of research, development and private sector partnership, based on the existing responsibilities and expertise of the National Oceanic and Atmospheric Administration and other federal agencies.

(6) In particular, the National Sea Grant College Program should play a leading role in the development of marine biotechnology in the United States, building on proven capabilities in research, technology transfer, and education.

SEC. 2103. DEFINITIONS.

As used in this Title—

(1) The term "Council" means the Federal Coordinating Council on Science, Engineering, and Technology or any successor organization responsible for the coordination of scientific research among federal agencies and departments.

(2) The term "Director" means the Director of the Office of Science and Technology Policy.

(3) The term "marine biotechnology" means the application of molecular and cellular techniques to marine or other aquatic organisms for the purposes of—

(A) identifying, isolating, developing, and enhancing products that are derived from the aquatic environment;

(B) developing new techniques and processes that may be applied to marine and coastal resources; and

(C) monitoring human health and treating disease.

(4) The term "release of organisms" means—

(A) the intentional release; or

(B) the accidental release from a contained research facility;

into the surrounding environment, of a living marine or other aquatic organism in which the genetic material has been purposely altered at the molecular or cellular level in a way that could not result from the natural reproductive process of that species.

(5) The term "Sea Grant director" means director of a college, program, or regional consortium designated under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

(6) The term "Secretary" means the Secretary of Commerce.

(7) The term "Strategy" means the National Marine Biotechnology Strategy developed under section 2104, or any revision thereof.

SEC. 2104. NATIONAL MARINE BIOTECHNOLOGY STRATEGY.

(a) IN GENERAL.—The Director shall develop a National Marine Biotechnology Strategy for the establishment and implementation of a comprehensive research and development effort to assist the nation in understanding and using marine biotechnology. The Director shall submit the Strategy to the President and Congress within one year after the date of enactment of this Title and shall submit a revised Strategy at least once every three years thereafter.

(b) ELEMENTS OF THE STRATEGY.—The Strategy shall—

(1) establish, for the five-year period beginning in the year the Strategy is submitted, goals and priorities for a coordinated federal effort in marine biotechnology;

(2) describe specific activities to achieve such goals and priorities, including—

(A) basic and applied research initiatives;

(B) essential infrastructure development;

(C) education and training programs;

(D) development of partnerships among government agencies, industry, and academia to translate research findings into practical use;

(E) applications of marine biotechnology which can be used to contribute to the economic stability and vitality of economies based on traditional fisheries.

(3) set forth the role of each participation federal agency and department, identifying and addressing (consistent with the responsibilities established in this Title) relevant programs and activities of such agencies and departments that would contribute to the effort;

(4) estimate, to the extent practicable, funding requirements for the federal marine biotechnology effort described in the Strategy; and

(5) provide for, with respect to federally funded activities that may involve release of organisms, coordinated oversight by federal departments and agencies, including development of—

(A) guidelines and performance standards that are necessary for the safe conduct of such activities and for preventing significant environmental risk; and

(B) procedures to ensure compliance with such guidelines and performance standards.

(c) CONSULTATION.—In developing and revising the Strategy, the Director—

(1) shall consult with federal, State, academic, commercial, and environmental entities involved in marine biotechnology; and

(2) may convene meetings and workshops, in consultation with the National Academy of Sciences and the Sea Grant directors.

SEC. 2105. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—The Secretary, in consultation with the council, shall, within the National Oceanic and Atmospheric Administration, maintain a balanced program of marine biotechnology activities, comprised of—

(1) the program established by section 206 of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), as added by section 2106 of this Title;

(2) research conducted under agreements with academic institutions for the purposes of developing and applying marine biotechnology to the management, conservation, and use of living marine resources; and

(3) marine forensics, biotoxins, and microbiological research on new methods for ensuring the safety of seafood, implementing and enforcing marine environmental statutes, and addressing coastal pollution.

(b) RESTRICTION RELATING TO RELEASE OF ORGANISMS.—

(1) IN GENERAL.—The Secretary shall not conduct activities (either directly or through the award of a grant or contract) that may involve release of organisms, unless such activities—

(A) have been reviewed and approved under other applicable federal law; or

(B) are found by the Secretary, based on the Secretary's written assessment, to pose no significant environmental risk.

(2) CONDITIONS FOR MAKING A FINDING.—The Secretary may make a finding under subparagraph (1)(B)—

(A) in the case of an intentional release of organisms, only after providing notice and an opportunity for public comment;

(B) within 18 months after the date of the enactment of this Title only, if the Secretary includes with the finding a brief but complete description of the basis for that finding; and

(C) after 18 months after the date of the enactment of this Title, only after guidelines, performance standards, and procedures necessary for the safe conduct of activities by the Department of Commerce that may involve the release of organisms have been developed.

(c) TERMINATION OF AWARD.—The Secretary shall promptly withdraw any award made under this Title if the Secretary determines that the grantee or contractee in question has failed to abide by the applicable guidelines, performance standards, and procedures referred to in this section or section 2104 of this Title.

(d) RESTRICTION ON PACIFIC SALMON.—The Secretary shall only conduct research or award a grant or contract for marine biotechnology applications intended to promote or enhance farming, ranching, or other forms of captive cultivation (other than stock identification or hatchery enhancement of wild stocks) of any species of Pacific salmon upon making a written finding that such award, grant, or contract will not be detrimental to the economic stability and responsible development of traditional coastal economies which rely substantially on the harvest of wild stocks of Pacific salmon for a significant portion of their livelihood.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to the sums authorized to be appropriated under section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out this Title, $12,000,000 for each of fiscal years 1994, 1995, 1996, and 1997.

SEC. 2106. SEA GRANT MARINE BIOTECHNOLOGY PROGRAM.

(a) ESTABLISHMENT.—The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended by inserting immediately after section 205 the following new section:

"SECTION 206. MARINE BIOTECHNOLOGY PROGRAM.

"(a) MARINE BIOTECHNOLOGY PROGRAM.—Subject to the availability of appropriations under section 212(c), the national sea grant college program provided for under section 204 shall include a marine biotechnology program under which the Secretary, acting through the Director, shall—

"(1) make grants and enter into contracts in accordance with this section; and

"(2) engage in other activities authorized under this Act; to further research, development, education, technology transfer, and risk assessment in marine biotechnology.

"(b) ADMINISTRATION.—In carrying out the marine biotechnology program, the Secretary shall—

"(1) coordinate the relevant activities of the directors of the sea grant colleges and the Marine Biotechnology Review Panel established under subsection (d); and

"(2) provide general oversight of the review process under subsection (d)(1) to ensure that the marine biotechnology program produces the highest quality research, development, education, and technology transfer.

"(c) GRANTS AND CONTRACTS.—

"(1) APPLICATIONS.—Applications for grants and contracts under this section shall be—

"(A) made in such form and manner, and include such content and submissions, as the Secretary shall by advance notice prescribe;

"(B) forwarded by the appropriate directors of sea grant colleges, along with an evaluation by those directors of merit and programmatic relevance, to the National Sea Grant Office; and

"(C) reviewed by the Marine Biotechnology Review Panel in accordance with subsection (d).

"(2) TERMS AND CONDITIONS.—Any reference in subsection (d) of section 205 or in the last sentence of subsection (a) of section 205 to grants and contracts provided for under that section shall be treated, as the context requires, as including any grant applied for or made, or contract applied for or entered into, under this section.

"(3) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall award grants and contracts under this section on the basis of the recommendations for award made by the Marine Biotechnology Review Panel under subsection (d).

"(d) MARINE BIOTECHNOLOGY REVIEW PANEL.—

"(1) ESTABLISHMENT AND DUTIES.—Subject to the availability of appropriations under section 212(c), the Director, in consultation with the directors of the sea grant colleges, shall convene a panel, to be known as the Marine Biotechnology Review Panel, that shall—

"(A) review, on a competitive basis, the applications made under this section for grants and contracts to determine their respective scientific, technical, educational, and commercial merits and likely contributions toward achieving the purposes of this section; and

"(B) on the basis of the review under subparagraph (A), and with due regard for the overall balance and coordination of the marine biotechnology program, make recommendations to the Secretary regarding the awarding of grants and contracts under this section.

"(2) MEMBERSHIP.—The Marine Biotechnology Review Panel shall—

"(A) consist of not more than 15 individuals with scientific or technical expertise in marine biotechnology or relevant related fields, including at least two qualified individuals with expertise in marine or freshwater ecological risk assessment;

"(B) reflect a balance among areas of expertise consistent with the purposes of this section;

"(C) include not more than two federal employees, none of which may be employees of the National Oceanic and Atmospheric Administration;

"(D) not include directors of sea grant colleges; and

"(E) reflect geographic balance, consistent with the primary objectives of a high level of expertise and balance among areas of expertise.

"(3) ALLOWANCES.—Each member of the Marine Biotechnology Review panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.".

(b) DEFINITIONS.—(1) Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by redesignating paragraphs (6) through (15) as paragraphs (7) through (16), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) The term 'marine biotechnology' means the application of molecular and cellular techniques to marine and other aquatic organisms for the purposes of—

"(A) identifying, isolating, developing and enhancing products that are derived from the aquatic environment;

"(B) developing new techniques and processes that may be applied to marine and coastal resources; and

"(C) monitoring human health and treating diseases.".

(2) Section 203(4) of the National Sea Grant College Program Act (33 U.S.C. 1122(4) is amended by inserting "marine biotechnology," immediately after "marine technology,".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—

(1) in subsection (b), by inserting "but not including section 206" immediately after "section 209";

(2) by redesignating subsections (c), (d), and (e) as subsection (d), (e) and (f) respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) MARINE BIOTECHNOLOGY PROGRAM.—

"(1) GRANTS AND CONTRACTS.—There is authorized to be appropriated to carry out the provisions of section 206 (other than for administration) an amount —

"(A) for each of fiscal years 1994 and 1995, not to exceed $20,000,000; and

"(B) for each of fiscal years 1996 and 1997, not to exceed $25,000,000.

"(2) ADMINISTRATION.—There is authorized to be appropriated for the administration of section 206, an amount—

"(A) for each of fiscal years 1994 and 1995, not to exceed $200,000; and

"(B) for each of fiscal years 1996 and 1997, not to exceed $250,000.".

TITLE XXII—DOCUMENTATION OF VESSELS

SEC. 2201. AUTHORIZATION OF DOCUMENTATION FOR VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ABORIGINAL (United States official number 942118).

(2) ALPHA TANGO (United States official number 945782)

(3) ANNAPOLIS (United States official number 999008).

(4) ARTHUR ATKINSON (former United States official number 214656).

(5) ATTITUDE (North Carolina registration number NC3607AN).

(6) BAGGER (Hawaii registration number HI1809E).

(7) BIG DAD (United States official number 565022).

(8) BIG GUY (United States official number 939310).

(9) BROKEN PROMISE (United States official number 904435).

(10) CHESAPEAKE (United States official number 999010).

(11) CHRISSY (Maine registration number ME4778B).

(12) CONSORT (United States official number 999005).

(13) CURTIS BAY (United States official number 999007).

(14) EAGLE MAR (United States official number 575349).

(15) EMERALD AYES (United States official number 986099).

(16) EMPRESS (United States official number 975018).

(17) ENDEAVOR (United States official number 947869).

(18) FIFTY ONE (United States official number 1020419).

(19) FIREBIRD (United States official number 253656).

(20) GIBRALTAR (United States official number 668634).

(21) HAMPTON ROADS (United States official number 999009).

(22) INTREPID (United States official number 508185).

(23) ISABELLE (United States official number 600655).

(24) JAMESTOWN (United States official number 999006).

(25) JOAN MARIE (North Carolina official number NC2319AV).

(26) KLIPPER (New York registration number NY8166AN).

(27) L.R. BEATTIE (United States official number 904161).

(28) LADY ANGELA (United States official number 933045).

(29) LADY HAWK (United States official number 961095).

(30) LADY HELEN (United States official number 527746).

(31) MANDIRAN (United States official number 939915).

(32) MEMORY MAKER (Maryland registration number MD8867AW, hull number 3151059).

(33) OLD HAT (United States official number 508299).

(34) ORCA (United States official number 504279).

(35) REEL TOY (United States official number 698383).

(36) RENDEZVOUS (United States official number 924140).

(37) SALLIE D (Maryland registration number MD2655A).

(38) SEAHAWK (United States official number 673537).

(39) SEAHAWK III (United States official number 996375).

(40) SEA MISTRESS (United States official number 696806).

(41) SERENITY (United States official number 1021393).

(42) SHAMROCK V (United States official number 900936).

(43) SILENT WINGS (United States official number 969182).

(44) SUNSHINE (United States official number 974320).

(45) TECUMSEH (United States official number 668633).

(46) VIKING (former United States official number 224430).

(47) WHY KNOT (United States official number 688570).

(48) WOLF GANG II (United States official number 984934).

(49) A hopper barge owned by Foley & Foley Marine Contractors, Inc. (United States official number 264959).

(50) Each of 2 barges owned by Roen Salvage Co., numbered 103 and 203.

(51) Each of 3 spud barges owned by Dan's Excavating, Inc., as follows:

(A) Spud barge 102 (United States official number 1021958).

(B) Spud barge 103 (United States official number 1021960).

(C) Spud barge 968 (United States official number 1021959).

(52) Each of 3 barges owned by Harbor Marine Corporation of Rhode Island, as follows:

(A) HARBOR 223 (approximately 110 feet in length).

(B) GENE ELIZABETH (approximately 200 feet in length).

(C) HARBOR 221 (approximately 90 feet in length).

(53) SMALLEY 6808 Amphibious Dredge (Florida registration number FL1855FF).

(54) TOO MUCH FUN (United States official number 936565).

SEC. 2202. AUTHORIZATION OF DOCUMENTATION FOR THE ATLANTIS III.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate coastwise endorsement for employment in the coastwise trade in Alaska during the period beginning May 1, 1995, and ending October 31, 1996, for the vessel ATLANTIS III (Coast Guard MSIS number CG006455).

SEC. 2203. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the vessels—

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length); and

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the "owner"), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under subsection (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 2204. EXTENSION OF DEADLINE FOR THE M/V TWIN DRILL.

Section 601(d) of Public Law 103-206 is amended by striking "June 30" in subpart (3) and inserting "December 31" and by striking "12" in subpart (4) and inserting "18".

SEC. 2205. COASTWISE TRADE AUTHORIZATION FOR HOVERCRAFT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the vessels IDUN VIKING (Danish Registration number A433), LIV VIKING (Danish Registration number A394), and FREJA VIKING (Danish Registration number A395) if—

(1) all repair and alteration work on the vessels necessary to their operation under this section is performed in the United States;

(2) a binding contract for the construction in the United States of at least 3 similar vessels for the coastwise trade is executed by the owner of the vessels within 6 months after the date of enactment of this Act; and

(3) the vessels constructed under the contract entered into under paragraph (1) are to be delivered within 3 years after the date of entering into that contract.

SEC. 2206. WRECKED VESSEL.

The M/V SPIRIT OF THE PACIFIC NORTHWEST (Bahamian official number 725338) shall be considered to have met the requirements of the section 4136 of the Revised Statutes of the United States (46 App. U.S.C. 14), if the Secretary of Transportation determines—

(1) that the vessel was purchased or salvaged by a United States corporation and subsequently repaired in a shipyard in the United States; and

(2) that repairs to the vessel were equal to or greater than three times the appraised salved value of the vessel.

SEC. 2207. AUTHORIZATION FOR R/V ROSS SEAL TO BE DOCUMENTED UNDER THE LAWS OF A FOREIGN COUNTRY.

Notwithstanding any other law—

(1) during the period beginning March 1, 1995, and ending March 1, 1998, the vessel R/V ROSS SEAL United States official number 582641 may be documented under the laws of a foreign country;

(2) that vessel shall not be prohibited from or otherwise ineligible to engage in coastwise trade, by reason of having been documented under the laws of a foreign country in that period; and

(3) the Secretary of Transportation may not, by reason of that vessel having been documented under the laws of a foreign country in the period, withhold documentation for that vessel under chapter 121 of title 46, United States Code, .

Mr. HUGHES (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey [Mr. HUGHES].

The amendment in the nature of a substitute was agreed to.

TITLE AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. HUGHES: Amend the title of the bill so as to read: "A bill to provide congressional approval of a governing international fishery agreement, to authorize appropriations for the Coast Guard for fiscal year 1995, and for other purposes.".

The title amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

STEWARDSHIP END-RESULT CONTRACTS DEMONSTRATION ACT

Mr. LAROCCO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2100) to provide for rural development, multiple-use management, expenditures under the Knutson-Vandenberg Act of 1930, and ecosystem-based management of certain forest lands, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stewardship End-Result Contracts Demonstration Act".

SEC. 2. PURPOSES.

(a) The purpose of this Act is to:

(1) develop and implement, as national demonstration projects, ecosystem-based, end result-oriented management practices for forestry in general;

(2) authorize the Secretary of Agriculture to demonstrate the feasibility of end-result stewardship contracts for national forests, State forests, and private forests in the United States;

(3) improve the management of and develop economically efficient management tools for ecosystem-based management applicable to all of the forest lands of the United States, both private and public;

(4) provide for rural development, rural jobs, and economic transition opportunities for forest dependent communities affected by changes in timber harvest volumes;

(5) authorize an alternative management technique for pest infested or pest damaged forest lands in general; and

(6) provide additional opportunities to achieve mandates established in:

(A) The Multiple-Use Sustained Yield Act of 1960 (Public Law 96-517);

(B) The Forest and Rangeland Renewable Resources Planning Act of 1974 (Public Law 93-378);

(C) The Clarke-McNary Act of 1924 (Public Law 98-270);

(D) The Deposit of Sale Instruments in Treasury Act of 1940 (Public Law 76-631);

(E) The Soil and Water Resources Conservation Act of 1977 (Public Law 95-192); and

(F) The Twenty-Five Percent Fund Act (35 Stat. 251).

SEC. 3. USE OF TIMBER REVENUES.

(a) AUTHORIZATION.—The Secretary of Agriculture, acting through the officers of the National Forest Service in charge of the forest lands referred to in subsection (b), may apply all or a part of the revenues received for timber removed from such lands under a stewardship end-result contract as an offset against the cost of stewardship services provided, including—

(1) site preparation;

(2) replanting;

(3) silviculture programs;

(4) recreation;

(5) wildlife habitat enhancement;

(6) soil conservation; and

(7) other multiple-use enhancements.

(b) APPLICABILITY.—The authority granted in this Act may be applied to the management of—

(1) the Green Mountain National Forest of Vermont;

(2) the White Mountain National Forest of New Hampshire and Maine;

(3) the Talladega, Tuskegee, Conecuh and William B. Bankhead National Forests of Alabama;

(4) acquired and other lands in the Angora Project, Lake Tahoe Basin Management Unit;

(5) the Kendrick Project, Coconino National Forest; and

(6) The Priest Lake Ranger District Project, Idaho Panhandle National Forest.

(c) ENVIRONMENTAL ASSESSMENT.—The National Environment Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to the projects referred to in subsection (b), prior to the award of any contract.

SEC. 4. DISSEMINATION OF RESEARCH AND DEMONSTRATION RESULTS.

(a) The Secretary of Agriculture is authorized and directed to disseminate the results of the research and demonstration efforts authorized under this Act that are of the benefit to private and public forest owners.

(b) The Secretary may use the authorities granted to him in:

(1) The Forest and Rangeland Renewable Resources Research Act of 1978 (Public Law 95-307);

(2) The McIntyre-Stennis Act of 1962 (76 Stat. 806); and

(3) The Wood Residue Utilization Act of 1980 (Public Law 96-554)

SEC. 5. EXPIRATION.

This Act shall be effective during the period beginning on the date of enactment of this Act and ending on December 31, 1994.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LA ROCCO

Mr. LAROCCO. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. LAROCCO.—Strike all after the enacting clause and insert the following:

SECTION 1. DEMONSTRATION PROGRAM FOR THE SPECIAL USE OF TIMBER REVENUES.

(a) DEMONSTRATION PROGRAM.—The Secretary of Agriculture may carry out a demonstration program on National Forest System lands described in subsection (b) to develop and implement management practices that are ecosystem based and end-result oriented.

(b) APPLICABILITY.—The demonstration program shall apply to the management of the Priest Lake District project, Idaho Panhandle National Forest.

(c) AUTHORIZATION.—Under the demonstration program, the Secretary of Agriculture may apply the value, or a portion of the value, of timber removed under a stewardship end result contract as an offset against the cost of stewardship services received, including site preparation, replanting, silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements. The Secretary of Agriculture may apply such offsets until the demonstration project expires.

(d) COMPLIANCE WITH ENVIRONMENTAL REQUIRMENTS.—Nothing in this Act shall be construed to alter the responsibility of the Secretary to comply with environmental laws applicable to the lands of the National Forest System described in subsection (b).

(e) EXPIRATION OF AUTHORITY.—The authority provided in subsection (c) shall expire on December 31, 1995.

Mr. LAROCCO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Idaho [Mr. LAROCCO].

The amendment in the nature of a substitute was agreed to.

TITLE AMENDMENT OFFERED BY MR. LAROCCO

Mr. LAROCCO. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. LAROCCO: Amend the title of the Senate bill so as to read: "A bill to provide for a demonstration program to develop and implement special management practices for certain National Forest System lands".

The title amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAROCCO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2100, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

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EXPRESSING SENSE OF CONGRESS WITH RESPECT TO CERTAIN REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the concurrent resolution (H. Con. Res. 14) expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SHARP). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 14

Whereas it is in the public interest to reduce the frequency of workplace accidents and the human and economic costs associated with such injuries;

Whereas workplace accidents involving powered industrial trucks are often the result of operation by poorly trained, untrained, or unauthorized operators;

Whereas Federal regulations promulgated by the Occupational Safety and Health Administration and codified at 29 C.F.R. 1910.178 require that operators of powered industrial trucks be trained and authorized:

Whereas existing regulations lack any guidelines to measure whether operators of powered industrial trucks are in fact trained and authorized;

Whereas operator training programs have been demonstrated to reduce the frequency and severity of workplace accidents involving powered industrial trucks; and

Whereas a petition to amend existing regulations to specify the proper components of a training program for operation of powered industrial trucks has been pending before the Occupational Safety and Health Administration since March 1988: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Occupational Safety and Health Administration is requested to publish, within one year of passage of this resolution, proposed regulations amending the regulation published as 29 C.F.R. 1910.178 to specify the components of an adequate operator training program and to provide that only trained employees be authorized to operate powered industrial trucks.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

WARREN B. RUDMAN UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 2073) to designate the United States courthouse that is scheduled to be constructed in Concord, NH, as the Warren B. Rudman United States Courthouse, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. DUNCAN. Mr. Speaker, reserving the right to object, and I shall not object, I ask the distinguished chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], for a brief explanation of the bill.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, this legislation would designate the courthouse scheduled to be constructed in Concord, NH, the Warren B. Rudman United States Courthouse. We all know the former Senator, former colleague of ours, who served the citizens of New Hampshire in the U.S. Senate from 1980 to 1992. Since leaving public service, Mr. Speaker, former Senator Rudman has returned to private law practice.

Warren Rudman graduated from Syracuse University, and, after serving in the Korean war, he graduated from Boston College Law School. He entered public service in 1970 with an appointment as attorney general of the State of New Hampshire. He served with distinction for 6 years.

Again in 1980, Mr. Speaker, Senator Rudman entered public service with his election to the U.S. Senate where he served the Nation for 12 years.

It is fitting and proper that Senator Rudman be honored by designating the courthouse in Concord, NH, the Warren B. Rudman United States Courthouse, and I commend the gentleman from New Hampshire [Mr. ZELIFF] for his strong work on this behalf, and I thank the gentleman from Tennessee [Mr. DUNCAN] for having yielded to me.

Mr. DUNCAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, I rise in very strong support of S. 2073, a resolution to name the Federal courthouse scheduled to be constructed in Concord, NH, as the Warren B. Rudman United States Courthouse. This is a fitting tribute to one of New Hampshire's most revered public servants.

Mr. Speaker, Senator Rudman is known to have said, more than once, that he did not want anything named after him while he was alive. I hope this action will not protend too badly for him!

This tribute could not be more appropriate. Warren Rudman's life has been dedicated to the law, the judiciary, and ethics. He started his public career as legal counsel to former New Hampshire Governor Walter Peterson, who later named Rudman as New Hampshire's attorney general.

Warren is a highly decorated veteran of the Korean war. Returning to civilian life he became a leader by example for courage in the political process.

He is known by the distinguished gentlemen he has supported to become Federal judges—Norm Stahl, Paul Barbardaros, Steve McAuliffe and, of course, Supreme Court Justice David Souter. Warren Rudman was Souter's mentor and has said that one of his proudest moments is when Souter became a Supreme Court Justice.

Of course, Warren is perhaps best known for his dedicated work toward fiscal responsibility and his crafting of the deficit reduction law, Gramm-Rudman-Hollings.

This effort reduced the deficit from $222 billion to $150 billion and held it at this level for a three year period. Then the Gramm-Rudman-Hollngs medicine became too tough to take and Congress changed the formula that had worked.

He also distinguished himself on the Iran-Contra Committee, making the famous statement that in America "no one is above the law".

Warren has also dedicated himself to the ideal that no one in this country is beneath the law either.

He was champion of the Legal Services Corporation in the Senate, reflecting his belief that everyone, from the high and mighty to those who aren't, deserves equal treatment under the law.

Since his retirement, Warren continued his fight for fiscal sanity by forming the bipartisan Concord Coalition with former U.S. Senator Paul Tsongas. Warren continues to crisscross American speaking out for the hard choices necessary to balance the budget.

Senator BOB DOLE of Kansas, the minority leader in the Senate, said Warren Rudman "never ducked a tough issue, a tough vote, or a tough fight on the Senate floor".

Senator DOLE added, "you don't replace a Warren Rudman. You just thank the people of New Hampshire for giving us the honor of serving with this one-of-a-kind public servant."

He reminds me of the E.F. Hutton ad—when he talks, everyone in the Senate listens, because he always has something worthwhile to say. No Senator is better liked or more respected."

Senate majority leader GEORGE MITCHELL said that Warren Rudman "possesses one of the most penetrating legal minds in recent Senate history", adding that he "has a respect for and commitment to justice that has permeated all he has done in the Senate".

Senator MITCHELL noted that Warren Rudman's "name has become permanently associated with fiscal responsibility".

"His work on the Gramm-Rudman-Hollings deficit reduction act put the issue of continuing large budget deficits at the forefront of public policy discussion."

Mr. Speaker, the Warren B. Rudman United States Courthouse will stand as a constant reminder of a man who epitomized the ideal of public service. I strongly support the passage of this resolution.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for his explanation of this bill, and I thank my good friend, the gentleman from New Hampshire [Mr. ZELIFF], for his outstanding work and leadership on this bill. I, too, support this bill, Mr. Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WARREN B. RUDMAN UNITED STATES COURTHOUSE.

The United States courthouse that (as of the date of enactment of this Act) is scheduled to be constructed in Concord, New Hampshire, shall be known and designated as the "Warren B. Rudman United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any reference in a law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Warren B. Rudman United States Courthouse".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. TRAFICANT: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. WARREN B. RUDMAN UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse to be constructed in Concord, New Hampshire, shall be known and designated as the "Warren B. Rudman United States Courthouse".

(b) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Warren B. Rudman United States Courthouse".

SEC. 2. JAMIE L. WHITTEN FEDERAL BUILDING.

(A) DESIGNATION.—The Federal building located at the northeast corner of the intersection of 14th Street and Independence Avenue, Southwest, in Washington, District of Columbia, shall be known and designated as the "Jamie L. Whitten Federal Building".

(b) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Jamie L. Whitten Federal Building".

SEC. 3. WILLIAM H. NATCHER FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The Federal building and United States courthouse located at 242 East Main Street in Bowling Green, Kentucky, shall be known and designated as the "William H. Natcher Federal Building and United States Courthouse".

(b) Legal References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "William H. Natcher Federal Building and United States Courthouse".

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. Traficant].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

AMENDMENT TO THE TITLE OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. Traficant: Amend the title so as to read as follows: "A bill to designate the Warren B. Rudman United States Courthouse, the Jamie L. Whitten Federal Building, and the William H. Natcher Federal Building and United States Courthouse.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HOUSING PROGRAMS EXTENSION ACT OF 1994

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 5245) to provide for the extension of certain programs relating to housing and community development, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. LEACH. Mr. Speaker, reserving the right to object, the minority has no intention of objecting, but I think it would be reasonable for the House to have an explanation of the bill.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, the Housing Programs Extension Act of 1994 is legislation that is needed to continue the authorization of a number of important housing programs.

The authorizations for these programs were included in H.R. 3838, the major housing reauthorization bill passed by the House on July 22 of this year. Unfortunately, the other body failed to pass a housing reauthorization bill. Therefore, without this bill, these programs will have no authorization and will expire.

The extensions include: the authority for HUD to temporarily extend project-based expiring section 8 contracts; preservation acquisition, and technical assistance and capacity building grants; housing counseling programs; the National Homeownership Trust; the Farmers Home Administration section 515 Rural Multifamily Rental Housing Program; and the continuation of community development block grant assistance to colonias. The bill also includes several program fund reuses that many Members of the House have sought and certain minor technical changes to several housing and community development programs necessary for their continued implementation.

As I have said, all the provisions included in this bill have been passed once by the House, by an overwhelming bipartisan vote. Their inclusion in this bill has been agreed to by both sides of the aisle and are critical to continuing vital housing and community development programs for our most vulnerable citizens in our Nation's urban and rural communities.

□ 1900

Mr. LEACH. Mr. Speaker, continuing my reservation of objection, I would simply like to add to what the chairman said. There has been noting that has passed this House in the housing arena in the last generation that has not carried the stamp of the gentleman from Texas, Henry B. Gonzalez. This is another example. I urge its adoption.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. Sharp). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Programs Extension Act of 1994".

SEC. 2. HOUSING ASSISTANCE.

(a) Expiring Section 8 Contracts.—

(1) Requirement.—Subject only to the availability of budget authority to carry out this section, not later than October 1, 1995, the Secretary of Housing and Urban Development shall make an offer to the owner of each housing project assisted under an expiring contract to extend the term of the expiring contract for 24 months beyond the date of the expiration of the contract.

(2) Terms of extension.—Except for terms or conditions relating to the duration of the contract, the terms and conditions under the extension provided pursuant to this subsection of any expiring contract shall be identical to the terms and conditions under the expiring contract.

(3) Definition of expiring contract.—For purposes of this subsection, the term "expiring contract" means a contract for assistance pursuant to section 8(b)(2) of the United States Housing Act of 1937 (as such section existed before October 1, 1983) having a term that expires before October 1, 1996.

(4) Displacement assistance.—The Secretary of Housing and Urban Development may make available to tenants residing in units covered by an expiring contract that is not extended pursuant to this subsection either—

(A) tenant-based assistance under section 8 of the United States Housing Act of 1937; or

(B) a unit with respect to which project-based assistance is provided under section 8 of the United States Housing Act of 1937.

(5) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) Determination of Median Income.—Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) in the fourth sentence—

(A) by striking "County" and inserting "and Rockland Counties"; and

(B) by inserting "each" before "such county"; and

(2) in the last sentence—

(A) by striking "County" the first place it appears and inserting "or Rockland Counties"; and

(B) by striking "County" the second place it appears and inserting "and Rockland Counties".

(c) Eligible Uses of Emergency Modernization Funds.—Section 14(k)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437l(k)(1)) is amended—

(1) in the first sentence, by striking "$75,000,000" and inserting "$50,000,000"; and

(2) by adding at the end the following new sentences: "Of the amounts reserved each year under this paragraph, the Secretary shall make available to the Inspector General of the Department of Housing and Urban Development not more than $5,000,000 for costs in connection with efforts to combat violent crime in public housing. Using amounts made available pursuant to the preceding sentence during fiscal year 1995, the Secretary shall provide amounts in such fiscal year for the continuation of the drug elimination activities under Project Nos. IA05PO98003004 and IA05DEP0980193.".

(d) Low-Income Housing Preservation and Resident Homeownership Act.—

(1) Acquisition grants.—Section 234(b) of the Housing and Community Development Act of 1987 (12 U.S.C. 4124(b)) is amended by striking "1993," and all that follows through "1994," and inserting "1995".

(2) Technical assistance and capacity building.—Section 257 of the Housing and Community Development Act of 1987 (12 U.S.C. 4147) is amended by striking "1993," and all that follows through "1994," and inserting "1995".

(e) Use of Section 236 Rental Assistance Fund Amounts for Flexible Subsidies.—Section 236(f)(3) of the National Housing Act (12 U.S.C. 1715z-1(f)(3)) is amended by striking "September 30, 1994" and inserting "September 30, 1995".

(f) Housing Counseling.—

(1) Emergency homeownership counseling.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking "September 30, 1994" and inserting "September 30, 1995".

(2) Prepurchase and foreclosure prevention counseling demonstration.—Section 106(d)(13) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(13)) is amended by striking "fiscal year 1994" and inserting "fiscal year 1995".

(g) Major Reconstruction of Public Housing for Disabled Families.—Section 5(j)(2)(G)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437e(j)(2)(G)(i)) is amended by striking "fiscal years 1993 and 1994" and inserting "fiscal year 1995".

(h) National Homeownership Fund.—Section 172 of the bill, H.R. 3838 (103d Congress), as passed by the House of Representatives on July 22, 1994, is hereby enacted into law.

(i) Treatment of Certain Projects.—

(1) Conversion of section 23 project.—From amounts available for the conversion of the Tamaqua Highrise project in the Borough of Tamaqua, Pennsylvania, from a leased housing contract under section 23 of the United States Housing Act of 1937 to tenant-based assistance under section 8 of such Act, the Secretary of Housing and Urban Development shall, to the extent such amounts are made available in appropriation Acts, enter into an obligation for the conversion of the project to a project-based rental assistance contract under section 8 of such Act, notwithstanding the requirement for rehabilitation or the percentage limitations under section 8(d)(2) of such Act.

(2) Compliance with rehabilitation requirement.—Rehabilitation activities undertaken by E.T.C. Enterprises in connection with 16 scattered-site dwelling units that were rehabilitated to provide housing for low-income families and are located in Perth Amboy, New Jersey, and rehabilitation activities undertaken by Pennrose Properties in connection with 40 dwelling units for senior citizens in the Providence Square development located in New Brunswick, New Jersey, are hereby deemed to have been conducted pursuant to the approval of and an agreement with the Secretary of Housing and Urban Development under clauses (i) and (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937.

(3) Eligibility of public housing for demolition.—Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213), is amended by striking "George Loving Place, at 3320 Rupert Street, Edgar Ward Place, at 3901 Holystone, Elmer Scott Place, at 2600 Morris, in Dallas, Texas, or".

SEC. 3. RURAL HOUSING.

(a) Underserved Areas Set-Aside.—Section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended—

(1) in the first sentence, by striking "fiscal years 1993 and 1994" and inserting "fiscal year 1995"; and

(2) in the second sentence, by striking "each".

(b) Rural Multifamily Rental Housing.—Section 515(b) of the Housing Act of 1949 (42 U.S.C. 1485(b)) is amended—

(1) by striking paragraphs (2) and (4);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) such a loan may be made for a period of up to 50 years from the making of the loan;

"(3) the terms and conditions of such a loan shall provide for periodic payments, during the term of the loan, based upon a schedule for complete amortization of the loan over a 50-year period and for payment of any outstanding amounts due under the loan not later than the expiration of the term of the loan;".

(c) Rural Rental Housing Funds for Nonprofit Entities.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal years 1993 and 1994" and inserting "fiscal year 1995".

(d) Loan Guarantees for Rural Multifamily Rental Housing Loans.—Section 517 of the bill, H.R. 3838 (103d Congress), as passed by the House of Representatives on July 22, 1994, is hereby enacted into law.

(e) Eligibility of Area for Rural Homeownership Loans.—Section 502 of the Housing Act of 1949 (42 U.S.C. 1472) is amended by adding at the end the following new subsection:

"(i) Notwithstanding section 520, the Secretary may make loans under this section for properties in the Pine View West Subdivision, located in Gibsonville, North Carolina, in the same manner as provided under this section for properties in rural areas.".

(f) Definition of Rural Area.—The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by striking "city of" and inserting "cities of South Tucson, Arizona, and".

SEC. 4. MORTGAGE INSURANCE AND SECONDARY MORTGAGE MARKET PROGRAMS.

(a) Multifamily Housing Finance.—Section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "and 1994" and inserting ", 1994, and 1995".

(b) Assessment Collection Dates for Office of Federal Housing Enterprise Oversight.—Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) Timing of payment.—The annual assessment shall be payable in installments on October 1 and April 1 of each fiscal year.".

SEC. 5. COMMUNITY DEVELOPMENT.

(a) Certain CDBG Assistance.—Section 916(f) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 5306 note) is amended by striking "Act shall apply only with respect to fiscal years 1991, 1992, 1993, and 1994" and inserting "section shall not apply to fiscal years after fiscal year 1995".

(b) CDBG Public Services Limitations.—Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by striking "and" after "under this paragraph,";

(2) by striking "fiscal year 1994" and inserting "fiscal years 1994 and 1995"; and

(3) by inserting before the semicolon at the end the following: ", and except that of any amount of assistance under this title (including program income) to the Cities of Vallejo and Benecia and to Napa County, in California, such cities and county may use not more than 20 percent in fiscal year 1995 for activities under this paragraph";

(c) Use of Grant Amounts.—

(1) Pittsburgh, pennsylvania.—Notwithstanding any other provision of law, the city of Pittsburgh, Pennsylvania, may retain any amounts provided under an urban development action grant for Project No. B–86–AA–42–0275 and use such funds for the Central Pittsburgh Plaza project, if such project is commenced not later than 6 months after the date of the enactment of this Act.

(2) Wilkes-Barre, pennsylvania.—Notwithstanding any other provision of law, the city of Wilkes-Barre, Pennsylvania, may retain any amounts provided under an urban development action grant for Project No. B–87–AA–42–1211 and use such funds for the Northeastern Pennsylvania Economic Development project, if such project is commenced not later than 6 months after the date of enactment of this Act.

(3) Richmond, virginia.—The Secretary of Housing and Urban Development shall cancel the indebtedness of the city of Richmond, Virginia, relating to the categorical program settlement grant provided to the city to settle four urban renewal programs (Project No. B–78–UR–51–0019). The city of Richmond, Virginia, is hereby relieved of all liability to the Federal Government for such grant and any fees and charges payable in connection with such grant.

(4) Lockport township, illinois.—The Secretary of Housing and Urban Development shall cancel the indebtedness of Lockport Township, Illinois, relating to the public facilities loan for Project No. ILL–11–PFL0112. Lockport Township, Illinois, is hereby relieved of all liability to the Federal Government for the outstanding principal balance on such loan, the amount of accrued interest on such loan, and any other fees and charges payable in connection with such loan.

(5) Budget compliance.—Paragraphs (3) and (4) of this subsection shall be effective only to the extent, or in such amounts, as are provided in appropriation Acts.

(d) New Towns Demonstration Program.—

(1) Insurance authority.—The first sentence of section 1104(d) of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is amended to read as follows: "To the extent provided in appropriation Acts, the Secretary shall use any authority provided pursuant to section 531(b) of the National Housing Act to enter into commitments to insure loans and mortgages under this section in fiscal year 1995 with an aggregate principal amount not exceeding such sums as may be necessary to carry out the demonstration under this title.".

(2) Second mortgage assistance.—Section 1105(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is amended to read as follows:

"(5) Authorization of appropriations.—There are authorized to be appropriated for fiscal year 1995 such sums as may be necessary for providing assistance under this section.".

(3) Community development assistance.—Section 1106(h) of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is amended to read as follows:

"(8) Authorization of appropriations.—There are authorized to be appropriated for fiscal year 1995 such sums as may be necessary for assistance under this section.".

(e) Economic Development Grants.—Section 108(q) of the Housing and Community Development Act of 1974 is amended by adding at the end the following new paragraph:

"(5) Authorization of appropriations.—Using any amounts appropriated for grants under this subsection for fiscal year 1995, the Secretary shall make a grant in the amount of $3,650,000 in such fiscal year to the Earth Conservancy in Luzerne County, Pennsylvania, which shall be used for carrying out a demonstration of using innovative environmental technologies to reclaim land used for community and economic development purposes that has been damaged by anthracite coal mining activities.".

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) STATE AGENCIES AS SURETIES.—Section 9304 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(c) STATE AGENCIES.—A State agency, including any financing authority established by any State, which meets the requirements of paragraphs (2) and (3) of subsection (a) may be treated as a surety corporation for purposes of this chapter. Notwithstanding any other provision of law, user fees collected by the Financial Management Services incident to sections 9304 through 9309 of this title shall be credited to the appropriation of that agency and may be retained without fiscal year limitation to carry out the provisions of such sections.".

(b) CLARIFICATION OF EFFECTIVE DATE FOR AMENDMENT RELATING TO COMMERCIAL MORTGAGE RELATED SECURITIES.—Section 347(d) of the Riegle Community Development and Regulatory Improvement Act of 1994 (Public Law 103-325; 108 Stat. 2241) is amended to read as follows:

"(d) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect as of the date of the enactment of the Housing Programs Extension Act of 1994.

"(2) NATIONAL AND INSURED STATE BANKS.—The amendment made by subsection (a) shall not apply with respect to national banks or, in accordance with section 24 of the Federal Deposit Insurance Act, insured State banks before the effective date of final regulations prescribed by the Comptroller of the Currency pursuant to subsection (c).".

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ:

In section 2(i) of the bill, add at the end the following new paragraph:

(4) SECTION 23 CONVERSION.—

(A) AUTHORIZATION.—Notwithstanding contracts entered into pursuant to section 14(b) of the United States Housing Act of 1937, the Secretary is authorized to enter into obligations for the conversion of the Pine Tower Apartments in Bay City, Michigan, from a leased housing contract under section 23 of such Act to a project-based rental assistance contract under section 8 of such Act.

(B) REPAYMENT REQUIRED.—The authorization made in subparagraph (A) is conditioned on the repayment to the Secretary of all amounts received by the public housing agency under the comprehensive improvement assistance program under section 14 of the United States Housing Act of 1937 for the Pine Tower Apartment Project and the amounts, as determined by the Secretary, received by the public housing agency under the formula in section 14(k) of such Act by reason of the project.

In the matter to be inserted by the amendment made by section 5(b)(3) of the bill, strike "Vallejo and Benecia and to Napa County, in California, such cities and county" and insert "Fairfield, Vallejo, Napa, and Vacaville, in California, such cities".

Mr. GONZALEZ (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. GONZALEZ].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MAMMOGRAPHY DAY

Ms. NORTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 220) to designate October 19, 1994, as National Mammography Day, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentlewoman from Tennessee, Mrs. LLOYD.

Mrs. LLOYD. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today for the consideration of Senate Joint Resolution 220, legislation that designates October 19, 1994 as National Mammography Day. Last year the President signed this measure into law.

While efforts to enact a comprehensive health care reform have fallen by the way side, there are still legislative initiatives, such as National Mammography Day, that address important steps toward reform. For example, early detection and treatment are critical steps in holding down medical costs and saving lives—particularly with breast cancer.

Unfortunately, many women are unaware of medical technologies, such as mammography screening, available to them today. We must educate women about breast cancer and make the medical information readily available. Awareness is the primary purpose of National Mammography Day.

According to the American Cancer Society, 182,000 women will be diagnosed with breast cancer in 1994, and 46,000 women will die from the disease. This disease affects 80 percent of women that have no prior family history of breast cancer. There is no known cure for breast cancer. Until we find a cure, early detection and treatment are the best chances that we have against its early stages.

Mammograms can reveal the presence of small cancer up to 2 years before regular clinical breast examinations, or breast self-examinations [BSE]—saving as many as a third more lives.

No women can be considered immune from this disease. As a breast cancer survivor myself, I realize the importance of mammography detection. Greater awareness of this technology is a key element in combating breast cancer.

Mr. Speaker, every year for the past 5 years, National Mammography Day has received greater participation and interest. Mammography screening awareness is one of many fundamental steps in educating the public about the importance of early detection and treatment of disease.

I hope that my colleagues will join in supporting 1 day during "National Breast Cancer Awareness Month" that educates and encourages women to receive a mammogram. Mammograms are not a panacea, but at this time mammography has proved to be an invaluable tool in the continuous fight against breast cancer. I look forward to the passage of this bill.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I want to thank the gentlewoman for her very appropriate comments and for the leadership she has taken with regard to inspiring women to have mammograms and the fact that this Congress is moving ahead with regard to breast cancer.

I would like to also point out that as we talk about speeches on the last day and contributions through the years, that this will be the last evening for the gentlewoman from Tennessee, who has been a real star on the Committee on Science, Space and Technology as well as in this women's health area. I hope that we will join in a round of applause for the gentlewoman from Tennessee, MARILYN LLOYD.

Mr. Speaker, with regard to this resolution, I just want to point out that with October being Breast Cancer Awareness Month, that we do have, because of legislation that we passed in 1990, the Breast and Cervical Cancer Mortality Prevention Act, we do have the ability for low-income and minority women to have mammography and pap smear screening. These are women who do not have health insurance and are not eligible for Medicaid, and they have kind of slipped through the cracks of the health care system. Forty-five States are now participating in the program.

Another piece of legislation that I think this Congress can be proud of is the fact that we passed the Mammography Quality Standards Act. This was in 1992. Because of that law, as of October 1 of this year, all facilities must have a certificate to operate mammography equipment and be accredited by a body approved by the Secretary. I think that that is a real tribute to the good quality and accurate mammography equipment.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I would also like to commend the gentlewoman from Tennessee [Mrs. LLOYD] for introducing this important measure. I join with the gentlewoman from Maryland in paying tribute to the gentlewoman from Tennessee [Mrs. LLOYD] for her outstanding dedication to her work here in the Congress.

Mr. Speaker, I am pleased to rise in support of House Joint Resolution 418 which designates October 19, 1994 as National Mammography Day. I would also like to commend the gentlewoman from Tennessee [Mrs. LLOYD] for introducing this important measure.

Mr. Speaker, I continually find the statistics on breast cancer, and the mortality rate from breast cancer appalling. An estimated 180,000 new cases of breast cancer among women were diagnosed in the United States during 1992. Approximately one of every nine women will develop breast cancer during her lifetime.

Additionally breast cancer occurs rarely in men. Moreover, breast cancer incidence rates have increased about 3 percent a year since 1980. Some of this increase is believed to be due to screening programs detecting tumors before they become clinically apparent.

In spite of these shocking statistics many women do not practice routine breast examinations or utilize today's advanced mammography technology. I hope making October 19 National Mammography Day will reveal to all Americans the importance of utilizing today's technology in order to detect any abnormalities in the breast. Through prevention and early detection, one in every five deaths from breast cancer could be avoided.

Educating the public on the warning signals of breast cancer is essential to combating this life-threatening disease. Breast changes that persist, such as a lump, thickening, swelling, dimpling, skin irritation, distortion, retraction, scaliness, pain, or tenderness of the nipple must be brought to the attention of a physician. Then, through the use of technology, like mammography, early detection and treatment can save the lives of many women.

Statistics show that women with early stages of breast cancer, when the disease is still localized, experience a 92-percent survival rate, while the survival rate for women with more advanced regional cancer is only 71 percent. Even more tragic, is the fact that the survival rate for women with breast cancer which has advanced to more severe stages is only 18 percent.

Surely this is a disease for which an ounce of prevention is worth a pound of cure. National Breast Cancer Awareness Month can help get this message out, and can actually save women's lives.

Accordingly, I urge my colleagues to vote in favor of House Joint Resolution 418.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I thank the gentleman for his leadership in this area. It demonstrates that the men in this chamber care about the health of all our people.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I want to commend the gentlewoman for this fine work and all of the work that has gone forward in cancer awareness.

I wanted to remind my colleagues that recently the cancer awareness luncheon was held here on the Hill over on the Senate side. The honorees this year for extraordinary work in breast cancer and prostate cancer awareness were CBS' own Harry Smith and Paula Zahn, who have done incredible work on their show in the morning to alert Americans to the need for cancer awareness and cancer information.

To them, again, I want to offer this moment of salute for the great work they do and for all associated on the Hill with the National Cancer Awareness Program in the hope that we can make it an even stronger program and even more effective program for the millions of Americans, including my own mother who is a breast cancer survivor from 1961 and who is kicking her heels today and enjoying the good life in Louisiana because of the great preventive medicine and cancer awareness and treatment that was accorded her. I would hope for every one the success of my mother in not only finding that dreaded disease early but in getting the same wonderful treatment she got and the great health that she currently enjoys today.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, that is a great personal testimony to the fact that all of us have mothers, sisters, aunts, children, daughters, who can benefit from this quality screening through the mammograms.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Indiana [Mr. BURTON].

□ 1910

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentlewoman for yielding time to me, and I congratulate those who are sponsoring this legislation for doing so. Nothing is more important than making sure women are aware of the dangers of cancer, and urging them to get mammograms to make sure that they minimize their chance of dying from this dread disease.

Mr. Speaker, let me just say from personal experience in our family, mammograms are not enough. I think every women who is concerned about breast cancer should listen to what I am about to say, because in our family, mammograms were given every year to one of my family members for over 10 to 12 years, and they missed the cancer. They missed the cancer. In about 15 to 20 percent of the cases, mammograms do miss the cancer, so in addition to women getting mammograms, and I urge them to do so, self-examination is extremely important on a regular basis, because you may, unfortunately, be one of those 10 to 15 to 20 percent of the women that the mammograms simply miss the cancer. By the time it is found, you may be in a situation where you may not be able to survive.

Mr. Speaker, I would just say congratulations on sponsoring this legislation, but any woman who is concerned about her health should, in addition to getting a mammogram, make sure that she has periodic checkups and examines herself on a regular basis. I thank the gentlewoman for yielding to me.

Mrs. MORELLA. Mr. Speaker, indeed, that is very important, and I thank the gentleman from Indiana [Mr. BURTON] for pointing out self-examination and all of the other information is also necessary, in addition to mammograms.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 220

Whereas, according to the American Cancer Society, 182,000 women will be diagnosed with breast cancer in 1994, and 46,000 women will die from this disease;

Whereas, in the decade of the 1990's, it is estimated that about two million women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with 50 percent of the breast cancer cases occurring in women over age 65;

Whereas 80 percent of women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at an accredited facility, can provide a safe and quick diagnosis;;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives; and

Whereas mammograms can reveal the presence of small cancers up to two years before regular clinical breast examinations or breast self-examinations (BSE), saving as many as a third more lives; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 19, 1994, be designated as "National Mammography Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECOGNIZING BELLEVILLE, NJ, AS THE BIRTHPLACE OF THE INDUSTRIAL REVOLUTION IN THE UNITED STATES

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the concurrent resolution (H. Con. Res. 35) recognizing Belleville, NJ, as the birthplace of the industrial revolution in the United States and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I would like to congratulate the gentleman from New Jersey [Mr. KLEIN], who is the chief sponsor of this resolution, and indicate that the minority has no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 35

Whereas, in 1753, Josiah Hornblower, an English engineer who was an associate and rival of James Watt, assembled the 1st functioning steam engine in the Western Hemisphere in Belleville, New Jersey, to pump water from the Schuyler copper mines;

Whereas, approximately 40 years after such assembly, the 1st steam engine made in the United States was manufactured in a foundry in Belleville from designs by Josiah Hornblower;

Whereas, the designs were commissioned by Nicholas Roosevelt, who was the great-uncle of Franklin Delano Roosevelt and Theodore Roosevelt, to power the Polacca, which was the 1st experimental steamboat in the United States;

Whereas the Polacca negotiated the Passaic River on October 21, 1798, which was several years before Robert Fulton's boat, Clermont, sailed the Hudson River;

Whereas historians herald the invention of the steam engine as the beginning of the industrial revolution;

Whereas the presence of Josiah Hornblower in Belleville brought many of the initiators of the industrial revolution in the United States to Belleville;

Whereas such individuals included members of the Rutgers family, many of whom are buried in the cemetery of the old Dutch Reformed Church in Belleville; and

Whereas Belleville has a rightful claim to the title "Birthplace of the American Industrial Revolution": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress recognizes Belleville, New Jersey, as the birthplace of the industrial revolution in the United States; and

(2) the President is authorized and requested to issue a proclamation honoring Belleville as such birthplace.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL FAMILY LITERACY DAY

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 413) designating November 1, 1994, as "National Family Literacy Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I am pleased to rise in support of House Joint Resolution 413 which designates November 1, 1994, as "National Family Literacy Day." I would like to commend the distinguished gentleman from Pennsylvania [Mr. GOODLING] for introducing this important measure.

Currently, as much as a quarter of the American work force, anywhere from 20 to 27 million adults, lack the basic reading, writing, and math skills necessary to preform in today's increasingly complex job market.

Additionally, one out of every four teenagers drop out of high school, and of those who graduate, one of every four has the equivalent of an eighth grade education.

As we all know, literacy is a vital asset which millions of Americans are lacking. Conversely, a chief economic competitor, Japan, has a literacy rate of nearly 100 percent by the age of 17. Obviously our deprived work force is not up to par with our competitors. Countless billions of dollars are lost every year due to the inability to read directions and solve problems. Millions of jobs cannot be attained due to a lack of these vital skills and the inability to complete application forms. It is our moral duty and obligation to emphasize and support education and literacy in this country.

Mr. Speaker, we must not lose hope for those families that are illiterate. Rather, we must make sure that all families have an opportunity to learn.

Accordingly, I urge my colleagues to vote in favor of House Joint Resolution 413.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I would like to point out the need for National Family Literacy Day, and literacy for all Americans. I represent a district that is considered among the most highly educated in the country, and yet one out of every seven adults is functionally illiterate, so it indicates the need for programs such as Head Start, along with Even Start, to bring adults to grow and to become literate along with their children.

Mr. Speaker, the author of this resolution, the gentleman from Pennsylvania [Mr. GOODLING], who has worked very hard for the cosponsors, is unable to be here for consideration of House Joint Resolution 413, as he had a prior commitment in his legislative district.

However, Mr. Speaker, I will insert his statement in the RECORD, because family literacy is extremely important to the gentleman from Pennsylvania. He is the author of the Even Start Family Literacy Program, and it is fitting that his statement appears along with other statements on this resolution.

The material referred to is as follows:

Mr. GOODLING. Mr. Speaker, I rise in support of House Joint Resolution 413, declaring November 1, 1994, as National Family Literacy Day.

The designation of National Family Literacy Day will help us pay tribute to programs which can play a major role in efforts to reform Nation's schools. As we examine the problems of our Nation's schools and the lack of achievement among students, one fact has become evident—there is a strong relationship between the literacy skills of a parent and the educational achievement of their children.

Unfortunately, millions of Americans are trapped in a cycle of poverty, dependency, and undereducation—and it impacts heavily on the ability of their children to do well in school. Family literacy programs open a door for such families, allowing them to work together to create a better future.

Family literacy programs can provide parents with the literacy skills they need to obtain employment and help their children with their homework. In addition they provide children with the skills they need to start school ready to learn—and to keep learning.

Several years go I introduced, and Congress enacted, the Even Start Program, a family literacy program which provides parents with education and job skills and their children with a quality preschool program. In addition, it provides parents with the skills they need to truly be their child's first and most important teacher. This program has been very successful.

Family literacy programs such as Even Start can also increase parental involvement in education. They encourage parents to read to their children and to become active participants in their child's education. Secretary of Education, Richard Riley, in outlining his new parental involvement effort, cited an Even Start Family Literacy Program as a good example of an effective parental involvement program.

An array of events celebrating Family Literacy Day have already been planned. For example, on November 1, National Family Literacy Day, Turner Network Television [TNT] will present a tribute to "Dr. Seuss." In addition, there are expected to be events related to National Family Literacy Day in communities throughout the United States.

I encourage my colleagues to join me in paying tribute to family literacy programs by declaring November 1, 1994 as National Family Literacy Day. These programs play an important role in school reform, welfare reform, and can even play a role in a reduction in crime. They deserve our support.

Ms. ESHOO. Mr. Speaker, I rise today to hail the passage of House Joint Resolution 413, designating October 29, 1994 as "National Firefighters' Day."

On this day, I hope all citizens will take a moment and reflect on the extraordinary bravery and commitment to public service firefighters must possess to succeed in their profession.

Mr. Speaker, the natural reaction of people is to run from fires. Our firefighters run toward them. If, God, forbid, a fire strikes our house, we gather up our family and go out into the street and wait for the fire engines. Firefighters put themselves in harm's way. And sometimes unfortunately they give their lives, so that others may live.

They are also important figures in our community. They are held in awe by our children. They give their time working on fire prevention and other community service projects. In their off duty time, they are among the most active participants in our political process.

Today's firefighters are required to be fire scientists and first aid providers. As they face a raging fire they must possess the skill and training to master the vast array of hazardous materials and the complex types of combustible material. And how many times have you seen the firefighters first on the scene of a car accident working to rescue and provide assistance to the injured?

Mr. Speaker, I am proud of the firefighters in my district. I will be proud to honor them on their day later this month. I join with my colleagues in the House Representatives in thanking them for what they do for our community and asking God to watch over them and protect them.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 413

Whereas millions of American families are trapped in a cycle of poverty, dependency, and undereducation;

Whereas research shows that the most important factor in determining the life chances of a child is the level of educational attainment of the parents of the child;

Whereas a child whose parents lack a high school diploma are more than twice as likely to live in poverty than a child whose parents are high school graduates;

Whereas the level of education of a parent affects the level of literacy of the children of the parent, even when the children become adults;

Whereas family literacy programs can increase parent involvement in the education of children of the parent;

Whereas a child in a family literacy program demonstrates greater gains than a child in a child-focused program;

Whereas an adult participating in a family literacy program is more likely to remain in the program than an adult participating in an adult-focused program;

Whereas family literacy programs, such as Even Start and Head Start, provide a promising approach to improving the literacy skills of families; and

Whereas, if literacy is to be increased among the next generation of families, it is necessary to use family literacy programs to increase the educational skills of parents and children of the parents: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 1, 1994, is designated as "National Family Literacy Day". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL FIREFIGHTERS DAY

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 411) designating October 29, 1994, as "National Firefighters Day" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

Mrs. MORELLA. Mr. Speaker, reserving my right to object, I yield to the gentleman from Maryland [Mr. HOYER], the chief sponsor of House Joint Resolution 411.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for her leadership, and also I want to thank my friend, the distinguished gentlewoman from the District of Columbia [Ms. NORTON] for her leadership, and for her assistance in passing this legislation.

Mr. Speaker, as the chairman of the Congressional Fire Services Caucus, I am pleased to bring National Firefighters Day to the floor. I would like to thank Chairman CLAY for his and his staff's efforts on this bill, and I would also like to thank Congressmen BOEHLERT, VALENTINE, WELDON, and BOUCHER for their efforts to help pass this bill.

Last year 78 firefighters died in the line of duty protecting their communities. Countless others were injured or disabled. The 2 million fire and emergency response personnel who step out each day, know the risk they face. Yet they do not shirk from their job and its responsibilities.

My colleague CURT WELDON likes to refer to these men and women as first-responders—and that is exactly what they are. They are first on the scene to fires, first on the scene to accidents, first on the scene to medical emergencies, and, often, they are the first ones to respond to crime scenes.

House Joint Resolution 411 will designate October 29, 1994, as National Firefighters Day, and is an appropriate way for Congress to recognize the efforts of our first-responders and of their comrades who died in the line of duty. I hope that all of my colleagues, and the American public will reflect on their work and sacrifices during this day. Again, I appreciate my colleagues support of this resolution, and am pleased to be able to recognize our country's first-responders.

Mr. Speaker, I want to thank my colleague, the gentlewoman from Maryland [Mrs. MORELLA], my colleague, the gentlewoman from the District of Columbia [Ms. NORTON], my colleague, the gentleman from New York [Mr. GILMAN], and the gentleman from Missouri [Mr. CLAY] for their leadership on this legislation.

Mrs. MORELLA. Mr. Speaker, further reserving my right to object, I want to indicate my strong support for this legislation.

Mr. Speaker, I rise to salute the more than 2 million firefighters nationwide, both career and volunteer, who risk their lives each year to protect and preserve our communities. I urge my colleagues to join me in paying tribute to these hometown heroes by supporting House Joint Resolution 411 which would designate October 29, 1994, as National Firefighters Day.

Each day, more than 1 million firefighters put their lives on the line to protect their communities. Setting aside 1 day to recognize these brave men and women who serve as our Nation's domestic defenders would raise awareness of the value and commitment to local communities of America's volunteer and career firefighters. It is the least that we can do.

On September 30, I had occasion to spend an evening at the Kensington, MD, Volunteer Fire Department and participating as an observer on calls run that night. I went at the invitation of Kensington Fire Chief James P. Stanton II and was assisted by Mike Kelley, who is Kensington's administrative officer. I came away from that experience with a great appreciation and tremendous respect for the valiant men and women who routinely face searing heat, choking smoke, clouds of toxic chemicals, and hazardous traffic conditions. When firefighters die in the line of duty, it is a tragedy. But I learned from Chief Stanton and Officer Kelley that firefighters understand the risks that they take and still are dedicated to helping their communities.

Montgomery County, MD, employs more than 800 professional firefighters and more than 1,000 volunteers. These unsung heroes put their safety on the line to protect the community and provide the highest quality of service to the citizens of my district. For their courage and their commitment, these firefighters, along with their counterparts across our Nation, deserve recognition for the sacrifices they make. I urge my colleagues to support National Firefighters Day and send the fire community the message that we appreciate the essential and difficult work that they do.

□ 1920

Mr. Speaker, I want to commend the gentleman from Maryland [Mr. HOYER] and the Fire Safety Caucus of which we are all members for his leadership in this direction.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN] who is a member of that caucus.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I am pleased to rise in support of H.J. Res. 411, which recognizes the dedication and sacrifices of our Nation's firefighters by designating October 29, 1994, as National Firefighters Day and I commend the distinguished gentleman from Maryland, the chairman of the Firefighters Caucus, Mr. HOYER, for his sponsorship of this resolution.

Our fire departments are the most crucial of all public services, but, in many ways, fire departments are often forgotten. Perhaps that is because they are not as visible daily as our police and postmen.

Yet the numbers show, that throughout our Nation, a higher percentage of firefighters are killed or injured in the line of duty than workers in any other occupation.

It is appropriate, therefore that there be a national day to honor the many sacrifices of our courageous firefighters, both volunteers and paid firemen, especially those firefighters who are killed in the line of duty each year. Our deepest sympathies go out to those families who have suffered such severe losses.

Mr. Speaker, accordingly, I urge my colleagues to support this important measure.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would simply rise to thank my good friend and regional colleague for his initiative in bringing forward this resolution naming October 29, 1994, appropriately as National Firefighters Day. His appropriate dedication to firefighters in his region and all over the United States is well-known. I appreciate his leadership. I have a sentimental attachment to firefighters inasmuch as my own grandfather entered the D.C. Fire Department in 1902. That sentimental attachment is matched only by my great respect for firefighters in the District of Columbia who perform their duties under very difficult circumstances.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. I thank the gentlewoman from Maryland for yielding.

Mr. Speaker, I would like to join my colleague, the gentleman from New York [Mr. GILMAN] and the gentlewoman from the District of Columbia in associating myself with the remarks of our colleagues the gentlewoman from Maryland, [Mrs. MORELLA] and especially the gentleman from Maryland [Mr. HOYER], the sponsor of this legislation.

As a former mayor, I can attest to the value that citizens place on firefighters. There is no more valued service day in and day out year after year that American citizens find in their governments on the local level than those of firefighters. Too often we look at firefighters as they sit and wait and think of the job as sedentary. But the truth of the matter is that the work of the firefighter is a matter of being ready, a matter of readiness to undertake the most chilling kind of work, to protect the lives of thousands of their fellow citizens.

I would like to join in those comments and to thank the gentleman from Maryland [Mr. HOYER] and all those involved in this legislation for their effort to recognize October 29 as National Firefighters Day.

If I might proceed for just a moment, please, I have to admit that I was looking for the gentleman from Pennsylvania [Mr. GOODLING] on the floor with regard, to H.J. Res. 413, National Family Literacy Day, and to my surprise found that he was unable to be here and as a result missed that opportunity to commend my friend for his leadership on that important issue.

The gentleman from Pennsylvania [Mr. GOODLING] and I have spent a good deal of time together on the Committee on Education and Labor and share the belief that if we fail to focus on the core problem of marginal literacy rates in this country, we will be building all our hopes for the future on a deeply perilous foundation.

I would like to point out to all of those who gather here and who listen to these words that the gentleman from Pennsylvania [Mr. GOODLING] was indeed the first person in this Congress and perhaps the first among lawmakers throughout the country to realize as fully as we all now do that low literacy is an intergenerational problem and that any meaningful solution will have to include intergenerational efforts. The Even Start Program that the gentleman from Pennsylvania [Mr. GOODLING] created and is now considered the preeminent family literacy model in the country is a model for sound legislation.

I have found this to be a hallmark of the incredible talent of the gentleman from Pennsylvania [Mr. GOODLING] as a legislator, that a powerful idea can be found in a simple and elegant approach.

With those few words, let me thank you all for the opportunity to proceed on two subjects rather than one and particularly to thank again those who stand today on behalf of our firefighters, the public servants that Americans value most day in and day out.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Ohio and I concur with the wonderful sentiment that he expressed. I am glad the fact that he had the experience as a mayor that he decided to come to Congress as a representative.

Mr. WELDON. Mr. Speaker, I rise today in strong support of H.J. Res. 411, which commemorates October 29, 1994, as National Firefighters Day.

Let me first praise the distinguished gentleman from Maryland [Mr. HOYER] for his work on this and other important fire and life safety issues. As chairman of the Congressional Fire Services Caucus, he has used his insight and vision to address the issues facing the fire service today. I appreciate all of his efforts to bring this legislation to the floor tonight.

Mr. Speaker, National Firefighters Day is an important event each year. It is the one chance which we have to recognize the tremendous contributions made by the 1.7 million men and women who make up the fire service in America.

Firefighters are the backbone of our communities. Not only do they put out fires, they are often the first responders to medical emergencies and crime scenes. They get cats out of trees. They organize search parties to find lost children. They arrange parades on Memorial Day and the Fourth of July. They run community softball leagues. The fire station is often the site of weddings and other community functions. In many towns across the Nation, the fire station doubles as the community polling place.

Firefighting, unfortunately, is one of the most dangerous positions in America. Each year, approximately 100 men and women lose their lives in service to their communities. They are honored in a ceremony at the National Fire Academy in Emmitsburg, MD. I have attended several ceremonies at the Fallen Firefighters Memorial and know the sacrifies which this event commemorates.

This legislation is important to the families of those men and women and to everyone involved in the fire service. It is the chance for Congress to show that we understand the sacrifices which they have made to make their communities safer places to live.

As a former firefighter and fire chief, it gives me great pleasure to see the House pass H.J. Res. 411. I look forward to working with my colleagues in the 104th Congress to enact other legislation to provide more tangible assistance to the fire service, America's true domestic defender.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SHARP). Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 411

Whereas there are over 2,000,000 firefighters in the United States;

Whereas firefighters respond to more than 2,300,000 fires and 8,700,000 emergencies other than fires each year;

Whereas fires annually cause nearly 6,000 deaths and $10,000,000,000 in property damages;

Whereas firefighters have given their lives and risked injury to preserve the lives and protect the property of others;

Whereas the contributions and sacrifices of valiant firefighters often go unreported and are inadequately recognized by the public; and

Whereas the work of firefighters deserves the attention and gratitude of all individuals in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 29, 1994, is designated as "National Firefighters Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SMALL-TOWN SUNDAY

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 184) to authorize the President to issue a proclamation designating Sunday August 1, 1993, as Small-Town Sunday, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I would simply like to acknowledge that this resolution was introduced by the gentleman from Indiana [Mr. MYERS].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 184

Whereas small towns have made a significant contribution to American life;

Whereas small towns have been the spirit and backbone of this great Nation and have provided many common, traditional ideas and values throughout our history;

Whereas it is appropriate to recognize the importance of small towns in the development of a sense of community and to highlight the spirit of small towns;

Whereas it is vital to unify small-town residents in the process of revitalizing their own small town and reinvigorating small-town life; and

Whereas it is fitting that official recognition be given to the importance of small towns and a day set aside for activities that are most commonly associated with small towns, such as town festivals, family picnics, baseball games, et cetera: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President hereby is authorized and requested to issue a proclamation designating Sunday, August 1, 1993 as Small-Town Sunday.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. NORTON

Ms. NORTON. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Ms. NORTON: Strike all after the resolving clause and insert the following:

That the weekend of October 15–16, 1994, is designated as "Small Towns and Townships Weekend", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such weekend with appropriate ceremonies and activities.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentlewoman form the District of Columbia [Ms. NORTON].

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

AMENDMENT TO THE PREAMBLE OFFERED BY MS. NORTON

Ms. NORTON. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Ms. NORTON:

Amend the preamble to read as follows:

"Whereas small towns and townships have been the spirit and backbone of this great Nation and have provided many common, traditional ideals and values throughout our history;

"Whereas it is appropriate to recognize the importance of small towns and townships in the development of a sense of community and to highlight the spirit of small towns and townships;

"Whereas it is vital to unify residents of small towns and townships in the process of revitalizing their own community and reinvigorating small-town life; and

"Whereas it is fitting that official recognition be given to the importance of small towns and townships and a weekend set aside for activities that are most commonly associated with small towns and townships, such as town festivals, family picnics, and baseball games: Now, therefore, be it".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The amendment to the preamble was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Ms. Norton:

Amend the title so as to read: "Joint resolution designating the weekend of October 15–16, 1994, as 'Small Towns and Townships Weekend'.".

The amendment to the title was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

□ 1930

VETERANS' BENEFITS IMPROVEMENTS ACT OF 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill (H.R. 5244) to amend small title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SHARP). Is there objection to the request of the gentleman from Mississippi?

Mr. STUMP. Mr. Speaker, reserving the right to object, I yield to the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the committee, for an explanation of the bill.

Mr. MONTGOMERY. Mr. Speaker, H.R. 5244 is a clean bill I have introduced today which fully embodies a compromise we have reached with our counterparts in the other body on H.R. 4386. For the purposes of discussion, I will be referring to the provisions of that bill as amended in my statement which follows:

Mr. Speaker, H.R. 4386, as amended, is a wide-ranging bill reflecting a compromise with our colleagues in the other body affecting literally all of the major benefit programs administered by the Secretary of Veterans Affairs. It includes provisions from seven bills reported by the Veterans' Affairs Committee and passed by the House in this Congress, including: H.R. 4386, H.R. 4088, H.R. 4776, H.R. 4768, H.R. 4724, H.R. 3456, and H.R. 949. There are many good provisions in this agreement, and I would like to highlight its major points by title:

TITLE I—PERSIAN GULF WAR VETERANS

First, and foremost, the compromise agreement would provide for the payment of compensation on a presumptive basis to those veterans of the Persian Gulf War who suffer chronic disabilities resulting from undiagnosed illnesses attributed to their service in the Persian Gulf region. The Secretary of Veterans Affairs has indicated that current law does not permit the VA to grant service connection in these cases due to the absence of a diagnosis of the underlying illness.

The presumption of service connection would be applied in the case of a Persian Gulf War veteran who manifested the disability in question while on active duty in the Persian Gulf or within the period of time following such service to be set by the Secretary.

The compromise agreement would require the Secretary to develop and implement a uniform and comprehensive medical evaluation protocol to be available at all VA medical centers that will ensure appropriate medical assessment, diagnosis, and treatment of Persian Gulf War veterans who are suffering from undiagnosed illnesses attributed to service in the Persian Gulf. The Secretary would be further required, in consultation with the Secretary of Defense, to ensure that information collected in the protocol is collected and maintained in a manner which would facilitate information sharing between the VA and the clinical protocols of the Department of Defense for Persian Gulf War veterans. In addition, the Secretary would be required to develop case definitions and diagnoses for the illnesses suffered by Persian Gulf War Veterans at the earliest date possible.

The bill would also require VA to evaluate the health status of spouses and children of Persian Gulf War veterans. Under this authority, VA is to provide (through contract arrangements) for the conduct of diagnostic testing and medical examinations of spouses and children of veterans who are suffering from an illness or disorder and are listed in the VA's Persian Gulf registry. The medical data regarding the health of such spouses and children is to be entered into the registry. Such testing and examinations are to be carried out so as to determine whether there is an association between illness or disorder in the spouse or child and illness of the veteran. VA may devote up to $2 million on the study. The bill would also provide clarification, as regards the Persian Gulf Registry, that VA has authority to conduct diagnostic tests in carrying out required registry examinations.

It would also direct the Secretary to implement an aggressive outreach program for the benefit of Persian Gulf war veterans through the establishment of a toll-free Hotline and also through a recurring newsletter to be sent to Persian Gulf veterans who have signed onto the Persian Gulf Veterans Health Registry.

The bill as amended would authorize funding for the conduct of an epidemiological study, if recommended by the National Academy of Sciences, and the conduct of a survey of Persian Gulf veterans to collect additional data on their health status, as well as the health status of their families.

I would note that this title contains provisions that would affect direct spending. However, we have included offsetting cost-savings provisions which make this bill budget neutral.

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

Title II of the compromise agreement would provide that members of the VA Board of Veterans' Appeals be compensated at basic rates of pay equivalent to Administrative Law Judges. This provision recognizes that the work performed by Board members is very similar to the work performed by ALJ's. It also recognizes the greater responsibility we have given individual Board members in making decisions on veterans' appeals. This provision is intended to insure that Members of the Board not feel compelled to pursue ALJ positions, but rather to remain at the Board, where their expertise is badly needed.

I would also replace term appointments for members of the Board with an ongoing performance review system to ensure that members of the board are performing at acceptable levels of efficiency and quality.

TITLE III—ADJUDICATION IMPROVEMENTS

The compromise agreement contains several provisions that would make improvements in the adjudication and appeals process, including a provision that would allow the Secretary of Veterans Affairs to accept the written statements of veterans with respect to the existence of dependents or marital status, rather than requiring the submission of certified copies of pertinent documents. The compromise agreement also includes a provision that would allow the Secretary to accept medical examination reports of private physicians under certain circumstances without need for an examination by a VA physician for the purpose of adjudicating veterans' claims for compensation or pension.

In addition, the agreement includes provisions requiring expedited treatment by the VA with respect to matters that have been remanded either by the U.S. Court of Veterans Appeals or by the VA Board of Veterans Appeals and permitting early screening of appeals at the BVA to determine whether further development of individual appeals is warranted. Many of these provisions were suggested to us by the veterans organizations.

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

Title IV of the compromise agreement provides for the establishment of a Veterans' Claims Adjudication Commission to study and make recommendations to the Secretary and the Congress regarding ways to further improve the system. The commission would be comprised of nine members who would be appointed by the Secretary of Veterans Affairs. The commission would be charged with conducting a comprehensive 18-month study of VA's system for adjudicating veterans' benefit claims and appeals. It would be required to submit preliminary and final reports of its findings and recommendations concerning the system to the Secretary and the House and Senate Veterans' Affairs Committees.

TITLE V—MISCELLANEOUS PROVISIONS

The compromise agreement also affects a wide spectrum of benefits for veterans or their survivors. For example, it would codify the administrative action taken by Secretary Brown to add four additional disabilities to the statutory list of disabilities for which a presumption of service connection is granted to Vietnam era veterans who were exposed to herbicides while serving in Vietnam.

It also contains provisions to clarify congressional intent with respect to earlier legislation affecting veterans' claims for compensation for disabilities attributed to exposures to ionizing radiation while on active duty, particularly during the occupation of Hiroshima and Nagasaki following World War II and during the atmospheric testing of nuclear devices.

The bill would establish in VA a Center for Women Veterans and a Center for Minority Veterans, to be headed by directors who would report directly to the Secretary or Deputy Secretary as principal advisors regarding policies and programs affecting women and minority veterans respectively.

The bill would also require the establishment of an advisory committee on minority veterans to advise the Secretary on needs of, and administration of benefits for, veterans who are minority group members.

TITLE VI—EDUCATION AND TRAINING PROGRAMS

Title VI of the amended bill generally reflects the provisions of H.R. 4768, the Veterans' Education and Training Act of 1994. I am very pleased that the other body agreed to accept, with a few technical changes, this measure which expands and improves education and training programs provided for veterans by Congress. The major provisions of Title VI would:

(1) Make permanent VA's authority to approve educational assistance benefits for vocational flight training under chapter 30, title 38, USC (the Montgomery GI Bill-Active Duty), chapter 106, title 10, USC (the Montgomery GI Bill-Selected Reserve), and chapter 32, title 38, USC (VEAP). VA has had temporary authority to approve flight training programs under PL 101-237 and PL 102-16, but both laws required that flight training benefits not be paid for courses commencing after September 30, 1994.

A provision of PL 101-237 required the VA to evaluate and report to Congress on the utilization and performance of vocational flight training. Because the VA's report confirmed that, for the vast majority of trainees, flight training has assisted them in achieving their employment objectives, I was very pleased to sponsor legislation making this a permanent program.

(2) Authorize a two-year pilot program for state-approved, alternative teacher certification. I want to point out that this provision is included as a result of an excellent recommendation made by Congressman Frank Tejeda of Texas. The State of Texas is a leader in utilizing alternative teacher certification programs that assist former service members entering the teaching profession. This provision will enable the VA to approve these programs for GI Bill benefits.

(3) Extend the expiration date of the Veterans' Advisory Committee on Education to the year 2003.

(4) Increase the maximum amount made available to State approving agencies (SAAs) from $12 million to $13 million. Funding for SAAs, who have provided State oversight of veterans' education and training programs since 1944, had been capped at an annual level of $12 million since 1989. During this time, the number of active educational institutions has risen by 20 percent and the number of training establishments has increased by 12 percent. Additionally, the number of trainees under VA education and training programs has increased approximately 40 percent since FY 1991 and is expected to increase an additional 25 percent through FY 1998. Because of the funding cap and resulting reductions in staffing levels and travel funds, the processing of new programs approvals have been delayed and SAA visits to educational institutions and training facilities are limited to those that have the greatest number of VA trainees or past problems. The funding increase included in this measure will enable SAAs to perform even more effectively and efficiently, thus maintaining the high quality of courses approved for veterans' training.

(5) Increase the level of funding available from VA's Readjustment Benefits Account for veterans' educational and vocational counseling services provided by contract from $5 million to $6 million. Requests for counseling have increased significantly over the past three years, fueled by the downsizing of the Armed Forces and increased awareness of the availability of counseling. Because of inadequate funding, the VA has been unable to provide counseling services to all who request it. Although I regret that monies were not available to provide a larger increase, this raise in the funding cap will enable the VA to provide counseling for an additional 3,400 veterans in FY 95.

(6) Amend the Service Members Occupational Conversion and Training Act of 1992 (SMOCTA) to eliminate the requirement that an employer provide job training, under a job training program approved for SMOCTA purposes for not more than 18 months. This provision, however, continues to limit SMOCTA reimbursement to employers to 18 months.

TITLE VII—EMPLOYMENT PROGRAMS

Title VII of the compromise is derived from H.R. 4776, the Veterans' Employment Act of 1994. The major provisions of this title would:

(1) Codify the position of Deputy Assistant Secretary of Labor for Veterans' Employment and Training (DASVET) and require that the individual filling this position be a veteran. The position of DASVET was established under Public Law 94-502, the Veterans' Education and Employment Assistance Act of 1976. A provision of Public Law 96-466, the Veterans' Rehabilitation and Education Amendments of 1980, elevated the DASVET to Assistant Secretary of Labor for Veterans' Employment (ASVET). Although this provision eliminated the statutory requirement for a DASVET, Assistant Secretaries have continued to appointment DASVETs. Because of the scope, importance, and complexity of employment and training programs administered by the Department of Labor which affect veterans, I have supported the continuation of the Deputy position, and this provision will codify what has long been common practice.

(2) Require that Disabled Veteran's Outreach Program specialists (DVOPS) be compensated at rates comparable to those paid other professionals performing essentially similar duties.

(3) Expand the biannual Bureau of Labor Statistics study of unemployment among special disabled veterans and veterans who served in the Vietnam Theater of Operations during the Vietnam era to include the following: Vietnam era veterans who did not serve in the Vietnam Theater of Operations; post-Vietnam era veterans; recently discharged veterans; and information regarding women veterans in each category.

(4) Require federal contractors to list all job openings in all job categories, except executive and top management positions, those positions that will be filled from within the contractor's organization, and positions lasting less than three days, with the appropriate local Employment Service office. I want to stress that the Department of Labor (DOL) must be very careful to narrowly define "executive" and "top management" when developing regulations implementing this provision. Under existing law, contractors are required to list all suitable positions. This provision was a necessary response to DOL's current regulation which defines "suitable" as a job opening which pays $25,000 per year or less. I am personally offended by the implication that only lower-paying positions are suitable for veterans when, in fact, some of the most talented, skilled, and efficient people in our national workforce are those who have served in our nation's Armed Forces. These men and women are a national resource whose skills and capabilities must be assimilated and integrated into the civilian workforce.

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

The compromise agreement would extend the authority for the State Cemetery Grant Program from September 30, 1994 to September 30, 1999, permit national cemetery burials for certain remarried surviving spouses and for spouses who predecease an eligible veteran, and authorize the use of flat gravemarkers at the Willamette National Cemetery in Oregon.

TITLE IX—HOUSING PROGRAMS

The compromise agreement also contains the provisions of H.R. 4724, including the following revisions to existing law.

First, it would provide loan guaranty eligibility for reservists discharged because of a service-connected disability and their surviving spouses on the same basis as that for veterans and their surviving spouses.

The bill would authorize the VA to include in interest rate reduction refinancing loans an additional amount for energy efficiency improvements. The VA is authorized to include the cost of energy efficiency improvements in VA loans up to $6,000, but energy improvement costs may not be included in interest rate reduction refinancing loans. We believe that any increased risk from an increase in the loan-to-value ratio would be slight and would be offset to a significant degree by the reduced payments resulting from lower interest rates.

The compromise would permit the conversion of an adjustable rate mortgage to a fixed rate mortgage despite the higher interest rate on the fixed rate mortgage. Interest rate reduction refinancing loans now are made with no additional charge against the veteran's entitlement, with the primary requirement being that the interest rate on the new loan must be less than the interest rate on the loan being refinanced. While the current interest rate on the adjustable rate mortgage is less than the rate on the fixed rate mortgage, it would often be beneficial over the long term for the veteran to refinance to a fixed rate loan.

The compromise agreement would also waive the two-year minimum service requirement for loan guaranty benefits for service members who were released for active duty due to a reduction in force. This provides equitable treatment to veterans adversely affected by Department of Defense drawdowns.

The last housing provision would restore eligibility on a one-time basis to veterans who have paid off their VA guaranteed home loans but have not disposed of the property. Under current law, two conditions must be met for restoration of a veteran's eligibility to housing benefits. The loan must have been paid off and the property disposed of. The change made by this bill affords equitable treatment where there is transfer of active military personnel or loss of property through divorce.

TITLE X—HOMELESS VETERANS PROGRAMS

The bill would require VA to submit an annual report by April 15 on its activities to assist homeless veterans. It would also revise the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102-590) to raise the limit on the number of comprehensive homeless centers that the VA may establish from 4 to 8 and remove the requirement that funds for various initiatives in that law be specifically provided for in an appropriations law. Removal of this requirement is consistent with the 1994 appropriations conference report.

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

Title XI of the amended bill would, by statute, establish a minimum number of employees in the Department of Veterans Affairs, to head of sweeping staffing reductions planned by the Office of Management and Budget. This body never sanctioned the hospital closures, program cuts, and long waiting lines for VA care that would inevitably have resulted from OMB's plans to slash more than 25,000 VA hospital employees from the Federal workforce. Under this measure, VA will have greater flexibility to streamline operations and achieve a level of workforce reductions more in keeping with the vital missions it carries out.

Mr. Speaker, as the effort to reduce the Federal workforce continues, we must be careful not to require across-the-board reductions throughout the government. As I said when I introduced a measure on Federal workforce reductions in February of this year, the policy of making the Veterans Health Administration subject to across-the-board cuts now being implemented by the Administration does not make any sense.

The Department of Veterans Affairs employs approximately 11% of the Federal civilian workforce. If you walk into a VA outpatient clinic today, VA officials will tell you that they have rationed care or told some veterans that they will have to get care elsewhere. Although health reform measures reported by our committee might have resolved some of these problems, the demand for VA services today is far greater than the VA's capacity to provide them.

VA needs to have flexibility in meeting the future workforce needs of its health care system. If this country is going to honor its commitment to provide health care to our nation's veterans, we should take steps to increase the VA's ability to provide care to veterans who want it.

If VA were forced to reduce the number of its employees by 5,000 every year for the next five years, it would have to tell even more veterans to get their health care someplace else. I want the VA to be able to provide health care in the same manner as private health-care providers. But if we insist that the VA participate in these across-the-board cuts the same as every other federal agency, the VA isn't going to make it.

Forcing the VA to begin shrinking services to veterans, when it should be making VA health care more accessible, is bad policy for veterans and for this nation. The only reason for reducing the size of the VA workforce is if veterans stop demanding care from the VA.

VA is a safety net for disabled and poor veterans. Nothing in the Workforce Restructuring Act assures these veterans health care from other sources if the VA loses 25,000 employees. Therefore, I want to tell my colleagues that this workforce reduction should not be implemented in an across-the-board fashion. As the GAO said in its analysis of the Vice President's proposals for Reinventing Government, "Across-the-board reductions that do not recognize the differing capacities of agencies to absorb such cuts could significantly exacerbate existing gaps in agencies' abilities to meet their missions. As the overall level of federal employment is reduced, downsizing efforts need to allow for adding high quality staff to those agencies where shortages of properly skilled staff are hampering their effectiveness."

At a hearing held by our committee in March of this year, the representatives of almost three million veterans who depend on VA for their health care argued very vehemently against making VA subject to these across-the-board cuts in employment.

VA hospitals are not bloated bureaucracies. They are institutions which provide compassionate care to poor and disabled veterans. Many of these veterans are suffering from diseases such as mental illness, alcoholism, or other diseases which some community hospitals either disdain or find unprofitable. People are the lifeblood of a hospital. Eliminating staff from a hospital's workforce means shutting down the wards in which care is provided. We can't fool ourselves into thinking that because a profit-making multinational corporation can reduce its workforce and increase profits that we can "streamline" VA hospitals that serve as a safety net for our veterans.

As the Vice President's report on "Reinventing Government" noted, "FTE ceilings are frequently arbitrary, rarely account for challenging circumstances, and are normally imposed as across-the-board percentage cuts in FTEs for all of an agency's units. . . . The President should direct OMB and agency heads to stop setting FTE ceilings in fiscal year 1995. . . . Instead of controlling the size of the federal workforce by employment ceilings—which cause inefficiencies and distortions in managers' personnel and resource allocation decisions—[the Executive branch should] control the federal workforce by dollars available in operating funds."

I agree with the Vice President's report, and would also note, as I did when I introduced H.R. 3808 earlier this year, that management flexibility is the key to "reinventing" the VA as an efficient health care provider in the future. Thus, I have pursued final Congressional action on this measure despite the opposition of the Office of Management and Budget, and despite opposition from other quarters who have complained that this would set a bad precedent for other vital government agencies. In response to them I would ask them "which veterans now getting VA health care do not deserve it? How many doctors and nurses does it take to fully staff a VA hospital and provide the quality of care veterans deserve?"

As it originally passed the House in April, this measure would have tied VA personnel levels to the level of funding provided by Congress each year through the appropriations process. In this summer, VA would have been free to make informed management decisions, on whether to "make or buy" necessary services, i.e., whether to use VA employees or contract out for services needed. While the compromise agreement is a good one which I strongly support, it does not give VA management quite the flexibility that the House-passed measure would have.

The compromise would establish an agency-wide floor on personnel of 224,377. I believe that this would allow VA to at least maintain its existing level of direct patient-care providers, and to retain the vital core of employees who answer veterans' telephone inquiries, counsel veterans, and adjudicate their claims for benefits. The FTEE floor is some 10,680 FTEE below the level authorized for the agency for 1994, so the VA is going to see some FTEE reductions. I believe the bill is very clear, however, in directing that persons who are not paid from appropriated funds, such as employees of the VA's Canteen Service and employees of independent, non-profit research corporations, be subtracted from the total number of current VA employees. This substation will, in part, make it possible for VA to satisfy FTEE reductions which OMB has ready imposed on it.

The bill would also prohibit any Executive Branch official from reducing the number of VA FTEE unless there are insufficient funds to employ personnel to carry out the Department's functions, or a subsequent law directed specifically at VA employment levels is enacted. The bill does not require the Secretary to maintain inefficient or costly programs if these operations could be more cheaply performed in the private sector. The bill suspends all of the existing restrictions on contracting out that were imposed on the VA in the early 1980's, restrictions imposed in an effort to deter mindless reductions in government that were so in fashion at the time. However, if the Secretary does decide to contract out some function, the Secretary would be required to include in the contract a requirement that the contractor give priority in hiring to employees of the Department who have been displaced by the award of the contract.

Mr. Speaker, I regret that it was necessary for the Congress to intervene in this matter in order to maintain the availability of services to veterans. However, I have no doubt that our failure to act would have meant serious adverse effects on veterans' access to benefits and services which the Congress has authorized and they have earned. It was absolutely necessary to act on this matter. To do otherwise would have been to breach the commitment that was made to veterans when we agreed to "care for him who have borne the battle".

TITLE XII—TECHNICAL AND CLERICAL AMENDMENTS

This title contains numerous technical and clerical amendments to the United States Code and other statutes that affect programs and services administered by the Secretary of Veterans Affairs.

I want to thank the Ranking Minority Member of the Committee, Bob Stump and the Subcommittee Chairman and Ranking Minority Members, who worked so diligently to reach this compromise with the other body. I particularly want to express my deep appreciation to the splendid work preformed on behalf of veterans over the years by the Vice-Chairman of the Committee, the gentleman from California, Mr. Edwards, as well as the gentleman from Ohio, Mr. Applegate, the gentleman from Georgia, Mr. Rowland, the gentleman from Minnesota, Mr. Penny, the Gentleman from Kansas, Mr. Slattery, and the gentleman from Illinois, Mr. Sangmeister. We will greatly miss these outstanding members of the Veterans Affairs Committee as they leave the House this year and I wish each of them the very best.

I also want to thank Senator Rockefeller and Senator Murkowski for their cooperation and hard work on this legislation. I strongly urge my colleagues to support this bill.

For the benefit of my colleagues and others interested in this legislation, there follows a complete explanation of the compromise prepared by the House and Senate Committees on Veterans' Affairs.

JOINT EXPLANATORY STATEMENT FOR H.R. 4386, THE VETERANS' BENEFITS IMPROVEMENTS ACT OF 1994

H.R. 4386 reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered in the Senate and the House of Representatives during the 103d Congress. These are the following: H.R. 4386, which the House passed on August 8, 1994; H.R. 4088, which the House Committee on Veterans' Affairs reported on August 4, 1994, and the House passed on August 8, 1994 as S. 1927; H.R. 4768, which the House passed on August 1, 1994; H.R. 4776, which the House passed on August 1, 1994; H.R. 4724, which the House passed on August 1, 1994; H.R. 949, which the House passed on September 21, 1993; H.R. 3013, which the House passed on June 13, 1994; H.R. 3456, which the House passed on November 16, 1993; S. 1908, which the Senate passed on August 19, 1994; S. 1546, which the Senate passed on March 25, 1994; S. 2330, which the Senate Committee on Veterans' Affairs reported on September 28, 1994; S. 2325, which the Senate Committee on Veterans' Affairs reported on September 27, 1994; S. 2094, which the Senate Committee on Veterans' Affairs reported on September 27, 1994; and S. 1626, which was reported by the Senate Committee on Veterans' Affairs on May 23, 1994, and passed by the Senate as part of H.R. 3313 on June 8, 1994.

The Committees on Veterans' Affairs of the Senate and House of Representatives have prepared the following explanation of H.R. 4386 as amended (hereinafter referred to as the "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the above-mentioned bills are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

TITLE 1—PERSIAN GULF WAR VETERANS

FINDINGS

Curent law: No provision.

House bill: Section 2 of H.R. 4386 sets forth specific congressional findings regarding Persian Gulf War veterans, including the following: (1) During the Persian Gulf War, members of the Armed Forces potentially were exposed to toxic substances and psychological stress; (2) Persian Gulf War veterans suffer from illnesses that cannot now be diagnosed or defined, and, as a result, VA does not consider these illnesses to be service connected for VA benefit purposes; (3) the National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, held on April 27–28, 1994, was unable to identify a single disease entity or syndrome responsible for these illnesses; (4) the workshop concluded that the data on the range and intensity of the exposure to toxic substances are limited and were collected after considerable delay; (5) under Public Law 102–585, VA established the Persian Gulf War Veterans Health Registry, authorized health examinations, and authorized NAS to conduct a review and assessment of the information about the health consequences of service during the Persian Gulf War, and to make recommendations for research; (6) Public Law 103–210 authorized priority health care for Persian Gulf War veterans; (7) Public Law 103–160, the National Defense Authorization Act for Fiscal Year 1994, provided funding for a specialized environmental research medical facility; and, (8) further research and studies must be undertaken and veterans must be given the benefit of the doubt and provided compensation.

Senate bill: No comparable provision.

Compromise agreement: Section 102 follows the House, adding that the National Defense Authorization Act for Fiscal Year 1995 authorizes the Secretary of Defense to provide research grants for three types of studies of the Gulf War syndrome, including the following: (1) an epidemiological study or studies; (2) studies related to the health consequences of the use of pyridostigmine bromide; and (3) other studies on the causes, treatment, and possible transmission of Gulf War illnesses.

PURPOSES

Current law: No provision.

House bill: Section 3 of H.R. 4386 states the purposes of the House bill as follows: (1) To provide compensation to Persian Gulf War veterans suffering disabilities resulting from undiagnosed illnesses; (2) to require the development of case assessment strategies and definitions and diagnoses at the earliest possible date; (3) to promote greater outreach to Persian Gulf War veterans and their families; and (4) to fund research activities and surveys of Persian Gulf War veterans.

Senate bill: No comparable provision.

Compromise agreement: Section 103 follows the House bill.

DEVELOPMENT OF MEDICAL EVALUATION PROTOCOL

Current law: Title VII of the Veterans Health Care Act of 1992 (Public Law 102-585) requires the Secretary of Veterans Affairs to establish and maintain a Persian Gulf War Veterans Health Registry. Those individuals who served as a member of the Armed Forces in the Persian Gulf War become eligible for enrollment in the registry after they give historical information about their health and military exposures, receive a physical examination, and receive routine diagnostic testing.

On June 17, 1994, VA announced the implementation of a comprehensive case assessment protocol to be used by selected VA medical centers. The first phase of the protocol would continue to be the evaluation provided through enrollment into the VA Persian Gulf War Veterans Health Registry. If necessary, additional evaluations would be offered.

House bill: Section 104 of H.R. 4386 would require the Secretary of Veterans Affairs, in consultation with the Secretaries of Defense and Health and Human Services, to develop at the earliest possible date uniform case assessment protocols and case definitions or diagnoses for illnesses attributed to service in the Persian Gulf War. The Secretary of Veterans Affairs would be required to provide status reports on these activities, with the first such report due to the Committees on Veterans' Affairs of the House and Senate not later than 6 months after the date of enactment of the act.

Senate bill: Section 3 of S. 2330 is similar to the House bill and would require the Secretary to develop and implement a uniform and comprehensive evaluation protocol to provide extensive medical examinations to Persian Gulf War veterans who are suffering from illnesses the origins of which are unknown and that may be attributable to service in the Gulf War. It would not require VA to provide a case definition of the illness. Section 3 of S. 2330 also would require that the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, ensure that information on the protocols of the two agencies is collected and maintained in a manner that enables the information to be analyzed together.

This section also would require that the VA provide the comprehensive clinical evaluations at as many VA medical centers are possible. This evaluation protocol must include evaluation for reproductive complaints, including but not limited to birth defects, miscarriages, and abnormal semen. If a VA medical center were to be unable to provide the comprehensive clinical evaluation, VA would have the authority to provide funding for the veteran to travel to a VA medical center or non-VA facility that can provide the necessary assessment, diagnosis, and treatment. VA would also have the authority to pay for care at non-VA medical facilities. For individuals whose symptoms or illnesses remain undiagnosed or unresponsive to treatment after comprehensive clinical evaluations at VA medical facilities, the Secretary of Veterans Affairs would be authorized to provide funds for the veteran to be evaluated by a recognized medical institution outside of the VA medical system. All information gathered by non-VA medical facilities as part of these protocols would be required to be maintained by VA.

VA would be authorized to enter into an agreement with the National Academy of Sciences under which appropriate members of the Academy would review the adequacy of the comprehensive clinical evaluation protocol and its implementation by VA.

Compromise agreement: Section 104 includes the requirement that VA develop a medical evaluation protocol, which was included in both the House and Senate bills. It includes the Senate provision requiring VA to make the medical protocol available in as many VA medical centers as possible and to include examinations and tests for reproductive complaints. The compromise agreement specifies that the Secretary has authority to contract out these medical examinations, tests, and consultations, and any necessary treatment, to non-VA facilities, and to pay for travel and incidental expenses, under section 1703 and section 111 of title 38. The Senate provision regarding reviews by the National Academy of Sciences is also included. The compromise agreement includes the House provision requiring that VA develop a case definition of "Gulf War Syndrome."

Section 104 reflects the Committees' concerns about the letters and Congressional testimony they have received from Gulf War veterans who report that they have had difficulty in obtaining appropriate medical examinations or diagnoses at numerous VA medical centers.

OUTREACH TO PERSIAN GULF VETERANS

Current law: Section 702(f) of Public Law 102-585 required VA to notify periodically individuals listed in the Persian Gulf War Veterans Health Registry of significant developments in research on the health effects of military service in the Persian Gulf during the Persian Gulf War. Neither this provision, nor any other provision in law otherwise specifically requires VA to establish an outreach program for Persian Gulf War veterans and their families. There are a number of benefits and services available to these individuals, but there currently is no single source of VA information to ensure that they know about the benefits and services for which they may be eligible, as well as the scientific studies and research currently being conducted and any developments with respect to such research.

House bill: Section 5 of H.R. 4386 would require the Secretary to develop and implement a comprehensive outreach program and information system to provide Persian Gulf War veterans and their families with information regarding VA's Persian Gulf War Veterans Health Registry, access to health services and health-related benefits, compensation and other benefits, and developments in research regarding the health consequences of service in the Persian Gulf, and to establish a toll-free telephone number for Persian Gulf veterans and their families.

This section also would amend section 702(f) of Public Law 102-585 to require VA to establish a newsletter to be distributed at least quarterly to all veterans listed on the VA's Persian Gulf War Veterans Health Registry, or survivors of such veterans. The newsletter would provide updates on the status and findings of Government-sponsored research on illnesses which may be related to the veteran's service in the Persian Gulf theater of operations. The newsletter also would include information regarding any VA or DOD compensation and benefits, including health care and other health-related benefits which may be available to Persian Gulf War veterans or their family members from either VA or DOD. The newsletter would be required to be prepared in consultation with veterans service organizations.

Senate bill: Section 4 of S. 2330 would require the Secretary to develop and implement a comprehensive outreach program to inform Persian Gulf veterans and their families of medical care and other benefits that may be available to them from VA and DOD. Subsection (b) would require that this outreach program include a newsletter to be updated and distributed at least annually to all veterans listed on VA's Persian Gulf War Veterans Health Registry. The newsletter would provide summaries of the status and findings of Goverment-sponsored research on illnesses which may be related to the veteran's service in the Persian Gulf theater of operations. The newsletter would also include information regarding any VA benefits which may be available to Persian Gulf veterans and their families. The newsletter would be required to be prepared in consultation with veterans service organizations.

Subsection (c) of section 4 would require that the outreach program include establishment of a toll-free number within 90 days after the enactment of the act to provide Persian Gulf War veterans and their families information about the Persian Gulf War Veterans Health Registry, health care, and other benefits provided by VA. In addition, the toll-free number would provide any other information the Secretary considers appropriate.

Compromise agreement: Section 105 follows the Senate bill, except that the Secretary would be required to issue the newsletter at least twice a year, and this requirement would terminate on December 31, 1999.

COMPENSATION BENEFITS FOR DISABILITY RESULTING FROM ILLNESS ATTRIBUTED TO SERVICE DURING THE PERSIAN GULF WAR

Current law: There is no provision in current law relating specifically to compensation for Persian Gulf War veterans.

House bill: Section 6 of H.R. 4386 would amend title 38 to add a new section 1117 which would require the Secretary to pay compensation to any Persian Gulf veteran suffering from a disability resulting from an undiagnosed illness that became manifest to a degree of at least 10 percent before October 1, 1996, or within 2 years after the veteran last performed active service in the Southwest Asia theater of operations, whichever is later. A veteran would not receive compensation if there was affirmative evidence that the disability was not incurred during service in the Persian Gulf theater of operations during the Persian Gulf War or if there was affirmative evidence showing that the veteran suffered from an intercurrent injury or illness, recognized to be a cause of the disability, between the time of the veteran's departure from the Persian Gulf and the onset of the disability.

Payment of compensation under this provision would be for 3 years following enactment of the act, with an automatic extension of 3 years if the Secretary reports to the Committees on Veterans' Affairs of the Senate and the House of Representatives prior to the end of the first 3-year period that no diagnoses for the illnesses experienced by Persian Gulf veterans can be made, based on then-current medical knowledge. A report from the Secretary submitted to the Committees would be due by no later than April 1, 1997.

Senate bill: Section 2(a) of S. 2330 would amend title 38 to add a new section 1112A, which would provide the Secretary with express general authority to conduct an inquiry when the Secretary becomes aware of assertions that a group of veterans with the same or similar military service share similar diseases, illnesses, or medical signs or symptoms, and that such health conditions are related to their service. Such an inquiry would be carried out for the following purposes: To determine whether veterans with the particular military service in question have the claimed health conditions; to identify all veterans who had such service to determine which veterans have such health conditions; and to determine whether a presumption of service connection should be established for such health conditions.

Under this new authority, if the Secretary determines that a presumption of service connection for any such health condition should be established, the Secretary would be required to prepare a proposal for establishing such a presumption. The proposal would be required to include a description of the particular military service involved, the health condition at issue, the relevant medical characteristics associated with the health condition, and a statement of any limitations on the period for which the Secretary proposes to pay compensation.

After completion of the proposal, the Secretary would be required to submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, including the proposal, as well as recommendations for legislation concerning the establishment of the presumption and the reasons for these recommendations.

With specific respect to veterans of the Persian Gulf War, section 2(c) of the Senate bill would require the Secretary to report to the Committees, within 30 days of enactment of the act, whether or not a presumption of service connection should be established between service in the Southwest Asia theater of operations and health conditions experienced by Persian Gulf War veterans. If the Secretary determines that such a presumption should be established, the Secretary, pursuant to section 2(d) of the bill, would be required to include in the report the elements of any report made under the provisions of the new section 1112A and publish proposed regulations relating to establishment of the presumption, allowing 30 days for public notice and comment on the proposed regulations. The Secretary would be required to publish final regulations within 30 days following the expiration of the public notice and comment period.

Section 2(e) would set certain requirements for the treatment of claims and compensation for Persian Gulf veterans if based on a presumption of service connection under the provisions of the Senate bill. First, an award of compensation under the new regulations would not preclude payment of retroactive benefits to a veteran with a claim pending on the date of enactment of these provisions, if VA later determines that the condition is service connected. Second, the Secretary would be required to consider sending all claims for compensation under the new regulations to one regional office for adjudication for purposes of ensuring consistency in rating decisions. Finally, VA would be required to reopen and readjudicate any claims for service-connected disability compensation for a health condition covered in the new regulations that were denied prior to enactment of these provisions. These claims would be considered original claims, and if compensation is eventually awarded, the effective date of the award would be the date the original claim was filed.

Compromise agreement: Section 106 would amend title 38 to add a new section 1117 which would provide the Secretary with authority to pay compensation to any Persian Gulf veteran suffering from a disability resulting from an undiagnosed illness that became manifest during active duty in the Southwest Asia theater of operations during the Persian Gulf War or to a degree of 10 percent or more within a period to be determined by the Secretary, based on a review of any available credible medical or scientific evidence and a review of the historic treatment afforded disabilities for which manifestation periods have been established. The Secretary also would be required to take into account other pertinent circumstances regarding the experiences of Persian Gulf veterans. The Secretary would be required to prescribe regulations to implement this provision.

New section 1117 would require the Secretary to include in the regulations a specification of the manifestation period of time following service in the Southwest Asia theater of operations that the Secretary finds appropriate for a presumption of service connection. In addition, the regulations would have to include a description of the particular military service involved, the illnesses for which compensation may be paid, and the relevant medical characteristics associated with each such illness.

Section 106 also contains a freestanding provision that would require the Secretary, within 60 days of enactment of the act, to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report indicating whether or not the Secretary intends to pay compensation under new section 1117. If the Secretary states in the report to the Committees an intent to pay compensation under new section 1117, the Secretary must publish proposed regulations, as required by new section 1117, in the Federal Register within 30 days of the date of the report.

EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS

Current law: Section 702 of Public Law 102–585 created a Persian Gulf War Veterans Health Registry. Only veterans can be included in this registry.

House bill: No comparable provisions.

Senate bill: Section 5 of S. 2330 would authorize the inclusion of up to 10,000 dependents in the Persian Gulf War Veterans Health Registry. VA would be required to conduct medical examinations and testing, consultation, and counseling for the dependent of any veteran who is listed in the registry if the veteran believes that the illness of any family member is related to the veteran's service in the Gulf War. The registry would also include information about miscarriages and stillbirths.

The Secretary would be required to determine the types of medical examinations and tests that are appropriate in order to determine the nature and extent of the connection, if any, between the illness or disorder of the individual and the illness of the veteran. These examinations are expected to be similar to registry exams for Gulf War veterans. These tests maybe provided by VA facilities or through contract with non-Department facilities.

Compromise agreement: Section 107, which is derived from the Senate provision, would require VA to conduct a pilot study, whereby VA would develop an evaluation protocol and guidelines for medical examinations, tests, and consultations with dependents of Gulf War veterans. These procedures would be restricted to those dependents whose illness, birth defects, or other disorder cannot be disassociated from the veterans' service in the Gulf War. There is no limit on the number of dependents who could be included in the registry; however, the number may be limited by the cost since the bill authorizes $2 million for the pilot study from November 1, 1994 through September 30, 1996. It would authorize VA to pay for the medical examinations, tests, and consultations through contracts with non-VA facilities. In addition, information provided by medical facilities that follow the VA protocol or guidelines could also be included in the registry even if the examinations and tests were not paid for by VA. The compromise also includes a provision regarding outreach to ensure that the maximum possible number of dependents would be included in this research.

The Committees expect that objective medical information on miscarriages, stillbirths, and birth defects can be included in the registry at minimum cost. The Committees also urge the VA to ensure that the pilot study is administered in such a way as to ensure that the medical information that is collected is sufficiently uniform, accurate, and appropriate to the goals of the study.

The purpose of the pilot study is to ensure that the VA conduct research on the illnesses of Gulf War veterans' spouses and children, using an existing data base and objective medical information. The VA is required to prepare a report to Congress describing the results of the pilot study, focusing on any information about the possible transmission of diseases associated with the Gulf War.

The Committees expect VA to use funds from the medical care account for the medical examinations and tests, data analysis, and administration of the pilot study.

CLARIFICATION OF SCOPE OF HEALTH EXAMINATIONS PROVIDED FOR VETERANS ELIGIBLE FOR INCLUSION IN HEALTH-RELATED REGISTRIES

Current law: Under section 703 of the Persian Gulf War Veterans' Health Status Act (Title VII of Public Law 102–585), VA is required to conduct medical examinations for any veteran and the information from those exams must be included in the Persian Gulf War Veterans' Health Registry.

House bill: No comparable provision.

Senate bill: Section 108 would clarify that the Persian Gulf War Veterans' Health Registry includes diagnostic tests in its definition of medical examinations.

Compromise agreement: The compromise follows the Senate provision.

SURVEY OF PERSIAN GULF VETERANS

Current law: There is no authorization in current law for VA to carry out a survey of Persian Gulf War veterans to gather information about their health status.

House bill: Section 8 of H.R. 4386 would require the Secretary of VA, in coordination with the Secretary of Defense, to carry out a survey of Gulf War veterans to gather information about their health problems and the health problems of family members.

Senate bill: No comparable provision.

Compromise agreement: Section 109 amends the House provision, so that it authorizes the survey as described in Section 8.

The Committees note that under the National Defense Authorization Act for FY 1995, Public Law 103–337, the Department of Defense will be providing research grants for non-Federal researchers to conduct similar research on Gulf War veterans, and encourages VA to ensure that VA funded research contributes unique information that will not be available from DoD-funded research.

AUTHORIZATION FOR EPIDEMIOLOGICAL STUDIES

Current law: Section 722 of the National Defense Authorization Act for FY 1995, Public Law 103–337, requires the Department of Defense to provide research funds to non-Federal scientists to conduct an epidemiological study or studies of U.S. service members and civilians who participated in the Persian Gulf War, and their families.

House bill: Section 9 of H.R.4386 would authorize VA to conduct an epidemiological study or studies if such a study is recommended by the National Academy of Sciences in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102–585).

Senate bill: No comparable provision.

Compromise agreement: Section 110 follows the House provision.

The Committees note that the National Defense Authorization Act for FY 1995, Public Law 103–337, requires the Department of Defense to provide research grants to non-Federal researchers to conduct an epidemilogical study or studies of Gulf War veterans and their families. The Committees therefore encourage the VA to coordinate their research efforts to ensure that any epidemiological research funded by VA contributes unique information that will not be available from DoD-funded research.

COST-SAVING PROVISIONS

Current law: The Omnibus Budget Reconciliation Act of 1990 (OBRA 90), Public Law 101–508, amended section 3203 (new section 5503) of title 38 to limit monthly VA pension payments to $90 for Medicaid-eligible veterans with no dependents who are in nursing homes. Previously, veterans receiving nursing home care covered by Medicaid did not have their pension benefits reduced; however, the amount of their pension had to be applied toward the cost of the nursing home care. No part of that $90 payment can be applied to the cost of the veteran's nursing home care.

Under OBRA 90, this provision was originally due to expire September 30, 1992. The Veterans' Benefits Act of 1992 extended the provision through September 30, 1997, and added a provision applying the limitation to payment of pension to surviving spouses who have no dependents and are receiving nursing home care covered by Medicaid. OBRA 93 extended the provision through September 30, 1998.

There is no comparable protection for any amount of dependency and indemnity compensation (DIC) received by surviving spouses in nursing homes participating in Medicaid. The amount of their benefit payments, minus any amount allowed by the State for personal use, is available to be applied to the cost of their nursing home care.

Section 1317 of title 38 prohibits any person eligible to receive DIC based on a death after December 31, 1956, from being eligible for death pension.

There is no provision in current law which requires an adjustment of the rates of compensation and DIC based on an increase in the cost of living. However, Congress has passed legislation providing for a cost-of-living adjustment in these rates every year since 1976. With respect to calculating the annual cost-of-living adjustment in the rates of compensation and DIC, the Congressional Budget Office budget baseline assumes normal rounding, under which fractional dollar amounts of less than $0.50 are rounded down and fractional dollar amounts of $0.50 and more are rounded up.

House bill: Section 11(a) of H.R. of H.R. 4386 would amend section 1317 of title 38 to permit surviving spouses eligible to receive DIC to elect to receive death pension under chapter 15 in lieu of DIC. This would permit surviving spouses who are in Medicaid-covered nursing homes and who receive DIC to elect to receive death pension, in order to be able to retain $90 of their monthly benefits.

Section 11(b) of H.R. 4386 would provide that, with respect to any cost-of-living adjustment in the rates of compensation under chapter 11 and DIC under chapter 13 provided for fiscal year 1995, all increased rates (other than those equal to a whole dollar amount) must be rounded down to the next lower dollar.

Senate bill: No comparable provision.

Compromise agreement: Section 111 follows the House bill.

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

Current law: Before 1990, members of the Board of Veterans' Appeals (BVA) had received pay and benefits comparable those received by Administrative Law Judges (ALJ's). However, the Pay Act of 1990, Public Law 101–194, removed ALJ's from the General Schedule, and thereby eliminated pay comparability between BVA members and ALJ's.

In 1988, Congress enacted the Veterans' Judicial Review Act of 1988, Public Law 100–687, which changed Board members' status (other than that of the Chairman) from permanent appointments to 9-year terms, subject to the possibility of reappointment. Under section 7101(b)(1) of title 38, the Chairman is appointed by the President, with the advice and consent of the Senate, for a term of 6 years.

Currently, a member of the Board may be removed by the Secretary, upon the recommendation of the Chairman. There are no standards that govern removal or reappointment of members. There is no statutory process for removal of a Board member. However, section 7101(b) provides grounds under which the President may remove the Chairman.

House bill: Sections 301 through 303 of H.R. 4088 would restore the pay comparability between members of BVA and ALJ's and eliminate term limits for board members (other than the Chairman). These provisions also would require the Chairman to establish job performance standards, with the approval of the Secretary, and would require that reviews be conducted not less than every 3 years. If the Chairman recommended that the member be noncertified, the Secretary would establish a panel of non-BVA employees of the Department or Federal employees from outside the Department, or a combination of VA and other Federal employees, to review the member's case.

Senate bill: Sections 302 through 304 of S. 2325 would restore the pay comparability between members of BVA and ALJ's, eliminate term limits for Board of Veterans' Appeals members (other than the Chairman), require the establishment of a peer review panel to periodically review the performance and fitness of Board members, and clarify that those BVA members who hold appointments through the Senior Executive Service (SES) retain their SES pay and status.

Compromise agreement: Section 201 would amend title 38 to add a new section 7101A which would eliminate term limits for Board members other than the Chairman and provide that members of the Board (other than the Chairman and Board members who are members of the SES) would receive the same basic pay as received by ALJ's (unless that would result in a reduction in pay). The pay provision would be effective on the first day of the first pay period beginning after December 31, 1994.

Under new section 7101A, the provisions for pay comparability with ALJ's and the elimination of term limits would be accompanied by new provisions instituting a system for periodic job performance review and recertification of members of the Board (other than the Chairman and any member who is a member of the SES). Section 7101A would require the Chairman to establish a panel, to include the Chairman and two other members of the Board (other than the Vice Chairman), that would conduct reviews of the job performance of Board members. The membership of this panel (other than the Chairman) would rotate among all members of the Board.

Section 7101A also would require that the Chairman, with the approval of the Secretary, establish job performance standards for Board members (except the Chairman and Board members who are members of the SES), which are to be objective and fair criteria for the evaluation of job performance. Section 202 would require that the job performance standards be established not later than 90 days after the enactment date of this act. This section also would require that the Secretary submit a report describing these standards to the Senate and House Committees on Veterans' Affairs no later than the date on which these standards take effect.

Within 1 year after the establishment of the job performance standards, section 7101A would require that the panel complete a review of the job performance of each member of the Board. Reviews would then have to be conducted and completed at least once every 3 years thereafter. If the panel determines that a Board member meets the performance standards, the Chairman would recertify the Board member. If a Board member does not meet the performance standards, the Chairman would be required either to grant the Board member conditional recertification or to recommend to the Secretary that the member be noncertified. A conditional recertification would require another review within 1 year after the conditional recertification. If the Board member does not meet the job performance standards after the period of conditional recertification, the Chairman must recommend to the Secretary that the member be noncertified.

If the Chairman recommends to the Secretary that a member be noncertified, either after a performance review or after a period of a conditional recertification, the Secretary would be authorized to grant a conditional recertification or determine that the member should be noncertified. If the Secretary grants a conditional recertification, the performance review panel would review the member's job performance within 1 year and if the member still does not meet the standards, the Chairman would be required to recommend to the Secretary that the member be noncertified.

If the Secretary determines that the member should be noncertified, the member's appointment would be terminated and the member removed from the Board. Any Board member whose appointment is terminated and who was a career or career-conditional employee in the civil service prior to service on the Board would revert to the civil service grade and series held prior to appointment to the Board.

Section 7101A would require the Secretary to prescribe procedures for carrying out the provisions of the section, including the deadlines and time schedules for the actions required.

Section 203 would amend section 7101(b)(3) to specify that if the position of Chairman were to become vacant upon the expiration of the Chairman's term, the current Chairman would be authorized, with the approval of the Secretary, to continue to serve as Chairman until the Chairman is appointed to another term or a new Chairman is appointed. However, this section would provide that the Chairman would not be able to continue to serve under this provision beyond the end of the Congress during which the term of office expired.

TITLE III—ADJUDICATION IMPROVEMENTS

ACCEPTANCE OF CERTAIN DOCUMENTATION FOR CLAIMS PURPOSES

DOCUMENTS TO BE ACCEPTED AS PROOF OF RELATIONSHIPS

Current law: Until recently, VA's regulations did not allow acceptance of photocopies of documents that were not certified as evidence to show marriage, the annulment of a marriage, birth, the relationship of a child to the veteran, or death, or of any evidence from a foreign country (sections 3.202(c); 3.204(b) and (c); 3.205(a); 3.207(b); 3.209; 3.210; and 3.211 of title 38, Code of Federal Regulations). A photocopy could only be accepted if the original document had been viewed by an authorized individual and was certified as a true and exact copy of the original document. This requirement of certification existed only in VA's regulations; it was not a statutory requirement.

On September 8, 1994, VA published interim regulations to amend sections 3.202(c), 3.204(b) and (c), 3.205(a), 3.207(b), 3.209(a) and (b), 3.210(b) and (c), and 3.211(a) and (d) of title 38, Code of Federal Regulations, to implement the Secretary's decision to allow VA to accept photocopies of documents necessary to establish marriage, the annulment of a marriage, birth, the relationship of a child to the veteran, or death, or of any evidence from a foreign country for purposes of processing claims for VA benefits. Under these regulations, VA would still have the authority to request certified documentation in cases in which it is questionable whether the photocopies are genuine and free from alteration.

House bill: Section 405(a) of H.R. 4088 would amend title 38 to add a new section 5124 which would provide that, for purposes of determining eligibility for benefits, VA must accept a written statement from a claimant as proof of marriage, dissolution of a marriage, birth of a child, and death of any family member. The Secretary would be authorized to require the submission of documentation in support of the claimant's statement if the claimant does not reside in a State, or if the statement on its face raises a question as to its validity.

Senate bill: Section 202 of S. 1908 is a freestanding provision that would allow VA to accept photocopies of documents as proof of marriage, dissolution of marriage, birth, or death for purposes of determining eligibility for certain VA benefits. The Secretary would be authorized to require the claimant to submit additional supporting documentation if the document on its face raises a question with respect to its validity, or if there is reasonable indication of fraud or misrepresentation, in the document or otherwise.

Compromise agreement: Section 301(a) would amend title 38 to add a new section 5124 which would allow the Secretary to accept a statement from the claimant as evidence of marriage, dissolution of a marriage, birth of a child, or death of a family member for purposes of VA benefits. The Secretary would be authorized to require documentation in support of the statement if the claimant does not reside in a State, if the statement on its face raises a question as to its validity, if there is conflicting information in the record, or if there is reasonable indication of fraud or misrepresentation in the document or otherwise.

The Secretary is encouraged to exercise the authority granted under this section to the maximum extent feasible.

ACCEPTANCE OF PRIVATE PHYSICIAN EXAMINATIONS

Current law: Currently, under section 3.326 of title 38, Code of Federal Regulations (as amended by 59 Fed. Reg. 35851 (July 14, 1994)), VA generally requires a VA examination for purposes of determining eligibility for disability benefits. However, section 3.326(d) permits VA to accept the statement of a private physician in the following cases: (1) A claim for increased compensation due to an increase in the severity of a service-connected disability or due to the need of the veterans' spouse for aid and attendance; (2) a veteran's pension claim, including a claim for housebound or aid and attendance benefits; (3) a surviving spouse's claim for housebound or aid and attendance benefits; (4) a surviving parent's claim for aid and attendance benefits; or (5) a claim by or on behalf of a child who is permanently incapable of self-support.

House bill: Section 405(b) of H.R. 4088 would amend title 38 to add a new section 5125 which would require VA to accept the medical examination report of a private physician in support of a claim for benefits, without further examination by a physician employed by the Veterans Health Administration, if the report is sufficiently complete to be adequate for disability rating purposes.

Senate bill: Section 203 of S. 1908 is a freestanding provision which would allow VA to accept the medical examination report of a private physician in support of a claim for disability compensation or pension. Under this provision, a private physician's report would be required to contain sufficient clinical data to support the diagnosis or provide a reliable basis for a disability rating.

Compromise agreement: Section 301(b) would amend title 38 to add a new section 5125 which would allow the Secretary to accept the medical examination report of a private physician in support of any claim for VA compensation or pension, without a requirement for confirmation by an examination by a VA physician, if the report is sufficiently complete to be adequate for purposes of adjudicating the claim.

It is the express intention of the House and Senate Committees on Veterans' Affairs that, to the maximum extent feasible, the Secretary exercise the authority provided under this section as being in the best interest of veterans in furthering the timely adjudication of their claims for compensation by reducing the need for duplicative medical examinations by VA physicians.

EXPEDITED TREATMENT OF REMANDED CLAIMS

Current law: Section 7101 of title 38 provides that appeals to the Board of Veterans' Appeals (BVA) will be considered and decided in order according to their docket number. There is no statutory requirement government governing the treatment of claims on remand to the Board from the Court of Veterans Appeals or to regional offices from the Board.

House bill: Section 406 of H.R. 4088 is a freestanding provision that would require the Secretary to take such actions as may be necessary to provide that claims remanded by the BVA to regional offices or by the Court of Veterans Appeals to the Board be treated expeditiously.

Senate bill: No comparable provision.

Compromise agreement: Section 302 follows the House bill.

SCREENING OF APPEALS

Current law: Under section 7107 of title 38, appeals are considered and decided in order according to their docket numbers.

House bill: Section 407 of H.R. 4088 would amend section 7107 to permit the Board to screen cases on appeal at any point in the decision process (a) to determine whether the record is adequate for decisional purposes or (b) for the development or attempted development of a record that is inadequate for decisional purposes.

Senate bill: No Comparable provision.

Compromise agreement: Section 303 follows the House bill.

REPORT ON FEASIBILITY OF REORGANIZATION OF ADJUDICATION DIVISIONS IN VBA REGIONAL OFFICES

Current law: Currently, the administration of VA's compensation and pension programs is carried out in the 58 regional offices of the Veterans Benefits Administration, located in the 50 states, the District of Columbia, Puerto Rico, and the Republic of the Philippines. Each of these offices, except one, has an adjudication division.

House bill: Section 402 of H.R. 4088 would require the Secretary of Veterans Affairs to submit to the House and Senate Committees on Veterans' Affairs, within 180 days of enactment of this act, a report addressing the feasibility and impact of a reorganization of VA claims adjudication divisions to a number of such divisions that would result in improved efficiency in the processing of claims.

Senate bill: No Comparable provision.

Compromise agreement: Section 304 follows the House bill.

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

Current law: There is no provision in current law relating to a study of VA's system for adjudicating claims for benefits.

House bill: No comparable provision.

Senate bill: Section 101 of S. 1908 is a freestanding provision that would require an independent, comprehensive 18-month study by the Administrative Conference of the United States of VA's system for adjudicating benefit claims at the regional office level and the appellate process at the Board of Veterans' Appeals (BVA).

The purpose of the study would be to evaluate the entire adjudication system in order to determine the efficiency of its processes an procedures, including the impact of judicial review on the system, means for reducing the backlog of pending cases in the system, and means for improving timeliness and quality of the claims process.

The study would be required to contain an evaluation and assessment of the entire claims adjudication system, including its historical development and the effect that the Veterans' Judicial Review Act of 1988 has had on the system; how claims are prepared and submitted; the procedures that exist for processing claims; the participation of attorney and nonattorney advocates in the system; VA's efforts to modernize its information management system; the impact of work performance standards at all levels of the claims process; the extent of implementation of the recommendations of the Blue Ribbon Panel on Claims Processing; the application of pilot programs initiated in regional offices; and the effectiveness of quality control and assurance practices.

In the course of its evaluation and study, ACUS would be required to consult with representatives of veterans service organizations and other organizations and entities representing veterans before VA, to include individuals who furnish such representation.

No later than 90 days following the enactment date of the legislation, VA would be required to provide ACUS and the Senate and House Committees on Veterans' Affairs with information deemed necessary by the chairman of ACUS for purposes of conducting the study, including specific statistical information concerning the adjudication of claims during the 5-year period October 1, 1988, through September 30, 1993.

Within 1 year after the date of enactment, ACUS would be required to submit to the Secretary and the Committees a preliminary report on the study. This preliminary report would contain the initial findings and conclusions of ACUS regarding the evaluation and assessment required. The preliminary report would not be required to include any recommendations for improving the system.

Within 18 months following enactment, ACUS would be required to submit a full report on its study to the Secretary and the Committees. The report would include: (1) The findings and conclusions of ACUS with respect to the study; (2) the recommendations of ACUS for improving the VA adjudication system; and (3) any other information and recommendations concerning the system that ACUS deems appropriate.

An appropriation of $150,000 would be authorized to VA for payment to ACUS for the costs associated with conducting the study and completing the report to be submitted to the Secretary and the Committees.

Compromise agreement: Title IV would require the establishment of an independent commission to study VA's system for the disposition of claims for benefits, both at the regional office level and at the Board of Veterans' Appeals. Section 401 would require that the commission be composed of nine members, all to be appointed by the Secretary of Veterans Affairs by February 1, 1995. The membership of the commission would be required to be composed of the following: One member who is a former VA official; two members from the private sector who have expertise in the adjudication of claims relating to insurance or similar benefits; two members who are employed in the Federal Government, outside VA, who have expertise in the adjudication of claims for Federal benefits other than VA benefits; two members who are representatives of veterans service organizations; one member recommended by the American Bar Association or a similar private organization who has expertise in administrative law issues; and one member who currently is a VA official.

Section 401 also would require that the commission hold its first meeting within 30 days after the last of the members has been appointed. Meetings would take place at the call of the chairman. The Secretary would be required to designate a member of the commission, other than the member who is a current official of the Department, to be the chairman.

Section 402(b), regarding the purposes of the study, is generally similar to section 101(b) of the Senate bill.

Section 402(c), regarding the contents of the study, is substantively similar to section 101(c) of the Senate bill. This section would require that the study consist of a comprehensive evaluation and assessment of VA's system for the disposition of claims and benefits delivery and any related issues the commission determines are relevant to such a study. However, section 402(c) would not include a specific requirement that the commission evaluate the historical development of the system and the effect that the Veterans' Judicial Review Act of 1988 has had on the system.

Section 402(d) would require the Secretary to submit to the commission and the Committees on Veterans' Affairs any information which the Chairman has determined necessary to carry out the study, not later than 30 days from the date on which the Chairman makes a request for such information.

Section 402(e), regarding the contents and timing of the preliminary and final reports required of the commission, is identical to section 101(f) of the Senate bill, requiring a preliminary report within 1 year of enactment of the act and a final report within 18 months of enactment.

Section 407 would authorize that $400,000 be made available from amounts appropriated to VA for fiscal year 1995 for the payment of compensation and pension for the activities of the commission.

TITLE V—MISCELLANEOUS BENEFITS-RELATED PROVISIONS

RESTATEMENT OF INTENT OF CONGRESS CONCERNING COVERAGE OF RADIATION-EXPOSED VETERANS COMPENSATION ACT OF 1988

RADIATION RISK ACTIVITIES

Current law: The Radiation-Exposed Veterans Compensation Act of 1988, Public Law 100-321, enacted on May 1, 1988, added a subsection (c) to section 1112 of title 38 which established a presumption of service connection for 13 cancers suffered by veterans who participated in a "radiation risk activity," defined as participation in an atmospheric test of nuclear devices, involvement in the occupation of Hiroshima and Nagasaki following World War II, or internment as a prisoner of war in Japan during World War II that might have resulted in exposure comparable to the occupation forces. Two additional cancers were added to this subsection by Public Law 102-578. On September 8, 1994, the Secretary published in the Federal Register a proposed amendment to section 3.309(d), Code of Federal Regulations, which would extend the presumption of service connection, and therefore eligibility for compensation, to U.S. veterans who participated in atmospheric nuclear tests conducted by Allied Governments.

House bill: Section 501(a) of H.R. 4088 would amend section 1112(c) of title 38 to clarify that participation in atmospheric testing of nuclear devices includes non-U.S. tests. The effective date of the amendment would be May 1, 1988, the date of enactment of Public Law 100-321.

Senate bill: No comparable provision.

Compromise agreement: Section 501(a) follows the House bill, except that the effective date of the amendment would be the date of enactment of the act.

SERVICE CONNECTION FOR CERTAIN DISABILITIES RELATING TO EXPOSURE TO IONIZING RADIATION

Current law: The "Veterans' Dioxin and Radiation Exposure Compensation Standards Act," Public Law 98-542, required VA to establish standards for adjudicating claims based on exposure to Agent Orange and radiation. VA adopted regulations for those claims in sections 3.311a and 3.311b of title 38, Code of Federal Regulations.

The United States Court of Veterans Appeals in Combee v. Principi, 4 Vet. App. 78 (1993), held that a veteran may not establish direct service connection for a disability based on radiation exposure unless the disability is on VA's regulatory list of "radiogenic diseases" issued pursuant to Public Law 98-542. The essence of the Court's decision was that by establishing a process in Public Law 98-542 relating to claims based on radiation exposure, Congress repealed the general compensation law as to such claims. This decision was reversed by the United States Court of Appeals for the Federal Circuit in Combee v. Brown, No. 93-7101 (Fed. Cir. Sept. 1, 1994).

At a March 24, 1994, hearing of the Senate Committee on Veterans' Affairs on this bill and other pending legislation, Under Secretary for Benefits R. John Vogel announced Secretary Brown's intention to publish a proposed amendment to the regulation to "permit a veteran to establish direct service connection for disability resulting from a disease claimed to be caused by radiation exposure even if that disease is not included in the list of diseases VA already recognizes as radiogenic." As of the date of passage of this legislation, VA has not published a proposed regulation to implement this change.

House bill: Section 501(b)(1) of H.R. 4088 would amend section 1113(b) of title 38, which provides that the provisions of law governing statutory presumptions may not be construed to prevent the establishment of service connection on a direct basis. The amendment would add a reference to the provisions of Public Law 98-542 to the provisions governing statutory presumptions, thereby affirming a claimant's right to attempt to establish direct service connection for a disability associated with exposure to ionizing radiation. This section applies to claims submitted after the date of enactment.

Senate bill: Section 301 of S. 1908 has the same intent as the House provision, but accomplished that goal through a proposed amendment to Public Law 98-542 in order to clarify Congress' intent in enacting the law. The amendment to Public Law 98-542 would add a new section, specifying that the regulations adopted by VA under the statute may not prohibit a veteran who served during an eligible period of service from establishing direct service connection for a disease or disability based on exposure to radiation, even though the veteran's condition is not considered by VA to be a "radiogenic disease."

Compromise agreement: Section 501(b) follows the House bill.

EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES

Current law: Under section 315(b) of title 38, the Secretary currently has the authority to maintain a regional office in the Republic of the Philippines until December 31, 1994.

House bill: Section 502 of H.R. 4088 would extend the Secretary's authority to maintain the regional office in the Republic of the Philippines until December 31, 1999.

Senate bill: No comparable provision.

Compromise agreement: Section 502 follows the House bill.

RENOUNCEMENT OF BENEFIT RIGHTS

Current law: Under section 5306 of title 38, if a claimant renounces his or her right to VA pension, compensation, or dependency and indemnity compensation, and subsequently reapplies, the new claim is treated as an original claim. Therefore, for purposes of any income-based program (pension or parents' DIC), only prospective income may be considered in determining the claimant's eligibility.

House bill: Section 503 of H.R. 4088 would amend section 5306 to provide that an application filed for non-service-connected pension under chapter 15 of title 38, or parents' DIC under chapter 13 of title 38, made within 1 year of a renouncement of such benefits, will not be treated as an original claim and benefits will be paid as though the renouncement had not occurred.

Senate bill: No comparable provision.

Compromise agreement: Section 503 follows the House provision.

CLARIFICATION OF PAYMENT OF ATTORNEY FEES UNDER CONTINGENT FEE AGREEMENTS

Current law: Under section 5904(d) of title 38, an attorney otherwise authorized to collect a fee for representation in a VA case may receive payment for such representation directly from VA out of a retroactive benefit award, provided that the total fee not exceed 20 percent of the amount of any past-due benefits awarded to the appellant, and provided that the fee is contingent upon whether or not the claim is ultimately resolved in favor of the appellant.

House bill: No comparable provision.

Senate bill: Section 4 of S. 1546 would amend 5904(d) to clarify that an attorney may receive payment for representation in proceedings before VA or the Court of Veterans Appeals directly from VA out of a retroactive benefit only if the total amount of the fee is contingent upon the claim being resolved in favor of the appellant.

Compromise agreement: Section 504 follows the Senate bill.

CODIFICATION HERBICIDE-EXPOSURE PRESUMPTIONS ESTABLISHED ADMINISTRATIVELY

Current law: The Agent Orange Act of 1991, Public Law 102-4, enacted on February 6, 1991, established a statutory presumption of service connection for three conditions resulting from exposure to herbicides in the Republic of Vietnam during the Vietnam era: chloracne, soft-tissue sarcoma, and non-Hodgkins lymphoma. In addition, the act required VA to contract with the National Academy of Sciences for a review of the scientific literature on the health effects of exposure to herbicides. NAS was required to report its findings to the Secretary, who then was required to decide whether presumptions of service connection should be established for any of the conditions considered by NAS. In 1993, following the submission by NAS of the first report under the act, the Secretary announced decisions to add to the presumptive list Hodgkins disease, porphyria cutanea tarda, respiratory cancers (lung, trachea, bronchus, and larynx), and multiple myeloma. VA has finalized regulations to implement these decisions, found in section 3.309(e) of title 38, Code of Federal Regulations.

House bill: Section 201 of H.R. 4088 would amend section 1116 of title 38 to codify the presumptions of service connection based on exposure to herbicides for Hodgkin's disease, porphyria cutanea tarda, respiratory cancers (lung, trachea, bronchus, and larynx), and multiple myeloma established administratively by the Secretary.

Senate bill: No comparable provision.

Compromise agreement: Section 505 follows the House bill.

TREATMENT OF CERTAIN INCOME OF ALASKA NATIVES FOR PURPOSES OF NEEDS-BASED BENEFITS

Current law: Under current law, VA pays disability pension to non-service-connected wartime veterans whose annual incomes fall below levels specified in section 1521 of title 38 and who meet other qualifying criteria specified by statute. For purposes of computing annual income (and, thus, determining eligibility for pension and the amount of benefits paid), VA takes into account "all payments of any kind or from any source" received by the veteran, except as specified in section 1503 of title 38, or as otherwise excepted by law.

The Alaska Natives Claims Settlement Act, Public Law 92-203, codified at 43 U.S.C. section 1601 et seq. (ANCSA), sets forth the provisions under which the aboriginal land claims of Alaska's Native peoples were settled. ANCSA authorized the creation of 12 Native-owned and -operated regional corporations to administer assets transferred under the act for the benefit of Alaska Native shareholders. These corporations continue to exist today, and they distribute funds received in settlement of Native land claims and funds generated from corporate earnings to Native village corporations and to Alaska Native shareholders.

House bill: No comparable provision.

Senate bill: Section 5 of S. 1626 would amend section 1503(a) by adding a new paragraph (11), to exclude payments received from Alaska Native corporations under ANCSA from the calculation of income for purposes of determining eligibility for VA pension, but only to the extent that these payments are excluded for purposes of other means-tested Federal benefits programs as specified in ANCSA.

Compromise agreement: Section 506 would establish a freestanding provision of law which reflects the intent of the Senate bill.

ELIMINATION OF REQUIREMENT FOR PAYMENT OF CERTAIN BENEFITS IN PHILIPPINE PESOS

Current law: Sections 107, 3532(d) and 3565(b)(1) of title 38, provide that VA benefits paid to certain eligible veterans in the Republic of the Philippines will be paid in Philippine pesos.

House bill: No comparable provision.

Senate bill: Section 402 of S. 2325 would amend sections 107, 3532(d), and 3565(b)(1) of title 38 to eliminate the requirement that certain VA benefits paid to eligible veterans in the Republic of the Philippines be paid in pesos, thereby allowing VA to issue regulations in order to comply with the requests of the Departments of State and Treasury that such restrictions be eliminated.

Compromise agreement: Section 507 follows the Senate bill.

STUDY OF HEALTH CONSEQUENCES FOR FAMILY MEMBERS OF ATOMIC VETERANS OF EXPOSURE OF ATOMIC VETERANS TO IONIZING RADIATION

Current law: There is no provision in current law relating to a study of the family members of atomic veterans.

House bill: No comparable provision.

Senate bill: Section 401 of S. 2325 would require the VA to enter into a contract with the Medical Follow-up Agency of the National Academy of Sciences, or a similar research entity, to convene an expert panel to determine the feasibility of a study of reproductive problems among atomic veterans. MFUA would be required to convene the panel and report their findings to Congress within 180 days. If MFUA concludes that such a study would be feasible, VA would be required to seek to enter into a contract with MFUA or a similar research entity to conduct such a study.

Compromise agreement: Section 509 is derived from the Senate provision but would delete the authorization for the research project itself, while maintaining the requirement that VA enter into a contract with MFUA to convene an expert panel to determine the feasibility of such research.

CENTER FOR MINORITY VETERANS AND CENTER FOR WOMEN VETERANS

Current law: Section 317 of title 38 requires the Secretary to designate one Assistant Secretary as VA's Chief Minority Affairs Officer (CMAO) with overall responsibility for assessing the needs of minority and women veterans, and for evaluating VA policies, regulations, programs, and other activities as they affect such veterans. Section 542 of title 38 establishes a VA Advisory Committee on Women Veterans and requires that the Committee consist of representatives of women veterans, experts in fields pertinent to the needs of women veterans, and representatives of both male and female veterans with service-connected disabilities.

House bill: H.R. 3013 would add a new section to Chapter 3 of title 38 to (a) establish a Center for Women Veterans in the Department of Veterans Affairs; (b) provide that the Director of the Center would report directly to the Secretary or the Deputy Secretary concerning the activities of the Center; (c) specify the functions for which the Director would be responsible; (d) require the Secretary to ensure that the Director is furnished with sufficient resources in order to carry out the functions of the Center in a timely manner; and (e) require that VA's documents regarding the budget include information about the Center.

Senate bill: S. 2429 would (a) create an Office for Minority Veterans which is similar in structure and purpose to the Center for Women Veterans in the House bill, in order to assist minority veterans; (b) establish an Advisory Committee on Minority Veterans; (c) designate a minority veterans representative at each VA facility; (d) create an Office for Women Veterans, which is substantively identical to the Center for Women Veterans established in the House bill; and (e) require that a representative of women veterans who have served in combat and a representative of those who have not served in combat serve on the Advisory Committee on Women Veterans.

Compromise agreement: Section 509 contains provisions derived from the House bill and the Senate bill which would establish a Center for Minority Veterans and a Center for Women Veterans.

ADVISORY COMMITTEE ON MINORITY VETERANS

Current law: There is no current law regarding the establishment of a VA Advisory Committee for Minority Veterans.

House bill: No comparable provision.

Senate bill: Section 2 of S. 2429 would (a) require the Secretary to establish an Advisory Committee for Minority Veterans; (b) require the Committee membership to represent certain groups relating to minority veterans; and (c) require the Committee to submit a report to the Secretary, not later than July 1 of each even-numbered year, which assesses the needs of and programs for minority veterans, and require the Secretary to share this report with Congress.

Compromise agreement: Section 510 follows the Senate bill, except that the statutory requirement to have an Advisory Committee for Minority Veterans would be for a period of three years.

MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS

Current law: Under section 7266 of title 38, in order to obtain review of a final BVA decision by the United States Court of Veterans Appeals, an appellant must file a notice of appeal with the Court within 120 days after the date on which the notice of the BVA decision is mailed under section 7104(e). The Court implemented this statutory provision through adoption of Rule 4 of the Court's Rules of Practice and Procedure, which requires that a notice of appeal must actually be received by the Court within the statutory time limit in order to be timely filed. In a series of decisions, the Court has dismissed for lack of jurisdiction appeals that were mailed before, but received by the Court after, the 120-day limit had expired. (See, e.g., DiDonato v. Derwinski, 2 Vet.App. 42 (1991)).

Rule of the Court's Rules of Practice and Procedure also allows the filing of a notice of appeal by "facsimile or other printed electronic transmission."

House bill: No comparable provision.

Senate bill: Section 3 of the S. 1546 would amend section 7266(a) of title 38 to require that a notice of appeal be deemed received by the Court on the date it is postmarked, if it is mailed. Only legible United States Postal Service postmarks would be sufficient. The Court's determination as to the legibility of a postmark would be final and not subject to review by any other court.

Under amended section 7266(a), if a notice of appeal is delivered to the Court (for example, by private courier or delivery service), it would be considered timely filed if it is received by the Court within the 120-day limit established by Congress.

Section 3(b) of the Senate bill would provide that the effective date of the amendment to section 7266(a) would be the date of the enactment of the act and would apply only to notices of appeal delivered or mailed to the Court on or after that date.

Compromise agreement: Section 511 follows the Senate bill, except that it also would require specifically that the notice of appeal be properly addressed to the Court.

TITLE VI—EDUCATION AND TRAINING PROGRAMS

FLIGHT TRAINING

Current law: Sections 3034(d) and 3241(b) of title 38, and Section 2136(c) of title 10, allow eligible persons to use VA educational benefits for approved programs of vocational flight training commencing before October 1, 1994.

House bill: Section 2 of H.R. 4768 would establish vocational flight training as a permanent program under chapters 30 and 32 of title 38, and chapter 106 of title 10.

Senate bill: Section 1 of S. 2094 is substantively identical to the House provision, except that the Senate bill specifies that the provision would take effect on October 1, 1994.

Compromise agreement: Section 601 follows the Senate bill.

TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

Current law: Section 3115 of title 38 authorizes vocational rehabilitation programs providing training or work experience for service-disabled veterans to be implemented through Federal, State, City, and local governments.

House bill: Section 3 of H.R. 4768 authorizes the use of Indian reservations for the purposes of section 3115 of title 38, in order to allow eligible veterans to participate in non-pay programs of on-the-job training on Indian reservations.

Senate bill: No comparable provision.

Compromise agreement: Section 602 follows the House bill.

ALTERNATIVE TEACHER CERTIFICATION PROGRAMS

Current law: Section 3452(c) of title 38 defines the term "educational institution" for the purposes of chapters 34 and 36 of title 38.

House bill: Section 4 of H.R. 4768 would add to the definition of the term "educational institution" as described in section 3452(c), for the purposes of chapters 34 and 36, entities which provide training required for completion of any State-approved alternative teacher certification program as determined by the Secretary, effective upon enactment for the period ending September 30, 1996.

Senate bill: No comparable provision.

Compromise agreement: Section 603 follows the House bill.

EDUCATION OUTSIDE THE UNITED STATES

Current law: Section 3476 of title 38 denies education benefits to eligible individuals who pursue a course of education not in a State unless that course is pursued at an approved institution of higher learning and the course is approved by the Secretary.

House bill: Section 5 of H.R. 4768 would amend section 3476 to remove the requirement that courses offered by approved foreign universities and colleges be located at the site of the approved institution in order for such courses to be eligible for approval by the Secretary.

Senate bill: No comparable provision.

Compromise agreement: section 604 follows the House bill.

CORRESPONDENCE COURSES

Current law: Section 3672 of title 38 does not specifically address the requirements for approval of correspondence or combination correspondence-residence programs or courses.

House bill: Section 6 of H.R. 4768 would add to section 3672 of title 38 a provision requiring that a correspondence program or combination correspondence-residence course is eligible for approval by State Approving Agencies only if the educational institution offering such program or course is accredited by an agency recognized by the Secretary of Education. This section would also add a provision to section 3672 requiring that no less than 50 percent of the graduates of any such program or course take a minimum of 6 months to complete the program or course.

Senate bill: No comparable provision.

Compromise agreement: Section 605 follows the House bill except that the word "agency" is changed to "entity."

STATE APPROVING AGENCIES

Current law: Section 3674(a)(4) of title 38, relating to payments by VA to State and local agencies for reasonable expenses associated with approval of courses of education, limits the total amount made available under that section to $12,000,000 per fiscal year. Section 3674(a)(3) requires the Secretary to functionally supervise course approval services.

House bill: Section 7 of H.R. 4768 would amend section 3674(a)(4) to increase the maximum amount available under the section to $13,000,000 per fiscal year, and would strike sections 3674(a)(3)(B) and 3674A(a)(3), thereby eliminating the reporting and supervision requirements contained therein.

Senate bill: No comparable provision.

Compromise agreement: Section 606 follows the House bill.

MEASUREMENT OF COURSES

Current law: Under Section 3688(b) of title 38, the Secretary defines full and part-time training for purposes of courses pursued under chapters 30, 32, 35, or 36.

House bill: Section 8 of H.R. 4768 would add chapter 106 of title 10 to the sources of educational and training benefits for which the Secretary will define full and part-time training.

Senate bill: No comparable provision.

Compromise agreement: Section 607 follows the House bill.

VETERANS' ADVISORY COMMITTEE ON EDUCATION

Current law: Section 3692 of title 38 establishes a Veterans' Advisory Committee on Education which shall remain in existence until December 31, 1994. The Secretary is required to consult with and seek the advice of the committee with respect to the administration of chapters 30, 32, 34, 35, and 36 of title 38.

House bill: Section 9 of H.R. 4768 would extend the Advisory Committee until December 31, 2003, and make technical changes to the Committee's mandate.

Senate bill: No comparable provision.

Compromise agreement: Section 608 follows the House bill.

CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING

Current law: Section 3697(b) of title 38 limits payments made under section 3697 for contractual educational and vocational counseling services to $5,000,000 in any fiscal year.

House bill: Section 10 of H.R. 4768 would amend section 3697(b) to raise the payment limitation to "$6,000,000," effective October 1, 1994.

Senate bill: No comparable provision.

Compromise agreement: Section 609 follows the House bill.

SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING ACT OF 1992

Current law: The Service Members Occupational Conversion and Training Act (SMOCTA), enacted by Public Law 102-484, authorizes payment of a subsidy to employers who train recently separated service members who are unemployed, whose military skills do not transfer to the civilian job market, or who are disabled. The subsidy is 50 percent of the starting training wage payable over a period of 18 months up to a maximum of $10,000 ($12,000 for disabled veterans). Under current law, the 18-month limitation on payment of the subsidy is phrased in terms of an 18-month limit on the period of training.

House bill: Section 11 of H.R. 4768 would allow the employer and veteran to agree to a training program that lasts longer than 18 months, but with no payment of a subsidy for the extended training period. The provision would also: (a) Clarify that the requirement in current law that employers pay a comparable wage refers to wages paid in the community where the veteran is being trained; (b) clarify that payment of the subsidy is limited to an 18-month period, or the equivalent where the length of a training program is calculated in hours; (c) amend the requirement that a portion of the reimbursement be retained until the 4th month of the veteran's employment by also permitting payment 4 months after completion of the 18th month of training, whichever is earlier; (d) allow a trainee to switch into an alternative approved training program with the employer; and (e) permit an eligible veteran to begin an approved training program on the date that the notice of approval is transmitted.

Senate bill: Section 2 of S. 2094 is substantively identical to the House provision, except that: (a) The amount of payment an employer may receive would be measured in the number of hours equivalent to 18 months, rather than in months; (b) the provision for retaining a portion of the reimbursement until the fourth month of employment would not be changed; (c) and the limit on assistance paid to employers would include amounts received but not amounts due.

Compromise agreement: Section 610 follows the House bill except that it includes the Senate provision which measures the amount of payment an employer may receive in the number of hours equivalent to 18 months.

TITLE VII—EMPLOYMENT PROGRAMS

JOB COUNSELING, TRAINING, AND PLACEMENT

DEPUTY ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING

Current law: There is no provision in law for a Deputy Assistant Secretary for Veterans' Employment and Training.

House bill: Section 2(a) of H.R. 4776 provides that there shall be a Deputy Assistant Secretary of Labor for Veterans' Employment and Training who shall perform such duties as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes, that the position shall be a career position, and that the Deputy Assistant Secretary shall be a veteran.

Senate bill: No comparable provision.

Compromise agreement: Section 701(a) follows the House provision, except that the Deputy Assistant Secretary for Veterans' Employment and Training shall not be a career position.

DVOP SPECIALISTS' COMPENSATION RATES

Current law: Section 4103A(a)(1) of title 38 provides that compensation for disabled veterans' outreach program (DVOP) specialists shall be set at a rate not less than the rate prescribed for an entry level professional in the State Government of the State in which the DVOP is employed.

House bill: Section 2(b) of H.R. 4776 would require compensation for DVOP's to be set at rates comparable to those paid other professionals in the State Government.

Senate bill: No comparable provision.

Compromise agreement: Section 701(b) follows the House provision with an addition providing that compensation shall be set at rates comparable to those paid other professionals performing essentially similar duties.

SPECIAL UNEMPLOYMENT STUDY

Current law: Section 4110A requires the Secretary, through the Bureau of Labor Statistics, to conduct a biennial study of unemployment among special disabled veterans and veterans who served in the Vietnam theater of operations during the Vietnam era.

House bill: Section 2(c) of H.R. 4776 expands the scope of the study to include veterans who served after the Vietnam era and veterans discharged or released from active duty within the 4 years prior to the study, and requires that information regarding women veterans shall be compiled for each category.

Senate bill: No comparable provision.

Compromise agreement: Section 701(c) provides that the scope of the study shall be expanded to include veterans of the Vietnam era who served outside of the theater of operations, veterans who served after the Vietnam era, and veterans discharged or released from active duty within the 4 years prior to the study. It requires that, for each of the classifications of veterans, there shall be a category for women veterans.

The Committees recognize that the Bureau of Labor Statistics uses a survey methodology that produces a small sample size for women veterans.

EMPLOYMENT AND TRAINING OF VETERANS

FEDERAL CONTRACTS

Current law: Section 4212(a) of title 38 requires, among other things, that the President promulgate regulations which require Federal contractors to list all "suitable" job openings with the local employment service office.

House bill: Section 3(a)(1)(C) of H.R. 4776 would strike the word "suitable" from section 4212(a).

Senate bill: No comparable provision.

Compromise agreement: Section 702(a) would amend section 4212(a) to require Federal contractors to immediately list all open positions except executive and top management positions, those positions that will be filled from within the contractor's organization, and positions lasting three days or less.

It is the Committees' intent that Federal contractors may not exclude from the listings positions at the middle management and supervisory level.

ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER FEDERAL EMPLOYMENT AND TRAINING PROGRAMS

Current Law: Section 4213 of title 38 excludes certain pay and other amounts received by veterans and eligible persons when determining the needs or qualifications of participants in employment or training programs financed in whole or in part with Federal funds.

House bill: Section 3(b) of H.R. 4776 would add benefits received under chapter 30 of title 38 and chapter 106 of title 10 to the amounts disregarded pursuant to section 4213, and would delete reference to chapter 34.

Senate bill: No comparable provision.

Compromise agreement: Section 702(b) follows the House bill, and, in addition, would delete the words "the needs or qualifications of participants in" in section 4213, and would insert, in lieu thereof, the words "eligibility under."

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES OF SPOUSES WHO PREDECEASE VETERANS

Current Law: Section 2402 of title 38 specifies who is eligible to be buried in an open national cemetery. The Veterans' Benefits Improvement and Health Care Authorization Act of 1986, Public Law 99–576, made a technical correction in section 5 in order to make the section gender neutral. However, the change unintentionally deleted the statutory eligibility for burial in a national cemetery for a veteran's spouse who predeceases the veteran.

House bill: No comparable provision.

Senate bill: Section 403 of S. 2325 would restore the statutory eligibility for burial in national cemeteries of spouses who predecease veterans eligible for such burial.

Compromise agreement: Section 801 follows the Senate bill.

RESTORATION OF BURIAL ELIGIBILITY FOR UNREMARRIED SPOUSES

Current Law: Section 2402 of title 38 permits the surviving spouse of a veteran to be buried in any open national cemetery. The term "surviving spouse" is currently defined in section 101(3) of title 38 as one who is the spouse of a veteran at the time of the veteran's death and who has not remarried. Section 8004 of the Omnibus Reconciliation Act of 1990, Public Law 101–508, precluded eligibility for certain benefits under title 38, including eligibility for burial in national cemeteries, for remarried surviving spouses whose subsequent marriages were ended by death or divorce.

House bill: Section 4 of H.R. 3456 would reinstate eligibility for burial in national cemeteries of surviving spouses whose subsequent marriage ended by death or divorce.

Senate bill: No comparable provision.

Compromise agreement: Section 802 follows the House bill.

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR STATE CEMETERY GRANT PROGRAM

Current law: Section 2408(a)(2) of title 38 authorizes appropriations of such funds as may be necessary for fiscal year 1985, and for each of the 9 succeeding fiscal years, for the purpose of making grants to any State in establishing, expanding, or improving veterans' cemeteries owned by such State.

House bill: Section 7 of H.R. 949 would extend the authorization of appropriations for the State Cemetery Grants Program from September 30, 1994, to September 30, 1999.

Senate bill: No comparable provision.

Compromise agreement: Section 803 follows the House bill.

AUTHORITY TO USE FLAT GRAVE MARKERS AT THE WILLAMETTE NATIONAL CEMETERY, OREGON

Current law: Section 2404(c)(2) of title 38 requires that all grave markers in national cemeteries be upright for interments on or after January 1, 1987, except that flat grave markers may be used (a) in any section of a cemetery that used flat grave markers prior to October 28, 1986, (b) in any cemetery located on the grounds of or adjacent to a VA health care facility, or (c) at those grave sites where cremated remains are interred.

House bill: No comparable provision.

Senate bill: Section 404 of S. 2325 would authorize the use of flat grave markers at the Willamette National Cemetery in Oregon, notwithstanding section 2404(c)(2) of title 38.

Compromise agreement: Section 804 follows the Senate bill.

TITLE IX—HOUSING PROGRAMS

ELIGIBILITY

Current law: Subsections (b)(2) and (b)(5)(A) of section 3701 of title 38 expand the definition of the term "veteran" for purposes of chapter 37.

House bill: Section 1 of H.R. 4724 would add to the definition of veteran, persons discharged or released from the Selected Reserves before completing 6 years of service because of a service-connected disability, and would extend eligibility to surviving spouses of reservists who died on active duty or due to a service-connected disability.

Senate bill: No comparable provision.

Compromise agreement: Section 901 follows the House bill.

REVISION IN COMPUTATION OF AGGREGATE GUARANTY

Current law: Section 3702 of title 38 provides for the calculation of the loan guaranty entitlement. Subsection (b)(1)(A) of section 3702 requires that any home acquired with a VA-guaranteed loan must have been disposed of or destroyed as one precondition to the restoration of entitlement.

House bill: No comparable provision.

Senate bill: Section 2 of S. 1626 would eliminate the precondition to restoration of loan guaranty entitlement provided for in subsection 3702(b)(1)(A).

Compromise agreement: Section 902 follows the Senate bill, but provides that the Secretary may waive the precondition to restoration of loan guaranty entitlement contained in subsection 3702(b)(1)(A) once for each veteran.

PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS

Current law: Section 3704(e) of title 38 prohibits VA from guaranteeing a loan to purchase or construct a home not served by public water and sewerage systems where such service is certified as economically feasible.

House bill: Section 4 of H.R. 4724 would eliminate the prohibition contained in section 3704(e).

Senate bill: No comparable provision.

Compromise agreement: Section 903 follows the House bill.

AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS

Current law: Section 3710 of title 38 identifies the types of loans that may be guaranteed under the VA home loan program, and establishes certain conditions and restrictions with respect to such loans.

House bill: Section 3(a) of H.R. 4724 would allow for the costs of energy efficiency improvements to be added to the loan balance in connection with a loan refinanced for the purpose of reducing the interest rate.

Senate bill: Section 3 of S. 1626 would allow for the costs of energy efficiency improvements to be added to the balance of a loan being refinanced, and would provide an exception for such purposes from the maximum loan amount as provided in section 3710(e)(1)(C).

Compromise agreement: Section 904 follows both bills, except that it includes the exception to the maximum loan amount in a refinance as provided in the Senate bill.

AUTHORITY TO GUARANTEE LOANS TO REFINANCE ADJUSTABLE RATE MORTGAGES TO FIXED RATE MORTGAGES

Current law: Subsection 3710(e)(1)(A) of title 38 requires that the interest rate of a loan which is guaranteed in order to refinance an existing loan must be lower than the rate of the loan which is being refinanced.

House bill: Section 3(b) of H.R. 4724 would authorize the refinancing of adjustable rate mortgage loans to fixed rate mortgage loans at a higher interest rate.

Senate bill: No comparable provision.

Compromise agreement: Section 905 follows the House bill.

MANUFACTURED HOME LOAN INSPECTIONS

Current law: Section 3712(h)(2)(a) of title 38 requires the Secretary to make certain inspections with respect to the financing of loans for the purchase of manufactured housing.

House bill: Section 4 of H.R. 4724 would eliminate VA inspection requirements under section 3712(h)(2)(A), and would provide that manufactured housing that is certified to conform to standards under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be deemed in compliance with requirements of subsection 3712(h)(1).

Senate bill: No comparable provision.

Compromise agreement: Section 906 follows the House bill.

PROCEDURES ON DEFAULT

Current law: Section 3732(c) of title 38 permits the Secretary to acquire property from a loan officer who has purchased the property at foreclosure for a price not exceeding the lesser of the net value of the property or the total indebtedness.

House bill: Section 5 of H.R. 4724 would permit VA to acquire property from the lender at the price provided for under current law, despite the fact that the lender's bid at the foreclosure sale might have exceeded that price.

Senate bill: No comparable provision.

Compromise agreement: Section 907 follows the House bill.

MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT

Current law: Section 5303A establishes, with certain exceptions, a minimum of 24 months of active duty service for eligibility for benefits under title 38.

House bill: Section 6 of H.R. 4724 would add an exception from the 2-year minimum service requirement with respect to eligibility under chapter 37 of title 38 for service members discharged because of a reduction in force.

Senate bill: No comparable provision.

Compromise agreement: Section 908 follows the House bill.

TITLE X—HOMELESS VETERANS PROGRAMS

REPORTS ON ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO ASSIST HOMELESS VETERANS

Current law: Section 10 of the Homeless Veterans Comprehensive Service Programs Act of 1992, Public Law 102-590, requires VA to submit, no later than May 1 of each year 1994, 1995, and 1996, reports to the Senate and House Committees on Veterans' Affairs on the implementation of that act, including the numbers of veterans served, the services provided, and an analysis of the clinical value and cost effectiveness of the programs authorized under that act. However, there is no other provision in current law that requires VA to submit a report to Congress on all of the Department's activities to assist homeless veterans.

House bill: No comparable provision.

Senate bill: Section 105 of S. 2325 would require VA to submit an annual report by April 15 on its activities to assist homeless veterans, including information on the numbers of homeless veterans served and the costs to the Department of its activities, and to report biannually on the effectiveness of these activities.

Compromise agreement: Section 1001 follows the Senate bill and repeals the reporting requirement under section 10 of Public Law 102-590.

It is the Committees' intention that the information that VA is required to furnish to the Committees under section 10 of Public Law 102-590 would be contained, along with other matters, in the reports required under this section of the compromise agreement.

REPORT ON ASSESSMENT AND PLANS FOR RESPONSE TO NEEDS OF HOMELESS VETERANS

Current law: Section 107 of the Veterans' Medical Programs Amendments of 1992, Public Law 102-405, enacted on October 9, 1992, requires the Secretary to assess programs developed by VA facilities which have been designed to assist homeless veterans. In carrying out this assessment, the Secretary is directed to require the director of each VA medical center and regional office (a) to assess the needs of homeless veterans within the area served by the facility, including veterans' needs for health care, education and training, employment, shelter, counseling, and outreach services; and (b) to develop, along with other local officials and providers of services to the homeless, a list of all public and private programs to assist homeless persons in the areas served by the VA facilities. Public Law 102-405 does not set a date for submission of this report.

House bill: No comparable provision.

Senate bill: Section 106 of S. 2325 would require VA to submit the report described above to the Senate and House Committees on Veterans' Affairs by December 31, 1994, and update this report annually thereafter, through December 31, 1997.

Compromise agreement: Section 1002 follows the Senate bill.

INCREASE IN NUMBER OF DEMONSTRATION PROGRAMS UNDER HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992

Current law: Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992, Public Law 102-590, requires VA to establish no more than four demonstration programs to be centers for the provision of comprehensive services to homeless veterans.

House bill: No comparable provision.

Senate bill: Section 108(a) of S. 2325 would raise the limit on the number of comprehensive homeless centers that VA may establish from 4 to 12.

Compromise agreement: Section 1003 follows the Senate bill, except that the limit would be raised to eight centers.

REMOVAL OF FUNDING REQUIREMENT OF HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992

Current law: Section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992, Public Law 102-590, specifies that no funds may be used to carry out certain provisions in that law unless expressly provided for in an appropriations statute.

House bill: Section 8 of H.R. 949 would delete this requirement.

Senate bill: Section 108(b) of S. 2325 is identical to the House bill.

Compromise agreement: Section 1004 contains this provision.

SENSE OF CONGRESS

House resolution: H. Res. 503 would express the sense of the House of Representatives that Congress, in providing funds for any fiscal year for programs to assist homeless individuals, should ensure that these funds are fairly apportioned for homeless veterans to help return homeless veterans to self-sufficient and productive lives.

Senate bill: No comparable provision.

Compromise agreement: Section 1005 is derived from the House resolution and would express that it is the sense of the Congress that (a) of the funds appropriated for any fiscal year for programs to assist homeless individuals, a share more closely approximately the proportion of the population of homeless individuals who are veterans should be appropriated to VA for VA homeless programs; (b) of the Federal grants made available to assist community organizations that assist homeless individuals, a share of such grants more closely approximating the proportion of the population of homeless individuals who are veterans should be provided to community organizations that provide assistance primarily to homeless veterans; and (c) the Secretary should encourage Federal agencies that assist homeless individuals, including homeless veterans, to be aware of and make appropriate referrals to VA for benefits, such as health care, substance abuse treatment, counseling, and income assistance.

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

REQUIREMENT FOR MINIMUM NUMBER OF FULL-TIME EQUIVALENT POSITIONS

Current law: There is no provision in current law law relating to the specific number of personnel in VA.

Section 5(b) of the Federal Workforce Restructuring Act of 1994, Public Law 103-226, requires the President, through the Director of the Office of Management and Budget, to ensure that the total number of full-time equivalent employees (FTEE) in all Federal agencies not exceed specified levels set for each of fiscal years 1994 through 1999. The Office of Management and Budget has the authority to determine how and from where these cuts will be taken.

House bill: Section 2 of H.R. 4013 would (a) prohibit, during fiscal years 1995 to 1999, any reduction in the number of FTEE in the Veterans Health Administration (VHA) other than as specifically required by a law directing a reduction in personnel from VHA or by the availability of funds; and (b) require that the personnel of VHA be managed on the basis of the needs of eligible veterans and the availability of funds. Section 3 of H.R. 4013 would require the Secretary to submit, not later than January 15, 1995, a report to the Senate and House Committees on Veterans' Affairs on streamling activities in VHA.

Senate bill: Section 7 of S. 2330 would limit the number of FTEE cuts in VA over the next 5 years, and impose certain requirements relating to VA personnel.

Specifically, section 7(b) would set the number of FTEE in VA between the date of enactment of this measure and September 30, 1999, at 224,377 (which is 10,051 FTEE lower than VA's personnel level during fiscal year 1993).

Section 7(c) would require that, in determining the number of FTEE in VA during a fiscal year for purposes of achieving Federal workforce reductions, as required by section 5(b) of Public Law 103-226, only those VA employees whose salaries and benefits are paid with appropriated funds may be counted as VA FTEE. In fiscal year 1993, the administration counted 5,375 positions in VA (including 3,065 in the Veterans Canteen Service, 2,066 in the Medical Care Cost Recovery program, and 244 in the Medical Center Research Organizations) that were paid with funds other than federally appropriated funds.

Section 7(d) would allow the level of VA FTEE to fall below 224,377 if cuts necessary due to a reduction in funds available to the Department, or if a law enacted after the enactment of this measure specifically requires additional cuts.

Section 7(e) would require the Secretary to submit an annual report, through the year 2000, to the Senate and House Committees on Veterans' Affairs that describes the numbers and positions of all VA employees cut and the rationale behind such cuts. This information would be required to be contained in the annual President's budget submitted to Congress pursuant to section 1105 of title 31, United States Code.

Compromise agreement: Section 1102 follows the Senate bill.

The Committees believe that, for purposes of determining an accurate estimate of the number of Federal employees in VA, those employees whose salaries and benefits are not paid with taxpayers' money should not be counted. The Committees note VA's intention to pay 2,218 medical residents in VA medical centers on a contract basis with the residents' medical schools.

The Committees strongly discourage VA from achieving the workforce reduction required under this section by cutting staff in an arbitrary, across-the-board manner. Such arbitrary cuts cause indefensible staffing imbalances among VA programs and facilities, and hurt VA's ability to provide services to veterans. Although this section does not direct the Secretary how to implement personnel reductions, section 7(e) would require VA to share with the Committees the numbers and positions of any personnel cuts, and to justify such cuts. The Committees also believe that section 1103 of the compromise agreement would give VA a mechanism to avoid implementing across-the-board cuts.

ENHANCED AUTHORITY TO CONTRACT FOR NECESSARY SERVICES

Current law: Subsection 8110(c) of title 38 precludes VA from entering into contracts under which VA direct patient care or activities incident to direct patient care would be converted to activities performed by non-VA providers. For services other than those services, this section requires (a) that VA receive at least two bids from financially autonomous bidders; (b) that the cost to the Government of such contract service over the first 5 years to be 15 percent lower than the cost of Federal employees performing such services; and (c) that the quality and quantity of health care provided to veterans at the facility where such contract work is to be performed would be maintained or enhanced. Before carrying out a study in connection with a decision to consider entering such a contract, VA must submit notice to the appropriate Committees of the Congress of its intention to carry out such a study.

House bill: No comparable provision.

Senate bill: Section 8 of S. 2330 would (a) waive, during fiscal years 1995 to 1999, the limitations provided for under section 8110(c) of title 38; (b) require the Secretary to ensure that, in any contract for services that had been provided by VA employees, the contractor give priority to former VA employees who were displaced by the award of the contract; and (c) require the Secretary to provide to such former VA employees all possible assistance in obtaining other Federal employment or entrance into job training programs.

Compromise agreement: Section 1103 follows the Senate bill. The Committees note that providing VA enhanced authority to contract for services will assist VA in achieving its workforce reduction.

STUDY

Current law: No provision in current law requires a study of the feasibility and advisability of alternative organizational structures, such as the establishment of a quasi-Government corporation, to provide health care to veterans.

House bill: No comparable provision.

Senate bill: Section 9 of S. 2330 would (a) require the Secretary to contract with an appropriate non-Federal entity to study and report to Congress on the feasibility and advisability of alternative organizational structures, such as the establishment of a quasi-Government corporation, to provide health care services to veterans; and (b) authorize appropriations of $1 million for this purpose.

Compromise agreement: Section 1104 follows the Senate bill.

The Committees intend by this provision to draw on the expertise of an independent management consultant to study and assess the management structures and organization of the VA health care delivery system with particular reference to the likelihood that VA will need to compete with private health care providers. The Committees anticipate receiving a detailed evaluation of VA from a business perspective and recommendations on how VA's health care system might be improved and altered, if appropriate, to provide the highest quality medical services to our Nation's veterans in the most effective and efficient manner possible. It is the Committees' view that certain aspects of VA's health delivery system likely could operate more like nongovernment businesses.

Any analysis of VA's health care system must be made in the context of VA's overall mission to help veterans, especially those with service-connected disabilities. In this context, the Committees note that there are many aspects of VA that should and must remain federally funded and centrally administered, particularly programs to assist veterans who suffer from post-traumatic stress disorder, spinal cord dysfunction, or who need blind rehabilitation. VA provides a public good—a necessity which may or may not be adaptable to a competitive business environment. This study would attempt to find the most effective and efficient health delivery mechanism given this reality.

Mr. MONTGOMERY. Mr. Speaker, I would like to say because of the problems we have had over in the other body that I would like to commend the Parliamentarian and the floor staff people for the job they have done, Charlie, John, Marti, Craig, Jay, Gay, and Dan. There has been some chaos over here because of the problems we have had, but they have worked with us, and I just wanted that to go on the record.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I would like to commend the gentleman from Mississippi for the excellent job he has done this year in guiding these bills through this process, and he has done an excellent job with veterans always. I commend him.

Mr. Speaker, I rise in strong support of H.R. 5244 the Veterans' Benefits Improvement Act of 1994. As Chairman MONTGOMERY observed, this compromise bill encompasses a number of veterans bills the House has passed this Congress. We have reached a bipartisan agreement with the other body which will be of great benefit to veterans and which we can all be proud of.

The entire leadership of the Veterans' Affairs Committees of both bodies on both sides of the aisle shares the credit for this legislation. Each of the Veterans' Affairs Committee's four legislative subcommittees have significant provisions in it.

Some of our Persian Gulf War veterans are seriously ill from unknown causes. Medical experts are baffled and unable to diagnose their illnesses. We should not turn our backs on the young men and women who have served their country so well. Title I of this bill would comprehensively address their situation. It would provide for medical evaluation protocols, outreach, compensation benefits for those veterans who are disabled, and authorize epidemiological studies to try to find out what is causing these health problems.

It must be acknowledged that the Congress has never before authorized compensation for any veterans' disability when its cause was undiagnosed. The Congress has been previously faced with difficult policy decisions on radiation exposure from atomic bomb testing and on agent orange exposure in Vietnam. They were eventually resolved, but in retrospect, they were resolved much too slowly. Our veterans who are too sick to work can not put their lives on hold until scientists can tell them what is wrong with them, if they can find out.

This situation is not like any that veterans have faced before and it must be dealt with accordantly. Because we are faced with something unique, the way in which the Congress fashions this legislative policy should not be considered a precedent for future situations we are unable to foresee today. As we learn more about what is often being called the "Persian Gulf Syndrome," it may well be necessary to revisit the issue and modify our course. But, for now, I am satisfied that the approach in title I is appropriate under the circumstances.

Mr. Speaker, title II of the bill would address a serious problem facing the VA's Board of Veterans' Appeals. The Board's members are compensated at about $20,000 less than administrative law judges at the Social Security Administration, yet they do substantially equivalent work. Consequently, with the Social Security Administration hiring hundreds of new ALJs, Board members are leaving to become ALJs. About 10 percent of the Board's members have already left. Given the crisis proportions of the backlog of veterans' claims appeals, the Board can ill afford the loss of some of its most experienced and capable members. Mr. BILIRAKIS, ranking minority member of the Subcommittee on Compensation, Pension and Insurance, joined by Mr. EVANS, chairman of the Subcommittee on Oversight and Investigations, brought the problem to the attention of Mr. SLATTERY, chairman of the Subcommittee on Compensation, Pension and Insurance. Mr. SLATTERY agreed with their efforts and moved the legislation which ultimately became title II of this bill. Under its provisions, the pay of the board members would be equalized with ALJs and a new system of performance evaluation would be established to ensure they are earning their money. I commend all three of my colleagues for their initiative and hard work in effectively addressing this problem.

Title III of the bill would make certain adjudication improvements in the continuing effort to streamline the VA's claims adjudication system, which is also having problems of crisis proportions with timeliness and quality in handling veterans claims. Among these improvements would be expedited treatment of remanded claims and screening of appeals for quick identification of problems which must be corrected before they can be considered.

Title IV would establish a veterans' claims adjudication commission with a full-time staff to explore new ways in which the VA's claims adjudication system can be improved. The crisis which I referred to earlier in my statement is so serious that the adjudication system is, in my judgment, not operating satisfactorily. Fresh thinking and outside expertise is needed, and that is what I hope this commission will bring.

Title V contains certain veterans benefits-related provisions, including a provision to make it clear that Congress intended the Radiation-Exposed Veterans Compensation Act of 1988 to apply to all atmospheric atomic bomb tests in which U.S. military personnel participated, not just to U.S. conducted tests. This title also would codify herbicide-exposure presumptions which the VA has already established administratively. These are for hodgkin's disease, porhyria cutanea, respiratory cancers, and multiple myeloma.

Title VI would, among other things, permanently authorize the inclusion of flight training as part of veterans' education benefits. The title would additionally authorize, for 2 years, the inclusion of alternative teacher certification programs for which veterans may use their GI bill benefits. For example, veterans who are part of the Department of Defense drawdown would be able to use their benefits for the Troops to Teachers Program. I am particularly pleased that this title would also provide a long-awaited increase in the authorization for State approving agencies for veterans' education benefits from $12 million to $13 million, to help them deal with increases in operating costs and increased workloads associated with the DOD drawdown. And, finally, this title would allow employers participating in veterans' job training under the Service Members Occupational Conversion and Training Act of 1992 more flexibility by clarifying that the length of job training programs may extend beyond 18 months. However, payments for extended training may not exceed amounts which would be payable for an 18-month period.

Title VII would in part require the Bureau of Labor Statistics to expand its special unemployment study from special disabled veterans and veterans of the Vietnam theater of operations to include other Vietnam era veterans, veterans who served on active duty after the Vietnam era, and veterans leaving active duty within 4 years of the applicable study. This would give a much better picture of veterans' unemployment rates.

Title VIII would extend authority for the successful State Cemetery Grants Program to the beginning for fiscal year 2000.

Title IX would extend home loan guaranty benefits to members of the Selected Reserves and eliminate antiquated, redundant VA reporting requirements. It would also authorize the VA to correct bidding errors that result from unintended communication problems at foreclosure sale under the Home Loan Guaranty Program. In addition, the title would increase flexibility in veterans' use of adjustable rate mortgages under the Home Loan Guaranty Program.

Mr. Speaker, I want to highlight a resolution contained in title X of this legislation. Earlier this year, I introduced a resolution calling on Congress to provide a more proportionate share of Federal homeless assistance funding to help homeless veterans. I am pleased that the conference accepted a strong statement in this regard and hope that the statement would help retarget services to those veterans who once proudly served their country in the armed services.

The provisions of title XI would limit the number of FTEE cuts to the VA, mandated by the Clinton administration, and thereby offer some protection to the forced reduction in Federal employment of 252,000 positions over the next 5 years. The arbitrary cut imposed on the VA was slated at a reduction of 25,000 positions. In particular, this provision would enable the VA to maintain a work force level of 224,377 FTEE over the next 5 years and represents a reduction of 10,051 FTEE to the personnel level of fiscal year 1993. Although the cuts will be less than originally targeted, the reduction will affect all veterans' programs. In an effort to avoid the crippling effects of across-the-board cuts, the Secretary is required to submit an annual report to Congress outlining the rationale behind any planned reductions.

Finally, title XII would contain technical and clerical amendments.

Mr. Speaker, this legislation represents a substantial portion of the work of the House and Senate Veterans' Affairs Committees during the 103d Congress. I appreciate the constructive approach taken by the leadership of the Senate Veterans' Affairs Committee to the negotiations which led to the various titles of this bill. Senator ROCKEFELLER, the chairman, and Senator MURKOWSKI, the ranking minority member, have both gone the extra mile to reach these agreements, and I commend them for it.

Mr. Speaker, I urge the support of my colleagues for H.R. 5244. By doing so, they will be showing their support for America's veterans.

Mr. SLATTERY. Mr. Speaker, as a co-author of the Persian Gulf provisions included in this compromise measure, I want to highly commend Chairman MONTGOMERY, the gentleman from Arizona [Mr. STUMP], and the gentleman from Florida [Mr. BILIRAKIS] for their tireless efforts in reaching an agreement with our counterparts in the other body on this historic measure. I also want to thank the staff of the Committee on Veterans' Affairs, particularly my very able counsel, John Brizzi, for the very fine work that was done on this and numerous other matters.

These efforts have resulted in a bill that will truly benefit Persian Gulf war veterans who are now suffering disabilities resulting from undiagnosed illnesses. It will also further the government's research efforts into the adverse health risks that may be associated with their service in the Persian Gulf, including the health risks that may also have affected their families. As I have said before, we owe these sick veterans the benefit of the doubt as to the questions that remain about the illnesses from which they suffer.

As the chairman has indicated, there are numerous provisions in this bill which originated in H.R. 4088 that will favorably affect the benefits programs for veterans and the manner in which determinations on veterans' claims and appeals will be made in the future. We have worked long and hard to accomplish the goal of making the VA system work better for veterans. There is more work to be done and I am confident that my efforts will be taken up by other upcoming members of the committee. I wish them well.

I am proud to have served with the many fine members of the Veterans' Affairs Committee over the years, but am especially pleased to have had the opportunity to serve our Nation's veterans to the best of my ability. There is no more deserving a group than those who have borne the battle on our behalf.

I strongly urge my colleagues to support this bill.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 5244, the Veterans' Benefits Improvement Act, as amended.

H.R. 5244 will provide compensation to Persian Gulf veterans who are suffering from mysterious illnesses. Currently, these veterans are unable to be compensated since, to date, we have been unable to precisely define a causal link.

Chairman SONNY MONTGOMERY introduced the original legislation to compensate Persian Gulf veterans, and I want to commend him for his efforts to address the problems facing Persian Gulf veterans.

I would also like to recognize the Compensation Subcommittee Chairman, JIM SLATTERY, for his hard work on this important legislation. In addition, I would like to thank my colleagues BOB STUMP, LANE EVANS, and JOE KENNEDY for their valuable input on H.R. 5244.

With the passage of H.R. 5244, we will be setting a new precedent in veterans benefits. For the first time, we will be providing compensation for medical conditions for which there is no definitive scientific evidence that they are service connected.

While we are setting a new precedent with this legislation, I think it is important to remember that we have responsibility for our servicemembers' financial well-being as well as their physical well-being. We cannot ignore the needs of our Persian Gulf veterans.

I believe H.R. 5244 is an appropriate step toward assisting our Persian Gulf war veterans. These veterans answered the call to duty, and we should not force them to wait for an irrefutable scientific diagnosis before we recognize their claims for disability compensation.

H.R. 5244 also makes improvements to the claims adjudication process. Throughout the 103d Congress, the Compensation Subcommittee has been examining the VA's claims processing system. If enacted, H.R. 5244 will help reduce the huge backlog currently plaguing the system.

I would like to thank subcommittee Chairman JIM SLATTERY for his assistance in correcting a problem which, I strongly believe, has had a negative impact on the ability of the Board of Veterans Appeals to process veterans claims in a timely fashion. The problem I am referring to is the exodus of experienced board members.

In the last year, the Board of Veterans Appeals has lost over 10 percent of its membership to the Social Security Administration. These board members have left to become administrative law judges. If losses to the board continue, it will take many years to regain the knowledge, experience, and expertise departing members take with them.

One of the main reasons members are leaving the board is the pay differential between board members and administrative law judges. At one time, the board members were recognized as performing professional responsibilities at least comparable to those of administrative law judges.

However, since the Federal Employees Pay Comparability Act of 1990, ALJS have been placed on a pay scale that awards them compensation averaging at least $20,000 more per year than that of the average board member.

I have introduced legislation that restores pay comparability between board members and ALJS. I am pleased that my colleagues on the Veterans' Affairs Committee have recognized the seriousness of this issue and included a pay comparability provision in H.R. 5244.

In addition, H.R. 5244 eliminates term limits for members of the Board of Veterans Appeals. Term limits are another reason why many members are considering leaving the board. While H.R. 5244 eliminates terms, the bill sets up a new recertification process for board members. I believe this new system will ensure that board members are treated fairly and that veterans claims are adjudicated in a timely manner.

In closing, I want to take a moment to commend Chairman SLATTERY for the leadership he has brought to this subcommittee. JIM is leaving Congress at the end of the current session. I have enjoyed working with him on several important matters this Congress, and I want to wish him the best of luck in his future endeavors.

I urge my colleagues to support H.R. 5244.

Mr. HUTCHINSON. Mr. Speaker, I rise today in strong support of the pending measure, H.R. 5244, an omnibus bill that embodies a compromise we have reached with our counterparts in the Senate on H.R. 4386, the Veterans Benefits Improvement Act of 1994. This is a comprehensive piece of legislation that includes a number of initiatives that have been considered and approved by both the House and the Senate.

Most importantly, H.R. 5244 would authorize the Secretary of Veterans Affairs to provide compensation to veterans suffering from illnesses attributed to service in the Persian Gulf war and would establish an outreach program to Persian Gulf war veterans and their families to inform them of ongoing research activities as well as the services and benefits to which they are entitled. The compromise agreement would also authorize further research activities on the health risks and effects of military service in the Southwest theater of operations during the Persian Gulf war.

As the ranking member of the Veterans Affairs Subcommittee on Education, Training and Employment, I was especially pleased with the provisions outlined in title VI, Education and Training Programs and title VII, Employment programs. Title VI closely reflects H.R. 4768, the Veterans' Education and Training Act of 1994 which expands and improves education and training programs provided for veterans. In particular, this title would make permanent the VA's authority to approve educational assistance benefits for vocational flight training and would increase the maximum amount made available to State approving agencies by $1 million.

Also noteworthy is a provision to amend the Service Members Occupational Conversion and Training Act of 1992 [SMOCTA] to allow for a training period longer than 18 months. This will benefit both veterans and employers alike and will improve the program's flexibility.

Title VII of the compromise is derived from H.R. 4776, the Veterans' Employment Act of 1994. Some of the important provisions of this title would require certain Federal contractors to list all of the openings associated with their Federal contract with the appropriate local employment service office and would encourage more people to pursue employment in this field by requiring that Disabled Veteran's Outreach Program specialists [DVOPS] be compensated at rates comparable to those paid other professionals performing essentially the same duties.

Mr. Speaker, in closing, I would like to thank Chairman MONTGOMERY and the ranking Republican member for their hard work on this bill, particularly with respect to the education and employment provisions which ensure that all possible steps are taken to provide our veterans with the education, training, and employment opportunities available to them. I urge my colleagues' strong support of H.R. 5244.

Mr. STUMP. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Improvements Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—PERSIAN GULF WAR VETERANS

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Development of medical evaluation protocol.
Sec. 105. Outreach to Persian Gulf veterans.
Sec. 106. Compensation benefits for disability resulting from illness attributed to service during the Persian Gulf War.
Sec. 107. Evaluation of health status of spouses and children of Persian Gulf War veterans.
Sec. 108. Clarification of scope of health examinations provided for veterans eligible for inclusion in health-related registries.

Sec. 109. Survey of Persian Gulf veterans.
Sec. 110. Authorization for epidemiological studies.
Sec. 111. Cost-savings provisions.

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

Sec. 201. Appointment, pay comparability, and performance reviews for members of the Board of Veterans' Appeals.
Sec. 202. Deadline for establishment of performance evaluation criteria for Board members.
Sec. 203. Continuation in office of Chairman pending appointment of successor.

TITLE III—ADJUDICATION IMPROVEMENTS

Sec. 301. Acceptance of certain documentation for claims purposes.
Sec. 302. Expedited treatment of remanded claims.
Sec. 303. Screening of appeals.
Sec. 304. Report on feasibility of reorganization of adjudication divisions in VBA regional offices.

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

Sec. 401. Establishment of commission.
Sec. 402. Duties of the commission.
Sec. 403. Powers of the commission.
Sec. 404. Commission personnel matters.
Sec. 405. Termination of the commission.
Sec. 406. Definitions.
Sec. 407. Funding.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Restatement of intent of Congress concerning coverage of Radiation-Exposed Veterans Compensation Act of 1988.
Sec. 502. Extension of authority to maintain regional office in the Philippines.
Sec. 503. Renouncement of benefit rights.
Sec. 504. Clarification of payment of attorney fees under contingent fee agreements.
Sec. 505. Codification of herbicide-exposure presumptions established administratively.
Sec. 506. Treatment of certain income of Alaska natives for purposes of needs-based benefits.
Sec. 507. Elimination of requirement for payment of certain benefits in Philippine pesos.
Sec. 508. Study of health consequences for family members of atomic veterans of exposure of atomic veterans to ionizing radiation.
Sec. 509. Center for Minority Veterans and Center for Women Veterans.
Sec. 510. Advisory Committee on Minority Veterans.
Sec. 511. Mailing of notices of appeal to the Court of Veterans Appeals.

TITLE VI—EDUCATION AND TRAINING PROGRAMS

Sec. 601. Flight training.
Sec. 602. Training and rehabilitation for veterans with service-connected disabilities.
Sec. 603. Alternative teacher certification programs.
Sec. 604. Education outside the United States.
Sec. 605. Correspondence courses.
Sec. 606. State approving agencies.
Sec. 607. Measurement of courses.
Sec. 608. Veterans' Advisory Committee on Education.
Sec. 609. Contract educational and vocational counseling.
Sec. 610. Service Members Occupational Conversion and Training Act of 1992.

TITLE VII—EMPLOYMENT PROGRAMS

Sec. 701. Job counseling, training, and placement.
Sec. 702. Employment and training of veterans.

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

Sec. 801. Eligibility for burial in national cemeteries of spouses who predecease veterans.
Sec. 802. Restoration of burial eligibility for unremarried spouses.
Sec. 803. Extension of authorization of appropriations for State cemetery grant program.
Sec. 804. Authority to use flat grave markers at the Willamette National Cemetery, Oregon.

TITLE IX—HOUSING PROGRAMS

Sec. 901. Eligibility.
Sec. 902. Revision in computation of aggregate guaranty.
Sec. 903. Public and community water and sewerage systems.
Sec. 904. Authority to guarantee home refinance loans for energy efficiency improvements.
Sec. 905. Authority to guarantee loans to refinance adjustable rate mortgages to fixed rate mortgages.
Sec. 906. Manufactured home loan inspections.
Sec. 907. Procedures on default.
Sec. 908. Minimum active-duty service requirement.

TITLE X—HOMELESS VETERANS PROGRAMS

Sec. 1001. Reports on activities of the Department of Veterans Affairs to assist homeless veterans.
Sec. 1002. Report on assessment and plans for response to needs of homeless veterans.
Sec. 1003. Increase in number of demonstration programs under Homeless Veterans Comprehensive Service Programs Act of 1992.
Sec. 1004. Removal of funding requirement of Homeless Veterans Comprehensive Service Programs Act of 1992.
Sec. 1005. Sense of Congress.

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

Sec. 1101. Findings.
Sec. 1102. Requirement for minimum number of full-time equivalent positions.
Sec. 1103. Enhanced authority to contract for necessary services.
Sec. 1104. Study.

TITLE XII—TECHNICAL AND CLERICAL AMENDMENTS.

Sec. 1201. Amendments to title 38, United States Code.
Sec. 1202. Amendments to other laws administered by Secretary of Veterans Affairs.
Sec. 1203. Amendments to other laws.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—PERSIAN GULF WAR VETERANS

SEC. 101. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Veterans' Benefits Act".

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) During the Persian Gulf War, members of the Armed Forces were exposed to numerous potentially toxic substances, including fumes and smoke from military operations, oil well fires, diesel exhaust, paints, pesticides, depleted uranium, infectious agents, investigational drugs and vaccines, and indigenous diseases, and were also given multiple immunizations. It is not known whether these servicemembers were exposed to chemical or biological warfare agents. However, threats of enemy use of chemical and biological warfare heightened the psychological stress associated with the military operation.

(2) Significant numbers of veterans of the Persian Gulf War are suffering from illnesses, or are exhibiting symptoms of illness, that cannot now be diagnosed or clearly defined. As a result, many of these conditions or illnesses are not considered to be service connected under current law for purposes of benefits administered by the Department of Veterans Affairs.

(3) The National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, held in April 1994, concluded that the complex biological, chemical, physical, and psychological environment of the Southwest Asia theater of operations produced complex adverse health effects in Persian Gulf War veterans and that no single disease entity or syndrome is apparent. Rather, it may be that the illnesses suffered by those veterans result from multiple illnesses with overlapping symptoms and causes that have yet to be defined.

(4) That workshop concluded that the information concerning the range and intensity of exposure to toxic substances by military personnel in the Southwest Asia theater of operations is very limited and that such information was collected only after a considerable delay.

(5) In response to concerns regarding the health-care needs of Persian Gulf War veterans, particularly those who suffer from illnesses or conditions for which no diagnosis has been made, the Congress, in Public Law 102-585, directed the establishment of a Persian Gulf War Veterans Health Registry, authorized health examinations for veterans of the Persian Gulf War, and provided for the National Academy of Sciences to conduct a comprehensive review and assessment of information regarding the health consequences of military service in the Persian Gulf theater of operations and to develop recommendations on avenues for research regarding such health consequences. In Public Law 103-210, the Congress authorized the Department of Veterans Affairs to provide health care services on a priority basis to Persian Gulf War veterans. The Congress also provided in Public Law 103-160 (the National Defense Authorization Act for Fiscal Year 1994) for the establishment of a specialized environmental medical facility for the conduct of research into the possible health effects of exposure to low levels of hazardous chemicals, especially among Persian Gulf veterans, and for research into the possible health effects of battlefield exposure in such veterans to depleted uranium.

(6) In response to concerns about the lack of objective research on Gulf War illnesses, Congress included research provisions in the

National Defense Authorization Act for Fiscal Year 1995, which was passed by the House and Senate in September 1994. This legislation requires the Secretary of Defense to provide research grants to non-Federal researchers to support three types of studies of the Gulf War syndrome. The first type of study will be an epidemiological study or studies of the incidence, prevalence, and nature of the illness and symptoms and the risk factors associated with symptoms or illnesses. This will include illnesses among spouses and birth defects and illnesses among offspring born before and after the Gulf War. The second group of studies shall be conducted to determine the health consequences of the use of pyridostigmine bromide as a pretreatment antidote enhancer during the Persian Gulf War, alone or in combination with exposure to pesticides, environmental toxins, and other hazardous substances. The final group of studies shall include clinical research and other studies on the causes, possible transmission, and treatment of Gulf War syndrome, and will include studies of veterans and their spouses and children.

(7) Further research and studies must be undertaken to determine the underlying causes of the illnesses suffered by Persian Gulf War veterans and, pending the outcome of such research, veterans who are seriously ill as the result of such illnesses should be given the benefit of the doubt and be provided compensation benefits to offset the impairment in earnings capacities they may be experiencing.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to provide compensation to Persian Gulf War veterans who suffer disabilities resulting from illnesses that cannot now be diagnosed or defined, and for which other causes cannot be identified;

(2) to require the Secretary of Veterans Affairs to develop at the earliest possible date case assessment strategies and definitions or diagnoses of such illnesses;

(3) to promote greater outreach to Persian Gulf War veterans and their families to inform them of ongoing research activities, as well as the services and benefits to which they are currently entitled; and

(4) to ensure that research activities and accompanying surveys of Persian Gulf War veterans are appropriately funded and undertaken by the Department of Veterans Affairs.

SEC. 104. DEVELOPMENT OF MEDICAL EVALUATION PROTOCOL.

(a) UNIFORM MEDICAL EVALUATION PROTOCOL.—(1) The Secretary of Veterans Affairs shall develop and implement a uniform and comprehensive medical evaluation protocol that will ensure appropriate medical assessment, diagnosis, and treatment of Persian Gulf War veterans who are suffering from illnesses the origins of which are (as of the date of the enactment of this Act) unknown and that may be attributable to service in the Southwest Asia theater of operations during the Persian Gulf War. The protocol shall include an evaluation of complaints relating to illnesses involving the reproductive system.

(2) If such a protocol is not implemented before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such a protocol has not yet been developed.

(3)(A) The Secretary shall ensure that the evaluation under the protocol developed under this section is available at all Department medical centers that have the capability of providing the medical assessment, diagnosis, and treatment required under the protocol.

(B) The Secretary may enter into contracts with non-Department medical facilities for the provision of the evaluation under the protocol.

(C) In the case of a veteran whose residence is distant from a medical center described in subparagraph (A), the Secretary may provide the evaluation through a Department medical center described in that subparagraph and, in such a case, may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

(4)(A) If the Secretary is unable to diagnose the symptoms or illness of a veteran provided an evaluation, or if the symptoms or illness of a veteran do not respond to treatment provided by the Secretary, the Secretary may use the authority in section 1703 of title 38, United States Code, in order to provide for the veteran to receive diagnostic tests or treatment at a non-Department medical facility that may have the capability of diagnosing or treating the symptoms or illness of the veteran. The Secretary may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

(B) The Secretary shall request from each non-Department medical facility that examines or treats a veteran under this paragraph such information relating to the diagnosis or treatment as the Secretary considers appropriate.

(5) In each year after the implementation of the protocol, the Secretary shall enter into an agreement with the National Academy of Sciences under which agreement appropriate experts shall review the adequacy of the protocol and its implementation by the Department of Veterans Affairs.

(b) RELATIONSHIP TO OTHER COMPREHENSIVE CLINICAL EVALUATION PROTOCOLS.—The Secretary, in consultation with the Secretary of Defense, shall ensure that the information collected through the protocol described in this section is collected and maintained in a manner that permits the effective and efficient cross-reference of that information with information collected and maintained through the comprehensive clinical protocols of the Department of Defense for Persian Gulf War veterans.

(c) CASE DEFINITIONS AND DIAGNOSES.—The Secretary shall develop case definitions or diagnoses for illnesses associated with the service described in subsection (a)(1). The Secretary shall develop such definitions or diagnoses at the earliest possible date.

SEC. 105. OUTREACH TO PERSIAN GULF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall implement a comprehensive outreach program to inform Persian Gulf War veterans and their families of the medical care and other benefits that may be provided by the Department of Veterans Affairs and the Department of Defense arising from service in the Persian Gulf War.

(b) NEWSLETTER.—(1) The outreach program shall include a newsletter which shall be updated and distributed at least semi-annually and shall be distributed to the veterans listed on the Persian Gulf War Veterans Health Registry. The newsletter shall include summaries of the status and findings of Government sponsored research on illnesses of Persian Gulf War veterans and their families, as well as on benefits available to such individuals through the Department of Veterans Affairs. The newsletter shall be prepared in consultation with veterans service organizations.

(2) The requirement under this subsection for the distribution of the newsletter shall terminate on December 31, 1999.

(c) TOLL-FREE NUMBER.—The outreach program shall include establishment of a toll-free telephone number to provide Persian Gulf War veterans and their families information on the Persian Gulf War Veterans Health Registry, health care and other benefits provided by the Department of Veterans Affairs, and such other information as the Secretary considers appropriate. Such toll-free telephone number shall be established not later than 90 days after the date of the enactment of this Act.

SEC. 106. COMPENSATION BENEFITS FOR DISABILITY RESULTING FROM ILLNESS ATTRIBUTED TO SERVICE DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—(1) Chapter 11 is amended by adding at the end of subchapter II the following new section:

"§ 1117. Compensation for disabilities occurring in Persian Gulf War veterans

"(a) The Secretary may pay compensation under this subchapter to any Persian Gulf veteran suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that—

"(1) became manifest during service on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; or

"(2) became manifest to a degree of 10 percent or more within the presumptive period prescribed under subsection (b).

"(b) The Secretary shall prescribe by regulation the period of time following service in the Southwest Asia theater of operations during the Persian Gulf War that the Secretary determines is appropriate for presumption of service connection for purposes of this section. The Secretary's determination of such period of time shall be made following a review of any available credible medical or scientific evidence and the historical treatment afforded disabilities for which manifestation periods have been established and shall take into account other pertinent circumstances regarding the experiences of veterans of the Persian Gulf War.

"(c)(1) The Secretary shall prescribe regulations to carry out this section.

"(2) Those regulations shall include the following:

"(A) A description of the period and geographical area or areas of military service in connection with which compensation under this section may be paid.

"(B) A description of the illnesses for which compensation under this section may be paid.

"(C) A description of any relevant medical characteristic (such as a latency period) associated with each such illness.

"(d) A disability for which compensation under this subchapter is payable shall be considered to be service connected for purposes of all other laws of the United States.

"(e) For purposes of this section, the term 'Persian Gulf veteran' means a veteran who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1116 the following new item:

"1117. Compensation for disabilities occurring in Persian Gulf War veterans.".

(b) CONFORMING AMENDMENTS.—Section 1113 is amended—

(1) by striking out "section 1112 or 1116" in the first and third place it appears and inserting in lieu thereof "section 1112, 1116, or 1117";

(2) by striking out "title" the second place it appears and inserting in lieu thereof "title, or payments of compensation pursuant to section 1117 of this title,"; and

(3) by inserting "or disabilities" after "diseases" both places it appears in subsection (a).

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report stating whether or not the Secretary intends to pay compensation as provided in section 1117 of title 38, United States Code, as added by subsection (a).

(d) REGULATIONS.—If the Secretary states in the report under subsection (c) that the Secretary intends to pay compensation as provided in section 1117 of title 38, United States Code, as added by subsection (a), the Secretary shall, not later than 30 days after the date on which such report is submitted, publish in the Federal Register proposed regulations under subsections (b) and (c) of that section.

SEC. 107. EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) EVALUATION PROGRAM.—Subject to subsection (c), the Secretary of the Veterans Affairs shall conduct a study to evaluate the health status of spouses and children of Persian Gulf War veterans. Under the study, the Secretary shall provide for the conduct of diagnostic testing and appropriate medical examinations of any individual—

(1) who is the spouse or child of a veteran who—

(A) is listed in the Persian Gulf War Veterans Registry established under section 702 of Public Law 102-585; and

(B) is suffering from an illness or disorder;

(2) who is apparently suffering from, or may have suffered from, an illness or disorder (including a birth defect, miscarriage, or stillbirth) which cannot be disassociated from the veteran's service in the Southwest Asia theater of operations; and

(3) who, in the case of a spouse, has granted the Secretary permission to include in the Registry relevant medical data (including a medical history and the results of diagnostic testing and medical examinations) and such other information as the Secretary considers relevant and appropriate with respect to such individual.

Such testing and examinations shall be carried out so as to gather such medical data as the Secretary considers relevant and appropriate in order to determine the nature and extent of the association, if any, between illness or disorder of the spouse or child and the illness of the veteran.

(b) DURATION OF PROGRAM.—The program shall be carried out during the period beginning on November 1, 1994, and ending on September 30, 1996.

(c) FUNDING LIMITATION.—The amount spent for the program under subsection (a) may not exceed $2,000,000.

(d) CONTRACTING.—The Secretary shall provide for the conduct of testing and examinations under subsection (a) through appropriate contract arrangements.

(e) STANDARD PROTOCOLS AND GUIDELINES.—The Secretary shall seek to ensure uniform development of medical data through the development of standard protocols and guidelines for such testing and examinations. If such protocols and guidelines have not been adopted before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such protocols and guidelines have not yet been developed.

(f) ENTRY OF RESULTS IN REGISTRY.—The results of diagnostic tests, medical histories, and medical examinations conducted under subsection (a) shall be entered into the Persian Gulf War Veterans Health Registry.

(g) OUTREACH.—The Secretary shall conduct such outreach activities as the Secretary determines necessary to ensure that implementation of this section results in sufficient information to enable the Secretary—

(1) to analyze the health status of large numbers of spouses and children of Persian Gulf veterans; and

(2) to formulate research hypotheses regarding possible association between illnesses or disorders suffered by Persian Gulf veterans and illnesses or disorders (including birth defects, miscarriages, and stillbirths) suffered by their spouses and children.

(h) USE OUTSIDE DEPARTMENT OF STANDARD PROTOCOLS AND GUIDELINES.—The Secretary shall—

(1) make the standard protocols and guidelines developed under this section available to any entity which requests a copy of such protocols and guidelines; and

(2) enter into the registry the results of any examination of the spouse or child of a veteran who served in the Persian Gulf theater which a licensed physician certifies was conducted using those standard protocols and guidelines.

(i) REPORTS TO CONGRESS.—(1) The Secretary shall submit to Congress no later than October 31, 1995, a report on the Secretary's implementation of this section.

(2) The Secretary shall analyze the data entered into the registry under this section and shall submit to Congress, not later than March 1, 1997, a report on that analysis and on the Secretary's recommendation for any further legislation or studies regarding the health status of spouses and children of Persian Gulf War veterans.

(j) DEFINITIONS.—For purposes of this section, the terms "child" and "spouse" have the meanings given those terms in paragraphs (4) and (31), respectively, of section 101 of title 38, United States Code.

SEC. 108. CLARIFICATION OF SCOPE OF HEALTH EXAMINATIONS PROVIDED FOR VETERANS ELIGIBLE FOR INCLUSION IN HEALTH-RELATED REGISTRIES.

Section 703 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102-585; 38 U.S.C. 527 note) is amended—

(1) by inserting "(including diagnostic tests)" after "examination" each place it appears other than in subsection (a)(1)(A);

(2) in subsection (a)(1)(A)—

(A) by inserting "(including any appropriate diagnostic tests)" after "a health examination"; and

(B) by inserting "and the tests" after "the examination"; and

(3) in subsection (a)(2), by inserting "(including any diagnostic tests)" after "examinations".

SEC. 109. SURVEY OF PERSIAN GULF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out a survey of Persian Gulf veterans to gather information on the incidence and nature of health problems occurring in Persian Gulf veterans and their families.

(b) COORDINATION WITH DEPARTMENT OF DEFENSE.—Any survey under subsection (a) shall be carried out in coordination with the Secretary of Defense.

(c) PERSIAN GULF VETERAN.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War as defined in section 101(33) of title 38, United States Code.

SEC. 110. AUTHORIZATION FOR EPIDEMIOLOGICAL STUDIES.

(a) STUDY OF HEALTH CONSEQUENCES OF PERSIAN GULF SERVICE.—If the National Academy of Sciences includes in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102-585) a finding that there is a sound basis for an epidemiological study or studies on the health consequences of service in the Persian Gulf theater of operations during the Persian Gulf War and recommends the conduct of such a study or studies, the Secretary of Veterans Affairs is authorized to carry out such study.

(b) OVERSIGHT.—(1) The Secretary shall seek to enter into an agreement with the Medical Follow-Up Agency (MFUA) of the Institute of Medicine of the National Academy of Sciences for (A) the review of proposals to conduct the research referred to in subsection (a), (B) oversight of such research, and (C) review of the research findings.

(2) If the Secretary is unable to enter into an agreement under paragraph (1) with the entity specified in that paragraph, the Secretary shall enter into an agreement described in that paragraph with another appropriate scientific organization which does not have a connection to the Department of Veterans Affairs. In such a case, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, at least 90 days before the date on which the agreement is entered into, notice in writing identifying the organization with which the Secretary intends to enter into the agreement.

(c) ACCESS TO DATA.—The Secretary shall enter into agreements with the Secretary of Defense and the Secretary of Health and Human Services to make available for the purposes of any study described in subsection (a) all data that the Secretary, in consultation with the National Academy of Sciences and the contractor for the study, considers relevant to the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department such sums as are necessary for the conduct of studies described in subsection (a).

SEC. 111. COST-SAVINGS PROVISIONS.

(a) ELECTION OF DEATH PENSION BY SURVIVING SPOUSE.—Section 1317 is amended—

(1) by striking out "No person" and inserting in lieu thereof "(a) Except as provided in subsection (b), no person"; and

(2) by adding at the end the following:

"(b) A surviving spouse who is eligible for dependency and indemnity compensation may elect to receive death pension instead of such compensation.".

(b) POLICY REGARDING COST-OF-LIVING ADJUSTMENT IN COMPENSATION RATES FOR FISCAL YEAR 1995.—The fiscal year 1995 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title will be no more than a percentage equal to the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), with all increased monthly rates and limitations (other than increased rates or limitations equal to a whole dollar amount) rounded down to the next lower dollar.

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

SEC. 201. APPOINTMENT, PAY COMPARABILITY, AND PERFORMANCE REVIEWS FOR MEMBERS OF THE BOARD OF VETERANS' APPEALS.

(a) MEMBERS OTHER THAN CHAIRMAN.—(1) Chapter 71 is amended by inserting after section 7101 the following new section:

“§ 7101A. Members of Board: appointment; pay; performance review

“(a) The members of the Board of Veterans' Appeals other than the Chairman (and including the Vice Chairman) shall be appointed by the Secretary, with the approval of the President, based upon recommendations of the Chairman.

“(b) Members of the Board (other than the Chairman and any member of the Board who is a member of the Senior Executive Service) shall, in accordance with regulations prescribed by the Secretary, be paid basic pay at rates equivalent to the rates payable under section 5372 of title 5.

“(c)(1)(A) The Chairman shall establish a panel to review the performance of members of the Board. The panel shall be comprised of the Chairman and two other members of the Board (other than the Vice Chairman). The Chairman shall periodically rotate membership on the panel so as to ensure that each member of the Board (other than the Vice Chairman) serves as a member of the panel for and within a reasonable period.

“(B) Not less than one year after the job performance standards under subsection (f) are initially established, and not less often than once every three years thereafter, the performance review panel shall determine, with respect to each member of the Board (other than the Chairman or a member who is a member of the Senior Executive Service), whether that member's job performance as a member of the Board meets the performance standards for a member of the Board established under subsection (f). Each such determination shall be in writing.

“(2) If the determination of the performance review panel in any case is that the member's job performance as a member of the Board meets the performance standards for a member of the Board established under subsection (f), the Chairman shall recertify the member's appointment as a member of the Board.

“(3) If the determination of the performance review panel in any case is that the member's job performance does not meet the performance standards for a member of the Board established under subsection (f), the Chairman shall, based upon the individual circumstances, either—

“(A) grant the member a conditional recertification; or

“(B) recommend to the Secretary that the member be noncertified.

“(4) In the case of a member of the Board who is granted a conditional recertification under paragraph (3)(A) or (5)(A), the performance review panel shall review the member's job performance record and make a further determination under paragraph (1) concerning that member not later than one year after the date of the conditional recertification. If the determination of the performance review panel at that time is that the member's job performance as a member of the Board still does not meet the performance standards for a member of the Board established under subsection (f), the Chairman shall recommend to the Secretary that the member be noncertified.

“(5) In a case in which the Chairman recommends to the Secretary under paragraph (3) or (4) that a member be noncertified, the Secretary, after considering the recommendation of the Chairman, may either—

“(A) grant the member a conditional recertification; or

“(B) determine that the member should be noncertified.

“(d)(1) If the Secretary, based upon the recommendation of the Chairman, determines that a member of the Board should be noncertified, that member's appointment as a member of the Board shall be terminated and that member shall be removed from the Board.

“(2) Upon removal from the Board under paragraph (1), a member of the Board (other than the Chairman) who was a career or career-conditional employee in the civil service before commencement of service as a member of the Board shall revert to the civil service grade and series held by the member immediately before the appointment of the member to the Board.

“(e)(1) A member of the Board (other than the Chairman or a member of the Senior Executive Service) may be removed as a member of the Board by reason of job performance only as provided in subsections (c) and (d). Such a member may be removed by the Secretary, upon the recommendation of the Chairman, for any other reason as determined by the Secretary.

“(2) In the case of a removal of a member under this section for a reason other than job performance that would be covered by section 7521 of title 5 in the case of an administrative law judge, the removal of the member of the Board shall be carried out subject to the same requirements as apply to removal of an administrative law judge under that section. Section 554(a)(2) of title 5 shall not apply to a removal action under this subsection. In such a removal action, a member shall have the rights set out in section 7513(b) of that title.

“(f) The Chairman, subject to the approval of the Secretary, shall establish standards for the performance of the job of a member of the Board (other than the Chairman or a member of the Senior Executive Service). Those standards shall establish objective and fair criteria for evaluation of the job performance of a member of the Board.

“(g) The Secretary shall prescribe procedures for the administration of this section, including deadlines and time schedules for different actions under this section.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7101 the following new item:

“7101A. Members of Board: appointment; pay; performance review.”.

(b) SAVE PAY PROVISION.—The rate of basic pay payable to an individual who is a member of the Board of Veterans' Appeals on the date of the enactment of this Act may not be reduced by reason of the amendments made by this section to a rate below the rate payable to such individual on the day before such date.

(c) EFFECTIVE DATE.—Section 7101A(b) of title 38, United States Code, as added by subsection (a), shall take effect on the first day of the first pay period beginning after December 31, 1994.

(d) CONFORMING AMENDMENTS.—Section 7101(b) is amended—

(1) by striking out paragraph (2);

(2) by designating as paragraph (2) the text in paragraph (1) beginning “The Chairman may be removed”; and

(3) by striking out “Members (including the Chairman)” in paragraph (3) and inserting in lieu thereof “The Chairman”.

SEC. 202. DEADLINE FOR ESTABLISHMENT OF PERFORMANCE EVALUATION CRITERIA FOR BOARD MEMBERS.

(a) DEADLINE.—The job performance standards required to be established by section 7101A(f) of title 38, United States Code, as added by section 201(a), shall be established not later than 90 days after the date of the enactment of this Act.

(b) SUBMISSION TO CONGRESSIONAL COMMITTEES.—Not later than the date on which the standards referred to in subsection (a) take effect, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing the standards established by the Chairman of the Board of Veterans' Appeals.

SEC. 203. CONTINUATION IN OFFICE OF CHAIRMAN PENDING APPOINTMENT OF SUCCESSOR.

Section 7101(b)(3) is amended by adding at the end the following new sentence: “If, upon the expiration of the term of office for which the Chairman was appointed, the position of Chairman would become vacant, the individual serving as Chairman may, with the approval of the Secretary, continue to serve as Chairman until either appointed to another term or a successor is appointed, but not beyond the end of the Congress during which the term of office expired.”.

TITLE III—ADJUDICATION IMPROVEMENTS

SEC. 301. ACCEPTANCE OF CERTAIN DOCUMENTATION FOR CLAIMS PURPOSES.

(a) STATEMENTS OF CLAIMANT TO BE ACCEPTED AS PROOF OF RELATIONSHIPS.—Chapter 51 is amended by adding at the end the following new section:

“§ 5124. Acceptance of claimant's statement as proof of relationship

“(a) For purposes of benefits under laws administered by the Secretary, the Secretary may accept the written statement of a claimant as proof of the existence of any relationship specified in subsection (b) for the purpose of acting on such individual's claim for benefits.

“(b) Subsection (a) applies to proof of the existence of any of the following relationships between a claimant and another person:

“(1) Marriage.

“(2) Dissolution of a marriage.

“(3) Birth of a child.

“(4) Death of any family member.

“(c) The Secretary may require the submission of documentation in support of the claimant's statement if—

“(1) the claimant does not reside within a State;

“(2) the statement on its face raises a question as to its validity;

“(3) there is conflicting information of record; or

“(4) there is reasonable indication, in the statement or otherwise, of fraud or misrepresentation.”.

(b) REPORTS OF EXAMINATIONS BY PRIVATE PHYSICIANS.—Such chapter, as amended by subsection (a), is further amended by adding at the end the following new section:

"§5125. Acceptance of reports of private physician examinations

"For purposes of establishing any claim for benefits under chapter 11 or 15 of this title, a report of a medical examination administered by a private physician that is provided by a claimant in support of a claim for benefits under that chapter may be accepted without a requirement for confirmation by an examination by a physician employed by the Veterans Health Administration if the report is sufficiently complete to be adequate for the purpose of adjudicating such claim.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"5124. Acceptance of claimant's statement as proof of relationship.

"5125. Acceptance of reports of private physician examinations.".

SEC. 302. EXPEDITED TREATMENT OF REMANDED CLAIMS.

The Secretary of Veterans Affairs shall take such actions as may be necessary to provide for the expeditious treatment, by the Board of Veterans' Appeals and by the regional offices of the Veterans Benefits Administration, of any claim that has been remanded by the Board of Veterans' Appeals or by the United States Court of Veterans Appeals for additional development or other appropriate action.

SEC. 303. SCREENING OF APPEALS.

Section 7107 is amended—

(1) in subsection (a)(1), by striking out "Each case" and inserting in lieu thereof "Except as provided in subsection (f), each case"; and

(2) by adding at the end the following new subsection:

"(f) Nothing in this section shall preclude the screening of cases for purposes of—

"(1) determining the adequacy of the record for decisional purposes; or

"(2) the development, or attempted development, of a record found to be inadequate for decisional purposes.".

SEC. 304. REPORT ON FEASIBILITY OF REORGANIZATION OF ADJUDICATION DIVISIONS IN VBA REGIONAL OFFICES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report addressing the feasibility and impact of a reorganization of the adjudication divisions located within the regional offices of the Veterans Benefits Administration to a number of such divisions that would result in improved efficiency in the processing of claims filed by veterans, their survivors, or other eligible persons for benefits administered by the Secretary.

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

SEC. 401. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is hereby established a commission to be known as the Veterans' Claims Adjudication Commission (hereinafter in this title referred to as the "commission").

(b) MEMBERSHIP.—(1) The commission shall be composed of nine members, appointed by the Secretary of Veterans Affairs as follows:

(A) One member shall be appointed from among former officials of the Department of Veterans Affairs (or the Veterans' Administration).

(B) Two members shall be appointed from among individuals in the private sector who have expertise in the adjudication of claims relating to insurance or similar benefits.

(C) Two members shall be appointed from among individuals employed in the Federal Government (other than the Department of Veterans Affairs) who have expertise in the adjudication of claims for benefits under Federal law other than under laws administered by the Secretary of Veterans Affairs.

(D) Two members shall be appointed from among individuals recommended to the Secretary by representatives of veterans service organizations.

(E) One member shall be appointed based on a recommendation of the American Bar Association or a similar private organization from among individuals who have expertise in the field of administrative law.

(F) One member shall be appointed from among current officials of the Department of Veterans Affairs.

(2) The appointment of members of the commission under this subsection shall be made not later than February 1, 1995.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members of the commission shall be appointed for the life of the commission. A vacancy in the commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—The commission shall hold its first meeting not later than 30 days after the date on which all members of the commission have been appointed.

(e) MEETINGS.—The commission shall meet at the call of the chairman.

(f) QUORUM.—A majority of the members of the commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Secretary shall designate a member of the commission (other than the commission member who is a current official of the Department of Veterans Affairs) to be chairman of the commission.

SEC. 402. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The commission shall carry out a study of the Department of Veterans Affairs system for the disposition of claims for veterans benefits.

(b) PURPOSE OF STUDY.—The purpose of the study is to evaluate the Department of Veterans Affairs system for the disposition of claims for veterans benefits in order to determine the following:

(1) The efficiency of current processes and procedures under the system for the adjudication, resolution, review, and final disposition of claims for veterans benefits, including the effect of judicial review on the system, and means of increasing the efficiency of the system.

(2) Means of reducing the number of claims under the system for which final disposition is pending.

(3) Means of enhancing the ability of the Department of Veterans Affairs to achieve final determination regarding claims under the system in a prompt and appropriate manner.

(c) CONTENTS OF STUDY.—The study to be carried out by the commission under this section is a comprehensive evaluation and assessment of the Department of Veterans Affairs system for the disposition of claims for veterans benefits (as defined in section 406) and of the system for the delivery of such benefits, together with any related issues that the commission determines are relevant to the study. The study shall include an evaluation and assessment of the following:

(1) The preparation and submission of claims by veterans under the system.

(2) The processes and procedures under the system for the disposition of claims, including—

(A) the scope and nature of the review undertaken with respect to a claim at each stage in the claims disposition process, including the role of hearings throughout the process;

(B) the number, Federal employment grade, and experience and qualifications required of the persons undertaking such review at each such stage;

(C) opportunities for the submittal of new evidence; and

(D) the availability of alternative means of completing claims.

(3) The effect on the system of the participation of attorneys, members of veterans service organizations, and other advocates on behalf of veterans.

(4) The effect on the system of actions taken by the Secretary to modernize the information management system of the Department, including the use of electronic data management systems.

(5) The effect on the system of any work performance standards used by the Secretary at regional offices of the Department and at the Board of Veterans' Appeals.

(6) The extent of the implementation in the system of the recommendations of the Blue Ribbon Panel on Claims Processing submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives on December 2, 1993, and the effect of such implementation on the system.

(7) The effectiveness in improving the system of any pilot programs carried out by the Secretary at regional offices of the Department and of efforts by the Secretary to implement such programs throughout the system.

(8) The effectiveness of the quality control practices and quality assurance practices under the system in achieving the goals of such practices.

(d) COOPERATION OF SECRETARY.—Upon the request of the chairman of the commission, the Secretary shall, within 30 days of such request, submit to the commission, and to the Committees on Veterans' Affairs of the Senate and House of Representatives, such information as the chairman shall determine is necessary for the commission to carry out the study required under this section.

(e) REPORTS.—(1) Not later than one year after the date of the enactment of this Act, the commission shall submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a preliminary report on the study required under subsection (c). The report shall contain the preliminary findings and conclusions of the commission with respect to the evaluation and assessment required under the study.

(2) Not later than 18 months after such date, the commission shall submit to the Secretary and to such committees a report on such study. The report shall include the following:

(A) The findings and conclusions of the commission, including its findings and conclusions with respect to the matters referred to in subsection (c).

(B) The recommendations of the commission for means of improving the Department of Veterans Affairs system for the disposition of claims for veterans benefits.

(C) Such other information and recommendations with respect to the system as the commission considers appropriate.

SEC. 403. POWERS OF THE COMMISSION.

(a) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out the purposes of this title.

(b) Information From Federal Agencies.—In addition to the information referred to in section 402(d), the commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out the provisions of this title. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission.

(c) Postal Services.—The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts.—The commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 404. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the commission. All members of the commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(c) Staff.—(1) The chairman of the commission may, without regard to the civil service laws and regulations, appoint an executive director and such other personnel as may be necessary to enable the commission to perform its duties. The appointment of an executive director shall be subject to approval by the commission.

(2) The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees.—Upon request of the chairman of the commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of the department or agency to the commission to assist it in carrying out its duties.

(e) Procurement of Temporary and Intermittent Services.—The chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 405. TERMINATION OF THE COMMISSION.

The commission shall terminate 90 days after the date on which the commission submits its report under section 402(e)(2).

SEC. 406. DEFINITIONS.

For the purposes of this title:

(1) The term "Department of Veterans Affairs system for the disposition of claims for veterans benefits" means the processes and procedures of the Department of Veterans Affairs for the adjudication, resolution, review, and final disposition of claims for benefits under the laws administered by the Secretary.

(2) The term "Secretary" means the Secretary of Veterans Affairs.

(3) The term "veterans service organizations" means any organization approved by the Secretary under section 5902(a) of title 38, United States Code.

SEC. 407. FUNDING.

(a) Fiscal Year 1995.—From amounts appropriated to the Department of Veterans Affairs for fiscal year 1995 for the payment of compensation and pension, the amount of $400,000 is hereby made available for the activities of the commission under this title.

(b) Availability.—Any sums appropriated to the commission shall remain available until expended.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. RESTATEMENT OF INTENT OF CONGRESS CONCERNING COVERAGE OF RADIATION-EXPOSED VETERANS COMPENSATION ACT OF 1988.

(a) Restatement of Absence of Statutory Limitation to United States Tests.—Clause (i) of section 1112(c)(3)(B) is amended by inserting "(without regard to whether the nation conducting the test was the United States or another nation)" after "nuclear device".

(b) Proof of Service Connection of Disabilities Relating to Exposure to Ionizing Radiation.—(1) Section 1113(b) is amended—

(A) by striking out "title or" and inserting in lieu thereof "title,"; and

(B) by inserting ", or section 5 of Public Law 98-542 (38 U.S.C. 1154 note)" after "of this section".

(2) The amendments made by paragraph (1) shall apply with respect to applications for veterans benefits that are submitted to the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 502. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1999".

SEC. 503. RENOUNCEMENT OF BENEFIT RIGHTS.

Section 5306 is amended by adding at the end the following new subsection:

"(c) Notwithstanding subsection (b), if a new application for pension under chapter 15 of this title or for dependency and indemnity compensation for parents under section 1315 of this title is filed within one year after renouncement of that benefit, such application shall not be treated as an original application and benefits will be payable as if the renouncement had not occurred.".

SEC. 504. CLARIFICATION OF PAYMENT OF ATTORNEY FEES UNDER CONTINGENT FEE AGREEMENTS.

(a) Clarification.—Subparagraph (A) of section 5904(d)(2) is amended to read as follows:

"(A) A fee agreement referred to in paragraph (1) is one under which the total amount of the fee payable to the attorney—

"(i) is to be paid to the attorney by the Secretary directly from any past-due benefits awarded on the basis of the claim; and

"(ii) is contingent on whether or not the matter is resolved in a manner favorable to the claimant.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to fee agreements entered into on or after the date of the enactment of this Act.

SEC. 505. CODIFICATION OF HERBICIDE-EXPOSURE PRESUMPTIONS ESTABLISHED ADMINISTRATIVELY.

Section 1116(a)(2) is amended by adding at the end the following new subparagraphs:

"(D) Hodgkin's disease becoming manifest to a degree of disability of 10 percent or more.

"(E) Porphyria cutanea tarda becoming manifest to a degree of disability of 10 percent or more within a year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(F) Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea) becoming manifest to a degree of 10 percent or more within 30 years after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(G) Multiple myeloma becoming manifest to a degree of disability of 10 percent or more.".

SEC. 506. TREATMENT OF CERTAIN INCOME OF ALASKA NATIVES FOR PURPOSES OF NEEDS-BASED BENEFITS.

Any receipt by an individual from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of cash, stock, land, or other interests referred to in subparagraphs (A) through (E) of section 29(c) of that Act (43 U.S.C. 1626(c)) (whether such receipt is attributable to the disposition of real property, profits from the operation of real property, or otherwise) shall not be countable as income for purposes of any law administered by the Secretary of Veterans Affairs.

SEC. 507. ELIMINATION OF REQUIREMENT FOR PAYMENT OF CERTAIN BENEFITS IN PHILIPPINE PESOS.

(a) General Rule.—The second sentence of each of subsections (a) and (b) of section 107 is amended—

(1) by striking out "rate in pesos as is equivalent to" and inserting in lieu thereof "rate of"; and

(2) by striking out "rate in Philippine pesos as is equivalent to" and inserting in lieu thereof "rate of".

(b) Survivors' and Dependents' Educational Assistance.—Sections 3532(d) and 3565(b)(1) are amended by striking out "a rate in Philippine pesos equivalent to" and inserting in lieu thereof "the rate of".

(c) Effective Date.—The amendments made by this section shall apply with respect to payments made after December 31, 1994.

SEC. 508. STUDY OF HEALTH CONSEQUENCES FOR FAMILY MEMBERS OF ATOMIC VETERANS OF EXPOSURE OF ATOMIC VETERANS TO IONIZING RADIATION.

(a) Interagency Agreement.—The Secretary of Veterans Affairs shall enter into an agreement with the Medical Follow-Up Agency of the Institute of the Medicine of the National Academy of Sciences under which that agency shall convene a panel of appropriate individuals to carry out the evaluation described in subsection (b).

(b) Evaluation of Feasibility of Study.—(1) The panel convened under subsection (a) shall evaluate the feasibility of carrying out a study as described in subsection (c).

(2) The panel shall submit the results of the evaluation under paragraph (1) to the Secretary not later than 180 days after the date of the enactment of this Act. The Secretary shall promptly notify the Committees

on Veterans' Affairs of the Senate and the House of Representatives of such results.

(c) DESCRIPTION OF STUDY TO BE EVALUATED.—The study referred to in subsection (b) (the feasibility of which is to be evaluated under that subsection by the panel convened under subsection (a)) is one which would determine the nature and extent, if any, of the relationship between the exposure of veterans described in subsection (d) to ionizing radiation and the following:

(1) Genetic defects and illnesses in the children and grandchildren of such veterans.

(2) Untoward pregnancy outcomes experienced by the wives of such veterans, including premature births, stillbirths, miscarriages, neonatal illnesses and deaths.

(3) Periparturient diseases of the mother which are the direct result of such untoward pregnancy outcomes.

(d) COVERED VETERANS.—Subsection (c) applies to—

(1) any veteran who was exposed (as determined by the Secretary) to ionizing radiation as a result of—

(A) participation while on active duty in the Armed Forces in an atmospheric nuclear test that included the detonation of a nuclear device;

(B) service in the Armed Forces with the United States occupation force of Hiroshima or Nagasaki, Japan, before July 1, 1946; or

(C) internment or detention as a prisoner of war of Japan before that date in circumstances providing the opportunity for exposure to ionizing radiation comparable to the exposure of individuals who served with such occupation force before that date; and

(2) any other veteran who the Secretary designates for coverage under the study.

SEC. 509. CENTER FOR MINORITY VETERANS AND CENTER FOR WOMEN VETERANS.

(a) IN GENERAL.—Chapter 3 is amended by striking out section 317 and inserting in lieu thereof the following new sections:

"§317. Center for Minority Veterans

"(a) There is in the Department a Center for Minority Veterans. There is at the head of the Center a Director.

"(b) The Director shall be a noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

"(d) The Director shall perform the following functions with respect to veterans who are minorities:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are minorities.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are minorities are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are minorities and the conduct of outreach activities to veterans who are minorities, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are minorities.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are minorities and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are minorities about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are minorities.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are minorities.

"(9) Publicize the results of medical research which are of particular significance to veterans who are minorities.

"(10) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Center;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.

"§318. Center for Women Veterans

"(a) There is in the Department a Center for Women Veterans. There is at the head of the Center a Director.

"(b) The Director shall be a noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

"(d) The Director shall perform the following functions with respect to veterans who are women:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are women and the conduct of outreach activities to veterans who are women, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are women and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.

"(9) Publicize the results of medical research which are of particular significance to veterans who are women.

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (relating to the inclusion of women and minorities in clinical research) and of particular health conditions affecting womens' health which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.

"(11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.

"(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Center;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 317 and inserting in lieu thereof the following new items:

"317. Center for Minority Veterans.
"318. Center for Women Veterans.".

SEC. 510. ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) ESTABLISHMENT.—Subchapter III of chapter 5 is amended by adding at the end the following new section:

"§544. Advisory Committee on Minority Veterans

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Veterans (hereinafter in this section referred to as 'the Committee').

"(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

"(i) representatives of veterans who are minority group members;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans who are minority group members;

"(iii) veterans who are minority group members and who have experience in a military theater of operations; and

"(iv) veterans who are minority group members and who do not have such experience.

"(B) The Committee shall include, as ex officio members, the following:

"(i) The Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment).

"(ii) The Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense).

"(iii) The Secretary of the Interior (or a representative of the Secretary of the Interior designated by the Secretary of the Interior).

"(iv) The Secretary of Commerce (or a representative of the Secretary of Commerce designated by the Secretary of Commerce).

"(v) The Secretary of Health and Human Services (or a representative of the Secretary of Health and Human Services designated by the Secretary of Health and Human Services).

"(vi) The Under Secretary for Health and the Under Secretary for Benefits, or their designees.

"(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

"(4) The Committee shall meet as often as the Secretary considers necessary or appropriate, but not less often than twice each fiscal year.

"(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for veterans who are minority group members, reports and studies pertaining to such veterans and the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department.

"(c)(1) Not later than July 1 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are minority group members. Each such report shall include—

"(A) an assessment of the needs of veterans who are minority group members with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

"(d) In this section, the term 'minority group member' means an individual who is—

"(1) Asian American;

"(2) Black;

"(3) Hispanic;

"(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

"(5) Pacific-Islander American.

"(e) The Committee shall cease to exist December 31, 1997.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 543 the following new item:

"544. Advisory Committee on Minority Veterans.".

SEC. 511. MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—Section 7266(a) is amended to read as follows:

"(a)(1) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans' Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e) of this title.

"(2) An appellant shall file a notice of appeal under this section by delivering or mailing the notice to the Court.

"(3) A notice of appeal shall be deemed to be received by the Court as follows:

"(A) On the date of receipt by the Court, if the notice is delivered.

"(B) On the date of the United States Post Service postmark stamped on the cover in which the notice is posted, if the notice is properly addressed to the Court and is mailed.

"(4) For a notice of appeal mailed to the Court to be deemed to be received under paragraph (3)(B) on a particular date, the United States Postal Service postmark on the cover in which the notice is posted must be legible. The Court shall determine the legibility of any such postmark and the Court's determination as to legibility shall be final and not subject to review by any other Court.".

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to notices of appeal that are delivered or mailed to the United States Court of Veterans Appeals on or after that date.

TITLE VI—EDUCATION AND TRAINING PROGRAMS

SEC. 601. FLIGHT TRAINING.

(a) ACTIVE DUTY PROGRAM.—Section 3034(d) is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(d)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(b) POST-VIETNAM ERA.—Section 3241(b) is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(b)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(c) RESERVE PROGRAM.—Section 2136(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(c)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1994.

SEC. 602. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) REHABILITATION RESOURCES.—Section 3115 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out "or" after "(including the Department of Veterans Affairs),"; and

(ii) by inserting "or of any federally recognized Indian tribe," after "financial assistance,"; and

(B) in paragraph (4), by inserting "any federally recognized Indian tribe," after "contributions,"; and

(2) by adding at the end the following:

"(c) For purposes of this section, the term 'federally recognized Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

(b) ALLOWANCES.—Section 3108(c)(2) is amended by inserting "or federally recognized Indian tribe" after "local government agency".

(c) TECHNICAL CORRECTION.—(1) Section 404(b) of the Veterans' Benefits Act of 1992 (106 Stat. 4338) is amended by striking out the period at the end and inserting in lieu thereof ", but shall not apply to veterans and other persons who originally applied for assistance under chapter 31 of title 38, United States Code, before November 1, 1990.".

(2) The amendment made by paragraph (1) shall take effect as of October 29, 1992.

SEC. 603. ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

(a) IN GENERAL.—Section 3452(c) is amended by adding at the end the following: "For the period ending on September 30, 1996, such term includes any entity that provides training required for completion of any State-approved alternative teacher certification program (as determined by the Secretary).".

(b) CLARIFYING AMENDMENT.—Section 3002 is amended by adding at the end the following new paragraph:

"(8) The term 'educational institution' has the meaning given such term in section 3452(c) of this title.".

SEC. 604. EDUCATION OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The first sentence of section 3476 is amended to read as follows: "An eligible veteran may not enroll in any course offered by an educational institution not located in a State unless that educational institution is an approved institution of higher learning and the course is approved by the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to courses approved on or after the date of the enactment of this Act.

SEC. 605. CORRESPONDENCE COURSES.

(a) APPROVAL OF PROGRAMS OF EDUCATION.—(1) Section 3672 is amended by adding at the end the following new subsection:

"(e) A program of education exclusively by correspondence, and the correspondence portion of a combination correspondence-residence course leading to a vocational objective, that is offered by an educational institution (as defined in section 3452(c) of this title) may be approved only if (1) the educational institution is accredited by an entity recognized by the Secretary of Education, and (2) at least 50 percent of those pursuing such a program or course require six months or more to complete the program or course.".

(2)(A) Section 3675(a)(2)(B) is amended by striking out "A State" and inserting in lieu thereof "Except as provided in section 3672(e) of this title, a State".

(B) Section 3680(a) is amended—

(i) by inserting "or" at the end of paragraph (2);

(ii) by striking out "; or" at the end of paragraph (3) and inserting in lieu thereof a period; and

(iii) by striking out paragraph (4).

(C) Section 3686(c) is amended by striking out "(other than one subject to the provisions of section 3676 of this title)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after the date of the enactment of this Act.

SEC. 606. STATE APPROVING AGENCIES.

(a) REIMBURSEMENT.—(1) Section 3674(a)(4) is amended by striking out "$12,000,000" each place it appears and inserting in lieu thereof "$13,000,000".

(2) The amendments made by subsection (a) shall apply with respect to services provided under such section after September 30, 1994.

(b) ELIMINATION OF REQUIREMENT FOR QUARTERLY REPORT TO CONGRESS.—Section 3674(a)(3) is amended—

(1) by striking out subparagraph (B); and

(2) by striking out "(A)" after "(3)".

(c) EVALUATION OF AGENCY PERFORMANCE.—Section 3674A is amended—

(1) in subsection (a)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(2) in subsection (b)—

(A) by striking out "subsection (a)(5) of this section" both places it appears and inserting in lieu thereof "subsection (a)(4)"; and

(B) by inserting "of this title" after "section 3674(a)" both places it appears.

SEC. 607. MEASUREMENT OF COURSES.

Section 3688(b) is amended—

(1) by striking out "this chapter or" and inserting in lieu thereof "this chapter,"; and

(2) by inserting before the period at the end thereof the following: ", or chapter 106 of title 10".

SEC. 608. VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692 is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "34,"; and

(B) by inserting "and chapter 106 of title 10" before the period at the end;

(2) in the first sentence of subsection (b), by striking out "this chapter" and all that follows through "of this title" and inserting in lieu thereof "this chapter, chapter 30, 32, and 35 of this title, and chapter 106 of title 10"; and

(3) in subsection (c), by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 2003".

SEC. 609. CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING.

(a) PAYMENT LIMITATION.—Section 3697(b) is amended by striking out "$5,000,000" and inserting in lieu thereof "$6,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 610. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING ACT OF 1992.

(a) PERIOD OF TRAINING.—(1) Section 4485(d) of the Service Members Occupational Conversion and Training Act of 1992 (106 Stat. 2759; 10 U.S.C. 1143 note) is amended by striking out "or more than 18 months".

(2)(A) Section 4486(d)(2) of such Act (102 Stat. 2760; 10 U.S.C. 1143 note) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "in the community for the entire period of training of the eligible person.".

(B) The amendment made by subparagraph (A) shall apply with respect to programs of training under the Service Members Occupational Conversion and Training Act of 1992 beginning after the date of the enactment of this Act.

(b) PAYMENTS.—Section 4487 of such Act (106 Stat. 2762; 10 U.S.C. 1143 note) is amended—

(1) in subsection (a)(1)—

(A) by striking out "subparagraph (B)" in subparagraph (A) and inserting in lieu thereof "subparagraphs (B) and (C)";

(B) by inserting before the period at the end of subparagraph (A) the following: "but in no event to exceed hours equivalent to 18 months of training"; and

(C) by adding at the end the following new subparagraph:

"(C) Assistance may be paid under this subtitle on behalf of an eligible person to that person's employer for training under two or more programs of job training under this subtitle if such employer has not received (or is not due) on that person's behalf assistance in an amount aggregating the applicable amount set forth in subparagraph (B)."; and

(2) in subsection (b)(3), by inserting before the period at the end thereof ", or upon the completion of the 18th month of training under the last training program approved for the person's pursuit with that employer under this subtitle, whichever is earlier".

(c) ENTRY INTO PROGRAM OF JOB TRAINING.—Section 4488(a) of such Act (106 Stat. 2764; 10 U.S.C. 1143 note) is amended by striking out the third sentence thereof and inserting in lieu thereof "The eligible person may begin such program of job training with the employer on the day that notice is transmitted to such official by means prescribed by such official. However, assistance under this subtitle may not be provided to the employer if such official, within two weeks after the date on which such notice is transmitted, disapproves the eligible person's entry into that program of job training in accordance with this section.".

TITLE VII—EMPLOYMENT PROGRAMS

SEC. 701. JOB COUNSELING, TRAINING, AND PLACEMENT.

(a) DEPUTY ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 4102A(a) is amended—

(1) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively;

(2) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following:

"(2) There shall be within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment and Training. The Deputy Assistant Secretary shall perform such functions as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes. The Deputy Assistant Secretary shall be a veteran.".

(b) DVOP SPECIALISTS COMPENSATION RATES.—Section 4103A(a)(1) is amended by striking out "a rate not less than the rate prescribed for an entry level professional" and inserting in lieu thereof "rates comparable to those paid other professionals performing essentially similar duties".

(c) SPECIAL UNEMPLOYMENT STUDY.—Subsection (a) of section 4110A is amended to read as follows:

"(a)(1) The Secretary, through the Bureau of Labor Statistics, shall conduct a study every two years of unemployment among each of the following categories of veterans:

"(A) Special disabled veterans.

"(B) Veterans of the Vietnam era who served in the Vietnam theater of operations during the Vietnam era.

"(C) Veterans who served on active duty during the Vietnam era who did not serve in the Vietnam theater of operations.

"(D) Veterans who served on active duty after the Vietnam era.

"(E) Veterans discharged or released from active duty within four years of the applicable study.

"(2) Within each of the categories of veterans specified in paragraph (1), the Secretary shall include a separate category for women who are veterans.

"(3) The Secretary shall promptly submit to Congress a report on the results of each study under paragraph (1).".

SEC. 702. EMPLOYMENT AND TRAINING OF VETERANS.

(a) FEDERAL CONTRACTS.—Section 4212(a) is amended by striking out "all of its suitable employment openings," in clause (1) of the third sentence and inserting in lieu thereof "all of its employment openings except that the contractor may exclude openings for executive and top management positions, positions which are to be filled from within the contractor's organization, and positions lasting three days or less,".

(b) ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER FEDERAL EMPLOYMENT AND TRAINING PROGRAMS.—Section 4213 is amended—

(1) by striking out "chapters 11, 13, 31, 34, 35, and 36 of this title by an eligible veteran and" and inserting in lieu thereof "chapters 11, 13, 30, 31, 35, and 36 of this title by an eligible veteran,";

(2) by inserting "and any amounts received by an eligible person under chapter 106 of title 10," after "chapters 13 and 35 of such title, and"; and

(3) by striking out "the needs or qualifications of participants in" and inserting in lieu thereof "eligibility under".

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

SEC. 801. ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES OF SPOUSES WHO PREDECEASE VETERANS.

Section 2402(5) is amended by inserting "spouse," after "The".

SEC. 802. RESTORATION OF BURIAL ELIGIBILITY FOR UNREMARRIED SPOUSES.

Section 2402(5), as amended by section 801, is further amended by inserting after "surviving spouse" the following: "(which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)".

SEC. 803. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR STATE CEMETERY GRANT PROGRAM.

Paragraph (2) of section 2408(a) is amended by striking out "nine" and inserting in lieu thereof "fourteen".

SEC. 804. AUTHORITY TO USE FLAT GRAVE MARKERS AT THE WILLAMETTE NATIONAL CEMETERY, OREGON.

Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary of Veterans Affairs may provide for flat grave markers at the Willamette National Cemetery, Oregon.

TITLE IX—HOUSING PROGRAMS

SEC. 901. ELIGIBILITY.

(a) Reservists Discharged Because of a Service-Connected Disability.—Section 3701(b)(5)(A) is amended—

(1) by inserting "(i)" before "who has"; and

(2) by striking out the period at the end and inserting in lieu thereof ", or (ii) who was discharged or released from the Selected Reserve before completing 6 years of service because of a service-connected disability.".

(b) Surviving Spouses of Reservists Who Died While in Active Military, Naval, or Air Service.—The second sentence of section 3701(b)(2) is amended—

(1) by inserting "or service in the Selected Reserve" after "duty" each place it appears; and

(2) by striking out "spouse shall" and inserting in lieu thereof "deceased spouse shall".

SEC. 902. REVISION IN COMPUTATION OF AGGREGATE GUARANTY.

Section 3702(b) is amended—

(1) in the matter preceding paragraph (1), by striking out "loan, if—" and inserting in lieu thereof "loan under the following circumstances:";

(2) in paragraph (1)—

(A) by striking out "the property" at the beginning of subparagraph (A) and inserting in lieu thereof "The property";

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out "a veteran-transferee" at the beginning and inserting in lieu thereof "A veteran-transferee";

(B) by striking out "; or" at the end and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out "the loan" at the beginning of subparagraph (A) and inserting in lieu thereof "The loan";

(5) by inserting after paragraph (3) the following new paragraph:

"(4) In a case not covered by paragraph (1) or (2)—

"(A) the loan has been repaid in full and, if the Secretary has suffered a loss on the loan, the loss has been paid in full; or

"(B) the Secretary has been released from liability as to the loan and, if the Secretary has suffered a loss on the loan, the loss has been paid in full.";

(6) in the last sentence, by striking out "clause (1) of the preceding sentence" and inserting in lieu thereof "paragraph (1)"; and

(7) by adding at the end the following new sentence: "The authority of the Secretary under this subsection to exclude an amount of guaranty or insurance housing loan entitlement previously used by a veteran may be exercised only once for that veteran under the authority of paragraph (4).".

SEC. 903. PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS.

Section 3704 is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 904. AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.

(a) Loans.—Section 3710(a) is amended by inserting after paragraph (10) the following new paragraph:

"(11) To refinance in accordance with subsection (e) an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d).".

(b) Amount of Guaranty.—Section 3710(e)(1) is amended—

(1) in the matter preceding subparagraph (A), by inserting "or for the purpose specified in subsection (a)(11)" after "subsection (a)(8)"; and

(2) in subparagraph (C), by striking out "may not exceed" and all that follows in such subparagraph and inserting in lieu thereof "may not exceed—

"(i) an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 3703(c)(3)(A) of this title) as may be authorized by the Secretary (under regulations which the Secretary shall prescribe) to be included in the loan; or

"(ii) in the case of a loan for the purpose specified in subsection (a)(11), an amount equal to the sum of the amount referred to with respect to the loan under clause (i) and the amount specified under subsection (d)(2);".

(c) Fee.—Section 3729(a)(2)(E) is amended by inserting "3710(a)(11)," after "3710(a)(9)(B)(i),".

SEC. 905. AUTHORITY TO GUARANTEE LOANS TO REFINANCE ADJUSTABLE RATE MORTGAGES TO FIXED RATE MORTGAGES.

Section 3710(e)(1)(A) is amended by inserting before the semicolon at the end the following: "or, in a case in which the loan is a fixed rate loan and the loan being refinanced is an adjustable rate loan, the loan bears interest at a rate that is agreed upon by the veteran and the mortgagee".

SEC. 906. MANUFACTURED HOME LOAN INSPECTIONS.

(a) Certification of Conformity With Standards.—Paragraph (2) of subsection (h) of section 3712 is amended to read as follows:

"(2) Any manufactured housing unit properly displaying a certification of conformity to all applicable Federal manufactured home construction and safety standards pursuant to section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415) shall be deemed to meet the standards required by paragraph (1).".

(b) Repeal of Inspection Requirements.—Subsection (j) of such section is amended by striking out "in the case of" the first place it appears and all that follows and inserting in lieu thereof "in the case of—

"(1) manufactured homes constructed by a manufacturer who fails or is unable to discharge the manufacturer's obligations under the warranty;

"(2) manufactured homes which are determined by the Secretary not to conform to the standards provided for in subsection (h); or

"(3) a manufacturer of manufactured homes who has engaged in procedures or practices determined by the Secretary to be unfair or prejudicial to veterans or the Government.".

(c) Elimination of Reporting Requirement.—Subsection (l) of such section is amended—

(1) by striking out "the results of inspections required by subsection (h) of this section,"; and

(2) by striking out "of this section,".

SEC. 907. PROCEDURES ON DEFAULT.

(a) In General.—Paragraph (7) of section 3732(c) is amended—

(1) in the matter preceding subparagraph (A), by striking out "that was the minimum amount for which, under applicable State law, the property was permitted to be sold at the liquidation sale";

(2) in subparagraph (A)—

(A) by striking out "the Secretary may accept conveyance of the property to the United States for a price not exceeding" and inserting in lieu thereof "(i) the amount was the minimum amount for which, under applicable State law, the property was permitted to be sold at the liquidation sale, the holder shall have the option to convey the property to the United States in return for payment by the Secretary of an amount equal to"; and

(B) by striking out "and" after "loan;" and inserting in lieu thereof "or";

(C) by adding at the end the following:

"(ii) there was no minimum amount for which the property had to be sold at the liquidation sale under applicable State law, the holder shall have the option to convey the property to the United States in return for payment by the Secretary of an amount equal to the lesser of such net value or total indebtedness; and"; and

(3) in subparagraph (B), by striking out "paragraph (6)(B)" and inserting in lieu thereof "paragraph (6)".

(b) Conforming Amendment.—Paragraph (6) of such section is amended—

(1) by striking out "either";

(2) by striking out "sale or acquires" and all that follows through "(B) the" and inserting in lieu thereof "sale, the"; and

(3) by redesignating clauses (i) and (ii) as clauses (A) and (B), respectively.

SEC. 908. MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT.

Subparagraph (F) of section 5303A(b)(3) is amended by inserting "or chapter 37" after "chapter 30" in the matter preceding clause (i).

TITLE X—HOMELESS VETERANS PROGRAMS

SEC. 1001. REPORTS ON ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO ASSIST HOMELESS VETERANS.

(a) Annual Report.—(1) Not later than April 15 of each year, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the activities of the Department of Veterans Affairs during the year preceding the report under programs of the Department for the provision of assistance to homeless veterans.

(2) The report shall—

(A) set forth the number of homeless veterans provided assistance under those programs;

(B) describe the cost to the Department of providing such assistance under those programs; and

(C) provide any other information on those programs and on the provision of such assistance that the Secretary considers appropriate.

(b) Bi-Annual Requirement.—The Secretary shall include in the report submitted under subsection (a)(1) in 1995, and every two years thereafter, an evaluation of the effectiveness of the programs of the Department in providing assistance to homeless veterans.

(c) CONFORMING REPEAL.—Section 10 of Public Law 102-590 (106 Stat. 5141; 37 U.S.C. 7721 note) is repealed.

SEC. 1002. REPORT ON ASSESSMENT AND PLANS FOR RESPONSE TO NEEDS OF HOMELESS VETERANS.

(a) UPDATE OF ASSESSMENT.—Subsection (b) of section 107 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102-405; 106 Stat. 1977; 38 U.S.C. 527 note) is amended by adding at the end the following new paragraph:

"(6) The Secretary shall require that the directors referred to in paragraph (1) update the assessment required under that paragraph during each of 1995, 1996, and 1997.".

(b) REPORTS ON ASSESSMENTS AND PLAN.—Subsection (i) of such section (106 Stat. 1978) is amended—

(1) by striking out "REPORT.—" and inserting in lieu thereof "REPORTS.—(1)"; and

(2) by adding at the end the following:

"(2) Not later than December 31, 1994, the Secretary shall submit to such committees a report that—

"(A) describes the results of the assessment carried out under subsection (b);

"(B) sets forth the lists developed under paragraph (1) of subsection (c); and

"(C) describes the progress, if any, made by the directors of the medical centers and the directors of the benefits offices referred to in such subsection (c) in developing the plan referred to in paragraph (2) of such subsection (c).

"(3) Not later than December 31 of each of 1995, 1996, and 1997, the Secretary shall submit to such committees a report that describes the update to the assessment that is carried out under subsection (b)(6) in the year preceding the report.".

SEC. 1003. INCREASE IN NUMBER OF DEMONSTRATION PROGRAMS UNDER HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.

Section 2(b) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended in the first sentence by striking out "four" and inserting in lieu thereof "eight".

SEC. 1004. REMOVAL OF FUNDING REQUIREMENT OF HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.

Section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking out the second sentence.

SEC. 1005. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) of the funds appropriated for any fiscal year to support Federal programs which are designed to assist homeless individuals, a share more closely approximating the proportion of the population of homeless individuals who are veterans should be appropriated to the Secretary of Veterans Affairs for programs to assist homeless veterans that are administered by that Secretary;

(2) of the Federal grants made available to assist community organizations that assist homeless individuals, a share of such grants more closely approximating the proportion of the population of homeless individuals who are veterans should be provided to community organizations that provide assistance primarily to homeless veterans; and

(3) the Secretary of Veterans Affairs should take such actions as are necessary to ensure that Federal agencies that provide assistance, either directly or indirectly, to homeless individuals, including homeless veterans, are aware of and encouraged to make appropriate referrals to facilities of the Department of Veterans Affairs for benefits and services, such as health care, substance abuse treatment, counseling, and income assistance.

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) Under proposals for national health care reform, the Department of Veterans Affairs will be required to provide health care services to veterans on a competitive basis with other health care providers.

(2) The elimination of positions from the Department that the Office of Management and Budget has scheduled to occur in fiscal years 1995 through 1999 would prevent the Department from meeting the responsibilities of the Department to provide health care to veterans under law and from maintaining the quality of health care that is currently provided to veterans.

SEC. 1102. REQUIREMENT FOR MINIMUM NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

(a) IN GENERAL.—Chapter 7 is amended by adding at the end the following new section:

"§712. Full-time equivalent positions: limitation on reduction

"(a) Notwithstanding any other provision of law, the number of full-time equivalent positions in the Department of Veterans Affairs during the period beginning on the date of the enactment of this section and ending on September 30, 1999, may not (except as provided in subsection (c)) be less than 224,377.

"(b) In determining the number of full-time equivalent positions in the Department of Veterans Affairs during a fiscal year for purposes of ensuring under section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 115; 5 U.S.C. 3101 note) that the total number of full-time equivalent positions in all agencies of the Federal Government during a fiscal year covered by that section does not exceed the limit prescribed for that fiscal year under that section, the total number of full-time equivalent positions in the Department of Veterans Affairs during that fiscal year shall be the number equal to—

"(1) the number of such positions in the Department during that fiscal year, reduced by

"(2) the sum of—

"(A) the number of such positions in the Department during that fiscal year that are filled by employees whose salaries and benefits are paid primarily from funds other than appropriated funds; and

"(B) the number of such positions held during that fiscal year by persons involved in medical care cost recovery activities under section 1729 of this title.

"(c) The Secretary shall not be required to make a reduction in the number of full-time equivalent positions in the Department unless such reduction—

"(1) is necessary due to a reduction in funds available to the Department; or

"(2) is required under a law that is enacted after the date of the enactment of this section and that refers specifically to this section.

"(d) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report, through the year 2000, on the number and type of full-time equivalent positions in the Department that are reduced under this section. The report shall include a justification for the reductions and shall be submitted with the materials provided in support of the budget for the Department contained in the President's budget submitted to Congress for a fiscal year pursuant to section 1105 of title 31.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"712. Full-time equivalent positions: limitation on reduction.".

SEC. 1103. ENHANCED AUTHORITY TO CONTRACT FOR NECESSARY SERVICES.

Section 8110(c) is amended by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) Paragraphs (1) through (6) shall not be in effect during fiscal years 1995 through 1999.

"(8) During the period covered by paragraph (7), whenever an activity at a Department health-care facility is converted from performance by Federal employees to performance by employees of a contractor of the Government, the Secretary shall—

"(A) require in the contract for the performance of such activity that the contractor, in hiring employees for the performance of the contract, give priority to former employees of the Department who have been displaced by the award of the contract; and

"(B) provide to such former employees of the Department all possible assistance in obtaining other Federal employment or entrance into job training and retraining programs.

"(9) The Secretary shall include in the Secretary's annual report to Congress under section 529 of this title, for each fiscal year covered by paragraph (7), a report on the use during the year covered by the report of contracting-out authority made available by reason of paragraph (7). The Secretary shall include in each such report a description of each use of such authority, together with the rationale for the use of such authority and the effect of the use of such authority on patient care and on employees of the Department.".

SEC. 1104. STUDY.

(a) REQUIREMENT.—The Secretary of Veterans Affairs shall enter into an agreement with an appropriate non-Federal entity under which the entity shall carry out a study of the feasibility and advisability of alternative organizational structures, such as the establishment of a wholly-owned Government corporation or a Government-sponsored enterprise, for the effective provision of health care services to veterans.

(b) SUBMISSION OF REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study required under subsection (a). The report shall be submitted not later than one year after the date of the enactment of this Act.

(c) AUTHORIZATION OF FUNDS.—There is hereby authorized to be appropriated for the Department of Veterans Affairs the sum of $1,000,000 for the purposes of carrying out the study required under subsection (a).

TITLE XII—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1201. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

(a) REFERENCES TO "SECRETARY" AND "DEPARTMENT".—Title 38, United States Code, is amended as follows:

(1) Paragraph (1) of section 101 is amended to read as follows:

"(1) The terms 'Secretary' and 'Department' mean the Secretary of Veterans Affairs and the Department of Veterans Affairs, respectively.".

(2) Section 1532(c) is amended by striking out "Secretary" and inserting in lieu thereof "Veterans' Administration".

(3) Section 3745(a) is amended by striking out "Secretary" after "consult with the" and inserting in lieu thereof "Administrator".

(4) Section 4102A(e) is amended by striking out "Regional Secretary" both places it appears and inserting in lieu thereof "Regional Administrator".

(5) Section 4110(d)(9) is amended by striking out "Secretary of the Small Business Administration" and inserting in lieu thereof "Administrator of the Small Business Administration".

(b) References to Department of Medicine and Surgery.—

(1) The following sections of title 38, United States Code, are amended by striking out "Department of Medicine and Surgery" each place it appears and inserting in lieu thereof "Veterans Health Administration": sections 3120(a), 3120(f), 3121(a)(3), 7603(a), 7603(c)(1)(B), 7604(1)(B), 7604(2)(D), 7612(c)(1)(B), 7615, 7616(b)(2), 7616(c), 7622(b)(1), 7622(c)(2)(A), 7623(b), 7635(a)(1), 7635(a)(2), and 8110(a).

(2) Section 7622(c)(2)(B) of such title is amended by striking out "such Department" and inserting in lieu thereof "the Veterans Health Administration".

(c) Conforming Amendments Relating to Conversion of Positions of Chief Medical Director and Chief Benefits Director to Under Secretary Positions.—Title 38, United States Code, is amended as follows:

(1) Section 305 is amended—

(A) in subsection (a)(1), by striking out "a Under Secretary" and inserting in lieu thereof "an Under Secretary"; and

(B) in subsection (d)(2)(F), by striking out "Under Secretary" the second place it appears and all that follows through the closing parenthesis and inserting in lieu thereof "Chief Medical Director of the Veterans' Administration)".

(2) Section 306 is amended—

(A) in subsection (a), by striking out "a Under Secretary" and inserting in lieu thereof "an Under Secretary"; and

(B) in subsection (d)(2)(F), by striking out "Under Secretary" the second place it appears and all that follows through the closing parenthesis and inserting in lieu thereof "Chief Benefits Director of the Veterans' Administration)".

(3) Section 7306 is amended—

(A) in subsection (a)—

(i) in paragraph (3), by striking out "Assistant Chief Medical Directors" and inserting in lieu thereof "Assistant Under Secretaries for Health";

(ii) by redesignating the last three paragraphs as paragraphs (8), (7), and (9) respectively;

(iii) by reversing the order in which the penultimate and antepenultimate paragraphs appear; and

(iv) in paragraph (8), as so redesignated, by striking out "Chief Medical Director" and inserting in lieu thereof "Under Secretary for Health";

(B) in subsection (b), by striking out "Assistant Chief Medical Directors" in the matter preceding paragraph (1) and inserting in lieu thereof "Assistant Under Secretaries for Health"; and

(C) in subsection (c), by striking out "and (7)" and inserting in lieu thereof "and (8)".

(4) Section 7314(d) is amended—

(A) in paragraph (1)—

(i) by striking out "the Chief Medical Director and the Secretary to carry out" and inserting in lieu thereof "the Secretary and the Under Secretary for Health in carrying out"; and

(ii) by striking out "the Assistant Chief Medical Director described in section 7306(b)(3)" and inserting in lieu thereof "the Assistant Under Secretary for Health described in section 7306(b)(3)"; and

(B) in paragraph (3), by striking out "Assistant Chief Medical Director" both places it appears and inserting in lieu thereof "Assistant Under Secretary".

(5) Section 7318 is amended by striking out "Chief Medical Director" each place it appears and inserting in lieu thereof "Under Secretary for Health".

(6) Section 7440(1) is amended by striking out "Chief Medical Director's" and inserting in lieu thereof "Under Secretary for Health's".

(7) Section 7451(g)(1) is amended by striking out "Chief Medical Director's" and inserting in lieu thereof "Under Secretary for Health's".

(d) Cross Reference Amendments to Provisions of Title 38.—Title 38, United States Code, is amended as follows:

(1) Section 115 is amended by striking out "sections 230" and inserting in lieu thereof "sections 314, 315, 316,".

(2) Section 1710(f)(3)(E) is amended by striking out "section 1712(f)" and "section 1712(f)(4)" and inserting in lieu thereof "section 1712(a)" and "section 1712(f)", respectively.

(3) Section 1712 is amended—

(A) in subsection (i)(5), by striking out "section 1722(a)(1)(C)" and inserting in lieu thereof "section 1722(a)(3)"; and

(B) in subsection (j), by striking out "Section 4116" and inserting in lieu thereof "Section 7316".

(4) Section 3018A(d)(3) is amended by striking out "section 3015(e)" and inserting in lieu thereof "section 3015(f)".

(5) Section 3018B(d)(3) is amended by striking out "section 3015(e)" and inserting in lieu thereof "section 3015(f)".

(6) Section 3032(f)(3) is amended by striking out "(c), or (d)(1)" and inserting in lieu thereof "(d), or (e)(1)".

(7) Section 3035(b) is amended—

(A) in paragraph (2), by striking out "section 3015(c)" and inserting in lieu thereof "section 3015(d)"; and

(B) in paragraph (3)(C), by striking out "section 3015(e)" and inserting in lieu thereof "section 3015(f)".

(8) Section 3103(b)(3) is amended by striking out "section 3102(1)(A)" and inserting in lieu thereof "section 3102(1)(A)(i)".

(9) Section 3106(a) is amended by striking out "section 3102(1)(A) or (B)" and inserting in lieu thereof "clause (i) or (ii) of section 3102(1)(A)".

(10) Section 3113(a) is amended by striking out "section 3102(1)(B) and (2)" and inserting in lieu thereof "subparagraphs (A)(ii) and (B) of section 3102(1)".

(11) Section 3120(b) is amended by striking out "section 3012(1)(A)" and inserting in lieu thereof "section 3102(1)(A)(i)".

(12) Section 3241(c) is amended by striking out "1663,".

(13) Section 3735(a)(1)(A) is amended by striking out "section 3402" and inserting in lieu thereof "section 5902".

(14) Section 4103(c)(2) is amended by striking out "subchapter IV of chapter 3" and inserting in lieu thereof "subchapter II of chapter 77".

(15) Section 5104(a) is amended by striking out "section 211(a)" and inserting in lieu thereof "section 511".

(16) Section 8103(d)(6)(A) is amended by striking out "section 230(c)" and inserting in lieu thereof "section 316".

(17) Section 8110(c)(3)(B) is amended by striking out "section 213 or 4117" and inserting in lieu thereof "section 513 or 7409".

(18) Section 8135(a)(3) is amended by striking out "section 8134(2)" and inserting in lieu thereof "section 8134(a)(2)".

(19) Section 8155(a) is amended by striking out "section 4112" and inserting in lieu thereof "section 7312".

(20) Section 8201(c) is amended by striking out "section 4112(a)" and inserting in lieu thereof "section 7312(a)".

(e) Punctuation, Capitalization, Spelling, Etc.—Title 38, United States Code, is amended as follows:

(1) Section 111(b)(3)(B) is amended by striking out "the Department facility" and inserting in lieu thereof "a Department facility".

(2) Sections 305(d)(2)(F) and 306(d)(2)(F) are amended by striking out "Commission" and inserting in lieu thereof "commission".

(3) Section 312(a) is amended by striking out "(5 U.S.C. App. 3)" and inserting in lieu thereof "(5 U.S.C. App.)".

(4) Section 317(b)(2) is amended by striking out "provided, by the" and inserting in lieu thereof "provided by, the".

(5) Section 711(d) is amended by striking out "Committees" and inserting in lieu thereof "committees".

(6) Section 1116(a)(1)(B) is amended by striking out "(1)" and "(2)" and inserting in lieu thereof "(i)" and "(ii)", respectively.

(7) Section 1722A(a)(1) is amended by striking out the closing parenthesis after "veteran" in the first sentence.

(8) Section 1969(e) is amended—

(A) by striking out "sections 1971 (a) and (c)" and inserting in lieu thereof "subsections (a) and (c) of section 1971"; and

(B) by striking out "sections 1971 (d) and (e)" and inserting in lieu thereof "subsections (d) and (e) of section 1971".

(9) Section 1977(f) is amended by striking out "sections 1971 (d) and (e)" and inserting in lieu thereof "subsections (d) and (e) of section 1971".

(10) Section 3011(f)(1) is amended by striking out "whose length" and inserting in lieu thereof "the length of which".

(11) Section 3018B(d) is amended—

(A) in paragraph (1), by striking out "(a)(2)(D) of this subsection" and inserting in lieu thereof "(a)(2)(D) of this section"; and

(B) in paragraph (3)—

(i) by striking out "such Account" and inserting in lieu thereof "such account"; and

(ii) by striking out "this chapter" and inserting in lieu thereof "this title".

(12) Section 3688(a)(6) is amended by inserting a comma after "3241(a)(2)".

(13) Section 3706 is amended by striking out "of this chapter" the second and third places it appears and inserting in lieu thereof "of this title".

(14) Section 3712 is amended—

(A) in subsection (c)(3)—

(i) by inserting "of" in subparagraph (D) after "subparagraph (B)"; and

(ii) by striking out "of this subsection" in subparagraph (E) and inserting in lieu thereof "of this paragraph"; and

(B) in subsection (m), by striking out "section 3704(d) and section 3721 of this chapter" and inserting in lieu thereof "sections 3704(d) and 3721 of this title".

(15) Section 3713(b) is amended in the last sentence by striking out "subsection 5302(b) of this title, if eligible thereunder" and inserting in lieu thereof "section 5302(b) of this

title, if the veteran is eligible for relief under that section".

(16) Section 5702 is amended—

(A) by inserting "(a)" before "Any person desiring";

(B) by striking out "custody of" and all that follows through "stating" and inserting in lieu thereof "custody of the Secretary that may be disclosed under section 5701 of this title must submit to the Secretary an application in writing for such copy. The application shall state"; and

(C) in subsection (c), by striking out "is authorized to fix" and inserting in lieu thereof "may establish".

(17) Section 6101(a) is amended by inserting a comma after "title 18".

(18) Section 6103(d)(1) is amended in the second sentence—

(A) by striking out "(a)" and "(b)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(B) by striking out "prior to" and inserting in lieu thereof "before".

(19) Section 6105(c) is amended—

(A) in the first sentence, by striking out "clauses (2), (3), or (4) of subsection (b) of this section" and inserting in lieu thereof "paragraph (2), (3), or (4) of subsection (b)";

(B) in the second sentence, by striking out "clause (1) of that subsection" and inserting in lieu thereof "paragraph (1) of subsection (b)"; and

(C) by transposing the two sentences of that subsection (as so amended).

(20) Section 7312(d) is amended by striking out "the advisory groups activities" and inserting in lieu thereof "the activities of the advisory group".

(21) Section 7408(a) is amended by striking out "civil-service" and inserting in lieu thereof "civil service".

(22) Sections 7433(b)(3)(A) and 7435(b)(3)(A) are amended by striking out "nation-wide" and inserting in lieu thereof "nationwide".

(23) Section 7451(d)(3)(C)(i)(I) is amended by striking out "labor market area" and inserting in lieu thereof "labor-market area".

(24) Section 7453 is amended by striking out "subsections" in subsections (f) and (g) and inserting in lieu thereof "subsection".

(25) Section 7601(a) is amended by striking out the comma at the end of paragraph (1) and inserting in lieu thereof a semicolon.

(26) Section 7604 is amended by striking out "subchapters" in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof "subchapter".

(27) Section 8126 is amended—

(A) in subsection (e)(1)(A), by striking out "1-year" and inserting in lieu thereof "one-year"; and

(B) in subsection (f)(2), by striking out ", and" and inserting in lieu thereof a period.

(f) DATE OF ENACTMENT REFERENCES.—Title 38, United States Code, is amended as follows:

(1) Section 1922A(b) is amended by striking out "insurance not later than" and all that follows through "that the Department" and inserting in lieu thereof "insurance. Such application must be filed not later than (1) October 31, 1993, or (2) the end of the one-year period beginning on the date on which the Secretary".

(2) Sections 3011(e) and 3012(f) are amended by striking out "the end of the 24-month period beginning on the date of the enactment of this subsection" and inserting in lieu thereof "October 28, 1994,".

(3) Section 3018B(a)(2)(A) is amended by striking out "the date of enactment of this section" and inserting in lieu thereof "October 23, 1992,".

(4) Section 3702(a)(2)(E) is amended by striking out "For the 7-year period beginning on the date of enactment of this subparagraph," and inserting in lieu thereof "For the period beginning on October 28, 1992, and ending on October 27, 1999,".

(5) Section 6103(d)(2) is amended by striking out "the date of enactment of this amendatory Act" and inserting in lieu thereof "June 30, 1972".

(6) Section 8126 is amended—

(A) in subsection (e)(1)(A), by striking out "30 days after the date of the enactment of this section" and inserting in lieu thereof "December 4, 1992"; and

(B) in subsection (g), by striking out "the date of the enactment of this section" in paragraphs (1) and (2) and inserting in lieu thereof "November 4, 1992".

(g) OBSOLETE OR EXECUTED PROVISIONS.—Title 38, United States Code, is amended as follows:

(1) Section 312(b) is amended by striking out paragraph (3).

(2) Section 1524(a)(2) is amended by striking out "Subject to paragraph (3) of this subsection, if" and inserting in lieu thereof "If".

(3) Section 4110(c)(1) is amended by striking out "shall, within 90 days after the date of the enactment of this section, appoint" and inserting in lieu thereof "shall appoint".

(4)(A) Section 5505 is repealed.

(B) The table of sections at the beginning of chapter 55 is amended by striking out the item relating to section 5505.

(5) Section 7311 is amended by striking out subsections (f) and (g).

(6) Section 7453(i)(3) is amended by striking out "of title 5".

(7) Section 8110(c) is amended by striking out paragraph (7).

(8) Section 8111(b) is amended—

(A) in paragraph (2)—

(i) by striking out "During fiscal years 1982 and 1983" in the second sentence and inserting in lieu thereof "During odd-numbered fiscal years";

(ii) by striking out "During fiscal year 1984" in the third sentence and inserting in lieu thereof "During even-numbered fiscal years"; and

(iii) by striking out the fourth sentence; and

(B) in paragraph (4), by striking out "Within nine months of the date of the enactment of this subsection and at such times thereafter as" and inserting in lieu thereof "At such times as".

(h) AMENDMENTS TO HEADINGS AND TABLES OF CONTENTS.—Title 38, United States Code, is amended as follows:

(1) The table of chapters before part I and the table of chapters at the beginning of part III are amended by striking out the item relating to chapter 42 and inserting in lieu thereof the following:

"42. Employment and Training of Veterans .... 4211".

(2) The heading of section 2106 is amended by revising each word after the first word so that the initial letter of each such word is lower case.

(3) The item relating to subchapter III in the table of sections at the beginning of chapter 73 is amended to read as follows:

"SUBCHAPTER III—PROTECTION OF PATIENT RIGHTS".

(4) The heading of section 7458 is amended to read as follows:

"§7458. Recruitment and retention bonus pay".

(5) The heading of chapter 81 is amended by inserting "enhanced-use" before "leases of real".

(6) The item relating to section 8126 in the table of sections at the beginning of chapter 81 is amended to read as follows:

"8126. Limitation on prices of drugs procured by Department and certain other Federal agencies.".

(i) OTHER MISCELLANEOUS CORRECTIONS.—Title 38, United States Code, is amended as follows:

(1) Section 1718(c)(1) is amended by inserting "of Veterans Affairs" after "Department" in the first sentence.

(2) Section 1922(b)(4) is amended by striking out "Notwithstanding" and all that follows through "title," and inserting in lieu thereof "Notwithstanding section 1917 of this title,".

(3) Section 1969(d)(3) is amended by striking out "'General Operating Expenses, Department'" and inserting in lieu thereof "'General Operating Expenses, Department of Veterans Affairs'".

(4) Section 3018A(a)(1) is amended by striking "after December 31, 1990," and all that follows through "whichever is later," and inserting in lieu thereof "after February 2, 1991,".

(5) Section 3121(a)(3) is amended by striking out "Department of Veterans' Benefits" and inserting in lieu thereof "Veterans Benefits Administration".

(6) Section 3680(a)(C) is amended by striking out "1 full" and inserting in lieu thereof "one full".

(7) Section 4110(e)(3)(B) is amended—

(A) by striking out ", United States Code,"; and

(B) by striking out "the Board" and inserting in lieu thereof "the advisory committee".

(8) Section 5110 is amended by striking out subsection (m).

(9) Section 7315(b)(2) is amended by striking out "Department" and inserting in lieu thereof "Veterans' Administration".

(10) Section 8111(f)(6) is amended by inserting "of Defense" after "the Secretary" the second place it appears.

(11) Section 8502(d) is amended by striking out "General Post Fund, National Homes, Department," and inserting in lieu thereof "General Post Fund, National Homes, Department of Veterans Affairs,".

SEC. 1202. AMENDMENTS TO OTHER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) PUBLIC LAW 102-54.—Effective as of June 13, 1991, and as if included in the enactment of Public Law 102-54, Public Law 102-54 is amended as follows:

(1) Section 13(e) (105 Stat. 275) is amended by striking out "subsection (b)(10)" and inserting in lieu thereof "subsection (c)(10)".

(2) Section 15(a)(1)(A) (105 Stat. 289) is amended by inserting "the first place it appears" before "in the first sentence".

(b) PUBLIC LAW 102-83.—Effective as of August 6, 1991, and as if included in the enactment of Public Law 102-83, section 4(a) of Public Law 102-83 (105 Stat. 403) is amended as follows:

(1) Paragraph (2)(E) is amended by striking out "Section 601(4)" and inserting in lieu thereof "Section 601(3)".

(2) Paragraph (4) is amended by adding at the end the following:

"(E) Sections 7314(b)(1) and 7315(b)(2).".

(c) PUBLIC LAW 102-86.—Section 403(b)(4) of the Veterans' Benefits Programs Improvement Act of 1991 (Public Law 102-86; 105 Stat. 423; 36 U.S.C. 493(b)(4)) is amended by striking out "section 235" and inserting in lieu thereof "section 707".

(d) PUBLIC LAW 102–547.—Section 10(b)(2) of the Veterans Home Loan Program Amendments of 1992 (106 Stat. 3643; 38 U.S.C. 3703 note) is amended by striking out "paragraph 4" and inserting in lieu thereof "paragraph (4)".

(e) PUBLIC LAW 102–585.—The Veterans Health Care Act of 1992 (Public Law 102–585) is amended as follows:

(1) Section 202 (38 U.S.C. 8111 note) is amended by striking out "the Chief Medical Director" and inserting in lieu thereof "the Under Secretary for Health of the Department of Veterans Affairs".

(2) Section 511(c) (38 U.S.C. 7318 note) is amended by striking out "Chief Medical Director" each place it appears and inserting in lieu thereof "Under Secretary for Health".

SEC. 1203. AMENDMENTS TO OTHER LAWS.

(a) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act is amended as follows:

(1) Section 502(b)(2)(D) (42 U.S.C. 290aa–1(b)(2)(D)) is amended to read as follows:

"(D) the Under Secretary for Health of the Department of Veterans Affairs;".

(2) Section 542(b)(2) (42 U.S.C. 290dd–1(b)(2)) is amended by striking out "Chief Medical Director" and inserting in lieu thereof "Under Secretary for Health".

(3) Section 2604(b)(2)(A) (42 U.S.C. 300ff–14(b)(2)(A)) is amended by striking out "Veterans Administration facilities" and inserting in lieu thereof "Department of Veterans Affairs facilities".

(b) MISCELLANEOUS DEPARTMENT AND SECRETARY REFERENCES.—Section 5102(c)(3) of title 5, United States Code, is amended by striking out the comma after "Department of Veterans Affairs".

(c) MISCELLANEOUS CROSS-REFERENCE CORRECTIONS.—

(1) Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "section 4303".

(2) Section 441(b)(2)(B) of the Job Training Partnership Act (29 U.S.C. 1721(b)(2)(B)) is amended—

(A) by striking out "subchapter IV of chapter 3" and inserting in lieu thereof "subchapter II of chapter 77"; and

(B) by striking out "sections 612A, 620A, 1787, and 2003A" and inserting in lieu thereof "sections 1712A, 1720A, 3687, and 4103A".

(3) Section 107 of the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6706) is amended by striking out "section 4211(2)(A)" and "section 2011(1)" inserting in lieu thereof "section 4211(2)" and "section 4211(1)", respectively.

(4) Section 4(g)(2) of the Employment Act of 1946 (15 U.S.C. 1022a(g)(2)) is amended—

(A) by striking out "this subsection" and inserting in lieu thereof "this section"; and

(B) by striking out "section 2011(1) or (2)(A)" and inserting in lieu thereof "section 4211(1) or (2)".

AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY:

Beginning on page 76, line 1, strike out all through page 81, line 11, and amend the table of contents.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5244, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR ACCEPTANCE BY SECRETARY OF EDUCATION OF APPLICATIONS SUBMITTED BY LOCAL EDUCATION AGENCIES SERVING WINDOW ROCK UNIFIED SCHOOL DISTRICT, WINDOW ROCK, AZ

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the bill (H.R. 5220) to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, AZ, under section 3 of the act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal years 1994 and 1995, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION BY WINDOW ROCK, ARIZONA, LOCAL EDUCATIONAL AGENCY FOR FUNDING UNDER SECTION 3 OF PUBLIC LAW 874, 81ST CONGRESS.

Notwithstanding section 5(a)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress; 20 U.S.C. 240(a)(2)) (as such section was in effect on the day before the date of the enactment of the Improving America's Schools Act of 1994), the Secretary of Education shall accept from the local educational agency serving the Window Rock Unified School District, Window Rock, Arizona, applications for funding under section 3 of the Act of September 30, 1950 (as so in effect) for fiscal years 1994 and 1995 as if such applications were timely received in accordance with section 222.10(a)(1) of title 34, Code of Federal Regulations.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5220, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR PRINTING OF STATEMENTS MADE IN TRIBUTE TO REPRESENTATIVE JAMIE L. WHITTEN

Mr. MANTON. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 314) providing for the printing of a collection of statements made in tribute to Representative JAMIE L. WHITTEN, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Ms. DUNN. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. MANTON], for an explanation of the legislation.

Mr. MANTON. Mr. Speaker, House Concurrent Resolution 314 was introduced by Mr. MONTGOMERY and would authorize the printing of a collection of statements made in tribute to Hon. JAMIE WHITTEN, the dean of the House.

JAMIE WHITTEN came to Congress in 1941, and for more than 50 years has served his constituents with honor and distinction.

Ms. DUNN. Mr. Speaker, I appreciate the gentleman explaining the bill. I think this is a very fitting tribute to Congressman WHITTEN who was elected on November 4, 1941. On January 6, 1992, he broke Carl Vinson's record for the longest continuous service in the House of Representatives, 43 years on November 4.

Congressman WHITTEN was chairman of the Appropriations Committee from 1979 to 1992. He served on that committee since 1943, and he was chairman of the Agriculture Appropriations Subcommittee from 1949 to 1992. He has been dean of the House since 1979.

I appreciate the gentleman initiating this resolution and I strongly support it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 314

Resolved by the House of Representatives (the Senate concurring), That a collection of statements made in tribute to Representative Jamie L. Whitten, prepared under the supervision of the Joint Committee on Printing, shall be printed as a House document, with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed the lesser of—

(1) 1,850 copies (including 400 casebound copies) of the document, of which 550 copies (including 100 casebound copies) shall be for the use of the House of Representatives, 110 copies (including 100 casebound copies) shall be for the use of the Senate, and 1,190 copies

(including 200 casebound copies) shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $19,527, with such copies to be allocated in the same proportion as described in paragraph (1).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MANTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 314, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FEDERAL POWER ACT AMENDMENTS OF 1994

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2384) to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Indiana?

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I shall not object, but I rise to ask the gentleman from Indiana [Mr. SHARP] to explain the bill, and I yield to the gentleman from Indiana for that purpose.

Mr. SHARP. Mr. Speaker, I thank the gentleman for yielding.

This legislation addresses problems in five areas of the Federal Energy Regulatory Commission's jurisdiction over hydropower projects and renewable resources.

First, the bill authorizes the Federal Energy Regulatory Commission, or FERC, to extend the time required for commencement of construction of several projects, for a maximum of 2 years each. This authority expires 3 years from the date of enactment. Where a construction license has already been extended more than two times, FERC is directed to report to Congress on the reasons for the delay.

This approach is consistent with prior House actions extending other hydropower construction licenses under the Federal Power Act. The affected projects are located in Arkansas, Illinois, Idaho, Kentucky, Ohio, Oregon, Pennsylvania, Washington, and West Virginia.

Second, the legislation provides for a limited exemption for a hydropower project located in Rio Arriba County, NM, insofar as FERC determines this is consistent with the public interest. This will permit the continued use of an electrical transmission line connecting the project to the main grid, consistent with the requirements of the Federal Power Act and all affected FERC licensees.

Third, the bill authorizes FERC to exempt two hydroelectric projects located in Alaska from certain licensing requirements, in order to expedite their consideration. This approach builds on a process under the Energy Policy Act of 1992 which retains all substantial wildlife protections, and permits FERC to impose conditions on any such license in order to protect these and other important values.

Fourth, the legislation directs FERC to make recommendations to the Congress in 1995 regarding legislation to transfer to the State of Hawaii all or part of its authority under the Federal Power Act for licensing new hydroelectric projects in the State. This transfer would not alter the applicability of other Federal environmental laws and regulations. During its consideration, the FERC is required to obtain the views of the State of Hawaii, as well as the other Federal environmental agencies, before forwarding any recommendations to the Congress.

Finally, the bill extends for a period of 2 years the removal of the size cap on renewable generation resources under the Public Utility Regulatory Policies Act of 1992.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, I strongly support the passage of S. 2384. The bill addresses several important hydroelectric and renewable energy issues. First, the bill would authorize the extension of deadlines for the construction of 13 hydroelectric projects licensed under the Federal Power Act.

In addition to the license extensions, the bill has provisions authorizing the Federal Energy Regulatory Commission to exempt small hydroelectric facilities in Alaska from its jurisdiction. The bill also requires the FERC to make recommendations regarding the transfer of FERC licensing authority to the State of Hawaii.

Finally, the bill would extend for 2 years the existing exemption for renewable power generation facilities from the 80 megawatt size cap for qualifying facilities under PURPA. If the exemption is not extended, it will lapse in December, preventing the development of efficient renewable power resources under PURPA.

It is important that these issues be resolved to ensure that our Federal statutes and regulations do not get in the way of environmentally sound and efficient hydroelectric and renewable energy development.

Mr. STUDDS. Mr. Speaker, I am rising in support of the Committee Substitute Amendments to S. 2384.

In particular, I would like to clarify one of the Committee's provisions contained in title VI of the bill. These amendments would partially exempt certain hydropower projects from requirements under the Federal Power Act. The Merchant Marine and Fisheries Committee agrees with this language with the caveat that the protections for fish and wildlife presently contained in the Federal Power Act remain in place. These hydropower projects would still have to meet conditions to mitigate damage to fish and wildlife as set by the Fish and Wildlife Service and the National Marine Fisheries Service. While the Committee supports the attempt to remove some of the more bureaucratic requirements of the hydropower licensing process, we believe the protections of fish and wildlife should remain intact.

In closing, I would like to again express my support for the bill, and to commend Chairman DINGELL for his continuing attention to health of our Nations aquatic ecosystems.

Mr. MOORHEAD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Power Act Amendments of 1994".

TITLE I—PROJECTS IN THE STATE OF ALASKA

SECTION 101. STATE LICENSING JURISDICTION OVER SMALL PROJECTS.

The Federal Power Act, as amended, (16 U.S.C. 791a et seq.) is further amended by adding the following at the end of section 23:

"(c) In the case of any project works in the State of Alaska—

"(1) that are not part of a project licensed under this act prior to the date of enactment of this subsection;

"(2) for which a license application has not been accepted for filing by the Commission prior to the date of enactment of this subsection (unless such application is withdrawn at the election of the applicant);

"(3) having a power production capacity of 5,000 kilowatts or less;

"(4) located entirely within the boundaries of a single State; and

"(5) not located in whole or in part on any Indian reservation, unit of the National Park System, component of the wild and Scenic Rivers System or segment of a river designated for study for potential addition to such system, the State in which such project works are located shall have the exclusive authority to authorize such project works under State law, in lieu of licensing by the Commission under the otherwise applicable provisions of this part, effective upon the date on which the Secretary of Energy determines, after notice and an opportunity for public comment, that the State has assessed its river resources in a comprehensive way and has in place a process for regulating such projects which gives consideration to the improvement or development of the State's waterways for the use or benefit of intrastate, interstate, or foreign commerce, for the improvement and use of waterpower development, for the protection, mitigation of damage to, and enhancement of fish and wildlife (including related spawning grounds), and for other beneficial public uses, including irrigation, flood control, water supply, recreational and other purposes, and Indian rights, if applicable. Upon notice from the Governor of the State, the Secretary of Energy shall immediately initiate the process to make this determination, and shall complete said process and make a determination within 180 days of such notice.

"(d) In the case of a project that would be subject to authorization by a State under subsection (c) but for the fact that the project has been licensed by the Commission prior to the enactment of subsection (c), the licensee of such project may in its discretion elect to make the project subject to the authorizing authority of the State.

"(e) With respect to projects located in whole or in part on Federal lands, State authorizations for project works pursuant to subsection (c) of this section shall be subject to the approval of the Secretary having jurisdiction with respect to such lands and subject to such terms and conditions as the Secretary may prescribe.

"(f) Nothing in subsection (c) shall preempt the application of Federal environment, natural, or cultural resources protection laws according to their terms.".

SEC. 102. REMOVAL OF FEDERAL ENERGY REGULATORY COMMISSION JURISDICTION.

The following projects located entirely within the State of Alaska are removed from the jurisdiction of the Federal Energy Regulatory Commission and all applicable laws and regulations relating to such jurisdiction—

(1) a project located at Sitka, Alaska, identified in FERC Docket No. UL89-08; and

(2) a project located near Nondalton, Alaska, identified in FERC Docket No. EL88-25.

TITLE II—PROJECTS IN THE STATE OF ARKANSAS

SEC. 201. EXTENSION OF DEADLINE.

That notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC projects numbered 4204, 4660 and 4659 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of the projects for a maximum of two years. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

TITLE III—PROJECTS IN THE STATE OF HAWAII

SEC. 301. EXEMPTION FOR PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

Section 4(e) of the Federal Power Act is amended by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii, unless a license would be required by section 23 of the Act), or upon".

TITLE IV—PROJECTS IN THE STATE OF IDAHO

SEC. 401. EXTENSION OF DEADLINE.

Notwithstanding the time limitation of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project numbered 4797, is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend until March 28, 2000 the time required for the licensee to commence the construction of such project.

TITLE V—PROJECTS IN THE STATE OF ILLINOIS

SEC. 501. PROJECT NUMBER 3943.

The Federal Energy Regulatory Commission is authorized and directed to reinstate effective August 16, 1994 the hydroelectric license previously issued for Project Number 3943. Within the meaning of section 13 of the Federal Power Act time required for the commencement of construction of such project shall be reinstated for not more than 3 consecutive 2-year periods.

SEC. 502. PROJECT NUMBER 3944.

The Federal Energy Regulatory Commission is authorized and directed to reinstate effective August 15, 1994 the hydroelectric license previously issued for Project Number 3944. Within the meaning of section 13 of the Federal Power Act time required for the commencement of construction of such project shall be extended for not more than 3 consecutive 2-year periods.

TITLE VI—PROJECTS IN THE STATE OF KENTUCKY

SEC. 601. EXTENSION OF DEADLINE.

That notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project numbered 10228 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of the project for up to a maximum of three consecutive two-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

TITLE VII—PROJECTS IN THE STATE OF NEW MEXICO

SEC. 701. EXEMPTION OF PORTION OF EL VADO HYDROELECTRIC PROJECT FROM LICENSING REQUIREMENT OF PART I OF THE FEDERAL POWER ACT.

(a) Part I of the Federal Power Act shall not be applicable to the portion of the El Vado Hydroelectric Project, New Mexico (FERC project numbered 5226) that is described in subsection (b).

(b) The portion of the El Vado Hydroelectric Project referred to in subsection (a) consists of the 69 KV transmission line, including the right of way, which originates in the switch yard of such project and extends north to the Spills Switching Station operated by the Northern Rio Arriba Electric Cooperative, Inc., located in Rio Arriba County, New Mexico.

TITLE VIII—PROJECTS IN THE STATE OF OREGON

SEC. 801. EXTENSION OF DEADLINE.

The Federal Energy Regulatory Commission is authorized and directed to reinstate effective May 23, 1993 the hydroelectric license previously issued for project numbered 7829. Commencement of construction within the meaning of section 13 of the Federal Power Act shall commence within four years of the date of enactment of this section.

TITLE IX—PROJECTS IN THE STATE OF WASHINGTON

SEC. 901. EXTENSION OF DEADLINE.

Notwithstanding the time limitation of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project numbered 3701, is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend until May 31, 2000, the time required for the licensee to commence the construction of such project.

TITLE X—PROJECTS IN THE STATE OF WEST VIRGINIA

SEC. 1001. EXTENSION OF DEADLINE.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission projects numbered 6901 and 6902, the Commission shall, upon the request of the licensee for such projects, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section and the procedures specified in such section, extend the time period during which such licensee is required to commence of construction of such projects to terminate on October 3, 1999. This section shall take effect for the projects upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such projects. If the license issued for project numbered 6902 should expire prior to the date of enactment of this Act, the Commission is authorized and directed to reinstate effective October 15, 1994, the license previously issued for such project and to extend the time required for the commencement of construction of such project until October 3, 1999.

TITLE XI—PROJECTS IN THE STATE OF PENNSYLVANIA

SEC. 1101. EXTENSION OF DEADLINE.

Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon request of the licensee for project number 4474, is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 and the Commission's procedures under such section, to extend until April 15, 2001, the time required for the licensee to commence construction of such project.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHARP

Mr. SHARP. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SHARP:

Strike all after the enacting clause and insert:

SECTION 1. EXTENSIONS OF DEADLINES FOR HYDROPOWER PROJECTS.

(a) IN GENERAL.—Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806), the Federal Energy Regulatory Commission, upon the request of the licensees for FERC Projects No. 3701, 3943, 3944, 4204, 4474, 4660, 4659, 4797, 6901, 6902, 9423, and 10228 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction for each such project for a maximum of 2-years. This section shall take effect for each such project upon the expiration of the extension (issued by the Commission under such section 13 or by Act of Congress) of the period required for commencement of construction of such project.

(b) TERMINATION.—The authorization for issuing extensions under this section shall terminate 3 years after the date of enactment of this section. To facilitate requests for extensions, the Commission may consolidate the requests. The Commission shall, in the case of any project referenced in subsection (a) that has had more than 2 extensions under the Federal Power Act or any other provision of law, shall examine and, at the time of granting extensions under this Act, report to the Congress the reasons for delay in construction by each licensee and the Commission's views on the ability of the licensee to comply with the construction requirements of the Federal Power Act before the end of such extension.

SEC. 2. REINSTATEMENT

(a) IN GENERAL.—The Federal Energy Regulatory Commission authorized and directed to reinstate effective May 23, 1993, in accordance with the good faith, due diligence, and public interest requirements of section 13 of the Federal Power Act (16 U.S.C. 806) and the Commission's procedures under such section, the hydroelectric license previously issued for Project No. 7829. Commencement of construction within the meaning of section 13 of the Federal Power Act shall commence within 4 years of such date.

(b) TERMINATION.—The authorization under this section shall terminate 3 years after the date of enactment of this section.

SEC. 3. EXEMPTION OF PORTION OF EL VADO HYDROELECTRIC PROJECT FROM LICENSING REQUIREMENT OF PART I OF THE FEDERAL POWER ACT.

(a) EXEMPTION.—The Federal Energy Regulatory Commission shall provide that the 69 KV transmission line, including the right-of-way, which originates in the switchyard of the El Vado Hydroelectric Project, New Mexico (FERC project numbered 5226) and extends north to the Spills Switching Station operated by the Northern Rio Arriba Electric Cooperative, Inc. ("NORA"), located in Rio Arriba County, New Mexico may be exempt for the term of the applicable license from so much of part I of the Federal Power Act as the Commission deems necessary to permit NORA to effectively and prudently utilize its system in conjunction with, and in furtherance of, the license unless the Commission finds after reasonable notice that such exemption is not in the public interest. The Commission shall initiate this action upon application of the licensee made within 120 days after the enactment of this Act, and the Commission shall provide such exemption without delay.

SEC. 4. CERTAIN PROJECTS UNDER THE FEDERAL POWER ACT IN ALASKA.

(a) AMENDMENT TO SECTION 2407(a).—Section 2407(a) of the Energy Policy Act of 1992 is amended by striking "may" and inserting "shall, in the case of the projects referenced in paragraphs (1) and (3) of this subsection and may, in the case of the project in paragraph (2) of this subsection,".

(b) AMENDMENT TO SECTION 2407(f).—Section 2407(f) of such Act is amended by adding the following new sentence at the end thereof: "The Commission shall, on its own motion, provide such exemption at any time after the enactment of this sentence, taking into consideration any application filed with the Commission prior to such enactment. The Commission shall report to the Congress the actions taken under this section and if the Commission fails to grant any such exemption in paragraphs (1) and (3) of subsection (a), shall explain the reasons for such failure.".

SEC. 5. HAWAII LEGISLATIVE REPORT.

The Federal Energy Regulatory Commission, taking into consideration the Commission's Study, April 13, 1994, of Hydroelectric Licensing in the State of Hawaii, shall initiate a proceeding for the purpose of making recommendations to the Congress in the first session of the 104th Congress for legislation to provide for the transfer to the State of Hawaii of all or part of the Commission's authority under the Federal Power Act for the licensing of new hydroelectric projects in the State of Hawaii without affecting the applicability of other Federal environmental laws and regulations to such projects, without transferring such authority to the State in the case of any such projects that could conflict with the management and operation of any National Wildlife Refuge or National Park in Hawaii, and without, to the greatest extent possible, establishing a precedent with respect to other States, Guam, the Virgin Islands, and the Commonwealth of Puerto Rico. The Commission shall obtain the views of the State of Hawaii and other Federal environmental agencies on any proposed legislative recommendation and shall include such views in the report of the Commission transferring the Commission's recommendations to the Congress. The Commission shall include its views and recommendations and those of any individual member of the Commission.

SEC. 6. SIZE LIMITATIONS OF ELIGIBLE FACILITIES UNDER PURPA.

Section 3(17)(E) of the Federal Power Act (16 U.S.C. 791a and following) is amended by striking "1994" and inserting "1996".

Mr. SHARP (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from Indiana?

Mr. DINGELL. Mr. Speaker, reserving the right to object, this is a very sad occasion for me, speaking on reservation, because this is probably the last piece of legislation that will be handled by the distinguished gentleman from Indiana [Mr. SHARP]. He has served on the Committee on Energy and Commerce with extraordinary distinction and ability. He has served as chairman of our Subcommittee on Energy and Power. He has handled difficult legislation during his career and has always done so with distinction, dedication, energy and dispatch.

As chairman of the full committee I am able to say he has been one of the members that has made the subcommittee work, and he has been one of the Members that has made the Committee on Energy and Commerce work.

□ 1940

He is owed a great debt by his constituents for his extraordinary service here, but also by the House, by his colleagues, and by his chairman, and by the members of his committee. He has led and inspired an extraordinary staff and has accomplished some remarkable things during his career as chairman of that subcommittee, including writing some legislation which I never thought was going to achieve passage because of the complexity and because of the intense political feelings which surrounded that legislation. I wish to express to him my gratitude for his extraordinary service here, my good wishes to him for success in whatever undertakings he engages in after he leaves here, and to express to him and to his wife, K.K., and his colleagues on the committee, his colleagues in the House, as well as his colleagues from Indiana that he will know great happiness, that he will have great success, and that he will remember us with the same affection and respect with which we will carry him in our hearts.

I know it is not in conformity with the rules, but I am sure the House will want to applaud the distinguished gentleman from Indiana.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. Further reserving the right to object, I am happy to yield to the gentleman from California [Mr. MOORHEAD], my dear friend, the minority member of the committee.

Mr. MOORHEAD. Mr. Speaker, I would like to join with the chairman of our committee in commending the gentleman from Indiana [Mr. SHARP], chairman of our Subcommittee on Energy, for an outstanding job that he has done over a period of years. I can assure you the National Energy Act which came out of our subcommittee during your chairmanship will last for many, many years as a monument to, I think, our full committee and certainly to our subcommittee.

I have had the honor to serve as the ranking member of your subcommittee during nearly a decade of your service. I have enjoyed working with you. I think our subcommittee has put out some very fine legislation during that time, and you deserve to be commended for the work that you have done.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. Further reserving the right to object, I am happy to yield to the gentleman from Indiana.

Mr. SHARP. Mr. Speaker, I thank the gentleman for yielding.

It is an extraordinary honor for me to serve in the House of Representatives, and I just want to say that I hope that more of the American people will understand how many extraordinary individuals there are in the House of Representatives as Members and as staff who worked extremely hard on behalf of the public interest, and the American people ought to be grateful.

Mr. DINGELL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana [Mr. SHARP].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL NARCOTICS CONTROL CORRECTIONS ACT OF 1994

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5246) to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not intend to object, but merely wish to yield to the gentleman from Connecticut [Mr. GEJDENSON] in order to further explain the bill.

Mr. GEJDENSON. Mr. Speaker, the bill incorporates the agreement reached with the Senate on H.R. 5030, which the other body will be unable to return to us before the House adjourns. Therefore, we have drafted this bill and will send it to the Senate awaiting their action. It is the agreement of the House and the Senate.

I thank the gentleman from New York [Mr. GILMAN] for his invaluable service on this matter.

Mr. GILMAN. Mr. Speaker, further reserving the right to object. This is a new bill, just introduced this evening, that includes the text of H.R. 5030, the International Narcotics Control Corrections Act of 1994, which passed the House several weeks ago and was sent to the other body. The other body has not yet acted on H.R. 5030 and it is our understanding that it was scheduled to be enacted this evening and when it acts it is expected to approve an amendment adding a new title incorporating H.R. 4210, the NATO Expansion Act of 1994, which I introduced on April 14th of this year.

In order to avoid the risk that the action of the other body may come too late for us to approve the measure as amended by the other body, we are requesting the passage of a new bill including what would be in the measure as amended by the other body. This way the other body can pass this bill, H.R. 5246, and send it directly to the President without the necessity of further action by the House of Representatives.

Accordingly, I urge adoption of the bill.

In order to further explain the provisions contained in this measure, I note that the annual reporting and certification program with regard to major drug producing and transit countries, reauthorized by this bill, is worthy of our strongest support. It is one of our most effective tools in the international narcotics struggle.

I am also pleased that my amendment eliminating visas and other forms of entry to immediate relatives and business partners of drug traffickers is included in this bill.

This visa denial provision will serve as a creative new tool for our drug enforcement agencies, and cut back on an insidious form of back door money laundering by these visitors, which has gone on far too long.

In addition, Mr. Speaker, I am pleased that this bill includes a title incorporating my bill, H.R. 4210, to facilitate the expansion of the North Atlantic Treaty Organization. Under the authorities of this title, the President will be able to provide excess defense articles and other assistance to support the transition to full NATO membership of Poland, Hungary, the Czech Republic, and Slovakia.

I am confident that these new authorities will contribute significantly to the adaptation of NATO to post-cold-war realities in Europe and will enhance security and stability in that part of the world.

I introduced H.R. 4210 on April 14 of this year, and it now has 66 cosponsors in the House. I am grateful for the strong support this measure received from my colleagues and from many concerned individuals and organizations around the country.

I urge adoption of the measure before us. Thank you.

Mr. HAMILTON. Mr. Speaker, I would like to address briefly the "NATO Participation Act" included as a Senate amendment to H.R. 5030, the International Narcotics Control Corrections Act of 1994.

I have worked closely with the ranking member of the Committee on Foreign Affairs, Mr. GILMAN, and with the other body on this amendment. It is now in a form that I believe is constructive, and in a form that is acceptable to the administration.

I would just like to make two points about the NATO Participation Act.

First, I believe that the Foreign Assistance, Arms Export Control Act, and Defense authorities in this legislation should be made available on a nondiscriminatory basis to countries that are (1) full and active participants in the Partnership for Peace; (2) have made significant progress toward establishing democratic institutions, a free market economy, civilian control of their armed forces, and the rule of law; (3) are likely in the near future to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area; and (4) are not selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

Second, I believe that countries' eligibility under other provisions of law for the programs described in the NATO Participation Act should not be limited by the enactment of this provision.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Narcotics Control Corrections Act of 1994".

TITLE I—INTERNATIONAL NARCOTICS CONTROL

SEC. 101. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) USE OF HERBICIDES FOR AERIAL ERADICATION.—Section 481(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(d)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively.

(b) DEFINITIONS.—Section 481(e) of that Act (22 U.S.C. 2291(e)) is amended—

(1) in the matter preceding paragraph (1), by striking "Except as provided in sections 490(h) and (i) with respect to the definition of major illicit drug producing country and major drug-transit country, for" and inserting "For";

(2) by amending paragraph (2) to read as follows:

"(2) the term major illicit drug producing country' means a country in which—

"(A) 1,000 hectares or more of illicit opium poppy is cultivated or harvested during a year;

"(B) 1,000 hectares or more of illicit coca is cultivated or harvested during a year; or

"(C) 5,000 hectares or more of illicit cannabis is cultivated or harvested during a year, unless the President determines that such illicit cannabis production does not significantly affect the United States;";

(3) by striking "; and" at the end of paragraph (5);

(4) by redesignating paragraph (6) as paragraph (8); and

(5) by inserting after paragraph (5) the following new paragraphs:

"(6) the term 'precursor chemical' has the same meaning as the term 'listed chemical' has under paragraph (33) of section 102 of the Controlled Substances Act (21 U.S.C. 802(33));

"(7) the term 'major money laundering country' means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking; and".

(c) ADVANCE NOTIFICATION OF TRANSFER OF SEIZED ASSETS.—Section 482 of that Act (22 U.S.C. 2291a) is amended by adding at the end the following new subsection:

"(e) ADVANCE NOTIFICATION OF TRANSFER OF SEIZED ASSETS.—The President shall notify the appropriate congressional committees at least 10 days prior to any transfer by the United States Government to a foreign country for narcotics control purposes of any property or funds seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity.".

(d) REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.—Section 486 of that Act (22 U.S.C. 2291e) is amended—

(1) by striking "(a) ADDITIONAL ASSISTANCE FOR COUNTRIES TAKING SIGNIFICANT STEPS.—";

(2) by striking "security assistance" in the matter preceding paragraph (1) of subsection (a) and inserting "assistance under this Act";

(3) in paragraph (2) of subsection (a)—

(A) in the heading, by striking "Security" and inserting "Other"; and

(B) by striking "security"; and

(4) by striking subsection (b).

(e) PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.—Section 487(a)(1) of that Act (22 U.S.C. 2291f(a)(1)) is amended by inserting "to" after "relating".

(f) REPORTIGN REQUIREMENTS.—

(1) IN GENERAL.—Section 489 of that Act (22 U.S.C. 2291h) is amended—

(A) in the section heading, by striking "**FOR FISCAL YEARS 1993 AND 1994**" and inserting "**FOR FISCAL YEAR 1995**";

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "April 1" and inserting "March 1"; and

(ii) in paragraph (3)—

(I) by striking subparagraph (B); and

(II) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(C) by striking subsection (c);

(D) by redesignating subsection "(d)" as subsection "(c)"; and

(E) by amending subsection (c) (as redesignated) to read as follows:

"(c) EFFECTIVE DATE OF SECTIONS.—This section applies only during fiscal year 1995. Section 489A does not apply during that fiscal year."

(2) CONFORMING AMENDMENT.—Section 489A of that Act (22 U.S.C. 2291i) is amended in the section heading by striking "**1994**" and inserting "**1995**".

(g) ANNUAL CERTIFICATION PROCEDURES.—

(1) IN GENERAL.—Section 490 of that Act (22 U.S.C. 2291j) is amended—

(A) in the section heading, by striking "**FOR FISCAL YEARS 1993 AND 1994**" and inserting "**FOR FISCAL YEAR 1995**";

(B) in subsection (a)(1), by striking "(as determined under subsection (h))";

(C) in subsection (a)(2), by striking "April 1" and inserting "March 1";

(D) in subsection (c), by striking "that such country has taken adequate steps" and all that follows and inserting "that such country maintains licit production and stockpiles at levels no higher than those consistent with licit market demand, and has taken adequate steps to prevent significant diversion of its licit cultivation and production into the illicit markets and to prevent illicit cultivation and production.";

(E) in subsection (d), by striking "45" and inserting "30";

(F) in subsection (g)—

(i) by striking "CONGRESSIONAL" and all that follows through "(1) SENATE.—" and inserting "SENATE PROCEDURES.—"; and

(ii) by striking paragraph (2);

(G) in subsection (h)—

(i) in the heading, by striking "FOR FISCAL YEARS 1993 AND 1994"; and

(ii) by striking "January 1" and inserting "November 1"; and

(H) by amending subsection (i) to read as follows:

"(i) EFFECTIVE DATE OF SECTIONS.—This section applies only during fiscal year 1995. Section 490A does not apply during fiscal year.".

(2) CONFORMING AMENDMENT.—Section 490A of that Act (22 U.S.C. 2291k) is amended—

(A) in the section heading, by striking "**1994**" and inserting "**1995**"; and

(B) in the heading of subsection (g), by striking "1994" and inserting "1995".

SEC. 102. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) EXPORT-IMPORT BANK ACT.—Section 2(b)(6)(C)(ii)) of the Export-Import Bank Act of 1945 (22 U.S.C. 635(b)(6)(C)(ii)) is amended by striking "determined under section 490(h) or 481(e), as appropriate," and inserting "defined in section 481(e)".

(b) TITLE 18, U.S.C.—Section 981(i)(1)(C) of title 18, United States Code, is amended by striking "paragraph (1)(A) of section 481(h)" and inserting "section 490(a)(1)".

(c) TARIFF ACT OF 1930.—Section 616(c)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)(2)(C)) is amended by striking "481(h)" and inserting "490(b)".

(d) CONTROLLED SUBSTANCES ACT.—Section 511(e)(1)(E) of the Controlled Substances Act (21 U.S.C. 881(e)(1)(E)) is amended by striking "481(h)" and inserting "490(b)".

SEC. 103. REPEAL OF OBSOLETE PROVISIONS.

(a) 1992 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1992 (Public Law 102-583) is repealed.

(b) 1998 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1988 (which is title IV of the Anti-Drug Abuse Act of 1988; Public Law 10-690) is repealed except for the title heading and section 4702 (a) through (f).

(c) 1986 INTERNATIONAL NARCOTICS CONTROL ACT.—The International Narcotics Control Act of 1986 (which is title II of the Anti-Drug Abuse Act of 1986; Public Law 99-570) is repealed except for the title heading and section 2018.

SEC. 104. EXEMPTION OF NARCOTICS-RELATED MILITARY ASSISTANCE FOR FISCAL YEAR 1995 FROM PROHIBITION ON ASSISTANCE FOR LAW ENFORCEMENT AGENCIES.

(a) EXEMPTION.—For fiscal year 1995, section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) shall not apply with respect to—

(1) transfers of excess defense articles under section 517 of that Act (22 U.S.C. 2321k);

(2) funds made available for the "Foreign Military Financing Program" under section 23 of the Arms Export Control Act (22 U.S.C. 2763) that are used for assistance provided for narcotics-related purposes; or

(3) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 and following) that is provided for narcotics-related purposes.

(b) NOTIFICATION TO CONGRESS.—At least 15 days before any transfer under subsection (a)(1) or any obligation of funds under subsection (a)(2) or (a)(3), the President shall notify the appropriate congressional committees (as defined in section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394).

(c) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance provided pursuant to this section shall be coordinated with international narcotics control assistance under chapter 8 of part 1 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

SEC. 105. WAIVER OF RESTRICTIONS FOR NARCOTICS-RELATED ECONOMIC ASSISTANCE.

For fiscal year 1995, narcotics-related assistance under part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any other provision of law that restricts assistance to foreign countries (other than section 490(e) of that Act (22 U.S.C. 2291j(e)) if, at least 15 days before obligating funds for such assistance, the President notifies the appropriate congressional committees (as defined in section 481(e) of that Act (22 U.S.C. 2291(e)) in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act (22 U.S.C. 2394).

SEC. 106. AUTHORITY FOR ANTICRIME ASSISTANCE.

(a) POLICY.—International criminal activities, including international narcotics trafficking, money laundering, smuggling, and corruption, endanger political and economic stability and democratic development, and assistance for the prevention and suppression of international criminal activities should be a priority for the United States.

(b) AUTHORITY.—

(1) IN GENERAL.—For fiscal year 1995, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the prevention and suppression of international criminal activities.

(2) WAIVER OF PROHIBITION OF POLICE TRAINING.—Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) shall not apply with respect to assistance furnished under paragraph (1).

SEC. 107. ASSISTANCE TO DRUG TRAFFICKERS.

The President shall take all reasonable steps provided by law to ensure that the immediate relatives of any individual described in section 487(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291f(a)), and the business partners of any such individual or of any entity described in such section, are not permitted entry into the United States, consistent with the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

At the end of the bill, add the following:

TITLE II—NATO PARTICIPATION ACT OF 1994

SEC. 201. SHORT TITLE.

This title may be cited as the "NATO Participation Act of 1994".

SEC. 202. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the leaders of the NATO member nations are to be commended for reaffirming that NATO membership remains open to Partnership for Peace countries emerging from communist domination and for welcoming eventual expansion of NATO to include such countries;

(2) full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date, if such participants—

(A) maintain their progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law; and

(B) remain committed to protecting the rights of all their citizens and respecting the territorial integrity of their neighbors;

(3) the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition to full NATO membership at an early date of full and active participants in the Partnership for Peace; and

(4) in particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law since the fall of their previous communist governments.

SEC. 203. AUTHORITY FOR PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) IN GENERAL.—The President may establish a program to assist the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to subsection (d).

(b) CONDUCT OF PROGRAM.—The program established under subsection (a) shall facilitate the transition to full NATO membership of the countries described in such subsection by supporting and encouraging, inter alia—

(1) joint planning, training, and military exercises with NATO forces;

(2) greater interoperability of military equipment, air defense systems, and command, control, and communications systems; and

(3) conformity of military doctrine.

(c) TYPE OF ASSISTANCE.—In carrying out the program established under subsection (a), the President may provide to the countries described in such subsection the following types of security assistance:

(1) The transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961, without regard to the restrictions in paragraphs (1) through (3) of subsection (a) of such section (relating to the eligibility of countries for such articles under such section).

(2) The transfer of nonlethal excess defense articles under section 519 of the Foreign Assistance Act of 1961, without regard to the restriction in subsection (a) of such section (relating to the justification of the foreign military financing program for the fiscal year in which a transfer is authorized).

(3) Assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training).

(4) Assistance under section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program").

(d) DESIGNATION OF PARTNERSHIP FOR PEACE COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President may designate countries emerging from communism and participating in the Partnership for Peace, especially Poland, Hungary, the Czech Republic, and Slovakia, to receive assistance under the program established under subsection (a) if the President determines and reports to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that such countries—

(1) are full and active participants in the Partnership for Peace;

(2) have made significant progress toward establishing democratic institutions, a free market economy, civilian control of their armed forces, and the rule of law;

(3) are likely (in the near future) to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area; and

(4) are not selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

(e) NOTIFICATION.—At least 15 days before designating any country pursuant to subsection (d), the President shall notify the appropriate congressional committees in accordance with the procedures applicable under section 634A of the Foreign Assistance Act of 1961.

(f) DETERMINATION.—It is hereby determined that Poland, Hungary, the Czech Republic, and Slovakia meet the criteria required in paragraphs (1), (2), and (3) of subsection (d).

SEC. 204. ADDITIONAL AUTHORITIES.

(a) ARMS EXPORT CONTROL ACT.—The President is authorized to exercise the authority of sections 63 and 65 of the Arms Export Control Act with respect to any country designated under section 203(d) of this title on the same basis and with respect to NATO.

(b) OTHER NATO AUTHORITIES.—The President should designate any country designated under section 203(d) of this title as eligible under sections 2350c and 2350f of title 10, United States Code.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in the interest of maintaining stability and promoting democracy in Poland, Hungary, the Czech Republic, Slovakia, and any other Partnership for Peace country designated under section 203(d) of this title, those countries should be included in all activities under section 2457 of title 10, United States Code, related to the increased standardization and enhanced interoperability of equipment and weapons systems, through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries.

SEC. 205. REPORTING REQUIREMENT.

The President shall include in the report required by section 514(a) of Public Law 103–236 (22 U.S.C. 1928 note) the following:

(1) A description of all assistance provided under the program established under section 203(a), or otherwise provided by the United States Government to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to section 203(d).

(2) A description on the basis of information received from the recipients and from NATO, of all assistance provided by other NATO member nations or NATO itself to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to section 203(d).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OCC AND OTS HEALTH BENEFITS CONTINUATION ACT

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the bill (H.R. 5164) to provide for the enrollment of individuals enrolled in a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision in the Federal Employees Health Benefits Program, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered, and I rise in strong support of H.R. 5164.

Mr. Speaker, it is important that we see that health insurance coverage for employees and retirees of the Office of Thrift Supervision and the Office of the Comptroller of the Currency, that the coverage does not lapse. This is a must-pass legislation, and I urge my colleagues in the other body to quickly consider and approve this measure.

Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, H.R. 5164, the OCC and OTS Health Benefits Continuation Act, permits employees and retirees of the Office of the Comptroller of the Currency (OCC) and the Office of Thrift Supervision (OTS) to enroll in the Federal Employees Health Benefits Program (FEHBP).

Several years ago, both the OCC and OTS elected to establish their own health care plans outside of FEHBP. Today, however, the cost of these plans has grown to where these two agencies, with their shrinking budgets can no longer afford to continue them. The plans will be terminated in January 1994. Current employees will have the opportunity to switch to FEHBP during the upcoming open season. However, employees nearing retirement and current retires will be adversely affected by the elimination of the health plan unless this legislation is enacted.

The bill permits employees to have their OCC or OTS health plan treated like FEHBP health coverage. This is necessary because unless Federal employees are covered under FEHBP for at least 5 years immediately preceding retirement, they cannot continue their FEHBP coverage into retirement. Therefore this bill eliminates the potential that employees within 5 years of retirement will be forced to work longer so as not to lose their health insurance. With respect to current retirees, if no action is taken on this bill, OCC and OTS will be forced to purchase expensive private health coverage once their current health plan expires so that the retirees will not be left without any coverage whatsoever.

The bill provides that OCC and OTS will pay the Employees Health Benefit Fund an amount determined by the Office of Personnel Management to cover the FEHBP benefits not otherwise paid for by the enrollees. The Congressional Budget Office has estimated that as the result of this payment this bill has no cost and that Federal outlays would not change.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "OCC and OTS Health Benefits Continuation Act".

SEC. 2. ENROLLMENT OF CERTAIN INDIVIDUALS IN FEHBP.

(a) PERIODS OF ENROLLMENT UNDER OCC OR OTS HEALTH BENEFITS PLANS.—Any period of enrollment under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision prior to the termination of such plans on January 7, 1995, shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of title 5, United States Code.

(b) CONTINUATION OF COVERAGE.—(1) Any individual who, on January 7, 1995, is covered by a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision may, effective January 8, 1995, enroll in an approved health benefits plan described by section 8903 or 8903a of title 5, United States Code, either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined in section 8901 of such title 5.

(2) An individual who, as of January 7, 1995, is entitled to continue coverage under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision shall be deemed to be entitled to continue coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision, and such individual may, effective January 8, 1995, enroll in an approved health benefits plan described by section 8903 or 8903a of such title 5 in accordance with section 8905a of such title.

(3) An individual who, on January 7, 1995, is covered as an unmarried dependent child under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision and who is not a "member of family" as defined in section 8901(5) of title 5, United States Code, shall be deemed to be entitled to continue coverage under section 8905a of such title 5 as though the individual had, on January 7, 1995, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of title 5, and such individual may, effective January 8, 1995, enroll in an approved health benefits plan described by section 8903 or 8903a of title 5 in accordance with section 8905a.

(c) TRANSFER TO EMPLOYEES HEALTH BENEFITS FUND.—The Office of the Comptroller of the Currency and the Office of Thrift Supervision shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Comptroller of the Currency and the Director of the Office of Thrift Supervision, to be necessary to reimburse the fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section. The amounts so transferred shall be held in the fund and used by the office in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(d) REGULATIONS.—The Office of Personnel Management may prescribe regulations to implement this section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5164, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 7 o'clock and 46 minutes p.m.) the House stood in recess for 10 minutes.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 10 minutes p.m.

SETTING OPENING DATE FOR FIRST REGULAR SESSION OF 104TH CONGRESS

Mr. HOYER. Mr. Speaker, I send to the desk a joint resolution (H.J. Res. 425) providing for the time of the first regular session of the 104th Congress, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 425

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the first regular session of the One Hundred Fourth Congress shall begin at noon on Wednesday, January 4, 1995.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CONDITIONAL ADJOURNMENT AND SINE DIE ADJOURNMENT OF BOTH HOUSES OF CONGRESS

Mr. HOYER. Mr. Speaker, I send to the desk the concurrent resolution (H. Con. Res. 315) providing for conditional adjournment and sine die adjournment of the 103d Congress, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON RES. 315

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, October 7, 1994 pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand adjourned until noon on Tuesday, November 29, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns or recesses at the close of business on any day from Friday, October 7, 1994 through Friday, October 14, 1994, pursuant to a motion made by the Majority leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until 9 a.m. on Wednesday, November 30, 1994, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. When the House adjourns on the legislative day of Tuesday, November 29, 1994, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns at the close of business on Thursday, December 1, 1994, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE ADOPTION OF HOUSE RESOLUTION 579, AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES

Mr. MOAKLEY, from the Committee on Rules, reported the following privileged resolution (H.R. 579), which was referred to the House Calendar and ordered to be printed:

H. RES. 579

Resolved, That House Resolution 578 is hereby adopted.

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 579 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

Mr. SPEAKER. The question is, Will the House now consider House Resolution 579?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 579.

The text of House Resolution 578 is as follows:

H. RES. 578

Resolved,

SECTION 1. APPLICATION OF CERTAIN LAWS TO THE HOUSE OF REPRESENTATIVES.

The Rules of the House of Representatives are amended by adding at the end the following new rule:

"RULE LII.

"APPLICATION OF CERTAIN LAWS.

"1. There is established an Office of Compliance which shall have a Board of Directors consisting of 5 individuals appointed jointly by the Speaker and the minority leader. Appointments of the first 5 members of the Board of Directors shall be completed not later than 120 days after the beginning of the One Hundred Fourth Congress.

"2. (a) The Office of Compliance shall carry out the duties and functions set forth in sections 2 through 16 of House Resolution ___, One Hundred Third Congress, including the issuance of regulations, to implement the requirements of the following laws to the House of Representatives:

"(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(3) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) (including remedies available to private employees), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(5) Titles I and V of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(6) The Occupational Safety and Health Act of 1970 (other than section 19) (29 U.S.C. 651 et seq.) (subject to paragraph (c)), effective at the beginning of the One Hundred Fifth Congress.

"(7) Chapter 71 (relating to Federal labor management relations) of title 5, United States Code, effective at the beginning of the One Hundred Fifth Congress.

"(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress, except that this Act shall not apply to the United States Capitol Police.

"(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(10) The Rehabilitation Act of 1973 (29 U.S.C. 791), effective at the beginning of the second session of the One Hundred Fourth Congress.

"(b) Any provision of Federal law shall, to the extent that it relates to the terms and conditions of employment (including hiring, promotion or demotion, salary and wages, overtime compensation, benefits, work assignments or reassignments, termination, protection from discrimination in personnel actions, health and safety of employees, and family and medical leave) of employees apply to the House in accordance with this rule.

"(c) The House shall comply with the Occupational Safety and Health Act of 1970 as follows: If a citation of a violation of such Act is received, action to abate the violation shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued, subject to the availability of funds appropriated for that purpose after the receipt of the citation.

"3. (a)(1) The Chairperson of the Board of Directors of the Office shall appoint, may establish the compensation of, and may terminate, subject to the approval of the Board of Directors, an Executive Director (referred to in this rule as the 'executive director'). The compensation of the executive director may not exceed the compensation for level V of the Executive Schedule under section 5316 of title 5, United States Code. The executive director shall be an individual with training or expertise in the application of the laws referred to in clause 2. The appointment of the first executive director shall be completed no later than 120 days after the initial appointment of the Board of Directors.

"(2) The executive director may not be an individual who holds or may have held the position of Member of the House of Representatives or Senator. The executive director may not be an individual who holds the position of employee of the House or the Senate but the executive director may be an individual who held such a position at least 4 years before appointment as executive director. The term of office of the executive director shall be a single term of 5 years.

"(b)(1)(A) No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Secretary of the Senate or the Clerk shall be considered eligible for appointment to, or service on, the Board of Directors.

"(B) No member of the Board of Directors may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of employee of the House or Senate, or may have held such a position within 4 years of the date of appointment.

"(2) If during a term of office a member of the Board of Directors engages in an activity described in subparagraph (1)(A), such position shall be declared vacant and a successor shall be selected in accordance with paragraph (a)(1).

"(3) A vacancy in the Board of Directors shall be filled in the manner in which the original appointment was made.

"(c)(1) Except as provided in subparagraph (2), membership on the Board of Directors shall be for 5 years. A member shall only be eligible for appointment for a single term of office.

"(2) Of the members first appointed to the Board of Directors—

"(A) 1 shall have a term of office of 3 years,

"(B) 2 shall have a term of office of 4 years, and

"(C) 2 shall have a term of office of 5 years, as designated at the time of appointment by the persons specified in paragraph (a)(1).

"(3) Any member of the Board of Directors may be removed from office by a majority decision of the appointing authorities described in paragraph (a)(1) and only for—

"(A) disability that substantially prevents the member from carrying out the duties of the member,

"(B) incompetence,

"(C) neglect of duty,

"(D) malfeasance, or

"(E) a felony or conduct involving moral turpitude.

"(d) The Chairperson of the Board of Directors shall be appointed from the members of the Board of Directors by the members of the Board.".

SEC. 2. DEFINITIONS.

As used in sections 2 through 16:

(1) The term "employee of the House" means any individual (other than a Member) whose pay is disbursed by the Director of Non-legislative and Financial Services or any individual to whom supervision and all other employee-related matters were transferred to the Sergeant at Arms pursuant to direction of the Committee on Appropriations in House Report 103–517 of the One Hundred Third Congress, and such term includes an applicant for the position of employee and a former employee.

(2) The term "employing authority" means, with respect to an employee, the Member of the House of Representatives or elected officer of the House of Representatives, or the Director of the Congressional Budget Office, with the power to appoint the employee.

(3) The term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(4) The term "elected officer of the House of Representatives" means an elected officer of the House of Representatives (other than the Speaker and the Chaplain).

(5) The term "Office" refers to the Office of Compliance established by rule LII of the Rules of the House of Representatives.

SEC. 3. APPLICATION OF LAWS.

(a) The laws set forth in clause 2 of rule LII of the Rules of the House of Representatives shall apply, as prescribed by that rule, to the House of Representatives.

(b) The laws referred to in rule LI of the Rules of the House of Representatives which apply on December 31, 1994, to House employees shall continue to apply to such employees until the effective date such laws are made applicable in accordance with this resolution.

SEC. 4. ADMINISTRATIVE MATTERS RELATING TO THE OFFICE OF COMPLIANCE.

(a)(1) Each member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(b) The executive director may appoint and fix the compensation of such staff, including hearing officers, as are necessary to carry out this resolution.

(c) The executive director may, with the prior consent of the Government department or agency concerned, use the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(d) The executive director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants or organizations thereof.

SEC. 5. STUDY AND REGULATIONS.

(a) The Board of Directors shall conduct a study of the manner in which the laws referred to in clause 2(a) of rule LII of the Rules of the House of Representatives should apply to the House of Representatives. The Board of Directors shall complete such study and report the results to House of Representatives not later than 180 days after the date of the first appointment of the first executive director.

(b) On an ongoing basis the Board of Directors—

(1) shall determine which of the laws referred to in clause 2(b) of rule LII of the Rules of the House of Representatives should apply to the House of Representatives and if it should, the manner in which it should be made applicable;

(2) shall study the application to the House of provisions of Federal law referred to in paragraphs (a) and (b) of clause 2 of rule LII of the Rules of the House of Representatives that are enacted after the date of adoption of this resolution;

(3) may propose regulations with respect to such application in accordance with subsection (c); and

(4) may review the regulations in effect under subsection (e)(1) and make such amendments as may be appropriate in accordance with subsection (c).

(c)(1)(A) Not later than 180 days after the date of the completion of the study under subsection (a), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations to implement the requirements of the laws referred to in clause 2(a) of rule LII of the Rules of the House of Representatives. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) When proposing regulations under subparagraph (A) to implement the requirements of a law referred to in clause 2(a) of rule LII of the Rules of the House of Representatives, the Board of Directors shall recommend to the House of Representatives changes in or repeals of existing law to accommodate the application of such law to the House.

(D) The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(2)(A) Not later than 180 days after the date of the completion of the study or a determination under subsection (b), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations that specify which of the provisions of Federal law considered in such study shall apply to the House of Representatives. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) When proposing regulations under subparagraph (A) specifying which of the provisions of Federal law referred to in clause 2(b) of rule LII of the Rules of the House of Representatives shall apply to the House of Representatives, the Board of Directors shall recommend to the House of Representatives changes in or repeals of existing law to accommodate the application of such law to the House.

(D) The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(3) Regulations under paragraphs (1) and (2) shall be consistent with the regulations issued by an agency of the executive branch of the Federal Government under the provision of law made applicable to the House of Representatives, including portions relating to remedies.

(4) If a regulation is disapproved by a resolution considered under subsection (e), not later than 60 days after the date of the disapproval, the Board of Directors shall propose a new regulation to replace the regulation disapproved. The action of the Board of Directors under this paragraph shall be in accordance with the applicable requirements of this subsection.

(d) A final regulation issued under subsection (c) shall be transmitted to the House of Representatives for consideration under paragraph (e).

(e)(1) Subject to subsection (f), a final regulation which is issued under subsection (c) shall take effect upon the expiration of 60 days from the date the final regulation is issued unless disapproved by the House of Representatives by resolution.

(2) A resolution referred to in paragraph (1) may be introduced in the House of Representatives within 5 legislative days after the date on which the Board of Directors issues the final regulation to which the resolution applies. The matter after the resolving clause of the resolution shall be as follows: "That the House of Representatives disapproves the issuance of final regulations of the Office of Compliance as issued on ________ (the blank space being appropriately filled in).".

(3) A resolution referred to in paragraph (1) shall be referred to the appropriate committee. If no resolution is reported within 15 legislative days after the Board of Directors issues final regulations under subsection (c)(1)(D) or (c)(2)(D), the committee to which the resolution was referred shall be discharged from further consideration of the first such resolution introduced and the resolution shall be placed on the appropriate calendar. Any meeting of a committee on a resolution shall be open to the public. Within 5 legislative days after the resolution is reported or discharged, it shall be in order as a privileged matter to move to proceed to its consideration and such motion shall not be debatable. The resolution shall be debatable for not to exceed 4 hours equally divided between proponents and opponents and it shall not be subject to amendment.

(f) Any meeting of the Board of Directors held in connection with a study under subsection (a) or (b) shall be open to the public. Any meeting of the Board of Directors in connection with a regulation under subsection (c) shall be open to the public.

SEC. 6. OTHER FUNCTIONS.

(a) The executive director shall adopt rules governing the procedures of the Office, subject to the approval of the Board of Directors, including the procedures of hearing boards, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner. The executive director may consult with the Chairman of the Administrative Conference of the United States and the General Counsel of the House of Representatives on the adoption of rules.

(b) The executive director shall have authority to conduct such investigations as the executive director requires to implement sections 7 through 10.

(c) The Office shall—

(1) carry out a program of education for Members of the House of Representatives and other employing authorities of the House of Representatives respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the House of Representatives and under sections 7 through 10,

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under sections 7 through 10, and any other information the executive director deems appropriate for distribution, distribute such information to Members and other employing authorities of the House in a manner suitable for posting, provide such information to new employees of the House, distribute such information to the residences of employees of the House, and conduct seminars and other activities designed to educate employers and employees in such information,

(3) compile and publish statistics on the use of the Office by employees of the House, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of employees who initiated proceedings with the Office under sections 7 through 10 and the result of such proceedings, and on the number of employees who filed a complaint under section 10, the basis for the complaint, and the action taken on the complaint, and

(4) within 180 days of the initial appointment of the executive director and in conjunction with the Clerk, develop a system for the collection of demographic data respecting the composition of employees of the House, including race, sex, and wages, and a system for the collection of information on employment practices, including family leave and flexible work hours, in House offices.

(d) Within one year of the date the system referred to in subsection (c)(4) is developed and annually thereafter, the Board of Directors shall submit to the House of Representatives a report on the information collected under such system. Each report after the first report shall contain a comparison and evaluation of data contained in the previous report.

SEC. 7. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The procedure for consideration of alleged violations of laws made applicable to the House of Representatives under this rule consists of 3 steps as follows:

(1) Step I, counseling, as set forth in section 8.

(2) Step II, mediation, as set forth in section 9.

(3) Step III, formal complaint and hearing by a hearing board, as set forth in section 10.

SEC. 8. STEP I: COUNSELING.

(a) An employee of the House alleging a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives may request counseling through the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred.

(b) The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

SEC. 9. STEP II: MEDIATION.

(a) Not later than 15 days after the end of the counseling period under section 8, the employee who alleged a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives may file a request for mediation with the Office. Mediation—

(1) may include the Office, the employee, the employing authority, and individuals who are recommended by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall be a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing authority.

(b) The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing authority when the mediation period has ended.

SEC. 10. STEP III: FORMAL COMPLAINT AND HEARING.

(a) Not later than 30 days after receipt by the employee of the House of notice from the Office of the end of the mediation period under section 9, the employee of the House may file a formal complaint with the Office against the head of the employing authority involved. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 8 and 9.

(b) A board of 3 independent hearing officers (hereinafter in this resolution referred to as a "hearing board"), who are not Members, officers, or employees of the House, chosen by the executive director (one of whom shall be designated by the executive director as the presiding hearing officer) shall be assigned to consider each complaint filed under subsection (a). The executive director shall appoint hearing officers from candidates who are recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States. A hearing board shall act by majority vote.

(c) Prior to a hearing under subsection (d), a hearing board may dismiss any claim that it finds to be frivolous.

(d) A hearing shall be conducted—

(1) in closed session on the record by a hearing board; and

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing.

(e) Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f)(1) A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board under the seal of the House of Representatives for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) If a person refuses to obey a subpoena issued under paragraph (1), the hearing board may report the refusal to the Committee on Rules which may take any action it deems appropriate, which shall be authorized by the Chairman and ranking minority member acting jointly. Such action may include—

(A) a referral to the Committee on Standards of Official Conduct if the refusal is by a current Member of the House of Representatives or officer or employee of the House of Representatives, or

(B) a report to the House of Representatives of a resolution to certify a contempt pursuant to sections 102 and 104 of the Joint Resolution of June 22, 1938 (2 U.S.C. 192, 194) if the failure is by someone other than a current Member of the House of Representatives or officer or employee of the House of Representatives.

(3) The subpoenas of the hearing board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(5) The hearing board is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

(g) As expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing, the hearing board shall make a decision in the matter for which the hearing was held. The decision of the hearing board shall be transmitted by the Office to the employee of the House and the employing authority. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation of a law made applicable to the House of Representatives under this rule has occurred. Any decision of the hearing board shall contain a written statement of the reasons for the hearing board's decision. A final decision of the hearing board shall be made available to the public by the Office.

(h) If the decision of the hearing board under subsection (g) is that a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives, it shall order the remedies under such law as made applicable to the House of Representatives under that rule, except that no Member of the House of Representatives or any other head of an employing authority, or agent of such a Member shall be personally liable for the payment of compensation. The hearing board shall have no authority to award punitive damages.

(i)(1) A House employee or an employing authority may request the Board of Directors to review a decision of the hearing board under subsection (g) (including a decision after a remand under paragraph (2)(A)). Such a request shall be made within 30 days of the date of the decision of the hearing board. Review by the Board of Directors shall be based on the record of the hearing board.

(2) The Board of Directors shall issue a decision not later than 60 days after the date of the request under paragraph (1). The decision of the Board of Directors may—

(A) remand to the hearing board the matter before the Board of Directors for the purpose of supplementing the record or for further consideration;

(B) reverse the decision of the hearing board and enter a new decision and order in accordance with subsection (h); or

(C) direct that the decision and order of the hearing board be considered as the final decision.

(j) There shall be established in the House of Representatives a fund from which compensation (including attorney's fees) may be paid in accordance with an order under subsection (h) or (i). From the outset of any proceeding in which compensation may be paid from a fund of the House of Representatives, the General Counsel of the House of Representatives may provide the respondent with representation.

SEC. 11. RESOLUTION OF COMPLAINT.

If, after a formal complaint is filed under section 10, the employee and the employing authority resolve the issues involved, the employee may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

SEC. 12. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any employee of the House by any Member, officer, or employee of the House of Representatives because of the exercise of a right under this resolution constitutes an unlawful employment practice, which may be remedied in the same manner under this resolution as is a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives.

SEC. 13. CONFIDENTIALITY.

(a) All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing authority of the allegations.

(b) All mediation shall be strictly confidential.

(c) Except as provided in subsection (d), the hearings and deliberations of the hearing board shall be confidential.

(d) At the discretion of the executive director, the executive director may provide to the Committee on Standards of Official Conduct access to the records of the hearings and decisions of the hearing boards, including all written and oral testimony in the possession of the hearing boards, concerning a decision under section 10(g). The executive director shall not provide such access until the executive director has consulted with the individual filing the complaint at issue in the hearing, and until the hearing board has issued the decision.

(e) The executive director shall coordinate the proceedings with the Committee on Standards of Official Conduct to ensure effectiveness, to avoid duplication, and to prevent penalizing cooperation by respondents in their respective proceedings.

SEC. 14. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) It shall not be a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives to consider the—

(1) party affiliation,

(2) domicile, or

(3) political compatibility with the employing authority,

of an employee of the House with respect to employment decisions.

(b) For purposes of subsection (a), the term "employee" means—

(1) an employee on the staff of the House of Representatives leadership,

(2) an employee on the staff of a committee or subcommittee,

(3) an employee on the staff of a Member of the House of Representatives,

(4) an officer or employee of the House of Representatives elected by the House of Representatives or appointed by a Member of the House of Representatives, other than those described in paragraphs (1) through (3), or

(5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

SEC. 15. EXCLUSIVITY OF PROCEDURES AND REMEDIES.

The procedures and remedies under rule LII of the Rules of the House of Representatives are exclusive except to the extent that the Rules of the House of Representatives and the rules of the Committee on Standards of Official Conduct provide for additional procedures and remedies.

SEC. 16. STUDY.

(a) The Office shall conduct a study—

(1) of the ways that access by the public to information held by the House of Representatives may be improved and streamlined, and of the application of section 552 of title 5, United States Code to the House of Representatives; and

(2) of the application of the requirement of section 552a of title 5, United States Code, to the House of Representatives.

(b) The study conducted under subsection (a) shall examine—

(1) information that is currently made available under such section 552 by Federal agencies and not by the House of Representatives;

(2) information held by the nonlegislative offices of the House of Representatives, including—

(A) the Director of Non-legislative and Financial Services,

(B) the Clerk,

(C) the Inspector General,

(D) the Sergeant at Arms,

(E) the Doorkeeper,

(F) the United States Capitol Police, and

(G) the House Commission on Congressional Mailing Standards;

(3) financial expenditure information of the House of Representatives; and

(4) provisions for judicial review of denial of access to information held by the House of Representatives.

(c) The Office shall conduct the study prescribed by subsection (a) and report the results of the study to the House of Representatives not later than one year after the date of the initial appointment of the Board of Directors.

SEC. 17. EFFECTIVE DATE AND TRANSITION RULES.

(a) The amendments made by section 1 shall take effect on November 1, 1994.

(b) Effective at the beginning of the second session of the One Hundred Fourth Congress, rule LI of the Rules of the House of Representatives is repealed and rule LII of such Rules is redesignated as rule LI and all references to rule LII in sections 2 through 16 of this resolution are deemed to be references to rule LI of such Rules.

(c) Notwithstanding subsection (b), until the beginning of the second session of the One Hundred Fourth Congress, the functions under rule LI of the Rules of the House of Representatives that are the responsibility of the Office of Fair Employment Practices shall continue to be the responsibility of that Office.

(d) Any formal complaint filed under rule LI of the Rules of the House of Representatives before the close of the first session of the One Hundred Fourth Congress which has not been finally disposed of shall be transferred to the Office of Compliance for completion of all pending proceedings relating to that complaint. The Office of Compliance may make regulations to provide for the orderly transfer and disposition of such complaints.

(e) In appointing staff under section 4(b), the executive director should give full consideration to employees of the Office of Fair Employment Practices.

(f) Sections 1 through 16 and subsections (a) through (e) of this section shall have no force or effect upon the enactment by the One Hundred Third Congress of the Congressional Accountability Act, whether by enactment of the bill H.R. 4822, by incorporation of the text of that bill in another measure, or otherwise.

SEC. 18. The Chairman and ranking minority member of the Committee on House Administration, acting jointly, shall study and report recommendations to the Speaker and minority leader, no later than January 3, 1995, for changes in House Rule LII to be adopted by the House to reconcile such rule with the existing jurisdiction of the Committee on House Administration.

SEC. 19. The General Counsel of the House shall conduct a study to be submitted to the Speaker, Minority Leader, and the chairmen and ranking minority members of the Committees on House Administration and Rules no later than January 3, 1995 on further changes in House rules to provide to employees of the House (as defined in section 2) the ability to bring a civil action in Federal district court against an employing authority (as defined in section 2) for an alleged violation under Federal law to the extent that such violation relates to the terms and conditions of employment, until the statutory provisions contained in H.R. 4822, as passed by the House, are enacted.

The SPEAKER. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, it is time for Congress to dispel the image that it is above the laws it makes for others. Members of Congress should be as accountable for their actions in the workplace as private citizens and other public officials are in their workplaces, and congressional employees should be assured fair, efficient review of their complaints.

On August 2, 1994, the Rules Committee reported H.R. 4822, the Congressional Accountability Act, which would assure legislative branch employees the same employment protections currently enjoyed by private sector and executive branch employees. On August 10, the House passed the measure by a vote of 427 to 4, and since then has been awaiting Senate action on the bill.

With adjournment impending, it is unlikely the Senate will take action on the measure. The House must therefore take alternative action to ensure, at the very least, that House employees will receive the broad protections under the laws designated in H.R. 4822.

House Resolution 578 accomplishes by House Rule what H.R. 4822 would do by public law. While narrower in scope—applicable only to the House—the provisions in this resolution are nonetheless similar to those in H.R. 4822, as passed by the House: The constitution of the Office of Compliance and the policies and procedures that this Office would follow are largely the same.

The resolution extends to House employees the same 10 employee protection and antidiscrimination laws outlined in H.R. 4822, and provides for the continual review of other laws that should apply. A new House Office of Compliance would study and propose regulations prescribing how these laws should apply. The procedure for review and adoption of the regulations are similar to those in H.R. 4822. With the exception of judicial review, the consideration of employee complaints would be the same.

Since access to Federal courts requires statutory authorization, House Resolution 578 does not provide House employees with the opportunity to seek judicial review of their complaints. Instead, the resolution allows dissatisfied parties to request review of a hearing board decision by the Board of Directors.

Statutory authorization is also required for judicial enforcement of subpoenas affecting employees, officers or Members of the House. The resolution therefore confers such enforcement authority upon the chairman and ranking member of the House Rules Committee.

Mr. Speaker, it is indefensible that congressional employees currently do not receive the same protections under the law as private sector or executive branch employees. House Resolution 578 will rectify this inequity, at least in the House.

Given the late hour, and the dim hope that the Senate will complete action on H.R. 4822 before we adjourn, I urge my colleagues to support House Resolution 579. The Senate's failure to act on H.R. 4822 should not deprive House employees of the protections they deserve.

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Mr. DREIER. Essentially, Mr. Speaker, this resolution is little more than the culmination of a year-long effort by the Democrat leadership to kill any meaningful congressional reform. Although the joint committee failed to address the fundamental problems that undermine deliberation and accountability, such as proxy voting, an archaic committee system, closed rules, erratic scheduling and over-dependence on staff, even the very modest reforms proposed by our committee were seen as too much of a threat to the status quo.

Mr. Speaker, in testimony before the Committee on House Administration and in a June 30 letter to the gentleman from Massachusetts, [Mr. MOAKLEY], my colleague, the former chairman of the joint committee, the gentleman from Indiana [Mr. HAMILTON] opposed separating off the application of laws section from the larger reform bill and predicted that it would kill the rest of the package. Despite assurances from the Speaker that the reform package would receive floor consideration in September, the predictions of the gentleman from Indiana [Mr. HAMILTON] were right on target. In fact, the Speaker's divide and conquer strategy for congressional reform succeeded in killing both comprehensive reform and the statutory compliance bill itself.

What we are left with is a resolution to essentially recreate, for all practical purposes, the Office of Fair Employment Practices, an experiment that virtually everyone agrees has come to a complete and utter failure.

By continuing to allow the employing authority to control which laws shall apply and how they will be enforced, the rights provided to employees cannot be guaranteed, and those same employees will not be able to file complaints with any confidence of impartiality.

Mr. Speaker, I suspect we will take up the full hour of debate on this. If we cannot enact a statutory compliance bill before we adjourn, I believe that we should stop this charade and admit to ourselves what the American people have come to realize, that the so-called reform Congress has been a complete failure. I believe that we should go home, face the consequences with the voters, and come back next year to do the job right.

Mr. Speaker, I include for the RECORD the following correspondence:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1994.

Hon. THOMAS FOLEY,
Speaker's Office, The Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We would like to thank you again for your invaluable role in securing passage of H.R. 4822, the Congressional Accountability Act, which the House approved by a vote of 427–4 on August 10th.

Today, we are writing to express our strong concern at the prospect that a weakened version of the Congressional Accountability Act may be brought to the floor for consideration as a privileged resolution later this week.

We understand this step is being contemplated because of a judgement that Senate action on H.R. 4822 is increasingly unlikely. We appreciate that some members believe the House should do what it can to move ahead on its own if, in fact, the Senate does not take action. Nonetheless, we have come to the firm conclusion that this course of action would be a mistake and detrimental to the cause of genuine Congressional accountability.

As you know, access to court cannot be implemented through a House resolution. After considerable thought and discussion, we have concluded that a measure which fails to secure this basic right for House employees is not worth pushing through the House in the waning hours of the 103rd Congress. In fact, we fear such a half-way measure would actually undermine efforts to do the job right in the 104th Congress next January.

Should the Senate fail to act, we are both committed to taking up this fight again in January should we be returned to office. We believe our job will be harder, not easier, if the contemplated resolution is brought before the House this week. It would be our strong preference and recommendation that the energies that are going into that effort be redirected, instead, toward convincing the Senate to act on H.R. 4822 in the little time remaining to the 103rd Congress.

Thank you for your consideration of our views on this matter.

Sincerely,

DICK SWETT.
CHRISTOPHER SHAYS.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 1994.

Hon. THOMAS S. FOLEY,
H204 Capitol, Washington, DC.

DEAR TOM: Thank you for meeting on Wednesday afternoon with Dick Gephardt, Joe Moakley, and me to discuss the process of Congressional reform. I appreciated receiving your strong assurance that a comprehensive congressional reform package will be considered on the House floor in September.

I recognize that many Members want to vote on the proposal to apply laws to Congress before the August recess and that scheduling such a vote might require that the congressional compliance proposal be separated from the rest of the package and moved first. As you know, I have been concerned that separating off the application of laws section of the reform bill might kill the rest of the package, including the important procedural and structural recommendations that constitute most of the Joint Committee's mandate.

However, your assurance that the rest of the reform package will receive floor consideration in September goes a long way toward addressing my concerns. I also appreciate your suggestion that even if the compliance proposal is considered separately, it might eventually be merged back into the larger reform package, perhaps in the form of House rules changes.

Clearly, for a comprehensive reform package to be considered by the full House in September, steps need to be taken to prepare for a markup in the Rules Committee. I would appreciate hearing from you or Joe Moakley about how the reform effort will proceed over the next few weeks. I am willing to do whatever I can to be helpful.

Again, thank you for meeting with me about the important issue of congressional reform. I have appreciated your advice and leadership throughout the reform process and look forward to working with you further.

Sincerely,

LEE H. HAMILTON.

ROLLCALL VOTES IN THE RULES COMMITTEE ON THE MARKUP OF H. RES. 571, CONGRESSIONAL ACCOUNTABILITY, WEDNESDAY, OCTOBER 5, 1994

1. Dreier Amendment on Congressional Reform—Amendment to add new section to bill providing for the consideration on the next legislative day of a resolution containing the House-related provisions from Title I of H.R. 3801, the Legislative Reorganization Act of 1994 under an open amendment process. Rejected: 3–6. Yeas: Solomon, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Hall, Wheat, Quillen.

2. Solomon Amendment on Proxy Voting—Amendment to add new section to bill amending clause 2 of House rule XI ban proxy voting in all House committees. Rejected: 3–6. Yeas: Solomon, Dreier, Goss. Nays: Moakley, Beilenson, Frost, Bonior, Gordon, Slaughter. Not Voting: Derrick, Hall, Wheat, Quillen.

3. Beilenson Motion to Report Resolution, as Amended—Motion to report resolution to House on congressional compliance with the laws together with an amendment adopted limiting the use of travel awards in the House. Adopted: 6–3. Yeas: Moakley, Beilenson, Frost, Bonior, Gordon, Slaughter. Nays: Solomon, Dreier, Goss. Not Voting: Derrick, Hall, Wheat, Quillen.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I, too, served on the joint committee and while I also regret that more of its work did not come to the floor, I am particularly pleased that this measure has come to the floor because it is the most important of the measures voted by the committee in my view.

The reason that this measure is so important, I believe, is because it will restore greater confidence in this body because this body will live by its own words, by its own laws.

The Senate has not acted, but I think this House should be proud that it has not used that as an excuse for ourselves not acting. The 10 laws, including the one I administered at the Equal Employment Opportunity Commission, should indeed apply to this body but, in fact, they already apply to this body.

What is most important about the improvement embodied in this resolution is that it goes not to application but to enforcement by an independent body, not House employees as today.

Indeed, this resolution would bring to Members and staff tougher enforcement than is afforded to private sector employees because they have no independent hearing. They had only conciliation and must then go to court.

The feature of this resolution that is worth noting is that there are hearings by a three-person hearing board entirely independent of this body, appointed by a list recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States.

The application of our own laws to ourselves is the hallmark of our credibility. I am proud that we have not been deterred by the Senate not having acted and that we are moving forward on what I regard as the most important provision of the work of the joint committee.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from Glens Falls, NY, Mr. SOLOMON, the distinguished ranking member of the Committee on Rules and a member of the now defunct Joint Committee on the Organization of Congress.

Mr. SOLOMON. Mr. Speaker, I thank the former vice-chairman of the Joint Committee on the Organization of Congress for yielding me this time.

I want to commend him on his dedication, his diligence, and his tireless efforts over the last 2 years to bring a truly bold and sweeping set of reform proposals to the floor of this House.

Mr. Speaker, as a former member of that committee myself, it is more in sadness, then in anger, that I rise on this resolution that writes the epitaph for any meaningful congressional reform in this Congress.

When we were considering this resolution on Wednesday, we asked the chairman of the Rules Committee why we had not been allowed to complete action on that comprehensive congressional reform bill reported from our joint committee last November.

The Rules Committee held just two brief markup sessions on that bill, one in August, and one in September, during which we were able to dispose of just 1 of 29 pending amendments.

That markup was abruptly suspended several weeks ago—without explanation—during the consideration of my amendment to ban proxy voting in committees.

The Rules Committee chairman responded to our question by saying that, while the leadership talked about bringing the comprehensive reform package to the floor, in his words, "This is what we came up with"—referring to the resolution before us, which is only a tiny and diluted piece, taken from that omnibus reform package.

This little rule on House compliance with the laws, is the democrat leadership's idea of all that needs to be done to reform this institution. Never mind that we already have a very similar House rule and that it is not working. "This is what we came up with" in the way of reform, says the Democrat leadership.

Mr. Speaker, forget about the hundreds of hours of hearings and deliberations of the bipartisan joint committee.

Forget about its volumes of studies and findings and recommendations.

Forget about the Speaker's commitment to the House co-chairman of the joint committee, to give the House a chance to debate and vote on that comprehensive reform package in September under a generous amendment process.

Instead, the joint reform committee that was conceived in 1992 to great fanfare under the proud parentage of a bipartisan leadership has now been abandoned by the Democrat-half of that family, like an unwanted child.

Mr. Speaker, I don't want to take the time of Members to discuss just why we have been led down this trail of broken promises, commitments, hopes and dreams for meaningful reform.

Suffice it to say, it was through no fault of the joint committee—nor of its House chairman, Mr. HAMILTON—who, if anything, erred on the side of caution in his final recommendations after extensive consultations with his leadership.

No, the joint committee did not skewer itself on the sword of bold and radical reform proposals. What it reported was actually very modest and minimal. But the chairman of the joint committee, to his credit did promise to fight for our right, to offer strengthening amendments on the floor, and even said he would probably vote for some.

Nevertheless, even the modest bill we reported ran into difficulty with certain interest groups in the House, that wanted to really gut it further, or, better yet, make sure it never came to a vote. Well, apparently once again the narrow turf interests have prevailed over the broader interests of this institution.

Mr. Speaker, as we indicated in our additional views in the report on this resolution, we had intended to urge defeat of the previous question to make in order a separate resolution containing the joint committee's title I House reform proposals under an open amendment process.

We wanted to at least give the House a chance to overhaul the broken down legislative process in this body by cutting committees, subcommittees, Member assignments, staff, and the joint referral of the same bills to two or more committees.

We wanted to give Members a chance to vote on a three-term limit for committee chairmen and ranking members; to restore majority quorums, and open hearings and meetings to the public.

However, despite our noble intentions for a full-fledged reform debate, the scheduling of this resolution on the final day of this session prevents us from pursuing that ambitious amendment process. That is too bad, but in about 90 days we will convene the new 104th Congress with a lot of new faces and we can start all over again.

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Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I find the previous remarks hard to reconcile with a meeting I was at in the Speaker's office just a little while ago. The gentleman said all we are doing is a rule and we already have a bill on the subject.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I spoke of what the bill contained. It was explained by our good friend, the gentleman from Massachusetts [Mr. MOAKLEY]. I am sorry that we could not have the meaningful reforms we had reported in H.R. 3801 by the gentleman from Indiana [Mr. HAMILTON], the respected chairman.

Mr. FRANK of Massachusetts. Mr. Speaker, apparently I did not misquote the gentleman. I heard him say, "Gee, what are we doing with this? We already have a bill." We have a bill which the Senate would not pass. My understanding was that there were many on the Republican side who said that compliance with the law is very important, and since the Senate has not passed the bill, we should try very hard to do the best we can.

Mr. Speaker, the rule is second best, but it is a second best which I had understood to be a bipartisan request. I was, frankly, surprised to hear so partisan a speech about what I thought was a bipartisan effort.

I was just at a meeting when the Minority Whip said, "Let us have a closed rule. Let us bring this out and do the most we can to get compliance." That is what we are doing.

Mr. Speaker, I do not understand why that became the occasion for this particular partisan speech. We are in a situation with regard to compliance, and when people said, "This is not the most important part of it," in my view, Mr. Speaker, the noncompliance of Congress with the laws that apply to others was the single most glaring problem we had.

If we were going to take one piece of the reform package, that seems to me to be by far the most important. Mr. Speaker, to denigrate this and say that the other parts were more important I think is quite reversed. The number of committees we have and the number of subcommittees we can be on seems to me to be trivial compared to whether or not we get compliance, and that is what we are doing.

Mr. Speaker, I gather there is just this insistence on denigrating anything that we try to do to improve the situation. We passed the bill to require compliance. The Senate would not act on it. We then worked out in a bipartisan way a rule which was agreed on by both sides and changed by both sides to do it. That seems to me to be an occasion on which we ought to be feeling good about what we are doing. The Minority Whip and others on both sides worked this out.

Mr. Speaker, I have to say that the previous speech talking about somebody not having the opportunity to do something seems to me completely at variance with what is happening here. This is a further effort to deal with the important compliance issue, taken because the Senate frustrated our effort to do more. It was done in a completely bipartisan way, and it is, to me, the single most important aspect of reform. I regret very much what I think was an unduly partisan distortion of this operation.

Mr. SOLOMON. If the gentleman will yield further, I would say to him that I am going to vote for this bill. It is only one-tenth of what we wanted, and I was pointing out what is missing from the bill. Banning proxy voting and cutting the committees in this Congress to a third is very important. It is not in the bill.

Mr. FRANK of Massachusetts. Mr. Speaker, it is not in the bill because there are other problems, but it was an unfortunately typical response to spend all of the gentleman's time denigrating what had not happened, rather than referring to the positive parts of it.

Mr. Speaker, I would say to the gentleman, in terms of the quantification, I think having Congress comply with the law that it passes is more than one-tenth of this package. I think that that is a lot more important than the number of committees we have, and I think what we have here is just one more effort to denigrate the institution, to try and deny credit when a responsible bipartisan effort goes forward.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman that we spent nearly 2 years when we formed this committee, going through 37 hearings, 243 witnesses. That has led to a very high level of frustration for those of us who have been trying to bring about congressional reform.

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from Bakersfield, CA [Mr. THOMAS], the ranking Republican on the Committee on House Administration.

Mr. THOMAS of California. Mr. Speaker, I come to the floor not as a member of the joint committee. I come as a member of one of our policy committees, the Committee on House Administration. Mr. Speaker, I do not come here talking about H.R. 3801. I come talking about H.R. 4822.

Mr. Speaker, frankly, I want to take a moment to congratulate the gentleman from Connecticut, CHRIS SHAYS, and the gentleman from New Hampshire, DICK SWETT, two of our colleagues who, despite all of the roadblocks that had been placed in front of them, both partisan and substantive, were able to actually move through committee and off this floor an excellent piece of legislation.

Mr. Speaker, H.R. 4822 was the Congressional Accountability Act. I said "was", because it is almost dead. It was not dead when it was in the Committee on House Administration, and on a very positive, bipartisan, 19–0 vote we amended and passed out the Congressional Accountability Act. It was not moribund on the floor of the House when we discussed and then voted 427 to 4 to pass the Congressional Accountability Act, but somewhere between this Chamber and that Chamber, congressional accountability died.

Mr. Speaker, the House of Representatives did its job. We wanted to pass, by statute, and provide court remedies, to conform us to the laws that everybody else has to follow. The Senate has decided not to act. Maybe they will act tomorrow, maybe they will act on Sunday. Frankly, we have given them all the time that we can to act. Changing the Rules is decidedly secondary to changing statute.

However, Mr. Speaker, when all we have left is changing the Rules, then at least we have decided to change the Rules, not in a partisan manner to snipe, but frankly, in the best way that we could.

Mr. Speaker, is this really the work product that anybody in this House wants? No. Is this the work product that the Senate has forced us to? Yes.

Mr. Speaker, I would like to leave tonight knowing that what we have done on a bipartisan basis is to agree to change the rules, which does not trample on any committee's jurisdiction, does not provide the kind of court remedy that statute reform would make, but does what we can at least do to show the commitment to require Congress to conform to the laws that everybody else does.

Mr. Speaker, we already said we wanted to do it by statute, by a vote of 427 to 4. We would even be willing to accept the slightly inferior product that the Senate proposes, but they will not send it over to us. Therefore, as we leave tonight, with probably what is going to be the last recorded vote, I think everybody has to understand that what we have in front of us, Mr. Speaker, is, frankly, probably the best we can do, because when we try to write laws or make changes and only one house of a bicameral legislature is willing to move, all we can do is what we have in front of us.

Mr. Speaker, I think there is a high degree of frustration here right now, because we put on the line fundamental reform and we were honest about it in a bipartisan way. We may have taken a sidetrack here and there to reach this point tonight, but despite the failure to do broad reform that my friends are so concerned and upset about, and I agree with them, but in this one limited, narrow area, let us leave with our heads up, and understand that this time it was not our fault. We have done a good job.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would ask if the distinguished gentleman from Massachusetts [Mr. MOAKLEY] would engage in a brief colloquy with me regarding the educational duties of the Office of Compliance as spelled out by this resolution. I would greatly appreciate it.

Mr. MOAKLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I would be happy to engage in a colloquy with the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Speaker, it is my understanding that under this resolution, the Office of Compliance is required to implement a program to educate Members and other House employees of their rights and duties under applicable laws extended to them. Am I correct in my understanding?

Mr. MOAKLEY. The gentlewoman from Illinois is correct.

Mrs. COLLINS of Illinois. Mr. Speaker, am I correct in my understanding that, the charging the Office of Compliance with the aforementioned duties, it is the clear intent of the House that the Office provide individual Members of this body and other House employees with essential information regarding their rights and responsibilities under the laws extended to them in the most timely manner possible, on an orderly and regular basis, and through those means that ensure the widest possible dissemination of such information?

Mr. MOAKLEY. The gentlewoman from Illinois is again correct.

Mrs. COLLINS of Illinois. Finally, am I also correct in my understanding that it is the view of the House that the educational duties placed upon the Office of Compliance are of paramount importance in assisting Members of Congress and other House employees in their efforts to understand and conform with the terms of this resolution and the laws contained within it?

Mr. MOAKLEY. The gentlewoman from Illinois is correct.

Mrs. COLLINS of Illinois. I thank the gentleman.

☐ 2040

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from East Petersburg, Pennsylvania [Mr. WALKER], another member of the Joint Committee on the Organization of Congress and our chief deputy whip.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I was fascinated a few moments ago to listen to the gentleman from Massachusetts describe this as the most important thing we would do as part of the congressional reform effort. It is indeed an important aspect of what we attempted to do and it is very important that Congress does come up with rules that would assure that we comply with all the laws of the land. It is a little sad that Congress has to pass rules that says that we are going to comply with the laws that we pass for everybody else, but since we do not, it is an important reform to suggest that that is possible. However, to suggest that somehow this is the be-all and end-all of Congressional reform I think is a little much.

This bill is a little like hiring a quarterback for a football team who completes one pass in the year. It is a beautiful pass. It goes 60 yards and the guy goes for a touchdown and everybody praises him and so on and it is the one magnificent thing, except he completes no other passes in the entire year. My guess is that that is a football team that would not be very successful.

Here we are completing one very beautiful pass. We are in fact getting compliance and that is a good thing. However, we did nothing else. I do not think that most people will think that this is a very successful record. We could have done a number of things that would have been very important. It would have been very successful to pass proxy reform and make certain that people are in the committee casting their votes instead of sending someone else with a sheaf of papers in to cast their votes. That would have been an important reform. It could have been done. It did not need to be approved by the Senate. It is something we can do to modify our own rules and make the change here. We did not do it because we could not do it.

We could also modify the committee structure. Nearly everybody who testified before the Joint Committee admits that the committee structure is broke. Members are spending too much time on too many subcommittees and as a result cannot get any of the work done. The legislative schedule is fractured because of the kind of committee structures that we have in the Congress. We could have fixed that. That is something we could have done. It does not involve the Senate responding. We could have done it ourselves, modified our rules. We could be here tonight doing it. We did not do it because we could not and we would not.

In my view, that failure is a deep, dark failure, because we had plenty of testimony about what this House could accomplish if only we would. We in fact met, we had a number of votes on major reform measures. In fact, many of the amendments that failed before the committee failed on a 6-6 tie. We were hoping to bring those matters before the House of Representatives because we felt that the House of Representatives ought to reflect on the matters that we tried to complete as a part of the committee. We have lost that opportunity. Tonight what we will do is we will take up one measure, a good measure, most of us will vote for it, and I would urge everyone to vote for it, because it takes us one step. But it is one very small step toward congressional reform. We need to do the bigger things to make this into a more workable body.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I just would like to make it clear that the notion that this should come out under a closed rule to my recollection was first suggested by the gentleman from Georgia [Mr. GINGRICH], the minority whip. So the fact that this is before us now under a closed rule, it was the suggestion of the gentleman from Georgia [Mr. GINGRICH], agreed on by everybody in that office, that that is the way we should do it. It was agreed that this would come up under a closed rule as the gentleman from Georgia [Mr. GINGRICH] had suggested.

Mr. WALKER. I thank the gentleman for that explanation. I do not think it has anything to do with what I just said. The point is that what we could have had is a deliberation about congressional reform, not tonight, not last week. We should have had this months ago. The Committee on Reform did in fact report its product a year ago. We should have been debating this in the spring. We did not and it is a doggone shame.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman, the distinguished chairman of the Committee on Rules, for yielding me the time.

Mr. Speaker, I rise in somewhat sad support of this rule tonight. I recall that early in my term of office, the distinguished Speaker of the House told me that in another context on another issue that when an overwhelming majority of the Members of Congress want to do something, then it will happen because the process will not stop an overwhelming majority from accomplishing their will.

Well, on the question of passing a law that makes all of the laws that this body has passed apply to Congress, an overwhelming majority of this body, led by Members such as the gentleman from Connecticut [Mr. SHAYS] and the gentleman from New Hampshire [Mr. SWEET] and others did speak their mind and did act their will, but unfortunately an overwhelming majority of both Houses did not. That is regrettable, Mr. Speaker, because an overwhelming majority of the public does want this to be a law. There is no higher priority in their mind, there is no greater symbol of what has come to be wrong with this institution than this issue.

Nevertheless, we will come back to this issue again in the next Congress. I suggest to the voters as they approach the polling booths this year, do not just ask whether a candidate or a Member of Congress supports this law. Ask them whether, they will work for it, ask them whether they will agitate for it, ask them whether they will take risks for it, because that is what we need in order to pass this law in the 104th Congress.

One final point. This is a good rule. Thanks to the committee, I have been able to read it through, and the provisions on enforcement are strong. But because it is a rule of this House, ultimately it is up to us to make it work. If we treat our employees right under this, them it will be to our credit. But if we fail to live up to it, it will be to our shame.

Let us pledge on a bipartisan basis to make every provision of this rule work on behalf of the employees of this body.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the the gentleman from Stamford, Connecticut [Mr. SHAYS], author of the congressional compliance legislation; I guess it is called congressional accountability.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I do not usually make it a practice to speak on the last day of a session because there is not a person in this Chamber who is not angry about some bill that was killed during some time of our labor over 2 years and there is no person in this Chamber who does not want to get home and get to interact with his constituents. But I wanted to take this time to personally thank the gentleman from Washington [Mr. FOLEY], the Speaker of the House, for what he has done to bring congressional accountability before this Chamber. I want to thank the gentleman from Missouri [Mr. GEPHARDT]. I particularly want to thank the gentleman from Massachusetts [Mr. FRANK] on that side of the aisle for what he did to bring this forward to the chamber and others on that side of the aisle.

This is totally and completely bipartisan. No one party can claim congressional accountability. It was the interaction between leaders on both sides of the aisle, our minority leader, our whip, the ranking members of the Committee on House Administration and the Committee on Rules, what they have done to move this process forward, however they are disappointed that it did not go far enough. What the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from North Carolina [Mr. ROSE] did. It is sad that we cannot unite on the last day and feel like we have joined together to save this institution.

The American people look at this American flag and revere it. I want them to look at Congress and have the same appreciation. It is what our founding fathers established, this Congress of the United States, and we should be under the laws.

When we passed this bill and sent it to the Senate, we did our job in a way I was so proud. It was not partisan, it was substantive law, and we gave the Senate time to act.

□ 2050

And everything we have done has failed to move the Senate. Whether it was with the majority party in the Senate or the minority party, both fingers were connected in killing this bill.

We did our job. It is sad that we have to do it by rule. But to my colleagues on this side of the aisle I say that is part of our contract with the American people. We said if it was not done by law we were going to step forward and do it by rule.

When we do it by rule it does not include the courts. When we do it by rule it does not include the instrumentalities. When we do it by rule it ends at the end of this year. But this rule will start tonight, it will start November 1. It locks us in for 2 months. It starts an Office of Compliance. It gets us to move forward in this process, and it puts tremendous shame where shame belongs, in the Senate of this institution of Congress.

I know we want to get home, but for anyone to think that one party can claim this or another, they are wrong. We are in this together. We worked together. It was bipartisan. We can be tremendously disappointed that there were other parts of it that were not done.

I look to the gentleman from California [Mr. DREIER], and I know that he spent his blood, sweat and tears to get this done, and it was not then brought up for a vote. He has every right to complain about that, and I totally understand it. But this is congressional compliance. It gets us in the right direction, and I just hope and pray when we come back, if we are fortunate enough to come back in January, that we work on this legislation, we try to get it into the statute, and we have the American people someday look at the flag, and look at Congress and say they are one and the same.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BEILENSON], a member of the Committee on Rules.

Mr. BEILENSON. Mr. Speaker, I rise in support of House Resolution 578 which would apply 10 employment-related laws to the House of Representatives and establish an Office of Compliance to administer those laws.

I want to take a moment to commend the remarks of my colleague, the gentleman from California [Mr. THOMAS], in recent remarks, and especially the remarks of our friend, the gentleman from Connecticut, [Mr. SHAYS], who along with our friend, the gentleman from New Hampshire, [Mr. SWETT], is very, very much responsible for bringing us as far as we have been able to get this year.

Mr. Speaker, the charge that Congress exempts itself from laws it passes for everyone else is one of the most frequently heard criticisms of Congress, and understandably so. It is simply wrong to deny to congressional employees the same kinds of employment protections we grant to other employees, and it is wrong to insulate ourselves from the effects of these laws.

As Members are aware, the House of Representatives is in overwhelming agreement that we should apply these laws to Congress, which was demonstrated by our vote of 427 to 4 on favor of passing H.R. 4822, the Congressional Accountability Act, 2 months ago. Those of us who are strong supporters of this legislation were hopeful—right up until the last moment—that the momentum generated by our strong showing on the vote would galvanize the other body to follow suit.

Unfortunately, that did not happen, leaving us with no choice but either to implement as much of the Congressional Accountability Act as possible by a Rule of the House, or to maintain the status quo, which would mean continuing to be exempt from many of the laws other Americans are subject to.

Despite the shortcomings of applying these laws by House Rule rather than by statute, taking this approach is better than doing nothing at all at this point. By adopting this resolution, we will improve the application of laws to the House in two ways:

First, we will be covered by all the work place laws that the private sector is covered by—not just some of them, as we are now—and

Second, those laws will be administered by a more independent authority than the one that currently administers anti-discrimination laws in the House.

Mr. Speaker, to briefly review the background on this legislation: As Members are aware, in recent years, both the House of Representatives and the Senate have attempted to apply employment-related laws to Congress. It has been a difficult endeavor because we have had to construct a way to do so without breaching the separation of powers doctrine under the U.S. Constitution, which could occur if the executive branch enforced these laws.

For the last 6 years, the House has applied the Fair Labor Standards Act and other antidiscrimination measures to House employees through the Rules of the House, enforced by an internal system. As Congress has passed new laws, such as the Family and Medical Leave Act, we have enforced those new measures to the House under the same system.

However, neither the range of laws we have applied to the House, or the manner in which they are applied, is comparable to the private sector. Not all the laws that apply to the private sector apply to Congress, and our internal enforcement process does not provide adequate recourse for aggrieved employees. In addition, there are wide variations in the coverage of laws among different groups of legislative branch employees.

Establishing a new system for applying and enforcing these laws, and expanding and making uniform the range of laws covering the legislative branch, was one of the key recommendations of the Joint Committee on the Organization of Congress, which reported those recommendations last November. The joint committee, drawing from the original bill authored by the gentleman from Connecticut [Mr. SHAYS], and the gentleman from New Hampshire [Mr. SWETT] recommended applying five laws to Congress, with the possibility of applying more, and establishing a new, more politically insulated entity, the Office of Compliance, which would be responsible for applying laws to the House, the Senate, and other legislative branch entities. It also recommended new procedures, rights, and remedies for aggrieved employees.

Following hearings on this legislation by the Subcommittee on the Rules of the House in the spring, and with further efforts by Representatives SHAYS and SWETT, and others, the joint committee's recommended legislation was revised in several respects. The result is that H.R. 4288 as considered—and further amended—by the House on August 10 was a much stronger, much improved version of the compliance legislation included the joint committee's bill. It applied twice as many laws; ensured full coverage of all employees of the legislative branch; made the Office of Compliance a more independent entity and gave it more authority in the promulgation of regulations; and ensured that employees would continue to be covered under the various laws we already apply here in the House until the new regulations developed by the Office of Compliance took effect.

As a result, the resolution before us, which reflects many of those improvements, provides for the following:

First, there are 10 employment-related laws that will be applied to the House of Representatives. They are:

The Fair Labor Standards Act;

Title VI of the Civil Rights Act of 1964;

The Americans with Disabilities Act;

The Age Discrimination in Employment Act;

The Family and Medical Leave Act;

The Occupational Safety and Health Act;

The Federal Labor Management Relations Act;

The Employee Polygraph Protection Act;

The Worker Adjustment and Retraining Act; and

The Rehabilitation Act of 1973.

Only four of these laws specifically apply to the House at this time; applying these six additional laws will more than double the number of laws under which the House is covered. And I would like to point out that one of those additional laws is OSHA, which is probably the most visible example of laws which private-sector employers must comply with, but from which Congress has exempted itself.

These laws will be administered by a new Office of Compliance, which would replace the Office of Fair Employment Practices. The Office of Compliance would be governed by a five-member Board of Directors, all of whom would be appointed jointly by the Speaker and the minority leader. The office would consist of an Executive Director who is appointed by the board, and other staff. To help ensure the independence of this new office, the rule prohibits appointing to the Board of Directors current and former members, current and former House employees—unless their employment in the House was more than four years previous to their appointment—and lobbyists; the same restrictions, except for lobbyists, will also apply to the Executive Director.

The board will conduct a study of the way in which the laws should be applied to the legislative branch, and then follow that study with proposed regulations prescribing the application of the laws to the House of Representatives. Unless the House rejects the regulations by resolution of disapproval, those regulations will take effect. If they are rejected, the board would reissue new regulations. However, regardless of the status of regulations, eight of these laws will be applied at the beginning of 1996, and the remaining two—OSHA and the Federal Labor Relations Act—will be applied at the beginning of 1997.

The rule also establishes a process for resolving alleged violations of the law: first, counseling; then, mediation; and, then, formal complaint and hearing. An independent hearing board will review employee complaints, and upon a finding of liability, prescribe remedies consistent with those that are available to private-sector employees under the relevant law. Parties dissatisfied with the outcome of the hearing would have the opportunity to have a decision reviewed by the Board of Directors.

Laws which currently apply to House employees shall continue to apply until the laws made applicable under this resolution are in effect.

This resolution also requires the Office of Compliance to study and recommend additional laws to be applied on a continuing basis, and specifically to review the availability of information in the House and study the possible application of the Freedom of Information Act and the Privacy Act. The office would also be responsible for educating members, officers, and employees about their rights and responsibilities under the applicable laws. And, the office would be required to compile and publish statistics on the use of the office by House employees, and to develop a system for collecting information on demographic data of employees, and on employment in House offices.

Mr. Speaker, although Members should be proud of moving ahead with this long-overdue effort to apply to ourselves the laws that apply to other Americans, there are flaws and disadvantages to adopting this legislation by House rule—an approach we are taking, as I mentioned earlier, only because of the failure of the other body to act on the legislation the House approved two months ago.

The most obvious deficiency in applying laws by House rule is that it covers only House employees, not the thousands of other legislative branch employees. Many of these other employees have some coverage and some system of enforcement, but one of the most important objectives of the Congressional Accountability Act was to ensure that all legislative employees were covered under all applicable laws, and that the laws were applied to everyone in a credible and effective manner. Clearly, this rule will not meet that objective.

Furthermore, by failing to cover all employees, inequities are certain to become apparent. We know, for example, that because half of the Capitol Police officers are paid by the House and half by the Senate, half will be covered under this rule and half will not be. That is not fair.

We also know that, although we are applying OSHA to the House, the workers for whom OSHA is most relevant—the employees of the Architect's office—will not be covered. Safety codes for our buildings will have to conform to OSHA standards, but workers who make the buildings safe will continue to be exempt from the law. That makes no sense.

Another weakness in this approach is that aggrieved employees will not have recourse to the courts if they are dissatisfied with a hearing board decision and the board's review of that decision, as private-sector employees have. That is because access to the Federal courts can only be conferred by statute.

Mr. Speaker, I share the disappointment of so many of our colleagues who have worked tirelessly on compliance legislation that we are here today considering this rule. We had hoped, right until now, that our last action on the Congressional Accountability Act during this Congress would be the final approval of a conference report.

However, adopting this rule will in no way preclude or hinder action in the next Congress on a statutory approach to compliance. It is my hope that as we adopt this resolution, we will do so resolving to redouble our efforts on this issue in the next Congress, so that we can achieve full application of the laws, in a credible and effective manner, for the entire legislative branch of government.

In the meantime, however, adoption of House Resolution 578 will make Members of the House significantly more accountable for our actions as employers. Perhaps just as importantly, it will give us a better understanding of the effects of laws every private-sector employer must live under and, hopefully, lead to more diligence and care and accountability for the laws we pass.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. DREIER. Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Naperville, IL [Mr. FAWELL], one of our porkbusters.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I think what we first ought to ask ourselves as we look at this legislation is whether we can say that this hasty redraft of the Shays-Swett Congressional Accountability Act, this time via rules of the House, requires Congress to be bound by the 10 laws listed in the bill as our constituents are bound. Are we actually in compliance as a practical matter with how our constituents must comply?

I think when we ask that question we have to come back and say no, we are not. Granted, we have to go by rules at least until such time as in the next session we can move to a statutory scheme, and that is what real compliance is all about.

But I note that even here, even here when we are forced to use rules in order to have congressional coverage, we come through with a real flunking score on the test.

Basically what we have here is a private, in-house kind of a hearing. It is a private hearing before hearing officers. Apparently we have reached the conclusion that we cannot allow for judicial remedies of a trial de novo, bench or a jury trial and judicial appeal, though I notice that the Senate does allow a judicial appeal. But again, we say no punitive damages, for instance, are allowed, even in a civil rights case where sexual discrimination may be alleged of a willful type. Still we will not allow that.

Then we should ask ourselves would we ever suggest that this type of compliance should be followed, for instance, by any of our Fortune 500 companies or anybody out there in the private sector. I do not think we would ever. In fact, I would say it is unthinkable that we would suggest that let us say AT&T could have a kind of a cozy arrangement for handling a tough, let us say sex discrimination or race discrimination case. It would be unthinkable. Yet we here, when we could make those changes, and at least make sure we have compliance there, we fail to do that when we are dealing with ourselves.

And then what do we do? We say the taxpayers will hold us harmless in regard to all of the damages which we may sustain. Yet if some of our employees should sue us for violations, let us say, of the Civil Rights Act, we get free legal fees, and the taxpayers will subsidize us there, and the court costs and these sorts of things, expert witnesses, we are all covered, and we cannot possibly lose. Of course, as I said, even in the most vicious case of discrimination, in no way are we going to suffer punitive damages.

So I would ask the question: Would we grant these kinds of compliance to private employers? Of course we would not. This is not the way these laws are enforced in the private sector when employers are sued in civil rights cases, nor do we treat private sector employees like we treat congressional employees.

Well, I guess it is some kind of an improvement, but boy, it ain't much.

□ 2100

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I rise in strong support of the adoption of this rule. The previous speaker lamented the shortcomings of this rule. He was correct.

This House passed a statute which could have effected the same kind of coverage of which the gentleman speaks. Unfortunately, however, that statute, like campaign finance reform and lobbying disclosure, has been stopped in the United States Senate. It would be, I think, not honest of us to say that having stopped in the United States Senate beyond the control of anybody in this House that we, therefore, said it could not be done. In point of fact, as I stated in the Committee on House Administration with the gentleman from Connecticut [Mr. SHAYS] and the gentleman from New Hampshire [Mr. SWETT] present, the fact of the matter is what this legislation is all about is not politics, it is not about the private sector, it is very much about protecting our employees, protecting people who deserve protection similar to that which they would have if they worked in the private sector. That is what this is all about, and that is why it is so right to do.

This rule will, in fact, have an effect.

Now, Mr. Speaker, before I sit down, this will probably be the last rule that the distinguished gentleman from Massachusetts will handle during this Congress. All of us on this floor owe him a great debt of gratitude for the wisdom and the patience that he brings to the consideration of the rules of this House. They are obviously one of the most contentious acts that occur. We have very heated debates sometimes about the substance and provisions in those rules, and I want to, on behalf of all of us, thank the very distinguished gentleman from Massachusetts for the gentle, yet firm, way that he leads the Committee on Rules and leads this House.

Thank you very much.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, congressional compliance is something that is obviously very important to what I believe is a strong majority of this House. Since 1993, when I had the privilege of being asked to joint as co-vice chairman of the Joint Committee on the Organization of Congress, I have been very optimistic about the chance for us to bring about meaningful reform of this institution. A very important part of that has been congressional compliance.

I would like to share with my colleagues a letter that was sent to Speaker FOLEY just about 3 months ago by my counterpart, the gentleman from Indiana [Mr. HAMILTON], and I would just like to read a few sentences from it. He said,

> As you know, I have been concerned that separating off the application-of-laws section of the reform bill might kill the rest of the package including the important procedural and structural recommendations that constitute most of the joint committee's mandate. However, your assurance that the rest of the reform package will receive floor consideration in September goes a long way toward addressing my concerns. I also appreciate your suggestion that even if the compliance proposal is considered separately, it might eventually be merged back into the larger reform package, perhaps in the form of House rules changes.

Unfortunately, that has not happened, Mr. Speaker, and I am very concerned with that.

Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Marietta, GA [Mr. GINGRICH], the very distinguished minority whip.

Mr. GINGRICH. Mr. Speaker, let me say, first of all, I appreciate my friend, the gentleman from California, yielding to me.

I realize that in some ways there is disappointment that the other body tied up the legislation we would like to have passed. I realize and sympathize with my good friend from California who put so much time and effort into a dramatically more complete overhaul of the House which was bottled up in the Committee on Rules and never had a chance to come to the floor, and yet here on the last night of this particular session I think it is important for all of our colleagues to realize just how far the gentleman from Connecticut [Mr. SHAYS] and the gentleman from New Hampshire [Mr. SWETT] have carried us, that this is a genuinely bipartisan effort, that a great deal of integrity has gone into the effort to get us to this point, that with the amendments made during the evening that make this rule applicable virtually immediately as soon as the rules can be developed with the effort made to ensure that we will have lawyers reporting back by the beginning of the next Congress to ensure that we can, in fact, make it possible for constitutional cases to go straight to court, with the kind of changes that are involved and with the guarantee of bipartisanship by reshaping the rule from the way it came out last night so that one member of each party is involved in overseeing the application, I think this is a serious and a sincere first step.

I feel very, very comfortable in asking for a yes vote, and while it is not all we wanted, I would say to my many friends who would like more reform faster, it is a first step, it is significant, it does move us in the right direction. And I think it is worthy of a yes vote.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL of North Carolina. Mr. Speaker, I want to thank the distinguished chairman of the Committee on Rules for yielding me this time.

I want to just take a moment to say what a fabulous institution I think this is. I think the overwhelming majority of our colleagues here are decent, honest, hard-working, dedicated people providing a fabulous service to the American people.

And, you know, this institution works essentially as our Founding Fathers meant it to work. This bill is a good example.

We see a problem. We cannot solve the problem immediately, overnight, but in due course the problem gets solved, and because of this system and because it really does work, this country has produced a level of freedom and prosperity that is the envy of the world.

This is the most fabulous system of government in the world, and those people who, for their own purposes, for power or money or whatever, who smear the Congress, people like the radio talk-show hosts or Common Cause or Ross Perot or others who smear this institution insult our Constitution.

So I really want to thank all of you for the outstanding service you provide to your country. It has been a great honor and privilege to serve with you, and I thank you for your outstanding service.

Thank you.

Mr. DREIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Speaker, it is with a heavy heart that I come before you tonight to close out the debate on this important piece of legislation. The gentleman from Connecticut [Mr. SHAYS] and I have worked for 2 years with many people, and we are greatly indebted to many more for helping to move this forward, from the freshman class who have been a constant source of support and energy to the original cosponsors to the Speaker of the House; I want to thank the minority leadership for the kind words that they have had this evening; the gentleman from Massachusetts [Mr. FRANK] has played a very important role in this; and I am very grateful for that as well.

On August 10 there was a vote of 427 to 4 supporting this legislation in statute, and it was passed on, as we waited anxiously for the Senate to pass the same legislation so that we could bring this body, the U.S. Congress, under the laws of the land.

□ 2110

That is an arrogance that we cannot continue.

Everyone that has spoken to that effect I think has spoken to the heart of mainstream America, and that is what this country asks for.

Mr. Speaker, I sat in the front row just 3 hours ago wondering if this legislation would make it to the floor or not, and I came to the realization that this legislation was only meaningful if we would act in unison as we had on August 10 to either pass this bill or kill it. And I think that is important because if we divide on this where we once had been unified, we would show to the American people that our commitment was shallow and that we were easily done in by the deeds of the other body.

Mr. Speaker, I went to the leadership on both sides with CHRIS SHAYS, and we worked out a compromise that although it was detrimental to one or two Members—about whom I feel very badly—it allowed for us to protect the integrity to the best of our ability under the rule, the integrity of the Congressional Accountability Act. That is the best we can do. That is the only thing that we are allowed to do because of what the other body had done or, more importantly, because of what the other body has not done.

There is no mistake, this is not the endgame; we have not finished reform. We do not go into the fall claiming that we have done everything that there can be to be done, but this is, I hope, a new beginning for this Congress, that it can demonstrate to the American people that it has the ability to negotiate within its body, to eke out and bring out those changes that will increase American's faith in their Congress and in their Government, and I pray that we move into the 104th session a new and invigorated body ready to accomplish the problems that face Americans and not continue the bickering and the partisanship that has only perpetuated the ill feelings on both sides of the aisle and between the American people and this Government.

I ask you to support this rule. I ask you to do it with a heavy heart but with a strong and firm commitment that we come back in 1995 and commit this to statute and get the Senate to do the same.

Mr. GOODLING. Mr. Speaker, I have a hard time dignifying the proposal before us by calling it a congressional coverage proposal. What it largely is, is a trip down memory lane that I don't like—a trip back to the past when this institution still thought it was above the laws it passed and expected others to comply with although it contains some small improvements. Unfortunately, the failure of the Senate to act on strong congressional coverage has forced the House to consider a rule approach.

Back in 1988, the House adopted House Rule 51 applying certain prohibitions to House employers and creating an internal office for hearing complaints, the Office of Fair Employment Practices. No one any longer defends that rule with a straight face, yet the proposal before us today is simply more of the same. Why? Because it still keeps the entire enforcement process locked into an internal process within the House itself—there is no access to the courts at all. An employee cannot take his or her case to court and can't even appeal a decision by the proposed Office of Compliance. The few improvements over the existing Office of Fair Employment Practices, does not alter or ameliorate this fundamental defect.

Even the Senate, as part of the Civil Rights Act of 1991, allowed its employees to appeal decisions by its Office of Compliance to the Court of Appeals for review. And on August 4, just 2 months ago, this body overwhelmingly passed the Congressional Accountability Act which allowed both court trials and court review, depending on the underlying law. The Senate, however, has failed to take this act up and the 103d Congress is now coming to a close.

And why is access to the courts so important? Well, for one reason, employees are not going to view an internal process as one being fair and objective—it will simply be distrusted. Second, almost all the laws which will supposedly be applied to the House under this new rule allow employees to go to court for full trials of their cases on the merits. Examples? Well, how about Title VII of the 1964 Civil Rights Act, the Americans with Disabilities Act, the Fair Labor Standards Act, the Polygraph Protection Act, the Family and Medical Leave Act, the Rehabilitation Act, and the Age Discrimination in Employment Act. Again, this proposed rule allows no court actions whatsoever.

Oh yes, let me also note that this rule has no statutory basis. It can therefore be changed by the House, the very employer it purports to regulate, in any manner and at any time. This convenient arrangement truly gives new meaning to the phrase "fox guarding the chicken coop."

I am, of course, disappointed that the Senate did not take up the Congressional Accountability Act, so we could get a bill to the President this year, but this rule simply does get us to real congressional coverage; at best it is a very small improvement over the status quo. Let's come back next year, do it right, and pass a strong congressional compliance bill as H.R. 1 in the earliest days of the 104th Congress.

Ms. HARMAN. Mr. Speaker, I rise in support of House Resolution 578, a resolution to change House internal rules to apply employee protection laws to the House of Representatives. Unfortunately, this resolution is before us today because the Senate has not followed the House lead in passing comprehensive legislation to apply all current employment protection and civil rights laws to the Congress.

It is also unfortunate, Mr. Speaker, that campaign finance reform, lobby reform, and institutional reform all died in the closing days of this session. I certainly hope that the 104th Congress will move expeditiously to pass all of these needed reform bills.

In the conduct of my office, I have adhered to these employment laws. I have also rejected the perks of office and returned funds to the U.S. Treasury from my office accounts. Next year, I would like to see the House pass legislation to further reduce perks and economize our operations.

The resolution we ar considering is a significant step to reform our operations. I urge an overwhelming vore in favor of this rules change.

Ms. ENGLISH of Arizona. Mr. Speaker, the protectors of perks and the guardians of privilege have won another battle. As the result of yet another back-room deal, the House will allow its Members to continue enriching themselves at the expense of the taxpayers of this Nation.

Until just a very few minutes ago, legislation I authored to end the practice of making personal use of frequent-flier travel awards earned through taxpayer-funded travel was contained in the legislation now before this House.

As I argued when the House overwhelmingly endorsed my frequent-flier bill, airline tickets cost money. Taxpayers pay for our tickets. The frequent-flier miles and the free airline tickets these miles earn belong to the taxpayers. It's that simple.

But by the time H. Res. 571 arrived here on the floor for our consideration, somehow, mysteriously, the frequent-flier language was gone. It's been stripped out of the resolution. The protectors of perks strike again.

Mr. Speaker, when the taxpayers of my district pay to fly me back and forth between Arizona and Washington so that I can do my job, I just don't think they expect me to get a bunch of free plane tickets as a result. And your constituents don't want that either. Maybe it's because we all know that's the view of the people we represent that this deal was made behind closed doors.

It's little wonder that Congress is held in such ill repute. I ask my colleagues, is there anything that could be more clear than the desire of the American people for the elimination of special perks and privileges for their elected representatives in this body?

Is there anyone here who questions the fact that the American people simply don't want their member of Congress to capitalize on their position to enrich themselves? But the opposite is happening here tonight, and its happening because there are those among us who want to shun perks in public but will do anything to cling to those same perks behind closed doors.

We could have easily reversed the 1991 rule change that gave members and staff the discretion to personally profit from frequent-flier travel awards earned from official, taxpayer-funded travel. We could have ended the practice by which members of this body take advantage of their position to enrich themselves.

Instead, out of the public's view, the protectors of perks quietly stripped the frequent-flier provisions from the bill. And so this perk will live on a little while longer.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHARP). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 348, nays 3, not voting 84 as follows:

[Roll No. 505]

YEAS—348

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Foley
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grams
Greenwood
Gunderson
Hall (OH)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hyde
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Nadler
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Paxon
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Waters
Watt
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—3

Crane
Dreier
Goss

NOT VOTING—84

Ackerman
Applegate
Archer
Armey
Bacchus (FL)
Baker (LA)
Barton
Bateman
Bilirakis
Blackwell
Boehlert
Brown (CA)
Bunning
Callahan
Chapman
Clay
Collins (MI)
Cunningham
DeFazio
DeLay
Edwards (CA)
Fish
Flake
Foglietta
Ford (TN)
Gallo
Gibbons
Goodling
Grandy
Green
Gutierrez
Hall (TX)
Houghton
Hutchinson
Hutto
Inhofe
Istook
Johnston
Kyl
LaFalce
Laughlin
Lehman
Levy
Lewis (FL)
Lipinski
Lloyd
McCollum
McCrery
McCurdy
McDade
McMillan
Meehan
Molinari
Murphy
Murtha
Neal (MA)
Packard
Parker
Payne (NJ)
Payne (VA)
Penny
Pickett
Porter
Pryce (OH)
Quillen
Rangel
Ravenel
Rose
Roukema
Sisisky
Skelton
Slattery
Smith (OR)
Spratt
Stenholm
Studds
Sundquist
Taylor (NC)
Torricelli
Tucker
Walsh
Washington
Waxman
Whitten

☐ 2132

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, I was unable to be present on the House floor for the vote on H. Res. 571 regarding the application of employee protection laws to the House of Representatives. I requested to be paired for this resolution, and had I been present, I would have voted "Yea."

PERSONAL EXPLANATION

Mr. LEHMAN. Mr. Speaker, due to a scheduling conflict I missed today's floor vote on House Resolution 571 to apply employee protection laws to the House of Representatives. My voting record on this issue clearly indicates my strong support for these measures. Had I been present, I would have voted in the affirmative on House Resolution 571.

PERSONAL EXPLANATION

Ms. MOLINARI. Mr. Speaker, had I been present for the vote on House Resolution 571, a resolution to apply employee protection laws to the House of Representatives, I would have voted in the affirmative.

In addition to supporting House Resolution 571, I am a cosponsor of H.R. 4822, the Congressional Employee Fairness Act and H.R. 349, the Congressional Accountability Act, two bills that are more extensive than the resolution voted on this evening. Throughout my tenure in Congress I have been a strong advocate of requiring Congress to live by the laws they impose on others. I look forward to working with my colleagues to pass more comprehensive legislation with regard to congressional compliance in the 104th Congress.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, because I was attending an event in Pennsylvania's 19th Congressional District, I regret that I was not present to vote on rollcall vote 505. Had I been present I would have voted "yea."

AWARDING CONGRESSIONAL GOLD MEDAL TO RABBI MENACHEM MENDEL SCHNEERSON

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance, and Urban Affairs, be discharged from further consideration of the bill (H.R. 4497) to award a congressional gold medal to Rabbi Menachem Mendel Schneerson, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress hereby finds the following:

(1) Rabbi Menachem Mendel Schneerson, the leader of the Lubavitch movement for 40 years, has made outstanding and lasting contributions toward improvements in world education, morality, and acts of charity.

(2) Rabbi Menachem Mendel Schneerson, as a refugee first from Stalinist Russia and then from Nazi Germany, has made the headquarters of the Chabad-Lubavitch movement in New York City a center of over 2,000 educational, social, and rehabilitative institutions touching millions of people from all walks of life in every corner of the globe.

(3) Rabbi Menachem Mendel Schneerson, throughout his 92 years of life, has exemplified the highest ideals of scholarship, teaching, ethics, and charity.

(4) Rabbi Menachem Mendel Schneerson has interpreted with keen insight the miraculous events of our time and has inspired people to a renewal of individual values of spirituality, cooperation, and love of learning.

(5) Rabbi Menachem Mendel Schneerson's extraordinary life and work have long been recognized by the Congress through the enactment of joint resolutions designating his birthday in each of the last 16 years as "Education and Sharing Day, U.S.A.".

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to the Lubavitcher rebbe, Rabbi Menachem Mendel Schneerson, a gold medal of appropriate design, in recognition of his outstanding and enduring contributions toward world education, morality, and acts of charity.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions reflecting the theme of education to be determined by the Secretary.

(c) GIFTS OR DONATIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall accept, use, and disburse gifts or donations of property or money to carry out this section.

(2) NO APPROPRIATION AUTHORIZED.—No amount is authorized to be appropriated to carry out this section.

SEC. 3. DUPLICATE MEDALS.

The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 1 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRINTING REVISED EDITION OF RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES

Mr. GEPHARDT. Mr. Speaker, I send to the desk a resolution (H. Res. 580) authorizing printing of a revised edition of the Rules and Manual of the House of Representatives for the 104th Congress, and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Fourth Congress be printed as a House document, and that two thousand additional copies shall be printed and bound for the use of the House of Representatives, of which seven hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House for distribution to officers and Members of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SETTING DATES FOR ORGANIZATIONAL CAUCUS OR CONFERENCE FOR 104TH CONGRESS

Mr. GEPHARDT. Mr. Speaker, I send to the desk a resolution (H. Res. 581) setting dates for organizational caucus or conference in the House of Representatives for the 104th Congress and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 581

Resolved, That any organizational caucus or conference in the House of Representatives for the One Hundred Fourth Congress may begin on or after November 27, 1994.

SEC. 2. As used in this resolution, the term "organizational caucus or conference" means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the 2d session of the 103d Congress, the Speaker and the minority leader be authorized to accept resignations, to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMITTING CHAIRMEN AND RANKING MINORITY MEMBERS OF EACH STANDING COMMITTEE TO EXTEND REMARKS IN THE RECORD

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the RECORD, up to and including the RECORD's last publication, and to include a summary of the work of that committee or subcommittee.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMITTING MEMBERS TO EXTEND AND REVISE THEIR OWN REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that all Members of the House shall have the privilege, until the last edition authorized by the Joint Committee on Printing is published, to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks. But this order shall not apply to any subject matter which may have occurred, or to any speech delivered subsequent to the adjournment of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 2140

AUTHORIZING PRINTING OF REPORTS FILED WITH CLERK FOLLOWING ADJOURNMENT SINE DIE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that following adjournment sine die, committees authorized to conduct investigations may be permitted to file reports with the clerk; and that such reports, and reports on the activities of committees pursuant to clause 1(d), rule XI, may be printed by the Clerk as reports of the 103d Congress.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

(Mr. GEPHARDT asked and was given permission to proceed out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. GEPHARDT. Mr. Speaker, I simply want to announce to the Members that there will be no more votes in this session of Congress. We will be having and entertaining a number of unanimous consent requests later this evening, a little bit into the evening. all of them have been cleared with the minority and so we are in agreement on those unanimous consent requests. So there will be no further votes this evening.

I want to thank the Minority Leader, who I am not sure is here, but we intend to properly honor and recognize the Minority Leader at a later date when we come back here on November 29. We want to give him our honor and our appreciation at that time.

(Mr. MICHEL asked and was given permission to proceed out of order for 1 minute.)

A FAREWELL FROM THE HON. ROBERT H. MICHEL

Mr. MICHEL. Mr. Speaker, it is against the rules to be singing in the House. I remember when I got called on that once, when I thought our friend, Tip O'Neill had recessed the House and we had Bob Hope in here for his 75th birthday. We were doing a little parody on "Thanks for the Memories," and I, instead of saying it, I began singing it. Got through about two paragraphs of it before I realized we were out of order. So we will not want to do that.

I tell you, folks, this has been for me a very emotional day. It began in our Republican caucus with their wonderful resolution in which they defied all tradition, I guess, and just made me an honorary leader, I guess, for life, with all the privileges wherein I can come back and visit with the leadership any time. And, yes, even sit in on the caucus, if I want, from time to time, which is just, well, wonderful.

From the very beginning, when I made the announcement, which of course was way back in October, I know it was an emotional kind of time for me. Those of you who come to a particular point in life when you make a real decision of that kind, it has to be that emotional. But I am glad it was as early as that, because it has given me all this time to adjust.

I tell you, if it would have been making an announcement only 60 days ago and then here we were, I think I just could not manage it.

I have said to the press, when they asked, you know, what are the high notes, what are the low notes, all that sort of thing, or what will you miss most? And I have to tell you all that, of course, being a perpetual member of the Minority, the MICHEL name is not on but very few pieces of legislation over that period of 38 years. You folks have had that kind of advantage. So it is not the legislative things so much as it is what I will be missing will be each and every one of you. That is the important thing.

I guess I would want to convey to the outside world out there that I would like to have felt that I served as a pretty good member over the period of years and projected the kind of image that would bring credit to this institution, that certainly the strong thing for me are those wonderful relationships and friendships that I have acquired over my tenure.

For those who would malign the institution and say all the things that they can possibly conjure up, I will always snap back real quick, My friend, whomever you are, I want you to know that there are no better group of friends that I have in my life or that I could have acquired but that in the arena of politics and more particularly, in the U.S. House of Representatives, more fine people serving here in this institution.

I guess I would never want any of you to shortchange yourselves, because when you do that, you shortchange the institution. And it is a tremendous honor to have been elected to this institution in the first place.

I did come at a time when it was, I think, publicly revered more than it is today. I regret that. But we all have our role to play, those of you now in-house and those of us who will be out in the outside world, to try and bring back that respect and admiration for the institution. It just has to be that way.

When we go to a high school and a college and talk about those three equal coordinate branches of government that everybody throughout the globe wants to emulate now, as emerging democracies, well, we just want to be out there making the most of ours and never apologize for the system we have and serving this institution.

You all have been just so wonderful. I am glad that I have composed myself enough all during the course of this day that I did not have to give you any weeping swan song this evening, but just one wail of a big thank you, thank you, thank you for your friendship all.

[Applause, the Members rising.]

The SPEAKER. The time of the Republican leader has not yet expired.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT OF 1994

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2345) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. DINGELL. Reserving the right to object, Mr. Speaker, I will not object.

□ 2150

Mr. Speaker, I reserve the right to object for the purpose of paying tribute to the distinguished gentleman from Washington [Mr. SWIFT], and to express my personal gratitude, and I am sure the gratitude of all of the members of the Committee on Energy and Commerce, and also the Members of the House.

The distinguished gentleman from Washington State has served his State, this Nation, and this institution with great dignity, great responsibility, and great merit, and for that we are grateful to him and to the people who have sent him to us. He has led the distinguished subcommittee which he has managed on the Committee on Energy and Commerce with great distinction, and has been responsible for a number of significant legislative accomplishments.

His two great failures were the resolution of railroad strikes. He solved them so quickly that no one knew that the strike was going on. For that reason, no Member of this body got credit for what it was we did in those matters.

Mr. Speaker, the gentleman from Washington has been a leader in dealing with problems involving Superfund, TOSCA, and all of the environmental legislation under the jurisdiction of his committee. Tonight he brings us, after a difficult period of negotiation involving all members on the committee, Members off the committee, and involving a number of Members in the House generally, two pieces of important legislation which are of great significance, not only to the Governors of the several States, to ordinary citizens, and I believe that we owe the distinguished gentleman from Washington our appreciation, our gratitude, and our respect.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I rise to ask the chairman of the subcommittee, the gentleman from Washington [Mr. SWIFT], for one last time, please explain the legislation to the House.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, both of these bills, which incidentally had bipartisan support, are not now before us. This legislation represents a compromise agreed to by a number of Members.

The amendments include language on both the interstate transportation of waste and flow control. The House passed its interstate waste bill on September 28 by an overwhelming vote. The other body passed S. 2345 on September 30 by unanimous consent. The House passed flow control on a voice vote on September 29.

This legislation represents an agreement on both interstate and flow control among a board range of parties. We in the House have been actively consulting with Members of the other body in this agreement, and believe it represents a consensus among all interested parties. I am not aware that anyone objects to this legislation.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, this is a fine piece of legislation. I believe it has been worked out so that there is satisfaction from everyone on our side of the House.

I do wish to join the gentleman from Michigan [Mr. DINGELL], our chairman, in congratulating you on a fine career here in the House. I would say to the gentleman that he has been one of the truly bright stars of the House of Representatives. He has done a beautiful job in our committee.

I hope you will have the greatest life in the world back in the State of Washington, in that beautiful State. I know you will do a lot of important things in the life that is ahead of you. This goes for Paula, too. I know you will have a very fruitful group of years ahead of you.

Mr. SWIFT. Mr. Speaker, if the gentleman will continue to yield, I would just like to thank the gentleman from Michigan [Mr. DINGELL], the chairman of the full committee, and you, the ranking Republican on the Committee on Energy and Commerce, and to tell both of you and the House what a privilege it has been to serve on this committee for the past 16 years.

Mr. RICHARDSON. Mr. Speaker, I am pleased to rise today in strong support of the final flow control compromise we have achieved in this legislation. As many Members now know, flow control authority became a complex, controversial issue which required much deliberation and, in the end, compromise. I would like to acknowledge the hard work of all of those involved in crafting this compromise: the committee and subcommittee staff from both sides of the aisle, the personal office staff and the business, industry, public interest group, and environmental group representatives who played an important role in brokering a compromise.

Flow control is not as important an issue as many of the other topics that have consumed our time this year. However, it is one issue where Congress has exhibited its willingness and ability to identify a problem, propose a solution, and enact a reasonable compromise designed to address that situation. I wish we had been as successful in other similar issues this year.

The flow control provisions we will pass today finally represents a true compromise on this most troublesome issue. We have crafted a bill which grandfathers all existing, and most planned, flow control contracts for a limited time with a provision allowing for redesignations and extensions of that authority. That issue was never in doubt, all sides have always agreed that some sort of a "grandfather" was necessary to ensure that current, or imminent planned flow control authorities were still valid. Where we did not agree until today, was on the issue of prospective, or future flow control authority. With this package we have agreed that future flow control authority is not appropriate in the absence of a comprehensive debate on the Resource Conservation and Recovery Act.

Mr. Speaker, we could debate the finer points of this grandfather. We could all suggest changes to specific provisions of this compromise that we may not be comfortable with. Although this compromise represents several significant concessions toward the language contained in the Richardson-Fields amendment which was previously considered on the House floor, I could suggest several areas where a tightening of the grandfather provisions would benefit taxpayer protection and environmental protections.

But, we do not have the luxury of time. And our constituents, the taxpayers, local governments, small businesses, industries, and others who are dependent on our extension of this authority do not have the luxury of time. If we are serious about wanting to address these concerns in a responsible way then we must move forward with this bill now. This bill is a significant improvement on the one passed by the House earlier this year, and in fact, contains several provisions from the Richardson-Fields amendment which ensures that this new package is more sensitive to environmental, economic, and free market concerns.

Mr. Speaker, my colleagues are familiar with my record in opposition to the spread of garbage incinerators. In conjunction with Mr. TOWNS of New York, I introduced an incinerator moratorium bill this year which garnered nearly 100 bipartisan cosponsors. Although we were unable to act on that legislation, I believe this package is a significant step forward in the fight against incineration because by not allowing future flow control authority we are not allowing new garbage incinerators to be built. This is a small victory, but an important one, and I would like to say to my colleagues that we will revisit this issue in the next Congress, hopefully in the context of a comprehensive examination of the Resource Conservation Recovery Act.

In conclusion, I would like to recognize the fine leadership of my colleagues Chairman SWIFT, Mr. FIELDS, Mr. PALLONE, Ms. LAMBERT, Mr. MCMILLAN, Mr. UPTON, Mr. BLILEY, and the many others who have been instrumental in crafting this package and moving it through to passage tonight. I urge my colleagues to support this reasonable compromise and I look forward to its enactment into law.

Mr. MOORHEAD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Transportation of Municipal Solid Waste Act of 1994".

SEC. 2. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE

"SEC. 4011. (a) AUTHORITY TO RESTRICT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) Except as provided in paragraph (4), immediately upon the date of enactment of this section if requested in writing by an affected local government, a Governor may prohibit the disposal of out-of-State municipal solid waste in any landfill or incinerator that is not covered by the exceptions provided in subsection (b) and that is subject to the jurisdiction of the Governor and the affected local government.

"(2) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(D) and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (5), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (b) that is subject to the jurisdiction of the Governor, to an annual amount equal to the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

"(3)(A) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(E), and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (5), may prohibit the disposal of out-of-State municipal solid waste, at any landfill or incinerator covered by the exceptions in subsection (b) that is subject to the jurisdiction of the Governor, generated in any State that is determined by the Administrator under paragraph (6)(E) as having exported, to landfills or incinerators not covered by host community agreements, more than—

"(i) 3.5 million tons of municipal solid waste in calendar year 1995;

"(ii) 3.0 million tons of municipal solid waste in each of calendar years 1996 and 1997;

"(iii) 2.5 million tons of municipal solid waste in each of calendar years 1998 and 1999;

"(iv) 1.5 million tons of municipal solid waste in each of calendar years 2000 and 2001; and

"(v) 1.0 million tons of municipal solid waste in calendar year 2002 and each year thereafter.

"(B) No State may export more than 1.4 million tons of municipal solid waste to any one State in calendar year 1995 or 90 percent of the 1993 levels exported to a State, whichever is greater, 1.3 million tons in 1996 or 90 percent of the 1995 levels exported to a State, whichever is greater, 1.2 million tons in 1997 or 90 percent of the 1996 levels exported to a State, whichever is greater, 1.1 million tons in 1998 or 90 percent of the 1997 levels exported to a State, whichever is greater, 1 million tons in 1999, 800,000 tons in 2000, and 600,000 tons in 2001 and each year thereafter, to landfills or incinerators not covered by host community agreements. Governors of importing States may restrict levels of imports to reflect the appropriate level of out-of-State municipal solid waste imports if—

"(i) the Governor of the importing State has notified the Governor of the exporting State and the Administrator 12 months prior to enforcement of the importing State's intention to impose the requirements of this section;

"(ii) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to the enforcement of this section; and

"(iii) the restrictions imposed by the Governor of the importing State must be uniform at all facilities.

"(C) The authority provided by subparagraphs (A) and (B) shall apply for as long as a State exceeds the permissible levels as determined by the Administrator under paragraph (6)(E).

"(4)(A) A Governor may not exercise the authority granted under this section if such action would result in the violation of, or would otherwise be inconsistent with, the terms of a host community agreement or a permit issued from the State to receive out-of-State municipal solid waste.

"(B) Except as provided in paragraph (3), a Governor may not exercise the authority granted under this section in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (b) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

"(5) Any limitation imposed by a Governor under paragraph (2) or (3)—

"(A) shall be applicable throughout the State;

"(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

"(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of State of origin and all such limitations shall be applied to all States in violation of paragraph (3).

"(6)(A)(i) Any Governor who intends to exercise the authority provided in paragraph (2) or (3) shall, within 120 days after the date of enactment of this section, and on the same day of each year thereafter, submit to the Administrator information documenting the State of origin and the quantity of out-of-State municipal solid waste received for disposal at landfills and incinerators covered by the exceptions provided in subsection (b) in the State of such Governor during calendar year 1993.

"(ii) The Administrator is authorized and directed to collect such additional information in addition to what is submitted under clause (i) as may be necessary to determine if the level of exports of municipal solid waste by any State exceeds the level established in subparagraph (A) or (B) of paragraph (3).

"(B) On receipt of the information submitted or collected pursuant to subparagraph (A), the Administrator shall notify the Governor of each such State and the Governors of States with exports that exceed the level of exports of municipal solid waste established in subparagraph (A) or (B) of paragraph (3) and shall publish notice and shall provide a comment period of not less than 30 days.

"(C) Not later than 60 days after receipt of information from a Governor, and any additional information obtained by the Administrator, under subparagraph (A), the Administrator shall determine the quantity of out-of-State municipal solid waste that was received for disposal in the State during calendar year 1993, the State of origin and the total amount of municipal solid waste exports from each State that exceeds the level established in subparagraph (A) or (B) of paragraph (3), and the quantity of out-of-State municipal solid waste received for disposal at landfills and incinerators covered by the exceptions provided in subsection (b) in the State of such Governor during calendar year 1993. The Administrator shall publish a public notice and shall provide direct notification to each of the Governors of all States affected by this determination, for each such State for which the determination is made. A determination by the Administrator under this subparagraph shall be final and not subject to judicial review.

"(D) Not later than 180 days after the date of enactment of this section, the Administrator shall publish a list of the quantity of out-of-State municipal solid waste that was received during calendar year 1993 at each landfill and incinerator covered by the exceptions provided in subsection (b) for disposal in each State in which the Governor intends to exercise the authority provided in paragraph (2) or (3), as determined in accordance with subparagraph (C).

"(E) Not later than March 1, 1996, and on March 1 of each year thereafter, the Administrator shall publish a list of States that the Administrator has determined have exported out of State an amount of municipal solid waste in excess of 3.5 million tons in calendar year 1995, 3.0 million tons in each of calendar years 1996 and 1997, 2.5 million tons in each of calendar years 1998 and 1999, 1.5 million tons in each of calendar years 2000 and 2001, and 1.0 million tons in calendar year 2002 and each year thereafter, as determined in accordance with subparagraph (C).

"(F) Not later than March 1 of each year after the date of enactment of this section, or as required by State law, the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the Governor of the State in which the landfill or incinerator is located information specifying, by State of origin, the amount of out-of-State municipal solid waste received for disposal during the preceding year. Each year the Governor of a State who intends to exercise the authority provided in paragraph (2) or (3) shall publish and make available to the public a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding year.

"(7) Any affected local government that intends to submit a request under paragraph (1) or take formal action on a host community agreement shall, prior to taking such action—

"(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

"(B) publish notice of the action in a newspaper of general circulation at least 30 days before taking such action;

"(C) provide an opportunity for public comment; and

"(D) following notice and comment, take formal action on any proposed request or action at a public meeting.

"(8) Any owner or operator seeking a host community agreement shall provide to the affected local government the following information, which shall be made available to the public from the affected local government:

"(A) A brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantities to be handled.

"(B) A map of the facility site that indicates the location of the facility in relation to the local road system and topographical and hydrological features and any buffer zones and facility units to be acquired by the owner or operator of the facility.

"(C) A description of the existing environmental conditions at the site, and any violations of applicable laws or regulations.

"(D) A description of environmental controls to be utilized at the facility.

"(E) A description of the site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

"(b) Exceptions to Authority To Prohibit Out-of-State Municipal Solid Waste.—(1) The authority to prohibit the disposal of out-of-State municipal solid waste provided under subsection (a)(1) shall not apply to landfills and incinerators in operation on the date of enactment of this section that—

"(A) received during calendar year 1993 documented shipments of out-of-State municipal solid waste; and

"(B)(i) in the case of landfills, are in compliance with all applicable Federal and State laws and regulations relating to operation, design and location standards, leachate collection, ground water monitoring, and financial assurance for closure and post-closure and corrective action; or

"(ii) in the case of incinerators, are in compliance with the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429) and applicable State laws and regulations relating to facility design and operations.

"(2) A Governor may not prohibit the disposal of out-of-State municipal solid waste pursuant to subsection (a)(1) at facilities described in this subsection that are not in compliance with applicable Federal and State laws and regulations unless disposal of municipal solid waste generated within the State at such facilities is also prohibited.

"(c) Additional Authority To Limit Out-of-State Municipal Solid Waste.—(1) In any case in which an affected local government is considering entering into, or has entered into, a host community agreement and the disposal or incineration of out-of-State municipal solid waste under such agreement would preclude the use of municipal solid waste management capacity described in paragraph (2), the Governor of the State in which the affected local government is located may prohibit the execution of such host community agreement with respect to that capacity.

"(2) The municipal solid waste management capacity referred to in paragraph (1) is that capacity—

"(A) that is permitted under Federal or State law;

"(B) that is identified under the State plan; and

"(C) for which a legally binding commitment between the owner or operator and another party has been made for its use for disposal or incineration of municipal solid waste generated within the region (identified under section 4006(a)) in which the local government is located.

"(d) Savings Clause.—Nothing in this section shall be interpreted or construed—

"(1) to have any effect on State law relating to contracts; or

"(2) to affect the authority of any State or local government to protect public health and the environment through laws, regulations, and permits, including the authority to limit the total amount of municipal solid waste that landfill or incinerator owners or operators within the jurisdiction of a State may accept during a prescribed period, provided that such limitations do not discriminate between in-State and out-of-State municipal solid waste, except to the extent authorized by this section.

"(e) Definitions.—As used in this section:

"(1)(A) The term 'affected local government', used with respect to a landfill or incinerator, means—

"(i) the public body created by State law with responsibility to plan for municipal solid waste management, a majority of the members of which are elected officials, for the area in which the facility is located or proposed to be located; or

"(ii) the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or is proposed to be located.

"(B)(i) Within 90 days after the date of enactment of this section, a Governor may designate and publish notice of which entity listed in clause (i) or (ii) of subparagraph (A) shall serve as the affected local government for actions taken under this section and after publication of such notice.

"(ii) If a Governor fails to make such a designation, the affected local government shall be the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

"(C) For purposes of host community agreements entered into before the date of publication of the notice, the term means either a public body described in subparagraph (A)(i) or the elected officials of any of the public bodies described in subparagraph (A)(ii).

"(2)(A) The term 'host community agreement' means, with respect to any agreement entered into on or after June 23, 1994, a written, legally binding document or documents executed by duly authorized officials of the affected local government that expressly authorizes a landfill or incinerator to receive specified amounts of municipal solid waste generated out of State.

"(B) The term 'host community agreement' means, with respect to any agreement entered into before June 23, 1994, a written, legally binding document or documents executed by duly authorized officials of the affected local government expressly authorizing a landfill or incinerator to receive municipal solid waste generated out of State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State municipal solid waste is also included. For purposes of a host community agreement entered into before June 23, 1994, such agreement may use a term other than 'out-of-State', provided that any alternative term or terms evidence the approval or consent of the affected local government for receipt of municipal solid waste from sources or locations outside the State in which the landfill or incinerator is located or is proposed to be located.

"(3) The term 'out-of-State municipal solid waste' means, with respect to any State, municipal solid waste generated outside of the State. To the extent that the President determines it is consistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States.

"(4) The term 'municipal solid waste' means refuse (and refuse-derived fuel) generated by the general public or from a residential, commercial, institutional, or industrial source (or any combination thereof), consisting of paper, wood, yard wastes, plastics, leather, rubber, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal solid waste' does not include—

"(A) any solid waste identified or listed as a hazardous waste under section 3001, or any solid waste containing polychlorinated biphenyls regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

"(B) any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act;

"(C) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal solid waste (as otherwise defined in this paragraph) and has been transported into a State for the purpose of recycling or reclamation;

"(D) any solid waste that is—

"(i) generated by an industrial facility; and

"(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company with which the generator is affiliated;

"(E) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

"(F) any industrial waste that is not identical to municipal solid waste (as otherwise defined in this paragraph) with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

"(G) any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph); or

"(H) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

"(5) The term 'compliance' means a pattern or practice of adhering to and satisfying standards and requirements promulgated by the Federal or a State government for the purpose of preventing significant harm to human health and the environment. Actions undertaken in accordance with compliance schedules for remediation established by Federal or State enforcement authorities shall be considered compliance for purposes of this section.".

SEC. 3. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end of the items relating to subtitle D the following new item:

"Sec. 4011. Interstate transportation of municipal solid waste.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. SWIFT. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Swift: Strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—INTERSTATE WASTE

SEC. 101. SHORT TITLE.

This Act may be cited as the "State and Local Government Interstate Waste Control Act of 1994".

SEC. 102. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE WASTE.—

"(1) IN GENERAL.—(A) Effective January 1, 1995, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of such landfill or incinerator obtains explicit authorization (as part of a host community agreement) from the affected local government to receive the waste.

"(B) An authorization granted pursuant to subparagraph (A) shall—

"(i) be granted by formal action at a meeting;

"(ii) be recorded in writing in the official record of the meeting; and

"(iii) remain in effect according to its terms.

"(C) An authorization granted pursuant to subparagraph (A) may specify terms and conditions, including an amount of out-of-State waste that an owner or operator may receive and the duration of the authorization.

"(D) Promptly, but not later than 90 days after such an authorization is granted, the affected local government shall notify the Governor, contiguous local governments, and any contiguous Indian tribes of an authorization granted under this subsection.

"(2) INFORMATION.—Prior to seeking an authorization to receive out-of-State municipal solid waste pursuant to this subsection, the owner or operator of the facility seeking such authorization shall provide (and make readily available to the Governor, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following information:

"(A) A brief description of the facility, including, with respect to both the facility and any planned expansion of the facility, the size, ultimate waste capacity, and the anticipated monthly and yearly quantities (expressed in terms of volume) of waste to be handled.

"(B) A map of the facility site indicating location in relation to the local road system and topography and hydrogeological features. The map shall indicate any buffer zones to be acquired by the owner or operator as well as all facility units.

"(C) A description of the then current environmental characteristics of the site, a description of ground water use in the area (including identification of private wells and public drinking water sources), and a discussion of alterations that may be necessitated by, or occur as a result of, the facility.

"(D) A description of environmental controls typically required to be used on the site (pursuant to permit requirements), including run on or run off management (or both), air pollution control devices, source separation procedures (if any), methane monitoring and control, landfill covers, liners or leachate collection systems, and monitoring programs. In addition, the description shall include a description of any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals.

"(E) A description of site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

"(F) A list of all required Federal, State, and local permits.

"(G) Estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility. To the extent practicable, the information shall distinguish between employment statistics for preoperational and postoperational levels.

"(H) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner, the operator, and any subsidiary of the owner or operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective action and rehabilitation measures taken as a result of the proceedings.

"(I) Any information that is required by State or Federal law to be provided with respect to gifts and contributions made by the owner or operator.

"(J) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

"(3) NOTIFICATION.—Prior to taking formal action with respect to granting authorization to receive out-of-State municipal solid waste pursuant to this subsection, an affected local government shall—

"(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

"(B) publish notice of the action in a newspaper of general circulation at least 30 days before holding a hearing and again at least 15 days before holding the hearing, except where State law provides for an alternate form of public notification; and

"(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

"(b) ANNUAL STATE REPORT.—

"(1) IN GENERAL.—Each year the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located information specifying the amount of out-of-State municipal solid waste received for disposal during the preceding year. Each year each such State shall publish and make available to the public a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding year. Each year the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall also submit to the Governor of the State of origin of such waste, and to the Administrator, information specifying the amount of out-of-State municipal solid waste received for disposal by the owner or operator during the preceding year from such State of origin. The submissions under this paragraph by any owner or operator shall all be made at the same time.

"(2) CONTENTS.—Each submission referred to in this subsection shall be such as would result in criminal penalties in case of false or misleading information. Such submission shall include the amount of waste received, place of origin, including the identity of the generator, date of shipment, and type of waste.

"(3) LIST.—The Administrator shall publish a list of States that the Administrator has determined have exported out of State an amount of municipal solid waste in excess of 3.5 million tons in calendar year 1995, 3.0 million tons in each of calendar years 1996 and 1997, 2.5 million tons in each of calendar years 1998 and 1999, 1.5 million tons in each of calendar years 2000 and 2001, and 1.0 million tons in calendar year 2002 and each year thereafter. The list for any calendar year shall be published by March 1 of the following calendar year.

"(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

"(c) FREEZE.—

"(1) ANNUAL AMOUNT.—(A) Except as provided in paragraph (2) and unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State muncipal solid waste at such landfill or incinerator, and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (3), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (e) that is subject to the jurisdiction of the Governor, to an annual amount equal to the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

"(B) At the request of an affected local government that has not executed a host community agreement, the Governor may limit the amount of out-of-State municipal solid waste received annually for disposal at the landfill or incinerator concerned to the amount described in subparagraph (A). No such limit may conflict with provisions of a permit specifically authorizing the owner or operator to accept, at the facility, out-of-State municipal solid waste.

"(2) LIMITATION ON GOVERNOR'S AUTHORITY.—A Governor may not exercise the authority granted under this subsection in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (e) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

"(3) UNIFORMITY.—Any limitation imposed by a Governor under paragraph (1)(A)—

"(A) shall be applicable throughout the State;

"(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

"(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of State of origin.

"(d) RATCHET.—

"(1) IN GENERAL.—Unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State municipal solid waste at such landfill or incinerator, immediately upon the date of publication of the list required under subsection (b)(3), and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (4), may prohibit the disposal of out-of-State municipal solid waste, at any landfill or incinerator covered by the exceptions in subsection (e) that is subject to the jurisdiction of the Governor, generated in any State that is determined by the Administrator under subsection (b)(3) as having exported, to landfills or incinerators not covered by host community agreements, more than any of the following:

"(A) 3.5 million tons of municipal solid waste in calendar year 1995.

"(B) 3.0 million tons of municipal solid waste in calendar year 1996.

"(C) 3.0 million tons of municipal solid waste in calendar year 1997.

"(D) 2.5 million tons of municipal solid waste in calendar year 1998.

"(E) 2.5 million tons of municipal solid waste in calendar year 1999.

"(F) 1.5 million tons of municipal solid waste in calendar year 2000.

"(G) 1.5 million tons of municipal solid waste in calendar year 2001.

"(H) 1.0 million tons of municipal solid waste in calendar year 2002.

"(I) 1.0 million tons of municipal solid waste in each calendar year after 2002.

"(2) ADDITIONAL EXPORT LIMITS.—No State may export to any one State more than 1.4 million tons of municipal solid waste in calendar year 1995 or 90 percent of the 1993 levels exported to a State, whichever is greater, 1.3 million tons in 1996 or 90 percent of the 1995 levels exported to a State, whichever is greater, 1.2 million tons in 1997 or 90 percent of the 1996 levels exported to a State, whichever is greater, 1.1 million tons in 1998 or 90 percent of the 1997 levels exported to a State, whichever is greater, 1 million tons in 1999, 800,000 tons in 2000, and 600,000 tons in 2001 and each year thereafter, to landfills or incinerators not covered by host community agreements. Governors of importing States may restrict levels of imports to reflect the level of out-of-State municipal solid waste imports referred to in the preceding sentence if—

"(A) the Governor of the importing State has notified the Governor of the exporting State and the Administrator 12 months prior to enforcement of the importing State's intention to impose the requirements of this section;

"(B) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to the enforcement of this section; and

"(C) the restrictions imposed by the Governor of the importing State are uniform at all facilities within the State receiving municipal solid waste from the exporting State.

"(3) DURATION.—The authority provided by paragraph (1) or (2) or both shall apply for as long as a State exceeds the levels allowable under paragraph (1) or (2), as the case may be.

"(4) UNIFORMITY.—Any restriction imposed by a State under paragraph (1) or (2)—

"(A) shall be applicable throughout the State;

"(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

"(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of State of origin, in the case of States in violation of paragraph (1) or (2).

"(e) AUTHORIZATION NOT REQUIRED FOR CERTAIN FACILITIES.—

"(1) IN GENERAL.—The prohibition on the disposal of out-of-State municipal solid waste under subsection (a)(1) shall not apply to landfills and incinerators in operation on the date of enactment of this section that received during calendar year 1993 documented shipments of out-of-State municipal solid waste.

"(2) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a landfill or incinerator that is exempt under paragraph (1) of this subsection from the requirements of subsection (a) shall provide to the State and affected local government, and make available for inspection by the public in the affected local community, a copy of the host community agreement or other documentation required under paragraph (1). The owner or operator may omit from such copy or other documentation any proprietary information, but shall ensure that at least the following information is apparent: the volume of out-of-State municipal solid waste received, the place of origin of the waste, and the duration of any relevant contract.

"(3) DENIED OR REVOKED PERMITS.—A landfill or incinerator may not receive for disposal or incineration out-of-State municipal solid waste in the absence of a host community agreement if the operating permit or license for the landfill or incinerator (or renewal thereof) was denied or revoked by the appropriate State agency before the date of enactment of this section unless such permit or license (or renewal) has been reinstated as of such date of enactment.

"(4) WASTE WITHIN BI-STATE METROPOLITAN STATISTICAL AREAS.—The owner or operator of a landfill or incinerator in a State may receive out-of-State municipal solid waste without obtaining authorization under subsection (a) from the affected local government if the out-of-State waste is generated within, and the landfill or incinerator is located within, the same bi-State level A metropolitan statistical area (as defined by the Office of Management and Budget and as listed by the Office of Management and Budget as of the date of enactment of this section) that contains two contiguous major cities each of which is in a different State.

"(f) NEEDS DETERMINATION.—Any comprehensive solid waste management plan adopted by an affected local government pursuant to Federal or State law may take into account local and regional needs for solid waste disposal capacity. Any implementation of such plan through the State permitting process may take into account local and regional needs for solid waste disposal capacity only in a manner that is not inconsistent with the provisions of this section. Nothing in this subsection shall be construed to prohibit or preclude any State government or solid waste management district, as defined under State law from requiring any affected local government to site, construct, or modify any solid waste facility.

"(g) COST RECOVERY SURCHARGE.—

"(1) AUTHORITY.—Both of the States directly affected by the decision of the Supreme Court in the case of *Oregon Waste Systems, Inc.* v. *Department of Environmental Quality*, 114 S. Ct. 1345 (1994) may impose and collect a cost recovery surcharge on the combustion or disposal in a landfill or incinerator of out-of-State municipal solid waste in such State.

"(2) LIMITATION.—During the period beginning on the date of enactment of this section and ending on December 31, 1996, no such State may impose or collect a cost recovery surcharge from a facility on any out-of-State municipal solid waste that meets both of the following conditions:

"(A) The waste is being received at the facility under one or more contracts entered into before the date of enactment of this section.

"(B) The amount of waste being received in a calendar year under the contract or contracts does not exceed the amount of waste received at the facility during calendar year 1993.

"(3) AMOUNT OF SURCHARGE.—The amount of the cost recovery surcharge may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (5) and in no event may exceed $2 per ton of waste.

"(4) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State covered by this subsection shall be used to fund those solid waste management programs administered by the State or its political subdivisions that incur costs for which the surcharge is collected.

"(5) CONDITIONS.—(A) Subject to subparagraphs (B) and (C), a State covered by this subsection may impose and collect a cost recovery surcharge on the combustion or disposal within the State of out-of-State municipal solid waste if—

"(i) the State demonstrates a cost to the State arising from the combustion or disposal within the State of a volume of municipal solid waste from a source outside the State;

"(ii) the surcharge is based on those costs to the State demonstrated under subparagraph (A) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

"(iii) the surcharge is compensatory and is not discriminatory.

"(B) In no event shall a cost recovery surcharge be imposed by a State to the extent that the cost for which recovery is sought is otherwise recovered by any other fee or tax assessed against the generation, transportation, treatment, combustion, or disposal of solid waste.

"(C) The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A)(iii).

"(6) BURDEN OF PROOF.—In any proceeding in which a State invokes this subsection to justify a cost recovery surcharge on the combustion or disposal within the State of out-of-State municipal solid waste, the State shall bear the burden of establishing that the cost recovery surcharge satisfies the conditions set forth in paragraph (5).

"(h) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.

"(i) CONSTRUCTION AND DEMOLITION WASTE.—

"(1) LIMIT.—Any State may establish, pursuant to this paragraph, a limit on the amount of out-of-State construction and demolition waste for disposal at landfills in the State. A limit under this paragraph may be imposed consistent with each of the following:

"(A) By January 1, 1996, each State seeking to limit under this paragraph the receipt of out-of-State construction and demolition waste shall establish and implement a mechanism for measuring the amount of construction and demolition waste generated within the State, disposed of within the State, imported into the State and exported for disposal.

"(B) By March 1, 1998, each State seeking to limit under this paragraph the receipt of construction and demolition waste shall establish the amount of out-of-State construction and demolition waste received during calendar year 1996 and 1997 and report the tonnage received to the Governor of each exporting State.

"(2) AMOUNT.—For each calendar year beginning after January 1, 1998, the amount of out-of-State construction and demolition waste received at any facility within an importing State may be limited to the average of the amounts received in calendar years 1996 and 1997.

"(3) DEFINITION.—For purposes of this subsection, the term 'construction and demolition waste' means debris resulting from construction, remodeling, repair, or demolition of structures other than debris that is not otherwise commingled with other municipal solid waste and has been determined by the generator, to be contaminated. For purposes of determining whether any such debris is contaminated, the generator shall conduct representative sampling and analysis of such debris, the results of which shall be submitted to the affected local government for recordkeeping purposes only, unless not required by the affected local government. Any such debris that has been determined to be contaminated shall be disposed of in a landfill that meets, at a minimum, the requirements of this subtitle.

"(j) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed to have any effect on State law relating to contracts.

"(k) DEFINITIONS.—As used in this section:

"(1) AFFECTED LOCAL GOVERNMENT.—(A) For any landfill or incinerator, the term 'affected local government' means—

"(i) the public body authorized by State law to plan for the management of municipal solid waste, a majority of the members of which are elected officials, for the area in which the landfill or incinerator is located or proposed to be located; or

"(ii) if there is no such body created by State law—

"(I) the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or is proposed to be located; or

"(II) if a Governor fails to make a selection under subclause (I), and publish a notice regarding the selection, within 90 days after the date of enactment of this section, the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

The Governor shall publish a notice regarding the selection described in clause (ii).

"(B) Notwithstanding subparagraph (A), for purposes of host community agreements entered into before the date of enactment of this section (or before the date of publication of notice, in the case of subparagraph (A)(ii)), the term shall mean either the public body described in clause (i) or the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility for the use of land on which the facility is located or proposed to be located.

"(C) Two or more Governors of adjoining States may use the authority provided in section 1005(b) to enter into an agreement under which contiguous units of local government located in each of the adjoining States may act jointly as the affected local government for purposes of providing authorization under subsection (a) for municipal solid waste generated in one of such counties and received for disposal or incineration in another.

"(2) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out-of-State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State municipal solid waste is also included.

"(3) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means refuse (and refuse-derived fuel) generated by the general public, from a residential source, or from a commercial, institutional, or industrial source (or any combination thereof) to the extent such waste is essentially the same as waste normally generated by households or was collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, and regardless of when generated, would be considered conditionally exempt small quantity generator waste under section 3001(d), such as paper, food, wood, yard wastes, plastics, leather, rubber, appliances, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal solid waste' does not include any of the following:

"(A) Any solid waste identified or listed as a hazardous waste under section 3001.

"(B) Any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

"(C) Recyclable materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal.

"(D) Any solid waste that is—

"(i) generated by an industrial facility; and

"(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company with which the generator is affiliated.

"(E) Any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation.

"(F) Sewage sludge and residuals from any sewage treatment plant, including any sewage treatment plant required to be constructed in the State of Massachusetts pursuant to any court order issued against the Massachusetts Water Resources Authority.

"(G) Combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

"(H) Any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph).

"(I) Any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

"(4) OUT-OF-STATE MUNICIPAL SOLID WASTE.—The term 'out-of-State municipal solid waste' means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is not consistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States.

"(5) SPECIFICALLY AUTHORIZED.—The term 'specifically authorizes' refers to an explicit authorization, contained in a host community agreement or permit, to import waste from outside the State. Such authorization may include a reference to a fixed radius surrounding the landfill or incinerator that includes an area outside the State or a reference to 'any place of origin', reference to specific places outside the State, or use of such phrases as 'regardless of origin' or 'outside the State'. The language for such authorization may vary as long as it clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from sources or locations outside the State from which the owner or operator of a landfill or incinerator proposes to import it.".

SEC. 103. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following new item:

"Sec. 4011. Interstate transportation and disposal of municipal solid waste.".

TITLE II—FLOW CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the "Flow Control Act of 1994".

SEC. 202. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 102) is further amended by adding after section 4011 the following new section:

"SEC. 4012. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) AUTHORITY.—

"(1) IN GENERAL.—Each State and each qualified political subdivision may, in accordance with this section—

"(A)(i) exercise flow control authority for municipal solid waste, incinerator ash from a solid waste incineration unit, construction debris, or demolition debris generated within the boundaries of the State or qualified political subdivision if, before May 15, 1994, the State or qualified political subdivision—

"(I) adopted a law, ordinance, regulation, solid waste management plan, or legally binding provision that contains flow control authority and, pursuant to such authority, directs such solid waste, ash, or debris to a proposed or existing waste management facility designated before May 15, 1994; or

"(II) adopted a law, ordinance, regulation, solid waste management plan, or legally binding provision that identifies the use of one or more waste management methods that will be necessary for the transportation, management, or disposal of municipal solid waste generated within such boundaries, and committed to the designation of one or more waste management facilities for such method or methods;

"(ii) after the effective date of this section, in the case of a State or qualified political subdivision that adopted such a law, ordinance, regulation, plan, or legally binding provision that meets the requirements of subclause (I) or (II) of clause (i), exercise flow control authority over such solid waste from any existing or future waste management facility to any other existing or future waste management facility; and

"(iii) after the effective date of this section, in the case of a State or qualified political subdivision that adopted such a law, ordinance, regulation, plan, or legally binding provision that meets the requirements of subclause (I) of clause (i), exercise flow control authority over such solid waste, ash, or debris from any existing waste management facility to any other existing or proposed waste management facility, and may do so without regard to subsection (b)(2); and

"(B) exercise flow control authority for voluntarily relinquished recyclable materials generated within the boundaries of the State or qualified political subdivision.

"(2) REASONABLE REGULATION OF COMMERCE.—

"(A) A law, ordinance, regulation, solid waste management plan, or legally binding provision of a State or qualified political subdivision, described in paragraph (1), that implements or exercises flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

"(B) A contract or franchise agreement entered into by a State or political subdivision to provide the exclusive or nonexclusive authority for the collection, transportation, or disposal of municipal solid waste, and not otherwise involving the exercise of flow control authority described in paragraph (1), shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

"(b) LIMITATIONS.—

"(1) LIMITATION OF AUTHORITY REGARDING RECYCLABLE MATERIALS.—A State or qualified political subdivision may exercise the authority described in subsection (a)(1)(B) with respect to recyclable materials only if—

"(A) the generator or owner of the materials voluntarily made the materials available to the State or qualified political subdivision, or the designee of the State or qualified political subdivision, and relinquished any rights to, or ownership of, such materials; and

"(B) the State or qualified political subdivision, or the designee of the State or qualified political subdivision, assumes such rights to, or ownership of, such materials.

"(2) LIMITATION OF AUTHORITY REGARDING SOLID WASTE OR RECYCLABLE MATERIALS.—

"(A) A State or qualified political subdivision may exercise the authority described in subparagraph (A) or (B) of subsection (a)(1) only if the State or qualified political subdivision establishes a program to separate, or divert at the point of generation, recyclable materials from municipal solid waste, for purposes of recycling, reclamation, or reuse, in accordance with any Federal or State law or municipal solid waste planning requirements in effect.

"(B) A State or qualified political subdivision may exercise the authority described in clause (i) or (ii) of subsection (a)(1)(A) only if, after conducting one or more public hearings, the State or qualified political subdivision—

"(i) finds, on the basis of the record developed at the hearing or hearings, that it is necessary to exercise the authority described in subparagraph (A) or (B) of subsection (a)(1) to meet the current solid waste management needs (as of the date of the record) or the anticipated solid waste management needs of the State or qualified political subdivision for the management of municipal solid waste or recyclable materials;

"(ii) finds, on the basis of the record developed at the hearing or hearings, including an analysis of the ability of the private sector and public bodies to provide short and long term integrated solid waste management services with and without flow control authority, that the exercise of flow control authority is necessary to provide such services in an economically efficient and environmentally sound manner; and

"(iii) provides a written explanation of the reasons for the findings described clauses (i) and (ii), which may include a finding of a preferred waste management methodology or methodologies for providing such integrated solid waste management services.

"(C) With respect to each designated waste management facility, the authority of subsection (a) shall be effective until completion of the schedule for payment of the capital costs of the waste management facility concerned (as in effect on May 15, 1994), or for the remaining useful life of the original waste management facility, whichever is longer. At the end of such period, the authority of subsection (a) shall be effective for any waste management facility for which subparagraph (B) and subsection (c) have been complied with by the State or qualified political subdivision, except that no facility, and no State or qualified political subdivision, subject to subsection (a)(1)(A)(i)(I) or subsection (a)(1)(A)(ii) shall be required to comply with subparagraph (B) for a period of 10 years after the date of enactment of this section. Notwithstanding the provisions of this paragraph, compliance with subparagraph (B) shall not be required where—

"(i) a designated waste management facility is required to retrofit or otherwise make significant modifications to meet applicable environmental requirements or safety requirements;

"(ii) routine repair or scheduled replacements of existing equipment or components of a designated waste management facility is undertaken that does not add to the capacity of the waste management facility; or

"(iii) a designated waste management facility expands on land legally or equitably owned, or under option to purchase or lease, by the owner or operator of such facility and the applicable permit includes such land.

"(D) Notwithstanding anything to the contrary in this section, paragraphs (2)(B) and (2)(C) shall not apply to any State (or any of its political subdivisions) that, on or before January 1, 1984, enacted regulations pursuant to a State law that required or directed the transportation, management, or disposal of solid waste from residential, commercial, institutional and industrial sources as defined by State law to specific waste management facilities and applied those regulations to every political subdivision in the State.

"(3) LIMITATION TO APPLIED AUTHORITIES.—The authority described in subsection (a)(1)(A) shall apply only to the specific classes or categories of solid waste to which the authority described in subsection (a)(1)(A)(i)(I) was applied by the State or qualified political subdivision before May 15, 1994, and to the specific classes or categories of solid waste for which the State or qualified political subdivision committed to the designation of one or more waste management facilities as described in subsection (a)(1)(A)(i)(II).

"(4) EXPIRATION OF AUTHORITY.—The authority granted under subsection (a)(1)(A)(i)(II) shall expire if a State or qualified political subdivision has not designated, by law, ordinance, regulation, solid waste management plan, or other legally binding provision, one or more proposed or existing waste management facilities within 3 years after the date of enactment of this section.

"(5) LIMITATION ON REVENUE.—A State or qualified political subdivision may exercise the authority described in subsection (a) only if the State or qualified political subdivision limits the use of any of its revenues derived from the exercise of such authority primarily to solid waste management services.

"(c) COMPETITIVE DESIGNATION PROCESS.—

"(1) IN GENERAL.—A State or qualified political subdivision may exercise the authority described in subsection (a) only if the State or qualified political subdivision develops and implements a competitive designation process, with respect to each waste management facility or each facility for recyclable materials. The process shall—

"(A) ensure that the designation process is based on, or is part of, a municipal solid waste management plan that is adopted by the State or qualified political subdivision and that is designed to ensure long-term management capacity for municipal solid waste or recyclable materials generated within the boundaries of the State or qualified political subdivision;

"(B) set forth the goals of the designation process, including at a minimum—

"(i) capacity assurance;

"(ii) the establishment of provisions to provide that protection of human health and the environment will be achieved; and

"(iii) any other goals determined to be relevant by the State or qualified political subdivision;

"(C) identify and compare reasonable and available alternatives, options, and costs for designation of the facilities;

"(D) provide for public participation and comment;

"(E) ensure that the designation of each facility is accomplished through an open competitive process during which the State or qualified political subdivision—

"(i) identifies in writing criteria to be utilized for selection of the facilities, which shall not discriminate unfairly against any particular waste management facility or any method of management, transportation or disposal, and shall not establish qualifications for selection that can only be met by public bodies;

"(ii) provides a fair and equal opportunity for interested public persons and private persons to offer their existing (as of the date of the process) or proposed facilities for designation; and

"(iii) evaluates and selects the facilities for designation based on the merits of the facilities in meeting the criteria identified; and

"(F) base the designation of each such facility on reasons that shall be stated in a public record.

"(2) CERTIFICATION.—

"(A) IN GENERAL.—A Governor of any State may certify that the laws and regulations of the State in effect on May 15, 1994, satisfy the requirements for a competitive designation process under paragraph (1).

"(B) PROCESS.—In making a certification under subparagraph (A), a Governor shall—

"(i) publish notice of the proposed certification in a newspaper of general circulation and provide such additional notice of the proposed certification as may be required by State law;

"(ii) include in the notice of the proposed certification or otherwise make readily available a statement of the laws and regulations subject to the certification and an explanation of the basis for a conclusion that the laws and regulations satisfy the requirements of paragraph (1);

"(iii) provide interested persons an opportunity to comment on the proposed certification, for a period of time not less than 60 days, after publication of the notice; and

"(iv) publish notice of the final certification, together with an explanation of the basis for the final certification, in a newspaper of general circulation and provide such additional notice of the final certification as may be required by State law.

"(C) APPEAL.—Within 120 days after publication of the final certification under subparagraph (B), any interested person may file an appeal of the final certification in the United States Circuit Court of Appeals for the Federal judicial district of the State, for a judicial determination that the certified laws and regulations do not satisfy the requirements of paragraph (1) or that the certification process did not satisfy the procedural requirements of subparagraph (B). The appeal shall set forth the specific reasons for the appeal of the final certification.

"(D) LIMITATION TO RECORD.—Any judicial proceeding brought under subparagraph (C) shall be limited to the administrative record developed in connection with the procedures described in subparagraph (B).

"(E) COSTS OF LITIGATION.—In any judicial proceeding brought under subparagraph (C), the court shall award costs of litigation (including reasonable attorney fees) to any prevailing party whenever the court determines that such award is appropriate.

"(F) LIMITATION ON REVIEW OF CERTIFICATIONS.—If no appeal is taken within 120 days after the publication of the final certification, or if the final certification by the Governor of any State is upheld by the United States Circuit Court of Appeals and no party seeks review by the Supreme Court (within applicable time requirements), the final certification shall not be subject to judicial review.

"(G) LIMITATION ON REVIEW OF DESIGNATIONS.—Designations made after the final certification and pursuant to the certified laws and regulations shall not be subject to judicial review for failure to satisfy the requirements of paragraph (1).

"(d) OWNERSHIP OF RECYCLABLE MATERIALS.—

"(1) PROHIBITION ON REQUIRED TRANSFERS.—Nothing in this section shall authorize any State or qualified political subdivision, or any designee of the State or qualified political subdivision, to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or qualified political subdivision unless the generator or owner of the recyclable materials voluntarily made the materials available to the State or qualified political subdivision and relinquished any rights to, or ownership of, such materials.

"(2) OTHER TRANSACTIONS.—Nothing in this section shall prohibit any person from selling, purchasing, accepting, conveying, or transporting any recyclable materials for purposes of transformation or remanufacture into usable or marketable materials, unless a generator or owner voluntarily made the materials available to the State or qualified political subdivision and relinquished any rights to, or ownership of, such materials.

"(e) RETAINED AUTHORITY.—Upon the request of any generator of municipal solid waste affected by this section, the State or political subdivision may authorize the diversion of all or a portion of the solid wastes generated by the generator making such request to a solid waste facility, other than the facility or facilities originally designated by the political subdivision, where the purpose of such request is to provide a higher level of protection for human health and the environment and reduce potential future liability under Federal or State law of such generator for the management of such wastes. Requests shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method. In making such a determination the State or political subdivision may consider the ability and willingness of both the designated and alternative disposal facility or facilities to indemnify the generator against any cause of action under State or Federal environmental statutes and against any cause of action for nuisance, personal injury, or property loss under any State law.

"(f) EXISTING LAWS AND CONTRACTS.—

"(1) IN GENERAL.—To the extent consistent with subsection (a), this section shall not supersede, abrogate, or otherwise modify any of the following:

"(A) Any contract or other agreement (including any contract containing an obligation to repay the outstanding indebtedness on any proposed or existing waste management facility or facility for recyclable materials) entered into before May 15, 1994, by a State or qualified political subdivision in which such State or qualified political subdivision has designated a proposed or existing waste management facility, or facility for recyclable materials, for the transportation, management or disposal of municipal solid waste, incinerator ash from a solid waste incineration unit, construction debris or demolition debris, or recyclable materials, pursuant to a law, ordinance, regulation, solid waste management plan, or legally binding provision adopted by such State or qualified political subdivision before May 15, 1994, if, in the case of a contract or agreement relating to recyclable materials, the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions in subsection (b)(1) with respect to the materials.

"(B) Any other contract or agreement entered into before May 15, 1994, for the transportation, management or disposal of municipal solid waste, incinerator ash from a solid waste incineration unit, or construction debris or demolition debris.

"(C)(i) Any law, ordinance, regulation, solid waste management plan, or legally binding provision—

"(I) that is adopted before May 15, 1994;

"(II) that pertains to the transportation, management, or disposal of solid waste generated within the boundaries of a State or qualified political subdivision; and

"(III) under which a State or qualified political subdivision, prior to May 15, 1994, directed, limited, regulated, or prohibited the transportation, management, or disposal of municipal solid waste, or incinerator ash from, a solid waste incineration unit, or construction debris or demolition debris, generated within the boundaries;

if the law, ordinance, regulation, solid waste management plan, or legally binding provision is applied to the transportation of solid waste described in subclause (III), to a proposed or existing waste management facility designated before May 15, 1994, or to the management or disposal of such solid waste at such a facility, under such law, ordinance, regulation, solid waste management plan, or legally binding provision.

"(ii) Any law, ordinance, regulation, solid waste management plan, or legally binding provision—

"(I) that is adopted before May 15, 1994; and

"(II) that pertains to the transportation or management of recyclable materials generated within the boundaries of a State or qualified political subdivision;

if the law, ordinance, regulation, solid waste management plan, or legally binding provision is applied to the transportation of recyclable materials that are generated within the boundaries, and with respect to which the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions described in subsection (b)(1), to a proposed or existing facility for recyclable materials designated before May 15, 1994, or to the management of such materials, under such law, ordinance, regulation, solid waste management plan, or legally binding provision.

"(2) CONTRACT INFORMATION.—A party to a contract or other agreement that is described in subparagraph (A) or (B) of paragraph (1) shall provide a copy of the contract or agreement to the State or qualified political subdivision on request. Any proprietary information contained in the contract or agreement may be omitted in the copy, but the information that appears in the copy shall include at least the date that the contract or agreement was signed, the volume of municipal solid waste or recyclable materials covered by the contract or agreement with respect to which the State or qualified political subdivision could otherwise exercise authority under subsection (a) or paragraph (1)(C), the source of the waste or materials, the destination of the waste or materials, the duration of the contract or agreement, and the parties to the contract or agreement.

"(3) EFFECT ON INTERSTATE COMMERCE.—Any contract or agreement described in subparagraph (A) or (B) of paragraph (1), and any law, ordinance, regulation, solid waste management plan, or legally binding provision described in subparagraph (C) of paragraph (1), shall be considered to be a reasonable regulation of commerce by a State or qualified political subdivision, retroactive to the effective date of the contract or agreement, or to the date of adoption of any such law, ordinance, regulation, solid waste management plan, or legally binding provision, and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

"(4) LIMITATION.—Any designation by a State or qualified political subdivision of any waste management facility or facility for recyclable materials after the date of enactment of this section shall be made in compliance with subsection (c). Nothing in this paragraph shall affect any designation made before the date of enactment of this section, and any such designation shall be deemed to satisfy the requirements of subsection (c).

"(g) SAVINGS CLAUSE.—

"(1) FEDERAL OR STATE ENVIRONMENTAL LAWS.—Nothing in this section is intended to supersede, amend, or otherwise modify Federal or State environmental laws (including regulations) that apply to the disposal or management of solid waste or recyclable materials at waste management facilities or facilities for recyclable materials.

"(2) STATE LAW.—Nothing in this section shall be interpreted to authorize a qualified political subdivision to exercise the authority granted by this section in a manner inconsistent with State law.

"(h) PROHIBITION.—No political subdivision may exercise flow control authority to direct the movement of municipal solid waste to any waste management facility for which a Federal permit was denied twice before the enactment of this section.

"(h) DEFINITIONS.—For purposes of this section only, the following definitions apply:

"(1) COMMITTED TO THE DESIGNATION OF ONE OR MORE WASTE MANAGEMENT FACILITIES.—The term 'committed to the designation of one or more waste management facilities' means that a State or qualified political subdivision was legally bound to designate one or more existing or future waste management facilities or performed or caused to be performed one or more of the following actions for the purpose of designating one or more such facilities:

"(A) Obtained all required permits for the construction of such waste management facility prior to May 15, 1994.

"(B) Executed contracts for the construction of such waste management facility prior to May 15, 1994.

"(C) Presented revenue bonds for sale to specifically provide revenue for the construction of such waste management facility prior to May 15, 1994.

"(D) Submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, administratively complete permit applications for the construction and operation of a waste management facility.

"(E) Formed a public authority or a joint agreement among qualified political subdivisions, pursuant to a law authorizing such formation for the purposes of designating facilities.

"(F) Executed a contract or agreement that obligates or otherwise requires a State or qualified political subdivision to deliver a minimum quantity of solid waste to a waste management facility and that obligates or otherwise requires the State or qualified political subdivision to pay for that minimum quantity of solid waste even if the stated minimum quantity of solid waste is not delivered within a required timeframe, otherwise commonly known as a "put or pay agreement".

"(G) Adopted, pursuant to a State statute that specifically described the method for designating by solid waste management districts, a resolution of preliminary designation that specifies criteria and procedures for soliciting proposals to designate facilities after having completed a public notice and comment period.

"(H) Adopted, pursuant to a State statute that specifically described the method for designating by solid waste management districts, a resolution of intent to establish designation with a list of facilities for which designation is intended.

"(2) DESIGNATION; DESIGNATE.—The terms 'designate', 'designated', 'designation' or 'designating' mean a requirement of a State or qualified political subdivision, and the act of a State or qualified political subdivision, to require that all or any portion of the municipal solid waste that is generated within the boundaries of the State or qualified political subdivision be delivered to a waste management facility identified by a State or qualified political subdivision, and specifically includes put or pay agreements of the type described in paragraph (1)(F).

"(3) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of solid waste or recyclable materials and direct such waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials.

"(4) INDUSTRIAL SOLID WASTE.—The term 'industrial solid waste' means solid waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling, that is not hazardous waste regulated under subtitle C. 'Industrial solid waste' does not include municipal solid waste specified in paragraph (5)(A)(iii).

"(5) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—Subject to the limitations of subsection (b)(3), the term 'municipal solid waste' means—

"(i) any solid waste discarded by a household, including a single or multifamily residence;

"(ii) any solid waste that is discarded by a commercial, institutional, or industrial source;

"(iii) residue remaining after recyclable materials have been separated or diverted from municipal solid waste described in clause (i) or (ii);

"(iv) any waste material or waste substance removed from a septic tank, septage pit, or cesspool, other than from portable toilets; and

"(v) conditionally exempt small quantity generator waste under section 3001(d), if it is collected, processed or disposed with other municipal solid waste as part of municipal solid waste services.

"(B) EXCLUSIONS.—The term 'municipal solid waste' shall not include any of the following:

"(i) Hazardous waste required to be managed in accordance with subtitle C (other than waste described in subparagraph (A)(v)), solid waste containing a polychlorinated biphenyl regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or medical waste listed in section 11002.

"(ii)(I) A recyclable material.

"(II) A material or a product returned from a dispenser or distributor to the manufacturer or the agent of the manufacturer for credit, evaluation, or reuse unless such material or product is discarded or abandoned for collection, disposal or combustion.

"(III) A material or product that is an out-of-date or unmarketable material or product, or is a material or product that does not conform to specifications, and that is returned to the manufacturer or the agent of the manufacturer for credit, evaluation, or reuse unless such material or product is discarded or abandoned for collection, disposal or combustion.

"(iii) Any solid waste (including contaminated soil and debris) resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

"(iv) (I) Industrial solid waste.

"(II) Any solid waste that is generated by an industrial facility and transported for the purpose of containment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or a facility that is located on property owned by the generator.

"(6) QUALIFIED POLITICAL SUBDIVISION.—The term 'qualified political subdivision' means a governmental entity or political subdivision of a State, as authorized by the State, to plan for, or determine the methods to be utilized for, the collection, transportation, disposal or other management of municipal solid waste generated within the boundaries of the area served by the governmental entity or political subdivision.

"(7) RECYCLABLE MATERIAL.—The term 'recyclable material' means any material (including any metal, glass, plastic, textile, wood, paper, rubber, or other material) that has been separated, or diverted at the point of generation, from solid waste for the purpose of recycling, reclamation, or reuse.

"(8) SOLID WASTE MANAGEMENT PLAN.—The term 'solid waste management plan' means a plan for the transportation, treatment, processing, composting, combustion, disposal or other management of municipal solid waste, adopted by a State or qualified political subdivision pursuant to and conforming with State law.

"(9) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility or facilities in which municipal solid waste, incinerator ash from a solid waste incineration unit, or construction debris or demolition debris is separated, stored, transferred, treated, processed, combusted, deposited or disposed.

"(10) EXISTING WASTE MANAGEMENT FACILITY.—The term 'existing waste management facility' means a facility under construction or in operation as of May 15, 1994.

"(11) PROPOSED WASTE MANAGEMENT FACILITY.—The term 'proposed waste management facility' means a facility that has been specifically identified and designated, but that was not under construction, as of May 15, 1994.

"(12) FUTURE WASTE MANAGEMENT FACILITY.—The term 'future waste management facility' means any other waste management facility.".

SEC. 203. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 103) is further amended by adding after the item relating to section 4011 the following new item:

"Sec. 4012. Congressional authorization of State control over transportation, management and disposal of municipal solid waste.".

Mr. SWIFT (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from Washington [Mr. SWIFT].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDMENT TO THE TITLE OFFERED BY MR. SWIFT

Mr. SWIFT. Mr. Speaker. I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. SWIFT: Amend the title so as to read: "A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and for other purposes.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered and passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1994 AND ADDRESSING PROGRAMS RELATING TO HIGH-RISK DRIVERS

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation and the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 5248) to require States to consider adopting mandatory, comprehensive, statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Indiana?

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, and I will not object; I take this reservation for the purpose of asking the gentleman from Indiana [Mr. SHARP] to explain what is in this bill.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Speaker, I rise in support of H.R. 5248, the Comprehensive One-Call Notification Act of 1994. This bill is designed to encourage and promote the use of one-call systems by all States and further encourage the adoption of minimum standards. It is the goal of this legislation to improve and enhance each State's ability to provide the greatest amount of protection to the public health and safety as well as preserve the integrity of underground facilities.

One-call legislation was first introduced by Mr. PALLONE and Senator BRADLEY after the fiery explosion that occurred as a result of excavation damage to a natural gas transmission pipeline in Edison, NJ last March. The bill has enjoyed widespread support from its inception, and we have worked closely with both the majority and the minority Members of the House Public Works Committee and the Senate Commerce Committee in order to ensure consensus.

There are those who have expressed a concern over some of the specific exemption language that was put into the bill during Committee markup sessions. For clarification purposes, I would like to suggest that as always when drafting legislation, the word "includes" is not necessarily comprehensive. I would also like to emphasize that H.R. 5248 allows a great deal of flexibility for States as they consider the Federal program.

There is nothing in the act that mandates that a State adopt a one-call system as outlined in the bill, and there are no penalties for a State's decision not to adopt the Federal program. The ultimate decision for adoption of any or all of the bill is left up to each State on an individual basis.

Mr. Speaker, adoption of H.R. 5248 will help us to further protect the public and property from damage due to excavation. I urge my colleagues to support passage of the Comprehensive One-Call Notification Act of 1994.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, I rise again in support of this legislation.

This bill minimizes the risk of third-party dig-ups of natural gas pipelines and other underground facilities by requiring States to consider creating one-call notification systems. Since most damage to pipelines and other types of underground facilities are caused by third parties, this bill will greatly enhance the safety of such facilities.

One-call notification systems are mechanisms by which a person planning to excavate can notify a buried facility owner or operator of planned excavation. The owner or operator of the buried facility then marks his facilities so the excavator can avoid it in his excavation. Establishing these systems makes good sense. They reduce the hazard posed by underground facilities to workers and the general public when excavation is done. They also save the cost of repairing underground facilities damaged by excavation.

The one-call initiative contained in this bill will help reduce the risk to human health and the environment and will save all underground facility owners millions of dollars in costly repairs from third-party damage. Thus, I support this legislation and encourage my fellow Members to support it.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I thank my friend and colleague for yielding to me under his reservation of objection.

Mr. Speaker, I rise in strong support of H.R. 5248. I wish to thank our colleague, the gentleman from New Jersey [Mr. PALLONE] for his leadership in introducing this bill, as well as the gentleman from Indiana [Mr. SHARP], who so ably has chaired this subcommittee and exhibited leadership for this One-Call. Of course, Mr. Speaker, we are all going to miss PHIL. We came together in 1974, and we are going to miss his leadership.

Mr. Speaker, I rise in support of H.R. 5248, the Comprehensive One-Call Notification Act of 1994. This bill includes the same text as H.R. 4394, which passed in the House this past Monday.

As I stated at that time, this committee has long supported the worthiness of the concept for "one-call" notification programs, and in fact, mandated in the 1988 Pipeline Safety Reauthorization Act that the Secretary establish minimum Federal requirements for State "one-call" programs to meet. That legislation, however, was limited to pipelines only and did not apply to other underground facilities.

H.R. 5248, which is before us today, appears to make a significant inroad into solving the well-known problem of damage to pipelines and other underground facilities as a result of excavation by third parties. This legislation will enhance the safety of those underground facilities and the general public.

There are only a few very carefully constructed exemptions to the elements a State must consider in this legislation. The definition of some of the activities involved in those narrow exemptions are, however, illustrative and not necessarily exclusive. It is the committee's intent that these programs, if adopted by a State, be as comprehensive as possible.

Therefore, I urge my colleagues to join me in passing H.R. 5248.

Mr. SHUSTER. Mr. Speaker, my thanks to NORM MINETA, JOHN DINGELL, CARLOS MOORHEAD, NICK JOE RAHALL, PHIL SHARP, and TIM PETRI for working together to bring this bill to the floor. I also want to thank our colleagues, Congressman PALLONE, a former member of the Committee, and BOB FRANKS, a current member of our Committee, for their leadership in pushing one-call Legistation this year.

Comprehensive one-call notification systems are a critical tool to protect life, health and property in our country. The building boom of the last forty years, combined with the proliferation of underground facilities, makes excavation damage an increasingly prevalent problem.

Particularly with regard to natural gas and hazardous liquid pipelines, excavation damage remains the number one cause of pipeline failures.

Several improvements have been made to the bill to address concerns of several groups whose activities do not present a significant risk to underground facilities. I believe these changes represent the balance we must always strive to achieve between public safety goals and placing unreasonable burdens on average citizens.

I specifically want to comment on the exemption granted to routine railroad maintenance activities. During consideration of this legislation on the floor, there was a misleading statement inserted but not spoken in the RECORD on the issue of what constitutes routine railroad maintenance.

The railroad provisions of this bill are intended to completely exempt routine maintenance from the measure's notification requirements.

It is important to note that two key committees of jurisdiction—one in this body and one in the other body—both approved language excluding railroad maintenance from one-call requirements in their respective reported bills. This was done because there is no evidence of any instances in which routine railroad maintenance that disturbs the ground to a depth of no more than 18 inches from the surface of the ground has caused harm to underground pipeline or telecommunications facilities.

Railroads in this country have been conducting routine maintenance on their rights-of-way for more than 150 years. Such maintenance functions do not threaten underground facilities which are buried between 3 and 10 feet beneath the surface of the ground.

It is also important to understand that the activities listed in the definition of routine railroad maintenance is illustrative and is not intended to be exclusive. Other routine railroad maintenance activities, such as ditch cleaning and tamping, would be included under this definition.

H.R. 4394 as modified by the Public Works and Transportation and Energy and Commerce committees will go a long way to encourage States to adopt comprehensive and effective one-call programs.

Title II of this bill is the high risk driver program. This bill will improve highway safety for the millions of drivers in our Nation between 16 and 20 years old and 70 years and over. These groups of drivers are disproportionately represented in vehicle crash rates, fatality rates, and traffic safety violation rates.

I want to commend my colleague from Virginia, FRANK WOLF, for his leadership in sponsoring this bill in the House.

I urge my colleagues to support the legislation.

Mr. MOORHEAD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ONE-CALL

SEC. 101. SHORT TITLE.

This title may be cited as the "Comprehensive One-Call Notification Act of 1994".

SEC. 102. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) DAMAGE.—The term "damage" means any impact or contact with an underground facility, its appurtenances, or its protective coating, or weakening of the support for the facility or protective housing, which requires repair.

(2) EXCAVATION.—The term "excavation" means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any mechanized tools or equipment, or any explosive, but shall not include—

(A) any generally accepted normal agricultural practices and activities taken in support thereof, as determined by each State, including tilling of the soil for agricultural purposes to a depth of 18 inches or less;

(B) generally accepted normal lawn and garden activities, as determined by each State;

(C) the excavation of a gravesite in a cemetery; and

(D) routine railroad maintenance as long as such maintenance would disturb the ground to a depth of no more than 18 inches as measured from the surface of the ground and the railroad has rules requiring underground facilities other than its own to be buried 3 feet or lower on its property or along its right-of-way.

When a facility operator believes that its underground facility is not buried 3 feet or lower on railroad property or right-of-way, the facility operator may request permission to enter the railroad property or right-of-way for the purpose of assessing the depth of such underground facility and report its finding to the railroad.

(3) EXCAVATOR.—The term "excavator" means a person who conducts excavation.

(4) FACILITY OPERATOR.—The term "facility operator" means any person who operates an underground facility.

(5) HAZARDOUS LIQUID.—The term "hazardous liquid" has the meaning given such term in section 60101(a)(4) of title 49, United States Code.

(6) NATURAL GAS.—The term "natural gas" has the meaning given the term "gas" in section 60101(a)(2) of title 49, United States Code.

(7) PERSON.—The term "person" includes any agency of Federal, State, or local government.

(8) ROUTINE RAILROAD MAINTENANCE.—The term "routine railroad maintenance" includes such activities as ballast cleaning, general ballast work, track lining and surfacing, signal maintenance, and the replacement of crossties.

(9) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(10) STATE.—The term "State" has the meaning given such term in section 60101(a)(20) of title 49, United States Code.

(11) STATE PROGRAM.—The term "State program" means the program of a State to establish or maintain a one-call notification system.

(12) UNDERGROUND FACILITY.—The term "underground facility" means any underground line, system, or structure used for gathering, storing, transmitting, or distributing oil, petroleum products, other hazardous liquids, natural gas, communication, electricity, water, steam, sewerage, or any other commodities the Secretary determines should be included under the requirements of this title, but such term does not include a portion of a line, system, or structure if the person who owns or leases, or holds an oil or gas mineral leasehold interest in, the real property in which such portion is located also operates, or has authorized the operation of, the line, system, or structure only for the purpose of furnishing services or materials to such person, except to the extent that such portion contains predominantly natural gas or hazardous liquids and—

(A) is located within an easement for a public road (as defined under section 101(a) of title 23, United States Code), or a toll highway, bridge, or tunnel (as described in section 129(a)(2) of such title); or

(B) is located on a mineral lease and is within the boundaries of a city, town, or village.

SEC. 103. NATIONWIDE TOLL-FREE NUMBER SYSTEM.

Within 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the Federal Communications Commission, facility operators, excavators, and one-call notification system operators, provide for the establishment of a nationwide toll-free telephone number system to be used by State one-call notification systems.

SEC. 104. STATE PROGRAMS.

(a) CONSIDERATION.—Each State shall consider whether to adopt a comprehensive statewide one-call notification program with each element described in section 105, to protect all underground facilities from damage due to any excavation. Such State program may be provided for through the establishment of a new program, or through modification or improvement of an existing program, and may be implemented by a nongovernmental organization.

(b) PROCEDURES.—State consideration under subsection (a) shall be undertaken after public notice and hearing, and shall be completed within 3 years after the date of enactment of this Act. Such consideration may be undertaken as part of any proceeding of a State with respect to the safety of pipelines or other underground facilities.

(c) COMPLIANCE.—If a State fails to comply with the requirements of subsection (a), the Secretary or any person aggrieved by such failure may in a civil action obtain appropriate relief against any appropriate officer or entity of the State, including the State itself, to compel such compliance.

(d) APPROPRIATENESS.—Nothing in this title prohibits a State from making a determination that it is not appropriate to adopt a State program described in section 105, pursuant to its authority under otherwise applicable State law.

SEC. 105. ELEMENTS OF STATE PROGRAM.

(a) IN GENERAL.—Each State's consideration under section 104(a) shall include consideration of program elements that—

(1) provide for a one-call notification system or systems which shall—

(A) apply to all excavators and to all facility operators;

(B) operate in all areas of the State and not duplicate the geographical coverage of other one-call notification systems;

(C) receive and record appropriate information from excavators about intended excavations;

(D) inform facility operators of any intended excavations that may be in the vicinity of their underground facilities; and

(E) inform excavators of the identity of facility operators who will be notified of the intended excavation;

(2) provide for 24-hour coverage for emergency excavation, with the manner and scope of coverage determined by the State;

(3) employ mechanisms to ensure that the general public, and in particular all excavators, are aware of the one-call telephone number and the requirements, penalties, and benefits of the State program relating to excavations;

(4) inform excavators of any procedures that the State has determined must be followed when excavating;

(5) require that any excavator must contact the one-call notification system in accordance with State specifications, which may vary depending on whether the excavation is short term, long term, routine, continuous, or emergency;

(6) require facility operators to provide for locating and marking or otherwise identifying their facilities at an excavation site, in accordance with State specifications, which may vary depending on whether the excavation is short term, long term, routine, continuous, or emergency;

(7) provide effective mechanisms for penalties and enforcement as described in section 106;

(8) provide for a fair and appropriate schedule of fees to cover the costs of providing for,

maintaining, and operating the State program;

(9) provide an opportunity for citizen suits to enforce the State program; and

(10) require railroads to report any accidents that occur during or as a result of routine railroad maintenance to the Secretary and the appropriate local officials.

(b) Exception.—Where excavation is undertaken by or for a person, on real property owned or leased, or in which an oil or gas mineral leasehold interest is held, by that person, and the same person operates all underground facilities located at the site of the excavation, a State program may elect not to require that such person contact the one-call notification system before excavating.

SEC. 106. PENALTIES AND ENFORCEMENT.

(a) General Penalties.—Each State's consideration under section 104(a) shall include consideration of a requirement that any excavator or facility operator who violates the requirements of the State program shall be liable for an appropriate administrative or civil penalty.

(b) Increased Penalties.—If a violation results in damage to an underground facility resulting in death, serious bodily harm, or actual damage to property exceeding $50,000, or damage to a hazardous liquid underground facility resulting in the release of more than 50 barrels of product, the penalties shall be increased, and an additional penalty of imprisonment may be assessed for a knowing and willful violation.

(c) Decreased Penalties.—Each State's consideration under section 104(a) shall include consideration of reduced penalties for a violation, that results in or could result in damage, that is promptly reported by the violator.

(d) Equitable Relief and Mandamus Actions.—Each State's consideration under section 104(a) shall include consideration of provisions for appropriate equitable relief and mandamus actions.

(e) Immediate Citation of Violations.—Each State's consideration under section 104(a) shall include consideration of procedures for issuing a citation of violation at the site and time of the violation.

SEC. 107. GRANTS TO STATES.

(a) Authority.—Using $4,000,000 of the amounts previously collected under section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (previously codified as 49 U.S.C. App. 1682a) or section 60301 of title 49, United States Code, for each of the fiscal years 1996, 1997, and 1998, to the extent provided in advance in appropriations Acts, the Secretary shall make grants to States, or to operators of one-call notification systems in such States, which have elected to adopt a State program described in section 105, or to establish and maintain a State program pursuant to subsection (b) of this section. Such grants may be used in establishing one-call notification systems, modifying existing systems to conform to standards established under this title, and improving systems to exceed such standards. Such grants may be used to—

(1) improve communications systems linking one-call notification systems;

(2) improve location capabilities, including training personnel and developing and using location technology;

(3) improve record retention and recording capabilities;

(4) enhance public information and education campaigns;

(5) increase and improve enforcement mechanisms, including administrative processing of violations; and

(6) otherwise further the purposes of this title.

(b) Alternate Form of State Program.—The Secretary may make a grant under subsection (a) to a State that establishes or maintains a State program that differs from a State program described in section 105 if such State program is at least as protective of the public health and safety and the environment as a State program described in section 105.

SEC. 108. DEPARTMENT OF TRANSPORTATION.

(a) Coordination With Other Responsibilities.—

(1) Coordination.—The Secretary shall coordinate the implementation of this title with the implementation of chapter 601 of title 49, United States Code.

(2) Review of programs.—Within 18 months after the date of enactment of this Act, the Secretary shall review, and report to Congress on, the extent to which any policies, programs, and procedures of the Department of Transportation could be used to achieve the purposes of this title.

(b) Model Program.—

(1) Development.—Within 1 year after the date of enactment of this Act, the Secretary, in consultation with facility operators, excavators, one-call notification system operators, and State and local governments, shall develop and make available to States a model State program, including a model enforcement program. Such model program may be amended by the Secretary on the Secretary's initiative or in response to reports submitted by the States pursuant to section 109, or as a result of workshops conducted under paragraph (3) of this subsection.

(2) Suggested elements.—The model program developed under paragraph (1) shall include all elements of a State program described in section 105. The Secretary shall consider incorporating the following elements into the model program:

(A) The one-call notification system or systems shall—

(i) receive and record appropriate information from excavators about intended excavations, including—

(I) the name of the person contacting the one-call notification system;

(II) the name, address, and telephone number of the excavator;

(III) the specific location of the intended excavation, along with the starting date thereof and a description of the intended excavation activity; and

(IV) the name, address, and telephone number of the person for whom the work is being performed; and

(ii) maintain records on each notice of intent to excavate for the period of time necessary to ensure that such records remain available for use in the adjudication of any claims relating to the excavation.

(B) The provision of information on excavation requirements at the time of issuance of excavation or building permits, or other specific mechanisms for ensuring excavator awareness.

(C) A requirement that any excavator must contact the one-call notification system at least 2 business days, and not more than 10 business days, before excavation begins.

(D) Alternative notification procedures for excavation activities conducted as a normal part of ongoing operations within specific geographic locations over an extended period of time.

(E) A requirement that facility operators—

(i) provide for locating and marking, in accordance with the American Public Works Association Uniform Color Code for Utilities, or otherwise identifying, in accordance with standards established by the State or the American National Standards Institute, their underground facilities at the site of an intended excavation within no more than 2 business days after notification of such intended excavation; and

(ii) monitor such excavation as appropriate.

(F) Provision for notification of excavators if no underground facilities are located at the excavation site.

(G) Provision for the approval of a State program under this title with time limitations longer than those required under subparagraphs (C) and (E) of this paragraph where special circumstances, such as severe weather conditions or remoteness of location, pertain.

(H) Procedures for excavators and facility operators to follow when the location of underground facilities is unknown.

(I) Procedures to improve underground facility location capabilities, including compiling and notifying excavators, facility operators, and one-call centers of any information about previously unknown underground facility locations when such information is discovered.

(J) Alternative rules for timely compliance with State program requirements in emergency circumstances.

(K) If a State has procedures for licensing or permitting entities to do business, procedures for the revocation of the license or permit to do business of any excavator determined to be a habitual violator of the requirements of the State program.

(3) Workshops.—Within 6 months after the date of enactment of this Act, and annually thereafter, the Secretary shall conduct workshops with facility operators, excavators, one-call notification system operators, and State and local governments in order to develop, amend, and promote the model program, and to provide an opportunity to share information among such parties and to recognize State programs that exemplify the goals of this title.

(c) Public Education.—The Secretary shall develop, in conjunction with facility operators, excavators, one-call notification system operators, and State and local governments, public service announcements and other educational materials and programs to be broadcast or published to educate the public about one-call notification systems, including the national phone number.

SEC. 109. STATE REPORTS.

(a) Requirement.—

(1) Initial report.—Within 3 years after the date of enactment of this Act, each State shall submit to the Secretary a report on progress made in implementing this title.

(2) Status reports.—Within 4½ years after the date of enactment of this Act, and annually thereafter, each State shall report to the Secretary on the status of its State program, if any, and its requirements, and any other information the Secretary requires.

(b) Simplified Reporting Form.—Within 3 years after the date of enactment of this Act, the Secretary shall develop and distribute to the States a simplified form for complying with the reporting requirements of subsection (a)(2).

SEC. 110. FEDERAL REPORT.

The Secretary shall report annually to Congress on the number and circumstances surrounding accidents caused by routine railroad maintenance.

SEC. 111. MORE PROTECTIVE SYSTEMS.

Nothing in this title prohibits a State from implementing a one-call notification system that provides greater protection for underground facilities from damage due to excavation than a system established pursuant to this title.

SEC. 112. USE OF TECHNOLOGIES FOR REMOTE AND ABOVE-GROUND PIPELINE LOCATION.

The Secretary shall consult with other agencies as to the availability and affordability of technologies which will help relocate pipelines from above-ground and remote locations.

SEC. 113. VISION WAIVER STUDY PROGRAM.

In order to further substantiate research carried out by the Secretary in fiscal year 1992 under the vision waiver study program, the Secretary shall carry out a follow-up study to such program to include drivers who otherwise would have qualified to participate in the initial vision waiver study but for the time limits on applications and the failure to learn of the program in a timely manner. Any study issued under this section shall comply with the requirements of section 31136(e) of title 49, United States Code, and applicable case law.

SEC. 114. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this title should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this title, the Administrator of the Research and Special Programs Administration of the Department of Transportation, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

TITLE II—HIGH RISK DRIVERS PROGRAM

Subtitle A—High-Risk and Alcohol-Impaired Drivers

SEC. 211. FINDINGS.

The Congress makes the following findings:

(1) The Nation's traffic fatality rate has declined from 5.5 deaths per 100 million vehicle miles traveled in 1966 to an historic low of an estimated 1.8 deaths per 100 million vehicle miles traveled during 1992. In order to further this desired trend, the safety programs and policies implemented by the Department of Transportation must be continued, and at the same time, the focus of these efforts as they pertain to high risk drivers of all ages must be strengthened.

(2) Motor vehicle crashes are the leading cause of death among teenagers, and teenage drivers tend to be at fault for their fatal crashes more often than older drivers. Drivers who are 16 to 20 years old comprised 7.4 percent of the United States population in 1991 but were involved in 15.4 percent of fatal motor vehicle crashes. Also, on the basis of crashes per 100,000 licensed drivers, young drivers are the highest risk group of drivers.

(3) During 1991, 6,630 teenagers from age 15 through 20 died in motor vehicle crashes. This tragic loss demands that the Federal Government intensify its efforts to promote highway safety among members of this high risk group.

(4) The consumption of alcohol, speeding over allowable limits or too fast for road conditions, inadequate use of occupant restraints, and other high risk behaviors are several of the key causes for this tragic loss of young drivers and passengers. The Department of Transportation, working cooperatively with the States, student groups, and other organizations, must reinvigorate its current programs and policies to address more effectively these pressing problems of teenage drivers.

(5) In 1991 individuals aged 70 years and older, who are particularly susceptible to injury, were involved in 12 percent of all motor vehicle traffic crash fatalities. These deaths accounted for 4,828 fatalities out of 41,462 total traffic fatalities.

(6) The number of older Americans who drive is expected to increase dramatically during the next 30 years. Unfortunately, during the last 15 years, the Department of Transportation has supported an extremely limited program concerning older drivers. Research on older driver behavior and licensing has suffered from intermittent funding at amounts that were insufficient to address the scope and nature of the challenges ahead.

(7) A major objective of United States transportation policy must be to promote the mobility of older Americans while at the same time ensuring public safety on our Nation's highways. In order to accomplish these two objectives simultaneously, the Department of Transportation must support a vigorous and sustained program of research, technical assistance, evaluation, and other appropriate activities that are designed to reduce the fatality and crash rate of older drivers who have identifiable risk characteristics.

SEC. 212. DEFINITIONS.

For purposes of this subtitle—

(1) The term "high risk driver" means a motor vehicle driver who belongs to a class of drivers that, based on vehicle crash rates, fatality rates, traffic safety violation rates, and other factors specified by the Secretary, presents a risk of injury to the driver and other individuals that is higher than the risk presented by the average driver.

(2) The term "Secretary" means the Secretary of Transportation.

SEC. 213. POLICY AND PROGRAM DIRECTION.

(a) GENERAL RESPONSIBILITY OF SECRETARY.—The Secretary shall develop and implement effective and comprehensive policies and programs to promote safe driving behavior by young drivers, older drivers, and repeat violators of traffic safety regulations and laws.

(b) SAFETY PROMOTION ACTIVITIES.—The Secretary shall promote or engage in activities that seek to ensure that—

(1) cost effective and scientifically-based guidelines and technologies for the nondiscriminatory evaluation and licensing of high risk drivers are advanced;

(2) model driver training, screening, licensing, control, and evaluation programs are improved;

(3) uniform or compatible State driver point systems and other licensing and driver record information systems are advanced as a means of identifying and initially evaluating high risk drivers; and

(4) driver training programs and the delivery of such programs are advanced.

(c) DRIVER TRAINING RESEARCH.—The Secretary shall explore the feasibility and advisability of using cost efficient simulation and other technologies as a means of enhancing driver training; shall advance knowledge regarding the perceptual, cognitive, and decision making skills needed for safe driving and to improve driver training; and shall investigate the most effective means of integrating licensing, training, and other techniques for preparing novice drivers for the safe use of highway systems.

Subtitle B—Young Driver Programs

SEC. 221. STATE GRANTS FOR YOUNG DRIVER PROGRAMS.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 411. Programs for young drivers

"(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make basic and supplemental grants to those States which adopt and implement programs for young drivers which include measures, described in this section, to reduce traffic safety problems resulting from the driving performance of young drivers. Such grants may only be used by recipient States to implement and enforce such measures.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate estimated expenditures from all other sources for programs for young drivers at or above the average level of such expenditures in its 2 fiscal years preceding the fiscal year in which the High Risk Drivers Act of 1994 is enacted.

"(c) FEDERAL SHARE.—No State may receive grants under this section in more than 5 fiscal years. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year a State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the young driver program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

"(d) MAXIMUM AMOUNT OF BASIC GRANTS.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e) shall equal 30 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title. A grant to a State under this section shall be in addition to the State's apportionment under section 402, and basic grants during any fiscal year may be proportionately reduced to accommodate an applicable statutory obligation limitation for that fiscal year.

"(e) ELIGIBILITY FOR BASIC GRANTS.—

"(1) GENERAL.—For purposes of this section, a State is eligible for a basic grant if such State—

"(A) establishes and maintains a graduated licensing program for drivers under 18 years of age that meets the requirements of paragraph (2); and

"(B)(i) in the first year of receiving grants under this section, meets 3 of the 7 criteria specified in paragraph (3);

"(ii) in the second year of receiving such grants, meets 4 of such criteria;

"(iii) in the third year of receiving such grants, meets 5 of such criteria;

"(iv) in the fourth year of receiving such grants, meets 6 of such criteria; and

"(v) in the fifth year of receiving such grants, meets 6 of such criteria.

For purposes of subparagraph (B), a State shall be treated as having met one of the requirements of paragraph (3) for any year if the State demonstrates to the satisfaction of the Secretary that, for the 3 preceding years, the alcohol fatal crash involvement rate for individuals under the age of 21 has declined in that State and the alcohol fatal crash involvement rate for such individuals has been lower in that State than the average such rate for all States.

"(2) Graduated Licensing Program.—

"(A) A State receiving a grant under this section shall establish and maintain a graduated licensing program consisting of the following licensing stages for any driver under 18 years of age:

"(i) An instructional license, valid for a minimum period determined by the Secretary, under which the licensee shall not operate a motor vehicle unless accompanied in the front passenger seat by the holder of a full driver's license.

"(ii) A provisional driver's license which shall not be issued unless the driver has passed a written examination on traffic safety and has passed a roadtest administered by the driver licensing agency of the State.

"(iii) A full driver's license which shall not be issued until the driver has held a provisional license for at least 1 year with a clean driving record.

"(B) For purposes of subparagraph (A)(iii), subsection (f)(1), and subsection (f)(6)(B), a provisional licensee has a clean driving record if the licensee—

"(i) has not been found, by civil or criminal process, to have committed a moving traffic violation during the applicable period;

"(ii) has not been assessed points against the license because of safety violations during such period; and

"(iii) has satisfied such other requirements as the Secretary may prescribe by regulation.

"(C) The Secretary shall determine the conditions under which a State shall suspend provisional driver's licenses in order to be eligible for a basic grant. At a minimum, the holder of a provisional license shall be subject to driver control actions that are stricter than those applicable to the holder of a full driver's license, including warning letters and suspension at a lower point threshold.

"(D) For a State's first 2 years of receiving a grant under this section, the Secretary may waive the clean driving record requirement of subparagraph (A)(iii) if the State submits satisfactory evidence of its efforts to establish such a requirement.

"(3) Criteria for Basic Grant.—The 7 criteria referred to in paragraph (1)(B) are as follows:

"(A) The State requires that any driver under 21 years of age with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated for the purpose of (i) administrative or judicial sanctions or (ii) a law or regulation that prohibits any individual under 21 years of age with a blood alcohol concentration of 0.02 percent or greater from driving a motor vehicle.

"(B) The State has a law or regulation that provides a mandatory minimum penalty of at least $500 for anyone who in violation of State law or regulation knowingly, or without checking for proper identification, provides or sells alcohol to any individual under 21 years of age.

"(C) The State requires that the license of a driver under 21 years of age be suspended for a period specified by the State if such driver is convicted of the unlawful purchase or public possession of alcohol. The period of suspension shall be at least 6 months for a first conviction and at least 12 months for a subsequent conviction; except that specific license restrictions may be imposed as an alternative to such minimum periods of suspension where necessary to avoid undue hardship on any individual.

"(D) The State conducts youth-oriented traffic safety enforcement activities, and education and training programs—

"(i) with the participation of judges and prosecutors, that are designed to ensure enforcement of traffic safety laws and regulations, including those that prohibit drivers under 21 years of age from driving while intoxicated, restrict the unauthorized use of a motor vehicle, and establish other moving violations; and

"(ii) with the participation of student and youth groups, that are designed to ensure compliance with such traffic safety laws and regulations.

"(E) The State prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway; except as allowed in the passenger area, by persons (other than the driver), of a motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers.

"(F) The State provides, to a parent or legal guardian of any provisional licensee, general information prepared with the assistance of the insurance industry on the effect of traffic safety convictions and at-fault accidents on insurance rates for young drivers.

"(G) The State requires that a provisional driver's license may be issued only to a driver who has satisfactorily completed a State-accepted driver education and training program that meets Department of Transportation guidelines and includes information on the interaction of alcohol and controlled substances and the effect of such interaction on driver performance, and information on the importance of motorcycle helmet use and safety belt use.

"(f) Supplemental Grant Program.—

"(1) Extended application of provisional license requirement.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires that a driver under 21 years of age shall not be issued a full driver's license until the driver has held a provisional license for at least 1 year with a clean driving record as described in subsection (e)(2)(B).

"(2) Remedial driver education.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires, at a lower point threshold than for other drivers, remedial driver improvement instruction for drivers under 21 years of age and requires such remedial instruction for any driver under 21 years of age who is convicted of reckless driving, excessive speeding, driving under the influence of alcohol, or driving while intoxicated.

"(3) Record of serious convictions; habitual or repeat offender sanctions.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State—

"(A) requires that a notation of any serious traffic safety conviction of a driver be maintained on the driver's permanent traffic record for at least 10 years after the date of the conviction; and

"(B) provides additional sanctions for any driver who, following conviction of a serious traffic safety violation, is convicted during the next 10 years of one or more subsequent serious traffic safety violations.

"(4) Interstate Driver License Compact.—The State is a member of and substantially complies with the interstate agreement known as the Driver License Compact, promptly and reliably transmits and receives through electronic means interstate driver record information (including information on commercial drivers) in cooperation with the Secretary and other States, and develops and achieves demonstrable annual progress in implementing a plan to ensure that (i) each court of the State report expeditiously to the State driver licensing agency all traffic safety convictions, license suspensions, license revocations, or other license restrictions, and driver improvement efforts sanctioned or ordered by the court, and that (ii) such records be available electronically to appropriate government officials (including enforcement, officers, judges, and prosecutors) upon request at all times.

"(5) The State has a law or regulation that provides a minimum penalty of at least $100 for anyone who in violation of State law or regulation drives any vehicle through, around, or under any crossing, gate, or barrier at a railroad crossing while such gate or barrier is closed or being opened or closed.

"(6) Vehicle Seizure Program.—The State has a law or regulation that—

"(A) mandates seizure by the State or any political subdivision thereof of any vehicle driven by an individual in violation of an alcohol-related traffic safety law, if such violator has been convicted on more than one occasion of an alcohol-related traffic offense within any 5-year period beginning after the date of enactment of this section, or has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense;

"(B) mandates that the vehicle be forfeited to the State or a political subdivision thereof if the vehicle was solely owned by such violator at the time of the violation;

"(C) requires that the vehicle be returned to the owner if the vehicle was a stolen vehicle at the time of the violation; and

"(D) authorizes the vehicle to be released to a member of such violator's family, the co-owner, or the owner, if the vehicle was not a stolen vehicle and was not solely owned by such violator at the time of the violation, and if the family member, co-owner, or owner, prior to such release, executes a binding agreement that the family member, co-owner, or owner will not permit such violator to drive the vehicle and that the vehicle shall be forfeited to the State or a political subdivision thereof in the event such violator drives the vehicle with the permission of the family member, co-owner, or owner.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $9,000,000 for the fiscal year ending September 30, 1996, $12,000,000 for the fiscal year ending September 30, 1997, $14,000,000 for the fiscal year ending September 30, 1998, $16,000,000 for the fiscal year ending September 30, 1999, and $18,000,000 for the fiscal year ending September 30, 2000.".

(b) CONFORMING AMENDMENT.—The analysis of chapter 4 of title 23, United States Code, is amended by inserting immediately after the item relating to section 410 the following new item:

"411. Programs for young drivers.".

(c) DEADLINES FOR ISSUANCE OF REGULATIONS.—The Secretary shall issue and publish in the Federal Register proposed regulations to implement section 411 of title 23, United States Code (as added by this section), not later than 6 months after the date of enactment of this Act. The final regulations for such implementation shall be issued, published in the Federal Register, and transmitted to Congress not later than 12 months after such date of enactment.

SEC. 222. PROGRAM EVALUATION.

(a) EVALUATION BY SECRETARY.—The Secretary shall, under section 403 of title 23, United States Code, conduct an evaluation of the effectiveness of State provisional driver's licensing programs and the grant program authorized by section 411 of title 23, United States Code (as added by section 101 of this Act).

(b) REPORT TO CONGRESS.—By January 1, 1997, the Secretary shall transmit a report on the results of the evaluation conducted under subsection (a) and any related research to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The report shall include any related recommendations by the Secretary for legislative changes.

Subtitle C—Older Driver Programs

SEC. 231. OLDER DRIVER SAFETY RESEARCH.

(a) RESEARCH ON PREDICTABILITY OF HIGH RISK DRIVING.—

(1) The Secretary shall conduct a program that funds, within budgetary limitations, the research challenges presented in the Transportation Research Board's report entitled "Research and Development Needs for Maintaining the Safety and Mobility of Older Drivers" and the research challenges pertaining to older drivers presented in a report to Congress by the National Highway Traffic Safety Administration entitled "Addressing the Safety Issues Related to Younger and Older Drivers".

(2) To the extent technically feasible, the Secretary shall consider the feasibility and further the development of cost efficient, reliable tests capable of predicting increased risk of accident involvement or hazardous driving by older high risk drivers.

(b) SPECIALIZED TRAINING FOR LICENSE EXAMINERS.—The Secretary shall encourage and conduct research and demonstration activities to support the specialized training of license examiners or other certified examiners to increase their knowledge and sensitivity to the transportation needs and physical limitations of older drivers, including knowledge of functional disabilities related to driving, and to be cognizant of possible countermeasures to deal with the challenges to safe driving that may be associated with increasing age.

(c) COUNSELING PROCEDURES AND CONSULTATION METHODS.—The Secretary shall encourage and conduct research and disseminate information to support and encourage the development of appropriate counseling procedures and consultation methods with relatives, physicians, the traffic safety enforcement and the motor vehicle licensing communities, and other concerned parties. Such procedures and methods shall include the promotion of voluntary action by older high risk drivers to restrict or limit their driving when medical or other conditions indicate such action is advisable. The Secretary shall consult extensively with the American Association of Retired Persons, the American Association of Motor Vehicle Administrators, the American Occupational Therapy Association, the American Automobile Association, the Department of Health and Human Services, the American Public Health Association, and other interested parties in developing educational materials on the interrelationship of the aging process, driver safety, and the driver licensing process.

(d) ALTERNATIVE TRANSPORTATION MEANS.—The Secretary shall ensure that the agencies of the Department of Transportation overseeing the various modes of surface transportation coordinate their policies and programs to ensure that funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 1914) and implementing Department of Transportation and Related Agencies Appropriation Acts take into account the transportation needs of older Americans by promoting alternative transportation means whenever practical and feasible.

(e) STATE LICENSING PRACTICES.—The Secretary shall encourage State licensing agencies to use restricted licenses instead of canceling a license whenever such action is appropriate and if the interests of public safety would be served, and to closely monitor the driving performance of older drivers with such licenses. The Secretary shall encourage States to provide educational materials of benefit to older drivers and concerned family members and physicians. The Secretary shall promote licensing and relicensing programs in which the applicant appears in person and shall promote the development and use of cost effective screening processes and testing of physiological, cognitive, and perception factors as appropriate and necessary. Not less than one model State program shall be evaluated in light of this subsection during each of the fiscal years 1996 through 1998. Of the sums authorized under subsection (i), $250,000 is authorized for each such fiscal year for such evaluation.

(f) IMPROVEMENT OF MEDICAL SCREENING.—The Secretary shall conduct research and other activities designed to support and encourage the States to establish and maintain medical review or advisory groups to work with State licensing agencies to improve and provide current information on the screening and licensing of older drivers. The Secretary shall encourage the participation of the public in these groups to ensure fairness and concern for the safety and mobility needs of older drivers.

(g) INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.—In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary shall ensure that the National Intelligent Vehicle-Highway Systems Program devotes sufficient attention to the use of intelligent vehicle-highway systems to aid older drivers in safely performing driver functions. Federally-sponsored research, development, and operational testing shall ensure the advancement of night vision improvement systems, technology to reduce the involvement of older drivers in accidents occurring at intersections, and other technologies of particular benefit to older drivers.

(h) TECHNICAL EVALUATIONS UNDER INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT.—In conducting the technical evaluations required under section 6055 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2192), the Secretary shall ensure that the safety impacts on older drivers are considered, with special attention being devoted to ensuring adequate and effective exchange of information between the Department of Transportation and older drivers or their representatives.

(i) Authorization of Appropriations—Of the funds authorized under section 403 of title 23, United States Code, $1,250,000 is authorized for each of the fiscal years 1995 through 1997 to support older driver programs described in subsections (a), (b), (c), (e), and (f).

Subtitle D—High Risk Drivers

SEC. 241. STUDY ON WAYS TO IMPROVE TRAFFIC RECORDS OF ALL HIGH RISK DRIVERS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Secretary shall complete a study to determine whether additional or strengthened Federal activities, authority, or regulatory actions are desirable or necessary to improve or strengthen the driver record and control systems of the States to identify high risk drivers more rapidly and ensure prompt intervention in the licensing of high risk drivers. The study, which shall be based in part on analysis obtained from a request for information published in the Federal Register, shall consider steps necessary to ensure that State traffic record systems are unambiguous, accurate, current, accessible, complete, and (to the extent useful) uniform among the States.

(b) SPECIFIC MATTERS FOR CONSIDERATION.—Such study shall at a minimum consider—

(1) whether specific legislative action is necessary to improve State traffic record systems;

(2) the feasibility and practicality of further encouraging and establishing a uniform traffic ticket citation and control system;

(3) the need for a uniform driver violation point system to be adopted by the States;

(4) the need for all the States to participate in the Driver License Reciprocity Program conducted by the American Association of Motor Vehicle Administrators;

(5) ways to encourage the States to cross-reference driver license files and motor vehicle files to facilitate the identification of individuals who may not be in compliance with driver licensing laws; and

(6) the feasibility of establishing a national program that would limit each driver to one driver's license from only one State at any time.

(c) EVALUATION OF NATIONAL INFORMATION SYSTEMS.—As part of the study required by this section, the Secretary shall consider and evaluate the future of the national information systems that support driver licensing. In particular, the Secretary shall examine whether the Commercial Driver's License Information System, the National Driver Register, and the Driver License Reciprocity program should be more closely linked or continue to exist as separate information systems and which entities are best suited to operate such systems effectively at the least cost. The Secretary shall cooperate with the American Association of Motor Vehicle Administrators in carrying out this evaluation.

SEC. 242. STATE PROGRAMS FOR HIGH RISK DRIVERS.

The Secretary shall encourage and promote State driver evaluation, assistance, or control programs for high risk drivers. These programs may include in-person license reexaminations, driver education or training courses, license restrictions or suspensions, and other actions designed to improve the operating performance of high risk drivers.

Subtitle E—Funding

SEC. 251. FUNDING FOR 23 USC 410 PROGRAM.

In addition to any amount otherwise appropriated or available for such use, there are authorized to be appropriated $15,000,000 for fiscal years 1995, 1996, and 1997 for the purpose of carrying out section 410 of title 23, United States Code.

TITLE III—CORRECTION OF LOCATION

Section 301

The table contained in Section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in item number 24, by adding at the end "and for similar purposes eligible for funding under title 23, United States Code, or under the Intermodal Surface Transportation Efficiency Act on any similar existing facility within a 150 mile radius of such project as selected by the State of Pennsylvania."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE SOCIAL SECURITY ACT AND RELATED ACTS TO MAKE MISCELLANEOUS AND TECHNICAL AMENDMENTS

Mr. STARK. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means and the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 5252) to amend the Social Security Act and related acts to make miscellaneous and technical amendments, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. JOHNSON of Connecticut. Mr. Speaker, reserving the right to object, I yields to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I will be glad to explain the bill. This bill is a combination of two bills which we have been waiting for from the other body. With the concurrence of the majority and the minority from the Committee on Ways and Means and the Committee on Energy and Commerce, we have taken a portion of H.R. 11, the Social Security Act technical amendments, which have twice passed the House and once passed the Senate, and embodied them in this bill, which, if the gentlewoman will not object, will go to the Senate and await further consideration. We have added to that a provision that is there because of the perception and perseverance and persistence of the gentlewoman from Connecticut [Mrs. JOHNSON].

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This is an extension of a Medicare select demonstration that is working in 15 States. We are extending that demonstration for 6 months from the first of the year and it is the intention of the Committee on Ways and Means and the Committee on Energy and Commerce to immediately begin to work on a permanent bill for this plan.

I would further state that there were other provisions in H.R. 11 which are not in this bill because of serious objections from the other body and that no new provisions have been added. I would like to take this opportunity as the year ends, if the gentlewoman would further yield, to thank certainly on behalf of the Committee on Ways and Means and more specifically the House subcommittee, the ranking minority member of the House subcommittee, the gentlewoman; the distinguished staff of the subcommittee and the staff of the full committee for their work through the year as we have dealt with many issues dealing with Medicare and health reform.

Mrs. JOHNSON of Connecticut. I thank the gentleman from California for her explanation and I thank my chairman as well of his hard work in bringing these Medicare technical amendments to passage and for his willingness to extend the Medicare select program for a few months while our subcommittee does the appropriate oversight work necessary to reauthorization. These technical amendments do represent many, many hours of hard work by the subcommittee and do merit our attention and passage.

Further reserving my right to object, I yield to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. I thank the gentlewoman for yielding.

Mr. Speaker, I want to very briefly commend both of you. It is getting to be kind of tiresome to have technical corrections that were simply followups to bills that have been passed sitting around for 2 years because the other body is not willing to do its job. I commend the chairman for putting the Medicare select provisions in, even though it is for just 6 months, so that we do not diminish Medicare benefits. But I also want to at this time acknowledge the kind of work that the gentlewoman from Connecticut has done, not just on this one particular measure which frankly was moribund until she was willing to make sure that the House did what it was supposed to do. But for the long, long hours that she put in on health care so that the subcommittee, the full committee, and the House could be better informed about what we need to do in making difficult choices in front of us. I just want to compliment her not just for her perseverance but for the knowledge that she has acquired and the contribution that she has made in this and previous Congresses and I look forward to the contributions she makes in the next Congress.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I withdraw my reservation of objection and state my support for H.R. 5252.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

(The bill will be printed in a subsequent issue of the CONGRESSIONAL RECORD.)

The bill was ordered to be ingrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5252, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles;

H.R. 3160. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102-586, and for other purposes; and

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2375. An act to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M., FRIDAY, NOVEMBER 4, 1994, TO FILE INVESTIGATIVE REPORTS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until 6 p.m. on Friday, November 4, 1994, to file 12 investigative reports. This request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan.

There was no objection.

TRIBUTE TO THE HONORABLE RONALD K. MACHTLEY

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, I rise today to pay tribute to an outstanding Member of the House of Representatives who will be leaving this body at the end of the year, Ron Machtley.

Ron has been an effective Representative of the people of the First District of Rhode Island since coming to Congress in 1988. He was the first Republican to fill that seat in over 40 years. Before coming to Congress Ron worked in private practice and was instrumental in the revitalization of Newport. He served his country in the U.S. Navy and continues to serve as a Captain in the U.S. Naval Reserves.

Ron has worked tirelessly for the people of Rhode Island and has served with distinction on the House Armed Services and Small Business Committees. Ron introduced legislation that sought to allocate defense conversion funds to States that have been hardest hit by defense budget cuts. He also introduced legislation to offer employers tax credits to encourage the hiring of unemployed defense workers. Always sensitive to the disenfranchised and struggling small business person, he introduced legislation to reduce prepayment penalties on small businesses seeking to get out from underneath high interest rates on these loans.

Few Members have represented their constituents with such devotion and purpose. Returning every weekend to his district, Ron remained what he began his political life as, a citizen Congressman. It has been a privilege to know him and work with him.

I wish Ron, his wife Kati, and their children a rich and full life in the years ahead. I will miss him as a colleague and friend.

Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. Machtley].

Mr. MACHTLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, my time here compared to our minority leader's and others has been a nanosecond. But as I have marched in this army of great patriots, as I have felt the spirit of the 10,000 Americans who have served in this House, I have been honored to serve. This is truly the People's House. As I have served here, I have always tried to remember where I came from, I have always tried to remember what my duties are as a Congressman to protect this country's constitutional rights. I have always tried to remember something that I think is important, where I will return.

As I leave here with great memories and with great friends, I thank the people of Rhode Island who have given me this honor, I thank the great friends who I have served with here, and I wish them fair winds and following seas. Our country needs you great leaders to do the things which are necessary as we go into the 21st century.

God bless you all and thank you for this experience.

INTRASTATE TOW AND WRECKER TRUCK TRANSPORTATION TECHNICAL CORRECTION ACT OF 1994

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5123) to make a technical correction to an Act preempting State economic regulation of motor carriers with a Senate amendment thereto, and disagree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. TECHNICAL CORRECTION OF 1994 FAA AUTHORIZATION ACT.

(a) In General.—Section 11501(h)(2) of title 49, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and insert in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(C) does not apply to the transportation of garbage and refuse;

"(D) does not apply to the transportation for collection of recyclable materials that are a part of a residential curbside recycling program; and

"(E) does not restrict the regulatory authority of a State, political subdivision of a State, or political authority of 2 or more States before January 1, 1997, insofar as such authority relates to tow trucks or wreckers providing for-hire service.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on January 1, 1995.

Mr. RAHALL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. EMERSON. Mr. Speaker, reserving the right to object, I do so to enable the gentleman from West Virginia, the subcommittee chairman, to explain the bill.

Mr. RAHALL. Mr. Speaker, if the gentleman will yield under his reservation, this is a technical amendments, technical corrections bill. It has been agreed to by both sides of the aisle.

Mr. EMERSON. Mr. Speaker, I thank the gentleman. The gentleman is correct. There is no objection on this side.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from West Virginia?

There was no objection.

A motion to reconsider was laid on the table.

TRIBUTE TO THE HONORABLE WILLIAM D. FORD

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute.)

Mr. McCLOSKEY. Mr. Speaker, I am pleased to rise to honor Bill Ford whom I am sorry to see retiring at the end of this Congress. I am grateful to call Bill Ford a personal friend, in addition to being a distinguished colleague.

Bill Ford has been a champion over the past 30 years for the American worker and the American college student. He has contributed significantly to every Federal education bill since the 89th Congress. His most recent efforts include passage of the Elementary and Secondary Education Act reauthorization which was an uphill battle, and reauthorization of the Higher Education Act which made it possible for any student to qualify for Federal Education assistance regardless of their income level.

Having been raised by parents who worked in the auto industry in the plant lines, Bill has never forgotten his roots and has always promoted and defended the rights of American workers. In the past two Congresses he has taken the lead on comprehensive OSHA reform. He was the driving force behind the Worker Adjustment Retraining and Notification Act [WARN]. He won a 14-year battle to obtain passage of his plant-closing legislation despite a veto by President Reagan. He has also been on the forefront to assist American workers whose jobs move to Mexico and to obtain fair trade treatment for the auto industry and its workers.

I am happy to have served under Bill Ford's stewardship of the House Committee on Post Office and Civil Service. He and his staff were extremely helpful to me when I became the chairman of the Subcommittee on Postal Personnel and Modernization in 1985. During his tenure as chairman of Post Office and Civil Service, He worked tirelessly to help Federal employees and to ensure the viability of the U.S. Postal Service. He and Bill Clay, my distinguished current chairman, were instrumental in obtaining passage of Hatch Act reform which was signed into law last year.

As I stated earlier, his staff has been extremely helpful to me whenever I have contacted them. I wish Bill great success in the private sector and hope that I see him often in whatever path he chooses after Congress.

Bill Ford came to Congress as a man with high ideals and I am happy to say will be leaving Congress with all of the same high ideals. I wish BILL and his lovely wife, Mary Whalen, much happiness and success in life after Congress.

IN HONOR OF PATRICIA RISSLER, STAFF DIRECTOR OF COMMITTEE ON EDUCATION AND LABOR

Mr. McCLOSKEY. Mr. Speaker, I want to take this opportunity to also pay tribute to Pat Rissler, who is also retiring from Congress at the end of this year.

Pat Rissler came to Washington in 1963 from her home in Charles Town, WV. Since that time she has worked only for Michigan Members of Congress. She started her congressional career working for Senator Pat McNamara. Subsequently she worked for Senator Phil Hart, and then moved to the House side to work for BILL FORD.

Pat began as a typist and has risen to be the staff director of one our principal committees, the Committee on Education and Labor. Although the staff director of Education and Labor Committee, and involved in education for the past 21 years, Pat was unable to afford the money or the time for a college education of her own. Prior to being the staff director at Education and Labor, she was the deputy staff director and then staff director of the committee on Post Office and Civil Service.

She has worked for BILL FORD since he became chairman of his first subcommittee in 1973. That was the Subcommittee on Agricultural Labor of the Education and Labor Committee. At that time, BILL FORD began working on the issues of migrant labor and education for the children of migrant laborers. BILL has maintained his interest in Education for the children of migrants and Pat has worked with him on these efforts for 21 years.

My personal experience with Pat on the Post Office and Civil Service Committee was wonderful. The trains ran on time, there were no surprises, and we got the important things done.

Pat is also leaving this Congress when BILL retires. She is going to go to the private sector for the first time since she was in high school. Whoever she works for will be the beneficiary of our loss. I wish Pat the best in whatever endeavor she chooses. I know she will excel.

□ 2210

COASTAL BARRIER RESOURCES ACT AUTHORIZATION AND CORRECTIONS TO MAPS

Mrs. UNSOELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4598) to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. CORRECTION TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, not later than 30 days after the date of enactment of this Act, make such corrections to the maps described in subsection (b) as are necessary to ensure that—

(1) depictions of areas on the maps are consistent with the depictions of areas appearing on the maps entitled 'Coastal Barrier Resources System'', dated September 27, 1994, and on file with the Secretary of the Interior; and

(2) the Coastal Barrier Resources System does not include any area that, on the day before the date of the enactment of this Act, was part of unit FL–05P of the System.

(b) MAPS DESCRIBED.—The maps described in this subsection are maps that—

(1) are included in a set of maps entitled ''Coastal Barrier Resources System'', dated October 24, 1990; and

(2) related to the following units of the Coastal Barrier Resources System: AL–01P, FL–05P; P11A, P17, P17A, P18P, P19P, FL–15, FL–95P, FL–36P, P31P, FL–72P, MI21, NY75, and VA62P.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended to read as follows:

"SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary for carrying out this Act $2,000,000 for each of fiscal years 1995 to 1998.''.

Mrs. UNSOELD (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentlewoman from Washington?

Mrs. FOWLER. Mr. Speaker, reserving the right to object, I do not plan to object. This is a bipartisan bill and is well supported.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Washington?

There was no objection.

A motion to reconsider was laid on the table.

INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST WITH THE SECRETARY OF COMMERCE

(Mr. CLINGER asked and was given permission to address the House for 5 minutes and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, I take this time reluctantly but out of a sense of frustration, Mr. Speaker, because of a project that we have had underway in the Committee on Government Operations for some time, and have found ourselves unable to get the information we need in order to resolve an apparent conflict of interest, or apparent conflicts of interest with a member of the President's Cabinet.

The Committee on Government Operations, on which I am pleased to serve as the ranking Republican member, is charged, among other things, with ensuring the ethical running of the Government. As part of that responsibility, we are charged with ensuring that no conflicts exist. Cabinet-level officials are required to file financial disclosure reports upon entry into service and annually to ensure that they are not in any way put in a situation where they may have a conflict of interest. Those reports report their assets, their transactions, their liabilities and positions that are held outside of the Government. As a part of our review of Secretary of Commerce Brown's holdings, the reports have revealed to us what appeare to be potential conflicts of interest. Let me just say what I feel that conflicts appear to be, and that is that the Secretary has large financial interests in the information and communications area. He has had or holds a number of interests in telecommunications and in communications areas.

Why is that a conflict of interest? Because the Secretary, as the Secretary of Commerce, has a significant role to play in the development and implementation of policy in that sector. The Secretary is responsible under the law for the National Telecommunications and Information Administration, for the International Trade Administration, and both of the above, Mr. Speaker, have significant roles in the development of the information highway, which is a major initiative of this administration.

He is also, in his capacity as Secretary of Commerce, co-chairman of the U.S. Advisory Council on the National Information Infrastructure.

Over the past 8 months we have attempted to resolve or get answers to these appearances of potential conflicts, which I think are very real. However, the Secretary has consistently refused to answer questions about these holdings, and that has gone on now for a period of about 8 months. Apparently the Secretary is determined that he is not accountable to Congress or to the American public with regard to his holdings in what seems to be a very apparent conflict of interest.

As a result of that I have called for, and 2 days ago sent letters asking for, two independent investigations of these matters which we have not been able to resolve in the Committee on Government Operations. First I have directed or asked the Department of Commerce inspector general to determine whether the Secretary's personal financial holdings during his tenure as Secretary pose any conflicts of interest with his financial responsibilities. I have further asked and directed a letter to the Office of Government Ethics to ask them to seriously evaluate the ethics program at the Commerce Department, because the department's ethics officials failed to obtain the necessary information to satisfactorily review and analyze Secretary Brown's financial holdings prior to certifying on his financial disclosure reports that no conflicts exist.

That is the bottom line. We are really trying to determine if there is a conflict.

We are not doing this, I must say, as any Republican witch hunt. We are not out to get the Secretary. We are just out to try and get some information.

To give an example of how we have tried to get this information, back in February of this year, I sent a letter to the Secretary asking very specific questions about his interests in companies in the communications and information area given his responsibilities as Secretary of Commerce in this field. I did not allege any wrongdoing. I still do not allege any wrongdoing. I simply stated that the potential appearance of a conflict needed to be alleviated in order to alleviate my concerns. I received no response from the Secretary. That was back in February. Instead, on March 2 of last year I received a letter from Barbara Fredericks who is the assistant general counsel and at the designated agency ethics official at the Department of Commerce. Her response ignored most of my specific questions. She suggested that I wait for 3 months until May of this year to view the Secretary's 1993 incumbent financial disclosure report which would then be released.

□ 2220

Having really not gotten any satisfactory answer, on March 23 of this year, I wrote to the Secretary to emphasize the lack of responsiveness to my February letter as well as reiterated my original questions about what did he hold, when did he hold it, when did he get rid of it, if he did get rid of it, and so forth. Again, this time I got no response from the Secretary for the second time. This time I received a letter from Ginger Lew, general counsel of the Department of Commerce, on June 1, 1994; she enclosed a copy of the Secretary's financial disclosure statement of 1993, which she said should answer all of my questions.

Frankly, it was totally unsatisfactory. There were few questions that were answered, and it raised many additional questions.

The staff, my staff on Government Operations, then met with Ms. Lew and Ms. Fredericks in an attempt once again to answer these outstanding questions. They saw no reason for such a meeting and declined to attend a meeting. Finally, with much reluctance, they agreed. They informed me that the bulk of the information requested was beyond the scope of the designated agency ethics officer's responsibility and, therefore, they could not provide me with the information.

Actually my requests from the word go were directed to Secretary Brown, not to any ethics officer or to anyone else in the Commerce Department, but the Secretary or somebody referred the letter to the ethics officer to respond.

The bottom line is we did not get any answer.

Then on September 9 of this year we finally received a response from the Secretary himself, after 8 months, who claims that my requests are no longer relevant, because he had divested his interest in most of the companies in question. That assertion, Mr. Speaker, fails to recognize accountability under the Government ethics statutes during his entire tenure in office and, in fact, from his ethics report, it is not clear whether in fact he has divested his interest in many of these holdings.

So, what interests and activities has he been involved in is what we would like to get some answers to. That is why I am here tonight. I have not gone public with this; I have not tried to make political hay out of it or publicity out of it. I have just been trying to get some answers, and having been foiled at every turn, I chose this forum to try and get the attention of the Secretary to try and get some response to some questions.

He has held or holds interest in the Boston Bank of Commerce and Boston Bank of Commerce Associates, where he indicated in his initial filing that he had a $15,000 to $50,000 interest in the Boston Bank of Commerce Associates and a directorship in the Boston Bank of Commerce. His incumbent financial disclosure report in 1993 retained his interest in the Boston Bank of Commerce Association but resigned his directorship in the Boston Bank of Commerce. I know this gets very convoluted and very complex, but the Secretary never actually asked for a waiver for his interest in the Boston Bank of Commerce.

He said he was going to ask for a waiver. No such waiver was ever filed.

The waiver, as written, referred only to the Boston Bank of Commerce, not to the Boston Bank of Commerce Associates. Ms. Lew, who we talked to, claimed the Boston Bank of Commerce Associates is a holding company for Boston Bank of Commerce. However, despite repeated requests, no written verification has ever been provided. We would like to get some verification.

The Secretary continues to have substantial interest in a company, in an industry, the banking industry, which could be affected and very clearly could be affected by the policies the Secretary develops and implements in his capacity as the Secretary of Commerce of the United States.

The second holding which we have questions about but have not received answers for has to do with the First International Communications Co. When he became Secretary of Commerce, Mr. Brown showed that he had a $500,000 to $1 million interest in an outfit called First International Communications, Inc. No waiver was ever asked or received from the White House for that interest, and in light of this very large financial interest, we asked him to provide the client list, the nature of what was indicated as international-domestic consulting and investment services the company provided to their clients, the names of the officers, the major stockholders, the company's net worth, the company's current valuation, and the nature of the Secretary's financial interest.

In response, Ms. Fredericks at Commerce on behalf of the Secretary said, and I am quoting, "With regard to First International Communications, the Secretary's sole financial interest in this entity is that he owns an equity interest." Well, that was apparent from what he said on his report; he owns an equity interest.

But the committee staff went to other sources: Dunn and Bradstreet revealed that First International Communications, Inc., was just a trade name for Corridor Broadcasting Corp., which is clearly involved in the telecommunications-communications industry, and ironically, in response to another of my questions, Ms. Fredericks stated, "The Secretary does not have, nor has he ever had, a financial interest in Corridor Communications," a clear conflict for which we are still waiting for an answer to resolve why we were told he did not have any interest in Corridor Communications but, in fact, Corridor Communications is basically the name of First International, which is a major communications company in which he had a $500,000 to $1 million interest.

Pursuant to Ms. Lew's suggestion, we looked to the incumbent report to find clarification about First International. The only information provided was that the Secretary sold his interest in First International on or before December 31, 1993. That made no sense, frankly; because Ms. Fredericks informed me on March 2, 3 months later, the Secretary had an equity interest in First International. So, you see, the plot thickens. It gets very, very complex. We get confusing, conflicting answers about the nature of the Secretary's interests and when he had them and when he got rid of them.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, has the Secretary been willing to cooperate with you in resolving these matters, where this is a very confusing interlocking of relationships?

Mr. CLINGER. That is why we are here tonight, frankly. As I said at the beginning, I am reluctant to really come to the floor with this, because we have been trying to get some resolution of these questions. I have got to say very frankly that the Secretary's financial statements which he filed when he became Secretary and which he has filed subsequently are misleading, do not give a clear picture of what his holdings are, the extent of those holdings, when they were sold, if they were sold. Holdings appear on his statement which then the next year disappear, and yet there is no indication of how they were gotten rid of or what happened to them.

Mr. WALKER. Are those financial disclosure forms the same as the ones we file?

Mr. CLINGER. Exactly the same.

Mr. WALKER. Are not there supposed to be places, as I recall, on that form for saying whether or not you sold off an asset or bought an asset in the previous years? You mean, those particular parts of the financial disclosure form are not properly filled out?

Mr. CLINGER. They just disappear. Of course, you are not required to report a sale if it results in less than $1,000 coming back to you, but these were interests that were $500,000 to $1 million, $15,000 to $50,000. Suddenly they just disappeared. There is no indication of who now owns them or whether the Secretary still owns them.

Again, I say, what he owns or does not own is not really relevant. What he owns that has relation to the telecommunications-communications industry and the new massive development that we are going to have in the telecommunications superhighway, I think, is relevant and deserves some answers. That is all we are trying to get at: Is there a conflict or not?

Mr. WALKER. Is not this the kind of thing that would typically be subjected to some congressional hearings when these kinds of questions arise with regard to a Cabinet official?

Mr. CLINGER. I would think that would be an appropriate thing to do. Clearly, I am going to be calling for that and asking for those hearings in the next session of Congress, because we have, frankly, been frustrated at every turn to get the answers, and I really have tried very hard to get a response.

Mr. WALKER. The committee, the Committee on Government Operations in the personage of the chairman, has not been willing to use the subpoena power of the committee to try to get some of these records?

Mr. CLINGER. We have not gone to that route. However, I think that may be what we are going to have to do in order to get this. Because, frankly, the Secretary, I think, has shown, basically a contempt for legitimate requests of a committee that has oversight over these kinds of responsibilities, has not been willing to give us the barest understanding of it. I was, frankly, not suspicious of anything really involved. I really just said, "Look, there is an appearance of a conflict here. Let us clear it up." That has been 8 months ago. We are now 8 months down, and we keep getting this sort of misdirection, "No, we cannot tell you that; no, we told you all we are going to tell you; we are not going to give you any more information," We have reached a stonewall which brings me to the floor tonight.

□ 2230

Mr. WALKER. You know, I remember from some of the work that the gentleman was doing over the past several months that he turned up some concern about Secretary Brown having association with a woman by the name of Nolanda Hill, who within the last year defaulted on a loan taken over by the FDIC which resulted in a $23 million loss to the American taxpayers. Has the gentleman's investigation resolved the matter of that loan and that loss?

Mr. CLINGER. The very short answer to that is no, we have not been able to resolve that. That is one of the other questions that still remains hanging out there to which we do not have answers. Nolanda Hill was and may still be actively involved in two of the companies which were or may still be owned by Secretary Brown, First International and Harmon International. As I stated before, the purposes of these companies and the relationship of Nolanda Hill remain unclear despite our efforts to try to get them resolved. The Secretary refused to answer my questions about their relationship. In addition, the Secretary has an outstanding promissory note to a company called Know, Inc. Our sources have told us that Nolanda Hill is involved in Know, Inc. I might add that at the time that Nolanda Hill was defaulting on that loan which the gentleman mentioned which did result in the loss to taxpayers of some many millions of dollars, she was at that very time contributing $75,000 to the Democratic National Party in soft money.

Mr. WALKER. I believe the gentleman said in his answer that the Secretary has refused to answer his questions about the relationship and some of these troubling problems. The gentleman has written him specifically about this or he has inquired, and what has he—has he just refused to answer the letters?

Mr. CLINGER. Basically the first two letters we wrote we got—we were siphoned off onto the designated agency ethics officer, who was nonresponsive to the questions we asked. The final letter, which we received a couple of weeks ago, basically said, "You got all we are going to give you." This was from the Secretary, and he said, "You got all we are going to give you. We are not going to give you any further answers. You have got my ethics report which I filed, my disclosure statement." The disclosure statement is totally inadequate because it does not show what disposition was made of the interest in telecommunications companies that showed up on the previous report. It is not adequate, and that is why I am here. I am just trying to force some action, some response to the questions that we have raised.

Mr. WALKER. Let me just try to clear something here for the record. I think maybe the gentleman has had some correspondence, as I recall, with the designated agency ethics officer, which is what the gentleman just referred to. And that ethics officer—that ethics officer came up to the Hill, and you were informed that you had to ask the Secretary the questions about his financial holdings directly.

Mr. CLINGER. That is right. The ethics officer said, "We can't answer those questions, those questions you would have to ask the Secretary." Of course, we asked the Secretary because the letter we wrote was directed to the Secretary. He chose not to answer them, referred them to the ethics officer, who then said, "We can't answer those questions, those can only be answered by the Secretary."

So, I feel, that I have been run around in a circle in this whole thing because we have been trying quietly, not in the glare of publicity, trying to get some answers. But on February 10, I sent the Secretary questions, the questions were referred to the ethics officer by the Secretary, I presume, because the letter was sent to him and the ethics officer came up to Capitol Hill and we met for some time, got no answers to the questions, and we wrote other letters and got no answer, which brought me to the floor tonight.

Mr. WALKER. Let me see if I can understand the merry-go-round. On the merry-go-round, you write a letter to the Secretary, the Secretary refers it to the ethics officer, the ethics officer comes and talks to you, and he says that what you have to do is talk to the Secretary. So when you go to the Secretary, the Secretary says he is not going to answer, you have to talk to the ethics officer, and the ethics officer then comes back and says that you have to talk to the Secretary, and round and round and round you go and nobody ever answers.

Mr. CLINGER. That is why I am here tonight, because I really feel we have got to break this chain of nonresponseness which we have been getting for the last 8 months. So, as a result of that, I have now, as I indicated earlier in my response, requested the Office of Government Ethics to look into whether the ethics officers in the Department of Commerce are doing their job.

Second, I have requested the Commerce Department inspector general to try to get answers to the questions that I have been asking now for 8 months and have not been able to get a response to.

Mr. WALKER. I will tell you what I find disturbing in all this. These are the kinds of questions that should be asked by the appropriate committees of the Congress and typically would be asked except that in instance after instance on Capitol Hill this particular Congress has refused to ask these kinds of questions to officers of this administration. And I think as a result we now have almost trial by newspaper headline, as some of these things then do leak out and people are put through the mill of innuendo about what is going on. Far better that we would hold some hearings and properly handle these things. It seems to me the gentleman has legitimate questions that should be posed by the committees of the Congress, answered by the Secretary.

If he has good answers for them, that clears up the matter immediately. It is done on the public record that way, it clears up the matter immediately and we do not have to go through the kind of exercise we are going through here tonight.

Mr. CLINGER. It could have been done 8 months ago. It could have been given 8 months ago, those answers. But I think it raises a broader question, and that is where you do have the executive branch and the legislative branch both in the control of one political party, how do we really assure that we conduct—that we can conduct oversight to make sure everything is done properly?

Well, that is not the case, for example, in the last administration. We had a Republican executive branch and a Democratic Congress, the Congress had the subpoena power to compel the answers to the questions.

That is not what we have at the present time. That has made our job much more difficult, which is why I think what we are raising here is really a broader question what is the right of the minority to know, what is the right of the American people to know, when there is an effort to not provide information?

That is really what the broader question is that is raised by our example here of trying to get some information from Secretary Brown. I think we will ultimately proceed to get that information, but it has taken too long and it has been too difficult to acquire, and we really need to, I think, address the broader question.

Mr. WALKER. I thank the gentleman. I congratulate him for the work he has done and the amount of time he has spent on this investigation. It seems to me he raises some very troubling questions here, questions that deserve answers, not just for the Congress, but the American people deserve answers to these questions because the conflicts of interest that occur in a department like the Commerce Department are matters then that affect the whole of the public. Middle-class America does deserve to have answers to questions as troubling as the ones that the gentleman raised tonight.

Mr. CLINGER. I thank the gentleman. I think that really is the bottom line. We do have responsibility to assure that decisions that are made by poicymakers are made without concern for personal aggrandizement and where you have at least a suggestion that those decisions, policy decisions, could be influenced by financial holdings in industries that may be benefited or harmed by decisions that you make, I think we desperately need to have that information. And the American people deserve to have it to be sure that the decisions are unbiased.

I thank the gentleman, and I yield back the balance of my time.

TRIBUTE TO MAJOR SMITH, DECEASED

(Mr. McCLOSKEY asked and was given permission to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, as we grind down to the waning minutes of this session, one thing that strikes me is that all the great employees and staff personnel that give us so much support hardly ever receive the particular or general thanks that they really deserve.

I do not have a formal statement with me, but one of the particular sadnesses that I have as I leave tonight and go away from the Congress tomorrow is that this was a year that an outstanding Capitol Hill policeman, one Major Smith, passed away. I think many of us know "Smitty" from our walkings around the Hill.

He was usually posted on the very, very bottom floor, in the 1st floor of the Cannon. Though he will never be famous, I shall remember him to my dying day as one of the more outstanding individuals I have ever met.

□ 2240

He was truly honest, caring, brave and concerned.

I got to know Smitty and his family, his family to a lesser degree, over the years, but he really had an amazing life. He did everything right, was a distinguished Air Force veteran of some 20 years in the Air Force, not quite as long as with the Capitol Hill Police, but he was a gentleman who made a great impression on any person that he ever met.

It was a particular element of heartbreak to me that within 2 or 3 months after Smitty had earned a well-earned retirement after all these years that, as is often the case, he was struck with cancer, and within a matter of several months was gone, but his spirit lives on, and I think he exemplifies the best of Federal and Capitol service.

I know all the people that know him over the years agree, and particularly, I guess as we all live in stressful times, I want to thank the Capitol Hill Police, of which he was an outstanding member, for all the services, the dedication and the security they give to us.

I will have a formal statement by Monday morning, Mr. Speaker, in Smitty's memory, and I really appreciate this opportunity.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, I join with my good friend, the gentleman from Indiana [Mr. McCLOSKEY], a fellow Hoosier, in remembering Smitty. There are so many people like Smitty around here that make our job a lot easier, who contribute to making the country a better place, who are unsung heroes. They are never on television. Never are their names out in the limelight. We do not see their names in the legislation that passes or does not pass. There are heroes who do or do not do something for this country, there are a lot of people like that that serve Capitol Hill that are the unsung heroes that we every once in a while should stop to say, "Thank you," for the job they do.

A lot of people say, "Oh, they got paid for their job. Why should we thank them?"

But they are really working for all our country when they serve here. They had other careers, many of them military.

Mr. McCLOSKEY. He was in the Air Force.

Mr. MYERS of Indiana. But there are so many people like that who have really contributed so much to our job and our country. They are true heroes, and we ought to stop more often than we do, maybe, and thank them for the job they do because they are really the heroes.

And some of us get on television, we do all these things, but they are the people that really make the country great.

Mr. Speaker, I say to the gentleman, "Thank you for honoring Smitty tonight."

Mr. McCLOSKEY. I say to the gentleman, "Thank you, Mr. MYERS."

I say in closing again, Mr. Speaker, he will always be remembered and appreciated, and more than once he gave me advice and counsel to help me immeasurably in my day-to-day activities out here.

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of the tributes previously given.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Indiana?

There was no objection.

RECESS

The SPEAKER pro tempore. The House will now stand in recess for approximately 10 minutes.

Accordingly (at 10 o'clock and 43 minutes p.m.) the House stood in recess for approximately 10 minutes.

□ 2350

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. DURBIN] at 11 o'clock and 55 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 512. An act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes;

H.R. 2970. An act to reauthorize the Office of Special Counsel, and for other purposes;

H.R. 3499. An act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; and

H.R. 4361. An act to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2478. An act to amend the Small Business Act to enhance the business development opportunities of small business concerns owned and controlled by socially and economically disadvantaged individuals, and for other purposes.

REAUTHORIZING THE OFFICE OF SPECIAL COUNSEL

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2970) to reauthorize the Office of Special Counsel, and for other purposes, with a Senate Counsel, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) MERIT SYSTEMS PROTECTION BOARD.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note: Public Law 101-12: 103 Stat. 34) is amended by striking out "1989, 1990, 1991, 1992, 1993, and 1994" and inserting in lieu thereof "1993, 1994, 1995, 1996, and 1997."

(b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note: Public Law 101-12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1993, 1994, 1995, 1996, and 1997".

SEC. 2. REASONABLE ATTORNEY FEES IN CERTAIN CASES.

Section 1204 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m)(1) Except as provided in paragraph (2) of this subsection, the Board, or an administrative law judge or other employee of the Board designated to hear a case arising under section 1215, may require payment by the agency involved of reasonable attorney fees incurred by an employee or applicant for employment if the employee or applicant is the prevailing party and the Board, administrative law judge, or other employee (as the case may be) determines that payment by the agency is warranted in the interest of justice, including any case in which a prohibited personnel practice was engaged in by the agency or any case in which the agency's action was clearly without merit.

"(2) If an employee or applicant for employment is the prevailing party of a case arising under section 1215 and the decision is based on a finding of discrimination prohibited under section 2302(b)(1) of this title, the payment of attorney fees shall be in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).".

SEC. 3. OFFICE OF SPECIAL COUNSEL.

(a) SUCCESSION.—Section 1211(b) of title 5, United States Code, is amended by inserting after the first sentence: "The Special Counsel may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that the Special Counsel may not continue to serve for more than one year after the date on which the term of the Special Counsel would otherwise expire under this subsection."

(b) LIMITATIONS ON DISCLOSURES.—Section 1212(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking out "provide information concerning" and inserting in lieu thereof "disclose any information from or about"; and

(2) in paragraph (2), by striking out "a matter described in subparagraph (A) or (B) of section 2302(b)(2) in connection with a" and inserting in lieu thereof "an evaluation of the work performance, ability, aptitude, general qualifications, character, loyalty, or suitability for any personnel action of any".

(c) STATUS REPORT BEFORE TERMINATION OF INVESTIGATION.—Section 1214(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding at the end thereof the following new subparagraph:

"(D) No later than 10 days before the Special Counsel terminates any investigation of a prohibited personnel practice, the Special Counsel shall provide a written status report to the person who made the allegation of the proposed findings of fact and legal conclusions. The person may submit written comments about the report to the Special Counsel. The Special Counsel shall not be required to provide a subsequent written status report under this subparagraph after the submission of such written comments."; and

(2) in paragraph (2)(A)—

(A) in clause (ii) by striking out "and" after the semicolon;

(B) in clause (iii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new clause:

"(iv) a response to any comments submitted under paragraph (1)(D).".

(d) DETERMINATIONS.—Section 1214(b)(2) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(2) by inserting before subparagraph (B) (as redesignated by paragraph (1) of this subsection) the following:

"(A)(i) Except as provided under clause (ii), no later than 240 days after the date of receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel shall make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

"(ii) If the Special Counsel is unable to make the required determination within the 240-day period specified under clause (i) and the person submitting the allegation of a prohibited personnel practice agrees to an extension of time, the determination shall be made within such additional period of time as shall be agreed upon between the Special Counsel and the person submitting the allegation."; and

(3) by inserting after subparagraph (D) (as redesignated by paragraph (1) of this subsection) the following new subparagraph:

"(E) A determination by the Special Counsel under this paragraph shall not be cited or referred to in any proceeding under this paragraph or any other administrative or judicial proceeding for any purpose, without the consent of the person submitting the allegation of a prohibited personnel practice.".

(e) REPORTS.—Section 1218 of title 5, United States Code, is amended by inserting "cases in which it did not make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(i)," after "investigations conducted by it,".

SEC. 4. INDEPENDENT RIGHT OF ACTION.

(a) SUBPOENAS.—Section 1221(d) of title 5, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) At the request of an employee, former employee, or applicant for employment seeking corrective action under subsection (a), the Board shall issue a subpoena for the attendance and testimony of any person or the production of documentary or other evidence from any person if the Board finds that the testimony or production requested is not unduly burdensome and appears reasonably calculated to lead to the discovery of admissible evidence.".

(b) CORRECTIVE ACTIONS.—Section 1221(e)(1) is amended by adding after the last sentence: "The employee may demonstrate that the disclosure was a contributing factor in the personnel action through circumstantial evidence, such as evidence that—

"(A) the official taking the personnel action knew of the disclosure; and

"(B) the personnel action occurred within a period of time such that a reasonable person could conclude that the disclosure was a contributing factor in the personnel action."

(c) REFERRALS.—Section 1221(f) of title 5, United States Code, is amended by adding after paragraph (2) the following new paragraph:

"(3) If, based on evidence presented to it under this section, the Merit Systems Protection Board determines that there is reason to believe that a current employee may have committed a prohibited personnel practice, the Board shall refer the matter to the Special Counsel to investigate and take appropriate action under section 1215.".

SEC. 5. PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTIONS.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (ix) by striking out "and" after the semicolon;

(2) by striking out clause (x) and inserting in lieu thereof the following:

"(x) a decision to order psychiatric testing or examination; and

"(xi) any other significant change in duties, responsibilities, or working conditions;"; and

(3) in the matter following designated clause (xi) (as added by paragraph (2) of this subsection) by inserting before the semicolon the following: ", and in the case of an alleged prohibited personnel practice described in subsection (b)(8), an employee or applicant for employment in a Government corporation as defined in section 9101 of title 31".

(b) COVERED POSITIONS.—Section 2302(a)(2)(B) of title 5, United States Code, is amended to read as follows:

"(B) 'covered position' means, with respect to any personnel action, any position in the competitive service, a career appointee position in the Senior Executive Service, or a position in the excepted service, but does not include any position which is, prior to the personnel action—

"(i) excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(ii) excluded from the coverage of this section by the President based on a determination by the President that it is necessary and warranted by conditions of good administration; and".

(c) AGENCIES.—Section 2302(a)(2)(C) of title 5, United States Code, is amended in clause (i) by inserting before the semicolon: ", except in the case of an alleged prohibited personnel practice described under subsection (b)(8)".

(d) INFORMATIONAL PROGRAM.—Section 2302(c) of title 5, United States Code, is amended in the first sentence by inserting before the period ", and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title".

SEC. 6. PERFORMANCE APPRAISALS.

Section 4313(5) of title 5, United States Code, is amended to read as follows:

"(5) meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles set forth under section 2301 of this title.".

SEC. 7. MERIT SYSTEMS APPLICATION TO CERTAIN VETERANS AFFAIRS PERSONNEL.

Section 2105 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) For purposes of sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, 2302, and 7701, employees appointed under chapter 73 or 74 of title 38 shall be employees.".

SEC. 8. CORRECTIVE ACTIONS ORDERED BY THE MERIT SYSTEMS PROTECTION BOARD.

(a) IN GENERAL.—Section 1214 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) If the board orders corrective action under this section, such corrective action may include—

"(1) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

"(2) reimbursement for attorney's fees, back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential damages.".

(b) CERTAIN REPRISAL CASES.—Section 1221(g) of title 5, United States Code (as amended by section 4(d) of this Act) is further amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1) of this subsection) the following new paragraph:

"(1)(A) If the Board orders corrective action under this section, such corrective action may include—

"(i) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

"(ii) back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential changes.

"(B) Corrective action shall include attorney's fees and costs as provided for under paragraph (2) and (3).".

SEC. 9. AUTHORITIES RELATING TO ARBITRATORS AND CHOICE OF REMEDIES NOT INVOLVING JUDICIAL REVIEW.

(a) AUTHORITIES WHICH MAY BE EXTENDED TO ARBITRATORS.—Section 7121(b) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (C) of paragraph (3) as clauses (i) through (iii), respectively;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by striking "(b)" and inserting "(b)(1)"; and

(4) by adding at the end the following:

"(2)(A) The provisions of a negotiated grievance procedure providing for binding arbitration in accordance with paragraph (1)(C)(iii) shall, if or to the extent that an alleged prohibited personnel practice is involved, allow the arbitrator to order—

"(i) a stay of any personnel action in a manner similar to the manner described in section 1221(c) with respect to the Merit Systems Protection Board; and

"(ii) the taking, by an agency, of any disciplinary action identified under section 1215(a)(3) that is otherwise within the authority of such agency to take.

"(B) Any employee who is the subject of any disciplinary action ordered under subparagraph (A)(ii) may appeal such action to the same extent and in the same manner as if the agency had taken the disciplinary action absent arbitration.".

(b) CHOICE OF REMEDIES PROVISION NOT INVOLVING JUDICIAL REVIEW.—Section 7121 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) This subsection applies with respect to a prohibited personnel practice other than a prohibited personnel practice to which subsection (d) applies.

"(2) An aggrieved employee affected by a prohibited personnel practice described in paragraph (1) may elect not more than one of the remedies described in paragraph (3) with respect thereto. For purposes of the preceding sentence, a determination as to whether a particular remedy has been elected shall be made as set forth under paragraph (4).

"(3) The remedies described in this paragraph are as follows:

"(A) An appeal to the Merit Systems Protection Board under section 7701.

"(B) A negotiated grievance procedure under this section.

"(C) Procedures for seeking corrective action under subchapters II and III of chapter 12.

"(4) For the purpose of this subsection, a person shall be considered to have elected—

"(A) the remedy described in paragraph (3)(A) if such person has timely filed a notice of appeal under the applicable appellate procedures;

"(B) the remedy described in paragraph (3)(B) if such person has timely filed a grievance in writing, in accordance with the provisions of the parties' negotiated procedure; or

"(C) the remedy described in paragraph (3)(C) if such person has sought corrective action from the Office of Special Counsel by making an allegation under section 1214(a)(1).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 7121(a)(1) of title 5, United States Code, is amended—

(1) by striking "(d) and (e)" and inserting "(d), (e), and (g)"; and

(2) by inserting "administrative" after "exclusive".

SEC. 10. EXPENSES RELATED TO FEDERAL RETIREMENT APPEALS.

Section 8348(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B) by striking out "and" at the end thereof;

(2) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Merit Systems Protection Board in the administration of appeals authorized under sections 8347(d) and 8461(e) of this title.".

SEC. 11. ELECTION OF APPLICATION OF LAWS BY EMPLOYEES OF THE RESOLUTION TRUST CORPORATION AND THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) ELECTION OF PROVISIONS OF TITLE 5, UNITED STATES CODE.—If an individual who believes he has been discharged or discriminated against in violation of section 21a(q)(1) of the Federal Home Loan Bank Act (12 U.S.C. 144a(g)(1)) seeks an administrative corrective action or judicial remedy for such violation under the provisions of chapters 12 and 23 of title 5, United States Code, the provisions of section 21a(q) of such Act shall not apply to such alleged violation.

(b) ELECTION OF PROVISIONS OF FEDERAL HOME LOAN BANK ACT.—If an individual files a civil action under section 21a(q)(2) of the Federal Home Loan Bank Act (12 U.S.C.

1441a(q)(2)), the provisions of chapters 12 and 23 of title 5, United States Code, shall not apply to any alleged violation of section 21a(q)(1) of such Act.

SEC. 12. IMPLEMENTATION.

(a) POLICY STATEMENT.—No later than 6 months after the date of enactment of this Act, the Special Counsel shall issue a policy statement regarding the implementation of the Whistleblower Protection Act of 1989. Such policy statement shall be made available to each person alleging a prohibited personnel practice described under section 2302(b)(8) of title 5, United States Code, and shall include detailed guidelines identifying specific categories of information that may (or may not) be communicated to agency officials for an investigative purpose, or for the purpose of obtaining corrective action under section 1214 of title 5, United States Code, or disciplinary action under section 1215 of such title, the circumstances under which such information is likely to be disclosed, and whether or not the consent of any person is required in advance of any such communication.

(b) TERMINATION STATEMENT.—The Special Counsel shall include in any letter terminating an investigation under section 1214(a)(2) of title 5, United States Code, the name and telephone number of an employee of the Special Counsel who is available to respond to reasonable questions from the person regarding the investigation or review conducted by the Special Counsel, the relevant facts ascertained by the Special Counsel, and the law applicable to the person's allegations.

SEC. 13. ANNUAL SURVEY OF INDIVIDUALS SEEKING ASSISTANCE.

(a) IN GENERAL.—The Office of Special Counsel shall, after consulting with the Office of Policy and Evaluation of the Merit Systems Protection Board, conduct an annual survey of all individuals who contact the Office of Special Counsel for assistance. The survey shall—

(1) determine if the individual seeking assistance was fully apprised of their rights;

(2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and

(3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel.

(b) REPORT.—The results of the survey conducted under subsection (a) shall be published in the annual report of the Office of Special Counsel.

SEC. 14. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall be effective on and after the date of the enactment of this Act.

Mr. McCLOSKEY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Indiana?

Mr. MYERS of Indiana. Mr. Speaker, reserving the right to object, I do so to yield to my friend, my longtime friend from Indiana, Mr. McCLOSKEY, and a former constituent of mine, in fact.

I yield to the gentleman.

Mr. McCLOSKEY. I thank the gentleman for yielding.

Mr. Speaker, H.R. 2970 reauthorizes and reforms the Office of Special Counsel and the Merit Systems Protection Board. I would note that there was one amendment in the Senate deleting the provision in the House allowing an action de novo in a Federal court in dealing with complaints going through the OSC. Much of our legislation is intact still. Particularly, one of the things I am most concerned about is that there are protections against abusive practices, such as ordering psychiatric examinations arbitrarily, arbitrarily suspending or terminating security clearances. And as I said to the gentleman's esteemed colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER], earlier, there is nothing in the Senate amendment that affects any of this legislation that is nongermane.

Mr. MYERS of Indiana. I thank my colleague. That is a question that I have. Through the years as we close out these sessions, often things are crowded into a bill that none of us knows what is in there.

I think we all fear when we do not see the legislation.

It is necessary in the closing hours of the session that we do put things in the legislation, but there is nothing that is not germane to the House rules in that compromise. Is that right?

Mr. McCLOSKEY. That is correct.

Mr. MYERS of Indiana. And there is nothing substantively changed in the House-passed bill.

Mr. McCLOSKEY. Except for the deletion as to a right to a particular form of legal action.

Mr. MYERS of Indiana. Other than that, no substantive changes in the House-passed legislation.

Mr. McCLOSKEY. That is correct.

Today, the House will consider H.R. 2970 which reauthorizes and reforms the Office of Special Counsel [OSC] and the Merit Systems Protection Board [MSPB].

Earlier this week, the House approved H.R. 2970 which the Senate has amended. Although this legislation which we are now considering is far less comprehensive than the House's earlier efforts, I urge the House to approve this bill.

This legislation will reauthorize the OSC and the MSPB through fiscal year 1997.

The bill allows prevailing parties to require payment of reasonable attorney fees incurred by the employee or applicant in pursuing his or her case.

The expanded provisions for consequential damages and attorney fees are intended to provide a realistic expectation that employees who prevail will recover their costs, the same as if a merit system reprisal had not occurred. Too many employees who win their cases find their victories to be pyrrhic. Further, if an employee with a pending case wins substantial relief, the agency's motives for providing it are not relevant grounds to deny fees. There is no requirement for an employee who substantially prevails under this act under any available procedure, including before the Office of Special Counsel, whether formally through negotiated settlement or through unilateral agency action rendering the dispute moot, to demonstrate a nexus between the relief and the proceeding. The special counsel, agency chiefs, and the Board retain the authority to award fees in any case where an employee earns substantial relief through a no-fault settlement.

This legislation establishes further limitations on the information the OSC may disclose about an individual who comes seeking redress. The special counsel's final status report with proposed findings of fact and legal conclusions may not be admitted into any administrative or judicial forum without the complainant's consent.

The bill tightens the language for a key WPA provision that the OSC has obeyed as the exception, rather than the rule—the prohibition on disclosing the evidence on an employee's case to the employer allegedly engaged in retaliation: 59 percent of OSC complainants reported to GAO that the special counsel undercut their rights by leaking information about their cases back to their employers. This can impose a fatal handicap on the employee in a subsequent MSPB appeal or individual right of action. It also flatly violates section 3 of the joint explanatory statement for the WPA that individuals may allege prohibited personnel practices to the OSC "without any fear that the information they provide or the investigation their disclosure triggers is used against them." The bill reaffirms this and associated legislative history in the 1989 WPA. Of course, some information must be released in order to obtain further evidence necessary for investigative finding supporting an employee. But the decision on what risks to take is the complainant's alone. The complainant controls the information the same way a client seeking private counsel is the privilege holder under the attorney-client privilege, even if the lawyer chooses not to take the case. The restriction exists as soon as the OSC obtains the information, and lasts as long as it is in the special counsel's possession. Without the complainant's consent, an OSC employee is acting outside the scope of his or her Government authority. The OSC's policy statement in section 12 on disclosures shall implement these instructions.

New timelines for OSC action are established and the OSC must provide a written status report to the complainant and allow for response 10 days before terminating any investigation.

During an independent right of action before the MSPB, H.R. 2970 establishes new subpoena authority for the complainant. The Senate amendment also establishes that an employee may demonstrate that a protected disclosure was a contributing factor in the personnel action through more favorable evidentiary standards.

The bill also overturns the Federal circuit court of appeals decision in Clark versus Department of Army by codifying that among the circumstantial evidence factors to establish a prima facie case of whistleblowing prohibited personnel practice is when a challenged personnel action occurred within a period of time that a reasonable person could conclude a protected disclosure was a contributing factor in the personnel action. A personnel action taken during the pendency of a performance appraisal period meets this standard, which was specified in legislative history for the Whistleblower Protection Act of 1989 but must be codified, because it has not been honored by the Federal circuit or the Board.

Also contrary to the Federal circuit's decision in Clark, an agency's ability to demonstrate it could have taken the personnel action, that is, that it can sustain its normal personnel burden of proof under section 7701(c) to support a proposed personnel action, is irrelevant. The prohibited personnel practice affirmative defense is legally independent from the merits of an agency action. There is no need to further revise statutory language. That standard already was codified clearly in the Whistleblower Protection Act by sections 1214 and 1221.

It also is not possible to further clarify the clear statutory language in section 2302(b)(8)(A) that protection for "any" whistleblowing disclosure evidencing a reasonable belief of specified misconduct truly means "any." A protected disclosure may be made as part of an employee's job duties, may concern policy or individual misconduct, and may be oral or written and to any audience inside or outside the agency, without restriction to time, place, motive, or context. In 1989, Congress explicitly changed the language in section 2302(b)(8) from protecting "a" disclosure to protecting "any" disclosure, specifically to prohibit those type exceptions. If information is classified or its release is specifically prohibited by statute, employees must disclose it through specified confidentiality channels to maintain protection. Otherwise there are no exceptions.

H.R. 2970 expands the definition of prohibited personnel practices to include the decision to order psychiatric examination and any other significant change in duties, responsibilities, or working conditions.

Consistent with the Whistleblower Protection Act's remedial purpose, the provision adding "any other significant change in duties, responsibilities, or working conditions" to listed personnel actions should be interpreted broadly. This personnel action is intended to include any harassment or discrimination that could have a chilling effect on whistleblowing or otherwise undermine the merit system, and should be determined on a case-by-case basis. Examples include denial, revocation, or suspension of a security clearance; issuing, denying, or removing an employee from specific assignments; changes in duty station; removal of support staff; and any analogous actions taken because of protected activity.

Similarly, the prohibition against threats in sections 2302(b)(8) and (b)(9) should be broadly construed even if not formal changes in duties, responsibilities, or working conditions, the Board should consider whether other common forms of harassment represent prohibited threats, because they are a prelude or precondition to listed forms of personnel actions. The techniques to harass a whistleblower are limited only by the imagination. Illustrative examples, however, include retaliatory investigations, threat of or referral for prosecution, defunding, reductions in force and denial or workers compensation benefits. In evaluating whether harassment constitutes a threatened personnel action, among factors the board should consider is whether the activity is discriminatory, or could have a chilling effect on merit system duties and responsibilities.

The House report on H.R. 2970 lists 14 examples of decisions where the Merit Systems Protection Board or the Federal circuit court of appeals have ruled contrary to the clear mandate of the Whistleblower Protection Act of 1989. A new example, *Costin* v. *Department of Health and Human Services* (No. AT–12221–93–0670–W–1), may be the most significant, by requiring whistleblowers to identify the precise personnel actions at issue in their initial complaint to the Office of Special Counsel.

First this burden forces employees without counsel to fashion their complaints in legally technical language. Second, it is unrealistic, because often the full scope of reprisals is not exposed until the complaint is investigated or otherwise pursued. Third, OSC closeout letters do not always list all the reprisals alleged by whistleblowers. This burden would eliminate the guaranteed right of all whistleblowers to a due process hearing before the board.

There should not be any confusion. To exhaust the OSC administrative remedy and qualify for an individual right of action, an employee or applicant only must allege a violation of section 2302(b)(8). The examples of alleged reprisals listed in the OSC complaint, and the scope of the evidence that a whistleblower presents to the OSC, are completely irrelevant to establish jurisdiction for an IRA.

Today, the House expands the number of Federal employees covered by whistleblower protections and includes employees in the Department of Veterans Affairs, Federal Deposit Insurance Corporation, and the Resolution Trust Corporation.

In response to concerns first raised by the Banking Committee, the bill also provides that employees of the FDIC and the RTC who have separate whistleblower protection provisions as a result of the savings and loan bailout legislation must choose to either follow those procedures in title 39 or the ones established in title 5.

H.R. 2970, as amended by the Senate, includes provisions in the House-passed bill to expand the authority of arbitrators to order a stay of any personnel action and any disciplinary action allowable under section 1215. Judicial review shall be allowed in any disciplinary action case in the same manner as it could be obtained if the order had been issued by the employee's agency The legal burdens of proof for whistleblower cases in arbitration shall be the same as with cases before the MSPB.

Consistent with the WPA's intent that whistleblower reprisal may not play any factor in a personnel action, the provision requiring Board referrals for OSC disciplinary investigation is triggered by a prima facie case that section 2302(b)(8) is violated. A final determination of prohibited personnel practice creates an inference that disciplinary sanctions are warranted and that the critical element for the relevant agency manager(s) to comply with merit system and equal opportunity laws has not been met.

As detailed in the House report on H.R. 2970, Congress is dissatisfied with the OSC's recent nontrack record on referring for agency investigation and aggressively evaluating subsequent agency reports on whistleblowing disclosures under section 1213. It is the legislate intent that when in doubt, the OSC should refer whistleblower charges for investigation. Most significant, the OSC should reevaluate agency reports with a "strict scrutiny" or "clear and convincing evidence" standard.

Finally, the legislation provides for reporting and survey requirements for the OSC.

I urge all of my colleagues to support this measure.

Mr. MYERS of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Indiana?

There was no objection.

A motion to reconsider was laid on the table.

DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PERSONNEL PRACTICES ACT AMENDMENTS

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3499) to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: page 2 after line 12, insert:

SEC. 2. PROHIBITION ON CASH AWARDS TO CERTAIN FEDERAL OFFICERS.

(a) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by inserting after section 4507 the following new sections:

"§4508. Limitation of awards during a Presidential election year

"(a) For purposes of this section, the term—

"(1) 'Presidential election period' means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election; and

"(2) 'senior politically appointed officer' means any officer who during a Presidential election period serves—

"(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

"(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

"(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.

"§4509. Prohibition of cash award to Executive Schedule officers

"No officer may receive a cash award under the provisions of this subchapter, if such officer—

"(1) serves in—

"(A) an Executive Schedule position under subchapter II of chapter 53; or

"(B) a position for which the compensation is set in statute by reference to a section or level under subchapter II of chapter 53; and

"(2) was appointed to such position by the President, by and with the advice and consent of the Senate.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

"4508. Limitation of awards during a Presidential election year.

"4509. Prohibition of cash award to Executive Schedule officers.".

Mr. McCLOSKEY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Indiana?

Mr. MYERS of Indiana. Mr. Speaker, reserving the right to object, I yield to the gentleman from Indiana [Mr. McCloskey] to explain what is in this compromise.

Mr. McCLOSKEY. Mr. Speaker, H.R. 3499 provides for the establishment of voluntary leave transfer and leave bank programs for the Department of Defense Depend Schools [DODDS] teachers. These programs already exist for Federal employees generally. They permit Federal employees to transfer and receive annual leave donated by their coworkers when either they or their coworkers are expecting medical emergencies requiring extended absence from the workplace.

However, since by definition, DODDS teacher leave is not considered annual leave, a voluntary leave sharing program may not be established for them without providing new statutory authority.

In addition, H.R. 3499, authorizes 3 additional days of leave for teachers employed in supervisory or higher positions because such employees generally work 222 days per school year compared to the 190 days required of regular teachers.

The Senate amended H.R. 3499, by adding a provision prohibiting the award of cash bonuses to noncareer appointees in the Senior Executive Service or persons serving in a position of a confidential or policy-determining character under schedule C during a 6-month period, June 1 prior to a Presidential election to the following January 20, and it also completely prohibits cash bonuses to those in Executive Schedule (ES) I—V and those Executive Schedule equivalents who are Presidential appointees confirmed by the Senate.

This provision is in response to the last minute bonuses that were awarded to political appointees at the end of the previous administration. It would enact current OPM policy regarding bonuses for these high-level political employees. This amendment will not affect career Executive Schedule employees.

This provision is similar to S. 1070, which passed the Senate by unanimous consent on November 24, 1993. It has the support of the Office of Personnel Management.

The Post Office and Civil Service Committee has no objection to this amendment.

Mr. Speaker, I would just say that again, in the interest of brevity and it being almost exactly midnight, that there is nothing which is nongermane. And I have been told that it has been accepted on the gentleman's side.

Mr. MYERS of Indiana. Mr. Speaker, it is close to midnight, and I do not want to change into a pumpkin. The magic date for adjournment is October 7, and we are almost missing that.

So there is nothing that is not germane to the House rules in this legislation.

Mr. McCLOSKEY. That is true.

Mr. MYERS of Indiana. There are no substantive changes in the compromise.

Mr. McCLOSKEY. That is my understanding.

Mr. MYERS of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Indiana?

There was no objection.

A motion to reconsider was laid on the table.

□ 2400

PROVIDING FOR GROUP LIFE INSURANCE BENEFITS TO BE PAID TO TERMINALLY ILL INDIVIDUALS

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 512) to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Page 7, after line 12, insert:

SEC. 5. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OFFICE OF THE COMPTROLLER OF THE CURRENCY OR THE OFFICE OF THRIFT SUPERVISION.

(a) Enrollment in Chapter 89 Plan.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision before the termination of such plans on January 7, 1995, shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) Continued Coverage.—(1) Any individual who, on January 7, 1995, is covered by a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after January 8, 1995.

(2) An individual who, on January 7, 1995, is entitled to continued coverage under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after January 8, 1995.

(3) An individual who, on January 7, 1995, is covered as an unmarried dependent child under a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on January 7, 1995, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after January 8, 1995.

(c) Transfers to the Employees Health Benefits Fund.—The Office of the Comptroller of the Currency and the Office of Thrift Supervision shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Office of the Comptroller of the Currency and the Office of Thrift Supervision, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section. The amounts so transferred shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of such title.

(d) Administration and Regulations.—The Office of Personnel Management—

(1) shall administer the provisions of this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

Amend the title so as to read: "An Act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill; to provide for continuation of health benefits coverage for certain individuals enrolled in health benefits plans administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision; and for other purposes.".

Mr. McCLOSKEY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Indiana?

Mr. MYERS of Indiana. Mr. Speaker, reserving the right to object, I would yield to the gentleman from Indiana [Mr. McCLOSKEY] so he may explain what is in the compromise here.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. Mr. Speaker, H.R. 512, provides that Federal employees who are diagnosed as terminally ill with a life expectancy of 9 months or less could elect to receive all or a portion of their basic life insurance benefit in advance of their death as a living benefit.

The Subcommittee on Compensation and Employee Benefits held a hearing on April 20, 1994, where Congressman GILMAN, the Office of Personnel Management, and the National Association of Retired Federal Employees testified in favor of the legislation. On June 22, 1994, the Post Office and Civil Service Committee approved this legislation by a record vote of 22 to 0. The House approved this bill by a voice vote under suspension of the rules on July 19, 1994.

The Senate amended H.R. 512 by adding a provision to allow employees of the Office of the Comptroller of the Currency [OCC] and the Office of Thrift Supervision [OTS] to enroll in the Federal Employees Health Benefits Program [FEHBP]. The Senate amendment is almost identical to a bill I introduced this week, H.R. 5164, the OCC and OTS Health Benefits Continuation Act.

The Senate amendment permits employees to have their OCC or OTS health plan treated like FEHBP health coverage. This is necessary because unless Federal employees are covered under FEHBP for at least 5 years immediately preceding retirement, they cannot continue their FEHBP coverage into retirement. Therefore this bill eliminates the potential that employees within 5 years of retirement will be forced to work longer so as not to lose their health insurance. With respect to current retirees, if no action is taken on this bill, OCC and OTS will be forced to purchase expensive private health coverage once their current health plan expires so that the retirees will not be left without any coverage whatsoever.

The amendment provides that OCC and OTS will pay the Employees Health Benefit Fund an amount determined by the Office of Personnel Management to cover the FEHBP benefits not otherwise paid for by the enrollees. The Congressional Budget Office has estimated that as the result of this payment this bill has no cost and that Federal outlays would not change.

The Post Office and Civil Service Committee has no objection to this amendment.

Mr. MYERS of Indiana. Further reserving the right to object, I understand there is no substantive changes in the attempt of the House here to take care of those who are terminally ill.

Mr. McCLOSKEY. The gentleman is correct.

Mr. MYERS of Indiana. Further reserving the right to object, Mr. Speaker, I would point out that the gentlewoman from Maryland [Mrs. MORELLA] has worked very hard on this legislation and should be commended for her efforts.

Mrs. MORELLA. Mr. Speaker, I rise in support of H.R. 512, a bill introduced by our distinguished colleague from New York [Mr. GILMAN], ranking Republican on the Committee on Foreign Affairs, and a very active member of the Committee on Post Office and Civil Service.

H.R. 512 is a compassionate bill which will help terminally ill Federal employees and retirees who participate in the Federal Employees Group Life Insurance [FEGLI] Program. This bill is budget neutral and brings to the Federal sector what has been provided for by many private sector employees. Employees and retirees who have been certified by their physician as having just 9 months or less to live, may receive the benefits of their FEGLI policy minus the interest which may have accrued at maturity—about 97 percent of the value. As we know, Mr. Speaker, in most cases, people who are dying because of terminal illnesses have often spent their savings to pay medical expenses. H.R. 512 is indeed a thoughtful, sensible and cost-effective bill.

This legislation was amended in the Senate to include health benefits of retirees of two Federal agencies, the Office of Thrift Supervision [OTS] and the Office of the Comptroller of the Currency [OCC], our bank and thrift regulators.

These agencies carried health plans for their employees which were administered separately from the Federal Employee Health Benefits Program [FEHBP]. These plans have been in place since the 1980's as a means of attracting and retaining valuable specialized banking talent. The two agencies and their employees financed health care coverage. However, increased costs for separate health plans have adversely impacted these Federal offices.

Both agencies are primarily funded by assessments on the financial institutions they regulate. The cost of Federal supervision has been a complaint by the entities that are supervised. The Office of the Comptroller of the Currency is launching a major effort to cut costs, thereby hoping to have a positive impact on assessments. The Office of Thrift Supervision is confronted with a shrinking industry, decreasing revenues and has been operating at a deficit for many years.

For these reason, Mr. Speaker, the agencies have had to make the difficult decision to eliminate their separate health plans. Current employees will now be offered quality health care under the Federal Employees Health Benefits Program. What this legislation does is afford the same options to retirees currently enrolled in the plans being terminated. This legislation also ensures that employees within 5 years of retirement will be able to carry FEHBP into retirement.

This bill has been crafted in a joint effort by the Office of Thrift Supervision, the Office of the Comptroller of the Currency, and the Office of Personnel Management. The OTS and the OCC have agreed to pay the employee health benefit fund the amount needed for the benefits provided by this legislation not otherwise paid for by the individuals to be covered. The Congressional Budget Office and the Office of Management and Budget have determined that this legislation is budget-neutral for pay-as-you-go purposes.

This is a cooperative effort by three Federal offices looking to continue quality health care for employees. I urge my colleagues to support this interagency cooperative effort and the measure proposed by our colleague from New York.

Mr. MYERS of Indiana. Further reserving the right to object, Mr. Speaker, we made midnight, maybe a minute or so after, and, with that understanding, I have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4361) to amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Family Friendly Leave Act".

SEC. 2. USE OF SICK LEAVE FOR PURPOSES RELATING TO A FAMILY MEMBER.

Section 6307 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) For the purpose of this subsection, the term 'family member' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall include any individual who meets the definition given that term, for purposes of the leave transfer program under subchapter III, under regulations prescribed by the Office (as in effect on January 1, 1993).

"(2) Subject to paragraph (3) and in addition to any other allowable purpose, sick leave may be used by an employee—

"(A) to give care or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave by such an employee; or

"(B) for purposes relating to the death of a family member, including to make arrangements for or attend the funeral of such family member.

"(3)(A) Sick leave may be used by an employee for the purposes provided under paragraph (2) only to the extent the amount used for such purposes does not exceed—

"(i) 40 hours in any year, plus

"(ii) up to an additional 64 hours in any year, but only to the extent the use of such additional hours does not cause the amount of sick leave to the employee's credit to fall below 80 hours.

"(B) In the case of a part-time employee or an employee on an uncommon tour of duty, the Office of Personnel Management shall establish limitations that are proportional to those prescribed under subparagraph (A).

"(4)(A) This subsection shall be effective during the 3-year period that begins upon the expiration of the 2-month period that begins on the date of the enactment of this subsection.

"(B) Not later than 6 months before the date on which this subsection is scheduled to cease to be effective, the Office shall submit a report to Congress in which it shall evaluate the operation of this subsection and make recommendations as to whether or not this subsection should be continued beyond such date.".

Amend the title so as to read: "An Act to amend chapter 63 of title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, and for other purposes.".

Mr. McCLOSKEY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Indiana?

Mrs. MYERS of Indiana. Mr. Speaker, I am reserving the right to object, again I do so to allow our colleague, the gentleman from Indiana [Mr. McCLOSKEY] to explain what is in the compromise.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. Mr. Speaker, H.R. 4361, the Federal Employees Family Friendly Leave Act, clarifies the right of Federal employees to use their sick leave to care for sick family members or for purposes relating to the death of a family member. The second part of the bill provides that Federal employees may donate and receive annual leave for any reason from family members who also work for the Federal Government.

On August 10, 1994, the Committee on Post Office and Civil Service, by a record vote of 19 to 1, approved H.R. 4361. The House approved the bill by voice vote under suspension of the rules on September 19, 1994.

The Senate amended H.R. 4361 and removed the provision allowing Federal employees to transfer their annual leave to their family members. In addition, the Senate amended the provision regarding sick leave to restrict employees' ability to substitute sick leave to at least 5 sick days per year to care for a sick family member, plus up to 8 more days per year—for a ceiling of 13 days—as long as the employee's sick leave balance would not fall below 10 days.

The Post Office and Civil Service Committee has no objection to the Senate amendments.

Ms. NORTON. Mr. Speaker, the Federal Employees Family Friendly Leave Act—Family Friendly Leave Act—explicitly guarantees Federal employees the right to use their sick leave to care for ill family members. The Family and Medical Leave Act—FMLA—which applies to both private and public sector employees, may cover some of the same situations as the Family Friendly Leave Act and I therefore wish to clarify how these acts may overlap and diverge.

The Family Friendly Leave Act, as I introduced it, clarified that Federal employees may use an unlimited amount of accrued sick leave to care for or otherwise attend to a family member with an illness, injury, or condition which, if a Federal employee was so afflicted, would justify the use of sick leave by that employee. As amended by the Senate and passed by both the House and Senate, an employee is entitled to use a minimum of 5 accrued sick days per year to care for a family member. The employee may use up to 13 accrued sick days per year for this purpose, provided the employee maintains a balance of 10 days.

The FMLA, on the other hand, allows employees to take up to 12 weeks of unpaid leave per year to care for a seriously ill parent, spouse, or child. The FMLA is more restrictive than the Family Friendly Leave Act in both the definition of family member and the degree of health condition of the family member. The FMLA also enables employees to substitute accrued annual or sick leave for unpaid leave when the employee is seriously ill or when the employee takes leave to care for a family member, with the proviso that an employer is not required "to provide paid sick leave in any situation in which such employer would not normally provide any such paid leave." 5 U.S.C. 6382(d).

In its interim regulations, the Office of Personnel Management—OPM—interpreted the FMLA to allow substitution of accrued sick leave only where "consistent with current law and regulations governing the granting and use of annual or sick leave." As indicated in the committee report for Family Friendly Leave, OPM is not currently permitting Federal employees to substitute accrued sick leave for FMLA leave taken to care for a seriously ill family member.

I believe OPM's interim interpretation of the FMLA on this point is incorrect. My understanding of the legislative intent of the FMLA is that the proviso was intended to limit an employee's right to substitute accrued sick leave for unpaid leave only when the specific condition in question is not covered by the employer's sick leave plan. For example, if a private employer does not permit an employee to use sick leave to see a mental health professional, the FMLA does not permit such an employee to substitute sick leave to take his or her child to see a mental health professional. Because Federal employees are allowed to use their sick leave for any medical condition without restriction, the FMLA proviso does not restrict their ability to substitute paid sick leave for unpaid leave for any condition. Indeed, the proviso could not have been intended to prohibit all substitution of paid sick leave for unpaid leave to care for a seriously ill family member, as OPM's interpretation suggests. Such an interpretation would effectively nullify the provision allowing for substitution.

OPM has not yet issued final regulations interpreting the FMLA and the courts have not yet begun to grapple with the meaning of these provisions. It is not intended that the Family Friendly Leave Act be read as an indication of congressional intent to limit the application of the FMLA. To the contrary, these two acts are complementary. The Family Friendly Leave Act is intended neither to limit nor to interpret the FMLA. Rather, it is intended to create a separate right for Federal employees as to the use of their accrued sick leave, not as to the substitution for FMLA leave.

Mr. MYERS of Indiana. Mr. Speaker, we all recognize that we have a lot of friends who have medical problems who necessarily need to have extra time; others, colleagues, who have a surplus of time, and this is very necessary. It is a way of sharing time for people who need it because of illness, or the family, or themselves. So, with the understanding that there are no nongermane provisions here and nothing that is not substantive to changes in the House, then I have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Indiana?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the four bills that were just considered and legislation adopted.

The SPEAKER pro tempore. is there objection to the request of the gentleman from Indiana?

The was no objection.

LINCOLN COUNTY, MONTANA, LANDS TRANSFER ACT OF 1994

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the Senate bill (S. 528) to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, MT to Lincoln County in the State of Montana, and ask for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lincoln County, Montana, Lands Transfer Act of 1994".

SEC. 2. CONVEYANCE OF PROPERTY.

(a) As soon as practicable, but in no event not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (hereinafter the "Secretary") shall convey, without consideration, all right, title, and interest of the United States to the following lands located within the boundaries of the Kootenai National Forest, Montana, to Lincoln County, Montana—

(1) approximately 30 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Libby Junior High School" dated August 1994;

(2) approximately 2 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Boyd Cemetery" dated August 1994;

(3) approximately 27.68 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Yaak Ambulance Barn" dated August 1994;

(4) approximately 170 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Libby Landfill" dated August 1994;

(5) approximately 11 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Eureka Administration Site" dated August 1994; and

(6) approximately 99.5 acres, as generally depicted on the map entitled "Kootenai National Forest Lands—Old Libby Airport" dated August 1994.

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey, without consideration, the timber and mineral rights to approximately 182.04 acres at the new Libby Airport, as generally depicted on the map entitled "Kootenai National Forest Lands—Timber and Mineral Rights Transfer at Libby Airport" dated August 1994, to Lincoln County, Montana.

(c) If the lands referred to in subsection (a) cease to be used for public purposes, such lands shall revert to the United States: *Provided*, That the lands shall not revert if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following)).

SEC. 3. RELEASE.

Upon the transfer of any lands or interests therein identified in section 2 of this Act to Lincoln County, Lincoln County shall release the United States from any liability for claims relating to such lands or interests therein.

SEC. 4. MAPS.

The maps referred to in this Act shall be on file and available for public inspection in the Office of the Chief of the Forest Service, in Washington, D.C.

Mr. VENTO. Mr. Speaker, S. 528 would transfer about 340 acres of the Kootenai National Forest to Lincoln County, MT.

These lands are in six parcels and would be used by the county for a variety of public purposes, including a junior high school, a cemetery, an ambulance barn, a landfill, an administrative site, and an airport.

Under the bill, if the county ceases to use the lands for public purposes, title will revert to the United States unless they have been subjected to contamination such that the United States does not wish to receive title.

I urge the passage of the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today after 6 p.m., on account of illness.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PETRI, and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,627.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4278. An act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act;

H.R. 4379. An act to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes; and

H.R. 4950. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 221. Joint resolution to express the sense of the Congress in commemoration of the 75th anniversary of Grand Canyon National Park.

ADJOURNMENT TO TUESDAY, NOVEMBER 29, 1994

Mr. HUGHES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 315 of the 103d Congress, the House stands adjourned until 12 noon, Tuesday, November 29, 1994.

Thereupon (at 12 o'clock and 5 minutes a.m.), pursuant to House Resolution 315, the House adjourned until Tuesday, November 29, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3926. A letter from the Department of the Air Force, transmitting notification that the performance of the contracts for engineering and manufacturing development of the F-22 aircraft and for design, development, test and delivery of its engine, F-33657-91-C-0006 and F33657-91-C-0007 respectively, will continue for a period exceeding 10 years, pursuant to 22 U.S.C. 2352 note; to the Committee on Armed Services.

3927. A letter from the Department of the Air Force, transmitting notification that the performance of the contracts for engineering and manufacturing development of the B-52 Tri-Service Standoff Attack Missile [TSSAM] integration contract, F33657-84-C-2256, will continue for a period exceeding 10 years, pursuant to 22 U.s.C. 2352 note; to the Committee on Armed Services.

3928. A letter from the Deputy Secretary of Defense, transmitting the interim report of the Defense Equal Opportunity Council Task Force On Discrimination and Sexual Harassment; to the Committee on Armed Services.

3929. A letter from the Federal Housing Finance Board, transmitting the board's annual report on the low-income housing and community development activities of the Federal Home Loan Bank system for 1993, pursuant to 12 U.S.C. 1422a; to the Committee on Banking, Finance, and Urban Affairs.

3930. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Brazil (Transmittal No. 01-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3931. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a cooperative feasibility study to be conducted by the United States and eight other NATO nations-Canada, France, Germany, Italy, the Netherlands, Norway, Turkey, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3932. A letter from the Acting Director, Defense Security Assistance Agency, transmitting concerning the establishment and operation of an organization to further the implementation of Continuous Acquisition and Life-cycle Support [CALS] within NATO. The participants who are contributing to the support of the NATO CALS Office—the executive arm of the organization which will be located on the premises of NATO Headquarters in Brussels—are Canada, France, Germany, Italy, the Netherlands, Norway, Spain, Turkey, the United Kingdom, and the United States, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

3933. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 95-01), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3934. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to France for defense articles and services (Transmittal No. 95-02), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3935. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Kuwait for defense articles and services (Transmittal No. 95-05), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3936. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 95-06), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3937. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. A-95 which relates to enhancement or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1), AECA certification 92-20 of 27 April 1992, pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

3938. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination and certification that assistance to the countries of Europe and the Independent States of the former Soviet Union from funds appropriated or otherwise made available under that act is in the national interest of the United States; to the Committee on Foreign Affairs.

3939. A letter from the Secretary of Defense, transmitting a report pursuant to section 1206 of the Cooperative Threat Reduction Act of 1993, title XII of Public Law 103-160 and the fiscal year 1994 DoD Appropriations Act, Public Law 103-139; to the Committee on Foreign Affairs.

3940. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation entitled, "To Approve the Location of the Thomas Paine Memorial"; to the Committee on Natural Resources.

3941. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide statutory authority for the surrender of fugitives and the provision of judicial assistance to the International Tribunal for the Prosecution of Persons responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, in accordance with the United States' obligations under U.N. Security Council Resolution No. 827; to the Committee on the Judiciary.

3942. A letter from the Secretary of Energy, transmitting the Department's 5-Year transportation program plan, pursuant to section 2021 of the Energy Policy Act of 1992 (42 U.S.C. 13431); jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

3943. A letter from the Secretary of Energy, transmitting the Department's report entitled, "Clean Energy Demonstration Project" proposed by Clean Energy Partners, L.P.; jointly, to the Committees on Energy and Commerce, Science, Space, and Technology, and Appropriations.

3944. A letter from the Secretary of Commerce, transmitting the annual report of the Secretary of Commerce to the Congress for the fiscal year ending September 30, 1993, pursuant to 15 U.S.C. 1519; jointly, to the Committees on Energy and Commerce, Ways and Means, Government Operations, the Judiciary, Science, Space, and Technology, Post Office and Civil Service, Banking, Finance and Urban Affairs, Foreign Affairs, Merchant Marine and Fisheries, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; with amendments (Rept. 103-601 Pt. 7). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 2289. A bill to amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics for 8 years, and for other purposes; with an amendment (Rept. 103-785 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2873. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes; with an amendment (Rept. 103-848 Pt. 1). Ordered to be printed.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 4477. A bill to amend the act commonly referred to as the "Dingell-Johnson Sport Fish Restoration Act" to provide funding for recreational boating safety programs, and for other purposes; with an amendment (Rept. 103-849). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 4236. A bill to establish a National Undersea Research Program within the National Oceanic and Atmospheric Administration; with an amendment (Rept. 103-850). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 579. Resolution providing for the adoption of the resolution (H. Res. 578) amending the Rules of the House of Representatives to apply certain laws to the House of Representatives, and for other purposes (Rept. 103-851). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 9. A bill to modify the antitrust exemption applicable to the business of insurance; with an amendment (Rept. 103-853). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4490. A bill to extend the Administrative Conference of the United States, and for other purposes; with an amendment (Rept. 103-854). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3297. A bill to amend title 5, United States Code, to extend the treatment currently afforded to Federal judges under the Federal Employees Group Life Insurance Program to certain other judicial officials; with amendments (Rept. 103-855). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1231. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standard for coverage under that act, and for other purposes; with an amendment (Rept. 103-856). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 4306. A bill to establish a comprehensive risk assessment program within the Environmental Protection Agency, and for other purposes; with an amendment (Rept. 103-857). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 115. A bill to strengthen the authority to require safe workplaces for Federal and Postal Service employees, and for other purposes; with an amendment (Rept. 103-858). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 4862. A bill for the relief of Inslaw, Inc., a Delaware corporation, and William A. Hamilton and Nancy Hamilton, individually; with an amendment (Rept. 103-852). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. UNSOELD:

H.R. 5241. A bill to amend section 9147 of Public Law 102-396; jointly, to the Committees on Armed Services and the Judiciary.

By Ms. SCHENK:

H.R. 5242. A bill to amend the act commonly referred to as the "Johnson Act" to limit the authority of States to regulate gambling devices on vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. WISE (for himself, Mr. KANJORSKI, Mr. MINETA, Mr. GONZALEZ, Mr. SHUSTER, Ms. MOLINARI, and Mr. RIDGE):

H.R. 5243. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes; jointly, to the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H.R. 5244. A bill to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ:

H.R. 5245. A bill to provide for the extension of certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GEJDENSON (for himself and Mr. GILMAN):

H.R. 5246. A bill to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SHARP (for himself and Mr. MOORHEAD):

H.R. 5247. A bill to provide for extensions and modifications of certain hydro and renewable energy programs; to the Committee on Energy and Commerce.

By Mr. SHARP:

H.R. 5248. A bill to require States to consider adopting mandatory, comprehensive, statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. ANDREWS of Texas (for himself, Mrs. KENNELLY, and Mr. SHAW):

H.R. 5249. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 5250. A bill to amend the Solid Waste Disposal Act to provide congressional authorization of State control over transportation of municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BACHUS of Alabama:

H.R. 5251: A bill to amend the Federal Home Loan Bank Act to require the Resolution Trust Corporation to use competitive procedures in procuring property and services necessary or appropriate to carry out its duties; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STARK:

H.R. 5252. A bill to amend the Social Security Act and related acts to make miscellaneous and technical amendments, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By. Mr. BALLENGER:

H.R. 5253. A bill to establish standards relating to the calculation and payment of damages in medical malpractice liability claims and actions, to restrict attorneys' contingency fees under such claims and actions, and for other purposes; to the Committee on the Judiciary.

By Mr. BERMAN (for himself, Mr. GILMAN, Mr. ROSE, Mr. PORTER, Mr. LANTOS, Mrs. UNSOELD, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, and Ms. PELOSI):

H.R. 5254. A bill to establish the position of United States Special Envoy for Tibet, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BONIOR (for himself, Mr. BROOKS, Mr. DINGELL, Mr. PALLONE, Mr. GILLMOR, Mr. PAYNE of New Jersey, and Mr. GOSS):

H.R. 5255. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BREWSTER (for himself and Mr. DELAY):

H.R. 5256. A bill to guarantee the ability of licensed pharmacists to conduct the practice of pharmacy compounding and to ensure their right to the necessary supply of bulk drug products, subject to applicable State and Federal laws; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio:

H.R. 5257. A bill to authorize a study regarding the incidence of breast and prostate cancer, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 5258. A bill to improve Federal enforcement against health care fraud and abuse; to the Committee on Government Operations.

By Mr. DREIER:

H.R. 5259. A bill to amend the Internal Revenue Code of 1986 to exclude long-term capital gains from gross income; to the Committee on Ways and Means.

By Mr. EMERSON (for himself, Mr. SKELTON, and Mr. HANCOCK):

H.R. 5260. A bill to provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses; jointly, to the Committees on Merchant Marine and Fisheries and Natural Resources.

By Mr. EVANS (for himself, Ms. KAPTUR, Mr. BROWN of California, Mr. CONYERS, and Mr. DEFAZIO):

H.R. 5261. A bill to require the Secretary of State to establish a set of voluntary guidelines to promote socially responsible business practices for U.S. businesses operating in foreign countries; to the Committee on Foreign Affairs.

By Mr. EVERETT (for himself and Mr. BROWDER):

H.R. 5262. A bill to amend the Indian Gaming Regulatory Act to provide for community approval before Indian class III gaming operations may take effect; to the Committee on Natural Resources.

By Mr. FRANKS of Connecticut:

H.R. 5263. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to prohibit any individual convicted of a crime subject to a term of imprisonment of 6 months or longer from serving as a member of the Council of the District of Columbia or as the Mayor of the District of Columbia; to the Committee on the District of Columbia.

H.R. 5264. A bill to prohibit use of education funds to make condoms available in an elementary school; to the Committee on Education and Labor.

By Mr. GUTIERREZ:

H.R. 5265. A bill to amend the National Voter Registration Act of 1993 to increase the number of college students who register and vote; to the Committee on House Administration.

By Mr. HAYES (for himself, Mr. DIXON, Mr. STENHOLM, Mr. SUNDQUIST, and Mr. TAUZIN):

H.R. 5266. A bill to amend the Occupational Safety and Health Act of 1970 to assist small business in compliance with such Act; to the Committee on Education and Labor.

By Mr. HOCHBRUECKNER:

H.R. 5267. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to require the Secretary of Agriculture to develop programs to encourage source-separated composting at homes, schools, and workplaces, and on farms; to the Committee on Agriculture.

H.R. 5268. A bill to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, NY; to the Committee on Natural Resources.

By Mr. LANTOS (for himself, Mrs. UNSOELD, and Ms. PELOSI):

H.R. 5269. A bill to encourage liberalization inside the People's Republic of China and Tibet; to the Committee on Foreign Affairs.

By Ms. MCKINNEY (for herself, Mr. BROWN of California, Mr. DELLUMS, Mr. FARR, Mr. FRANK of Massachusetts, Mr. HINCHEY,, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. NADLER, Mr. ROSE and Ms. SHEPHERD):

H.R. 5270. A bill entitled, the "Farm Viability and Pest Management Improvement Act of 1994: A National Program for Pesticide Reduction"; to the Committee on Agriculture.

By Mr. MFUME (for himself, Mr. CONYERS, Mr. FLAKE, Ms. ROYBAL-ALLARD, Ms. VELAZQUEZ, and Mr. TUCKER):

H.R. 5271. A bill to amend the Small Business Act to make modifications to the small business and capital ownership development program, and for other purposes; to the Committee on Small Business.

By Mr. MINGE:

H.R. 5272. A bill to improve accountability regarding official mail by repealing the use of the frank for official mail, and for other purposes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. OBERSTAR:

H.R. 5273. A bill to authorize the Secretary of Agriculture to establish and collect recreation use fees on a temporary basis in connection with the recreational use of the Superior National Forest in the State of Minnesota; to the Committee on Natural Resources.

By Mr. OBERSTAR:

H.R. 5274. A bill to improve the safety and convenience of air travel by establishing the Federal Aviation Administration as an independent Federal agency; to the Committee on Public Works and Transportation.

By Mr. OWENS:

H.R. 5275. A bill to establish a Federal Housing Trust Fund to provide decent, safe, and affordable housing for low-income families lacking such housing; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. REGULA:

H.R. 5276. A bill to provide for the relief of hospitals treating rural populations under the current calculation of the wage index modifier for the prospective payment under Medicare; to the Committee on Ways and Means.

By Mr. RICHARDSON (for himself and Ms. FURSE) (both by request):

H.R. 5277. A bill to address the need for private financing of home ownership and economic development on and near reservation lands, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SANDERS (for himself, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. OWENS, Mr. BONIOR, and Mr. BROWN of California):

H.R. 5278. A bill to provide for the creation of jobs in America, and for other purposes; jointly, to the Committees on Public Works and Transportation, Energy and Commerce, Armed Services, Appropriations, Banking, Finance and Urban Affairs, Education and Labor, Natural Resources, and Ways and Means.

By Mr. SHAYS (for himself, Mr. BORSKI, Ms. MOLINARI, Mr. RIDGE, and Mr. SANTORUM):

H.R. 5279. A bill to promote a new urban agenda, and for other purposes; jointly, to the Committees on Government Operations, Foreign Affairs, Public Works and Transportation, Armed Services, Ways and Means, Rules, Banking, Finance and Urban Affairs, and Energy and Commerce.

By Mr. SMITH of Michigan (for himself and Mr. KNOLLENBERG):

H.R. 5280. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local general sales taxes and to compensate for the resulting revenue loss by providing that only 89 percent of the amount of all State and local taxes shall be allowed as a deduction; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mr. MCCOLLUM, Mr. PETRI, and Mr. SOLOMON):

H.R. 5281. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to all families with young children, and for other purposes; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 5282. A bill to provide a mechanism for dedicating spending cuts in discretionary spending programs to deficit reduction; jointly, to the Committees on Government Operations and Rules.

By Mr. TORKILDSEN (for himself, Mr. SPENCE, Mr. CUNNINGHAM, Mr. SAXTON, Mr. TALENT, Mr. DORNAN, Mr. MCCLOSKEY, Mr. PARKER, Mr. EMERSON, Mr. MCCOLLUM, Mr. MCHUGH, and Mr. LIPINSKI):

H.R. 5283. A bill to request the Secretary of the Navy to name an appropriate ship of the U.S. Navy the U.S.S. *Joseph Vittori*; to the Committee on Armed Services.

By Mr. TORRICELLI:

H.R. 5284. A bill to provide compensation for victims from persons who unlawfully provide firearms to juveniles, felons, and other disqualified individuals; to the Committee on the Judiciary.

H.R. 5285. A bill to close loopholes in the firearms laws which allow the unregulated manufacture, assembly, shipment, or transportation of firearms or firearms parts, and for other purposes; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 5286. A bill to amend the Internal Revenue Code of 1986 to provide that the burden of proof shall be on the Secretary of the Treasury in all tax cases, and for other purposes; to the Committee on Ways and Means.

By Mr. VALENTINE:

H.R. 5287. A bill relating to the tariff treatment of pharmaceutical grade phospholipids; to the Committee on Ways and Means.

By Mr. WHEAT:

H.R. 5288. A bill to amend the Solid Waste Disposal Act to prohibit a certain requirement from applying to out-of-State municipal solid waste generated and disposed of within the same bi-State level A metropolitan statistical area; to the Committee on Energy and Commerce.

By Mr. HOYER:

H.J. Res. 425. Joint resolution providing for the convening of the first session of the 104th Congress; considered and passed.

By Mr. COYNE:

H.J. Res. 426. Joint resolution designating October 24, 1995, as "United Nations Day"; to the Committee on Post Office and Civil Service.

By Mr. FRANKS of Connecticut:

H.J. Res. 427. Joint resolution proposing an amendment to the Constitution of the United States to disqualify from certain offices persons who have been convicted of a crime for which a penalty of imprisonment of 6 months or more may be imposed; to the Committee on the Judiciary.

By Mr. PICKETT:

H.J. Res. 428. Joint resolution proposing an amendment to the Constitution of the United States relative to the desecration of the American flag; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H. Con. Res. 314. Concurrent resolution providing for the printing of a collection of statements made in tribute to Representative JAMIE L. WHITTEN; to the Committee on House Administration.

By Mr. HOYER:

H. Con. Res. 315. Concurrent resolution providing an adjournment or recess of the two Houses; considered and agreed to.

By Mr. FRANKS of Connecticut:

H. Con. Res. 316. Concurrent resolution declaring the sense of the Congress with respect to the use of racial quotas and statistics in connection with death penalty cases; to the Committee on the Judiciary.

By Mr. LIPINSKI (for himself and Mr. FIELDS of Texas):

H. Con. Res. 317. Concurrent resolution to express the sense of Congress that the President, the U.S. Trade Representative, the Secretary of Transportation, and the Secretary of Commerce must take all appropriate and necessary steps to eliminate, through international agreements or otherwise, restrictive foreign shipping practices which restrain or prevent U.S. flag vessels from fair and equitable participation in the transportation of motor vehicles into the United States; jointly, to the Committees on Merchant Marine and Fisheries, Foreign Affairs, and Ways and Means.

By Mr. GIBBONS:

H. Res. 577. Resolution returning to the Senate the bill S. 1216; considered and agreed to.

By Mr. MOAKLEY:

H. Res. 578. Resolution amending the Rules of the House of Representatives to apply certain laws to the House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. GEPHARDT:

H. Res. 580. Resolution providing for the printing of the revised edition of the Rules and Manual of the House of Representatives for the 104th Congress; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 581. Resolution relating to early organization of the House of Representatives for the 104th Congress; considered and agreed to.

By Mr. CLINGER:

H. Res. 582. Resolution declaring the sense of the House with respect to the National Performance Review's recommendation to dismantle the Railroad Retirement System; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. COX:

H. Res. 583. Resolution expressing the sense of the House of Representatives concerning the Iraqi Government's campaign against the Marsh Arabs of southern Iraq; to the Committee on Foreign Affairs.

By Mr. ORTON (for himself, Mr. YOUNG of Alaska, and Mr. HANSEN):

H. Res. 584. Resolution requesting that the Secretary of the Interior withdraw proposed regulations concerning rights-of-way granted under section 2477 of the Revised Statutes; to the Committee on Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY (by request):

H.R. 5289. A bill for the relief of John T. Monk; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 5290. A bill for the relief of Wade Bomar, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. DUNN.

H.R. 123: Mr. PETERSON of Minnesota and Mr. HALL of Texas.

H.R. 124: Mr. ROTH.

H.R. 127: Ms. DELAURO, Mr. OWENS, Mr. GOODLING, and Mr. WATT.

H.R. 200: Mr. BORSKI.

H.R. 325: Ms. BROWN of Florida, Mr. WATT, Ms. LONG, and Mrs. LLOYD.

H.R. 326: Mr. GONZALEZ.

H.R. 346: Mr. SANTORUM.

H.R. 417: Mr. ISTOOK, Mr. LANCASTER, Mr. DELAY, and Mr. MCDADE.

H.R. 436: Mr. MINGE.

H.R. 438: Mr. BORSKI.

H.R. 539: Mr. BUNNING, Mr. HEFLEY, Mr. BOEHNER, Mr. BALLENGER, Mr. GILCHREST, Mr. COX, Mr. SAXTON, Mr. MICHEL, Mr. HANCOCK, Mr. GUNDERSON, Mr. BAKER of California, Mr. HOEKSTRA, Mr. FRANKS of Connecticut, Mr. HASTERT, Mr. CRANE, Mr. TRAFICANT, Mr. GOODLING, Mr. MYERS of Indiana, and Mr. RIDGE.

H.R. 559: Mr. FARR.

H.R. 885: Mr. ROTH and Mr. BLUTE.

H.R. 896: Ms. DUNN.

H.R. 911: Mr. BATEMAN.

H.R. 1080: Mr. ROTH.

H.R. 1110: Mr. MCHALE.

H.R. 1122: Mr. BLUTE.

H.R. 1293: Ms. DUNN.

H.R. 1417: Mrs. CLAYTON and Mr. FOGLIETTA.

H.R. 1487: Mr. BLUTE.

H.R. 1500: Mr. STOKES, Mr. FARR, and Ms. MCKINNEY.

H.R. 1604: Mr. ROYCE.

H.R. 1605: Mr. ROYCE.

H.R. 1620: Mr. BLUTE.

H.R. 1671: Mrs. ROUKEMA.

H.R. 1703: Mr. NADLER.

H.R. 1709: Mr. EDWARDS of Texas, Mr. MANN, Mr. LUCAS, Mr. PETRI, Mr. VOLKMER, and Mr. WILLIAMS.

H.R. 1843: Mrs. SCHROEDER and Mr. INSLEE.

H.R. 1852: Mr. ROYCE.

H.R. 1853: Mr. ROYCE.

H.R. 1883: Mr. CAMP, Mr. CARR, Mr. CALLAHAN, Mr. DARDEN, and Mr. YATES.

H.R. 1968: Mr. FAZIO.

H.R. 1980: Mr. FARR.

H.R. 2043: Mr. SAWYER and Mr. WATT.

H.R. 2059: Mr. ROYCE.

H.R. 2105: Mr. FARR.

H.R. 2119: Ms. FURSE.

H.R. 2229: Mr. JEFFERSON.

H.R. 2292: Mr. SHAW and Mr. HUTTO.

H.R. 2336: Mrs. MEYERS of Kansas.

H.R. 2365: Mr. BLUTE.

H.R. 2429: Mr. SANGMEISTER.

H.R. 2501: Mr. NADLER.

H.R. 2543: Mr. BERMAN and Mr. FARR.

H.R. 2623: Mr. COX.

H.R. 2664: Mr. BARCIA of Michigan.

H.R. 2673: Mr. BORSKI.

H.R. 2676: Mr. NADLER.

H.R. 2717: Mr. BACHUS of Alabama, Mr. GINGRICH, Mr. KINGSTON, and Mr. CRANE.

H.R. 2727: Mr. SWETT, Mr. LANTOS, and Mr. FARR.

H.R. 2910: Mr. BOEHNER, Mr. COMBEST, Mr. EWING, Mr. KINGSTON, and Mr. PAXON.

H.R. 2971: Mr. SUNDQUIST.

H.R. 3122: Mr. NADLER.

H.R. 3176: Mr. BLUTE.

H.R. 3227: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GUNDERSON, Mr. CRAMER, Mr. BAKER of California, Mr. Stump, Mr. BACHUS of Alabama, Mr. BURTON of Indiana, and Mr. SCHAEFER.

H.R. 3269: Ms. SHEPHERD.

H.R. 3320: Mr. ROTH.

H.R. 3322: Mr. CLYBURN.

H.R. 3397: Mr. SAWYER.

H.R. 3407: Mr. NADLER.

H.R. 3472: Mr. NADLER.

H.R. 3526: Ms. WOOLSEY and Mr. FILNER.

H.R. 3628: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, Mr. FROST, Mr. QUINN, and Mr. FINGERHUT.

H.R. 3692: Mr. BLUTE.

H.R. 3712: Ms. SLAUGHTER and Mr. ORTIZ.

H.R. 3739: Mr. BALLENGER.

H.R. 3747: Mr. DEFAZIO and Mrs. UNSOELD.

H.R. 3846: Mr. PALLONE.

H.R. 3860: Mr. ROTH.

H.R. 3875: Mr. SISISKY.

H.R. 3897: Mr. MORAN.

H.R. 3955: Mr. GEKAS, Mr. KOLBE, Mr. EMERSON, Mr. KINGSTON, Mr. INGLIS of South Carolina, Mr. WALKER, Mr. BEREUTER, Mr. INHOFE, Mr. BAKER of Louisiana, Mr. HOKE, Mr. HEFLEY, Mr. CRANE, Mr. HANSEN, Mr. KNOLLENBERG, Mr. MICA, Mr. SHAW, Mr. SCHAEFER, Mr. SKEEN, Mr. SOLOMON, Ms. PRYCE of Ohio, Mr. HOBSON, Mr. ZIMMER, Mr. CALVERT, Mr. EVERETT, and Mr. WELDON.

H.R. 4028: Mr. ZIMMER.

H.R. 4056: Mr. HOBSON.

H.R. 4096: Mr. TRAFICANT and Mr. FRANK of Massachusetts.

H.R. 4118: Mr. BACHUS of Alabama.

H.R. 4129: Mr. GILCHREST, Ms. COLLINS of Michigan, and Mr. STUPAK.

H.R. 4132: Mr. OWENS.

H.R. 4142: Mr. GILCHREST.

H.R. 4163: Mr. SKAGGS.

H.R. 4213: Mr. FARR.

H.R. 4225: Mr. LEWIS of Florida and Mr. ZIMMER.

H.R. 4291: Mr. KOPETSKI.

H.R. 4303: Mr. COX.

H.R. 4404: Mr. LANTOS and Mr. FISH.

H.R. 4416: Mr. GILCHREST.

H.R. 4496: Mr. SANGMEISTER and Mr. MCDERMOTT.

H.R. 4507: Mr. MORAN.

H.R. 4514: Mr. DOOLITTLE, Mr. GEJDENSON, and Mr. WILSON.

H.R. 4540: Ms. SHEPHERD.

H.R. 4570: Mr. MORAN.

H.R. 4585: Mr. GOODLING, Mr. HOEKSTRA, and Mr. HEFLEY.

H.R. 4654: Mr. MCHALE.

H.R. 4658: Ms. WOOLSEY, Mr. STUDDS, Ms. ESHOO, Ms. ROYBAL-ALLARD, Ms. PELOSI, Mr. EVANS, Ms. FURSE, and Ms. ENGLISH of Arizona.

H.R. 4677: Mrs. MALONEY, Ms. BROWN of Florida, Ms. COLLINS of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOWEY, Mr. MILLER of California, Ms. SHEPHERD, Mr. LEWIS of Georgia, Mr. BECERRA, and Mr. BARRETT of Wisconsin.

H.R. 4696: Mr. HINCHEY, Ms. NORTON, Mr. OWENS, Mr. PALLONE, Ms. FURSE, Mr. LIPINSKI, and Mr. DELLUMS.

H.R. 4737: Mr. MCHALE.

H.R. 4789: Mr. GILCHREST.

H.R. 4792: Mr. DORNAN.

H.R. 4805: Mr. FINGERHUT.

H.R. 4839: Mr. FARR.

H.R. 4875: Mr. OWENS.

H.R. 4876: Mr. LINDER.

H.R. 4879: Mr. ANDREWS of New Jersey.

H.R. 4903: Mr. ABERCROMBIE, Mr. TOWNS, Ms. NORTON, Mr. CLAY, Mr. RUSH, Mr. KLEIN, and Mr. LEWIS of Georgia.

H.R. 4912: Mr. TORRES and Mr. SCHAEFER.

H.R. 4934: Mr. SOLOMON.

H.R. 4936: Mr. DURBIN.

H.R. 4949: Mr. DUNCAN and Mr. MCCOLLUM.

H.R. 4954: Mr. ACKERMAN.

H.R. 4955: Mr. TORRICELLI and Ms. FURSE.

H.R. 4977: Mr. MILLER of California.

H.R. 4978: Mr. MILLER of California.

H.R. 4979: Mr. MILLER of California.

H.R. 4981: Mr. OLVER, Ms. PELOSI, Mr. MILLER of California, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EVANS, and Mr. WYDEN.

H.R. 4986: Mrs. JOHNSON of Connecticut, Mrs. MALONEY, Mr. HALL of Ohio, Mr. PAYNE of Virginia, Mr. LIGHTFOOT, Mr. RAHALL, Mr. LIPINSKI, Mr. WILSON, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. HOUGHTON, Mr. MCCLOSKEY, and Mr. BARLOW.

H.R. 4995: Mr. KLUG and Mr. MCHALE.

H.R. 4997: Mr. MANTON and Ms. SCHENK.

H.R. 5006: Mr. CARR, Mr. BEREUTER, Mr. MONTGOMERY, Mr. CRAMER, Mr. BILBRAY, Mr. LAUGHLIN, Mr. MOORHEAD, Mr. OXLEY, Mr. PORTMAN, Mr. TANNER, Mr. DE LA GARZA, Mr. YOUNG of Alaska, Mr. SCHIFF, Mr. WELDON, Mr. HUFFINGTON, Mr. LIGHTFOOT, Mr. KNOLLENBERG, Mr. BALLENGER, Mr. BARTON of Texas, Mr. DUNCAN, Mr. ROHRABACHER, Mr. ORTON, Mr. FARR, and Mr. SOLOMON.

H.R. 5010: Mr. SOLOMON.

H.R. 5013: Mr. BEREUTER, Mr. EMERSON, Ms. ROYBAL-ALLARD, MRS. LOWEY, and Mr. MORAN.

H.R. 5014: Mr. SOLOMON.

H.R. 5032: Mr. JOHNSON of Georgia, Mr. DICKS, Ms. CANTWELL, Mr. SWIFT, Mr. GUNDERSON.

H.R. 5036: Mr. SERRANO, Mr. FILNER, Mr. FROST, Mr. MFUME, and Mr. LANCASTER.

H.R. 5043: Mr. WALSH, Mr. EVANS, Mr. SKEEN, and Mr. SHAYS.

H.R. 5061: Mr. MANTON, Mr. KING, Mr. KNOLLENBERG, Mr. LIVINGSTON, Mr. SOLOMON, Mr. STUPAK, Mr. SAXTON, Mr. MYERS of Indiana, Mr. CRANE, Mrs. THURMAN, Mr. ZELIFF, Mr. BARTON of Texas, and Mr. HOEKSTRA.

H.R. 5062: Ms. WATERS, Mr. LINDER, Mr. JOHNSON of Georgia, Mr. ORTIZ, Mr. CUNNINGHAM, Mr. HUFFINGTON, Mr. QUILLEN, Mr. CRAPO, Ms. FURSE, Mr. LAROCCO, Mr. JOHNSTON of Florida, Mr. SUNDQUIST, Ms. BROWN of Florida, Mr. LAZIO, Mr. BEILENSON, Mr. BARLOW, Mr. CRANE, Mr. HALL of Texas, Mr. REED, and Ms. ENGLISH of Arizona.

H.R. 5069: Mr. KINGSTON.

H.R. 5073: Mr. CALVERT.

H.R. 5075: Mrs. KENNELLY.

H.R. 5082: Mr. SAXTON, MR. CLINGER, Mr. BLILEY, Mr. LINDER, Mr. COBLE, Mr. MCHUGH, Mr. SANTORUM, Mr. THOMAS of Wyoming, Mr. PORTER, Mr. EWING, Mr. MCINNIS, and Mr. WOLF.

H.R. 5083: Mr. DEUTSCH, Mr. HASTINGS, and Ms. LOWEY.

H.R. 5092: Mr. STUMP.

H.R. 5111: Mr. MINGE and Mr. BEILENSON.

H.R. 5119: Mr. SWIFT.

H.R. 5128: Mr. MANN and Mr. FRANK of Massachusetts.

H.R. 5129: Mr. BARRETT of Wisconsin, Mr JOHNSON of South Dakota, Mr. BARCIA of Michigan, Mr. KLEIN, Mr. FRANK of Massachusetts, Mr. ROHRABACHER, Mr. NADLER, and Mr. POMEROY.

H.R. 5134: Mrs. FOWLER, Mrs. MEYERS of Kansas, Mr. BAKER of California, Mr. BARRETT of Nebraska, Mr. PORTMAN, Mr. FIELDS of Texas, and Mr. ANDREWS of New Jersey.

H.R. 5135: Mr. EWING, Mr. EMERSON, and Mr. MILLER of Florida.

H.R. 5141: Mr. MENENDEZ, Mr. SCHUMER, Mr. GUNDERSON, Ms. HARMAN, Mr. SABO, Mr. FRANKS of Connecticut, Mrs. JOHNSON of Connecticut, Mr. GILMAN, Mr. ACKERMAN, Mr. RUSH, Mr. HUGHES, Mr. HORN, and Mr. KLUG.

H.R. 5195: Mrs. LOWEY.

H.R. 5219: Mrs. CLAYTON and Mr. PAYNE of New Jersey.

H.R. 5222: Mrs. MORELLA.

H.R. 5228: Mr. TANNER, Mr. BOEHLERT, Mr. DEAL, Mr. CASTLE, Mrs. LLOYD, Mr. HOUGHTON, Mr. HEFNER, Mr. KLUG, Ms. LONG, Mr. COLLINS of Georgia, Mr. ANDREWS of New Jersey, and Mr. EVERETT.

H.J. Res. 18: Mr. CHAPMAN.

H.J. Res. 44: Mr. LAZIO.

H.J. Res. 145: Mr. CALVERT, Mr. GREENWOOD, and Mr. HEFLEY.

H.J. Res. 184: Mr. WATT, Mr. GOODLING, Mr. REGULA, Mr. OXLEY, Mr. Edwards of California, Mr. BARTLETT of Maryland, Mr. YOUNG of Florida, Mr. COX, Mr. GALLO, Mr. FRANKS of New Jersey, Mr. SOLOMON, Mr. BILIRAKIS, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. BARRETT of Wisconsin, Mr. MANTON, Ms. DUNN, Mr. DREIER, Mr. SMITH of Texas, Mr. ROEMER, Mr. VISCLOSKY, Mr. BAKER of Louisiana, Mr. HASTINGS, Mr. BALLENGER, Mr. ROHRABACHER, Mr. BUNNING, Mr. BARRETT of Nebraska, Mr. UPTON, Mr. CARDIN, and Mr. BACHUS of Alabama.

H.J. Res. 332: Mr. PICKETT.

H.J. Res. 385: Mr. MOLLOHAN, Mr. JACOBS, and Mr. GRANDY.

H.J. Res. 399: Ms. BROWN of Florida, Mr. JACOBS, Mr. SAWYER, Mr. PAYNE of New Jersey, Mr. SLATTERY, Mr. HILLIARD, Mr. JEFFERSON, Mr. DIXON, and Mr. MFUME.

H.J. Res. 405: Mr. SMITH of New Jersey, Mr. FIELDS of Louisiana, Mr. COX, Mr. LIGHTFOOT, Mr. QUINN, Mr. PETERSON of Minnesota, Mr. GILLMOR, Mr. GILCHREST, Mr. GEKAS, and Mr. BISHOP.

H.J. Res. 410: Mr. MYERS of Indiana and Mr. CARDIN.

H.J. Res. 411: Mrs. BYRNE, Mr. BACCHUS of Florida, Mr. BARCA of Wisconsin, Mr. EHLERS, Mr. FRANKS of New Jersey, Mr. MACHTLEY, Mr. RAMSTAD, Mr. GALLO, Mr. HASTERT, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. BROWN of California, Mr. WOLF, Mr. ROGERS, Mr. SMITH of Oregon, Mr. STOKES, Mrs. VUCANOVICH, Mr. BEVILL, Mr. LAUGHLIN, Mr. OLVER, Mr. HAMBURG, Mr. BECERRA, Mr. SCOTT, Mr. ROSTENKOWSKI, Mr. FIELDS of Louisiana, Mrs. MINK of Hawaii, Ms. MARGOLIES-MEZVINSKY, Ms. SHEPHERD, Mr. DARDEN, Mr. DEAL, Mr. MENENDEZ, Mr. NEAL of Massachusetts, Mr. DELLUMS, Mr. HUTTO, Mr. KANJORSKI, Mr. MAZZOLI, Mr. MOAKLEY, Mr. SPENCE, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. MCCOLLUM, Mr. GEKAS, Mr. HOLDEN, Mr. SHUSTER, Mr. MURPHY, Mr. RIDGE, Mr. ORTON, Mr. ANDREWS of Maine, Mr. KLINK, Mr. NEAL of North Carolina, Mr. SARPALIUS, Mr. LEVY, Mr. FLAKE, Mr. NADLER, Mr. SCHUMER, Mr. TOWNS, Ms. VELAZQUEZ, Ms. MOLINARI, Mr. RANGEL, Mr. ENGEL, Mr. GILMAN, Mr. PAXON, Mr. LAFALCE, Mr. HOUGHTON, Mr. SAM JOHNSON, Mr. SMITH of Michigan, Mr. ROHRABACHER, Mr. ZIMMER, Mr. CALVERT, Mr. HOKE, Mr. BARTLETT of Maryland, Mr. GRAMS, Ms. SNOWE, Mr. UPTON, Mr. YOUNG of Florida, Ms. DELAURO, Mr. HOCHBRUECKNER, Mr. CARDIN, Mr. TAUZIN, Mr. LEHMAN, Mr. HASTINGS, Mr. DOOLITTLE, Mr. HUNTER, Mr. LEACH, Mrs. MEYERS of Kansas, Mr. QUILLEN, Mr. RAVENEL, Mr. ROEMER, Mr. FALEOMAVAEGA, Mr. SERRANO, Mr. HALL of Texas, Mr. ANDREWS of Texas, Mr. ABERCROMBIE, Mr. BARCIA of Michigan, Mr. BARRETT of Wisconsin, Mr. BISHOP, Mr. BROWDER, Mr. CARR, Mrs. CLAYTON, Mr. CLYBURN, Ms. COLLINS of Michigan, Mr. COYNE, Mr. CRAMER, Ms. DANNER, Mr. DEFAZIO, Mr. EDWARDS of Texas, Ms. ENGLISH of Arizona, Mr. FARR, Mr. FINGERHUT, Mr. FOGLIETTA, Ms. FURSE, Mr. HUGHES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KLECZKA, Mr. KOPETSKI, Ms. LAMBERT, Ms. LOWEY, Mr. MANTON, Mr. MARKEY, Mr. MCHALE, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MINGE, Mr. MORAN, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. GEPHARDT, Mr. GONZALEZ, Mr. HAMILTON, Mr. PETERSON of Florida, Mr. POMEROY, Mr. RAHALL, Mr. ROMERO-BARCELO, Mr. ROSE, Mr. RUSH, Mr. SMITH of Iowa, Mr. STENHOLM, Mr. STUPAK, Mr. SYNAR, Mrs. THURMAN, Mrs. UNSOELD, Ms. WATERS, Ms. WOOLSEY, Mr. WYDEN, and Mr. DELAY.

H.J. Res. 418: Mr. SAXTON.

H. Con. Res. 148: Ms. DUNN, Mr. OWENS, Mrs. MEEK of Florida, Mr. THOMPSON, Ms. SHEPHARD, Mr. TAUZIN, Mr. NEAL of Massachusetts, Mr. BILBRAY, and Mr. JOHNSON of Georgia.

H. Con. Res. 173: Mr. REED, Mr. KOPETSKI, Mr. GILCHREST, Mr. SANTORUM, Mr. MURPHY, Mr. HOLDEN, Mr. LEWIS of California, and Mr. CARR.

H. Con. Res. 188: Mr. LANTOS, Mr. PORTER, Mr. CONDIT, Mr. CONYERS, and Ms. DELAURO.

H. Con. Res. 219: Mr. FILNER.

H. Con. Res. 243: Mr. PASTOR.

H. Con. Res. 258: Mr. DELLUMS, Mr. EMERSON, Mr. LIPINSKI, Mr. MANTON, and Mr. FLAKE.

H. Con. Res. 259: Mr. EDWARDS of Texas, Mr. MAZZOLI, Mr. MONTGOMERY, Mr. LIPINSKI, Mr. FROST, Mr. ORTIZ, and Mr. MANTON.

H. Con. Res. 276: Mr. EVANS.

H. Con. Res. 306: Mr. KOPETSKI, Mr. EVANS, Mr. MCCLOSKEY, Mr. DEFAZIO, Mr. STARK, Mr. FRANK of Massachusetts, Mr. EDWARDS of California, Mr. WYDEN, and Ms. MCKINNEY.

H. Res. 266: Mr. BLUTE.

H. Res. 473: Mr. UNDERWOOD, Ms. LOWEY, and Mr. MINETA.

H. Res. 519: Mr. ROHRABACHER, Mr. DEUTSCH, Mr. ISTOOK, Mr. PAXON, and Mrs. VUCANOVICH.

H. Res. 527: Mr. JEFFERSON, Mr. PETE GEREN of Texas, Mrs. KENNELLY, Mr. FLAKE, Mr. CLAY, Mr. STOKES, Mr. FORD of Tennessee, Mr. WYNN, Mr. TUCKER, Mr. TEJEDA, Mr. WATT, Mr. REYNOLDS, Mr. SAWYER, Mr. SCOTT, Mr. BONIOR, Mr. RICHARDSON, Mr. BLACKWELL, Mr. TOWNS, Mr. CONYERS, Mr. HASTINGS, Mr. THOMPSON, Ms. NORTON, Mr. CARDIN, Mr. WHEAT, Mr. HUTTO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN, Mrs. MEEK of Florida, Mr. MINETA, Mr. ACKERMAN, Mr. DELLUMS, Ms. WATERS, Mr. MURPHY, Mr. PAYNE of New Jersey, Mr. DE LUGO, Mr. WASHINGTON, Mr. LINDER, Mr. MONTGOMERY, Mr. MILLER of California, Mr. FROST, Mr. ROWLAND, Mr. BACCHUS of Florida, Mr. EVANS, Mr. KILDEE, Mr. QUINN, Ms. SLAUGHTER, Mr. ENGEL, Mr. JOHNSON of Georgia, Mr. CLYBURN, Mr. MEEHAN, Mr. DEAL, Mr. FILNER, Mr. KINGSTON, Mr. MCDERMOTT, Ms. DELAURO, Mr. SCHUMER, Mr. LANTOS, and Mr. FALEOMAVAEGA.

H. Res. 528: Mr. JEFFERSON, Mr. PETE GEREN of Texas, Mrs. KENNELLY, Mr. FLAKE, Mr. STOKES, Mr. FORD of Tennessee, Mr. WYNN, Mr. TUCKER, Mr. TEJEDA, Mr. WATT, Mr. REYNOLDS, Mr. SAWYER, Mr. SCOTT, Mr. BONIOR, Mr. RICHARDSON, Mr. BLACKWELL, Mr. TOWNS, Mr. CONYERS, Mr. HASTINGS, Mr. THOMPSON, Ms. NORTON, Mr. CARDIN, Mr. WHEAT, Mr. HUTTO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN, Mrs. MEEK of Florida, Mr. MINETA, Mr. ACKERMAN, Mr. DELLUMS, Ms. WATERS, Mr. MURPHY, Mr. PAYNE of New Jersey, Mr. DE LUGO, Mr. WASHINGTON, Mr. LINDER, Mr. MONTGOMERY, Mr. MILLER of California, Mr. FROST, Mr. ROWLAND, Mr. MACCHUS of Florida, Mr. EVANS, Mr. KILDEE, Mr. QUINN, Ms. SLAUGHTER, Mr. ENGEL, Mr. JOHNSON of Georgia, Mr. CLYBURN, Mr. MEEHAN, Mr. DEAL, Mr. FILNER, Mr. KINGSTON, Mr. MCDERMOTT, Ms. DELAURO, Mr. SCHUMER, and Mr. LANTOS.

H. Res. 529: Mr. THORTON.

H. Res. 545: Mr. BLILEY, Mr. HANSEN, Mr. KINGSTON, Mr. LINDER, Mr. PARKER, Mr. PETERSON of Minnesota, Mr. EMERSON, and Mr. COX.

H. Res. 557: Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. BARRETT of Wisconsin, Mr. ACKERMAN, Mr. BONIOR, Mr. COOPER, Mr. FLAKE, Mrs. FOWLER, Ms. SLAUGHTER, Mr. WATT, Mr. BEILENSON, and Ms. DELAURO.

H. Res. 569: Mr. MANZULLO.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions.

Petition 3 by Mr. McCOLLUM on House Joint Resolution 38: Collin C. Peterson.

Petition 215 by Mr. BILIRAKIS on House Resolution 382: Wayne T. Gilchrest.

Petition 18 by Mr. HASTERT on House Resolution 402: Christopher H. Smith, James Leach, William F. Goodling, Robert E. (Bud) Cramer, Jr., Wayne T. Gilchrest, and F. James Sensenbrenner, Jr.

Petition 22 by Mr. INHOFE on House Resolution 409: Rod Grams, Eric Fingerhut, Terry Everett, and Bob Goodlatte.

Petition 23 by Mr. TAUZIN on the bill H.R. 3875: Norman Sisisky and Edward R. Royce.

Petition 25 by Mr. CONDIT on House Resolution 489: Thomas J. Ridge and Wayne T. Gilchrest.

Petition 26 by Mrs. FOWLER on House Resolution 472: Terry Everett.

EXTENSIONS OF REMARKS

ST. JOHN'S UNIVERSITY 125TH ANNIVERSARY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MANTON. Mr. Speaker, I take this opportunity to pay tribute to my alma mater, St. John's University on their 125th anniversary. In 1865, the Rev. John Loughlin, first bishop of Brooklyn, invited the Vincentian Community to establish a day college for boys in New York City. The school officially opened on September 5, 1870, where it welcomed its first class under the presidency of Rev. J.T. Landry, C.M. In 1933, the Board of Regents authorized St. John's College to be changed to St. John's University, Brooklyn.

In addition to the opening of the college in 1870, a number of other schools within the college were added. The School of Pedagogy was established in 1908, the Graduate School of Arts and Science opened in 1914, the School of Law was instituted in 1925, the School of Accounting, Commerce and Finance was added in 1927, the College of Pharmacy opened in 1929, and in 1942 the School of Nursing was opened.

World War I and II impacted the campus as many students and faculty joined the services and the war industry. In 1917, the St. John's service flag was blessed with 129 stars for collegians who are serving our country in World War I. In 1945, the SS *St John's* a victory ship, was christened as a symbol of the commitment displayed by the St. John's faculty and students. A plaque commemorating those who served in both of the wars was erected in 1945.

Today, the school continues to thrive. The university has extended itself well beyond the campus in New York. Recently, a study abroad program in Ireland was introduced allowing students to receive their education in a different cultural surrounding. In 1985, the university officially launched College Europa for its students. These programs allow the St. John's community to help the world around it by continuing the tradition that was started 125 years ago by Rev. John Loughlin.

Mr. Speaker, I am proud to be a graduate of this fine institution. I am confident St. John's University will continue to bring a high quality educational experience to the community as well as the world. I know my colleagues join me in congratulating St. John's University on 125 years of excellence in education.

TRIBUTE TO DR. JACK VAN NEWKIRK

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. GOODLING. Mr. Speaker, I am very pleased to have the opportunity to join the White Rose Foundation in recognizing an outstanding community leader and educator from Pennsylvania's 19th Congressional District, Dr. Jack Van Newkirk.

As the ranking minority member on the House Education and Labor Committee, I am very fortunate to have Dr. Van Newkirk as a sounding board for various education related proposals which come before Congress. For many years, he has served as a member of my Education Advisory Board and has been an invaluable source in assisting me in the development of our Nation's education policies.

Dr. Van Newkirk has dedicated more than 35 years of his life to the education of our Nation's youth and is most deserving of the Service to Mankind Award. Over that period of time, he has enhanced the lives of literally thousands of people.

He has forged partnerships with Federal, State, and local government officials, business and industry, community leaders, parents and teachers in delivering excellence in education. He has made the education community sit up and take notice of York City schools and received national and statewide attention for his efforts. Most importantly, by having Jack as school superintendent, parents know they play a vital role with regard to their children's education.

As an administrator, he has fostered excellence in education through innovation, high expectations, and effective outreach. In addition, Dr. Van Newkirk has taken giant steps in coordinating education programs and services which meet the needs of a very culturally and socially diverse community. He has implemented policies which set high standards of academic performance for all students. He has developed programs which foster professional growth for teachers and school district employees. In order to meet the challenges of educating America's youth, he developed and supported programs for dropout prevention, teen pregnancy, drug and alcohol abuse, dysfunctional families, and illiteracy.

The fact that he demands that every program he runs is of the highest quality has made my job in Washington a bit easier. I have long been able to point to specific programs which were implemented by Dr. Van Newkirk that really work. I am very proud to know that cutting edge programs which provide the prototype for other school districts exist in my district.

Dr. Van Newkirk has given the people of York a sense of ownership and pride in their schools and their community. He has given our young people a brighter future and the ability to reach their goals, which in my mind, is the best feat any individual can accomplish.

SALUTE TO THE SCHOOL OF SOCIAL WELFARE AT THE UNIVERSITY OF CALIFORNIA, BERKELEY, ON THEIR FIRST 50 YEARS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. DELLUMS. Mr. Speaker, I rise today with pride and honor to share with you and my colleagues a tribute to the School of Social Welfare at the University of California, Berkeley. As an alumnus of this prestigious institution, I congratulate the faculty, staff, and students on 50 years of excellence and achievement.

The School of Social Welfare at Berkeley is one of the outstanding graduate schools of social welfare in the country. The school has committed itself to preparing professionals for careers in public social services. Its students are prepared to deal with contemporary societal issues such as aging, child welfare, family disruption, mental disability, and substance abuse through classroom courses and supervised fieldwork.

Recently, the school initiated the California Social Work Education Center [CalSWEC], a major statewide public service effort to recruit, retain, and better educate child welfare workers in public agencies. CalSWEC will enhance the quality of services to children and families in counties throughout California. Attesting to its level of success, it has already been identified as a national leadership model.

Concern for social welfare and the public institutions that serve the poorest members of our community requires a strong commitment toward building healthy, thriving communities. The School of Social Welfare at the University of California, Berkeley, has demonstrated this commitment in the pride and care it has shown in educating social workers to help communities build their capacity to support families, to educate their youth, and to assist the needy. As you look to the future and the next 50 years, I congratulate you on a job well done and wish you well on the difficult task ahead of coping with ever-changing realities.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCTION OF THE SMALL BUSINESS OSHA COMPLIANCE INCENTIVE ACT

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HAYES. Mr. Speaker, over my 8-year tenure in this body, no problem has been more apparent and of paramount concern to the many small businesses located in my southwestern Louisiana district than the egregious regulatory burdens placed upon them by the Occupational Safety and Health Administration [OSHA]. Ninety-five percent of the business in Louisiana, not accounting for government or farm workers, employ 100 or less workers, and OSHA's costly paperwork requirements and perpetual threatening demeanor not only exemplify the inefficiency of this agency but also reduce our overall economic productivity and hamper competitiveness.

Therefore, in an effort to improve the responsiveness of OSHA in meeting the need of small businesses in Louisiana and throughout the country, today I am introducing "the Small Business OSHA Compliance Incentive Act."

I have been especially disturbed by OSHA's propensity to propose reactive solutions to the problems associated with safety and health hazards in the workplace. The emphasis on punishing employers, rather than working with them, has diverted crucial financial and human resources from preventing potential risks to employee safety. Instead, employers must sift through a maze of red tape.

My bill would change OSHA's primary focus from reactive to proactive policy strategies. The provisions are summarized below:

First, the bill would increase the incentive to states to establish their own safety and health programs. The 23(g) formula would be changed from a 50%/50% Federal-to-State match to a maximum of a 75%/25% split. This will increase the number of section 18(c) State-Plan-State Enforcement Programs and decrease the amount of Federal dollars currently being spent to enforce OSHA requirements. The amount of Federal enforcement monies saved would be directed to 23(g) consultation services to better assist small businesses develop effective safety and health plans. This provision would also provide statutory authority for the consultation service program, which currently can be eliminated with the stroke of a pen.

Second, the proposal would exempt small businesses from any fees that may be instituted by OSHA for use of consultation services, should those small businesses request and utilize consultation assistance.

Third, the bill would also exempt small businesses from OSHA inspections where these businesses implement recommendations from the consultation service for enhancing preventive strategies and for abating hazards.

Fourth, finally, the bill would limit the penalties on small businesses that are able to abate non-willful hazards in a reasonable time period and that exhibit a cooperative and diligent approach to mitigating such hazards.

Officials from the Occupational Safety and Health Consultation Programs (OSHCON) estimate a significant backlog of requests from small businessmen to assist them in meeting OSHA standards. Establishing health and safety plans can range from six months to two years. Dwindling resources have restricted OSHCON's ability to maintain qualified competent staffs and provide timely service. To keep up with inflation alone, in 1991, OSHCON programs would have required an approximately $8 million budgetary increase. While OSHA's enforcement budget has grown only sightly due to overall fiscal constraints within the Department of Labor, the overall fiscal constraints within the Department of Labor, the State and Federal dollars allocated to enforcement, however, have been more than six times greater than those going to consultation.

Clearly, with such scarce resources available for health and safety assistance, the Federal Government should allocate its resources in a more prudent manner. We must redirect them to a more constructive means of achieving OSHA's laudable and necessary goals. Concentrating on enforcement sends the wrong message.

Most small businesses have put forth a good faith effort to protect their employees. It is, after all, impractical, fiscally irresponsible, and counterproductive to implement procedures and processes that endanger employees. But, if OSHA does not have adequate resources to provide all the tools needed to do its job protecting health and safety, then why should we presume that small businessmen, most of whom live on the margin as it is, have the technical expertise and financial resources to do so. They need our help.

This is a work in progress. I introduce this bill today in an effort to inform my colleagues, small business owners and employees, regulators, and others of my thoughts on these important issues and to enlist suggestions for improving this legislation. My intention is to consider these recommendations over the course of the next few months, make revisions that are appropriate, and introduce the bill again early in the 104th Congress. In this way, we may transform OSHA's overregulatory approach and provide the relief that small businessmen everywhere desperately need.

TRIBUTE TO BENJAMIN DeHART

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to recognize a dedicated public servant, and a lifelong Democrat, Benjamin DeHart of Westland, Michigan.

Ben DeHart has been a staff representative for the American Federation of State, County, and Municipal Employees for over 27 years, and has served as the union's legislative liaison from 1987 through 1991.

A Democratic Precinct Delegate since he was 21 years old, Ben's involvement in politics runs deep. He has served on the Westland City Council for many years, and has also been elected Deputy Registrar and a member of the City of Westland Planning Commission. He has held a number of leadership positions within the Democratic Party, including co-chair of the District Party.

Ben and his wife, Eileen, have five children—Rebecca, Benjamin, Timothy, Teresa, and Brian. Eileen shares Ben's commitment to political life, and is herself a candidate for State Representative in Michigan's 18th District.

Ben has decided to begin his well-earned retirement this fall. A retirement party honoring Ben DeHart will be held on November 10, 1994, in Westland, Michigan.

At this time, I would like to ask my colleagues in the House to join me in recognizing Ben DeHart for his years of dedication and service to AFSCME, the Democratic Party, and the people of Westland, Michigan.

THE 200TH ANNIVERSARY OF RUSSIAN ORTHODOXY IN AMERICA

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to the 200th anniversary of the establishment of the Russian Orthodox Church in America.

The early relationship between the Russian Church and the Native Alaskan cultures has been highlighted in a Library of Congress exhibit entitled "In the Beginning Was the Word." It was with great pleasure that I joined with President Clinton and President Boris Yeltsin at the opening of this exhibit. I commend this exhibit because, given the current changes being experienced in Russia, there is a great deal of insight we can draw from the role the Russian Orthodox Church has played in our region for the last two centuries.

In 1794, eight Russian priests accompanied the arrival of the first official Russian envoy to North America. While conversion was among the primary goals of the mission, it is important to note that the Russian Orthodox method prohibited coercion. The respect of the Russian Orthodox Church towards the North American culture laid the groundwork for a unique merging of two culturally-rich peoples. This bond of tolerance and understanding between these eight Russian priests and the Native Alaskans led to the establishment of a significant Russian Orthodox presence in this country.

Russian Orthodox culture has flourished throughout our Nation ever since. First, sprang a large community that would leave lasting effects from the Aleutian islands through the length of the Pacific coast. Now, Russian Orthodox Churches can be found throughout North America, enriching the lives of both those who belong to the church and those fortunate enough to live in the surrounding communities. The church has established an incomparable legacy of spirituality and dedication to education.

The Russian Orthodox Church has also contributed much to the philosophical framework of the United States. Our modern political state and our religious institutions can prosper together because of a dynamic envisioned during the establishment of Russian

Orthodoxy. It was a recognition of the double allegiance of sacerdotium and imperium—or church and state—which can be dated back to the time of Basil I in the ninth century. It was their view that the two institutions should abide and operate in perfect concord and agreement, respecting and recognizing each other's rights. This understanding has enabled Russian Orthodoxy to persevere through a millennium of political tumult.

It is important for all Americans to try to understand the broad scope of the sweeping social and political changes in Russia. It is in our best interest to see democracy and the free practice of religion guaranteed in modern Russia. The rehabilitation of the Russian Orthodox church has given us the opportunity to explore our shared beliefs and to fully appreciate the resplendent history of the Russian Orthodox Church in America and throughout the world.

As we commemorate the landmark 200th anniversary of the meeting of these two cultures, we are embarking on a new era of relations between Russians and Americans. "In the Beginning Was the Word" represents the first time our two nations have united in official recognition of the rich history between our peoples. It also reminds us that the meetings between the Russian Orthodox Church and the native North Americans are a precedent for the expanded relationships we now seek.

TRIBUTE TO ARAM GEORGE GARABEDIAN

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. REED. Mr. Speaker, it gives me great pleasure to rise today on behalf of Aram G. Garabedian, who is being honored this month by the Armenian Masonic Degree Team of Rhode Island as their Armenian-American of the Year. This organization annually recognizes an individual whose efforts have led to the betterment of life in Armenia and whose noteworthy contributions have made a significant impact on the greater Rhode Island community.

Aram George Garabedian was born in Providence in May 1935, and is a graduate of Hope High School. Aram graduated from the University of Maine in 1957 where he majored in physical education and biology and played college football. He married his high school sweetheart, Jane, and immediately following his graduation, he entered the U.S. Army as an infantry officer.

Upon his return to civilian life, Aram worked in several merchandising capacities as well as teaching and coaching in several schools. In 1966, he joined a small company, Nature's Bounty, where he was instrumental in increasing the company sales from $50,000 to $150,000,000. In 1986, he resigned from their sales force and joined his family's company, Bliss Properties.

In addition to his success in business, Aram has always been actively involved in public service. He held public office for 12 years as a member of the Cranston School Committee and a State representative and was a former candidate for Lt. Governor.

But perhaps Aram's greatest avocation has been his selfless service to the Armenian people. His devotion is evidenced by his countless humanitarian gestures and a lifetime of commitment. In 1988, he was deeply moved by the tragedy of the earthquake in Armenia and helped to mobilize the Armenian Assembly in Washington, organized local relief efforts and was instrumental in the building of a children's rehabilitation center at the earthquake site. He contributes to numerous projects throughout the Armenian churches in Rhode Island and is a generous benefactor and ardent supporter of the preservation of Armenian culture and heritage.

Mr. Speaker, on behalf of my home State of Rhode Island, I would respectfully ask my fellow colleagues join me in honoring an outstanding individual, Aram George Garabedian.

RECYCLING WASTES AS ENERGY IN CEMENT KILNS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ANDREWS of Texas. Mr. Speaker, over the last several years, Congress has grappled with the controversial issue of how best to manage hazardous waste in this country. Under direction from Federal law, the U.S. Environmental Protection Agency has found that combustion of certain wastes represents the best demonstrated available technology for safe and effective management. Each year 1.4 million tons of this waste is managed in 15 commercial incinerators and about 25 cement plants. When waste is burned in a cement plant, it is recycled as energy to heat the giant kilns that produce cement, an ingredient essential to rebuilding our roads and bridges. Congress should not let competitive issues distort its judgment regarding safe and productive use of waste fuels.

As Members of Congress, it has long been our collective judgment that well-regulated energy recovery from wastes makes great sense as environmental, energy, and economic policy. For example, when we enacted the Resource Conservation and Recovery Act, we established an objective to promote protection of human health and the environment and to conserve valuable material and energy resources. Further, we committed the Federal Government to a cooperative effort with the States, local governments, and private enterprise to encourage energy recovery from waste.

Mr. Speaker, use of waste fuels in cement kilns makes particular sense. First, because of the high temperatures, turbulence, and long burn times inside the kiln, the cement kiln can manage wastes in a manner protective of human health and the environment. Second, instead of squandering the heat generated by combustion of waste, the cement kiln can channel it into energy savings, the equivalent of 168 million gallons of oil or 1 million tons of coal. The men and women that work in cement kilns strongly support the use of waste fuels. Consider the statement of Ande Abbott, the legislative director of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, AFL–CIO, on the subject:

> Waste fuel substitution in cement production is a vital link in a unique and efficient materials reuse chain. Fuel substitution provides a valuable end use for the residues of recycling, solving a waste disposal problems and conserving fossil fuel resources. The industry benefits from lower costs, making them more competitive on the world market, thereby protecting the jobs of workers. The public benefits from the total destruction of hazardous waste without air or ground pollution.

As Dr. Randall Seeker, a member of the EPA Science Advisory Board, recently noted, "Cement kilns satisfy all of the critical design parameters for the ideal high-temperature destruction of hazardous waste." EPA itself has described the regulations that cover cement kilns, known as the Boilers and Industrial Furnaces Rule, as "substantive requirements that protect human health and the environment." In contrast to the recently promulgated BIF rule, commercial incinerator regulations were last updated back in 1981.

This win-win situation is being challenged in a recent bill, H.R. 4948, which would benefit economic competitors of the cement industry. Commercial incinerators, who do not recover energy, would gain an unfair competitive advantage through a one-sided, anticompetitive legislative proposal that purports to protect the environment while cynically undermining an environmentally sensitive form of waste management—energy recovery. The bill would skew regulatory priorities and undermine ongoing EPA investigations. In short, the legislation attempts to achieve for the commercial incinerator industry what it could not accomplish in the marketplace. I encourage my fellow Members not to support such one-sided, unilateral legislation. Instead, Congress should be prepared to encourage energy recovery consistent with the meaning of the Resource Conservation and Recovery Act.

THE EQUITABLE TRANSPORTATION OF MOTOR VEHICLES INTO THE UNITED STATES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FIELDS of Texas. Mr. Speaker, today I am please tc join with Chairman LIPINSKI in introducing a concurrent resolution calling on the Clinton administration to do everything in its power to open the international car carrier trade to U.S.-flag vessels, owned, operated, and crewed by citizens of the United States. We must urge other countries to eliminate their restrictive practices which unfairly exclude U.S.-flag carriers from the carriage of automobiles into the United States. If appropriate steps have not been taken to open this market by the time Congress reconvenes next year, I intend to work with the chairman next year on legislation that would provide equitable access to the vitally important car carrier trade for U.S.-flag carriers.

Each year, millions of cars and trucks are shipped into the United States from overseas on foreign-flag vessels, owned, operated, and controlled by foreign companies and crewed by foreign seafarers. Foreign shipping companies and foreign automobile manufacturers are clearly engaging in unfair trading practices—condoned and facilitated by foreign governments—which have the effect of eliminating or minimizing the participation of U.S.-flag vessels and U.S. seafarers in the transportation of motor vehicles in the foreign commerce of the United States. These unfair and unjustified practices must end. U.S.-flag vessels must be given the opportunity to compete in this trade on a fair and equitable basis.

Mr. Speaker, this resolution enjoys bipartisan support because both Democrats and Republicans understand the importance of opening markets for American industry. Our concurrent resolution simply asks the President, the U.S. Trade Representative, the Secretary of Transportation, and the Secretary of Commerce to take all necessary and appropriate steps to eliminate the unfair and anticompetitive practices in the automobile transportation trade. I urge all Members to lend their support to this resolution. Should favorable action not be taken on this matter in the near future, I look forward to working with my committee and the Congress to address this issue early next year.

HUMAN RIGHTS WATCH/ASIA REPORT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BARTON of Texas. Mr. Speaker, I submit the following press release and excerpts from the Human Rights Watch Asia Report for August 1994 for my colleagues review.

EXCERPTS FROM THE HUMAN RIGHTS WATCH/ ASIA REPORT (AUGUST 1994)

The Human rights situation in Kashmir is getting worse at a time when international pressure on the Indian government has all but ceased. Indeed, it could be argued that the increase in deaths in custody and other abuses over the last six months is not unrelated to the signals sent by India's one-time critics, notably the United States, that human rights would no longer feature prominently in bilateral discussions.

As the conflict in Kashmir continues into its fifth year, the government of India appears to have stepped up its catch-and-kill campaign against Muslim insurgents. As a result, human rights abuses, particularly deaths in custody, have escalated since early 1994.

For their part, Indian troops continue to summarily execute detainees, kill civilians in reprisal attacks and burn down neighborhoods and villages and collective punishment for those suspected of supporting the militants.

Torture also continues to be routine. Human rights groups have compiled a list of over fifty interrogation centers where detainees are kept in unacknowledged detention and tortured.

The security forces routinely defy court orders to produce the detainees, and several thousand habeas corpus petitions filed in these cases remain pending without result, according to the Jammu and Kashmir Bar Association. All of these actions are in clear violation of the International Covenant on Civil and Political rights, to which India is a party.

Although the government claims to have punished security personnel for abuses, to Human Rights Watch/Asia's knowledge not a single soldier has been prosecuted for the murder or torture of a detainee.

That human rights would be relegated to private discussion only was made clear by the new U.S. ambassador to India, Frank Wisner, in an interview published in the July 15, 1994, issue of India Today.

In addition, the State Department has repeatedly given India credit for measures the government has not even taken.

One crucial opportunity to raise human rights is through the United Nations. India should be urged to invite the specialized agencies of the U.N. Human Rights Commission to visit Kashmir and investigate abuses.

The countries who aid and trade with India have a particular responsibility to ensure that India's potential as a market does not obscure its human rights problem.

MEMORIAL TO PVT. WALTER S. VERRET

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HAYES. Mr. Speaker, I rise today to ask that it be remembered that on this date, 50 years ago, Pvt. Walter S. Verret, son of Fernest and Edna Verret of Jeanerette, LA, died from wounds received in action. Pvt. Verret died near Morey, France while serving with the Army's Co. C 317th Inf. Regt., Eightieth Division. Pvt. Verret along with thousands of other soldiers made the highest and noble sacrifice so that we may be free. Please let them be remembered and honored.

This memorial is submitted on behalf of Pvt. Verret's brother Howard A. Verret, who served in World War II in the Pacific theatre.

TRIBUTE TO PAT RISSLER

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. UNSOELD. Mr. Speaker, I write these words in honor of one super terrific staffer, Pat Rissler, who is retiring at the end of this Congress. I have worked closely with Pat during her tenure as staff director of the Education and Labor Committee.

Pat has worked on the Hill for over 30 years. Originally from West Virginia, she started out in Congress as a staff assistant and worked her way up through a series of high-level staff positions to her current role on the committee. BILL FORD, who will also be sorely missed, has been an excellent chairman of the Committee on Education and Labor, and I have no doubt that Pat's hard work has directly contributed to his success as chairman.

Her performance goes far beyond mere professional excellence. Pat has been the brains and the organizer of everything that might be needed when it is needed. She is the soother, the consensus builder, the persuader, the translator and the one with the stick-to-itiveness to make sure that all that details are in place when the last piece of paper is filed.

After all of her years of service on the hill, and after all the long hours and late nights working on the committee's agenda, I wish Pat a wonderful retirement. We will all miss the opportunity to work with her in the future. This institution will miss her, but with her goes our appreciation and our love.–

CONGRATULATING THE MIDWAY, TEX., ALL-STARS MAJOR LEAGUE SOFTBALL TEAM FOR WINNING THEIR THIRD CONSECUTIVE WORLD SERIES

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. EDWARDS of Texas. Mr. Speaker, today I wish to congratulate the Midway All-Stars major league softball team for clinching the Girls' Major League Softball World Series for the third consecutive year.

On August 20, these 14 young women, ages 11 and 12, capped another phenomenal season. The Midway girls are three-time world champions, having also won the world title in 1992 and 1993. This is an amazing accomplishment for any team in any sport.

The Midway girls' triumph was international in scope as teams from the Philippines, Czechoslovakia, Canada, and the United States competed for the title of world champion in Portland, OR.

This year's squad overpowered opponents at the district, sectional, State, and southern region levels before capturing the world series. The team consists of girls from the small community of Hewitt/Woodway right outside of Waco in the heart of Texas' 11th Congressional District.

Members of this world championship team include Stephanie Bonnell, Rebecca Brophy, Kristi Crosby, Michelle Dalton, Katy Davis, Laura Decker, Renee Fratus, Megan Johnson, Sharee Johnson, Annesa Lindsey, Tammy Martinez, Jessica Pryor, Lindsey Reaves and Suzanne Rosiles. They should be lauded not only for their outstanding achievement, but for the qualities that made that achievement possible: teamwork, hard work, self-discipline and commitment. These are qualities that will serve them well throughout their lifetimes.

The coaching staff includes Rick Brophy, Mike Reaves, Joe Martinez, Tom Lindsey, Terry Dalton, Don Fratus, Roy Colslasure and Danny Pryor. Through their unselfish dedication, they have forever touched the lives of these young people.

I ask members to join me in congratulating this year's world series team and their coaches for this outstanding athletic accomplishment.

TRIBUTE TO WILLIAM SHAPIRO

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KLEIN. Mr. Speaker, I rise to pay tribute today to an outstanding citizen of Passaic, NJ, as he retires as executive director of the Congregation Adas Israel.

Mr. Shapiro has dedicated 30 years of service to the synagogue and has committed half a century to the community at large. Through his diverse activities, Mr. Shapiro has touched countless people and has helped improve the quality of life in northern New Jersey.

In addition to serving as the executive director at Congregation Ada Israel, Mr. Shapiro has served as president of the Passaic Hebrew Independent Benevolent Association, secretary of the Passaic-Clifton Chapter of the Mizrachi, and financial secretary of Congregation Chevra Thilim. Mr. Shapiro has also been instrumental by his role in 1948 as a founding member of the Keyman Organization, the fundraising arm of the Jewish Community Center, the predecessor of the Jewish Federation of Greater Clifton-Passaic.

Despite his retirement, Mr. Shapiro will continue to be active. Currently, Mr. Shapiro is the commissioner of the Passaic Housing Authority. He also plans to remain busy with the Jewish Federation, the B'nai Brith, the Daughters of Miriam, Hillel Academy, Beth Israel Hospital, and other organizations.

Mr. Shapiro's career has earned him well-deserved recognition. He has been honored by the religious Zionists of America, Yeshiva University, and along with his wife, Lillian, has been twice honored by Hillel Academy.

I am honored to join Mr. Shapiro's family and Congregation Adas Israel in saluting him for proving how much hard work can accomplish. Mr. Shapiro has been a role model to everyone, I thank him for his unrelenting energy.

DR. JOHN LATSCHAR: AN OUTSTANDING SUPERINTENDENT IN THE NATIONAL PARK SERVICE

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MCDADE. Mr. Speaker, I rise to express the sincere gratitude of the people of northeastern Pennsylvania, of the Commonwealth of Pennsylvania and of our Nation to Dr. John A. Latschar for his dedicated service to the National Park Service. During his tenure as Superintendent of the Steamtown National Historic Site in Scranton, Pennsylvania, Dr. Latschar performed his duties with the most utmost professionalism and a commitment to excellence.

John Latschar was appointed by the National Park Service as Superintendent of the Steamtown National Historic Site in 1988, when the park was in its formative stages. There could have been no finer choice to lead the development of the park. John Latschar brought to Steamtown a wealth of historical knowledge, deft management skills, and a strong faith in the mission to preserve the story of the role of the railroads in America's growth. Throughout his six years at Steamtown he remained willing to go above and beyond the call of duty, doing everything he could to keep the development of the historic site on track and within the budget. He is perhaps the one person most responsible for taking an abandoned site which was once a thriving, working rail yard and restoring it to its former glory, while bringing to it the high standards and visitor accessibility expected of a National Park Service unit.

John Latschar is a 17-year veteran of the National Park Service, serving as a research historian and Chief of the Natural and Cultural Resources at the Denver Service Center prior to his appointment to Steamtown. He and his staff in Denver planned and carried out development projects for 70 parks in the western United States and Alaska. He earned a doctorate in American history from Rutgers University, after earning a bachelor's and master's in history from Kansas State University. He is a veteran of the Vietnam War, serving in action there in the U.S. Army in 1970 and 1971.

When John Latschar came to Scranton in 1988 he faced a daunting task—to breathe life into a dormant industrial site, and to make it historically accurate, educational, and visitor-friendly. John met the challenge, and the Steamtown National Historic Site stands at the brink of completion as we prepare for the grand opening in July, 1995.

I ask my colleagues to join me in commending John Latschar for his outstanding contributions to the National Park Service, and in wishing him our best as he begins his new assignment as Superintendent of the Gettysburg National Military Park and Eisenhower National Historic Site.

PORTALES NATIONAL BANK HELPS THEIR COMMUNITY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. RICHARDSON. Mr. Speaker, I urge my colleagues to join me in recognizing the efforts of Portales National Bank in New Mexico and Valle del Sol, an organization dedicated to the creation of affordable housing. Portales National Bank and Valle del Sol were chosen by Social Compact in conjunction with the 1993 Outstanding Community Investment Awards competition to be one of sixteen honorees that provided a partnership-based strategy to strengthen disadvantaged neighborhoods.

Portales, New Mexico is a city of more than 10,000. Many Portales residents are renters and in the city there is old and deteriorated rental housing. In response to an inadequate supply of quality housing, Valle del Sol created a homeownership project, with the invaluable help of Portales National Bank. Portales National Bank makes loans to Valle del Sol which equal 100 percent of the purchase price of these rundown houses. Valle del Sol then sells these homes to worthy applicants which makes them homeowners. The actions qualify the families for State and Federal loan programs which cover materials for renovating homes. The family provides the labor. The result of this financing and family sweat-equity is that 54 families who never had a chance at homeownership now own these homes and owe less than half of the renovated property's value.

Again, I want to commend Portales National Bank and Valle del Sol for being chosen as one of 16 honorees in this nationwide competition for helping to provide the citizens of Portales with one of the most essential elements of the American Dream-homeownership.

THE OPENING OF DENVER'S LIGHT RAIL SYSTEM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. SCHROEDER. Mr. Speaker, today marks a significant milestone in the ongoing efforts of the Denver, CO region to address air pollution, traffic congestion, and quality of life issues which derive in part from our over-burdened transportation network. Growth in our region has far outpaced the capacity of our roads to accommodate resultant increased traffic volume. Douglas County, for example, is among the fastest growing areas in the Nation. Population there has climbed at a rate of over 135 percent over the last decade, with traffic volumes on Santa Fe Drive projected to grow by more than 150 percent by the year 2015.

While I am certainly Denver's biggest advocate as a wonderful place to live and work, we have to make every effort to redress our mounting traffic woes and to lift the metropolitan area our of its "serious" clean air goal non-attainment status. Many governmental agencies, environmental organizations and others are pushing the envelope for creative and aggressive solution to these problems so that our quality of life does not further suffer. I want Denver to continue to be viewed as the Nation's premier place to be.

Among the many jewels we boast in the Denver area is the Regional Transportation District, last year voted the Nation's number one transit provider. Bucking industry trends, RTD has increased its bus ridership for seven consecutive years. It provides safe, clean and reliable service to more than 61 million riders each year, makes a significant contribution to improved public mobility and quality of life. RTD has been a leader in forging new and timely solutions to our pollution and congestion problems.

Just last month, RTD opened the long-awaited Downtown Express, new bus/HOV lanes from I–25 North into Downtown Denver. Already a smashing success, these lanes are providing an attractive alternative to single-occupancy vehicle commutes by saving time and stress. With the opening today of the first 5.3 miles of light rail in Downtown Denver, RTD is helping Denver to move into the next century with a proven rapid transit option which promises to further reduce pollution by taking cars and buses off the streets, and greatly enhance mobility for the transit dependent, students, downtown commuters, tourists, and others. Among the many business, cultural and governmental facilities which will now be easier to access with light rail are the Auraria Campus, the Broadway Marketplace, the Denver Performing Arts Complex, the Colorado Convention Center, the 16th Street Mall, the Byron White Courthouse, the Department of Motor Vehicles, and numerous restaurants, churches and retail shopping opportunities.

As this light rail system expands in the future, we hope that it will reduce the reliance on cars in our region and provide the key to cleaner air, reduced commute times, and ensure a quality of life for generations to come which has made Denver a proud and attractive city.

COMMONSENSE REMARKS

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HASTERT. Mr. Speaker, the following remarks were delivered by Carleton H. Sheets at a meeting of the Family Taxpayer's Network in my district in Illinois on September 15, 1994. They reflect a great deal of common sense and I commend them to all my colleagues to read:

ADDRESS BY CARLETON H. SHEETS

Every American can be classified as a tax producer or a tax consumer. One of my personal goals is to assist dedicated individuals in establishing themselves as tax producers rather than recipients of government social welfare; in other words, tax consumers! But, obviously, this effort alone is not the entire answer.

The fight to restore fiscal responsibility to our government is, above all, a fight for the freedom, dignity, and prosperity of all Americans—a fight that compels the utmost support of anyone who cherishes those values.

Almost as if it cannot be helped, our government continues the destruction of an economic system that has brought us the greatest prosperity, the highest standard of living and, most important, the greatest individual freedom in the history of mankind. Personal and political freedoms are inseparable from economic freedom. If our economic freedom disappears, history warns us, our personal and political freedoms will also disappear!

Excessive taxation for the alleged purpose of social welfare confiscates resources from the most productive sector of the economy and transfers them to the least productive. The average American must now work until May of each year to pay Federal, State and local taxes. In effect, our government has forced the privately-employed middle class to finance the growth of a publicly-employed middle class, who's occupation it is to absorb themselves in the bureaucratic redistribution of wealth. Americans are a practical and compassionate people. And while we are willing to pay higher taxes, Americans have become disillusioned with the results. The record of accomplishment for the poor, the elderly, the sick, the disadvantaged, the undereducated is dismal or non-existent in all too many cases.

Government's borrowing to finance spending beyond its tax revenues, usurps the majority of funds in the private financial markets, leaving private enterprise significantly less with which to modernize, increase productivity, create lasting jobs, and discover new technology.

And the Federal Government's excessive printing of money to pay its debts, dilutes the value of the dollar and generates inflation, which in turn encourages individuals to spend and borrow for present consumption at the expense of saving and investing for the future.

Big government is trampling the free enterprise system in other ways too. Such as over-regulation of industries and an educational system which is woefully "out-of-touch" for preparing our young people to enter the work force and to become responsible citizens.

Public wisdom and political courage are our only hope for preserving the values which have enabled America to be the envy of the world. We must make all Americans aware that the fundamental guiding principles of American life have been reversed and that we continue to move with frightening speed toward socialism and away from individual sovereignty and free choice.

We are, as human beings, creatures of volition. Simply put—we have the ability to make choices. And the choices we make will govern the lives we lead and profoundly affect the lives of our children and our grandchildren.

What can we do? We can support efforts to reduce the growth of government spending and taxes, while eliminating unnecessary government regulation and wasteful, ineffective government programs which do not meet their intended objectives.

Tell anyone who will listen that the twin ideas of human liberty and the free market go hand-in-hand. Tell them to stand firm in allowing millions upon millions of individuals to pursue their material interests, with minimal interference from the government, and that this process will unleash an incredible outpouring of inventiveness and wealth. Tell them that tax consumers can become tax producers. Tell them—this is what has made America great!

PAKISTAN'S LINKS WITH FUNDAMENTALISM AND INTERNATIONAL TERRORISM

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. DEUTSCH. Mr. Speaker, I am shocked to see reports detailing the extensive involvement of the Islamic Republic of Pakistan in supporting Islamic fundamentalist terror groups in Afghanistan and India. I have seen Peter Arnett's excellent documentary "Terror Nation? U.S. Creation?" shown on CNN last month. The film provides a graphic account of the links between the Islamic Republic of Pakistan and the fundamentalist regime of Gulbuddin Hekmatyar. I was disturbed to note that some Afghan groups that have had close affiliation with Pakistani Intelligence are believed to have been involved in the New York World Trade Center bombings.

Following an investigation, Peter Arnett reports about the New York bombing, "It happened at this apartment complex. Police at the well-patroled community say the Sheikh's driver, Mahmud Aboubalima was Shalabi's most frequent visitor. Police consider Aboubalima their prime suspect. He is the second person from the Afghan Refuge Center implicated in a U.S. crime. But he has not been charged. Shalabi's family blames Sheikh Rahman for the killing, a charge a cleric denies. With Shalabi gone, Aboubalima takes control of the Afghan Refugee Center. Aboubalima, Sheikh Rahman and Hampton El were bound together not only by the Brooklyn-based Afghan Center, but also by the holy war headquarters in Peshawar, Pakistan, the bustling base of operations for the Afghan resistance. It is in Peshawar that the New York terror campaign takes shape. Peshawar was the headquarters of Sheikh Rahman's international network. Peshawar was also the headquarters of Gulbuddin Hekmatyar's party, which trained four of the key New York suspects. Hekmatyar's links to the New York suspects came as no surprise to pro-Western Afghan officials. They officially warned the U.S. Government about Hekmatyar no fewer than four times. The last warning delivered just days before the Trade Center attack."

Speaking to former CIA Director Robert Gates, about Gulbuddin Hekmatyar, Peter Arnett reports, "The Pakistanis showered Gulbuddin Hekmatyar with U.S. provided weapons and sang his praises to the CIA. They had close ties with Hekmatyar going back to the mid–1970's. Hekmatyar's Islamic fervor played well with the fundamentalist powers of Pakistan."

Mr. Speaker, I have now come across a report in the Washington Post of September 12 from Karachi, Pakistan, which states that: "Pakistan's army chief and head of its intelligence agency proposed a detailed 'blueprint' for selling heroin to pay for the country's covert military operations in early 1991, according to former Prime Minister Nawaz Sharif." The report provides considerable detail on the degree to which Pakistan's military leaders have been involved in their pursuit of an Islamic nuclear bomb and export of fundamentalism into India. It says, "It has been rumored for years that Pakistan's military has been involved in the drug trade. Pakistan's army, and particularly its intelligence agency (the equivalent of the CIA) is immensely powerful and is known for pursuing its own agenda. Over the years, civilian political leaders have accused the military (which has run Pakistan for more than half of its 47 years of independence) of developing the country's nuclear technology and arming insurgents in India and other countries without civilian knowledge or approval and sometimes in direct violation of civilian orders. Historically, the army's chief of staff has been the most powerful person in the country."

The significance of these reports at a time when India's investigative agencies are discovering growing evidence of Pakistani involvement in the heinous bombings in Bombay last March cannot be underestimated. A prime suspect in the bombings has recently been arrested with documents including a passport, driving license and birth certificate provided to him by the same intelligence organization. The use of drug money by the intelligence services of the Islamic Republic of Pakistan for bringing the destabalizing effects of fundamentalism into Afghanistan and India cannot be condoned. The administration should investigate these reports with full vigor and share its findings with the Members of the House.

The article follows:

[From the Washington Post, Sept. 12, 1994]

HEROIN PLAN BY TOP PAKISTANIS ALLEGED

(By John Ward Anderson)

KARACHI, PAKISTAN—Pakistan's army chief and the head of its intelligence agency proposed a detailed "blueprint" for selling heroin to pay for the country's covert military operations in early 1991, according to former prime minister Nawaz Sharif.

In an interview, Sharif claimed that three months after his election as prime minister in November 1990, Gen. Aslam Beg, then army chief of staff, and Gen. Asad Durani, then head of the military's Inter-Services Intelligence bureau (ISI), told him the armed forces needed more money for covert foreign operations and wanted to raise it through large-scale drug deals.

"General Durrani told me, 'We have a blueprint ready for your approval,'" said Sharif, who lost to Benazir Bhutto in elections last October and is now leader of the opposition in parliament.

"I was totally flabbergasted," Sharif said, adding that he called Beg a few days later to order the army officially not to launch the drug trafficking plan.

Beg, who retired in August 1991, denied Sharif's allegation, saying, "We have never been so irresponsible at any stage. Our politicians, when they're not in office and in the opposition, they say so many things. There's just no truth to it."

Durrani, now Pakistan's ambassador to Germany, said: "This is a preposterous thing for a former prime minister to say. I know nothing about it. We never ever talked on this subject at all."

Brig. Gen. S.M.A. Iqbal, a spokesman for the armed forces, said, "It's inconceivable and highly derogatory; such a thing could not happen."

The interview with Sharif, conducted at his home in Lahore in May, was part of a broad investigation into narcotics trafficking in Pakistan. It marked the first time a senior Pakistani official has publicly accused the country's military of having contingency plans to pay for covert operations through drug smuggling.

Officials with the U.S. State Department and the Drug Enforcement Administration said they have no evidence that Pakistan's military is or ever has been involved in drug trafficking. But U.S. and other officials have often complained about the country's weak efforts to curtail the spread of guns, money laundering, official corruption and other elements of the deep-rooted drug culture in Pakistan, which along with Afghanistan and Iran lies along the so-called Golden Crescent, one of the world's biggest drug-producing regions.

In a scathing report two years ago, a consultant hired by the CIA warned that drug corruption had permeated virtually all segments of Pakistani society and that drug kingpins were closely connected to the country's key institutions of power, including the president and military intelligence agencies.

About 70 tons of heroin is produced annually in Pakistan, a third of which is smuggled abroad, mostly to the West, according to the State Department's 1994 report on international drug trafficking. About 20 percent of all heroin consumed in the United States comes from Pakistan and its northern neighbor, Afghanistan, the second largest opium producer in the world after Burma. The United Nations says that as much as 80 percent of the heroin in Europe comes from the region.

It has been rumored for years that Pakistan's military has been involved in the drug trade. Pakistan's army, and particularly its intelligence agency—the equivalent of the CIA—is immensely powerful and is known for pursuing its own agenda. Over the years, civilian political leaders have accused the military—which has run Pakistan for more than half its 47 years of independence—of developing the country's nuclear technology and arming insurgents in India and other countries without their knowledge or approval and sometimes in direct violation of civilian orders. Historically, the army's chief of staff has been the most powerful person in the country.

According to military sources, the intelligence agency has been pinched for funds since the war in Afghanistan ended in 1989 and foreign governments—chiefly the United States—stopped funneling money and arms through the ISI to Afghan mujaheddin guerrillas fighting the Soviet-backed Kabul government. Without the foreign funds, the sources said, it has been difficult for the agency to continue the same level of operations in other areas, including aiding militants fighting Indian troops across the border in Kashmir. Such operations are increasingly being financed through money raised by such private organizations as the Jamiat-i-Islami, a leading fundamentalist political party.

A Western diplomat who was based in Islamabad at the time of the purported meeting and who had occasional dealings with Beg and Durrani, said, "It's not inconceivable that they could come up with a plan like this."

"There were constant rumors that ISI was involved in rogue drug operations with the Afghans—not so much for ISI funding, but to help the Afghans raise money for their operations," the diplomat said.

In the interview, Sharif, claimed that the meeting between him and the generals occurred at the prime minister's official residence in Islamabad after Beg called one morning and asked to brief him personally on a sensitive matter.

"Both Beg and Durrani insisted that Pakistan's name would not be cited at any place because the whole operation would be carried out by trustworthy third parties," Sharif said. "Durrani then went on to list a series of covert military operations in desperate need of money."

Sharif, in the interview, would not discuss operational details of the proposal and refused to disclose what covert plans the intelligence agency wanted to fund with the drug money.

Sharif said he had "no sources" to verify that the ISI had obeyed his orders to abandon the plan but that he assumed the agency had complied.

"I told them categorically not to initiate any such operation, and a few days later I called Beg again to tell that I have disapproved the ISI plan to back heroin smuggling."

Embittered that his political enemies cut short his term as prime minister last year and helped engineer the return of Bhutto. Sharif has gone on an intense political offensive to destabilize her 10-month-old government. He claimed recently that Pakistan has a nuclear bomb and said he made the information public to prevent Bhutto from dismantling the program under pressure from the West. The government has denied possessing a nuclear bomb but repeated previous statements that it has the ability to build one.

Calling Sharif a "loose cannon," a second Western diplomatic source said, "I'd have a hard time believing" his allegations about the military's drug trafficking proposal. The official suggested that Sharif's disclosure might be designed to keep Bhutto and Pakistan-India relations off balance. "If anything should bring these two countries together, it is their common war against the drug problem, but this seems to fly in the face of that," he said.

IN HONOR OF THE 50TH ANNIVERSARY OF THE AMERICAN POLISH VETERANS, INC.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the American Polish Veterans, Inc., and to congratulate them on their 50th anniversary. The organization was established in April 1944 by Polish-Americans returning early from World War II. The main goal of the organization was to assist the American-Polish veterans in adjusting to civilian life after the war. Walter Sapinski was the first commander in the men's section and Clara Wozniak was president in the woman's section.

The organization was designed to help Polish-American veterans obtain employment and to visit their sick and disabled friends at their homes and hospitals. In order to raise funds, they worked diligently to organize social affairs and fund raisers. These funds were used to help pay death allowances to the families of deceased members, to offer financial assistance to the needy post members, and to sponsor bowling and softball teams, as well as the Boy and Girl Scouts. These are just some of the worthy causes to which the organization has contributed.

The Polish American Veterans, Inc. is an organization committed to helping those in need. In August 1953, the ladies auxiliary began making cancer kits for distribution in a local hospital. At the same time, they conducted a drive for old and used eyeglasses which they donated to institutions for the visually impaired.

The Polish American Veterans, Inc. continues in their efforts to support their community by offering their services at various community patriotic functions in Bayonne. They also demonstrate their support of the educational system by sponsoring an essay contest on patriotic themes for the students of Our Lady of Mt. Carmel School.

I am proud to have such an organization in my district. The members of the Polish American Veterans, Inc. obviously understand the importance of helping those in need. They are kind, generous and caring individuals.

On Sunday, October 9, the organization will celebrate their golden anniversary by holding a dinner dance. I hope their celebration is full of job and happiness. Furthermore, I wish them continued success in their humanitarian endeavors.

RICHARD "DICK" DEYOUNG CHAMPION OF RETIREE'S CAUSE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to pay tribute to Mr. Richard "Dick" DeYoung. Mr. DeYoung served with distinction in the U.S. Air Force for over 30 years. His service began during the years of World War II, through the Vietnam war, and concluded in the early 1970's. He served in both of these conflicts, and at duty stations through out the world.

Mr. DeYoung resides in Oscoda, MI, which until June 1993 was the home of Wurtsmith Air Force Base. In the area surrounding the former base a large Air Force retirees population has established itself. They have all felt the impacting of this base closure. Services and privileges they have had come to rely on, and were told they would always have, have been literally revoked because of this closure.

Presently, Mr. DeYoung has embarked on a citizens lobbying campaign. This campaign is centered on regaining what he believes are benefits that were promised to him, and other service members, during their years on duty. Primarily, Mr. DeYoung has been lobbying on the issue of health care for retirees.

Through out his service, Mr. DeYoung was led to believe that he would be provided health care during his retirement. His service, with the many hardships and adversaries it encompasses, was to be his payment for life time health care and other benefits.

Mr. DeYoung has come to Washington to press his case. During his time here, Mr. DeYoung has worked on these issues by meeting congressional leaders and getting the word out through military associations. On his last visit Mr. DeYoung met with Congressman SONNY MONTGOMERY, chairman of the Committee on Veterans, other Members of the House, and staff members of both Senate and House sides of Capitol Hill.

Mr. DeYoung has also worked with the National Association of Uniformed Services to garner signatures from members on a "Statement of Support." In part, this statement of support calls for the protection of "funding and personnel levels for military medical care to keep lifetime medical care promises."

Mr. DeYoung selflessly served his country, and is now serving retirees in his role as an advocate extraordinaire. Mr. Speaker, this type of behavior should be recognized, and lifted up as an example for all America. He is a role model for his fellow citizens.

TAIWAN BENEVOLENT ASSOCIATION: 17TH NATIONAL CONFERENCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PALLONE. Mr. Speaker, from Friday, October 21, through Sunday, October 23, 1994, the Taiwan Benevolent Association of New Jersey will hold its 17th Annual Conference at the Hyatt Regency Hotel in New Brunswick, NJ. The theme of this year's conference is "New Opportunities, Challenges and Prospects." This event will be attended by more than 300 community leaders. On Saturday, October 22, I will have the honor of being the featured speaker at this conference.

The panel discussion of Saturday's conference will present many timely and challenging ideas for both Taiwan and for Taiwanese-Americans, who are extremely concerned with promoting strong United States-Taiwan relations, the betterment of their community and an improved quality of life for their children. The first panel will be looking at the question of where Taiwan is heading in this transitional period of history. Economic issues will be addressed in the second panel, as we confront the future of business in the Republic of China in the global marketplace. Finally, the third panel will address cultural issues, including a look at Taiwan's march toward democratization and the ongoing battle to maintain the rich Chinese cultural heritage in changing times.

Mr. Speaker, currently there are approximately 300,000 immigrants residing in all regions of the United States. The main purpose of the Taiwan Benevolent Association of America is to assist the immigrant from Taiwan in adjusting to life in the United States, and to promote broader understanding between the people of Taiwan and America through cultural, educational, economic and scientific programs. Membership in the Association is open to any ethnic Chinese who was born in, resided in, studied or worked in Taiwan, without regard to provincial origin. The Association is concerned with the destiny of the Taiwanese homeland, but does not involve itself in homestead politics. Founded in 1978, the TBAA now has 20,000 members with 12 branches nationwide, in Washington, DC, Philadelphia, New Jersey, New York, New England, Chicago, Seattle, San Francisco, San Jose, Los Angeles, Houston, and Michigan, with more chapters planned. The TBAA sponsors conferences, seminars and discussion groups on a variety of topics, and presents annual awards to people in all walks of life. Many current and former members of the House and the Senate have been recognized by the TBAA.

Mr. Speaker, the Taiwanese community is part of a long tradition of immigrant groups coming to the United States and establishing themselves in their new country while maintaining a strong sense of devotion to their homeland. I am proud to recognize the achievements of the Taiwan Benevolent Association of America, and I look forward to joining them in New Brunswick on October 22.

SUPPORT SOUTH AFRICA AND PRESIDENT MANDELA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ENGEL. Mr. Speaker, yesterday morning I was privileged to sit in the House of Representatives during a historic joint session of Congress addressed by President Nelson Mandela. As I submit this statement, I am awed at the transformation that has taken place in South Africa. From being a country where apartheid was an institution, a way of thinking, a way of life; where nonwhites had none of the inalienable rights of all human beings, South Africa has become a young, yet prospering democracy.

South Africa's new President, Nelson Mandela, is a man who suffered for 27 years in prison for acting upon his belief that equality, freedom, and justice must govern his country. Nevertheless, as he explained yesterday to Congress, through years of suffering, Mr. Mandela retained "the ability of the oppressed to forgive and accept a shared destiny with those who had enslaved him."

Now, as a popularly elected president he is showing a breathtaking ability to build coalitions with the former racist establishment. As for the rest of the population, he maintains the support of not only the nonwhite population but is increasingly popular among his former foes. Mr. Mandela is establishing a peaceful, harmonious society in South Africa that can move beyond its past, but never forget it—and always looking towards its future with ever increasing hope.

On October 5, 1994, the House adopted House Resolution 560. With South Africa's history and remarkable progress in mind, this resolution commends the South African people for their commitment to replacing the racism and discrimination which has governed their nation and expresses support for President Mandela as he guides his people into the future. I was proud to cast my vote in favor of this legislation and will continue to do all in my power to see that equality and justice are the new foundations of South African democracy.

TRIBUTE TO IRVIN WOLOCK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the late Irvin Wolock, a past president of the American Society of Plastic Engineers, who died tragically last month, and to bring to your attention a moving eulogy by Rabbi Joel H. Zaiman.

Irvin Wolock, of Silver Spring, MD, died September 23 after being injured in a traffic accident. A researcher at the Naval Research Laboratory, he was a civic leader in Montgomery County, serving at one time as president of the Montgomery County Civic Federation and of the Rosemary Hills Civic Association. In 1964, he received the Washington Star

Newspaper Cup Award for his civic activities. He was a friend who added luster and strength to the phrase "Civic Activist."

Rabbi Zaiman's eulogy is a wonderful tribute to Irv Wolock, and I am taking the liberty of enclosing portions of it. The text of the Eulogy follows:

It is hard to imagine, let alone believe, that Irv Wolock is not alive. It is not so much that he died so suddenly, it is that he was so alive, that it is hard to imagine him any other way. You can't even comfort yourself by pretending that Irv is napping or sleeping and maybe, somehow, miraculously, he will wake up.

Because, you never thought of him napping or sleeping in the first place. No . . . you thought of him being, acting, doing, asserting, insisting.

Tall, thin, his was a commanding presence. you knew he was there. Even when he was quiet. Perhaps, because he was so often silent. those who knew him, knew he would have the last word. Yet, the sense of his commanding presence was felt even by strangers who did not know that Irv would eventually let you know how he felt. To be more accurate, how he thought. Not often did Irv express his deepest feelings. That was hardly his style. It was his thinking that he freely shared.

And, which, with rare exception, carried the day. He was bright, well trained—a PHD in Engineering from Hopkins, ordered, orderly and organized, well read in his chosen field and researched well in whatever he ventured . . . . he wanted, he expected his opinions to prevail. And, they did.

Irv was a man who expected. High expectations. Of himself, first. He loved to work. He loved his work. He distinguished himself in that work. With the National Bureau of Standards. Thirty-five years with the Naval Research Lab. He was an expert in composite plastic materials, becoming the President of the Society of Plastic Engineers. He authored numerous scientific articles and received numerous awards. He worked on the Manhattan Project an did field research after the atomic blasts in the Bikini Islands. He really achieved. High expectations. He pushed himself.

Others, too. Particularly, his kids. Five A's and one B. Why the B? demanding. Tough. He was devoted to his children—Janet, Bruce, Joanne. He would do anything for them. He was more than willing to sacrifice for them. And, how fiercely they loved him. Valued him, appreciated him. How hard they tried to please him—and how accomplished they are. He loved them and was proud of them—notwithstanding the fact that it was not Irv's style to verbally profess that love and pride.

That was left for Shirley. She took care of that, and a lot of other things, too. for 43 years . . .

And, in that neighborhood where Irv grew up, and in that home where Irv grew, he acquired another, more significant passion. Social justice. He was not only a chemical engineer. He was, to his everlasting credit, a social engineer—and, the two, do not often go together. He had a keen sense of justice. He had a clear vision of how things should be. He was committed to and worked for a "kinder and gentler society", well before it became a political slogan. . . .

He was active, very active, in the civic life of Montgomery County where Shirley and he lived. President of various civic associations. Chosen as outstanding citizen of Montgomery County. Ran as an independent—fat chance of success—for the Montgomery County Council. But, Irv made his point. And, that is precisely what he wanted to accomplish. On all fronts, he was a man to be reckoned with. In his profession, in his community—as a citizen, and in his family. . . .

So along comes Parkinson's disease to challenge Irv Wolock. A disciplined, health conscious, life affirming man. A fiercely independent soul who could not take from others. . . . Parkinson's. It slows you down. Irv, denied he had it. He continued as though he did not. He loved life. He wanted desperately to live. He had to be in control. And he would be damned if he would allow something like Parkinson's to challenge that control.

It was tough. There is an inexorability to Parkinson's. Since Irv was so active, and since he did so many different things, he was more aware than most of that inexorability—though he denied it throughout. There was nothing he could not fix. Or, did not fix. Parkinson's changed that. It was very hard for Irv and for those who loved him.

He didn't know how to yield. Giving up was not in his nature. Some people go through life accepting and blaming circumstances. Irv, created circumstances. Parkinson's was tough.

And then . . . he took the route that he told Shirley and his children never to take. Undoubtedly, in a crunch, he took it himself before. This time, the mistake was fatal. Yet, he did beat the ravages of Parkinson's.

TRIBUTE TO OUR LADY OF DIVINE PROVIDENCE HONOREES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Reverend Lawrence J. Quinn, the Honorable Judge Frank Torres, and Ms. Carmen A. Castro, who will be awarded medals this coming November 17 at the ninth annual Friendship Banquet held by the Committee of Our Lady of Divine Providence of the Archdiocese of New York.

These outstanding individuals have all demonstrated an inspiring dedication to the development of our youth. In addition to making wonderful contributions as Pastor of Our Lady of Mercy Church in the Bronx since 1983, the Reverend Quinn cofounded the El Camino youth movement for Hispanics of the New York Archdiocese, has taught moral theology at the Pastoral Institute and the Pastoral Center in the South Bronx, and has directed the Youth Institute of the Northeast Pastoral Center for Hispanics.

Justice Frank Torres, who was appointed to the Family Court in 1980 and was elected a justice of the New York State Supreme Court in 1987, is very actively involved in programs to assist minority students. He serves on the Blue Ribbon Commission to establish the Martin Luther King, Jr. High School Institute of Law and Justice, and is a member of the board of directors of numerous law school-affiliated organizations, including Practicing Attorneys and Law Students [PALS], the CUNY Law School Board of Visitors, and the Alumni Advisory Board of Black and Latino Student Affairs [BALSA] at St. John's University School of Law. He also serves on the board of advisors of the Puerto Rican/Latinos in Criminal Justice Project, the Catholic Interracial Council, and the Puerto Rican Organization to Motivate, Enlighten, and Serve Addicts, Inc. [PROMESA].

Carmen Castro has been involved in the Hispanic youth ministry for over 20 years. She is a founder of Brooklyn's Jornada Movement for Hispanic youth and of the Leadership Training Institute for the Northeast, where she guides the regional youth committee's publication of "Pasqua Juvenil" and "Adviento Juvenil." Currently director of youth projects for the Northeast Hispanic Catholic Center, she served on the advisory committee for the Pope's recent youth summit in Denver, CO.

Mr. Speaker, I ask my colleagues to join me in honoring Ms. Carmen A. Castro, Justice Frank Torres, and the Reverend Lawrence J. Quinn, who will be recognized at the ninth annual Our Lady of Divine Providence Friendship Banquet next month.

FINALIZING THE UNITED STATES-JAPAN AGREEMENT IN PRINCIPLE ON FLAT GLASS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LANTOS. Mr. Speaker, at this time when so many initiatives are being blocked by divisiveness and partisanship, there is one area where the administration has achieved an important success: On October 1, 1994, the United States concluded a significant trade deal with Japan covering a number of major industries.

Ambassador Kantor and the administration deserve credit for reaching agreements that go beyond earlier trade deals with Japan. Japan has committed to annual evaluations of progress in increasing foreign market share and expanding foreign access. In the telecommunications, medical technology, and insurance sectors, we should be seeing measurable gains in United States sales in Japan. And I am very pleased to report that each of these market-opening agreements are based on most-favored-nation status, thereby benefiting all of Japan's trading partners, not only the United States.

In a fourth market—flat glass—the United States and Japan have reached an agreement in principle and agreed to finalize the details by the end of October. Meeting this 30-day timetable constitutes the first test of the October 1 trade deal. The good will generated by last weekend's agreements should not obscure the fact that much work remains to be done on this major part of the trade pact.

Mr. Speaker, the United States must maintain pressure on the Government of Japan if we are to successfully complete the final phase of glass negotiations before the 30-day deadline expires. To this point, the glass negotiations have followed an all-too-familiar pattern. Progress is made only when United States pressure is taken seriously by the Japanese. After more than a year of unproductive glass negotiations under the framework talks, Ambassador Kantor and his USTR negotiators succeeded in communicating the likelihood of a section 301 investigation of Japan's glass market. Under this threat, substantial progress was made in the 24 hours leading up to the section 301 deadline, and an agreement in principle was reached.

The same type of pressure is needed to hammer out the details that will determine the ultimate value of a glass agreement. The Government of Japan must be firmly reminded that if a final agreement on glass is not concluded by the end of the month, the administration will initiate a section 301 investigation. Without continued U.S. firmness, I am certain that agreement on the pact's details will elude the United States, the October 31 deadline will be postponed, and we will face further delay and backsliding.

Ambassador Kantor said that in the first year of a flat glass agreement, he expects that three quarters of the 100 largest Japanese wholesales and glaziers would obtain 30 to 40 percent of their flat glass from nontraditional sources, a mixture of both foreign and domestic. This would mark a tremendous victory for U.S. workers and U.S. glass manufacturers. Today, a closed distribution system, dominated by Japan's three largest manufacturers, limits the United States to less than 1 percent of Japan's $4.5 billion glass market.

Mr. Speaker, the month of October will determine whether Japan's glass market will be opened to United States manufacturers. I urge the administration to keep up the pressure on Japan so that a glass agreement can be added to the other trade victories achieved over the past weekend.

A TO Z LIVES

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ZELIFF. Mr. Speaker, respect for Congress is at an all time low. Long-term Members including some of the leadership are in difficulty at the polls. Only used car salesmen are rated below Members of Congress in the eyes of the public.

The Orton sense of Congress legislation is one of the many reasons that Congress is held in such low repute. The people of America thought that majority rule prevails in the people's House. This legislation is proof positive of how the House leadership has repeatedly thwarted the will of the majority.

The people of America clearly wanted the Members of the House to cut wasteful Government spending. The Members of this House clearly wanted to cut spending.

In August 1993 ROB ANDREWS a Democrat from New Jersey and I created what we called the A to Z spending cut plan. We sensed that many members of both political parties felt strongly that the President's tax plan did not cut wasteful Federal spending enough.

The President's tax plan raised the debt from $4.7 trillion dollars to $6 trillion dollars in his 5-year plan. Entitlement spending was on automatic pilot. Spending programs were seldom cut. Something had to be done.

We circulated a letter to the Speaker. We simply asked for a 10-day period when any Member could propose a spending cut in any program. The Members would be able to debate each proposal. There would be a rollcall vote on each spending cut proposal. The spending cuts enacted would reduce the deficit. It's called accountability.

It is a common concept in the business world which I come from. It is an alien concept to the leadership of this House. This is why we have a $4.7 trillion dollar debt. That is why we will spend over $200 billion dollars in interest payments this year.

Some 234 Members from both political parties, a majority of this House agreed with us, and co-signed our letter. The leadership ignored this letter from a majority of their Members. Nothing happened.

So in October 1993, ROB ANDREWS and I introduced legislation to implement this A to Z spending cut plan. Some 232 Members from both political parties, a clear majority of this House, cosponsored this legislation.

Again nothing happened. No public hearings. No action by either committee. For the second time a clear majority of the elected membership of the House was ignored by their leadership. Is it any wonder that American people have so little respect for this Congress?

We took the path that the Member from Oklahoma had opened for us. In May 1994, we filed a discharge petition to force this spending cut concept to the floor.

We met with our cosponsors. All agreed to allow more involvement for freshman Members from both sides of the aisle. We agreed to start with entitlement cuts.

Members totaling 204 signed our discharge petition. We were on our way. Real spending cuts were about to happen.

The leadership swung into action. There was no way that the leadership would actually let the elected membership vote on individual spending cuts.

Their pork barrel projects would be in jeopardy. They would not let that happen. Speaker FOLEY claimed that "it would be a three ring circus."

The leadership drew a line in the sand. They stationed sentinels to guard the discharge petition. Members were threatened with the loss of choice committee assignments.

The majority leader promised a deal to a group of Members who had cosponsored A to Z, but had not yet signed the discharge petition.

He told them, if you don't sign the A to Z discharge petition, you will get a vote on entitlement spending cuts, and a vote on the deficit lock box, assuring that a cut is a cut.

Today's entitlement sense of Congress resolution is how the leadership keeps their word. There is no vote on entitlement spending cuts. Not one red cent will be cut by our action today. The gentleman from Utah and his cohorts traded every Member's chance to make real spending cuts for this charade, called a sense of Congress resolution.

The gentleman from Utah should be embarrassed. His deal did not cut even one pork riddled program.

There will be no vote on deficit lock box either.

What a deal the gentleman from Utah got.

The so-called deficit hawks did the leadership's bidding. They killed the A to Z spending cut plan.

The people of America will not be fooled by the leadership's unkept promise, even if the deficit hawks were fooled.

Today we will vote on a clever sense of Congress resolution. On November 8 the authors of this clever ploy to kill the A to Z spending cut plan, will get a sense of the American people message.

It will be loud and clear. The American people want us to cut spending now. The American people are fed up with politics as usual. The American people want Members of Congress to stop spending our children's money. We will return with a new A to Z spending cut plan in January.

You can have your sense of the Congress resolutions. A to Z is the sense of American people. The people's voice will be heard. A to Z will pass next year.

After A to Z passes and the concept is proven we will then use the A to Z process to eliminate oppressive Government regulations; to cut out unfunded mandates; and to wipe out tax loopholes.

A to Z lives, Mr. Speaker, despite the Orton charade that will not cut one red cent from the deficit.

THE FIRST THANKSGIVING PROCLAMATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. CRANE. We, indeed, have much to be thankful for living in these United States of America, and Thanksgiving Day provides us a moment to reflect on these blessings. Because Congress will adjourn before, and will not reconvene until after Thanksgiving Day, I wanted to take this opportunity to share with my colleagues the first Thanksgiving proclamation issued by our first president, George Washington.

THE FIRST THANKSGIVING PROCLAMATION

(By President George Washington)

Whereas, it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits and humbly to implore His protection and favor; and

Whereas, both houses of Congress have, by their joint committee, requested me "to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness.

Now, therefore, do I recommend and assign Thursday, the twenty-sixth day of November next to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our service and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation;

for the signal and manifold mercies and the favorable interpositions of His Providence in the course and conclusion of the late war; for the great degree of tranquility, union and plenty which we have since enjoyed; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.

And also that we may then unite in most humbly offering our prayer and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions, to enable us all, whether in public or private stations, to perform our duties properly and punctually; to render our National Government a blessing to all the people by constantly being a government of wise, just and constitutional laws; discreetly and faithfully executed and obeyed; to promote the knowledge and practice of true religion and virtue and the increase of science among us; and generally, to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

Given under my hand, at the city of New York, the third day of October, A.D. 1789 George Washington.

QUESTIONS TO ASK YOUR CONGRESSMAN

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ARMEY. Mr. Speaker, a recent article by Ralph Kinney Bennett, in the August 1994 Reader's Digest, outlines "Questions to Ask Your Congressman About Health Care Reform," of obvious interest to me and my colleagues.

I ask that this important article on health care be included in the RECORD.

The article follows:

[From the Reader's Digest, August 1994]

QUESTIONS TO ASK YOUR CONGRESSMAN ABOUT HEALTH CARE REFORM

(By Ralph Kinney Bennett)

Late last year President Clinton's Health Security Act was introduced with great media fanfare. But as details emerged, public opposition grew. Polls show that about 80 percent of Americans are pleased with their health care; most are wary of compulsory "universal" coverage, especially if this means any loss in quality of care or choice of physician.

Nevertheless, most Congressional Democrats and even some Republicans still accept the premise of the President's plan—that the nation's health care system is in "crisis." With President Clinton apparently willing to sign any bill that creates a universal health entitlement, Congress seems hellbent on increasing government's control of medical care. "We're going to push through health care reform regardless of the views of the American people," says Sen. Jay Rockefeller (D., W.Va.), a leading advocate of the Clinton plan.

As you sort through the sometimes bewildering array of proposals to "fix" health care, here are the central questions to put to your Senators and Representative:

WHO WILL PAY FOR HEALTH CARE REFORM?

President Clinton has ardently maintained that his plan can be paid for by mandatory payments from employers, a higher cigarette tax and budget cuts. "The vast majority of Americans will pay the same or less for health care coverage," he promised.

But the Congressional Budget Office (CBO), which rules on budgetary impact of pending legislation, estimates that within three years of passage, the Clinton plan will be the largest program in the budget—bigger than the Defense budget, bigger than Social Security, bigger than Medicare. Reaching a cost of $740 billion a year within the next decade, the plan "would require a tax increase of more than 27 percent—unprecedented during peacetime," says economist Bruce Bartlett of the Alexis de Tocqueville Institute, a free-market think tank in Arlington, Va.

While still chairman of the House Ways and Means Committee, Dan Rostenkowski (D., Ill.) was one of the few Democrats to admit the huge costs of the Clinton plan. Warning of "broad tax increases," Rostenkowski declared that universal coverage would require "a substantial amount of new revenue."

The White House and many Congressional advocates of Clinton-style reform would like the bulk of revenue to come from forced "contributions" by employers. But calling these disguised taxes something else changes nothing. As CBO director Robert D. Reischauer told Congress, "This is going to be the 800-pound canary in your living room. Whether you call it a mouse or a plant isn't going to trick anyone."

Says former Democratic Sen. George McGovern, "Were I still in business today, I would be frustrated and frightened by the specter of substantial increases in employment costs."

These contributions would, of course, affect workers' paychecks. "Employees pay for health insurance by getting less in cash earnings," notes Carlos Bonilla of the Washington-based Employment Policies Institute.

Herman Cain, president and CEO of Godfather's Pizza, Inc., says his company pays 80 percent of health insurance costs for full-time employees of his 141 corporate-owned outlets. President Clinton's plan would quadruple his costs to $2.2 million a year. Covering such expense would require a 16- to 20-percent increase in sales—a virtual impossibility in the highly competitive fast-food market.

"We would then be put in a position to eliminate jobs or increase prices to the point of being at a competitive disadvantage," Cain wrote the President.

After an extensive study, June and Dave O'Neill of New York City's Baruch College concluded that a Clinton-style employer mandate could cost over three million jobs, with low-skilled, low-wage workers especially hard hit. The restaurant industry alone could lose over 800,000 jobs, retailing over 700,000. Farming, construction and repair services would also be affected.

Despite a rising furor, Congress has labored to keep employer mandates in a health bill. One device is the so-called trigger mandate, which would be hidden in the law and would kick in if a certain percentage of Americans were not covered by a fixed date. Another gambit: a "play or pay" scheme, giving smaller businesses a "choice" between mandated employee insurance or a payroll tax to subsidize the uninsured.

Why is Congress so set on mandates, despite public displeasure? "In general, politicians prefer spending other people's money rather than tax revenues," notes Henry Butler, professor of law and economics at the University of Kansas. "Adverse economic effects are less visible, and political costs lower."

WILL I BE PAYING FOR ONLY THE HEALTH BENEFITS I NEED?

The Clinton plan and its Congressional alternatives promise all Americans a "comprehensive" package of health benefits. Many of these benefits you will pay for but never need. Yet to cover them, millions who already have medical insurance will pay at least $500 a year more in premiums, according to Lewin-VHI, Inc., a health care consulting firm in Fairfax, Va.

What's more, "every year will see pressures to expand the package," says Edward Gillespie, policy director at the House Republican conference. "This new entitlement will grow in the best tradition of federal programs."

The feeding frenzy began last fall as health care interest groups converged on Capitol Hill, demanding their services be included. Big insurance companies spent millions seeking to refashion the Clinton plan to their advantage. Many more groups—from rural health alliances and dental groups to manufacturers of prosthetic devices—have simply sought their "cut" of any new law. Even acupuncturists and biofeedback advocates have lobbied for a piece of the action.

By June, the American Hospital Association had spent $3 million on lobbying; Planned Parenthood, $1.5 million for ads and brochures; the Health Care Reform Project, a coalition backing the Clinton plan, $3.5 million.

Already, results of this kind of pressure have been seen in states where health groups have forced special mandated coverage on insurance buyers. This ranges from mid-wife and optometry services to provision of toupees and protection from "accidental ingestion" of illegal drugs. In 1970 about 30 such mandates were in place. Now there are over a thousand, causing premiums to soar.

HOW WILL COSTS BE CONTROLLED?

The bills before Congress promise to control costs through government "efficiency." But a closer look at those bills indicates the prime method of holding down costs will be government controls.

Under euphemisms such as "global budgeting," "premium caps" or "fee caps," the government would calculate the country's yearly spending limits on medical care. Bureaucrats would decide everything from the "fair" price of a prescription to whether it is "cost efficient" to replace an 80-year-old's hip.

The result is clear in countries where medicine is under state control. Doctors' fees are kept artificially low, creating assembly-line medicine—brief, perfunctory visits with as many patients as possible.

Moreover, government price controls seriously retard development and availability of new drugs because of problems in recovering research costs. In Britain 80 percent of prescribed drugs are at least 20 years old, obsolete by American standards. In Germany, home of some of the world's most renowned drug firms, price fixing has reduced drug innovation. Manfred Schneider, CEO of Bayer AG, fears that "the research-based pharmaceutical industry no longer has a future here."

In Germany, Japan and other countries attempting to offer "universal" care, cost controls mean that medical services are restricted and rationed. In Britain at any one time, a million people are on hospital waiting lists—many for years. In Canada 177,000 await surgery for periods ranging from months to over a year; almost half report being "in pain." Ironically, about 20 percent of hospital beds in Canada are empty—in wards and rooms closed down to comply with budgetary constraints.

To see rationing at work in the United States, visit a Veterans Administration hospital. Even at the best VA facilities, patients who need special care like heart or orthopedic procedures must wait 60 to 90 days to see a specialist and then months more for surgery or treatment.

Routine care also suffers. Over half such patients, reports the General Accounting Office, wait one to three hours to be seen briefly by a doctor burdened with increasing numbers of patients and piles of government forms.

Little wonder that 90 percent of the nation's 27 million veterans turn to private hospitals rather than the free VA facilities. Comments former VA attorney Robert Bauman, "Imagine what it would be like if all Americans had the choice of only rationed care in a government-run system."

WHAT CHOICES WILL I HAVE IF A HEALTH CARE BILL PASSES?

The most basic choice you might want is to drop out of a government-regulated "managed-care" plan if you don't like the way you are being treated. Under bills now before Congress, that's not an option. If you don't immediately join another approved managed-care plan, the government will assign you to one. Meanwhile, you would still have to pay your monthly "premium."

If you oppose abortions on demand, will you have to pay for them? Under most bills being considered, you will.

If you follow a healthful life-style, will you be able to choose a plan with low premiums reflecting your low health risk? Most plans before Congress do not provide this choice. They specify that insurance premiums will be "community rated"—meaning you subsidize people whose habits place them at higher medical risk. It will not matter, for example, if you don't smoke. Your government-regulated premium must cover those who do.

"Community rating" has been the law in New York State for one year. The result? Premiums have shot up for young and healthy workers, almost doubling in some cases.

Finally, will you be able to choose your doctor? Most bills before Congress claim to preserve your choice, but contain a web of restrictions. They virtually guarantee that a fee-for-service option—where you can choose your doctor and deal directly with him—will not survive the realities of price controls and budget caps.

"Allowing patients to choose any doctor, obtain justifiable medical care and send the bill to the insurer cannot survive without freedom to raise premiums to cover costs," notes John Goodman, an expert on health care economics and president of the National Center for Policy Analysis. "As with everything else in managed care, choice will become a very relative term."

WILL MY HEALTH CARE BE AS GOOD AS IT IS NOW?

Experience elsewhere is not encouraging. In Canada a world-class health care system has been eroding under the steady budget constraints of government-ordained "universal care."

Consider the experience of a 72-year-old woman living in Ontario—Canada's most populous province. In 1992 Lillian Holloway couldn't climb stairs or work in the garden without experiencing trouble breathing. After a year of tests, she returned to her doctor "in desperation" in April 1993. He told her no hospital beds would be available for at least three weeks, and advised her to go to an emergency room and say she was having a heart attack. "Then they will have to admit you."

Holloway suffered an actual heart attack before she could do as he'd suggested. She needed triple-bypass surgery, but under Canada's rationed system few hospitals perform such an operation. Flown 1000 miles to Hamilton, Ontario, she was operated on, then released just five days later, even though bleeding rectally.

Her doctor diagnosed a bleeding stomach ulcer, exacerbated by medication. Within two weeks, she underwent surgery for the ulcer. Sent home despite an infected incision, she suffered recurring heart problems, and she was flown back to Hamilton for an angiogram. In the operating room, she suffered another heart attack. "It was all downhill from there," recalls her brother, George Sterne. "Lil died July 26, 1993."

Sterne, a U.S. citizen living in San Diego, says, "The point is, until her condition was life-threatening, my sister couldn't even get into a hospital. I honestly believe that if she had been covered under a private American health plan and treated in an American hospital, she would be alive today."

In Britain old hospitals, old technology, wasted resources and long waits are the norm. Says Dr. Eamonn Butler of London's Adam Smith Institute, "British citizens are leaving the National Health Service in droves because although the United Kingdom does not spend very much on its health care, neither do we get much for our money." Disillusionment with socialized medicine has fostered the growth of a parallel private practice, complete with private health insurance.

You would have no such choice under the Clinton bill. Someone trying to sell you private insurance would face a $10,000 penalty. If your doctor provided you special care for old time's sake, he would face fines and imprisonment.

Despite the dramatic fall in support for Clinton-style universal coverage, Americans do favor fixing some problems. They want insurance to be cheaper and more readily available to the uninsured, perhaps by allowing everyone to deduct premium payments from his income tax or to put money into a tax-free medical savings account. They also want "portability," or the option of retaining health insurance after a job change.

But, polls say, Americans do not favor a stampede into hasty and radical changes. The last question to ask members of Congress is: Do you understand the vast, dangerous consequences of jeopardizing the best health care system in the world?

CLINTON'S HEALTH PLAN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. GINGRICH. Mr. Speaker, Ralph Kinney Bennett's article in the March 1994 issue of the Reader's Digest, "Your Risk Under Clinton's Health Plan," explains what the title promises.

I submit the article on the important subject of health care reform.

YOUR RISK UNDER CLINTON'S HEALTH PLAN

When doctors told him he had lymphatic cancer, Donald Porter's only hope was a risky and expensive bone-marrow transplant. Porter, 64 was thankful for the card in his wallet. Issued by the government, it guaranteed his medical care.

Then Porter learned the government deemed him "to old" for a transplant; younger people had a better chance of survival. So Porter sold his house, took out all his savings and went abroad for the operation. His cancer is now in remission.

Donald Porter is Canadian. When his country's "universal" health plan failed him, he came to the United States, the one advanced industrial country that does not have a universal medical plan. But it does have the highest standard of health care in the world.

While Porter's case was being cited in the Ontario legislature as an embarrassing failure, President Bill Clinton was telling Congress last September that American medicine is "to uncertain and too expensive." It is time, he said, to reform the system, "giving every American health security, health care that can never be taken away."

The program outlined in 1342 pages of the President's health Security Act of 1993 is breathtaking in scope and intrusiveness. Everything in the $1 trillion health-care sector-hospitals, pharmaceutical companies, doctors and nurses would be subject to federal supervision and control.

Would Clinton's ambitious plan improve our health-care system—or make it worse? The President challenged the nation to judge his plan by six criteria: "security, simplicity, savings, quality, choice and responsibility." How does it measure up?

1. "Security means providing every American with comprehensive health benefits." Under the act, the government would issue a "health security card" that entitles each citizen to a standard medical-insurance policy covering everything from brain surgery to health-education classes. The insurance could not be terminated "for any reason, including nonpayment of premiums."

To control the expense of covering everyone, a National Health Board would set premiums and establish overall health-care spending limits through so-called "global budgets." These are a standard feature of universal health-care plans, including Canada's.

But as Donald Porter learned, universal medical care is anything but secure. To control the demands on its system, Canada has had to severely ration medical treatments, including state-of-the-art drugs, therapies and surgical procedures. Routinely prescribed antibiotics are often years behind those used in the United States.

Canadians who need emergency treatment generally get it. But a large number face harrowing waits of many months for heart surgery and other procedures. Some patients with treatable tumors have seen their cancer progress to the incurable stage while awaiting radiation therapy. Others have died waiting.

Dr. William Mackillop, local radiation oncologist at Kingston Regional Cancer Center in Ontario, was asked what he would do if he were on the radiation waiting list: "There's no way I'd wait," he answered. "I'd go to the United States."

The Clinton bill specifies heavy criminal penalties (fines, seizure of property, long prison terms) for "bribery and graft in connection with health care." Why would there be bribes? Why such stiff penalties? "There undoubtedly will be shortages and waiting lists," says civil-law professor Bradley A. Smith of Capital University Law School in Ohio. "Bribery and influence peddling will be the natural result. Rhetoric to the contrary, the Clintons must know this plan will result in rationing."

2. "Simplicity means reducing paper work that wastes countless hours and billions of dollars." The President promises to make things simpler by establishing a single insurance form to replace the hundreds now used by private health plans. And, he says, "we will simplify the government's rules and regulations."

After plowing through the four-pound, eight-ounce Clinton bill, Carol Miller, president of the New Mexico Public Health Association, told Congress, "I don't see any simplification. More than 1000 pages of the Health Security Act create administrative complications, not simplifications."

Key to the Clinton plan would be "Regional Health Alliances"—at least one in each state. All citizens would be forced to enroll in a health plan offered by their alliance or face severe fines. These alliances are the backbone of a vast empire—an estimated 105 new bureaucratic entities, a minimum of 50,000 new public employees—that would reach down through state governments into hospitals physicians' offices, workplaces and homes to control virtually every aspect of health care.

Even Stanford management professor Alain Enthoven, one of the principal architects of the alliance concept, is critical of the plan. Enthoven says President Clinton has "redefined the concept" until "it threatens to be a monopolistic, regulatory government agency that will cause more problems than it solves."

3. "I believe we can achieve large savings." The plan's financial engine, the "employer mandate," requires businesses, large and small, to pay at least 80 percent of the health coverage for all employees. President Clinton says businessmen will achieve savings through "lower premiums," allowing them to hire new workers, or even give out raises.

But many experts believe the mandate would actually increase costs and tax many jobs and businesses out of existence. Economists June and Dave O'Neill of New York City's Baruch College explain that the employer mandate is the equivalent of a $5000 to $6000 wage increase for every worker who is into already under an employer-provided medical plan.

The White House claims the impact on employment will "minimal"—perhaps 600,000 people thrown out of work. Other estimates are much higher. The O'Neill study conducted for the small-business-backed Employment Policies Institute projects the loss of 3.1 million jobs nationwide, with entry-level and relatively low-wage jobs the hardest hit.

Ron Chapman, a boat builder in Chalmette, La., says the mandate "may well upend already overburdened small businesses like mine." when Hillary Rodham Clinton, who headed the task force that produced the plan, was asked what might be done to ease its burden on small businesses, she replied, "I can't go out and save every undercapitalized entrepreneur in America."

Rather than achieving large "savings," the program is likely to send overall costs skyrocketing. The plan projects a lower rate of growth in health-care spending, but the federal government is notoriously poor at such projections. When Congress instituted Medicare in 1965, it estimated the program would cost about $12 billion by 1990. The actual figure is $110 billion, despite years of cost-control efforts. Taxes have been raised again and again to pay for the Medicare program. Professor Enthoven concludes, "The Clinton plan puts the federal budget at enormous risk and will result in huge tax increases."

4. "Quality means improving what is already the highest quality care in the world." For most Americans, quality health care means a personal physician armed with the latest diagnostic technology, access to specialists when needed—and no waiting. "The practice of medicine cannot be managed by a time clock," says Dr. Robert Blee, a general practitioner in Chevy Chase, Md. "The interaction with patients is a very subtle thing, You need time to see the warning signs, compare details with the records of previous visits. And people want to know that you are giving them your attention."

But the Clinton plan would force most Americans into so-called "managed care" programs—health maintenance organizations (HMOs) are the principal type. Businesses with burgeoning employee health-care costs have found HMOs' cost-effectiveness attractive, and many patients like their relatively low premiums. Thus, HMOs have grown explosively—from 10.8 million enrollees in 1980 to 41.4 million by 1992.

But in an effort to hold down costs, managed care alters the doctor-patient relationship. In many HMOs, for instance, primary-care physicians are not paid on the basis of individual transactions with patients. Instead, they receive a flat fee—$6, $8 or $10 per patient per month. "There's a perverse incentive here to have more patients, but see them less," says Dr. Steve Reeder, a Dallas vascular surgeon.

In addition, HMOs often pool a percentage of premiums and hand it out as annual bonuses to doctors who have kept expensive tests, hospitalizations and referrals to specialists to a minimum.

Dr. Blee, who works with several HMOs, says primary-care physicians become "preoccupied with keeping costs down. They may tend to discourage rather than encourage a visit to a specialist."

Last spring a woman came to the office of New York internist Louis Vorhaus II with excruciating stomach pains. He diagnosed acute appendicitis. She needed a surgeon immediately. But her HMO required authorization before contacting one. Vorhaus got on the phone.

It rang several minutes before a recorded message told Vorhaus to wait. Eight minutes later, a woman's voice asked what the problem was. When Vorhaus explained, she said authorization was someone else's responsibility.

The patient waited five hours in intense pain before Dr. Vorhaus could cut through the procedural jungle and get a surgeon to see her: he performed a successful appendectomy. "The patient was needlessly put at risk," says Dr. Vorhaus.

As long as HMOs have to compete with other methods of health-care delivery, patients have some recourse in the marketplace when they are dissatisfied with quality of care. "But the Clinton plan will force people into HMOs and eventually, through regulation and coercion, eliminate any alternatives," says John Goodman, a leading analysis of health-care economics and president of the National Center for Policy Analysis. Adds Dr. Reeder, "If the Clinton plan goes through, quality will be a forgotten concept."

5. "Choice means preserving your right to choose doctors and increasing your choice of health plans." Choice of doctors under the Clinton plan comes down to this: a managed-care physician operating under the plan's restrictions, or a traditional private physician whom you would pay with after-tax dollars on top of your dictated premium.

Even this option—paying for a doctor outside the plan—will be limited by the plan's elaborate web of fee-fixing, budget ceilings and regulations. Professor Melvin Konner of Emory University, who backs a Canadian-style system, nonetheless says of the Clinton plan: "They are taking away our choice of doctor. No amount of rhetoric can conceal that fact. Their proposal will force most of us into managed-care plans."

The plan also dictates a standard benefits package for all Americans. The Administration says this will avoid the "confusion" that would result if Americans were allowed to choose their own benefits. Thus, Americans would be forced to pay for "choices" they may not want or need (such as drug-abuse counseling, abortion) and be deprived of others. For instance, the standard package does not pay for mammograms for women in their 40s and covers women over 50 for only one every two years. Critics wonder what other treatments or diagnoses might be denied or rationed—state-of-the-art blood tests for prostate or colon cancer, or hip replacements for the elderly.

6. "Responsibility starts with those who profit from our current system but carries on to each and every one of us." Under the present system, Americans are largely insulated from responsibility for health-care costs because of the "third party" payment system. For every dollar the average patient pays to a doctor, only 17 cents comes out of his own pocket. The remaining 83 cents comes from a third-party payer—his employer, an insurance company or the government.

But the President's plan only worsens this problem. It takes responsibility away from the individual while vesting more power in the government, all in the name of extending health insurance to those not now covered.

The vast majority of Americans (over 75 percent) are pleased with their health care. Virtually every citizen has access to medical care, and by law no American can be refused treatment for an emergency condition at a hospital. More than 85 percent of Americans have some form of health insurance. Of the roughly 37 million Americans uninsured, the vast majority are only temporarily uninsured; others are uninsured by choice.

There are two reforms, both before Congress, that would truly bring individual responsibility back into the health-care picture and address the fears that people have about losing their health insurance if they change or lose jobs:

Give all citizens the same tax break enjoyed by those in employer-sponsored medical plans. Individuals could purchase the health insurance of their choice with tax-free dollars and keep their plans even when they change jobs.

Allow individuals to purchase "Medical IRAs," in which they could set aside tax-free dollars for out-of-pocket payment of routine medical services. With such medical-savings accounts, people could buy low-cost health-insurance policies for major-illness coverage.

Last Christmas, in an effort to meet budgets, some 100 hospitals in Ontario—Canada's most populous province—shut down wards and surgeries for three weeks with doctors going unpaid and nonemergency patients untreated.

Dr. Walter Bobechko, a world-renowned orthopedic surgeon, left his native Canada several years ago to practice in America. "The saddest thing to see is the diminished expectations of Canadians," he says. "They are settling for Third World medicine and saying over and over to themselves, 'At least it's free.' People are in pain who shouldn't be. People are dying who shouldn't die."

Americans, however, have great expectations for their medical-care system. The United States produces nearly half of all new drugs. Doctors from around the world come to our teaching hospitals to stay abreast of the expanding frontiers of medicine. American entrepreneurs are constantly inventing and improving methods to deliver better care at lower costs. "Yet," says House Minority Leader Newt Gingrich, "at the very moment when we are on the threshold of even greater strides in medicine, the Clintons are telling us, Let's bureaucratize health."

The U.S. health-care system is far from perfect, but the quality of care is the best in the world. Donald Porter learned this after price controls, global budgets and bureaucratic decision-makers forced him to leave his country for treatment. Where would he have gone if President Clinton's health-care plan had been in force?

FAREWELL TO PENNY CAREY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KLEIN. Mr. Speaker, I rise today to join the board of directors of the Mental Health Association in Passaic County in honoring Penny Carey at the ninth annual fall festival dinner dance as she is bid a fond farewell as executive director.

Penny became the executive director of the Mental Health Association soon after joining the staff in 1980. She not only instituted several new programs, but also created support groups and increased the range of services that the organization provided.

During her tenure, the Mental Health Association has become admired because of all of the good it has done in Passaic County. She has encouraged and inspired her staff through her relentless commitment and advocacy skills for families needing assistance with the mental health system. This hard work has given the Mental Health Association a sound network for support.

I am very grateful to have the opportunity to pay tribute to Penny because of her efforts over the past 13 years. I know that she will be missed at the Mental Health Association in Passaic County, but she has undoubtedly left a mark that will continue her tradition.

HONORING THE SOCIETY OF SAN SABINO

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to honor the Society of San Sabino, an Italian-American organization located in the Brooklyn portion of my district. This society is well-known in Greenpoint, Brooklyn, for its many civic and charitable activities. It serves as an inspiration to Italian-American's, indeed to all Americans, as a model of community involvement and improvement.

The Society of San Sabino was founded in 1932 and boasts a membership of over 50. It meets on the second Tuesday of every month at its headquarters on 206 Withers Street. The society honors the patron saint of the town of Sanza in the Province of Salerno, Italy. The feast day of San Sabino is March 13 and the society has its parade to honor San Sabino in mid-September of every year.

San Sabino was martyred for his faith in the third or fourth century Anno Domino. Two centuries later the pope sent his forces to Sanza to protect the town and to make San Sabino its patron Saint. The Society of San Sabino is proudly celebrating its 62d anniversary this year.

The officers of the Society of San Sabino for 1994 include: Max Rinaldi, President; Vito Grimaldi, Vice-President; Anthony Giannone, Treasurer; Larry Cirullo, Financial Secretary; Enzo Denaroso, Corresponding Secretary. The Society of San Sabino is a member of the Federation of Italian-American Organizations of Greenpoint/Williamsburg, whose officers for 1994 include: Gerard DePaola, Chairperson; Anthony Pastena, President; Vincenzo Martello, First Vice-President; Marion Ambrosino, Second Vice-President; Enzo Denaroso, Third Vice-President; Rosa Martello, Treasurer; Raffelina Cipriano, Secretary.

HONORING AN ESTEEMED PUBLIC SERVANT

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ROEMER. Mr. Speaker, I rise today as the session closes on a bittersweet note. One of the most valuable people in my organization will take his leave soon to pursue further professional goals and ideals.

Bernie Toon, my chief of staff, will soon take an important position in the U.S. Senate and will be leaving huge shoes to fill in my Washington office. But he also leaves behind an outstanding record of achievement for the people of the Third District of Indiana, who have come to know, respect, and love him for his administrative talents, legislative skill, and his warm and caring personality.

Bernie Toon is that rate chief of staff who commands not only the respect and admiration of the staff, but also earns their fondness and loyalty as well. He is able to bring out superior performance while always maintaining pleasant demeanor.

In short, he is a leader.

Known as "Ray" to his family, Bernie is a native Hoosier. He served ably before coming to my office as an aide in the Senate, at the Pentagon, and for the House Intelligence Committee. He is remembered fairly and fondly by the many people with whom he has worked.

His personal style and professionalism will be missed, yet I know he will serve in a superior capacity in his new position. It has been my extreme pleasure to have watched him develop and grow in running my operation, and although we will miss him, it is with great pride and admiration that I watch him take on this new and deserved challenge. It is a tribute to my staff that Bernie moves on to continue to serve the public and the country.

Mr. Speaker, my wife Sally and I, along with the entire Roemer organization, wish Bernie and his wife Tracy the very best in the future, and though we are sad to lose such talent, we know we have in Bernard R. Toon the very best kind of friend, for life.

THE U.S. CUSTOMS SERVICE—A GOOD REORGANIZATION

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PICKLE. Mr. Speaker, I am submitting today for the RECORD a copy of the recent Washington Post article on reorganization of the U.S. Customs Service and a copy of a letter I recently received from Customs Commissioner Weise which describes the agency's plans in more detail.

Briefly, the reorganization plan will eliminate its 7 regional and 45 district/area offices as management layers, and will assign the employees to a nearby port or other Customs facilities. Also, the plan would reduce headquarters staffing by approximately one-third, moving those employees closer to the port level. Customs will not reduce services or personnel at any of its ports of entry. Customs also would reduce the number of Special Agent in Charge [SAC] offices from the existing 27 to 20 and establish 5 Strategic Trade Centers to identify and attack major trade enforcement issues facing the U.S. Customs entered into this plan with the cooperation and support of the Customs employees union. Reorganization of Customs is long overdue and we should all welcome the Commissioner's efforts.

The Ways and Means Oversight Subcommittee has investigated Customs operations for as long as I have been subcommittee chairman, and coordinated our findings with the Subcommittee on Trade.

For decades, Customs operated in a world of "good old boy" networks, ineffective enforcement strategies, and layers of management which stifled efficiency and focus. Allegations of wrongdoing within the agency plagued Customs and little was being done to address the situation. Part of the problem, I believe, was that Customs wasn't accountable to anyone at Treasury or in the Congress.

In 1988, the subcommittee initiated a top to bottom review and investigation of Customs. As a result, the subcommittee issued a report titled, "Abuse and Mismanagement in U.S. Customs Operations." This 1990 report contained 16 findings and 57 administrative recommendations for change. The subcommittee found that: Customs' commercial services had deteriorated and its systems were seriously flawed; management decisions were made without supporting data or analysis; Customs' accounting controls were in total disarray, including evidence of lost money from duty collections and seized property auctions; and, abuse existed in the handling of employee complaints and management of inspector overtime pay.

Since the subcommittee's report, most of the subcommittee's recommendations were implemented by Customs. Further, legislation adopted by the Congress in NAFTA contained the Customs Modernization Act provisions which allows for electronic processing of Customs transactions, and provides for uniform treatment of imports across ports. All of these administrative and legislative changes were critical to making Customs a first-class agency.

Finally, the critical step required to bring Customs into the 21st century is the action Customs proposes in its reorganization plan. I applaud Commissioner Weise for his tenacity in taking on this tough issue and urge us all to support him.

[From the Washington Post, Oct. 3, 1994]

CUSTOMS SERVICE BEGINS A MAJOR, REORGANIZATION: FIRST RESTRUCTURING IN 30 YEARS SHIFTS 600 JOBS TO FIELD OFFICES

(By Stephen Barr)

The U.S. Customs Service, faulted in past years for failures in enforcing trade laws and curbing illegal imports, has embarked on a reorganization aimed at improving service at 301 ports of entry nationwide.

The restructuring will move 600 headquarters positions to the field and eliminate the agency's seven regional and 45 district offices. Twenty Customs Management Centers will be created to help with internal administration, and five Strategic Trade Centers will be established to address international trade issues.

"We're looking at this as a reinvestment of resources," said Customs Commissioner George J. Weise, who notified Congress last Friday that the agency was ready to overhaul an organizational structure that has been in place for 30 years.

"The basic thrust of the reorganization is that we're going to put more people on the front lines doing customer work and have fewer people in administrative capacities and managerial capacities," Weise said.

The Customs Service is part of the Treasury Department, and in announcing the reorganization, Treasury Secretary Lloyd Bentsen said the department "recognizes the need to adjust our business practices in order to deliver improved services." Vice President Gore, who has supported efforts to streamline federal bureaucracies, said the Customs initiative "serves as a guide for other government agencies to follow."

Established in 1789 to collect tariffs and duties, the Customs Service has always been an important source of revenue for the government. In 1993, it collected $21.5 billion, second only to the Internal Revenue Service.

Besides collecting tariffs and inspecting imports, the Customs Service also processes about 448 million people who arrive in the United States each year by car, ship or plane.

Customs employs about 18,000 people, with a staff of about 1,800 at its Washington headquarters. The headquarters reorganization will begin immediately, with the field restructuring to begin a year from now, said Weise, a former staff director of the House Ways and Means trade subcommittee.

Planning for the reorganization began last year under the direction of Deputy Customs Commissioner Michael H. Lane. Lane's task force included officials from Customs, the Immigration and Naturalization Service and representatives from the National Treasury Employees Union (NTEU). The task force met with groups from trade and shipping industries.

Customs was "not a sick or ailing agency," Weise said, but in need of change. The agency had been criticized in Congress and by the General Accounting Office for poor management practices, including lax handling of seized drugs and weapons, he said. Gore's "reinventing government" report and budget constraints added to the impetus for change, he said.

Larger issues—such as the enactment of the North American Free Trade Agreement (NAFTA) and the conclusion of the Uruguay Round of trade talks under the auspices of the General Agreement on Tariffs and Trade (GATT)—also will provide challenges for the Customs Services, according to the agency's reorganization report, "People, Processes and Partnerships."

To address major trade issues, Weise said Customs would create Strategic Trade Centers in Los Angeles, Dallas-Fort Worth, Chicago, Miami and New York. Miami, for example, would specialize in Caribbean and South American issues, while the Los Angeles office would develop expertise on the new economic powers along the so-called Pacific Rim.

Up to 20 employees with experience in inspection, imports, intelligence and computers will staff each center.

The staff at the trade centers "will step back from our day-to-day work," Weise said. "We have traditionally attempted to deal with trade problems on a case-by-case, transaction-by-transaction basis, as we try to catch violators. What this will do is try to deal with some of our more difficult trade problems * * * [and] come up with a more strategic approach to carrying out more effectively our commercial trade responsibilities."

The trade centers, Weise said, will deal with old issues like trade fraud in textiles and new issues like the protection of intellectual property rights.

But the biggest changes will hit the agency's mid-management and senior ranks, as Customs eliminates regional and district offices, Weise said. Regional commissioners and their deputies will move to new jobs, some with less status or prestige.

When the reorganization is finished in about three years, tentative projections show that 800 to 1,400 positions will be shifted to the Nation's ports.

"The fundamental building block of this is that we are going to maintain and enhance all 300 ports of entry where we serve the public today * * * where people enter the country themselves or bring merchandise through. That's where we want to deliver our service," Weise said.

Under the reorganization, port directors will be granted expanded authority to make decisions. Ten assistant commissioners will provide oversight of Customs operations, with a new assistant commissioner for field operations expected to provide strong leadership in the agency.

The 20 Customs Management Centers—ranging from San Diego to Boston, from San Juan to Detroit—will provide administrative support for the ports, with each center employing only 15 to 20 people. Baltimore has been designated as the home for the mid-Atlantic management center.

"It's a reorganization that has been done right from the beginning," said NTEU President Robert M. Tobias. "It was started without preconceptions and a focus on the mission of the Customs Service * * * I think this conceivably is a win for everybody."

THE COMMISSIONER OF CUSTOMS,
Washington, DC, September 30, 1994.

Hon. J.J. PICKLE,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN PICKLE: Today, I am proud to provide you with the Customs Reorganization Plan Report, "People, Processes and Partnerships." The Treasury Department and the Vice President's National Performance Review have endorsed this plan. I trust that you will also find it to be an excellent concept which embodies the spirit and substance of the Administration's National Performance Review (NPR). It is a plan which will enable Customs to be one of the most effective, efficient and adaptable agencies in the Federal sector and better able to meet the challenges of the 21st century.

Customs proposes to reorganize around its core business processes and to emphasize the needs of its customers. The focal point of the reorganization will be Customs 301 ports of entry—the operational field level. Under this reorganization plan, Customs will not reduce services or personnel at any of its ports of entry. Under this plan, Customs will not consolidate or close any of its ports. Customs will eliminate its 7 regional and 45 district/area offices as management layers, and will assign the employees of those offices to the port operation in the same location or to nearby ports or other Customs facilities. In this reorganization, Customs will do its utmost to keep its field employees in the locations where they are presently working.

Although specific details of our reorganization are provided in the enclosed report, I would like to bring to your attention several key issues and concepts, which relate to our central theme "People, Processes and Partnerships."

Our relationship with the National Treasury Employees Union (NTEU), the legal representative of Customs employees, now also embodies the concepts of the NPR. Representatives of NTEU were members of the reorganization study team, and the union has expressed its support for the recommendations in the report. We believe it is essential that Customs management work together with NTEU to bring about the improvements to our work force that are needed to achieve our vision. I am pleased to advise you that on June 13, 1994, Customs entered into a partnership agreement with NTEU. We will build on this partnership during the implementation of the reorganization to minimize negative impact on our employees and to empower employees to make their maximum contributions to the mission and goals of the Customs Service.

During the reorganization study, every effort was made to involve the trade community, industry, and other Government agencies. Their concerns and needs are incorporated in the report's recommendations. The report's recommendations have also incorporated the wisdom of experts from numerous outside sources whose advice and counsel we actively sought throughout our study process. The Brookings Institution, the Federal Quality Institute (FQI), and the National Academy of Public Administration (NAPA) provided invaluable assistance during the effort.

In order to improve our organizational alignment, we will reduce Headquarters staffing by approximately one-third, moving those employees closer to the port level.

where possible. Headquarters will be restructured to include a Chief Operating Officer and new Assistant Commissioners with a renewed focus on core business processes. Our new organization will have only three levels instead of the existing four levels. This will be accomplished by eliminating the existing 7 regions and 45 district/area offices as management layers. In their place, we will establish 20 Customs Management Centers (CMC)—very small area field management entities, transparent to day-to-day port operations, performing internal oversight and support functions and providing administrative services to the ports. A list of the CMC locations is enclosed for your information.

We will also reduce the number of Special Agent In Charge (SAC) offices from the existing 27 to 20. Where possible, the SAC offices will be collocated with the CMC's. In addition, we will establish five Strategic Trade Centers (STC) to identify and attack major trade enforcement issues facing the United States. A list of the STC locations is also enclosed for your information.

We anticipate that the organizational restructuring contemplated under the reorganization will permit a more effective use of personnel and resources. For example, our strategy calls for the retraining and reallocation of approximately 600–750 positions from central control and administrative type offices to locations where our core services are provided. Of course, any final decisions about reinvestment of resources will be made by the President and the Congress.

To improve the overall management of Customs, we will implement a method of managing the Customs Service through business processes. We will develop a portfolio of management tools and statistically based compliance measurement systems to support this new management approach. We will improve service and performance by identifying customer expectations and establishing customer service standards.

This organization and its people have made vast contributions to almost every aspect of American life over the history of the Nation. The proposed reorganization is intended to ensure the continuation of that proud tradition and to even greater contributions in the future.

Customs is available for briefings to provide further detail on our reorganization and our approach to implementation of process management. I ask your support to help Customs achieve our new vision and organizational realignment.

Sincerely,

GEORGE J. WEISE,
Commissioner.

Enclosures.

CUSTOMS MANAGEMENT CENTERS AND SPECIAL AGENT IN CHARGE

Management area	City
North Atlantic	Boston.
New York	New York.
Mid Atlantic	Baltimore.
South Atlantic	Atlanta.
North Florida	Tampa.
South Florida	Miami.
Puerto Rico/Virgin Islands	San Juan.
Gulf	New Orleans.
East Texas	Houston.
South Texas	Laredo.
West Texas/New Mexico	El Paso.
Arizona	Tucson.
Southern California	San Diego.
South Pacific	Los Angeles.
Mid Pacific	San Francisco.
North Pacific	Seattle.
Great Plains	Denver.
Mid America	Chicago.
West Great Lakes	Detroit.
East Great Lakes	Buffalo.

STRATEGIC TRADE CENTER

Trade area	City
Pacific Rim	Los Angeles.
Mexico/Central America	Dallas/Ft. Worth.
Canada	Chicago.
Caribbean/South America	Miami.
Europe/Africa/Middle East	New York.

WELCOMING THE NEW REPRESENTATIVE FROM THE REPUBLIC OF CHINA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ENGEL. Mr. Speaker, I am proud to extend a very warm welcome to Benjamin Lu in his new role as representative of the Taipei Economic and Cultural Representative Office; the unofficial Embassy of the Republic of China on Taiwan. Having served as the director of the economic division of the Coordination Council for North America Affairs [CCNAA] from 1982–88, he is, however, not new to Washington, DC. During his prior assignment here, Mr. Lu was instrumental in forging agreements on intellectual property rights and of great import in promoting excellent trade relations between our two nations. It is of some significance that during Mr. Lu's time as economic director, Taiwan was the only Asian country to reduce its trade deficit. I anticipate, with Representative Lu, continuing the good relations our country shares with the Republic of China on Taiwan [ROC].

Representative Lu is replacing Ambassador Mou Shih Ding, Taiwan's representative since 1988. In every aspect, Ambassador Ding led the ROC toward an ever-improving relationship with the United States. Indeed, during his tenure Taiwan became the world's largest holder of foreign reserves and America's fifth largest trading partner. Moreover, his country's prompt and unconditional support for the relief effort in the former Yugoslavia was a model for all aid efforts. Furthermore, as his country's new National Security Adviser, he will continue his more than 30 years of public service.

Representative Lu's new title comes with a change in office name as well. As part of the administration's recent ROC policy review and to better reflect the growing economic relationship between our two countries, the U.S. office has been renamed the Taipei Economic and Cultural Representative Office. Moreover, of equal significance are the provisions made by the administration for high level talks on trade issues to be held in the near future. In this vein, I hope that during his tenure Taiwan will at long last be afforded representation in international bodies, and in particular the United Nations. Taiwan's 21 million citizens deserve, require, and demand a voice in the world community.

Mr. Speaker, the Republic of China will be celebrating its national independence day on October 10. In 1994, I anticipate this holiday will mark even better United States-ROC relations. I am sure my colleagues join me in welcoming Representative Lu and expressing our desire to make his time in Washington the most productive yet in the history of our two countries.

AFGHANISTAN CONFLICT CONTINUES

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KOPETSKI. Mr. Speaker, the world revels today over the end of the cold war and the ensuing wave of democracy and market capitalism that has washed over Europe. Latin America, and parts of Asia. Just last week, our President hosted Russian President Boris Yeltsin minus the tension and drama that used to attend such summits. Instead, it was a meeting of friends, of partners in search of even better ways to enhance our cooperative relations on economic and security matters.

However, the epilog of the cold war is still being written in Afghanistan. The United States and particularly the Soviet Union used this country and its people as a surrogate battlefield during the cold war. A surrogate war to us continues to be a war-ravaged land to the people of Afghanistan.

Afghanistan is a small country, slightly smaller than the State of Texas. It has a population of 17.7 million people including 1.4 million refugees living in Pakistan and 2 million refugees living in Iran. A Moslem nation, it has been the centerpiece of South Asian history for decades mainly because of its geographic location. Landlocked and mostly mountains and deserts, it has been the crossroads of trade for thousands of years. It is the gateway to India and to the sea and thus a central force in the quest of the great power games.

Decimated by war, the Afghan economy's GDP is only $3 billion. At least 65 percent of the economy is agriculture based and, of course, it is suffering because of the war. it does possess natural gas, oil, coal, copper, zinc, and other metals which give its economy potential income in a future peace. But no progress can occur until peace arrives. Perhaps its most protected and consistent crop is poppy plants used for heroin production. It is estimated that nearly 20 percent of the heroin in the United States comes from Afghanistan, and most of the heroin filling the streets of Moscow today comes from Afghanistan. But with no government in control of Afghanistan, it is impossible for the United States or Russia to stem the flow of heroin from this country.

Though the moral obligation lies squarely on Russia and the United States to help facilitate peace in that land, a very practical self-interest exists as well: That is to eradicate a major source of drugs in the two respective nations. We will not be able to do this without a government there; a government willing to let our Drug Enforcement Agency and State Department work with them to eradicate this source of illicit drugs and, therefore, crime in Russia and the United States.

Mr. Speaker, at this point I ask unanimous consent that the administration's current position and policy toward Afghanistan as presented by Robin Raphael, Assistant Secretary of State for South Asian Affairs, to the House Foreign Affairs Committee on Asia and the Pacific on August 11, 1994, be made part of the RECORD.

STATEMENT BY ROBIN RAPHAEL

AFGHANISTAN

Mr. Chairman, Afghanistan is the sad exception to a tale of political and economic progress in South Asia. Our primary goal there is a simple one—to help promote peace and security in a country torn by war for almost fifteen years. There are other important issues in Afghanistan, including reconstruction of the economy and infrastructure, repatriation of the refugees, combatting narcotics trafficking, and putting an end to the harboring of radical groups, all of which have important potential for regional stability.

However, significant progress toward these or any other goals is dependent on the end of fighting and the emergence of a government that can assert authority throughout the country. We believe only a broad-based government with a mandate from all Afghans, both at home and abroad, can bring the stability that Afghanistan needs. This political process could include the former king, Zahir Shah, should he so desire.

Afghanistan was the last great battlefield of the Cold War. From 1978 to 1992, over a million Afghans lost their lives in the struggle against a regime imposed and supported by the Soviet Union. Countless others were maimed by mines and other accidents of war. At least five million more became refugees in Pakistan and Iran and two million were internally displaced.

The whole world had hoped that the conflict and the suffering would end with the fall of the regime of President Najibullah. But rivalries among Afghan factions have fuelled continuing warfare, as tens of thousands more have been killed or wounded since 1992. Fighting intensified in Kabul and northern Afghanistan beginning this past January as coalitions aligned with President Rabbani and Prime Minister Hekmatyar struggled for supreme power. Twenty-three thousand more people have become casualties since then and another wave of refugees and displaced persons has been generated.

For the past several years, the United States has worked hard to promote a peaceful political process in Afghanistan that would enable a functioning central government to emerge and reconstruction to begin. Our involvement in Afghanistan is longstanding. When the Afghan people chose to resist the Soviet occupation, we supported them. When the Soviets withdrew, leaving behind an entrenched puppet regime, we worked with mujahidin factions, traditional and Islamic leaders, and the former King to encourage a transition to a workable government. Since the regime's collapse, we have maintained our efforts to help create a broad-based government to oversee the reconstruction of this war-torn country.

Mr. Chairman, the peace so many Afghans desire has not been achieved, in spite of their efforts and those of others, including the United States. Fighting has continued between Afghan factional leaders, who do not appear to have the interests of their country and their people at heart. Despite the history of our long involvement in Afghanistan, we find factional leaders remain intransigent and seemingly oblivious to persuasion or pressure. Our embassy in Kabul has been closed since 1989. Given the ongoing anarchy in the capital, we see no way we can reopen it in the near future.

In the circumstances, we believe the best approach is to support coordinated efforts by the UN and other multilateral organizations to encourage a political process which leads to a government in Kabul acceptable to all Afghans. We also have worked bilaterally to this end, urging all neighbors and other interested states to support peace efforts. We were instrumental in the creation of the Friends of Afghanistan, a group of concerned states at the UN. We worked through the Security Council and the General Assembly for the dispatch of a UN Special Mission to help Afghans resolve their differences peacefully.

In March and April this Mission, led by former Tunisian Foreign Minister Mahmoud Mestiri, went to Afghanistan and the region. The Mission met with Afghan leaders inside and outside the country, including former King Zahir Shah, as well as officials of concerned governments. Mr. Mestiri is now back in the region and we continue to strongly support his Mission.

Afghan factions clearly receive support from abroad. However, we have no conclusive evidence demonstrating exactly what they receive and from which sources. We are working to curb the flow of weapons and materiel to the factions. We have received assurances from Pakistan, Saudi Arabia, India, Tadjikistan, Uzbekistan, and Turkmenistan that they are not providing weapons or materiel. However, given Afghanistan's porous borders, assistance from private groups in these and other countries may well be continuing.

The absence of effective government and limited security in both the capital and the countryside have made it very difficult to conduct development programs in Afghanistan. We recently closed our bilateral assistance program in part because of these circumstances. However, the U.S. continues to provide substantial humanitarian assistance to the Afghan people through UN agencies and non governmental organizations. Their programs support refugees, food for work projects, immunizations, and demining.

Mr. Speaker, I want to take a few moments to present a variety of points about the Afghan situation gleaned from Assistant Secretary Raphael's appearance before the Foreign Affairs Committee.

Afghanistan's civil war intensified at the beginning of 1994 as a result of the defection of key supporter to President Rabbani. General Abdul Rashid Dostam defected to the side of Gulbuddin Hekmatyar and others who seek to dispose President Rabbini. Since this time, more than 30,000 people, mostly civilian noncombatants, have been killed or wounded.

There has been no functioning central authority in Afghanistan since the mujahideen overthrew the Communist regime in 1992.

Large scale human rights violations occur daily in Afghanistan. After 15 years of unrelenting warfare, Afghanistan lacks a constitution, national judicial system or any functioning government.

Afghanistan is second only to Burma in terms of opium production. Last year, the administration estimates Afghanistan produced almost 700 metric tons of opium. Opium is the largest cash crop in Afghanistan. Therefore, drug money ends up supporting the continuation of the civil war.

Since the Soviet invasion in 1979, between 1 and 1.5 million Afghans have been killed. The total of Afghan fatalities is unofficially estimated at six times the Bosnian fatalities.

Afghanistan is the most heavily mined country in the world with an estimated 10 million uncleared land mines. Mine injuries in Afghanistan number as high as 1,500 per year, mostly innocent civilians.

Afghans are the world's largest refugee population. Some 3.4 million Afghans still reside in refugee camps in Pakistan and Iran.

Since 1989, the United States has provided over $300 million in direct bilateral assistance to Afghanistan. The United States recently closed our bilateral aid program to Afghanistan due to unsafe security conditions in Afghanistan and the absence of an effective central government.

Mr. Speaker, there are 18 million stories to be told about the ongoing tragedy that is Afghanistan. One of the best summaries is provided by Mr. John Darnton for the New York Times in a recent article about Afghan families living in a refugee camp. I ask unanimous consent that this story of August 11, 1994 also be made part of the RECORD at this point.

[From the New York Times, International, Thursday, Aug. 11, 1994]

FORGOTTEN BY WORLD, AFGHANS PLUNGE INTO MISERY

(By John Darnton)

JALALABAD, Afghanistan—The Sar Shahi camp for people displaced by the war, a vast checkerboard of tents extending as far as the eye can see, sits on a barren plateau of rocks and gravel and fries in the sweltering Afghan sun like a skillet on a stove.

There is no natural source of water within an hour's walk and scarcely a tree to case a sliver of shade. The temperature hits 105 or 106 degrees these summer days, so hot that people just stay in their tents, almost too listless to swat away the flies.

"Here it's a desert and there is nothing to do, just to sit and wait for rations," said Mohammed Akbar, 35, who lives in the camp with his wife and three children. In his right hand, he toyed with one of his few possessions, a tape measure. "*This is not a life.*"

The camp is home to 118,000 people and is growing by about 30 families a day. Almost all have fled from Kabul, the capital, 70 miles east, where fighting began again on Jan. 1 among the various factions of mujahedeen who expelled the Soviets in 1989 and toppled the Soviet-backed Government in April 1992.

Their own feuding has been more destructive than the Soviet era. In the previous 12 years of guerrilla warfare the capital remained largely intact. Now it is in ruins from rocket attacks and street fighting as the forces of Prime Minister Gulbuddin Hekmatyar and President Burhanuddin Rabbani struggle for control. More than 11,000 people have been killed and 500,000 made homeless in the last seven months.

Five years ago the world was paying attention to what was happening here. Two years ago there was hope that the world's largest concentration of refugees, some six million Afghans in Pakistan, and Iran, would finally return home, and some 2.7 million eventually did. But the fighting has renewed, and now it goes on in international obscurity.

There are still 3.3 million refugees outside Afghanistan—1.5 million in Pakistan and 1.8 million in Iran. The return of refugees ebbed, and the tide started running in the other direction. The huge camps outside Peshawar and Quetta in Pakistan, with ever-expanding numbers of adobe houses, electrical lines and health and educational services, have become like established villages.

The refugees there are integrating ever more deeply into the local economy or even sending their bread-winners flying off to jobs in Arab countries on the Persian Gulf with their families securely settled behind. Aid officials say that some will probably never go back despite the fact that international aid is scheduled to be cut off next year.

"I have two sons and two grandsons," said Malik Jader, a 70-year-old refugee with a flowing white beard who lives in Nasirbagh camp in Peshawar. "The sons earn 100 rupees a day and the grandsons 50 rupees. So I live like a king."

Like most refugees, he insisted that he would return to his village once the fighting stopped and the land mines were cleared. "Overnight," he said, showing off his seven-room house. "I would even leave the beams of this house." But he admitted that his grandchildren had adjusted to life in Pakistan and had even taken up Pakistani customs like playing cricket.

To try to stem the flow of new arrivals, Pakistan closed the border in mid-January. It is still possible for refugees to slip through along well-worn routes off the main road or to bribe their way past border guards. But for the most part they have stopped going to Pakistan, and many now settle here in the desolate Sar Shahi camp 10 miles outside of Jalalabad.

It is a cruel place to live, a sprawl of tents spread over six square miles of lunar landscape. The site was chosen by the shura, the governing body of local leaders, over the objections of United Nations staff members, apparently because it was far enough out of town to keep problems at bay.

Digging a latrine can take up to a week. A Danish agency has been drilling fruitlessly for water. The latest well, the third, has gone down 260 feet without finding any. Water is trucked in daily by 30 tankers, which can still provide only about 11 quarts of the daily requirement of about 15 per person.

Six people died of heat stroke in a single week recently, and children are dying from diarrhea because some inhabitants, loath to use communal latrines that are not always kept clean and private, have taken to defecating in the open fields.

Most residents seem to have rashes from the bugs and heat, and they say that disease is rife, that the medicine doled out by the clinic seems ineffective and that the rations of wheat flour and cooking oil are not enough.

"The worst thing is the heat," said Ala Gul, who is 55. "That and the scorpions and the snakes. This is not a place to live."

Mir Ata, who lost his son when a rocket struck his house in Kabul, said he wanted to return to the capital but was afraid to. Even his age, 75, would not save him, he said.

"When the Soviets were here, they never killed people like me," he said. "They looked for young people. But now the fighters don't care. Women, children, old men—they'll kill anyone."

Mr. Speaker, I would be remiss if I did not offer some constructive steps for the administration, and therefore our country, to take with respect to the tragedy of Afghanistan.

First, to help the refugees, of which there are approximately 3.5 million, I have written President Clinton a letter. In this letter, I ask the President to direct the Department of Defense and the State Department to work together to continue refugee assistance under the McCollum program. This program provides excess—excess—Defense articles to refugees, articles such as blankets, tents, cots, and medical supplies to help families and children caught in this personal horror. Because the United States Agency for International Development office in Islamabad is closing, the continuation of the McCollum Program for Afghan refugees is in jeopardy. The President can ensure continuation by a simple directive. I ask unanimous consent that my October 4, 1994, letter to President Clinton be placed in the RECORD at this point.

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, October 4, 1994.

President BILL CLINTON,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: I am writing to direct your attention to an important United States relief program for refugees from Afghanistan's civil war. The McCollum Program has provided excess Department of Defense articles to Afghan refugees since 1986.

The articles provided by the McCollum Program to Afghan refugees are all humanitarian in nature, including medical supplies. The McCollum Program does not provide assistance to any of the armed factions engaged in Afghanistan's civil war. I have visited with Afghanistan refugees in Pakistan and I can attest personally to the need for continuation of the McCollum Program.

The United States Agency for International Development office in Islamabad, Pakistan has orchestrated the distribution of McCollum Program assistance. Unfortunately, USAID Islamabad mission is closing, thus endangering the continuation of the McCollum Program. I respectfully request that you direct the Department of Defense and the Department of State to work cooperatively to continue this vital refugee assistance program. The United States, while supporting efforts to end fifteen years of war in Afghanistan, must not abandon innocent Afghans where the U.S. has the capability to save lives.

With the demise of the Soviet Union, Afghanistan's importance to the United States has diminished. However, the United States cannot abandon completely Afghanistan. If we abandon Afghanistan, we doom the Afghan population to a longer period of civil war and the further destruction of that nation. I recognize the U.S. provides aid to Afghanistan through the United Nations. This is also worthy and must continue. However, I believe strongly in the importance of the McCollum Program and I urge you to support its continuance.

Thank you.

Sincerely,

MIKE KOPETSKI,
Member of Congress.

Second, I have written the President, also on October 4, 1994, to request that the United States seek to convene high level meetings with all the nations involved in this unholy war including but not limited to Egypt, India, Iran, Pakistan, Russia, Saudi Arabia, Uzbekistan, Tajikistan, and Turkey. I believe these nations have the wherewithal to convince the leaders of the 10 factions within Afghanistan that it is time for peace. I ask unanimous consent that this letter also be made part of the RECORD at this point.

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, October 4, 1994.

President BILL CLINTON,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: I write to implore your Administration to address the ongoing crisis situation in Afghanistan. The International Committee of the Red Cross warned recently, "As winter approaches, the ICRC fears that a large-scale human disaster may be impossible to avert (in Afghanistan)."

Afghanistan continues to suffer as a result of the Cold War. Some 3.3 million refugees still reside in refugee camps in Pakistan and Iran unable to return home despite the withdrawal of Soviet forces. Factional fighting, a civil war, rages on killing thousands of children and other innocent civilians, often in regions untouched by the Soviet conflict. More than 12 million Afghans have been killed during the civil war. In Kabul, more than 30,000 have been killed or wounded this year.

Afghanistan is awash with weapons including ballistic missiles, stingers and other weaponry provided to the rebels forces during the Soviet conflict. Additionally, weapons continue to flow into Afghanistan from neighboring states allied with different factions in the Afghanistan civil war. Of equal concern to the United States is the explosive growth in the opium trade originating in Afghanistan. It has been reported that Afghanistan may produce as much as 695 tons of opium annually for heroin production. As much as 20 percent of heroin available in the United States more than likely comes from Afghanistan opium.

I believe firmly the United States has a moral responsibility to seek a peaceful resolution of Afghanistan's civil war. I recognize the United Nations and a number of respected international organizations have committed time and resources to Afghanistan. Unfortunately, these worthy efforts have failed and no solution to the violence in Afghanistan is in sight. Therefore, I recommend strongly that the Administration convene high level meetings with all the nations involved in the Afghanistan conflict including Egypt, India, Iran, Pakistan, Russia, Saudi Arabia, Turkey and other relevant parties.

Mr. President, I do not pretend to offer this alternative as a quick and easy solution to the Afghanistan problem. Until the combatants themselves desire peace, all of our efforts may not be successful. However, I believe the United States and Russia bear significant responsibility to increase efforts to bring peace for Afghanistan. With your leadership, I am hopeful peace in Afghanistan can be achieved.

Thank you.

Sincerely,

MIKE KOPETSKI,
Member of Congress.

Mr. Speaker, the United States and Russia have both a moral responsibility and a practical reason to elevate the importance of peace in Afghanistan. First the moral reason: we had a hand as an adversary in the cold war against the Soviet Union. Russia clearly has a responsibility also. We should not walk away. I don't point a finger of blame. I lay the hand of responsibility on the United States and Russia. As world powers, we have the obligation to help stop the suffering and deaths of innocent people.

Second, the practical motive for seeking to bring peace to Afghanistan: If we want to eradicate a significant source of drugs in America we must have a government, a stable government, in Afghanistan with which to work. There is none today. This situation affects every American today directly in the form of drug abuse and crime-related activity.

Mr. Speaker, the harsh reality is peace can't come to Afghanistan until the 10 warring factions desire peace. Perhaps if nations involved with Afghanistan today come together and begin a dialog, pressure could be brought on Afghan leaders to come to the peace table. The people of Afghanistan want peace. It is time to end this tragedy.

FLOW CONTROL IS PRO-ENVIRONMENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. WALSH. Mr. Speaker, tonight the House of Representatives works feverishly toward passage of flow control legislation with unanimous, bipartisan support. I expect this legislation will pass and it will protect Onondaga County's right to control the flow of municipal solid waste for financing their waste-to-energy plant and integrated waste program. Without such an agreement, which had been put at risk by a recent Supreme Court ruling, the county would have been without sufficient cash flow to repay $180 million in bonds which produced the funding for the plant.

This legislation is very important for central New York and important news for taxpayers in Onondaga County. Without the legislation, the county's credit rating could have been negatively affected for future bonding.

Flow control is pro-environment. If every municipality adopted a comprehensive solid waste program, they could handle their waste locally and not ship their garbage to other States. Our county's recycling program has received national recognition and awards for recycling over one-third our waste stream. The community will also benefit from the sale of electricity produced by the waste-to-energy facility.

Working closely with Onondaga County officials and my colleagues in the New York delegation, we were able to develop an excellent bill. This is the kind of cooperation involving local and Federal Government that helps communities solve problems.

ADMIRAL ROBERT C. J. KRASNER, OUR ATTENDING PHYSICIAN, RETIRES

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BROOKS. Mr. Speaker, I rise today to pay tribute to Admiral Robert C. J. Krasner, the attending physician to Congress. In 1989, I came very close to losing my life with a severe case of ideopathic pancreatitis. From the inception of the attack, Admiral Krasner was at my side and remained in constant supervision throughout the month I remained in ICU and during recuperation at Bethesda Naval Hospital. His steady and effective counsel, advice and oversight during my medical ordeal were a major reason I pulled through and I owe him a great debt of gratitude—if not my life.

Admiral Robert Krasner has provided outstanding service during his years in the attending physician's office. He served as staff physician from 1980 to 1982. Following another assignment, he returned in 1986, as a Captain in the Navy, to the U.S. Capitol as director of clinical services and was appointed the attending physician and promoted to rear admiral in May 1990.

Having devoted most of his life—from 1971 to the present—to the field of medicine, Admiral Krasner has decided to retire at the end of December and go to work for the Holding Company McAndrews and Forbes in New York.

Admiral Krasner's whole life has been given to the health and welfare of individuals in all parts of the world: Ethiopia, Eritrea, Sardinia, London, Panama, Jakarta, Indonesia; California, Baltimore and Washington, DC.

During his distinguished medical career with the United States Navy, Admiral Krasner has always exemplified the highest qualities of professionalism and integrity. He will be deeply missed by the Members of the United States Congress and by me personally, who has come to know him as a very good friend.

I wish for him, his lovely wife Leslie, their daughter Jessica and their son Justin a wonderful future. I know that he will be successful in his new venture and I only hope he receives the best life has to offer—he deserves it.

LITHUANIAN RECOGNITION OF WAR CRIMES AGAINST JEWS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. GILMAN. Mr. Speaker, for the first time since the end of the Second World War, an important public statement has been made by a leading member of the government of Lithuania acknowledging crimes committed against Lithuanian Jews during the Nazi German occupation of that country.

In a television appearance on September 22, Lithuanian Prime Minister Adolfas Slezevicius called on all Lithuanians to acknowledge the deaths of over 200,000 Lithuanian Jews at the hands of Nazis and to repent the involvement of Lithuanians in that criminal massacre.

Prime Minister Slezevicius stated his hope for the forgiveness of the Jewish people for the suffering inflicted on the Lithuanian Jews in World War II. He also ordered that black crepe should be flown in mourning next to the Lithuanian flag at all official buildings on September 30th, the 51st anniversary of the Nazi-led liquidation of the Vilnius ghetto.

Mr. Speaker, Prime Minister Slezevicius stated that his government will assume responsibility for the prosecution of individuals who participated in the murders of Lithuanian Jews. I welcome those words and urge the Lithuanian government to do its very best to find those responsible and bring them to justice.

In closing, Mr. Speaker, I want to commend Mr. Slezevicius for his public statement. Hopefully, the recognition of and atonement for such atrocities will guarantee they never occur again. The horrors of World War II must never be forgotten, but such memorial efforts greatly enhance the long process of recovery.

THE TRUTH ABOUT TOBACCO REGULATION

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BOEHNER. Mr. Speaker, I am submitting for the RECORD the following article that dispels the myth that tobacco products are under regulated. Tobacco is a perfect example of the excessive burden government regulations have on businesses. In addition, it helps dispel the myth that some people have advanced in their effort to have Congress step in and place more stringent new regulatory controls on this industry. This article clearly shows that the claim that tobacco are underregulated is unjustified.

TOBACCO PRODUCTS AND THE MYTH OF "UNDERREGULATION"

A favorite claim of the antitobacco lobby is that tobacco products are virtually unregulated and accordingly should be subject to stringent new regulatory controls. This claim has been advanced by the antismoking lobby as well as by their supporters in Congress. The Director of the Office on Smoking and Health and the Chairwoman of the Consumer Product Safety Commission were quoted to this effect in a July 4 news story by Reuters, "Government Tobacco Regulation—Burden or Free Ride." In fact, the claim that tobacco products are underregulated is untenable.

At every level of government—federal, state and local—there is extensive regulation of tobacco products. Perhaps no other product is regulated in so many ways, or by so many agencies, as tobacco products. Moreover, while federal agencies typically regulate consumer product labeling, advertising and promotion, Congress itself has stepped in to regulate the tobacco industry directly in these areas, and over the past 30 years Congress has held frequent hearings to consider whether additional regulation may be warranted. From seed-bed to sales-counter, from how the product is produced to where and when it may be used, tobacco products are among the most highly regulated products in the nation. And beyond these more direct forms of regulation, tobacco is subject to exceptionally heavy regulation by taxation.

The true aim of the antitobacco lobby is not to ensure that tobacco products are adequately regulated but to put the tobacco industry out of business and eliminate a product that fifty million American adults use and enjoy. Any system of regulation that fails to guarantee these results will be decried by the antitobacco lobby as "underregulation." But no additional regulation is warranted. Indeed, Secretary of Health and Human Services Louis W. Sullivan himself told Congress in 1990 that legislation giving HHS additional regulatory authority would not add measurably to the agency's current or planned efforts and was therefore "unnecessary."[1]

FEDERAL REGULATION

1. *Congress as Regulator*. To a unique degree, and far more so than any other

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Footnotes at end of article.

consumer product, cigarettes historically have been subject to direct regulation by Congress. Principally through the Federal Cigarette Labeling and Advertising Act in 1965, the Public Health Cigarette Smoking Act of 1969 and the Comprehensive Smoking Education Act of 1984, Congress has imposed an extensive and detailed regime of controls over cigarettes. It is and has long been "the clear mandate of the Congress that the basic regulation of tobacco and tobacco products is governed by the legislation dealing with the subject, * * * and that any further regulation in this sensitive and complex area must be reserved for specific Congressional action."[2] Congressional bodies hold hearings with extraordinary frequency to review and reconsider existing federal policy in this area.

2. *Production*. Federal regulation of tobacco begins with the setting of production quotas and price levels for tobacco leaf by the Agricultural Stabilization and Conservation Service and the Commodity Credit Corporation of the United States Department of Agriculture.[3] In addition, USDA's Agricultural Marketing Service employs graders who determine the categorization of individual lots of tobacco for auction purposes in accordance with federal regulations.[4] All pesticides used on tobacco are registered by the Environmental Protection Agency. USDA also inspects tobacco imported into the United States[5] and regulates the use of pesticides on tobacco in cooperation with the EPA.[6] Congress itself has specified the percentage of domestic tobacco that must be used in cigarettes.[7]

3. *Labeling and Advertising*. The Federal Cigarette Labeling and Advertising Act bans cigarette advertising on television and radio and other electronic media, and requires cigarette packages and advertising to carry specified health warnings.[8] The Department of Justice, in consultation with the Federal Communications Commission, ensures compliance with the ban on advertising in the electronic media,[9] while the Federal Trade Commission ensures compliance with the provisions of the Act regarding the format and rotation of the specified health warnings.[10] Information concerning "tar" and nicotine is included in cigarette advertising pursuant to a 1970 agreement between the FTC and the major United States cigarette manufacturers,[11] and the Commission oversees testing of "tar" and nicotine yields under a 1987 agreement with the manufacturers.[12]

The Federal Cigarette Labeling and Advertising Act also directs the FTC to submit annually to Congress a report concerning cigarette advertising and promotion, along with any agency recommendations for legislation.[13] To meet those obligations, the Commission has for many years required the cigarette manufacturers to submit annually detailed information concerning cigarette advertising and promotional expenditures. The Commission has authority to address assertedly unfair or deceptive cigarette advertising under the Federal Trade Commission Act,[14] and the agency has exercised that authority.[15]

The Bureau of Alcohol, Tobacco and Firearms regulates still other aspects of the packaging of tobacco products. BATF's regulations include provisions requiring the disclosure of certain information on every tobacco product carton or package.[16] Other BATF regulations govern the type of packaging in which tobacco products can be marketed and prohibit certain promotional practices.[17]

4. *Product Regulation*. Ingredients. The ingredients used in cigarettes are monitored by the Office on Smoking and Health in the Department of Health and Human Services.[18] Under this regulatory system, cigarette manufacturers are required to submit annually to HHS a complete list of all ingredients added to tobacco in the manufacture of cigarettes, and they have submitted additional ingredient information at the request of HHS as well. Congress considered this reporting system to be adequate to "permit the federal government to initiate the toxicologic research necessary to measure any health risk posed by the addition of additives and other ingredients to cigarettes during the manufacturing process."[19] HHS is required, in turn, to submit to Congress reports advising Congress of any information pertaining to any such ingredient "which in the judgement of the Secretary poses a health risk to cigarette smokers."[20]

Constituents. Pursuant to a voluntary agreement with the FTC, the major cigarette manufacturers, monitored closely by an onsite representative of the Commission, operate the Tobacco Institute Testing Laboratory (TITL), which measures the "tar," nicotine and carbon monoxide levels of cigarettes sold in the United States, and the Commission annually publishes these ratings.[21] Testing is conducted according to a standardized test method prescribed by the Commission in 1967.[22] The Commission has stated that the ratings produced by this test method provide "valid standards for making comparisons among different cigarettes."[23] A representative of the Oak Ridge National Laboratory (ORNL) told Congress in 1988, based on research conducted by ORNL, that testing for other constituents would not affect the relative ranking of cigarettes as determined by "tar" and nicotine or provide information that would affect a smoker's choice among the different brands of cigarettes that are available.[24]

The Commission told Congress in 1987 that it was satisfied that its arrangement with TITL enables it to ensure the accuracy of the "tar," nicotine and carbon monoxide figures.[25] More recently, however, the Commission has asked the National Cancer Institute to assist it in assessing "possible alternatives to, or modifications of," the current cigarette testing methodology and rating system.[26] The Commission's views on "tar" and nicotine have changed over the years. It severely restricted "tar" and nicotine claims in cigarette advertising in 1955[27] and prohibited such claims altogether in 1960, but it subsequently lifted the ban on "tar" and nicotine claims in cigarette advertising in 1966[28] and acted to require "tar" and nicotine ratings to be disclosed in all cigarette advertising in 1970.[29] The cigarette manufacturers have complied with all of the Commission's directives.

Food and Drug Administration. Notwithstanding claims by some antismoking advocates that tobacco is "exempt" from regulation by the Food and Drug Administration, FDA in fact has asserted jurisdiction over cigarettes as a "drug" when health claims were made by vendors or manufacturers, and the courts have sustained the agency's assertions of jurisdiction.[30] FDA traditionally has taken the position that in the absence of such health claims cigarettes are not a "drug" within the meaning of the Federal Food, Drug, and Cosmetic Act, and the U.S. Court of Appeals for the District of Columbia Circuit has upheld FDA's position.[31] Cigarettes have been treated no differently from other products in this regard. At the behest of anti-smoking groups, FDA considered regulation of the "Premier" cigarette before that product was withdrawn from the market.

Fire Safety. Congress has twice passed legislation establishing research programs to investigate the technological and commercial feasibility of a cigarette with "reduced ignition propensity." Under the Cigarette Safety Act of 1984, an Interagency Committee was given authority to direct, oversee and review the efforts of a Technical Study Group (TSG) focusing on ways to alter cigarettes and little cigars to reduce their ignition propensity. The Interagency Committee transmitted to Congress the conclusion of the TSG that it is technically feasible and may be commercially feasible to develop a reduced ignition propensity cigarette.

Congress subsequently passed the Fire Safe Cigarette Act of 1990, directing further research into issues left open by the Technical Study Group. In August 1993, the Consumer Product Safety Commission submitted to Congress a report summarizing the results of research conducted under the 1990 Act. Among other things, the report concluded that it may be possible to develop a standard for a reduced ignition propensity cigarette but questioned whether it would affect the number of careless smoking fires. The report made no recommendation that Congress enact further legislation.

5. *When and Where the Product Can Be Used*. Following several years of study, the EPA in January 1993 released a report classifying environmental tobacco smoke ("ETS") as a Group A (known human) carcinogen, largely based on studies of reported exposure to ETS in residential settings.[32] Industry groups have challenged EPA's report and classification in a lawsuit filed in federal court, and the court recently agreed with the plaintiffs that the report and classification were intended to have, and have had, a regulatory impact with "direct practical effects."[33] EPA's report and classification have been cited by proponents of sweeping smoking ban legislation in California and New York City, to name just two jurisdictions.

The agency's report and classification played a key role in recent decisions by state regulatory authorities in Maryland and Washington to ban smoking in places of employment. EPA's action also was a central factor in the decision by the U.S. Occupational Safety and Health Administration to propose an indoor air quality rule that, unless modified, would drastically restrict smoking in all places of employment.[34] Prior to the issuance of EPA's report, OSHA had considered but rejected repeated calls by anti-smoking groups to issue regulations that would ban or severely restrict smoking in the workplace, on the ground that the available data did not permit the agency to quantify sufficiently the degree of risk associated with workplace exposure to ETS.[35]

Congress, of course, has banned smoking on domestic flights.[36] This ban is enforced by the Department of Transportation.[37] Congress also has required WIC programs to ban smoking as a condition of receiving continued federal funding.[38] Earlier this year, Congress additionally banned smoking in schools and other facilities that provide children's services using federal funds.[39] Meanwhile, smoking in most federal buildings is severely restricted under regulations issued by the General Services Administration.[40] The Department of Defense and other federal agencies have banned smoking or taken other additional action.[41] The Postal Service has banned smoking in its facilities and Amtrak has banned smoking on its trains. The House of Representatives recently adopted rules restricting smoking in its buildings.

6. *Research and Public Education.* HHS is required by statute to conduct and support research and to inform the public concerning any relationship between tobacco products and health.[42] In addition, HHS must submit an annual report to Congress on tobacco and health issues, together with any recommendations for legislation or administrative action.[43] HHS has submitted to Congress more than two dozen reports of the Surgeon General concerning smoking and health—reports which powerfully influence the legislative and regulatory climate. The Surgeon General's 1964 report, of course, played a significant role in the enactment of the Federal Cigarette Labeling and Advertising Act in 1965,[44] and his 1986 report on environmental tobacco smoke[45] and his 1988 report on "nicotine addiction"[46] have helped to stimulate significant legislative and regulatory activity.

In the Comprehensive Smoking Education Act of 1984, Congress took the further step of establishing the Interagency Committee on Smoking and Health, whose members are appointed by the Secretary of HHS or, in some case, by the heads of other federal departments or agencies.[47] Representatives of a number of federal agencies and departments—including HHS, the Federal Trade Commission, the Department of Labor and the Department of Education—serve on the Interagency Committee. The Interagency Committee's primary functions are to review on an ongoing basis both public and private sector initiatives with respect to smoking and to recommend to Congress any policy initiatives that are thought to be appropriate.[48] In 1990, HHS launched a seven-year, $165 million antismoking program known as "ASSIST" to fund antismoking campaigns in 17 states, and the Centers for Disease Control has made funds available for similar activities.

TAXATION

Because it has the potential to influence production and demand, taxation is a powerful, albeit indirect, form of regulation. No other consumer product is as heavily taxed as tobacco. In fiscal year 1993, tobacco products generated nearly $12 billion in federal, state and local excise taxes—a figure representing $47 for every man, woman and child in the United States—and an additional $2 billion in state and local sales taxes. Cigarette taxes were levied in FY 1993 by 50 states and the District of Columbia, along with more than 440 cities, towns and counties across the nation and federal and state excise taxes accounted for 31.4 percent of the retail price of cigarettes.[49]

STATE AND LOCAL REGULATION

Nearly every state—and more than 1,500 localities—have enacted numerous laws restricting or even banning smoking in places of employment and various public settings. All states prohibit the sale or distribution of tobacco products to persons under the age of 18. Legislation passed by Congress in 1990 requires that states, as a condition of receiving federal substance abuse prevention and treatment block grant funding, to enforce these prohibitions conscientiously.[50] In addition, 30 states and more than 250 localities have adopted restrictions on the sale of cigarettes through vending machines, while 11 states and more than 105 localities have limited the distribution of tobacco product samples. Approximately 45 local governments restrict or prohibit displays of tobacco products that permit customer access without the assistance of a clerk. California requires health warnings regarding environmental tobacco smoke to be posted in businesses that permit smoking,[51] and both California and Massachusetts have imposed special sales taxes on tobacco products to finance high-visibility anti-smoking campaigns.[52]

OTHER FEDERAL STATUTES

Antitobacco advocates complain that cigarettes are not subject to regulation under the Federal Hazardous Substances Act, the Toxic Substances Control Act or the Controlled Substances Act. Cigarettes in fact either do not fit within the classes of products and substances addressed by these statutes or the agencies responsible for administering them lack the expertise and resources to regulate cigarettes.

CONCLUSION

For the reasons given above, no additional regulation of tobacco products is warranted.

NOTES

1. Tobacco Product Education and Health Protection Act of 1990: Hearing on S. 1883 before the Senate Comm. on Labor and Human Resources, 101st Cong., 2d Sess. 23 (1990).

2. S. Rep. No. 251, 94th Cong., 1st Sess. 43 (1975) (statement of Senators Hartke, Hollings, Ford, Stevens and Beall).

3. 7 U.S.C. 1281 et seq.; 7 U.S.C. 1421 et seq.

4. 29 C.F.R. Part 29.

5. 7 U.S.C. 511r.

6. 7 U.S.C. 136 et seq.; 7 U.S.C. 511r(e); 7 C.F.R. 1464.7(b)(2), 1464.8(e) (2)–(3).

7. Pub. L. No. 103–66, Title I, §1106(a), 107 Stat. 318 (1993).

8. 15 U.S.C. 1331 et seq.

9. 15 U.S.C. 1335, 1339. *See Action for Children's Television* v. *FCC*, 999 F.2d 19 (1st Cir. 1993). *See also Marketing Technologies Group, Inc.*, 4 F.C.C.R. 2694 (1984); *J. Brian DeBoice, Esquire*, 1 F.C.C.R. 28 (1986); *Fonawin Corporation*, 62 F.C.C. 2d 432 (1976); *Stuart Scheftel*, 37 F.C.C. 2d 621 (1972). A series of letters setting forth the Justice Department's views regarding the scope of the advertising ban was sent to lawyers for R.J. Reynolds Tobacco Co., Philip Morris Incorporated and media outlets in 1982. These letters are reprinted in 8.3 Tob. Prod. Liab. Rptr. 8.39.

10. 15 U.S.C. 1334(c). *See* H.R. Rep. No. 805, 98th Cong., 2d Sess. 17–19 (1984).

11. *See* 35 Fed. Reg. 12,671 (1970) (proposing rule); Letter dated October 23, 1970, from cigarette manufacturers to Federal Trade Commission (agreeing to disclose "tar" and nicotine ratings in all cigarette advertising).

12. *See* FTC Nicotine Program: Hearing before the Subcomm. on Transportation, Tourism, and Hazardous Materials of the House Com. on Energy and Commerce, 100th Cong., 1st Sess. (1987).

13. 15 U.S.C. 1337(b).

14. 15 U.S.C. 45.

15. *E.g., In the Matter of R.J. Reynolds Tobacco Company, Inc.*, Docket No. 9206, 55 Fed. Reg. 25,885 (June 15, 1990); *FTC* v. *Brown & Williamson Tobacco Corp.*, 580 F. Supp. 981 (D.D.C. 1983), *aff'd in relevant part*, 778 F.2d 35 (D.C. Cir. 1985); *FTC* v. *Carter*, 636 F.2d 781 (D.C. Cir. 1980); *FTC* v. *Lorillard Co.*, 80 F.T.C. 455 (1972); *FTC* v. *American Brands, Inc.*, 79 F.T.C. 255 (1971); 37 Fed. Reg. 9108 (1972). *See also In the Matter of the Pinkerton Tobacco Co.*, File No. 902–3006, 56 Fed. Reg. 57,009 (Nov. 7, 1991) (alleged violation of Comprehensive Smokeless Tobacco Health Education Act of 1986).

16. *E.g.*, 27 C.F.R. 295.42.

17. *E.g.*, 27 C.F.R. 295.41.

18. 15 U.S.C. 1335a.

19. H.R. Rep. No. 805, 98th Cong., 2d Sess. 21 (1984).

20. 15 U.S.C. 1335a(b)(1)(B).

21. *See e.g.*, Federal Trade Commission, Report of Tar, Nicotine, and Carbon Monoxide Content of 475 Varieties of Domestic Cigarettes, 56 Fed. Reg. 8196–202 (Feb. 27, 1991).

22. *See* 31 Fed. Reg. 14,278 (1966); 32 Fed. Reg. 11,178 (1967).

23. 43 Fed. Reg. 11,856 (1978).

24. Cigarettes—Advertising, Testing, and Liability: Hearings on H.R. 4543 before the Subcomm. on Transportation, Tourism, and Hazardous Materials of the House Com. on Energy and Commerce, 100th Cong., 2d Sess. 204 (1988) (statement of Michael D. Guerin).

25. FTC Nicotine Program: Hearing before the Subcomm. on Transportation, Tourism, and Hazardous Materials of the House Com. on Energy and Commerce, 100th Cong., 1st Sess. 5–6 (1987) (statement of the Federal Trade Commission); *id.* at 10–11, 47 (testimony of William C. MacCleod, Director, Bureau of Consumer Protection, FTC); *id.* at 13, 47 (testimony of Daniel Oliver, Chairman, FTC).

26. Letter dated July 20, 1994 from Janet D. Steiger, Chairman, Federal Trade Commission, to Samuel Boder, M.D., Director, National Cancer Institute.

27. *See* 6 Trade Reg. Rep. (CCH), p. 41,602, ¶39,012.2.

28. 6 Trade Reg. Rep. (CCH), p. 41,602, ¶39012.70.

29. *See* 35 Fed. Reg. 12,671 (1970) (proposing rule); Letter dated October 23, 1970, from cigarette manufacturers to Federal Trade Commission (agreeing to disclose "tar" and nicotine ratings in all cigarette advertising).

30. *See United States* v. *46 Cartons, More or Less, Containing Fairfax Cigarettes*, 113 F. Supp. 336 (D.N.J. 1953); *United States* v. *354 Bulk Cartons * * * Trim Reducing—Aid Cigarettes*, 178 F. Supp. 847 (E.N.J. 1959); *see also FTC* v. *Liggett & Myers Tobacco Co.*, 108 F. Supp. 573 (S.D.N.Y. 1952), *aff'd*, 203 F.2d 955 (2d Cir. 1953).

31. *Action on Smoking and Health* v. *Harris*, 655 F.2d 236 (D.C. Cir. 1980).

32. EPA, *Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders* (Dec. 1992).

33. Memorandum Opinion, July 20, 1994, pp. 9–14, *Flue-Cured Tobacco Cooperative Stabilization Corporation, et al.*, v. *U.S. Environmental Protection Agency, et al.*, Civ. No. 6:93CV00370 (M.D.N.C.).

34. 59 Fed. Reg. 15,968 (April 5, 1994).

35. Letter from OSHA to Action on Smoking and Health (ASH), Sept. 1, 1989 (denying request for an emergency temporary standard on ETS in the workplace), *aff'd*, *ASH* v. *OSHA*, No. 89–1656 (D.C. Cir. May 10, 1991); *ASH* v. *OSHA*, Nos. 91–1037, 91–1038 (D.C. Cir. Jan. 29, 1992) (dismissing ASH's request for a writ of mandamus to compel promulgation of a permanent standard controlling workplace smoking).

36. 49 App. U.S.C.A. 1374(d)(1)(A).

37. *Id.* 1374(d)(1)(B).

38. Pub. L. No. 103–111, Title IV, 107 Stat. 1046, 1072 (1993).

39. Pub. L. No. 103–227, Title X, Part C, 108 Stat. 125, 271 (1994).

40. 41 C.F.R. 101–20.109–10; 51 Fed. Reg. 44258 (1986).

41. *E.g.*, 41 C.F.R. 101–20.109–10(a) note; "Military Gets Smoking Ban Order," *Washington Post*, March 9, 1994, p. A20.

42. 15 U.S.C. 1341, 4407(a).

43. 15 U.S.C. 1337(a), 4407(a).

44. *Smoking and Health—Report of the Advisory Committee to the Surgeon General* (1964).

45. *The Health Consequences of Involuntary Smoking—A Report of the Surgeon General* (1986). *See also* National Research Council, *Environmental Tobacco Smoke: Measuring Exposures and Assessing Health Effects* (1986).

46. *The Health Consequences of Smoking: Nicotine Addiction—A Report of the Surgeon General* (1988).

47. 15 U.S.C. 1341(b).

48. 15 U.S.C. 1341(a).

49. The Tobacco Institute, *The Tax Burden on Tobacco*, Volume 28 (1993).

50. ADAMHA Reorganization Act of 1992, Pub. L. No. 102–331, 106 Stat. 394 (1992).

51. *See* Safe Drinking Water and Toxic Enforcement Act of 1986, Cal. Health & Safety Code §25249.6.

52. *See* Cal. Rev. & Tax Code §30121 et seq.; Mass. Ann. Code c. 64C §7, c. 29 §2T.

DR. LORI R. IPPOLITO

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to Dr. Lori R. Ippolito, a lifelong resident of Belleville, NJ. I am delighted to join the citizens of Belleville in honoring Dr. Ippolito as Belleville's Grand Marshall of the 12th annual Belleville-Nutley Columbus Day Parade.

Through both personal and professional commitments, Dr. Ippolito has demonstrated her extraordinary devotion to the community of

Belleville. After graduating with honors from Belleville High School in 1976, Dr. Ippolito went on to graduate from Montclair State College. Shortly thereafter, she attended William Paterson College where she received her M.D. Dr. Ippolito's dedication to helping children who suffer from severe emotional problems led her to seek and receive M.S.W. and Ph.D. degrees from Rutgers University.

In 1983, Dr. Ippolito successfully cofounded The Philmore Associates, a leading tutoring and counseling center. She also initiated a scholarship program for handicapped graduates of her alma mater, Belleville High School. Moreover, while teaching at Rutgers University Graduate School, she participated in a statewide research project concerning social services for children. Dr. Ippolito was honored in "Who's Who Among Human Service Professionals" for her inspiring work.

It is with great pleasure that I ask my colleagues to join me in recognizing the tremendous efforts of this accomplished woman. I wish Dr. Ippolito a great day as Belleville's Grand Marshall of the Belleville-Nutley Columbus Day Parade.

IN HONOR OF THE 325TH ANNIVERSARY OF WESTERLY, RI

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. REED. Mr. Speaker, I rise today in honor of the 325th anniversary of Westerly, Rhode Island.

The town of Westerly was settled in 1661 and incorporated on May 14, 1669. Westerly is located on the Southwestern most portion of Rhode Island where it boasts some of the most beautiful coastlines and beaches that Rhode Island has to offer.

Of particular interest in Westerly is Watch Hill. Watch Hill has long been famous for fine dining, hotels, and magnificent scenery, which includes a panoramic view of the Atlantic Ocean and the many bays which Rhode Island is home to.

These beautiful coastlines also provided Westerly with water power sources that served Rhode Island and all of New England well in the pursuit of economic development. Textiles and printing were among the major industries that benefited the state and the region.

The beautiful waters of Westerly are but one of this towns many rich resources. The magnificent white, blue, and red granite from Westerly's quarries have been used in many notable monuments, and serve as a timeless memorial to the picturesque community itself.

Westerly is a unique town in Rhode Island, filled with history and points of interest which attract people of all ages. With great pride, I congratulate the town of Westerly on its 325th anniversary and honor Westerly and its citizens.

HISTORIC REHABILITATION TAX CREDIT FOR PERSONAL RESIDENCES

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ANDREWS of Texas. Mr. Speaker, as we travel across our great land, we experience first hand the breadth and diversity of its history by seeing Quincy Hall in Boston, Union Station in St. Louis, Tivioli Union brewery in Denver, Ghiradelli Square in San Francisco, Main Street in Brenham, TX, and the Victorian district in Savannah. Many of these landmark structures have been preserved through the use of a series of Federal tax incentives which have encouraged nearly $12 billion of private investment in the rehabilitation of historic buildings nationwide. These rehabilitated historic structures, which were the businesses of yesterday, did not then and could not now exist without the individuals who patronize them. The residences in the area surrounding these historic structures are not only an integral part of an area's successful economy but also a part of the history of the neighborhoods. The fabric of our history can be found in the cultural diversity of our older urban neighborhoods and towns. The New York brownstones, the Philadelphia rowhouses, the Midwest farmhouses, the Western victorians, the Southwestern adobes, and the Southern antebellum homes are in many instances in danger of being demolished to make way for new modular or high rise housing.

The abandonment by owners of entire neighborhoods contributes to the erosion of the sense of community that is so desperately needed in our urban areas and towns. The lack of effective communication and sense of community among our constituents has contributed to some of the problems confronting us now. Moreover, the fiscal woes of America's cities are exacerbated by loss of tax revenues and the inability to put these abandoned residences in the hands of homeowners.

To ease this burden, I rise today to introduce a bill to provide incentives to preserve our Nation's cultural and historic communities. This bill provides a tax credit of 20 percent of the qualified rehabilitation expenditures to an eligible building that is used as a personal residence. Eligible buildings would be those that meet the criteria of the National Register or National Register districts. The credit would be available to single as well as multifamily residences. Even in mixed use properties, that portion of the qualifying expenses attributable to the owner's principle residence is eligible for the credit. If property is rehabilitated by a developer for sale to a homeowner, the credit would be passed through to the homeowner. More affordable condos and co-ops could be available through the conversion of office buildings, lofts, factories, and warehouses, and the rehabilitation of older apartment buildings.

Any effort to revitalize decaying neighborhoods would have to provide incentives to lower-income homebuyers who may not have a substantial income tax liability. My bill also provides a historic rehabilitation mortgage credit certificate. Instead of a tax credit, a qualifying low-income homebuyer would receive a certificate which could be transferred to a mortgage lender in exchange for a lower interest rate on the mortgage loan.

Mr. Speaker, I am pleased to introduce this measure, not only because this bill will be an incentive to revitalize decaying communities and neighborhoods, but also it provides cities a way to attract people back to disinvested areas, to increase their tax revenues and to offer lower income homebuyers a chance to own historic rehabilitated homes. Not only will construction jobs be created with this bill but permanent jobs will be created as a result of the revitalized communities and neighborhoods.

INTRODUCTION OF THE NATIVE AMERICAN FINANCIAL SERVICES ORGANIZATION ACT OF 1994

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. RICHARDSON. Mr. Speaker, today Representative FURSE and I are introducing the Native American Financial Services Organization Act of 1994. This bill has been drafted by the Department of Housing and Urban Development and we are introducing it at the request of Secretary Henry Cisneros.

Attached is a summary of the bill which I am hoping we will act on in the 104th Congress:

NATIVE AMERICAN FINANCIAL SERVICES ORGANIZATION ACT OF 1994

Based upon the findings of the Commission on American Indian, Alaska Native and Native Hawaiian Housing, the Native American Financial Services Organization Act of 1994 is an attempt to address the need for private financing of home ownership and economic development on and near reservation lands.

While most federally-sponsored housing and related programs target low- and moderate-income recipients, the housing that would be developed as a result of financing through the proposed legislation would be directed more toward moderate to middle income Native Americans.

This legislation would establish a limited government chartered corporation to be known as the Native American Financial Services Organization ("NAFSO"). A Federal grant would capitalize the federally-chartered, for-profit NAFSO, whose charter would cease to exist upon a designated date, at which time it would become a private corporation. It is anticipated that tribal contributions would assist the NAFSO in becoming self-sufficient over time.

The governance of the NAFSO would be vested in a Board of Directors that would be representative of the Native American community. Shares would be equitably distributed among federally-recognized tribes; the Board could elect to distribute additional shares on an investment basis. Several members of the initial Board would be appointed by the President. The Board would have to establish an Advisory Council, consisting of representatives from each of the 12 districts established by the BIA, as well as Hawaii.

It is the purpose of this Act—First, to help serve the mortgage and other lending needs of Native Americans by providing technical assistance to establish and organize Native American community lending institutions that would be called Native American Financial Institutions (NAFIs); NAFIs would be any type of financial institution, including community banks, credit unions and savings banks, and therefore could provide a wide range of financial services;

Second, to develop and provide financial expertise and technical assistance to NAFIs, including methods of underwriting, securing, servicing, packaging, and selling mortgage and small commercial and consumer loans;

Third, to develop and provide specialized technical assistance on how to overcome barriers to primary mortgage lending on Native American lands, including issues related to trust, lands, discrimination, and inapplicability of standard underwriting criteria;

Fourth, to assist in providing mortgage underwriting assistance (but not originate loans) under contract to NAFIs;

Fifth, to work with Fannie Mae and Freddie Mac, and other participants in the secondary market for residential mortgages in identifying and eliminating barriers to purchase of Native American loans.

The act would provide new purchase goals for the Government-sponsored housing enterprises, Fannie Mae and Freddie Mac. The consequence of failure to meet a combined goal would be the NAFSO could then purchase and deal in residential mortgage loans originated by NAFIs.

This legislation would authorize to be appropriated a total of $30 million to establish and operate the NAFSO. Funding would be made available from the CDFI fund, however, this $30 million is in addition to the $328 million previously authorized for the CDFI fund. NAFIs are not eligible for additional funding under CDFI if the NAFI elects to receive funding under this Act. The Secretary of Housing and Urban Development would be authorized to provide up to $10 million for the funding of a cooperative agreement for technical assistance and other services to be provided by the NAFSO to NAFIs. In addition, there would be authorized, without fiscal year limitation, $20 million to provide financial assistance through the NAFSO to NAFIs.

The Office of Federal Housing Enterprise Oversight would regulate matters pertaining to the safety and soundness of the NAFSO and the Department of Housing and Urban Development would have general regulatory authority.

PAT RISSLER: A CAREER DEDICATED TO CONGRESS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FORD of Michigan. Mr. Speaker, as the 103d Congress comes to a close, not only will my Congressional career end but also that of my long-time and trusted friend and advisor, the Staff Director of the Education and Labor Committee, Patricia Rissler. During the past few days, much attention has been focused on departing Members, including me, but very little has been said about some of the most able and longstanding public servants in this body who, like Pat Rissler, will be departing.

I rise today to join other colleagues in paying tribute to Ms. Rissler, whose professional career has encompassed three decades of service to Members of the Michigan delegation in both Chambers of the Congress. Pat has been with me for over twenty of those years, beginning with her position as administrative clerk of the first Subcommittee I chaired and ending this year as the highly respected and admired Staff Director of the Committee on Education and Labor. With Pat I have accomplished a lot; without her I am not certain that we could have accomplished all that we did.

Pat was born in Charles Town, West Virginia in an area and during an era in which no young girl could have dreamed of achieving what Pat has accomplished. She came to Washington, DC following business school with a determined and disciplined mind, an inherent wisdom and a quiet self confidence. With these qualities she worked her way up from an entry-level position on the staff of our former colleague, Neil Staebler (D–MI), to one of the highest positions in the Congress today. Before joining me in 1973, she also worked for the late Senators Pat McNamara and Philip A. Hart.

Mr. Speaker, it is my recollection that Pat's career began to flourish during the early 70's while she was administrative clerk to the Subcommittee on Agricultural Labor which I chaired. In this position she began to undertake increasing numbers of legislative and substantive assignments in addition to her administrative duties. Her first legislation achievement was the enactment of the Farm Labor Contractor Registration Act of 1974, legislation which provided migrant farm workers with much needed protection on their jobs and in their labor camps.

It was during this same time that Pat took a personal interest in the HEP/CAMP programs which had been shifted to the Department of Labor from the old Office of Economic Opportunity. These programs helped migrant farm workers by providing their children with the opportunity to obtain high school and college educations. The Nixon Administration tried many times to eliminate these programs, but the Nixon team was no match for Pat. She foiled their every attempt and, because of her efforts, there are literally thousands of sons and daughters of migrant farm workers that today have college educations and professional careers.

Mr. Speaker, my next Subcommittee chairmanship was the Subcommittee on Postsecondary Education, and Pat served me ably as the Deputy Staff Director. She continued her work on legislation to provide educational opportunities for all Americans and in this capacity she helped me draft and pass the Middle Income Student Assistance Act, a program which extended Federal student aid programs to the children of middle-class families.

When I became Chairman of the Committee on Post Office and Civil Service, Pat was Deputy Staff Director and later Staff Director. In fact, she was one of the first women to serve as Staff Director of a Congressional Committee. During her tenure at the Post Office and Civil Service Committee, she helped formulate and pass milestone programs such as the Federal Employees Retirement System which for the first time integrated Federal pensions with Social Security benefits. She also oversaw a comprehensive study of the Federal Employees Health Benefits Program in anticipation of the need to confront a major issue, the reform of our health care system. During her period as Staff Director of the Committee, Pat also played a major role in our successful efforts to reform the Federal pay system.

In 1991, I had the great fortune and privilege to become Chairman of the Committee on Education and Labor. There was never a moment's hesitation about whom I would choose to fill the crucial position of Staff Director. As my colleagues know, this is a tremendously complex and demanding job. The Staff Director manages a budget of over $7 million and supervises a staff of about ninety, including many experienced and highly trained professionals, counsels and subcommittee staff directors. This position also requires one to be a quick and thorough study on a penumbra of complicated and politically difficult issues such as our labor laws, our pension laws, health care reform, our education programs and our civil rights laws.

In addition to being a great administrator, Pat has been a valued advisor and wise counsel to the Committee Members and to me. She understands the complexities of the substantive issues as well as the legislative and political interplay. These qualities were immeasurably helpful to me in setting and fulfilling the Committee's agenda. Committee Members from both sides of the aisle have told me that appointing Pat as Staff Director may have been the smartest thing I did during my tenure as Chairman of the Education and Labor Committee.

The first two years, which coincided with last two years of the Bush Administration, were frustrating ones, but these past two years will be remembered by both Pat and me not only as our final years of Congressional service, but as two of the most rewarding. During the first two years of the Clinton Administration, she worked with the President and his White House staff, as well as Cabinet Secretaries and their staffs, in formulating such Presidential initiatives as the Family and Medical Leave Act, reauthorization of the Higher Education Act and the Elementary and Secondary Education Act, Goals 2000, the National and Community Service Act and health care reform.

In addition to her service to the Committee, Pat was, primarily because of her intelligence and integrity, appointed by you, Mr. Speaker, to serve on the Fair Employment Practices Review Panel. This year, she was also elected to the Board of Governors of the National Democratic Club.

I have mentioned Pat's accomplishments and her talent and skills. I would also like to talk about what she has meant to me on a more personal basis. Pat has been a trusted counselor, assistant and friend through more good and bad times than I can possibly count. I have relied on her wisdom, her quiet confidence, her grace and, yes, her wit, for many years. Pat has been a wise counsel and has never hesitated to speak her mind to me even when she knew what she was saying was not necessarily what I wanted to hear.

Pat Rissler is the epitome of what we want when we appoint someone to a position of trust, responsibility and authority. Pat has always been responsible, loyal and fair, always done what was right, and has always held the public interest above her own.

Mr. Speaker, I consider myself extremely fortunate to have had Pat as both a Staff Director and friend for the major portion of my Congressional career. I will miss her; we will all miss her. On behalf of this body, I want to thank you, Pat. We are grateful for your service and we wish you much luck and happiness.

TRIBUTE TO DOUG APPLEGATE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. KAPTUR. Mr. Speaker, I rise today to honor one of our most respected colleagues, from the Buckeye State, my friend and longtime associate DOUG APPLEGATE from the 18th District of Ohio. I have had the honor of working with DOUG for the past twelve years. He will be sorely missed as he retires from Congress this year. We have served together as members of the Coal Caucus, the Steel Caucus, and the Veteran's Affairs Committee. No finer orator in his own right, when DOUG APPLEGATE takes to the floor in debate, Members listen.

DOUG APPLEGATE has had an outstanding career in both Ohio and the United States Congress. He was a member of the Ohio House of Representatives from 1961 until 1969, when he was elected to the Ohio Senate. He remained there until 1976, when he was first elected to the U.S. House of Representatives.

In the House of Representatives he has worked diligently on the Veterans Affairs Committee where I had the pleasure of serving with him for several years. He also serves with distinction on the Public Works and Transportation Committee, where he rose to Chair of the Subcommittee on Water Resources and rose to chair the Subcommittee on Pensions and Compensation.

Doug's career has been dedicated to service for his fellow Ohioans and Americans. In his legislative career one theme has been constant and that is his concern for his constituents. His district, dominated by coal and steel industries, has suffered economic hardships as a result of the transformations of these industries and unfair foreign competition. DOUG has consistently worked for programs that will help people in his district who have been hit hard by unemployment and health problems due to the nature of their jobs.

While in Congress, DOUG has been a strong voice for people who had no voice and made himself accessible to any constituent that wanted to see him. Throughout our State of Ohio, DOUG has a reputation for not only being accessible to his constituents but also for the assistance and advocacy he provides.

Another theme of DOUG's legislative career has been championing America's veterans. No Member fought harder for our vetrans. Throughout his tenure on the Veteran's Affairs Committee he worked steadfastly to improve the lives of the people who worked and fought for our country. He has steadily opposed any attempts to decrease benefits for our veterans, has supported decent COLA adjustments, and has supported responsible management of the Department of Veterans Affairs.

Mr. Speaker, the people of Ohio have been well served by DOUG APPLEGATE for the last eighteen years. He and his talented wife Betty, will be missed by our entire delegation, by the people of Ohio, by the Veterans of America, and by all people of good will. Those who follow will have very large shoes to fill. His tradition of representation that will be tough to match.

TIME FOR A CHANGE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PACKARD. Mr. Speaker, the American people have suffered enough. Big government teases the people with their big, empty promises. The public no longer trusts Congress to get the job done. We must end this cycle of disgrace and restore lost confidence.

The Republican Contract With America is a coordinated effort to do away with political games and restore those policies which ushered in prosperity for this country. The contract emphasizes less government, less spending and less taxes—it delivers within the first 100 days what the other party only pledges.

The Republican national agenda focuses on real issues that concern the American people. It offers what the liberal leadership neglects—legitimate legislative votes, not gimmicks and games.

The Republican leadership breaks away from the ever growing Federal bureaucracy, taxes, and regulation. It brings America back into the hands of the citizens by considering legislation that will concentrate on tax cuts for the middle class, welfare reform, and balancing the Federal budget. It is an agenda, that works for the American family.

Americans want and deserve a Congress that practices what they preach and one which holds itself accountable for its actions. The contract I signed with the American people offers a blueprint for what the American people can expect from a Republican Congress. No games are involved, everything has been laid on the table for all to see.

Mr. Speaker, Republicans will work for real change that ushers in real results. The days of liberal rhetoric are gone, it is time for a change—action is the cornerstone of the Republican agenda.

TAIWAN'S NATIONAL DAY

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HILLIARD. Mr. Speaker, October 10, 1994, will be the 83d National Day of the Republic of China, and I wish to express my congratulations and best wishes to President Lee Teng-Hui. I am pleased to note that for during the last 6 years, the Republic of China on Taiwan, under the leadership of former Ambassador Mou-Shih Ding, has maintained good relations with Capitol Hill. I am confident that my colleagues and I will work closely with Ambassador Ding's successor, Ambassador Benjamin Lu. Ambassador Lu is a veteran diplomat who was the R.O.C.'s Ambassador to Belgium. Between 1982 and 1988, he was the Director of the Economic Division of the Coordinating Council for North American Affairs in Washington, DC.

I trust that all of us who serve in the Congress will take the time to meet with Ambassador Lu, and hear his reasons of why the Republic of China deserves a seat in the United Nations, as well as why restoring diplomatic relations between our two great nations is important.

LET US NOT FORGET THE UNACCOUNTED

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize the continued efforts of those outstanding and patriotic individuals who have worked so diligently to get a full accounting for those classified as POW–MIA's in Southeast Asia. I am proud to commend them for their hard work and dedication to keeping our country aware of this issue.

The Live P.O.W. Lobby of America has fought long and hard to obtain a full accounting of our service soldiers missing since the end of the Vietnam war. Recently, The Live P.O.W. Lobby of America circulated to all Members of Congress, "The 1994 Proclamation To Laos", which calls for the return of all captured prisoners of the Vietnam war. I wholeheartedly lend my support to this endeavor and join in their call for the return of all prisoners. Although the numbers vary slightly, we know that over 2,250 servicemen did not return home, and I agree that we must demand the return of all prisoners captured during the Vietnam war or at least receive a full accounting.

The proclamation appeals to the Laotian people for their cooperation in resolving these cases of captivity. I also would like to implore that anyone who knows the whereabouts of living or dead prisoners make this information known. We owe the men and women who have fought and died for this country our utmost respect and admiration. At the very least, we owe their families a full accounting.

Throughout my tenure in Congress, I have been a strong supporter of Radio Free Asia, and it is my hope we can return freedom and democracy to that region. The Vietnam war is not over for the MIA–POW's and their families. I hope and pray that we can bring closure to this issue for the families and their loved ones.

Mr. Speaker, my fellow colleagues, I ask that you join me in lending your support to the Live P.O.W. Lobby of America and "The 1994 Proclamation To Laos". Shall we never forget the sacrifices made by our service men and women and shall we never forget the families left behind. May God bless these individuals and our country.

IN HONOR OF THE 100TH ANNIVERSARY OF THE CROATIAN FRATERNAL UNION OF AMERICA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to the Croatian Fraternal Union of America in celebration of its 100th anniversary.

The Croatian Fraternal Union [CFU] was founded in 1894 by a small handful of Croatian-Americans in Pittsburgh. That number has grown significantly over the years from over 8,000 at the turn of the century to its current membership level of 90,000. With over 769 local groups in the United States and Canada, the CFU has a significant presence in North America.

As a fraternal organization, the main function of the CFU is providing affordable, yet quality, insurance. In fact, this group was a leader among fraternal benefit societies in establishing the practices commonly used today in every life insurance certificate. They now offer plans on various levels from $1,000 to $1 million. In fact, the CFU is the 19th largest fraternal insurance group operating in Wisconsin today.

However, the CFU has gone far beyond its initial purpose of providing life insurance. It has enriched the lives of not only its members, but of many other Americans and Croatians. The history of its commitment to helping others is rich with examples from as far back as World War I, when it invested over one-half of its assets in war bonds. In 1918, the Children's Home of the Croatian Fraternal Union was born, and it served hundreds of orphans of deceased union members until it closed in 1967.

In addition to these examples, the CFU has been extremely active in providing relief to its war-weary homeland. It established the CFU Croatia Humanitarian Aid Fund, which has donated more than $150 million in aid to the needy citizens of Croatia. Furthermore, the CFU Scholarship Foundation has awarded over $800,000 in scholarships to deserving students.

It is with great pride that I stand to honor the first 100 successful years of the Croatian Fraternal Union and extend my best wishes for another 100 years of commitment to helping others.

TRIBUTE TO THE NEW LEADERSHIP OF THE VARIETY CLUB IN PHILADELPHIA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to pay tribute to the incoming leadership of the world renowned Variety Club of Philadelphia. The Variety Club will be meeting on October 14 in Philadephia to approve their 1994–95 slate of leaders. The Variety Club is non-profit volunteer organization dedicated to improving the lives of the Delaware Valley's disabled children. Variety Club supports a wide range of programs which address the physical, social, medical, educational, and recreational needs of thousands of disabled children in the Philadelphia area without regard to their economic status, race, creed, sex or type of disability. Variety Club programs include "Variety at Work" Children's Outings, the Variety Club/Children's Seashore House Therapeutic Pool, the Sunshine Coach transportation program, the Variety Club Camp and Developmental Center, the "Direct Care for Kids" medical equipment distribution program, and many other special projects.

Variety Club volunteers are a special breed, giving of themselves for the sake of others and spreading the selfless ideals of charity throughout the Delaware Valley. Mr. Speaker, I stand to salute my good friend and future president of the Variety Club, Dr. Ronald Pennock, and the rest of the 1994–95 leadership nominees: 1st vice president: Edward McBride, 2d vice president: Tom Vento, secretary/treasurer: Adele Miller, chairman of the board: Tod A. Gordon, and board of directors: Louis Applebaum, Barbara Blumenthal, Stu Bykofsky, John Dougherty, Richard Elkman, Ann D Feiner, Sharla Feldscher, Harvey Fischer, Charles Fogel, Cecil Forster, Patricia Getty, Susan Green, Kathy Hilty, Patrick J. Hoyer, Thomas Kane, Jack Lawlor, William Lotz, Stephen Miller, Lloyd Z. Remick, Soloman "Kal" Rudman, Gregory B. Shreaves, Dan Storey, Tina Thatcher, Marci Weitz, Marvin Welsch.

COMMENDING THE SONOMA COUNTY SHERIFF'S DEPARTMENT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. WOOLSEY. Mr. Speaker, I rise today to recognize and extend my congratulations to Sonoma County Sheriff Mark Ihde and the officers and volunteers who developed and implemented an award winning crime prevention initiative, the Farm Watch Program. Competing against many other fine crime prevention programs throughout the state, Sonoma County's Farm Watch Program was recently chosen as the top crime prevention program in California by the California Crime Prevention Officer's Association.

The Farm Watch Program began in 1985 with the skills and leadership of Community Services Officer Patricia Moffitt, Deputy Rick Krout, and Deputy Spence Martin. They recognized the need for a coordinated crime prevention effort in our rural areas and responded by creating this exemplary program. As interest in the program grew, so did the need for information and services. Soon, the Farm Watch Program earned a nationwide reputation as a state-of-the-art program with highly qualified practitioners of rural crime prevention and investigation.

Mr. Speaker, I would like to share with my colleagues some information about this multifaceted program, and cite a few of its accomplishments. Over the past year, Farm Watch meetings increased from a average of 10 per year to an average of 3 per month. At these meetings, concerned citizens in the area were recruited and trained to become valuable resources for crime prevention—doing everything from hosting meetings to becoming actual conduits of information from their rural neighborhoods to the Sheriff's Department and the Rural Crime Detail.

Two booklets were created and distributed to enhance the work of the Farm Watch Program, and have subsequently been circulated to other Sheriff Departments across the Nation who now use the Sonoma County Farm Watch program as a model. The Citizen Citation provides a written format for obtaining important information on suspicious vehicles in their area. This citation is both left on the vehicle and sent to a Farm Watch officer. What began as a criminal intelligence tool has evolved into an excellent aid in prosecuting trespassers. In fact, over 100 trespassing prosecutions have been made since the program began.

In addition, the Farm Watch booklet is distributed at every Farm Watch meeting. This manual explains simple home and ranch crime prevention activities, as well as their long-term benefits.

The Youth Interaction/Owner-Applied Program, a property identification component of Farm Watch, has dramatically increased contacts with rural youth by involving the Sheriff's Department Explorer Post and local 4–H groups in crime prevention activities. These youngsters give hundreds of hours of their free time to mark property for private homes and businesses throughout the county. The involvement of youth in crime prevention activities today is truly a wise investment in building safe communities for tomorrow.

The Farm Watch officers are also active and visible in the community, and at least one Farm Watch officer attends each meeting, hearing and following up on complaints and concerns from Farm Watch members. In addition, the officers plan an annual communication dinner where members of the judicial system, law enforcement agencies, representatives from the Sonoma County Farm Bureau, and other members of the agricultural community meet over dinner to discuss common concerns, to address problems and miscommunications between the various parts of the justice system, and to find win-win strategies to address these problems. This is community policing at its best.

Due to the exceptional quality of this innovative crime prevention program, it is no surprise to me that the three officers, Patricia Moffitt, Rick Krout, and Spence Martin, have become lecturers at meetings and conventions locally and across the Nation. They are regular contributors to the Sonoma-Marin Farm News, and are active in the California Farm Bureau's Rural Crime Prevention Task Force and the North Coast Livestock Protective Association. As recognized experts in their field, these officers have also had agencies such as the Texas Rangers, various law enforcement agencies from Maine to Florida, and the Navajo Nations in Arizona request information about their programs so that they could emulate them in their communities. In response to the growing national demand for rural crime prevention information, these officers also developed the 40-hour Livestock Theft/Rural Crime School, the only seminar of its kind in the Nation. Students from all over the country attend this bi-annual educational institute.

Mr. Speaker, I am proud to recognize the Sonoma County Sheriff's Department for their work on their outstanding crime prevention program, as well as all the volunteers and community residents who have made this program a success. Farm Watch is not only making a significant contribution in rural areas in Sonoma County, but also across the Nation. As concerns about crime are growing, it is heartening to know that there are many concerned citizens who are making a difference by developing solutions that fit their community's needs.

IN HONOR OF CHIEF WALLACE F. LEES' RETIREMENT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MACHTLEY. I am honored in paying special tribute to Wallace F. Lees retirement as chief of the Burrillville Police Department. I congratulate him for the many significant contributions he has made to the community.

For over 30 years, Chief Lees has admirably served the town by consistently demonstrating his commitment and dedication to fighting crime and creating a safe environment for all Burrillville residents. Chief Lees has distinguished himself as a prominent leader who goes above and beyond the call of duty for the betterment of mankind, he has instituted a myriad of safety, public service, substance abuse prevention, and crime fighting programs which have had a positive impact on the community.

Throughout his entire law enforcement career, beginning with his appointment as patrolman in 1963, sargeant in 1969, and as chief in 1988, Chief Lees has been an inspirational presence on the force, whose service will be greatly missed and long remembered.

Again, I am honored to pay special tribute to Chief Wallace F. Lees. I wish to congratulate him on his outstanding service to the citizens of the town of Burrillville. I wish him the best in all of his future endeavors.

MARIO PAVONE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KLEIN. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to Mario Pavone, an admired member of the Nutley Italian-American Civic Association. On October 9, Mr. Pavone will be honored as Nutley's Grand Marshall in the 12th Annual Belleville-Nutley Columbus Day Festivities.

Mr. Pavone was born in Acri, Italy in 1926. Since the moment he arrived in 1954, Mr. Pavone has continually proven himself to be a caring and compassionate individual.

He started his barber shop in 1960 and developed close ties in Nutley through the Sons of Italy organization. In 1973, Mr. Pavone became a founding member of the Italian-American Civic Association, and currently serves as the organization's treasurer.

The 1987 recipient of the Dr. Matia Outstanding Citizen Award, Mr. Pavone's philanthropic nature is well-known throughout the community. He has over and over expressed compassion and selflessness through numerous donations to charities.

I ask my colleagues to join me in congratulating Mr. Mario Pavone as Nutley's Grand Marshall for this year's parade. I would also like to join the citizens of Nutley in noting his years of service to the community.

TRIBUTE TO GREGORY F. COUPE AND THOMAS A. GUILBAULT

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. REED. Mr. Speaker, I rise today to salute two distinguished young men from Rhode Island who have attained the rank of Eagle Scout in the Boy Scouts of America. They are Gregory F. Coupe and Thomas A. Guilbault of Troop 44 in Glocester, Rhode Island and they are honored this week for their noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, eleven of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For their Eagle Scout project, Gregory made and cleared a trail through the Sprague Farm Land Trust and Thomas marked the new trail with appropriate signs.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scouts Gregory F. Coupe and Thomas A. Guilbault. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Gregory F. Coupe and Thomas A. Guilbault will continue their public service and in so doing will further distinguish themselves and consequently better their community. I join friends, colleagues, and family who this week salute them.

A SPECIAL ANNIVERSARY FOR MR. AND MRS. FITCH

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. McDADE. Mr. Speaker, I would like to call to the attention of my colleagues a very special anniversary for a wonderful couple, Robert and Florence Fitch of Canton, Pennsylvania, in my district. Mr. and Mrs. Fitch will celebrate their 80th Wedding Anniversary on December 5.

Robert and Florence Fitch raised seven fine children, and are the grandparents of 19, great-grandparents of 15, and great-great-grandparents of two. They have lived in their current home for the past 67 years, and are known as good neighbors to people of Canton and Bradford County.

Robert Fitch will celebrate his 100th birthday in January, 1995, and Florence Fitch is presently 96. Their marriage of eight decades serves as an example to all of the strong bond between wife and husband. The love they share is an inspiration to the four generations of the Fitch family and to their community.

I ask my colleagues to join me in extending our best wishes for good health and happiness to Robert and Florence Fitch and their loved ones on the occasion of their 80th anniversary.

A VICTORY FOR HISTORIC PRESERVATION

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ANDREWS of Texas. Mr. Speaker, last week the Walt Disney Co. announced its intention to withdraw its proposal for a $650 million theme park and real estate development adjacent to the Manassas National Battlefield Park. I am extremely pleased with Disney's decision, for I believe it shows great responsibility and respect for the historic northern Piedmont area of Virginia, and I commend the company on its courage to make the right choice.

Mr. Speaker, I also want to take this time to applaud the efforts of the many individuals and organizations who participated in the effort to persuade Disney to find a more appropriate location, one that will not destroy lands of such historical significance.

I also want to reiterate that my efforts to oppose the location of the proposed theme park were never anti-Disney. It is certainly Disney's right to construct an American history park. The battle I fought was to preserve historic lands. There is more American history in the northern Piedmont area than any other place in the United States. It is also home to two of the gems of our National Park System, Manassas National Battlefield Park and Shenandoah National Park. It simply would have been a travesty to locate such a massive development in this area.

Today, Mr. Speaker, our forefathers that settled this area and made history there—great figures like George Washington, James Madison, James Monroe, Robert E. Lee and Stonewall Jackson—would find the heart of Virginia much as they left it. Although the area has seen development, for the most part it has been thoughtfully progressive and mindful of the historic and aesthetic significance of the region. It is a special place that includes 38 historic districts and 32 Civil War battlefields. This is an area where our Nation was forged from the early days of the American Revolution through the Civil War.

It is also home to two of the most precious gems of our National Park System: Manassas National Battlefield Park and Shenandoah National Park. The impact to these parks under Disney's proposal would have been devastating.

The Manassas National Battlefield Park and Shenandoah National Park are the property of all Americans, not solely for the people of Virginia; no more than Mount Rushmore belongs only to the people of South Dakota or the Grand Canyon to the citizens of Arizona. They are public lands that belong to all Americans. That is why I felt the Federal Government, and the U.S. Congress, has an important role to play in this matter, and that is why I introduced a concurrent resolution opposing the proposed site of the development and calling for an alternative site to be chosen.

This victory is one for all Americans. Our Nation's history is a full and proud one which has served to strengthen our democratic ideals. The significant struggles that mark our history remind us of what others have endured to preserve and maintain those ideals, and they charge us with the same task. Once National Parks and historic lands are destroyed, they cannot be rebuilt. To turn a blind eye to devastation of such lands would have been to turn a blind eye on the history of our great country.

Mr. Speaker, this battle was won because of the tremendous groundswell of support for the cause of preservation. During the past few months, almost every major newspaper and well-known columnist has written on this issue. I believe that the following piece, from The New York Times, provides an appropriate final opinion on the fight to preserve the historic Piedmont area, and I ask unanimous consent that it be placed in the RECORD immediately following my statement.

[From the New York Times, Sept. 30, 1994]

DISNEY RETREATS AT BULL RUN

Historians, writers and ordinary citizens won a victory for the national heritage on Wednesday. The Walt Disney Company abandoned the most irresponsible idea ever hatched in the Magic Kingdom and decided not to build a theme park near the Manassas Battlefield in Prince William County, Virginia.

More than the fate of the battlefields of Manassas, or Bull Run, was involved. "Disney's America" would have flooded one of America's most historic and scenic regions, including the nearby Shenandoah National Park, with traffic and tacky development. In response to the threat to these national treasures, a large, articulate coalition defeated one of the country's richest corporations and its boosters in Virginia's Statehouse and Legislature.

The Walt Disney Company had recently won two important battles. The county's planning board had agreed to the necessary rezoning for the project, and the regional transportation panel had approved $130 million in road improvements. But the company concluded that the outrage generated by the proposed project would mar Disney's image. It was a wise decision, but a tardy one, given the scale and stature of the opposition.

There may have been other factors. Power struggles at the top of the company have dented its confidence. EuroDisney, its Paris project, has been a huge miscalculation. The last thing Disney needed was a bruising and protracted public relations battle against the nation's most respected writers and thinkers on the Civil War.

Disney did not expect such a struggle. Gov. George Allen was on their side and a mindlessly generous Legislature was willing to pay millions in development expenses. What they did not reckon with was the passionate nationwide outcry that carried a clear message. The Manassas country-side is not Virginia's to sell. It belongs to the nation.

Congress now needs to pass legislation designating a new kind of preservation area—the National Historic Region—that would enable it to control development in areas that are precious to the nation.

Along with proving the power of organized, articulate opposition to a bad idea, the intellectuals, environmentalists, preservationists and ordinary citizens who fought the project proved something else. Michael Eisner, Disney's chairman, argued that Americans were ignorant about their history and needed Disney-style fun to teach them. As the historian David McCullough has pointed out, this episode has shown that Americans do know their history and care about ground made sacred by what occurred there.

TRIBUTE TO KEN BURNS

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ZELIFF. Mr. Speaker, there is nothing in this world that can compare to an autumn in New Hampshire. The warmth of summer has begun to fade and a cool brisk wind whistles through the clear New England sky reminding all that winter is surely on its way. But before the leaves fall and the first snow blankets the countryside, one eagerly anticipated event must occur—the World Series. Like the fall itself, baseball's World Series comes and passes each year, invoking the glorious memories of seasons past. However, for the first time in this century, the national pastime's greatest series will not arrive with the cool winds and changing foliage.

While the cancellation of the fall classic has darkened the spirits of the entire country, one man has restored in the Nation a sense of nostalgia and hope for the future. Ken Burns' most recent accomplishment, "Baseball" is a tribute to not only the game of baseball, but also to the people of America. "Baseball" traces the evolution of the game, from its early roots in the 19th century, through the depression and World War II, culminating with the 1980's and a glimpse towards the future. All the while, "Baseball" demonstrates the remarkable relationship between a game and its country.

However, I did not rise today to only pay tribute to a documentary. I rise to recognize Ken Burns. A resident of Walpole, NH, Ken Burns has written, produced, and directed two historic television series, "Baseball" and "The Civil War." These landmark documentaries are ranked among the most watched events in PBS' history and are a testament to the talents of their author.

Ken Burns has been honored with more than 40 major film and television awards, including two Emmy Awards, two Grammy Awards, and the Lincoln Prize. Also listed among his accomplishments are two Oscar nominations. I am certain that this list will continue to grow.

Baseball may be gone for the year, but Ken Burns has helped resurrect the spirit that accompanies the waning days of the year when the boys of summer fight for the opportunity to pay the fall classic.

On behalf of New Hampshire and the Nation, I want to thank Ken Burns for his efforts and wish him all the best in his future endeavors.

CODE OF CONDUCT FOR UNITED STATES BUSINESSES IN CHINA: NEW LEGISLATION INTRODUCED

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LANTOS. Mr. Speaker, with President Clinton's decision last May to renew MFN for China and to cease the linkage between China's human rights performance and United States trade benefits, a turbulent issue in United States foreign policy has supposedly been laid to rest. I suggest to you, however, that it has merely been side-tracked. It will come back to haunt us because the Chinese regime has no intention of tolerating any independent political activity and continues to suppress brutally all attempts at freedom of expression, assembly, or worship. Indeed, in recent months both Human Rights Watch and Amnesty International have offered ample documentation of deteriorating human rights conditions in China.

Yet opponents of the linkage policy insist that trade provides an avenue for constructive engagement. with repressive regimes. They cite the Asian miracle as proof that over the long run, China's economic development will foster political liberalization. In China, however, the long run appears to be very long. Thus, the country with the world's fastest growing GNP, also runs a massive forced labor camp system, in comparison to which the Soviet Gulag pales. Change will come eventually, but can that allow us to be complacent in the face of enormous agony and suffering today and for the foreseeable future?

Mr. Speaker, let's be honest about the trade-as-the-vehicle-of-change argument, and acknowledge that it lacks credibility in the case of China. More persuasive is the pragmatic concern raised by the business community: since the Europeans and Japanese are unwilling to condition trade with China on human rights, why should the United States disadvantage itself by doing so unilaterally?

This is a serious issue, and it ultimately swayed the President. But I disagree with the President because I don't think that helping the PLA to modernize its weaponry and to boost its arms sales to rogue regimes is in the interest of the United States. It seems to me that we have allowed short-term commercial gain to blind us to long-term, fundamental security concerns.

But, as Secretary Brown's trip demonstrated, the United States business community is eaqer to pursue promising opportunities in China, and enhanced United States-Chinese commercial relations will no doubt greatly benefit both countries. However, in the mad dash to get a piece of the action, let's at least ensure that U.S. companies do not inadvertently contribute to the maintenance of the status quo.

Mr. Speaker, many United States companies seem to believe it is axiomatic that the presence of Western business in China will help to usher in reform, but I have my doubts. The Western business community's ultimate value comes from their example, not their mere presence. They must adhere to internationally-recognized standards of labor law in order to be a catalyst for progress.

But China's refusal to honor international labor standards plays a large part in creating the very environment that foreign business finds so attractive. For example, many Western companies are interested in transferring production to China because of its cheap labor costs. One reason labor costs are so low is the lack of OSHA protections. So, I wonder whether Western business will really want to uphold the health and safety regulations mandated by their own countries, as this would significantly raise the cost of doing business in China.

Another reason for low wages is the absence of collective bargaining rights for workers. Of course, there are no rights in the Chinese workplace. Hence, although I applaud the American Chamber of Commerce in Hong Kong for its recent endorsement of a general code of business principles, I find it disturbing that this code is silent on freedom of association and expression in the workplace. Without these two fundamental guarantees, any attempt to ensure fair treatment of workers is meaningless.

Mr. Speaker, I, therefore, am introducing legislation with my distinguished colleagues JOLENE UNSOELD of Washington and NANCY PELOSI of California that would require United States businesses operating in China to follow internationally recognized labor standards. This Code of Conduct is not burdensome or unreasonable. It would require United States businesses to ensure that their Chinese contractors maintain reasonable working hours, ensure safe working conditions, pay fair wages, treat all workers equally, and allow worker organizations and assemblies. There would be no direct oversight of their compliance; rather, the companies would annually report to the Secretary of State on their adherence to the principles.

If United States business truly wants to promote positive change in China, then adherence to this Code of Conduct offers a tangible way to implement that agenda without in any way harming United States competitiveness in the marketplace. Demonstrating that the United States corporate community really does believe that good ethics and good business go hand-in-hand would send an unmistakable signal to the Chinese Government and provide powerful support to Chinese workers.

Mr. Speaker, I ask that the text of our legislation be placed in the RECORD.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATEMENT OF PRINCIPLES.

(a) PURPOSE.—It is the purpose of this Act to create principles governing the conduct of United States economic cooperation projects in the People's Republic of China and Tibet.

(b) PRINCIPLES.—It is the sense of the Congress that any United States economic cooperation project in the People's Republic of China or Tibet should adhere to the following principles:

(1) Suspend the use of all goods, wares, articles, and merchandise that are mined, produced, or manufactured, in whole or in part, by convict labor or forced labor if there is reason to believe that the material or product is produced or manufactured by such convict or forced labor, and refuse to use forced labor in the project.

(2) Seek to ensure that political or religious views, sex, ethnic or national background, involvement in political or labor activities or nonviolent demonstrations, or association with suspected or known dissidents will not prohibit hiring, lead to harassment, demotion, or dismissal, or in any way affect the status or terms of employment in the project. The United States parent company of the United States economic cooperation project should not discriminate in terms or conditions of employment in the project against persons with past records of arrests or internal exile for nonviolent protest or membership in unofficial organizations committed to nonviolence.

(3) Ensure that methods of production used in the project to do not pose an unnecessary physical danger to workers and neighboring populations and property and that the project does not unnecessarily risk harm to the surrounding environment, and consult with community leaders regarding environmental protection with respect to the project.

(4) Strive to use business enterprises that are not controlled by the Government of the People's Republic of China or its authorized agents and departments as potential partners in the project.

(5) Prohibit any military presence on the premises of the project.

(6) Undertake to promote freedom of association and assembly among the employees of the project. The United States economic cooperation project should protest any infringement by the Government of the People's Republic of China of these freedoms to the appropriate authorities of that Government and to the International Labor Organization, which has an office in Beijing.

(7) Use every possible channel of communication with the Government of the People's Republic of China to urge that Government to disclose publicly a complete list of all those individuals arrested since March 1989, to end incommunicado detention and torture, and to provide international observers access to all places of detention in the People's Republic of China and Tibet and to trials of prisoners arrested in connection with the pro-democracy events of April through June of 1989 and the pro-democracy demonstrations which have taken place in Tibet since 1787.

(8) Discourage or undertake to prevent compulsory political indoctrination programs from taking place on the premises of the operations of the project.

(9) Promote freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media. To this end, the United States economic cooperation project should raise with appropriate authorities of the Government of People's Republic of China concerns about restrictions on importation of foreign publications.

(c) PROMOTION OF PRINCIPLES BY OTHER NATIONS.—The Secretary shall forward a copy of the principles set forth in subsection (b) to the member nations of the Organization for Economic Cooperation and Development and encourage them to promote principles similar to these principles.

SEC. 2 REGISTRATION REQUIREMENT.

(a) IN GENERAL.—Each United States parent company conducting a United States economic cooperation project in the People's Republic of China or Tibet shall register with the Secretary and indicate whether such company agrees to implement the principles set forth in section 1(b). No fee shall be required for registration under this subsection.

(b) EFFECTIVE DATE.—The registration requirement of subsection (a) shall take effect 6 months after the date of the enactment of this Act.

SEC. 3. REPORTING REQUIREMENTS.

(a) REPORT.—Each United States parent company conducting a United States economic cooperation project in the People's Republic of China or Tibet shall report to the Secretary describing such company's adherence to the principles. Such company shall submit a completed reporting form furnished by the Secretary. The first report shall be submitted not later than 1 year after the date on which the national registers under section 2 and not later than the end of each 1-year period occurring thereafter.

(b) REVIEW OF REPORT.—The Secretary shall review each report submitted under subsection (a) and determine whether the United States parent company submitting the report is adhering to the principles. The Secretary may request additional information from the United States parent company and other sources to verify the information contained in the report submitted by the company.

(c) ANNUAL REPORT.—The Secretary shall submit a report to the Congress and to the Secretariat of the Organization for Economic Cooperation and Development describing the level of adherence to the principles by United States parent companies subject to the reporting requirement of subsection (a). This report shall be submitted not later than 2 years after the date of the enactment of this Act and not later than the end of each 1-year period occurring thereafter.

SEC. 4. EXPORT MARKETING SUPPORT.

(a) SUPPORT.—A Federal agency may intercede with a foreign government or foreign national regarding export marketing activity in the People's Republic of China or Tibet on behalf of a United States parent company subject to the reporting requirements of section 3(a) only if that company adheres to the principles.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 2 years after the date of enactment of this Act.

SEC. 5. DEFINITIONS.

For purposes of this Act—

(1) the terms "adhere to the principles", "adhering to the principles" and "adherence to the principles" mean—

(A) agreeing to implement the principles set forth in section 1(b);

(B) implementing those principles by taking good faith measures with respect to each such principle; and

(C) reporting accurately to the Secretary on the measures taken to implement those principles;

(2) the term "intercede with a foreign government or foreign national" includes any contact by an officer or employee of the United States with officials of any foreign government or foreign national involving or contemplating any effort to assist in selling a good, service, or technology in the People's Republic of China or Tibet, except that such term does not include multilateral or bilateral government-to-government trade negotiations intended to resolve trade issues which may affect United States parent companies who do not adhere to the principles;

(3) the term "organized under the laws of the United States" means organized under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States;

(4) the term "Secretary" means the Secretary of State;

(5) the term "United States economic cooperation project" means—

(A) an equity joint venture, a cooperative joint venture, or a wholly foreign-owned enterprise established under the laws of the People's Republic of China, in which—

(i) a corporation, partnership, wholly-owned subsidiary, or other business association organized under the laws of the United States is an investor, or

(ii) a corporation, partnership, or other business association organized under the laws of a country other than the United States or under the laws of a territory or possession of a country other than the United States, which is wholly owned by a corporation, partnership, or other business association organized under the laws of the United States, is an investor,

and which employs more than 50 individuals in the People's Republic of China or Tibet; or

(B) a branch office or representative office—

(i) of a corporation, partnership, wholly-owned subsidiary, or other business association organized under the laws of the United States, or

(ii) of a corporation, partnership or other business association organized under the laws of a country other than the United States or under the laws of a territory or possession of a country other than the United States, which is wholly owned by a corporation, partnership, or other business association organized under the laws of the United States,

which employs more than 25 employees in the People's Republic of China or Tibet; and

(6) the term "United States parent company" means a corporation, partnership, or other business association organized under the laws of the United States which is—

(A) the direct investor in a United States economic corporation project as described in paragraph (5)(A)(i), or the sole owner of the investor in a United States economic cooperation project as described in paragraph (5)(A)(ii); or

(B) the registrant in the People's Republic of China of a branch office or a representative office as described in paragraph (5)(B)(i), or the sole owner of the registrant of a branch office or representative office as described in paragraph (5)(B)(ii).

AID ASSOCIATION FOR LUTHERANS: NEIGHBOR HELPING NEIGHBOR

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BARCIA of Michigan. Mr. Speaker, in this time of budgetary difficulty that limits what assistance the Federal Government can provide to people in need, it is both encouraging and heart warming to learn of organizations like the Aid Association for Lutherans. This 92-year-old organization through its nearly 8,600 branches and 1.6 million members, in its own words, concentrates on a wide range of charitable, educational, social, benevolent, fraternal, and patriotic programs.

With over 112,000 members in Michigan, the AAL is one of the most important support groups in our State. Its efforts on behalf of the victims of the terrible flood that moved through the Midwest last year were vital to their sense of survival. The $3.5 million provided through AAL's Helping Hands program provided much more than its mere monetary value—it provided hope and reassurance to people who saw their lives being shredded by nature's fury. The work performed by the AAL volunteers who came to the flooded communities demonstrated that hands-on assistance is so very meaningful to people in their time of need.

Similar assistance was also provided to the victims of Hurricane Andrew, who were the beneficiaries of the opportunities for friendship created by that natural disaster.

Mr. Speaker, according to reports prepared by the Aid Association for Lutherans, over 3.5 million hours of work was provided by AAL members and their friends on behalf of the many projects that were undertaken. Helping people pay their bills, get to the grocery store, building a wheelchair ramp at the church, landscaping and other seemingly simple but vitally important acts of kindness were performed by AAL members.

People constantly ask what has happened to the American spirit. Whatever happened to neighbor helping neighbor? Doesn't anyone care enough to lend a hand? All of these questions are so fully, graciously, and beautifully answered by the work done by the Aid Association for Lutherans. It will be my privilege to be with many Michigan members later this month at their annual dinner. It is my hope that I can come away with a portion of the inspiration that guides these wonderful people in acts that we should each take more time to perform. Our world can be a better place if we emulate people who care, people who give of themselves, and people who know how to give thanks through their own deeds—the members of the Aid Association for Lutherans.

IN RECOGNITION OF U.S. REPRESENTATIVE HELEN DELICH BENTLEY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. WOLF. Mr. Speaker, it is a pleasure for me to join with my colleagues in recognizing the outstanding service to Congress and our nation of my friend and colleague, HELEN DELICH BENTLEY.

For the last 10 years, HELEN has been the beloved representative for Maryland's 2nd District, which stretches all the way from southeastern Baltimore County, near the port of Baltimore, to the northern borders of Maryland, near the Delaware and Pennsylvania borders. Needles to say, her constituency is diverse and varied; nevertheless HELEN has earned the respect and admiration of her constituents, who have re-elected her the last three times impressively with over 65 percent of the vote.

As a Representative from the neighboring State of Virginia, in addition to being a friend of HELEN's, I know first-hand how hard HELEN has worked on behalf of her district and our Nation. She came to the House in 1984 following her service as the chairwoman of the Federal Maritime Commission, which at that time made her the highest-ranking woman in the Federal Government. As many of you know, the city of Baltimore is a dynamic and exciting city, ranging from the Inner Harbor to Oriole Park at Camden yards; from Little Italy to Fells Point. One of Baltimore's biggest industries and landmarks, however, is the Port of Baltimore, and HELEN has worked tirelessly to promote this port and protect its workers. This has included her work for dredging at the Port of Baltimore to accommodate more ships and helping to settle labor-management disputes at the port. Her expertise and dedication on this issue will be missed.

Everyone in this body who knows HELEN, more importantly, knows of HELEN's integrity and steadfastness. HELEN will never quit in the face of adversity; HELEN will never run for cover when she believes she is right on an issue. Of course, this is different that the art of compromise. HELEN has had great success working in a bipartisan manner to reach objectives helpful to her district and the country. However, HELEN is as committed a Member of this House as you will find. HELEN and I may not have agreed on every issue, although we certainly agree on most. However, I have the greatest respect for Helen's honesty and devotion—when HELEN BENTLEY says she will work on something for you, she will be by your side through good and bad. Her presence and ability will be greatly missed, and it is a pleasure for me in wishing HELEN, her husband William and her family all the best as she begins her retirement.

IN HONOR OF REPRESENTATIVE HELEN BENTLEY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. STEARNS. Mr. Speaker, I rise today in honor of our colleague, the Honorable HELEN DELICH BENTLEY, who will be leaving the House after many fine years of service. I know that many of her colleagues are joining me in honoring HELEN BENTLEY for the outstanding job she has done in representing the people of Maryland's Second Congressional District.

Indeed, HELEN has been a tireless advocate for the people of the Baltimore area. She has always had the best interests of the working-class people of her district at heart. HELEN BENTLEY has never backed down from a challenge. She has been a selfless, hard-working defender for the people of Maryland and indeed, America and her workers.

HELEN BENTLEY is as tough as nails, but I know she has a heart of gold. She is forceful and passionate, but caring and thoughtful. You always know where she stands.

She has been, and I am sure, will continue to be a leader on issues important to all working Americans. HELEN BENTLEY will be sorely missed in the people's House, and I want her to know that her shoes will be very tough to fill.

Mr. Speaker, I ask all of my colleagues to join me in praising HELEN DELICH BENTLEY for her years of outstanding service to the House of Representatives, and in wishing her the best in the years that lie ahead.

TRIBUTE TO HELEN BENTLEY

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. MOLINARI. Mr. Speaker, I rise to say farewell and pay tribute to our colleague, HELEN BENTLEY. I had the honor of serving with her on the Public Works and Transportation Committee for 2 years.

HELEN used her position on the committee to focus on and improve the infrastructure of her district. There, as well as on the Merchant Marine and Fisheries and Appropriations Committee, she has pushed tirelessly to improve Baltimore's port and to strengthen America's merchant marine fleet.

As a representative of a maritime district very similar to HELEN's, I have deep respect for her fervor in defending manufacturing and maritime industries—industries that are suffering due to years of neglect.

We will all miss HELEN and the causes she so ably supported will need a new champion. Though another champion like HELEN will be hard to come by, I think 50 or 60 of us might be able to try and compensate for her departure.

TRIBUTE TO HELEN BENTLEY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. KAPTUR. Mr. Speaker, at the end of the 103d Congress, the House of Representatives will lose an extraordinary colleague, a remarkable woman and a very treasured friend, Congresswoman HELEN DELICH BENTLEY.

I rise in tribute to this distinguished Congresswoman, a Congresswoman known for her independent thinking and fierce dedication to the representation of the people—the people of her 2d congressional district, the people of Maryland and the people of the United States of America.

A woman who for years was ahead of her time, Mrs. BENTLEY started her career as a newspaper reporter, a field that in 1945 was dominated by men. As a reporter on the Baltimore Sun the waterfront was one of her primary beats, an area that was rarely frequented by women. But, the lack of a female presence in her field did not prove an obstacle to Mrs. BENTLEY. Fearlessly and relentlessly, she faced the challenge and ultimately earned the title of "expert" in the field of maritime issues.

In recognition of her expertise, in 1969, Mrs. BENTLEY was bestowed the extraordinary honor of being the first woman to be appointed by a President to head a regulatory agency as well as the honor of being the first woman to hold the position of chairman of the Maritime Commission.

As chair of the Maritime Commission, Mrs. BENTLEY protected the American shipping fleet and the interests of the American people and economy while simultaneously earning the respect and admiration of the international maritime community—which by no means was an easy feat.

Mrs. BENTLEY's many successes are attributable to her courage in the face of criticism, her keen intelligence, her ability to think clearly on her feet, her contagious enthusiasm and her boundless amount of energy. These same attributes have served her well in her five terms as Congresswoman for the Second Congressional District of Maryland.

Mrs. BENTLEY, known endearingly as the "Fighting Lady," a straight shooter, a doer, has spent her entire congressional career fighting for the working people of our Nation. She has been a tireless advocate on behalf of fair trade and has fought to keep high paying jobs from moving offshore.

Mrs. BENTLEY has been quoted as saying that "I am a great believer that God looks over you." May God continue to look over Mrs. BENTLEY as she begins the next exciting chapter of her life—one which will surely include helping the working people of our Nation.

A TRIBUTE TO HELEN BENTLEY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. GILMAN. Mr. Speaker, it is my privilege to join our colleagues in paying tribute to the gentlelady from Maryland, Mrs. HELEN DELICH BENTLEY.

I remember Mrs. BENTLEY's first election to the Congress in 1984, because her reputation preceded her: a reputation as a no-nonsense, get things done individual, which was earned during her numerous careers as a successful businesswoman, newspaper reporter and editor, and chairman of the Federal Maritime Commission.

HELEN BENTLEY's mark on this Chamber will not be soon forgotten. Her service on the Appropriations Committee, especially on the Subcommittee on Labor, Health & Human Services, and Education, as well as on the Subcommittee on Military Construction, established her reputation as an easily accessible as well as a highly knowledgeable colleague.

Quite often, when a Member of Congress retires, we are hard pressed to find a suitable way to memorialize that Member. This is not the case with HELEN DELICH BENTLEY: her memorial is and remains the harbor in the city of Baltimore. Once, HELEN told an interviewer, "I feel like the mother of modern Baltimore." This was an entirely apt self-description: even before coming to the Congress, HELEN was working hard to modernize and dredge the harbor. Today, Baltimore Harbor is not only one of the busiest ports anywhere in the world, it is also now recognized as a major tourist and business attraction. This development owes more to HELEN DELICH BENTLEY than to anyone else.

Mr. Speaker, I invite all of our colleagues to join me in saluting HELEN DELICH BENTLEY, and extending our best wishes to her and her husband William, with hopes for a long, healthy, happy and productive retirement.

TRIBUTE TO REPRESENTATIVE HELEN BENTLEY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MAZZOLI. Mr. Speaker, I would like to join my fellow colleagues in honoring Representative HELEN BENTLEY.

As a "retiree" myself, HELEN and I are experiencing the same happy-sad reaction to the end of the session and to the end of our careers as Members of Congress. Although I have been here for a few years longer than HELEN, the effects of leaving will be the same for both of us.

HELEN BENTLEY has served the great people of Maryland's Second Congressional District with devotion and integrity. She has been a tireless voice for the maritime and shipping industries of Maryland. As chairman of the Federal Maritime Commission, HELEN led the way to increasing the U.S. merchant marine fleet and expanding the Port of Baltimore. She has continued her dedication to maritime issues through her work on the House Committee on Merchant Marine and Fisheries.

HELEN BENTLEY has also championed efforts to reduce U.S. dependability of foreign goods through aggressive "Buy American" campaigns, sponsoring legislation requiring the Federal Government to purchase goods from U.S. companies.

As we both start this new phase of life away from Congress, I wish for HELEN all the happiness life has to offer.

A TRIBUTE TO THE HONORABLE HELEN DELICH BENTLEY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LIPINSKI. Mr. Speaker, I have had the privilege of serving with HELEN BENTLEY for the past 10 years as a fellow Member of the House of Representatives and the past 2 years we have served together as colleagues on the Subcommittee on Merchant Marine.

I can confidently say that HELEN is the strongest advocate for the maritime industry I have met in my tenure as the chairman of the Subcommittee on Merchant Marine. She has dedicated her life to the support of maritime issues, from her days as a maritime reporter for the Baltimore Sun, as chairman of the Federal Maritime Commission—the highest ranking woman in the Federal Government at that time—and as an active member of the Merchant Marine and Fisheries Committee.

HELEN has been a great mentor to me. I admire her hard hitting questioning of witnesses, her expertise and her commonsense approach to government. I hope HELEN will remain a part of the Maritime community. Her unwavering dedication to the U.S. Merchant Marine is unparalleled. She truly has been the conscience of Merchant Marine Committee—she will be missed.

TRIBUTE TO HELEN BENTLEY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. CRANE. Mr. Speaker, a number of Members of this House of Representatives of the 103d Congress, for various reasons, will not be with us in the 104th Congress. And of that group, one who will be sorely missed is our colleague from Maryland, HELEN BENTLEY.

HELEN will have spent a decade in this Chamber when she casts her final vote this year. She will leave behind her a distinguished career, highlighted by her efforts as a member of the House Committee on Merchant Marine and Fisheries and the House Appropriations Committee. Her knowledge of maritime issues paid big dividends for her constituents in the port city of Baltimore.

She will always be remembered as a fighter. Once she decided a cause was just, she dug in and did battle with the best of her colleagues—and more times than not she was the victor.

She was internationally known as one of this Nation's leading experts on the maritime industry when she arrived in the House of Representatives. Her knowledge in the field led to her appointment as Chairman of the Federal Maritime Commission by President Richard Nixon. In the House, she earned a fine reputation not only on maritime issues, but also on fair trade practices and a strong national defense.

This daughter of Serbian immigrant parents began her collegiate studies in her native State at the University of Nevada at Reno, continued it at night here in Washington at George Washington University, and completed her studies for a degree in journalism at the University of Missouri, graduating the same day her mother became a citizen of the United States almost 1,000 miles away in Ely, Nevada. Her determination to gain an education was often reflected in later years in her determination to fight for a just cause and to fight for her Maryland constituents.

The congressional contributions and the friendship of HELEN BENTLEY will long be remembered.

TRIBUTE TO CONGRESSWOMAN HELEN BENTLEY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. QUILLEN. Mr. Speaker, of all of my colleagues who are leaving the House at the end of this Congress, I will miss none more than HELEN BENTLEY, my good friend and distinguished Member of Congress from Maryland. Her dedication and patriotism are models that we can all strive to emulate, and her tenacity in the pursuit of what she believes to be right is second to none.

I first knew of HELEN when she chaired the Federal Maritime Commission under President Nixon. She gave the Commission strong leadership that it had not previously known. I remember vividly when HELEN took the tanker *Manhattan* on a voyage through the Northwest Passage to prove that the icy waters were passable. Her passionate commitment to revitalizing the American maritime industry was evident then, as it has been evident ever since.

Since her arrival in Congress in 1984, HELEN BENTLEY has been a defender of American interests, American jobs, and America's place in the world. Many remember her use of a sledgehammer on a Japanese television to protest one company's hostile trading practices, and this is indicative of the zeal with which HELEN pursues her goals. I have worked with her on maritime issues over the years, and she has been of invaluable help in getting things done.

Her crusade against NAFTA, although unsuccessful, opened many eyes and made a lot of people think. With NAFTA then, just as with GATT now, HELEN has turned her journalistic eye towards the issues and made us realize what the effect of these mammoth agreements might be on the working men and women of her district—and of others.

The House will miss HELEN BENTLEY's presence a great deal, but she will not be far away. I hope to continue to consult with her on maritime issues and other areas of concern, and I know that new opportunities will continue to come her way. HELEN, please keep in touch, and thanks again for your service and your friendship.

TRIBUTE TO HELEN DELICH BENTLEY

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. VUCANOVICH. Mr. Speaker, it is an honor for me to speak in recognition of my good friend and colleague who has been my friend for many years. This woman, HELEN DELICH BENTLEY, has represented her district, the Second District of Maryland, with energy and enthusiasm.

HELEN is not a typical Republican in many ways. She has battled for the American worker and is fiercely protectionist. She will long be remembered for smashing a sledgehammer on a T.V. set made by Toshiba, a company which exported secret products to the Soviets, as well as her Buy America slogans.

HELEN grew up in a Nevada mining town and has never forgotten her roots. Nevada still considers HELEN one of her own. She is tough but tender; cares about her friends and family; and will be sorely missed by all of us in the 103d Congress. I know we have not heard the last from HELEN BENTLEY. I hope not.

TRIBUTE TO THE HONORABLE HELEN DELICH BENTLEY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FIELDS of Texas. Mr. Speaker, I rise today to pay tribute to one of the most energetic, tenacious, and delightful Members of Congress, my good friend, HELEN BENTLEY.

Since coming to the House in 1984, HELEN has been the most outspoken advocate of the United States merchant marine since Wesley Jones, the father of the maritime Jones Act, served in Congress at the beginning of this Century. This House has benefitted immensely from her knowledge of America's maritime history and her efforts to preserve our merchant marine.

HELEN BENTLEY has been a staunch defender of our cargo preference laws—laws that were passed to support our commercial fleets. This diminutive lady from Baltimore has struck fear in the hearts of many Federal officials, including a few admirals and generals, who had failed to honor the letter and spirit of those laws.

She has proven herself a very able, and persuasive legislator for America's maritime industries. More than once, HELEN has marched across the aisle or across the Capitol to "discuss" issues with a Member or Senator who had a slightly different view of an issue than she did. Quite often after these "discussions", legislation proceeded representing the views of the gentlelady from Maryland.

I will personally miss seeing her in action at a Committee meeting or on the floor of the House in defense of the merchant marine. That spirit—that level of understanding of our Federal laws—that energy will be impossible to replace.

Mr. Speaker, this House is losing one of its most capable legislators. Fortunately, HELEN has promised she will not be far away.

I appreciate this opportunity to salute my dear friend and to commend her on a truly outstanding legislative career. I wish her God speed.

IN HONOR OF ACADEMIC HIGH SCHOOL, RANKED AMONG NEW JERSEY'S BEST

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today before the House of Representatives to pay tribute to Academic High School. This high school has continually been ranked one of the best public schools in the State of New Jersey, and recently has been ranked one of the top 21 best high schools in the State of New Jersey by New Jersey Monthly magazine.

Academic High School was established in 1976 as a college preparatory public school for highly motivated students. Academic maintains an ethnically diverse population of 30 percent African-American, 30 percent Caucasian, 30 percent Hispanic and 10 percent of other ethnicities. Prospective students must undergo a highly selective screening process. This process is based on the student's elementary school performance, standardized tests, recommendations, attendance and participation in extracurricular activities. With a student-teacher ratio of 15:1, every student's individual academic needs can be addressed. The faculty shows a great deal of dedication to their work. This is exemplified by the fact that 51.9 percent of the teachers hold master's degrees, which is well above the State average. Academic High School has also gone out of their way to become accredited by the Middle States Association, which is an accomplishment worthy of being recognized.

The students of Academic High School have consistently dominated the Hudson County Science Fair and in 1993 they were awarded five of the eight gold medals. Academic students have won trips to the International Science Fair in six of its seven annual competitions. Academic students have distinguished themselves by qualifying as National Merit Semifinalists as well as attending the Governor's Schools and St. Peter's College Summer Scholars Program. Students have also been recognized by receiving the New York Times Young Citizen Award and placing first in the Kiwanis/Key Club Essay Contest. With achievements such as these it is not surprising that 96.9 percent of the graduates go on to attend 4-year colleges, including the most competitive colleges, such as Harvard, Yale, MIT, and Cornell.

Urban education has reached a time of crisis and Academic High School has proven that public schools can overcome this and achieve great success. I am proud to have a school in my district that can be looked upon as a model for other schools to follow in the hopes that they too can achieve the level of excellence that Academic High School has worked so hard to maintain.

TRIBUTE TO RON DE LUGO

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FALEOMAVAEGA. Mr. Speaker, earlier this year, Congressman RON DE LUGO, chairman of Natural Resources Subcommittee on Insular Affairs, announced his retirement from the House of Representatives. I have known RON for 20 years, and have worked closely with him for 6 years now as a Member of Congress.

I want to give my highest praise to this Member for his work in support of the U.S. Virgin Islands, all U.S. territories, and in fact, for all of the United States as well.

Chairman DE LUGO's career in public service spans 40 years. Among the highlights of his career are:

In 1956, he was elected as the youngest member of the Virgin Islands Legislature.

He was elected to be the first seated delegate from the Virgin Islands to the U.S. House of Representatives in 1972, and has held that position in every Congress since then, except one.

He was elected by his Democratic colleagues as a subcommittee chairman in 1987, and has been reelected to that position in every Congress since that time.

Mr. Speaker, RON often mentions the difference in the consideration he is afforded now as opposed to when he first came to this Chamber in 1968. He rightfully attributes the acknowledgement he now receives to the other Members of this body, for unlike the Representatives from the States, whose rights and obligations are defined by the U.S. Constitution, we delegates exist by authority of Federal law, and the privileges to which we are entitled are determined by the Rules of the House. What RON is too modest to say, but I will say for him, is that if the Members of this body did not find the delegates worthy of the responsibilities they have afforded us, we would not be where we are today. As the senior delegate from the territories, he is the only delegate who has been here to fight for the rights and privileges we currently enjoy, and a great deal of the credit for the successes the delegates and the territories have achieved over the past 20 years should be given to RON DE LUGO.

Mr. Speaker, much has happened to the benefit of the U.S. territories since the time RON DE LUGO began his tenure in Congress. He has played an active role in all those changes, and I want to take this opportunity to publicly thank and commend him for his lifetime of service to the United States and the U.S. territories.

GROUNDBREAKING CEREMONY OF BETH CHAVERIM, VIRGINIA BEACH, VA

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PICKETT. Mr. Speaker, it is with great pleasure I share with my distinguished colleagues the comments of Rabbi Israel Zoberman at the Groundbreaking Ceremony of Beth Chaverim, the Reform Jewish Congregation of Virginia Beach, VA, held September 18, 1994.

Our God, Our Guide, Our Glory, Cherished Friends and Distinguished Guests, "Indeed, this is the beautiful day the Lord has made for us, let us rejoice in it." Our cup of joy runneth over as we have gathered at this sacred season on our land of promise, this field of dreams, to give thanks for having reached a historic milestone.

This significant celebration has been made possible through the heroic spirit of our beloved Beth Chaverim that has grown from a few visionary and courageous souls, 12 years ago, to a proud congregation of about 250 family units. We are here due to the steadfast and zealous labor of love of its members along with the extraordinary welcome and generosity of the remarkable Church of the Ascension that has been our loving home for the past 9 years, allowing us to flourish.

The unique and incredible interfaith drama which since 1986 is the only such between Catholics and Jews anywhere, has received local, national, and international attention, adding to the noble cause of shalom in a changing world. I remain the grateful rabbi of 1,300 Catholic families, an increase of 500 since our arrival.

Father Bill Dale watched over us so very devotedly all this time and Father Jim Parke, who replaced him recently, continues so tenderly to befriend us. Thank you Bishop Sullivan, who wanted but could not be with us today, for all you have meant to us. What an understanding landlord we have in you. We pledge not to forget a kindness that comes from deep within the heart. Together we shall build upon our common bond, allies in the divine pursuit to create a better world, offering the gift of healing, wholeness and harmony.

Standing before you in awe and trembling is the son of the saved remnant of European Jewry, born in Kazakhstan to Polish Holocaust survivors, living his tender years in a German Displaced Persons Camp and proudly raised in the State of Israel, our Zion restored. I confess to my profound conviction that the God of our martyred people led met to be the founding rabbi of a new synagogue in a generation that has witnessed both our people's demise and rebirth.

Beth Chaverim was led into the heart of our beloved city of Virginia Beach to grow with it on these precious American shores of freedom and hope for humanity. It is good to be in a friendly neighborhood. All we seek is to be a blessing; unto ourselves and unto the gracious Jewish and general community of Hampton Roads.

Without Jennifer, my faithful helpmate for 25 years, and our children Rachel and Harel, I wouldn't have come thus far.

"We praise You O Lord our God, master of the universe, who has kept us alive, has sustained and enabled us to reach this miraculous occasion." Let us say Amen.

WHAT REALLY KILLED HEALTH CARE REFORM THIS YEAR?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. CRANE. Mr. Speaker, history may remember the 103d Congress for the attention that was given to the issue of health care reform. Despite all of the debate that took place, however, health care reform legislation will not be brought to the House floor for consideration before adjournment. As my colleagues consider the reasons for the downfall of health care reform this year and prepare to revisit the issue in the next Congress, I urge them to read the following editorial which recently appeared in a newspaper that circulates in my district in Illinois The News-Sun. I agree with the editorial's observation about the public's rejection of President Clinton's big government approach to health care reform and urge my colleagues to take a closer look at the free market alternatives that have been proposed.

LESSONS IN FAILURE

At Issue: The failed exercise in health reform should show the way to President Clinton and Democratic congressional leaders.

George Mitchell's bitter pronouncement that there will be no health reform this year illustrates one reason that the effort to remake one-seventh of the U.S. economy was doomed from the start: He made a partisan issue of it.

Health reform died, the Senate majority leader declared, because the Republicans killed it. This flies in the face of political reality.

Democrats enjoy a 56-44 majority in the Senate and a lopsided 256-178 edge in the House. If Democrats had fallen in line behind either President Clinton's health reform plan or Mitchell's scaled-down plan or Rep. Richard Gephardt's alternative plan, they could have passed a health bill this year.

Mitchell claims Republicans have an effective veto in the Senate, even though they constitute a minority. Yet, while it is true the Democrats would have had to muster 60 votes to overcome a Republican filibuster, Mitchell could not raise even 51 votes for his or any other plan.

Senate Minority Leader Bob Dole was quite right when he said, "The Republicans didn't kill health care. The American people did."

Poll after poll after poll showed that, after a thorough public debate, most Americans did not look favorably upon the reforms put forward by either the White House or Democratic leaders in Congress.

They didn't like the idea of the government injecting itself into the health care system. They were understandably wary of any plan that would put the government between them and their doctors.

And that's precisely what the Clinton-Gephardt-Mitchell plans would have done. All would have limited a patient's choices in doctors and hospitals. All would have imposed a one-size-fits-all basic health plan. And all would have required massive new taxes.

The Democratic approach gave short shrift to the fact that 85 percent of Americans had health insurance. Instead their proposals, which placed a priority on universal coverage were directed primarily toward the 15 percent of Americans who lack health insurance for some period or another.

The White House also ignored the fact that 80 percent of Americans are satisfied with the medical coverage provided by their insurance. Instead, the administration, decided to depict the insurance industry as greedy concerns that brought the health care system, in Hillary Clinton's words, "to the brink of bankruptcy."

Finally, Clinton-Gephardt-Mitchell conveniently overlooked the fact that 75 percent of Americans are happy with the quality of care they receive.

The death of health reform is a textbook example of how misbegotten public policy can go awry in the face of popular opposition.

If President Clinton and Democratic congressional leaders have learned anything from this failed exercise, perhaps they will work with Republicans next year to craft a far less intrusive health reform plan that most Americans can support.

ACTION NEEDED IN KASHMIR

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BILBRAY. Mr. Speaker, I rise today to bring to my fellow Members' attention, a matter of grave international concern that has unfortunately gone largely unnoticed as we tangle with the thorny issues of Haiti and Bosnia. I speak of the continued conflict between Pakistan and India over Kashmir.

For too long the people of Kashmir have continued to be deprived the right to self determination. Through occupation and intimidation, the region has been denied the most basic right to determine its own future and destiny. This conflict has not only hurt the people of Kasmir, but has also led to a particularly delicate and dangerous standoff between India and Pakistan. This conflict has not only disastrous possibilities for these two countries, but could destabilize a region that is becoming more intricately economically connected to the United States' national interest.

Because of other ongoing situations, the Kashmir conflict has become largely forgotten, although it remains as heated and as dangerous as any in the world. It is imperative that the leaders of Pakistan and India show the moral courage necessary to settle this conflict and to restabilize not only the lives of the people of Kashmir but of the whole region. In order to encourage this outcome, I call on Chairman ACKERMAN's Foreign Affairs Subcommittee to hold hearings on this issue, exploring both the views of India and Pakistan and possible resolutions to the conflict. In addition, it is imperative that the United Nations show the kind of leadership necessary to steer toward a peaceful outcome of the Kashmir questions.

I encourage all my colleagues to join me in bringing attention to Kashmir and in supporting a peaceful and equitable resolution to the conflict.

SACRAMENTO LOCAL CONSERVATION CORPS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to rise today in recognition of the Sacramento Local Conservation Corps. This month marks the Corps' 10th year of outstanding service to our community. On October 6, 1994, friends of the corps will gather at the Mather Regional Park site to celebrate the positive impact that they have had on both the youth and the environment in Sacramento.

The Sacramento Local Conservation Corps was created in 1984 by the city of Sacramento Chamber of Commerce in order to provide employment for youth who are non-high school graduates. However, shortly after its initiation, the corps set out as a private nonprofit corporation under the guidance and training support of the California Conservation Corps.

Today, the Sacramento Local Conservation Corps operates with a mission to provide a youth development program that integrates education, job skills training and experience through conservation projects and service opportunities that benefit the community.

During the past 10 years, the corps has worked in all areas of conservation and more recently, has developed work projects in the area of recycling. Some of the corps' major projects include: work with the State of California for the preservation and restoration of the river delta; work with the city of Sacramento for their weed and litter abatement programs; and work to clear and clean vacant lots and deserted homes throughout the city. In addition, corpsmembers have been a part of roadway restoration effort under the training guidance of city personnel; and for the past 4 years, the county of Sacramento has contracted with the corps for the purpose of clearing and maintaining the 103 miles of creeks and channels which run throughout Sacramento County, Folsom, and the city of Galt.

Over 800 young adults have participated in the Corps' program in the past 10 years. Many of these young adults have gone on to attain a high school diploma or equivalency certificate and are currently either seeking higher education or are holding gainful employment within the community.

Because of its history of effective program administration, the Sacramento Local Conservation Corps was one of the first Urban Corps to be awarded a grant from the Corporation for National and Community Service. The grant provides funding for the Mather Regional Park project which involves the creation of a 1400 acre park on the former Air Force Base. The grant will employ 51 corps members who will benefit not only from the corps' education and job skills training programs but by a post-service educational award of $2,500.

The Sacramento Local Conservation Corps is truly a priceless community resource. With countless statistics pointing to young adults as most in need of assistance, this corps has been proactive in sculpting a program which meets almost all of their development needs.

I salute the outstanding record this organization has made for itself in such a short period of time.

I ask my colleagues to join me in paying tribute to the Sacramento Local Conservation Corps on the occasion of their 10th anniversary of service to our community. May this period of success be multiplied in the coming decades.

MATERNAL AND FAMILY HEALTH SERVICES CELEBRATES 20TH ANNIVERSARY OF WIC

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KANJORSKI. Mr. Speaker, I rise today to join the Maternal and Family Health Services, Inc. in celebrating the 20th birthday of the Supplemental Food Program for Women, Infants, and Children [WIC], and the 5th birthday of the Farmers' Market Nutrition Program.

The MFHS WIC Program serves an average of 53,500 eligible residents of Northeastern and Central Pennsylvania each month.

The Farmers' Market Nutrition Program began as a pilot project in 1989 and has successfully been integrated with the WIC Program. This program provides vouchers for Pennsylvania-grown fresh fruits and vegetables for children, pregnant women, and other WIC participants. These vouchers are used at participating Farmers Markets in Northeastern and Central Pennsylvania from July to November.

It is a proven fact that healthy babies are happy babies who grow up strong. It is estimated that for every dollar invested in the WIC Program, $3 in health care costs are saved.

Mr. Speaker, because the WIC Program is such a successful program, I wanted to pay my compliments to the Maternal and Family Health Services for a job well done, and join in birthday celebrations this October 14.

70TH ANNIVERSARY OF THE BLOOMFIELD PUBLIC LIBRARY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KLEIN. Mr. Speaker, I rise to mark the 70th Anniversary of the Bloomfield Public Library.

Beginning with its conception in 1923 with a donation of money, books, and equipment to the township of Bloomfield from James N. Jarvie, the library sought to promote more open access to resources and reference materials. In 1924, the first free public library was opened from the help of a newly-formed Board of Trustees and enthusiastic townspeople.

The library has used some innovative approaches over the years. Starting with a bookmobile established in 1950, later in 1981 the Library joined the county of Essex Cooperating Libraries System, a reciprocal borrowing program. Moreover, the public access catalog was created in 1993 which replaced a card catalog to assist readers in finding materials. These examples of creativity demonstrate how the library accommodated the needs of the public. In addition, activities such as lectures, plays, and the building of a Young People's room encouraged many new patrons. By opening vast new worlds, the Library has enhanced the informational, educational, recreational, and cultural lives of the community.

For 70 years the Bloomfield Public Library has given Bloomfield residents a wonderful service. It has offered boundless knowledge to the entire community, and it is my great pleasure in wishing the library many wonderful years of continued success.

I am delighted to congratulate Director Dorothy E. Johnson and the entire staff at the Bloomfield Public Library.

A TRIBUTE TO JAMIE WHITTEN

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PICKLE. Mr. Speaker, when JAMIE WHITTEN retires from Congress, we will lose one of the all-time great Members of Congress. For over 50 years, JAMIE has been a stalwart leader in the House of Representatives, a legend, and a national treasure.

It seems like he's been here forever, and it seems that he has been the chairman of the Committee on Appropriations and the dean of Mississippi and the dean of the House forever. In all these years, nothing but praise has been given for JAMIE and his service. Not once has any question of impropriety or misconduct been aimed at him. To the contrary, he has been the model of conduct and accomplishment in the House.

I was privileged to attend the ceremony unveiling the portrait of Chairman WHITTEN in September 1984. This was a happy and jolly occasion participated in by Congressman WHITTEN, Mrs. Whitten, former Member Edward Boland, Chaplain James Ford, then majority leader Jim Wright, Minority Leader BOB MICHEL, the late chairman, William Natcher, the late Congressman Member Silvio Conte, former Member Will Hickman, and the late former Speaker Tip O'Neill.

Mr. Speaker, it was obvious that all those people in attendance hastened to pay JAMIE the highest compliment because he is a genuine southern gentleman and a great American. I want to recall some of their remarks.

Congressman BOB MICHEL said he received most of his tutelage from Chairman WHITTEN. "JAMIE taught me what to do and what not to do," he said. "JAMIE WHITTEN is what they call 'a first among equals' in the House, and that is one of the highest honors we can pay to any fellow Member."

Congressman MICHEL went on to add, "the old saying, 'The Buck Stops Here,' does not apply to the Committee on Appropriations; to the contrary, this is where the buck starts in terms of what happens to Federal expenditures. The Committee on Appropriations is where all the crosscurrents meet and come together to make policy work in this institution. So in honoring JAMIE, we pay tribute not only to a great leader, but I think to the House itself."

At the unveiling, Speaker TOM FOLEY pointed out that while JAMIE was criticized by some for doing too much for his district, he had no apologies; in fact, he was proud of it. As a congressional leader who has worked effectively and diligently for our country, JAMIE reminded us all of this important truth: Fighting for your district does not make you provincial, and fighting for your country does not mean you have forgotten the folks back home.

Our beloved late Chairman Bill Natcher said that when he and the late Congressman Silvio Conte were in charge of the Agriculture Appropriations Subcommittee, they had always found JAMIE WHITTEN to be more than cooperative, and willing to work with them on their bills. When the markup would take place, Natcher recalled, JAMIE WHITTEN would come in and say, "I am with the subcommittee."

Chairman Natcher recalled that James A. Garfield had served on the Committee on Appropriations for 18 years until he was elected President of the United States in 1880. Mr. Natcher said there were times when senior members on the committee would beg Chairman WHITTEN to stay until he too was elected President. Chairman WHITTEN would remind those members to "remember what happened to Mr. Garfield!"—who was one of four Presidents who was assassinated. "Let me say this to you," he would add. "I appreciate the honor, but I think I will just stay right where I am."

The day of the unveiling, Congressman Silvio Conte remarked, "JAMIE has had a very long and successful career in the House, and it is truly fitting that his many years of service to the American people be honored by us today. It has been said that in the making of a perfect portrait, the artist should capture how each observer sees the subject. In viewing JAMIE's portrait, some will see a solid man of the people who has served the State of Mississippi with great distinction for 44 years. Others will see an architect, a foreman of the New Deal, who has contributed greatly to the Nation's industrial and economic health in the past nearly half a century. Still others will see an able and a fair chairman who has presided over the House Committee on Appropriations during one of the most turbulent and difficult times in our history. But those of us who know JAMIE will see all these visages and more. In a building that is filled with likenesses and artifacts, we will have in the Committee on Appropriations office the image of a friend. Regardless of anyone's regional or political affiliation, JAMIE always has an open ear and a friendly handshake. These great qualities combined with his virtually invaluable expertise have made him a real statesman, a chairman under whom Members on both sides of the aisle are honored to serve."

Mr. Speaker, at the ceremony, Chairman WHITTEN made some observations of his own about some of the Members in attendance. "I recall that when my predecessor, George Mahon, had his portrait hung right here years ago, President Ford spoke at that time," he said, "and I was Master of Ceremonies, being next to him. It was a great occasion, but George sent me a copy of the picture taken while he was here, and his eyes were completely closed. Under it he said, "JAMIE, I had so much confidence in you that I closed my eyes." Well, Chairman WHITTEN wrote back to George Mahon and said, "Mr. Chairman, I am glad you explained it. I thought you were praying."

Mr. Speaker, in closing I wish to let it be known how loved and admired this great man is, and that he will be remembered and revered forever. I am glad to have this opportunity to join with the other Members of this body in tribute to our leader, colleague, and friend, Congressman JAMIE WHITTEN.

THE LESSONS OF JOHN LINDSAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. MALONEY. Mr. Speaker, I rise to honor a former member of this body, who was a pioneer in breaking down barriers between whites and blacks, between Democrats and Republicans, and between elected officials and the people they represent, who too often get separated by the buffer zones of power.

I have one enduring image of former mayor and former Congressman John V. Lindsay. During the riots in Los Angeles, Detroit, and Washington, DC in the 1960's, I remember him walking through Harlem with his sleeves rolled up and no security detail.

He was traversing a bridge of his own making—a bridge of racial unity and civil rights. And he was setting an example of unprecedented accessibility for a man of his stature. New Yorkers loved John Lindsay then, and they love him still.

Three weeks ago, I had the good fortune to chat with Mr. Lindsay at his law office. I noticed a framed, handwritten letter in his office from President Clinton, written on August 22, 1994, when the first version of the crime bill was meeting unexpected defeat.

President Clinton put it perfectly when he wrote:

> Yesterday when we were waiting for the vote in Congress on the Crime Bill, we lamented the absence in Congress of thoughtful members on both sides who would come together and help the country come together. You were mentioned as the most outstanding example of what we have had and need more of today.
>
> I just wanted to say this and to say I'm thinking of you. Signed, Bill Clinton.

John told me that he considers the Kerner Commission Report to be an important achievement of his career. He served as vice chair of the U.S. Commission on Civil Disorders appointed by President Johnson, which produced the report.

The report revealed that there were two Americas, separate and unequal, one white, one black. He recalled being in Washington when there were sandbags and troops armed with machineguns surrounding the Capitol due to civil unrest.

But the report condemned equipping police departments with the weapons of mass destruction. He was a peace-loving man who was inspired to go into public service when he served his country in World War II. He witnessed the carnage of his fellow men as he earned five battle stars as a gunnery officer on the U.S.S. *Swanson,* narrowly skirting death as barrages of Kamikaze planes swooped in and crashed all around the *Swanson.* After living through war, John Lindsay devoted his life to peace, both domestic and international.

A graduate of Yale University and Law School, Mr. Lindsay went to work as executive assistant to the Attorney General in Washington from 1955 through 1957, where he argued three constitutional cases before the U.S. Supreme Court. He also represented the Attorney General and the United States in Vienna during the Hungarian revolt, and set up machinery to admit 30,000 Hungarians into the United States.

In 1958, he was elected to the U.S. Congress, where he served for 8 years as a member of the Judiciary Committee. He was also a delegate to the NATO Parliamentarians Conference in Paris from 1964 to 1966, and served as chair of the political committee of the Conference from 1965 to 1966.

John Lindsay was a Republican at the time. His now-famous independence and reform-minded spirit emerged as he fought the status quo and expanded the Rules Committee. He aspired to serve on the Foreign Affairs Committee, but his successful effort to shake up the way Congress did business wrought the ire of guardians of the status quo. As a result, he never made the Foreign Affairs Committee.

But all's well that ends well. One day during John's fourth term, Senator Jacob Javits pulled him aside and said, "John, why don't you run for Mayor?"

Mr. Lindsay, who had aspirations for higher political office, promptly replied, "Why don't *you* run for Mayor?"

Senator Javits replied, "Because the job would kill me."

"Thanks a lot," John replied.

So John Lindsay ran. And John Lindsay won. And for the next 8 years, he devoted himself to solving urban social problems and expanding civil rights for all New Yorkers and all Americans, serving on the Kerner Commission and as chair of the Urban Action Committee of the U.S. Conference of Mayors.

For all his work on progressive causes, New York City Republicans rewarded Mr. Lindsay by spurning him as their candidate in 1969. John Marchi defeated him in the Republican primary.

Then, John made history. He ran—and won—as an independent. Now and forever more, the very word "independence" in politics is synonymous with John Lindsay.

During his 8 years in office, Mayor Lindsay confronted enormous economic and demographic pressures. As Mayor Lindsay's corporation counsel Norman Redlich wrote after Mayor Lindsay left office in 1973,

> John Lindsay was Mayor at a time when three of the most massive population movements in this country's history engulfed the northern cities, particularly New York. There was a movement of the rural poor, primarily black, from the farms to the cities, lured not by the promise of welfare but by the need to survive. At the same time there was the movement of the urban middle and upper classes, spurred by federal housing and transportation policies, out of the cities to the suburbs. Finally, there was the movement of people and business from the Northeast to the Sunbelt.

This demographic sea change brought New York City's financial health under siege. Onerous Federal laws forced New York City to pick up 25 percent of all welfare payments, a burden not borne by any other city.

That, and the enormous financial pressures of maintaining the City University and the municipal hospitals created a severe fiscal crisis.

> As Norman Redlich wrote, "Lindsay dealt with the explosive problems of race in the areas of education, police-community relations, housing and jobs. He tried, with enormous political and personal courage, to resolve in this City the moral dilemma that has faced this country from the day the first black person set foot on these shores three and a half centuries ago.

In short, John Lindsay was a man—and a Mayor—of principle. President Clinton's recent letter to him in August is a profound statement about the lessons that John taught us.

After leaving the Mayor's office, John Lindsay went to Europe for a sabbatical. While there, he contributed articles to such publications as Harper's, Atlantic Monthly and the New York Times Magazine.

John Lindsay was an accomplished writer both in and out of office, authoring three books, including a novel, published in 1975. He was also a contributing editor for many years to Channel 13 and ABC News.

And, John never really left politics. Following his tenure in City Hall, he became President of the Association of Former Members of Congress, of which he is still a member.

He also took an active interest in the arts, serving as chairman of the board of the Lincoln Center Theatre and board member of Lincoln Center for the Performing Arts.

His interests are numerous, as evidenced by the organizations on which he serves as a board member: the Police Foundation, the Association for a Better New York, and former director of the Lincoln Savings Bank.

Mr. Lindsay made his living both before and after serving in office as a lawyer, and a fine one. He was a partner for 36 years at Webster and Sheffield. Today, he is Of Counsel to Mudge Rose Guthrie Alexander & Ferdon.

The success and influence of your life can be measured in part by how many people compare themselves to you. And seemingly all candidates in New York politics bills themselves as "the next John Lindsay."

But there will never truly be "a next John Lindsay," for the simple reason that John Lindsay is one of a kind.

Mr. Speaker, I never took a class from John Lindsay, but I consider him one of my teachers. And it is a profound honor to call him my friend.

PARCA'S RAJI HOUSE: A QUALITY CHILDREN'S RESPITE HOUSE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LANTOS. Mr. Speaker, I rise today in recognition of the efforts of the organization known as PARCA, or the Peninsula Association for Retarded Children and Adults. For years, PARCA has been a vital and integral part of the community of the San Francisco Bay area.

Now, with a generous donation from Umang and Ruth Gupta, the group home located at 1401 Palm Drive in Burlingame, CA, is undergoing extensive renovations and is due to open October 14. Once completed, this facility will be the first of its kind in operation in San Mateo County.

The Raji House will provide respite care on the weekends for developmentally disabled children. Twenty-four hour weekend care will be provided, offering three to thirteen children to one counselor—supervision and quality care. Their intention is to eventually expand operations to 7 days a week.

Raji House aims to provide a structured yet relaxed, nonpressured, social atmosphere offering children an enjoyable supervised experience. It will provide indoor and outdoor therapeutic recreational, social, leisure, and educational activities. Indoor activities will be geared toward providing opportunities for individual play and group interaction. Outdoor activities will provide children with exercise, community integration, and opportunities for social interaction.

Community outings and local community resources are an important part of the Raji House respite program, and will be a regular part of the children's stay at Raji House. Depending on the age and developmental level of the children, they will be integrated into the community at large on each weekday, and activities will be provided in a natural setting.

Raji House owes a great deal to Umang and Ruth Gupta who donated $1 million for its renovation and operational expenses for the next 20 years.

Umang and Ruth Gupta were parents of a developmentally delayed child, Rajan Frances Gupta (Raji), for whom the house was named. Raji was born on October 24,1984, with profound mental retardation and severe infantile spasms—seizures. He lived for 2½ years until March 17, 1987, and brought a great deal of love and joy into the Gupta family. The Gupta family persevered through this difficult period with the help of various community organization. One such organization was PARCA, whose Board of Directors Umang later joined. The Guptas feel a profound gratitude to the community which helped support them and the needs of other developmentally delayed children and their families.

In PARCA's annual community surveys, a quality respite home scores on the top of the list of community needs. The people of the county of San Mateo are indebted to the generosity of the Guptas for setting up Raji House. The Guptas serve as an inspiration to all who seek to increase the quality of life of the communities in which they live.

A GOOD FIRST STEP TOWARD MEANINGFUL HEALTH CARE REFORM IN THE 104TH CONGRESS

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. EVERETT. Mr. Speaker, to be certain, health care reform is dead for the 103d Congress. Although I have withheld my official support for H.R. 3955, the original Rowland-Bilirakis health care plan, I feel compelled to cosponsor this legislation before we adjourn. I do this with the hope that this bill will serve as the focus for the health care debate in the next Congress. I believe that H.R. 3955 is a good first step toward meaningful health care reform for the American people.

With its focus on key elements that include the portability of benefits, the removal of preexisting condition exceptions, other insurance reforms, malpractice reform, and antitrust reform, H.R. 3955 would make significant positive improvements to our current health care system, which I feel that most Americans would agree is the best in the world. I am especially pleased to support this bill in light of the Congressional Budget Office's favorable assessment of the bipartisan health care compromise unveiled in August, which has many provisions similar to H.R. 3955. The CBO concluded that the bill, which is free from new Government bureaucracies and job-killing employer mandates, would result in $65 billion in deficit reduction and would extend coverage to 92 percent of Americans.

The CBO findings further confirm my firm belief that we can improve our health care system without skyrocketing our Federal deficit or putting Federal bureaucrats in between patients and physicians. When the 104th Congress convenes in January, I would encourage my colleagues to take a close look at H.R. 3955 as a sound basis for health care reform. We owe it to the American people to take a commonsense approach to health care reform that will not jeopardize the outstanding level of care and choice that exists in our present system.

IN MEMORY OF JAMES MATTHEW BROADUS III

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. STUDDS. Mr. Speaker, the marine scientific and policy community suffered a tremendous loss with the tragic and untimely death of Dr. James Matthew Broadus III, the Director of the Marine Policy Center at the Woods Hole Oceanographic Institution, on September 28, 1994. Dr. Broadus was recognized internationally for his work on the economics of ocean and coastal resources, particularly in the areas of marine minerals and global climate change.

Jim was the first social scientist appointed to the resident scientific staff at Woods Hole and served as Director of the Policy Center from 1986 until his death. He was one of those rare breeds—a brilliant academic with a detailed and sophisticated understanding of the political system and an appreciation of the necessity of translating scholarly findings into language understandable by policy makers.

I will miss the contributions that Jim Broadus made to my own work in Congress. He frequently provided good counsel to me and my staff on a wide range of issues. One measure of a person in a position like Jim's is the extraordinarily high level of respect accorded to him by those who worked with him. Under Jim's leadership, the Marine Policy Center blossomed into one of the leading institutions, of its kind because of the productivity of the excellent staff that he put together. It is a productivity for which Jim was directly responsible by the open and collegial environment he nurtured at the Center.

We hope that the memory of his dedication, talent, and leadership will help to sustain the tradition of excellence that he established for the Marine Policy Center at Woods Hole.

Finally, to Jim's family, his wife Victoria, sons, Matthew and Joseph, and daughter, Tory, my staff and I extend our deepest sympathies. I hope that the knowledge of the important and lasting contributions that Jim made, and the deep affection and respect that we had for him, will help sustain you during this time of sorrow.

ST. JOSEPH PARISH: 175TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. DINGELL. Mr. Speaker, I rise today to recognize the 175th anniversary of the founding of St. Joseph parish in Erie, Michigan which is located in my Congressional District.

The present church is the third structure to have served the people of Erie. In 1819, pioneering parishioners erected a simple structure made with logs and roofed with tree bark where they could express their faith. The community then known as the Bay Settlement was made up of hunters, trappers, fur traders, and farmers. The church was one of only four in the whole archdiocese of Detroit. The people of Bay Settlement relied on the lake to travel, as well as to receive their ministry, made up of Jesuit priests. In the beginning years, Father Gabriel Richard occasionally traveled to the area.

In 1826, the original structure was replaced by a wood frame church, and by 1833 the church was occupied by its first resident pastor, Father J. DeBruyn. The St. Joseph parish continued to prosper allowing work to begin on the present building, which was completed in 1852, under the leadership of Father Peter Warlop. The church was built of brick, with strong, thick walls, sloping roofs, and a towering steeple. It was a remarkable architectural achievement.

The church of St. Joseph has inspired the people of Erie as their community has grown. Serving as a symbol of hope for the future and reminding them of their predecessors' faith, the church has been a source of great strength for those who worship there. Today it remains a focal point of the community serving more than 630 families. It also provides invaluable instruction for the young people of Erie and helps to promote their growth and development. The church school assists 193 students in the first years of their learning, from pre-kindergarten through the eighth grade. All this is made possible by the hard work and sound leadership of Father Joseph Plawecki and Rev. Mr. Wesley Cousino.

The rich history of St. Joseph parish, and the lasting tradition of those that worship there, represent the outstanding values that have built our Nation. The commitment and determination of the congregation and people of Erie are illustrated by their strong desire to build on past successes. They are marking this important anniversary with the construction of a new activities center which includes a social hall and a gym. The completion of these facilities will allow the parish to continue to serve the people of southeast Monroe County well into the next century.

Mr. Speaker, I call upon my colleagues to join with me in congratulating the congregation of St. Joseph on reaching this milestone in their history and to wish them similar success in the future.

A TRIBUTE TO PAT RISSLER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. CLAY. Mr. Speaker, as my good friend, the Honorable WILLIAM FORD brings his 30-year tenure in the House to a close, so will Patricia F. Rissler, staff director of the Committee on Education and Labor. This dedicated and respected administrator will be retiring at the end of this session after a long and impressive career of service to the Congress.

Pat began her career as a staff assistant to Representative Neil Staebler from Michigan in 1963 and rose through the ranks to become staff director of the Committee on Post Office and Civil Service in 1989 and staff director of the Committee on Education and Labor in 1991.

Pat has been a key staff member on issues regarding civil service, education, and labor. As principal policy and political advisor to Chairman WILLIAM FORD, Pat contributed to numerous legislative successes for the Committees on Post Office and Civil Service and Education and Labor. Her credits include the development of the Federal employees retirement systems, the Workplace Fairness Act, Family and Medical Leave, Goals 2000: Educate America Act, National and Community Service Act, the Elementary and Secondary Education Act, the reauthorization of the Higher Education Act, women's employment equity and civil rights, just to name a few.

Pat was cited several times by Roll Call newspaper as one of the most influential staffers on Capitol Hill and was named runner-up to the Ultimate Hill Climber in 1993.

Pat Rissler is one of the most effective administrators I have every known. I have very high regard for her professional judgment and keen political insight. Moreover, she is candid, impartial, and trustworthy.

I express my deep gratitude to Pat for her outstanding assistance and wish her much success in the future. I am confident that she will be productive and resourceful in any endeavor she pursues.

THE INTERNATIONAL CORPORATE RESPONSIBILITY ACT OF 1994

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. EVANS. Mr. Speaker, as a leader in the international economic community, our Nation can be proud that we also maintain one of the most progressive policies in the world by ensuring worker rights for our labor force. In general, U.S. corporations pay their employees fair wages, maintain safe and fair working conditions and are environmentally conscious. Yet, some companies do not feel compelled to treat their workers with the same dignity and respect when operating abroad. Even more disturbing is that although some companies have endorsed a code of conduct for their foreign subsidiaries to live by, there is a significant disparity between the application of these codes to operations in the United States and abroad.

Although most companies would not knowingly contribute to repressive and irresponsible business practices, there have been cases where fundamental and internationally recognized worker rights have been violated. For example, in some U.S. affiliated factories abroad, children as young as 5 work alongside each other from 6 in the morning to 7 at night for less than 20 cents a day. in other cases, contractors like Reebok's Chinese affiliate, Yue Yuen, were found to combine warehouse, workplace and dormitory facilities—contributing to dangerous and inhumane working and living conditions. Fortunately, Reebok pressured its contractor to either correct the situation or lose its contract.

However, the Reebok case is not unique. In many cases, U.S. multinationals engaged in joint ventures or other business arrangements, may not have complete control over ensuring that fair labor practices are guaranteed to workers. Therefore, it is increasingly important that these companies articulate a socially responsible policy and provide active oversight over these standards, so that decisions are not left solely in the hands of local partners.

It is imperative that as an influential economic power, we take the initiative to not only encourage our corporations to adopt a set of voluntary and internationally-recognized principles that promote socially responsible business practices, but to improve their level of adherence to these standards.

I am pleased that Chairmen BROWN and CONYERS, Congresswoman KAPTUR, and Congressman DEFAZIO have joined me in introducing a bill that would codify and broaden socially responsible business practices for U.S. multinationals.

Undert this bill, the State Department, in cooperation with relevant agencies, will develop a set of voluntary guidelines based on internationally-recognized principles. The bill calls on the State Department to include and reaffirm the following:

The Organization for Economic Cooperation and Development [OECD] and International Labor Organization [ILO] guidelines concerning multinational enterprises and social policy.

The Sullivan, MacBride, and Slepak Principles—codes of conduct for South Africa, Northern Ireland, and the former Soviet Union.

Annual public hearings on the corporate compliance of these principles.

Among other things, the bill calls for increased disclosure, monitoring, and publicity of the corporate level of adherence to these standards. By codifying and broadening awareness of these codes, the United States will demonstrate that foreign investment can remain competitive, while creating a socially responsible climate for trade and investment.

Mr. Speaker, I urge my colleague to cosponsor this legislation to ensure that international trade and investment in a positive force in these countries—not a license to exploit workers.

TRIBUTE TO TOM JURCHAK

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MCDADE. Mr. Speaker, I take this opportunity to recognize the achievements of an outstanding Pennsylvanian who has made a lasting, positive, and significant contribution to the agricultural economy and the individuals and families involved in farming.

Tom Jurchak is retiring next month after 38 years with the Pennsylvania State University Extension Service. He started in 1956 as assistant agent in Luzerne County and was named to his present position as Lackawanna County Extension Director. Those nearly four decades of service are distinguished by a remarkable dedication, expert knowledge, professional competence, and innovative ideas for improving agricultural production.

Tom's contributions to the commercial vegetable production, tomato, and dairy industries have been invaluable. His monthly "Milk Market News" report is a widely read and valued resource for dairy farmers throughout the entire northeastern United States.

His expertise in the commercial vegetable field has resulted in numerous advancements in soil treatment and production, especially the "no till" tomato planter. Tom was instrumental in the growth of an expanding fresh market tomato industry and the development of a viable and growing local vegetable business and the startup of the oldest farmer-owned night market in Pennsylvania.

I have particular memories of Tom's essential role 21 years ago in gathering information on Federal assistance in the aftermath of damage in my region from Hurricane Agnes. He played a key role in efforts to grow grass on culm banks in northeastern Pennsylvania and development of nutrition aid programs for low-income families. He has also been active in 4–H and youth development activities.

My staff and I are grateful to Tom for serving as a source of information and advice on dairy policy and agriculture issues.

Tom Jurchak will be honored by the Lackawanna County Cooperative Extension Association at a reception in Dickson City, PA, on November 12. He is truly deserving of all of the accolades he will receive. He has been a force for positive change, and I want to extend my appreciation for the remarkable job he has done. My best wishes go to Tom, his wife Marie, their four children, and their families.

KUDOS FOR THE STAFF

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FORD of Michigan. Mr. Speaker, I want to take a few minutes to talk about some of the people who have helped my predecessors and me enact important education and labor legislation over the past couple of decades.

As you and all of our colleagues know, Mr. Speaker, I will be retiring from the House at the end of this session. And as you also know, it is the 435 Members of this body who come before the cameras every day we are session, who get their names in the paper, who get the glory of serving our fellow citizens in this great institution. But behind us are a group of hardworking, intelligent, dedicated and loyal people who do the work of drafting legislation, putting together hearings, writing reports, and making sure that the trains run on time.

In my three decades in the House, I have been blessed to have a great number of people working for me to execute the work we were sent here to do. And as I leave the chair of the Committee on Education and Labor, there are five long-time employees who will be leaving with me. All have worked either for me or for the committee, or for other Members of Congress, for at least 20 years.

Barbara Morrison joined the committee staff in 1974 as an executive assistant for our friend, Carl Perkins. Over the last two decades, she has been an administrative assistant and specialist working in a variety of areas, including labor, budget, employment and training, human resources, and child care.

A native of Nashville and a graduate of the University of Tennessee, Barbara moved to Washington in 1961, working downtown as a legal secretary for 13 years before bringing her experience to the House. Over my 4 years as chairman, Barbara has helped us pass legislation such as the striker replacement bill, pension reform, and the National Service Program.

Lelia Beall first began working for the committee in 1963 and 1964 as a summer intern. Known affectionately as Peanuts, she returned the following summer, stepping in as clerk for the Subcommittee on Labor. She returned to school at George Washington University that fall, but in January 1965, she was asked to come back full time as subcommittee clerk. She did, and continued attending George Washington at night until she received her degree in 1970.

Along the way, Peanuts has been a key legislative assistant for the full committee, ensuring that our work is carried out in a timely fashion and providing institutional memory for the top-level staff who have come and gone for the past 28 years. Her shoes cannot be filled for a long time.

Toni Painter came to work as a part-time secretary to the staff director of the Subcommittee on Elementary and Secondary Education, Jack Jennings, in 1971, and still got home in time to greet her three children returning from elementary school. Over the following 5 years, Toni's hours increased along with Jack's needs. Toni was one of the people who helped us pass this last committee bill of the year, H.R. 6, the Improving America's Schools Act.

Jack Jennings also is leaving. Jack had tried to leave 2 years ago, but agreed to stay on to help Dale Kildee and me pass H.R. 6. Jack has been writing education legislation since 1967, when our colleague Roman Pucinski called Jack right out of law school to leave Chicago and come run the Subcommittee on Elementary and Secondary Education. He has become the most knowledgeable person in this country about federal aid to public education.

A trade newspaper, Education Week, published a profile of Jack in September. It quoted someone as saying, "There probably isn't an important education issue on which Jack hasn't been a key player. He is the one person who really ties the creation of these programs to today's intellectual and political reality." I have to agree.

Few people are replaceable around here, but as I look at the committee and around Washington, I don't see anyone who comes close to matching Jack in qualifications or dedication to the interests of public education. Personally, I'm pleased I won't have to try to serve without his assistance.

For 11 years, until last year, Janice McDonald was my executive assistant. Janice ran my office, administered my personal affairs, arranged my schedule, and read my mind. About a year ago she moved over to the Committee to become its chief administrative officer. She continued to read my mind.

Janice has been on Capitol Hill since 1969, when she left Michigan to work for our beloved friend Phil Hart. That was where I met her. When our colleague Joseph Fisher was elected to the House in 1974, Janice became his executive assistant, remaining until he left 6 years later. After a couple of years in the private sector, Janice joined my personal office in 1983. And with my departure, she, too, is taking her leave of public service.

Janice tells me that she has loved every moment of her life on the Hill—well, I know that can't be true. But she also says she knows enough to write a book, so I'm trying to be careful.

Mr. Speaker, these five people have between them 123 years of public service. Their efforts have made a direct difference to the lives of millions of Americans. The Education and Labor Committee is the "people committee." Its work helps people to acquire the skills they need to become contributing members of society, gives them legal protection from injury on the job, and secures their pensions. It has been my privilege to know these five people, and I wish them the best as they pursue their respective endeavors when they leave the Capitol at the end of this year.

THANK YOU, DR. KELL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BARCIA of Michigan. Mr. Speaker, on October 31, the congregation of the Lutheran Church—Missouri Synod, will be celebrating the accomplishments of Dr. Donald L. Kell, who will be retiring after forty-one years of service to the Church. I join with the thousands whose lives Dr. Kell has touched with his ministry in thanking him for providing guidance, stability and sensitivity in a world so much in need of those qualities.

Dr. Kell has spent the last twenty six years as the Education Executive for the Michigan District of the Lutheran Church—Missouri Synod. Having served as a teacher, athletic director, youth counselor, and principal, his impact on the young people of Michigan.

His wife of nearly forty years, Carol, and his daughters Gretchen and Gwen, have had the opportunity to experience daily the profound influence that this gentleman exhibits. The leadership that he has demonstrated in their lives carries over to the work that he has done in contributing to the Executive Board of Family Life for the Lutheran Church. He has been extremely sensitive to the teaching of family traditions and values, something for which our nation has a great need.

Dr. Kell is a leader in the development of improved Lutheran education in the 21st century. The Saginaw Valley is tremendously strong in Lutheran education. The quality of education at Michigan's 100-plus Lutheran schools has been enhanced under his leadership, including the all-important development of pre-schools. He has worked tirelessly with our public school system to make sure that there has been constant attention to maintaining high quality throughout our education system.

Mr. Speaker, while Dr. Donald Kell is not a constituent, his life's work has been so important to so many people that I represent that I believe it is most appropriate for me to thank him on behalf of my constituents, and to wish him and his family every blessing as he movers on to new and equally important challenges in his life. I urge our colleagues to join me in wishing him well.

IN HONOR OF THE 325TH ANNIVERSARY OF WOODBRIDGE TOWNSHIP

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate the citizens of Woodbridge as they celebrate the township's 325th anniversary. This is a very special time for those living in Woodbridge. It is a time to look back at the proud and glorious history of the township. It is a time to commemorate a wonderful history.

Woodbridge is the fifth largest municipality in New Jersey with a population of 93,086 covering 27 square miles. The township consists of ten sections, including, Avenel, Colonia, Fords, Hopelawn, Iselin, Keasbey, Menlo Park Terrace, Port Reading, Sewaren and Woodbridge proper. Many major corporations are based or have regional offices in Woodbridge. Among them are: Hanson Industries Inc., Siemens, Ciba Consumer Pharmaceutical, Englehard Corp., Merck & Co., Hess, Carborundum Co., Ecolab, Kullman Industries and Supermarkets General.

The township has a rich history. In 1664, settlers, mostly from New England, began arriving in the Woodbridge area. In 1669, Woodbridge was officially chartered as the property of Sir Phillip Carteret, Governor of New Jersey at the time. In 1751, James Parker opened his print shop which published New Jersey's first newspaper. In 1877, the first school in Woodbridge opened, along with Barron Library. When the United States entered World War II, Woodbridge citizens came together to lend a hand to the war effort by establishing a township defense council to handle all emergencies. In 1965, the township received the All American City Award from the National Municipal League.

This is a proud time for the citizens of Woodbridge because they are celebrating the anniversary of their township. Today, Woodbridge is regarded as a state and national leader for its achievements in local government. Its citizens are kind people dedicated to serving their community. They are the kind of people who come together in times of difficulty, as well as in times of prosperity.

Woodbridge will be concluding their year-long celebration with a heritage ball on October 23. I hope this event is successful and enjoyable for all in attendance.

I am proud to have such a municipality in my district. Woodbridge is just one example of how well government can work. I would like to offer my best wishes to the citizens of Woodbridge for a prosperous future.

PASQUALE NATALE HONORED

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. DELAURO. Mr. Speaker, today it is my pleasure to pay tribute to a distinguished citizen from my district, Detective Pasquale Natale. After 38 years of public service, Detective Natale will be retiring from the Hamden Police Department.

Detective Natale's hard work and commitment to the community have earned him many awards and commendations. In 1984, he was honored as the Civitan Police Officer of the Year. The following year, he distinguished himself as a graduate of the FBI National Academy. Mr. Natale is well known to the citizens of Hamden for his extraordinary commitment to his public responsibilities.

For almost four decades, Detective Natale has worked ceaselessly to ensure the safety of his community. Despite his many responsibilities, Pasquale has always found the time to support community events and to indulge in his love of athletics. Mr. Natale is also a devoted husband and father to two sons. One of his children, Anthony, has chosen to follow in his father's footsteps as a Hamden police detective.

Mr. Speaker, I am proud to salute and honor the commitment and dedication displayed by Detective Natale during his 38 years on the Hamden Police Force. I commend him on a lifetime of invaluable service to the citizens of my district.

AMY FREEMAN LEE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. GONZALEZ. Mr. Speaker, I rise today to commemorate the achievement, dedication, service, and spirit of a long-time associate of mine, Dr. Amy Freeman Lee, on the occasion of her 80th birthday, which was this past Monday.

She is not just a friend of mine, but she is also friend to San Antonio, to Texas, to the arts, and to the animals of this world. She brings true meaning to the sentiment that the world is a better place because of her.

No small space can adequately reflect or summarize the breadth of Dr. Lee's accomplishments and contributions over the years. However, I wanted to take this opportunity here to wish Amy a happy birthday and commemorate as I am able a truly remarkable woman and the life she continues to lead.

For the RECORD, I am enclosing the entry for Amy Freeman Lee from the 1993–94 edition of "Who's Who in the World" and from the 1991–92 edition of "Who's Who in American Art."

SUMMARY

Chairman, Board of Trustees, The Wilhelm Schole, Houston, Texas

Chairman, Board of Trustees, Incarnate Word College, San Antonio, Texas 1973 to 1990

Founder-President—The Texas Watercolor Society

Elected to Membership in the International Art Critics' Association, Paris, France.

Member, Advisory Council, College of Fine Arts, The University of Texas, Austin, Texas

Past President and current Executive Board Member, San Antonio Blind Assoc.

Appointment by the Supreme Court of Texas to serve on the Grievance Oversight Committee, Austin, Texas

Elected Public Member of the Texas Society of Architects, a regional component of the American Institute of Architects

National Trustee and National Secretary of the Humane Society of the U.S., Washington, DC.

Vice-President of EarthKind—HSUS

1984—Elected to Texas Women's Hall of Fame, (Arts and Humanities Division) by the Governor's Texas Commission for Women, Austin, Texas

1984—CBS Documentary, "Reality Is Becoming", a Biography of Amy Freeman Lee (Nominated for an Emmy Award)

1985—The Joseph Wood Krutch Medal—The Humane Society of the United States, Washington, DC.

1988—First "Living Treasure of San Antonio" Award for Outstanding Achievements as Artist, Scholar, Humanist—Presented by the Center For Peace Through Culture—San Antonio, Texas

1988—First Cosmopolis Award For Significant Contribution to Human Understanding Through Humane Movement from The Wilhelm Schole in Houston, TX

1990—J.C. Penny Spirit of the American Woman Award

1991—Appointed by the Supreme Court of Texas to serve on the Lawyer Discipline Commission

1992—Appointed by the Governor of Texas to the Texas Committee For The Humanities

1993—Board of Trustees—The Institute for the Humanities at Salado

1993—Elected Distinguished Fellow—Texas Art Education Association

1994—Elected to the Board of Trustees of The Texas Center For Legal Ethics and Professionalism

1994—Designated "Charter Emeritus Member"—The Texas Watercolor Society

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Lee, Amy Freeman
Painter, Lecturer

b San Antonio, Tex, Oct 3, 14. Study: St Mary's Hall, San Antonio, grad. 31; Univ Tex. Austin, 31–34; Incarnate Word Col. 34–42, Hon LittD, 65. Work: D D Feldman Collection, Univ Tex Mus. Austin; Smith Col Mus Fine Arts. Mass; Ft Worth Art Ctr, Tex: Norfolk Mus Arts & Sci, Va; McNay Art Mus. San Antonio, Tex; and others. Comn: Camelia Award Painting, Joskes of Texas, San Antonio, 71. Exhib: Nat Soc Painters Casein & Acrylic, New York, 81; 32nd Ann Tex Watercolor Soc, McNay Art Inst, San Antonio, 81; Nat Watercolor Soc, Brand Libr Art Galleries, Calif, 81; Governor's Tex Educ Week, Tex Artist's Exhib, 83; Tex Watercolor Soc, McNay Art Mus, San Antonio, 83 & 85; Nat Soc Painters in Casein & Acrylic, Nat Art Club, New York, 85; Int-30th Anniversary Exhib-Arte, AC, Monterrey, Mex, 85; Solo exhibs, Sol de Rio Gallery, San Antonio, Tex, 87 & 89; Hors de Concourt, 40th Anniversary Exhib, Tex Watercolor Soc, McNay Art Mus, San Antonio, 89. Pos: Art critic, KONO Radio Sta, San Antonio, 47–52; ed critic, KTSA Radio Sta, San Antonio, 79–80. Teaching: Lectr, Trinity Univ, 54–57, San Antonio Art Inst, 55–57 & Our Lady of Lake Col, 69–; lectr English & aesthetics, Humane Ethics-Incarnate Word Col, San Antonio, 66–; vis scholar, St Mark's Sch, Dallas, Tex, 89. Awards: Elected to Tex Women's.

Hall of Fame-Arts & Humanities by the Gov of Tex, Austin, 84; First Living Treasure San Antonio Award, Ctr Peace Through Cult, 88; 20th Anniversary Medal, Univ Tex Health Sci Ctr, San Antonio, 89. Bibliog: To See A World (documentary), 84 & Reality is Becoming, 85, CBS. Mem: Founding mem Tex Watercolor Soc; Nat Watercolor Soc; Nat Soc Painters in Casein; Int Soc Educ Through Art; SW Watercolor Soc; Int Soc Aesthetics. Media: Watercolor. Publ: Auth, Creativity and the Human Spirit, Univ Tex Press, Austin, 73; On the Fifth Day; Animal Rights and Human Ethics—A Game for all Seasons, Acropolis Books, Washington, DC, 77; Winging with the Wild, White Bird (exhib catalog), McNay Art Mus. San Antonio, 1/86. Dealer: L & L Gallery 1107 N Fourth St Longview TX 75601; Sol del Rio Art Gallery 1020 Townsend Ave San Antonio TX 78209. Mailing Add: 127 Canterbury Hill San Antonio TX 78209.

CLARIFICATION OF SECTION-BY-SECTION ON H.R. 5116

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BROOKS. Mr. Speaker, I would like to make certain clarifications to the section-by-section description I placed in the RECORD during the October 5, 1994, debate concerning H.R. 5116, the Bankruptcy Reform Act of 1994. Attached are descriptions of sections 208 and 216 of that bill which should be inserted in lieu of the language currently in the RECORD:

Section 208. Production payments.

A production payment is an interest in certain reserves of an oil or gas producer that lasts for a limited period of time and that is not affected by production costs. The owner has no other interest in the property or business of the producer other than the interest in the reserves. The production payment is created out of an oil and gas lease, each of which is a real property interest. Production payments represent a means by which capital-strapped oil producers may monetize their property without giving up operating control of their business. Although a number of States use the ownership theory by treating production payments as conveying interests in real property (*See In re Simasko Production Co*, 74 B.R. 947 (D. Colo. 1987) (production payment treated as a separate property interest)), it is not clear that this treatment will necessarily apply in all States in case of bankruptcy. As a result, this section modifies section 541 of the Bankruptcy Code to exclude production payments sold by the debtor prior to a bankruptcy filing from the debtor's estate in property. It is not the intent of this section to permit a conveyance of a production payment or an oil and gas lease to be recharacterized in a bankruptcy context as a contractual interest subject to rejection under section 365 of the Bankruptcy Code.

Section 216. Limitation of avoiding powers.

This section defines the applicable statute of limitation period under section 546(a)(1) of the Bankruptcy Code as being two years from the entry of an order of relief or one year after the appointment of the first trustee if such appointment occurs before the expiration of the original two-year period. Adoption of this change is not intended to create any negative inference or implication regarding the status of current law or interpretations of section 546(a)(1).

The section is not intended to have any bearing on the equitable tolling doctrine where there has been fraud determined to have occurred. Further, the time limits are not intended to be jurisdictional and can be extended by stipulation between the necessary parties to the action or proceeding.

EL REGRESO FOUNDATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. VELÁZQUEZ. Mr. Speaker, on September 23, 1994, I attended the graduation ceremony for El Regreso Foundation, a bilingual drug and alcohol abuse treatment program in the Williamsburg, Brooklyn section of my district. The event was an incredibly moving experience filled with tears and applause. The feeling of hope overcoming pain and abuse permeated the evening's festivities.

Overcoming the greatest odds and barriers, these graduates literally received a new lease on life, a life formerly plagued with violence, crime and drug use.

This graduation was a perfect example of the ability of our people to take hold of their lives and turn them around, to be able to look into their selves and recognize that they do not want to become another statistic.

Events such as this one at El Regreso, are an inspiration to us all. They are of extreme importance to communities such as Williamsburg, which struggle daily for sources of hope. And while the media bombards us daily with stories of violence, crime and despair, these and other success stories go unnoticed.

Success stories such as the one of Carlos Pagan. He, too, overcame heavy drug use and a hard street life, to become the founder and executive director of El Regreso. He is now a source of inspiration to untold numbers of men and women who go through El Regreso's program, and a bright beacon of light illuminating the dark waters of addiction.

In closing, I salute Carlos Pagan and the staff of El Regreso for reminding our community that the best weapons against poverty, discrimination and even fear are not the escapes offered by powerful hallucinogenics. The best weapons against these enemies are the potency of pride and the power of belief in themselves.

RECYCLABLE COLLECTION PROGRAMS UNCHANGED

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MINETA. Mr. Speaker, just a few weeks ago the Congress passed and the President signed into law the Federal Aviation Administration Authorization Act of 1994. Title VI of that Act dealt with preemption of State economic regulation of motor carrier transportation. In general, Title VI would preempt state economic regulation of most forms of intrastate trucking.

A question has been raised recently about whether Title VI has the effect of preempting State economic regulation of the curbside collection of recyclables. It clearly does not.

The relevant language in the Act is in Sec. 601(c) of the Act, which states in relevant part: "* * * a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law relating to a price, route, or service of any motor carrier * * * with respect to the transportation of property."

The key issue becomes whether the curbside collection of recyclables is within the meaning of the term "transportation of property." That term is a term long used in the Interstate Commerce Act and has had its exact legal meaning refined over the years through a series of precedents. Sec. 601(c) is an amendment to the Interstate Commerce Act, and we are in Title VI using the term "transportation of property" consistent with its meaning in the Interstate Commerce Act and the related precedents.

The meaning of the term as refined by precedent is broad enough to cover, for example, recyclables being transported as part of a commercial transaction to a major remanufacturing concern, but not so broad as to cover garbage collection and closely analogous curbside collection of recyclables. This distinction is fully spelled out in the written opinion I recently received from the General Counsel of the ICC, which I insert in the RECORD with this statement.

There should be no uncertainty or question in anyone's mind about this: curbside collection of recyclables is not within the definition of transportation of property as the term is used in the ICC Act or in Title VI of the Federal Aviation Administration Act of 1994. Curbside collection of recyclables is therefore not preempted by Title VI.

I would like to thank in particular my colleague from the State of Washington, MARIA CANTWELL, who has taken the leadership role in ensuring that this issue be clarified and in assuring that curbside recyclable collection programs will continue unchanged by this legislation.

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, September 30, 1994.

Hon. NORMAN MINETA,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MINETA: You have requested my opinion as to whether Title VI of the Federal Aviation Authorization Act of 1994 preempting State regulation of intrastate truck transportation can be interpreted as foreclosing a State or municipality from regulating curbside collection of recyclables in connection with the provision of curbside trash collection service. In my view it cannot.

The ICC has never regulated curbside collection of garbage. In fact, the Commission has issued decisions finding that garbage and refuse are not considered property under the Interstate Commerce Act because they have no value. *See Joray Trucking Corp. Common Carrier Application*, 99 M.C.C. 109, 110 (1965). There is no basis, in my opinion, for treating recyclables that are handled as a part of trash pickup or other curbside collection differently for regulatory purposes. In other words, recyclables segregated from trash for curbside collection should not be deemed to be property under I.C.C. precedent and as such would not come within the purview of Title VI of the FAA Act.

A distinction must be drawn between recyclables transportation that is a part of the curbside collection process and over the road shipments of recyclables in commercial quantities such as a movement of metal scrap from or to a foundry. As I have previously advised in response to a joint letter from Congressmen DeFazio, Rahall and Cantwell to Chairman McDonald, recyclables that have value for use in a manufacturing process have been treated as property under Commission case law. *Transportation of Waste*

Products for Reuse, 114 M.C.C. 92, 104–105 (1971).

Sincerely,

HENRI F. RUSH,
General Counsel.

RESIDENTIAL CURBSIDE RECYCLING

HON. MARIA CANTWELL

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. CANTWELL. Mr. Speaker, on August 8, 1994, the House approved legislation to preempt intrastate trucking regulations. H.R. 2739 (Conference Report on the Federal Aviation Administration Authorization) contains provisions that preempt State trucking regulations pertaining to prices, routes and services.

In the weeks since the bill passed, concerns have been raised relating to curbside residential recycling programs. I appreciate the fact that members of the House-Senate conference committee on the Federal Aviation Administration Authorization Act of 1994 have clarified that it was not the intent of the Congress to impact curbside residential recycling programs. I would like to particularly acknowledge Public Works and Transportation Committee Chairman NORM MINETA and Surface Transportation Subcommittee Chairman NICK JOE RAHALL for their efforts to ensure that residential curbside recycling programs are not disrupted.

In addition, the ICC has issued a legal opinion that Title VI of the Federal Aviation Authorization Act of 1994 does not preempt a state or municipality from regulating curbside collection of recyclables. According to the ICC, recyclables segregated from trash for curbside collection should not be deemed to be property under ICC precedent and as such would not come within the purview of Title VI of the FAA Act.

Mr. Speaker, it is clear that both case precedent and congressional intent are consistent and definitive—Title VI of the FAA Act does not apply to the transportation for collection of recyclable materials that are a part of a residential curbside recycling program.

THE FARM VIABILITY AND PEST MANAGEMENT IMPROVEMENT ACT OF 1994

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. MCKINNEY. Mr. Speaker, I come before this body today to introduce The Farm Viability and Pest Management Improvement Act of 1994.

This bill provides incentives for farmers and other users to substantially reduce their use of pesticides, while maintaining an abundant affordable food supply.

The bill is farmer friendly; it provides incentives and assistance rather than punishment, and it encourages farmers autonomy while giving the public the information it needs to trust farm-level decisions.

The bill has two primary objectives: No. 1 to identify and feature farmers who are using integrated pest management and, No. 2 to generate information and recommendations that will lessen the use and shift resources away from chemical-intensive pest management.

I encourage support and cosponsorship for this bill.

BELIZE INDEPENDENCE

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BACHUS of Alabama. Mr. Speaker, I rise today to call attention to a potential problem in Central America. It is important because the nation involved is peaceful, committee to democracy, and has close ties to the United States. The nation is Belize; perhaps the most stable and democratic nation in Central America.

English is it's official language. It has a literacy rate that exceeds 90 percent.

It's current United Democratic Government, under the leadership of Prime Minister Manuel Esquivel, is pro-American. It is a government working to encourage American investment and working to foster local free enterprise as the best path to prosperity for its 200,000 citizens. It is making progress.

Belize, once known as British Honduras, gained its independence in 1981. It is a member of the United Nations, and remains a member of the British Commonwealth.

However, its neighbor to the west, Guatemala, has a longstanding interest in the Belize access to the Caribbean Sea. In the early 1980's, Guatemala massed troops on its border with Belize in an intimidating fashion. Fortunately, the resolute action of the British Government of Margaret Thatcher in the Falkland Islands war, and the immediate stationing of RAF and British army personnel in Belize, convinced the Guatemalans to immediately avoid confrontation.

Now, however, the British are withdrawing their troops for financial reasons. Queen Elizabeth and Prince Philip spent a 2-day visit to Belize this past March to formally signal British determination to maintain Belizean independence and integrity.

I am speaking today as an effort to ward off any miscalculation toward the independence of Belize. This body should do a very simple thing in this matter: Formally note that the United States stands with Great Britain and in full support of U.N. resolutions in full support of Belize independence.

I have asked the Belize ambassador to the United States, the Honorable Dean Lindo, to keep me personally aware of any developments threatening Belize independence.

There is no need now for formal action by this Congress. This should make certain that aggressor nations fully understand that militant actions against the independent status of Belize are unacceptable and will meet immediate response from this body.

REFLECTIONS ON UNITED STATES-TAIWAN FRIENDSHIP

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. BROWN of Florida. Mr. Speaker, these are auspicious days for the Republic of China. After 6 years here in Washington, Representative Mou-Shih Ding of the Taipei Economic and Cultural Representative's Office of returning to Taipei to become the Secretary General of the National Security Council. I would like to congratulate Representative Ding on this latest promotion and wish him Godspeed in his new post. I am sure that he will continue to serve his country with the same grace and dignity that he has exhibited while here in Washington.

I would also like to take this opportunity to welcome to Washington Representative Ding's successor, Benjamin Lu, who, like Mou-Shih Ding, has had a long and distinguished career in the Foreign Service. I am confident that the special relationship between our two countries will continue to flourish under Benjamin Lu's stewardship.

October 10 marks the anniversary of the founding of the Republic of China, a day that is marked here in Washington by a number of cultural events. However, there is a more important reason for us to celebrate this date along with our Chinese friends, for it is only under a democratic system that Taiwan has been able to flourish economically and socially as we have seen over the past decade, becoming one of the world's leading economic powers.

To help us celebrate all of these momentous accomplishments for our friends on Taiwan. I urge my colleagues to support U.N. membership for the Republic of China on Taiwan. Although a member of several international organizations, the Republic of China has been refused a seat in the United Nations, which to many of us is truly absurd, for it denies to the world the many economic, social, cultural, environmental, and democratic benefits that the Republic of China's membership could bring. I know that Representative Ding has worked tirelessly for the last year on this matter, and I know that Benjamin Lu will also be deeply involved. I can think of no better way for us to show our support for the democrat ideals found in the Republic of China than to support this U.N. bid.

RETIREMENT OF HOUSE ATTENDING PHYSICIAN

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. LLOYD. Mr. Speaker, I rise today to salute a great public servant, a man of complete dedication to duty and a person of great talent—my friend, Dr. Robert Krasner.

There are few individuals in this body that have touched and helped and counseled as many as Dr. Krasner. He has always been there for us. Whether we need most qualified medical services or just an encouraging word to us through the day, Dr . Krasner was there with a smile. I will miss him.

Mr. Speaker, in June 1991, I was diagnosed with a breast malignancy. Today, I am cancer-free and well. I give Dr. Krasner much of the credit. Although I was in Tennessee for my surgery, Dr. Krasner stayed in touch daily and when I returned to Washington, he found a fine oncologist to provide treatment for recovery and continued to monitor my progress.

Dr. Krasner has served us well and we wish him only the best as he moves on to other challenges.

PATENT LAW CHANGES SHOULD NOT BE PART OF THE GATT LEGISLATION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ROHRABACHER. Mr. Speaker, recently there appeared in the New York Times an excellent article by Skip Kaltenheuser and Donald Banner that delineates the problems that the patent law changes buried in the GATT implementing legislation would create for small inventors and entrepreneurs. The future of our economy depends in large measure to the certainty provided by the present U.S. patent law protections. I commend this article to my colleagues.

[From the New York Times, Aug. 28, 1994]

DON'T SNEAK PATENT CHANGES INTO GATT

(By Donald W. Banner and Skip Kaltenheuser)

The General Agreement on Tariffs and Trade, soon to be before Congress for implementation, has many virtues. But those good points are tainted by a major change to American patent law that the Administration plans to include in the bill. This change has not been fully debated, it may work grave economic harm on the nation, and to top it off, it is not even required by GATT.

The issue is how long patents run. Now, they last for 17 years from time of grant. Under the proposal, they would run 20 years from time of filing.

The difference may seem trivial, but it is not. Much time can elapse between the filing of a patent and the grant decision; if so, under a time-from-filing system the effective lifespan of a patent can be greatly shortened. Some patents, in fact, take 14 years or more to issue. And, whether the time to grant is long or not, applicants must live with the uncertainty that it may be.

These prospects raise great alarm. Inventors worry that a well-heeled competitor will develop strategies to delay their patents. And funding may become scarce. For small companies, "there's a strong connection between secure, definite patent terms and the ability to gain financing from banks and venture capital," said Robert Rines, a patents lawyer and holder of 60 patents.

An iffy patent term carriers another risk: that the patent will run out before it has yielded a marketable product. Universities, which file more then 3,000 patents a year, may be very hard hit. The average interval between a school's grant of a patent license and a marketable product is eight years—longer for biotech. The more advanced an invention is, the longer the likely time to commercial viability—and the more severe the penalty under a time-from-filing approach.

The Administration vigorously defends its position. Bruce A. Lehman, the Commissioner of Patents, says the average patent is issued 19 months after filing—and thus many patents would last longer than the current 17 years under the change. But the 19-month average understates the reality; it includes many "follow-on" patent applications, all dependent on an initial one. In any case, the focus should be on the commercially critical, leading-edge patents—which often take longer.

Mr. Lehman also says the proposal will ward off "submarine" patent filings. With these filings, applicants allegedly delay decisions so that the patent can surface years later in infringement claims against the unwary. But despite great worry, the data show this practice to be rare.

Moreover, on Aug. 16, the United States and Japan signed a broad patent pact which included an American promise to publish patent applications 18 months after filing. Because submarines are impossible if applications are public, the accord, if approved by both countries' legislatures, will stop the practice.

Is the proposed change intended to speed the patent process? Then it puts the cart before the horse. Most delays are controlled by the Federal patents office, not by applicants. Also, the change hands the office a "timer" with which it could pressure applicants with valid disagreements.

Nor can the Administration say GATT demands this risky change. The treaty only requires signatories to adopt a minimum term of 20 years from time of filing. Thus, Congress need only adopt a simple either-or formula: 17 years from grant or 20 years from filing, whichever is longer.

Finally, the changed patent term is part of the broad patent pact the Administration recently reached with Japan. But, ill-advised though the change seems, no proper assessment is possible without full debate of all these issues.

Such an airing is impossible, however, if the time-from-filing idea remains folded into the GATT bill—especially when, under the applicable "fast track" rules, Congress must vote yes or no on the whole package, with no changes.

In the GATT bill, the Administration should confine itself to the GATT legislation. To do otherwise is dangerous sleight of hand.

IN HONOR OF THE 20TH ANNIVERSARY OF THE PUERTO RICAN ASSOCIATION FOR HUMAN DEVELOPMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Puerto Rican Association for Human Development, Inc. [P.R.A.H.D.]. This organization was founded and incorporated in 1974 by a group of students from Rutgers University under the leadership of Dr. Marcos Leiderman, a professor with the Rutgers Graduate School of Social Work. The objective of the association was to expand into a multi-service agency emphasizing services for the Hispanic community of Perth Amboy. The association offers a variety of educational, vocational and social services to members of the community.

In 1975, the P.R.A.H.D. established the first state licensed bilingual day care center in New Jersey, called "Mi Escuelita Day Care Center." In 1976, the organization expanded once again by starting an ESL program and a latchkey program known as "Escalar." Both of these programs still exist today.

Today, P.R.A.H.D. serves people from ages 2½ and over. The organization, under the direction of Chairperson Ana Cruz Cabassa, and Executive Director Lydia Trinidad, currently employs over 98 people and runs 21 programs. Other services P.R.A.H.D. currently provides include case management, financial aid for heating utilities, food and housing, in-home services for developmentally disabled adults, social activities and job placement for senior citizens, in-home assistance for the elderly, education and counseling on prevention of HIV/AIDS and other sexually transmitted diseases, services for people with AIDS, education on substance abuse, information on pre-natal care, mentors for school children, working with school children to promote healthy habits, and lunches for poor Hispanic seniors.

The Puerto Rican Association for Hispanic Development began as a school project, and grew into a very successful organization. I am very proud to have such an organization in my district. Perhaps the founders did not think at the time that their collaboration would result in such a successful organization or that it would last as long as it has. They should be very proud of their accomplishment and their contribution to society. I am sure that many have benefited from the services this association has offered in the past twenty years. I congratulate them on their 20th anniversary and hope that their annual banquet is successful. Furthermore, I wish them much continued success.

IN HONOR OF ROBERT AND HELEN GRUBBS' 50TH WEDDING ANNIVERSARY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor my good friends Robert and Helen Grubbs of Eldorado, Illinois, who on August 5, 1994 celebrated their 50th wedding anniversary. In an era when families find it more difficult to stay together, the Grubbs are certainly deserving of this recognition for their 50 year union.

Through the years, Robert and Helen have contributed greatly to our community. Many in our area know Robert and Helen best for the 25 years they owned and operated the roller rink in Eldorado. Robert has also been active in local politics for over 40 years, serving many of those as Democratic precinct committeeman.

Robert and Helen have a son, and daughter-in-law, Harvey and Diane Grubbs of Eldorado and a daughter and son-in-law, Evelyn and Dr. Larry Jennings of Mt. Carmel. Robert and Helen also have six grandchildren and one great-granddaughter.

Along with the people of the 19th Congressional District, I congratulate Robert and Helen on this very special occasion, and I wish them and their family good health and greatest happiness in the many years to come. May we all live such rich and distinguished lives as Robert and Helen Grubbs.

THE EQUITABLE TRANSPORTATION OF MOTOR VEHICLES INTO THE UNITED STATES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LIPINSKI. Mr. Speaker, today I have introduced a concurrent resolution calling for the Clinton administration to take all necessary and appropriate steps to insure fair and equitable participation of U.S.-flag vessels, owned, operated and crewed by citizens of the United States, in the transportation of motor vehicles in the foreign commerce of the United States. If measurable progress on this matter is not made by the time Congress reconvenes next year, I intend to introduce and aggressively move legislation to open the vitally important car carrier trade to U.S.-flag carriers.

Each year, millions of motor vehicles are imported to the United States from abroad, almost all of which are transported by foreign-flag vessels, owned, operated and controlled by foreign companies and crewed by foreign seafarers. While the world car carrier fleet numbers well over 300 vessels, only 4 of these vessels are U.S.-flag. Foreign shipping companies and foreign automobile manufacturers are clearly engaging in unfair trading practices—condoned and facilitated by foreign governments—which have the effect of eliminating or minimizing the participation of U.S.-flag vessels and U.S. seafarers in the transportation of motor vehicles in the foreign commerce of the United States. These unfair and unjustified practices must end. U.S.-flag vessels must be given the opportunity to compete in this trade on a fair and equitable basis.

Mr. Speaker, my concurrent resolution simply asks the President, the U.S. Trade Representative, the Secretary of Transportation and the Secretary of Commerce to redouble their efforts through bilateral negotiations or otherwise to eliminate these unfair and anticompetitive practices. I urge all members to lend their support to this resolution. Should favorable action not be taken on this matter in the near future, I expect for my committee and the Congress to address this issue early next year.

IN RECOGNITION OF THE ROCHESTER AREA MEALS-ON-WHEELS PROGRAM

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KLINK. Mr. Speaker, volunteers provide a variety of services to the people of the United States, and specifically to my congressional district in western Pennsylvania. Through such legislation as the National Service Act, and the Service Learning Act, I have advocated the development of community service programs. I strongly believe that volunteering can enhance learning by promoting civic responsibility.

To the more than 90 people, each receiving 2 meals a day, the service provided by the Rochester area Meals-On-Wheels program of Rochester, PA, is invaluable. They offer the freedom of living at home to clients whose disabilities limit their ability to provide for themselves adequate meals to fulfill their nutritional needs. These people volunteer to not only prepare the food, but also deliver the food to people who without the program, would have no choice but to relinquish their independence and become institutionalized during their rehabilitations.

On October 28, 1994, the Rochester area Meals-On-Wheels program, will be celebrating its 25th anniversary of service to the community. During this time the program has more than doubled in size and continues to grow each year. It gives me great pleasure to recognize a group of people who have provided such a valued service to people who are so badly in need of it.

In this society where we are continually reminded of hatred and greed, it is heart-warming to see a group committed to the health and well being of others. In 1994, the Rochester program will serve some 45,000 meals. The efforts of the selfless western Pennsylvanians cannot be given enough praise. While these volunteers are not rewarded monetarily for their contributions, the smiles and thank-yous of the people they're helping makes their service worthwhile.

Mr. Speaker, I would once again like to thank the Rochester area Meals-On-Wheels program, for the 25 years they have invested into this community and I offer my support and best wishes in the future for their continued success in public service.

TRIBUTE TO COMDR. WILLIAM R. BURKE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KOLBE. Mr. Speaker, it is a personal privilege for me today to pay tribute to a truly outstanding Naval Officer, Comdr. William R. Burke. Bill Burke has served with distinction as Deputy Director of the House of Representative's Navy Legislative Liaison Office these last 2 years. Today I want to recognize his many achievements and commend him for the superb service he has provided to Members of Congress and to our Nation.

A native of Hornell, NY, Commander Burke earned a bachelor of science degree in Systems Engineering from the U.S. Naval Academy in Annapolis, MD. Upon graduation in 1978, he was commissioned an ensign in the U.S. Navy. Commander Burke then completed a rigorous nuclear propulsion training program and submarine officers basic course.

Following his initial training, Commander Burke reported to his first ship, U.S.S. *Lafayette* (SSBN 616), serving as main propulsion assistant and damage control assistant. While on USS *Lafayette*, Commander Burke completed three strategic deterrent patrols. Those serving in ship such as U.S.S. *Lafayette* played a critical role in maintaining a key component of the nuclear deterrence triad during the height of the cold war.

Completing his tour of duty on U.S.S. *Lafayette*, Commander Burke served on the Chief of Naval Operations Staff. There he was responsible for tactical development for the director of the Attack Submarine Division. While stationed in Washington, DC, he also completed a masters of business administration degree at Marymount University.

Commander Burke was next given an opportunity to put into practice his experience in submarine tactical development. As part of the commissioning crew of the U.S.S. *Key West* (SSN 722), Commander Burke served as weapons officer and is a "plank owner" of the *Key West*. After spending two years on the *Key West*, he transferred to U.S.S. *Omaha* (SSN 692) homeported in Pearl Harbor, HI, where he served as navigator.

Immediately prior to his tour here in the Navy's House Legislative Affairs Office, Commander Burke was executive officer of U.S.S. *Cavalla* (SSN 684) also in Pearl Harbor. While on the *Cavalla*, he was awarded the Admiral Chick Cleary Award for the outstanding naval officer afloat presented by the U.S. Navy League. Now, at the Legislative Affairs Office, Commander Burke has provided Members of the House Armed Services Committee, our professional and personal staffs, as well as many of you seated here today, with superior support regarding navy plans and programs. His work has contributed to building a more cooperative relationship between Congress and the Department of the Navy—no easy task given the difficult environment for the Navy these past 2 years.

I've had an opportunity to make many visits to Navy ships and facilities with Bill Burke. I can honestly say I've never traveled with a better escort officer. Bill Burke is efficient, organized and easy going. On one occasion, we arrived on the U.S.S. *Nimitz* while his luggage went elsewhere on the helicopter. Bill Burke showed great resourcefulness as he patched together enough of a uniform—not easy considering his size—to make do. But he was never bothered or upset by such mix-ups. Bill Burke is both professional and an enjoyable traveling companion. I shall personally miss him.

Mr. Speaker, Bill Burke, his wife Mary, and their two children, Jacqueline and William, have made many sacrifices during his 17 year naval career. In four submarine tours of duty, he has spent a lot of time underway and gone from his family. He has done this, as so many other officers and enlisted men and women have done, to make a significant contribution to the outstanding naval forces upon which our country relies so heavily. Commander Burke is a great credit to the Navy whose uniform he wears and the country he so proudly serves. As he departs to his next tour of duty, I know my colleagues join in wishing him every success, or in Navy parlance, may he have fair wind, and following sea.

CONCERNING ADMINISTRATION POLICY TOWARDS CUBA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. COX. Mr. Speaker, I rise to express my very strong concern over the President's cavalier discarding of the Cuban Adjustment Act of 1966, which has guided both Democratic and Republican administrations for almost 30 years.

Under the Clinton administration's new policy, Cubans have essentially forfeited the right to claim political asylum from the Castro dictatorship.

The President's about-face is completely misguided. The 1 million Cubans in the United States have not been a burden to this country; they pay taxes, serve in our Armed Forces, and have been elected to Congress.

Among them are distinguished business leaders, including the President of Coca-Cola and the Vice President of Pepsi-Cola; famous artists like Gloria Estefan, trumpeter Arturo Sandoval, and violinist Luis Haza; eminent diplomats like Ambassador Jose Sorzano, Jean Kirkpatrick's deputy at the United Nations; and humanitarians like Dr. Joe Greer, who has received a MacArthur Foundation Award for his work with the homeless in Florida. Under President Clinton's policy, none of these people would have been able to come to the United States. None of them would have been able to make these outstanding contributions to our country.

There are currently some 3,000 children in Guantanamo and Panama, who are the innocent victims of President Clinton's policy. Moved by their plight, the Valladares Foundation offered to assist in their care; it has not yet received even the courtesy of a reply from the administration.

Mr. Speaker, this travesty must be brought to an end, and the bipartisan tradition of receiving refugees from Castro's dictatorship restored.

TRIBUTE TO NATIONAL FEDERATION OF THE GRAND ORDER OF PACHYDERM CLUBS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. TALENT. Mr. Speaker, today I rise to pay tribute to the National Federation of the Grand Order of Pachyderm Clubs. This organization has dedicated itself toward promoting good responsible government for the past 20 years, since its founding in Columbia, MO.

Over the past 20 years, the Pachyderm Club has expanded to include clubs in 11 States. The Grand Order of the Pachyderm Clubs have initiated a unique concept for political organizations, by adopting weekly luncheon meetings dedicated to political and governmental affairs.

Among their most important accomplishments has been the development of future political leaders and citizen participation as embodied in their motto, "Free Government Requires Active Citizens." This organization promotes better government by opening meetings to the public, and by encouraging all citizens to increase their awareness of political affairs. The Pachyderm Clubs sponsor numerous programs and activities which include the "Politic: Preparation and Participation" program and political science scholarships.

I would also like to take this opportunity to recognize Mr. George Parker, the founder of the National Federation of the Grand Order of Pachyderm Clubs. His hard work and dedication have provided true leadership to this organization and allowed for its continued growth.

Mr. Speaker, it is an honor and a privilege for me to pay tribute to this fine organization, and wish them another 20 years of outstanding service in political and governmental affairs.

THE WORLD SUMMIT FOR CHILDREN

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. NADLER. Mr. Speaker, I rise today to give special recognition to last week's celebration of the fourth anniversary of the World Summit for Children. The World Summit for Children, reportedly the largest gathering of heads of state and heads of government up until that time, united the world in a commitment to protect the lives of children, diminish their suffering, and enhance their futures.

The Summit calls for a shift in U.S. and global priorities to increase assistance toward enhanced health and education of the world's children and families.

Malnutrition and disease suffered by millions of children around the world is one of the most paramount obstacles to the social and economic development of all nations. Tragically, 35,000 children around the world die each day largely from preventable and treatable malnutrition and disease. Further, over the past decade, a total of 40 million children died from vaccine preventable and treatable diseases. Mr. Speaker, we have a global obligation to end this misery and devastation. I credit the World Summit for Children for catalyzing that global commitment.

The World Summit for Children set a number of goals which serve as a global blueprint for eliminating severe poverty and suffering. Those goals include: reducing child and infant deaths by at least one third; reducing maternal mortality and child malnutrition by half; providing all children access to a basic education; and ensuring universal access to safe drinking water, safe sanitation, and family planning education.

I call on the United States and all other nations of the world to continue to take to heart this united commitment to achieve the goals set forth by the World Summit for Children. I also urge my colleagues to support the World Summit for Children Implementation Act, the bill which implements the Plan of Action adopted by the Summit, and directs adequate funding levels for key education, health and nutrition programs. Mr. Speaker, with strong international solidarity and support, we can soon make the goals of the World Summit for Children a reality.

SUPPORT OF THE CORPORATION FOR PUBLIC BROADCASTING

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. UPTON. Mr. Speaker, I want to take a moment to recognize the quality programming of the Corporation for Public Broadcasting [CPB]. For the past 25 years, Congress has found that it is in the public interest to encourage the growth and development of public broadcasting for instructional, educational and cultural purposes.

The Public Broadcasting Act of 1967 authorized the establishment of the CPB as a private, nonprofit corporation dedicated to providing high-quality programming and educational services to every American regardless of location or income.

The CPB funds such things as the Public Broadcasting System [PBS] and the National Public Radio [NPR]. Like millions of Americans, I get a great deal of enjoyment listening and watching news and information from CPB's many programs.

I believe both PBS and NPR offer this Nation some of the finest, top-notch programming on the airwaves. Shows like "Sesame Street", "MacNeil-Lehrer NewsHour", "Masterpiece Theater", and "Nova" are a few of the wide variety of selections that you can find. In Michigan, Federal funds help local stations broadcast public affairs programming like "Off The Road" and the Governor's state-of-the-State address.

The Corporation for Public Broadcasting is marked by excellence in broadcasting and commitment to providing first-class programs. I urge my colleagues to support it in the years ahead.

IMPROVING THE FEDERAL MILITARY SURPLUS PROGRAM

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ROYCE. Mr. Speaker, over the past decade, helicopters have become an indispensable tool for efficient law enforcement, search and rescue operations, and emergency medical transportation. Increasingly, city, county and State agencies have come to rely on helicopters to effectively serve their communities. Helicopters have proven to be a vital tool in fighting crime and saving lives.

Tight budgets on every level of government have made the acquisition, operation, and maintenance of community service helicopters prohibitive. During this session of Congress, the House and Senate have expressed their concern with providing assistance to State and local governments so that they could perform their fundamental obligations. We have the ability to help these communities fulfill their responsibilities.

The Federal Military Surplus Program awards surplus Army OH–6 helicopters to law enforcement agencies. These helicopters are awarded based on the agencies' ability to meet certain criteria, most importantly need, ability, and intent to wage a comprehensive drug interdiction program within their jurisdictions. These helicopters can also be used for emergency medical transportation and search and rescue operations.

Unfortunately, the aircraft are delivered to recipient agencies as is. This translates into military operational readiness, which is not compatible with law enforcement and other civilian performance and equipment needs. The cost of refurbishing the aircraft to meet the needs of civilian applications is approximately $400,000 per helicopter. Thus, a paradox has evolved. Recipient law enforcement agencies are almost all facing budget crises, particularly capital budgets. Although they can accept the free helicopters from the Army, they cannot afford to have them modified for their use without budgetary assistance.

Congress has an interest in assisting every law enforcement agency in the country. We have the power to equip them with proven tools necessary to effectively protect their communities. The concept of giving away tools only to have them stored in hangars, on fields, and in garages for lack of resources is wasteful. We must find a way to provide the necessary resources to these recipient agencies so that these communities can be served.

TRIBUTE TO HAM FISH

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MOORHEAD. Mr. Speaker, it is with some sadness that I rise to say good bye to an old and dear colleague, HAM FISH.

As everyone in the House is aware, HAM FISH has an impeccable pedigree. His family's political tradition is long, storied and honorable.

During his long service to the Nation and its Congress, he has done nothing to dull that reputation. In fact, he has added immeasurable luster to its already glowing history.

I can speak firsthand about this because I have been fortunate enough to work side-by-side with HAM FISH in the Committee on the Judiciary since 1974.

We worked through Watergate, legislation on civil rights, the handicapped, environment, crime and the courts. He has always been a helpful and insightful leader; a respected committee and House Member; and a valued friend.

Mr. Speaker, I will miss HAM FISH. I thank him for all his service to the Nation and the House. I wish him Godspeed.

TRIBUTE TO OUR COLLEAGUE CONGRESSMAN HAMILTON FISH, JR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. RANGEL. Mr. Speaker, on behalf of the New York State Congressional Delegation, I rise to pay tribute to our colleague Congressman HAMILTON FISH, JR., Dean of the New York State Republication Delegation. Our dear friend and scion of the distinguished political family will retire at the adjournment of the 103d Congress after 26 years of honorable service.

"HAM", as he is affectionately known, has earned a reputation as one of the finest and most respected gentlemen in the Congress. A truly independent leader, he has consistently voted with his conscience, ever guided by compassion for the least fortunate among us. And as a masterful legislator, he has understood and effectively applied the principles of bipartisanship and coalition-building in producing an historic record of achievements.

Congressman FISH evidenced his courage and independence with his leadership in some of the most significant, and sometimes controversial civil and constitutional issues in recent history. The ranking Republican member of the Judiciary Committee for more than a decade, he was a principle sponsor of the Americans with Disabilities Act in 1990, and considers its passage his most important legislative achievement.

But there were many other pieces of legislation that reflected his consistent affirmation of civil rights for all Americans: the Civil Rights Act of 1991, the Fair Housing Act Amendments of 1988, the Civil Rights Restoration Act, the Japanese-American Redress Act, and the 1982 Voting Rights Act extension.

Representing the 19th Congressional District in the Hudson Valley of New York, Congressman FISH has been a formidable advocate for a broad array of issues of importance to his constituents. He has compiled impressive records in support of economic development, law enforcement, the environment, veterans issues, and education. In doing so he has upheld a long family tradition of public service.

Generations of the Fish family have served our country, starting with HAM'S great-great grandfather, Nicholas Fish who served as a Lieutenant Colonel in the American Revolution. Many have served in the Congress; his great grandfather, grandfather and father—all Hamilton Fish—and that was just the paternal line of Ham's family.

Throughout his career as a legislator, Congressman FISH has been motivated by the ideals of liberty for his country and its citizens. Everything else was a means to that end. HAM FISH, our friend and colleague, will be truly missed.

TRIBUTE TO THE HONORABLE DOUGLAS APPLEGATE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LIPINSKI. Mr. Speaker, I rise today as we prepare to adjourn the 103d Congress sine die to pay tribute to our retiring colleague DOUG APPLEGATE.

I have had the privilege of serving in the House with DOUG since I was first elected at the beginning of the 98th Congress in January 1983. I am also fortunate to have served with DOUG on the Committee on Public Works and Transportation, where I have seen DOUG excellent work firsthand. His leadership, most recently as Chair of the Subcommittee on Water Resources, has been exemplary. I know that all his colleagues on the committee—on both sides of the aisle—will miss him a great deal.

In the 9 years I have known DOUG, he has always presented himself and represented his constituents as a true professional. The people of the Ohio's 18th District and the Members of the U.S. House of Representatives are losing a great leader.

I can only hope that DOUG will leave the House with the knowledge that he has served his country with great distinction. I wish DOUG and his family much happiness and success in the years to come. I hope he knows that I will think of him often.

THE CONSUMER PRODUCTS SAFE TESTING ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LANTOS. Mr. Speaker, I rise today to bring attention to legislation which I have introduced which will encourage the Federal Government to review its regulations and guidelines concerning animal acute toxicity tests. The Consumer Products Safe Testing Act will provide avenues for increased awareness and research for nonanimal toxicity testing as a viable, safe, and healthy alternative.

Manufacturers are reluctant to use nonanimal tests without encouragement from the Federal Government. This legislation would encourage industry to expand their research and development, unhindered by the Federal Government, to seek new alternative methods of testing which are as accurate and more humane than animal tests. This bill promotes research and encourages the use of the most technologically advanced techniques.

Alternatives to animal testing are already in use by many household product companies including Avon, Revlon, Redken, Paul Mitchell, and Nexxus. Tests such as Skintex, developed by Ropak Industries in Irvine, CA, and Testskin, developed by Organogenisis Inc., of

Cambridge, MA, use living skin tissue equivalents. With this legislation, these and other progressive companies will help set a new standard for nonanimal toxicity testing.

Introduction of the Consumer Products Safe Testing Act this year will form a solid base of support from which we can move forward and pass this legislation into law next session.

GOOD SHEPHERD BAPTIST CHURCH

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KLEIN. Mr. Speaker, I rise today in recognition of the 35th Anniversary of Good Shepherd Baptist Church in Paterson, NJ. I ask my colleagues to join with me in paying tribute to Pastor Roy Jones and the church as it celebrates this occasion on Sunday, October 9, 1994.

The first prayer meetings of the Good Shepherd Baptist Church were held at the home of Mr. and Mrs. Miller Moody in 1959. Soon the group met at the YMCA located on Ward Street. After Rev. James R. Burton began overseeing the gathering, the prayer group established a permanent religious organization known as the Good Shepherd Baptist Church. The charter members were: Rev. James R. Burton, Mrs. Mabel Burton, Mr. Miller Moody, Mrs. Mary Moody, Mr. Henry Watson, and Mrs. Dolores Watson.

Pastor Burton remained for the rest of his life with the church until he passed away in 1986. At that time, Rev. Roy E. Jones, Sr. was elected as pastor and installation services were held on Sunday, January 18, 1987.

On April 30, 1990, the church voted to change its name to Good Shepherd Baptist Church. Later that year, it became a member of the New Hope Missionary Baptist Association, and has subsequently become a member of the General Baptist Convention of New Jersey and the National General Baptist Convention.

I am honored that you have given me this opportunity to recognize the contributions Good Shepherd has made to the community. I wish Pastor Jones continued success in all of his good work and service.

ADDRESS BY ARMENIAN PRESIDENT TER-PETROSIAN AT THE UNITED NATIONS

HON. FRANK PALLONE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PALLONE. Mr. Speaker, on September 28, 1994, His Excellency Mr. Levon Ter-Petrosian, the President of the Republic of Armenia, spoke at the 49th Session of the United National General Assembly. I am enclosing the text of President Ter-Petrosian's address, which eloquently sets forth the challenges for the people of Armenia as they fight to build a prosperous, democratic nation from the ruins of the Soviet Empire. I urge the Members of this House to read President Ter-Petrosian's words, and to reflect on his sage advice for shaping a post-Cold War foreign policy.

STATEMENT

[By His Excellency Mr. Levon Ter-Petrosian]

As with all former Soviet republics, Armenia's economy has been strained by the changes following the disintegration of the Soviet Union and the difficult transition to a market economy. Armenia's economy is further crippled by its over-reliance on trade with the former Soviet republics, the blockade of transportation routes imposed by neighboring Azerbaijan, an embargo by Turkey and the damage inflicted by the disastrous earthquake in 1988. Other external conditions, such as the disruption in transit due to the difficulties faced by Georgia, have exacerbated the situation contribution to the decline in Armenia's industrial productivity. The legacy of the Soviet period, with its inefficiencies and excessive horizontal integration, has worsened the effects of the blockade.

Despite the difficulties, the Armenian Government has begun implementing significant structural reforms to create a healthy market economy, beginning with the privatization process, launched soon after the democratic Armenian National Movement came to power in 1990. Indeed, the commitment to the transformation of the centrally planned economy to market economy stems from the philosophy of the democratic movement in Armenia and is seen as an integral part of the transition to a democratic state.

In turn, a free market economy will flourish in a stable democracy, which promotes and underpins economic development. Armenia today is a country with more than thirty registered political parties, a free press, freedoms of conscience and religion, and with laws guaranteeing civil and political rights. So far, three free elections have been held in Armenia: parliamentary and presidential elections, and the referendum on independence. The upcoming referendum on the Constitution and elections of the National Assembly (parliament) and the President of the Republic will reaffirm the establishment of a democratic tradition.

Democracy is fundamental to the process of economic transformation. This process can be divided into three phases, more or less typical for all countries in transition: institutional reforms, long-term investments and changes of technological structures, and integration into international markets. It is imperative however, to set priorities and to identify the most pressing issues of the moment. In my opinion, Armenia is at the end of the first phase, which includes: creation of a legal framework for economic reform, within which private economic activity can take place, contracts are enforced, and private property is protected; liberalization of prices; privatization; introduction of a national currency; financial and budget stabilization; improvement of the balance payment. We have already accomplished 80% of this phase. Armenia has distinguished itself as being the first among the former Soviet republics to privatize the ownership of agricultural land and livestock production. Privatization of small and medium businesses as well as large enterprises is well underway. In late 1993, with the collapse of the "ruble zone", Armenia faced a monetary crisis. The uncontrollable flow of old Soviet rubles into Armenia, and Armenia's subsequent inability to control monetary policy on its own territory forced the Government to prematurely introduce a national currency, the dram in November 1993. The Government is presently implementing a programme based on controlling and lowering the inflation rate, enforcing a strict budget and controlling fiscal expenditures and targeting assistance to the most vulnerable groups.

Basic reforms have been undertaken in the banking sector, the first step of which was to break apart the "monobank" system of central planning into a "two-tier" system, comprised of a central bank and a group of commercial banks. * * *

Armenia considers self-determination in its multitude of manifestations to be an inalienable human right. Armenia's position on the Nagorno Karabakh conflict has been clear and consistent from the start. Armenia has no territorial claims against Azerbaijan. The conflict is between the people of Nagorno Karabakh, who are striving for self-determination, and the Azerbaijani government which is refusing to address the rights of the people of Nagorno Karabakh. Armenia provides moral, diplomatic and humanitarian assistance to the people of Nagorno Karabakh, and it can not accept a military solution which can only mean the genocide or deportation of the population of Nagorno Karabakh.

While the Nagorno Karabakh conflict has gone through periods of both intense fighting and relative calm since I spoke from this podium two years ago, there has never before been a period in the five year history of the conflict when a cease-fire has taken hold for so long. I am pleased to inform you today that the cease-fire of May 12, 1994, which was mediated by the Russian Federation is in general being maintained. What is more gratifying and encouraging is that the de facto May 12 cease-fire, through direct and immediate contacts between the parties to the conflict, was formalized on July 27, 1994, and on August 28, 1994, the parties reaffirmed their commitment to the cease-fire until such time as a political document has been signed.

Armenia congratulates the main parties to the conflict for their commitment to maintain the cease-fire and engage in direct dialogue. Armenia views this as an important confidence building measure, as a major step toward the consolidation of the cease-fire and as a sign of a strong commitment toward the successful conclusion of the current negotiations which in turn will make possible the solution of the problem at the CSCE Minsk Conference.

Clearly, the conflict has entered a new phase in which the parties have demonstrated their desire for peace.

Our new challenge, and the priority for Armenia, is the consolidation of the cease-fire and the establishment of peace. Indeed, there is a historic opportunity today to end the conflict. Yet the cause of peace requires the active, unified support of the international community, including possibly the immediate dispatch of UN and CSCE monitors to consolidate the existing cease-fire. The cumulative impact of the distrust of the past five years on one hand, and the lack of international measures toward consolidation on the other hand may increase the current uncertainty and threaten the fragile cease-fire.

There is no doubt that beyond the cessation of hostilities, a lasting peace will mostly depend on the ability of the main parties to the conflict and the international community to develop innovative and internationally sanctioned mechanisms for its establishment and maintenance.

The primary concern for Armenia has been and remains the security of the people of

Nagorno Karabakh. Both, Armenia and Nagorno Karabakh have repeatedly expressed their readiness to comply with the relevant Security Council resolutions. A lasting peace can be achieved only by ensuring the irreversibility of the peace process through the deployment of international security forces between Azerbaijan and Nagorno Karabakh until such time as a negotiated solution to the problem of Nagorno Karabakh has been reached with the full participation of Nagorno Karabakh at the CSCE Minsk Conference.

Let me return for a moment to the theme I began with. In this period of unprecedented change, many hardships, both expected and unforeseen, have arisen. The present era, full of challenge and hope, gives us new faith in the United Nations as the most privileged and appropriate forum for integrating the global interests of all peoples of the world, which are too fragmented today. A universal accord can be established only when discords are peacefully resolved and full cooperation among nations is achieved. The United Nations, with the noble principles and objectives enshrined in its Charter, and the new responsibilities and tasks it faces today, can and must lead the way to a better organized, more harmonious world.

COLORECTAL CANCER SCREENING PROVISIONS OF HEALTH CARE REFORM LEGISLATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HASTINGS. Mr. Speaker, I rise today to express my support for the development of a screening program for colorectal cancer (CRC), and to make clear my interest in continuing to work on this important issue. Although the 103d Congress will adjourn without enacting comprehensive health care reform legislation, I am hopeful that the progress we have made over the past 2 years toward the establishment of a national CRC screening program will provide the starting point for action next year. I would like to discuss today a number of issues that need to be addressed in developing such a program.

CRC accounts for about 15 percent of all cancers diagnosed in the United States, and about 12 percent of all cancer deaths. More than 150,000 Americans will develop CRC this year, and more than 57,000 Americans will die of the disease. Because CRC mostly strikes individuals over the age of 50, the impact is particularly significant in States with a high percentage of senior citizens, such as Florida. According to the American Cancer Society, about 10,200 new cases of CRC will be diagnosed in Florida this year, and more than 3,800 Florida residents will die from the disease.

The data also show, however, that many of the deaths could have been avoided through early detection. According to the American Cancer Society, the 5-year survival rates are 92 percent for colon cancer and 85 percent for rectal cancer, when the cancer is detected at an early, localized stage. However, after the cancer has spread regionally, to involve adjacent organs or lymph nodes, the survival rates drop to 61 percent and 51 percent, respectively. For those persons with distant metastasizes, 5-year survival rates are less than 7 percent.

A number of the health care reform bills that we considered this year included provisions that would have added CRC screening as a covered benefit under the Medicare program, and required that CRC screening be included in the "basic benefit" package for all Americans. The goal of these provisions was to assure that the health care coverage for all Americans over the age of 50 would include periodic screening for CRC. Some of the bills also included a more comprehensive screening program for individuals at high risk for CRC.

While I strongly support the intent of these provisions, I have been concerned that the language of some of the bills is overly narrow and restrictive in the types of CRC screening that would be covered under the program. Specifically, some of the bills would have allowed reimbursement only for a flexible sigmoidoscope procedure for individuals in the general population, and a colonoscopy for those at high-risk for CRC. In doing so, these bills would have excluded coverage for CRC screening through such established, cost-effective procedures as the barium enema, as well as through other new screening technologies that may be developed in the future.

I was working on an amendment to the CRC screening provisions of pending health care reform legislation at the time the House stopped its consideration of these bills. The amendment would have removed the procedure-specific bias in the pending bills by providing coverage for the range of screening procedures recommended by the major medical groups. This proposal would have brought the legislative language more in line with the CRC screening recommendations of such respected groups as the American College of Physicians, the American College of Radiology, and the Blue Cross–Blue Shield Association of America.

In order to control the cost of the CRC screening program, my amendment also would have established a single payment level for screening individuals who are not at high risk for CRC. This is analogous to the Medicare screening program through mammography, under which each eligible individual receives a fixed amount that can be applied to an authorized procedure. I believe that the physician and patient should determine the specific CRC screening procedure to be used for each individual patient—not the Federal Government.

Mr. Speaker, I look forward to working with my colleagues on legislation that will provide the basis for a comprehensive and effective CRC screening program for all Americans. Prevention, and early detection, are the best and most cost-effective means to cut the mortality rate from this deadly disease. I regret that this Congress will not be able to accomplish this important objective, but it should be high on the agenda next year.

RECOGNITION OF THE DEPARTING KANSAS CONGRESSIONAL STAFF

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ROBERTS. Mr. Speaker, I rise today to call attention to three special ladies, all of who have greatly contributed to the State of Kansas through their service on Capital Hill.

By their kindness, professionalism and dedication, I came to know personally all three of these individuals: Ann Sullivan, Jo Jorgensen and Merry Tobin. All worked in Kansas congressional offices and part of the Kansas State Society, serving with me when I was both a Hill staffer and later a Member of Congress. Now they have joined the ranks of the retired, or so they say, to pursue new goals.

Over time, each one has shown Congress true dedication, respect, and a great love for the Big First District of Kansas. Be assured that any visitor to our office will always remember the care and kindness given by these women and their in-depth knowledge of inner workings of Capitol Hill. They were a true example of Kansas hospitality at its finest.

With more than 50 years of Hill service and thousands of episodes and anecdotes between them, Capitol Hill will certainly miss the way in which these women did their jobs. With a heavy heart and great appreciation, I wish to publicly thank them for sharing their time with us and wish them only the best in their future endeavors. Each has made a difference on Capitol Hill. May future generations learn from their dedication and experience and may they enjoy their well-deserved years away from Congress as much as we enjoyed their time working with us.

S. 2500, LAMB AND WOOL CHECKOFF

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. WILLIAMS. Mr. Speaker, the lamb and wool checkoff bill which we are sending to the President is the breath of fresh air to the 2,500 sheep ranchers and farm-flock operators in Montana.

Imagine the doom and despair created last year when Congress torpedoed the Wool Act. Our domestic lamb and wool industry, long under pressure from subsidized imports was left without a research and promotion mechanism.

The successes of the domestic sheep industry in recent years in improving wool and lamb quality and marketing are testaments to the effectiveness of programs under the wool act.

I was proud to be an original co-sponsor of H.R 5183, along with such colleagues as CHARLES STENHOLM, CRAIG THOMAS, and TIM JOHNSON. Identical legislation passed the Senate and was unanimously approved by the House Wednesday. I'm glad we in the 103rd Congress were able to finish this important business before adjourning.

The program, operated at no cost to the government, must be approved by eligible producers, feeders, and importers. Checkoff rates will be a penny per pound of domestic and imported lamb and two cents a pound on both domestic and imported wool.

That's expected to bring in about $14 million a year, of which 20 percent would be returned to State organizations.

I'm grateful for the support and research conducted by the Montana Wool Growers Association on this vital issue. Signing this act into law provides a self-help program of benefit to sheep producers and the rural communities which they help support.

MICHIGAN CITY SCHOOLS: USING TECHNOLOGY AS A CATALYST FOR CHANGE

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ROEMER. Mr. Speaker, last week the House passed the Improving America's Schools Act. This reauthorization of the Elementary and Secondary Education Act of 1965 will prepare our schools for the next century by providing Federal support to local school districts to invest in the technology and teacher training that is essential if we expect today's students to be competitive in tomorrow's workplace.

I am pleased to announce that these innovations are already being instituted at local schools in Indiana's Third Congressional District. Last week, the Michigan City Area School District unveiled "A Vision for Tomorrow," which is a computer system that will bring an exciting new approach to teaching and learning in our classrooms.

Two years ago, Michigan City educators got together to devise a strategy that would improve teacher-student interaction through the use of technology. "A Vision for Tomorrow" goes beyond merely installing more computers in classrooms—it relies on specially-developed software to energize and expand the traditional way our students learn and our teachers teach.

By the end of the year, "A Vision for Tomorrow" will be fully operational in four Michigan City elementary schools. Each school will have a computer lab and five computers will be installed in every classroom. What makes this system unique is that the computers will communicate through a local area network, which will enable students to use any work station in the school to complete an assignment. Teachers will then be able to access a student's computer files to correct homework or communicate a message.

By the end of next year, all Michigan City elementary schools will be participating in "A Vision for Tomorrow," and a wide area network will be up and running, enabling students and teachers to communicate with their colleagues in other Michigan City schools. This school district looked ahead to anticipate the learning needs of its students, and made the financial commitment to purchase the necessary technology.

Mr. Speaker, I commend Michigan City school administrators and teachers for their foresight in devising and implementing a technology strategy that I believe will produce an entirely new and productive student-teacher dynamic. It is exactly this type of program that we envisioned as we worked on legislation to truly Improve America's Schools, and Michigan City Area Schools are to be congratulated and emulated.

BASE CLOSURE ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. CONDIT. Mr. Speaker, I rise today in support of the passage of S. 2534, the Base Closure Community Redevelopment and Homeless Assistance Act of 1994. This measure has been long awaited by many communities with closing military bases across our Nation. This legislation ensures that homeless providers will work closely with the local community for the best possible reuse of the land and property on the closing base.

Mr. Speaker, I have a closing base in my district, Castle Air Force Base, and coupled with the highest unemployment rate in the State of California, my district is severely impacted. Local reuse authorities need to be able to work with homeless providers so that an overall reuse plan accommodates everyone; the homeless as well as the community. The local reuse authority in my district has welcomed the homeless providers' requests and is working to fulfill their needs while keeping the overall reuse plans for the closing base in mind. It is essential that the community not feel like they are at the mercy of unreasonable requests by "outsider" homeless providers that may not have the best interests of the community as a whole in mind.

Mr. Speaker, I also want to thank Chairman GONZALEZ, House Banking Committee, who, through his diplomatic efforts, pacified a potentially difficult situation for local reuse authorities and the communities they serve. I am hopeful that with the passage of this measure, homeless providers and local reuse authorities will enter into amicable agreements that will benefit both the homeless and the community. I look forward to continue working on this issue and other issues affecting the closing military bases across our country.

LUCA PACIOLI: THE "FATHER OF ACCOUNTING"

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today to honor the Italian Renaissance scholar and mathematician who, in 1494, published a work that earned him the title "Father of Accounting."

Luca Pacioli explained in Summa de Arithmetica, Geometria, Proportioni et Proportionalita how the merchants of Venice kept their books and he counseled other business owners to adopt this system of debits, credits, and balances. The system the Franciscan monk described is known today as double-entry bookkeeping and is practiced worldwide as a fundamental accounting principle.

In order to provide some perspective about Pacioli's contribution and the time in which he lived, I have excerpted the following from a playful, mock interview of Pacioli reported by two professors of accounting at the Albers School of Business and Economics at Seattle University. The professors, William L. Weis and David E. Tinius, are CPA's and the cofounders of the Pacioli Society, an educational foundation. The article appeared in the November 1991 issue of the Journal of Accountancy.

> Q. Fra Pacioli, did you have inkling in life that posterity would award you the title, the Father of Accounting?
>
> P. On the contrary. My field was mathematics and all my manuscripts * * * were attempts to apply mathematical principles to the vital functions of Renaissance society. In 1494 I published the bookkeeping model that was used by Venetian merchants because it hadn't yet been written down in a complete, coherent format.
>
> Q. Just what did the bookkeeping model have to do with mathematics?
>
> P. A lot. You see, the Venetian method—you call it double-entry—was an application of Arabic algebra. You must remember Arabic numerals were introduced to Europe only in the 13th century * * * So Arabic algebra * * * was a magical new toy * * *.
>
> Q. A new toy?
>
> P. For scholars, yes. Imagine working only with Roman numerals! This new system for quantitative manipulation triggered enormous advances in scholarship. A toy as enabling as algebra was truly revolutionary—and we found applications for it everywhere. That's how the Venetian, or double-entry, method evolved.
>
> Q. What was your role in formulating the accounting model?
>
> P. Really quite minimal in one sense, but monumental in another.
>
> Q. Minimal?
>
> P. I was merely the codifier—the technical writer, so to speak—for a system already in use in Venice. I mastered the system in order to teach it to a Venetian merchant's sons whom I was tutoring * * *.
>
> Q. Were there no manuals available to describe the system?
>
> P. None. This must seem incredible to a 20th century reader who can choose from dozens of competing textbooks in accounting, but in the 15th century published documents were rare. The Gutenberg press, on which my Summa was printed in 1494, had reached Venice only in 1469.
>
> Q. So timing was a big factor in your becoming the Father of Accounting?
>
> P. Timing was everything. I was the first to publish an accounting model that had been evolving, and used, for nearly two centuries.
>
> Q. Why, then, was your contribution "monumental" if it was neither original nor ingenious?
>
> P. Ah, but it was ingenious! We know that now, with 500 years of critical hindsight. And my role was monumental because my treatise established the double-entry model as the universal standard for accounting in the Western world

Q. A question of being in the right place at the right time?

P. Exactly. And having the divine fortune of describing a rather ingenious system—one adaptable to virtually every commercial transaction that has emerged over the past 500 years.

Q. That certainly explains why you're the Father of Accounting. Tell us about your * * * philosophy of learning.

P. [Leon Battista] Alberti believed learning should be relevant and broadly disseminated and that the results of scholarly effort should be communicated clearly to everyone who might benefit.

Q. For example?

P. Alberti urged me to write in Italian—the "vulgar" tongue virtually everyone used and understood. But Italian was not the accepted language of scholarly discourse. Latin was. Trying to be an accepted member of the academic community while writing scholarly treatises in Italian was a serious career risk * * * Alberti wanted me to write for merchants and artists and stonecutters—not erudite mathematicians * * * The very treatise that made me the Father of Accounting also contained a thorough discussion of mathematical perspective in language comprehensible to artists.

Q. And?

P. After Leonardo [da Vinci] read my Summa he arranged for me to come to the Court of Milan to tutor him in mathematical perspective and proportion. I joined Leonardo at the Sforza Court in 1496, beginning a seven-year relationship that produced two enduring masterpieces.

Q. Name one.

P. De Divina Proportione—my second major treatise on mathematics. In it I calculated and constructed a system of classical Roman letters as a guide to stonecutters for ornamental lettering on building facades. Yes, I wrote a mathematical treatise for stonecutters—and one they could read and understand * * *.

Q. So Leonardo collaborated with you on your second major treatise?

P. Yes. My writing; his drawing. Our De Divina Proportione * * * I should point out that Leonardo was seven years younger than I and not particularly well known as an artist, where the Summa had made me a celebrity. If you're looking for the first published affirmation of Leonardo's genius look in De Divina Proportione * * *.

Q. That is very impressive. But what does this have to do with * * *

P. The Santa Maria della Grazie mural Leonardo was working on during our first years together in Milan? The one that became the most famous painting of the 15th century?

Q. Are you talking about the Last Supper?

P. None other * * *.

Q. Fascinating! You've just said the Father of Accounting was tutoring Leonardo da Vinci in mathematical perspective while that famous artist was painting a mural that exemplified artistic perspective * * * Looking at your whole career, what were the watersheds?

P. Writing the Summa and De Divina Proportione permanently etched my name in the history of mathematics and classical lettering and gave me celebrity billing as a teacher and scholar throughout Renaissance Italy * * * I can take the most pride in the exploits of my protégé, friend and coauthor, the great Leonardo da Vinci.

Q. Aren't you forgetting * * *

P. Oh, yes, of course. The Father of Accounting issue. It seemed so trivial at the time, but it turned out to be my most influential legacy. It's hard to believe this simple system for recording and summarizing commercial activity has endured for five centuries! And that posterity has given me such credit for being its codifier!

GLOBALEARN EXPEDITION

HON. ERIC FINGERHUT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FINGERHUT. Mr. Speaker, I want to commend to the attention of my colleagues an innovative program called the GlobaLearn Expedition—Northern Hemisphere. This proposal was initiated by the non-profit corporation GlobaLearn to prepare children for global citizenship and to help them become responsible stewards of the Earth.

I am deeply concerned about the future of American education and embrace creative efforts to improve the changes of our children to lead successful, productive levels. As we approach the 21st century, it is important that we realize the world is truly becoming a global village. Geographical literacy and cross-cultural understanding are absolutely essential for our children to compete and survive in the world to come. Recent ethnic turmoil and radical changes in the political boundaries of our globe underscore the fact that Americans need to be able to understand the historical and international context in which they live.

Yet today, many American children are not gaining this necessary international awareness and understanding. Although the "global village" has brought news footage of distant places into our homes and classrooms, and broadcast our own culture and mass media across the globe, our understanding of the world remains superficial and fragmented. Young school children must gain an appreciation today of the richness and diversity of the peoples of the world in order to be prepared to function and contribute positively to that world.

GlobaLearn will conduct the GlobaLearn Expedition—Northern Hemisphere as its first interactive global education project. Beginning in September 1996, a team of nine men and women will drive three vehicles equipped with telecommunication technologies through 37 nations in the northern hemisphere. The team will be hosted by children aged 10 to 12 years old at each stopping point. From behind their desks, millions of students in the United States and across the world will follow this live multi-media tour via computers and televisions. For 10 months, the geography, culture, and daily lives of children from other countries will come to life in classrooms across the United States.

Through on-line computer and cable networks, at least 500,000 fourth, fifth, and sixth-grade students will participate in the expedition as an integral part of their studies. Students will access a daily expedition log over an electronic bulletin board, and ask questions which will be relayed to the expedition team. Twice a week students will watch a video transmission showing the expedition team's progress and interviews with host children in each community. The students will be able to observe first hand the team's trials and triumphs, the daily problems, and the process of solving them. By following the GlobaLearn Expedition, these American school children will be connected to the study of geography and culture in a way that is not possible through traditional teaching methods.

GlobaLearn will expose students to global issues and encourage interactive learning and cooperation among students around the world in order to help them better understand the complexities and wonders of their own communities, relationships, and ultimately, themselves.

This project will pioneer a new approach to education. If offers an educational experience in which children and teachers, through technology and the information highway, establish a real-life connection to the world and its myriad of peoples and cultures, without sacrificing the development of traditional studies. The GlobaLearn Expedition employes an interdisciplinary approach to education that integrates all areas of study, ranging from math and science to geography and literature. Furthermore, it provides a window through which our children can see and meet their counterparts from around the globe.

I commend the innovative efforts of the GlobaLearn team to challenge and inspire the students of the world and I applaud the dedication and enthusiasm brought to this project by its founders.

TRIBUTE TO THE BACARDI FOUNDATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. DEUTSCH. Mr. Speaker, I rise today to pay tribute to an organization which has begun to do wonders to help protect the fragile marine environment of our Nation's recreational waters.

The Bacardi Foundation, a nonprofit organization funded by the Bacardi companies worldwide, has announced its long-term commitment to support the preservation and conservation of environmentally sensitive coastal waters through educational and grass roots programs.

For the past 3 weekends, this organization has sponsored and coordinated Clean Water Weekends—a unique program in the Florida Keys portion of my district. Volunteers and divers from around the country have helped clean miles of shoreline and underwater reefs by removing more than 21,000 pounds of debris to date.

Long-term maintenance of these areas is being promoted through Adopt-A-Reef and Adopt-A-Shore programs. Volunteers who participate in these programs are committed to visiting their site at least twice a year to make sure that it is kept as close to its natural state as possible. In return, they receive a sign to post at the site and an adoption certificate to take home.

Mr. Speaker, I ask you and my colleagues to join me in saluting both the Bacardi Foundation and hundreds of volunteers who have participated in the program to help protect the waters, reefs and shores of the Florida Keys. It is my belief that through its programs, the Bacardi Foundation will continue to make an invaluable contribution to our society by helping to educate the public about the importance of keeping our natural environments clean.

THE FEDERAL RELIEF FOR STATE AND LOCAL GOVERNMENT ACT OF 1994

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PORTMAN. Mr. Speaker, this week the Government Operations Committee, on which I serve, voted 35–4–1 to report H.R. 5128, the Federal Relief for State and Local Government Act of 1994, to the full House. This legislation is an excellent first step toward ending Congress' practice of imposing costly unfunded mandates on State and local governments. I urge the leadership to permit full House debate and a vote on this legislation before we adjourn. State and local governments need Congress to take action now, not later.

This very moment, the full Senate is in the process of considering a companion bill. Both House and Senate bills would bring some accountability and honesty to a practice that, quite frankly, has gotten out of hand. By requiring CBO to provide cost estimates on the impact of mandates on State and local governments, committees to authorize financial assistance to cover the costs of mandates to States and localities, and committees to identify the sources of funding for such mandate costs, Congress will have taken a long step toward ending unfunded mandates.

The legislation also sets up an advisory commission to make recommendations to Congress regarding the value of existing mandates and whether they should be eliminated or changed. Finally, the bill gives us information with respect to the impact of mandates on the private sector.

This legislation has the strong support of State and local governments nationwide. House and Senate committees have also reported the legislation on a bipartisan basis for consideration by the full House and Senate. The full Senate is in the process of considering this legislation. I urge the full House to act now.

TOWNSHIP OF SOUTH ORANGE VILLAGE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to a dual celebration—the 125th anniversary of the Village Charter of the Township of South Orange Village and the Centennial Anniversary of Village Hall. This month, South Orange will be celebrating its history with numerous activities, including a founder's day ball and a grand parade. Let me briefly describe a few chronicles of this community.

Transportation has changed in the township from this early period from horseback riding on Indian trails to the opening of the Morris and Essex railroad in 1836. The South Orange train station still exists.

In 1850, gas service became available and electric power was brought into the village in 1888. By 1860, a telegraph office was most likely operating at the South Orange freight station, and by 1926 the Bell Telephone Co. moved into its new building on West South Orange Avenue. In 1932, dial service began.

The first school was constructed in 1811 and consisted of one room. Within a few years, the Columbian School was opened, and this later transformed into a two-story brick building known as "Columbia High School." Other schools were later constructed to adapt to the growing community.

The South Orange Library Association was organized in 1864. In 1926, after this organization accumulated thousands of books, a referendum was passed which supported the creation of "The South Orange Public Library". The library later moved into its current home at the corner of Scotland Road and Comstock Place in 1968.

As you can tell from just these few indicators, South Orange has grown in size and diversity, from an agrarian community to a suburban one. The history of South Orange begins when settlers founded Newark in 1666. The present form of government finds its origins from the creation of South Orange Township in 1861 by an act of the New Jersey State Legislature. Eight years later in 1869, a small group of people received a charter to establish South Orange Village. The community was created with the values of tradition, high standards, and simple government in mind.

Twenty-five years after the village received its charter, its citizens proudly built Village Hall. Nearly everyone in the Village was involved in the project. The Village Hall survived the passage of time without losing its place with the people of South Orange Village. In fact, in 1975 Village Hall was placed on the New Jersey State register of Historic Places, and in 1976 was added to the National Register of Historic Places as well. The Village Hall continues to be a picturesque mark of the village.

I am grateful for the opportunity to honor South Orange and Village Hall. I am also proud to make note of this month's ceremonies because of the important contributions the community has made to our Nation's history.

RETIREMENT OF CONGRESSMAN HAMILTON FISH, JR.

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BROOKS. Mr. Speaker, I rise today to say farewell to a dear and loyal friend. Hamilton Fish, Jr., has ably and diligently represented the 19th Congressional District of the State of New York, which first elected him to office in 1968. I have had the high honor of serving with Congressman Fish on the House Committee on the Judiciary since 1969. As the years passed, I became chairman of that committee and Congressman Fish became the ranking minority member. Some Members may not know that Congressman Fish was actually born in the District of Columbia when his father was serving in the U.S. Congress representing the same congressional district Ham serves today. Congressman Fish's contributions to the work of the Judiciary Committee and of the Congress in general cover many years and many topics. His work on civil rights and immigration, to name just a few issues, will be long remembered. We shall all miss Ham Fish and his lovely wife, Mary Ann, as they return home to the State of New York. May happiness and good health accompany them along the way.

TRIBUTE TO CHRISTOPHER BURKETT—SALLIE MAE FIRST CLASS TEACHER AWARD WINNER

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SPENCE. Mr. Speaker, it is with pleasure that I recognize Christopher Burkett, from the Second Congressional District of South Carolina, who has been selected as a 1993–94 Sallie Mae First Class Teacher Award winner. Christopher is 1 of 51 teachers nationwide to receive this award.

Sallie Mae, a corporation that specializes in financing student loans and other education-related services, established the First Class Teacher Award 10 years ago to recognize outstanding performance by new elementary and secondary schoolteachers. Selections of recipients of the awards are made for Sallie Mae by a panel of education experts assembled by the American Association of School Administrators [AASA], the professional organization that represents public and private school superintendents and leaders.

Christopher Burkett is a 12th grade American government and economics teacher at Dutch Fork High School in Irmo, SC. He is a 1993 graduate of Newberry College and is beginning his second year as a teacher.

I have had the pleasure of meeting with Christopher and have been impressed with his dedication and enthusiasm for a profession which has as its calling one of the most important in life, that of educating others. The citizens of the Palmetto State can take pride in the selection of Christopher Burkett as their Sallie Mae First Class Teacher Award winner for 1993–94.

SARCOIDOSIS FLOOR STATEMENT

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BISHOP. Mr. Speaker, I rise today to urge my colleagues to recognize and support

November 1994 as "National Sarcoidosis Awareness Month."

Unless you've heard a doctor pronounce its fearsome sounding syllables, you may not recognize the name.

Sarcoidosis is an inflammatory disease that usually appears in the lungs or lymph nodes but can begin in any organ. The cause of Sarcoidosis is unknown and the disease is unpredictable, appearing and disappearing seemingly at random and often for a lifetime. Often someone with Sarcoidosis cannot walk up a flight of stairs without stopping to catch their breath.

Though the majority of people with Sarcoidosis can go on with relatively normal daily activities, 10–20 percent will eventually develop disabiling conditions and others will die.

Once thought to be an uncommon disease, Sarcoidosis is now found all over the world, though it appears most commonly in young black adults or in people of German, Scandinavian, Irish, or Puerto Rican descent. It is difficult to estimate the number of those afflicted because Sarcoidosis is often not diagnosed or can be mistaken for other illnesses. However, the best estimate is that it affects about 5 in 100,000 whites in the United States and about 40 of 100,000 blacks.

The National Heart, Lung, and Blood Institute at the National Institutes of Health is trying to resolve some of the mysteries surrounding Sarcoidosis. For example: Do heredity, lifestyle or environment have a hand in the diseases severity or appearance? And how can we prevent Sarcoidosis? We are thankful for the work that NIH is doing but we can do more.

This issue is especially personal for me because a member of my staff has been undergoing extensive treatment for Sarcoidosis.

In order to raise public awareness about this disease I again ask for your support and recognition of November 1994 as "National Sarcoidosis Awareness Month."

UNITED STATES AND NATIONS OF MIDDLE EAST SHOULD CONTINUE TO GROW IN UNDERSTANDING

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ROSE. Mr. Speaker, the last 2 years have provided remarkable progress toward a lasting peace in the Middle East. New diplomatic avenues are regularly presenting opportunities for the nations of the region to put aside longstanding differences and make plans for a mutually beneficial lasting peace. Natural resource sharing, common agricultural needs, and the native entrepreneurial spirit of the region are finally having a chance to take hold over political and military advantage. The parties involved in these new beginnings should be praised as peacekeepers, and the U.S. role in encouraging these changes should be escalated.

The recent opening to Syria has been long in coming. The fact that Israeli and Syrian Government officials are conducting meaningful dialog is an indication of the positive direction of talks in the region. The United States should continue to look for opportunities in the Middle East to bring people together, and highlight those items that connect our peoples on human as well as governmental levels. Recently, I became aware of the artistic talents of Mrs. Lawsan Khayat Al-Moualem, wife of H.E. Walid Al-Moualem, the Syrian Ambassador to the United States. The recent exhibit of her works continues to illustrate the fact that art, like music and dance, crosses national boundaries in appeal as easily as art crosses generational barriers. Art appreciation is one human endeavor that does not discriminate against race, creed, color, or national origin. It is one of those intangible human enterprises that joins rather than divides the world's people.

To quote an inscription on the wall of the John F. Kennedy Center for Performing Arts,

> To further the appreciation of culture among all the people, to increase respect for the creative individual, to widen the participation by all the processes and fulfillments of art—this is one of the fascinating challenges of these days.

Let the United States and the nations of the Middle East continue to bridge the interests of the region and let us continue to highlight those activities that make us understand each other more clearly.

IN HONOR OF MARTIN TUMAN, NEWLY ELECTED CHANCELLOR OF THE KNIGHTS OF PYTHIAS OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate Martin Tuman for being elected Chancellor of the Knights of Pythias of New Jersey, as well as for a lifetime of achievements. Mr. Tuman has had, and continues to have, a very successful career. He has used his talents to help his community through his work.

Mr. Tuman joined the Knights of Pythias in 1956. Since then, he has been an active member. During the past 38 years, he has served the organization on countless committees. He has been a charter officer and has served as secretary of the Grand Lodge of the Knights of Pythias of The State of New Jersey Charities Foundation, Inc., since its inception.

Mr. Tuman has lived in Bayonne his entire life. He attended the Roberson School, Bayonne High School and then went on to receive a Bachelor of Arts in History and Political Science from Rutgers University in 1950. In 1953, he received a law degree from Rutgers Law School. In January, 1956, he was admitted to the New Jersey Bar. From 1963–68, he served as assistant U.S. attorney of the State of New Jersey, civil division. In June of 1968 of that same year was admitted to practice before the Supreme Court of the United States of America. In August of 1969, he was admitted to the Tax Court of United States. Mr. Tuman has also been involved in the judicial system on a local level, as acting magistrate for the city of Bayonne in 1961 and 1962.

Mr. Tuman is a member of a number of associations, such as the Hudson County Bar Association, the New Jersey State Bar Association and the National Association of Trail Attorneys. In addition, he was president of the Temple Emanu-El of Bayonne for 2 years and currently serves on various committees for the Temple.

Mr. Tuman has always found time in his busy schedule to volunteer his time to the citizens of Bayonne. He was a key player in the Bayonne Council Boy Scouts of America and served as the council's president from 1971–74. For his services, he received the Silver Beaver Award and the Shofer Award.

It is impossible to state all of Mr. Tuman's accomplishments. He has done so much for the citizens of New Jersey and America; too much to mention here. Needless to say, Mr. Tuman is an exemplary citizen. He has shown his dedication to the community time and again. I commend him for his many achievements and wish him continued success.

HARVARD BAND'S 75TH ANNIVERSARY

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. COPPERSMITH. Mr. Speaker, tonight, the Harvard University band begins to celebrate its 75th anniversary. As a former member and manager of the band, I rise to salute the college band that the New Yorker magazine called the best in the business.

The Harvard band started performing in 1919, when two undergraduates, Fred Reynolds and Paul McElroy—both class of 1920—decided to replace the university's banjo club with a real marching band for football games. From that ragged beginning, the Harvard University band quickly earned its well-deserved reputation for innovation, quick wit, and first-rate music.

In 1932, the Harvard band first marched into words and pictures on the field, a practice now used by bands around the Nation. The band also pioneered its characteristic scramble style marching, where instead of military marching, the band members sprint from one formation to the next on cue.

Musically, the Harvard band premiered famous medleys of college fight songs written by Leroy Anderson, class of 1929, the renowned composer who got his start as the student conductor of the band. The band also premiered works by Gustav Holst, Aaron Copeland, Leonard Bernstein, Sergei Prokofiev, and P.D.Q. Bach.

This weekend, alumni of the Harvard band will join current members for a joint half-time show at the Harvard-Cornell football game. I regret I have to leave my clarinet in the closet due to our late session, but I salute from the floor of this House 75 remarkable years of musical accomplishment, collegiate camaraderie, and humor by the Harvard University band.

LUCYE LEE—VOLUNTEER EXTRAORDINAIRE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I am proud to salute a very special individual who is being honored in my congressional district. On Friday, October 14, 1994, the Urban League of Essex County, NJ, will be hosting a testimonial dinner for Ms. Lucye Lee. Ms. Lee has been called a volunteer extraordinaire, for the more than five decades that she has devoted to volunteer activities in this community.

Born in Carthage, NC, Ms. Lee has spent most of her adult life here in Essex County, where she has touched thousands of lives with her concern for community and commitment to helping others. Ms. Lee has long been active in the Presbyterian Church. She taught Sunday school at 13th Avenue Presbyterian Church, Newark, and served as chairwoman of the church's 120th anniversary celebration. She currently worships at Grace Presbyterian Church in Montclair where she serves as a deaconess.

Lucye Lee taught knitting and crocheting to elderly women at the Newark YMWCA, she was a master auxilian for the New Jersey Hospital Association, she helped establish a teenage pregnancy program for the Newark Board of Education, she volunteered with the American Cancer Society and raised funds for the United Community Fund of Essex and West Hudson, now known as the United Way. From 1968–70 she was president of the Urban League Guild and also served 8 years on the Urban League's board.

If that's not enough, because of her concerns about health in the black community Lucye Lee served four terms as auxiliary president at Martland Hospital. She demonstrated a lifelong commitment to education, the arts and to music. She is also quite a cook and introduced "Simple Pleasures" the cookbook of the Urban League Guild.

Lucye Lee once stated that she wants to do something meaningful with her life. Through her devotion to her church, family and friends, her concern for her community and her willingness to help others she has achieved this ambition. Mr. Speaker, I urge my colleagues to join with me in recognition of Ms. Lucye Lee a truly special woman.

SAN FRANCISCO—OCEANSIDE WATER POLLUTION CONTROL PLANT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LANTOS. Mr. Speaker, it is my pleasure today to congratulate the international consulting engineering firm of CH2M HILL, whose many offices include a long-time presence in the San Francisco area, for winning a significant award this year from the American Consulting Engineers Council [ACEC]. CH2M HILL won an ACEC honor award for the design of San Francisco's new Oceanside Water Pollution Control Plant.

This $220 million plant was part of a major clean water effort in the city's west side, but it faced difficult siting obstacles. Optimum sites were in prime use areas of Golden Gate Park and along the Great Highway. Because the site chosen had been planned for zoo expansion, which raised residents' concerns over esthetics, noise, vibration, and odor, the city and county of San Francisco asked CH2M HILL to design the pollution control plant under the zoo's future mammal center. The plant's roof—and the mammal center—will cover 70 percent of the total plant area, and will carry a load of 300 pounds per square foot. This makes the Oceanside Water Pollution Control Plant the Nation's first such plant with a zoo on its roof.

CH2M HILL, an employee-owned family of companies involved in the domestic and international consulting engineering business, has nearly 6,000 employees working in more than 70 offices both nation- and world-wide. CH2M HILL is a world leader in engineering service that helps clients apply technology, safeguard the environment, and develop infrastructure. Their work involves planning, design, and program management for clients engaged in hazardous waste remediation, water, waste water and waste management, transportation, and related environmental fields. I congratulate CH2M HILL for this important award!

THE EXAMPLE OF MELVIN VAN DENEND

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HYDE. Mr. Speaker, I would like to draw the attention of this body to a man whose life should serve as an example to all of us.

Mr. Melvin Van Denend passed away last year, but his work lives on in my community, the western and northwestern suburbs of Chicago. Walking into a nursing home several years ago, Mel was struck by the number of wheelchair-bound patients who had no way of venturing outside the nursing home. Inspired, he and his wife simply started taking nursing home residents, one at a time, on excursions to local points of interest. Over the past 7 years, his program, "Life on Wheels," has grown dramatically. It now has over 40 volunteers and brings joy to over 1,000 nursing home residents each year.

Mel passed away last December after a long battle with emphysema. I hope his life is inspiration to everyone.

I am also submitting an article from the Chicago Tribune about Mel's life and work.

MAN'S VISION TO FREE DISABLED CARRIES ON

(By Sonya C. Vann)

Visiting a nursing home, Melvin Van Denend was struck by the number of patients in wheelchairs who had no visitors and no means by which to venture outside the institution, his wife said.

He had the idea of using a van to get patients in wheelchairs out of their often monotonous routines. From that, the Lombard man and his wife built a not-for-profit agency that began with only two volunteers and now boasts more than 40.

Before his death Dec. 13 at age 65, the founder of Life on Wheels Inc. had given the mantle of director over to Victor Glavach of Wheaton, a writer and organizational consultant with 29 years' experience in the nonprofit sector.

In the job since October, Glavach said, "Life on Wheels is small, and very efficiently run by volunteers. I simply give overall management direction and work on fundraising.

"We don't foresee any kind of decline in the operation because Mel and the board anticipated his death, and we're planning on continuing the whole thing," Glavach said.

Van Denend was battling emphysema and had to give up his small decorating business, but was on the mend when he bought a small van for $20,000 in which two people in wheelchairs could ride along with two volunteers.

"I could never sit around a lot, and I felt God had given me a second chance to do something good, so I came up with this idea for Life on Wheels and bought a van in '87," he told the Tribune in 1990.

Van Denend secured help in 1988 from the Mid-America Leadership Foundation of Chicago, which reimbursed him for the van.

"It took us three months to be able to get insurance because we had no background in working with the handicapped," Alvina Van Denend said.

Today, the group has two vans and two buses and serves convalescent centers in Du Page and the northwest suburbs, with plans to expand to Palos Heights, to other southern suburbs and to parts of Chicago.

Life on Wheels takes nursing home residents who are welfare recipients and have little or no family or friends out for daytime excursions to Chicago area attractions such as the Morton Arboretum or Shedd Aquarium and then out to a restaurant for a free lunch.

Mostly staffed by retirees, the group rotates among different nursing homes, spending one week at each.

"The big highlight is their lunchtime, where they can choose anything they want to eat," Alvina Van Denend said. "They have a choice—as much as they want and desserts."

Life on Wheels' budget for 1993 was $42,000 and will be $57,000 in 1994, the lion's share going toward operating and insuring the vehicles, Glavach said.

"What really amazes me is how dedicated the volunteers are and how smoothly the whole thing runs," Glavach said.

CLARIFYING THE DEFINITION OF RAILROAD MAINTENANCE

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BLILEY. Mr. Speaker, I rise today to clarify the definition of railroad maintenance in H.R. 4349, the One-Call Notification Act of 1994.

By and large, rail facilities have been in place for more than a century. During that time they have been extensively mapped, and any encroachment on rail property by a private or public entity must be covered by a lease or other contractual agreement. Those documents define the nature of the encroachment by transmission line or other facilities and the manner in which they are to be installed on rail property to ensure no breach will occur during routine maintenance by the railroads.

The committees of jurisdiction in both bodies clearly recognized these contractual arrangements and the railroads' outstanding record in maintaining their plant without disturbing transmission lines or other facilities which are buried between 3 and 10 feet underground. As a result, routine railroad maintenance was exempted from the one-call notification requirement.

H.R. 4349 lists examples of railroad maintenance activities such as ballast cleaning, general ballast work, track lining and surfacing, signal maintenance, and the replacement of crossties. These examples are not meant to be all-inclusive. Routine rail maintenance covers many other activities, including ditch cleaning, which are part of the ongoing activities railroads carry out to ensure proper drainage and a strong physical plant.

There is no record indicating that these activities are a threat to pipelines or transmission line buried under rail property. As a result, it is appropriate that the definition of routine railroad maintenance be construed in the broadest possible manner.

HONORING DOUG APPLEGATE

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. REGULA. Mr. Speaker, one of the satisfactions of serving in this body has been the excellent cooperation that has characterized the Ohio Delegation. I do not know of one instance wherein there has been a division on any issue important to Ohio.

There is always strong bipartisan support for projects and policies that benefit Ohio regardless of which district is directly benefitted.

DOUG APPLEGATE has been a very valuable member of the Buckeye team. Because of his leadership on the Public Works and Transportation Committee, he provided leverage that enabled each Member to achieve benefits for their constituents in individual districts and for Ohio.

DOUG has been a good neighbor in the Ohio 18th District which is next to the 16th and has always been receptive to teamwork as we served our constituents.

Mary joins me in wishing DOUG and Betty good health and a happy retirement.

JIM, YOU'VE LEFT YOUR MARK

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BARCIA of Michigan. Mr. Speaker, today I want to publicly salute and give thanks to State Representative James E. O'Neill, Jr., a Democrat who has tirelessly served the 95th District of Michigan, including over his tenure several communities in the Saginaw area.

Jim has been a good friend and colleague of mine for many years and I take great pride in acknowledging his fine contributions to the people of his district. Jim has had a diverse and distinguished career, from representing his county in the U.S. Army from 1951 to 1953, to teaching in the Hemlock public schools, to serving Michigan in the House of Representatives.

The name of James E. O'Neill, Jr., is synonymous with concern for excellence in education. As a teach, Jim instructed high school students in English, history and government and also found time to coach young people in football, basketball and baseball. The people who worked with Jim thought so highly of him that he was promoted to Hemlock Elementary and Junior High School principal in 1957, where he worked until voters elected him to the Michigan House of Representatives in 1966. He was responsible for securing significant funding for Saginaw Valley State University, my alma mater, helping to dramatically improve that excellent institution. He is truly a champion for education.

As a Representative, Jim serves his constituents as vice-chair of the House Appropriations Committee and sits on the State Police, Community Colleges, House-Senate Joint Capital Outlay, School Aid and Department of Education subcommittees.

Jim has lived in Saginaw his entire life, where he has raised two wonderful children, Margaret Ruth and James E. III. He now leaves the Michigan State House of Representatives where he has distinguished himself as one of the most effective legislators in the body's history. The people of the 95th District will be losing a skilled friend who has effectively worked on their behalf. In fact, the entire State House of Representatives will miss a noted leader.

I urge all of our colleagues to join me in wishing State Representative James E. O'Neill, Jr., the very best in his retirement, and thanking him for his most distinguished public service.

AVIS DESERVES ACCLAIM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HOYER. Mr. Speaker, as the chief House cosponsor of the Americans with Disabilities Act, it is a particular pleasure to rise today to commend Avis Rent-A-Car for its outstanding efforts and unflagging commitment to make its car rental services widely available to Americans with disabilities. A recent exampie is an Avis initiative making available specially equipped "Wheeler" vans to provide new options for customers who use wheelchairs.

Avis deserves special acclaim for quickly and amicably reaching a landmark agreement with the Department of Justice to provide to disabled renters a full range of vehicles equipped with hand controls and to take other steps to expand access of persons with disabilities to car rental services.

The degree of cooperation between Avis and the Justice Department is an excellent example of how American business is, in the words of the Department, bringing down the barriers to travel that affect the way people with disabilities work and spend their leisure time. In fact, the Justice Department determined that Avis had implemented many of the procedures outlined in the settlement agreement long before the parties agreed on all the terms.

Currently, the Justice Department is investigating allegations that a number of other car rental firms may have violated the Americans with Disabilities Act. I hope that these firms and the Justice Department will view the agreement with Avis as a model for future settlements and as an added stimulus to complete current negotiations. As the Avis agreement demonstrates, government and business can work together in a spirit of cooperation to achieve shared goals. When that happens, business and consumers are both winners, and the public interest is best served.

I hope that other industries will follow the Avis example and work to ensure that the Americans with Disabilities is implemented in a reasonable and effective manner.

OUR VETERANS OF COLOR, MEN AND WOMEN OF VALOR AND COURAGE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, as we approach Veterans' Day, I would like to take this opportunity to recognize and pay tribute to the men and women who have fought for our country in the Armed Services, particularly our African-American veterans. This year marked the 50th anniversary of D-day. With the commemorations came some bittersweet remembrances.

For most of my life, I have heard of the stories told by African-American veterans of their treatment as second-class citizens in the Armed Services. In 1944, my uncle John Garrett was a Staff Sargeant and platoon leader of the 229th Port Company attached to the 1st Engineer Specialist Brigade of the 1st Army and on June 6, his contingent of 75 men was responsible for transporting ammunition to the landing Allied Forces. Now, a commander of the Crawford Crews Post 251 of the American Legion, he often tells how he and his platoon members merely wanted to prove their manhood, their pride and patriotism, and receive the dignity accorded men of war. Instead, the French bestowed medals on them while their own country did not, all because of the color of their skin.

Last weekend I attended a reunion of "Black Veterans of D-day and the Normandy Campaign" and marveled at the mixed emotions that were present. While stories of mistreatment were flying, there was a sense of hope lingering in the air. there are some positive things taking place. Our Secretary of Veterans Affairs, Jesse Brown, is African-American. During the recent Congressional Black Caucus Legislative Conference a brain trust and hearing on veterans was held. The brain trust was well attended and informative. President Clinton attended a reception following the event and acknowledged the treatment of the African-American soldiers in the segregated units and how extremely well they performed their varied duties despite the negative behavior towards them. There was a general feeling at the reunion that there will be fairer treatment of the African-American veteran—male or female—in the future.

Mr. Speaker, I am sure my colleagues will want to join me as I pay tribute to these national heroes—our veterans—Norman Ashton, Noel Brooks, Harold Brown, Roscoe Colson, Harold Drew, Gordon Garrett, John Garrett, John Henderson, John Knox, Joseph Marshall, Lawrence Page, Jesse Parrish, Wilbur Smith, Eugene Summons, Nathaniel Wicks, Dorsey Williams, Edward Williams, and Norman Wilson and have United States flags flown over the Capitol, in their honor, on Veterans' Day 1994.

HISPANIC HERITAGE MONTH SEPTEMBER 15–OCTOBER 15, 1994

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. GEJDENSON. Mr. Speaker, I would like to take a moment to recognize a very important occasion, the commemoration of the Hispanic Heritage Month. Hispanic Americans came to American for the same reasons that my parents did—to seek opportunity, freedom, security and the chance to better their lives for themselves and for their families.

It is with great pleasure and pride that I share with you the names of just a few of the many Hispanic Americans in my district who have not only achieved their goals but continue to reach out and lend their experience, time and knowledge to others within the great State of Connecticut.

Mr. Manuel Diaz, Jr. is a University of Connecticut graduate; Member of the Windham Board of Education and Supervisor of the Laboratory at Windham Hospital.

Mr. Carlos Flores is an accountant and member, Board of Finance in Windham, CT.

Mr. William Garcia is Executive Director, Centro De La Comunidad in New London, an educational and social service organization for Hispanics which just celebrated its 25th anniversary. In 1969, Bill was a founding member of this organization as well as the previous president of the United Way, New London Pequot Foundation and New London Rotary Club.

Ms. Grissel Benitez-Hodge, formerly a member of the New London Board of Education, is Dean of upper class students at Wesleyan University and the current President of the Board of Directors of Centro De La Comunidad in New London, CT.

Ms. Yolanda Negron is the first Puerto Rican elected to the Board of Selectmen, 1992, Windham, CT. Prominent Puerto Rican political organizer for statewide and local political campaigns.

Ms. Josie Zemko is head of the language department at New London High, volunteers at Centro De La Comunidad to help recent Hispanic immigrants, as well as assists new Spanish speaking students at the high school.

Ms. Rose Mary Fuentes Loffredo is a respected member of the business community operating her own catering service, Siesta Catering. As a singer in a South American band, Rose Mary entertains and educates children in the public school systems about South American and Mexican music culture.

Ms. Leila Gonzalez Sullivan is President of the Middlesex Community Technical College. A leader and longtime proponent of bilingual education, she is well respected by her colleagues in the higher education community.

Mr. Speaker, while there are many more names to be recognized, I would like to thank all the leaders of the Hispanic community in my district for their untiring efforts and acts of selflessness as they aspire to the Hispanic tradition of achievement.

LEYLA ZANA

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. FURSE. Mr. Speaker, I have spoken out in the past on the House floor about the egregious situation Leyla Zana finds herself in.

Leyla is the first and only Kurdish woman parliamentarian deputy in Turkey's history. She has been held in solitary confinement by Turkish authorities since March 2, nearly 7 months now. Her crime? Public speech, for which the Turkish government wants her sentenced to death.

Leyla was first arrested and severely tortured by the Turkish police in 1988 for engaging in peaceful demonstrations on behalf of prisoners against the barbarity of torture, and for respect for human dignity and the Universal Declaration of Human Rights.

I want to read from Leyla's September 15 letter to me and I ask permission to submit it in its entirety to the RECORD.

I came to realize that war and violence, inflicted by a society based on macho values—worship of power and destruction of the weak, had brought the Kurdish and Turkish peoples to the point of civil war and to the brink of social and moral disaster. I therefore resolve to take an active part in political life in order to send a different message * * *

In October 1991, I was elected deputy to the Turkish Parliament with 82% of the vote.

* * * during my swearing-in ceremony, a phrase I spoke in Kurdish, on friendship and coexistence between Kurds and Turks within the context of equality and of respect for the identity of the other [caused me to be] described as a "separatist," and "ally of terrorists," a "traitor." My photo was used in the target practice of the Turkish police * * *

I am determined to continue, by peaceful means, the struggle for peace between Kurds and Turks, for democracy, and for respect for human rights. These, I believes, are the universal values which must unite us, beyond differences of language or religion.

Mr. Speaker, I appreciate the leadership Congressman PORTER is taking on behalf of Leyla Zana, as well as the other five duly elected parliamentarians representing Kurdish populations who are also being detained. As elected officials, we all must speak out against this abuse of humanity.

Ankara, 15 September 1994.

Ms. ELIZABETH FURSE,
House of Representatives, Washington, DC.

DEAR COLLEAGUE, I read in the Turkish press that you are considering taking action to demonstrate your solidarity with me. I am very touched, and would like to express my warmest thanks.

I am the first and only Kurdish woman parliamentary deputy in Turkey's history. My political experience began outside the gates of the Turkish prison where my husband, mayor of Diyarbakir (the main Kurdish city), was imprisoned for 10 years and 8 months. Prisoners' wives organized peaceful demonstrations against the barbarity of torture, and for respect for human dignity and the Universal Declaration of Human Rights. For the activity I was harassed and persecuted by the Turkish police, who finally arrested me in July 1988. I was severely tortured for 59 days, and still bear the scars, both psychological and physical.

I came to realize that war and violence, inflicted by a society based on macho values—worship of power and destruction of the weak, had brought the Kurdish and Turkish peoples to the point of civil war and to the brink of social and moral disaster. I therefore resolved to take an active part in political life in order to send a different message, one of respect for human beings, their dignity and their inalienable rights, and of the need for dialogue about the deep problems in our society. In October 1991 I was elected deputy from Diyarbakir to the Turkish Parliament, with 82% of the votes.

My first clash with the Turkish political establishment, dominated by generals and men who deny the very existence of the Kurdish people, took place during my swearing-in ceremony in Parliament. A phrase I spoke in Kurdish, on friendship and coexistence between Kurds and Turks within the context of equality and of respect for the identity of the other, elicited a violent attack from the media. I was described as a "separatist", an "ally of terrorists", a "traitor", etc. My photo was used in the target practice of the Turkish police. After that, I barely escaped two attempts on my life. (In fact, eighty-four national and regional leaders of our Democracy Party have already been assassinated).

On 2 March 1994, on my return from a European trip during which I had been received by President Mitterrand of France and Jacques Delors, President of the European Community Commission, I was arrested along with five other deputies. Since then we have been held in preventive detention. We are criticized for our statements in Turkey and abroad, including those before the Helsinki Commission. The Turkish Government want us sentenced to death for our opinions. For 7 months I have been in solitary confinement. My only contacts with the outside world are my lawyers and a few authorized visitors.

In spite of these difficulties and the poor state of my health, I am determined to continue, by peaceful means, the struggle for peace between Kurds and Turks, for democracy, and for respect for human rights. These, I believe, are the universal values which must unite us, beyond differences of language or religion.

Any support from the United States is of great importance to us. I count in particular on the solidarity of my feminist sisters, those admirable American women to whom the struggle for democracy, peace and equality is so greatly indebted. Come and be with us as observers of the trial. Write via the Kurdish Institute of Paris, which will see that the message gets to me.

Thanking you again, and awaiting your reply, I remain.

Sincerely yours,

LEYLA ZANA.

50TH ANNIVERSARY OF THE MASS REVOLT AT AUSCHWITZ-BIRKENAU

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. McDERMOTT. Mr. Speaker, October 7 of this year marks the 50th anniversary of the revolt of prisoners in the Nazi death camp for women at Auschwitz-Birkenau. A group of Sonderkommandos, prisoners who fueled crematoria with corpses, took a stand against their oppressors by blowing up a crematorium. Many Nazi guards were killed, and hundreds of prisoners escaped. This effort was undertaken by a group of very courageous women prisoners led by a young Jewish woman named Rosa Robota.

Over a period of months, the small group of women slave laborers who made fuses for the V-2 rockets stole small quantities of gunpowder which was later smuggled to the camp's underground and used to make primitive grenades. The heroine in this operation was 20-year-old Rosa Robota. Rosa and three of her suspected collaborators were arrested and indescribably tortured by the Gestapo for weeks. Rosa was the only person who knew the names of the members of the underground and the channels by which they communicated. Despite all of the torture she endured, Rosa revealed nothing. On January 6, 1945, Rosa Robota and her three comrades were hanged, just weeks before the camp was evacuated.

Mr. Speaker, it is important to recognize the heroism of these women as we commemorate the 50th anniversary of the revolt. Contrary to what many of us learned in elementary school, Rosa's story is one of many which illustrate two important points in history: (1) that the Jews did not follow like lambs to the slaughter but, in fact, fought back courageously, with every weapon at their disposal, and (2) the heroic Jewish women played a crucial role in anti-Nazi resistance.

A foundation has been established to honor this valorous young woman, and I would like to enter into the RECORD well-deserved recognition of her deeds and those of her comrades.

TRIBUTE TO WILLIAM PRESSLY COCHRANE

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. FOWLER. Mr. Speaker, I rise today to honor the 80th birthday celebration of my constituent, not only to Florida's Fourth Congressional District, but to the U.S. House of Representatives as well.

Mr. Cochrane worked for the House of Representatives in various capacities after his arrival on Capitol Hill in 1955. For 17 years he served as the Assistant Parliamentarian until his retirement in 1979. During most of his tenure on the Hill, Mr. Cochrane, served under three separate Speakers of the House, Carl Albert, Sam Rayburn and John McCormack. Always devoted to his position and never one to play politics, Mr. Cochrane loyally fulfilled his responsibilities to every Member of the House, as many of you may remember.

Mr. Cochrane currently lives in Palm Coast, Florida, and I am very proud to have the opportunity to represent him in Congress. I salute his dedicated service to our country.

Again, it is with great pleasure that I wish William Pressly Cochrane a very happy birthday.

RECOGNIZING MS. ANNA HUNT BIVINS OF CLEVELAND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. STOKES. Mr. Speaker, I rise today to recognize a remarkable and inspiring individual in my district in Cleveland, who both reminds and teaches us about two important keys to life—education and determination. Ms. Anna Hunt Bivins received her equivalency high school diploma this summer, 60 years after leaving high school without her diploma. That achievement is itself worthy of praise, but that is just part of the picture.

Ms. Bivins has raised 8 children, and 2 step-children, and more than 30 young ones call her Grandma. Her nurturing was not exclusively for her own children though, as she became a tutor in her General Educational Development class to help with their final exam. As a model of poise and self-respect in the Cleveland School District for 21 years, she shared her love for the kids by trying to keep them in school, from becoming mothers and fathers too soon, and by teaching them lessons of virtue and dignity.

But the most telling aspect of her story, Mr. Speaker, is that on the way to take her equivalency exam, Ms. Bivins was knocked down and attacked for her purse. She refused to give up her handbag, even when the attacker threatened to hit her, and held him off until another student scared off her assailant. While she was unnerved and unable to take her exam that day after studying for the GED for a year, this setback did not deter her from reaching her long-awaited goal: She later took that exam and received her diploma.

Mr. Speaker, let us all recognize Ms. Anna Hunt Bivins as someone from whom we could all learn a lesson. Just as she would not relinquish her purse to her assailant, Ms. Bivins would not give up her desire for education, nor would she give up on kids that some perhaps had written off. Her commitment to education, not only for herself, but for the students whom she loves, teaches our youth about being responsible, about achieving goals, and about not letting anything stop us from reaching those goals. Recently, the Cleveland Plain Dealer newspaper featured Ms. Bivins in an article that painted a wonderful portrait of hope.

I ask that this article be entered into the RECORD for my colleagues to read. Please join me in recognizing this outstanding citizen, Ms. Anna Hunt Bivins.

[From the Cleveland Plain Dealer, Sept. 12, 1994]

FOR WOMAN, 75, EDUCATION WAS WORTH GOING BACK FOR

(By Anjetta McQueen)

CLEVELAND.—It would be hard to say education is not important to Anna Hunt Bivins. After all, she had been out of school for 60 years and was mugged during final exams, but that did not keep her from getting an equivalency diploma. And nothing stops the 75-year-old grandmother from helping others get theirs.

"Learning is never-ending," Bivins said in a recent interview at her East Side apartment. "It's something you can always benefit by."

This summer, after a year of study, she received a certificate for completing the high school equivalency program. She was featured as the program's speaker of the year. All the while, she helped tutor fellow General Educational Development students in classes at Our Lady of Fatima Community Center, at E. 67th St. and Quimby Ave. in Hough. Recently, she has been recovering from a car accident injury.

Bivins, who dropped out of high school at 15, said she was glad to help a program that gave people a second chance. Two years ago, after rearing eight children and two stepchildren, the twice-widowed Bivins watched her last child graduate from high school and decided she should, too.

She started classes at Our Lady of Fatima.

"She was really a lovely student," said Linda Sullivan, the Cleveland schools' GED instructor at Our Lady of Fatima, who recalled Bivins bringing doughnuts, coffee and tea to class. "She inspired a lot of the younger students.

"And she kind of mothered us all."

For the most part, Bivins enjoyed her experience. The math was a little hard, she said, but she got through it. By July 1993, she was ready for her final test.

"Age brings wisdom," Bivins said, leaning forward to shift weight off her back. "I had sense enough to know this."

The exam was going to be easy, she remembered thinking as she walked down the stairs to the Cuyahoga Community College Main campus classroom, where the test was held. But lost in her thoughts, she didn't notice the boy until he had knocked her down and grabbed her purse straps.

"He threatened to hit me," she recalled. "I told him, 'You're just going to have to hit me.'"

"That young man needed to be in somebody's classroom," she said. "He wasn't more than 17 or 18."

The teen ran when one of Bivins' classmates came to her aid, but she knew she wouldn't be able to take the test.

"Back upstairs, I just fell apart," she said. "But I came back."

Bouncing back seems natural to Bivins, who spent most of her recovery time fielding phone calls from grandchildren and church friends.

"I've been slowed down on account of this spinal injury," she said. "I have to wear this back brace most of the time. But it's not going to stop me from going to church or doing my work."

All around her neat apartment are signs of a vibrant, youthful woman tempered with classic Southern charm: In the living room, plastic coasters were stacked neatly on a glass coffee table with a full candy dish. An aerobic step, a ski exercise machine and a small stack of videos rested in another room.

On almost any afternoon in Bivins' home, one can also find a freshly baked cake filled with homemade jam or jelly and her latest sewing project pinned snuggly to an old dressmaker's mannequin.

Besides cooking and sewing, she also models, sells Avon cosmetics and teaches Bible classes at Unity Baptist Church on Kinsman Rd.

Her other hobbies include singing with a local gospel group called Flight to Glory and spoiling her grandchildren.

"Grandchildren?" she asked, spreading dozens of snapshots with smiling faces onto her dining room table. "Oh, I stopped counting at 30."

Growing up came in a hurry for Bivins in New Orleans, where she dropped out of the 10th grade to work in her father's store and married at 18 as a way out of the house. She said dropping out of school left her hurt and embarrassed.

"In those days, they didn't care whether you finished school," said Bivins, who added that all of her children finished high school. "During my day, it was the thing to marry young and grow up with my children."

Now, among the GED students whom she sees, there are still young girls whose life choices also made them miss out on high school.

"These are young women barely 30 years old, unmarried with five or six children," Bivins said "I ask them why do they do that. They just drop their heads."

Bivins, who came to Cleveland in 1947, spent 21 years urging students—girls especially—to do well and behave in school. She worked as a hall monitor for Cleveland schools, one of the few jobs she could get without a high school diploma.

"I was always telling them to be ladies," Bivins said "You know, to quit being so common * * * beer cans in the rest room, necking with boys in deserted corridors. * * *

"But I love those kids," Bivins said. "Many of them see me now and they say, 'Ms Hunt—they all still call me that, you know—I wish I had listened to you."

"Life is a teacher, and you're a fool if you don't pick up on it," Bivins said. "Even as a child, I didn't miss a class."

GATT IS A BAD DEAL

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BROWN of Ohio. Mr. Speaker, I urge Members from the Midwest and other agricultural areas to listen to America's dairy producers. I grew up working on a dairy farm, and believe me, the last few years have not been easy for America's dairy farmers.

GATT will just make things worse. Free trade is a joke for the dairy farmer under GATT. Competitors from Europe and elsewhere will maintain a considerable advantage over American producers. These foreign producers are generously supplied by their governments with a strong trade tool: export subsidies.

If GATT passes, U.S. subsidized exports will be restricted to no more than 1 percent of milk production. But the European Union will continue to subsidize at 12 percent of production. Canada will continue to subsidize at 6 percent.

They call this free trade. It's not free and it's not fair. GATT is a bad deal for America's dairy farmers. What's worse, it's kicking them when they're down.

I LEFT MY HAT IN HAITI

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. DORNAN. Mr. Speaker, when walking your precincts back in Tacoma this month, here's a little ditty you can sing to yourself. It's a song made famous by Fred Astaire in the 1951 MGM musical "Royal Wedding." When you're humming this tune, remember that the self-excommunicated, Marxist, ex-priest Aristide is not worth one drop—not one drop—of American blood. Not a drop of the blood of wounded-in-action S/Sgt. Ron Holstead should have been shed in Haiti for Aristide.

I LEFT MY HAT IN HAITI

I left my hat in Haiti.

In some forgotten flat in Haiti. I couldn't tell you how I got there. I only know it was so hot there. She took my hat politely.

And wound her arms around me tightly.

But I remember nothing clearly. Except the flame when she came near me. Her eyes had the glow of surrender. And her touch, it was tender.

And with someone as fairy as that you forget about your hat. So if you go to Haiti.

There is a girl I know in Haiti, if you can find her you'll adore.

Just look around till you've found someone who has a blue gray fedora, I think of that gorgeous creature when I'm all alone. When ever I do from down inside there comes a groan. That son of a gun in Haiti has got the prettiest hat I own. And when it is bleak and chilly and life is flat. I think of that Haitian dilly, And think I'd better go get my hat.

PAKISTAN'S UNACCEPTABLE POLICY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MENENDEZ. Mr. Speaker, the U.S. Department of Commerce has identified India as one of the most important emerging markets in the world. India is currently opening its economy in ways that were unthinkable only 5 years ago.

United States-India bilateral trade is increasing rapidly. Among other items, the United States is selling billion-dollar power plants and telecommunications equipment to India and in return India is selling the United States such products as clothing and computer software.

It is in America's national interests to support peace, prosperity, and democracy in India to insure that the economic liberalization which we have encouraged for years stays on track. But the rapid improvements of the Indian economy must be accompanied by political stability. As a member of the House Foreign Affairs Committee, I am concerned that our friend and ally, India, the world's largest democracy faces a wave of regional political instability.

Recently, troubling reports have surfaced which allege that India's neighbor, Pakistan, is covertly promoting instability in the Jammu, Kashmir, and Himachal regions of India. Specifically, the allegations assert that Pakistan is supporting anti-India Kashmiri insurgents as well as radical veterans of the Afghan war who engage in terrorist violence in the above-mentioned regions. In fact, according to the U.S. State Department's "Global Report on Terrorism for 1994," there were credible reports of official Pakistani support to Kashmiri militants.

These terrorist gangs have forced some 250,000 Kashmiri Hindu Pandits and approximately 50,000 Kashmiri Moslems who openly support India into becoming refugees in their own land. Moreover, in recent comments, former Prime Minister of Pakistan and current opposition leader in Parliament, Nawaz Sharif, threatened India with the use of nuclear weapons should India more directly respond to the terrorism in Kashmir and the other provinces.

Such tactics can only lead to greater insecurity in both India and Pakistan. Should the situation deteriorate, the consequences could be horrible. It is important that our government immediately impress upon the government of Pakistan that the subversion of other states through state-sponsored terrorism, as recent reports suggest, is unacceptable policy.

India needs to focus on domestic issues such as the environment, literacy, health care, and continuing its progress in economic liberalization. In each field much work remains to be done. Countering subversion and terrorism takes the attention of India off these vital issues. America must help India focus its attention on domestic issues. It is my hope that all parties in the region would attempt to arrive at constructive solutions to these difficult problems.

COL. MICHAEL D. BROWNELL

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. DICKS. Mr. Speaker, Col. Michael D. Brownell retired from the U.S. Army on October 1, 1994, serving 5 years as staff director and senior policy advisor of the Reserve Forces Policy Board in the Office of the Secretary of Defense, and after completing a long and distinguished career of over 40 years of service to our Nation. He is a native of Seattle, WA.

Colonel Brownell enlisted in the Washington National Guard as a private at age 17 on September 22, 1954. He served with the 41st Reconnaissance Company in Bremerton, WA, performing such duties as company clerk, tank gunner, tank driver, and squad leader. Upon entering the University of Washington in Seattle, WA, he served as a sergeant with the 286th Anti-Aircraft Battalion (90MM) of the Washington National Guard and the 334th Chemical Company of the U.S. Army Reserve.

Colonel Brownell was commissioned a second lieutenant in the U.S. Army Reserve on September 22, 1964. He was initially assigned as assistant personnel officer and as personnel officer of the Seattle U.S. Army Reserve School, and subsequently served as an instructor and assistant operations officer. He initiated race relations training at the school and received numerous accolades for his innovative work as unit race relations officer.

Colonel Brownell entered on extended active duty as a captain in June 1975 at headquarters, First U.S. Army, Fort George G. Meade, MD. His initial duty was as chief, Senior Officer Branch, Headquarters, First U.S. Army, with responsibility for managing Army Reserve general officer and colonel company positions throughout the First Army area. After serving 3 years at First Army, Colonel Brownell was selected as general officer management officer in the Office of the Chief, Army Reserve, a position he held for 6 years. He was then assigned to the Army Reserve Personnel Center in St. Louis, MO, in October 1984, serving as Chief of the Command Coordination Branch and as Chief of the Command Support Division.

Colonel Brownell returned to the Pentagon in August 1986 as a personnel staff officer in the Office of the Chief, Army Reserve, managing a variety of officer personnel programs, including a professional development plan for Army Reserve soldiers. He was later assigned as a personnel officer in the Office Accession Branch of the Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, until his promotion to the grade of colonel.

Colonel Brownell was then assigned to the Office of the Secretary of Defense where he served as editor of the Reserve Forces Policy Board's annual report to the President and Congress entitled "Reserve Component Programs." This report articulates Reserve component issues to the Secretary of Defense, the President, Members of Congress, and the public. The Reserve Forces Policy Board is, by statute, the principal policy adviser to the Secretary of Defense on matters relating to the Reserve components.

Colonel Brownell also served as staff director of the Reserve Forces Policy Board's Personnel Committee during Operations Desert Shield/Storm. In that capacity, he developed and recommended policies on a broard range of issues that contributed to the readiness and effectiveness of the National Guard and Reserve forces during the Persian Gulf war.

While on active duty, Colonel Brownell completed the Army Command and General Staff College, the National Security Management Program at the National Defense University, the Senior Executives in National Security Program at Harvard University, and the Personnel Management for Executives Course. He continues to serve as a member of the faculty of the Army Training Center for the Personnel Management for Executives course.

As a civilian, Colonel Brownell received an Associate in Arts degree from Olympic College in Bremerton, WA, in 1956 and a bachelor of arts degree and a master of public administration degree from the University of Washington.

He was a staff member of the University of Washington for 10 years immediately following graduation, serving in a variety of roles in the University's Staff Personnel Office, as personnel manager of University Hospital, and as a manager of administrative services manager in the University of Washington Medical School. He later served 5 years as assistant personnel director for the city of Seattle and as adjunct professor of personnel management at the University of Puget Sound.

Colonel Brownell currently resides with his wife, Janell, in Alexandria, VA. He has two grown daughters, Sandra and Melinda; Sandi is a first lieutenant in the Army Reserve and Melinda is a Regular Army first lieutenant stationed at Fort Lewis, WA. Colonel Brownell is a member of the board of directors of the Northwest Ethics Institute and a former board member of the Pacific Northwest Personnel Management Association, the Washington Council of Public Personnel Administrators, the Washington State Hospital Personnel Directors Association, the Society of Research Administrators, and the Seattle Management Association. He is a life member of the Reserve Officers Association of the United States and the Retired Officers Association.

His decorations include the Defense Superior Service Medal, the Legion of Merit, the Defense Meritorious Service Medal with two Oak Leaf Clusters, the Army Commendation Medal with One Oak Leaf Cluster, and numerous other awards and decorations.

TRIBUTE TO DOUGLAS APPLEGATE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HALL of Ohio. Mr. Speaker, I rise to recognize the contributions of my distinguished Ohio colleague, Mr. DOUGLAS APPLEGATE, who is retiring as a Member of the House of Representatives at the conclusion of the 103d Congress.

I have know DOUG since we served together in the Ohio General Assembly and it has been a privilege to work with him. Throughout his career in government life, DOUG has served with distinction and honor.

DOUG has been a special champion of Federal workers. He recognized the value that they added to quality of life of the American people and he never hesitated to thank them. In an era of cynicism toward government, he considered politics to be an honorable calling. He recognized the importance of carrying out the will of the people through the political process. He performed his duties in that spirit, always with sensitivity to the common man.

As a member of the Committee on Veterans' Affairs, DOUG has been a diligent supporter of the men and women who served in our Armed Services. One of his contributions was his work to increase benefits for survivors of veterans who died of combat-related injuries.

I join with my Ohio colleagues and all Members of the House in offering our thanks to DOUG and best wishes for his happiness and good health in the future. We will miss him.

TRIBUTE TO NADINE MILFORD

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. RICHARDSON. Mr. Speaker, I urge my colleagues to join me in extending my congratulations to Nadine Milford from New Mexico. Nadine received a Public Service Award from the National Highway Traffic Safety Administration at the 12th Annual Lifesavers Symposium.

After a DWI (Driving While Intoxicated) crash that killed her daughter Melani (age 31) and her granddaughters Kandyce (age 9), Erin (8), and Kacee (5), Nadine chose to mobilize her State of New Mexico and change the status of DWI.

Nadine assembled a coalition that gathered over 80,000 signatures on petitions asking that the senseless, preventable crime of DWI be addressed in the New Mexico State Legislature in 1993. She attended all Committee hearings, spoke to elected officials and met with other victims and survivors of DWI tragedies. Through the cooperation of the media, the family's grief was brought into New Mexico homes each night.

Nadine garnered massive public support which resulted in the most comprehensive DWI reform in the history of the State of New Mexico. I congratulate her, admire her, and I thank her for being a true and devoted citizen of the Land of Enchantment.

CH2M HILL WINS ENVIRONMENTAL AWARD

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. SCHROEDER. Mr. Speaker, it is my pleasure today to congratulate the Denver-based international consulting engineering firm of CH2M HILL for again winning a significant award from the Environmental Protection Agency. EPA's award recognized CH2M HILL's outstanding commitment to involving small, small-disadvantaged, and women-owned businesses in EPA's Superfund Program as subcontractors. I am pleased to note that CH2M HILL has won this important annual "Outstanding Prime Contractor Achievement" award five times since the firm was presented with the first such award in 1993.

CH2M HILL, an employee-owned family of companies involved in the domestic and international consulting engineering business, has nearly 6,000 employees working in more that 70 offices nation- and world-wide. CH2M HILL is a world leader in engineering service that helps clients apply technology, safeguard the environment, and develop infrastructure. Their work involves planning, design, and program management for clients engaged in hazardous waste remediation, water, waste water and waste management, transportation, and related environmental fields.

In addition to being a world leader in environmental engineering, CH2M HILL's achievements in providing opportunities to small, small-disadvantaged, and women-owned businesses, as recognized most recently this year by EPA, demonstrate that the company is a leader in social responsibility as well.

TRIBUTE TO RONALD K. MACHTLEY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. DUNCAN. Mr. Speaker, it has been my privilege to serve in this House for the past 6 years with the gentleman from Rhode Island, RON MACHTLEY.

RON is one of the finest men I have ever known. He is a man of compassion and high integrity.

If this Nation had more men like RON, it would be a much better place in which to live.

I have truly enjoyed getting to know RON over these past few years. His kindness, his easy sense of humor, his good grace in every way, has made it a pleasure to know him.

I am sorry that he is leaving this House, but I know that he will be very successful at whatever he does next. I hope he will continue in public service, because he has certainly served the people of Rhode Island with great honor and distinction.

IRAQI TROOP MOVEMENTS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SOLOMON. Mr. Speaker, we have had some very disturbing news reports today, reports that bode very ill for national security as Congress heads for adjournment.

The news wires have been reporting all day that large concentrations of Iraqi troops have moved toward the Kuwaiti border.

Secretary of Defense Perry has said the movements are not routine and are cause for concern. One Defense official has called the troop movements huge.

In response, President Clinton has warned the Iraqis and has ordered the aircraft carrier *George Washington* to deploy to the Gulf.

In addition, we see that China has once again exploded a nuclear device, its third test in a year.

Mr. Speaker, it is clear that Iraq and China have gotten the idea lately that they can flout the will of the international community and thumb their nose at the United States. Why?

Because that is precisely the message that the Clinton administration has been sending them for 2 years, that's why.

This is the kind of behavior you get from dictators when you gut your defense budget, bog your forces down on some irrelevant island and pursue an overall foreign policy of sheer, unadulterated appeasement.

Let's look at the things this administration has been doing that might have encouraged Iraq and China.

First, our defense budget is a shambles. There is simply no question that we are back to the days of the hollow forces of the 1970's.

We have been cutting now for 10 years, and this President has forced through 2 years of draconian cuts.

The result: Reduced training. Spare parts running low. Operations scaled back.

Secretary Deutch's notorious memo of August 18, outlining all of the weapons systems that they are going to kill.

The Naval Reserve canceled all of its drills for the rest of the fiscal year just last month.

And several military leaders and analysts have remarked lately that we simply could not fight Desert Storm again today.

Second, we have 20,000 personnel and massive amounts of equipment bogged down on an irrelevant Caribbean island, trying to reinstall an anti-American Marxist dictator.

Third, the Clinton administration is pursuing a foreign policy of sheer, unadulterated appeasement.

There isn't a place in the world where this administration has shown the moxie to stand up for our real interests.

I have been warning about this all year long. Most recently, the administration caved in to Russian and French pressure to lift the sanctions on Serbia.

They have been hoodwinked countless times by the North Koreans, and just 2 days ago, we ordered the carrier *Kitty Hawk* to leave the area because the North Koreans demanded it.

And the Russians—well, there just isn't a thing in the world that this administration won't give the Russians.

I read this week that the Russian press, and that means the Russian Government, got the impression that the administration granted Russia a sphere of influence in the former Soviet space.

Add to this two cave ins on MFN for China and Wednesday's ridiculous concession to lift our military sanctions against China in exchange for that rogue regime's promise to stop selling missiles to its clients.

This disastrous, pathetic state of affairs is simply not lost on the world's aggressors, Mr. Speaker.

Indeed, the Iraqi and Chinese actions are quite logical if you think about it.

Why wouldn't they think this administration can be intimidated?

They are so incompetent they even have to let a former President violate the Logan Act to conduct their foreign policy for them.

It would be laughable, Mr. Speaker, but Iraq, China and several Haitian mobs have just reminded us that we are now definitely in the dangerous phase of the ridiculous thing that is the Clinton foreign and defense policy.

Mr. Speaker, maybe Congress shouldn't adjourn. Someone needs to get our foreign policy priorities straight.

Someone needs to stiffen the spine of this administration.

Someone needs to restore our defense budget.

And someone needs to get our forces out of this hokey mission in Haiti now.

As one analyst remarked recently, it is time for adult supervision of the Clinton foreign policy team.

PEACE IN KASHMIR

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BONIOR. Mr. Speaker, this week, the Washington Post carried an article detailing the terrible violence and suffering in Kashmir. This is not a new crisis. Over the past 5 years an estimated 15,000 to 20,000 people, many of them civilians, have been killed.

Sadly, over the past 2 months, the level of violence has increased. Ten to twenty people are being killed each day. In one 24-hour period last month, 56 people were killed. Likewise, torture, rape, and other human rights abuses are also on the rise. India now has half a million troops in Kashmir.

With so much bloodshed and violence, it is understandable that some people doubt that this conflict can be peacefully solved. However, it must be resolved because it has the potential to become a flashpoint for war, possibly nuclear, between India and Pakistan. The question then becomes where to start resolving the conflict?

A good first step would be a reduction in the daily carnage and violence. The Indian Government must allow international human rights groups free access to Kashmir. Only this way will we have a clear and accurate picture of the human rights violations being committed by both sides of this conflict. Only this way will security forces and militants be held accountable for their actions.

The Indian Government must allow the International Red Cross to visit prisons in order to provide medical care and hopefully reduce incidents of torture. Furthermore, it is essential that political prisoners are released who can provide leadership and moderation to end this crisis.

Finally, Kashmir must become a priority in the international community. Kashmir has not entered our everyday conscience because, for the most part, the electronic media has been kept out of Kashmir. I believe that if we were to see Kashmir on the nightly news, the resolve for a solution would be strengthened.

The path to peace is through negotiations—negotiations that include all parties involved, India, Pakistan, and the people of Kashmir. If we are to achieve a just and lasting peace, the people of Kashmir must have a voice in determining their own destiny.

FEDERAL AVIATION ADMINISTRATION ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. OBERSTAR. Mr. Speaker, today I am introducing the Federal Aviation Administration

Act of 1994. This legislation is a major part of the continuing program of the Subcommittee on Aviation to reform the Federal Aviation Administration. Our goal is to enhance FAA's ability to act decisively and objectively to ensure the safety and efficiency of our national aviation system.

During the past year the subcommittee has taken important steps to reform FAA. In Public Law 103-305, we established a 5 year term of office for the FAA Administrator. This will help ensure that administrators stay in office long enough to learn the areas in which reforms are needed and, equally important, to be sure that needed reforms are carried out. In S. 1587, we adopted major government-wide procurement reform, including a pilot project for FAA. These reforms will greatly enhance FAA's ability to procure the equipment needed to modernize the air traffic control system. In addition, during the past 2 years we have been working with FAA to develop the administrative reforms needed to improve the agency's ability to manage high technology contracts.

The Independent FAA Act, which I am introducing today, will enhance FAA's ability to act promptly in carrying out all of its responsibilities. The Act will establish FAA as an independent agency in the executive branch. By eliminating unnecessary and time-consuming DOT oversight and review, we can improve FAA's ability to act promptly to regulate safety, to meet the needs of its customers, and to fully use the funds available in the Airport and Airway Trust Fund to develop the aviation infrastructure. FAA's responsibilities are basically technical, and should be carried out professionally and objectively. FAA should not be part of a Department whose policies vary with the overall political philosophy of the executive branch. The current DOT appears to agree with this assessment, since, as I will discuss, they are proposing to make the FAA's air traffic control system, the FAA's largest activity, largely independent of any executive branch supervision.

The approach of my bill is similar to that followed in the recently enacted law to remove the Social Security Administration from the Department of Health and Human Services and make it an independent administration. In signing this bill into law on August 15, President Clinton noted that his Administration has "embark(ed) upon a revolution within the Federal Government * * * to provide service to the public that matches or exceeds the best service available in the private sector. Establishing an independent Social Security Administration will enhance its ability to meet this goal and provide 'world class service' to all Americans."

My introduced bill also removes from the budget process the Airport and Airway Trust Fund administered by FAA. This change will improve the chances that the $5 billion a year contributed by aviation users to the trust fund will be spent on a current account basis for the intended purposes of developing the Nation's airports and purchasing capital equipment for the air traffic control system, not reserved in a growing surplus that helps to cover up deficit.

This legislation is not the end of FAA reform. A further task remains: to make necessary changes in the general laws governing FAA's operations; to improve FAA's ability to modernize the air traffic control system; to obtain the best qualified personnel to staff FAA's widespread facilities; and to carry out FAA's other responsibilities. During the period before the convening of the 104th Congress, we will be consulting with a wide range of interested parties and experts to determine what further legislation is needed. Early in the 104th Congress, I expect to introduce a broader version of today's bill, to include the necessary changes in the laws affecting FAA's operations.

I am pleased to note that the Chairman of the Senate Subcommittee of jurisdiction will be introducing similar legislation in the Senate. Senator FORD has been a longtime supporter of an independent FAA. We will be coordinating our efforts to develop a comprehensive reform package for the 104th Congress, as we did during the mid-1980s in sponsoring legislation to reestablish the FAA as an independent agency.

I believe that the approach of the introduced bill is much more responsive to FAA's problems than the Administration's proposal to divide FAA into two entities: a government corporation to run the air traffic control system; and a rump FAA to regulate the corporation and carry out the agency's other responsibilities. The Administration's proposal is too narrow because it attempts to reform only the air traffic control system and does not improve FAA's ability to carry out its other responsibilities, including the regulation of safety and assisting with the development of the Nation's airport system. In addition, the Administration's proposal has the potential for creating new problems which would impair the safety and efficiency of the ATC system.

The Administration's proposal does not make needed reforms to improve FAA's ability to develop needed safety and security regulations in a timely manner. While DOT oversight and review slow down virtually all FAA activities, the problem is particularly pronounced in the area of regulation. FAA's regulatory process is inordinately slow. These problems have persisted regardless of which party controls the executive branch. This suggests that the problems are not political, but institutional.

To cite some examples, in the mid-1980s, there was a strong need for FAA regulatory initiatives to improve the survivability of airline passengers in the event of a crash and fire. Rules were needed to require emergency escape path markings, seat cushions that would not readily catch fire, protective breathing equipment for use by flight attendants in emergencies, and improved cabin interior materials for new aircraft. When FAA tried to move on these important safety improvements, its rules had to run a hostile gauntlet of second-guessers at DOT and OMB, which resulted in their implementation being delayed for many months.

Another example of DOT negatively affecting the regulatory process can be found in late 1980s rulemaking establishing a requirement that commuter aircraft be required to carry ground proximity warning devices. These devices alert pilots when the aircraft was not configured to land safely as it approached the ground. DOT's objections resulted in a stretching out of the compliance period far beyond what was reasonable. Accidents occurred during the compliance period that could have been prevented by requiring timely installation of this safety device.

Delays in rulemaking have continued into the current administration. In 1990, Congress passed the Aviation Security Improvement Act which directed FAA to promulgate regulations requiring individuals with unescorted access to aircraft and secured areas of airports to undergo employment investigations, including criminal history records checks in appropriate cases. Almost 4 years have elapsed, yet final regulations have still not been issued.

On the issue of drug testing for airline employees, it has been clear for several years that there is a need to reduce the rate of random drug testing. In July 1992, the House passed legislation calling on FAA to begin a rulemaking to accomplish this reduction. FAA did not issue a notice of proposed rulemaking until February 1994. Thus far no final rule has been passed. A further example of inordinate delay has been rulemaking to establish flight and duty time limits for flight attendants. The issue was thoroughly discussed during the Reagan and Bush Administrations, which were philosophically opposed to the concept of such regulations. Early in the Clinton Administration, the Committee was assured that the Secretary of Transportation and the Director of the Office of Management and Budget supported regulations limiting flight attendant working hours. Despite this high level commitment, it took a year and a half to adopt final rules.

Numerous other examples could be cited.

In the Aviation Subcommittee's investigation of why FAA rulemaking takes so long, it has become clear that the excessive time required for FAA to negotiate with the large number of offices in the office of the Secretary of Transportation which are involved in the rulemaking process is a significant problem. I see no reason why an agency of 50,000 employees, headed by an executive level II administrator should not make final decisions on rulemaking within its jurisdiction without having to steer them through the paper-shufflers and second-guessers at the departmental level.

Another important area which is not dealt with by the Administration's reform proposals is the need to fully use funds contributed to the proceeds of the Airport and Airway Trust Fund, particularly for airport development. The Airport and Airway Trust Fund was established to furnish a mechanism for the users of the aviation system to contribute revenues which will be used in a dedicated revenue stream to develop our Nation's airports and the air traffic control system. In addition, the users pay a portion of the expense of operating the air traffic control system. The Trust Fund is not part of the deficit problem, since user contributions are more than adequate to cover the systems' needs. In fact, the problem over the years has been the budget and appropriations process, which has not permitted spending of all the revenues contributed by the users.

In the late 1980s, the surplus of unspent money in the Trust Fund grew to more than $7 billion. In 1990, an understanding was reached between the Administration and all the congressional committees involved to embark upon a program to use this surplus to develop the aviation system, as originally intended. The surplus was drawn down to $4 billion at the end of fiscal 1993. Since then, the House and Senate have passed reauthorization bills which, if fully funded, would permit the surplus to remain at roughly this level. However, appropriation legislation has withheld authority from FAA to spend almost $1 billion of authorized funds for airport development.

My bill will help ensure that the Trust Fund is able to spend its receipts. First, by removing the Trust Fund from the budget process, we will remove the need for the Appropriations Committees to cut funding for aviation programs to meet general budget targets for transportation. Second, by making FAA an independent agency, we will prevent spending from the Aviation Trust Fund, which does not contribute to the deficit, from being reduced, as a trade off to permit funding of other programs covered by the overall budget of the Department of Transportation.

In addition to not dealing with problems of delay and full spending for airport development, the Administration's proposal to establish a government corporation for the air traffic control system [ATC] does not deal with some of the main problems faced by the ATC system. Moreover, the corporation proposal holds the potential for seriously disrupting the ATC system.

Before we consider the Administration's proposal, we need to step back and evaluate the overall performance of the ATC system. The system has problems, and much of my work in the Congress has been devoted to identifying these problems and pushing the agency to solve them. But we must not allow these problems to obscure the ATC system's strengths.

FAA now runs the world's best air traffic control system, which moves more than 450,000,000 passengers a year, with a high degree of safety and efficiency. The system is improving. Since 1982, air traffic delays have declined by 15 percent, while aircraft departures have increased by 39 percent.

In addition, the system has been extremely efficient. Between 1971 and 1992, FAA's cost for each instrument operation increased by 90 percent. This was far less than the increase of 241 percent in the consumer price index over the same period of time.

With an excellent system in place, we should be extremely reluctant to make radical changes which have the potential of disrupting the system. Unless there is a strong case to the contrary, the policy preference should be for focused reforms which deal with specific problems, while leaving in place the organizational structure which is working well.

The existing air traffic control system does not operate as an autonomous function within FAA. Rather, operation of the system requires the cooperative coordinated efforts of a number of divisions in FAA, including the divisions responsible for: air traffic control services, facilities and equipment, safety certification and regulation, airport development, research and development, and legal services. This interdependence was recognized by the experts who testified before the Commission to Ensure a Strong Competitive Airline Industry, most of whom agreed that the ATC system cannot be separated from other FAA functions because they are interdependent, (*Aviation Daily*, June 23, 1993).

The proposed breakup of FAA into an air traffic control system, and a rump agency with the rest of FAA's responsibilities, would disrupt organizational relationships and responsibilities which have been worked out over decades. Given human nature, a breakup of FAA would inevitably produce a period of jockeying for position and power which, at a minimum, would seriously distract employees. The end result of this struggle cannot be fully anticipated. However neat the organizational lines in the original plan, there undoubtedly will be unexpected problems affecting safety and efficiency.

This is not the first time corporatizing ATC has been proposed. An earlier proposal for a separate ATC corporation concluded after an in-depth study:

> Of all the options being considered, this one (a separate ATC corporation) raises the most serious possibilities for substantial disrupting a complex program which, despite major obstacles, has proven to be safe and reliable.[1]

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[1] "Organizational Options for the Federal Aviation Administration," study by Herbert N. Jasper for the Transportation Research Board (1991).

Because of the disruptive effects of breaking up the agency, the study recommended against a major reorganization of FAA, if there were feasible alternatives.

> Reorganization * * * is never accomplished without some difficulty and the investment of resources, as well as the risk of unintended consequences. Therefore, one should be certain that the problems to be addressed can not be adequately treated within the existing structure before turning to legislation to effect a reorganization as the remedy.

I fully agree that we should not run the risk of disrupting our outstanding ATC system, unless there are serious problems which cannot be resolved by reforms which will keep the agency intact. The bill I am introducing today will permit reform without disruption.

The main concern I have about converting the ATC system to a corporation is the effect on aviation safety.

The corporation plan contemplates that system users, principally the airlines, will be saddled with a fee system to pay for the corporation. This means that the air traffic control system will be an expense for airlines, affecting their profit and loss. At the same time airlines will play a role in setting corporation policies and deciding how much the corporation will spend.

Do we really want to have a relationship between airline profitability, and ATC spending and other decisions affecting safety? Would prescription drug users feel comfortable with an FDA financed by the pharmaceutical manufacturers? Would shareholders feel good about a Securities and Exchange Commission financed by brokerage firms? To be blunt about it, when airline profit margins start to influence air traffic control practices, the safety margin may be eroded, and that would not serve the public interest.

One of the main justifications which has been advanced in support of a corporation is that this form of organization would produce a system which is more responsive to airline concerns and will reduce airline costs. This raises some disturbing scenarios. What if the airlines want to cut their operating expenses by reducing separation-in-trail requirements—the distance between planes—to allow more planes in the air? What if the airlines are having financial difficulties and want to reduce their air traffic control costs by cutting back on the number of controllers and increasing each controller's area of responsibility?

In the existing system, decisions on safety issues are made in the overall best public interest by the Federal Aviation Administration and the Congress, with input from system users. If we go to a corporation, how will the public be assured that ATC operations will be managed to protect the interest of airline passengers and ensure safety?

The answer to these questions that has been advanced thus far by the Administration is that there will be no safety problems because the operations of the air traffic control system would be regulated by the remaining FAA. In other words, a new level of bureaucracy would be created by establishing within FAA a new safety unit to regulate the air traffic control system.

Establishing this new regulatory system will require resolution of many difficult issues. Ultimately, the safety of the system will turn on whether the right solutions can be found. For example, which aspects of the corporation's operation will be considered safety issues to be regulated by FAA, and which issues will be considered operational issues to be left to the corporation? Will the hours a controller works or the size of the sector he or she manages be considered a safety issue to be regulated by the FAA? Or will it be an operations issue to be left to the corporation? What role will the airlines play on the corporation's board of directors or in making other decisions which could affect safety? How will FAA enforce its safety regulations against the corporation?

The basic question which needs to be asked is whether we should risk the uncertainties of creating a new system to promote ATC safety when we have in place an outstanding system.

The entire assumption that a government corporation would be more efficient than a government agency is based on an inappropriate use of private sector models. Normally, private businesses are considered to be more efficient than government agencies because private companies operate in a free market where competitive pressures force them to be efficient. By contrast the proposed ATC corporation would be a monopoly. It would not be subject to any competitive pressures to force it to be efficient.

A prime example illustrating that a conversion from a government department to a government corporation with a monopoly does not enhance efficiency, is the United States Postal Service. In 1972, the Postal Service was converted from a government agency to a government corporation, with a monopoly over letter mail. There were high hopes that the corporation would modernize and improve its service. Recent events have made it crystal clear that the change in the form of the postal service organization was no guarantee of increased efficiency.

With respect to changes in the laws governing FAA, the Administration's proposal for ATC focuses on changing the legal requirements governing procurement and personnel. These are important areas worthy of consideration. As we go forward with our discussions on further legislation, we will certainly consider changes in these areas. But I think we need to expand our horizons.

The last 2 years experience with the Advanced Automation System contract indicate the need for FAA to make substantial improvements in its ability to manage large contracts. FAA needs to shift its focus. Because of the revolution in computer technology, FAA needs to find ways to shift its role from that of a developer of technology, to that of a customer of off-the-shelf technology developed by others. FAA also needs to show more discipline in contract management, by freezing contractual requirements, by obtaining accurate information, and taking necessary action to ensure that projects stay on budget and within schedule. We will be seeking expert guidance on how FAA can best be encouraged to make management changes. Is it exclusively a matter of internal FAA management, or are there organizational and legal changes which would help enhance FAA's performance?

Similar issues are presented in procurement. I should note that I expect procurement to be less significant in the future than it has been in the past since much of FAA's modernization program is now under contract and the problem has shifted from procurement to contract management.

In the procurement area we need to consider ways to improve FAA's ability to make good procurements under whatever system is in place. FAA's recent actions in the Global Positioning Satellite [GPS] procurement show that the existing system affords many opportunities for the agency to streamline the process. In addition, the recently enacted government-wide procurement reform legislation will furnish important additional opportunities for streamlining.

For GPS, FAA proposes to complete the major procurement of differential stations in 3 years and 5 months. This compares to the average procurement time for major projects of 8½ years.

FAA has proposed to procure GPS technology expeditiously by streamlining internal procedures and by assigning professional personnel exclusively to the GPS procurement. Again, we need to look at how these improvements can be applied to other programs. Is this primarily a matter of good management? Can legislation play a part in improving procurement management and administration?

Thinking even more broadly, it has been said that the organizational culture of FAA does not encourage employees to focus adequately on the needs of users of the agency's services. While FAA's focus should not be limited to what its customers want, customers' needs should certainly be an important element. We should explore whether there is a need for organizational or other legal changes to ensure that customers' needs are given their proper weight.

In conclusion, the legislation introduced today is an important building block in the process of FAA reform. I look forward to working with my colleagues and the aviation community to continue the process and develop a comprehensive reform proposal for the 104th Congress.

STATEMENT OF ADMINISTRATIVE ACTION ON THE URUGUAY ROUND TRADE AGREEMENTS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. GIBBONS. Mr. Speaker, on September 27, 1994, the President transmitted to the Congress the Uruguay Round Trade Agreements, an implementing bill introduced as H.R. 5110, and a Statement of Administrative Action. These documents were printed as House Document 103–316. I have received a letter from the U.S. Trade Representative dated October 3, transmitting corrections of a few printing and other technical errors in the Statement of Administrative Action.

Mr. Speaker, I ask that this letter be printed in the RECORD so that the statement as corrected will be reflected in the legislative history.

THE U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, October 3, 1994.

Hon. SAM GIBBONS,
Acting Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In reviewing the Statement of Administrative Action (SAA) accompanying the Uruguay Round implementing bill, H.R. 5110, we have found that a few lines of text were omitted from the end of several pages of the SAA due to printing errors. The omissions occurred on pages 20, 24, and 367 of the SAA and at the conclusion of the endnotes following the document.

In addition, on page 45, the words "soda ash" were omitted in the fifth line of the second full paragraph and in the second line of the third full paragraph. The same words erroneously appear in the third line of the sixth full paragraph on the page.

Finally, in the first full paragraph on page 77, the words "WTO member" were erroneously inserted in place of the word "country." The sentence should read: "Combatting subsidized competition in third country markets will remain a high priority for the United States for two reasons."

I am enclosing with this letter corrected copies of those pages of the SAA pages mentioned above. I hope that they will clarify the Administration's intent with regard to the matters discussed on those pages and will permit the Committee to take the corrections into account in preparing its report on the bill.

Enclosures.

* * * * * * *

CORRECTED PAGE 20:

F. PRIVATE LAWSUITS

Section 102(c) of the implementing bill precludes any private right of action or remedy—including an action or remedy sought by a foreign government—against a federal, state, or local government, or against a private party, based on the provisions of the Uruguay Round agreements. This would include any such suit brought against a federal state, or local agency or against an officer or employee of any such agency. A private party thus could not sue (or defend suit against) the United States, a state or a private party on grounds of consistency (or inconsistency) with those agreements. The provision also precludes a private right of action attempting to require, preclude, or modify federal or state action on grounds such as an allegation that the government is required to exercise discretionary authority or general "public interest" authority under other provisions of law in conformity with the Uruguay Round agreements.

With respect to the states, section 102(c) represents a determination by the Congress and the Administration that private lawsuits are not an appropriate means for ensuring state compliance with the Uruguay Round agreements. Suits of this nature may interfere with the President's conduct of trade and foreign relations and with suitable resolution of disagreements or disputes under those agreements. Moreover, as section 102(c)(2) makes clear, through its approval and implementation of the Uruguay Round agreements Congress will have "occupied the field" with respect to any cause of action or defense that seeks, directly or indirectly, the private enforcement of those agreements. That means that private parties may not bring suit or raise defenses: directly under those agreements; on the basis of a successful judgment against a state in a suit brought by the Attorney General under the agreements; or on any other basis, including Congress' Commerce Clause authority.

In sum, the language of section 102(c)(2) is intended to make clear that Congress seeks the complete preclusion of Uruguay Round agreement-related actions and defenses in respect of state law in any action or proceeding brought by or against private parties.

The prohibition of a private right of action based on the Uruguay Round agreements, or on Congressional approval of those agreements in section 101(a), does not preclude any agency of government from considering, or entertaining argument on, whether its action or proposed action is consistent with the Uruguay Round agreements, although any change in agency action would have to be authorized by domestic law.

CORRECTED PAGE 24:

intends to maintain the existing policy advisory committee on environmental and conservation matters. The Administration also intends to seek the views and advice of the ACTPN and environmental policy committee with respect to environmental issues associated with trade policies or trade agreements, including issues related to implementation of the WTO; and for the environmental policy committee to include in its reports on trade agreements an advisory opinion as to any significant environmental effects of the agreement.

L. WORKING PARTY ON WORKER RIGHTS

Section 131 of the bill directs the President to seek in the GATT and the WTO the establishment of a working party to examine the relationship of internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act of 1974, to GATT and WTO articles, objectives, and related instruments. Section 131 sets out four U.S. objectives for the working party: to explore the linkage between international trade and internationally recognized worker rights, taking into account differences in the level of development among countries; to examine the effects on international trade of the systematic denial of such rights; to consider ways to address such effects; and to develop methods to coordinate the work program of the working party with the International Labor Organization.

Section 131 also directs the President to report to the Congress within one year on the progress made in establishing the working party and on U.S. objectives with respect to the working party's work program.

M. COUNTRIES PARTICIPATING IN BOYCOTT

Section 133 of the bill calls on the Trade Representative to oppose the admission into the WTO of any country that participates in a boycott of the type described in section 8(a) of the Export Administration Act of 1979.

N. AFRICA POLICY

Section 134 of the implementing bill provides that the President should develop and implement a comprehensive trade and development policy for the countries of Africa. Section 134 also requires the President to submit reports to the House Ways and Means and Foreign Affairs Committees and the Senate Finance and Foreign Relations Committees and other appropriate Congressional committees within twelve months of enactment of the bill and annually for the next four years thereafter on its trade and development policy for the countries of Africa and on progress made toward implementing it.

CORRECTED PAGE 45:

which can be implemented through Presidential proclamation, this change must be made in a statute.

Sections 113 and 114 of the bill amend the Harmonized Tariff Schedule (HTS) and other provisions of U.S. law to permit the Secretary of the Treasury to liquidate or reliquidate entries of specified products and, on request, to refund any duty paid. These provisions are necessary to correct long-standing errors in classification of certain products in the HTS that are corrected prospectively in Schedule XX, or to correct omissions in the preparation of that Schedule.

B. ADDITIONAL TARIFF PROCLAMATION AUTHORITY

During the Uruguay Round, the United States sought the reciprocal elimination of duties among major trading countries in a wide range of sectors of key interest to U.S. firms. This zero-for-zero initiative consisted of the following sectors: pharmaceuticals, electronics, furniture, distilled spirits, medical equipment, non-ferrous metals, paper and paper products, wood products, soda ash, steel, agricultural equipment, construction equipment, scientific equipment, oilseeds, and oilseed products and toys. These products represent key U.S. import and export interests.

In some sectors, namely wood products, electronics, distilled spirits, non-ferrous metals, soda ash, and oilseeds and oilseed products, agreement on complete duty elimination was not achieved. Obtaining further reductions and elimination of duties in these sectors is a priority objective for U.S. multilateral, regional and bilateral negotiations.

The Administration was particularly disappointed over the failure of Japan to agree to further reductions of tariffs on wood products. Every effort will be made to negotiate reductions toward the elimination of the tariffs facing our exports in this sector.

Moreover, U.S. exports of items such as high value oilseed products would especially benefit from tariff reductions below that achieved in the Uruguay Round. U.S. interests have identified specific products that should be subject to intensified efforts to achieve duty reductions and elimination and the Administration intends to pursue negotiations on these products.

For those sectors in which the United States achieved duty elimination, acceleration of the phase-out of duties in certain sectors, such as paper, and paper products, should grant these U.S. industries improved access to key markets. The Administration will also pursue accelerated staging of tariff reductions as a priority objective with our trading partners, such as an accelerated reduction of the EU tariffs on paper and paper products.

A third area in which further progress is necessary is the harmonization of tariffs on chemical products. The Administration will make every effort to expand * * *

CORRECTED PAGE 77:

their agricultural exports do not impose a similar restriction on themselves and the restriction is not required by the Agreement on Agriculture. No similar statutory change is required for four U.S. export subsidy programs—the Dairy Export Incentive Program, the Sunflowerseed and Cottonseed Oil Assistance programs, and CCC dairy export sales—because there are no similar statutory restrictions on their operations.

Combating subsidized competition in third country markets will remain a priority for the United States for two reasons. First, the European Union, in general, has higher export subsidy ceilings than does the United States. Therefore, there will continue to be a need to protect U.S. export markets abroad from subsidized competition. Secondly, the Agreement on Agriculture requires further multilateral negotiations on trade-distorting agricultural subsidies and import protection in five years. The use of U.S. subsidies in the interim should help induce the European Union and others to agree on further reductions in those negotiations.

The CCC will also administer egg EEP initiatives in a manner to maximize benefits to the entire U.S. egg industry. In particular, the CCC will make efforts to enable the U.S. egg industry to maintain a strong presence in Hong Kong.

B. DAIRY EXPORT INCENTIVE PROGRAM

Section 153 of the Food Security Act of 1985 requires the CCC to operate a Dairy Export Incentive Program (DEIP). The program operates in a manner similar to the EEP, but is limited to dairy products. Section 411(b) of the implementing bill extends the DEIP through 2001.

C. CCC DAIRY EXPORT SALES

Section 1163(a) of the Food Security Act of 1985 currently requires the Secretary of Agriculture annually through fiscal year 1995 to sell for export not less than 150,000 metric tons of dairy products, including not less than 100,000 metric tons of butter and not less than 20,000 metric tons of cheese, out of CCC-owned stocks. Because export sales are usually at world prices, which normally are lower than domestic prices, the export sale of these products by CCC under section 1163(a) is likely to constitute a "sale or disposition of export by governments or their agencies on non-commercial stocks of agricultural products at a price lower than the comparable price charged for the like product to buyers in the domestic market," within the meaning of Article 9:1(b) of the Agreement. Accordingly, CCC dairy export sales made at prices meeting this standard are subject to U.S. export subsidy volume and budgetary outlay commitments under the Agreement.

CORRECTED PAGE 367:

infreqently. In certain cases, the United States has taken such action because a foreign government has blocked adoption of a GATT panel report against it.

Just as the United States may now choose to take section 301 actions that are not GATT-authorized, governments that are the subject of such actions may choose to respond in kind. That situation will not change under the Uruguay Round agreements. The risk of counter-retaliation under the GATT has not prevented the United States from taking actions in connection with such matters as semiconductors, pharmaceuticals, beer, and hormone-treated beef.

Finally, nothing in the DSU will affect application of section 301 against practices by governments that either are not WTO members or by WTO members to which the United States does not apply the Uruguay Round agreements. The Trade Representative will address section 301 investigations of unfair trade practices by such countries on a bilateral basis.

C. ANTICOMPETITIVE PRACTICES

Among the foreign government practices that section 301(d)(3)(B) of the Trade Act of 1974 defines as "unreasonable" are those that deny fair and equitable market opportunities, including the toleration by a foreign government of systematic anticompetitive activities. The Administration will enforce vigorously the "toleration of . . . anticompetitive activities" provision in section 301 when appropriate to address foreign anticompetitive behavior. The practices covered by the provision include, but are not limited to, toleration of cartel-type behavior or toleration of closed purchasing behavior (including collusive coercion of distributors or customers) that precludes or limits U.S. access in a concerted and systematic way.

The Trade Representative, in consultation with the Attorney General, will look to a variety of information sources in evaluating a foreign government's toleration of anticompetitive practices. Issues to be addressed include the existence of the anticompetitive practices and whether there was an unreasonable failure to take timely action against them. In making an assessment, the Trade Representative will consider whether the pertinent foreign government, and especially its competition authorities, have been made aware of the alleged practices and, if so, how they were informed, the relevant evidence that has been provided to, or is known to be available to, the foreign authorities, and the nature of response those authorities have made.

The evidence provided to, or known to be available to, a foreign authority normally should include, among other things, the identity of the enterprises allegedly involved and the relevant markets affected, a description of the specific practices, and an indication of their duration and pervasiveness. In keeping with the Congressional intent in adopting this provision, the Trade Representative will also take into account whether the anticompetitive activities are inconsistent with the foreign country's own laws, how systematic and pernicious those activities have been, and their degree of effect on U.S. domestic or foreign commerce.

CORRECTED ENDNOTES:

who owns more than 10 percent of the capital or profits interests in the partnership, or (3) in the case of a corporation, owns more than 10 percent in value of the voting stock of the corporation or all the stock of the corporation.

56. This method is also known as the frozen initial liability method.

57. Under this funding method, the normal cost is generally determined by dividing (1) the actuarial present value of future benefits less the sum of the actuarial value of the assets and the unfunded liability by (2) a weighted temporary annuity factor that spreads the cost of the plan over future years. If the sum of the actuarial value of assets and the unfunded liability exceed the present value of future benefits, the normal cost under the method will be negative.

58. For these purposes, plans with no unfunded vested benefits and plans not subject to title IV of ERISA are disregarded.

THE AMERICAN LEGION PRESENTS PRIORITIES TO CONGRESS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MONTGOMERY. Mr. Speaker, on September 20, William M. Detweiler, newly elected national commander of The American Legion, appeared before a joint hearing of the House and Senate Veterans' Affairs Committees to present the legislative priorities and membership concerns of this essential and extremely active veterans service organization. In particular, its views on the future of the Department of Veterans Affairs (VA) health care system, educational benefits provided by the Montgomery GI Bill, Veterans employment programs and the VA's claims and appeals process.

I am pleased and proud to share with my colleagues Commander Detweiler's eloquent statement as follows:

PRESENTATION BY LEGISLATIVE PRIORITIES OF WILLIAM M. DETWEILER, NATIONAL COMMANDER OF THE AMERICAN LEGION BEFORE A JOINT HEARING OF THE HOUSE AND SENATE VETERANS AFFAIRS COMMITTEES, UNITED STATES CONGRESS, SEPTEMBER 20, 1994

MESSRS. CHAIRMEN AND MEMBERS OF THE VETERANS AFFAIRS COMMITTEES: Thank you for allowing the American Legion the opportunity to present its legislative portfolio for congressional action. Coming before you today is like "singing to the choir". Your committees are genuinely "veteran-friendly". Each member of these Committees has independently demonstrated a sincere commitment to America's veterans and their families.

Under the capable leadership of both Chairmen, the voice of the veterans community can be heard in the Halls of Congress. Although we may not always agree on how to best accomplish legislative goals that affect our veterans, the veterans community is fortunate to know that these committees are at least receptive to its comments.

I would be remiss in not taking this opportunity to say a special "Thank You" to those members of these committees that will not be returning for the 104th Congress. Senators Dennis DeConcini and George Mitchell and Representatives Doug Applegate, Don Edwards, Tim Penny, Dr. Roy Rowland, George Sangmeister, Tom Ridge and Jim Slattery have truly been "champions" for veterans and their families. The American Legion family salutes you for your service to this great nation and for a job well done. You will be missed, but our hope is that you will continue to advocate the need for proper care of our veterans and their dependents.

Today, I will outline some of The American Legion's legislative goals for the 104th Congress. There are many challenges ahead for these committees and the veterans community. I specifically refer to the future of the Department of Veterans Affairs (VA) health care system, educational benefits provided by the Montgomery GI Bill, Veterans employment programs and VA's claims and appeals process. There are no "quick fixes" or easy solutions to these problems. The real answers are buried in the conscience of a grateful nation and the need for Congress and the administration to responsibly face and work for solutions to these problems.

Just how grateful are we as a nation? Throughout the decade of the 80s, while VA received meager health care appropriations, the private health care industry experienced sky rocketing financial increases. While VA patients were being placed in categories for services that denied many veterans health care, social health care entitlement programs were growing at an incredible pace. While educational costs soared, the generous educational benefits enjoyed by World War II, Korean and Vietnam veterans came to an end and new veterans educational programs began that required cash contributions for participation and rendered less financial assistance. While Social Security disability claims are addressed in a matter of months, VA disability claims take years to resolve. While affirmative action hiring requirements were strengthened, veterans preference hiring and firing requirements were ignored.

The problems facing the veterans community are not fixed by reducing the number of health care professionals and closing hospital wings based on budgetary constraints. These problems are not fixed by telling veterans, even if they are willing and able to pay, that they make too much money to receive health care that they have earned through service to their country, in the very system that their tax dollars help to support. These problems are not fixed by creating new non-military programs for "paid" volunteerism with educational, health and child care benefits for community service. We can and must do better than that!

This nation cheered that returning Desert Storm veterans along the parade routes, gave out medals and mourned those who paid the ultimate sacrifice, yet it took the urging of the American Legion and action by these Committees to get the VA and the Department of Defense to hear the pleas of those veterans experiencing undiagnosed medical problems. Have we not learned from the mistakes of the past? Atomic veterans, mustard gas veterans and Agent Orange veterans can easily identify with the obstacles faced by the newest generation of combat veterans.

As a nation, we gasped in horror as the body of a young soldier was dragged down a dusty road in a village of Somalia. Shiny new medals, a flag draped casket and a military funeral do not meet the obligations this nation owes to that hero and his family. Abraham Lincoln's statement on the responsibility of this nation, "To care for him who has borne the battle, his widow and his orphan" is an ethical, moral and legal obligation.

Throughout military history, there are accounts of soldiers, sailors, marines and airmen risking their lives in service of their country and their comrades. It is this bond that every veteran experiences that justifies this testimony today. The American Legion just celebrated its 75th anniversary. The principles establishing on which this organization was established have not changed in 75 years. The legislative mandates that I am about to discuss with you are not only for the benefit of veterans and their families, but inure to the benefit of all Americans.

I submit to you that the Department of Veterans Affairs can meet the needs of veterans and their families with proper funding and a few changes in delivery of those benefits. The Veterans Health Administration desperately needs to change its medical delivery system to meet the demands for service. To accomplish these, several congressional mandates must occur:

(1) VA must have a guaranteed funding source to meet the costs of delivering health care to those entitled to treatment. The full continuum of health care services for service-connected veterans and indigent veterans must not be curtailed due to discretionary funding shortfalls.

(2) All veterans should have access to VA health care, regardless of their economic status. Those not entitled to treatment should still be eligible for health care. Third party reimbursement must be retained by the VA medical center at which the veteran received treatment for reinvestment in personnel and equipment. Medicare reimbursement for treatment of eligible, nonservice-connected veterans must be authorized.

(3) The current specialized care programs, such as, rehabilitation, prosthetics, spinal cord injury, blindness, aging, mental health and long-term care must continue to be provided by VA professionals.

(4) The current medical and prosthetics resource, medical educational affiliations and role as a back-up to the Department of Defense medical system must be retained.

(5) Funding must be made available to eliminate the medical equipment backlog and completion of the nonrecurring maintenance projects that directly limit delivery of health care services.

These bold changes would empower Secretary Jesse Brown to fulfill the administration's promises made to the veterans community concerning health care reform within the VA. Veterans across America are waiting for these changes.

In order to maintain current services within the VA, the American Legion has clearly addressed in its written statement the funding recommendations for fiscal year 1996. The request for funding $19.6 billion in medical care would allow the start of some of the health care reform initiatives I have just addressed. The others will require changes in public laws.

The American Legion has recently published An American Legion Proposal to Improve the Department of Veterans Affairs Claims and Appeals Process. This proposal contains a series of recommendations that are critical to resolving the current claims and appeals crisis. Your offices have been provided with copies of this proposal and additional copies of this proposal can be obtained through a call to our Washington Headquarters.

The American Legion commends your committees for your efforts on behalf of Persian Gulf veterans with undiagnosed medical problems. Hearings held by these committees and legislation generated by you have helped these veterans receive the medical attention they needed and deserved. Just a footnote, the Legion is now being contacted by Persian Gulf veterans from Canada and England that are experiencing similar medical problems to those experienced by our veterans.

Recently, the Environmental Protection Agency released a reassessment of dioxin report. The study reaffirms the association of dioxin and cancer. The American Legion believes that Secretary Jesse Brown and Congress should now take the necessary steps to add immune system disorders, diabetes, and disease affecting the reproductive health of female Vietnam veterans to the list of service-connected diseases. We believe that the cumulative body of scientific evidence is sufficient to establish an association.

I would also like to take this opportunity to thank those Members of the Committees who have encouraged and supported The American Legion in its efforts on behalf of the nation's World War II veterans, during the recent controversy arising out of the National Air and Space Museum's planned exhibit: "The Last Act: The Atomic Bomb and the End of World War II".

The exhibit remains, in our opinion, seriously flawed and contrary to the interest of the Nation, as well as the interest of all veterans. Nevertheless, we have agreed to delay our final judgment pending additional discussions and script reviews to be held in conference with National Air and Space Museum officials. I am to meet with them tomorrow at 9 am, and I sincerely hope that out of our discussion will come an historically accurate exhibit that all Americans can be proud of.

In conclusion, the American people, especially those who are serving on active duty, those who have served and those who will choose to serve must be reassured that the Department of Veterans Affairs will be available to assist veterans and their families. Whether they need health care, educational assistance, rehabilitation, prosthetic devices or compensation, VA is their government agency. No veteran will ever be denied benefits or services to which they are entitled or eligible to receive.

In short, the obligation of our Nation to provide benefits to our veterans is based in contract. To improperly fund and fail to provide the benefits that our veterans have earned by virtue of their contractual service to this country amounts to failure on the part of this Nation to meet its obligation under that contract. The system is not perfect, but together we can make it the best that it can be.

Thank you again, Messrs. Chairmen and members of these committees, for the chance to come before you today, and that concludes my presentation. I will be happy to answer any questions at this time. Thank you.

BPA CONSERVATION PROGRAM REINVENTION AND UMATILLA ELECTRIC COOPERATIVE ASSOCIATION

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SMITH of Oregon. Mr. Speaker, the engine that drives the economy of the Northwest is the Bonneville Power Administration. Established in 1937, Bonneville markets and provides transmission for electricity generated principally at a series of Federal hydroelectric dams. It provides roughly 50 percent of the region's electric power and, through rural electric cooperatives, serves most of my district.

Currently, BPA is going through a reinvention process that will ultimately lead to new power contracts with its customers. A new, more competitive, electric utility industry is driving many changes within Bonneville. One of them is the way in which it carries out its mandate to achieve energy conservation savings. Moving away from regionalized conservation spending, Bonneville is proposing to more closely match those who pay for and those who benefit from individual utility conservation programs.

While I believe that Bonneville is moving in the right direction on conservation reinvention, I am concerned that it be implemented in a way that does not trample on the prerogatives of consumer-owned utilities. Out of a commendable concern that real conservation savings occur, some in the region have suggested that a strict command and control system of allocating conservation quotas be instituted. In addition, a system of penalties and benefits would be attached to individual utility performance.

Mr. Speaker, this type of accountability mechanism misses the point. Cost-effective conservation measures are, by definition, in a utility's best interest. Instead of instituting an expensive, burdensome, centrally controlled conservation program, we should be giving utilities the tools and information to make their own choices. Since they serve the least dense, least cost-effective areas, rural electric cooperatives are particularly concerned with choosing the lowest cost power options for the future—whether that entails generating or conserving power.

A burdensome accountability mechanism will take away the historic right of consumer-owned utilities to govern themselves. Because co-ops are governed by elected board members, you can bet that they take great care to choose the least-cost path in plotting their utility's long-term resource future.

I was reminded of this recently when I ran across the August edition of Rural Electrification Magazine. Included in its pages an article on Umatilla Electric Cooperative Association, which is the largest irrigation cooperative in the country. Its current and former general managers, Steve Eldrige and Russ Dorran, have seen the co-op through a time of rapid BPA rate increases. In order to keep its members competitive and in business, Umatilla needed to save itself and its customers money. Interestingly, it did so by employing wide-ranging conservation programs—particularly with regard to the energy and water costs involved in irrigating crops.

I ask that the excerpted article be printed in the RECORD following my statement. I commend the story of Umatilla Electric to my colleagues as a good example of the fact that people and organizations often make responsible decisions without heavyhanded Government mandates. Umatilla's board and management deserve to be commended.

THE WATER-ENERGY LINK

(By Robert Gibson)

On May 19, a cool, soaking rain started before dawn in northeastern Oregon. The rain got heavier driving east from Hermiston up into the rolling country around Pendleton, where the wheat fields disappeared into the clouds.

The rain brought satisfied smiles to the faces of the area's cattle and sheep ranchers, and for the dry land wheat farmers, it was a million-dollar downpour. Less than a week earlier, they fretted about losing their entire crop to a droughty spring.

But for the farmers closer to the Columbia River on either side of Hermiston, it didn't really matter whether it rained on May 19, or any day. These farmers, working land that was sagebrush desert just 20 years ago, don't wait for a soaking that may never come. They grow their crops with water pumped from the river or out of the ground. Here, electrically driven irrigation machines slowly revolve, turning 125-acre circles of dry land a deep, stunning green.

These machines have created one of the richest agricultural districts in the country. And they forced Umatilla Electric Cooperative Association of Hermiston to grow up fast when the irrigation boom hit in the early 1970s, and then to emerge as a national leader among utilities in innovative service to irrigators when that boom threatened to break apart in the energy and farm crisis of the 1980s.

Umatilla Electric sells more kilowatt-hours of electricity for irrigation than any electric cooperative in the country: 263,509 MWh in 1992, or 46 percent of its total sales.

"Without irrigation, there is nothing and there was nothing," says Russ Dorran, who retired as the co-op's general manager in 1991. "We get seven to eight inches of rain a year. This was always country folks just passed through on their way somewhere else."

Umatilla Electric sells more electricity for irrigation than many co-ops sell for lighting peoples homes, but it is not alone. There are more than 25 electric co-ops in the U.S. with more than 1,000 irrigation accounts, and more than 50 co-ops that take in more than $1 million a year in irrigation revenue. To keep this business, co-ops must keep promoting smart ways to get their consumers to use water and energy wisely.

Until about 1980, it all seemed so simple: The partnership of abundant water and cheap power was turning dry, bitter land sweet and lush in large expanses of the American West. The bounty it produced seemed limitless to the electric cooperatives and their farmer-members.

But then the geopolitical storms of the 1980's swept in. the price of energy rose, shockingly high in places, while in others apocalyptical warnings about the drying up of the waters were proving true. Everywhere, crop prices plummeted and the supply of farm credit shrank.

Overnight, the key to survival changed from using more and more water to conservation of both water and energy. Necessity spurred advances in irrigation science, and farmers and their electric co-ops became adept students.

Conservation soon became widely accepted as the best and most profitable way of doing business. Today, crop yields and quality are up and the utilities are financially strong again, even as the use of power and energy has proportionately declined. But no one takes anything for granted anymore.

Even though Umatilla Electric Cooperative Association irrigators have cut water use by 25 percent and power use by half over the last 15 years, they wonder if that will be enough to withstand the next likely jolt to their local economy: a last ditch effort to save the Pacific salmon by drastically cutting power production at the Bonneville Power Administration's dams on the Columbia River.

With the center pivots, the irrigated acreage in the co-op's service area grew tenfold, from about 20,000 acres to today's 200,000. Frank Lamb and his partners bought their 10,000-acre tract in 1973 and started farming in 1974. It took about three months to get all the required water and irrigation permits, says Lamb, a process that "would take several years now" if new water permits for agriculture were even available; and they are not, neither in Oregon nor across the Columbia River in Washington.

Eastern Oregon Farming sucked water straight out of the Columbia with intake pipes six feet in diameter. For Eastern Oregon and the other corporate farms that came in, the water was the elixir for high-value crops never grown in great quantity in the region. Potatoes led the way (for a time, every McDonald's french fry came out of the fields outside Hermiston); then came peas, corn, alfalfa, onions, carrots—more than 20 crops in all.

The irrigated agriculture boom transformed the economy of the Hermiston area, and it transformed Umatilla Electric Cooperative Association. From 1971 to 1979, according to Steve Eldrige, the co-op's current general manager and former engineer, the utility saw its system demand increase from 28 megawatts to 188. The system went from being divided into five substations to 23, and the value of its physical plant grew from $6 million to $27 million. Staff was expanded, new departments like engineering and customer service created and the co-op borrowed lots of money from REA.

Then in 1976, Bonneville Power sent a letter to its wholesale power customers stating that in five years' time, the co-ops, public utility districts and municipalities were going to have to find other sources of power for any big new loads.

"We were growing at 20 percent a year, and there was still lots of new ground to farm, lots of water," says Eldrige. "It looked like there was no end to it."

The irrigation boom had a similar effect on Umatilla's sister co-ops and PUDs in the region, and their collective need led to the ill-fated decision by the Washington Public Power Supply System (WPPSS) to build five nuclear power plants at Hanford, Wash., about 60 miles north of Hermiston. Only one of the plants made it online; the rest were mothballed or shelved after costs skyrocketed.

WPPSS caused a tremor on Wall Street when it defaulted on $2.25 billion in bonds. The participants in WPPSS, including Umatilla Electric, had a huge debt to eat, and paying it off drove up the Hermiston utility's wholesale rates 600 percent between 1979 and 1984.

Farmers cried disaster and co-op employees recall a brief period of panic, filled with talk of bankruptcy. Umatilla Electric had its first and only layoff, 10 percent of the work force.

But it was also the beginning of the co-op's finest hour. Dorran convened an agribusiness task force composed of leading farmers and business people. Even as the doom and gloom of the WPPSS crisis crested, the task force realized that a way to emerge from the mess in good shape was to find ways to make more efficient use of both water and power.

"Most utilities at that time saw energy by itself," says Farahmand (Fred) Ziari. "UECA in 1981 did what no other utility had done; it recognized the importance of water as a resource. They saw that water and the management of that water was part of energy conservation."

Although water was still "free," the delivery cost was suddenly much greater. So Ziari became the agent of change, the one who had to convince farmers that they could reduce their costs by using less water and still get a good crop. (Umatilla Electric won a national energy conservation award for Ziari's work in 1986.)

As it turned out, the farmer could get not just a good crop with less water, he could get a great crop. Yields increased two, three, four times during the 1980s as area farmers began fine-tuning their irrigation techniques.

"We found out that when you over-irrigate, you push the nutrients down below the root system," says Frank Lamb. "That costs money and it degrades the quality of the ground water." It also can reduce crop yield and quality through plant diseases that thrive in soggy, damp soil.

Among the many changes urged by Umatilla Electric has been the switch from high-pressure sprinkler systems to low-pressure ones, reducing the amount of water sprayed and the horsepower of the electric motors required to move the water. Further conservation is achieved in certain crops with drip irrigation, which sends the water through plastic tubes and out tiny emitters by the droplet. More electric energy is saved through the installation of larger irrigation pipes or the relining of existing ones (smoothing a rough interior surface that causes friction).

Bryan Wolfe converted from high-pressure to low-pressure irrigation in the mid-1980s. "My motivation? Green stuff," he says. "It makes no sense to waste water or energy."

What have all the changes added up to? In 1978, the average Umatilla Electric farmer-member was annually applying 40 inches of water per acre with 3,000 kilowatt-hours of power. Now water consumption has been whittled to 30 inches an acre, and power consumption is down even more dramatically, to 1,400 kWh per acre. Farmers have had to invest some money to achieve these results (though a good many investments have been shared by Umatilla Electric and Bonneville Power), but they've also benefited by dramatically increased yields and better quality crops.

When Steve Eldrige came to work at Umatilla Electric in the 1970s, "it was a time when we had a sales-by-volume mentality, when we said electricity was almost too cheap to meter," he says. "Since then, we've seen a real revolution in the utility industry, and a tremendous change in the attitude of how we use water and energy. Twenty-five years ago, there was little concern about energy efficiency. Now, it's the number one thing we tell our members. And they view themselves as environmentally responsible, from how they build their houses, to buying high-efficiency water heaters and heat pumps to the farmers who follow the weather reports they get by computer."

Umatilla Electric Cooperative Association survived the 1980s because it was willing to look at the Northwest's greatest natural resource—the Columbia River and its tributaries—in a new way. Now a new Columbia River crisis—the survival of the Pacific salmon—threatens utilities in the region.

In recent years, millions of dollars have been spent at each dam to shunt the fish safely away from the Corps of Engineers' hydroelectric turbines. At McNary Dam near Hermiston a new $15 million bypass, looking like a carnival ride with its colored curving pipes swinging high above the ground, swirls the fish gently into barges which carry them down to the sea.

Nevertheless, fish counts continue to fall dramatically, and there is strong political pressure for a drawdown of the reservoirs—a release of more water over the spillways to speed the flow of the river. More water over the dam means less through the turbines and less hydroelectric power, which translates to higher electric rates.

John Hansell is checking a center pivot on a field of peas with one of IRZ Consulting's computer irrigation printouts in his hand. "We've been having to adapt what we do every year to gain efficiency," he says. "But if the electric rates go up again, and everything else remains the same, I don't know how we're going to survive."

DEPOSIT INSURANCE REFORM, REGULATORY MODERNIZATION, AND TAXPAYER PROTECTION ACT OF 1994

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PETRI. Mr. Speaker, today I am introducing a fresh version of the Deposit Insurance Reform, Regulatory Modernization, and Taxpayer Protection Act of 1994. I expect that regulation of the financial services industry will be a major issue in the next Congress and I would like for the latest version of my bill to be available so that it may be examined and discussed by all interested parties over the next months.

Briefly, this bill will, as the title implies, reform the Nation's deposit insurance system and substitute private regulation for Government regulation in what is already an industry-funded system. It will take the taxpayer completely off the hook for any future losses due to bank or thrift failures, and it will dramatically improve the efficiency of the banking industry through substantial regulatory relief and lower insurance premiums.

An unwarranted increase in regulatory burdens and costs imposed on healthy banks and thrifts has caused an enormous shift in market share to the less taxed and less regulated channels of intermediation. However, these channels may, in fact, be less efficient and less capable of supplying credit to important sectors of the economy, such as small business. Additionally, Government regulation may have deterred banks and thrifts from seeking business in low-income and minority communities.

My bill is designed to solve these problems and more. The Deposit Insurance Reform, Regulatory Modernization, and Taxpayer Protection Act of 1994 will create a 100 percent cross-guarantee system under which each bank or thrift institution will enter into a contract with an ad hoc syndicate of banks, thrifts, pension, or endowment funds, insurance companies and the like to guarantee all of its deposits. Premium rates and safety and soundness requirements will be negotiated contract by contract and will not require Government approval.

The guarantors, who will have their own money at risk, will take over safety and soundness regulatory responsibility from the Federal Government. The specific contract provisions for this purpose will vary depending upon the condition and practices of the individual bank or thrift, effectively ending one-size-fits-all regulation.

Each syndicate will employ an independent syndicate agent firm to oversee the performance of the guaranteed bank or thrift. The syndicate, through its agent, will be able to force changes in the guaranteed bank or even close or sell it if it runs into trouble. The agent's independence will prevent anticompetitive behavior.

Various rules for the spreading of risk will ensure the safety of the entire system, including the mandating of minimum numbers of guarantors for each bank, limits on the amount of risk undertaken by any one guarantor, and the inclusion of mandatory stop-loss contracts under which guarantors will pass any excessive losses through to their own second tier of guarantors.

The Government's principal role will be to make sure that contracts are in place and that all the risk dispersion rules are complied with. Backup Federal deposit insurance will be retained but never needed even in circumstances worse than the Great Depression.

The entire system will have to meet a key market test before it can really get started, since no contracts will become effective until a critical mass of at least 250 banks with at least $500 billion of assets has chosen to participate and has contracts ready to go.

Once the system is operating, banks' regulatory burdens will become far lighter, banks will have the opportunity to earn money as guarantors, and their own deposit insurance premiums will be far lower. Premiums will be lower because risk-related premiums will deter unsound lending and guarantors will act quickly to minimize losses if problems develop. For these reasons and many others, I expect this proposal to be attractive to all segments of the financial world.

This legislation has several important benefits for the economy. The taxpayers will be protected in the event of any future loss due to bank failures. A more efficient banking industry will help promote economic growth. And this plan should encourage better risk sensitive pricing of loans, which should moderate future speculative bubbles.

Finally, the cross-guarantee system will free banks and thrifts to better serve minorities and the poor. America and other industrialized nations have learned that volunteer armies provide a better national defense than armies of conscripts. The same should hold true for banking.

The Community Reinvestment Act [CRA], however noble its intent, essentially attempts to draft bankers to do what logic says at least some bankers should be willing to do voluntarily—provide sufficient credit and other banking services to low-income and minority communities because it is profitable to do so. We ought to be able to do better than CRA.

Never has this question been answered satisfactorily: What has deterred banks and thrifts from adequately serving these communities? Has it been discrimination or has it been something else, like the costs and inflexibility of federal safety and soundness regulation? The assumption behind CRA is that it's the former, or that the latter problem can't be fixed, and therefore compulsion must be the remedy. I believe it's the latter, burdensome regulation. I also believe that these problems can and must be addressed and that the profit motive will then produce far better service than compulsion ever can.

It should come as no surprise that semibanks, such as check cashers, currency exchanges, pawn shops, and finance companies, have expanded rapidly in low-income and minority communities while inefficiencies imposed by one-size-must-fit-all banking regulation limit the ability of inherently more efficient full-service banks and thrifts to serve these communities. There clearly is money to be made providing financial services in these communities. However, while bank substitutes are meeting legitimate market needs, they can never do so as efficiently as real banks that voluntarily specialize in serving these communities.

Modernizing banking regulation to give banks the same operating flexibility their nonbank competitors now have will bring more efficient banking services to low-income and minority communities. A volunteer army of banks—including some semibanks that today understandably will not subject themselves to burdensome banking regulation—will far better serve these communities than will compelling each bank and thrift to serve a sliver of these markets.

The Deposit Insurance Reform, Regulatory Modernization, and Taxpayer Protection Act of 1994 will give banks and thrifts the operating flexibility they need to serve low-income and minority communities profitably while also strengthening taxpayer protection from future banking crises, which themselves have largely been caused by government safety-soundness regulations.

Note that HR 3570 does not alter CRA in any way, so advocates of CRA's goals have nothing to lose in this bill. However, they have much to gain if it works as intended. If it works so well that CRA, by consensus, is no longer necessary, then so much the better for everyone.

It is these positive effects on the economy as a whole that are really the most important reasons for taking a good look at this bill. If we're going to get our economy moving again and get a handle on our many difficult problems, we need to fundamentally reform the way we do things in a number of key areas. Health care, welfare, and education are a few of those areas, but financial services is certainly a crucial one. I believe deposit insurance and regulatory reform are important keys to improving the efficient delivery of financial services.

Mr. Speaker, I ask that a short synopsis of the bill and an article from Bank Director magazine be printed in the RECORD at this point.

SYNOPSIS OF H.R. 3570—THE DEPOSIT INSURANCE REFORM, REGULATORY MODERNIZATION, AND TAXPAYER PROTECTION ACT OF 1993

INHERENT AND IRREPARABLE FLAWS IN FEDERAL DEPOSIT INSURANCE

As Roosevelt warned in 1933, federal deposit insurance protects bad banks as well as good, it puts a premium on unsound banking, and it has cost taxpayers billions of dollars.

As bank and S&L insolvency losses soared during the 1980s, regulators moved too slowly to deal with failing institutions. This inaction made deposit insurance losses even worse.

Deposit insurance mispricing caused a substantial misallocation of credit in the 1980s that has prolonged the recovery from the recent recession; the FDIC's new risk-based premiums still overcharge good banks and thrifts and dampen their willingness to lend. Consequently, some sound businesses still cannot get sufficient credit.

Deposit insurance must be priced to reflect the riskiness individual banks, but the FDIC cannot properly set risk-sensitive premiums because accurate prices can be established only in private, competitive markets.

Banking has increasingly become a captive of government regulatory micromanagement that cannot keep up with rapid changes in a financial world driven increasingly by electronic technology. Government regulation has become counterproductive and harmful to good banks and thrifts and to America's international competitiveness.

BASIC PRINCIPLES OF THE 100% CROSS-GUARANTEE SOLUTION

End taxpayer risk and bailouts by ensuring that private sector equity capital always protects ALL bank and thrift deposits from loss.

Let private markets set risk-sensitive deposit insurance premiums, based on *leading* indicators of banking risk, that will discourage unwise banking practices.

Shift "safety-and-soundness" regulation for banks and thrifts to those who bear the risk of loss, the owners of the private capital protecting depositors.

Also shift the bank closure decision to those guarantors bearing the risk of loss. These guarantors have the strongest incentive to minimize losses and therefore should control the risks they have assumed.

Use a "stop-loss" mechanism to spread the bank insolvency risk widely, and therefore thinly, over the equity capital of the financial world.

Retain federal deposit insurance as a never-to-be-used backup insurance, but only for deposits up to $100,000.

SPECIFICS OF THE 100% CROSS-GUARANTEE SOLUTION

Each bank and thrift enters into a contract with a syndicate of banks, thrifts and/or other well capitalized entities that guarantees the original contractual terms of all deposits and most other liabilities of the guaranteed institution.

Premium rates and other contractual terms are negotiated on a syndicate-by-syndicate basis and are NOT subject to government regulation or approval.

Numerous safeguards protect taxpayers against another deposit insurance bailout. A mandatory "stop-loss" mechanism passes part of any large insolvency loss to the guarantors' guarantors. Risk dispersion rules require a minimum number of guarantors for any one bank or thrift and limit both the aggregate risk assumed by a guarantor and the amount of risk any one guarantor assumes for any one bank or thrift.

Cross-guarantee contracts cannot be canceled unless the guaranteed bank or thrift first obtains a replacement contract or is acquired by another guaranteed bank or thrift. Once guaranteed, no institution can operate without a cross-guarantee contract in place.

Each syndicate retains an agent to monitor the financial condition of the bank or thrift it has guaranteed to ensure adherence to all contractual terms and to act as a buffer to protect the competitive secrets of the guaranteed institution.

A new agency, the Cross-Guarantee Regulation Corporation, regulates the cross-guarantee process, primarily to ensure that all guarantors are guaranteed with regard to their cross-guarantee obligations and that they have sufficient capital relative to the risks they have assumed. Safety-and-soundness concerns for individual institutions shift to the syndicates. The bank regulatory establishment is then downsized as banks obtain guarantees.

A back-up fund (BUF) insures deposits up to $100,000, but only on a back-up basis. It should never experience a loss. Guaranteed banks can still post the FDIC insurance logo.

Weaker banks and thrifts have ample time to raise the capital needed to obtain a cross-guarantee contract or to merge with another institution. The FDIC has ample funds today to cover losses in the few institutions that might fail in this conversion process.

Phase-in provisions give smaller banks and thrifts up to ten years to obtain a cross-guarantee contract. The first contracts become effective when 250 banks or thrifts, with total assets of at least $500 billion, have approved contracts in hand.

A competitive market with an ample pool of potential guarantors protects against premium overcharges, ends concerns about capital adequacy in the banking system, and permits guarantors to accept or reject individual cross-guarantee risks as they see fit.

Although there should be no bank runs, cross-guarantee contracts protect any loan a Federal Reserve bank makes to a guaranteed institution experiencing liquidity problems.

[From the Bank Director, 1994]

CROSS GUARANTEES: A HORSE OF A DIFFERENT COLOR

(By Representative Tom Petri and Bert Ely)

Close your eyes and imagine a very different world than the one in which banks are governed by a federal deposit insurance system. Two prominent proponents of the cross guarantee system say it will make banking a business again while lessening the liability risk for bank directors.

Banking is not a dying business. It only looks that way because federal regulation is strangling banking while favoring non-bank competitors with less regulation and lower tax burdens.

As Bill Seidman, former FDIC chairman and now publisher of Bank Director stated in the Fourth Quarter 1993 edition of Bank Director: "Banks are losing market share because regulatory burdens have made them high-cost operators." He also could have said that banking regulations have made directors' and officers' insurance more expensive and made it harder for banks to recruit and retain directors.

In fact banking is a good business, and one that is important to the American economy. However, it needs to be freed of its regulatory shackles so that banks and their directors can conduct their banking business without fear of another regulatory reign of terror that indiscriminately treats all bankers as incompetents and potential crooks, which unfortunately is the attitude that pervades FDICIA (the Federal Deposit Insurance Corporation Improvement Act of 1991).

The raison d'etre for much of this banking regulation is federal deposit insurance. Therefore, there is little prospect of relief for banks and their directors without fundamental deposit insurance reform. Such relief would be provided by The Deposit Insurance Reform, Regulatory Modernization, and Taxpayer Protection Act of 1993 (H.R. 3570).

This bill would enact the 100% cross-guarantee concept for privatizing banking regulation and its attendant deposit insurance risk. It does not eliminate banking regulation; instead, it substitutes competitive, market-driven, customer-sensitive regulation for governmental edicts that often cause more problems than they solve. Market-driven regulation will, in turn, permit banks and thrifts to operate as real businesses, and not as extensions of the federal government.

THE DEPOSIT INSURANCE PROBLEM

Government banking regulation did not just happen; it has evolved over several centuries. Its principal rationale has been to prevent the failure of individual banks. Hence, capital requirements, lending limitations, and other safety-and-soundness standards are almost as old as banking. But, banking regulation has never eliminated bank failures; in fact, banking has been swept by periodic panics that have seen scores or even hundreds of banks fail because they were insolvent, or perceived by the public to be insolvent.

In the absence of deposit insurance, depositors and other creditors bear the insolvency loss of a failed bank. Banking panics also can cause widespread economic distress as bankers dump their investments and call in loans to fund deposit runs. In effect, bank failures can cause two kinds of problems: cash losses to individual creditors of failed banks and impaired performance of an entire economy.

Banks, like any kind of business, should not be protected from failure, yet the consequences of widespread failures are understandably feared by politicians and the general public alike. Hence the perceived need for deposit insurance. This insurance not only protects widows and orphans, but it also inhibits banking panics that can damage the entire economy.

Deposit insurance attempts to isolate the depositor protection problem by focusing insolvency losses on a deposit insurer, and possibly on creditors of a failed bank who supposedly can be stuck with their share of the loss without causing a banking panic. Bank regulation then becomes a tool for minimizing the deposit insurer's loss. So far, so good. The problem arises when government regulators, using government's police powers, attempt to prevent losses suffered by a government deposit insurer.

As Franklin Roosevelt observed during his first presidential news conference: "Government deposit insurance will guarantee bad banks as well as good banks, cost the [taxpayer] money, and put a premium on unsound banking in the future." In other words, it is government regulation and a government-run insurance program that is banking's problem, not regulation and deposit insurance, per se.

THE FAILINGS OF GOVERNMENT REGULATION AND INSURANCE

Government banking regulation/deposit insurance has an inherent, irreparable failing that is the root cause of its problems: It is a government monopoly. Monopolies can never deliver goods and services as efficiently or as effectively as private, competitive markets for the simple reason that competition spurs better performance because customers can decide with whom they will do business. Suppliers who perform badly, give poor service, or treat their customers on a high-handed, officious manner simply do not get the business, and fail, as they should.

Government regulatory monopolies are even worse than private monopolies, for several reasons. First, government monopolies rely on uniform rules and regulations, rather than custom-tailored and mutually agreed upon contractual terms, to influence the behavior of their "customers." Given the legitimate notion that all persons must be treated equally before the law, government regulations become one-size-must-fit-all rules that barely fit anyone at all.

In a fast-moving and complex financial world, government regulations increasingly distort banking as they lag behind rapidly changing realities. As Rupert Pennant-Rea, the Deputy Governor of the Bank of England, readily admitted recently to a group of bankers, regulators are always five years behind, and that is good, according to Pennant-Rea, for if regulators tried to stay abreast of technology they would stifle innovation. Of course, this delay means that government regulators will always lag in evaluating new risks that should be addressed in a more timely manner.

Second, government regulatory monopolies cannot use the pricing mechanism as a tool to influence customer behavior in ways that optimize economic performance. Prices, like other contractual terms, can be properly determined only in private, competitive markets where both buyers and sellers have choices. Banks have no choice, however, if they are dealing with a government regulatory and insurance monopoly.

The FDIC has implemented what it calls "risk-sensitive" insurance premiums, but they lack true risk sensitivity because of another failing of government monopolies: the politically powerful who are unhappy with how the monopoly has treated them will squawk, and get political relief. Understanding this reality, the FDIC pulled its punch and implemented premium rates designed not to offend. Hence, the power of pricing to promote good economic behavior and deter bad behavior will always by lacking in a government insurance monopoly, such as the FDIC.

Accurate, market-driven pricing is especially important in banking because the risk of insolvency to a deposit insurer should be incorporated in the interest rate a bank charges on every loan it makes. Properly pricing this insurance risk not only protects the insurer but also promotes the much greater social good of ensuring that the bank is extending credit in a manner that will not later cause broad economic distress. To a great extent, badly priced deposit insurance was the root cause of the recent, and still lingering, commercial real estate crisis. Like any other economic good, though, insurance can only be priced properly in a competitive, and therefore, private marketplace.

Third, government rule-making, by its very nature, is a highly politicized process that often produces unintended consequences worse than the problem that a particular rule or dictate is attempting to solve. Often these rules are simplistic or ignore economic realities. Two examples will illustrate.

Uniform capital regulations assume that all banks and thrifts have the same risk profile, yet banks and thrifts differ greatly in their appetites for and ability to manage risk. Further, some believe that whatever ails deposit insurance can be cured by imposing higher capital standards on banks and thrifts. Yet higher uniform capital standards serve primarily to drive out of banks and thrifts lower-risk assets that the marketplace says do not need as much capital backing. Consequently, the financial markets have become active securitizers of these lower-risk assets.

After the Great Depression, the federal government encouraged S&L's to ignore economic reality by engaging in an extreme form of maturity-mismatching; that is, using short-term, readily withdrawable passbook savings to finance long-term, fixed-rate home mortgages. This worked only in a stable interest rate environment, yet the world is hardly stable—particularly when the country has a central bank, the Federal Reserve, that set America up for record-high interest rates in the early 1980s by depressing real rates of interest in the 1970s. Understandably, then, the S&L industry was a disaster waiting to happen by 1980 when interest rates jumped.

THE CROSS-GUARANTEE SOLUTION

Regulation and deposit insurance are not the problems for banking. Government regulation and government deposit insurance are the problems. Until now, though, a safe-and-sound private sector alternative has not existed. Numerous private sector deposit insurance schemes have been tried, but, with three noteworthy exceptions, these schemes failed because they neither priced properly nor diversified adequately the insolvency risk they assumed; worse, they relied on government regulators to keep banks on the straight-and-narrow.

The three exceptions, the deposit insurance mechanisms that operated in Ohio, Indiana, and Iowa before the Civil War, are antecedents of a sort for the cross-guarantee concept for privatizing banking regulation and its attendant deposit insurance risk. Unfortunately, federal banking legislation enacted during the Civil War effectively snuffed out these three plans, thus aborting the development of a protection mechanism that might have evolved into the cross-guarantee concept reflected in The Deposit Insurance Reform, Regulatory Modernization, and Taxpayer Protection Act of 1993 (H.R. 3570). As veteran banking consultant Carter Golembe once observed, when Congress enacted federal deposit insurance in 1933, over the strong objections of President Roosevelt and others who knew better, it modeled the FDIC on the many state deposit insurance plans that failed by then rather than on the three that worked. Such is the wisdom of Congress.

The cross-guarantee concept sounds complex, or even alien, largely because it relies on market forces, rather than government edicts, to promote safe-and-sound banking. H.R. 3570 creates a marketplace in which bank and thrifts will freely negotiate contracts that guarantee all of each institution's deposits and most of its other liabilities against loss should the institution become insolvent. Most of the guarantors under these contracts will be other banks and thrifts who have voluntarily agreed to be guarantors under a particular contract. Hence, the term "cross-guarantee" describes a system which essentially is an industry self-insurance mechanism. To broaden the pool of potential guarantors, the bill also authorizes non-depository guarantors, such as industrial corporations, university endowment funds, and very wealthy individuals.

Figure 1 illustrates the parties to a typical cross-guarantee contract. Under the bill, an ad hoc syndicate of guarantors will assume almost all of the guaranteed institution's insolvency risk, thus eliminating any need for depositor discipline. By protecting all deposits, the cross-guarantee system also eliminates the discrimination thousands of small-enough-to-liquidate banks and thrifts experience under the too-bit-to-fail reality of the industrialized world.

In return for providing insolvency protection, the guaranteed institution will pay its guarantors a premium or guarantee fee that will be determined under the terms of the contract. Presumably, this risk-sensitive premium, based on leading indicators of banking risk, will reflect the guaranteed institution's insolvency risk more accurately and timely than the FDIC's supposedly risk-sensitive premiums can ever hope to do. The net cost of cross-guarantees, including related compliance costs, should be much lower for banks and thrifts than the present cost of being federally regulated and insured, for two reasons. First, lower bank insolvency losses under the cross-guarantee system will lead to lower premium rates for most banks than will be likely under federal deposit insurance. Second, market-driven regulations will be much less costly to comply with than inappropriate government regulations.

Working through an independent, private-sector "syndicate agent," the guarantors will be able to monitor the guaranteed institution's compliance with the safety-and-soundness provisions set out in its cross-guarantee contract. These provisions will completely replace the government safety-and-soundness regulations under which banks and thrifts now operate. Hence, these provisions will reflect the business strategy the bank or thrift has selected; no longer will government regulation dictate banking strategies. Employees of the syndicate agent, sensitive to the needs and interests of both the guaranteed institution and its guarantors, will replace officious government bank examiners.

Of course, if the syndicate agent bungles or the guarantors fail to respond in a timely manner to danger signs flashed by the guaranteed institution, and it becomes insolvent, the guarantors may suffer a loss. Under no circumstance, though, will the federal government attempt to prevent the failure of an individual institution or protect guarantors and syndicate agents from their own follies. Of special importance to bank and thrift directors, H.R. 3570 bars guarantors from using the FDIC's extraordinary powers to sue directors for mistakes the guarantors or the syndicate agent made in overseeing the activities of a failed bank or thrift. The buck will stop with the guarantors.

Government regulation of the cross-guarantee marketplace will focus only on maintaining the stability of the entire banking system. Specifically, H.R. 3570 creates a small regulatory agency, the Cross-Guarantee Regulation Corporation (CGRC), to oversee the cross-guarantee marketplace. The CGRC will approve every cross-guarantee contract before it takes effect, but only to ensure that the contract meets certain statutorily prescribed risk-dispersion requirements designed solely to ensure that no failure of an individual institution will shake people's faith in the strength of the cross-guarantee system or cause Congress to be concerned about having to use taxpayer funds to bail out the system, as happened with federal deposit insurance.

The following, reasonably straightforward rules, which the CGRC will enforce, will effectively construct a "solvency safety net" under the entire banking system that will be stronger financially than our increasingly indebted federal government:

Every guarantor must itself be guaranteed by other guarantors. This inviolate requirement automatically constructs the solvency safety net that is then strengthened by the following requirements.

Each guarantor will benefit from a uniform "stop-loss" rule that will pass all of its losses as a guarantor over a certain limit through to its own guarantors. This loss pass-through will spread a large insolvency loss widely but thinly across the solvency safety net, thus ensuring that no loss will puncture this safety net, even in conditions worse than the Great Depression. The stop-loss limit has been set so that no guarantor will fail by virtue of being a guarantor.

The insolvency risk posed by each cross-guarantee contract will be spread over many guarantors. For example, any bank or thrift with more than $10 billion of assets must have at least 100 guarantors, no one of whom can assume more than one percent of the risk under that contract.

Each guarantor will be limited as to the maximum amount of risk it can assume under any one contract and in the aggregate. Using premium income as a proxy for the risk assumed, a guarantor's total premium income from all of its cross-guarantee contracts on an annualized basis cannot exceed 3% of its equity capital.

Together, these provisions will create a puncture-proof solvency safety net under all banks and thrifts, as illustrated in Figure 2. Strictly as a political facade, the bill creates a backup fund (BUF), that would honor the present federal deposit insurance commitment. However, no loss should ever reach the BUF. If such an event did occur, the federal government already would be defaulting on its own obligations because a horrendous disaster, such as a major East Coast earthquake or a large meteor strike, had devastated the American economy.

The cross-guarantee system is premised on harnessing market forces to deliver safe and sound banking to America. The transition to cross-guarantees reflects the philosophy. The cross-guarantee system, if enacted, will not activate unless at least 250 banks and thrifts with at least $500 billion of assets have first voluntarily obtained contracts approved by the CGRC. Only if this critical mass is reached, will the system activate.

If most banks and thrifts decide government regulation is preferable to the cross-guarantee system (certainly a dubious proposition), then not enough banks and thrifts will obtain contracts, and the system will not activate. Once it does, though, banks and thrifts will have up to eight years (for the smallest institutions) to become guaranteed institutions. Those not able to obtain a contract (which should be very few because of FDICIA) will effectively have failed. They will immediately be taken over by the FDIC.

THE MANY PAYOFFS FROM CROSS-GUARANTEES

The cross-guarantee system will be a win-win proposition for banking and for the economy because it will promote sounder and more efficient banking that will properly reward good bankers, and their stockholders/directors, while discouraging bad banking practices that hurt everyone.

Risk-sensitive cross-guarantee premiums, based on leadings indicators of banking risk, will jump for credit being used to inflate speculative bubbles that later will burst, causing great losses to lenders and their insurers and guarantors. In fact, had cross-guarantees been implemented years ago, America would not have experienced the recent, painful recession that it slowly exited. Specifically, cross-guarantee premium rates would have significantly reduced the amount of credit made available during the 1980s to developers of unneeded commercial real estate.

Cross-guarantees also will improve the efficiency of the financial system by eliminating incentives the marketplace now has to engage in "regulatory arbitrage;" that is, using electronic technology to lawfully circumvent banking regulation, specifically uniform capital regulations. Regulatory arbitrage has been the primary incentive driving the growth of mutual funds, the commercial paper market, asset securitization, hedge funds, and derivative products. In effect, market-driven regulation of the cross-guarantee system will quickly eliminate the regulatory inefficiencies that foster such arbitrage. By escaping from regulatory inefficiency, banks and thrifts will be able to recapture much of the market share they have lost in recent years.

In particular, the credit enhancement provided by the cross-guarantee system (all guaranteed institutions will be AAA+++rated) will permit banks and thrifts to profitably lend to low-risk borrowers, such as high-quality corporations and home owners. No longer will banks and thrifts feel compelled to securitize their higher quality assets. Under cross-guarantees, they will be able to keep them in portfolio.

While the cross-guarantee system will benefit banks and thrifts of all sizes, it will be especially beneficial for smaller institutions, for two reasons. First, the bill requires that cross-guarantee contracts protect all deposits, and not just the first $100,000. This provision means that large depositors in small banks will not fear losing some of their money if their bank fails. Second, compliance costs for smaller banks and thrifts will drop substantially because competition will produce cross-guarantee contracts for smaller banks that will be much simpler than the existing regulations under which these banks and thrifts must now operate.

Cross-guarantees also will give banks greater operational freedom to pursue unique business strategies. One societal benefit of this freedom is that some banks will find it worthwhile to adopt an operating style suitable to serving low-income and minority communities. No longer will the federal government have to stiffen one set of regulations, the Community Reinvestment Act, to neutralize the growing negative effects of another set of regulations, one-size-must-fit-all safety-and-soundness standards.

GETTING TO CROSS-GUARANTEES

H.R. 3570 has been developed to the point that we are confident it will work financially and legally. That is the easy part. The hard part is enacting it, for it will reverse the growing politicization of the banking system. In effect, the bill will dramatically shift power over banking and credit allocation from the political process to the marketplace. This shift will be good for the country, and for banking, but bad for those inside the Washington Beltway who seek to direct the credit allocation process or otherwise profit from the heavy hand of government banking regulation. Consequently, those who will lose power or money under this reform will vigorously oppose it.

H.R. 3570 will become a reality only if bankers take the lead in building grassroots support for this escape hatch from increasingly irrational and harmful government regulatory micromanagement of banking. Can bankers meet this challenge?

TRIBUTE TO FATHER PHIL LAND

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. MORELLA. Mr. Speaker, I want to say a few words in praise of Father Phil Land, a Jesuit priest, well-known for his work in economics, international development, and Catholic social teaching. Father Land died on January 20, 1994, having been associated with the Center of Concern in Washington, DC for the last 18 years.

His training and his assignments as a Jesuit Priest involved him in the developing social teaching of the Roman Catholic Church in the last half of this century. Phil taught economics for 11 years at the Gregorian University in Rome. For eight years, he served in the Pontifical Commission on Justice and Peace. In addition, Phil was one of the founders of Sodepax, a joint venture of the World Council of Churches and the Vatican. It was during this time that Phil assisted in the writing of Pope John XXIII's encyclical "Mater and Magistra", known in English as "On the Progress of Peoples."

Mr. Speaker, Phil Land enjoyed life. He took risks, he questioned, and he stayed open to change. He was loved by his fellow Jesuits and men and women from every walk of life. His face shone with happiness and humor. The title of his last book, just published, gives a hint of his wisdom and wit: "Catholic Social Teaching as I have lived it, loathed it, and loved it." Phil Land was a man for others. He is missed.

TRIBUTE TO JAMIE WHITTEN

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LIVINGSTON. Mr. Speaker, I want to pay tribute to my chairman, my neighbor from Mississippi, JAMIE WHITTEN. The institutional memory of this House has suffered a great blow, in that we have lost one of our last links with World War II and the late 1940's. JAMIE WHITTEN faithfully and diligently served Mississippi and his country for over 50 years.

I am proud to have had his tutelage and his leadership. I can attest to his importance to American agriculture and farmers in Louisiana and Mississippi. Yes, he was our "Secretary of Agriculture" from 1949 to 1992. But, I remember Chairman WHITTEN most for the critical role he played in ensuring the passage of vital flood control and navigation projects for the entire Mississippi River and its tributary watershed. Without Chairman WHITTEN's leadership millions of citizens throughout the Mississippi River area might not have adequate flood protection.

Mr. Speaker, Chairman WHITTEN was a true leader who tirelessly worked for this country, often crossing party lines, to craft bipartisan alliances to champion favorite causes.

I join with many colleagues who were privileged to serve with Chairman WHITTEN in saying thank you Chairman WHITTEN for your service to the United States.

ON THE SITUATION IN IRAQ

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ROYCE. Mr. Speaker, I rise to highlight the crisis looming in the gulf. Saddam is on the move again; this is no small matter: He still has over a million people in uniform; 2200 tanks, and 2500 armored personnel carriers, and a host of planes and missiles.

Meanwhile we are stretched thinner than ever around the world, from Haiti to Macedonia. Our forces themselves are being diminished at a rapid rate: they are down nearly a quarter from 1992, and will be reduced by a third by 1999. Marine Commandant Mundy sums it up when he says "Our ability to maintain readiness is on the margin."

As I have said on this floor before, our fading international credibility is being further complicated by our thinning military capability.

Now, as we all know, our defense plans call for us to be ready at all times to fight two simultaneous regional wars, including one in the gulf. Currently we have two such contingencies facing us: Korea and Iraq; in fact, one could embolden the other.

Just last month Assistant Secretary Warner said that we should still be able to prosecute two contingencies nearly simultaneously. But he also stressed that peacekeeping and humanitarian operations would have to be sharply reduced if combat operations were to break out in major theaters such as Korea or the gulf.

Secretary Perry and General Powell have sounded similar warnings in recent days. The President should listen; we all should listen, or pretty soon that hollow sound you hear will be our military.

We also know the danger in Korea. But listen to these words about Iraq from CIA Director Woolsey, less than a fortnight ago:

> * * * Iraq [has] not abandoned [its] goals of dominating the region, threatening [its] neighbors, subverting peace, and acquiring or developing weapons of mass destruction and the means to deliver them. * * * Iraq has the largest pool of scientific and technical expertise in the Arab world—over 7000 nuclear scientists and engineers alone. * * * His regime is still hiding SCUD missiles, chemical munitions, and its entire biological weapons program. * * *

Saddam Hussein continues to submit Iraq's people to tyranny—cruelly suppressing the Kurds in the north and the Shia's in the south. His is a murderous regime possessing and acquiring ever more potent weapons of mass destruction; Saddam is a threat to the region and to the United States.

We must take this seriously. Tonight CNN reports 50,000 Iraqi troops are on the move. Whatever the purpose—to quell domestic discontent, intimidate sanctioners, or to intimidate Kuwait—Saddam must be stopped, dead in his tracks, immediately.

No deals, no trades, no bailouts by former Presidents—it is time this administration learn the importance of clear and equivocal words and actions.

The Saddam Husseins and Kim Jong-Il's of the world need to be stripped of any delusions they have about our willingness to suffer their aggressive behavior, their threats and their bluster.

Strong action now will save lives later. I urge my colleagues—and I urge the President—to speak clearly and forcefully on this threat—and the need to stop Saddam—immediately.

I have made available for my colleagues a brief paper that helps frame the current situation in Iraq.

[From the Center for Security Policy—Decision Brief, Oct. 7, 1994]

"I.S.O. JIMMY CARTER": BEST CASE, SADDAM EXPECTS TO BE REWARDED FOR NOT INVADING KUWAIT; WORST CASE, IT'S WAR

(Washington, D.C.): Saddam Hussein's threatening moves of the past few days—and the renewed threat they pose to Kuwait—should be a cold shower for President Clinton and his national security team. After all, it demonstrates in the most graphic way imaginable the contempt with which the world's despots now hold America and its leadership.

Like the other members of what the Center for Security Policy has called the Radical Entente[1]—folks like Somalia's Aideed, Serbia's Milosevic, Haiti's Cedras, North Korea's Kim dynasty, China's gerontocracy, and the Russian imperialists—Saddam has clearly read Mr. Clinton's policies: The United States is no longer seen as a deterrent to aggressive agendas; to the contrary, its hapless policies are now inviting and rewarding them.

CLINTON'S CHICKENS COME HOME TO ROOST

Let there be no mistake about it: The combined effect of presidential disinterest in security policy, the dismantling of vital defense capabilities and institutions and the chronic inability to define and adhere to a principled course of action in international affairs have left American interests and allies around the world dangerously exposed.

Saddam Hussein's latest military moves may signal the imminent resumption of hostilities with Kuwait and its allies. Alternatively, they may be a calculated move to secure the immediate lifting of economic sanctions against and other concessions to Iraq—a response he has reason to expect, notwithstanding the Clinton Administrations' initial bluster, given its own past practice and that of its diplomatic subcontractor, Jimmy Carter.

SO LEARN THE LESSONS, ALREADY

Either way, a few lessons that should have been learned long ago are now painfully clear: The United States could find very well find itself engaged in two simultaneous regional conflicts in distant parts of the globe. Thanks to the draconian cuts in Pentagon investment and operations and maintenance in recent years—cuts that go well beyond those contemplated by the Bottom-Up Review, a plan that itself would not permit the United States to fight two wars at the same time—the United States would be unable to cope with any appreciable problem in Haiti and mount a concurrent major operation in the Persian Gulf. It should go without saying that this situation also makes transparently obvious why it is absurd to contemplate further overtaxing the U.S. force structure by deploying American troops on the Golan Heights.

The need for America to be able to project power quickly to distant parts of the world is only increasing, not waning. The United States currently lacks the in-theater capability to attack and defeat a renewed Iraqi attack against Kuwait. It needs, for example, to be able to exploit the unique potential of the B-2 bomber to strike swiftly, decisively and anywhere in a country like Iraq. It also needs to have troops in the region capable of constituting a defense on the ground—not just at sea. The folly of past—and continuing—decisions deferring acquisition of greatly enhanced airlift and sealift capabilities is painfully obvious.

The importance of timely intelligence and the will to respond to early warning: According to press reports, the Iraqi troop build-up has been occurring for a week. If so, the fact that the United States has only begun to respond to this threat is a powerful reminder of: the continuing need for effective strategic and tactical intelligence in the post-Cold War world; the necessity for human sources and methods as well as sophisticated technical intelligence means; and the readiness to initiate long-lead-time actions necessary to respond—even if that requires doing so on the basis of preliminary or inconclusive information.

It was a gross strategic error to allow Saddam Hussein to remain in power at the end of the Gulf War.[2] The United States has only itself—and some of its more short-sighted regional allies—to blame for making this mistake. No effort should be spared now to bring Saddam's reign of terror to a swift end.

The prospect that Saddam Hussein was close to getting international sanctions lifted—and may yet do so—is further evidence of the recklessness of dismantling the United States limitations on the overseas sale of strategic technologies and the multilateral export control regime. There is already abundant evidence that Saddam Hussein is successfully rebuilding his military-industrial complex.[3] In the absence of a complete policy reversal by the Clinton Administration, the danger posed by Iraqi capabilities and those of other tyrants exploiting vanishing Western strategic export controls will become infinitely greater.

Last, but hardly least, the United States can no longer tolerate a situation in which it, its forces overseas and its friends in the Middle East (like Israel, Kuwait and Saudi Arabia) and beyond remain utterly vulnerable to missile attack. Saddam Hussein did not effectively exploit that vulnerability the last time. There is no guarantee that he—or his ilk—will not do so in the future. In fact, there is every reason to believe one or more of them will, with devastating consequences for American interests and allies.

THE BOTTOM LINE

The only way to deal with the present crisis is to mobilize and deploy significant ground forces to the Persian Gulf at once. Saddam is believed to be moving some 26,000 troops toward Kuwait. At least one-third that number should be dispatched immediately to the Gulf. Such forces are critical to restoring deterrence and giving the United States the wherewithal to defeat Saddam's forces should it be necessary to do so once again.

Under no circumstances should the United States try to "buy off" Saddam—with or without Jimmy Carter's meddling. This policy in North Korea, China, Bosnia and Haiti has already contributed to the present crisis. It will be infinitely worse if the U.S. now agrees, in the face of Saddam's latest blackmail, to lift sanctions, allowing oil sales, imports of sensitive technology, etc. The mind reels at what further outrages such a policy would inspire in the Persian Gulf and beyond.

FOOTNOTES

[1] For more on the Radical Entente, see the Center for Security Policy's Decision Briefs: Will the Senate Give Russia A Subsidy To Serve As the Radical Entente's 'Fed-Ex' Service? (No. 93-D 79, 15 September 1994) and A Good Week for the 'Radical Entente': Outlaw Nations Likely Emboldened By Ineffectual Western Responses (No. 93-D 28, 2 April 1994).

[2] In this regard, see the Center for Security Policy's recommendations contained in such products as: 'Wake-Up Calls' on Terrorism: Saddam's Plot, Clinton's Response Reveal Shape of Things To Come (No. 93-D 54, 28 June 1993); Clinton's New Mideast 'Containment' Strategy: Start By Punishing Saddam for Trying To Kill George Bush (No. 93-D 41, 21 May 1993); Saddam's 'Cheating,' Who's 'Retreating'? End of His Tyranny is Only Hope for Compliance (No. 92-D 83, 27 July 1992); Wanted: Saddam Hussein, Dead or Alive (No. 91-P 49, 12 June 1991); On To Baghdad! Liberate Iraq (No. 91-P 16, 27 February 1991) and Don't Let Saddam Get Away With Murder (No. 91-P 11, 14 February 1991).

[3] See for example an article entitled, "CIA: Iraq Dodges U.N. Monitoring," in today's Washington Times.

50TH ANNIVERSARY OF PRISONER REVOLT AT AUSCHWITZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. VISCLOSKY. Mr. Speaker, I rise today to commend and call attention to four brave, young women: Rosa Robota, Ester Wajcblum, Ala Gertner, and Regina Safirztain. These women were instrumental in fueling the only mass revolt in the history of the concentration camp, Auschwitz-Birkenau. These women were imprisoned and eventually murdered in what is referred to as "an earthly hell in Poland" and the most malicious concentration camp of World War II. October 7, 1994 marks the 50th anniversary of this monumental event which is being commemorated by the Rosa Robota Foundation.

In October of 1944, during this valiant prisoner revolt, a crematorium was destroyed, guards were killed and prisoners escaped. The pivotal heroine in this drama was a 20-year-old Polish Jewish woman, Rosa Robota. Explosives for the revolt were obtained by a number of young women working as slave laborers in the Krupp ammunition subsidiary "Weichsel-Union" at Auschwitz. This ammunition was then passed through Rosa Robota to the Sonderkommando and the camp underground. As a result of strong people like Rosa and her collaborators, the Jewish community can hold their head up high in knowing that, during a period of hardship and despair, their ancestors fought passionately for the civil rights of all Jewish people.

The Rosa Robota Foundation has been established to educate American citizens about the four heroic young women. Moreover, this foundation strives to contest historical lies and to prove that Jews did not go like lambs to the slaughter but fought back courageously with ingenuity and with every weapon at their disposal. In addition, the foundation emphasizes that heroic Jewish women played a crucial role in the anti-Nazi resistance.

The foundation was conceived of by members of the Mallenbaum family who are in the process of documenting their family relationship to Rosa Robota. Members of the honorary board include prominent national and local elected officials, physicians, lawyers, clergymen and other activists and leaders. I am proud to serve on this distinguished honorary board. My goal as a board member is to educate American citizens about the bravery and heroism of the Jewish community during the tormenting period of World War II and the concentration camps created by Adolf Hitler and the Nazi regime.

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[1] Footnotes at end of article.

I urge my colleagues to join me in commemorating October 7, 1994 as the 50th anniversary of the prisoner revolt in Auschwitz initiated by a brave, young soul named Rosa Robota. We can all learn from the passion and selflessness which Rosa utilized to courageously defend her fellow Jews, along with her ideology and virtuous beliefs.

CLINTON GLOBAL ABORTION PUSH SET BACK IN CAIRO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SMITH of New Jersey. Mr. Speaker, the real yet untold story of the recent U.N. population control conference held in Cairo was how, after months of scheming, plotting and arm-twisting—and packing the conference with a legion of Planned Parenthood operatives—the Clinton administration and its allies suffered a stunning defeat in their ignoble attempt to impose abortion on demand on the rest of the world.

While the final document—the so-called Programme of Action—was far from perfect, when all things are considered it was a remarkable victory for global pro-life forces and the approximately 100 countries throughout the world that legally protect the lives of their unborn children. While we were aware of the fact that the chairman of the main drafting committee was Fred Sai of Ghana, president of International Planned Parenthood Federation, it has now come to light that Planned Parenthood people were quietly salted away in dozens of delegations.

Nevertheless, led and inspired by a courageous, highly-skilled and tenacious Vatican delegation, dozens of countries from Central and South America and Africa, and Muslim states resisted both the bullying and the ever-present pressure of the abortion lobby. In the end, the document affirmed their sovereignty to protect and cherish the precious lives of unborn babies.

Significantly, despite opposition from the Clinton delegation at the preparatory meetings in New York and in Cairo, the delegates from around the world emphatically insisted in the document that "in no case should abortion be promoted as a method of family planning." This consensus language, which even the U.S. reluctantly swallowed in the end, is identical to the wording won in Mexico City in 1984 (at the last United Nations Population Conference) under former President Ronald Reagan.

But let there be no mistake about it. Mr. Speaker, this anti-abortion policy wasn't in the Clinton script for Cairo.

In March, the Clinton State Department underscored the extreme proabortion position the United States was promoting in an action cable—marching orders, if you will—sent to every U.S. Ambassador and envoy abroad. The cable confirms in stark, unmistakable terms what I observed both at the New York PrepCom III—preparatory committee meeting—in April and my onsite observations in Cairo from September 3–10.

Incredibly, the cable directed U.S. officials to lobby foreign governments for legal abortion, noting that:

> A comprehensive strategy begins with the need to ensure universal access to family planning and related reproductive health services, including access to safe abortion. The United States believes that access to safe, legal and voluntary abortion is a fundamental right of all women * * * the United States delegation will also be working for stronger language on the importance of access to abortion services.

Abortion President Bill Clinton's full-court press not only failed to establish a fundamental global right to abortion, but has actively triggered a serious backlash against the Government of the United States. The hardball tactics employed by the Clintonites, it turns out, were deeply resented in the developing world where the family is deeply revered and children are seen as blessings to be cherished and nurtured, not burdens to be eradicated. As a result of Cairo—America's moral leadership, prestige, and basic ethics are now being called into serious question.

From over a hundred conversations I had a the conference, I heard that while many delegates from the developing world admire America's prosperity, they want no part of our family breakups, explosion in crime, promiscuity, disrespect for authority, homosexual rights, or violence against helpless unborn children.

One person asked me why President Clinton was against children. More than a few remarked to me how arrogant and pushy these Americans seemed to be.

When I reminded delegates—and scores of foreign journalists who interviewed me as the lone prolifer in a U.S. delegation which included noted feminist Bella Abzug and the U.S. President of Planned Parenthood—that tens of millions of Americans are actively pro-life, and many in Congress are struggling to protect America's unborn children from abortion, I was met with smiles, handshakes, encouragement, and relief. One delegate even said, "Then there still is hope for your country."

While from the outside some of the debate in Cairo on the document's text might have been viewed as esoteric and tedious—the press was barred from the real work of the conference in the main committee—the Vatican and its allies refused to be deceived, intimidated—yes, they were jeered, or buffaloed by those who knew full well what were the hidden, actual definitions of terms such as "reproductive health" or fertility regulation."

The important modification, made by delegates, of the definition of "fertility regulation" is an example of this.

In the draft document which came out of New York in April, language was bracketed—which means it was in dispute—which would have declared a right to abortion as a method of fertility regulation. The term "fertility regulation," according to the World Health Organization, contains four elements: Family planning, abortion, breastfeeding, and delayed marriage. The delegates in Cairo, however, were not fooled by this code word for abortion and explicitly rejected the concept of an international "right" to abortion by changing the term "fertility regulation" to "family planning" which had already been defined in another section to exclude abortion.

However, despite these victories, the pro-abortion movement did make some inroads. For the first time, the Conference gave some legitimacy to abortion, when it is not against the law, and accepted the disturbing notion that unsafe abortion be regarded as a health issue to be tackled, as if to imply that abortion is ever safe. It should be obvious that newer and more effective means of destroying an unborn baby are never safe for the child who is killed, nor do they heal the psychological and spiritual wounds suffered by women who procure abortions. Urging governments to consider unsafe abortion in their countries also raises the risk that some may promote legalization as the answer.

Of course, all of this contradicts numerous U.N. and regional human rights covenants that regard protections for the unborn child as a basic human right. Article 4 of the American Convention on Human Rights states.

> Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception.

Even the 1989 U.N. Convention on the Rights of the Child acknowledges that.

> The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.

Moreover Mr. Speaker it has now become abundantly clear that, even during the debate on the text, some delegates may not have fully understood the nuances of this document because of translation problems. The Programme of Action was filled with "Americanisms" which were not readily understood by the French-speaking African nations, many Spanish-speaking Latin American nations, and others whose laws and constitutions protect the unborn and their mothers from abortion. When the drafting committee worked on the so-called compromises, translations from the English were often inadequate or simply unavailable.

Had men and women of conscience not vigorously and effectively objected, Cairo would have been a watershed event for the abortion rights movement. It was not. Still, no one seriously doubts that President Clinton's well-oiled population control machine will continue to "push the envelope" in follow up meetings, and at future U.N. conferences in Copenhagen and Beijing.

Nor is there any doubt that United States taxpayers will be forced by the Clinton team to subsidize a portion of the enormous new population control funding goals established in Cairo.

Nor will the friends of the family and vulnerable unborn children be lax, uninformed or unprepared to meet the challenge that lies ahead.

50TH ANNIVERSARY OF USAF SCIENTIFIC ADVISORY BOARD

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. DELLUMS. Mr. Speaker, I would like to bring to your attention the fiftieth anniversary of the USAF Scientific Advisory Board.

Fifty years ago, American technology ended a world war and saved several hundred thousand lives. Gen. Hap Arnold formalized the role top scientist played in advising the then Army Air Corps by creating the Scientific Advisory Group in December 1, 1994 and naming Dr. Theodore von Karman as its first chairman.

This group produced the renowned study, Toward New Horizons, that set forth many of the early research and development goals pursued by the Scientific Advisory Board that we commemorate today.

The mission of the Scientific Advisory is to provide the Air Force senior leadership with independent advice and counsel that will help the Air Force maintain technological superiority in air and space. Today's challenge for that group of renowned scientists is not unlike the original scientific and technical matters pertaining to air power.

The growth of American air and spacepower since WWII has paralleled the scientific and technological development of the United States' industry. The Scientific Advisory Board established a vision for aerospace research and development and then remained active in forging lasting ties among academia, industry, and the military.

The Scientific Advisory Board epitomizes those critical ties that foster innovative concepts and applications of science and technology for a strong national defense. The people of these United States deeply appreciate the contribution board members have made to preserving our freedoms and applaud their continued commitment to those ideals of self sacrifice in public service.

TRIBUTE TO NICK IOANNIDIS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. ROYBAL-ALLARD. Mr. Speaker, I salute Nick Ioannidis, a proud United States citizen and Los Angeles community leader who came to America from his native country of Greece in 1969, and all immigrants throughout the United States who will join together on October 28th to celebrate National Immigrants Day.

There is much to celebrate in the rich tradition of the American immigrant experience, but the element most worthy of celebration is the indomitable human spirit that motivates people from every nation to give up their homelands for the chance of a better life for themselves and their families.

This proud and diverse heritage is what makes us strong and it is what keeps us free; for it is those who have experienced life in a country that is not free who can best appreciate, and who will most valiantly preserve, our national freedoms.

It is particularly important to celebrate the contributions of immigrants to our society now, when immigrants are made the scapegoats for so many of our Nation's problems. To those who find it easier to blame immigrants for American social or economic problems than to examine the complex roots of these problems, I wish to remind them of a quote by Franklin Delano Roosevelt. He said, "Remember, always remember, that all of us—and you, and I especially—are descended from immigrants."

Congratulations to all immigrants for their achievements. I join you in celebrating October 28, 1994, as National Immigrants Day.

JOBS AND INVESTMENT ACT OF 1994

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SANDERS. Mr. Speaker, I am pleased to introduce on behalf of the Progressive Caucus, the Jobs and Investment Act of 1994, which will begin a rational approach to job creation.

Millions of Americans are unemployed and uncounted, underemployed, or forced to take temporary work in low-paying jobs. The nation's physical infrastructure is deteriorating and our manufacturing base is fleeing overseas. In the face of this crisis, President Clinton abandoned even the scaled back $16 billion economic stimulus bill he supported, because of a Republican filibuster in the Senate.

The most rational approach to spur economic growth is a serious public investment program that pumps tens of billions of dollars into the human and physical infrastructure of the Nation.

For some months now, the House Progressive Caucus has been putting together this jobs/stimulus bill which we have introduced today. The heart of this bill is a $63 billion annual investment over the next 2 years in; (a) physical infrastructure; (b) human capital and; (c) targeted tax relief. These investments would be paid for by increases in progressive revenues beginning in the third year.

Mr. Speaker, this investment of nearly $125 billion over the next 2 years should result in the creation of between 3 million and 5.5 million jobs. Infrastructure improvements in the bill will also result in long-term economic and employment growth.

The physical infrastructure component of the bill will provide for much needed improvements in our Nation's transportation network including highways, mass transit, airports and rail. In addition, billions would be made available to upgrade water and sewer systems, to clean up the environment, and for investment in renewable energy and energy efficiency. Local communities would receive assistance through the Community Development Block Grant [CDBG] program, grants for improvements in school libraries, and funding for community development financial institutions.

The bill's human capital investments include targeted job training in the allied health fields, significant increases in adult, elementary and secondary education, as well as Head Start. The legislation also increases the monies available for a number of preventative health and migrant and homeless health programs. A new community health advisor program is also established. This program is designed to increase health care access to millions of inner city and rural people who are medically underserved.

The third component of this job/stimulus bill is tax relief designed to ease the burden on middle and low-income Americans and to provide them with home ownership opportunities. The first tax relief measure is a tax credit equal to 20 percent of a worker's social security tax (up to a maximum of $200 per worker). The second piece is a first-time homebuyer tax credit equal to 10 percent of the purchase price of a new home (up to a maximum credit of $6,000). A first-time homebuyer making $50,000 or less could be eligible for the maximum credit. For those making more, the $6,000 cap would go down by $100 for every $200 of income over $50,000.

Mr. Speaker, in order to maximize the stimulative effect of this package, the Progressive Caucus bill pays for these investments with progressive revenue measures beginning in the third year after enactment. Much of the economic trouble we are experiencing is a direct result of the failed policies of massive tax reductions for the very richest members of our society. Therefore, this bill, while seeking to remedy the problems in our economy, pays for the significant public investment by asking those who benefitted from the 1980s to pay more of their fair share.

Mr. Speaker, overall, this jobs/stimulus bill represents a bold attempt to deal with an economy facing serious structural deficiencies. We can no longer look to economic solutions geared solely to appeasing stock traders and bond holders. The needs of America's working men and women must also be addressed. This bill does just that. Millions of decent paying jobs would be created. Our nation's physical and human capital would be greatly enhanced, and middle-income and working people would get some much needed tax relief.

WHERE THE DOLLAR WILL GO

NEW INVESTMENTS IN OUR NATION'S INFRASTRUCTURE ($/YEAR FOR TWO-YEAR PERIOD)

$10 billion for repairing highways and bridges

$1.6 billion for improving and expanding mass transit systems

$1.0 billion for airport improvements

$1.0 billion to upgrade rail travel and freight shipping

$4.0 billion for construction of new water and sewage treatment facilities

$4.0 billion for economic development projects in major cities, towns, and neighborhoods

$3.0 billion for improving existing schools and libraries and building new ones

$1.0 billion for energy efficiency improvements in federal buildings

$1.0 billion for community development banks in low-income communities to stimulate targeted lending and local economic development projects

Total $30.6 billion/year

NEW INVESTMENTS IN OUR NATION'S NEEDY PEOPLE ($/YEAR FOR TWO-YEAR PERIOD)

$2.0 billion to train low-income Americans for careers in disseminating basic health care and disease prevention information

$1.0 billion for youth apprenticeship training programs serving 14-21 year olds

$2.5 billion for hiring new teachers, tutors, and specially-trained instructors to improve our schools

$4.0 billion for Head Start to cover all eligible 3-5 year olds

$900 million for community-based efforts to prevent AIDS, breast and cervical cancer, tuberculosis, and lead exposure

$400 million to expand migrant and homeless health centers

$100 million for states and communities to train local residents to provide health promotion and disease prevention materials

$100 million for scholarships and loan programs for doctors and nurse practitioners in under-served communities

Total $11 billion/year

NEW TAX RELIEF FOR WORKING FAMILIES ($/YEAR FOR TWO-YEAR PERIOD)

$16 billion tax credit equal to 20% of person's FICA contribution, capped at $200/person

$6 billion tax credit up to $6,000 for first-time homebuyers with annual income of $62,000 or less

Total $22 billion/year

GRAND TOTAL OF NEW INVESTMENTS = $63.6 BILLION

WHERE THE DOLLARS WILL COME FROM

NEW TAXES ON UNEARNED INCOME ($ IN BILLION/YEAR)

$12-20 billion from .25% tax each time stock ownership is transferred

$66.6 billion from terminating preferred tax treatment of capital gains relative to earned income

$1.5-2.2 billion from capital gains tax on inherited investment (i.e. eliminate stepped up basis at death)

GRAND TOTAL OF NEW TAXES = $79.5-$99.5 BILLION/YEAR

"HOW NOT TO IMPROVE YOUR HEALTH CARE"

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HOEKSTRA. Mr. Speaker, Dr. Ian Munro's article, "How Not to Improve Health Care," which appeared in the September 1992 issue of the Reader's Digest, helps to explain why recent proposals for health care reform failed.

I ask that this insightful and prescient article be included in the RECORD.

[From the Reader's Digest, Sept. 1992]

HOW NOT TO IMPROVE HEALTH CARE

(By Ian R. Munro, M.D.)

Little Joel Bondy of Leamington, Ontario, was born with heart deformities that restricted the blood flow to his lungs. He needed open-heart surgery—soon—to live. The nearest equipped pediatric facility was the Hospital for Sick Children, four hours away in Toronto. But under Canada's national health-care system, commonly called Medicare, that hospital had closed hundreds of beds. For the remaining stripped-down services, there was a long waiting list.

After delays, Joel's desperate parents notified administrators they were taking him to a hospital in the United States. Amid embarrassing news reports about the boy's plight, the Hospital for Sick Children gave him an early surgery date.

But it was too late. Joel Bondy died four hours before surgery was to begin. He had waited nearly two months for his operation.

Kent Maerz has keratoconus, a disease of the cornea. Last August the 22-year-old Calgary student needed a corneal transplant within a few months to correct his rapidly deteriorating vision. Under Canada's Medicare, the operation would cost his family nothing. But the wait would be two to three years.

Maerz paid his own way to get a transplant at McIntyre Eye Clinic and Surgical Center outside Seattle, Wash., in February. The travel and the operation cost Maerz's family almost $5000. So far, the Alberta Health Care Insurance Plan has reimbursed them only $644. "If I had a choice, I wouldn't pay taxes for Medicare," says Maerz. "When I needed it, it didn't do me any good."

Today, many Americans believe the U.S. health-care system is dangerously flawed. Angered by the cost of private health insurance, which millions cannot afford, a strong majority—69 percent, according to a poll in the Wall Street Journal—think the United States should adopt national health insurance.

Legislation to create a system closely modeled on Canada's has 71 co-sponsors in the House of Representatives and broad union support. Sen. Paul Wellstone (D., Minn.) has introduced a similar measure in the Senate. But before Americans leap to national health care, they should look at how the Canadian plan, perhaps the purest system of national health insurance in the world, really works.

When a Canadian visits his doctor, the doctor bills the government. If the patient visits a hospital, the hospital pays for his care out of a lump sum of money the government gives it each year, and bills him nothing. That means the government pays in full for all health care—except for voluntary procedures such as face lifts—for every citizen. There is no private health care to speak of, even for the very rich.

Medicare is popular in Canada, especially among those who have not been seriously ill. After all, it appears to be totally free. In fact, it is very, very expensive.

The average Canadian already pays 46 percent of his income in taxes. But Canada's health-care spending is growing faster than inflation, faster than its population and faster than the country's gross national product. Today, the United States has the costliest health-care system in the world. But Canada's is second, and both countries' per-person costs have been rising at the same rate for years.

With Canadian taxpayers stretched to the limit, how has Medicare responded to its runaway costs? It has not delivered the unlimited care it promises. It simply spends less, even when patients need more.

A Magnetic Resonance Imager (MRI) takes pictures to determine the shapes and positions of tumors. Tennessee, with 4.9 million people, has more MRI scanners than all of Canada, with 26.6 million people. "There's a six-month wait for an MRI," says Dr. Walter Kucharczyk of The Toronto Hospital. "Some patients suffer because of the wait."

A lithotriptor uses sound waves to smash kidney stones and gallstones. The United States has more than three times as many lithotriptors per patient as Canada. It also has about three times as many open-heart-surgery and cardiac-catheterization-units.

Under Canada's national health-care system, operating rooms and surgical beds are dwindling. To save money, Canadian hospitals routinely close additional beds and reduce surgical capacity in the summer and around Christmas.

So patients wait. In Newfoundland the average wait for a coronary-artery bypass is one year.

To avoid making the critically ill wait too long, patients are ranked. "Emergent" cases—like heart attacks and car accidents-require care within 24 hours. "Urgent" cases are next in importance. Patients not actually in danger are classified "elective."

But many elective patients, while not dying, are in pain. Kenneth Hill, an orthopedic surgeon in Burnaby, B.C., does hip replacements for arthritis patients. The average wait for this "elective" procedure is 27 weeks. But without surgery, some of Hill's patients cannot even get off his examining table unassisted. "They can survive on painkillers," he says. "But the quality of their lives is impaired, and some don't have many years left."

Moreover, getting classified "urgent" doesn't necessarily speed treatment. On Saturday, August 25, 1990, a CAT scan revealed a mass in Stanley Roberts's brain. If the mass was an abscess, it could kill within days.

On Monday Roberts's doctors decided he needed an "urgent" stereotactic biopsy to diagnose the mass. But the nearest equipped hospital, Vancouver General, had shut down 13 neurosurgery beds for the summer and could not take Roberts until the following Tuesday—eight days later. With Roberts visibly deteriorating, his desperate son pleaded to speed things up. But the hospital would not open an operating room after hours and incur overtime costs for staff. By Friday, Roberts was dead of an abscess.

In the United States, admits Dr. Alan Hudson, president and CEO of The Toronto Hospital, "you'll get your X ray tomorrow and your operation the next day, and they'll apologize that they can't do them both right now."

Small wonder that many sick Canadians head for the border. In 1990, half the lithotripsies performed at Buffalo General Hospital in New York—602—were on Canadians. Even government officials seek care in the United States. When Quebec Premier Robert Bourassa developed a cancerous mole, it was removed at the National Cancer Institute in Bethesda, Md.

Border-crossing can help rich or desperate Canadians. But it cannot ultimately solve these other problems of Canadian Medicare:

1. Overuse. Because it's free, Canadians visit doctors' offices almost twice as often as Americans. The cost is driving taxes up and Medicare under.

Dr. William Weaver of Vancouver sees patients who roam from doctor to doctor seeking prescriptions for narcotics, at no cost to themselves. William Rudd, a colorectal surgeon in Toronto, was recently the 24th doctor a patient consulted for the same complaint. The malady? "An emotional disease, projected onto the body," says Rudd. "But the exam cost $110. Multiply that by 24 times and tens of thousands of people!"

Abuse of emergency rooms—expensive to run but free to use—is rampant. Doctors complain about parents who appear at night with children who have colds, because it is inconvenient to see a doctor during the day.

Some non-urgent patients arrive at emergency rooms in ambulances. The ambulance is free; taxis charge a fare.

"The problem," says Weaver, "is the foolish generosity of the system." Dr. Joan Charboneau, of Mississauga, Ontario, agrees: "If something appears to be free, people don't feel responsible for how they use it."

2. Special access. One of Medicare's proudest boasts is "equitability." The system is supposed to guarantee that no Canadian gets better health care than any other. But some irate Canadians say equitability is a sham. "Bureaucrats, politicians and senior businessmen jump the queues by phoning hospital administrators," says David Somerville of the National Citizens' Coalition. "It not even illegal; the hospital just says they're 'urgent.'"

Then there's the National Defense Medical Center (NDMC), a 244-bed hospital in Ottawa run by the Canadian military. Theoretically, it serves the armed forces. But according to a report by Auditor-General Ken Dye, 61 percent of its patients were nonmilitary—including members of Parliament, diplomats and senior bureaucrats.

NDMC has its own CAT scanner and a nationally renowned cardio-pulmonary unit. It is the only hospital in Ottawa equipped with a helicopter pad. "I don't think we'll get fundamental reform until those with the power to make changes feel the pain of the system themselves," Somerville says.

3. Patients mattering less and less. Dr. Charles Wright, a manager at Vancouver General Hospital, says administrators maintain waiting lists on purpose, the way airlines overbook. As for urgent patients on the lists who are in pain, Wright argues that "the public system" will decide when their pain requires ease. These are "societal decisions," he declares. "The individual is not able to decide rationally."

A patient at a Canadian hospital doesn't pay for his stay, nor is it paid for by his own insurance. Each patient is a drain on the fixed budget the hospital gets from the government. For this reason, Canadian hospitals have no financial incentive to offer good service. In fact, to save money, many rush, delay or shortchange care—deliberately.

In 1989 Ontario began opening mammography screening clinics for all women over 50. It was suggested that radiologists evaluate 100 mammograms per hour. Twenty per hour is normal. When radiologists protested, the suggestion was dropped. However, the fee per mammogram was reduced by almost half, so the pressure to "read" faster remained. "Would they want their mothers' mammograms rushed?" asks one radiologist in disgust.

4. Demoralized doctors packing up and leaving. I'm originally from England, which nationalized health care in 1948. By the time I was in medical school in 1960, an English child could wait two to three years to have his tonsils removed—and I knew I couldn't stay.

The first legal foundations of Medicare in Canada were not laid until 1965, the year after I emigrated. Another ten years would pass before Medicare began undermining medicine. In 1971 I joined Toronto's Hospital for Sick Children, one of the finest pediatric hospitals in North America. "Sick Kids" had 800 beds and no waiting lists. The equipment was superb. But in the mid-1970s the government's influence over health care intensified. By the mid-1980s, Sick Kids had only 630 beds. (Today it has 511.) My outpatients were waiting three months for CAT scans. I wanted to do research, but it was impossible to get the money. I could no longer do the job for which I was trained. In 1986 I left Canada for the Medical City Dallas Hospital In Texas, where I am today pursuing my research and performing surgery.

Across Canada, frustrated doctors are leaving. In 1990, despite tight visa rules, 8263 Canadian doctors were practicing in the United States. Since visa rules were loosened in April, that number is expected to rise sharply.

Some come to the United States seeking more money. Others want access to facilities and technology. Virtually all are convinced, as I was, that they can no longer deliver appropriate care in Canada.

It will be a sad irony if America adopts the Canadian system. In fact, Canadian officials are talking about moving away from national health care—charging patients fees for using emergency rooms and doctors' offices, for example, and limiting coverage for the wealthy. "The system is getting worse day by day," says Dr. William Goodman of Toronto. "America is now where we were 35 years ago—and you're making all the same mistakes."

When an individual's medical expenses become crushing, most people believe their government should step in. But to nationalize all health care as Canada has done would be to toss our system out of the frying pan and into the fire. Patients must be free to make their own arrangements with their own insurers and doctors, or there is no hope for American health care.

In the words of Toronto Globe and Mail columnist Terence Corcoran: "You can believe that socialized medicare is the most moral system in the world if you want. But the fact is that socialized medicare will not work."

THE GREAT FLOOD OF 1993

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. WHEAT. Mr. Speaker, I wish today to express my disappointment at the failure of this Congress to meet the challenges remaining from the Great Flood of 1993.

Late last summer, and again this January, the Congress approved money to assist flood fighting and recovery efforts in nine Midwestern States. This included aid for homeless families, money to rebuild towns and vital facilities, funds to repair damaged levees, and grants to States and localities that expended huge sums battling the rising waters. It was a massive effort, and has been largely successful in piecing back together the tattered economy of the Midwest.

The Congress also approved additional money to buy property that had been damaged by the waters from willing sellers who had tired of suffering repeated floods. These buyout projects have proven exceptionally popular. In Missouri, entire neighborhoods and towns are physically moving out of harm's way. Many farmers have abandoned their dangerous riverside operations and, with the help of the Government, have rebuilt their lives on higher ground.

However, a number of flood victims were not eligible for these early programs. While our efforts to repair the damage caused by the Great Flood were well-intentioned, they were not complete. Many Missouri landowners with damaged land did not qualify for Federal buyouts because their property was too heavily damaged, a condition that was certainly not their fault.

A few weeks ago, Senator MAX BAUCUS proposed a $100 million Missouri River floodway project to buy flood damaged property from willing sellers in the Missouri River Valley as part of the Water Resources Development Act. Landowners who had not been eligible for past buyouts and were left with useless property choked with silt would have received assistance under this bill. I repeatedly lobbied Members of the House to support this vital assistance plan for the people of Missouri.

Senator BAUCUS included in the bill some changes in the way floodplains are managed, ostensibly to reduce damage from future flooding. The Senator listened to objections to some of his efforts, and met many of the concerns, including many I held. For example, I would never have supported this bill had it made any changes at all in the way the Missouri River is currently managed. I am fighting for ample water flow levels for the Missouri River, to protect our farmers, shippers, and to ensure the basic economic viability of the downstream States.

I supported this bill as a noble promise to deliver assistance to Missourians who had been waiting, some patiently and some desperately, for the Government to help them as it had helped all other flood victims. I supported the Missouri River floodway project as the last, best hope for many Missouri landowners during this Congress. Some Senators disagreed, feeling that the floodplain management changes were more important than the much-needed aid for Missouri farmers. Thus, the bill containing the $100 million Missouri floodway project was unfortunately killed using a Senate rule.

That project, and the future of Missouri flood victims, were seized by politics. Flood victims are now hostage in a wide-ranging debate over the future of the Missouri River.

That debate can be helpful if it is conducted honestly. It is not helpful or fair that flood victims have to wait for the conclusion of the debate to receive sorely needed assistance.

I had hoped that we could enter next Congress knowing that the work of recovering from the Great Flood of 1993 was complete and we could turn our attention to the future. I wanted to begin work on a constructive plan that allows use of our floodplains while protecting the lives and property of people within the floodplain. Such a plan would nurture the diverse ecosystems found in and along our river, and would further protect the interest of the American taxpayer by emphasizing preparation for future flooding.

By failing to act on a bill that would begin reform of our floodplain management rules, Congress has failed to provide assistance to those flood victims still waiting for aid, and has failed to protect those who still live and work in our Nation's many floodplains from the destruction of future floods. In addition, we have not made changes necessary to guarantee to the American taxpayers that they will not have to bear the enormous cost of another flood recovery effort.

We must commit ourselves to addressing each of these questions swiftly, knowing that people still desperately await our help and that we must demonstrate leadership in order to protect the lives and livelihoods of these people from waters that will rise again. Decency and common sense require no less.

Despite the good-hearted but haphazard efforts of the Federal Government many people who had their places of work and their homes swept away by the rolling waters are still in need of help. Hundreds of landowners in my State, many of whom have their lands covered by several feet of river sand, want to voluntarily sell and move out of harm's way. Federal buyout programs, contrary to expectation, have been enormously popular. Why can't we extend buyout to cover these willing sellers?

Unfortunately, conflicting political agendas have created an adversarial atmosphere that too often labels people and sets them against each other: Environmentalists against farmers, river dwellers against Government officials and so on. Rather than cooperating to first complete the recovery process for flood victims and then set the future of floodplain management, we have become bogged down in suspicion, trapped by a web of peripheral detail.

Most reasonable individuals with an interest in river policy agree that both commercial and environmental concerns must be included with our discussions about the future. If we completely stop living and farming along the river our economy will suffer irreparable damage. If we choke and constrict our rivers to death, innumerable ecosystems supported by the rivers will die with them.

One thing is sure: If we do not cooperate in planning the future of our rivers and floodplains, people will suffer from our stubborn neglect. They will suffer with lost homes and businesses, in lost lives, and the American taxpayer will pay the price for uninsured land and poor hazard mitigation.

The Great Flood of 1993 demonstrated that our patchwork of levees and building codes, the scattered coverage of the National Flood Insurance Program, and the lack of any meaningful planning and control creates trouble for all our constituents; 70,000 homes were destroyed outright by the waters, hundreds of thousands more were damaged, 70 million dollars worth of damage was done to public roads and highways in my State. Agricultural losses of $1.8 billion were posted in Missouri alone; 840 of 1,456 Missouri levees were damaged, breached, or overtopped.

The bill for most of this damage, which amounted to tens of billions of dollars, was paid by taxpayers throughout Missouri and throughout America. If we do not act to prevent this level of damage from occurring again there will be another bill due, then another.

For the sake of the small business owners who spent a tortured year trying to wring help from an unresponsive bureaucracy, for the widow who returned to her farmhouse to find 5 feet of mud in her living room, for the good-natured souls who toiled in driving rain and beating sun to save the homes of people they never met before, I hope that we can come together and see that the cost in broken lives and homes is never so high again.

CLINTON JUSTIFICATION FOR INVASION RINGS HOLLOW

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BEREUTER. Mr. Speaker, several weeks ago President Clinton appeared on national television to tell the American people that that United States military force was necessary to restore the duly elected leader of Haiti. The American people were told in somber tones that it is wrong to tolerate a regime that did not recognize the democratic will of its people. "If General Cedras won't honor the election of Aristide, then the United States must invade."

But these noble sentiments seem hollow indeed when one looks at the way the Clinton administration shamelessly and for pure political expediency condoned the usurpation of the Democratic process in the neighboring Dominican Republic. This Member will remind his colleagues that Haiti shares the island of Hispanola with the Dominican Republic, and that this nation has been ruled by Joaquin Balaguer—who is blind, near-deaf, 87 years old—for 20 of the last 28 years.

In elections this summer, Balaguer stole the election. And this is not the first time that Mr. Balaguer has rigged an election. By preventing tens of thousands of opposition supporters from voting, the ruling junta in the Dominican Republic clearly and unambiguously thwarted the will of the people. Election observers such as our former colleague Steve Solarz made it clear that the elections were a fraud. Indeed, the National Democratic Institute, the democracy-building arm of the President's own party, called the elections fraudulent.

But, Mr. Speaker, it seems that the Dominican Republic was necessary for the Clinton administration's Haiti policy. You see, we needed the support of Balaguer and his cronies if we were to seal the border with Haiti. So instead of expressing outrage at the blatant usurpation of the democratic process, we give the Dominican Army $15 million for helicopters and vehicles so that they can patrol the border with Haiti. The Clinton administration may have complained a little, but in the end acquiesced for another 2 years of illegal rule in the Dominican Republic.

Mr. Speaker, already the weak rationalizations that President Clinton used to justify the Haiti invasion are being laid bare. First we are told that General Cedras is a war criminal; but now we are assured that he is a man of honor. And now we see that the President's desire to protect the sanctity of the electoral process is a sham.

This Member would simply say that the American people do not take kindly to crass hypocrisy for the sake of political expediency. Is it any wonder that the American people don't trust the Clinton administration's foreign policies.

FOR A FREE AND DEMOCRATIC IRAN

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. McCOLLUM. Mr. Speaker, I want to call to the attention of my colleagues one of the most balanced, if not the most balanced, publications on Iran. The Azadegan Foundation founded by Gen. Dr. Bahram Aryana and now ably led by Dr. Assad Homayoun, has done a remarkable job of reporting on conditions in Iran and the need for a free and democratic Iran. The following is the September issue of Focus on Iran. I am sure you will agree that Dr. Assad Homayoun is a thoughtful and visionary leader of the Azadegan Foundation and I hope in the near future one of the democratic leaders of a free Iran.

The text of Focus On Iran reads as follows:

[From Focus On Iran, September 1994]

SILENT TOO LONG

The purpose of Focus On Iran is to advance the cause of freedom and liberty of the Iranian People. For too long have their voices been muted by the self serving totalitarian regime of the clerics occupying the seats of power in Tehran. It will also serve to bring relevant information and analysis to the attention of the people of the free and democratic world so as to correlate the events with their national security and other vital interests.

In this presentation, we will endeavor to answer the following key questions regarding the nature and consequences of the activities of the current clerical regime, the aim being to illuminate the necessity for such a publication at this time, in order to make the voice of the oppressed and terrorized citizens of Iran heard by the general public as well as by the leaders and policy makers.

1. Why is a democratic Iran important to the world community?
2. Why is Focus On Iran necessary?
3. What are the potential consequences of the attitude and policies of the current regime in Iran?
4. What do we desire of our readers?

A FREE, DEMOCRATIC IRAN AND THE WORLD COMMUNITY

The most important reason for a free and democratic Iran is that it will provide the people their fundamental and essential human rights. Since the onset of the current revolutionary government in 1979, the basic political economic, and religious freedoms of the individual citizen has become very restricted. Arbitrary imprisonments and executions have become the order of the day and religious and political persecutions have become the basic tenets of the regime.

A stable and democratic Iran, concerned with the improvement and the wellbeing of its people through economic and social development, is less likely to be a threat to its neighbors and the adjoining region. Under these conditions. Iran could become an important factor for regional peace and stability on behalf of its own national interest and that of the international community. Closely related to Iran's role in the interests of the regional peace and stability is its potentiality as a significant force for controlling conventional/non-conventional weapons proliferation.

A politically threatened totalitarian regime such as present-day Iran can only depend on the greater number and force of its weapons arsenal for security, rather than consent and support of its citizens. The danger of the Tehran regime seeking the acquisition of nuclear, biological and chemical weapons to insure its retention of power is real to the region and the world at large. As a consequence of these developments, the national security and unity of Iran is at risk, and it is the Iranian people that will ultimately suffer.

A free and democratic Iran would respect the rights of all peoples not only within its borders but throughout the international community. Of particular concern is Iran's policy of supporting terrorism against individuals, groups, and even nation states. The campaign against Salman Rushdie, support of terrorism in Lebanon, Egypt and Algeria, the backing of the radical, fundamentalist regime in Sudan, and the recent acts of terrorism in Latin America, are examples of the activities of the radical clerics ruling Iran.

Finally, a free and democratic Iran can be a force for international good. This can be achieved through a reformed Iran's participation in regional collective security and arms control/limitation, and the various cooperative endeavors of the United Nations. The present totalitarian theocratic regime is virtually isolated from the international community and makes no contribution to the United Nations collective security and peace making/peace keeping undertakings. Iran's isolation and loss of international credibility comes at a time when its influence for stability and peace could be most effectively used in the Middle East, the former Soviet Caucasus and Central Asia, and Afghanistan. Iran's contribution to security and peace is particularly important in the Persian Gulf region, where no security is viable without its active participation.

THE NEED FOR FOCUS ON IRAN

Focus On Iran is essential to the cause of the Iranians seeking to express to the world their fervent desire for freedom, liberty and peace, and to expose the nature of the current clerical regime ruling Iran, their behavior regarding the treatment of their own people as pertaining to the violation of human rights, and their utter disregard for all international norms and standards. As noted above, Iran's gross violations of human rights has been well documented, especially in the American and European press. However, those reports and observations tend to be lost in the welter of world news, deemed by editors and media reporters to be of less importance of 'newsworthy' than other events.

Focus On Iran will make known to everyone the current regime's violation and buses of power, both inside Iran and in the international area. In this manner, the government will be held accountable for its actions. Their behavior will not be lost nor hidden to the world, and ultimately the regime will be forced to answer for its continuing human rights violations. special emphasis will be given to reflecting the views and opinions of the youth and women, a perspective not generally seen outside Iran.

Secondly, the international community must be made aware of Iran's threat to regional stability through it conventional/nonconventional arms build-up, and state sponsored terrorism. Focus On Iran will provide national leaders with the most up-to-date assessment and commentary on Iran's covert and overt military activities and threat: potential, regional and otherwise.

Thirdly, Focus On Iran will provide the oppressed Iranians a forum, as well as support and encouragement in their fight for democracy and freedom.

Finally, Focus On Iran provides Iranian patriots throughout the world an opportunity to contribute to, and support the political liberation of Iran from its despotic rule. It will serve as an information resource and conduit for those activities leading to Iran's ultimate liberation and freedom.

THE CONSEQUENCES OF IGNORING THE CURRENT REGIME

Two major consequences are most likely to develop, both of which have serious repercussions domestically and internationally. In the domestic environment, greater repression of civil rights and personal liberties will continue until this theocratic totalitarianism will parallel Hitlerism and Stalinism. The economy is in shambles, and the educational system grossly overloaded. The clerics have busied themselves with the expansion of the "Islamic International" and the propagation of "Khomeinsim", to the detriment of the welfare of the people.

In the international arena, one can expect to see a wider extension of state-sponsored terrorism and activities detrimental to governments deemed not favorable by the clerics. In the era of "post-cold-war" and demise of international communism, it would indeed be ironic if these radical clerics in Iran are allowed to sponsor a "fundamentalist international". Indeed, their threat to world peace and stability will be just as pervasive. To further elucidate our contention that the self-serving policies of the clerical regime are not only detrimental to the freedom and security of Iran, but are de-stabilizing to the region, and undermine world peace, we shall briefly review the activities of the regime in the fifteen years of its existence.

DOMESTIC NEGLECT

The domestic policy of the clerics can be summed up quite briefly as repression on the social front, neglect in the educational and public health arena, and chaos in the economic field.

Except for their ardent followers, the clerics do not discriminate when it comes to oppressing the people. The women have been forced back to the dark ages. They must cover themselves from head to toe in public. They are not allowed to bear witness in court, because their legal status is half that of a man. they are not allowed to wear make-up, go to mixed beaches or swimming pools, ride in a car with someone they are not married to, wear high heels * * *. The situation is so oppressive that a few months ago, an American trained doctor, Mrs. Homa Darabi burned herself to death in protest of the government's policies and treatment of women.

As for men, likewise, they are not allowed to wear short sleeved shirts. Neckties have recently been outlawed by the Spiritual Leader, who has decreed their usage a cardinal sin. They are not allowed free association in social or political groups unless sanctioned by the clerics. Political parties are not allowed to be active unless they subscribe to the radical philosophy of the regime. Persecution, imprisonment, and summary executions of political opponents is the rule "by the Grace of God".

Religious minorities are systematically persecuted. Christians, Jews, and Bahais have been assassinated or executed. In the recent past, five Christian priests have lost their lives. The Reverends Arastoo Sayyah, Bahram Dehghani, Mehdi Dibaj, Hayek Hovsepian Mehr, and most recently, Natavoos Mikhaelian have been murdered. Since the beginning of the revolution, many Shiite clerics not agreeing with "Khomeiniism" have been defrocked, exiled, and even executed. Any person perceived not to be adhering to their interpretation of the tenets of Islam, may be apprehended and punished. This could range from not fasting in the month of Ramazan to drinking alcoholic beverages, for which the punishment is normally flogging.

Many literary figures have been summarily jailed. Mr. Saeedi Sirjani, a noted and highly respected writer and researcher has been held for five months incommunicado. It has been reported that he has been tortured with the aim of extracting from his a confession with which the regime could damn him. Likewise, Mr. Niazi Kermani, another writer was detained without reason or due process of law. At one point, the businessmen of the "Bazaar" in Tehran seemed to enjoy a degree of immunity because of their past financial support of the regime. For them too, the tide has turned. Mr. Mohammad Hossein Khotani is one such businessman jailed without any reason or cause or due process.

The educational system of Iran has been destroyed. The greater majority of the eligible college age students do not get the opportunity for higher education because of the limited capacity of the universities and colleges, and the lack of trained teachers.

Last year, according to the government controlled press reports, 1,112,000 students participated in the college entrance examinations, competing for 138,486 available seats. Of the available seats, 40% had been reserved for the Islamic militia, Basij (Khomeini's red guards), and other groups associated with the regime. The purpose of these reserved seats is not to create a more educated militia, but to control the students lucky enough to be accepted.

Public health is on the verge of disaster. The number of hospital beds per capita has been declining steadily. The number of medical professionals as a percentage of population is rapidly decreasing. Infant mortality is on the rise, and the population growth factor has also increased to over three percent, one of the highest in the world. In 15 years, the population has increased from 36 million to 65 million today, and is projected to surpass 85 million by the turn of the century. Common drugs are at a premium, while more specialized drugs are non-existent. There is no serious planning to answer the immense problems of the young population in order to avert future catastrophe.

The economic picture is rather bleak. There are over 12 million unemployed. The rate of inflation, according to one conservative estimate is 60%. The Rial has depreciated from $1=R70 (1979) to $1=R2550 (today). The national debt stands close to $40 billion. The per capita income has fallen from around $2000 in 1979 to under $1000 today. The GNP has had a similar fate. Very little has been added to the industry that existed, and what existed is, for the most part, in urgent need of renovation and repair. What is being purchased from abroad, aside from what is related to the armament program, is a hodge-podge, without any cohesive planning, or priorities. The determining factor is not national planning, but personal relationships.

Capital investment, even in areas vital to the economic viability of the nation is neglected. The regime is neglecting its own life-line: oil. The oil industry, in order to remain productive, is in dire need of capital equipment. If this gross neglect continues, according to Mr. Ardeshir Fathi, the current deputy oil minister, the wells will start drying up in fifteen years. Such mismanagement of the economy, as well as the immense spending on armaments without a clear national strategy, but solely based on their radical theocracy has brought about an economic crisis of immense magnitude.

Adverse economic conditions coupled with an oppressive social and political situation have brought about sporadic and spontaneous riots and rebellion throughout the country.

In the past two years, riots have broken out in the cities of Arak, Mashad, Najafabad, Shiraz, and on August 2nd and 3rd of this year, in Qazvin, and more recently in Tabriz and Zanjan. According to the latest reports, the Qazvin riots left 40 dead and several hundred injured. These riots are indicative of the fact that the people of Iran have reached the point of no return. They are fed-up with the regime of the mullahs, and would like nothing more than to replace them. They need the support of the world public opinion to succeed.

FOREIGN POLICY

For the past 15 years, the entire domestic and foreign policy of the current clerical regime has been to emphasize the Islamization and "de-Persianization" of Iran, and the promotion of the Fundamentalist International, or, to use a simpler term, "Khomeini-ism". This at the price of much needed political and economic reforms, and against the will of the majority of the Iranian people.

The clerical clique in Tehran views the world as a mosque which must be run by clerics who are inspired by the ecumenical revolutionary ideals of Ayatollah Khomeini. Tehran has achieved its goal of leading the militant Islamic drive to penetrate and exploit all regions susceptible to fundamentalism. The mullah-led leadership has constantly re-iterated its intention to liberate Jerusalem from the infidel, and shown its displeasure over control of Mecca by the Saudi regime. The Iranian government's indictment and pursuit of Salman Rushdie is indicative of their assumption of moral leadership of the entire Moslem world. In this regard, all clerics are unanimous. There is no such entity, as some specialists mistakenly contend, as a "moderate cleric". Their differences are on the tactics not the goal. All mullahs ruling Iran are dedicated to the Islamic International and the theory of "Velayate Faquih" as defined by Khomeini and his successors.

Hojjatol-Islam Rafsanjani, the "President", and Ayatollah Khamenei, the "Spiritual leader" have been repeatedly speaking of the "Islamic Block". They have come to envision themselves as leaders of a resurgent crusade against the west. They hope, ultimately, to precipitate a new round of crusades between the Moslem and the Judeo-Christian worlds. Toward this goal, and in order to paralyze the West, they have sanctioned every means including international terrorism, regardless of its consequences for the people of Iran.

FOCUS ON IRAN AND ITS READERS

Sooner or later, Iranian public opinion will overcome the odds, and its demand for the replacement of the clerical regime will come to fruition. The modern communications revolution has made the rule of force, at best, transitory. Once the world finally perceives that the majority of the people of Iran have been saying all along, ie: that the ruling clerics are not legitimate representatives of the people, then the international public opinion will support the Iranians in their quest for freedom and peace. It is the desire of the Focus on Iran to bring to its readers the urgency and necessity of their active participation by whatever means and to whatever degree of involvement they choose, in order to bring about the replacement of the current regime.

Focus On Iran, being the reflection of the voice and desires of the Iranian people—in essence the conscience of the Iranian people—would like to welcome their active participation in making themselves heard throughout the world as a force fighting for freedom and justice.

The past 15 tragic years have served to reawaken the Iranian people, and has forced them to re-evaluate their values, beliefs, desires and outlook on life in general and their own historic truth in particular. A cohesive nation was plunged overnight from its fast track (rutted as it may have been) to development, riches, and success, to an abyss where terrorism and terrorists reign supreme, where life has become a struggle for mere survival, and people have become cannon fodder in the quest of the clerics to advance their anti-Persian, primitive ideals.

We are the voice of these people, and we mean to make ourselves heard.

OBSERVATIONS ON THE LOBBYING PROFESSION

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LAROCCO. Mr. Speaker, as the House of Representatives continues debate on the issue of lobbying reform, I call the attention of Members to the October 5, 1994, remarks of Mr. John Hunnicutt, chairman of the Bryce Harlow Foundation. I believe his observations on the lobbying profession, and his recollections of Bryce Harlow in particular, offer important insights for all of us to consider and reflect upon.

REMARKS OF JOHN HUNNICUTT, CHAIRMAN, BRYCE HARLOW FOUNDATION, ANNUAL HARLOW AWARD DINNER, OCTOBER 5, 1994

I want to take a few moments now to talk about a matter not often discussed in polite company—namely, our profession, corporate representation or lobbying.

Attacks on lobbyists are nothing new. They date back to the beginning of the Republic—the Roman Republic. It may have been Cicero, not Fred Wertheimer, who first inveighed against PACs and special interests.

But the attacks seem to me to be far more intense now, and far more reckless, than they have ever been before as I recollect my time in Washington.

One would never know from the nature of the discussion that the right to lobby is rooted in the first amendment along with freedom of religion, freedom of speech and freedom of the press; "Congress shall make no law respecting * * * the right of the people * * * to petition the Government for a redress of grievances."

For the past several years, in the context of legislative efforts to control the sale of hand guns and assault weapons, Congress has devoted many hours and much passionate debate to considering whether such steps would offend the second amendment's "right of the people to keep and bear arms." That issue has been discussed extensively on the nation's editorial pages, on TV public affairs programs and on the talk shows. Huge letter writing campaigns have been generated—on both sides of the issue.

Yet, while major changes have recently been made in the definition of lobbying and in the tax treatment of expenses for lobbying and associated activities, there has been no real discussion of the Constitutional protection afforded lobbying. Nor has there been any serious discussion of the legitimate—indeed, I dare to say essential—role that professional lobbyists play in the formulation of sound public policy. To quote Bryce Harlow: "Those who are effective and principled advocates of the interests of their companies and of the business community as a whole help government arrive at better-informed and, therefore, potentially better decisions. Good representatives of good business contribute a great deal to good government."

The past Congress has also seen the introduction of proposals to make other significant changes in the lobbying laws. Not all those changes are bad, nor should they be resisted by people who honorably practice our profession. The registration and reporting requirements in the 1946 lobby law are ineffective. We all know that. Definitions and scope of coverage are certainly worthy of discussion. Are there good reasons to include contacts with members but not with staff? Are there good reasons for excluding contacts with top Executive Branch officials?

But while we may be willing to participate in a reexamination of the lobby law, as government relations professionals we have the right, we have the obligation to insist that corporate representatives not be relegated to second class citizenship in relation to so-called "public interest lobbyists," who are also paid to represent a cause. We are not, again to quote Bryce Harlow, "a malign influence." "Good government" does not require isolation from the expertise of the private sector. One could argue persuasively that exactly the reverse is true.

We have the right and the obligation to insist that the Administration and Congress recognize that the public's right to know includes our right to know, as representatives of an essential segment of our society, how business will be affected by proposed policies. We have the right and the obligation to insist that the Administration and Congress recognize that the public's right to free speech and to petition for the redress of grievances includes our right and the right of our employers or clients to speak our minds regarding these proposals and to make our views known to government officials at all levels.

To be sure, we have the obligation to conduct our lobbying activities ethically, to present our views clearly, to support them with facts, and to tell policy makers the truth. We have the obligation to remain faithful to the public interest, to respect the views of others, to avoid cynicism about process, to trust and to be trustworthy. But we cannot allow ourselves to be marginalized in any policy debate by attacks made on our integrity by those who disagree with us. They certainly have the right to disagree with us. But they do not have the right to deny us our right to disagree with them, nor do they have the right to stigmatize our views as illegitimate.

Everyone who believes in the American system of government ought to be worried these days about the increasing incivility of political discussion in this country. We see it in attacks on the President. We see it in attacks on Congress. We see it across the aisles in Congress. We also see it in attacks on lobbyists. There's a growing tendency for people on one side of an issue to demonize people—and especially interest groups—on the other side of that issue. This incivility, these attacks on institutions and on people on the other side of an argument, carry a cost, I believe, to the very process of government.

Now I know there are people who define politics as a blood sport—and enjoy the spectacle. They also say it is part of our political history and heritage. But I was taught and continue to believe that today's opponent on a particular issue may be tomorrow's ally on another issue. In the world of hardball politics, that may be an antique view. But it's a view worth preserving in my opinion. Indeed, the public interest is perhaps better served by Marquis of Queensbury rules than by the street alley brawling that too often passes these days for political discourse.

There's no one who more ennobled the honorable profession of lobbying than Bryce Harlow. I underline the word honorable. And no one practiced it with greater grace or civility. And few had a higher batting average.

Bryce moved back and forth from the private to the public sector. And while that might in today's world have drawn a load of brickbats alleging "conflict of interest," the fact, as anyone who knew Bryce Harlow would testify, is that Bryce served the public when he was in government and his employer when he was in the private sector—and he didn't confuse his roles.

What distinguished Bryce in both his public and private lives was that he always sought to identify the underlying public interest and to support policies that corresponded with the public interest. You didn't have to agree with Bryce but you always had to reckon with him. He could never be dismissed as "a lobbyist," dripping sarcasm as is too often the fashion these days. Bryce Harlow was entirely capable of telling his superiors in government or his employer that what they were proposing to do was wrong or politically unsaleable. His gift was that he profoundly understood the essential relationship between business and government, and he believed in its importance to the country.

I'm proud to have known Bryce Harlow. And there are other men and women in this room who also knew him and, I am quite certain, would agree with what I've said about him. However, it is not merely to honor Bryce Harlow but to honor what Bryce Harlow stood for, the excellence and effectiveness of his professional conduct, that we are here tonight.

The Bryce Harlow Foundation, established is 1981, is dedicated to: perpetuating a good government-business dialogue; eliminating the combative, adversarial nature of the relationship; promoting the professionalism of corporate representation, fostering integrity; and educating people, particularly students and new entrants into this profession.

* * * * *

women in this room, as well as our colleagues in this city (and in the state capitals) have a vested interest in the work of the Foundation.

Bryce Harlow's viewpoint on the affairs of government, is too often missing from today's discussion of lobbying.

My colleagues on the Board of the Bryce Harlow Foundation thank you for being here tonight.

TRIBUTE TO WILLIAM SIDELL

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FILNER. Mr. Speaker, I rise today to pay tribute to the late general president of the United Brotherhood of Carpenters and Joiners of America—William Sidell.

Sidell was born in Chicago in 1915, the son of a carpenter. From his father, he learned the need for civic and social responsibility.

His career with the Carpenters and Joiners started with his apprenticeship with local 721 in 1920. Within the local, he worked his way up from recording secretary to organizer to president. He became secretary-treasurer of the Los Angeles County District Council in 1957 and served as executive board member of the California State Council of Carpenters. During the 1960's, he rose to first general vice president of the national executive board.

In March, 1972, upon the retirement of General President M.A. Hutcheson, he assumed the office of general president of the 800,000 members of the United Brotherhood of Carpenters and Joiners of America. He was reelected as general president in 1974 and 1978.

Although his duties with the Carpenters and Joiners kept him busy, Brother Sidell still managed to devote time to many civic and social interests. He served on the California Governor's Advisory Commission on Housing Problems, the Los Angeles Mayor's Labor-Management Committee, and the executive board of both the California and Los Angeles Committee on Political Education.

Sidell achieved what many of us strive to do in our lives—balance our professional careers with the need to give something back to our community.

We send our condolences to his family, friends, and brothers and sisters of the United Brotherhood of Carpenters and Joiners. They have lost not only a good friend, but a role model for all members of our community.

"INDIA'S DIRTY LITTLE WAR"

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BURTON of Indiana. Mr. Speaker, I would like to put into the RECORD a recent editorial from the New York Times about India's human rights abuses in Kashmir. I would like to commend the New York Times for paying attention to the atrocities being committed in this distant corner of the world, and urge other news media to do the same.

The Times' editorial was prompted by a report from Human Rights Watch/Asian entitled "Continuing Repression in Kashmir—Abuses Rise as International Pressure on India Eases." The report details the murder, torture, and rape of the Kashmiri people by Indian security forces and notes that India's trading partners have ceased pressuring India on human rights in order to improve economic relations.

The report states:

The human rights situation in Kashmir is getting worse at a time when international pressure on the Indian Government has all but ceased. Indeed, it could be argued that the increase in deaths in custody and other abuses over the last 6 months is not unrelated to the signals sent by India's one-time critics, notably in bilateral discussions.

Mr. Speaker, this is wrong. We must continue to protest the gruesome crimes being committed by Indian forces in Kashmir—gang-rapes, torture, murder, torching of entire villages. The Clinton administration must not be silent on this issue any more. When Congress returns in January, I will renew my efforts to cut India's aid until it repeals its repressive laws and stops the oppression in Kashmir. I will also reintroduce my resolution calling for U.N. sponsored plebiscite for the people of Jammu and Kashmir.

The Human Rights Watch report should be mandatory reading for every Member of Congress. I will not include the entire report in the RECORD, but I would like to include the appendix listing the interrogation centers in Kashmir where torture is practiced. My colleagues will note that it is a lengthy list.

Mr. Speaker, I would also like to comment on a related subject. It has come to my attention that several of my colleagues have prepared a letter to the State Department urging that Pakistan be placed on the list of terrorist states. This would be a terrible mistake.

Placing Pakistan on the list of terrorist states would drive Pakistan into the arms of terrorist states such as Iran and Sudan. Instead, we should be working to pull Pakistan into a stronger alliance with the United States and other Western powers. Pakistan is a democracy which has joined us in alliances in the Persian Gulf war, Somalia and Afghanistan. This is a relationship we should be building on instead of tearing down.

On the issue of nuclear proliferation, we should be pursuing a policy of limiting and reducing nuclear arms on a regional basis in South Asia. We must seek a regional agreement to eliminate nuclear arms—in Pakistan, India, and all other nations in the region. This is the only solution. Attacking only one country is unfair and ignores the reality in that area.

The Pressler amendment has not worked, and it should be replaced with a more realistic policy of regional diplomacy.

APPENDIX I

List of interrogation centers in Kashmir where torture is practiced:

In Srinagar district.—Sonwar Bagh Joint Interrogation Center (JIC), Raja Bagh JIC, Pantta Chhok BSF camp, Government Degree College Bemina (now a CRPF camp), Bagh-e Mehtab JIC, Badami Bagh Army camp, and Old Airport Army camp.

In Baramulla district.—Pattan Army camp, Doobgah CRPF camp, Wadoora College Sopore BSF camp, Government Degree College Sopore BSF camp, Government Degree College Sopore BSF camp, Sundarwani Bandipora BSF camp, Dawar Gurez BSF camp, Gulmarg (Baba Reshi) Army camp, and Singh Pora Baramullah Army camp.

In Budgam district.—Pir Bagh Intelligence Bureau Interrogation Centre, Kakao Rini Chrari Sharif BSF camp, Khan Sahib Army camp, Town Hall Budgam CRPF camp, HMT Zainakote CRPF camp, Ompura CRPF camp, and Chana Pora BSF camp.

In Anantnag district.—Doora Shahabad Army camp, Khanabal Police Lines, Baniball Army camp, Chattergul Brah BSF camp, Khundroo Army camp, Qazigund Army camp, Bijbehara Army camp, and Frisal Army camp.

In Pulwama district.—Kakapora CRPF camp, Balev Gund Army camp, Shopian BSF camp, Police Lines Pulwama, Boonarta Army camp, Awantipora Army camp, and Tral Army camp.

In district Kupwara.—Zangli (Kalimitti) BSF camp, Trehgam Army camp, Karnah Army camp rest house, District Police Lines Kupwara, Battergam BSF camp, Chowkibal Army camp, and Drugmullah Army camp.

In Srinagar city.—Raj Bagh Police/CRPF camp, Seki-Dafar CRPF camp, Pampora (Bypass road) Police station, Bagh-e-Ali-Mardan Army/BSF/CRPF interrogation camp, Sakura Army/BSF/CRPF interrogation camp, Tail-Bal Army/BSF/CRPF interrogation camp, Shalimar Army/BSF/CRPF interrogation camp, Shah Cinema Army/BSF/CRPF interrogation camp, Neelam Cinema Army/BSF/CRPF interrogation camp, Hawal Cinema Army/BSF/CRPF interrogation camp, Hari Niwas Interrogation Center (CRPF), Papa I (CRPF), Papa II (BSF), Red 16 (BSF), Gogoland—between the old and new airports (CRPF), Bagi Ali Mardan (Nowshera) (BSF), Lal Bazaar Police Station (BSF), Hotel Mamta, Dal Gate (BSF), and Shiraz Cinema, Khenyar (BSF).

[From the New York Times, Sept. 6, 1994]

INDIA'S DIRTY LITTLE WAR

A relentless, deadly struggle goes on and on in India's mainly Muslim state of Kashmir, where New Delhi is trying to crush forces seeking independence or union with Pakistan. The violence comes from both sides, but India's insistence on resolving a political problem by force has increasingly enmeshed it in a campaign of lawless state terrorism. The ugly results are documented in a new study by Human Rights Watch/Asia.

Regrettably, Washington, instead of raising its voice to defend human rights, has lowered it in an effort to improve commercial and diplomatic ties. The U.S. may have little power to deter India from repression. But the Clinton Administration should assert American disapproval more forthrightly.

Kashmir's political status has been disputed almost since the subcontinent was partitioned in 1947. A local Muslim uprising drew armed support from Pakistan. The Hindu maharajah then called in Indian troops who recaptured most of his lost territory. The two countries have confronted each other over tense cease-fire lines ever since. Meanwhile on the Indian side a promised plebiscite was never held and the state was formally incorporated into India in 1954. Separatist agitation continued on and off, flaring again into open conflict in 1989.

Some pro-Pakistani militant groups have reported to terrorist deeds like kidnapping, assassination and extortion and even to common crime. No political grievance can justify such acts.

But Human Rights Watch/Asia reports that Indian forces, which are obliged to follow higher standards, have also resorted to reprisal killings and burning down villages. They are also said to be executing many suspects without trial; 200 in the first half of this year and 50 in one month alone, according to local human rights groups. There are also many reports of torture and "disappearances," two other common features of state terrorism.

India insists has prosecuted some responsible for these crimes, but has offered no information about such prosecutions. The State Department, in its latest annual human rights report, said "there was little evidence that the responsible officials received appropriate punishment."

Until this year, American officials were equally candid in their public statements. But more recently, after New Delhi warned that continued human rights criticism could damage relations, the Clinton Administration has gone silent on the subject. Meanwhile, India has aggressively courted help from the likes of China and Iran to block condemnation by the U.N, Human Rights Commission

The Administration needs to find a firm and consistent voice on human rights, whether in powerful countries like India and China or puny ones like Haiti and Cuba. Selective denunciations carry no moral authority. Criticizing the weak but not the strong is bullying, not leadership.

Meanwhile India, which captured the world's moral imagination with Gandhi's nonviolent struggle for independence, is now in the unflattering company of countries that use deadly force in keep their unhappy citizens in line.

SENIORS SHUNNING COMPUTERS?

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. GINGRICH. Mr. Speaker, I would encourage my colleagues to read the following article by L.A. Lorek about the growing number of senior citizens who are making the transition into the age of the computer.

As we move closer and closer toward the 21st century, the technological advances that we are experiencing and will experience, will massively expand our capacity to educate ourselves. For this reason, we should be very technologically oriented and we should reestablish technological advancement as a key part of our future.

Mr. Speaker, I hope that all of my colleagues will take the time to read L.A. Lorek's insightful column.

[From the Birmingham News, Sept. 13, 1994]

SENIORS SHUNNING COMPUTERS? DON'T YOU BELIEVE IT.

(By L.A. Lorek)

FORT LAUDERDALE, FL.—Julian Tannenbaum, 63, tracks retirement investments and personal finances on his laptop computer in Delray Beach, Fla.

Lynn Osterman, 57, runs a real estate business out of her home with the aid of her personal computer.

Lou Michael, 91, published his memoirs on a desktop personal computer, at his home in Lake Worth, Fla.

Although they grew up during a time when typewriters still required carbon paper to make copies and computers didn't exist, adults age 55 and over is the fastest growing group of new personal computer owners.

Nearly one out of every three adults in South Florida, or 31.7 percent of the population, owned a personal computer. In 1993, according to the 1993 Scarborough report which tracks retail trends. That's up about 77 percent from 1990 when 18.6 percent of the local population answered yes to Scarborough's question.

But PC ownership among those 55 and over jumped in the same three-year period. In 1990, about 8.7 percent, or 82,500 adults, over 55 in South Florida owned a computer. By 1993, the number of PC owners in that age group was 169,000, or 19.3 percent of the population of adults 55 and over.

"It keeps me young," said Tannenbaum, who is taking a class at Computer Coach in Boca Raton to learn more about using Microsoft's Windows program.

"I want to keep in touch with today's generation," Tannenbaum said. "The best way to learn to use a computer is to forget everything you learned in the past and keep an open mind."

Osterman said she wants to use her computer to get on-line and exchange messages with her children and grandchildren.

"They all have e-mail," Osterman said. "For my generation, computers are something we're having to learn late in life, but we're adapting to them. I'm even learning some things about computers my kids don't know."

Computer sales to seniors are growing nationwide, said Paul Wheaton, spokesman with Dataquest, a San Jose, Calif.-based market research firm. Dataquest doesn't track sales based on age, but reports that consumers bought more than 5.3 million personal computers for their home in 1993, representing 36 percent of the market.

Several businesses such as Computer Coach in Boca Raton offer classes to teach adults how to use computers with prices starting at around $99 for five hours of instruction. Florida Atlantic University, Palm Beach Community College and Broward County School's Adult and Vocational Centers offer computer training geared for adults and seniors.

A drop in computer prices and easier to use consumer-based software has prompted more seniors to buy computers, said Jack Matisoff, 75, who founded Huntington Lakes Computer Club in Delray Beach four years ago. The club, which meets on the second Thursday of every month, has 50 members ranging from 55 to 79 years old.

Like other seniors, most of the Huntington Lakes Computer Club members use computers to track investments and for word processing, but the computer on-line services are also becoming very popular, Matisoff said. More than a dozen computer club members regularly exchange electronic mail with one another on-line, he said.

"We've got a lot of people interested in the latest technology and how to make it work for them," Matisoff said. "We try to keep the meetings down to earth so they can learn and not be intimidated."

More than 14,500 people have signed up for America Online's Senior Net, a non-profit group for computer users 55 and over. CompuServe's Senior Forum and Prodigy's Seniors Bulletin Board, both boast more than 200,000 subscribers each. In general, subscribers pay a monthly fee from $9.95 to $14.95 to access the forums.

Most of the on-line services aimed at seniors contain a wealth of information on Social Security, health and medicine, computers, finances, families, cooking and more. They also feature chat sessions in which seniors can meet and exchange information on a variety of topics from divorce to skydiving.

One of the most popular areas in which people post messages in Senior Net is called Generation to Generation, said Margaret Ryan, America Online spokeswoman. The bulletin board contains thousands of messages with seniors and youngsters exchanging information on careers, wars, politics and music.

IN SUPPORT OF THE NEWARK-ELIZABETH RAIL LINK EXTENSION

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FRANKS of New Jersey. Mr. Speaker, last month, the House of Representatives passed the fiscal year 1995 Transportation appropriations bill. Included in that bill was $107 million in funding to enable the ambitious North Jersey Urban Core transportation initiative to move ahead on schedule. A key component of Urban Core is the development of a light-rail link between Newark and Elizabeth.

Mr. Speaker, today I rise to lend my full support to a logical and critically important extension of the Newark-Elizabeth rail project to the city of Plainfield.

Plainfield is a city struggling to come back from two decades of economic decline. This extension could serve as the catalyst for economic revitalization and job opportunities for the people of Plainfield. It would provide the residents of the city and surrounding communities with a vital link to thriving centers of economic development and new jobs, such as Port Elizabeth and Newark International Airport.

Light rail is a modern version of the old trolley. Most light rail runs with just one or two cars, unlike regular trains that operate with many more cars. It is flexible and can be used on existing tracks. In the case of the Plainfield extension, the trolley could run on the old Central New Jersey tracks. It's also fast, clean, quick and efficient.

The benefits of a light rail extension to Plainfield are numerous and far-reaching.

First, I have always found it incredible that one of the busiest airports in the Nation, Newark International, has no direct rail service to the heavily populated areas of northern and central New Jersey. Construction of the Plainfield extension will provide the people of this city, as well as residents throughout Union and Somerset Counties, with a fast and convenient alternative to driving when they need to use this busy and still growing airport. By hopping on a trolley, people will be able to avoid the aggravation of fighting traffic, paying astronomical parking fees, and worrying about whether their car will be there when they return from their trip.

Next, the Plainfield trolley would be more than just a rail link, it would be a jobs link. The Elizabeth waterfront is on the verge of becoming a major commercial and retail center. IKEA is getting ready to break ground on a new "power center"—a 375,000 square foot extension of its facility that is expected to create 600 new jobs. The Orion Corp. is preparing to build a "super mall"—with up to 12 anchor stores and 180 smaller stores. It would be the source of literally thousand of new jobs. And that's only the first phase of the project. Orion has plans to construct even more retail facilities, as well as waterfront restaurants. Finally, Wakefern Corp. has plans to build 800,000 square feet of commercial and retail space.

The Elizabeth waterfront is poised for a major economic boom. For the city of Plainfield, which has been plagued by high unemployment, a direct trolley link to the Port of Elizabeth would open the door to economic advancement for hundreds, or even thousands of residents, who have been unable to find work.

Trolley service could also be the cornerstone for the economic rebirth of Plainfield itself. The possibilities are endless. New shops, restaurants, and office space, state-of-the-art manufacturing facilities—a city bustling with commuters and shoppers.

For Plainfield—which has had more than its share of hard times, false starts, and unfulfilled promises—trolley service represents the best hope of economic renewal. I remember coming to Plainfield as a child to shop at Teppers and the other exclusive shops that lined Front Street in Plainfield.

Trolley service can help launch a new era of prosperity. It has happened in other cities and it can happen here. Take Arlington, VA, across the Potomac from Washington, DC. Arlington was a city in economic decline until it linked up with Metro rail service in the late 1970's. Today, Arlington is on the upswing. Crowded restaurants, shops, apartment complexes, movie theatres, and businesses now stand where there were once boarded up buildings and vacant lots. The redevelopment actually follows the path of the rail line. Although this turnaround did not happen overnight—in fact it took over 20 years—it shows the dramatic and long-term impact rail service can have on a community.

Unlike starting up a bus line, the initiation of rail service signals a long-term commitment. It makes a community more attractive to real estate developers who are looking to invest in areas with a potential to grow and prosper. Investing in the community means more jobs and a more desirable place to live.

This rail line could be the spark that says, "Plainfield is back and open for business."

There's another equally compelling reason for moving ahead with this project: Improving the quality of the air we breathe. Our State—the most densely populated in the Nation—has some of the most serious air quality problems in the country. The major east-west highways in the area—Routes 22 and 78—are jam-packed at rush hour. They're not equipped to handle the expected surge in traffic as population in the region continues to grow and once the Elizabeth waterfront development is complete.

But that's only part of the problem. New Jersey is under a Clean Air Act mandate to reduce our dependence on the automobile. New Jersey residents could face some draconian changes in their commuting habits and lifestyles, as well as a massive loss of Federal highway funds, if we don't reduce air pollution by getting more cars off the road.

Expanding rail service, which minimizes pollution, is the logical alternative. It's the best way for New Jersey to reduce air pollution without sacrificing mobility. And under federal law, we simply have no choice.

While we may have few options in terms of compliance with the Clean Air Act, we do have a choice in determining what rail projects should be given priority.

New Jersey Transit, in its environmental impact statement on the Newark to Elizabeth rail link, is considering not only the trolley extension to Plainfield but also the concept of bringing light rail service to Summit, via Springfield. As the Congressman for Summit, Springfield, and Plainfield, I always want to do what is best for all communities involved. However, because of the overwhelming show of support for this project by the people of Plainfield, as well as the long-term economic benefits it can bring to this city and its environs, I believe it would be in the public's interest to build the Newark-Elizabeth rail link extension to Plainfield first, before extending it to other areas of Union County.

In addition, elected officials in Springfield, one of the stops of the proposed Summit extension, have expressed serious concerns about the project. Township Committeemen Jeff Katz and Joe Cappa have questioned the viability of additional mass transit service and believe that it would create a danger to residents, as well as a financial hardship. Given the reluctance of local officials in that area, Congress should be very wary about committing substantial taxpayer dollars to support a Summit light-rail extension.

I have long been a supporter of expanding mass transit opportunities for New Jerseyans. In fact, earlier this year I was successful in having the House of Representatives pass legislation providing funding to reestablish commuter service on the West Trenton Line in Somerset and Mercer Counties.

Mr. Speaker, as a member of the House Public Works and Transportation Committee, I will be working hard to bring trolley service to Plainfield. Not only would it ease traffic congestion, help New Jersey meet its mandate under the Clean Air Act and provide greater mobility for the people of Plainfield, it can be the catalyst for new jobs and new commerce—a new beginning for the Queen City.

TRIBUTE TO RITA MARTIN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SMITH of New Jersey. Mr. Speaker, on October 14, a large gathering of friends and admirers will pay tribute to a truly remarkable and caring woman, Rita Martin of Bridgewater, NJ.

For more than 20 years, Rita has been a stalwart leader on behalf of the sanctity of human life. She has been tireless in her commitment to defend the most innocent and defenseless members of our society. Her love of life and her abiding respect for human dignity are evident to everyone she meets.

Rita has been an outstanding educator, organizer, fundraiser, and lobbyist. Her gentle demeanor helps her to reach those who have not previously been open to her important message. She is tenacious in her quest to defend the vulnerable but she always treats friends and adversaries with the greatest respect.

Since her years as local fundraiser and regional director for the New Jersey Right to Life Committee in the early 1970's, Rita went on to become president of the committee. I was proud to serve on the board of directors during Rita's outstanding tenure. Members of New Jersey's congressional delegation and the State legislature were very receptive to Rita's persuasive message and often stood with her in defense of life.

"Riter" subsequently become cofounder and legislative director for Citizens Concerned for Life, New Jersey. She has brought the same dedication and insight to this ongoing assignment.

As founder and board chairwoman of the Pregnancy Aid and Information Center in Raritan, NJ, and Great Expectations in Somerville, NJ, Rita demonstrates her compassion for women in difficult circumstances on a daily basis. She has provided housing, clothing, baby accessories and a great deal of moral support to hundreds of women in need.

The Catholic Diocese of Trenton and, subsequently, the Diocese of Metuchen recognized Rita's unique talents and appointed her as their pro-life liaison. She has also served as a member of the Public Policy Committee of the New Jersey Catholic Conference. The State of New Jersey, recognizing Rita's sound judgment, appointed her to their Bioethics Commission.

Rita Martin is the recipient of the New Jersey Right to Life Committee's highest honor, the Guardian of Life Award. She has also been honored by the Knights of Columbus at their New Jersey State Convention, and she has been presented with the Benemerente Medal by Pope John Paul II.

Throughout her life, Rita has been richly blessed and she has been a blessing to many others. Her husband, Dave, and four children are very proud of Rita's selfless dedication and many accomplishments. Her five grandchildren, one of whom will arrive very soon, could not have a better role model.

Congratulations, Rita, on a tribute that is well deserved and longoverdue. I wish you and your family great happiness in the years ahead.

THE REPUBLIC OF CHINA CELEBRATES NATIONAL DAY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BOEHLERT. Mr. Speaker, on October 10, the 21 million people of the Republic of China will celebrate National Day, commemorating the date in 1911 when this brave, intrepid nation was founded by Sun Yat-sen as the first republic in Asia.

This should be a joyous time for our friends, they have toiled long and hard to become an economic leader. They engineered a political transformation from authoritarian rule to a working democracy with legalized opposition parties and a free press. The ROC is the success story that the rest of the world's emerging democracies can learn from.

However, with all its economic and democratic success, the Republic of China is still treated like a virtual pariah in the international community. The ROC is not allowed to participate in the United Nations. Recently, our own President Bill Clinton refused ROC President Lee Teng-hui's request to stay overnight in Hawaii. All this, in hopes of not angering People's Republic of China—mainland China. The people of the Republic of China need and want our support and hospitality, not a slap in the face and a no vacancy sign on the door.

American economic and political interests in Asia are served by the stability of the Taiwan Straits. We must work with the President to forge a policy that enhances the ROC's legitimacy and international standing. We should no longer allow outdated and misguided political motives to tarnish the accomplishments this Nation has worked so hard to earn and deny the international respect the ROC so richly deserves.

In closing, I would just like to bid farewell to a distinguished public servant and friend from the Republic of China, the Honorable Moushih Ding. He has been promoted to the post of Secretary General of the National Security Council in Taipei. During his last 6 years here with the Coordinating Council for North American Affairs, Mr. Ding honorably represented his country and worked tirelessly to foster good relations between our two countries. He will be missed greatly. However, I look forward to working with his successor Mr. Benjamin Lu, the Representative of the Taipei Economic and Cultural Representative Office in the United States.

A RAID ON AMERICA'S PENSION FUNDS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SAXTON. Mr. Speaker, I have recently introduced an important piece of legislation, the Employee Benefit Plan Security and Protection Act of 1994. This bill will reiterate Congress's original intention that pension funds should only be invested in the best interest of the participants.

I have received hundreds of phone calls and letters from all over the country commenting on the importance of this issue. I believe that Congress needs to address this issue in the 104th Congress.

Below is an article that I wrote that appeared in the Wall Street Journal on September 29, 1994. I believe it helps explain why this legislation is needed.

A RAID ON AMERICA'S PENSION FUNDS

How many ways can the government lighten your wallet? The list is long, but a new threat just arrived: Your pension is now at risk. In a little-noticed passage of his 1992 campaign document, "Putting People First: A National Economic Strategy," President Clinton promised to create a "Rebuild America Fund," with a $20 billion federal investment annually for four years, leveraged with state, local and private-sector pension funds. Revenues from road tolls, solid waste disposal fees and public housing rents would "guarantee" a return from such investments.

Little was heard of this idea until this June when Labor Secretary Robert Reich issued a new regulatory bulletin to "clarify" the Employee Retirement Income Security Act of 1974, known as ERISA. For two decades, this law has protected participants in private pension funds by codifying the principles of the common law on the duty of a fiduciary, namely, to "discharge his duties with respect to a plan solely in the interest of the participants and beneficiaries and for the exclusive purpose of (i) providing benefits to participants and their beneficiaries; and (ii) defraying reasonable expenses of administering the plan."

Thanks to these protections, today some $3.6 trillion is invested in private pensions and another $1.4 trillion in public pension funds, about one-quarter of the stock and bond markets. The president is entrusted with the impartial administration of ERISA in order to assure the safety and security of participants' retirement incomes, but the Clinton administration wants to risk private pension money on high-risk, low-return political projects.

According to Labor Secretary Reich and his assistant secretary of labor for pensions and welfare benefits, Olena Berg, private pension funds should be "encouraged" to put money into "economically targeted investments." Funding ETIs means investing for "collateral benefits" like infrastructure, affordable housing, job creation, or enterprise development. Secretary Reich parses his words carefully to insist that ETIs are not "social investments" that pursue a political or social goal at the expense of maximum risk-adjusted returns. Yet this circumlocution turns out to be a distinction without a difference. Experience with the pension funds of public employees, which remain outside the scope of ERISA fiduciary, regulation, demonstrates why. Their track record on ETIs is dismal:

In 1980 the Alaska public employees and teachers retirement system funded loans of 35 percent of assets ($165 million) to make mortgages in the state. When oil prices fell in 1986, so did home prices and 40 percent of loans became delinquent or were foreclosed.

In the late 1980s the Kansas Public Employees Retirement System was held up as a model for its ambitious ETI investments. KPERS has since written off about $200 million in ETI investments.

In 1989 the Connecticut State Trust Funds invested $25 million in Colt Manufacturing Co. to save 1,000 jobs. In 1992 Colt filed for bankruptcy, endangering the whole investment.

Not all ETIs have been disastrous, but most have yielded subpar results. For example, by order of the Missouri Legislature, the Missouri State Employees' System used about 3 percent of its assets to put venture capital into small companies in Missouri. Three years and $5 million later, the program was terminated because of unsatisfactory returns and two lawsuits.

Statistical studies on ETIs support this anecdotal evidence. A 1983 study by Alicia Munnell, then with the Federal Reserve Bank of Boston and now a top U.S. Treasury official, found that public employee plans with targeted or social investments had assets that were significantly riskier, less liquid and earned lower yields. A 1993 study by Roberta Romano of Yale Law School found that the greater the political influence on the investment decisions of public employee pension funds, the lower the return. And a 1994 study by Olivia Mitchell of the University of Pennsylvania and Ping Lung Hsin of

Cornell University concludes that "public pension funds required to devote a portion of their assets to in-state investments * * * experienced lower investment returns."

ETIs are really PTIs—Politically Targeted Investment—and use the participants' money in ways that would not occur except for political pressure. Who pays for this party? You do. Lower returns imply lower incomes for retirees. Unless more is paid into plans from wages or other sources, defined benefit plans cannot fulfill their promises.

ETIs should be banned, not encourage. Yet the Labor Department has started an "ETI Clearinghouse" to begin operation before the end of the year "to help fiduciaries and investment managers choose appropriate ETIs" and to showcase "future opportunities and past successes" (not past failures).

Today, I am introducing a bill that will reiterate Congress's intent, laid out in ERISA, that pension funds be invested solely in the interest of their participants and beneficiaries. Mr. Reich, kindly take your "interpretative bulletin" and shelve it!

DUCKETT CREEK SEWER DISTRICT FACILITY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. TALENT. Mr. Speaker, it is with pleasure and a great degree of pride that I draw to your attention the accomplishments of the Duckett Creek Sewer District facility, located in my district. Duckett Creek has been selected to receive the Environmental Protection Agency's 1994 national first place award for an outstanding Operation and Maintenance Program in the Medium Secondary category. EPA has singled out Duckett Creek for the facility's demonstrated-innovative and cost-effective achievements. This selection is the result of an extensive national competition, which recognizes the outstanding achievements by the local community and the wastewater treatment personnel.

I would like to take this opportunity to recognize executive director Thomas L. Szilasi and the chairman of the board of trustees David Cosby, for their hard work and leadership of the Duckett Creek Sewer District. It is also my honor to recognize the entire staff at Duckett Creek for their continued commitment to serving the needs of St. Charles County with excellence and professionalism.

Mr. Speaker, I join the many customers of the Duckett Creek Sewer District in extending a thanks for a job well done, and congratulations on receiving the richly deserved award from the Environmental Protection Agency.

THE IEA PROGRAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. COBLE. Mr. Speaker, a successful school-to-work training program is being conducted in Greensboro, NC, that can be replicated across the country in order to meet the needs of providing skilled workers to the home building industry. The Industry-Education Alliance [IEA], as the program is known, is a school-to-work training program for dislocated adults seeking jobs in the residential homebuilding industry.

The IEA program is offered through the Greater Greensboro Builders Association and Guilford Technical Community College. Assistance is also provided nationally by the Home Builders Institute, the educational arm of the National Association of Home Builders, and PAVE, the Educational and Training Foundation.

The only goal of the program is to help train these dislocated adults, turning them into skilled carpentry framers and place them in jobs in the building industry. By providing the students with quality classroom instruction and hands-on training at the work site from professionals in the home building industry, the IEA program helps students prepare for work in the homebuilding industry. In fact, 100 percent of the students completing the program have been placed in jobs in the homebuilding industry.

As we look for successful models in which to prepare young Americans for industries of the future, I urge everyone to examine the IEA program in Greensboro. It is an excellent example of the private sector (home builders) and the public section (local schools) working in partnership in order to prepare students for quality careers in the building industry. On behalf of the citizens of the Sixth District of North Carolina, we congratulate IEA for a job well done.

AGRICULTURE AND THE GATT

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. LONG. Mr. Speaker, earlier this year, a number of House Members and I, including Mr. DE LA GARZA, Mr. KINGSTON, Mr. POMEROY, Mr. EMERSON, and Mr. BEREUTER, introduced legislation to ensure that agriculture did not pay a disproportionate share of the implementing cost of the General Agreement on Tariffs and Trade. In fact, the legislation was cosponsored by over 55 Members of the House of Representatives—including a large majority of members of the Committee on Agriculture. Similar legislation was also introduced in the Senate by Senator DASCHLE, Senator PRYOR, Senator COCHRAN, Senator CONRAD, and others. In fact, every member of the Senate Agriculture, Nutrition and Forestry Committee—except one—cosponsored the legislation.

Since that time, Mr. Speaker, the Clinton administration has earnestly worked with concerned Members to ensure that American agriculture will reap all of the benefits of this important trade agreement. In this regard, Chief of Staff Panetta, Ambassador Kantor, Secretary Espy, and Acting OMB Director Rivlin have been most helpful.

As a result of this cooperative effort, most of the Members, along with a large number of agriculture organizations, who had some concerns about GATT and agriculture are now enthusiastically supportive of the implementing legislation.

I am inserting into the RECORD some additional material that further explains the assurances that were given by the administration, in addition to some other pertinent documentation. I do so for the benefit of my colleagues and all others who are interested.

THE WHITE HOUSE,
Washington, DC., September 30, 1994.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The GATT implementing legislation now before Congress is one of the most important measures for the U.S. economy and global economies that we have had the opportunity to enact in recent years. It is the result of many years of bipartisan efforts, and is particularly important for our agricultural sector. Our projections are that it will lead to increased U.S. agricultural exports of $5–14 billion cumulatively over the next five years and the creation of 112,000 export-related U.S. jobs.

My Administration is also prepared to take further steps to support the agricultural sector as this legislation is being implemented. These steps are detailed in a letter to you from Secretary Espy and Acting Director Rivlin, and I would like to emphasize my support for them.

My Administration will refocus the Export Enhancement Program and the Dairy Export Incentive Program so they can be used for market expansion in addition to focusing on combating unfair trade practices. We will also propose increases over the next five years in the level of USDA "greenbox" and other programs that are not constrained by GATT.

On the domestic front, I want to assure you that I am strongly supportive of USDA's Conservation Reserve Program (CRP) and am committed to ensuring that it will continue. Finally, as described in the Espy-Rivlin letter, my next two budget requests will safeguard spending for agricultural programs.

I hope this helps to clarify my Administration's support for agriculture programs, and that I can count on your support in passing the GATT legislation and working to realize its benefits for American farmers and the entire U.S. agricultural sector.

With best wishes,

Sincerely,

BILL.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET,
September 30, 1994.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The enactment of GATT is vital to the continuing economic expansion of the U.S., and particularly for expanding opportunities in the agricultural sector. Our estimates are that the implementation of the GATT agreement will lead to a cumulative increase of U.S. agricultural exports over the next five years of between $5 and $14 billion. These increased agricultural exports will result in a gain of 112,000 U.S. jobs by 2000.

In spite of these significant benefits, however, we know there remain concerns in some quarters about the effects of projected reductions in federal spending on agriculture-related programs resulting from GATT's implementation. Therefore, we are making commitments in some additional areas that will reassure and further benefit the agricultural sector.

The Administration has decided, as part of the implementation of GATT, to refocus USDA's Export Enhancement Program (EEP) and Dairy Export Incentive Program (DEIP) so they can be used for market expansion and promotion, not just for combating unfair trade practices as is currently the case. The GATT implementing legislation we submitted to Congress on September 27th will effect this change in the EEP program, based on the language suggested by the Agriculture Committees in their draft GATT legislation. A parallel change to the DEIP program will be made administratively.

We also want to reiterate the Administration's commitment to use these and other export programs, as well as the Sunflower and Cotton Oilseed Assistance Programs, to the maximum levels allowed under GATT and U.S. law. Throughout the six-year GATT implementing period, we intend to request that Congress make available funds for these programs to the fullest extent permissible under GATT.

In addition, we will work with others in the Administration to develop and utilize an expedited interagency review process to ensure that sales under the EEP and DEIP programs are carried out promptly in a market-sensitive manner that fulfills the broader program focus described above.

The Conservation Reserve Program (CRP) has been another priority for the agricultural community. The Administration strongly supports the CRP program and will act to ensure its continuation. We have already taken action to extend our baseline CRP funding, in the Midsession Review of the President's FY 1995 Budget. In addition, USDA has announced that CRP participants with contracts that expire in 1995 can modify and extend their contracts for an additional year. The Administration will include a full continuation of the CRP in the FY 1996 Budget baseline, and will propose reauthorization and extension of the CRP in 1995.

The Administration also wishes to reassure the Committee that it is planning to maintain total discretionary spending on USDA agricultural programs at or above the FY 1995 level in the FY 1996 and 1997 Budget requests to Congress. In formulating future budgets, we will take into consideration reductions made in agriculture budgets in the past and during the GATT round.

To broadly support market development for agricultural products, the Administration will propose increases in "greenbox" and other GATT-allowed agricultural program levels by $600 million over the next 5 years. These programs will include a combination of direct spending, direct credits, and credit guarantees. Consistent with the draft GATT legislation prepared by the Agriculture Committees, this effort will include funding for the Market Promotion Program and other programs to benefit a wide range of commodities, including dairy, oilseed products, and high-value commodity products. In addition, funding will be included to support development of alternative uses for agricultural products.

One source of offsets to fund this increase this year of crop insurance reform. To the extent that those savings are not sufficient to fund this increased program level, funding for such agriculture programs will be proposed as additional agricultural spending in future budgets.

We appreciate your continued support and look forward to working closely with you on agricultural issues in the future.

Sincerely,

MIKE ESPY,
Secretary of Agriculture.
ALICE M. RIVLIN,
Acting Director.

October 5, 1994.

Hon. JILL LONG,
House of Representatives, Washington, DC

DEAR REPRESENTATIVE LONG: On behalf of the organizations listed below, we would like to take this opportunity to express our strong support for Congressional passage this year of legislation implementing the Uruguay Round General Agreement on Tariffs and Trade (GATT).

The economic well-being of U.S. agriculture is heavily dependent on its ability to complete in the international marketplace. This is underscored by the fact that agricultural exports account for nearly one-third of U.S. production and provide employment for nearly one million Americans.

It is anticipated that the Uruguay Round agreement on GATT will provide even greater trade opportunities for U.S. agriculture. According to recent estimates, U.S. agricultural exports are projected to increase by $5 to $14 billion over the next 5 years which, in turn, would create an additional 112,000 new jobs.

To realize this potential, however, will depend on the extent that U.S. agricultural policies and programs continue to be equally competitive with those of other countries, especially the European Union. Clearly, as history has shown, our foreign competitors will continue to use every available weapon allowed under GATT to maintain and expand their share of the world market. Without a similar commitment, U.S. agriculture will be at a significant disadvantage.

This is why we strongly supported legislation (H.R. 4675) which you introduced and which was unanimously adopted by the House Committee on Agriculture as part of its recommendations on GATT.

The Administration, consistent with H.R. 4675, has pledged its support for maintaining U.S. agricultural policies and programs, including funding, at the maximum levels allowed under GATT; announced its commitment to provide $600 million in additional funding for certain other GATT-allowable or "green box" programs such as market development and promotion, export credit, food assistance (P.L. 480 and TEFAP), as well as for developing alternative uses from agricultural commodities; and emphasized it will maintain and extend the conservation reserve program (CRP).

These actions will help U.S. agriculture remain viable and competitive in the international marketplace; meet the food and fiber needs of consumers at home and abroad; contribute to continued economic growth, jobs and an expanding tax base; and help fully capitalize on the potential market opportunities expected to result from the Uruguay Round agreement on GATT.

For these reasons, we want to take this opportunity to express our strong support of the Uruguay Round implementing legislation and to urge that such legislation be approved by Congress this year.

At the same time, we want to express our appreciation to you for your continued strong leadership on behalf of agriculture and rural America.

Sincerely,

American Farm Bureau Federation; American Forest and Paper Association; American Meat Institute; Coalition for Food Aid; International Apple Institute; National Association of State Departments of Agriculture; National Barley Growers Association; National Cattlemen's Association; National Corn Growers Association; National Cotton Council; National Council of Farmer Cooperatives; National Pork Producers Council; National Potato Council; United Egg Association; United Egg Producers; United Fresh Fruit and Vegetable Association; and USA Rice Federation.

MOVING BEYOND THE STATUS QUO: THE NEED FOR A BOLD NUCLEAR POLICY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. STARK. Mr. Speaker, the world has changed dramatically and I had hoped for a bold change in policy governing our nuclear forces. We have instead courageously committed ourselves to stay the course, polish our missiles, and wrap up a few loose ends.

For the benefit of my colleagues I would like to include in the RECORD an analysis of this policy change prepared by the Union of Concerned Scientists. The opportunity to win the peace is at hand and we should be actively negotiating further nuclear reductions.

CLINTON'S STATUS QUO NUCLEAR POLICY

(by Jennifer Weeks)

With the release of the Nuclear Posture Review [NPR] and the conclusion of the September 27–28 Washington summit, the Clinton Administration confirmed that its nuclear weapons policy is basically treading water. Although Russian President Boris Yeltsin has proposed additional nuclear cuts, the U.S. seems determined to ignore this opportunity.

Announcing that the administration would undertake the NPR in October 1993, then-Defense Secretary Les Aspin promised a "fundamental" reexamination of nuclear weapons policy, doctrine, force structure, and arms control issues. However, a year later, the final product called only for a few cosmetic changes to the nuclear forces inherited from the Bush Administration—retiring four nuclear submarines and 26 B–52 bombers—while retaining the 3,500 warheads allowed under the START II treaty. The NPR rejected adopting a policy of no first use of nuclear weapons.

Clinton Administration officials justified the decision not to seek nuclear reductions below START II levels as a precaution against a possible political reversal in Russia, which is drawing down its arsenal more slowly than the U.S. due to political and economic constraints. In Defense Secretary William Perry's words, "the small but real danger that reform in Russia might fail and a new government arise hostile to the United States, still armed with 25,000 nuclear weapons requires us to maintain a nuclear hedge."

Days after the NPR was unveiled, Russian President Boris Yeltsin presented a fundamentally different perspective in an address to the U.N. General Assembly. Speaking hours after President Clinton, Yeltsin indicated that Russia is prepared to reduce the role of nuclear weapons in its security policy. Yeltsin proposed negotiating a treaty among the five nuclear weapons states that would provide, among other things, for "further elimination of nuclear munitions and reduction of strategic carriers." He also called for strengthening security assurance to non-nuclear weapons states, in order to build support for extension of the Nuclear Non-Proliferation Treaty [NPT] in 1995.

However, the joint statement issued by Clinton and Yeltsin at the conclusion of their Washington summit expressed only a remote possibility of timely progress on further cuts:

"The Presidents instructed their experts to intensify their dialogue to compare conceptual approaches and to develop concrete steps to adapt the nuclear forces and practices on both sides to the changed international security situation and to the current spirit of U.S.-Russian partnership, including the possibility, after ratification of START II, of further reductions of, and limitations on, remaining nuclear forces."

Not only did the U.S. pass up a potential opportunity to achieve further Russian nuclear reductions; in addition, this highly qualified pledge is unlikely to satisfy growing international pressure for the nuclear powers to fulfill their obligation under Article VI of the Nuclear Non-Proliferation Treaty [NPT] to move toward nuclear disarmament. In mid-September, at a preparatory meeting for the April 1995 conference that will consider whether to extend the NPT, the non-aligned states announced that their support for the NPT will depend on "substantive progress" in a number of areas—including statements from the U.S. and Russia on how they will reduce their nuclear arsenals below START II levels.

Clinton and Yeltsin did agree to two significant actions at their September meeting. First, the U.S. and Russia will speed implementation of START II by deactivating weapons that are to be reduced under that treaty as soon as it is ratified, rather than over a period of years as specified in the treaty. This accelerated schedule could make it possible to implement START II more quickly, paving the way for additional reductions.

Second, at a meeting scheduled for December of this year, Vice President Gore and Russian Prime Minister Chernomyrdin will exchange data on aggregate stockpiles of nuclear warheads and fissile materials and on their safety and security. However, this step falls short of what is needed. The U.S. and Russia will ultimately have to exchange complete information on their nuclear inventories—including the sizes and locations of stockpiles and storage sites, and descriptions of various weapon facilities—to make this data useful for defense and arms control planning, and to prevent either side from setting aside a secret cache of nuclear weapons or materials.

To make nuclear reductions permanent and irreversible, Clinton and Yeltsin will have to take a number of further steps, including:

Reciprocal monitoring: Joint monitoring of sites in each country where weapons are dismantled and where components and weapon-usable fissile materials are stored would increase security at Russian nuclear sites and build confidence that both sides are reducing their arsenals on schedule.

No weapon "recycling": In his U.N. speech, Yeltsin called for an agreement among the five nuclear powers to bar using fissile materials from dismantled warheads in new weapons. If the U.S. and Russia agreed to dismantle all of the warheads they will remove from service under START I and II and to put the fissile materials under international safeguards, they would not be able to keep large reserve stockpiles of nuclear warheads (as both countries are currently expected to do).

Deeper cuts: The most effective way to reduce future nuclear threats is to lock in substantial nuclear reductions now. If the Clinton Administration is worried about a resurgent Russia—as the Nuclear Posture Review recommendations indicate—then it should do everything possible in the short term to bring Russia's nuclear weapons under control.

Hardliners in both the U.S. and the Russian governments oppose the types of steps outlined above, and likely were a major factor in the cautious tone of the September summit. Ironically, it is Yeltsin who seems most willing to oppose those voices against change; in his U.N. speech he stated. "We would like that there be no nuclear or other kinds of weapons of mass destruction in the world." In contrast, Clinton approved the NPR without comment just days before Yeltsin came to town, effectively removing deep cuts from the agenda. However, the Clinton Administration is strangely reluctant to take proactive steps to secure the Russian nuclear weapons and materials that it says are obstacles to further cuts.

Reform in the former Soviet republics will doubtless be a long, difficult process, and there is no guarantee that Yeltsin will be able to maintain stability in Russia. That is precisely why President Clinton should pursue every opportunity to reduce the nuclear threat from Russia today. Rather than continuing to fight a mini-Cold War, Clinton and Yeltsin should and can build a new security relationship—one that relies far less on nuclear weapons.

CLARENCE LONG: 22 YEARS OF SERVING THE PEOPLE OF MARYLAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HOYER. Mr. Speaker, I rise today to honor the memory of one of our great leaders from my State of Maryland, former Congressman Clarence D. Long. Mr. Long died Sunday in Cockeysville, MD, but it is his dedication to public service to which I pay tribute today.

A self-described dirt farmer at the onset of the Great Depression, Clarence Long was truly a self-made man. He put himself through school during those trying times, earning Phi Beta Kappa at Washington and Jefferson College in 1932, and a doctorate in economics from Princeton in 1938.

After serving as a Navy Lieutenant during the Second World War, Clarence returned to Baltimore to be a professor of economics at Johns Hopkins University. "Doc" Long, as he was called, continued to teach while he worked his way into local politics, eventually becoming the acting chairman of the Democratic State Central Committee in 1961. He was elected to represent Maryland's Second District in the U.S. House of Representatives just 1 year later.

Congressman Long had an extremely good civil rights record during the 1960's, and in 1963 became one of the first members to hire an African-American staff member. He had a reputation for voting his conscience, which may have caused him trouble in a district that was less liberal than he was. Difference of opinion between himself and his constituency was not an obstacle for Clarence, however, he reportedly told fellow Baltimore Representative Parren Mitchell, "If you can't do what you believe in, you don't belong in Congress."

Independence of ideas was a major theme of Clarence Long's tenure in Congress. He served for 22 years because he was seen as a public servant of "Commitment, energy, and public service." He was an advocate of a strong American manufacturing base and a true friend of the working man. This reputation helped drive him to reelection year after year.

As a Congressman, Clarence Long was seen as a man of utmost integrity. He will be sorely missed by his wife Inez, his daughter Susanna, son Clarence III, two stepsons, Kenneth and Ronald, as well as the rest of Maryland to which he so dutifully served.

Mr. Speaker, I applaud the legacy Clarence Long has left for Maryland. May he rest in peace.

ATTRIBUTES OF THE REPUBLICAN CONTRACT WITH AMERICA FOR THE SENIORS OF OUR NATION

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. VUCANOVICH. Mr. Speaker, I think the comments coming from the White House and Democratic leaders regrading the Republican "Contract With America" reflect their absolute terror that we have a plan which will actually deliver a balanced budget. Their desperate tactic to scare senior citizens, and this patronizing attitude toward the American people, is absolutely reprehensible. It is also a further example as to why the 40-year grip the Democrats have had on the Congress must come to an end.

Instead of increasing taxes on senior citizens, the Contract repeals them. Instead of limiting senior citizen's ability to work, our contract encourages seniors to lead full, productive lives. Instead of offering a health care package that destroys the existing Medicare system, the contract provides tax incentives for long-term care insurance. We cannot afford to allow the Democrats to continue their assault on our Nation's seniors.

RETIREMENT OF CONGRESSMAN ROMANO L. MAZZOLI

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BROOKS, Mr. Speaker, I rise today to speak of another colleague of mine on the House Committee on the Judiciary who has decided to retire from public service at the end of this session. Congressman ROMANO L. MAZZOLI of Kentucky's Third Congressional District has served with distinction in the Congress since 1971 and on the Judiciary Committee since 1975. RON is a diligent and hard-working Member of both the Judiciary Committee and this House whose careful attention to detail will be sorely missed by all of us.

As chairman of the Subcommittee on International Law, Immigration, and Refugees, RON MAZZOLI has been in the vanguard of all immigration legislation which has passed the Congress in the past 20 years. He has tried to balance both the rights of those legally seeking to become citizens of this country with the very important need to safeguard our borders. Our fond thoughts and best wishes go with Helen and RON as they return to Louisville for, I am sure, a productive career and life outside the Congress.

HUNT THEM DOWN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SERRANO. Mr. Speaker, I would like to share with my colleagues an editorial from the New York Times of October 4, 1994, on the very troubling anti-immigrant hysteria that pervades out Nation today. Let us not forget that we are overwhelmingly a nation descended from immigrants and it is to this fact that we owe our unparalleled democracy and prosperity.

HUNT THEM DOWN

(By A.M. Rosenthal)

When a nation sets out to persecute a segment of its population, to hound them down, mark them, deprive them of the human care it gives to others, tells them they cannot work to earn their bread, that nation takes a large step toward persecuting other groups who live within its borders. It follows as blood the wound.

In dictatorships, the first persecution is carried out by command, in full knowledge that other groups are on the list.

In democratic countries, the first persecution is usually the result of generalized public anxiety and uncertainty, manipulated and deepened by politicians who scavenge and batten on antagonism within society.

The antagonism becomes a political movement in itself, frightening into silence politicians who are aware of the dangers of the acceptance of any persecution of any group but willing to push that into the back of their minds.

All this is taking place in America—the anxieties being directed against a small slice of the population, the heightening by political propagandists, the submission of the political center.

The target is the residents of the U.S. who have come to this country in search of work or refuge without securing admission papers—the 3.2 million people called "illegal aliens" or "undocumented immigrants." Usage depends on whether you despise them or can muster up some memory of America's debt to the paperless.

Americans suffering from jumpy nerves about immigrants should demand that Washington spend more billions of their tax money to make the borders tighter, knowing total tight is impossible. And it is in democratic order for the Government to use its legal powers to deport illegals.

But it is not in democratic order for politicians to spread falsehoods about the economic "burden" of immigrants, legal and illegal, to use clubs of fear to drive out immigrants, or to saddle the country with immigrant-hunting computer banks and work licenses that will cut away at every American's liberty.

Immigration, legal and illegal figured in, adds up to an economic boon to America. The estimate of the Urban Institute in Washington is that they contribute $25 to $30 billion more money in taxes and jobs than social benefits paid out.

Benefits, On the West Coast, there is lots of political noise about removing them from illegals, to drive them out. Mean-spirited referendum items may pass but they will bring little economic benefit. The truth is that the dreaded benefit-swilling illegals now receive little more than the schooling for children upheld by the Supreme Court and emergency medical help.

And now, an immigration "reform" commission appointed by the Clinton Administration calls for a nationwide computer bank that would grant or withhold the permission to work. Every job applicant immigrant, naturalized or native born, would have to be computer-cleared as a legal resident of the U.S. fit for a work license.

Lovely. Tomorrow, the Government could ask the computer to hunt down every person who broke a law, had a bad credit rating or ever had a contagious disease to see whether he should be permitted to work. Will Americans really stand for this?

While we think it over, the "anti-illegals" crowd is moving against its next target: immigration itself, the concept of America as haven for refugees and a place of economic hope for some of those who stupidly failed to be born in America.

The anti's are so strong that many Republican and Democratic politicians who are opposed to them just keep quiet. As antidote, I give you two quotations.

One is from Mario Cuomo, Governor of New York. "I love immigrants," he said. "Legal, illegal—they are not to be despised."

And this is from New York City's Mayor, Rudolph Giulani.

"If you come here and you work hard and you happen to be in an undocumented status, you are one of the people who we want in this city. You are somebody that we want to protect and we want you to get out from under what is often the life of being like a fugitive, which is really unfair."

One of them is a Democrat and the other Republican. But when it comes to understanding America's roots and the dangers to them, you can't tell these fellows apart—my happy thought for the day.

REMARKS OF A.C. PARTOLL

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HILLIARD. Mr. Speaker, I would like to submit for the RECORD the following speech by Mr. A.C. Partoll, addressing the Organization for the Protection and Advancement of Small Telephone Companies, on June 26, 1994.

Good morning, everyone. I'm very pleased and honored that you invited me here today to discuss the changes and challenges we face in this wonderful industry of which we are both a part.

In what may rank as the understatement of the week, we are at a very interesting—one might even say critically important—time for the telecommunications industry. Consider, if you will, that:

The technology that drives our industry is advancing more rapidly than ever before.

Even as we meet, the rules for governing it are being written and rewritten in Washington and the state capitals to encourage more competition, less regulation, and greater customer choice; and

The very shape of our industry is changing through mergers, alliances, and a coming together of our industry with other industries, like computing and entertainment.

I'd like to look at all of this with you this morning—and, in particular, to offer my thoughts as to what it may mean for small telephone companies and what small companies should be doing to prepare for this very different future.

I want, especially, to spend some time this morning discussing the issue of universal service. It is, as you well know, one of the cornerstones of public policy related to telecommunications. Yet, technology, competition and convergence are changing many of the underlying assumptions on which universal service policy has been based. I have some ideas—which I'll be getting to shortly—on how that policy needs to evolve so that it can continue to serve the needs of our customers and our society.

But, first, let's turn to technology. I knew 30-plus years ago I joined a great company and a great industry, when I learned that more than 100 years ago, on a hot, humid August afternoon, a tall, angular man, dressed in a woolen, vested business suit and wearing a white starched collar, poured acid on a plate, which spilled on his jacket and pants, and all he said was, "Mr. Watson, come here, I want you!"

Since that day, ours has been a technology-driven business. New technologies ever since have made it possible for us to deliver our

But the most recent wave of technology has taken us a step further. These developments—and I'm speaking about things like digital, fiber-optics; large network databases and high-speed signaling; voice recognition and video compression; cellular and PCS technology, and multimedia—have literally changed the face of our industry.

They have made possible new applications that profoundly affect the way our customers live and work. These applications have also spurred competition and have begun to bring players in our industry into natural partnerships with those in others.

As we at AT&T see the industry developing, those applications can be grouped into five segments:

Networked computing, which is the integration of multiple machines, data bases and networks. This networking enables people to have immediate access to a wide variety of geographically dispersed information, making new services possible.

Multimedia messaging, which comprises products and services that store, convert and relay information. This also integrates voice messaging applications with data and image * * * for example, e-mail, PC and fax systems.

Visual communications, which add the dimension of human expression to applications for business, education, entertainment and shopping. These will soon be economically attractive to customers.

Voice and audio processing, which will make possible continuous speech recognition and language translation. This will give people another easy, economical way to access people and information, as well as the crossing of cultural, geographic and language barriers.

Finally, personal communications services and wireless products and services are already allowing person-to-person communications—employing voice, data and image calls and messages—anywhere, anytime. With these applications. In fact, if I had to describe in one word the way our industry will be governed, that word would be "competition." The success of competition in benefiting customers for long distance services and customer premises equipment businesses has encouraged policy-makers to begin testing it in traditional local exchange markets.

Most recently, toll calling within LATAs has been opened to competition. We're seeing interLATA carriers begin to focus on this new market as a way of meeting more of the needs of their customers.

We will soon, I believe, begin to see the start of tests to determine if competition is viable in local exchange services. A test fundamentally, of the proposition which all of us have assumed for so long . . . that is, that the local exchange is a natural monopoly.

For such tests to take place, however, the states must remove current barriers to entry and create appropriate conditions in these traditional monopoly markets. My guess is we'll probably see these tests first in high-density areas.

As I said, the success of competition in other parts of the industry has encouraged—really, made inevitable—the coming of competition elsewhere in the industry. The day is rapidly approaching when every rate in the industry will be under competitive pressure to reflect the cost of service, for the first time, every source of cost in the industry will be under pressure.

What will be the impact? No one knows. But there are a few things that we can say with relative certainty:

Consumers will benefit from the increased innovation, wider choice and downward pressure on prices that come with competition.

New players will arrive on the scene.

Existing players will have to devise new business strategies to attract and retain customers and cut costs.

The pace of technological innovation in the local exchange will, if anything, accelerate.

With the growth of competition, the traditional role of the regulatory will change. Regulators will face new, and arguably more challenging questions than they confronted in the past. For example, are all local exchanges alike? If not, how do the differences affect their ability to support competition? To what extent is local exchange competition viable in rural areas? Will there be a carrier of last resort, and, if so, who will bear the cost of infrastructure development in rural areas?

Finally, we will need to find a way to ensure that the crown jewel of United States telecommunications, universal service, not only survives, but flourishes.

I'd like, if I may, to offer my observations on some of these issues, with particular attention, as I said earlier, to universal service.

If competition in the local exchange is to take hold, a number of conditions must be in put place. Among these is the need for cost-based and non-discriminatory prices for local exchange components and services.

But cost-based pricing of local exchange services, including access charges, would be a threat to the manner in which universal service is assured today. For those local exchange carriers charging less for local service than their costs, cost-based pricing could mean increasing prices for service beyond what some customers could afford.

So, we have what seems to be a dilemma. Local competition is desirable, but we won't have it unless we can remove subsidies and allow prices to seek levels that should prevail in competitive markets. If we do that, we place at risk the way we fund universal service.

This is demonstrated most poignantly when we look at the special problems of high-cost rural areas and the small telephone companies that serve those areas. AT&T has gone on record, in Congressional testimony, with the view that rural areas do have unique problems, and that such problems might best respond to approaches different from those applied in more densely populated areas.

I'm surely not here to today to announce AT&T's plan to solve these rural problems. However, as some of you know, we have been working with leaders of the Rural Coalition to better understand those problems and determine how the industry can best care for them in today's changing environment.

Our discussions have helped us to identify a number of issues that must be addressed:

Carrier of last resort in rural areas. As you know, subsidies help cover the cost of building infrastructure to serve high-cost areas. In addition, revenue from a few large customers often makes the difference in serving high-cost areas. If either of these is threatened, rural local exchange carriers see threats to their ability to meet their service obligations while remaining profitable.

High access charges in rural areas. As the interexchange carrier of last resort in many rural areas—serving a significantly higher proportion of high-cost customers than our competitors—AT&T is under tremendous pressure from the gap between access charge levels in rural and urban areas. We can't continue indefinitely to average high rural access charges into our nationwide costs and be competitive with carriers who don't have that burden or serve as great a proportion of high-cost customers. In addition to creating pressure on AT&T to deaverage toll rates, the disparity between rural and urban access costs keeps other long distance carriers away from rural customers and/or encourages cream-skimming of the few large customers in some rural areas. High rural access charges, combined with high billing and collection costs, give many of AT&T's optional calling plans little or no margin in rural areas. In sum, this disparity puts pressure on AT&T to deaverage nationwide toll rates, keeps many rural customers from having a choice among long distance carriers or having access to all of AT&T's optional calling plans, and puts small telephone companies in peril of cream-skimming by competitors.

Infrastructure sharing. AT&T supports enabling small companies serving rural areas to have access to technologies requiring economies of scale to be cost-effective. We oppose, however, using this access as a vehicle for one group of companies to control another; or to inhibit technological innovation by dictating switch design or architecture to manufacturers. Those who manufacture network telecommunications equipment should have to design to the needs of a marketplace made up of companies using infrastructure sharing.

Finally, there is the problem that I spoke about earlier. Today's subsidy mechanisms to support universal service are incompatible with competition in the local exchange.

I don't claim to have definitive public-policy solutions to resolve these issues. I do know that while AT&T supports full, open competition in our industry—including local exchange competition—it also supports—without reservation—the maintenance of universal service.

Let me share with you some of AT&T's current thinking on ways to meet these seemingly conflicting objectives so that you can react.

First, if customers are to realize the benefits of competition in the local exchange, we must reform and reduce access prices by assigning and recovering costs properly. Non-traffic-sensitive costs should be recovered on a per-line basis in charges to customers, or from a new Universal Service Fund, or from both, and not on a minutes-of-use basis. Traffic-sensitive costs should be recovered on a usage basis, either by trunk or by minute of use. Depending upon how this is implemented, it could mean increases in local rates.

This brings me to my second point. To preserve universal service, we should explore the creation of a new USF to which I just referred. This fund would subsidize subscribers who require income assistance. State and local authorities would determine who would qualify, based on a means test.

Third, to fund the new USF, we could implement a surcharge on all retail revenues of all carriers providing two-way telecommunications services.

Fourth, we should ask a neutral, third-party organization to administer the USF. This organization would match the subsidy to the subscriber, collect the funds from all participating carriers, and distribute the funds back to the carriers serving the eligible subscribers.

Now, none of what I just said is news to many of you. It's what AT&T has been exploring for some time now. Nonetheless, our discussions with representatives of small telephone companies through OPASTCO and others has persuaded me that more may be required if we are to preserve universal service in rural America.

What more?

For starters, I believe we should consider the possibility that it may not be appropriate to allow rates for local service to rise to their natural, cost-based level for all telephone companies. We suggested to Congress, as I mentioned earlier, that rural companies might require different treatment to address their unique problems. This might well be an area where different treatment is called for.

If this is so, we should also consider the possibility that the new USF should have two objectives rather than one. The first I have already mentioned—the subsidizing of needy subscribers in a competitively neutral way. A second objective might be to find a way to subsidize the establishment of local exchange and access rates in rural areas that are comparable to those in areas served by the RHCs and GTE—again, in a competitively neutral way.

The devil is, obviously, in the details, and no doubt addressing the details will surface difficulties and differences to be worked out. But let me tell you what I think the end result could be. I think it is possible to develop a plan that accomplishes the following things, which I would hope virtually every telecommunications company in the land could eventually support:

True, open competition would exist in those exchanges capable of supporting it.

Rural subscribers would pay exchange service rates comparable to those charged to urban subscribers.

Access and long distance rates could both be reduced, thereby stimulating traffic for local and interexchange carriers alike.

Access and long distance rates in rural areas could be comparable with those in urban areas.

Customers of low-cost companies could continue to subsidize customers of high-cost companies for infrastructure development in a way that would not distort competitive markets.

Truly needy subscribers could be subsidized in both rural and urban areas, also in a way that would not distort the competitive market.

With the exception of the new USF, LifeLine, Link-Up and Telephone Relay Service, all subsidies, both implicit and explicit, could be eliminated.

It might even be possible that through gains in efficiency, total subsidy levels could be reduced.

Does that describe a world in which your company could continue to meet its obligations to rural America—and flourish in the process? I think it does. But what you think is what matters.

As I said earlier, we want to work with you to find solutions we can all support.

I promised you that I would also offer some suggestions for small telephone companies on getting prepared for the future. I do this with great reluctance, but with the best of intentions. I don't wish to make it seem that I know better than you how to run your business. But there are similarities between the road that my company has been on for the last ten years and the challenges that I see ahead for you—and the experience I've gained over that decade gives me some confidence that what I have to say might be of some value to you.

First, I think you might begin by accepting the reality, if you haven't done so already, that competition is coming to traditional local exchange markets. Trying to put the brakes on that train is not a practical strategy. "How can we make it work?"—not "How can we prevent it?"—should be the question with which you are concerned. I say that from the perspective of one who spent more than ten years, in the late 70s and early 80s, unsuccessfully trying to stave off competition in the interstate long distance market.

Second, you can support the work your leaders are doing with legislators, regulators and other parts of the industry to implement competition in a way that protects your interests and the interests of your customers.

Third, you can prepare your businesses for the new world by developing a game plan for operating in a fully competitive local exchange and long distance environment. Among the issues you should consider in this context are:

What advantages do I have over potential competitors?

How can I capitalize on those advantages?

How can I get my local exchange and access rates to a level where I will be less vulnerable to competition? What can I do on my own? What regulatory changes do I need?

How can I partner with other carriers to increase profitability by stimulating traffic?

Indeed, it occurs to me you should be asking yourselves these questions even if local exchange competition were not on the horizon.

In closing, let me say that I know it is inevitable that AT&T's actions will have an impact on you. I want to assure you, however, that despite our commitment to competition and customer choice, we support universal service, and we support small companies bringing Information Age technology and services to rural areas.

And we want to work with you to ensure that outcome.

Thank you.

U.S. CUSTOMS SERVICE MISINTERPRETS LAW

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SHAW. Mr. Speaker, I rise today to point out an error that has been made by the U.S. Customs Service in regard to its interpretation of a law which was passed by this body last year.

Included in the North American Free-Trade Agreement Implementation Act, Public Law 103–182, amended 19 U.S.C. 58c(a)(5), Congress imposed increased customs user fees on commercial vessels and commercial aircraft to account for lost revenue which resulted from the elimination of certain tariffs and duties. I strongly opposed this increase last year. Now I understand that the U.S. Customs Service has interpreted the changes to this statute in a way that is not consistent with the intent of Congress. The Customs Service has used the changes made to section 58c(a)(5) as a basis for claiming authority to collect multiple fees for the same voyage. Customs is attempting to collect a separate tax from passengers who are on voyages which stop at more than one U.S. port and sail outside the customs territory of the United States between those U.S. ports. It was never the intention of Congress for the customs user fee to be imposed more than once per voyage.

The intent of the language change made last year under NAFTA was to apply the custom user fee to passengers on so called "cruises to nowhere." These cruises are not traditional voyages with multiport itineraries. They simply leave a U.S. port, go outside the customs territory of the United States, and then return to the same port with no stops at any intervening ports. Again, the purpose of the statutory change made last year was to apply the fee to these "cruises to nowhere" passengers and not to enable the Customs Service to assess the fee multiple times during the same cruise voyage.

Indeed, my colleague, the distinguished chairman of the Ways and Means Committee, has indicated that he too is concerned with this unfair interpretation. I believe, as he does, that since it was not the intent of Congress to impose the fee multiple times, no new law should be required. However, if the Customs Service should attempt to collect this fee multiple times, I plan to work with Mr. GIBBONS to enact clarifying legislation during the next session.

"UNDERSTANDING THE PITFALLS OF INTERNATIONAL POLICE TRAINING"

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BEREUTER. Mr. Speaker, as this body debated the wisdom of the Clinton administration's occupation of Haiti earlier this week we once again are rediscovering the fact that peacekeeping/nationbuilding is a highly complex, dangerous, and extremely costly undertaking. Experience has demonstrated that, when it comes to rebuilding an entire civil society—as the Clinton administration presently is attempting in Haiti and as the Clinton administration unsuccessfully attempted in Somalia—nothing is easy. Experience also demonstrates that the initial cost estimates for these sorts of operations tend to be grossly under-estimated.

This Member would point to one small aspect of the nationbuilding experience—the creation of an independent police force. Clearly any nation that is emerging from chaos or civil war needs a police force that will uphold order. Any new democracy needs a police force that will serve the people, not the dictators. To that end, the United States and the United Nations have supported the building of civilian police forces in nations such as Cambodia, El Salvador, Somalia, and the West Bank. From this experience, there are lessons that can be drawn and applied to Haiti.

To begin with, it is important to understand that even our best efforts to build a civilian police force can fail. Local inhabitants often are simply not up to the task. For example, the international community has spent several years trying to build a police force in Cambodia, and it is by no means clear that this effort will succeed. In Somalia, the international community recruited volunteers and began training, but they got no further. Mr. Speaker, the United States provided $30 million in equipment and technical assistance to build a civilian police force in Somalia, and we have absolutely nothing to show for that $30 million investment. Quite the opposite, the Somali warlord Aidid has overrun some of the storage facilities and seized police vehicles, sidearms, communications gear, and other equipment had been stored. Thus, not only does Somalia not have a civilian police force, but our ill-fated police training efforts have had the unintended effect of helping to arm the Somali warlords.

And police training is no easier and certainly no more cost-effective when it is performed by the United Nations. Indeed, when the United Nations becomes involved in police training, it tends to draw upon or at least creates a very highly compensated cadre of international police officers. The average cop that works with the United Nations can expect well in excess of an incredible $100,000 in annual salary and benefits! The work may be important, but under the United Nations approach it certainly does not come cheap. And this Member would remind his colleagues that we pay one-third of the salary of each of these U.N. police trainers. I believe our constituents would be very upset with these salaries and I ask the administration to examine and justify or change this situation.

Mr. Speaker, this Member would caution that the training of Mr. Aristide's police force also will produce no end of frustrations and headaches. Yesterday it was reported in the media that the United States is paying the salary of General Cedras' police force, the very same police we invaded to Haiti to oust. Tomorrow we undoubtedly will learn of some other embarrassment. In short, building a police force is very difficult and expensive. The Clinton administration would be well advised to think very carefully about these difficulties and costs before embarking on such an effort.

DEREK T. WINANS, A MAN OF THE PEOPLE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, before we adjourn the second session of the 103d Congress I would like to publicly recognize the life and work of a fellow Newarker and true gentleman. That individual is Derek T. Winans. Derek T. Winans is a man of integrity, discipline, courage, and kindness. We often talk about giving back to our schools, communities, religious institutions because we have been fortunate in our lives. Derek gives because it is first nature for him to think of his fellow man, oftentimes, before he thinks of himself.

Derek's life and work will have a profound impact on the lives of many Americans, in particular countless New Jerseyans, for many years to come. A Harvard College graduate, Derek has used his education and his compassion for the less fortunate to develop programs to benefit our community. Derek is the consummate public policy advisor. You will always find him with a legal pad and pen at work. Derek's sphere of friends and colleagues include the most fortunate and the least fortunate.

Mr. Speaker, many have come to depend on Derek T. Winans for his advice and support. We need more individuals like him to make our world a better place. I am sure my colleagues will want to join me in recognizing Derek T. Winans, a man of the people.

EXPENDITURE OF AID TO RUSSIA AND THE NIS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HAMILTON. Mr. Speaker, I have been concerned over the slow rate of expenditure of assistance funds for Russia and the New Independent States [NIS]. That assistance has been authorized by the Congress for the explicit purpose of facilitating the process of economic and political reform. If the money is not spent, it cannot assist reform.

I have raise this issue many times with administration officials over the past several years. The administration has provided a paper explaining why obligation and expenditure of funds takes some period of time and that, in fact, the pace of spending funds is improving.

I believe the administration is making some progress, but additional steps are necessary to make sure that assistance funds are spent well and spent rapidly.

Perhaps the most important step the President can take to improve the effectiveness of assistance is to appoint a coordinator for assistance who sits in the White House. Only a coordinator in the White House can make sure that U.S. agencies are working together to spend funds wisely, effectively, and rapidly. I urge the President to fill this post as soon as possible.

The text of the administration's paper on NIS assistance follows:

FINANCIAL STATUS OF THE PORTFOLIO

Since 1992, AID has been appropriated $2.7 billion for NIS assistance program.[1] Obligation and expenditure of these funds has proceeded at a rapid pace. For example, our expenditure rate is 5 times faster than the rate of other TA programs. FY 94 is an extraordinary year, with appropriation levels increasing seven fold. Expenditures, under these unique circumstances, have slowed somewhat from previous years, but the overall pace remains sound at an estimated 33% of obligations. When obligations are adjusted to account for a few projects that have had slower expenditures (for example, we have not expended nuclear safety funds in Russia due to U.S. contractor concerns about accident liability), the estimated expenditure rate rises even higher.

LEGAL AND REGULATORY CONSIDERATIONS

The Freedom Support Act authorized a technical assistance and training program for the NIS. Recognizing that structural change in the NIS will cost hundreds of billions of dollars, the FSA established a program to mobilize American expertise to help the NIS countries tackle problems of structural change and make the best use of their indigenous resources. The nature of assistance under the FSA has direct implications for the speed of expenditures:

Both Congress and the Administration advocate long-term relationships, not consultants that fly in and out. This means that when long-term contracts are signed for 18–24 months, it will take 18–24 months to spend the money.

Training programs must similarly be funded in advance. Long-term training requires the full period of the training program to spend the funds. Short-term programs must also secure advance financing prior to selecting participants.

Even after Congress appropriates funds, assistance monies do not become immediately available. The Executive branch must notify, and the Congress must approve, program details. This approval process is taking several months.

U.S. Government competitive contracting rules apply to all NIS programs. Even when cut to the barest elements, they require 5–7 months to issue new contracts: to advertise activities, allow firms to submit proposals, and negotiate the contracts. Once contracts are in place, funds can be moved quickly.

FY 1992 AND FY 1993

In the first two years of the NIS program, appropriations totalled $650 million, and an additional $60 million was available from other sources. Of the $710 available for obligation:

$710 million has been fully obligated;

$554 million, or 78 percent, has been expended as of June 30, 1994; and

the remaining $156 million will be expended by the end of the year.

FY 1994

Appropriations made directly or transferred to USAID for FY 94 total $2.1 billion. Of this total, approximately $360 million will be transferred to other U.S. agencies, including USIA, Department of Energy, Nuclear Regulatory Commission, Department of Commerce, Peace Corps, TDA, OPIC and the Department of Agriculture. The remaining $1.74 billion will be obligated by USAID. To date:

Congressional Notifications for $2.05 billion have cleared the Congress. Of these, $1 billion cleared only as of early July.

Of the $2.05 billion available for obligation, $1.26 billion has been obligated or transferred to other agencies as of September 8, 1994. The remaining amount will fund large obligations such as enterprise funds for Western/NIS ($45 million); Central Asian Republics ($30 million); Russian American Enterprise Fund ($56 million); Fund for Large Enterprise Restructuring ($60 million) and EBRD ($27 million). These funds will provide equity and loan capital for emerging and newly privatized businesses. Most of these obligations should occur by the end of the fiscal year.

Cumulative expenditures are expected to reach $700 million by the end of the fiscal year. At the $700 million level—about 38 percent of obligations—the rate of expenditures in the NIS remains one of the best in the Agency.

FY 1995 AND FY 1996

In the coming two fiscal years, appropriations levels are expected to drop sharply from the FY 94 level of $2.1 billion to about $850 million. Based upon these figures, and an estimate of approximately $260 million which will carry over from FY 1994, the ratio of obligations to expenditures should change dramatically in the next few years.

In FY 95, expenditures are expected to total close to $1 billion, which is almost equivalent to the total obligations planned for this same period.

In FY 96, the annual expenditure rate should increase by another $500 million, to $1.5 billion, almost double planned obligations for the year.

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[1] Another $300 million was directly appropriated to ExIm in FY 94 and DOD retained $55 million of the $979 million earmarked for NIS assistance in its FY 93 Supplemental. In February, a recision reduced the FY 94 level by $55 million.

MEDICAL MALPRACTICE REFORM ACT OF 1994

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BALLENGER. Mr. Speaker, I am pleased to introduce the Medical Malpractice Reform Act of 1994. This legislation takes a first step toward solving one of the major reasons for the high cost of medicine—malpractice lawsuits and the malpractice insurance that doctors must carry to protect themselves from bankruptcy.

Reports from the Department of Health and Human Services indicate that due to the large number of suits filed against physicians, most doctors have begun to practice so-called defensive medicine—ordering additional tests, consultations, or procedures to protect themselves. This defensive medicine is estimated to cost $17 to $21 billion annually, raising the cost of health care by that amount. In addition, the cost of medical liability insurance is so high in some fields that physicians are avoiding high risk specialties, such as obstetrics, where between 70 and 80 percent of all practitioners have been sued. In addition to raising health care costs, this threatens the mere availability of health services.

I certainly agree that we need to put a stop to the ever increasing amount of medical malpractice litigation. While the lawyers get richer, doctors and their patients pay the price. A recent Washington Times quoted former Health, Education and Welfare Secretary Joseph Califano who said:

> Congress dances around the medical malpractice protection racket for fear of alienating the American Trial Lawyers Association * * * In the Beltway bubble, the disgust of the American people with lawyers and the malpractice system isn't heard above the clutter of political contributions.

The Medical Malpractice Reform Act takes four simple steps toward reforming medical malpractice. The first step would be a cap on noneconomic and punitive damages. Patients would still be able to recover 100 percent of the cost of their medical bills, along with lost wages, and other out-of-pocket expenses related to medical malpractice. A cap of $250,000 would be placed on noneconomic awards.

Second, the bill requires disclosure of other financial benefits received from other sources so that juries may factor this into the total damage award.

Third, a limit is placed on attorney contingency fees and other costs under medical malpractice claims. This way, patients, not attorney's receive the majority of the awards. Currently, around 40 percent of every dollar spent on medical liability litigation actually reaches the patients.

Fourth, the bill allows for periodic payments of the claim. This payment would be guaranteed, but spread out over a period of time to preserve funds for medical treatment and future income needs.

PHOSPHOLIPIDS LEGISLATION

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. VALENTINE. Mr. Speaker, at the beginning of the 103d Congress Congressman LANCASTER and I introduced H.R. 879. One part of this bill has been accomplished in the GATT agreement. Today, we are reintroducing the other part of H.R. 879, which could not be addressed in the GATT negotiations. This legislation would correct an unintended reclassification which occurred when the harmonized tariff classification system [HTS] was implemented several years ago.

Kabi Pharmacia, a U.S. company located in Clayton, NC, imports pharmaceutical-grade, FDA-approved egg yolk phospholipid from its parent in Sweden. Kabi uses this unique phospholipid to manufacture its main product, Intralipid®, a unique intravenous feeding solution. The duty Kabi paid on the phospholipid from the late 1970's until 1991 was 1.5 percent, but, unintentionally, the HTS more than tripled the rate.

The purpose of our legislation is to restore the duty rate on the phospholipid to 1.5 percent and to correct the inequity of the unintended duty increase by refunding the increase to the Clayton company, from its imposition in 1991 until the duty for pharmaceutical components and products will become zero under the GATT agreement.

Mr. Speaker, the inclusion of the phospholipid—and Kabi's pharmaceutical-grade, FDA-approved soybean oil—with other pharmaceutical components and products for which duty is eliminated in the GATT accord accomplished one part of H.R. 879. Otherwise, the key components of Intralipid® would have remained dutiable while the end product, Intralipid®, would have become duty-free. This situation could have made manufacture of Intralipid® in Clayton uneconomical. I want to commend our Ways and Means Committee, the Office of the U.S. Trade Representative and the Departments of Commerce and Agriculture for their work on this important matter.

Mr. Speaker, the other part of H.R. 879 being reintroduced today is also very important as a matter of equity. No one has ever disputed that the duty increase for Kabi's unique phospholipid under the HTS was unintended. The revenue estimate for correcting this unintended reclassification is about $500,000. I am hopeful that a vehicle can be found to give just redress of this case to my constituents.

TRIBUTE TO EDWARD PATTEN

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. ROUKEMA. Mr. Speaker, the State of New Jersey, this Congress, and our Nation have suffered a great and tragic loss with the passing of former Congressman Edward Patten. Congressman Patten died on September 17, 1994, at the age of 89. He will be greatly missed by all of us.

Mr. Patten's life was one of public service. He graduated from Rutgers Law School in 1927, and at age 27 became the youngest mayor in the history of Perth Amboy. He served from 1934 until 1940, when he became the Middlesex County Clerk, serving until 1954, when he became secretary of state under Gov. Richard Hughes, serving until 1962. Mr. Patten was president for many years of the Perth Amboy and Middlesex County bar associations.

Mr. Patten went on to win election to the 15th Congressional District in 1962, the first year that that district existed following the 1960 census. He was subsequently reelected every term through 1978. In Congress, he sat for many years on the House Appropriations Committee. He was a member of the Labor-Health and Human Services Education Subcommittee, where he was a strong champion of education. He was an impassioned fighter for expansion of Rutgers University and an advocate of Princeton University and particularly the Princeton Plasma Physics Laboratory. He was also a strong supporter of Roosevelt Hospital in Edison, where a three-story wing was named for him and his wife, Ann Quigg Patten, in 1991.

Besides being an honorable and respected statesman, Mr. Patten was a warm and congenial individual. A big man with a gentle smile, he built his personal reputation on his great sense of humor, his congeniality and compassion and love for those he served. He was truly one of New Jersey's finest sons. He will be missed.

TRIBUTE TO LUELLA BARON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LEVIN. Mr. Speaker, as this part of our session concludes, I want to take note of the life of a distinguished citizen of Michigan who passed away earlier this year. The world should know that we have not forgotten Luella Baron, who passed away on July 1, 1994.

Luella Baron was a leading citizen of Troy, MI. She was one of those rare individuals who give so much energy and dedication to civic activities. Luella devoted herself to her church, her culture, and her community. She founded the Italian Study Club in Troy, an organization dedicated to the preservation of Italian culture and music.

Luella directed a choir of mentally handicapped students that practiced weekly at the Troy Community Center. A teacher of music, Luella authored a book on teaching piano to the mentally handicapped. In the words of her daughter, Elisabeth, she "had a special gift for teaching the handicapped." It is an uncommon individual indeed who would dedicate her life to the education of those with special needs. Luella Baron was such a person.

While Luella's work resulted from her genuine care and concern for others, many organizations took notice and honored her exceptional efforts. She had received awards from numerous organizations including the Oakland County Association for Retarded Citizens, the Troy Council on Aging, and Wayne State University. The Troy Chamber of Commerce honored Luella as the "Distinguished Citizen" of 1978.

She continues to be deeply missed by her family, her extended family, and her thousands of warm friends throughout Metropolitan Detroit.

CONGRATULATIONS TO THE DENVER REGIONAL TRANSPORTATION DISTRICT

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SKAGGS. Mr. Speaker, as I travel my district and the State of Colorado, I sense increasing anxiety over the rapid growth we are experiencing. The West generally, and Colorado in particular, are growing at a pace that places severe pressure on the environment and poses some threat to the quality of life of which we are so proud.

Coloradans I talk to understand the need to meet the challenges of growth with alternatives that go beyond reliance on new road construction alone. They have a special commitment to maintaining a clean environment and fear the traffic congestion and delays which come with dramatic population growth. Support is building for more rapid transit alternatives, including light rail, car pool lanes, and high speed bus lanes.

Today I commend the Denver Regional Transportation District [RTD] for its effective leadership in pressing forward with critical new transit projects. The recent opening of the Downtown Express bus and HOV lanes, coupled with the inaugural runs of the new light rail system today, are testament to RTD's commitment to meeting head on two of the most vexing problems we face—air pollution and traffic congestion. Today's Grand Opening and those to follow in other high priority transit development corridors reflect strong public support and the wisdom of local and regional planners.

Hats off to RTD for the sound financial management that has delivered this project and the Downtown Express on time and on budget, and for providing the safe, clean, and efficient travel alternative that has earned its distinction as one of the best transit systems in all America. This is especially remarkable given that RTD's service area of six counties and 39 municipalities encompasses 2,300 square miles and 2 million residents—one of the largest transit districts in the Nation. Unlike most other metropolitan areas which have experienced sagging ridership in recent years, RTD has posted 7 consecutive years of growth and a 5.6 percent increase just last year. Ken Hotard, Chairman of the RTD Board of Directors, the rest of the Board, as well as Peter Cipolla, RTD's General Manager, and the entire RTD staff deserve high commendation for their achievements and commitment to meet the challenges of the future.

BENNETT X-RAY TECHNOLOGIES

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, on Thursday, October 13, 1994, the Advancement for Commerce and Industry [ACI] will hold its annual Business Leadership Award Dinner on Long Island. This year's honoree is Bennett X-Ray Technologies of Copiague, NY.

Bennett X-Ray is one of the Nation's leading manufacturers of radiographic and mammographic equipment. Breast Cancer is a major health concern on Long Island and Bennett's revolutionary new Contour Mammography System has received international acclaim for its innovative design and advanced technology. The contour system consistently images more tissue than existing systems for better chance of detection as well as providing a more comfortable exam for the patient than any other mammography system. In recognition of these important achievements, Bennett recently received a U.S. patent for its system.

Bennett is a 1993 recipient of President Clinton's prestigious E award for excellence in exporting. The E award recognizes selected U.S. companies for their competitive achievements in the world market and for their contribution to the U.S. economy. New York Gov. Mario Cuomo and the Long Island congressional delegation were on hand last fall to present Bennett with that well-deserved award. The Governor has also praised Bennett as a "metaphor for economic development" in New York and throughout the whole country.

The evolution of Bennett from a family-run business in the 1950's to a major international provider of medical equipment in the 1990's is a true testament to the vision and business acumen of Bennett's CEO, Cal Kleinman. I am very proud that Bennett is a Long Island company and is being honored with the ACI Business Leadership award this year and Mr. Speaker I am very proud to salute Bennett for the great strides it has taken in the fight against breast cancer.

AN ACCURATE INTERPRETATION OF THE HYDE AMENDMENT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. LOWEY. Mr. Speaker, I note that in response to litigation pending in Federal courts across the Nation, Representative HYDE came to the floor to define his own personal views of the meaning of both the fiscal year 1994 and fiscal year 1995 Hyde amendment. According to Representative HYDE, nothing in the Hyde amendment prohibits States from enacting reporting requirements for rape and incest victims even if those State requirements foreclose the ability of women to obtain abortion under Medicaid. Indeed, my colleague goes further to make the claim that the Hyde amendment imposes no affirmative obligations on the States—in his view it is a permission rather than a mandatory requirement.

While my colleague is certainly entitled to his own view, I think it is important to clarify that his comments are not reflective of the language of the amendment itself, law in this area, nor the intent of Congress. In numerous decisions handed down over the last 15 years, Federal courts have found that States are mandated to provide reimbursement through their Medicaid programs for all medically necessary services for which Federal funding is available. Therefore, beginning in 1994, funds for abortion must be made available when a women's life in endangered and when the pregnancy is the result of rape or incest. This has been the law since last year's Hyde amendment became law. As Justice Scalia recently noted when denying a stay in a case from Louisiana, the premise underlying court decisions on this question has been:

> That Title XIX requires States participating in the Medicaid program to fund abortions—at least "medically necessary ones"—unless federal funding for those procedures is proscribed by the Hyde Amendment.

Justice Scalia continued;

> [t]he Courts of Appeals to address this question have uniformly supported that premise. We have already denied certiorari in two of those cases, and it is in my view a certainty that four Justices will not be found to vote for certiorari on the Title XIX question unless and until a conflict in the Circuits appears.

As we enact this year's version of the Hyde amendment, I presume as always that we are enacting language which comports with holdings of the Federal courts in this area.

Moreover, in contrast with versions of the Hyde amendment passed in some prior years, there is nothing in the language of either this year's or last year's Hyde amendment that allows States to enact second physician certification requirements or reporting requirements for rape and incest victims, particularly ones that inhibit the availability of funding for victims of these brutal crimes. For fiscal year 1994, Representative HYDE proposed versions of the Hyde amendment that would have allowed reporting requirements but these were defeated on procedural motions to adopted by this House. Sexual crimes including rape and incest are among the most underreported crimes in the country and State reporting requirements would make it impossible for many rape and incest victims to obtain both Medicaid funding for abortions and thus the necessary medical care they need. The actions of this House make very clear what was done. I want to ensure that there is no question at all about that.

TRIBUTE TO C. COURTNEY WOOD, EDMOND, OK

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LUCAS. Mr. Speaker, I rise today to pay tribute to Mr. C. Courtney Wood, who is nearing the completion of his 1-year term as president of the Independent Insurance Agents of

America [IIAA]. Mr. Wood is a citizen of Edmond, OK, and owner of Courtney Wood & Associates, an independent insurance agency located in Edmond.

The closure of his term as the elected leader of the Nation's largest insurance trade association next week in Orlando will be the crowning accomplishment of Mr. Wood's many years of distinguished service to IIAA, his profession, and most importantly, to his 300,000 colleagues across the country.

His service to the national organization began in 1982 when he was elected to represent his state association, then the Independent Insurance Agents of Oklahoma, on the national association's board of directors. This election followed closely on the heels of his tenure as president of the Greater Oklahoma City local board and then as the top elected leader of the Oklahoma State association.

Courtney was elected to IIAA's Executive Committee in 1987 and served with distinction for 6 years before rising to the presidency. Over his long and distinguished volunteer career with IIAA, Courtney has immersed himself in a number of industry concerns, most notably the creation and development of the association's markets development efforts.

In addition to his dedication to his profession, Courtney has been an active participant in his church and various community organizations including the Edmond Chamber of Commerce, the Young Men's Christian Association, and service as a trustee of the First Presbyterian Church of Edmond.

I congratulate my fellow Oklahoman and concerned citizen for a job well done. I am confident his selfless service to this association, his professional peers and his fellow citizens of Edmond will continue uninterrupted well into the future.

NAFTA'S MID-TERM REVIEW

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BEREUTER. Mr. Speaker, the House of Representatives' hyperbolic debate on the merits of the Uruguay Round Trade Agreement on October 5, 1994, resembles its debate the previous year on the merits of the North American Free-Trade Agreement [NAFTA]. While both proponents and opponents have exaggerated the effects of NAFTA, Nebraska Columnist Cheryl Stubbendieck's article published in the York News Times reveals that Nebraskans have studied the facts and determined that NAFTA has already lived up to its expectations by greatly stimulating U.S. exports of goods and services, and especially agricultural commodities and products, to Mexico and Canada. Hopefully, Members of Congress will also recognize NAFTA's impressive results when they return at the end of the year to vote on the Uruguay Round Trade Agreement.

[From the York News Times, Oct. 6, 1994]

NAFTA AT SIX MONTHS: A POSITIVE REPORT

It's been six months since the North American Free Trade Agreements went into effect and the dire consequences NAFTA opponents had predicted haven't come to pass. What has occurred is just what proponents said: U.S. exports to Mexico have increased.

Overall, U.S. exports have risen by 17 percent during the past six months, to $24.5 billion. Extended to a full year, exports should reach a record $48.9 billion in 1994—an increase of $7.3 billion from 1993.

NAFTA proponents said the agreements would be especially beneficial to agriculture and this has been borne out. Farm exports have risen 11 percent in the first six months, from $1.93 billion to $2.16 billion. Again projected to an entire year, that number should reach $4.1 billion, half a billion dollars more than for 1993.

This year, U.S. exports to Mexico of many ag commodities and products have increased substantially. Feed grains, soybeans, cotton, tobacco, peanuts, soybean oil, sugars and sweeteners, red meats, poultry and fresh fruit have all seen increases in the half year since trade barriers were relaxed or removed.

Higher shipments of corn and soybeans are leading the increase, according to U.S. Secretary of Agriculture Mike Espy, who spoke to the Midwest Governors Conference in Lincoln in August. Corn exports were up 350 percent; soybeans, 61 percent; poultry, 26 percent; and beef and veal, 52 percent.

According to the Clinton Administration, these increased exports to Mexico—along with increases to Canada, the third partner in NAFTA—will mean up to 100,000 new jobs in the U.S. Opponents of NAFTA had preached that the U.S. would lose jobs to Mexico because of lower wages there. Instead, the competitive advantage the U.S. has for its ag products, particularly, has created jobs here.

The U.S. also has increased the amount of agricultural products it imports from Mexico, by 5.9 percent. For the entire 1994 year, imports should be around $2.9 billion. When compared with our exports of $4.1 billion, the U.S. will show a trade surplus of $1.2 billion in farm products. Compared with last year, we're buying more coffee, tea, snack foods and fruit and vegetable juices from Mexico—although coffee and tea were already duty-free before NAFTA worked its magic on trade barriers.

The six-month report on NAFTA should go a long way to ease the fears of opponents who said the U.S. would lose from the trade agreements. U.S. farmers haven't lost markets, instead they've increased their share. U.S. jobs haven't migrated to Mexico, instead, new jobs have been created here.

The news on NAFTA is positive, but there will likely be better news to come: the expected passage of the long-sought General Agreement on Tariffs and Trade will make NAFTA's effects pale in comparison, according to Espy and others, and will boost the economies of the entire world.

MARKING THE SEVENTH ANNIVERSARY OF THE DECLARATION OF KHALISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize the suffering and the perseverance of the Sikh people of Punjab, in northern India. With little notice from the world's media, and little protest from the world's governments, the Sikhs have suffered terrible atrocities at the hands of Indian security forces who have put a stranglehold on the entire province. Rapes, torture, summary executions, and disappearances occur on a daily basis. Since 1984, over 115,000 Sikhs have died at the hands of Indian Government police, paramilitary forces, and death squads.

Out of this suffering, an independence movement was born. On October 7, 1987, 10 years ago today, major Sikh organizations in Punjab and around the world declared the independence of Khalistan—their homeland. I rise today in part to mark this important and solemn day. The fact that this independence movement has persisted for 7 years under the withering oppression of Indian security forces is a tribute to the Sikh people.

I rise also to recognize the work of the Council of Khalistan, based here in Washington, DC, and supported by Sikh communities across the country. Dr. Gurmit Singh Aulakh, the president of the Council of Khalistan, has worked tirelessly over the last 7 years to bring the suffering of the Sikhs to the attention of the Congress, the administration, and the world community.

It was by the efforts of the Council of Khalistan that on January 24, 1993, Khalistan was accepted into the Unrepresented Nations and Peoples Organization, a well-respected international body dedicated to advanceing the peaceful aspirations of its member nations. Dr. Aulakh's work helped convince Congress to vote last year to censure India for its human rights abuses and cut its aid.

Mr. Speaker, I would like to say a few words about the horrible violations of basic human rights taking place against the Sikhs. According to "Dead Silence: The Legacy of Abuse in Punjab," published by Human Rights Watch/Asia: "Most of those killed (in Punjab) were summarily executed in police custody in staged 'encounters.' These killings became so common, in fact, that the term 'encounter killing' became synonymous with extrajudicial execution." According to one police officer interviewed by the report's authors, "Without exception, any person who is detained at the police station is tortured." Another police officer revealed that "Once I became a police officer, I realized that torture is used routinely. During my 5 years with the Punjab police, I estimate that 4,000 to 5,000 were tortured at my police station alone." There are over 200 police stations in Punjab serving as torture centers.

The Indian Government has also engaged in a campaign of intimidation and harassment against prominent Sikh leaders. Last month, retired Justice Ajit Singh Bains, chairman of the Punjab Human Rights Organization, was prohibited from leaving the country—at the airport—as he was preparing to travel to London to speak at a human rights conference. This distinguished jurist has been under constant government surveillance. This is the same Justice Bains who testified in 1991 against Indian Government brutality in Khalistan before the congressional human rights caucus.

More recently, Simranjit Singh Mann, a former Member of Parliament, was charged with two counts under the internationally condemned Terrorist and Disruptive Activities Act [TADA]. His crime was speaking in behalf of self determination for Khalistan at a Sikh temple. Last year, he was arrested and imprisoned for 52 charges under TADA. The trumped-up charges were dropped only after strenuous objections from the international community.

Mr. Speaker, the torture, the murder, and the rape of the Sikh people must stop. It is time for the oppression to end. I urge all of my colleagues to support my legislation to cut aid to India until its oppressive laws are repealed.

I also want to pay tribute to the strength, pride, and endurance of the Sikh people on the seventh anniversary of the declaration of Khalistan. Like the United States in 1776, the Sikh people are entitled to freedom, democracy, and human rights—which include the right to life, liberty, and the pursuit of happiness. Do those words sound familiar?

Mr. Speaker, I would like to insert into the RECORD the statement of Dr. Gurmit Singh Aulakh, for whom I have the highest respect and admiration. I would also like to insert a letter to the President, signed by myself and 34 other Members of Congress urging him to take strong action regarding India's brutal treatment of the Sikh people.

[From the Council of Khalistan, News Release, Oct. 7, 1994]

SIKH NATION MARKS SEVENTH ANNIVERSARY OF DECLARATION OF INDEPENDENT KHALISTAN

WASHINGTON, DC.—"Today marks seven years since the Sikh nation boldly severed all ties with India and declared the free, sovereign, independent country of Khalistan," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Since the Sikh nation set its eyes on freedom, we have never looked back. Independence sits clearly on the horizon, and nothing India can do will deter the liberation of Khalistan."

Though Sikhs mourn the murder of over 115,000 of their countrymen by Indian government forces since 1984, the struggle for Khalistan's freedom continues unabated. "All the brutal oppression India has managed to muster has not been enough to crush the movement for Sikh freedom," said Dr. Aulakh. "We have made great strides in the past seven years. The U.S. Congress and the international community now know the savage tyranny of the Indian government. Bills are regularly introduced in the U.S. Congress to protest India's occupation of Khalistan. Foreign aid to India has been cut by various donor nations. Every day the Sikh nation progresses toward the ultimate goal of a free and independent Khalistan. The story of our suffering under Indian occupation has exposed the so-called world's largest democracy as one of the worst violators of human rights in the world. India today stands as an international pariah."

Much of the credit for this success can be attributed to the Council of Khalistan which has worked tirelessly to advance the cause of Sikh freedom. Under the leadership of Dr. Aulakh, the Council of Khalistan has helped to make Khalistan an international issue. On January 24, 1993, Dr. Aulakh led a delegation of Sikhs to the General Assembly of the Unrepresented Nations and Peoples Organization and successfully petitioned for membership. Last year, under the urging of Dr. Aulakh, the U.S. House of Representatives passed an amendment to the Foreign Aid Authorization Bill (H.R. 2295), cutting 10% of U.S. developmental aid to India for its brutal violation of human rights against the Sikhs. President Bill Clinton signed the bill into action on October 1, 1993. And Today, 35 Members of Congress signed a letter to President Clinton, with the efforts of Dr. Aulakh, urging him to cut further aid to India, withdraw U.S. support for loans to India in the World Bank and the IMF and promote international sanctions against India if it refuses to allow self-determination in Khalistan.

"The movement for a free Khalistan gains steam everyday," said Dr. Aulakh. "The Indian government has killed thousands of Sikhs, but it cannot kill the spirit of freedom burning in the heart of the Sikh nation. India does not know what it is up against. The Sikhs are a freedom loving people and we support all those nations struggling to liberate themselves from Indian oppression. This includes the Kashmiris, the Christians of Nagaland, the people of Manipur, the Assamese the Tamils of Tamil Nadu and others.

"The Sikh nation has never altered its demand for outright freedom despite seven years of savagery," added Dr. Aulakh. The peaceful mass movement for the liberation of Khalistan cannot be deterred. I warn the Indian government to release the thousands of Sikhs it has wrongfully imprisoned, to cease its rape of Sikh woman and the torture of Sikh leaders. It is in the best interest of the Indian government to sit down with the leadership of the Sikh nation to demarcate the boundaries between Indian and Khalistan today. Freedom is the birthright of all nations, and the Sikh nation will wait no longer. Free Khalistan today. Khalistan Zindabad.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 7, 1994.

Hon. BILL CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: Since 1984, Indian government police, paramilitary forces, and death squads have killed over 115,000 Sikhs advocating freedom for Khalistan. Since 1978, India has refused to allow Amnesty International within its borders. Closed to human rights monitors, the Sikh homeland reels under Indian government oppression. We ask you to take action in support of the right to self-determination of Khalistan and against India's oppression of the Sikh people.

The government of India has persistently pursued means antithetical to international standards on basic human rights and freedoms to crush the peaceful movement for a free Khalistan. Recently, Sikh political leader Simranjit Singh Mann was charged under the Terrorist and Disruptive Activities (Prevention) Act (TADA). His crime was speaking for the freedom of Khalistan through non-violent means. The TADA laws have been roundly condemned by the world's most respected human rights organizations as mere government tools of oppression. Under TADA, the presumption of innocence is reversed to a presumption of guilt, the democratic freedoms of speech and association are denied, and the accused can be held without trial for over two years. TADA explicitly violates the International Covenant of Civil and Political Rights, and the United Nations Human Rights Committee has condemned these draconian laws as "disturbing" and "completely unacceptable."

In the past Mr. Mann has faced even harsher treatment. In the mid-1980's, Mr. Mann was imprisoned for four years and tortured with electric shock. Similarly, earlier this year, Mr. Mann was charged with 52 violations under TADA and imprisoned. After the U.S. Congress took action on his behalf, he was released and the false charges dropped. Mr. Mann has also had his passport confiscated by the Indian government which clearly wants to prevent him from telling his story to the international community. Furthermore, Mr. Mann has indicated that his life has been threatened by Indian police under the direction of the Punjab Chief Minister Beant Singh.

On September 15, retired high Court Justice Ajit Singh Bains, Chairman of the Punjab Human Rights Organization, was prevented from boarding a plane out of Delhi bound for the United Kingdom. The Home Ministry refuses to allow him to leave the country. His telephone has been tapped and his house remains under constant government surveillance. Justice Bains has persistently spoken out against Indian government brutality against Sikhs and should be remembered for the moving testimony he gave at a 1991 hearing of the Human Rights Caucus in the House of Representatives. Because he has never shied away from exposing Indian government oppression in the Sikh Homeland, Justice Bains finds himself its victim.

On May 25, the Indian government issued a top-secret order directing the postal service to detain all communications emanating from ten Sikh organizations, regardless of content. Ten senior journalists who have been critical of the Indian government have also been targeted for censorship. Two of the journalist listed, Mr. Shammi Sarin of the Sunday Mail, and Monimoy Dasgupta of The Telegraph have received death threats. The reporter who broke this story, Sukhbir Singh Osan, a Chandigar correspondent for the Hitavada News, reports that his phone is being tapped.

Indian government oppression against the Sikhs can no longer be denied. According to Dead Silence: The Legacy of Abuse in Punjab, published in May 1994 by Human Rights Watch/Asia, "The deliberate use of torture and execution * * * was not merely tolerated but actively encouraged by senior government officials." Recently, Gurkirat Singh, the grandson of Punjab Chief Minister Beant Singh, was accused of gang-raping a French woman in Punjab with the help of two friends and four bodyguards provided by the Indian government. There is speculation, because of Gurkirat Singh's relation to the Chief Minister, that the government is trying to silence the entire issue by sequestering the accuser until she can be flown to France. Sikh women regularly suffer rape by Indian security forces and death squads who use it as a tactic to strike a paralyzing fear against those who would speak out in support of Khalistan.

Mr. President, this state of affairs simply cannot be allowed to continue with the knowledge of the International community. Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has kept you, the U.S. Congress and the International community up to date on the brutal atrocities committed against Sikhs engaged in the peaceful struggle for a free Khalistan.

Seven years ago today, on October 7, 1987 the Sikh nation formally declared the Sikh homeland of Khalistan a sovereign, independent nation. We are fully aware of the oppression Sikhs face seven years after their declaration of independence. We, the undersigned Members of Congress, ask you to persuade the Indian government through the State Department to:

1. Recognize the right of the Sikh nation to peacefully pursue its right to self-determination.

2. Allow a plebiscite in Punjab, Khalistan under the auspices of the United Nations so that Sikhs can peacefully decide for themselves their political future.

If the Indian government refuses to acquiesce to these basic concerns, we urge you to

1. Cut all direct U.S. aid to India.
2. Withdraw U.S. support for loan programs to India in the IMF and the World Bank.
3. Bring the issue of freedom for Khalistan and India's brutality against Sikhs to the United Nations and ask for international sanctions against the Indian government.

Mr. President, it is time that the United States send a message to the Indian government. In the name of freedom and democracy, we beseech you to act immediately.

Sincerely,

Peter Geren, John T. Doolittle, John J. Duncan, Jr., Peter King, William J. Jefferson, Dan Burton, Gary Condit, Gerald Solomon, William O. Lipinski, Chris Cox, Phil Crane, Collin C. Peterson, Arthur Ravenel, Jr., Christopher Shays, Dana Rohrabacher, Charles Wilson, Randy "Duke" Cunningham, Richard Lehman, Tom Bliley, Dick Zimmer, Robert K. Dornan, Dean A. Gallo, George Miller, Roscoe Bartlett, Jack Fields, Robert T. Matsui, Esteban E. Torres, Wally Herger, Ken Calvert, Richard Pombo, Edolphus Towns, Lincoln Diaz-Balart, James H. Quillen, Scott L. Klug, Bill Paxon.

TRIBUTE TO BERT AMMERMAN

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. ROUKEMA. Mr. Speaker, I rise today to bring to your attention the fact that Bert Ammerman was recently honored as Principal of the Year by the New Jersey Principal & Supervisors Association.

Mr. Ammerman, of River Vale, is principal of Northern Valley Regional High School in Demarest, NJ. This award was based on his willingness to take risks to help students, his ability to anticipate and solve problems, and his success in improving the school's learning environment. Under Mr. Ammerman's leadership, students at Northern Valley have raised money for hurricane victims in Florida and for a janitor with 13 children who suffers from kidney failure. This year, they are raising money for a modified van needed by a graduate who broke his neck and is paralyzed from the waist down. Mr. Ammerman has also introduced novel techniques to supervise teachers, evaluating them based on individual growth among other innovations.

As New Jersey Principal of the Year, Mr. Ammerman will become New Jersey's candidate for the 1995 National Principal of the Year.

In addition to his work at Northern Valley, Mr. Ammerman is well-known as the president of Victims of Pan Am Flight 103, a national group that successfully fought for an indepdent investigation into the December 21, 1998, bombing over Lockerble, Scotland. Mr. Ammerman's brother, Tom, was killed in that bombing. Mr. Ammerman's efforts led to tightened airline security and passage by Congress of the Aviation Security Act of 1990.

Mr. Ammerman's excellent record of public service is to be commended. Individuals such as Mr. Ammerman are precisely the type of role models who should be in charge of the eduation of our youth.

TRIBUTE TO SOUNDVIEW HEALTH CENTER AND THE COMPREHENSIVE COMMUNITY DEVELOPMENT CORP.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SERRANO. Mr. Speaker, I rise to mark the 16th anniversary of the Comprehensive Community Development Corp. [CCDC] and the 13th anniversary of the Soundview Health Center [SHC], two community based nonprofit organizations providing vital medical and social services to the southeast Bronx.

As its name suggests, the CCDC is a diverse organization that oversees numerous constituent programs, including the Soundview Health Center, the James Monroe Senior Center, a diabetes program, a USDA surplus food distribution program, and many others. The CCDC is one of the largest providers of medical and social services—and one of the largest employers—in the southeast Bronx.

The Soundview Health Center provides a wide range of medical services, from prenatal care to blood pressure screening and from nutritional counseling to emergency care. The SHC handles over 60,000 patient visits every year, and continually creates partnerships with public schools, churches, civic organizations, and other community institutions to better meet the needs of the people of the southeast Bronx.

Mr. Speaker, 1 week from today, on Friday, October 14, the administration, staff and friends of the Soundview Health Center and the Comprehensive Community Development Corp. will gather to celebrate the many years they have been joined together by the invaluable work of these two organizations. I ask my colleagues to join me in saluting them on this occasion.

DOMESTIC VIOLENCE AS A PUBLIC HEALTH ISSUE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BARRETT of Wisconsin. Domestic violence is an epidemic in our country. Each year 4 million women are severely assaulted by their current or former partners—domestic violence is the leading source of injury for women between the ages of 15 and 44.

For too long, we have addressed this violence only through the criminal justice system. It is more; it is a public health issue. Physicians, emergency room personnel and other health providers must enter the fight against domestic violence if we are to make a lasting change in violence in the home.

Public health stresses prevention and early detection, while criminal justice emphasizes arrest and punishment. The partnership between public health and criminal justice can provide the personnel, expertise, and deterrence that is needed to address not only the symptoms, but the cause of domestic violence.

The costs of waiting to address this epidemic are too high. Women and children suffer the cost of fear, depression, and often physical trauma. Our hospitals suffer the cost of continued emergency care.

We have passed the Violence Against Women Act. We have started to provide the resources needed to end domestic violence. As we continue to fight, it is fitting that we see the public health implications of the crime of domestic violence.

HUMAN RIGHTS ABUSES IN KASHMIR

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. WHEAT. Mr. Speaker, I rise to bring to the attention of my colleagues a recent New York Times editorial regarding the bloody dispute in Kashmir.

The ongoing conflict in Kashmir poses a serious threat to global peace. Perhaps nowhere on Earth is the potential for a nuclear confrontation more real today than on the Indian subcontinent, and nowhere are tensions more likely to erupt into war than over Kashmir.

As such, it is clearly in American interests to help ease tensions in the region and to work towards achieving a negotiated settlement that addresses the legitimate political aspirations and economic grievances of the Kashmiri people.

A systematic pattern of human rights abuses in the region has upset efforts to achieve these fundamental goals. As documented in the State Department Human Rights Report, and by numerous international human rights organizations, Kashmir has been plagued by a series of flagrant human rights violations.

Detailed accounts of summary executions, torture, rape, indiscriminate shootings, arbitrary arrests, and attacks on medical personnel and human rights monitors in Kashmir have become all to common in recent years.

As efforts to expand ties with India are considered, it is important to restate that compliance with universal standards of human rights remains high on our agenda, and our bilateral relations are contingent on real progress towards peacefully resolving the bloody Kashmir dispute.

Mr. Speaker, the people of Kashmir have suffered for too long. The people of India and Pakistan have stood too close to the brink of war for too long.

The time is now ripe to end hostilities in Kashmir and begin a real dialogue for peace, self-determination, justice, and respect for human rights.

[From the New York Times, Sept. 6, 1994]

INDIA'S DIRTY LITTLE WAR

A relentless, deadly struggle goes on and on in India's mainly Muslim state of Kashmir, where New Delhi is trying to crush forces seeking independence or union with Pakistan. The violence comes from both sides, but India's obdurate insistence on resolving a political problem by force has increasingly enmeshed it in a campaign of lawless state terrorism. The ugly results are documented in a new study by Human Rights Watch/Asia.

Regrettably, Washington, instead of raising its voice to defend human rights, has lowered it in an effort to improve commercial and diplomatic ties. The U.S. may have little power to deter India from repression. But the Clinton Administration should assert American disapproval more forthrightly.

Kashmir's political status has been disputed almost since the subcontinent was partitioned in 1947. A local Muslim uprising drew armed support from Pakistan. The Hindu maharajah then called in Indian troops who recaptured most of his lost territory. The two countries have confronted each other over tense cease-fire lines ever since. Meanwhile, on the Indian side, a promised plebiscite was never held and the state was formally incorporated into India in 1954. Separatist agitation continued on and off, flaring again into open conflict in 1989.

Some pro-Pakistani militant groups have resorted to terrorist deeds like kidnapping, assassination and extortion and even to common crime. No political grievance can justify such acts.

But Human Rights Watch/Asia reports that Indian forces, which are obliged to follow higher standards, have also resorted to reprisal killings and burning down villages. They are also said to be executing many suspects without trial; 200 in the first half of this year and 50 in one month alone, according to local human rights groups. There are also many reports of torture and "disappearances," two other common features of state terrorism.

India insists it has prosecuted some responsible for these crimes, but has offered no information about such prosecutions. The State Department, in its latest annual human rights report, said "there was little evidence that the responsible officials received appropriate punishment."

Until this year, American officials were equally candid in their public statements. But more recently, after New Delhi warned that continued human rights criticism could damage relations, the Clinton Administration has gone silent on the subject. Meanwhile, India has aggressively courted help from the likes of China and Iran to block condemnation by the U.N. Human Rights Commission.

The Administration needs to find a firm and consistent voice on human rights, whether in powerful countries like India and China or puny ones like Haiti and Cuba. Selective denunciations carry no moral authority. Criticizing the weak but not the strong is bullying, not leadership.

Meanwhile India, which captured the world's moral imagination with Gandhi's nonviolent struggle for independence, is now in the unflattering company of countries that use deadly force to keep their unhappy citizens in line.

A SALUTE TO MATT FLETCHER

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. GUNDERSON. Mr. Speaker, with the close of a Congress, many changes occur. Members of Congress, who have announced their retirement, complete the process of closing down their offices and moving home. New Members come to town with hope and enthusiasm, aiming to carry on where their predecessors have left off.

But not all change occurs at the Member level. Perhaps even more dramatic in terms of numbers and influence would be the changes occurring at the staff level. For it is today, and always has been, the professional staff that make so much of what we do possible.

Today, I want to pay special recognition to one of those staff members who will be leaving Federal service November 1. Matt Fletcher will conclude his service to the Congress on that date. He leaves as the minority staff director on the House Government Operations Committee. And when he leaves, we lose not only a dedicated member of our congressional staff—we also lose a wonderful example of what can be accomplished through dedication and hard work.

I knew Matt Fletcher as a friend, before I knew him as a professional colleague. Matt came to Washington, like so many others seeking congressional service. Yet, he asked for nothing on a silver platter—he earned everything through hard work and competence.

When we first met, shortly after my election to the Congress, Matt held down two jobs. Matt brought all the values of the midwest with him from Cedar Rapids, IA. Unable to achieve the congressional job he hoped for, he began working at the Republican Senate Campaign Committee. But because this did not cover his financial needs, he worked part time at Bullfeathers. It was here, through a friend, that we met.

We have always had much in common. We both came from midwestern families whose fathers sold Chevrolets. Our mutual interests in sports, Republican politics, and governing gave us much to discuss over our mutual tastes for beer. But it was his work ethic that impressed me the most. And so when an opening occurred on my staff, I asked Matt to consider joining my staff. When he agreed to do so, I and the Congress were the lucky ones.

Matt Fletcher began as a member of my staff in 1985, and soon became my legislative director. He not only coordinated the entire legislative effort for a very busy office, but he also provided specific issue leadership as well. In particular, Matt Fletcher will be remembered for making the Environmental Management Program on the Upper Mississippi River a reality. Matt was the one person who led the entire legislative efforts to make the goal a reality. Generations of Americans, young and old alike, will enjoy the multiple uses of the Mississippi River in large part because Matt Fletcher made it happen.

Second, Matt Fletcher, handled defense and foreign policy issues for me at a most important time in American history. With the cold war at breaking point, and numerous trouble spots in Central America—these were complicated and troubled times. As a legislator immersed in agricultural and education issues essential to my district, this was a clear case of the need of competent guidance from one's legislative staff. Matt Fletcher met that need.

One of the great things on Capitol Hill is that competence, hard work, and earned respect can pay dividends. By 1987, Matt Fletcher's abilities were hired by the Government Operations Subcommittee on Environment, Energy, and Natural Resources. It was this point in his career, when Matt's responsibilities were transferred from my direction to that of the Hon. BILL CLINGER—the ranking Republican on that subcommittee.

BILL CLINGER obviously recognized and appreciated the same positive traits in Matt, that I had come to take for granted. For soon, Matt's responsibilities had moved from subcommittee staff to full committee staff. And when Bill Clinger assumed the position of ranking Republican on the full committee, he asked Matt Fletcher to serve first, as Deputy Staff Director, and in 1992 as Minority Staff Director. He will hold that position until the time of his departure.

For those of us, who know him, and have worked with him—Matt's departure from Capitol Hill will leave a large gap. He brought to his work a sense of caring, compassion, respect, and diligence too often missing in this business. He understood the essential role of partisanship in our democracy. But he never played political games for pure partisan purposes. He understood the role of oversight in an open multibranch government. But he never pursued oversight for pure harassment purposes.

On a personal level, Matt has been the kind of professional staffer everyone would want to know, and work with on their staffs. No one has been more loyal, honest, and dedicated to the work of his office and his boss. No one has been more committed to the successful work of Congress as an institution. No one has been more liked by the Members he worked for, the professional colleagues he worked with, or the public he worked to help.

I will miss him on Capitol Hill. And I thank him for his service here. But we will continue to be personal friends. And I wish him all the best in his future. No one deserves it more than Matt Fletcher.

FORWARD FUNDING OF PUBLIC BROADCASTING

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SKEEN. Mr. Speaker, as a member of the Appropriations Committee, I have great respect for the dedication that my colleagues have to their work on this all-important committee. They make tough funding decisions everyday that often affect popular programs.

Having said that, I want to express my concern about a precedent-setting decision that was incorporated in the appropriations bill for the Departments of Labor, Health and Human Services, and Education for fiscal year 1995. That legislation rescinds $7 million from previously appropriated funds to the Corporation for Public Broadcasting [CPB]. This action effectively compromises the committee's longtime support of forward funding for CPB.

The forward funding concept was initiated some years ago to help public broadcasters make long-term plans for infrastructure improvements and to help raise funds to support public broadcasting from non-Federal sources. By any measure, forward funding has worked to fulfill these goals.

By rescinding this money, many public broadcasters—including those in my congressional district—will see their budgets cut accordingly. They may have to put off some services and some infrastructure improvements until the next year.

I want to offer my support and wholehearted endorsement for the concept of forward funding of public broadcasting. I hope that when the Appropriations Committee considers appropriations for the Corporation for Public Broadcasting next year, that it will be able to follow through with the committee's previously committed funding level.

JAMES MATTHEW BROADUS III

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MILLER of California. Mr. Speaker, the environmental and natural resources community has lost one of its best minds and most generous spirits with the untimely death of Dr. James Matthew Broadus III, director of the Marine Policy Center at the Woods Hole Oceanographic Institution, on September 28, 1994.

Jim was a brilliant scholar who we counted on for superb, rigorous analysis and objective policy recommendations. He was a man of technical excellence and creative vision. As director of the Marine Policy Center from 1986 until his death, he inspired his excellent staff to produce some of the finest work in the field. Under Jim's leadership, the Marine Policy Center has become one of the most respected environmental policy institutions of its kind.

An internationally recognized researcher with a doctorate in economics from Yale, Jim published extensively in top journals in the fields of economics, law, science, and public policy. He was one of the those rare individuals who could translate highly technical information to policymakers and the public. Jim's findings have been applied to a broad range of domestic and international policy problems. His impact has extended well beyond ocean and coastal issues.

We will remember his terrific sense of humor, his intellectual integrity, his lasting contributions to the work of Congress, his dedication to his students and staff, and his eye for all things genuine. To Jim's wife, Victoria, and his children, Matthew, Tory, and Joseph, our hearts are with you. We hope that you recognize the profound impact that Jim made and the esteem in which he was held. We hope this awareness will help you in this time of great loss.

AMGEN, THOUSAND OAKS, CA, BIOTECHNOLOGY COMPANY, SELECTED TO RECEIVE THE 1994 NATIONAL MEDAL OF TECHNOLOGY

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BEILENSON. Mr. Speaker, in 1980, only 14 years ago, Amgen—a start-up biotechnology company—set up business in Thousand Oaks, CA, with a few talented people and a vision.

Amgen now has more than 3,300 people employed worldwide, with more than 2,700 of them in Thousand Oaks, which I have the honor of representing. The visionaries who created Amgen did so in the belief that the infant science of biotechnology would ultimately yield breakthrough medical treatments.

Now, with the U.S. Department of Commerce's recent announcement that it is awarding the 1994 National Medal of Technology to Amgen, the company's pioneering role in biotechnology and its success in bringing remarkable medicines to patients around the world have been officially recognized.

On October 25, the President will present to Amgen this prestigious National Medal of Technology, making Amgen the first biotechnology company to be so honored. The Presidential Citation to Amgen reads:

> For its leadership in developing innovative and important commercial therapeutics based on advances in cellular and molecular biology for delivery to critically ill patients throughout the world.

The National Medal of Technology is the American equivalent of the Nobel Prize. The award recognizes the recipient's excellence in technology innovation and commercialization. Amgen's breakthrough medicines Epogen and Neupogen provide lifesaving and improved quality-of-life benefits to hundreds of thousands of kidney dialysis and cancer patients.

Amgen recently dedicated a new 225,000 square-foot research facility at its Thousand Oaks headquarters complex in which its outstanding group of research scientists are working on new technologies for product candidate discovery and preclinical development and a network of academic and corporate collaborations to identify new medicines through research and testing.

Amgen is harnessing innovation to eliminate or alleviate many of the most serious life-threatening illnesses. Amgen scientists are trying to develop drugs to treat crippling neurological conditions such as Alzheimer's, Lou Gehrig's, and Parkinson's diseases and inflammatory disorders like asthma and rheumatoid arthritis. Amgen is conducting clinical trials with an interferon that may provide a safer and more effective treatment for hepatitis C viral infection. And, research by this company may be the source of relief and even cures in the area of inflammation and diseases such as rheumatoid arthritis, adult respiratory distress syndrome, and asthma.

After only 14 years, Amgen has emerged as the world's leading producer and manufacturer of important medicines based on cellular and molecular biology. All of us in southern California are proud of Amgen's accomplishments—the National Medal of Technology is only the latest in a series of high honors and awards for the company and its employees.

Mr. Speaker, I commend Amgen and its chairman, Gordon M. Binder, for this latest honor and for Amgen's record of outstanding service to the community.

SALUTING THE 50TH ANNIVERSARY OF THE POLISH-AMERICAN CONGRESS

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. QUINN. Mr. Speaker, I rise today to salute the 50th anniversary of the Polish-American Congress [PAC]. Fifty years ago this past May, the PAC was formed as a constitutional assembly in my district of Buffalo, NY.

From its inception, the Polish-American Congress has demonstrated commitment and support for the sovereignty of Poland and Polish-American causes. The PAC worked tirelessly to help the Poles regain their freedom and to promote the cultural heritage and ties to the Polish-American community.

Formed toward the end of World War II, the PAC was a symbol of Polish-American commitment to the war effort against Nazi Germany and Imperial Japan and support for oppressed Poland. The PAC was therefore deeply disturbed by the terms of the Allied agreements of Poland and Eastern Europe. The Soviet takeover and communization of Eastern Europe laid the grounds for the unacceptable treatment of the people of Poland. The PAC united Polish-Americans and advanced efforts to help Communist-enslaved Eastern Europe.

PAC delegations documented conditions and treatment of Polish refugees and denounced them to the world. The PAC lobbied for the admission of 140,000 displaced Polish persons into the United States in 1947 and continued immigration efforts allowing thousands of new Polish emigres into the United States over the next 40 years allowing families to be reunited.

The PAC backed the creation of Radio Free Europe as a voice of truth for the people of Eastern Europe. PAC-advocated investigations of the Soviet regime and its security police found them responsible for the atrocity of Katyn Forest.

Major steps were made with the Helsinki Accords of 1974 which spelled out a set of human rights—political dissent, freedom of association, and emigration—for the peoples living under Communist rule in the USSR and Eastern Europe.

Support for the Solidarity Trade Union Movement, extraordinary efforts at fundraising and humanitarian aid initiatives provided the relief and materials necessary to help the Polish people during the economic and political crises which occurred during the marshal law years.

All of this incredible support and dedication lead to the triumphant moment in 1989 when Poland became the first Eastern European country to gain a non-Communist government in 40 years.

Besides helping to bring about change in Eastern Europe, members of the PAC serve as a cohesive force in the United States by celebrating their cultural heritage. The PAC is involved in such activities as recognizing important Polish historical figures and events and promoting cultural initiatives such as Polish-American Heritage Month, as observed each October.

Mr. Speaker, PAC delegates are gathering in Buffalo to celebrate the 50th anniversary. PAC continues to be a strong voice for the Polish-American community and Poland itself.

I urge my colleagues to join me and salute their dedication to the cause of freedom and human rights and offer the PAC as an example of the spirit of democracy.

The Polish-American Congress is one of the most important and effective organizations of its kind. I am very proud to be able to represent the congressional district where the PAC was born and recognize the PAC here on the floor of the House of Representatives.

ATTACK-DOG JOURNALISM

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. DORNAN. Mr. Speaker, it has often been said, and rightly so, that if a man loses his good name he loses everything. And with the advent of attack-dog journalism it has become harder and harder for those of us in public office to defend our good names and reputations. When accusations are made they are front page news. When those accusations turn out to be false, the corrections—if you get one that is—will be tucked away deep in the bowels of some obscure section that nobody reads. As former Secretary of Labor Ray Donovan said after being acquitted on bogus charges, "Where do I go to get my good name back?"

I remember when terrorism specialist Steve Emerson totally demolished, beyond a shadow of a doubt, Time magazine's outrageous story on the now infamous phony October Surprise conspiracy theory. Emerson proved that Time had been shamelessly used by agent provocateurs and con artists. Yet, incredibly, Time stuck by its story. When a major news magazine refuses to admit its most obvious and blatant errors, something is drastically wrong. But it is a perfect example of how difficult it is to get satisfaction from the media.

I have certainly had my troubles with the Los Angeles Times over the years. It seems they simply cannot get over the fact that the people of central Orange County would want to be represented by a conservative, and they have done their best over the years to see me defeated, all to no avail. During that time the L.A. Times has written many stories about me. For the most part they have been somewhat fair, though many have been biased. But in a certain few cases they have exhibited a reckless disregard for the truth and have distorted facts to conform to their biased notion of who BOB DORNAN is. Tonight, I want to take some time to set the record straight on three falsehoods that the L.A. Times continually perpetuates. For the sake of my honor and my good name.

Recently, I was explaining to an L.A. Times reporter who was writing a short political piece on me, why I have always been leery of speaking with L.A. Times reporters during in all of my eight previous House races. Now in race number nine I am on my guard again. I have never really had a skilled, focused, mature and competitive Democratic opponent. So young L.A. Times reporters take it upon themselves every election year to go after me, and close up the point spread in my re-elections. The result? Times articles on me always become the number one weapon used by my opponents in their campaign literature and phone banks. Every even numbered year I ask the L.A. Times reporters, "Why? Did God designate you and the L.A. Times to attempt to take me down? To defeat me? To end my political career?"

I advised Times editors on the House floor during special orders that I was going to correct some major distortions and lies they have printed in the past before they repeat them again this October. There is an article from October 10, 1992 that contains several lies about BOB DORNAN. The Times prints quotes from my opponents that are not true, adds quotes that are untruthful, hearsay statements from people I've never met, and then rolls these lies over every 2 years into a running negative profile that makes me so unbelievable, colorful, and flamboyant that Gen. George S. Patton, dead or alive, could not match the image the L.A. Times has created of me.

Three of the most outrageous lies were repeated in a short profile feature done 3 weeks before the election of 1992. I am now going to try to correct the lies contained therein once and for all. They spring from the 1980 general election, the 1982 primary, and the 1986 general election. I now publicly ask the L.A. Times if they are going to continue to perpetuate these three vicious untruths in the closing days of the 1994 elections.

Eric Bailey and Bob Stewart wrote an October 18, 1992 so-called biographical update on me. After the election I pointed out to them the major gross lies. They promised that they would correct them. Bob Stewart moved on, so he cannot correct them. But Eric Bailey can and should ask his editors to correct the historical record.

Eric, please heed and hear my words. Lie number one is from my third congressional campaign in 1980. Here are the exact words out of the October 1992 L.A. Times: "During his 1980 battle for his old Santa Monica-area district against Carey Peck," (Peck seemed to disappear off the face of the Earth the next year) "son of actor Gregory Peck, it took a Justice Department investigation to clear the challenger" (Peck) "of Dornan's allegations that Peck accepted $13,000 in illegal cash campaign donations from James H. Dennis, a convicted felon serving time in an Alabama Federal prison for fraud. Dennis said he agreed to make the accusations when Dornan visited him in prison and promised to get the felon better prison status. Dornan denied that any deal existed."

A vicious, foul untrue story, I have never to this day 14 years later corrected this garbage on the House floor. I should have years ago. I will now.

First, young Carey Peck, son of Gregory, did take 13 sequentially numbered, $1,000, illegal donations written to him from "dead people, and 3- and 4-year-old children." Gregory Peck, the Academy Award winning actor, and I say this sincerely, probably unknowingly brought an envelope from Alabama to L.A. with this dirty, $13,000 worth of phony cashiers checks using the names of children and dead people inside and gave it to his son. I charitably assume he did not open the envelope. The checks all originated in Alabama. Then-Senator Alan Cranston, who I also think was unwitting in all this, had asked Gregory Peck to come to Alabama to help a young Senator named Donald Stewart who was appointed after the death of Senator James Allen. James Dennis sent this dirty money to young Carey as a favor to Gregory Peck for coming to Alabama. This James Dennis had embezzled $1½ million from people in the State of California. I went to visit him in an Alabama prison to get at the root of the $13,000 of dirty money that the Carey Peck campaign took in 1978. I took with me my wife, my lawyer, the U.S. attorney from southern Alabama, and an FBI agent from their Alabama office. We all met in the warden's conference room at Talladega Prison to get to the bottom of this scandal. The warden stayed throughout the meeting.

James Dennis told us everything about political corruption in Alabama. He never asked me for special treatment and I never gave any to him. How could I? A month later his brother was involved in a fatal car crash. As he lingered near death, I was in Israel on a Narcotics Committee investigation trip at the time, Dennis called my staff from prison to ask if they could help him to visit his dying but conscious brother in the hospital. Prison officials said there was nothing my staff could do to help James Dennis. His brother died. The warden, on his own, did allow Dennis to go to his brother's funeral in leg shackles and handcuffs. Weird.

Quite a character this James Dennis, an Elvis Presley look-a-like. He looked more like Elvis than any professional Elvis impersonator I have ever seen. He was even more handsome. But at age 28 he embezzled one-half million dollars and put 13 phony $1,000 checks into young Peck's campaign. Did the Justice Department clear Peck. They did not! They never even investigated, as the Times alleges. When I brought the case to Jimmy Carter's Justice Department, I was told to go to the Federal Election Commission. The FEC fined Dennis $30,000, a record fine at that time, and ordered Peck to return the money. Peck claims he did. I repeat. The Justice Department in 1980 under Jimmy Carter said they did not want any part of an investigation. After all, the election was over and I had won by 51 to 46 percent and Carter had lost to Ronald Reagan.

Do you have those facts straight, L.A. Times?

Those are the facts, and I will flesh them out in person anytime the Times wants to hear the truth.

Here is the second big lie. This is from the L.A. Times of Oct. 18, 1992:

> While making an unsuccessful run for U.S. Senate in 1982, Dornan accused Barry Goldwater Jr. of being involved in a drug scandal on Capitol Hill and assisted law enforcement officials in an investigation.

Lie, lie, on two points. The story on Barry and cocaine broke in September 1982. Our primary race was over on June 8, 1982. And besides, I never had any knowledge whatsoever about Goldwater's private life.

The Times goes on to say, "Goldwater was never charged." Go look at the files from the ethics committee investigation here in the House on that case in 1983, which is after I had been gerrymandered out of my seat. I did not serve in the 98th Congress.

Joseph Califano wrote the final report and said he believed Goldwater to be guilty. I never bothered to learn either side of the story. It is a dirty vicious lie for the L.A. Times to write that I accused or investigated a friend and had him busted for cocaine use. I was with Barry in England in September 1982 when an Air Force colonel handed me a Newsweek magazine with the breaking story of cocaine use on Capitol Hill in which Barry was named. I asked him about it. He denied the story and I believed him. Barry and I had both been bested in the June primary by Pete Wilson, now California's Governor.

Are you listening L.A. Times? Are you aware of these facts Shelby Coffey or Marty Baron? Are you reading about blatant lies that your paper has never corrected?

Vicious lie number 3. There are many more little mistakes and untruths in the October 1992 profile that I will go into in the future.

Again, here is the L.A. Times of October 18, 1992:

> At a debate during the 1986 race, Dornan launched a furious series of character attacks on his opponent, then-Assemblyman Richard Robinson. He accused the democrat of influence peddling.

"Influence peddling" are words the L.A. Times' used in their investigative report. They are not mine. They were used in an investigative piece about Richard Robinson. Yet the L.A. Times dredged up its own words from years earlier and put them in my mouth 10 years later. Wow, what chutzpah.

Again, the full L.A. Times quote continues:

> Dornan accused the Democrat of influence peddling, bribery, extortion, and dealing with teenage prostitutes in Sacramento.

Good grief. All of that is in single quotes because it came from a front-page L.A. Times story that of course I printed in a brochure and mailed to every home in my district. Who wouldn't do that in a campaign? Was I wrong to believe in the accuracy of the reporting of the Times? Mr. Speaker, it is absolutely outrageous to attribute their investigative conclusions to me, as if I were the one who conducted the investigation.

Mr. Speaker, I have every right to take out a point of personal privilege and do an hour in the middle of our congressional day or this. I chose to do it this way and not interfere with our legislative schedule.

But I will speak on this next year, Mr. Speaker, after I win with over 55 percent of the vote in my district. That is, I will again try to correct my personal career record with the truth unless the L.A. Times has honorably corrected the record in the interim.

Thank you Mr. Speaker, have a nice election.

I submit for the RECORD the January 21, 1985 L.A. Times investigative report.

[From the Los Angeles Times, January 21, 1985]

EX-AIDES TIE MORIARTY TO POLITICAL SEX PARTIES

(By Tracy Wood and George Frank)

Former top aides to Anaheim fireworks manufacturer W. Patrick Moriarty say they have given criminal investigators a detailed account of how Moriarty provided prostitutes for state and local officials in an effort to gain political clout.

The former aides also have told the story in interviews with The Times, providing a growing list of governmental officials, bankers and others the one-time aides said were provided with prostitutes paid for by Moriarty.

Those named by former Moriarty associate Richard Raymond Keith, 47, include former Assemblyman Bruce Young (D-Norwalk), Assembly Democratic Leader Mike Roos of Los Angeles and Assemblyman Richard Robinson (D-Santa Ana).

INDEPENDENT INQUIRY

Also listed by Keith and another former Moriarty aide, John E. (Pete) Murphy, 62, were two local Southern California officeholders—Los Angeles City Councilman David Cunningham and Orange County Supervisor Ralph B. Clark.

The involvement of these officials was independently checked by The Times with authoritative sources including people who say they were present on occasions when prostitutes were provided.

Roos, 39, said "I'm just not going to respond." Robinson, 41, called the allegations "ludicrous." Young, 38, who was identified by The Times last September as allegedly having been provided with Moriarty-paid prostitutes, has denied the allegations.

Cunningham, 49, would only say the charges are "ridiculous."

Clark, 67, denied ever having engaged in sex with any prostitutes. He did say he had attended several routine luncheons in Los Angels with Keith and Orange County lobbyist Frank Michelena. At one of the lunches, he said, there were some "public relations women" and he gave them his card.

"This could be the cause of all this," Clark said.

The 53-year-old Moriarty, through his Sacramento attorney, Donald Heller, denied any involvement with prostitutes. Heller earlier had denied all allegations by Keith, describing the former close associate of Moriarty as a person who is "trying to create a false defense for his own conduct."

Keith has been indicated on 13 counts of bankruptcy fraud, income tax evasion and making false statements to a bank. He is tentatively scheduled for trial next month.

Charges that Moriarty used prostitutes to influence public officials and others first surfaced almost a year ago in an affidavit containing information provided by California Canadian Bank executive Jonas T. Gislason of El Toro to Orange County district attorney's investigators.

Gislason accused Moriarty of providing prostitutes to him and other bank officials who handled millions of dollars in loans for the Anaheim businessman.

Gislason also told the investigators that he "believed" that Moriarty once provided a prostitute at the Anaheim Sheraton Hotel for former Los Angeles Fire Chief John C. Gerard, who supported a 1979 proposal to allow sale of safe-and-sane fireworks in sections of Los Angeles lying within a mile of other cities that allowed the sale of such fireworks.

Responding to Gislason's contention, Gerard said: "To the best of my recollection, I did not have sex with anyone at the Sheraton Hotel."

In response to the Gislason charges, Moriarty issued a statement through his attorney, saying: "It's unfortunate this secret . . . investigation is retrogressing to a fishing expendtion into the sewer."

Last May, not long after Gislason's disclosures, state Sen. H.L. Richardson (R-Glendora) told The Times that Moriarty asked him to help stop the criminal investigation into the fireworks manufacturer's political activities, particularly the allegations about providing prostitutes for state legislators and other public officials.

Richardson said he immediately reported Moriarty's overture to Orange County Dist. Atty. Cecil Hicks, who was directing the investigation.

Moriarty, Richardson said, "wanted me to intercede (with Hicks) and see if it (the political investigation) could be dropped. He asked me to look into the matter and see if I could be of some assistance. He wanted my advice. The best I could give him was, 'Well, let me look into it. . . .' He (Moriarty) was trying to get it all (the investigation) dropped."

Richardson said Moriarty told him that the problem could hurt "innocent people," particularly families of public officials.

CASUAL REFERENCE

The senator quoted Moriarty as saying: "'Well, we had some parties and you know how some of those whores and prostitutes show up. . . .'" Richardson said Moriarty "made it sound like they just stumbled by, like it's a normal occasion for them to show up at those things."

Moriarty refused to respond to Richardson's charges.

The most recent disclosures by Moriarty's former associates add new momentum to the prostitution aspect of a widening inquiry being conducted jointly by the U.S. attorney's office and the Orange County district attorney. The probe already has resulted in the indictment of Moriarty on racketeering charges in connection with licensing of a City of Commerce poker parlor.

Keith, formerly Moriarty's closest business associate, recently told a television interviewer why using prostitutes was effective.

"It gave you the ability to not only socialize and develop a cronyism with the individual but also (it was) a mild form of extortion at certain points when the investigation became involved and focused on the girls," Keith said in the report, aired recently by KCBS-TV in Los Angeles.

In his interviews with The Times, Keith told of arranging prostitutes for 10 public officials, eight bankers and dozens of other friends and associates. The encounters, he said, occurred in a variety of settings.

BEVERLY HILLS PARTIES

He and Murphy, both of whom say they also arranged paid sex for themselves, gave accounts of frequent sex "parties" in a Beverly Hills penthouse where guests also were treated to hot and cold buffets and a well-stocked bar.

"It was like a New Year's Eve party," Keith said. "If somebody fell in love, fine."

Keith and Murphy also listed liaisons that took place at hotels in Anaheim, Buena Park, Fullerton, Los Angeles, Sacramento and such faraway places as New York, Washington and London.

Keith said he would pay for the prostitutes initially and then Moriarty would reimburse him. Most times, Keith said, he would cash a check and deliver the cash directly to a Los Angeles madam or he would pay some of the prostitutes directly.

He said he delivered between $300,000 and $400,000 to the women for their services. Keith estimated that since 1978 Moriarty and his associates have paid between $600,000 and $750,000 for prostitutes. Former Moriarty associate Murphy said Keith's estimates "sounded pretty close."

To get reimbursed, Keith said, "I would say, 'Pat, I need money.' I would put down on a slip of paper, I would . . . say whatever hookers were involved in that week's activities 'needs $2,000, $3,000, $4,000, $5,000 or $10,000' or whatever it was. (Or) I would say, 'I need $3,000, $4,000 or $5,000' to cover whatever political contributions I made (for Moriarty).

"He (Moriarty) would issue a check for $5,000 or $25,000 or $50,000 to cover whatever we needed," Keith said.

Keith said he has given investigators the names of all those he can recall providing with prostitutes. The Times has reported only the names of officials whose participation could be independently checked with authoritative sources including people who say they were present when the encounters occurred. These sources have declined to be identified.

Keith made a distinction between the politicians to whom he said prostitutes were provided.

He said Supervisor Clark and Councilman Cunningham requested prostitutes "directly as prostitutes and at all times knew they were prostitutes." Assemblyman Young, Roos and Robinson, according to Keith, could have thought the prostitutes were "friends of Dick Keith's" and that the Beverly Hills penthouse where they has sex "could have been Dick Keith's apartment."

The assemblymen, Keith said, "could have thought they were party girls or good time girls." He added that there was never any money exchanged in front of any politicians.

Over the years, dozens of prostitutes were used, Keith said, including part-timers he described as "pro-ams." Murphy spoke almost paternally of the professional prostitutes he called "my soiled doves."

Moriarty began hiring prostitutes in the early 1970s as a way of entertaining businessmen, according to Murphy.

That worked so well, Murphy said, that Moriarty decided to use prostitutes in the political arena.

"It worked with other things so let's try it with them (public officials)," Murphy explained of Moriarty's original practice of providing prostitutes for businessmen.

"After a while, the politicians, like the businessman, felt they were entitled to this. They felt we were obligated to entertain them. After they went once, they expected it regularly," Murphy said.

COMMEMORATING THE REPUBLICAN LEADER—HON. ROBERT H. MICHEL

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. VUCANOVICH. Mr. Speaker, it is an honor for me to speak in recognition of a great friend and colleague who has served this institution honorably for 37 years. This man, BOB MICHEL of Illinois, is among the finest gentlemen to have ever served in Congress.

BOB MICHEL has become one of the most prominent statesmen of our time with his strong personality and noncontroversial style. He is neither a man who intimidates nor twists arms to achieve his objectives. Rather, he is an adept stylist of gentle persuasion. His courage and perseverance in bringing legislators together to work collectively and cohesively, in coordination with his valuable ability to compromise, has been the key to his leadership.

As our leader since 1981, he has also been chairman of the Republican Congressional Campaign Committee, Republican whip in 1974, and he served as chairman of the 1984, 1988, and 1992 Republican National Conventions. BOB is a dedicated public servant who has always been devoted to his ideals. And, possibly most important, he is a loyal citizen, committed to improving the quality of life for all people of the United States.

The Republican leader is a man who has never had to defend his patriotic loyalty to his country. He wears his combat infantryman's badge proudly, having fought in England, France, Belgium, and Germany during World War II. And, his Bronze Star, Purple Heart, and four battle stars attest to his bravery and distinguished service to his country.

BOB MICHEL is a patriot, Mr. Speaker, he is a great American and for all of us, truly a man of the House. He will be missed and I congratulate him on his retirement. We all wish him well in his future endeavors.

RECOGNIZING DR. ROBERT J. MYERS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ARCHER. Mr. Speaker, it is my pleasure to recognize and congratulate Dr. Robert J. Myers, whose long-time counsel and advice have been highly valued by the Committee on Ways and Means, for richly deserved honor recently bestowed on him by the American Academy of Actuaries.

The American Academy of Actuaries, which has 12,000 members, has inaugurated an award to recognize the extraordinary lifelong public service of Dr. Myers, who was chief actuary for the Social Security Administration from 1947–70.

The Robert J. Myers Public Service Award will be presented in the future to actuaries who have made outstanding contributions to the common good through service to the government or other organizations in the public sphere. While honoring individual recipients, the Myers award also will call attention to the significant benefits the general public receives from the work of the actuarial profession.

Dr. Myer's extraordinary career was recognized with the public announcement of the award at the Academy's annual meeting in Washington, DC. Dr. Myers was instrumental in the design and funding of the Social Security system and worked for the Social Security Administration from 1934–70. Known for his professional integrity, Dr. Myers continues to command respect within and outside the profession and remains an inspiration to all practicing actuaries.

Dr. Myers was presented with a specially designed and mounted medal at the September 28 ceremony. Future recipients will receive replicas of the Myers medal displayed in the Academy's Washington offices.

TRIBUTE TO WARREN SPINELLO

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. FRANKS of Connecticut. Mr. Speaker, today I want to recognize someone who has been a pillar of service and courage to the town of New Fairfield, CT. Warren Spinello has long been a friend to many in New Fairfield. He has actively participated in his community through his service as president of the Ball Pond Volunteer Fire Department and as a member of the town planning commission. Mr. Spinello retired in 1991 after 43 years working for Grand Union.

Warren Spinello's dedication to his town and his job is all the more remarkable when you realize that he has endured a long period of health challenges. Mr. Spinello's courage in dealing with diabetes and cancer is inspiring to those who know him. The new Fairfield Volunteer Fire Department recently held a dinner-dance to benefit Mr. Spinello. It is indeed a special person who has so many friends and supporters.

Perhaps Mr. Spinello is best loved for his role as Santa Claus. For the past 30 years, Mr. Spinello has played Santa Claus at the Ball Pond Firehouse and for various organizations around town. One year, when Mr. Spinello had his foot in a cast while playing Santa Claus, he told the children that one of the reindeer had stepped on it. He has certainly brought much joy to two generations of children in New Fairfield.

Warren Spinello is the type of hero who is often overlooked because of his humility. I am proud to be able to recognize Mr. Spinello as an example of generosity and courage for all Americans.

MR. AND MRS. WILLIE N. POUGH CELEBRATE 50TH WEDDING ANNIVERSARY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to salute Mr. and Mrs. Willie Newton Pough, of Orangeburg, SC, on the occasion of their 50th wedding anniversary.

Mr. and Mrs. Pough's half-century of devotion to each other will be celebrated on October 7, 1994, at Funderburk's at Middleborough, Columbia, SC, hosted by their daughter, Carmen Pough. The couple were married October 12, 1944.

Mr. Pough was born in Orangeburg County on July 5, 1921. He received his Juris Doctor degree from South Carolina State University and practiced law in Orangeburg County for approximately 40 years. He was very active in the civil rights movement during the 1950's and 1960's.

Mrs. Altamese B. Pough was born in Polk County, FL, on November 22, 1923. She received her master's degree in education from South Carolina State University and worked as a public service social worker with Neighborhood Youth Corps, CETA, and JTPA until her retirement.

Mr. and Mrs. Pough are members of Trinity United Methodist Church. Both are members of the NAACP and the South Carolina State University Alumni Association.

Mr. Pough is a member of Phi Beta Sigma Fraternity and is active in a number of lodges, including the Edisto Lodge Number 39 Free and Accepted Masons, Prince Hall Affiliate; the Robert Shaw Wilkinson Consistory Number 220; Jeddah Temple Number 160 of the Ancient Egyptian Arabic Order Nobles of the Mystic Shrine; the Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons, Jurisdiction of South Carolina; Imperial Council of the Ancient Egyptian Arabic Order Nobles of the Mystic Shrine; and 33d and Last Degree of the Ancient and Accepted Scottish Rite of Free Masonry, Prince Hall Affiliate, for the Southern Jurisdiction of the United States.

Mrs. Pough is a member of the Robert Shaw Wilkinson Assembly of the Golden Circle, Jeddah Court Number 86 of the Daughters of Isis of the Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, and the Alston Wilkes Society.

Mr. Speaker, please join me and the Pough's family and friends in wishing them many more happy years together.

THE QUESTION OF FAIR HOUSING

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. SAXTON. Mr. Speaker, my constituents have brought to my attention a situation that has arisen in the past few months that is causing much concern among realtors, advertisers, and consumers alike. They are angered at the interpretation of the Fair Housing Act amendments by the Department of Housing and Urban Development [HUD].

As a former real estate agent myself, I am alarmed at interpretations that have actually caused more problems than they were intended to solve. I have written to HUD Secretary Henry Cisneros about this matter. The text of that letter, dated September 12, 1994, follows:

Hon. HENRY G. CISNEROS,
Secretary, Department of Housing and Urban Development, Congressional Affairs, Washington, DC.

DEAR SECRETARY CISNEROS: I am writing at the urging of many of my constituents who are both confused and angered by the current wave of interpretation of the Fair Housing Act Amendments.

It appears that well-intentioned regulations aiming to defeat discrimination have been trivialized to such extent that they are in fact hindering all of those involved in the real estate market. Please forward to me your plan for approaching this problem, including clarification of the interpretation of the Amendments.

Advertisers using descriptions such as "walk-in closet" or "master bedroom," terms universally recognized as titles for what they describe, can now unexpectedly find themselves being sued for discrimination. I believe that this type of interpretation was not the original intent.

Is this the intent of the Department of Housing and Urban Development in the creation of the regulations which resulted from the Fair Housing Act passed by Congress? If not, what is being done by HUD to alleviate this harassment of realtors, buyers and sellers.

The number of lawsuits initiated by people offended by the choice of wording in advertising has swollen to a number disproportionate to intentional acts of discrimination.

Moreover, the guidelines being offered by the federal Department of Housing and Urban Development (HUD) are much too subjective to be the basis of fines up to $50,000 being assessed to real estate advertisers.

I appreciate your assistance in resolving this unfortunate situation.

This is indeed a serious situation. Constituents from across the Third District of New Jersey are contacting me about this and their concerns are genuine.

One of my constituents from Cherry Hill, New Jersey writes, "I feel that professional REALTORS strive very hard to ensure that all our clients and customers are treated fairly and equitably. However the restricted vocabulary hinders us from describing property in an accurate manner which is not fair to the seller or to potential purchasers and renters."

Another constituent from Cherry Hill writes, "For instance, we can no longer refer to a "mother-in-law" suite or a "family room" without violating [the guidelines]."

Still another constituent of mine from Cinnaminson, NJ writes, "I recently wanted to place an advertisement for working mothers interested in a career in real estate. My own mother started in the real estate business when I was a small child. Not all offices would accept the uncertain schedule a mother has to maintain and I wanted young mothers to know that the environment here was friendly to her special needs. I was informed by the local paper that I could not use the term working mothers, because it discriminated against those who did not have children."

I have even received letters from outside the Third District of NJ. This person from Philadelphia, PA writes, "On a daily basis we are made painfully aware of the new discretionary interpretations being applied to the Fair Housing Amendments. The intent, * * * has been eroded."

I believe that the Fair Housing Act Amendments were enacted to help people achieve fair housing. These interpretations are causing problems for buyers, sellers, and advertisers. This obvious trivialization of the Fair Housing Act Amendments must be addressed.

HONORING CONGRESSMAN DOUGLAS APPLEGATE

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MANN. Mr. Speaker, I rise today to pay tribute to my fellow colleague from Ohio, DOUGLAS APPLEGATE, upon his retirement from the U.S. House of Representatives.

Congressman APPLEGATE has had a lengthy, active, and notable career serving the citizens of America, and especially Ohio, beginning with his four terms in the Ohio House of Representatives from 1961 to 1969. He also served in the Ohio Senate from 1969 to 1977, and has maintained a high degree of involvement in numerous civic and fraternal organizations.

Elected to the 95th and each succeeding Congress, Representative APPLEGATE has continued his active representation of his constituents in Steubenville, OH. For his tireless work to serve his constituents and the American people, Congressman APPLEGATE has been the recipient of many distinguished awards.

It is my great honor to have served in the Ohio delegation with him in this, his last, 103d Congress. Congressman APPLEGATE's long and noteworthy career in public service is something to be very proud of, and a goal every legislator strives for. He will be sorely missed in the U.S. House of Representatives in years to come. Please join me in congratulating him on a job well done.

HAWAII'S VOICE OF DEMOCRACY WINNER AND HER COMMITMENT TO AMERICA

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. AMBERCROMBIE. Mr. Speaker, I submit the following essay entitled "My Commitment to America" written by Anna Gavieres for the CONGRESSIONAL RECORD.

Anna graduated from Maryknoll High School in Honolulu and was the State of Hawaii's winner in the Veterans of Foreign Wars Voice of Democracy Scholarship Program. In her speech, she discusses the importance of a commitment to our great country and stresses the need for people her age to embrace with responsibility the challenges presented in contemporary society. She encourages others to make a difference in the community by fighting the problems of our country with courage and faith.

I am always proud to hear about students like Anna in Hawaii who are so devoted to the cause of democracy and the betterment of our Nation. Thank you for your assistance in recognizing Anna's accomplishment. I appreciate your willingness to include this in the RECORD.

Living in today's society is not easy, especially from a high school graduate's standpoint. Now seventeen, I am being confronted by the adult world. College and the life beyond will demand much more than has ever been asked of me before.

As the world opens up for me, I must reflect on where I am, so I can identify my goals and find out where I am headed. College and career choices are only a small part of analyzing where I fit in this world and what I can contribute. What exactly do I see as my commitment to America?

Venturing into the real world for the first time can be painful and disillusioning. Our generation becomes confused by the many issues we must confront: abortion, drug use, homelessness, racism. The question that develops in the young person's mind is: What can I do to make a difference?

Each individual has the potential to change the world. My commitment to myself, to America, is to reach inside and unlock that potential. Many of us shy away from the phrase "change the world," thinking it's too ambitious for one to consider alone. What we must realize is that changing the world begins with one person becoming strong and recognizing his or her capability to build up society. Just as Michael Jackson sings, "I'm starting with the man in the mirror," so, too, must everyone who has hope for a brighter American future. Change does not begin with new governments, or new laws. Lasting change cannot be implemented from top to bottom; it can only begin in the hearts and minds of the American people. Yet, changes made only begrudingly, or what is worse, indifferently, can mean nothing. Any contribution meant to inspire true and lasting change in another person or institution, must be given with pure intention. This conviction can only be achieved through self analysis and conscious dedication to the betterment of society.

Contributions can be big or small, difficult or effortless. Even the circle of racism can be broken when the child of a prejudiced parent is simply aware of different cultures, and responds, not with fear, but acceptance and love. Of course, racism will not end overnight. But the potential of its end shown every time a circle like this is broken, radiates the hope necessary to keep dreams of worldwide harmony alive.

There is a saying that goes, "A chain is only as strong as its weakest link." That can also be said of America. Much that has gone wrong in society has come about through the collapse of the value system. A large number of recent generations have been products of broken homes: children raised, thinking that no one cares for them, and they don't need to care for anyone, or anything. They go through life without any real understanding of responsibility. The many unwed mothers of this country make up only one example. We must acknowledge this shortcoming and dedicate future generations to strengthening the family, and bringing back real and lasting love to human relationships.

If I realize my potential as best I can, I become a Pillar of my Community: supporting a society in its ideal. As more people tap into the vast gifts and talents they have and begin to share them with others, a foundation will begin to grow and cultivate a society that is able to flourish above the violence and fear and ignorance that are so rampant in society today. My commitment to America begins in me, in my home, in my relationships with my family and friends. In the seeds one plants every day, through words and deeds, so much good can be reaped. Yet, one also has a great potential for evil. It is left for the individual to choose. Every moment brings yet another decision between right and wrong. One must realize one's potential for evil and consciously reject it. This is not to say there is no room for human frailty, but one must be strong. One must always have faith. With a healthy mind, a pure heart, and strong conviction, there is nothing that one cannot do.

TRIBUTE TO SHERRY LOOFBOURROW

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an individual who has made numerous contributions to California's educational system. For the past year, Sherry Loofbourrow has served as president of the California's School Boards Association [CSBA] and is concluding her term in December. During her tenure as president, Ms. Loofbourrow encouraged thoughtful debate and innovative approaches to dealing with the challenges faced by California's educational community. Her outstanding leadership has helped improve the education system in California.

Ms. Loofbourrow received her bachelor's degree in journalism and communications at Stanford University. Since 1981, she has served on the Newport-Mesa Unified School District Board of Education. In addition to her position as president of the California School Boards Association, her involvement in education has included Business/School Partnership Programs Representative, Legislative Representative and the district's Political Action Steering Committee.

As a member of the CSBA, she has dedicated her efforts over the years to many different activities. Among them, Ms. Loofbourrow has served as the CSBA Media Awards Chair, Delegate Handbook Editor, Budget Committee member, Hall of Fame Selection Committee member, and Annual Conference Presenter. In addition, she has been active in the State of California's Commission on Teacher Credentialing, the NSBA's Federal Relations Network, and the Orange County School Boards Association.

As a community leader, Ms. Loofbourrow has worked tirelessly for many organizations, among them the Constitutional Rights Foundation of Orange County, the Leadership Tomorrow Board of Directors, the Community Power (Drug Awareness), and the Girl Scouts.

Her many honors and awards include the Orange County Department of Education's Outstanding Contributions to Education Award, the PTA's Continuing Service Awards, the Assistance League of Orange County's Jr. Woman of the Year Nomination, and the Girl Scout Council of Orange County's Orange Owl Award.

Mr. Speaker, it is with great pleasure that I commend the good work Ms. Loofbourrow has done on behalf of the CSBA this past year. I ask my colleagues to join me in congratulating her on her exceptional leadership and in wishing her continued success in all of her future endeavors.

TRIBUTE TO SECOND BAPTIST CHURCH OF ROMEO, MI

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BONIOR. Mr. Speaker, on October 29, 1994, the Second Baptist Church of Romeo, MI, is celebrating its 75th anniversary. The Second Baptist Church is the oldest African-American Church in Macomb County.

Many people depend on the emotional, educational, and spiritual support provided by their church. Too often, many human needs are left unsatisfied in the secular world. From the very beginning, the founders of Second Baptist were commited to seeing these needs fulfilled.

The current pastor, Rev. Terrance J. Gowdy, is continuing the proud tradition of service to the congregation and the community. Pastor Gowdy is nearing his second anniversary at the church and has been responsible for recruiting many members and for creating new auxiliary groups.

The members of Second Baptist Church are actively involved in the community and the world. Most recently they have been assisting in projects such as the McREST program, for feeding and housing the homeless, and the Rwanda Mission project. I commend the congregation for their work and faith.

The diamond anniversary of the founding of the church is a proud milestone. As the community prepares to celebrate the 75th anniversary, I applaud Second Baptist Church's contributions to the rich tapestry that makes up American life in Michigan. I urge my colleagues to join with me in wishing congratulations to all the members of the Second Baptist Church of Romeo, MI. May their next 75 years be a continued fruitful ministry.

TRIBUTE TO FRANCES PERKINS CLARK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. LEVIN. Mr. Speaker, as this portion of our session draws to a close, I want to remember on behalf of so many others a person who passed away during the summer, Francis Perkins Clark.

She was the first chairperson of the Oakland County Parks and Recreation Commission and served from 1966 to 1974. Oakland County residents are indebted to her for enhanced recreational opportunities. She loved working on behalf of others; indeed, that was the hallmark of her life.

I first met Fran Clark when she was serving as recording secretary of the Oakland Democratic Party in the 1960's She was volunteer director of my gubernatorial campaign and the U.S. Senate campaign of Senator CARL LEVIN. She also worked on the Dukasis Presidential campaign in Michigan as deputy press secretary.

She was a very private citizen who deeply believed in serving the public. She brought cheer and brightness wherever she worked—and had a good word for everybody.

We remember her warmly, as does her husband Bill, her daughters Cheryl and Mary, her son Frederick, and her grandchildren Stephanie and Matthew.

ESSAY CONTEST PARTICIPANTS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. KAPTUR. Mr. Speaker, every year I sponsor a competition to help several young men and women to experience, firsthand, the legislative branch of our Nation's Government by interning in my office in the summer. These are college-aged students and teachers with a keen interest in social studies or government.

I would like to take this opportunity to read excerpts from papers submitted this year by students from Ohio's Ninth District in response to the topic: "Discuss MTV, Rap Music, Television, and Movies: What's Popular with America's Youth and What Does That Say About America?" I think my colleagues will agree that these participants demonstrate an excellent knowledge of the topic and they help us to better understand how the media is affecting our Nation's youth, and what role we can expect it to play in our future.

SACHIN JHUNJHUNWALA, WINNER

Today, most children don't have time to enjoy childhood, and have many pressures to become more responsible. Also, sexual behavior is implemented as a form of rebellion. Instead of having sex because they want to have sex, or because they love their sexual partner, children have sex to prove that they don't have to listen to their parents. In the past most television programming stayed away from such controversial issues; however, today, most situation comedies freely deal with subjects rendered untouchable in the past. Many feel that the promiscuous behavior of American children creates sociological problems. However, the problem lies within the society, not the children. By forcing adolescent to mature quickly, children must face issues such as sex before they are psychologically ready. The rapidity of children's education through experiences forces children to make quick, immature decisions on issues such as sex and violence. Often times, these small decisions magnify and create sociological problems such as gang warfare and teen pregnancy. Through the media, an adolescent can view the dangers of sex and violence without personal involvement. By providing indirect experiences of sex and violence to children, an overall knowledge of the positive and negative aspects gained; this leads to an educated decision. In order to enrich American children, the power of the media should be harnessed to enlighten young Americans.

GINA LACAVA, WINNER

An entire adolescent culture has emerged, consisting of many genres, that combines music, television, movies and clothing to express the sentiments of a generation. Young people have always turned to music for recreation, for its cathartic powers, and as a means to voice their frustration. Adults feared that music had the power to inspire anarchy and would lead to moral and social decay. In recent years, this parental fear has manifested itself in efforts to censor records through labeling and attempts to outright ban offensive materials. Generation-Xers have actually been depicted negatively by most conventional media sources. From the 12 year olds to the twentysomethings, today's generation has been labeled as a breed of apathetic slackers, with short attention spans and full of angst. They have been told they are the first generation to have little hope of doing better than their parents. Many are from broken homes and have been raised in unstable families. This is the generation that suffered the fiscal excesses of the Reagan 80's, that spent their entire sexual prime in fear of AIDS, and endured the repressive cultural climate in the Reagan/Bush years. It is really not surprising that young people turn to the outrageous when their reality seems so bleak. Regardless of the forces that are working against today's youth, this generation is a hopeful one. There are many positive, constructive efforts coming out of this generation, which work towards such goals as racial harmony, a sustainable environment and increasing young voting power.

AARON HULL, WINNER

There has been much controversy in recent years concerning the lyrics of rap music. Many rap artists have responded to such criticisms, however, by stating that their music is not intended to advocate such violent or gang-related behavior, but rather is simply expressing these events as a part of life for the young, African-Americans. Thus they claim that their music is descriptive of the plight of impoverished, inner-city, African-Americans rather than prescriptive of a course of action or a set of behaviors which they are accused of advocating. I would assert that much of the now racially diversified rap music audience looks to the artists as a voice of concern with social issues as have popular music audiences since the 1960's. During the 1960's many of the political messages of music had to do with war and peace, the salient political issues of the day. In the 1990's the most popular political issues include gang violence, drug abuse, inner-city poverty, and racism.

RAMZI SULAYMAN, WINNER

MTV is a mirror of young society. However, it also creates that society through the perpetuation of messages that it can sell to its audience. An example of this phenomenon can be found in the way that MTV addresses issues of great societal importance, including women's issues, racism, and respect for other members of society, i.e. the social order. MTV has ventured into politics, and has been surprisingly subjective in its presentation of "MTV News." MTV's values system is committed * * * to promoting a lot of values and attitudes that are far from conservative, politically or culturally. MTV has profoundly impacted the way in which movies and TV series are constructed. Praise for such blatantly violent and racist themes and statements send mixed signals to the legions of youth who are inundated with the message of militant and gansta rap groups on a daily basis.

RHONDA HALL, PARTICIPANT

I believe we as Americans have shifted away from traditional family values and have basically left the youth to discover the world for themselves. I feel the best way to deal with the increasing interest in entertainment is through parental guidance. It's time for parents to stop using the television as a baby-sitter for children and become actively involved in their children's lives. Parents need to take the responsibility of teaching their children what is reality and what is fiction. They need to return to the tradition of teaching children about values, beliefs and morals. They need to intervene in the lives of children to show them or teach them the difference between right and wrong. The more actively involved a parent is in a child's life, the more likely it would be for them to detect problems or concerns.

BENJAMIN RULE, PARTICIPANT

Likewise, MTV provides a "lifestyle" as well as a mode for fantasies * * * the most important development in recent rap music is that it has become more political, and serious intelligent messages about life in urban black neighborhoods have replaced the emphasis on nonsensical party-type lyrics. Just like MTV, Rap music has given an identity (a lifestyle) and a dialogue of slang for a generation of youth and created an outlet for political frustration and alienation as well. Its messages, in some of Rap's harsher forms, are shocking to adults. Games are a sort of artificial paradise like Disneyland, or some Utopian vision by which we interpret and complete the meaning of our daily lives. In games, we devise means of nonspecialized participation in the larger drama of our time. Again, we notice a parallel to the popularity of MTV and Rap music as a means for identification and as fulfillment for teen fantasies. More important is the feeling of participation in the significance of our time. In the world of video games, teens can become an ace fighter pilot fighting for the allied forces in Iraq or a vigilante out to bring justice to a lawless community. These games * * * are serving as personal fantasy worlds that teens actively participate in so they can feel a measure of significance in their little micro-chip world. Isolation of this sort has serious ramifications if young people actually feel that this is all they can do to feel significant in their lives.

THOMAS TORKELSON, PARTICIPANT

Rap music often chronicles what life for black youths is like in the ghetto. Gangsta rap is popular because these youths can identify with it in one of two ways: either they are leading a gangsta life-style or they know someone who is. Rappers such as Ice-T contend that inner city youths must either work long hours for minimum wage or become drug dealers, the latter of which is more financially lucrative than the former. Because most youths feel alienated from the adult work at some point, and since much of gangsta rap is about the alienation of the black community from middle-class whites, youths feel as though the rap community understands and empathizes with them. Again, just as Madonna's popularity was due in part to her role model in a time when few other feminist role models appealed to teenagers, rap's popularity stems from the ability of rappers to say in essence, "We know how you feel, we also feel unaccepted by America." [In the movie Reality Bites, we examine a character's personality] * * * yet he is unsuccessful when measured by society's standards because he is out of work and has difficulties keeping a job for any sustained period of time. This film not only addresses the lack of direction that characterizes members of Generation-X, it also criticizes America for its hypocrisy.

MS. CARISSA ABKE, PARTICIPANT

The other day I sat my grandmother down and tried to get her to use E-Mail. She had a very hard time gripping the concept (this is the woman who is afraid to use her VCR). She finally gave up and picked up the telephone, determined to communicate the "old fashioned way." My family is like many other people in the United States who just can't keep up. With everything changing so quickly there is no time for establishment.

DOROTHY KARAYANNIS, PARTICIPANT

What they're (the youth) really saying is that they feel lost. It's a spiritual loss, and it keeps them in an ever-widening circle of confusion. They are wondering why their time on this earth is important. They don't even understand why their lives are special. Regardless of a fear to label the youth, it's clear that the restructuring must begin both in the home and in the classroom. The youth must be encouraged to relate with someone who will listen to their concerns and act compassionately. Sadly, that is what they're looking for in their Walkman. The media and society feed off each other. Neither one nor the other can be held completely responsible. * * * The reporter who bangs out the highest death toll receives the most praise in the newsroom and on the street. It doesn't benefit the journalist to be humane, or human. People become numbers, death a mere fatality. As a result, those in the news room and the family room have become jaded simultaneously. Program concepts are plentiful, but answers to the problems of our youth are constantly being ignored. Their voice is becoming muffled under grand programs and adult ideals. More leaders must also speak out on behalf of America's youth and integrate these teens into the political process. Unless someone re-directs the heat, society's youth may melt into oblivion. Parents, grandparents, big brothers and sisters must support the young adults in their lives. The grass and the house can wait-our youth cannot.

PETER MARIK, PARTICIPANT

Television is a teacher and children today learn their values and behaviors from what they see on the programs. The term "Entertainment" has come to mean that television teaches youths that violence is legitimate, justified, rewarded, effective and clean. It is portrayed as being heroic and even enjoyable. Young people are susceptible to television portrays life and how irrelevant the things they see on programs are to their own lives. [The youths that side with victims on TV]. They become filled with fear, mistrust and are so insecure and protective of themselves that they feel the need to carry a gun * * * We live in a society where television violence is shown on a greater scale than in other countries and our country's crime has risen to great lengths, perhaps influenced a great deal by what people see on television * * * (ex. John Hinckley, Jr—"Taxi Driver" and "Rebel Without a Cause" and chicken races in 1950's) * * * Films not only show how cool it is to carry a gun and kill your enemy, but they also show the major mistreatment of women in easy lifestyles in our country. These scenes can undoubtedly influence certain youths who believe that fantasy is reality and as a result, we have various types of crimes affecting our country.

Mr. Speaker, I am grateful to share with my colleagues a glimpse of what young people in my community are thinking about America's ever-changing culture. I know you join me in congratulating these young people for their excellent entries in the competition.

MAKING VOLUNTEER PROGRAMS ACCESSIBLE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. HOYER. Mr. Speaker, long before passage of the Americans With Disabilities Act, the American Association of Retired Persons [AARP] was keenly concerned about accessibility.

Today, with more than 33 million members, more than 4,000 local chapters, and countless volunteer programs in communities all across America, AARP is working to make its programs and services accessible to all of its members and other older Americans.

The September-October issue of Highlights, AARP's national volunteer newsletter, features a front-page story about how the association is striving to make its volunteer programs accessible to people with disabilities. The managing editor of Highlights, which goes to some 200,000 AARP volunteer leaders and chapter presidents, is one of my constituents—Steve Mehlman of Crofton.

I commend this interesting and informative article to our colleagues:

AARP AND THE ADA—MAKING VOLUNTEER PROGRAMS ACCESSIBLE

Accessibility has always been a priority for AARP's volunteer programs. When choosing locations for program sites, for instance, volunteers have sought out places that are accessible to people with disabilities. Flights of stairs are out. So are buildings with doorways too narrow for a wheelchair to fit through. And all sites must have nearby parking or public transportation.

The passage of the Americans With Disabilities Act (ADA) in 1990 formalized this commitment to accessibility. Under ADA's Title III, public programs like AARP's are now required to make reasonable accommodations to allow participation by people with disabilities. "We're looking to make all our programs accessible to all people, including people with disabilities," explains Tricia Selby, Manager of AARP's Disability Initiative.

SERVING PEOPLE WITH DISABILITIES

In some cases, a simple one-on-one approach allows for accessibility. Taxpayers with vision impairments, for example, occasionally ask Tax-Aide counselors to come to the taxpayers' homes to help prepare their taxes. Other Tax-Aide counselors conduct entire counseling sessions in writing, scribbling questions and answers back and forth to taxpayers who are deaf or hard of hearing. "It takes more time to write notes to one another, but it's never a problem," says Walter Bock, an Assistant District Coordinator for Tax-Aide in New Port Richey, FL.

Sometimes the demand is too great to make this kind of one-on-one service feasible. Bock, for instance, now runs a special Tax-Aide site at a deaf center. The center provides facilities, handles scheduling and donates the services of a staff interpreter; Bock sends one or two counselors over whenever there's a need. The program now helps about a dozen people a month.

"Many of the deaf people tell us that they are very happy that this service is being offered," Bock explains. "They can't work with paid preparers because of the need for interpreters."

A 55ALIVE site in Shawnee, OK, has also set up a special service. The program began when someone asked Assistant State Coordinator Cecil Johnston whether he ever held driving classes for people who are deaf or hard of hearing. He hadn't, but he set about making it happen.

Determined to keep costs down, Johnston convinced two friends who knew sign language to volunteer their time as interpreters during a one-day course targeting drivers who communicated primarily through sign language. Because one of them taught sign language at a local vocational/technical training center, she was able to arrange for the class to use the center's facilities. Drawing on her contacts in the deaf community, she also pulled together the 19 or so students who attended the class.

Johnston was a little nervous at first. For one thing, he wasn't sure that the interpreters would be able to keep up with him. For another, he wasn't too sure how his usual jokes would go over when translated into sign language. His interpreters reassured him, telling him to do everything exactly the way he always does. Although Johnston admits that the process took a little getting used to, it worked out just fine.

By the end of the class, Johnston even had a new awareness of the concerns of people with disabilities. In fact, he had already talked to state legislators about requiring police to provide interpreters when drivers who are deaf have accidents. "If I speak a foreign language, I'm entitled to an interpreter," he explains. "If I can't hear you, I ought to be able to have an interpreter, too."

WELCOMING VOLUNTEERS WITH DISABILITIES

Services like these make AARP's programs accessible to people with disabilities. Taking accessibility one step further, the Association also encourages people with disabilities to serve as volunteers. "It goes both ways," explains Wayne Harper, Senior Program Specialist for Tax-Aide. "It's important to us that people are given every opportunity to volunteer in our program."

Beulah Waller of Wolf Point, MT, for example, doesn't let a vision impairment keep her from volunteering as a Tax-Aide counselor. "I don't think any impairment should ever stop you from doing things!" she says.

A former speed reader, Waller reads more slowly and with greater difficulty now that she had lost part of her vision to glaucoma and cataracts. "Having to take more time to read is frustrating," she admits. She has, however, developed techniques that help her compensate for her lessened vision. A ruler helps hold her place. Studying the tax forms beforehand helps her know what goes on each line.

GETTING INVOLVED

These examples represent just a few ways AARP programs are promoting accessibility to volunteers with disabilities. Along with other community agencies that help by providing services such as accessible sites and convenient parking, AARP programs strive to offer reasonable accommodations to welcome persons with disabilities.

"We want people to understand what a reasonable accommodation is and to know that often it doesn't cost a lot," explains Selby, "although in some cases, interpreters have to be paid. We need to make these types of reasonable accommodations, and we need to plan for them in our budgets."

Mr. Speaker, I commend the work of the AARP and wish them continued success in assuring all people are able to fully participate in their communities.

INTRODUCTION OF THE "FEDERAL HOUSING TRUST FUND ACT OF 1994"

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. OWENS. Mr. Speaker, I rise to introduce the Federal Housing Trust Fund Act of 1994, a significant piece of legislation which would offer every family in this country the opportunity to live in decent, safe, and affordable housing.

In 1949, Congress enacted a comprehensive housing bill setting the national goal of "a decent home and suitable living environment for every American family." Today, we are further from that goal than ever before. The VA-HUD-Independent Agencies appropriations bill which finally passed the Senate last week does not even keep pace with the problem of low-income housing. Recently, the Department of Housing and Urban Development [HUD] released its worst case housing needs report, based on 1991 American Housing Survey data. It shows that the member of very low-income renter households with worst case housing needs is increasing at the rate of 100,000 per year. But the 1995 HUD appropriation provides money for only 88,000 additional households.

Low-income people have faced a housing crisis for many years, and each year it gets worse. The 1990 census, which does not even count deteriorated or dilapidated housing, found that over 30 percent of American households have significant problems with housing costs, overcrowding, or lack of kitchens or complete plumbing facilities. These problems affect an estimated 70 million people.

Although this Nation has had federally subsidized housing programs for low-income people since the mid-1930's, the scope of the programs has been limited. In recent years, HUD has consistently found that there are over 5 million very low-income, unsubsidized renter households with worse case housing needs. These households are homeless; or they live in seriously inadequate units; or they must pay more than half of their meager incomes for housing costs, forcing them to forego other basic necessities.

Just meeting the most basic housing needs requires more than doubling the present number of households receiving housing assistance. Moreover, for each household with a worst case need, there are four more households—27 million in all—which are overcrowded, lack kitchens or bathrooms, or must pay more than they can afford for housing.

While low-income housing programs have failed to meet the needs of their target population, special tax benefits have provided significant assistance for millions of higher-income Americans who already can afford a home. Official estimates of the Office of Management and Budget [OMB] indicate that the cost of these special benefits to the Federal Treasury has risen from $10 billion in 1976 to $84 billion in 1994.

A large majority of this cost to the Government is due to the deduction of home mortgage interest and real property taxes. While these tax deductions have helped millions of higher income Americans achieve financial stability, they represent too high a proportion of Federal housing expenditures. For every dollar the Federal Government spends to provide housing assistance to a low-income family, a family in the top fifth of the income distribution receives $3 in benefits from homeowner deductions, primarily for mortgage interest and property taxes.

The sad fact is that this Nation's housing subsidy system is upside down. While Congress restricts budget authority and outlays for low-income housing to help reduce the Federal budget deficit, higher income people continue to receive their entitlement to benefits through homeowner deductions. Administration projections show that the cost of the mortgage interest deduction alone will amount to almost one-third of the deficit in fiscal year 1995.

One result of the gross imbalance in Federal housing benefits has been the growing segregation of different aspects of American society: rich and poor, white and people of color, urban and suburban. This trend poses a threat to the Nation's general welfare, family and community life, and economic stability. It has even led to increased drug use and crime. It therefore is in the interest of all Americans to address the housing problem effectively.

To reset the balance of Federal housing expenditures, I am introducing the Federal Housing Trust Fund Act of 1994. This bill would take only a fraction of mortgage interest and property tax deductions enjoyed by taxpayers in the top eighth of the income distribution and place it in a Federal housing trust fund for low-income families who lack decent, safe, and affordable housing. To raise additional revenue for the trust fund, the bill also would eliminate a huge tax loophole—the favorable tax treatment of inherited property. This loophole permits wealthy American families to pass their property to their children and grandchildren and completely escape any income taxes on huge capital gains that have accumulated over a period of decades.

Taxpayers with incomes up to $75,000 would keep all of their current mortgage interest and property tax deductions. Above $75,000, taxpayers would lose 3 percent of these deductions for each additional thousand dollars of income, down to a floor of 50 percent. So all taxpayers, no matter how high their incomes, would keep at least half of their current mortgage interest and property tax benefits, and only 1 household in 10 would pay higher taxes as a result of this bill. Moreover, these changes would be phased in over 5 years to reduce their immediate impact.

Thus, the bill would drastically reduce the cost to the Treasury for homeowner tax benefits for taxpayers with incomes above $75,000, generating tens of billions of dollars for the trust fund. The Government then would be able to provide the money needed for a comprehensive and flexible program of housing grants to eligible State and local entities. In turn, such entities would provide housing costs assistance for owners and renters, increase and improve the supply of affordable housing, increase the capacity of the nonprofit sector, and improve fair housing efforts.

Specifically, two-thirds of the money in the trust fund would be designated for a housing costs assistance program, which would pay the difference between 30 percent of adjusted income and the fair-market rent for a unit of the size needed in the area where the family resides or wishes to reside. Although the subsidy amount would be based on rental housing costs, the assistance could be used either to rent or purchase. The funds would be distributed by formula to cities, States, and Indian tribes, based on the number of households with severe affordability problems and the cost of housing.

The remaining one-third of the funds would be used to expand the housing supply and provide related services, including fair housing and capacity-building. All housing and related services provided through this program, except for emergency repairs and hazard abatement, would be subject to permanent restrictions on housing affordability. Like the housing costs program, these trust fund dollars would be distributed by formula, but the formula would be developed by HUD based on the relative need for improving and expanding the housing stock.

By limiting tax benefits for individuals who do not need them to be able to live in decent, affordable housing, the bill would provide the funding needed to attack the critical housing problems facing low- and moderate-income people, and contribute to family security, cohesiveness, and economic self-sufficiency.

This bill is the kind of bold measure we need to solve the low-income housing crisis. It provides the resources to address the full range of problems—not only worst case needs, but also the needs of young families without enough income to have realistic prospects of moving into decent neighborhoods or owning their own homes.

Within 10 years of passage of this bill, we could expect the same enhanced opportunities for low-income people to obtain housing as young families had after the end of World War II when, thanks to low housing costs, an expanding economy, and Veterans' Administration [VA] and Federal Housing Administration [FHA] mortgages, millions of Americans were able to put roofs over their heads. Without passage of this bill, we will inevitably see more homelessness, more broken families, and more communities without hope, cut off from the American dream.

Mr. Speaker, I urge my colleagues to study the bill between now and the beginning of the 104th Congress, when I hope the Nation's housing problems will be on the front burner, and the relevant committees will give serious consideration to this proposal.

IN RECOGNITION OF THE LAHEY CLINIC OF BURLINGTON, MA

HON. PETER G. TORKILDSEN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. TORKILDSEN. Mr. Speaker, I am proud to bring attention to a very creative initiative being undertaken in my district.

Lahey Clinic, located in Burlington, MA, has established the Ambulatory Surgical Research Center. This center is designed to respond to the changing demands of the health care industry for cost reduction and the defense conversion needs of our country.

As health care and defense industries continue to experience dramatic change, there is a critical need to shift advanced technologies from the defense sector to the private sector, and to health care in particular. In response to this need, Lahey Clinic will attempt to reduce postoperative hospital stays by introducing into the health care arena an advanced, minimally invasive, surgical system developed through the conversion of defense technology.

The concept is fascinating and has tremendous applicability. The Ambulatory Surgical Research Center will utilize virtual reality and telepresence whereby surgeons will be capable of operating from work stations physically removed from the patient. Surgical consultants with a unique expertise at remote locations can be instantly brought into the operating room to assist in complex procedures. For example, the surgeon will view details of the surgery on a heads-up display provided to the surgical team via imaging goggles. Manipulators are then inserted into the patient's body through natural openings or tiny incisions. The surgeon operates by wire in virtual reality observing internal details via a three dimensional video image.

In addition, this system will employ dual-use technologies that can stabilize wounded soldiers through remote surgery on the battlefield of the future. The virtual reality component will also impart a highly valuable training capability. Future surgeons will be able to perform simulated operations with sensory inputs and control outputs that are indistinguishable from real cases.

An additional important focus of the center will be telemedicine. Lahey Clinic has a unique approach to this. Through various corporate partnerships, Lahey plans to develop a complete and comprehensive telemedicine product rather than individual components of a telemedicine system.

This center will dramatically change and enhance the delivery of various surgical procedures and the costs associated with them. Procedures that presently require several days of postoperative recovery in the hospital will be replaced by ambulatory, minimally invasive procedures. Other procedures that require extended postoperative hospitalization will require only 1 or 2 days of recovery as a result of the system to be developed.

Lahey Clinic has demonstrated its continued commitment to the establishment of the Ambulatory Surgical Research Center and has established three advisory committees that will serve as a pivotal role in the direction of the center. The committees consist of the following: the surgical advisory committee for medical issues, the science advisory committee for technical issues, and the product advisory committee for business issues and prospective partners.

Although there has been some delay in ultimately securing Federal assistance, I remain committed to working for this initiative. I salute Lahey Clinic for its vision, creativity, and commitment which are a continuing tribute to the fine medical institution that it has become and will continue to be.

TRIBUTE TO PAT RISSLER

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. BROOKS. Mr. Speaker, many of us have spoken recently about the sad fact that Bill Ford is retiring at the end of this Congress. My admiration for Bill is no secret, and like all my colleagues, I will miss him.

Less noted, however, is the fact that, as his congressional career ends, so does Pat Rissler's. Pat has worked with Bill Ford for over 20 years, most recently as staff director of the Committee on Education and Labor.

Frequently, the jurisdictions of the Committee on Judiciary and the Committee on Education and Labor coincide. A prime example of this was the Civil Rights Act of 1991. As both committees developed this legislation, I came to respect Pat's professionalism, political judgment and innate fairness. This respect has grown deeper over the last 4 years.

She always fairly protected her chairman's jurisdiction and worked with me and my committee staff in resolving any conflicts in a manner that reflects the epitome of fine staff work. She exemplifies the best qualities of a congressional staff member: respect for the institution, dedication to the public interest, selflessness in pursuing her chairman's agenda and fierce loyalty.

I join my colleagues and my staff in wishing her a successful and happy future.

THE PRESIDENT'S COMMITTEE ON THE ARTS AND HUMANITIES

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. WILLIAMS. Mr. Speaker, I'm reintroducing my statement of September 22, 1994. However, today, in addition to my earlier remarks, I'd like to insert the names of the public members of the President's Committee on the Arts and Humanities.

On Monday, September 19, 1994 President Clinton once again indicated his strong interest and support for the arts and humanities by appointing a number of prominent Americans to the President's Committee on the Arts and Humanities. I want to commend the President for this, and to thank him for his continued efforts to advance and maintain our Nation's cultural traditions.

President Clinton's actions yesterday will hopefully revitalize the 12-year-old citizens arts and humanities support group. I especially want to applaud the appointment of John Brademas to chair the committee. Throughout his distinguished career, John Brademas has been a champion for the arts and humanities. I am confident he will provide the knowledge and vision that the committee will need if it is to successfully perform the important job before it.

The committee has not been particularly active in the recent past, however its charge to promote the arts and humanities and increase private support for them is truly needed now, perhaps more so than ever before. No one sector can provide all of the support that the arts and humanities need to flourish. We must have partnerships, not only between different levels of government, but also with the private sector. The new President's committee can be of assistance in fostering these partnerships.

As Chair of the committee having jurisdiction over the Arts and Humanities endowments, I hope the President's committee will see itself as a resource, not only to the endowments but also to our committee as we begin the process of reauthorizing the NEA, the NEH, and the IMS. This may well be the most important reauthorization these agencies have ever undergone. There are many issues that have to be explored and many questions to be asked and answered regarding the direction of Federal support for the arts and humanities. Although the President's committee has no official legislative authority or responsibility with respect to these agencies, I'll be looking to the committee for appropriate guidance and counsel as my committee reviews the NEA, the NEH, and IMS. The new members to the President's committee have years of wisdom, experience and knowledge in the arts and humanities, and I'll be calling on them to share their thoughts and comments with me and my committee.

These are the Public Members of the President's Committee:

Jane Alexander, Chairman of the National Endowment for the Arts.

Bruce Babbitt, Secretary of the Interior (represented by Roger Kennedy, Director of the National Park Service).

Lloyd Bentsen, Secretary of the Treasury (represented by Leslie B. Samuels, Assistant Secretary for Tax Policy).

James H. Billington, The Librarian of Congress.

Joseph D. Duffey, Director of the United States Information Agency.

Diane Frankel, Director of the Institute of Museum Services.

Sheldon Hackney, Chairman of the National Endowment for the Humanities.

I. Michael Heyman, Secretary of the Smithsonian Institution.

Roger W. Johnson, Administrator of the General Services Administration.

Earl A. Powell III, Director of the National Gallery of Art.

Richard W. Riley, Secretary of Education (represented by Madeleine Kunin, Deputy Secretary of Education).

James D. Wolfensohn, Chairman of the John F. Kennedy Center for the Performing Arts.

Designated by the Speaker of the House of Representatives, Emily Malino, Senior Partner of Metcalf, Tobey and Partners.

Designated by the Senate Majority Leader, Marvin Sadik, former Director of the National Portrait Gallery.

Designated by the Secretary of State, Timothy Wirth, Under Secretary of State for Global Affairs.

MOVE OVER UNCLE SAM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. KAPTUR. Mr. Speaker, as America prepares to celebrate the 75th anniversary of our U.S. Constitution's 19th amendment, the Gamma Alpha chapter of Delta Kappa Gamma in Canton, OH, is using the image of the U.S. twins Sam and Sami to benefit humanitarian work in Stark County. May they have every success.

MOVE OVER, UNCLE SAM, HERE COMES AUNT SAMI

Aunt Sami wants you.

Yes, you read that right. Aunt Sami, twin sister of Uncle Sam, symbol of the United States of America.

Aunt Sami is the creation of Marilyn Tullys, a Canton teacher who believes there should be gender equality among symbols.

"What message does Uncle Sam, standing alone, send to each new generation of children?" Tullys said. "There's something left out."

Tullys created the Aunt Sami character two years ago and has since depicted her on dolls—made in various colors to represent different races—and mugs.

She has shown the dolls and talked about Aunt Sami to school groups, women's groups and at the annual Twins Festival in Twinsburg.

Tullys plans to write about her idea to U.S. representatives and senators, as well as the president and vice president.

"The message is really, 'In equality, there is liberty,'" she said. "I'm saying that Uncle Sam without Aunt Sami is a half-truth that we're representing to children."

BESIDE EACH OTHER

(By Marilyn Tullys)

Uncle Sam—Tall and proud is how I stand. I'm the symbol of our land. I'm a picture of a man. Known to all as Uncle Sam.

Aunt Sami—I am stepping up with you. Wearing red and white and blue. Aunt Sami is who I am. Twin sister to Uncle Sam.

Uncle Sam—I'm an image like a sign. I'm a message for your mind; Hearts are touched as people see, I stand for Democracy.

Aunt Sami—Though I've long been out of view, Just a step in back of you, Still it's true I also stand, For what makes our nation grand.

Uncle Sam—I've come down through history, An idea of liberty; I'm expressing what is meant, By our U.S. Government.

Aunt Sami—What we stand for side by side, Is a country taking pride, In the promise to stay free, And promote equality.

Uncle Sam—Now you're in the picture too, A twin symbol overdue. Sami, you're a team with me, Showing true EQUALITY.

Full chorus—A full life we will enjoy, As each girl and every body, Grows up knowing we're all free, To be all that we can be.

This presentation for children depicts gender equality as Uncle Sam and the twin sister symbol express who they are and what they represent.

It is recommended that as many children as possible express the parts of the speaking symbols Sam and Sami. If each child speaks a four-line verse, this could involve seven children. However, consider assigning each child two lines and involving fourteen students in solo recitations.

Full chorus might mean the seven or fourteen speakers or everyone who hasn't yet spoken.

RECYCLING AND PERMANENT PAPER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. LOWEY. Mr. Speaker, I rise today to enter into the RECORD a recent letter from the Federal environmental executive to the New York Public Library on the subject of the administration's commitment to the use by the Government of permanent paper. Recently, a letter from New York Public Library President Paul LeClerc, New York Public Library Trustee Barbara Goldsmith, and Association of American Publishers President Nicholas Veliotas was sent to the White House Office of Environmental Policy seeking a clarification that the President's 1993 Executive order on Recycling did not conflict with Public Law 101–423's requirement to use permanent paper for Government documents of enduring value. As my colleagues know, this policy on permanent paper was one developed and enacted by Congress, and I applaud the administration for unequivocally stating its commitment to meeting the goals of the permanent paper resolution as the Federal Government moves to an increased use of recycled paper. I would like to introduce into the RECORD the administration's response in order to make completely clear that there is no conflict between these highly important goals.

OFFICE OF THE FEDERAL
ENVIRONMENTAL EXECUTIVE,
Washington, DC, July 19, 1994.

MR. PAUL LECLERC,
President, the New York Public Library,
New York, NY.

DEAR MR. LECLERC: As the Federal Environmental Executive appointed by authority of the President's Executive Order On Recycling, I am in receipt of your communication regarding the necessity to ensure that the federal government's use of recycled paper not be perceived to be in conflict with P.L. 101–423's requirement to use permanent paper for documents of enduring historical value. I am writing to assure you that there is no such conflict, and to tell you of the steps this Administration is taking to ensure that the recycled paper requirements are not implemented in such a way as to result in the inappropriate use of acidic paper.

The Administration is completely aware of and strongly supports the Joint Resolution on permanent paper and its goals. Paper which contains recycled material and is either permanent or alkaline is available for purchase, and it is our intention to continue to use these papers for documents of enduring value.

I will be working with the individual agencies to develop specifications to fulfill the goals of the Executive Order and the Joint Resolution. Executive Order 12873 called for the appointment of Agency Environmental Executives for each Executive department and major procuring agency, in addition to a Federal Environmental Executive within EPA, the position to which I have recently been appointed. I intend to transmit a copy of this letter to all Agency Environmental Executives in order to restate our position that the requirements for use of recycled paper are not to conflict in any way with the concurrent requirement for permanent paper use. Furthermore, I am meeting this week with the Agency Environmental Executives, and I intend to discuss and reaffirm our commitment to the use of permanent or alkaline paper during this meeting. I will be continuing to work closely with these executives to ensure on-going sensitivity to this issue as we implement Executive Order 12873.

I very much appreciate your interest and concern for the permanence of historical documents, and applaud your efforts to reduce the use of acid papers by the federal government. We fully share your concern, and I look forward to continuing to work with you on issues of recycling and paper permanence.

Sincerely,

FRAN MCPOLAND,
Federal Environmental Executive.

SENATE—*Saturday, October 8, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D. offered the following prayer:

Let us pray:

Come unto me, all ye that labour and are heavy laden, and I will give you rest.—Matthew 11:28.

Mighty God, everlasting Father, the Senate has been through intensive, difficult days. The nearness of election day, the commitment they have to their home State in participating in campaigns, the struggle with unfinished business are debilitating.

Gracious Father in Heaven, grant to the Senators and their staffs a special visitation of Your love and grace. Help them make time for their families and to fulfill their responsibilities in the Senate and beyond the beltway. May Your peace and Your rest renew and strengthen them.

In His name who promises rest for our souls. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read as following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 8, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

CALIFORNIA DESERT PROTECTION ACT—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the conference report accompanying S. 21, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany S. 21, to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

The Senate resumed consideration of the conference report.

The ACTING PRESIDENT pro tempore. The hour prior to the cloture vote will be equally divided and controlled by Senator JOHNSTON and Senator WALLOP, or their designees.

Who yields time?

Mr. JOHNSTON. I yield myself such time as I may consume.

Mr. President, this legislation on California desert protection passed the Senate by a vote of 69–29. Today, we test the fidelity of the Members of the Senate to that vote and to their conviction.

Mr. President, every park in the National Park System is unique. They are called the stars in the crown. Each has its own special appeal. The glacier-carved granite of the high Sierras and Yosemite has its own special place, as do the hemlock and verdant, soft forests of the Shenandoah. And surely, Mr. President, the desert of California occupies a special and unique place, with its splendid isolation, its serene beauty with the desert flowers, the beauty of the sunsets, as shown in those pictures which my colleague, Senator FEINSTEIN, has shown to the committee, the Senate, and the Nation. It surely occupies a special place.

Mr. President, it is clear that the people of California certainly support this legislation. The question is: Is there a valid reason to be against it?

Well, Mr. President, in the committee, as the occupant of the chair well knows, there were some very strong arguments made against making the desert a park. One was that it is being used for off-road vehicles, and that that is a special use that has a special appeal. In the original House bill, off-road vehicles were to be prohibited from using this park. But as the occupant of the chair argued, and as we on the committee accepted, and as Senator FEINSTEIN herself agreed, off-road vehicles are to be allowed to under this legislation so that we can preserve the desert with its unique beauty and still allow off-road vehicles.

One of the second great arguments we had was over hunting. I am from a hunting State, as I guess many of us in this Chamber are. So, as many said, hunting is a special use. Senator FEINSTEIN agreed, and the conference committee agreed, that we would have hunting in the desert as we do now. So hunting is to be allowed under the legislation.

And then, Mr. President, there was the question of private property. Two very strong amendments were adopted dealing with private property, and indeed there has been no resistance to full protection of private property.

So the three great arguments which were the touchstones of opposition to this legislation have been removed completely. There is, I guess, only one remaining argument, and that is that we do not have the resources, we do not have the money to support this national park.

Well, Mr. President, that argument is really a very hollow one. The whole National Park Service is less than one-tenth of 1 percent of the Federal budget. As important as national parks are to the heart of this country, to the way people feel about this country, it is less than one-tenth of 1 percent, and we are told that we do not have the resources to open up what is the greatest desert area in the whole country. Why, Mr. President, we know that is not so.

You cannot have it both ways, Mr. President, because many of those who are saying we cannot support the National Park Service, that we do not have enough money for that, are those same Senators who, out of the same pot of money—that is the Interior appropriations bill—passed just last night, a bill increasing payments in lieu of taxes. The payments-in-lieu-of-taxes bill has a price tag of $180 million a year, which is many, many times more than the cost of this legislation. I happen to think payments in lieu of taxes is a good idea, but we had no trouble and they had no hesitancy in saying: Raid the Park Service, raid that same pot of money for $180 million a year.

So, Mr. President, how hollow that argument is on the lack of resources. If, in fact, the California desert is worth protecting —and I submit that the people of California believe it is—I submit that if the people of this country believe it is worth doing, and I submit that if the Senators in this Chamber have already said, by a vote of 69–29, that it is worth doing, then resources are not a problem.

We spill more money on the way to the Pentagon than we waste in the National Park Service every year. We all know that.

Mr. President, really, ultimately, what this battle is today is a battle of messages. What message are we trying to send? Ultimately, it is a political message. On the one hand, those of us who support this legislation have looked at the desert after rigorous hearings, after hearings in California, hearings here, where we examined the desert and the resources and examined the beauty of it, to determine whether or not it passed muster as a national park. And the overwhelming resounding answer was that, yes, it does.

The opposition to this, Mr. President, is ultimately not about that. The opposition is: Can we profit by gridlock? That really is what this whole question is about; that somehow, by ensnaring this process, by frustrating the progress, by denying this legislation, by depriving the people of this Nation, and California in particular, of this great resource, that somehow that is going to send an attractive message to the American people.

That is what this fight is ultimately about. It is not about whether this park is worthwhile. It is somehow trying to plumb into the mood of the American people and cynically saying the American people are so mad at the Congress, so mad at everything, that maybe if we just frustrate the process and deny this national park, they will elect us and put us in control.

I wonder if that is what the American public really believes. Do they really believe that, frustrated though they are, disappointed though they are at the Congress, mad, as all the polls indicate, at Bill Clinton, disappointed in Government at every level, wanting term limits, wanting constitutional amendments to balance the budget, line-item vetoes, and various other things indicating frustration with the Congress, does that sentiment mean that they also want gridlock? Do they also want to so frustrate the purposes of this Congress to deprive the American people of any progress in their legislative body, that they would prevent a national park of truly wonderful proportions and dimensions and beauty, deny that in order that somehow that would help this election? Is that their mood? I do not believe so, Mr. President.

I think that those who would want to sign on to gridlock, sign on to depriving us of this legislation, will find that they are resonating to the wrong message from the American people. I do not believe that for 1 minute.

I think there is a feeling in the hearts of Americans for their natural resources, particularly their park resources, that is a feeling almost akin to the love of family. The people love this land. They want to preserve this land. They want to set aside those places of special beauty, especially at a time when urban areas are exploding, when development is overtaking our great resources, when we are losing more and more of our rivers, deserts, mountains and beautiful places to development. People I believe in this country fervently say: Let us preserve it. Let us preserve those beautiful places because they are not going to last forever.

Mr. President, in my home State of Louisiana we used to have millions of acres of hardwood timber with bears. In fact, in my wife's hometown, we checked the old records from over a century ago, and one of the biggest exports back in the pre-Civil War days was bear grease. It actually was bear grease. And now all of those forests, which supported the bears, along with the bears, are gone, and there is no way to bring them back.

Now, Mr. President, I do not know how immediate and how strong the urge is to develop these areas of the desert that would be protected. I know those pressures are there.

We tried to reconcile those pressures with the private property protection amendments in this bill. It is a difficult balance. Many newspapers in California criticized Senator FEINSTEIN for going too far toward protecting that private property.

But the bill, nevertheless, will preserve the desert and will resist those development pressures. But I wonder what the verdict of history would be if 50 years from now people looked back on this debate, while these great beautiful desert areas in California are lost and look back and say: "You know, back in 1994, we could have preserved this at a very modest cost and kept it all and would not have these roads and hamburger palaces, and all the rest of it, if they had not gotten mixed up with politics and if the Republicans had not misread this political message. They thought the American people wanted to gridlock the whole process, deprive the American public of new parks, stop the passage of any legislation, indiscriminately, good or bad. They wanted to gridlock the whole thing, and here is the result: Hamburger palaces where we could have had this beautiful desert."

That is ultimately what this is about, that somehow they can rub that raw nerve of the American people and maybe win the California Senate seat on that account.

Now, how the reasoning goes I do not know. Here the people of California have said over and over again in every public opinion poll I have seen that they want the California desert protected. So somehow the Republicans are saying, "If we deny the people of California what they want, then they will elect our Senator instead of their Senator."

That is somehow the logic. That is what this is about. That is ultimately what it is about, because if it were about the California desert and whether it qualifies as one of the jewels in the crown, there is no question that we would approve this as we did the first time.

I urge my colleagues, Mr. President, to give the same verdict that they did when this matter was up before the Senate before and by a vote of 69 to 29 said this desert deserves protection. This should be a jewel in the crown. Let us vote on this measure today based on its value and not on the political advantage that some may think gridlock adds.

I think gridlock does not add an advantage. I think this desert protection legislation helps the American people.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG] is recognized.

TRIBUTE TO THE SENATE CHAPLAIN

Mr. CRAIG. Mr. President, before I respond to the chairman of the Energy and Natural Resources Committee and discuss the merit or lack of merit of S. 21, let me for a moment recognize the Senate Chaplain, Richard Halverson, who I have had the privilege in my short tenure here in the Senate to get to know in a very personal and loving way.

I say that because he has become a very important person in my life and the life of my wife and our family, having just a few years ago this month performed the marriage of our daughter on the patio of her home here in Virginia.

And to you, Dr. Halverson, we have always appreciated your message, your fellowship. And we will miss you.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. CRAIG. I am happy to yield.

Mr. JOHNSTON. Mr. President, I associate myself with the remarks of the distinguished Senator from Idaho in wishing Dr. Halverson the best and in telling him how much his ministry has meant not just to this body but to the Nation. We will dearly miss Dr. Halverson.

CALIFORNIA DESERT PROTECTION ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. CRAIG. Mr. President, this is an important debate. I would say at the very outset it is not about politics. It is about how we will manage a very large chunk of public land property in the State of California, public land property, if you will, national property. It will also be how we will treat private property owners who live within the bounds of this huge expanse of public land.

I have grown to know the California desert over the last 10 years in a very special way. I come from a mountainous semi-arid State in the northern tier of the West.

I was unfamiliar with the ways of the desert or the beauty of the desert. But while I was serving in the House and on the Interior Committee as this issue began to grow in the mid- to late-eighties, I had the privilege on more than one occasion of going to California, going to Barstow, going to Palm Springs, not to play golf or to recreate, but to listen to those who love the desert, to the environmentalists who want to preserve it beyond where it is currently being preserved and managed today, to the day-to-day person in California who pours out of a Los Angeles basin on the weekends to find their solitude and their recreation in the marvelous expanse of desert land that has become a battleground over what this country ought to do and what the public policy ought to be about the management of it.

It is wrong to assert that this land would become covered with hamburger palaces. And the reason that is a false premise—and I must charge the chairman with that rhetoric—is because it is public land. You do not build a hamburger palace on public land, you build it on private land. We are debating the management of public land, not private land, although this will clearly impact vast numbers of private property owners and hundreds of thousands of acres of private fee-simple land.

More than likely, when you hang the billboard up that says this is an exceptionally unique place and so designated by the Congress in wilderness or in parks, you have, in fact, sent a message around the world that it is so unique that people ought to come see it more than they are currently using it, enjoying it and preserving it and recreating in it.

The risk of a hamburger palace being built, as we know, on the fringes of designated parks is enhanced by the designation of a park, not the absence of a park. Because a hamburger palace is of no value if the human is not present and the human is always present where there is a national park designated because we Americans love our parks and the world at large knows how much we love our parks and that we have historically preserved unique places around our country, and so the world comes to see our parks.

No, really, what this debate is all about is, in part, the message, and on that I agree with my chairman. What is the message that will be sent, or, more importantly, what is the message that will be recorded tomorrow morning in the Los Angeles Times? Will the headline be, "Senate votes to preserve vast acreages of desert land in California in both wilderness and parks"? Will it be that the Senate has failed to do that? That is probably one or the other of the way those headlines will read.

Mr. President, I think you and I know that the headlines will never read, "More than 12,000 landowners affected and private property that they own devalued by the passage of a California desert bill." That will never be in a headline in the Los Angeles Times.

Something else will never be in the headline in the Los Angeles Times. That will be: "California Desert Protection Act requires billions of unfunded costs to be funded in the outyears by a Government that has a $200 billion-plus deficit and a $4.8 trillion debt." Those headlines will not be there. That is part of the debate, and that is a very important part of the debate here today and why some of us, for now nearly a decade, have been involved in the question of should we pass an S. 21-type bill that would lend extraordinary protection to the California desert.

Let me also attempt to debunk some assumptions that are involved in a lot of this debate that if we do not pass this legislation, somehow the California desert falls prey to greater development.

The California desert today is under one of the most comprehensive Federal land management policies of any piece of public property in the United States. Starting in the early 1970's, the Bureau of Land Management, which is the primary manager of the California desert, began a comprehensive land review in which they, through a very astute process so designed by Federal policy, reached out and asked the public of California to become involved in how this land ought to be managed. Out of that grew the California desert plan, a huge plan, involving all of these millions of acres; some put in protected areas to be further legislated as wilderness; some used for what they had always been used for, development and human access, be it mining, be it recreation; some cattle grazing, although very limited.

Certainly at that time and since that time wildlife enthusiasts, along with the California Fish and Game, began to establish better facilities to assure mountain sheep would be protected, and that population has thrived since that time under that management scheme.

So it is false, it is blatantly false, to suggest that somehow these lands are not being protected or managed. They are. They have been, in an extensive way, by the very public policy that this Senate and the Congress as a whole and our Government passed a good long while ago, demanding of the Bureau of Land Management that they go in and provide a comprehensive management plan and develop the review process and get the public input. All that has happened, and the California desert is where we can debate it today, be it for wilderness or for parks. And the reason it is of that quality today is because it has been protected and it has been managed.

But the kind of protection today that we are proposing is phenomenally more restrictive to human beings than any other that we have ever offered. And I really believe that is the tremendous debate that goes on here.

Here are faxes that have poured into my office from a variety of citizens across California who live in the desert, who come to the desert, who recreate on the desert every weekend or take their vacations there. They rock hound, they walk, they ride their four-wheel-drive vehicles because they love the desert. People in a very open and direct way are saying, "You are locking us out."

I will never forget, Mr. President, when we were having a hearing in Palm Desert, I believe, or Palm Springs on the California desert. There were thousands of people there. One man, who was so supportive of this legislation, said, "I have loved the desert all of my life. I have traveled every inch of the desert and I know every part of it. It must be preserved and it must be protected."

I asked that gentleman, whose name I have forgotten—it was a good number of years ago—"I don't dispute your knowledge of the desert nor your love of the desert. How did you see the desert?"

The desert is a very hot, dry environment, temperatures pushing up to the 100 degree and beyond mark during the day and down into the 40's and below in the night; typical of the Southwestern deserts of the United States, extreme highs and extreme lows and, therefore, extreme to the human species.

I said, "How do you see the desert?"

Well, he drove all over it in his four-wheel-drive vehicle. That is how he saw it. And that is how he developed his love and that is what he wanted to share with everyone, was his love of, and therefore protection of the love of, the California desert.

And yet what was ironic about that man's testimony is no one else under this legislation would get the same opportunity that that very gentleman was talking about, because the roads he drove on will be blocked. Access by motorized vehicles will be extremely limited. You do not drive a motorized vehicle across the country in a park. You stay on the roads. In a wilderness area, they are prohibited altogether.

And so I said to this man, "How can you, an advocate of desert wilderness and desert parks, want to preserve this in a way that you will grant to the other citizens of our country the same privilege you had when, in fact, you are denying them?"

Well, he stuttered a bit and did not say much more and got off the witness stand, and I have not seen him since.

My point, I think, is well made, though. More importantly, his point was missed, that you really are denying future generations unique opportunities to see and love the desert, as many do, and to use it, as many have, under the current management plan and the protection that the BLM has offered this marvelous, marvelous piece of property that is now being talked about and debated.

Well, what are we talking about? We are talking about probably the largest lockup, preservation of, change of policy on public land of any size we have seen since we placed so much of Alaska in wilderness a good number of years ago. This bill places 6.9 million acres of California land, now under the control of the BLM and the Forest Service and private landowners, into 69 separate wilderness areas under the National Wilderness Preservation System, and three new units of National Park Service. In all, the bill creates 7.5 million acres of wilderness and 5.5 million acres of national park preserve.

What does that mean to somebody who might be listening today? What does that mean in the context of an eastern lifestyle when those of us of the West understand millions and millions of acres?

Well, it means the States of Connecticut, Rhode Island, and Delaware and a few pieces of New York all thrown in together. It is one big chunk of land, is what it is.

And it is not just desert and no one just does not live there. It is a lot of people and a lot of property and a lot of diverse interests.

To create the 5.5 million acres of new national parks and preserves, the bill transfers BLM land to the Death Valley and Joshua Tree national monuments and elevates them to the status of parks.

What did I just say? Death Valley and Joshua Tree national monuments.

National monument? Oh, yes, we have already gone in there years ago and designated lands to be protected, unique lands, like Joshua Tree. I have been there, and it is beautiful. I have been to the phenomenal Death Valley. It is beautiful and it is protected and no one can desecrate it and no one has. Then why, today, the rush to judgment? You heard the chairman of the committee talking about the need to protect. Yet, I am telling you, Mr. President, the law currently protects. Laws passed by this Congress have offered that kind of protection. The conferees added 238,450 acres to the Senate bill, and 1.1 million to the proposed Mojave National Park—in other words another extremely large expansion.

The simple designation of large blocks of public land, I think, in the desert, dilutes the importance of our national wilderness preservation system. It degrades, for study recommendations, necessarily designated areas that many of us have been to and many of us will argue do not deserve wilderness status.

I think we know what the 1964 act was all about. It was to preserve lands that were untrammeled or relatively untouched by man. But in the euphoria of using the law, over the last decades we have locked up huge tracts of land. Unlike what the chairman suggested, that we had not been preserving lands, we put more lands in parks and wilderness areas in the last decade than ever in the history of our country. Millions upon millions of acres have been preserved. Yet the Federal Government, in this instance, talks about lands that have roads, that have been actively used by man, that is in the visual sight of mining properties.

I fought hard to convince the Senator from California not to condemn private properties, and in all fairness, she did not in many instances. I began to discuss with her the plight of the ranchers—she never having been one, I having been one—trying to tell her what happens when you change the public policies as she is proposing to do, and how you can literally drive the ranchers out of business by the devaluation of their properties because you have locked them in a state where the Government promises but the Government never delivers. And in some instances, the Senator from California, in all fairness, began to address that issue.

I have read the GAO reports and the BLM's response to these reports. I have talked to you and to others about multiple use management, and the importance of all that the California desert is, not just to California, but to the Nation—that there are areas in the desert that deserve wilderness status. I do not deny that. In fact, I support that. There are some areas in the desert that would deserve expansion for the purpose of making them a national park, and I have supported that. But so have many others from California who, today, oppose this bill. And the reason why although they would support some, they cannot support this, is because this is so overreaching, so grabbing, so locking up, so antihuman, to say to the people who have used the desert for decades and decades, if not generations: We are going to dramatically change your access and in many instances deny you the access and the opportunity you once had.

The authors of the legislation ignore the management and the conservation fact that I have tried to argue here in the first few minutes this morning, of the protection that was set in motion with the creation of the California Desert Conservation Area in 1976. That is the BLM management package I was talking about.

The Senator from California implies that without the passage of S. 21 there is no desert management or protection. Truly, this is a false premise. A responsible desert bill would carry out and implement the conservation legacy, a legacy that this Senate should be proud of because it was the public policy passed by this Senate that produced that conservation area that has created the legacy that recognized in the mid-1970's the importance of the California desert.

But it also recognized something else. It recognized that the California desert was one of the last great treasure houses of America, of the Northern Hemisphere. You say, "Senator CRAIG, what do you mean, treasure house?" I mean minerals. I mean that desert today still represents one of the greatest explored and unexplored mineral reserves of this Nation.

Have we lost sight of the fact that we are an industrial Nation, that we live off our natural resources, our metals and our materials, and our minerals? Senator WALLOP from Wyoming yesterday talked about the rare earths. What are those? Those are the minerals and metals that are developed for the use in this Nation's reach toward superconductivity.

What is superconductivity? The Senator from Louisiana and the Senator from Idaho and the Senator from Colorado are starting to ride on a train that takes us from this building to our offices. That is part of superconductivity, the maglev—magnetic, electrically driven process of transportation. It is known by our geologists that one of the greatest, if not, maybe, the only reserve of this kind of resources is in the California desert. We are whisperingly quiet in our desire to lock it up and to deny this country that opportunity?

A responsible desert bill would carry out and implement the conservation legacy that I have mentioned, of management versus protection and development. Unfortunately for California, all of this balance is ignored in favor of a very narrow single interest, dominated only by a protectionist principle.

What we are doing today is taking this vast acreage of land off the map. We are putting it in a museum and, for any of us who have ever visited a museum, you walk quietly in hushed ways. You do not go there to recreate. You do not go there to vacation. You go there to look at the past. But I know Californians, and a lot of them. I know how they love their desert and they want to use their desert for their future—not to destroy but to play in, to recreate and enjoy, and take their children, as that one man who did not really understand that to lock it up meant you denied him the access. Because, as I said you do not just walk around in 110-degree temperatures. You drive around in them, but you do not go out and camp in them very easily. Yet, that is what this bill is saying.

Rather than preparing the comprehensive bill that would contain all of the facets of management and conservation, only the wilderness management portion of the desert plan, and therefore the parks, got consumed up in all of this. And it is, I believe, a tremendously unjust way to treat a phenomenally valuable resource.

Mr. President, there is a good deal more I could say about this issue, and I say that because I have learned to enjoy the California desert. In fact, it is reasonable to say I have learned to love it. I have been there numerous times now. I am very proud of the Bureau of Land Management and the way they have managed the desert and responded to the public needs of this country and to the resource needs of this country.

So it is not that I do this out of ignorance, it is not that I do this for political reasons, I do this because of my commitment to a responsible and managed, balanced approach toward dealing with our public lands and their phenomenal resources.

The California desert is one of those many resources, and I do not take lightly locking up land that is approximately four times the size of Yellowstone National Park without due consideration. I do not take lightly locking up and turning away people from acreage the size of Vermont, Rhode Island, and Delaware all combined. And I do not take lightly the idea that I would be turning this loose to developers if I denied California S. 21, because that is false. And for any Senator to come to the floor and to say that means they have not studied the conservation plan. They have not looked at how the BLM has managed this land on behalf of the citizens of California and the country.

So we are talking about a very large piece of not just California but the Nation, a very large chunk of resource and critical habitat and roadless area and beauty unique and beyond compare for the deserts of our country.

I hope today that the Senate will defeat this proposition because the desert today is protected and that if we want to add wilderness to the wilderness preservation system, that we will come back in a much more modest and reasonable way. Because as I said, there are lands that deserve wilderness treatment there. I hope that if we want to add to our parks that we would first listen to the clarion call of the Senator from Wyoming who, for the last many years, has said we keep adding land but we put no money with it, and, therefore, we only dilute the very parks we have.

We have included in my State of Idaho a beautiful area called City of Rocks, now one of the No. 1 rock climbing areas in the world. Thousands of people come annually. But as we have treated it and as we have said it is becoming a park unit, we are mistreating it because this year I tried to get $600,000 to protect it and to manage it and to build parking areas and treat the roads, and I did not get the money. They said, "Larry, come back another year."

Can I say to the people of the world who are now coming to climb the rocks of the City of Rocks in Idaho, "Come back another year, we can't handle you, we can't manage you, we don't want you there degrading the value of the resource because we are not willing to put the dollars and cents involved in"? That is really at issue here.

So what the Senator from Wyoming said on the floor yesterday—and I am sure he will repeat today in the closing minutes—and what he has said for so long but what somehow gets denied by this Senate is that in our rush to add lands, we forget one thing: To finance them, to provide the management necessary to preserve the resource that we so politically and articulately suggest we are preserving.

I retain the remainder of the time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. JOHNSTON. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has 15 minutes 41 seconds; the Senator from Wyoming has 3 minutes 41 seconds.

Mr. JOHNSTON. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, it is clear that there is broad agreement on one issue between the distinguished Senator who just spoke, the Senator from Idaho, and myself. That is that this resource in the desert is a matter of great beauty and great value. It is a great resource that ought to be preserved. The Senator from Idaho said it, I think, better than I when he described the beauty of this resource.

It is clear that a national park status will protect this resource. There is no question about that. It is very much in question whether a Bureau of Land Management status, with respect to the public land, would protect it from mining, from roads, from ingress and egress and the very fragile values of a desert. It is very much in question whether that would be protected by BLM, or, indeed, whether the BLM land would, as so often is the case, be exchanged for other land around the country for the purpose of development. It happens all the time with BLM land. There are private inholdings of tens of thousands of acres contained within the desert that would be eligible for development.

So, Mr. President, there is no question that national park status would be the better protection for what is, we agree, a great resource for the United States and for California.

When this matter was up before and passed our bill by a vote of 69 to 29, with 13 or 14 Republicans, it was well agreed by a margin of 2 to 1 in this body—greater than 2 to 1—that national park status would be the best protective status for this land.

As the other party is having their caucus, what do you think is being discussed, Mr. President? Do you think the issue there is whether or not national park status would best protect this land? Whether or not we have the resources to afford national park status, a Congress that just yesterday burdened this same account with $180 million a year for payment in lieu of taxes, do you think that is what is being discussed? Do you think that is the appeal that is being made to those Republicans who voted for this park when it was up before?

No, Mr. President, it is not. It is, and I have no listening device there, but I can confidently predict that the discussion there is raw politics. Something to the effect that the American people are frustrated. We help our candidate by trying to capitalize on that frustration, by saying, no, by saying invoke gridlock, do not let the American people, do not let the California people have what they want, which is park status, which the Senate wanted by 69 to 29, that somehow we get political advantage by stopping this legislation.

That is perfectly clear, Mr. President. Can you not hear it now, if you had a wire into that room? Can you not hear those statements being made? It is not about whether we have the resources to afford this—$180 million yesterday a year for payment in lieu of taxes? Good purpose—sure it is—but I mean, does it resonate with any credibility that we cannot afford this legislation? Not at all, Mr. President.

Or is there anyone who would seriously argue that BLM status better protects the desert? No. They are trying to take the frustration of the American public and capitalize on it for political purposes.

I do not believe that is what the American people are trying to tell us. That is not their frustration. They are not saying we have too many parks, or that we ought not to develop our parks. They are not saying that we ought to have less protection, fewer places to go, fewer places of beauty and refuge in this country. That is not what they are telling us, Mr. President, and I do not believe that they will reward those who want to frustrate movements to set aside great places in this country for national parks for all posterity.

Mr. President, I see the distinguished Senator from California, and I ask if she needs some time.

Mrs. FEINSTEIN. I thank the Senator.

Mr. JOHNSTON. I yield to the Senator from California such time as remains.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, once again, I would like to state the merits of this bill. This is not a bill that has a bare majority. This is a bill that has passed both Houses of this

Congress with a major majority. This is a bill that has survived in this House by 73 votes on a cloture motion. This is a bill that is bipartisan and had 16 Republicans supporting it when it was passed.

This is a bill on which I have worked with both sides of the aisle, and more than 19 amendments from the opposition party have been incorporated in this bill. This is a bill in which the major point of contention by the opponents was remedied by acceptance of the House language to designate the east Mojave a preserve and permit hunting. This is a bill which, if it is defeated on this vote, will be defeated by just a few Members of this body. I do not think that is what the constitutional fathers intended when the rules were set up for the functioning of this body.

In California, there are 25 million acres of desert, believe it or not—25 million. This bill would protect about 6.3 million of those acres of California desert, and it would protect some of the most fragile areas of that desert.

As you know, Mr. President, because you are involved in the outdoors—you appreciate the outdoors; you use off-road vehicles; you know the interest that this desert area has for off-road vehicle users—we have worked with that community. We have worked with the American Motorcyclist Association, which had a position of opposition and which changed that position. We have excluded roads of concern to them. We have taken out the South Algodones Dunes area. We have maintained lands for recreational off-road vehicles use in places that are appropriate, where it would not destroy some of the finest artifacts, some of the most fragile flora and fauna of the desert.

This is an area which has 90 mountain ranges, cinder cones, extinct volcanoes, the largest remaining Joshua tree forest in the world, desert tortoises, bighorn sheep, wild burros. It is an area where citizens come in and bring water to animals. That is allowed under this bill.

There were Republicans who had concern with certain land exchanges. Those land exchanges are out of this bill. Every active mine is protected in this bill. Every existing job is protected in this bill. The law enforcement language that has been agreed upon is bipartisan. The military language has been agreed upon by the Armed Services Committee.

Private property rights are protected. There is no taking of private property.

Secretary Babbitt, present in the Chamber yesterday, committed to see to it that access roads to private property and utility lines to private property also are protected and are provided as necessary in conjunction with the private property owner.

The National Park Service estimates that this bill will create in the area between 1,000 and 2,000 new jobs—the area will not lose jobs but gain jobs. It will be good for the area and give property owners in the area I think a sense of pride.

Mr. President, 7 years ago this was a very different bill. The bill on which the argument was joined was a stronger environmental bill in the sense that it eliminated grazing. It did not have the language to protect private property, law enforcement, military, mining—all of the things that we have added to the bill.

I think the unfortunate part about this debate is that many of the opponents' views were cemented on a bill that is long gone, that was introduced 7 years ago in this body, that has been amended substantially. I am so proud of this bill because I think it points a way for a very unique protection program that is not repressive, that is not filled with Big Brother, heavy-handed Government, that is sensitive to the people of the area.

This is why 16 boards of supervisors support it. This is why 36 city councils support it. This is why 15 major newspapers support it. This is why 75 percent of the people of the area support it, and 70 percent of the people of the State support it. It is a good bill. I cannot express my frustration and my disbelief that the will of the majority is sublimated by the practices of this body, and I saw it happen, in campaign spending reform, in lobby disclosure reform, in telecommunications, and somehow I do not think this is the way our forefathers intended this body to work.

Mr. President, I am hopeful that we have 60 votes. The opposition has created a field of land mines to run through to get to this point. Some Members have had to leave. Others have left and come back. I want them to know how very grateful I am to those Members.

I wish to point out to them that this is important to the people of California. It has been a 7-year battle. I am hopeful in the vote that will be upcoming in a few moments we will be able to deliver for the enjoyment of our children and our grandchildren protection of the last remaining dinosaur trackway in California, protection of the largest Joshua tree forest, protection of Indian petroglyphs written on walls of hills and in slot canyons all through this desert area, and protection of tribal burial grounds.

As I pointed out yesterday, under the present system of management, people come in and chip out these petroglyphs and take them home and put them on the coffee table so that your and my grandchildren will never know the history of this great California Desert. The aim of the bill is to protect this history. The aim is to showcase this history. The aim is to enable the flora and fauna of the area to be available, not trampled over and destroyed, to all of the people, to the more than a million visitors who go to Death Valley, who go to Joshua Tree, who go to the east Mojave for one of the most unique experiences in western America.

Mr. President, this is a western preservation bill. This is a bill of which miners and ranchers and recreationists and all Americans should be proud. It is a bill whose time has come, and the time is today. I hope that vote is here.

I thank you, Mr. President, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WALLOP. Mr. President, what is the time status?

The ACTING PRESIDENT pro tempore. The Senator from Wyoming has 3 minutes 40 seconds, the Senator from Louisiana has 1 minute 22 seconds.

(Mrs. MURRAY assumed the chair.)

Mr. WALLOP. Madam President, I will consume the remainder of the time.

Let me just try to confine this argument to what it is really about. I do not quarrel with the Senator from California that it is political because the Senator from California has made it political, because it is not with the Senator from Wyoming.

This is about degrading the National Park System. This is about degrading the National Park system and making American citizens pay for that degradation in funny kinds of ways that they were not otherwise obligated to.

Let me explain. Every time we add a park, this one twice the size of Yellowstone, without adding any personnel or resources, that is a tax on the resources of every national park in America. It is a reduction in its personnel. It is a reduction in its budget.

The argument can be made, and I make it here today, that this area will receive less protection under this status than it has under the BLM for the simple reason the National Park System cannot take care of what it has and it cannot absorb this new obligation. There will be fewer people protecting it than there are now.

Now, let us talk about another protection. Twelve thousand private property holders will be having their property condemned by this and not be able to be paid for it because we do not have the money to pay for the 20,000-some other property holders who are in America with a backlog of $8 or $9 billion that we have refused to pay. This Congress, and the ones that have preceded it, does nothing but put its political reputation on the line by saying I bring you parks and then they tax the parks and the park system.

It is going downhill, Madam President, and Congress is making it go downhill for a very simple reason, because it likes to take credit for the park and blame somebody else for what is happening—$500 million to put the roads in Yellowstone Park just back into condition.

Guess what happens in here? Another 500,000 acres of private property goes onto the rolls that the Federal Government must buy, and we have a 37-year backlog today. Who will be benefited? The big landholders. Who will be punished? The small landholders and property holders—$7 billion worth of property. This bill cost, for one campaign, $7 billion out of the hides of the taxpayers all over America.

This is not a California issue. The Senator from California said that there is all of this great support. All five Members of Congress in whose districts these lands lie oppose it. And all five Members of Congress in whose lands these districts lie were not consulted by the Senators from California as this went through.

Sixty-eight percent of the people who know about those areas do not approve of this specific piece of legislation. Ask them if they approve of protecting the desert. By all means they do. But do they think this will? By all means they do not. What they think this will do is exactly what it will do—is camp on their backs, reduce their access, reduce the protection of the desert, and take their private property.

The Park Service is not a multiuse agency, and it never has been, and cannot succeed as that.

Madam President, this is an antienvironmental bill, and it is an anti-U.S. Park Service, anti-National Park Service, and anti-National Park System bill.

Mr. JOHNSTON. Madam President, I ask my colleagues this morning to vote on this measure, first, based on whether they think this resource is worth protecting as a national park. The answer to that question is a resounding yes.

Second, Madam President, I ask for them to vote on this question based on what they think the American people want. Madam President, there is no question that the American people, in my judgment, are committed to preserving these resources.

Third, I ask them to take into consideration what the people of California want. But most of all, Madam President, I ask for Senators today to vote this matter based on their consciences. What does that inner light of conscience tell our Senators? If they will follow their dictate of conscience and do what is right, we will again pass this legislation, which we passed before by 69 to 29.

I say this is a time for courage and for conscience and to do what is right.

I yield the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany S. 21, the California Desert Protection Act:

Barbara Boxer, Byron L. Dorgan, Paul Wellstone, Pat Leahy, George Mitchell, Paul Simon, Patty Murray, Tom Harkin, Richard Bryan, Barbara Mikulski, Jeff Bingaman, Don Riegle, Harris Wofford, John F. Kerry, Claiborne Pell, J. Lieberman, Carl Levin, Dianne Feinstein.

VOTE

The PRESIDING OFFICER. By unanimous consent, the quorum call is waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany S. 21, the California Desert Protection Act, shall be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Montana [Mr. BURNS], the Senator from North Carolina [Mr. HELMS], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "nay."

The yeas and nays resulted—yeas 68, nays 23, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—68

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Gregg
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Specter
Warner
Wellstone
Wofford

NAYS—23

Bennett
Brown
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Faircloth
Gorton
Gramm
Hatch
Hutchison
Kempthorne
Lott
Mack
McCain
Nickles
Pressler
Simpson
Smith
Thurmond
Wallop

NOT VOTING—9

Bond
Bradley
Burns
Helms
Hollings
McConnell
Murkowski
Packwood
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 23. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

CALIFORNIA DESERT PROTECTION ACT—CONFERENCE REPORT

The Senate proceeded to consider the conference report.

Mr. SIMPSON. Mr. President, I rise to join my colleague, the senior Senator from Wyoming, MALCOLM WALLOP, and many others in this body, in opposition to this bill.

I share my colleagues' strong concerns about the many problems this legislation will create for private property owners, those who enjoy recreation on these lands, and those who derive their livelihoods from these lands.

I would also remind my colleagues that this issue is not a new one to the Congress. Our former colleague, Senator Alan Cranston, had introduced legislation on this issue in both the 101st and 102d Congress.

Throughout those years, he modified his legislation many times. I am informed that many of the changes he adopted to ease the concerns of others are not incorporated in this legislation. That is, indeed, unfortunate.

It is my view, Mr. President, that the cost of this legislation will most adversely affect many people who will likely never see or drive by this proposed wilderness system.

Mr. President, the costs of land acquisition alone for this proposal will "break the bank" for the rest of the country. I will provide just three examples. There are many more that can, and likely will, be discussed on the floor during the remaining hours of this Congress.

I would urge my colleagues to keep a question in mind as we discuss the costs of this legislation: "What will be the source for these funds? Will they come from general revenue, or will they come from some other source, such as the Land and Water Conservation Fund?"

The Land and Water Conservation Fund is funded from taxes assessed from offshore oil and gas production. Perhaps some of my colleagues would like to keep that thought in mind before they cast their votes.

The money must come from somewhere. But in any case, it will ultimately come from our taxpaying constituents.

One portion of the proposed California Desert Wilderness System would be the East Mojave National Scenic Area: known as EMNSA.

The EMNSA would comprise 1.5 million acres; 200,000 acres of that is now in State or private ownership. Those lands will have to be purchased.

Even if the powers of condemnation are used, which could prove to be necessary, the Constitution requires payment of "just compensation."

Even using very conservative estimates, that compensation will be a great deal of money. For example, up to 36,090 acres of private land would be acquired to create up to 20 new wilderness areas. That will be in addition to taking 818,978 acres of Federal land and 39,424 acres of State land out of multiple use.

Just 3 years ago, the Bureau of Land Management estimated the cost of acquiring the private lands in this single proposed wilderness area.

The private lands in this area range from homesites, to presently producing gold mines. Since 1988, the BLM has been managing these lands and has been negotiating for exchanges and acquisitions. They have not been very successful.

It is clear that the price of these lands will be higher than anticipated if full acquisition is to take place without using the power of condemnation.

The most recent estimate available, based on the 1991 report of the BLM, is that the costs of acquiring the 144,000 acres of private land within the proposed East Mojave Park could range from $36 to $57.6 million. If Congress requires these "inholdings" to be acquired, most of the private land will have to be acquired by direct purchase.

The same problem exists for State land acquisitions. Purchase of those lands could add another $13.75 to $22 million in land acquisition for the State lands.

We are already approaching a potential cost—conservatively—of up to $79.6 million for a single portion of the vast undertaking which is the "California Desert Protection Act."

Land costs, as given in the BLM report, do not include the administrative costs associated with acquisition and exchanges. Both the National Park Service and the BLM would bear additional administrative costs in the millions of dollars to perform such duties as: Surveys, appraisals, adjudication, mineral reports, and appraisals, hazardous materials clearances, cultural clearances, and endangered species clearances.

In a 1986 National Park Service analysis of the proposed park units, the Park Service cites full, fee-simple, title acquisition as the principal land protection method. The report concluded that this was the only method of preventing "incompatible" economic uses and development.

"Incompatible uses" is another way of saying "multiple use." Make no mistake about it, this legislation would "lock up" land which has been used for a variety of legitimate and nonharmful purposes ever since this portion of our country was settled.

The entire East Mojave Park—which is already protected as the "East Mojave National Scenic Area"—would be withdrawn from entry under this legislation. Many of the lands in this area are already strongly protected under various classifications.

When Congress protected the East Mojave region, by designating it as a national scenic area in 1988, most of that area was designated as multiple use lands. Some areas, referred to as "class L" were afforded greater protections. Those protections are in effect today and work very well to preserve sensitive natural, scenic, ecological and cultural resources. The remaining multiple use lands provide for lower intensity, and carefully controlled, multiple use activities such as recreation.

The land management plan for this area already works well to protect the resources of this region.

There are currently 41,125 acres withdrawn from mineral development. There are 3,065 areas designated as Public Water Reserves. That designation places strict controls on agricultural use—indeed, it prohibits agricultural and mining development.

The East Mojave is currently protected by a special designation within the California Desert Conservation Area which has its own management plan and protection measures.

It is not necessary or efficient to add additional "layers" of management by making this all a national park.

The BLM has several other special designation areas in this region, including areas of critical environmental concern, research areas, and national natural landmarks. These areas are already "locked up" from any human impacts.

There are many other thorny problems that must be addressed if this legislation is enacted.

And, I would again point out to my colleagues that I am speaking with reference to a single portion of the proposed park: The East Mojave. It is a fraction of the total scope of this legislation. There is much, much more.

There are presently four waste dumps in the proposed East Mojave portion of the park. One of these is managed by the county as a solid waste disposal facility. The remainder are on private lands near three towns. These sites could already contain hazardous waste.

The Federal Government will have to pick up the tab to clean these sites. While some might argue that the Government could leave them alone and do nothing, I would ask, then, what purpose is being served by making a trash dump a national park?

Certainly, these sites will need to be cleaned sometime in the future if this legislation is enacted into law. Undoubtedly that will be at great cost.

Mr. President, there is much more I could say with respect to the proposed East Mojave Park portion of the proposed legislation. However, there is another proposed addition I wish to speak about, and I know that there are others who wish to speak.

So I will conclude my discussion of the East Mojave with this observation: The valuable resources, scenic and ecological, which exist in this area are already protected. The public may enjoy these lands under current designation with no fear of any future development. This legislation is not necessary to protect any resources and will be nothing more than a very expensive Federal land grab for the areas that remain in private or State ownership.

I would now call my colleagues' attention to another portion of this legislation: Proposed additions to the Death Valley National Monument.

Mr. President, designation as a "national monument" is not something to be taken lightly. Strong restrictions on human activity accompany such designation. Our Nation's first national monument was Devils' Tower, in northeastern Wyoming.

I have some degree of knowledge about how such resources are managed and I can assure my colleagues that this is one of the single most restrictive land use designations that the Government can impose. Virtually every imaginable human activity is strictly controlled, regulated, and in most cases, prohibited. A "national monument" is, indeed, protected.

This legislation would add four separate parcels to the already existing Death Valley National Monument. It would then be designated as the Death Valley National Park. That "redesignation," in my view, actually removes some protection under current law.

I do not believe that any of these lands are appropriate for park designation.

The first parcel that would be designated as a national park is the "Saline parcel." This parcel is approximately 910,000 acres. There are significant issues that are yet to be resolved and the sheer size of this parcel raises many tough administrative problems.

Among the many significant issues raised by the proposal to declare these lands as a national park are the following:

Economic impacts on mining and ranching operations.

Administrative costs to the Government associated with boundary locations, surveys, and inholding acquisition costs.

The difficulty of determining park and wilderness boundaries.

One wilderness, the Inyo, would be managed by three different agencies of the Government: The Park Service, BLM, and U.S. Fish and Wildlife Service.

$1.7 million would be spent for survey work alone.

There are air traffic conflicts for military overflights.

The change in management status will have severe impacts on local economies and rural lifestyles.

Disposition of 1,121 mining claims involving hundreds of valid existing rights will be a very expensive undertaking—all paid for by the taxpayer.

Sixty-two active mining plans of operation would have to be terminated.

Two grazing allotments would be taken and 29 range projects would have to be eliminated.

Elimination of the last major herds of wild horses and burrows that are solely on public lands could be required.

Park designation would eliminate hunting, and would severely restrict bighorn sheep and other wildlife management projects.

Park designation would place severe restrictions on future utility development for California cities: Powerline and pipeline approvals would be most difficult to obtain.

Recreational uses would be restricted or eliminated. Activities such as "rochhounding," car camping, hunting, and access to the elderly and disabled would be severely curtailed.

This area is very popular with the general public, Mr. President, and the public enjoys a variety of benign uses. Expanding this into a giant, monolithic, national park would eliminate many of those activities. I do not see how the general public or the resource will be best served by this legislation.

The second parcel that would be included is the 207,000 acre "Owlshead" parcel. Analysis of the wisdom of designating these holdings as a national park have raised the same issues I have just listed.

In addition to those problems, inclusion of this land as a national park would raise troubling law enforcement problems. The BLM agents who currently have jurisdiction are physically located an hour closer than any National Park Service personnel would be.

Nearly 3,000 acres of private land would become inholdings—many of these lands are held under existing mineral patents.

Another 9,300 acres of State land would have to be acquired, either through purchase or exchange.

Existing access routes would be curtailed or eliminated. This area is a popular area for recreation with the public. That would be eliminate or severely curtailed.

The third parcel proposed for acquisition, "Saddle Peak," also raised all of the above issues and concerns. This area contains 3,000 acres and is also heavily used for recreation purposes. Those activities would end or be severely restricted.

The fourth proposed parcel to be designated in this portion of the proposed California Desert National Park is the Greenwater parcel. This includes 258,000 acres of land. Designation of this parcel as national park raises all of the above concerns and even more, Mr. President. Including this land as national park would also require moving an entire town.

The town of Ryan is a mining town. People live and work and worship there. This legislation tells those good people that they simply do not matter. It tells them that their lives and contributions are insignificant when compared to the perceived "need" for still another national park.

This legislation is not just about a park in a single state, Mr. President. This legislation is about people.

Southern California is one of the most densely populated areas of our country. The people who live there need open spaces to which they can go to relax and, yes, to "recreate." We do them no service by placing even more restrictions on use of those public lands than already exist.

But this legislation impacts more than the good people of California. During the continuing debate over Federal land management policy in the West, in particular the rangeland reform proposals, we have heard much about how the "public lands" belong to more than just the residents of a particular State.

That same philosophy should apply to this debate as well, Mr. President.

Designation of national park lands on the scale contemplated in this legislation will certainly impact all of our constituents.

Our constituents may wish to travel to this area. They may wish to stop and enjoy themselves and to share the recreational experiences that currently exist for those who reside there. Sadly, Mr. President, this legislation will make the California desert as nothing more than a "scenic byway." The public may drive through only.

The public may be permitted to stop long enough to take a photograph, but then must leave. The public may stay only in designated campsites or a few designated lodging facilities.

There must be areas of our public lands that are truly open. That is why a Federal policy of differing levels of protection exists.

National park designation does not "open" lands, it closes them. If any one of my colleagues doubts that, I would suggest a brief trip to the nearest national park.

Upon entering, you will likely be given reading material telling you briefly what you may "see," but then telling you the many things you may not "do": Most parks that I am familiar with a long list of restrictions on public activity.

That is not "public" land. That is not "recreation" and that is not "ecosystem management." That is only about building barriers to human access and charging visitation fees.

There are many "costs" associated with this legislation. I do not believe we have seriously considered all of those costs in this debate.

There are the monetary costs. I mentioned those briefly regarding only a single portion of this tremendously broad proposal.

Those costs will be very high indeed and we have still not been provided with a true and accurate estimate for the total Federal expenditures that will result from this legislation.

But there are also a great many costs that cannot be quantified in dollars. There are costs to the people who will lose their lifestyles. There are the costs to the people who use these lands for recreation and relaxation and who will lose that treasured freedom—where will they go next? They will go somewhere, and the added pressure resulting from that "recreation migration" will have its own unique costs on other economies and lifestyles in other areas.

So there are also the costs imposed by this legislation in terms of freedoms lost. People will lose the freedom of movement that they currently enjoy and that will, Mr. President, result in a social cost that no one can adequately describe or quantify.

In closing, Mr. President, the more we consider this sweeping legislation, the more we come to realize that there are a great many problems that have not been considered. If considered, they have been dismissed as "unimportant."

I disagree. I believe it is very important to be very cautious with such legislation. We should err on the side of caution and we should defer to maintaining current, proven, management practices rather than sweeping change when a need for change has not been identified.

I strongly urge my colleagues to vote "nay" on the coming cloture vote. This legislation is too costly and it is just not necessary.

Mr. DOLE. Mr. President, during the last few days Congress has been discussing the conference report filed for the California Desert Protection Act. While we can all agree that there is a need to preserve this natural resource, there are many areas of concern as to the approach for that preservation.

More than 7.5 million acres of desert wilderness and 5.5 million acres of national parks and preserves are created through this legislation. Of primary concern is that no new funding is provided to manage these new park units or wilderness areas. Until we find a way to better care for the parks we already have, adding new park lands will only stretch our existing limited resources.

Significant land acquisitions required by this legislation will also add to the overall costs. I am concerned that private property rights of individuals affected by these acquisitions are not adequately protected. I continue to support the need for a takings impact assessment before going forward with any administrative or legislative rules.

We also need to address the broader economic impact of this legislation. The potential prohibition of multiple-use activities such as grazing or mining may restrict future activity that provides an important economic base for this region.

As I have mentioned before, traditionally the Senate has given latitude to the Senators from the State in which the land lies. However, I would like to enter for the record a letter from the four Members of the U.S. House of Representatives who represent the area in question and are in opposition to this legislation. Their views in concern for the areas they represent should not be overlooked.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1994.

Hon. ROBERT DOLE,
Senate Republican Leader,
Washington, DC.

DEAR SENATOR DOLE: As representatives of the California Desert, we would like to convey our strong opposition to the Senate consideration of S. 21, the California Desert Protection Act, and urge you and your colleagues to oppose the motion to invoke cloture.

S. 21 is based on a myth—that the deserts of California are currently unprotected, and open to the ravages of greedy corporations and careless off-roaders who would destroy the desert for pure pleasure or the almighty dollar. This is a useful emotional lever, but it is patently false. The facts are these: in its passage of the landmark Federal Land and Policy Management Act of 1976 (FLPMA), Congress among other things mandated that a plan be prepared for the protection of the California deserts. At the direction of Secretary Cecil Andrus, an Advisory Committee representing the various desert user groups was formed to analyze and evaluate the California Desert Conservation Area for wilderness or nonwilderness designation. After an extensive outreach program which included years of public hearings and over 40,000 public comments, the Advisory Committee proposed that 2.3 million acres in 62 wilderness areas be preserved—far less than the eight million acre land grab we are considering today. Although these recommendations were introduced by the five desert Congressmen as H.R. 2379, our bill was never given a proper hearing by the House Committee on Natural Resources.

The second flaw of S. 21 is the enormous cost to the taxpayers of acquiring and managing the nearly eight million acres of proposed wilderness and park land protected by the bill. Not only does this measure fail to provide the funds necessary to acquire private inholdings, but it also neglects the 26-year, $1.2 billion backlog in land acquisition faced by the National Park Service. Moreover, the Park Service admits an additional 37-year, $5.6 billion backlog in capital construction and maintenance costs. By adding over three million acres to our already beleaguered system, three certainties will result: increases in visitation, decreases in budgets and staff, and accelerated deterioration of our National Parks.

The third, and perhaps the most troubling, shortcoming of S. 21 is the omission of the thoughts and views of desert residents—most of whom are the best and most knowledgeable caretakers of this resource. Since this debate began, we have collectively received thousands of calls and letters from people who fear they will be locked out of the desert they have enjoyed for generations. Under a wilderness designation, areas will be accessible only on foot or on horseback, a daunting challenge considering the extreme heat and ruggedness of the terrain. Only the most physically able will be able to enjoy these expanses, underscoring the lack of foresight exercised by the armchair environmentalists who drafted S. 21.

We had hoped to help Senator Feinstein craft a sound desert bill in this Congress, but our offers of assistance were repeatedly ignored. Aside from a few minor concessions, none of our concerns saw the light of day until the legislation reached the House floor. This treatment and the resulting lack of balance in the compromise bill leaves us with no recourse but to oppose S. 21. It angers us that we have been painted into this corner, and we resent the hardball tactics of Senator Feinstein and a small band of her environmental allies. Without a doubt, the California Desert Protection Act will incur consequences and set unwanted precedents that will affect not only California, but also every other state in the Union. For these reasons, we respectfully request that you oppose the motion to invoke cloture. In a time when the federal government should be reined in, we are facing a dangerous expansion of federal authority under this legislation—at a price taxpayers cannot afford.

We thank you for your time and your consideration, and are available to you individually or as a group should you have any questions.

Sincerely,

JERRY LEWIS M.C.
DUNCAN HUNTER, M.C.
AL MACANDLESS, M.C.
BILL THOMAS, M.C.
HOWARD 'BUCK' MCKEON, M.C.

POSITION ON VOTE

Mr. FAIRCLOTH. Mr. President, if the Senate had conducted a rollcall vote on adoption of the conference report to accompany S. 21, the California Desert Protection Act of 1994, I would have voted in the negative.

VOTE

The PRESIDING OFFICER. Under the previous order, the question now is on agreeing to the conference report.

The conference report was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, am I correct in my understanding that under the previous order, the Senate will now proceed to the nomination of General Glosson under a 25-minute time agreement?

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. I thank my colleagues.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of the nomination of Lt. Gen. Buster C. Glosson, Executive Calendar No. 1280.

The nomination will be stated.

DEPARTMENT OF THE AIR FORCE

The legislative clerk read the nomination of Lt. Gen. Buster C. Glosson for appointment to the grade of lieutenant general on the retired list.

The PRESIDING OFFICER. There will now be 25 minutes of debate on the nomination with 15 minutes under the control of the Senator from Iowa [Mr. GRASSLEY]; 5 minutes under the control of the Senator from Georgia [Mr. NUNN]; and 5 minutes under the control of the Senator from South Carolina [Mr. THURMOND].

Who yields time?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I yield 5 minutes to the Senator from Ohio [Mr. GLENN] from my 15 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. GLENN. Madam President, I regret very much that I must rise in opposition to the nomination before the Senate to confirm the retirement of Lt. Gen. Buster Glosson in grade at the three-star level. I regret very much that I must oppose this nomination.

There has been a great deal of dispute surrounding General Glosson's nomination. But several facts, in my opinion, are not in dispute: General Glosson contacted three officers designated to serve on the major general selection board with what a joint DOD/Air Force inspector general investigation report concluded was—and I quote their words—"an intent to influence their consideration" of a particular officer's promotion.

Now, that is outside what is supposed to happen in the military with regard to promotion boards. We asked for an outside panel to consider this and the outside panel concluded that General Glosson, while they said he did not lie, he just remembered incorrectly. That is a rather fine line.

Madam President, Secretary Widnall saw fit to issue a letter of admonishment.

The integrity of officer selection boards in the military is near sacred. I do not know whether people realize how closely these boards are watched and how they are looked. Any kind of activity, just as in General Glosson's case, is strictly prohibited and he knew it.

It is very difficult to say that while in the past we have refused promotions on these grounds, at the same time over at the academies, we say, "OK, midshipman, you just happened to be cheating on an exam, an electrical engineering exam, and we can kick you out. You can go back to your home and your family and you are guilty of ethics violations." We say to them, "You're gone, out, kicked out, not even permitted to have a career." And, at the same time, we turn around and say the honor code can be violated at the top levels of the Military Establishment by trying to influence who goes into the top jobs in the military. We can wink at that and say it does not really mean anything. In other words, honor seems to be only for the lower ranks, and that should not be the case.

I do not know whether everybody realizes what the honor code means in the military, but it means that people live up to a code that is important for life and death matters.

And the honor code, Madam President, is not just a "sometimes" thing. It is something that people live by and it is something that the cadets and the midshipmen and the plebes at the academies are imbued with from the very first day that they come in. If they violate that code, we kick them out. We have done that in the last few years.

At the same time, at the very top levels of the Air Force, where, I must say, we have had problems in the past also with interference with promotion boards, we somehow say, "Well, it is OK there because he has had a long career and distinguished career and all that."

I do not quarrel with that. But in the name of honor, to say that we are going to kick kids out of the academy and at the same time, in the name of honor, we are going to recommend promotion for those involved with a more serious violation at top end of the rank scale is wrong and unfair.

I think approving this nomination basically tells the students at the academies, the junior officers, that honor is only for the lower ranks when we reward wrongdoing at the flag officer level with promotions. That is just flat wrong.

Madam President, honor is not something that continues throughout a career. When we go into a noncommissioned officers' promotion board, we do not say, "Well, OK, here is the list I want no matter what the promotion board says." No, that would be wrong. So we know that and we do not try and do that and we would fire anybody that tried to do it.

The committee voted on this saying, "Well, this was an aberration. This was an aberration in an otherwise distinguished career."

I would submit, Madam President, that it may have been an aberration in the lives of the cadets and midshipmen who were kicked out of the academies for cheating on exams, cheating on exams that would have been overlooked at the most colleges and universities. But the people in the academies and military service are held to an exceptionally high code of honor and to violate that code of honor in saying that, when it is violated at the top level, we will somehow dismiss this and say it is no longer important because it is at high level and because there has been a career behind it and at the same time trying to enforce it at the academies is just plain wrong.

Honor is not a sometimes thing. It is not something you choose to pick up and lay down. It is a way of life in the military and people live that way of life because it is important for battle conditions where life and death decisions must be made.

I just cannot see us rewarding wrongdoing at the flag level while we will not let it be permitted at the lower levels. I think that is wrong.

I regret that I have to oppose General Glosson's promotion. He is a fine person, otherwise. We know him over here from his days when he had service over here on the Hill. But that does not excuse what happened.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Mr. GLENN. Will the Senator yield me 1 more minute?

Mr. GRASSLEY. I yield 1 more minute to the Senator.

Mr. GLENN. Madam President, we have had problems in this area in the past. We had a problem in the promotion to major general in the Marine Corps one time several years ago. We corrected that situation. We had another situation like this in the Navy. We had another in the top levels of the Air Force.

We took this so seriously on the committee that we had DOD convene a special group to go through the whole promotion board process and promulgate new rules and regulations, which we did. This was supposed to cure the situation. Now we find the same thing happening again in the Air Force where we have had particular problems in the past.

I cannot see us going ahead and condoning this. I am sorry to oppose General Glosson, but I think, in the interest of keeping the honor code intact up and down the full length of the military chain, I have no way to oppose that except to oppose General Glosson. I am sorry to have to do that, but I hope we defeat his nomination.

I thank my distinguished colleague from Iowa for yielding me the time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield myself such time as I might consume.

I want to thank the Senator from Ohio for the position that he has taken. Senator LEVIN last night gave a very good speech on the subject and I appreciate his support.

First of all, I want my colleagues to understand that this is indeed a promotion. The general officer announcement put out by the Department of Defense announces that General Glosson has been nominated, in their words, "for advancement." It is up to the Senate now to determine if General Glosson's record since his last promotion warrants one final promotion.

This is not a matter of taking away a star from General Glosson. You cannot take away something that is not there. It is the Senate's responsibility to award that star or deny it. If this is not true, then why is this nomination for advancement before us?

Second, there is a record on General Glosson resulting from a criminal investigation by the independent Office of Inspector General of the Department of Defense. That record says that the general tampered with the promotion board and that he lied under oath about what he did. Period. That is potentially a court-martial offense.

A subsequent panel examined the same evidence as the inspectors general and came away with the same conclusion for the same reason with one semantical difference.

A dark cloud still hangs over General Glosson's name. He tampered with the promotion board, and he was not truthful about what he did.

This issue in this nomination is really all about and nothing but integrity—integrity as it applies to General Glosson and also integrity as it relates to our responsibilities in the U.S. Senate.

In my view, this confirmation comes down to one thing: It is an issue of integrity versus friendship. And I know that he made a lot of friends here in the Senate. I know that he facilitated a tremendous amount of access for people up here over at the Pentagon. But friendship should not be the No. 1 concern of this body in carrying out its responsibilities in the confirmation process.

This nomination is not being pushed even by the Air Force. The Secretary of the Air Force came to my office the other day and spoke on behalf of the other Air Force nominees, but she did not speak on behalf of General Glosson. Why? Because this is an issue of integrity. Every single member of the U.S. Air Force, from the lowliest private to the highest general, is watching this vote.

Here is a general whose integrity is in question and they see a small group of Senators, who are friends of his, scurrying to protect him, trying to whisk him through the nomination and confirmation process. To confirm General Glosson with such a record still standing would set a terrible example. It would serve as a blemish on the military promotion process. It would demoralize military men and women across America. And it would give the U.S. Senate a blemish on our record.

Let me respond to some of the points raised last night by my friend, the Senator from Georgia. The first point is that the Senator from Georgia admits that General Glosson knew he was interfering with the promotion process. This was a clear violation of Air Force regulations and that is point No. 1.

Point No. 2, the bottom-line distinction between the Senator from Georgia and this Senator from Iowa, is the degree of punishment required. I will come back to that point in just a bit.

The Senator from Georgia admits that he is a friend of General Glosson. But we should still even hold our friends to very tough standards. You see, General Glosson broke the same rule in tampering with a promotion board that this committee was so concerned about just 3 years ago. In 1991, the Senate Armed Services Committee recommended making violation of this very rule, 36 to 9, into a criminal offense. Let me quote from the committee report:

> Improper influence on the board would be prohibited, and violation of the regulations implementing this section would constitute a criminal violation of the Uniform Code of Military Justice.

Therefore, if we judge General Glosson by the very same standards that the Armed Services Committee proposed in 1991, he could be facing a potential court-martial rather than being promoted here on the floor with a third star rank. That is why I suggest to my colleagues that this is an issue of integrity versus friendship. I hope this body knows which principle is more important to the American people.

The reaction—in 1991 the Air Force failed to comply with the directions issued by Cap Weinberger on the promotion process, 8 years ago. The reaction by the committee then was to block the retirement of Lieutenant General Hickey in grade for refusing to implement the changes favored by Weinberger and favored by the committee. He was forced by the committee then to do exactly what I am asking my colleagues that we do for General Glosson. What is good for the goose is good for the gander—we should take this matter seriously—and to deny him a promotion.

Now on the issue of lying. Last night the distinguished chairman said that every lawyer knows that to charge someone with perjury you have to show intent. I believe that is exactly what this investigation did. That is why the conclusions were signed off on by the Air Force JAG and by the Air Force general counsel, who, by the way, are obviously lawyers. Intent, mens rea, as it is known, could not have been determined easily by the outside panel as I mentioned last night. Last night I spoke about the investigative process. As a member of the Judiciary Committee, I think I am familiar with that. In legal proceedings, facts are determined by skilled factfinders: The trial courts. In ensuing appeals, the appellate courts are to provide deference to the factfinding of the trial courts. This deference is especially strong where the district court's factual findings were based on live testimony, where the district court was able to evaluate the credibility of the witnesses, based on the testimony and mens rea.

The IG heard all the witnesses, and their findings on credibility should not be dismissed lightly. Because parties often disagree about the facts and because anyone can testify in a self-serving way, the processes of cross-examination and observing credibility are extremely important in resolving the factual inconsistencies in litigation generally. The three-member panel did hear live testimony. However the panel's live testimony was taken long after the IG's heard testimony, nearly 1 year after the time when witnesses' memories, except apparently General Glosson's, were very much fresher. In my view, therefore, the three-member panel review does little to persuade me the IGs' finding of lying was wrong. This is especially true since a panel of factfinders said General Glosson's testimony to them was evasive and misleading.

Finally, let me address the issue of the possible court-martial effects. The Senator from Georgia last night said I made one mistake. He said interfering with the promotion procession is not a possible court-martial offense, but rather an administrative offense. And of course leaving aside the fact that the committee's own standards was to make it a criminal offense, let me address the Senator's point directly.

I have in my hand a letter from the American law division of the Library of Congress. And their opinion begs to differ with that offered by the chairman last night. I am not going to read it. On three different articles of the Uniform Code of Military Justice, this memorandum says that a prosecution is conceivable, given the allegations similar to those against General Glosson. So in closing I suggest that the American law division's opinion is squarely on all fours with the committee's proposed standards of 1991.

Madam President, I reiterate to my colleagues that this is an issue of integrity versus friendship. This nomination fails on all standards but one, and that one is friendship. And that is not what this institution should be in business pushing—certainly not ahead of integrity.

Madam President, I ask unanimous consent to have printed in the RECORD a lot of questions I had prepared to ask of the distinguished chairman last night but did not have time. These questions remain unanswered.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

IMPACT ON INSPECTOR GENERAL

Mr. GRASSLEY. Madam President, let me touch on another downside in voting for General Glosson's promotion: the impact such action by the Senate will have on the Office of the Inspector General at DOD and on inspector generals throughout the Government.

As my colleagues well know, we passed the Inspector General Act to establish a watchdog in the executive branch who would look out for the interests of the taxpayer.

Unfortunately, over the years it has been difficult to ensure that the IG's have the knee braces necessary to withstand political pressure and make the tough calls.

We are fortunate in this case that the DOD IG has shown strong resolve, has made the tough decisions, and done so in the face of fierce opposition from the "E" Ring at the Pentagon.

The IG did not shrink from its duty regarding General Glosson. The IG's report does not equivocate, or hedge, or caveat its findings.

It is this type of commendable action that we hoped would be commonplace when Congress passed the Inspector General Act.

Instead of taking steps to support this strong action by the DOD IG, by voting to promote General Glosson, the Senate is sending the absolute wrong signal.

Voting to promote General Glosson is a slap in the face to all IG's who are trying to do a good job. It is telling IG's throughout the Government that the U.S. Senate doesn't care if you do your job honestly and diligently, the U.S. Senate will disregard your findings that public officials have violated the law and lied. Not only disregard, but give a promotion to people the IG has found guilty of violating the law and lying.

There is another aspect to this vote which undermines the IG. Not only are we saying that we will ignore the IG's findings and will promote those who the IG finds have lied and broken the rules. We are also saying if we do not like the IG report, we will put together our own panel, select the members and tell them to do another investigation.

Why do we even bother having an IG if we are going to put together our own investigation if we do not like the findings?

We are setting a terrible precedent by turning our back on the IG's work.

And in doing so we are causing great harm to the Office of the Inspector General at DOD and similar IG offices throughout the Government.

EXHIBIT 1

1. How do you explain the Committee's recommendation for confirmation of LTG Glosson to the midshipmen at the Naval Academy who saw their peers expelled for cheating on a test? Hasn't the Committee set up a double standard?

2. The IGs and the factfinders agree that LTG Glosson lied to the three selection board members when he told them that General X had lied to the Chief of Staff and also when he told them that the Chief of Staff did not want General X promoted? Why are those lies not discussed in the Committee Report on the nomination?

3. Although the Committee Report on the nomination states that improper communication to selection board members is an administrative matter, not a criminal offense, wasn't the IG investigation run as a criminal investigation on the advice of the Air Force Judge Advocate General? Didn't the Judge Advocate General believe that the allegations by the three board members, if substantiated, could warrant consideration under the Uniform Code of Military Justice? Was the Judge Advocate General's advice incorrect?

4. Don't LTG Glosson's proven actions to interfere with the promotion board (including making false statements) constitute Conduct Unbecoming an Officer, a violation of Article 133 of the Uniform Code of Military Justice?

5. Why do the factfinders comment only on those witnesses who testified favorably about Gen. Glosson's integrity and not comment on those witnesses who were not favorable to LTG Glosson in their testimony before the factfinders and the IGs.

6. What explanation have you received from DoD regarding why the Secretary of the Air Force's sole action in the matter was to give LTG Glosson a letter of admonishment for creating an appearance problem? Since she was brand new in her job, from whom did the Secretary of the Air Force seek advice on how to address this matter?

7. Did the Secretary of the Air Force's action start a chain of cover up actions by the DoD to protect LTG Glosson?

8. Didn't the DoD and Air Force senior leaders repeatedly tell the Senate that the allegations were a result of mutual misunderstanding between LTG Glosson and the three selection board members? Do their statements in this matter raise concerns about the overall good judgment of the people running DoD and the Air Force?

9. In assessing LTG Glosson's suitability for retirement in grade, did the Committee consider testimony from the Air Force Chief of Staff that LTG Glosson told him that the three selection board members were engaged in a conspiracy to fabricate allegations against LTG Glosson and thereby embarass the Chief of Staff? What does this say about LTG Glosson's character?

10. What message does the Committee's recommendation give to other generals and admirals? And to all other members of the Armed Forces?

11. The Committee Report on the nomination implies that only a criminal conviction is sufficient reason to deny retirement in grade to three and four star officers. Is this the Committee's view?

12. Since 1990, on how many instances has the Committee acted to deny retirement in grade to a three or four star officer? What were the circumstances of each case?

13. Since 1990, on how many instances has the Department not submitted the nomination of a three or four star officer to retire in grade? What were the circumstances of each case?

14. Why was the DoD unable to address adequately the Committee's concerns in testimony before the Committee on March 9, May 17, May 24 and June 27, 1994 and in its multiple written submissions to the Committee?

15. When the Committee directed the DoD to obtain a review by persons not involved in the matter, why did DoD cause the review to be performed by persons who either knew LTG Glosson or who were associates of LTG Glosson's supporters in the DoD? Why didn't DoD get factfinders who brought no baggage to the table?

16. Does the Committee's recommendation to the Senate serve to improve the military promotion process?

17. While LTG Glosson may have served well as a Captain in Viet Nam and as a one star general in the Gulf War, how do you characterize his service as a three star officer? Isn't that the question here?

18. Do you see a moral distinction between trying to help a friend get promoted and trying to block a promotion, as did LTG Glosson, because of a grudge?

The PRESIDING OFFICER. The time of the Senator from Iowa has expired. Who yields time? The Senator from Georgia and the Senator from South Carolina each control 5 minutes.

The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, it is Saturday, the 103d Congress is about over, and I intend to be brief. I want to make it clear, however, that this brevity should not be interpreted as a lack of resolve to see this fine officer confirmed to retire as a three-star general. Let us review very briefly the facts.

Everyone in the administration from the President of the United States on down who has reviewed the information on General Glosson has recommended that he retire as a lieutenant general.

I remind the Senate that President Clinton has recommended this, Secretary of Defense Aspin recommended it, Secretary of Defense Perry recommended it, Secretary of the Air Force Widnall recommended it; the Air Force Chief of Staff McPeak recommended it. They all recommend Lieutenant General Glosson retire in the rank of lieutenant general. How can all these people be wrong? They are not biased. They looked into it carefully.

Next, his remarkable war record in Vietnam: General Glosson flew 139 combat missions. During Desert Storm Lieutenant General Glosson planned and helped supervise the execution of the most successful air campaign in our Nation's history—a very able man, a patriotic man, a dedicated man.

Lieutenant General Glosson made the mistake of speaking to some board members when he should not have. This indiscretion caused him to receive an adverse letter and retire before his career had reached completion. Without doubt, this has caused both him and his family extensive personal discomfort.

The adverse results of the inspector general report were rejected. You hear talk about this inspector general's report—that was gone into by a panel appointed by the Defense Department. And they rejected that—by this special 3-person panel appointed by the Department of Defense.

General Glosson has given his country 29 years of his life. During those 29 years he has been willing to lay his life down in the defense of his country. It is hard for me to believe that we would seriously contemplate retiring this outstanding officer at a lesser grade for a single indiscretion. I urge each of you to vote to retire General Glosson as lieutenant general. It is only fair. It is only right to do this. It is only right for him and his family and his country.

I yield the floor.

Mr. HELMS. Madam President, I am grateful for the leadership of the chairman of the Senate Armed Services Committee, Mr. NUNN, and especially for that of the remarkable Senator from South Carolina, [Mr. THURMOND].

They have advised on and consented to the nomination of Gen. Buster Glosson to retire as a lieutenant general, a wise and informed position the Senate would have done well to follow.

His career began in 1965 when he graduated from the ROTC Program at the University of North Carolina State. From that day on, his life has been a series of successfully completed missions and assignments. An extraordinary ability to inspire the confidence of his superiors and the loyalty of his subordinates have characterized his entire service.

Success, is not always an unalloyed advantage. It has at least one negative effect. Those who can not replicate it often feel constrained to denigrate it. In a pyramidal structure like the Air force any senior officer is in a position of extreme visibility, a target, and inevitably constitutes completion. And so it was with Glosson.

It is unfortunate that in the process of reviewing the general's qualifications, every possible decision was informed, or rather misinformed by the general's detractors rather than illuminated by his own performance, and the testimony of those who knew him best. Otherwise we would not now be discussing his nomination, for he would not have resigned.

One of the most moving tributes to any man that I have ever read was volunteered to the Senate Armed Services Committee by five pilots who flew, under General Glosson's direction, the previously untried F-117's, called by the world, Stealth bombers. These are the aircraft that won the gulf war, aircraft Glosson had to send out knowing that each pilot in them also knew there was a high possibility he might never come home, not because of anything wrong with the planes or still less their pilots, but because the triple A was sometimes so thick in the air a bee would have been in danger.

General Glosson instructed these pilots not only in how to fly missions, but on how to describe them on return—truthfully, whatever mistakes might have been made. I would like the Nation to read that letter.

If my grandchildren ever enter the armed services of their country, this is the kind of man I want them under: A man who tells his subordinates as General Glosson did, that their most important mission in life—not just in battle, but in life, is to take care of their people; a man who is a fighter pilot with over 3,800 flying hours who has never lost a wingman; a man who told a thousand fighter pilots a few hours before sending them to war.

> There is not a damn thing in Iraq worth dying for until the first soldier, marine or airman crosses the border * * * then your responsibility has no limit * * * good luck and godspeed.

The story that follows is not a pretty one, yet I am afraid it is all too typical in today's Washington. It is a saga of people in positions of public power attempting to use that public power for private purposes.

It began this way. In early September 1993 Air Force Chief of Staff McPeak informed selected Senators and senior congressional staff that Lt. Gen. Buster Glosson would be nominated for his fourth star for the position of Vice Chief of Staff.

That was a great achievement for General Glosson, but not good news for the Air Force, as the Vice Chief of a service is always the obvious candidate to move up to the top position. But this was not something the Airforce liked as Glosson was not an insider, not in the group of Academy graduates, who had always run things its own way, and intended to continue. Glosson was a visible, talented, fast moving outsider with new ideas for organizing the force, which were not necessarily derived from academy assigned text books.

He combined technical skills with managerial know how, and a vast reservoir of energy with brains. He acted faster, better, and without terror at the thought of change.

Worse—from the insiders' point of view, Glosson had distinguished himself at every level of his career culminating in his brilliant conduct of the air war in the gulf. After planning that war he commanded all Air Force fighter and bomber missions flown in Iraq. And his eye was always, not only on the target, but on the invaluable lives of those he sent into battle. Future students of military engagements will find his casualty rates at an all time low.

Now there is a profile to strike terror into a Washington cadre of desk and pencil warriors. The Air Force, thought the Academy boys, must be saved from the likes of Glosson. After an intensive search and apparently very careful planning, for it was difficult to find anything negative about this man, they had to settle for charging him with an attempt to influence a promotion board.

This admittedly arcane Air Force restriction was a slim reed on which to fabricate a charge which would end in resignation, but it was all they had. And Glosson's brilliant record was making it harder every day. But the Academy Air Force had no wish to be eclipsed by a blue version of General Schwarzkoph. This kind of group-think is not unprecedented in military history. It was only recently that a group of midshipmen decided that loyalty to one's buddy was more important than telling the truth on a matter related to the honor of the service.

The generals themselves have admitted under oath that they got together and discussed want they did next, although amazingly little of it appears in the record. The three generals, Nowak, Ryan, and Myers stated that they had three or four conversations together on the subject of their subsequent accusations. But their testimony was so similar that a junior police officer would recognize its improbability.

Their choice of an accusation was not an entirely random pick given that Glosson, in the normal course of conduct, had expressed dissatisfaction with the man's performance in front of at least half a dozen other officers.

This, of course, was only wrong if the general knew when he spoke that those present were certainly on that individual's promotion board and wrong only if the general said did what he did specifically to affect the proceeding in the promotion board. For if every comment about another person can only be made after polling a given room to see if present company is apt to act on his nomination we have created an absurd new standard of conduct. It is interesting to see how many people have pronounced him guilty of the intent to affect proceedings without the faintest idea how such ability might even be defined.

If Glosson had one problem it was in telling too much of the truth. He had expressed himself, as everyone who knows him knows he is apt to do, bluntly on the inferior performance of an incompetent Air Force general. Witnesses testified for the record that he had been doing this for at least 2 years before the man was promotable.

But suddenly in the ears of Generals Myers, Ryan, and Nowak this became a specific effort to suggest a specific action to a specific promotion board which had not convened and whose composition had not been announced. It is a testimony to General Glosson's probity that this is the best that Generals Ryan, Myers, and Nowak could do. But finding nothing else of which to accuse their rival and after sufficient collusion, the three generals reported their allegations to General Butler, president of the promotion board, and General Carns, Vice Chief of the Air Force.

These two took the matter to the Air Force Secretary, probably secure in the knowledge that the current political climate, a climate in which senior military officers are now routinely excoriated for political reasons, would make it impossible for her to defend one.

And indeed, Air force Secretary Widnall decided on an investigation by the Air force inspector general, a man named Fischer, whose competition with and dislike for Glosson were well known within Air Force circles. In fact, Glosson had urged General McPeak to force Fischer into early retirement after Glosson learned that Fischer had made improper sexual advances to a protocol officer, on an official visit to Eglin Air Force Base, a matter Fischer initially lied about, but later admitted.

Secretary Widnall was warned that Fischer was not an unbiased investigator. In a gross misuse of power Widnall acknowledged Fischer's bias against Glosson but permitted him to conduct the investigation anyway.

The results of the ensuring investigation were surprising in only one way. Fischer omitted from it the testimony of three individuals who were witnesses to the alleged effort by Glosson to prevent the promotion, say that General Glosson did no such thing and refuted all or part of each officer's allegation. Amazingly, perhaps recognizing the weakness of his ground, the IG added to the charge the general's own protestation of innocence, calling it a lie under oath, a charge subsequently found to be unsupported by the final panel.

When General Glosson attempted to clear himself from these star chamber allegations he was told by General Counsel Cheston that he had been given all materials considered by the inspector general sufficiently relevant and appropriate. He was told that five additional memoranda would be kept from him. We now know why. These memoranda reveal that Generals Loh, Yates, Oaks, and Carns were asked to comment on the comparative general truthfulness of the complainants and General Glosson. In other words, they were asked, will you insult three of your colleagues or just one? An interesting evidentiary procedure.

General Horner has stated for the record that he was provided a biased view of the evidence before his testimony was solicited. Evidently General Glosson was not intended to discover that this was routine procedure. Obviously if Glosson was not to be given any evidence against him he had no chance to answer his accusers—and this in 20th century America?

After Major General Henry testified in Glosson's favor he was subsequently reinterviewed in a confrontational and disrespectful manner, the everyday word is browbeaten, with the suggestion that he was lying. Oddly enough this technique was never used on those supporting the preconceived verdict of the IG. General Henry's testimony should have been an insurmountable obstacle to the impeachment of General Glosson's credibility as in fact it was. But the IG's ingenuity was equal to the task.

A second phone call was invented, one that General Henry did not hear, one that even General Ryan could not subscribe to. But it was not a problem for the IG to attempt to indict General Glosson on the basis of a phantom phone call. I wonder if the Senate could not better use its time on an investigation of the IG process and personnel in the Department of Defense. Their procedures do more to indict themselves than anyone else.

This whole story is reminiscent of Alice in Wonderland, "verdict first, trial afterward". When an aggressive and prosecutorial Department of Defense inspector general conducts what the independent final report calls argumentative grillings of one side and sycophantic, respectful ones of the side they support, the inspector is out of control. When an Air Force IG engaged in tactics like calling Air Force generals with questions like, "these three generals say one thing, General Glosson says something else, who would you believe?" It is the same. Now these people may not be lawyers, but they are adults. They should know better.

As a result of this investigation Widnall issued an improper letter of admonishment to Glosson, which was enough at his level to terminate his future in the Air Force. He had no choice but to resign.

His resignation, however, was not enough. The Air Force faction, with vitriol worthy of the Borgias, decided to force Glosson's retirement as a two star, despite the custom which would normally prevail: To retire with the rank held at the time of resignation. Since Widnall, McPeak, and the then Secretary of Defense Aspin, had all recommended the three star level, and sent that recommendation to the White House, a flurry of activity aimed at Congress began inside the Air Force, whose officers, Mr. President, should have had better things to do with the taxpayer's time.

Moreover when the nomination went to the White House, the Air Force supported by elements of the inspector general group, began a series of highly unethical press leaks, in an illegal effort to do by devious means what could not be done honorably and openly. This had no effect on the White House, which sent to the Senate the three star recommendation, but it could have had a considerable one on the reputation of the man and his family. But such considerations were not of interests to the prosecutors.

But the accusers' techniques nearly backfired. Having taken the matter to the press they had to live with an investigative reporter's double discovery: First that everyone in the Air Force, including Chief McPeak, knew about the sexual malefactions of IG Fisher, kept them quiet, kept him on active duty for 6 months and recommended his retirement with three stars. Second, that Inspector General Fisher's bias was known to Widnall when she made the investigation assignment. These were two indefensible decisions, and amazing ones in the wake of Tailhook. One can not help but notice that admitted sexual harassment in the Air Force is passed over without comment but unproven allegations of influencing a promotion is a terminal offense.

Finally, the matter went to the final review panel at the insistence of the Senate Armed Services Committee and the final review panel said yet again that General Glosson told no lies. The final review panel's members, usually careful people, inadvertently I am sure, took character references from everyone in this shameful episode known to support the Air force clique and neglected to interview five of the seven people who had supervised Glosson as a general officer and who have said, informally, some directly to me, that they would have been happy to have had the chance to deny strange remarks unprofessionally included in the record—like, "this might be the sort of thing he could have done." I am not a lawyer, but it is clear to me that if this is what sort of thing that passes for evidence in IG investigations we are in very poor shape indeed.

And evidence is what is needed. One certainly should not force a man's resignation, deny him his duly earned rank, and destroy his reputation on the ephemera of impressionistic characterizations.

Most of those involved in this matter, and many others none of whom who are in interested or adversarial relations with General Glosson, wholeheartedly support his candidacy. The pilots and others who have worked under him, support and admire him. The uniformed bureaucrats in Washington press think otherwise. I believe that the Senate should have stood with the pilots.

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes, the Senator from South Carolina has 2 minutes.

Mr. THURMOND. I yield to Senator LOTT the remainder of my time.

Mr. LOTT. Madam President, might I inquire how much time that might be?

The PRESIDING OFFICER. The Senator has 1 minute and 50 seconds.

Mr. LOTT. Madam President, therefore I will certainly be very brief.

I first just want to make it very clear that I do not know General Glosson personally. I base my decision on this issue strictly on the hearings we had in the Armed Services Committee. There is no doubt in my mind, though, that Lt. Gen. Buster C. Glosson should be retired in grade. He has had a distinguished career, one of the most distinguished Air Force careers that we have now among everybody currently in service in the Air Force.

His service as a F–4 pilot in Vietnam, his combat missions had already been noted. His responsibility for planning and implementing the air campaign and Operation Desert Storm—for all of those who are familiar with what he did there, they say he did an exemplary job. He is a strong leader and his service as Air Force Deputy Chief of Staff for Plans and Operations were all outstanding and I think it is appropriate that record be referred to. In my opinion after spending a lot of time reading on this issue, studying it very carefully, I am convinced that the IG investigation of this matter was biased.

I ask unanimous consent to have printed in the RECORD at this point at least one newspaper article that refers to the biased investigation of the inspector general.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Apr. 14, 1994]

IG IN PROBE OF GENERAL HAD BEEN INVESTIGATED

(By Rowan Scarborough)

The Air Force general who directed a promotion-tampering investigation of a Persian Gulf war hero had himself been accused of sexual harassment when the probe began, according to senior Pentagon officials.

Lt. Gen. Eugene Fischer, accused of kissing a junior female officer on the mouth, was asked to retire early before conducting the probe.

Gen. Fischer was Air Force inspector general (IG) when he found Lt. Gen. Buster Glosson guilty of meddling last year in the promotion of a brigadier general. Gen. Glosson, a decorated Gulf war officer, was admonished for his actions.

The fact that Gen. Fischer had been accused of sexual harassment was one of several irregularities in the Glosson inquiry.

Gen. Fischer also exposed the confidential investigation to outside influence by seeking advice from Air Force generals not connected to the probe, the officials said.

Gen. Glosson has denied wrongdoing and said witnesses who testified in his favor were basically ignored in Gen. Fischer's findings.

The Glosson investigation was traumatic for the Air Force. It derailed the promising career of one of its most famous officers, a fighter pilot who planned the successful air war against Iraq. He seemed destined to gain a fourth star and to perhaps eventually become Air Force chief of staff.

After Gen. Fischer's probe, Gen. Glosson requested early retirement, but the issue is not over. Under military law, the Senate must vote on whether to retire the general at full rank, and at least one senator is waging a public battle to strip Gen. Glosson of his third star.

Interviews conducted by the Washington Times with Pentagon and Air Force officials show irregularities in the Glosson investigation, including:

Gen. Merrill McPeak, Air Force chief of staff, asked Gen. Fischer to retire last summer, one year after receiving a report on a sexual harassment complaint brought by a female captain at Eglin Air Force Base, Fla. Gen Fischer convinced Gen. McPeak to let him stay until November, a month after he completed the Glosson probe.

"He should have gone early, but the chief was too soft. I think the chief was too nice to him," said an Air Force official.

Lt. Col. Doug McCoy, a spokesman for Gen. McPeak, said yesterday the general was out of the Pentagon and not available for comment. Col. McCoy said he was told Gen. Fischer asked to retire last June.

At the time Gen. Fischer was seeking an extension, Gen. Glosson, the deputy chief of staff for plans and operations, was advising Gen. McPeak to reject the request. The discussions occurred before Gen. Glosson was placed under investigation.

Gen. Glosson's advice to Gen. McPeak became well known among senior Air Force officers, possibly including Gen. Fischer.

During the course of the investigation last October, Gen. Fischer telephoned four-star generals, told them his version of the case and asked their opinion of Gen. Glosson's veracity.

Pentagon officials say his actions violated the probe's confidentiality. The calls also opened it to outside influence by senior generals who did not know all the facts and who may have had reason to scuttle Gen. Glosson's career.

"I think he called all the four-stars in the Air Force," said a senior Pentagon official.

Asked about The Times' findings, Gen. Glosson's attorney, Charles Gittins, said yesterday: "If true, these issues are matters of grave concern to Gen. Glosson because they call into question the integrity of the IG system. Nonetheless, Gen. Glosson has full confidence that upon review of the investigation, the Senate Armed Services Committee will agree he engaged in no improper conduct."

Messages left with Gen. Fischer's home answering service were not returned yesterday.

In February 1993, Gen. Fischer was attending a symposium for generals called "Corona" at Eglin when the sexual harassment incident reportedly occurred.

He was accused of making an unwanted sexual advance to a female captain, who filed a report saying the three-star general kissed her on the mouth.

"She just felt uncomfortable," said a senior Pentagon official. "She felt he was a general and, at her grade, it should be reported to superiors."

The Air Force handled the complaint by calling in a three-star Air Force general stationed outside the Pentagon to investigate.

His findings were inconclusive, in that the captain's accusation was initially denied by Gen. Fischer.

Nonetheless, Gen. McPeak asked Gen. Fischer to retire last summer, but then extended the deadline to November, according to Pentagon and Air Force officials.

Later, according to two knowledgeable sources, Gen. Fischer recanted his earlier statement shortly before he left the service and admitted making a sexual advance to the captain.

In October, three generals on a major-general promotion board reported that Gen. Glosson contacted them and criticized the credentials of a brigadier general up for two-star rank.

An investigation was ordered and, sources said, several senior officers recommended to Air Force Secretary Sheila Widnall that a retired general be brought in to investigate Gen. Glosson.

While some officers were trying to have Gen. Fischer kept out of the probe, Gen. Fischer and the Defense Department inspector general reached agreement on jointly investigating Gen Glosson.

In October, Gen. Fischer and the Defense Department IG found that Gen. Glosson tampered in the promotion process. In a more serious charge, the IGs said he lied to investigators about his communication with board members.

Gen. Glosson and witnesses on his behalf said he was unaware the three generals sat on the confidential board. They also said the three board members misconstrued his remarks. Gen. Glosson denied lying.

During the probe, Gen. Fischer telephoned four-star officers seeking advice.

Gen. Charles Horner, commander of Air Force Space Command, said in an interview that Gen. Fischer telephoned him on a Saturday morning at his home and asked his opinion about the case.

"I said I had confidence in the veracity of all four officers," Gen. Horner said, referring to Gen. Glosson and the three board members.

Gen. Horner said he believes that if Gen. Fischer wanted opinions from four-star officers outside the probe he should have taken sworn testimony.

When Mrs. Widnall received the IG's report, she could have sought a court-martial on the charge of lying. But instead, she involved a relatively mild punishment, issuing a letter of admonition.

The letter, however, ended Gen. Glosson's chances for promotion and he filed for early retirement. The White House nominated him to retire at full rank.

The Senate Armed Services Committee plans to hold a hearing on his retirement next month.

Sen. Charles E. Grassley, Iowa Republican, plans to fight Gen. Glosson's three-star retirement once the issue reaches the Senate floor for a vote.

Mr. LOTT. Madam President, how did the committee come to this conclusion? I have been on the Armed Services Committee for 6 years. I have never seen us be more thorough in looking into a matter, having hearings on it, discussing it with each other, bringing in the Secretary of the Air Force, the Deputy Secretary of Defense. We have talked to Secretary Perry. We have been very careful to look over the IG reports.

The PRESIDING OFFICER. The time allotted to the Senator from South Carolina has expired.

Mr. NUNN. I yield the Senator 30 more seconds.

Mr. LOTT. Madam President, I thank the distinguished chairman of the committee.

The Armed Services Committee even sent this issue back to the Pentagon about 2 months ago and said, "Take another look at this, get outside people involved and analyze it all." They came back with information for us that I thought was very fair in its presentation, and the committee voted overwhelmingly, on a bipartisan basis, to support this general's retirement.

The President, the Secretary of Defense, the chairman of the Armed Services Committee, the ranking member, we all believe that the fair thing, justice in this matter is to give General Glosson his retirement.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, as I see it, there are two issues here. If you believe that General Glosson lied, then I think you should vote against him. If I believe he lied, I would vote against him. I have known him for a long time. I have known him in a way that time after time he has been frank and candid on programs involving the Air Force when it would have been to his benefit to fudge the facts.

The one thing Buster Glosson is, if anybody knows him, and all of his compatriots will tell you this, he is frank and candid, many times to his own detriment. So I do not believe he lied. But if someone does believe he lied, they ought to vote against him. We should not have three stars on an officer who lied. I do not believe that is the case.

The second question is, he made a mistake, there is no doubt about that. He talked to military officers that he either knew or should have known were on the promotion board. In my opinion, he probably did not know they were on the promotion board. He says he did not, and I believe him. But the odds are they could have been, therefore, he should not have talked to them about another officer in a derogatory way. That was a serious error.

Now the question is, has he been punished enough? Madam President, this individual has been one of the most outstanding military officers we have had since World War II. He literally ran the air war in the Persian Gulf under General Horner and under General Schwarzkopf. He was responsible for the plans and the operations. There has been no more successful air campaign since World War II.

Time after time, he risked his life in Vietnam. He received just about every medal you could get in Vietnam.

The question is, has he been punished enough? What has happened to him is that he was slated to be one of two, three, or four people who would have been carefully considered to be Chief of Staff of the Air Force. Everybody knew that Buster was on a fast track because he had had an absolutely superb career. He lost that opportunity. He was retired 6 years before his term would have expired. In terms of his mandatory retirement, he basically has had publicity all over the Air Force Times, negative publicity. He has been embarrassed. He has been interrupted in his career.

There could be no more severe punishment for General Glosson. I know that. That is the way he views it, the way his friends view it, the way his family views it. This man has been punished.

This is not condoning what he has done. Our question is whether we take away a star and revert him to two stars when he earned three stars when he was on active duty. No one has deserved three stars more than General Glosson. The question is whether he retires now with two stars.

In my view, he has been punished enough. If somebody wants to punish him more, they can do that. But by voting for him now, believe me, we are not condoning or winking or looking the other way at anything he has done. This is a question of matching an overall career versus the punishment he already suffered for what was a serious mistake.

This was not a court-martial offense. This was an administrative offense. If it had been a court-martial offense, that would have been another situation. This is an administrative matter, but it was a serious mistake and the Senate will have to decide whether General Glosson has paid for that mistake. In my opinion, he has paid for the mistake. He earned those three stars. He has had an outstanding career. He has risked his life time after time after time for this country. He has done so without blinking. And now we have to decide whether that serious error at the end of his career basically wipes out the slate of what he has done for this country and for the U.S. Air Force.

Madam President, I hope that the Senate will agree with the conclusion of the majority of our committee that General Glosson has had an outstanding career and has been punished enough for the mistake he made.

Mr. DOLE. Mr. President, I rise in support of the nomination of LTG Buster Glosson to retire in grade. General Glosson has served our Nation with honor and distinction for 29 years. From the Vietnam war to operations Desert Shield and Desert Storm, Buster Glosson displayed the tenacity, courage and valor which are in our country's highest traditions. He is, in every way a hero. I appreciate all he has done for me and for my State of Kansas, but more importantly, I appreciate what he has done for the security of our Nation and to the freedoms we enjoy. A grateful nation owes him a tremendous debt of gratitude. I extend my best wishes to General Glosson and his family in his retirement, but I know that his service to our country does not end here. Mr. President, I urge my colleagues to join me in supporting this nomination and to join with we in thanking LTG Buster Glosson for the service he has given to our country.

Mr. NUNN. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. I yield back any time remaining.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of LTG Buster C. Glosson to the grade of lieutenant general on the retired list pursuant to the provisions of title X, United States Code, section 1370.

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Tennessee [Mr. SASSER], and the Senator from South Carolina [Mr. HOLLINGS] are necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of attending a funeral.

I further announce that, if present and voting, the Senator from Tennessee [Mr. SASSER] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Montana [Mr. BURNS], the Senator from North Carolina [Mr. HELMS], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 30, as follows:

[Rollcall Vote No. 327 Ex.]

YEAS—59

Akaka
Bennett
Biden
Bingaman
Bond
Boren
Breaux
Brown
Bumpers
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dole
Domenici
Dorgan
Durenberger
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Hatch
Heflin
Hutchison
Inouye
Johnston
Kassebaum
Kohl
Lieberman
Lott
Mack
Mathews
McCain
Mitchell
Moynihan
Nickles
Nunn
Pell
Reid
Robb
Rockefeller
Shelby
Simon
Simpson
Smith
Specter
Thurmond
Wallop
Warner
Wofford

NAYS—30

Baucus
Boxer
Bryan
Byrd
Craig
Dodd
Exon
Feingold
Glenn
Grassley
Gregg
Hatfield
Jeffords
Kempthorne
Kennedy
Kerrey
Kerry
Leahy
Levin
Lugar
Metzenbaum
Mikulski
Moseley-Braun
Murray
Pressler
Pryor
Riegle
Roth
Sarbanes
Wellstone

NOT VOTING—11

Bradley
Burns
Harkin
Helms
Hollings
Lautenberg
McConnell
Murkowski
Packwood
Sasser
Stevens

So, the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President will be notified immediately of the Senate's action.

AIR FORCE

The PRESIDING OFFICER. The clerk will now report executive calendar number 1281.

The bill clerk read as follows:

The nomination of Col. Claude M. Bolton, Jr. to be Brigadier General.

The PRESIDING OFFICER. Is there further debate on the nomination?

If not, the question is on agreeing to the nomination.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, first of all, I want to thank the large number of people that voted against the promotion of General Glosson. As I said so many times, I have been, over the last year, spending a great deal of time studying various reports, particularly those of the inspectors general, to bring the public's attention and this body's attention to things that are wrong in the Defense Department—maybe not worse than other bureaucracies, but I have been concentrating on the Defense Department—in an effort to bring some accountability to an accountability of the expenditure of the taxpayers' money, better management by people who are responsible to carry out their duties according to their responsibility, and if they are not responsible, to hold them accountable.

I think with the waste of taxpayers' money, these next two nominations are perfect examples of people who should be held responsible. In the case of the Glosson nomination, it dealt with the responsibility and accountability, not necessarily on the expenditure, of taxpayers' money. I have a long case to lay out in both the Barry nomination and the Bolton nomination. But I have been discussing, at least in the case of

Colonel Bolton, some followup that has been suggested to me by staff of the Armed Services Committee that appears to be a reasonable approach to fixing responsibility.

In the case of Colonel Bolton and the waste of $300 million of the taxpayers' money, and 60 cruise missiles laying on the floor of a production plant in California, and some possible violations of the Antideficiency Act, and with Colonel Bolton being the program manager, I think we should pinpoint responsibility.

The Senator from Georgia says that it should not be pinpointed toward Colonel Bolton. Well, then where should it be pinpointed?

So I have suggested to the chairman of the Armed Services Committee that if he, in his capacity—and certainly in the oversight powers and responsibilities of his committee—would, through correspondence, request of the inspector general—the committee has already followed up on the mismanagement of the program, there is no doubt about that. They have done a good job in that regard. But we need to pinpoint responsibility. Somebody has to be held responsible. It seems to me that if the committee is willing to do that, there would not be any reason for us to have a vote on the Colonel Bolton nomination, and we would move forward then to the Barry nomination.

I will discuss that in a minute, after the results of this discussion with the distinguished chairman of the Armed Services Committee. If we decide we are not going to have to have a vote on Bolton, I would then still lay out my case sometime when it is not going to interfere with the work of the Senate. I will stay around to do that.

I yield to the Senator for comment, or whatever he can say at this point.

Mr. NUNN. Mr. President, I thank my friend from Iowa. I will follow his request, and I will join with Senator THURMOND, assuming Senator THURMOND will concur; I have not had a chance to talk to him about this. I believe that instead of writing the IG of the Air Force, it would be more appropriate to write the top official in charge of acquisition, Mr. Komiskey, who is an expert in this area. He is at the DOD level and can review it there, rather than at the Air Force level. I will work with the Senator on that. We will ask him to trace the history of this advance cruise missile program and ask him to assess the things that went wrong, and we will ask him to also assess the responsibility for those things that went wrong.

I have to say, as I said last night, that Colonel Bolton did not take over the management of this program until 1989. The program was started in the Carter administration—at the end of it—under the team there then, and Bill Perry was one of those people. It was developed during the whole Reagan administration. It was a revolutionary technology program involving stealthy characteristics. The program, as many other revolutionary technology programs, ran into overruns and difficulties. The numbers of missiles came down. As the numbers come down, the price goes up. That is what happened. After you wind down a 40-year cold war, you reduce the numbers dramatically, and instead of building a thousand of something, you build a hundred of something, and the price goes up. So that is one of the big problems.

But on Colonel Bolton himself, there is no evidence that he did anything wrong. He took over a program that was already having serious problems. It turned out to be a successful program overall, because it produced a very successful defense capability. But in the process of developing that revolutionary technology, there were cost overruns and technical problems.

The question is, Who is accountable? I am not going to say to the Senator from Iowa that we are going to get an answer that tells you exactly who should be taken out and flogged in a 12-year program of this nature. But I will do my dead level best, and I will work with Senator THURMOND to frame a letter and work with the Senator from Iowa and his staff to frame a letter that would direct the questions at the appropriate people at the DOD level.

If the Senator wants the Air Force level, we can do that, but it is hard for them to look at their own program. Most of these decisions where made by the Secretary of the Air Force, and there were two or three different ones. They are all gone now. So once you assess the accountability, Congress does not have any power to bring them back and flog them, or do anything to them. I am not sure we are going to satisfy the Senator's obvious desire to see someone punished. But I will certainly write that letter, and I will certainly get him the information in good faith, and I will follow through and get as much information as we can about what went wrong and who is responsible for it.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, that is satisfactory as long as we have the Department of Defense inspector general involved in the process, because of the independent status of the inspector general to make sure that we have an independent person making a judgment and also because the DOD inspector general in 1991, 2 years after the Senator said that Colonel Bolton took over, said that there was a violation of the Anti-Deficiency Act. That is the Department of Defense inspector general 2 years after Colonel Bolton became program manager.

That is where responsibility to me is fixed.

Mr. NUNN. Mr. President, I will say to the Senator on that point there is a dispute about whether there was an Anti-Deficiency Act violation. The Senator is correct in that I said that. That decision was not made by Colonel Bolton. That was referred by Colonel Bolton to his superior, and it went to the Secretary of the Air Force. That decision on how to fund that program was made by the Secretary of the Air Force, now retired.

There is no doubt about the fact there was a dispute between the Department of Defense IG and the Department of the Air Force on that. There is no doubt about the fact that Colonel Bolton did what he should have done on that, referred it up the line, and he got his orders from the Secretary of the Air Force.

Mr. GRASSLEY. Mr. President, let me ask the question: Would the Senator from Georgia be willing to include the DOD IG?

Mr. NUNN. I am glad to do that. If he prefers the DOD IG I am glad to do that.

Mr. GRASSLEY. I have one more comment before I ask two more questions. Then I think we are done on this point.

First, I think it is a sad commentary that we have a system of acquisitions that, using the Senator's word, we cannot take someone to take out and flog. I am not suggesting we flog someone. But is it not a terrible system that we cannot pinpoint responsibility? And to me that is a major problem.

I know the Senator has been working for 5 years to get acquisition reform and all that, and the Senator may have a lot of things in place so that this will not be repeated down the road. But it seems to me that there has to be a constant vigil to make sure that we can pinpoint responsibility or else we are not going to have accountability. We are not going to have proper expenditures of money.

On the last point, I would only, if I could, through you, Mr. President, ask my friend from South Carolina, who has listened to this entirely, would he join Senator NUNN in making this request?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I have heard the discussion, and I think what has been said here is proper. I will be glad to join in with the distinguished chairman of the committee on this and the distinguished Senator from Iowa.

Mr. GRASSLEY. OK.

Then, Mr. President, I would not request a vote on Colonel Bolton.

At the same time, I will say this: I am going to make a case on General Barry. I will not request a vote on General Barry, and if the floor leader with his power wants to vitiate the cloture vote, then he will have my assent.

Mr. MITCHELL. Mr. President, I thank my colleague very much for his comments and cooperation.

Do I understand correctly now just so there can be no misunderstanding that the Senator is prepared to not have a vote on either the Bolton or the Barry nomination?

Mr. GRASSLEY. And no cloture will be necessary.

Mr. MITCHELL. Cloture will not be necessary.

Mr. GRASSLEY. Yes. But I do want time to speak.

Mr. MITCHELL. The Senator will have as much time as he wishes.

So, again, I want it understood, that there will be no cloture vote; there will be no rollcall vote at all on either nomination.

Mr. GRASSLEY. The Senator is correct.

Mr. MITCHELL. They will be approved by voice vote.

Mr. GRASSLEY. Yes.

Mr. MITCHELL. So there is no misunderstanding.

Mr. GRASSLEY. Yes.

ORDER TO VITIATE THE CLOTURE VOTES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture votes now scheduled on the Bolton and Barry nominations be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Accordingly, Mr. President, in view of the statement by the distinguished Senator from Iowa for which I thank him, it is my understanding now that these two nominations will be approved by voice vote, no rollcall vote will be necessary on them; therefore, there will be no further rollcall votes.

I thank my colleagues for their cooperation.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the Senator from Iowa. He is conscientious on these matters. He looks at them in detail. We do need careful oversight of the procurement system. In fact, we need careful oversight of every facet of Government, not just the Department of Defense now that we are in a different era. I can say we were a long time in the cold war era. There was almost a compulsion to push the edge of the envelope in terms of technology, and many times in pushing the edge of the envelope programs developed technical flaws. And without any doubt our system of procurement produced the best systems in the world, but many times it did so at a very high cost, and many times there was a lot of inefficiency.

I believe that the new procurement system, which got no attention, I must say, in this Congress, and I read all the critics about nothing accomplished in this Congress. Of course, we did bog down on some items at the end. I have no doubt about that.

But one of the major achievements of this Congress took 5 years to produce and was produced with the cooperation from both the legislative and executive branches, Democrats and Republicans. One of the major achievements had been the overhaul of the acquisition system. It should be a much better system. But it is going to take 5 to 10 years to implement.

We should have a much better procurement system as one of the major accomplishments, in my view, of this Congress and really one of the major accomplishments in the last 15 or 20 years in the Department of Defense.

We will work with the Senator from Iowa on these matters, and I commend him for making this decision and allowing these two officers to be confirmed, one of them retired and one of them promoted, because the committee unanimously decided that though they were in troubled programs they themselves handled themselves superbly and they bore no part of the responsibility in terms of the program problems, that they did what they should have done and when they should have done it. That was the committee judgment by unanimous view.

I thank the Senator from Iowa for his cooperation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to not only thank the chairman of the Committee of Armed Services for his remarks now but I want to thank him and Senator THURMOND for their cooperation on this last effort.

Also I want to say that over a long period of time, now probably 15 months, I have been working with either Senator NUNN and/or his committee on my interest in these nominations and the whole subject of accountability, including several amendments on which he cooperated with me getting on various Armed Services Committees.

I thank him for not only his cooperation but he in every respect was a gentleman as he had to deal with me, and I do not suppose I am always easy to deal with.

Mr. NUNN. I thank the Senator from Iowa.

Mr. President, if I could say one more word, I thank the Senator from Iowa. He has my pledge to continue to work with him on whatever questions he has.

Mr. President, I want to just make one point. I am going to make a more lengthy presentation about the role GEORGE MITCHELL, our majority leader, played here during his career in the Senate and particularly majority leader.

I think it ought to be noted on at least the closing part of this session. We will come back in a few days in November on the trade bill, and I will make my lengthy remarks then. But Senator MITCHELL cares about fairness and justice.

Just a moment ago this nomination was about to go through. He favored the nomination. Senator GRASSLEY and I were having a conversation. He came over to alert Senator GRASSLEY to make sure it did not go through without his knowing about it.

That is the kind of a majority leader we have. That is the reason he has the reputation for fairness, and I think we ought to all note that.

The other thing I want to note, in the closing moments of this session, is that the majority leader could have pulled the plug on all three of these nominations. Everyone knows people are ready to get out of town. He cares about fairness to the individuals involved. He cared enough to schedule all three of these and to make sure that they were dealt with one way or the other by the U.S. Senate.

So GEORGE MITCHELL has many attributes, but I think in these closing moments we ought to note that kind of leadership, and it will be sorely missed. He will be very difficult to replace, and we all know that.

So I thank the majority leader. I thank the Senator from Iowa. And I thank my colleague from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I want to express my appreciation to the able Senator from Iowa and the fair manner in which he has handled this matter. It was a delicate matter, and I am very pleased it has been handled as it has been done in a satisfactory manner.

These officers now will be approved and other steps will be taken to improve the process here.

And I express my appreciation to the able chairman of the Armed Services Committee too for his part in helping to resolve this delicate situation. I think it has been handled in a very fine manner.

The PRESIDING OFFICER. Is there further debate on the nomination?

Mr. GRASSLEY. Mr. President, I would like to start debating the nomination, but if there are people who wanted to speak, I would give deference to them if they want to get out of town.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President I have a statement, if the Senator would yield to me.

Mr. GRASSLEY. I yield to the Senator.

U.S. ATTORNEY GEORGE L. PHILLIPS

Mr. COCHRAN. Mr. President, George Phillips, the U.S. attorney for the Southern District of Mississippi, is the senior U.S. attorney in the Nation. When he steps down as U.S. attorney, he will have served longer in that office than anyone else who is now a U.S. attorney.

He was named acting U.S. attorney in June 1980, and received his appointment by President Reagan on my recommendation on October 8, 1981. He has served with great distinction, and I congratulate him on his outstanding record of service.

Mr. Phillips was born in Fulton, MS, in 1949. He graduated with honors in 1971 from the University of Southern Mississippi. After earning a law degree from the University of Mississippi School of Law in 1973, he practiced law in Hattiesburg, MS. He was twice elected Forrest County prosecuting attorney.

George Phillips has been particularly effective in forging cooperation among Federal, State, and local law enforcement agencies.

The Blue Lightning Task Force, which has been very successful in bringing big time drug smuggling to justice is evidence of his leadership efforts to coordinate law enforcement along the Gulf Coast.

During his career, George Phillips has won the respect and appreciation of law enforcement officials and the general public for his conscientious and effective prosecutions. He has received many special awards, including the U.S. Attorney General's Award for Excellence in Law Enforcement Cooperation, and the Man of the Year Award presented by the University of Southern Mississippi's Criminal Justice Association. He has also been cited for special commendation by the Mississippi Chiefs of Police and the Mississippi Sheriffs Association.

He is one of only two U.S. attorneys to have served two terms on the U.S. Attorney General's Advisory Committee, and he has been chairman of the Investigative Agencies Subcommittee on this advisory panel. He is especially proud to have been elected recently as president of the Mississippi Quarter Horse Association.

As further evidence of the excellent reputation he has earned, I ask unanimous consent to include in the RECORD an editorial dated August 31, 1994, printed in the Jackson, MS, Clarion Ledger, entitled "George Phillips: Leaves Legacy of Tough Prosecutions."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GEORGE PHILLIPS: LEAVES LEGACY OF TOUGH PROSECUTIONS

A new candidate for U.S. Attorney for the Southern District has been selected, with Jackson lawyer Brad Pigott getting the nod. Pigott is a good candidate.

But, he will have some big shoes to fill following the current officeholder, U.S. Attorney George Phillips.

Phillips, who has served in the post since 1980, leaves a legacy of tough prosecutions, from unflinchingly prosecuting drug lords to nabbing heavy-weight politicians.

At times, his drug lord prosecutions were so tense that federal agents had to be stationed with machine guns atop the federal courthouse.

But, his most sterling success must be the record arising from the FBI's "Operation Pretense" probe that led to charges against 57 county supervisors in 25 counties.

The result of those investigations, in which informants posed as equipment salesmen to catch local county supervisors accepting kickbacks, was to usher in the unit system of government in about half of Mississippi's counties.

Phillips put the fear of the federal government in the "good ol' boy" power structure in Mississippi.

Perhaps the most sensational case under Phillips' watch was the extortion conviction of former State Sen. Tommy Brooks of Carthage.

The powerful Senate president pro tem was caught red-handed by federal agents accepting $15,000 in a brown paper bag as part of a $50,000 influence-peddling scheme involving horse racing proposals for Mississippi.

The late Senator was convicted in 1985 in a trial that exposed the underbelly of Mississippi politics.

If confirmed by the Senate, Pigott has some large shoes to fill, indeed. The U.S. attorney's job, as Phillips has defined it, requires someone of unflinching belief in justice who refuses to be intimidated by the most powerful drug lords or most influential politicians, someone who will pursue white-collar criminals as zealously as the most odious of the common criminal element.

Phillips can leave the U.S. attorney's office with pride—and with the law-abiding public's heartfelt appreciation.

Mr. NICKLES. Mr. President, will the Senator from Iowa yield me 4 minutes?

Mr. GRASSLEY. I yield, without losing my right to the floor, to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

SENATOR DAVID BOREN

Mr. NICKLES. Mr. President, seldom do Members of opposite political parties work better together than the senior Senator from Oklahoma and myself. It is in the tradition of this enviable working relationship with DAVID BOREN that I rise to pay tribute to my colleague as he leaves this body to become the president of the University of Oklahoma.

Mr. President, this occasion comes with mixed emotions for me. On the one hand, I am pleased to have this opportunity to express my sincere appreciation for all the things Senator BOREN has done for his Nation, his State and for me, personally. But I must also tell you that I do not look forward to when DAVID BOREN leaves this floor for the last time as a Member of the U.S. Senate.

Senator BOREN's splendid record as a U.S. Senator for 16 years was the product of many years of careful preparation. He graduated summa cum laude from Yale, was selected a Rhodes scholar and graduated from Oxford with honors. DAVID took his law degree from the University of Oklahoma to which he now returns and where he was class president of the College of Law.

Senator BOREN later taught political science at Oklahoma Baptist University and served as an officer in the Oklahoma National Guard.

DAVID began a political career in many ways unmatched in the history of Oklahoma when he was elected to the Oklahoma House of Representatives where he served for 8 years, running unopposed for his last three terms. The next step up the political ladder was the Oklahoma Governor's mansion, where he served as the Nation's youngest Governor. While Oklahoma's Governor, DAVID began building his reputation as a reformer, a reputation that continued to grow after his election to this body in 1978.

Mr. President, at a time when many public officials, especially Members of Congress, are not held in high regard by the public, Senator BOREN stands out as a model of what a public servant should be. His performance in a number of key roles has been exemplary.

Even though we have not seen eye to eye on specifics, DAVID has led the fight to reform the way Federal political campaigns are financed. And, complimenting that effort, he served as chairman of the Joint Committee on the Organization of Congress, whose charge was conducting a comprehensive study of all congressional operations in order to make Congress more efficient and responsive.

Senator BOREN's devotion to our democratic process was shaped, in large part, by his father, Lyle Boren. My colleague recalls from time to time the positive influence his father had on him. DAVID lives by the principle that all people are created equal and has the wisdom to know that no person is better than, or above, another. He does not divide people. He brings them together. It is perhaps this trait, more than any other, that defines DAVID BOREN.

Mr. President, DAVID BOREN's father, himself a Member of Congress, was no stranger to the political process. DAVID inherited and heightened his father's unique blend of personal integrity and political acumen.

DAVID's tenure as the longest serving chairman of the Senate Select Committee on Intelligence was marked by his emphasis on bipartisan cooperation in foreign policy.

DAVID can also take great pride in his creation of the Oklahoma Foundation for Excellence which gives financial awards to outstanding educators, recognizes Oklahoma's top high school seniors, and assists communities throughout the State in their efforts to form foundations to support their local public schools.

Mr. President, throughout his career, Senator BOREN has not been intimidated in taking unpopular stands on high profile public issues. And, he has been ready to pay the political price that goes with taking a leadership role on those issues.

Although Senator BOREN and I belong to different political parties, I am proud of the fact that we have always worked together very well, perhaps because there are many more things we agree on than on which we differ. I am proud that, despite the efforts of those who would like to drive a wedge between us, we have always worked together closely and effectively and never allowed partisanship to hamper our work.

I will always remember our joint efforts to push through a realistic national energy program. That battle is not yet over, and the bipartisan nature of our proposal gives it added strength.

And when we found ourselves on opposite sides of the fence on an issue, there was always respect for the other's position. I recall the debate on the Senate floor on certain provisions of his campaign reform bill with which I strenuously disagreed. We debated the issue at some length but never with anything but full respect for the other's position.

Mr. President, I earlier made mention of DAVID BOREN's unmatched record as a political candidate. We all wish to be remembered for what we accomplish legislatively, but I must believe there is some correlation between DAVID BOREN's enormous popularity with Oklahoma voters and what he has been able to do legislatively for his State and his Nation. In 1990, when DAVID was re-elected for a third term, he piled up 83.4 percent of the vote, and carried all but 2 of the State's 2,354 precincts. That percentage was higher than any other Senate candidate up for reelection and a performance which only we, his Senate colleagues, can properly appreciate.

Mr. President, I know that you join me and all of our colleagues in our admiration and sincere appreciation for the outstanding work that Senator BOREN has contributed in his 16 years as a Member of the U.S. Senate. We wish him Godspeed and good luck in meeting the challenges and opportunities that face him in his new role as President of the University of Oklahoma.

Mr. President, I thank my colleague from Iowa for yielding to me.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is seeking the floor.

Mr. KEMPTHORNE. Mr. President, I ask if my colleague would yield to me?

Mr. GRASSLEY. Mr. President, I yield, without losing my right to the floor, to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you, Mr. President, and I thank the Senator from Iowa for his courtesy.

UNFUNDED MANDATES

Mr. KEMPTHORNE. Mr. President, it seems very clear that S. 993, the bill to stop unfunded Federal mandates, will not see further action in this body, as we know the House has adjourned.

That piece of legislation, which had 67 Senators that cosponsored it, is true reform that truly will help our partners in State and local government. It had bipartisan support, strong support in this body and in the House, as well as tremendous support from the mayors, the county commissioners, the Governors, the city managers, the school board administrators, throughout the United States. It literally has advocates in every community in America that want this legislation passed.

We will be back next year. We will start early with legislation that will accomplish this, to stop these unfunded Federal mandates, and I know next session we will be successful.

I would like to specifically, Mr. President, acknowledge the organizations that really played a key role in bringing us this far in trying to accomplish the stopping of unfunded Federal mandates:

The National Governors Association, the U.S. Conference of Mayors, the National Association of Counties, the National League of Cities, the National Conference of State Legislatures, the ICMA—which is the city managers—the National School Boards Association, and the Council of State Governments.

Also I wish to thank a true partner in this body who has helped us so much, and that is Senator John GLENN, the chairman of the Governmental Affairs Committee; and the ranking member, Senator Bill ROTH, both of whom have helped us so much in getting this far.

On the House side: Congressman Rob Portman, Congressman Bill Clinger, who helped so much, Congressman John Conyers, and Congressman Edolphus Towns, who all, in a bipartisan effort, helped forge together the pending bill in the House.

I would like to also acknowledge the support from the administration.

I think that we are laying the groundwork to see finally an end to these unfunded Federal mandates.

I want to thank my colleagues on this side of the aisle who did clear the deck. When we said that we wanted to go forward with a clean bill without amendments, Republicans were willing to do that. Unfortunately, we saw that other amendments were attached, and that was unfortunate.

But, again, we can feel very good that we have brought this issue forward.

October 24, throughout the United States, will be the National Unfunded Mandates Week, when the mayors, the Governors, the county commissioners, and the school board administrators again talk to the people of America about the fact that we have to stop these unfunded Federal mandates and stop these hidden Federal taxes.

Again, I look forward to the next session, when we will be back and we will be successful in correcting this problem. It is time that we end this encroachment of our 10th amendment rights. I think that this legislation will accomplish that.

So, again, Mr. President, I thank you, and I want to thank the Senator from Iowa again for his courtesy in allowing me to make this statement.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

NOMINATION OF COL. CLAUDE M. BOLTON, JR., TO BE BRIGADIER GENERAL

The Senate continued with the consideration of the nomination.

Mr. GRASSLEY. Mr. President, I laid out my case on the Bolton nomination. And, of course, that is only relative in the sense that it is the issues surrounding the mismanagement of the advanced cruise missile program. I have done this on seven different occasions over the past 18 months.

This is a story about misuse of taxpayers' money and mismanagement.

Colonel Bolton was nominated last year by the President for advancement to the rank of brigadier general in the regular Air Force. The Bolton nomination was recently approved by the Armed Services Committee.

Over the past year, I have expressed several reservations, and serious reservations, about the nomination. My reservations about Colonel Bolton's promotion result from the way he managed the advanced cruise missile and the ACM Program.

Colonel Bolton was ACM Program Manager from September 1, 1989, to September 20, 1992. He was at the wheel when many fateful decisions were taken. Those decisions are the source of my concern.

I have spoken on the floor of the Senate on at least seven different occasions: On April 30, 1993; May 28, 1993; July 22, 1993; July 23, 1993; July 26, 1993; and July 29, 1993.

I will not give references, but there are references that will be in the RECORD for today for all of those speeches if anybody is interested in the background on this.

Eventually, the last time I spoke on this issue was June 14 this year.

I believe I am able to support each concern with adequate documentation. The audit trail of Colonel Bolton's management of the Advanced Cruise Missile Program is a mile long, and it is all in the CONGRESSIONAL RECORD. I have placed all the pertinent documents in the CONGRESSIONAL RECORD.

I believe my concerns about Colonel Bolton's promotion rest on solid ground. My concerns flow directly from information presented in records prepared by the independent inspector general at the Department of Defense and also by the General Accounting Office.

The inspector general's assessment is buttressed by much damaging evidence. The Armed Services Committee gave the ACM Program a thumbs down for poor performance and mismanagement. The committee's assessment is contained in Senate Report No. 102–357, pages 55 and 57. That report is dated July 23, 1992.

The conference committee on the fiscal year 1993 defense authorization bill also gave the ACM Program thumbs down for poor performance and management. That assessment is presented in House Report No. 102–966, on page 538, dated October 1, 1992.

If I were a teacher and had to evaluate Colonel Bolton's ACM management skills based on these reports alone, I would have to give him a D-minus or F. While there are still some loose ends, some unanswered questions hanging, I feel, based upon all the evidence, the information, that the Senate should not have had to consider this nomination.

I have two main reasons for arriving at that conclusion. First, I believe the ACM plan was poorly managed under Colonel Bolton's leadership. Second, I believe that while Colonel Bolton was in charge, money was obligated and expended to buy ACM's in ways that were inconsistent with the laws of the land.

I would now like to review the facts bearing on that nomination and his management of the program. The facts I am about to discuss were derived principally from a report prepared by the DOD inspector general entitled, "Missile Procurement Appropriations, Air Force," Audit Report No. 93–053, dated February 12, 1993.

I ask unanimous consent to have pages 21 through 24 printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD as follows:

AUDIT REPORT OF THE INSPECTOR GENERAL—MISSILE PROCUREMENT APPROPRIATIONS, AIR FORCE

B. Reprocurement of the Advanced Cruise Missile

To avoid declaring a violation of the Antideficiency Act, Air Force officials terminated contracts for the Advanced Cruise Missile (ACM) and initiated reprocurement actions the following day using current year funds. They did this because insufficient funds were available in the FYs 1987 and 1988 MPAAFs. Because of their Air Force's actions, the Government may have to assume an additional $24 million to $49 million in contractor liabilities. Furthermore, the Air Force's actions did not prevent a violation of the Antideficiency Act.

DISCUSSION OF DETAILS

Background

The Air Force was short of funds for the FYs 1987 and 1988 ACM contracts. These shortages resulted partly from problems in missile production that required engineering changes. Only $24.2 million remained in the FY 1987 MPAAF, and $31.1 million in the FY 1988 MPAAF, to cover unpaid cost overruns. Therefore, on March 25, 1992, the Secretary of the Air Force approved a plan to terminate the ACM procurements at 520 missiles and finance the $121 million in cost overruns with FY 1992 funds. On March 31, 1992, the DoD Comptroller denied the Air Force's request to use FY 1992 funds to cover cost overruns. The Air Force then chose another option, discussed below, to pay these costs.

Air Force ACM Procurement Actions

Three options considered. In July 1991, Air Force program officials determined that the cost of the FYs 1987 and 1988 ACM contracts would exceed budgeted targets and would approach or exceed ceiling costs. They also learned that the Air Force's FYs 1987 and 1988 MPAAFs did not contain enough funds to cover these adjustments. Air Staff officials were aware of the shortage, which was reported in the Defense Acquisition Executive Summary for August 1991 but was not resolved. Air Force officials considered three options:

To declare an Antideficiency Act violation in the MPAAF, notify Congress of the MPAAF shortages, and either request a supplemental appropriation or include the ACM requirements in the next budget submission;

To initiate a "stop work order" before depleting budgeted funds, and reprogram funds from other projects or fiscal years to pay for obligations on the ACM; or

To partially terminate the FYs 1987 and 1988 ACM contracts, reprocure the unexecuted portions with FY 1992 funds, and not report an Antideficiency Act violation.

The third option was selected, and in March 1992, the Assistant Secretary of the Air Force (Financial Management and Comptroller), with the concurrence of the Assistant Secretary of the Air Force (Acquisition), approved the use of FY 1992 funds to meet requirements that could amount to $111.5 million from FY 1987 and $54.7 million from FY 1988. The Air Force then partially terminated the ACM contracts and used FY 1992 funds to reprocure the remainder of the ACM requirements. Senior Air Force officials gave the following reasons for their actions.

Chapter 25 of the "DoD Accounting Manual" required budgeting to target when funding major procurements.

No requirement existed to record upward adjustments as obligations until they were incurred.

It was legal to cancel a contract one day, create a new contract the next day, and fund FYs 1987 and 1988 requirements with FY 1992 dollars, although the prior year contracts had been terminated to avoid Antideficiency Act violations in prior year accounts.

The Antideficiency Act had not been violated, since contractual obligations had not been recorded or executed.

Their actions prevented additional costs from being incurred on the FYs 1987 and 1988 contracts, for which expired year funds were not available; minimized the costs of terminating contracts; and sustained current production to meet operational requirements.

In April 1992, the Air Force informed Congress of the decision to terminate and reprocure the FYs 1987 and 1988 requirements for the ACM, and provided Congress with a closeout plan explaining the actions taken (see Appendix C).

Potential for increased liability. In our opinion, the Air Force's procurement actions were improper because the cost growth on the ACM contract did not result from out-of-scope changes or new work. The costs of within-scope changes and cost growth not related to new work were properly chargeable only to FYs 1987 and 1988 funds. Because of the new ACM contracts, the Air Force may have to pay an additional $49 million in contract termination costs and liabilities that would have been absorbed by the contractor under the original contracts. The following table shows the additional reprocurement costs that the Air Force may have to pay.

ACM REPROCUREMENT LIABILITY

[Dollars in millions]

Liability	Fiscal year—	
	1987	1988
Target-to-ceiling cost	$20.0	$24.0
Termination cost	5.0	0
Total liabilities	25.0	24.0

Funding deficiencies. The Air Force's use of FY 1992 funds to fund obligations and obligational adjustments properly chargeable to the MPAAFs for FYs 1987 and 1988, and its delay in recording the obligations, did not relieve the Air Force of its responsibility to investigate and report violations of the Antideficiency Act. In August 1991, Air Force officials recognized that the ACM program had funding problems; however, they said that they did not ask Congress for a supplemental appropriation because the June 13, 1991, guidance from the DoD Comptroller required the use of current year funds in such cases.

Disclosure to Congress. The Air Force also did not specifically disclose to Congress the increased costs that may have been incurred by terminating and reprocuring ACM requirements. In addition to incurring termination costs and penalties, the Government will have to pay the contractor's share (30 percent) of the liability for cost growth over target. Although program officials said that the contractor would not be allowed to use the new contract to recoup previous losses, the increased costs are estimated at $24 million to $49 million. Officials said that the contractor will absorb $25 million in FY 1987 liabilities; however, they expect at least a $24 million loss to the Government. Based on the closeout plan that the Air Force provided to Congress (Appendix C), we computed that the Government's liabilities resulting from contract termination could total $79.7 million. However, neither this figure nor the estimated liability of $24 million to $49 million was included in the plan. The full impact of the Air Force's actions cannot be determined until the new letter contracts are definitized. After contracts were terminated, Congress rescinded the FY 1992 MPAAF funds that the Air Force intended to use for the reprocurement. As a result, the Air Force has incurred additional costs by entering into a new procurement, and must use another source of funds for the new ACM contracts.

Conclusion

The Air Force breached its fiduciary responsibility by incurring additional costs in an attempt to avoid reporting a violation of the Antideficiency Act. The decision of the Assistant Secretary of the Air Force (Financial Management and Comptroller) to finance a plan that would terminate parts of the FYs 1987 and 1988 ACM contracts and reprocure with new contracts was fiscally imprudent. We believe that the termination for convenience and the reprocurement will cost an additional $24 million to $49 million and do not relieve the Air Force of its responsibility to report a violation of the Antideficiency Act. Since Congress rescinded the FY 1992 funds that the Air Force planned to use for this reprocurement, the Air Force must find a legally available source of funds for the new contracts. Termination and reprocurement costs must also be charged to a supplemental appropriation unless sufficient funds remain in the original appropriations to cover these costs, because these costs are not chargeable to current appropriation accounts. The full impact of the Air Force's actions will not be known until the new contracts are definitized and Congress determines the number of missiles to be purchased. The Air Force tried unsuccessfully to use FY 1992 funds to pay for cost increases in the ACM because FYs 1987 and 1988 funds were insufficient. The Antideficiency Act was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations, but permitted work to continue. Deficiencies in the FYs 1987 and 1988 MPAAFs are unresolved, the Antideficiency Act has been violated, and the Air Force has incurred additional costs by not reporting Antideficiency Act violations and requesting Congressional relief.

RECOMMENDATIONS FOR CORRECTIVE ACTION

See Finding A for our recommendations to correct problems with the procurement and funding of the ACM. Actions to correct the problems noted in this finding will be the same as actions for Finding A.

Mr. GRASSLEY. The problem Colonel Bolton had to wrestle with was a burgeoning cost overrun on two fixed-price contracts to procure 251 ACM missiles. These contracts covered the fiscal years 1987 and 1988 buyings in ACM missiles. General Dynamics' Convair Division was the contractor. These contracts were signed on September 25, 1989, and January 30, 1990. At the time, the Air Force low-balled it and budgeted it to the target price.

By budgeting to the target price, the Air Force left itself no cushion. Yet the Government was obligated by the ACM contracts to cover 70 percent of all costs between target and ceiling. The troubled contracts were for fiscal years 1987 and 1988. Technical problems with the missile itself led to delays. Delays in turn generated a need for more money. The GAO claims the Air Force knew about the funding shortfalls even before the contracts were signed, but was planning to tap into M accounts to bail out the program down the road.

As the Presiding Officer and I know, the days of the M accounts, those were the real old days. They could cover cost overruns with the M accounts, and they could do it out of sight, beyond even the purview of Congress. The doors to that magic vault were slammed shut by law changes before that happened.

The inspector general's reports provides two very important facts. It tells us, first, in July 1991, program officials knew that the costs to complete the fiscal years 1987 and 1988 contracts would exceed the target price. And that target price is the amount authorized and appropriated. Second, the amounts remaining for the fiscal years 1987 and 1988 missile procurement accounts were insufficient to cover cost overruns.

That piece of information tells us that in June 1991, ACM program officials knew that the Government's obligations exceeded the amounts remaining in the fiscal years 1987 and 1988 missile procurement appropriations accounts. This is a very serious problem, indeed. It is a very serious problem. If ACM program officials were aware of the problem, then I think it is reasonable to assume that the program manager, Colonel Bolton, knew about it as well. Money is the lifeblood of any program, and as the supply starts to get low, surely the program manager would be one of the first to know. As program manager, he had to know how much money he had and what he owed. He must have known that he was at least $100 million short, and the shortage was increasing each day.

In late October 1991, a request for more money began working its way up through the chain of command. The amount needed to cover the cost overrun totaled $98.6 million; $71.5 million for fiscal year 1987, $27.1 million for fiscal year 1988. En route, this request even expanded to $112.2 million. The request went to Air Force headquarters in Washington, DC, and eventually ended up on the desk of the appropriations account manager.

It did not take the account manager long to figure out that these accounts were overdrawn. Obligations exceeded available appropriations. The official word went back to the field on November 26, 1991, entitled, "Funding of this magnitude is not presently available." That is what they said. There is just no money. And the official report said so.

So what does it really mean? It means there is not enough money in the bank to cover Colonel Bolton's bills. Colonel Bolton was now in hot water. He had to pay money but no money to pay it with. He had to pay the bills—no money. His program was overobligated. He had a potential Anti-Deficiency Act violation.

Who had knowledge and awareness of this potential Anti-Deficiency Act violation within Air Force headquarters? I have documents to prove that a Mr. Michael B. Donley did. He was Assistant Secretary of Air Force for Financial Management and Comptroller at the time. I have documents to prove that a Mr. John W. Beach did. He is the principal Deputy Assistant Secretary of Air Force for Financial Management. I have documents to prove that several others knew it as well. The inspector general said the law had been violated at this point. The inspector general concluded that the Anti-Deficiency Act was violated when the Air Force recognized that the costs to complete the ACM had exceeded amounts available for obligations but permitted work to continue.

At this point let me say, earlier today the distinguished chairman of the Armed Services Committee said that his committee had looked into it and come to the conclusion that the Anti-Deficiency Act had not been violated. But we still have the independent inspector general concluding that the Anti-Deficiency Act was violated. And that is why we put those inspectors general there, to be independent of the political power in Washington, to make an independent judgment if there is a waste or illegal use of the taxpayers' money.

The independent inspector general concluded in this case that the Anti-Deficiency Act was violated.

Funding in fiscal years 1987 and 1988 missile procurement accounts had been depleted, in other words. When that happened, the inspector general said the ACM program was in violation of the act.

Under the law, Colonel Bolton's options were severely limited at that point. Once he realized that outstanding obligations exceeded available appropriations, he was staring down the throat of a potential violation of the Anti-Deficiency Act, and that is section 1341, title 31 of the United States Code.

First, he should have issued a stop order, but he did not. Next, he was required by law, section 1351, title 31, to investigate and report potential violations of the law. As a responsible head of an organizational unit involved, that is what Bolton was supposed to have done.

He was supposed to investigate the circumstances surrounding the violation and to do it immediately. He was supposed to report the violations up through official channels, describing the circumstances of the violation and naming those responsible for the violation. Those orders are spelled out in DOD Directive 7200.1, the directive that controls such matters.

A violation of the Anti-Deficiency Act, as we know, is a very serious matter. It means that congressional funding limits have been exceeded. Violations carry criminal penalties. It is a felony. Those who knowingly or willfully violate the law can be sent to prison or fined. Few have been prosecuted for it, but many a fine career has been ruined by Anti-Deficiency Act violations.

Colonel Bolton was required by law to report and investigate a potential violation of the Anti-Deficiency Act. Others above him who were further up the chain of command also had a responsibility to do the same. They are supposed to report the violation to the President and report it to Congress, along with all the relevant facts and a statement of actions taken. That is what the law says.

They also had a responsibility to report the problem to Congress and to request a deficiency appropriation to complete the program in an orderly way.

When you run out of money, as Colonel Bolton did, then you are supposed to come to the Congress—maybe hat in hand, but what difference does it make; that is what the law requires—and to request legislative relief. That is the way to do it if you are going to follow the law. Unfortunately, none of these things were done. Instead, the Air Force chose to pursue a devious, a destructive, and a wasteful plan to avoid reporting a violation of law.

So this is the infamous advanced cruise missile—ACM—reprocurement scheme. I think the reprocurement scheme was an attempt to hide or to conceal a violation of law. I hope that the ACM procurement action is not a prototype approach for covering cost overruns for the post M account era.

The Presiding Officer is going to want to observe this. We did away with the M accounts. Are they now having another scheme to set up some other way of covering these violations of law and these cost overruns without having to come to Congress? I hope not. But I think we ought to be aware of the possibility that that could happen.

Let me say, there has been nobody who has been a better watchdog of the Pentagon than the distinguished Senator from Arkansas, who is now presiding over this body.

Clearly, the scheme plan was designed to use contracts to overturn and circumvent the law and to generate cash outside the law. The plan was approved by Mr. Michael B. Donley, the Air Force's chief financial officer and comptroller, and the reprocurement plan was disapproved, however, by the DOD comptroller, Mr. Sean O'Keefe. Mr. O'Keefe disapproved the plan because it was illegal to use current-year appropriations to cover cost overruns on prior-year contracts. On March 31, 1992, Mr. O'Keefe specifically ordered Mr. Donley not to carry out the plan.

I ask unanimous consent to print Mr. O'Keefe's order in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

COMPTROLLER OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, March 31, 1992.

Memorandum for the Assistant Secretary of the Air Force (Financial Management and Comptroller).

Subject: Advanced Cruise Missile Program Funding.

It is evident from your memorandum of March 27, 1992, that you have not been kept informed of the ongoing staff level discussions relative to the appropriate use of prior and current year funds. In these discussions it has been clear that prior year contract adjustments to cover target to ceiling cost adjustments are chargeable only to the fiscal year appropriation of the contract.

Your staff has been asked, on several occasions, to develop a paper supporting the position that the FY 1992 ACM program funds could be appropriately charged to cover the cost of the prior year programs. Until such time as a legal determination, based on the facts peculiar to this program, is approved by Counsel, you should not proceed to charge current year funds as proposed.

SEAN O'KEEFE.

Mr. GRASSLEY. Mr. President, the Air Force ignored the DOD comptroller's order. Can you believe that? The DOD said, "Don't pay for it that way." The Air Force ignored it and went ahead with the plan anyway.

In May 1992, the Air Force began terminating contracts, and they did this to generate cash to pay the contractor for the cost overruns for the fiscal years 1987 and 1988.

The balance in the missile procurement appropriations account on March 31, 1992, on the eve of the ACM reprocurement action, was minus $118.9 million for fiscal year 1987, and minus $183 million for fiscal year 1988.

Mr. President, it is hard to pay bills from a bank account that has such negative balances. Those figures are drawn from the inspector general's audit report. The Air Force's own figures for the same date, March 31, 1992, shows that the ACM contract was in trouble. The ACM contract fund status report shows that contract work authorized totaled $616,218,000, while the funding authorized totaled only $569,869,000. So comparing those figures, the contract was overobligated.

No matter how you slice it, the ACM program was in violation of the Anti-Deficiency Act in March 1992. The Air Force had bills to pay but no money to pay them. Obligations exceeded available appropriations. That should be a show stopper for most program managers anyplace else in operations in the Defense Department. But it was not, and it probably will not be in the future.

The Air Force terminated the fiscal year 1990, fiscal year 1991, and fiscal year 1992 contracts to pay back bills. The fiscal year 1990 through 1992 missiles were sacrificed to save the fiscal year 1987 and 1988 missiles, and perhaps Colonel Bolton's career and the careers of others higher up.

Since the law forbids the use of fiscal years 1990 to 1992 money to cover cost overruns for fiscal years 1987 and 1988, the Air Force had to devise a clever money laundering scheme, and they did. It got blessed all the way up the line, even by the Secretary at the time, Mr. Rice.

First, the Air Force terminated fiscal years 1988 and 1987 contracts one day for the convenience of the Government and then immediately, within a few days, went right out and reawarded new contracts to the same company.

That is called reprocurement. I call it simply a laundry operation. It is a way of trying to make old work look like new work. You douse the old work with a little perfume and, presto, it smells and looks just like new work. It is all white, it is all starched, it is like sending your dirty shirts to the blanchery. The Air Force even gave the contractor $587,000 to relabel the missiles. This was another futile attempt to make the work and money match up. But even half a million dollars' worth of new labels did not quite do it.

Mr. President, I ask unanimous consent to print an Air Force information paper on the ACM relabeling operation in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

[Memorandum]

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE ASSISTANT SECRETARY,
August 11, 1993.

Mr. CHARLIE MURPHY,
Senator Grassley's Office.

CHARLIE, Attached our response to your question on the Re-labeling. I should have answers to your other questions next week. Call if you need more information.

GARY M. RUSNAK,
Assistant for Congressional Matters, Office of Budget & Appropriations Liaison.

DEPARTMENT OF DEFENSE INFORMATION PAPER

AUGUST 11, 1993.

Service/Agency: Department of the Air Force.

Appropriation Account: Procurement, AF.

Budget Activity: 0101120F.

Subject: ACM Program Status Report.

1. Question; Why did the Air Force spend $600,000 to "re-label" 120 FY 1987 and FY 1988 ACM missiles?

2. Response: The Air Force did not spend $600,000 to "re-label" 120 FY87 and 1988 ACM missiles. The Air Force did spend $586,702 for a variety of tasks that the contractor would not have performed had the original contracts continued without termination. These tasks were captured under the activity entitled "Administrative Restructure Costs." The effort to change tail number documentation is just one example of the type of tasks included in "Administrative Restructure Costs" and was never intended to be interpreted as the only task involved. Since the actual nameplates were not yet installed on any of the missiles involved when the Air Force bill was paid, the Government did pay for any hardware changes. The Air Force paid approximately 2.8% of the total settled amount (or approximately $16,500) to change the nameplate documentation for the tail numbers. The tasks in the settled amount of $586,702 not only included those required to change the tail number documents, but the following efforts as well:

a. Establish accounts for the new FY92 contract and allocate costs to the appropriate contracts.

b. Sort all tasks on the FY87 and FY88 contracts into those that are completed and those requiring completion and the subsequent development of contract line items.

c. Prepare proposals, fact, find, and negotiate the entire restructure of the program. This activity included writing and negotiating special contract provisions for an extremely complicated restructure which required many resources and stretched over a twelve month period. This activity also included the Administrative Restructure proposal and negotiations.

d. Develop the FY90/91 residual material lists.

e. Change the Government Furnished Property (GFP) Documents and system for accounting for GFP.

f. Change the configuration status accounting system and other documentation including Air Force technical orders and all other contract data requirements to reflect the changed tail numbers.

3. Please provide a line-by-line comparison of the information on the new labels versus the information on the original labels. Were the serial numbers changed? Were the contract numbers changed? Were the fiscal years changed? If changed, what information was placed on the new labels? Exactly how did the information on the labels change?

4. Response: The following table shows the old tail numbers/old contracts and new tail numbers/new contracts to which they were changed. The term "tail number" is synonymous with the term "serial number." The contract numbers were also changed along with the Fiscal Years as reflected in the table. The Fiscal Year is reflected in the first part of the tail/serial number.

TAIL NUMBERS

Contract number/Fiscal year				
F33657–88–C–0103 Fiscal year 87	F33657–88–C–0103 Fiscal year 88	F33657–89–C–0082 Fiscal year 90	F33657–89–C–0082 Fiscal year 91	F33657–91–C–0032 Fiscal year 92
87–0803				*92–13000*
87–0804				*92–13001*
87–0843				*92–13002*
87–0845				*92–13003*
87–0846				*92–13004*
87–0856				*92–13005*
87–0857				*92–13006*
87–0860				*92–13007*
87–0861				*92–13008*
87–0865				*92–13009*
87–0867				*92–13010*
thru 87–0952				thru 92–13095
	88–1362 thru 88–1376	*90–0061 thru 90–0075*		
	88–1377 thru 88–1385		*91–0180 thru 91–0188*	
	88–1386 thru 88–1408			*92–13097* thru 92–13119
	88–1423			*92–13096*

The numbers in italics are the new tail/serial numbers. The regular type numbers are the old tail/serial numbers.

MEMORANDUM

To: Major Gary Rusnak, Budget Liaison Office.

From: Charlie Murphy, Office of Senator Grassley.

Date: July 26, 1993.

Subj: ACM Reprocurement.

I have several questions regarding the ACM reprocurement scheme.

Why did the Air Force spend $600,000 to "re-label" 120 FY 1987 and 1988 ACM missiles?

Please provide a line-by-line comparison of the information on the new labels versus the information on the original labels. Were the serial numbers changed? Were the contract numbers changed? Were the fiscal years changed? If changed, what information was placed on the new labels. Exactly how did the information on the labels change.

A response is requested by August 9, 1993.

Mr. GRASSLEY. Thank you, Mr. President. The fact is, you can put a new label on an old missile, but it is still an old missile.

What was the job that had to be done? What was the work at hand? Why was the extra money needed? The answer is simple: Finish 144 incomplete fiscal years 1987 and 1988 missiles; fiscal years 1990 through 1992 dollars were used to finish those 144 missiles. This is a possible violation of sections 1301 and 1502, title 31, United States Code.

The net result of this illegal maneuvering was a loss of 60 missiles. Those 60 missiles were partially complete when their contracts were terminated to regenerate the cash. None of the terminated fiscal years 1990 through 1992 missiles were ever completed. Those 66 missiles were left for scrap on the factory floor. They remain in bonded storage at the Hughes plant in San Diego, CA.

The Air Force has tried to assure me that—and these are their words—"residual ACM materials are," in their words, "adequately controlled."

Control of residual material is not my concern. It is the very existence of the ACM residual material that bothers me and the cute laundering that went on to cover cost overruns of contracts for 1987 and 1988 and we got 60 missiles that are probably nothing but scrap on the floor there in San Diego.

Now, the Air Force will tell you these are spare parts. Let me tell you they have plenty of spare parts. They do not need any more spare parts. That is just an excuse.

The General Accounting Office recently examined all the contracts issued surrounding what I have just described here, this reprocurement scheme. The result of that work is laid out in a report entitled, "Strategic Missiles: Issues Regarding Advanced Cruise Missile Program Restructuring, NSIAD–94–145" dated May 1994. And that is recent. I have quoted some older documents, but this as recent as 4 months ago.

The General Accounting Office looked at this. Now, the General Accounting Office estimates that the stored material is worth $227 million but suggests that some portion of this material could be used for spare parts.

I do not buy that argument. It does not make sense. Those spare parts should be excess to requirements. The Air Force should have bought enough spare parts to support all operational ACM missiles. More spares are redundant and unnecessary. Having unneeded spares so no way to lessen waste and mismanagement in this ACM program. The excess spares are nothing more than an ACM missile that was never assembled and delivered—60 of them.

The Air Force paid General Dynamics top dollar for all-up missiles but got nothing of value. That is the bottom line, nothing. They threw the missiles on the scrap heap to conceal a very blatant violation of law. This is destructive, this is wasteful, and it amounts to lost military capability. At $5 million a shot—and that is the figure—that amounts to at least $300 million poured down the rathole, trashed. When termination cost and everything else is included, total losses on ACM contracts would easily approach $400 million or more.

My discussion to this point has been based mainly on the fine work done by the inspector general and the General Accounting Office.

I would like now to shift gears and examine the problems through the eyes of the Armed Services Committee. Its appraisal appears on pages 55 to 57 of report No. 102–352. The committee's appraisal is very honest, but it is also very damaging. The committee—and this is their word—is "distressed" by what happened in the ACM program.

The committee took a dim view of the ACM reprocurement scheme. While the committee never mentions Colonel Bolton by name, the mismanagement described in the committee's report clearly happened on Colonel Bolton's watch. The committee said, "By terminating the contracts for convenience, the Air Force both gave up its negotiated ceiling cost cap and jeopardized the warranties on practically completed ACM's."

The committee criticized the Air Force for doing this, and these are their words, "without prior consultation with the Congressional defense committees."

The Air Force should have come then, in other words, to Congress and should have asked for relief. That is what the antideficiency law requires. The Air Force should have submitted requests to cover these shortfalls. The money should have been reviewed by Congress. The money should have been appropriated by Congress if it was needed. You should not have had this money laundering, canceling of contracts to cover cost overruns of 1987 and 1988 and then issue new contracts almost the next day. The committee had this to say:

> Had new contracts been completed, the Air Force would have had to pay both more profit to the contractor than would have been provided under the original contracts and more than the ceiling amounts in the original contracts.

The words of the Armed Services report.

Well, we do not know exactly how all of this played out, but it sure does not sound very good. Here is some more from the committee report. The Armed Services Committee of the Senate said this:

> The Air Force has dug itself into a deep hole on the ACM program . . . and the Committee does not intend to extricate the Air Force from its current predicament. . . . The Committee does not intend to solve this Air Force problem.

So I think it is very clear that the committee was angry about the way the Air Force was running the ACM program. The committee feared their program would "end in expensive and wasteful disarray." That is a quote.

Well, it seems like the committee fears came about. The same concerns were echoed in a conference report in the fiscal year 1993 defense authorization bill, House report 102–966, page 538. The conference committee gave the ACM a thumbs down appraisal. The conferees expressed frustration and serious concern over the possibility of repetitions of the "ACM fiasco."

Those words, "ACM fiasco" are in the House report. The committee feared that the Air Force had no plan to avoid such fiascoes other than to ask congressional defense committees for a bailout.

That is what the House report said—the conferees looked on the ACM program as a fiasco. That is kind of like saying it is a total failure. Those responsible for such mismanagement and waste must be identified and must be removed from office. They must be held accountable in some way.

So that is how I got to where I am on Colonel Bolton's nomination. Obviously, almost nobody in this body agrees. There are people here who know that the ACM program is wrong, but they do not see Bolton, as program manager, as the one who ought to have his head chopped off as a result of it.

That would not be so bad in and of itself, Mr. President, but somewhere in the management of this program, from program manager up the chain someplace, somebody ought to pay a price for this.

In a similar program I am going to talk about, the C–17 program, the program manager, a guy by the name of Butchko, his head was chopped off. He was removed from that position. But somehow when it comes to the ACM and Colonel Bolton, it is not his fault; it is somebody else's fault higher up.

OK with me. I do not care. But how are you ever going to get accountability of the taxpayers' dollars; how are you going to see that the law is followed; how are you going to make sure that the antideficiency law is not violated; and, if it is violated, somebody is going to be punished if there is not accountability?

It seems to me the title program manager makes you accountable. And, remember, as I said to Senator NUNN earlier—he said, well, Colonel Bolton reported this. He should be praised for reporting it.

But remember, he came on this job in 1989. We have a 1991 DOD IG report that said there is possible violation of the Antideficiency Act. That was on Colonel Bolton's watch. And that is by the independent DOD IG.

I think I have to take the judgment of an independent person whose job is to see that the taxpayers' money is spent wisely and honestly and legally and that that person is not subject to political pressure. And the IG's are set up to be independent. In other words, not subject to political pressure Colonel Bolton was program manager September 1989 through September 1992.

The inspector general's findings are unambiguous and conclusive. Under law, the inspector general is authorized to investigate and report violations of the law and to fix responsibility when necessary. I also believe that Colonel Bolton is responsible for the reprocurement plan and its wasteful aftermath. While the reprocurement plan was developed, approved and directed from Air Force headquarters, Colonel Bolton as program manager was responsible for carrying out that plan, and he did carry it out. That plan was destructive.

What is wrong with that is that the plan was destructive. It was wasteful and it was illegal.

For 50 years our society has not accepted the excuse of militaries anywhere in the world that carrying out orders and violating law is an excuse. Remember one of our principal adversaries this century. A lot of the people in the officer corps tried to avoid responsibility for the murder of a lot of innocent citizens in Europe during World War II because they were just carrying out orders.

It is the ethic within the military to not tolerate cheating, stealing, or put up with nobody that does the same. That has to be true of anybody who takes an oath to uphold the laws of their country, and our military people do. It seems to me that just because it was higher up, a program manager cannot allow the violation of law.

As I said before, if Colonel Bolton is not responsible as program manager, whereas Butchko was, on the C–17, then somebody is responsible. Because if you do not hold somebody responsible, how are you ever going to get any accountability in Government?

If it is as bad as has been referred to, that there is something wrong with the system, you cannot always be blaming the system because that is like blaming no one. You never have responsibility in that sort of environment.

I know that when it comes to procurement the Armed Services Committee of this body has taken a great deal of time over the last few years to get changes in law and changes in regulations and procedures to make sure that we get a better system. I compliment them on that. It does not matter how good the system is. If you do not hold people responsible and accountable when they do something wrong, particularly if they violate the Anti-Deficiency Act, how are you going to ever get accounting?

In view of the Air Force's challenge, the inspector general asked the General Accounting Office to resolve the conflict and to render a final opinion. The General Accounting Office's opinion is expected to be issued sometime this fall.

Mr. President, I want to bring this unresolved issue to the attention of my colleagues. I would hope that we would not have proceeded with the nomination of Colonel Bolton until all of these facts were in. The committee decided to.

The distinguished chairman of the committee has in a colloquy here on the floor of this body consented to writing to the Department of Defense, specifically including the independent DOD Inspector General to look at this whole program. The program itself has been looked at, but look at it from the standpoint of who is responsible. Somebody has to be responsible when you have $300 million worth of scrap in the Hughes warehouse in San Diego of uncompleted ACM missile.

CONCLUDING REMARKS ON THE NOMINATION OF COL. CLAUDE BOLTON, U.S. AIR FORCE, FOR PROMOTION TO BRIGADIER GENERAL

Mr. NUNN. Mr. President, I urge the Senate to support the nomination of Col. Claude Bolton, U.S. Air Force, for promotion to the grade of brigadier general.

Colonel Bolton is a Vietnam combat veteran, where he flew over 200 combat missions, including 40 missions over North Vietnam. Following his service in Vietnam, he served as a test pilot for the F–4, the F–111, and F–15 aircraft. More recently, he was the first program manager for Advanced Tactical Fighter Technologies Program, which evolved into the F–22. He then served as the program manager for the Advanced Cruise Missile Program. According to Deputy Secretary of Defense Deutch, Colonel Bolton "turned around a troubled program and produced technically sound missiles meeting the requirements of the Air Force."

Since March 1993, he has served as the commandant of the Defense Systems Management College. Deputy

Secretary Deutch has advised the committee that he has "had the opportunity to personally observe Colonel Bolton's performance over the last 18 months in his capacity as the commander of the Defense Systems Management College. His service in that capacity, as in his earlier assignment, has been outstanding."

Colonel Bolton was selected for promotion by a duly authorized selection board. He was nominated for promotion by the Senate. He deserves this promotion.

Senator GRASSLEY has spoken in detail about the funding problems for the advanced cruise missile. Our committee is well aware of those problems. What is important here, however, is that Colonel Bolton did not cause those problems, and he acted promptly to address them. He brought the problems to the attention of his superiors, and they designed a funding plan.

On September 30, 1994, Deputy Secretary Deutch provided the committee with his views on the issues concerning Colonel Bolton and the advanced cruise missile:

> I have personally reviewed the issues that have been raised about his management of the ACM program as a result of a DOD Inspector General Report on Air Force missile procurement. The report, which did not allege any misconduct or other deficiency by Colonel Bolton, recommended that the Air Force review and report on violations of the Anti-Deficiency Act. The Air Force conducted the review, and determined that the actions taken to fund the program did not violate the Anti-Deficiency Act. The Department of Defense General Counsel and the DOD Comptroller both have concurred in this determination.

Secretary Deutch added:

> It is important to note that the funding decisions at issue were not made by Colonel Bolton; rather, they were made by the Secretary of the Air Force, with the advice and concurrence of the senior leadership of the service. Colonel Bolton reasonably and properly relied on their decisions and direction in his implementation of the program.

In summary, Mr. President, Colonel Bolton is a combat veteran and an acquisition specialist whose record has been characterized by the leaders of the Department of Defense as outstanding. With respect to the ACM program, the Deputy Secretary has noted that there is "no basis * * * for concluding that there was any significant deficiency in Colonel Bolton's management of the program. On the contrary, * * * he acted with professionalism and integrity to identify problems and implement the decisions made by authorized superior officials."

Secretary Deutch concluded:

> Colonel Bolton has served his Nation with skill and dignity. I am confident that he has much more to offer our Nation.* * *

Mr. President, whatever disagreements may exist between the IG and the Air Force on the funding of the advanced cruise missile, they involve decisions that were made above Colonel Bolton's level by the Secretary of the Air Force in the last administration. He has an outstanding record and he should be confirmed.

THE NOMINATION OF AIR FORCE LT. GEN. EDWARD P. BARRY, JR.

Mr. GRASSLEY. Mr. President, I would now like to give my reasons for opposing the pending nomination of Air Force Lt. Gen. Edward P. Barry, Jr.

General Barry is currently serving as the commander, Space and Missile Center, Air Force Material Command, Los Angeles Air Force Station, CA.

He applied for retirement on May 4, 1993.

His decision to retire came after he was disciplined by the Secretary of Defense for his involvement in a scheme to make illegal progress payment to McDonnell Douglas on the C–17 aircraft program.

On October 28, 1993, the President nominated General Barry for advancement on the retired list in the grade of lieutenant general, effective December 1, 1993.

Since the Senate did not act on his nomination, General Barry did not retire as planned.

And we will be acting on it this year before we adjourn now. But I want to state my opposition to the Barry nomination.

My opposition to the Barry nomination stems from his activities while program executive officer for tactical and airlift programs.

He occupied that position from February 1990, until July 1991.

During that period of time, he was responsible for program planning and execution of the advanced tactical fighter, F–15, F–16, T–1A, and C–17 aircraft programs.

His decisions on the C–17 aircraft are the primary source of my concern.

Once again, Mr. President, my objection to a nominee rests squarely on the work of the inspector general at the Department of Defense.

In January 1993, the inspector general concluded an indepth investigation into Air Force payments to McDonnell Douglas on C–17 contracts.

The results of that investigation are contained in a report entitled "Government Actions Concerning McDonnell Douglas Corporation Financial Condition During 1990."

The inspector general found that a group of five senior Air Force officials acted in concert to carry out a scheme—based on "false information and improper cost charging practices"—to make illegal progress payments to McDonnell Douglas.

Mr. President, in simple terms, this was a backdoor bailout operation to help McDonnell Douglas out of a financial tight spot.

The investigation focused on transactions that occurred between July 1, 1990, and December 31, 1990.

The inspector general recommended that disciplinary action be taken against five senior Air Force officials, including the C–17 program executive officer, Lieutenant General Barry.

The other four officials recommended for disciplinary action were as follows: former Deputy Chief of Staff for contracting at the Air Force Systems Command, Ms. Darleen A. Druyan; former C–17 system program director, Maj. Gen. Michael J. Butchko, Jr.; former deputy comptroller for the Air Force Systems Command, Brig. Gen. John M. Nauseef; and C–17 deputy director of contracting, Mr. A. Allen Hixenbaugh.

According to the inspector general, General Barry and his accomplices behaved in very dishonest and improper ways. They knowingly provided senior acquisition officials with incomplete, misleading, and even false information.

They used deception.

They "abused their position of responsibility and authority."

And worst of all, they used intimidation to force subordinates to acquiese in their illegal plan.

The inspector general concludes that their actions, taken together, "impaired established Government oversight and internal management control processes."

Their actions resulted in numerous violations of Federal statutory law and acquisition regulations.

Mr. President, this is not what the Senator from Iowa said they did.

This is what the inspector general at the Department of Defense said General Barry and his accomplices did.

Mr. President, this is a devastating report. It suggests a total disregard for the laws that govern the use of the taxpayers' money.

As the C–17 Program Executive Officer, General Barry was right in the middle of the scheme.

General Barry was in a critical acquisition management position.

His job was to supervise the work of the program manager, General Butchko—to review and approve his decisions.

One of his main responsibilities under DOD regulation 5000.1, was to "review and assess the significance of problems reported" by Butchko.

His main responsibility was to determine the level of risk associated with the problems identified by General Butchko.

No matter how you slice, General Barry was in a key position. He was up to his ears in this scheme.

Mr. President, last evening, the Senator from Georgia, the chairman of the committee, suggested that General Barry had made one small misstep.

I assume that the incident he mentioned is the one described on page 23 of the IG report.

Mr. President, that is just the tip of the iceberg.

The IG has reams of material that clearly demonstrates that General Barry engaged in misconduct with the others.

I do not have that material, but it exists. I can assure you of that.

That material is the foundation for the IG's recommendation and the Secretary of Defense's decision.

If the committee thinks the October 25, 1990, document is the only incident involving General Barry, then the committee needs to examine the IG's extensive files.

So, Mr. President, if illegal C–17 progress payments were made to McDonnell Douglas between July and December 1990—and DOD inspector general has documented the fact that illegal payments were indeed made, then General Barry is, at least, in part, responsible for what happened.

The DOD inspector general says Barry was responsible.

The Secretary of Defense at the time, Secretary Aspin, said General Barry was responsible and should be held accountable.

Now, what was the problem that General Barry and the others were wrestling with?

McDonnell Douglas was facing a $1.5 to $2 billion cost overrun on C–17 fixed-price contracts. That loss came on top of other major financial losses—mainly the losses on the Navy's A–12 stealth bomber.

To soften the blow, General Barry and his accomplices devised a clever scheme to cover up mounting schedule delays and a burgeoning cost overrun in order to maintain a steady flow of cash to McDonnell Douglas.

When all the R&D money was exhausted and there were still $235 million outstanding bills against the R&D contract, these officials arbitrarily shifted the cost overrun to the production contract that was fat on cash.

This procedure, known as the infamous Journal Voucher Operation, violated several statutes, including the antideficiency act.

The antideficiency act violation is still under investigation. It still has not been resolved. The DOD inspector general is still wrestling with it.

Mr. President, the journal voucher transfer operation was a crooked scheme.

They also authorized progress payments that were not commensurate with the work performed. They were premature progress payments. McDonnell Douglas had not earned the money yet but got paid anyway. They needed the money and got it.

This was contractor nourishment at its worst.

That term "contractor nourishment" is something used every day over at the Pentagon to talk about these sorts of schemes—only you are not supposed to know what contract nourishment is.

In all, illegal progress payments on C–17 contracts totaled about $350 million, according to the inspector general.

The $350 million in premature progress payments was for one brief 6-month period—July through December 1990. That is the period of time examined by the inspector general's investigation.

Other illegal payments may have occurred before or after those dates. We do not know.

Premature C–17 progress payments violated section 2307 of title 10 of the U.S. Code.

The C–17 program management team showed contempt for this law.

They ignored it, making payments to McDonnell Douglas according to their own standards and the contractor's needs. There was no effort to protect the taxpayers' interests.

I am disgusted by the way the money was shoveled around on C–17 contracts. I spoke about this problem on the floor of the Senate on numerous occasions.

I was so angry about it that I offered an amendment to the fiscal year 1994 defense appropriations bill to address the problem—to ensure that future C–17 progress payments conform with the law. That order was given on February 19, 1993.

The "Air Force Review of the January 14, 1993, DOD IG Report on the C–17" was completed in April 1993.

This report is known as the Nordquist report—after the Air Force deputy general counsel, who directed the effort.

This was another typical Air Force reinvestigation of a DOD inspector general investigation.

It was a whitewash.

In a nutshell, the Air Force concluded that there was no factual basis or evidence to support the suggestion that the five officials may have engaged in criminal conduct.

The inspector general never charged General Barry and the others with criminal conduct. The inspector general never called for criminal prosecution.

This was not a criminal investigation. It was an administrative inquiry from day one.

Clearly, the IG report raised questions about the possibility of criminal conduct.

The inspector general suggested that General Butchko and the others knowingly made false statements and that all of them together "acted in concert to develop and implement a plan which was based on false and misleading information."

Making false statements and engaging in a conspiracy constitute potential criminal conduct and potential court martial offenses under the Uniform Code of Military Justice, Articles 87 and 107.

But the IG never attempted to pursue those charges.

The amendment was accepted and is now law: section 8145 of Public Law 103–139, signed by the President on November 11, 1993.

All the facts that support these findings are carefully and thoroughly documented in the inspector general's report.

This report was then submitted to the Secretary of Defense for further review.

The Secretary of Defense at that time was Mr. Les Aspin.

After reviewing the inspector general's report, Secretary Aspin ordered the Air Force to respond to the allegations with 60 days.

So the question of criminal conduct was really a red herring.

But the Nordquist report also suggested that there was no evidence that would warrant the need for disciplinary action.

Former Secretary of Defense Aspin disagreed with that judgment.

Secretary of Defense Aspin's final decision on the need for disciplinary action is outlined in a memo dated April 29, 1993. The memo is directed to the Acting Secretary of the Air Force.

The memo bears Mr. Aspin's signature.

Mr. President, I would like to read the memo in its entirety. It says:

> In January, the Deputy Inspector General released a report on the C–17 program and the financial condition of the McDonnell-Douglas Corporation. The report raised questions about the management and financial integrity of the C–17 program, and specifically about Air Force actions to provide financial assistance to the Douglas Aircraft Company in late 1990.
>
> After reviewing the Inspector General's report, I directed the Air Force to respond to the allegations. This instruction was issued in my memorandum of February 19.
>
> Last week, the Air Force forwarded its response. I have now reviewed the report and the Air Force comments concerning allegations about five key Air Force personnel involved in the C–17 acquisition program.
>
> In its examination of the allegations, the Air Force found no basis to believe that criminal conduct was involved in the management of the program. The facts presented to date by the Deputy Inspector General and the Air Force suggest that this finding is correct.
>
> The Air Force also found that some management actions, while questionable, were within a range of normal management discretion. I disagree with this judgment.
>
> The defense acquisition system operates on the principle of centralized policymaking and decentralized execution. At the heart of the system is the need for accountability at all levels. If the system is to work, then those charged with the responsibility for the management of billion dollar systems must perform to the highest standard.
>
> The story of the C–17 program reflects an unwillingness on the part of some high-ranking acquisition professionals to acknowledge program difficulties and to take decisive action.

I hope I made that clear:

> The story of the C–17 program reflects an unwillingness on the part of some high ranking acquisition professionals to acknowledge program difficulties and to take decisive action.

Let me comment here because it fits into some other things. Even the Secretary of Defense says that it is difficult to get people to hold other people who ought to be responsible and accountable for what they do.

I am continuing to quote:

> Without questioning the motivation of Air Force personnel, I must insist that program leaders understand their responsibilities to identify, early and forthrightly, significant program difficulties. Clearly, this was not done in the case of the C-17.

This is what Secretary Aspin orders:

> Consequently, I direct that you take the following actions:
>
> First, because the former program manager has not demonstrated the judgment necessary for senior leadership positions, he should be relieved of his current duties.

That is General Butchko, and that did happen.

> Second, the lack of judgment of four of the five individuals should be made part of their permanent record.

So the Secretary of Defense is saying that what four individuals, including Barry, did is so significant or their shortcomings, we will say were so significant that it should be made a part of their permanent record:

> Third, because I have lost confidence that four of the five individuals identified in the Deputy Inspector General's report can be effective in acquisition, they should not be assigned to work in the acquisition management area.

One of those, Barry, is who the President and the committee wants to advance to lieutenant general rank for retirement.

Should we give the stamp of approval of the Senate to a person who has been so cited by the Secretary of Defense?

And the final two paragraphs by the Secretary say:

> Knowing that both civilian and military Air Force personnel in the acquisition system are dedicated, capable professionals, I trust that this community will recognize that the motivation for my actions is to strengthen the acquisition system and to encourage its efficient operation.

It sounds to me like the Secretary is saying that if people did something wrong, you have to cite them for their wrongdoing, someone's head has to roll, and by doing that you are going to strengthen the system by holding people accountable.

> Finally, it is apparent that allegations of misconduct in an Inspector General report also present difficult issues of fairness for the rights of those who work in the Department of Defense. Therefore, I am asking the DoD General Counsel to develop procedures with the Inspector General for dealing fairly with individuals who are the subject of such reports.

Now, does Secretary's decision clear General Barry?

Does it tell us that General Barry distinguished himself as C-17 Program executive officer?

Does it say that General Barry did a good job?

Does it tell us that General Barry is affirmatively qualified for confirmation by the Senate?

Mr. President, I believe the answer is "No." Obviously, the committee believes otherwise.

Mr. Aspin's memo tells us that General Barry is, in part, responsible for what happened.

He is responsible and must be held accountable.

The Secretary of Defense said he had "lost confidence" in General Barry, and he "should not be assigned to work in the acquisition management area."

A formal letter of reprimand was placed in his permanent record.

Secretary Aspin's decision had the practical effect of relieving Barry of most of his command.

As Commander of the Space and Missile Systems Center, he is responsible for managing the acquisition of space launch, command and control, and satellite systems.

If General Barry cannot make acquisition management decisions, I might ask and I am questioning Secretary Aspin, why has he been allowed to remain at that important post for the past 18 months?

Why?

I have some suspicions but no hard evidence. These are my suspicions.

General Barry and the Air Force figured if they waited long enough, the C-17 scandal would blow over and everyone would forget about it. Then they could sneak his nomination through under the cover of darkness.

It was not done under the cover of darkness, but it was done the very last business before we adjourned.

Also, I know the Air Force holds the inspector general in low regard.

The Air Force likes to thumb its nose at the inspector general. The Air Force does it and gets away with it.

I would like to try to put that assertion into better perspective.

Consider the current Chief of Staff McPeak's comments before the House Armed Services Committee on April 1, 1993.

McPeak's remarks were directed at the inspector general's report on the C-17 and all the controversy it created.

All that criticism, he testified, "presupposes that a lot of the charges that have been made by, you know, newspaper people and adolescent auditors and so forth are true," but "many of these charges will turn out not to be true in the long run."

That's Chief of Staff McPeak referring to the inspector general as "adolescent auditors." That's how the Air Force views the inspector general—"Adolescent auditors." That does not show a lot of respect by the Air Force Chief of Staff of the inspector general and the people who work there.

This cavalier attitude is reflected in the way the Air Force carried out the disciplinary action dished up by the Secretary of Defense.

It was rendered down to not much more than political fluff.

Let us look at what happened after Secretary Aspin's decision of April 29, 1993.

What happened to the five persons who were identified as being responsible for abusive practices and mismanagement on C-17 contracts.

What happened to these people? Were they held accountable as Secretary Aspin promised?

First, General Butchko:

General Butchko got hammered for sure, but that decision was made by the Secretary of Defense.

He was relieved of command and retired immediately.

Butchko was held accountable.

General Butchko's boss—the man who presumably reviewed and approved all of Butchko's actions—and I am talking about General Barry—he has been allowed to wait in the wings for a fat nomination.

But I will return to Barry in a moment.

Next, there is Brigadier General Nauseef.

Following the inspector general's uncovering of wrongdoing and the Secretary of Defense's decision to discipline him for it, the Air Force recommended that Nauseef be promoted.

Nauseef's nomination for promotion to the rank of major general was submitted to the Senate for approval on January 20, 1993—after the inspector general's report was issued on January 14.

Now, if that is not contempt for an inspector general's report, what is?

Keep in mind that the inspector general's investigation began in February 1992.

That Nauseef was a principal target should have been a well-known fact within the Air Force long before January 1993.

The inspector general and the Secretary of Defense call for disciplinary action and the Air Force responds with a call for promotion.

That defies reason and understanding.

Well, after considerable criticism and complaint, the President did withdraw the Nauseef nomination on July 23, 1993.

Then came the Barry nomination.

On October 28, 1993, the President nominated Barry for advancement on the retirement list in the grade of lieutenant general.

Here is another request for Senate confirmation in the face of calls for disciplinary action.

How do you square a call for disciplinary action with a request for Senate confirmation?

Senate confirmation and disciplinary action seem to be incompatible.

There is an additional factor bearing on the pending Barry nomination.

Barry was promoted from the rank of major general to his current rank of lieutenant general after engaging in the alleged abuses and mismanagement procedures reported by the inspector general.

The misconduct by General Barry occurred between July and December 1990.

His promotion to lieutenant general was approved by the Senate on May 15, 1991. His date of rank is June 1, 1991.

Had the misconduct been verified and documented by the inspector general prior to June 1, 1991, General Barry's advancement to the rank of lieutenant general might never have approved.

After General Barry comes Ms. Darleen Druyan.

After looking at all the evidence, Dr. Deutch "concluded that punishment of Mrs. Druyan was not appropriate and she would continue to hold her present position." He said her "involvement was too limited" to warrant disciplinary action.

She only did one bank robbery, in a sense. She got in and out quick. So that is evidentially OK.

Ms. Druyan currently occupies a key position in the acquisition management area. She is the Deputy Assistant Secretary of the Air Force for Acquisition.

She moved into this position in February 1993—that is about 1 month after the inspector general recommended that she be disciplined for her involvement in the scheme to funnel illegal payments to McDonnell Douglas.

Mr. President, it sounds like Ms. Druyan received an award for her role in the C–17 caper. It sounds like a reward. It sounds like another promotion.

And Ms. Druyan has been promoted up again—just recently—to the Principal Deputy Secretary of the Air Force for Acquisition.

I have to confess that the fate of Mr. Hixenbaugh, the last one of the five, is unknown.

He is still on the job, as far as I know.

On April 29, 1993, Secretary of Defense Aspin took decisive action against four senior Air Force officials for misconduct on the C–17 program.

Aspin sent out a clear, unambiguous signal: Zero tolerance toward dishonesty and abusive practices in the acquisition community.

It was meant to be a stern lesson in accountability.

But Aspin's lesson in accountability was turned upside down by the Air Force.

I would like to revisit the Secretary of Defense's decision of April 29, 1993.

I would like to go over the main points one more time.

I think they contain a powerful message about Barry's suitability for Senate confirmation.

The Secretary of Defense said there is a need for accountability at all levels.

The Secretary of Defense said that those who are charged with the responsibility of managing billion dollar systems must perform to the highest standards.

Those who fail must be held accountable.

The Secretary of Defense said:

> The story of the C–17 program reflects an unwillingness on the part of some high-ranking acquisition professionals to acknowledge program difficulties and to take decisive action."

That is a very kind way of explaining what really happened.

These high officials acted in concert to funnel illegal payments to McDonnell Douglas.

The Secretary of Defense said General Barry and three others had demonstrated a lack of judgement.

For that, he placed formal letters of reprimand in their permanent records.

The Secretary of Defense said that he had lost confidence in General Barry and three others.

The Secretary of Defense said he believed that those four individuals could no longer be effective in acquisition and that they should be removed or bannished from the acquisition management area.

The Secretary of Defense said: I have "losc confidence" in General Barry; I will place a formal letter of reprimand in his permanent record for misconduct; I do not trust his judgement; I will banish him from the acquisition management area.

The Secretary's decision had the practical effect of relieving General Barry of his present command.

As commander of the Space and Missile System Center, General Barry is responsible for managing the acquisition of space launch, command and control, and satellite systems.

Under Secretary Aspin's directive of April 29, 1993, General Barry is not authorized to carry out his primary responsibility.

In sum, Mr. President, Secretary Aspin's decision regarding General Barry's misconduct is not compatible with Senate confirmation.

Senate confirmation and strict disciplinary action just do not go together. They do not mesh.

Mr. President, now, there is new, damaging allegations against General Barry.

These new allegations against General Barry are contained in a recent report prepared by the Inspector General.

The report is entitled "Air Force Merged Account Obligations," Audit Report No. 94–139, dated June 17, 1994.

I have a copy of that document. I am not going to read from it, but I will hold it up so that you know that this document contains new allegations against General Barry as recently as June 14, 1994, written up by an independent person, the Inspector General.

Once again, the Inspector General caught General Barry making illegal payments to contractors—progress payments for work that had not been performed—just like on the C–17 contracts.

General Barry approved a policy that authorized illegal payments of $9.9 million to General Electric and TRW on two satellite contracts.

On August 17, 1993, I wrote to the Secretary of the Air Force, asking if the illegal authority granted by General Barry had been rescinded and if the money had been recovered.

Mr. President, I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 17, 1994.

Hon. SHEILA E. WIDNALL,
Secretary of the Air Force,
Pentagon, Washington, DC.

DEAR SECRETARY WIDNALL: I am writing to raise questions about a finding in a recent Department of Defense Inspector General's (IG) report that the Air Force made illegal advance payments on two satellite contracts.

The IG report in question is entitled "Air Force Merged Account Obligations," Audit Report No. 94–139. It was issued on June 17, 1994.

The IG charges that the Air Force paid two contractors—General Electric and TRW—at least $9.9 million for unearned "on-orbit incentive fees", for satellite systems. The money was taken from the M accounts.

These payments violated Section 3324 of Title 31 of the U.S. Code. Section 3324 allows advance payments but only if authorized by a specific appropriation or other law or by the President. No such authorization existed.

These payments also failed to comply with Section 2307 of Title 10 of the U.S. Code and a host of related federal and departmental regulations, including the Federal Acquisition Regulation (Subpart 32.402; Paragraph 32.409–1), the Defense Federal Acquisition Regulation Supplement (Subpart 232.4; Paragraph 232.409–1), and DOD Manual 7220.9M (Chapters 25 and 35 of the Accounting Manual).

Instead of obeying the law, the IG charges that the Air Force used a "local" policy issued by the Space and Missile Systems Center in Los Angeles, California, in an unsuccessful attempt to legalize the payments and circumvent the law.

Secretary Widnall, the IG report states that the policy document, which was used to authorize illegal payments of $9.9 million to General Electric and TRW, was signed by the current Commander of the Space and Missile Systems Center, Lieutenant General Edward P. Barry, Jr. Is that correct? Has the authority granted in the policy document signed by General Barry been rescinded? Have the illegal payments been recovered by the government? Was the Antideficiency Act violated in either case? Who approved the advance payments? And are there any indications that General Barry is continuing to exercise "acquisition management" responsibilities in violation of former Secretary Aspin's directive of April 29, 1993?

I respectfully request answers to these six questions by August 30, 1994.

Your cooperation in this matter would be appreciated.

Sincerely,

CHARLES E. GRASSLEY.

Mr. GRASSLEY. That letter was sent out on August 17. Almost 2 months have passed, but I have yet to receive an answer.

Mr. President, there is just too much unfavorable information on General Barry. The Senate should not confirm him for advancement on the retired list in grade of lieutenant general.

These nominations will be subject to a voice vote. I want the RECORD to show that if there were a recorded vote, I would vote against these two nominations.

Mr. President, I am going to yield the floor just in a moment. For this Congress, I believe that this is all I have to say on these nominations.

But I hope, first of all, that all the reform that has been suggested to be made to correct these situations materializes. If they materialize, if they are as good as the chairman of the committee suggests, then perhaps that takes care of a big part of the problem. I am dubious that that is going to be the case. It is doubtful in my mind that that is going to be the case. I have seen too many other times where we passed reforms and they are just not carried out the way we intended them.

I hope also that maybe the debate yesterday and today on these three nominations and the 30 votes against the Glosson nomination and the votes that we had against Admiral Kelso, several votes against him, and the outstanding work done by some of the Members on that nomination, send a signal that Senate confirmation of military promotions is not going to be taken lightly by a lot of us in this Chamber, and that you can expect that I am going to continue to review these nominations next year.

It would be very helpful if, when they send them up, they would stagger the controversial ones so that we do not have to tackle them all at once. It would be a little easier.

But, however they do it, we are going to continue to read inspectors general reports, and we are going to make sure that people who are not qualified for promotion do not get the promotion.

I hope this will cause people in the Department of Defense to be much more careful and responsible as they approach this process of promoting people, and not promote people—do not send us your problems. Do not promote people who have bad records. I hope, too, that we do not say it is all right to do something illegal and get away with it just because you had a distinguished military career. That does not send a very good signal to other people serving in the military.

We need to set an example for those people who are at academies, who are taught through the honor code to do what is ethical and moral and legal. And when you have this illegality that goes on in the higher ranks, how can you expect people at the lower ranks to feel morally bound by that code?

Most important, I think we in this Senate are trying to create an environment of a new Senate. It seems to me that integrity is the most important facet of the new Senate. So a new Senate cannot in any way set a good example if it is going to ratify the same old stuff, the same old attitude of the Defense Department, to "go along to get along." That is a ratification of an environment where there is a great deal of peer pressure to conform. That is the sort of environment we are going to rubber stamp when we approve these nominations where there is questionable conduct by the people involved.

So, on January 3 we start over again. On October 1996 when we are adjourning, I hope we are not presented with a bunch of nominations that have been nothing but trouble since they have come out of the Defense Department. Because, as I said, some of these nominations could have been considered months ago. And whatever I had to say about these nominations I could have said months ago. But they were not before the Senate.

We took up these questionable nominations at a time when we were starting debate on an unfunded mandates bill, and on a bill to give coverage of some of our laws to congressional employees. In other words, the laws we have exempted ourselves from over the last several years. I have been a proponent of congressional coverage, applying those laws to us. Those bills just could not come up the last minute but we find plenty of time to bring up these controversial nominations. Whoever is in charge of the Senate in October 1996, I hope they will understand that right now: If I have to fight these things in the midnight hours of the closing day of the session 2 years from now, like I did this time, I will do it. That will put my colleagues on notice: Do not come around crying on my shoulder that you have an airplane to catch. Because I did not make this bed. I did not set the agenda. The agenda was set by others. The best way to handle this stuff is to handle it timely. Do more work during January, February, or March so we do not have to play catch-up during October.

I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Iowa yields the floor.

The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, inquiry of the Chair. We have been discussing for some time three nominations. The Senator from Nebraska believes that the Glosson nomination was previously approved by the Senate. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. EXON. There are two remaining matters to be disposed of with two other officers.

I have listened with great interest to my friend and colleague from Iowa. I congratulate him again for his expertise and remarks on these matters. However, I think the time is now the Senate should move on these.

Mr. President, I urge the Senate proceed to approving the two other officers who remain to be considered.

I ask unanimous consent, if the approval is confirmed by the Senate, that automatically the motion to lay on the table be agreed to and the matter would be, therefore, disposed of.

CONCLUDING REMARKS—NOMINATION OF LT. GEN. EDWARD P. BARRY, U.S. AIR FORCE, TO RETIRE IN GRADE

Mr. President, I would like to briefly summarize the remarks I made yesterday concerning the nomination of Lt. Gen. Edward P. Barry, U.S. Air Force, to retire in grade. His nomination received the unanimous support of the Committee on Armed Services.

In a September 30, 1994, letter to the committee, Deputy Secretary of Defense John Deutch outlined the highlights of Lt. Gen. Barry's military record:

> LTG Barry has had a 33-year distinguished career serving our country. His accomplishments have directly impacted our national security. For example, in 1982 he received the Air Force Association's National Award for Program Management as Program Director for the Defense Support Program. The system's detection of Iraqi-launched SCUD missiles during Desert Storm provided crucial advance notice of attack, which saved lives and enabled our air defense system to react. As Commander of the Ballistic Missile Division, he successfully fielded 50 Peacekeeper ICBMs, on schedule and under cost, while sustaining Minuteman II/III operational requirements.

Other highlights of his career include service as the program director for the NAVSTAR Global Positioning Satellite at its inception in 1978, vice commander of the Aeronautical Systems Division, and commander of the Air Force Space and Missiles Systems Director.

Senator GRASSLEY has raised many points about the problems in the C–17 program. I agree that has been a troubled program. In fact, I supported Senator GRASSLEY's amendment to disapprove the C–17 settlement agreement—but the Senate chose to approve that agreement.

It is one thing to describe a program as being troubled. It is something very different to deny retirement in grade to an officer with 33 years of distinguished service—particularly when that officer did not have direct responsibility for the troubled program. Lt. Gen. Barry was not the program manager. He was the Air Force's Program Executive Officer for Tactical and Airlift Systems, for a 2-year period, in which he had general oversight for some of the most significant programs in the Air Force including the F–22, the F–15, the F–16, and the C–17.

The C–17 program has been investigated, reviewed, and examined in great detail. In all those reviews, there has been no finding that Lt. Gen. Barry was involved in any misconduct. In the voluminous IG report on the C-17, the only mention of Lt. Gen. Barry involved one document, in which he described the program risks as "moderate to high." The IG felt that his warning should have been stronger. Subsequent reviews by the Air Force have indicated that his description was accurate.

Even if his warning could have been stronger—a matter that is clearly subject to interpretation—it would represent a single blemish on an otherwise outstanding career. There was no fraud, no abuse, no misconduct. Just one question about a subjective analysis.

On September 30, 1994, Deputy Secretary Deutch advised the committee that he had personally reviewed Lieutenant General Barry's role in the C-17 program. He concluded that "if Lieutenant General Barry had not elected to retire, I would have returned him to acquisition duties." He added that his "performance in his current position as the commander of the Space and Missile Systems Center in Los Angeles has further demonstrated his professionalism and dedication to duty."

Mr. President, it is important to remember that the C-17 program was a troubled program long before Lieutenant General Barry became program executive officer, and that the decisions regarding cost, schedule, and performance of the program were not his. They were made at the highest level of the Air Force.

It is certainly possible, with hindsight, to suggest that Lieutenant General Barry could have done more to address the problems in the C-17 program. I do not believe, however, that it is wise or desirable to insist that military officers achieve a standard of perfection in order to retire in grade. There has been no showing that he acted or failed to act in any manner that would cast doubt upon his professionalism or integrity.

Lieutenant General Barry has served his Nation with distinction, and has had many successful tours of duty. He has contributed to the strength of our Armed Forces, and to our national security, through the development of sound and successful acquisition programs. In view of his overall career, and in view of the high degree of confidence that the current leadership of the Department of Defense has expressed in his abilities, I strongly endorse his nomination to be retired in grade.

The PRESIDING OFFICER. If the Senator will withhold for a moment.

The question is on agreeing to the nomination of Col. Claude M. Bolton, Jr. for appointment to the grade of brigadier general.

The nomination was confirmed.

The PRESIDING OFFICER. The clerk will report the Barry nomination.

NOMINATION OF LT. GEN. EDWARD P. BARRY, JR., FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST

The bill clerk read the nomination of Lt. Gen. Edward P. Barry, Jr., for appointment to the grade of lieutenant general on the retired list.

The PRESIDING OFFICER. The question is on agreeing to the nomination of Lt. Gen. Edward P. Barry, Jr., for appointment to the grade of lieutenant general on the retired list.

The nomination was confirmed.

The PRESIDING OFFICER. Without objection, the motions to reconsider will be tabled, and the President will be immediately notified.

Mr. EXON. I have an inquiry of the Chair. Now we have disposed of the three military promotion nominations, is that correct?

The PRESIDING OFFICER. The Senator from Nebraska is correct.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Chair asks the Senator to withhold for a moment.

If there is no objection, the Senate will resume legislative session.

SAFETY LEGISLATION

Mr. EXON. Mr. President, on another subject, I would like to address a matter, a very serious matter in the opinion of the Senator from Nebraska. I am chairman of the Surface Transportation Subcommittee under the Commerce Committee with the prime responsibility that committee has. I am ably assisted by Senator HUTCHISON, from Texas. It is a matter of safety on our roads.

This is a very important matter that is being currently held up by technicalities, preventing some very important safety legislation to pass. This Senator from Nebraska happens to chair the Surface Transportation Subcommittee of Commerce. One of our major responsibilities there is safety, S-A-F-E-T-Y, on our roads, at our grade crossings, for all of our rail and truck and bus transportation.

We had a great deal of hearings, a great amount of work on two important pieces of legislation that, at this late date, have come back from the House of Representatives and we have to act on them or we can stall them and they go by the wayside. I make reference to H.R. 5248, the so-called one-call notification bill, where one call can be made when anyone digs on a right-of-way of any kind to keep from the dangerous matter of digging into pipes that cause explosions.

Connected with that is the high-risk driver's bill that was introduced by Senator DANFORTH, of Missouri, and myself. It has to do with the astonishing increase in young drivers. We have taken this piece of legislation to try and correct that, with cooperation between Federal and State authorities.

In addition to that, we have H.R. 4867, which also has passed the House of Representatives, which has adjourned. H.R. 4867 is another safety bill. It is the high-speed rail bill advanced by the administration. And coupled with that is the railroad crossing safety measure that is vitally important that this matter becomes law.

The Senator from Nebraska, in cooperation with Senator HUTCHISON, Senator LOTT, Senator DANFORTH, and others, spent all day yesterday and all this morning clearing some holds on that side of the aisle.

Now these measures then are being held up in clandestine fashion at a very late date by holds on this side of the aisle.

The Senator from Nebraska wanted to go home last night. The last chance for the Senator from Nebraska of getting out of town today is 2 o'clock, some 47 minutes from now.

I hope that if anyone has any hold on either of these bills, H.R. 5248 or H.R. 4867—which I understand have been cleared in total by the Republicans, have been cleared, I think, except for one possible objection on this side of the aisle.

The Senator from Nebraska, if necessary, will forgo his last chance to go home, as most others have. I think these two measures are safety matters, and notwithstanding the objections of some who may be disturbed that pet projects that they had were not included, I had nothing to do with that. The House of Representatives acted on that. The House of Representatives has gone home.

Unless we can get these two bills adopted by the Senate, which will require unanimous consent at this late date, obviously, then they are going to die. If they die, Mr. President, important safety legislation is dying.

I will simply say that if there is anyone in the Senate, either on the Democratic side of the aisle or on the Republican side of the aisle who has holds on these bills—and we all know what holds are. Sometimes they are secret. Somebody is objecting to a bill but they will not stand up on the floor of the U.S. Senate and say why they are objecting to it.

I call on anyone who has any objection to either one of these bills not to stand behind the clerks, not to stand behind any cloak of secrecy. If there are legitimate objections to either one of these bills, then I would like someone to come forth on the floor of the U.S. Senate, and I will be here to defend the bill. If not, I hope that we will not allow secret holds, that nobody knows for sure who is doing it, to stand in the way of these two very important pieces of safety legislation that I think all 100 Members of the Senate would approve if they had an up-or-down vote.

I am pleading, Mr. President. These two are important pieces of legislation. The only way we are going to get them through, after a lot of work in committee, after 2 days now of clearing objections—some of them real, some of them not real, some of them where beliefs or concepts that Senators had that were not included in these pieces of legislation. We have done a lot of work. We put in a lot of time. I think it is vitally important that the House action be adopted by the Senate and the bill sent to the President for his signature.

I recognize that only one Member can stop that, if they want. But if someone has some objection, let that person come forth, stand up on the floor of the U.S. Senate, announce his or her objection and then at least we will know where the responsibility falls.

The Senator now yields the floor, but I will be awaiting for information, hopefully very shortly, and, if necessary, I will abandon my last chance to go home today, since it is a long ways out there. But I think this is important and I think maybe this is the time when we should begin to put a spotlight, Mr. President, on this insidious manner of unknown people putting holds for unknown reasons on pieces of legislation that have required hours of time and expense. I do not think it is fair, I do not think it is reasonable. Although I recognize any of us have a right to put on holds, I wish that whoever is holding this up now would come forth, be seen and give us the reason that these important pieces of safety legislation are not being allowed to pass.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERSTATE TRASH, SALTWATER RESEARCH, AND AFRICAN-AMERICAN MUSEUM

Mr. SIMON. Mr. President, let me just comment on three things very briefly.

One is something that I just chatted with Senators WOFFORD and BAUCUS and COATS about, and that is the flow of waste between States and agreements.

There has been a problem with the city of Chicago. The city of Chicago recognizes that they do not want to be a stumbling block, and so I have entered a colloquy in the RECORD. We are going to try to work out the difficulties that remain there.

A second issue that we are very, very close to getting worked out, I hope, is something important to civilization, and that is getting research done to find a less expensive way of converting saltwater to freshwater. The Presiding Officer is from Hawaii. Hawaii, fortunately, has plenty of water. But there are a lot of places surrounded by water, surprisingly, that have severe water shortages. If you take a look at the world today, its population is going up like this. About 5.7 billion today, by the year 2050 it will be somewhere between 8.5 to 10 billion. Our water supply is not going up. You do not need to be an Einstein to understand that period where we are headed for difficulty.

This bill to provide research not only has the interest of many people here, it has the interest of people as unlikely as Prime Minister Rabin and King Hussein and many other leaders around the world who recognize we are going to have to rely much more on ocean water in the future for water supplies. We can do it now for drinking water, but we cannot use it for agriculture and industrial uses because it is too expensive.

We are very close to a breakthrough here. We have ended up in a minor jurisdictional problem. Senator CHAFEE is looking at that right now. I hope he will be able to remove his hold and that we can move ahead. It is rare that you can say a bill is important to civilization. This one is important to civilization itself.

Then, finally, a measure that I have been working on for some time, together with Congressman JOHN LEWIS, from Georgia, over in the House, as well as a number of colleagues here—Senator MCCAIN has been great; my colleague, Senator CAROL MOSELEY-BRAUN, has been great—is to have an African-American museum here.

Because of the arcane rules of the Senate, any one Senator can have a hold on a bill. I have used it. I am sure the Presiding Officer has used it. We all use it. But I would vote tomorrow for a change in the rules. I think it is wrong that any one Senator can hold something up. But that is the situation. And one Senator has held up this Martin Luther King museum bill that the Smithsonian wants.

Other than planning money, they are not asking for any money for it. There is no cost. And yet it can tell American citizens and visitors who come here from around the world about the diversity of America and that two groups have very special histories, American Indians—native Americans—and African-Americans. For very different reasons, they have different histories.

The Smithsonian has an American Indian museum, native American museum, and they want to go ahead with an African-American museum. I have a hard time fathoming why anyone would oppose that when we are not asking for an additional penny of money, but it is being opposed. I hope next year we can work it out.

My colleague, Senator HELMS, who has the hold on it, has told me he will try to work with me in a good-faith effort to get something worked out next year. I hope we can do that.

Mr. President, if no one else seeks the floor, I question the presence of a quorum.

The PRESIDING OFFICER. The Senator from Illinois suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOYLE RAHJES

Mr. DOLE. Mr. President, I would like to take this opportunity to honor an individual who is from my home State of Kansas. Doyle Rahjes is an outstanding Kansan and an ideal public servant.

After devoting more than a quarter of a century to the Kansas Farm Bureau, Doyle will step down as president of the Farm Bureau this November. A native of Agra, KS, Doyle's exemplary service dates back almost 30 years to his work on the Phillips County Farm Bureau Board. His commitment and effort to help Kansas farmers placed him on the Farm Bureau's Resolution Committee and Board of Directors. In 1973, he became the Farm Bureau's vice president and he rose to the presidency in 1983.

Doyle's tremendous concern for the agriculture community and the State of Kansas has also been recognized by those outside of the Farm Bureau community. He was a member of the Governor's task force on water resources and subsequently served 8 years with the Kansas water authority. He also participated on the executive committee of the National Livestock and Meat Board.

Doyle is a well known and respected authority on issues concerning farmers on the national level. He was selected to be a member of the American Farm Bureau Federation Board of Directors and its executive board. Doyle was also invited by the President to represent his home State at the White House conference on national balanced growth and economic development.

His dedication to the agriculture community has not gone unnoticed by his fellow Kansans. He is the recipient of an honorary State farmer degree from the FFA and has been honored as the Kansas Farm Bureau leader of the Year.

Doyle's work has made the Kansas Farm Bureau a respected agricultural voice representing farmers in Kansas and across the United States. He has never lost touch with the concerns of America's farmers. He committed himself to serve the agriculture community and has done so in exemplary fashion. In November, Doyle will return to the agriculture community he has represented so well for nearly 30 years. He will go back to the farm he and his nephew run together to raise wheat, milo, and beef cattle.

Mr. President, on behalf of the State of Kansas, I want to extend my thanks and best wishes to Doyle Rajhes, his wife Charlotte, and to his children, Lori, and Kenneth.

TALKS WITH NORTH KOREA

Mr. DOLE. Mr. President, with all eyes on Haiti, little attention has been focused on the resumption of United States talks with North Korea. Two months after hailing a big breakthrough on the heels of Jimmy Carter's June meeting with Kim Il Song, the administration negotiations with the north seem to be on a treadmill going nowhere.

The only good news is that so far the North Koreans have not reprocessed the 8,000 fuel rods they removed from their reactors some months ago. The bad news is that the North Koreans have not agreed to send those rods out of the country. It looks like they may intend to string us along until right before the fuel rods corrode completely, when they can argue that there is an urgent need to reprocess them right there.

Mr. President, the bad news list does not end there. The North Koreans have not agreed to freeze their nuclear program while talks with the United States proceed. The North Koreans have not moved forward on talks with South Korea. Nor has an agreement been reached on allowing special inspections—in fact the North Koreans appear dead set against inspections of their suspect sites, claiming that such inspections would reveal military secrets. Let us not forget, this is the same issue that sparked the crisis with North Korea around 18 months ago.

On top of all this bad news, North Korean demands are escalating. The latest demand they made was for $2 billion, cash—on top of a $4 billion light water reactor project. But, while they still want this light water reactor, the North Koreans have said that they will not permit the South Koreans to provide it for them.

Today's New York Times reported that South Korean President Young Sam criticized the Clinton administration for being overeager to compromise, for ignoring the bigger picture of the north-south situation, and for excluding South Korea from the negotiations. President Young Sam said, and I quote, "* * * we think we know North Korea better than anyone * * * they are not sincere * * *. The important thing is that the United States should not be led on by the manipulations of North Korea." The South Korean President concluded, "We should not make more concessions in the future. Time is on our side."

Mr. President, I believe that the Clinton administration should start paying attention to what the South Korean Government is saying—they do know better—North Korea is their neighbor. We also need to include the South Korean Government more in this process. The administration needs to keep in mind that one of North Korea's key objectives is to drive a wedge between the United States and our close ally, South Korea.

Mr. President, it seems to me that right now the North Koreans are in the driver's seat, taking us on a ride to nowhere. It is high time for the United States—together with our South Korean allies—to get back in the driver's seat, to set some road markers and to let the North Koreans know that if these markers are not met, that we will rethink the generous—or, overly generous, in my view—offer to provide light water reactor technology at the cost of several billion dollars, which the American taxpayers are going to have to find.

Earlier this week, former Undersecretary of Defense Paul Wolfowitz, commented on the lack of progress in our talks with North Korea in the New York Times, and I quote, "It seems to me that we are in a situation where we are paying more and more for less and less."

The administration needs to be reminded that the North Korean Government is one of the most repressive, if not the most repressive regimes in the world; that North Korea has no future without becoming part of the international community. The administration also needs to remember that there are things that the North Koreans want, too, such as diplomatic and economic relations with the United States—and that's no small item. So, the message the administration needs to send to the North Koreans is that there is no hope of establishing diplomatic and economic relations with the United States if North Korea does not come into full compliance with the nonproliferation treaty—including special inspections. Moreover, the North Koreans must know that there is no deal possible without the support and involvement of South Korea. In my view, delivering this message is a first step to putting the United States back in the driver's seat.

THE REPUBLICAN LEADER'S END-OF-THE-SESSION REVIEW

Mr. DOLE. Mr. President, I would like at this time to touch on what I have called the end-of-the-session review.

As I recall, on January 21, 1993, I stood at this desk and announced what I thought the Republican priorities for the 103d Congress would be. Now that the session has come to an end, I want to report to my colleagues and to the American people on the progress we made in upholding those priorities.

I believe Republicans should be proud of what we stood for and fought for in the 103d Congress. As I said the day after President Clinton took office, the duty of Republicans is to support his proposals when we believe they move America in the right direction, and to change or oppose his proposals which we believe move America in the wrong direction.

It is as simple as that. When he is right, we support him. When we think he is wrong, we tried to modify or oppose.

From NAFTA, to health care, to taxes, that is precisely what we have done. In keeping with our constructive role as the loyal opposition, Republicans proposed responsible public policy initiatives on all major issues, including deficit reduction, health care, crime, violence against women, welfare reform, campaign finance reform, our relationship with the United Nations and NATO, and to include new democracies, to name just a few. Let me touch on a few of these issues in greater detail.

First of all, trying to change the economy for the better. The first priority I listed in 1993 was to change America's economy for the better. President Clinton inherited an economy that was already in recovery, and Republicans believe the recovery could be strengthened by promoting trade, cutting spending first, by tough and meaningful actions to reduce the deficit, and by reducing the redtape and regulations that prevent business from expanding and hiring more workers.

Unfortunately, the President has said, as recently as yesterday, that he is very proud of his economic package. Unfortunately, the President and the Democratic majority concluded that what the American economy needed was the largest tax increase in our country's history—$265 billion. It was supposed to be a $500 billion package with an equal number of tax cuts and spending reductions. We have now been told by the Congressional Budget Office that about $70 billion of the spending cuts have disappeared.

So we have a big, big tax increase and a very, very small reduction in spending. This giant tax increase passed by one vote in the House, and not a single Republican voted for it. It passed by one vote in the Senate. Actually, it was a tie, and the Vice President of the United States, ALBERT GORE, voted to break the tie, and not a single Republican voted for it on this side. We are proud of that vote because we did not believe that raising taxes on Social Security, raising gasoline taxes on the middle class, and then raising taxes—the President would say on the "rich"—on a lot of the subchapter S corporations and others trying to create jobs and opportunities, to the tune of $265 billion, was not going to be any magic that would start any economic recovery or to keep the growth we already had sustained.

So because of that legislation, as I said, there is a 4.3-cent gas tax—not much, but it makes a difference to every senior citizen that earns more than $34,000 as an individual or $44,000 as a couple that was hit with a tax increase on social benefits. Over 1 million small businesses who file a subchapter S corporation were also hit with a retroactive tax that limits their ability to create jobs, and that tax increase on subchapter S corporations—the very corporations out there creating jobs—amounted to about a 3-percent tax increase.

We offered a commonsense cut-spending-first approach of deficit reduction. Had our plan passed, I am convinced we would have built on the recovery with more growth, more jobs, more investments, a stronger dollar, lower interest rates, and a stronger economy than we have today.

In other words, had we done nothing, I think we would have had a stronger economy today. But had we adopted a Republican plan, it would be even stronger. I must say most economists say it takes about 2 years for a big, big tax increase to have an impact on the economy. We can see that impact happening about now.

So I guess, though we may have disagreed on the tax increase, we were proud to support the President on the North American Free-Trade Agreement, and that was not easy to do. There was a lot of opposition to the North American Free-Trade Agreement, but in this case we believed, as Republicans, the President was right, and we supplied more votes in this body, even though we are outnumbered 56 to 44. We supplied more votes for the North American Free-Trade Agreement than did the Democrats. Republicans in the House provided more votes for the North American Free-Trade Agreement than did the Democrats because we believed the President was right and he deserved our support, and this was important to the American economy, and Republican support made the difference.

In this case, the Democrats who opposed it included the House majority leader, and the House majority whip opposed the President's position.

So it seems to me that there was another remarkable case where the parties came together or there was an absence of partnership on this side.

On another effort to cooperate with the administration and with the leadership in the House and the Senate, Republicans cooperated on all the appropriations bills, the 13 appropriations bills, billions and billions and billions of dollars, and it is necessary to pass these bills to get out Social Security checks, all kinds of checks to keep the Government going and many, many millions of individuals rely on us to move promptly on the appropriations bills.

All this was done in record time. It was only the third time it has been done on time since 1948. This would not have happened without Republican cooperation.

We have also worked in a bipartisan manner in cooperation with the Government, State legislators, city council members, and mayors across the country to try to stem the flow of unfunded mandates from Washington.

I particularly thank my colleague from Idaho, Senator KEMPTHORNE. Here is a young Member in the Senate, in his second year in the Senate. He is from the State of Idaho. He was a mayor of the city of Boise. He understands the impact of unfunded Federal mandates, and he made it his cause when he came to the Senate.

Because of his leadership, at least we had it up on the floor a couple days ago for a few hours. Then it became obvious it was going to be used by my colleagues on the other side as sort of a Christmas tree to hang all the amendments on so we would not be able to pass it and we did not have an opportunity, because, in my view, if you had an up-or-down vote on unfunded mandates—unfunded mandates is simply if the Federal Government passes a bill and tells the county, city, or someone else out there you have to spend money because we do not have it but we require you by law to spend it, we are not going to implement that mandate until we also provide the money to the city or the county or the township or some other subdivision because it is not fair for Congress with the President's signature to pass laws to make counties or State governments in Hawaii or Kansas or anywhere else pay additional money when they do not have the money.

So you have to give them a choice: Either you ignore the mandate or we send the money to implement the mandate.

We hoped that would pass this year. It did not pass. We regret that. But I want to say again our colleague from Idaho, Senator KEMPTHORNE, did his best. We will be back next year and we will certainly make that a top priority.

As we look ahead at the 104th Congress, which we do around this place, this is over about, we are coming back a couple days in November, and vote on the first day of December on the so-called GATT agreement. Then we will be back again in January. Some hope we may be under new management. We do not know yet. We are hopeful. We are working hard at it, and I know others are working just as hard to make certain it does not happen.

I think on this side of the aisle, whatever happens, we are going to continue to seek a stronger economy, more opportunity, and a broader future for our children with lower taxes, a smaller, less intrusive Government, lower deficit, lower barriers for trade, and more incentives to work, to save and to invest.

Another item that took a lot of time in the past year and a half is health care. Again, I promised—I stood here in January 1993—that we wanted to be a positive force when it came to health care legislation.

I remember the first time I met President Clinton, I guess semiprivately, was with my colleague from the House, Congressman BOB MICHEL, the Republican leader of the House, and the President told us one morning shortly after he had been sworn in as President of the United States that he wanted to work closely with us on health care and if we could not be there every day personally to work with his people, he wanted our top staff people there.

We never heard about that again. We were prepared to work closely with the President. We only had a couple other contacts in the past. We had a dinner with a few Members, with the President and Mrs. Clinton, and we had a couple visits by Mrs. Clinton to our office to talk to Republicans. That is about the end of the photo-ops or bipartisanship, or whatever you want to call it.

But we believe, first of all, that until we had a responsible proposal, the President was right in saying, where is the Republican's plan? So we developed a responsible proposal. We had 40 Republicans out of 44 cosponsors of that proposal. We had more votes than any other group in the Senate for our health care plan. We also had other plans introduced by others. Senator CHAFEE had a plan. Senator LOTT had a plan. Senator NICKLES had a plan.

We believe we had a number of plans that had many good parts in each of these plans, and I must say on the Democratic side there were a number of plans, and some of those in some areas were good, just as we thought some of ours were good.

What we wanted to do, the bottom line, was to build on the strongest health care delivery system in America, not weaken it but strengthen it, because we do have the best system in the world. People come here to study. People come here for research. People come here for operations. When they are serious, they come to America.

We understood from the start if you have a preexisting condition and you cannot get insurance, we ought to take care of that.

I listened one night on C-SPAN while I was doing my treadmill. I do not do it too fast. I get to watch a lot of C-SPAN. I heard Ira Magaziner say there are 84 million Americans with preexisting conditions. Maybe some of the preexisting conditions are not serious enough to deny you coverage. But whatever it is, they ought to be taken care of. We ought to take care of it.

Nobody disagrees with that. Not a single Member of this body on either side of the aisle disagrees. We ought to take care to cover that.

Affordability. You should not be locked into your job because you think if you move you are going to lose your insurance. We ought to take care of that. Nobody will deny that. Nobody opposes that on either side that I know of.

So there are a number of areas that we had agreements on.

Malpractice reform. Your doctor ought to spend more time with you than he spends in court or more time with you than he spends practicing defensive medicine. Everybody on this side agreed with that. I am not certain because of the American trial lawyers' involvement with the other party how many agreed to that on the other side of the aisle.

But there are probably about 20 areas where there were basic agreements.

So, it just seems to me when you start, as the President did, with leadership in the Congress, the Democrat leadership trying to meet in secret with about 500 people to draft a plan and locking out Republicans, locking out the public, you get about what you ended up with—nothing. Nobody ever understood it. Nobody ever trusted it, because it was too big, too complex, too bureaucratic, too costly, too many regulations.

So it seems to me that the President's plan and the plan of most Democrats—they share a lot in common. As I said, they have too much government. They had too many bureaucrats. It cost too much and, in effect, it started to undermine the best system of health care in the world in the United States.

So, as I said before, we were blamed. We get blamed for everything, except that plane that crashed into the White House, and I assume somebody will blame Republicans for that. In fact, I saw in the Dallas Morning News a cartoon. It had this plane leaning up against the White House and had the President standing out there with someone else, and the fellow said: "I did not know BOB DOLE was a pilot."

Apparently, we are blamed for that, too, in some areas.

But our view was we did not devise any parliamentary maneuvers behind closed doors late at night that put the brakes on health care. It was the American people. They were Democrats, they were Republicans, they were independents who called our offices, who wrote letters, who called everybody's office. They said: Wait a minute. I do not want to give up my health care system. I am a union member. I am something else. I am a worker. I am a small businessman. I am a housewife.

That does not mean there are not serious problems that ought to be addressed.

There have been a lot of hand wringing around this town since health care went down the tubes. What went wrong? Nothing. It went right. Democracy worked. That is the way it works. You give the information to the American people—and there are probably two or three categories—if you do not understand, you are not going to buy it. If you do understand it, you may be for it or you may be against it. Some people maybe just never tuned in. So that is the third category.

Here is a plan which started off with 60-some percent support of the President's plan and ended up with support of somewhere around the low thirties or maybe even lower than that.

But my pledge at this time is to work next year on health care, addressing some of the serious problems that we have been prepared to do all along.

What we do not want is a mountain of bureaucrats between you and your doctor. The American people want choice—choice of hospitals, choice of doctors. We know we have to have cost containment. It would be irresponsible to talk about all these things we are going to do without somehow saying how you are going to pay for it. Somebody has to pay for it. And if we cannot pay for it, we better not do it.

The President's plan promised everything to everybody—free drugs, free long-term care, take care of early retirees for the big three motor companies who made a lot of sweetheart union deals costing them a lot of money. He was going to take care of everybody and it was going to save money. You cannot do that. You cannot do that in the real world.

So we are prepared to go to work again in January on health care.

I think another very important concern we had was changing our criminal justice system for the better. You ask Americans anywhere in America—San Diego; Russell, KS; Charlotte, NC; wherever, Washington, DC—particularly Washington, DC—what is the most important problem? Crime. Crime will be No. 1 in every survey, I would almost bet, anyplace in America, whether it is rural areas or urban areas, because Americans by the millions live in fear of violent crime in some places.

In New York City, senior citizens live up in their apartments with bars on the windows and locks on the doors. They are virtually prisoners in their own apartments. They are afraid to go out.

So we passed the crime bill, if you can call it a crime bill.

We passed a good crime bill in the Senate a little while back, 94 to 4; bipartisan, nonpartisan. But a strange thing happened. It went over to the House.

And I carry this little card around in my pocket. I have had it for about 60 days. The House started putting little things in the conference that nobody had ever heard of. And they were not little things—$2 billion for the Local Partnership Act; $1.1 billion for the Ounce of Prevention Program. It added up to $10 billion, almost. All this went into the crime bill without 1 minute of hearings.

Now I would say to anybody in this Chamber, if you wanted to get a project for your State and it was going to cost $2 billion, you would have to bring the whole State back here for hearings. You would have to have hearings here, hearings in the House. It would take years to do it.

This all happened in 20 minutes. Not a single hearing.

The crime bill we passed finally—not the Senate bill, but the one that came back after conference—is going to add $13 billion to the deficit—$13 billion. It is stuffed with pork. And, as we say, we do not mind a little pork, but this is the whole hog. This was big, big.

And Republicans were excluded from the House conference committee. We were locked out again. They stripped not only most of the tough provisions—my colleague from Wyoming is one of the conferees; he will be speaking and he can tell you what happened. We took out many of the tough provisions, and then we just put in this grab bag—anything you want, you can have it, if you are of the right party and you are a liberal and you want to spend somebody else's money and you want to add $13 billion to the deficit.

Well, we tried to stop it over here. Came close, but a few Republicans slipped away. We wanted to take another $5 billion out of it and put back some of the tougher provisions. We did not think we were being unreasonable to say this: if somebody sells drugs to a minor—your child—that person ought to get a tougher minimum sentence. If somebody engages a minor to sell drugs to other minors, that person ought to get a tougher minimum sentence. That is what we were talking about. And if you use a gun in the commission of a crime, you ought to get a tougher mandatory sentence.

One of those provisions was on dealing with illegal aliens with criminal records. And, again, I will defer to my colleague from Wyoming, who included that in the bill, which I think will become law.

So we want to change our criminal justice system for the better. And we are prepared, as we were prepared this year, to do that. We want to take out some of that spending we authorized last year, so that somebody does not get stuck in 10 or 15 years having to pay for it, somebody's children or grandchildren. It has no relationship to crime; nothing to do with fighting crime in almost every case.

Where it was related to fighting crime, we said, "OK, leave the money in there. Leave it in." Drug treatment in Federal prisons, leave it in there. Drug treatment in State prisons, leave it in there.

Another thing we ought to have done last year was to restore some sanity to our product liability and tort system, a system which increases costs and frustration for average Americans, while increasing lucrative fees for trial lawyers. In fact, product liability and personal injury cases costs the U.S. economy a staggering $130 billion—that is with a "B"—annually in litigation costs and higher insurance premiums. That amounts to $1,000 per household.

We have tried to reform this for years. We have led the fight on this side of the aisle. We keep running into blocks constructed by Democrats and the American trial lawyers.

There was a Democratic filibuster, which I did not read about in the liberal press. They run this place, the liberal press. They try to tell you what to think and when to think. They did not really think about the filibuster that happened when they are trying to block something. But if the Republicans are blocking, we would be accused of gridlock, obstructionism, all those other things. And sometimes I think a little gridlock is fine.

So the point is that we have been fighting for tort reform, we are going to continue to fight for it, and we hope we can make improvements next year.

We would like to reform our campaign finance system, too. The Republican legislation banned political action committees. Period. Political action committees could give you zero dollars; not $5,000, not $10,000, zero dollars.

We also provided what we call seed money for challengers and to help clean up the so-called soft money donations that are never reported. And we did not do as our colleagues did, require taxpayers to fund campaigns.

Not many taxpayers in my State rush up to me and say, "Boy, I wish the taxpayers could pay for your campaign for the U.S. Senate." It does not happen a lot in Kansas. We do not think it ought to happen. Period.

I have been a Presidential candidate. I have accepted public funding. I can tell you it took 5 years for the Federal Elections Commission to audit my records. They still have not audited the books on when President Bush ran against Michael Dukakis. If we start financing every congressional race and Senate race, the FEC, the Federal Elections Commission, is going to be bigger than the Pentagon. They are going to have more lawyers, more bureaucrats, more accountants spending more of your tax dollars. So I do not think it is a very good idea. So we hope we can do that too.

My view is, if we are going to have congressional campaign reform, let us be honest about it. If Republicans are in charge, we are going to try to fix it so it helps us. I do not see anything wrong with that. That is the way it works. If the Democrats are in charge, as they are right now, they try to fix it to help them. I do not see anything wrong with that. That is the way it works.

We are going to have to appoint a nonpartisan commission of people outside the Congress, outside the beltway, who have no interest in this place, but they understand how campaigns are financed. Let them make recommendations and then we vote those recommendations up or down. It will not be a Democratic group. It will not be a Republican group. It will be a nonpartisan group of experts who will take a look at campaign financing and tell us how to do it. So we believe that we should do that.

We also think we ought to reform what we do around here. We ought to simplify the budget process. We ought to limit Member's committee assignments. We ought to reduce the congressional staff.

We ought to end proxy voting in committees. If you are not there, you cannot vote.

And we ought to have a line-item veto for the President.

Senator DOMENICI of New Mexico tried that. We brought a bill to the floor. In fact, it was up here just a few days ago. Again, I did not read about it in the paper, but it was the Democrats who obstructed that bill. Only eight Republicans voted against it. The rest of the votes against it came from the other side of the aisle. I did not read about it in the liberal press. I guess they were off that day.

Finally, I think we would say this. What we want is an unchanging commitment to leadership. If there is one thing that did not need changing in January 1993, it was the worldwide respect for American leadership. But that has changed too, unfortunately—and I think it is very important. I think it is fair to say when President Clinton took office, America's credibility and America's reputation for leadership was at an all-time high. During the Reagan and Bush administrations, the Soviet Union fell apart, Germany was peacefully reunited, Saddam Hussein's landgrab in the Persian Gulf was reversed. In short, American leadership and resolve were second to none.

It is also well to point out that during that period, 500 million people—500 million people—in the former Soviet Union and in Eastern Europe got a little taste of freedom they had not had in 70 years. A little taste of freedom: The right to travel, the right to vote, the right to telephone, the right to go to church—basic rights that we take for granted. That is because of leadership. That goes back to President Carter and President Ford.

Do not misunderstand me. It has been a line of leadership, including Republican and Democratic Presidents, that made all this possible. But now I sense there is no resolve, when we try to characterize American foreign policy. Take a look at Somalia. It started off as a good mission—humanitarian. We saved probably hundreds of thousands of lives. Then the United Nations said, "Oh, we have to get you into nation-building," which means we have to spend a lot of U.S. money again to rebuild a nation.

The warlords in Somalia had a different view. And the end result one day was that 18 Americans were killed. And we left.

Then you look at what is happening in Haiti. When Ronald Reagan was President we were trying to get democracy in El Salvador. We were told by my colleagues on the other side of the aisle—in fact it was in the law—you could never have more than 55 Americans, 55. There are 100 of us. You could have about half of this body and that is all. They could be observers in El Salvador. We were trying to help democracy. Today El Salvador is a democratic country, thank you.

In Haiti—we have 20,000 Americans in Haiti in uniform. We are occupying Haiti. There is no national interest there. There were no American lives threatened there until our soldiers got there, and they are in danger. And we say, bring them home. My view is the day Aristide steps foot into Haiti we ought to step out. Restore Aristide, get him back there, and then let them worry about it. How long do we have to occupy Haiti? Is it going to cost $1 billion, as I read in one of the papers? $1 billion?

Then you look at Bosnia, where candidate Clinton said, "I want air strikes and I want to lift the arms embargo." That was candidate Clinton.

We have had a bipartisan group here for the last year and a half, trying to get the President to take the lead on lifting the arms embargo. Bosnia is an independent nation. They are a member of the United Nations. They have a right to self-defense under article 57. What have we done? We have done nothing, and 200,000 innocent women and children have been killed in this Moslem country of Bosnia. I am not suggesting we send any Americans there. I am not even saying we do the air strikes. But I am saying lift the arms embargo, let them defend themselves—which I thought was sort of a basic right in America, the right of self-defense.

I just mentioned about North Korea. All these countries have become synonyms for American foreign policies: Flip-flops, indecision, and confusion.

I do not think the United Nations ought to call the shots. We did not elect anybody to the United Nations to call the shots where Americans are going to risk their lives, Americans in uniform. That is a decision we ought to make, the Congress ought to make, and the President should have come to Congress before he went to Haiti. But he said no.

President Bush came to Congress before the gulf, or during the gulf. He rolled the dice. And not a single member of the Democratic leadership supported President Bush in the House or the Senate. But fortunately, again, there were 11 Democrats out of 56 who stood up and said, wait a minute, America is a lot more important than politics. So President Bush won by a narrow margin.

I think we ought to end the immoral and illegal arms embargo on Bosnia. And while we sought U.N. approval going to Haiti, what happened to seeking the approval of the American people and the American Congress? Why did we not do that?

So I think in order to put the brakes on the Administration's drive toward U.N. domination of U.S. foreign policy, Congress stepped in earlier this year and passed what we call the Peace Powers Act, because we think before we start committing young men around the globe from any State in this Nation—young men and women, your sons, your daughters, whatever—Congress ought to have some voice, not the United Nations, not the United Nations alone.

At the same time, there are many areas in foreign policy where we have worked very closely with President Clinton. One thing we did was repeal a lot of outdated legislation that affected the former Soviet Union. We worked together in the Middle East and South Africa. We worked together on providing assistance to support development in each of these areas. We had broad bipartisan support.

As the 103d Congress comes to a close, the military occupation of Haiti dominates the concern about American direction of foreign policy. And one of the first orders of business for the 104th Congress will be paying for the occupation of Haiti. This is a time when we are canceling military exercises and military readiness is declining and units are being retired. And we embarked on this very costly mission. Many people who are experts—I am not an expert—say we are going to return to a hollow force. That was even before this ill-considered venture in Haiti.

A top priority in the next Congress must be to stop the raid on our defense budget. Over the unanimous objections of Republicans in the Congress, President Clinton pushed through a massive defense cut of $127 billion as part of the budget package. That is where most of the savings came from. Oh, we ought to cut defense. We should cut defense. But as Gen. Colin Powell said, it ought to be done in some orderly way so we do not compromise our security or compromise what may happen.

What would happen now if we had to move in the gulf? If Saddam Hussein is serious and goes into Kuwait, what is going to happen? Who is going to be asked to respond? We know we are. And can we do it? Do we have the potential? Do we have the capability? Or have we gone too far with defense cuts?

Let us just assume that when that is happening, something happens in North Korea. Then what happens? I think we would be stretched too far. So we better be ready to look down the road before we continue dismantling our force structure.

We have taken a lot of money out of defense and put it into social programs—billions of dollars. Maybe that is great if you have surplus money. The last time I checked the most important thing in the world was freedom, liberty. And we have to be prepared. There is nobody else out there but us. So it is very important. And once we lose the industrial base—we have lost thousands, 5,000, 100,000, 200,000 jobs in California, for example. We are losing them all across the country.

Defense was never meant to be a jobs program; do not misunderstand me. But freedom and liberty was part of that equation.

So we are going to support the President. We only have one Commander in Chief and we will support the Commander in Chief just as we support the troops in Haiti. We are for them 100 percent. We do not think they ought to be there, but we are for them 100 percent. So we are going to do what we can in the next Congress to increase our readiness and our credibility.

I want to close—because I like all the people in the liberal press—most—well, I guess all of them. I do not think they fool many people in America. But I just looked at a survey of how the network news report on various Members of Congress.

The report was whether the media is tougher on Presidents or tougher on Congress. They concluded they are tougher on Congress. The media is tougher on Congress.

But what did not surprise me, because I know most of the people in the media—they are all fine people—if I go up in the press gallery, if I see a conservative up there, I do not know how they got in. Just came in accidentally, I guess. So they are about 50 to 1.

So I read through this survey. I said, "Well, let's see. Senator MITCHELL, when he is on the nightly news, 90 percent of the time," and he is a very effective leader and a friend of mine, "it is very positive, it is a positive presentation of whatever he says."

I am the Republican leader. Sixty-eight percent of the time I am on the news, it is negative. I do not know that I am that negative a person, but I am a Republican, and I am a conservative, and I do not agree with all the things President Clinton agrees with, so I think I am portrayed—well, "it has to be negative, he is a Republican." We will handle that all right.

But I want to address these charges of obstruction and gridlock because, again, the liberal media has overused terms in modern American political lexicon, and the one most overused is the term is "gridlock," followed closely by "obstruction" and by "filibuster." Simply throwing these charges around, in my view, does not mean anything. Let us take a look at the record.

First of all, we believe our opposition has been motivated not by politics but by honest differences in philosophy, just as any two people in this Chamber can have differences on something. We make no apologies for parking in the political intersection, if we have to park in the political intersection to protect the American taxpayers from bad legislation. The President, just yesterday, was talking about obstructionism and gridlock in his press conference, and blaming the Republicans, again, for everything bad, and taking credit for everything good.

The fact is, even though our colleagues say we try to hide behind this gridlock smokescreen, crime obstruction, trying to cloud important policy as the reasons for our opposition, the fact is, the other party can hardly wait to turn on the filibuster smoke machine.

The record shows the distinguished majority leader filed at least 29 cloture motions on or before the first day of debate on a bill or nomination. How can you have a filibuster before the bill is up, or on the first day the bill is up? These are called preemptive cloture motions.

The other party then claims that Republicans are engaged in a filibuster and, of course, the New York Times, the Washington Post —they agree with everything that comes from the other side—so they buy right into it, and you read it in the morning's paper, even though there has been no debate, no votes, no filibuster.

If you believe some of the rhetoric in this town, you would think a couple hundred bills were filibustered every year. Let me just tell you how many there have been. You can count them on one hand.

Everyone remembers the demise of the so-called economic stimulus package. But the fact is only four bills have died in this Congress by the failure to invoke cloture. That means we could not shut off debate. It takes 60 votes to shut off debate. If you cannot shut off debate, you cannot pass the bill. If you read the New York Times every day, or the Washington Post every day, or the L.A. Times every day, or the Miami Herald every day, or all the big liberal newspapers, you would think every day somebody was on this floor with a filibuster.

I will tell you what has happened on the filibuster. A filibuster worked on what we called the striker replacement bill. Republicans were joined by six Democrats. We could not have done it by ourselves. The so-called campaign finance reform bill, which I talked about earlier, again, six Democrats joined with Republicans. The lobbying bill which said, in effect, if you are grassroots people out there, not high-powered lobbyists, you cannot come together and assemble and raise money to petition Congress if you hire a lobbyist without all kinds of reporting and bureaucracy. We said, "Wait a minute, we don't want that." The Farm Bureau did not want that. The Christian Coalition did not want that. The ACLU did not want that. Liberals and conservatives all across America said, "Wait a minute, you're trying to stifle our access to Congress, our right to petition Congress, which is in the Constitution." So we said no, and we were joined by 10 Democrats.

Now on the product liability, when the trial lawyers come in and write big checks and they gave $3 million at least to the Clinton campaign in 1992, we thought we ought to try to reduce this $1,000 per household cost and increased premiums and excessive awards, so we wanted to change product liability. But that was a Democratic filibuster, which I do not think I read much about. Thirty-eight Republicans voted to end that debate. We fell victim to a Democratic filibuster. Let me repeat, a Democratic filibuster.

And on the crime bill, Republicans were also accused of resorting to what some called "an extraordinary tactic, a technicality, the budget point of order."

We raised a budget point of order because we wanted to improve the bill. Again, the liberal press said, "Oh, this is terrible, these Republicans are terrible. Why, they should not do this."

Let me tell you, this little technical point of order has been raised eight times by the Republicans this session, and you would think by all the reports, never by the Democrats. Eight times by us, and 27 times by the Democrats. But I did not read that in the New York Times or the Washington Post or the L.A. Times or the Miami Herald. No, no. They only go after Republicans. I do not remember them being called obstructionists.

Finally, I will say this: I do not think you measure Congress based on the number of bills we pass. We passed over 800 bills this year in Congress. We could not do that if we did not have cooperation.

For a number of reasons, a lot of bills do not pass. When I was the majority leader, there were 177 bills that did not pass. Again, I do not remember reading in the New York Times or the Washington Post or the L.A. Times or the Miami Herald how terrible that was.

Gridlock is a two-way street. Again, when you have the majority, you do not need to talk because you just do not bring up the bills. If you control the place, you decide what comes up. You control all the committees, you decide what gets reported out of committees. You do not need to filibuster anything. You just do not let it happen. Maybe we will find out how that works next year. We are counting on it.

If you do not call up Republican proposals, that is sort of a stealth filibuster. Nobody ever sees it, but you never bring it up. I do not think anybody ought to hope for the day we vote 100 to 0 on everything around here. If we voted 100 to 0 on everything, we would be in sad shape. We have to have diversity. We have to have different views. Sometimes it will be based on geography. Democrats and Republicans from the Midwest are from both parties. If it is of interest to us, we stand together, we block it because we are trying to protect our States. That is what we got elected for. We are not rubber stamps.

As I have said many times before, the distinguished majority leader, my friend, had one of the best quotes I ever read. When President Bush was trying to get some of his program passed, my friend, Senator MITCHELL, said, and I quote, it is in the RECORD:

> Do we live in a monarchy? Is the President a president or is he a king? Are we required by some law to accept whatever the President proposes without any opportunity for discussion, debate or suggestion of constructive alternatives? And if we so disagree with some aspects of the President's plan, if we believe it truly and sincerely harmful to the long-range interest of the country, are we somehow obligated to stand silent and adopt the President's plan lest we be accused of partisanship?

That says it all. I could not say it any better myself. He said it all, right there. We are not rubber stamps. The Congress is not a rubber stamp for any President, Republican or Democrat.

So the ultimate judges of this record of Congress will be the American people. They will decide whether or not we have changed America for the better. They will decide whether we have America moving in the right direction. When President Clinton took office, 47 percent of the American people believed our country was headed in the right direction, and only 27 percent said we were going in the wrong direction. Now 70 percent say we are going in the wrong direction and only 20 percent say we are going in the right direction.

So I think that is where we are as we conclude this Congress.

The American people are the ultimate judges. They are pretty sophisticated. They make good decisions. And they are going to decide the fate of a lot of people November 8, 1994—Republicans, Democrats, independents, Perot supporters, whatever it is. But I would just say that we are committed, whether we are in the majority or the minority the next session, the 104th session of Congress, we are committed to these general basic principles: Less Government, less taxes, more freedom, and more opportunity, and also committed to tackling the status quo and trying to change America for the better.

Changing America for the better is not always trying to spend more money than somebody else or raise taxes more than somebody else. We have got to go back to individual responsibilities and values and all the things we have talked about, everybody has talked about on both sides of the aisle. It is not easy, and it is not going to be done in 1 year, 2 years or maybe 10 years, but we have to start in that direction.

IRAQI TROOP MOVEMENTS

Mr. DOLE. Mr. President, I mentioned briefly about what may be happening in Iraq, and I do not know for certain, but I would just like to say that all Americans stand behind President Clinton in his message to Saddam Hussein. As Secretary Perry said earlier today, the United States cannot afford to assume Iraqi troop movements in Iraq are a bluff.

Iraq misread the United States and the world community when it invaded Kuwait in 1990. After the punishing lesson of Desert Shield and Desert Storm, Iraq should not doubt our resolve in 1994. Intimidation and aggression will not succeed.

I fully support President Clinton's efforts to deter Iraqi aggression against Kuwait and to respond appropriately to Iraqi actions. The message the United States and the world need to send is clear: If Saddam Hussein acts against Kuwait, the world will respond.

At a time when Iraq is lobbying the United Nations for the lifting of sanctions, Saddam Hussein sends his troops to threaten Kuwait once again. Kuwait continues to live in the shadow of Iraqi aggression, and Saddam Hussein still refers to Kuwait as Iraq's 19th province.

There should be no easing or lifting of sanctions until all conditions of U.N.

resolutions are met, including complete compliance on weapons inspections, full recognition of Kuwait, ceasing support for international terrorism, return of all Kuwaiti detainees, an end to Iraqi repression, and compensation for the victims of Iraqi aggression. Anything less would diminish the sacrifice of those who gave their lives in Operation Desert Storm and endanger American strategic interests.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Republican leader suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCOMPLISHMENTS OF THE 103D CONGRESS

Mr. MITCHELL. Mr. President, and Members of the Senate, as the 103d Congress draws to a close, attention to short-term controversies and conflicts overshadows its substantial record of accomplishment. That is a common, if unfortunate, reality. Conflict is more exciting than cooperation, so immediate news takes precedence over enduring achievement.

But service in the Congress requires that we look to the longer view, to the future of our country and the future well-being of American families. The 103d Congress has done this, I believe, effectively. We have produced a significant change in direction to respond to the challenges of a very different world.

Change is never easy or achieved without resistance and opposition. Those comfortable with the status quo naturally seek to preserve their advantages. Change takes courage and the willingness to risk failure. Nothing risked, nothing gained is a fact of human experience, at the individual level and at the national level.

The 103d Congress reflects that. We had some failures but we also had significant successes.

In time and perspective, President Clinton will get the credit he has earned for his leadership, his courage to face change, and the vision of a revived American spirit that his efforts will help produce.

President Clinton took office with a mandate to change the direction of our nation's economy. The deficit reduction and economic growth plan enacted last year has done that. It is by far the most important action the majority in Congress took.

That action has produced real change: After more than a decade of skyrocketing federal deficits, for the first time in 50 years, the federal budget deficit will decline for 3 years in a row.

President Clinton was elected to help bring focus and direction to the government's priorities, and the precondition for achieving that was first to get our economic house in order. The President's budget achieved that result.

America today has a robust economy and a falling unemployment rate. In the past 21 months, 4.6 million jobs have been created, 92 percent of them in the private sector. That is more jobs created than in the prior 5 years of Republican administrations put together. In just the first 9 months of this year, from January through September of 1994, 2½ million jobs were created in the United States—more jobs than were created in the entire 4 years of the Bush administration.

I ask Americans to consider that fact. In just 9 months this year, more jobs were created than in the entire 4 years of the Bush administration. The gross domestic product has grown at an annual rate of 3.67 percent, the highest since Presidents Kennedy and Johnson were in office, almost 30 years ago.

Inflation remains low, now at an annual rate of 2.74 percent, the best performance since the early sixties. That means that the working American's paycheck is not being eroded by higher prices.

A significant accomplishment in the President's economic plan is the broader and much more valuable earned income tax credit. It directly rewards work by giving the hardest working and lowest paid Americans the money to feed and shelter their families, enabling them to rise above the poverty level. Nearly 20 million American families have been rewarded for their work by this credit. It is a real attack on the welfare problem—not a rhetorical attack, a real attack.

With time in perspective, I think this action of the 103d Congress will ultimately be judged to have set the Nation on a new and better economic course.

A significant element of that accomplishment is the work this Congress has done and will do on trade. The passage of the North American Free Trade Agreement last November, and the forthcoming passage of the GATT implementing agreement are both among the most important actions we can take for our Nation's future prosperity. Now for the rest of this decade and into the next century, leadership in world affairs by the United States will increasingly be in the area of international economics. We must be strong militarily, and there is a long history that a strong military and influence in the world requires a strong economy.

America benefits from trade among nations because when we have access to the markets of other countries, American exports can attract buyers around the world. The GATT agreement will be the largest tax cut in this century. It will cut tariffs reciprocally, freeing up money around the world for economic expansion. The primary beneficiaries will be American workers.

This Congress began taking on the task of domestic priorities that have too long been neglected.

With the passage of a balanced, comprehensive, and fully funded crime bill, we took the first step to restore security to American life. The crime bill that passed this year provides for more police, more prisons, and more and better crime prevention programs.

It is cheaper to place young people on the path to a law-abiding life than it is to jail them after they have already gone wrong. The crime bill will give our States and cities the help they need to expand successful programs of crime prevention and drug treatment to keep young citizens from becoming young criminals.

The prison funds will give our States the money they need to operate prisons already built, will provide funds for additional prison bed construction, and will ask the States to make sure that violent criminals serve their sentences fully.

The police funding will finance assistance to States and cities to put another 100,000 police on our streets to patrol and work with neighborhoods and to turn around the pervasive fear that permits thugs and criminals to terrorize too many neighborhoods.

Two other steps we took in this direction deserve our attention. The Brady bill is now the Brady law. In its first 100 days of operation nationwide, 57,332 people who were legally ineligible to purchase handguns were prevented from doing so by the operation of this law.

The assault weapons ban in this year's crime bill will not infringe on the rights of law-abiding sportsmen or citizens, but it will begin to curb the arms race in our inner cities. When our police are outgunned by young hoodlums, Americans demand that we take action. This Congress listened and acted.

There is no more important building block for America's future than the education and training our children get to meet the challenges of the global economy in the 21st century.

The education initiatives enacted during this Congress are vitally important to our Nation's future. Millions of Americans will benefit, from children in Head Start to those entering the work force or pursuing a college degree. Because most of these initiatives passed with broad bipartisan support, they did not receive the attention that I believe they deserve.

We reauthorized the Head Start Program, which helps children start school ready to learn, and we expanded it for younger children at critical ages of development.

The Goals 2000: Educate America Act helps local schools implement their own school reform programs and encourages the development of voluntary standards.

The Elementary and Secondary Education Act, approved just this week, puts control of Federal education aid into the hands of teachers, parents, and administrators, who can best determine how to use it most effectively.

The School-to-Work Opportunities Act helps students make the transition from high school to the workplace through the support of apprenticeship programs and public-private partnerships with business.

We passed the Student Loan Reform Act, which expands the student loan program, putting higher education and the opportunities it can bring into the reach of millions of Americans.

This Congress passed one of President Clinton's highest priorities, the National Community Service Program, a domestic Peace Corps that builds on America's long tradition of individual service to others. Nationwide, some 20,000 individuals are expected to participate in community service projects. In exchange for their service, they can earn up to $9,500 to help pay for college or job training.

In my home State of Maine, new AmeriCorps members have begun work on projects such as building recreational trails in State parks, operating a recycling center, and helping troubled young people. These and other community service projects throughout the country will teach participants valuable trade skills, good work habits, and lessons in leadership and civic responsibility. They will learn firsthand how getting involved can make a difference in their lives and the lives of others and their communities.

Early in the 103rd Congress, we passed the Family and Medical Leave Act, so that people will not have to choose between their jobs and their families' health. The National Voter Registration Act, known as the "motor-voter" bill, will make it easier for working men and women to register to vote. These initiatives affect millions of Americans from all walks of life.

Last year, we reformed the Hatch Act so that millions of Federal workers can now participate more fully in the political process.

A look around the globe reveals that the United States' relations with its most important partners have never been better. President Clinton deserves most of the credit for this.

He has managed our relationships with Russia, with Japan, and the countries of Western Europe soundly in a time of uncertainty and the social and economic turbulence that followed in the wake of the collapse of communism.

Longstanding conflicts in areas like Northern Ireland, South Africa, and the Middle East, which for decades had seemed intractable, are now on the path to resolution.

The end of the bipolar contest between the free world and the former Communist world has not produced a world without tribal conflict or political evil. They remain. Indeed, shorn of that defining contest, relations among former allies as well as adversaries are going through a period of change and reevaluation. It is bound to be a confused and unsettling period.

The past year was not as productive as many of us hoped it would be. But I would be much more disappointed with myself and my Democratic colleagues if we had not at least made the effort. Those who seek reform and change risk failure. But it is far better to fail in trying than not to even make the attempt.

Both the House and Senate passed substantive campaign finance reform bills, but we were unable to overcome the Republican filibuster in the Senate which blocked final consideration of a bill.

The way the congressional campaigns are financed must be changed. They are too long and too expensive. True campaign finance reform will contain spending limits and help to even the playing field so that challengers will no longer be hopelessly outspent by incumbents. For the good of our Nation and for the good of Congress I hope substantive campaign finance reform legislation will be enacted in the next Congress.

I regret that Republican obstruction also prevented Senate passage of many other reform efforts. We are unable to complete action on a congressional compliance bill which would have brought congressional employees under the same employment protection as private sector workers.

The American people believe that Members of Congress are more responsive to moneyed special interests than to ordinary citizens. The lobbying disclosure and gift ban legislation, which was killed by a Republican filibuster after being passed with 95 votes in its favor, would have required registration and disclosure and would have limited the gifts of travel and entertainment to Members which feed the public perception that Congress is out of touch with ordinary working people.

My greatest legislative disappointment is the failure to pass comprehensive health care reform. It is an issue on which I have worked since I came to the Senate nearly 15 years ago and about which I care deeply. More importantly, it is an issue that affects the daily lives of every single American.

The President deserves enormous credit for making health care reform a high priority. Many Members of Congress, mostly Democrats and some courageous Republicans, devoted thousands of hours to develop serious health care reform proposals.

Those who opposed health care reform may have avoided casting votes this year, but they will be unable to avoid the reality of the growing health care crisis in our country. It is a crisis of cost and a crisis of justice. I can say with certainty that major health care reform will someday happen; it must happen.

The budget numbers alone are striking: Today, Federal spending on health care through Medicare and Medicaid is less than half of the discretionary budget. By the year 2004, 10 years from now, spending on Medicare and Medicaid will exceed all discretionary spending. Let me repeat that. In the year 2004, we will spend more money on Medicare and Medicaid than on every other domestic discretionary program—defense, all international programs, all defense programs combined.

Unlike the cycles of the national economy, there is no self-correcting mechanism to reverse escalating health care costs. There must be a coherent national framework to help contain health care costs, to ensure that health insurance is affordable and is there when it is needed.

I repeat what I have said literally hundreds of times before: I believe that in a democratic society, the right to good health care is a fundamental right of every citizen. I regret that I was unable to see that right secured during my tenure in the U.S. Senate. I hope and believe that it will happen soon.

The disappointments of recent months are real, but the accomplishments of the 103d Congress outweigh them. We may have a substantial difference in the economic direction for the better—more jobs, lower inflation, declining deficits—than the country has seen in a dozen years.

We have begun to address the issues of combining a sound family life with the demands of the workplace. We have significantly broadened the ability of all Americans to register and vote. And we took on the task of the future: improving our education system so that our children will be prepared for the 21st century.

Long after the 103d Congress has ended, the laws enacted in that Congress will have a positive effect on the lives of Americans. That is our legacy, and I take pride in it.

Mr. President, that was my prepared statement. I had intended to make no further statements, but I feel I have no choice but to respond to some of the comments made earlier with respect to President Clinton and some of the measures which were before the Senate. I will attempt to do so as briefly and as factually as I can because I think it is necessary that the record be set straight. I do not intend to here re-debate all of the bills and issues which were before this Congress, but I think some of the statements made require a response.

First, the crime bill. Once again we heard the argument made by our Republican colleagues that they opposed the crime bill in the end because there was too much spending in it. Everyone should understand that when the crime bill was before the Senate, it passed by a vote of 95 to 4; 42 of the 44 Republican Senators voted for it.

Then the bill went to conference and came back to the Senate for final action, and our Republican colleagues attempted to defeat that measure. And the argument they used and the argument used again here today was that it was changed in conference and there was too much money in it.

Mr. President, that is not the reason, and it can be demonstrated that that is not the reason by simply looking at the facts. The bill which passed the Senate and which was supported by 42 of the 44 Republican Senators was a 5-year bill. The bill which came back to the Senate after conference and which Republican Senators opposed was a 6-year bill. So therefore, naturally, a 6-year bill has a higher total spending than a 5-year bill. But if you look at the years that are common to both bills, the amount of money in each of those years was higher in the bill which the Republican Senators voted for than in the conference report which they voted against.

I repeat that. The bill they voted for had more money in every year common to both the bill and the conference report than in the conference report which they opposed. So it is obvious it was not the money. It could not have been the money, because they voted for a bill with more money in each of the years common to both the bill and the conference report.

What changed, of course, was the political climate and the simple desire to oppose a bill which they actually voted for so as to deny President Clinton any political benefit at all.

Now, Mr. President, the same thing happened on the bill to reform lobbying disclosure and gifts to Senators. That bill passed the Senate 95 to 2 and 95 to 4 in two separate parts.

And, once again, almost every single one of the Republican Senators voted for the bill.

It then went to conference and was changed. When it came back, they said, "We're going to oppose this because of the changes."

Well, then, Mr. President, to call that bluff, we proposed to take out the changes and presented to the Senate the same bill which they had voted for by a margin of 95 to 2, and they killed that bill.

So it is obvious, once again, it was not the changes that caused them to kill a bill which they have supported. It was, rather, the difference in the political climate and a desire not to pass any bills that might in some way give credit to President Clinton.

I can understand Republican Senators opposing a bill that they do not agree with. We have differences all the time. But when they oppose bills for which they themselves have voted, it is obvious that the purpose is purely political, purely negative, purely obstruction, purely to prevent President Clinton from gaining any political benefit. And that is a very bad commentary.

Now, Mr. President, let me address a couple of the other points raised earlier.

Haiti. We have heard that debated here quite often in the last few days. And there is an almost incredible sadness on the part of our Republican colleagues that things have gone so well in Haiti. They are almost disappointed and feeling gloomy that things have gone so well in Haiti.

Not a single American has been killed as a result of that mission. The illegal dictatorship is leaving office and the democratically elected Government is taking office.

And yet, all we hear is nitpicking, second guessing, carping, crabbing, gloomy faces, all because it is going so well. That is another really sad commentary.

We are told by our Republican colleagues that the President should have come to the Congress and gotten authority before he ordered this action. I agree with that. I think the President should have done so and I told him so.

But the fact is that no President in my lifetime has agreed with me on that—no President, Democrat or Republican.

When President Bush ordered the invasion of Panama without prior congressional approval, an operation in which more than 20 Americans were killed, Republican Senators did not complain. They cheered. They did not say the President should have come up here for authority. They said the President did not need authority. They did not second guess and nitpick, carp, and crab. They praised and cheered.

When President Reagan ordered the invasion of Grenada without prior congressional approval, in which Americans were also killed, tragically and unfortunately, they did not say the President should have come up here and gotten authority. They said he did not need the authority. They did not nitpick, and second-guess, and carp, and crab. They cheered.

And now, an operation is going well, and what is their reaction? A bunch of gloomy Guses, almost sad that things have gone so well. That is sad.

Now, Mr. President, campaign finance reform. Once again the charge made is "taxpayer financing," even though the bill was explicit that not one penny of general taxpayer funding was involuntarily. If a person wanted to voluntarily check off on his tax return that he wants the money to go into it, he or she can do so. If he does not, he does not contribute a penny to it. And yet the statement is made again and again—erroneously, mistakenly—"taxpayer financing." The record must be set straight. It is not.

Health care. Over and over again, Mr. President, the allegation was made that the President's plan was for a Government-controlled health care system; too much government, we are told by our Republican colleagues over and over and over again, and, I must say and acknowledge, skillfully and successfully. But the allegation is false and deserves to be rebutted on two points.

First the plans were not plans for the Government to take over the health care system. My bill, in fact, would have abolished one of the largest Government health care programs, acute care under Medicaid. And 25 million Americans who are now covered under Medicaid would not have continued in their Government program, but would have been in the private health insurance market.

So abolishing the second largest Government health program and having 25 million Americans go in the private insurance market is not a Government takeover of the health insurance system, even though our Republican colleagues keep calling it that.

But there is another even more personal response that ought to be made. Over and over again, they say, Government health insurance is bad for you Americans. You, Mr. and Mrs. America, Government health insurance is bad for you, and we Republicans are proud of the fact that we stopped those nasty Democrats from imposing Government health insurance on you, even as every single one of these Republican Senators is covered by a Government-organized health insurance plan for himself, herself, and their families, and the Government pays 72 percent of the premium cost of their health insurance plan.

When a Republican Senator or a Democratic Senator gets sick, they walk right down the hall of the Capitol here to the Capitol physician's office, where a Government doctor treats them. And if they are really bad off and they need an operation, they go right out here to Bethesda, MD, to a Government hospital, where Government nurses take care of them, and Government doctors operate on them.

So every American ought to ask himself: "Hey, if this Government insurance and this Government health care is so bad for me, as these Republican Senators keep saying it is, how come they insist on having it for themselves and their families?"

Mr. President, what we want to do is to see to it that every single American has access to the same kind of insurance and health care that every Member of this Senate has. That is the democratic way, with a small "d." Why should people in this body have access to care of the quality and type and finance that other Americans do not have?

So I ask all Americans to ask themselves that question as they ponder health care. Maybe they might even ask one of these Republican Senators, when they come to your town to give a speech against Government health care: "Senator, if it is so bad for me, how come it is so good for you and your family?"

The argument was made that our Republican colleagues favor portability of health insurance; that every person who moves from one place to another or moves from one job to another would keep his health insurance. So that you do not have the terrible situation you now have, where if people move from one State to another, or change jobs, they lose their health insurance. And every month, more than 100,000 Americans lose their health insurance and large numbers of Americans are without health insurance for substantial periods of time.

But, Mr. President, the only way you can have portability and complete transferability of insurance from one place to another is you have a standard policy. You have to have a standard benefits package, otherwise it is impossible to have portability. And our Republican colleagues are all against the standard benefits package. And I think that really is a metaphor for their approach on health care.

They are for the objective, they are just against what it takes to get to the objective. So they can claim they are for these good things for Americans, even as they oppose the ways in which Americans will get them.

Finally, I want to comment on the subject of obstructionism and filibusters. The statement was made that on 29 occasions I filed motions to end filibusters before the debate had begun. But let me say here now, I filed motions to end filibusters only after I was explicitly told—either by the Republican leader or some other Senator—that there would be a filibuster, and that a motion to end the filibuster would be necessary.

I repeat that. Every single time such motions were filed, I had previously been told explicitly—by the Republican leader or some other Senator—that a filibuster would occur and a motion to end it would be necessary.

Let us look at this question of filibusters. In the entire 19th century, a period of 100 years, in this U.S. Senate there were a total of 16 filibusters. That is about once every 6½ years. For most of this century, filibusters occurred in the Senate fewer than once a year—fewer than once a year.

In this Congress alone in this Senate, motions to end filibusters were filed 72 times—72 times.

That does not mean there were 72 filibusters because, as every Senator knows, we frequently have to file more than one motion on an issue when we are unsuccessful the first or the second or the third time, but it gives you some indication of what has occurred. And I think nothing better makes the point than, going into this, the final day of this session, we had before us in the Senate four filibusters. And on each one of them the motion to end it was filed only after I was explicitly told—in this case I insisted that it be right out here on the record—by Republican Senators that it would be necessary to do it.

So I want to make clear my belief that there has been an unprecedented use of the filibuster and obstructionist tactics. It is true that if some Senator stays here long enough, he or she will participate in a filibuster. For most of us, it has been once or maybe twice in 10 or 15 years, somewhat consistent with the historical average. But when you have the number, the frequency of filibusters, even the subjects—here we had filibusters today on whether we are going to promote an Air Force colonel to be a general. And we had to file a motion to end the filibuster on that. And that was filed only after I was told publicly here and on the record it would be necessary, otherwise we would not be able to get to it.

What once was reserved by common consent and restraint to issues that were of grave national importance and really were not partisan in any way, has become an everyday mechanism in the Senate. I regret that and I think Senators in the future are going to regret it. If this number keeps spiraling upward as it has in recent years, from once every 6½ years in the last century to less than once a year early in this century to 20, then 30, then 40, now 70 times in a Congress, it is going to be extremely difficult for whoever is running the Senate—and someday that is going to be Republicans. I do not think it is going to be next year, but certainly we know that at some point in our history—we do not know when—Republicans will be in control of the Senate again. When that happens I think they will regret the consequences of the actions taken during this session.

Mr. President, as I said, I had intended only to make my prepared statement. I make these comments merely to respond to those points raised earlier and to do what I believe is necessary to have a balanced presentation on those issues.

I want to conclude by repeating what I said, that in our society the reality is, whether we like it or not, that controversy and conflict are given prominence, and substantive accomplishment is ignored if it is not controversial or sensational. I think much of the controversy has been given a lot of attention and created the impression that there was not any action in this Congress when in fact there was plenty of it and plenty of it that will be beneficial for years to come. And I hope that with the benefit of time and perspective, Americans will come to realize that.

Mr. President, I note the presence of my colleague from Arkansas on the floor. I accordingly yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Arkansas is recognized.

HEALTH CARE

Mr. BUMPERS. Mr. President, let me just say that this is an opportunity for me, even though we will be back in session in December, to say that you have just seen a dramatic demonstration of why we are going to miss Senator MITCHELL as our majority leader so badly. He has acquitted himself, in the 6 years he has been in this position, in an exemplary way. I was proud of him because I am a Democrat. But I was also proud of him because he always, unfailingly, represented the U.S. Senate in a most dignified and fair-minded way.

I have heard Senator DOLE, the Republican leader in the Senate, say many times that, though he and Senator MITCHELL have had many differences, he had never found Senator MITCHELL to be anything but manifestly fair in his dealings with the Republicans in this body. The past few weeks, particularly the past 3 weeks, have been unprecedented in my 20 years in the U.S. Senate. This is the end of my 10th Congress, my 20th session, and I have never witnessed anything like the virtual hysteria that has gone on here, to try to kill good legislation.

Yesterday the President held a press conference. I thought it was easily the most brilliant press conference certainly he has ever held. But, more important, as I watched him answer very difficult questions—some designed to trap him, some designed to make him answer in a way that he would not want to answer—without exception he faced each question with honesty, a great deal of intelligence and straightforwardness. And even his demeanor was exemplary.

He was gracious to the Republicans, saying not only had he worked with them on health care reform, and cataloged all of the things the majority leader just said, but he also said: "I still look forward to working with the Republicans next year."

And as I watched that, Mr. President, I thought, how long has it been since you have seen a President respond as intelligently and with as much information and knowledge at his fingertips to justify his answers, how long has it been since you have seen a President stand on his two legs and demonstrate the kind of knowledge and understanding of the problems of this country in as articulate a manner as Bill Clinton did yesterday? Not since Jack Kennedy and maybe not since Franklin Roosevelt.

So what is it that is so offensive about him to the American people that keeps his approval rating so low? There are probably as many answers as there are people you might ask. But when you look back at the past 2 years and you think about all of his accomplishments you have to be impressed. For instance, we passed the Family and Medical Leave Act for people so they can stay home with a sick child or a dying parent and not be fired. Almost 30 years ago when I had my own law practice in South Franklin County, AR, my daughter developed what we thought was a terminal illness. Fortunately, we happened to have a pediatrician with enough sense to get us to the best neurosurgeon in the world at Boston Children's Hospital.

On numerous occasions Betty and I spoke about the fact that when I went back home, after 6 weeks in Boston with my daughter, I did not have to worry about whether somebody had fired me while I was gone because I was my own boss. I just went back into my office and started practicing law again.

I asked Betty a number of times, "What do the poor people do?" First of all, most of them could not buy an airplane ticket to Boston, let alone pay a hotel bill and a mammoth hospital and doctor bill.

How many people in America would be lucky enough to get their daughter to Boston in the hands of the best neurosurgeon in the world? Very, very few and certainly very few country lawyers in towns of 1,000 people from Arkansas.

But most of them would find themselves without a job when they got home because they worked for somebody else. And so the Family and Medical Leave Act provides some comfort, some peace of mind for people. I am proud to have strongly supported it.

And student loans. We reformed the student loan program so more and more children can go to college, and we passed the national service bill so they can have an easier time paying off those loans. I am a product of the GI bill. I went to the University of Arkansas and Northwestern University Law School and the taxpayers paid every dime of it. My brother got out of the Army the same year I got out of the Marine Corps. He went to the University of Arkansas, and Harvard Law School, and the taxpayers picked up every dime of it. He feels terribly put upon about the deficit reduction bill we passed last year because he is fairly well to do. He probably paid more in taxes last year than he probably thought he would make when he got out of law school.

So was it good for the people to improve student loans and improve the educational quality of this Nation and give people a chance to educate their children as Bill Clinton has done? The answer is in the question. In addition the President has tried to make certain that every child in America—not just 50 percent—but every child in America gets Head Start—a people program—and an apprentice program to try to ease the transition from school into jobs, oftentimes for children, youngsters who are not going to college. Does anybody want to repeal that, to give people the skill to hold down a job when they get out of school? In addition, we have removed 87,000 employees from the Federal payroll to try to reduce the size of Government in the past year. Mr. President, did you know that the Government is as small right now as it was when Jack Kennedy was President? How many people across America do you think would believe that? There are now 87,000 fewer employees than when Bill Clinton was inaugurated. I do not want to be pejorative about this, but in the first 4 years of Ronald Reagan's administration, who came to town to cut Government, there were 125,000 additional employees in the Defense Department alone. President Clinton has fulfilled a promise that we would reduce the size of Government, who would want to undo that?

And the President has created 4 million jobs in his first two years. However, we still have more to do. One of the reasons the people of the country are in such a foul mood is not because they are not working but because they are not making very much money. I daresay that 50 to 70 percent of the people of this country wake up every morning worried about their house payment, their car payment, the education of their children, their health care, and they do not make enough money to quit worrying. Bill Clinton said during the campaign, and he said it again yesterday, that is our No. 1 problem.

Finally, Mr. President, last August we passed, what is, by far, the biggest deficit reduction package in the history of this country. There are only two ways to reduce the deficit, both of them very unpopular: one is to raise taxes. That is what gets us labeled "tax-and-spend Democrats." Oh, I wish I could come up with all those little slogans to use on the Republicans.

The second option is to cut spending. We did both; $250 billion in new taxes, most of which were on the richest 1.2 percent of the people in this Nation and $250 billion in spending cuts. Most people would not believe this, but spending cuts are almost as unpopular as taxes because you hurt somebody every time you cut spending.

It was projected at the time we passed it that the deficit the next 5 years would be $500 billion less than it would have been if we did nothing. Oh, how many times did I hear those specious arguments about how "you're not balancing the budget, you're going to raise taxes $250 billion, cut spending $250 billion and you're not going to balance the budget."

Well, nobody ever said we would balance the budget. But we said the deficit would be $500 billion less than it would otherwise have been. All of the Republicans are running ads against the people on this side who voted for the defict reduction package—they are saying, "he or she cast the deciding vote," because it was a 50–50 tie." Think about the cynicism, the dishonesty of that. All 50 people over here could not have possibly cast the deciding vote.

But I have said many times, I would not wait for my opponent to bring that argument up. I would bring it up first. I would bring it up because it is the most courageous, significant thing that has happened since I have been in the U.S. Senate—20 years.

How much Republican help did we get to reduce the deficit which, during the Reagan years, was the only subject suitable for debate in this body? Not one; not one Republican. And now, Mr. President, instead of reducing the deficit by $500 billion less than it would otherwise have been, because the economy has been performing so well, it will be reduced by $700 billion.

The deficit that 18 months ago was projected to be $310 billion, at the end of 1993 was $255 billion—$55 billion less than projected.

The deficit projected to be $305 billion on September 30, 1994, will probably end up being almost $100 billion less than the projection before we passed that bill.

And so what happens? Three hundred people running for Congress on the Republican side gather on the steps of the Capitol and announce "Voodoo II: We are going to raise defense spending, cut taxes for the rich, and balance the budget." How are you going to do it? Well, we are going to pass a constitutional amendment to balance the budget.

Now, is that not beautiful? You think of that. You think of the cynicism of that promise of $1 trillion in tax cuts and they cannot tell you anything except they are going to put something in the Constitution which would not take effect for 7 or 8 years.

I voted for the deficit-reduction package and I consider it one of the bravest, most courageous, significant things I have ever done, or that the Congress has ever done.

When it comes to foreign policy, the majority leader has already said all that needs to be said about Haiti. You can only conclude that our friends on the other side of the aisle are gloomy about the fact that that operation has gone much better than even I or he anticipated.

The other day I asked a fairly sophisticated reporter in this town: Why is it you do not like President Clinton? Well, it is his foreign policy. Well, what is it about his foreign policy you do not like? "Well, I am not sure," the reporter responded.

While our successes were numerous, we also had some failures, which will be redressed next year. We did not do welfare reform which everybody in the country is anxiously awaiting. We did not do health care, and the majority leader has said all that needs to be said on that subject. We did not do campaign finance reform because the Republicans prevented the bill from going to conference.

The majority leader very appropriately pointed out that anybody who would not want to contribute to campaigns would not have to. It is a voluntary checkoff on your tax return if you want it. I would be happy to check mine off because I think that nothing is ever going to save this democracy except campaign finance reform. The money chase is unconscionable. It is humiliating. I personally detest it. I hate it worse than anything about this profession, having to go out with your hat in your hand and a tin cup pleading for alms so you can enjoy public service.

We may be the only Nation on Earth, Mr. President, that finances campaigns with anything other than public funds. Yet somehow or other there are enough people who like the advantages that incumbents have, that they are willing to continue to vote against reform.

Mr. President, I would like to take a moment to discuss two really significant failures which I have personally been involved with and that have gotten very little attention around here and which the press just sort of mentions in passing, occasionally. One is mining law reform.

Listen to this. Since the 1872 mining law was passed, we have sold off over 3 million acres of public lands to the mining companies—a chunk of land bigger than the State of Connecticut—for anywhere from $2.50 an acre to $5 an acre. The mining companies, as of this date, have removed $230 billion worth of gold, silver, palladium, platinum, and other hard-rock minerals and have not paid the Federal Government out of that $230 billion one cent in royalties.

We could not change this 122-year-old law because of entrenched interests. I have fought this battle now for 6 years, and we have failed yet again. There is not one Senator in this body who does not know, to an absolute certainty, if this were presented to the American people they would be absolutely repelled by the idea. It is repugnant in the extreme to believe that we continue to allow this to continue.

Just this year, the Secretary of the Interior was required by the court to hand Barrick Resources, a Canadian company, 2,000 acres of land for $10,000, under which lies $11 billion worth of gold, and the United States Government will not get one red cent out of it.

That is not all. They have, over the past 122 years, left one environmental disaster after another. More than 50 mining sites that have been abandoned are on the Superfund national priority list and will cost the taxpayers of America billions and billions of dollars to clean up—and we cannot change the law.

In addition, Mr. President, I have worked for 16 years to reform the way we contract with concessionaires in the national parks. They have given these contracts out as though they were handing them down to their children in their wills.

In 1992, the concessionaires in this country took in about $500 million, and paid the Federal Government in exchange about 3 percent—roughly $15 million out of their proceeds of $500 million.

Finally, after 16 years, we got the bill reported out of the Energy Committee this year, thanks to a really new breed Senator, ROBERT BENNETT from Utah, one of the finest Senators to join this body in a long time, and who joined me in the committee and said, of course, we need to do this. And then we got 90 votes in the Senate.

However, we were prevented from considering the House-Senate compromise because one or two Senators put a hold on the bill: "If you bring it up, I will filibuster it." That is what a hold is.

Everybody knows that we do not have time for filibusters around here in the last few days of the session, so the majority leader could not bring the bill up because we could not afford the time. One Senator called the Cloakroom and says: "Put a hold on Mr. BUMPERS' concessions bill"; and it is dead—dead, dead, dead—and the taxpayers have been swindled once again.

I do not know who the majority leader will be next year, but I say one thing: Be he Democrat or Republican, there is nothing, other than campaign finance reform that needs doing worse than repealing the rule that allows one Senator to bring this place to its knees during the last 3 weeks of a session. Forty, fifty bills out of my Subcommittee on Public Lands, dead because of one or two Senators. That is some democracy around here.

Mr. President, I saw in the paper this morning that the unemployment rate dropped to 5.9 percent. Under the old method of keeping it when Bill Clinton first became President, it would be about 5.4 percent. But even so, that is the lowest unemployment rate in 4 years. The deficit is dropping like a rock. Inflation is about as low as it ever gets. The economy is purring along at about 3½ to 4 percent. But the President's approval rating is low. It is the most contradictory thing I have every witnessed. As a percentage of the gross national product, the deficit is exactly half what it was January 1, 1993—half as a percentage of the gross domestic product.

Mr. President, in this day of communications where television reaches into every home in America, all the talk show hosts make money and get more money in advertising if they can get a bigger viewing audience. The way you get a bigger viewing audience is to keep everyone sitting on the edge of their seat telling all the dire and terrible things going on in Congress.

Elections have become so cynical. I watched a debate the other night. I thought it was absolutely brilliant. One of the candidates said he was opposed to big government. I wanted to say, "Who do you know that favors big government?" He is against deficit spending. But he is not for getting the deficit down with taxes or any spending cuts that he was willing to mention. I think of all of those things about how cynical government is. I said in 1992, if you take TED KENNEDY and liberal out of my opponent's vocabulary, he would have been tongue-tied.

"I am opposed to big government," they say. "He is a tax-and-spend liberal," they say. And the National Rifle Association says he has voted to take your guns away. You bet. You bet. I voted to outlaw those AK–47's and Uzis and all the other assault weapons that ought never to be in the hands of anybody except the police and the military.

So the assault weapons ban, banning the sale of 19 automatic, military weapons that are used to shoot up McDonald's that virtually every lunatic that goes on a shooting spree uses, and the National Rifle Association wants them in the hands of every jail escapee and lunatic who can walk into a gun shop and plunk down the money for one.

So the National Rifle Association, because virtually every Democrat supported the crime bill that would bar the sale of those lethal weapons, is supporting virtually every Republican who is running for the U.S. Senate. You think about 230 million weapons loose in this country; 65 million of them handguns.

Elections have become electronic events carefully calculated to fool 51 percent or more of the people on 1 day every 2 years. I used to do a speech about how you could never get a politician or a public servant to tell you the truth until he is out of office. I wonder what it would have been like if Ike Eisenhower had delivered his military industrial complex speech at his inaugural instead of his going-away party. There is a Senator who is quoted quite often now. He is not here anymore. He talks about things that would have never been talked about on the floor of the Senate.

I remember when David Jones, who was Chairman of the Joint Chiefs of Staff, did his exit interview. He said, "You expect me to design a force structure to protect the United States when all I can do is referee interservice rivalries. You give the Navy $1 billion, and you have to give the Army $1 billion. If you give the Army $1 billion, you have to give the Air Force $1 billion." He said, "That is all I do, is referee the handing out of the money. There is very little time left to decide what for."

The people say they want term limits. I am on the other side of that issue. It is very popular across the country, and I presume eventually it could happen. I do not have a dog in the fight, really. I will be pushing up daisies before that happens. But I can tell you it is a wrong approach. People grow more cynical. So that only 50 percent of the people bother to vote, and we have become more uncivil as a Nation. And we are more uncivil in this body. I have only been here 20 years. But the personal assaults on one side of this body to the other side, and personal insults, have grown exponentially in the past 8 or 9 years.

Mr. President, let me just conclude by saying I am deeply concerned and very apprehensive about the survival of our democracy but not fatalistic. The parents of this country have a right to believe that the Members of this body care about their children. My father and mother told me a hundred times, "We want you boys to have a better life than we had." And why would not they? They had worked so hard to feed and clothe and house us. My father talked about education every day and how important it was that we get an education. Today parents do not believe their children are going to have a better life than they had. They think it is going to be worse. That is one of the reasons they are upset.

If you read the Washington Post yesterday, you saw one of the reasons, probably the biggest reason, the people are so upset in this Nation; that is, the poor indeed are getting poorer and the rich are getting richer. In the past year, the medium family income has gone down almost $2,000 while for the top 5 percent of the people of this country incomes have gone up 5 percent.

We children were everything to our parents. My father wanted me to go into politics. When I ran for Governor and was elected, I wanted my children, two sons and a daughter, to go into politics. I believed when I went into politics that public service was the noblest of all professions.

Somebody called in to debate the other night and said, "Why would you spend millions and millions of dollars for a job that pays $135,000 a year?" The answer to that is I wish I did not have to do it. I wish that none of us had to do it. But until we change this system, you have no choice. And one of the things the Campaign Finance bill would have done would be to level the playing field between people who have to go out and raise money for people however they can and run against somebody who is willing to spend $10 million or $20 million of their own money. That goes on on both sides of the aisle.

I suspect that at least 50 Members of this body right now are millionaires, and many of them multimillionaires. And that is hardly a microcosm of America. Let me add that some of the very wealthy Members of this body, in my opinion, are the very best Senators. But I am just simply saying the system ought not to permit anybody to buy a seat in Congress—the House or the Senate.

So I do not encourage my children to go into politics. It is not the same. The media is unrelenting. They make it difficult and sometimes impossible to enjoy your work here as a public servant. One of the biggest worries I have is, as some of the best Senators exit this body this year, as they are doing—some of the very best, such as Senator MITCHELL, are leaving and I do not know who will replace them. I am afraid that the best and brightest in this country are going to shun politics for all of the obvious reasons. It just is not worth it.

Well, Mr. President, I talked longer than I intended to, and I am afraid I repeated too much of what the majority leader said. Despite some of the more ominous things I said, I am still bullish on America. Throughout our history the pendulum has swung back and forth, and it has always come back, whether it went way to the left or way to the right. Our job is to make sure the pendulum never swings too far in either direction. Our job is to make sure that every American has a chance, as the majority leader said in a speech downtown the other night.

Is it not ironic, Mr. President, that at a time when people all over the world are scratching and clawing and swimming and getting into styrofoam rafts to go out on the ocean to get to the United States, we are trashing our own Nation as never before?

So I have at least 4 years left on this term, Mr. President. I will do my very best to continue addressing all of these things I have talked about, to fulfill the promise of America, the promise that every man, woman, and child in this country has a right to expect.

I yield the floor, Mr. President.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMPENSATION OF PERSIAN GULF WAR VETERANS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5244, a bill relating to the compensation of Persian Gulf war veterans, just received from the House; that the bill be deemed read the third time, passed; that the motion to reconsider be laid upon the table, and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 5244) was deemed read the third time, and passed.

VETERANS' BENEFITS IMPROVEMENTS ACT OF 1994

Mr. ROCKEFELLER. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering H.R. 5244, a bill to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with the authority to pay compensation to any Persian Gulf veteran suffering from a disability resulting from an undiagnosed, disabling health condition, to revise and improve the assessment of the health consequences of service during the Persian Gulf war, and for other purposes. I urge my colleagues to give their unanimous support to H.R. 5244, which has just passed the House in lieu of H.R. 4386, which is currently pending here in the Senate.

The pending measure, H.R. 5244, represents a compromise between the Committees on Veterans' Affairs of the House and the Senate. This measure, which I will refer to as the compromise agreement, incorporates amendments to title 38 and freestanding provisions from: H.R. 4386, which passed the House on August 8, 1994; S. 2330, which the committee reported to the Senate on September 28, 1994; S. 2325 and S. 2094, which the committee reported to the Senate on September 27, 1994; S. 1546, which the Senate passed on March 25, 1994; H.R. 3313 which contained provisions originally reported in S. 1626 and which passed the Senate on June 8, 1994; H. R. 4088 which the House also passed on August 8, 1994; and H.R. 4724, H.R. 4768, and H.R. 4776 which passed the House on August 1, 1994.

SUMMARY

Mr. President, I want to thank my colleagues in the House, especially

Representatives MONTGOMERY and STUMP, for their prompt consideration and passage of this vitally important measure.

I will at this time summarize the provisions of the bill. Detailed descriptions of all of the provisions are set forth in the explanatory statement, originally written for H.R. 4386, which was developed in cooperation with the House Committee on Veterans' Affairs. My counterpart on the House Committee on Veterans' Affairs, Chairman G.V. "SONNY" MONTGOMERY, inserted the same explanatory statement in the RECORD when the House considered this measure.

Mr. President, the compromise agreement has 12 titles: Persian Gulf War Veterans; Board of Veterans' Appeals Administration; Adjudication Improvements; Veterans' Claims Adjudication Commission; Miscellaneous Provisions; Education and Training Programs; Employment Programs; Cemeteries and Memorial Affairs; Housing Programs; Homeless Veterans Programs; Reductions in Department of Veterans Affairs Personnel; and Technical and Clerical Amendments.

PERSIAN GULF WAR VETERANS

Mr. President, title 1 of the compromise agreement contains provisions that would:

First, set forth specific congressional findings regarding Persian Gulf war veterans.

Second, state the purposes of the compromise bill.

Third, order the Secretary to (a) develop and implement a uniform and comprehensive evaluation protocol to provide extensive medical examinations to Persian Gulf war veterans who are suffering from illnesses the origins of which are unknown and that may be attributable to service in the gulf war; (b) develop case definitions or diagnoses for such illnesses; and (c) ensure that VA provides the evaluations at as many VA medical centers as possible. In order to make these evaluations as accurate and available as possible, the Secretary would be authorized to contract out these medical examinations, and any necessary treatment, to non-VA facilities, and to pay for travel and incidental expenses.

Fourth, require the Secretary to develop and implement a comprehensive outreach program to inform Persian Gulf veterans and their families of medical care and other benefits that may be available to them from VA and DOD. The outreach program would include a semiannual newsletter to be prepared in consultation with veterans service organizations, and a toll-free number to provide any other information the Secretary considers appropriate.

Fifth, provide the Secretary with authority to pay compensation to any Persian Gulf war veterans suffering from a disability resulting from an undiagnosed illness that became manifest during active duty or to a degree of 10 percent or more within a period to be determined by the Secretary, and, if the Secretary determines that compensation should be paid to these Persian Gulf war veterans, would require the Secretary to publish proposed regulations under which compensation would be paid.

Sixth, direct VA to conduct a pilot study, whereby VA would develop an evaluation protocol and guidelines for medical examinations and tests for dependents of gulf war veterans. These procedures would be restricted to those dependents whose illnesses, birth defects, or other disorders may be associated with the veterans' service in the gulf war. It would authorize VA to pay for the medical examinations, tests, and consultations through contracts with non-VA facilities, and to use the data to determine whether gulf war symptoms are being transmitted to family members.

Seventh, clarify that the Persian Gulf War Veterans health registry includes diagnostic tests in its definition of medical examinations.

Eighth, authorize the Secretary of the Department of Veterans Affairs, in coordination with the Secretary of Defense, to carry out a survey of gulf war veterans to gather information about their health problems and the health problems of family members.

Ninth, authorize VA to conduct an epidemiological study or studies of Persian Gulf war veterans if such a study is recommended by the National Academy of Sciences in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102–585).

Tenth, amend section 1317 of title 38 to permit surviving spouses eligible to receive dependency and indemnity compensation [DIC] to elect to receive death pension under chapter 15 in lieu of DIC, and provide that, with respect to any cost-of-living adjustment in the rates of compensation and DIC provided for fiscal year 1995, all increased rates (other than those equal to a whole dollar amount) must be rounded down to the next lower dollar.

BOARD OF VETERANS' APPEALS ADMINISTRATION

Mr. President, title 2 of the compromise agreement contains provision that would:

First, eliminate term limits for members of the Board of Veterans' Appeals other than the chairman and provide that members of the Board would receive the same basic pay as received by administrative law judges, unless that would result in a reduction in pay.

Second, require the chairman to establish a panel, including the chairman and two other members of the Board, to conduct reviews of the job performance of Board members, establish job performance standards, and conduct reviews of the job performance of Board members within 1 year after the establishment of those job performance standards, and then at least every 3 years thereafter.

Third, specify that if the position of chairman were to become vacant upon the expiration of the chairman's term, the current chairman would be authorized, with the approval of the Secretary, to continue to serve as chairman until the chairman is appointed to another term or a new chairman is appointed (but not beyond the end of the Congress during which the term of office expired).

ADJUDICATION IMPROVEMENTS

Mr. President, title 3 of the compromise agreement contains provisions that would:

First, for purposes of claims for VA benefits, allow the Secretary to accept a written statement from the claimant as evidence of marriage, dissolution of a marriage, birth of a child, or death of a family member.

Second, allow the Secretary to accept the medical examination report of a private physician in support of any claim for VA disability benefits, without a requirement for confirmation by an examination by a VA physician, if the report is sufficiently complete to be adequate for purposes of adjudicating the claim.

Third, require the Secretary to take such actions as may be necessary to provide that claims remanded by the Board of Veterans' Appeals to regional offices or by the Court of Veterans Appeals to VA be treated expeditiously.

Fourth, permit the Board to screen cases on appeal at any point in the decision process (a) to determine whether the record is adequate for decisional purposes, or (b) for the development or attempted development of a record that is inadequate for decisional purposes.

Fifth, require the Secretary to submit to the House and Senate Committees on Veterans' Affairs a report addressing the feasibility and impact of a reorganization of VA claims adjudication divisions to a number of such divisions that would result in improved efficiency in the processing of claims.

VETERANS CLAIMS ADJUDICATION COMMISSION

Mr. President, title 4 of the compromise agreement contains provisions that would:

First, establish an independent commission to study VA's system for the disposition of claims for benefits, both at the regional office level and at the Board of Veterans' Appeals.

Second, describe the composition of the commission to be made up of nine members appointed by the Secretary of Veterans Affairs, to include the following: One member who is a former VA official; two members from the private sector who have expertise in the adjudication of claims relating to insurance or similar benefits; two members who are employed in the Federal Government, outside VA, who have expertise in the adjudication of claims for Federal benefits other than VA benefits; two members who are representatives of veterans service organizations; one member recommended by the American Bar Association or a similar private organization who has expertise in administrative law issues; and one member who currently is a VA official.

Third, direct the commission to evaluate the entire adjudication system in order to determine the efficiency of its processes and procedures, including the impact of judicial review on the system, means for reducing the backlog of pending cases in the system, and means for improving timeliness and quality of the claims process by examining the VA's system for the disposition of claims and benefits delivery and any related issues the commission determines are relevant to such a study.

Fourth, order the Secretary to submit to the commission and the Committees on Veterans' Affairs of the Senate and House of Representatives any information which the chairman of the study has determined necessary to carry out the study within 30 days of the chairman's request for such information.

Fifth, require the commission to present a preliminary report within 1 year of enactment of the act and a final report within 18 months of enactment.

Sixth, authorize that $400,000 be made available from amounts appropriated to VA for fiscal year 1995 for the payment of compensation and pension for the activities of the commission.

MISCELLANEOUS BENEFITS-RELATED PROVISIONS

Mr. President, title 5 of the compromise agreement contains provisions that would:

First, clarify that, for the purposes of a presumption of service connection based on exposure to ionizing radiation, participation in atmospheric testing of nuclear devices includes non-U.S. tests.

Second, provide that provisions of law requiring VA to establish a procedure for a particular type of claim may not be construed to prevent the establishment of service connection on a direct basis.

Third, extend the Secretary's authority to maintain the regional office in the Republic of the Philippines until December 31, 1999.

Fourth, provide that an application filed for non-service-connected pension or parents' DIC made within 1 year of a renouncement of such benefits will not be treated as an original claim, and benefits will be paid as though the renouncement had not occurred.

Fifth, clarify that an attorney may receive payment for representation in proceedings before VA or the Court of Veterans Appeals directly from VA out of a retroactive benefit award only if the total amount of the fee is contingent upon the claim being resolved in favor of the appellant.

Sixth, codify the presumptions of service connection based on exposure to herbicides for Hodgkin's disease, porphyria cutanea tarda, respiratory cancers (lung, trachea, bronchus, and larynx), and multiple myeloma established administratively by the Secretary.

Seventh, exclude payments received from Alaska Native corporations under the Alaska Native Claims Settlement Act from the calculation of income for purposes of determining eligibility for VA pension, but only to the extent that these payments are excluded for purposes of other means-tested Federal benefits programs as specified in ANCSA.

Eighth, eliminate the requirement that certain VA benefits paid to eligible veterans in the Republic of the Philippines be paid in pesos, thereby allowing VA to issue regulations in order to comply with the requests of the Departments of State and Treasury that such restrictions be eliminated.

Ninth, require an evalution of the feasibility of a study of the health consequences for family members of atomic veterans of exposure of atomic veterans to ionizing radiation.

Tenth, establish a Center for Minority Veterans and a Center for Women Veterans.

Eleventh, require (a) the Secretary to establish an Advisory Committee for Minority Veterans for a period of 3 years; (b) the committee membership to represent certain groups relating to minority veterans; and (c) the committees to submit a report to the Secretary, not later than July 1 of each even-numbered year, which assesses the needs of and programs for minority veterans, and require the Secretary to share this report with Congress.

Twelfth, require that a notice of appeal be deemed received by the court on the date it is postmarked, if it is mailed. Only legible U.S. Postal Service postmarks would be sufficient.

EDUCATION AND TRAINING PROGRAMS

Mr. President, title 6 of the compromise bill contains provisions that would:

First, make permanent the program of vocational flight training available under chapters 30 and 32 of title 38, and chapter 106 of title 10.

Second, authorize the use of Indian reservations for the purposes of section 3115 of title 38, to allow eligible veterans to participate in programs of on-the-job training on Indian reservations.

Third, add to the definition of the term "educational institution," for the purposes of chapters 34 and 36 and as described in section 3452(c), entities which provide training required for completion of any State-approved alternative teacher certification program, as determined by the Secretary.

Fourth, remove the requirement that courses offered by approved foreign universities and colleges be located at the site of the approved institution in order for such courses to be eligible for approval by the Secretary.

Fifth, require that correspondence programs and combination correspondence-residence courses may be approved by State Approving Agencies only if the educational institution is accredited by an entity recognized by the Secretary of Education, and that no less than 50 percent of such courses require a minimum of 6 months to be completed.

Sixth, increase the maximum amount available to State Approving Agencies to $13,000,000 per fiscal year, and eliminate certain reporting and supervision requirements.

Seventh, add chapter 106 of title 10 to the sources of educational and training benefits for which the Secretary will define full- and part-time training.

Eighth, extend the authority for the Veterans' Advisory Committee on Education though December 31, 2003, and make technical changes to the committee's mandate.

Ninth, increase the level of funding available for contract educational and vocational counseling services from $5,000,000 to $6,000,000, effective October 1, 1994.

EMPLOYMENT PROGRAMS

Mr. President, title 7 of the compromise bill contains provisions that would:

First, create the position of Deputy Assistant Secretary of Labor for Veterans' Employment and Training who shall perform such duties as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes and who shall be a veteran.

Second, provide that compensation for disabled veterans' outreach program [DVOP] specialists shall be set at rates comparable to the rates paid to professionals performing essentially similar duties in the State Government of the State in which that specialist is employed.

Third, expand the scope of the biennial study required under section 4110A to include (a) veterans of the Vietnam era who served outside the Vietnam theater of operations; (b) veterans who served after the Vietnam era, (c) veterans discharged or released from active duty within the 4 years prior to the study, and (d) a category for women veterans for each of the classifications of veterans.

Fourth, require Federal contractors to immediately list with the local employment service officer all open positions except executive and top management positions, those positions that will be filled from within the contractor's organization, and positions lasting 3 days or less.

Fifth, add benefits received under chapter 30 of title 38 and chapter 106 of title 10 to the amounts disregarded pursuant to section 4213.

CEMETERIES AND MEMORIAL AFFAIRS

Mr. President, title 8 of the compromise agreement would revise and improve matters relating to the national cemeteries. Specifically, the compromise agreement would:

First, restore the statutory eligibility for burial in national cemeteries of spouses who predecease veterans eligible for such burial.

Second, restore eligibility for burial in national cemeteries to surviving spouses whose subsequent marriage ended by death or divorce.

Third, extend the authorization of appropriations for the State Cemetery Grants Program from September 30, 1994, to September 30, 1999.

Fourth, authorize the use of flat grave markers at the Willamette National Cemetery in Oregon.

HOUSING PROGRAMS

Mr. President, title 9 of the compromise bill contains provisions that would:

First, add to the definition of "veteran" persons discharged or released from the Selected Reserves before completing 6 years of service because of a service-connected disability, and extend eligibility to surviving spouses of reservists who died on active duty or due to a service-connected disability.

Second, allow the Secretary to waive the precondition to restoration of loan guaranty entitlement contained in subsection 3702(b)(1)(A) once for each veteran.

Third, eliminate VA's prohibition against guaranteeing a loan to purchase or construct a home not served by public water and sewerage systems where such service is certified as economically feasible.

Fourth, allow for the costs of energy efficiency improvements to be added to the loan balance in connection with a loan refinanced for the purpose of reducing the interest rate.

Fifth, authorize the refinancing of adjustable rate mortgage loans to fixed rate mortgage loans at a higher interest rate.

Sixth, eliminate VA inspection requirements under section 3712(h)(2)(A), and provide that manufactured housing that is certified to conform to standards under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be deemed in compliance with requirements of subsection 3712(h)(1).

Seventh, permit VA to acquire property from the lender at the price provided for under current law, despite the fact that the lender's bid at the foreclosure sale might have exceeded that price.

Eighth, add an exception from the 2-year minimum service requirement with respect to eligibility under chapter 37 of title 38 for service members discharged because of a reduction in force.

HOMELESS VETERANS PROGRAMS

Mr. President, title 10 of the compromise agreement would revise and improve programs to assist homeless veterans. Specifically, the compromise agreement would:

First, require VA to submit an annual report on its activities to assist homeless veterans, including information on the numbers of homeless veterans served and the costs to the Department of its activities, and to report biannually on the effectiveness of these activities.

Second, require that VA complete an assessment of the needs of homeless veterans, as required by Public Law 102-405, report its finding to the Senate and House Committees on Veterans' Affairs by December 31, 1994, and update this report annually for 3 years.

Third, raise the limit on the number of comprehensive homeless centers that VA may establish from four to eight.

Fourth, remove the requirement in the Homeless Veterans Comprehensive Service Programs Act of 1992 that funds for various initiatives in that law be specifically provided for in an appropriations law.

Fifth, express that it is the sense of the Congress that (a) of the funds appropriated for any fiscal year for programs to assist homeless individuals, a share more closely approximating the proportion of the population of homeless individuals who are veterans should be appropriated to VA for VA homeless programs; (b) of the Federal grants made available to assist community organizations that assist homeless individuals, a share of such grants more closely approximating the proportion of the population of homeless individuals who are veterans should be provided to community organizations that provide assistance primarily to homeless veterans; and (c) the Secretary should encourage Federal agencies that assist homeless individuals, including homeless veterans, to be aware of and make appropriate referrals to VA for benefits, such as health care, substance abuse treatment, counseling, and income assistance.

REDUCTION IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

Mr. President, title 11 of the compromise agreement would limit the number of personnel reductions in VA and set other requirements regarding VA staff. Specifically, the compromise agreement would:

First, limit the cuts in the VA work force from fiscal years 1993-99 to a total of 10,051 full-time equivalent employees [FTEE].

Second, require that, in determining the total number of FTEE in VA for purposes of achieving Federal work force reductions, only those employees whose salaries and benefits are paid with appropriated funds may be counted as VA FTEE.

Third, require the Secretary to submit an annual report, through the year 2000, to the House and Senate Committees on Veterans' Affairs that describes the numbers and positions of all VA employees cut and the rationale behind such cuts.

Fourth, provide enhanced authority for VA to contract for services during fiscal years 1995-99 in order to assist VA in achieving its work force reduction, and provide certain assistance and hiring preference to those employees who are displaced by contract workers.

Fifth, require the Secretary to contract with an appropriate non-Federal entity to study and report to Congress on the feasibility and advisability of alternative organizational structures, such as the establishment of a quasi-Government corporation, to provide health care to veterans.

COMPENSATION FOR PERSIAN GULF WAR VETERANS FOR DISABILITIES RESULTING FROM UNDIAGNOSED ILLNESSES

Mr. President, the provisions of the compromise agreement regarding Persian Gulf war veterans would clearly provide the Secretary with authority to pay compensation to any Persian Gulf veteran suffering from a disability resulting from an undiagnosed illness that became manifest during active duty, or to a degree of 10 percent or more within a period following service in the Persian Gulf war to be determined by the Secretary. This strongly bipartisan and bicameral provision is derived from provisions that Representatives MONTGOMERY, EVANS, SLATTERY, and KENNEDY offered in the House which were incorporated into H.R. 4386 which passed the House on August 8, 1994, and from provisions that Senator DASCHLE and I offered at the September 23, 1994, Senate Committee on Veterans' Affairs meeting.

My distinguished colleague on the committee, Senator DASCHLE, worked extremely long and hard with me on this issue throughout the entire 103d Congress. During the past several weeks, he and his staff member, Rachel Graham, have devoted much time and energy to crafting the final Senate provisions relating to Persian Gulf war veterans.

Mr. President, I regret that this situation requires a legislative remedy. However, I strongly believe this measure is the appropriate action to take because the Department of Veterans' Affairs will not take action on its own to provide compensation to Persian Gulf war veterans clearly disabled following their service in the gulf. Under this measure, the Secretary would be required to decide whether to compensate these veterans, and, if so, to prescribe regulations to implement the decision and thereby provide Persian

Gulf war veterans the compensation they deserve. The Secretary would determine the appropriate period of time following service in the southwest Asia theater of operations for presumption of service connection. In addition, the regulations would have to include a description of the particular military service involved, the illnesses for which compensation may be paid, and the relevant medical characteristics associated with the illnesses. Of the various legislative options available, I believe this is a good approach because it avoids micromanagement of the Department by Congress, and validates VA's authority to make decisions concerning service connection for specific conditions.

Mr. President, I strongly believe that Congress should not be in the business of legislating service connection for every new disease that results from service in particular wars or military conflicts. That is simply not where our expertise lies. Although this measure is limited to Persian Gulf war veterans, it still leaves the discretion for such decisions to VA, where it rightfully belongs. Only when VA fails to act properly in carrying out its obligations with respect to compensating veterans for service-related disabilities should Congress step in and take some corrective action.

Mr. President, this measure will not resolve all of the problems faced by Persian Gulf veterans. There are still many unanswered questions concerning the health effects of service in the Persian Gulf and whether conditions that take a longer time to show up can be connected to Persian Gulf service. As has been noted previously, we will have to wait for the scientific and medical evidence to provide us with answers. However, I am happy to note that, in addition to the many steps already being taken in this effort by VA, the Secretary of Defense, and the Secretary of Health and Human Services, this measure also would require VA to develop a uniform and comprehensive medical evaluation protocol, and would provide for the evaluation of the health status of spouses and children of Persian Gulf War veterans.

Mr. President, my hope is that we can enact this measure, so that VA can begin to compensate all veterans who are suffering from undiagnosed, service-connected conditions that have left them severely disabled. These deserving veterans should not be penalized simply because their "diseases" have no name. They are sick because of their military service, and therefore should receive compensation from the Government they served so bravely.

EDUCATION, JOB TRAINING, AND HOME LOANS

This bill also contains many technical corrections and improvements to programs which provide education benefits, job training, and home loan benefits to millions of our veterans.

Among these improvements—thanks to my colleague and good friend TOM DASCHLE—vocational flight training will be established as a permanent program under chapters 30 and 32 of title 38, and chapter 106 of title 10, United States Code. Nearly 1,800 veterans have benefited from the financial assistance these programs have provided under the Montgomery GI Bill and the Veterans Educational Assistance Program, a majority of whom have gained employment in the aviation industry. However, authority to allow eligible veterans to use their education benefits for flight training expired on September 30.

It is important to provide as many options as possible for eligible veterans who wish to pursue approved programs of education or vocational training. Eligible veterans who wish to pursue careers in aviation should continue to be allowed to use their education benefits for approved programs of flight training, a result achieved by this bill.

This bill also makes improvements and technical corrections to the Service Member Occupational Conversion and Training Act [SMOCTA]. SMOCTA has been instrumental in helping over 7,000 former service members secure job placement in the private sector. However, some adjustments will make SMOCTA even more valuable for participants.

Under current law, the 18-month limitation on payment of the subsidy is phrased in terms of an 18-month limit on the period of training. This limitation prevents veterans from entering into some training programs for stable, well-paying jobs. This bill allows employer and veteran to agree to a training program that lasts longer than 8 months if they are willing to do so without the benefit of a subsidy for the extended training period. While this will greatly improve the utility of the program for both veteran and employer, removing the 18-month cap on training will not increase the amount of the subsidy payable under a training program.

Mr. President, these are only a few examples of the adjustments made to VA education, home loan, and job training programs in this bill. While most are relatively minor, when taken together they will help VA maintain and improve services to many thousands of our veterans. I wish to recognize the hard work and dedication of GEORGE SANGMEISTER, chairman of the House Subcommittee on Housing and Memorial Affairs, who has made tremendous contributions to this bill and countless others which have benefited our veterans during his 6 years in Congress. He has been an active chairman, and I thank him for his good work.

REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

Mr. President, title 11 of the compromise agreement would limit the number of personnel reductions in VA and set other requirements regarding VA staff. This agreement follows months of discussions among the two Committees on Veterans' Affairs, VA, and the Office of Management and Budget. I believe it strikes a reasonable balance between the two difficult and competing objectives of reducing the Federal work force and delivering health care to our Nation's veterans. I thank my good friend and chairman of the House Committee on Veterans' Affairs, Mr. MONTGOMERY, for his cooperation, hard work, and ceaseless advocacy for veterans and veterans' health care.

BACKGROUND

Mr. President, in March 1993, Vice President ALBERT GORE, Jr., launched a 6-month national performance review of the Federal Government with the aim of finding ways to make government work better and cost less. The report of the performance review described numerous changes to the Government that, according to the report could, if implemented, achieve these aims. The report suggested that these changes would enable the Government, through greater program and management efficiency, to reduce the Federal work force by 252,000 positions by the year 2000.

Mr. President, let me reiterate this last point. The National Performance Review team stated, "* * * the reinventions we propose will allow us to reduce the size of the civilian * * * work force by 12 percent [252,000 FTEE] over the next 5 years." The report does not state that cutting the work force will necessarily result in greater efficiency or improved service for our citizens. The NPR report correctly puts the horse before the cart—improvements would enable a work force reduction, not result from a work force reduction.

On March 30, 1994, Congress considered legislation which, in part, was designed to codify the Federal cutback into law. The Federal Workforce Restructuring Act of 1994 proposed a reduction in the Federal Government of 272,900 positions between fiscal years 1993 and 1999. This proposal received the overwhelming support of both Houses of Congress. Public Law 103–226 was enacted March 30, 1994.

Mr. President, this law gives the Office of Management and Budget the authority to determine how to distribute personnel cuts among the Federal agencies. Unfortunately, OMB planned an across-the-board cut of 12 percent for all the agencies, instead of looking carefully at each agency's work force and ability to sustain cuts without compromising the agency's mission. For VA, OMB proposed to cut 27,000 FTEE during the next 5 years. This proposed cut concerned me enormously, particularly in the context of health care reform, as it did my fellow committee members, the House Committee on Veterans' Affairs, and the many veterans who contacted me about this issue.

Mr. President, I note that, contrasted with OMB's proposal, a later, specific analysis of VA by the National Performance Review showed that, if VA fully implemented all management streamlining proposals, VA would be able to cut a total of only 289 FTEE.

Mr. President, in response to OMB's projected 27,000 FTEE cut, the chairman of the House Committee on Veterans' Affairs [Mr. MONTGOMERY] introduced H.R. 4013 on March 11, 1994, which would have exempted the Veterans Health Administration from work force reductions over the next 5 years, provided that appropriate funding was provided for these positions. The bill would have exempted over 211,000 employees. H.R. 4013 passed the House on May 3, 1994.

Mr. President, I share the concern of my friend, Chairman MONTGOMERY, that VA medical centers cannot afford drastic cuts in staff. We must strengthen the veterans health system by protecting hospitals from arbitrary across-the-board cuts in medical staff. We must search for a long-term solution that maintains the Federal Government's commitment to veterans and permits VA flexibility to staff, contract out, purchase, sell, and do whatever else a business delivering health care services is permitted to do, but without the constraints of Federal employment ceilings and other restrictions. Mr. President, we should not put an artificial cap on health care staffing and, at the same time, tell VA to be a competitive health care provider. The compromise agreement attempts to address this issue.

SUMMARY OF AGREEMENT

Mr. President, the compromise agreement would set a 5-year limit on the number of VA personnel cuts, not to exceed 10,051 FTEE. I and others participating in the negotiation believe that VA could sustain this level of cuts without affecting direct medical care for veterans.

The agreement would also require that, in determining the total number of FTEE in VA for purposes of achieving Federal work force reductions, only those employees whose salaries and benefits are paid with appropriated funds may be counted as VA FTEE. The Department currently counts approximately 5,400 positions that are paid with funds other than federally appropriated funds. In fiscal year 1993, the Veterans' Canteen Service employed 3,065 staff who were paid from the receipts of canteen sales, not from Federal appropriations. Employees of the nonprofit research corporations and Medical Care Cost Recovery Program are similarly paid with nonappropriated money. I strongly believe that, for purposes of determining an accurate estimate of the number of Federal employees in VA, those employees whose salaries and benefits are not paid with taxpayers' money should not be counted.

Mr. President, the compromise agreement also would waive certain conditions with which VA must comply in order to contract out for services that the Department could otherwise perform, provided that certain protections and assistance are provided to those former VA employees who are replaced by workers hired by contract. The Secretary would be required to ensure that, in any contract for services that had been provided by VA employees, the contractor would be required to give priority to former VA employees who were displaced by the award of the contract. The Secretary would also be required to provide to such former VA employees all possible assistance in obtaining other Federal employment or entrance into job training programs.

Finally, Mr. President, the compromise agreement would require the Secretary to contract with an appropriate non-Federal entity to study and report to Congress on the feasibility and advisability of alternative organizational structures, such as the establishment of a quasi-Government corporation, to provide health care to veterans.

Mr. President, as a Federal agency which is funded with federally appropriated money, VA has not had the proper incentives to perform as a business. VA hospitals receive appropriations and remain open generally without regard to how many veterans are being served or the quality of service they provide. Although VA does collect a limited amount of third-party reimbursements and copayments, it does not need or rely upon such income. It does not need to attract a certain number of veterans to remain in service. In essence, VA does not have a "bottom line" to drive it to deliver high quality services for a competitive price.

The compromise agreement would require a study that assesses the management structures and organization of the VA health care delivery system. While there are many aspects of VA that should and must remain federally funded and centrally administered—such as programs to assist veterans who suffer from homelessness, posttraumatic stress disorder, or spinal cord injuries, or who need blind rehabilitation—certain aspects of VA's health delivery system could operate more like nongovernment businesses. I believe that VA should strive to serve veterans' health care needs in the best and most effective manner possible. Regardless of whether substantial changes occur in the Nation's health care system, this study should benefit the Department's health delivery system.

CONCLUSION

Mr. President, in closing, I again thank my good friends Representatives SONNY MONTGOMERY and BOB STUMP, the chairman and ranking minority member of the House Committee on Veterans' Affairs, for their cooperation and assistance as we have developed this compromise and four sheparding H.R. 5244 through the House today which passed in lieu of H.R. 4386. I also thank our committee's ranking minority member, my good friend FRANK MURKOWSKI, and all the members of the Senate committee for their support on this measure.

Mr. President, I also want to thank the staff who have worked extremely long and hard on this compromise—Mack Fleming, Jill Cochran, Ralph Ibson, Greg Maton, Winsome Packer, Gloria Royce, Pat Ryan, John Brizzi, Richard Jones, and Kingston Smith on the House committee, and Bill Brew, Meg Morrow, Tom Hart, Valerie Kessner, Dan Rauh, Diana Zuckerman, Kim Lipky, Patricia Olson, Lara Muldoon, Mary Schoelen, Jim Gottlieb, Bill Tuerkk, Chris Yoder, Mickey Thursam, and John Moseman with the Senate committee. I also thank Robert Cover and Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting the compromise agreement.

Mr. President, I ask unanimous consent that the explanatory statement that I mentioned earlier appear in the RECORD at the conclusion of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT FOR H.R. 4386, THE VETERANS' BENEFITS IMPROVEMENTS ACT OF 1994

H.R. 4386 reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered in the Senate and the House of Representatives during the 103d Congress. These are the following: H.R. 4386, which the House passed on August 8, 1994; H.R. 4088, which the House Committee on Veterans' Affairs reported on August 4, 1994, and the House passed on August 8, 1994 as S. 1927; H.R. 4768, which the House passed on August 1, 1994; H.R. 4776, which the House passed on August 1, 1994; H.R. 4724, which the House passed on August 1, 1994; H.R. 949, which the House passed on September 21, 1993; H.R. 3013, which the House passed on June 13, 1994; H.R. 3456, which the House passed on November 16, 1993; S. 1908, which the Senate passed on August 19, 1994; S. 1546, which the Senate passed on March 25, 1994; S. 2330, which the Senate Committee on Veterans' Affairs reported on September 28, 1994; S. 2325, which the Senate Committee on Veterans' Affairs reported on September 27, 1994; S. 2094, which the Senate Committee on Veterans' Affairs reported on September 27, 1994; and S. 1626, which was reported by the Senate Committee on Veterans' Affairs on May 23, 1994, and passed by the Senate as part of H.R. 3313 on June 8, 1994.

The Committees on Veterans' Affairs of the Senate and House of Representatives have prepared the following explanation of H.R. 4386 as amended (hereinafter referred to as the "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the above-mentioned bills are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

TITLE I—PERSIAN GULF WAR VETERANS

Findings

Current law: No provision.

House bill: Section 2 of H.R. 4386 sets forth specific congressional findings regarding Persian Gulf War veterans, including the following: (1) During the Persian Gulf War, members of the Armed Forces potentially were exposed to toxic substances and psychological stress; (2) Persian Gulf War veterans suffer from illnesses that cannot now be diagnosed or defined, and, as a result, VA does not consider these illnesses to be service connected for VA benefit purposes; (3) the National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, held on April 27–29, 1994, was unable to identify a single disease entity or syndrome responsible for these illnesses; (4) the workshop concluded that the data on the range and intensity of the exposure to toxic substances are limited and were collected after considerable delay; (5) under Public Law 102–585, VA established the Persian Gulf War Veterans Health Registry, authorized health examinations, and authorized NAS to conduct a review and assessment of the information about the health consequences of service during the Persian Gulf War, and to make recommendations for research; (6) Public Law 103–210 authorized priority health care for Persian Gulf War veterans; (7) Public Law 103–160, the National Defense Authorization Act for Fiscal Year 1994, provided funding for a specialized environmental research medical facility; and, (8) further research and studies must be undertaken and veterans must be given the benefit of the doubt and provided compensation.

Senate bill: No comparable provision.

Compromise agreement: Section 102 follows the House, adding that the National Defense Authorization Act for Fiscal Year 1995 authorizes the Secretary of Defense to provide research grants for three types of studies of the Gulf War syndrome, including the following: (1) an epidemiological study or studies; (2) studies related to the health consequences of the use of pyridostigmine bromide; and (3) other studies on the causes, treatment, and possible transmission of Gulf War illnesses.

Purposes

Current law: No provision.

House bill: Section 3 of H.R. 4386 states the purposes of the House bill as follows: (1) To provide compensation to Persian Gulf War veterans suffering disabilities resulting from undiagnosed illnesses; (2) to require the development of case assessment strategies and definitions and diagnoses at earliest possible date: (3) to promote greater outreach to Persian Gulf War veterans and their families; and (4) to fund research activities and surveys of Persian Gulf War veterans.

Senate bill: No comparable provision.

Compromise agreement: Section 103 follows the House bill.

Development of medical evaluation protocol

Current law: Title VII of the Veterans Health Care Act of 1992 (Public Law 102–585) requires the Secretary of Veterans Affairs to establish and maintain a Persian Gulf War Veterans Health Registry. Those individuals who served as a member of the Armed Forces in the Persian Gulf War become eligible for enrollment in the registry after they give historical information about their health and military exposures, receive a physical examination, and receive routine diagnostic testing.

On June 17, 1994, VA announced the implementation of a comprehensive case assessment protocol to be used by selected VA medical centers. The first phase of the protocol would continue to be the evaluation provided through enrollment into the VA Persian Gulf War Veterans Health Registry. If necessary, additional evaluations would be offered.

House bill: Section 104 of H.R. 4386 would require the Secretary of Veterans Affairs, in consultation with the Secretaries of Defense and Health and Human Services, to develop at the earliest possible date uniform case assessment protocols and case definitions or diagnoses for illnesses attributed to service in the Persian Gulf War. The Secretary of Veterans Affairs would be required to provide status reports on these activities, with the first such report due to the Committees on Veterans' Affairs of the House and Senate not later than 6 months after the date of enactment of the act.

Senate bill: Section 3 of S. 2330 is similar to the House bill and would require the Secretary to develop and implement a uniform and comprehensive evaluation protocol to provide extensive medical examinations to Persian Gulf War veterans who are suffering from illnesses the origins of which are unknown and that may be attributable to service in the Gulf War. It would not require VA to provide a case definition of the illness. Section 3 of S. 2330 also would require that the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, ensure that information on the protocols of the two agencies is collected and maintained in a manner that enables the information to be analyzed together.

This section also would require that the VA provide the comprehensive clinical evaluations at as many VA medical centers as possible. This evaluation protocol must include evaluation for reproductive complaints, including but not limited to birth defects, miscarriages, and abnormal semen. If a VA medical center were to be unable to provide the comprehensive clinical evaluation, VA would have the authority to provide funding for the veteran to travel to a VA medical center or non-VA facility that can provide the necessary assessment, diagnosis, and treatment. VA would also have the authority to pay for care at non-VA medical facilities. For individuals whose symptoms or illnesses remain undiagnosed or unresponsive to treatment after comprehensive clinical evaluations at VA medical facilities, the Secretary of Veterans Affairs would be authorized to provide funds for the veteran to be evaluated by a recognized medical institution outside of the VA medical system. All information gathered by non-VA medical facilities as part of these protocols would be required to be maintained by VA.

VA would be authorized to enter into an agreement with the National Academy of Sciences under which appropriate members of the Academy would review the adequacy of the comprehensive clinical evaluation protocol and its implementation by VA.

Compromise agreement: Section 104 includes the requirement that VA develop a medical evaluation protocol, which was included in both the House and Senate bills. It includes the Senate provision requiring VA make the medical protocol available in as many VA medical centers as possible and to include examinations and tests for reproductive complaints. The compromise agreement specifies that the Secretary has authority to contract out these medical examinations, tests, and consultations, and any necessary treatment, to non-VA facilities, and to pay for travel and incidental expenses, under section 1703 and section 111 of title 38. The Senate provision regarding reviews by the National Academy of Sciences is also included. The compromise agreement includes the House provision requiring the VA develop a case definition of "Gulf War Syndrome."

Section 104 reflects the Committees' concerns about the letters and Congressional testimony they have received from Gulf War veterans who report that they have had difficulty in obtaining appropriate medical examinations or diagnoses at numerous VA medical centers.

Outreach to Persian Gulf Veterans

Current law: Section 702(f) of Public Law 102–585 required VA to notify periodically individuals listed in the Persian Gulf War Veterans Health Registry of significant developments in research on the health effects of military service in the Persian Gulf during the Persian Gulf War. Neither this provision, nor any other provision in law otherwise specifically requires VA to establish an outreach program for Persian Gulf War veterans and their families. There are a number of benefits and services available to these individuals, but there currently is no single source of VA information to ensure that they know about the benefits and services for which they may be eligible, as well as the scientific studies and research currently being conducted and any development with respect to such research.

House bill: Section 5 of H.R. 4386 would require the Secretary to develop and implement a comprehensive outreach program and information system to provide Persian Gulf War veterans and their families with information regarding VA's Persian Gulf War Veterans Health Registry, access to health services and health related benefits, compensation and other benefits, and developments in research regarding the health consequences of service in the Persian Gulf, and to establish a toll-free telephone number for Persian Gulf War veterans and their families.

This section also would amend section 702(f) of Public Law 102–585 to require VA to establish a newsletter to be distributed at least quarterly to all veterans listed on the VA's Persian Gulf War Veterans Health Registry, or survivors of such veterans. The newsletter would provide updates on the status and findings of Government-sponsored research on illnesses which may be related to the veteran's service in the Persian Gulf theater of operations. The newsletter also would include information regarding any VA or DOD compensation and benefits, including health care and other health-related benefits which may be available to Persian Gulf War veterans or their family members from either VA or DOD. The newsletter would be required to be prepared in consultation with veterans service organizations.

Senate bill: Section 4 of S. 2330 would require the Secretary to develop and implement a comprehensive outreach program to inform Persian Gulf veterans and their families of medical care and other benefits that may be available to them from VA and DOD. Subsection (b) would require that this outreach program include a newsletter to be updated and distributed at least annually to all veterans listed on VA's Persian Gulf War Veterans Health Registry. The newsletter would provide summaries of the status and findings of Government-sponsored research on illnesses which may be related to the veteran's service in the Persian Gulf theater of opeations. The newsletter would also include information regarding any VA benefits which may be available to Persian Gulf veterans and their families. The newsletter would be required to be prepared in consultation with veterans service organizations.

Subsection (c) of section 4 would require that the outreach program include establishment of a toll-free number within 90 days after the enactment of the act to provide Persian Gulf War veterans and their families informaiton about the Persian Gulf War Veterans Health Registry, health care, and other benefits provided by VA. In addition, the toll-free number would provide any other information the Secretary considers appropriate.

Compromise agreement: Section 105 follows the Senate bill, except that the secretary would be required to issue the newsletter at least twice a year, and this requirement would terminate on December 31, 1999.

Compensation benefits for disability resulting from illness attributed to service during the Persian Gulf War

Current law: There is no provision in current law relating specifically to compensation for Persian Gulf War veterans.

House bill: Section 6 H.R. 4386 would amend title 38 to add a new section 1117 which would require the Secretary to pay compensation to any Persian Gulf veteran suffering from a disability resulting from an undiagnosed illness that became manifest to a degree of at least 10 percent before October 1, 1996, or within 2 years after the veteran last performed active service in the Southwest Asia theater of operations, whichever is later. A veteran would not receive compensation if there was affirmative evidence that the disability was not incurred during service in the Persian Gulf theater of operations during the Persian Gulf War or if there was affirmative evidence showing that the veteran suffered from an intercurrent injury or illness, recognized to be a cause of the disability, between the time of the veteran's departure from the Persian Gulf and the onset of the disability.

Payment of compensation under this provision would be for 3 years following enactment of the act, with an automatic extension of 3 years if the Secretary reports to the Committees on Veterans' Affairs of the Senate and the House of Representatives prior to the end of the first 3-year period that no diagnoses for the illnesses experienced by Persian Gulf veterans can be made, based on then-current medical knowledge. A report from the Secretary submitted to the Committees would be due by no later than April 1, 1997.

Senate bill: Section 2(a) of S. 2330 would amend title 38 to add a new section 1112A, which would provide the Secretary with express general authority to conduct an inquiry when the Secretary becomes aware of assertions that a group of veterans with the same or similar military service share similar diseases, illnesses, or medical signs or symptoms, and that such health conditions are related to their service. Such an inquiry would be carried out for the following purposes: To determine whether veterans with the particular military service in question have the claimed health conditions; to identify all veterans who had such service to determine which veterans have such health conditions; and to determine whether a presumption of service connection should be established for such health conditions.

Under this new authority, if the Secretary determines that a presumption of service connection for any such health condition should be established, the Secretary would be required to prepare a proposal for establishing such a presumption. The proposal would be required to include a description of the particular military service involved, the health condition at issue, the relevant medical characteristics associated with the health condition, and a statement of any limitations on the period for which the Secretary proposes to pay compensation.

After completion of the proposal, the Secretary would be required to submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, including the proposal, as well as recommendations for legislation concerning the establishment of the presumption and the reasons for these recommendations.

With specific respect to veterans of the Persian Gulf War, section 2(c) of the Senate bill would require the Secretary to report to the Committees, within 30 days of enactment of the act, whether or not a presumption of service connection should be established between service in the Southwest Asia theater of operations and health conditions experienced by Persian Gulf War veterans. If the Secretary determines that such a presumption should be established, the Secretary, pursuant to section 2(d) of the bill, would be required to include in the report the elements of any report made under the provisions of the new section 1112A and publish proposed regulations relating to establishment of the presumption, allowing 30 days for public notice and comment on the proposed regulations. The Secretary would be required to publish final regulations within 30 days following the expiration of the public notice and comment period.

Section 2(e) would set certain requirements for the treatment of claims and compensation for Persian Gulf veterans if based on a presumption of service connection under the provisions of the Senate bill. First, an award of compensation under the new regulations would not preclude payment of retroactive benefits to a veteran with a claim pending on the date of enactment of these provisions, if VA later determines that the condition is service connected. Second, the Secretary would be required to consider sending all claims for compensation under the new regulations to one regional office for adjudication for purposes of ensuring consistency in rating decisions. Finally, VA would be required to reopen and readjudicate any claims for service-connected disability compensation for a health condition covered in the new regulations that were denied prior to enactment of these provisions. These claims would be considered original claims, and if compensation is eventually awarded, the effective date of the award would be the date the original claim was filed.

Compromise agreement: Section 106 would amend title 38 to add a new section 1117 which would provide the Secretary with authority to pay compensation to any Persian Gulf veteran suffering from a disability resulting from an undiagnosed illness that became manifest during active duty in the Southwest Asia theater of operations during the Persian Gulf War or to a degree of 10 percent or more within a period to be determined by the Secretary, based on a review of any available credible medical or scientific evidence and a review of the historic treatment afforded disabilities for which manifestation periods have been established. The Secretary also would be required to take into account other pertinent circumstances regarding the experiences of Persian Gulf veterans. The Secretary would be required to prescribe regulations to implement this provision.

New section 1117 would require the Secretary to include in the regulations a specification of the manifestation period of time following service in the Southwest Asia theater of operations that the Secretary finds appropriate for a presumption of service connection. In addition, the regulations would have to include a description of the particular military service involved, the illnesses for which compensation may be paid, and the relevant medical characteristics associated with each such illness.

Section 106 also contains a freestanding provision that would require the Secretary, within 60 days of enactment of the act, to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report indicating whether or not the Secretary intends to pay compensation under new section 1117. If the Secretary states in the report to the Committees an intent to pay compensation under new section 1117, the Secretary must publish proposed regulations, as required by new section 1117, in the Federal Register within 30 days of the date of the report.

Evaluation of health status of spouses and children of Persian Gulf war veterans

Current law: Section 702 of Public Law 102-585 created a Persian Gulf War Veterans Health Registry. Only veterans can be included in this registry.

House bill: No comparable provisions.

Senate bill: Section 5 of S. 2330 would authorize the inclusion of up to 10,000 dependents in the Persian Gulf War Veterans Health Registry. VA would be required to conduct medical examinations and testing, consultation, and counseling for the dependent of any veteran who is listed in the registry if the veteran believes that the illness of any family member is related to the veteran's service in the Gulf War. The registry would also include information about miscarriages and stillbirths.

The Secretary would be required to determine the types of medical examinations and tests that are appropriate in order to determine the nature and extent of the connection, if any, between the illness or disorder of the individual and the illness of the veteran. These examinations are expected to be similar to registry exams for Gulf War veterans. These tests may be provided by VA facilities or through contract with non-Department facilities.

Compromise agreement: Section 107, which is derived from the Senate provision, would require VA to conduct a pilot study, whereby VA would develop an evaluation protocol and guidelines for medical examinations, tests, and consultations with dependents of Gulf War veterans. These procedures would be restricted to those dependents whose illness, birth defects, or other disorder cannot be disassociated from the veterans' service in the Gulf War. There is no limit on the number of dependents who could be included in the registry; however, the number may be limited by the cost since the bill authorizes $2 million for the pilot study from November 1, 1994, through September 30, 1996. It would authorizes VA to pay for the medical examinations, tests, and consultations through contracts with non-VA facilities. In addition, information provide by medical facilities that follow the VA protocol or guidelines could also be included in the registry even if the examinations and tests were not paid for by VA. The compromise also includes a provision regarding outreach to ensure that the maximum possible number of dependents would be included in this research.

The Committees expect that objective medical information on miscarriages, still births, and birth defects can be included in the registry at minimum cost. The Committees also urge the VA to ensure that the pilot study is administered in such a way as to ensure that the medical information that is collected is sufficiently uniform, accurate, and appropriate to the goals of the study.

The purpose of the pilot study is to ensure that the VA conduct research on the illnesses of Gulf War veterans' spouses and children, using an existing data base and objective medical information. The VA is required to prepare a report to Congress describing the results of the pilot study, focusing on any information about the possible transmission of diseases associated with the Gulf War.

The Committees expect VA to use funds from the medical care account for the medical examinations and tests, data analysis, and administration of the pilot study.

Clarification of scope of health examinations provided for veterans eligible for inclusion in health-related registries

Current law: Under section 703 of the Persian Gulf War Veterans' Health Status Act (Title VII of Public Law 102-585), VA is required to conduct medical examinations for any veteran and the information from those exams must be included in the Persian Gulf War Veterans' Health Registry.

House bill: No comparable provision.

Senate bill: Section 108 would clarify that the Persian Gulf War Veterans' Health Registry includes diagnostic tests in its definition of medical examinations.

Compromise agreement: The compromise follows the Senate provision.

Survey of Persian Gulf Veterans

Current law: There is no authorization in current law for VA to carry out a survey of Persian Gulf War veterans to gather information about their health status.

House bill: Section 8 of H.R. 4386 would require the Secretary of VA, in coordination with the Secretary of Defense, to carry out a survey of Gulf War veterans to gather information about their health problems and the health problems of family members.

Senate bill: No comparable provision.

Compromise agreement: Section 109 amends the House provision, so that it authorizes the survey as described in Section 8.

The Committees note that under the National Defense Authorization Act for FY 1995, Public Law 103-337, the Department of Defense will be providing research grants to non-Federal researchers to conduct similar research on Gulf War veterans, and encourages VA to ensure that VA funded research contributes unique information that will not be available from DoD-funded research.

Authorization for Epidemiological Studies

Current law: Section 722 of the National Defense Authorization Act for FY 1995, Public Law 103-337, requires the Department of Defense to provide research funds to non-Federal scientists to conduct an epidemiological study or studies of U.S. service members and civilians who participated in the Persian Gulf War, and their families.

House bill: Section 9 of H.R. 4386 would authorize VA to conduct an epidemiological study or studies if such a study is recommended by the National Academy of Sciences in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102-585).

Senate bill: No comparable provision.

Compromise agreement: Section 110 follows the House provision.

The Committees note that the National Defense Authorization Act for FY 1995, Public Law 103-337, requires the Department of Defense to provide research grants to non-Federal researchers to conduct an epidemiological study or studies of Gulf War veterans and their families. The Committees therefore encourage the VA to coordinate their research efforts to ensure that any epidemiological research funded by VA contributes unique information that will not be available from DoD-funded research.

Cost-savings provisions

Current law: The Omnibus Budget Reconciliation Act of 1990 (OBRA 90), Public Law 101-508, amended section 3203 (now section 5503) of title 38 to limit monthly VA pension payments to $90 for Medicaid-eligible veterans with no dependents who are in nursing homes. Previously, veterans receiving nursing home care covered by Medicaid did not have their pension benefits reduced; however, the amount of their pension had to be applied toward the cost of the nursing home care. No part of that $90 payment can be applied to the cost of the veteran's nursing home care.

Under OBRA 90, this provision was originally due to expire September 30, 1992. The Veterans' Benefits Act of 1992 extended the provision through September 30, 1997, and added a provision applying the limitation to payment of pension to surviving spouses who have no dependents and are receiving nursing home care covered by Medicaid. OBRA 93 extended the provision through September 30, 1998.

There is no comparable protection for any amount of dependency and indemnity compensation (DIC) received by surviving spouses in nursing homes participating in Medicaid. The amount of their benefit payments, minus any amount allowed by the State for personal use, is available to be applied to the cost of their nursing home care.

Section 1317 of title 38 prohibits any person eligible to receive DIC based on a death after December 31, 1956, from being eligible for death pension.

There is no provision in current law which requires an adjustment of the rates of compensation and DIC based on an increase in the cost of living. However, Congress has passed legislation providing for a cost-of-living adjustment in these rates every year since 1976. With respect to calculating the annual cost-of-living adjustment in the rates of compensation and DIC, the Congressional Budget Office budget baseline assumes normal rounding, under which fractional dollar amounts of less than $0.50 are rounded down and fractional dollar amounts of $0.50 and more are rounded up.

House bill: Section 11(a) of H.R. 4386 would amend section 1317 of title 38 to permit surviving spouses eligible to receive DIC to elect to receive death pension under chapter 15 in lieu of DIC. This would permit surviving spouses who are in Medicaid- covered nursing homes and who receive DIC to elect to receive death pension, in order to be able to retain $90 of their monthly benefits.

Section 11(b) of H.R. 4386 would provide that, with respect to any cost-of-living adjustment in the rates of compensation under chapter 11 and DIC under chapter 13 provided for fiscal year 1995, all increased rates (other than those equal to a whole dollar amount) must be rounded down to the next lower dollar.

Senate bill: No comparable provision.

Compromise agreement: Section 111 follows the House bill.

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

Current law: Before 1990, members of the Board of Veterans' Appeals (BVA) had received pay and benefits comparable to those received by Administrative Law Judges (ALJ's). However, the Pay Act of 1990, Public Law 101-194, removed ALJ's from the General Schedule, and thereby eliminated pay comparability between BVA members and ALJ's.

In 1988, Congress enacted the Veterans' Judicial Review Act of 1988, Public Law 100-687, which changed Board members' status (other than that of the Chairman) from permanent appointments to 9-year terms, subject to the possibility of reappointment. Under section 7101(b)(1) of title 38, the Chairman is appointed by the President, with the advice and consent of the Senate, for a term of 6 years.

Currently, a member of the Board may be removed by the Secretary, upon the recommendation of the Chairman. There are no standards that govern removal or reappointment of members. There is no statutory process for removal of a Board member. However, section 7101(b) provides grounds under which the President may remove the Chairman.

House bill: Sections 301 through 303 of H.R. 4088 would restore the pay comparability between members of BVA and ALJ's and eliminate term limits for Board members (other than the Chairman). These provisions also would require the Chairman to establish job performance standards, with the approval of the Secretary, and would require that reviews be conducted not less than every 3 years. If the Chairman recommended that the member be noncertified, the Secretary would establish a panel of non-BVA employees of the Department or Federal employees from outside the Department, or a combination of VA and other Federal employees, to review the member's case.

Senate bill: Sections 302 through 304 of S. 2325 would restore the pay comparability between members of BVA and ALJ's, eliminate term limits for Board of Veterans' Appeals members (other than the Chairman), require the establishment of a peer review panel to periodically review the performance and fitness of Board members, and clarify that those BVA members who hold appointments through the Senior Executive Service (SES) retain their SES pay and status.

Compromise agreement: Section 201 would amend title 38 to add a new section 7101A which would eliminate term limits for Board members other than the Chairman and provide that members of the Board (other than the Chairman and Board members who are members of the SES) would receive the same basic pay as received by ALJ's (unless that would result in a reduction in pay). The pay provision would be effective on the first day of the first pay period beginning after December 31, 1994.

Under new section 7101A, the provisions for pay comparability with ALJ's and the elimination of term limits would be accompanied by new provisions instituting a system for periodic job performance review and recertification of members of the Board (other than the Chairman and any member who is a member of the SES). Section 7101A would require the Chairman to establish a panel, to include the Chairman and two other members of the Board (other than the Vice Chairman), that would conduct reviews of the job performance of Board members. The membership of this panel (other than the Chairman) would rotate among all members of the Board.

Section 7101A also would require that the Chairman, with the approval of the Secretary, establish job performance standards for Board members (except the Chairman and Board members who are members of the SES), which are to be objective and fair criteria for the evaluation of job performance. Section 202 would require that the job performance standards be established not later than 90 days after the enactment date of this act. This section also would require that the Secretary submit a report describing these standards to the Senate and House Committees on Veterans' Affairs no later than the date on which these standards take effect.

Within 1 year after the establishment of the job performance standards, section 7101A would require that the panel complete a review of the job performance of each member of the Board. Reviews would then have to be conducted and completed at least once every 3 years thereafter. If the panel determines that a Board Member meets the performance standards, the Chairman would recertify the Board member. If a Board member does not meet the performance standards, the Chairman would be required either to grant the Board member conditional recertification or to recommend to the Secretary that the member be noncertified. A conditional recertification would require another review within 1 year after the conditional recertification. If the Board member does not meet the job performance standards after the period of conditional recertification, the Chairman must recommend to the Secretary that the member be noncertified.

If the Chairman recommends to the Secretary that a member be noncertified, either a performance review or after a period of a conditional recertification, the secretary would be authorized to grant a conditional recertification or determine that the member should be noncertified. If the Secretary grants a conditional recertification, the performance review panel would review the member's job performance within 1 year and if the member still does not meet the standards, the Chairman would be required to recommend to the Secretary that the member be noncertified.

If the Secretary determines that the member should be noncertified, the member's appointment would be terminated and the member removed from the Board. Any Board member whose appointment is terminated and who was a career or career-conditional employee in the civil service prior to service on the Board would revert to the civil service grade and series held prior to appointment to the Board.

Section 7101A would require the Secretary to prescribe procedures for carrying out the provisions of the section, including the deadlines and time schedules for the actions required.

Section 203 would amend section 7101(b)(3) to specify that if the position of Chairman were to become vacant upon the expiration of the Chairman's term, the current Chairman would be authorized, with the approval of the Secretary, to continue to serve as Chairman until the Chairman is appointed to another term or a new Chairman is appointed. However, this section would provide that the Chairman would not be able to continue to serve under this provision beyond the end of the Congress during which the term of office expired.

TITLE III—ADJUDICATION IMPROVEMENTS

Acceptance of certain documentation for claims purposes

Documents to be accepted as proof of relationships

Current law: Until recently, VA's regulations did not allow acceptance of photocopies of documents that were not certified as evidence to show marriage, the annulment of a marriage, birth, the relationship of a child to the veteran, or death, or of any evidence from a foreign country (sections 3.202(c); 3.204(b) and (c); 3.205(a); 3.207(b); 3.209; 3.210; and 3.211 of title 38, Code of Federal Regulations). A photocopy could only be accepted if the original document had been viewed by an authorized individual and was certified as a true and exact copy of the original document. This requirement of certification existed only in VA's regulations; it was not a statutory requirement.

On September 8, 1994, VA published interim regulations to amend sections 3.202(c), 3.204 (b) and (c), 3.205(a), 3.207(b), 3.209 (a) and (b), 3.210 (b) and (c), and 3.211 (a) and (d) of title 38, Code of Federal Regulations, to implement the Secretary's decision to allow VA to accept photocopies of documents necessary to establish marriage, the annulment of a marriage, birth, the relationship of a child to the veteran, or death, or of any evidence from a foreign country for purposes of processing claims for VA benefits. Under these regulations, VA would still have the authority to request certified documentation in cases in which it is questionable whether the photocopies are genuine and free from alteration.

House bill: Section 405(a) of H.R. 4088 would amend title 38 to add a new section 5124 which would provide that, for purposes of determining eligibility for benefits, VA must accept a written statement from a claimant as proof of marriage, dissolution of a marriage, birth of a child, and death of any family member. The Secretary would be authorized to require the submission of documentation in support of the claimant's statement if the claimant does not reside in a State, or if the statement on its face raises a question as to its validity.

Senate bill: Section 202 of S. 1908 is a freestanding provision that would allow VA to accept photocopies of documents as proof of marriage, dissolution of marriage, birth, or death for purposes of determining eligibility for certain VA benefits. The Secretary would be authorized to require the claimant to submit additional supporting documentation if the document on its face raises a question with respect to its validity, or if there is reasonable indication of fraud or misrepresentation, in the document or otherwise.

Compromise agreement: Section 301(a) would amend title 38 to add a new section 5124 which would allow the Secretary to accept a statement from the claimant as evidence of marriage, dissolution of a marriage, birth of a child, or death of a family member for purposes of VA benefits. The Secretary would be authorized to require documentation in support of the statement if the claimant does not reside in a State, if the statement on its face raises a question as to its validity, if there is conflicting information in the record, or if there is reasonable indication of fraud or misrepresentation in the document or otherwise.

The Secretary is encouraged to exercise the authority granted under this section to the maximum extent feasible.

Acceptance of private physician examinations

Current law: Currently, under section 3.326 of title 38, Code of Federal Regulations (as amended by 59 Fed. Reg. 35851 (July 14, 1994)), VA generally requires a VA examination for purposes of determining eligibility for disability benefits. However, section 3.326(d) permits VA to accept the statement of a private physician in the following cases: (1) A claim for increased compensation due to an increase in the severity of a service-connected disability or due to the need of the veteran's spouse for aid and attendance; (2) a veteran's pension claim, including a claim for housebound or aid and attendance benefits; (3) a surviving spouse's claim for housebound or aid and attendance benefits; (4) a surviving spouse's claim for aid and attendance benefits; or (5) a claim by or on behalf of a child who is permanently incapable of self-support.

House bill: Section 405(b) of H.R. 4088 would amend title 38 to add a new section 5125 which would require VA to accept the medical examination report of a private physician in support of a claim for benefits, without further examination by a physician employed by the Veterans Health Administration, if the report is sufficiently complete to be adequate for disability rating purposes.

Senate bill: Section 203 of S. 1908 is a freestanding provision which would allow VA to accept the medical examination report of a private physician in support of a claim for disability compensation or pension. Under this provision, a private physician's report would be required to contain sufficient clinical data to support the diagnosis or provide a reliable basis for a disability rating.

Compromise agreement: Section 301(b) would amend title 38 to add a new section 5125 which would allow the Secretary to accept the medical examination report of a private physician in support of any claim for VA compensation or pension, without a requirement for confirmation by an examination by a VA physician, if the report is sufficiently complete to be adequate for purposes of adjudicating the claim.

It is the express intention of the House and Senate Committees on Veterans' Affairs that, to the maximum extent feasible, the Secretary exercise the authority provided under this section as being in the best interest of veterans in furthering the timely adjudication of their claims for compensation by reducing the need for duplicative medical examinations by VA physicians.

Expedited treatment or remanded claims

Current law: Section 7101 of title 38 provides that appeals to the Board of Veterans' Appeals (BVA) will be considered and decided in order according to their docket number. There is no statutory requirement governing the treatment of claims on remand to the Board from the Court of Veterans Appeals or to regional offices from the Board.

House bill: Section 406 of H.R. 4088 is a freestanding provision that would require the Secretary to take such actions as may be necessary to provide that claims remanded by the BVA to regional offices or by the Court of Veterans Appeals to the Board be treated expeditiously.

Senate bill: No comparable provision.

Compromise agreement: Section 302 follows the House bill.

Screening of appeals

Current law: Under section 7107 of title 38, appeals are considered and decided in order according to their docket numbers.

House bill: Section 407 of H.R. 4088 would amend section 7107 to permit the Board to screen cases on appeal at any point in the decision process (a) to determine whether the record is adequate for decisional purposes or (b) for the development or attempted development of a record that is inadequate for decisional purposes.

Senate bill: No comparable provision.

Compromise agreement: Section 303 follows the House bill.

Report on feasibility of reorganization of adjudication divisions in VBA regional offices

Current law: Currently, the administration of VA's compensation and pension programs is carried out in the 58 regional offices of the Veterans Benefits Administration, located in the 50 states, the District of Columbia, Puerto Rico, and the Republic of the Philippines. Each of these offices, except one, has an adjudication division.

House bill: Section 402 of H.R. 4088 would require the Secretary of Veterans Affairs to submit to the House and Senate Committees on Veterans' Affairs, within 180 days of enactment of this act, a report addressing the feasibility and impact of a reorganization of VA claims adjudication divisions to a number of such divisions that would result in improved efficiency in the processing of claims.

Senate bill: No comparable provision.

Compromise agreement: Section 304 follows the house bill.

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

Current law: There is no provision in current law relating to a study of VA's system for adjudicating claims for benefits.

House bill: No comparable provision.

Senate bill: Section 101 of S. 1908 is a freestanding provision that would require an independent, comprehensive 18-month study by the Administrative Conference of the United States of VA's system for adjudicating benefit claims at the regional office level and the appellate process at the Board of Veterans' Appeals (BVA).

The purpose of the study would be to evaluate the entire adjudication system in order to determine the efficiency of its processes and procedures, including the impact of judicial review on the system, means for reducing the backlog of pending cases in the system, and means for improving timeliness and quality of the claims process.

The study would be required to contain an evaluation and assessment of the entire claims adjudication system, including its historical development and the effect that the Veterans' Judicial Review Act of 1988 has had on the system; how claims are prepared and submitted; the procedures that exist for processing claims; the participation of attorney and nonattorney advocates in the system; VA's efforts to modernize its information management system; the impact of work performance standards at all levels of the claims process; the extent of implementation of the recommendations of the Blue Ribbon Panel on Claims Processing; the application of pilot programs initiated in regional offices; and the effectiveness of quality control and assurance practices.

In the course of its evaluation and study, ACUS would be required to consult with representatives of veterans service organizations and other organizations and entities representing veterans before VA, to include individuals who furnish such representation.

No later than 90 days following the enactment date of the legislation, VA would be required to provide ACUS and the Senate and House Committees on Veterans' Affairs with information deemed necessary by the chairman of ACUS for purposes of conducting the study, including specific statistical information concerning the adjudication of claims during the 5-year period October 1, 1988, through September 30, 1993.

Within 1 year after the date of enactment, ACUS would be required to submit to the Secretary and the Committees a preliminary report on the study. This preliminary report would contain the initial findings and conclusions of ACUS regarding the evaluation and assessment required. The preliminary report would not be required to include any recommendations for improving the system.

Within 18 months following enactment, ACUS would be required to submit a full report on its study to the Secretary and the Committees. The report would include: (1) The findings and conclusions of ACUS with respect to the study; (2) the recommendations of ACUS for improving the VA adjudication system; and (3) any other information and recommendations concerning the system that ACUS deems appropriate.

An appropriation of $150,000 would be authorized to VA for payment to ACUS for the costs associated with conducting the study and completing the report to be submitted to the Secretary and the Committees.

Compromise agreement: Title IV would require the establishment of an independent commission to study VA's system for the disposition of claims for benefits, both at the regional office level and at the Board of Veterans' Appeals. Section 401 would require that the commission be composed of nine members, all to be appointed by the Secretary of Veterans Affairs by February 1, 1995. The membership of the commission would be required to be composed of the following: One member who is a former VA official; two members from the private sector who have expertise in the adjudication of claims relating to insurance or similar benefits; two members who are employed in the Federal Government, outside VA, who have expertise in the adjudication of claims for Federal benefits other than VA benefits; two members who are representatives of veterans service organizations; one member recommended by the American Bar Association or a similar private organization who has expertise in administrative law issues; and one member who currently is a VA official.

Section 401 also would require that the commission hold its first meeting within 30 days after the last of the members has been appointed. Meetings would take place at the call of the chairman. The Secretary would be required to designate a member of the commission, other than the member who is a current official of the Department, to be the chairman.

Section 402(b), regarding the purposes of the study, is generally similar to section 101(b) of the Senate bill.

Senate 402(c), regarding the contents of the study, is substantially similar to section 101(c) of the Senate bill. This section would require that the study consist of a comprehensive evaluation and assessment of VA's system for the disposition of claims and benefits delivery and any related issues the commission determines are relevant to such a study. However, section 402(c) would not include a specific requirement that the commission evaluate the historical development of the system and the effect that the Veterans' Judicial Review Act of 1988 has had on the system.

Section 402(d) would require the Secretary to submit to the commission and the Committee on Veterans' Affairs any information which the Chairman has determined necessary to carry out the study, not later than 30 days from the date on which the Chairman makes a request for such information.

Section 402(e), regarding the contents and timing of the preliminary and final reports required of the commission, is identical to section 101(f) of the Senate bill, requiring a preliminary report within 1 year of enactment of the act and a final report within 18 months of enactment.

Section 407 would authorize that $400,000 be made available from amounts appropriated to VA for fiscal year 1995 for the payment of compensation and pension for the activities of the commission.

TITLE V—MISCELLANEOUS BENEFITS-RELATED PROVISIONS

Restatement of intent of Congress concerning coverage of Radiation-Exposed Veterans Compensation Act of 1988

Radiation risk activities

Current law: The Radiation-Exposed Veterans Compensation Act of 1988, Public Law 100–321, enacted on May 1, 1988, added a subsection (c) to section 1112 of title 38 which established a presumption of service connection for 13 cancers suffered by veterans who participated in a "radiation risk activity," defined as participation in an atmospheric test of nuclear devices, involvement in the occupation of Hiroshima and Nagasaki following World War II, or internment as a prisoner of war in Japan during World War II that might have resulted in exposure comparable to the occupation forces. Two additional cancers were added to this subsection by Public Law 102–578. On September 8, 1994, the Secretary published in the Federal Register a proposed amendment to section 3.309(d), Code of Federal Regulations, which would extend the presumption of service connection, and therefore eligibility for compensation, to U.S. veterans who participated in atmospheric nuclear tests conducted by Allied Governments.

House bill: Section 501(a) of H.R. 4088 would amend section 1112(c) of title 38 to clarify that participation in atmospheric testing of nuclear devices includes non-U.S. tests. The effective date of the amendment would be May 1, 1988, the date of enactment of Public Law 100–321.

Senate bill: No comparable provision.

Compromise agreement: Section 501(a) follows the House bill, except that the effective date of the amendment would the date of enactment of the act.

Service connection for certain disabilities relating to exposure to ionizing radiation

Current law: The "Veterans' Dioxin and Radiation Exposure Compensation Standards Act," Public Law 98–542, required VA to establish standards for adjudicating claims based on exposure to Agent Orange and radiation. VA adopted regulations for those claims in sections 3.311a and 3.31b of title 38, Code of Federal Regulations.

The United States Court of Veterans Appeals in *Combee* v. *Principi*, 4 Vet.App. 78 (1993), held that a veteran may not establish direct service connection for a disability based on radiation exposure unless the disability is on VA's regulatory list of "radiogenic diseases" issued pursuant to Public Law 98–542. the essence of the Court's decision was that by establishing a process in Public Law 98–542 relating to claims based on radiation exposure, Congress repealed the general compensation law as to such claims. This decision was reversed by the United States Court of Appeals for the Federal Circuit in *Combee* v. *Brown*, No. 93–7101 (Fed. Cir. Sept. 1, 1994).

At a March 24, 1994, hearing of the Senate Committee on Veterans' Affairs on this bill and other pending legislation. Under Secretary for Benefits R. John Vogel announced Secretary Brown's intention to publish a proposed amendment to the regulation to "permit a veteran to establish direct service connection for disability resulting from a disease claimed to be caused by radiation exposure even if that disease is not included in the list of diseases VA already recognizes as radiogenic." As of the date of passage of this legislation, VA has not published a proposed regulation to implement this change.

House bill: Section 501(b)(1) of H.R. 4088 would amend section 1113(b) of title 38, which provides that the provisions of law governing statutory presumptions may not be construed to prevent the establishment of service connection on a direct basis. The amendment would add a reference to the provisions of Public Law 98-542 to the provisions governing statutory presumptions, thereby affirming a claimant's right to attempt to establish direct service connection for a disability associated with exposure to ionizing radiation. This section applies to claims submitted after the date of enactment.

Senate bill: Section 301 of s. 1908 has the same intent as the House provision, but accomplished that goal through a proposed amendment to Public Law 98-542 in order to clarify Congress' intent in enacting the law. The amendment to Public Law 98-542 would add a new section, specifying that the regulations adopted by VA under the statute may prohibit a veteran who served during an eligible period of service from establishing direct service connection for a disease or disability based on exposure to radiation, even though the veteran's condition is not considered by VA to be a "radiogenic disease."

Compromise agreement: Section 501(b) follows the House bill.

Extension of authority to maintain regional office in the Philippines

Current law: Under section 315(b) of title 38, the Secretary currently has the authority to maintain a regional office in the Republic of the Philippines until December 31, 1994.

House bill: Section 502 of H.R. 4088 would extend the Secretary's authority to maintain the regional office in the Republic of the Philippines until December 31, 1999.

Senate bill: No comparable provision.

Compromise agreement: Section 502 follows the House bill.

Renouncement of benefit rights

Current law: Under section 5306 of title 38, if a claimant renounces his or her right to VA pension, compensation, or dependency and indemnity compensation, and subsequently reapplies, the new claim is treated as an original claim. Therefore, for purposes of any income-based program (pension or parents' DIC), only prospective income may be considered in determining the claimant's eligibility.

House bill: Section 503 of H.R. 4088 would amend section 5306 to provide that an application filed for non-service-connected pension under chapter 15 of title 38, or parents' DIC under chapter 13 of title 38, made within 1 year of a renouncement of such benefits, will not be treated as an original claim and benefits will be paid as though the renouncement had not occurred.

Senate bill: No comparable provision.

Compromise agreement: Section 503 follows the House provision.

Clarification of payment of attorney fees under contingent fee agreements

Current law: Under section 5904(d) of title 38, an attorney otherwise authorized to collect a fee for representation in a VA case may receive payment for such representation directly from VA out of a retroactive benefit award, provided that the total fee not exceed 20 percent of the amount of any past-due benefits awarded to the appellant, and provided that the fee is contingent upon whether or not the claim is ultimately resolved in favor of the appellant.

House bill: No comparable provision.

Senate bill: Section 4 of S. 1546 would amend 5904(d) to clarify that an attorney may receive payment for representation in proceedings before VA or the Court of Veterans Appeals directly from VA out of a retroactive benefit award only if the total amount of the fee is contingent upon the claim being resolved in favor of the appellant.

Compromise agreement: Section 504 follows the Senate bill.

Codification herbicide-exposure presumptions established administratively

Current law: The Agent Orange Act of 1991, Public Law 102-4, enacted on February 6, 1991, established a statutory presumption of service connection for three conditions resulting from exposure to herbicides in the Republic of Vietnam during the Vietnam era: chloracne, soft-tissue sarcoma, and non-Hodgkin's lymphoma. In addition, the act required VA to contract with the National Academy of Sciences for a review of the scientific literature on the health effects of exposure to herbicides. NAS was required to report its findings to the Secretary, who then was required to decide whether presumptions of service connection should be established for any of the conditions considered by NAS. In 1993, following the submission by NAS of the first report under the act, the Secretary announced decisions to add to the presumptive list Hodgkin's disease, porphyria cutanea tarda, respiratory cancers (lung, trachea, bronchus, and larynx), and multiple myeloma. VA has finalized regulations to implement these decisions, found in section 3.309(e) of title 38, Code of Federal Regulations.

House bill: Section 201 of H.R. 4088 would amend section 1116 of title 38 to codify the presumptions of service connection based on exposure to herbicides for Hodgkin's disease, porphyria cutanea tarda, respiratory cancers (lung, trachea, bronchus, and larynx), and multiple myeloma established administratively by the Secretary.

Senate bill: No comparable provision.

Compromise agreement: Section 505 follows the House bill.

Treatment of certain income of Alaska Natives for purposes of needs-based benefits

Current law: Under current law, VA pays disability pension to non-service-connected wartime veterans whose annual incomes fall below levels specified in section 1521 of title 38 and who meet other qualifying criteria specified by statute. For purposes of computing annual income (and, thus, determining eligibility for pension and the amount of benefits paid), VA takes into account "all payments of any kind or from any source" received by the veteran, except as specified in section 1503 of title 38, or as otherwise excepted by law.

The Alaska Natives Claims Settlement Act, Public Law 92-203, codified at 43 U.S.C. section 1601 et seq. (ANCSA), sets forth the provisions under which the aboriginal land claims of Alaska's Native peoples were settled. ANCSA authorized the creation of 12 Native-owned and -operated regional corporations to administer assets transferred under the act for the benefit of Alaska Native shareholders. These corporations continue to exist today, and they distribute funds received in settlement of Native land claims and funds generated from corporate earnings to Native village corporations and to Alaska Native shareholders.

House bill: No comparable provision.

Senate bill: Section 5 of S. 1626 would amend section 1503(a) by adding a new paragraph (11), to exclude payments received from Alaska Native corporations under ANCSA from the calculation of income for purposes of determining eligibility for VA pension, but only to the extent that these payments are excluded for purposes of other means-tested Federal benefits programs as specified in ANCSA.

Compromise agreement: Section 506 would establish a freestanding provision of law which reflects the intent of the Senate bill.

Elimination of requirement for payment of certain benefits in Philippine pesos

Current law: Sections 107, 3532(d) and 3565(b)(1) of title 38, provide that VA benefits paid to certain eligible veterans in the Republic of the Philippines will be paid in Philippine pesos.

House bill: No comparable provision.

Senate bill: Section 402 of S. 2325 would amend sections 107, 3532(d), and 3565(b)(1) of title 38 to eliminate the requirement that certain VA benefits paid to eligible veterans in the Republic of the Philippines be paid in pesos, thereby allowing VA to issue regulations in order to comply with the requests of the Department of State and Treasury that such restrictions be eliminated.

Compromise agreement: Section 507 follows the Senate bill.

Study of health consequences for family members of atomic veterans of exposure of atomic veterans to ionizing radiation

Current law: There is no provision in current law relating to a study of the family members of atomic veterans.

House bill: No comparable provision.

Senate bill: Section 401 of S. 2325 would require the VA to enter into a contract with the Medical Follow-up Agency of the National Academy of Sciences, or a similar research entity, to convene an expert panel to determine the feasibility of a study of reproductive problems among atomic veterans. MFUA would be required to convene the panel and report their findings to Congress within 180 days. If MFUA concludes that such a study would be feasible, VA would be required to seek to enter into a contract with MFUA or a similar research entity to conduct such a study.

Compromise agreement: Section 509 is derived from the Senate provision but would delete the authorization for the research project itself, while maintaining the requirement that VA enter into a contract with MFUA to convene an expert panel to determine the feasibility of such research.

Center for minority veterans and center for women veterans

Current law: Section 317 of title 38 requires the Secretary to designate one Assistant Secretary as VA's Chief Minority Affairs Officer (CMAO) with overall responsibility for assessing the needs of minority and women veterans, and for evaluating VA policies, regulations, programs, and other activities as they affect such veterans. Section 542 of title 38 establishes a VA advisory Committee on Women Veterans and requires that the Committee consist of representatives of women veterans, experts in fields pertinent to the needs of women veterans, and representatives of both male and female veterans with service-connected disabilities.

House bill: H.R. 3013 would add a new section to Chapter 3 of title 38 to (a) establish a Center for Women Veterans in the Department of Veterans Affairs; (b) provide that the Director of the Center would report directly to the Secretary or the Deputy Secretary concerning the activities of the Center; (c) specify the functions for which the Director would be responsible; (d) require the Secretary to ensure that the Director is furnished with sufficient resources in order to carry out the functions of the Center in a timely manner; and (e) require that VA's documents regarding the budget include information about the Center.

Senate bill: S. 2429 would (a) create an Office for Minority Veterans which is similar in structure and purpose to the Center for Women Veterans in the House bill, in order to assist minority veterans; (b) establish an Advisory Committee on Minority Veterans; (c) designate a minority veterans representative at each VA facility; (d) create an Office for Women Veterans, which is substantively identical to the Center for Women Veterans established in the House bill; and (e) require that a representative of women veterans who have served in combat and a representative of those who have not served in combat serve on the Advisory Committee on Women Veterans.

Compromise agreement: Section 509 contains provisions derived from the House bill and the Senate bill which would establish a Center for Minority Veterans and a Center for Women Veterans.

Advisory Committee on Minority Veterans

Current law: There is no current law regarding the establishment of a VA Advisory Committee for Minority Veterans.

House bill: No comparable provision.

Senate bill: Section 2 of S. 2429 would (a) require the Secretary to establish an Advisory Committee for Minority Veterans; (b) require the Committee membership to represent certain groups relating to minority veterans; and (c) require the Committee to submit a report to the Secretary, not later than July 1 of each even-numbered year, which assesses the needs of and programs for minority veterans, and require the Secretary to share this report with Congress.

Compromise agreement: Section 510 follows the Senate bill, except that the statutory requirement to have an Advisory Committee for Minority Veterans would be for a period of three years.

Mailing of notices of appeal to the Court of Veterans Appeals

Current law: Under section 7266 of title 38, in order to obtain review of a final BVA decision by the United States Court of Veterans Appeals, an appellant must file a notice of appeal with the Court within 120 days after the date on which the notice of the BVA decision is mailed under section 7104(e). The Court implemented this statutory provision through adoption of Rule 4 of the Court's Rules of Practice and Procedure, which requires that a notice of appeal must actually be received by the Court within the statutory time limit in order to be timely filed. In a series of decisions, the Court has dismissed for lack of jurisdiction appeals that were mailed before, but received by the Court after, the 120-day limit had expired. (See, e.g., *DiDonato* v. *Derwinski*, 2 Vet. App. 42 (1991)).

Rule 4 of the Court's Rules of Practice and Procedure also allows the filing of a notice of appeal by "facsimile or other printed electronic transmission."

House bill: No comparable provision.

Senate bill: Section 3 of the S. 1546 would amend section 7266(a) of title 38 to require that a notice of appeal be deemed received by the Court on the date it is postmarked, if it is mailed. Only legible United States Postal Service postmarks would be sufficient. The Court's determination as to the legibility of a postmark would be final and not subject to review by any other court.

Under amended section 7266(a), if a notice of appeal is delivered to the Court (for example, by private courier or delivery service), it would be considered timely filed if it is received by the Court within the 120-day limit established by Congress.

Section 3(b) of the Senate bill would provide that the effective date of the amendment to section 7266(a) would be the date of the enactment of the act and would apply only to notices of appeal delivered or mailed to the Court on or after that date.

Compromise agreement: Section 511 following the Senate bill, except that it also would require specifically that the notice of appeal be properly addressed to the Court.

TITLE VI—EDUCATION AND TRAINING PROGRAMS

Flight training

Current law: Sections 3034(d) and 3241(b) of title 38, and Section 2136(c) of title 10, allow eligible persons to use VA educational benefits for approved programs of vocational flight training commencing before October 1, 1994.

House bill: Section 2 of H.R. 4768 would establish vocational flight training as a permanent program under chapters 30 and 32 of title 38, and chapter 106 of title 10.

Senate bill: Section 1 of S. 2094 is substantively identical to the House provision, except that the Senate bill specifies that the provision would take effect on October 1, 1994.

Compromise agreement: Section 601 follows the Senate bill.

Training and rehabilitation for veterans with service-connected disabilities

Current law: Section 3115 of title 38 authorizes vocational rehabilitation programs providing training or work experience for service-disabled veterans to be implemented through Federal, State, city, and local governments.

House bill: Section 3 of H.R. 4768 authorizes the use of Indian reservations for the purposes of section 3115 of title 38, in order to allow eligible veterans to participate in nonpay programs of on-the-job training on Indian reservations.

Senate bill: No comparable provision.

Compromise agreement: Section 602 follows the House bill.

Alternative teacher certification programs

Current law: Section 3452(c) of title 38 defines the term "educational institution" for the purposes of chapters 34 and 36 of title 38.

House bill: Section 4 of H.R. 4768 would add to the definition of the term "educational institution" as described in section 3452(c), for the purposes of chapters 34 and 36, entities which provide training required for completion of any State-approved alternative teacher certification program as determined by the Secretary, effective upon enactment for the period ending September 30, 1996.

Senate bill: No comparable provisions.

Compromise agreement: Section 603 follows the House bill.

Education outside the United States

Curent law: Section 3476 of title 38 denies education benefits to eligible individuals who pursue a course of education not in a State unless that course is pursued at an approved institution of higher learning and the course is approved by the Secretary.

House bill: Section 5 of H.R. 4768 would amend section 3476 to remove the requirement that courses offered by approved foreign universities and colleges be located at the site of the approved institution in order for such courses to be eligible for approval by the Secretary.

Senate bill: No comparable provision.

Compromise agreement: Section 604 follows the House bill.

Correspondence courses

Current law: Section 3672 of title 38 does not specifically address the requirements for approval of correspondence or combination correspondence-residence programs or courses.

House bill: Section 6 of H.R. 4768 would add to section 3672 of title 38 a provision requiring that a correspondence program or combination correspondence-residence course is eligible for approval by State Approving Agencies only if the educational institution offering such program or course is accredited by an agency recognized by the Secretary of Education. This section would also add a provision to section 3672 requiring that no less than 50 percent of the graduates of any such program or course take a minimum of 6 months to complete the program or course.

Senate bill: No comparable provision.

Compromise agreement: Section 605 follows the House bill except that the word "agency" is changed to "entity."

State approving agencies

Current law: Section 3674(a)(4) of title 38, relating to payments by VA to State and local agencies for reasonable expenses associated with approval of courses of education, limits the total amount made available under that section to $12,000,000 per fiscal year. Section 3674A(a)(3) requires the Secretary to functionally supervise course approval services.

House bill: Section 7 of H.R. 4768 would amend section 3674(a)(4) to increase the maximum amount available under the section to $13,000,000 per fiscal year, and would strike sections 3674(a)(3)(B) and 3674A(a)(3), thereby eliminating the reporting and supervision requirements contained therein.

Senate bill: No comparable provision.

Compromise agreement: Section 606 follows the House bill.

Measurement of courses

Current law: Under Section 3688(b) of title 38, the Secretary defines full and part-time training for purposes of courses pursued under chapters 30, 32, 35, or 36.

House bill: Section 8 of H.R. 4768 would add chapter 106 of title 10 to the sources of educational and training benefits for which the Secretary will define full and part-time training.

Senate bill: No comparable provision.

Compromise agreement: Section 607 follows the House bill.

Veterans' Advisory Committee on Education

Current law: Section 3692 of title 38 establishes a Veterans' Advisory Committee on Education which shall remain in existence unit December 31, 1994. The Secretary is required to consult with and seek the advice of the committee with respect to the administration of chapters 30, 32, 34, 35, and 36 of title 38.

House bill: Section 9 of H.R. 4768 would extend the Advisory Committee until December 31, 2003, and make technical changes to the Committee's mandate.

Senate bill: No comparable provision.

Compromise agreement: Section 608 follows the House bill.

Contract educational and vocational counseling

Current law: Section 3697(b) of title 38 limits payments made under section 3697 for contractual educational and vocational counseling services to $5,000,000 in any fiscal year.

House bill: Section 10 of H.R. 4768 would amend section 3697(b) to raise the payment limitation to "$6,000,000," effective October 1, 1994.

Senate bill: No comparable provision.

Compromise agreement: Section 609 follows the House bill.

Service Members Occupational Conversion and Training Act of 1992

Current law: The Service Members Occupational Conversion and Training Act (SMOCTA), enacted by Public Law 102–484, authorizes payment of a subsidy to employers who train recently separated service members who are unemployed, whose military skills do not transfer to the civilian job market, or who are disabled. The subsidy is 50 percent of the starting training wage payable over a period of 18 months up to a maximum of $10,000 ($12,000 for disabled veterans). Under current law, the 18-month limitation on payment of the subsidy is phased in terms of an 18-month limit on the period of training.

House bill: Section 11 of H.R. 4768 would allow the employer and veteran to agree to a training program that lasts longer than 18 months, but with no payment of a subsidy for the extended training period. The provision would also: a) Clarify that the requirement in current law that employers pay a comparable wage refers to wages paid in the community where the veteran is being trained; b) clarify that payment of the subsidy is limited to an 18-month period, or the equivalent where the length of a training program is calculated in hours; c) amend the requirement that a portion of the reinstatement be retained until the 4th month of the veteran's employment by also permitting payment 4 months after completion of the 18th month of training, whichever is earlier; d) allow a trainee to switch into an alternative approved training program with the employer; and e) permit an eligible veteran to begin an approved training program on the date that the notice of approval is transmitted.

Senate bill: Section 2 of S. 2094 is substantively identical to the House provision, except that: a) The amount of payment an employer may receive would be measured in the number of hours equivalent to 18 months, rather than in months; b) the provision for retaining a portion of the reimbursement until the fourth month of employment would not be changed; c) and the limit on assistance paid to employers would include amounts received but not amounts due.

Compromise agreement: Section 610 follows the House bill except that it includes the Senate provision which measures the amount of payment an employer may receive in the number of hours equivalent to 18 months.

TITLE VII—EMPLOYMENT PROGRAMS

Job counseling, training and placement

Deputy Assistant Secretary of Labor for Veterans' Employment and Training

Current law: There is no provision in law for a Deputy Assistant Secretary for Veteran's Employment and Training.

House bill: Section 2(a) of H.R. 4776 provides that there shall be a Deputy Assistant Secretary of Labor for Veterans' Employment and Training who shall perform such duties as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes, that the position shall be a career position, and that the Deputy Assistant Secretary shall be a veteran.

Senate bill: No comparable provision.

Compromise agreement: Section 701(a) follows the House provision, except that the Deputy Assistant Secretary for Veterans' Employment and Training shall not be a career position.

DVOP specialists' compensation rates

Current law: Section 4103A(a)(1) of title 38 provides that compensation for disabled veterans' outreach program (DVOP) specialists shall be set at a rate not less than the rate prescribed for an entry level professional in the State Government of the State in which the DVOP is employed.

House bill: Section 2(b) of H.R. 4776 would require compensation for DVOP's to be set at rates comparable to those paid other professionals in the State Government.

Senate bill: No comparable provision.

Compromise agreement: Section 701(b) follows the House provision with an addition providing that compensation shall be set at rates comparable to those paid other professionals performing essentially similar duties.

Special unemployment study

Current law: Section 4110A requires the Secretary, through the Bureau of Labor Statistics, to conduct a biennial study of unemployment among special disabled veterans and veterans who served in the Vietnam theater of operations during the Vietnam era.

House bill: Section 2(c) of H.R. 4776 expands the scope of the study to include veterans who served after the Vietnam era and veterans discharged or released from active duty within the 4 years prior to the study, and requires that information regarding women veterans shall be complied for each category.

Senate bill: No comparable provision.

Compromise agreement: Section 701(c) provides that the scope of the study shall be expanded to include veterans of the Vietnam era who served outside of the theater of operations, veterans who served after the Vietnam era, and veterans discharged or released from active duty within the 4 years prior to the study. It requires that, for each of the classifications of veterans, there shall be a category for women veterans.

The Committees recognize that the Bureau of Labor Statistics uses a survey methodology that produces a small sample size for women veterans.

Employment and training of veterans

Federal contracts

Current law: Section 4212(a) of title 38 requires, among other things, that the President promulgate regulations which require Federal contractors to list all "suitable" job openings with the local employment service office.

House bill: Section 3(a)(1)(C) of H.R. 4776 would strike the word "suitable" from section 4212(a).

Senate bill: No comparable provision.

Compromise agreement: Section 702(a) would amend section 4212(a) to require Federal contractors to immediately list all open positions except executive and top management positions, those positions that will be filled from within the contractor's organization, and positions lasting three days or less.

It is the Committee's intent that Federal contractors may not exclude from the listings positions at the middle management and supervisory level.

Eligibility requirements for veterans under Federal employment and training programs

Current law: Section 4213 of title 38 excludes certain pay and other amounts received by veterans and eligible persons when determining the needs or qualifications of participants in employment or training programs financed in whole or in part with Federal funds.

House bill: Section 3(b) of H.R. 4776 would add benefits received under chapter 30 of title 38 and chapter 106 of title 10 to the amounts disregarded pursuant to section 4213, and would delete reference to chapter 34.

Senate bill: No comparable provision.

Compromise agreement: Section 702(b) follows the House bill, and, in addition, would delete the words "the needs or qualifications of participants in" in section 4213, and would insert, in lieu thereof, the words "eligibility under."

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

Eligibility for burial in national cemeteries of spouses who predecease veterans

Current law: Section 2402 of title 38 specifies who is eligible to be buried in an open national cemetery. The Veterans' Benefits Improvement and Health Care Authorization Act of 1986, Public Law 99–576, made a technical correction in section 5 in order to make the section gender neutral. However, the change unintentionally deleted the statutory eligibility for burial in a national cemetery for a veteran's spouse who predeceases the veteran.

House bill: No comparable provision.

Senate bill: Section 403 of S. 2325 would restore the statutory eligibility for burial in national cemeteries of spouses who predecease veterans eligible for such burial.

Compromise agreement: Section 801 follows the Senate bill.

Restoration of burial eligibility for unremarried spouses

Current law: Section 2402 of title 38 permits the surviving spouse of a veteran to be buried in any open national cemetery. The term "surviving spouse" is currently defined in section 101(3) of title 38 as one who is the spouse of a veteran at the time of the veteran's death and who has not remarried. Section 8004 of the Omnibus Reconciliation Act of 1990, Public Law 101–508, precluded eligibility for certain benefits under title 38, including eligibility for burial in national cemeteries, for remarried surviving spouses whose subsequent marriages were ended by death or divorce.

House bill: Section 4 of H.R. 3456 would reinstate eligibility for burial in national cemeteries of surviving spouses whose subsequent marriage ended by death or divorce.

Senate bill: No comparable provision.

Compromise agreement: Section 802 follows the House bill.

Extension of authorization of appropriations for State Cemetery Grant Program

Current law: Section 2408(a)(2) of title 38 authorizes appropriations of such funds as may be necessary for fiscal year 1985, and for each of the 9 succeeding fiscal years, for the purpose of making grants to any State in establishing, expanding, or improving veterans' cemeteries owned by such State.

House bill: Section 7 of H.R. 949 would extend the authorization of appropriations for the State Cemetery Grants Program from September 30, 1994, to September 30, 1999.

Senate bill: No comparable provision.

Compromise agreement: Section 803 follows the House bill.

Authority to use flat grave markers at the Willamette National Cemetery, Oregon

Current law: Section 2404(c)(2) of title 38 requires that all grave markers in national cemeteries be upright for interments on or after January 1, 1987, except that flat grave markers may be used (a) in any section of a cemetery that used flat grave markers prior to October 28, 1986, (b) in any cemetery located on the grounds of or adjacent to a VA health care facility, or (c) at those grave sites where cremated remains are interred.

House bill: No comparable provision.

Senate bill: Section 404 of S. 2325 would authorize the use of flat grave markers at the Willamette National Cemetery in Oregon, notwithstanding section 2404(c)(2) of title 38.

Compromise agreement: Section 804 follows the Senate bill.

TITLE IX—HOUSING PROGRAMS

Eligibility

Current law: Subsections (b)(2) and (b)(5)(A) of section 3701 of title 38 expand the definition of the term "veteran" for purposes of chapter 37.

House bill: Section 1 of H.R. 4724 would add to the definition of veteran, persons discharged or released from the Selected Reserves before completing 6 years of service because of a service-connected disability, and would extend eligibility to surviving spouses of reservists who died on active duty or due to a service-connected disability.

Senate bill: No comparable provision.

Compromise agreement: Section 901 follows the House bill.

Revision in computation of aggregate guaranty

Current law: Section 3702 of title 38 provides for the calculation of the loan guaranty entitlement. Subsection (b)(1)(A) of section 3702 requires that any home acquired with a VA-guaranteed loan must have been disposed of or destroyed as one precondition to the restoration of entitlement.

House bill: No comparable provision.

Senate bill: Section 2 of S. 1626 would eliminate the precondition to restoration of loan guaranty entitlement provided for in subsection 3702(b)(1)(A).

Compromise agreement: Section 902 follows the Senate bill, but provides that the Secretary may waive the precondition to restoration of loan guaranty entitlement contained in subsection 3702(b)(1)(A) once for each veteran.

Public and community water and sewerage systems

Current law: Section 3704(e) of title 38 prohibits VA from guaranteeing a loan to purchase or construct a home not served by public water and sewerage systems where such service is certified as economically feasible.

House bill: Section 4 of H.R. 4724 would eliminate the prohibition contained in section 3704(e).

Senate bill: No comparable provision.

Compromise agreement: Section 903 follows the House bill.

Authority to guarantee home refinance loans for energy efficiency improvements

Current law: Section 3710 of title 38 identifies the types of loans that may be guaranteed under the VA home loan program, and establishes certain conditions and restrictions with respect to such loans.

House bill: Section 3(a) of H.R. 4724 would allow for the costs of energy efficiency improvements to be added to the loan balance in connection with a loan refinanced for the purpose of reducing the interest rate.

Senate bill: Section 3 of S. 1626 would allow for the costs of energy efficiency improvements to be added to the balance of a loan being refinanced, and would provide an exception for such purposes from the maximum loan amount as provided in section 3710(e)(1)(C).

Compromise agreement: Section 904 follows both bills, except that it includes the exception to the maximum loan amount in a refinance as provided in the Senate bill.

Authority to guarantee loans to refinance adjustable rate mortgages to fixed rate mortgages

Current law: Subsection 3701(e)(1)(A) of title 38 requires that the interest rate of a loan which is guaranteed in order to refinance an existing loan must be lower than the rate of the loan which is being refinanced.

House bill: Section 3(b) of H.R. 4724 would authorize the refinancing of adjustable rate mortgage loans to fixed rate mortgage loans at a higher interest rate.

Senate bill: No comparable provision.

Compromise agreement: Section 905 follows the House bill.

Manufactured home loan inspections

Current law: Section 3712(h)(2)(a) of title 38 requires the Secretary to make certain inspections with respect to the financing of loans for the purchase of manufactured housing.

House bill: Section 4 of H.R. 4724 would eliminate VA inspection requirements under section 3712(h)(2)(A), and would provide that manufactured housing that is certified to conform to standards under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be deemed in compliance with requirements of subsection 3712(h)(1).

Senate bill: No comparable provision.

Compromise agreement: Section 906 follows the House bill.

Procedures on default

Current law: Section 3732(c) of title 38 permits the Secretary to acquire property from a loan holder who has purchased the property at foreclosure for a price not exceeding the lesser of the net value of the property or the total indebtedness.

House bill: Section 5 of H.R. 4724 would permit VA to acquire property from the lender at the price provided for under current law, despite the fact that the lender's bid at the foreclosure sale might have exceeded that price.

Senate bill: No comparable provision.

Compromise agreement: Section 907 follows the House bill.

Minimum active-duty service requirement

Current law: Section 5303A establishes, with certain exceptions, a minimum of 24 months of active duty service for eligibility for benefits under title 38.

House bill: Section 6 of H.R. 4724 would add an exception from the 2-year minimum service requirement with respect to eligibility under chapter 37 of title 38 for service members discharged because of a reduction in force.

Senate bill: No comparable provision

Compromise agreement: Section 908 follows the House bill.

TITLE X—HOMELESS VETERANS PROGRAMS

Reports on activities of the Department of Veterans Affairs to assist homeless veterans

Current law: Section 10 of the Homeless Veterans Comprehensive Service Programs Act of 1992, Public Law 102-590, requires VA to submit, no later than May 1 of each year 1994, 1995, and 1996, reports to the Senate and House Committees on Veterans' Affairs on the implementation of that act, including the numbers of veterans served, the services provided, and an analysis of the clinical value and cost effectiveness of the programs authorized under that act. However, there is no other provision in current law that requires VA to submit a report to Congress on all of the Department's activities to assist homeless veterans.

House bill: No comparable provision

Senate bill: Section 105 of S. 2325 would require VA to submit an annual report by April 15 on its activities to assist homeless veterans, including information on the numbers of homeless veterans served and the costs to the Department of its activities, and to report biannually on the effectiveness of these activities.

Compromise agreement: Section 1001 follows the Senate bill and repeals the reporting requirement under section 10 of Public Law 102-590.

It is the Committees' intention that the information that VA is required to furnish to the Committees under section 10 of Public Law 102-590 would be contained, along with other matters, in the reports required under this section of the compromise agreement.

Report on assessment and plans for response to needs of homeless veterans

Current law: Section 107 of the Veterans's Medical Programs Amendments of 1992, Public Law 102-405, enacted on October 9, 1992, requires the Secretary to assess programs developed by VA facilities which have been designed to assist homeless veterans. In carrying out this assessment, the Secretary is directed to require the director of each VA medical center and regional office (a) to assess the needs of homeless veterans within the area served by the facility, including veterans' needs for health care, education and training, employment, shelter, counseling, and outreach services; and (b) to develop, along with other local officials and providers of services to the homeless, a list of all public and private programs to assist homeless persons in the areas served by the VA facilities. Public Law 102-405 does not set a date for submission of this report.

House bill: No comparable provision.

Senate bill: Section 106 of S. 2325 would require VA to submit the report described above to the Senate and House Committees on Veterans' Affairs by December 31, 1994, and update this report annually thereafter, through December 31, 1997.

Compromise agreement: Section 1002 follows the Senate bill.

Increase in number of demonstration programs under Homeless Veterans Comprehensive Service Programs Act of 1992

Current law: Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992, Public Law 102-590, requires VA to establish no more than four demonstration programs to be centers for the provision of comprehensive services to homeless veterans.

House bill: No comparable provision.

Senate bill: Section 108(a) of S. 2325 would raise the limit on the number of comprehensive homeless centers that VA may establish from 4 to 12.

Compromise agreement: Section 1003 follows the Senate bill, except that the limit would be raised to eight centers.

Removal of funding requirement of Homeless Veterans Comprehensive Service Programs Act of 1992

Current law: Section 12 of the Homeless Veterans Comprehensive Service Programs

Act of 1992, Public Law 102-590, specifies that no funds may be used to carry out certain provisions in that law unless expressly provided for in an appropriations statute.

House bill: Section 8 of H.R. 949 would delete this requirement.

Senate bill: Section 108(b) of S. 2325 is identical to the House bill.

Compromise agreement: Section 1004 contains this provision.

Sense of Congress

House resolution: H. Res. 503 would express the sense of the House of Representatives that Congress, in providing funds for any fiscal year for programs to assist homeless individuals, should ensure that these funds are fairly apportioned for homeless veterans to help return homeless veterans to self-sufficient and productive lives.

Senate bill: No comparable provision.

Compromise agreement: Section 1005 is derived from the House resolution and would express that it is the sense of the Congress that (a) of the funds appropriated for any fiscal year for programs to assist homeless individuals, a share more closely approximately the proportion of the population of homeless individuals who are veterans should be appropriated to VA for VA homeless programs; (b) of the Federal grants made available to assist community organizations that assist homeless individuals, a share of such grants more closely approximately the proportion of the population of homeless individuals who are veterans should be provided to community organizations that provide assistance primarily to homeless veterans; and (c) the Secretary should encourage Federal agencies that assist homeless individuals, including homeless veterans, to be award of and make appropriate referrals to VA for benefits, such as health care, substance abuse treatment, counseling, and income assistance.

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

Requirement for minimum number of full-time equivalent positions

Current law: There is no provision in current law relating to the specific number of personnel in VA.

Section 5(b) of the Federal Workforce Restructuring Act of 1994, Public Law 103-226, requires the President, through the Director of the Office of Management and Budget, to ensure that the total number of full-time equivalent employees (FTEE) in all Federal agencies not exceed specified levels set for each of fiscal years 1994 through 1999. The Office of Management and Budget has the authority to determine now and from where these cuts will taken.

House bill: Section 2 of H.R. 4013 would (a) prohibit, during fiscal years 1995 to 1999, any reduction in the number of FTEE in the Veterans Health Administration (VHA) other than as specifically required by a law directing a reduction in personnel from VHA or by the availability of funds; and (b) require that the personnel of VHA be managed on the basis of the needs of eligible veterans and the availability of funds. Section 3 of H.R. 4013 would require the Secretary to submit, not later than January 15, 1995, a report to the Senate and House Committees on Veterans' Affairs on streamlining activities in VHA.

Senate bill: Section 7 of S. 2330 would limit the number of FTEE cuts in VA over the next 5 years, and impose certain requirements relating to VA personnel.

Specifically, section 7(b) would set the number of FTEE in VA between the date of enactment of this measure and September 30, 1999, at 224,377 (which is 10,051 FTEE lower than VA's personnel level during fiscal year 1993).

Section 7(c) would require that, in determining the number of FTEE in VA during a fiscal year for purposes of achieving Federal workforce reductions, as required by section 5(b) of Public Law 103-226, only those VA employees whose salaries and benefits are paid with appropriated funds may be counted as VA FTEE. In fiscal year 1993, the administration counted 5,375 positions in VA (including 3,065 in the Veterans Canteen Service, 2,066 in the Medical Care Cost Recovery program, and 244 in the Medical Center Research Organizations) that were paid with funds other than federally appropriated funds.

Section 7(d) would allow the level of VA FTEE to fall below 224,377 if cuts are necessary due to a reduction in funds available to the Department, or if a law enacted after the enactment of this measure specifically requires additional cuts.

Section 7(e) would require the Secretary to submit an annual report, through the year 2000, the Senate and House Committees on Veterans' Affairs that describes the numbers and positions of all VA employees cut and the rationale behind such cuts. This information would be required to be contained in the annual President's budget submitted to Congress pursuant to section 1105 of title 31, United States Code.

Compromise agreement: Section 1102 follows the Senate bill.

The Committees believe that, for purposes of determining an accurate estimate of the number of Federal employees in VA, those employees whose salaries and benefits are not paid with taxpayers' money should not be counted. The Committees note VA's intention to pay 2,218 medical residents in VA medical centers on a contract basis with the residents' medical schools.

The Committees strongly discourage VA from achieving the work force reduction required under this section by cutting staff in an arbitrary, across-the-board manner. Such arbitrary cuts cause indefensible staffing imbalances among VA programs and facilities, and hurt VA's ability to provide services to veterans. Although this section does not direct the Secretary how to implement personnel reductions, section 7(e) would require VA to share with the Committees the numbers and positions of any personnel cuts, and to justify such cuts. The Committees also believe that section 1103 of the compromise agreement would give VA a mechanism to avoid implementing across-the-board cuts.

Enhanced authority to contract for necessary services

Current law: Subsection 8110(c) of title 38 precludes VA from entering into contracts under which VA direct patient care or activities incident to direct patient care would be converted to activities performed by non-VA providers. For services other than those services, this section requires (a) that VA receive at least two bids from financially autonomous bidders; (b) that the cost to the Government of such contract service over the first 5 years to be 15 percent lower than the cost of Federal employees performing such services; and (c) that the quality and quantity of health care provided to veterans at the facility where such contract work is to be performed would be maintained or enhanced. Before carrying out a study in connection with a decision to consider entering such a contract, VA must submit notice to the appropriate Committees of the Congress of its intention to carry out such a study.

House bill: No comparable provision.

Senate bill: Section 8 of S. 2330 would (a) waive, during fiscal years 1995 to 1999, the limitations provided for under section 8110(c) of title 38; (b) require the Secretary to ensure that, in any contract for services that had been provided by VA employees, the contractor give priority to former VA employees who were displaced by the award of the contract; and (c) require the Secretary to provide to such former VA employees all possible assistance in obtaining other Federal employment or entrance into job training programs.

Compromise agreement: Section 1103 follows the Senate bill. The Committees note that providing VA enhanced authority to contract for services will assist VA in achieving its workforce reduction.

Study

Current law: No provision in current law requires a study of the feasibility and advisability of alternative organizational structures, such as the establishment of a quasi-Government corporation, to provide health care to veterans.

House bill: No comparable provision.

Senate bill: Section 9 of S. 2330 would (a) require the Secretary to contract with an appropriate non-Federal entity to study and report to Congress on the feasibility and advisability of alternative organizational structures, such as the establishment of a quasi-Government corporation, to provide health care services to veterans; and (b) authorize appropriations of $1 million for this purpose.

Compromise agreement: Section 1104 follows the Senate bill.

The Committees intend by this provision to draw on the expertise of an independent management consultant to study and assess the management structures and organization of the VA health care delivery system with particular reference to the likelihood that VA will need to compete with private health care providers. The Committees anticipate receiving a detailed evaluation of VA from a business perspective and recommendations on how VA's health care system might be improved and altered, if appropriate, to provide the highest quality medical services to our Nation's veterans in the most effective and efficient manner possible. It is the Committees' view that certain aspects of VA's health delivery system likely could operate more like nongovernment businesses.

Any analysis of VA's health care system must be made in the context of VA's overall mission to help veterans, especially those with service-connected disabilities. In this context, the Committees note that there are many aspects of VA that should and must remain federally funded and centrally administered, particularly programs to assist veterans who suffer from posttraumatic stress disorder, spinal cord dysfunction, or who need blind rehabilitation. VA provides a public good—a necessity which may or may not be adaptable to a competitive business environment. This study would attempt to find the most effective and efficient health delivery mechanism given this reality.

THE JAMES B. STANLEY PRIVATE RELIEF ACT OF 1994

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to calendar No. 689, H.R. 808; that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 808) was deemed read the third time, and passed.

A PRIVATE RELIEF BILL FOR JAMES STANLEY

Mr. THURMOND. Mr. President, I wish to thank Senator MACK for his cooperation in resolving a difficult situation, as well as Senator METZENBAUM for his assistance. I wish to clarify the circumstances under which I have withdrawn my objections to H.R. 808, the private relief bill on behalf of Mr. James Stanley. My steadfast objection to this and other private relief bills is that, except in rare circumstances, I do not believe that the Congress should act as a court by determining liability and damages in individual cases.

Today we have an unusual situation, which we do not expect to be followed in the future, which is intended to and should result in binding arbitration to determine the amount Mr. Stanley will receive, if any, from the funds provided by H.R. 808. This arrangement provides for determination of the facts of this case by an outside fact-finder, and will result in any amounts which Mr. Stanley is not entitled to receive being returned to the U.S. Treasury.

It is the intention of the Congress that the arbitrators determine liability and any economic and noneconomic damages due to Mr. Stanley as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by U.S. Army personnel in 1958, notwithstanding any statute of limitations, lapse of time, bar of laches, or limitation of liability for injuries arising out of activity incident to service on behalf of the United States, that is, the Feres Doctrine.

I ask Senator MACK if this is his understanding of the result in this unique situation.

Mr. MACK. Yes, this is the outcome which we intend and will do everything possible to see carried out. I would like to thank both Senator THURMOND and Senator METZENBAUM for their willingness to resolve this matter during these final hours of the 103d Congress, so that Mr. Stanley can more quickly receive the full relief which I believe he deserves.

Mr. THURMOND. Mr. President, I ask unanimous consent that the form of agreement to be executed by Mr. Stanley and his attorney be printed in the RECORD following my remarks.

There being no objection, the form was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 8, 1994.

Members of the U.S. Senate.
Members of the U.S. House of Representatives.

Presently pending before you is legislation which would authorize the undersigned individual to receive $400,577 from the United States government by reason of certain ailments which I claim resulted from my service in the United States Military.

I hereby pledge and agree that I will not seek to obtain the $400,577 as provided for in the legislation, except for the procedures as set forth herein.

Under that legislation, I am to be paid $400,577 in full and complete settlement of all my claims against the Federal Government. An issue has been raised with respect to the amount of the settlement, as well as my right to obtain any funds.

I am requesting that the government pass the legislation in its present form, with my full and complete commitment that I will not be entitled to any funds, nor will I accept any funds nor request any payment other than that amount determined by the arbitrators, until such time as my rights have been adjudicated by an impartial arbitration panel, in which one of the members of that panel will be named by me, one named by the Office of the Attorney General, and the third member decided between the two of us. The United States government is to have no obligation for my legal fees.

In the event that I, or the Office of the Attorney General delay in naming their member of the panel for a period in excess of 30 days, I agree to join with the government in requesting that the American Arbitration Association name a single arbitrator to resolve the issue as to my right to receive any money, as well as the exact amount of money. The arbitrators will agree to reach a decision within 30 days after the plaintiff and defendants conclude the presentation of their cases.

I understand that the arbitration panel will determine my damages, if any, and in any event, the amount is not to exceed $400,577. I further agree that the arbitration panel will determine reasonable attorneys' fees, if any, to be paid from the amount set by the arbitrators.

I hereby pledge and agree that I will not seek to obtain the $400,577 as provided for in the legislation, except for the procedures as set forth herein.

JAMES STANLEY,
Counsel for the Above Named Individual.

INTERNATIONAL ANTITRUST

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4781, relating to international antitrust, just received from the House; that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements appear at the appropriate place in the RECORD as if read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 4781) was deemed read the third time, and passed.–

Mr. METZENBAUM. Mr. President, the International Antitrust Enforcement Assistance Act of 1994 will give the Department of Justice and the Federal Trade Commission important new tools for effectively enforcing the antitrust laws in today's global economy. It will allow the U.S. antitrust agencies to get antitrust evidence from their foreign counterparts by enabling them to provide reciprocal assistance for the enforcement of foreign antitrust laws. This important new authority will be exercised pursuant to antitrust mutual assistance agreements that meet the specific conditions set out in the Act, including assurances of reciprocity and protection for confidential business information.

On July 19 of this year, I introduced a predecessor bill, S. 2297, jointly with Senator THURMOND and with the cosponsorship of Senators KENNEDY, BIDEN, LEAHY, SIMON, SIMPSON, and GRASSLEY, subsequently joined by Senator HATCH and SPECTER. A nearly identical bill, H.R. 4781, was introduced on the same day in the House of Representatives. On August 11, the Judiciary Committee voted to report favorably on S. 2297, with one amendment in the nature of a substitute. The substitute clarified the role of the Federal Trade Commission, improved the safeguards against improper disclosure of antitrust evidence abroad, and made technical corrections.

H.R. 4781 was considered by the Subcommittee on Economic and Commercial Law of the House Judiciary Committee, which adopted most of the changes approved by the Senate Judiciary Committee, made certain further clarifications and corrections, and voted favorably on the bill on September 27, 1994, with one amendment in the nature of a substitute. On September 28, 1994, the House Judiciary Committee made further technical corrections and voted to report favorably on the bill. The bill was voted upon and passed on the floor of the House of Representatives on October 3, 1994, and it is the version of the bill as passed by the House that is now before the Senate.

The Senate Judiciary Committee's discussion of the committee bill, S. 2297, as set out in its report on the bill, are described in detail in the committee's report, remains applicable to H.R. 4781. Most of the changes that appear in H.R. 4781 are intended as clarifications and do not affect the implementation or interpretation of the Act. I would like to explain some of these changes.

Section 3 of the act has been modified to clarify the role of the Federal Trade Commission in carrying out investigations on behalf of a foreign antitrust authority. Section 3(a) provides that all foreign requests for such assistance are to be made to the Attorney General, who may deny a request in whole or in part for foreign relations reasons or for such other reasons as he may deem appropriate. If the foreign request for assistance passes an initial screening by the Attorney General, pursuant to section 10(b) the Attorney General and the Commission are to determine which agency will conduct the investigation using the same clearance procedure they would use if it were a domestic matter. After this analysis, the responsible agency will conduct a more detailed analysis to ensure compliance with the requirements set forth in section 8 prior to providing assistance pursuant to a foreign request.

Section 5 of the act allows the Justice Department to seek a court order under rule 6(e)(3)(C)(iv) of the Federal Rules of Criminal Procedure, as interpreted in accordance with the Act, to disclose grand jury matters to a foreign antitrust agency for use in a foreign antitrust investigation or proceeding. Under section 5, a court may allow disclosure to a foreign antitrust authority, pursuant to an antitrust mutual assistance agreement and subject to a showing of particularized need, of grand jury matters that may disclose a violation of foreign antitrust law (whether criminal, civil or administrative). The committee bill included a comparable provision, except that applications for disclosure would have been made pursuant to Rule 6(e)(3)(C)(i), which authorizes disclosure preliminarily to or in connection with a judicial proceeding. Unlike the committee bill, the act does not require disclosure to be preliminary to or in connection with judicial proceeding.

Section 7 of the act requires publication for public comment of proposed antitrust mutual assistance agreements negotiated pursuant to the act, modifications of proposed agreements, and proposed amendments to existing agreements. In addition, the final agreement or amendment, as well as notice of the termination of an agreement, must also be published. Publication is required before an antitrust mutual assistance agreement or an amendment to an agreement can be effective under the act. This is a change from the committee bill, which contained comparable publication requirements but did not make publication of the final agreement a precondition for using the agreement pursuant to the authorization of the act.

Section 9 of the bill limits and clarifies the scope of judicial review of the process of entering into antitrust mutual assistance agreements, their terms, and their use. Section 9(a) which has not changed from the committee bill, completely exempts from judicial review the necessarily subjective and forward-looking determinations that the Attorney General and the Commission must make, under sections 8(a) (1) and (3), before assisting a foreign antitrust agency under the act. Section 9(b) exempts from judicial review the question of whether an antitrust mutual assistance agreement satisfies the technical legal citation and description requirements of section 12(2)(C); this provision is an addition to the committee bill. In addition, section 9(c) provides two rules of construction which use somewhat different language but achieve the same result as the committee bill. First, the section makes clear that, despite the inclusion of a publication and comment procedure required for antitrust mutual assistance agreements, it is not intended to make that procedure, or the use of the agreements, subject to judicial review under the Administrative Procedure Act [APA]. Such agreements, and the decisions made and actions taken by the Attorney General and the Commission pursuant to them, will be infused with foreign affairs concerns not ordinarily subject to APA review. And second, the section makes clear that nothing in the section shall be construed to limit any judicial review available under the laws referenced in section 5, which protect the confidentiality of Hart-Scott-Rodino pre-merger filings, grand jury materials, and classified information, respectively. Although the language of section 9 of the the act differs in certain respects from the committee bill, the act is not intended to create or imply any greater right of judicial review than was contemplated by the committee bill. More generally, consistently with the intent of the committee bill, nothing in the act creates or implies a right of judicial review not otherwise provided for by law.

Section 12 incorporates certain changes in the requirements for an antitrust mutual assistance agreement. Under section 12(2), an antitrust mutual assistance agreement can be either a government-to-government agreement or memorandum of understanding, or an agency-to-agency agreement or memorandum of understanding between the Attorney General and the Federal Trade Commission, on the one side, and a foreign antitrust authority on the other. The committee bill would have included agreements of this nature, and would in addition have allowed agency-to-agency agreements that included other foreign agencies (in addition to a foreign antitrust agency) to the extent necessary to provide the assistance provided in the agreement.

Section 12(2)(E) places conditions on the circumstances in which antitrust evidence disclosed to a foreign antitrust authority pursuant to the act may be used for the purpose of enforcing laws other than a foreign antitrust law. Certain of these conditions were not included in the committee bill.

In addition, section 12(9) clarifies the definition of a regional economic integration organization that is eligible to be a party to an antitrust mutual assistance agreement. This definition is intended to include the European Union, and would include other entities composed of foreign states that have comparable authority with respect to antitrust enforcement.

The International Antitrust Enforcement Assistance Act of 1994 will give our antitrust enforcement agencies the tools they need to carry antitrust enforcement into the 21st century. The bill has broad bipartisan and business community support, and I am pleased to be joined with Senator THURMOND and other colleagues on the Judiciary Committee in recommending its passage.

Mr. THURMOND. I rise today in support of H.R. 4781, the International Antitrust Enforcement Assistance Act, which is the House version of the legislation I introduced with Senator METZENBAUM in July of this year. It authorizes closer cooperation and sharing of information between United States and foreign antitrust authorities in order to more effectively enforce antitrust laws for the benefit of American consumers and businesses.

As I have stated previously, the goals of this legislation deserve broad bipartisan support. It is appropriate and necessary for our antitrust authorities to be given better tools for obtaining evidence abroad, because antitrust violations increasingly involve transactions and evidence which are located abroad or in more than one country. This bill achieves that goal by authorizing investigations to be conducted and information shared with foreign authorities in appropriate circumstances. However, this legislation does not change the jurisdictional reach or substance of either the United States antitrust laws or any foreign law.

Mr. President, I believe that this legislation now contains all necessary protections to safeguard American interests. Prior to any exchange of information, the bill requires a comprehensive agreement between the United States and foreign antitrust authorities, which is effective only after notice and an opportunity for public comment. That agreement is required to contain many terms to protect the confidentiality of any information disclosed, while the bill expressly precludes disclosure of certain categories of information.

Among other things, the confidentiality provisions require that the U.S. agencies must make a determination confidentiality and will be applied. Further, the bill ensures that there will be true reciprocity between the United States and foreign antitrust authorities in providing assistance and exchanging information so that the benefits and responsibilities are evenly shared.

For all of these reasons, this is a bill which is good for American consumers and which many American businesses wholeheartedly support. I urge my colleagues to vote for this legislation.

FEDERAL WATER POLLUTION CONTROL ACT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5176, relating to ocean pollution in San Diego, just received from the House; that the bill be deemed read the third time, passed, and the motion to reconsider be laid on the table; that any statements relating to this matter be placed in the RECORD at the appropriate place as if read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 5176) was deemed read the third time, and passed.

PROVIDING FOR THE CONVENING OF THE FIRST SESSION OF THE 104TH CONGRESS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 425, a joint resolution providing for the convening of the first session of the 104th Congress, received from the House and at the desk; that the joint resolution be deemed read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 425) was deemed read the third time, and passed.

IMPLEMENTATION OF OIL POLLUTION ACT WITH RESPECT TO ANIMAL FATS AND VEGETABLE OILS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2559, relating to the animal fats and vegetable oils, introduced earlier today by Senator HARKIN; that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to this item be placed in the RECORD as if read in the appropriate place.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (S. 2559) was deemed read the third time, and passed, as follows:

(The text of the bill will be printed in a future edition of the RECORD.)

THE COOPERATIVE WORK TRUST FUND AMENDMENTS OF 1994

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2560, the Cooperative Work Trust Fund Amendments of 1994, introduced earlier today by Senators LEAHY, LUGAR, and others; that the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table, and any statements appear in the RECORD as if read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (S. 2560) was deemed read the third time, and passed, as follows:

(The text of the bill will be printed in a future edition of the RECORD.)

HIGH-SPEED RAIL DEVELOPMENT ACT OF 1994—MESSAGE FROM THE HOUSE

Mr. BUMPERS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (H.R. 4867) to authorize appropriations for high-speed rail transportation, and for other purposes.

The President pro tempore laid before the Senate the following message from the House of Representative:

Resolved, That the bill from the House of Representatives (H.R. 4867) entitled "An Act to authorize appropriations for high-speed rail transportation, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Speed Ground Transportation Development Act of 1994".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) high-speed rail offers safe and transportation in certain densely traveled corridors linking major metropolitan areas in the United States;

(2) high-speed rail may have environmental advantages over certain other forms of intercity transportation;

(3) Amtrak's Metroliner service between Washington, District of Columbia, and New York, New York, the United States premier high-speed rail service, has shown that Americans will use high-speed rail when that transportation option is available;

(4) new high-speed rail service should not receive Federal subsidies for operating and maintenance expenses;

(5) State and local governments should take the prime responsibility for the development and implementation of high-speed rail service;

(6) the private sector should participate in funding the development of high-speed rail systems;

(7) in some intercity corridors, Federal planning assistance may be required to supplement the funding commitments of State and local governments and the private sector to ensure the adequate planning, including reasonable estimates of the costs and benefits, of high-speed rail systems;

(8) improvement of existing technologies can facilitate the development of high-speed rail systems in the United States; and

(9) Federal assistance is required for the improvement, adaptation, and integration of technologies for commercial application in high-speed rail service in the United States.

(b) PURPOSE.—The purpose of this Act is to encourage far-sighted State, local, and private efforts in the analysis and planning for high-speed rail systems in appropriate intercity travel corridors.

SEC. 3. NATIONAL HIGH-SPEED RAIL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Part C of subtitle IV of title 49, United States Code (relating to passenger transportation), is amended by adding at the end the following new chapter:

"CHAPTER 251—HIGH-SPEED RAIL ASSISTANCE

"§25101. Corridor planning

"(a) AUTHORITY.—The Secretary may provide financial assistance to an applicant, based upon the criteria set forth in subsection (d) of this section, to fund corridor planning under subsection (b)(1) of this section.

(b) ELIGIBLE ACTIVITIES.—

"(1) A corridor planning activity is eligible for financial assistance under subsection (c) if the Secretary determines that it is necessary to establish appropriate engineering, operational, financial, environmental, or socioeconomic projections for the establishment of high-speed rail service in the corridor and that it leads toward development of a prudent financial and institution plan for implementation of specific high-speed rail improvements. Eligible corridor planning activities include—

"(A) environmental assessments;

"(B) feasibility studies emphasizing commercial technology improvements or applications;

"(C) Economic analyses, including ridership, revenue and operating expense forecasting;

"(D) assessing the impact on rail employment of developing high-speed rail corridors;

"(E) assessing community economic impacts;

"(F) interface with State and metropolitan area transportation planning and corridor planning with other States;

"(G) operational planning;

"(H) route selection analyses;

"(I) preliminary engineering and design;

"(J) identification of specific improvements to a corridor, including electrification, line straightening, grade crossing closings, and other right-of-way improvements, bridge rehabilitation and replacement, use of advanced locomotives and rolling stock, ticketing, interface with other modes of transportation, parking and other means of passenger access, track, signal, station and other capital works, and use of intermodal terminals;

"(K) preparation of financing plans and prospectuses; and

"(L) creation of public/private partnerships.

"(2) No financial assistance shall be provided under this section for corridor planning with respect to the main line of the Northeast Corridor, between Washington, District of Columbia, and Boston, Massachusetts.

"(c) CORRIDOR PLANNING ASSISTANCE.—

"(1) The Secretary may provide under this subsection financial assistance to an applicant for corridor planning for up to 50 percent of the publicly financed costs associated with eligible activities.

"(2) No less than 20 percent of publicly financed costs associated with eligible activities shall come from State and local sources, which State and local sources cannot include funds from any Federal program.

"(d) CRITERIA FOR DETERMINING FINANCIAL ASSISTANCE.—Selection by the Secretary of applicants for financial assistance under this section shall be based on such criteria as the Secretary considers appropriate, including—

"(A) the relationship or inclusion of the corridor in the Secretary's national high-speed ground transportation policy;

"(B) the extent to which the proposed planning focuses on systems which will achieve sustained speeds of 125 miles per hour or greater;

"(C) the integration of the corridor into metropolitan area and Statewide transportation planning;

"(D) the potential interconnection of the corridor with other parts of the Nation's transportation system, including the interconnection with other countries;

"(E) the anticipated effect of the corridor on the congestion of other modes of transportation;

"(F) whether the work to be funded will aid the efforts of State and local governments to comply with the Clean Air Act;

"(G) the past and proposed financial commitments and other support of State and local governments and the private sector to the proposed

high-speed rail program, including the acquisition of rolling stock;

''(H) the estimated level of ridership;

''(I) the estimated capital cost of corridor improvements, including the cost of closing, improving, or separating highway-rail grade crossing;

''(J) rail transportation employment impacts;

''(K) community economic impacts;

''(L) the extent to which the projected revenues of the high-speed rail service to be planned, along with any financial commitments of State or local governments and the private sector, are expected to cover capital costs and operating and maintenance expenses; and

''(M) whether a route has been selected, specific improvements identified, and capacity studies completed.

"§25102. High-speed rail technology improvements

''(a) AUTHORITY.—The Secretary is authorized to undertake activities for the improvement, adaptation, and integration of technologies for commercial application in high-speed rail service in the United States.

''(b) ELIGIBLE RECIPIENTS.—In carrying out activities authorized in subsection (a), the Secretary may provide financial assistance to any United States private business, educational institution located in the United States, State or local government or public authority, or agency or the Federal Government.

''(c) CONSULTATION WITH OTHER AGENCIES.—In carrying out activities authorized in subsection (a), the Secretary shall consult with such other governmental agencies as may be necessary concerning the availability of appropriate technologies for commercial application in high-speed rail service in the United States.

"§25103. Definitions.

''For purposes of this chapter—

''(1) the term 'applicant' means a public agency, or a group of such public agencies, seeking financial assistance under this title;

''(2) the term 'financial assistance' includes grants, contracts, and cooperative agreements;

''(3) the term 'high-speed rail' means rail passenger transportation expected to reach and maintain speeds of 125 miles per hour or greater;

''(4) the term 'publicly funded costs' means the costs funded after April 29, 1993, by Federal, State, and local governments;

''(5) the term 'State'' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States;

''(6) the term 'United States private business' means a business entity organized under the laws of the United States, or of a State, and conducting substantial business operations in the United States.

"§25104. Safety regulations

''The Secretary shall promulgate such safety regulations as may be necessary for high-speed rail services.''.

SEC. 4. COLUMBUS AND GREENVILLE RAILWAY.

(a) REDEMPTION OF OUTSTANDING OBLIGATIONS AND LIABILITIES.—Notwithstanding any other provision of law, the Secretary of Transportation, or the Secretary of the Treasury, if a holder of any of the obligations, shall allow the Delta Transportation Company, doing business as the Columbus & Greenville Railway, to redeem the obligations and liabilities of such company which remain outstanding under sections 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825 and 831, respectively).

(b) VALUE.—For purposes of subsection (a), the value of each of the obligations and liabilities shall be an amount equal to the value established under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 1995.—There is authorized to be appropriated to the Secretary of Transportation $29,000,000 for financial assistance authorized under sections 25101 and 25102 of title 49, United States Code.

(b) AUTHORIZATION FOR FISCAL YEAR 1996.—There is authorized to be appropriated to the Secretary—

(1) $40,000,000 for financial assistance authorized under section 25101 of title 49, United States Code; and

(2) $30,000,000 for financial assistance authorized under section 25102 of title 49, United States Code.

(c) AUTHORIZATIONS FOR FISCAL YEAR 1997.—There is authorized to be appropriated to the Secretary of Transportation—

(1) $40,000,000 for financial assistance authorized under section 25101 of title 49, United States Code; and

(2) $30,000,000 for financial assistance authorized under section 25102 of title 49, United States Code.

(d) ADMINISTRATIVE EXPENSES OF SECRETARY.—Of the amounts authorized to be appropriated under subsections (a), (b) and (c), the Secretary of Transportation may reserve the funds necessary for payment of the administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under chapter 251 of title 49, United States Code.

(e) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.

Mr. GORTON. Mr. President, I would like to lend my enthusiastic endorsement for the Swift Rail Development Act, a bill that could not be more appropriately named.

During my years in the Congress, I have had the privilege and pleasure to work with my colleague, Representative AL SWIFT. While we are of different parties, I have always enjoyed working with him as a legislative partner. But most especially, I have enjoyed his insight and his friendship. AL has a long list of achievements. And the bill before the Senate today is just one of many in a long list. Perhaps, one of my proudest legislative accomplishments is one that I share with AL, to require airbags in automobiles.

The bill before the Senate today used to be known as the high speed rail bill. Forevermore, it will be the Swift rail bill, an appropriate honor to the author of this bill.

Transportation alternatives available to Northwesterners are few, but the need for them is acute. The main stretch of highway connecting Vancouver, BC, to Eugene, OR, is heavily used by vehicles carrying both commuters and freight. Several years back, this corridor was designated one of five national high speed rail corridors. This legislation will speed up development of this corridor, which is critically important to the hundreds of commuters who desperately need another, more efficient way of getting around the Northwest. I appreciate having the opportunity to work with AL to ensure that the Northwest corridor's needs were addressed by the language in this bill.

The excitement over the high speed rail demonstration run between Portland and Bellingham is testament to the support this program will receive. Once we have high speed rail up and running in the Northwest, I am certain we will wonder how we ever got along without it.

Mr. BUMPERS. I move that the Senate concur in the House amendment.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BUMPERS. I move to reconsider the vote.

Mr. LOTT. I move to lay that on the table.

The motion to lay on the table was agreed to.

CORRECTING THE ENROLLMENT OF S. 1312

Mr. BUMPERS. Mr. President, I ask unanimous consent the Senate turn to the consideration of H. Con. Res. 304, a concurrent resolution to correct the enrollment of S. 1312, the Employee Retirement Income Security Act; that the concurrent resolution be agreed to; the motion to reconsider laid on the table and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 304) was agreed to.

THE SOCIAL SECURITY ACT AMENDMENTS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5252, a bill to amend the Social Security Act to make miscellaneous and technical amendments, just received from the House; that the bill be deemed read a third time and passed; the motion to reconsider laid on the table and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 5252) was deemed read a third time and passed.

TECHNICAL CORRECTION ACT

Mr. ROCKEFELLER. Mr. President, I am extremely pleased that after several years of hard work, we are finally able to enact a number of Medicare provisions, mostly of a technical and clarifying nature. But many of these provisions are of great importance to my home State, especially in the case of the Essential Access Community Hospital and Rural Primary Care Hospital Program.

West Virginia is one of seven States that is participating in the so-called EACH/RPCH Program. West Virginia is serving as a national model of how to maintain essential and emergency health care services in rural and remote areas. This legislation contains a number of provisions to give hospitals additional flexibility to help them make the transition from a full service acute care hospital to a health care facility that provides emergency services, limited inpatient care, and other health services identified as vital to a particular community.

Two hospitals in West Virginia, Broaddus Hospital in Phillipi and Webster County Memorial Hospital, have already been federally designated as rural primary care hospitals. They are two of only a handful of hospitals officially designated as RPCH's nationwide since the program was enacted in 1989. Part of the delay has been due to the inability of Congress to enact these technical amendments which have been stalled in the legislative process for the past few years. For example, this legislation clarifies that "rural primary care hospitals" may keep patients hospitalized for an average of 72 hours, rather than no longer than 72 hours. Without the EACH/RPCH Program, the only other option for many small, rural hospitals is to shut their doors.

This legislation also includes a key extension for the authorization for the Rural Health Transition Grant Program. This grant program has benefited many hospitals in West Virginia since its enactment in the mid-1980's. Many West Virginia hospitals have already received funding to develop rural health care networks, for management improvements, recruitment and retention of health care providers, and to enhance outpatient services.

I am particularly pleased that this legislation includes a provision that clarifies legislation I authored, which was successfully enacted in 1989, that expanded Medicare reimbursement to include coverage for mental health services provided by psychologists. Previously, millions of Medicare beneficiaries, particularly residents of rural areas, were unable to have access to mental health services because psychiatrists were the only recognized mental health providers under Medicare. In West Virginia, almost 40 percent of the rural elderly live in areas without a psychiatrist. That's why I felt it was so important for the Medicare Program to catch up with other health insurance programs and State laws.

This legislation also completes action on a piece of legislation which I introduced in 1991, the Medicare Cancer Coverage Improvement Act. The sole provision of this legislation that has yet to be enacted is included in this technical bill as well. It instructs the Secretary of Health and Human Services to study the costs of patient care for Medicare beneficiaries enrolled in clinical trials of new cancer therapies. This will allow patients to participate in clinical trials which may save their lives, instead of forcing them back into therapies already deemed useless by their doctors. It is time to develop a rational policy to make sure Medicare beneficiaries are not unfairly denied access to the best available care. As that National Cancer Institute has frequently noted, treatment provided under a clinical protocol is state-of-the-art cancer therapy.

Mr. President, I am also pleased that this legislation contains a provision to extend the Medicare Select Program for another 6 months. While currently limited to 15 States, this Medigap insurance policy option has resulted in lower premiums for many Medicare beneficiaries. A recent Consumer Reports included 8 Medicare Select policies in the top 15 rated Medigap products nationwide.

Last year, I introduced the Family Preservation and Child Protection Reform Act with Senator BOND which called for new Federal funding for child welfare services, with an emphasis on preventive service to children. Thanks to the leadership of our President, we made a downpayment on child welfare reform with almost $1 billion in new flexible funding in the budget bill signed into law last year. This bill helps to fill in the gaps by moving forward on provisions that could not be in the reconciliation bill because of procedural rules of the Senate. This package includes basic action for child welfare traineeships, and other necessary enhancements.

I would especially like to commend Chairman MOYNIHAN and the ranking member, Senator PACKWOOD, for their leadership on the Suter issue, which covers the enforcement of State plans of child welfare, welfare and other provisions of the Social Security Act. A sweeping Supreme Court decision eliminated an individual's right to sue to enforce provisions of State plans under the Social Security Act. This caused real concern, and I joined with several of my Senate colleagues in petitioning the finance committee to review this court decision and its impact on States and children in 1992. Senators MOYNIHAN and PACKWOOD held a hearing which helped to forge a compromise on this issue. That compromise is part of this legislation.

Also, I would like to mention that this legislation makes improvements in child support enforcement. It includes a provision, similar to a bill I sponsored in the past, to require States to provide information to credit bureaus about overdue child support. If an individual places their credit rating at risk by missing a car payment, shouldn't the same thing happen if they are at least 2 months delinquent on their child support payments.

Mr. President, I have only listed a few of the provisions that illustrate the scope and importance of this legislation, even though it is called a "technical corrections" bill. Again, despite its technical nature, this bill will provide important assistance to rural areas and other health care providers, and help children and families get the services they need.

Mr. MOYNIHAN. Mr. President, I urge Senators to support enactment of H.R. 5252, the Social Security Act Amendments of 1994, which was reported by the Finance Committee on November 17 of last year, and was passed by the House just yesterday.

The bill contains a number of important technical corrections and miscellaneous Social Security Act provisions that enjoy bipartisan support in both the Senate and the House. These provisions could not be included in the Omnibus Reconciliation Act of 1993 because they had no budgetary impact. Under the strict rules of budget reconciliation in the Senate, any provision that has no impact on Federal spending is subject to a point of order.

While the Finance Committee excluded these provisions from its budget package, the House of Representatives passed many of these provisions as part of its 1993 budget package. In conference last year, the chairman of the Committee on Ways and Means and I agreed to develop a separate bill to include all the budget-neutral, noncontroversial provisions that could not be included in the 1993 budget reconciliation legislation. The result is the bill before us today.

H.R. 5252 includes provisions that will make substantial improvements in Social Security Act programs. It will improve the enforcement of child support, assure better protection of abused and neglected children, extend the Medicare select demonstration programs which allow Medicare beneficiaries to participate in managed health care plans, and make other improvements in the Medicare Program.

The bill also includes the Welfare Indicators Act, a bill which I sponsored, and which will begin to generate the information needed to understand the problem of welfare dependency. It requires the Secretary of Health and Human Services, in consultation with the Secretary of Agriculture, to develop, first, indicators of the rate at which, and the degree to which, families depend on income from welfare programs, and the duration of welfare participation; and second, predictors of welfare receipt. The Secretary will be required to prepare an annual report on welfare receipt that provides information on trends, predictors, and causes of welfare receipt, including recommendations for legislation to reduce welfare recipiency.

Mr. DODD. Mr. President, I rise to address an issue of concern to me and many others in this Chamber. I am referring to the Medigap amendments contained in the Social Security

Amendments Act of 1993. I am concerned about the potential negative impact of a certain provision on the innovative public/private long-term care insurance partnership programs now underway in my State of Connecticut, in Indiana, California, and New York, and in projects being developed in the States of Maryland, Illinois, and Iowa. These programs are designed to provide cost-effective long-term care coverage to middle income people.

It is my understanding that while the Medigap amendments legislation is not intended to put a halt to these programs or to have a negative impact on such programs, this may be the unintended result of the legislation before us.

The Partnership Program involves long-term care policies which coordinate benefits with the Medicare Program. This means that such policies will combine with Medicare to pay maximum benefits but not more than 100 percent of the cost, as this would be against good public policy. This coordination feature reduces cost and therefore helps produce more affordable coverage.

However, I further understand that because the majority of long-term care policies sold to seniors do not so coordinate with Medicare, the legislation might be read by some in a way that assumes that coordination is not the norm. Since coordination is a critical issue for Connecticut and other partnership States and because I believe there is no intent on the part of the Senate Finance Committee to ban coordination of benefits, I would hope that the committee chairman might clarify this point.

Mr. MOYNIHAN. I understand the concern of the Senator from Connecticut and the issue he raises regarding how coordination is to be addressed. Because these amendments are not effective until after regulations have been published, there is ample time to work with the Senator and the administration to ensure an appropriate outcome to the regulatory process regarding this issue. It is my hope that the regulatory process will address the issue of coordination in a way that encourages cost-effective long-term care coverage, including the public private partnership programs in Connecticut, Indiana, California, New York, and other States. I do not intend that this legislation halt such cost-effective programs.

It must also be stressed that it is important for these Medigap amendments to pass the Senate today because without these amendments which passed both the House and Senate already in 1992, the underlying statute makes it clearly illegal to sell health insurance policies that duplicate Medicare benefits. Therefore, even though there may be questions about the implications of some of these new provisions, it is of utmost importance that we clarify the underlying statute by passing this bill, so that people in need of insurance benefits can purchase them.

Mr. DORGAN. Mr. President, I rise in support of H.R. 5252, the proposed extension of the Medicare select demonstration project.

Medicare select is a 15-State demonstration project that allows Medicaid beneficiaries to buy their supplemental insurance, known as "Medigap" policies, through managed care plans. This demonstration project has been very successful, in my State of North Dakota and the other 14 States, at keeping supplemental premiums low. In North Dakota, Medicare select policies are 16 percent less expensive than identical, supplemental policies.

The Medicare select demonstration project expired a few days ago, at the end of the last fiscal year. The project would have been extended by any of the major health care reform bills considered this year. By extending the Medicare select program today, 400,000 Medicare beneficiaries nationwide, including 10,000 North Dakotans, will be able to keep their Medicare select policies, rather than be forced to buy more expensive supplemental insurance.

If we had let this program expire, it would have cost each of these 10,000 North Dakota senior citizens about $144 per year more than they are paying now. This is a total of $1.44 million right out of their pockets. They are not wealthy folks. These are primarily retired people who live on fixed incomes. They already are spending a substantial portion of their limited income on health care—including copayments, deductibles, prescription drugs.

Medicare select helps these people make ends meet. It means they have a little extra money each month to pay for their medicine—to buy winter clothes—or maybe to have a holiday dinner.

I am glad we did not penalize our senior citizens by failing to act. I thank my colleagues for joining me in supporting this legislation to extend the highly successful Medicare select demonstration project.

Mr. FEINGOLD. Mr. President, I was pleased to see that H.R. 5252 has passed the Senate without a provision, included in earlier versions of the measure, intended to change current law with respect to so-called estate recoveries under medical assistance.

Last year, we enacted a change to the estate recovery law as part of the Omnibus Budget Reconciliation Act of 1993 [OBRA 93]. OBRA 93 allows States to recover, from the estates of Medicaid beneficiaries over age 55, either the cost of Medicaid nursing home services, home and community-based services, hospital services, and prescription drug services, or the cost of other services provided under the State Medicaid plan.

An effort was made, in earlier versions of this legislation in the Senate, to change the law as it relates to this provision. In particular, the proposed change would have limited State options with respect to estate recoveries by mandating that States pursue recovery for certain specified services, including home and community-based services.

As we saw in Wisconsin, requiring liens to be attached to the homes of elderly disabled individuals has a cruel, unintended result. When that policy was implemented briefly in Wisconsin in 1991 with respect to home and community-based services, scores of elderly disabled individuals in need of long-term care refused home and community-based services because of the estate recovery requirements, with the result that many of these people were at risk of imminent placement in institutional settings, settings that are often much more expensive to taxpayers.

Fortunately, the Wisconsin Legislature repealed the measure, removing a significant barrier to the less expensive home and community-based long-term care alternative.

Mr. President, we need comprehensive long-term care reform. Specifically, we need a home and community-based program of flexible, consumer-oriented and consumer-directed services. But until we pass that kind of reform, our home and community waiver programs will be the closest alternative that the disabled of all ages will have. It is vital that we make those services as accessible as possible for that population.

THE ALEUTIAN AND PRIBILOF RESTITUTION ACT AMENDMENT ACT OF 1994—MESSAGE FROM THE HOUSE

Mr. BUMPERS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 1457) to amend the Aleutian and Pribilof Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1457) entitled "an Act to amend the Aleutian and Pribilof Islands Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. INCREASE IN AUTHORIZATIONS.

(a) IN GENERAL.—Section 205(d)(4) of the Aleutian and Pribilof Islands Restitution

Act (50 U.S.C. App. 1989c–4(d)(4)) is amended by striking "$1,400,000" and inserting "$4,700,000".

(b) Fund.—If the Fund referred to in section 205(a) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c–4(a)) has been terminated pursuant to section 203(d) of such Act (50 U.S.C. App. 1989c–2(d)), upon the appropriation of additional funds pursuant to this Act, the Fund shall be reestablished.

(c) Use of Funds.—The funds appropriated pursuant to this Act shall be used solely for the renovation, replacement, and restoration of Church property lost, damaged, or destroyed during World War II.

Mr. BUMPERS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE DEPORTATION OF ALIENS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 284, a resolution submitted earlier today by Senators DECONCINI and SIMPSON, relating to the deportation of aliens; that the resolution be agreed to; that the motion to reconsider be laid upon the table and that any statements appear at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the resolution (S. Res. 284) was agreed to, as follows:

S. RES. 284

Resolved, That (a) it is the sense of the Senate that—

(1) the Attorney General should consider implementing, through awarding start-up administrative grants to appropriate not-for-profit organizations, a pilot program at processing centers of the Immigration and Naturalization Service for the purpose of increasing efficiency and cost savings in the processing and removal of aliens held in custody by assuring orientation and representation for such aliens;

(2) these pilot projects should be developed in consultation with the Commissioner of the Immigration and Naturalization Service, the Executive Office of Immigration Review (EOIR), and appropriate not-for-profit organizations having relevant experience;

(3) one such project currently operating in Arizona at the Florence Service Processing Center is a good model for implementing such a pilot program because of its working relationship with the Immigration and Naturalization Service, the Executive Office of Immigration Review, and a not-for-profit organization; and

(4) an evaluation component should be included in any such pilot program to test the efficiency, the cost effectiveness, the services provided, and the replicability in future years to additional processing centers of the Immigration and Naturalization Service.

(b) It is further the sense of the Senate that nothing in this resolution should be construed as creating a right to be represented at the expense of the Government.

FOR PRIVATE RELIEF OF WAYNE NARAYSINGH

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from and the Senate proceed to the immediate consideration of H.R. 2266, a bill for the private relief of Wayne Naraysingh; that the bill be deemed read a third time, passed, that the motion to reconsider be laid upon the table and that any statements appear at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 2266) was deemed read a third time and passed.

INDIAN LANDS OPEN DUMP CLEAN-UP ACT OF 1994—MESSAGE FROM THE HOUSE

Mr. BUMPERS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (S. 720) to clean up open dumps on Indian lands, and for other purposes.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 720) entitled "An Act to clean up open dumps on Indian lands, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Lands Open Dump Cleanup Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) there are at least 600 open dumps on Indian and Alaska Native lands;

(2) these dumps threaten the health and safety of residents of Indian and Alaska Native lands and contiguous areas;

(3) many of these dumps were established or are used by Federal agencies such as the Bureau of Indian Affairs and the Indian Health Service;

(4) these dumps threaten the environment;

(5) the United States holds most Indian lands in trust for the benefit of Indian tribes and Indian individuals; and

(6) most Indian tribal governments and Alaska Native entities lack the financial and technical resources necessary to close and maintain these dumps in compliance with applicable Federal laws.

(b) Purposes.—The purposes of this Act are to—

(1) identify the location of open dumps on Indian lands and Alaska Native lands;

(2) assess the relative health and environmental hazards posed by such dumps; and

(3) provide financial and technical assistance to Indian tribal governments and Alaska Native entities, either directly or by contract, to close such dumps in compliance with applicable Federal standards and regulations, or standards promulgated by an Indian tribal government or Alaska Native entity, if such standards are more stringent than the Federal standards.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) Closure or close.—The term "closure or close" means the termination of operations at open dumps on Indian land or Alaska Native land and bringing such dumps into compliance with applicable Federal standards and regulations, or standards promulgated by an Indian tribal government or Alaska Native entity, if such standards are more stringent than the Federal standards and regulations.

(2) Director.—The term "Director" means the Director of the Indian Health Service.

(3) Indian land.—The term "Indian land" means—

(A) land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(B) dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and

(C) Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

(4) Alaska native land.—The term "Alaska Native land" means (A) land conveyed or to be conveyed pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1600 et seq.), including any land reconveyed under section 14(c)(3) of that Act (43 U.S.C. 1613(c)(3)), and (B) land conveyed pursuant to the Act of November 2, 1966 (16 U.S.C. 1151 et seq.; commonly known as the "Fur Seal Act of 1966").

(5) Indian tribal government.—The term "Indian tribal government" means the governing body of any Indian tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(6) Alaska native entity.—The term "Alaska Native entity" includes native corporations established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1600 et seq.) and any Alaska Native village or municipal entity which owns Alaska Native land.

(7) Open dump.—The term "open dump" means any facility or site where solid waste is disposed of which is not a sanitary landfill which meets the criteria promulgated under section 6944 of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) and which is not a facility for disposal of hazardous waste.

(8) Postclosure maintenance.—The term "postclosure maintenance" means any activity undertaken at a closed solid waste management facility on Indian land or on Alaska Native land to maintain the integrity of containment features, monitor compliance with applicable performance standards, or remedy any situation or occurrence that violates regulations promulgated pursuant to subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.).

(9) Service.—The term "Service" means the Indian Health Service.

(10) Solid waste.—The term "solid waste" has the meaning provided that term by section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903) and any regulations promulgated thereunder.

SEC. 4. INVENTORY OF OPEN DUMPS.

(a) Study and Inventory.—Not later than 12 months after the date of enactment of this Act, the Director shall conduct a study and inventory of open dumps on Indian lands and Alaska Native lands. The inventory shall list the geographic location of all open dumps, an evaluation of the contents of each dump, and an assessment of the relative severity of the threat to

public health and the environment posed by each dump. Such assessment shall be carried out cooperatively with the Administrator of the Environmental Protection Agency. The Director shall obtain the concurrence of the Administrator in the determination of relative severity made by any such assessment.

(b) ANNUAL REPORTS.—Upon completion of the study and inventory under subsection (a), the Director shall report to the Congress, and update such report annually—

(1) the current priority of Indian and Alaska Native solid waste deficiencies,

(2) the methodology of determining the priority listing,

(3) the level of funding needed to effectively close or bring into compliance all open dumps on Indian lands or Alaska Native lands, and

(4) the progress made in addressing Indian and Alaska Native solid waste deficiencies.

(c) 10-YEAR PLAN.—The Director shall develop and begin implementation of a 10-year plan to address solid waste disposal needs on Indian lands and Alaska Native lands. This 10-year plan shall identify—

(1) the level of funding needed to effectively close or bring into compliance with applicable Federal standards any open dumps located on Indian lands and Alaska Native lands; and

(2) the level of funding needed to develop comprehensive solid waste management plans for every Indian tribal government and Alaska Native entity.

SEC. 5. AUTHORITY OF THE DIRECTOR OF THE INDIAN HEALTH SERVICE.

(a) RESERVATION INVENTORY.—(1) Upon request by an Indian tribal government or Alaska Native entity, the Director shall—

(A) conduct an inventory and evaluation of the contents of open dumps on the Indian lands or Alaska Native lands which are subject to the authority of the Indian tribal government or Alaska Native entity;

(B) determine the relative severity of the threat to public health and the environment posed by each dump based on information available to the Director and the Indian tribal government or Alaska Native entity unless the Director, in consultation with the Indian tribal government or Alaska Native entity, determines that additional actions such as soil testing or water monitoring would be appropriate in the circumstances; and

(C) develop cost estimates for the closure and postclosure maintenance of such dumps.

(2) The inventory and evaluation authorized under paragraph (1)(A) shall be carried out cooperatively with the Administrator of the Environmental Protection Agency. The Director shall obtain the concurrence of the Administrator in the determination of relative severity made under paragraph (1)(B).

(b) ASSISTANCE.—Upon completion of the activities required to be performed pursuant to subsection (a), the Director shall, subject to subsection (c), provide financial and technical assistance to the Indian tribal government or Alaska Native entity to carry out the activities necessary to—

(1) close such dumps; and

(2) provide for postclosure maintenance of such dumps.

(c) CONDITIONS.—All assistance provided pursuant to subsection (b) shall be made available on a site-specific basis in accordance with priorities developed by the Director. Priorities on a specific Indian lands or Alaska Native lands shall be developed in consultation with the Indian tribal government or Alaska Native entity. The priorities shall take into account the relative severity of the threat to public health and the environment posed by each open dump and the availability of funds necessary for closure and postclosure maintenance.

SEC. 6. CONTRACT AUTHORITY.

(a) AUTHORITY OF DIRECTOR.—To the maximum extent feasible, the Director shall carry out duties under this Act through contracts, compacts, or memoranda of agreement with Indian tribal governments or Alaska Native entities pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), or section 302 of the Indian Health Care Improvement Act (25 U.S.C. 1632).

(b) COOPERATIVE AGREEMENTS.—The Director is authorized, for purposes of carrying out the duties of the Director under this Act, to contract with or enter into such cooperative agreements with such other Federal agencies as is considered necessary to provide cost-sharing for closure and postclosure activities, to obtain necessary technical and financial assistance and expertise, and for such other purposes as the Director considers necessary.

SEC. 7. TRIBAL DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Director may establish and carry out a program providing for demonstration projects involving open dumps on Indian land or Alaska Native land. It shall be the purpose of such projects to determine if there are unique cost factors involved in the cleanup and maintenance of open dumps on such land, and the extent to which advanced closure planning is necessary. Under the program, the Director is authorized to select no less than three Indian tribal governments or Alaska Native entities to participate in such demonstration projects.

(b) CRITERIA.—Criteria established by the Director for the selection and participation of an Indian tribal government or Alaska Native entity in the demonstration project shall provide that in order to be eligible to participate, an Indian tribal government or Alaska Native entity must—

(1) have one or more existing open dumps on Indian lands or Alaska Native lands which are under its authority;

(2) have developed a comprehensive solid waste management plan for such lands; and

(3) have developed a closure and postclosure maintenance plan for each dump located on such lands.

(c) DURATION OF FUNDING FOR A PROJECT.—No demonstration project shall be funded for more than three fiscal years.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) COORDINATION.—The activities required to be performed by the Director under this Act shall be coordinated with activities related to solid waste and sanitation facilities funded pursuant to other authorizations.

SEC. 9. DISCLAIMERS.

(a) AUTHORITY OF DIRECTOR.—Nothing in this Act shall be construed to alter, diminish, repeal, or supersede any authority conferred on the Director pursuant to section 302 of the Indian Health Care Improvement Act (25 U.S.C. 1632), and section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

(b) EXEMPTED LANDS AND FACILITIES.—This Act shall not apply to open dump sites on Indian lands or Alaska Native lands—

(1) that comprise an area of one-half acre or less and that are used by individual families on lands to which they hold legal or beneficial title;

(2) of any size that have been or are being operated for a profit; or

(3) where solid waste from an industrial process is being or has been routinely disposed of at a privately owned facility in compliance with applicable Federal laws.

(c) RULES OF CONSTRUCTION.—(1) Nothing in this Act shall be construed to amend or modify the authority or responsibility of the Administrator of the Environmental Protection Agency under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(2) Nothing in this Act is intended to amend, repeal, or supersede any provision of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

Mr. BUMPERS. Mr. President, I move that the Senate concur in the amendment of the House,

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WINDOW ROCK, AZ SCHOOL DISTRICT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5220, a bill relating to the Window Rock, AZ School District, just received from the House; that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; further that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 5220) was deemed read three times and passed.

Mr. DECONCINI. Mr. President, I rise today in support of H.R. 5220, which addresses an urgent situation facing one of Arizona's school districts, Window Rock Unified School District No. 8, located in the capital of the Navajo nation. This bill simply allows the Secretary of Education to accept district No. 8's application for impact Aid funds as if it was timely received. Unbeknownst to District No. 8 until recently, their application for Impact Aid funds was lost in the mail.

The Navajo Indian Reservation, including this district, is extremely dependent on Impact Aid funding which compromises about 30 percent of its annual; budget. Without this bill, the district will lose approximately $10 million of their fiscal year 1994 and fiscal year 1995 funds. As we all know, Impact Aid funds were created to serve children whose parents live or work on Federal property not subject to property taxes. These funds allow Window Rock to educate approximately 3,200 students annually almost all of whom are native Americans. However, the loss of these funds would be devastating to a community already hit with numerous socio-economic burdens. Therefore, I urge my colleagues to join me in support of this bill which will assist the administrators, staff and, most importantly, the children of Window Rock Unified School District.

THE 50TH ANNIVERSARY OF THE REALTORS LAND INSTITUTE

Mr. LOTT. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of Senate Resolution 243, regarding the 50th anniversary of the Realtors Land Institute, and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 243) recognizing the Realtor Land Institute on the occasion of its 50th anniversary.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I offer as an amendment to Senate Resolution 243, a resolution which recognizes the Realtors Land Institute [RLI] on the occasion of its 50th anniversary.

Before I address the importance of this legislation, I would like to explain why I am offering it as an amendment now. Commemorative legislation is normally referred to the Judiciary Committee. However, the Parliamentarian referred Senate Resolution 243 to the Committee on Banking, Housing, and Urban Affairs. Their rationale was that commemorative legislation only goes to the Judiciary Committee if it designates a specific day or period of time for the commemoration. Because Senate Resolution 243 is a general recognition of the 50th anniversary of the RLI, it does not designate a specific day or period of time for commemoration. Thus, Senate Resolution 243 was referred to the Committee on Banking, Housing, and Urban Affairs since the subject matter falls under the jurisdiction of that committee.

The Committee on Banking, Housing, and Urban Affairs has not had a markup since Senate Resolution 243 was introduced on July 14, 1994, nor do they have one scheduled. Since there will not be an opportunity for the committee to formally consider this resolution, I am offering it as an amendment. The ranking member of the committee, Senator D'AMATO, is a cosponsor of the resolution. According to his staff, he does not object to my offering this as an amendment.

I did want to address why I am approaching this in this manner. Now, let me explain the importance of this resolution.

The RLI was founded by 20 land specialists who met at the Drake Hotel in Chicago in 1944. The purpose of their meeting was to establish a national professional trade association dedicated to the advancement of the effective use of our most precious commodity—land.

The RLI has been an affiliate of the National Association of Realtors for 50 years and is devoted to advancing the interests of those who are involved in various phases of land development and proper land utilization.

The RLI is comprised of members who subscribe to a strict code of ethics and to just and equitable principles in real estate transactions. The organization provides education, information, marketing opportunities, and broker networking to enhance members abilities to conduct their business as recognized professional land use specialists.

For 50 years, the RLI has helped their members better serve their clients, their communities, and their industry. Now, on their 50th anniversary, they are renewing their commitment to service and focusing on the future. This is illustrated by their theme for this anniversary year, "Celebrating the past—Welcoming the future."

Congress should commend the RLI on their myriad of achievements over the last 50 years by honoring them with this commemorative resolution. I invite my colleagues to join me in honoring them for their 50 years of outstanding service by supporting this amendment.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 243), with its preamble, is as follows:

S. RES. 243

Whereas, in 1944, the REALTORS® Land Institute was founded by 20 land specialists who met at the Drake Hotel in Chicago, Illinois, to establish a national organization that would provide education, information, marketing opportunities, and broker networking to enhance the ability of their members to conduct business as recognized professional land use specialists and, through collective action, preserve private property rights;

Whereas the REALTORS® Land Institute has been an affiliate of the National Association of REALTORS® for 50 years;

Whereas, in 1994, the REALTORS® Land Institute celebrates 50 years of serving land owners, users, and realtors throughout the United States and Canada;

Whereas the REALTORS® Land Institute members have developed international marketing capabilities and networks throughout the world;

Whereas the REALTORS® Land Institute is comprised of members who subscribe to a strict code of ethics and to just and equitable principles in real estate transactions;

Whereas the REALTORS® Land Institute encourages continuing education and rewards members who complete an extensive education program and service to the land industry with a national designation of Accredited Land Consultant (ALC); and

Whereas the REALTORS® Land Institute is a national professional trade association, dedicated to advancing the effective use of our most precious commodity, land: Now, therefore, be it

Resolved, That the Senate recognizes the REALTORS® Land Institute on the occasion of its 50th Anniversary.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the REALTORS® Land Institute.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE NATIVE AMERICAN VETERANS' MEMORIAL ESTABLISHMENT ACT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2135, the Native American Veterans' Memorial Establishment Act of 1994, just received from the House; that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; further, that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 2135) was deemed read three times and passed.

PROVIDING FOR THE ANNUAL PUBLICATION OF A LIST OF FEDERALLY RECOGNIZED INDIAN TRIBES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the earlier action on H.R. 4180, a bill relating to the recognition of Alaskan Native Indian Tribes, be vitiated; that the Senate then proceed to its immediate consideration, the bill be read three times, passed, and the motion to reconsider be laid upon the table; and, further, that any statements on this measure appear in the RECORD at the appropriate place, as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 4180) was passed.

RELATING TO PATENT INFRINGEMENT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar Order No. 681, S. 2272, a bill relating to patent infringement.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2272) to amend Chapter 28 of title 35, United States Code, to provide a defense to patent infringement based on prior use by certain persons, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an aamendment to strike all after the enacting clause and inserting in lieu the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent Prior User Rights Act of 1994".

SEC. 2. DEFENSE TO PATENT INFRINGEMENT BASED ON PRIOR USE.

(a) In General.—Chapter 28 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"§273. Rights based on prior use; defense to infringement

"(a) Definitions.—For purposes of this section, the term—

"(1) 'commercially used' means the use in interstate or intrastate commerce, including the use of processes, equipment, tooling, and intermediate materials in the design, testing, or production of commercial products whether or not such processes, equipment, tooling, and intermediate materials are normally accessible, available, or otherwise known to the public;

"(2) 'effective and serious preparation' means that a person has, in the United States—

"(A) actually reduced to practice the subject matter for which rights based on prior use are claimed; and

"(B) made serious plans, and a substantial investment or a substantial portion of the total investment necessary for the subject matter to be commercially used; and

"(3) 'effective filing date' means the earlier of the actual filing date of the application for patent or the filing date of any earlier United States, foreign, or international application to which the subject matter at issue is entitled under sections 119, 120, or 365 of this title.

"(b) In General.—A person shall not be liable as an infringer under section 271 of this title with respect to any subject matter claimed in the patent being asserted that such person had, acting in good faith, commercially used in the United States or made effective and serious preparation therefore in the United States, before the effective filing date.

"(c) Limitation of Defense.—Rights based on prior use under this section are not a general license under all claims of the patent, but subject to subsection (d), extend only to the claimed invention that the person claiming rights based on prior use was in possession of prior to the effective filing date.

"(d) Certain Variations and Improvements Not an Infringement.—The rights based on prior use under this section shall include the right to vary the quantity or volume of commercial use or to make improvements that do not infringe additional claims of the patent.

"(e) Qualifications.—(1) The rights based on prior use under this section are personal and shall not be licensed or assigned or transferred to another except in connection with the good faith assignment or transfer of the entire business or enterprise or the entire line of business or enterprise to which the rights relate.

"(2) A person may not claim rights based on prior use under this section if the activity under which such person claims the rights was—

"(A) based on information obtained or derived from the patentee or those in privity with the patentee; or

"(B) abandoned on or after the effective filing date, except that for abandonment which occurs after the effective filing date, rights based on prior use may be used as a defense to infringement for that period of activity which occurred prior to abandonment if such activity would otherwise, in the absence of abandonment, have been allowed under this section.

"(f) Burden of Proof.—In any action in which a person claims a defense to infringement under this section the burden of proof for establishing the defense shall be on the person claiming rights based on prior use.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 28 of title 35, United States Code, is amended by adding at the end thereof the following:

"273. Rights based on prior use; defense to infringement.".

SEC. 3. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

AMENDMENT NO. 2655

(Purpose: To amend Chapter 28 of title 35, United States Code, to proivde a defense to patent infringement based on prior use by certain persons, and for other purposes)

Mr. BUMPERS. Mr. President, on behalf of Senator DeConcini, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. Bumpers], for Mr. DeConcini, proposes an amendment numbered 2655.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent Prior User Rights Act of 1994".

SEC. 2. DEFENSE TO PATENT INFRINGEMENT BASED ON PRIOR USE.

(a) In General.—Chapter 28 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"§ 273. Rights based on prior use; defense to infringement

"(a) Definitions.—For purposes of this section—

"(1) the term 'commercially used' means used in the production of commercial products, whether or not the processes, equipment, tooling, or other materials so used are normally accessible, available, or otherwise known to the public;

"(2) the term 'effective and serious preparation' means that a person has—

"(A) actually reduced to practice the subject matter for which rights based on prior use are claimed; and

"(B) made a substantial portion of the total investment necessary, for the subject matter to be commercially used; and

"(3) the 'effective filing date' of an application for patent is the earlier of the actual filing date of the application or the filing date of any earlier United States, foreign, or international application to which the subject matter at issue is entitled under sections 119, 120, or 365 of this title.

"(b) In General.—

"(1) Defense.—A person shall not be liable as an infringer of a patent under section 271 of this title with respect to any subject matter claimed in the patent that such person had commercially used in the United States, or made effective and serious preparation therefor in the United States, before the effective filing date of the application for the patent.

"(2) Good faith purchasers.—A person who purchases in good faith a product that results directly from a use or preparation therefor described in paragraph (1) shall not be liable as an infringer for continuing the use of the product purchased, or for selling to another person the product purchased.

"(c) Limitation of Defense.—Rights based on prior use under this section are not a general license under all claims of the patent, but, subject to subsection (d), extend only to the claimed subject matter that the person asserting the defense based on prior use had commercially used or made effective and serious preparation therefor before the effective filing date of the application for the patent.

"(d) Certain Variations and Improvements Not an Infringement.—The rights under this section based on prior use shall include the right to vary quantities or volumes, or to make improvements, that do not infringe claims other than those claims that, but for subsection (b), would have been infringed as of the effective date of the application for patent.

"(e) Qualifications.—

"(1) Rights are personal.—The rights under this section based on prior use are personal and may not be licensed or assigned or transferred to any other person except in connection with the good faith assignment or transfer of the entire business or enterprise or the entire line of business or enterprise to which the rights relate.

"(2) Exclusions.—(A) A person may not claim rights under this section based on prior use if the activity under which such person claims the rights was based on information obtained or derived from the patentee or those in privity with the patentee.

"(B) If the activity under which a person claims rights under this section based on prior use is abandoned on or after the effective filing date of the application for the patent, such person may claim such rights only for that period of activity which occurred before abandonment.

"(f) Burden of Proof.—In any action in which a person claims a defense to infringement under this section, the burden of proof for establishing the defense shall be on the person claiming rights based on prior use.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 28 of title 35, United States Code, is amended by adding at the end thereof the following:

"273. Rights based on prior use; defense to infringement.".

SEC. 3. EFFECTIVE DATE.

(a) In General.—Subject to subsections (b) and (c), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) Existing Patent Claims.—This Act and the amendments made by this Act shall apply to any action for infringement that is brought, on or after the date of the enactment of this Act, by a patentee in a case in which the effective filing date (as defined in section 273(a)(2) of title 35, United States Code) of the application for patent is before such date of enactment, only if—

(1) no other action for the same act or acts of infringement was brought before such date of enactment, and

(2) there has been no notice of infringement under section 287 of title 35, United

States Code, as of October 1, 1994, with respect to the same act or acts of infringement.

(c) EQUITABLE COMPENSATION.—In any action for infringement to which subsection (b) applies and in which the defense of prior user rights under section 273 of title 35, United States Code (as added by this Act), is asserted and determined to be valid by the court, the court may grant equitable compensation to the patentee, notwithstanding subsection (b) of such section 273. Such equitable compensation may be based on all actions of the person asserting the defense that were carried out after notice of infringement under section 287 of title 35, United States Code, which would constitute infringement of the patent but for section 273 of such title (as added by this Act).

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

The amendment (No. 2655) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the committee substitute, as amended.

The committee substitute, as amended, was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the committee substitute was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (S. 2272), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONTINUATION OF CERTAIN FEE COLLECTIONS FOR THE SECURITIES AND EXCHANGE COMMISSION

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5060, a bill to continue certain SEC fee collections, just received from the House; that bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; and, further, that any statements on this measure appear in the RECORD at the appropriate place, as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 5060) was deemed read three times, and passed.

Mr. MOYNIHAN. Mr. President, under the current circumstances, there is little choice but to support this legislation to provide adequate funding for the Securities and Exchange Commission [SEC] for fiscal year 1995. However, as chairman of the Finance Committee, I have significant concerns about the Appropriations Committee, I have significant concerns about the Appropriations Committee increasing fees for an agency which is already raising considerably more money than it spends. This action involves the Appropriations Committee in a matter which has clear revenue-raising implications and I will seek to avert in the future any repetition of this situation. Let me take a few minutes to explain to the Senate the circumstances which have brought us to this point.

The SEC collects fees for the registration of securities, the filing of certain documents, transactions in stock exchanges, and certain other activities under its regulatory jurisdiction. Since fiscal year 1983, the fees collected have substantially exceeded the amount of SEC's annual funding requirements. In fact, in fiscal years 1986, 1987, 1994, the fees collected were more than double the agency's funding requirements.

Until recently, all SEC fees were deposited in the general fund of the Treasury as revenues and the SEC was funded entirely through the annual appropriations process. However, due to increasing budgetary pressures on discretionary spending, beginning fiscal year 1991, the Appropriations Committee began providing part of the SEC's annual funding requirements by increasing the rate of registration fees under section 6(b) of the Securities Act of 1933 and classifying the incremental increase as offsetting collections—that is, funds available to the agency without further appropriation.

The Appropriations Committee's recent practice of providing part of the SEC's funding requirements through increases in the section 6(b) fees has increased those particular fees from a rate ofl/50th of 1 percent in 1989, to 1/40th in 1990 and 1991; 1/32 of 1 percent in 1992 and 1993; and 1/29th in 1994. Due to these actions,the aggregate section 6(b) fees collected increased from $109 million in fiscal year 1989 to an estimated $457 million 1994.

This combination of circumstances has produced the current anomalous situation where the Appropriations Committee for the last 4 years has imposed additional fees to fund the operations of an agency which was already bringing in substantially more money than it was spending.

Mr. President, as chairman of the Finance Committee, I am well aware of the budgetary pressures on the Appropriations Committee which has led that committee to seek additional sources of funding. However, when an agency is already raising more fees than its total budget, it is clear that its fees are being used for revenue-raising—a matter within the jurisdiction of the Committee on Finance.

Therefore, while current circumstances require passage of these SEC fee increases to fund that agency for fiscal year 1995, I will resist similar increases in the future as a means of supplementing annual appropriations. I look forward, next year, to working with my colleague so the appropriations and banking committees to find a reasonable formula for ensuring adequate annual funding of the SEC without recourse to revenue legislation.

AMENDING THE FOREIGN ASSISTANCE ACT OF 1961

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5246, a bill making certain corrections relating to international narcotics control activities, just received from the House; that bill be read a third time and passed, the motion to reconsider laid upon the table, and any statements thereon appear in the RECORD at the appropriate place, as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 5246) was passed.

PHASING IN IMPLEMENTATION OF FOREST MANAGEMENT PLANS BY THE DEPARTMENT OF AGRICULTURE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the immediate consideration of S. Res 285, a resolution submitted by Senator LOTT and others, expressing the sense of the Senate concerning phasing in implementation of forest management plans by the Department of Agriculture; that the resolution be adopted; that the motion to reconsider be laid upon the table; and that a statement by Senator LOTT appear in the RECORD, as if read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the resolution (S. Res. 285) was agreed to.

(The text of the resolution will be printed in a future edition of the RECORD.)

Mr. LOTT. Mr. President. My resolution is straightforward. It ensures that common sense and economic issues are factored into implementing policies which change Forest Management Plans.

My resolution is necessary to preclude devastating economic impacts from public policies which amend or revise a forest plan to increase the population of a species to a specific number in a particular national forest or district. These policies reduce annual timber harvests and produce significant job losses and financial ruin for many small communities. This is wrong.

My approach is to head off adverse economic consequences before implementation by anticipating problems. It makes sense to create a smooth glide path for timber-dependent communities as Forest Management Plans are changed. It makes double sense to do this up front, not after families and communities have been disrupted and devastated.

My effort will restore the essential balance which the Forest Service must maintain. The Forest Service must not emphasize a single resource at the expense of other resources.

Let me first start by telling my colleagues what my resolution will not do. It will not gut any environmental policies. It will not jeopardize any efforts to protect endangered species. In fact, I believe it will cause a greater public acceptance and respect for environmental policies.

Let me share with my colleagues a hypothetical example of how this resolution will enhance current public policy. My illustration involves efforts to increase the population of a species to a specific number in a particular forest or district: First my resolution does not challenge that a habitat foraging area is required to support a species; second, my resolution leaves in place the decision that the total habitat area will be set aside when the target population is reached; third, my resolution provides for a phased-in set-aside commensurate with the current population of the species plus a reasonable annual increase based on biological and financial resources realistically available; fourth, my resolution provides a smooth path for absorbing the economic consequences of the set-aside and permit adjustments by all affected parties; and fifth, my amendment is a cash-flow approach.

It will just add a basic rational dimension to the implementation process for changes to Forest Management Plans, both pending and in the future. My approach is both reasonable and realistic. It is responsible legislating.

It will require the Forest Service to examine, consider, and publicly comment on the following issues before it modifies a Forest Management Plan to provide a protected habitat for any endangered or threatened species increased beyond that currently occupied: First, feasible biological resource which would be annually available to increase the population over time from existing population, by introduction of additional populations from outside the particular forest, or both; second, realistic financial resources—appropriations—which would be annually available to increase the population; third, alternative implementation schedules which reflect both feasible biological potential and realistic appropriations; fourth, the social and economic costs associated with each alternative implementation schedule; and fifth, selection of the alternative which is feasible biologically, realistic financially, and minimizes social and economic impacts.

My legislative intent is clear. It is to require the Forest Service to add a logical step in its decision process to ensure that up-front analysis of the social and economic consequences is incorporated into the modification of a Forest Management Plan. It does not challenge or prohibit the policies which protect our public forests. It recognizes and explicitly acknowledges that our National Forests have a multiple-use mission which cannot be ignored.

The Forest Service, under current policies, would immediately set aside the full habitat area for foraging even though the species population would not require this area for well into the next century. This is neither environmentally nor economically sound. It is an arrogant abuse of public assets entrusted to the Forest Service. I believe current Forest Service practices reinforce hostility toward environmental policies, and this is counterproductive.

I hope you will support my sense of the Senate for economic sanity as Forest Management Plans are modified. It assists any State with a national forest. It respects both the environment and communities by offering a prudent and balanced approach.

AMENDING THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5161, a bill making a technical correction regarding the prompt sharing of timber sale receipts, just received from the House; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD at the appropriate place.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (H.R. 5161) was passed.

MARYLAND-WEST VIRGINIA INTERSTATE COMPACT

Mr. BUMPERS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 620, Senate Joint Resolution 205, a Maryland-West Virginia Interstate Compact, that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table; further, that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Is there objection to the several requests? Hearing no objection, the requests are agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

(The text of the joint resolution will be printed in a future edition of the RECORD.)

CONSENTING TO AMENDMENTS TO THE CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

GRANTING CONSENT OF CONGRESS TO THE KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

Mr. BUMPERS. Mr. President, I now ask unanimous consent the Senate proceed en bloc to the immediate consideration of H.R. 4814, and H.R. 4896, just received from the House, that the bills be read three times, passed en bloc, and that the motions to reconsider be laid upon the table en bloc; further, that any statements on these matters appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Is there objection to the several requests? The Chair hears no objection. The requests are agreed to.

The bills (H.R. 4814 and H.R. 4896) were ordered to a third reading, were read the third time, and passed en bloc.

ESTABLISHING A NATIONAL MARITIME HERITAGE PROGRAM

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3059, the National Marine Heritage Program, received from the House and at the desk, that the bill be read three times, passed, the motion to reconsider be laid upon the table, that any statements relating thereto appear in the RECORD at the appropriate place as if read.

The PRESIDENT pro tempore. Is there objection to the several requests? Hearing no objection, the requests are agreed to.

The bill (H.R. 3059) was ordered to a third reading, was read the third time, and passed.

Mr. COHEN. Mr. President, I rise today to ask for the Senate's support for a House passed measure, H.R. 3059, the National Maritime Heritage Act. I introduced a similar measure, S. 1727, last November.

This measure seeks to protect and preserve America's maritime interests through competitive grants. This program will use some of the proceeds from scrapping obsolete vessels of the National Defense Reserve Fleet [NDRF].

Our Nation's lighthouses, museums, sea-going vessels and maritime legacies that are so important to our heritage, are rapidly disintegrating. The Nation's traditional maritime skills are diminishing at an alarming rate and public awareness of our maritime history and future has weakened. The National Maritime Heritage Act will prevent further deterioration of America's maritime legacy and restore our precious monuments to a bygone era.

Once the country's maritime connection to the past is lost, an entire culture of the foundation of our country is gone forever. We cannot recreate the steamer Belle of Louisville, the Battleship South Dakota Museum, the Louisiana Naval War Memorial or the Wooden Boats of Seattle. We must accept our responsibility to preserve our Nation's maritime history.

The National Maritime Heritage Act seeks to educate our country within the maritime schools, by making learning tools available, publicizing the maritime interests across the country, and educating the Nation on the many maritime career opportunities, we can restore our maritime history.

The National Maritime Heritage Act establishes a grants program for which all maritime interests may apply. The applicant must hold matching funds to the requested grant. This grants program is funded by using 25 percent of the proceeds from scrapped obsolete vessels of the NDRF. The Merchant Marine Academies will receive 25 percent for training projects and 50 percent will be returned directly to the Maritime Administration for the upkeep of the NDRF.

A National Maritime Grants Committee will be chaired by the Secretary of the Interior, with a regionally balanced advisory committee composed of 13 members of the maritime community. Additionally, a board of advisors will be convened, with members from the National Park Service, Maritime Administration, U.S. Coast Guard, U.S. Navy, National Oceanic and Atmospheric Administration and the Advisory Council on Historic Preservation.

Interested Federal agencies support this measure. There is no known opposition to this legislation. It enjoys the support of 22 cosponsors, and most importantly, has the full support of the Committee on Commerce, and has cleared both sides of the aisle.

Mr. President, I urge the adoption of the National Maritime Heritage Act and ask unanimous consent that this measure be accepted.

PRINTING STATEMENTS IN TRIBUTE TO REPRESENTATIVE JAMIE L. WHITTEN

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 314, a concurrent resolution providing for the printing of statements in tribute to Representative Jamie L. Whitten, that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and any statements thereon appear at the appropriate place in the RECORD as though read.

The PRESIDENT pro tempore. Is there objection to the sundry requests? The Chair hears no objection. It is so ordered.

The Concurrent Resolution (H. Con. Res. 314) was agreed to.

AWARDING THE CONGRESSIONAL GOLD MEDAL TO RABBI SCHNEERSON

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4497, a bill to award the Congressional Gold Medal to Rabbi Schneerson, just received from the House, that the bill be read three times, passed, the motion to reconsider be laid upon the table; further that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Is there objection to the several requests? Hearing no objection, they are agreed to.

The bill (H.R. 4497) was ordered to a third reading, was read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

—Calendar 1161. Gary N. Kimble, to be Commissioner of the Administration for Native Americans, Calendar 1225, Robert C. Larson, to be a member of the Thrift Depositor Protection Oversight Board, Calendar 1390. Philip Lader, to be Administrator of the SBA

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Gary Niles Kimble, of Montana, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

RESOLUTION TRUST CORPORATION

Robert C. Larson, of Michigan, to be a Member of the Thrift Depositor Protection Oversight Board for a term of 3 years.

AIR FORCE

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions to Title 10 United States Code, section 1370:

To be lieutenant general

Lt. Gen. Buster C. Glosson [redacted] United States Air Force.

The following named officer for appointment in the United States Air Force to the grade of brigadier general under the provisions of title 10, United State Code, section 624:

To be brigadier general

Col. Claude M. Bolton, Jr., [redacted] Regular Air Force.

The following named office for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Edward P. Barry, Jr. [redacted] United States Air Force.

SMALL BUSINESS ADMINISTRATION

Philip Lader of South Carolina, to be Administrator of the Small Business Administration.

STATEMENT ON THE NOMINATION OF PHILIP LADER TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION

Mr. PRESSLER. Mr. President, it is my great pleasure to rise in strong support of the President's nomination of Philip Lader to be the next Administrator of the Small Business Administration. It is not often we get the chance as part of our official duties to stand in support of the nomination of an old friend. However, as ranking member of the Small Business Committee, that is my happy duty today.

I have known Phil since our days together in law school almost 25 years ago. He has a wonderful family in his wife Linda, with whom he cofounded the now-famous Renaissance Weekends, and daughters Mary-Catherine, aged 9, and 7-year-old Whitaker.

Phil's life is an amazing success story. Born of immigrant parents in Queens, NY—his father came to America from Ukraine and his mother from North Africa—he worked hard and distinguished himself from the beginning. He was president of his class at Duke University where he also gained membership in Phi Beta Kappa. From there, he went on to earn his masters from the University of Michigan, studied at Oxford, and obtained a law degree from Harvard. As Senator THURMOND put it so well while introducing him during his confirmation hearing, Phil Lader is one of the most educated men in America.

Since graduating from law school in 1972, Phil Lader has continued to distinguish himself in a number of different areas—including business, education and government. Among his successful business ventures is the world renown Sea Pines Co., of which he was president. As chief operating officer of the company that developed and operates beautiful and award-winning recreational communities, he has been credited with much of the development that has turned Hilton Head Island, SC, into the world-class destination resort area it is today.

More recently, Phil has served as president of Winthrop college in South Carolina and Bond University in Queensland, Australia—the first private university in that country. His creativity, energy an drive helped those institutions evolve into much more than he found when he started. For instance, I understand that during a year and one-half at the helm of Bond University, he erased a $25 million deficit, increased enrollment by one-third, and raised academic standards to such a level that the university graduated its first Rhodes scholar.

During the Clinton administration, Phil Lader has exercised his special talents in Washington. He has served as Deputy Director for Management at the Office of Management and Budget, where he was chairman of the President's Management Council and the President's Council on Integrity and Efficiency. He also served as chairman of the Policy Committee of the National Performance Review, headed by Vice President GORE and representing the President's "reinventing government" initiative. Most recently, Phil has served as Assistant to the President and White House Deputy Chief of Staff.

In various capacities, Phil has combined talents taken from all three of these areas. He served as a member of South Carolina Governor Richard W. Riley's Jobs/Economic Development Task Force and was the founding director of the South Carolina Jobs/Economic Development Authority. Later he served as chairman of the South Carolina Governor's Small and Minority Business Council.

Phil Lader has met many challenges in his noteworthy career. He is about to take on a new, difficult and challenging task. Although we had a few disagreements, Erskine Bowles was an excellent SBA Administrator. Phil Lader now takes the helm of this agency which still very much needs "reinventing". The agency has been the source of scandals and inefficiencies and needs strong leadership.

If I were to give any advice to my friend, it would be this: Phil, the small business community needs someone who is willing to stand up on such issues as health care reform and say unequivocally: "employer mandates are bad for small business." The community needs a strong Administrator to lead the charge against excessive government regulation and paperwork requirements. The SBA needs a strong leader who will concentrate on its central mission of helping to develop the most dynamic sector of America's economy—small business—and eschew the temptation to turn the position into that of a political spokesperson.

I know you are up to these difficult challenges, Phil. I wish my friend all the best.

STATEMENT ON THE NOMINATION OF PHILIP LADER

Mr. WALLOP. Mr. President, the Senate has just confirmed Philip Lader to head the Small Business Administration. I had grave concerns about this nomination, not because of the man but because of actions by this administration dealing with America's small business men and women. Throughout my career and in particular during the past year I have worked to give small business some relief from excessive regulation by giving teeth to the Regulatory Flexibility Act of 1980. This year I successfully amended the National Competitiveness Act, S. 4, to allow judicial review of agency determinations made pursuant to the Reg Flex Act. The Senate passed my amendment by an overwhelming margin affirming the Senate's commitment to protecting small business from abusive government regulation. The House voted to instruct conferees to retain the language in my amendment with the strongest possible bipartisan support.

Unfortunately, administration bureaucrats worked behind the scenes to gut the small business amendment by watering down the language. The National Competitiveness Act died because of other controversies in that bill. While I believe the act received a just fate, I was disappointed that my small business amendment died with it. Therefore, I attempted to move a free standing measure through Congress. Again, efforts were thwarted by people more concerned with the needs of bureaucracy than costs imposed on small businesses, America's job creators. However, I reached an agreement with the White House and have received a personal commitment from the President supporting my remedies to strengthen the Reg Flex Act in the next Congress. In addition, I have received commitments from White House Chief of Staff, Leon Panetta, as well as Mr. Lader. I ask unanimous consent that those letters be included for the RECORD.

These letters show that the administration will now work with small business to pursue legislation which contains strong judicial review and strong legal remedies that will allow judges to stay burdensome regulations. This is a small but important step towards insuring that the competitiveness of small business is determined in the market place, not some bureaucrat's office.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, October 8, 1994.

Hon. MALCOLM WALLOP,
U.S. Senate, Washington, DC.

DEAR SENATOR WALLOP: My Administration strongly supports judicial review of agency determinations under the Regulatory Flexibility Act, and I appreciate your leadership over the past years in fighting for this reform on behalf of small business owners.

Although legislation establishing such review was not enacted during the 103rd Congress, my Administration remains committed to securing this very important reform. Toward that end, my Administration will continue to work with the Congress and the small business community next year for enactment of a strong judicial review that will permit small businesses to ignore the protections afforded by this statute.

As you know, the National Performance Review endorsed this policy to ensure that the Act's intent is achieved and the regulatory and paperwork burdens on small business, states, and other entities are reduced.

Again, thank you for continued leadership in this area.

Sincerely,

BILL CLINTON.

SMALL BUSINESS ADMINISTRATION,
October 8, 1994.

Hon. MALCOLM WALLOP,
U.S. Senate, Washington, DC.

DEAR SENATOR WALLOP: The Administration supports strong judicial review of agency determinations under the Regulatory Flexibility Act that will permit small businesses to challenge agencies and receive strong remedies when agencies do not comply with the protections afforded by this important statute.

In fact, the National Performance Review publicly endorsed this policy to ensure that the Act's intent is achieved and the regulatory and paperwork burdens on small businesses, states, and other entitles are reduced.

As Chairman of the Policy Committee of the National Performance Review, under Vice President Gore's leadership I vigorously advocated this position. I have continued to champion this policy within the Administration.

If confirmed as Administrator of the U.S. Small Business Administration, I will join the Congress and the small business community in continued efforts to pass legislation for such judicial review.

Thank you for your leadership on this important issue to small business.

Sincerely,

PHILIP LADER,
Administrator-Designate.

THE WHITE HOUSE,
Washington, DC, October 7, 1994.

Hon. MALCOLM WALLOP,
U.S. Senate, Washington, DC.

DEAR SENATOR WALLOP: Your particular question about the Administration's position on judicial review of actions taken under the Regulatory Flexibility Act has come to my attention.

As you have discussed with Senator Bumpers, the Administration supports such judicial review of "Reg Flex."

The Administration supports a strong judicial review provision that will permit small businesses to challenge agencies and receive meaningful redress when they choose to ignore the protections afforded by this important statute.

In fact, the National Performance Review endorsed this policy to ensure that the Act's intent is achieved and the regulatory and paperwork burdens on small business, states, and other entities are reduced.

Ironically, Phil Lader, our nominee for Administrator of the Small Business Administration (whose nomination was voted favorably today by a 22-0 vote of the Senate Small Business Committee) has been a principal champion of judicial review of "Reg Flex." In his capacity as Chairman of the Policy Committee on the National Performance Review, Phil vigorously advocated this position. I know that, if confirmed, as SBA Administrator, he would join us in continued efforts to win Congressional support for such judicial review.

Sincerely,

LEON E. PANETTA,
Chief of Staff.

Mr. BUMPERS. Mr. President, as chairman of the Small Business Committee, we have had a very difficult time with continuity and administrators of the Small Business Administration.

Erskine Bowles who has been there the last 2 years, in my opinion, has been, by far, the best, ablest administrator SBA has ever had. But as is usual, he has advanced over to the White House. I believe he is Deputy Chief of Staff, where I am sure he will perform yeoman service.

But he is being succeeded by the person we just confirmed, Mr. President, Philip Lader. Phil Lader is a graduate of Duke University; later, Harvard Law School and is a Rhodes scholar. He has a very impressive résumé.

We held a hearing on him the day before yesterday. He acquitted himself in an exemplary way, and I have great hopes that Phil Lader will fill that job in the mold of Erskine Bowles. I am honestly of the belief now that he certainly will.

Those SBA programs are very complex. As you know, those programs carry billions and billions of dollars worth of loans to business people all over the country—various kinds of loans. It deals with minority contracts, small business set-asides in defense and so on. They are immensely complicated.

I believe he is eminently qualified for the job. I was very pleased to wrap this session up and handle his nomination myself.

CHRISTINE A. VARNEY

Mr. BUMPERS. I ask unanimous consent that the Committee on Commerce, Science and Transportation be discharged from further consideration of the following nomination: Christine A. Varney to be a Federal Trade Commissioner.

I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action.

The PRESIDENT pro tempore. Is there objection? Hearing no objection, it is so ordered.

RHEA LYDIA GRAHAM

Mr. BUMPERS. I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of the following nomination: Rhea Lydia Graham, to be Director of the U.S. Bureau of Mines.

I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action.

The PRESIDENT pro tempore. Is there objection? Hearing no objection, the several requests are agreed to.

NOMINATION OF MARTIN JAY DICKMAN, TO BE INSPECTOR GENERAL, RAILROAD RETIREMENT BOARD

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be discharged from further consideration of the following nomination: Martin Jay Dickman, to be Inspector General, Railroad Retirement Board.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; and that the President be immediately notified of the Senate's action.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the nomination was confirmed.

NOMINATION OF LT. GEN. SAMUEL E. EBBESEN, TO BE LIEUTENANT GENERAL

Mr. BUMPERS. Mr. President, I ask unanimous consent to consider the following nomination reported today by the Committee on Armed Services, and that the Senate proceed to its immediate consideration: Lt. Gen. Samuel E. Ebbesen, to be lieutenant general.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MESSAGES FROM THE HOUSE

At 10:57 a.m., a message from the House of Representatives, delivered by Mr. Hays, announced that the House has passed the following bill; without amendment:

S. 528. An act to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 512) to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2970) to reauthorize the Office of Special Counsel, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3499) to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 4361) to amend chapter 63 of title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, and for other purposes.

MEASURES REFERRED

The following bills and joint resolution, previously received from the House of Representatives, were read the first and second times by unanimous consent, and referred as indicated:

H.R. 546. An act to limit State taxation of certain pension income, and for other purposes; to the Committee on Finance.

H.R. 934. An act to amend title 28, United Stated Code, relating to jurisdictional immunities of the Federal Republic of Germany, to grant jurisdiction to the courts of the United States in certain cases involving acts of genocide occurring against United States nationals during World War II in the predecessor states of the Federal Republic of Germany, or in any territories or areas occupied, annexed, or otherwise controlled by those states; to the Committee on the Judiciary.

H.R. 2129. An act to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

H.R. 3344. An act for the relief of Lloyd B. Gamble; to the Committee on Armed Services.

H.R. 3426. An act to authorize the Secretary of Agriculture to convey lands to the City of Rolla, Missouri; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3612. An act to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3613. An act entitled the "Kenai Natives Association Equity Act"; to the Committee on Energy and Natural Resources.

H.R. 3917. An act for the relief of Arthur A. Carron, Jr.; to the Committee on Armed Services.

H.R. 4394. An act to require States to consider adopting mandatory, comprehensive, State-operated one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4448. An act to amend the Act establishing Lowell National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4462. An act to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Indian Affairs.

H.R. 4476. An act to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4522. An act to amend the Communication Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4704. An act to provide for the conveyance of certain lands and improvements in Hopewell Township, Pennsylvania, to a nonprofit organization known as the "Beaver County Corporation for Economic Development" to provide a site for economic development; to the Committee on Governmental Affairs.

H.R. 4746. An act to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4852. An act to provide congressional approval of a governing international fishery agreement, to authorize appropriations for the Coast Guard for fiscal year 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4910. An act to designate the United States courthouse under construction in White Plains, New York, as the "Thurgood Marshall United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 4926. An act to require the Secretary of the Treasury to identify foreign countries which may be denying national treatment to United States banking organizations and to assess whether any such denial may be having a significant adverse effect on such organizations, and to require Federal banking agencies to take such assessments into account in considering certain applications notices by foreign banks and other persons of a foreign country; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4946. An act to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes; to the Committee on Armed Services.

H.R. 4948. An act to designate Building Number 137 of the Tuscaloosa Veterans' Medical Center in Tuscaloosa, Alabama, as the "Claude Harris, Jr. Building"; to the Committee on Veterans' Affairs.

H.R. 5044. An act to establish the American Heritage Areas Partnership Program, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5065. An act to amend the Consolidated Farm and Rural Development Act to make technical corrections to certain provisions relating to beginning farmers and ranchers; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5103. An act to amend title 31, United States Code, to provide for an Executive Director of the General Accounting Office Personnel Appeals Board, and for other purposes; to the Committee on Governmental Affairs.

H.R. 5108. An act to extend the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5139. An act to amend title 39, United States Code, to provide for procedures under which persons involuntarily separated by the United States Postal Service as a result of having been improperly arrested by the Postal Inspection Service on narcotics charges may seek reemployment; to the Committee on Governmental Affairs.

H.R. 5140. An act to provide for improved procedures for the enforcement of child support obligations of members of the Armed Force; to the Committee on Armed Services.

H.R. 5143. An act to amend the Fair Credit Reporting Act to provide for disclosures by consumer reporting agencies to the Federal Bureau of Investigation for counterintelligence purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5148. An act to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5156. An act to make technical corrections to the Food Stamp Act of 1977; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5164. An act to provide for the enrollment of individuals enrolled in a health benefits plan administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision in the Federal Employees Health Benefits Program; to the Committee on Governmental Affairs.

H.R. 5178. An act to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5179. An act to amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, and for other purposes; to the Committee on Governmental Affairs.

H.R. 5231. An act to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior; to the Committee on Energy and Natural Resources.

H.R. 5243. An act to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes; to the Committee on Environment and Public Works.

H.R. 5245. An act to provide for the extension of certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5248. An act to require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.J. Res. 184. Joint resolution designating the weekend of October 15–16, 1994, as "Small Towns and Townships Weekend"; to the Committee on the Judiciary.

H.J. Res. 411. Joint resolution designating October 29, 1994, as "National Firefighters Day"; to the Committee on the Judiciary.

H.J. Res. 413. Designating November 1, 1994, as "National Family Literacy Day"; to the Committee on the Judiciary.

The following concurrent resolutions, previously received from the House of Representatives, were read and referred as indicated:

H. Con. Res. 14. Concurrent resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration; to the Committee on Labor and Human Resources.

H. Con. Res. 35. Concurrent resolution recognizing Belleville, New Jersey, as the birthplace of the industrial revolution in the United States; to the Committee on the Judiciary.

H. Con. Res. 216. Concurrent resolution expressing the sense of the Congress regarding human rights in Vietnam; to the Committee on Foreign Relations.

H. Con. Res. 257. Concurrent resolution commending the work of the United States Labor Attaché Corps, and for other purposes; to the Committee on Foreign Relations.

H. Con. Res. 278. Concurrent resolution expressing the sense of the Congress regarding United States policy towards Vietnam; to the Committee on Foreign Relations.

H. Con. Res. 279. Concurrent resolution condemning the July 13, 1994, sinking of the "13th of March", a tugboat carrying 72 unarmed Cuban citizens, by vessels of the Cuban Government; to the Committee on Foreign Relations.

H. Con. Res. 286. Concurrent resolution recognizing the contribution of President Alfredo Christiani of El Salvador to achieve peace and national reconciliation in El Salvador; to the Committee on Foreign Relations.

H. Con. Res. 295. Concurrent resolution to express the sense of the Congress of the United States that the United States should actively seek compliance by all countries with the conservation and management measures for Atlantic bluefin tuna adopted by the International Commission for the Conservation of Atlantic Tunas; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 302. Concurrent resolution urging the President to promote political stability in Tajikistan through efforts to encourage political resolution of the conflict and respect for human rights and through the provision of humanitarian assistance and, subject to certain conditions, economic assistance; to the Committee on Foreign Relations.

H. Con. Res. 313. Concurrent resolution providing for a technical correction in the enrollment of S. 21; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3416. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report relative to the Cooperative Threat Reduction Act of 1993; to the Committee on Armed Services.

EC-3417. A communication from the Secretary of Housing and Urban Development's Designee to the Federal Housing Finance Board, transmitting, pursuant to law, the report on the Low-Income Housing and Community Development activities; to the Committee on Banking, Housing, and Urban Affairs.

EC-3418. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within 5 days of enactment; to the Committee on the Budget.

EC-3419. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report entitled "Information Superhighway: Issues Affecting Development"; to the Committee on Commerce, Science, and Transportation.

EC-3420. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on International Technology Transfer Programs; to the Committee on Energy and Natural Resources.

EC-3421. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of recommendations on performance standards for the Job Opportunities and Basic Skills Training programs; to the Committee on Finance.

EC-3422. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report entitled "Russian Military Operations in the Independent States of the Former Soviet Union"; to the Committee on Foreign Relations.

EC-3423. A communication from the President of the United States, transmitting, pursuant to law, the report on sanctions on Vietnam; to the Committee on Foreign Relations.

EC-3424. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation relative to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-648. A resolution adopted by the Legislature of Rockland County, New York relative to the Mount Moor Cemetery, West Nyack, Rockland County, New York; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 784) to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes (Rept. No. 103-410).

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2269. A bill to protect Native American cultures and to guarantee the free exercise of religion by Native Americans (Rept. No. 103-411).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Lt. Gen. Samuel E. Ebbesen, [redacted], U.S. Army.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON:

S. 2557. A bill to amend the Internal Revenue Code of 1986 to reinstate the 80-percent limitation on the deductible portion of meal expenses; to the Committee on Finance.

By Mr. DOLE (for Mr. STEVENS):

S. 2558. A bill to provide for the World War II Home Front Council to reissue the World War II "E" award to the original recipients to commemorate the role of World War II Home Front veterans, including women, minorities, labor, and industry, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. LUGAR, and Mr. PRESSLER):

S. 2559. A bill relating to implementation of Oil Pollution Act with respect to animal fats and vegetable oils; considered and passed.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. DASCHLE, and Mr. CRAIG):

S. 2560. A bill to allow the collection and payment of funds following the completion of cooperative work involving the protection, management, and improvement of the National Forest System, and for other purposes; considered and passed.

By Mr. BOND:

S. 2561. A bill to provide for the extension of the Farmers Home Administration program under section 515 of the Housing Act of 1949 and other programs relating to housing and community development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SIMON:

S. 2562. A bill to clarify certain matters relating to Presidential succession; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DECONCINI (for himself and Mr. SIMPSON):

S. Res. 284. A resolution increasing the efficiency of the deportation process and the removal of deportable aliens; considered and agreed to.

By Mr. LOTT (for himself, Mr. BREAUX, Mr. COCHRAN, Mr. HEFLIN, Mr. JOHNSTON, Mr. NUNN, Mr. CRAIG, Mr. PRESSLER, and Mr. SHELBY):

S. Res. 285. A resolution to express the sense of the Senate concerning phasing in implementation of Forest Management Plans by the Department of Agriculture; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON:

S. 2557. A bill to amend the Internal Revenue Code of 1986 to reinstate the 80-percent limitation on the deductible portion of meal expenses; to the Committee on Finance.

THE BUSINESS MEAL TAX DEDUCTION RESTORATION ACT

Mr. SIMPSON. Mr. President, I rise to introduce legislation to restore the 80-percent tax deductibility on business meal expenses. I ask that Senators REID and COCHRAN be included as cosponsors.

Mr. President, my colleagues are aware that the President's 1993 tax and budget plan reduced the tax deduction for business meals and entertainment from 80 to 50 percent. I believe that this was a mistake, for reasons that I shall outline in a moment. But unfortunately this session of Congress did not provide a suitable "tax vehicle" to reverse this decision. We have had a number of measures considered here with tax implications—NAFTA, health care, welfare reform, merchant marine, and shortly GATT—but these have mainly involved searches for new offsetting revenue, not opportunities to eliminate the more egregious provisions of the 1993 act.

Thus, as we have failed to repair this situation, I am introducing legislation at the end of this session to serve notice that I trust that this issue can be revisited the first time the next Congress undertakes significant tax legislation.

Mr. President, The adverse effects of the new limit on deductibility are well documented. The food industry, as well as travel and tourism—meaning everyone who works in these sectors too—has taken a direct "hit." My colleagues, Senator INOUYE, introduced legislation to restore the full deductibility on both business meals and entertainment expenses, for which I commend him. But there was significant reluctance here to restore that full amount because of an inaccurate perception that somehow the tax deduction represented a special benefit for "fat cats" wealthy lobbyists, and corporate executives.

In my fine home State of Wyoming, certainly, this is simply not the case. I have many hard-working men and women of modest means in my home State—in the restaurant business, in the trucking industry, elsewhere—who are greatly harmed by this tax. They are certainly no "fat cats" by any stretch of the imagination. Many truckers, for example, simply have no choice but to eat their meals out "on the road." It is an honest expense incurred in the course of their work, and it is much more expensive for them than it is for other workers who at least can save money by preparing meals more inexpensively at home. These workers are not out there trying to "live it up" at the taxpayers' expense. Many of them would prefer a good home-cooked meal if only they were at home to enjoy it. But that is the nature of their work; it hits them with an unavoidable expense from which many of them require some kind of relief.

My legislation, therefore, would restore the 80-percent deductibility for only the meals portion of these business expenses. By doing so, we would remove some of the recently added tax penalties on restaurants and tourism, and also prevent lower income individuals from being the unintended targets of the recent tax action which was initially aimed at those of higher income.

I do think it would make darn good sense—as Senator INOUYE has suggested—to restore the full deductibility for both business meals and entertainment. But I believe we have to be sensitive to public perceptions of this issue. "Business entertainment" is simply a different series of activities, and it conjures up images of special "recreations" and benefits that normal working people do not get to enjoy. Business meals, however, are another matter entirely, in my view. I do not believe this measure would carry the same connotations of privilege, certainly not after a most basic reflection on the fact that many individuals simply have no choice but to "eat out" in the course of doing their life's work.

I, therefore, introduce this legislation today and will work hard to see similar legislation enacted in the next session of Congress.

By Mr. DOLE (for Mr. STEVENS):

S. 2558. A bill to provide for the World War II Home Front Council to reissue the World War II "E" award to the original recipients to commemorate the role of World War II home front veterans, including women, minorities, labor, and industry, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE WORLD WAR II HOME FRONT VETERANS ACT OF 1994

• Mr. STEVENS. Mr. President. 1995 marks the 50th anniversary of the Allied victory in World War II. That victory was made possible not only by the courageous efforts of American and Allied airmen, sailors, and soldiers, but also by the tireless and often forgotten efforts of millions of American men and women working on the home front in our factories and farms. Without the round-the-clock efforts of these dedicated citizens, the tremendous success of our Armed Forces would not have been possible. It was American industrial and agricultural might that produced the ships, planes, guns, boots, food, and thousands of other things that make victory in war possible.

As a veteran of World War II, I flew some of the planes that were built by Americans working on the home front. My life, and the lives of millions of other fighting men, depended on their skill and commitment to excellence. Fifty years later, the Nation is celebrating the many momentous events of World War II—primarily through ceremonies commemorating our most famous battles and campaigns. This bill would establish a commission to ensure that those working on the home front, on the farms, and in the factories, are remembered too.

During the war the outstanding efforts of those on the home front were recognized by the presentation to businesses and individuals of the Army-Navy "E" award. A medal was presented, and businesses receiving the award flew a flag in recognition of their achievement. This bill would provide for the reissuance of the "E" award to those who originally received them. Scattered throughout the 50 States, many of these same businesses and individuals are still with us today, and deserve to be recognized for their part in winning the war. In addition, the commission is authorized and directed in this bill to design and implement other appropriate ceremonies to remember the home front.

Mr. President, it is too late this year for Congress to take action on this bill. I am introducing this bill today so that all of us who are interested in giving recognition to these deserving citizens have a vehicle to debate and improve over the winter. I hope that all of my colleagues will join me in reintroducing this bill early in the new Congress, and passing a bill in record time so that appropriate ceremonies may take place in the late spring and over next summer.•

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. DASCHLE, and Mr. CRAIG):

S. 2560; considered and passed.

COOPERATIVE WORK TRUST FUND AMENDMENTS

Mr. LEAHY. Mr. President, I rise to introduce a bill that will help restore and maintain the biological vitality and integrity of our national forests.

For 80 years nonprofit organizations and individuals have been donating time, money, and technical expertise to improve biological resources of our national forests. In 1993, nonprofit organizations donated over $15 million in private funds through the Challenge Cost Share Program for improvements to fish, wildlife, and rare plants on our national forests—this is 14 percent of the annual National Forest System fish, wildlife, and rare plant management budget.

Organizations are able to make these contributions through the authority provided in the act of June 30, 1914. Last year nearly 3,000 partners completed 2,275 different habitat improvement projects on national forests and grasslands. Through these efforts, many species have returned to habitats that were once abandoned, rare plant communities have been protected, countless other projects have been completed, and tax dollars have been saved.

Vermont conservation groups and agencies have taken advantage of the challenge cost-share program as much as anyone. Four chapters of Trout Unlimited, the Federation of Fly Fishers, Friends of the Mad River, the Green Mountain Club, Green Mountain Fly Tyers, Hand Chevrolet, New England Wildflower Society, the Ruffed Grouse Society, Snowridge, Inc., Stratton Corp., the Nature Conservancy, the town of Weston, several colleges, several State agencies, and five individuals have contributed to forest improvements. These groups and individuals donated $60,000 and many hours toward 29 projects on the Green Mountain National Forest.

This kind of effort makes me especially proud of Vermont. Private donations have helped us make the Green Mountain National Forest a better place for anglers, hunters, birdwatchers, hikers, and others. Most importantly, these groups have made the forest a better place for our children to grow up in and enjoy. Both Vermont groups and national organizations help to pass on both the heritage of our natural resources and the tradition of environmental stewardship.

As part of saying thank you to all these groups, Congress should make it easier for groups to make this kind of donation. My bill allows the Forest Service to welcome this assistance on more favorable terms—terms that benefit the organizations that make these valuable contributions.

Ironically, when a for-profit group like timber and mining interests come to take resources off of the forest, the company makes its payments in regular installments after the work has been completed. When a nonprofit organization comes to restore forest resources, they must pay in full, up front. In doing this, they forego interest accrued from the time when the agreement is finalized to when the work is finished. In some cases the money sits for over 2 years. This is the wrong way to go about the business of welcoming voluntary contributions and my bill changes this.

The bill which I am introducing today changes the terms by which nonprofit organizations donate funds to cooperative projects. Through this bill, the Forest Service is authorized to fund the projects with appropriated moneys provided that there are written terms with the cooperator that protect the Forest Service's investment. The cooperators will reimburse the Forest Service for costs as work is completed.

The bill also adds several technical corrections including the clear authority to do cooperative work and management throughout the National Forest System. Finally, the bill requires the Secretary of Agriculture to establish written rules regarding the acceptance of contributions.

By Mr. BOND:

S. 2561. A bill to provide for the extension of the Farmers Home Administration Program under section 515 of the Housing Act of 1949 and other programs relating to housing and community development; to the Committee on Banking, Housing, and Urban Affairs.

THE HOUSING PROGRAMS EXTENSION ACT OF 1994

Mr. BOND. Mr. President, I rise in support of the Senate version of the Housing Programs Extension Act of 1994. This bill is a very simple reauthorization bill that, among other things, reauthorizes the section 515 Multifamily Housing Production Program and provides HUD with authority to extend expiring section 8 project-based contracts for up 24 months under the same conditions and requirements. Both are important provisions and I will be disappointed if we are not able to take action on these simple and straightforward extenders. I am committed to enacting these extenders either today, in November, or at the beginning of the new session in 1995.

I state my concern with H.R. 5245, the House-version of the Housing Programs Extension Act of 1994. This bill is problematic because it goes beyond a simple housing reauthorization extender bill and provides for a significant number of special purpose provisions that are, for the most part, from the House housing reauthorization bill. Although many of these provisions have merit, I emphasize that a clean bill is what is needed at this time of the session and a clean bill is what I support.

Finally, I emphasize my concern over FmHA's belief that a new authorization is needed to run the section 515 program, despite the appropriation of $220 million for fiscal year 1995 for the section 515 program. I believe that the appropriation represents authority for FmHA to continue to administer this program to the extent funding remains available.

By Mr. SIMON:

S. 2562. A bill to clarify certain matters relating to Presidential succession; to the Committee on Rules and Administration.

THE PRESIDENTIAL SUCCESSION CLARIFICATION ACT

• Mr. SIMON. Mr. President, I introduce the Presidential Succession Clarification Act.

Much has been said and written about the laws of succession following the death of a sitting President. In general, these laws provide clear and precise rules for administering the transfer of Presidential power.

The laws of succession, however, do not adequately address the possibility that a Presidential candidate might die during the voting period itself—by that I mean during the period beginning roughly with the popular election in mid-November and ending with the formal naming of the President-elect in early January.

A candidate's death during this 2-month period could seriously disrupt the voting process and raise doubts about the election results. The seriousness of these problems would depend on the precise point in time at which the death occurred. I will take only a moment to mention a few possible scenarios here, but I intend to provide a more detailed analysis of these issues next year in the 104th Congress.

Broadly speaking, the act addresses three distinct situations:

First, let us suppose that a Presidential candidate dies after the electoral delegates have cast their votes but before those votes are counted. If the deceased would have won the election, who is now president-elect? Scholars disagree on the answer.

Second, suppose that a major party candidate dies immediately before the popular election, or immediately prior to the time that the electoral college delegates vote. Would it not make sense to give the voters a couple of weeks to adjust to this unsettled situation?

Third, suppose that no candidate wins a majority of the electoral votes, and that the election is thrown into the House of Representatives as a result. If one of the candidates should die at this point, is the House permitted to consider an alternative candidate?

The act provides answers for each of these, admittedly complex, questions. None of these scenarios, of course, is likely to occur during any election cycle. But any one of them could lead to confusion and uncertainty at a time when clarity and stability would be vital. Prudence dictates that we should act now, while we have the time for calm reflection, rather than wait for a possible crisis to catch us unprepared.•

ADDITIONAL COSPONSORS

S. 1516

At the request of Mr. COVERDELL, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1516, a bill to limit the use of funds for deployment of the Armed Forces of the United States outside the United States under United Nations command.

S. 2378

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 2378, a bill to prohibit U.S. assistance to countries that prohibit or restrict the transport or delivery of U.S. humanitarian assistance.

S. 2465

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2465, a bill to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots.

SENATE RESOLUTION 284—RELATING TO DEPORTABLE ALIENS

Mr. DECONCINI (for himself and Mr. SIMPSON) submited the following resolution; which was considered and agreed to:

S. RES. 284

Resolved, That (a) it is the sense of the Senate that—

(1) the Attorney General should consider implementing, through awarding start-up administrative grants to appropriate not-for-profit organizations, a pilot program at processing centers of the Immigration and Naturalization Service for the purpose of increasing efficiency and cost savings in the processing and removal of aliens held in custody by assuring orientation and representation for such aliens;

(2) these pilot projects should be developed in consultation with the Commissioner of the Immigration and Naturalization Service, the Executive Office of Immigration Review (EOIR), and appropriate not-for-profit organizations having relevant experience;

(3) one such project currently operating in Arizona at the Florence Service Processing Center is a good model for implementing such a pilot program because of its working relationship with the Immigration and Naturalization Service, the Executive Office of Immigration Review, and a not-for-profit organization; and

(4) an evaluation component should be included in any such pilot program to test the efficiency, the cost effectiveness, the services provided, and the replicability in future years to additional processing centers of the Immigration and Naturalization Service.

(b) It is further the sense of the Senate that nothing in this resolution should be construed as creating a right to be represented at the expense of the Government.

SENATE RESOLUTION 285—RELATING TO FOREST MANAGEMENT PLANS

Mr. LOTT (for himself, Mr. BREAUX, Mr. COCHRAN, Mr. HEFLIN, Mr. JOHNSTON, Mr. NUNN, Mr. CRAIG, Mr. PRESSLER, and Mr. SHELBY) submitted the

following resolution; which was considered and agreed to:

S. RES. 285

It is the Sense of the Senate that—

(1) the Secretary of Agriculture shall, in connection with each proposed forest management change proposed, recognize the multiple uses of the National Forests;

(2) the Secretary of Agriculture shall phase in to the greatest extent practicable each forest management change that would amend or revise a forest plan to provide for a diversity of plant and animal communities in a particular National Forest or district of the Forest Service; and

(3) to the extent authorized by law, prior to implementation of such changes, the Secretary of Agriculture shall consider such factors as, economic consequences faced by affected communities, the impact on state and local revenues, and the agency's financial resources which are available for implementation.

AMENDMENTS SUBMITTED

PATENT PRIOR USER RIGHTS ACT OF 1994

DECONCINI AMENDMENT NO. 2655

Mr. BUMPERS (for Mr. DECONCINI) proposed an amendment to the bill (S. 2272) to amend chapter 28 of title 35, United States Code, to provide a defense to patent infringement based on prior use by certain persons, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent Prior User Rights Act of 1994".

SEC. 2. DEFENSE TO PATENT INFRINGEMENT BASED ON PRIOR USE.

(a) IN GENERAL.—Chapter 28 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"§ 273. Rights based on prior use; defense to infringement

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'commercially used' means used in the production of commercial products, whether or not the processes, equipment, tooling, or other materials so used are normally accessible, available, or otherwise known to the public;

"(2) the term 'effective and serious preparation' means that a person has—

"(A) actually reduced to practice the subject matter for which rights based on prior use are claimed; and

"(B) made a substantial portion of the total investment necessary, for the subject matter to be commercially used; and

"(3) the 'effective filing date' of an application for patent is the earlier of the actual filing date of the application or the filing date of any earlier United States, foreign, or international application to which the subject matter at issue is entitled under sections 119, 120, or 365 of this title.

"(b) IN GENERAL.—

"(1) DEFENSE.—A person shall not be liable as an infringer of a patent under section 271 of this title with respect to any subject matter claimed in the patent that such person had commercially used in the United States, or made effective and serious preparation therefor in the United States, before the effective filing date of the application for the patent.

"(2) GOOD FAITH PURCHASERS.—A person who purchases in good faith a product that results directly from a use or preparation therefor described in paragraph (1) shall not be liable as an infringer for continuing the use of the product purchased, or for selling to another person the product purchased.

"(c) LIMITATION OF DEFENSE.—Rights based on prior use under this section are not a general license under all claims of the patent, but, subject to subsection (d), extend only to the claimed subject matter that the person asserting the defense based on prior use had commercially used or made effective and serious preparation therefor before the effective filing date of the application for the patent.

"(d) CERTAIN VARIATIONS AND IMPROVEMENTS NOT AN INFRINGEMENT.—The rights under this section based on prior use shall include the right to vary quantities or volumes, or to make improvements, that do not infringe claims other than those claims that, but for subsection (b), would have been infringed as of the effective date of the application for patent.

"(e) QUALIFICATIONS.—

"(1) RIGHTS ARE PERSONAL.—The rights under this section based on prior use are personal and may not be licensed or assigned or transferred to any other person except in connection with the good faith assignment or transfer of the entire business or enterprise or the entire line of business or enterprise to which the rights relate.

"(2) EXCLUSIONS.—(A) A person may not claim rights under this section based on prior use if the activity under which such person claims the rights was based on information obtained or derived from the patentee or those in privity with the patentee.

"(B) If the activity under which a person claims rights under this section based on prior use is abandoned on or after the effective filing date of the application for the patent, such person may claim such rights only for that period of activity which occurred before abandonment. claim such rights only for that period of activity which occurred before abandonment.

"(f) BURDEN OF PROOF.—In any action in which a person claims a defense to infringement under this section, the burden of proof for establishing the defense shall be on the person claiming rights based on prior use.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 28 of title 35, United States Code, is amended by adding at the end thereof the following:

"273. Rights based on prior use; defense to infringement.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsections (b) and (c), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXISTING PATENT CLAIMS.—This Act and the amendments made by this Act shall apply to any action for infringement that is brought, on or after the date of the enactment of this Act, by a patentee in a case in which the effective filing date (as defined in section 273(a)(2) of title 35, United States Code) of the application for patent is before such date of enactment, only if—

(1) no other action for the same act or acts of infringement was brought before such date of enactment, and

(2) there has been no notice of infringement under section 287 of title 35, United States Code, as of October 1, 1994, with respect to the same act or acts of infringement.

(c) EQUITABLE COMPENSATION.—In any action for infringement to which subsection (b) applies and in which the defense of prior user rights under section 273 of title 35, United States Code (as added by this Act), is asserted and determined to be valid by the court, the court may grant equitable compensation to the patentee, notwithstanding subsection (b) of such section 273. Such equitable compensation may be based on all actions of the person asserting the defense that were carried out after notice of infringement under section 287 of title 35, United States Code, which would constitute infringement of the patent but for section 273 of such title (as added by this Act).

QUINEBAUG AND SHETUCKET RIVERS VALLEY HERITAGE CORRIDOR ACT

The text of the substitute amendment, as reported by the Committee on Energy and Natural Resources and agreed to by the Senate on October 6, 1994, to the bill (H.R. 1348) to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes, is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Quinebaug and Shetucket Rivers Valley in the State of Connecticut is one of the last unspoiled and undeveloped areas in the Northeastern United States and has remained largely intact, including important aboriginal archaeological sites, excellent water quality, beautiful rural landscapes, architecturally significant mill structures and mill villages, and large acreages of parks and other permanent open space;

(2) the State of Connecticut ranks last among the 50 States in the amount of federally protected park and open space lands within its borders and lags far behind the other Northeastern States in the amount of land set-aside for public recreation;

(3) the beautiful rural landscapes, scenic vistas and excellent water quality of the Quinebaug and Shetucket Rivers contain significant undeveloped recreational opportunities for people throughout the United States;

(4) the Quinebaug and Shetucket Rivers Valley is within a 2-hour drive of the major metropolitan areas of New York City, Hartford, Providence, Worcester, Springfield, and Boston. With the President's Commission on Americans Outdoors reporting that Americans are taking shorter "closer-to-home" vacations, the Quinebaug and Shetucket Rivers Valley represents important close-by recreational opportunities for significant population;

(5) the existing mill sites and other structures throughout the Quinebaug and Shetucket Rivers Valley were instrumental in the development of the industrial revolution;

(6) the Quinebaug and Shetucket Rivers Valley contains a vast number of discovered and unrecovered Native American and colonial archaeological sites significant to the history of North America and the United States;

(7) the Quinebaug and Shetucket Rivers Valley represents one of the last traditional upland farming and mill village communities in the Northeastern United States;

(8) the Quinebaug and Shetucket Rivers Valley played a nationally significant role in the cultural evolution of the prewar colonial period, leading the transformation from Puritan to Yankee, the "Great Awakening" religious revival and early political development leading up to and during the War of Independence; and

(9) many local, regional and State agencies businesses, and private citizens and the New England Governors' Conference have expressed an overwhelming desire to combine forces: to work cooperatively to preserve and enhance resources region-wide and better plan for the future.

SEC. 3. ESTABLISHMENT OF QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR; PURPOSE.

(a) ESTABLISHMENT.—There is hereby established in the State of Connecticut the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

(b) PURPOSE.—It is the purpose of this Act to provide a management framework to assist the State of Connecticut, its units of local and regional government and citizens in the development and implementation of integrated cultural, historical, and recreational land resource management programs in order to retain, enhance, and interpret the significant features of the lands, water, and structures of the Quinebaug and Shetucket Rivers Valley.

SEC. 4. BOUNDARIES AND ADMINISTRATION.

(a) BOUNDARIES.—The boundaries of the Corridor shall include the towns of Ashford, Brooklyn, Canterbury, Chaplin, Coventry, Eastford, Franklin, Griswold, Hampton, Killingly, Lebanon, Lisbon, Mansfield, Norwich, Plainfield, Pomfret, Preston, Putnam, Scotland, Sprague, Sterling, Thompson, Voluntown, Windham, and Woodstock. As soon as practical after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of boundaries established under this subsection.

(b) ADMINISTRATION.—The Corridor shall be administered in accordance with the provisions of this Act.

SEC. 5. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established within the Department of the Interior the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Commission. The Commission shall assist appropriate Federal, State, regional planning organizations, and local authorities in development and implementation of an integrated resource management plan for the lands and water as specified in section 3.

(b) MEMBERSHIP.—The Commission shall consist of 19 members to be appointed by the Secretary no later than 6 months after the date of enactment of this Act, as follows:

(1) The Director of the National Park Service, ex officio (or the Director's designee).

(2) 18 members appointed after considering recommendations submitted by the Governor of Connecticut, who shall represent—

(A) one member from the Connecticut Department of Environmental Protection;

(B) one member from the Connecticut Historical Commission;

(C) one member from the Connecticut Department of Economic Development;

(D) 6 members appointed from local government or regional planning organizations, of whom, 3 shall be representatives of the 3 regional planning organizations within the Corridor region and 3 shall be local elected officials from the region; and

(E) 9 members from the general public, who are citizens of the State of Connecticut representing conservation, business, tourism and recreational interests.

(c) TERMS.—(1) Members of the Commission shall be appointed for terms of 3 years and may be reappointed.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor has taken office.

(3) A vacancy in the Commission shall be filled in the manner in which the original appointments were made.

(d) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(e) CHAIRPERSON.—The members of the Commission shall elect one member to serve as a Chairperson.

(f) QUORUM.—(1) Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(g) MEETINGS.—The Commission shall hold its first meeting not later than 90 days after the date on which its members are appointed, and shall meet at least quarterly at the call of the chairperson or 10 of its members. Meetings of the Commission shall be subject to section 552(b) of title 5, United States Code (relating to open meetings).

(h) PROXY.—Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

SEC. 6. STAFF OF THE COMMISSION.

(a) IN GENERAL.—(1) The Commission shall have the power to appoint and fix compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF FEDERAL AND STATE AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties.

(2) The Commission may accept the service of personnel detailed from the State, any political subdivision and regional planning organizations, and may reimburse the State, political subdivision, and regional planning organizations for those services.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS.—(1) The Commission may, for the purposes of carrying out this Act, hold hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may not issue subpoenas or exercise any subpoena authority.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis, such administrative support services as the Commission may request.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) GIFTS.—Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source: Provided, That such gifts are used for public purposes.

(g) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c), the Commission shall not acquire any real property or interest in real property.

(2) Subject to paragraph (3), the Commission may acquire real property or interest in real property in the Corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller with money that was donated, appropriated, or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interest in real property, in the Corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public or private land management agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(h) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the State of Connecticut, with any political subdivision, or with any person or organization. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of action proposed by the State, such political subdivision, or such person which may affect implementation of the plan referred to in section 8.

SEC. 8. DUTIES OF THE COMMISSION.

(a) PREPARATION OF PLAN.—Within 2 years after the Commission conducts its first meeting, it shall submit to the Secretary and the Governor for review and approval a Cultural Heritage and Corridor Management Plan. The plan shall be based on existing Federal, State, and local plans, but shall coordinate those plans and present a comprehensive historic preservation, interpretation, and recreational plan for the Corridor. The plan shall—

(1) recommend non-binding advisory standards and criteria pertaining to the construction, preservation, restoration, alteration and use of properties within the Corridor, including an inventory of such properties which potentially could be preserved, restored, managed, developed, maintained, or acquired based upon their historic, cultural or recreational significance;

(2) develop an historic interpretation plan to interpret the history of the Corridor;

(3) develop an inventory of existing and potential recreational sites which are developed or which could be developed within the Corridor;

(4) recommend policies for resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Corridor's historical, cultural, recreational, scenic, and natural resources in a manner consistent with supporting appropriate and compatible economic revitalization efforts;

(5) detail ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(6) contain a program for implementation of the plan by the State and its political subdivisions.

(b) IMPLEMENTATION OF PLAN.—After review and approval of the plan by the Secretary and the Governor as provided in section 10(a), the Commission shall implement the plan by taking appropriate steps to assist in the preservation and interpretation of historic resources, and to assist in the development of recreational resources within the Corridor. These steps may include, but need not be limited to—

(1) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in preserving the Corridor and ensuring appropriate use of lands and structures throughout the Corridor;

(2) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in establishing and maintaining visitor centers and other interpretive exhibits in the Corridor;

(3) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in developing recreational programs and resources in the Corridor;

(4) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in increasing public awareness of and appreciation for the historical and architectural resources and sites in the Corridor;

(5) assisting the State and local governmental or regional planning organizations and non-profit organizations in the restoration of historic buildings within the Corridor identified pursuant to the inventory required in section 8(a)(1);

(6) encouraging by appropriate means enhanced economic and industrial development in the Corridor consistent with the goals of the plan;

(7) encouraging local governments to adopt land use policies consistent with the management of the Corridor and the goals of the plan; and

(8) assisting the State and local governmental entities or regional planning organizations to ensure that clear, consistent signs identifying access points and sites of interest are put in place throughout the Corridor.

SEC. 9. TERMINATION OF THE COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the day occurring 5 years after the date of enactment of this Act.

(b) EXTENSION.—The Commission may be extended for a period of not more than 5 years beginning on the day of termination referred to in subsection (a) if, not later than 180 days before such day—

(1) the Commission determines such extension is necessary in order to carry out the purposes of this Act;

(2) the Commission submits such proposed extension to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate; and

(3) the Secretary, in consultation with the Governor, approves such extension.

SEC. 10. DUTIES OF THE SECRETARY.

(a) APPROVAL OF THE PLAN.—The Secretary, in consultation with the Governor, shall approve or disapprove a plan submitted under this Act by the Commission not later than 60 days after receiving such plan. Such plan, as submitted, shall be approved if—

(1) the plan would adequately assist in protecting significant historical and cultural resources of the Corridor while providing adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor;

(2) the Commission has held public hearings and provided adequate opportunity for public and governmental involvement in the preparation of the plan; and

(3) the Secretary receives adequate assurances from appropriate State officials that the State will implement the plan in a timely and effective manner.

(b) DISAPPROVAL OF PLAN.—If the Secretary disapproves a plan submitted by the Commission, he shall advise the Commission in writing of the reasons therefor and shall make recommendations for revisions in the plan. The Commission shall within 90 days of receipt of such notice of disapproval revise and resubmit the plan to the Secretary who shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(c) ASSISTANCE.—The Secretary shall, upon request of the Commission, assist the Commission in the preparation and implementation of the plan.

SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities; and

(2) cooperate with the Secretary and the Commission with respect to such activities and, to the maximum extent practicable, coordinate such activities to minimize any adverse effect on the Corridor.

SEC. 12. DEFINITIONS.

For the purposes of this Act:

(1) The term "Commission" means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Commission established under section 5.

(2) The term "State" means the State of Connecticut.

(3) The term "Corridor" means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor under section 3.

(4) The term "plan" means the Cultural Heritage and Corridor Management Plan to be prepared by the Commission pursuant to section 8.

(5) The term "Governor" means the Governor of the State of Connecticut.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "regional planning organization" means each of the 3 regional planning organizations established by Connecticut State statute chapter 127 and chapter 50 (the Northeastern Connecticut Council of Governments, the Windham Regional Planning Agency or its successor, and the Southeastern Connecticut Regional Planning Agency or its successor).

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act: Provided, That not more than $200,000 shall be appropriated for fiscal year 1995, and not more than $250,000 annually thereafter shall be appropriated for the Commission to carry out its duties under this Act: Provided further, That the Federal funding to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out such duties.

ADDITIONAL STATEMENTS

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. I ask that I may proceed as if in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered. The minority leader is recognized.

TRIBUTE TO JACK MILLER

Mr. DOLE. Mr. President, over the years, the State of Iowa has become almost a second home to me, and my respect for the residents of the Hawkeye State is well known.

Hardworking. Fair. Honest. Thoughtful. Patriotic. These are words that describe the vast majority of Iowans, and they are words that also described Senator Jack Miller of Iowa, who passed away on August 29.

Along with many in this Chamber, and with countless more in Iowa, Elizabeth and I join in mourning the death of this dedicated public servant.

Jack Miller's dedication to America began during World War II, when he served in the Army Air Forces in the China-Burma-India theater. Jack would eventually attain the rank of lieutenant colonel, and would retire from the Air Force Reserve as a brigadier general. As a member of the faculty of the U.S. Army Command and General Staff School in Fort Leavenworth, KS, Jack also taught logistics to thousands of young soldiers.

After the war, Jack eventually returned to Iowa, where he began a tax law practice. After 2 year in the Iowa House of Representatives and 4 in the Iowa State Senate, Jack came to the U.S. Senate, where he would serve for 12 years.

Throughout his years in elective office, Jack was recognized by members of both parties as one of America's preeminent experts in the field of tax law. He was also recognized for the common sense he brought to issues ranging from civil rights to national defense to agriculture.

After leaving the Senate in 1973, Jack was nominated by President Nixon to serve as a judge on the U.S. Court of Customs and Patent Appeals. He remained on the Court until his retirement in 1983.

Soldier. Senator. Judge. Jack Miller was buried last week at Arlington National Cemetery, alongside countless others who served their country as he did—with courage, with conviction, and with an abiding love of family and of country.

I know all Members of this Chamber join with me in expressing our condolences to "Jerry" Miller, Jack's wife of 52 years, and to their family, which includes four children, eleven grandchildren, and one great-grandchild.

COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1994

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5248, the Comprehensive One-Call Notification Act of 1994, received from the House and at the desk; that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; that any statements or colloquies appear in the RECORD at the appropriate place as if read.

The PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to enter a colloquy in the REOCRD between Senators EXON and DANFORTH.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Mr. DANFORTH. Mr. President, I have a question for the senior Senator from Nebraska concerning the High Risk Drivers legislation that has been included in both the Federal Railroad Safety Authorization Act of 1994, S. 2132, and the Comprehensive One-Call Notification Act of 1994, H.R. 5248.

Mr. EXON. As the lead co-sponsor and advocate of the High Risk Drivers Act, I would be happy to answer a question.

Mr. DANFORTH. In 1991, Congress created a drunk driving prevention program which is found at 23 U.S.C. Section 410. This program has been a great success. In fact, states have qualified for approximately $40 million in grants for taking tough steps to combat drunk driving such as administrative license revocation systems. Unfortunately, this program is only authorized at $25 million per year.

Mr. EXON. As the Senator from Missouri notes, I understand that there has been an annual shortfall of $15 million in this program. Our legislation seeks to correct this problem with Sec. 251 of both the one call legislation and the rail safety legislation by providing that, "In addition to any amount otherwise appropriated or available for such use, there are authorized to be appropriated $15,000,000 for fiscal years 1995, 1996, and 1997 for the purpose of carrying out section 410 of title 23, United States Code."

Mr. DANFORTH. As I understand it, then, this legislation is intended to provide a total additional authorization of $45,000,000 or $15,000,000 in each fiscal years 1995, 1996, and 1997?

Mr. EXON. The senior Senator from Missouri is correct.

Mr. DANFORTH. Thank you for this clarification.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to enter a colloquy in the RECORD between Senators HEFLIN and MITCHELL.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WASTE FLOW CONTROL LEGISLATION

Mr. HEFLIN. Is it correct that communities that have contracted with a public authority such as the Southeast Alabama Solid Waste Disposal Authority that have executed contracts prior to May 15, 1994, that qualify for grandfather protection under subsection F of the flow control legislation are not required under this legislation to be subjected to the competitive designation requirements of subsection C?

Mr. MITCHELL. Yes, that is my understanding.

Mr. HEFLIN. I believe that since communities that have contracted with the Southeast Alabama Solid Waste Disposal Authority have previously demonstrated their needs to exercise flow control authority over municipal solid waste, and have also executed a contract prior to May 15, 1994, that qualify for grandfather protection under subsection F of the flow control legislation such communities should not have to be subject to additional needs tests should they shift designations from a proposed facility to a new proposed facility.

Mr. MITCHELL. I believe the Senator has made a valid point.

DISADVANTAGED MINORITY HEALTH IMPROVEMENT ACT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on S. 1569, the Disadvantaged Minority Health Improvement Act; that the conference report be agreed to and the motion to reconsider laid on the table, and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Is there objection to the several requests? The Senator from Kansas.

Mr. DOLE. Mr. President, on behalf of Republican Members on this side of the aisle, I object.

The PRESIDENT pro tempore. Objection is heard. The request is not granted.

INTERSTATE TRASH

Mr. BUMPERS. Mr. President, I ask the Chair to lay before the Senate a message from the House on S. 2345, the interstate trash bill.

The PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Mr. President, on behalf of a Republican Member on this side, I object.

The PRESIDENT pro tempore. Objection is heard.

THE PRESIDIO BILL

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5231, the Presidio bill just received from the House; that the bill be read a third time and passed, and that the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Mr. President, I personally have no objection to this bill, but there are objections on this side of the aisle. Therefore, I object.

The PRESIDENT pro tempore. Objection is heard. The request is not granted.

THE NEW BEDFORD WHALING NATIONAL HISTORIC PARK

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from and the Senate proceed to the immediate consideration of H.R. 3898, a bill to establish the New Bedford Whaling National Historic Park in New Bedford, MA; that the bill be read a third time, passed, and that the motion to reconsider be laid upon the table.

Mr. DOLE. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard. The request is not granted.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Republican leader.

TRIBUTE TO DR. RICHARD HALVERSON

Mr. DOLE. Mr. President, when Dr. Richard Halverson became Chaplain of the U.S. Senate in 1981, an article by a writer in Chicago suggested that the Chaplain's job was an easy one, as his only responsibility was to pray at the beginning of each session.

Now, as Dr. Halverson prepares to leave the Chaplain's Office, I want to thank him for proving the total and complete inaccuracy of that article.

Dr. Halverson may be known to C-SPAN viewers as the man who begins our sessions. But to Senators, their families, and to Senate staff members, Capitol Police and security officers, elevator and subway operators, restaurant personnel, and the others who work for the Senate, his job responsibilities are endless.

He is a counselor and a friend, who is there for all of us in times of joy or in times of sorrow.

He is a scholar, who has helped many to a better understanding of the Bible, and of the moral and ethical implications of political issues.

He is an ambassador of the Senate, responding to thousands of letters, and speaking to countless organizations and audiences about the challenges we face.

And he is also a humanitarian, who maintains a prison ministry which he began many years ago.

Our colleague, Senator MARK HATFIELD, is a student of the history of the Office of the Chaplain, and he has correctly concluded that Dr. Halverson did more than just service in that office—he transformed it.

Dr. Halverson is now 78 years young. And although Senator THURMOND regards him as someone who is far too young to retire, he has more than earned the right to spend more time with his wife and family.

I know that all Members of the Senate family join me in thanking this good and faithful man for a job well done, and in wishing him many more years of happiness.

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I had previously made a statement about Reverend Halverson. But I wanted to join with my friend and colleague, Senator DOLE, in again acknowledging the service to the Senate and to its Members by Dr. Halverson. He has served the Senate long and well and will leave behind him a record of spiritual service that will long be remembered. I know that I can speak for every Member of the Senate from our side, as Senator DOLE has spoken for his colleagues, in wishing our beloved Reverend the very best in his retirement.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Republican leader.

TRIBUTE TO BOB MICHEL

Mr. DOLE. Mr. President, serving as Senate Republican leader is a true honor. And one of the most rewarding aspects of my job has been the opportunity to work on a daily basis with Congressman BOB MICHEL.

As the Members of the Senate know, Congressman MICHEL, who has served as House Republican leader since 1981, is retiring from Congress after 38 years of service. And I know I speak for all Senators in saying that he will be greatly missed

"Gentleman" is a term that is often used in the House and Senate. And in BOB MICHEL's case, that word fits him perfectly. For in the often rough and tumble world of politics, BOB MICHEL was first and foremost a gentleman.

Yes, he could be tough when it was needed—you can't serve as a member of the minority party for 38 years and not be tough. But when you dealt with BOB MICHEL you always knew you were dealing with someone of total integrity and honesty.

And when the day was done, no matter if you agreed or disagreed with him on the issues, you knew that BOB MICHEL was your friend.

Though his service in Washington has been long—spanning nine Presidents—BOB MICHEL has never been of Washington. He has always been BOB MICHEL of Peoria.

In January of this year, BOB and I cohosted a luncheon for President Nixon on the occasion of the 25th anniversary of his Presidency. It was to be the President's last visit to the Capitol.

And at that luncheon, BOB quoted from a eulogy that President Nixon gave in 1969 for the great Senator Everett Dirksen, who also once served Peoria in Congress.

And the quote centered around a word that is not very much in favor these days—the word "politician." And that is unfortunate. Because there are many outstanding qualities to the word "politician." And each of those qualities that President Nixon used to describe Everett Dirksen, also describes BOB MICHEL. I would like to share that quote with you:

> A politician knows that more important than the bill that is proposed, is the law that is passed.
>
> A politician knows that his friends are not always his allies, and that his adversaries are not his enemies.
>
> A politician knows how to make the process of democracy work, and loves the intricate workings of the democratic system.
>
> A politician knows not only how to count votes, but how to make his vote count.
>
> A politician knows that his words are his weapons, but that his word is also his bond.
>
> A politician knows that only if he leaves room for discussion and room for concession can he gain room for maneuver.
>
> A politician knows that the best way to be a winner is to make the other side feel it does not have to be a loser.
>
> And a politician knows both the name of the game and the rules of the game, and he seeks his ends through the time-honored democratic means.

By being that kind of politician, by being that kind of man, BOB MICHEL became the leader of our party, and one of the leaders of our nation.

I know all my colleagues join with me in saying "thank you" to BOB MICHEL for his remarkable service to Congress and to America.

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. Mr. President, I had the privilege of attending a retirement dinner in honor of Representative MICHEL with Senator DOLE and many other of our colleagues and have made a statement about him previously as well. But I want to add my voice in praise of Representative MICHEL.

One of the pleasures of our task has been the opportunity to work with him as the Republican leader in the House of Representatives. He is truly an outstanding person and, I think, really does qualify for the phrase "a nice guy," and a man who has done an outstanding job for his constituents, his party, and his country in the Congress. I will not repeat the earlier statement that I made in his behalf but I wanted to take this opportunity to associate myself with the remarks of Senator DOLE and our other colleagues in Representative MICHEL'S behalf.

TRIBUTE TO DAVID BOREN

Mr. DOLE. Mr. President, the Oklahoma state motto is "Work Conquers All Things." And those words could also be used to describe our colleague from Oklahoma, Senator DAVID BOREN.

During his 16 years in this chamber, Senator BOREN has earned a reputation as one of our hardest working colleagues. In committee or here on the floor, Senator BOREN's vote is often key to victory, and his fingerprints can be found on nearly every issue of importance that comes before the Senate.

Although we represent different political parties, Senator BOREN and I have often found ourselves in agreement on the issues. On the Finance Committee, Senator BOREN has often voted against tax increases and regulations which would harm small businesses. He has also been a voice of reason on many spending issues and for deficit reduction.

Senator BOREN has also devoted countless hours to the issue of campaign finance reform. And while we may not agree as to the best way to achieve reform, no one can deny Senator BOREN's dedication to improving our political system.

Agriculture is another issue where Senator BOREN's hard work can be seen. As a member of the Agriculture Committee, Senator BOREN has fought for America's farm families, and pushed for reform of the Farm Credit System.

Foreign policy is another area where Senator BOREN has left his mark, serving as chairman of the Intelligence Committee for 6 years. In that role, he was a voice for bipartisanship, and he led the committee to adopt new rules designed to plug the leaks of sensitive information from within the committee.

Although Senator BOREN is passionate about many issues, I suppose it could be said that education is the first love of this Rhodes Scholar and former professor at Oklahoma Baptist University.

And, as Members of this Chamber know, it is to education where Senator BOREN will return this November when he becomes president of the University of Oklahoma.

I know all Members of the Senate join with me in wishing DAVID and Molly the best of luck as he continues his life long dedication to making a difference.

SALUTE TO DENNIS DECONCINI

Mr. DOLE. Mr. President, having spent some of my college years in Tuscon, I have always taken a special interest in the people and politics of Arizona.

Over the years, Arizonans have developed a tradition of sending independent and effective Senators to Washington, DC. Barry Goldwater, Paul Fannin, and

Carl Hayden are names that will be long remembered in this Chamber.

And no doubt about it, for the past 18 years DENNIS DECONCINI has continued the tradition of Arizona independence, and Arizona effectiveness.

As a member of the Appropriations Committee, Senator DECONCINI worked for projects of importance to Arizona like the Central Arizona Project, the Mount Graham Telescope, and the Goldwater Center for Science and Technology.

As a member of the Indian Affairs Committee, Senator DECONCINCI has worked tirelessly for the American Indian community that has made so many important contributions to Arizona—and to the United States.

As a member of the Judiciary Committee, Senator DECONCINI used his experience as a county prosecutor to fight for though anticrime laws.

As chairman of the Intelligence Committee, Senator DECONCINI has led the effort to modernize our intelligence capabilities in the post-cold war era.

Senator DECONCINI and I come from opposing political parties, but there were many occasions when we found ourselves on the same side of issues—including last year's NAFTA debate, where Senator DECONCINI's leadership was instrumental.

Mr. President, I join with colleagues from both sides of the aisle in thanking Senator DECONCINI for both his leadership and his friendship. They—and he—will be greatly missed.

TRIBUTE TO JOHN DANFORTH

Mr. DOLE. Mr. President, "The welfare of the people shall be the supreme law." Those words are the State motto of Missouri, and they might also be the motto of the man who has represented Missouri in the Senate for the past 18 years, our colleague JACK DANFORTH.

From his service as an ordained Episcopal Minister, to his years here in the Senate, where he has trumpeted the need for more low-income housing and called attention to the scourge of world hunger JACK DANFORTH has always had the welfare of the people as his top priority.

Senator DANFORTH was elected as attorney general of Missouri when he was only 32 years old, and during his 8 years in that office he earned a reputation as a champion of consumers. He strengthened that position during his service as chairman of the Senate Commerce Committee, where he was one of the driving forces behind laws that increased automobile, rail, and aviation safety.

From his seat on the Finance Committee, Senator DANFORTH has also helped to write America's trade policy, opening markets, while talking straight with nations that close their doors to American products.

His legislative achievements are many, and his personal achievements are just as great. If you were to ask any Senator who they would turn to in a time of crisis—who they would want to provide counsel and friendship when the chips were down, the overwhelming answer would be JACK DANFORTH.

Some politicians leave office because the voters tell them to do so. Others leave before the voters can tell them to do so. And still others leave because they have reached what they believe is retirement age. None of these is the case with Senator DANFORTH.

He is still in his 50's, and there is no doubt that Missourians would again send him to the Senate. In his last election, Senator DANFORTH won 68 percent of the vote sweeping all 114 Missouri counties.

Senator DANFORTH is leaving because he believes there are other avenues in which he can improve the welfare of the people. And I have no doubt that whatever challenge he tackles next, JACK DANFORTH will do exactly that.

Senator DANFORTH and Sally will be greatly missed in the Senate and in this city, and I join all my colleagues in thanking them for their friendship, and in wishing them much happiness in the years to come.

SALUTE TO DAVE DURENBERGER

Mr. DOLE. Mr. President, throughout the health care debate—and throughout countless other debates during his 16 years in this Chamber—DAVE DURENBERGER could be found in the middle of the issue—proposing innovative solutions, and working to find mutual grounds for agreement.

And no doubt about it, when we return to the health care issue next session, we will miss the intelligence and expertise of our colleague from Minnesota.

Patient choice, Medicare cost control, long-term health care, rural health care, helping small businesses through the creation of health insurance purchasing cooperatives, the preservation of the free market system—these are just some of the causes which have benefited from Senator DURENBERGER's leadership.

During the years when Republicans controlled the Senate, Senator DURENBERGER served as chairman of the Finance Subcommittee on Health. During that time, he was a leading sponsor of the provisions of the 1983 Social Security bill that established the prospective payment system for Medicare—one of the most significant measures enacted to cut health care costs.

Along with a seat on the Finance Committee, Senator DURENBERGER and I also share a midwestern background, and a commitment to America's farm families. And throughout his Senate career, DAVID DURENBERGER has fought to expand markets for Minnesota farmers and products.

Minnesota is also a State known for it's pristine environment, and Senator DURENBERGER has used his seat on the Environment and Public Works Committee to fight for a safe environment.

It was his leadership in 1984 that led to the creation of the first Federal program to prevent gasoline and other hazardous materials stored below ground from entering the water supply.

Those of us privileged to know DAVE DURENBERGER know that, above all, he is a considerate and thoughtful friend. I join with all Members of the Senate in wishing him good luck, good health, and Godspeed as he continues to make a difference for Minnesota and for America.

TRIBUTE TO HARLAN MATHEWS

Mr. DOLE. Mr. President, when Harlan Mathews was appointed to the Senate in 1993, the people of Tennessee knew they weren't getting a Senator who would just "fill a seat" for 2 years.

Instead, they were getting a seasoned public servant who would be able to hit the ground running. And that is just what Senator MATHEWS has done throughout this session of Congress.

Regular viewers of C-SPAN know that Senator MATHEWS is frequently in the chair, presiding over the Senate. And on behalf of all Senators on this side of the aisle, I want to thank him for the fairness and integrity he has exhibited as presiding officer.

Senator MATHEWS brought that same fairness and integrity to the issues he has tackled during his time here. He can be especially proud of his work on the Energy and Natural Resources Committee, where he has fought for issues of importance to Tennessee—issues like coal production, research and development activities at the Oak Ridge National Laboratory, and the preservation of the Great Smoky Mountains National Park.

Senator MATHEWS was also involved in two of the most important debates of this session, as he was a strong supporter of NAFTA, and a leading voice on behalf of rural health care initiatives.

From his years in the Navy during World War II, to his 40 years in Tennessee State government, HARLAN MATHEWS has devoted his life to serving his State and his country. And while some might think that his time in the Senate would be a fitting conclusion to the career, I am confident that Senator MATHEWS believes there is much work still to be done, and that his contributions will continue for many years to come.

On the Foreign Relations Committee, Senator MATHEWS has devoted himself to improving America's trade performance, and he was a strong supporter of NAFTA.

TRIBUTE TO HOWARD METZENBAUM

Mr. DOLE. Mr. President, the 1994 edition of "The Almanac of American

Politics" lists what they term "15 key votes" for the 102d Congress and the first part of the 103d Congress. On 14 of those 15 votes, I found myself disagreeing with my colleague from Ohio, Senator METZENBAUM.

And I suppose if you compared our voting records or the 18 years we have served together in the Senate, you would find that Senator METZENBAUM's vote and my vote usually canceled each other out.

And that is what democracy is all about. There is no governing party in America. There is no mandatory philosophy. Voters are free to send men and women to Washington who are conservative, liberal, moderate, or anywhere in between.

While Senator METZENBAUM and I disagree politically and philosophically, no one can deny that he has been one of the most effective and eloquent liberal voices in America for many years.

As Senator METZENBAUM prepares to leave the Senate, I want to salute him for a public service career of great accomplishment and remarkable length.

In fact, it was 52 years ago this November, when HOWARD METZENBAUM was first elected to the Ohio House of Representatives. After 4 years there and 4 years in the State senate, Senator METZENBAUM devoted his time to a very successful business career.

He would return to public service as the campaign manager of two successful U.S. Senate races in Ohio, and the winning candidate in three others.

In a time where some accuse politicians of only saying what people want to hear, HOWARD METZENBAUM stands out. As everyone in this chamber knows, Senator METZENBAUM calls them like he sees them, no apologies asked, and none given.

He is a true American original, and I have no doubt that we will agree to disagree for many years to come. America should have it no other way.

TRIBUTE TO DON RIEGLE

Mr. DOLE. Mr. President, a few years back, our colleague from Michigan Senator RIEGLE, was serving as grand marhsall of a parade in his home State. When he arrived at the parade, he discovered he would be riding in a foreign car. Senator RIEGLE politely refused, and waited until the parade organizers located a Chevrolet. There can be no doubt that during his 18 years in the Senate DON RIEGLE has been a tireless advocate for the men and women who are employed by the American automobile industry, In good times and especially in bad times, he has worked to make their jobs and their futures more secure.

Senator RIEGLE and I have known each other for a long time, having served together in both the House and the Senate. In fact, when Senator RIEGLE and I were in the House together, he was a republican.

Regardless of what party Senator RIEGLE belonged to, and although we have often disagreed on the issues, I have always respected the way in which he has advocated what he believes are the best interests of his State.

I do not know what job Senator RIEGLE will tackle next, but I do know that he will continue to serve as an eloquent and effective spokesman for many issues on which he has made a difference.

SALUTE TO MALCOLM WALLOP

Mr. DOLE. Mr. President, one hazard of serving in public office is that everything you say is usually written down, and can be used in the future to remind you when predictions you might have made did not come to pass.

There are those happy occasions, however, where predictions you once made do come to pass, and where the causes for which you fought are proved right.

And as MALCOLM WALLOP prepares to leave the Senate after 18 years of service, he can do so with the knowledge that on issue after issue after issue, his words and his judgment have been vindicated.

From his very first days in this Chamber in 1977, Senator WALLOP warned about the dangers of the Soviet Union and the critical importance of maintaining an American military and national defense second to none. He also was one of the earliest advocates here in the Senate of the strategic defense initiative, which was later adopted by President Reagan.

Senator WALLOP also warned America early and often about the dangers of communism in our hemisphere, and in the 1980's he led the fight for continued aid for freedom fighters in Nicaragua and in Afghanistan.

Today, of course, the Soviet Union is no longer. Communism has collapsed. And democracy has swept across the globe. And MALCOLM WALLOP can look back with pride that his beliefs were right, and that the help he provided to Ronald Reagan and George Bush made a difference.

Time and again, Senator WALLOP also has warned this Chamber about the dangers of overregulation by the Federal Government. Since nearly half of Wyoming's lands are federally owned, this is a subject very close to Senator WALLOP's heart.

And here again, he has been proven right. Over the years, more and more Senators have come to MALCOLM's point of view, as more and more Americans expressed their frustration with the Federal bureaucracy.

Thanks in part to Senator WALLOP, we have won some battles to reduce the bureaucracy and to cut regulations, but there are still many more to be fought, and we will with MALCOLM's leadership, as we attempt to derail this administration's war on the West.

MALCOLM and his wife, French, have been an important part of the Senate family, and they will be greatly missed. And although he is leaving the Senate, I am confident that MALCOLM will continue to play a role in the great debates of our time. And his voice will be one that will continue to point America in the right direction.

FORWARD DEPLOYMENT OF IRAQI CHEMICAL AGENTS DURING THE PERSIAN GULF WAR

Mr. RIEGLE. Mr. President, on several previous occasions, I have made public important findings on the probable causes of the serious medical problems facing gulf war veterans called gulf war syndrome.

The evidence available continues to mount indicating that exposure to biological and chemical weapons is one cause of these illnesses.

The Department of Defense steadfastly refuses to acknowledge this aspect of the problem. Their blanket denials are not credible. Recent American history provides grievous examples of official military cover-ups and Defense Department mistakes—the poisoning of countless thousands of Vietnam veterans by agent orange is just one compelling example.

To my mind, there is no more serious crime than an official military cover-up of facts that could prevent more effective diagnosis and treatment of sick U.S. veterans.

Today, I will present additional evidence to show that despite repeated automatic denials by the Department of Defense, chemical weapons and chemicals agents were present and found in the war zone.

First, we now have a British report and a U.S. Army report which document in detail the discovery of more than 250 gallons of dangerous chemical agents. According to the military units that were actually there it was mustard gas and another blister agent.

Second, we have evidence of an Army sergeant, who received official Defense Department awards and commendations for injuries from chemical weapons in the Kuwaiti theater of operations that the Pentagon now says did not exist. It is an astonishing example of the lengths the Defense Department is going in order to deny reality.

Lastly, we have received the laboratory findings from a gas mask, its case, and filter, taken from the gulf war battlefield that reveals the presence of fragments of biological materials that cause illnesses similar to gulf war syndrome.

BRITISH AND UNITED STATES ARMY REPORTS

We now have British and United States Army reports that document the presence of chemical agents in Kuwait—well inside the Kuwaiti theater of operations—well inside areas occupied by United States and British forces. They had been placed there by Iraqi forces during the occupation of Kuwait. The liquid was tested, and over 20 times the presence of chemical agents was confirmed.

In this specific case, chemical specialists from the British Army using a chemical agent monitor, M18A2 chemical agent detector, and detector paper—chemical specialists from the United States Army using a chemical agent monitor, detector paper, and two mass spectrometers, detected chemical mustard agent.

Further, two sophisticated fox chemical detection vehicles' mass spectrometers also identified the presence of phosgene oxime. This was a direct sample—not random vapors collected by the vehicle—as in previously reported cases.

A British soldier who came into contact with the liquid blistered immediately and appeared to be going into shock—as might be predicted from the nature of the agents present.

The tapes were ordered removed from the vehicle and to be sent forward along with a sample of the chemical agents. The soldiers were ordered to give the materials to individuals in unmarked uniforms—unmarked uniforms. Earlier this year, Captain Johnson after hearing that the Department of Defense was denying the presence of chemical agents in Kuwait—forwarded the report on this incident through his chain of command. But the report was returned to him and not forwarded to the Department of Defense.

The Kuwaiti, United States, and British Governments all received reports on this discovery and recovery of bulk chemical agents.

The Department of the Army originally told my staff that prior to releasing Captain Johnson's report they must obtain clearance from the Department of Defense, and that an intelligence review must be conducted. That would seem to contradict their claim that there is no classified information on this subject. They claimed that prior to releasing the British report, they had to get the permission of the British. However, when I received the British report, it was dated July 14, 1994, indicating that it had been prepared in response to my request, in coordination with the Department of Defense. This official dissembling and effort to obscure the facts are a continuation of Defense Department tactics we have seen before on this issue. The serious question remains as to why we were not provided with an official report dating from the time of the incident by the Department of Defense.

A July 14, 1994, report prepared by the British Chemical and Biological Defense Establishment claimed that "in their view" the substance was fuming nitric acid.

But we now have a copy of the British report prepared by the unit actually present at the event, written 3 years earlier on August 8, 1991. I had to find this report myself. It confirms that mustard agent was detected, and that the substance was oily, like mustard agent. Nitric acid is not oily. In my view, this is an important example of a pattern of deliberate misrepresentation of the truth. It is an appalling record.

The U.S. report confirms that not only was mustard agent detected in the container using a mass spectrometer, but also in microdoses on the ground. This would appear to eliminate the possible explanation that the container held fuming nitric acid—rocket fuel oxidizer—so concentrated that it reacted with materials in the mass spectrometer causing false readings when the material was examined. The mass spectrometers in both fox vehicles were also successfully calibrated before and after this detection event.

There is also the issue of how the Department of Defense has handled the investigations into reported chemical agent detection events. We continue to receive reports from individuals, many of whom are no longer in the military—who have been contacted by high ranking military officers assigned to work with the Defense Science Board Task Force investigating this issue. We have received complaints from veterans that rather than trying to seek other witnesses or corroborate their reports, these officers have called to convince them that they were mistaken—that their individual experiences and findings were not credible—and that their statements made to Congress would be refuted. Most recently, an individual associated with this original detection of chemical agents in the war zone was contacted by one of these officers. This officer specifically told the individual that these findings would be refuted by the Department of Defense—even before the Department received the report from the British that was eventually forwarded to me.

I ask my colleagues here in the Senate to evaluate these reports only on their merits; 21 field tests conducted on this substance were positive for mustard agent; both United States and British chemical agent monitor readings confirmed eight bars for mustard gas, a maximum reading indicating the presence of highly concentrated agent; eight of eight mobile mass spectrometer tests, using two separate Fox vehicles and liquid agent in a controlled setting identified identical substances—mustard agent, and phosgene oxime; it was the same color as mustard agent; it was oily like mustard agent; a mobile mass spectrometer reading indicated that microdoses of mustard agent were present in the soil; a British soldier suffered a chemical injury consistent with what would be expected when exposed to these agents, particularly to phosgene oxime; and a Department of Defense explanation described by the National Institute for Standards and Technology variously as "high unlikely," "no likelihood," and "not possible."

ARMY SERGEANT'S "MYSTERY" AWARDS

The second case I would like to share with my colleagues is the story of former Sgt. David Allen Fisher, who also discovered what appears to be a cache of chemical weapons where the Department of Defense says none were deployed.

In this case, as in the other cases like it, it seems impossible to obtain an explanation from the Department of Defense that is consistent with the events as reported by the soldiers present. In August, a Pentagon spokesperson stated that whatever chemicals were encountered in the bunker must have been left over from earlier fighting between Iraq and Iran.

However, in September 1994, that same spokesperson said that he was not aware that any chemical weapons crates were discovered by Mr. Fisher, despite Colonel Dunn's report and despite the fact that Mr. Fisher received a Purple Heart for his injuries from chemical agents. Others who were present that date including the Fox vehicle operators, one of whom received a bronze star and Colonel Dunn corroborate these events. Further, according to Mr. Fisher, this was an active bunker complex with artillery pieces present and their mission there was to go from bunker to bunker searching for Iraqi soldiers. Old chemical weapons, left over from a previous war, would be stored in a separate storage facility; if they were present at an active artillery position, they were deployed with the intention of using them.

What continues to emerge is a deeply troubling pattern of events involving individuals who have received medals—Bronze Stars, Meritorious Service Medals, Army Commendation Medals, and Purple Hearts—in the course of coming into contact with weapons that the Department of Defense insists were not even present in the theater of war. Chemical and biological weapons were either present, or they were not present. These events I have discussed raise serious concerns about the veracity of the Department of Defense's claims as well as their motives. I fully expect to find additional "exceptions" to the Department of Defense assertion that, at no time, were chemical or biological weapons ever found in the theater of operations.

I have no further confidence in the Defense Department's statement on this vital matter. The evidence continues to grow that they will go to any length to deny the facts surrounding this subject.

We now know that there were chemicals found near An Nasiriyah, in an area that was secured by elements of the 18th Airborne Corps. The U.N. confirms that they were there, and a Defense Department official testifying before the Senate Banking Committee confirmed that troops were close to this facility—contradicting previous testimony in the same hearing by another senior Defense Department official;

The medical and technical evidence establishes that chemicals were found in an Iraqi bunker complex south of Basra in an area that was secured by elements of the 3d Armored Division;

According to official records and scientific evidence, chemicals were found in a container in southeastern Kuwait in an area tested by Kuwaiti, British, and American soldiers from the 11th Armored Cavalry Regiment;

And, according to Marine Corps historical documents, two marines were injured by chemical agents in breaching operations during the ground war.

We also know that many of the soldiers that were present during each of these events are now ill and others were given medals.

So what is the truth? Certainly not in the official Defense Department statement that all U.S. troops were far from any chemical agents. Were there 2, 3, 5, 10, or 100 chemical events like those described above? Will Members of Congress and the soldiers have to uncover each and every exposure in order to determine the causes of these illnesses. And what can be best done to treat these sick, and often dying, gulf war veterans?

We cannot allow the U.S. military establishment or our government to turn its back upon hundreds of thousands of Americans and their families who answered their country's call and who were almost certainly exposed to chemical or biological weapons agents during the gulf war. And what of the risk of those same exposures in future wars? Is that why the Department of Defense is behaving in this manner—to hide their lack of ability to adequately protect our troops from these kinds of exposures in future wars?

NEW LABORATORY FINDINGS OF MATERIALS FOUND ON THE BATTLEFIELD

Finally, I have submitted samples for analysis to several renowned laboratories, including the Lawrence Livermore National Laboratory's Forensic Science Center. In biological analyses, based on preliminary testing using advanced DNA analyses and screening techniques, unique DNA sequences were detected for Q-fever and brucella on the inside of a gas mask carrying case, the top of a gas mask filter, and under the rubber seal of masks submitted to my office for analysis by U.S. Persian Gulf war veterans who brought them back from the Middle East.

When additional primer pairs were compared, the findings were negative. These tests were repeated with identical findings—that is, the same identical DNA primer pairs were indicated.

While false positive DNA testing can occur with only a single primer pair analysis, these results can also be indicative of the presence of only a single strand—perhaps due to the presence of another genetically altered biological warfare-related microorganism.

We do know that the United States licensed the export of genetic materials capable of being used to create these types of genetically-altered biological warfare agents to the Iraqi Atomic Energy Commission—an Iraqi governmental agency that conducted biological warfare-related research—prior to the war. One method of creating these genetically altered micro-organisms is by exposing them to radiation. The United States also licensed that export of several species of brucella to Iraqi governmental agencies. Both Q-fever and brucellosis are also endemic to the region.

This study is far from conclusive but points to the need for further research in this area. According to the Lawrence Livermore National Laboratory, biological studies need further attention. Cultures need to be investigated more closely.

In addition many chemical compounds were present in the samples. The scientists at Lawrence Livermore National Laboratory Forensic Science Center believe that additional analysis of more samples may isolate and identify chemicals that in combination may be hazardous, chemical warfare agent compounds, or biological pathogens on the surface of collected items and that more study is warranted.

While these results are preliminary they are also very important. They show that we have the tools to get to the bottom of this problem if we simply choose to use them. Let me repeat that. We have the tools to get to the bottom of this problem if we simply choose to use them.

The human toll continues to rise. Just over 1 year ago, on September 9, 1993, when the first staff report was prepared by the committee, we were only able to estimate the numbers of sick veterans. Since that time we have learned that 5,400 Persian Gulf war veterans has already registered with the Department of Veterans Affairs up to that point. The official Department of Defense Registry numbered only a few hundred. But in just over a year's time the number of veterans who have since been added to these registries has grown by nearly 700 percent. Currently it is estimated that there are 29,000 service men and women on the Department of Veterans Affairs Persian Gulf Registry and 7,000 on the Department of Defense Registry. The Department of Defense Registry is growing at a terrifying rate of about 500 individuals per week. These are horrendous statistics that show the true scale of this problem and the heartlessness and irresponsibility of a military bureaucracy that gives every sign of wanting to protect itself more than the health and well-being of our servicemen and women who actually go and fight our wars.

We have also learned that many of the signs and symptoms of illnesses initially experienced by the veterans of the Persian Gulf war are now being experienced by their spouses and families. This data confirms that these illnesses are becoming a major threat to the health and well-being of a significant and rapidly growing number of individuals and warrants a serious and all out urgent effort by the Government to determine the precise causes of the illnesses.

Mr. President, I ask unanimous consent that the full text of my statement be inserted in the RECORD, and that excerpts from the staff report prepared by the committee on this issue be inserted into the RECORD in the appropriate place at the conclusion of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

U.S. CHEMICAL AND BIOLOGICAL EXPORTS TO IRAQ AND THEIR POSSIBLE IMPACT ON THE HEALTH CONSEQUENCES OF THE PERSIAN GULF WAR—COMMITTEE STAFF REPORT NO. 3: CHEMICAL WARFARE AGENT IDENTIFICATION, CHEMICAL INJURIES, AND OTHER FINDINGS

A. BACKGROUND

The Senate Committee on Banking, Housing, and Urban Affairs is responsible for U.S. government legislation and oversight as it effects "dual use" exports—those materials and technologies that can be converted to military uses.

During the Cold War, United States export policy focused primarily on restricting the export of sensitive "dual use" materials and technologies to the Soviet Union and its allies. This myopic approach to the non-proliferation of these materials ultimately resulted in the acquisition of unconventional weapons and missile-system technologies by several "pariah nations" with aggressive military agendas. For the United States, the reality of the dangers associated with these types of policies were realized during the Persian Gulf War. Recognizing the shortcomings of existing policies, and with the dissolution of the Soviet empire, an inquiry was initiated by the Committee into the contributions that exports from the United States played in the weapons of mass destruction programs that have flourished under the direction of Iraqi President Saddam Hussein.

On October 27, 1992, the Committee on Banking, Housing, and Urban Affairs held hearings that revealed that the United States had exported chemical, biological, nuclear, and missile-system equipment to Iraq that was converted to military use in Iraq's chemical, biological, and nuclear weapons program. Many of these weapons—weapons that the U.S. and other countries provided critical materials for—were used against us during the war.

On June 30, 1993, several veterans testified at a hearing of the Senate Committee on Armed Services. There, they related details of unexplained events that took place during the Persian Gulf War which they believed to be chemical warfare agent attacks. After these unexplained events, many of the veterans present reported symptoms consistent with exposure to a mixed agent attack. Then, on July 29, 1993, the Czech Minister of Defense announced that a Czechoslovak chemical decontamination unit had detected the chemical warfare agent Sarin in areas of northern Saudi Arabia during the early phases of the Gulf War. They had attributed the detections to fallout from coalition bombing of Iraqi chemical warfare agent production facilities.

In August 1993, Senate Banking Committee Chairman Donald W. Riegle Jr. began to research the possibility that there may be a connection between the Iraqi chemical, biological, and radiological warfare research and development programs and a mysterious illness which was then being reported by thousands of returning Gulf War veterans. In September 1993, Senator Riegle released a staff report on this issue and introduced an amendment to the Fiscal Year 1994 National Defense Authorization Act that provided preliminary funding for research of the illnesses and investigation of reported exposures.

When this first staff report was released by Senator Riegle, the estimates of the number of veterans suffering from these unexplained illnesses varied from hundreds, according to the Department of Defense, to thousands, according to the Department of Veterans Affairs. It is now believed that tens of thousands of U.S. Gulf War veterans are suffering from a myriad of symptoms collectively labelled either Gulf War Syndrome, Persian Gulf Syndrome, or Desert War Syndrome. Hundreds and possibly thousands of service men and women still on active duty are reluctant to come forward for fear of losing their jobs and medical care. These Gulf War veterans are reporting muscle and joint pain, memory loss, intestinal and heart problems, fatigue, nasal congestion, urinary urgency, diarrhea, twitching, rashes, sores, and a number of other symptoms.

They began experiencing these multiple symptoms during and after—often many months after—their tour of duty in the Gulf. A number of the veterans who initially exhibited these symptoms have died since returning from the Gulf. Perhaps most disturbingly, members of veteran's families are now suffering these symptoms to a debilitating degree. The scope and urgency of this crisis demands an appropriate response.

This investigation into Gulf War Syndrome, which was initiated by the Banking Committee under the direction of Chairman Riegle, has uncovered a large body of evidence linking the symptoms of the syndrome to the exposure of Gulf War participants to chemical and biological warfare agents, chemical and biological warfare pre-treatment drugs, and other hazardous materials and substances. Since the release of the first staff report on September 9, 1993, this inquiry has continued. Thousands of government officials, scientists, and veterans have been interviewed or consulted, and additional evidence has been compiled. This report will detail the findings of this ongoing investigation.

On February 9, 1994, Chairman Donald W. Riegle, Jr. disclosed on the U.S. Senate floor that the U.S. government actually licensed the export of deadly microorganisms to Iraq. It was later learned that these microorganisms exported by the United States were identical to those the United Nations inspectors found and recovered from the Iraqi biological warfare program.

Throughout this investigation, the Department of Defense has assured the Committee that our troops were never exposed to chemical or biological agents during the Persian Gulf War. They have repeatedly testified in hearings and have made public statements that, at no time, were chemical and biological agents ever found in the Kuwaiti theater of operations.

In February of this year, the Chairman wrote a letter asking them to declassify all information on the exposure of U.S. forces to chemical and biological agents.

Then on May 4, 1994, the Chairman received assurances in a joint letter from Secretary Perry, Secretary Brown, and Secretary Shalala, that "there is no classified information that would indicate any exposures to or detections of chemical or biological weapons agents."[1]

Also in May, Undersecretary of Defense Edwin Dorn in sworn testimony in a hearing before the Committee on Banking, Housing, and Urban Affairs, claimed that all chemical agents were discovered "a great distance from the Kuwait theater of operations."[2]

During the same hearing, another senior Defense Department official was forced to recant part of the statement when confronted with the highly publicized discovery of chemical agents by U.N. inspectors near An Nassiriyah, which was very close to areas in which U.S. forces were deployed.[3]

In fact, we have received reports from Persian Gulf War veterans that U.S. forces actually secured this chemical weapons storage area.

Also during the hearing, a joint memorandum for Persian Gulf War veterans from Secretary of Defense Perry and the Chairman of the Joint Chiefs of Staff was presented. The memorandum stated, in part "there is no information, classified or unclassified, that indicated that chemical or biological weapons were used in the Gulf."[4]

Then, the Department of Defense announced on June 23, 1994, that the Defense Science Board found that "there is no evidence that either chemical or biological warfare was deployed at any level, or that there was any exposure of U.S. service members to chemical or biological warfare agents."[5]

This report raises serious questions about the integrity of the Department of Defense position. It describes events for which the Department of Defense explanations are inconsistent with the facts as related by the soldiers who were present, and with official government documents prepared by those who were present and with experts who have examined the facts.

B. RECOVERY OF CHEMICAL AGENTS IN KUWAIT

August 1991—Sabahiyah High School for Girls

The Committee staff has obtained British and U.S. Army reports which document in detail the discovery of more than 250 gallons of dangerous chemical agents. According to the units that were presents, mustard gas and another blister agent were found in a storage tank in southeastern Kuwait.

These chemical agents were recovered in Kuwait, well inside the Kuwait theater of operations, well inside areas occupied by U.S. and British forces. According to the reports, they had been placed there by Iraqi forces during the occupation of Kuwait. The liquid was tested and over 20 times the presence of chemical agents was confirmed.

The Committee staff has obtained a copy of a recommendation for an Army Commendation Medal that was presented to Sergeant James Warren Tucker for among other things "participating in the mission that located stores of chemicals agents" while deployed in Southwest Asia.[6]

Committee staff has also identified the commander of that unit, Captain Michael F. Johnson, currently with the U.S. Army at The Infantry School at Fort Benning, Georgia—who was awarded a Meritorious Service Medal for his actions.[7]

These two soldiers and as many as six others from the 54th Chemical Troop of the United States Army's 11th Armored Cavalry Regiment were given Army medals for "the positive identification of suspected chemical agent," according to the citation presented to Captain Johnson.[8]

We have obtained the actual reports from two NATO countries who were Coalition members during the Persian Gulf War.[9]

This is a step-by-step analysis of the event as recorded in documents and the testimony of Nuclear Biological and Chemical, or NBC, officers who were there.

A container suspected of containing chemical agents was located in southeastern Kuwait in an area about 50 kilometers north of Saudi Arabia and 4 kilometers west of the Persian Gulf. The precise coordinates are TN18832039 (Magellan)[10] Maps showing the precise location in which this container was found is attached.[11]

According to the British report, on August 5, 1991, several months after the end of the Persian Gulf War, Major J.P. Watkinson of the British Army received orders to investigate a container that was believed to be leaking mustard gas.[12]

According to the official report prepared by Major Watkinson on 7 August 1991, the request to investigate the leaking container was made by Lt. Colonel Saleh Al Ostath of the Kuwaiti Army and agreed to by Mr. Lucas of the Royal Ordinance Corps.[13]

Major Watkinson and his unit, the 21st Explosive Ordinance Disposal Squadron, were taken to the site of the Sabahiyah High School for Girls and directed to a metal storage tank with a capacity of approximately 2,000 liters. According to the report, there appeared to be entry and exit bullet holes of approximately 7.62 caliber in the container.[14]

A photograph of the schoolyard with some of the chemical specialists approaching the tank that contained the chemical agents is attached.[15]

According to Major Watkinson's report, the container was leaking a brown vapor from both holes. The school was not in use and there were U.S. civilian contractors clearing explosives and rubbish from the area.[16]

The school security guard told the British that the tank was not there before the war. He first noticed the tank when he returned to the school after the war on March 20, 1991—four and a half month prior to these tests. The British report notes that the school was used as an Iraqi defensive position during the war.[17]

Major Watkinson ordered all personnel to move up wind, and after putting on his chemical protective clothing, approached the container and tested the brown colored vapor with a Chemical Agent Monitor (CAM).[18]

The Chemical Agent Monitor gave a reading of eight (8) bars on H, for mustard agent—a maximum reading indicating a highly concentrated agent—and no bars on G, indicating no nerve agent present.[19]

This was the first positive test for chemical mustard agent at this location.

Distilled mustard is described in the Merck Index, a handbook for chemists, as an oily substance. It is also described as being amber brown in color—remember Watkinson's report describes it as a brown substance.[20]

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[1] Footnotes at end of article.

A photo and diagram of a Chemical Agent Monitor or CAM in use showing the types of displays that a chemical detection specialist would observe is attached.[21]

A 8-bar reading indicates a highly concentrated agent. These monitors are still in use by both U.S. and British forces.

Watkinson then tested the vapor with one color detector paper and nothing happened. He used three color detector paper and it turned pink indicating the presence of mustard agent.[22] This was the second positive test for mustard agent.

On a second visit to the container, according to the report, he inserted a wire with one of the bullet holes, and according to his report, "wiped the oily substance on both types of detector paper."[23]

Again the oily nature of the substance indicates a property that is consistent with the properties of mustard agent.

The one color paper turned brown and the three colored paper turned pink, the latter again indicating the presence of mustard agent. This was the third positive test for mustard agent. Major Watkinson then sealed both in the container with masking tape.[24]

On yet a third visit to the container, the holes were uncovered and the vapor was tested using an M18A2 chemical detector kit. This test was repeated six times. On four of the tests the color indicator immediately turned blue indicating mustard (or "H") agent.[25]

For the remaining two tests, the color indicator went yellow but later turned blue.[26] There were the fourth through the ninth positive tests for mustard agent.

Another wire dip test was conducted using the three color detector paper from the M18A2 kit and the paper turned pinkish/orange indicating mustard agent for the tenth time. The bullet holes were resealed using industrial silicone filler and plaster of paris bandages. The container was checked with the Chemical Agent Monitor for leaks and the area was secured.[27]

On August 7, 1991, the Commander of the 11th Armored Cavalry Regiment was asked to send two FOX chemical reconnaissance vehicles, in support of the Kuwaiti Ministry of Defense and the Royal Ordinance Corps, to assist Major Watkinson in confirming the presence of a chemical agent.[28]

Since this was a joint and combined live agent chemical detection mission, involving both U.S. and British forces, detailed rehearsals occurred to ensure that no mistakes were made. The unit then travelled to the Sabahiyah High School for Girls in southeastern Kuwait.[29]

On August 8, 1991, one FOX team moved to the area near the container and began to conduct point surveys inserting the detection probe of the FOX vehicle into the ground to a depth of about four centimeters. The mass spectrometer showed microdoses of chemical mustard agent in the ground.[30] This was the eleventh confirmation'

At the same time another collection team in full chemical protective clothing walked to the container, estimated to contain between 800-1000 liters, or about 250 gallons of liquid, with Chemical Agent Monitors and other assorted chemical detection equipment. This team removed the storage container's seals and there was a discharge of pressurized vapor into the air.[31]

Captain Johnson's report confirms that he saw a light copper to amber colored vapor exit from the hole.[32] Again, mustard agent is described as an amber brown liquid.[33]

Tests were conducted with both the Chemical Agent Monitor and chemical detection paper. The detection paper confirmed the presence of chemical mustard agent; the twelfth confirmation. The Chemical Agent Monitor registered eight bars, again confirming highly concentrated mustard agent. This was the thirteenth confirmation of mustard agent by the specialists present.[34]

Captain Johnson's unit then inserted a medical syringe with a catheter tube into the container to extract liquid agent for detection paper, Chemical Agent Monitor, and FOX testing.[35]

The sample was placed into a metal dish. By the time a ground team member moved to the rear of the Fox to the probe, there was not enough liquid available to get a reliable reading.[36]

Another attempt was made and the ground team extracted a larger sample of liquid and placed it into the metal dish. The dish was moved to the FOX probe and the liquid was drawn for analysis—not random vapors—not oil fumes—but the actual liquid chemical agent. Within six seconds, the mass spectrometer detected and identified the liquid as highly concentrated mustard agent.[37] Both four point and full spectrum readings were obtained, according to Captain Johnson, in each of the mass spectrometer analyses.[38] This therefore was the fourteenth (4 point) and fifteenth (full spectrum) confirmation of mustard agent.

Further analysis by the system also indicated the presence of traces phosgene, a nonpersistent choking agent, and phosgene oxime, a blister agent. Another test was conducted to validate the findings. Again the Fox vehicle confirmed the presence of mustard agent for the sixteenth and seventeenth time, and again phosgene, and phosgene oxime were confirmed.[39]

Captain Johnson ordered yet another mass spectrometer test, utilizing the second FOX vehicle. The team in the second vehicle was not informed of the findings of the first vehicle, to rule out any possibility of biased readings from the team in the second vehicle. The team in the second FOX vehicle repeated the test and reported the same findings except that this time the reported levels of phosgene oxime were much higher. They also performed a second test to confirm their results. Again both 4-point and full spectrum analysis was conducted during each of these tests.[40] These were the eighteenth through twenty-first confirmations.

While the Chemical Agent Monitor and many other chemical detection kits available to military forces only detect H, or mustard agents, and G and V nerve agents, the FOX chemical reconnaissance vehicle accurately detects 60 known chemical agents using a computerized mobile mass spectrometer.[41]

It is capable of identifying the individual component chemical elements, such as sulfur, hydrogen, chlorine, and so forth; their molecular composition; and their molecular weight. This provides a scientific means to precisely identify substances.

In response to a request by the Committee for an explanation from the Department of Defense, Dr. Theodore Prociv, Deputy Assistant for Chemical and Biological Matters (Atomic Energy), replied on July 26 that the Department of Defense analysis of the FOX tapes revealed that the ions matched in three of four categories for a mustard agent, but matched nitric acid in all four categories.[42]

Committee staff solicited an opinion from the National Institute of Standards and Technology regarding the accuracy of this explanation.[43]

On September 6, in response to several specific questions, Dr. Stephen Stein, of the Institute, replied that "HD [mustard] has no major peaks in common with those expected to arise directly from fuming nitric acid," and that it is "highly unlikely that a properly functioning mass spectrometer would produce any of the major peaks of nitric acid or nitrogen oxides from HD." Furthermore, "if fuming red nitric acid did not decompose prior to detection (ionization) there would be no possibility of mistaking it for HD."[44]

The commander of the unit said that the tests were run using both the four principle mass peaks and full spectrum analysis on the substance in question. The tests were run twice each by two FOX vehicles. The mass spectrometers were checked for calibration before and after each test, with no problems noted.

Each of the four tests identified identical substances—namely; mustard agent and phosgene oxime. When asked specifically, "how likely is it that under these circumstances that the computer algorithm identified nitric acid as these substances," Dr. Stein responded that "if fuming red nitric acid did not react prior to detection, there is no likelihood that either the four peak analysis or the full spectrum analysis would lead to false identification of mustard."[45]

And, "if nitric acid did react, the reaction products might generate a large number of peaks. Some of these might fortuitously be those characteristic of HD or other chemical agents and therefore might produce a false positive 4-peak identification of HD. A robust full spectrum matching algorithm, however, would not be expected to falsely identify mustard."[46]

The ground collection team then extracted a larger sample from the container and prepared it for transport from the area for further testing and evaluation.[47]

According to Captain Johnson's report and other eyewitness testimony, a member of the British team was injured while collecting a sample of the chemical agent. Some of the liquid agent made contact with the soldiers left wrist. The soldier immediately reacted to the liquid and was in severe pain and was believed to be going into shock.[48]

The injured soldier was quickly taken to a decontamination site and covered with decontamination powder and cut out of his chemical protective clothing.[49] A photograph of the British soldier on the FOX vehicle and his clothing laying in a pile beside the vehicle is attached.[50]

Dr. Prociv in his July 26, 1994 letter to the Committee reported that the injured soldiers clothing had been found by the British government to have been burned by fuming nitric acid in tests conducted at Porton Down.[51] Previously, in response to direct questioning by Committee Staff, Captain Johnson stated that the contaminated suit was burned, that is, incinerated, at the site.[52]

The decontamination team then doused the soldier with a decontamination solution. Within one minute, a small blister was observed forming on his left wrist the size of a pinhead. About five minutes later, the blister had already reached the size of a U.S. fifty cent piece coin. Medics on the scene screened the victim for residual liquid contamination and sent him to the hospital for further treatment. After the casualty was evacuated, the rest of the unit and equipment was decontaminated.[53]

According to Military Chemical and Biological Agents: Chemical and Toxicological Properties, mustard agents acting alone may take hours to form blisters, but phosgene oxime acts within 30 seconds leaving a blanched area and immediately forms a red rash-like ring. With phosgene oxime, instant death from systemic shock or trauma is possible from exposure.[54]

The reported reaction of the British casualty was as might have been predicted when exposed to the identified agents. The fate of this inured British soldier is unknown.

After completing their testing, the U.S. FOX team leaders were ordered to remove the tapes from the mass spectrometer of the FOX vehicles by Lieutenant Colonel Killgore, the chemical officer for Task Force Vicotry.[55] These tapes are the paper records of the chemical breakdown of the liquid or vapors and are produced by the mobile mass spectrometer in the FOX vehicle.

The tapes and the collected samples were reportedly turned over to personnel wearing desert camouflage uniforms with no rank or distinguishing patches.[56] Captain Johnson does not know what happened to the tapes or samples as he was ordered from the scene after his unit's mission was completed.[57]

Dr. Prociv in his written response to the Committee stated that these were U.N. personnel. According to Lt. Colonel Killgore, while they were United Nations personnel, they were assigned to the U.N. team from the British Chemical and biological Defense Establishment at Porton Down—British Ministry of Defence employees.[58] In a subsequent inquiry, the U.N. could produce no written records of the findings of the U.N. team at the site.

Conclusions—

Chemical mustard agent was detected by: chemical specialists from the British Army using a Chemical Agent Monitor, M18A2 chemical agent detector, and detector paper; and, chemical specialists from the United States Army using a Chemical Agent Monitor, detector paper, and two mass spectrometers.

Phosgene oxime was detected by: two sophisticated FOX vehicles' mass spectrometers.

These were direct samples—not random vapors collected by the vehicle—as in previously reported cases.

As cited above, mass spectrometry is capable of identifying the individual chemical elements, such as sulfur, hydrogen, chlorine, and so forth; their molecular composition; and, their molecular weight. This provides a means to precisely identify substances. This was not an intake of random fumes by a moving vehicle in heavy smoke, it was a direct analysis of liquid agent drawn from the container.

This was not the only confirmation of the identity of the chemical agents present—the results were confirmed by nearly every detector deployed with U.S. and British forces—in a controlled setting.

A British soldier who came into contact with the liquid blistered immediately and appeared to be going into shock—as might be predicted from the nature of the agents present.

The tapes were ordered removed from the vehicle and forward with a sample of the chemical agents. The soldiers were ordered to given the materials to individuals in unmarked uniforms and Captain Johnson, who earlier this year, after hearing that the Department of Defense was denying the presence of chemical agents in Kuwait, forwarded the report on this incident through his chain of command, and had the report returned to him. It was not forwarded to the Department of Defense.

The Kuwaiti, U.S., and British governments all received reports on this recovery of bulk chemical agents.

While these reports are not classified, the Department of Defense has consistently maintained that no chemical agents were located in areas occupied by U.S. forces—including in testimony before committees of both the House of Representatives and the Senate.

The Department of the Army originally told Committee staff that prior to releasing Captain Johnson's report they must obtain clearance from the Department of Defense, and that an intelligence review must be conducted.[59] That would seem to contradict the claim that there is no classified information on this subject. They claimed that prior to releasing the British report, they must get the permission of the British.[60] However, when British report was received, it was dated July 14, 1994, indicating that it had been prepared in response to the Committee request, in coordination with the Department of Defense.[61]

The Committee was not provided with an official British report dating from the time of the incident by the Department of Defense as requested. A copy of that report was obtained by the Committee outside of Department of Defense channels. This official report, dated August 7, 1991, confirms that mustard agent was detected, and that the substance was oily, like mustard agent.[62] Nitric acid is not oily.

The U.S. report, prepared by Captain Johnson, confirms that not only was mustard agent detected in the container using a mass spectrometer, *but also in microdoses on the ground.*[63] This would eliminate the explanation that the container held fuming nitric acid—rocket fuel oxidizer—so concentrated that if reacted with materials in the mass spectrometer causing false readings when the material was examined. The mass spectrometers in both FOX vehicles were also successfully calibrated before and after this detection event.

There is also the issue of how the Department of Defense has handled this and other investigations into reported chemical agent detection events. Committee staff continues to receive reports from individuals, many of whom are no longer in the military—civilians who have been contacted by high ranking military officers assigned to work with the Defense Science Board Task Force investigating this issue. We have received complaints from veterans that rather than trying to seek other witnesses or corroborate their reports, these officers have called to convince them that they were mistaken. That their findings were not credible—that their statements made to Congress would be refuted.[64] Most recently, an individual associated with this detection of chemical agents was contacted by one of these officers. This officer specifically told the individual that these findings would be refuted by the Department of Defense—even before the Department received the report from the British that was eventually forwarded to the Committee.

In this case there were 21 field tests conducted on this substance which were positive for mustard agent; both U.S. and British Chemical Agent Monitor readings confirmed 8 bars for mustard gas, a maximum reading indicating the presence of highly concentrated agent; 8 of 8 mobile mass spectrometer tests, using two separate FOX vehicles and liquid agent in a controlled setting identified identical substances—mustard agent, and phosgene oxime; it was the same color as mustard agent; it was oily like mustard agent; a mobile mass spectrometer reading indicated that microdoses of mustard agent were present in the soil; a British soldier suffered a chemical injury consistent with what would be expected when exposed to these agents, particularly to phosgene oxime; and the Department of Defense explanation was described by the National Institute for Standards and Technology variously as "highly unlikely," "no likelihood," and "not possible."

C. CHEMICAL INJURY AND CHEMICAL STORAGE BUNKER

Iraqi Bunker Complex—Southeastern Iraq (between Kuwaiti border and Basra) March 1, 1991

This case involves the experiences of former Sergeant David Allen Fisher, who also discovered what appears to have been a cache of chemical weapons where the Department of Defense says none were deployed.

While searching an Iraqi ammunition bunker in Iraq in an area south of Basra, Mr. Fisher brushed up against some wooden crated marked with skulls and crossbones. Within 8 hours his arm had reddened and began to sting. Several hours later, he noticed painful blisters on this upper arm.[65]

In his report of the incident, in a Question and Answer Brief prepared for the U.S. Central Command (CENTCOM) Public Affairs Office, and in a subsequent journal article, Colonel Michael Dunn, who would later become the commander of the U.S. Army Medical Research Institute for Chemical Defense confirmed that Fisher's injuries were the result of exposure to chemical agents.[66]

In this case, as in the other cases like it, it seems impossible to obtain an explanation from the Department of Defense that is consistent with the events as reported by the soldiers present. In August, a pentagon spokesperson stated that whatever chemicals were encountered in the bunker must have been left over from earlier fighting between Iraq and Iran.[67]

However, in September 1994, that same spokesperson said that he was not aware that any chemical weapons crates were discovered by Mr. Fisher, despite Colonel Dunn's report and despite the fact that Mr. Fisher received a Purple Heart for his injuries.[68] Others who were present that date including the FOX vehicle operators, one of whom received a bronze star, and Colonel Dunn corroborate these events. Further, according to Mr. Fisher, this was an active bunker complex with artillery pieces present and their mission there was to go from bunker to bunker searching for Iraqi soldiers.[69] Old chemical weapons, left over from a previous war, would be stored in a separate storage facility; if they were present at an active artillery position, they were deployed with the intention of using them.

D. CHEMICAL DETECTION AND CHEMICAL INJURIES

Breaching Operations—Second Marine Division—Southwestern Kuwait February 24, 1991

The following is an excerpt take directly from "U.S. Marines in the Persian Gulf, 1990–1991: With the 2D Marine Division in Desert Shield and Desert Storm," an official report published in 1993 by the History and Museums Division, Headquarters, United States Marine Corps, Washington, DC.

"The use of chemical munitions by the Iraqis had been expected, but happily had not yet occurred. At approximately 0656, the

"Fox" chemical reconnaissance vehicle at Red 1 detected a "trace" of mustard gas, originally thought to be from a chemical mine. The alarm was quickly spread throughout the division. Since everyone had been to don his protective outer garments and boots the previous evening, it was only necessary to hurriedly pull on a gas-mask and protective gloves to attain MOPP level 4. A second "Fox" vehicle was sent to the area, and confirmed the presence of an agent that had probably been there a long time. Unknown in its origin, it was still sufficiently strong to cause blistering on the exposed arms of two AAV crewmen. Work continued on the clearance of the lanes, and MOPP level was reduced to 2 after about a half-hour."[70]

Several issues are raised by this report. First, chemical mustard agent was detected by the FOX vehicles with the unit. Second, two marines were reportedly injured as a result of exposure to these agents. Third, it is highly unlikely that the chemical agents could have been there "a long time." These detections were made in southwestern Kuwait, an area not occupied by Iraq until after the invasion of Kuwait on August 2, 1990. Investigation by the Committee into this incident continues.

E. CHEMICAL AND BIOLOGICAL ANALYSIS OF EQUIPMENT

The Committee has submitted samples for analysis to several renowned laboratories, including the Lawrence Livermore National Laboratory's Forensic Science Center.[71]

In biological analyses, based on preliminary testing using advanced DNA analyses and screening techniques, unique DNA sequences were detected. Q-fever and Brucella were indicated on the inside of a gas mask carrying case, the top of a gas mask filter, and under the rubber seal of a mask submitted to the Committee for analysis by U.S. Persian Gulf War veterans who brought them back from the Middle East.[72]

When additional primer pairs were compared, the findings were negative. These tests were repeated with identical findings—that is, the same identical unique DNA primer pairs were indicated.[73]

While false positive DNA testing can occur with only a single primer pair analysis, these results can also be indicative of the presence of only a single strand—perhaps due to the presence of another genetically-altered biological warfare-related microorganism.[74]

We do know that the U.S. licensed the export of genetic materials capable of being used to create thee types of genetically-altered biological warfare agents to the Iraqi Atomic Energy Commission—an Iraqi governmental agency that conducted biological warfare-related research—prior to the war.[75] One method of creating these genetically altered micro-organisms is by exposing them to radiation. The U.S. also licensed the export of several species of brucella to Iraqi governmental agencies.[76] Both Q-fever and Brucellois are also endemic to the region.[77]

This study is far from conclusive but points to the need for further research in this area. According to the Lawrence Livermore National Laboratory, biological studies need further attention. Cultures need to be investigated more closely. Experiments to amplify the whole genome and to allow for the manipulation of increased concentrations of DNA by advanced testing would likely be more precise in identifying threat organisms—organisms that may be causing Gulf War Syndrome.

In addition many chemical compounds were present in the samples. The scientists at Lawrence Livermore National Laboratory Forensic Science Center believe that additional analysis of more samples may isolate and identify unusual hazardous chemical compounds, chemicals that in combination may be hazardous, chemical warfare agent compound's or biological pathogens on the surface of collected items—and that much more study is warranted.[78]

While these results are preliminary they are also very important. They show that we have the tools to get to the bottom of this problem if we simply choose to use them.

F. COMMITTEE STAFF REMARKS

What seems to be emerging is a troubling pattern of events involving individuals who have received medals—Bronze Stars, Meritorious Service Medals, Army Commendation Medals, and Purple Hearts—in the course of coming into contact with unconventional weapons that the Department of Defense continues to insist were not even present in theater. Chemical and biological weapons were either present, or they were not present. If weapons such as these were present, they were deployed doctrinally, as a matter of Iraqi Army practice, not in isolated instances. These events raise serious concerns about the veracity of the Department of Defense's claims as well as their motives. These reports call into question each and every Department of Defense refutation of previously reported detections and each and every triggered chemical agent detection alarm.

We know that there were chemicals found near An Nasiriyah, in an area that was secured by elements of the 18th Airborne Corps. The U.N. confirms that they were there, and a Defense Department official testifying before the Senate Banking Committee confirmed that troops were close to this facility—contradicting previous testimony in the same hearing by another senior Defense Department official.

Careful scrutiny leads us to conclude that they were found in a container in southeastern Kuwait in an area tested by Kuwaiti, British, and American soldiers from the 11th Armored Cavalry Regiment.

We know from the reports on Sergeant Fisher that they were found in an Iraqi bunker complex south of Basra in an area that was secured by elements of the 3rd Armored Division.

Two U.S. Marines were injured by chemical agents in breaching operations during the "ground war."

We now know that many of the soldiers that were present during each of these events are ill—others were given medals for their actions. Many of the veterans of the Gulf War and their families are now suffering permanently debilitating illnesses—some have died. Currently it is estimated that there are 29,000 servicemen and women on the Department of Veterans Affairs Persian Gulf Registry and 7,000 on the Department of Defense Registry. The Department of Defense Registry is growing at a rate of about 500 individuals per week.

Just over one year ago, on September 9, 1993, when the first staff report was prepared for the Chairman, we were forced to estimate the numbers of sick veterans. Since that time we have learned that 5,400 Persian Gulf War veterans had registered with the Department of Veterans Affairs up to that point. The Department of Defense Registry numbered only a few hundred. In just over a year's time the number of veterans who have registered in these registries has grown by nearly 700%. We have also learned that many of the signs and symptoms of illnesses initially experienced by the veterans of the Persian Gulf War are now being experienced by their spouses and families. This data confirms that these illnesses are becoming a major threat to the health and well-being of a significant and rapidly growing number of individuals and warrants a serious and immediate effort by the government to determine the precise causes of the illnesses.

FOOTNOTES

[1] Letter to Chairman Donald W. Riegle, Jr., Committee on Banking, Housing, and Urban Affairs from Secretary of Defense William J. Perry, Secretary of Veterans Affairs Jesse Brown, and Secretary of Health and Human Services Donna Shalala, dated May 4, 1994. (Appendix A–1)

[2] Testimony of Dr. Edwin Dorn, Undersecretary of Defense for Personnel and Readiness before the U.S. Senate Committee on Banking, Housing, and Urban Affairs during a hearing convened on U.S. Export Policies to Iraq and Their Possible Impact on the Health Consequences of the Persian Gulf War, on May 25, 1994. (Appendix A–2)

[3] Department of Defense testimony before the U.S. Senate Committee on Banking, Housing, and Urban Affairs during a hearing convened on U.S. Export Policies to Iraq and Their Possible Impact on the Health Consequences of the Persian Gulf War, on May 25, 1994. (Appendix A–3)

[4] Memorandum for Persian Gulf War Veterans, Persian Gulf War Health Issues, from John M. Shalikashvili, Chairman of the Joint Chiefs of Staff and William J. Perry, Secretary of Defense, dated 25 May 1994. (Appendix A–4)

[5] "*Report of the Defense Science Board Task Force on Persian Gulf War Health Effects*," Office of the Undersecretary of Defense for Acquisition and Technology (Washington, D.C.: Department of Defense, June 1994); and Department of Defense Press Release, June 23, 1994.

[6] Recommendation for Award of Army Commendation Medal, Sergeant James Warren Tucker, Decontamination Platoon Squad Leader, 54th Chemical Troop, 11th Armored Cavalry Regiment, dated July 1993. (Appendix B–1)

[7] Recommendation for and Award of Meritorious Service Medal, Captain Michael F. Johnson, Troop Commander, 54th Chemical Troop, 11th Armored Cavalry Regiment, dated January 1993. (Appendix B–2)

[8] Ibid.

[9] Memorandum for Director, CATD, Iraqi Chemical Agents—Information Paper: To Present First Hand Knowledge of Iraqi Chemical Agents Identified in Kuwait, prepared by Michael F. Johnson, Captain, CM NBC Branch, January 4, 1994—FOR OFFICIAL USE ONLY—(Appendix B–3). Initial Report: Suspected Chemical Container, prepared by Major J.P. Watkinson, Officer Commanding, 21st EOD Squadron Group, Royal Ordinance (United Kingdom), dated 7 August 1991—RESTRICTED: MANAGEMENT IN CONFIDENCE—(Appendix B–4).

[10] Ibid.

[11] From Initial Report: Suspected Chemical Container, prepared by Major J.P. Watkinson, Officer Commanding, 21st EOD Squadron Group, Royal Ordinance (United Kingdom), dated 7 August 1991—RESTRICTED: MANAGEMENT IN CONFIDENCE—(Appendix B–5, B–6).

[12] Initial Report: Suspected Chemical Container, prepared by Major J.P. Watkinson, Officer Commanding, 21st EOD Squadron Group, Royal Ordinance (United Kingdom), dated 7 August 1991—RESTRICTED: MANAGEMENT IN CONFIDENCE—(Appendix B–4).

[13] Ibid.

[14] Ibid.

[15] Appendix B–7.

[16] Initial Report: Suspected Chemical Container, prepared by Major J.P. Watkinson, Officer Commanding, 21st EOD Squadron Group, Royal Ordinance (United Kingdom), dated 7 August 1991—RESTRICTED: MANAGEMENT IN CONFIDENCE—(Appendix B–4).

[17] Ibid.

[18] Ibid.

[19] Ibid.

[20] Susan Budavari, ed., "*The Merck Index: An Encyclopedia of Chemicals, Drugs, and Biologicals, Eleventh Edition*" (Rahway, N.J.: Merck and Co., Inc., 1989), pp. 995–996. (Appendix B–8) James A.F. Comptom, *Military Chemical and Biological Agents: Chemical and Toxicological Properties* (Caldwell, N.J.: The Telford Press, (September 1987), 9–17). (Appendix B–9)

[21] *Jane's NBC Protection Equipment, 1990–91*, (London, U.K.: Jane's Information Group, 1991). (Appendix B–10).

[22] Initial Report: Suspected Chemical Container, prepared by Major J.P. Watkinson, Officer Commanding, 21st EOD Squadron Group, Royal Ordinance (United Kingdom), dated 7 August 1991—RESTRICTED: MANAGEMENT IN CONFIDENCE—(Appendix B–4).

[23] Ibid.

[24] Ibid.

[25] Ibid.

[26] Ibid.

[27] Ibid.

[28] Memorandum for the Commander, 11th ACR, Tasking Number 91–047, dated 7 August 1991 from Joseph W. Miller, Lieutenant Colonel, GS, ACofs, G–3. (Appendix B–11)

[29] Memorandum for Director, CATD, Iraqi Chemical Agents—Information Paper: To Present First Hand Knowledge of Iraqi Chemical Agents Identified in Kuwait, prepared by Michael F. Johnson, Captain, CM NBC Branch, January 4, 1994.—FOR OFFICAL USE ONLY—(Appendix B–3).

[30] Ibid.

[31] Ibid.

[32] Ibid.

[33] Ibid.

[33] James A.F. Comptom, "*Military Chemical and Biological Agents: Chemical and Toxicological Properties*" (Caldwell, N.J.: The Telford Press, (September 1987), 9–17). (Appendix B–9)

[34] Memorandum for Director, CATD, Iraqi Chemical Agents—Information Paper: To Present First Hand Knowledge of Iraqi Chemical Agents Identified in Kuwait, prepared by Michael F. Johnson, Captain, CM NBC Branch, January 4, 1994.—FOR OFFICIAL USE ONLY—(Appendix B–3).

[35] Ibid.

[36] Ibid.

[36] Ibid.

[37] Ibid.

[38] Staff interviews with Captain Johnson and Sergeant Tucker.

[39] Memorandum for Director, CATD, Iraqi Chemical Agents Information Paper; To Present First Hand Knowledge of Iraqi Chemical Agents Identified in Kuwait, prepared by Michael F. Johnson, Captain, CM NBC Branch, January 4, 1994.—FOR OFFICIAL USE ONLY—(Appendix B–3).

[40] Ibid.

[41] Memorandum for Director, CATD, Iraqi Chemical Agents Information Paper: To Present First Hand Knowledge of Iraqi Chemical Agents identified in Kuwait, prepared by Michael F. Johnson, Captain, CM NBC Branch, January 4, 1994.—FOR OFFICIAL USE ONLY—(Appendix B–3).

[42] Letter to Chairman Donald W. Riegle, Jr., Committee on Banking, Housing, and Urban Affairs, from Dr. Theodore M. Prociv, Deputy for Chemical and Biological Matters, Office of the Assistant Secretary of Defense for Atomic Energy, dated July 26, 1994. (Appendix B–12)

[43] Committee inquiry to the National Institute of Standards and Technology, dated August 1, 1994. (Appendix B–13)

[44] Letter to Committee staff from Dr. Stephen E. Stein, Ph.D., Director, National Institute for Standards and Technology, Director, Mass Spectrometry Data Center, Chemical Science and Technology Laboratory, dated September 6, 1994. (Appendix B–14).

[45] Ibid.

[46] Ibid.

[47] Memorandum for Director, CATD, Iraqi Chemical Agents Information Paper: To Present First Hand Knowledge of Iraqi Chemical Agents Identified in Kuwait, prepared by Michael F. Johnson, Captain, CM NBC Branch, January 4, 1994.—FOR OFFICIAL USE ONLY—(Appendix B–3).

[48] Ibid.

[49] Ibid.

[50] Appendix B–15.

[51] Letter to Chairman Donald W. Riegle, Jr., Committee on Banking, Housing, and Urban Affairs, from Dr. Theodore M. Prociv, Deputy for Chemical and Biological Matters, Office of the Assistant Secretary of Defense for Atomic Energy, dated July 26, 1994. (Appendix B–10).

[52] Committee staff interviews with Captain Michael F. Johnson.

[53] Memorandum for Director, CATD, Iraqi Chemical Agents Information Paper: To Present First Hand Knowledge of Iraqi Chemical Agents Identified in Kuwait, prepared by Michael F. Johnson, Captain, CM NBC Branch, January 4, 1994.—FOR OFFICIAL USE ONLY—(Appendix B–3).

[54] James A.F. Comptom, "*Military Chemical and Biological Agents: Chemical and Toxicological Properties*" (Caldwell, N.J.: The Telford Press, (September 1987), 9–17. (Appendix B–16)

[55] Memorandum for Director, CATD, Iraqi Chemical Agents Information Paper: To Present First Hand Knowledge of Iraqi Chemical Agents Identified in Kuwait, prepared by Michael F. Johnson, Captain, CM NBC Branch, January 4, 1994.—FOR OFFICIAL USE ONLY—(Appendix B–3).

[56] Ibid.

[57] Staff interviews.

[58] Memorandum for the Office of the Assistant Secretary of Defense for Chemical Biological Matters (OASD(CBM)), Suspect Chemical Container found in Kuwait City, Kuwait, in August 1991, Don W. Killgore, Lieutenant Colonel, Technical Inspections Branch, Office of the Inspector General, Department of the Army, July 29, 1994.—FOR OFFICIAL USE ONLY—(Appendix B–17).

[59] Staff interviews with Office of Legislative Affairs, U.S. Department of the Army.

[60] Ibid.

[61] Memorandum to Lieutenant Colonel Vicki Merriman, Office of the Deputy Assistant to the Secretary of Defense for Chemical and Biological Matters from Dr. Graham S. Pearson, Director General, Chemical and Biological Defence Establishment, Ministry of Defence, Porton Down, Salisbury, Wilts, U.K., Suspect Chemical Container: Kuwait City: August 1991. (Appendix B–18)

[62] Initial Report: Suspected Chemical Container, prepared by Major J.P. Watkinson, Officer Commanding, 21st EOD Squadron Group, Royal Ordinance (United Kingdom), dated 7 August 1991—RESTRICTED: MANAGEMENT IN CONFIDENCE—(Appendix B–4).

[63] Memorandum for Director, CATD, Iraqi Chemical Agents—Information Paper: To Present First Hand Knowledge of Iraqi Chemical Agents Identified in Kuwait, prepared by Michael F. Johnson, Captain, CM NBC Branch, January 4, 1994.—FOR OFFICIAL USE ONLY—(Appendix B–3).

[64] Letter of complaint from Mr. Randall Vallee, September 23, 1994 (Appendix B–19) and staff interviews.

[65] Information Paper: Chemical Agent Exposure—Operation Desert Storm, prepared and authenticated by Colonel Michael A. Dunn, March 5, 1991. (Appendix C–1)

[66] Information Paper: Chemical Agent Exposure—Operation Desert Storm, prepared and authenticated by Colonel Michael A. Dunn, March 5, 1991. (Appendix C–1), Question and Answer Brief prepared for the U.S. Central Command (CENTCOM) Public Affairs Office, March 1991 (Appendix C–2), Lieutenant Colonel John V. Wade, Major Robert M. Gum, and Colonel Michael A. Dunn, "Medical Chemical Defense in Operation Desert Shield and Desert Storm," Journal of the U.S. Army Medical Department, (January-February 1992), pp. 34–36. (Appendix C–3)

[67] Thomas D. Williams, "Veteran's Story Counters Official One on Gas War," The Hartford Courant (September 21, 1994) A2. (Appendix C–4)

[68] Ibid.

[69] Staff interviews.

[70] Lieutenant Dennis P. Mroczkowski, "U.S. Marines in the Persian Gulf, 1991: With the 2d Marine Division in Desert Shield and Desert Storm," (Washington, D.C.: History and Museums Division, Headquarters, U.S. Marine Corps, 1993), p. 41 (Appendix D–1), p. 45 (Appendix D–2).

[71] Laboratory analysis request from Chairman Donald W. Riegle, Jr., Committee on Banking, Housing, and Urban Affairs to the Lawrence Livermore National Laboratory Forensic Science Center, dated April 15, 1994. (Appendix E–1)

[72] Brian Andresen, Ph.D., Jackie Stilwell, M.S., Patrick Grant, Ph.D., Jeff Haas, M.S., Richard Whipple, B.A., and Armando Arcaraz, M.S., "Preliminary Results of Gas Masks and Exposure-Monitoring Equipment Associated with Desert Storm: Chemical and Biological Analyses of First Samples Sent," Forensic Science Center, J Division/NAI Directorate, Lawrence Livermore National Laboratory, June 1994 (Appendix E–2); Staff interviews with laboratory personnel.

[73] Ibid.

[74] Ibid.

[75] American Type Culture Collection, Rockville, Maryland (January 21, 1994).

[76] American Type Culture Collection, Rockville, Maryland (January 21, 1994).

[77] Robert Berkow, M.D., Editor-in-Chief, The Merck Manual of Diagnosis and Therapy, Sixteenth Edition (Rahway, N.J.: Merck and Co., Inc., 1992). Q-fever (Appendix E–3) and Brucellosis (Appendix E–4) summaries attached.

[78] Brian Andresen, Ph.D., Jackie Stilwell, M.S., Patrick Grant, Ph.D., Jeff Haas, M.S., Richard Whipple, B.A., and Armando Arcaraz, M.S., "Preliminary Results of Gas Masks and Exposure-Monitoring Equipment Associated with Desert Storm: Chemical and Biological Analyses of First Samples Sent," Forensic Science Center, J Division/NAI Directorate, Lawrence Livermore National Laboratory, June 1994 (Appendix E–2); Staff interviews with laboratory personnel.

ON THE RETIREMENT OF U.S. MARSHAL CHRISTIAN HANSEN, JR.

Mr. JEFFORDS. Mr. President, I want to take a few minutes of the Senate's time today to pay a small bit of homage to a longstanding and outstanding Vermont public servant. United States Marshal Christian Hansen, Jr., has retired from that post after more than 20 years of service. September 29, 1994, was his last day on that job.

We all know that there is a lot of cynicism about our Government these days. I think there would be far less if people knew the Chris Hansens of the Government better, a man who quietly, without fanfare, performed a service vital to our Government with the highest degree of professionalism.

Chris Hansen was first appointed United States Marshal for the District of Vermont in 1969, and reappointed in 1973. He served continuously in that capacity until 1977 when he resigned in connection with the change in Presidential administration. In 1982, when the administration changed once again, Chris was called upon to return to the post he had previously manned so well. He has remained in the office until his retirement.

In addition to his duties as Vermont's U.S. Marshal, Chris has been active in Republican politics within the State. At various times he has been: an elected State representative for Windham 4–3; an elected town meeting representative in Brattleboro; an elected member of the Windham County Republican Committee; and an appointed member of the Brattleboro Republican Town Committee.

The one unfortunate aspect of Chris's life is that he suffers from an affliction common to many of us in New England, a fondness for the Boston Red Sox. I hope he will have more time in the years ahead to follow their ups and downs, and I hope for all of our sakes there will be more of the former than the latter.

Chris is also a family man. I am certain that his wife Nancy, his three children Susan, Mark, and Cindy, and his four grandchildren Kristin, Katherine, Sara, and Kevin are duly proud of his achievement over all of his years of service. With his retirement, they will be able to reclaim more of his time and attention, but in that regard, certainly their gain is our loss.

CONFIRMATION OF FRED I. PARKER TO THE U.S. COURT OF APPEALS

Mr. JEFFORDS. Mr. President, last night, at 11:55 p.m., a very important event for Vermont took place on the Senate floor. Fred I. Parker was confirmed by the Senate to sit on the U.S. Court of Appeals, 2d Circuit.

Fred Parker is not only a distinguished Federal district judge and an exceptional attorney, but he is also one of the nicest people I have ever had the pleasure to know.

My friendship with Judge Parker stems from the first day I met him. Although I had not met Fred Parker before asking him to come and interview for the position as my deputy attorney general for the State of Vermont, I had heard exceptional things about him. When one is looking for your top assistant, it should be done carefully and after deep thought. However, after a brief meeting, I had no question that this was the man for the job and hired him on the spot.

Unfortunately, too few men and women are willing to dedicate a substantial part of their life to public service. Fred Parker is one of those. After being with me and providing exceptional service, including difficult victories in the U.S. Supreme Court and beating the State's top defense lawyer in a difficult murder case, he returned to private practice.

After over 20 years in private practice, Fred was again called to public service. I recommended him to President Bush to serve as Federal district judge in February 1989. After 18 months of a contentious debate over the prerogative of Senators to have their recommendation respected by the administration, Fred Parker was confirmed as a Federal district judge in Vermont. The long and arduous process forced me to exercise the often criticized filibuster. In this case, it clearly resulted in the public good being served, notwithstanding a rather hostile White House and a few very angry Senators.

What was quite remarkable about Judge Parker was that after over 20 years as one of Vermont's most successful private attorneys, an exhaustive investigative process determined that he had managed to remain one of the most respected and admired people in the legal profession. His friends, colleagues, and adversaries alike had the kind of praise for Fred Parker that is very seldom heard about anyone, but to my mind was richly deserved.

I want to share with Judge Parker's wife Barbie, their sons Hawkeye and Bruce, and the hundreds of Vermonters who know Fred Parker, to say how very, very proud we are that one of our own will be serving in such a prestigious position. Judge Parker will serve the United States of America with distinction.

FALSE CLAIMS ACT

Mr. DECONCINI. Mr. President, an amendment to the False Claims Act [FCA] is needed to clarify that it does not apply to claims of violations of the Agricultural Marketing Agreement Act [AMAA].

The FCA allows private parties to sue to collect moneys owed to the Government under existing contracts or lease arrangements or obtained from the Government under false pretenses. Private persons can bring suit in the name of the Government and recover treble damages. The FCA was meant to address "fraud against the Government." Nothing in the history of the FCA supports that it should be used to collect fines or penalties that have neither been sought nor imposed by the Federal Government.

The AMAA regulates the flow of citrus onto the market through the issuance of marketing orders. Violations of the AMAA are subject to civil fines through the forfeiture provisions of the act.

FCA actions were brought by opponents of marketing orders based on the theory that if the marketing orders were violated, fines would be owed to the Government. The Justice Department argued that these so-called reverse hypothetical false claim cases should be dismissed because a violation of a marketing order results in a penalty and does not cause financial loss to the Government. However, Federal district court judges in California ruled that Congress was silent and therefore left the door open for these types of claims.

Recently, the Department of Agriculture has dropped all claims in the citrus industry for violations of the AMAA. It is expected that the FCA claims will also be dismissed. However, the threat remains that these types of cases could be brought. Therefore, I have been supportive of an amendment to the FCA to clarify that the FCA does not apply to claims of violations of the AMAA. Marketing order violations should be prosecuted through the process established by the AMAA, not by extending coverage of the FCA.

Last Congress, during consideration in the House of Representatives of legislation to amend the FCA—H.R. 4563, language was included to exclude possible violations of the AMAA from the FCA. The committee report stated that they did not believe that Congress intended the False Claims Act to support actions under the AMAA and thus the bill specifically excluded such actions from coverage.

Senator GRASSLEY has led the effort in the Senate to correct some outstanding problems in the FCA, unrelated to the marketing order issue. His legislation, S. 841, unfortunately was never reported from the Senate Judiciary Committee. I was confident that the marketing order could be addressed at that time.

Efforts were made to try and solve this one problem with the FCA during the final hours of this Congress. However, objections were raised to any FCA amendments for fear that the entire issue would be reopened. Those objections were unrelated to the substance of the problem of the application of the FCA to AMAA violations. I have discussed this issue a number of times with Senator HEFLIN, chairman of the Subcommittee on Courts and Administrative Practice. I believe he and other members of the Judiciary Committee are supportive. Although I will not be around next year to work on this issue, I am hopeful that this problem can be solved once and for all during the 104th Congress.

SECTION 115 MEDICAID DEMONSTRATION PROGRAM WAIVER

Mr. GRAHAM. Mr. President, I rise today to express great concern about a potential problem that the State of Florida is having in obtaining full approval of its section 1115 Medicaid demonstration program waiver from the Department of Health and Human Services. On February 9, 1994, Florida submitted its Florida Health Security waiver to the Department of Health and Human Services. This Medicaid waiver would, if fully approved and enacted, provide 1.1 million additional Floridians with insurance coverage up to 250 percent of the poverty level. The program's participants would buy a standard benefit offered through a Community Health Purchasing Alliance and receive, according to their income, a premium discount to make the package affordable.

On September 14, 1994, after 7 months of negotiations, HHS granted a conditional waiver approval to allow Florida to implement the State's proposed reforms. By granting this important request, Florida would be allowed to use Medicaid funds to provide insurance premium discounts to working, uninsured Floridians traditionally ineligible for Medicaid.

Mr. President, there are many positive aspects of Florida Health Security. First and foremost, let me reemphasize that this waiver program would allow an additional 1.1 million Floridians to obtain health insurance coverage—thereby reducing the State's uninsured rate by over 40 percent. Moreover, of the 2.7 million Floridians presently without health insurance, 1 million are children. With the plan's requirement that 80 percent of the enrollment spaces be reserved for lower-income, uninsured families, children could disproportionately benefit from this initiative.

In addition, this waiver would eliminate the all-or-none approach of Medicaid by creating a sliding scale of contributions for those above the Medicaid poverty threshold and up to 250 percent of poverty. At present, Medicaid's all-or-none approach creates the perverse incentive of encouraging people to remain unemployed and in poverty in order to continue to have health care coverage. Florida's approach would clearly help get people off welfare and be a much fairer system that what we have now.

The waiver also allows Florida and the Federal Government better control over the costs of the Medicaid program. Since 1982, Florida has had its Medicaid program increase from $1 to $7 billion. In the years from 1990 through 1993, Florida saw its Medicaid budget expand by 30 percent, 26 percent and 19 percent, respectively. Instead, over the 5-year period of Florida's waiver program, costs would be controlled and managed through the increased use of case management and managed care in the private sector. Through these savings, the State and the Federal Government will be able to provide coverage to over 1 million previously uninsured Floridians without spending additional revenue.

In short, Florida's Health Secretary program would expand access and health coverage without raising taxes, control costs, and break the categorical link between health care and welfare.

To implement this program, Florida Health Security will utilize the already successfully established Community Health Purchasing Alliances, which have reduced premiums for participating small businesses by 10-50 percent this year. As a result of this, private health plans will be integrally involved in this Florida Health Security program.

In fact, under Florida Health Security, accountable health partnerships would submit bids on premium rates for the standard benefit plan, with a portion of the premium to be paid by Medicaid. Insurance agents would be directly involved in the process due to the fact that they are an integral part of any system relying in whole or in part on private health insurance coverage.

Unfortunately, HHS and the Department of Justice have expressed concern that payments to insurance agents by accountable health plans might violate the Social Security Anti-Kickback Statute. Clearly, the 1977 Anti-Kickback Statute was not intended or was even contemplated to apply to programs like Florida's demonstration project.

For example, I understand the Family Support Act of 1988 creates a Medicaid wrap-around option allowing States to use Medicaid funds to pay a family's expenses for premiums, deductibles, and coinsurance for health care coverage offered by an employer.

Moreover, as the State argued while pursuing this waiver, since insurance companies use insurance agents, the purchase of insurance and the payment of premiums of necessity results in the payment of a commission to an insurance agent. This is also true when Medicaid funds health maintenance organizations [HMO's], the Medicare Risk Program and various State plans relating to areas such as the enrollment of Medicaid eligibles in group health plans.

Through the section 1115 Medicaid demonstration project waiver process, Florida is attempting to, for the first time, use Medicaid funds to purchase private health insurance on a wide scale. However, by mistakenly applying the Anti-Kickback statute beyond its intended scope to insurance agent commissions, the Departments of Justice and Health and Human Service would effectively kill the demonstration. As noted beyond, insurance agents are an integral part of the existing health insurance system.

For example, it is estimated that Medicaid only enrolls one of every two potential eligibles. The intent of Florida waiver plan is to expand access and health insurance coverage to an additional 1.1 million Floridians through the private health insurance system. In order to maximize the 42,000 insurance agents already in place in Florida to market those plans rather than creating a whole new State bureaucracy that would be much less effective at reaching potential eligibles.

I am deeply concerned that the Department of Health and Human Services's decision would effectively preclude 1.1 million uninsured Floridians from receiving health insurance coverage next year. If that is the case, I would appreciate any help I could get. Would Senator ROCKEFELLER be willing to offer the people of Florida help in resolving that dispute?

Mr. ROCKEFELLER. My friend from Florida, Senator GRAHAM, it is indeed my understanding that the State of Florida has been a leader on major initiatives to expand health care coverage and lower health care costs. I believe that we will be able to learn a lot from Florida's experiences, and may, at some point, be able to apply those lessons at the national level. Because of Governor Chiles' leadership and commitment at the State level and your own long-term interest on health issues, small businesses in Florida are benefiting from health reforms already implemented.

I am hopeful that a mutually agreeable arrangement can be worked out with the Department of Health and Human Services and the Department of Justice and your own home State of Florida on the issue of payments to insurance agents. I will do what I can to facilitate a successful resolution of this matter.

RECENT DEVELOPMENTS IN NORTHERN IRELAND

Mr. BIDEN. Mr. President, at the end of August, the Provisional Irish Republican Army [IRA]—a terrorist organization that for the past two and one-half decades has waged a bloody war to end what it regards as the British occupation of Northern Ireland—declared a "complete cessation of military operations." The IRA also signaled its commitment to a negotiated settlement by stating that "an opportunity to secure a just and lasting settlement has been created" and declaring that a solution to the Northern Ireland conflict will "only be found as a result of inclusive negotiations."

This statement, combined with active and creative diplomatic efforts by the Irish and British Governments, has dramatically altered the political landscape in Northern Ireland—and provided the most opportune moment for bringing peace to that beautiful but troubled area in the northeast of the Island of Ireland.

Indeed, the IRA cease-fire has catalyzed a chain of events that has given momentum to the peace process. It now seems apparent, assuming the IRA cease-fire holds, that the British Government will soon begin a dialog with Sinn Fein, the political party that acts as the political arm of the IRA. These discussions will represent the first step in a series of talks involving the Irish and British Governments and the political parties in Northern Ireland.

There are many people responsible for the changed circumstances in Northern Ireland. Irish Prime Minister Albert Reynolds and British Prime Minister John Major deserve significant credit for moving the process forward with the Joint Declaration that the two governments issued last December. John Hume, leader of the Social Democratic and Labor Party [SDLP] of Northern Ireland—the main Nationalist Part in the six counties—more than any other individual, has been the intellectual architect of most major political initiatives in Northern Ireland for the past two decades. The Ulster Unionist Party, the leading unionist political party in Northern Ireland, is to be commended for not taking a rejectionist path. I also commend Gerry Adams, the leader of Sinn Fein, which acts as the political arm of the IRA, for taking a first step toward peace.

Finally, I applaud President Clinton for the role he and his administration have played in encouraging the Northern Ireland peace process. His decision last winter to grant Mr. Adams a visa to visit the United States, in the face of strong opposition by the British Government, was an important milestone in moving the IRA toward its cease-fire declaration.

Mr. President, the path toward a permanent resolution of Northern Ireland's Troubles—as the conflict there is euphemistically called—remains fraught with obstacles; 25 years of violence have left a bitter legacy of division and distrust, hatred and fear between the nationalist and unionist communities in Northern Ireland. During these two and one-half decades, over 3,000 people have lost their lives; over 30,000 have been injured. Because Northern Ireland is a relatively small community of just 1.5 million people, there are few that the war has not touched directly. Indeed, nearly every person in Northern Ireland knows someone—a family member, a friend, a coworker—who has been killed or injured as a result of the violence. The economic cost of this tragedy is staggering. But the human cost—in lost life, lost limbs, broken hearts, and broken dreams—is incalculable. In a very real sense, the fabric of the Northern Irish society has been torn asunder. Quite obviously, reconciliation between the two deeply divided communities in Northern Ireland will not come in a day—even if a political agreement can be reached.

But it is not dramatic overstatement to suggest that this is the most hopeful moment in the 25 years of the Troubles. At this critical point, the United States must do all that it can to assist the quest for peace. President Clinton has demonstrated his personal commitment to aiding the peace process. So, too, Congress should stand ready to do all it can at this critical moment to support the effort to bring a permanent end to the bloody war in Northern Ireland.

TRIBUTE TO DENNIS DECONCINI

Mr. SASSER. Mr. President, I rise today to honor the senior Senator from Arizona, my distinguished colleague, DENNIS DECONCINI, on the occasion of his retirement from the U.S. Senate. Senator DECONCINI and I began our Senate careers in the freshman class of 1976, and it has been a pleasure to work with him for the last 18 years, most recently as members of the Appropriations Committee. The Senate will truly miss DENNIS DECONCINI in the years ahead.

Throughout his service in the Senate, Senator DECONCINI has been a thoughtful and dedicated legislator. Although his decisions have not always been popular, he has worked to uphold the interests of his constituents and vote his conscience.

An issue of special concern for Senator DECONCINI has been control of the spiralling drug problem in the United States and worldwide. Before he came to the Senate, he served as the administrator of the Arizona Drug Control District, where he witnessed the tragedy of growing drug traffic from Latin America into the Western part of the United States. He resolved to combat this problem, and, as vice-chairman of the Senate drug enforcement caucus, he spearheaded an effort to pressure foreign governments to fight the drug problems in their own countries and prevent narcotics from entering the United States. As chairman of the Treasury-Postal Appropriations Subcommittee, DENNIS DECONCINI included $1 billion for drug interdiction in the fiscal year 1992 spending bill.

I am sorry to see this hard-working Senator retire; however, I feel sure he will utilize his many talents in another worthwhile career. His willingness to work with his colleagues to pass important legislation in this era of gridlock has been refreshing, and there are many in Congress who could learn from his example. I wish Senator DECONCINI the best of luck in his future endeavors.

TRIBUTE TO BOB AND MARIE FEIDLER

Mr. DORGAN. Mr. President, two remarkable constituents of mine who embody the highest values of citizenship, professionalism and family retired from their active practice of law recently. Between them, Bob and Marie Feidler of Grand Forks, have been members of the North Dakota bar for over 90 years and have been in the work force for over 115 years. They've certainly earned a well-deserved break.

Marie has been a North Dakotan for over 85 years while Bob is a comparative newcomer, coming to North Dakota in the fall of 1945. Throughout their adult lives they have been people of achievement and compassion who have left their State and community far better for their efforts.

In addition to her legal career, Marie was also an educator for over 35 years of her professional life. She taught in a variety of levels of schools ranging from junior high to the University of North Dakota. Her first love, however, was probably the years she spent teaching Latin at the high school level where she exposed many of the brightest young minds to the basics of a classical education. She was herself a Phi Beta Kappa graduate of the University of North Dakota and, as one of the first women graduates of the law school, earned her law degree with distinction. She was president of organizations ranging from the Quota Club, to the Grand Forks PTA, to the county bar association and active in countless other groups. Her book "Retrospectives," is an especially keen insight into the early days of teaching and education in North Dakota.

Bob served in the Army Air Corps during World War II before coming to North Dakota. In the years that followed, his strong sense of duty and patriotism resulted in his becoming president of virtually every veterans service organization including the VFW, American Legions, AMVETS and Forty and Eight. He received the highest honor from the Hunkpapa tribe of the Sioux Nation when he was inducted into the tribe and given the honorary name of Chief Rain-in-the-Face, a Sioux leader of the 19th century, following his successful 10-year tenure as States Attorney in a county embracing the Standing Rock Indian Reservation. He was also a close friend and adviser to political leaders in the State including our former colleagues Senators Langer, Burdick, and Young. He also found the time to pay many visits to hospitalized veterans, sustain American Legion baseball, and at the same time provide many hours of donated legal services to those most in need.

Our culture is often overly critical of the legal and teaching professions, but this husband and wife team are fine examples of the competence, civility, and compassion that two truly professional people can bring to our lives. They have made a difference and we wish them well in retirement.

H.R. 5248, THE COMPREHENSIVE ONE CALL NOTIFICATION ACT

Mr. EXON. Mr. President, I am very pleased to support H.R. 5248. This legislation wraps three important bills into one package.

This legislation includes the compromise one call substitute which I was pleased to offer in the Senate Commerce Committee to the Bradley-Lautenburg Comprehensive One Call Act, the Danforth-Exon high risk drivers program which was added to the rail safety and the Senate one call bills and the Dorgan vision waiver program for safe drivers with vision impairments. The House added one technical amendment to this legislation relating to a Pennsylvania rail project.

This legislation is a prime example of what can happen when Democrats and Republicans, House and Senate Members put partisanship and institutional rivalry aside and work together to save lives. This bill combined with the Swift Rail Act round out one of the most aggressive and important safety agendas in history.

Mr. President, this package of bills will make America's highways, byways, cities, and towns safer from threats seen and unseen. I strongly encourage my colleagues to enact this important bill.

I want to also acknowledge my colleagues in the House of Representatives for the humble efforts to overcome yesterday's Senate floor gridlock. These cooperative efforts will pay safety dividends for all Americans.

THE SWIFT RAIL INVESTMENT ACT

Mr. EXON. Mr. President, I am pleased to support H.R. 4867. This legislation represents a careful compromise of several rail safety and investment issues which my colleagues and I have introduced.

This landmark legislation combines compromise versions of two historic Senate rail bills, the high speed rail bill known as S. 839 in the Senate and the Rail Safety Act known as S. 2132 in the Senate.

The high speed rail keeps the vision of fast, safe, efficient trains moving people and goods across the landscape of America. Just as billows of steam and ribbons of steel defined the railroad's glorious past, sleek, fast energy efficient trains will define railroad's bright future.

I was pleased to offer the Senate version of this bill. It represents a realistic and fiscally prudent path to high speed rail development.

Mr. President, I am especially proud that this legislation includes the rail safety bill I introduced on behalf of the administration, the lion's share of railroad crossing initiatives Senator DANFORTH and I incorporated into the Senate rail safety bill and several very important safety initiatives including a requirement that the Department of Transportation develop safety standards for rail passenger cars.

These provisions make the Swift Rail Act and its Senate-passed companion, S. 2132, one of the most important pieces of safety legislation in the rail sector and the first comprehensive effort to reduce the number of deaths, accidents, and injuries at grade crossings and the prevention of trespass and vandalism on railroad property.

Finally, I am most happy to enthusiastically endorse the name of this legislation. It is a tribute to my good friend and colleague, Congressman AL SWIFT. Chairman SWIFT has been a great partner on all matters affecting railroads. His retirement from Congress will be felt by all Americans. AL SWIFT has been a strong advocate for rail safety, Amtrak, and local rail freight assistance. This small tribute will remind us all of what a great job he has done during his congressional tenure. I wish my friend well.

I urge my colleagues to pass this important piece of rail investment and rail safety legislation.

TRIBUTE TO JOHN LUTHER STEVENS, JR.

Mr. DOLE. Mr. President, the country, the State of Delaware, and the political process have lost a valued citizen and contributor. On April 30, 1994, John Luther Stevens, Jr., of Dover, DE, died of cancer at the age of 47.

John Stevens was a native of the State of Delaware and a resident of Dover, DE, at the time of his death. From 1980 to 1993, he lived in the Washington, DC, area.

Mr. Stevens was active in Republican politics. In 1988, he was senior consultant to the Dole for President campaign. In the mid-1970's he was executive director and finance director of the Delaware Republican State Committee. In 1976, he was credited with winning the State of New Jersey for President Ford. From there, he went to the Republican National Committee where he served as a regional political director. His responsibilities included coordination of New York and New Jersey campaign strategies for the 1980 Presidential campaign of Ronald Reagan. Mr. Stevens was also instrumental in the development of organizational strategy for the 1984 reelection campaign of President Reagan. During the 1980's, Mr. Stevens also served as executive director of the Republican Governor's Association, as a consultant to Secretary of Commerce Malcolm Baldrige, and as Director of Intergovernmental Affairs for Secretary of Labor, Bill Brock. He directed the participation of ethnic coalition groups at the 1992 Republican National Convention.

Until shortly before his death, Mr. Stevens was director of State relations for the International Council of Shopping Centers and also president and chief executive officer of Corporate Investors Development Co., a governmental affairs consulting company.

In addition to his professional endeavors, Mr. Stevens was an avid collector of antiques, a student of area history and geography, and the proud owner and restorer of a lovely Victorian home in Dover. He also was the founder and director of the Great Eastern Invitational Chili Cook-off which he hosted each year at the Delaware State Fair. He was a well-known and respected judge at championship chili cook-offs throughout the country.

Perhaps above all, John Stevens was a devoted husband, father, son, and friend. His wife Anne Fleig Stevens, his sons John Luther "Sean" Stevens III, Shannon Austin Stevens, and William Sumner Brock Stevens, his mother, Nellie Austin Stevens, and his many friends and admirers will miss him greatly.

TRIBUTE TO GEORGE MITCHELL

Mr. DASCHLE. Mr. President, this may be the final day of the regular schedule of the second session of the 103d Congress. Except for the short lame duck session to be held at the end of next month, it is also one of the last days of the remarkable leadership provided to the U.S. Senate by a very special man, GEORGE MITCHELL.

This institution has never been served more ably than during the past 6 years. Our majority leader has demonstrated skill which has been rarely seen in our Nation's recent history. His intellect, his patience, his diplomatic skills, and his great affection for the Senate have served the Members of the Senate in an exceptional manner.

He has also been a special friend to this Senator. My admiration for the majority leader began to grow long before he attained this position. I came to know him in 1986, during his tenure as chairman of the Democratic Senate Campaign Committee, as I was a candidate for the Senate that year. GEORGE MITCHELL was an extraordinary chairman. Under his leadership, 11 new Democratic Senators took their seats in January 1987. It is widely recognized that he was directly responsible for our success. His dedicated efforts brought about a return of the Democratic majority in the U.S. Senate.

GEORGE MITCHELL has always been willing to accept additional assignments. Who can forget the memorable role which he played on the Iran-Contra investigative committee? His probing questions, his remarkable response to Oliver North, and the professionalism which he demonstrated, served the Senate exceedingly well and made us all very proud.

The Senator from Maine has made his greatest contribution, however, as our leader. After 6 years, this country owes him a significant debt of gratitude. His leadership brought passage of landmark legislation affecting health, the environment, the economy, trade, and education. Indeed, his has been an extraordinarily productive tenure as leader.

No one has given this Senator more of an opportunity to contribute than has our leader. I have expressed my gratitude to him privately. But I also wish to do it publicly.

Thank you, GEORGE MITCHELL. Your willingness to appoint me as co-chair of the Democratic Policy Committee has created opportunities and challenges which are rare for any Senator. The past years of service with you have been as meaningful and satisfying as any in my lifetime.

The Senate will miss him. I will miss his good nature, his sense of humor, and the daily demonstration of his remarkable dedication to his work and his country. They say that life has no blessing like that of a good friend. That is certainly true. In the past decade, my colleagues and I have been richly blessed with the friendship and the leadership of GEORGE MITCHELL.

We wish him well in all that he does in the months and years ahead. May he enjoy good health and much success. He leaves this place with the love and gratitude of the Senate and of his country.

TRIBUTE TO DR. ROBERT KRASNER

Mr. DASCHLE. Mr. President, as we end this session, we do so with the realization that we are losing a very special person who fills an extraordinary role. Dr. Robert Krasner, our popular and extraordinarily competent Capitol physician, will soon depart. I know that I speak for all of my colleagues in acknowledging how much he will be missed.

In the years in which he has served in the Capitol physician's office, Dr. Krasner has become the personal physician to virtually each of us. I use the word "personal" in more than the medical sense. He has been a mentor, a friend, a valuable resource, in addition to being the best physician for which anyone could ask.

In what must be a position which brings great pressures and expectations, Dr. Krasner has performed with extraordinary professionalism. His service to the Congress and to the country has brought honor to himself and to his profession. We simply could not have been better served. We are fortunate to have been blessed by his friendship and his service.

As he departs, we wish him, his wife, Leslie, his children Justin and Jessica the very best. May they continue to enjoy good health, much happiness, and great success. They deserve all of this and more. They will be in our thoughts as they begin their new challenges.

INTERSTATE DAIRY COMPACT

Mr. KOHL. Mr. President, last night, Senators LEAHY, JEFFORDS, and MITCHELL spoke on the Senate floor regarding the Northeast Interstate Dairy Compact and their regret that action was not taken on the compact in the 103d Congress.

I would also like to say a few words about the compact.

It is difficult for me to oppose my friends from the Northeast in their efforts to help the dairy farmers of their region. But it is on behalf of the dairy farmers of my State, and farmers in other States outside the Northeast region, that I felt that I must oppose this measure. Not only because I believe the compact would have a negative effect on the dairy farmers of regions outside the Northeast but also because I believe it to be an inappropriate method of addressing the problems of the dairy industry, which are national in nature.

The Northeast Interstate Dairy Compact is an effort by six Northeastern States to require artificially increased milk prices for the farmers in those States exclusively, and to effectively prevent other regions from competing in that market.

The sponsors of this measure claim that the Northeast is an island unto itself and that this compact will not affect any other region. I believe this claim ignores the complexities of dairy markets, which are national in nature.

To predict the exact effects of this compact on other regions is nearly impossible. But to assume that there will be none is to turn a blind eye to the history of agricultural policy.

My region of the country, the upper Midwest, has learned this lesson all too well. We have seen our dairy industry become the victim of unforeseen market distortions caused by an inequitable and outmoded milk marketing order system.

Restoring regional equity to dairy policy is the most pressing Federal policy need facing the farmers of my State. But the compact proposed by the Northeastern States takes us in entirely the opposite direction, toward balkanization of our dairy industry, and away from national unity.

It has long been my belief that in the absence of true reform of the milk marketing order system, the type of regional pricing policy proposed in the Northeast Dairy Compact is detrimental to the Dairy farmers of my region and the Nation as a whole.

It is my hope that next year we will be able to achieve comprehensive reform to our dairy pricing policies, to address the problems facing dairy farmers of all regions. And I look forward to working with my friends from the Northeast to that end.

SIGNING INTO LAW OF THE FEDERAL ACQUISITION STREAMLINING ACT

Mr. ROTH. Mr. President, the Federal Acquisition Streamlining Act is scheduled to be signed into law on Thursday, October 13. If the administration follows through on implementation, the impact on the Government acquisition system will be revolutionary. The cost savings alone to the taxpayers will be in the tens of billions of dollars.

Mr. President, as I have stated many times in the past, today's Federal buying system is not in good shape. Multibillion-dollar cost overruns on acquisition programs that are years behind schedule now are standard practice. Technology that needs to be brought to the battlefield in a timely manner is, instead, mired in a burdensome, convoluted process that delivers technology when it is outdated. For example, it takes 16 years for a Defense Department program manager to follow the more than 840 steps needed to get a weapon system concept into production. Meanwhile, that same technology is delivered by industry four times faster and many times cheaper. While industry is shedding its fat, Government buying organizations remain huge bureaucracies with about 20 layers of management that studies show has little if any value. According to the General Accounting Office, this all results in a buying system that costs the taxpayer billions in waste, fraud, and abuse.

The GAO reported that program cost increases on the order of 20 to 40 percent are common. Even common sense actions to save a few hundred bucks or get a better deal for the taxpayer are beyond the buying bureaucracy. Nothing exemplifies this inefficiency better than what recently happened to a Delaware box manufacturer named Allied Container Corp., Delaware. On July 11, Allied Container delivered 6,000 boxes to a prime manufacturer to fulfill an urgent Government need for spare parts. That same day, those 6,000 boxes worth $1,800 were returned to Allied Container simply because a Government inspector determined that the boxes did not meet the specification. The Government said they would take the boxes if the prime contractor could wait 6 weeks and spend $500 to get a waiver approved. Ironically, Allied Container gave the Government a slightly better quality box at the lower grade price because it has that material on hand and the requirement was urgent. By using what they had in stock, they saved the cost of buying and storing material, and they were willing to pass that to the Government. But, in the end, it simply didn't matter and the box manufacturer was forced to produce another 6,000 of inferior quality boxes to satisfy the Government buyers. This all occurred after Secretary Perry directed the Buying System to stop doing such stupid things.

Mr. President, the bill that the Congress has sent to the President offers needed revamping of the Federal buying system. It will work only if the administration follows through on its implementation. The bill requires that the government's needs be met by using available commercial technology rather than creating that technology to meet a unique need. The situation that I spoke of earlier involving the box manufacturer should not be repeated. The Government should be able to do something that's obviously in its interest without increasing its cost 30 percent and the schedule 600 percent. When you consider that the buying system makes millions of transactions annually, the savings to the American taxpayer easily will go into the billions of dollars.

The bill also should resolve many of the chronic acquisition management problems plaguing the buying system today, if the administration follows thorough on its implementation. It makes both the acquisition work force and Government contractors accountable for their work. It establishes top-level measures of how well agencies are managing their acquisition programs and requires that they terminate poorly performing programs. It requires that the Defense Department reduce by 50 percent the time it takes to field new weapons. Procurement horror stories should no longer capriciously take their toll on the American taxpayer. The bill requires all Federal agencies to publicly identify bad programs and put to kill those that are no longer worthwhile.

With so much at stake, I call upon the President of the United States to sign into law the Federal Acquisition Streamlining Act as planned next Thursday. I have worked for more than a decade to fix the problems in the Federal buying system, and have worked long and hard with my colleagues over the past 2 years to produce this legislation. Even so, the job is only half done, and now it's up to the administration to finish it.

Mr. President, the buying organizations also must be streamlined as the acquisition process is streamlined. Past attempts to streamline have been fought by the bureaucracy. For example, when the Goldwater-Nichols bill enacted the Packard Commission proposal to streamline the buying bureaucracy to three layers and a handful of commands, the Defense Department added a second multi-layer bureaucracy to the old structure. As a result, the American taxpayer is now paying for two bureaucracies in each of the three military departments.

Mr. President, make no mistake about it. Bureaucracies are inherently unable to reform themselves. I intend to watch closely how the administration implements this law, particularly when it comes time to remove many of the 20 layers of the buying bureaucracy. If necessary, I will push for hearings and pursue additional reforms.

SENATOR RIEGLE'S FIRE IN THE BELLY

Mr. SIMON. Mr. President, the people of Michigan and of the Nation owe a debt of gratitude to a colleague who soon will retire from this body, the senior Senator from Michigan, Senator DON RIEGLE.

Few have been as faithful a champion as DON RIEGLE has been for working families, for the poor, and the powerless. This empathy for the real problems of real people has been one of the hallmarks of DON RIEGLE's service in the Senate and in the House of Representatives. An advocate for housing for the poor said this about DON RIEGLE: "The man has real fire in his belly. There aren't a lot of members who genuinely relate to working-class people."

I saw this quality in DON RIEGLE as he emerged as one of the real stalwarts in the fight for true health care reform. The measure he brought forward to extend health insurance to children and pregnant women will remain on the agenda until we achieve real reform.

More recently, he launched what began as a lonely crusade on behalf of Gulf war veterans who face health problems, and his work is now bringing these veterans closer to real relief.

Over the years, DON RIEGLE has tackled—or the Senate has asked him to handle—some of the most difficult assignments the Senate has to offer. The savings and loan mess fell directly on his shoulders soon after he assumed the chairmanship of the Banking Committee. DON RIEGLE did not duck the crisis but took charge of solving it in what unquestionably was the Senate's toughest and most unpleasant job at the time. On a bipartisan basis, he hammered out a solution, working closely with President Bush and the members of his committee.

This year the Senate turned to DON RIEGLE and the Banking Committee to handle another demanding task, the Whitewater hearings. Few Senate committee chairs could have pulled together such a thorough and bipartisan inquiry under such tight deadlines and extreme pressure. William Safire called the Riegle hearings "a credit to the Senate," and they were.

Years earlier DON RIEGLE did a masterful job, against great odds and in the face of sharp skepticism, in fighting to enact the loan guarantee program that saved Chrysler. As we all know, Chrysler not only survived, but has thrived. The company repaid its loans to the penny—and repaid them early—and tens of thousands of jobs were saved.

Many of the families that depend on these jobs know what DON RIEGLE did to help them; many more probably do not. Most Americans may not know that our economy is stronger today because DON RIEGLE'S legislation has helped make the U.S. banking industry the best capitalized in the world. The Senate will miss DON RIEGLE's skills and advocacy and the fire in his belly. But DON RIEGLE will be able to leave the Senate knowing that his work has improved the lives of millions of his fellow Americans.

REGRADING THE AFRICAN-AMERICAN MUSEUM

Mr. MCCAIN. Mr. President, I am extremely disappointed that the Senate was unable to overcome the objections of one Member and pass what we all know is a simple, non-controversial bill to authorize the Smithsonian to establish a National African-American Museum.

We were presented with an opportunity to pass a bill which would recognize the achievements of African-Americans, many of whom have faced enormous obstacles such as enslavement and segregation, and made vast contributions to our Nation's culture, literature, politics, art, history and many other areas of our society.

The facts on this matter are clear the bill is not controversial. Similar legislation has been reported by the rules committee twice, passed the Senate by unanimous consent once and the House once. Throughout this process there has been little or no opposition to the bill. It has 30 cosponsors and enjoys bipartisan support.

In most instances a bill of this nature would pass the Senate without any notice like it did in the 102d Congress when it passed by unanimous consent. Unfortunately, this year is much different. This year the bill is being held because of expressed concerns regarding the cost of the museum.

I do not find these concerns to be well founded. It is the intention of the sponsors of the legislation, its supporters outside of Congress and the Smithsonian to seek private donations to fund as much of the museum's activities as possible. In fact, the legislation restricts the use of the appropriated funds to operation and maintenance only. Additionally, the authorizing committee will also be able to monitor the activities of the museum and take further action if costs truly become a concern. The fact is the bill to authorize the museum is fiscally responsible.

Efforts to restrict all Federal funds for this museum are inappropriate. No museum operated by the Smithsonian is entirely funded by private dollars. Requiring this museum to be operated in this manner would be a double standard and, I am sure that is not the message that this body wants to send.

Mr. President, this is not a complex or controversial matter. All we are attempting to do authorize a museum that will recognize and celebrate the contributions of vital and important part of the melting pot that is America. I say to my colleagues if we can not do something as simple as this how will we resolve the more difficult issues that face this Nation.

I know that the Senator from Illinois will reintroduce this bill again next year and I intend to cosponsor it again. I only hope that next year we will finally be successful.

Mr. GRAHAM. Mr. President, on Wednesday September 28, 1994, one of the most skillful and effective lawmakers to serve in this century passed away. Robert Lee Fulton Sikes, the distinguished Congressman who served the people of the Florida Panhandle in the House of Representatives for 38 years, lost his battle with Alzheimer's disease at the age of 88.

Bob was victorious in most of the battles he waged. His record as a Congressman from 1940 to 1978 was tremendously successful for the Nation and Florida, a fact that won him admiration and praise from colleagues and constituents. He was especially distinguished by his service as chairman of the Military Construction Appropriations Subcommittee. In this capacity, he was a stalwart for a strong national defense during 4 decades of unprecedented challenge to our national security.

I had the privilege of knowing Bob Sikes for most of my life. My mother, who grew up in De Funiak Springs, knew the Sikes family throughout her youth. She introduced me to Congressman Sikes when I was a child. In 1959, when Bob was a distinguished Member of the House of Representatives and I was a college intern in Washington, he was very gracious to me. He took me under his protective wing, and I learned a great deal from him.

Our friendship matured while I served in Florida State government. I regularly drew upon his wisdom, influence and advice to advance issues that were important to our State.

Bob Sikes represented his constituents with intensity, and maintained a high standard of service to those he represented. Bob Sikes will be missed as a public official, as a leader of our State, and as a friend.

HOSTAGES AND SECRETS: A MODERN FARCE

Mr. MOYNIHAN. Mr. President, each year the Information Security Oversight Office keeps a tally of the number of secrets the United States Government classifies. Last year they reported the creation of 6,408,688 secrets. Absurd. This strikes at the heart of our republic. As James Madison once wrote:

> A popular Government without popular information or the means of acquiring it, is but a Prologue to a Farce of a Tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives.

Let me relate a recent "Farce" of the kind which Madison foresaw.

Terry Anderson, the Associated Press correspondent who was held hostage for 7 years in Lebanon, is now writing a book about his ordeal. For almost 1,000 days during the course of his captivity I kept the Senate apprised of his situation by making daily statements in the RECORD. This also served to signal those responsible for Terry Anderson's captivity that we would not forget his plight.

In order to complete the work on his book, Mr. Anderson has made Freedom of Information Act [FOIA] requests to numerous Government agencies for documents they may have relating to his captivity. The response has been, to put it mildly, less than satisfactory. In some instances he has received copies of published articles he himself wrote prior to his kidnapping. Other documents he received were even less informative. Many had large sections which had been redacted. One response he got from the Air Force contained 36 blank pages.

Most of the documents withheld or censored, I believe, were done so on national security grounds. However, Mr. Anderson has been informed that some of the documents cannot be released because that would violate the privacy of the terrorists who held him captive all those years. This boggles the mind.

After battling for the release of these documents for several years, Terry Anderson has now chosen to take this matter to the courts. I cannot comment on the legal niceties of Mr. Anderson's FOIA case, which is pending in U.S. District Court here in Washington. I merely wish to convey my initial response to the news: there must be some mistake. Mr. Anderson has been told that he must obtain a notarized waiver from his captors so as not to invade their privacy, or he must go without vital pieces of the story of his captivity. The Freedom of Information Act presumes that Government documents are accessible to the people and that the burden is on the Government to justify the need for secrecy. Furthermore, the Privacy Act, which is separate but related to FOIA, does not apply to foreigners. Thus it is difficult to comprehend withholding documents from Terry Anderson on these grounds.

Certainly there are legitimate national security needs which would prevent release of certain documents. Unfortunately, considering the vast number of documents classified each year, and the experiences of citizens such as Terry Anderson, the public perception is that Government is, in general, over secretive.

I have introduced a bill to create a commission to look into this precise question. I am pleased to note that this was signed into law by the President last April. The Commission on Protecting and Reducing Government Secrecy will for a period of 2 years examine how documents are classified and make recommendations for improvements. It is my hope that the Secrecy Commission will help to alleviate some of the problems faced by the current system and restore the confidence of the American people.

I ask unanimous consent that an article from the Washington Post by Kathleen Day concerning the Terry Anderson FOIA request be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 3, 1994]

EX-HOSTAGE'S FOI QUEST TAKES A LUDICROUS TURN

(By Kathleen Day)

It could be a skit from "Saturday Night Live."

A U.S. citizen is taken hostage in the Middle East and held for nearly seven years. After his release, while researching a book on the experience, he asks his government for its files on his captors.

The government says sure, but there's a catch. He must first get written permission from the terrorists who held him so that their privacy is not invaded.

That's exactly what the Drug Enforcement Administration has told former hostage Terry Anderson he must do before it will release files under the Freedom in Information Act about 10 men who kept him prisoner or were involved in doing so. Seeking the documents, Anderson last month filed suit in the District against the DEA and 12 other agencies.

"Before DEA can begin processing your request," the agency, a unit of the Department of Justice, told Anderson in a 1992 letter, "it will be necessary for you to provide either proof of death or an original notarized authorization (privacy waiver) from that person."

Without that authorization, wrote John H. Phillips, chief of the DEA's Freedom of Information Section, "to confirm the existence of law enforcement records or information about another person is considered an unwarranted invasion of personal privacy."

Anderson argues instead that privacy rights under the Freedom of Information Act do not extend to foreigners living abroad.

"It would be funny if this weren't so serious a matter," said Anderson's attorney, Stuart H. Newberger of Crowell & Moring. "Terry Anderson wants to know what the government has on the people who kidnapped and tortured him for years.

DEA spokeswoman Sylvia Morin said last week she would call back if she could comment. She did not call back.

John Bates, chief of the civil division of the U.S. Attorney's office in the District, which is coordinating the case for the agencies being sued, said that he could not "comment specifically about DEA's response at this time."

But he said the responses of all the agencies will be reviewed in light of the Clinton administration's policy of releasing documents whenever the law permits.

Anderson has requested documents from 13 agencies, including the CIA, the State Department and the Department of Defense. Some have released some documents, though they are "so heavily censored as to be nearly useless," Anderson said in a written statement last week.

Others are mostly publicly available congressional correspondence and news articles, including stories Anderson wrote as a reporter for the Associated Press before his capture.

But each agency has refused to release hundreds of pages of relevant documents that Anderson believes would not damage national security by being released.

With the exception of the State Department and DEA, all invoke national security as the reason to deny Anderson's request for information, Newberger says.

That argument may or may not prove valid—Anderson thinks it won't. But even Newberger concedes it's not laughable.

In addition to national security, the State Department invoked violation of privacy; it also asked Anderson to obtain written permission before it will release documents. Only the DEA's denial of Anderson's request rests solely on the violation of privacy argument.

"When I got out, I was flying higher than a kite. I could have taken on the world and not even paused," Anderson told reporters three years ago, shortly after his release from captivity.

That, of course, was before he ran up against federal bureaucrats.

H.R. 967

Mr. LEAHY. Mr. President, this week the House passed legislation, H.R. 967, that would exempt pesticides used on fruits and vegetables from statutory requirements to supply current health and safety data to the Environmental

Protection Agency. The requirements to supply this data were first imposed in 1972 by the reregistration provisions of the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA]. But the agency was not supplied with funding or firm deadlines to complete reregistration until FIFRA was amended in 1988. After 20 years, a health and safety review of pesticides is finally underway.

Environmental and consumer groups strongly oppose any exemptions for minor use pesticides. These groups are concerned about waiving health and safety data for such chemicals because fruits and vegetables are such an important part of children's diets. They are also opposed to putting off the day, after waiting over 20 years, for determining whether these chemicals are truly safe. These same concerns were voiced in the 1993 National Academy of Sciences report "Pesticides in the Diets of Infants and Children."

Minor crop growers are concerned, however, that some chemical companies are not reregistering pesticides for use on fruits and vegetables due solely to the cost associated with reregistration.

The committee staff worked for weeks on a compromise that would be acceptable to fruit and vegetable growers, environmentalists and consumers. Unfortunately, a final agreement could not be reached.

The compromise would have conditioned the data waivers and time extensions under the bill to recordkeeping and risk reduction efforts. The benefits of the bill would have been available in states that have pesticide recordkeeping. Nineteen States (including Vermont, California, and Florida) already require records. These States account for three-quarters of the fruit and vegetable production in the United States.

The compromise would have also permitted the benefits of the bill to be available in States that don't have recordkeeping if grower associations or even individuals would agree to keep records. Some food processing companies, for example, already require individual growers to keep records.

Thus, the bill would not impose any new recordkeeping requirements on farmers. It would simply limit the benefits of the bill to those growers who keep records.

The compromise would also ask minor crop growers to adopt risk reduction plans by (1) developing a safer alternative pest management tools; or (2) adopting a use reduction program.

I regret that we were unable to reach a compromise that would satisfy all interested parties. I intend to continue working for a solution that all sides can support next year. I thank Senator INOUYE for his efforts and cooperation on this matter.

H.R. 3678

Mr. JOHNSTON. This week the Senate passed H.R. 3678, legislation that will make it easier to use sand, gravel and shell from the Outer Continental Shelf for environmentally beneficial public projects such as coastal restoration. This is an important victory for coastal States.

Many States, including Louisiana, do not have adequate sand deposits within State waters to accomplish these important projects. These sand resources, however, are often found on the Outer Continental Shelf. Under current law, the Department of Interior can not provide sand and gravel resources to public agencies to pursue these beneficial projects without following cumbersome leasing practices which are more appropriate for private commercial ventures.

H.R. 3678 authorizes the Secretary to negotiate agreements for the use of Federal sand, gravel, and shell for use in shore protection, beach restoration, or coastal wetlands restoration projects undertaken by a Federal, State, or local government agency, or any other construction project funded in whole or in part by, or authorized by, the Federal Government. This would include the authority to negotiate for the use of sand resources from authorized Federal projects when such sand is used by non-Federal entities.

In addition, H.R. 3678 gives the Secretary the authority to charge a fee for these resources, after balancing the value of the resources and the public interest service by promoting development of the resources. In other words, if a State or local government needs sand resources to restore a beach or to protect valuable wetlands resources, but the cost of the sand would make such project uneconomic, the Secretary shall take that into account when determining the fee for the resource, or whether a fee should be assessed at all.

In addition, the bill provides that the Secretary shall not charge a fee, directly or indirectly, for sand, gravel or shell resources used for projects directly or indirectly authorized by the Federal Government.

TRIBUTE TO FRANKLIN JONES

Mr. BINGAMAN. Mr. President, as we come to the conclusion of the 103d Congress, taking stock of what we have done and listing those things we would like to do in the next Congress if the voters permit, I think of a friend in New Mexico who has served both the U.S. Senate and the State of New Mexico with great distinction.

Franklin Jones is one of New Mexico's best and most talented sons. His career, one which blends private practice with public service, is not unique in our State. Many people have done it, but none with the skill of Franklin Jones. He is an organizational wizard who has brought to bear on tax structure not only his vision, but his sense of fairness and a master mechanic's knowledge of how things work.

Knowing what a difference Franklin could make to the Senate's way of doing things, Senator DOMENICI asked him to come to Washington some 20 years ago for a few years of duty on the Budget Committee staff. That the Senate has not caught up to Franklin Jones is not for his lack of trying.

His work in New Mexico is legendary and our State owes him a great debt, for not only is he the guiding hand behind many of our public policies, he is the good friend and helping hand to lots of people, including Anne and me. He is a formidable and challenging intellectual presence in the lives of all of us who seek his advice. To have known his friendship as well as his counsel is something I will cherish all of my life.

He has known for a little more than a year that he has a swifter clock than the rest of us. These have been months full of important work, clear thought and undiminished quality. In the effort to treat his fatal illness as just one more project to deliver with grace, he is aided by his remarkable wife, Bernice, and the confidence that this, too, could be managed. And manage they do, just as we expected they would. With gallantry and grace, they have met every change, every setback.

Lessons in living come to us every day. Lessons in dying are not as abundant. Franklin has given us both. Our thoughts and prayers are with him and his family.

S. 2345, A BILL TO AUTHORIZE LOCAL AND STATE GOVERNMENTS TO MANAGE AND CONTROL SOLID WASTE

Mr. LEVIN. Mr. President, the House has taken up and passed S. 2345, a bill to allow local and State governments to limit and control the flow of solid waste. The House inserted a substitute amendment which was developed during intense negotiations between the House and the Senate, and between exporting and importing States. The Senate should take up a pass S. 2345 as amended by the House, without amendment.

The bill is a bipartisan, multi-State compromise. It provides local governments the opportunity to limit the importation of out-of-State waste, and the authority to limit the exportation of municipal solid waste from their jurisdiction. However, the latter authority is granted only if the State or qualified political subdivision finds that flow control is necessary to meet the current or anticipated waste management needs of the area and that the exercise of this authority is necessary to provide integrated solid waste management services in an economically efficient and environmentally sound manner. Further, local governments wishing to use flow control authority must also establish a program to separate recyclable materials from the municipal waste stream.

S. 2345, as amended, includes an important provision for Michigan, the needs determination section. Under this section, Michigan's model permitting and planning process can continue without fear of constitutional challenge. Michigan has long required its counties to engage in long-term comprehensive solid waste management planning and permitting. This planning process must take into account local and regional needs for the next 20 years. That is the kind of planning that encourages waste reduction and pollution prevention. But, a variety of Supreme Court decisions, including Fort Gratiot Landfill vs. the Michigan Department of Natural Resources, have thrown this kind of planning into disarray. This section and this whole bill will stop the playing field from constantly tilting and provide county managers and States with much-needed stability.

Mr. President, I urge my colleagues to move this legislation before adjourning. It makes sense. It encourages wise, long-term planning that is sensitive to economics and the environment.

THE NORTHEAST INTERSTATE DAIRY COMPACT

Mr. MITCHELL. Mr. President, I rise today in support of the Northeast Interstate Dairy Compact. Unfortunately, the Senate was unable to proceed to the bill during this session of Congress. However, it is my hope that the 104th Congress will take up the compact early in the next session and provide New England dairy farmers with the relief they need.

The Northeast Interstate Dairy Compact was presented to the Congress following the unanimous approval by the participatory states and strong bi-partisan support from the New England congressional delegation.

The compact addresses one of the biggest problems facing small dairy farmers—volatility in the national marketplace. The compact is designed to reassert a measure of stability and fairness by creating a regional commission to set prices for fluid milk sold in New England. The commission will be comprised of a delegation from each State that will include representatives from dairy and consumer groups to ensure fairness and balance in carrying out their responsibilities.

Mr. President, the need for this compact is clear. The Judiciary Committee has reported that the price New England dairy farmers receive nationally is lower now than it was 10 years ago. However, the declining price paid to farmers has not benefited consumers. In fact, consumer prices for drinking milk have increased more than 30 percent in the last decade. Fluctuations in the price farmers receive for their milk have worked to the benefit of milk processors and retailers, not farmers of consumers.

The declining fortunes of the small dairy farmers can be seen most clearly in Maine. Ten years ago, Maine was home to more than 1,800 small dairy farms. Today, there are approximately 600 dairy farms averaging 50–55 dairy cows per herd. Maine's dairy farmers have fought a losing war of attrition against instability and volatility in the national dairy market. This instability is threatening to end a centuries old tradition of Maine's economy and social fabric.

This tradition has faced another threat as a result of a recent decision by the U.S. Court of Appeals for the First Circuit. The Appeals Court stuck down a Maine law that had provided financial compensation for local diary farmers. The absence of financial compensation from the Maine Dairy Stability Fund has placed an even greater burden our dairy farmers.

Contrary to recent assertion, the benefits of this compact do not come at the expense of other regions of the country. The compact will not effect consumers in other States because it applies only to fluid milk sold in New England. In addition, the compact will not effect farmers in other regions because it can only regulate prices where milk is sold, rather than where it is produced. This allows any farmer to market their milk in the compact region, regardless of where a farmer is located.

Mr. President, this is an important piece of legislation for Maine and New England. The Northeast Interstate Dairy Compact will create a system where consumers and producers can collectively regulate the price processors pay for milk in New England and establish a stable milk industry which can benefit all interested parties. Let me reiterate, this compact affects only fluid of Class I milk purchased in New England—a market that accounts for only 3 percent of the Nation's milk production.

I regret that I will not be here next year to help enact this important legislation. Fortunately, the distinguished Senator from Vermont and chairman of the Agriculture Committee, Senator LEAHY, will be here to continue his leadership on this issue. Senator LEAHY has been a tireless champion of this cause putting in countless hours of hard work to get this bill before the body. His leadership on this issue will continue to benefit every dairy farmer and consumer in New England.

It is my hope that the Congress will grant its consent to this compact next year. Through the efforts of Senator LEAHY and all of my colleagues from New England, I am confident that the Senate will recognize the value of this compact and give New England dairy farmers the kind of future they so richly deserve.

GRIDLOCK AGAIN

Mr. LAUTENBERG. Mr. President, for the third time this week I must rise because a few of my Republican colleagues have chosen to deny the country legislation that would have produced enormous benefits for our economy and for our environment.

Over the past several days, I have tried to get consent to have S. 773, the Voluntary Environmental Cleanup and Economic Redevelopment Act, passed by the Senate. But once again—for the third time this year—certain Republicans have refused to allow this bill to move forward.

Each time, despite over a dozen cosponsors from both sides of the aisle, and broad support from business, environmentalists, State and local governments, and the Clinton administration for my bill, certain Republicans have blocked my efforts. I want the record to reflect these actions, so that everyone understands just what their strategy of gridlock means for our citizens.

Like many other in Congress and in the administration, I am deeply concerned that too many Americans are without a job today.

Thousands of people in New Jersey still are unemployed. While recent indicators show some promise of a reviving economy, we still need to expand the opportunities for employment. All of us in Congress should be doing everything we can to foster economic growth and create new jobs. My bill would have done just that.

S. 773 could have helped local communities move ahead with economic development projects while, at the same time, more quickly clean up environmentally contaminated sites. It was an effort to empower local communities and those wishing to invest in job-creating projects without sacrificing public health or environmental protection.

S. 773 would provide seed money for States to develop voluntary cleanup programs or expand existing programs. It targets the tens of thousands of sites that have only minor contamination problems—the ones that are relatively easy to clean up but whose remediation is stalled because leaders or developers are afraid of possible environmental liability.

Under a voluntary cleanup program, site owners can volunteer to pay for the costs of remediation and State oversight. In return, they get a letter from the State assuring that the property has been cleaned up to the government's satisfaction. This letter can assure other parties—such as prospective buyers or leaders—that they need not fear future liability. Simple as it is, such as assurance is absolutely key to facilitating property transactions, and can free up sites for economic development.

The second major feature of the bill is an innovative way to encourage lending institutions to make low interest loans to qualified parties who want to assess and clean up contamination where traditional lending mechanisms are not available. Approaches comparable to the innovative lending mechanism used here have in some States taken each dollar of Government outlays and leveraged $23 of private loans—a much greater "bang for the buck" than traditional Government lending approaches.

The economic development potential of this bill is enormous, producing returns on investment of 100 to 1 or more.

In my own State of New Jersey, the State's initial investment of $3 million in a voluntary cleanup program less than 2 years ago has already created 3,000 jobs and generated several hundred million dollars of economic redevelopment activity. Oregon and Illinois have had similar results, and States such as Michigan and Massachusetts are also developing their own voluntary cleanup programs.

My bill would have expanded this program in New Jersey and extended its benefits to other States—potentially creating billions of dollars of economic development potential.

The relatively small amount of seed money provided in this bill could have leveraged substantial economic benefits. It is designed to keep the bureaucracy involved to an absolute minimum, consistent with ongoing efforts to reduce the size of Government without sacrificing important public benefits.

States would simply approve work plans for cleanup at the beginning, then review the cleanup at the end.

This bill would have started the ball rolling, and then let the private market run with it.

I introduced S. 773 on April 3, 1993. The bipartisan leadership of the Environment and Public Works Committee were with us from the start, and indeed Senators BAUCUS, CHAFEE, DURENBERGER, WARNER, and others were extremely supportive in shaping and moving this bill.

In a hearing on this bill, S. 773 was called a "win-win" situation and endorsed by a broad spectrum of business groups, environmentalists, State and local governments, representatives of the banking community and investors. Groups as diverse as the National Realty Committee, American Bankers Association, Mortgage Bankers Association, National Wildlife Federation, National Association of Counties, National Association of Towns and Townships, and Association of State and Territorial Solid Waste Management Officials support this legislation.

The administration testified favorably about this bill.

The Senate Environment and Public Works Committee unanimously approved it on July 30, 1993. Senator RIEGLE, chairman of the Banking, Housing and Urban Affairs Committee, made valuable suggestions to further improve the bill and extend its benefits more broadly, and with other Senators off the Environment Committee joined in cosponsorship of the legislation.

But that's as far as we were allowed to get with it.

Starting as far back as November 1993, each time I tried to bring this bill to the floor, while every one of the Democratic Senators cleared the bill for passage, a mysterious series of holds appeared on the other side of the aisle.

The same thing happened again in March.

When I incorporated S. 773 into the Superfund Reform Act, the Republican leadership decided to kill that legislation as well—even though a massive coalition representing literally millions of big and small businesses, environmental groups, State and local governments, the banking, real estate, insurance industry, and even the Salvation Army and American Bible Society were all pushing for the reforms in that bill.

An now again this week, when I tried to move S. 773 as a free-standing bill, despite the continuing support of every Democrat in the Senate, we have once again encountered mysterious holds on the Republican side.

Mr. President, in over a decade of service in this body I have seen few bills that have had such broad support from the beginning and that made such good sense for both the economy and the environment.

That is why I am frankly puzzled why a bill which has had such wide support from the business community, economic development officials, and environmentalists has not been allowed to come to the floor.

Since the bill repeatedly was cleared by the Democratic side for approval, I have to ask: do the Republicans who have objected to this bill think it is bad policy to create jobs, promote economic redevelopment, and cleanup the environment throughout our country?

I believe—and I hope the American people will agree—that there is no excuse for holding just beyond the reach of our unemployed citizens the thousands of jobs and billions of dollars of potential economic development that can flow from this bill.

I hope that next year when I intend to reintroduce this bill there will be more of a willingness to do what is right for the country.

TRIBUTE TO RALPH G. HILL

Mr. JOHNSTON. Mr. President, I would like to take a moment to recognize the work at the Department of the Interior of the late Ralph G. Hill, Jr. Mr. Hill, a native of Asheville, NC, was an attorney in the Office of the Legislative Counsel for the Department of the Interior for over 11 years. During the last 7 years of his tenure at Interior, he served as the Department's Assistant Legislative Counsel. As such, he often worked with my staff, providing comments on legislation and necessary background information. Mr. Hill also served as a staff member in both the Senate and House of Representatives. He died of cancer on April 23, 1994, at the age of 43.

Within Interior, Mr. Hill developed an expertise in laws relating to the Bureau of Land Management and the Office of Surface Mining. His diligent work on legislation to reform the mining law enabled the Department to provide detailed comments to assist the committee in our efforts on this legislation this Congress. Mr. Hill was known among his peers as a man who strived for quality in all he did, who approached public service with dedication and integrity, and who managed to maintain a sense of humor throughout it all. He is greatly missed by his colleagues within the Department of the Interior and by those who had the privilege of working with him here in the Congress.

CONFIRMATION OF CHARLES R. WILSON AS U.S. ATTORNEY

Mr. GRAHAM. Mr. President, I would like to extend my congratulations to Charles Wilson of Tampa, FL, who was confirmed by the Senate yesterday to serve as U.S. Attorney for the Middle District of Florida.

Mr. Wilson, a Pensacola native, has an extensive background in the judicial community in Florida. Before becoming a Federal magistrate in 1990, he served as assistant county attorney for Hillsborough County in Tampa, and in 1986, as Governor of Florida, I appointed him to serve on the County Court of the 13th Judicial Circuit of Florida. He was also in private practice for 5 years. Prior to his nomination, he worked as counsel to the Administrator of the Office of Juvenile Justice and Delinquency Prevention in Washington.

Mr. Wilson brings professional and judicial experience to his new position as well as a strong knowledge of his community. I have long admired his intellect, his maturity, and his dedication to public service, and look forward to working with him in his new role.

NOMINATION OF DR. ROBERT PASTOR TO BE U.S. AMBASSADOR TO PANAMA

Mr. NUNN. Mr. President, earlier this week the Committee of Foreign Relations favorably reported the nomination of Dr. Robert Pastor to be the

U.S. Ambassador to Panama by a vote of 15 to 3.

I have known and worked with Bob Pastor for almost a decade and have relied on his advice on a number of issues relating to Latin American. I believe that his comprehensive knowledge of Panama and of the region uniquely qualify him to be the United States Ambassador to Panama. I have the utmost confidence that Bob and his dedicated wife, Margaret, will be excellent representatives of the United States to Panama.

Bob Pastor has distinguished academic credentials as well as a distinguished record of public service. He was Director of the Linowitz Commission on U.S.-Latin American Relations. He was Director of the Office of Latin American and Caribbean Affairs on the National Security Council during the Carter administration. Currently, he is Professor of Political Science at Emory University, and also Director of the Latin American and Caribbean Program at Emory's Carter Center.

Mr. President, Bob Pastor also played a key role in the successful negotiations between President Carter's delegation and the de facto government of Haiti. In a speech to the Senate on September 26, I noted that Bob deserves a large measure of credit for the agreement that our delegation was able to reach which resulted in the peaceful occupation of Haiti by our military and avoided a large loss of American and Haitian lives.

Mr. President, unfortunately Bob Pastor's nomination was only filed in the Senate late yesterday, and the written report on this nomination is not available yet from the Government Printing Office. Under the Senate rules, this written report must be available for two calendar days before the nomination can be taken up, so the Senate will not be able to act on this nomination before we recess today if there is objection from any Senator. I am saddened that there will be an objection so the nomination will not be approved today.

I regret that Bob Pastor's nomination cannot be approved at this time. It is clear from the vote in the Foreign Relations Committee and from discussions with my colleagues that Bob Pastor's nomination enjoys strong support on both sides of the aisle. I hope that the Senate will be able to act on this nomination during the special trade session later this year. If not, then I expect that the administration will resubmit the nomination to the 104th Congress early next year and we can act on the nomination at that time without delay.

WELFARE REFORM

Mr. DOLE. Mr. President, Congress must reform welfare so recipients can gain self-sufficiency and self-respect. Responsibility should be encouraged. The existing welfare bureaucracy should be tightened and made efficient.

To accomplish this, Congress must reach outside of Washington, DC, to find solutions. Solutions that, provide a role for the Federal Government that does not mandate—but does appropriately support the efforts of individuals, the public and private sector, and State and local government. America's most vulnerable citizens must be given the best chance to enter mainstream society and not be left behind in a failed system.

Welfare reform should emphasize that real, private sector jobs are critical to leaving the welfare system and getting out of poverty. Public sponsored make-work jobs, which have been advocated in some welfare reform efforts, often result in more costs, more bureaucracy, and more government dependency.

While the Federal Government tries to come up with solutions, we should understand the innovative private sector initiatives designed to provide real jobs and promote character.

One such program is the Young Entrepreneurs of Wichita, KS. Charles and Liz Koch of Wichita brought this program to Kansas 3 years ago. Choosing Wichita for an entrepreneurship program makes sense to anyone familiar with that city. It is the birthplace of many entrepreneurial success stories—including Boeing, Beech, Cessna, Learjet, Coleman, Pizza Hut, Rent-A-Center, and Koch Industries. After witnessing the success of the Young Entrepreneurs Program in Kansas, the Koch Refining Co. brought the program to Minneapolis. Recently, David Koch began a Young Entrepreneurs Program here in the Nation's Capital.

The mission of the Young Entrepreneurs is to enable at-risk, economically or physically challenged minority youth to break free of the cycle of poverty by exposing them to specialized training in business and entrepreneurship. David Koch at the kickoff for DC's program a number of months ago quoted this ageless piece of wisdom: "Give a man a fish and he can eat for a day. But teach a man to fish and he can eat for a lifetime." The Young Entrepreneurs Program is trying to teach some of our most disadvantaged youth the lifetime of entrepreneurship.

This program teaches the participants how to set up and run their own businesses. It places young people ages 13–18 in a "mini-MBA" program. But it doesn't stop with classroom theories. After learning the fundamentals, the students actually become young entrepreneurs. Here's how it works:

The organization chooses a school in an area based on its high-risk student population. A teacher within the school is selected to provide the student instruction. The designated teacher takes an intensive training course and is paid a stipend. At-risk students are handpicked by the teacher and school counselors. The students receive 40 to 70 hours of instruction in business management. They write a detailed business plan and receive $50.00 in seed capital to enable them to buy products from a wholesaler. They then design posters, flyer, and business cards to market their products. They open bank accounts and, finally, at the end of the semester, they go out into the marketplace and sell their products.

Shawn Blakely, one of the Young Entrepreneurs of Wichita, is a example of its success. Shawn was trying to put together a business plan to market special birdfeeders. Shawn's birdfeeders were big and beautiful with dazzing designs in the shape of gazebos. This young man enlisted the help of his grandfather, a lifelong metal worker, who designed a tool to produce the complicated designs more quickly. The business, Cheep Birdfeeders, took off and continues to thrive. Shawn and other members of his family are now employed by the company.

Another participant in the Wichita program, Monique Landers, decided to open a hair braiding business with the skills acquired in the Young Entrepreneurs. She did so well with her business that she was honored by the association of college Entrepreneurs, who flew her to New York City to receive their award.

Kids like Shawn and Monique can accomplish great things. By teaching them the fundamentals of Entrepreneurship, and by walking them through the process of establishing their own small businesses, this program gives young people an immediate reason to learn. In addition, it gives them an opportunity to apply their learning in the real world. Being the president of a company can have a wonderful impact on the self-esteem of a young woman or a young man. The young Entrepreneurs Program builds character which will serve these young people throughout their lives. Right now, the Young Entrepreneurs Program is reaching out to thousands of Young Americans with the financial support of the Koch Family and Koch Industries. Their contribution is $1.5 million a year.

The Young Entrepreneurship Program helps these young people improve their reading, writing, mathematics, and verbal communication skills. They learn fundamentals of economics. They learn about honesty and responsibility. They reap the rewards of persistence and hard work. These young Americans are learning about skills to become economically independent. This is the kind of stuff that builds self-esteem.

I thank the Kochs and their company, Koch Industries, for bringing the Young Entrepreneurs Program to the young Americans of Kansas, Minnesota, and to our Nation's Capital.

STATEMENT ON THE NOMINATION OF ROBERT PASTOR

Mr. SIMPSON. I rise to address the nomination of Robert Pastor to be Ambassador to Panama.

Dr. Pastor was nominated by the President on June 8 to be Ambassador to Panama. He was reported out of the Senate Foreign Relations Committee by an 16-3 vote, supported by a majority of Democrats and Republicans alike.

I have known Dr. Pastor for more than a decade. We worked together very closely on immigration issues, and he always provided important cooperation and expertise both to me and to the chief counsel on my immigration staff Dick Day. Dr. Pastor is renowned for his knowledge of a wide range of foreign policy issues, most especially concerning the region where he has been nominated to serve. He is exceptionally well qualified for the post to which he has been nominated, and I believe that he would represent our Nation with distinction, integrity, and creativity.

We have not had an Ambassador in Panama since last February. This is most unfortunate, due to our important interests there, and I regret further that we will not have an Ambassador there for some months to come. I do wish the RECORD to reflect that I support Dr. Pastor's nomination and intend to vote in favor of his confirmation when that question comes again before the Senate.

REPORT OF THE U.S. COMMISSION ON IMMIGRATION REFORM

Mr. SIMPSON. Mr. President, last week the U.S. Commission on Immigration Reform, chaired by Barbara Jordan, submitted its first report to the Congress.

We created the Commission in the 1990 Immigration Act. Its bipartisan membership was selected by the congressional leadership, with the chairperson appointed by the President.

This first report from the Commission dealt principally with illegal immigration which continues to be a major problem for the Government and a growing concern to the American public.

Fifteen years ago I served on a similar Commission whose final report dealt with illegal immigration and made certain recommendations to address the problem. However, that Commission, and I was one of the commissioners, "passed" on the question of a secure worker verification system.

Similarly, when I drafted legislation, which later became law, to carry out the recommendations of that first Commission, we again ducked on the issue of a secure verification system. Opposition from civil libertarians on the right and on the left, joined by the Hispanic caucus and the various Hispanic organizations, and especially their "executive director" designees forced us to deal with illegal immigration without an adequate means of identifying those authorized to work in the United States.

The results of this omission are well known: We continue to have a very serious illegal immigration problem; and perhaps even more dramatic, we now have a serious problem of the widespread manufacture, trafficking, and use of counterfeit documents in the United States.

The Jordan Commission, to its good and great credit, not only recommended the "development and implementation of a simpler, more fraud-resistant system for verifying work authorization," but it also proposed a system which would avoid discrimination, meet civil liberties and privacy standards, and reduce the time and paperwork burden on employers. The Commission did not propose a national identity card—shades of George Orwell—as some have suggested, nor did they propose a system which would lead us down any of those sinister "slippery slopes."

What the Commission did recommend is a "computerized registry using data provided by the Social Security Administration and the Immigration and Naturalization Service." The key to the system is the Social Security account number which the employer will check through the computerized registry—one call to the registry and a confirmation number back to the employer. Just as we do for credit cards.

I was totally appalled and amazed at the reaction from the administration as it burbled and backpedaled and tried to put distance between the White House and the recommendations of the Commission.

Both the White House and the Justice Department have acknowledged, publicly, that illegal immigration is one of the most serious problems this country is facing, yet this fine concise, reasonable report received nothing more than a cursory mention by this administration. No wonder the public believes the White House is totally—and perhaps terminally—out of touch with America.

This proud, vivacious, brilliant, civil libertarian, Barbara Jordan, the chairperson of the Commission, deserves our deepest gratitude and sincere congratulations, and the eight highly respected members of the Commission: Larry Fuchs, Michael Teitelbaum, Richard Estrada, Harold Ezell, Bob Hill, Warren Leiden, Nelson Merced, and Bruce Morrison deserve our highest praise. This diverse and bipartisan Commission, and its excellent and courteous staff, has presented a series of unanimous, repeat—unanimous—recommendations to the Congress on dealing with unlawful immigration.

That is no mean task. Can any of my colleagues imagine obtaining a unanimous series of recommendations on an issue as controversial as immigration out of a bipartisan Commission made up of Members of this body?

Many of the Commission's recommendations were already part of the comprehensive reform bill which I introduced earlier in this Congress. I will introduce, early in the next Congress, a comprehensive immigration reform bill following closely the recommendations contained in this most excellent report.

Some of the naysayers have criticized the proposed worker verification program as being too expensive. We heard the same old plaint from the critics in the early eighties when we explored the use of the Social Security number card as constituting a possible worker authorization document.

The Social Security Administration then said it would cost "billions of dollars" to change their card. Today we are hearing again that there will be a cost "in the billions," if we implement this Commission's recommendations. Those making these dramatic claims have not read the report.

The Commission did not recommend the reissuance of the Social Security card which is probably where most of the critics are getting their "multi-billion dollar program" idea. Rather, the Commission recommends setting up a registry, using existing data in the Social Security Administration database, that employers could call to confirm the Social Security number of new hires.

The cost estimate for setting up this system and operating it over a 5-year period is $300 million. About $60 million a year. The registry itself would require only $4 million to set up. The bulk of the cost is in checking the Social Security numbers against the registry and correcting any errors that are there. And there are errors there, and it is so important that those errors be corrected.

Thus, the Commission's proposal has not only the virtue of cleaning up the Social Security database and the Immigration Service database, but it will also provide a simple, nondiscriminatory method of verifying the work authorization of all new hires. No national ID card, no billion dollar cost, no loss of our liberties and privacy. No horror stories.

Further, the Commission very prudently has proposed pilot programs in the most impacted States to first test this use of the combined databases. To avoid any loss of privacy or liberties, the Commission also proposed that institutions and individuals with expertise in privacy matters be involved in the development and assessment of the pilot programs.

The Commission has made what I believe is a thoughtful and splendid recommendation to address our grave national problem with worker verification. Now I intend to work diligently with my colleagues—on both sides of the aisle—in the subcommittee and in the Senate to authorize and appropriate the funding necessary to carry out the recommendations.

Once again Mr. President, I want to say that Chairman Barbara Jordan and the full Commission on Immigration Reform deserve our highest national praise, and I know I also speak clearly on that part for my colleagues on the Immigration Subcommittee who were present at our hearing last month when the Commission reported to the committee on its recommendations.

They have presented us an enviable work product. It's a true shame that apparently no one at the White House has the slightest concept of the impact of this issue on our national consciousness. So sad and disappointing.

RETIREMENT OF MALCOLM WALLOP

Mr. SIMPSON. Of all the tributes to Members departing this body, here is the one that means most to me.

My friend, MALCOLM WALLOP, has been the senior member of the Wyoming delegation for my entire time in this body—nearly 16 years.

But he has been so much more than that—my time with him goes back so much further, for MALCOLM and I also served together in the Wyoming legislature in Cheyenne—taking on, as we have here, the toughest of the tough issues. And even before those days, we shared a long family relationship.

For a decade, MALCOLM, then House Member Dick Cheney, and I worked together in total coordination and cooperation—and since Dick's promotion we have been joined by the tremendously able CRAIG THOMAS as the third member of our team—and soon, I hope he will join those of us here in this Chamber to continue the legacy of service to Wyoming that MALCOLM has so deeply etched into the fiber of the Senate.

Down through his nearly 18 years in the Senate, MALCOLM has demonstrated total consistency, perseverance, and solid performance. He has taken on the tough issue and tough legislators alike. Early in my time here, his work on the Ethics Committee brought him deserved rave reviews, especially during the Pete Williams expulsion proceedings. MALCOLM served as an extraordinary example of careful preparation and attention to due process. He handled it in a manner that would have stirred the admiration of any lawyer.

MALCOLM's steady work as a member of the Finance Committee and the Energy Committee can never be forgotten, because his imprint, his presence, molded and guided so much vital legislation through the process over the years. Especially valuable have been his tireless efforts on public lands issues and agriculture and estate taxation matters—things of great and even grave importance. And his efforts and expertise in defense issues are known to us all.

Those of us who know him so very well can not help but know him as a rock solid citizen and legislator, a man who is authentic and sincere and direct.

Here is a man who has dedicated his adult life to public service. Surely he did not have to. He, like many of us, had a multitude of options in life. but he chose involvement in the political and legislative processes because he cares—cares about Wyoming and about our Nation. He wanted to "make a difference," and he most certainly did. And in arena after arena in his life into the future, he will continue to.

MALCOLM and French WALLOP are more than participants in the full spectrum of Washington life, they form part of its very structure. This body and this town will not be the same after they return to Wyoming to invest their remarkable talents and intelligence and enormous energies in new pursuits. They will be deeply missed here.

My dear wife Ann and I express our deepest admiration for their guidance and friendship. It has been a long, long trail. I am proud to have shared it with them.

God bless you, my old, true and dear friend.

[From the Al Simpson Newsletter, Mar. 22, 1994]

SIMPSON COMMENTS ON WALLOP DECISION TO RETIRE

WASHINGTON, DC.—Senator Al Simpson (R-WY) said the following after learning that his friend and colleague Senator Malcolm Wallop (R-WY), has decided not to seek the Republican nomination for Governor of Wyoming:

"My feelings today are much like those I had when Malcolm announced in September that he would not seek another term in the United States Senate: We will all miss his energy, his spirit and the deep passion he showed as he worked for the people of his beloved home State. Malcolm would again have brought that same energy, that passion and a host of valuable experience to Wyoming state government if that had been the avenue he chose to pursue.

"Malcolm has given Wyoming and its people so very much of lasting value during his years of service in the United States Senate and in the Wyoming Legislature. He leaves a great and impressive record. The positive imprint of his style, values and love of Wyoming is clear. Wyoming will long be honored by Malcolm's legacy.

"While I shall sincerely miss serving with Malcolm, I can most certainly understand that a fine man who has dedicated his energy to public service for more than a quarter of a century might want to explore the wonderful and varied opportunities for further involvement and activities that lay beyond this political arena. Thanks, my old friend."

THE CONFERENCE REPORT ON THE MINORITY HEALTH IMPROVEMENT ACT OF 1994, S. 1569

Mr. HATCH. Mr. President, I rise to express my regret that the Senate was not able to act on the conference report accompanying S. 1569, the Minority Health Improvement Act of 1994.

I am disappointed that this conference report, which passed the House by a vote of 394 to 5, was not finally approved in these closing hours of the 103d Congress. As my colleagues know, this legislation represented a considerable amount of work by a very broad group of health care interests. It is a good bill which would have done much to advance health care in our country.

S. 1569 represented a significant accomplishment in strengthening Federal programs designed to improve the health status of minorities. The measure would have enhanced the delivery of health care services, the training of health care professionals, and expanded health research and health data collection for minorities.

The Minority Health Improvement Act of 1994 reauthorized and strengthened a number of expiring programs which comprise the core of our Federal strategy to promote minority health and reduce the disparity in health status and health access.

I was particularly pleased with the provisions that provided for a 2-year reauthorization of the Community and Migrant Health Centers Program. These centers serve to provide much needed primary care to thousands of our citizens in underserved areas of the country. I strongly supported this component of S. 1569.

I also strongly supported the provision authorizing a new program on Traumatic Brain Injury [TBI]. this bill has passed the Senate as a freestanding measure, S. 725, but its fate seems uncertain this year.

I want to express extreme regret that the TBI legislation has been held up due to controversy over unrelated measures. The TBI bill is an important initiative, and if it does not go through in the 103d Congress, I plan to make it a priority for the 104th. Our colleague in the House of Representatives, Representative JIM GREENWOOD, is to be commended for his outstanding leadership on this issue.

As my colleagues know, during the course of our consideration of the Minority Health bill, the legislation evolved into a more sweeping piece measure than that which was originally drafted.

There were a few provisions in the conference agreement which I found troubling, and I hope that they can be improved next year.

I was especially concerned about the House language in section 807 of title

VIII regarding drug pricing. Conferees wisely rejected attempts to expand the provisions even further beyond the House language, but I still was not comfortable with the final language. I hope that any legislation next year will not contain such a provision, the position that was reflected in the Senate bill.

Finally, I want to thank all the conferees and their staff, especially Dr. Van Dunn, for their hard work on this legislation. The Minority Health Improvement Act is an important bill, and I hope it will be a priority for enactment during the early months of 1995.

OPPOSITION TO MEDICARE CUTS

Mr. HATCH. Mr. President, while much attention has been given to health care reform issues during this Congress, next year we will return to debate many of the same issues. This year we discussed many aspects of reform: universal coverage, employer mandates, tax credits, insurance market reform, and medical liability reform to name a few. Today, I want to highlight one area of health care reform that received considerable focus, namely Medicare cuts. While I oppose generally the use of Medicare cuts as a financing mechanism for health care reform, I want to take a moment and describe two particular Medicare cuts that will affect patient care and quality.

These cuts are made to laboratory services in the form of mandatory copayments to Medicare beneficiaries and the imposition of a competitive bidding proposal for regional laboratory services. Both of these provisions were included in President Clinton's Health Security Act and it is my hope that in the name of quality health care and fairness to our Nation's senior citizens, they are not included in any plan proposed during the next Congress.

Let me begin by discussing the imposition of a mandatory copayment for laboratory services. This provision would save the Federal Government $8 billion over 5 years—however, that $8 billion will be paid by elderly Medicare beneficiaries, many of whom are least able to pay.

In addition, the amounts in question to collect for individual tests are often so small that they do not merit collection. A coinsurance payment of 20 percent of a $20 lab charge is $4 dollars; on a $50 lab fee the payment is $10. Imagine the amount of record keeping and the cost of generating a bill to obtain $4 from a beneficiary. Laboratories estimate that the additional billing and collection requirements would average between $3 and $5 just to produce the additional invoice covering the coinsurance. And, we all know it sometimes takes more than one bill to be sent before payment is ever received. And, there are questions as to whether the laboratory can even waive copayment because of the limitations imposed by Medicare fraud and abuse statutes which may prohibit the waiving of such payments.

These figures do not even begin to account for the confusion that could be created among seniors by the receipt of additional paperwork and bills. For seniors, a streamlined and simplified billing process is one of Medicare's important attributes.

MULTISTATE UTILITY CONSUMER PROTECTION ACT

Mr. BUMPERS. Mr. President, on July 22 the Energy and Natural Resources Committee adopted an amended version of S. 544, the Multistate Utility Consumer Protection Act of 1994. This bill would provide essential regulatory protections to the 49 million households in 30 States served by electric utility subsidiaries of utility holding companies registered pursuant to the Public Utility Holding Company Act of 1935 [PUHCA]. The legislation would overturn a recent appellate court decision, Ohio Power versus FERC, in order to restore the authority of the Federal Energy Regulatory Commission [FERC] and State utility regulatory agencies to protect consumers against unreasonable charges for goods and services provided to electric utilities by affiliate companies.

Mr. President, after S. 544 was reported out of the Energy Committee, it was incorporated into S. 1822, the Communications Act of 1994, which was reported by the Commerce Committee. Unfortunately, S. 1822 will not be considered by the Senate prior to adjournment. However, I want to assure my colleagues and all those interested in the legislation that Multistate Utility Consumer Protection Act is far from dead.

I intend to introduce legislation early next year to ensure that customers of registered utility holding companies are adequately protected. This legislation will include the provisions of S. 544 designed to overturn the Ohio Power decision. As was the case this year, I look forward to working with both consumer groups and the utility holding companies in an attempt to develop a consensus approach.

MINING LAW REFORM

Mr. BUMPERS. Mr. President, as everyone knows by now the 103d Congress will adjourn without enacting legislation to reform the 1872 mining law. What this means is that, for at least another year (and possibly longer), hardrock mining companies operating on our Nation's public lands can continue to extract billions of dollars worth of gold, silver, platinum, palladium and other hardrock minerals without compensating the taxpayers for even one red cent, while at the same time leaving the taxpayers with the costs of cleaning up the environmental disasters these mining companies leave behind. If this were not enough, the mining industry, and some members representing mining interests, now have the audacity to claim that they have always supported reasonable mining law reform and that the blame for Congress' failure to act lies with those very Members of Congress, such as myself, that have fought long and hard for reform. Mr. President, the fact is that nothing could be further from the truth.

I first introduced legislation in the Senate to comprehensively reform the 1872 mining law nearly 6 years ago. From day one, the mining industry has done nothing but throttle reform and proponents of reform every step along the way. Rather than sit down in an effort to work out a compromise, all I ever heard from industry was "no, we can't do this, and no, we can't do that". In fact, before Bill Clinton was elected President, the industry steadfastly opposed the payment of any royalty for mining on public lands even though the industry pays sizable royalties to private landowners and State governments for mineral production on their properties.

While mining law reform came closer to becoming a reality in the 103d Congress than ever before, what happened this year in conference illustrates how difficult a task it is when a wealthy and powerful industry wants to engage in the politics of gridlock. Although the House enacted a comprehensive and meaningful reform bill, the Senate was forced to pass a so-called "ticket to conference" in order, for the first time, to move mining law reform out of the Energy Committee and into a House-Senate conference.

Senator JOHNSTON, the chairman of the Energy and Natural Resources Committee, volunteered for the unenviable task of trying to craft a bill that would meet the needs of both industry and reformers. First, he entered into negotiations with the three Republican Senate members of the conference committee. However, after he made repeated concessions in order to meet their stated concerns, he was ultimately unable to meet all their demands. Senator JOHNSTON then began working with a group of Western Democratic Senators led by Senator REID of Nevada. They jointly drafted a negotiating proposal with the understanding that additional changes would be made to meet some of the concerns of proponents of reform. However, when Senator JOHNSTON proposed to make some minor changes some of the Western Senators immediately declared mining law reform dead and threatened to filibuster any bill reported by the conference committee.

In response, Senator JOHNSTON tried to meet the major concerns as expressed by industry. For instance, as proposed by the House conferees, he offered to strike all language in the bill with respect to the protection of water even though hardrock mining results in serious degradation of surface and ground water. In addition, he proposed to reduce the royalty to be charged for gold production to 3 percent as originally agreed-to by industry. However, as was readily apparent throughout, industry's objections were just moving targets. Rather than continue to negotiate in good faith, the industry and some Western Senators continued to threaten a filibuster. Senator JOHNSTON was forced to concede defeat and pronounced that the conference would be unable to report reform legislation.

Mr. President, it should be obvious to everyone that the mining industry never wanted reform legislation. However, what is even more outrageous is the charade industry is now engaged-in by trying to blame proponents of reform for the demise of mining law reform. While the industry and their representatives in Congress may have won this battle, it would be foolish for anyone to believe that I, or any other proponents of reform, will give up the fight.

The outrages of the anachronistic 122-year-old mining law are no longer a secret. Now that this issue has caught the public's attention, the voters will no longer allow Members of Congress (Democrats and Republicans alike) to vote to permit large mining corporations, many of which are headquartered in foreign countries, to take billions of dollars worth of taxpayer-owned resources without the payment of royalties, purchase public land for $2.50 an acre and pollute and permanently degrade water and land resources, leaving the taxpayers to clean up their mess. Mr. President, Senator JOHNSTON and others offered the mining industry with a deal they should never have passed up.

The industry has, since 1872, removed about 230 billion dollars, worth of gold, silver, and other hard rock minerals, and never paid the government one red cent in royalties. In addition they have left thousands of environmental disasters, 77 of which are on the endangered list, for the taxpayer to clean up at a cost of billions. This must not continue.

THE CONVENTION ON BIOLOGICAL DIVERSITY

Mr. MITCHELL. Mr. President, I would like to talk for a few minutes about the Convention on Biological Diversity.

During my time in the Senate, I have worked to ensure that our Nation's natural resources were protected. In the past decade, Congress has passed important legislation such as amendments to the Clean Air Act, the Clean Water Act, the Endangered Species Act, legislation to prevent oil spills, legislation to conserve wetlands, to reduce the use of toxic substances, and to reduce indoor air pollutants. These laws help ensure public health and give our children the opportunity to benefit from our Nation's resources.

That is why I am disappointed that some Members of the Senate will not allow the Senate to complete its work on this important treaty which will help other nations reach the levels of environmental protection that we have here in the United States. We had the chance to ratify a treaty that was negotiated by the international community for 2 years during the Bush administration, worked on extensively for a year by the Clinton administration, and submitted to the Senate almost 1 year ago. All of this work was undertaken because scientists and nations the world over recognize that the natural heritage of our planet—the biological diversity we inherited and should pass on to our children and grandchildren—is increasingly threatened.

As no document ever is, this treaty is not perfect. But the treaty was able to be brought before us because of the determined efforts by the current administration to address the legitimate concerns that have been raised—particularly with respect to finance, technology transfer, and biotechnology.

After a year of working with a coalition of industry groups and NGO's, the administration was able to transfer to the Senate a ratification package on November 29, 1993. The package included interpretive statements to be submitted to the United States detailing U.S. positions and understandings on the important financial and technology transfer areas.

During the hearings of the Senate Foreign Relations Committee on the treaty, the pharmaceutical and biotechnology industries testified in support of the treaty. Two Senators—one Democrat, one Republican—testified on behalf of the treaty and not one Senator present raised a concern or expressed any problem with the treaty. The treaty was reported favorably from the commission 16–3. Unfortunately, that was the last time the treaty was able to be considered by this body.

In early August, Republican Members, as is certainly their right, raised questions about the possible impact of the treaty on U.S. agricultural and land-use interests. These questions were immediately answered in an August 8 letter to the Senate leadership. The administration also followed up with a more detailed memorandum of record signed by the Secretaries of State, Agriculture, and Interior. The administration also has sent to Senator DOLE an opinion answering legal questions on the treaty which I submit for the RECORD. The administration has answered every question that has been raised about the treaty. With these steps completed, it was hoped that we could move toward floor consideration—but we could not clear a unanimous consent agreement on the Republican side.

I would like to quote from a letter sent to the Senate on September 29 from 8 agricultural and industry groups which sums up the administration's response to these groups concerns,

> Questions about the treaty's possible impact on public and private property rights, whether the treaty itself could be used as a basic for regulatory action or give rise to citizen's suits and whether it would in any way impede the amendment of U.S. environment have all the been appropriately dealt with in the Memorandum of Record.

Mr. President, I would like to submit this letter to the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MITCHELL. Mr. President, I would also like to place in the RECORD a list of industry associations, nongovernmental organizations, and U.S. companies who have been actively supporting the ratification of the treaty.

These groups support the treaty because it is in the best economic and environmental interest of the United States. Here are some reasons why the treaty should be ratified.

Biological resources underpin many sectors of the U.S. economy, including farming and the agriculture industry, and developments of medicines, medical technology; and biotechnology. Some estimate that biological resources contribute more than $87 billion annually to our gross domestic product.

Ratification of the treaty would provide access to plant genetic resources vital to agricultural production. The Office of Technology Assessment reports that biodiversity has added $3.2 billion to U.S. annual soybean production, and $7 billion to our corn production.

The convention will protect U.S. access to genetic resources critical to the development of substances that may cure diseases such as the AIDS virus. Over 3,000 antibiotics are derived from microorganisms dependent on the world's biological resources. The treaty protects the United States from unnecessary restrictions on trade in biotechnology products.

Despite the support of a wide array of organizations and citizens across the country, ratification of the treaty was held up due to unfounded claims. The administration spent much time and enjoy explaining the treaty to those concerned, and created a memorandum of record to address concerns about the provisions of the document. Still, Republican Senators chose to obstruct consideration of this important convention, and by doing so they hinder the economic and environmental benefits that can be derived from full participation in the treaty.

EXHIBIT 1

SEPTEMBER 29, 1994.

Hon. TED STEVENS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR STEVENS: We believe that concerns raised earlier about the impact of the Biodiversity Treaty have been adequately addressed and that Senate ratification is desirable to protect the interests of U.S. agriculture.

Questions about the treaty's possible impact on public and private property rights, whether the treaty itself could be used as a basis for regulatory action or give rise to citizen's suits and whether it would in anyway impede the amendment of U.S. environmental law have all been appropriately dealt with in a Memorandum of Record forwarded to the Senate by the Secretaries of State, Agriculture, and Interior.

The organizations listed below have a direct and vital interest in the continuing development of U.S. agriculture. We believe that access to protoplasm originating outside the U.S. is vital to domestic plant breeding efforts and will best be protected by the country's participation in negotiations under the Treaty.

It is our view that overall protection of the planet's biodiversity, as well as the future development of domestic agriculture resources, will be substantially aided by Senate ratification of the Biodiversity Treaty. We urge that this be done quickly so that U.S. participation in the Conference of Parties scheduled for November-December 1994 is significantly strengthened.

Very truly yours,

Carl B. Feldbaum, Biotechnology Industry Organization; Dave Lambert, American Seed Trade Association; John Studebaker, American Seed Research Foundation; John R. McClandon, President, American Soybean Association; Judy Olson, President, National Association of Wheat Growers; Dale Cochran, National Council of Commercial Plant Breeders; Pete Wenstrand, President, National Corn Growers Association; Thomas E. Stenzel, President, United Fresh Fruit & Vegetable Association.

COMPANIES, ASSOCIATIONS AND ORGANIZATIONS THAT SUPPORT THE BIODIVERSITY CONVENTION

American Corn Growers Association (12,000 Members).

American Cyanamid.

American Institute of Biological Sciences (50 Affiliates).

American Seed Research Foundation.

American Seed Trade Association (800 Companies).

American Soybean Association (29,000 Farmers, 29 States).

Archer Daniels Midland.

Biodiversity Action Network (61 Academic, Scientific and Environmental Organizations).

Biotechnology Industry Organization (560 Companies).

Calgene Corporation.

Ciba Geigy.

Genentech.

Genzyme Corporation.

Hoffmann'la Roche.

International Association of Fish and Wildlife Agencies (200 Members).

Merck.

Mycogen.

Monsanto.

National Association of Wheat Growers (65,000 Farmers, 22 States).

National Cooperative Business Association (45,000 Cooperative Businesses).

National Corn Growers (28,555 Corporations, 24 States).

National Council of Commercial Plant Breeders.

National Farmers Union (253,000 Farmers, 50 States).

Pharmaceutical Research & Manufacturers Association (100 Companies, 40 States).

Pioneer Hybred International Incorporated.

Shaman Pharmaceuticals.

United Fresh Fruit and Vegetable Association (1500 Companies).

United States Council of International Business (300 Multilateral Companies, Trade Associations and Law Firms).

Zeneca Seeds.

U.S. DEPARTMENT OF STATE,
Washington, DC, October 6, 1994.

Hon. ROBERT DOLE,
U.S. Senate.

DEAR SENATOR DOLE: Thank you for your letter of September 30, co-signed by Senators Nickles and Shelby, setting forth certain views relating to the Convention on Biological Diversity.

The Administration has several times sought to address the issues raised by your letter, which primarily concern whether the Convention, if ratified, would prompt unwanted and costly litigation or would overturn state, local and tribal laws. For example, we have provided information on these matters in the report and message transmitting the Convention to the Senate; in testimony on the Convention before the Senate Foreign Relations Committee; through the Memorandum of Record signed by the Secretaries of State, Agriculture and Interior on August 16; through responses to previous questions from Senators; and in briefings provided to Senate staff.

We are nevertheless pleased to provide the following additional information to assist you and the Senate as a whole in your further consideration of this important treaty. The Department is also prepared to discuss these issues further with your staff as the ratification process moves forward.

Your letter first seeks an analysis of the extent to which the Convention, or federal actions taken to implement the Convention, could preempt, supersede or limit state, local or tribal laws and regulations. In our view, U.S. ratification of the Convention would not have any such effect. The conservation obligations of the Convention are sufficiently flexible as to allow the United States to implement them without disturbing either the overall balance of federal and state responsibilities or further preempting any state, local or tribal law. Indeed, as the Administration has stated repeatedly, the interwoven pattern of conservation laws and programs at all jurisdictional levels in the United States goes well beyond the minimum standards needed to meet our obligations under the Convention.

The Secretary of State's letter of transmittal sets forth a lengthy menu of federal statutes that are available to implement the Convention. No additional legislation is necessary. We have responded promptly and fully to all requests for additional information concerning the implementation of specific provisions of the Convention.

Moreover, we have stated that we anticipate no scenario under which the Convention would be used to preclude amendment of these statutes. For example, we are aware of no proposal to amend the Endangered Species Act that would place us in non-compliance with the Convention.

Your letter next calls into question the statement contained in the Memorandum of Record, signed by the Secretaries of State, Agriculture and Interior on August 16, that the Convention does not provide a private right of action. More specifically, the Memorandum of Record stipulates that:

The convention sets forth rights and obligations among countries. The Convention does not, expressly or by implication, create a private right of action under which a private person or group may challenge domestic laws and regulations as inconsistent with the Convention, or failure to enforce domestic laws or regulations promulgated thereunder.

We stand by this statement. The Convention contains no provisions granting a private right of action in the domestic courts of States that become party to it. Moreover, because the Convention is not self-executing, private parties in the United States could not successfully challenge governmental action, at any level, as inconsistent with the Convention. As noted in the analysis undertaken by Mark Pollot ("Technical Review of the Convention on Biological Diversity"), which is cited in your letter, certain federal environmental and procedural laws create private causes of action; a private right of action would not, however, be created by ratification of this treaty or by the supremacy clause of the Constitution.

Similarly, U.S. ratification of the Convention also would not give a private party in the United States standing to bring such an action in any case in which such a party otherwise lacked standing. In *Defenders of Wildlife v. Lujan*, the U.S. Supreme Court recently elaborated the criteria for determining whether private parties have standing to challenge environmental actions and policies of the government. None of these criteria depend on whether the United States has ratified a treaty such as the Convention that is related to the subject matter of the case.

For these reasons, we disagree with the rather sweeping assertion of Mr. Pollot that U.S. ratification would cause a "well-spring of litigation, making the Convention a likely candidate for the most litigated treaty in American history." Because U.S. ratification of the Convention would give private parties neither a cause of action nor standing that they otherwise lacked, we do not foresee any justifiable litigation of the sort Mr. Pollot fears.

Your letter also expresses a concern that the Convention could adversely affect property rights protected by the U.S. Constitution. We are pleased to assure you that this concern is unfounded. We do not see anything in the text of the Convention that could be interpreted to violate the U.S. Constitution.

Similarly, U.S. ratification of the Convention would not further restrict the right of state, local and tribal governments in the United States to control land use. Indeed, with the advice of the International Association of Fish and Wildlife Associations, which was a regular member of the U.S. delegation during the negotiation of the Convention, the United States expressly negotiated the Convention to avoid any shift in the balance of federal and state authorities. On the contrary, the Administration is committed to strengthening—not dismantling—this balance. As the United States stated at the close of the negotiations and as the President reaffirmed in his letter to the Senate transmitting the Convention:

Biological diversity conservation in the United States is addressed through a tightly woven partnership of federal, state and private sector programs in management of our lands and waters, and their resident migratory species. There are hundreds of state and federal laws and programs and an extensive system of federal and state wildlife refuges, marine sanctuaries, wildlife management areas, recreation areas, parks, and forests. These existing programs and authorities are considered sufficient to enable any activities necessary to effectively implement our responsibilities under the Convention. The Administration does not intend to disrupt the existing balance of federal and state authorities through this Convention. Indeed, the Administration is committed to expanding and strengthening these relationships.

We hope this information is helpful. The Administration remains convinced that prompt U.S. ratification of the Convention is in the national interest.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

THE CONVENTION ON BIOLOGICAL DIVERSITY

Mr. PELL. Mr. President, I very much regret that an objection was made to the majority leader's unanimous consent request to bring up the Convention on Biological Diversity for Senate consideration.

In my view, there is simply no reason why the Senate should not take up and approve the convention now. As I noted in a statement yesterday, the importance of the convention is clear, the questions about the convention have been answered, the support for the convention is there, and it is time for the Senate to act.

As with so many other issues that are now languishing in this body, however, delaying tactics are being used to prevent the Senate from completing its business.

That is unfortunate Mr. President. It is unfortunate for the Senate. It is unfortunate for the substance of the treaty. And, above all, it is unfortunate for the American people.

As the New York Times noted in its editorial supporting the convention, "Delay is not only pointless; it could be harmful. The U.S. needs to join this effort not only to enhance the global environment but for its own good as well. Otherwise, American leadership in biotechnology and agriculture may be threatened as other countries deny the U.S. access to their genetic and biological resources."

Mr. President, most other countries have recognized the importance and benefits of the convention. Indeed, over 160 nations—including the entire European Union and Japan—have ratified the convention. Most of these countries will participate in the upcoming meeting of the convention as parties.

Because of Senate inaction, the United States will not. Because of Senate inaction, the United States—a world leader in the use of genetic resources in biotechnology, agriculture, and pharmaceutical—will attend the meeting as an observer.

To my mind, that is an untenable situation and one that I hope we can rectify. Under Senate rules, the convention will be rereferred to the Committee on Foreign Relations. I can assure supporters that I will make action on the convention one of my priorities for the coming Congress.

CONVENTION ON BIOLOGICAL DIVERSITY

Mr. LEAHY. Mr. President, as chairman of the Senate Committee on Agriculture, Nutrition and Forestry, I want to take a few minutes to express some of the perspectives of American agriculture on the Convention on Biological Diversity.

The importance of biological diversity to the American farmer has been recognized and utilized for centuries. More than 99 percent of the crops planted today in the United States either originated on foreign soil or have been improved by foreign genetic resources.

Likewise, the future of the American farmer depends on the continued use to genetic materials. Foreign germplasm helps farmers, ranchers and foresters develop plant and animal varieties that are not only more resistant to pests, disease and environmental stress but also more productive with increased yields and shorter growing times.

The Convention on Biological Diversity is designed to serve these interests through two goals. One goal is to ensure that foreign resources exist (conservation) and the other is to ensure that the United States can use them (access). The Convention is drafted with specific interests of our $67 billion agriculture industry in mind.

Not surprisingly, a number of agriculture groups recognized the importance of this treaty and wrote to my colleagues urging ratification. The American Corn Growers Association, Archer Daniels Midland, American Seed Trade Association, American Seed Research Foundation, National Association of Commercial Plant Breeders, American Soybean Association, National Association of Wheat Growers, the National Cooperative Business Association, and the United Fresh Fruit and Vegetable Association and some of the groups that expressed an interest in considering the treaty.

Nevertheless, it is clear that other issues have sidelined the interests of agriculture. One of the reasons the Senate is not considering this treaty in time for the first Conference of Parties in November is an acute fear that this treaty will impose environmental standards on the United States. While I understand the root of these concerns and want to find adequate responses to these concerns, some of the fears just went too far. I believe John Doggett of the Farm Bureau summed up the net result of the careless politicking on this issue: Unfortunately, what we've seen is that certain groups created a crisis where one doesn't exist.

I thank the agriculture groups that took an active interest in this issue to meet their own interests as well as the interests of the Nation. I look forward to working with my colleagues and the Administration to provide leadership where fear has overstepped reality and to bring resolution to the remaining concerns in the next Congress. I ask that a recent article from the Chicago Tribune be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Sept. 30, 1994]

ODD TRIO COULD KILL NATURE PACT

(By Jon Margolis)

It was negotiated by Republicans and signed by a Democrat.

Its language was non-binding and its subject matter—the beauty of nature, the web of life and the love of learning—hardly seemed controversial. Environmental groups and big corporations all thought it was great.

So even in today's contentious political setting, few expected much trouble for the Convention on Biological Diversity, more commonly known as the biodiversity treaty.

But that was before it ran into a bizarre political trio: the internal dynamics of the Republican Party, the anti-environmental "Wise Usé" movement and political extremist Lyndon LaRouche.

Arising with unexpected fury, this opposition has stalled Senate ratification of the treaty and imperils it in the remaining days of the 103rd Congress.

Although there is little doubt the treaty would be approved if it got to the Senate floor, the opposition of some Republicans could keep it from getting there. Senate Minority Leader Bob Dole (R-Kan.) and 34 of his fellow Republicans have expressed "a number of concerns" about the treaty in a letter to Majority Leader George Mitchell (D-Maine).

According to government officials and others involved in the ratification effort, Republican doubts about the treaty grew because of opposition from mainstream agricultural organizations.

These organizations, including the American Farm Bureau Federation, had some substantive questions about elements of the treaty. But they were also being pressured from the rank and file, which had been bombarded with anti-treaty information—much of it demonstrably incorrect—from "wise use" groups, which get most of their money from mining, logging and other resource-using companies.

"Unfortunately, what we've seen is that certain groups tried to create a crisis where one doesn't exist," said John Doggett, the Farm Bureau's director of governmental relations. Doggett remains unhappy about some elements of the treaty, but he said his organization is no longer opposing ratification.

But it was opposing the treaty early in August, which is when the serious opposition first came to the attention of the government officials responsible for the treaty. "I was surprised," said a State Department official. "It really had not shown up on my radar screen."

In an effort to discover the reasons for the opposition, government officials met with representatives of agriculture groups Aug. 5 at the Washington offices of the Farm Bureau.

According to two government officials, one participant held up and read part of an article that had been distributed by the American Sheep Industry Association.

The article claims that the treaty, which has been ratified by 78 nations, was written by "extremists" who believe that farming, jogging, fishing and mining violate the concept of "sustainable use" and who want to impose the "religious philosophy" of "biocentrism," defined as "the view that all species have equal rights." It also contends that the treaty establishes a "supranational body" that will override national sovereignty.

In fact, the treaty, which states that "states have sovereign rights over their own biological resources," was approved by negotiators appointed by President George Bush. Pressured by some in his own party, Bush did refuse to sign the treaty, but the U.S. scientists and diplomats who negotiated it have continued to support it. It was signed last year by President Clinton.

Although the article was not signed, Tom McDonnell of the sheep industry group confirmed that it was written by Rogelio (sometimes called Roger) Maduro. Maduro is an associate of LaRouche, the conspiracy theorist who was released in January from federal prison, where he was serving a sentence for fraud and conspiracy.

Maduro is associate editor of 21st Century, one of LaRouche's magazines, and he writes for another, Executive Intelligence Review. A version of his attack on the biodiversity treaty appears in the Sept. 2 edition of that journal.

McDonnell said that when he distributed the article, which he intended only for other members of his organization, he did not know that Maduro was associated with LaRouche. He also said the Sheep Industry Association is not taking any position on ratification of the treaty.

But he did defend the substance of Maduro's work. "What I have found is that his work very closely follows what is in the Global Biodiversity Assessment." According to McDonnell, the Global Biodversity Assessment is the UN document which is "the model for the treaty."

There is no such document, said a member of the staff of the UN Environmental Program. "We have a biodiversity treaty and a secretariate," she said.

The Global Biodiversity Assessment is a process, just beginning, in which scientists from all over the world will monitor the world's biological diversity.

Neither the Farm Bureau's Doggett nor the other participants in the Aug. 5 meeting said that Maduro's article was the only cause, or even the main cause, of opposition to the treaty. "It was non-trivial," said one participant, "but I'm not sure that it was pivotal. One of the guys from the cattlemen's association held it up to explain the kind of response they were getting from their people."

According to this participant, the Washington lobbyists knew that the article was irrational "but even if they didn't think these objections had any substance, how far ahead of their own constituents could they get."

One government scientist familiar with the situation said that farmers and ranchers, especially in the West, are a receptive audience for conspiracy theories.

"They're all bent out of shape about the Endangered Species Act, property rights and environmental regulations," he said. "Some of their objections to have legitimate roots, but it makes them receptive to these statements that are paranoid and irrational."

One of the objections of the treaty, for instance, is that it defines cattle and sheep as "alien species" in the natural ecosystem. This might seem credible because in academic zoology livestock are so defined. "But not in law," said the government scientist. "They are domesticated species," and are so labeled in Article 2 of the treaty.

Although some leaders of the "wise use" movement have been associated with Rev. Sun Myung Moon and other extremists, they have so far steered clear of LaRouche. But Maduro attended a meeting of the Wise Use Leadership Conference in July.

This could pose a problem for Republicans, such as Dole who have grown increasingly friendly toward "wise use" positions and leaders in the last few years. Although "wise use" organizations are considered to be politically powerful only in New Mexico, Wyoming and Utah, they have been quietly gaining strength in GOP circles as Republican leaders jockeying for the presidential nomination move to the right to get the approval of conservative political activists.

UNFUNDED FEDERAL MANDATES

Mr. SIMPSON. Mr. President, I first want to thank Senator DIRK KEMPTHORNE for his steadfast commitment to the issue of unfunded Federal mandates. His diligence on this has been most remarkable. I also want to thank the majority leader for allowing the Senate to move ahead with this most important piece of legislation.

Mr. President, the men and women who have devoted themselves to public service at the State and local level face a unique set of circumstances and responsibilities that some of us at the Federal level do not appear to understand.

As a former member of the Wyoming State Legislature, I have an intense appreciation for the work our fine State and local officials do. They are right there "on the front lines" dealing directly with their constituencies. That gives them a special insight which all of us in Washington should appreciate.

The issue of unfunded Federal mandates is not about pitting one ideology against another—rather, it is simply about the proper role of the Federal Government in our federalist system. Unfunded Federal mandates are costly requirements which Washington imposes on cities and States without paying for them.

This is the single most important issue facing our Nation's Governors and mayors. Unfunded Federal mandates are costing State and local governments hundreds of millions of dollars each year. That, in turn, diverts previous resources from more pressing local priorities—priorities that can only be determined at the local level because of the close proximity to constituents.

The issue is fundamental to the Federal relationship with the State and local governments. There was once a time when Federal, State, and local governments were partners in administering public policy. Each respected the other's sovereignty. Our system of federalism worked better than it does today. It was the model for the world to follow. In recent years, however, the Federal Government has become arrogant and paternalistic. Instead of viewing States and localities as partners, today they are mere units which officials in Washington can rely on to administer—and pay for—an ever expanding agenda.

Many Members of the U.S. Congress actually believe they know better how to spend local government money than the local governments can. The National Association of State Legislatures has shown us that Congress has passed 172 unfunded Federal mandates on State and local governments at an estimated cost of approximately $500 billion since 1964—12 percent of all city revenue is paid to support Federal programs! Similar percentages apply to counties and to the States.

As deficits skyrocketed over the past decade, Congress built into the Federal budget system spending constraints. Funds began to decrease, but unfortunately, the spending activities of Congress did not. Therefore, instead of controlling federal spending, Congress continued on with its spending addiction and simply found new financing outlets—outlets like unfunded Federal mandates. What a great deal: We at the Federal level decided that the new way to balance the budget was to simply leave the States stuck with the tab. While many at the Federal level were quite joyous about the new arrangement, the States and localities were not amused.

Today, State and local government officials are fed up to their ears with the Federal Government telling them what to do. They say that Federal mandates are inefficient, costly, and force communities to make senseless budget decisions.

It is important to acknowledge the fact that several bills have been introduced on this subject by Senators from both sides of the aisle: Senator KEMPTHORNE—a former mayor of Boise, ID; Senator JUDD GREGG—a former Governor of New Hampshire; Senator CAROL MOSELEY-BRAUN—a former Senator in the Illinois State Legislature. Our fine colleague, Senator HANK

BROWN, has even introduced an amendment to the U.S. Constitution prohibiting unfunded mandates.

These Senators know the impact of unfunded Federal Mandates on State and local governments. The remedial legislation is straightforward. It says: "No funding?—No mandate!" In other words, if the U.S. Congress doesn't pay for what it wants done, States and localities can't be forced to pay either.

The Kempthorne legislation is supported by a substantial majority of Members of the U.S. Senate. And finally, after nearly 2 years in the Senate after introduction of this bill, we may have a chance to enact this legislation before Congress adjourns. As it should be.

Mr. President, this is not a Republican or Democrat issue, this is an issue about making the Federal Government stick to its end of the bargain in our federalist system. The "real world" at State and local levels is about balancing budgets, providing services as efficiently as possible, being fiscally responsible, and making tough decisions among competing priorities. It is high time the Federal Government started living in the "real world" too.

HEALTH CARE REFORM

Mr. LAUTENBERG. Mr. President, I rise to express my deep disappointment that the Congress will not pass any health care reform legislation this year. While I have always favored legislation that would provide universal health coverage to Americans, I recognized that it would not be possible to enact this type of legislation once we recessed in August after passing the crime bill.

At that time, the Republicans made it clear that they would offer hundreds of amendments to Senator MITCHELL'S compromise bill with one thing in mind—killing health care reform. However, they did this under the guise that the Mitchell bill needed improvement. They argued that we did not need comprehensive health care reform but rather a scaled back, incremental approach.

After the Senate recessed in August, two groups of Senators went to work, in consultation with the majority leader, to put together just that—a scaled-back, incremental approach to health care reform. The first group, the so-called Mainstream Coalition put together a proposal that would basically make changes in insurance practices and provide subsidies to low-income people who were not eligible for Medicaid. Another group, led by Senator HARKIN, put together a proposal that would cover all children and implement insurance reforms similar to those in the "mainstream" plan.

At that time, the majority leader sought to debate one of these incremental bills and once again, he found himself up against a brick wall. A few Republicans promised to use whatever tools possible to kill health care reform, whether it was filibustering the bill or holding it hostage with an unlimited number of amendments.

Mr. President, it is clear that many Republicans did not want health care reform; they wanted a political issue. Unfortunately, the losers were the American people. Instead of getting a health care bill that eliminates preexisting condition exclusions, allows people to take their insurance from job to job, and provides subsidies for low-income individuals and small businesses, they got obstructionist politics.

The Republicans have played gridlock politics with the health care needs of the American people, and I think their behavior has been disgraceful.

Mr. President, I will continue to push for legislation that reforms our health care system by moving toward universal health care coverage and by controlling the soaring costs of health care.

In my State of New Jersey, there are almost 1 million persons without health insurance. We should not tolerate this for two reasons. First, health care is a basic right that every American deserves. Second, the people who have health insurance are currently paying for the cost of those without insurance because providers simply shift the costs of the uninsured to the insured. That means everyone comes out behind.

At the minimum, we need to pass legislation next year that will move us toward universal coverage, eliminate preexisting condition exclusions, provide portability, create voluntary pools for small businesses to join together to get discounts on health insurance, and provide subsidies to individuals.

I will continue to work for this type of health care reform in the next Congress. I hope that in 1995, the Republicans will be more interested in expanding health insurance to all Americans than they are in scoring short-term political points.

HEALTH CARE REFORM

Mr. DECONCINI. Mr. President, I rise today to express my profound disappointment that this Congress was unable to fully debate and vote on national health care reform. We began the 103d Congress with great hopes and anticipation for addressing the health care crisis through national reform. In the course of the past 2 years, we all learned a lot about the intricacies of health policy and the health care industry.

From the beginning, none of us expected this to be an easy process. We owe a lot to President Clinton and the First Lady for focusing the Nation on this critical issue. They gave us the first legislative proposal to address the problem on a comprehensive basis. They have taken a lot of criticism from all sides. But, without their willingness to provide the leadership, I am not sure we would have gotten as far as we did. I command them and express my appreciation for their commitment to improving our national health care system. They deserve more recognition for what they have done than some would like the American people to believe. I am glad that they are not discouraged and have vowed to continue their advocacy of this critical national issue.

I compliment the distinguished majority leader for his unflagging efforts to develop compromise legislation which would meet our various concerns. He did an outstanding job despite the difficult set of circumstances he had to work under. He put the needs of the American people first but regrettably his valiant efforts were unsuccessful.

I am glad during the Senate floor debate we were not deliberating the question of whether our health care system needed to be fixed. We agreed it needed to be fixed, although we parted ways on how best to accomplish that goal. However, to successfully reach a compromise, we needed to rise above differences caused by politics and policy disagreements.

The American people's health care needs must always be the single most important consideration. Their lives and well-being will be significantly affected by the eventual outcome of Congress' debate in the coming year. We have a tremendous responsibility to look to the future of our country and make sure we do what is in the best interest of our Nation and the well-being of our citizens.

I believe that those of us who are public servants all only want to do the right thing. As we struggle to understand and reconcile conflicting interests, we must always be mindful of the fact that the health care system affects one-seventh of our economy. At the same time, we cannot lose sight of the fact that any solution which increases the Federal deficit will damage our deficit reduction efforts and undermine the best intentions.

At no time during the past year did I expect to satisfy every side, but I did strive to address the issues important to my constituents in a constructive manner. After the hue and cry of the battle had faded into the past, I wanted to be able to say that the nearly 600,000 Arizonans who lack health insurance coverage this year would finally be able to get health care services due to enactment of health reform. I wanted to be able to say that the action of the U.S. Senate resulted in equal access to the standard health plan for Native American citizens. I wanted to tell Arizona's small businesses, the true backbone of our State's economy, who want to provide health coverage to their employees that they could do so without sacrificing jobs or their own livelihoods—their businesses. I wanted to reassure citizens that we did not simply create more bureaucracy or more unfunded Federal mandates for State government.

Mr. President, these are the everyday concerns which people in my State raise when they talk about health care reform. National reform will mean very little to Arizona if critical local concerns are not addressed when we, as a nation, respond to the health care crisis. The same is true in Arkansas, in Alabama, in Albuquerque, and Atlanta. As we all know, national policy is only as good as it benefits local needs.

For example, in Arizona, the Native American communities never know from year to year whether the Indian Health Service will be able to meet their basic health care needs. The health delivery system set up by the U.S. Government to provide health care to Indian tribes must ration care. Today our Government provides less than $2 billion annually for IHS programs, leaving 40 percent of the current Indian health needs unfunded. Solemn commitments made by our Government to provide health care for Indian people in exchange for the millions and millions of acres of tribal lands they relinquished go unhonored every day.

Sadly, we have not had one single administration in the past decade increase funding for the Indian Health Service programs. On the contrary, all administrations since I have been in this body used the IHS budget as an easy target for funding cuts. Indian tribes must fight every fiscal year for the survival of their health care programs. The responsibility for protecting the Indian health programs has fallen on Congress.

No wonder Native Americans suffer epidemic levels of diabetes and other chronic diseases. Their valiant efforts to improve their health status have been frustrated by chronic funding shortages. As one tribal leader said, "Why are we always the first ones forced to make funding cuts and the last ones to be considered for allocation of new resources?"

Regrettably, this tribal leader must now wait until next year for an answer. I hope that my colleagues who return next year will ensure that the first Americans are guaranteed health security by national health care reform and that they are not left behind.

Mr. President, the statement that small businesses are the backbone of our economy is particularly true in Arizona. In Arizona, 87 percent of these businesses are small firms with 25 or less employees. These are the employers who make jobs available and provide the opportunities for Arizona citizens to be productive participants in the job market.

They pay the taxes which government relies on to administer its programs. Certainly they are the ones who make communities economically viable and the State and Nation competitive in the national and international marketplace. These small businesses open the door to economic independence for many entrepreneurial individuals. Innovative technology and other commercial product development would not flourish without the flexible environment offered by small businesses.

The survival of small business therefore must be safeguarded under health care reform. I have spoken with many small business owners throughout Arizona and I am convinced that their concerns about the impact of reform cannot be ignored. While many of them oppose the employer mandate, I have also heard small business owners express the desire to cover their workers but they are frustrated over the high costs of insurance coverage today.

I have found that most small business owners cannot absorb the costs of a 7- or 8-percent payroll premium tax. However, some small firm owners will concede that a 1- or 2-percent payroll cap on their premium costs would ease the extra burden for them. Others stand strong in their objection to any form of employer mandate and oppose even the use of a triggered mandate as a backstop measure. This is a point on which I respectfully had to disagree with the opponents of expanding the employment-based system of insurance coverage.

I believe that what is good for the 90 percent of the insured Arizonans who get their health coverage from large and small employers is also good for those who work for small employers and have no insurance. In Arizona, 488,000 of the State's uninsured are in working families. They represent 77 percent of all the Arizonans who are uninsured. They deserve the same opportunity to have access to health coverage as do families who are covered because someone in their household works for an employer who provides insurance coverage.

At the same time, I wanted to make sure that small business was not overwhelmed by insurance premium costs. That is why I conditioned my support for the employer mandate upon the inclusion of measures which mitigate the adverse economic impacts associated with mandated employer contributions.

I was glad the majority leader's bill proposed incentives to encourage all businesses to expand coverage to their workers. Only if this approach failed to achieve 95 percent coverage would the enactment of the employer mandate have been considered. Under the triggered mandate, however, I was concerned about requiring individuals to obtain insurance coverage and pay for the full costs of the premium. I believe most low-wage workers would find this financially onerous and may be forced to sacrifice other basic needs to meet their obligation. Unless this concern is addressed, individuals may lose more than they gain.

In closing, let me give you 562,000 reasons why I supported comprehensive reform of our health system. That is the number of citizens in the State of Arizona who do not get the basic medical care they need. In just 1 year this number increased by nearly 100,000. Another 44,000 lose their insurance coverage each month. They are being squeezed out of the health care system by health care costs which are consuming 14.3 percent of the Gross National Product. In my State, those who can pay are spending 13 percent of their family income on health care each year. Their average annual expenditure on a per family basis is in excess of $7,000.

I believe that unless we, as a Nation, commit ourselves to comprehensive health care reform, this erosion of our families' purchasing power will continue unabated. Doing nothing means our total national health care spending, as projected by CBO, will reach a trillion dollars next year. The heartbreaking stories we have been hearing from our constituents about their staggering medical bills will grow worse. The cost shifting will increase and threaten the ability of doctors, other providers, and hospitals to delivery quality health care.

Medicare funding will be threatened, as the Federal Government resorts to controlling its expenditures for publicly funded health programs as a bandaid response to rising costs. We all know that we cannot continue down this slippery slope.

There may be many aspects of the many comprehensive reform proposals which cause concern but I simply want to remind my colleagues that duty calls upon everyone to look out for the national interest first and foremost. For example, I was not comfortable, for example, with the number of boards, commissions and regulatory bodies which the Federal and State Governments would have been required to set up under the Mitchell bill. But I was determined to weigh this concern against the bill's intent to make the health care industry more competitive and efficient without hurting the quality of care.

This is a complicated problem which does not lend itself to easy solutions. The leader deserved credit for proposing a bill which attempted to balance all interests. I hope that all my colleagues, who have said that they do not intend to let the current health care crisis go unsolved next year, will make a sincere effort to find an acceptable compromise. Despite my disappointment, I have faith that this great body will find the will and means to address this national problem in the coming Congress. I only regret that we were unable to do so this year.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SHIRLEY FELIX

Mr. MITCHELL. Mr. President, on behalf of all Members of the Senate, I want to wish Shirley Felix, the catering director in the Capitol, a speedy recovery. She was taken ill on Tuesday evening and remains in intensive care at George Washington University Hospital.

I believe I can speak for every Member of the Senate when I say that we have benefited from Shirley's long career of service and dedication and cheerful and professional way in which she performed her job often responding with little notice to many demands made upon her.

She is seriously ill, and we wish her a prompt and speedy recovery and hope that when the Senate next convenes that she will be back on the job with us.

Mr. President, I yield the floor.

Mr. WOFFORD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

PARTISAN POLITICS

Mr. WOFFORD. Mr. President, most of my life, I have worked from the outside to prod Congress into taking action which I thought was good for our country, from passing civil rights legislation to creating the Peace Corps up to the National and Community Service Act of 1990.

Now I am completing my first full session in Congress. What I have seen from inside, this year, appalls and angers me. Never in my life have I witnessed the kind of petty partisanship and calculated obstructionism that has been practiced over this past year.

On some important fronts, we have achieved real results in this session: The crime bill, national service, family and medical leave, expanded college aid for the middle class, and the rest of the list so eloquently described by the majority leader, Senator MITCHELL, and by the Senator from Arkansas, Mr. BUMPERS.

In each of those cases, in almost every one of those cases, it has been because moderate Republicans have broken from the party line to join with Democrats in pragmatic, commonsense action that helps families and communities in Pennsylvania and around the country. Many of these Republican colleagues were working with us on a practical first step in health care reform.

In these last weeks, even before their leadership rejected consideration of even any such first step, and through this very week and this very day, we have been working to reach final agreement on a bipartisan interstate waste bill that I have been working for since I came to the Senate. The bill would finally have given Pennsylvania the legal authority to meet the onrushing pile of garbage coming from outside and put reasonable limits on out-of-State waste coming to fill our landfills, and it would have helped many, many other States begin to control their destiny in the matter of interstate waste. Yet, at the 11th hour, despite overwhelming bipartisan support, despite long, hard work over years by Senator COATS; the chairman of the Environment and Public Works Committee, Senator BAUCUS; by the senior Senator from Pennsylvania, Senator SPECTER; by Senator DURENBERGER, and others of us, the politics of "no" was just applied, right now, when I heard the Republican leader block the passage of this bill, so vital to Pennsylvania and to communities all over this Nation.

I waited to beyond the 11th hour, right to this last minute before midnight to say this. But what we have just seen on this interstate waste bill and on these other bills vital to the American people that have been killed in these last weeks is what makes American people hate politics. More and more in Congress, the kind of bipartisan spirit we need is being crushed by blind, selfish obstructionism, by a strategy based on a calculation as to what is best for the next elections, not what is best for the next generations.

Mr. President, the politics of obstruction, the politics of "no" is easy, but with all the challenges facing our country right now, our challenge is finding the ways to say "yes" to those actions which will make a difference in the lives of people. And I warn some of my colleagues whose electoral calculations have led to this year's politics of "no" that the letters GOP are coming to stand for gridlock over people. As the Republican leader, Senator DOLE, was reported to have said in explaining why he objected to Republicans working with Democrats to craft a good first step on health care reform in the last couple of months, "We've got a party to think of."

Mr. President, I suggest a different approach. I believe we have a country to think of. Listen to some of the recent headlines. "GOP taking joy in obstructionism." "Senate GOP tactics threaten lobbying, education environment bills." "Republicans kill lobbying bill in Senate." "Serial Senate filibuster looms." "Republicans seek political advantage with gridlock." That one was from the not so Democratic Washington Times.

As Pulitzer-Prize-winning columnist William Raspberry wrote in part yesterday, "The opposition these days isn't ideological or interesting. It's petty, partisan, and tiresomely predictable." No matter how much fun the game seems to those who play it, this poisoning of our politics threatens to do a good deal of harm to America.

I think, Mr. President, that most Americans are tired of the endless bickering in Washington. They know that it does harm our country and their own lives. We can and we must do better. We must wake up and see that this is not just a political game, that this is about people's lives.

Last week, as promised, I introduced a bill that might bring that point home to my colleagues. I posed a simple proposition, that Members of Congress should not take from the American people what they will not arrange for the American people. That bill would cut off taxpayer-financed health benefits that Members of Congress have arranged for themselves. I offered it as an amendment last week. No one spoke against it. But through procedural tricks, we were prevented from having a vote. At that time, the leader assured me that he intended to bring up the Congressional Compliance Act and that I would have an opportunity to introduce my amendment and have it considered then.

When the leader did try to bring up that Compliance Act, which I support and have cosponsored, there was a technical objection raised from the other side of the aisle that could not be overcome in these last hours. So Congress was denied the opportunity to take up a good bill, the compliance bill that enjoys wide bipartisan support and could have passed. Once again by that stratagem, this Congress avoided having to consider my amendment which, like the Compliance Act itself, would have put Congress in the same boat as the American people.

Then came the bill on unfunded Federal mandates. A Senator on the other side introduced an amendment that was a bill killer. That destroyed the opportunity to debate and pass a bipartisan bill to help our cities and States, and it ended the chance for introducing and debating other amendments, including mine.

Mr. President, I did not come to the Senate to take anyone's health insurance away. I came to help make health insurance more secure, more accessible, and more affordable for millions of Americans. I came here to provide to the American people the same kind of affordable private health insurance that Members of Congress have arranged for themselves and for millions of Federal employees and their families.

As Senator GRASSLEY said yesterday, we cannot have laws that apply to mainstream and do not apply in the Nation's Capital. I agree.

Mr. President, Members can run with procedural tricks and technical dodges, but they cannot hide from the power of this idea. Let us look again at what Members of Congress have arranged for themselves:

A practical way—this is from the Federal Employees Benefits Plan—a practical way to help meet the costs of health care;

A choice of plans and options;

Up to 75 percent toward the cost of your premium, paid by the U.S. taxpayers;

Payroll deductions for your share of the premium;

Immediate coverage without a medical examination or restrictions because of your age or physical condition.

The other chart, Mr. President, is what Members of Congress—of this Congress—have guaranteed other working Americans. It is blank. There is nothing there.

When I was appointed to the Senate, in accepting the nomination, I held up the Federal Employees Benefits Plan and said this is the model of what we should extend to the American people: private health insurance choices, each year the employee having the choice and the employer paying a fair share.

That is fair, if that is the system that the American people are able to enjoy. But it is wrong for us to be enjoying that kind of a good health care plan when we have failed to take even the first substantial steps toward guaranteeing private health insurance for the American people.

Yesterday, I heard Senator GRAMM boast about the success in blocking reform that would have extended health insurance for other Americans. But Senators have made sure that they will keep that kind of health insurance for themselves.

Members of Congress played political games to stall job training and reemployment proposals at a time when incomes for many Americans have been stagnant. But incomes have not been stagnant for Members of Congress, whose annual salary has gone up about $30,000 since 1991. They tried, and thank God they failed, to block a tough, smart crime bill that is already helping put more police on the streets in this country.

Let us remember, Members of Congress have their own cops on the beat: The Capitol Police. And it is good that they are there, but it is even better that we have now taken action to increase community policing all over America.

Last year, they tried and failed to block a tax cut for millions of working Americans, but now they are back to selling a tax cut for the wealthiest Americans, like Members of Congress who make more than $130,000 a year. So Members of Congress will leave here tonight with their private health insurance secure, paid by the taxpayers but without taking action to extend the same kind of affordable private health insurance choices to the people who pay those taxes.

Mr. President, if Members of Congress had to live like the American people, then they would find it easier to come together to do the right thing for the American people. I am going to keep fighting for that idea. It is an idea whose time has come, because the politics of selfishness is wearing thin. People are seeing through it and they do not like it. They do not want Members of Congress to ask only what is good for my party or what is good for me. They want us to ask what is good for the country. They want us to demonstrate that this is not only about winning political games, but it is about improving people's lives. They want us to recapture the spirit of the common good, to work together again; Democrats and Republicans, to solve our problems and move this country forward, to rediscover, as the first great Republican put it, the better angels of our nature.

I yield the floor, Mr. President, and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, NOVEMBER 30, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Wednesday, November 30; that following the prayer, the Journal of the proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that immediately thereafter, the Senate proceed to the consideration of the House companion to S. 2467, the GATT implementing legislation.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RECESS UNTIL WEDNESDAY, NOVEMBER 30, 1994, AT 9 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as provided for under the conditions of House Concurrent Resolution 315.

There being no objection, the Senate, at 5:11 p.m., recessed until November 30, 1994, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 8, 1994:

RESOLUTION TRUST CORPORATION

ROBERT C. LARSON, OF MICHIGAN, TO BE A MEMBER OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD FOR A TERM OF 3 YEARS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

TO BE LIEUTENANT GENERAL

LT. GEN. BUSTER C. GLOSSON [redacted]

SMALL BUSINESS ADMINISTRATION

PHILIP LADER, OF SOUTH CAROLINA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

GARY NILES KIMBLE, OF MONTANA, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

RAILROAD RETIREMENT BOARD

MARTIN JAY DICKMAN, OF ILLIINOIS TO BE INSPECTOR GENERAL, RAILROAD RETIREMENT BOARD.

DEPARTMENT OF THE INTERIOR

RHEA LYDIA GRAHAM, OF NEW MEXICO, TO BE DIRECTOR OF THE U.S. BUREAU OF MINES.

FEDERAL TRADE COMMISSION

CHRISTINE A. VARNEY, OF THE DISTRICT OF COLUMBIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF 7 YEARS FROM SEPTEMBER 26, 1989.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

TO BE BRIGADIER GENERAL

COL. CLAUDE M. BOLTON, JR. [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

TO BE LIEUTENANT GENERAL

LT. GEN. EDWARD P. BARRY, JR. [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

TO BE LIEUTENANT GENERAL

LT. GEN. SAMUEL E. EBBESEN [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, November 29, 1994*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We gather this day, O gracious God, to ask that Your blessing be upon us and what we do, that Your spirit grant wisdom and discernment in all our ways and devotion to the tasks before us. May Your benediction, O God, that is new every morning and gives strength throughout the day, promote understanding and vision among each person enabling us to be the people You would have us to be and doing those good things that honor the noble traditions of our land. May the words of the prophet Micah, resound not only in our minds but also in our hearts that in all things, "we will do justice, love mercy, and ever walk humbly with You." This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCCANDLESS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCCANDLESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 152, not voting 57, as follows:

[Roll No. 506]

YEAS—223

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Brown (FL)
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Combest
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Darden
de la Garza
Deal
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hilliard
Hinchey
Holden
Houghton
Hoyer
Hutto
Hyde
Inslee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klink
Knollenberg
Kopetski
LaFalce
Lambert
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lowey
Maloney
Manton
Markey
Matsui
Mazzoli
McCurdy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (NJ)
Spence
Spratt
Stenholm
Stokes
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—152

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Condit
Crane
Crapo
Cunningham
Danner
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grandy
Gunderson
Hancock
Hansen
Hastert
Hastings
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Istook
Jacobs
Johnson, Sam
Kim
King
Kingston
Klug
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder

NOTICE

A final issue of the Congressional Record for the 103d Congress will be published on December 20, 1994 in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through December 20. The final issue will be dated December 20, 1994 and will be delivered on December 21.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WENDELL H. FORD, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lucas
Machtley
Manzullo
McCandless
McCrery
McDade
McHugh
McInnis
McKeon
McKinney
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oberstar
Oxley
Paxon
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shays
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—57

Andrews (TX)
Bacchus (FL)
Barca
Bilirakis
Brooks
Brown (CA)
Bryant
Byrne
Collins (MI)
Cooper
Derrick
Dornan
English
Fingerhut
Ford (MI)
Ford (TN)
Glickman
Grams
Hall (OH)
Hefner
Hoagland
Hochbrueckner
Hughes
Inglis
Johnson (CT)
Johnson (GA)
Kaptur
Klein
Kreidler
Lancaster
Lantos
Lloyd
Long
Mann
Margolies-Mezvinsky
Martinez
McCloskey
McCollum
McMillan
Neal (NC)
Pickle
Price (NC)
Quinn
Ridge
Roemer
Sarpalius
Schroeder
Shepherd
Smith (OR)
Stark
Strickland
Swett
Taylor (MS)
Tucker
Valentine
Washington
Waxman

□ 1228

Mrs. CLAYTON changed her vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair wishes to announce that, with the kind indulgence of the Republican side, the Chair will take the prerogative on this last day of the 103d Congress to lead the House and its guests in the Pledge of Allegiance.

The SPEAKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2461. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals; and

H.R. 5030. An act to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

The message also announced that the Senate had passed bills, joint resolutions, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1203. An act to establish a Center for Rare Disease Research in the National Institutes of Health, and for other purposes;

S. 2272. An act to amend chapter 28 of title 35, United States Code, to provide a defense to patent infringement based on prior use by certain persons, and for other purposes;

S. 2297. An act to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes;

S. 2352. An act to amend the Public Health Service Act to reauthorize certain programs relating to the Substance Abuse and Mental Health Services Administration, and for other purposes;

S. 2550. An act to provide for the sale of certain lands of the University of Arkansas;

S. 2551. An act to prohibit the duplication of benefits;

S. 2559. An act relating to implementation of Oil Pollution Act with respect to animal fats and vegetable oils;

S. 2560. An act to allow the collection and payment of funds following the completion of cooperative work involving the protection, management, and improvement of the National Forest System, and for other purposes;

S.J. Res. 186. Joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day";

S.J. Res. 205. Joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland;

S.J. Res. 218. Joint resolution designating January 16, 1995, as "Religious Freedom Day";

S.J. Res. 219. Joint resolution to commend United States rice producers and millers, and for other purposes;

S.J. Res. 222. Joint resolution to designate October 19, 1994, as "Mercy Otis Warren Day", and for other purposes;

S.J. Res. 225. Joint resolution to designate February 5, 1995, through February 11, 1995, and February 4, 1996, through February 10, 1996, as "National Burn Awareness Week"; and

S. Con. Res. 21. Concurrent resolution expressing the sense of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 725) "An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes" with an amendment.

The message also announced that pursuant to Public Law 86-380, the Chair, on behalf of the Vice President, appoints Mr. Graham to the Advisory Commission on Intergovernmental Relations.

The message also announced that pursuant to Public Law 103-227, the Chair, on behalf of the President pro tempore, appoints—

Upon the recommendation of the majority leader: E. William Crotty of Florida, representing business; Katherine Schrier of New York, representing organized labor; and Michael P. Riccards of West Virginia, representing human resource professionals;

Upon the recommendation of the Republican leader: Bruce Carswell of New York, representing business; and Stephen L. Sayler of Kansas, representing human resource professionals; to the National Skill Standards Board.

The message also announced that pursuant to Public Law 96-114, as amended, the Chair announces, on behalf of the Republican leader, the appointment of W. Russell King of Virginia and Michael L. Lunceford of Texas, to the Congressional Award Board.

□ 1230

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 1994.

Hon. TOM FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Attached is the letter I have sent to the Honorable David L. Walters, Governor of the State of Oklahoma, notifying him of my resignation from the House of Representatives effective today, November 15, 1994 at twelve midnight.

Sincerely,

JAMES M. INHOFE,
Member of Congress.

Enclosure: letter.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 1994.

Hon. DAVID WALTERS,
Governor, State of Oklahoma,
Oklahoma City, OK.

DEAR GOVERNOR WALTERS: Pursuant to the November 8, 1994 special election, at which time I was elected to serve the vacancy in the United States Senate created by the resignation of Senator David L. Boren, I hereby submit to you my letter of resignation effective twelve midnight, today, November 15, 1994.

Sincerely,

JAMES M. INHOFE,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 22, 1994.
Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a certification from the Governor of Oklahoma, Honorable David Walters indicating that, Steve Largent of the First Congressional District, is elected to fill the vacancy in the 103d Congress created by the resignation of the Honorable James M. Inhofe at midnight on November 15, 1994.

This certification has been submitted under the laws of Oklahoma as stated in the accompanying documents. An election certification of Steve Largent to the 104th Congress has also been received in my office.

With great respect, I am

Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

STATE OF OKLAHOMA,
November 17, 1994.
Hon. DONNALD K. ANDERSON,
Clerk of the House of Representatives,
Washington, DC.

DEAR MR. ANDERSON: The provisions of 26 Okla. Stat., Section 12-101(B), require the election held November 8, 1994, for the seat to which Steve Largent was elected, be treated as election, within the meaning of Oklahoma law, to fill the vacancy of the unexpired term of James M. Inhofe, Member of Congress, who resigned effective November 15, 1994, at twelve midnight. Accordingly, pursuant to that statute, my appointment, as Governor of the State of Oklahoma, is the ministerial act incident to that election.

Sincerely,
DAVID WALTERS,
Governor.

ORDER OF APPOINTMENT

To: Secretary of State, Oklahoma State Capitol, Oklahoma City, Oklahoma

Please file for record the following executive order. By virtue of the authority vested in me as Governor of the State of Oklahoma, under 26 Okla. Stat., Section 12-101(B), I hereby appoint: Steve Largent, 124 E. 4th Street, Tulsa, Oklahoma 74103 as Member of the United States House of Representatives representing Oklahoma Congressional District 1, to serve the remainder of an unexpired term ending January 3, 1995. Mr. Largent will be succeeding the Honorable James Inhofe (resigned).

In witness whereof, I have hereunto set my hand and caused the seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 17th day of November 1994.

By the Governor of the State of Oklahoma: David Walters.

Attest: Glo Henley, Secretary of State.

AUTHORIZING AND DIRECTING THE SPEAKER TO ADMINISTER THE OATH OF OFFICE TO MR. STEVE LARGENT OF OKLAHOMA

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 585), and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 585

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Oklahoma, Mr. Steve Largent.

Resolved, that the question of the final right of Mr. Steve Largent to a seat in the One Hundred Third Congress be referred to the Committee on House Administration.

The SPEAKER. The gentleman from Illinois [Mr. MICHEL] is recognized for 1 hour.

Mr. MICHEL. Mr. Speaker, I shall not take the hour, but I offer this resolution to clarify the situation surrounding the seating of Congressman-elect STEVE LARGENT to the 103d Congress.

As my colleagues know, the gentleman from Oklahoma [Mr. INHOFE] won the special election to fill the vacant Senate seat from Oklahoma and has resigned from the House, thereby creating a vacancy.

Mr. Largent was elected on November 8 to represent the First District of Oklahoma. The credentials, forwarded from the State, include a letter from Governor Walters indicating that the provisions of Oklahoma law require that the November 8 election, "be treated as election within the meaning of Oklahoma law to fill the vacancy of the unexpired term of JAMES M. INHOFE." The Governor also forwarded an order of appointment for Mr. LARGENT to the 103d Congress as, "the ministerial act incident to that election," because the Governor, under Oklahoma law, has no discretion to act otherwise.

Let me cite from the relevant Oklahoma statute, 26 Oklahoma Statute, section 12-101, paragraph B:

> No special election shall be called if the vacancy occurs after March 1 of any even-numbered year if the term of said office expires the following year. In such case, the candidate elected to said office at the regular General Election shall be appointed by the Governor to fill the unexpired term.

Now, Mr. Speaker, under article I, section 2, of the Constitution, when vacancies occur in the House the executive authority of the State shall issue writs of election to fill such vacancies. Members of the House must be elected, and not appointed, and if the Oklahoma law is construed as an appointment, it likely is unconstitutional. The House has, however, historically given great weight to a State's construction of its laws. This is the first time, as far as I am aware, that the statute has been applicable and, therefore, never came to our attention before.

I know of no objection to the seating of Mr. LARGENT. The Speaker and I have discussed this matter and believe the issue raises enough of a constitutional issue that it ought to be brought to the House's attention, but that we also should seat Mr. LARGENT. My resolution allows for the seating of Mr. LARGENT, but also directs the Committee of House Administration to review the issue for final determination, and I would urge the adoption of the resolution, Mr. Speaker.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, I thank my leader for yielding, I think the point needs to be understood that Mr. LARGENT is being asked to be sworn in as a Member of the House of Representatives because the people in the First District of Oklahoma elected him, notwithstanding a Oklahoma law that says the Governor can appoint. The reason it is being referred to the Committee on House Administration is because in fact the Governor has forwarded the document which says that it was a ministerial duty to appoint him. This raises constitutional questions. Nevertheless the Oklahoma statute says the Governor can appoint.

Mr. Speaker, I am very pleased and proud to say the people of the First District of Oklahoma have sent us a new Congressman being sworn in today.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from California [Mr. THOMAS] for his contribution, and again I urge adoption of the resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF THE HONORABLE STEVE LARGENT AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. Will the Member-elect from Oklahoma, the Honorable STEVE LARGENT, please come forward?

Mr. LARGENT appeared at the bar of the House, and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the House of Representatives.

INTRODUCTION OF THE HONORABLE STEVE LARGENT AS A MEMBER OF CONGRESS

(Mr. ISTOOK asked and was given permission to address the House for 1 minute.)

Mr. ISTOOK. Mr. Speaker, it is my privilege to introduce to the Members of the House the newest Member of the 103d Congress, also to be a Member of the 104th Congress, which actually brings to an end a series of fascinating events in our great home State of Oklahoma this year.

We had the resignation of Congressman Glenn English and the election of Congressman FRANK LUCAS, the resignation of U.S. Senator David Boren to assume the presidency of the University of Oklahoma, the special election of Congressman JIM INHOFE to the U.S. Senate, and now the swearing in of the new Member from Tulsa, OK, of the First District.

This is a gentleman who has already shown great ability of accomplishment in a previous field and who will also show that great ability and will show excellence in the U.S. Congress. In the National Football League, he was named the NFL Man of the Year, not for his accomplishments on the field, which were tremendous, but for his accomplishments off the field, working with the community, with the family, and the adherence and allegiance to the values that he professes—a great honor.

I am very pleased that he is a graduate of a high school in my congressional district, Putman City High School, which is in the Oklahoma City suburb of Warr Acres, and where my children attend high school. If you were still playing football there today, STEVE, you would find that two of the cheerleaders are my daughters, and they would be cheering you on as ardently as everyone else has.

Mr. Speaker, it is my honor to introduce a great gentleman as the newest Member of Congress from Oklahoma, the Honorable STEVE LARGENT.

AN ACCEPTANCE OF RESPONSIBILITY AND A PROMISE OF BOLD LEADERSHIP

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, it is truly an honor to stand before you today as the newest Member of the 103d Congress. I first must thank those responsible for my being here—my wife Terry and our four children, Kyle, Casie, Kelly and Kramer—the joy and inspiration of my life. And, I must thank the hundreds of campaign workers in Tulsa, OK who worked in our campaign.

The emotions I am feeling this morning are overwhelming, similar to those felt when my four children were born. I feel a tremendous sense of joy and optimism—at the same time, I am aware of the tremendous responsibility given me by the voters of Oklahoma's First District.

Mr. Speaker, voters on November 8 made a clear, unmistakable call for bold leadership, a leadership that does not accept the way things are as the way things have to be—a leadership that reflects integrity and instills faith in our Government and in our elected officials. I pledge today to be such a leader.

It is truly an honor to serve in this body with my distinguished colleagues, and with you Mr. Speaker. I look forward to the challenges that lay ahead, and to working together with both Republicans and Democrats to change the direction of this Nation, to reduce the size and scope of Government, to reduce taxes and regulations on businesses, and to move this great country forward on a path toward greater opportunity for all Americans.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that he will recognize 10 Members on each side for 1-minute speeches, and further 1-minutes will be delayed until the close of legislative business.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 29, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate:

1. Received on Monday, October 10, 1994 at 1:00 p.m.: that the Senate passed without amendment H.R. 5060.

2. Received on Wednesday, October 12, 1994 at 1:40 p.m.: that the Senate agreed to the Conference Report on S. 21; agreed to House amendment to S. 720, S. 784, S. 1457, S. 1614; agree to House amendments to S. 2073, S.J. Res. 227; Passed without amendment: H.R. 808, H.R. 2056, H.R. 2135, H.R. 2266, H.R. 2294, H.R. 2411, H.R. 3059, H.R. 3984, H.R. 4180, H.R. 4192, H.R. 4193, H.R. 4497, H.R. 4551, H.R. 4452, H.R. 4571, H.R. 4595, H.R. 4757, H.R. 4778, H.R. 4781, H.R. 4814, H.R. 4833, H.R. 4842, H.R. 4896, H.R. 4922, H.R. 4924, H.R. 4967, H.R. 5034, H.R. 5053, H.R. 5102, H.R. 5155, H.R. 5161, H.R. 5176, H.R. 5200, H.R. 5220, H.R. 5244, H.R. 5246, H.R. 5252, H.J. Res. 326, H.J. Res. 390, H.J. Res. 425, H. Con. Res. 292, H. Con. Res. 293, H. Con. Res. 299, H. Con. Res. 304, and H. Con. Res. 314; agreed to House amendments to Senate amendments to H.R. 3313; and agreed to House amendment to Senate amendments to H.R. 4867.

3. Received on Wednesday, October 19, 1994 at 3:08 p.m.: that the Senate agreed to House amendment to S. 1146.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker or Speaker pro tempore signed the following enrolled bills and joint resolutions, which, without objection, will appear at this point in the RECORD.

The Speaker signed the following enrolled bill on Monday, October 10, 1994:

H.R. 5060. An Act to provide for the continuation of certain fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995.

And the Speaker signed the following enrolled bills on Tuesday, October 11, 1994:

S. 922. An Act to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court;

S. 1225. An Act to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission;

S. 2060. An Act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes;

S. 2475. An Act to authorize assistance to promote the peaceful resolution of conflicts in Africa;

S. 2500. An Act to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes.

And the Speaker pro tempore signed the following enrolled bills and joint resolutions on Wednesday, October 12, 1994:

H.R. 4217. An Act to reform the Federal Crop Insurance Program, and for other purposes;

H.R. 4361. An Act to amend chapter 63 of Title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, and for other purposes;

H.R. 5053. An Act to authorize the Secretary of Agriculture to extend for 1 year Water Bank Act Agreements that are due to expire on December 31, 1994;

H.R. 5155. An Act to authorize the transfer of naval vessels to certain foreign countries;

S. 340. An Act to amend the Federal food, drug, and cosmetic act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes;

S. 455. An Act to amend title 31, United States Code, to increase Federal payments to units of general local Government for entitlement lands, and for other purposes;

S. 2395. An Act to designate the U.S. Courthouse in Detroit, MI, as the "Theodore Levin Courthouse" and for other purposes;

S. 2407. An Act to make improvements in the operation and adminsitration of the Federal courts, and for other purposes;

S. 2466. An Act to amend the energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes;

S. 2534. An Act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws;

S.J. Res. 90. Joint resolution to recognize the achievements of Radio Amateurs, and to establish support for such amateurs as national policy;

S.J. Res. 220. Joint resolution to designate October 19, 1994, as "National Mammography Day";

S.J. Res. 229. Joint resolution regarding U.S. policy toward Haiti;

And the speaker pro tempore signed the following enrolled bills and joint resolutions on Monday, October 17, 1994:

H.R. 6. An Act to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes;

H.R. 512. An Act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill; to provide for continuation of health benefits coverage for certain individuals enrolled in health benefits plans administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision; and for other purposes;

H.R. 783. An Act to amend Title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization;

H.R. 808. An Act for the relief of James B. Stanley;

H.R. 2056. An Act to redesignate the Post Office Building located at 600 Princess Anne Street in Fredericksburg, VA, as the "Samuel E. Perry Post Office Building";

H.R. 2135. An Act to provide for a National Native American Veterans' Memorial;

H.R. 2266. An Act for the relief of Orlando Wayne Naraysingh;

H.R. 2294. An Act to redesignate the Post Office Building located at 1000 Lamar Street in Wichita Falls, TX, as the "Graham B. Purcell, Jr. Post Office Building";

H.R. 2411. An Act for the relief of Leteane Clement Monatsi;

H.R. 2440. An Act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes;

H.R. 2970. An Act to reauthorize the Office of Special Counsel, and for other purposes;

H.R. 4192. An Act to designate the U.S. Post Office Building located at 300 Veterans' Drive in Saint Thomas, VI, as the "Arturo R. Watlington, Sr. Post Office";

H.R. 4535. An Act to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes;

H.R. 4833. An Act to reform the management of Indian trust funds, and for other purposes;

H.R. 4842. An Act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act and to provide for tribal self-governance, and for other purposes;

H.R. 4896. An Act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact;

H.R. 4922. An Act to amend Title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes;

H.R. 4924. An Act to assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the cites secretariat;

H.R. 5116. An Act to amend title 11 of the United States Code;

H.J. Res. 425. Joint resolution providing for the convening of the 1st session of the 104th Congress;

S. 528. An Act to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County in the State of Montana;

S. 720. An Act to clean up open dumps on Indian lands, and for other purposes;

S. 784. An Act to amend the Federal Food, Drug and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes;

S. 1312. An Act to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries;

S. 1457. An Act to amend the Aleutian and Pribilof Islands Restitution Act to increase authorization for appropriation to compensate Aleut Villages for church property lost, damaged, or destroyed during World War II;

S. 1927. An Act to amend Title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to revise and improve veterans' benefits programs, and for other purposes;

S. 2073. An Act to designate the Warren B. Rudman U.S. courthouse, the Jamie L. Whitten Federal Building, and the William H. Natcher Federal Building and U.S. courthouse;

S. 2372. An Act to amend the United States Commission on Civil Rights Act of 1983;

S.J. Res. 227. Joint resolution approving the location of a Thomas Paine Memorial and a World War II Memorial in the Nation's Capital.

And the Speaker pro tempore signed the following enrolled bills and joint resolutions on Thursday, October 20, 1994:

H.R. 1348. An Act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes;

H.R. 3050. An Act to expand the boundaries of the Red Rock Canyon National Conservation Area;

H.R. 3059. An Act to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage;

H.R. 3313. An Act to amend Title 38, United States Code, to extend certain expiring veterans' health care programs, and for other programs;

H.R. 3499. An Act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act;

H.R. 3678. An Act to authorize the Secretary of the Interior to negotiate agreements for the use of outer continental shelf sand, gravel, and shell resources;

H.R. 3984. An Act to designate the building located at 216 Coleman Avenue in Waveland, MS, for the period of time during which it houses operations of the U.S. Postal Service, as the "John Longo, Jr. Post Office";

H.R. 4180. An Act to provide for the annual publication of a list of federally recognized Indian tribes, and for other purposes;

H.R. 4193. An Act to designate the building located at 100 Vester Gade, in Cruz Bay, Saint Thomas, Virgin Islands, for the period of time which it houses operations of the U.S. Postal Service, as the "Ubaldina Simmons Post Office";

H.R. 4196. An Act to insure that timber-dependent communities adversely affected by the forest plan for a sustainable economy and a sustainable environment qualify for loans and grants from the Rural Development Administration;

H.R. 4452. An Act to designate the U.S. Post Office Building located at 115 North Chester in Ruleville, MS, as the "Fannie Lou Hammer Post Office";

H.R. 4455. An Act to authorize the Export-Import Bank of The United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes;

H.R. 4497. An Act to award a Congressional Gold Medal to Rabbi Menachem Mendel Schneerson;

H.R. 4551. An Act to designate the U.S. Post Office Building located at 301 West Lexington Street in Independence, MO, as the "William J. Randall Post Office";

H.R. 4571. An Act to designate the U.S. Post Office Building located at 103–104 Estate Richmond in Saint Croix, VI, as the "Wilbert Armstrong Post Office";

H.R. 4595. An Act to designate the building located at 4021 LacLede in St. Louis, MO, for the period of time during which it houses operations of the U.S. Postal Service, as the "Marian Oldham Post Office";

H.R. 4598. An Act to direct the Secretary of the Interior to make technical corrections to maps relating to the coastal barrier resources system, and to authorize appropriations to carry out the Coastal Barrier Resources Act;

H.R. 4709. An Act to make certain technical corrections, and for other purposes;

H.R. 4757. An Act to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes;

H.R. 4777. An Act to make technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees;

H.R. 4778. An Act to codify without substantive change recent laws related to transportation and to improve the United States Code;

H.R. 4781. An Act to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes;

H.R. 4814. An Act to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact;

H.R. 4867. An Act to authorize appropriations for high-speed rail transportation, and for other purposes;

H.R. 4967. An Act to designate the U.S. courthouse located at 231 West Lafayette Street in Detroit, MI, as the "Theodore Levin United States Courthouse" and to designate the postal facility located at 1401 West Fort Street in Detroit, MI, as the "George W. Young Post Office";

H.R. 5034. An Act to make certain technical amendments relating to the State Department Basic Authorities Act of 1956, the U.S. Information and Educational Exchange Act of 1948, and other provisions of law;

H.R. 5084. An Act to amend Title 13, United States Code, to improve the accuracy of census address lists, and for other purposes;

H.R. 5102. An Act to amend Title 18, United States Code, with respect to certain crimes relating to Congressional Medals of Honor;

H.R. 5161. An Act to amend the Omnibus Budget Reconciliation Act of 1993 to permit the prompt sharing of timber sale receipts of the Forest Service and the Bureau of Land Management;

H.R. 5176. An Act to amend the Federal Water Pollution Control Act relating to San Diego Ocean discharge and waste water reclamation;

H.R. 5200. An Act to resolve the 107th Meridian Boundary Dispute between the Crow Indian Tribe and the United States;

H.R. 5220. An Act to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, AZ, under section 3 of the act of September 30, 1950—Public Law 874, 81st Congress—for fiscal years 1994 and 1995;

H.R. 5244. An Act to amend Title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes;

H.R. 5246. An Act to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes;

H.R. 5252. An Act to amend the Social Security Act and related acts to make miscellaneous and technical amendments, and for other purposes;

H.J. Res. 271. Joint resolution designating the month of November in each of calendar years 1993 and 1994 as "National American Indian Heritage Month";

H.J. Res. 326. Joint resolution designating January 16, 1995, as "National Good Teen Day";

S. 21. An Act to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes;

S. 1146. An Act to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, AZ, and for other purposes;

S. 1614. An Act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such acts through fiscal year 1998, and for other purposes.

And the Speaker pro tempore signed the following enrolled joint resolution on Wednesday, October 26, 1994:

H.J. Res. 390. Joint resolution designating September 17, 1994, as "Constitution Day."

There was no objection.

APPOINTMENT AS A MEMBER OF THE BOARD OF TRUSTEES OF THE AMERICAN FOLKLIFE CENTER IN THE LIBRARY OF CONGRESS

The SPEAKER. Pursuant to the provisions of section 4(b) of Public Law 94-201 (20 U.S.C. 2103(b)), and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on October 11, 1994, did appoint to the Board of Trustees of the American Folklife Center in the Library of Congress the following member from private life on the part of the House to fill the existing vacancy thereon:

Mr. William L. Kinney, Jr. of Bennettsville, SC, for a 6-year term.

APPOINTMENT AS MEMBER OF THE COMPETITIVENESS POLICY COUNCIL

The SPEAKER. Pursuant to the provisions of section 5202(a)(1)(c) of Public Law 100-418, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker and the minority leader on November 17, 1994, did jointly appoint the following member to the Competitiveness Policy Council on the part of the House to fill the existing vacancy thereon:

Mr. Donald V. Fites of Peoria, IL.

APPOINTMENT AS MEMBERS OF THE SOCIAL SECURITY ADVISORY BOARD

The SPEAKER. Pursuant to the provisions of section 703 of the Social Security Act (42 U.S.C. 903) as amended by section 103 of Public Law 103-296, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the speaker on November 17, 1994 did appoint to the Social Security Advisory Board the following members on the part of the House:

Ms. Martha Keys of Arlington, VA, to a 5-year term; and

Mr. Arthur L. (Pete) Singleton of Dunnsville, VA, to a 4-year term.

□ 1250

APPOINTMENT AS A MEMBER OF THE NATIONAL BANKRUPTCY REVIEW COMMISSION

The SPEAKER. Pursuant to the provisions of section 604 of Public Law 103-394, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on November 17, 1994, did appoint to the National Bankruptcy Review Commission the following member on the part of the House:

Mr. John A. Gose of Seattle, WA.

APPOINTMENT AS A MEMBER OF THE COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

The SPEAKER. Pursuant to the provisions of section 904(b) of Public Law 103-236, the Chair appoints to the Commission on Protecting and Reducing Government Secrecy the following member of the House:

Mr. HAMILTON of Indiana.

APPOINTMENT AS MEMBERS OF THE COMMISSION ON THE ROLES AND CAPABILITIES OF U.S. INTELLIGENCE COMMUNITY

The SPEAKER. Pursuant to the provisions of section 904(a) of Public Law 103-359, the Chair appoints to the Commission on the Roles and Capabilities of the U.S. Intelligence Community the following members on the part of the House:

Mr. DICKS of Washington; and

Mr. TONY COELHO, of Alexandria, VA.

A DAY STEEPED IN NOSTALGIA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, for scores of us, this will be the very last vote that we will cast in our careers in the House of Representatives. This kind of a day is one that is steeped in nostalgia as we look backward to the people with whom we have served, the Speakers under whom we have served, but also as we look forward to new lives in our districts or here in the Washington area.

I think it is therefore propitious that as we reach this juncture, that the vote we will cast today is one which is not a local vote in our districts nor even a vote that deals with our States or even a vote which deals with our States or even a vote which deals with our Nation, but rather a vote which deals with the total world, with the entire globe.

So I think it is propitious and fitting that we leave, those of us leaving at this time, leave on the note of a vote that deals with the world community. I happen to feel that the General Agreement on Tariff and Trade implementing legislation is good and valid and ought to be passed, and I hope this Chamber will do so later today. But I also leave on the note that I have loved the service, loved working with all the people of the House. I wish this assembly and its people, men and women, very much good fortune and success in the years ahead, and look forward to working with you from a different perspective, but to again wish each of you God's choicest blessings.

IN FAVOR OF GATT, IF NOT PERFECT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I approach the vote on GATT Agreement with mixed emotions. I think this country really needs to learn how to do a better job of negotiating. It has made the vote difficult, both in the NAFTA Agreement and in this current round of GATT. In our desperation to have more free trade, we have ended up with many provisions that place many sectors of this country at a disadvantage.

Additionally, I am concerned with the implementing language. The defects in that language further weaken the benefits of the agreement. We need to make the implementing language fair for such industries as textiles and agriculture, to protect our inventors, to assure our sovereignty from the WTO and to allow Congress absolutely to initiate U.S. withdrawal from GATT if it does not work. We need to take out the pork-barrel spending and the favors for special interests in that implementing language. I hope we can deal with that next year as 20 percent of this Congress are coming in newly elected and will have the opportunity to revise and amend the implementing language as we approach it next year.

Mr. Speaker, I am voting for this agreement because it is better than the alternative of continuing under the existing GATT Agreement. I hope, in conclusion, that we become more determined in future years as competition becomes more challenging to do a better job in negotiating these agreements.

DAHMER KILLING SHOULD TEACH CONGRESS A LESSON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Jeffrey Dahmer killed 17 people. He skinned his victims. He cut up their body parts. He even ate their flesh. For that crime, Jeffrey Dahmer was granted three square meals, a law library, and a cable TV. Ladies and gentlemen, not any more. A bunch of prisoners in Wisconsin got tired of waiting on the Supreme Court for term limits. Jeffrey Dahmer was beaten to death.

This case, Mr. Speaker, clearly depicts the weaknesses of the American justice system. Jeffrey Dahmer should have been sentenced to death by a jury, not by a bunch of thugs in a prison.

Let there be no mistake, Americans are fed up with a Congress that coddles killers, forgets about their victims. And this is certainly not a day to celebrate such a brutal killing. But the truth is, Jeffrey Dahmer earned it, he deserved it. "Good night, sweet Prince."

Congress should learn from a bunch of prisoners who provided some justice in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair must advise the gallery that it is not proper under House rules for members in the gallery to take part in the floor debate or to exhibit pleasure or displeasure with action on the floor.

TRIBUTE TO EX-SENATOR THOMAS H. KUCHEL

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, last week on November 21, there passed a great Californian, a great American, and a great Senator of the United States. Thomas Henry Kuchel was born in 1910, the year that progressive Republican Hiram W. Johnson became Governor of California. In 1934, as a young law student, Tommy Kuchel managed then Senator Hiram W. Johnson's Los Angeles campaign headquarters.

Elected one of the youngest State party chairmen in American history, and one of the youngest State assemblymen and State senators in California, he represented Orange County well in Sacramento in the late 1930's. There he befriended then Attorney General Earl Warren, later to become another great Governor of California and, still later, the Chief Justice of the United States.

In 1953, Governor Warren appointed Senator Kuchel to take the place of U.S. Senator Richard Nixon, who had been elected Vice President of the United States when President Dwight D. Eisenhower swept the Nation. The new Senator won elections in 1954, 1956, and 1962. He served with distinction in the Senate until 1969 and was Republican Whip from 1959 to 1969, the deputy leader with Republican Leader Everett McKinley Dirksen of Illinois.

In this age when we talk about bipartisanship, Senator Kuchel epitomized it, as did the Republican leader at that time, Senator Dirksen. Both spoke for the longrun national interest. Senator Kuchel was one of the key Members in helping to pass Medicare, cofloor manager with his Democratic whip counterpart Senator Humphrey of the Civil Rights Act of 1964, helped write in Senator Dirksen's back office what became the Voting Rights Act of 1965. Earlier, in 1963, he had sat in on the extensive hearings on the Nuclear Test Ban Treaty. When his legislative assistant—this Member of Congress—asked him if he wanted a floor statement prepared, he turned to me and said: "Steve, I am doing this one myself. I am doing it for my grandchildren." And so he did. A great admirer of Winston Churchill, he took pride in the use of the English language. He had a good tutor—his father, the editor of an Orange County newspaper. His father was blind in the eyes, but not to evil. He drove the Ku Klux Klan out of Orange County. As a little boy the Senator read to his father and learned not to compromise with evil.

Ladies and gentlemen, Senator Kuchel was one of the great legislators from our State in this century, and I suggest that both the other body and this body take his merits into consideration when they think of working together for the betterment of our country as a whole. If Hiram Johnson, his political mentor, were alive, he would say of Thomas H. Kuchel, "He kept the faith."

Mr. Speaker, I include for printing in the RECORD the following article from the Los Angeles Times of November 23, 1994.

EX-SENATOR KUCHEL DIES; LAST OF STATE'S GOP PROGRESSIVES

(By Kenneth Reich)

Thomas H. Kuchel, U.S. senator from California for 16 years and the last major officeholder from the progressive Republican line in state politics that stretched back to Earl Warren and Hiram Johnson, has died at age 84.

Kuchel died Monday night at his home in Beverly Hills of lung cancer, Dick Arnold, Kuchel's law partner and friend, said Tuesday.

A friend and protege of Warren, Kuchel was appointed by Warren as state controller and as U.S. senator before he was elected to those posts in his own right.

Although he was the Republican whip in the Senate from 1962 to 1966—the second most powerful Senate leadership post in his party—Kuchel refused to endorse four leading Republican candidates for public office in those years: Richard M. Nixon for governor of California in 1962, Barry Goldwater for President and George Murphy for the U.S. Senate in 1964, and Ronald Reagan for governor in 1966.

In 1968, Kuchel lost his bid for a third full term, beaten in the Republican primary by right-wing educator Max Rafferty, who was then defeated by Democrat Alan Cranston in the general election.

Rafferty's defeat of Kuchel was the Republican right-wing's revenge for Kuchel's recalcitrance toward conservative candidates, and it spelled the end of the proudly outspoken progressive era in California's Republican Party. Later, when the essentially moderate Pete Wilson was elected to the U.S. Senate as a Republican, he was careful to support Reagan and other candidates of the Republican right.

Kuchel never apologized for being out of step with the rightward drift of the GOP, which was particularly marked in California.

In an interview long after his retirement, he extolled the virtues of progressivism, the essence of which he said had been defined in the 19th Century by British statesman Benjamin Disraeli, who remarked that the main purpose of government was to "distribute the amenities of life on an ever-increasing scale to an ever-increasing number."

"Progressive Republicans brought to politics the philosophy of governing for the many," Kuchel said, "What comes particularly to my mind is Medicare. If it weren't for Medicare today, there would be tens of thousands of Americans living in the poorhouse, with no care. It was a baker's dozen progressive Republicans in the Senate who agreed we would vote for Medicare. . . . I was their spokesman, and we provided the necessary margin for passage."

Kuchel also expressed particular pride in the progressives' support of civil rights bills for the enfranchisement of blacks and desegregation of public facilities during the 1960s.

By contrast, he said with characteristic disdain, the main feature of "right-wing Republicans," as he understood them, "was militant anti-communism. . . . They seemed convinced we were about to be invaded by the communists."

Kuchel was born Aug. 15, 1910, in Anaheim, where his father, Henry Kuchel, was a newspaper publisher who had crusaded against the Ku Klux Klan. His father became blind the year the Senator-to-be was born, and as a boy Kuchel used to read the Congressional Record to him.

Graduated from USC in 1932 and from USC Law School in 1935. Kuchel first was elected to public office at 26, winning an Assembly seat from Orange County. When he was 30, he was elected chairman of the Republican State Central Committee, the youngest man ever to hold that position.

It was during his legislative years that he first met Warren, who became state attorney general in 1939 and governor in 1943.

"I saw him quite often," Kuchel later recalled. "I was single and living in the Sutter Club during the legislative sessions, and he'd stay there too when he was in Sacramento. We developed a good friendship."

It was to be the decisive relationship in Kuchel's career. When state Controller Harry B. Riley died in 1946, it was Gov. Warren who called Kuchel, then a state senator fresh from World War II Navy service, and told him. "It's a fine job, and I think you have the qualifications." Six years later, when then-Sen. Nixon was elected vice president, it was Warren who insisted, despite some reluctance from Kuchel, on appointing him to the U.S. Senate.

Warren was shortly to go to Washington himself, as chief justice of the U.S. Supreme Court, where he became a leading judicial liberal and eventually came under bitter attack from the far right. It was appropriate that his protege, Kuchel, was to emerge as the Senate's most outspoken Republican foe of the far right.

In fiscal matters, the senator was a conservative. He strongly supported American involvement in Vietnam for a long time. Even after the devasting Tet offensive by the North Vietnamese in 1968, he remarked, "I don't want this senator, or any U.S. senator, to indicate by his words that there is dissension among us" on Vietnam policy.

But he worked hard for such moderate causes as the 1964 Civil Rights Act and favored the atomic test ban treaty and other steps toward detente with the Soviet Union.

Kuchel always traced his trouble with the political right to his response to surge of mail that he got from members of the then-obscure John Birch Society shortly after John F. Kennedy became President.

"I got thousand of letters telling me that Chinese communists were in Mexico preparing to invade California," he recalled. After checking with military authorities. Kuchel penned a short form letter in response. "We have no evidence of communists gathering in Mexico. Chinese or otherwise." it said.

Shortly thereafter, Kuchel learned that he was being labeled a "Comsymp," a term he had not heard of until then.

"I got a little teed off, and prepared a carefully researched speech critical of the John Birch Society and that kind of mentality." Kuchel remembered. "I kicked them around and they never forgave me."

About the same time, Kuchel's refusal to endorse his fellow Republicans began to nettle not only the party's right wing, but also many of the more orthodox conservatives who made up the majority of the GOP rank and file.

When Nixon announced his plans to run for governor of California, the same year that Kuchel was standing for reelection to the Senate, the former vice president said he would run an independent campaign and endorse no one else on the Republican ticket.

Kuchel, feeling turnabout was fair play, decided to avoid endorsing Nixon. But when Nixon ran into trouble against Democratic incumbent Gov. Edmund G. (Pat) Brown, the senator was pressured to give him a hand.

Former President Dwight D. Eisenhower wrote Kuchel a pointed letter, asking what kind of Republican he was for not giving such support. Eisenhower backed off when Kuchel responded forcefully that in California it was traditional to run one's own campaign and not get involved with others and that Nixon had been first to restate the tradition.

"Dear Tom." Eisenhower responded. "Thanks for straightening me out."

Kuchel was reelected that year, 1962, by more than 700,000 votes. Nixon lost to Brown by 300,000.

Two years later, when Goldwater ran against President Lyndon B. Johnson, Kuchel refused to endorse him, explaining later, "I would have been a hypocrite if I had campaigned for Goldwater, so I kept my mouth shut and campaigned for other Republicans across the country. I considered myself the Republican. I considered what Barry Goldwater was saying was hardly Republican doctrine."

On his refusal to support George Murphy, who ran successfully as the Republican candidate for the other Senate seat from California that same year, Kuchel said, "I never coveted public office enough to become a wholesale hypocrite."

Two years later, when Reagan ran for governor, Kuchel withheld his endorsement. He said he had given a Reagan emissary, Leonard Firestone, an assurance that he would endorse the future President but only on condition that Reagan repudiate the John Birch Society. When Reagan would not do so. Kuchel made no endorsement, even though he said he had been told at one point that if he did. Reagan would guarantee that he would have no primary opposition in 1968.

That certain elements of the far right would stop at nothing to get Kuchel was indicated during his last term of office, when his Los Angeles assistant received an affidavit claiming that the senator, who was married and had a daughter, was homosexual

Kuchel was shaken, "My God," he said years later, "I almost dropped. I flew out to California within two days, and I asked for a meeting with the district attorney and the Los Angeles chief of police. They said they would undertake an investigation."

Quietly, with little press notice, a Los Angeles police office who had assisted in preparing the affidavit was fired. He and a New Jersey publisher pleaded no contest to charges of libel filed by the authorities. They claimed that it has been a case of mistaken identity.

But Kuchel later said, "It damaged me. Even though the perpetrators took a plea, it hurt me."

Some political insiders felt that the senator lost much of his zest for political life after that episode. But there appeared to be other reasons as well for his inability to put on a dynamic defense of his seat when he was challenged by Rafferty in the 1968 GOP primary.

As Kuchel admitted. "My Achilles' heel was money raising, I hated to indulge in it, and my campaign expenditures usually were the lowest amount of anyone."

With Rafferty charging hard, declaring up and down the state that Kuche" was not a true Republican, the senator seemed on the defensive, and often inarticulately so. A dispatch by then-Times political writer Richard Bergholz said of the incumbent:

"He talked in generalities, haltingly with little force or emphasis. . . . [He] later conceded that he was something less than brilliant. . . . 'I was tired,' he explained. . . . It was midafternoon on a campaign day which had only one appearance earlier in the day."

When the votes were in, on an primary day most remembered for the assassination that night in Los Angeles of Democratic presidential contender Sen. Robert F. Kennedy, Rafferty had defeated Kuchel by 69,000 votes of 2.2 million cast.

Kuchel is survived by his wife, Betty: their daughter, Karen Peterson, and two grandsons, Jason and Peter Smith.

A public memorial service is planned for 3 p.m. Nov. 30 at All Saints Episcopal Church in Beverly Hills.

MESSAGE OF 1994 ELECTION

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, as I offer my thoughts on the work of this Congress and the challenges of the next one, I speak with both a firm conviction and a measure of humility. I have just won my election by a landslide, 812 votes out of 190,000 cast. I won as a Democrat in a district that also elected many Republicans.

The message I have heard, the message I bring back with me, is that people want bipartisanship, they want Members of Congress who will represent them, who are prepared to solve problems and ready to shed outdated party ideologies.

So all of us who are back are not just honored, we are being challenged to reach across the aisle, to see beyond politics as usual, to work together. Some of those who are leaving are among the best of our colleagues. For them, and for those who elected us, we who are returning have an obligation to do better. Not as Republicans or Democrats preparing for the next election but as citizen legislators acting for the common good. That, in my view, is the message and the meaning of 1994.

□ 1300

THE GREAT GATT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, what can the great GATT be? Is it the name of an award-winning motion picture, or is it the issue of the day that we must resolve here in the House of Representatives? What can the great GATT be? It has to be the single most important vote cast in the 103d Congress and it happens to come on the last day.

What can the great GATT be in its meaning to our constituents? Our constituents do not want to talk about the General Agreement on Trade and Tariffs. They want to know what implication does it have on jobs, on commerce, on business opportunities, on expansion of the economy, on economy development.

On all those questions, I have affirmative answers in Pennsylvania, and what is good in my district is good in Pennsylvania and what is good for Pennsylvania is good for the United States. I will vote in favor of GATT.

What can the GATT be? It can be the cornerstone of the prosperity for which we all yearn.

SUPPORT GATT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, this vote on GATT has nothing to do with the November election or with Bill Clinton. It is not about Democrats or Republicans or who is in and who is out, about whether textiles or dairy products got the short end of the stick or whether the WTO is much too intrusive. This vote is about America's standing in the world, whether we are going to lead internationally or whether we are going to put our heads in the sand and retrench.

Mr. Speaker, this message that we heard on November 8 will be ratified today. Are we prepared as a Nation to end gridlock and end politics and do the responsible thing?

Mr. Speaker, GATT is not perfect and it will not resolve all our trade disputes. But it will put more money in consumers' pockets. It will create some jobs. It will make sure that all nations do not cheat on each other.

Mr. Speaker, let us make the first vote after the election a good and responsible one.

BEST WISHES TO DEPARTING HOUSE MEMBERS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I would like to talk to my Democrat colleagues that are going to be leaving the House of Representatives after today as well as some of my Republican colleagues. We have had a lot of differences of opinion over the years. Some of them have been very acriminious, the debates that have taken place. But I want you to know as one Member of the now new majority that even though we have had our differences, we have had strong differences, I respect each and every one of you. I wish you the very best in the future. You have served your country well, even though we have had our differences, and God bless you for taking the time, the effort and all the pain that goes with this job. Most people out in America see what we do but they do not understand the pain and the hard work that goes with this job. I want to say to those of you who are leaving, we appreciate what you have done, and we wish you the best of the future.

God bless you and God bless your families.

LEAVING ISSUES OF THE 103D AND MOVING ON TO THE 104TH CONGRESS

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I want to congratulate my Republican colleagues. It took you 40 years but when you did it, you really did it.

The best way to show that this is a new day is to move forward on a new agenda—yours, yes, and ours. Unraveling issues settled in the 103d Congress is the way back to the future—and to gridlock. Contentious matters like the crime bill come to mind. Some of our Members came to your side and some of yours to ours. Putting Members through the prevention/punishment meat grinder again will be punishment for all concerned. and flashbacks to the quarrels of the 103d Congress will yield a loud national moan.

It's your game now. You will play it your way with your very own contract. But please, colleagues, forward passes, not dashes away from the goal post.

SEVERANCE PAY

(Mr. MINETA asked and was given permission to address the House for 1 minute.)

Mr. MINETA. Mr. Speaker, I rise today to ask my colleagues—Democrats and Republicans alike—to act out of fairness and decency, and to do so today.

One of the unfortunate results of the November 8 election is that many committee staff will lose their jobs. Many of these individuals have given years of dedicated service to the Congress.

Many House committee professionals—including some on the Republican side—do not know if they will have jobs on January 4 because the House has yet to reorganize itself and is not likely to do so until the holidays are upon us. These staff people are likely to receive terminations with very little notice and in the midst of the holidays.

The Senate already had adopted, on a bipartisan basis, a resolution providing up to 2 months additional time for committee staff to find jobs. This merely provides a decent interval of notice to departing committee staff, which they will not otherwise have.

We will be seeking later today to bring up a similar resolution in the House. We recognize that the only way it can be done is by unanimous consent and with bipartisan cooperation. There has been a lot of talk about making this institution more family-friendly. This is something that would simply be minimum decency for more than 1,000 families of our employees.

We will be working with both sides of the aisle today to try to accomplish that.

VOTE AGAINST GATT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today this House will consider the most overarching trade agreement in our history. But it is based on the same worn-out, tired philosophy that has held down our workers' wages and standard of living for the past 20 years. It is a familiar pattern. Corporate profits go up, consumer prices go up, but our workers' wages continue to go down.

At the same time as these past trade agreements have been signed and tariffs have come down to almost nothing as they have existed for a number of years, America has continued to accrue larger and larger trade deficits, and more lost jobs across this country, this year alone being among the largest and perhaps the largest in U.S. history. Yet we are allowed only 4 hours of debate with no amendments allowed today. Even the section on patents and weakening our inventors' patent protections deserves at least 4 hours of debate. What a tragedy that we cannot fully debate the surrender of America's authority to the World Trade Organization or debate the billions of dollars in tax increases folded into this bill even as America will lose $40 billion in tax revenues.

The American people deserve to know more and they deserve trade agreements that will again result in rising wages for the first time in two decades. Today any responsible Member will vote "no" on GATT. The people have a right to know.

IN MEMORY OF THE LATE RAFAEL "LITO" VALLS

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DE LUGO. Mr. Speaker, when we were home recently, the U.S. Virgin Islands lost a very special person. He passed away. His name was Lito Valls, Rafael "Lito" Valls.

He was a historian and a teacher by trade. By title he was an interpreter for the National Park Service at the Virgin Islands National Park on St. John. But perhaps most of all Lito, as he was known to his friends, was a master storyteller, a guide to the past who deftly combined his broad knowledge of history, culture, and folkways with his gift for words in ways that enthralled his audience from all over the world and made Virgin Islands history seem to come alive.

Lito Valls, his work, and his obvious genuine love of it, will live on in his books and in the memories of those of us who were fortunate enough to have known this very special human being. He was in very special ways my brother. He was the best friend that I have ever had in this life, and I will miss him greatly as will all of those who ever knew him.

Mr. Speaker, I include for the RECORD a recent guest editorial in the Virgin Islands Daily News by Virgin Islands National Park Ranger Chuck Weikert that well described Lito Valls and the exceptional human being that he was, as follows:

LITO VALLS HAD THE MAGIC TOUCH; THE NATIONAL PARK WAS HIS STAGE

Returning to the islands after a recent vacation, I was shocked and saddened to learn of the death of Lito Valls. I had known Lito since moving to St. John in 1986 and was fortunate to have been associated with him at Virgin Islands National Park.

Lito was employed as a park ranger whose responsibility was to present interpretive programs to the public. Interpreters are the park's educators, teaching visitors about those values for which the park was established. In so doing, the interpreter strives to create in sense of appreciation for a park's resources, both natural and cultural.

The art of interpretation began with the establishment of the National Park System in 1916. Since then, many excellent interpreters have worked in hundreds of parks throughout the nation. A few have stood out as natural communicators, men and women who can tell the park's stories with an elegance, with an almost uncanny sense for how bent to touch the hearts of visitors.

In essence, they make magic.

Lito Valls was just such a magician.

Lito used his amazing depth of knowledge and love of history to weave tales that would leave visitors spellbound. His enthusiasm for the events that shaped island culture was infectious.

I watched one day as he led a group through the sugar mill ruins at Caneel Bay. One moment, he had the audience chuckling over an anecdote concerning Alexander Hamilton. Moments later, he "shifted gears" in capturing the essence of man's inhumanity during the period when slavery was the driving force behind sugar and rum production.

With remarkable skill, thus would he move from one subject to another; visitors straining to hear his every word. Afterwards, nearly everyone came up to Lito to express their appreciation for his marvelous program. Over the years, there were many such compliments, many letters to the park expressing praise for his work.

A couple of months ago, long after he had decided to leave the park, Lito agreed to briefly come "out of retirement" to appear in a professional film production on St. John's history. But the day before filming, he changed his mind and opted not to do the program.

I was not surprised; Lito had shunned similar situations in the past. He avoided the bright lights of formality, whether at the camp ground's amphitheater or in front of a camera. He said that such appearances were just too stressful. But I think there was also another reason for his reticence.

As a ranger, Lito practiced the interpreter's craft in the traditional way—strictly in person, with relatively small groups of people.

Whether leading bus tours of the island, guiding hikers on the Reef Bay Trail, or speaking to several first-time visitors in the park's Visitor Center, this man knew how to capture and hold his audience for as long as he wished.

He really had no need for any additional lighting to draw attention to and brighten his stories any further.

I suspect he knew quite well that the storyteller's twinkle in his eyes was plenty illumination for park visitors and the rest of us to remember him by. Forever.

□ 1310

WHAT A DIFFERENCE POWER MAKES

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, oh what a difference some power makes. Today the conservative Washington Times reports that the Republican leadership has abandoned its plan to overhaul House committees. "Senior Republicans Too Eager To Control," say the headlines.

A reform long overdue, restructuring the committees, is dropped after only 3 weeks, 3 weeks. They are not even in power yet and they have already broken the spirit if not the letter of the Republican Contract on America.

According to the GOP leadership, these were not mere promises or proposals. It was contract, a sacred contract with the American people, broken because a few old bulls complained.

As the Republican Party will learn, being in power is very different from being the party of carping, criticizing, and complaining. When in power one must legislate by building coalitions and consensus. You have to lead with deeds as well as words. The Republicans have the words down but not the deeds.

One Republican aide said in this article that the GOP now has "a vested interest in the status quo."

Oh, what a difference some power makes.

COMMUNICATION FROM THE HONORABLE RON MACHTLEY, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication from the Honorable RON MACHTLEY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 12, 1994.

Hon. THOMAS FOLEY,
The Capitol.

DEAR SPEAKER FOLEY: This is to formally notify you that pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the Superior Court of the State of Rhode Island.

After consultation with General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

RON MACHTLEY,
Member of Congress.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAVID R. OBEY, chairman, Committee on Appropriations:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, October 18, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L (50) of the Rules of the House that my Committee has been served with a subpoena duces tecum issued by the Armed Services Board of Contract Appeals.

After consultation with the General Counsel, it was determined that compliance was not consistent with the privileges and precedents of the House.

Sincerely,

DAVE OBEY,
Chairman.

COMMUNICATION FROM THE HONORABLE LOUIS STOKES, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable LOUIS STOKES, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 21, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena, for the personnel records of a member of my staff, issued by the United

States District Court for the Eastern District of Virginia in connection with a civil case.

After consultation with the General Counsel, I will determine if compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LOUIS STOKES,
Member of Congress.

COMMUNICATION FROM RANDALL B. MEDLOCK, ACTING DIRECTOR, NONLEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following communication from Mr. Randall B. Medlock, Acting Director, Office of Nonlegislative and Financial Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 21, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

RANDALL B. MEDLOCK,
Acting Director.

COMMUNICATION FROM THE SERGEANT AT ARMS, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from The Honorable Werner W. Brandt, Sergeant at Arms, House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 2, 1994.

Re *Donoghue* v. *Donoghue*—Circuit Court for Prince George's County, Maryland, Case No.: CAD 94-03553.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to House Rule L (50), that a member of the Capitol Police, Sergeant William Perkins, has been subpoenaed to give testimony at a deposition in the above referenced case.

The subject of the requested testimony is related to the employment performance of an employee under the supervision of Sergeant Perkins and, therefore, relates to his official duties.

Please advise if any additional action is required by this office.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

COMMUNICATION FROM MR. RANDALL B. MEDLOCK, ACTING DIRECTOR, NONLEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following communication from Mr. Randall B. Medlock, Acting Director, Office of Nonlegislative and Financial Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 8, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

RANDALL B. MEDLOCK,
Acting Director.

COMMUNICATION FROM THE HONORABLE KWEISI MFUME, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable KWEISI MFUME, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 10, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the State of Michigan, Circuit Court for the County of Macomb in connection with a civil case.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House since the subpoena does not relate to the official functions of my office.

Sincerely,

KWEISI MFUME,
Member of Congress.

URUGUAY ROUND AGREEMENTS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 564 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 5110.

The Chair designates the gentleman from Kentucky [Mr. BARLOW], to act as Chairman of the Committee of the Whole for the first hour, and requests the gentleman from Indiana [Mr. SHARP] to assume the chair temporarily.

□ 1315

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5110) to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations, with Mr. SHARP, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. GIBBONS] will be recognized for 2 hours, and the gentleman from Texas [Mr. ARCHER] will be recognized for 2 hours.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, for the purposes of debate, I yield 1 hour of my time to the gentlewoman from Ohio [Ms. KAPTUR], and ask unanimous consent that she be permitted to yield time as she desires for the purposes of debate only.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ARCHER. Mr. Chairman, I ask unanimous consent to yield 1 hour of my time to the gentleman from California [Mr. HUNTER], and that he be allowed to yield that time as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GIBBONS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, in the long march of civilization there are certain events that history will record as having been extremely important. This is one of those events. This is perhaps the most important decision to be made in the latter half of the 20th century. For the first time, over 125 sovereign nations have agreed to a set of rules covering practically all matters of trade.

From a disastrous beginning that began a little over 60 years ago with the Smoot-Hawley tariff, we have made marvelous progress in trade. Shortly after World War II we adopted the General Agreement on Tariffs and Trade and have functioned under that set of rules since that time. Time has now arrived in history when it is appropriate to modify and improve on that agreement.

During most of the time since World War II international trade in tangible goods, manufactured goods, has been governed by the General Agreement on Tariffs and Trade and by and large our observation of those rules has been good. Now for the first time in the history of civilization we have agreed to begin controlling not only the tangible goods, manufactured goods, but agricultural goods, intellectual property such as copyrights and trademarks, patents and so forth, and trade in services and the trade-related investment measures. If we are successful in passing this legislation through the Congress today, 124 other nations will rapidly follow us. If we should fail somewhere along this road today or this week, then I think civilization would have a very, very rocky future.

We do this today not just for civilization: we do it primarily because it is good for America.

□ 1320

It is good for America, because when you look at this with common sense, you will understand that the average tariff, imposed by the United States, are roughly around 4 percent, and the average tariff of most of the industrialized world outside of the United States is around 20 percent.

This agreement, by its enactment, will reduce worldwide tariffs by a third. In other words, the average tariff in the United States will drop from around 4 percent to around 3 percent, but the average tariff in the rest of the world will drop from around 20 percent down to 13 or 14 percent. This is a substantial economic advantage for American workers, and it is for those people that we do this.

We learned a long time ago, and painfully, that we could not pretend to isolate ourselves from the rest of the world. We did that with disastrous results in the early 1930's, bringing a recession into a depression, spreading it worldwide, and sowing the seeds for World War II in that action.

It has been a painful process recovering from all of that. We have learned a lot. We must pass this implementing bill today.

A predecessor to this enactment was the enactment of NAFTA, and, Mr. Chairman, I will resume this a little later and cover it in further remarks.

Mr. Chairman, I rise today to urge passage of H.R. 5110, the "Uruguay Round Agreements Act."

This historic legislation will approve and implement the most comprehensive and economically significant set of international trade agreements that have ever been negotiated.

The Uruguay Round agreements took 125 countries over 7 years to negotiate in the GATT.

These negotiations were carried out on a bipartisan basis in full consultation with the Congress by three administrations.

President Reagan began these negotiations, President Bush moved them forward, and President Clinton concluded them. But it was Ambassador Mickey Kantor and his team at the Office of the U.S. Trade Representative (USTA) that did the hard bargaining and concluded this negotiation. Our negotiators brought back a good deal for the United States.

The Uruguay Round agreements will: Reduce global tariffs by over one-third over the next ten years; reduce or eliminate numerous nontariff trade barriers; set forth revised and improved international trading rules on subjects such as antidumping, subsidies, safeguards, government procurement, product standards, trade in agriculture, and dispute settlement; create international trading rules on services for the first time ever; and raise the level of protection and enforcement for intellectual property rights around the globe.

The results of the Uruguay Round, once implemented, will have been worth all the time and effort that have gone into these negotiations.

It is estimated, for example, that U.S. GNP will grow by $100 to $200 billion annually as a result of these agreements.

Between 300,000 and 700,000 permanent new jobs will be created as a direct result of the agreements. These are jobs for American workers.

The tariff cuts alone represent a global tax cut of $750 billion over the next 10 years and a $36 billion tax cut for Americans during this time.

U.S. agricultural exports are expected to grow by $8.5 billion annually when the agriculture agreement is fully implemented as foreign subsidies and market access barriers are reduced.

In sum, the economic and trade benefits for the United States from these agreements will be enormous. Most importantly, this agreement makes our trading partners play by the same rules we do.

As you know, the implementing bill for these trade agreements was submitted by the President to the Congress on September 27 under the so-called fast-track procedures governing congressional consideration of international trade agreements.

A Statement of Administrative Action, which expresses the intent on implementation of the agreements, was also submitted with the bill for approval by the Congress.

I received a letter from the U.S. Trade Representative dated October 3 transmitting corrections of a few printing errors in that statement. That letter was printed in the RECORD of October 8 so that the statement as corrected will be reflected in the legislative history.

In addition to the trade provisions that are necessary or appropriate to implement the Uruguay Round in U.S. domestic law, the bill also contains revenue provisions which offset the projected cost of the legislation. This title contains important pension protections for American workers and taxpayers. These protections will require companies with underfunded pension plans to better fund their plans in the future.

While the legislation was formally submitted in late September, it was developed over the previous 9 months by the administration in close cooperation and consultation with the Congress on a bipartisan basis. I want to commend my colleague, BILL ARCHER, for his hard work and the contributions of the members of the Subcommittee on Trade in developing this bill.

The administration has worked out the content of this legislation with the Committee on Ways and Means and seven other House committees of jurisdiction.

In addition, numerous public hearings have been held by committees of jurisdiction on the Uruguay Round agreements since they were agreed last December.

In the Committee on Ways and Means alone, we had nearly 2 weeks of public hearings earlier this year before we began drafting the legislation in consultation with the administration.

In all, there have been 22 Congressional hearings this year and countless reports on the Uruguay Round results, virtually all of them positive.

This extensive public process clearly shows that this legislation has not been hastily conceived and has received adequate public input.

As an indication of the broad, bipartisan support for this legislation, I would note that on September 28 the Committee on Ways and Means ordered H.R. 5110 favorably reported by an overwhelming bipartisan vote of 35 to 3.

The Uruguay Round is strongly supported by virtually the entire American business community, by over 40 of the Nation's governors, by 44 State attorneys-general, and by organizations as diverse as Consumers Union, the Heritage Foundation, the Business Roundtable, and the U.S. Chamber of Commerce.

Mr. Chairman, the Uruguay Round Agreements Act is good for America and for the world.

Its enactment will be a clear signal to the rest of the world of our intent to reassert economic leadership in the world on the basis of the same sound economic fundamentals and rules of fair play that have characterized the American economic system.

I look forward to passage of the Uruguay Round Agreements Act by the House today and by the Senate later this week.

This legislation will allow these historic trade agreements to enter into force on January 1, 1995, as was agreed earlier this year by the world's trade ministers.

It is unfortunate that the GATT financing package before us today could not contain the important provisions contained in H.R. 3419, the Technical Corrections and Simplification Act of 1993. In addition, I have been contacted by several Members who have expressed a strong interest in various extensions of expiring provisions and noncontroversial miscellaneous tax proposals that also could not be included in the GATT financing package.

One of these miscellaneous provisions, called to my attention by Mr. NEAL of Massachusetts, would address the issue of the tax treatment of a dividend to policyholders resulting from the consolidation of the life insurance departments of savings banks into a stock life insurance company as mandated by State law. This is an issue upon which the Subcommittee on Select Revenue Measures took testimony last year as part of a series of hearings on miscellaneous issues of interest to Members. The Treasury Department did not oppose this provision. Of course, if the Committee crafts a bill containing this proposal, any revenue loss associated with this provision would have to be offset with an acceptable revenue raiser.

Further, at the request of Mr. RANGEL and Mr. BREWSTER, I wish to express my understanding regarding section 744 of this legislation, which amends section 6662(d) of the Internal Revenue Code, relating to the substantial understatement penalty. It is my understanding that this amendment is not intended to alter the definition of a tax shelter for purposes of the substantial understatement penalty. Furthermore, it is my understanding that under current law, only entities, plans or arrangements that have as their principal purpose the avoidance of Federal income tax are considered tax shelters. Therefore, an entity, plan or arrangement that has as its purpose the claiming of tax benefits, such as the low-income housing credit under section 42 or the credit for producing fuel from nonconventional sources under section 29, in a manner consistent with the statute and congressional purpose, is not considered a tax shelter for purposes of the substantial understatement penalty and will not be affected by the proposed amendment.

Mr. Chairman, a vote for H.R. 5110 is a vote for a strong economic future for America.

I urge Members to do the right thing for America and support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. ARCHER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, approval of the Uruguay round launched by Ronald Reagan and negotiated under George Bush is enormously important to the future health of the American economy, and now I urge the colleagues on my side of the aisle to join with the President in supporting H.R. 5110.

The history of this century teaches that free trade is the most effective public policy tool that we have to increase prosperity in our society. That means giving more American families hope that they can achieve their dream of improving their standard of living and having a better future for their children.

One look around the globe reveals that vast areas of the world have embraced our economic outlook. From Eastern Europe to Latin America, command economies and statist policies are yielding to forces of free markets and expanded opportunity. Our economic future is closely linked to the tearing down of export barriers and to locking in these extraordinary reforms.

With 94 percent of the world's consumers living beyond the U.S. borders, the global economy is here to stay. We must compete. We must find our future there.

In the 21st century, the thriving markets of Asia and Latin America will purchase a much larger share of U.S. manufactured products. Under this new GATT agreement, these nations must undertake greater responsibilities and obligations toward our exporters.

The Uruguay round agreement fortifies the bipartisan American commitment to free and fair trade and positions the United States to reestablish its leadership role in the world economy. Competing and succeeding in the world marketplace will create new, high wage jobs where Americans will be able to improve their standard of living, not just now, but in the future, for generations to come.

We should approve this new set of GATT rules, because it will allow our entrepreneurs what they do best. It will unleash American ingenuity and productivity.

Our country is the world's greatest exporter. American consumers and businesses will receive a $12 billion tax cut from reduced tariffs contained in H.R. 5110. The significant Federal revenues resulting from expanded international sales will help us reach our goal of a balanced budget. It is a win-win situation for American taxpayers.

Also, under this bill, U.S. sovereignty is fully protected. The Speaker-elect secured effective procedures wherein the U.S. Congress will be able to closely oversee all aspects of the new World Trade Organization to insure that U.S. interests are fully protected. U.S. Federal and State law will prevail over WTO decisions in all cases.

In the area of dumping, H.R. 5110 and the statement of administrative action represent a series of carefully crafted compromises on many controversial issues. The implementing package attempts to strike a balance between the interests of U.S. firms that produce primarily for the domestic market, and the interests of U.S. consumers and those U.S. firms that also produce for export and source their supplies worldwide. We must ensure that this balance is maintained.

While I believe in effective antidumping laws, I also believe that the United States and its trading partners should not use them for protectionists purposes. The WTO agreement represents a clear step toward ensuring that goal. In implementing the agreement, the United States must comply with its obligations. It is increasingly important for the United States to set a strong example in this regard, since for the past 5 years, U.S. exporters have been the leading targets of antidumping actions. The United States will be in no position to challenge suspect foreign practices that we ourselves have adopted. Just as the United States has copied Canada in adopting a captive production provision, we must expect that the practices we adopt today will one day be used against U.S. exporters by our trading partners.

With this in mind, I fully expect that the Commerce Department will implement the antidumping provisions of H.R. 5110 in manner which is consistent with both the letter and spirit of our obligations under the WTO agreement.

There are very few measures we could pass here today that would help U.S. workers, producers, and consumers more than this agreement. H.R. 5110 sets the stage for vital U.S. economic expansion in the 21st century, and I urge a "yes" vote to inaugurate a new era of opportunity and prosperity for U.S. workers and businesses alike.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my colleagues, today I rise in strong opposition to GATT.

Let me say to my colleagues on the right of the political spectrum, over a period of generations you have tended to perpetuate the illusion that rugged individualism and market forces alone can solve the declining buying power of the majority of America's families. Let me remind you most people born in America are born with their entire net worth ahead of them, not a silver spoon in their mouths. A good-paying job is their only ticket up the ladder of economic opportunity.

So when U.S.-based Nike Shoe Co. decided to move all of its products to Asia or when Dole Pineapple decided to move out of Hawaii, I do not care how hard you might have worked as a shoemaker or a pineapple worker, your job disappeared, and your family and your world were devastated. To hold out a low minimum-wage job with no benefits as a viable alternative to Americans who have lost their jobs because of our trade policies is hypocrisy.

To my colleagues on the left of the political spectrum who believe that the Government produces wealth, let me caution you that the role of the Federal Government should not be primarily redistributive; rather, the role of the Government must be to set the terms of the negotiation between the rights of corporations and capital and the rights of labor.

For too long, the Government of the United States and this Congress have abdicated their rightful responsibility to set the terms of the trade negotiations and have ceded it to the executive branch, the multinational corporations, and their well-paid trade lawyers here in Washington and in Geneva.

To supporters of the GATT on the right and on the left, you are both wrong. You have turned your backs again on the American people themselves.

The workers of America are restless. It is they who have borne the impact of the misguided trade agreements our Nation has struck for the past two decades. This is not the first GATT. This is the eighth GATT. And after each of the past GATT agreements, as corporate profits have gone up and consumer prices have gone up in America, real wages for America's workers have gone down, and the buying power of our working families have not gone up. Workers are holding their own, and our families are holding their own only by taking two jobs or more, and at the same time more imports have flowed to America's shores at a much faster rate than our exports going out.

It is not difficult; you do not have to be a mental giant to figure out that there is a correlation between declining living standards in this country and the massive trade deficits we are racking up as a country. This year America will face her 11th consecutive year of negative trade deficits. This year it is projected to be at an all-time high of over $150 billion more imports coming in here than are exports going out.

It is no secret our economy has not grown fast enough for two decades to meet our people's rising expectations. Remember, for each billion dollars of trade deficit, we have lost another 20,000 jobs in America.

And so today I speak on behalf of every truckdriver in this country, every retail store clerk, every hairdresser, every waitress, every factory worker, every farmer, every small businessperson on Main Street, every person the elites call the red, white, and blue-collar workers of America. You know who I am talking about.

Most citizens are starting to understand the connection between their standard of living, their paycheck, and international trade.

□ 1330

They booted out the Republicans in 1992, and then the Democrats this year. They want a government in our Nation's capital that speaks to the economic stress that they are experiencing in their homes every day, the shrinking buying power of their checks as they run faster to stay in place. In spite of working harder and rising productivity, it is tearing our families apart.

We see two-track wage levels in the same factory, with CEO's often making hundreds of times more than their own workers; we see back-breaking overtime for those who have jobs, but no new hires brought on board because companies do not want to pay benefits.

Our working men and women sense that both political parties, while embroiled in partisanship, have drawn them into a race to the bottom. American workers are further pitted against, under this GATT, the low-wage, undemocratic nations of the world in cahoots with multinational companies that owe their allegiance less to our Nation than to the despots from which these companies draw their succor. The Fortune 500 companies are the biggest backers of this agreement and have not created a single job in America in the last 20 years.

Look on the shelves—shoes from China. I went out to buy toys for my godchildren last week and could not find a single one made in America. Canned fruit from Thailand, VCR's from Japan. It is hard to find an American product to buy. Every year the deluge of imports gets larger. Think about a retail clerk at Wal-Mart who works part-time for minimum wage and has no benefits. When she sees a customer buy a $100 pair of tennis shoes made in China by Nike but those tennis shoes cost that company only $8 to produce in China, that clerk knows she is not benefiting from trade but somebody else is benefiting. And those who are benefiting are the biggest backers of this GATT agreement today.

So, of course, this agreement has the multinational seal of approval on it, with all of their fancy brochures and ads in all of the major newspapers. But it is silent on the terms under which laboring people everywhere can gain a standard of living and legal status similar to that which we have in this country so that they can improve their way of life.

This GATT agreement, like the GATT agreement before it, is silent, silent on the impact that it will have on the working men and women in America and, on those grounds alone, should be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, this GATT agreement amounts to a transfer of power, I think we should make no mistake about it. Our trading competitors know that, and to comment, to quote the French trade minister, Mr. Longuet, he says, "Admittedly, the United States is more powerful in economic terms. They wielded a large stick which enabled them to have their way. From now on the stick will be more in the hands of the future World Trade Organization, which will become the world policeman of world trade."

So I think we should not kid ourselves about the World Trade Organization having some power and having some authority and being something more than the nothing that it has been described as by the pro-GATT advocates.

The World Trade Organization is going to have clout. Right now we have clout.

The strongest asset that this country has in managing its trade policy and in making a deal with another country and in opening up that country to our exports is the great leverage that we have with our market. We can stand toe to toe with any nation in the world and say, "If you don't open up your market, we are not going to open up our market."

We have been able to do that up to now with bilateral leverage. Well, we are going to lose all of that in this World Trade Organization because now we are going to give this power away to a committee. My colleagues, this is not a committee of friends.

Of the 123 nations that will form the World Trade Organization, about 85 of them have a record in the United Nations of being against the United States more than half the time. I want you to think about that a little bit. What does that mean?

Those old United Nations votes were made back during the cold war when our main adversary was the Soviet bloc. The Soviet Union, which is no more.

What does this say about this, the little countries like Bangladesh and Cameroon and those dozens and dozens of countries, each of which will have the same voting power in the WTO that the entire United States of America has. It tells you that those countries are subject to what we can call, charitably, friendly persuasion. It means when the Soviet Union leaned on them or offered them something and we were not willing to lean on them or intimidate them, to buy them, the other side did. And it got to vote for them.

So, when we have a dispute and we look at this committee that we have given our power away to, remember, as politicians, when you give your rights away to a committee, you had better make darned sure it is a committee of friends. As we look at this list, let us try to find a friend: Angola, Antigua, Argentina, Australia, Austria, Moraine, Bangladesh, Barbados. I would submit to you that we are not going to find a lot of friends. I think that is why it is very evident from this commentary around the world, by the French, by the Japanese—the Japanese foreign trade minister told his industrialists, "Don't worry about 301. We will blunt it with the World Trade Organization."

It is very clear that this is a shift of power, and it is not just a shift of power from the United States to this world committee, it is a shift of power from this body, this body which has had the constitutional responsibility to regulate trade.

Very possibly this vote on GATT, if we pass it today, will be the last meaningful vote that we will make on trade.

Mr. Chairman, I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the chairman of the Subcommittee on Trade of the Committee on Ways and Means, the gentleman from California [Mr. MATSUI].

Mr. MATSUI. I thank the gentleman for yielding this time to me.

Mr. Chairman, this GATT agreement has been described by the vice president of the United States last week as one of the most important votes any Member of the House or the Senate will have in their careers.

If this passes and becomes law, it probably will be a blip, but if this GATT fails, I can assure you the stock market will drop, the United States will lose its world leadership, and certainly what will happen is our economy will be in great danger.

This agreement is merely a continuation of the last 50 years of agreement we have had in the area of world trade, with the exception of four areas.

One, it gives us protection in intellectual property. Two, it gives us protection in the idea that we can now open up foreign markets to our services.

Three, obviously you are going to see a major reduction in tariffs worldwide. This means that for every family in America from here on out they will save $150 per year on consumer goods.

That is $150 per year tax cut for the average American.

Of course, the world trade agreement, which has been very controversial—we have both Pat Buchanan and Ralph Nader against it, so that must mean something—but the reality of the situation is that the United States, Japan, and the industrialized countries support the WTO. And the reason they support the WTO is because we are going to be opening up markets by using this dispute settlement process. This is to the advantage of the United States, not to the advantage of the less-developed countries. Countries like India, Pakistan, Indonesia, they are the countries that are going to be trying to close their markets with nontariff barriers. So this is in our interest. That is why the WTO is in our interest, in the interest of this country.

If in fact the United States wants to keep unemployment down, keep interest rates down, keep inflation down, we are going to have to be looking for new markets. That is in Asia, Latin America, and throughout the world, because we are the most productive nation in the world. We can produce more than we consume, so we need new markets. We need a "yes" vote on this agreement, this very historic agreement.

□ 1340

Mr. ARCHER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Texas [Mr. ARCHER] for yielding this time to me.

Mr. Speaker, the question that must be answered today is:

"What can the great GATT be?"

Is it the name of a motion picture of Academy Award status, or is it the threshold of new opportunities for America and America's people?

When one tries to explain to the people back home that this is the General Agreement on Tariffs and Trade, their attention span dwindles, but when one begins to outline job opportunities, increased exports, increased economic activity, and then, in my own district, to point out that Pennsylvania products, Pennsylvania activity, Pennsylvania technology, will be in the forefront of the new export opportunities in the next decade and beyond, then my constituents in the district begin to understand better what GATT can be.

On top of that, Mr. Chairman, when we consider that as our district goes, as my personal district goes, so goes Pennsylvania; well, that makes it even more important. But when we also add to that: As my district goes, so goes Pennsylvania, so goes the United States; well, then it becomes an internationally powerful message of jobs, economic development, for the future of Pennsylvania and the Nation.

Ms. KAPTUR. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT]

Mr. HUNTER. Mr. Chairman, I yield 2 more minutes to the gentleman from Ohio [Mr. TRAFICANT].

The CHAIRMAN (Mr. BARLOW). The gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

Mr. TRAFICANT. The American people have spoken. What the Democratic party failed to do from within, the American voters did from without. Some of those issues were the flag, school prayer, capital punishment, taxes. But let there be no mistake; there was one other area, a four-letter word a lot of people do not want to hear: "Jobs."

To the Republican Party I say, "I wish you well. May you never be hated by Tonya Harding and never loved by Lorena Bobbit. Good luck. But don't misconstrue or misinterpret the vote of November 8. The American people are fed up with all of Washington, both parties. The Democrats had, unfortunately, the power of the majority, and the American people said, 'we got to at least try the other side.'"

But I think the big defining issue for Democrats is this issue, and I disagree with the philosophy and ideology of our party, and I love the chairman who called the decisions personally. But we cannot separate a trade deficit from the budget deficit, and, God Almightily, we cannot, we cannot, separate the trade policy giveaways of America from our unemployment and bankruptcy. My colleagues, we are a corporation that is in Chapter 11, trying to reorganize with new trustees called the Republicans.

There is no difference between the parties on trade, national security and commerce, the two major things we do in Congress. What is the difference between Democrats and Republicans on trade? Show me the difference between Clinton and Bush, Regan and Carter, Nixon and Johnson. Show me the difference. We continue with the same so-called free trade ideology, and I could support it if it worked.

My colleagues, our trade deficit will hit a record of $150 billion this year, Japan's is up to $60 billion, and now we are going with another free trade program. Japan has apologized, starting with Richard Nixon, for not opening their markets, and last year they apologized to Bill Clinton for not opening their markets. They build a Honda in America so they could import an America car.

Wise up.

The stock market is going to fail if we do not vote for this? The banks are going to collapse? Who is kidding whom? I say to my colleagues, "If you don't vote for this, the American people are going to stand up in their living rooms and cheer each other with high fives. The American people in the work place are going to say, 'My God, don't they understand what our concerns are?' They're not afraid of competition."

Now tell me this:

"How could the Cleveland Browns compete with the Seattle Seahawks if the Seahawks are allowed to play with 15 players?"

Ten cents an hour wages in China? Most-favored-nation trading status? Last month the trade deficit with China was $3.6 billion. Last year it was 26 billion annualized. What will it be this year? Forty billion? What is Japan? Sixty billion?

Now let us look at Mexico. All this great program is Mexico. Here is the bottom line:

All these think tank experts say for every billion in trade deficit we lose 20,000 jobs. Well, our surplus was $4 billion with Mexico. And a year after NAFTA it is down to a $2 billion surplus.

Here is the Traficant analysis:

We lost $2 billion in deficits the first year under NAFTA to Mexico. We lost 40,000 high paying jobs. I do not want to hear about flipping burgers anymore without benefits.

Wise up, Congress. Now is the time for the Democrats to take a look. I say to my colleagues, "If there is a Democrat policy here, you're the majority. The Republicans have the power to kill GATT. The American people know it. You're jumping into the same cesspool, being seduced into the same ideology the American people have been opposing, so help me God. And I have, in fact, supported many of your economic packages. I think your tax packages make more sense than the Democrats'. But on trade I think you're failing."

My colleagues, how in God's name does America compete? Just look at Mexico: No IRS, no Social Security, no EPA, no OSHA, no workman's comp, no unemployment comp, no bank regulations, no security regulations, no minimum wage, no pension law, no labor law. They cannot even create a union in Mexico, and they hire people at 50 cents an hour. I ask, "Why in God's name would I invest in your district?" And then 4.5 billion dollars' worth of new investment in Mexico, and half of it came from the United States of America.

This is not a general agreement on tariffs and trade. It is just simply another God-awful trade treaty. It waives the Constitution. It waives the Constitution and destroys American jobs.

Mr. HUNTER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, my colleagues, several months ago I cast a vote in favor of NAFTA. It was a difficult choice, but I finally attained a level of at least partial comfort and was able to conclude that NAFTA offered more benefit than detriment. In retrospect I believe my aye vote in favor of the passage of NAFTA was a sound one.

I have not yet attained a similar comfort zone regarding the passage of GATT however. A lame duck session is not the proper forum where trade policy is to be determined in my opinion. The problem a lame duck session poses is obvious.

□ 1350

Candidates duly elected earlier this month will be deprived of voting upon this critical issue because they have not yet taken their oaths of office. Conversely, candidates who were previously defeated this month and Members who are voluntarily leaving the Congress within 5 to 6 weeks will be permitted to cast their votes. It could be argued that this latter group is inaccessible to constituents but permitted nonetheless to vote.

This is a luxury that should not be extended, Mr. Chairman, in my opinion.

The matter of increasing the amount of the deficit is of concern to many. Inevitably, the United States will lose revenue, significant revenue, as a result of the lowering of tariffs. Proponents assure us that this loss will be transformed into a surplus once additional revenues are generated with the passage of time. Perhaps. Perhaps not. My point is that I remain unconvinced.

The laws applicable to the esoteric issue of intellectual property and the concern of special interest matters contained in GATT are points of contention but far too complex to be resolved in 4 hours of debate.

Finally, there is this matter of compromising our sovereignty. Those who insist this will result if GATT is enacted may well be overreacting, but I cannot assure them beyond doubt that our sovereignty will not be compromised.

There are some barriers, some reefs and shoals, if you will, that must be negotiated, and it is my belief that deliberation and delay at this point may well be our best course to pursue. We do not have to abandon our present course but rather proceed cautiously and come into port at a later date.

GATT is likely neither as good nor as bad as respective proponents declare, but a belated arrival with all cargo intact and properly lashed down is preferable to a premature arrival with cargo adrift and not accounted for.

Mr. Chairman, I thank the gentleman from southern California for yielding this time to me, and I thank the Chair.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr Chairman, I remember the debate on NAFTA. I remember the "giant sucking sound" of jobs lost to the border. But what was the result? A hundred thousand American jobs over 6 months in the first year of NAFTA. It sounds to me like winds of jobs were created instead of sucking sounds.

Mr. Chairman, today we have a chance to be responsible right after the election, to act in the best interests of this country, simply because GATT will put more money in people's pockets. Consumer goods will cost less. We will create more jobs, close to 1 million, from this agreement.

What happens if we delay, let us say, 6 months? We will lose $90 billion of the global tax cut, which is $744 billion over the next 10 years, if we delay by 6 months. And we cannot make that money back. We lose the most from this delay because American producers and exporters pay tariffs levied by foreign governments, and what we do is have a situation where foreign governments are lowering their tariffs by about 50 percent more than Americans are, and we have 12 percent of relevant world exports. We lose over $70 billion in total GDB over the next 10 years if we have this 6-month delay. Most importantly, we lose 25,000 jobs permanently from this delay.

Mr. Chairman, let us do the right thing. This election has nothing to do with this vote. This election has nothing to do with how Americans feel about trade. This vote today asks: Where is America going to stand in the world? Are we going to lead, or are we going to retrench? Are we going to stick our heads in the sand, or are we going to be the leader, just as we were after World War II, the one that led the world into some prosperity.

Mr. Chairman, the right vote, the right substantive vote, the right political vote is aye.

GATT is an agreement that will change the economic relationship of the United States to the rest of the world.

125 countries are signatories and it is vital that the United States take the lead in the new global competitive strunt.

There are no hidden agendas, no evil supranational authorities, and no unknown quantities in this legislation.

What is at stake is jobs. American jobs in a rapidly changing global economy.

Over the next 10 years GATT will increase the gross national product by up to $200 billion per year.

GATT means more U.S. exports in computers and other high technology sectors.

GATT means agricultural exports will increase by up to $8.5 billion per year by 2005.

GATT means intellectual property will finally be protected so that U.S. entrepreneurs can flourish in foreign markets.

GATT means the United States will have much greater access to markets around the world.

GATT AND U.S. SOVEREIGNTY

Concerns have been raised regarding GATT's effect, or more specifically the World Trade Organizations' [WTO] effect, on U.S. Federal, State, and local laws.

On page 15, section 102, of this bill on line 6 it states "No provision of any of the Uruguay round agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect."

Also, the WTO will follow the GATT rules of decision making based on consensus. However, unlike current GATT procedures the WTO will need three-fourths rather than two-thirds of members to agree before an amendment to the Uruguay round is adopted.

DISPUTE SETTLEMENT

Dispute settlement procedures will enhance our ability to enforce our trade rights.

The new dispute settlement process includes cross-retaliation provisions to ensure that U.S. negotiators can build a strong case.

GATT AND SPECTRUM FEES

Claims that the Washington Post and other companies are getting a give away in the GATT are just untrue.

The language in this bill regarding pioneer preferences ensures that the Federal Government will recover revenues from the pioneers.

The language in this bill will have three companies pay an approximate market value for licenses that they would otherwise have for free.

WHY CAN'T WE WAIT

Waiting, for even a few months, will cost U.S. consumers, U.S. industry, and the U.S.'s global leadership.

Passing GATT after January will be seriously complicated and probably doomed to failure because we will lack fast track authority and other nations will balk without U.S. leadership.

GATT A BUDGET BUSTER?

The GATT agreement does not bust the budget. I find it amazing that a $750 billion global tax break could be considered as breaking the U.S. budget.

The fact is that as we cut tariffs the Treasury takes in less money. H.R. 5110 replaces 60 percent of that lost revenue through spending cuts and responsibly budgets the other 40 percent through revenue raising provisions.

The problem arises because the revenue provisions are spread out over 10 years rather than 5 years, as mandated by the fiscal year 1994 Budget Act.

Exports as a share of industry shipments:	
Computers	49%
Aircraft, engines and parts	46%
Construction machinery	37%
Semiconducters	37%
Machine tools	35%
Farm machinery	29%
Flat glass	28%
Jobs and Exports:	
Merchandise (million)	7
Services (million)	3.5
Percentage of U.S. farm products exported (average 1979–89):	
Corn	30%
Tobacco	40%
Cotton	51%
Soybeans and meal	52%
Rice	55%
Wheat	60%
U.S. jobs dependent on agriculture exports—1990 (thousands):	
Farm	439
Food processing	75
Trade and transport	231
Other manufacturing	167
Other services	200
Total	1,062

Mr. CRANE. Mr. Chairman, I yield 2 minutes to our distinguished colleague on the Committee on Ways and Means, the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I rise in support of the GATT Agreement and in support of H.R. 5110, the implementing legislation to accompany it.

I have been following the development and evolution of this legislation very carefully because, from the beginning, I have had some very serious concerns on two counts—sovereignty and financing.

I have made it clear all along that I would not and could not support the agreement or the legislation if it jeopardized or compromised our Nation's sovereignty in any way. And I have made it clear from the beginning that I would not and could not support it if it were not paid for openly and honestly so that it did not add to the Federal deficit.

This implementing legislation has satisfied me on both counts.

In late September, in the Ways and Means Committee, the final version of the implementing legislation was dropped in our laps—all 651 pages of it—and we were asked to vote it out of committee an hour later. I cannot read that fast.

Since I promised not to vote for GATT, until I have read the legislation, I felt compelled to vote "no" in committee. Last minute changes had been made in the financing section of the bill and in the dispute settlement language and I was not about to vote for it, until I had a chance to carefully review those changes.

Since then, we have had plenty of time to study it. I have gone over the implementing legislation with a fine toothed comb. And I have determined to my satisfaction that the implementing legislation does provide adequate financing to offset the lost revenues from tariff reductions. It will not add to the deficit.

The bill provides for savings of nearly $12 billion in accounting changes, outlay reductions and user fees—a sufficient amount to offset lost tariff revenues over the first 5 years of the agreement. Therefore, the agreement will not add to the deficit and does not require a budget waiver, despite the fact that the tariff reductions under the agreement provide the American consumer the equivalent of a $12 billion tax cut.

I do wish the financing provisions were a little heavier on spending cuts and relied less on accounting changes. However, I also believe that if dynamic modeling were used to predict the impact of tariff reductions on our Federal budget, the increased trade encouraged by GATT would more than offset tariff reductions anyway.

From a Federal budget and tax perspective, this GATT agreement is a win-win situation. It is a tax cut for consumers and it will not increase the deficit.

After thoroughly studying the bill, I have also determined to my satisfaction that the implementing legislation does sufficiently clarify the terms of the dispute resolution mechanisms in the agreement and does provide adequate protection and congressional oversight of the trade dispute resolution procedures under the world trade organization.

I am convinced that this agreement does not in any way jeopardize or compromise our national sovereignty.

Unlike NAFTA—which I did oppose—GATT is not something new. We have been living under GATT for 47 years. It has a longstanding tradition of solving trade disputes through consensus. The establishment of a new World Trade Organization does not change that. In fact, the agreement and the implementing legislation strengthen that foundation of reliance on consensus.

Like the GATT, the World Trade Organization cannot impose new rules on us without our consent. The new WTO voting procedures—if they are ever invoked—fully protect our interests. No vote can force us to accept any amendment that alters our rights or obligations. Article 10 of the WTO agreement states explicitly that any amendment of any kind is not binding on us unless we agree to it.

The World Trade Organization cannot override or change U.S. law. Section 102(a) of the implementing legislation provides that if there is a conflict between any of our laws and the Uruguay round agreements, United States law will prevail.

The World Trade Organization is not a court—it cannot strike down U.S. law. It cannot order us to change our laws. And it cannot impose upon us any remedies or penalties without our consent.

If, in response to a complaint, a WTO panel finds that we are violating our obligations under GATT, we can choose to offer trade compensation, such as lower tariffs in another sector—or—we could negotiate another solution with the complaining country—or—we could simply ignore that ruling and take no action at all and allow the aggrieved country to withdraw concessions equivalent to those we withdrew by violating the agreement. That's the worst any one could do to us.

This system is not only fair, it works to our advantage. Because of our tremendous domestic market, we have more leverage than any other country in the world. Most other countries simply do not have the economic clout to make retaliation against us a credible option.

The GATT agreement does not jeopardize our sovereignty.

The funding and the sovereignty issues, having been resolved to my satisfaction, I intend to vote for this implementing legislation. It's good for our Nation.

Virtually no one disputes the prediction that the tariff reductions under GATT will increase trade—increase U.S. exports. The tariff reductions will boost the U.S. gross national product by somewhere between $100 billion or $200 billion a year over the next 10 years.

GATT will jump start the world economy which is stalled right now—and that is good for us.

GATT will open up markets for our products and for our services and create hundreds of thousands of new jobs in this country.

It is good for U.S. steel. It is good for U.S. agriculture. It is good for tobacco. It is good for U.S. intellectual properties. It gives us access to markets in the fast growing countries like Brazil, Thailand, and Malaysia.

GATT deserves our support and I urge my colleagues to join me in voting "yes" for H.R. 5110.

Ms. KAPTUR. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I rise in opposition to the agreement.

Mr. Chairman, "beware of foreign entanglements." These words of wisdom were left to us by none other than the Father of our Country—George Washington.

Mr. Chairman, the GATT is a foreign entanglement of the first order. It is an unabashed surrender of our sovereignty. Turning over decisions concerning American citizens and subjugating the rights of American workers to foreign interests is something I will not be a party to.

Many of my Republican colleagues have talked about how the recent election returned power to the people. Ross Perot, in endorsing Republicans, said: We the people want the power back. Now these same individuals are going to vote to take decisionmaking power away from the American people by giving it to nameless, faceless foreign bureaucrats.

The American middle class is threatened—it is under assault from seemingly all sides—economic insecurity, economic instability—American workers are scared—they feel they have lost control. That is what they screamed on November 8. And now this Congress is going to respond by saying: We are turning the future—your future—over to a foreign trade organization. Is Congress deaf? How does the GATT calm the anxieties American workers feel?

What we have won over hundreds of years—the right to control our own destinies—the right to make our own decisions—is about to be surrendered under the banner of free trade.

Nothing is free, Mr. Chairman, and the price tag to American sovereignty and the cost to American workers will be great.

This administration points to NAFTA as an unqualified success. They say exports to Mexico have dramatically increased.

That is the same play on words as saying we are reducing the deficit. We are not reducing the deficit. We are slowing its growth.

NAFTA is increasing American exports to Mexico, but it is increasing what we import from Mexico at a much faster rate. It is costing American workers jobs—it is making American workers nervous—it is costing American workers their dreams and their future.

But NAFTA and GATT proponents only talk about exports.

I look at individual worried faces; these are the people who sent many here a message. They said take care of us first.

Mr. Chairman, I am afraid the GATT puts them last.

The facts have proved time after time increased exports do not mean more American jobs.

The Chicago Tribune has reported that Illinois' leading exporter, Caterpillar, has eliminated 20,000 jobs over the past few years—at a time when exports have quadrupled.

I am not alone in expressing my strong reservations about the Work Trade Organization or WTO which would replace the GATT as the vehicle for enforcing the trade pact and resolving disputes between trading partners. The WTO would have tremendous power and possess the same legal status as the United Nation and World Bank.

Under the WTO, panels of unelected trade bureaucrats would hear challenges by other nations to U.S. laws.

The WTO could direct the United States to change the law or face economic sanctions. This situation places laws passed by Congress and State and local governments at significant risk.

U.S. laws must conform to the WTO or be exposed to challenge from other countries as illegal trade barriers. As a result, the rulings of the WTO can be expected to lower our strong consumer and food safety standards and threaten "Buy American" provisions.

U.S. Environmental Laws would also be seriously undermined—that is why all major environmental groups oppose the GATT.

Furthermore, the WTO decision process is closed to the press and the public. This organization would be entirely unaccountable to the working people of the United States who are concerned about higher taxes and higher deficits—and our first response to their election message is to increase the deficit by $30 billion.

Think about what you are doing. Under the GATT, foreigners could impose taxes on American citizens or raise the cost of what we pay for American food and clothing. No wonder Americans are nervous and angry.

Mr. Chairman, the GATT agreement has serious implications for U.S. sovereignty, as well as American workers. For these reasons, I intend to support our founding father, George Washington, by casting a "nay" vote on this foreign entanglement called the GATT.

Ms. KAPTUR. Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank my friend, the gentleman from California, for yielding this time to me.

We have heard and are hearing a lot of rhetoric on GATT, but we have an old saying in Wisconsin, an old adage that says that "talk's cheap, it costs money to buy whiskey."

I think it is well to remember that when we talk about GATT because the American people are not interested in economic theory and grand philosophy. These are specific changes that are going to affect every American.

This is the GATT legislation right here, over 2,000 pages. Actually it is only half of the bill because this is the other half. We have 4,004 pages in this bill, in this enabling legislation.

I know this legislation as well as anyone in this House, but I hope no one gets up and asks me all kinds of questions because, I say to my friends, there is a lot in this legislation, and just to pass it helter-skelter is not serving this Congress or the American people.

There is no question that some parts of the American society are going to benefit from this legislation, but it is equally true that this agreement is going to cause irreparable damage to certain parts of our economy and the people whose jobs and industries are linked with this part of the economy.

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For example, in the area of dairy, textiles, intellectual property, I know a state that has 30,000 dairy farmers, 300 companies who process dairy products, 17,000 people working for these companies.

The economy of the small towns in America, rural America, are also going to be adversely affected. We must think of those people. We all want the benefits of expanding trade, but we have to look at the downside too. We cannot sacrifice whole sectors of our economy to reach that goal. The end, my friends, does not justify the means.

The cost of GATT is too high for the American dairy farmer and the average American working men and women. Someone must speak for the average Americans, and that is why we have a dissenting opinion in this case before Congress and before the American people.

The bottom line is that if this GATT accord is implemented, the domestic price of our dairy products will drop because foreign imports will flood into the American market. It would be one thing if GATT produced more dairy exports, but that will not happen. You see, under GATT, our principal dairy competitors in Europe still get substantially more government assistance than the American dairy farmers here at home, more farm support payments, and more export assistance in Europe than we have here. So the bottom line is that for American dairy GATT is a bad, bad deal.

It is particularly frustrating to me that the Clinton administration has ignored this problem. For months a group of us in Congress have worked to fix the problems in GATT. We formed the Congressional Dairy Task Force and sent a series of recommendations to the White House. We have implored and pleaded with the White House. We have made specific proposals on how the President could improve this trade agreement and help American dairy.

I sent a letter to the President and to Ambassador Kantor on this issue. I even added a specific recommendation on dairy to the GATT legislation that our Committee on Foreign Affairs sent to the President. Sadly, our advice was ignored.

Mr. Chairman, there is no one in this House who has worked harder to expand American exports. In this Congress alone, I have helped bring three trade bills to this House to expand exports and to create hundreds of thousands of jobs for American workers. Indeed, the principal focus of my work as the senior Republican member on the Subcommittee on Economic Policy, Trade and Environment of the Committee on Foreign Affairs is to expand our exports and create jobs. But it is clear as a bell, it is clear to me, that in writing this GATT legislation, the Clinton administration has turned its back on the American dairy farmer.

Well, I will not turn my back on the American dairy farmers and rural American working men and women, and I am asking you not to turn your back on the average American. It is our duty to stand up and to speak out for our dairy farmers and for the average American worker.

Therefore, I ask you to vote no on this legislation.

The CHAIRMAN (Mr. PRICE of North Carolina assumed the chair.) The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, the conclusion, successful conclusion, of the Uruguay Round of GATT marks a milestone in United States trade negotiations. This round signifies the achievement of Republicans and Democrats and their administrations for the goals of something everyone of us care about, economic growth, job creation, and trade liberalization. The United States illustrated its determination to ensure reduction and elimination of tariffs and trade barriers. We had bold leadership and brought our trading partners to a more level trading field and created a world of opportunity. I have heard people say on this floor today that everybody doesn't understand everything in GATT, and that is absolutely true. Many Members understand certain parts of it, but that has been true in the past on our trade laws. There is nothing more complicated than trade laws, except probably the IRS Code. But the fact of the matter is there are experts who understand these rules and have negotiated these new rules, and these new rules are fairer, and we will have a better deal with these new rules.

Maybe you do not understand every little thing in this agreement. But what we do understand are the broad things that happen with this agreement. And what it means is that we will be able to trade better in the world. What it means for a state like mine, Connecticut, that is going through some very difficult times, it means that we can have our state product go other places. It used to be if you traded in your own town you are okay, then if you traded in your own state you are okay, then if you traded in the United States. Now to be successful, you have to trade internationally.

For us it means we make jet engines, the best in the world. But unless we have this agreement, we can't sell them. This means we have had to downsize because of defense cuts, but because we can get new manufacturing, good deals through this trade agreement, we can keep our workers who are trained and they will stay in Connecticut. It means that we have medical supplies that are better than anybody else's in the world. And this new agreement means we can sell them globally.

This is a good agreement across the board. Maybe every single nuance is not understood, but some people understand them and they are for our betterment. I think we should absolutely vote for this trade agreement so we can go on to be the world power we want to be.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to our distinguished colleague the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, as the world's foremost free trading Nation, we must be a part of a 123-country international free-trade agreement.

The recent NAFTA agreement has proven that free trade will stimulate economic growth. For the first time since 1980, the U.S. auto industry will produce more cars this year than any other country—over 11 million total, largely due to NAFTA. NAFTA has been a great help to the economy of my State of Michigan despite the cries that the sky would fall if NAFTA was passed.

Isolationism and protectionism does not stimulate growth—free trade does.

GATT will complete the elimination of foreign duty fees on key industrial machinery products which is Michigan's most rapidly growing export. Sales of transportation equipment, which is 88 percent of Michigan's total export sales, will benefit greatly from GATT by lowering or eliminating tariff fees and export taxes. The Agriculture community has learned from NAFTA that free trade will benefit their markets. U.S. farm exports rose 11 percent during the first 6 months of NAFTA implementation. GATT will also substantially improve the exporting of feedgrains, soybeans, sugars, redmeats, and many other U.S. farm products by billions. Michigan employers, workers, and families need GATT because GATT will stimulate economic growth.

The facts are clear—free trade works—protectism does not. GATT will open many markets which have been closed to U.S. products including many U.S. agriculture products which have been wrongly restricted in the past. GATT will cut foreign tariffs on U.S. exports by 43 percent and trigger incredible growth.

GATT is about free enterprise, the very premise upon which the economic foundation of this country is based. I believe that bringing down trade barriers around the world is the greatest economic opportunity given to American workers and consumers. We are a nation of opportunists, in the greatest sense of the word it has made us what we are today. This vote is about moving forward and advancing the cause of American free enterprise.

The world is looking to us to lead them into the 21st century—let us do it in a way that encourages everyone to incorporate the American ideal of free and fair trade in a global marketplace. This is our responsibility as leaders of today and as the parents of future generations of Americans. Can America get the job done? I say we can, and I will cast my vote in support of GATT and the future.

Ms. KAPTUR. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, this is an extraordinarily important vote, and I do not believe that there is a vote that will have more impact on the day-to-day economic lives of the citizens of this country, a vote that will have more impact on the future economic prosperity and the competitiveness of this Nation in the world community, in all the votes taken by this Congress combined in this session and perhaps the last several sessions. And this should not be a vote taken at the 11th hour on the last day in a lame duck session of Congress, voted upon by many people who have been asked to come home by the American voters because they think they are just a little bit out of touch.

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This is the ultimate arrogance. Now the new leadership of the Congress, the Republicans, are hand in glove in complicity in this agreement, because they could block it here today. They could stop this.

This is not being done by the 103d Congress of the Democratic leadership, it is being done by the 104th Congress, the new leader, the gentleman from Georgia [Mr. GINGRICH], and his colleagues on the Republican side. They could stop this. It is within their power, and they will choose not to do it.

We are going to hear a lot today and you have already heard about how great this is going to be. We are going to have a World Trade Organization and it is going to open markets for America. No, it is not going to open markets for America, it is going to further open the American markets to unfair traders around the world.

This agreement does nothing to stop child labor. This agreement will put at risk the environmental, food, consumer, health and safety laws of this Nation to something called a World Trade Organization, an organization that will settle disputes over trade barriers, and trade barriers is interpreted as anything that restricts the free movement of goods, whether it is restrictions against child labor, whether it is restrictions against dangerous substances in food and pesticides.

In secret tribunals—when I asked Mickey Kantor, our Special Trade Representative, how is it that the United States could bind itself to an organization that will have secret tribunals that will determine whether or not the laws of the United States are trade restrictive and should be overturned, he said "You have to understand, most of the signatories of this agreement, they do not believe in our system of jurisprudence. They would be very uncomfortable in an open system. They would be very uncomfortable if we had rules of law. They are much more comfortable with secret tribunals with no conflict of interest rules."

We are lowering ourselves to the worst standards, to the lowest common denominator, in order to get something that a few multinational corporations desperately want.

This will not benefit the American people $150 each per year. Give me a break. I buy made-in-American shoes. They cost the same as the Nike shoes made in China and they pay a hell of a lot more to those workers to make them.

Those profits do not go to the consumers. Those profits go to the stockholders, plain and simple, and there are a number of very powerful stockholders of corporations that desperately want this agreement done today, before the American people are focused on what a loser it is.

Last week we celebrated Thanksgiving with turkeys. This is a turkey. Send it back.

Mr. HUNTER. I yield 6 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, this Lame Duck session of the 103d Congress should not be voting on the GATT. Three out of four of the voters think the vote should be postponed to allow study time by 104th Congress before it votes on the GATT and its World Trade Organization. Furthermore, recent polls show that 80 percent of the American voters are opposed to the World Trade Organization.

Why the voters are opposed was echoed by a former member of this body, U.S. Senator Hank Brown, who originally was inclined to vote for GATT. He changed his mind after studying the hundreds of thousands of pages making up the Uruguay round of GATT and accepted a challenge from Ralph Nader to take a test on the GATT. If all this was to remove tariffs/duties, that could be accomplished in one page. But because the agreement includes many other elements that adversely affect the United States, it is volumes thick.

Senator Brown stated, "This treaty creates a new government without fair representation for the U.S. and an international court system without due process.

"The United States takes in about 30 percent of the world's imports and could pay up to 23 percent of the cost of running the World Trade Organization. Yet we would have only one vote out of 123. More than 90 votes would be controlled by Third World countries that pay almost none of the cost. The countries that pay have little control.

"The WTO creates 50 new committees, boards, panels and organizations and could become an international bureaucracy of unprecedented size."

In short, we are losing our sovereignty over trade. The International Herald Tribune in an April 26, article this year said "It will be actually be good for the United States to be overruled by the World Organization when Washington tries to take politically motivated action against other countries' exports." Doesn't say anything about what other countries can do to ours.

This clearly spells out a loss of U.S. sovereignty although Ambassador Kantor assures elected officials this is not so. What he is not telling officials is we are altering the Federal/State relationship with this agreement.

States such as North Dakota, Florida and California have been faxing in the lists of law they want protected by the Federal government. What the Administration does not replay to the states is that it cannot be done.

In fact the GATT Law Book, published in March, of this year by GATT clearly establishes that state laws must be changed. (Incidentally, advertisements for the book states lawyers need it if they want to practice law before GATT). On page 1001 it states "That under United States constitutional law GATT law is part of United States Federal law and, being based on the commerce clause of the Constitution, overrides, as a general matter, inconsistent State law."

What does that mean to us? It means the Federal/State relationship is being altered. Our environmental laws will be effected as well as our ability to set American standards over food and other products.

In addition, our most prized system, the patent and copyright system will be under the authority of the WTO. The Administration has dealt a serious blow to American inventors by sneaking a patent term change into the GATT enabling legislation.

The 20 year-from-filing date patent term is fixed while the other 123 GATT members have a 20-year minimum patent. Shortening the term is a direct attack on the American technology base.

For 200 years we have led the world in technology, and this one act, will sacrifice that lead for the next 100 years. The Administration made this change in response to Japan and the large multinational companies. The patent term has no business being included in GATT. The only reason it is so this body—the Congress—can never reverse that disastrous agreement signed by the U.S. Commissioner of Patents.

I ask you, where are the American people in this deal. We are jeopardizing American jobs—and transferring congressional sovereignty over trade to a foreign body. Most importantly, only one American, the Special Trade Representative, who currently is Ambassador Mickey Kantor will have standing at the WTO to represent the United States. No American citizen or business can address his or her concerns to the WTO. A basic tenet of American law is any citizen can address his or her concerns to the government—all Americans have a right to a jury trial in an American court. These rights are being seized from American business and American citizens in this document.

It is unfortunate that we will not put off this vote until we can determine what kind of hydraheaded monster is being foisted on the American people. Our government will not be the same.

I hope my colleagues will hear this and vote no.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, this is an historic opportunity not only for our country but for our trading partners around the world. For America, it means jobs, it means competition and open markets.

However, there is something more at stake here. At the close of the cold war, Harry Truman and Republican Senator Arthur Vandenberg joined together to formulate the Marshall Plan, and like that historic moment in our history, today's vote sets a stage and a platform for America's role in an international marketplace well into the next century.

This is a critical vote. Should we fail to pass this this week, America will be in retreat. If we take the reins and pass this legislation, we will have every opportunity to be the leader in this new age of international competition, and I urge the passage of this important treaty.

Mr. Chairman, I am pleased to have the opportunity to speak in support of the implementing legislation for the General Agreement on Tariffs and Trade [GATT] that is before the Congress. This historic agreement represents over forty-five years of trade negotiations between the United States and other member countries, and the Administration should be highly commended.

The world is continuing to evolve into a single global economy in which international trade provides the crucial link between nations. As this evolution continues, the international trading system must adapt in order to realize the maximum potential benefits worldwide, and the Uruguay Round agreement is essential to break down existing trade barriers and thus to make these benefits a reality. Further, the new trading rules established by the agreement will provide a more consistent and enforceable trading atmosphere as countries continue to seek competitive advantages in the global marketplace.

On a more regional level, the passage of this legislation will add another critical building block to the goal of free trade in the western hemisphere. The Uruguay Round agreement establishes a more stable atmosphere for continuing the work initiated by the North American Free Trade Agreement [NAFTA] in lowering trade barriers in Central and South America. More importantly for me, the Uruguay Round is a substantial component in further opening trade opportunities for Texas companies interested in accessing markets south of the border.

For states such as Texas, the Uruguay Round opens important foreign markets to our products. Being the nation's third largest exporter of merchandise, Texas' economy will be bolstered by the GATT's creation of significant export and employment opportunities.

The timely implementation of this agreement can only be good for my state's economy. From 1987 to 1993, Texas merchandise exports almost doubled, rising by 97 percent. This rise was the second largest among all the United States. Texas' leading export industries of industrial machinery, computers, electronic equipment and chemical products together accounted for 57 percent of our state's exports in 1993. Texas is uniquely positioned to build on past successes to benefit from the Uruguay Round and the opportunities the GATT will create.

In negotiating the Uruguay Round agreement, the Administration was successful in achieving U.S. trade objectives. The agreement reduces trade distortions for agricultural and industrial goods, creates regulations for new areas, such as services and intellectual rights, and establishes an improved process for resolving trade disputes.

For industrial countries, tariff barriers have been lowered from an average of 40 percent in the early 1950's to an average of less than 4 percent at the completion of the Uruguay Round. Specifically, with respect to all signatories, tariffs will be reduced on manufactured items by an average of one-third, mostly by zeroing out tariffs in selected product categories. For the United States and most other developed countries, these categories will include steel, construction, and agricultural machinery, furniture, paper, toys, medical equipment and drugs as well as beer and distilled spirits.

Industrialized countries will phase out their quotas on textiles and clothing in four stages over a 10-year period. For the first time, however, developing countries will also eliminate their textile import barriers.

The Uruguay Round agreement also effectively incorporates agriculture goods into the GATT framework. Agricultural tariffs will now be reduced approximately one-third over 6 years. The effect will be seen in increased U.S. agricultural exports and increased farm income.

Further, the final GATT accord will establish a new governing body for world trade, the World Trade Organization [WTO]. The WTO is designed to facilitate implementation of the Uruguay Round and, more importantly, to enhance the enforceability of decisions relating to international trade disputes.

The Uruguay Round agreement also includes provisions applicable to antidumping and countervailing duties. These provisions are the fair result of difficult compromises between a myriad of interests. In particular, I would like to thank the administration for their work to improve the definition of import concentration in regional industries antidumping cases. In the past, interpretations of antidumping laws have made it difficult for regional industries to prevail in pursuing fair treatment. As specified in the Statement of Administrative Action [SAA] the new language should provide more consistent interpretations and should more closely align future interpretations and should more closely align future interpretations with the original intent of the Congress as expressed in the legislative history of the Trade Agreements Act of 1979. I commend the administration for recognizing the unique nature of regional industries and providing regional industries with a fair remedy to respond to unfair trade practices.

The Uruguay Round agreement and the implementing legislation represents a detailed compromise between various sectors of the U.S. economy. The United States stands to realize significant benefits based on this agreement, such as increased economic activity through the expansion of markets and lowering of trade barriers. The agreement will provide stimulus for job creation at home as well as improved welfare worldwide. We must seize the opportunity to pass the implementing legislation at the earliest possible time so that other countries will follow our lead and the benefits of the agreement can be fully realized.

Mr. Chairman, to further illustrate the importance of GATT, I would like to bring your attention to a recent editorial by former President Gerald R. Ford, and I include the following article in the CONGRESSIONAL RECORD:

WHY WE NEED GATT NOW

(By Gerald R. Ford)

Next week, Congress will return to Washington to vote on the Uruguay Round of the General Agreement on Tariffs and Trade. This is the most important vote of the 103rd Congress. For it is about fundamental issues: the nation we are and the nation we aspire to be.

Senators and congressmen should bear in mind that our nation's economic health—now and in the future—is inextricably linked to the outside world. Sixty percent of the wheat we grow, half of the computers and aircraft and over a third of the machine tools, semiconductors and construction machinery we produce each year are shipped to overseas markets.

This agreement makes us a lot more competitive. It dramatically cuts the taxes that other nations impose on the products we ship. For example, it cuts Japan's, Korea's and India's tariffs by more than half. Europe, our single biggest market, will reduce its tariffs by 37%.

Without the Uruguay Round's sweeping changes, we condemn ourselves to a lawless international jungle, where trade conflicts multiply.

For an increasing share of what we sell abroad is not covered by internationally agreed-upon trade rules. For example, there are no rules covering trade in agriculture; nations are free to subsidize their producers and thereby price U.S. farmers out of world markets.

Nor are there any rules covering services; nations are free to bar our companies from providing accounting, telecommunications, health care, or engineering services in their markets. And there are no rules to prevent foreign pirates from copying software, books, CDs and recordings from American producers; such theft amounts to $60 billion a year.

This agreement changes all that. As the world's largest exporter of goods and services, the U.S. is the largest beneficiary of this agreement. And it would be the largest loser from its defeat.

Our legislators have hard, perhaps disproportionately, from those who are concerned that the agreement will break the budget. But the truth is quite different. Reliable economic studies show that the agreement will boost U.S. economic growth by $100 billion to $200 billion a year, and thus generate about three times more in tax revenues than we lose in tariffs.

Our legislators have also heard from some who assert that the proposed World Trade Organization creates a form of world "government" that will run roughshod over U.S. sovereignty. But this vote does not affect U.S. sovereignty. Nothing in the agreement changes U.S. laws or standards. Only Congress can change our laws.

This vote is as much about our continued role as global leader as it is about our economic prosperity. For nearly 50 years, we have led the world in dismantling barriers to commerce among nations. We have helped to fashion a world in which nations are bound together by trade and investment—which discourages international conflict and encourages collaboration. Our nation has stood as a role model for so many nations, encouraging them to make the tough transition from state-controlled to market-driven economies, persuading them to enter the world community and end their self-imposed isolation.

Although 10 presidents have occupied the White House since World War II, there has been one constant. Regardless of party affiliation, each has encouraged trade liberalization. For five decades, we have enjoyed bipartisan support for a policy that opens markets and expands trade.

I stood with President Carter, Bush and Clinton a year ago at the White House to lend my support to the North American Free Trade Agreement. The GATT negotiations were launched under President Reagan, all but brought to a close under President Bush, and finally concluded under President Clinton. This agreement deserves bipartisan support.

As legislators prepare for this vote, they should reflect on the fact that we are the leader in an increasingly integrated world. The forces driving such integration are many: technology and communications, airplanes and fax machines. We cannot stop this process. Let's not make the mistake of 1931—when Congress approved Smoot-Hawley, the protectionist high-tariff legislation that deepened and accelerated the Great Depression. We must participate in the adoption of international principles that will move us forward, minimize potential areas of disagreement, and resolve conflicts when they occur.

This is a vote about the future, and what our role in it will be. A vote in favor of the agreement is a vote for prosperity, not poverty; for order, not chaos. The vote should not even be close.

□ 1420

Mr. CRANE. Mr. Chairman, I yield 1 minute to my distinguished colleague and neighbor, the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, passage of GATT is essential to the future job growth in the 16th Congressional District of Illinois and the rest of the Nation. We have already seen the benefits of free trade in the months since the implementation of NAFTA. American automotive exports have soared to Mexico, going from 4,800 in August 1993 to over 30,000 in August 1994. That's nearly a seven-fold increase in just one year.

Dozens of fastener manufacturers in Rockford are pumping out more products for the automotive sector and other industries. Exports to Mexico have increased 22 percent from Green Giant of Belvidere, thanks to NAFTA. Caterpillar, and all their suppliers such as T.C. Industries of Crystal Lake, have greatly increased sales by 77 percent to Mexico.

GATT is like 123 NAFTA's. GATT will cut tariffs or the tax on U.S. goods entering 123 foreign countries by an average of one-third. GATT will also eliminate import quotas over time, replacing them with tariffs. GATT will also have a clear set of guidelines to protect intellectual property rights and services.

Why all the fuss? Because protectionists are hiding behind a wall of misinformation about GATT.

GATT will not override any U.S. law. On page 14 of the GATT implementing bill, it clearly states that no U.S. law can be overridden by GATT. Period.

Mr. Chairman, GATT is good for America and for American workers.

Mr. Chairman, many people have heard only the most dire predictions about the General Agreement on Tariffs and Trade (GATT). As Congress faces a vote on this historic agreement today, I want to take the opportunity to let you know what is in this agreement and address some of the arguments raised against GATT.

First, GATT is not a new international organization. GATT has been around since World War II, originally created in Bretton Woods, New Hampshire in 1944. The aim of the organization is to avoid future world wars by creating and promoting economic growth through increased world trade so that political dictators will not be able to take advantage of economic hardships such as Adolf Hitler did with the Great Depression in Germany. Much to GATT's credit, lowering barriers to trade has, in part, helped prevent World War III.

There have been a series of agreements or "rounds" since 1944 to further liberalize world trade, first focusing on lowering tariffs among free, non-communist nations of the world and now toward non-tariff or regulatory barriers.

The latest round, originally started in 1987 in Uruguay by President Ronald Reagan, concluded with a signing ceremony in Marrakech, Morocco last April. Over the summer, various Congressional committees worked together in a bipartisan manner to draft legislation to implement the agreement. Many Members have had input into this process, including myself, so the details of the legislation are not a secret. On September 27, the legislation (HR 5110) was formally presented to Congress for a final passage. Thus, there has been plenty of time for Members to review this historic agreement.

Passage of the latest General Agreement on Tariffs and Trade round is essential to the future job growth in the 16th Congressional District of Illinois and the rest of the United States. We have already seen the benefits of free trade in the months since the implementation of the North American Free Trade Agreement.

U.S. automotive exports have soared to Mexico, going from 4,800 in August, 1993 to over 30,000 in August, 1994. Dozens of fastener manufacturers in Rockford are pumping out more products for the automotive sector and other industries. Green Giant of Belvidere exports have increased 22 percent to Mexico, thanks to NAFTA. Caterpillar, and all their suppliers such as TC Industries of Crystal Lake, have greatly increased sales to Mexico.

GATT is like 123 NAFTA's. GATT will cut tariffs or the tax on U.S. goods entering 123 foreign countries by an average of one-third. European countries have pledged to cut their tariffs in half. And, on some goods, such as construction equipment, steel, toys, pharmaceuticals, and furniture, there will be no tariffs.

GATT will also eliminate import quotas over time, replacing them with tariffs and even those tariffs will be gradually lowered. This will be a great boon for Illinois corn and soybean farmers long shut out of the immense potential of the European market.

For the first time in nearly 50 years, GATT will have a clear set of guidelines to protect intellectual property rights and services. For years, some countries have been literally stealing our technology, patents, and cultural heritage. GATT will provide a set of procedures to insure that if this continues in the future, there will be consequences.

Most economic analysts agree that GATT, when fully implemented in ten years, could add to the U.S. economy between $60 to $120 billion, thus adding as many as 1.4 million high-wage, highly-skilled American jobs that pay, on average, 17 percent more than non-export related jobs.

Illinois is already the nation's sixth-largest exporting state, with $20.3 billion in overseas sales in 1993, which represents a 99 percent increase over the past six years. Nineteen billion of that figure was manufactured goods. The U.S. is still the largest economy in the world and the largest exporter. We have nothing to fear in global competition or trade. Just look at the list of companies in the 16th District in support of GATT: Aqua-Aerobic Systems; Atwood Industries; BVR Aero Precision; Chrysler; CLARCOR; Custom Cutting Tools; Eclipse; ECOLAB; Estwing; Greenlee-Textron; Hydroline; Hydro-tec; Ingersoll Milling Machine; J.L. Clark; Kelly-Springfield Tire; Kraft General Foods; Motorola; Honeywell/Microswitch; Micropure Filtration; Morton International; National Metal Specialist; Newell; North American Tool; Precision Twist Drill; Rockford Manufacturing Group; Rockford Process Control; Rockford Products; Scot Forge; Suntec; Sundstrand; T.C. Industries; Triseal Corporation; W.A. Whitney; and Warner Lambert.

Plus, numerous agriculture groups have expressed support for GATT including the Illinois Farm Bureau; the Illinois Pork Producers; the Illinois Corn Growers, the Illinois Beef Association; the Grain and Feed Association of Illinois; the Illinois Specialty Growers Association; the Illinois Lamb and Wool Producers Association; the State of Illinois Department of Agriculture; the American Soybean Association; and the International Dairy Foods Association.

Most of the concerns raised against GATT have nothing to do with the immense positive economic aspects of the agreement. They are mostly side issues that have little to do with trade.

I have been asked by many constituents about the World Trade Organization (WTO), which is found in the first ten pages of the GATT agreement. Unfortunately, these misunderstandings are mainly based on the negative connotations of the name of this institution as opposed to what it will exactly do.

As part of the 1988 Omnibus Trade Act, the President was required by Congress to devise some consistent method to revolve trade conflicts, as opposed to the current ad hoc procedures in the GATT. The WTO will operate much in the same way as the current GATT Secretariat on a consensus basis.

There has never been a vote in the GATT, and custom prescribes that there will not be a vote in the future. We will not be outvoted by small nations in the developing world. Countries vote their politics at the General Assembly in the United Nations. But small developing nations will not jeopardize their export opportunities by antagonizing the largest economy in the world—the United States, just like the World Bank or the International Monetary Fund.

We are part of dozens of international organizations, such as the Universal Postal Union, which regulates international mail service. This is not a surrender of sovereignty but an agreement to mutually act in the best interests of all. Any treaty, including GATT, can be modified by mutual consent of the signatories or abrogated by a country that simply wants out.

The GATT agreement specifically provides that future trade law changes may only be adopted by a two-thirds vote, and that those changes are only binding on those WTO members that accept them. Thus, the U.S. could not be bound by any change to international trading rules under the WTO that the President or Congress did not accept.

Plus, the WTO international trade dispute resolution system leaves U.S. domestic legal powers totally intact, just as they were under the old GATT system. The WTO simply provides an updated procedural framework for dealing with GATT trade issues. In fact, the WTO gives the U.S. more, not less, procedural protections in the dispute resolution system than under the old GATT. If anything, the GATT agreement protects the sovereignty of individual Americans to be as free as possible to buy and sell goods abroad without government interference.

President Reagan's most conservative Supreme Court nominee, Judge Robert Bork, has stated that GATT will not impact U.S. sovereignty. In fact, he said in a letter to the U.S. Trade Representative, Michael Kantor, that the sovereignty issue "is merely a scarecrow."

Finally, H.R. 5110 contains a provision that requires the President to report to Congress every year on the actions of the WTO and allows Congressional review of U.S. participation in the WTO every five years. The GATT itself contains a provision allowing nations to withdraw from the agreement at any time as long as the nation gives six months notice.

And, under the agreement between the future Senator Majority Leader, Bob Dole, and President Clinton, an independent five-member panel of judges will determine whether WTO decisions usurp U.S. laws or sovereignty. If the WTO violated U.S. sovereignty three times in five years, any member of Congress could introduce a resolution to have the U.S. pull out of the WTO. So, even if the worst fears of the detractors of GATT come true, the U.S. will retain many opportunities to withdraw from the system.

GATT will also not override Federal or State laws. In fact, on page 14 of HR 5110 it clearly states:

> No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

It goes on further:

> Nothing in this Act shall be construed to amend or modify any law of the United States, including any law relating to the protection of human, animal, or plant life or health; the protection of the environment; or worker safety.

This language was inserted by future Speaker of the House, NEWT GINGRICH, at the insistence of Republican Members like myself to make absolutely sure in plain everyday English that GATT will not override U.S. sovereignty.

Some have argued that GATT will add to the deficit. However, GATT represents the largest tax cut in history—nearly $750 billion. Unfortunately, the budget rules forbid taking into account future tax revenue from increased economic activity that will result from GATT, using a dynamic economic model. The budget rules only see one effect of various policy proposals (static economic model). H.R. 5110 pays for the $12 billion loss in tariff revenue associated with GATT over a 5-year period mainly from spending cuts and from making several noncontroversial tax timing and compliance changes.

Regrettably, because GATT is spread out over 10 years, some Congressmen believe it should be fully paid for over that entire period. Some Senators will insist on a technical parliamentary procedure requiring 60 votes to override or waive these budgetary considerations. However, it will be quite evident by the end of five years that corporate and individual taxes paid to the U.S. Treasury will increase because more job creation and more exports will more than offset the "loss" of tariff revenue associated with GATT.

Regardless, spending cuts make up 60 percent of the financing package in H.R. 5110, many of which result from the decreased need for Federal spending on various agricultural export promotion and price support programs because farmers will be able to sell more of their commodities abroad.

The new revenue is mainly accounting changes, such as eliminating the tax credit for corporations which build and operate manufacturing facilities in Puerto Rico. These changes are nothing radical and there is nothing conspiratorial about them. But I agree that if a dynamic economic model were applied to GATT, as opposed to a static analysis, there would not be a need to even discuss these issues.

GATT does not contain any "give-aways" to special interest groups. There is no break for the Washington Post or the Atlanta Constitution. A little background is needed to discuss this issue.

In 1990, the Federal Communications Commission (FCC) selected communications firms—American Personal Communications, Cox Enterprises, and Omnipoint Communications—out of 90 companies that applied for free use of new cellular spectrum, called Pioneer preference. This innovative, new spectrum will compete with existing cellular and telephone services, which will produce more communications choices at less cost, overall, to the consumer.

Some companies that were denied this license were unsatisfied with the result. They successfully lobbied the FCC to issue a new regulation last August requiring these three pioneer firms pay 90 percent of the market value of this spectrum as a fee.

The three pioneer firms challenged this rule in court and would have most likely won because the FCC initially promised this spectrum for free. As a compromise H.R. 5110 requires pioneer firms to pay 85 percent of the average market value of these licenses in the 20 largest metropolitan areas. The pioneer companies reluctantly agreed to this compromise because further litigation in the court system would delay the launch of the pioneer spectrum. This compromise will also bring into the U.S. Treasury at least $544 million. Collecting 85 percent of the market-value of a good or service versus nothing is not a give-away! Rather than costing the Government, H.R. 5110 will require these three pioneer firms, who were promised free spectrum communications licenses by the Federal Government 4 years ago, to pay between $544 million to perhaps more than $1 billion.

Finally, to delay a vote on GATT until next year will have devastating consequences for the U.S. economy. According to the Treasury Department, the United States loses $90 billion of this global tax cut if we delay implementation of GATT by 6 months. Delaying the vote would reduce U.S. employment by an average of 25,000 a year over the next decade and cost the United States $70 billion in lost production.

Most of the rest of the world awaits the approval of GATT by Congress because the United States is the largest economy in the world. They look to us for leadership. If we don't pass GATT by the end of this year, protectionist forces in other countries will become more emboldened and will sabotage this global trade treaty. If that happens, at least 300,000 high-wage, highly skilled jobs would not be created in this country.

Once again, there is nothing secret in GATT—it's been under negotiation by three Presidents, finalized last December, and signed last April. The GATT implementing bill has been discussed among the various congressional committees throughout the summer and was formally ready on September 27. There has been plenty of time for Members to review this treaty—there is no need to delay a vote on GATT any longer.

Mr. Chairman, it is time to go back to basics what GATT will do for our economy. GATT is primarily about reducing government barriers to free trade among 123 nations. It's time to move beyond the scare tactics and misinformation to focus on what GATT will really do for the United States and the 16th District of Illinois—expand economic opportunity and create and sustain good paying jobs. Trade is not a zero-sum game where there are winners and losers. It is a win-win situation for all nations.

Ms. KAPTUR. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, the Uruguay round of the General Agreement on Tariffs and Trade, 2,000 pages of implementing legislation, 20,000 pages of tariff schedules. Evelyn Wood could not speed-read it. Arnold Schwarzenegger could barely lift it.

Every time we pass a trade bill in this body, every time we worship at the altar of free trade, every time we reconvert to the religion of free trade, our Nation falls deeper and deeper into job-killing trade deficits. Twenty-five years ago, we had the Kennedy round. The trade situation worsened, Americans lost jobs; 20 years ago Congress passed the Trade Reform Act. The trade deficit grew bigger, Americans lost more jobs.

Fifteen years ago we had the Tokyo round. Larger trade deficits resulted. More and more job loss was a further result. Then we had NAFTA last year. More job loss, a worsening trade situation with Mexico.

Now we have GATT. When are we going to figure this out?

This is not the kind of change that Americans voted for in 1992. It is not the kind of change Americans voted for in 1994. They did not vote for the World Trade Organization, the new international United Nations of trade. They certainly did not vote for budget waivers. Americans in 1994 did not vote to have business as usual. The first vote after this election should not be to jettison fiscal responsibility.

The gentleman from Georgia [Mr. GINGRICH] and the Republicans were elected just earlier this month because they promised no more business as usual. They promised to pay as you go. They promised no more budget games. Yet the pay-as-you-go rule imposed by the Gramm-Hollings legislation should not be shunted aside in the name of free trade fundamentalism. Playing games with budget rules is not the type of change that Americans voted for. Americans did not vote for the pork-barrel projects in this bill. The American people certainly did not vote earlier this month to punish middle-class savers. But that is what this legislation does. Because the administration and Republican leadership could not come up with a credible financing mechanism, they chose once again to cover up with smoke and mirrors.

This legislation which supposedly deals with international trade will eliminate the minimum interest payment on U.S. savings bonds. Ask yourself: Who buys savings bonds? The answer is, grandparents buy savings bonds. The answer is, middle class people buy savings bonds. The answer is, parents sign up for payroll deduction and they buy savings bonds to help pay for their kids' college education.

So the administration that promised to put people first and the Republican leadership which promised to help the middle class instead have put the interests of multinational corporations first, and instead have put the interests of international financiers first and then sent the bill to middle-class Americans. It's the same old story.

Mr. Chairman, the high priests of free-trade fundamentalism led by the incantations and rituals by the Washington Post, which incidentally stand to gain handsomely from this agreement, are proposing that prosperity is just around the corner.

As in the Wizard of Oz, the free trade fundmentalists tell us, ignore that man behind the curtain. Ignore the huge and growing trade deficit and pass another trade agreement that turns its back on American families. Ignore the hemorrhaging of the American economy and sign on to another trade agreement that is opposed by every single environmental organization in the United States.

The free trade fundamentalists, Mr. Chairman, are telling the American people to act as if these is no such thing as cheap labor overseas. Do we really believe that low wages and Third World countries do not pose a threat to American jobs?

This is not what Americans voted for in 1994. Vote no on GATT.

Mr. HUNTER. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me the time.

First, let me say that I am for free trade and I am for fair trade, but unfortunately I do not believe this agreement achieves either. We have over 4,000 pages of legislation in this trade agreement. My colleague from Illinois said to me, well, the actual bill itself is only 800 pages. Well, let us just say it is only 800 pages. How many of my colleagues in this Chamber have read it and understand the GATT trade agreement?

I bet you there are not over 20, yet 435 will cast votes today on it. In addition to that, we have 87 people who are no longer Members of Congress, who are going to be voting on the most important piece of trade legislation in the history of the world. And they, with all due respect, are no longer Members and do not have a right to vote on it. This issue should be carried over to the next duly elected Congress which takes office in January. And we should study it and work out the bugs and make sure we have got a good agreement that complies with fair trade and free trade.

There are questions about the constitutionality of GATT. A former Member of the Reagan administration has said that. Mr. Fine, Bruce Fine said that article II, Section 2 of the Constitution may be violated by GATT. We should check that out because we swore to uphold the Constitution of the United States. And if this violates it, we certainly should not be voting for it.

Section 301, which has been used very effectively in the past against Japan and others to try to make sure that if they do not let our products into their country, while we let theirs in, that we can impose some penalties on them, section 301 goes right out the window. Former Japanese Prime Minister Hosokawa told Japan's business leaders that, "The U.S. is threatening to use section 301 in the framework negotiations. Japan will have to act to contain that move through the new World Trade Organization." And the new World Trade Organization consists of 123 nations. We will have one vote. They will have 122 against us. Many of them, most of them have voted against us in the past at the U.N. and we are going to pay for 23 percent of the cost. Twenty-three percent of the cost. It just does not seem fair to me.

They talk about the fiscal impact. We are going to lose $42 billion initially on tariffs and other import requirements, on products coming into this country, $42 billion. There is no provision for making up that loss. We are not addressing that, even though we have these huge budget deficits.

This is not new, GATT is not. This is the eighth GATT agreement in history, the eighth. Not the first, but the eighth. We have a $150 billion trade deficit staring us in the face. Each $1 billion cost us 20,000 jobs. Multiply that. That is 3 million jobs we lose because of trade deficits right now and we have had 7 previous GATT agreements. They are not working. What we need to be doing is to negotiate with our trading partners on a bilateral basis. If Japan does not treat us fairly, we ought to be sitting across the table with the Japanese, saying, "Look, if you don't treat us fairly, that is what's going to happen," and we eyeball them one on one.

But if we cede authority to a 123-member World Trade Organization, who by secret ballot can take us down the tubes, the world's economic superpower, we are ceding away an awful lot of our sovereignty, in my opinion.

□ 1430

I think it is a giant step in the wrong direction. We are the greatest economy in the world and we can negotiate on a bilateral basis and get fair trade agreements because they want access to our markets. But when we cede that authority to a secretive world trade organization along with a lot of our sovereignty, we have let this economy be put into the hands of those who do not have the best interests of America at heart, and that is wrong.

So I say to my colleagues today, think about all of this. I am for free trade, and I am for fair trade, but let us do it on a sound basis on a bilateral basis and not cede our authority, our constitutional authority to a 123-member world trade organization that does not have the best interests of the United States at heart.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is time to correct the record just a little here. We are not voting on some 2,000 pages, we are voting on 443 pages of legislation. I am sorry that Members who make these wild statements have not read this, but that is what it is. This is 443 pages which was developed over many, many months and years of deliberations in the Congress. It is not brand new.

The same Members who protest today that we are voting at this time were the same ones who protested earlier this fall and did not want us to vote then, but keep on delaying it. If we delay it today they will be around here next year complaining that we are voting too soon. So I think we ought to just dismiss that.

Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman, we have come back here today for this historic session of Congress for no small reason. H.R. 5110, the Uruguay Round Agreements Act, is the single most comprehensive trade agreement ever considered by this body.

Simply put: This legislation will greatly benefit the American people by adding $100 billion to $200 billion to the American economy.

Our domestic growth has been largely dependent on the success of the world economy, and this legislation is vital to the health of the world economy.

The Uruguay round goes farther than any previous agreement by addressing areas of trade long ignored. For the first time, the intellectual property of U.S. entrepreneurs will be protected. For the first time, services are covered. For the first time, there will be open markets for U.S. exporters of accounting, advertising, computer, tourism, engineering and construction services.

The textile and apparel industries are very important to the livelihood of my State of South Carolina. I have consistently fought to make sure they were treated fairly in this body, and I would never support any proposal which was not in the long-term interest of textile and apparel workers.

This agreement will force those countries who constantly circumvent international trade rules—countries like Hong Kong and China—to halt their illegal activities and conform to reasonable rules of international trade.

Textile and apparel companies also benefit from the greater market access provisions achieved by U.S. negotiators.

This is one area I would like to see strengthened—especially with regards to countries with strong protectionist policies like India and Pakistan—but this agreement is a giant step in the right direction.

With passage of this agreement, U.S. workers will gain major new employment opportunities.

U.S. companies will gain major new export opportunities. And U.S. consumers will gain greater access to lower priced, high quality goods and services.

In brief, the Uruguay Round Agreement will benefit all Americans. And for the good of all Americans—both present and future—I urge my colleagues to support this agreement.

Mr. CRANE. Mr. Chairman, I yield 1½ minutes to our distinguished colleague, the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, after much examination and reflection, I have decided to vote in favor of passage of GATT, the General Agreement on Tariffs and Trade. While I have some lingering reservations, I believe, taken as a whole, the benefits of GATT outweigh the negatives.

As we near the end of this century, the U.S. economy is becoming interwoven into a global economy. Where we once bought, sold, and produced all consumer goods entirely at home, we now participate fully in the global marketplace. With this understanding, we cannot ignore our role in foreign trade. Increased participation in foreign trade would increase our sales abroad, create new jobs at home and expand our own economy. Reductions in trade barriers and the resulting expansion of trade will have a dynamic effect on the U.S. economy by inducing businesses to invest more and stimulating long-term economic growth.

Following World War II, the major powers of the world, recognizing the benefits of international trade, drafted a new trade agreement called GATT, the General Agreement on Tariffs and Trade—the largest, most comprehensive trade agreement in history. However, the GATT rules were increasingly out of step with the rapidly changing world. In response to these changes, 177 countries concluded discussion on a revamped trade agreement labeled the Uruguay Round of the General Agreement on Tariffs and Trade. This final step had been thoroughly negotiated over a lengthy period of time including the support of both the Reagan and Bush Administration. The agreement will lower foreign trade barriers and reduce tariffs, which will open foreign markets that were previously closed to American products.

GATT promises to provide many rewards—rewards that will benefit every American. It is estimated that the benefits of GATT will include an increase of America's annual income by about $1,700 per family. Another projected benefit will be an estimated 500,000 new American jobs and $150 billion per year in additional economic activity. More importantly, the lower tariffs will result in lower prices for imported products and increase exports of American products to overseas markets. Low tariffs will have unprecedented benefits for world consumers. Here at home, Americans will experience these changes when they go to purchase groceries, clothes, household appliances and automobiles.

One particular area of concern to me and to many others is the creation of the World Trade Organization [WTO], which will establish a forum for member governments to address trade issues as well as to supervise the trade industry. Opponents of GATT fear that the establishment of the WTO would limit American sovereignty when governing international trade. However, the WTO provides an updated procedural framework for dealing with trade issues, leaving U.S. domestic legal powers intact. Moreover, Representative NEWT GINGRICH [R-GA] inserted many oversight amendments to ensure that Congress will carefully examine all WTO votes and procedures. Under these proposals I have concluded, our interests will be protected by requiring periodic reports to Congress on the WTO budget, on trade decisions made by the WTO and on how these decisions may affect the United States federal and state laws and regulations. Another provision will require recertification of U.S. participation in the WTO every five years. More importantly, Sen. BOB DOLE [R-KS] and President Clinton reached an agreement to create a permanent commission to review decisions made by the WTO. Labeled as the "three strikes and we're out" program, if the WTO decides improperly against the United States, Congress will vote to re-negotiate the rules in WTO. After the third bad WTO decision, Congress will vote on whether to withdraw from the WTO. Despite the concerns brought out by those who oppose the agreement, the WTO will not limit American sovereignty, nor will it dictate American trade policies. The bottom line is that with proper oversight, the WTO is not a reason to oppose GATT.

A second area of concern was obtaining the money to fund a huge trade agreement like GATT. Under the Budget Enforcement Act, any revenue lost over the first five years of any new law must be replaced with either spending cuts or additional revenue. GATT's five year costs—revenues lost with the elimination of tariffs—are expected to amount to approximately $12 billion. However, it can be easily argued that the benefits from the trade agreement will greatly exceed the original costs. Nonetheless, in following the Budget Act, Republicans on the Ways and Means Committee and Republican Leadership worked with the Clinton Administration in crafting legislation that would fund GATT but ensure that lost tariffs would not come from increased taxes.

Prior to the introduction of GATT legislation, there was much fury in the textile world over current Rules of Origin laws. The current Rules of Origin makes it very easy for exporting countries to bypass trade quotas by claiming that a product was cut in a certain country—when in fact—it was not. However, the addition of the Breaux/Cardin/Payne Rule of Origin compromise is a positive provision for the U.S. fiber, textile, and apparel industry. The rule change puts a stop to Hong Kong and China's $6 billion scam to avoid textile quotas by cutting fabric in Hong Kong, sewing it in China and shipping the apparel with a Hong Kong label, under Hong Kong's quota. This provision, in GATT, will bring more clarity and fairness to the North Carolina textile and apparel trade.

There was some concern regarding provisions that would change the terms of patents. Under present law, patent rights exist for a term of 17 years measured from the date the patent is granted. Under the GATT implementing legislation, a patent term of 20 years would start from the earliest effective filing date of the application. This change, which has strong bipartisan support of the House and Senate Judiciary committees, has been recommended many times by expert study groups. A patent term of 20 years will generally extend the life of a patent. The change also addresses the problem of "submarine patents" by publishing applications before they are granted. "Submarine patents" allow a patent applicant to delay issuing of a patent for years—shutting down or demanding royalties from businesses that independently develop that technology in question. However, under the GATT provisions, industries will be able to keep abreast of new technology as it is published.

GATT has received overwhelming support from many industries in North Carolina and across the country. Those industries supporting GATT include: the defense industry; tobacco companies; hosiery manufacturers; telecommunication and retail companies; bankers, agricultural, chemical and transportation industries; as well as, paper and pharmaceutical companies. For example, the American Furniture Manufacturers Association [AFMA], who have long suffered in the international market by tariffs as high as 70 percent, support GATT and the opportunity to meet the competition head on when allowed fair access to markets around the globe. The furniture industry which employs over 30,000 men and women in my district will profit from the passage of GATT.

The need for open markets is sweeping the world. The United States must be a participant in this trade if it is to remain a world economic power. Legislators have successfully eliminated all obstacles and sticking points by revising the WTO and textile provisions. As a nation, we cannot ignore the statements of support from major industries around the country as well as all the benefits it will bring to many Americans. Now is the time for our country to pass GATT. Any delay in passing GATT will bring adverse consequences to our economy and to our people.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in opposition to this GATT implementing bill. We know that opening markets creates jobs, and on balance I believe that this bill may well create jobs in our Nation.

However, I think that this implementing bill goes too far and it goes too fast, and this agreement's gains come at great cost to our domestic textile and apparel industries and to its workers.

The GATT phases out the multifiber agreement over 10 years. For more than 20 years this multifiber agreement has provided some quota protection for our Nation's 1.7 million textile and apparel workers. Fifty thousand of these workers reside in my congressional district.

Even with the multifiber agreement, textile and apparel imports have surged, and have cost thousands of jobs. A 10-year multifiber agreement phaseout such as is in this GATT implementing bill puts as many as a half million textile and apparel jobs at risk.

I recognize that in the past 2 years this agreement has been improved, that we have had better market access for our textiles overseas, that we have had improvements in the rules of origin. But these improvements simply are not enough. We can and we should do better by defeating this GATT legislation and work for a fairer legislative vehicle that will ensure fairness to all American workers.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just make the point to my colleagues that for a number of times, Members who are pro-GATT advocates have stated that this is a giant tax cut. This is not a tax cut. I am a guy who supports tax cuts because they leave a few bucks in the pockets of the businessman who goes out and hires the extra labor or hires the extra worker and that person begins paying taxes through withholding, and that increases Federal revenues as well as expanding our economy. That is a tax cut. Taking a so-called break in tariffs by buying a foreign product that by definition unemploys your neighbor is not a tax cut.

In fact, the social payments that we make in terms of AFDC unemployment and all of the other payments that attend unemployment of American workers cause tax increases. So let me just offer my objection to that nomenclature, which is very creative, but which is not accurate.

Mr. Chairman, I yield 7 minutes to my friend the gentleman from California [Mr. ROHRABACHER.]

□ 1440

Mr. ROHRABACHER. Mr. Chairman, I am a free trader. I supported NAFTA. Let us make that very clear. I was down here supporting NAFTA. I also supported fast track. I even support the GATT agreement itself. But I do not support this bill.

I strongly oppose this legislation because President Clinton has abused his fast track authority and betrayed those of us who voted for fast track. We gave him the authority to submit an unamenable bill, which would contain only what is required by the GATT agreement, with the understanding we would have 45 days to consider it.

By submitting this legislation shortly before Congress's scheduled adjournment President Clinton sought to cut that 45 days to fewer than 10 days. This power play was rightfully rejected and is the reason this legislation is now before us in this lame duck session of Congress. The Administration's underhandedness should tip us off that something in this bill is amiss.

What is amiss in this legislation are provisions not required by GATT. Some are little more than payoffs and sweetheart deals. Others are more sinister provisions that will enrich Japanese and multinational corporations, at the expense of the American people.

The provision that most concerns me dramatically reduces the length of patent protection enjoyed by Americans, a provision hidden in this implementation legislation, but not required by the GATT understanding itself.

Proponents of this devastating provision are counting on our ignorance of what it does, and our acquiescence to the take-it-all or-leave-it-all rule of this vote. In 1968 and subsequent years, Japanese and other multinational interests have sought legislatively to shorten the length of America's patent term. Wisely, the Congress has defeated every attempt to gut America's patent protection. This GATT legislation represents an underhanded effort to use a major trade bill as a vehicle to fundamentally alter our patent system, something multinational and foreign corporations could not do in separate legislation. We are talking about the grabbing of billions of dollars of royalties that should be going into the pockets of innovative Americans and American investors. We are also talking about losing control of technology invented and paid for by Americans. Our own creations will be used by foreign competitors against us. This will have a devastating long term impact on our national economic well being.

Let me make this simple and understandable: Provisions in this legislation not required by GATT will substantially reduce the number of years of patent protection now afforded Americans under current law. Every inventor's organization in this country confirms this and opposes this provision.

Administration spokesmen, on the other hand, deny this, and, in fact, cynically claim the provision will actually increase the length of protection of most patents.

We are being lied to. This administration claims this provision will lengthen patent protection, yet it has rejected out of hand compromise language that combined their provision with current law with the proviso that whichever is longer shall apply.

Mr. Kantor, tell the truth. This provision, snuck into this bill, will gut our citizens of patent protection and steal control of technology from American inventors and American investors and give to Japanese and multinational corporations control of those inventions after a short period of time. It will be a ripoff of tens of billions of dollars and will be a disaster for our country, drying up private research and development dollars just as we are entering a new era of high tech global competition. Reduce the number of years of patent protection and you eliminate much of the research and development dollars that are available in the private sector. It is as simple as that, and people understand that; they know it.

The U.S. Patent system is the world's strongest at present time. Our creative citizens, along with private capital, have, under current rules, created vast new industries. Today, for example, while other countries are trailing in biotechnology, America is in the forefront. All this was created by private capital made possible by a strong patent system. Weaken the patent system, eliminate private capital investment. Other countries with their weaker patent systems have tried and failed in biotechnology. Now these foreign competitors want our patent protections weakened so they can copy our technology without paying for it. Through GATT, this Administration is simply legalizing this foreign theft.

If we defeat this implementing legislation today, we can clean it up, take out the sweetheart deals, giveaways, and ripoffs of American investors and inventors.

This lame duck session should not aid and abet this ripoff of our citizens.

This legislation contains hidden ripoffs. The Administration is lying to us. This Administration has betrayed us just as this legislation is a betrayal of American interests.

Let us defeat this monster, this GATT monster, before it devours American Competitiveness.

One last note, as an active member in the Congressional Human Rights Caucus, it deeply concerns me when I look at the GATT implementation legislation. It is my understanding, and I could be wrong on this, that our efforts to in some way make demands, human rights demands, on people who trade with us and differentiate between those people who are basically conducting slavery and the worst kinds of tyranny and torture in the world will be put on the same economic level as people who are basically democratic governments. I believe in free trade between free people.

This GATT legislation, for example, could well leave us in the position that no matter how tortuous the regime gets in Red China that the Communists can do whatever they want, and that we still may have to, because we are a member of GATT, not treat them any differently than the people of England or Canada or other countries. That is of deep concern to me.

I will have to admit that I am not an expert in this area, and I do not know for sure whether or not that is the result of the GATT legislation that we are about to vote on, but if it is, we should have second thoughts, all of us in this, should have second thoughts about treating in our foreign trade policies monstrous Nazi and Communist-type regimes with other democratic societies.

Vote against this GATT implementation legislation.

Mr. GIBBONS. Mr. Chairman, I yield 6½ minutes to the gentleman from New Jersey [Mr. HUGHES], an expert in this area, chairman of the committee that handles all of the patents and copyrights and things of that sort.

Mr. HUGHES. Mr. Chairman, I thank the distinguished chairman for yielding me this time.

Mr. Chairman, I rise in support of the Uruguay Round Agreements Act, H.R. 5110, and urge my colleagues to support it.

I listened very carefully to my colleague from California on the subject of intellectual property, and I want to respond to him, because I have a great deal of respect for my colleague.

He testified before my committee back in August, I think August 10 or August 12, made his views known at that time, so I find it very difficult to understand how he can suggest he has had such a short time to examine these issues. They have been around for a long time. We had a draft a long time before the filing of the draft GATT agreement. So the provisions in this agreement have been known since August when the gentleman testified.

Let me just say generally that I voted against NAFTA because I thought that while there were some winners and some losers, a lot of those losers were in my congressional district, and that is one time I found myself having a real difficult time in trying to reconcile what is best for my district, what is best, I thought, overall for my country. So that was an easy decision for me, just as this is an easy decision.

Because if we want to be big boys and play in the big market, and that is what I think we have to do, it seems to me we have to participate in the process. You cannot be on the outside looking in and expect to basically advance our national economic interest, and that is what it is all about.

You know, we could argue about where we should have made the differences in this agreement, and I agree it is not the kind of agreement I would have developed in many areas. I would like to have seen us reduce the barriers in institutions, tariff barriers in many other areas, and I would have done that. I would have made some changes in the intellectual property arena that were not made.

That is not what we have before us. The question is whether or not it is a good agreement. I think, without question, it is an outstanding agreement for a lot of reasons, not the least of which it sets a better process for us to reconcile disputes and because we are the biggest market in the world, we are going to benefit from reducing barriers of all kinds contained in this agreement.

In the intellectual-property arena I say to my colleague from California, you are just absolutely wrong. I know your biggest hangup is about patents.

Let me tell you we are turning patents around in this country in less than 3 years, even very complex patent issues. We are turning around in 3 years. When we go to 20 years, we are basically giving most inventors more time, not less time.

□ 1450

So the suggestion that inventors in this country have less time than they presently have, I think the gentleman is absolutely wrong on that issue. What the gentleman is talking about perhaps is those issues where we have had abuses in the patent system—and we have, because inventors file extension after extension, in some instances where they have gotten as much as 35 years on a patent where they are only entitled to 17 years on the original patent.

And the gentleman knows we have had all kinds of abuses, but we have plugged that loophole. That is where the biggest rub is.

We are the only country in the world that basically runs a time from time of invention and not from time of filing. In the area of patents or the areas of copyright, in the area of trademarks, we win. It is a win/win situation for the United States because we have most of the intellectual properties being sold around the world. And if you do not think that they are stealing us blind, you visit those countries. Any time you can get other countries to put into place new intellectual property laws, in the area of copyright, in the area of patent and trademark, we win. And when you get them to put in place the enforcement mechanisms to enforce our intellectual property laws, we win. And that is precisely what we do in this law.

There are a number of changes in copyright that will advance our interests in the area of bootlegging, which is going to basically protect our country.

So anybody that suggests that we are not winners in the intellectual property area have not read the agreement. While we could argue about other areas because there are winners and there are losers in this agreement—and I regret that—but overall we advance our national interests and the interest of my State in particular in which I am interested. I am sure if you looked at the facts and figures in your States, in the area of pharmaceuticals, in the area of industrial hardware, and a whole host of those areas, you will find that your States are going to be net winners in the long term, also, because we are going to enlarge the pie.

That is what it is all about. We are going to provide new mechanisms to resolve disputes, and that is going to benefit our industries and our exports.

Mr. Chairman, I rise in support of the Uruguay Round Agreements Act, H.R. 5110. This act implements the comprehensive GATT agreement that is so crucial to trade relations with our global trading partners. The economic benefits to the United States are pivotal to the continued growth of the U.S. economy and to the increase of U.S. exports by reducing existing foreign trade barriers. As with all trade agreements, and all legislation, for that matter, there are issues that could have been better handled or more transition time provided, such as with textiles. On balance, however, there are many more advantages for the United States than disadvantages. We must be a player in the world economy or we simply will not progress.

There has been much hand wringing over the World Trade organization which is created by the agreement and its alleged threat to U.S. sovereignty. There is no such threat. Decisions by the WTO are not automatically imposed on the citizens of the United States. If there is an adverse ruling, the United States must still decide whether to accept such a ruling by changing its laws or regulations. Only the Congress can make those changes and that will continue under the WTO framework.

The establishment of a process by which complaints arising under the trade agreement can be heard and settled will benefit the United States. As the largest exporter facing the most restraints from foreign markets, an orderly process of bringing those restraints to light and resolved will make it easier for the United States to eliminate unfair foreign trade practices.

The United States stands to gain the most from the trade agreement of all WTO members. The United States has fewer trade barriers than its trading partners, thus the lowering of these barriers will be of enormous value to U.S. industry. The agreement will significantly expand the already large market for American products and services and thus create more jobs in the United States.

While the United States as a whole will gain additional markets, these gains will be reflected in the economic impact to individual States. Many States have significantly developed their export industries and can increase the export markets under the agreement.

For example, New Jersey stands to make substantial gains under H.R. 5110. The act will open important foreign markets to New Jersey's exports benefiting key industries creating export and employment opportunities. Through the implementation of this agreement it is estimated that the trade-rich region of New Jersey and New York will receive 10 percent of all jobs and revenue that the agreement would create in this country.

In New Jersey, it is anticipated that over 18,000 additional jobs will be created and $5.4 billion in additional annual income will be generated over the next 10 years. It is important to note that New Jersey recorded merchandise exports of $14.5 billion in 1993, placing the State ninth nationally in total exports. Moreover, New Jersey's exports over the 1987–93 period grew by 90 percent, rising by almost $7 billion. This increase represents the seventh largest dollar increase among the States.

New Jersey boosted export sales of a wide range of manufactured products over the 1987–93 period. Eleven major manufactured product groups recorded export growth exceeding 100 percent. Rapidly growing export categories include electric and electronic equipment—citing a 146-percent growth—and scientific and measuring instruments—citing a 128-percent growth.

With over 6,959 business establishments exporting products in 1987, New Jersey ranked fifth among all States in the number of business locations that exported. Virtually all of such establishments—99 percent—had fewer than 500 employees.

Under H.R. 5110, New Jersey's key export sectors such as the pharmaceutical, chemical and allied products, glassware and pottery, telecommunications equipment, and renewable energy technology industries—just to name a few—will benefit dramatically. This experience will be repeated in many individual States as the export market expands and American industries find a need to expand within the United States.

INTELLECTUAL PROPERTY CHANGES

Title V of the act contains a number of important amendments to U.S. intellectual property laws that will significantly strengthen protection for authors and investors both domestically and overseas.

The intellectual property provisions are the result of extensive work and cooperation with the office of the U.S. Trade Representative to ensure that the implementing legislation was both reflective of the GATT agreement and responsive to U.S. needs. While I wish the final GATT agreement had required more in the area of national treatment and eliminated European and national content requirements in the area of audiovisual works, these are areas that will be the subject of continuing negotiations. The protection for pharmaceutical products also could have been accomplished in a shorter timeframe. We must not lose sight, however, of the fact that there are many industries and individuals which will benefit substantially from H.R. 5110.

I would like to briefly note the changes that are made to copyright, patent and trademark laws by H.R. 5110.

COPYRIGHTS

Subtitle C contains four amendments on copyright and related rights:

(1) Section 511 lifts a 1997 sunset on the commercial rental of computer programs;

(2) Section 512 provides a new civil cause of action for performers to prevent bootlegs of their live musical performances;

(3) Section 513 provides new criminal penalties for bootlegging done "knowingly, and for purposes of commercial advantage or private financial gain;"

(4) Section 514 provides protection to preexisting works whose country of origin is another member of the Berne Convention or the World Trade Organization if those works are in the public domain in the United States due to noncompliance with formalities, lack of national eligibility, or, in the case of pre-1972 sound recordings, lack of subject matter protection. This amendment places the United States fully in compliance with its obligations under article 18 of the Berne Convention.

None of these provisions are, to my knowledge, controversial, and all are expected to strengthen the rights of U.S. copyright holders overseas as other countries change their laws in order to comply with their GATT (TRIPS) obligations.

Even President Clinton in his role as a jazz performer will benefit, since section 512, as required by articles 14(6) and 70(2) of the TRIPS agreement, extends protection to preexisting bootlegs, and it is my understanding that a bootleg recording of the President's jam session in Prague is currently being sold by mail order from New York. I've also heard the President's recording doesn't pose any competition to recordings of Lester Young or Coleman Hawkins.

PATENTS

H.R. 5110, changes patent law in a way that will benefit American inventors and the public. Contrary to those ads you've been subjected to in the newspapers, the patent law changes will not reduce the length of the term of a patent.

The most significant change will alter the term of a patent from the present 17 years measured from date of the grant of a patent to a 20-year term measured from the date of filing of the patent application. This is the best policy for the operation of the U.S. patent system. This change alone will benefit the vast majority of patent owners by providing a longer term of protection instead of a shorter term as claimed by opponents.

The Patent and Trademark Office on the average processes patent applications in less than 20 months. Even for the more complex and difficult patent applications, such as biotechnology applications, the PTO is able to complete patent applications in less than 3 years.

The present system encourages applicants to deliberately delay the processing of patent applications by permitting the filing of unlimited continuations and changes to an original application. Such permissive delays under the present system frustrate the goal of bringing innovation to the American public on a timely basis.

The proposed changes in H.R. 5110 recognize that there will be delays beyond the control of the patent applicant as well as a need to develop the application. The legislation compensates for these potential delays in several different ways.

First, a provisional application is provided for the first time. This will be a simple, low-cost application filed up to 1 full year before a complete application is filed. Additional development and research can occur during this year as well as the search for investment capital.

Second, additional extensions of the patent term, for eligible patent holders, are included in the legislation. Delays caused by interference proceedings, secrecy orders, and appellate review by the Board of Patent Appeals and interferences or Federal court may permit an extension of the patent term for up to 5 years.

Third, limited reexamination of pending applications is required without impacting the patent term.

H.R. 5110 and the implementation of GATT will provide benefits to American patent owners and provide much greater protection abroad than that presently enjoyed by American inventors and industry. H.R. 5110 is in the public interest and provides better patent policy for the country.

TRADEMARK

The trademark changes under H.R. 5110 include two changes to U.S. law.

First, abandonment of a trademark based on nonuse of a trademark is extended to 3 years from the present 2 years.

Second, wines and spirits, in the future, will not be able to use a geographical indication in its trademark that identifies a place other than the actual origin of the wines and spirits.

CONCLUSION

I urge my colleagues to look beyond the hyperbole that has been spread about the intellectual property changes in this act. Intellectual property rights produce products which are some of our strongest and most lucrative exports. We need to ensure that these rights are protected in the global market.

There is a need for a comprehensive world trade agreement. It would be foolish for the United States to reject H.R. 5110 if we expect to compete fairly and effectively in the world market. A vote for H.R. 5110 will provide the assurance we need for the future.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Uruguay Round Agreement Act. But I also want to note that I am disappointed that the GATT did not serve as a foundation for eliminating the barriers that our European trading partners have erected against America's creative industries. The film, TV, music, book, and software industries are not only important to my district and the State of California, they are important contributors to America's GNP and balance of trade.

I am pleased that the implementing legislation will enhance some of our trade laws governing intellectual property, and strengthen certain aspects of copyright law. While nothing that we do unilaterally can effect change on a global basis, or make up for the opportunity that we had to reduce trade tensions and lower trade barriers, the GATT implementing legislation will enhance America's ability to defend its copyright owners.

I want to make a few observations about the Judiciary Committee's component of the bill. I was asked to chair part of our hearing on retroactivity—which would provide copyright protection to works that are still protected in their country of origin but are not protected in the United States. The foreign works are not protected in the United States at this time because the copyright owner did not comply with formalities that used to be part of our law. The reason for our adopting this policy is simple: If the United States passes a law that protects previously produced foreign works, then we will have every right to expect certain foreign countries to pass laws protecting previously produced U.S. works.

Section 514 addresses the issue of retroactivity or "restoration" by granting, automatically, protection to a work created in a Berne or WTO country other than the United States. The newly restored term of protection lasts as long as it does for a U.S. work created on the very same day. The ownership of a restored copyright vests first in the author or other initial rightholder of the work as determined under the law of the country of origin. Such initial "rightholder" other than the author would be, for example, a producer of sound recordings under a neighboring rights regime, or the producer of a motion picture where the foreign law vests rights initially in the producer by automatic statutory transfer. Voluntary transfers of rights from such author or initial rightholder made at any time prior to restoration would be given effect depending on the terms of the contract.

I would like to mention one other point. There is separate treatment for derivative works under the retroactivity provision. The owner of a derivative work does not have to stop exploiting that work as long as he pays the owners of the restored copyright a reasonable compensation. We do not intend for the meaning of the term "derivative work" to change from its current use, including as expressed with respect to the act's termination provisions, and as further elaborated in case law.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, for the eighth time since World War II, a multinational GATT agreement has been signed. This final Uruguay round accord, which must now be approved by the United States and over 100 other countries, is the largest trade agreement in history and the largest tax cut in history. It represents a $744 billion cut in tariffs worldwide and a $12 billion tax cut for Americans.

The United States is the world's largest trading country and will be the biggest winner from the GATT. Right now over 10 million Americans owe their jobs to exports and because trade is where the jobs of the future are coming from, that number will grow significantly once GATT is approved. In fact, GATT will create hundreds of thousands of jobs that will pay 12 to 22 percent more than average nonexport related jobs. In my home State of Ohio, exports currently support 370,000 jobs and GATT will allow the 5,200 Ohio businesses which export goods to expand their workforce even more.

Under GATT, key industries in Ohio will benefit from reduced tariffs. They include transportation equipment, industrial machinery, chemicals, electronic equipment, auto parts, aerospace, and agriculture.

For example, Ohio's largest export, transportation equipment, will see import tariffs reduced by 40 to 80 percent. Foreign duties on industrial machinery, Ohio's fastest growing export, will be reduced and in some cases totally eliminated.

The United States is already reaping the benefits from NAFTA. In fact, despite the predicted great sucking sound, in 1994 increased exports under NAFTA will support 100,000 new jobs. It promised to increase U.S. exports and it has delivered. In the one-half of 1994, exports to Mexico were up 17 percent and exports to Canada were up 10 percent.

The same scare-tactics used by NAFTA opponents have been used against GATT. Opponents argue that GATT will produce unemployment, will drive up the deficit and will undermine American sovereignty. NAFTA has proven what free trade can do for job creation and economic growth and analysis has found that nothing in the GATT would endanger American independence.

Whenever the United States has joined an international organization, such as the United Nations or NATO, the question arises whether U.S. sovereignty is compromised. The fact is that there is nothing in the GATT that could prevent the United States from withdrawing from the World Trade Organization at any time. I do not believe that any world body can force the United States to do something we believe to be against our best interests.

It should be noted that GATT actually protects the sovereignty of ordinary Americans to be as free as possible to make economic decisions affecting their lives. The GATT agreement upholds the principles which allow entrepreneurs, workers and consumers to seek economic opportunities with the least amount of government interference.

Because GATT will promote economic freedom and individual rights, it is critical that we move forward and approve this agreement.

If you believe, as I do, that America can compete and win in our global economy, if you share my desire to allow American businesses to profit from selling their goods worldwide and use those profits to create jobs, and if you want America to maintain its leadership in the world of free trade, then you will vote "yes" today.

Despite the pressures from those who would rather close our borders, I ask my colleagues not to lose sight of the fact that GATT will benefit not only businesses and their employees, it will benefit U.S. consumers. The sooner we implement this agreement the sooner all of us will realize the benefits.

As with NAFTA we have little to lose and a lot to gain. We can side with protectionism or prosperity. However, if we make the wrong choice we may face the same future as those countries who in 1947 chose to vote against the first GATT. Those countries who decided to turn inward are now the poorest countries.

Mr. Chairman, I hope that we will choose to go forward into the future and not back to the past of protectionism.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume so I may respond briefly to the gentleman from Ohio.

With respect to NAFTA, in the first 9 months of the NAFTA agreement, the trade surplus that we enjoyed with Mexico has been cut in half.

Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I was for NAFTA, I worked hard for it. Now I am sitting in the corner of the aginners.

I think what needs to be asked is: What is different? What is different is what is in the initials of WTO. I read that as the worldwide bureaucracy.

What we have here is a bureaucracy that when, in the problems we have, with all the problems in the bureaucracy, we have enough problems with the ones that we can control absolutely. We have enough problems with the bureaucracies that have experience. This one will not have the experience, it will be a brand-new start.

That would bring a lot of inefficiencies, a lot of inequities and unfairness.

We have 1 out of 123 votes. There is no leverage there, America. There is no leverage in that.

We have found hard to get "one man, one vote" in our elective system where we have one vote equalling as close as possible whatever vote there is in the whole Nation. Our 260 million people that we have are going to have the same vote as a country that has less than 1 million people. That is not fair, it is not proper.

We also have 23 percent of the costs of this bureaucracy. Something about it is going to have all the wastefulness that you can imagine when we have a worldwide bureaucracy. When we have 23 percent of the costs and only one vote, I am a businessman and I do not think that is a fair deal. I think we have a problem with that.

As a businessman, I would not get into that, and I do not think you would either, in a deal where you have one vote and you put up 23 percent of the cost.

That cost leads to another conclusion: Is it better for us to get out now than to utilize the 6 months' provision for withdrawal that we have available to us.

Why is that? Because if we establish this infrastructure, if we draw other people into it with our vote, we are going to spend our money to set it up and we are going to end up more likely competing with those people because they will be dealing with each other. There is a chance if we get out now and try to do this thing in a different way, that the GATT will never work. But at least that is different than what we had in NAFTA, because we had a different look at NAFTA with only three countries.

What we have got is a United Nations without a veto. I have already heard on this floor today where someone said this is New Age legislation. That is exactly what is wrong with it. This New Age legislation is what is going to kill this country and take the spine out of our resolve.

The second reason I am against it is because of my constituents. In the NAFTA agreement I went out all over my district and I found people who were against it, I talked to them, I explained things to them, I came back and sent them information, and I finally got a response in that particular legislation of 2 to 1 in favor.

In this situation I have got 83 percent of the people who have contacted me against it. I cannot overcome that.

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I am having difficulty with it, and it is important because those 83 percent of the people may be representative of my whole district. We are experiencing the benefit of NAFTA right now in our district, so I even consider that 83 percent even more importantly.

But the most important situation that we have here has been brought to my attention by one person who I did not see speak. She did not raise her hand. It happened on November 19 in Hot Springs, Arkansas, when we had a town hall meeting, and I said, "Look, we're going to start off with this thing with one assumption, and that's a delay in this vote means that we are against it and that it will fail."

Out of the crowd came this voice which said, "Does that tell you something, Mr. Congressman?"

I let it go at that point, and, as I was driving home 2 days later, I started thinking maybe that is what the problem is. We have had an eruption of expression in the American people. November 8 said, "We don't like the situation that's in Congress right now. We don't want to be led by those people who are in Congress right now. And for sure we don't want to be led by that system."

And now we are ducking under that message, and we are going to vote on this in a lame duck session. When we go home, they are going to say, "Did you not listen to what we had to say? Did you not listen that we wanted something differently? Why are you voting on that when you could allow the vote to happen in the new representation that we have asked for?"

Mr. Chairman, that is the problem I have had, and I ask my colleagues, "Doesn't that tell you something?" It told me something. I am going to vote for delay. If I cannot get a delay, I am going to vote against GATT for those reasons.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I rise today in support of both the GATT agreement, as well as the implementing legislation before us.

I have taken very seriously each assertion about GATT's impact on our sovereignty and our economy. I have checked the language of the agreement. I have looked at the implementing legislation. I have even sought the counsel of experts in trade, business and constitutional law. But most importantly, Mr. Chairman, I have tried to keep a perspective and keep a sense of perspective about analyzing this complex agreement.

I conclude the real issue before us is simple. By supporting GATT, Mr. Chairman, we say to the world that America is a winner, my own State of Michigan is a winner, that we can economically compete with any country in the world, and not only win, but win big.

The WTO is not the sinister, trilateralist body that some would have us believe. Its jurisdiction does not go beyond the realm of trade. It cannot overturn U.S. laws, it cannot undermine our sovereignty, and it will not transfer and will not facilitate a transfer of wealth from industrialized nations to developing nations.

Mr. Chairman, I am in support, and I would urge all my colleagues to join me and vote yes today. Support free trade. Support lower taxes. Support the expansion of the American dream.

Mr. GIBBONS. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, on behalf of myself and the gentleman from Massachusetts [Mr. MOAKLEY] I insert the following:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 1994.

Hon. SAM GIBBONS,
Acting Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN GIBBONS: We are writing to call your attention to a tariff modification provision in H.R. 5110, legislation to implement the Uruguay Round of GATT, regarding clomiphene citrate. The provision is Section 113(c)(2).

The intent of the legislation is to restore duty free treatment to finished dosage clomiphene citrate entering during the period 1989 to 1992. This product was the subject of an inadvertent error in conversion from the Tariff Schedules of the U.S. to the Harmonized System. The error resulted in the loss of duty free treatment. Legislation to correct this error has been pending since 1991.

Unfortunately Section 113(c) contains an error that renders the technical correction virtually meaningless. The word "described" should have been inserted between the words "goods" and "under" in subparagraph (A). The inclusion of the single word would restore the intent of the amendment and provide the desired result. We are informed by the Treasury Department that no other solution is possible. If nothing can be done, new legislation will have to be reintroduced next year.

We hope that a mechanism will be available to correct obvious unintended mistakes in the wording of this provision before final passage. We would like to avoid the need for additional legislation if at all possible.

Thank you in advance for your consideration.

Sincerely,

RICHARD E. NEAL,
Member of Congress.
JOHN JOSEPH MOAKLEY,
Member of Congress.

Mr. GIBBONS. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I rise in strong support of the Uruguay round on GATT, in support of this legislation. As the world's largest exporting nation, Mr. Chairman, the United States and the American worker will be the bigger beneficiaries of this GATT agreement. As my colleagues know, the U.S. population represents only 4 percent of the world's population, and for the U.S. economy to grow, for wages to grow, for jobs to grow in numbers, the United States must tap into the other 96 percent of the world population. If jobs are finite, markets are finite. If markets are infinite and open to us, then we can expand our economy.

I want to just point out this simple fact as illustrated by this chart. The U.S. market is open to imports from all over the world, but this is not the case for our companies trying to do business, buy American manufactured goods in other countries. In fact the rules of trade vary from country to country, thus making it more difficult for American-made products to compete. In many cases the rules of international trade are structured to keep U.S. goods and services out of that marketplace.

Well, this chart shows that without the GATT legislation and the GATT agreement approximately 30 nations adhere to the same rules as the United States in international trade. Passage of GATT will increase dramatically this number to over 120 nations for the following categories: In standards, in subsidies, in customs variations, in import licensing, in antidumping provisions. This means that 120 nations, over 120 nations, will all have to play by the same rules.

Mr. Chairman, the United States has traditionally led the world in developing and development of free markets, and I say to my colleagues, "If you want to expand the industrial and job base in the United States, you must support GATT today."

Mr. Chairman, I rise strongly in support of the Uruguay Round of the General Agreement on Tariffs and Trade. Passage of the GATT agreement will impact positively my Congressional District and my state of Oregon where according to the Employment Division over 90 percent of the jobs created in the 1990's will be linked to international trade. Already in Oregon, one in five jobs is dependent on international trade. And we know, on average, trade related jobs pay 17 percent more than non-trade jobs.

As the world's largest exporting nation, the U.S. and the American worker will be the biggest beneficiary of this GATT agreement. Deep cuts in global tariff rates, simplification of customs procedures and licensing requirements, increased market access, stronger intellectual property rights protection rules, and improved enforcement of GATT rules will all benefit U.S. workers and consumers.

With my time today, I want to focus on two charts that illustrate the importance of the GATT agreement to the U.S. economy, both today and in the future.

The first chart provides some insight into the workings of international trade. The U.S. market is largely open to imports from around the world. This is not the case in many parts of the world for U.S. companies seeking to export. In fact, the rules of trade change from country to country, thus making it more difficult for U.S. firms and workers to compete internationally. In too many cases, the rules of international trade are structured to keep U.S. goods and services from the marketplace. The GATT agreement takes bold strides to change this situation.

This chart shows that prior to the Uruguay Round approximately 30 nations adhered to the same rules as the United States in international trade. The Uruguay Round will increase dramatically this number to over 120 nations for the following categories: standards, subsidies and counterveiling duties, customs valuation, import licensing, and antidumping.

The second chart shows vividly the growth in U.S. exports in the last decade and projects future growth. The U.S. population represents 4 percent of the world's population, our market is fully mature. For the U.S. to grow, for wages to grow, for jobs to grow in numbers, the United States must tap into the other 96 percent of the world's population.

Exports to Asia excluding Japan have grown more than 200 percent since 1984.

Exports to Latin America and Mexico have boomed since 1984, almost equaling that of Asia.

U.S. Merchandise exports are expected to climb to $1 billion by the year 2010.

Again, exports to Asia excluding Japan are expected to lead the way totalling almost $250 billion per year by 2010.

Latin America and Mexico, emerging democratic economies, are expected to total more than $200 billion per year by 2010.

The GATT agreement brings more than 120 countries, including those in Asia and Latin America, into an accepted trade regime. The GATT agreement locks in United States access to these markets. In fact, the GATT agreement enhances our ability to compete where today our goods and services face high tariff rates, assorted non-tariff barriers, and other unfair trade rules.

Mr. Chairman, the United States has traditionally led the world in the development of free markets. Today, as democracy grows in Asia, Latin America and the former Soviet Union, this leadership is more important than ever. A vote for GATT is a vote for the economic future of the United States as well as a bold gesture for peace through economic growth throughout the world. I encourage my colleagues to be bold, to pass GATT today.

And finally, Mr. Chairman, let me commend President Clinton for his leadership and ability in the international arena. No President has done more, been as successful as President Clinton in developing the path to peace which international trade agreements provide. From successful final negotiations and passage of the North American Free Trade Agreement, to extension of Most Favored Nation status for the People's Republic of China to, now, successful completion of negotiation and passage of GATT, to two successful and fruitful Asia Pacific Economic Conference Meetings, the President has distinguished himself as no other President in his accomplishments of international trade. These agreements are all clearly in the best interests of American workers today and tomorrow will result in American jobs because of the quality products and business services Americans have to offer the world market. In addition, as I've stated before, the fabric of world peace is woven on the table of fair and equitable international trade.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in support of the implementing legislation for the Uruguay round of the General Agreement on Tariffs and Trade.

Maryland's economic health is increasingly reliant on foreign exports. Maryland's manufacturing exports to Europe alone account for 33,000 jobs, making the region Maryland's largest export market; European investment in Maryland supports an additional 54,000 jobs. GATT will cut foreign tariffs and provide greater copyright protection for top Maryland exports, such as industrial machinery and computers, and electric and electronic equipment. Maryland's fishing industry and renewable energy technology corporations will also benefit from reduced tariffs on their products. In addition, GATT will remove unfair foreign standards that currently restrict Maryland's transport equipment exports.

Maryland's merchandise exports, which grew by $1.2 billion, or 77 percent, between 1987 and 1993, will continue to grow under the new GATT, creating new jobs in the State. Of particular importance to Montgomery County, MD, and its high-tech corridor is GATT's increased protection for intellectual property rights through the first worldwide agreement on patents, trademarks, and copyrights.

Concerns which were initially raised regarding GATT, particularly regarding sovereignty, have been addressed. Changes in GATT cannot be imposed on the United States against our will. We maintain our ability to take unilateral action regarding trade issues.

GATT will promote global economic growth and enhance our ability to compete in the global marketplace because, for the first time, all countries which are parties to the agreement will be playing by the same rules. GATT cuts tariffs affecting our most productive sectors, improves protections for intellectual property rights, and lowers agricultural subsidies. In addition, this agreement strengthens GATT's dispute settlement system. These changes in global trade will create more and higher paying jobs in the United States and will allow U.S. consumers to choose among more and better products at lower prices.

I urge my colleagues to join me in support of the GATT implementing legislation.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. LAZIO].

Mr. LAZIO. Mr. Chairman, I want to address the future of our country because today we are going to alter the course of history.

By adopting this bill, we have the opportunity to boldly pursue new markets and new opportunities, or, by rejecting it, cower from the challenges that face us. Over 200 years ago, Thomas Jefferson said, "We confide in our strength, without boasting of it; we respect that of others, without fearing it." By passing GATT, we will show the world we do not fear tomorrow's challenges. America should welcome these challenges for without trade barriers like tariffs, Mr. Chairman, we can compete anywhere, at any time.

At the beginning of this century America was transforming from an agricultural economy to an industrial one. At the end of the century we are again transforming into an information- and knowledge-based economy. GATT will open world markets to the products and services of our new economy. Jobs for our children will follow.

Mr. Chairman, we should pass GATT so that America can continue to be a leader in the 21st century.

Mr. GIBBONS. Mr. Chairman, I yield a minute and a half to the very distinguished gentleman from California [Mr. BEILENSON].

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Mr. BEILENSON. Mr. Chairman, I rise in strong support of H.R. 5110, the implementing legislation for the Uruguay Round agreement of the General Agreement on Tariffs and Trade [GATT].

This measure presents us with one of the greatest opportunities the U.S. Congress has ever had to pave the way for the creation of hundreds of thousands of highly paid jobs, to improve the living standards of all Americans, and to promote the future success of our nation's industries as they compete in an increasingly integrated global economy. The agreement represents a major victory for the United States, and the legislation implementing it deserves our enthusiastic support.

The Uruguay Round agreement, a package of 20 separate accords signed by 123 nations last April 15, will dismantle international trade barriers and establish a new World Trade Organization [WTO] to administer the GATT and help resolve disputes between trading partners. By cutting tariffs by one-third to an average of 3 percent, slashing industry subsidies, and eliminating quotas, and by opening markets in new trade areas such as services and intellectual property, this agreement will provide enormous economic benefits:

The creation of 300,000 to 700,000 new jobs in the United States, most of which will be high-paying, high-skilled jobs;

A reduction in global tariffs of about $750 billion over the next 10 years, which will benefit consumers by making products significantly less expensive;

An increase of $100 billion to $200 billion to the U.S. economy each year;

A lowering of Federal budget deficits by about $60 billion over the next 10 years;

A halt to the loss of billions of dollars each year due to copyright violations involving intellectual property such as computer software and videocassettes;

An increase in agriculture exports by as much as $8.5 billion per year 10 years from now; and

The promotion of growth in services such as advertising, law, accounting, tourism, computer services, and engineering through the opening of foreign markets to them.

The new agreement will be of particular benefit to the State of California, which experienced a deeper and more prolonged recession in recent years than many other parts of the country. The most promising path to strengthening the economy in our State, which already exports $70 billion in goods and $35 billion in services annually, lies with promoting exports. If California maintains its current share of U.S. exports, it would acquire approximately 16 percent of the new trade generated by the Uruguay Round. This could increase California international business by $15 billion to $30 billion per year and create at least 200,000 additional jobs within 10 years, according to the California Council for International Trade.

Opponents of this agreement have argued that the price of these economic benefits will be a loss of our sovereignty, of our ability to determine our own laws, particularly in the areas of environment, health, and safety. They say that the new WTO, which will have the authority to settle trade disputes, will force the United States to change its laws in response to a successful challenge of a law as an unfair trade barrier. As someone who has long been a strong supporter of environmental-protection and other consumers laws, I would like to briefly respond to that argument.

The fact is, the WTO will have no power to order countries to change their laws. Any decision to adopt, repeal, or amend Federal or State laws will remain ours alone to make, and that assurance is explicitly stated in section 102(a) of this legislation, which states: "No provision of any Uruguay Round agreement, nor the application of any such provision to any person or circumstance that is inconsistent with any law of the United States shall have effect."

If a WTO panels finds that a country's law constitutes an unfair trade barrier, all it can do is recommend a solution. It will be up to the disputing countries to decide how they will settle their differences.

In fact, the new trade dispute system, rather than being a threat to us, will work to our advantage. For years, the United States has been frustrated by an ineffective GATT dispute settlement system which allows individual countries to block adverse panel rulings. Under the new agreement, all members must abide by the same rules. The United States, as the largest trading nation in the world, has the most to gain from having all 123 member nations playing by the same rules.

Critics of the Uruguay Round have also pointed out that the agreement fails to include the kind of environmental safeguards which were approved as part of the North American Free Trade Agreement [NAFTA]. While it is true that environmental objectives are not incorporated to the extent that many of us would like them to be, the "environmental package" that emerged from the Uruguay round represents significant progress toward integrating environmental considerations into GATT. The preamble of the WTO now includes sustainable development as one of the objectives of the trading system. And, the agreement establishes a Committee on Trade and the Environment in the WTO to help ensure that health, safety, and environmental considerations are taken into account systematically in the WTO.

This is an agreement that mainly benefits exporters—and the United States, as the world's biggest exporter, stands to gain the most from it. Over the past half dozen years, trade exports have been the strongest part of our economy, creating about two million new jobs. And, because export-related jobs pay about 17 percent more than the average for the economy as a whole, these jobs are among the most desirable. Opening up more foreign markets to our exports is the key to increasing jobs and prosperity in the United States.

Yet, important as promoting our nation's economic prosperity is, the vote today on this historic world trade agreement is about much more than economic and trade policy. It is about American political leadership in the post Cold War world; about how the United States will relate to the rest of the world in the years ahead—as an optimistic, confident, competitive leader and trading partner, or as a frightened, defeatist, and unreliable nation which is unwilling to act in its own best interest, and in the interest, as well, of the rest of the world.

It was the leadership of United States which broke the stalemate when negotiations in the Uruguay Round stalled; it is our nation's credibility that is on the line as other nations watch to see if this Congress will uphold the work of three U.S. Presidents over seven years to promote freer world trade.

Approval of this new GATT agreement will point us in the right direction: toward the opening of world markets to trade and investment, and the economic benefits our nation and others will reap as a result, and toward retaining and strengthening our nation's leadership in world affairs.

This vote will, in a very real way, determine whether we will pursue our national responsibilities throughout the world, or retreat within our borders.

Mr. Chairman, for the sake of the economic well-being of our people, and of all people throughout the world, and for the sake of our leadership in the world, it is essential that we approve this implementing legislation. I urge my colleagues to vote yes on this important measure.

Mr. CRANE. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. I rise today in strong support of the General Agreement on Tariffs and Trade. Taking almost a decade to negotiate through three administrations, GATT promises an era of free and fair trade which fosters economic growth and JOBS for Americans.

In my home State of Minnesota, GATT will generate new export opportunities and higher export volumes of agricultural commodities, value-added products and technology-related components. In fact, GATT will allow Minnesota to increase its exports by 30 percent and create over 13,000 jobs over the next 10 years.

Critics of GATT will argue that our country will hand over our sovereignty to the newly created World Trade Organization, or WTO. I too am concerned that we not allow our trade interests to be dictated by bureaucrats under the

WTO. I am pleased that an agreement between the White House and Senator DOLE was reached last week to give our nation a way out of the WTO if U.S. rights are violated. We should not hesitate to exercise the Clinton-Dole agreement.

Mr. Chairman, this is a very special vote for me not only because this is my last vote in the House, but also because this is an important vote for Minnesota's economy: for its consumers, farmers and, most importantly, Minnesota's future.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I say to the Members of the House that I do not want to oversimplify this, but I must say that for everything we believe in in terms of strengthening our economy and in terms of being able to get some discipline in rules, this is a lay-down.

Sure, there are some problems as far as dumping are concerned, sure there are some problems in the dairy industry, and for every horror story I may hear, I have 10 others I can talk about. But overall, this makes sense.

There is nothing in the district that I represent or in many of the districts that I see that has as great an advantage to creating jobs. All of a sudden we are saying, "Hey, look, the United States is no longer our only market or a little slice of the world." We are now opening ourselves up to 95 percent of the world's consumers.

I have just been to China, I have been to Japan, and I have been to Hong Kong. They are dying for our products. All we have to do is create a structure where that is possible.

Frankly, ever since World War II we have had the great markets. It has been our precious asset. But what has happened? People have dumped on us. We have no person to go to, we have no organization to go to, and now we do.

This will create not only a structure in which we can be protected but also an opportunity to giving those people who are seeking jobs an opportunity to reach out to the rest of the world. It is a terrific chance for us to do something that we have not done in the history of this world. It may be a little overstatement to say that, but certainly that is true since World War II.

Mr. Chairman, I would hope that all the Members would support what I think is an economically important step forward. With all its warts, it is the right thing to do, and this is the right time to do it.

The CHAIRMAN (Mr. GLICKMAN assumed the chair). The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I yield 5 minutes to the very distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I thank my distinguished colleague for yielding this time to me.

Mr. Chairman, I rise in strong support of the Uruguay Round Trade Agreement and this implementation bill.

It was my honor to serve as the chairman of the Committee on Agriculture throughout the long process of negotiations that culminated in this historic trade agreement. I had the privilege of participating in several of the multilateral meetings as a congressional observer. I personally became friends with many of the officials and negotiators for the other nations, met with their families and came to understand their concerns—and I made them aware of America's concerns.

What I learned during this experience is how difficult it is to reach a consensus in multilateral trade negotiations. Each country's economic interests and the future prosperity of its people are at stake. The stakes were particularly high in the politically and economically sensitive area of agricultural trade.

Indeed, it is almost miraculous that we even have an agreement today. I want to take this opportunity to commend Presidents Reagan, Bush, and Clinton, along with their respective trade and agricultural officials for their tremendous efforts in these negotiations.

Mr. Chairman, we cannot afford to turn our backs on this agreement. There is no question in my mind that this trade agreement is the best agreement possible among the world's trading nations at this time.

This trade agreement can serve to expand our exports, foster economic growth, and create jobs here at home for much of the American economy, including for American agriculture.

The Uruguay round's agriculture agreement brings agricultural trade fully into the GATT framework for the first time and sets the stage for the liberalization of trade in four areas.

First, the agriculture agreement reduces trade-distorting export subsidies. Today European farmers receive 10 times the amount of export subsidies as are provided our domestic producers. The time has come to put restraints on these costly subsidies and start moving toward a more level playing field.

Second, the agriculture agreement improves market access. That's good for much of American agriculture. But it does mean we must open up our own domestic markets to import competition. The only way we can ask other countries to open their markets to U.S. products is if we do the same.

Admittedly, that will pose challenges for many producers of certain commodities. This implementing bill ensures that our farmers have safeguards in place to make the transition and the opportunity to compete in this new trading environment.

Third, the agriculture agreement requires all GATT member countries—for the first time—to begin to reduce their trade-distorting internal agricultural supports.

This is what the United States has already undertaken unilaterally because of our own domestic budgetary pressures. The United States gets credit for these past actions and we are not required to make any further reductions in our farm price support programs under this agreement.

Fourth, the agriculture agreement strengthens the sanitary and phytosanitary provisions of GATT. It will discourage the use of unjustified health-related measures as disguised trade barriers. In other words, all sanitary and phytosanitary trade restrictions must be science-based.

Mr. Chairman, the majority of American farmers and our Nation's agriculture and food-related industries support the Uruguay Round Trade Agreements. I would like permission to insert into the CONGRESSIONAL RECORD at this point a letter I recently received that was cosigned by more than 200 agriculture and agribusiness organizations in support of the Uruguay Round Agreement.

AG FOR GATT,
Washington, DC, November 23, 1994.

Hon. E 'KIKA' DE LA GARZA,
U.S. House of Representatives, Washington, DC

DEAR CONGRESSMAN DE LA GARZA: Very soon you will vote on the GATT implementing bill, one of the most important pieces of economic legislation since the end of World War II. Passage of the bill will mean more U.S. exports, more American jobs, lower taxes and a real stimulus to our economy. Defeat of this bill would be nothing short of a victory for protectionism both here and abroad.

The nearly 300 farm groups, associations and agricultural businesses that make up the AG for GATT coalition urge you, in the strongest terms, to vote for the GATT and for a better future for American farmers, ranchers and their allied enterprises. With record or near record production of nearly all farm products this year, we need the benefits that GATT will bring to our sector and we need them now, not at some unspecified time in the future.

Agriculture will benefit from expanded export markets, lowered export subsidies and an improved ability to challenge unfair foreign trade barriers. It is estimated that the GATT agreement will increase U.S. farm exports by anywhere from $5 billion to $14 billion per year by the end of the transition period. It will also increase net farm income by over $1 billion and create over 100,000 new jobs throughout the food chain. Quite simply, without the GATT agreement, more farmers will be forced to leave farming and government expenditures in agriculture will rise.

The direct benefits to agriculture have been well-documented. However, there are two other issues in the GATT debate that we would like to address because they have received a great deal of attention and because they have agricultural implications.

The World Trade Organization and U.S. Sovereignty.—American agriculture has suffered under existing weak and often ineffectual GATT dispute settlement rules. We support the improved enforcement of international trade commitments that will come with the WTO. We would not support the agreement if it weakened U.S. sovereignty and we are satisfied that it does not. The bill itself ensures that U.S. laws and regulations are totally protected. Section 102 reads in part:

Relationship of Agreements to United States Law.

United States Law to Prevail in Conflict. No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

Nothing in this Act shall be construed to amend or modify any law of the United States, including any law pertaining to the protection of human, animal, plant life or health, the protection of the environment, or worker safety, or to limit any authority conferred under any law of the United States

* * *

The Budget Issue.—The GATT bill will result in increased revenues to local, state and federal treasuries, by stimulating economic growth and creating jobs. It will not "bust" the budget. In fact, rejecting the GATT could be a budget buster. In agriculture alone there are a number of budgetary impacts that are receiving little, if any, attention. For example, without the new markets to be opened by the GATT agreement, U.S. surplus farm production will cost the government more in storage costs, higher deficiency payments and larger export subsidies to continue the ag subsidy battle with the European Union. These are just a few examples of how rejecting the GATT could hurt, not help, efforts to reduce the budget deficit.

The following organizations urge you to vote for the GATT implementing bill and help American agriculture compete in world markets now and in the years to come.

Sincerely,

NATIONAL ASSOCIATIONS

Agricultural Retailers Association, American Cotton Shippers Assn., American Farm Bureau Federation, American Forest and Paper Assn., American Hardboard Association, American Hardwood Association, American Hardwood Export Council, American Institute of Timber Construction, American Meat Institute, American Seed Trade Association.

American Society of Farm Managers and Rural Appraisers, American Walnut Manufacturers Association, APA, The Engineered Wood Assn., Coalition For Food Aid, Corn Refiners Association, Inc., Fast Food Merchandisers, Fine Hardwood Veneer Association, Futures Industry Association, Grocery Manufacturers of America, Hardwood Manufacturers Assn.

Holstein Association USA, International Apple Institute, International Ice Cream Assn., International Dairy Foods Assn., Milk Industry Foundation, National Association of State Departments of Agriculture, National Barley Growers Association, National Cattlemen's Association, National Cheese Institute, National Corn Growers Association.

National Cotton Council, National Council of Farmer Cooperatives, National Dry Bean Council, National Food Processors Assn., National Grain and Feed Association, National Grain Trade Council, National Hardwood Lumber Assn.

National Oak Flooring Manufacturers Association, National Port Producers Council, National Potato Council, National Wood, Window, and Door Association, North American Export Grain Assn., Pet Food Institute, Snack Food Association, Sweetener Users Association, Terminal Elevator Grain Merchants Association.

The Fertilizer Institute, United Egg Association, United Egg Producers, United Fresh Fruit and Vegetable Association, U.S. Egg Marketers, U.S. Meat Export Federation, U.S. Sugar Industry, USA Poultry & Egg Export Council, USA Rice Federation.

STATE/REGIONAL ORGANIZATIONS

Agricultural Council of California, Arizona Department of Agriculture, Arkansas State Plant Board, California-Arizona Citrus League, California Department of Food and Agriculture, California Walnut Commission, Certified Angus Beef Program, Colorado Department of Agriculture, Connecticut Department of Agriculture.

Delaware Department of Agriculture, Eastern United States Agricultural & Food Export Council, Georgia Department of Agriculture, Hawaii State Department of Agriculture, Illinois Department of Agriculture, Iowa Department of Agriculture and Land Stewardship, Kentucky Department of Agriculture, Lake States Women in Timber, Louisiana Department of Agriculture and Forestry.

Maryland Department of Agriculture Massachusetts Department of Food and Agriculture, Mid-America International Agri-Trade Council, Minnesota Department of Agriculture, Mississippi Department of Agriculture and Commerce, Missouri Department of Agriculture, Nevada Division of Agriculture, New York State Department of Agriculture and Marketing, North Carolina Department of Agriculture, Northeastern Loggers' Association.

Northwest Horticultural Council, Ohio Department of Agriculture, Oregon Department of Agriculture, Pennsylvania Department of Agriculture, Penn-York Lumberman's Club, Rhode Island Department of Agriculture, South Dakota Department of Agriculture, Southeastern Lumber Manufacturers Association, Southern Forest Products Association, Southern U.S. Trade Association.

Tennessee Department of Agriculture, Texas & Southwestern Cattle Raisers Association, Texas Agricultural Cooperative Council, Texas Cattle Feeders Association, Texas Department of Agriculture, Utah Council of Farmer Cooperatives, Utah Department of Agriculture, Vermont Department of Agriculture, Washington State Apple Commission, Washington State Department of Agriculture, Western U.S. Agricultural Trade Association, Western Wood Products Association, Wisconsin Department of Agriculture, Trade and Consumer Protection.

COMPANIES/COOPERATIVES

Abenaki Timber Corporation, Advance Food Company, Affiliated Rice Milling, Inc., AgriBank, FCB, AGRIPAC, Inc., Agri-West International, Inc., Agrolink Corporation, AJC International, Inc., Allegheny Highland Hardwoods, Inc., American Foods Group.

American International Log, Appalachian Hardwood Manufacturers, Inc., Anderson-Tully Company, Inc., Archer Daniels Midland Company, Associated Rice Marketing Cooperative, Augusta Logging Exporters, Inc., Austin Hunt Logs & Lumber International, Averitt Lumber Company, Inc., Baillie Lumber Company, Banks Hardwoods, Inc.

Beaumont Rice Mills, Inc., Blaney Hardwoods, Inc., Blue Diamond Growers, E. Boyd & Associates, Inc., Bradford Forest Products, Broussard Rice Mill, Bryan Forwarding Company, Inc., Buchanan Hardwoods, Inc., Bunge Corporation, CK International.

C-Wood Lumber Company, Inc., Calico Cottage Candies, Inc., California Canning Peach Association, California Pacific Rice Milling, Ltd., California Rice Milling, Ltd., California Tomato Growers Assn., Camden Hardwood Company, Cardinal Trading, Ltd., Cargill, Incorporated, Catlett Warehouse.

Central Soya Company, Inc., CF Industries, Inc., Chicago Board of Trade, Chicago Mercantile Exchange, Coastal Lumber, CoBank, National Bank for Cooperatives, Cole Hardwood, Inc., Colonial Beef Company, Colonial Craft (Rasmussen Millwork), ConAgra, Inc.

Connell Rice & Sugar Company, Connor Forest Industries, Inc., Continental Grain Company, Cookie Investment Company, Cormier Rice Milling Company, Countrymark Cooperative, Inc., David R. Webb Company, Inc., Diamond Fruit Growers, Inc., Dockocil (Wilson Foods), Duckwater Farms, Inc.

Edwards Wood Products, Elanco Animal Health, El Campo Rice Milling Co., Energy Beverage Company, Inc., Excel Corporation, Falcon Rice Mill, Inc., Farmers Grain Terminal, Inc., Farmers' Rice Cooperative, Farmers Rice Milling Company, Inc., Farmland Industries, Inc.

Fitzpatrick and Weller, Inc., Florida Citrus Mutual, Frontier Foods International, Inc., GDM Farms, Inc., Georgia-Pacific Corporation, Germain Timber Company, GROWMARK, Inc., Gulf Compress, Gutchess International, Inc., Hampton Angus.

Hardwood Plywood Manufacturers, Inc., Harris Ranch Beef Company, Harvest States Cooperatives, Hatfield Quality Meats, Inc., High Mountain Associates, Hitch Enterprises, Inc., Hormel Foods, IBP, Inc., Incotrade, Inc., International Veneer Co., Inc.

Interstate Producers Livestock Association, J.M. Jones Lumber Company, Inc., Kane Hardwoods, KBX, Inc., Kitchen Brothers Manufacturing Co., Langston Companies, Inc., Lewis Brothers Lumber Co., Inc., Liberty Rice Milling, Linden International, Inc., Lo Brothers & Associates, Louis Dreyfus Corporation, Mackey's Ferry Sawmill, Inc.

Matson Wood Products, MBG Marketing, Maverick Ranch Lite Beef Company, Alan McIlvain Company, MFA, Inc, MFA Oil Company, Midwest Lumber & Dimension, Inc., Frank Miller Company, Miller and Company, Mitsui O.S.K. Lines.

Monadnock Forest Products, Inc., Monfort, Inc., Monsanto Company, Monticello Hardwood, Inc., Morgan Farms, John Morrell & Company, New City Packing Company, Nicolet Hardwoods, Norbest, Inc., NORPAC Foods, Inc.

North Atlantic Timber & Shipping, Northland Corporation, Northland Forest Products, North Pacific Lumber Company, Oaks Unlimited, Inc., Ocean Spray Cranberries, Inc., Olive Growers Council of California, Owens Forest Products, P.W. Plumly, Pacific Lumber & Shipping Company.

Pierce Foods/Hester Industries, Pioneer Hi-Bred International, Inc., Port of Orange, Producers Rice Mill, Inc., Providence Bay Fish Company, Purina Mills, Inc., RAM Export Sales, Inc., R.B. Farms, Rice Belt Warehouse, Inc., Rice Growers Association of California.

Rice-Tec, Inc., Riceland Foods, Inc., Richmond Lumber, Inc., Riviana Foods, Rose Packing Company, Rossi Enterprises, Rue & Forsman, Salamanca Lumber Company, Inc., Schmid Lumber Company, Inc., Seafood Export, Inc.

Shannon Lumber International, Simplot Meat Products, Skylark Meats, Inc., Southern States Cooperative, Inc., Spellman Hardwoods, Inc., St. Paul Bank for Cooperatives, Stewart Lumber Company, Inc., Stimson Lumber, Stinson Seafood Company, Strauss Veal.

Sun-Diamond Growers of California, Sunkist Growers, Inc., Supreme Rice Mill, Inc., Syntex Animal Health, T & S Hardwoods, Taylor-Cross International, Taylor Lumber, Inc., Taylor-Ramsey Inc, The Bruss Company, The Jolt Company.

Tradewest Hardwood Company, Tradewinds International, Inc., Tree Top, Inc., U.S. Livestock Genetics Export, Inc., USA Woods International, Vienna Sausage, W.M. Cramer Lumber Company, W&W Rice Company, Walter H. Weaber Sons, Inc., Webster Industries, Inc.

West Implement, Western Farm Credit Bank, Weyerhaeuser Company, Whitson Lumber Company, World Wood Company.

Let me tell you why a vote for the Uruguay round trade agreements is the right vote for American agriculture:

First, farmers receive income from sales not from taxpayers. With this trade agreement, American farmers gain access to previously closed foreign markets and expand exports through a growing world economy. The more of our production we sell overseas, the less is paid out in farm subsidies or goes into costly Government storage.

Second, as farm exports go up so do farmers' income. According to USDA, the agriculture agreement should increase U.S. agricultural exports anywhere from $5-$14 billion over the next 5 years.

Third, agricultural exports create new American jobs. As agricultural exports go, so do the number of agriculture-related jobs. The Uruguay round is expected to create more than 112,000 new nonfarm jobs as agricultural exports rise, and as many as 190,000 export-related jobs by 2005.

Mr. Chairman, American agriculture as a whole will be a winner under the Uruguay round. Yet we must acknowledge that the agreement does not create a true level-playing field in world agricultural trade. The European Union will still subsidize its farmers at a higher level than we do. In addition, some segments of American agriculture that have been shielded from import competition will face a difficult transition.

That is why I and many other lawmakers representing agricultural areas urged the administration to help us address these challenges facing American agriculture. I am pleased to report that the administration has made several commitments to the Congress.

First, the administration has promised to refocus the Export Enhancement Program and the Dairy Export Incentive Program on market expansion and promotion. These programs will no longer just be targeted at unfair trade practices.

Second, the administration has pledged to use our key agricultural export programs to the maximum levels allowed under the Uruguay round.

Third, the administration will propose an additional $600 million in funding for so-called "green-box" programs over the next 5 years. This will serve to increase the international competitiveness of a wide range of U.S. products including dairy, oilseed, high-value and alternative use products.

Fourth and finally, the administration has pledged no further cutbacks in USDA discretionary agriculture programs in its budget submissions during the next 2 fiscal years.

These are very welcome commitments from the administration and address legitimate concerns of our Nation's agricultural producers. Yet it will be up to the next Congress to provide the funding necessary to fulfill these commitments. We on the agriculture committees look forward to working with our colleagues next year on these issues.

I urge my colleagues—particularly those who represent agricultural districts—to remember that American agriculture's prosperity depends on trade. Vote to secure a better future for American agriculture and our Nation. Vote for this trade bill. The world is looking to us for leadership. We must provide that leadership by voting for this implementing legislation.

□ 1520

Ms. KAPTUR. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, my "no" vote on the trade bill today is the result of my many concerns about key provisions of the Uruguay Round relating to U.S. laws protecting workers' rights and the environment. Also, I doubt that the GATT will remedy the economic insecurity felt by so many working American families.

The GATT text includes stringent new tests for judging whether signatory countries' laws—environmental, consumer, public health, and safety laws—are serving as technical barriers to international trade. Unlike earlier rounds of the GATT, the Uruguay Round focuses less on tariffs, quotas and other explicit trade barriers, and more on potential nontariff trade barriers such as domestic laws and policies.

The GATT process could pressure countries to amend or withdraw domestic laws that have the effect of "discriminating" against foreign imports, even if such effects are unintentional. For example, the GATT Agreement requires domestic product standards to be "not more trade restrictive than necessary" to fulfill legitimate objectives, without weighing the political feasibility of alternatives. Domestic food safety standards are subject to similar tests.

Tough State laws like those in California are particularly vulnerable. Foreign Governments are likely to target State laws, and our executive branch could sue States to bring their laws into conformity with the GATT. Although I hope the current administration would be reticent to pursue such measures, officials in future administrations may be willing. This could represent a potential assault on the rights of Californians and residents of other States who seek more rigorous protections than either Congress or the GATT may endorse.

California laws that have already been targeted by foreign governments as potentially GATT-illegal include the Safe Drinking Water and Toxic Enforcement Act, recycled content specifications for glass food and beverage containers, and maximum tolerance levels for lead in wine. Other California laws that could be challenged include: Low-emission vehicle laws that surpass Federal requirements, threshold standards for environmental marketing claims, volatile organic compound [VOC] limitations for aerosol-based consumer products, and recycled content requirements for newsprint and plastic packaging.

Innovative Government procurement programs also are threatened. Uruguay Round prohibitions on programs that discriminate against foreign imports may jeopardize Government preferences for purchasing certain recycled materials, and preferences for products bearing domestic environmental certification logos or "green labels." GATT procurement rules also would eliminate most "Buy American" and other Domestic preference policies.

Several provisions of the GATT conflict with, and could seriously erode, the Environmental Protections of International Agreements such as the Montreal protocol, which protects against depletion of the ozone layer, the Basel Convention on Hazardous Waste Export and Disposal, and the Convention on International Trade in Endangered Species [CITES]. We have fought too hard for sound laws to safeguard our citizens and the environment to allow an International Trade Organization to undermine them.

During the 103d Congress, I cosponsored H.R. 4737, to help make the GATT process more democratic and open to public scrutiny. I also cosponsored H.R. 4734, the Trade and Environmental Reporting Act, which proposed environmental assessment, monitoring and reporting processes for major trade agreements. Finally, I cosponsored H.R. 4710, which would have expanded protections for the environment and workers' rights.

Last summer a group of colleagues and I met with the U.S. Trade Representative, Mickey Kantor, expressing our concerns about the GATT agreement and the U.S. legislation for implementing the agreement. I later wrote to Mr. Kantor outlining my additional concerns pertaining to the environment, workers' rights, and openness in GATT procedures, including a proposal for greater participation of Congressional Committees whose legislation could be subject to GATT challenges.

The U.S. Trade Representative's proposed implementing legislation does not include environmental review provisions and certain other recommended measures. The administration did include provisions for greater openness in the GATT process, and procedures to help States assist the Federal Government in defending against GATT challenges to State laws. The administration also included a provision requiring the U.S. Trade Representative to consult with congressional committees with jurisdiction over laws challenged under the GATT.

U.S. implementing legislation, however, can go only so far. It cannot directly modify the underlying Uruguay Round Agreement. In short, it cannot address the core concerns outlined above. For example, the Trade Representative's implementing legislation cannot unilaterally force open the closed doors of the GATT dispute settlement process. Although implementing legislation would foster greater public access to available information relating to foreign challenges to our laws, the implicit assumption is that existing U.S. laws will be subject to more frequent challenges under the Uruguay Round of the GATT.

Beyond these substantive concerns, I question whether Global Trade Agreements such as the GATT offer genuine long-term economic advantages for the United States. Global Trade Agreements are based on the principle of comparative advantage, favoring efficiency at the expense of environmental and safety concerns, and potentially disrupting communities worldwide. In recent decades, the growing mobility of technology and capital has allowed multinational firms to profit from cheaper labor and lax environmental and safety standards in other countries.

Many projections of the potential economic benefits of the GATT are unreliable as they ignore our trade deficits. While the media report on expanding U.S. exports, they often ignore the far larger growth in imports. Fifteen years ago, the free trade advocates of the Tokyo Round promised that the GATT would create more jobs and build a stronger America.

Since the last round of trade liberalization in 1979, we have imported over $1.4 trillion more than we have exported, contributing to our status as the largest debtor nation in the world. The trade deficit for merchandise in 1994 has been projected to reach a record $160 billion. Almost 1 million manufacturing jobs have disappeared since 1986. A major effect of trade deficits is that workers and businesses give up wages and profits in order to hold onto their jobs and markets.

For these and other reasons, the U.S. business and industrial council and hundreds of small- and medium-sized firms throughout the Nation are urging further examination of the impacts of global trade pacts, and opposing the Uruguay Round of the GATT.

In deciding to vote against the Uruguay Round, I am guided by the old adage, "let the buyer beware." The Uruguay Round will impose long-term burdens on America's ability to protect its citizens, and offers in return theoretical benefits that largely have eluded us in the past. As a discriminating buyer, I cannot endorse the provisions of this contract.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises in unequivocal support for legislation to implement the final act of the Uruguay Round Trade Agreement. Today, this body can remedy a costly mistake made over 40 years ago when a "do-nothing" Congress failed to adopt President Truman's visionary goal to establish the International Trade Organization. Ever since that debacle, our Nation has labored to abolish trade barriers throughout the world.

When Ronald Reagan initiated the Uruguay Round trade negotiations and specifically sought an institution, like the World Trade Organization, to force France to comply with its agricultural trade commitments, this Member strongly supported his efforts. When former President Bush announced a historic breakthrough on agricultural trade, the Blair House Accords, this Member applauded. And finally today, as this body votes on the Uruguay Round Trade Agreement, this Member will vote "aye" for expanded trade and prosperity for both the United States and for the world.

Over 200 years ago, Benjamin Franklin said, "No nation was ever ruined by trade." Today, this Member is entirely confident that Franklin's axiom remains true and that approval of the Uruguay Round Trade Agreement is clearly in the overall best interest of the United States.

Mr. Chairman, this historic trade accord would instantly benefit all U.S. exporters and consumers by reducing tariffs by one-third and thereby generating the largest global tax cut ever. It would also greatly help U.S. exporters compete for multi-billion-dollar government infrastructure projects in the developing world and combat the piracy and theft of U.S. entertainment and high-technology exports in those same countries. Finally, the Uruguay Round Trade Agreement would greatly ensure stable, worldwide economic growth by establishing a rational and orderly system for the settlement of trade disputes.

Mr. Chairman, for my home State of Nebraska, the Uruguay Round Trade Agreement is not even a close call. Because this agreement simultaneously forces countries to reduce agricultural subsidies and open their markets, Nebraska's grain and livestock producers could expect to see somewhere between an additional $3.5–$6.5 billion in export sales over the next 10 years. This increased trade is especially important for an agricultural industry which exports over one out of every three acres it harvests. Consequently, over 200 agriculture organizations are strongly supporting passage of this trade agreement.

Mr. Chairman, history has clearly shown that protecting certain uncompetitive industries through government tariffs simply does not work. Therefore, the United States initiated and continued these international trade rules through both Republican and Democrat administrations. Unfortunately, a hodgepodge of critics from the far-left and far-right, including opportunists, like Patrick Buchanan, Ralph Nader, Jesse Jackson, and others, seek to divide this bipartisan support for expanded trade. By grossly exaggerating the powers of the World Trade Organization and falsely arguing that the WTO can "change U.S. laws" and "impose fines on the U.S," these critics seek to arouse American's most basic fears.

Mr. Chairman, the World Trade Organization cannot change United States' health, safety, environment, and labor laws. Certainly, countries can challenge U.S. laws as discriminatory trade barriers. However, even if a foreign country successfully argues its case before a WTO dispute panel, only Congress can decide whether to change U.S. law to conform to international standards or risk the always-present threat of trade retaliation.

In closing, this Member's only regret is that GATT does not go far enough in establishing rules for international trade in services, shipping, telecommunications, and the elimination of agricultural subsidies. As the world's leader in many of these industries, the United States stands to gain the most from the further liberalization of world trade.

Mr. Chairman, this Member urges this body to first pass this historic trade agreement. Then, we must not waste any more time in pressing this and future administrations to persuade other countries to further open their markets to U.S. goods and services.

Ms. KAPTUR. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, the GATT debate is about whether the United States Congress is going to represent the working people of this country, the middle class, our family farmers, or we are going to bow down to the multinational corporations who have put so much money into demanding that we pass this agreement.

Mr. Chairman, if we believe that our current economy is doing well, if we believe that our current trade policy is doing well, then we should pass this GATT agreement, because it is an expansion and an enhancement of recent trade policy. This gentleman does not believe our economy is doing well when the standard of living of American workers is in decline, when we have lost millions of decent paying jobs because American companies have gone to the Third World and have hired workers there at a buck an hour or 50 cents an hour, throwing American workers out on the street. This gentleman does not believe that trade policy is going well when we have $150 billion trade deficit today. Economists tell us that $1 billion in trade is worth 20,000 jobs. Multiply, and it turns out we are losing 3 million jobs a year because of that huge trade deficit.

So I think that it is time we stood up for the workers and the farmers and the middle class and we demanded a new trade policy, a policy which is fair, a policy which has the goal of creating new decent paying jobs in this country, that allows us to export our products to countries who will open up their markets, not to continue the hemorrhaging of decent paying jobs as we are doing today

Second, in my own State of Vermont, there is no question but that the GATT will be a disaster for family dairy farmers. Within a 6-year period, there will be a doubling of dairy products coming into this country, driving the price that our farmers get for their milk down, throwing more and more family farmers off of the land.

Third, I think there is an important issue of sovereignty. Maybe we are happy that 38 percent of the American people voted in this last election. I am not. The American people are increasingly alienated from the political process. GATT and the World Trade Organization only takes more and more power out of the hands of local government and state government and it gives it to nameless bureaucracies abroad that operate in secrecy.

Mr. Chairman, let us turn this economy around. Once again, let our working people have the highest standard of living in the world. Let us protect our family farmers. Let us stand up for ordinary Americans and not just the multinational corporations. Let us defeat this GATT.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER] to rebut a point that was made earlier.

Mr. ROHRABACHER. Mr. Chairman, a few moments ago, the gentleman from New Jersey [Mr. HUGHES] commented about positions I had taken concerning American patent rights. As chairman of the Subcommittee on Intellectual Property and Judicial Administration, he himself has had investigations into this. I would like to clear up a few of the issues that the gentleman brought up at that time.

First of all, let me note that although there were hearings on the intellectual property rights and patent areas of this agreement in August, the fact is that no one in this body was permitted to have a copy of the GATT legislation we are now asked to vote on, and in fact, we are being asked to vote on in a very short period of time, until 10 days before the adjournment of the Congress, meaning we were supposed to vote on it with less than 10 days of time to even look at it. For anyone here to suggest that we had ample time to investigate this issue before it was submitted to Congress is wrong, because we didn't even know what was in it. I requested over and over and over again to have the wording of the GATT implementation legislation concerning patents, and was not afforded that privilege, an elected Member of Congress not even being given the language that will be in the law, and other Members of Congress had that same frustration.

Let us note this: Again, we were told that, well, this legislation will actually elongate most patents. That is not the case. Every inventors organization in this country is opposed to the patent changes that are part of the GATT implementation legislation. They are against it because they know their rights as American citizens and also as investors in the new inventions will be dramatically reduced.

□ 1530

If it is true, as we heard from the gentleman from New Jersey [Mr. HUGHES], that we are actually going to increase the term of patent protection, why then was the compromise language that we who oppose this provision suggested, which would say "The current language plus the language that is being proposed, with the proviso that whichever is longer shall apply," why was that rejected out of hand, if indeed patent protection is going to be elongated, as we have said?

The reason why it was rejected out of hand is because the proponents of this provision know full well that we are dramatically reducing patent protection, and it means billions of dollars that should go into American bank accounts, into the pockets of American investors and American inventors, will now go into Japanese bank accounts, into the pockets of Japanese and foreign national corporations who are basically going to now have the privilege of exploiting American technology to use against us.

As we enter this new era of technology, are we going to give our foreign competitors this type of edge, to be able to use our own creations to defeat us, to lower our standard of living? It is absolutely ridiculous.

One thing the gentleman from New Jersey [Mr. HUGHES] did not bring up was why this was included in the GATT implementation language in the first place. It is not required by the GATT Agreement to have a change in the patent law that reduces the patent protection for American citizens. It is not required. That is not part of the GATT Agreement.

This is something that is being slipped into this legislation, knowing that they can use this as a cover to destroy the rights that are worth billions of dollars that now are the rights of Americans. This is one of the worst and most obscene ripoffs that I have witnessed since I have been in Congress.

Finally, let me mention the last point that I mentioned when I was on the floor before. There is every reason for us to believe that today, if we agree with GATT, that no matter how heinous the regime that we are discussing trade policies with, for example with China, where they murder their people, and in some cases have used slave labor and prison labor to produce products, that we will not be able to have policies.

The CHAIRMAN. The time of the gentleman from California [Mr. ROHRABACHER] has expired.

(By unanimous consent, Mr. ROHRABACHER was allowed to proceed for 1 additional minute.)

Mr. ROHRABACHER. There is every reason for us to believe that we may be put in a position that if China continues to persecute their people, not to mention the Governments of Burma and other heinous dictatorships around the world, that we will not be able to differentiate in our trade policy between these countries and other democratic societies.

I do not buy the argument that a lot of people have made today about sovereignty, because I do believe that we can get out of the World Trade Organization. I also do not buy the idea that we as a country cannot compete with people who come from a lower standard of living.

I think with technology, and by the way, we will not be able to do it unless we have our technology, but of course they are trying to gut our ability to use technology at the same time; but we can outcompete people, because we can do a better job with our technological genius. However, we should not, it is immoral, to treat people who use slave labor in prison and torture their own citizens, and have the worst kind of Nazi and Communist regimes, it is immoral for us to enrich those regimes by permitting them to manipulate the trade with the people of the United States of America.

Vote "no" on this GATT agreement. Protect American citizens' rights.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON], chairman of the Committee on Foreign Affairs.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of H.R. 5110, the legislation implementing the Uruguay Round GATT Trade Agreement.

No vote we cast during the 103d Congress has greater implications for our economy and our international leadership.

Approval of the GATT Agreement will boost our exports and domestic economic growth, and reinforce U.S. foreign policy leadership.

Rejection of the agreement would sharply limit our export prospects, harm domestic economic growth, and jeopardize U.S. foreign policy leadership.

I. REASONS TO SUPPORT THE AGREEMENT

Mr. Chairman, the case for U.S. approval of the GATT Agreement rests on two issues: economics and foreign policy.

A. ECONOMIC IMPACT

Let us start with the bottom line: Every major study of the Uruguay Round Agreement—government or private—has concluded that it will increase U.S. exports, output, and jobs:

The President's Council of Economic Advisors estimates the agreement will add $100 to $200 billion to America's annual output after 10 years.

Most studies predict that growing export sales will create hundreds of thousands of new U.S. jobs over the next decade.

This is an economic stimulus package we simply cannot afford to pass up. Let me document the economic gains in four areas:

First, the agreement requires countries signing on to reduce import tariffs and other import barriers across a wide range of industrial goods:

Import tariffs on industrial products will be reduced by an average 33 percent worldwide. The U.S. has also agreed with several of its largest trading partners to reduce import tariffs to zero for a number of critical products, including pharmaceuticals, steel, construction and farming gear, and medical equipment.

These tariff reductions will amount to an immediate $750 billion cut in the taxes burdening world commerce.

The agreement also outlaws a range of import quotas and other regulations used to keep out imports or win export sales.

Deregulation and a massive global tax cut: Does that sound like the kind of agreement the U.S. should support?

Second, the GATT Agreement will apply fair trade rules to sectors that the U.S. dominates, but which have until now remained outside the world trade system.

Agricultural trade will be subject to global trade rules for the first time:

Import quotas will be converted into tariffs, and tariffs will be reduced an average of 36 percent over 6–10 years.

Export subsidies and domestic support payments will be reduced.

Subsidies will be lowered 36 percent on average.

U.S. farm support programs will not be affected, however, because they are already below GATT levels.

These agricultural provisions will improve U.S. access to foreign markets.

U.S. agricultural exports are expected to double, to $9 billion, by 2005.

Increased exports will generate tens of thousands of farm jobs.

Tariffs will be phased out slowly for U.S. farm goods most vulnerable to competition from imports.

Trade and investment in services will also be subject to international rules for the first time. Countries signing the new General Agreement on Trade in Services pledge to treat foreign providers of professional, business, communications, and financial services the same way they treat domestic service providers.

This agreement is especially valuable to the United States, because service industries now account for 60 percent of our economy's total output and 70 percent of our jobs.

Intellectual property will also be brought under world trading rules.

The new Agreement on Trade-Related Aspects of Intellectual Property Rights commits governments to take steps to prevent the piracy of products, trademarks, patents, manufacturing processes and other intellectual property.

Firms in the pharmaceutical, software, designer apparel, chemical, and entertainment industries will benefit from this agreement. U.S. firms dominate each of these industries, yet piracy is costing them billions of dollars each year. Stronger protection will stimulate U.S. export sales and product innovation.

Finally, the Uruguay Round Agreement creates a system for settling trade disputes that will better protect the economic interests of the United States and other countries whose trade practices are fair.

The current GATT dispute system is weak. A single country—including the country a dispute panel rules against—can prevent GATT approval of retaliatory trade sanctions. The process also takes too long, often producing rulings long after the damage is done.

U.S. negotiators achieved their goal of putting teeth into the trade dispute-settlement system, which will be managed by the new World Trade Organization, or WTO. The United States has won 80 percent of the disputes it has taken to GATT. Given the fairness of our trade policies, we can expect to continue to be on the winning side of trade disputes much more often than on the losing side. But under the WTO, unfair foreign trade practices are more likely to be eliminated.

B. FOREIGN POLICY IMPACT OF URUGUAY ROUND AGREEMENT

There is a reason the GATT agreement contains so many provisions favorable to our economy. It is because the United States drove the agenda in the negotiations: Nearly every new issue in the Uruguay Round talks was put on the table—and pushed to resolution—by U.S. negotiators.

Increased exports and job gains are important payoffs of U.S. leadership. But approval of the GATT Agreement will also bring significant foreign policy benefits:

First, open world markets are an essential pillar of international stability.

The Uruguay Round is the eighth major round of global trade talks. Each Round reduced tariffs and import barriers and extended trade rules to new areas of commerce. This process has generated a vast expansion in the volume of world trade, accelerating economic growth worldwide.

Trade-accelerated growth has undermined potential sources of international conflict.

Second, the GATT Agreement will reinforce democratic transitions in formerly communist nations, and tie these nations more closely to the West.

Democratic and market reform in Eastern Europe and the former Soviet Union is a top U.S. national security priority. The success of reform depends in part on how quickly these nations can improve living standards. Increased access to foreign markets is critical to their economic growth.

Third, the GATT Agreement will bolster economic growth in developing countries.

The Agreement will promote growth in developing countries by opening new markets for exports, exposing protected domestic industries to competition, and increasing access to advanced technology.

II. CONCERNS ABOUT THE GATT AGREEMENT

A number of concerns have been raised about the Uruguay Round Agreement. Many of these concerns reflect legitimate fears and understandable confusion. Supporters of the agreement have a responsibility to address them.

First, many Americans are concerned about the cost of U.S. approval of the GATT Agreement.

Tariff reductions called for by the Agreement are likely to cost the U.S. Treasury $12 billion in revenues over the first 5 years.

Under pay-as-you-go provisions in the Budget Act, these reduced revenues must be offset by reduced spending, increased revenues, or both. Congress and the Clinton Administration agreed on a package of spending cuts and revenue increases that should fully cover the revenue shortfall caused by tariff reductions.

But Americans also need to be reassured about the impact on tax revenues of the expansion of U.S. exports that will result from the GATT Agreement. As it increases exports, the Agreement will also raise corporate and personal income—and U.S. tax revenues.

Every economist who has looked at this issue has concluded that the increase in government revenues due to expanded export sales under the trade agreement will far exceed the reduction in government revenues due to lower tariffs.

Second, some are worried that the new World Trade Organization will infringe on U.S. sovereignty. This is not the case.

First, the WTO will have no power to change U.S. laws or policies. Only Congress and the President can change U.S. laws.

If we receive an adverse ruling in a trade dispute taken to the WTO, it will be entirely up to us to decide how to respond. If we decided not to comply with the WTO's ruling, the worst possible outcome would be the imposition of trade sanctions by another country. We face the possibility of trade sanctions today, of course, but other countries have been extremely reluctant to take steps that risk a trade fight with the world's most powerful economy.

Second, the WTO's "one country-one vote" system poses no threat to U.S. national interests.

GATT makes all major decisions by consensus. There hasn't been a vote in 35 years. That consensus practice will continue under the WTO.

It is true some issues could come to a vote, but all key WTO decisions will require a two-thirds—and in some cases a three-quarters—majority vote to be adopted.

And once again, no WTO decision or vote can change U.S. law or policy unless the President and Congress agree to make the change.

Third, we can withdraw from the WTO if we conclude that our participation in it is harming our interests.

U.S. participation in all international organizations is entirely voluntary.

Legislation Congress will take up early next year will establish a system for monitoring WTO decisions. That system will enable Congress to play a larger role in deciding whether the United States should stay in the WTO.

The final major concern about the GATT Agreement is its impact on certain sectors of the U.S. economy.

This agreement will produce many more jobs than it will cost, but reductions in U.S. trade barriers could reduce sales and jobs in industries that are especially vulnerable to import competition.

To soften the blow, tariffs and other import restrictions will be phased-out gradually in sensitive industries.

But some workers will lose their jobs to imports, just as they do now. They will not acquire new jobs without training and job search assistance.

If we want to enjoy the benefits of freer trade, we have an obligation to do more to help those hurt by it.

III. CONSEQUENCES OF REJECTION

What happens if Congress rejects the Uruguay Round Agreement? A "no" vote by Congress will have serious adverse consequences for our economy, our security, and our foreign policy leadership:

A "no" vote will deal a severe blow to U.S. international leadership and prestige. It's as simple as this: How much confidence will other nations have in us if we fail to approve an agreement we shaped and from which we stand to gain the most?

If the U.S. rejects the Uruguay Round Agreement, there will be no agreement. Most countries are waiting to see what the United States does, and they will not sign on if we do not.

The demise of the Agreement will have several serious consequences:

First, the United States will pass up tens of billions of dollars in potential export sales and hundreds of thousands of new jobs over the next few years.

Second, decades of progress on international trade liberalization will come to a halt. Without the incentive of reciprocal market-opening steps, it will be easier for countries to impose new protectionist barriers. Trade will decline, dragging down growth and employment.

Third, democratic and market reform in formerly communist nations will become more difficult.

Fourth, economic growth prospects will decline in developing countries.

Finally, investor confidence in the world economic outlook will be shaken. That could cause financial instability and higher interest rates, pulling the U.S. and world economics back into recession.

IV. CONCLUSION

The stakes are enormous—both for approval and rejection of the GATT Agreement.

Recognizing the stakes, three U.S. Presidents worked hard to achieve the agreement: Ronald Reagan set the agenda, George Bush did most of the negotiating, and Bill Clinton pushed the talks to a conclusion.

For the sake of our economy and our international leadership, I urge my colleagues to support H.R. 5110.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, in the rush to approve GATT, we are tying our hands behind our backs. If we approve GATT, in its current form, we would be outlawing our Nation's most influential tool to seek fair trade—section 301. That section authorizes our trade representative to investigate and negotiate an end to foreign trade barriers. If we cannot use it, sectors of our economy will be placed at a severe economic disadvantage.

The administration claims that the new World Trade Organization [WTO] will not weaken our ability to act unilaterally. However, the administration's decision in October to target Japanese auto parts under section 301 would be unacceptable under the WTO. Our trading partners have clearly warned us that if we use section 301 or similar laws, the United States will be in violation of GATT and in turn face retaliation. A 1994 report by the European Commission, explicitly states that the United States must revise section 301 to ensure compliance with GATT and that any unilateral action will be considered illegal. If we are not able to use section 301, we cannot effectively protect our industries and most importantly hard-working Americans.

I am gravely concerned about a trade agreement that would limit our sovereignty by forcing us to make a choice between the lesser of two evils: Revise our trade laws to comply with the World Trade Organization or face a trade war.

By implementing GATT, we surrender our most effective trade policy and rely on the WTO to take appropriate action on behalf of the interests of our constituents, consumers, industries, and workers. If we relinquish our ability to take unilateral actions, we cannot ensure that fair trade will remain a priority of the administration and a guarantee to U.S. industry and its work force.

Mr. CRANE. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the GATT Agreement. I rise after much study and after much deliberation and after much understanding of the people of my district, who have expressed to me in the numbers of hundreds their concerns and their fears, and I share some of the concerns and some of their fears.

However, after my research, I was concerned about the WTO and am now convinced that it is not the sovereignty problem many people contend. I am concerned about the fact that we are meeting in lame duck session, because I do not believe in lame duck sessions. Nevertheless, we are here and we must make a decision today.

As far as the United States is concerned, as far as the First Congressional District of Alabama, which is heavily industrialized into the paper industry, which is a port, I feel like in the best interests of my people I should vote yes. I think in the long run that the people of the United States will come to agree that we are doing the right thing here today by voting yes on this very important treaty.

Mr. Chairman, although, I would have preferred for the GATT agreement to be considered in the 104th Congress, I am pleased I had additional time to thoroughly review the agreement, speak with experts and become satisfied with my final decision. Although there are many provisions in GATT with which I disagree, I have concluded that overall, GATT is a tremendous opportunity for Americans to expand our trade abroad and increase our position for increased economic growth.

I appreciate the immense interest shown by the hundreds of calls and letters from my constituents in south Alabama. It is encouraging to know that my constituents were involved enough to gather information to gain a greater understanding of this complex bill. Although many expressed their great concern and opposition to this bill, I feel that this agreement will benefit my district and the port city of Mobile.

As a U.S. citizen and Member of Congress, I would never vote on a bill which I believed would in any way jeopardize the freedom and position of the United States of America. My initial concern with GATT was the sovereignty issue. However, I believe there are many safeguards in the agreement to protect the interests of the United States.

The fact that the proceedings of the WTO are to be closed to the public gives me some concern, living in a country of sunshine laws.

In addition, I feel the development of a WTO Dispute Settlement Review Commission would further guarantee the U.S.'s ability to end its participation in the WTO, if we find that the

WTO panel reports are adverse to the United States.

Although, I did not come to my decision easily, I am satisfied that my vote will be in the best interest of the United States, as well as the First District of Alabama.

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Mr. CRANE. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of H.R. 5110, a bill to implement the General Agreement on Tariffs and Trade [GATT]. After careful review, and discussions with my constituents, it became clear that GATT is good for the USA.

Once you have cleared away the cobwebs of confusion, the ideology of isolationism, you will find at the core of GATT a very simple principle—a principle of free and fair trade.

It has been the policies of free and fair trade that has made Nebraska the second fastest growing export State in the country. Nebraska's exports have grown 429 percent since 1987.

The companies responsible for this export growth are not the big international conglomerates. Of the 471 exporting businesses in Nebraska, 95 percent of them have fewer than 500 employees.

But the biggest winner under GATT for Nebraska is the farmer. While I ardently oppose provisions in H.R. 5110 that may cut agriculture programs by $1.7 billion, in the end agriculture still comes out ahead.

U.S. agriculture exports are expected to increase up to $4.7 billion in the year 2000 and by $8.7 billion by 2005. Agriculture related jobs are expected to grow by 112,000 new jobs by the year 2000 and 190,000 jobs by 2005.

And, farmer income, because of GATT, is expected to grow by $1.3 billion in the year 2000 and by as much as $2.5 billion in 2005.

Mr. Chairman, the United States has benefited from nearly 50 years of cooperation through GATT. This GATT compact will continue that tradition by finally giving the United States what it has sought for nearly 30 years, real leverage to get our products into new and closed markets abroad.

Many of those opposed to GATT are afraid. Afraid of challenges to U.S. laws and basically afraid of change.

Sadly, they are afraid of a paper tiger. There is nothing in GATT that will force a change in any Federal, State, or local laws. The United States will be free to pass any law it wishes as long as it treats everyone fairly—something the United States has been trying to get other countries to do since day one of GATT in 1947, and is something our export laws have been doing for years.

GATT is good. GATT is great for agriculture. GATT is what's right for the United States. I urge my colleagues to pass H.R. 5110 and begin a new era of export growth, export opportunities, and job creation for the good ole USA.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong support of GATT. There are compelling reasons why virtually all of California business and agriculture are supporting GATT. California is our Nation's largest exporter with 15 percent of U.S. products and services sold overseas. GATT reduces tariffs imposed on these exports by an average of 36 percent. This is a tax cut of over $740 billion which will result in the creation of over 240,000 new jobs in California alone during the next decade.

Mr. Chairman, we have a major trade deficit in this country in part because we do not have a level playing field for our exporters in international trade. While our tariffs are low by world standards, American exporters currently face high tariffs and other artificial barriers that block their entry into markets such as Japan. These unfair practices have hit my own area particularly hard. We are the second largest rice growing area in the Nation but for decades we could not sell a single grain of rice in Japan. Under GATT, we guarantee the elimination of such unfair trade barriers. That is why the California Farm Bureau, the California cattlemen and growers of California's 250 specialty crops are asking us to pass GATT today. It is also why virtually every major business group in California supports GATT.

Regarding sovereignty, I would never even consider voting for legislation which would infringe in any way on U.S. sovereignty. As a result of further clarifications crafted by the gentleman from Georgia [Mr. GINGRICH] and our own Committee on Ways and Means, I am convinced that the integrity of our government and U.S. Constitution is completely guaranteed.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I rise in support of this legislation to implement the GATT treaty. It is imperative that we pass this today. We have witnessed in our own district, certainly in mine, the radical changes under way in our economy and the economies around the world. We are most aware, of course, of the pain that has represented to a number of individuals and families and businesses in our areas. But the other part of the picture that we have seen with that change is how dynamic our business and industry and agriculture and our labor markets have become with this change. Seeing the creation of new business, seeing the creation of new jobs, including high-paying jobs that are critical to us. And many of these high-paying jobs are related to exports. We have a great deal to gain by lowering the trade barriers elsewhere around the world. Just one example in this treaty for our part of the country is the lowering of the barriers on auto parts in the European union because we have a great deal to sell, we are in a strong competitive position to sell it. But we all know that there is going to be pain along the way whether this passes or this does not pass for our people. But this should be a reminder to us that we must do more on education and more on job training so that no American is left behind in the new world.

Ms. KAPTUR. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, I rise in opposition to the GATT implementing legislation.

The United States should support fair and open trade among nations that agree to specific fundamental principles including family-supporting wages, protection for worker safety, consumer safety, and environmental protection. Today's GATT, however, is based on just one principle—maximization of corporate profit through increased competition.

The rationale for free trade is simple: increased world competition free of "trade barriers" leads to increased efficiency; increased efficiency leads to greater production, consumption, and of course, profit.

Unfortunately, this is more simplistic than simple. Increased competition does not necessarily lead to greater efficiency when companies are encouraged to save money instead by lowering standards for pollution control, worker safety, wages, and health care. Firms primarily concerned about profit maximization may, and often do, choose to shift costs away from their own operations and onto the public sector.

Countries like ours have well-developed legal, administrative and auditing structures to discourage this practice. There are no analogous international bodies of law and administration. Free trade—that is, deregulated international commerce—as administered under the GATT's World Trade Organization, does not in fact encourage economic efficiency across a community of nations. Instead, companies will continue to shift their production activities, and service capacities, to countries with lower standards. High paying jobs here become low paying jobs overseas. The global environment is further compromised.

It is essential to the future of the Democratic Party that we reestablish a relationship of trust with the working people of America—those who are most affected by the GATT, President Clinton, as candidate Bill Clinton, tries to do this by calling for greater concentration on our domestic needs in terms of jobs and public safety. He also decried the free-fall of real wages for those who make this country run—the 80 percent of Americans who are wage earners, not investors; workers, not corporate directors.

The Democratic Party's historic role is as the advocate for the working woman and man, but today that role is in serious question. Some traditional Democrats are estranged from us on gun control, some on issues like reproductive choice or the direction of health care reform. But essentially, Democrats will come home and stay home based on our attention to their economic security.

The fact of the matter is that the people who are the foundation of our existence as a party have experienced a 20 percent drop in real wages over the past two decades. They are, as candidate Bill Clinton pointed out, "working harder for less." No wonder they are disillusioned, angry and looking for new means of political expression.

A significant reason for this sorry situation—for our party, but especially for our country—is the loss of manufacturing and other good-paying jobs to low-wage countries. Working people understand the relationship between their declining standard of living and the increasing trade deficit. The last major round of trade liberalization in the late 1970's was sold on the premises of an improved trade balance and the creation of jobs. Those promises remain unmet. The trade deficit has mushroomed and job growth—especially jobs that pay a family-supporting wage—has stagnated.

As a Democrat, as an American, I believe that while NAFTA was a slap in the face to the American worker, GATT is a body blow. Let us not do this to our workers, to our party, to our country.

Vote "no" on GATT.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong support of H.R. 5110, the Uruguay Round Agreements Act.

I have been a life-long advocate of free and fair trade and have worked toward this end throughout my career in the House. This is the most important trade legislation to come before the House in more than 60 years.

Quite simply, the Uruguay round agreements are the most significant and beneficial trade agreements ever negotiated by this country.

Last December, I led a delegation of committee and House Members who attended the crucial concluding phase of these negotiations with 125 nations in Geneva. I can personally attest to the dedication and negotiating ability of U.S. Trade Representatives in the Reagan, Bush, and Clinton administrations in producing a result that meets the main U.S. objectives set forth in the 1988 act. This is one of the best examples of what can be accomplished when the parties work together for the country.

The Uruguay round agreements reduce global tariffs by one-third. They establish disciplines on trade in services and protections for intellectual property-based industries worldwide for the first time. Reductions in nontariff barriers on agricultural products and government procurement, and improved disciplines on subsidies and dumping will open new foreign market opportunities for U.S. exporters.

A lot of misinformation has recently been fed by opponents of this legislation to the American people about the new World Trade Organization and its impact on our sovereignty. Let me set the record straight on this point. The new, more effective dispute settlement system under the WTO responds to a congressional mandate and will make it more likely that all countries will abide by the new and improved international trading rules. The new World Trade Organization will help us ensure that no country is able to cheat the United States under the new rules. At the same time, U.S. sovereignty and the role of the Congress in writing and amending U.S. laws are fully preserved. And, this agreement represents the biggest global tax cut in the history of the world. Passing this legislation will mean hundreds of thousands of new high-wage jobs for American workers.

This is one of the last votes that I will cast as a Member of Congress. I am proud that it is one that lays the groundwork for a prosperous American future. Those are the kind of votes the American people expect us to take. They are the ones that will make a real difference in the lives of our children and grandchildren.

A vote for the GATT implementing bill is a vote in favor of governing, taking responsibility for our future, and rising above petty politics. More than 30 years ago, I came to Washington with one goal in mind: to help govern by writing good law. It has been a great privilege to serve in the House but I am especially proud to leave today with this vote. It too is about governing and good law.

I wish you all well—and truly hope that in the days ahead you will put your minds first to the task of governing. That is why the American people send us here.

☐ 1550

Mr. CRANE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, H.R. 5110—the implementing legislation to provide for the approval by the United States of America of the revised General Agreement on Tariff and Trade [GATT]—will reduce tariffs on exported products, reduce nontariff barriers, ensure that all countries are working under the same trading rules, and allow for multilateral dispute resolution. The Uruguay Round negotiations, begun over 8 years ago, have spanned the terms of three Presidents. Each of those Presidents has educated much of what is in the agreement before us.

We need the invigorated world economy which GATT will bring. History has told us that when trade crosses borders, armies are less likely to do so. When the trading system breaks down, as it did in the 1930's, we have seen chaos, poverty, and bloodshed. We should all remember that the Great Depression was caused by rising trade barriers and a loss of overseas markets. That is the bitter legacy of protectionism, and I have no wish to repeat the mistakes of the past. I am casting my own vote for GATT based upon the following considerations:

GATT cuts taxes on U.S. exports. This is the largest tax cut in history—$750 billion worldwide on industrial products alone. The GATT will cover international trade in services, in which the United States has a trade surplus. This tax cut will help us maintain and expand our lead on services.

Since our tariffs are smaller than those of the rest of the world, but our exporters and workers have to pay tariffs on goods sent to other countries of the world, the United States will gain more than most by tariff reductions. U.S. consumers will benefit due to lower prices.

According to Rockwell International, whose Space Systems Division employs many of my constituents, 30 percent of its sales are overseas, and this represents a big tax cut for their exporting business.

For the entire United States, the gains to the economy are estimated at between $100 to $200 billion per year.

GATT implements rule changes to improve the world trading system. The dispute resolution mechanism, import licensing rules, and antidumping rules mean that we will be able to challenge nontariff trade barriers in a multilateral setting. It is crucial that every trading nation be working off the same set of rules. That will highlight the unfair practices of some nations that block imports with arcane trading rules.

GATT extends trade protection to intellectual property. Until now, our country has had to rely on bilateral threats and other ineffective measures to ensure that the products of American inventors, authors, musical performers, software companies, actors, and video game producers were protected. Sadly, in many countries, our products do not have adequate protection. The bill extends GATT protection to intellectual property. With our large trade surplus in services, the United States will benefit tremendously.

GATT strengthens the subsidies code. According to McDonnell Douglas, the subsidies code included in GATT will provide stronger rules policing Airbus, the subsidized European venture that has cost jobs in civilian aerospace at both Boeing Aircraft and McDonnell Douglas. This code is essential if the Airbus consortium is to be slowed. The billions of dollars that European countries have poured into Airbus have given it a competitive edge over the unsubsidized American firms in the last few years. The world aircraft production industry needs to be on a more even competitive playing field where underpricing due to government subsidy does not provide a competitive edge.

What are the main objections some of my constituents have raised with respect to GATT? They are as follows:

First. Will the World Trade Organization [WTO] be able to overrule U.S. environmental or labor laws?

No. Section 102 of the bill clearly states that no provision of GATT or the WTO can override U.S. law. U.S. law will always prevail in a conflict with the Uruguay Round Agreement. In the case of a dispute panel ruling against the United States, Congress will be consulted, and can choose whether or not to comply.

Second. Can foreign ship crews unload their ships on the docks?

No. Maritime issues are not covered by GATT rules. Nor is banking, insurance or other financial services. Since maritime issues are not covered in the GATT, there is no basis in the agreement for challenging any American working practice.

Third. If the United States is subject to a monetary penalty in the form of a tariff, is not that a fine that will force us to change?

No. If the United States loses a case before a dispute resolution panel and we refuse to comply with the terms of the ruling, the petitioner can impose tariffs to recoup the damage done to their exporter. That is true. However, if we count a tariff as a fine, we can reduce fines by passing GATT. Even if we lost every single case brought before the GATT, our exports would still be ahead on the tariff reductions which will occur in foreign nations. That means greater market access for American products. If one is still concerned about fines, one should recognize the tariff reductions that GATT accomplishes.

Fourth. The United States has only one vote in this organization, and we can be outvoted by Bangladesh, but we have to pay 20 percent of the dues to the WTO.

It is true that we only have one vote, but we cannot be outvoted. If there is a rule change—say, adding maritime issues to those covered by GATT—the United States does not have to agree to such a rule change made by a majority vote. Such changes are not binding on any member of the WTO unless that nation consents. In any case, Congress must enact any change in U.S. law before such a WTO rule change can have any effect. This is similar to the rules of a softball game. By passing H.R. 5110, we all agree to play by the same rules. If, later in the game, we want to make changes in the rules, everyone must agree, or they do not have to play.

As for the proportion of funding for the WTO, the United States will get 20 percent of the benefit from GATT, since we account for about 20 percent of the world's economic activity. So the 20 percent share for us is reasonable.

Fifth. Can we leave the World Trade Organization if it reduces our sovereignty?

Yes. Section 125 of the GATT implementing legislation details the rules for leaving GATT if it is not working out for us. We can withdraw after giving 6 months notice.

Sixth. Does the GATT/Trade Related Intellectual Property agreement unfairly harm small inventors?

No. The GATT Agreement is a tremendous benefit for inventors, since it will give trade protection to inventors for the first time. Small inventors currently receive patent protection for 17 years from the date of issuance of the patent. Under the Trade Related Intellectual Property Provisions, they will receive patent protection for 20 years from the date of filing. Since over 85 percent of patents are approved or rejected in 20 months, GATT will extend the patent term for the vast majority of inventors.

Seventh. What about inventors whose patent takes longer than 3 years to get issued?

According to the Patent and Trademark Office, 95 percent of the patents are accepted or rejected within a 3-year period. Those that take longer are the result of the inventor filing continuing applications. If there is bureaucratic delay, up to 5 years can be added on to the term of the inventor's patent. Also, if there is a court challenge, an additional 5 years can be added to the patent term.

Eighth. Does trade with low-wage countries destroy American jobs? Won't GATT accelerate that process?

The American market is largely open. There is no measure of trade protection that we are giving up in the GATT Agreement. However, other countries, including low-wage countries, have often blocked U.S. exports with tariffs and nontariff barriers. The opening of these markets will create additional needed jobs in the United States.

My vote for the General Agreement for Tariffs and Trade is a vote for new prosperity in America and the world and for a strengthened spirit of cooperation between all Nations. The time to act, is now.

Ms. KAPTUR. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, a great deal has been said about the overall economic effects of GATT, and I think it contains a great deal of benefit to the overall economy. The problem is that those benefits will be felt unevenly, and while many will benefit some will be hurt.

I want to quote from The Economist, the October 1 issue, the survey of the global economy. This is from a publication very dedicated to free trade.

> It is, in short, hard to maintain that trade has had nothing to do with the decline in the relative fortunes of low-skilled Americans. Rich countries' comparative advantage lies with skilled labour, so there should be little surprise that the skilled benefit most. Indeed, it is puzzling that so many trade economists reject the notion of a link between trade and changes in relative wages, while accepting the bulk of international-trade theory from which it is derived. It is as if free-traders are desperate to downplay any negative effects of trade for fear of giving support to protectionists. Yet by refusing to acknowledge a link they may be sowing seeds of trouble for the future.

One of our central problems we have all talked about is the erosion in wages for the people at the less skilled end. This by itself makes that worse. It need not do that.

The administration under President Clinton was right to try to include labor standards as an issue in the international negotiations. They were rebuffed. We ought not to agree to an agreement that does not include some effort to deal with labor standards overseas.

The Economist also says that is one of the things we have to do if we want to protect the people from getting hurt and in fact to work on programs within our own country to cushion the blow.

John Kennedy said of Franklin Roosevelt that he could be a good neighbor abroad because he was a good neighbor at home. We have not been sufficiently good neighbors at home to justify at this point going forward. I think it is wrong to say that because it may be in the interests overall of the economy we will ignore the negative effects it will have on those within our country already most vulnerable. I cite The Economist as the authority which I think is unquestionable in this case for the proposition that this will further exacerbate differences. Indeed, as it says, that is the theory of free trade, of comparative advantage. You do better what you do well, but you do worse in other areas.

This unadorned, without an effort to deal with international labor standards to protect our people against degrading levels of competition, and without the kind of worker training and other forms of compensation that we have the ability to do, will move us in the wrong direction.

I would like to vote for a treaty like this. I agree that it has a great deal of important protections. I think we fail in our duty, however, if we simply vote for this as is and allow the policy to continue of a greater erosion in economic security for people of lesser skill, for people of lesser education.

That is what economic theory and experience tells us will happen if we do this today without those other effects.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN], a distinguished member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Chairman, let me get to the jugular issue that has just been addressed, and that is the likely impact on typical hardworking American families, many of whose income has lost ground.

I think the balance of the evidence is clear, and that is that these families, so many of them in each of our congressional districts, will be benefited, not harmed by this agreement. Why is that? It is because tariffs in other nations will go down more than ours. Ours are already low, and when we bring all tariffs down, those that are the lowest will be hurt the least and those that are highest will come down the most.

So, in a word, under this agreement there are going to be new markets abroad for goods made in the U.S. Our markets are already open. This agreement will open others for manufactured goods and for services. And for the first time there will be protections against pirating American brand names and other intellectual property.

Competition, as has been pointed out, with low-wage nations is indeed a problem and a challenge. And as a major defender of industrial America I feel that deeply. But it is a serious mistake to place this issue on the doorstep of this GATT agreement.

Just a word about American sovereignty. We worked actively in this agreement to make sure that we kept strong American laws on antidumping and section 301.

Finally, let me say a word about trade deficits. Most of our trade deficit is with two countries, Japan and China. China is not even a member of GATT, and the basic causes of our deficit with Japan are not affected by this agreement. We must continue to insist with the Japanese on a bilateral basis that they open their markets, we must or take action to bring this about.

For these reasons I urge my colleagues to support this agreement.

The CHAIRMAN (Mrs. UNSOELD assumed the chair.) The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Madam Chairman, I yield 1 minute to our distinguished colleague, the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Madam Chairman, I rise in support of H.R. 5110, the implementing legislation for the General Agreement on Tariffs and Trade Uruguay Round.

All of us recognize there are risks in free trade agreements, particularly between economically advanced societies like ours and those with lower standards of living. But in the final measure, free trade is a better answer to the world's economic disequilibrium than foreign aid; shared economic hope is a more effective deterrent to war than competitive protectionism.

When it comes to advancing peace as well as prosperity, big fences simply do not make good neighbors. If there is any hope of countries and peoples coming to have shared values in a world of nuclear weapons and fractured group identities, competition must be in trade, not arms; in markets, not land masses.

There are certain risks involved in free trade, but there are far greater risks in protectionism.

Simply put, those countries which have opted for open markets in this century have prospered; those which have chosen protectionism have not.

In fact, if history is a guide, protectionism belies its name. It provides job security for candidates, not workers. Just as in Pogo's terms, the enemy too often is us, in trade policy the enemy is politicians, usually one's own.

One of the lessons of the 1930s was that protectionist legislation such as the Smoot-Hawley tariff lengthened and deepened the great Depression. By reverse logic, in recessionary times, promoting policies that impel the growth of international trade is likely to serve as an economic stimulant.

From an Iowa perspective, trade barriers are particularly harmful to an export-oriented manufacturing and agriculture based economy.

Our farmers are the most productive in the world, yet in the absence of international markets this very productivity is the largest contributor to our excess supply problems. What Iowa farmers and manufacturers need is open markets abroad that are based on fair and equal trade. What GATT provides is a common set of rules, the expansion of the rule of law to international commerce.

Since America has lower tariffs than virtually any other country, GATT causes a larger tax cut for our exporters than those of other countries and thus increase significantly the competitive position of American commerce. In this regard, the elimination of tariffs required under GATT represents the largest tax cut in the history of world commerce, with the reduction of taxes greatest for goods produced in America and sold abroad.

GATT is good for the consumer because it holds down inflation, abroad as well as at home. It is good for the producer because it takes government out of the equation of trade. Tariff and nontariff barriers, after all, impose costs on consumers and add in many societies corruption to the economic system. Reducing trade barriers thus reduces the need to grease bureaucratic hands.

But, most of all, reducing trade barriers emancipates markets from governmental intrusion and increases the sovereignty of individuals over the state.

Here, let me stress the anti-inflation implications of lowering costs of U.S. goods in foreign markets. Allowing foreigners to buy U.S. products without tariff add-ons will decrease inflation worldwide, thus allowing foreign central banks and thus our own Federal Reserve Board greater latitude to reduce interest rates. This anti-inflation aspect of free trade should provide an enormous stimulant to economic growth.

Yes, there are weaknesses in this agreement. The World Trade Organization [W.T.O.], while proposed by the United States as an implementing mechanism to assist countries such as our own which comply with law to petition others which do not, is not as well structured as we might like. But it is better than having no dispute mechanism at all.

In addition, there is no need to have in this implementing legislation a sweetheart deal for several of America's largest news organizations. Hopefully, this feature can be corrected in the next Congress.

Yet the weakest link in this GATT agreement in what it fails to include rather than what it does provide. American negotiators were unfortunately unable to get strong reciprocity commitments in either the financial services or entertainment industries, which are two areas of commerce in which America is at the forefront. More work needs to be done.

Nevertheless, while imperfect, the agreement is a good deal.

For example, the reason most farm groups support GATT is that agricultural producers have been put in a competitive disadvantage in world markets because of protectionist agricultural policies abroad, symbolized by the European Union's lucrative farm supports. Open international markets which are fair and equal benefit Iowa producers. A prominent Iowa pork producer, Glen Keppy, notes by analogy that since the passage of NAFTA, pork exports to Mexico are up 71 percent, with that country now the second largest pork market for U.S. producers.

GATT should bring similar gains for U.S. farmers in Europe and the countries of the Pacific Rim.

As for the First Congressional District of Iowa, manufacturing, food processing and trucking companies centered in cities like Cedar Rapids and the Quad Cities should also benefit with the passage of GATT.

Alcoa's Quad Cities plant—the most sophisticated aluminum producer in the world—has a great deal at stake in eliminating unfair barriers to trade. The job of the typical worker at the Alcoa Riverdale Works is in jeopardy when foreign governments subsidize their aluminum industries and, through tariffs, tax our exports to them.

Likewise, Rockwell International Corporation in Cedar Rapids will benefit from the security of international standards for the protection and enforcement of intellectual property rights.

Many Americans are rightfully concerned about the existence of a significant wage differential between countries. This is a major international problem, but it should be stressed, the same problem not only exists but is exacerbated without free trade agreements.

In this regard, one protection for us that seldom is noted is that the effect of an agreement can be measured over time, and we will retain the right to withdraw if it doesn't prove fair.

Free commerce between American states was ensconced in our constitution. today free enterprise, free trade, and free politics are gathering momentum in virtually every corner of the globe.

Open trade borders has been the primary objective of U.S. economic strategy since the end of the Great Depression. The General Agreement on Tariffs and Trade was created to encourage trade and prevent the "beggar thy neighbor" policies of earlier parts of this century. Free trade has served this country well; it has been one of the most important tenets of U.S. development philosophy facilitating the build-up of the American economy as well as the reconstruction of post-War Europe and Japan and the recent economic progress in developing countries.

Politicians too frequently assume that a bettering of world relations is likely to stem primarily from government-to-government ties. Actually businessmen and women, private people of private commerce, are bringing the world closer together than public officials and stand a better chance to defend the sanity of peace from the insanity of war than any President or Commissar.

Ratifying GATT will strengthen the ongoing paradigm shift in world affairs toward the American vision of a peaceful world order based upon free peoples, free markets, and collective security.

Republicans, while still the minority in this Congress, understand that the Presidency more than the President is at issue and that American leadership in the world on political as well as economic issues will be weakened if President Clinton is dealt a setback on GATT.

For all these reasons, I believe that ratifying GATT is the best economic choice that America can make at this moment and that the risk of flinching from competition is not as great as the risk of status quo politics.

For all the controversy stirred by the rhetoric of economic Nationalists, one fact cannot be shirked: Free markets create jobs; closed markets lead to lower standards of living.

If the agreement later proves not to benefit the United States, it can and should be re-assessed. But for the sake of job creation, for the sake of bringing the world closer together in peace, this agreement deserves support. American values and interests are clearly advanced.

Mr. CRANE. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, the Uruguay round agreement represents a historic achievement for U.S. leadership and competitiveness in the world economy.

The opportunity to vote for a $750 billion global tax cut will, I suspect, not come again in the legislative careers of all of the Members on the floor today. The Uruguay round victory which we hand ourselves and our country, while harvested by President Clinton, was planted and nourished by Presidents Reagan and Bush.

This is a bipartisan effort in the best sense of the world. H.R. 5110 is truly and unequivocally in the national interest.

Emerging from the Great Depression and World War II in the 1940's the United States led the world in embarking on seven successive rounds of trade-liberalizing GATT agreements. The Uruguay round, the eight, is the result of 7 years of negotiation and represents an unmatched success in terms of comprehensive coverage.

It would be an unwise mistake to turn down an agreement which for the first time obligates the rest of the world to follow fair-trade rules in agriculture, services, and intellectual property.

Last year we considered NAFTA, and the proposition that expanded trade creates new, high-wage jobs. While the principle behind the Uruguay round is the same, the economic benefits to be captured for the United States by approving the GATT are on a much grander scale.

To put the potential gains in perspective, the NAFTA reduced tariffs on $40.6 billion in United States exports to Mexico. The Uruguay round, involving 123 signatories, will reduce tariffs and other trade barriers on $450 billion of U.S. merchandise exports and $170 billion of services exports.

We know that this bill will increase GDP by several percentage points and lead directly to the creation of 150,000 new jobs a year when it is phased in. Opening up markets individually is extremely time consuming. The beauty of the Uruguay round is that it will open up markets in 123 countries all at once.

For the first time countries will be bound to a single undertaking where they must accept all obligations of GATT if they are to derive its benefits. No more a la carte trade commitments that work to cut out our most competitive exports. This is extremely important when we remind ourselves 94 percent of the world's consumers of manufactured products live outside the United States.

The vast majority of U.S. customers in the 21st century will be in the booming markets of Asia and Latin America. Until now, many of these nations have been abiding by relatively few trade commitments to us. For example, many countries have had very few bound tariff rates, and only a few have bothered to sign the earlier GATT codes limiting unfair subsidies and dumping.

The United States led the Uruguay round negotiations from the start, and we achieved our primary objective of bringing the fastest-growing economies of these regions under the rules of fair trade.

Many inaccuracies have been spread about the World Trade Organization. Under GATT rules, the United States gives up no sovereign power to change any U.S. law. We do commit, however, to abide by a uniform set of trade rules in a way which will reduce the amount of government intervention in the international marketplace.

If there is a protectionist U.S. law we do not want to change for whatever reason, there are no dire consequences. We simply forgo some level of export sales resulting from these GATT negotiations. There are no monetary fines involved. All contracting countries to the GATT retain all rights to establish their own laws.

What we gain is a more automatic way to get a decision on whether our trading partners are unfairly keeping U.S. products out of their markets.

Madam Chairman, we have heard a number of smokescreen arguments about the chief beneficiaries allegedly of this agreement being the multinationals. My home State of Illinois is the sixth largest exporting State in the Union, and our exports have grown more dramatically than those of the other 49 States in the Union in the past several years. Last year, our exports totaled over $20 billion, and we are looking at job creation in the hundreds of thousands in my State of Illinois.

Of those businesses, the overwhelming majority, and I am talking over 7,000, are businesses employing 500 or less, 97 percent of them, to be precise, employing 500 or less.

This is not a benefit exclusively for big corporations. It applies to the small businesses, too, and especially it applies to agriculture, which is another big export product out of my home State of Illinois.

Madam Chairman, while there are minor imperfections in what is man's greatest achievement yet in promoting free enterprise and increased competition, I feel the future of American workers, consumers, and producers will be well served by this worldwide agreement to play by fair trade rules, and I urge a "yes" vote on H.R. 5110.

Madam Chairman, I reserve the balance of my time.

Mr. GIBBONS. Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Madam Chairman, I rise in support of the legislation.

Madam Chairman, I rise to express my support for H.R. 5110, implementing the Uruguay round of the General Agreement on Tariffs and Trade.

After World War II, the United States took responsibility for finding international structures which promoted American ideals of democracy, stability, and free trade. These structures remained strong within the constraints of the cold war, but different times require updated structures.

In the transition period away from the cold war, we must look ahead and establish the guidelines that will shape our world in the 21st century.

While GATT is not the sole answer to a stable and prosperous international community, it does create an atmosphere for a freer flow of goods and services between nations. Because the United States is the moist productive country on Earth, I have no doubt that we will see more sales and more jobs due to increased trade.

While we stand to benefit greatly in general terms, I am concerned about specific American industries, such as wine production, that are not getting the best deal possible. The tariff cuts on wine products are not reciprocal.

While the U.S. tariff on imports would be reduced 36 percent under GATT, higher European tariffs would be reduced only 15–20 percent. In order for GATT to create a level playing field for American products, this and other inequities must be resolved.

Efforts to address concerns with this implementing legislation are promising in this regard. It is my understanding that the administration has reached a resolution regarding the pioneer's preference award. The administration has committed to revisit this issue next year if the Government has not received fair value for the licenses. I applaud this agreement and those who worked to resolve this issue.

We cannot remain complacent after this implementing legislation is approved. We must continue to further reduce tariffs and pursue the elimination of nontariff barriers that impede the free flow of American products, such as wine. These issues can only be resolved by diligently following through on out trade agreements and enforcing the commitments of our trading partners in these agreements.

In these uncertain times, we must establish a global strategy that is based in the best American traditions. Madam Chairman, the 21st century begins today. We must not fail the collective vision of our forefathers—we must continue to lead the nations of the world in the pursuit of the great American ideals of hard work and open competition.

THE WHITE HOUSE,
Washington, November 23, 1994.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: I appreciate the opportunity to respond to your concerns about the so-called "pioneers' preference provision," which is found in Title VIII of the GATT implementing legislation.

As you know, this provision serves two basic purposes. First, it prevents the pioneers from obtaining the use of radio spectrum for free. Absent the GATT provision there is, in our judgment, an unacceptable risk that the pioneers will succeed in overturning the current FCC Order which, reversing an earlier order, now requires payment from the pioneers. Second, it rewards the innovation produced by the pioneers who, in the judgment of the FCC, have helped to spur the current interest in the provision of Personal Communications Services. Indeed, we are only days away from the beginning of the broadband PCS auction. The PCS auctions, which were proposed by President Clinton and established in the budget reconciliation act of 1993, are expected by OMB to raise $12.6 billion for the federal government.

Under the GATT provision, the three pioneers will contribute a significant percentage of the total proceeds to be gained from the PCS spectrum. OMB estimates that, over a five-year period, the three pioneers will pay about $1.5 billion to the federal treasury.

We are aware, of course, of competing estimates that have been made by opponents of the GATT agreement and potential competitors of the pioneers. In general, those assertions attempt to compare mature, small markets for established wireless services that possess a significant customer base with the incipient, multistate, demographically-diverse markets for new PCS services. In our judgment, no known alternative estimate establishes a credible basis for analysis.

Of course, as the Administration has consistently noted, no one can predict with certainty the outcome of the coming PCS auctions and, therefore, it is impossible to be absolutely sure how much the pioneers will pay under the GATT provision or how much that payment might differ from the alternative formula contained in the current FCC Order.

I can commit to you, therefore, that the Administration will work with Congress next year to do the following:

1. Compare the price paid by the pioneers to the payments paid by the PCS auction winners;
2. Determine whether the government received a fair return for the licenses obtained by the pioneers;
3. If the determination in (2) above is negative, pass legislation that would adequately compensate the United States in accordance with the determination on fair return.

Congress, of course, could still act on its own. We are sending under separate cover a letter expressing our views with regard to the constitutionality of future legislation on this issue.

Sincerely,

LEON E. PANETTA,
Chief of Staff.

GENERAL COUNSEL OF THE
U.S. DEPARTMENT OF COMMERCE,
Washington, DC, November 23, 1994.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: One of the revenue measures included in the GATT implementing legislation would require the Federal Communications Commission to recover for the public a portion of the value of the public spectrum that has been awarded by the Commission to licenses granted under the "pioneers preference" program. The legislation requires the pioneers to pay not less than 85 percent on a per population basis, of the highest bids for licenses in the 20 largest markets in which no applicant has obtained preferential treatment (the 3 pioneer markets). Assuming enactment of the GATT legislation, we understand that a question has been raised whether Congress could pass subsequent legislation free from constitutional infirmities that re-calculates the fees to be paid by the pioneers. This subsequent legislation would likely occur after the FCC proceeds to issue the licenses to the pioneers and would raise a constitutional question whether such subsequent legislation could be effective on a retroactive basis. We believe that the Congress retains wide discretion to enact retroactive economic legislation to support legitimate legislative purposes and such legislation would be permissible from a legal perspective.

In a case decided June 13, 1994, the Supreme Court held in *United States* v. *Carlton*, 114 S.Ct. 2018 (1994), that due process was not violated by retroactive application of an amendment to a federal estate tax statute limiting availability of a deduction despite evidence that a taxpayer detrimentally relied on the previous provision and had no notice that the provision would be retroactively amended. In the case, the Court noted that the due process standard to be applied to tax statutes with retroactive effect "is the same as that generally applicable to retroactive economic legislation." 114 S.Ct., at 2022. In quoting from its decision in *Pension Benefit Guaranty Corp.* v. *R.A. Gray & Co.*, 104 S.Ct. 2709 (1984), the Court stated:

"Provided that the retroactive application of a statue is supported by a legitimate legislative purpose furthered by rational means, judgments about the wisdom of such legislation remain within the exclusive province of the legislative and executive branches."

We believe that the Supreme Court's holding in the Carlton case would be controlling if the Congress enacted subsequent legislation with retroactive effect regarding the price paid by the pioneers. There, as here, the subsequent Congressional action would be intended as a "curative" measure to correct previous legislation with "significant and unanticipated" revenue consequences (Congress had estimated the revenue loss from the deduction in the Carlton case at $300 million over 5 years but subsequently discovered the loss could be as much as $7 billion). There, as here, the "corrective" legislation would be enacted promptly with only a "modest period of retroactivity." Just as a taxpayer "has no vested right in the internal Revenue Code," no party has a vested right in conveyance of Government spectrum at a discount. See 114 S.Ct., at 2023. In addition, two factors which the appellate court found troubling in that case, a lack of notice and detrimental reliance, would not be present provided the Congress included floor statements in the Congressional Record noting the possibility of subsequent legislation relating to the fee question.

For these reasons, we believe that Congress could, if it wished, enact subsequent legislation with retroactive effect regarding the assessment of fees to be paid by the pioneers.

Sincerely,

GINGER LEW.

[From the Washington Post, Nov. 24, 1994]

A Good Deal on Trade

President Clinton and Sen. Bob Dole have struck a deal on the trade bill that's a credit to both of them. When Mr. Clinton inherited the world trade negotiations begun by President Reagan and continued by President Bush, he turned away from the protectionists in his own party and, a year ago, pushed those negotiations to a conclusion that will serve the United States well. The bill embodies that agreement. Mr. Dole has now secured the administration's assurances on several points that worried him and is throwing his very substantial weight behind the bill.

To judge the value of the trade bill to this country, keep in mind that it triggers a worldwide agreement that mainly benefits exporters, and the United States is the world's biggest exporter. This country is one of many, rich and poor alike, that are counting on increased exports to raise their peoples' standards of living.

Much of the debate has been revolving around the (erroneous) claim that the trade agreement will diminish American sovereignty. That claim has been argued in almost exactly the same terms that an earlier generation of isolationists, almost half a century ago, warned that joining the United Nations would diminish American sovereignty. In the present case, the president and Mr. Dole have agreed to set up a commission of American judges to monitor the new World Trade Organization's system of settling disputes. If the WTO dispute panels exceed their legal authority, as the opponents say they fear, the monitors will blow their whistle and, if it happens three times in five years, any member of Congress can introduce legislation to pull the United States out of the organization. Fair enough. That's pretty unlikely.

Another point in the administration's deal with Mr. Dole affects this newspaper directly. To raise revenue, a provision was put into the trade bill affecting the price of a broadcasting license in which The Washington Post Co. has an interest. The administration has agreed to review the price and, if it's unfairly low as some competitors charge, to support legislation raising it. That price has already been raised hugely but, again, fair enough. As we have said before, we supported this bill long before the license provision was stuck into it, and we continue to support it regardless of the outcome of this issue.

Mr. Dole wisely dropped his attempt to link his support for the trade bill with administration backing for a capital gains tax. On that one, the administration simply said, correctly, that the two issues are unrelated

When Congress votes next week on this bill, its decision will reach well beyond trade and economics. As the debate has developed in recent weeks, it has swung back to that old American question, whether to pursue national responsibilities throughout the world or to retreat within the borders of the United States. A vote for this bill will be a vote for active international leadership by this country, and not in trade alone. This deal between Mr. Clinton and Mr. Dole greatly improves the prospect for passage. As Mr. Dole said, "There should be a big, big vote—not a narrow vote, but a big margin, a bipartisan margin as we've always had when it came to votes on trade."

Ms. KAPTUR. Madam Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Madam Chairman, I wish I could say that we were considering other legislation or complimentary legislation with trade agreement. But unfortunately, I cannot. We have been called back into special session for the sole purposes of considering GATT.

I would like to identify myself as a fair-trader, and potentially a free-trader; but to be forced into a situation to have to vote yes or no on an extended trade agreement such as this without considering a complimentary package on job creation and job retraining is disappointing.

I rise today to urge my colleagues to vote "no" on GATT; not because I am against trade, not because I am against multinational corporations, not because I am against the fact that this will open some markets to American goods and services that are now closed, but because I think enacting this agreement today this is putting the cart before the horse.

Madam Chairman, I think that this Congress and this administration should be addressing a much more fundamental issue than this trade agreement. We should be considering what the economic implications of this agreement are to the 50th percentile of our population and below of the work force who have seen their real incomes decline over the last 20 years. We have heard arguments here today that this is going to open up markets and, therefore, create jobs and create economic activity. Maybe it will.

If it does, maybe someone could answer this question for me: Why is the Federal Reserve every month or 3 months raising interest rates? Because our productive capacity in the United States is already at almost maximum level. So if we create more economic activity as a result of this act, we can be certain it will result in higher interest rates as the Federal Reserve to uses monetary policy to contain inflation in this country.

Instead, we should be talking about creating more venture-capital investment in this country. We should be talking about having the beneficiaries of this policy contribute to a fund that would retrain and reeducate the displaced and dislocated workers who will lose their jobs as a result of GATT.

Madam Chairman, if we do not address these very real problems that face American workers we could be considered mean-spirited. That does not benefit any particular philosophy or party. This Congress has to act to right an injustice when an opportunity comes along. Now is the time to do so as we consider the trade question today.

But, you know, we have just had an election, and if I listened to my Republican colleagues who won control of the Congress, they are telling me that they are about to undertake the most significant and major revolution of economic policy this Government will ever undertake; that they will have 2 years and out on welfare, without creating any new jobs; that they do not intend to have universal health care for those people who are uncovered now, or who lose their jobs and their health insurance as a result of GATT.

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There is no plan or program out there to create opportunity for those people who would like to join the economic workforce of America. Yet we will create greater opportunities for multinational corporations to expand their economic activity around the world.

Madam Chairman, I made a study in my district, northeastern Pennsylvania, and I went to some of my small- and medium-sized businesses. I asked them, "What are the implications of GATT?" In two out of three instances they found it would result in increased manufacturing overseas. They are literally packaging factories that will be moved overseas to take advantage of the low-wage rate and the lack of environmental protection and labor safeguards which exist in the United States but do not exist overseas. What have we done in the legislation to close this loophole? Nothing. What process have we established to attack what inevitably will happen to American workers and small businesses if this legislation is passed? Nothing.

What is the prospect of the 104th Congress closing this loophole? Zero. If you listen to the Republican leadership and its Contract on America, it is laissez faire and nongovernmental involvement. In other words, do not even put lifejackets on the ship. When the ship starts going down and the crew members are in the water, they will have to swim for their survival or drown.

That is where America is headed.

I urge my colleagues not to support GATT until we support something that is much more fundamentally fair for American workers and which creates replacement jobs for those who will lose their jobs when GATT takes effect. For too many northeastern Pennsylvanians, GATT does not offer the prospect of a good-paying, new job. Instead, it only offers them a pink slip or a minimum wage job.

Mr. CRANE. Madam Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. I thank the gentleman for yielding this time to me.

I am glad to have the opportunity to follow the gentleman from Pennsylvania who just spoke. This is a great example, ladies and gentlemen, of how people like to tap into the vein of emotion in this town, talking about the sinking of a ship. Instead you should sit back and apply your intellect. Decisions of statecraft should not be based upon the emotion of the moment and stirring the emotions of people, let alone this body.

I am going to support GATT. That decision I have made was based upon intellect.

There are concerns that I had, two of which I want to mention. One is relative to the World Trade Organization. I was concerned whether or not the United States could move unilaterally against their own or have moved against an allied nation. No different than the United States, with our economic embargo on the apartheid situation in South Africa or when Jimmy Carter did the grain embargo against Russia when they invaded Afghanistan.

My research has indicated that in an article in the Agreement on Government Procurement in GATT, it does provide for the national security interests of this country.

So I would like to quote, "Nothing in this agreement shall be construed to prevent any party from taking any action for the protection of its essential security interests or the procurement of arms, munitions, and other forms of materials."

The other concern I have was regarding the antidumping and countervailing duty laws. The question is will the competitive U.S. industries be able to use these laws to offset effectively the injury or unfair advantage that comes from a less competitive foreign producer, due to the lack of laws, whether environmental or what, in other countries?

What I have learned is under this new agreement, with respect to the antidumping, that the United States retains its ability to take actions against unfair dumping practices while U.S. exporters are assured the fair application of the antidumping or antiduty laws of this country.

As I stand here, if in fact these two measures change in any way, I am glad there is a measure whereby which 100 Members of this body can move forward to change this agreement, and I would join.

Mr. CRANE. Madam Chairman, I yield 1 minute to our distinguished colleague, the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Madam Chairman, I rise today in strong support of the Uruguay Round of the General Agreement on Tariffs and Trade [GATT]. This landmark agreement provides a historic opportunity for the Congress to ensure the economic well being of our future generations in a global economy.

The benefits of GATT are significant—a $744 billion cut in global trade taxes over the next 10 years and greater access to a wider range of lower priced, higher quality goods and services for consumers.

Most importantly, expanded trade means jobs—1.4 million more high wage American jobs. In the year since the Congress passed NAFTA, Tennessee has seen its exports skyrocket and unemployment is at an all time low. GATT will create more jobs.

Madam Chairman, this is the last vote I will cast as the Third District of Tennessee's representative in Congress. It is not a responsibility I take lightly and I could not in good conscience vote for an agreement which could jeopardize the future of our children and grandchildren.

The facts speak for themselves. GATT is good for the American economy and it is good for Tennessee. I take pride in my final vote—a vote for GATT and a vote for the future of Tennessee.

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. HOAGLAND], a very fine member of the Committee on Ways and Means.

Mr. HOAGLAND. I thank the gentleman for yielding this time to me.

Madam Chairman, I grew up in Omaha at a time when we had two major industries: the railroads, and the packing plants. Both employed thousands. Our economy was heavily dependent upon them. Mutual of Omaha was just beginning; Con Agra did not exist; Norwest bank had not opened an account.

Now the packing plants have decentralized and moved to the animals around the State, and the Omaha stockyards have virtually vanished. Now our mile-long trains carrying coal, or empty coal cars, rush through Omaha at 60 miles an hour. Or they move automobiles from Detroit to Mexico. They require little local labor.

We have seen dramatic changes in our economy. I assume the same is true in most congressional districts across the country.

Now Omaha is the center for insurance, financial services, information processing, and telemarketing. All global in scale. Omaha has truly become part of the world economy in a way no one could have forecast when I was a child.

And 50 years from now, no one knows what industries will be dominant in Omaha, or in any congressional district for that matter.

The GATT agreement covers many of these new Omaha industries. It covers agriculture for the first time, and it dramatically reduces trade barriers imposed on Nebraska by foreign countries.

Did we get everything we wanted? Of course not. But we opened the barn door a mile wide, and future negotiations can open it many more miles, whether it is for the industries of today, or the industries of tomorrow.

The GATT Agreement sets up a rule-based world trading system with built-in flexibility. It is future-oriented, particularly in areas where the United States is strong. Its outlook is even stronger in areas important to Omaha, such as information processing, efficient agriculture, and some financial services.

Ratification of GATT is important to Nebraska and important to America.

Mr. GIBBONS. Madam Chairman, I yield 3 minutes to my wonderful and distinguished friend, the gentleman from Texas [Mr. PICKLE], a longtime distinguished member of the Committee on Ways and Means. Madam Chairman, he is a tiger.

Mr. PICKLE. Madam Chairman, has the gentleman concluded?

Mr. GIBBONS. I really have not. I want the whole wide world to know what a wonderful job the gentleman from Texas [Mr. PICKLE] has done here. I really commend him for having picked this time to retire. He could have stayed on for years and years, but he surely did choose the right time.

Mr. PICKLE. Madam Chairman, I appreciate the gentleman's comments, and I thank him for yielding this time to me.

Madam Chairman, I rise in strong support of this GATT bill. It is unthinkable that we would not pass it.

I speak particularly at this moment in behalf of the pension reform section in title 7 of this bill.

Nobody seems to say anything about the Retirement Protection Act included in the GATT bill. It is one of the best kept secrets of the Congress. But this pension reform bill brings in over $900 million to help offset the tax cuts in GATT and restores the financial Solvency of the pension program. It is terribly important.

Let me simply review for you that we have a problem because we have over $53 billion of unfunded liabilities in the private pension program. Now, that is unacceptable. We must do something about it.

The administration recommended some changes, and this bill is supported now by a wide range of individuals and groups. It is supported by the AFL–CIO, and the steel workers; and by industry, groups such as FRIC, and APPWP. It is supported by Secretary of Labor Robert Roger Reich, Secretary of Treasury Lloyd Bentsen, and by the Clinton administraion.

So, it has wide support, and it should be in this GATT bill because it corrects a serious problem.

I want to pay my special respects to my friend, the gentleman from New York [Mr. HOUGHTON] whose wise business experience has enabled him to give us 100 percent support on this bill on both the Democrat and Republican side.

Now, Madam Chairman, I conclude by saying this:

This is a good bill. It is the best pension reform bill we have ever passed in Congress since the creation of ERISA. It is terribly important for the country. However, Madam Chairman, I say to my colleagues, you Members ought not to think this has settled all the problems we have in the pension system. You have a lot more to do. We have provided a very generous transition rule to certain industries; in some cases, certain automobile and certain tire companies, they got more than even they were entitled to. But we had to accept that we couldn't put everything in this bill. On balance this is a very notable, worthwhile bill. It goes a long way toward correcting the weaknesses of our pension program, and I would hope that people will pay attention to the importance of this bill because it is very important for American workers.

Madam Chairman, I rise today in support of H.R. 5110, implementing the Uruguay round of the General Agreement on Trade and Tariffs [GATT].

While this GATT legislation has many merits, I am particularly pleased to call the attention of my colleagues to the important pension reforms included in the bill. These reforms address the serious problem of pension underfunding in our private defined-benefit pension system. I would remind my colleagues that private pension plans had unfunded liabilities of $53 billion at the end of 1992. The Pension Benefit Guaranty Corporation [PBGC], an agency of the U.S. Government, is potentially liable for this full amount, and expects to pay actual claims of about $13 billion. The PBGC has already absorbed large losses and, as of last year, had a deficit of $2.9 billion. All of these indicators have steadily worsened in recent years, underlining the serious problems we face in our defined-benefit pension system.

The reforms contained in the GATT legislation before us address these problems. They are the result of over 3 years of effort by the Bush and Clinton administrations. These pension reforms are supported by the AFLCIO, the UAW, and the United Steelworkers of America. They are supported by the ERISA Industry Committee, the Association of Private Pension and Welfare Plans, and the Financial Executives Institute. They have the strong support of Secretary Robert Reich and Secretary Lloyd Bentsen. And they have broad bipartisan support in the Congress on both the labor and the tax committees. Without this broad support they could never have been made a part of GATT. In this regard, I particularly want to express my personal thanks to the Honorable AMO HOUGHTON, whose extensive business background and tireless efforts on this issue have been essential to the development of these pension reforms.

The three main elements of these reforms are: stronger and faster minimum funding rules—for example, significantly accelerated funding schedules for pension plans that are less than 60 percent funded, and a requirement that plans use established interest and mortality rate assumptions when estimating their liabilities; increased PBGC premiums based on the higher risks posed by significantly underfunded pension plans—by phasing out over 3 years the current $53 per participant premium cap; and, improved financial disclosure to the PBGC and plan participants by the sponsors of underfunded pension plans—for example, requiring most employers whose plans are less than 90 percent funded, to send participants a plain English explanation of the plan's funded status and the limits of PBGC's benefit guarantees. These reforms will improve the funding of currently underfunded plans in a balanced and affordable way. Finally, and I want to emphasize this point, companies with well-funded plans will not be asked to pay more. These companies, some 80 percent or more of all plan sponsors, will benefit from these reforms, because they and their employees will have greater confidence in a stronger pension system and pension insurance program.

In conclusion, I note that I would have personally preferred to make these reforms much stronger, and I caution my colleagues that they should not expect these reforms to immediately solve all the problems caused by underfunded pension plans. In order to overcome strenuous objections by certain automobile, steel, and airline companies we have included very generous transition rules for companies which have maintained chronically underfunded pension plans. These transition rules will delay the full impact of the pension reforms by another 5 to 7 years. I deeply regret that we have given another reprieve to companies who have shirked their pension obligations for the 20 years since the passage of the Employee Retirement Income Security Act of 1974 [ERISA]. In my opinion this is reprehensible. However, I want to be clear, that even with these compromises, the pension provisions included in GATT represent a worthy package of reforms. Despite the compromises, this is still the best pension reform bill since the passage of ERISA. I would strongly urge all Members to support it. By enacting these pension reforms now, before this situation has become a crisis, we will have avoided another S&L-type of debacle. Now is the time for reasonable and responsible action to better protect the pensions of America's workers. I urge your support.

Madam Chairman, I would also take this opportunity to recognize the many staff people whose efforts have contributed to the success of these reforms.

In the administration, the staff of the Pension Benefit Guaranty Corporation has provided invaluable assistance over the last year as we have considered the Retirement Protection Act. In particular, Martin Slate, PBGC's Executive Director; Judy Schub, Assistant Executive Director for Legislative Affairs; Nell Hennessy, Chief Negotiator for the PBGC; William Posner, PBGC's Chief Operating Officer; Stuart Sirkin, head of the Corporate Planning and Research Department; Carol Connor Flowe, PBGC's General Counsel; and their staffs, most notably, William Beyer, Terrence Deneen, Russlyn Guritz, Richard Ippolito, William James, Leslie Kramerich, Linda Mizzi, Michael Rae, Gail Sevin, and Gretchen Young are all to be commended for their tireless efforts over the last year and a half.

Given the complexity of the funding rules in the legislation, special note should be made of the actuaries without whose advice and consent testing of alternative proposals the legislation could not have been crafted: From the PBGC, C. David Gustafson, Jane Pacelli, Eric Palley, Gary Gilliam, John Langhans, Ruth Williams; from the Treasury Department, Harlan Weller; and from the IRS, James Holland.

From the Treasury Department, we also received expert assistance from Lesley Samuels, Assistant Secretary for Tax Policy, Randolf Hardock, Benefits Tax Counsel, and Mark Iwry, Deputy Benefits Tax Counsel.

I want to compliment the efforts of the staff of the Congressional Budget Office including Marvin Phaup, Ron Feldman and Wayne Boyington. I wish to thank those at the General Accounting Office, including Joseph Delfico, Bob Hughes, Don Snyder and John Woods. I also thank the staff of the Joint Committee on Taxation, including Carolyn Smith, Pat Anglin, and Judy Xanthopoulos. And finally, I want to thank the staff of the Committee on Ways and Means, including Janice Mays, Don Longano, Beth Vance, Mildred Worrell, Susan Athy, Paul Auster, Mike Superata, and Joseph Grant. The efforts of these dedicated professionals contributed significantly to the success of this effort.

Mr. CRANE. Madam Chairman, I yield 1½ minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Chairman, I rise today in support of H.R. 5110, a bill to implement the General Agreement on Tariffs and Trade [GATT]. There is no doubt, even by many of the agreement's critics, that GATT will greatly benefit the U.S. economy. For one, GATT dismantles many trade barriers worldwide, which disproportionally benefits the United States, whose trade barriers are already the world's lowest.

Second, the GATT will expedite the arbitration of trade disputes, which will benefit the world's most frequent complainant: the United States. Quite simply, GATT will level the playing field for American companies, who must often face unfair and oppressive trade barriers in other countries while their foreign competitors enjoy practically no import restrictions here in the United States.

By lowering foreign trade barriers, and thus facilitating more U.S. exports abroad, more jobs will be created here at home.

But many fear that the World Trade Organization [WTO] will compromise U.S. sovereignty in several ways. For one, they feel that American domestic law will be threatened by WTO dispute settlement panel decisions.

Second, they also fear that the WTO would allow the majority of the world to impose decisions contrary to American interests. I refused to take a position on this agreement until I adequately satisfied my own concerns about these issues.

I have concluded that there are plenty of safeguards in H.R. 5110 and in the GATT agreement itself to protect U.S. sovereignty.

The GATT agreement specifically provides that future amendments can become binding only on WTO members who accept them. If the WTO ruled against the United States in a dispute settlement, the United States would not be required to change any laws whatsoever, but must simply accept an equal trade retaliation. In addition, H.R. 5110, in section 102(a)(1) specifically states that "No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect."

If that were not enough, Senator DOLE recently won an agreement with the Clinton administration to add language to H.R. 5110 that would allow Congress to vote to withdraw the United States from GATT if the United States found itself on the losing side of three WTO decisions in a 45-year period and a review panel of Federal judges found that U.S. rights under these WTO ruling had been violated. Additional language added by Representative NEWT GINGRICH requires that all WTO decisions and meetings be publicly disclosed.

With regard to the fear that unfriendly nations could gang up on the United States, the GATT agreement codifies the custom of operating by consensus. Thus, the United States will continue to exercise an effective veto as it has for decades. Besides, since America is still the world's largest economy and trader, the reality remains is that it is not in the economic interests of small nations to attempt to cross the United States.

Madam Chairman, with the assurances defending U.S. sovereignty, I ask my colleagues to join me in supporting H.R. 5110.

Ms. KAPTUR. Madam Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Madam Chairman, I simply want to take this time to urge every Member of the House to vote against this proposal. And I really have to say that I think that the selling job that has been done on GATT is one of the most elitist snow jobs I have ever seen in my life. I think there is a tremendous attitude of condescension toward those Members of this House who opposed the basic idea of GATT, and I want to say that I think, despite that condescension, supporters of GATT need to recognize that Congress ought to say no to GATT because it will make the welfare problem bigger when we ought to be making it smaller.

GATT in my view suits the need of multinational corporations who can produce goods cheaply abroad using third world labor, but it will drive lower paid American workers onto the welfare rolls with higher social costs and higher costs to the U.S. taxpayer.

Economists have a way of looking at issues only through an economic prism. We should obviously look at issues through an economic prism, but that should not be the only glass through which we view what happens to Americans. There are also social consequences from economic decisions, and, Madam Chairman, I say to my colleagues, "If you do not make other policy decisions in Government that will mitigate those social consequences, it can wind up doing immense social damage to your country in the pursuit of economic theory," and that is what I think GATT will do.

I also think, and I know it is not fashionable to say so because any time that anybody mentions farmers on this floor they are somehow being parochial, but the fact is that GATT will drive a stake through the heart of the U.S. dairy farmers. With respect to the dairy industry, Madam Chairman, I would simply ask one question: Why should this Congress support a proposition which will retain for European dairy farmers a 20-to-1 advantage in their ability to subsidize exports of dairy products? I see absolutely no reason, no good public policy reason, why we ought to do that. It does not level the playing field in that area, and I think that is another good reason to oppose it.

Someone said once, "If you take every economist in the country and laid them end to end, that would probably be a good thing." Now I suspect that in discussing this issue it would be good for all of us to remember that. I make that remark only facetiously because I have a good deal of respect for people in the economic profession, but I do think they have an obligation to understand that the economic choices which they are urging upon us today have social consequences that go far beyond the reach of the models that they use to determine cost versus benefit. The fact is this is going to make matters worse for many American workers, and I see nothing on the horizon that indicates that this Government will do absolutely anything at all to deal with the consequences of those changes.

Under those circumstances, Madam Chairman, I think that GATT ought to be voted down.

Mr. GIBBONS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I will use just a little time myself to say I really fear for the dairy farmer, but, when we tariffy the quota system that is now in existence, the new out-of-quota tariff on dairy products will be 130 percent, and I really think that is a sufficient amount of protection for this industry, 130 percent.

Madam Chairman, I yield 1 minute to the gentlewoman from Washington [Ms. CANTWELL].

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Ms. CANTWELL. Madam Chairman, the GATT we are voting on today means growth for American trade and technology. Current GATT rules no longer protect the fundamental economic interests of our country. The rules were established 50 years ago. Television was still a novelty, personal computers were science fiction, and fax machines were only a fantasy. Many of the leading industries of Washington State, producers of software and biotechnology, did not even exist 50 years ago, and today they are the economic engine creating jobs in our State and throughout this country.

That is why this agreement is so important, because it protects intellectual property rights for the first time. As an example, software programs will be given copyright protection for 50 years. The current GATT rules offer no such protection. The result is that for every U.S. dollar of U.S. software that is sold, almost another whole dollar is lost to foreign piracy. As the undisputed world leader in software, the United States cannot allow this to continue.

The new GATT agreement will allow us to protect and advance these new sectors. This is an agreement and opportunity that America cannot afford to pass up, unless we want the rest of the world to pass us by.

Mr. HUNTER. Madam Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Madam Chairman, I would like to address a relatively small but very important issue in the GATT implementing legislation: The issue of Chinese, Hong Kong, and Macau textile quotas. This issue relates to GATT because under the Uruguay round agreement, the world textile quota system, known as the multifiber arrangement, will be phased out by 2005. Until 2005, however, a quota system will remain in effect; and Chinese quotas could last even longer than 2005 if China by then has not joined the World Trade Organization. This also relates to GATT because the implementing legislation restates the rule of origin for textile and apparel imports.

The question has been raised: Will the United States allow China to use the textile quotas we now allow Hong Kong and Macau once those two territories return to China? Not only would this be a mistake, but it would contradict the United States-Hong Kong Policy Act of 1992. Were the United States to combine these quotas, we would permit China to increase substantially its already enormous exports of textile and apparel goods to our country. China is now exporting to the United States some $7.5 billion annually in textile and apparel products. And that $7.5 billion in exports does not include some $2 billion in illegal textile imports which the Chinese move across our borders every year in blatant disregard of the rules of trade.

Congress included in the GATT implementing legislation a strict rule of origin designed to prevent China from exploiting Hong Kong's textile quotas. Since this legislation seeks to prevent China from using indirectly the quotas now allowed Hong Kong, it would clearly violate the intent of this legislation if our Government were to allow China to appropriate to itself the Hong Kong and Macao quotas.

On October 4, 1994, I wrote Ambassador Kantor a letter to confirm my understanding that the United States will refuse to merge the Hong Kong and Macau textile quotas with China's quotas. Ambassador Kantor responded on November 4, 1994, and confirmed that our Government will maintain separate quotas. For the record, I would like to include my letter along with Ambassador Kantor's reply.

In his letter, Ambassador Kantor states, "the United States will continue to maintain and administer separate quantitative arrangements governing imports of textiles and apparel from Hong Kong and China as under applicable international agreements." He also explains that "the same treatment will apply to the territory of Macau" since Macau will be returning to China in 1999. Ambassador Kantor cited the United States-Hong Kong Policy Act, which specifically states that the United States will "continue to treat Hong Kong as a separate territory in economic and trade matters, such as import quotas and certificates of origin." In addition, the agreements providing for the return of Hong Kong and Macau to China stipulate that both will remain separate customs territories for 50 years.

I am grateful for Ambassador Kantor's direct response to my letter, and I submit his response so that it will be part of the legislative record.

THE U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, November 4, 1994.

Hon. JOHN M. SPRATT, Jr.,
Chairman, Congressional Textile Caucus,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN SPRATT: Thank you for your letter of October 4, concerning the status of Hong Kong and China textile quotas after Hong Kong's return to China in 1997.

As we discussed, in light of the agreement between the United Kingdom, Hong Kong and the People's Republic of China concerning the return of the territory of Hong Kong to China in 1997, and the statement contained in that agreement that Hong Kong will remain an independent Customs territory for 50 years following 1997, the United States will continue to maintain and administer separate quantitative arrangements governing imports of textiles and apparel from Hong Kong and China as under applicable international agreements.

The Congress made this very clear when it passed the United States-Hong Kong Policy Act of 1992. That act specifically states, in Section 103, that "that United States should seek to maintain and expand economic and trade relations with Hong Kong and should continue to treat Hong Kong as a separate territory in economic and trade matters, such as import quotas and certificates of origin."

The same treatment will apply to the territory of Macau, in light of the agreement between Portugal, Macau and the People's Republic of China concerning the return of the territory of Macau to China in 1999. Under the devolution agreements, economic matters will be handled by Hong Kong and Macau as separate Customs territories and textile quotas for Macau and Hong Kong will remain separate from quotas with China.

Sincerely,

MICHAEL KANTOR.

HOUSE OF REPRESENTATIVES,
CONGRESSIONAL TEXTILE CAUCUS,
Washington, DC, October 4, 1994.

Hon. MICHAEL KANTOR,
U.S. Trade Representative, Washington, DC.

DEAR AMBASSADOR KANTOR: I am writing to solicit our government's position on the status of the China and Hong Kong textile quotas after 1997 when Hong Kong reverts to China. In particular, I would like to posit the following two questions:

1. Is it true that the United States will not change its treatment of Hong Kong's textile quota after 1997? In other words, will the United States still treat Hong Kong as a separate entity and apply various import rules, including our new rule of origin, as though Hong Kong were still separate from China? (I understand that this approach is fully consistent with British-Chinese agreements governing the reversion.)

2. Assuming the answer to the first question is yes, do Hong Kong and China understand and accept this U.S. policy? Or is this merely the U.S. interpretation of international law?

I am told that USTR has informed industry representatives that the answer to at least the first question is yes and I am writing to confirm that understanding. Several members of the Textile Caucus are still undecided on the GATT and your response will be important to them in deciding whether to support the agreement. Since the vote is approaching very soon, I look forward to your response as quickly as possible.

Sincerely,

JOHN M. SPRATT, Jr.,
Member of Congress.

Mr. HUNTER. Madam Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I rise in opposition to the GATT enabling legislation. I have reviewed it as carefully as I possibly can since it has such large stakes for my State of West Virginia. We exported 754 million dollars worth of goods last year, especially in chemicals, but also in many other products as well, so I look at foreign trade very importantly.

I see several major concerns. First of all is the budget implications. While the House has dealt with the first 5 years of lost tariff revenue, yet there are several more years that have not been dealt with. It could be as much as $30 billion. I have got to be consistent in asking that revenues lost be offset somehow in order to reduce the deficit.

Second is worker protection. There are no clauses in here that deal with child labor abuses, that deal with unfair labor practices, those practices that make our workers compete unfairly against other nations and which we cannot challenge. So I have great concern over that. Yes, we can challenge prison labor, but not other labor conditions, at least not in a satisfactory manner.

Third is the World Trade Organization. It needs to be nailed down. I understand some of the concessions that have been made. This Government can withdraw on 6 months' notice, the Congress can review every 5 years. But yet there are too many unanswered questions, and indeed the most serious question is indeed whether this is a treaty implication which requires two-thirds vote of the Senate and not just 50 percent.

Finally, there are numerous questions still needing to be answered. A 22,000-page agreement, great implications for our workers. So I ask that this process not move forward today. Yes, we are all in favor of a fair General Agreement on Tariff and Trade, and we are in favor of expanded world trade, but we want to make sure it is done right, and it can only be done right with more deliberation, more review, more input from all concerned, and more protection from our workers, who are the ones that must be asked to accept this agreement, to work under it and make sure that it treats them fairly.

Mr. CRANE. Madam Chairman, I yield 3 minutes to our distinguished colleague, the gentleman from California [Mr. DREIER].

Mr. DREIER. Madam Chairman, I would like to thank the distinguished future chairman of the Subcommittee on Economic Policy, Trade and Environment for yielding me this time. I would like to rise in very strong support of this legislation.

Madam Chairman, when we think about the issue of international trade, it is often a very controversial one and the GATT has been controversial. But if you look at what has taken place with implementation of the North American Free Trade Agreement, it has clearly been a win-win. We have seen benefits for Canada, the United States, and Mexico.

There are 124 nations involved in the Uruguay round of the GATT. It is called the Uruguay round, but quite frankly, Madam Chairman, it should be called the American round. Why? Because the United States of America is the key beneficiary.

We regularly hear that Members support free trade, but they want fair trade. That is exactly what the Uruguay round of GATT creates. It creates a level of fairness so that 124 countries involved in this 7-year negotiating process will be treated the same way as the United States. They will be playing by our rules. Ninety-six percent of the consumers in the world are outside of the United States of America.

Free trade is a principle which we have learned about from the failure of

Smoot-Hawley, which the gentleman from Illinois [Mr. CRANE] regularly likes to point to. This is a strong principle. As we prepare to honor the gentleman from Illinois, Mr. BOB MICHEL, upon his retirement, I am reminded of that little red book that was handed out at the Bradley University dinner which honored him with the book of quotations from Leader BOB. In it he said in a speech in 1987 that we should never compromise our principle. But in a Democratic society, we must compromise for principle.

I am not going to stand here and argue that every aspect of the GATT is absolutely perfect. But it is a principle which we stand for and we have worked for 7 long years. And our producers and consumers will be the winners. This is a smart vote for us to have in a bipartisan way as we lay the groundwork for the 104th Congress, where we will be today doing what we will be doing in the first 100 days of 1995: Cutting taxes, reducing the burden imposed on American workers and consumers with high tariff barriers, and creating private sector jobs.

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That is what we are going to be pursuing in 1995. That is what we can begin doing right here today, by supporting this very important legislation.

I thank my friend for yielding time to me.

Ms. KAPTUR. Madam Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Madam Chairman, I thank the gentlewoman for yielding time to me.

Madam Chairman, I rise today in strong opposition to the proposed Uruguay round of the General Agreement on Tariffs and Trade.

I come from an area in southwestern Pennsylvania where during the last two decades these kinds of policies have caused us to lose, in 13 counties, 155,000 manufacturing jobs. I do not take this very lightly.

We were told by the same proponents of this legislation, as we stood here late last year, how wonderful NAFTA is going to be. Let me tell the Members something about NAFTA. We are currently fighting in Pennsylvania to hold on to, again, hundreds and thousands of jobs. In fact, in this entire Nation it is the State of Pennsylvania that leads the country in NAFTA trade adjustment assistance applications. We were told how wonderful this was going to be, and in fact that by the end of this year 30,000 cars would be exported to Mexico. What they did not tell us is that 10 times that number, 300,000 cars, are being sent, by American automobile manufacturers who have moved to Mexico, back across the border and are being sold here in the United States, and that the displaced workers in places like Flint, MI, in the northern Ohio area, there is no condolence for them in all of this.

I do not understand why we are here in this lame duck session of Congress, anyhow, debating this, because during the NAFTA debate at least we had a debate. At least we had hearings.

I happen to be on the Small Business Committee, the Committee on Education and Labor, and the Committee on Banking, Finance and Urban Affairs. We held days of hearings, in fact, if you add it up, weeks of hearings on the NAFTA agreement, which of course involved only three countries: Mexico, the United States and Canada.

We now have an agreement that involves 124 countries, yet why no hearings in any of these committees? Why will this agreement not stand up to the light of day? Why is this a stealth bit of legislation, that we cannot have a full hearing in all of these committees?

I question whether or not many of my colleagues have had the opportunity, while we have been taking on health care, welfare reform, all of the educational agenda that we have done during the past 2 years, budget discussions, that they had time to read the 22,000 pages of text that this agreement makes up.

Let me read some of it to the Members now. article 8 of this agreement says that the WTO, the World Trade Organization that is being created, this United Nations of trade that will usurp our laws, "* * * will have legal personality and shall be accorded by each of its members such privileges and immunities as are necessary for the exercise of its function."

The United States will have the same vote as will Luxembourg, St. Kitt, all of those other large world powers. There is no weighted vote. There is no veto power, as there is in the United Nations, and yet we know that many of these nations, 80-some percent of them which are Third World developing countries, will be able to come together and to come against the United States as they have so often in the United Nations, but the good thing about the United Nations is we have a veto power. We have a weighted vote.

Mr. Chairman, under the WTO, the Congress of this United States agrees to change the U.S. laws to meet our WTO obligations. Again, I will go directly to the agreement.

In article 16 it says "Each member," the United States being a member, "shall ensure the conformity of its laws, regulations, and administrative procedures with its obligations as provided in the annexed agreements."

That means if we have restrictions on hormones like the bovine growth hormone in milk and beef, if we have restrictions on food additives that have been proven to cause cancer, or a restriction on food labeling, or the ban on dangerous pesticides like DDT, or if we have child labor laws, if they are in the least trade restrictive, then under the WTO, sanctions can be sought against our country and we will have to change our laws or we will have to serve or pay those sanctions.

I do not think Congress can come here in a lame duck session, in 4 hours of debate, and take a hard look at these 22,000 pages that affect what the WTO is going to do. The gentleman from West Virginia [Mr. WISE] was correct, there are some areas here that we have been given some movement, but they are not nearly enough.

We need to have hearings, we need to be what the people of this country elected us to be, and that is deliberative. Let us go back and take a look at this agreement. Let the committee process and the subcommittee process shed light on this agreement.

Why is there a hurry? It is because the large multinational corporations want this agreement.

I come from an area, Madam Chairman, where we used to make steel, near Pittsburgh, PA. This agreement, if this goes through, our textile industry is gone. Even in Pittsburgh, though we do not have a textile industry, we are concerned and worried about that.

Again, I urge the Members to vote no. We have time to be not against the trade agreement as protectionist, but to say let us not give away the farm. Let us not have the WTO.

Mr. GIBBONS. Madam Chairman, I yield myself such time as I may consume.

Every now and then we just have to get this debate back on track. I am glad the gentleman read so much of this big thick book here, but what we are legislating on is 443 pages of law. On the third or fourth page of this legislation, section 102 specifies that no American law can be changed unless the Congress changes it. I do not know of any law we are going to change just because somebody says we have to change our laws. The Congress is a pretty independent place.

Madam Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Madam Chairman, as one who opposed NAFTA, I believe GATT and NAFTA are substantially different agreements.

Key differences include:

Creation of a special trading relationship which favored one developing country [NAFTA] versus an evolutionary step toward reducing barriers in a world trading system [GATT];

Eliminating all tariffs [NAFTA] versus keeping some tariffs in sensitive sectors [GATT];

Promoting exports to a small neighbor [NAFTA] versus exports to the world's largest markets—Europe and Japan—on terms that favor U.S. markets [GATT];

No change in U.S. unfair trade laws [NAFTA] versus strengthening those laws [GATT];

Weak enforcement [NAFTA] versus more effective enforcement and an opt-out provision if Congress finds that enforcement is unfavorable to U.S. interests [GATT].

Fair and open trading rules among nations do not fall from the heavens; they are negotiated.

GATT is a tough treaty that will benefit the United States—especially California, the largest exporting State. The sooner it is ratified, the sooner U.S. manufacturing and export-servicing jobs will grow.

Mr. CRANE. Mr. Chairman, I yield 3 minutes to our distinguished colleague from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise today to speak to all the members of this body and to those who will be Members of the 104th Congress, but particularly Republicans. We heard from an angry American public that they wanted less Government, not more. Deregulation, not regulation. Tax cuts, not tax increases.

Implementing the Uruguay round is a step toward meeting that expectation of the American public. It's about increased exports, more job opportunities, and higher wages and income in our country.

It is about empowering Americans and citizens around the world with the ability to trade with one another.

With this agreement, we and all the nations of the world, will be removing the burdens of government depriving people of their freedom of choice.

When fully implemented, the Uruguay round will reduce taxes on world trade by about one third and for the first time eliminate many non-tariff barriers to world trade in goods and services. It will increase U.S. economic growth and actually reduce the deficit.

No doubt, some of our constituents are against the Uruguay round. They are against the GATT. They are against all forms of trade—period.

However, the trade policies of Ross Perot and Pat Buchanan will not achieve the economic security and rising prosperity for future generations of Americans. The road is not as simple as they would make us believe. Their policies will not meet the international challenges ahead. We should not pretend that they do.

Exporting nearly $475 billion of goods each year makes the United States the largest exporter in the world. Total trade today comprises more than 25 percent of our gross domestic product [GDP]. By the year 2010, trade is expected to represent around 36 percent of U.S. GDP.

That being true, our workers, employers, and consumers need a trading system with strong rules based on free trade, wide coverage of goods and services, and an effective dispute settlement procedure. Strengthening the GATT system through the Uruguay round is imperative to our economic future—particularly after a dozen tough years of economic restructuring, defense downsizing, and continued efforts at federal deficit reduction.

Some conservatives have voiced concerns about U.S. participation in WTO because of fears about violations of U.S. sovereignty.

By definition, all international agreements restrain or limit the actions of the parties. But, in return, each country gains some national security or trade objective important to its citizens.

In each instance, nations signing the agreement must decide: do the collective benefits of this agreement outweigh the potential costs of assuming the obligations? But we should be clear in understanding that this choice neither violates American sovereignty nor undermines the American constitution.

We make a sovereign decision to enter and comply with international agreements and we can always make a similar decision to withdraw or not comply in the future.

Arguments characterizing the WTO as a violation of U.S. sovereignty are simply inaccurate.

As a matter of international law, the WTO will not be able to take subsequent action binding the United States to which the United States does not agree. In addition, WTO decisions or dispute resolution recommendations will not be self-executing in U.S. law.

Robert Bork, a well known constitutional expert, states the following in relation to that allegation:

> *. . . it is impossible to see a threat to this nation's sovereignty posed by either the WTO or the dispute resolution system. Any agreement liberalizing international trade would necessarily contain mechanisms similar to those in the Uruguay Round agreements. The claim that such mechanisms are a danger to U.S. sovereignty is not merely wrong but would, if accepted, doom all prospects for freer trade achieved by multi-national agreement.*
>
> Arguments to the contrary distort American law and contradict principles recognized by the Supreme Court for more than one hundred years.

In closing, I would say that in 1982 President Ronald Reagan began the efforts which have brought us to this agreement and this moment. President George Bush and Carla Hills continued to press our trading partners toward an agreement. President Clinton concluded those efforts. We may not agree with every particular provision in the implementing bill. But the bottom line is that this is an agreement which plays to our strengths as the world's largest trading country, largest exporter, and most productive economy.

It will open foreign markets at precisely the moment when American businesses and workers have sharpened their competitive edge.

By supporting protectionist trade policies, others may choose to put their heads in the sand, but we cannot. Vote for our future, vote for the implementing legislation.

□ 1650

Ms. KAPTUR. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Washington [Mrs. UNSOELD].

The CHAIRMAN pro tempore (Mr. LAROCCO). The gentlewoman from Washington [Mrs. UNSOELD] is recognized for 2½ minutes.

Mrs. UNSOELD. Mr. Chairman, 6 years ago I came to this body to improve the lives of average, hard working families and to seek policies that promote sustainable use of the Earth's resources.

I am proud of my record over the years and today—consistent with these principles—I rise in opposition to this GATT implementing legislation. This agreement will hurt working families in this country and undermine our efforts to advance responsible natural resource policies.

Mr. Speaker, I support expanding trade—and this GATT is good for the business of expanding trade. But I believe it is bad for our future because it makes unchecked free trade the only bottom line. It ignores our workers trying to support families while having to compete with 9, 10, 11-year olds locked away in factories in far-off lands; it ignores the relationship between human right and trade; and it ignores those who profit from the Earth's natural resources without regard for their sustainable use.

When will we have the foresight to develop trade policies that not only expand trade but also promote our common good in a global perspective?

The agreement on which we are voting will establish a World Trade Organization. The WTO might be a good thing if it were a body dedicated to open process and if it were truly compatible with efforts to promote sustainable use of the Earth's resources and basic labor rights. But that is not the WTO we are asked to embrace today.

This WTO will meet behind closed doors and its deliberations will remain secret. And there is no guarantee it will give either a healthy environment or labor rights a fair hearing. Laws designed to promote those goals will be vulnerable to challenge if they restrict trade.

It is true the WTO will have no authority to repeal our laws. But unlike the current GATT, it will impose a stiff penalty if we keep a law that a WTO panel rules against. If this added incentive increases the number of challenges, it may be open season on U.S. laws.

I will not compromise the work of advancing basic labor rights and the work of preventing child labor. That is what I fear this GATT will do. It will cripple our ability to sanction nations that allow and even encourage inhumane working conditions.

This GATT will also undermine our efforts to promote sustainable use of the Earth's resources.

To those who question the trade-environment link, let me share how it was first made apparent to me. Shortly after I became a Member of this body I was approached by many who make their livelihood from our oceans. They told me about 30-mile-long driftnets that some countries allowed. As I learned more, I found these driftnets were stripping our oceans bare not only of marketable fish stocks but of everything else. They were decimating fisheries and they were destroying precious ocean ecosystems.

So what remedy was there when we were confronted with the spectacle of other nations allowing this kind of activity to go on? What recourse had we when global commons were being plundered and vital ecosystems wrecked? The only—I repeat, the only—viable tool we possessed to discourage this type of practice was the use of trade measures. I challenge anyone to tell me that another viable tool exists. And so trade measures were the tool that the Congress of the United States adopted. If this GATT had been in place in 1991 this body might not have passed laws and the United Nations might not have adopted resolutions banning this destructive fishing practice. Tell our fishermen that there is no link between trade and the environment.

And the WTO may do more than compromise our ability to defend the global environment. It will have jurisdiction to consider the legitimacy of our domestic environmental laws as well. If the WTO determines in its closed-door process that a U.S. law, while having a legitimate aim, does not meet a least restrictive trade test, it can rule against it.

There is a reason—actually several reasons—why every major environmental organization in this Nation opposes this agreement. If we implement this GATT, we will do so without any assurance that it will accept present or future international environmental agreements as legitimate. We will do so without any assurance that it will accept our right to use trade measures to protect the global commons. We will do so without any assurance that it will allow us to prohibit the import of goods produced with production and process methods that are particularly harmful to the global environment. And we will do so without knowing whether it will accept a long list of our domestic environmental laws as legitimate.

Whatever the outcome of this vote, all those who care about the fate of this magnificent planet must redouble our efforts to forge a trade policy that does more than make the world safe for exporters. We must embrace a trade policy that works for this Earth and for our families, or we will be doing what we have done far too often; stealing from the future of our children in the pursuit of short-term economic gain.

In the interest of our families and for the sake of this planet's future, I urge my colleagues to vote no.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. Mr. Chairman, I rise in support of the GATT Agreement, because without GATT, American working people will have to continue to fight with one hand tied behind their backs. Without GATT the average tariff or government tax against the manufactured products made with the hands of Americans is 10.5 percent. In other worlds, governments not elected by Americans are imposing a 10.5 percent tax on the labor of Americans. Is our response to have an equivalent tariff? No. We have a low 4.6 percent average tariff.

And what will happen if GATT fails? Nothing. American workers will remain at a significant disadvantage in trade.

Simply put, our trading partners' walls are 10½ feet high that we have to crawl over. Ours are only 4½ feet high. GATT will cut their tariffs twice as much as ours.

Is there any reason, Americans should be punished by a tariff that is higher than ours? Do Americans not work hard enough or long enough hours to justify efforts to get in a relatively better position? The answer is clearly yes.

Mr. Chairman, we must reject the last legacy of Smoot-Hawley, seize this victory for a fair break for Americans and leave a far-sighted legacy for the 103d Congress.

(Mrs. UNSOELD assumed the chair.)

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentlewoman form California [Ms. ESHOO].

Ms. ESHOO. Madam Chairman, I rise to urge my colleagues to support H.R. 5110, which will implement the General Agreement on Tariffs and Trade, or GATT.

Madam Chairman, simply put, the GATT will benefit the United States by making our economy more competitive, leveling the playing field for our Nation's businesses, and protecting our country's ideas and products from exploitation by foreign producers.

With the passage of GATT U.S. products—including medical equipment, computers, and software—will compete and sell better in other countries. Copyright and patent protection will be extended to other nations making it far less likely that U.S. products will be pirated by foreign countries. Our farmers will have an easier time competing against foreign subsidies.

And while I always carry concerns on environmental issues and international labor rights, I am most hopeful that the Committee on Trade and Environment and the Preparatory Committee for the WTO will ensure protections for environmental and labor issues.

Overall, the potential benefits of this trade agreement are clear and tangible. The Uruguay round will establish the world's first comprehensive and enforceable agreement for free, fair, and open global trade.

It will provide a $750 billion global tax cut and an estimated $100 to $200 billion boost to the U.S. domestic economy each year. In California alone, GATT is expected to generate $10 billion in new exports and up to 244,000 new jobs over the next 10 years.

According to the U.S. International Trade Commission [USITC], California exports of computer and semiconductor devices will increase by 15 percent creating 67,000 jobs over a 10-year period.

Madam Chairman, vast increases of U.S. exports and more high paying jobs for Americans are real and achievable but only if we act now to lead the establishment of a free and fair global trading network.

I urge my colleagues to consider the potential benefits of the Uruguay round trade agreement to the U.S. economy and pass H.R. 5110.

Mr. CRANE. Madam Chairman, I yield myself 1½ minutes.

Madam Chairman, I referred in remarks earlier to the unique opportunity provided to all of us who serve in this Chamber in this most historic of votes in at least the 25 years that I have served here.

We have a unique opportunity before us to address some of the paramount concerns expressed repeatedly in polls by the American people. One of these has to do with taxes. As I stated before, we are in a position to put through the biggest tax cut in the history of civilization. It is a worldwide tax cut. And to be sure, the overwhelming majority of those reductions in taxes are to other people around the world. But what that means is more dollars in the pockets of consumers to purchase American goods because we are the biggest exporter on the face of this Earth.

In addition to that, it actually is projected to increase revenues, increase revenues to our Treasury because of the expanded trade that is anticipated under the provisions of this agreement.

□ 1700

Finally, what we are talking about is economic growth in this country and we are talking about jobs. Fifty percent of our economic growth over the past 5 years has been a direct result of our exports in world markets. This opens a door or a window of opportunity to us that is literally unprecedented in the history of this world.

So I would urge all of my colleagues to get behind this most important piece of legislation, report this GATT bill out favorably, and go on to a brighter future.

Ms. KAPTUR. Madam Chairman, I yield myself 15 seconds just to respond and say that if everything was so rosy we would not be amassing the vast trade deficit that we have over the last year and the last 15 years, in fact, and this year the highest in history. So something must be wrong with the fact that we have more imports coming in here than exports going out.

Madam Chairman, I yield 30 seconds to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Chairman, I rise in opposition to H.R. 5110, the Uruguay Round Agreements Act.

Over the last 3 years, the Subcommittee on Commerce, Consumer Protection, and Competitiveness has held 11 days of briefings and hearings concerning the Uruguay round agreements and related topics.

Let me say, at the outset, that I know the Uruguay round agreement contains benefits, that in some cases, will help U.S. firms gain a larger share of foreign markets. Tariff reductions in the agreement should especially benefit steel, paper, pharmaceuticals, electronics, semiconductor equipment, medical equipment, agricultural equipment, toys, and furniture.

For the first time, the new agreement provides for a multilateral framework covering services and agriculture. Intellectual property and investment measures, which are also covered by the new trade agreement, have never before been made subject to a multilateral discipline.

Despite these achievements, there are still important areas where the agreement was not successful. For example, much more remains to be done in services, where negotiations will continue on financial and telecommunications services. Our trading partners have not made significant market access commitments on both financial services and telecommunications services; it is, therefore, impossible to say our objectives have been achieved in these areas.

But, I think it is most important to recognize that the benefits of this agreement, however great they may be, are benefits that only American business, and the owners of American business stand to realize. They are not benefits that will necessarily contribute to the social and economic security of American workers.

Above all else, this agreement promotes the globalization of manufacturing production throughout the world. This means that the ability to relocate manufacturing anywhere in the world will be greatly facilitated. As a result, the gross national product, and therefore, the wealth of countries participating in this agreement can be expected to rise.

But, it is American workers—not American business—who may pay most of the increased wealth. Under GATT, American workers will have to compete with 4 billion Chinese, Indian, Asian, Latin and East European workers, some who work for only 25 cents an hour.

The new GATT's impact on textile and apparel workers in the United States is a good example. Estimates are that GATT will cause as many as one million American textile and apparel workers to lose their jobs. Even the Federal Government's own estimate in the GATT will eliminate 146,000 textile jobs in the United States.

GATT will lead to the destruction of U.S. textile and apparel jobs, because it would remove all controls that the U.S. currently has over the importation of clothing, rugs and textiles from third-world countries. Furthermore, the new GATT says nothing about the way goods are produced; in fact, it says, for example, the Federal Government cannot prevent trade with countries that, for example, abuse and exploit children for cheap labor.

Clearly, American jobs will be lost and our standard of living will suffer, if U.S. workers are forced to compete with workers from countries that do not pay decent wages, nor protect the rights of workers to bargain for decent wages. This is simply too high a price to pay for the benefits that globalization would bring to American business under GATT.

I also do not believe that the agreement fully protects U.S. authority to use our trade laws to defend U.S. firms against unfair trade practices. Section 301 of the Trade Act has been perhaps our greatest tool in prying open closed foreign markets. Under the agreement, we are committed to use 301 only when the World Trade Organization says we can. This is too great a restriction on our ability to deal with unfair foreign trade practices.

Madam Chairman, I want to speak a moment now on a matter of special interest to me, and that is food safety. The implementing bill contains provisions which I think help strengthen our Government's ability to enforce tough food safety standards.

Over the past few years, the Subcommittee on Commerce, Consumer Protection, and Competitiveness has held many hearings on the problems trade agreements cause U.S. agencies that are charged with the responsibility of enforcing our country's, tough food safety standards.

Whether it is deadly bacteria in hamburger or cancer-causing pesticides on fruits and vegetables, American consumers have grown concerned that, in the name of free trade, we are letting foreign food products enter the United States that do not meet our Nations' strict health and safety standards. Public concern will surely grow as food imports, which were valued at nearly $21 billion in 1993, are expected to rise sharply in future years.

The bill we are considering today contains provisions I proposed that prevent any Federal agency from weakening our country's food safety standards, in the name of trade.

In the past, trade agreements have allowed Federal agencies to waive enforcement of U.S. food safety standards based on assertions by foreign governments that their standards are equivalent to our own. For the first time, the legislation under consideration would prohibit a Federal agency from determining that a food safety standard of a foreign country is equivalent to a U.S. food safety standard, unless the Federal agency determines that the foreign standard achieves at least the same level of protection as the U.S. standard.

The new legislation would also require the Food and Drug Administration to publish notice and to provide an opportunity for public comment anytime it makes a determination that a foreign food safety standard is equivalent to a U.S. standard. The bill also requires those Federal agencies, that represent the United States before organizations dealing with international food safety and other standards, to provide notice and an opportunity for public comment on their agenda and activities.

In this way, the public may intervene directly when Federal agencies are considering foreign and international standards that may affect the safety of the U.S. food supply.

The American public's concern that the United States—not foreign governments or international organizations—set health and safety standards for our country has been heard, loud and clear. Our Government must never give up it responsibility for protecting the safety of the U.S. food supply and the public health generally, in order to promote trade with other countries.

Mr. GIBBONS. Madam Chairman, I yield myself such time as I may consume to respond to my good friend over here. Yes, something is wrong. The American savings rate is too low. We are having to import huge amounts of foreign capital which translates eventually into foreign goods. Our tax system is all fouled up and hurts our exports. Something is wrong, but it is not our competitiveness.

Madam Chairman, I yield 1 minute to my very fine friend, the gentleman from Florida [Mr. BACCHUS] a real expert on trade.

Mr. BACCHUS of Florida. Madam Chairman, I appreciate the words of a real expert, Mr. SAM GIBBONS.

Madam Chairman, for nearly half a century the United States fought for freer, fairer trade world wide on a bipartisan basis. Whatever the fears, whatever the pressures, whether Democrats or Republicans are in the White House or Democrats or Republicans control this House or the Senate, it is imperative that the United States of America continues to stand for freer trade and fairer terms. It is imperative not just for American business, but for American workers and for America's future.

The GATT trade agreements are the biggest tax cut in the history of the world, $744 billion in tariff cuts, tax cuts that will benefit every American, including workers.

The GATT trade agreement will add, once fully implemented, between $100 billion and $200 billion annually in gross national product. That translates into jobs and profits and prosperity.

My friends, trade leads to prosperity. Prosperity leads to peace, and peace and prosperity lead to democracy. That leads to workers' rights and environmental protections and all of the things that all of us in both parties want for the American people.

Vote for the GATT trade agreement.

Mr. HUNTER. Madam Chairman, I yield 4 minutes to the gentlewoman from Ohio [Ms. KAPTUR] so that she may respond to the chairman's remarks.

Ms. KAPTUR. Madam Chairman, I thank the gentleman so much for yielding the time.

Let me just say to the chairman, my good friend whose work I have respected, except in this particular area, let me just say the reason that U.S. savings rates are not up is because people's wages have been going down or they are stuck. It is not because they are bad people, but it is pretty rough to save money when you and your husband have to pull down two part-time jobs in order to keep feeding your kids.

So for the past 20 years the gentleman has been a party to all of these trade agreements which have really pitted the workers of this country against the lowest-wage workers in the world in the most undemocratic nations on the face of the earth. I know he is the kind of man who wants to do good. But the fact is after 20 years of increasing trade deficits I think it is time to look in the mirror and say something has not quite gone right.

This year we will amass again another $150 billion more imports coming into this country than exports going out. I cannot even buy toys for my grandkids. I go to the shelves and it is made in China, made in Indonesia, made in Thailand, all of these other places, and the prices are not cheap. The prices are not going down.

Two things are going up, corporate profits are going up and prices are going up. But wages are going down.

This is the eighth agreement. We have had seven others. We should have learned our lesson by now. The American people know what we are talking about.

Mr. HUNTER. Madam Chairman, will the gentlewoman yield?

Ms. KAPTUR. I am happy to yield to the gentleman from California.

Mr. HUNTER. Madam Chairman, I thank my friend for yielding. She has made a very good point that has not come up during this debate, and that is the fact that yes, according to all of our statistics, the pro-GATT side, the anti-GATT side says since 1973 real wages in this country have gone down 20 percent. We all agree with that.

The fact is that that has compelled many families to go from one-earner families to two-earner families, and that produces what we call latch key children. Those are kids that come home and do not have a mom in the home when they get home and a lot of bad things happen to those kids.

We spend a lot of time on the floor of the House of Representatives talking about narcotics, talking about crime, talking about delinquency, talking about unwed mothers and a lot of the problems that emanate in those areas that we have just described come from having a lack of time, a lack of bonding between moms and dads and their kids and having a parent in the home when a child comes home from school.

So this lowering of the real wages for the nonsupervisory work force, and the nonsupervisory work force of this country is 80 percent of the American workers, has resulted in some very negative effects with respect to this society. Trade has a lot of effects and the effects are not all in dollars and cents, and I would say that probably all of the problems we have with respect to narcotics and crime, et cetera, and our young people have gone up in direct proportion to the separation of mothers from their homes because a family simply has to have two paychecks to make ends meet. Part of that is as a result of coming to equilibrium of world wages which has pushed a lot of other countries' wages up, but yes, has brought down the American paycheck about 20 percent since 1973.

I thank the gentlewoman for engaging in this colloquy.

Ms. KAPTUR. I thank the gentleman for this debate.

Mr. GIBBONS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to go back to a little basic economics. The real villain in all of this is the budget deficit. We picked the wrong economic policy in early 1980. We ran up $3 trillion of additional budget deficit, and we are just paying the bill right now.

It is paid because the savings rate that is so abysmal in this country, and it is not the personal savings rate, it is the government savings rate, the United States Government, us, we have run up this huge deficit, and that is what we are paying for. It is painful. It comes out of real live people, and that is why it is so important that we maintain budget discipline that we have now, and that continuously drive down this budget deficit. Then our savings rate will go up, and our balance of trade and balance of payments will all straighten out.

But we are just fighting the wrong hobgoblin here. Our competitiveness is wonderful. America has never been more competitive than it is today. The American worker is good, strong, and competitive. The American business is good, strong, and competitive. But it is our fiscal irresponsibility that unfortunately got out of hand in the early 1980s. The Congress, the President and all of us, we did it to ourselves.

Mr. CRANE. Madam Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Illinois.

Mr. CRANE. Madam Chairman, very quickly, let me simply remind colleagues that export-related jobs pay on average 22 percent more than those jobs for our domestic market, and I thank the gentleman for yielding.

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Ms. KAPTUR. Madam Chairman, I yield 2¼ minutes to the gentlewoman from New York [Ms. VELAZQUEZ].

Ms. VELAZQUEZ. Madam Chairman, I rise today to add my voice to that of my colleagues in opposition to the Uruguay Round of GATT. I feel this matter is too important to deal with in only four hours—and I fear that the outcome of this vote will negatively affect our country's ability to manage its trade policy, and undermine the economic stability of working people here and abroad.

Allow me to point out Guatemala's recent dispute with the Gerber Baby Food Co. As some of you might know, Guatemala has made impressive strides in the lowering of infant mortality through its strong promotion of breastfeeding under the World Health Organization/UNICEF Infant Formula Marketing Code. In an effort to prevent mothers from thinking that substitute foods are better for their babies than their own breast milk, Guatemalan law prohibits baby formula companies from putting doctors or pictures of infants on baby formula labels. Under the Uruguay Round of GATT, however, Guatemalan law violates GATT's new trademark rules. Fearing retaliatory measures Guatemala has decided to allow Gerber to sell a product that directly violates its laws. Under GATT, and the WTO, this case would be repeated thousands of times. US law, would be superseded by the GATT, and Americans would have to conform to standards that currently violate our legal code.

Madam Chairman, I will not vote to condone such obvious faults. I cannot, in good conscience, vote for an agreement that would encourage companies to continue their exploitation of low-paid workers the world over, that would increase the deficit by $40 billion dollars over the next ten years, and that would trample national sovereignty. I certainly cannot compromise millions of American jobs without having an opportunity to remedy the agreement's many shortcomings.

I ask my colleagues to consider the facts and vote no on H.R. 5110.

Mr. CRANE. Madam Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Chairman, I rise in support of the General Agreement on Tariffs and Trade.

Madam Chairman, I rise today in strong support, not just of the General Agreement on Tariffs and Trade, but also in recognition of the inventiveness and creativity that is the American genius, which will be well-served by GATT. History tells us that when we are able to level the playing field and create equal opportunity in the international marketplace, the United States does very well.

In 1970, exports represented 14 percent of our gross domestic product. Today, that figure is 27 percent of our gross domestic product. By 2005, just a little over 10 years from now, exports will account for at least 36 percent of our GDP. GATT will create jobs and opportunities in America, and jobs remains my favorite four-letter word.

There is a big downside to defeating GATT. There is no question that it will send the wrong signal to the world capital and trade markets, a message that says the United States is reverting to an isolationist mode that in the 1930's let to the Great Depression. We do not want that. We want to expand our markets and create more job opportunities. GATT offers that very likely prospect.

Three Presidents, starting with Ronald Reagan, continuing with George Bush and currently with Bill Clinton, have embraced this agreement. The bipartisan leadership in Congress has done so as well.

GATT is not perfect by any stretch of the imagination. There are some problems with it. But the opportunities far outweigh the potential problems, and even the potential problems can be dealt with. I'm concerned about the possible effects of GATT on dairy farmers. But some opportunities lie immediately ahead to address this issue with dairy farmers. Just a few months from now, we will begin working with dairy farmers on the reauthorization of the farm bill. I am convinced that we will be able to address some of the concerns of the dairy community in that vehicle.

Furthermore, to those who suggest that we're giving up our sovereignty, I would quote Speaker-to-be NEWT GINGRICH, who told me this morning, that simply is not so. The new Majority Leader of the Senate, BOB DOLE, was very effective in negotiating an agreement with the administration that overcomes one of the concerns I had with the sovereignty issue and whether or not the United States would be treated fairly. There is now a mechanism built into the legislative initiative, under which 20 Senators or 100 Representatives, either or, could call for a vote on GATT at any time during the course of its implementation. If there were sufficient evidence to justify the claims that we were being treated unfairly, we could withdraw. I do not foresee that happening. Neither does Senator DOLE or Speaker-to-be GINGRICH. Neither does the overwhelming majority in the business community at large, who view this, as I do, as an opportunity for America.

Mr. CRANE. Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], our distinguished colleague from the Committee on Ways and Means.

Mr. THOMAS of California. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise in support of H.R. 5110. The idea that the United States will be part of a world trading structure is, in fact, what should occur, and I support the measure.

Madam Chairman, I support the Uruguay Round trade agreement. The agreement implemented by H.R. 5110 achieves a great deal by eliminating trade barriers that have kept us from selling our products overseas, barriers that have made it harder to keep jobs in the United States. Anyone honestly comparing what this agreement achieves with the specious concerns of its detractors will recognize that the Uruguay Round trade agreement is good for the U.S.

The Uruguay Round imposes tough new rules on countries that have engaged in unfair trade. It cuts tariffs across the world. It gives Americans access to fast-growing markets in places like Korea, Thailand and Brazil. For the first time, we can protect Americans' patents, copyrights and other kinds of intellectual property. Tough new anti-dumping and anti-subsidies rules will allow us to control shipments of unfairly-traded products to the United States. Foreign farm subsidies will have to be cut back. Perhaps even more important, health and safety standards applied to goods will have to have a scientific basis, preventing countries from using flimsy claims that our food, fibre and goods are unsafe when the truth is they wanted to stop our trade.

Let us look at a recent trade agreement—NAFTA—as it shows the promise the Uruguay Round holds for American exports and job creation. Not even a year old, NAFTA has allowed Americans to dramatically expand exports to Mexico and Canada. In the first half of this year, our exports to Mexico rose nearly 17% and exports to Canada rose 10%. At present rates, we should see $7.3 billion more in U.S. exports to Mexico this year and a trade surplus of $2 billion. In 1994 alone, exports to Mexico and Canada could support 100,000 new American jobs.

Just look at the progress American industries have already made because of NAFTA. Fresh fruit exports to Mexico are up 78%, vegetables up 25%. 55,000 to 60,000 cars will be shipped to Mexico this year. Americans have sold 16% more consumer goods in Mexico—$2 billion worth—in the first five months of 1994.

California companies are doing especially well. A San Diego forklift company is expecting its sales in Mexico to increase by 30% in the next two years. We will see $10 to $12 million a year of extra sales of California almonds because of NAFTA. More California-made high performance computer chips will flow into Mexico's $400 million semiconductor market because NAFTA ended Mexico's 20% tariff on our goods. Companies specializing in engineering and environmental services, areas in which California firms are world leaders, see NAFTA bringing more work from Mexico.

The Uruguay Round offers even bigger benefits than NAFTA. The Treasury Department estimates it will boost our economy by $100 to $200 billion a year, producing up to 700,000 more American jobs by the end of this century. California alone could gain as much as $16 billion in new business.

The "World Trade Organization" (WTO) is no threat to Americans' ability to govern themselves. The WTO cannot change our laws—only Congress can do that. The WTO cannot amend trade rules and force the U.S. to live by them; the United States would have to agree to the rule changes in order to be bound. In fact, a world trade is better for our interests. In the past, California farm groups and other industries have suffered because the European Union blocked our challenges to their unfair practices. The WTO's rules will set time limits on cases and create clear rights to retaliate against these unfair trade practices.

If the Uruguay Round passes, the United States can continue to decide what safety standards to apply to foods and to reject foreign food considered unsafe. As they can now, states will be able to adopt standards even higher than the Federal Government's.

If we ever decide the Uruguay Round works against our interest, the United States can pull out. The agreement explicitly provides for withdrawal. The implementing bill also ensures that the General Agreement on Tariffs and Trade will be regularly examined by Congress.

I support the bill even though the Uruguay Round is not perfect. I want more cuts in foreign farm subsidies and even tighter controls on unfair trade. There will be future negotiations to eliminate additional barriers to selling American-made products overseas. What we need to realize is that the Uruguay Round vastly improves a trading system Americans involved in exports know is unsatisfactory and that without it, the unjust, inefficient current trading system stays in place to Americans' disadvantage.

Finally, I want to comment on the ten-month extension of the Generalized System of Preferences (GSP) program contained in this bill. I would have preferred that the Ways and Means recommendations on GSP be adopted because they required statutory changes in the way the program is operated. One of the required changes would have been the product of my amendment to prevent reviews to add products from being conducted more than once every three years. This amendment would have forced any future product reviews to be conducted in conformity with the "three year rule" I developed with former Ambassador Brock in 1984. That rule was supposed to prevent reconsideration of proposals to add products to the list of eligible articles if the products had been examined during the preceding three years. Imposed by regulation, the three year rule was ignored in several cases during the last decade. My amendment would have prevented such a thing from recurring.

I am able to accept the limited extension of GSP contained in H.R. 5110 because of assurances I have received from Ambassador Kantor about the program. The Ambassador, in the attached letter I received in September, clearly states that the GSP program will be operated according to the three year rule during the extension. The Ambassador's assurance resolves concerns about GSP I have heard from some California farmers.

The Statement of Administrative Action accompanying this legislation also notes the Administration will make two changes in GSP's operation during this extension. First, the Administration will provide for in-country confirmation of information in petitions to add products. Second, the Statement of Administrative Action says the Administration will dismiss petitions from competitive nations prior to the completion of a review process, a suggestion I made to save both government and domestic industry a good deal of trouble.

Mr. CRANE. Madam Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], our distinguished colleague from the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Madam Chairman, I rise in strong support of H.R. 5110, the Uruguay Round Agreement Act.

For the first time, this act will bring all of our trading partners under a common set of rules. These disciplines will protect intellectual property, increase trade services, and reduce nontariff barriers that will prevent U.S. goods from reaching foreign markets, and in doing all of that, this agreement will expand good jobs for working Americans.

I want to make very briefly two points about it: By protecting intellectual property rights worldwide, we not only will protect $60 billion of loss every year in America, but we will sow the seeds of both a market economy and a democratic political system throughout the world, because we are going to require countries that do not even represent concrete property rights now to represent ownership of ideas. So this is about helping the whole world see that knowledge matters, invention matters, ownership matters, democracy matters, and market economies, because they free the human spirit, create prosperity for all, and jobs worldwide.

The second reason for supporting this agreement is because for the first time it puts in place a strong dispute-resolution mechanism that is going to help America. We win 78 percent of the GATT cases brought, but we rarely have gotten effective relief.

Industry in my State of Connecticut is a perfect example of the terrible damage that has been done to American manufacturing because we keep winning unfair-trade cases, but we cannot enforce the verdicts in our favor. The dispute-resolution mechanism in the GATT gives us a time certain for the whole process; it will move along; it will be clear what the decision is; and there will be penalties for not enforcing the decision. It is absolutely what this Congress demanded the administration negotiate, and it is what manufacturers in my district working in an internationally competitive economy need.

It is strong. It is pro-jobs. It is proprosperity. And I strongly support 5110 and urge my colleagues to do likewise.

Madam Chairman, I rise today in strong support of H.R. 5110, the Uruguay Round Agreements Act. The Uruguay round and the new World Trade Organization will, for the first time, bring all our trading partners under a common set of rules. These disciplines will protect intellectual property, increase trade in services, such as insurance, and reduce nontariff barriers that prevent U.S. goods from reaching foreign markets.

There also will be a strengthened method of resolving disputes to enforce those rules. I believe the new dispute settlement mechanism is one of the most important, but least appreciated, achievements of the round.

The old GATT mechanism for settling disputes simply did not work in our interest. Disputes went on for years without resolution, because there were no effective deadlines. Even if the United States obtained a favorable report, the responding country could block the approval of panel findings and prevent retaliation for unfair practices. For example, the United States actually won 87 percent of the GATT cases it brought, but rarely obtained effective relief. Before, even if the offending country let the panel proceed, there was no assurance that they would actually comply with the ruling in the end.

In 1988, because of intense frustration with this system, Congress specifically directed our negotiators to remedy these flaws and bring back a strong dispute settlement mechanism. And, the negotiating team brought back exactly what we asked them to.

The new agreement remedies virtually all of the deficiencies about which the Congress bitterly complained. It establishes stringent deadlines for decisionmaking. Panel reports can no longer be blocked. The WTO will automatically establish panels, adopt their reports, and if requested, authorize retaliation when necessary, unless there is a consensus not to do so.

The United States stands to gain the most from strengthened dispute settlement procedures, because the United States already has a relatively open trading system, and takes its international obligations seriously. The United States will not be a target under the new system, but rather a beneficiary. The enhanced dispute resolution system gives the United States yet another tool to use to pry open foreign markets for our goods, and tear down unfair foreign trade barriers.

To be fair, the United States will have to live by the same rules. But, we simply cannot expect other countries to abide by a system that we do not abide by ourselves.

The new dispute settlement mechanism also is firmly in our interest because it does nothing to weaken U.S. sovereignty. In the end, any nation, including the United States, may refuse to accept a panel decision, and accept tariff retaliation or an adjustment in WTO benefits. But this does not impinge on U.S. sovereignty—it just means that the United States, like other nations, might pay a price for not keeping its end of the global trade bargain. What's more, even under the current system, there is nothing to prevent a country from retaliating against the United States. Nothing in the proposed WTO process will become automatically binding on the United States, and Congress still retains its full power over changes to U.S. laws.

Madam Chairman, the Uruguay round is a classic win-win proposition. We gain substantial new markets for U.S.-made products, and a strengthened system to enforce the rules of fair play. It is a winning combination that is good for U.S. workers and their families. I urge my colleagues to support this great achievement and vote "aye".

Mr. CRANE. Madam Chairman, I yield 1½ minutes to our distinguished colleague, the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I have completed my study on GATT. I have listened to the arguments both pro and con. The picture that emerges for New Hampshire is one of job creation and economic growth.

I will be voting for GATT today, because GATT is about New Hampshire and America's economic future.

The economic benefits for America are astounding: added growth of $1 trillion over 10 years, and hundreds of thousands of new private-sector jobs. Free trade is a proven job-creator.

NAFTA, a small agreement compared to GATT, has created over 100,000 new jobs during the past year.

Opponents have claimed GATT will bust the budget. This charge is simply not true. The CBO projects that tariff revenues will fall $43 billion over 10 years. That is a $43 billion tax cut for U.S. consumers that I strongly support.

I would never vote in favor of any document that takes away U.S. sovereignty. The bottom line is no international body can change our laws. Only Congress has that power.

U.S. law takes precedence over the World Trade Organization which, incidentally, we helped create.

The bottom line is that GATT is a nonpartisan, good agreement. GATT will benefit Americans everywhere. GATT will create economic growth, good, high-paying jobs, and cut consumer costs at the same time.

GATT will be good for New Hampshire and good for America. I urge my colleagues to support this historic agreement which has been in the making for the past 8 years.

Mr. GIBBONS. Madam Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Madam Chairman, I rise in support of the GATT agreement.

Madam Chairman, today's vote on the Uruguay round of the GATT is the culmination of 7 years of difficult negotiations. As a legislation from a State highly dependent on international trade, I welcome this opportunity to vote in support of the Uruguay round.

International trade is the lifeblood of Washington State. Sales of transportation equipment dominated Washington's 1993 exports.

The Greater Seattle metro area, which includes my district of Seattle, had 1993 export sales of approximately $25.5 billion, which was 93 percent of the State total.

While the passage of GATT will represent an important milestone in the development of a truly international trading system, I am disappointment that fast-track language containing environmental and labor negotiating objectives was not included.

However, the specific environmental provisions that resulted from the Uruguay round represent an important first step toward integrating environmental considerations into the GATT in a balanced way.

I also strongly urge the United States through its participation in the WTO to find a way to promote labor standards throughout the trading system without seeking to counteract legitimate comparative advantage. Delay or failure to implement the Uruguay round may result in the inability of many Washington State companies to stay internationally competitive and result in lost economic growth and jobs. I urge my colleagues to vote in support of the GATT.

Mr. GIBBONS. Madam Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Madam Chairman, I rise in strong support of H.R. 5110.

Madam Chairman, I rise in strong support of the Uruguay round agreement of GATT. I also want to relate a compelling story to my colleagues—the story of a community's remarkable recovery.

A decade and a half ago when the last tire plant closed in Akron, many were quick to write-off my hometown. What happened after that could provide every community with a working model for prosperity and growth into the next century.

Yes, the large tire and rubber plants were gone, but the skills and production experience that made Akron the rubber capital were still there. An amazing thing began to happen: small, flexible operations which relied on our deep reservoir of skills began to appear. These new businesses built on our past comparative advantage in tires and rubber, and began to excel in polymers and plastics. Most important, they are able to compete as global leaders in these emerging industrial sectors. That transition has been difficult, but more people are employed in my community today than ever before in its history.

GATT is more than an encyclopedia of technical trade regulations; it is about learning from what has happened in Akron. It is about providing opportunities to industries that can compete and win globally. It is about growing our economy and elevating the level of our citizen's skills so that jobs are more secure and rewarding. In short, it is about building a confident future for America's working families.

Mr. GIBBONS. Madam Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Madam Chairman, I rise in support of this bill.

Mr. Chairman. I rise today in support of H.R. 5110, the legislation which implements the GATT Uruguay round agreement.

DISPELLING SOME MYTHS

First of all, I would like to emphasize that this is not a free trade agreement. It is simply a multilateral trade agreement covering the terms and conditions under which trade occurs among 123 countries around the globe. Nor are we creating a new GATT. GATT has existed since 1947 and we are already operating under the existing GATT agreement and the terms and conditions it imposes. The new agreement is simply a better agreement. The existing agreement has many shortcomings in the sense that it has allowed the perpetuation of numerous restrictions that keep U.S. exports out of potential markets. We are now simply replacing the existing GATT agreement with one which attempts to further modify the terms of world trade, and does so to the advantage of the United States.

Before discussing those advantages, let me try to allay some concerns. There has been much discussion of the fact that the United States has only one vote in the GATT and that the new agreement creates a world trade organization that will somehow put U.S. sovereignty in jeopardy and U.S. domestic laws at risk. That is simply not the case. Fundamentally, nothing is changing. In the 47 years that the GATT has been in existence, the United States has always had only one vote. In this almost half a century, GATT has never voted on a significant policy issue on which there has not been consensus in advance. The GATT has always operated by consensus and always will, because it must. The simple fact is that the United States can simply walk away at will and if, as the world's largest trader we do so, the GATT cannot continue to operate. We have every protection.

Nor are we creating some radical new construct in the World Trade Organization. The GATT is and always has been a negotiated framework for world trade—the WTO is simply another name for the same thing.

The unfortunate fact is that global trade currently proceeds under myriad restrictions imposed by other countries, and in some cases by our own. The GATT is a framework which attempts to reduce those barriers. This new agreement will reduce those restrictions in a number of significant respects which, on balance, will be of advantage to U.S. industries and ultimately, I believe, to U.S. workers.

THE BENEFITS TO THE UNITED STATES

First of all, the agreement will substantially lower the tariffs that countries impose on imported goods. While the United States does impose some tariffs on imported products, on average U.S. tariffs are substantially lower than those of other countries. For example, on balance U.S. tariffs directed at the less developed countries [LDCs] will go from 5.9 percent to 4.1 percent; while LDC tariffs on U.S. goods will go from 23.3 percent to 13.8 percent. We have a great deal more to gain than to lose, since it is these LDC markets that have been the most closed and which provide the most growth potential.

Substantial nontariff barriers also exist in markets to which U.S. companies want to export, in the form of actual quotas on the level of foreign product permitted entry or product standards structured to the advantage of domestic suppliers which operate as effective barriers. The United States makes little or no use of such devices, while other countries rely on them heavily. The substantial reduction in such barriers on a global basis that this agreement achieves works clearly to our advantage.

This agreement also, for the first time, sets basic rules for the liberalization of global trade in services such as advertising, insurance, computer software, construction and engineering—areas in which the United States has a clear competitive advantage. United States service firms have often found foreign markets which have a clear need for their expertise virtually impenetrable, as other countries have given priority to the development of domestic industry. Now U.S. service companies will have a fair opportunity to compete.

This agreement also represents the first time the GATT has dealt with the difficult issue of agricultural subsidies. It is true that we subsidize our own domestic agricultural industry to some degree, but other countries have much more comprehensive and extensive subsidy programs. The United States still has the potential to serve as the breadbasket for much of the world if competition occurs on a level playing field. Reduction in agricultural subsidies in other countries will give our agricultural producers a fair opportunity to compete and new access to export markets that offer enormous growth potential.

Finally, we are all aware of how readily brand-name replicas of a variety of products are available in developing countries. This is in large part because current global trade standards offer no intellectual property protection, i.e., copyright, patent or trademark protection. The new agreement will put such controls in place.

The fact of the matter is that this multilateral agreement negotiated between 123 participating countries over 8 years accomplishes a great deal which, on balance, will be to our advantage. As the Nation which imposes a minimum or trade constraints operating in a world of nations which generally impose far more, we have the most to gain from a further liberalization of world trade.

THE RISKS IF WE DO NOT APPROVE

But there is more than self-interest at stake here. This agreement represents an enormous achievement—a multilateral consensus among 123 countries on sensitive issues that are vital to their economic well-being and political sovereignty. For the United States to walk away from this agreement now would be analogous, in my view, to the United States failure in the early part of this century to join the League of Nations. I believe that was a terrible mistake for the United States and for the world.

Some would have us withdraw from GATT, even withdraw from the United Nations. I believe that would be disastrous. If the United States does not remain an active participant on the world stage and work constructively to liberalize world trade we risk a reversion to protectionism and trade warfare of the worst kind—a law of the jungle that could pull the United States and the world back into serious recession. We have worked hard to get our economy and the world economy back on track. Investor confidence in the world economic outlook will plummet if we simply pick up our cards and go home.

THE DEFICIENCIES IN THE AGREEMENT

There is substantial benefit to the United States in this agreement. But the agreement is far from perfect and there are omissions which concern me greatly. Most notably, this agreement deals only with the rights of capital, but completely neglects the rights of workers. That is a serious deficiency. In the United States-Canada Free Trade Agreement, which I supported, labor standard provisions were not necessary since the labor standards of our two countries are so compatible. In NAFTA, which I opposed, I believed such standards should have been a condition precedent to any agreement since we were negotiating with a third party, Mexico, which offered neither a history of strong democratic institutions nor a culture strongly supportive of worker rights.

On the multilateral level, we are very far from any consensus on labor standards. The question is how we might best ultimately achieve one. I firmly believe we are far less likely to achieve a consensus on this important issue if there is not a GATT agreement. Absent a framework for global trade, I believe we will fall back into a downward cycle of trade warfare and protectionism, creating an environment in which it will be impossible to deal effectively with labor and environmental issues. If, in contrast, we approve this GATT agreement, we are assured we will continue constructive discussions at the multilateral level. In such an environment, the administration and the Congress, if aggressive, have at least the hope of elevating the rights of labor to the status of a priority issue. It will be difficult, but it can be done, and we must do it.

CONCLUSION

In conclusion, this agreement is not perfect, but it is a major achievement. On balance, it offers more hope and opportunity than risk to U.S. business and workers. On that basis, I support it, and hope you consider my rationale in the formation of your judgment.

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Madam Chairman, I rise today in support of legislation implementing the Uruguay round of the GATT [General Agreement on Tariffs and Trade]. This legislation is the result of 8 years of negotiations by three different Presidential administrations and considerable congressional review and revision. The United States' interests under this agreement have been fully reviewed, and the facts argue overwhelmingly for its approval.

As a representative of North Carolina's Research Triangle, I can vouch for the stake that our high-technology industries have in this agreement. But, I want also to stress the benefits of this legislation for two industries in my State that normally are considered vulnerable to open trading markets—agriculture and textiles. Agriculture groups overwhelmingly support the GATT because, for the first time, it will eliminate protectionist measures by European countries which have kept our Nation's quality farm products from competing in the marketplace. The State secretaries of agriculture have called the Uruguay round "one of the most important pieces of economic legislation since World War II" resulting in "more American jobs" and "lower taxes."

Even the textile industry—an industry which has been greatly hurt by unfair trading practices—has taken a neutral stance on this legislation because of its provision establishing strict rules of origin and other provisions designed to prevent illegal transshipments of textiles and apparel. The industry realizes that, while the Uruguay round is not perfect, this implementing legislation provides them the best deal possible. They do not want to see this legislation defeated or renegotiated.

Madam Chairman, the Uruguay round of the GATT will benefit most sectors of our economy. It will create American jobs by the thousands and lower costs for the American consumer. I plan to support this legislation and encourage my colleagues to also support it.

□ 1720

Mr. CRANE. Madam Chairman, I yield 4 minutes to our esteemed colleague, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding this time to me.

Madam Chairman, nations do not trade with each other—people trade with each other.

I am for GATT—and I urge my fellow Republicans to vote for GATT—because it strikes a blow for liberty and against big Government. It gets Government out of the way, so individuals can engage in free exchanges. And by lowering tariff barriers worldwide, it constitutes the biggest tax cut in human history.

The question is: Will we let our citizens decide—or do we think Government knows best?

When an American family goes into the marketplace to buy food or clothing or shelter or any other goods, that family should be free to buy the best product at the lowest price. No bureaucracy can know that family's interests better than does that family.

No government is qualified to stand in that family's way.

The other side in this debate takes a less charitable view of the American people. They believe governments know best. They want bureaucracies to manage and control exchanges between free people. They think government agencies should protect us from ourselves. They fear that, given more freedom, Americans will lose.

Well, history says otherwise. The lesson of history is that freedom works. And with freedom, Americans win.

Past efforts to free trade have helped make America the world's greatest exporter and have strengthened democracy around the globe.

We now have an opportunity to take freedom a step further, to open markets to America's goods and services in more than a hundred countries.

After coming this far, will we now retreat and leave the benefits of free exchange to others? Will America capture these new markets, or leave them to our competitors?

GATT has rightly been called the biggest tax cut in history. Well, it is also the biggest jobs bill in history, creating at least 10 times as many new jobs as NAFTA.

Yet some GATT opponents say the issue is not cutting taxes or creating jobs, but rather our sovereignty. They fear the World Trade Organization.

I take their concerns very seriously. And I've looked closely at the WTO. And it turns out that, despite its ominous-sounding name, the World Trade Organization is not the tentacled monster described by some, but rather a harmless little blob, more a nuisance than a threat.

It cannot levy a fine. It cannot alter a law. It cannot bind anyone to do anything. The worst it can do is find us in violation of our own free-trade principles and give an approving nod to a foreign nation to raise tariffs against us. But of course, every sovereign nation can do that anyway.

So why did President Reagan want a WTO. Because it will provide a highly public forum in which to embarrass trade slackers and cheaters into keeping their word. And that's good for us, because we keep our trade commitments.

A vote against GATT is a vote to turn our economy over to the timid—to those who believe we can't compete. It is a vote for Government knows best.

But a vote for GATT is a vote to reaffirm our faith in free enterprise—a vote of confidence in the ability of our working families to compete and prosper in a free marketplace without artificial barriers. A vote for GATT is a vote for freedom. And freedom works.

Madam Chairman, let me close with this point: The choice before us today is between freedom and prosperity for the American people or dependence, security and peace provided by governments. It has been my observation, and it remains my observation today, that at any time we Americans decide that we should dare to love peace more than freedom, we will most certainly lose. This is our chance today to demonstrate to the world we love freedom most and we are prepared to win.

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. I thank the gentleman for yielding this time to me.

Madam Chairman, it is appropriate that GATT be the last test of the outgoing Democratic Congress and the first test of the incoming Republican Congress because this is not a test of our politics, this is a nonpartisan test of our faith in America's future.

Presidents Reagan and Bush had that faith, as does President Clinton today. They know that the most productive Nation on Earth can only gain by a level playing field throughout the world. They know that self-confident nations do not make policy because they fear the worst, but out of their determination to bring about the best. We know that in the 21st century no developing nation, no developed nation will be able to sustain its economic growth without free and vigorous international trade.

In addition to GATT, it perhaps being the only road toward the economic self-sufficiency of our children's generation, it may also represent the only path to world peace as well because we know that it is only through economic interdependence among all the nations of the world that we can ever afford to relax our military preparedness and shrink our military resources.

Madam Chairman, I urge my colleagues to seize this historic opportunity and to vote for the General Agreement on Tariffs and Trade.

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding this time to me.

Let me just point out several things we need to say over and over again. We would have a surplus in trade today if it were not for oil and automobiles. You know, we got a deal with oil and we got a deal with automobiles, and this is the problem we are having right now in foreign trade. GATT is something we asked for; every President, the last few Presidents have all asked for this. Why? Because we play by the rules, and it is the other side that does not.

So GATT is really taking the process that we have been under and adding teeth. It says that no longer can countries suddenly decide, "Oops, we don't want to go to the tribunal to find out that we have really violated what we signed." We go ahead and we go and we allow them to publish the results while other countries do not go and allow them to publish the results.

If we pass this today, it says, "No more, everybody else has to play by the rules that they sign up for just as we do."

If we are going to have order and structure in trade, we must have this.

So I encourage everybody to stand up today and vote for this. America can compete, we can do well in this; we are doing well in this, and let us get on with this.

The CHAIRMAN. The Chair would observe the gentleman from Illinois [Mr. CRANE] has 10½ minutes remaining, the gentleman from Florida [Mr. GIBBONS] has 8½ minutes remaining, the gentleman from California [Mr. HUNTER] has 9 minutes remaining, and the gentlewoman from Ohio [Ms. KAPTUR] has 13 minutes remaining.

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentlewoman from Pennsylvania [Ms. MARGOLIES-MEZVINSKY].

Ms. MARGOLIES-MEZVINSKY. Madam Chairman, I rise in support of GATT. But I would like to emphasize that the U.S. trade officials must attempt to strike a balance between legitimate regulatory interests and foreign trade commitments. The debate on implementing legislation for the Uruguay round of the GATT involves many complex issues, as you have heard, including, of course, the power of the WTO.

Madam Chairman, on concrete example of the resolve of United States trade officials in vindicating our interests in domestic regulations is the response to the Venezuelan Gatt challenge of the Clean Air Act's Reformulated Gasoline [RFG] Program. The Venezuelan state-owned oil Company, PDVSA, argues that it does not need to meet standards set by the United States for imported reformulated gasoline even though the Venezuelan RFG may contain more pollutants than the United States RFG, and may endanger the health of United States citizens. If the U.S. fails to vigorously defend this challenge as the WTO evolves, other U.S. legal frameworks designed to protect human health and the environment in this country could be threatened by future international dispute resolution panels.

□ 1730

I support the GATT, but I say that we must be very vigilant with regard to environmental standards.

Ms. KAPTUR. Madam Chairman, I yield such time as he may consume to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Madam Chairman, I rise in opposition to H.R. 5110, the implementing legislation for the General Agreement on Tariffs and Trade [GATT] Uruguay Round Trade Agreement.

GATT was created by the United States and its allies after World War II to help stimulate the economies of underdeveloped nations and stop the spread of communism. Unfortunately, the free trade promises of economic efficiency and lower consumer prices have not been delivered to the average worker. If my colleagues think these promises have been delivered, then I invite them to ask the 3.2 million workers who have lost jobs since the Tokyo round of GATT what they think; or all of the Americans with fulltime jobs who now receive 20 percent less take-home pay than they did 20 years ago what they think. Job security is a high price to pay for lower prices on TV's and VCR's.

Instead of providing Americans with a larger piece of the global economic pie, GATT has become a breeding ground for large, multinational corporations. There is a clear and present danger that in a global economy run by interlocking corporations, most of us will be reduced to urban peasants or suburban serfs. Semislave wages and working conditions pose a threat to academicians, technicians, and professionals, as well as assembly line workers. The only collective defense which the American people have against this massive exploitation is to demand that the Government bear the responsibility for full employment and safeguard our labor and environmental standards. First with the North American Free Trade Agreement [NAFTA], and now with the Uruguay round, our Government has turned a deaf ear.

Already, the jury has begun to deliver its verdict on NAFTA. While we have not heard the giant sucking sound that Ross Perot promised, the rosy picture which was painted by NAFTA's advocates last year has dulled and begun to fade. Despite claims that NAFTA has created 100,000 jobs, a recent study found that only 535 new jobs could be attributed to NAFTA. Furthermore, in the first 10 months of this year, 275 petitions were filed on behalf of 30,000 workers under the NAFTA-related transitional adjustment assistance. Because many States do not yet have application procedures in place, it is reasonable to assume that these figures understate the severity of job losses resulting from NAFTA.

Additionally, the environmental side agreement which was negotiated with NAFTA has been a dismal failure. The two new agencies which regulate the Mexican border do not have general managers, and cleanup projects have not even begun.

With less than stellar results from NAFTA, it is no wonder that our constituents are wary of the Uruguay round trade agreement. Once again, promises are being made that will not ring true when the dust settles from the thousands of pages of the implementing legislation.

First and foremost, American workers are once again being asked to walk the plank without any guarantees of job security. Workers in the textile and apparel industry would be particularly hard hit. The Uruguay round of the GATT would phaseout the multifiber arrangement [MFA], under which industrial nations have imposed quotas on textile imports from developing countries. This arrangement has provided job protection for U.S. textile workers for 30 years. Although phased out over a 10-year period, the dismantling in the U.S. textile and apparel industry, threatening more than 1 million jobs in the industry itself and hundreds of thousands of jobs in supplying industries.

Second, public health and safety concerns have been given short shrift under the trade agreement and have given way to more economically powerful interests. The language of the agreement compromises the ability of the

United States to promote legitimate environmental and animal protection goals and actually strengthens rules which weaken enforcement of important international treaties, such as the Basel Hazardous Waste Convention. The creation of the one-nation, one-vote World Trade Organization [WTO] also would give increased clout to Japan, Canada, and the European Union [EU], which already have published long lists of United States laws they wish to see abolished because they consider them to be trade barriers. For instance, the EU objects to California recycling laws requiring warning labels on products containing substances found to cause cancer or reproductive harm. Given the fact that the United States is now more often the defendant than the plaintiff in trade disputes heard by GATT panels, it would appear that the United States has a lot to lose under a new WTO dispute resolution system.

Third, the financing provisions contained in the implementing legislation are deplorable and unfair. The bill would prohibit nonresident aliens from claiming the earned-income tax credit [EITC] on their annual tax returns, unless such individuals are married and agree to subject all of their income to U.S. income tax. The bill also would increase to 85 percent from 50 percent the amount of social security or railroad retirement benefits that must be included in the gross income of nonresident aliens. These provisions perpetuate the immigrant bashing which is currently in vogue, a dangerous course which has divided this country in the past.

This round of trade negotiations, which began with high hopes more than 8 years ago, has ended with much confusion, doubt, and disappointment. Labor and environmental concerns have not been adequately addressed at a time in the new world order when jobs equal survival and Americans feel increasingly threatened by toxins in the food they eat and the air they breathe.

Although proponents of the trade package have insisted that it will help foster an economic boom, I firmly believe that preserving American jobs must remain our primary goal. The time to risk losing millions of jobs for the sake of global competition is not when Congress is about to consider forcing welfare recipients into an already inhospitable job market. In fact, the types of jobs that the Uruguay round trade agreement would kill—low-wage, industrial jobs—are precisely the jobs for which a welfare recipient would be qualified to gain a footing in the work force. Without the availability of such jobs, welfare reform is merely a pipe dream.

Madam Chairman, labor and environmental concerns must become firmly embedded in new global trade agreements before I can support legislation implementing further changes to GATT. I urge all of my colleagues to hold themselves accountable for protecting American workers from unfair trade practices and significant job losses and preserving the ecosystem for the health of future generations.

Mr. CRANE. Madam Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Chairman, I rise in strong support of this GATT.

The decision we undertake today is probably the most important of this Congress. Yes, we had many heated words over the Crime bill. Intense debate over President Clinton's tax package. High drama in the weeks before our vote a year ago on NAFTA.

Those were all important issues on the political landscape. But this is not about politics. It's about America's role in the global economy. It's about setting our economic foundation for 5, 8, or 10 years to come. GATT is about opening new markets for our products, creating good jobs at good wages for the next two generations of Americans, my children and their children.

I understand the anxiety of many Americans who are concerned that they may wake up tomorrow to find their jobs transplanted to another developing economy. Indeed, this GATT has become the focal point for all their worries about our national ability to compete and win in the global economic wars.

But we can not obsess about the manufacturing jobs we've already lost to the Pacific rim or to Latin America. they are gone, with or without GATT.

This GATT will lower tariffs, open markets, protect American intellectual property and improve trade rules to protect our industries from unfair trade practices. The bottom line is GATT is good for America and particularly good for New Jersey.

There's no secret that New Jersey's economy has been mired in difficult times over the past few years. We have witnessed the net losses of thousands of jobs in recent years. We begin to recover from these losses by doing two things; opening new markets to American products, and protecting those industrial sectors we already have.

OPENING MARKET

Between 1987 and last year, exports from New Jersey to the world jumped 90 percent, up nearly $7 billion to a 1993 total of $14.5 billion. That makes New Jersey the ninth largest exporting State in the Union.

Clearly, the fate of the New Jersey economy has become increasingly tied to international trade. Indeed, the New Jersey–New York region is well-positioned to benefit from the GATT. U.S. Treasury officials are telling us that over 10 percent of all of the new jobs and new money that results from GATT will come to this region. For New Jersey, that is projected to be $5.4 billion and 18,000 new jobs 10 years from now.

PROTECTING NEW JERSEY JOBS

We are all very proud that New Jersey is our national headquarters for research and development in the pharmaceutical, chemical, telecommunications, and other high-technology industries. Financial Services throughout the New York–New Jersey Metropolitan area will benefit.

That means protection of the intellectual property—patents, formula, compounds, et cetera—produced by the likes of Johnson and Johnson, Becton-Dickinson, AT&T, Merck, Schering-Plough, Hoffman-LaRoche, Warner-Lambert and others is critically important. GATT has variously been described to me as "the strongest agreement yet on intellectual property." New Jersey industry needs protection from unscrupulous pirates.

Is GATT the answer to America's economic problems? No way. This is not a panacea. It is a trade agreement. Yes, an imperfect trade agreement that bears strict enforcement and constant surveillance.

I will vote for GATT today and then tomorrow begin the hard work of ensuring that its implementation and enforcement protects our national interest.

Madam Chairman, I rise to speak in favor of provisions in H.R. 5110 which address the concerns of many regarding the present state of the ERISA title IV pension plan termination insurance program.

Nearly 1½ years ago, the Subcommittee on Labor-Management Relations concluded a series of oversight hearings on the financial problems of the Pension Benefit Guaranty Corporation [PBGC]. Our conclusion then, at least my conclusion, was that there was a need for the Administration to expedite their study and forward legislative recommendations to the Congress on how to correct those problems.

Finally, in October of last year, the bill H.R. 3396, the Retirement Protection Act was introduced, which embodied the administration's legislative recommendations.

First, during our hearings we did not have one witness who denied the problem and the projections which show a growing deficit for the single-employer plan termination insurance program under ERISA. In fact, it was then that the executive director of the PBGC stated that the PBGC would "grow and grow" if no action is taken.

Second, we heard witnesses from every persuasion urging the Congress to take deliberate steps that will achieve a careful balancing of the need to shore up the PBGC while still encouraging the continuation of the defined benefit pension system. I believe what's at stake here is the health of the voluntary pension system and, in particular, the support in Congress for defined benefit pension plans.

To be sure, the subcommittee did hear from witnesses who raised concerns with the original bill. But there was little disagreement over the notion that the time has come for Congress to take the steps necessary to ensure the financial integrity of our private pension system. I believe the provisions before us, while perhaps not perfect, represent the first of those steps.

As I've stated on several occasions, the task of fashioning an appropriate legislative solution in this complex area constitutes a "risky business." Certainly, we want to assure the Federal taxpayer that the PBGC Program will never require their assistance like the saving and loans did. Also, we need to exercise caution regarding any increase in the premiums on well-funded pension plans, or we risk the continuance of the very plans we need to keep the PBGC on a self-financing basis. Clearly, changes in the pension funding rules are necessary.

We must also be ever mindful of the principles underlying the establishment of the PBGC. That is, as stated in ERISA, to encourage the continuation of voluntary private pension plans, to provide for the timely and uninterrupted payment of pension benefits, and to maintain premiums at the lowest level consistent with these purposes. Clearly, a careful balancing of incentives and disincentives is required, if we are to avoid a future taxpayer bailout of the PBGC Program.

Only time will tell if the details of the complex changes to ERISA included in this bill will fully meet all expectations. However, the heart of the proposal, increased plan funding and fairness in the premiums charged, should result over time in the elimination of the PBGC's shortfall, currently approaching $3 billion.

The final provisions differ somewhat from the legislation originally recommended by the administration. Our subcommittee heard from witnesses who raised concerns about the legislation, particularly as it affects companies with plans that are, by all accounts, quite well-funded. In this connection, the bill reported by our committee, H.R. 3396, did attempt to address some of the concerns. For example, pension plans that have funded at least 90 percent of their current liability would not be subject to the accelerated funding under the bill. In addition, an easing of the mortality assumptions used in computing a plan's current pension liability is provided by means of the permitted use of special tables for disabled individuals and by delaying any update of the 1983 group annuity mortality table until the year 2000.

Another amendment adopted in committee, however, was said by the PBGC to impair the bill's effectiveness by reducing the required contributions by about 25 percent over 5 years. This amendment would broaden the permitted interest rate corridor from 90–100 percent to 90–105 percent of a moving average of 30-year Treasury rates.

In this regard, the final language included in H.R. 5110 tracks the bill as reported by the Committee on Education and Labor with the following significant changes: First, in computing the amount of required pension contributions, the current law interest rate corridor of 90 to 110 percent of the weighted average Treasury rate is phased down to 90 to 105 percent over 5 years; second, so-called pension contribution volatility relief is granted to plans that fall below 90 percent, but not below 80 percent funding 1 of 3 years; third, the provision allowing PBGC to seek equitable relief in court when corporate transactions threaten the continued funding of underfunded plans was eliminated; and fourth, the provision requiring advance notice to PBGC of potentially harmful transactions was limited to privately held companies.

Pensioners need the assurance of a soundly financed plan termination insurance program, as do employees who we hope, in the future, will be able to look to defined benefit pensions as a continued resource for their retirement income security. It is toward this end that these PBGC reforms should be enacted in this Congress.

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Madam Chairman, I rise for the last time as chairman of the Subcommittee on General Farm Commodities, a committee that has jurisdiction over the cotton program, wheat, corn, grains, sorghum, rice, soybeans, the very commodities that will prosper a great deal under this GATT agreement.

I commend our President for working aggressively to bring down walls so that our farmers and businesses can compete more competitively around the world, and that is what this agreement is all about.

Today the Europeans subsidize their farmers by more than 75 percent, and I ask my colleagues, "Don't you remember seeing farmers picketing in the streets in Europe against this agreement?" This agreement gives credit to our farmers by more than 25 percent. It will require the Europeans to reduce their subsidies by 25 percent, but gives us credit through our CRP Program, and setaside programs and other programs that we have implemented.

I challenge my colleagues to support this GATT agreement, and again I commend our President for the leadership that he has shown in reaching a consensus to the GATT agreement.

Mr. GIBBONS. Madam Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Madam Chairman, we often hear so many complicated terms when we are trying to explain a very, very complicated General Agreement on Tariffs and Trade or a NAFTA agreement, and we go back in history and look at the different international agreements. Let us talk about this one in terms of domestic terminology. What about growing small businesses, and what about jobs for our constituents?

Madam Chairman, when I have contacted the people in my district, in the Third District of Indiana, in the farming community where I have over 4,800 farmers, they know this will benefit them and that Indiana will grow in their exports by over $1 billion in the next 10 years for our wheat farmers, our corn farmers and our bean farmers. At Miles, a pharmaceutical company in Elkhart, IN, which employs about 2,800 people, we have taught, and they know, that this will protect intellectual property agreements with other countries and thereby help employment in Indiana. ANCO, which is a company that employs 1,800 to 1,200 people in Michigan City, will have better agreements in the automotive sector.

Madam Chairman, we need to pass this for jobs, for small businesses and big businesses to have a more even playing field. This is in the best interests of the United States of America.

Mr. GIBBONS. Madam Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. CARDIN], a very fine member of the Committee on Ways and Means.

Mr. CARDIN. Madam Chairman, the bill before us today implementing GATT is a critical decision for the 103d Congress as we seek to ensure the long-term prosperity of this Nation. Our future, and particularly the growth of our economy, is directly tied to global markets and international trade.

My colleagues have made all the right points regarding the benefits of this agreement in estimates of GNP growth reaching hundreds of millions of dollars in this Nation alone; in the hundreds of thousands of new, well paying jobs here resulting directly from growth in exports; in the value of increased protection of intellectual property—the new ideas and inventions that have always been the hallmark of this Nation; in the opening of foreign nations to our banks, insurance companies, and other service industries; and on and on. By including intellectual property rights protection and strengthened standards for agriculture in this agreement, we have helped American manufacturers and producers.

I would like to particularly note two important issues that I have worked to address in the implementing bill that will benefit American workers. The future of our domestic textile and apparel industries under this agreement has been a subject of great debate and conflict. GATT will result in the phasing out of the multifiber agreement over the next 10 years. In an agreement negotiated among 125 States, tradeoffs are necessary and the continued direct protection of our textile and apparel industries was something we could no longer maintain in the face of changing global markets. I regret this fact, but the so-called Cardin-Breaux proposal adopted in this bill, changing the rules of origin, will ensure more effective enforcement of the multifiber agreement quotas while they remain in place. I commend the administration for including this change in the bill and providing domestic textile and apparel workers the best possible competitive situation under the negotiated agreement.

The second issue I focused upon in the bill was ensuring the best enforcement of fair trade in the United States under the GATT through our antidumping and countervailing duty laws. The unfair trade cases brought by domestic steel manufacturers in 1992 made clear the importance of our laws enforcing fair trade in this Nation. As a result of the size of our domestic market and the relatively free trade we allow in imports, many domestic manufacturing industries are always at risk from imports sold in this Nation at prices that could never be fairly equaled. Foreign nations employ a wide, and ever-changing variety of means to significantly subsidize specific domestic industries. Our antidumping and countervailing duty laws are the wall between our domestic markets and a flood of unfairly priced imports. I am confident that the bill before us today strengthens the protection for domestic manufactures under these provisions.

Madam Chairman, I am proud of the long, hard work on the part of Congress and the last three Presidential administrations that has led us to this day. I would ask my colleagues to join me in support of this bill. Passage of GATT will greatly enhance economic growth and prosperity in this Nation and around the world.

Mr. GIBBONS. Madam Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Madam Chairman, after long and careful consideration I have made the difficult decision to vote against GATT today. GATT may lower barriers to trade and increase U.S. exports, but it cannot solve America's domestic economic problems that it was not designed to, and it does not address the social problems it needs to.

As Chairman of the Government Operations Committee I have spent 6 years carefully studying the areas of GATT under my jurisdiction. I have met with the U.S. Trade Representative Mickey Kantor as well as his predecessor on numerous occasions, and both have testified before my committee. Working closely together, the committee and the administration have made meaningful progress in perfecting the procurement provisions of this agreement. The renegotiated government procurement agreement provides greatly improved access for highly competitive U.S. firms to the international procurement market estimated at hundreds of billions of dollars. In addition, at my request the administration included provisions in the implementing legislation that better protect minority business preference programs from foreign competition. The inclusion of these protections in a multilateral trade agreement is an important step in safeguarding these critical programs.

Unfortunately, GATT is not a perfectly crafted document. Many of our domestic goals are subordinated to the interest of the 120 nations who are members of GATT. Some of our partners have little hesitancy in locking us into international competitive plunder, where the lowest wage offers the best competitive advantage and wages harmonize downward. This is not the right course for us to take. I believe that as American global economic interests expand, so do our moral responsibilities. The American standard in international trade should favor equity over injustice, cooperation over tension, and accountability over irresponsible economic behavior. GATT does none of these things.

Ultimately, this trade agreement will grant additional economic rights to those who already have the most. It does nothing to change the most egregious working conditions that have been repeatedly documented. In Guatemala, unionists who organize can be murdered merely for requesting the minimum wage—not ours but theirs. In Indonesia, labor organizers are routinely arrested while other organizers engaged in nonviolent campaigns are tortured. In Pakistan, despite new legislation and promises to end the practice of bonded labor, millions remain in chains. There are other examples as well. These nations are currently members of GATT, and the agreement we vote on today will do nothing to curb these systematic and flagrant worker rights abuses, even though it could. We can turn a blind eye to these human costs abroad if we choose, but the economic costs at home as American workers are forced to compete with this exploited labor will be inescapable.

Samuel Gompers said it best when he declared that the mission of unions is to "Protect the workers in their inalienable rights to a higher and better life; to protect them, not only as equals before the law, but also in their health, their homes, their firesides, their liberties * * *." Their purpose, he said, is to preserve for workers "the right to be full sharers in the abundance which is the result of their brain and brawn, and the civilization of which they are the founders and the mainstay." If only that spirit could be found somewhere in these thousands of pages, but it isn't.

Sub-Sahara Africa will suffer by losing an estimated $2.6 billion annually in a best case scenario according to the World Bank and the Organization on Economic Cooperation and Development, who estimate these costs could continue for as long as 15 years. Even worse, the Wall Street Journal reports that as American and European wheat and corn subsidies are cut, the price of these staples will surge for African nations, which are net importers of food. The Caribbean countries share the same risk of widespread hunger.

GATT will ravage the environment in developing countries by placing the lowest tariffs on raw materials. This will encourage the exploitation of natural resources in poor countries while giving the wealthy countries the temporary benefit of the jobs and profits. GATT further threatens the environment by even reaching out to our state environmental laws, such as Michigan's "green procurement" laws which encourage recycling by opening them to challenge as barriers to trade.

America should be able to set its own ethical, legal, and economic priorities. This agreement will undermine America's ability to act unilaterally against nations with unfair trade practices. The Clinton administration was absolutely right to initiate an investigation into Japanese barriers to American automobile imports under Section 301. Nearly two-thirds of Japan's $60 billion trade surplus with the United States is in automobiles and automobile parts. Section 301 is clearly one of the most important tools the United States has to work with to change that trade imbalance. With GATT, we could either lose our ability to retaliate, or be forced to do so only with the consent of the publicly unaccountable World Trade Organization. Europe has already questioned the legality under GATT of this crucial trade mechanism. Meanwhile, the European Union added amendments to the GATT during the negotiations to limit Japanese access to their automobile market. This will make the United States even more vulnerable to Japanese dumping.

I do not resist global economic integration, but I think we must better aspire to apply it. There are unquestionably parts of the agreement which will likely benefit some sectors of the American economy. But we cannot ignore its fundamental weaknesses. I think we can all agree on a set of values in international agreements which hold that the weak must not be drowned in the undertow of the powerful, and that we should act in a way which preserves the finite resources of our planet. America must assume the moral responsibilities of its economic, political, and global civic leadership.

Ms. KAPTUR. Madam Chairman, I yield such time as he may consume to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Madam Chairman, while this House debates the virtues and vices of international trade, we on Guam have to smile. As America's Western-most community, Guam is a short distance from Japan, Taiwan, Hong Kong, and the rest of the Pacific rim. We know first hand the benefits that come with trade. In addition, we live outside the U.S. Customs Zone, which means our exports to the United States have been subject to quotas. This status has contributed to our economic growth by allowing us to be duty free. Thus, we benefited by being both associated with the united States and outside the customs zone.

Given all this, what will GATT do for us? Not much. Instead of our current system, which puts a ceiling on the amount of goods entering the States from Guam, we will be faced with a prohibitively high tariff on those goods exceeding the current ceiling. Either way, our ability to export to the States will be hamstrung.

Although Guam and other United States territories have the potential to benefit under certain preferences granted by American law, these preferences will mean less as Pacific nations enjoy lower tariffs and better trading conditions with the United States. The territories' competitive advantage, such as it was, will be eroded.

I had hoped that GATT would help one of our manufacturers on Guam, Magnolia Ice Cream. While we might be able to marginally increase Magnolia's exports to the States under this new regime, we still will not have the ture "free trade" promised by this agreement.

Madam Chairman, I am a free trader at heart. I believe that lowering trade barriers around the world is a positive step toward economic growth and international peace. I am convinced that this legislation and the international agreement it implements will be good for the United States and good for the world. But I fail to see how it will benefit my community. And since it is my job to represent the people who sent me here, I simply cannot enthusiastically support GATT.

Ms. KAPTUR. Madam Chairman, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Madam Chairman, after careful deliberation I have decided to vote against passage of GATT. In fact, Madam Chairman, I believe that this agreement ought to be considered as a treaty, not the way it is being considered here.

Today, we have heard many statistics cited and seen several rosy scenarios painted by the proponents of GATT. What is missing, I believe, is a realistic appraisal of the impacts this agreement has on the lives of working Americans.

To me, GATT appears to be another example of the rich getting richer while the middle class continues to struggle. In the past decade, the top 5 percent of Americans accumulated more than 40 percent of the wealth that resulted from growth in the U.S. economy. In the meantime, the wages of working people have remained stagnant. This is not the type of growth that benefits the American people. It is a strategy that is destined to create a two-tiered society: the haves and the have nots.

Before we move further into a global economy, we need to develop a strategy of job creation in this country that restores the American dream for middle-class families. I said this at the time of the NAFTA vote and, unfortunately, since then my home State of New York has lost 1,300 jobs to Canada and Mexico.

At this point, our priorities are backwards. We are bringing our economy down to the level of other nations, rather than raising the standard of living for working people around the world. The GATT agreement does nothing to address the low-wage, exploitative labor practices of other nations.

Any effort by the United States to promote—or even uphold—its labor and environmental standards can be thwarted by the World Trade Organization, where a vote by Singapore or Bahrain has the same value as the United States vote.

As our manufacturing base erodes under GATT, the U.S. trade deficit will soar. And GATT will also increase our budget deficit by billions of dollars. I strongly suspect it will be working Americans who will pay for this double-whammy—such as through the elimination of the guaranteed interest rate on U.S. savings bonds that is included in section 745 of the GATT agreement.

At a time when we need to encourage savings and develop a job creation strategy, we are instead cutting the legs out from under the American worker.

I believe in free trade when it is fair trade, but GATT is not a good deal for American working families.

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At a time when we need to encourage savings and develop a job creation strategy, we are instead cutting the legs out from under the American worker. I fear that this agreement will ensure that the wages of the average American will continue to be depressed. I believe in fair trade when it is free and fair. But GATT is not a good deal for American working families. I am therefore constrained to vote no, and I urge my colleagues to do the same.

Mr. HUNTER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank my colleagues for sticking around for those who have watched this debate and for analyzing the facts and the figures in this giant mountain of data that has been available on GATT over the last several years and which you have had to sift through to come to this final vote that is going to manifest your feeling on this very important vote.

Let me tell you, this is an important vote. For those who have talked about the World Trade Organization as not having much power and this not really being much more than a continuation of what we have had since the end of World War II, let us set the record straight: The best place to see how important GATT is and how important this transfer of power is, is to look at the statements of foreign ministers around the world who analyzed what GATT is going to do with respect to their power vis-a-vis the United States.

Let us start off with the French foreign minister of trade. He said, "The United States has wielded a very large stick which enabled them to have their way. From now on, the stick will be more in the hands of the WTO, the World Trade Organization, which will become the policeman of world trade." It looks like the French foreign minister does not agree with the analyses of the World Trade Organization that have been made for the last several hours on the floor, the characterizations of WTO being toothless, not being very important, not being able to infringe on our laws.

Let's look at the statement of the European Commissioner for Trade. "A major trade power such as the United States now has fewer levers with which to impose its view on other countries because it has formally agreed to be more mindful of the rules of the multilateral game."

GATT is a formalization of a very tough, disciplined process that will result in this country being punished if we do not agree to the renditions and the judgments that are made by a committee that we are giving our power to. This is a transfer of power first and foremost, from this Congress, from the people we represent, from the United States of America, to a committee. And the committee is 123 nations, and about two-thirds of those nations have a record, a record in the United Nations, countries like Bangladesh and Cameroon and all the rest, who during the cold war voted more than 50 percent of the time against the United States. They did not do that because they thought we were wrong; they usually did that because they were bullied or intimidated or persuaded or cajoled by the Soviet Union.

Those same countries, indeed some of those same diplomats, will now be voting in another world forum, the World Trade Organization. And I think they are going to vote against the United States, because they are going to be intimidated and cajoled and persuaded, not by the former Soviet Union, but by trade empires, like Japan. Indeed, Japan's trade minister told a group of his industrialists, don't worry about 301, we are going to blunt the effects of 301 through the committees on GATT.

So if we do not look at GATT as forming a WTO that has enormous power, the rest of the nations of the world do. And let us do away with this game of semantics that we have been employing over the last several weeks with respect to sovereignty. Does this infringe on sovereignty? No, it doesn't; yes, it does.

Here is what it does do, and I think everybody will agree with this: We can maintain our laws, and we can pass new laws. And those laws can affect trade. And those laws can be inconsistent with GATT. They can contradict GATT. We can do anything we want to. We are the American people. If we give away this power to the WTO, we do not give the power away to legislate in this body so we can pass laws.

GATT and these 123-odd nations that make up the WTO can also pass laws. And if our laws are in contradiction with their laws, here is what they can do. They can punish us. They can retaliate against us. GATT and WTO can sanction retaliation against the United States. They can do the same thing that a civil court does if you do not obey it. They can punish us. And that means they can tell an industry that they can block our goods from coming in.

This is a very serious game, this world trade, and retaliation and cross-retaliation are very serious measures. So the first thing we have to realize about GATT, and I think both sides have to agree on, is that this is a transfer of power. It is a transfer of power to regulate trade from this body and from this country to a committee that has not been very friendly to the United States.

Second, this agreement preludes a shift of production. You know, we look at what happened in the Tokyo round, and we remember the words of our trade representatives in the Tokyo round, and they told us this will increase wages of American workers. They said this will reduce the trade deficit. This is going to make America healthy.

Since the Tokyo round, we have experienced a $1.4 trillion trade deficit. We went in exactly the opposite direction of where our Trade Representative said the country would go after the Tokyo round. We have been reducing tariffs constantly, especially since 1973. And you know what has happened along with that reduction? What has attended that reduction of tariffs? A reduction of real wages.

Now, let us dispense with all the talk about what exports do and how consumers will be benefited by this GATT agreement, and let us look at it through a very simple formula. Real wages for nonsupervisory workers have gone down 20 percent since 1973. As tariffs went down, real wages went down.

What does that mean? That means that an American worker pushing a shopping cart through a Wal-Mart or a K-mart today, even though he can buy these low tariff, cheap foreign products off the shelf, can only fill his shopping cart up to four-fifths the level that he could fill it up to in 1973. That means you do not get as much as you used to get for your weekly wages, and that is one reason why the American electorate was so frustrated and angry a couple of weeks ago.

Now, let me just say one thing to my Republican friends. You know, we agree, I think almost unanimously as a party, that our welfare system is wrong in this country. And one reason we do not like our welfare system is because we claim it incentivizes families to split up, the father to leave. We say that is bad, we are going to have to reform that welfare system.

Well, why have we gone along with a system of trade that incentivizes production, American companies to separate from their workers? When you have total fluidity of product across an international border and you have high wages on one side and low wages on the other, it is a simple economic axiom that those wages tend to come to equilibrium. American wages come down a little and the other wages come up a little bit. And we know that we are incentivizing American producers with this GATT to move offshore. The reason they can move offshore is because they can be guaranteed that there will no longer be a tariff wall between production and that good old American worker who buys their products in the Wal-Marts and K-Marts and on the automobile showroom floors in this country.

They can move production offshore. You know what that means? I think it is best illustrated by an ad that ran for a couple of years that the State of Yucatan put out. And that ad had a picture of an American businessman working late at night, burning the midnight oil, and he was saying I can't find good loyal workers who will work for a dollar an hour within a thousand miles of here. Of course the ad by the State of Yucatan said, "Yes, you can, in Yucatan."

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I think that is the essence of this GATT, this moving of production offshore. However, we have forgotten one thing about those workers. Those workers did not carry the American flag in World War II, Korea, Vietnam, Desert Storm. They do not pay $1,000 apiece out of their paycheck just for the national defense function of this country. They do not build our universities, bridges, roads. They do not pay our salaries, and they do not raise the American children. Only American workers do that.

The only way we can serve American workers in a trade agreement is to raise their salary. GATT does not raise their salaries. Vote "no" on GATT.

Mr. GIBBONS. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Madam Chairman, I rise in support of the GATT agreement.

Madam Chairman, I rise today in support of H.R. 5110, the implementation bill for the Uruguay Round Agreement of the General Agreement of Tariffs and Trade.

I am pleased and proud that my final vote in the U.S. Congress will be for this monumental accord, which will reduce barriers to trade and help to rationalize the terms of international commerce. Passage of the bill will mean more U.S. exports, more American jobs, lower taxes, and a real stimulus to the country's economy.

A vote in favor of this agreement is about the only good reason I can think of for leaving Minnesota and returning to Washington this week, aside from the snow.

The Uruguay Round Agreement represents the culmination of 7 years of intensive effort by three administrations. All three deserve enormous credit for their aggressive pursuit of U.S. objectives in the negotiations.

Some have expressed concerns about the trade agreement and its implications for U.S. sovereignty. I believe these concerns are unfounded, but I am pleased that the administration has sought to allay these concerns. I hope this vote will provide an opportunity to begin a new era of cooperation, in which partisan differences can be put aside to work in the best interests of the Nation.

Ratification of this agreement is in the best interests of the Nation.

The Uruguay Round Agreement will cut average tariffs on industrial goods by nearly 40 percent and eliminate them entirely on a number of products for which U.S. producers have a competitive edge.

It will also open markets for a large number of service industries, such as accounting, advertising, law, architecture, construction, engineering, health services, and computer services. The protection of intellectual property rights also will be enhanced, helping to nurture the ideas and inventions of American scientists and artists by providing sound patent, trademark, and copyright rules.

The effect of these trade liberalization measures is a freer and fairer international trade environment, a more robust U.S. economy, more and better jobs for American workers, and a higher level of prosperity.

Congressional ratification of the Uruguay Round Agreement will solidify America's position as a world leader, and as a strong advocate of free and fair trade rules.

By eliminating nontariff barriers and insisting on a rational, scientific basis for health and safety restrictions, the Uruguay Round Agreement has rationalized the terms of international commerce. No longer will U.S. exporters encounter a situation in which every market has a different trade barrier. Moreover, the advances made under the Uruguay round set the stage for future negotiations for further trade liberalization. It also provides effective dispute resolution and enforcement mechanisms. This is a tremendous step forward.

This is not to suggest, however, that our work is done. Continued vigilance is vitally important in making sure that the full potential of this agreement is realized. We must insist on the full compliance of our trading partners. We must also seek out new opportunities to increase the breadth and depth of free trade. In this vein, I commend the President for his work earlier this month in Indonesia in advancing the prospect of increased trade through the Asian Pacific Economic Cooperation group.

The Uruguay round also represents new challenges and opportunities for the U.S. private sector. With the world's largest economy and most productive work force, the United States is uniquely equipped to compete and prosper in a new international environment. We must gear these advantages to meet the evolving challenges of the global economy. I hope our politicians and policymakers, business and industry leaders, entrepreneurs and farmers will all work together to seek ways to adapt to this environment by establishing new ties, identifying new markets, developing new products, and creating new jobs.

The first step is passage of H.R. 5110.

This bill is an economic stimulus package; it's a deficit measure; it's a vote for limited government and a vote for strong U.S. leadership in world affairs—and it's a tax cut. How often do we have an opportunity to do so many things right?

I urge my colleagues to join me in voting "yes" on H.R. 5110, in passing the Uruguay Round Agreement implementation bill.

Mr. GIBBONS. Madam Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Madam Chairman, I rise in strong support of the GATT agreement.

Madam Chairman, after studying this agreement in great detail, I have concluded that GATT is good for Tennessee and good for the United States.

Over the past several months, I have received countless letters like the one from Mr. Frank J. Orschlen of Nashville, TN, who expressed his deep concern that GATT, and specifically the World Trade Organization, threatens U.S. sovereignty.

After reviewing GATT, it is clear that the World Trade Organization will have absolutely no legislative, executive, or judicial authority. Nothing it proposes can change U.S. law. Only Congress or a State legislature can change a statute in the United States and nothing in GATT alters that.

I have also received countless letters like the one I received from Mr. Nevada A. Kent who states so eloquently that "American economic growth and job creation depend upon the expansion of international trade and investment. Ratification of the agreement means greater demand for our exports and increased prospects for long-term growth and stability for American businesses."

That is exactly why I am supporting this agreement. On November 19, 1993, this body rose above partisan politics and passed an historic trade agreement with Mexico called NAFTA. While NAFTA was a victory for free and open trade in our hemisphere, GATT will be a victory for free and open trade throughout the entire world.

As the No. 1 exporter, the United States is in the best position to take advantage of the trade liberalization resulting from the GATT. In 1992, the United States accounted for almost 12 percent of all world exports. The U.S. market is already very open to imports. The GATT will help level the playing field for our exports.

Tennessee also stands to benefit from reducing trade barriers worldwide. In 1993, Tennessee exports abroad totaled $6.1 billion. Within the South Central Region, Tennessee ranked second after Texas in the value of exports. Household appliances, motor vehicles, and office furniture are just some of the Tennessee-made products which are sold in Europe, Latin America, the Caribbean, and Japan.

GATT will cut the tariffs those countries add to the cost of those products, allowing Tennessee-made products to compete fair and square with their foreign competitors. The net result of adopting this historic trade agreement will be to dramatically boost export opportunities for Tennessee businesses and create thousands of new, high-paying jobs across the State.

I urge my colleagues to do what is best for America, which is to vote "yes" on this historic trade agreement.

Ms. KAPTUR. Madam Chairman, I yield myself 10 minutes.

Madam Chairman, it gives me great honor today to be able to help summarize in debate here those of our colleagues who are opposed to this particular GATT agreement. Let me say to the working people across our country who are listening to us today, remember this vote, just as you remembered the NAFTA vote, and you have seen America's trade advantage with Mexico be cut by over half in the first 8 months of this year as more imports come in from Mexico than our exports going into that nation.

We have lost a company a day to Mexico since that accord was signed. Now we move on to GATT.

Let me ask the working families of our country directly, those beyond the confines of these walls here in the Congress, do you feel that your wages, your buying power, and your standard of living have been slipping? Are you working overtime because your company will not hire more workers? Are you seeing your job status threatened because workers are being brought in at lower wages in your company? Are you being told if you stand up for fair compensation, the company will move offshore to Asia or South America? Have you seen your wages cut? Are you working two or three jobs, most of them part-time, just to keep your home together? Are you having trouble finding the time to spend with your kids because you are so gosh darned busy? Or do you live in one of America's inner cities, Third World nations inside the borders of this country, where jobs at one time could be found as people began their climb up the economic ladder, but now only find closed factories, much idle labor, and a great deal of hopelessness?

Madam Chairman, this is the eighth of the GATT agreements. It is not the first. For those who say this is the biggest whatever in the world, it is just more of the same. It is the eighth of the same, with some added bells and whistles, some of them pretty important.

Madam Chairman, most Americans know this is happening to them. Yes, past trade agreements have produced larger corporate profits, and they have paid plenty to get their message out in this debate. Consumer prices have not gone down. Consumer prices have been going up.

However, what has been happening to wages in America for over two decades? The buying power of our people has been cut consistently.

Working people of America, farmers, family farmers, remember this vote as you remember NAFTA. Free trade between free people is a great idea, but free trade among people who are not free means exploitation at both ends of the shipping channel, where our workers' wages are drawn down to the level of places that are unfree, nations like China, where our workers are put in competition with 4 billion people on the continent of Asia that have never known democracy 1 day in their lives.

It is unfair to our people and it does not uphold the best that is in us as a country. The Fortune 500 companies have plenty of wherewithal to get their message across inside the boundaries of Washington, DC, but outside the boundaries of Washington, DC, they have not created a single job in this country in the last two decades.

Who would ever imagine that IBM Corp. would be on its knees? Who could imagine that the biggest automotive companies in this country would be creating more jobs abroad than they are inside the boundaries of the United States? This is a serious vote today.

We have talked a bit, a tad, about the World Trade Organization, that cedes the rightful authority under our Constitution of us as elected Members of our people to a bunch of trade bureaucrats over in Geneva that we have to pay for under this agreement. The agreement reads we must appropriate funds to pay for the operations of the World Trade Organization. It is just another form of foreign aid.

We have to pay for an organization in which we will be put on an equal par, on an equal par with nations that vote against us 80 percent of the time in the United Nations, and we have no veto power.

Working people of America, remember this vote. A good-paying job is the only ticket up the ladder of economic opportunity in this country, but where have the most jobs been created in this country over the last decade? Temporary work, restaurant work. If it were not for the minimum wage those people would be in the poorhouse, too. Jobs in nursing homes and in hospitals, which are among the lowest paid jobs in the country.

Let us look at the record. If we look over here at every single trade agreement that the United States has signed, and this is the current area, 1994, right here, the result of every single one of those has been greater and greater and greater trade deficits that this country has amassed, which translates into for every $1 billion of trade deficit, and this year it will be $150 billion of added trade deficit, another 20,000 lost jobs in this country, people who cannot afford to come to Washington to lobby in the halls outside this Chamber, people who only have us as their voice. Working people of America, remember this vote, because when this vote is over, it will not be over.

Madam Chairman, this GATT, like the others before it, and there have been seven others, will only add to our hardships, unless one is a CEO of a big multinational, and they will give more to their shareholders because they can pit low-wage workers on both sides of the shipping channels against one another.

There are no international standards contained herein, and there should be, to put the low-wage undemocratic nations of the world on a path upward. Rather, this GATT continues the same tired, worn-out policies that continue to pull our workers' wages and life styles on a race to the bottom.

Working people in America, there is nothing in this GATT for you and your family. If you have calluses on your hands, if you have not gone to college, you are going to be one of the casualties, as these people have all been casualties, people who cannot afford paid lobbyists here in Washington.

I ask my colleagues today to listen to the American people and vote against GATT. Eighty percent of the public has stated that they oppose the World Trade Organization.

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During the recent elections, these same Americans voted for change, not outdated, warmed-over trade policies which are hopelessly out of date. Passage of GATT will only prove how out of touch this Congress is with the electorate at large. Working people of America, remember this vote as you remember NAFTA.

To my colleagues, then, if you are thinking of whether or not to vote for GATT, just ask your constituents back home who voted for you to be their representative. Eighty percent of them said "no" to GATT.

If you want to vote for rising incomes in America, vote against GATT. If you want not to cede the trade-making authority of the people of the United States to a bureaucracy over in Geneva where you as a private citizen will have no legal right of action under the laws of this country, vote against GATT.

If you feel it is wrong that you will forgo $50 billion of revenues to our Treasury that have to be made up by added taxes on you because that will be the beginning price of the enactment of GATT, vote "no" on GATT. And if you care about democratic values and about people being treated decently in the workplace in this country and around the world, vote "no" on GATT.

Working people of America, remember this vote.

Mr. CRANE. Madam Chairman, I yield such time as he may consume to our distinguished colleague, the gentleman from New York [Mr. FISH].

Mr. FISH. Madam Chairman, I rise in strong support of this measure.

After 8 years of negotiation, 116 nations have come to an agreement. The case has been made over and over this afternoon that the lowering of tariff barriers will open markets to the United States and to all our trading partners. Lower tariffs mean lower prices for consumers. These reductions will allow many strong industries in this country to sell goods in markets previously not open to them due to high tariff barriers. More open markets will lead to increased business activity in this country and more jobs for Americans.

The industries that will benefit from GATT are the strong industries and job providers in my home state of New York. Industrial machinery and electric/electronic equipment are a significant source of manufacturing employment in the region, accounting for about 120,000 jobs. Currently the European Union has relatively high tariffs on electronics. With the implementation of GATT many of the tariff barriers will be significantly lowered or removed.

The chemical and pharmaceutical industry in the New York State region employs more than 128,000 people with high average wages. One-third of U.S. pharmaceuticals employment is based in the region. Elimination of tariffs on pharmaceutical products and harmonization of chemical tariffs will open foreign markets to regional producers as will the elimination of non-tariff barriers.

One-quarter of world trade is attributed to services: Accounting, finance, legal jobs, advertising and insurance. The United States annual service industry exports amount to $200 billion. A significant portion of the $200 billion annually in service industry exports originate in the New York region. More than one-tenth of all the accounting, finance, and legal jobs and one-fifth of all advertising jobs are located in the New York-New Jersey region. The region also has significant concentrations of the nation's employment in communications, computer services, management consulting, engineering services, and environmental services. The inclusion of services in the GATT is very good for the United States as such a major provider of services worldwide.

I urge my colleagues to support this trade agreement. It will enable this country to compete in a world economy. It holds the promise of more jobs and a more prosperous nation.

Mr. CRANE. Madam Chairman, it is my distinct honor to present to this Chamber our minority leader, the man who, like Moses, saw us to the promised land. I yield our remaining time to our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

The CHAIRMAN. The gentleman from Illinois is recognized for 10½ minutes.

Mr. MICHEL. Madam Chairman, I thank the gentleman from Illinois [Mr. CRANE] for yielding me the time.

I have listened intently to the arguments that have been made all afternoon, some very sharp and incisive from both sides of the aisle and on both sides of the issue. It obviously does not cut right down the center aisle and it is one in which we are going to have yeas and nays on both sides of the aisle. But this GATT agreement is one of the most important trade agreements of our time. In the final analysis, GATT is about more than trade. It is about differing attitudes toward change and the future. It is about confidence in America's ability to compete in the world and that is what makes it so controversial.

The question before us today is whether we will passively sit by and watch our destiny be shaped by other nations in the next century because we are too afraid to compete. Or whether we will have the political courage and the national confidence to proclaim to the world that we are for GATT because we are Americans and we can compete with anyone at any time in every field in free and open competition.

And amidst all the heated rhetoric, I would ask Members to consider several indisputable facts.

There are currently more foreign trade barriers against U.S. products than there are U.S. barriers against foreign products. Under GATT, foreign governments have agreed to reduce their tariffs by some 50 percent more than we are lowering ours. Under this GATT agreement, all nations must abide by the same rules. Now, that is a significant first for a multilateral trade agreement. Figures show that we currently have about 12 percent of the world's exports but will gain some 18 percent of the benefits accruing under the GATT agreement.

Our Republican Joint Economic Committee staff estimates that the total fiscal impact of GATT could produce as much as $115 billion in additional revenue to the Federal Government over a five-year period. More important is the number of better paying jobs that will be created by the passage of GATT and those estimates range anywhere to over half a million to 700,000 jobs and beyond. Notwithstanding all those dire predictions of our losing jobs during the NAFTA debate, we have actually increased our exports and created a minimum of 100,000 new jobs with its passage.

I am a free trader by nature, by heritage and by congressional district. I believe that in world trade, you have to take the offensive. And when it comes to creating jobs in a global economy, a Nation cannot sit there and contemplate its navel, twiddle its thumbs and gas about how frightened it is. In this day and age you either have to get out there and compete to gain your share of the market or you die economically. That is what this world is all about today. It is not like yesterday. And some of our highly organized labor unions, I am sorry to say, have not recognized the changes that have taken place domestically and internationally.

As for the issue of losing our sovereignty as a member of the World Trade Organization, that argument has been debunked by eminent constitutional scholars. Besides, that very language we are approving as part of the implementing legislation makes it clear in these words: "U.S. sovereignty is fully protected under the WTO agreement. The WTO will have no power to change U.S. law. U.S. law will have precedence in any conflict between U.S. law and the Uruguay Round Agreements. Only Congress and the administration can decide whether to implement a WTO panel recommendation and if so, how to implement it."

Allow me to get a bit autobiographical at this point. For 50 years, I guess in one capacity or another, I have had the great honor of serving my country. I believe I can say with honesty that the protection of the sovereignty of the United States has been at the heart of much of what I have been asked to do over the period as a soldier and as an elected official. My friends, believe me, I did not come this far and endure all we have endured from World War II through the Cold War to come to the floor now in my last official speech as a House member and try to convince anyone to give up our sovereignty as a country.

One final observation, particularly for those on my side of the aisle. GATT really began as a Republican agreement negotiated primarily by the Reagan and Bush administrations and since World War II we Republicans have by a wide margin been advocates of lowering tariff barriers, free and open trade. We believe in competition. That is what it is all about. We will cut the deficit in the best way possible by encouraging economic growth and the increased revenue resulting therefrom.

This GATT agreement is a door to the future through which we must pass if we are to shape our own destiny as we have in the past.

Step through that door with me today, my colleagues, so that history can say that the 103rd Congress proved in the end that it was worthy of the great traditions that sustain us and the great promise of America to come.

I would strongly urge the adoption of this very vital piece of legislation.

Ms. KAPTUR. Madam Chairman, I yield such time as he may consume to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Madam Chairman, I rise today in opposition to the GATT implementing legislation.

The expansion of free trade is an important national goal, and there are aspects of this GATT agreement which I strongly support. I am very concerned, however, that this GATT agreement will force American workers to compete in a continual race downwards: Downward in wages, downward in environmental protection, downward in standards of living. Undemocratic nations around the world seeking a low-wage, low-standard advantage will continue to steal American jobs. I fear that the only thing that will go up will be the federal deficit.

This agreement hands over vast, new authority to a secretive World Trade Organization (WTO)—a world government body without fair representation for the U.S. The WTO will be a huge international bureaucracy where the U.S. would have only one vote out of 123 countries.

I am also very concerned about waiving Congress' budget rules in order to cover the billion of dollars in lost revenue to the Treasury. I believe Americans expect Congress to be fiscally responsible and should account for how the resulting 40 billion dollar additional deficit should be avoided.

As world trade increases, we need to decide what fundamental values will form the foundation of our trading relationships. I believe that we should exercise our economic strength to ensure that new trade agreements protect and support our environmental and labor standards, economic interests, and preserve public participation in the development of trade policies.

Ms. KAPTUR. Madam Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Madam Chairman, I rise in opposition to the GATT agreement.

Madam Chairman, I rise today to address the issue of GATT, the General Agreement on Tariffs and Trade, an agreement negotiated by the last three Presidents over a period of 14 years. It will bring together 124 trading nations in an attempt to lower trade barriers and increase trade around the globe.

This agreement, like the North American Free Trade Agreement, purports to fit into the neat principle of "free trade," where all nations abide by the same rules and apply the theory of open competition as they sell their goods on the international market. Unfortunately, like NAFTA, GATT will only further erode the once-strong U.S. trade position overseas.

The proponents of GATT suggest that our economy is changing, and that to oppose this agreement only delays the inevitable changes in our economy. To me, that attitude represents a concession that the occupation which built this Nation in the last 50 years aren't worth saving.

If we pass GATT, we will only accelerate the loss of good, high-paying jobs, many of which have gone overseas during the past decade. Because of our trade policy and government decisions, our Nation's once-strong manufacturing industries—steel, oil, glass, textiles, and coal—are in decline. Which job categories are on the rise? New, consumer-oriented industries such as services, retail and high technology, which with the exception of some high technology jobs pay lower wages.

Do we really want a Nation that promises its children and grandchildren jobs at Wal-Mart, area dry cleaners and local computer outlets? Will these jobs be the occupations that include health insurance, and wages sufficient to raise a family to a high standard of living? These questions lead me to believe that our whole policy of international trade is headed in the wrong direction.

On the one hand we cannot, and should not, deny that many of America's future strength lies in new technologies—telecommunications, financial services, and entertainment which will make all of our lives more convenient and provide decent jobs for the future. On the other hand, however, GATT will do little to further those industries which are already dominant on the global scene. What GATT will do is strike at the heart of middle-income jobs.

One need only look at the reaction of our allies to see how the U.S. trade position on GATT. A French official recently admitted candidly that they supported GATT not because it meant greater trade for France, but a weaker position for America.

Take a look at these statistics under the present GATT, the Tokyo Round: We have lost 3.2 million jobs and our Nation has undergone the greatest outflow of wealth—$1.4 trillion—of any nation in history; the U.S. has gone from the world's biggest creditor to its biggest debtor; those with full-time jobs are now receiving 20 percent less take-home pay than they were 20 years ago; and U.S. manufacturing was 26 percent of our work force 10 years ago, but is only 16 percent today.

As we see in Bosnia right now, international organizations have their limitations. The United Nations is at war with itself and its own member countries over how to respond to Serb aggression in the Baltics. While the UN plays an important role in many important international decisions, it is virtually helpless in determining the outcome of this conflict.

I believe that the World Trade Organization may face the same gridlock when judicating international trade disputes. Charges of violations will be considered by a panel of three bureaucrats in Geneva with no conflict-of-interest restrictions. Their findings can be blocked only with 100 percent approval of GATT members, which will almost never occur.

In addition, at a time when our federal budget deficit is coming down, passage of GATT will send it back up. In waiving the budget rules, we acknowledge we aren't paying the $31 billion bill for GATT, but addings its lost tariff revenues to the budget deficit.

I urge my colleagues to consider their vote closely. I believe they should cast their votes in opposition to the GATT agreement.

Mr. LEWIS of Florida. Madam Chairman, I rise today in support of H.R. 5110, legislation to implement the Uruguay round of the General Agreement on Tariffs and Trade [GATT]. In doing so, I would like to commend the efforts of the past three administrations during the negotiations of the extremely complex agreement. Solid foundations of this agreement were laid through the negotiations of two previous administrations. Their diligence led to a point were the agreement was successfully concluded under the present administration.

During the debate over fast-track extension in June or 1993, I doubted this administration's ability to successfully complete these negotiations. As a participant in these negotiations 4 years ago in Geneva, I doubted an imminent conclusion. But, as I stated back in June, I will admit my misjudgment and commend Ambassador Kantor for his diligent efforts in concluding the negotiations and his willingness to work in a bipartisan manner on behalf of this agreement.

Madam Chairman, the past teaches us that protectionism is not the key to advancement in the global marketplace, competition is. For example, since the end of World War II, global trade liberalization has been the keynote to American trade policy. In that time, we have seen the advancement of the United States to the ranks of the only global superpower in the world in every sense of the word, politically, militarily and economically. Now, we must continue on this course for the future generations of this country.

While initially I had reservations and concerns over the formation and operations of the World Trade Organization [WTO], I believe that significant safeguards have been added in this implementing legislation as well as by an agreement reached by Senator DOLE and the administration. These safeguards have strengthened this agreement and protected the sovereignty of this Nation. Specifically, I would like to point out section 102 of the implementing legislation to my colleagues. It reads:

> United States Law to Prevail in Conflict—No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

Section 102 represents the foundations of the protection of this country's sovereignty in this implementing legislation. Over the past 12 years in Congress, I believe that I have stood up for America's sovereignty, I have opposed U.S. troops under United Nations command, I have voted to cut the United States share of United Nation's funding and I have stood up for a strong national defense.

Never would my conscious permit me to vote for an agreement that did not properly safeguard the country's sovereignty. I believe that this legislation will prove to be effective on this matter.

Madam Chairman, the Uruguay round of GATT represents the future of global trading relationships in this increasingly interdependent global economy. No longer is the United States an economic island, able to stand alone in the complex sea of international trading partnerships. While it remains true the United States remains the strongest economic power in the world, its strength is based on its ability to compete in the global marketplace and win—not by erecting protectionist barriers.

By cutting tariffs on approximately 85 percent of world trade and sharply reducing quota restrictions of the remaining 15 percent, the Uruguay round of GATT will strengthen this country's ability to compete abroad by opening new markets of American products. Furthermore, the Uruguay round opens up markets to key Florida industries, such as citrus, industrial machinery, and electric and electronic products. This round of GATT will benefit my home State of Florida and the entire country; therefore, I intend to cast my vote in favor of the legislation to implement the Uruguay round.

Global trade is a fact of the future, and protectionism is merely a relic of the past. With this in mind, I have full confidence that America and the residents of my home State of Florida can compete with anybody globally, and I look toward to the future with hope, not fear, about the effects of free trade.

Mr. TORRICELLI. Madam Chairman, as my colleagues know, I have long been concerned about the implications of Japanese financial practices for the United States. It is fitting that we address this topic today, as we consider the Uruguay round implementing legislation. International finance is the opposite side of the same coin as international trade. Yet we often focus exclusively on international trade and ignore international financial concerns. I believe that the two are essential complements of one another in the marketplace, and that our deliberations ought to reflect the market.

Several years ago I introduced legislation that would require the Treasury Department to conduct a study, and to report to Congress, on the structure and operation of Japan's financial markets and their implications for the United States. I would like to take a moment as we approach adjournment to bring my colleagues up to date on developments since I last spoke on this important subject.

I believed then, and continue to believe, that this topic is of vital importance to the United States. Japan emerged during the 1980s as a global financial power and a leading creditor nation. Japanese financiers and financial institutions played major roles in American real estate markets, the American stock market, American credit markets, and American public debt. At the end of the 1980s, Japanese banks accounted for some 15 percent of new commercial lending in the United States.

The structure and operation of Japan's financial markets, however, do not appear to match the sophistication of Japan's export manufacturers. The Japanese banking industry is suffering a crisis comparable to or exceeding our own savings and loan debacle. The Tokyo stock market index fell by some 60 percent before recovering to about one-half of its 1989 peak. The Japanese real estate market has collapsed, with reports of declines in property values approaching 40 percent from peak levels during the 1980s. These indicators raise serious questions about the soundness of Japanese financial markets, and the reliability of Japan as a contributor to international financial stability.

Since I last spoke on this topic, several important developments have taken place:

American investment in Japanese stocks has soared over the past year. Some press accounts suggest that foreign investment, largely American in origin, is supporting the Japanese stock market. Among the major American investors are mutual funds and pension funds. This trend, if true, is disturbing. It may mean that American pensioners and small American investors are unwittingly having their savings placed at risk in a volatile market characterized by reports of highly questionable practices.

Second, some signs of financial reform have emerged from Japan. Although perhaps slower than we in this country might prefer, the Japanese government has deregulated more of Japan's financial markets and given signs of more rigorous enforcement of its securities laws. For these steps, the Japanese Government should be applauded. I believe that the United States Government should encourage this incipient reform process, which can benefit Japan as well as the United States.

Third, thanks to broad agreement among my colleagues, especially my distinguished colleague from Maryland [Mr. HOYER], the Treasury Department was directed to complete a study of Japan's financial markets and to report its findings to Congress by September 1994. I understand that Treasury is close to completing this study, for which I commend the Department. I look forward to receiving Treasury's conclusions on Japan's financial markets and what they may portend for the United States.

Fourth, I recently received proposals for reform of Japan's financial markets from a leading critic of Japan's financial practices. I believe these reform proposals merit consideration by this body, by our negotiators, and by the Japanese Government. The reform proposals suggest:

Creating more competition in the Japanese brokerage industry, which may help to open Japanese securities markets to American financial service providers and to foster greater stability in the Japanese stock market.

Regulating market practices of Japanese brokerages, which may help to restore credibility to the market and protect American investors.

Tightening delisting standards for stocks, which may inject greater liquidity and stability into the Tokyo market and may help to open the Japanese market to American commerce by loosening cross-shareholding bonds between Japanese corporations.

Enhancing shareholder rights to participate in the affairs of Japanese corporations that they ostensibly own, to help protect American investors in Japanese corporations as well as to inject shareholder discipline into Japanese corporate governance.

Reforming the Japanese legal system to assure that American investors will be able to secure a fair and impartial arbitration of disputes that will arise inevitably as American investment in Japan increases.

These proposals simply make sense to me. They suggest only that Japan offer the same rights and protections to American investors that Japanese investors enjoy in the United States. Moreover, I understand that existing Japanese law may provide the foundation for these reforms, if the Japanese government has the will to enforce them.

These reform proposals would seem to complement and supplement the administration's objectives in the United States-Japan framework negotiations. For example, the United States is seeking greater access to the Japanese market for American goods and services through the framework talks. Of what value is market access, however, if an American exporter or service provider cannot receive fair treatment from the Japanese legal system in resolving inevitable disputes?

As another example: the United States has acknowledged already the importance of cross-sharing in opening the Japanese market to American auto insurance providers. These intercorporate bonds may affect other areas of U.S. commerce as well. Reform of cross-shareholding therefore would seem to warrant broader consideration by our negotiators.

I intend to address these issues in greater depth when we return in January. In the meantime, I encourage our negotiators: the Secretary of State, the Secretary of the Treasury, the U.S. Trade Representative, and the chairman of the Securities and Exchange Commission, to raise these concerns with their Japanese counterparts. I believe that the United States can play a constructive role in stimulating reform of Japan's financial markets to the benefit of Japan as well as the United States. Simply by raising these concerns, and making the Japanese Government aware of American interest in Japanese financial reform the United States can make a significant contribution to international financial stability.

Mrs. LOWEY. Madam Chairman, I rise in support of H.R. 5110 to implement the Uruguay round trade agreements. Frankly, I would have preferred that we delay the GATT vote until the new 104th Congress convenes in January. As a matter of principle, I don't believe that a lame-duck Congress should vote on major issues. Nevertheless, we are doing so, and my vote for the agreement would not be affected by postponement in any case. Approval of GATT is good for the U.S. economy and, specifically, for New York's economy. We should join the rest of the world in approving it.

New York's role as a capital of international trade and commerce means that our region will benefit more than most from the cuts in tariffs made possible by GATT. New York was established because its harbor made it the gateway to the New World. In 300 years that has not changed. Ours remains a region dependent on international trade. Fully 12.6 percent of U.S. merchandise trade which constitutes 25 percent of the U.S. Gross Domestic Product [GDP] passes through New York. In 1993, New York manufacturers exported $36 billion in merchandise. That is why GATT, which relaxes trade barriers throughout the world is a good deal for New York. It will allow consumers worldwide to more readily buy the goods they need and want. That means that they will be buying products made in the USA and specifically in New York.

GATT is a trade agreement in which most of the tariff reductions will be made not by the United States—our tariffs are already low—but by our trading partners who have used tariff walls to keep quality U.S. products out of their markets. It is to our advantage to tear those walls down. In Asia, Latin America, Africa and Europe a growing middle-class is clamoring to purchase United States goods but are blocked by unfair tariffs. GATT will help level the playing field. This should not worry us because our workers and our goods are the best in the world. I simply reject the idea that we cannot compete in a free market, that U.S. industry will not be able to withstand any challenge posed by others in the developed and the developing world. The same arguments were made against NAFTA which has already produced a boom in exports that has created over 100,000 high-paying export-related jobs for Americans. GATT, a far broader agreement than NAFTA, will lead to far more jobs and a stronger U.S. economy overall.

This is not to say that every sector of the economy will emerge stronger as a result of GATT. I am concerned that some industries may be hurt as GATT is implemented. It is critical that we monitor this closely so that we can mitigate any negative effects. We must increase funding for job-retraining and education programs so that workers who are displaced are helped to find even better jobs. No working man or woman should be allowed to slip through the cracks. On the Federal and State levels we must redirect resources so that our people are equipped for a future economy that may be very different from what we have today, but one that expands opportunity for all of us.

I want to address one issue that has been raised as a reason for opposing GATT. Some GATT critics charge that the World Trade Organization [WTO], which would be set up to enforce the agreement, could infringe upon U.S. sovereignty by ordering this country to change its laws or regulations. This is a serious charge. I can say without reservation that I would not support this, or any international agreement, if I believed that it would set up any entity that could overturn U.S. law. This agreement does not do that. No WTO finding has any standing in a U.S. court. There is no mechanism under which any GATT official or any GATT-sponsored entity could force the United States to change any law or regulation. The only sanction available to GATT would be to allow a nation with a trade complaint against the United States to impose added tariffs on U.S. goods entering that country. However, under the agreement reached between the White House and Senator DOLE, we are establishing a panel to monitor all GATT decisions in this area. If the panel finds that the United States is being treated unfairly, a U.S. withdrawal from the agreement could be initiated.

In conclusion, I believe that this agreement will result in a stronger U.S. economy and a better future for working men and women, and for every consumer, in this country. I urge its passage.

Mr. LIGHTFOOT. Madam Chairman, I rise today to express my support for the General Agreement on Tariffs and Trade [GATT]. Passage of GATT will mean opening foreign markets and reducing barriers to trade. The result will be increasing U.S. exports, more high paying American jobs, and a revitalization of our economy, especially our rural economy.

Exports are the key to future market growth for food and agriculture products provided by U.S. farmers, ranchers, and processors, who I believe to be the most efficient in the world. Ten percent of U.S. exports are agricultural. Agricultural exports must continue to grow to provide a critical source of income for rural America.

The family farm, the Iowa economy's bread and butter, is a major winner with GATT. It has been estimated the GATT Agreement will eventually increase U.S. farm exports by anywhere from $5 billion to $14 billion annually. Corn prices are forecasted to increase up to 10 cents per bushel, and pork exports are expected to double. Beef exports and soybean prices will also increase. This means more money for the farmer and more money being spent on Main Street. It means creating over 100,000 new jobs in agriculture related sectors and a revitalization of the rural economy.

Many of my constituents have expressed concern about the role of the World Trade Organization [WTO] and its effect on U.S. laws and sovereignty. And I shared their concern. However, after carefully considering this matter, I am convinced the WTO will not weaken our laws or threaten our sovereignty. I commend Senator DOLE and President Clinton for crafting an agreement to establish a panel to review WTO decisions affecting the United States and allowing a means for the United States to withdraw from the WTO. I also commend the work of Representative NEWT GINGRICH to provide a high level of congressional oversight over the entire GATT and WTO process.

GATT will open markets in the Pacific rim, Asia, and Europe. Markets that the United States traditionally has had difficulty penetrating. It will benefit U.S. farmers and workers by lowering tariffs and reducing trade barriers, creating good, high paying jobs.

Free and fair trade is vital to the U.S. economy. We must continue to push for policies to stimulate economic growth and economic security for Americans.

I urge approval of this agreement.

Mr. DURBIN. Madam Chairman, I rise today to express my support for the GATT implementing legislation currently before the House. The Uruguay round of the GATT is the largest and most comprehensive trade agreement in history. It comprises 123 nations worldwide and will cut global tariffs by $744 billion, the largest tax cut in history. Passage of the agreement will add $100 to $200 billion to the U.S. economy each year.

My home State of Illinois is the Nation's sixth leading exporter of merchandise, with one out of every four factory jobs dependent on exports. The GATT will eliminate many of the unfair foreign trade barriers on American-made products and increase high-wage jobs for Illinois workers.

Recently, I received a letter from USDA Secretary Mike Espy. Secretary Espy and the U.S. Department of Agriculture project that the implementation of the Uruguay round will lead to a cumulative increase of U.S. agricultural exports over the next 5 years of between $5 and $14 billion. The increased agricultural exports will result in a gain of 112,000 U.S. jobs by the year 2000. Also important to note, more than $10 billion to $30 billion in related economic activity will be generated in the agriculture sector alone under this historic trade agreement.

I have strong reservations about one section of this measure that would give the President authority to unilaterally establish a tariff-rate quota on tobacco imports pursuant to article 28 of the GATT. My concern is that the GATT permits affected countries to seek compensation for losses caused by such a tariff-rate quota, and to retaliate if an agreement is not reached.

It has been estimated that the value of the foreign commodities affected by this provision is nearly $200 million. In theory, the United States could be vulnerable to retaliation in that amount.

The administration has indicated its intention to negotiate with the affected countries to avoid such retaliation.

It is essential that such retaliation be avoided, because if retaliation occurs the likely targets would be U.S. agricultural commodities. I wrote to U.S. Trade Representative Mickey Kantor that such an outcome would not be acceptable. Other commodities should not be forced to bail out the U.S. tobacco industry.

Ambassador Kantor responded in writing that the outcome of the negotiations will not lead to retaliation in other agricultural commodities, and that, instead, the negotiations are being conducted to achieve an outcome acceptable to all the negotiating parties.

I have accepted this assurance from Ambassador Kantor and trust that he will live up to this commitment. For the record, I would like Ambassador Kantor's letter to be printed in the RECORD following this statement. Because of Ambassador Kantor's assurance on this matter, I can say that this legislation is good for Midwestern agriculture and manufacturing, and I hope the measure will pass.

THE U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC.

Hon. RICHARD J. DURBIN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DURBIN: Thank you for your letter of September 23 concerning the tobacco provisions in the Uruguay Round implementing legislation.

The provisions on tobacco were necessary for inclusion in the Uruguay round implementing legislation in order to bring our domestic laws on tobacco in line with our existing GATT obligations. As you know, a recent GATT panel has determined that the domestic content regulations currently in place are not consistent with the GATT. These provisions allow us to rectify that situation by modifying our tariff concessions on tobacco in a manner consistent with the GATT.

As you know, the provisions in the implementing legislation do not include authority for compensation. Nor will the outcome of the Article XXVIII negotiations lead to retaliation in other agricultural commodities. Instead, we are conducting the Article XXVIII negotiations to produce a GATT-consistent tariff-rate quota regime acceptable to all the negotiating parties.

I hope that we can count on your support of the Uruguay round implementing legislation.

Sincerely,

MICHAEL KANTOR.

Mr. MILLER of California. Mr. Chairman, I would also like to speak for a few brief moments about the impact of the implementing legislation of the Uruguay round on a very important employer in my district, USS-POSCO Industries, or UPI. This state-of-the-art steel finishing facility provides high-quality products to numerous west coast companies, many of which previously purchased their steel from foreign producers. Since UPI completed a $450 million modernization in 1989 it has become the quintessential American steel industry success story—steadily increasing market share at the expense of foreign producers, and maintaining the employment of more than 1,000 unionized workers.

UPI is owned by an American company, USX, and a Korean company, Pohang, which jointly supply UPI with all its raw steel needs. This relationship, when a producer of raw material sells to a downstream finishing facility that it controls, is known as a captive supply relationship, and is typical in the steel industry. Although most captive supply relationships are among divisions of a single company that are located geographically near one another, there is no difference analytically between those relationships and the captive supply relationship of UPI and its two parent companies, although they are located thousands of miles away.

Because of its hybrid ownership and the fact that a portion of its captively supplied steel is imported from its foreign parent, UPI became embroiled in the steel trade cases before the International Trade Commission in 1993. Once it became clear that UPI's existence was threatened by the potential imposition of outrageous import tariffs on its input steel, I worked with my colleague Bill Baker and the rest of the California congressional delegation to ensure UPI's viability. Fortunately, UPI was victorious in the trade case and its workers' jobs were again secure.

Mr. Chairman, I have serious reservations about GATT's effect on U.S. laws that protect the environment and workers' rights and also GATT's ability to rescue American working families from their serious economic insecurity. But I also was concerned that the GATT implementing legislation might undo UPI's victory and cast a cloud over the company's continuing success. Over the past 9 months, I worked hard with Chairman Matsui and the administration to ensure that this legislation would not harm this American company and its American workers. Fortunately for UPI and its workers, it is my understanding that the provisions of this legislation, unlike some proposals that were considered earlier, treat all captive supply alike whether the related supplier is located in the U.S. or abroad.

I understand that, according to the staff of the International Trade Commission, the new law will continue to require extensive evidence to support a finding that the captively supplied imported product competes in the marketplace—the type of evidence that UPI's opponents were unable to present in the previous trade case and will likely not be available in the future unless dramatic changes occur in the market. I appreciate the assistance of Mr. MATSUI and others, in clarifying this matter.

Mr. GEPHARDT. Mr. Chairman, I rise today to urge my colleagues to support this bill—to help tear down the tariffs that stand between America's promise, and our performance in the foreign markets of the world.

Mr. Chairman, this bill—the General Agreement on Tariffs and Trade—has been 7 years in the making. Three United States Presidents—leaders of both parties—have cast their weight behind it. And scores of America's leading companies and employers are begging us, beseeching us to pass it into law.

They're standing up for GATT not because it's a partisan issue, not because they like every dot and comma, not because they agree with every technical trade provision in the bill.

No, they're standing up for GATT because, at its heart, this isn't about the politics or the provisions.

It's about our people. It's about our jobs.

It's about the hard-working American farmer, who wants to sell his crops overseas, but just can't compete with the sky-high government subsidies of his foreign competitors.

It's about the bright young computer programmer, crafting the most cutting-edge software, only to have her work copied, counterfeited, and peddled for pennies on foreign shores.

It's about the auto worker, who faces a devastating lay-off after a life on the assembly line—because our cars are shut out of foreign markets by astronomical tariffs. So instead of opening up new plants, our car companies have to close them down.

That's what GATT is about. It's about American jobs. And given today's roller-coaster competition, if we don't have GATT—if we can't bring foreign tariffs down to a level that's fair and square for our Nation, and for all nations.

Then America's workers don't have a fighting chance.

The critics of GATT say that it somehow compromises America's sovereignty—that we shouldn't have to abide by the same rules and standards as all the other nations of the world.

But the point is, America's already playing by the toughest rules in the book. We have the lowest tariffs, the freest trade, the fairest markets in the whole world. Too many of our competitors are taking that for granted—and in the process, they're taking us for a ride.

Right now, America's average tariff on foreign goods is about 4 percent. Many of our fiercest competitors have tariffs that are several times that high—some as high as 100 percent. How do you compete when you're hit with a 100 percent tariff? The answer is, you don't. You shut your doors, board up your windows, and go out of business.

GATT will say to the nations of the world: it's time for real trade fairness. It's time to open up your markets, and let the real competition begin. And believe me—when that happens, our workers are going to reap the benefits, because any fair fight is a fight they will win.

It's no secret that America has the best, most talented, most dedicated workers in the whole world. They're the engines of growth and opportunity in this country. If we pass GATT, we give them a chance to build a better America for all of us.

Since the day I came to the U.S. Congress, I've been fighting for free and fair trade. I've been fighting to break down the protectionist policies that stop trade from being a two-way street. And quite frankly, any trade bill that drags down America's economy—any trade bill that corrupts our economy, and costs us jobs—is a bill I vote against.

That's why I voted against NAFTA. That agreement said to the Government of Mexico: keep your workers living in cardboard shacks; keep denying them basic human rights, and labor rights; keep degrading your environment—and we'll meet you somewhere in the middle.

NAFTA was a bill that dragged our standards down, instead of lifting Mexico's up.

But this bill is very, very different.

This bill doesn't throw another roadblock in America's economic path—it tears down the barriers, and helps us get where we need to go.

It doesn't set up more obstacles of unfair competition—it makes every nation play by the rules we follow today.

It toughens the world's intellectual property laws—so that America's best ideas mean money in the bank, not contraband on the streetcorner.

It cracks down on the skyrocketing foreign subsidies that are the worst form of welfare the world has ever known.

It ensure that all trading partners will start to play by the same rules, and compete on a level playing field. That's not a corruption of free trade. It's the only way we can have free trade in the first place.

And voting for this bill is not the end of the process, but the beginning. All the issues that had concerned us about NAFTA—human rights, labor rights, the environment—issues that were resolved the wrong way with NAFTA—those issues still remain to be resolved with GATT. But GATT gives us a forum to resolve them the right way.

When you look at the details, this bill makes good common sense for America.

But there's a bigger principle at stake.

As much as some people may want to close off our borders, as much as some may yearn for a simpler economic time, when America's only real markets were the stores that lined our streets.

Those days are gone.

We can't turn back the hands of time. We can't hide from a world that's growing smaller, more closely intertwined, more deeply interdependent with each passing day.

You see, whether we like it or not, the world community is now our community. All that remains is for us to decide whether to face it, or fear it.

If we have the courage to pass this bill—if we have the courage to pass GATT—we'll be able to face our competitors with strength and security. We'll know that the rules of free trade—while far from perfect—are fair for all.

And we'll be able to say to our children, and our children's children: when it came to America's jobs, and America's future, and America's place in the world—we face up to the future, and we knew there was no turning back.

Vote for this bill.

Mr. REED. Mr. Chairman, I rise in support of the aims and intent of the Uruguay Round of the General Agreement on Tariffs and Trade [GATT]. While this agreement is not perfect, I have learned that legislation—like most things in life—is never perfect, and when the legislation involves almost all the nations of the world it is certain to be complex and even controversial.

There are a number of reasons to support GATT, but I would first like to address the concerns I have heard from some Rhode Islanders about GATT. I understand the power of these concerns because they are the same gut fears that most middle-class Americans have about their economic futures.

First, many are worried that the [WTO] World Trade Organization will have the power to override United States and State laws. This is not the case. The WTO will change the way decisions on tariffs and trade barriers by the GATT, but it will not have any power to change our laws. Only the U.S. Congress and the States can change our laws. Indeed, the first 50 pages of this bill state this clearly and provide for continuous public and congressional input. The WTO theoretically could determine that a U.S. law is a barrier to trade, but the United States has a number of responses to such a decision. We could do the unlikely and change the law. We could appeal the decision. The country that brought the case to the WTO could increase tariffs on one of our exports as a retaliatory tactic, but if they wanted access to U.S. markets they would think twice about it. There would be other options, but none of these options allows the WTO to change U.S. laws. In addition, there are several ways the United States can leave the WTO, if it becomes clear that the WTO does not work. We should be concerned about threats to our Nation's sovereignty, but I do not believe that when all is said and done that the WTO will be a threat to our sovereignty.

Second, some are concerned that there has not been adequate considerations and debate about GATT. This legislation is not some middle of the night special deal. Rather, it is the result of over 10 years negotiations by three Presidents to modernize and expand the GATT trade framework that has existed for almost 50 years. Both the House and Senate will vote on the agreement and both have held numerous public committee hearings on the Uruguay round over the past few years. The Senate went one step further and held this legislation for additional public hearings. I also want my constituents to know that I have reviewed the GATT legislation personally.

Third, other Rhode Islanders fear that they or their neighbors will lose their jobs because of GATT. However, I believe GATT will give the United States the tools to prevent a major source of lost jobs—abuses of American patents, copyrights, and intellectual property. In the past, U.S. companies and their employees have lost sales and business because countries have allowed pirates and knock-off artists to violate U.S. copyrights and intellectual property. For example, under GATT, Rhode Island jewelry makers should be better able to protect their designs and jobs from unscrupulous foreign competitors.

Finally, a number of Rhode Islanders do not see a difference between NAFTA and GATT. NAFTA aims to fully integrate our economy with Mexico's less developed economy without adequate standards and protections. In contrast, the Uruguay round of GATT builds on and strengthens established trading rules and cuts tariffs among almost all the nations of the world, and helps ensure United States access to the markets of developed nations which can afford and want the kind of high-value, high-tech products made by U.S. workers.

Again, GATT is not perfect, and if the fast track process allowed amendments, I am sure there would be a number of amendments offered to refine this legislation that I would support. Indeed, in the future, Congress will have to reconsider the legislation authorizing the fast track procedure. After the GATT and NAFTA debates, I have serious concerns with fast track. I am skeptical that future trade agreements be considered under this restricted procedure, and I would urge the administration to ensure even greater public and congressional input into trade agreements.

While there are concerns about GATT, on balance the agreement benefits our economy. The international economy is a reality, and if America wants to be the leader of this economy, it has to lead. We should all understand that the acts of this Congress are watched by the entire world, and if we fail to pass GATT, we send a signal that the United States does not want to lead or be part of the world economy. It also will send a shock through the financial sector.

GATT has been described as the world's largest tax cut because it will reduce tariffs around the world by approximately one-third. GATT also gives us either the direct access to markets as well as the tools to fight for access to the markets of our economic competitors. This legislation would also retroactively extend the generalized system of preferences [GSP] which a number of Rhode Island businesses have told me they desperately need. GATT forces countries to drop subsidies for many industries and establishes international copyright protection for industrial products such as computer chips and costume jewelry.

This agreement is worthy of support. However, I plan to remain vigilant about the impact of GATT on the United States, our laws, our environment, and most importantly our workforce. I will push for aid for workers who might lose their jobs because of GATT and I will fight any unsound effort to change our laws.

Mr. MFUME. Mr. Chairman, I rise today in opposition to the legislation before us.

Before I outline my reasons for my opposition I would like to say that this was not an easy decision. I am a strong supporter of the advancement of fair international trade. I also understand that there will be benefits to some sectors of the United States as well as other nations if the Uruguay round is accepted.

Unfortunately, the legislation before us, in my estimation, will result in a continuation of the old expression "the rich get richer and the poor get poorer." This is true on both the domestic and international levels.

Let me begin by looking at the impact of the Uruguay round on the United States domestically. While there seems to be overall agreement that there will be an increase in jobs in the United States as a result of GATT, this increase will occur in the areas of service, grains, other transportation equipment, and recorded media. There also appears to be a consensus that there will be job losses as a result of the Uruguay round. The largest job losses are expected to occur in the apparel, fabricated metal products, and furniture industries. Estimates vary from a total loss of 30,000 jobs to as many as 912,000 jobs in the manufacturing sector.

Unfortunately, I do not believe that a man or woman who has been working in a factory sewing together raincoats for the past 30 years can be retrained as a grain operator. In other words, I do not believe that the people who lose their jobs as a result of this agreement will be able to simply pick up and move to one of the sectors in which the new jobs are being created.

Nowwhere in the legislation before us are those 30,000 to 912,000 hard working men and women taken into account.

Furthermore, these people who would be adversely affected are, for the most part, those who can least afford to be unemployed. According to Adrian Wood in his 1994 book North-South Trade, Employment and Inequality: Changing Fortunes in a Skill-Driven World, the expansion of trade between the United States and underdeveloped nations ". . . has hurt unskilled workers in the North, reducing their wages and pushing them out of jobs."

There is also the geographical problem of job losses. Textile industry employment losses will be concentrated in the Carolinas. Apparel industry employment loss will be concentrated in the South, Northeast, and the Carolinas. I do not believe that it is reasonable to expect a person who has been living in inner-city Baltimore for most of their adult lives to move to rural Nebraska for a job that may not even exist.

So while the Uruguay round may result in new jobs, there is an entire sector of workers who will be adversely affected by this agreement. And nowhere in the legislation before us is there a remedy, or even a proposal, for helping these people survive the catastrophe in their lives that we may be creating.

If any of my colleagues are interested in seeing first-hand the result of such policies, they need travel no further than Maryland, where we have been fighting for the last year or so to try to keep the London Fog factory, and its 700 jobs, in the United States. While we have been able to postpone the inevitable for some of these workers, hundreds lost their jobs.

Internationally, I also have concerns about how this recent round of trade negotiations will affect many of the less developed nations on this Earth. As is the case with domestic employees, it appears that the Uruguay round will most adversely affect the nations that are least able to absorb it.

Let's begin with the nations in the Caribbean region. Members of the Caribbean Basin initiative were promised a trade agreement which would provide parity with NAFTA, which we passed earlier this year. Because the Caribbean nations and Mexico export many of the same items to the United States, NAFTA gave one nation—Mexico—a distinct edge.

The Caribbean nations were promised parity in the NAFTA agreement. When that fell through, the Caribbean nations were told that the GATT implementing legislation would include a parity provision. In the last minute, however, the parity provision was withdrawn. Now the Caribbean nations are being told to wait until fast track.

Meanwhile, Caribbean economies are beginning to slow, a trend that may continue until they are allowed to trade with their primary partner—the United States—on a fair level.

I also have concerns about how the Uruguay round will impact sub-Saharan African countries. The Uruguay round agreements will reduce subsidies which in turn may reduce food production in major food exporting countries like the United States. This, in turn, could possibly cause a rise in the worldwide food prices and an increase in food prices for sub-Saharan African countries over the next 5 to 10 years. Most sub-Saharan countries' food imports account for 15 to 35 percent of total imports. The heavy dependence on food imports renders sub-Saharan nations vulnerable to increases in world food prices.

While most of the industrialized signatories to the Uruguay round agree that most sub-Saharan African nations will suffer as a result of the Uruguay round, I have yet to see anyone take any real steps to help these nations that are already some of the poorest in the world.

Finally, I also have concerns about the impact this agreement will have on U.S. domestic attempts to promote small and minority businesses. Because there is not language in the treaty providing for the protection of current U.S. policies which provide that a certain amount of government commerce be conducted with small, minority, women-owned, or disadvantaged businesses, these allocations may be challenged.

While the lack of protections does not, in and of itself, mean the demise of programs such as the Small Business Section 8A Program, the Uruguay round agreement will open the program up to new challenges, both from within and outside of our borders. You may rest assured that I will be certain to monitor the situation and do what I can to preserve what I see as one of the most productive programs in our Government today.

In short, Mr. Chairman, I oppose this as it does not represent fair trade, nor does it represent the best interest of all Americans.

Mr. BORSKI. Mr. Chairman, I rise today in strong support of H.R. 5100, which will implement the Uruguay round agreement of the General Agreement on Tariffs and Trade [GATT]. This landmark trade agreement will stimulate global trade, open foreign markets to U.S. goods and services, and create hundreds of thousands of good jobs for American workers.

Last December, the Clinton administration successfully completed the Uruguay round negotiations with 125 nations, leading to the trade agreement we have before us today. This agreement will slash worldwide tariffs by an average of 34 percent.

While the GATT agreement may not be perfect, it will substantially benefit the U.S. economy, productivity, and standard of living. In 10 years, GATT will create between 300,000 and 700,000 new jobs. It will increase U.S. annual incomes by an estimated $100 to $200 billion. This represents a total boost to Americans' incomes and production amounting to at least $1,700 per family of four per year.

By lowering the tariffs and reducing the nontariff barriers of our trading partners, GATT will pry open protective foreign markets to goods and services produced by American workers. This will result in expanded merchandise exports estimated at $150 billion per year by 2004. Expanded trade resulting from GATT will allow Americans to invest more in the factories that produce our principal exports, and in the skills and education of the work force.

Of more importance, GATT will require our trading partners to play by the same rules we play by. Currently, the U.S. market is the world's most open to competition. Americans are competitive and honest, and now other nations will be forced to do business the way we do. GATT will level the playing field of world trade and ensure that our foreign competitors can no longer block their markets to U.S. goods and services.

While GATT will substantially reduce trade barriers, it will also preserve the ability of the U.S. Government to protect its strong health, labor, and environmental standards. Despite the arguments of the critics of the new World Trade Organization [WTO] that GATT will erode U.S. sovereignty, the fact remains that the WTO cannot change U.S. laws—only Congress can do that. The worst the WTO can do to us is authorize trade retaliation, a practice that already exists in the unruly climate of our current trading system.

The United States sought the creation of the WTO to pressure our more protective trading partners to open their markets to U.S. goods and services. Because we have the world's largest and most open market, we can use the threat of closing our markets to our foreign competitors if they violate their commitments to keep their markets open to us.

GATT has many other benefits for the U.S. economy and U.S. workers. The agreement preserves, and in some cases strengthens, existing authority for the U.S. Government to impose fines or countervailing duties against countries that engage in dumping—exporting goods at prices below cost. GATT also broadens and strengthens protection from piracy for patents, copyrights, and trademarks, which will be particularly beneficial to the computer, semiconductor, and entertainment industries.

Much has been made about the budgetary impact of GATT because of the loss of tariff revenue under H.R. 5110. However, over time, GATT will in fact reduce the budget deficit. The additional income created by the agreement will result in $206.8 billion in additional Federal revenue. This will more than offset the loss in tariff revenue.

Mr. Chairman, I represent a port city which relies on international trade to sustain its economic viability, GATT will significantly increase trade and commerce through the port of Philadelphia, creating much-needed jobs at the port and at industries located in the city that depend on the port. Failure to enable GATT will squander a great opportunity to expand and stimulate growth at one of the Nation's most competitive ports.

In short, Mr. Chairman, GATT is a good deal for working Americans. Three successive administrations under Presidents Reagan, Bush, and Clinton pressed the world to complete the Uruguay round. Now we must lead by implementing it.

Ms. DELAURO. Mr. Chairman, I rise today in support of the General Agreement on Tariffs and Trade [GATT]. The most critical issue facing this country is the creation of the good, high paying, high skill jobs that have always provided hard-working Americans the promise of a better life—for themselves and for their children. Yet for the last decade and more we have seen our good jobs disappear as wages of working Americans have remained flat.

We must pursue policies that will rebuild our economy, provide good jobs—the key to a better future—and keep the American dream alive. The GATT is a trade agreement that will help create jobs by opening new markets to the high-wage, high-technology jobs that provide American workers a better life. Now, more than ever, these jobs are dependent on opening up new markets abroad.

In Connecticut, exports have surpassed defense as one of the mainstays of the State's economy. In 1991, Connecticut exports were worth nearly $6 billion—an increase of 72 percent over the previous 4 years. And Connecticut has one of the highest proportions of jobs related to manufactured exports of any State.

This GATT means that trade barriers around the world that now block the exports of goods from Connecticut will be dismantled. We will be able to sell more Connecticut goods around the world, and that means more jobs for Connecticut workers in the critical export areas of computer manufacturing, transportation equipment, and chemical products.

Mr. Chairman, this agreement differs markedly from NAFTA. I strongly opposed NAFTA in large measure because of the Mexican Government's policy of holding wages artificially low, and depriving their workers of pay that was consistent with their productivity. NAFTA threatened to drain industry from the United States through this low wage policy and provide little if any new market for U.S. goods. But, unlike NAFTA, the GATT is an agreement between countries around the globe—many of which are highly industrialized and whose workers can afford, and want to purchase, U.S. goods. GATT will open up these critical markets in Europe, Japan, and Asia to U.S. goods. GATT provides the United States with a more efficient, effective way to deal with unfair trade practices; and it lowers trade barriers to sectors of the U.S. economy not covered by GATT in the past, including agriculture, intellectual property, and services.

We live in a world where the economy is truly global, and where huge numbers of jobs in this country depend on our access to foreign markets. We must all keep in mind that imports and exports of goods and services accounted for nearly 22 percent of our gross domestic product in 1993. Our implementation of the Uruguay round of GATT takes this into account, and will improve our ability to trade abroad, strengthen our job base, and help us add new jobs. I urge my colleagues to support passage of the GATT implementing legislation.

Mr. SANTORUM. Mr. Chairman, I rise in support of this legislation to approve and implement the Uruguay round trade agreements.

The new trade rules embodied in the Uruguay round agreements will provide real opportunities for U.S. industries, workers, and consumers. Once they are fully in place, the GATT agreements will add tens of billions of dollars annually to our gross domestic product and create hundreds of thousands of additional jobs across the country. Pennsylvania, with its diversified manufacturing, agricultural, and services sectors, is well positioned to gain from the expanded opportunities under the agreement.

These agreements enhance our ability to compete globally in the areas where we are most competitive and where we face the most imposing barriers to trade. The accords mean lower tariffs on agriculture and manufactured products, expanded protections for the intellectual property of U.S. firms, and a new set of rules to govern disputes more effectively. The GATT also means changes that will help to bring down the cost of manufactured goods for American consumers and make our products more affordable in foreign markets.

As one result of these agreements, for example, tariffs will be cut and American families will enjoy the equivalent of a $36 billion tax cut through lower prices on many consumer goods.

American agriculture is another clear winner, and that is particularly important in Pennsylvania where agriculture is our largest industry. It is certainly not an idle boast to say that Americans produce among the highest quality and most affordable farm goods in the world. Nevertheless, American farmers have struggled for years to contend with barriers to their products and competition from highly subsidized foreign goods. Exports currently make up 20 percent of our Nation's total agricultural output; but we can do better—and GATT will help make that happen.

The GATT agreements level the playing field for American farmers. It will mean the end of Japan's ban on rice imports, and the opening of several other Asian markets to significant volumes of American meat products. Most importantly, the agreements' rules on subsidies will compel the European Union to curb the equivalent of $12 billion in agriculture subsidies annually. These changes are a big reason why farmers in my State expect large export gains and why net farm income should rise by $1 billion over the next 10 years.

The accords will also open new foreign markets for our successful service industries, such as advertising, law, architecture, health care, and computer services. Previous rounds of GATT had virtually ignored services, but this area of our economy now accounts for more than half of our domestic output, and 70 percent of our jobs. Expanding our ability to provide services around the world will mean many more American jobs in the future.

Despite all of these obvious benefits, I have concerns about the impact of the Uruguay round agreements. Expanded trade opportunities carry many new dangers. One of the biggest dangers we face is trade-related unemployment since jobs in some vulnerable industries will be at risk to strong competition from abroad. I know that other countries will aggressively work to protect and preserve their most vulnerable industries, and I believe that we must do no less in defense of ours.

I am pleased that this legislation contains several important provisions to preserve jobs in industries in Pennsylvania and around the country. I urged the administration to adopt these changes, and worked to see that they would be included in the final bill.

For example, several important steel trade cases have recently been lost because the U.S. International Trade Commission was double or even triple counting certain types of steel products in their analysis of the domestic industry. The size of the domestic steel industry appeared much larger than it is in reality and the percentage of imported products appeared smaller. Thus, it became much harder for domestic manufacturers to show that they had been injured by unfair trade.

H.R. 5110 contains an amendment to address the problem of captive production. This language will clarify the U.S. International Trade Commission's market analysis so that the U.S. steel industry will be treated fairly.

This bill also includes a change in the textile rule of origin. This compromise language will harmonize U.S. law with the practice of other countries and close a loophole in our treatment of textile imports.

Both of these changes are critically important to Pennsylvania workers and will help to preserve jobs in key industries in the commonwealth.

It is also worth noting the proposed changes in U.S. laws that were left out of this bill, including the administration's recommendations for the treatment of economies-in-transition and the short-supply amendment. Both of these changes would have seriously undermined U.S. anti-dumping laws, and would have made it virtually impossible for injured American industries to find relief.

Defeating these amendments was a clear victory for American workers, and I strongly urge my colleagues to continue to reject these dangerous proposals in future trade debates.

There are other concerns as well. A recent GATT panel review of the Commerce Department's countervailing duty determinations on steel bar imports, for example, could lead to possible inequities in the dispute resolution process. I will be watching future panel decisions carefully to ensure that our obligations and rights are fairly interpreted by the new WTO.

In addition, I am also concerned by the language inserted in this bill to grant inexpensive telecommunications licenses for three companies. This provision was added to the bill very late, and I believe it has not been sufficiently explained by its sponsors. I look forward to this provision receiving careful scrutiny during the 104th Congress.

We have many important tasks ahead of us. The implementing legislation clearly sets out negotiating objectives for further negotiations in financial services, basic telecommunications and civil aircraft. I support these objectives, and I call upon the President to press for swift action in these areas.

Our work, however, will not stop once these objectives are met. We must continue to move forward in our effort to improve labor and environment standards around the globe. We must press for more open proceedings at the WTO and break down the secrecy that surrounds the dispute resolution process.

Moreover, though the WTO is intended to oversee and administer the rules of trade fairly, we cannot expect the WTO to safeguard our interests. That is why it is imperative that we continue to use every tool in our trade arsenal to fight unfair competition from around the world, and we must vigilantly protect our national interests in every area of the economy.

Mr. Chairman, I acknowledge that this is not a perfect agreement. Considering all of the obstacles that the United States faced in negotiating these accords with 123 other countries, however, I must conclude that it is most likely the best deal we will get. And overall, the GATT will lead to greater economic growth and more job creation in Pennsylvania and throughout the country.

Therefore, I urge my colleagues to join me in support of this agreement, so that we can commence addressing these further objectives with the framework of the Uruguay round agreement.

Mr. FIELDS of Texas. Mr. Chairman, I rise today to explain why I support the General Agreement on Tariffs and Trade.

GATT will bring renewed prosperity to my district, the Houston area and the State of Texas. One of every three jobs in the Houston area is directly or indirectly supported by international business. There are over 700 foreign companies from 44 different countries operating in Houston. According to a Department of Commerce report, Texas is America's second-largest exporter and passage of GATT will create faster growth opportunities for Texas' diversified export industries. The gross domestic product in Texas is estimated to grow by $12 billion by the end of the 10-year period as a result of GATT.

Houston, in particular, serves as a center for trade not only from the north and the south but also from the east and the west. Houston's centralized geographical location, its port—which is the seventh largest in the world and the second largest in the United States—and its international airport contribute to its potential for growth in international trade.

Not only will the passage of GATT benefit my district, this important trade agreement also will benefit the future of the Nation's telecommunications industry.

This agreement protects intellectual property rights; indeed, it is the first multilateral trade agreement to include such protection. Intellectual property protection is critical to U.S. companies, particularly to those in the video programming field, which have endured years of piracy of their products—theft without any payment for the unauthorized use of copyrights.

The GATT will lower tariffs for U.S. products and services abroad. Notably, it will create opportunities for United States telecommunications companies in Europe, Asia, and Latin America. Many of these foreign markets have telecommunications infrastructures that are antiquated or primitive by American standards. By agreeing to a trade treaty that opens these markets now, U.S. companies will be able to play an important role in improving and expanding these infrastructures. This trade agreement also will help us in future multilateral and bilateral negotiations to open up foreign markets to U.S. telecommunications products and services.

The U.S. telecommunications industry is the leading growth industry in this country; it will account for nearly one-sixth of the economy by the next century. We need to do everything we can to foster growth and opportunities for our companies to sell their goods and services abroad—and GATT is an important step in that direction.

There has been some controversy about section 801 of GATT, which requires PCS pioneers—that is, the three companies that created PCS and thus made possible the PCS spectrum auctions that will begin next Monday—to pay at least half a billion dollars for their licenses. Some have questioned whether this provision will result in a fair return to the Government.

I am intimately familiar with this provision, which was crafted over the course of the past several months in an open and normal fashion. I am also familiar with the 4-year history of the pioneer of the pioneer proceeding at the FCC. It is my belief that section 801 guarantees a more than fair return for the Government. That is why I supported section 801 in the first place. As far as I am concerned, the matter of the PCS pioneers now is closed.

As many of you know, the FCC had promised over the past 4 years to guarantee the pioneers a license as a reward for their innovative efforts. The pioneers were not promised just an option to purchase a license, but a guaranteed license. In January of this year, the FCC clarified that it would give pioneers free licenses, even though it now can auction licenses. It was only in August of this year that the FCC changed its mind. The pioneers have taken the FCC to court, and all informed observers believe the pioneers will win. They then will receive licenses for free—and taxpayers will get nothing.

GATT guarantees the taxpayers will get significant funds from the pioneers. Pioneers will pay 85 percent of an average auction price, and they will make a minimum payment of some $530 million even if bid prices are lower than expected. No other company has committed to a minimum price. All the bidders in the auction to begin Monday will try to win their licenses for as little as possible. The pioneers alone have guaranteed the taxpayers more than half a billion dollars. And they have not been granted a ceiling—even if the auction yields billions, they will pay according to the GATT formula.

Is this a fair return for the American taxpayer? Consider all the relevant factors, and I am sure you will agree with me that it is more than fair. The pioneers worked for 5 years with no Government funding to develop PCS. They put all their research and development in the public record so that all could learn and benefit from it. They relied on a 4-year, 10-times-reaffirmed promise of a free license—a promise the FCC broke only this August, after the pioneers had completed their hard work and performed their side of the bargain. They put millions of high-risk dollars at stake at a time when PCS was just a glimmer in an entrepreneur's eye. The pioneers, in short, created PCS for the benefit of the American taxpayer. The auction bids that will begin next Monday are the direct result of the pioneers' efforts. How much more fair of a return could we expect?

Some have called for an assessment, after the auction, of whether the pioneers made a fair return to the taxpayers. But Congress took full account of all the relevant factors in crafting section 801. Any post-auction assessment that took the proper factors into account—the hard work of the pioneers, their commitment of high-risk capital, their public submission of research results, their reliance on the FCC's promises—could only reaffirm the section 801 formulation. And a post-GATT rejiggering of the formula would be the same kind of unfair and unconstitutional retroactive lawmaking that so many of us have spoken against in the past.

There is no need for any further inquisition into the efforts of these three companies, which have gone above and beyond the call to create a new service. In fact, letting the specter of some further review hang over the pioneers for months while they attempt to raise capital to build their businesses would be unconscionable. It would accomplish nothing but burdening them in the marketplace and favoring their well-heeled competitors. It could destroy the very pioneers that have created a terrific new PCS service that will generate billions in tax revenues and create hundreds of thousands of jobs.

As far as I am concerned, the matter is closed. The pioneers should get on with building their systems and bringing their service to the American public without being threatened with unwise and retroactive legislation. They have been delayed long enough.

For the telecommunications industry as well as every other American industry, passage of GATT is an important step, and a necessary precursor to a thorough examination of the openness of our own markets. I believe that next year Congress should review our Nation's telecommunications laws to create further leverage for entry into foreign markets.

Mr. BUYER. Mr. Chairman, I rise again in support of the General Agreement on Tariffs and Trade. This agreement is the culmination of 7 years of negotiations conducted by the U.S. Trade Representative under Presidents Reagan, Bush and Clinton. The objectives achieved during these negotiations will serve to benefit a broad range of sectors of the U.S. economy, while bringing areas such as agriculture, intellectual property and services under GATT. The Uruguay round of GATT will benefit the United States and the State of Indiana through expanded market opportunities, the elimination of tariffs, the creation of jobs. The $744 billion expected revenue from GATT over 10 years can be directed toward deficit reduction.

In philosophy I strongly support the reduction of tariffs and the expansion of markets for U.S. goods. I had reservations with this agreement due to concerns regarding the creation of the World Trade Organization [WTO] and its implications for U.S. trade policy and foreign policy, the effects of the Blair House II Agreement establishing the provisions contained in the Agreement on Agriculture, and the longterm effects of the antidumping agreement. However, after examining the agreement and especially the safeguard provisions contained therein I decided to vote in favor of GATT. Without the congressional oversight responsibilities contained in the implementing legislation pertaining to the sovereignty issue I would not have been able to support the agreement.

The provisions provide added safety to the United States in regard to its position in the WTO. The provisions include specific mention of the sovereignty of U.S. laws, the establishment of Federal-State consultation for addressing issues directly affecting States; the annual report to Congress on the WTO, panels appointed, decisions made, impact on the U.S. and the States. Moreover, the implementing legislation contains language specifically enabling the United States to review the actions of the WTO and opt to withdraw from the WTO by a process similar to disapproval of most favored nation status. Thus, the Congress has the ability to oversee U.S. involvement in the WTO to ensure the interests of the citizens of our nation are strongly represented.

In 1988, Congress instructed the U.S. Trade Representative to negotiate a stronger trade agreement which will achieve expeditious resolutions to trade disputes between member nations in GATT. With the creation of the World Trade Organization member nations agree to follow the agreements contained in the GATT and recognize that violations of these agreements could mean managed and enforced dispute settlement proceedings. This allows the United States, which has been the most frequent complainant, to benefit from enforced dispute proceedings.

During the past few months I carefully studied the implications of the Uruguay round from both the macroeconomic and microeconomic perspective. The potential economic stimulus for U.S. business and manufacturing is clear. The passage of the agreement will mean increased global market opportunities for businesses and industries in my congressional district as global tariffs fall, and will enforce fairer trade practices among our trading partners. The combination of these factors facilitates continued U.S. predominance as the world's largest market and most powerful economy while bring benefits to the consumer through reduced prices for goods.

Representing one of the largest agri-business production districts in America, the inclusion of agriculture under the GATT is very important. For the first time foreign nations will be forced to comply with the provisions contained in the agreement. According to figures provided by the Indiana Farm Bureau, commodities such as corn, soybeans, pork, and cattle will account for over $1 billion in creased exports. The U.S. Department of Agriculture estimates the agreement will spur agriculture exports to increase between $4.7 billion and $8.7 billion by 2005 and that it would create 105,000 jobs by the same year. Moreover, this agreement further opens the global market to agricultural products from Indiana.

After further researching the agreement, and its effects on U.S. antidumping laws, I learned that the United States may continue to invoke antidumping provisions. These new provisions provide greater detail to U.S. antidumping law while providing greater transparency which allows foreign nations to understand domestic rules in this area. Further provisions allow the United States to list unfair trade practices and invoke section 301 in certain cases. These provisions are important to U.S. industries. Their inclusion was important in my decision to vote in favor of GATT.

Also important to my district are provisions pertaining to autoparts manufacturers. Autoparts dealers in Indiana will benefit from greater market access due to the Uruguay round. Japan and other nations will be forced to comply with nondiscriminatory standards thus allowing products greater access to foreign markets. The European Union has agreed to a 43 percent reduction in tariffs for autoparts. According to United Technologies Automotive, their producers in Plymouth, North Manchester, and Peru, Indiana, will gain from the Uruguay round. The reduction of tariffs will allow United Technologies Automotive to expand business and will increase export opportunities. Such opportunities will also benefit the 700 Fifth District employees working in those plants.

In conclusion, GATT will benefit Indiana and the United States. The agreement covers important manufacturing industries while establishing rules for agriculture trade. By reducing tariffs on approximately 85 percent of world trade, reducing the agriculture subsidies of foreign competitors, preserving U.S. ability to impose antidumping laws, and by strengthening the current GATT with stronger dispute settlement proceedings, the United States is positioned to maintain global dominance.

Mr. VENTO. Mr. Chairman, I rise in support of the Uruguay round of the General Agreement on Tariffs and Trade [GATT] that was submitted by President Clinton on September 27, 1994.

The American people and Congress have repeatedly expressed their support over the years for more open and fair trade relations with foreign countries. The United States has been a part of the GATT since its inception in the post-war period. Throughout the several rounds of multi-lateral negotiations over the past half a century, the United States has worked with the nations of the world to improve world trade: reducing barriers and tariffs, settling disputes, and relaxing quotas. We have always sought to improve the agreement for ourselves and for the world.

The Uruguay round is the largest and most comprehensive trade agreement in history. Global trade tariffs, essentially sales taxes, are estimated to be cut by $744 billion. The agreement is estimated to contribute $100 to $200 billion to the U.S. economy each year.

Numerous allegations have been raised as to the effort on U.S. law such as section 301 of the trade laws which provide the U.S. administration with the ability, authority, and responsibility to act on matters of unfair trade. However, the implementing legislation we consider today actually strengthens section 301 of current U.S. trade law. It includes provisions to improve the U.S. situation vis-a-vis dumping in global trade. The agreement moves the United States forward by including varied services as commodities, beginning to open areas such as tourism, law, accounting and important environmental services. This 1994 GATT agreement importantly enhances intellectual property protections, strengthens international rules against trade-distorting subsidies, and authorizes the required tariff and subsidy reductions.

Nonetheless, this is not a perfect agreement. Some questions do remain regarding the impact the World Trade Organization could have on certain State and local laws that protect local workers, consumers or the environment because those laws could be deemed to interfere with world trade. We certainly have a responsibility to U.S. citizens, at the very least, to continue to lead the world in protective laws that prevent unnecessary disease, accidents, and even death in the workplace and the environment. We must be prepared to ensure that this leadership will not be taxed and have additional costs attached to it in the world trade marketplace.

Although continued fast track authority was removed from the legislation at this time, the bill fails to address a range of environmental concerns raised by the round, and it offers no indication that future U.S. trade negotiations will seek environmental reforms as a priority. For example, we must work to ensure that legitimate local, national and international environmental, wildlife, and animal protection regulations will not be attacked as barriers to trade.

Frankly, the Clinton administration endorsement and signature to the Rio Conference Agreements on global biodiversity, rain forest preservation, global warming and earlier work on chlorofluorcarbons [CFCs] help temper the silence in the GATT Agreement on these matters. It should be borne in mind that those of us attempting to include within the GATT, health, safety, environmental, labor, and human rights concerns, are attempting to set a new policy path, a higher level of economic and trade accords. I'm convinced that this is a proper and appropriate agreement goal. Past GATT Agreements, however, didn't have such focus or initiatives. Achieving the 1994 GATT Agreement with 123 nations and the U.S. is a significant accomplishment. It has been 8 years in the making. This agreement makes real progress in economic terms. I only wish we had the leverage to do more for the host of social, political, worker, environmental, and human rights issues that all agree upon. Insisting upon these issues at this late date would cause the GATT Agreement to falter and we need the fundamental reforms inherent in GATT.

The Uruguay round is not balanced as it impacts working Americans. While I agree that the global economy is dynamic and American workers and companies are ready to compete and win, there are undeniably industries and workers who will suffer as a result of the implementation of the GATT. Textiles and apparels industries are likely to lose jobs. The dairy industry is projected to be hurt by the Uruguay round. Industries attempting cleaner and more environmentally sound processes could be threatened by lower cost, less sustainable product manufacturing.

The reality is that negative effects of this GATT Agreement will fall unevenly upon certain sectors of American workers. It is not clear that we have ready or are prepared to put in place a safety net of appropriate programs like Trade Adjustment Assistance [TAA] or economic conversion efforts to assist those adversely affected. The workers and the families whose lives will be affected because they lose their livelihood will need our help and as we make general trade policy we should acknowledge this specifically.

This shortfall in training for job displacement is an on-going concern as the dynamic U.S. economy is restructured. It is imperative that Federal policies successfully move people from one place in the world of work to another, but surely an agreement which safeguards skilled jobs and vocations cannot be subordinated to the lowest common denominator of maintaining at all costs entry level positions. This is a job question that we can and should address in general terms not only in isolation to trade, but totally in the context of education and training.

Finally, this GATT now asks the Congress to treat the pay-as-you-go U.S. budget legal requirements in a special way. It is unfortunate that even as we look to adjournment, leaving countless legislative initiatives mangled and abandoned by partisan gridlock more concerned with budget costs than human costs; for GATT, the numbers can be rationalized. This is troubling to me. We have spent countless hours debating and working very hard to reduce the Federal budget deficit. Often, we have not been able to act as I would like on a growing American human deficit because of the U.S. budget problems. We should remember this willingness to bend the rules for the next decade in comparing current costs to benefits when we look at other programs that can help the pillars of our Nation's future, our children.

I favor this 1994 GATT Agreement. On the whole, GATT globally should provide mutual benefits and competitive parity; and industries in Minnesota will be better positioned generally by the Uruguay round. The Federal Government will need to be vigilant and aggressive to assure that GATT provides and promotes the sustainable use of our resources, and is fair to American workers. While the U.S. must remain part of the global economic marketplace, the relationship must be based upon common sense and common values about the law and basic human rights.

I recognize that although the deadline for ratification is July 1, 1995, many nations are looking with high interest to the passage of the GATT by the United States prior to consideration in their own countries because of the informal agreement to proceed with it in January of 1995. We need to act now, today, in order to fulfill our responsibility and remain a player and a leader in the global marketplace. I ask my colleagues to strongly consider supporting H.R. 5110.

Mr. SWIFT. Mr. Chairman, I rise today in support of the legislation implementing the Uruguay round of the General Agreement on Tariffs and Trade. A vote in favor of GATT would signal to the world that America is ready to look to a prosperous future, look to opportunities abroad, and look to create the well-paying jobs that our workers deserve. A vote against GATT would push our country down the slope of growing isolationism, and mire us in the trap of economic stagnation and uncertainty.

Many of my colleagues have made impassioned arguments condemning GATT. They say that GATT would undermine the sovereignty of our country by allowing the World Trade Organization to invalidate our laws. These naysayers tap dance around the fact that the WTO would strengthen our hand by forcing other countries to play by the same rules that we do. For years we have little recourse when other countries have unfairly stood in the way of American products by imposing tariffs or structural barriers to their markets. The WTO puts teeth into our trade agreement, and will help ensure that American workers and companies will be able to compete on a level playing field. In spite of the arguments against GATT, it is important to remember that the WTO cannot dictate to our Government a change in any law. As before, only Congress will have the power to change our laws.

Another red herring that has been thrown into the debate is GATT's effect on our patent laws. Many have sought to make this a seminal concern that could hasten the end of American ingenuity by prematurely invalidating patents. Nothing could be further from the truth. GATT would simply replace the 17-year patent term from the patent grant with a 20-year term from the final patent application. As of the end of September, the average patent decision takes under 20 months. Simple math shows that GATT would increase the average length of the patent duration thus helping to encourage continuing investment in research and technology. Mr. Chairman, is this patent change important enough to deny up to a $200 billion infusing into the American economy?

Perhaps you have heard of the supposed conspiracy with the Washington Post and the Atlanta Constitution that involves hush-hush deals and multimillion dollar giveaways. Don't fall for this clumsy argument. The issue concerns the granting of new cellular licenses to telecommunications firms. Both newspapers have interests in firms which were instrumental in the development and implementation of a new cellular phone technology. In the past, we have granted "pioneer preference" status to those companies which had a significant contribution to the development of a new telecommunications technology. This status qualified companies to receive free FCC licenses to use our airwaves for their services. GATT changes this formula to increase the fees to those with pioneer preference status from nothing to 85 percent of the fee paid for the average license. Opponents of GATT call this a giveaway because the pioneer companies will pay less than those which did not devote significant resources to developing a new technology. It is outrageous to call this discount to pioneer companies a giveaway when we are raising the fees they have to pay. Should we provide no incentive for developing new telecommunications technologies? I say no. This would only stunt the growth of the telecommunications sector.

All of these arguments against GATT are misleading at best, and focus attention away from the heart of the issue: Will GATT help our country by creating jobs and prosperity for the American people? After considering this question for some time, I have concluded that it will.

The key to the future prosperity of our country is through exporting our goods to foreign markets. In fact, exports are responsible for half of our total economic growth even though trade only represents approximately one-fourth economy. GATT would help us increase our exports by cutting tariffs on manufactured goods for all countries by more than one-third. Our country's structural and tariff barriers are consistently lower than those of our trading partners. GATT would force our trading partners to open up markets that have been closed to American exports and allow our companies and workers to compete in a fair market. GATT would also save us billions with stronger intellectual property rights which will protect our most competitive industries such as computer software, engineering, and other service industries from rampant piracy worldwide. By increasing our exports, GATT would create 500,000 new jobs, and add $100 to $200 billion to the U.S. economy.

A final factor to consider: GATT would give a much-needed tax break to the American people. By reducing the tariffs and barriers on imports, Americans will pay less government taxes on many imported manufactured goods. It is estimated that the passage of GATT would result in a $750 billion global tax cut, making it the largest tariff reduction in history. Many say that we should wait until next year for the consideration of GATT. I strongly disagree. If we tarry in our mission to pass GATT, we could cost the American economy up to $70 billion, and signal to our trading partners that we are looking toward protectionism.

Mr. Chairman, the American people have indicated their wish for tax cuts and less government interference in their everyday lives. A vote for GATT will be a vote for high-paying jobs and a bright economic future.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in support of the General Agreement on Tariffs and Trade. This agreement will provide a large economic boost to Connecticut and the Nation as a whole. Passage of the GATT will reduce trade barriers to U.S. products by an average of one-third. This will result in the removal of about $750 billion in global trade barriers and tariffs.

The GATT Agreement is particularly good for my home State of Connecticut: Our aerospace, chemical, medical devices, and pharmaceutical manufacturers will greatly benefit from this historic agreement. Economists estimate that adoption of the GATT could pump between $100 and $200 billion into the U.S. economy.

As I said during the NAFTA debate earlier this Congress, long-term jobs have been created when risks were taken. Simply stated, greater access to new markets means more sales. It does not take a rocket scientist to see that more sales means more jobs. The GATT Agreement will provide greater market access for U.S. Goods and services.

Mr. Chairman, I believe that the GATT and the NAFTA may represent the only successful jobs creation bills submitted by the Clinton administration in the 103d Congress. American businesses will receive an immediate benefit from the passage of GATT since U.S. tariff rates are far less than the duties imposed on us by our foreign trading partners.

I certainly understand some of the criticisms my colleagues may have about this agreement. However, I believe that those who fear this agreement lack faith in the United States. When given the opportunity to compete in free and fair trade, I feel that the United States will always prosper and win. We are the most powerful economic force on the globe. Those that slander this agreement lack faith in the American worker. Its time to give our workers a vote of confidence and pass this important agreement.

The GATT Agreement is not a partisan issue. A vote in favor of this agreement is a vote to support job creation and economic growth. A vote against GATT is a move toward the regressive protectionist policies that ruined our economy in the past. I urge my colleagues to put politics aside and pass this important agreement today.

Mr. BALLENGER. Mr. Chairman, I rise today in support of GATT, the General Agreement on Tariffs and Trade. In light of the national attention surrounding GATT, the benefits of GATT greatly outweigh the negatives. However, I was disappointed with the administration's failure to include in the bill before us the interim trade program which would have provided equal treatment for apparel and textiles from the Caribbean and Central America with apparel and textiles from Mexico under the NAFTA agreement.

The President in his meetings with the leaders of the CBI countries promised to propose legislation designed to prevent a shift of production out of the region and accompanying disinvestment from the CBI countries to Mexico as a result of the significant cost benefit Mexico receives under NAFTA. This legislation would have been an appropriate and excellent vehicle for the Congress to consider such an important proposal.

The ITP is needed because it will help U.S. firms compete with imports from low-wage areas in other parts of the world which will become quota-free with the enactment of the Uruguay round. In addition, the ITP will further open the CBI region to U.S. products—a region where the United States already has a substantial trade surplus.

More importantly, I am pleased with the provision added to the GATT implementing legislation regarding the Rules of Origin. The current Rules of Origin makes it very easy for exporting countries to bypass trade quotas by claiming that a product was cut in a certain country when in fact it was not. The changes put a stop to Hong Kong and China's $6 billion scam to avoid textile quotas by cutting fabric in Hong Kong, sewing it in China, and shipping the apparel with a Hong Kong label, under Hong Kong's quota. This provision, in GATT, will bring more clarity and fairness to the North Carolina textile and apparel trade.

Mr. Chairman, I hope that Congress will pass the GATT implementing legislation today. I also have faith that the administration will, early next year, send to the Congress legislation implementing the ITP, and I hope Congress will expeditiously enact the legislation.

Mr. STENHOLM. Mr. Chairman, I rise today in support of the General Agreement on Tariffs and Trade. I believe a vote for GATT is a vote for the American people.

I support the passage of GATT for four reasons: more American jobs, fairness in trade, GATT is a bipartisan agreement, and protection of American sovereignty.

Jobs: GATT will create hundreds of thousands of high paying, high-skilled U.S. jobs. For every billion dollars of American goods that are exported, 16,000 to 17,000 new jobs will be created. This agreement will be even better for the American people than the extremely successful NAFTA agreement was. Under NAFTA in the first quarter of 1994 Texas exports to Mexico increased from $5 billion to $5.6 billion. This is an 11 percent increase in exports to Mexico in a single quarter.

GATT is as good for the American farmer as it is for the manufacturers of America. The new international trade language will lead to substantially improved access for U.S. farm exports. Our country is relatively "open," and GATT will require others to reduce their trade-distorted support payments, export subsidies and import protection laws. More American exports mean more sales; more sales mean higher prices; higher prices mean higher profits; higher profits mean higher net income, and that is good for the American worker.

Fairness: For the first time ever in a multilateral trade agreement, all 123 member countries will have to play by the same rules. In our previous trade agreements, any member country could pick and choose what part of the agreement applied to them. GATT is different. GATT will require all member countries to agree to and abide by the same rules, and this will benefit the American worker.

Bipartisanship: This agreement is neither a Democratic nor a Republican agreement, but rather both parties' agreement to level the playing field with other countries. This agreement was launched by President Reagan, fostered by President Bush, and concluded by President Clinton. Throughout the negotiation process and this year's legislative process, all three administrations have consulted with Congress in an effort to make this agreement bipartisan, and this effort has better served the American worker.

Sovereignty: Under the GATT agreement, despite what the critics say, U.S. sovereignty will not be compromised. The argument that the United States will be beholden to the whims of third world countries or faceless bureaucrats is completely false. Nothing in GATT affects the sovereignty of this country or any state. The only governing body that can now or ever will be able to make U.S. law is the U.S. Government.

The WTO will not be able to dictate law to either the U.S. Government or any state government. Nor will the WTO have the power to overturn State or Federal law. Any decision to adopt, repeal, or amend U.S. law will remain ours alone to make. To ensure that the United States is never at the mercy of a run-amok, anti-American international body, dominated by developing countries and powerful bureaucrats, a final amendment was added to require Congress to vote on WTO membership every 5 years. This amendment will ensure that the United States retains its sovereignty, and this is good for the American worker.

While this is a solid trade agreement that will provide an increase in hundreds of thousands of jobs for Americans, this agreement may cause some temporary worker displacement, and a drop in some individual wages. Despite this, GATT will benefit the majority of the American workers. Our country is in an global market, and our economy must be responsive to this fact.

As a Congressman who will vote for this agreement, I believe that we should look for new and innovative ways to put those displaced by this agreement back to work. We must not leave these workers behind. Neither should we bring the entire train to a screeching halt in the face of progress. We must vote for this agreement for the long term good of all American workers. If the American worker wants to remain competitive in the future, we as a country will have to adopt to the world economy, before we can thrive within it. The passage of GATT is the first step to thriving in the world market, not just getting by.

It is for these reasons that I believe GATT should be passed now. I urge my colleagues to vote for the American people and vote for GATT today.

Mr. GLICKMAN. Mr. Chairman, during this year's campaign, I made a specific and unequivocal commitment to the people of the fourth congressional district of Kansas that I would not support the GATT Agreement during this lame duck session of the 103d Congress. I intend to keep that commitment.

Notwithstanding my defeat and, importantly, my support for the substance of the GATT Agreement and the fair trade principles it embodies, if I renege on my commitment, I believe that act would deepen public cynicism toward Government and further the debasement of contemporary political debate.

GATT is critically important to our country's economic well being. The economic battlegrounds on which we will determine our and our children's prosperity are radically different from those of the past. This agreement which, deservedly, has strong bipartisan support, will enable the United States to get a fair deal on those new battlegrounds—the most important markets of the 21st century. It will take extraordinary steps toward leveling the global economic playing field. GATT will eliminate unfair barriers other countries have erected in the way of Americans and should be, for those reasons, implemented.

During the campaign, I expressed reservations about the process by which this legislation is being considered, concerns about GATT's effect on agriculture, and the powers of the World Trade Organization [WTO]. I am satisfied these substantive concerns have been met. Senator DOLE's efforts to strengthen the ability of the United States to remove itself from GATT have satisfied my concerns about the WTO and I commend him. But, my reservations about bringing the agreement before a lame duck session, populated by an unprecedented number of retiring and defeated Members, including myself—remain.

Restoring public trust in Government and elected officials is as critically important to strengthening our political future as GATT is to our economic well-being. Indeed, unless we rescue the political commerce of the Nation from the abyss into which it has slipped, securing our economic future will be next to impossible. In one of my last acts as a Member of the House, I will continue striving toward those goals, which I can do best by keeping my word, and I will.

Ms. SNOWE. Mr. Chairman, I rise in opposition to the bill to implement the provisions of the Uruguay round of the General Agreement on Tariffs and Trade. And I am strongly opposed to the GATT provisions that create the World Trade Organization.

I have grave concerns about the economic harm that will come to many of our industries if GATT is passed. It is widely acknowledged that the textile industry is one that could be devastated by GATT. Moreover, as the agreement is currently structured, GATT would clearly have a negative impact on the Northeast dairy industry. This GATT agreement does not provide fair or increased access to foreign markets for our dairy products. In fact, when it comes to our dairy industry, our trade negotiators seem to have gone out of their way to hurt it. Let me give you an example. New Zealand is a major exporter of dairy products. In their infinite wisdom, our trade negotiators gave New Zealand greater access to American markets. In exchange, all New Zealand agreed to do was lower its tariffs on pet food, hardly a justification for a trade agreement that could cripple our dairy industry.

But this example of our trade negotiators' work is really not surprising. Just over a year ago, this body passed the North American Free Trade Agreement, and to this day they still have not finalized the fine print in that agreement. The U.S. Trade Representative has invoked NAFTA's dispute resolution process in response to the economic devastation caused by my state by New Brunswick's unfair Provincial Sales Tax. This trade dispute has continued relentlessly since the summer of last year with no solution in sight, while Maine businesses are hurting and Maine jobs are being lost as a result of the unfair and punitive tax.

But the dispute process has stalled because the roster from which the dispute panel would be drawn has not been finalized. In fact, there is every indication that Canada and Mexico are dragging their feet on this because it is not in their best interests to have the NAFTA dispute resolution process completed.

NAFTA was an agreement between just three countries. If our trade negotiators cannot handle a trade agreement with only three countries, how can we expect them to ensure that our trading partners will live up to their promises when GATT includes over one hundred countries?

But what concerns me most about GATT is the new World Trade Organization. The WTO will be used to enforce GATT's trade regulations, and membership in the WTO is a prerequisite for participating in GATT.

Frankly, I do not believe our trade negotiators when they say that many of our Federal, State, and local laws are not in danger of being overturned by the WTO. Even strong supporters of free trade and NAFTA have expressed concerns about the United States joining the WTO.

In my view, the WTO places the principles of free trade above all else. Under the WTO an individual nation's right to enact its own consumer, environmental, and labor laws would be jeopardized because these laws could be challenged by other countries as "barriers to free trade."

Our State officials are extremely worried about the threat to State sovereignty by the WTO. In July, the Attorney General from my State of Maine circulated a letter that eventually was signed by the attorneys general from forty-two states. They sent that letter to President Clinton urging him to convene a summit with them to discuss the WTO's threat to state and local laws. I also wrote to the President last summer and urged him to meet with these attorneys general, but their request for a presidential summit was denied.

One of the failures of this 103rd Congress is that we have not adequately addressed the implications of United States membership in the WTO. Concerns about the WTO have been voiced across the political spectrum. Conservatives and liberals alike have concluded that the WTO does indeed pose a threat to many of our laws.

One of the most notable critics of the WTO has been Professor Laurence Tribe, an expert in constitutional law at the Harvard Law School. Professor Tribe is a Democrat who describes himself as strong supporter of NAFTA. But his comments about the WTO should be enough to convince almost anyone that we must take a closer look at the motives of the WTO.

For example, Professor Tribe has stated that if a law of one of our fifty States were found to be WTO-illegal in a proceeding in which that state had no official role or voice, the United States would be required either to change the offending law or pay the fine assessed by the WTO.

The Supreme Court has held that Congress cannot constitutionally compel any State to exercise its sovereign legislative authority in a particular manner. But states still have no protection from the fiscal pressures that the Federal government could readily impose on any state unwilling to alter its laws to comply with a WTO mandate.

Under GATT, if a federal law was determined to be illegal by the WTO, the U.S. Congress must either repeal that law or keep it in place and accept the trade sanctions imposed by the WTO. These sanctions would likely remain in place so long as the Congress chooses not to change the law that the WTO bureaucrats find objectionable.

But it will be the Executive Branch, not the Congress, that will determine the fate of any state or local law found by the WTO to be a violation of GATT. What would happen to a state that chose not to bow to the pressure of the WTO? Would the President support the state or the WTO? Would the President be tempted to try and pressure the state into changing its law rather than go against the WTO?

If this GATT is passed, we could be faced with a very disturbing scenario. The President of the United States may actually want to submit prospective federal and state laws to the WTO for its approval before these laws are even voted on in either the U.S. Congress or the state legislature. I am vehemently opposed to this prospect that any of our laws and regulations must be screened first by the international trade bureaucrats of the WTO.

The fact is that the basic thrust of this GATT agreement is to empower international tribunals to effectively override state laws protecting local workers, consumers, or the environment on the grounds that those laws interfere with world trade. And the WTO would do so on the basis of findings rendered in proceedings to which the affected states are not parties.

What makes the WTO disturbing is that it will be based on one nation, one vote, just like in the United Nations General Assembly. GATT members such as Cuba and Yugoslavia will have an equal vote to the United States. But, the WTO will not have an organization similar to the U.N. Security Council, where the United States is a permanent member with veto power. The United States would be at the mercy of any international coalition that could muster the necessary votes in the WTO to challenge any of our laws.

Mr. Chairman, I urge all of my colleagues to say no to the WTO, no to threats to our laws, and no to GATT.

Ms. DUNN. Mr. Chairman, after a thorough examination of the implementing language of the General Agreement on Tariffs and Trade, and listening extensively to all sides and all arguments, I have reached what I believe is a fair and independent conclusion: on the whole, GATT represents an extraordinary opportunity for the State of Washington and the United States.

I deeply appreciate the concerns expressed by some of my constituents in Washington state over the creation of the World Trade Organization [WTO]. Clearly, the protection of U.S. sovereignty—and state sovereignty—is, and will continue to be, the primary concern of lawmakers. As one of our Nation's leading legal scholars—Robert Bork—has pointed out, the new World Trade Organization will have no legislative, executive, or judicial authority whatsoever. Nothing proposed by the WTO or its members can change U.S. laws. Only the United States Congress has that power. The WTO will help settle disputes and enforce the agreement, but that's it.

Mr. Chairman, the United States may eventually find itself on the losing side of a WTO recommendation. While we can no longer block those pronouncements, we needn't change any of our laws or regulations. The WTO cannot force us to change our laws, or impose fines or anything else. The WTO is not a court. All it will do is make recommendations. Should we lose a dispute, we are simply susceptible to trade retaliation, just as we are now and just as we would be to a tremendously higher degree without this agreement.

Further, the WTO cannot override U.S. or state laws: As Section 102(a) explicitly states, "No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect." The section goes on to say that if there is any conflict between U.S. law and any of the Uruguay Round agreements, only U.S. law will apply. The bill also provides that WTO dispute settlement panel reports will not be binding on U.S. courts.

On the other hand, if another country decides it will not play by the rules, and our workers and firms are hurt as a result, the U.S. will be able to respond. We will be able to use our strongest trade laws when countries violate GATT commitments. The U.S. has far more trade leverage than any other country in the world, so retaliation against the U.S. is not a terribly credible or wise option for countries whose economic clout pales in comparison.

Mr. Chairman, we are the most open and transparent market in the world. We have initiated many complaints in the past under the old GATT dispute settlement system, and won most of them. For example, several GATT cases we won with Japan were settled by Japan's offering to substantially open its markets in products like aluminum and beef. These decisions directly benefitted exporters in Washington state. But in the 1980's, our foreign competitors frequently used their "veto right" in the GATT process to hold panel recommendations hostage—thus hurting our export potential. For that reason, Congress explicitly stated that improvement of the dispute settlement process should be one of the highest priorities of the Uruguay Round.

Three successive Administrations have combined to deliver a process which expedites decisions yet preserves our sovereignty. The new process sets deadlines for a dispute to be resolved, and explicitly allows retaliatory measures which can be used as a final resort. The U.S. should benefit the most from these measures since we have been the most aggressive in pursuing unfair trade practices abroad, which we list annually in our "National Trade Estimates Report." Of course, we sometimes have taken measures to protect domestic industries—measures inconsistent with the GATT. We have, on the whole, fixed those regulations that have been in blatant violation of our trade agreements in the past and will likely do so in the future. But the United States has the greatest potential to gain from this streamlined, rule-based dispute settlement system.

While I strongly endorse this GATT agreement, I also support the many provisions in the GATT which empower the United States with the option of withdrawing from the agreement, should that ever be necessary: The continual five-year review period, regular consultations with Congressional committees, review of WTO voting procedures to ensure fairness, annual reports on WTO management and operations, and ultimately, the option of pulling out of the agreement after giving six month's notice.

Mr. Chairman, I would like to stress to my constituents in the 8th District of Washington, who have told me they have not adequately heard the arguments for passage of GATT, a few of the reasons why GATT deserves their support. First, the State of Washington is our nation's fourth leading exporter of merchandise, with $27.4 billion of sales last year. Because Washington State is heavily trade dependent in industries such as aviation, software, agriculture, fishing, wood and paper products, jobs in Washington are tightly bound to international trade. In short, our state's economy stands to benefit disproportionately from passage of this agreement. Washington State exports will rise. We also stand to enjoy lower taxes on imported products—which means lower prices for consumers—and a dramatic increase in the state and national income. For the increased job opportunities, higher wages, and for the largest tax cut in history, for all of these reasons, I support the General Agreement on Tariffs and Trade.

Mr. OBERSTAR. Mr. Chairman, the GATT agreement we consider today proposes some of the most diverse and far-reaching changes in world trade in nearly 50 years. As in all agreements of this nature, there are tradeoffs: some U.S. economic sectors will benefit, others will be adversely affected, while still others will see little or no change. On balance, it is important that our trading partners, in the context of this agreement, are willing to modify their policies on import quotas, non-tariff barriers, outright subsidies, licensing, and intellectual property rights—all of which will very likely improve trade opportunities for various U.S. industries.

However, the agreement raises substantial concerns among important domestic sectors such as agriculture and steel. With respect to steel, the agreement is not sufficiently strong in reducing our trading partners' protective tariffs, quotas, or countervailing duties. I would feel differently toward GATT if a multi-lateral steel agreement were already in place with specific, enforceable reductions by our trading partners in their steel export subsidies and elimination of their quotas and other non-tariff barriers that discriminate against our steel exports.

I have witnessed too much pain in the domestic steel and taconite (iron ore processing) industries—especially in my district—over the past 20 years to be anything but highly skeptical that this agreement will translate into more jobs, more production, or more exports for American steel products. My instinctive feeling is that since America is the world's largest open market, it will continue to be the dumping ground for foreign-subsidized steel. American steel workers have already paid too high a price in lost jobs, economic dislocation, and community deterioration, to cheer an agreement that provides no firm protection against unfair trading practices by our foreign competitors which likely will lead to future job losses for steel, which remains the basic building block for an industrial society.

With respect to agriculture, particularly for our American dairy farmers, the anti-competitive practices engaged in by the European Union (EU), Canada and other countries which benefit their dairy producers to the disadvantage of ours will continue under GATT. In a post-GATT environment, U.S. subsidized exports will be restricted to no more than one percent of milk production while the EU will continue to subsidize at 12 percent of production and Canadian subsidies will run at 6 percent. At a time when even the most efficient and well-managed U.S. dairy farmers are struggling, it is disturbing that the GATT will reward foreign countries that encourage anti-competitive trading practices.

I cannot support this agreement because I believe that U.S. dairy farmers and U.S. steelworkers will not be able to compete internationally or domestically under the terms of this GATT agreement.

Mr. EMERSON. Mr. Chairman, I am going to vote for GATT.

My decision to do so is related to my belief that there are more positive attributes to the agreement than there are negative reasons for opposing it. This agreement is certainly not 100 percent perfect—there are a multitude of pluses and minuses, but I believe the merits outweigh the demerits and that it would be impossible to negotiate an agreement that everyone found 100 percent acceptable.

My earlier-stated concerns related to GATT had principally to do with the World Trade Organization [WTO] and certain portions of the implementing legislation. For instance, whether or not the agreement would usurp U.S. sovereignty; certain elements in the implementing legislation that, in my opinion, conferred "sweetheart deals" on certain media entities such as the Washington Post could be amended; the United States could easily extricate itself from the WTO if none of the anticipated good came to pass and we concluded that the WTO was intolerable or adverse in an overall sense to our interests.

After considerable study and consultation with appropriate authorities, my foregoing stated concerns can, indeed, be satisfactorily answered: The fact is that the WTO cannot change U.S. laws, only Congress can do that; and any ruling that is in conflict, Congress may, by law, resolve the issue; although not a part of the formal agreement, the administration has made an agreement with Senator DOLE to review the provisions of the implementing legislation that I have referred to as "sweetheart deals." If the Congress finds that the Federal Government has not received a "fair return" from the telecommunications companies involved, the companies would retroactively pay more for their "windfall" than they would under the GATT bill. There is dispute about whether in fact there is a "sweetheart deal" involved, but I am satisfied that the administration's agreement with Senator DOLE provides an appropriate mechanism for the resolution of this issue of concern; and finally, the agreement provides that upon 6-months notice the United States withdraw from the WTO, if the Congress concludes that it is in our best interest to do so.

No less an authority than the distinguished conservative jurist Robert Bork has assured those of us concerned about the sovereignty issue that the United States is not threatened under the GATT Agreement.

This GATT has been negotiated over the course of roughly the last 8 years during the administrations of Presidents Reagan, Bush, and Clinton. Fundamentally, it defines the playing field and the rules of the game of world trade. The United States, under the rules of GATT as they have existed over the last approximately half century, has very often been frustrated in its efforts to open overseas markets. In fact, many of the provisions of the agreement at hand are there as a result of U.S. insistence on a mechanism to make sure that other countries can't cheat and that they abide by all the rules, not just the ones they choose to recognize. This GATT Agreement reinforces those United States' concerns, and the WTO is simply the entity through which those concerns may be addressed and resolved.

I repeat for emphasis that, at any time we feel that the WTO and GATT are not working as anticipated they should, the United States may give notice and withdraw from the WTO.

Most fundamentally, I believe, the GATT Agreement provides the framework in which foreign tariffs will be diminished and foreign markets will be made far more accessible to U.S.-made goods and agriculture commodities.

Many Eighth District manufacturers and producers have told me that this agreement will be a healthy tool for them to increase their foreign sales. We are a very trade-oriented district, and agriculture is collectively our No. 1 industry. Agriculture-producing organizations such as the Cattlemen's Association, the Pork Producers, the Corn Growers, the Cotton Council, the Wheat Growers Association, and the Rice Federation have all spoken out in favor of GATT. Manufacturing firms including Procter & Gamble of Cape Girardeau, Polysystems of Steelville, Olin Brass of Cuba, Briggs & Stratton of Poplar Bluff and soon Rolla, Gilster-Mary Lee of Perryville, Huffy Bicycles of Farmington, Arvin Automotive of Dexter, Gates Rubber Company of Poplar Bluff, and Southwest Mobile Systems of West Plains have also spoken out in favor of GATT.

On the other side of the coin, there may be some industries adversely affected. I know that portions of the textile industry have some concerns, as do certain segments of the milk and dairy industry. Be assured that my colleagues and I have a heavy obligation to work to minimize any adverse effects on these and other industries that may be negatively impacted.

In a comprehensive sense, the merits of the agreement itself far outweigh the demerits; and with the Dole agreement with the administration to address certain concerns regarding the implementing legislation, I believe the best interests of the Eighth District lie with my vote for GATT.

Mr. FAWELL. Mr. Chairman, on December 15, 1993, 117 countries concluded a major agreement to reduce trade barriers which currently block exports to world markets. The Uruguay round of the General Agreement on Tariffs and Trade [GATT] is the most comprehensive trade agreement in history. Trade experts agree that the existing set of trade rules are incomplete and increasingly unresponsive to the major concerns of U.S. exporters. I believe the passage of GATT will provide for a more comprehensive, effective, and enforceable set of world trade rules.

On October 5, 1994, the House overwhelming passed a rule providing for consideration of the GATT accord. However, a vote on final passage was postponed until today, November 29, 1994, paving the way for the first bicameral lame-duck session in 12 years. I believe this hiatus provided members with an adequate amount of time to review the final version of the agreement.

The U.S. economy is an integral part of the global economy. While the United States once bought, sold, and produced almost entirely at home, we now fully participate in the global marketplace. By expanding our sales abroad, we create new jobs at home and strengthen our economy. Currently, the United States is the world's largest exporter. In 1992, over 7 million U.S. workers owed their jobs to merchandise exports and thousands of the jobs are supported by exports within the service industry.

However, U.S. companies exporting goods and services are often limited by international trade barriers constructed to protect local industry. These barriers can be tariffs, which take the form of taxes on goods entering a country, or non-tariffs barriers, which are often rules, regulations, subsidies, or other unfair trading practices that limit trade. Therefore, to the extent that we reduce trade barriers around the world to U.S. exports of goods and services, we increase economic opportunities here at home for workers in all areas of the economy. GATT will reduce these trade barriers and it is for this reason I support its passage.

Mr. Chairman, the Uruguay round achieved more than a one-third average reduction in tariffs on trade with GATT partners around the world. This will amount to a global tax cut of more than $740 billion over the next 10 years. In addition, many non-tariff barriers will be eliminated or reduced. These reductions in trade barriers and the resulting expansion of trade will have a dynamic effect on the U.S. economy. According to the United States Trade Representative [USTR] and the Council of Economic Advisers, the Uruguay round, when fully implemented, should add at least $100 billion to the U.S. gross domestic product [GDP] annually. By the 10th year after the

GATT agreement takes effect, this figure will increase to $200 billion annually—an amount equal to 3 percent of the current GDP. This rise in GDP means jobs. The United States, already the world's leading exporter, clearly stands to benefit from the passage of GATT.

While GATT is a "$740 billion global tax cut," the budget rules of Congress require the nearly $12 billion in tariff income which will be lost over the first 5 years of the GATT agreement to be offset. Congress has accomplished this task by producing a package which contains no new taxes. The GATT financing package is an economic rarity: an overall tax cut, job and economic growth, and good trade policy.

What does the passage of GATT mean for Illinois? Currently, Illinois is the Nation's sixth-leading exporter of merchandise with $20.3 billion of sales in 1993. The top three leading exports in Illinois for 1993 were industrial machinery and computers, electric and electronic equipment, and chemical products. In the area of industrial machinery, companies such as Caterpillar and John Deere will receive an 83 percent tariff reduction for major markets, from an average of 9 percent to 1.5 percent. Companies operating in the field of telecommunications equipment, such as Motorola, will benefit substantially from the intellectual property rights because GATT rules would be extended to protect from piracy such items as computer programs and semiconductor chip designs. Exports increased 91 percent for the telecommunications industry from 1989 to 1993 and account for an estimated 21 percent of the industry's equipment shipments. This trend is sure to continue with the passage of GATT. Last, chemical companies, like Nalco Chemical, will reduce the tariffs they pay on chemical products by 47 percent. In addition, an agreement to harmonize chemical tariffs by the United States, the European Union, Japan, and other developed country markets will produce a level playing field.

In September, 1994, allegations arose regarding the pioneer preference provisions of GATT. As in all matters of controversy, we must look at the facts. The Federal Communications Commission's [FCC] pioneer preference policy was designed to reward entrepreneurs who developed important new services or technologies. In the case at issue in relation to GATT, according to a prior agreement the three applicant companies would be permitted to apply for licenses while no competing applications would be accepted by the FCC, and the three licenses would have been awarded for free. However, the House Energy and Commerce Committee held hearings on this matter and introduced a bill to require the three recipients be required to pay 90 percent of the value of the license, instead of receiving them free of charge. After some squabbling between Congress and the FCC a figure of 85 percent was agreed to as a financing provision of GATT. So, where is the controversy? The Treasury, instead of receiving not a dime, will collect at least $534 million in fees from a group of companies who had thought they would receive this preference for free. Mr. Chairman, while I'm not an accountant by profession, I believe someone is cooking the books and merely seeking to throw sand in the gears on GATT.

Mr. Chairman, some have expressed concern regarding the World Trade Organization [WTO] and its relationship to the passage of GATT. I would like to address several of the misconceptions which have been circulating about the WTO, an international body which would replace GATT.

It has been claimed that developing countries will be able to change the rules of the game and avoid their GATT treaty obligations by voting on amendments and waivers in their favor over U.S. objections. However, in the case of amendments to the WTO agreement, no change in substantive rights or obligations will bind the United States unless we have agreed to them. Key provisions can only be modified when all WTO members have agreed to the change.

Another rumor has circulated that the WTO will be the global supreme court of trade disputes. Very simply, the WTO is not a court. The WTO cannot impose any remedy on our country or order any change in U.S. laws. Only Congress or a State legislature can change a statute in the United States, and the creation of the WTO does not alter this fact. Let me remind my colleagues that we have heard this same argument during the consideration of the North American Free Trade Agreement [NAFTA]. The critics were wrong then and they are wrong now. The United States can also use the threat of closing its markets, the world's largest, to ensure we get the benefits for which we bargained. Since the United States has the world's largest market, our ability to close it will ensure countries think twice before violating their commitments.

It has also been stated that challenges to U.S. laws will be decided in secret by closed tribunals of international trade bureaucrats. In reality, WTO panels do not have the power to make decisions or impose solutions; they will issue reports containing views on the dispute and a recommendation to the disputing parties. Under the WTO, panelists will be selected by the parties in the dispute and will be drawn from both the private and public sectors. If the United States is a party, we will participate fully in the selection of any person who sits on the WTO panel. No panelist will be appointed over the objections of a party to the dispute.

Last, it has been reported the United States will wind up paying for the costs of a new international bureaucracy. The WTO will not create a new international bureaucracy. The existing GATT secretariat will provide technical support services for the WTO. United States contributions to the GATT last year were less than $10 million, a fraction of the amount the U.S. contributes to other international agencies such as the United Nations. A group of major trading countries, including the United States, controls the GATT secretariat through the committee on Budget, Finance, and Administration. As it has with GATT, the United States will use the power of the purse-strings to exercise discipline over the WTO expenditures.

In addition, at the request of Congressman NEWT GINGRICH [R–GA] provisions were added to the implementing GATT Bill to require: First, a review of WTO voting procedures to ensure fairness; second, regular consultation with congressional committees; third, a vote on WTO membership every 5 years; and fourth, annual reports on WTO management and operations. I would also like to point out that the United States can pull out of the WTO at any time with a 6-month notice. Also, after discussions with Senator ROBERT DOLE [R–KS], the Clinton administration has agreed to the creation of a WTO Dispute Settlement Review Commission. The commission will review all final WTO dispute settlement reports which are adverse to the United States to determine whether the panel exceeded its authority or acted outside of the jurisdiction of the agreement. I believe all of these provisions provide adequate oversight and safeguard the interests of the United States.

Mr. Chairman, many individuals have stated that the GATT agreement is being rushed through Congress on a fast track. Nothing could be further from the truth. Negotiations on the agreement before us were started in Uruguay in 1986 by President Reagan, continued with President Bush, and culminated with the accord signed by President Clinton. The GATT agreement has been 7 years in the making. The longer we postpone the passage of GATT, the more money we lose. These are losses we cannot recover. In addition, if the United States delays we greatly increase the probability that other countries will impose further delays. We are the world's trade leader and we must act as such.

During the debate on NAFTA, outgoing President Carlos Salinas of Mexico said, "poverty is the environment's worst enemy." I believe this statement hits the nail on the head. Many of the world's most polluted nations are those which are economically poor. GATT will, over time, improve these conditions. As economies grow throughout the world with the passage of GATT, nations will have more money to invest in environmental cleanup programs.

Mr. Chairman, in closing, I encourage all of my colleagues to do what is best for their constituencies, their State, and their country. Free trade and the opening of foreign markets is what the American workers, businesses, and consumers want—the ability to compete on a level playing field with the rest of the world. Let's pass GATT now.

Mr. COYNE. Mr. Chairman, I rise in support of H.R. 5110, a bill to approve and implement the trade agreements concluded in the Uruguay round multilateral trade negotiations.

In the Omnibus Trade and Competitiveness Act of 1988, Congress outlined the U.S. negotiating objectives. According to an analysis of the Uruguay round by the General Accounting Office the final act generally achieved these negotiating objectives which are: To open markets, reduce tariff and nontariff barriers, such as subsidies and import licensing requirements, create dispute settlement mechanisms which would be more effective than those currently in existence, and extend GATT principles to areas such as intellectual property, services and agriculture, areas of importance to the United States either not currently covered or covered in an inadequate manner.

The President, in his message to Congress conveying the act to implement GATT, stated that the Uruguay round agreements are the most comprehensive in history and when fully implemented would add $100 to $200 billion to the U.S. economy each year. Treasury Secretary Bentsen has called GATT a "global tax cut" promoting growth and creating new export opportunities. The agreement provides for a worldwide reduction in tariffs of $744 billion. The United States in 1993 exported $660 billion in goods, accounting for more than 10 percent of the U.S. GDP.

According to a CRS report, economic theory and experience point to substantial overall gains that the Uruguay round is likely to produce for the United States.

According to the CRS report the United States objectives in the Uruguay round were extensive. The report concluded that the United States was successful in having its objectives included on the agenda and it was, for the most part, successful in achieving these objectives in the final agreement.

The Congressional Research Service cited the following as areas where the United States made gains: we secured a more effective dispute settlement mechanism; the antidumping agreement increases the transparency, specificity and due process of the antidumping provisions, "and in this area many new provision promoted by the United States and reflecting present U.S. practices were accepted." In the area of subsidies and countervailing measures, the new agreement strengthens the multilateral discipline, and clearly defines these terms. As to trade related intellectual property rights, the agreement establishes standards and enforcement mechanisms in this area.

The implementing legislation is supported by the steel industry. Recently the chief executive officer of LTV indicated strong support of this agreement along with the 36 member companies of the American Iron and Steel Institute. The reason: the Uruguay round is good for U.S. manufacturing—steel's customers. The Uruguay round also represents a competitive opportunity for U.S. steel. By lowering or eliminating tariff and nontariff barriers the GATT round ultimately creates a greater demand for steel and steel containing products; and an increase in U.S. export of steel and the products made from steel.

The International Trade Commission also indicates that the elimination of steel tariffs by our key trading partners opens up export opportunities for U.S. steel makers.

In the current edition of The Brookings Review the authors state that the recently completed Uruguay round is a landmark achievement that looks ahead to the "increasingly complex international economic relations of the 21st century." The authors point out that services now account for a fifth of global trade. These agreements represent a major extension of GATT in this area. The authors also cite the creation of a new institution, the World Trade Organization, "which develops a more sophisticated mechanism for settling trade disputes, significantly reducing the problem of countries blocking reports on their own discriminatory trade practices * * *" I think many who have expressed concerns about the WTO have failed to see the benefit to the United States by its potential to impose a discipline on other nations.

Some concern has been expressed about worker rights and the relationship between trade and worker rights. H.R. 5110 directs the President to seek the establishment in the GATT and, upon entry into force, in the WTO of a working party to examine the relationship of internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act of 1974 to GATT and to the WTO. Internationally recognized worker rights as defined in this act are: the right of association; the right to organize and bargain collectively; a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

H.R. 5110 also directs the President to report to the Congress not later than 1 year after the date of enactment on the progress made in establishing the working group and the activities of the group. This section is directed at protecting worker rights world wide and at the same time it makes certain that a failure to adhere to these principles by other GATT countries does not place U.S. workers at a competitive disadvantage.

Mr. Chairman, I urge passage of H.R. 5110 because the lowering of tariffs over time by our trading partners will guarantee greater access to foreign markets for U.S. goods and services.

I am confident that by gaining greater access to foreign markets through the reduction of tariffs and trade barriers in general, we are giving U.S. workers the opportunity to compete on a level international playing field. Once this is accomplished, I am certain that this will lead to increased exports of U.S. goods and services.

Mrs. FOWLER. Mr. Chairman, I rise today to express my support for H.R. 5110, the bill to implement the Uruguay round of the general agreement on tariffs and trade.

This support comes only after a very extensive review of the issues raised by this legislation, including an analysis of the potential benefits to America's economy from the Uruguay round, an analysis of the benefits to my State of Florida, consideration of the provisions in the bill that will offset any loss of tariff revenue, and a detailed examination of the impact of the Uruguay round on our sovereignty.

The Uruguay round represents the eighth agreement concluded under the GATT since 1947. Since the first agreement, import tariffs worldwide have been reduced by some 40 percent, and international trade has increased some 800 percent. The Uruguay round will result in a $750 billion reduction in world tariffs over the next 10 years, cutting tariffs on some 85 percent of world trade and reducing quota restrictions on the other 15 percent.

Key provisions of the Uruguay round agreement will eliminate foreign tariffs imposed on U.S. goods by the European Community, Japan, Austria, Switzerland, Sweden, Finland, Australia, New Zealand, South Korea, Hong Kong, and Singapore on major exports in one or more of a number of sectors, including pharmaceuticals; medical equipment; construction equipment; agricultural equipment; steel; beer and distilled spirits; paper, pulp, and printed matter; furniture; and toys. It will remove quotas and other barriers to the importation of U.S. goods by rapidly growing developing countries like India, Thailand, Argentina, Brazil, and Malaysia.

In addition, it will provide greater protection for intellectual property rights, meaning that U.S. firms will have greater recourse with regard to those who ignore patents, copyrights, and trademarks and market copycat drugs, compute software, audio and videotapes, and other products—all at a cost of billions of dollars to the U.S. economy. And it will open foreign markets to significant service-oriented market segments where the United States is highly competitive, including accounting, advertising, commuter services, tourism, engineering, and construction. Other provisions will be equally favorable.

The overall impact of the Uruguay round on the U.S. economy stands to be considerable, according to several studies. The Council of Economic Advisors has estimated that it will increase annual U.S. national income by between $100 billion and $200 billion by the 10th year after implementation and will create some 500,000 U.S. jobs over that period. The CEA study also projects that the Uruguay round will increase America's income by roughly $1,700 per family by its 10th year.

The Uruguay round would also appear to have great promise with regard to my home State of Florida. Exports have played a significant role in Florida's economic growth in recent years, and they currently stand at some $18 billion a year. Between 1989 and 1992, Florida exports grew by some 30 percent-greater than the national average of 23 percent. Enactment of the Uruguay round provisions will result in a further lowering of barriers to key Florida exports, including transportation equipment; industrial machinery and computer equipment; chemical products; scientific and measuring equipment; foods and beverages; printed materials; furniture; telecommunications equipment; and electronic and electrical equipment. I am convinced this will have positive results for the State.

Moreover, this agreement will have significant positive ramifications for my home district. Northeast Florida's ports and facilities represent a world-class, integrated, intermodal transportation network poised to reap the benefits of the Uruguay round. In 1993, Jacksonville had some 27,000 jobs directly tied to trade at the Blount Island Marine Terminal, Talleyrand Docks and Terminals, and operations at Jacksonville, Craig, and Herlong airports. These operations have an annual economic impact of $2.7 billion already, and they are complemented by operations at the port of Fernandina, which contributes hundreds of additional jobs and several tens of millions of dollars to the regions economy. The Uruguay round will only serve to increase the scope of these operations and enhance the region's economic health and prosperity.

While these considerations represent powerful factors that favor the passage of H.R. 5110, in my judgment, the implementing legislation also raised serious questions that merited the fullest examination. In particular, I have had concerns about the provisions that offset the potential loss of tariff revenues under the bill and about the potential loss of sovereignty under this legislation. I have carefully reviewed both of these matters and have reached the conclusion that these issues are nonstarters.

Under the Budget Enforcement Act, revenue lost during the first 5 years of any new law must be offset, either through new revenues or spending reductions. Most analysts project that revenues from trade-related growth under the Uruguay round will more than make up for any losses in tariff income and would in fact negate the need for offsets. Nevertheless, the strictest interpretation of the Budget Act requires an offset of $11.7 billion. That has been accomplished with this bill. On the revenues side, it occurs primarily through the acceleration of existing tax obligations or the tightening of current tax loopholes. On the spending side, the bill would reduce expenditures through the tightening of requirements that must be met before certain specific benefits can be received. The result is that tax rates remain essentially unchanged, and no new areas of income are taxed.

One section of the tariff offset portion of the bill that has been the subject of particular concern to some constituents centers on the legislation's so-called pioneer preference provisions. This section has been criticized as a windfall to three firms involved in the Personal Communications Services [PCS] industry. The controversy resulted from efforts by the Federal Government to promote the PCS industry by offering special pioneer preference status to a number of applicants on a competitive basis. This status was intended to encourage PCS technology development by freeing a limited number of firms from FCC licensing fees.

The problem arose when the FCC later auctioned off PCS wavelengths and found that the industry was willing to pay far more than expected for them. Under the circumstances, awarding pioneer preference status to the three successful applicants was roundly criticized. In an effort to ensure proper compensation to the Government, keep faith with the three pioneers for their early investments, and avoid lengthy and expensive litigation which might ultimately have yielded no fees at all, Congress and the three pioneers reached an agreement under which they will be required to pay 85 percent of future average successful wavelength auction bids. These provisions are included in H.R. 5110.

Critics of these provisions argue that what is essentially a 15-percent discount for the three pioneers represents a loss of tens of millions of dollars in Government revenue. I am pleased to report, however, that Senate Republican Leader BOB DOLE has succeeded in negotiating with the President a supplemental agreement that will allow a second look at this matter should future wavelength auctions actually yield a windfall to the three pioneers. I believe that by this action, Senator DOLE has successfully addressed this issue and defused a potential timebomb.

Finally, many have voiced serious concerns about a loss of sovereignty under the Uruguay round. These concerns revolve around the new World Trade Organization, or WTO, and perceptions about its ability to override U.S. law.

The role and authority of the WTO has clearly been the most contentious element of the Uruguay round agreement. I have studied the provisions of the accord in great detail and have received input from legal experts ranging from Judge Robert Bork to the president of the American Bar Association. They are in agreement that the WTO will absolutely not supersede U.S. law. I ask unanimous consent that the texts of correspondence from Judge Bork and the American Bar Association appear at the conclusion of these remarks.

Critics of the WTO maintain that it is equivalent to a world supreme court where our trading partners can conspire against us and have the power to compel us to change U.S. law or accept unfair decisions. This is not true. Even if a dispute settlement panel finds the United States in violation of GATT, legal experts are clear that the WTO has no authority to change Federal or State law. If the United States chooses not to accept a WTO finding and an agreement cannot be reached with the complaining country, the only recourse is the assessment of a higher tariff on U.S. products by the complaining country.

In the words of Judge Bork, "Under our constitutional system, no treaty or international agreement can bind the United States if it does not wish to be bound. Congress may at any time override such an agreement or any provision of it by statute. In sum, it is impossible to see a threat to this Nation's sovereignty posed by either the WTO or the [Dispute Settlement Understanding]."

In fact, significant safeguards have been built into the new WTO process at the insistence of the United States, and WTO voting rules offer greater protection to the United States than do old GATT voting rules. On fundamental issues, the WTO cannot change trade rules unless there is unanimous consent for the change. On other issues, a two-thirds majority may approve amendments to trade rules, but those countries that do not support the change are not bound by the new rules. Finally, while the WTO charter provides for special circumstances in which a three-fourths supermajority can require the adoption of rules by all WTO members, nations retain the option of withdrawing from the WTO.

In practice, it must be realized that the United States has the largest economy in the world. It would be entirely contrary to the interests of our trading partners to try to compel us to accept a change with which we do not agree, as it could precipitate our withdrawal from the WTO. Indeed, there are numerous provisions in the accord that preserve the United States right to withdraw with 6 months' notice.

While a full review of the Uruguay round lent significant credence to those who claim that the WTO cannot threaten U.S. sovereignty, a side agreement negotiated by Senator Dole with the President provides further safeguards. Under this agreement, a panel of five retired Federal judges will review WTO dispute settlements on an ongoing basis. If the panel finds that the WTO has acted arbitrarily or in violation of its charter on three occasions over the course of a 5-year period, any Member of the Congress will be able to initiate action aimed at obtaining America's withdrawal from the WTO. If the Congress passes a resolution calling for U.S. withdrawal and either wins Presidential consent or overrides a Presidential veto, the United States would quit.

This agreement has been painstakingly negotiated over an 8-year period by three Presidents—Presidents Reagan, Bush, and Clinton—and has the support of all three. It has been supported by 9 past Chairs of the Council of Economic Advisers, by 11 past Secretaries of the Treasury, and by 7 past U.S. Trade Representatives, along with each of their current counterparts. With the most recent Dole side agreements, I am fully persuaded that adoption of the Uruguay round provisions is in the best interests of our nation. I will cast my vote today in support of this agreement.

ROBERT H. BORK,
Washington, DC, May 26, 1994.

Ambassador MICHAEL KANTOR,
Office of the U.S. Trade Representative, Washington, DC.

DEAR MR. AMBASSADOR: I understand that opposition to the Uruguay Round agreements has focused on the creation of the World Trade Organization (WTO). The claim, which was also made with respect to NAFTA, is that the WTO is a threat to the sovereignty of the United States.

It is difficult to resist the conclusion that some of those who make this claim are actually opposed to the lowering of tariff and non-tariff barriers in international trade. The protectionist impulse is strong but it is contrary to the best interest of American business, workers, and consumers.

The sovereignty issue, in particular, is merely a scarecrow. Under our constitutional system, no treaty or international agreement can bind the United States if it does not wish to be bound. Congress may at any time overside such an agreement or any provision of it by statute. (The President would, or course, participate as the Constitution provides in the enactment of such a statute.) Congress should be reluctant to renege on an agreement except in serious cases, but that is a matter of international comity and not a loss of sovereignty.

The same observations apply to the Dispute Settlement Understanding (DSU). A mechanism for settling trade disputes is essential if the aims of the Uruguay Round agreements are to be achieved. It is extremely unlikely that any country will agree with all recommendations as to the resolution of the disputes in which it is involved. There is no dispute resolution process anywhere that can achieve that result. Once again, however, recommendations made under the DSU do not bind Congress and the Executive Branch unless those departments of government choose to be bound.

Protection of U.S. sovereignty, however, does not depend solely on the undoubted ability of our political branches to nullify or modify agreements or recommendations. The WTO itself contains numerous safeguards concerning procedures which protect not only the sovereignty but the interests of all nations, including the United States. It appears that these safeguards are either the same as or stronger than those already existing in the GATT, under which we have operated successfully for decades.

In sum, it is impossible to see a threat to this nation's sovereignty posed by either the WTO or the DSU. Any agreement liberalizing international trade would necessarily contain mechanisms similar to those in the Uruguay Round agreements. The claim that such mechanisms are a danger to U.S. sovereignty is not merely wrong but would, if accepted, doom all prospects for freer trade achieved by multi-national agreement.

Yours truly,
ROBERT H. BORK.

GEORGE E. BUSHNELL, JR.,
AMERICAN BAR ASSOCIATION,
Chicago, IL, November 17, 1994.
Hon. TILLIE K. FOWLER,
U.S. House of Representatives
Washington, DC.

DEAR REPRESENTATIVE FOWLER. As you know, the Congress will be voting in the next few weeks on legislation to implement the Uruguay Round of trade negotiations, including U.S. membership in the new World Trade Organization (WTO). In that connection, you have heard questions raised concerning the extent to which the Uruguay Round dispute settlement rules and World Trade Organization decisions impact U.S. sovereignty.

We are writing to convey our view that neither the new rules nor U.S. participation in the WTO will adversely affect U.S. sovereignty. Rather, the Uruguay Round agreements represent an important extension of the rule of law to international trade relations, a position to which the United States has long subscribed. We strongly urge that Congress approve the Uruguay Round implementing legislation.

We enclose two brief issue papers outlining the bases for our conclusion concerning both the functioning of the WTO and the new GATT dispute settlement procedures. If you have any further questions about either of these matters, please do not hesitate to contact Claire Reade, Chair, ABA International Trade Committee (202/872-3719), Ken Reisenfeld, Governmental Affairs Officer, ABA Section of International Law and Practice (202/393-3502), or Rozann Stayden, Legislative Counsel, ABA Governmental Affairs Office (202/331-2205).

Sincerely,

GEORGE E. BUSNELL, JR.,
President.
JAY M. VOGELSON,
Chair, Section of
International Law &
Practice.

THE URUGUAY ROUND DISPUTE SETTLEMENT RULES REFLECT STRONG U.S. EFFORTS TO STRENGTHEN THEIR EFFECTIVENESS

The U.S. has been an active and successful participant in GATT dispute settlement. USTR statistics show:

The U.S. has won 80% of the cases it has brought since 1947. The GATT average is 64%.

The U.S. also has won the majority of the cases brought against it. The GATT average win rate for respondent countries is 36%.

However, for years, the U.S. has been frustrated by the weakness of, and delays in, GATT dispute settlement proceedings and enforcement.

For example, U.S. farmers suffered greatly from the European refusal to abide by several GATT panel rulings on agricultural products and the lack of effective GATT enforcement rules.

This frustration with the GATT's weakness led Congress to demand change. In the 1988 Trade Act, Congress' first specific negotiating objective for the U.S. was the strengthening of GATT dispute settlement procedures.

As Section 1101(b)(1) crisply states, Congress wanted "more effective and expeditious resolution of [GATT] disputes and . . . better enforcement of United States rights."

U.S. negotiators met these Congressional objectives in the Uruguay Round agreements. The new Dispute Settlement Understanding ("DSU") will improve procedural fairness and increase other countries' respect for U.S. international rights, because:

No country can block the formation of a dispute settlement panel to hear a claim; the panels will rule within a fixed time period; an aggrieved party has a right to appeal, which also must be resolved within a fixed period; no country can prevent the panel from issuing an official decision and recommendations; and an injured country will be able to obtain WTO authorization to apply limited "self-help" trade measures, if its trading partner does not agree to settle the dispute in some other manner.

While the American Bar Association believes that improvement still is needed in the transparency of the dispute settlement process, the total secrecy of the old GATT process has been changed. Parties to DSU disputes must now provide non-confidential versions of their submissions which the U.S. can make available to interested U.S. citizens and groups.

When the U.S. is a defendant in dispute settlement proceedings, panel decisions will not overturn U.S. law.

Only the U.S. Congress has the power to change U.S. laws; the WTO and DSU do not.

Since an unfavorable DSU decision cannot be blocked, the U.S. generally will decide to negotiate a satisfactory settlement of some kind. The U.S. has been very successful at this in the past.

However, if national interests are at stake, the U.S. has the full domestic power to refuse to implement the decision. In this case, the U.S. likely would accept the limited withdrawal of trade benefits by its trading partner. In the worst case, of course, the U.S. could decide instead to withdraw from the WTO.

GATT procedures have played a considerable role in past U.S. trade diplomacy successes. The WTO improvements meet Congressional objectives to enhance these successes and should be given vigorous support.

THE WORLD TRADE ORGANIZATION DOES NOT THREATEN U.S. SOVEREIGNTY

Both Democratic and Republican administrations have pushed for stronger and clearer international legal procedures in trade matters. The Uruguay Round agreements accomplish many of these goals.

The proposed World Trade Organization ("WTO") is designed for a limited purpose—to administer and coordinate the various agreements reached in the Uruguay Round negotiations by its member countries.

These agreements, and the WTO's rules, create international obligations for the U.S. and other nations. They do not override domestic U.S. law. Only the U.S. Congress has the power to make U.S. laws.

Following the decades-long practice under the existing General Agreement on Tariffs and Trade ("GATT"), WTO decisions are likely to be made by WTO member country consensus.

The 120 diverse GATT countries have recognized the fundamental political and economic reality that consensus is necessary to create effective policy on trade matters.

Therefore, for the last thirty five years, the GATT voting rules have never been used to create a new substantive obligation. There is no reason to believe the WTO will act any differently.

Nonetheless, at U.S. initiative, voting safeguards have been built into the WTO, in the event that WTO voting rules ever come to be invoked. The WTO voting rules protect the U.S. more than the GATT voting rules did. For example:

Certain fundamental trade rules cannot be changed unless there is *unanimous* agreement.

A two-thirds vote of all members is required to approve amendments which make other substantive changes.

Even with a two-thirds vote favoring a substantive amendment, the change will only apply to countries who agree to it.

In special circumstances, a three-fourths supermajority can require other countries either to (i) abide by a change agreed to by two-thirds of the members, (ii) withdraw from the WTO, or (iii) explain convincingly to the WTO Council why the country should not have to comply with the change. (Practically speaking, it may prove difficult, if not impossible, to achieve these supermajority requirements.)

Other decision procedures in the WTO, such as waivers or interpretations, likewise protect members by supermajority requirements.

Despite these safeguards, if a WTO decision is fundamentally at odds with U.S. interests and the matter cannot be resolved through negotiation, the U.S. can withdraw from the WTO on six months' notice.

This will exert a very practical curb on WTO decisionmaking, since the size and importance of the U.S. economy make U.S. participation in the WTO critical to its success. Other nations will have a strong incentive to negotiate a mutually agreeable solution to avoid forcing the U.S. to take such a drastic step.

In short, the WTO does not create a supranational government with the power to impose its will on the United States. The U.S. will retain the power to make its own laws and act in its national interest.

Mr. KIM. Mr. Chairman, I rise today in strong support of GATT. Quite simply, I believe that the GATT agreement is an historic opportunity to expand the American economy and create jobs.

There are several reasons why I believe GATT will be good for American businesses and our economy as a whole:

First, the agreement will greatly expand export opportunities for American companies. By lowering or eliminating tariffs and other trade barriers, the GATT will bring the rest of the world in line with our already low tariffs. As a result, GATT will open new export markets for many American products while only making the U.S. market slightly more vulnerable to imports. The result will be a boon for American exporters.

Next, the Uruguay round agreement finally establishes a mechanism for resolving trade disputes that has teeth. Over the years, the United States has been frustrated time and time again in its attempts to prosecute illegal trade practices by a weak and ineffective dispute resolution procedure established by previous GATT agreements. The new agreement resolves this problem by creating a binding arbitration process that will help the United States gain fair resolutions to trade disputes. As a result, the new agreement will help the United States end unfair trading practices which hurt American exporters.

Finally, the agreement wins important concessions that will help vital American industries. For example, the agreement applies free trade rules to trade in services for the first time. As a world leader in service industries, the U.S. stands to benefit greatly from the agreement. The agreement will also force nations to provide copyright and patent protections for the first time—which will help American software, music, and film producers slow the flood of piracy which limits their success in overseas markets. These and other concessions won in the GATT negotiations will greatly enhance the export position of the United States in the coming years.

Of course, I know that the agreement is not perfect. Like many of the opponents of GATT, I am concerned about some provisions of the agreement, especially the fact that the agreement gives substantial power to the new World Trade Organization—which may threaten U.S. sovereignty. However, my fears on this subject have been allayed by the recent agreement to include language which would allow the Congress to pull the United States out of the WTO if a panel of Federal judges finds that three WTO decisions have been unfair to the United States I was further reassured when I read section 102 of the GATT legislation, which states:

> No provision of any Uruguay Round Agreements * * * that is inconsistent with any law of the United States shall have effect.

In other words, the WTO will have no direct power to force the United States to change its laws.

In short, I know that the GATT is not perfect, but I also believe that we should let the perfect by the enemy of the good. On net the GATT is good for America—good for American jobs and good for the American economy. For this reason, I urge my colleagues to vote "yes" on the GATT agreement.

Mr. FINGERHUT. Mr. Chairman, I rise today in support of the legislation implementing the Uruguay Round of the GATT.

As usual, I find the black and white statements of both proponents and opponents to be exaggerated. This enormously complex agreement embodies difficult and often perplexing choices. In many cases, the outcome of an issue depends on other policy decisions to be made in the future by the Congress and the Administration.

There is no question but that implementation of the GATT will have a favorable impact on the prices of goods and services to American consumers. Simply put, cutting tariffs on imports of all kinds will give consumers better choices at lower prices, thereby increasing their standard of living. Similarly, thousands and thousands of businesses throughout the United States will find markets open for their products in places around the world where those markets do not currently exist. These businesses will in turn hire new workers to help fill the orders that will result from this agreement. Driven by the choices of consumers around the world, these businesses are therefore precisely the type of enterprises that will insure American industry a leading role in the world economy of the future.

But these positive developments come with a price. The pressures to compete in this new global, intensely price conscious environment undoubtedly exert downward pressure on the wages and benefits of workers. This is particularly true when the competition to American workers increasingly comes from developing nations with a low wage base.

The fierce global competition also threatens countries such as the United States that have chosen to adopt high standards for worker safety and environmental concerns. Each time the government imposes upon a business a new regulatory standard, we are imposing a cost that must be passed on in the price of that company's product. If we choose to impose such higher standards, then it is unfair to the companies affected by the standards to ask them to compete on a playing field against foreign competitors who do not have similar costs. As someone who supports the effort to reach high worker safety and environmental standards, it is easy to see how the downward pressure on prices will result in lowering standards, with the world racing to reach the lowest common denominator.

But the question before us today is what impact enactment or rejection of the Uruguay Round will have on our nation's economy. The most important observation that honest commentators have made is that the impact of this agreement operates only on the margins. Indeed, even the most optimistic projections suggest a positive increase in the United States gross domestic product of $100–200 billion per year, a small fraction of our $7 trillion annual economy. More importantly, perhaps, trade agreements such as GATT are but a minor factor in the globalization of markets. As other commentators have pointed out, more important factors in the globalization of the economy include cheap and instant telecommunications and computing that ease the formation of new commercial relationships, the diminishing transportation costs that make international trade cheaper and easier, and the development of more uniform consumer preferences as a result of international advertising and mass media penetration. Additionally, the emerging democracies of the world are bringing on line the largest new capitalist markets in the history of the world. The drive of these governments and their people to seek prosperity through trade will not be diminished simply by the rejection of this agreement. The only thing that will be accomplished in these countries by rejecting the agreement is that they will turn to countries other than the United States to furnish the goods and services the people desire. These factors tending toward globalization of trade will accelerate whether or not Congress approves this agreement. It follows, therefore, that the threats to our environmental and worker safety standards previously referred to will also accelerate regardless of what we do here today.

The remaining question is whether the GATT might exert some ameliorating impact on these concerns. It is on this question that the fiercest arguments have raged. Some argue that the proposed World Trade Organization, with its system of one nation, one vote and its ability to sanction retaliatory actions by nations who are determined to have been the victim of unfair trading practices, will exacerbate these problems. But it is equally possible that the existence of an international organization such as the WTO will provide a forum for the hearing of disputes on issues such as environmental worker safety that, if properly focused, could result in the nations that follow high standards pulling up the laggards more promptly and more efficiently. Indeed, since an overwhelming vote of the member nations of the WTO is required to permit the imposition of sanctions against a country, an ample opportunity exists to make the case for raising the standards of the world, not lowering them. And when the United States is among those making the case for higher standards, its economic influence in the world can help lead the way.

On balance, therefore, the Congress should approve this agreement. But if the Congress and the Administration stop here, and fail to exert the power of the United States in the international debate to come over worker and environmental standards, then we will be short changing all of our constituents. With the hope that the United States will choose to lead the way on these issues, but with the certainty that rejection of this agreement will not solve the problems of which the opponents complain, I will cast my vote for the agreement.

Mr. POSHARD. Mr. Chairman, I rise today in support of the General Agreement on Tariffs and Trade [GATT]. After carefully studying the GATT and its implementing legislation, I believe this trade agreement is right for America. A year ago, I stood in this chamber to voice my opposition to a very different trade agreement, the North American Free Trade Agreement [NAFTA]. Unlike NAFTA, I believe GATT will create jobs for Americans by fostering trade in an international and competitive marketplace.

I voted against NAFTA because it primarily focused on expanding America's trading opportunities with Mexico, a large, underdeveloped country. Because the United States already operated under a free trade agreement with Canada, there was no mechanism to balance the surge of Mexican imports and value added products that have proven to infiltrate our domestic market. NAFTA did nothing more than create and export platform economy in Mexico. Because Mexico borders the United States, NAFTA allowed American companies to set up shop in Mexico to manufacture goods with raw materials produced in the United States. Furthermore, NAFTA allowed American companies to take advantage of the low labor standards and wages of Mexican workers thereby creating greater corporate profits. I feel strongly that American workers lost on NAFTA, but I do not feel the same threat of American companies going abroad exists under the new GATT. I assure my constituents back home and my colleagues in the House that I would not vote for this agreement if I felt like it was going to have the same effects on American workers and our economy as NAFTA. the GATT agreement will significantly liberalize our trade with more than 100 different countries, but more importantly, the agreement brings with it a balance of trade in an expanding global marketplace.

If the new GATT is approved, it will boost United States exports, expand our economy, and create jobs, because there is a balance of trade. The new GATT brings the rest of the member nations into compliance with many of the higher standards and rules of trade under which the United States has worked for many years. This agreement makes the global market more of a level playing field. Because the United States has been playing by these higher standards and will now have the opportunity to trade in a much more equal and open global market, I believe the United States has the most to gain from GATT.

Critics argue that many of the developing countries that are a part of the GATT will be able to produce and export goods into the United States, drastically below the cost of American manufactured products. The new GATT establishes rules under which member nations are permitted to impose import restrictions, or "safeguards" when imports surges cause or threaten to cause serious injury to a domestic industry. GATT would also continue the practice of allowing all member countries, including the United States, to maintain laws against the "dumping" of exported goods into another country when the export price of those goods is less than their price in the domestic market.

I strongly feel GATT will encourage developing countries to continue to foster better labor and environmental standards. The implementing legislation would require the inclusion of nongovernmental and conservation organizations on the federal advisory committee that issues opinions on the impact of trade agreements on the environment. The bill also would require the president to seek establishment within the World Trade Organizations of a working party on the linkage between trade and internationally recognized workers's rights, and to report to Congress within a year of enactment on progress toward establishing the working party.

In recent months, many people have voiced their concern to me over the World Trade Organization (WTO) and its impact on our nation's sovereignty and its laws. The WTO will not affect or change the authority of the United States and state governments to adopt and enforce their own laws and regulations. Many of the changes in the way GATT will be implemented, including the WTO and its dispute settlement process, were introduced by the United States, because the changes put our country in a better position to trade equally and fairly with member nations of GATT. In addition, several provisions have been included in the implementing bill to further protect United States sovereignty including a mechanism to allow for our nation's withdrawal from the WTO.

It is very important to realize the World Trade Organization is not a court. The WTO cannot change or order any change in our nations's laws. That is so even if a WTO dispute settlement panel would find that the United States is not in compliance with its obligations. Only Congress or a State Legislature can change a statute in the United States, and nothing in the WTO agreement alters that fact. The WTO dispute settlement system is designed to facilitate the settlement of disputes, not impose solutions. The settlement of any dispute is up to the countries involved and cannot be imposed by the WTO.

Under the WTO agreements, if a country is found to have reneged on its promises to open its markets, and the countries involved in the dispute cannot settle their differences in another way, the complaining country can withdraw some of its own trade promises to restore the balance of trade benefits, but the country or the WTO cannot force any change in our nation's laws which serve as a standard to the entire world.

Our negotiators have ensured that World Trade Organization voting rules, should they ever be invoked, will safeguard our country's interest even more than at present by raising the majorities required for important decisions.

In the case of amendments to the WTO agreements, no change in substantive rights or obligations will bind us until we have agreed to it. Key provisions, such as most-favored-nation obligations, decision-making rules, and the amendment rule itself, can only be changed when all WTO members agree to the change, and no changes can be made to the dispute settlement system except by consensus.

In order to ensure that the World Trade Organization cannot change the deal we negotiated by issuing interpretations of the WTO agreements, the United States has had the rules changed to require a larger majority, three quarters of all members, to issue an official interpretation. This larger majority was implemented to insure interpretations cannot be used to undermine the WTO's rules on amendments.

In the GATT implementing legislation, Congress has also required the United States Trade Representative to consult with appropriate congressional committees before any WTO vote on an action that could affect our nation's rights and obligations under the WTO agreement. The United States Trade Representative will have to make available each WTO report promptly after it is circulated to WTO members. Each year, the United States Trade Representative will also have to submit a report on the structure of the WTO and any dispute panel actions involving the United States.

In analyzing the GATT agreement, I think it is crucial to focus on the benefits our nation and its people will receive as a result of a world-wide reduction in tariffs. For the first time, GATT will cut trade-distorting foreign subsidies and import barriers in the agriculture sector. For the 19th Congressional District, this means farmers will finally have access to expanding foreign markets, increasing U.S. agricultural exports by as much as $4.7 billion in five years. That is why the Illinois Farm Bureau, the Illinois Corn Growers, the Illinois Pork Producers, and many other agricultural organizations in Illinois overwhelmingly support this agreement. I would like to enter into the CONGRESSIONAL RECORD a letter from the Illinois agriculture community on GATT.

GATT also means the possible creation of a new market for the coal industry in my district and across the nation. Since the implementation of the Clean Air Act, thousands of coal miners have lost their jobs. By taking advantage of new foreign markets, GATT is an opportunity for our domestic coal industry to increase production and put coal miners back to work. In recent weeks the National Coal Association has expressed to me its support of the GATT agreement, and I would like to enter into the CONGRESSIONAL RECORD a letter from the National Coal Association.

In addition to coal and agriculture industries, the state of Illinois will benefit in a wide range of export sectors as a result of reduced foreign tariffs, strong intellectual property protection, and improved trade rules protecting domestic industries against unfair trade practices. As the sixth-leading exporter of merchandise, many sectors of Illinois business will benefit greatly from more open foreign markets as a result of GATT including chemicals and allied products, construction and farm equipment, pharmaceuticals, and telecommunications equipment. Already the state of Illinois has seen a $10.1 billion increase in exports since 1987, and I believe this increase will continue to grow if we implement the GATT.

I believe GATT is an historic opportunity for Americans. By lowering tariffs and reducing trade barriers throughout the world, we will have the opportunity to create jobs for Americans by dramatically increasing the global marketplace for goods and services produced by the most efficient and skilled workers in the world, Americans.

ILLINOIS AGRICULTURE

To: Illinois Congressional Delegation

Illinois agriculture will benefit greatly from the implementation of the Uruguay Round Agreement of the General Agreement on Tariffs and Trade (GATT). We urge you to support the GATT implementing legislation and the effort to bring it to a vote before the 103rd Congress adjourns.

The expanded trade brought about by the new GATT agreement will be good for America. The agreement will reduce prices for U.S. consumers and help to lower inflation. Expanded trade will mean increased U.S. exports. Increased U.S. exports will mean more opportunities for U.S. workers.

The agricultural portion of the agreement will cause highly subsidized foreign competitors to operate in the marketplace closer to the way American farmers compete. The agreement requires: Reductions in subsidized agricultural exports, 36 percent in budgetary outlays and 21 percent in volume over six years; cuts in aggregate import protection by 36 percent over six years and a requirement that non-tariff barriers be converted to tariffs or tariff-quotas; reduction of 20 percent in some trade-distorting internal supports; establishment of a code to prevent the use of sanitary and phytosanitary regulations as trade barriers.

USDA projects these provisions will increase U.S. agricultural exports $5–$14 billion and increase U.S. farm income approximately $4 billion between now and the year 2000. In addition, a letter from Acting Management and Budget Director Alice Rivlin and USDA Secretary Mike Espy accompanies the agreement expressing support for various agricultural programs that should be retained after the GATT legislation is passed.

Last fall you had the opportunity to vote on the North American Free Trade Agreement (NAFTA). The results of the bold Congressional action on NAFTA are coming in and they are extremely positive. Your support of the GATT implementing legislation will help to build upon this foundation of economic growth for agriculture and our Nation.

Your support of the GATT legislation, voted upon in this session of Congress, would be appreciated.

Sincerely,

Terry Bogner, William R. Lemon, Jamie Willrett, Bob Fitzpatrick, Jim Disney, Ron Warfield, Roger Brown, Mike McElvain, Don Ahrens.

NATIONAL COAL ASSOCIATION,
November 29, 1994.

Hon. GLENN POSHARD,
House of Representatives,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE POSHARD: On behalf of the members of the National Coal Association, I urge you to support GATT Uruguay Round implementing legislation.

Opening international markets for U.S. goods and services helps spur economic growth and creates American jobs. The Uruguay Round, the most comprehensive trade agreement in history, could increase the U.S. economy by $27 billion annually by the year 2002 according to the Organization for Economic Cooperation and Development. Coal, as the feedstock for over 57% of our Nation's electricity, will benefit from this economic expansion.

The U.S. is poised to take advantage of the gains the GATT offers. Therefore, our Nation's interest would be well served to have the agreement implemented on a timely basis.

Sincerely,

RICHARD L. LAWSON.

Mr. SKAGGS. Mr. Chairman, two Republican administrations and the current Democratic administration have worked for 7 years to fashion a new global trade agreement that opens markets and lowers barriers to trade among nations. The result is the so called Uruguay round of the General Agreements on Trade and Tariffs, or GATT.

Today, the House of Representatives has a historic opportunity to bring this agreement into existence by passing the legislation needed to implement it. After considering the arguments, particularly those that have been raised against the new GATT agreement, I'm convinced it will be good for American workers, consumers, and businesses.

Let me begin by explaining why GATT is a clear winner for the United States.

The GATT agreement represents a monumental breakthrough by the United States in world trade policy. In essence, the GATT agreement is a decision by the world community to take a major step toward free, fair, and open trade, with fewer barriers and less protectionism. As the country that has been most disadvantaged by the trade barriers erected by protectionist nations such as Japan, the United States has the most to gain from dismantling those barriers.

Trade objectives that we have sought for almost a decade to achieve, such as the reduction of agricultural subsidies and the protection of intellectual property rights, will be achieved by the new GATT. The agreement extends free trade rules to new industries like banking, information services, and entertainment—all areas where the United States is the clear global leader.

And to provide the most effective mechanism yet to enforce the international rules against illegal trade barriers, the new GATT sets up a new World Trade Organization, or WTO, to administer the trade obligations contained in the agreement. This improved dispute settlement system will benefit America more than any other country, since it is we who have brought more complaints against the unfair policies used by other nations to protect their markets from our competitive products.

In considering the merits of the treaty, the most important question to ask is: What difference will it make in the lives of ordinary Americans? First and foremost workers will benefit. The agreement will create jobs—hundreds of thousands of new, well-paid American jobs—as American companies expand their production to sell goods and services in nations where they have been excluded by protectionist policies. And the new jobs will be good ones; jobs that are created by merchandise exports pay on average 18% more than the average U.S. wage.

American consumers will also benefit. The reduction of tariffs on goods coming into America will be equivalent to a huge international tax cut. The average American is likely to save hundreds of dollars annually in lower costs of food, clothing, and other important goods.

There have, of course, been objections to the GATT agreement. It is only after examining these objections that I've concluded that the agreement is in the best interests of the United States.

The chief concern that has been raised is that the World Trade Organization would somehow compromise Federal laws and undercut the authority of our national and state governments. But under the GATT agreement, the WTO could never act as a substitute for Congress or our state legislatures. Only Congress or a state legislature may change a law in this country. This implementing legislation explicity provides that, if there is any conflict between American law and the GATT, only American law will apply. The bill also provides that WTO dispute settlement agreements will not be binding on American courts. The decisions of the WTP ultimately depends on the consent of the nation whose trading laws are in dispute.

A nation can withdraw from GATT if it is unwilling to go along with a WTO finding. So if the United States is subject to any systematic discrimination in WTO decisions, we can simply leave. As a practical matter, however, the world trading community well understands the central place of the United States in world trade, and it would be quickly self-defeating for any majority of WTO members to conspire against us.

Critics of the agreements have also expressed concern that America's strict environmental, health, and worker-safety standards could be attacked before the WTO as unfair attempts to keep out products from other countries that don't meet those standards. But in reality, the new GATT agreements more clearly than ever before create an international recognition of true health, safety and environment standards. Nations will be able to set environmental or product-safety standards as high as they want so long as the standards are scientifically based and don't discriminate against foreign products. Only those standards that are really protectionist rules and regulations disguised as health, safety and environmental standards will be subject to successful challenge. And it is those false standards put up by other countries that the United States has long challenged as barriers to our exports.

Another objection to GATT has been to the inclusion in the implementing legislation of a provision that would benefit American Personal Communications, a corporation 70% of which is owned by The Washington Post (which, like hundreds of other American newspapers, endorsed the pact). The GATT implementing legislation does recognize a "pioneer preference" telecommunications license to American Personal Communications, but the GATT legislation now requires the company to pay the federal treasury 85% of its market value, while the Federal Communications Commission had originally awarded that license for free. So this is in reality a revenue-producing provision, to offset some of the loss in federal revenue as the United States joins other countries in reducing tariffs on imported goods.

The new GATT agreement is not perfect, or all that the United States wanted. For example, it does not yet provide proper offset for the economic advantages enjoyed by countries with grossly unfair labor practices (although the United States did win an agreement to have the WTO continue to work on that issue).

But overall, the United States is uniquely positioned to benefit from the GATT trade agreement and the new world trade system it will create. The American economy is now integrated into the global economy. Where we once bought, sold and produced almost entirely at home, we now participate fully in the global marketplace.

We are the world's largest trading nation with the world's most dynamic economy, and we will be the biggest winner from the GATT agreement. Last year, the United States exports accounted for more than 10% of the our gross domestic product. Under GATT these figures will grow even larger. As we expand our sales abroad, we will create new jobs at home and expand the economy.

Because expanded and fairer international trade will benefit us, the United States led the world effort to prepare this GATT agreement. For the same reason, Congress should now pass this legislation to implement the agreement.

Mr. CONDIT. Mr. Chairman, I rise today in opposition to the General Agreement on Tariffs and Trade [GATT].

I did not arrive at this decision easily. Initially, I was inclined to vote for GATT. A worldwide reduction in tariffs, and the inclusion of agriculture in the Uruguay round agreement are positive steps. However, over the last 20 years, as we have developed GATT and similar trade deals, our trade deficit has spiraled upward. Trade reciprocity and fair trade should be our goal in trade agreements. GATT, as presently designed, fails this test.

Millions of American workers have already suffered greatly from the damaging effects of unfair and inequitable trade. Even proponents of the Uruguay round admit that for many workers the agreement will mean enormous economic disruption and job loss. It is expected that as a result of GATT more than 1 million workers are likely to lose their jobs in the textile and apparel industries alone.

The Uruguay round also places major U.S. industries at risk by expanding access to the U.S. market with no commensurate improvement in U.S. export opportunities. In the case of dairy, the agreement allows the European Union to subsidize the export of 30 billion pounds of milk, while limiting U.S. support levels at 1.5 billion. Overall, the GATT is expected to mean a farm income loss of $600 to $825 million per year for U.S. dairy farmers and restricts its ability to counter this unfair competition.

Many questions regarding this proposal remain unanswered. The question of national sovereignty has not been resolved to the satisfaction of many. I don't believe the voters would approve of another international bureaucracy, more distant and unresponsive than even our own United States Government. In addition, this vote does not just approve a trade treaty, but also approves over 650 pages of implementing legislation containing sweetheart deals worth billions of dollars for private companies. To shove this through on a lame duck vote is simply more business as usual. The recent election demonstrated the voters' demand for changing the way we conduct the Nation's business. Passing a 2,000 page trade treaty, in 4 hours, with a lame duck Congress, when there is no overwhelming reason to move so quickly, is not changing the way we do business.

Some have called this the most important vote of the decade. I urge my colleagues to reexamine the way we are considering such an important vote. I see no reason why we cannot postpone the vote on GATT until the 104th Congress. Its time we end business as usual, and begin the process of regaining the trust and confidence of the American people.

Ms. FURSE. Mr. Chairman, after extensive review, I have come to conclude that GATT Uruguay is in the best interests of Oregon and the Nation.

As a Member of Congress, I have worked hard to protect American workers. I am convinced that GATT is very different from NAFTA. I was concerned NAFTA placed American jobs and the environment at risk by creating an entirely new economic order with a neighboring, low-wage country. GATT is not the giant step into the unknown that NAFTA was; it is about continuing the rules which have guided global trade for nearly the last 50 years. Moreover, unlike NAFTA, GATT opens lucrative markets in Europe and the Pacific rim.

After a number of meetings on this important issue, I am convinced that the economic, environmental, and sovereignty concerns I had with the NAFTA—and still have—do not apply to GATT. GATT has been our ruling order of free trade for nearly the last 50 years, and includes 125 countries. The agreement before us today is the work of 8 years of negotiations, and will not force American workers into the serious labor disadvantage that NAFTA created.

Only the United States will be able to change U.S. law. The World Trade Organization can make recommendations, but it is up to the United States Congress and Executive Branch to accept, reject, or ignore their advice. Conversely, the United States also has the power to flex its economic power through the World Trade Organization on countries which are uncooperative.

Health and safety trade restrictions, if scientifically-based, will not be altered under the GATT. Wildlife protection treaties and international agreements which currently exist will continue. I have been assured that future GATT talks, and multilateral and regional trade agreements will seek to expand environmental protection across the globe.

Clearly, the benefits for Oregon under GATT are tangible and sizeable for our State's economy. The economy of Oregon's first district produces many family-wage jobs in the high tech industry. Last year, Oregon's largest manufactured export items were computers and industrial machinery, over $1 billion. Under GATT, world-wide technology-based manufacturing and software development tariffs will be cut an average of 38 percent to 50 percent. More importantly, markets in Europe will cut their tariffs on computers by 80 percent, and electronic components by 88 percent. Reductions of this magnitude will mean enormous job growth in Oregon and benefits for the entire region. In addition, GATT is consistent with work I have done to boost exports of Oregon's environmental technology industry, ultimately aiding our global environment.

For these reasons, I urge my colleagues to support GATT.

Mr. BONILLA. Mr. Chairman, today we are voting on H.R. 5110, legislation implementing the Uruguay round of the General Agreement on Tariffs and Trade [GATT]. As many of you know, I have had serious concerns over the implications of this agreement and have studied it closely. Today, I can only conclude that the economic implications of this agreement are clear and positive for America.

At this time, exports account for 12 percent of U.S. economic output and more importantly 50 percent of U.S. economic growth. One in six U.S. manufacturing jobs are dependent on exports. Exports from my home State of Texas totalled $35.6 billion last year. This agreement will cut 85 percent of tariffs. Reducing tariff barriers will increase exports and generate economic growth that enlarges America's economy by at least $500 billion. In addition, it will reduce the deficit by more than $150 billion. On economic grounds the case is clear. Ralph Nader, the Sierra Club and the AFL–CIO are wrong. GATT means jobs. Jobs for Americans.

However, this vote today is not just about economics. This vote today is not just about jobs. This vote today is just not that simple. Today we are not merely voting to lower tariffs, we are voting to establish a mechanism for mediating trade disputes called the World Trade Organization [WTO]. The very name of this organization raises the concern that it may have authority to threaten our sovereignty.

America has paid a high price for its freedom. A price paid from the cliffs of Normandy to the isle of Okinawa, from the beach at Inchon to the desert of Kuwait—these heroes did not make the greatest sacrifice to see freedom sold.

I have pledged to the people of the 23d district of Texas that I will not vote for any international agreement that threatens or reduces the sovereignty of the United States. I was one of only a dozen Members of Congress to repeatedly vote against setting the precedent of placing U.S. troops under U.N. command in Somalia and will never hesitate to stand up for America's independence.

Last month, I voted against the rule because I believe a lame-duck Congress should not make this important decision. We lost that vote and so today's vote is on the agreement itself not the timing of the vote. Let me repeat, today's vote is not a vote on whether a lame duck Congress should vote on GATT, today's vote is a vote on the agreement itself.

Before you cast your vote today you cannot forget that we must never put a dollar value on our freedom. I have spent the last month closely studying this agreement. I intend to remain true to the legacy of Valley Forge and have concluded that I must vote for this agreement because it makes America stronger and in no way sells our freedom and independence to the WTO or any international or foreign organization.

The WTO is a bad name, nothing more, nothing less. If there is one thing I know, it is that America has nothing to fear from a name. I have reached this conclusion after addressing the following concerns I share with many fellow Texans:

First, will the proposed World Trade Organization "legislate" for the United States?

Under our Constitution, the Congress has the sole authority to regulate U.S. trade. Only the U.S. Congress can legislate for the United States. Only Congress will decide whether and how to change U.S. laws to carry out our commitments to the WTO agreements. Neither the WTO agreements themselves nor any change to them will have any effect on U.S. law unless and until the United States agrees and the U.S. Congress decides to implement them.

Second, will the WTO be the Global Supreme Court of trade disputes?

The WTO is not a court. The WTO can't change—or order any change in—U.S. laws or impose any other remedy on us. That is so even if a WTO dispute settlement panel finds that the United States is not in compliance with its obligations. Only Congress can change United States laws, and nothing in the WTO agreement alters that fact. The WTO dispute settlement system is designed to facilitate the settlement of disputes, not impose solutions. The settlement of any dispute is up to the countries involved and can't be "imposed" by the WTO.

Under the WTO agreements, if a country is found to have reneged on its promises to open its markets—and the countries involved in the dispute cannot settle their differences in another way—the complaining country can withdraw some of its own trade promises to restore the balance of trade benefits. Both the Congress and the administration made the inclusion of this provision in the WTO a top priority in the negotiations.

It means we can use the threat of closing our market—the world's largest—to ensure we get the benefits we bargained for. Since we have the world's largest market, our ability to close that market will make sure countries think twice before violating their commitments. That is of vital importance to us as the world's leading exporter.

Third, will developing countries be able to change the rules of the game and avoid their obligations by voting on amendments and waivers in their favor over U.S. objections?

U.S. negotiators ensured that WTO voting rules, should they ever be invoked, will safeguard U.S. interests even more than at present, by raising the majorities required for important decisions—and increasing our ability to mobilize a blocking minority.

In the case of any amendments to the WTO agreements, no change in substantive rights or obligations will bind us until we have agreed to it. Key provisions can only be changed when all WTO members agree to the change. No changes can be made to the dispute settlement system except by consensus.

In order to ensure that the WTO can't change the deal we negotiated by issuing interpretations of the WTO agreements, the

United States had the rules changed to require a larger majority—three-quarters of all members—to issue an official interpretation. And interpretations can't be used to undermine the WTO's rules on amendments.

We also strengthened the requirements for issuing waivers that allow countries to escape some of their obligations. Any waiver of the new WTO obligations that are being phased in—such as those protecting U.S. patented products sold abroad—can only be granted by consensus. That means we can prevent our trading partners from voting themselves a free ride in key areas of importance to us.

Fourth, will the WTO be controlled by developing countries that vote against the United States in the U.N. General Assembly?

The major players in the WTO will continue to be the United States and other developed countries, just as they have been in the GATT. They will continue to have the biggest say over the budget and the management of the WTO through their power of the purse-strings.

Countries may vote their politics in the General Assembly, where a vote often has no economic consequences. But they follow their pocketbooks in the GATT. Developing countries have been on our side in the Uruguay round on many issues—for instance, agriculture, where both we and developing country exporters wanted to stop the European Community's predatory export subsidies.

Fifth, will challenges to U.S. laws be decided in secret by closed tribunals of international trade bureaucrats? WTO panels do not have the power to make decisions or impose solutions. Panels will issue reports containing their views on the dispute and a recommendation to the disputing parties.

Under the WTO, panelists will be selected by the parties in the dispute and will be drawn from both the private and public sectors. If the United States is a party, we will participate fully in the selection of any person who sits on the WTO panel. No panelist will be appointed over the objection of a party to the dispute.

The administration will make all U.S. briefs to a panel available to the public immediately after they are submitted and will distribute summaries of the arguments made by other countries. All written submissions and oral statements made to a panel will be fully described in the panel's report. And the report will be made public promptly after it is submitted.

Sixth, are article X amendments to the WTO agreements binding on all members even if one-third of them object?

The WTO amendment provisions in article X state that any substantive amendment takes effect for a member only if that country consents to it. Key provisions, such as most-favored-nation obligations, decision-making rules, and the amendment rule itself, can only be changed when all WTO members agree to the change. No changes can be made to the dispute settlement rules except by consensus.

The only case in which an amendment could go into effect for all members when it is accepted by two-thirds is if three-fourths of all members agree that the amendment isn't substantive. Even in these cases, which would not substantively affect U.S. trade interests, the burden will be on the country proposing an amendment to round up the votes of three-fourths of the members. The United States, if it objects, can put together a one-quarter blocking minority of like-minded countries.

Seventh, will the United States wind up paying for the costs of a new international bureaucracy?

The WTO won't create a new international bureaucracy. The existing GATT secretariat—which is quite small relative to many U.N. agencies—will provide technical and support services for the WTO. U.S. contributions to the GATT last year were less than $10 million.

Eighth, what if other problems develop, and the WTO acts against America's interests?

The U.S. retains the right to withdraw from the WTO at any time if the WTO acts contrary to America's interests. Other nations must understand that congressional approval of this GATT agreement is totally contingent on this fact and that America will not hesitate to withdraw from GATT and the WTO if it is in America's national interest.

In simple language, the WTO is the referee in the very serious game of international trade. As in any game, all players benefit from an impartial and fair referee. It is in the mutual interest of all players to accept the referee's rulings. However, the referee has no power to impose his will on the players. All players are free to leave the game at any time if they choose. We retain the right to withdraw from GATT if it is contrary to our interests. That referee, the WTO, only has the authority to make sure all trading nations comply with agreements they have voluntarily entered. That referee, the WTO, has no power or authority to impose its will on the greatest Nation in history, the United States.

We have an historic opportunity to make America stronger. An opportunity to help future generations realize the American dream. I know the choice Washington, Jefferson, and Lincoln would have made. They would have looked forward, not backward. They would have voted yes. They would have said it was a simply choice. We have an obligation to make America as strong as it can be. Please join me in voting for a strong, vigilant and independent United States. Please join me in voting for GATT.

Mr. GUNDERSON. Mr. Chairman, as one who has consistently promoted an increasing presence for American farmers in the world market, it is philosophically difficult to cast a "no" vote against trade legislation. However, as the ranking minority member of the House Subcommittee on Livestock, it is incumbent upon me to review the Uruguay round with a critical eye on the programs under that subcommittee's specific jurisdiction.

Unfortunately, Mr. Chairman, that review leads me to a solitary conclusion—the Uruguay round is a bad deal for the vast majority of producers and agri-businesses under our jurisdiction. Perhaps there is no better illustration of that fact than the adverse impact the Uruguay round will have on our domestic dairy industry.

Under the new GATT agreement, the American dairy industry loses section 22, the 60-year-old law which protects our producers against imports which undermine our domestic milk pricing system. In addition, by the turn of the century, the United States must allow an additional 1.2 billion pounds (milk equivalent) of foreign dairy products into the country annually.

Making matters worse, our negotiators did not restrict that new access to value-added or branded dairy products. Rather, they granted a considerable amount of that new access in basic commodities such as cheddar cheese, butter, and dry milk. That was a very significant decision because our milk pricing system and Government Support Programs are premised on basic dairy commodities.

Under the Dairy Price Support Program, the Commodity Credit Corporation must purchase any cheddar cheese, butter, or non-fat dry milk that cannot be moved through commercial channels. Similarly, the basis for all milk prices in the United States, the Minnesota-Wisconsin (M–W) series, is determined by the weekly price of cheddar cheese on the National Cheese Exchange in Green Bay, WI. Accordingly, to the extent that new imports of basic dairy commodities displace domestic dairy products, milk prices will go down and the dairy farmers and other taxpayers of this country will end up buying more surplus dairy products through the CCC. In fact, the Congressional Budget Office [CBO] tells us that the Uruguay round will increase the cost of the Dairy Price Support Program by $422 million over 5 years.

Now, there are those in the administration who tell us that we should take solace in the fact that we have gained specific access to the Japanese and South Korean markets for our value-added dairy products. With due respect, that does not resolve the problem we will have with basic dairy commodities.

They also suggest that the dairy industry is a big winner under the Uruguay round because, by the turn of the century, the European Union [EU] has to reduce their subsidized exports from 463,000 metric tons of butter to 366,000 metric tons, from 386,000 metric tons of non-fat dry milk to 243,000 metric tons, from 386,000 metric tons of cheese to 305,000 metric tons, and from 1,188,000 metric tons of other dairy products to 938,000 metric tons. The presumption that the U.S. dairy industry will be able to profit from these reductions fails for at least three reasons.

First of all, the American dairy industry, as a whole, is a relatively new player in the world market. We don't have a national dairy board like Australia or New Zealand that can act immediately to pick up the slack left by another player in the market. Our major export incentive, the Dairy Export Incentive Program [DEIP] must also be reduced one-third under the Uruguay round, and there is no industry-funded alternative to replace it. Under these circumstances, someone other than the United States will benefit from reduced European Union subsidized exports.

Secondly, the Uruguay round doesn't level the subsidized export playing field. Rather, it simply freezes it. By forcing all players to take the same percentage reduction in subsidized exports, the 20 to 1 advantage the European Union has over the United States is perpetuated. In fact, by the turn of the century, the European Union will still be able to subsidize over 1.8 million metric tons of dairy products compared with the United States share of 92,000 metric tons. With due respect, Mr. Chairman, that's neither free trade nor fair trade.

Thirdly, even before the ink is dry on the Uruguay round, we already know that some players—such as our good neighbors to the north—are refusing to play by the rules in an effort to keep American dairy products out of their country, while other countries are stretching the rules to the maximum in an effort to discriminate against long-time American players in the world dairy market.

In short, Mr. Chairman, the Uruguay round is bad for the dairy industry because it takes domestic markets away from our processors, it drives prices down for producers, and it treats our historical importers inequitably. Quite frankly, those of us who represent significant portions of the dairy industry should have simply announced last January that we intended to vote against any implementing legislation. That would have been the easy thing to do. But, in the long run, it would have done little to assist the industry if GATT was ultimately implemented.

And so, in an April 20th hearing by the House Committee on Agriculture on the Uruguay round, I asked the industry to get together and come up with a series of proposals to minimize any adverse impact that the new GATT agreement would have on the industry. To their credit, the leaders of this industry, which is famous for its divisiveness rather than its solidarity, reported back to us in less than 6 weeks with a list of items they unanimously agreed they needed to be able to work in a world dairy market governed by the Uruguay round. This joint communication was signed by representatives of the National Milk Producers Federation, the Alliance of Western Milk Producers, the Farmers Union Milk Marketing Cooperative, the Women in Farm Economics, and American importers (a/k/a historical licensees).

Working with the industry, we, then, took the items presented to us and put them in legislative form. That package, called the Dairy Export Enhancement Act [DEEA], was forwarded to each Member of Congress in June.

Now, there are some nay-sayers out there who question whether GATT implementing legislation is the appropriate vehicle to rewrite U.S. dairy policy. With due respect, the implementation of the Uruguay round, without any legislative intervention on our part, will single-handedly rewrite U.S. dairy policy. The industry proposals incorporated in the DEEA would simply give the various segments of the American dairy industry the tools they need to be competitive in a 21st century world dairy market. The tools it provides can be summarized as follows:

Full Funding of the DEIP Program. Other governments finance the subsidies authorized by GATT, and the DEEA would simply ensure that the U.S. will also fully fund the dairy subsidies it is permitted under GATT;

Industry Market Development Board. To be competitive, American dairy interests need an industry board, like those employed by other countries, to help them move dairy products into the world market. The DEEA would authorize the Secretary to contract with an autonomous industry to do that;

Studies of GATT Impact on Domestic Dairy Programs. The impact that new access for imported dairy products will have on producer income, milk marketing orders, the price support program (and related assessments), the dairy research and promotion program (and related assessments), and the dairy product inspection system is not fully known. The DEEA would require that studies be completed as to the potential adverse impact that could result from the Uruguay Round in these areas as well as to suggestions for potential remedies for any such adverse impact;

Playing by the Rules. The DEEA would require the Secretary of Agriculture to hold hearings to ensure that Canada lives up to its obligations under the combination of NAFTA and GATT, and, if not, further require the President to enter negotiations with Canada to achieve compliance with those agreements and submit reports to Congress until that compliance is achieved; and

Equitable Playing Field. Because of the tendency of certain exporting countries to discriminate against historical American importers in favor of their own preferred importers, limitations and prohibitions on certain discriminatory and anti-competitive practices as well as certain licensing procedures are included in the DEEA.

As you can see, these proposals are not intended to circumvent the Uruguay round but, rather, to ensure that the American dairy industry has all of the competitive tools that foreign dairy industries have and to further ensure that other countries are prevented from breaking or unreasonably stretching the rule to their advantage.

After the DEEA was received and reviewed, 26 Members from 12 difference States agreed to form the Congressional Dairy Task Force on GATT whose sole purpose was to have the provisions of the DEEA included in GATT implementing legislation. Before going further, I would like to thank each member of that task force for their hard work throughout this process and for their willingness to put their names on the line in this endeavor.

The DEEA was presented to the House Committee on Agriculture on July 28, 1994, during their markup at which time it was placed in the recommendations the Committee would send to the administration. After a long and sometimes difficult staff conference, virtually all of its recommendations of the DEEA were forwarded to the administration in one form or another.

Regrettably, Mr. Chairman, almost none of them have come back to us in the formal implementing legislation. Indeed, that legislation merely extends the DEIP Program to 2001, prohibits the auctioning of cheese licenses, and grants two studies—one on Canadian compliance with the Uruguay round and another on the impact of new imports on the market order system. That is a far cry from what the American dairy industry needs to adjust to the Uruguay round.

In fact, Mr. Chairman, it leads me to question whether this administration cares about American dairy producers at all. On two separate occasions this year, USDA had the opportunity under provisions in the 1990 farm bill to significantly assist dairy farmer income. They failed miserably both times when they, first, delayed the implementation of section 102 of the 1990 farm bill and, second, when they blew their chance to make significant reforms in the way that milk is priced.

Let me reiterate what I've said since last January—the Uruguay round is a bad deal for the dairy industry. Unfortunately, the implementing legislation does virtually nothing to change that conclusion. For those dairy farmers and others in the dairy industry who share my disappointment with the administration's inaction in this area, let me assure you that, if these issues remain unaddressed, we will be revisiting them and the solutions contained in the Dairy Export Enhancement Act during our consideration of the 1995 farm bill.

In another area under the jurisdiction of the Livestock Subcommittee, that of meat inspection, Mr. Chairman, the Uruguay round will increase an existing inequity among small State-inspected meat processors. For 25 years, meat which is subject to State inspection (which, by Federal law, must be "at least equal to" Federal inspection) has been prohibited from entering interstate commerce. NAFTA further increased the inequitable treatment of state-inspected meat by permitting Mexican and Canadian meat that conforms to Federal standards to travel in interstate commerce. The Uruguay round would extend that privilege to the meat products of other countries.

This only serves to multiply the competitive disadvantage under which the small state-inspected "mom and pop" processors and meat lockers must operate. To remedy this growing inequity, the administration could have put the language contained in my bill (H.R. 3646) to permit state-inspected meat to move in interstate commerce in the implementing legislation. Again, however, they failed to do so.

Finally, the Uruguay round is also troublesome for our domestic sheep and lamb industry. In the last year, the industry watched as the Wool Act was phased out and imports of lamb increased by almost 50 percent. With the repeal of the Meat Import Act, meat products formerly protected by that act will be subject to tariffication. Lamb was not among the meat products so protected and I am supportive of efforts to ensure that lamb imports are treated equitably with other meat imports. However, for the third time, we find glaring deficiency in implementing legislation forwarded to us by the administration.

From my perspective and the perspective of my western Wisconsin constituents, the Uruguay round creates more problems than solutions for those commodities under the jurisdiction of the House Livestock Subcommittee. While those problems can no longer be corrected, the adverse impact associated with them could have been mitigated to some degree. Unfortunately, for reasons known only to them, this administration chose to deny the various segments of these industries—producers, processors, retailers and importers alike—the tools that they need to become and remain competitive in the world market of the 21st century. Accordingly, I cannot support the Uruguay round implementing legislation.

Mr. MARKEY. Mr. Chairman, I rise in support of H.R. 5110. I think legislation, on balance, is good for American consumers and good for American workers.

I also want to comment on title VIII, which contains an amendment to the Communications Act of 1934 that requires the Federal Communications Commission to recover for the public a portion of the value of public spectrum that has been awarded by the Commission to licensees granted a "pioneer's preference." This title is based on H.R. 4700, introduced by Chairman DINGELL, myself, and others. It is designed to guarantee that the American taxpayer will get a fair share for the use of the radio spectrum by these licensees.

Under the "pioneer's preference" program, certain persons are determined by the Commission to have made significant contributions to the development of a new telecommunications service or technology, and those persons are assured of obtaining a Commission license. The Commission developed the pioneer preference program in the late 1980's as a means to reward those who invest in technology but who might lose out under the licensing procedures in place at the time, namely lotteries. That program made sense, because the lottery system made no distinction between the serious technology innovator and the casual speculator, it gave no incentive to invest in new communications technology. Overall, the Commission has awarded 5 "pioneer's preference"—three in the broadband Personal Communications Service [PCS]; one in narrowband PCS, and one in local multipoint distribution service.

In 1993, Congress changed dramatically the Commission's licensing process. The Licensing Reform Act of 1993, approved as part of the Omnibus Budget Reconciliation Act of 1993 [Public Law 103–66, title VI, section 6002], largely abolished lotteries, which were a ridiculous method to give away a vital Federal resource, and instead put in place a system of competitive bidding, or auctions. The auction system ensures that the American taxpayer will get paid for its vital resources, and that the spectrum will be put to good use.

Earlier this year, the Commission began to utilize competitive bidding, or auctions, as a means of assigning FCC licenses. The first auction for narrowband PCS generated over $600 million. Later in the year, the Commission will begin auctioning off broadband PCS, and many industry analysts predict those auctions will generate billions of dollars.

In light of these events, the committee examined whether pioneer preference winners should get their spectrum without having to pay for it. Under the Commission's pioneer's preference rules, the spectrum being awarded to the pioneers would not be subject to auction, since by Commission rule the applications were not mutually exclusive. In addition, the committee was concerned that there is substantial question about the authority of the Commission to require pioneer preference holders to pay. Consequently, the committee sought to develop legislation that would ensure that holders of a pioneer's preference pay an equitable amount for use of their spectrum, and that such payment not be mooted by litigation.

Title VIII accomplishes that goal by amending section 309(j) of the Communications Act of 1934 to require pioneer's preference holders to pay a sum equal to not less than 85 percent, on a par population basis, of the highest bid for a license that is most reasonably comparable in terms of bandwidth, area designation, usage restrictions, and other characteristics. The legislation provides that in the context of broadband PCS, the 20 largest markets in which no one has obtained a pioneer's preference would be most reasonably comparable.

Title VIII also contains a mechanism to ensure that the Federal Government obtains at least $400 million. If the formula described above does not generate at least $400 million, though most experts think the amount will be closer to $1 billion, then the Commission is authorized to impose a payment requirement so that at least that much, plus interest, is collectively paid by the three broadband PCS pioneer's preference holders.

Finally, the legislation directs the FCC to not delay in awarding the pioneer's preference and in granting the license, and that both of these decisions should be deemed final and not subject to further review. The legislation also provides that the pioneer's preference holders must begin payment to the Federal Government 30 days after the award of the pioneer's preference, and the granting of the license, becomes final.

This provision has been the subject of three different House subcommittees, and was the subject of a joint hearing just last month. The conclusion from that hearing is the same conclusion that Senator DOLE and the U.S. Trade Representative reached earlier this week: "The solution [on pioneer preference] worked out in the legislation will provide that fair return [to the taxpayers], and it represents a good compromise of an extremely complex issue."

I think this legislation is necessary because it locks in payment by the pioneers, and wipes away the uncertainty, the unacceptable risk, that the pioneers would walk away by paying nothing. I also think this legislation should end the matter, because I believe the formula will yield hundreds of millions of dollars, even a billion dollars, for the taxpayer. And consumers will benefit when they begin to see new cellular providers offer better quality service at lower prices. This legislation is a good compromise that will propel the communications industry forward. It deserves your support.

Mr. STOKES. Mr. Chairman, I rise today to express my strong opposition to H.R. 5110, legislation to implement the Uruguay round trade agreement under the General Agreement on Tariffs and Trade [GATT]. I oppose this legislation for a number of reasons, including billion dollar giveaways to media giants, like the Washington Post. Most importantly, I strongly oppose the GATT Agreement itself, because I do not believe that it will benefit American workers and American business.

The final text of the Uruguay Round Agreement, which was concluded in December 1993, establishes a world trade organization, with the sole power to settle trade disputes between nations who are parties to the agreement, and to enforce compliance with the agreement. The World Trade Organization will have the power to declare that U.S. laws which protect the environment, or human health, are unfair barriers to trade, and order the U.S. Government to either change the law, or face trade sanctions. We have already seen the potential danger in ceding authority to an international trade tribunal in the ruling that the Dolphin Protection Act, to prohibit the importation of tuna caught with technologies which harm dolphins, which passed Congress overwhelmingly a few years ago, was ruled an illegal barrier to trade. It is likely that many U.S. laws, governing everything from restrictions on pesticide use, to "Buy American" provisions, will be challenged before the world trade organization as illegal trade barriers. I do not believe that Members of Congress, as representatives of the American people, can surrender our national sovereignty to an unelected, unaccountable, International Trade Organization which does not hold public hearings, and does not release public statements of its decisions on cases challenging U.S. laws.

Mr. Chairman, the GATT Agreement also lacks any provisions calling for enforcement of internationally recognized labor rights. This will place pressure on American business to lower wages, benefits, and workplace safety protections to compete with developing nations, rather than raising the standards in the developing world up to the level of western industrialized nations. I deem it unconscionable that the U.S. negotiators abandoned a primary goal of all international trade negotiations for the past 50 years in agreeing to the final GATT Treaty. That goal, which has been consistently adhered to, regardless of which party held the Oval Office, is the recognition and promotion of international labor standards. This is an abandonment of standards which are rooted in the history of our humane treatment of American workers.

I know that workers in Ohio, and in my Congressional District in Cleveland, do not support legislation and a treaty which will lead to the erosion of their hard-won pay and benefits. My constituents have made it clear that they do not want the U.S. Government to give an international tribunal, which is totally unaccountable to the American people, the right to void laws enacted by our National, State, and local governments. The World Trade Organization could jeopardize laws which protect the public health, preserve the environment, and provide safe workplaces and good jobs for working Americans.

Moving beyond the problems in the GATT Treaty itself, the legislation submitted by the administration for implementation of the trade agreement is packed with numerous egregious provisions which make a mockery of the legislative process. First, the bill does not meet the Budget Enforcement Act requirements under the pay-as-you-go rules. The administration has acknowledged this, and is attempting to obtain a waiver of the Budget Act provisions in the Senate. Independent estimates indicate that the revenue shortfall over 10 years may add up to $40 billion.

Second, it is intellectually dishonest to publicly argue that the GATT Treaty is designed to "level the playing field" for American companies in the international market, while the legislation to implement the agreement is loaded with numerous sweetheart deals for influential special interests. Perhaps the most outrageous example is the provision concerning pioneer preferences in section 801 of H.R. 5110. Section 801 overturns a fee formula adopted by the Federal Communications Commission in August 1994, to recover the fair market value of the pioneer preference telecommunications licenses granted by the FCC to three large media companies. The licenses were awarded for the New York City, Los Angeles, and Washington, DC markets for personal communications services. The beneficiaries of section 801 are the Washington Post Co., Cox Enterprises, Inc., and Omnipoint Communications. This provision gives away between $62 million and $218 million of Federal money to the owners of the Washington Post, and between $561 million and $1 billion to the owners of the Atlanta Constitution. Giveaways of billions of dollars of Federal money to special interests is outrageous, and has no place in this legislation.

Mr. Chairman, the GATT implementing bill we are presented with, as well as the GATT Treaty itself, are fundamentally flawed, and should be rejected. I urge all my colleagues to stand up for the American worker, vote against H.R. 5110, and show their constituents that the representatives of the people of this great country will fight to preserve their jobs, their benefits, and the well-being of their families and communities.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 5110, legislation to implement the far-reaching trade agreements concluded as part of the Uruguay Round of the General Agreement on Tariffs and Trade [GATT].

The GATT Agreement makes sweeping improvements to the international trade environment and to the ability of U.S. businesses and workers to compete in that environment.

Today, without GATT, U.S. markets are the most transparent and open markets in the world. We have the lowest tariffs and the fewest trade restrictions. Today, without GATT, we are at a disadvantage because while foreign goods and services receive relatively unrestricted access to our markets, American products and services face blatant, government-sanctioned barriers to trade all over the world.

My basic reason for supporting GATT is to level the playing field and ensure that other countries treat our products the same way we treat theirs. Under GATT, for the first time ever, all 123 member nations will play by the same rules.

The result will be the creation of hundreds of thousands of jobs and the addition of $500 billion into the international economy each year. The United States will receive more than one-quarter of this new economic activity.

For California, we are the Nation's leader in exports and we stand to gain tremendous economic benefits from GATT. GATT will generate nearly 250,000 new, high-paying jobs for Californians over the next 10 years. GATT will bring an additional $100 million each year to our State's semiconductor industry because of the enhanced intellectual property rights in the agreement.

California agriculture will also make significant gains as a result of lower foreign subsidies, elimination of trade barriers and access to new markets. Beef, rice, wheat, tomatoes, sugar, dairy, wine, pears, apples, tree nuts and many other farm commodities will increase exports under GATT.

In addition, GATT represents the largest international tax cut in history—$750 billion over the next 10 years. It slashes tariffs in our most productive export sectors, protects intellectual property rights for some of our fastest growing industries, and reduces foreign agricultural subsidies.

Charges that GATT will undermine our sovereignty are simply not based in reality. Only Congress and our State legislatures can change our laws. In fact, section 102(a) of this bill provides that if there is any conflict between our laws and any provision of GATT, our laws prevail.

Further, the World Trade Organization operates by consensus. There has never been a vote by the GATT general assembly to impose penalties or sanctions against any country for a trade infraction. Our trading partners know that they cannot impose new rules on us and other big economic players without our consent. States would still be allowed to impose environmental, health and safety laws that are stricter than the Federal standard.

In short, the fundamental tenet of GATT is simply this: as long as we treat foreign products the same as domestic products, then our laws and standards are GATT compatible and not subject to challenge.

This agreement and this implementing legislation are perhaps the most important economic growth initiative I have had the opportunity to vote on during my service in public office. The bottom line is this: GATT is good for California; it's good for America, it's good for the international community as a whole. It will create jobs, promote economic expansion and increase our standard of living on a global scale.

I urge my colleagues to accept the challenge of open and fair competition and to embrace a new and better way of doing business overseas. I urge you to vote for this landmark legislation.

Mr. COX. Mr. Chairman, I have been concerned with the extensive extraneous matter included in the GATT implementing legislation. Contrary to the spirit of the fast track, which is designed to keep legislation clean, the administration has littered this bill with unrelated provisions.

In particular, the pioneer preference provision is wholly irrelevant to GATT, and should never have been included in this legislation. It has already unnecessarily diverted the course of debate on this important bill, and could cost the American public up to a billion dollars.

I've recently received comfort from the administration, which has promised to work with Congress next year to correct any potential problems with the pioneer preference provision. The following letters between Senator DOLE and the administration make clear this understanding. I believe they would be useful in illuminating the debate over GATT.

THE WHITE HOUSE,
Washington, November 23, 1994.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I appreciate the opportunity to respond to your concerns about the so-called "pioneers' preference provision," which is found in Title VIII of the GATT implementing legislation.

As you know, this provision serves two basic purposes. First, it prevents the pioneers from obtaining the use of radio spectrum for free. Absent the GATT provision there is, in our judgment, an unacceptable risk that the pioneers will succeed in overturning the current FCC Order which, reversing an earlier order, now requires payment from the pioneers. Second, it rewards the innovation produced by the pioneers who, in the judgment of the FCC, have helped to spur the current interest in the provision of Personal Communications Services. Indeed, we are only days away from the beginning of the broadband PCS auction. The PCS auctions, which were proposed by President Clinton and established in the budget reconciliation act of 1993, are expected by OMB to raise $12.6 billion for the federal government.

Under the GATT provision, the three pioneers will contribute a significant percentage of the total proceeds to be gained from the PCS spectrum. OMB estimates that, over a five-year period, the three pioneers will pay about $1.5 billion to the federal treasury.

We are aware, of course, of competing estimates that have been made by opponents of the GATT agreement and potential competitors of the pioneers. In general, those assertions attempt to compare mature, small markets for established wireless services that possess a significant customer base with the incipient, multi-state, demographically-diverse markets for new PCS services. In our judgment, no known alternative estimate establishes a credible basis for analysis.

Of course, as the Administration has consistently noted, no one can predict with certainty the outcome of the coming PCS auctions and, therefore, it is impossible to be absolutely sure how much the pioneers will pay under the GATT provision or how much that payment might differ from the alternative formulae contained in the current FCC Order.

I can commit to you, therefore, that the Administration will work with Congress next year to do the following:

1. Compare the price paid by the pioneers to the payments paid by the PCS auction winners;
2. Determine whether the government received a fair return for the licenses obtained by the pioneers;
3. If the determination in (2) above is negative, pass legislation that would adequately compensate the United States in accordance with the determination on fair return.

Congress, of course, could still act on its own. We are sending under separate cover a letter expressing our views with regard to the constitutionality of future legislation on this issue.

Sincerely,

LEON E. PANETTA,
Chief of Staff.

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, DC, November 23, 1994.

Hon. ROBERT DOLE,
Minority Leader, Senate, Washington, DC.

DEAR SENATOR DOLE: One of the revenue measures included in the GATT implementing legislation would require the Federal Communications Commission to recover for the public a portion of the value of the public spectrum that has been awarded by the Commission to licenses granted under the "pioneers preference" program. The legislation requires the pioneers to pay not less than 85 percent, on a per population basis, of the highest bids for licenses in the 20 largest markets in which no applicant has obtained preferential treatment (the 3 pioneer markets). Assuming enactment of the GATT legislation, we understand that a question has been raised whether Congress could pass subsequent legislation free from constitutional infirmities that re-calculates the fees to be paid by the pioneers. This subsequent legislation would likely occur after the FCC proceeds to issue the licenses to the pioneers and would raise a constitutional question whether such subsequent legislation could be effective on a retroactive basis. We believe that the Congress retains wide discretion to enact retroactive economic legislation to support legitimate legislative purposes and such legislation would be permissible from a legal perspective.

In a case decided June 13, 1994, the Supreme Court held in *United States* v. *Carlton*, 114 S.Ct. 2018 (1994), that due process was not violated by retroactive application of an amendment to a federal estate tax statute limiting availability of a deduction despite evidence that a taxpayer detrimentally relied on the previous provision and had no notice that the provision would be retroactively amended. In the case, the Court noted that the due process standard to be applied to tax statutes with retroactive effect "is the same as that generally applicable to retroactive economic legislation." 114 S.Ct., at 2022. In quoting from its decision in *Pension Benefit Guaranty Corp.* v. *R.A. Gray & Co.*, 104 S.Ct. 2709 (1984), the Court stated:

"Provided that the retroactive application of a statue is supported by a legitimate legislative purpose furthered by rational means, judgments about the wisdom of such legislation remain within the exclusive province of the legislative and executive branches."

We believe that the Supreme Court's holding in the *Carlton* case would be controlling if the Congress enacted subsequent legislation with retroactive effect regarding the price paid by the pioneers. There, as here, the subsequent Congressional action would be intended as a "curative" measure to correct previous legislation with "significant and unanticipated" revenue consequences (Congress had estimated the revenue loss from the deduction in the *Carlton* case at $300 million over 5 years but subsequently discovered the loss could be as much as $7 billion). There, as here, the "corrective" legislation would be enacted promptly with only a "modest period of retroactivity." Just as a taxpayer "has no vested right in the Internal Revenue Code," no party has a vested right in conveyance of Government spectrum at a discount. *See* 114 S.Ct., at 2023. In addition, two factors which the appellate court found troubling in that case, a lack of notice and detrimental reliance, would not be present provided the Congress included floor statements in the *Congressional Record* noting the possibility of subsequent legislation relating to the fee question.

For these reasons, we believe that Congress could, if it wished, enact subsequent legislation with retroactive effect regarding the assessment of fees to be paid by the pioneers.

Sincerely,

GINGER LEW.

Mr. REGULA. Mr. Chairman, as I listened to the October 5 debate on the rule providing for consideration of H.R. 5110, the name of one of my predecessors, William McKinley, was mentioned. McKinley represented much of what is now the 16th District of Ohio in the House of Representatives from 1877 until 1883 and then again from 1885 until 1891. During his tenure as a Member of Congress he did sponsor the McKinley Tariff which as enacted in 1890.

William McKinley was later elected the 25th President of the United States in 1896. I would like add to the record a more complete picture of President McKinley's views on world trade which had broadened dramatically by the time of his assassination in September of 1901.

In his final public speech on September 5, 1901, opening the Pan-American Exposition in Buffalo, NY, President McKinley no longer spoke of protectionist policies, but rather of open markets and promoting exports by U.S. businesses.

During this speech he stated, and I quote:

> Our industrial enterprises which have grown to such great proportions affect the homes and occupations of the people and the welfare of the country. Our capacity to produce has developed so enormously and our productions have so multiplied that the problem of more markets requires our urgent and immediate attention.

He stated further, and I quote again:

> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem.

In reviewing President McKinley's papers, I discovered several memoranda regarding foreign trade written in the spring of 1901 which led to the views he expressed in his last public speech. He sensed that the world was changing—that it was becoming easier to communicate and travel across borders. He expressed the belief that increased competition would lead to even more invention of new ideas that had already occurred during the industrial revolution.

The pace of technological change has increased exponentially since the turn of the century during the McKinley presidency. And according to recent Commerce Department data, the United States is regaining its status as the most productive and competitive nation in the world.

I must agree with the conclusion reached by President McKinley in 1901, that the development of overseas markets for our products is necessary to sustain our long-term growth and to develop and retain good-paying jobs here in the United States.

Therefore, I have decided to support the GATT agreement which will lower tariffs on our exports an average of 35 percent. Since our markets have traditionally been more open, our tariffs on imports will only be lowered on average by 15 percent.

I feel confident that the protections written into H.R. 5110 together with the recent agreement negotiated by Senator DOLE will assure that the World Trade Organization does not affect the sovereignty of our Nation or of our States. Only the Congress, in conjunction with the President, can change a law of the United States. Furthermore, this bill provides extensive congressional oversight over and consultation with the World Trade Organization.

In addition, Congress and the President will cooperate to create a panel of retired U.S. judges to monitor decisions by the World Trade Organization to determine if the rulings are biased against the United States. The United States could decide to leave the World Trade Organization if there have been three decisions that go against the United States in 5 years.

Although I do not agree with every provision in this legislation, such as a number of the financing provisions, and I continue to believe that there should be a level playing field in the area of global trade, I will support this agreement as a positive step toward providing a system of fair trade among nations.

And, as the Governor of Ohio has publicly stated, Ohio is now ranked third in the Nation in the export of manufactured goods, with one out of every eight jobs tied to exported goods. I am confident that Ohioans will gain many new and well-paying jobs from the increased production of goods for export which will be facilitated by this agreement.

Mr. DOOLITTLE. Mr. Chairman, I rise today in opposition to H.R. 5110, the implementing legislation for the General Agreement on Tariffs and Trade [GATT].

As a staunch supporter of free trade, I realize how important the goals of GATT are. Mr. Chairman, lowering tariffs and other barriers to international trade creates jobs and increases the standard of living in America. I believe the free flow of commerce offers American consumers more and better goods at lower prices. I will continue to support free trade.

Unfortunately, Mr. Chairman, the bill before us today involves much more than simple tariff reductions. There are many elements that concern me. For instance, I fear too much power has been vested in the World Trade Organization [WTO] set up under the agreement. All WTO decisions will be made by the votes of the WTO ministerial conference on the basis of one country-one vote. Developing nations, who often oppose the interests of the United States in other international forums, such as the United Nations [UN], will have 83 percent of the WTO votes. More than three-fourths of WTO members voted against the United States on the majority of votes taken at the U.N. in 1993. Unlike at the U.N. however, the United States has no power to veto WTO decisions.

I am very concerned that the WTO will be a supreme court of trade whose decisions will force the United States to change Federal, State, and local laws to conform with those decisions. Supporters of GATT argue that the United States is not required to change its laws. But article XVI, paragraph 5 of the WTO states "No reservations may be made in respect to any provisions of this Agreement." The cost of not conforming all U.S. laws to WTO mandates is severe economic penalties being imposed on the United States.

Take the Buy California law, for example. If Sri Lanka decides that this law interferes with their ability to export to California, they can challenge the California law before the WTO. And if a panel full of Third World representatives decides that Sri Lanka has a legitimate grievance, the United States will be forced to pay a continuing fine or California will be forced to change its State law.

No State will be allowed to defend its laws against challenges from foreign governments since only national governments will have standing before the WTO. It is not hard to imagine the Federal Government, in an attempt to avoid WTO-imposed sanctions, pressing California and other States to voluntarily alter their laws to conform with the decisions handed down by the WTO.

But this possibility is outrageous. Foreign bureaucrats have no right to dictate, let alone debate, by what laws Americans should abide.

Congress, not the World Trade Organization, is given the authority and the duty under the U.S. Constitution to make laws. Congress is also charged with the constitutional duty to regulate commerce with foreign nations. Under the fast track rules by which we consider

GATT, no Member of Congress is allowed to offer amendments to the agreement, and all debate is limited to 4 hours.

In addition, Mr. Chairman, I am opposed to the provisions in H.R. 5110 that would change our patent laws. Under this agreement, patents would expire 20 years after an inventor applies for exclusive rights. This change would dramatically reduce the length of time many U.S. patents are valid and tremendously reduce the royalties owed by Japanese and multinational corporations to American inventors. I am very concerned that this reduction in our inventors' rights will decimate American inventiveness as well as dry up private research and development [R&D] funds.

Again, I support free trade and understand the economic benefits of reducing barriers to international trade. But this agreement is opposed by ardent free-traders such as Paul Craig Roberts, the Competitive Enterprise Institute, and The Ludwig Von Mises Institute.

Mr. Chairman, we do not need the WTO in order to lower barriers to international trade. I support free trade, but I cannot support this GATT.

Mr. DINGELL. Mr. Chairman, the Uruguay round negotiations on the General Agreement on Tariffs and Trade took place over 8 years and three administrations. When the negotiations were concluded, the agreements addressed many matters within the jurisdiction of the Committee on Energy and Commerce including:

Health and safety standards regarding food safety and the protection of human, animal, and plant life (designated "sanitary and phytosanitary standards" in the agreements and the bill);

Standards for environmental protection;

Standards for consumer protection;

Trade in services, particularly in financial services and telecommunications; and

Partial funding of the implementing legislation through the imposition of fees for the award of certain radio licenses.

Since the signing of the Uruguay round agreements on April 15, 1994, the Committee on Energy and Commerce has worked closely with the administration so H.R. 5110, the Uruguay Round Agreement Act, would appropriately address these matters. We have sought to ensure that the act would not only accurately reflect the terms of the agreements, but would also fully protect the interests and rights of the American people.

To these ends, the committee obtained commitments from the administration to include in the act, or in the statement of administrative action that accompanies the act, language that specifically addresses these issues.

One of the areas of greatest concern has been whether the agreements override United States or State health and safety, environmental, or consumer protection laws. At the urging of this committee, H.R. 5110 specifically states that nothing in its provisions overrides or modifies any of the health and safety, environmental, or consumer protection laws of the United States or the States. The statement of administrative action further elaborates on and emphasizes this point.

The committee also obtained inclusion in the bill of a provision that requires notice and comment on a decision by a Federal agency to adopt international health or safety standards. Further, a new requirement is imposed on the Food and Drug Administration that mandates this agency, in determining that a foreign food safety measure is equivalent to a U.S. measure, to follow the same rulemaking procedures that were used in adopting the U.S. safety measure.

On the general issue of sanitary and phytosanitary measures, the committee requested that H.R. 5110 prohibit any Federal agency from approving imports that meet foreign health and safety standards unless that agency has first concluded that the foreign standard achieves at least the same level of protection that the U.S. standard achieves. Additionally, Federal agencies must publish annual notices of the agendas of international sanitary and phytosanitary standards-setting bodies so that any persons affected by matters on these agendas may raise issues with the responsible Federal agency.

As to financial services, the committee has had particular concerns because the negotiations on this sector have not been concluded and are scheduled to continue until June 1995. Although U.S. financial markets, including particularly securities and insurance, are now open to foreign competition, U.S. companies are often shut out of foreign markets. It is essential that the United States not grant most favored nation [MFN] treatment to countries that do not provide fair access to U.S. firms. Therefore, at the request of the committee, H.R. 5110 and the statement of administrative action set goals for the success of the financial services negotiations; require that the administration provide a full report of the progress of these negotiations no later than April 30, 1995; and provide that MFN will not be granted if these goals are not met.

Similarly, the negotiations on telecommunications have not yet been concluded. H.R. 5110 and the statement of administration set out standards for success in these negotiations as well as the timeframe in which they must be completed.

Title VIII of H.R. 5110 contains the so-called Pioneer Preference provisions of the GATT implementing legislation. These provisions—which have been distorted by some radio talk show hosts and others in the entertainment business—are really quite straightforward. They are designed to assure that the American people receive some financial benefit from the recipients of the Federal Communications Commission's Pioneer Preference awards for broadband PCS licenses.

Last December, the FCC designated three companies as winners of Pioneer Preference awards. At that time, it was the Commission's intention to give, without charge, licenses to these companies to offer Personal Communications Services.

In early May, the Committee on Energy and Commerce's Subcommittee on Oversight and Investigations commenced an inquiry into the Commission's decision. In late June, after reviewing the Commission's response to the subcommittee's inquiry, Congressman MOORHEAD and I introduced H.R. 4700, which would have required the three companies to pay for the licenses that the Commission proposed to give away for free.

In early August, the FCC reversed its earlier decision and determined that the recipients of the "Pioneer Preference" designation would have to pay a discounted price for their licenses. However, nowhere in the Communications Act is there explicit authority for the Commission to charge a fee in return for a license. The FCC's decision is based on a general provision contained in the Communications Act, and it is highly likely that the Commission's decision requiring the "Pioneer Preference" designees to pay will be overturned in court.

Thus the only way to guarantee that the American people are compensated for these extremely valuable licenses is to enact the provisions of title VIII. Far from conferring a windfall, these provisions are necessary to prevent a windfall.

Some radio talk show hosts and other self-interested parties have stirred up a hornet's nest by distorting the effect of the provisions contained in title VII. In order to assist my colleagues in responding to constituents that have been deceived by that crowd, I would like to insert at this point in the RECORD a "Dear Colleague" letter that a group of us circulated on October 7. This letter responds to the scurrilous and misleading statements that have been leveled against these provisions, and I hope that it is helpful to my colleagues.

The Committee on Energy and Commerce carefully addressed each of these specific matters, as well as the others within the committee's jurisdiction, in working on the implementing legislation with the administration. We worked with a view toward protecting the legitimate and important interests of the American people. We have achieved this goal on the provisions for which the committee was responsible.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 7, 1994.

DEAR COLLEAGUE: In response to a request by the Speaker and the Minority Whip, the Subcommittees on Oversight and Investigations and Telecommunications and Finance of the Committee on Energy and Commerce convened a joint hearing on Wednesday, October 5, 1994 on the telecommunications provisions contained in Title VIII of H.R. 5110, the GATT implementation legislation.

The leadership request came in response to allegations that appeared in the press concerning both the substance of these provisions and the process by which they were included in the legislation.

Over the coming weeks, you will no doubt be questioned about these provisions by your constituents. To assist you in your response, the majority and minority staff of the Committee have jointly prepared the attached document, which we believe fairly and accurately responds to the questions that have been raised.

If you have any additional questions, please do not hesitate to contact David Leach of the Majority staff (5-3147), Gerry Waldron of the Subcommittee staff (6-2424), or Michael Regan or Catherine Reid of the Minority staff (6-3400).

Sincerely,

JOHN D. DINGELL,
EDWARD J. MARKEY,
CARLOS J. MOORHEAD,
JACK FIELDS,
RON WYDEN,
DAN SCHAEFER.

MICHAEL G. OXLEY.

QUESTIONS AND ANSWERS ABOUT THE PIONEER PREFERENCE PROVISIONS OF H.R. 5110

1. Why are these provisions included in the GATT bill in the first place? What do these provisions have to do with trade?

You're right, they don't have anything to do with trade. However, under the "pay-as-you-go" requirements of the deficit reduction laws, any bill that increases spending or decreases revenues has to be accompanied by provisions to neutralize the effect on the deficit. Since the GATT agreement reduces tariffs, thereby reducing revenues to the Government, Congress is required under law to include provisions that offset the otherwise negative effect these tariff reductions would have on the deficit. The pioneer preference provision would generate at least $500 million, and probably much more.

The alternative—offsetting the revenue loss by increasing trade-related revenues—would require that other tariffs be raised.

2. What is a pioneer preference?

The Federal Communications Commission (FCC) established the "pioneer preference" policy, by rule, nearly four years ago. This policy offered the guarantee of an FCC license to entrepreneurs who successfully developed important new communications services and technologies.

There is substantial evidence to indicate that the "reward" of the license has proven to be sufficiently attractive to encourage hundreds of companies, small and large, to seek innovations worthy of the pioneer grant. The "reward" has also encouraged financial institutions to invest in the innovators seeking the pioneer grant. To obtain a pioneer's preference, companies have to risk more than just time and money; they also have to put proprietary design details into the public domain. This public disclosure, while a significant competitive risk, fosters the rapid development and deployment of new technologies which is at the very core of the purpose of the pioneers preference policy.

The public has already benefited from the pioneers program. Innovations in the areas of low earth satellites, wireless cable, and narrowband personnel communications services (PCS) services have led to the granting of pioneer awards, and the advancement of new services and technologies in these areas. The narrowband PCS auction raised over $650 million for the U.S. Treasury.

3. Is pioneer preference unique to PCS?

This FCC policy is not unique to PCS services. For example, pioneer preferences have been awarded for other telecommunications services. The first pioneer's preference was awarded to Volunteers in Technical Assistance (VITA), a non-profit company, for being the first to develop and demonstrate the feasibility of using a low-earth orbit satellite system on VHF/UHF frequencies for civilian digital message communication purposes. The second award was made to Mobile Telecommunications Technologies Corporation (MTEL) for developing and testing an innovative new 900 MHz narrowband PCS technology that will increase spectrum efficiency.

4. The Federal Communications Commission's order requires the pioneers to pay 90 percent of the average bid in the top 10 markets. Isn't Congress undercutting the FCC's decision by giving the pioneers a better deal than the FCC?

No, for several reasons.

First, the FCC has no explicit authority to require a licensee to pay a fee in return for the license. In its decision, the Commission claimed that it has implicit authority contained in the general provisions of section 4(i) of the Communications Act:

"The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions."

While it is risky to predict the outcome of litigation, there is a very strong likelihood that when a court rules on whether or not the Commission can require a licensee to make a payment, the Commission's order is going to be reversed. In that case, the taxpayers will get nothing.

Second, the Commission's order does not permit the payment of the fee over time, and does not require the payment of interest charges. Because these provisions are included in the GATT bill, the pioneers will actually pay more utilizing the GATT formula than they would if the Commission's formula is upheld in court.

5. Is this a "backroom deal" or did Congress consider this in a deliberate fashion?

The pioneer preference issue has been thoroughly examined over the past several months by at least three Committees in the House. The Subcommittees on Telecommunications and Finance and Oversight and Investigations in the Energy and Commerce Committee; the Budget Committee and the Appropriations Committee have all examined and/or held hearings on the issue.

On December 23, 1993 the Federal Communications Commission awarded the pioneer preference to three companies for personal communications services licenses. Under the Commission's decision, the three companies would be permitted to apply for licenses while no competing applications would be accepted by the FCC. The Commission also decided that licenses would be awarded for free to the pioneer companies.

Last May, the Energy and Commerce Committee's Subcommittee on Oversight and Investigations initiated an inquiry into allegations of irregularities in the Commission's decision making process, and whether the contributions of the recipients justified granting a PCS license under this process instead of the auctions that will govern the award of all other PCS licenses. Questions concerning the FCC's process also were raised at the FCC's Appropriation hearing. To remedy the problems the Oversight and Investigations Subcommittee discovered in the Commission's program, Chairman Dingell and Ranking Minority Member Moorhead, Subcommittee Chairman Markey, along with Chairman Sabo introduced H.R. 4700 on June 30. This bill required that the pioneer recipients pay 90% of the market value of the license instead of receiving them for free.

On August 9, 1994, the FCC revised its policy to require the pioneers to pay an amount comparable to that in the legislation. The Energy and Commerce Committee remained concerned, however, that the Communications Act does not give the FCC explicit authority to compel a licensee to pay the Government in return for a license. It was the Committee's opinion that the FCC decision would likely be overturned in court.

Around this time, the Administration began negotiating with the House and Senate and arrived at the 85% payment requirement now contained in Title VIII of the GATT legislation. On September 28, 1994 the Energy and Commerce Committee marked up the GATT legislation. Title VIII was discussed at the markup. On September 29, 1994, the Budget Committee held a hearing on the pioneer preference issue.

6. Critics claim that the pioneers preference amounts to a "billion dollar giveaway." Is this allegation supportable?

No. This claim is wildly inflated and based on insupportable assumptions. Everyone agrees that the three service areas in question have a total population of 55 million. The Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) have determined that the value of a license per person should be calculated at $24 per capita. (While densely populated urban areas obviously have a greater per capita value, the pioneers' licenses awarded also include large, sparsely populated rural areas where the value is much below this figure). Thus, based on this $24 figure, the total potential revenue in an auction without any discount or preference would be $1.32 billion. The preference set out in the GATT legislation requires the pioneer to pay based on a formula of 85 percent of the average per capita cost in the top twenty markets awarded through PCS auctions. By averaging the top twenty markets, the formula avoids any anomalies created by looking solely at the price paid for the other license awarded in the pioneers region. (This issue is discussed in greater detail in Question #7 and 9.)

Thus, the pioneers are likely to pay $1.12 billion, under this OMB and CBO endorsed model. The "benefit" to the three companies, collectively, is $200 million. Based on information provided by the three pioneer preference winners, their investment to date is roughly $100 million. Consequently, the net award is closer to $100 million. And, as noted above, the entrepreneurial efforts, risk, and "sweat" equity of these three companies, which the FCC deemed worthy of the pioneer's award will result in the more rapid deployment of the next generation of cellular, PCS technology.

7. On what basis were these three companies awarded a preference for a broadband PCS license?

Last December, the FCC awarded a pioneer preference to three PCS applicants, out of more than 100 applicants. In so doing, the FCC guaranteed each of these companies the opportunity to file an application for a license without giving other companies the opportunity to file a competing application. The preference is for one of two licenses to be granted in each of the three markets. If the pioneer fails to build out and operate the system throughout the service area, the FCC may revoke the license. The PCS awarded these preferences based on its determination that their unique contribution to the development of broadband PCS services and technology justified the grant. The three companies which were awarded a preference are:

American Personal Communications: APC, which is 70 percent owned by the Washington Post, was awarded its pioneer preference principally through two, interrelated developments. First, APC provided the Commission with a study demonstrating that the 1850–1990 MHz band had a sufficient amount of usable spectrum to initiate PCS service without relocating the many microwave operations already licensed there. As the Commission acknowledges, that study focused attention on the 1850–1990 MHz band by demonstrating that a significant technical hurdle to using this spectrum—the existing microwave users—could be overcome.

APC's second significant contribution—its FAST technology—is related to the first development. Because the Commission agreed with APC that the 1950–1990 MHz band would be appropriate for PCS service, an efficient technology was needed to allow sharing that spectrum with existing microwave licensees. The FCC determined that FAST meets that need. The technology uses measurements of microwave transmissions at PCS base stations to determine frequencies that can be used for PCS communications without interfering with microwave incumbents. Without this technology, either microwave incumbents would have to be relocated before PCS could begin (a time-consuming and expensive process), or the spectrum that is now being auctioned would be useless for PCS (which would mean little or no auction revenue).

Cox Enterprises: Cox was the first cable company to apply for an experimental PCS license proposing the use of cable television plant to achieve spectrum efficiency, and centralized modulation and distributed antennas to achieve cost efficiencies. Cox was the first company to demonstrate the technical feasibility of these ideas by testing them on live cable, developing a cable/PCS interface (the Cable Microcell Integrator or CMI), demonstrating centralized modulation, and demonstrating a 2 GHz cell-to-cell handoff with cable connected microcells. These efforts demonstrated that existing cable networks can be used as part of the PCS infrastructure.

Omnipoint: The FCC granted Omnipoint its pioneer's preference for its significant accomplishment in developing PCS equipment—specifically, its design, development, miniaturization, and deployment of the first 1850–2200 MHz handheld phone. Omnipoint developed this PCS equipment based on a unique implementation of spread spectrum technology; it documented the feasibility of its system; and it demonstrated the system in operation. The technical feasibility of Omnipoint's system was also tested and documented by more parties than any other PCS system and has been independently verified to be capable of coexisting with incumbent microwave users in the 1850–1990 MHz spectrum band, thus minimizing the number of microwave licensees that must relocate.

8. Why are the markets in which the pioneers received their licenses excluded from the formula? Won't this result in a windfall to companies like the Washington Post and Cox Enterprises?

First, all predictions about the behavior of bidders at spectrum auctions are entirely speculative. We have little experience on which to base predictions. Earlier this year, when the only auction that is comparable to the PCS auction was held, bidders paid a total of $678 million for 10 licenses that Government economists thought were of so little value they didn't even bother to estimate how much was going to be raised.

Second, while attempting to predict the behavior of bidders is at best speculative, we do know this: The bidding on licenses in markets where pioneers have been awarded another license at a discount is going to be different than the bidding in markets where there is no pioneer license.

For instance, a case can be made that the winning bid for the remaining license is going to be higher than it otherwise should be, because the supply of licenses available for bidding has been reduced by 50 percent. Since the supply has been reduced, the price is likely to be artificially increased.

If the pioneers are required to pay an amount equal to 85 percent of that artificially inflated price, they could well end up paying more for the license than they would if they simply bid for it at the auction.

On the other hand, giving the pioneers a discount—either of 100 percent, as originally proposed by the FCC, or 15 percent, as contained in the GATT legislation—will confer a competitive advantage of some magnitude on the pioneer. That could have the effect of reducing the amount competitors are willing to pay, and reduce the amount of the winning bid.

The short answer is this: We know that the bidding in markets where there is a pioneer is going to be different. What we don't know is whether the difference is going to result in higher or lower bids. In order to reduce the risk created by this uncertainty—to the Government and to the pioneers—those markets have been excluded from the formula.

9. The GATT legislation requires the pioneers to pay according to a formula that is based on the top twenty markets, which ignores the fact that two of the pioneer licenses are the two biggest cities in the country. Doesn't this create a windfall for the pioneers, because the New York and Los Angeles markets are very concentrated and highly lucrative?

We don't think so. Given the speculative nature of attempting to predict the behavior of bidders at auction, a definitive response is impossible to predict. However, there are several reasons to conclude that there will not be any windfall to these companies.

First, the serve areas—known as Metropolitan Trading Areas (MTAs) are huge. Sure, the New York MTA includes Manhattan—but it also includes North Hero, Vermont, and Elmira, New York. The Southern California MTA includes Los Angeles and San Diego—but also includes Kingman, Arizona and Beatty, Nevada. And the FCC's rules require that the pioneers offer the same services in these remote areas as they do in downtown New York or Los Angeles. If the licenses were limited to the urban areas, there might be some basis for this claim. But as the size of the service territory increases to include vast rural areas and small towns, the differences between the various MTAs disappear.

Second, the allegation that there is a substantial difference in the values of the very largest markets and other large markets is not borne out by an examination of the existing cellular marketplace. Recent transactions involving the sale of cellular systems do not reveal any price distinction, on a per capita basis, between the very largest cities and other large cities.

Finally, our limited experience with auctions indicates that when the bidding for the most desirable licenses gets to be too expensive for some of the bidders, they simply drop out of the bidding for those licenses and bid up the prices of the next tier of licenses.

Mr. ROHRABACHER. Mr. Chairman, on Wednesday before Thanksgiving President Clinton and Senate Republican leader BOB DOLE came to some agreements on matters of concern that are part of the GATT implementing legislation, H.R. 5110. Some of these concerns are integral to the GATT agreement and others are totally extraneous. Among these extraneous provisions are the amount of money the recipients of certain FCC licenses for cellular telecommunications should pay for these licenses and the change in the term of U.S. patents.

So that the record of these agreements is complete I call to the attention of my colleagues the following three letters from Leon Panetta, White House Chief of Staff, Mickey Kantor, U.S. Trade Representative and Ginger Lew, General Counsel of the Department of Commerce to Senator DOLE.

I particularly want to note the change of position of the Clinton administration on the change made by the GATT legislation in the term of U.S. patents.

The administration has in the past vigorously opposed my position, that in compliance with the GATT agreement, the U.S. patent term should be 20 years from the date of application or 17 years from the issuance of the patent, whichever is longer. Mr. Kantor's letter on page 5 ends that opposition, saying with respect to the length of the U.S. patent term: "* * * if the Congress does revisit the issue and reaches the conclusion that a change * * * should be made, the administration would not oppose legislation to achieve that change."

This is a major change—from opposition to no opposition.

I call on my colleagues to read these letters and join me in cosponsoring legislation I intend to introduce in January to fix the mistaken patent changes made by H.R. 5110. Based on Mr. Kantor's letter I look forward to having President Clinton increase patent protection for U.S. inventors by signing a bill making the U.S. patent term 20 years from application or 17 years from issuance, whichever is longer.

The letters follow:

THE WHITE HOUSE,
Washington, November 23, 1994.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: I appreciate the opportunity to respond to your concerns about the so-called "pioneers' preference provision," which is found in Title VIII of the GATT implementing legislation.

As you know, this provision serves two basic purposes. First, it prevents the pioneers from obtaining the use of radio spectrum for free. Absent the GATT provision there is, in our judgment, an unacceptable risk that the pioneers will succeed in overturning the current FCC Order which, reversing an earlier order, now requires payment from the pioneers. Second, it rewards the innovation produced by the pioneers who, in the judgment of the FCC, have helped to spur the current interest in the provision of Personal Communications Services. Indeed, we are only days away from the beginning of the broadband PCS auction. The PCS auctions, which were proposed by President Clinton and established in the budget reconciliation act of 1993, are expected by OMB to raise $12.6 billion for the federal government.

Under the GATT provision, the three pioneers will contribute a significant percentage of the total proceeds to be gained from the PCS spectrum. OMB estimates that, over a five-year period, the three pioneers will pay about $1.5 billion to the federal treasury.

We are aware, of course, of competing estimates that have been made by opponents of the GATT agreement and potential competitors of the pioneers. In general, those assertions attempt to compare mature, small markets for established wireless services that possess a significant customer base with the incipient, multi-state, demographically-diverse markets for new PCS services. In our judgment, no known alternative estimate establishes a credible basis for analysis.

Of course, as the Administration has consistently noted, no one can predict with certainty the outcome of the coming PCS auctions and, therefore, it is impossible to be absolutely sure how much the pioneers will pay under the GATT provision or how much that payment might differ from the alternative formulas contained in the current FCC Order.

I can commit to you, therefore, that the Administration will work with Congress next year to do the following:

1. Compare the price paid by the pioneers to the payments paid by the PCS auction winners;
2. Determine whether the government received a fair return for the licenses obtained by the pioneers;
3. If the determination in (2) above is negative, pass legislation that would adequately compensate the United States in accordance with the determination on fair return.

Congress, of course, could still act on its own. We are sending under separate cover a letter expressing our views with regard to the constitutionality of future legislation on this issue.

Sincerely,

LEON E. PANETTA,
Chief of Staff.

GENERAL COUNSEL OF THE
U.S. DEPARTMENT OF COMMERCE,
Washington, DC, November 23, 1994.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: One of the revenue measures included in the GATT implementing legislation would require the Federal Communications Commission to recover for the public a portion of the value of the public spectrum that has been awarded by the Commission to licenses granted under the "pioneers preference" program. The legislation requires the pioneers to pay not less than 85 percent, on a per population basis, of the highest bids for licenses in the 20 largest markets in which no applicant has obtained preferential treatment (the 3 pioneer markets). Assuming enactment of the GATT legislation, we understand that a question has been raised whether Congress could pass subsequent legislation free from constitutional infirmities that re-calculates the fees to be paid by the pioneers. This subsequent legislation would likely occur after the FCC proceeds to issue the licenses to the pioneers and would raise a constitutional question whether such subsequent legislation could be effective on a retroactive basis. We believe that the Congress retains wide discretion to enact retroactive economic legislation to support legitimate legislative purposes and such legislation would be permissible from a legal perspective.

In a case decided June 13, 1994, the Supreme Court held in *United States* v. *Carlton*, 114 S.Ct. 2018 (1994), that due process was not violated by retroactive application of an amendment to a federal estate tax statute limiting availability of a deduction despite evidence that a taxpayer detrimentally relied on the previous provision and had no notice that the provision would be retroactively amended. In the case, the Court noted that the due process standard to be applied to tax statutes with retroactive effect "is the same as that generally applicable to retroactive economic legislation." 114 S.Ct., at 2022. In quoting from its decision in *Pension Benefit Guaranty Corp.* v. *R.A. Gray & Co.*, 104 S.Ct. 2709 (1984), the Court stated:

"Provided that the retroactive application of a statute is supported by a legitimate legislative purpose furthered by rational means, judgments about the wisdom of such legislation remain within the exclusive province of the legislative and executive branches."

We believe that the Supreme Court's holding in the Carlton case would be controlling if the Congress enacted subsequent legislation with retroactive effect regarding the price paid by the pioneers. There, as here, the subsequent Congressional action would be intended as a "curative" measure to correct previous legislation with "significant and unanticipated" revenue consequences (Congress had estimated the revenue loss from the deduction in the Carlton case at $300 million over 5 years but subsequently discovered the loss could be as much as $7 billion). There, as here, the "corrective" legislation would be enacted promptly with only a "modest period of retroactivity." Just as a taxpayer "has no vested right in the Internal Revenue Code," no party has a vested right on conveyance of Government spectrum at a discount. See 114 S.Ct. at 2023. In addition, two factors which the appellate court found troubling in that case, a lack of notice and detrimental reliance, would not be present provided the Congress included floor statements in the Congressional Record noting the possibility of subsequent legislation relating to the fee question.

For these reasons, we believe that Congress could, if it wished, enact subsequent legislation with retroactive effect regarding the assessment of fees to be paid by the pioneers.

Sincerely,

GINGER LEW.

U.S. TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, November 23, 1994.

Hon. BOB DOLE,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Secretary Bentsen, Leon Panetta, and I appreciated the chance to discuss the remaining issues of concern to you in the Uruguay Round implementing legislation. We believe that your concerns can be addressed in a way that enables you to join us in providing the leadership to bring the Uruguay Round effort to a successful conclusion.

You have expressed concern about (1) the World Trade Organization (WTO), dispute settlement, and sovereignty; and (2) the change proposed in the term of patent protection. Let me respond on each issue.

WTO, DISPUTE SETTLEMENT, AND SOVEREIGNTY

Critics of the Uruguay Round have charged that proposed WTO and the Dispute Settlement Understanding (DSU) would unacceptably infringe U.S. and state sovereignty. I agree that no trade agreement, whatever its economic benefits, should be approved if it infringes U.S. or state sovereignty. But it is clear, as I have testified many times, that the critics' fears concerning sovereignty are without foundation.

Three Administrations—two Republican and one Democratic—steadfastly safeguarded our sovereignty throughout the negotiations. This year, working together on a bipartisan basis, the Administration and Congress established further protections for sovereignty through the implementing legislation.

A broad range of individuals and groups of diverse views across the political spectrum support the view that the Uruguay Round agreements do not affect U.S. sovereignty. These include Consumers Union, the Heritage Foundation, the American Enterprise Institute, Judge Robert Bork, the National Governors Association, the National Conference of State Legislatures, Citizens for a Sound Economy, the American Bar Association, just to name a few.

Section 102(a)(1) of the implementing legislation unequivocally reaffirms that U.S. law prevails in every situation over any conflicting provision of the Uruguay Round agreements. Further, Articles IX and X of the WTO agreement make it clear that no substantive right or obligation of the U.S. can be altered or changed unless we agree. Article IX establishes that the WTO will operate by consensus—just as the GATT has. The charge that the United States will be outvoted on important issues in a system where each country has one vote is a "scarecrow" in the view of Judge Bork. In its recent report on the WTO, the Heritage Foundation posed the question: "Does the WTO have any power over the United States that could undermine U.S. sovereignty?" The Foundation's unequivocal answer was "none whatsoever".

Neither the WTO nor WTO dispute settlement panels will have the power to change, or order any change, in Federal, state, or local laws or regulations. Only we in the United States can change our laws. Longstanding practice of the GATT, continued in the WTO, assures that the disputes, will only be in front of panelists approved by the United States.

Moreover, while the dispute settlement process is not yet as open as the litigation process in the United States, it is far removed from being the "secret tribunal" that critics allege. U.S. briefs in panel cases will take into account Congressional advice and the views of the public. In addition we will provide prompt access to our submissions, and access to at least non-confidential summaries of other WTO member submissions. Panel reports will be made public as soon as we receive them, and our response to any panel report will be developed with Congress. Also, section 123(g)(3) of the implementing legislation permits the appropriate committees of Congress to vote on whether the United States should comply with a panel report.

We have fully safeguarded the right of federal, state, and local governments to protect human, plant, and animal health and safety at whatever level of protection we see fit. Furthermore, state governments may impose more stringent standards than the Federal government and we will be free to exceed international standards when necessary to achieve the level of protection we believe appropriate.

Thanks to extensive consultation with groups of state officials, led by the National Association of Attorneys General and the Multistate Tax Commissioners, state sovereignty is fully protected. This includes the right of the states to participate at every stage of the dispute settlement process if a state law is challenged.

Finally, while the Administration believes that U.S. interests are fully protected, the WTO agreement permits the United States to withdraw on six months' notice at any time and for any reason. Additionally, section 125 of the implementing legislation provides an expedited process by which Congress can review U.S. participation in the WTO every five years, and revoke approval of the WTO agreement if it so chooses.

Sovereignty has been the central issue in the debate on the WTO throughout this year. When members of Congress or other individuals or groups have come forward with concerns, we have worked hard, and effectively, to address them. Nevertheless, we recognize that concerns remain, in Congress and around the country, about our sovereignty under the WTO, and particularly the impact of a dispute settlement system where "blocking" of panel reports is no longer permitted. We believe that it is important to approve the Uruguay Round agreements with the broadest possible bipartisan support and public confidence. Consequently, the Administration wants to ensure that WTO dispute settlement decisions are fully consistent with the Uruguay Round agreements by providing additional guarantees that WTO dispute settlement decisions will be vigorously monitored to ensure that U.S. sovereignty is not adversely affected.

To that end, the Administration will support legislation next year to establish a WTO Dispute Settlement Review Commission. The Commission would consist of five Federal appellate judges, appointed by the President in consultation with the Leadership of both Houses and the Chairmen and Ranking Members of the Ways & Means and Finance Committees. Each Commissioner would have a four-year term with possible renewals. Provision would be made for appropriate staggering of the terms of the Commissioners.

The Commission will review all final (i.e., adopted) WTO dispute settlement reports (by a panel if the panel report is not appealed or by the Appellate Body) where the final report is adverse to the United States. In each such case, the Commission would determine whether the panel or appellate Body:

1. Demonstrably exceeded its authority or terms of reference or, where the matter concerned the Uruguay Round Antidumping Agreement, failed to apply Article 17.6 concerning standard of review;

2. Added to the obligations or diminished the rights the United States assumed under the pertinent Uruguay Round agreement;

3. Acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from the procedures specified for panels or the Appellate Body in the agreements;

and whether:

4. The action in 1, 2, or 3 materially affects the outcome of the report.

The Commission would issue its determination within 120 days after the report is adopted. Three votes would be required for an affirmative determination. The U.S. Government and interested parties would have the right to be heard by the Commission.

Following issuance of any affirmative determination by the Commission, any Member of each House would be able to introduce a joint resolution calling on the President to negotiate new dispute settlement rules that would address and correct the problem identified by the Commission. The resolution would be privileged. The resolution would be discharged from the Ways & Means and Finance Committees under the same procedures provided in section 125 of the implementing legislation; floor action would be expedited under the same procedures.

If there are three affirmative determinations in any five-year period, any Member of each House would be able to introduce a joint resolution to disapprove U.S. participation in the Uruguay Round agreements under the same procedures set forth in section 125 of the implementing legislation. If the resolution is enacted by the Congress and signed by the President, the United States will commence withdrawal from the WTO Agreement.

TERM OF PATENT PROTECTION

You have expressed concern about the provision of the implementing legislation which would change the terms of patents in the United States. Specifically, you have asked the Administration to support legislation next year which would change the patent term to grant patents for a term beginning on the date on which the patent issues, and ending on the later of 20 years from the date on which the patent application was filed in the United States or 17 years after the date of the grant.

Under present law, patent rights exist for a term of 17 years measured from the date the patent is granted. The legislation would change our current system to provide for a patent term of 20 years measured from the earliest effective filing date of the application that leads to the patent.

This change, which has the strong, bipartisan support of the House and Senate Judiciary Committees, has been recommended numerous times by expert study groups starting as far back as 1967. One reason the Committees support both the change and the approach taken in the implementing bill is that it will address the problem of "submarine patents".

A "submarine patent" can exist when a patent applicant delays grant of the patent, sometimes for years, even after the Patent and Trademark Office has determined that a patent can be granted. In the meantime, an entire industry has built up around the technology, since patent applications are held secret until after the patent is issued. When the patent issues, the inventor often demands high royalties as the price of not suing companies for patent infringement. The proposal of providing a term of the longer of 20 years from filing or 17 from grant of the patent would not address this problem, since there still will be no incentive for the patent applicant to stop delaying patent grant.

Under the implementing bill, almost all U.S. patent owners will have a longer term of protection than they now have. There are several reasons for this, but the key point is that we included provisions that would add up to five years to the 20-year term provided under the implementing bill if there is delay in getting the patent and that delay is not the fault of the patent owner.

For all these reasons, we believe that the case for the change is compelling, and it will bring great benefits to our patent holders and innovators. The proposed change has extraordinarily broad support in the business and intellectual property communities, ranging from manufacturing and chemical companies, such as 3M, Dow Chemical, Westinghouse, MARS, Exxon Research and Engineering Company, Deere & Company, Bridgestone/Firestone, DuPont, Cincinnati Milacron, Pioneer Hybred, and Fisher-Rosemount to the Intellectual Property Law Section of the ABA, the American Intellectual Property Owners' Association (AIPLA), and the Intellectual Property Owners' Association (IPO).

We believe that if Congress reconsiders the issue next year it will reach the same conclusion reached by the Administration and the Judiciary Committees over the nine months that we work on the implementing bill. Nevertheless, if the Congress does revisit the issue and reaches the conclusion that a change in accordance with your proposal should be made, the Administration would not oppose legislation to achieve that change.

Once again, thank you for discussing this matter with us. I look forward to working with you to secure approval of this historic agreement.

Sincerely,

MICHAEL KANTOR.

Mr. SMITH of New Jersey. Mr. Chairman, I rise today to express my strong opposition to the GATT implementing legislation we have before us today.

I cannot in good conscience vote in favor of a bill which will cost American jobs, decrease U.S. sovereignty, and cost U.S. taxpayers billions of dollars.

Mr. Chairman, by passing this legislation, the Congress will be putting its stamp of approval on the creation of the powerful, unprecedented, far-reaching World Trade Organization [WTO], which will allow every country—regardless of population, industrial base, or economic policies—an equal voice in formulating global trade laws. Despite the fact that the United States leads the world in trade and fair labor practices, it will have no more power, authority, or say within the WTO than those countries that produce far less and treat workers with little or no dignity.

In fact, third world nations will hold over four-fifths of the votes in the WTO. More than 75 percent of WTO members voted against the United States at the United Nations over half the time.

We cannot, Mr. Chairman, allow the United States to be held hostage by small, inexperienced, and undeveloped countries that will reap benefits and power through the lopsided votes in the WTO and GATT.

GATT puts millions of American jobs at risk. Over one million textile jobs alone will be lost once implementation of the agreement occurs. We cannot guarantee that other trade-related positions will experience shifts from the United States to other countries. Clearly, the American worker cannot afford these prospects.

Finally, Mr. Chairman, the Congressional Budget Office has estimated that GATT will cost $43 billion in lost tariff revenues, while the Clinton administration has provided only $12 billion in funding. We cannot afford to increase the deficit by spending the remaining $31 billion on such a questionable proposal.

Mr. Chairman, this agreement is bad for workers, it is bad for the economy and it is bad for the country. I urge my colleagues to join me in opposing this legislation.

Ms. WOOLSEY. Mr. Chairman, I rise to express my concern that we have failed to take advantage of a great opportunity in GATT negotiations—the opportunity to improve worldwide standards for human rights, working conditions, and environmental policies—the opportunity to make this agreement work for everyone by bringing the rest of the world up to our level.

With a better agreement, America's businesses could have profited while jobs were created in this country and throughout the world. Working families could have looked forward to a turnaround in their prospects for an expanding job market with the promise to employ people in the jobs of the future, jobs that pay a livable wage. And those of us who are concerned about the future health of our planet could have looked forward to a worldwide improvement of environmental standards. In short, we could have crafted an agreement that would bring the world up to our Nation's standards in terms of working conditions and environmental protection, while expanding trade, creating jobs and improving our economy.

Instead, I fear that the current GATT agreement will do more than just bring tariffs down. I fear that it will bring nations down to the lowest common denominator in terms of environmental and labor standards. It is a shame that in an era which desperately needs expanded trade and global tariff reduction, we are unable to fight for the standards which would make it worthwhile.

Because of this failure, it is with much regret that despite my strong support for expanded trade, I will not be voting for the legislation to implement the GATT Agreement as it is currently constructed.

The wage disparities between the United States and many of the GATT countries are extremely large. In addition, workplace safety laws, collective bargaining laws, and human rights standards are not respected by many of our trading partners. Without a mechanism to ensure that our workers will not be forced to sacrifice wage levels and working conditions in order to compete with the working people of other GATT countries, this trade agreement could be more of a danger than an opportunity. Until we level the playing field, I cannot support an agreement which risks the livelihood of our workers who have already suffered so much in recent years. I cannot tell American workers that a price reduction in a Mercedes Benz justifies the wage cut which will be necessary to compete with cheap labor worldwide.

I also cannot tell dairy producers and other small family farmers in my district that price reductions on foreign goods are worth the cuts which GATT could make in their profits. This agreement mandates increased imports of farm commodities, which will cut profits for the family farms of this Nation. Cheaper foreign goods will not matter to farmers whose livelihood could disappear under the new GATT provisions.

The opportunity to raise worldwide environmental standards also fell by the wayside during the latest round of trade negotiations. Under the old GATT, our Nation's Marine Mammal Protection Act survived a challenge by the Mexican Government, which claimed that dolphin protection constituted an unfair trade barrier. The agreement we are being asked to vote on today could jeopardize laws such as the Marine Mammal Protection Act because of the creation of the World Trade Organization, a worldwide body which will have the potential to supersede our national, State, and local laws. The district which I am privileged to represent, Sonoma and Marin Counties, has some of the most progressive environmental protection laws in the country. I do not believe that my constituents want to see local environmental standards jeopardized by a global trade agreement.

Not only are we jeopardizing workers' rights and environmental standards by rushing to pass this legislation, we are jeopardizing the great progress we have made in reducing the deficit over the past 2 years. Later this week, the Senate will not only cast a vote on the GATT Treaty, but on a provision to waive the rule that the cost of GATT during its sixth through tenth year must be paid for, meaning that up to $20 billion in deficit spending is required to implement the treaty. One might argue that a good trade agreement that works for everyone deserves a budget waiver, and, that increasing international trade is good for our economy in the long run, if the conditions are right. But in our efforts to reduce the deficit in the past 2 years, we have not given special budget waivers to education programs or crime-fighting projects. I do no see special circumstances dictating that GATT should be granted this privilege when domestic programs of at least equal importance have not been given equal consideration and have fallen victim to our deficit reduction efforts.

These are some of the reasons that calls and letters have come to me in opposition to GATT by a margin of 7 to 1. These constituents who have taken the time to share their views with me do not believe that we must rush into a trade agreement which doesn't work for everyone, and I agree with them. We must not sell ourselves short. We can do better. So let it be clear that although I am voting "no" today, I do so with the hope that I will have the opportunity to vote "yes" in the near future, to vote "yes" on an agreement which spurs international trade and makes products cheaper worldwide, while bringing the world's labor and environmental standards to our level, standards which would make this agreement work for everyone.

Mr. WILLIAMS. Mr. Chairman, I rise today in opposition to GATT. 1994 has been difficult at best for Montana's farmers and ranchers. Canadian grain trucks line up in front of them at local elevators, waves of Canadian semis head south through Montana laden with live cattle or boxed beef, most likely uninspected using the State as a mere highway to other markets. Domestic cattle prices have hit bottom and no sign of substantial recovery is seen in the near future.

Passage of the North American Free Trade Agreement [NAFTA] last year may have merely extended that highway into Mexico, and soon beyond. Farmers felt that they were sold out in these agreements. They've heard the promises before, and when the basic agricultural producer has to live through the experience of the actual results they hear new excuses about "certain dislocations" and "some sectors benefiting more than others."

Fiscal 1994 imports of agricultural products into the United States reached a record $24 billion of October 1993 to August 1994, up 7 percent from the same period in fiscal 1993. Grain and feed imports reached $2.1 billion, 46 percent over the previous year. Wheat imports from Canada doubled to 2.6 million tons, contributing to the $668 million in total grain and feed imports.

While agricultural imports increased dramatically the export side did not fare as well, exports to the European Union [EU] were 14 percent lower than last year and exports to Canada rose less than 1 percent offsetting gains to Japan.

Beef imports are 4 percent below the same period in fiscal year 1993, although shipments from Canada—103,000 tons of beef—are 32 percent ahead of fiscal year 1993.

United States grain producers problems with Canada may well escalate with the passage of GATT. President Clinton was able to negotiate some relief for durum wheat producers by threatening to invoke Article 22 of the Agricultural Adjustment Act, designed to protect domestic farm support programs from unfair foreign trading practices.

In a June 9 statement to the Canadian press Canada's Prime Minister Jean Chretien described the recent wheat deal as a stop gap measure until the WTO finds section 22 GATT illegal, "(a)t the moment, (the United States) can use Article 22 and this will not exist next year. They can do that under the old GATT rules that are still in application. And next June, when they will have passed the GATT rules of the Uruguay round, they will not be able to use Article 22."

Based on what's happened with the United States-Canada Free Trade Agreement and NAFTA, I can only conclude that GATT is more of the same. When Montana farmers and ranchers are told that GATT is the "golden goose" for future American and global economies they get the sinking feeling that they are the feed that is going to fatten that goose. They wonder if they can keep being pecked at until that goose finally lays its first golden eggs, and wonder if those eggs are really gold.

However, imports are but one threat to Montana's farmers and ranchers. The WTO will enable foreign governments to challenge our food and environmental safety standards. U.S. food safety standards have already been successfully challenged in international trade forums. It is indeed telling that the first page of the agriculture bilateral agreements of GATT relate to resolution of outstanding issues pertaining to United States health and sanitary restrictions on Argentine beef.

Questions and concerns about the food supply will increase if food safety standards are compromised jeopardizing both American consumers and producers.

The Uruguay round will empower international tribunals to override state laws protecting the economy, the environment, workers and consumers. While the WTO will not have legislative authority to either repeal Federal, State, or local statutes and ordinances it will have authority to levy financial sanctions against jurisdictions whose national, State, or local laws are found to be GATT illegal.

National governments alone, would have standing to defend laws challenged by the WTO. For example, if a Montana statute was found GATT illegal, the State would have no authority to defend its law, the U.S. Government would have to see that the law was changed or pay the fine assessed by the WTO. I am not convinced that the proposal to establish a WTO Dispute Settlement Review Commission adequately protects State decisionmaking.

On behalf of Montana's farmers, ranchers, working people and conservationists I ask you to join me in defeating H.R. 5110.

Mr. CLINGER. Mr. Chairman, today's edition of the Washington Post carries a half-page ad picturing two of our predecessors, Senator Reed Smoot of Utah and Representative Willis Hawley of Oregon. It is only fitting that we reflect upon their legacy today because we must now choose whether to return to the economic policy they advocated more than 60 years ago, which was to isolate our industries from international competition by raising tariffs, or to adopt a policy which will position American businesses to be fierce competitors in the 21st century by lowering tariffs and removing aritifical barriers to trade.

These two gentlemen, whose intentions were probably good and honorable, asked the Members of the 71st Congress to endorse the notion that high tariffs could provide economic security for the people of the United States. Having the benefit of hindsight, we now know that the Congress of 1930 made a disastrous decision. Other nations, effectively denied entry to the U.S. marketplace, but still facing competition from U.S. manufacturers, had little choice but to counter our high tariffs with correspondingly high tariffs. Consequently, world trade collapsed and the economies of the world plunged deeper into depression.

The trade agreement before us rejects the philosophy of Reed Smoot and Willis Hawley. It will lower barriers to trade and open new markets for American-made goods. If we reject this trade agreement today, it is a virtual certainty that other nations will move to protect their markets tomorrow. Regional trading blocs will probably form, and if the United States does not belong to those blocs, our exports to any of the member countries will be jeopardized if not prohibited altogether. The likelihood of trade wars and other forms of economic conflict will increase sharply. Lower demand for U.S. goods will translate into fewer jobs, and our economy will slow. Our meager savings rate will decline and interest rates will rise, further exacerbating our economic troubles. In short, history will repeat itself and the Congress will have demonstrated that we failed to learn from our mistakes.

My colleagues, the United States benefits enormously from trade. One out of every six jobs in this country depends on our ability to export. Goods destined for foreign markets constitute nearly 12 percent of our gross domestic product. Indeed, the United States is the biggest exporter in the world.

As such, we have more to lose than any other nation. We cannot ensure a high standard of living, a low unemployment rate, and economic security for the people of this country with a short-sighted, beggar-thy-neighbor trade policy. We know it won't work. Reed Smoot and Willis Hawley showed us it won't work.

Allow me to make one final point. Some of our colleagues have argued that while they support the idea of freer, expanded trade, they fear that we may be endangering our sovereignty in the process. Our right to govern ourselves is sacred, and I, for one, would not support any multinational agreement that impinged upon that most fundamental element of our national identity. While I believe that the World Trade Organization has been grossly mischaracterized, it would be prudent and appropriate to lay these fears to rest before proceeding. As we heard last week, Senator DOLE was able to obtain a guarantee for the American people that their decisions will not be overruled by a foreign body. The arrangement he negotiated with the White House provides the needed balance to this trade agreement.

It also frees us from extraneous concerns and allows us to focus on the fundamental choice before us: Do we return to the protectionist policies of the 1930's or do we prepare for the future by providing an unencumbered world marketplace in which American businesses can compete and flourish? I ask that you remember the lessons of the past and embrace the future.

Ms. PELOSI. Mr. Chairman, I rise today to express my support for the legislation to implement the GATT Uruguay round. The goal of this international trade agreement is to free up the flow of global goods and services by cutting tariffs and reducing trade barriers. I am voting for the GATT because I believe that, on balance, this agreement between 132 nations will benefit the United States and create jobs here at home. Some studies indicate that the GATT Uruguay round will create between 300,000 and 700,000 additional permanent new jobs in the United States.

We have a more open market than any other country in the world. A trip to any store illustrates the ease with which goods flow into our Nation from producers around the world. Unfortunately, we often have trouble getting our products into the markets of other nations, not because our products are inferior, but because other countries erect barriers through laws and regulations. This GATT agreement will help to open these other markets and give the U.S. recourse to address other countries' unfair trade practices.

One of the most significant provisions of the GATT Uruguay round which will have a positive impact in my State of California is the heightened protection it will provide for intellectual property. The GATT rules will help to protect from piracy a major segment of the future of American competitiveness, our intellectual and creative products, including semiconductor designs, computer programs, books, movies, and music.

Concerns have been raised about the World Trade Organization [WTO] and its relationship to U.S. Federal and State laws. It is important to remember that the WTO cannot force the United States to change its laws. It is also important to keep in mind that the United States, like any other country, can withdraw from the WTO with 6 months notice. The administration has also agreed to set up panels of judges to review WTO panel rulings. If three WTO decisions adverse to the U.S. are determined by the judges to be improper, Congress could start proceedings to withdraw from it.

During the course of the debate on GATT leading up to today's vote, I have expressed to the administration my concerns and those of my constituents about the possible adverse impact of the Uruguay round on the environment and labor standards. I understand that the agreement preserves each country's right to maintain sciene-based standards stricter than international standards for the protection of human, animal, or plant life or health in its territory. While my concerns have not been fully addressed, there is some encouragement that during the negotiations, other nations agreed to discuss environmental issues as a part of any future GATT agreement negotiations. Successfully addressing the threats to the environment created by increased industrialization worldwide will require a multilateral effort. Ambassador Kantor, in his efforts to conclude the GATT Uruguay round, has taken a step forward in raising the visibility, the importance and the inclusion of environmental issues in a multilateral forum.

I believe that much more needs to be done. Especially in a world where foreign policy is unfortunately determined by commercial engagement, the critical issues of environmental protection and workers rights must be an integral part of trade negotiations. These issues are not confined to this GATT agreement. They must be pursued at all opportunities. I will continue to work with my colleagues to promote sustainable development, workers rights and human rights in our international economic relationships.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in support of H.R. 5110, the GATT implementing legislation.

Through all the political smoke and mirrors that have dominated the last few days in the national media, the facts about the benefits GATT will bring to this Nation remain visible.

For my home State of Texas, GATT will create more opportunity through a level playing field in many industries.

The aerospace industry, for example, will benefit from tariff reductions that average 72 percent in major foreign markets. With a current $28 billion surplus in this industry that will expand under GATT, we can see real economic gain.

For the computer equipment industry, GATT means more trade. The European Union, which is the largest market for U.S. computer exports, will reduce tariffs by nearly 80 percent.

For medical equipment, GATT means the virtual elimination of tariffs, including those in the largest U.S. export markets such as Japan, Canada, the European community and Hong Kong.

Examples such as these for industries across my State and across the Nation.

The reality is that GATT is an agreement that will benefit this Nation. Three Presidents have participated in the negotiating process for the agreement, and Congress has been kept informed of the developments. The time has come to take action and pass GATT.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise to speak on behalf of provisions of H.R. 5110, the Uruguay Round Agreements Act, that deal with food safety.

Over the last 3 years, the Subcommittee on Commerce, Consumer Protection, and Competitiveness has held 11 days of briefings and hearings concerning the Uruguay round agreements and related topics. Many of these hearings have dealt with the impact of trade agreements on U.S. food safety standards.

Mr. Chairman, I want to speak a moment now on an issue of special interest to me, and that is food safety. Over the past few years, the Subcommittee on Commerce, Consumer Protection and Competitiveness has held many hearings on how trade agreements limit the ability of U.S. agencies to enforce our country's tough food safety standards.

Whether it is deadly bacteria in hamburger or cancer-causing pesticides on fruits and vegetables, American consumers have grown concerned that, in the name of free trade, we are letting foreign food products enter the United States that do not meet our Nation's strict health and safety standards. Public concern will surely grow as food imports, which were valued at nearly $21 billion in 1993, are expected to rise sharply in future years.

The bill we are considering today contains provisions I proposed that prevent any Federal agency from weakening our country's food safety standards in the name of trade, every again.

At hearings 3 years ago, my subcommittee heard from a U.S. Department of Agriculture import meat inspector who testified that the Department of Agriculture had cut back its inspection of meat entering the United States from Canada as a result of the United States-Canada Free Trade Agreement.

In the name of free trade, the United States changed its meat inspection regulations, so that Canadian—not United States—inspectors pulled samples for inspection and 9 out of 10 trucks carrying Canadian meat did not even stop at our border for inspection. After many hearings and investigations by the subcommittee, the Department of Agriculture changed its policy to make sure all shipments of Canadian meat stop on entering our country and to put inspection back in the hands of United States, not Canadian, inspectors.

In the past, trade agreements have allowed Federal agencies to waive enforcement of U.S. food safety standards based on assertions by foreign governments that their standards are equivalent to our own. For the first time, the legislation under consideration would prohibit a Federal agency from determining that a food safety standard of a foreign country is equivalent to a U.S. food safety standard, unless the Federal agency determines that the foreign standard achieves at least the same level of protection as the U.S. standard.

The new legislation would also require the Food and Drug Administration to publish notice and to provide an opportunity for public comment anytime it makes a determination that a foreign food safety standard is equivalent to a U.S. standard. The bill also requires those Federal agencies that represent the United States before organizations dealing with international food safety and other standards to provide notice and an opportunity for comment on their agenda and activities.

In this way, the public may intervene directly when Federal agencies are considering foreign and international standards that may affect the safety of the U.S. food supply.

What happened with Canadian meat should never have been permitted. American citizens pay their Government—not foreign governments—to establish and to enforce standards that protect their health and safety. Our Government must never give up its responsibility for protecting the safety of the U.S. food supply and the public health generally, in order to promote trade with other countries.

Thank you.

Mr. KLECZKA. Mr. Chairman, the General Agreement on Tariffs and Trade [GATT] is the product of years of negotiations by Presidents Reagan, Bush, and Clinton. The resulting bipartisan, multilateral agreement reduces tariffs and other trading restrictions for the 120 major trading nations who are participating. Fairer, clearer rules will allow American workers and American businesses to compete on a level playing field and to show that they are indeed the best in the world.

The results will speak for themselves. GATT is estimated to create between $100 million and $500 billion in U.S. economic growth over the next decade. It is also expected to create as many as 1.4 million jobs in this country over the same period. And, the global tariff reductions will benefit U.S. consumers in the form of lower prices.

In Wisconsin, GATT is likely to build on our success in exporting goods and services. My State has experienced a 98 percent rise in merchandise exports in the last 6 years, largely on the strength of growth in industrial machinery and computers, scientific instruments, and electric and electronic equipment. These sectors, and all businesses, will benefit from lower foreign tariffs and protection against intellectual property infringement.

Earlier this year, I expressed a number of concerns about this agreement. Fortunately, the implementing legislation we will pass today addresses these matters to my satisfaction.

First and foremost, I must comment on the wave of distortions levied by opponents of the agreement who say that the World Trade Organization [WTO] threatens U.S. laws and U.S. sovereignty. In my judgment, the agreement before us today threatens neither. After GATT is on the books, what is true today will be true tomorrow: only Congress will have the authority to change U.S. laws. Similarly, we have the largest economy in the world, and I have serious doubts that our sovereignty will be threatened by small nations because our economic retaliation might well be enough to thwart challenges to our trade policy.

My foremost concern about GATT was that the WTO's dispute resolution process would occur behind closed doors and at the whim of international bureaucrats. I worked with the administration to amend the legislation so that the WTO's activities are more open to public view. One of my proposals, which became part of the legislation, requires the U.S. Trade Representative to open any dispute before the WTO involving the United States to public scrutiny by printing it in the Federal Register. Another amendment I worked to include in the bill requires the U.S. Trade Representative to take the pubic's written comments into account in preparing its submissions to the WTO.

I also sought to ensure that the U.S. Trade Representative does not ignore public input during the dispute resolution process. A provision was included at my urging which establishes the framework for close and continuing consultations between the U.S. Trade Representative and interested U.S. parties. Finally, my proposal to require that the U.S. Trade Representative make all U.S. written submissions to the WTO public was also included.

The GATT agreement before us also made substantial progress on my two final areas of concern, the environment and financing. First, while the agreement will not end all environmental problems, it elevates environmental considerations to the highest levels of trade policy making for the first time. Second, despite the fact that GATT will generate tremendous new business revenue and the jobs that go with it, current budget rules cannot account for these expected economic benefits. Thus, we provided $12 billion in revenue measures to pay for the reductions in U.S. tariffs in order for the legislation to be fully paid for within the 5 year estimating period required by the rules of the House.

Creating jobs and opportunities for businesses in Wisconsin are two of my primary objectives, and GATT is expected to come through on both. While I had initial doubts about the agreement, I was able to get those concerns addressed during Congressional consideration. Thus, GATT is supportable because it is good for America, good for Wisconsin, and good for Wisconsin's Fourth Congressional District.

Mr. GOSS. Mr. Chairman, today, our economy maintains a capacity to produce that far outstrips the ability of the roughly 258 million Americans to consume. The bottom line: Sustaining our quality of life and bolstering economic growth means American companies must trade outside our national borders. I know American firms and workers are up to that challenge and more than capable of competing with their foreign counterparts if given the opportunity to compete fairly. The agreement reached in the Uruguay round GATT negotiations and signed in Marrakesh can give American businesses that opportunity. But, it isn't without risks and it merits thorough deliberation. I strongly supported efforts to postpone this vote until next year, but administration officials acted with their usual hastiness and have now backed us into a corner trying to ensure that the Uruguay Round Agreement doesn't die because of their poor planning. I know that many Americans are very uneasy about the ramifications of this complex accord. My staff and I have been researching and reviewing all of the concerns raised by my constituents at town meetings and in their calls and letters. Despite weeks of public discussion, I continue to find that many Americans, my constituents included, remain uncomfortable with the idea of the WTO. They worry, as do I, about who may lose in the economic adjustments that will inevitably follow the implementation of the Uruguay Round Agreement. They share my alarm about reports of giveaways and pork in the financing package. Of course, the paramount concern for me and most of the southwest Floridians I represent is whether or not U.S. sovereignty would be threatened under this latest GATT Agreement. While it is clear that risks and uncertainties remain, I have found that there are reasonable and reassuring answers to most of the concerns raised. The implementing legislation includes provisions designed to safeguard U.S. sovereignty, create a system for congressional oversight, provide protection for States' laws and set up a mechanism for review of membership in the WTO and possible withdrawal. Given these important protections and the provisions in the agreement itself, I have been convinced that the implementation of the Uruguay round will not threaten American economic interests, American laws or American sovereignty. We know the agreement and the implementing legislation are not perfect—but we also know they are a necessary step forward in opening world markets to American goods and services. The Uruguay Round Agreement offers U.S. companies unprecedented access to foreign markets in some of our strongest economic sectors and, by most estimates, the reduction of international barriers to our merchandise and services will increase our benefits from trade on the scale of $100 to $200 billion annually. This should mean good things for American consumers, American businesses and American workers. I will vote—somewhat hesitantly—for the legislation.

Mr. DICKS. Mr. Chairman, today the House has the opportunity to conclude the 103rd Congress with a critically important accomplishment that enjoys bipartisan support both from the current and future leadership of this body.

As this nation prepares to enter the 21st Century, we face a fundamental economic reality. The mercantilist era of competing nationalist economies, each seeking advantage in a zero sum game is dead and gone. Revolutions in communication and transportation technologies are leading the development of a truly global marketplace. So called foreign auto makers are opening assembly plants in the United States, while traditional "American" cars are often made overseas. Many U.S. "imports" include substantial components that were developed or manufactured here. At the same time many "exports" include substantial foreign content. It is getting difficult, if not impossible, to "Buy American" in any true sense of the word. This phenomena is producing unprecedented world wide economic growth that goes beyond the traditional zero sum competition of the past.

Nothing we do here today will change this fundamental historic development. But what we do here today can go a long way to determining whether the new global economic competition is played by a clear set of rules that treats the competitors fairly, or regresses into a reactionary round of competing protectionist steps in a vain effort to stem the tide of history.

If we pass this legislation, world wide tariffs on manufactured goods will be reduced by an average of one third. But within this average, there is considerable advantage for firms doing business in the United States where tariff levels are already low to non-existent. Overall, GATT Uruguay round will reduce tariffs by $744 billion over ten years.

In addition, the agreement provides improved market access for a wide range of products produced here, including agricultural commodities. It increases protection for intellectual property, a major gain for high technology American communication firms. And it limits subsidies for industries such as aerospace, which will enhance the competitive position of American firms in a field that is increasingly dependent on exports.

Each of these components has particular significance for the state of Washington. The markets for our fruit, wheat, forest products and other crops will expand substantially as part of an estimated national increase in agricultural exports of $5–14 billion over the next five years.

The enhancement of intellectual property protection includes requirements for members to seize pirated and counterfeit goods at the border and to institute criminal penalties for such actions. This will ensure that firms such as Microsoft, Nintendo of America and emerging companies in the field of supercomputing and virtual reality in the Puget Sound region can fully utilize the competitive advantage that their cutting edge developments provide them in the world market.

The agreement's provisions that subsidies of scientific research and development will only be permitted to the point of production of the first non-commercial prototype will help Boeing compete against both currently subsidies enterprises such as Airbus. They also assure that nations now looking to develop aerospace manufacturing will not undermine competition with massive subsidies.

Concerns have been raised with respect to the establishment of the World Trade Organization, which is intended to better facilitate resolution of disputes on the application of the Uruguay round. These concerns are unfounded under the express provisions of both the basic agreement and this implementing legislation.

Section 102 of HR 5110 expressly holds that US law prevails where provisions of GATT are inconsistent with it. The agreement provides for disputes to continue to be resolved by consensus, and expressly allows each nation to establish health, safety and environmental standards that are scientifically supported. It would, however, limit the use of such standards to block commodity access, as has often happened with the Japanese with respect to our food products. Finally the agreement allows withdrawal from the WTO on six months notice, the legislation provides for Congress to consider continue participation every five years, and the President has agreed to establish an independent panel of American judges to review any WTO decisions that are claimed to be arbitrary, and if there are three such instances in five years a vote would be triggered on our continued participation.

Some argue that we should wait and consider implementing legislation next year. Doing so, after expiration of Fast Tract, would open the door for adding a laundry list of special interest provisions. It would also encourage other signers to respond in kind with their own provisions that would undermine the very fabric of the agreement. You can't negotiate a tough, comprehensive multinational agreement, and then have every national legislature say they want to keep their gains but cancel their concessions.

The transition to a global economy is not going to be easy. There will be real pain for many whose jobs become victim to the new economic circumstances. The American people will have trouble adjusting from a reassuring reliance on paternalistic national companies to multilateral organizations that contract with a web like network of enterprises that give little notice to national boundaries.

But putting our heads in the sand and wishing for the "good old days" will not bring them back and will not save anyone's job in the long run. What it will do is lead capable Americans to miss out on opportunities for rewarding contributions in the marketplace of the 21st Century. We made a fundamental transition at the turn of the last century from an agriculturally dominated economy to one centered around manufacturing. I am confident we can face the challenge of the information age with the same success if we focus on proactively providing the right kind of investment and training opportunities.

The analysis of this legislation provided by the Treasury Department lays out the choice in very clear terms. If we ratify this agreement we can expect $150 billion in increases annual Gross Domestic Product and a 300,000 to 700,000 boost to employment in 2004. If we fail we can expect a new round of trade wars that could lead to repeat of the Smoot-Hawley induced world wide depression of the 1930s. The choice is ours and I urge my colleagues to look to the future and vote yes.

Mr. PORTER. Mr. Chairman, I rise today in strong support of the GATT trade agreement. It would be an economic and political disaster if Congress succumbed to the protectionist and isolationist forces opposed to GATT by failing to pass it now. GATT is a win-win proposition for both consumers and producers in America and for developed and developing nations around the world. It will vastly improve America's global economic competitiveness and further strengthen our position as the world's only remaining superpower.

Mr. Chairman, the opponents of GATT have lodged a bevy of charges against it. They say it will cause the economic sky above us to fall while undermining America's sovereignty. Nonsense. The critics of GATT fear free trade because they think America is weak. They are wrong. America is the 800-pound gorilla of world trade. We are the world's largest economy. We will use our economic strength and GATT's mandate of consensus-driven world trade policy to ensure that our concerns are met whenever contentious issues arise. To say otherwise assumes that America is economically feeble and politically timid. Nothing could be further from the truth.

Critics say that the World Trade Organization created by the GATT will grow into an unstoppable monster which will take over the United States and dictate every aspect of our daily lives. Nonsense. The WTO poses no threat to U.S. sovereignty. It will not be a United Nations of trade and will not summarily force changes in our domestic laws. Only the Congress can change our laws, and Congress can only do so with the consent of the American people as our Founding Fathers planned. To say otherwise is wrong. GATT is a voluntary economic contract among sovereign nations which will sharply cut the foreign tariffs burdening U.S. exports. It is not a diabolical plot to end our democracy, as some of my isolationist colleagues have suggested.

Mr. Chairman, the legislation before us and the trade agreement upon which it is based are thoroughly bipartisan. The Uruguay round began under President Reagan, continued under President Bush and ended under President Clinton. The implementing bill was developed with input from Republicans and Democrats alike. My colleagues should recognize the bipartisan roots of GATT and put their political differences aside to support this economic bonanza.

Mr. Chairman, GATT is about liberalizing trade and improving the economic welfare of people here at home and around the world. These have been the guiding principles of U.S. economic policy since World War II. The economic disaster caused by the ultra-protectionist Smoot-Hawley Act should have taught us once and for all that protectionism is and always will be a destructive dead end. The United States is the largest trading nation on Earth. Free trade is vital if our economy is to continue growing. GATT, while not perfect, means more American exports, more and better American jobs, and a faster growing American economy. It should be overwhelmingly adopted, and I urge my colleagues to support it.

Mr. BAKER of California. Mr. Chairman, there is a specific provision in this legislation—that dealing with captive production—that I wish to address briefly. I have worked for many months on this provision with the ranking Republican and soon-to-be Ways and Means Committee Chairman Mr. ARCHER, and I am pleased to understand that this issue has been dealt with in this legislation in a way that does not directly harm hundreds of my constituents whose employment was threatened by it.

A captive relationship occurs between sellers of raw materials and purchasers of those materials that are controlled by or captives of the sellers, and therefore are required to buy their raw materials from the controlling seller. USS-Posco Industries [USS-Posco], a California steel facility that employs hundreds of my constituents, is captively supplied with raw steel by its two parent companies. Because one of its parent companies is a non-U.S. company, USS-Posco was troubled, and its economic viability threatened, by proposed legislative language that would have treated captively supplied raw material differently depending on its origin. This proposal had no basis in principle, but rather was proposed by protectionists who were aiming their funs at all foreign producers, regardless of the impact on U.S. companies and U.S. jobs.

Fortunately for free-traders, for USS-Posco and its employees, and USS-Posco's California suppliers and customers, this threatening provision was modified prior to introduction of the pending bill. I am told that the International Trade Commission staff has assured my colleagues that the ITC would almost certainly take the same view of USS-Posco's captive supply situation under the new law as it did in its 1993 decision. The maintenance of this legal standard is more important to USS-Posco and its employees, my constituents, than to anyone else in this Nation.

I wish to thank the Republican Chairman Mr. ARCHER for his assistance in this effort. I look forward to our continued work together to ensure that this provision is implemented as Congress intends.

Ms. MOLINARI. Mr. Chairman, I rise today to voice my strong support for the passage of the GATT implementing legislation. My home State and city of New York will benefit greatly from the provisions in this trade agreement.

In particular, New York City will realize increased economic activity as the global economy picks up due to the high concentration of financial services and trade-related and international businesses in the metropolitan area. New York is the Nation's second-leading exporter of merchandise and accounts for an estimated 11 percent of all U.S. exporting. New York State sold exports of $40.7 billion, almost 9 percent if total U.S. exports, in 1993 alone. The GATT will eliminate many of the duties on important New York exports.

Treasury Secretary Lloyd Bentsen recently projected that 10 percent of the job creation from the GATT will be realized in New York City alone and these jobs will be in the high-income export sector. The Port Authority of New York and New Jersey estimate a large margin of growth in the air cargo and ground transportation sector in addition to gains in the finance, business and media sectors of the New York economy.

Many of my constituents were concerned about the World Trade Organization [WTO] and its ability to change current U.S. laws. The changes made to the WTO during the committee process have given Congress oversight over the dispute resolution proceedings. The U.S. Trade Representative is required to consult with congressional experts before any significant WTO vote. With this congressional review, sovereignty of the United States is not threatened and U.S. laws will not be impinged.

It is imperative to businesses and workers of New York's 13 district that the GATT be passed today. This trade agreement will increase our export industries, strengthen our local companies and open up high-wage, long-term employment opportunities to workers. I urge my colleagues to consider the benefits their district will experience under this trade accord and cast their vote in the spirit of free and open trade.

Mr. GOODLING. Mr. Chairman, while the issue of health care security in this Congress has consumed much of the attention of the Members of this body, I want to also bring to the attention of my colleagues another initiative which is aimed at securing people's hard-earned pensions. This proposal contained in H.R. 5110, which has been advanced by the administration to reform the Pension Benefit Guaranty Corporation—PBGC—Single-Employer Termination Insurance Program, the Retirement Protection Act of 1994, takes an important step in the direction of addressing the well-documented problems of the PBGC.

The PBGC was created in 1974 under ERISA title IV in order to guarantee the private pension benefits of employees and retirees in the event their company goes bankrupt and leaves their pension plans less than fully funded. In PBGC's 1993 financial statement the single-employer fund established to make up any pension shortfall is said to be underfunded by over $2.9 billion. In this Congress, subcommittees of both my Committee on Education and Labor and the Ways and Means Committee held a number of oversight hearings to determine the true extent of PBGC's problems and the remedies that may be required to avoid any future need for a taxpayer bailout.

At these hearings, the U.S. General Accounting Office—GAO—testified that the PBGC has made significant progress in financial management in the last several years under the leadership of the former PBGC Executive Director, James B. Lockhart III. However, the GAO considers more important the fact that problems beyond the PBGC's control continue to mount, posing multibillion dollar risks, thus creating a need for Congress to act.

For example, the number of PBGC insured plans has already declined 43 percent, so that only 67,000 defined benefit plans remain in the system. This presents an additional challenge to maintaining the program on a self-supporting basis that is maintained solely from the premiums levied on all covered defined benefit plans, and initially set in 1974 at $1 per plan participant, to pay for any PBGC shortfall. In fact, per capita premiums have escalated to $19 for fully funded plans and to $72 for badly funded ones. These 2,000-plus percent increases have not stemmed PBGC's flow of red ink. The increasing risk which has to be carefully weighed is that merely increasing premiums on the well-funded plans may accelerate their exit from the system, thus shrinking the tax base on which to levy the premiums necessary to finance present and future deficits.

In response to PBGC's current problems, the reform proposal in H.R. 5110 targets improved funding security for the participants covered in underfunded pension plans. An additional incentive to encourage faster funding for underfunded pension plans is included in the revised premium structure. By eliminating the $72 premium cap under the bill, underfunded plans will pay relatively larger premiums that will well-funded plans. The core of the legislation is built upon the provisions of H.R. 3396 which was passed by our Committee on Education and Labor on August 11, 1994.

As revised, the bill addresses a number of concerns expressed by relatively well-funded plans. For example, the provisions in the original bill that would have given the PBGC significant discretion to intervene in various corporate transactions have been eliminated in the final version of the legislation.

Although these funding reforms appear to move the PBGC in the direction of a more sound financial footing, they will have to be closely monitored for both their effectiveness and their long-term impact on the viability of defined benefit pension plans.

As I've stated previously, without timely and major reform to the PBGC insurance program, the retirement income security provided by our private pension system will continue at risk. It is for this reason that I consider the ERISA funding provision in H.R. 5110 a necessary legislative step, a step set in motion by the previous administration and strongly promoted by the PBGC Executive Director, Mr. Martin Slate, in the current administration.

Mr. SLATTERY. Mr. Chairman, I rise today in support of the legislation under consideration now to implement the General Agreement on Tariffs and Trade.

I voted to extend the President's fast-track authority in order to complete the GATT negotiations in a reasonable manner. I applaud Ambassador Kantor and the administration for its efforts to do so. Regardless of our individual opinions, I think we all believe that they negotiated to the best of their abilities and worked tirelessly to bring it to a successful conclusion.

Hundreds of my constituents have contacted me regarding GATT. Many are concerned about the effects of the World Trade Organization on our Nation's sovereignty. I have thoroughly studied this issue as I do not want the United States to relinquish any of its own governing powers to another country or organization. I have concluded that this trade agreement is not a threat to our Nation's Sovereignty. The congress cannot be forced to change any laws that govern our Nation. For over 200 years we have governed by democracy. This will not change.

I am optimistic about what GATT will do for my home State of Kansas. From 1989 through 1992, Kansas exports increased by 36 percent. It has been estimated that more than 57,000 jobs in my state alone are backed by exports, and this number does not include agriculture-related jobs. In 1993 Kansas exported

$3.1 billion in merchandise. Since GATT will help level the playing field by reducing current trade barriers, I expect our exports to increase significantly. Kansas is a great place to do business. Many businesses which make rubber, plastic, fabricated metal, and chemical products along with scientific and measuring instruments have all realized major gains over the last few years.

I would be remiss if I did not mention the agriculture sector which is very, very important to my district. Agriculture leaders from across the State have discussed the merits of this agreement with me. Kansas farmers will benefit from increased market access under GATT. Our Nation's wheat farmers should see exports increase by 150 to 200 million bushels by the year 2005. Beef exports are expected to expand by 10 to 14 percent by the year 2005. This is good news for Kansas and for the country.

It is critically important for the United States to remain a leader in the global marketplace. Only then will we be able to create the jobs we need for workers throughout the country during the next decade.

Mr. KANJORSKI. Mr. Chairman, I rise to share with this Congress my thoughts about the GATT treaty and its implementing legislation.

Mr. Chairman, I wish that we were not considering this legislation today. I wish we were instead considering legislation to create good paying jobs now and implement a more effective Federal job training program to assist the thousands of American workers who have lost their jobs from past trade agreements.

We should be considering health reform legislation that would make sure that if a business decides to invest in some other country and fires its workers here in America, unemployed families would still be able to get the medical care they worked for and need. We should also today be considering legislation that would help force countries we are competing against to bring their wage and work standards up to a decent level so that our small businesses have a chance to survive and compete.

We are not, however, considering such laws today. Instead, we are considering legislation to promote free trade. In my opinion, free trade will benefit America in the long run only if it is fair trade. Fair trade agreements will bring us greater economic prosperity and will help show that the Federal Government really does not have the average citizen's best interests in mind.

Still, there may indeed be the huge oceans of economic wealth for us around the corner that the proponents of GATT have stated. But what about now; what about in the short-term? What have we done in this Congress to help working American families survive in a world in which trade agreements have already resulted in significant job loss and a reduced standard of living?

I ask you, Mr. Chairman, what have we done to help the average textile worker who has spent most of his or her life toiling in a dress-making factory get a new job in a region which is losing comparable jobs faster than it is creating them? What about the guy who used to pump gas, or another who ran a small family farm but a conglomerate ran him out of business?

Today we are doing nothing for them. Ten to fifteen years from now they may be helped by GATT; but that does nothing for individuals struggling to raise their families right now in every district across this Nation. I know about the plight of such families, Mr. Speaker, because I have so many of them in my district. The populace of northeastern Pennsylvania is made up mostly of lower to middle-income persons who work in small factories and small offices in small metropolitan areas. The workers of my district will not benefit from freer world trade in the short term, but could certainly benefit in the short term if we prepared workers and the region as a whole for this inevitability.

What we should be doing today, and what we should have been doing this past year before we considered GATT, is passing comprehensive job creation legislation, comprehensive job retraining legislation, and comprehensive health care legislation. We simply cannot allow the present-day needs of our citizens to take a back seat to abstract economic theory that may or may not work. It is not what the people of this country want us to do.

The voters no doubt sent a clear message to Congress that it is time to address their everyday needs. If we fail to do so, there will be retribution similar to what we saw this past November 8. Unfortunately, the new majority party in Congress has provided no indication it intends to address concerns about job and health security at any time in the near future.

GATT in the short term will no doubt help executives and stockholders of international businesses and Wall Street financiers but does little for the average worker or small business today. I therefore cannot vote for this legislation, which I regret. I would have liked to vote for a bill that could eventually have had a positive impact on my district and this country.

Mr. Chairman, this bill is another example of our failure to help working Americans today. I ask my colleagues, therefore, to reject the GATT.

Mr. TOWNS. Mr. Chairman, I am casting a vote against the GATT bill today in part because of our inability to address the needs of the Caribbean. In spite of the fact that the Caribbean Interim Trade Program enjoyed broad bipartisan support, it was not included in the final GATT legislation that is before us this evening. I am encouraged that the administration has indicated that they understand the importance and urgency of this program—for both the Caribbean and the U.S. business community. While GATT falls short in providing parity to the Caribbean, I certainly hope that we will have the opportunity to support an ITP program next year.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the implementing legislation for the Uruguay round of the General Agreement on Tariffs and Trade.

The GATT was conceived in the aftermath of World War II, when the American economy was the world's strongest. The label "Made in America" guaranteed a quality product, one that was superior to those made in other countries. In that world, it was correct to assume that freer trade virtually always helped Americans.

But times have changed. The world has become much more competitive. Multinational companies, both American and foreign, will use any location in the world to produce products if that location promises to reduce the costs of production. The globalization of production puts the jobs of American workers into competition with workers who live in countries which have virtually no labor standards. American workers will inevitably lose the race to the bottom caused by such competition. That is why economists estimate that the American manufacturing sector lost millions of good paying jobs to low-wage foreign countries in the decade of the 1980's.

For this reason, this Nation's trade policy must now focus on ensuring that American workers have a level field to play on. This focus was entirely missing in the GATT negotiations and is entirely missing from the agreement and its implementing legislation. I fear that adoption of this legislation will leave the workers of the United States powerless to fight against countries that seek to gain competitive advantage through the use of cheap or unsafe labor conditions.

This legislation also makes it very difficult for the United States to fight countries that use other methods to gain competitive advantage. Under the GATT, it would be illegal for a country to enact a domestic content law or to subject foreign goods to import quotas. The threat of these actions saved the domestic auto industry in the 1980's however, because the threat of these actions led the Japanese to adopt "voluntary" import restraints. The voluntary restraints gave our industry and its workers the breathing space they needed to become competitive in the world. Now, the industry is hiring for the first time in a generation. Does anybody doubt that unrestricted Japanese competition in this industry in the 1980's would have prevented this recovery?

Free trade will impoverish us unless it is fair trade. We should not enter into agreements which strip us of our right to defend the living standards of our workers and our ability to create good American jobs. I believe we can do better. I urge rejection of this legislation.

Mr. STARK. Mr. Chairman, I oppose passage of the GATT Uruguay round implementing legislation.

Over the years, I have generally supported trade expansion bills. But I have come to question the fundamental premise of these various trade expansion bills.

There are some things more important than pure, free trade principles.

What is more important is our society—our sense of being a nation in which all are sharing in the growth and upward movement. In the last 20 years, something has gone fundamentally wrong. The lower-income and middle-income families are working harder and longer than ever—but their real incomes are stagnant or declining. The rich get rich, and the poor get poorer. The rising tide no longer lifts all boats—too many lifeboats are being swamped. There is a terrible sense of fear and uncertainty about jobs, about the American dream, about the possibility of one's children having a better quality of life. There is a growing underclass, which has no employable skills and is locked in a cycle of violence, hopelessness, and despair. A society cannot long exist and there can be no sense of community, when the middle class is being destroyed. We are starting to see this in America.

I do not assign all the Nation's woes to international trade. Indeed, free trade is wonderful for consumers—if consumers have jobs with which to buy the goods. This is the problem. Increasingly in the last 20 years, quality, good-paying, dependable jobs have been under attack—in part because of expanded international competition from nations where there is no minimum wage and where labor exploitation is rampant. Expanded trade creates more, higher-paying jobs as nations specialize in what they do the best. Great theory—and true. But we have failed to find a theory which helps the less well-trained, the non-high-school graduate, the lower-income families keep pace with these dynamic changes. As a result, our GNP climbs and our civilization declines.

It is time to stop sacrificing our sense of community by unquestioning passage of trade bill after trade bill.

I do not believe we should pursue further trade agreements until we have developed and have in place in the United States a set of policies which genuinely ensure that

All parts of the population are moving in the same income direction: upward;

All Americans who need assistance have an ability to receive retraining and relocation that ensures a decent chance at a lifetime of productive work;

That the welfare population is able to find work—it is policy schizophrenia to talk of requiring everyone to leave welfare after a fixed period of time when the semiskilled kinds of jobs welfare people can do are being wiped out through international trade competition.

Following are excerpts from a recent article from the Washington Post which make similar points. It is way past time, Mr. Speaker, for the Nation to debate what freer trade means for our society—not just for our economy.

WILL SUCCESS SPOIL AMERICA? WHY THE POLS DON'T GET OUR REAL CRISIS OF VALUES

(By Edward N. Luttwak)

Having tried George Bush, who showed himself blithely unaware of the very existence of the problem, and having tried Bill Clinton, who spoke as if he knew all about it but failed to act, the American electorate has now given a two-year opportunity to the congressional Republicans to show that they can understand the problem and also come up with valid remedies.

The problem in question is the unprecedented sense of personal economic insecurity that has rather suddenly become the central phenomenon of life in America, not only for the notoriously endangered species of corporate middle managers, prime targets of today's fashionable "downsizing" and "re-engineering," but for virtually all working Americans except tenured civil servants—whose security is duly resented.

Individual Americans who are neither economists nor statisticians do not focus on the economy's overall rate of growth, but rather on the security of their own jobs. Hence the vigorous recovery that provoked the Federal Reserve's anti-inflationary crusade cannot assuage personal fears. And the source of these fears is obvious: The once highly regulated and internationally dominate U.S. economic system has given way to a far more dynamic but also much more unstable turbo-charged capitalism open to the world's competition, in which no single firm, no particular industry and certainly no job or self-employment niche can be secure any longer. However tiny its effect, the General Agreement on Tariffs and Trade (GATT) Treaty now before this lame-duck Democratic Congress, can only add to those worries.

There is nothing new about the "creative destruction" of free competition. Only if outdated economic structures and obsolete working methods are first swept away, freeing up their human and material resources, can more efficient structures and methods arise in their place. What is new is only a matter of degree, a mere acceleration in the pace of structural change at any given rate of economic growth. But that, as it turns out, is quite enough to make all the difference.

The rise and decline of skills, firms and entire industries is now quite rapid even when there is zero growth, becoming that much faster when the economy does grow. In the process, the most enterprising or most fortunate individuals are offered more opportunities for rapid enrichment than ever before, and even tiny firms can aspire to fabulous growth. (Microsoft, born 1975, is the classic example). At the same time, however, the great majority of individuals has experienced not only unprecedented job upheavals, but also an absolute 20-year decline in personnel earnings. . . .

Viewed in the very narrow national-accounting perspective of all our globalization debates, whether NAFTA last year or the GATT Treaty now, any increase in the combined income of all Americans—no matter how unevenly distributed—fully justifies going ahead to globalize some more. On that there seems to be a perfect consensus between mainstream Democrats and mainstream Republicans. Both take it for granted that globalization has increased and can continue to increase the country's total GNP (true), that it must therefore increase the income of all Americans or at least most of them (false), and that because protectionism is always bad for U.S. consumers (true), it must always be bad for the country (false).

What is missing is anything resembling a social perspective. In fact it is simply taken for granted that economic efficiency must never be compromised in the slightest to suit the needs of society. That would make perfect sense if the United States were a very poor country with a perfectly peaceful and tranquil society. As it is, the United States has much more wealth than social tranquility and would benefit much more from economic stability than from further economic growth, inevitably achieved by disruptive structural changes of one kind or another.

If one does take into account the psychological and practical need of families and communities for a reasonable degree of stability, very different criteria apply to globalization as well as to deregulation.

Those are the very criteria that have shaped Japan's protracted resistance to the globalization of its own economy, as well as to deregulation. U.S. trade negotiators are forever arguing the merits of free markets, but the overall purpose of Japan's many overt and covert trade barriers and domestic regulations is precisely to protect Japanese society from the disruptive effects of any competition, foreign or domestic. Small shopkeepers are protected by a Large-Scale Retail Law that greatly restricts the spread of chain stores, supermarkets and department stores. Craftsmen threatened by cheaper imports are protected by unwritten customs house conspiracies as well as overt barriers. And many industries, including low-tech paper and plywood, have their own informal protective arrangements, while high-tech industries are officially assisted as well as protected. As a result, Japanese-as-consumers must pay very high prices, but Japanese-as-producers enjoy all the benefits of personal economic security.

American visitors immediately notice the tranquility of Japanese crowds, and the conspicuous absence of the free-floating anger that has become a sinister feature of American life, and a deadly one at times. They may attribute all this calm to the homogeneity of Japan's population, or its ancestral discipline. But they would be wrong: Before its all-powerful bureaucracy stabilized Japan's economy with its regulations and protectionism, the country witnessed a great many very violent strikes, any number of political assassinations and frequent mass demonstrations that often degenerated into outright street fighting.

To be sure, the Japanese system sacrifices economic efficiency at every turn, and the consumer pays the price every time. It is a fact that the actual Japanese standard of living is on average much lower than the American, even though average Japanese money incomes are now substantially higher.

But that is a very incomplete truth, for it only includes purely material factors, overlooking society-wide considerations that count for much more—even in purely monetary terms.

When I drive into a gas station in Japan, three or four clearly underemployed young men leap into action to wash and wipe the headlights and windows as well as the windscreen, check tire pressures and all the different oils, in addition to dispensing the fuel. For that excellent service, I have to pay a very high price for the gasoline. The Japanese bureaucracy, determined to protect those low-end jobs for youths who lack the talent for better employment, as well as small gas stations in rural areas, flatly prohibits self-service gas pumps, and in any case forces all gas stations to compete by offering lavish service because fuel prices are fixed by the government and price-cutting is banned.

Back in America, I fill my own tank much more cheaply from a self-service pump, but there also three or four young men are waiting—sometimes in person but certainly by implication. But because they are not employed by the gas station, or by anybody else, I do not have to pay their wages through government-imposed high prices for my gas. That is where U.S.-style economic analysis stops; Japanese consumers are being exploited, while the free market provides American consumers with cheap gas.

But in reality, I still have to pay for those young men who are not employed by the gas station. My car insurance rates are higher because of their vandalism and thefts, my taxes must be higher to pay for police, court and prison costs, and even a little by way of welfare benefits. If I am very unlucky, I may have to pay in blood. In a recent article on a Washington youth who killed a Korean immigrant at the age of 17, while absent from a psychiatric clinic where he had been sent for killing a taxi driver at the age of 15, it was parenthetically noted that more than $100,000 had been spent on his psychiatric treatment; his 30-year prison term will cost another $750,000 or so.

Not counting two deaths and his trial costs, the cost of not employing that one youth would pay for at least 37,777 gallons of gasoline—even at very high Japanese prices. American free-market gasoline is thus very expensively cheap, as compared to Japan's employment-generating, cheaply expensive gasoline.

There is no assurance, of course, that those young men whom I see loitering would actually take gas station jobs if any were available for them. But what is certain is that in Japan the government acts to ensure that there are job openings for youths incapable of more demanding employment, while in the United States, nothing must stand in the way of free-market efficiency, very narrowly defined to exclude any and all social consequences.

Mr. ROEMER. Mr. Chairman, I rise today to express my support for H.R. 5110, which will implement the agreements reached during the Uruguay round negotiations of the General Agreement on Tariffs and trade [GATT]. In my home district, there are diverse industries—aerospace components, pharmaceuticals, construction equipment, steel, and agricultural products—and all of these producers will benefit from the provisions included in H.R. 5510.

For example, the AlliedSignal Aerospace, which manufactures carbon brakes and landing gear for commercial aircraft, will see great boosts in its potential to enter foreign markets. By providing better protection against unfair domestic subsidy practices by foreign governments, this new GATT agreement will allow domestic aerospace manufacturers to expand their markets beyond the 29 percent of production that is currently exported.

The Third District of Indiana is a leading producer of pharmaceuticals. Miles Laboratories, which employs nearly 3,000 workers in North Central Indiana, expects to see great gains resulting form the implementation of the Uruguay round. GATT will not only significantly lower chemical tariffs but it will also improve intellectual property protection provisions, an important tool to research intensive businesses like Miles.

GATT will be extremely beneficial to U.S. steelmakers, once again the world's leader's in steel production, by eliminating steel tariffs currently imposed by key trading partners. Most importantly, the GATT implementing legislation will ensure that U.S. laws against unfair trade remain available and effective. This is an important tool for companies like IN Tek and IN Kote, which are subsidiaries of Inland Steel that manufacture galvanized Steel in Indiana's Third District.

One of the greatest benefits of GATT is the advantages it will lend to agriculture. With the reduction of tariff barriers and the increase in the world's purchasing power for U.S. commodities, Indiana farmers will see a significant increase in their export potential.

According to Purdue University economists, ratification of GATT will bring tremendous gains to Indiana farmers. Estimates suggest gains to Indiana agriculture of $1.05 billion after full implementation of GATT. For corn and wheat producers, revenue should rise by nearly $750 million. While I am concerned that some losses are expected for Indiana dairy producers due to the liberalization of import quotas to the U.S., I am pleased that implementing legislation extends authorization for the Dairy Export Incentive Program through 2001.

I strongly support H.R. 5110, and urge my colleagues to adopt the GATT implementing legislation. This agreement will bring much-needed reforms to international trading practices and will further open foreign markets to U.S. goods, particularly those products produced in my home State of Indiana.

Mr. WAXMAN. Mr. Chairman, I want to explain for the record why I am voting against the GATT accord today.

At the outset, I want to be clear that I am a free trader and, in the absence of other major concerns, I would be supporting GATT. Certainly, I agree that efforts to promote freer trade are worthwhile.

Until NAFTA, I had never voted against a trade agreement. I opposed that accord because I felt that it presented a serious threat to our domestic health and environmental statutes.

Unfortunately, the new GATT agreement poses an even greater threat to the health and environmental laws we have fought for decades to put in place here in the United States.

In fact, a number of our important American laws are already facing challenge under GATT rules that will remain largely unchanged in the new agreement.

The most publicized have concerned the provisions of the Marine Mammal Protection Act designed to protect dolphins from slaughter on the open seas by restricting our import of tuna not caught in a dolphin-safe fashion.

In response to challenges from first Mexico and then European nations, GATT panels have twice ruled the U.S. program to protect dolphins violates GATT.

Under the existing GATT framework, this ruling means little, since any one nation can block imposition of sanctions. But the new GATT has teeth, and the United States will pay heavily under its terms where our laws are held in violation by future panels.

Certainly that bodes ill for the Marine Mammal Protection Act. But, far more is at stake here than dolphins.

For example, Venezuela has challenged the reformulated gasoline provisions of the U.S. Clean Air Act—probably the single most effective measure for reducing urban smog in the entire law—and the European Union has challenged the Federal "CAFE" standards designed to promote more fuel efficient cars.

This is only the beginning. The European Union has published a long list of State and Federal environmental and health laws that it sees as illegal barriers to trade that can be challenged under GATT.

These include: the High Seas Driftnet Fishing Enforcement Act; the Nutrition Labeling and Education Act; and numerous food safety laws, including pesticide residue standards and various inspection requirements for fruits and vegetables.

In addition, important State laws are subject to challenge, especially in my State of California, where proposition 65 imposes the toughest restrictions in the country against carcinogens in foods and other products. The European Union has already made clear that they intend to challenge prop 65. Another California law almost certain to be challenged is the State's tough tolerance limit for lead in wine.

It's not that our laws discriminate against imports. I agree that discrimination should be prohibited under GATT.

But under the new GATT, any environmental or health law can be challenged if a GATT panel concludes that its provisions are "more trade restrictive than necessary"—a phrase that could be interpreted very broadly.

Another major problem stems from the fact that the GATT panel that ruled on the Marine Mammal Protection Act concluded that any trade restrictions designed to protect resources beyond a nation's own boundaries are GATT violations.

I fear that this ruling, in effect, bars efforts to protect the planet's common resources—our oceans, our stratosphere, our climate—by the single method that has in the past proven effective: trade restrictions.

In addition, our ability to close our markets to products manufactured by oppressed workers, even children, would be undermined.

It wouldn't be so bad if these matters were to be resolved through an open process by an unbiased expert panel.

But the resolution of GATT challenges is handled by a panel of foreign judges with no familiarity with or commitment to American law or our judicial traditions of fairness, and through a process that experts on all sides of the issue agree is wholly undemocratic.

Opportunity for public involvement is nonexistent in GATT proceedings. Hearings are required to be held in secret and, under the terms of the agreement, even our government's own arguments in defense of challenged American laws cannot be made public.

Because of these very serious flaws, I am voting against the GATT implementing legislation, despite that fact that I favor reducing restrictions on trade.

Mr. CRANE. Mr. Chairman, I believe it is necessary to provide further clarification regarding the antidumping provisions contained in title II of H.R. 5110, the Uruguay Round Agreements Act. I fully expect that the Commerce Department will implement the antidumping provisions of H.R. 5110 in a manner which is consistent with both the letter and spirit of our obligations under the WTO Agreement. I expect that Commerce will implement the following provisions in full compliance with our antidumping agreement obligations, and in a fair manner that the United States would have no objection to if used by foreign governments against U.S. exporters:

EVALUATION OF INDUSTRY SUPPORT

Section 212 of H.R. 5110 establishes procedures for determining industry support, and provides conditions under which the petition may establish adequate support. Section 212 provides that the Commerce Department may, in appropriate circumstances, exclude a domestic producer of a like product from the industry where the producer is itself related to exporters or importers. As a general rule, Commerce should not include members of the domestic industry those domestic producers who oppose the petition, but are related to exporters, unless such producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an order. It is expected that related domestic producers must demonstrate to the Commerce Department how an order resulting from an investigation would adversely affect their interests, for example, by showing that their domestic production operations would be damaged. In addition, section 231 provides for termination of a case if Commerce determines that producers accounting for substantially all of the production of a product lack interest in the case. It is expected that Commerce will interpret this standard to be the same as that set forth in court decisions such as Gilmore Steel Corp. versus U.S., in which the standard is described as an overwhelming majority.

CAPTIVE PRODUCTION

Section 222 of H.R. 5110 provides for the treatment of captive production in an injury inquiry. It is expected that the Commission, in implementing the captive production provision, will fully comply with article 3.5 and 4.1 of the antidumping agreement and articles 15.5 and 16.1 of the subsidies agreement, which require a finding that the dumped or subsidized imports are causing material injury to the domestic industry as a whole. It is my understanding that when examining a captive production situation, the ITC will focus primarily, but not exclusively, on the factors provided in the bill. However, the captive production provision does not limit the Commission to analyzing the merchant market, and an affirmative injury finding not based on an analysis of the industry as a whole, including captive production, would be inconsistent with the agreement. In addition, to the extent the Commission focuses its inquiry on noncaptive production in the domestic industry, it must also focus on noncaptive imports. It is expected that the Commission will apply the same criteria in its determination of whether to focus primarily on noncaptive imports as it applies in its determination of whether to focus primarily on noncaptive domestic production. It is also recognized that, by the nature of the fact that captive imports are internally consumed, such imports generally do not compete with the domestic like product. I expect that it will be very difficult to establish that captive imports compete with domestic production in a particular investigation. Accordingly, only rarely, if ever, should the ITC find that captive imports compete with the domestic like product.

NEGLIGIBLE IMPORTS

In preliminary determinations, section 212 of the new legislation requires the Commission to base its finding on a determination as to whether there is a reasonable indication that imports are not negligible. It is expected that the Commission will, when necessary, use reasonable estimates when calculating import volumes. It is further expected that the Commission will normally terminate an investigation when import levels are below the statutory threshold, except when import volumes are extremely close to the statutory threshold and reliable data obtained in a final investigation establishes that imports exceed the statutory threshold.

SUNSET REVIEWS

Section 220 of the legislation establishes that Commerce and the Commission will make their determinations concerning termination of an order based on the facts available if responses by the parties are inadequate. In judging the adequacy of responses, it is expected that Commerce and the Commission shall apply the same standard as that applied in other contexts of the antidumping and countervailing duty laws, such as Commerce's use of best information available.

Article 11.3 of the antidumping agreement permits antidumping duties to remain in force pending the outcome of a sunset review, even if the review is not completed until after the 5-year deadline. The agreement thus authorizes the continued collection of duty deposits, but only up to the point that a sunset determination is made to revoke the order. In order to comply with our agreement obligations in cases where the determination is made to revoke the order, it is expected that, pursuant to section 751(d(3), Commerce will determine that the revocation will apply to entries on or after the date of the 5-year anniversary, and that Commerce will direct Customs to refund antidumping duty deposits on merchandise entered after the 5-year anniversary of the order.

Section 221 of H.R. 5110 states that the Commission, in making its sunset determination, "shall consider that the effects of revocation may not be imminent, but may manifest themselves only over a longer period of time." Although a sunset review is necessarily prospective in nature, it is not intended that Commerce or the Commission use this fact to extend orders indefinitely. It is not expected that the Commission will find that injury is likely to continue or recur based on uncertainty over the possible conditions at a point in time well beyond the time of the determination. It is expected that the order will be extended only in those cases where there is substantial evidence on the record that material injury is likely to continue or recur within a reasonable period of time.

DUTY ABSORPTION/DUTY AS A COST

Sections 221 and 222 of H.R. 5110 provide for Commerce and the Commission to consider the issue of duty absorption. It is expected that before initiating a duty absorption inquiry, Commerce shall ensure that there is a reasonable basis to believe that duty absorption has occurred. The statement of administrative action makes clear that "during an administrative review initiated 2 or 4 years after the issuance of an order, Commerce will examine, if requested, whether absorption has taken place by reviewing the data on the volume of dumped imports and dumping margins." Therefore, Commerce's inquiry will result in either an affirmative or negative finding of duty absorption. Nothing in the statement of administrative action or legislative language provides that Commerce would determine or compute the extent of duty absorption, or the magnitude of duty absorption. Therefore, it is expected that Commerce will not quantify the level of duty absorption, and that an affirmative finding will have no effect on the dumping margins calculated. In making its determination, Commerce should give less probative weight to dumping marging and data based on best information available, as these may be a poor indicator of whether a company is actually absorbing duties.

Commerce will notify the International Trade Commission of its findings made during the 4-year review. The Commission should take these findings into account in determining the likelihood of continuation or recurrence of material injury in the sunset review. It is expected that the Commission will not consider duty absorption to the exclusion of other statutory factors. Further, it is expected that the weight accorded by the Commission to Commerce's duty absorption finding will depend on the extent to which it bears on the issue of the likelihood of continuation or recurrence of material injury in light of the facts of each case.

Finally, the duty absorption provision in no way permits the treatment of antidumping duties as a cost to be deducted from the U.S. price. The treatment of antidumping duties as a cost has been repeatedly rejected by Commerce and U.S. reviewing courts. Moreover, in the U.S. retrospective duty assessment system, treatment of duties as a cost would violate the WTO Antidumping Agreement, result in the over-assessment of antidumping duties, and serve as a disincentive to investment in the United States.

BASIS FOR DETERMINATION OF THREAT OF INJURY

Article 3.7 of the antidumping agreement, regarding the determination of threat of material injury, is unchanged from the 1979 antidumping code. It is expected that, as provided in the statement of administrative action at page 184, the Commission's practice in threat determinations will remain unchanged from current practice. As noted in the statement of administrative action, revision of the threat language of the statute in section 771(7)(F)(ii) in no way change Commission practice or judicial interpretations of the statute.

EXPORT PRICE AND CONSTRUCTED EXPORT PRICE DEFINITIONS

The statement of administrative action at page 152 states that the change in terminology from "purchase price" and "exporter's sales price" to "export price" and "constructed export price" will in no way change the criteria now used to categorize U.S. sales as one or the other. Commerce's decisions will be monitored closely to ensure that no change is, in fact, made in the Department's methodology for categorizing U.S. sales.

REIMBURSEMENT OF ANTIDUMPING DUTIES

The statement of administrative action expresses the administration's intent to continue to apply, when appropriate, the current regulation [19 C.F.R. § 353.26] providing for antidumping duties to be increased when Commerce finds that an exporter has directly paid the antidumping duties due, or has reimbursed the importer for the importer's payment of the antidumping duties. The legislation makes no change in this regulation. It is not intended that this provision be extended to apply to countervailing duties. Countervailing duties differ from antidumping duties, and it is not intended that Commerce will deduct countervailing duties from export price or constructed export price when calculating the margin of dumping.

FAIR COMPARISON/NORMAL VALUE ADJUSTMENTS

Section 224 of H.R. 5110 implements the requirement in antidumping agreement article 2.4 that "a fair comparison shall be made between export price and normal value." It is expected that Commerce will ensure that a fair, apples-to-apples comparison is made in all cases. In particular, a fair comparison requires that, as a general rule, normal value shall be adjusted for the same costs and expenses for which adjustments are made to the export price or constructed export price. When U.S. price is based on constructed export price, it is expected that Commerce will make either a level of trade adjustment or a CEP offset adjustment to normal value. It is my understanding that an adjustment will be made to normal value in order to ensure a fair comparison to the export price or constructed export price, as the case may be.

In measuring the effect on price comparability and interpreting the statutory requirement that a pattern of consistent price differences be shown, it is expected that Commerce will follow the statement of administrative action, which states that "while the pattern of pricing at the two levels of trade under section 773(a)(7)(A) must be different, the prices at the levels need not be mutually exclusive; there may be some overlap between prices at the different levels of trade."

INITIATION OF COST INVESTIGATIONS IN REVIEWS

As noted in the statement of administrative action [page 163], section 224 amends section 773(b) to provide that Commerce must have reasonable grounds to initiate a cost of production investigation in an administrative review, if Commerce excluded below-cost sales of a particular exporter or producer from the determination of normal value "in the most recently completed segment of the antidumping proceeding." Thus, in an administrative review, Commerce may initiate a cost investigation if it has excluded below cost sales in the most recently completed administrative review, or, if no review has been completed, in the original investigation.

ANTICIRCUMVENTION

Section 230 of H.R. 5110 amends the anticircumvention provision of the law, which currently provides for a test of whether the difference between the value of parts imported from the subject country and the value of the finished product is small. The legislation replaces this test with two inquiries: whether minor or insignificant assembly or completion is occurring in the United States or the third country, and whether the value of parts imported to the United States or third country from the country subject to the order is a significant proportion of the total value of the finished product. The structure of the statute is based on the anticircumvention provisions of the "Dunkel Text." It is expected that Commerce will adhere to the statutory requirement that the value of the parts is a significant proportion of the value of the finished product. For example, the value of a flat panel display in relation to the value of a finished laptop computer would not be significant, and thus would not be found to circumvent an antidumping order on laptops. Further, it is expected that only in very rare instances would Commerce find circumvention to be occurring between unrelated parties.

It is expected that Commerce will not interpret these criteria such that the value added in the United States becomes the essential determinant of whether circumvention is occurring. The anticircumvention rules must not operate as a domestic content rule, or as a critical component rule. Moreover, in order to comply with the antidumping agreement and article VI of the GATT 1994, Commerce must only apply antidumping duties to merchandise for which a final determination of dumping and injury has been made.

START-UP COSTS

Section 224 of H.R. 5110 implements the adjustment for startup operations provided for in article 2.2.1.1 of the antidumping agreement. This provision was one of the agreement's most important accomplishments on behalf of U.S. exports, in particular, high-technology exports. Commerce must not undercut this accomplishment by prematurely ending the start-up period or by limiting the start-up adjustment. It is expected that Commerce will determine the start-up period to end at the point at which commercial production levels characteristic of the product, producer or industry under investigation are achieved, based on production of merchandise of quality levels sufficient for sale. Further, when making the start-up adjustment, Commerce is expected to amortize all start-up costs only after the end of the start-up period and over the life of the product or equipment.

SHORT SUPPLY

While I continue to support separate short supply legislation, the administration has stated that there are mechanisms under current law to address short supply situations. Specifically, the fact that a product is not being produced in the United States should be reflected in the ITC's determination of whether the imports are a cause of injury to the domestic industry. That is, if petitioning companies are not producing a competing product, there will be no adverse effect with respect to the imported merchandise, and the ITC must take this into account in its injury determination. After an order is in effect, Commerce can declare a product outside the scope of an order if it has substantially different characteristics or uses than the subject merchandise, or if it is unclear whether the order included the specific product. It is my expectation that Commerce and the ITC will actively use their existing authority to address short supply situations.

Mr. GIBBONS. Madam Chairman, it is appropriate that we have two distinguished leaders of this body close this debate. The gentleman from Illinois [Mr. MICHEL] is loved and admired, I believe, by every Member of this body because of his sincerity and his integrity. He has really no peer. But I would refer now to the Member to whom I am about to yield time. I have served here now for 32 years, and I am proud to say that of all the Speakers that I have known and worked with, I think that the current Speaker is the tops. He is a man of great personal integrity, he is a great leader, he has been very impartial in that chair up there, and we really regret to see him leave.

To close this historic debate, I yield the balance of our time to the gentleman from Washington [Mr. FOLEY], the Speaker of the House.

□ 1810

Mr. FOLEY. Madam Chairman, I take the floor for the last time in debate, and we will all be casting very shortly the last vote of the 103d Congress. For some this will be the last vote they will cast in Congress. And while I respect deeply the views of those who oppose this agreement and their concern about its adoption, I will probably vote for the approval of the GATT agreement.

I do so because I think it is probably impossible to imagine a single act of this Congress that can do more to contribute to our economic growth. This is a vote of great magnitude. Very simply, GATT sets the trading rules for the next several decades. It has taken 7 years and three Presidents to reach this agreement, and it will take many more years before any new round can promise still further significant reductions in trade barriers. And it is generally assessed that 50 percent of the growth of the U.S. economy in the last 5 years has come from exports.

This GATT holds the potential to spur even greater economic growth, and with it more export-related, well-paying jobs. I believe no single measure, public or private, offers such a potential for economic progress.

GATT plays to America's strength. It offers the new American competitiveness of the 1990's the leverage of more open markets. It is that competitiveness, built on high-quality products and an efficient work force and an efficient management that offers more assurance of profitability and job security by the elimination of trade barriers than by any tariff. The United States already has the most open economy in the world. The reduction, in many cases the elimination of foreign trade barriers under GATT will level the playing field for American businesses and enterprises that have often faced the triple threat of high tariffs, government subsidized competition, and hostile bureaucracies from abroad.

Much has been made in this debate about the World Trade Organization and about the threat offered, supposed threat of the World Trade Organization. I believe that the concern about impositions on American sovereignty have been effectively answered, not only in this debate but by statements from legal scholars of all political persuasion and all economic views outside this Chamber. But beyond that, I believe that the World Trade Organization will work to America's advantage because the United States imposes few direct or indirect barriers relative to our trading partners. It is us who will have more cause to use GATT's existing dispute resolution mechanism and to try and encourage other nations to comply with their trade obligations. That will not change with the World Trade Organization and its tougher enforcement will offer more protections and thus freer trade to America.

Opponents will say and have said that GATT represents a risk, that some sectors will suffer under its provisions, that tariff revenues will decline, and I suppose that in any great undertaking there are concerns and risks. Yet, even when our country was founded, those who journeyed west to settle the West were told that there were risks, and there were, but that spirit that has always typified our country proved strong enough to settle a continent and to develop its riches. That same spirit exists today in America's agriculture, in America's business and American labor. It is a spirit that can be found throughout the country in businesses large and small in both labor and management and agriculture. It is a spirit that can take advantage from risk and will adjust to sectorial weaknesses, and it will boost tax revenues, not by tariffs but by export earnings.

Behind me in this Chamber inscribed on the wall are the words of Daniel Webster. They have often seemed to me to offer direction to us in our undertakings in this Chamber. That inscription says, "Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered."

GATT is such an undertaking. Its promise is not only for our day and for our generation but also for the prosperity of future generations. It will enable us to call forth our powers to greatly expand our export trade and development. It can thus serve the interests of this great Nation and thereby become something worthy to be remembered by this Congress and on this day.

I urge my colleagues on both sides of the aisle to support this agreement, to vote "yes" on GATT.

The CHAIRMAN. All time for general debate has expired.

Pursuant to section 151(D) of the Trade Act of 1974, and House Resolution 564, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mrs. UNSOELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5110) to improve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations, pursuant to House Resolution 564, she reported the bill back to the House.

The SPEAKER. Pursuant to section 151(f)(2) of the Trade Act of 1974 and House Resolution 564, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 288, nays 146 as follows:

[Roll No. 507]

YEAS—288

Abercrombie
Ackerman
Allard
Andrews (TX)
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blackwell
Bliley
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clayton
Clement
Clinger
Clyburn
Coleman
Cooper
Coppersmith
Cox
Coyne
Crane
Cunningham
Darden
de la Garza
DeLauro
DeLay
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dreier
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Foley
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kasich
Kennedy
Kennelly
Kim
King
Kleczka
Klein
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Michel
Miller (FL)
Mineta
Minge
Molinari
Moran
Morella
Murtha
Neal (MA)
Neal (NC)
Nussle
Olver
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Pelosi
Penny
Peterson (FL)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Ramstad
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rostenkowski
Roukema
Rowland
Roybal-Allard
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Stenholm
Studds
Sundquist
Swift
Synar
Talent
Tanner
Tauzin
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Torres
Torricelli
Upton
Valentine
Vento
Visclosky
Vucanovich
Walker
Walsh
Washington
Waters
Weldon
Wheat
Whitten
Wilson
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—146

Andrews (ME)
Andrews (NJ)
Applegate
Bachus (AL)
Barca
Barcia
Barlow
Bentley
Bilbray
Bilirakis
Blute
Bonior
Browder
Brown (OH)
Burton
Chapman
Clay
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cramer
Crapo
Danner
Deal
DeFazio
Dellums
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Edwards (CA)
Engel
Evans
Everett
Fields (LA)
Ford (MI)
Frank (MA)
Gallegly
Glickman
Gonzalez
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hancock
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hunter
Hutchinson
Inglis
Istook
Johnson, Sam
Kanjorski
Kaptur
Kildee
Kingston
Klink
Klug
Lantos
Largent
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
Lucas
McHugh
McInnis
McKinney
Mfume
Mica
Miller (CA)
Mink
Moakley
Mollohan
Montgomery
Moorhead
Murphy
Myers
Nadler
Oberstar
Obey
Owens
Pallone
Payne (NJ)
Payne (VA)
Peterson (MN)
Pombo
Quinn
Rahall
Rangel
Ravenel
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Rush
Sabo
Sanders
Schaefer
Schiff
Sensenbrenner
Sisisky
Skeen
Smith (NJ)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Swett
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Towns
Traficant
Tucker
Unsoeld
Velazquez
Volkmer
Watt
Waxman
Williams
Wise
Wolf
Woolsey
Young (AK)

□ 1839

Mr. RUSH changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

□ 1840

EXPRESSION OF PROFOUND APPRECIATION TO THE HONORABLE THOMAS S. FOLEY, SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 586), and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 586

Resolved, That Members of the House express their profound thanks and appreciation to the Honorable Thomas S. Foley, Speaker of the House of Representatives for the very fair and impartial manner with which he has presided over our deliberations and performed the arduous duties of the chair during his tenure as Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Illinois.

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. MICHEL] is recognized for 1 hour.

Mr. MICHEL. Mr. Speaker, you and I have served in this body together since 1965, and during that time we have usually found ourselves on different sides of the issues, but we have forged a friendship for one another based on our mutual respect and love for this institution. You brought to the high position you now hold not only admirable analytical skills, but personal qualities of the highest order.

The Almanac of American Politics, writing of the Speaker, has this to say:

> Speaker FOLEY retains the reputation for fairness and intellectual honesty that he has built up for 25 years.

While I agree with that assessment, and I am sure every Member of this House does likewise, I say to the gentleman, You came to the Speaker's office at a time when our institution needed the kind of virtues you have for so long typified: integrity, decency and a commitment to crafting reasoned solutions to difficult problems. You've also had what I like to think of as the preliminary virtue of the legislator, the ability to combine personal integrity, party loyalty and parliamentary skills for the good of the Nation, and when I sat with you to discuss problems facing the House, I could talk freely because I knew I could always trust your discretion, and your judgment, and the confidentiality of those very personal conversations that took place. Those who have not known the burdens of leadership cannot know how important it is to be able to rely on the word of a fellow leader, especially one of another party.

Mr. Speaker, we may disagree on the issues, and we may have diametrically opposed views of what constitutes good policy for the country, but what matters in the long run is the ability to trust each other because trust is often the foundation upon which House Members can form a consensus that transcends party line.

Mr. Speaker, you have well served your party, this institution and the Nation. I personally hold you in the highest personal esteem and regard, and I wish you and Heather all the best in the years ahead. I salute you, Mr. Speaker.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Michigan [Mr. BONIOR], the distinguished majority whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL] for yielding, and, before I echo some of his comments, let me say to him how much this institution will miss him in the service he provided the people of Illinois, and his district, and this great country of ours.

I just wanted to take this opportunity on behalf of my colleagues and, I know, others who have a word to say as well to you, Mr. Speaker, that we will miss you dearly, and I have had the good occasion to be in the leadership of the Speaker for about 8 years now, and I have watched his keen mind at work, I have been graced by his humor, his wit, his magnificent understanding of parliamentary procedure, his ability to frame a difficult issue and make it understandable. All of that has served this institution so well and, of course, has served his constituency so well.

□ 1850

TOM FOLEY was elected in 1964. He worked hard and he rose through the ranks and became the Speaker. Not many have achieved such a high purpose in our Nation's history, Mr. Speaker.

When you were here back in the sixties, those were pretty heady days. Democratic activism on behalf of working Americans for civil liberties, for the environment, for Medicare, for civil rights expansion, for the Voting Rights Act, for clean air and clean water, all of those issues came to the floor when you graced this great institution.

The Speaker has, as the gentleman from Illinois so eloquently said, been known as a man of principle and a reformer. For those who are unfamiliar with his early years, he became the chairman of the Democratic Study Group in 1972, during the first wave of congressional reform. Of course, as Speaker he has led the second era of reform. He has an innate sense of fairness that I think often masks his very steely determination.

I think if I was to remember something so very special that I would like to carry with me about TOM FOLEY, it is two things: No. 1, his love of the Constitution. There are few people that have served in this great institution who know the Constitution, who have defended the Constitution, with the passion and the understanding and the broader frame of reference that it means to people on both sides of the aisle. His sense of fair play I think has won the respect of all of us.

The second thing I personally will remember, Mr. Speaker, is the 10-year fight that we waged on Central America. I know it was controversial. But always in those meetings the Speaker was looking out for the best interests of this country and the best interests of those who would be engaged in battle.

This has been an historic and very productive Congress. I know people have judged it in different manners, but we have really passed landmark bills on education reform, on family leave, on crime, on deficit reduction, and it is a credit to your leadership, Mr. Speaker, that we have done this.

Many other times we have sat in your office, enjoyed your humor, your wit and your wisdom. You have been a model to all of us, and you will be sorely missed. But I am sure we will be seeing you, and, of course, you are welcome to all of our offices as you grace these halls in the years ahead.

We thank you, we love you, and we look forward to being with you.

The SPEAKER. The Chair would like to ask our distinguished Republican colleague, the gentleman from Illinois [Mr. MICHEL], if he would please take the chair.

(Mr. MICHEL assumed the chair.)

The SPEAKER pro tempore (Mr. MICHEL). The Chair recognizes the distinguished Speaker of the House for whatever comments and whatever statement he wishes to make.

Mr. FOLEY. Mr. Speaker, I must remind the Chair that the Chair has to put the question on the resolution.

The SPEAKER pro tempore. Would the gentleman prefer that the Chair do that before he speaks on behalf of his own resolution?

Mr. FOLEY. It is always better to get the resolution passed before the speech.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

Mr. FOLEY. I want to say it is a great pleasure for me to address you, Mr. Speaker, and to say that all that you have said and my good friend DAVE BONIOR has said has been a very touching thing for me, and particularly to be here on this last day of the 103d Congress with so many of my colleagues and to have a chance to say to you, all of you, Republicans and Democrats, what an honor it has been for me to serve with you.

My congressional career has come to a close, and I leave this Congress with a sense of satisfaction and gratitude, gratitude to so many. To my constituents, who gave me their confidence for so many years and gave me the great honor that we all know of representing so many of our fellow citizens in this central place of American democracy, the House of Representatives; to my staff, and to principally my wife, who has served without pay or compensation as my chief of staff for so many years, giving unselfishly of her time and talent to me and to the people of my district, and our district, and our State; and also to all of my colleagues, past and present, who have honored me by allowing me to serve with them.

This institution is a great institution. It is, unfortunately, not always seen in its fullest and proper dimensions by our fellow citizens. And I think that is a great tragedy, because of all the institutions of our public life, it is in the Congress, and particularly in the House of Representatives, where this country's judgments and hopes and concerns and ambitions and decisions are made for the future.

We have a task, I think all of us, those in public life and those who leave it, to ensure that the true dimension of the work that is done here is understood and appreciated. Because other countries have presidents and courts and magistrates, but it is the institution, which for so many of the people of the world has been represented by the Congress, the place where we come together to speak the voice of America and democracy, and it is that voice that is found to echo resoundingly throughout the world today.

The American democracy has been a symbol of liberty and freedom for so many hundreds and hundreds of millions of people, and so we have a special responsibility to ensure that our own citizens do not fail to understand the value and importance of this, their House of Representatives.

So in leaving I thank you, and I salute you, and I wish you all, those of you who are leaving with me and those who will be part of the 104th Congress, every success in the future. I wish to all who follow in this great responsibility that they will have some of the same satisfactions and some of the great opportunities which I have had, and for which I will always be deeply, deeply grateful.

Thank you, and good-bye.

□ 1900

The SPEAKER pro tempore (Mr. MICHEL). As Speaker, if I might exercise the prerogative of the Chair for just a moment, and that is to say to my dear colleagues on both sides of the aisle, first, Mr. Speaker, thank you for giving me the opportunity to wield this gavel at least one time and actually sit in the chair. It was something to behold.

More importantly, the Speaker just spoke with great eloquence and insight into this institution and what we do here as a body. I just want to say to all the Members on both sides of the aisle how much I appreciate the camaraderie and the cordiality that I have enjoyed during my tenure in this body, and all those wonderful good things that have happened to me this past year, and your acknowledgment from time to time. It is overwhelming.

I just want you to know some of us chose to leave voluntarily, and some obviously did not, but that is the way the system works. The more important thing, I guess, is those memories that we take away from this body. Hopefully they will always be cherished ones of those wonderful days we spent as a Member of the U.S. Congress. Thank you, each and every one.

I yield back to the distinguished Speaker.

EXTENSION OF DEADLINE FOR SUBMISSION OF NOMINATIONS FOR THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the bill (H.R. 5292) to amend the Defense Base Closure and Realignment Act of 1990 to extend the deadline for the submission of nominations for the Defense Base Closure and Realignment Commission, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BONIOR. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Illinois [Mr. MICHEL] for an explanation.

Mr. MICHEL. Mr. Speaker, I will be very brief, under the gentleman's reservation.

Mr. Speaker, the purpose of this legislation is simple. The last Base Closing Commission will begin its work next year. Under the law, the President must submit to the Senate his nominations for Members of the Commission no later than January 3, 1995.

The problem arises in that the adjournment resolution provides that the Senate will reconvene on January 4, 1995. Because the Senate will not be in session on the statutory date of January 3, 1995, the President's nominations might be considered as recess appointments, thus bypassing the Senate's right to give its advice and consent to these nominations.

Further, it has to be anticipated that any questions arising about the validity of the appointments of Members of the Commission will result in litigation attacking the product of the Commission's deliberations. For this reason, and in order to preserve the role of Congress in approving the Commission's Members, the bill simply changes the statutory deadline for the President's nominations to January 4, 1995, the first day the Senate will be able to receive them.

That is all the bill does.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would ask the sponsor of the resolution a question: Does this resolution alter the recommendation on Commission nominations which have previously been submitted by the President to Congress?

Mr. MICHEL. Mr. Speaker, if the gentleman will continue to yield, it does not alter the President's recommendations for appointment at all, but the President would have to take into account the new makeup of the Congress in that selection.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, that would leave me the right to talk to new leadership and do whatever I felt was necessary to pursue this at a subsequent time, is that correct?

Mr. MICHEL. If the gentleman will yield further, that is correct.

Mr. BONIOR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBMISSION OF NOMINATIONS FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(c)(1)(B)(iii) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out "January 3, 1995" and inserting in lieu thereof "January 4, 1995".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. DEAN A. GALLO, REPRESENTATIVE FROM THE STATE OF NEW JERSEY

Mrs. ROUKEMA. Mr. Speaker, I offer a privileged resolution, (H. Res. 587) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 587

Resolved, That the House has heard with profound sorrow of the death of the Honorable Dean A. Gallo, a Representative from the State of New Jersey.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER. The gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized for 1 hour.

Mrs. ROUKEMA. Mr. Speaker, I urge my colleagues to join me in support of this privileged resolution, which asks that when the House adjourns today, it does so in memory of our dear friend and colleague, DEAN GALLO.

DEAN was a personal friend and a great statesman for New Jersey. I know that I speak for all of us when I say that we will all miss his quiet leadership and counsel. I can still remember when he arrived here after the 1984 election. His reputation was legend and we welcomed him warmly to the New Jersey delegation. He was a thoughtful legislator. While DEAN was a man of few words, his opinions were valued and when he spoke, we listened.

But DEAN's background in public service began long before Congress. He got his start on the Parsippany-Troy Hills Township Council in 1968, becoming president of the council only 2 years later. From the township council, DEAN moved on to become a member of the Morris County Board of Chosen Freeholders, where he distinguished himself as freeholder director. In 1976, DEAN became a member of the New Jersey Assembly. Showing ability for leadership once again, he was chosen as Republican leader in 1982.

Recognition of DEAN's leadership abilities continued here in Congress. His skill at coalition-building helped him win seats first on the Public Works Committee and then on the powerful House Appropriations Committee. He also had been a House Republican regional whip and had served as co-chairman of the Northeast-Midwest Congressional Coalition, composed of Rust-Belt members.

DEAN had a reputation as a fiscal conservative and environmentalist. His legislative accomplishments included House passage of a measure requiring oil tankers to be built with double hulls after the *Exxon Valdez* oilspill, a ban on sludge dumping in the ocean, tax breaks for those using mass transit, and measures to combat acid rain.

The citizens of the 11th District, which included all of Morris County and parts of Passiac, Sussex, and Somerset Counties, were always foremost in his mind. That was never more evident than when DEAN decided to withdraw from his race for a sixth term in August. His decision to step down was yet another sign of his integrity and loyalty to his constituents. He believed that his illness would prevent him from providing the level of service that he had provided to his constituents for so many years and that he felt they deserved.

This body has lost a loyal and faithful servant and we will all miss him, but his legacy will live on.

□ 1910

With that, Mr. Speaker, I yield to the gentleman from New Jersey [Mr. HUGHES], the dean of our delegation.

Mr. HUGHES. Mr. Speaker, first let me thank the gentlewoman for yielding to me.

Mr. Speaker, DEAN GALLO was unquestionably one of New Jersey's finest sons. He was a legislator's legislator. He came to us from a State legislature that was a very productive legislature. For many reasons, not the least of which DEAN GALLO provided that kind of leadership that helped us solve a lot of problems in our State.

When he came to Congress, he followed through with the same tradition, one of reaching out to everyone. His technique was not one of being a show horse. He was a producer of quality legislation. He was one that was concerned about goals and policy. He wanted to be a serious legislator in the time that he served here in the Congress and indeed he became one of New Jersey's finest legislators. He was a good friend. New Jersey and the Nation suffered a great loss when DEAN GALLO left this institution and left this earth.

Mr. Speaker, our greatest sympathy goes to the GALLO family.

Mrs. ROUKEMA. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, first let me thank the gentlewoman from New Jersey for her thoughtfulness in bringing this resolution before the House this evening.

Every once in a while, someone comes along who has special qualities, special talents, and, yes, in fact is a special person. DEAN GALLO was one such person.

DEAN and I were elected to the State legislature in New Jersey in the same year in 1975, and I was not surprised at all to see DEAN become the minority leader in the assembly of the State legislature in just a short period of time.

Mrs. ROUKEMA. Mr. Speaker, I ask for the attention of the House. Mr. SAXTON is making a very poignant statement on behalf of our deceased colleague and I believe he deserves our attention.

The SPEAKER. The House will be in order.

Mr. SAXTON. After a very successful 9 years in the State legislature, DEAN and I were again elected together in 1984 to come here to serve in the House of Representatives where we were together for almost 10 years.

DEAN came here as a freshman, found his way to the committee on committees immediately as a member of the freshman class, served as a member of the Committee on Small Business and the Committee on Public Works and Transportation where he made friends at every turn. He also became very quickly a member of BOB MICHEL's leadership group as well as NEWT GINGRICH's whip organization as soon as NEWT was elected, where he again excelled. But perhaps his most successful experience here in the legislative body was as a member of the House Committee on Appropriations where he was able to cross over the aisle and be productive with issues that were important to both Republicans and Democrats, Members on both sides of the aisle.

Certainly all of us here will miss DEAN and perhaps me in particular because of the many personal times that we had together. All of us together join here this evening in saluting the loss of a very dear friend and a dear colleague.

On the day after election when all of us were resting from the turmoil of the second Tuesday in the month of November this year, DEAN's friends and colleagues in Morristown, NJ said goodbye to a very dear friend.

Mrs. ROUKEMA. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. I thank the gentlewoman for yielding and for offering this resolution.

Mr. Speaker, in view that this is in the memory of a former colleague of this House, I would submit that the House is not in order.

Mr. Speaker, I would hope that when someone leaves this institution naturally or, in this case, as our colleague DEAN GALLO left, by virtue of illness and ultimately an illness that led to his death, that we would remember people and treat them with the proper respect. I would hope that this institution is more lasting in its relationship with its Members than we obviously presently see it now.

DEAN GALLO will be sorely missed by the members of the New Jersey delegation and by the people of the State.

Mr. HUGHES. Mr. Speaker, the House is not in order.

The SPEAKER. The objection is well taken. The House is not in order. The Chair would ask Members who desire to converse to please leave the Chamber.

Mr. MENENDEZ. In an age of bitter partisanship here in the House, DEAN GALLO consistently reflected the bipartisan cooperative ideal. Like each of us, DEAN had responsibilities to his constituents as well as to his party. But as a member of the Committee on Appropriations, he never left any doubt that he stood ready to work for the people of New Jersey, be they his constituents or not. The way he saw it, they were New Jerseyans and so was he, not Republicans, not Democrats, but New Jerseyans. I learned that soon, coming to the House in my very first term here, the term that is now ending in the 103d, when I started working with DEAN, and even though he was a member of the opposite side of the aisle, the minority on the Committee on Appropriations and I was a member of the majority as a freshman, DEAN GALLO never said no to an opportunity to work together on behalf of New Jersey.

There are always those who may have gotten more attention than DEAN. There are those who may have been on television more often than DEAN, but no one was better loved than DEAN GALLO and no State better served than New Jersey.

While the Sun may be setting on the 103d Congress, it certainly will not set on his memory.

Mrs. ROUKEMA. Mr. Speaker, I now yield to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. I thank the gentlewoman for yielding.

Mr. Speaker, in any legislative body, there is usually only a small percentage of the membership who actually make the institution work, and DEAN GALLO was one such legislator. In a body that is well-known for its posturing and its rhetoric, DEAN made sure that the hard work of this institution got done on a basis of day-to-day hard work and practical application.

Dean never forgot that politics is about people, the people that he worked with in this body, the other Members and the staff, and most especially the people whom he represented, the people of the 11th Congressional District of New Jersey.

I first got to know DEAN when I was elected to the State assembly in New Jersey as a rookie assemblyman. He was minority leader at the time, he showed me the ropes, he taught me much of what I know now about politics.

□ 1920

When I came to Congress in 1991 he was already a member of the leadership in this body, and once again he served as a mentor and he taught me a lot of lessons that I hope I will always remember.

DEAN GALLO was a man of intelligence, of decency, of unerring common sense. He was the kind of person that this body and every legislative body needs. We will miss DEAN, and we will remember him.

Mrs. ROUKEMA. I thank my colleague.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, tonight in large groups and small, with handshakes and waves, Members of the 103d Congress say goodbye to each other, hoping to see some who return and some who will not. For those of us who knew DEAN GALLO, who respected his work and called him a friend, we are denied that opportunity.

In the waning days of the last election DEAN lost his life. So tonight each of us in our own way want to pay respects to his country and to his institution and to say goodbye. All of us will take with us different memories. The friendships we enjoyed with DEAN in his years of service, his bipartisanship, his warm nature, his commitment to the people he served are all a part of those memories.

Around our State there are people who enjoy services, benefits, people who in many ways live better lives because of DEAN's service in our State legislature and in this Congress. Perhaps, Mr. Speaker, those are the best monuments to DEAN, each of those people, their belief in our system, their understanding of how government can serve the needs of people.

So my colleagues, I ask only this: As you leave this institution or plan to return to it, keep a memory, keep some thing about DEAN alive in you to make you a better servant and a better citizen.

DEAN, we will miss you. We thank you for your service, for your friendship, for your commitment to our country and for making each of our lives a little better.

Mrs. ROUKEMA. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Speaker, I want to thank the gentlewoman for bringing this resolution forward.

Mr. Speaker, I had the privilege for every day I served in any elective office to have been a personal friend of DEAN GALLO'S. He was a mentor throughout the entirety of my career and service to the people of New Jersey, and he was a mentor for a number of reasons.

There were some characteristics about DEAN that we all know, his imposing size, his physical appearance, that booming voice that sometimes he would need to lend to a discussion or a debate. But he was someone who also had an enormous capacity, an enormous capacity for hard work and for great compassion. Service to the people of Morris County and the people of New Jersey was what made life worthwhile for DEAN GALLO, that plus his relationship with his family. He brought to this institution a commitment to do right as he saw right, an ability to work with members of both political parties from all regions of the Nation to advance those concerns that made this country a better place and made his beloved New Jersey so very proud of him.

Mr. Speaker, we are going to miss him, and certainly he is going to continue to serve as an example for what service in this institution ought to be all about, making life a little bit better for people we represent and putting this country on a more secure footing. We are certainly going to miss him as we move forward in this Congress.

Mrs. ROUKEMA. Mr. Speaker, I yield to our colleague, the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, when I first came to this Chamber 6 years ago and I saw DEAN GALLO I was impressed by this tall, tough gentleman. But what a classy person at the same time. I think that really best describes him for me, a class act. That was DEAN GALLO. He I think more than any other person tried to bring our New Jersey delegation together, which was not an easy task. We were often all over the lot and had our partisan differences. But he recognized that we had to work together for the State of New Jersey, for the projects on the Appropriations Committee and just in general.

I asked him many times for help with important projects in my district. Whether it was shore protection for our beaches, whether it was alternatives to some of the ocean dumping that was taking place off the coast, every time he was there and he was always willing to help because he put the State first and the Nation first before any partisan politics.

I guess the best example that I could think of of what a class act he was, was the day he decided that he would not run for reelection. I could just tell that he was in a lot of pain the last few months that he was here in this Chamber. He recognized the fact that he was not going to be able to continue and he decided to leave basically while he was well and while he was still able to function, because he felt that I think his own personal good was not as important as this institution. That is a class act, and that certainly is how I will remember DEAN GALLO.

Mrs. ROUKEMA. Mr. Speaker, I yield to our colleague, the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I appreciate the gentlewoman from New Jersey yielding. DEAN GALLO to me was a great friend, a fellow who would sit in the back or stand in the back of the Chamber and pass the time of day. He would talk about his times, of what his beliefs were, why he believed so strongly in the things that he did. But I treasure probably the most greatly the times after session when DEAN and some of his colleagues and I would go out and have a plate of spaghetti and would talk about the times that DEAN was in semi-pro ball or the short period of time that he broke into the big time, or the times that he was in the New Jersey Legislature and the times that he served as the majority leader in that legislature.

But I think one of the things that will always stick with me in my thoughts about DEAN GALLO was the last few days that he served this legislature before he left, before he could not be here any longer, the commitment and the dedication that he had to this institution, the love that he had for this institution and the people who served here and the people that he served back in New Jersey. DEAN was certainly a unique and wonderful individual, and he will leave his mark on this institution for as long as we can remember. We certainly should try to emulate this man and the service he gave, and I feel that I was a much better person for having known him and having worked with him.

Mr. PAYNE of New Jersey. Mr. Speaker, I thank my colleague, the gentlewoman from New Jersey, for allowing me to have a few words to say about my good friend, DEAN GALLO. I had the privilege of getting to know DEAN GALLO when he was a member of the Morris County Board of Chosen Freeholders. In New Jersey we have the most distinguished title for county commissioner. And I was a member then in Essex County of the Chosen Freeholders serving in county government back in the 1970s, and DEAN

GALLO was also in county government at that time, and we really got to know him as a very, very special person.

DEAN was always interested in people in general. Then DEAN went on to go to the State legislature when I went on into the city government, municipal government, and then DEAN came down to Washington.

But the thing about DEAN GALLO is that he was always for people, he put people first. Whether I had a serious problem in the city of Newark where his district was 100 percent different, he would always sit down and see what he could do to help the people in my constituency. He always put New Jersey first.

□ 1930

I think Governor Kean, our distinguished former Governor of the State of New Jersey, so ably talked about Representative GALLO in such a warm and glowing way that made us all feel even more proud of what a distinguished, outstanding person Representative DEAN GALLO was.

He always worked with the YMCA, the State Model Youth Legislature, and he would always address the young people, and so we are going to miss him.

We look at him as a tall, tough-looking, rough, scrappy guy, but when you got to know him, you knew he was not a tall, tough, scrappy, rough guy. He was really a gentleman.

Mrs. ROUKEMA. I thank my colleague, and I particularly appreciate the reference by the gentleman from New Jersey [Mr. PAYNE] to the funeral service where former Governor Tom Kean spoke. He spoke most eloquently and sincerely on the revered love that we all had for DEAN GALLO.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I just could not forgo this opportunity to pay tribute to DEAN GALLO, a true friend of so many of us here in the Congress, a real gentleman, a great lawmaker, one who came right from the townships to become minority leader in the State legislature in New Jersey and then on to Congress.

We are going to sorely miss him.

Mr. Speaker, it is with deep regret that I rise to join our colleagues in paying tribute to a remarkable Member of Congress and a fine friend.

When DEAN GALLO first joined us in Congress 10 years ago, he was one of the few Members of this body with professional experience in the real estate field. This gave him a unique understanding of the dynamic growth taking place in the northeastern United States in the 1980s. It gave him background in understanding the environmental needs of our region and our Nation. But it also gave him an appreciation for the sanctity of private property and the need to keep our freedoms alive.

DEAN GALLO, with his years of experience as an elected official, first on the local level, then in county government, and finally in the State legislature, never lost his common touch and his appreciation for the common sense of the common American.

As chairman of our Northeast-Midwest Coalition, he was an able and articulate spokesperson for the needs of our region.

The news of DEAN's passing was one of the most upsetting developments of 1994. His quiet good nature and his warm friendship will be missed by us all.

I join with our colleagues in expressing our condolences to his family, and to the many, many residents of New Jersey who knew him as a role model and as an outstanding public servant.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from New York.

I now yield to our colleague, the gentleman from New Jersey [Mr. SMITH]

Mr. SMITH of New Jersey. Let me just agree and thank everyone who has spoken so eloquently on behalf of DEAN GALLO, who was a friend to each and every one of us.

He was an extremely straightforward, honest, down-to-earth lawmaker and friend. He will be greatly missed by each of us in this institution.

DEAN worked very hard for his district. He worked very hard for the State of New Jersey. He worked very hard for the Nation. He put the people's interest first.

It was very clear by his work over the many years both in the statehouse in Trenton and here in Washington that he was a great lawmaker. Eulogies at his funeral by many distinguished persons including our former Governor, Governor Tom Kean, gave compelling testimony to a man whose life was marked with many successes. He faced every adversity head-on, including the most difficult of all: that was his very, very severe and debilitating and ultimately killing illness that took his life.

As was pointed out by those who knew him best in terms of the clergymen who was there with him at the very end, he had a very strong faith in God. He turned to God and his family at that time of great distress. He had some comfort. He suffered with courage and great nobility, and he will be missed by each and every one of us.

I thank my good friend, the gentlewoman from New Jersey [Mrs. ROUKEMA], for her leadership on this today.

Mrs. ROUKEMA. I thank my colleague, the gentleman from New Jersey [Mr. SMITH], for his comments. It was important for him to note, and I concur, that Congressman GALLO was a very deeply religious man who lived his religion every day.

Mr. Speaker, I yield to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, DEAN GALLO was in my class. We came in together.

But that is not really why I stand here this evening, to say just these few words about him. If I were to think of one way to describe DEAN GALLO, it would be to say that he was a legislator's legislator.

He was an individual who loved the craft of legislation. He loved this legislative body, and he applied his craft with great diligence and with real professionalism. He was an individual who never apologized for what a legislative body did. He might not agree with it. He might find some of the actions wrong, even reprehensible. But he though that the legislative body was the expression of American democracy at its very best.

And so he took great joy in this place. He took great joy in the colleagues that he worked with, and he was a good legislator.

I served with him on the Committee on Appropriations and watched the very careful work that he did on that committee and in some very difficult subcommittee assignments that he was given.

He was an individual who cared, I think, a great deal about certainly his State, his district, and I know he cared a great deal about his Nation and his colleagues who served with him.

We will miss him. It is people like DEAN GALLO who have made this place a better place to serve. It is people like DEAN GALLO who have made our Nation a better place, and I along with others who may serve in his stead and who may serve with us to remember him, to remember the role model that I think he provides for each and every one of us.

My love, my thoughts, my prayers are with his family in this moment of their loss, and I know that all of my colleagues join in expressing our deep appreciation for the time we had to serve with him.

Mr. BEVILL. Mr. Speaker, I rise today to commemorate the outstanding public service of Congressman DEAN GALLO.

I knew DEAN from when he first came to Congress 10 years ago. He was one of the most well-liked Members of Congress, as well as one of the most able. He had been a respected member of the Appropriations Committee since 1989 and an important part of the Energy and Water Development Subcommittee since 1991. Having DEAN on my subcommittee these past 4 years was a real pleasure, and I know all of us on the committee will miss him.

DEAN worked hard for issues that mattered to the Eleventh District of New Jersey, but he never forgot the greater national interest. However acrimonious the debate, you could always expect DEAN to be level-headed and practical. He was a gentleman legislator and a good friend. America would be lucky to have more Congressmen like DEAN GALLO.

We have lost a great man in DEAN GALLO, but his accomplishments will live on. The people of New Jersey, whom he served so well, owe him a debt of gratitude which I know they are happy to pay. I would like to join with my colleagues in honoring his memory. It was my sincere pleasure to know DEAN GALLO and to work with him. We will all miss him very much.

Mrs. ROUKEMA. I thank my colleague.

Mr. Speaker, this body has lost a loyal and faithful servant, and we will all miss him, but his legacy will live on in our hearts and in our minds and in the hearts of his constituents.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE HONORABLE DEAN A. GALLO

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Thursday, November 10, 1994, did appoint the following Members to attend the funeral of the late Honorable DEAN A. GALLO:

Mr. HUGHES of New Jersey; Mrs. ROUKEMA of New Jersey; Mr. SMITH of New Jersey; Mr. TORRICELLI of New Jersey; Mr. SAXTON of New Jersey; Mr. PALLONE of New Jersey; Mr. PAYNE of New Jersey; Mr. ANDREWS of New Jersey; Mr. ZIMMER of New Jersey; Mr. FRANKS of New Jersey; Mr. KLEIN of New Jersey; Mr. MENENDEZ of New Jersey; Mr. MYERS of Indiana; Mr. LEWIS of California; Mr. BARTON of Texas; Mrs. BENTLEY of Maryland; Mr. DELAY of Texas; Mr. MCMILLAN of North Carolina; and Mr. HASTERT of Illinois.

THE PASSING OF THE HONORABLE DEAN GALLO

(Ms. PELOSI asked and was given permission to address the House for 1 minute, and to revise and extend her remarks, and include extraneous matter.)

Ms. PELOSI. Mr. Speaker, I, too, want to join our colleagues from New Jersey in commemorating the passing of our colleague, the Honorable DEAN GALLO. He was a gentleman, and we will miss him.

IN HONOR OF JOE DIMAGGIO'S 80TH BIRTHDAY

Ms. PELOSI. Mr. Speaker, I rise today on a matter which is not politically controversial to honor one of San Francisco's best known residents, Joe DiMaggio, and to wish him a happy 80th birthday on behalf of his millions of fans across America and around the world.

Joseph Paul DiMaggio was born on November 25, 1914, in Marinez, CA, the son of Italian immigrants. He grew up in San Francisco and began his legendary baseball career as a member of the San Francisco Seals in the Pacific Coast League. By 1936, he was the starting center fielder for the New York Yankees where he would become known as the "Yankee Clipper" for his graceful style of play and quiet leadership.

A fine defensive player and a powerful right-handed hitter, Joe compiled a lifetime batting average of .325. He hit 361 home runs in 1,736 games, played in 10 World Series and 11 All-Star games, and was elected to baseball's Hall of Fame in 1955. In between, Joe served in the U.S. Army from 1943 to 1945.

As impressive as these statistics are, it is the 56-game hitting streak of 1941 that has immortalized Joe's long career. From May 15 until July 16, baseball fans clung to Joltin' Joe's every at-bat in anticipation of another hit. First, he broke the 44-game mark set by Wee Willie Keeler, and then proceeded to hit safely in another 12 games. Joe's record of hitting safely in 56 straight games is one of the game's legendary records and will likely never be broken.

Since retiring from baseball, Joe DiMaggio has been a cultural icon, and a legendary figure in American sports. But above all, he has maintained the dignity, composure, and grace that has made him a favorite of fans for nearly six decades. Both on and off of the field, Joe represents the values and qualities that make an excellent role model for today's aspiring athletes. I salute you, Joe, and wish you a happy birthday!

Mr. Speaker, I am placing at this point in the RECORD an editorial in the San Francisco Chronicle that heralds the Yankee Clipper at 80, as follows:

THE YANKEE CLIPPER AT 80

At a time when Major League Baseball has debased itself with greed and selfishness, Joe DiMaggio's 80th birthday is both a personal passage and a cultural milestone, a bittersweet celebration of time when the game and the nation alike were more civilized and gracious.

The great DiMaggio, who marked his birthday in San Francisco last week by taking family members out for a characteristically low-key dinner, has always been much more than one of the greatest Hall of Fame players of all time; beyond his extraordinary statistics, World Series championships and never-to-be-matched 56-game hitting streak, he has always been a model for America's kids.

From his Seals Stadium days to his exploits with the New York Yankees, he was both aesthetic athlete and true gentleman—modest, well-mannered and devoted to the ideal of team play, not self-aggrandizement.

Described as "the last true American hero," DiMaggio is a beacon of decency and values that baseball's crybaby owners and players should heed if they hope to repair the damage inflicted by their puerile labor strife. Happy Birthday, Joltin' Joe.

□ 1940

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. MONTGOMERY). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

TRIBUTES TO SEVERAL DEPARTING MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HOUGHTON] is recognized for 5 minutes.

Mr. HOUGHTON. Mr. Speaker, I am not going to be able to duplicate the words of, eloquent words of Mr. MICHEL or the Speaker or other people who have talked, but I would like to take just a few minutes and talk about some of the people who have been very meaningful to me.

I think that they also have been meaningful to this whole institution.

Now, I know I am going to get somebody's nose out of joint because I will not mention them, but I can only mention a handful. I want to start, if I may, with my dear friend, the gentleman from New York, HAMILTON FISH.

HAM and I were in college together. We both got out of the service after World War II. We went to college. He has been a close, dear friend of mine.

He was elected in 1968 and everyone knows the famous FISH name, from his father, who served here for many years, to other members of his family who started during the Revolutionary War and had distinguished careers.

HAM was distinguished particularly because of what he did when he first came in here and during those arduous times of Watergate. But he has been involved in the Americans with Disabilities Act, the Civil Rights Act. He has been a wonderful, decent person who has meant a lot to me.

I just wanted to record that and share it with some of my associates.

The next Member I would like to talk about is a fellow called FRED GRANDY, whom we all know.

Mr. Speaker, he used to work in the office of Wiley Mayne of Iowa.

Mr. Mayne left Congress, and FRED went into acting. I was present at the White House when he first came here in 1956, and he struck up an immediate relationship with President Reagan because of his acting career. He is an extraordinary guy.

I knew FRED particularly on the Committee on Ways and Means, where he was an expert on health care and welfare reform. His is a rare talent.

I am sorry he is not going to be with us, but I want him to know how much his life and his influence have meant to me.

The third person I would like to mention is ALEX MCMILLAN.

Alex and I had sort of a common bond, we were both chairmen of our respective companies. He is a very astute man, very knowledgeable, smart, he understood the flow of economics and did an extraordinary job.

Mr. Speaker, I see the gentleman from Ohio, Mr. KASICH, and I yield to the gentleman.

Mr. KASICH. I thank the gentleman for yielding.

I would like to take just a short second or two to say that I think ALEX MCMILLIAN is one of the classiest individuals whom I have met in my lifetime. ALEX sat next to me in the Committee on the Budget for 2 years. He and I were a great working team and there is no other one like ALEX. ALEX is going to leave here to do some wonderful things in the private sector and still contribute to what we are trying to do up here to tame the Federal deficit monster.

I am going to miss him as a colleague, but I am going to miss him as just a great person here in the Congress.

And I appreciate the very distinguished gentleman from New York for yielding to me.

Mr. HOUGHTON. I appreciate the gentleman's comments because I feel that way strongly about ALEX.

The next chairman of the Committee on the Budget has just spoken, and he is a wonderful person in his own right, and he knows that many times when you are dealing with economics, dealing with numbers or dealing with the arithmetic of Government, you have to feel it, you just cannot intellectualize it. Now, that is something that ALEX has done.

We are going to miss him.

The next person is PETER HOAGLAND. That is the gentleman from Nebraska, a wonderful person, a very sensitive individual, a neighbor of mine down the hall. I would like to feel that Peter will go on to great things in his young life. I am really going to miss PETER.

The last person I would like to talk about is JAKE PICKLE.

JAKE, I think, has been the most decent, the most fair, the most broad-gauged chairman with whom I have ever dealt. He means a lot to me.

I hope our friendship will continue for a long time. He epitomizes to me what is so important about this House, that our main focus is about this country; it is not about Republicans or Democrats.

Also, he is able to work with a variety of issues without an edge, without a hard edge. He is always able to see the bigger picture.

Mr. Speaker, I would like to yield the balance of my time and thank you very much for letting me talk about these distinguished gentlemen and how much they meant not only to me but this entire Congress.

TREATMENT OF PROFESSIONAL STAFF DURING THE TRANSITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. CARDIN] is recognized for 5 minutes.

Mr. CARDIN. Mr. Speaker, I take this time as chairman of the Democratic transition team to talk about the policy concerning the termination of our committee staff people and their severance pay. I should point out to the Members that under the agreed-to procedure, a resolution could only be brought up today if it has cleared unanimous consent by both the Democrats and Republicans. We would hope that we would be able to present to the House a policy concerning severance pay and a termination policy for our committee staff, but we were unable to get the clearance from the Republicans.

Therefore, we will not be able to bring up in this session a resolution concerning severance pay.

I regret that because of the loyalty and dedication of our professional committee staff. As a result of the change in party control, we are going to find a dramatic change in the employment of our professional staff in our committees. I think there is widespread support in this House about applying the same type of practices to Congress as would be applied in the private marketplace. The common practice in the marketplace is that when you terminate employees, you provide some degree of severance pay or deal with their uncompensated leave. We have not resolved that here.

The other body, the Senate, has resolved that issue. They do have a policy in regard to severance pay. It has worked with both Democrats and Republicans because they have had a change in party control twice in the last 15 years.

The House has no such policy.

Tonight we cannot bring up that resolution because we cannot obtain unanimous consent. We had intended to bring up a resolution that would deal with it, that would be offsetted by reprogramming funds within the legislative branch appropriation so that it would not add additional cost to the deficit or to the Government.

This is not end of the issue. I have talked about it with the Chair of the Republican transition team, Mr. NUSSLE. We are going to be working together to come up with a policy that relates to people who will be terminated as a result of the party change of leadership in the Congress.

We need to deal not only with severance pay but also with compensation for uncompensated leave time that employees still have. We also need to deal with the policy of retaining certain of our employees, professional people, to train their successors. All of these issues need to be addressed.

I hope we will be able to do that, Democrats and Republicans working together, in order to be fair to our employees.

We need to do that as soon as possible. People need to make plans. I am hopeful that we will be able to address this issue in a bipartisan spirit within the next few days or weeks. I want to thank my colleague, the gentleman from Maryland [Mr. HOYER] who raised this issue, and the gentleman from California [Mr. MINETA] who is also on the floor and who raised the issue, both of whom have been working very hard to make sure our dedicated, loyal employees are fairly treated as they would be if they were in the private sector.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER].

□ 1950

Mr. HOYER. Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN] for yielding. I want to also congratulate him for his leadership on the Democrat Transition Team in trying to make the transition from leadership of this House by the Democrat Party to the leadership by the Republican Party as smooth, and effective, and efficient as it can possibly be. It is in the interest of all of our constituents that the transferring of the leadership responsibilities and the changing of roles be done as effectively as possible so we can serve the interests of our constituents as well as possible.

In that process, Mr. Speaker, I regret that we have not been able to at this time resolve the issue of those committee employees who will be, through no fault of their own, terminated in their employment as a result of the change in leadership. I am very hopeful that we can do this in a bipartisan way, as was done in the United States Senate. Democrats, currently in control of the 103d, and Republicans, who will be in control in the 104th, worked together to provide consideration for employees who were being terminated, again through no fault of their own. I am very hopeful that we can effect a similar resolution on this side of the Capitol. It is fair to our employees, and it is what the private sector normally does, if they can do it. We can do it without adverse budgetary ramifications, and we ought to do it.

Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN] for his leadership and role in trying to effect this end.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER] for his comments.

Mr. Speaker, a smooth transition is in the interests of both the Democrats and Republicans. We have employees here who are going to be very valuable to the incoming leadership, and we need to make arrangements so that they are treated fairly and so their talents can be utilized, particularly in training, and without having a severance policy, Mr. Speaker, it is very difficult to have that type of smooth transition.

I am glad to yield to the gentleman from California [Mr. MINETA] who has been in the forefront of raising the issue about the fairness to our employees.

Mr. MINETA. Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN] for yielding this time to me.

Mr. Speaker, I did introduce House Resolution 586 in order to try to attempt to correct this problem. The Senate Republicans and Democrats, in a bipartisan manner, as has already been pointed out by our colleague, the gentleman from Maryland [Mr. HOYER], corrected this problem in the Senate, and it is simply a matter of trying to make sure that we give reasonable notice to our employees when we have to remove these employees from their jobs. Many employees around here have had notice since November 9 that they would not have jobs beginning the early part in January, but we also have hundreds of employees on the staffs of our committees, many of whom do not know yet today whether they will have jobs in January, and in fact they may not know for several weeks whether they will have jobs in January. These are people who work for us, who have served us and the American people well, and who will be thrown out of work with 2 or 3 weeks' notice.

Now, as chairman of the Committee on Public Works and Transportation trying to downsize our committee to some number, and we are not even sure what that number will be, I just do not believe that the procedure that we are subjecting our committee staffs to is correct. So, the resolution that I had introduced today, which we tried to get some bipartisan support for as was done in the Senate, would simply have provided a more reasonable amount of notice to our staff. But unfortunately the leadership on the other side of the aisle told us that they would object to any unanimous consideration of this resolution and, therefore, it would not pass. Frankly I regret this outcome, but I will be, I am hopeful that our fine colleague, the gentleman from Maryland [Mr. CARDIN], and his transition task force will be able to work out some amicable arrangement with the other side of the aisle in order to bring some fairness, decency and equity in terms of true family values to our employees so that they are not given inadequate notice between now and Christmas, when many will be finding out they will not have jobs in January.

Mr. CARDIN. Again, Mr. Speaker, I would like to thank my colleague for the work that he has done.

The SPEAKER pro tempore (Mr. MONTGOMERY). Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

THE AFFORDABLE HEALTH CARE NOW ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I am today introducing a bill that will be given the number H.R. 5300, a revised version of the Affordable Health Care Now Act.

This version was developed this past summer to serve as the House Republican health reform amendment during Floor consideration of health reform legislation. It was submitted to the Rules Committee and was printed in its entirety in the CONGRESSIONAL RECORD of August 10.

Since the House did not in the end take up this subject, I felt that this proposal should be introduced in bill form so that the various ideas and specific legislative language contained therein will be available to the Members next year for whatever use they may deem appropriate.

The core of the proposal remains H.R. 3080, with some additions and modifications. I wish to commend our working group, Co-Chaired by TOM BLILEY and NANCY JOHNSON, and including DICK ARMEY, MARGE ROUKEMA, JIM MCCRERY and JIM GREENWOOD, for their many hours of labor in developing these changes.

Finally, I should point out that this proposal was developed to fit the legislative context within which health care was being considered this past year. The situation has changed, the American people have spoken, and they have expressed a preference for what I believe should have been our approach all along—that health reform should take place incrementally, step-by-step, so that we make sure we do it right and that we preserve the many benefits of our system while gradually correcting the areas where problems exist. I fully believe that this is the direction our new Republican Congress will take us in next year.

LEGALIZED GAMBLING NOT A GOOD BET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, legalized gambling is sweeping the Nation. Supporters of casino and riverboat gambling share the desperate gambler's addiction to the lure of easy money. They rationalize that casino gambling will bring an economic bonanza, but they fail to consider, though, that gambling can bring on economic problems that far outweigh any benefits.

On September 21, 1994, the House Small Business Committee heard testimony which debunked the claims of gambling promoters. I am concerned that those looking toward gambling for an easy "fix" to their economic problems may ignore the impacts of gambling on economic, business, social, and governmental issues. These impacts will have ramifications in the short- and mid-term on local and State economies and could have long-term negative effects on interstate economies as well. Crime and social problems related to gambling could add to already overburdened criminal justice and social welfare systems. Mr. Speaker, this is an issue of national economic importance, and I believe the new Congress should examine it closely over the coming months.

Organized and well-heeled gambling interests are enticing legislators throughout the country to legalize gambling. In fact, on November 8, voters in 10 States and members of the Navajos tribe were faced with ballot initiatives which asked voters to authorize the legalization of one form or another of gambling. Gaming initiatives were on more state ballots than term limits. Only three States—New Mexico, South Dakota, and Missouri—authorized some form of gambling. Voters in seven States—Florida, Minnesota, Nebraska, Wyoming, Rhode Island, Colorado, and Massachusetts—and members of the Navajos tribe rejected gambling ballot initiatives perhaps with the realization that gambling empties the pockets of the hopeful leaving nothing but despair.

In my own State, lawyers, lobbyists, and businesspersons who represent casino gambling interests are quietly maneuvering behind the scenes to convince members of the Virginia General Assembly to roll the dice and bet on casino or riverboat gambling. They claim that gambling can be a great social good, revitalizing rundown cities, providing needed jobs, and generating tax revenue for education and other social programs. This sales pitch has been repeated in hundreds of communities throughout the country. My concern is that public officials throughout the United States will, as syndicated columnist William Raspberry has commented, "succumb to the idea of windfall as panacea, and, like too many lottery winners, wind up deeper in debt and utterly dependent on the annual lottery check." As this recent election has demonstrated, voters are exercising considerable caution when high rollers promise big payoffs.

One need only examine the experience of Atlantic City, New Jersey, to realize that the promise of easy money, jobs, and urban renewal is wishful thinking. In 1976, casino gambling was sold to voters of Atlantic City as an urban renewal device. Eighteen years later, the promises of urban renewal are still that—promises. Paul Teske and Bela Sur, researchers from SUNY-Stony Brook and the University of Nebraska at Lincoln, have concluded that the quality of life of Atlantic City residents has not materially improved.

> The economic benefits have not spread beyond the casinos; the anticipated "multiplier effect" has not moved much beyond the core industry. Many local residents are still poor and unemployed, half the population still receives public assistance, and city services continue to be substandard. Social problems, including increased crime and prostitution, are worse than ever. Since most people holding the better casino jobs live in Atlantic

City suburbs, they contribute little directly to the city.

Why do gambling special interests make inflated claims which fail to materialize? If the truth about gambling's negative economic and social impact were known initially, gambling promoters would probably never see a payoff.

A recent study conducted by Professor Robert Goodman of the University of Massachusetts/Amherst found that, of the 14 economic impact studies analyzed, claims of economic benefits were usually exaggerated, while costs were underestimated. Professor Goodman concluded that "[w]here such studies were done they tended to be self serving, examining gambling from a gambling industry, rather than an objective community economic development perspective." Furthermore, few of the localities studied prepared useful economic impact studies.

Gambling proponents consistently underestimate the costs of police, infrastructure, and social services while overestimating the benefits of gaming. Moreover, few use dynamic economic models which consider the effects of job losses or cannibalization of existing businesses, market saturation, and the drain on productive sectors of the American economy. These negative effects make gambling less economically and politically attractive.

Those in the restaurant business, entertainment business, tourism industry, as well as other businesses should be wary of the siphoning of existing business and services by gambling enterprises.

> "Cannibalization" occurs when a business increases its customers at the expense of a competitive business which has a decrease in its customer base, rather that the industry seeing any overall expansion. All available theoretical and practical evidence indicates that small businesses in the tourism industry, particularly restaurants, suffer at the hands of casinos as clients seek these services at the casinos.

Expansion of casino gambling into an already mature tourism economy such as Florida's or Virginia's could actually harm the very tourism industry supporters of gambling argue it would help. Gambling does not stimulate demand for entertainment; it merely shifts disposable income from one expenditure to casinos. One who spends his money on gambling forgoes some other form of entertainment like a trip to the beach or movies, a night out to eat, or a day trip to one of Virginia's many historic places. Furthermore, as gambling increases, expenditures for clothing, recreation services, business services, new cars and service stations will decline.

An example of the cannibalization of businesses is the effect casinos have on established restaurants. Professor Goodman found that casinos have negative economic impacts on nearby restaurants. "As a way of enticing players to stay on the premises, casino owners generally include a variety of low priced food services and restaurants within their casino complexes. Food prices are often subsidized—as a result, independent restaurants close or have difficulty competing with those in the casinos." As an example of the deleterious impact gambling has on the restaurant industry, Professor Goodman points out that the number of restaurants in Atlantic City declined from 243 in 1977, the year after casinos were legalized, to 146 in 1987.

Saturation of the gambling market can also pose grave consequences for local, regional, and national economies. The Florida Department of Commerce succinctly summarized the consequences of market saturation as follows:

> Twenty-four states now have operational or authorized casino gambling. It is estimated that by the year 2000, 95 percent of Americans will live within a 3-4 hour drive from a casino. The result is, as potential tourists have casino gambling opportunities closer to home, long-distance travel for this purpose is likely to decrease as a tourism motivator.
>
> Therefore rather than attracting new economic activity into the state, casino gambling would generate a number of shifts of economic activity within the state, at least in the short-term. The other implied economic result is that with the number of destinations developing casino gambling facilities, the competition among them will increase and the novelty as an experience will decline. From an economic standpoint this will eventually encourage governments to provide regulatory, tax and promotional inducements to sustain their investment and the job base now dependent on casinos.

In a September 29, 1992, press release, Illinois Gov. Jim Edgar expressed what would occur if another form of gambling were introduced in Chicago. "Based on estimates by Mayor Richard M. Daley's gambling commission, the state would realize $82.5 million in gambling taxes from the casino in its first full year. But Edgar said lottery profits likely would drop by nearly $35 million, riverboat gambling revenues would be cut by about $40 million, and horse racing taxes are expected to lag by $26 million." Thus, the addition of casinos would have zero or a negative tax effect on Illinois' economy because the market would be saturated. This analysis does not account for the additional regulatory costs—between $30 and $60 million—the cost of new prisons, about $15 million, and other social costs.

As gambling proliferates, it also shifts job-creating wealth from the productive sector of the economy by diverting funds that may have been used for private savings and investment capital and instead are spent on an unproductive activity which creates no product. Gambling is merely a wealth transfer from private citizens; purses and wallets to the casinos' vault. Professor Goodman explains that:

> [a]s expanded gambling continues to drain money from the productive sectors of the American economy, private savings, and, consequently, potential investment capital, is being reduced; existing businesses which lose consumer revenues are being pushed closer to decline and failure; workers from these declining businesses will be laid off and people with addictive gambling problems will increase—as will the enormous public and private cost of dealing with these addictive behavioral problems.

Mr. Speaker, I already have mentioned the effect casino gambling had on the restaurants and people of Atlantic City, New Jersey. Another case where the cannibalistic nature of gambling has been experienced is in Deadwood, South Dakota. Jeffrey Bloomberg, state's attorney in Lawrence County, South Dakota, testified that:

> [n]o one predicted the dramatic changes which took place in Deadwood once gambling actually commenced on November 1st, 1989. Within two or three months, a mainstreet that was typical of any small town was converted to a four block strip of small casinos, now totalling 82 separately licensed gaming halls. Gone were the clothing, shoe, hardware, and grocery stores as well as three separate car dealerships, all converted to gambling establishments. Many of the necessities of life such as clothing are no longer available within Deadwood and customers of the town's only remaining grocery store walk a gauntlet of slot-machines as they exit with their purchases.

Crime is another cost that defenders of gambling try to ignore. In response to the possibility that Florida voters might have passed the gambling referendum, the Florida Department of Law Enforcement [FDLE] studied the possible crime problems that gambling could bring to Florida. The FDLE opposed any form of legalized casino gambling. Their report stated that "[c]asinos will result in more Floridians and visitors being robbed, raped, assaulted, and otherwise injured. Casinos are not worth the gamble."

The FDLE surveyed various jurisdictions which have legalized gambling and concluded that "crime does accompany casinos." The FDLE anticipated that introduction of criminal activity in Florida would spur a rise in robberies, rape, theft, drug abuse, aggravated assault, traveling criminals, counterfeiting, youth gangs, profit skimming, prostitution, credit card scams, loan sharking, card cheats, and street level narcotics.

Criminals, particularly those associated with organized crime, are well known to be involved in gambling as part of their racketeering efforts. Organized crime is associated with gambling because of the huge amounts of cash involved, making it an easy target of money launderers. Drug money, extortion money, and prostitution money are all laundered through such operations. Also, organized crime has infiltrated the labor unions at many casinos. In fact, in the early 1980's, the Justice Department frustrated organized crime's involvement with the Hotel and Restaurant International Union Local No. 54 in Atlantic City by forcing it to accept Federal supervision.

Because of crime associated with casino gambling, regulatory agencies in New Jersey spend over $59 million annually to monitor the city's casinos. This is a hidden cost that New Jersey never counted on. In 1992, the Wall Street Journal reported that since 1976, Atlantic City's police budget had tripled to $24 million while the local population has decreased 20 percent. Prudence dictates that strained police budgets should not be burdened further.

> During the first three years of casino gambling, Atlantic City went from 50th in the nation in per capita crime to first. Overall, from 1977 to 1990, the crime rate in that city rose by an incredible 230 percent. This excessive rate of crime was more than 25 times the single digit growth rate of 9 percent reported from the remainder of the State of New Jersey and has required the City to increase its police department's budget by 300 percent.

Although Atlantic City has increased the officer to resident ratio since the inception of casinos, the crime rate has more than tripled. The crime-related budget—police, courts and jails—for Atlantic County, New Jersey, has grown five times faster than the New Jersey county average.

> Other illegal activities such as rigging construction bids, kickbacks to owners and corruption among personnel who service the electronic gambling devices are also possible. In other jurisdictions, organized criminal activity is so pervasive that the American Insurance Institute estimates that 40 percent of all white collar crime is gambling related.

After the introduction of gambling in Deadwood, SD, crimes of theft, embezzlement, bad checks and other forms of larceny all increased. Jeffrey Bloomberg testified about some of the crimes committed by pathological or compulsive gamblers to support their addiction.

> I think of the pizza restaurant manager who had a spotless record and embezzled $45,000 from his employers, or the gaming business, bookkeeper who, having run up thousands in debt, committed suicide or most tragically the technical sergeant in the United States Air Force who, prior to gaming, had an exemplary ten-year military career, who became hooked on slot machines and eventually murdered a casino operator in a desperate attempt to retrieve four hundred dollars in bad checks he had written to the casino. Sgt. Cobb is now serving a life sentence without parole at the potential cost of nearly a million dollars to South Dakota taxpayers not to mention the loss of training dollars invested by the federal government or most tragically the loss of human life.

Research also shows that the social and economic costs of behavioral gambling are considerable. Gambling social costs include direct regulatory costs, lost productivity costs, direct crime costs, including apprehension, adjudication, and incarceration costs, as well as harder-to-price costs such as suicide, family disintegration, and even increased car accidents.

It is indisputable that compulsive and pathological gambling increases in communities that permit gambling. Within 2 years of legalizing video lottery terminals [VLTs], the tiny province of Nova Scotia in Canada went from zero to 12 chapters of Gamblers Anonymous. "Outraged over widely publicized reports of broken marriages and wrecked lives, Nova Scotians forced the government to remove 2,400 machines."

Various studies indicate that the mean gambling related debt, excluding car loans, mortgages and other 'legitimate' debt, of people in compulsive gambling therapy ranged from about $53,000 to $92,000. Compulsive gamblers in New Jersey were accumulating an estimated $514 million in yearly debt. Who pays that debt? The answer is everyone pays in the form of increased prices on goods and services and increased taxes.

Pathological gamblers engage in forgery, theft, embezzlement, drug dealing and property crimes to pay off gambling debts. they are responsible for an estimated $1.3 billion worth of insurance-related fraud per year which is borne by the rest of us in the form of increased premiums, deductibles, or copayments.

Each problem gambler costs Government and the private economy $13,200 a year according to conservative estimates. "As an example, simply increasing the incidence of problems gambling in a small state like Iowa by only one-half of 1 percent of the adult population would cost private business and Government at least $73 million per year. This same slight increase in problem gambling in a much more populated State like California would result in yearly costs of about $780 million."

> These involve such costs for the private economy as money which problem gamblers borrow but don't pay back, work time lost to private industry by problem gamblers who are ineffective on the job, salaries lost by problem gamblers who are laid off as a result of their problem; private insurance losses as a result of fraud by problem gamblers, and losses as a result of embezzlement and check fraud by problem gamblers. in addition, there are the public costs of processing problem gamblers who engage in criminal behavior through the criminal justice systems—including the costs of keeping those people who engage in more severe crimes in prison.

Valerie Lorenz, executive director of Compulsive Gambling Center, Inc., also testified before the House Small Business Committee than "in 1990, the Maryland Task Force on Gambling Addiction found that Maryland's 50,000 compulsive gamblers cost the State $1.5 billion per year in lost work productivity and monies that are abused—stolen, embezzled, State taxes not paid, etc."

Teenage Gambling is another daunting social problem which policymakers would be remiss not to consider. In 1991 New Jersey casino security ejected 21,838 persons under the age of 21 from casinos, and prevented another 196,707 from entering. Valerie Lorenz observed that "[t]he New Jersey Casino Control Commission regularly reports 25,000 or more teenagers being stopped at the door or ejected from the floors of Atlantic City's casinos. One can only guess at how many teenagers do get in, gamble, and are served drinks. Today, research indicates that as many as 7 percent of teenagers may be addicted to gambling."

Mr. Speaker, it is impossible here to discuss all of the potential impacts legalized gambling may foist upon communities; however, politicians must realize that they will be paying for costly infrastructure to support casino gambling. The overnight transformation of Deadwood, SD, created enormous problems for the infrastructure of Deadwood and its city government. Parking, streets, water and sewer lines all proved to be inadequate; thus the city had to raise revenue bonds to take care of these problems. "The result was a municipal building boom which has updated the city's infrastructure, but which has financially tied the city's economic viability to gambling. If the citizens of Deadwood wanted to get rid of gambling today, they could not without total bankruptcy."

> While gaming has generated nearly six million dollars annually in gaming taxes to the city and county those amounts have been eaten up by increased administrative, law enforcement, and infra-structure costs. The city of Deadwood went from a pre-gambling 1988 budget of $1,430,919 to a 1994 budget of $9,113,796. As an example, the police force of five officers more than doubled to eleven full-time officers.

Proponents of riverboat gambling will argue that the costs I have described are costs associated with land based casinos, not riverboats. Riverboat gambling brings most of the same costs as land based gambling. Moreover, once riverboat gambling is established, land based casinos soon follow. In the Rust Belt, where riverboat gambling began, casinos now line the Mississippi River moored to the dock never to leave the riverfront. Also, once the riverboat gambling establishment sinks their hooks into a community, they extort concessions on drink limits, hours of operation, infrastructure improvements like roads, police, water and sewer, which attracts even more gambling related problems. Before long, the unsuspecting community is saddled with permanent, land-based casinos.

The experience in the Rust Belt with riverboat gambling is similar to that of casinos. When Iowa authorized riverboat gambling, it was the only game in town. Iowa law limited the amount of money that bettors could win or lose, and that became a competitive disadvantage when Illinois boats, which had no such limits, were launched. Today, only one Iowa boat is operating on the Mississippi. Obviously as more and more boats from Ohio, Indiana, and Missouri compete with those from Illinois and Missouri, turning a profit becomes more difficult. As turning a profit becomes more difficult, casino owners demand relaxed regulation from the State or municipality or else they threaten to leave the area even though the State or municipality may have invested in infrastructure improvements to attract the riverboat.

Mr. Speaker, hard data shows the costs of casino, riverboat, or dockside gambling far outweigh any of the benefits. Gambling eventually causes increased taxes, crime, loss of jobs from an overall region, economic disruption of established businesses, and large social-welfare costs. Members of Congress, governors, and State and county officials throughout the country owe it to their constituents to take a long, hard look at gambling initiatives proposed in their States or jurisdictions. After such study, government officials will determine that legalized gambling is not a good bet.

HONORING TWO MEMBERS OF THE GEORGIA DELEGATION, BUDDY DARDEN AND DON JOHNSON

The SPEAKER pro tempore. (Mr. BROWDER). Under a previous order of the House, the gentleman from Georgia [Mr. ROWLAND] is recognized for 5 minutes.

Mr. ROWLAND. Mr. Speaker, tonight I want to honor two Members of the Georgia delegation, BUDDY DARDEN and DON JOHNSON.

Just let me say a word or two about BUDDY DARDEN:

He finished earning his AB and law degrees at the University of Georgia, and by that time he had already been elected president of the student body and had served internships with Senator Richard Russel and Congressman Carl Vinson, the long-time chairman of the Senate and House Armed Services Committees. Now this was a really great preparation that he had in entering into his career and public life, and

I do not think that anyone can do it any better than that.

BUDDY won his first election within 5 years after graduation, running successfully for district attorney in his home county. He was then elected to the Georgia House of Representatives, and in 1983, Mr. Speaker, was elected to the U.S. House of Representatives from Georgia's Seventh District where he had served in a number of committee assignments, including the Committee on Armed Services and the Committee on Appropriations.

I had the opportunity to serve with BUDDY DARDEN for 6 years in the Georgia House of Representatives and came to know BUDDY and his wife, Lillian, very well. My wife, Luella, and BUDDY and Lillian often were together then, as we have been since he had been in Washington.

Mr. Speaker, I am going to miss BUDDY in the U.S. House of Representatives a great deal. I have decided not to run again myself, and so it is with somewhat bittersweet memories, I guess one might say, bearing in mind the fact that I will not be seeing BUDDY again here, but sweet in the fact that we will be doing something else in our lives, possible seeing one another in Atlanta.

DON JOHNSON earned his law degree from the University of Georgia, and within a year he was named staff attorney for the U.S. House Committee on Ways and Means where he helped to draft the 1974 Trade Reform Act. This was not a bad training ground for him either.

After serving in the Air Force and earning a master's degree from the London School of Economics, DON returned home and was elected to three terms in the Georgia Senate where he served as one of the Governor's four leaders and as chairman of the Senate Appropriations Committee. In 1992, Mr. Speaker, he was elected to the 10th District Congressional seat where he has served on the Committee on Armed Services and the Committee on Science, Space and Technology.

Having worked with BUDDY for these 12 years, and DON for 2 years, I know that they are two individuals who have fought hard for the causes that they represented and in the best interests of the country and the areas of Georgia that sent them here. They have made many contributions as legislators and will be remembered for their dedication to service.

So, Mr. Speaker, I want to say to BUDDY and DON, I have appreciated our working relationship within the Georgia delegation. You have really provided your great leadership. You always are cooperative in working with other Members of the delegation, and from a personal standpoint I want you to know that I will always treasure the service that we have had together in this body that will soon come to an end. I know that this will be a new beginning for both of you, that public service is in your blood, and I will not be surprised at all to see you return sometime in the not too distant future to public service again where you will continue to serve your community, your State and your country.

Mr. Speaker, I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I would like to commend the gentleman from Georgia [Mr. ROWLAND] for taking this special order, this 5 minutes on two gentlemen which he has just mentioned, and I would also like to say, I've enjoyed very much serving with you in the Congress. You have been a great help to us, especially in the Committee on Veterans' Affairs where you chaired the Subcommittee on Hospitals and Health Care which is the largest health care system in the world. You did an outstanding job.

And to these gentlemen from Georgia, Mr. Speaker, I say, We wish you the best.

Mr. ROWLAND. Mr. Speaker, I say to the gentleman, It's been a wonderful experience for me as well, and I really appreciate that very much.

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Mr. Speaker, let me say that the 12 years that I have spent here have truly been a fantastic experience. I have received a letter today from Clarence Brown, who is president of the Historical Society of the U.S. Capitol, and he advises in that letter that as of this point, there have only been 9,565 individuals who have had the high honor and privilege to serve in this House of Representatives. So when you consider that, based on the population of this country since its inception more than 200 years ago, one would realize what a high honor it is to have served in this body.

I was asked today by a reporter what was the thing that distressed me most about the 12 years that I have served here, and I answered him the apparent low esteem that the public has for this institution. It is hard to understand why the institution has been denigrated so much by the public.

Oh, I know what the political process is and that you debate and that changes are made, and these changes that have been made have been wrought, I am sure, for some good reason, and we will find that out in the future.

But it is not only this Congress, but it is the institutions in our country that seem to be under attack, and it distresses me a great deal to see this happen.

I have had many town meetings in my district, and I have asked the question at the end of these town meetings on frequent occasions, how many of you want to leave this country? No one really raises their hand. There are a lot of people that want to get in this country, but no one wants to leave this country.

But that is the way that our country is. It gives you the freedom to say the things that you want to say about it, as long as you do not threaten the overthrow of the Government, and I guess that is what makes our country strong.

I do hope that the public will understand that the people that serve here for the most part are dedicated, hardworking people. They are like any cross-section of any group in our country. They come here and work hard, many at a great sacrifice, and with almost without exception most of them do a really good job.

We will see over the coming years what takes place. I have not lost faith at all that our country will still be a beacon of hope and liberty for people throughout the world. We are still looked at by other countries as the leading nation in the world, and that is the reason that we are called on so often.

So it is with a sense of sadness that I leave here, because of the good friends I have made, and because of being involved in the process. But I am looking forward to a new career now, to doing something else, and I look forward to returning to this wonderful institution.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to pay tribute to a distinguished colleague and a great American, Congressman GEORGE (BUDDY) DARDEN. I want to take a moment to honor this Member—a man whom I greatly respect.

Since 1983, Congressman DARDEN has represented the 6th Congressional District of Georgia. This Congressman has given more than 100 percent effort in representing the constituents of his district. The people of the 6th District and the State of Georgia have been blessed with the leadership of GEORGE (BUDDY) DARDEN.

Congressman DARDEN personifies the very best in the American tradition. He has dedicated his life to public service, first as a county prosecutor, second as a member of the Georgia House of Representatives, and third as a Member of the U.S. House of Representatives.

The accomplishments of GEORGE (BUDDY) DARDEN are many. I have known this man for several years. I know him well. He is a good and decent man. He is a leader in a truest sense of the word. He is a crusader.

GEORGE (BUDDY) DARDEN has been able to organize the unorganized. He gave many hope in a time of hopelessness. His work and his cause enhanced the dignity of humanity everywhere.

GEORGE (BUDDY) DARDEN is persistent and consistent. He has had a vision of a new America, a better America. He had a dream of what America could become. He has kept his eyes on the prize.

Mr. Speaker, I rise today to pay tribute to a distinguished colleague and a great American, Congressman DON JOHNSON. I want to take a moment to honor this Member—a man whom I greatly admire. We honor one of the most able Members of the House of Representatives. The people of Georgia, those who believe in fairness, civil and human rights, and consumer rights will miss Congressman JOHNSON.

He will be deeply missed, not only by the people of the 10th District of Georgia whom he served so well, but by people throughout the State of Georgia. He was a champion for the weak, for those who did not have much of a voice and for those who had very little power.

I have known and admired the good work of DON JOHNSON. He came to the Congress in 1993 after serving with distinction in the George State Senate. During the past 2 years, we have had an opportunity to chat on many occasions about issues and problems confronting America and the world.

My friend and my colleague, Congressman JOHNSON, took courageous stands on many of the votes he cast in the Congress. He was a Congressman who followed his conscience and did what he believed was fair and just.

DON JOHNSON leaves this institution having made an enormous contribution to democracy. He has had a vision of a new America, a better America. He had a dream of what America could become. He has kept his eyes on the prize.

Mr. BISHOP. Mr. Speaker, as we gavel the 103d Congress to a close tonight, the House of Representatives and the Georgia delegation lose two of the South's most progressive Democrats and hard working legislators. Congressman BUDDY DARDEN, of Marietta, GA, and DON JOHNSON, of Royston, GA, leave us tonight as fellow Members of the House, however, they leave behind a terrific list of accomplishments that their successors, I am sure, will have a difficult time trying to match.

In November 1983, a special election was called to fill the unexpired term of the late Congressman Larry McDonald, who had been killed in the Korean Air Lines Flight 007 shot down by the Soviet Union. Once in office, BUDDY DARDEN carried the torch held by many Georgia legislators like Carl Vinson and SAM NUNN with his work on the Armed Services Committee. On that panel, BUDDY was able to work hard for the needs and interests of the defense industry, like the Lockheed airplane factory and aeronautical center located in his district, as well as the various defense installations located throughout the State, like Fort Benning—home of the infantry—near my hometown of Columbus, GA.

In 1992, BUDDY was elected to serve on the House Appropriations Committee, keeping close to the needs of all Georgians whose livelihoods rely on the defense industry by joining the Defense Subcommittee.

A fellow alumnus of the Georgia State House of Representatives and a graduate of the University of Georgia, former president of the Marietta Kiwanis Club and current president of the Richard B. Russell Foundation, the people of the peach State lose a tremendous leader and coalition builder with the departure of Mr. BUDDY DARDEN. I wish BUDDY, his wife, Lillian and their two children, Christy and George, all of God's blessings and the best of luck in whatever opportunities the Good Lord provides them.

BUDDY, you have been a tremendous help to me in my first term and an exceptional legislative role model. If there is any silver lining in your loss, it is that you have served the people of Georgia to the fullest and have assisted your fellow colleagues in the House with selflessness for the greater good of the State. BUDDY, thank you.

I first worked with State Senator DON JOHNSON when I was elected to the upper body of the State legislature in 1990. Senator JOHNSON, who had been in the Senate since 1987, was eager to work with the newly-elected State Senators, following the tradition of many other Georgia legislators as a coalition builder. In the State Senate, DON JOHNSON was widely recognized as one of a new breed of progressive State leaders who fought for budget reform and open and ethical government. While in the State legislature, DON JOHNSON helped bring toll-free countywide calling to people in rural Georgia, including many people I now represent.

In 1992, DON and I joined a newly elected group of freshmen legislators to serve in the House of Representatives, carrying with us our similar ideology and desire to change the way Washington and welfare and health care work. The son of an immortalized prosecutor of the Ku Klux Klan in Hart County, GA and another graduate of the University of Georgia, Congressman JOHNSON took the torch carried by his senior Georgia legislators by obtaining a seat on the House Arms Services Panel in order to protect that industry on which so many Georgians thrive.

I wish DON and his wife, Suzanne, their children, Clete, Anna and Alex, all of the best as they return home to Georgia following a successful term as an exemplary Member of the House of Representatives, a Member Georgians can be proud having served them.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my good friend and colleague, Congressman BUDDY DARDEN of Georgia.

I have known BUDDY since he came to Washington in 1983 and have always respected his integrity and ability as a Member of Congress. BUDDY has served the Seventh Congressional District of Georgia with distinction and honor for the last 10 years. During that time he has accomplished a great deal for his constituents and even more for our country.

I have become especially close to BUDDY during the 103d Congress. These past 2 years he has served with me on the House Appropriations Committee as well as occupying the office across the hall from mine in the Rayburn Building. Interestingly enough, the Seventh District of Georgia is adjacent to the Fourth District of Alabama, which I represent. So, Buddy and I have worked across the hall, across the table in committee meetings, and have often joined together to work on issues important to both of our congressional districts. I will certainly miss seeing BUDDY at home and in meetings, but I will especially miss his company walking to the Capitol every day.

Throughout his career in Congress, BUDDY DARDEN has always done what he felt was best for his constituents, his State, and our Nation. He has also never been afraid to stand up for what he believes. Whenever a person of BUDDY's caliber serves in the House of Representatives, the entire institution is strengthened. We will certainly be affected by his absence in the 104th Congress. I join the rest of my colleagues in wishing BUDDY all the best as he leaves us.

We all know that BUDDY will be successful in whatever he chooses to pursue. I would like him to know that I have enjoyed our friendship and look forward to seeing him often in years to come.

Mrs. FOWLER. Mr. Speaker: I rise this evening to pay tribute to my good friend Representative BUDDY DARDEN of Georgia, who will be leaving us at the end of this Congress. Mr. DARDEN is a man of great character and ability, and he has served the people of his district and our Nation well.

During more than a decade of service in the Congress, Mr. DARDEN has gained the respect of friend and foe alike by his hard work and knowledgeable approach to legislation. He has also gained the affection of colleagues on both sides of the aisle because of his warm personality and forthright manner. He has established a reputation as a force to be reckoned with, and his staunch advocacy of a strong defense has never wavered

I have known BUDDY DARDEN since we were both interns on the Hill in the 1960's, and I respect and admire him greatly. He is a true southern gentleman, and his many friends, including this one, will miss him a great deal. I wish him all the best in the future.

Mr. HUGHES. Mr. Speaker, I rise today to pay tribute to my esteemed colleague, GEORGE "BUDDY" DARDEN, who has been an exemplary member of the U.S. House of Representatives.

Buddy has served his constituents in Georgia's seventh District with dedication and distinction, and can be very proud of his legislative accomplishments and his record of service. BUDDY was not a member of Congress seeking personal gain or national headlines, but was here because he wanted to serve, and he genuinely cared about the issues important to his constituents and to the country. I am convinced that the public would hold Congress in much higher esteem if they fully appreciated the fact that we have Representatives like BUDDY DARDEN who possess such integrity, intellect, compassion, and dedication. BUDDY'S departure represents a loss for this institution and he will be sorely missed.

On a personal level, BUDDY DARDEN is a top-notch, first-class American, whom I am privileged to call my good friend. Senor DARDEN, my amigo in Spanish class, helped make learning a new language at 8 a.m. enjoyable. El es my gracioso, simpatico, y gentil.

As I reflect back on my years in Congress, upon my own retirement, it is the solid working relationships and good friendships I forged with legislators like BUDDY DARDEN that I will treasure most.

I wish only the very best of health, happiness, and everything life has to offer for BUDDY and Lillian as they embark on this next stage in their lives together. Buena suerte!

Mr. MONTGOMERY. I want to thank Dr. ROY ROWLAND for taking time to pay tribute to our two departing colleagues from the peach State, BUDDY DARDEN and DON JOHNSON.

BUDDY and I have been good friends ever since he came to the Congress. I have been to his district and he has been to mine. He and I worked on defense issues when BUDDY was a member of the Armed Services Committee from 1983 to the of the 102d Congress, and then when he went to the Appropriations Committee to serve on the Defense Subcommittee. One issue on which we have particularly worked well together is to maintain production of the C–130 aircraft and keep it a vital part of our airlift capability.

I want to wish BUDDY and his family the best as they move on to the next chapter in their lives. Whatever path they take, I know BUDDY will do just fine.

I really have enjoyed getting to know DON JOHNSON and working with him over these past 2 years. DON and I worked on defense issues on the Armed Services Committee. We served together on the Installations and Facilities Subcommittee.

Having served as a staffer on Capitol Hill earlier in his career as well as being an Air Force veteran, DON had a good insight into the legislative process. That enabled him to be very involved in the 103d Congress on defense matters in the committee.

I salute DON for the courageous votes he made and am confident we will hear from him again in the public arena in the years to come.

Mr. RAHALL. Mr. Speaker, I rise to pay tribute to Representative DON JOHNSON, Represenative of the 10th District of Georgia.

Representative JOHNSON served during the 103d Congress with the same dedication and commitment he brought to Georgia politics when he was elected to the State Senate in 1987. During his three terms in the Georgia Senate, he was known for his commitment to budget reform and open and ethical government. It was through his hard work that brought toll-free county-wide calling to rural Georgia, and the people of the 10th District sent him to Washington so that he could continue to serve the unique needs of a rural population.

A native of northeast Georgia, Representative JOHNSON was educated in the public schools of Franklin County, and a graduate of the University of Georgia with a Bachelor's Degree in History. He went on to earn a law degree from the University's law school in 1973, and a Masters Degree from the London School of Economics in 1978.

Representative JOHNSON was no stranger to Washington when he came here to represent the 10th District, having served as staff attorney for the House Ways and Means Committee, where he helped draft the Trade Reform Act of 1974.

He served ably as a Member of the House Armed Services and Science, Space and Technology Committees during his tenure here, and his expertise will be sorely missed.

I wish to convey to Representative JOHNSON, his wife Suzanne, and his children Clete, Anna and Alex, my best wishes for them in whatever paths their lives may take in the future.

Mr. RAHALL. Mr. Speaker, I rise to pay tribute to Representative BUDDY DARDEN, our departing friend and colleague, as he prepares to leave the House of Representatives where he has served the citizens of Georgia's Seventh District for over a decade.

When BUDDY came to the House, he was really no stranger to Congress. While in college, he served as an intern for both Senator Richard B. Russell and Representative Carl Vinson, who was then the legendary chairman of the Armed Services Committee. His interest in government services was thoroughly whetted during these internships, which led him to become student body President at the University of Georgia.

Graduated with a J.D. from the University of Georgia in 1967, he served as Cobb County District Attorney from 1973 to 1977, and represented Cobb County as a Member of the Georgia House of Representatives from 1981 until his appointment in 1983 to fill the unexpired term of the late Larry McDonald in the U.S. House of Representatives. BUDDY was subsequently re-elected to the House in 1984, 1988, 1990, and 1992.

From 1983 to the end of the 102d Congress, BUDDY served on the House Armed Services Committee, following in the footsteps of his mentor Carl Vinson, as well as on the Committee on the Interior and Insular Affairs.

Beginning in 1992, he was elected to serve on the House Committee on Appropriations, and during his tenure in the House, he also served on the Committee on Standards of Official Conduct, informally known as the House Ethics Committee.

BUDDY's service in the House of Representatives has been a period of fierce dedication to his duties as a Member of Congress, living up to the duties and responsibilities such Membership entails, and his commitment to the institution was second only to his dedication to the well-being of the people he served in Georgia's Seventh District.

He has served with honor, winning the admiration and friendship of his colleagues through his hard work, his attention to detail, and his willingness always to listen to his colleagues, hear their views, and act upon their needs, giving them the same time and attention as he did his own.

We will miss him; the talents and ability he brought to this body will be hard to replace.

I wish BUDDY DARDEN well, and would like to convey to him, his wife Lillian, and his children Christy and George, the very best in whatever paths their lives may take in the future.

Mr. STOKES. Mr. Speaker, I want to thank my colleague from Georgia, Mr. ROWLAND, for reserving time for us to pay tribute to members of the Georgia Congressional Delegation who will be departing the Congress at the close of this Legislative Session. I rise today to join my colleagues in paying tribute to our good friend, BUDDY DARDEN.

Prior to his election to Congress in 1983, BUDDY DARDEN was a Cobb County District Attorney. In the House of Representatives, BUDDY has done an outstanding job of representing Georgia's Seventh Congressional District in the House. His constituency and, indeed, the Nation, has benefitted from his leadership and strong commitment to public service.

Mr. Speaker, BUDDY DARDEN has served as a member of the House Appropriations Committee and its subcommittees on Defense and Treasury, and Postal Service and General Government. His legislative career has also included service on the House Armed Services Committee, the Committee on Interior and Insular Affairs, and the Committee on Standards of Official Conduct (Ethics Committee). BUDDY DARDEN's legislative skills have earned him the respect and admiration of his colleagues.

I am proud to note that BUDDY DARDEN served as a member of the House Ethics Committee when I chaired the panel. He exercised sound judgment and wisdom in the committee's deliberations. BUDDY was also very capable and fair in assuming this difficult assignment.

Mr. Speaker, BUDDY DARDEN is a good friend whom I greatly admire and respect. As he departs this Chamber, I join his colleagues and many friends in extending our best wishes to BUDDY. He will always be remembered for his service to the Nation and the State of Georgia.

Ms. PELOSI. Mr. Speaker, I rise tonight to join my colleagues in honoring Representative BUDDY DARDEN on his retirement from the House of Representatives. BUDDY has represented the 7th District of Georgia with distinction since winning a special election in 1983 and the people of north Georgia have lost a true champion in Congress.

BUDDY's interest in government was nurtured through internships with Senator Richard B. Russell and Representative Carl Vinson, who was then Chairman of the House Armed Services Committee. When he came to Congress in 1983, BUDDY followed in Carl Vinson's footsteps by serving on the Armed Services Committee until the close of the 102d Congress.

During BUDDY's tenure in Congress, the family tradition continued as his son worked as a Capitol Tour Guide. I am proud to have been his colleague on both the Appropriations Committee and the Ethics Committee. He has made my service on these committees more enjoyable through his good works, genial nature and sense of humor.

It has been a real privilege to serve with BUDDY in Congress and I hope that he remains actively involved in public service. I join my colleagues in wishing him and his family a rich and rewarding life outside of the halls of Congress.

Mr. MAZZOLI. Mr. Speaker, I would like to join my colleagues in paying tribute to our friend, Representative DON JOHNSON.

Since DON's election from the 10th District of Georgia, he has served on the House Committee on Science, Space, and Technology and the House Armed Services Committee. DON has left his mark on legislation despite the relative brevity of his service in the House.

DON JOHNSON has a long history of public service dating back to 1974 when, as a staff attorney for the House Ways and Means Committee, he helped to formulate the Trade Reform Act of 1974. Then, in 1987, he was elected to the Georgia State Senate where he served three terms. In 1990, he became chairman of the Georgia Senate Appropriations Committee where he spearheaded efforts for budget reform and more accountable government.

After being educated in the Franklin County public school and receiving a bachelor's degree and a law degree from the University of Georgia, he went on to earn a masters degree from the London School of Economics in 1978. He was also awarded the Air Force Commendation Medal while serving for 4 years in the U.S. Air Force, including serving in the Middle East for 2 years.

I am sorry to see DON leave Congress, and I wish him and his family all the best for the future.

Mr. MAZZOLI. Mr. Speaker, it is a pleasure for me to join my fellow colleagues in honoring Representative GEORGE (BUDDY) DARDEN, with whom I have served in the House of Representatives for over 8 years.

BUDDY, a resident of Marietta, GA, has dedicated much of his life to the people of Georgia through his work as a Cobb County district attorney, member of the Georgia House of Representatives, and U.S. Representative for the Seventh District of Georgia.

Before earning his A.B. and J.D. degrees from the University of Georgia, BUDDY began his political career by interning for Congressman Carl Vinson and Senator Richard B. Russell. It was through this experience that he decided to dedicate his life to public service.

BUDDY has served on the House Committee on Appropriations since 1992. He earlier served on the House Committee on Interior and Insular Affairs and the House Armed Services Committee. Also, at the start of the 102d Congress, BUDDY was elected to the House Ethics Committee. His dedication and hard work will serve as a lasting tribute long after BUDDY has left this House.

I wish BUDDY, his wife, Lillian, and all of his family all of the peace and happiness that life has to offer.

TRIBUTE TO DEPARTING MEMBERS OF THE GEORGIA CONGRESSIONAL DELEGATION

The SPEAKER pro tempore (Mr. BROWDER). Under a previous order of the House, the gentleman from Georgia [Mr. DEAL] is recognized for 5 minutes.

Mr. DEAL. Mr. Speaker, I would like to first of all pay tribute to my colleague, Dr. ROWLAND, who himself is departing from this institution. We have done so previously, but on this last day we would like to once again say to him what a great contribution he has made, not only to this institution, but to the delegation from our State. We will certainly miss him.

The other two gentleman that we are paying tribute here tonight to, Congressman BUDDY DARDEN and Congressman DON JOHNSON, I had the distinct pleasure of serving with both of those gentleman, not only in this institution but in our State general assembly. They are both fine and reputable individuals. We certainly will miss them here. I wish them the best in their future endeavors and look forward to participating in events with them in the future.

HONORING TOM LEWIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. YOUNG] is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I have asked for this time this evening so that my colleagues and I from Florida can honor TOM LEWIS, who is retiring from the House at the end of this 103d Congress.

In closing out 12 years of service to our Nation here in the House, TOM also brings to a close a distinguished 30-year career of public service. He has been the voice of the people of south Florida in serving as a mayor and city councilman in North Palm Beach, as a member of the Florida State House and Senate, and as a Member of Congress for six terms.

In addition to public service, TOM also has defended our Nation as an 11-year veteran of the U.S. Air Force. Following tours of duty in World War II and Korea, he pursued a professional career as a jet and rocket testing chief for Pratt & Whitney Aircraft, where he supervised work on some of our Nation's most sophisticated military and commercial aircraft systems.

With his technical background, TOM has proven to be an invaluable member of the Science and Technology Committee. And with the 16th Congressional District he represents so dependent upon the agriculture industry, he has served on the Agriculture Committee, representing Florida's farmers, growers, and cattlemen with vigor.

There is not a corner of his vast district that you can go without seeing the fruit of TOM's work. A major new Department of Veterans Affairs medical center and nursing home have been built in Palm Beach County because of his persistent work. A number of major highway improvements have been completed to make travel across his expansive district faster and safer. The Big Cypress National Preserve has been reclaimed to protect this key part of Florida's unique environment. And TOM worked with my colleagues and me on the Appropriations Subcommittee on National Defense to keep Air Force hurricane hunter aircraft flying to maintain critical hurricane tracking capabilities that provide a lifeline for all Floridians in times of severe weather.

One of TOM's crowning achievements was his leadership last year in brokering important concessions in the North American Free Trade Agreement to protect the interests of Florida's vast agriculture industry. His diligent work emphasized the power and cohesiveness of our Florida delegation and resulted in a much superior trade agreement than our Nation would have had otherwise. He has devoted the same energy and expertise to protect Florida's interests in the Uruguay round of the General Agreement on Trade and Tariffs.

Mr. Speaker, TOM LEWIS' list of accomplishments are long and would make any Member proud. His lasting legacy though, will be the integrity with which he served and the respect he earned from every Member of this House. Those who question the dedication and commitment of our Nation's public officials would do well to review the career of TOM LEWIS. The people of the 16th Congressional District, who have voted in large numbers six times to send him to our Nation's Capitol, are the ultimate judges of his work in their behalf and in behalf of our great Nation.

TOM is excited about his impending retirement because it will give him the much deserved opportunity to spend more time with his wife Marian, their three children, and their five grandchildren. While I wish TOM and Marian all the best in their retirement years, I know there will be a major void to fill in our delegation next year. TOM LEWIS has been a good and close friend of mine for the past 12 years and I will always treasure that friendship. There is no question that his counsel and support have helped me do my job better.

Every member of our delegation, I believe, feels the same about TOM and will miss his presence when the 104th Congress convenues next January. Nothing can be a better indicator of the quality of his service and his personal commitment to uphold our Constitution, protect our national security, and represent the best interests of the people he represents in south Florida and throughout our Nation. The 16th Congressional District, the U.S. House of Representatives, and our Nation are all better places as a result of his service here.

Mrs. FOWLER. Mr. Speaker, I rise this evening to pay tribute to my friend and colleague Representative TOM LEWIS of Florida, who will be retiring at the conclusion of the 103d Congress.

Although as a freshman I have only known Mr. LEWIS for the last 2 years, I hold him in high esteem and have looked to him as an example of what a good legislator should be.

TOM LEWIS is a man of great intelligence and character, and he has served his constituents and his Nation with energy and dedication. He has been a stalwart defender of agriculture, which is Florida's second largest business, and he has put his engineering and aviation background to good use during his service on the Science, Space, and Technology Committee, working to keep American aviation competitive and on the cutting edge.

Representative LEWIS has also been a strong advocate for common-sense government and fiscal responsibility, standing against the tide of increasing government regulation and reckless spending with courage.

Mr. Speaker, TOM LEWIS is the kind of man we need in Washington, and he has earned the friendship and respect of Members on both sides of the aisle. Honest, straightforward, and kind, he has always put the good of Florida and this Nation at the top of his agenda. And from his service in World War II to his service here in Washington, he has always given his best. He will be greatly missed, but as he leaves this body he takes with him the best wishes of his friends and colleagues.

Mr. GOSS. Mr. Speaker, I rise to join my Florida colleagues in a salute to one of our friends who has chosen to leave this House after a distinguished career of public service. TOM LEWIS is one of the veterans of our Florida team. He has helped to guide us with his stability, vision, and carefully crafted access to decisionmaking crucial for our State, most especially in the areas of agriculture and science/technology. No doubt his departure will leave a hole in the delegation and it will be some time before any successor climbs the ladder to his level of expertise. TOM has been persistent, hard-working, and knowledgeable in the areas of his responsibility and we have often turned to him for his studied guidance. On a more personal note, TOM and I share adjoining districts in some of the most beautiful parts of our Sunshine State. In fact, just this last census allowed me to acquire some of his previous real estate and TOM has been most gracious in helping me get to know that new area. More importantly, I found TOM was widely held in high regard throughout the district and has earned the gratitude and appreciation of his constituents for his service. I am obliged to TOM for his help in the District—but I am equally obliged to him for his wise counsel and friendly companionship to this newcomer in Washington. TOM is smart enough to have given me enough running room to make a few mistakes, but kind enough to steer me clear of the most serious landmines along the way. I will miss him and wish him well in his new endeavors.

Mr. SHAW. Mr. Speaker, I would like to join my colleagues from Florida in honoring one of the finest Members of Congress with whom I have had the privilege of serving. That distinguished public servant is TOM LEWIS, who retires this year from public life after many years of dedicated service to his country, his State, and his fellow citizens in Florida.

As a combat veteran of World War II, TOM had a special feeling for our servicemen and women, and an excellent understanding of the particular needs of our military veterans. Because of his experience in this regard, he devoted a great deal of time and effort to ensuring that our country's veterans received the proper consideration and respect from our Government.

TOM also had great empathy for our farmers and the special needs of America's agricultural communities. His congressional district included vast farming areas, and TOM always understood the great importance of maintaining America's and Florida's position as the world's leader in agriculture. None of us will ever forget his leadership during this year's debate on the NAFTA treaty, in which his principled and intelligent arguments on behalf of Florida's farmers persuaded the American and Mexican Governments to add treaty language to protect legitimate American rights and interests.

Mr. Speaker, TOM LEWIS has left a legacy of patriotic service to his country, leadership on issues of great importance to his State, and selfless devotion to the concerns and interests of the people of his congressional district. We will all miss his daily presence in this House in the new Congress, and wish him much happiness on his return to private life.

On a more personal note, my wife, Emilie, and I will miss TOM and his wife, Marian, here in Washington as close personal friends. We do look forward to seeing them as constituents in Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, it is right and proper to call a special order for my distinguished colleague from the neighboring 16th District of Florida, Congressman TOM LEWIS. Congressman LEWIS will retire from a longstanding career in public service. For over 30 years, Congressman LEWIS has served his constituents in city hall, in the State legislature, and in Congress.

However, he had engaged in two other careers before representing the constituents in South Florida. Congressman LEWIS admirably served in the Air Force through World War II and Korea. He then entered the private sector as an executive for Pratt and Whitney Aircraft. With his experience as a veteran, pilot, and businessman, Congressman LEWIS has been able to thoroughly represent his constituents' concerns and interest.

Congressman LEWIS has been an advocate for veterans and rehabilitative services for them. As a pilot, he convinced NASA to carefully study metal fatigue and corrosion on aircraft. As a businessman, he worked to open up beef and citrus trade exports to Japan. Congressman LEWIS has worn many career hats, and each one has fit him well. This multifaceted Member has continued to remain loyal to his constituents' concerns.

When close to retirement, Congressman LEWIS did not rest upon his laurels. He has aggressively challenged the Smithsonian Institute on the intent of their exhibit, The Atomic Bomb and the End of the World War II. From his questioning, Congressman LEWIS has lead fellow Members in a campaign to make the Smithsonian present a more accurate display of the American role in World War II.

I applaud Congressman TOM LEWIS for his leadership and understanding of constituents' needs. He has brought honor to this institution, Congress.

Mr. BILIRAKIS. Mr. Speaker, I rise tonight to honor my colleague and good friend, Representative TOM LEWIS, on the last day of the 103d Congress and the final legislative day of TOM's public career.

TOM has been a true friend over the years and we have shared many, many hours within these walls. Late at night we might debate an issue in the back of the chamber or discuss the merits or demerits of a particular piece of legislation—or just talk after a long day in committee and the floor.

TOM was always a level head and a receptive ear in a city not known for rational thought. And I know that TOM dedicated himself to working for the people of his Congressional district with the same straightforward, clear-eyed vision.

TOM was instrumental in saving Hurricane hunter planes so vital to South Florida and the safety of his district residents. He battled for 2 years and ensured that these planes would remain active—until new technology could be brought on line.

Airline safety was another primary concern of TOM LEWIS. Given his extensive background in the Air Force and with Pratt and Whitney in civilian life, TOM brought real life expertise to the forefront of congressional debate.

And TOM secured funding to complete the missing link of I–95, completing a task he set about while a Member of the State legislature. Perhaps no other endeavor better demonstrated his innate perseverance—he never gave up until the job was done.

Preserving the environment has additionally been a continuing concern of TOM. He was a steady voice in opposition to offshore drilling—helping our delegation maintain the current moratorium—and he obtained funding to expand the Big Cypress National Preserve by 146,000 acres.

As TOM goes home to North Palm Beach he can remember with satisfaction a record of public service performed beyond and above the call of duty. TOM served his country in war and peace, putting his life on the line as a B–25 gunner in World War II and on the ground in Korea. He carried his patriotism and work ethic with him to this chamber where he served with distinction and honor for 12 years.

I will miss TOM greatly as the gavel falls on the 104th Congress. But I know that he and his family can be proud of a job well done and years spent in the pursuit of excellence, achievement and an unwavering respect for the people who entrusted him to be their representative in this great body.

MCNAIR DESERVES HEISMAN TROPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the candidacy of Alcorn State University quarterback Steve "Air" McNair for this year's Heisman Trophy.

In his final regular season game against Jackson State University on November 19, Steve passed for 533 yards and five touchdowns. It was the fifth time this year he had more than 500 years, which is a Division I–AA record. Alcorn closed out the season with a record of 8–2–1 and qualified for the Division I–AA playoffs.

For the season, Air McNair finished with 4,899 passing yards and an incredible 44 touchdowns. He also had 936 yards rushing and ran for nine more TDs. Earlier this season, he became the NCAA's career total offense leader and ended the year with 16,823 yards.

He was still going strong in the playoffs when Alcorn met defending national champion Youngstown State. Even though he lost, Steve went 52–82 with 513 yards and three touchdowns.

Steve won't get the same kind of publicity and hype that is helping the other Heisman hopefuls because he plays for a Division I–AA school. But his accomplishments this year are nothing short of remarkable in any league, and they make him worthy of strong consideration as the country's best football player.

Steve McNair's accomplishments speak for themselves. If the people who vote on the Heisman take the time to evaluate Steve's record this year, I am confident they will agree that he should be at the top of the list of candidates for the Heisman Trophy.

FAREWELL TO A GREAT STAFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Mr. Speaker, it has been a great honor and privilege for me to serve in the U.S. Congress. I shall always remember my good friends on both sides of the aisle.

Also, I shall never forget the very talented and dedicated staff members who have served me so well. I would like to pay tribute to each of them by recognizing them by name and ask unanimous consent that they be listed here.

Current Personal Staff: DeLisa Harmon, Daniel Stech, Jennifer Rich, Elliot Kaye, Earl Hadaway, Ben Collins, Diane DeVille, Traci Weidlich, and Laura Singletary.

Current Readiness Subcommittee Staff: Steve Rossetti, Peter Steffes, Kathie Lipovac, and Peggy Cosseboom.

Former Personal Staff: Barbara Bennett, Mary Ahlfeld, Vicki Baird, William Boggs, Julie Bonds, Helen Berry, Ruby Boyd, Walter "Stoney" Chavers, Mary Cook, Tom Culligan, Carol Biven Davis, Delores Drennen, Robert Flint, Richard Foreman, Alfred Frith, Elizabeth Gregory, Leisa Harris, Summer Jimmerson, Brian Keeter, Randy Knepper, Mark Kronenberg, Steve Kulla, and Marc LaPlante.

Also Michael Lawson, Kramer Litvak, Brett Pfeffer, Cathie McCarley, Nancy Spruill McLeod, Gwen Martin Lyles, Marilyn Moya, Linda Mitchell, Kristee Panfil, Pam Price, Gary Pulliam, Joy Reiter, Robyn Roberts, Jeanie Rosenlieb, Cassandra Ryan, Betts Spracher, Maurine Sawyer, Mary Sharp, Leah Sides, Steven Strickland, Lisa Taite, Tom Tamura, Jeanne Timmons, Renn Vara, Wade Arren, Marian White, Mary Anne Williams, Larry Williamson, and Jessica Wright.

Former Coast Guard Subcommittee Staff: Marsha Canter, Gene Hammel, Larry Innis, and Jeanne Timmons.

Interns: Brad Allen, Tony Bawidamann, Deborah Boyles, Jeff Broomall, Leigh Braslow, Margaret Leigh Broxton, Alan Byrd, Robert Clements, Sarah Covey, Stephen Cozart, Nanette Crist, Gary DeLapp, Arica Finnieston, Nicholas Gallipoli, Richard Granson, Lillianne Godfrey, Judi Gup, Gerard Goulet, Katrena Henderson, Angela Hensley, Robert Higdon, Caroline Holland, Julie Hillman, Piel Hollingsworth, Danita Gay Huggins, Deck Hull, III, Laurie Jarrett, Sharon Jennings, David Johnson, and Stacy Katz.

Also David Kemp, Darryl Keys, William Killingsworth, Sherry Little, Ruth Ludeman, J. Sam McCullough, Jr., David McDaniel, Loc Van Martindale, Jean McSween, Melissa Montgomery, Todd Moore, Dana Morris, Kathy Morgan, Jason Nejezchleb, Kathleen Payne, Kevin Peacock, Holly Pilcher, Raymond Platt, Carole Rector, Rebecca Roberts, Grover Robinson, Michelle Ryan, Lance Ross, Tom Saunders, Karen Sexton, Marc Schatten, Susan Shippey, Brian Smith, Kerra Smith, Clark Taylor, Brandie Tuller, Michael Von Bodungen, Jim Vreeland, Kimberly Wilson, Laurie Chandler Jarrett, and Catherine Pierce.

Great staffers, all. Congratulations to each on a job well done.

TRIBUTE TO DEPARTING MEMBERS OF THE PENNSYLVANIA DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Murtha] is recognized for 5 minutes.

Mr. MURTHA. Mr. Speaker, as Dean of the Pennsylvania Congressional Delegation for the 103d Congress, I'd like to take this opportunity to salute five members of the delegation who will not be returning to the House of Representatives for the 104th Congress.

Lucien Blackwell, Marjorie Margolies-Mezvinsky, Austin Murphy, Tom Ridge, and Rick Santorum have all been important parts of the delegation over the past two years. The work they've done for their constituents and the people of the Commonwealth of Pennsylvania has been invaluable, and we will miss their contributions greatly. Our delegation has always put the interests of Pennsylvania above party or ideological interests, and these individuals have continued that tradition, which has proven so important to Pennsylvanians.

I'd like to say a few additional words about the members from our side of the aisle who are leaving; Austin Murphy, Lucien Blackwell, and Marjorie Margolies-Mezvinsky.

AUSTIN MURPHY

Representative Austin Murphy is retiring from the House of Representatives this year after nine terms. Austin and I have been through many battles together on the House Floor, as we have represented adjoining districts which have suffered through difficult economic times as a result of the slump in the coal and steel industries.

Like any Marine, Austin is a fighter, and his fights have been on behalf of the people of Southwestern Pennsylvania, especially those whose voices are not always heard over the din of the debate in Congress. No coal miner with Black Lung, no steelworker facing a layoff, no minimum wage worker struggling to make ends meet ever had a stronger champion than Austin Murphy. From his position on the Education and Labor Committee and as Chairman of the Labor Standards, Occupational Safety and Health Subcommittee, Austin fought for workers' rights. He fought to make the minimum wage more of an affordable living wage, he fought to ensure that coal miners would be eligible for Black Lung benefits, he fought to make sure workers would not fear for their lives or their health every time they punched the time clock.

Working Americans are Austin Murphy's people. Everyone who's struggling to pay the bills each month while raising a family and worrying about their parents making ends meet in retirement should thank Austin Murphy, because he dedicated his career in the House of Representatives to making their lives better. Austin knows the people of Southwestern Pennsylvania, and he knows the difficulties of families fighting to make it in a tough economy. His work has made a difference for these people.

We will continue the fight for Austin Murphy's people in the House, but without him to lead the charge, it won't be the same. I will personally miss Austin's friendship, but the Congress as a whole will miss his leadership and commitment to causes and people that are too often overlooked. We wish him well in his retirement, and we say to him that Congress is a better place for his service here.

LUCIEN BLACKWELL

Lucien Blackwell came to the House of Representatives three years ago to fill the seat of Bill Gray. These were big shoes to fill, and Lucien has more than lived up to the challenge.

After distinguished service with the United States Army in Korea, work as a labor union official, service in the Pennsylvania State House, and a career in public service in Philadelphia, Lucien brought a unique perspective to the House of Representatives. His knowledge of the city of Philadelphia and his emphasis on the need to refurbish and invigorate our inner cities was invaluable in his work on the Public Works and Transportation Committee.

Lucien came to the Pennsylvania State Legislature just before I left to come to Congress. He went to Harrisburg with the reputation as a street fighter, as the kind of representative who's first and only concern is what is best for the people who sent him to government. He has never failed to maintain that attitude, whether in Harrisburg or in Washington.

Lucien won't be returning to the 104th Congress, and we wish him well in his future endeavors. His work on behalf of the people of Philadelphia in this body won't soon be forgotten, and all of us owe a debt of gratitude to him for reminding us that our jobs are as representatives of the people who send us here. Lucien never has lost sight of this, and he continues to be a fighter for the causes and the people he represents.

MARJORIE MARGOLIES-MEZVINSKY

There have been many individuals who have served only one term in Congress. Abraham Lincoln is the most prominent example. And while I'm not predicting that Marjorie Margolies-Mezvinsky will have quite the role after she leaves Congress that Lincoln had, I do feel that this bright, hard-working woman will continue to have a positive impact on Pennsylvania and the United States after she leaves Congress.

Marjorie brought a unique perspective to the House of Representatives, and opened our eyes to many issues and problems which had not received the attention they deserved. Her family has influenced her a great deal, and the knowledge and experience she has gained from the 11 children she and her husband have raised certainly inspired her to become active on women and children's issues in the House.

We will all miss Marjorie's hard work on issues of importance to Pennsylvania, and we'll also miss her ability to say just the right thing to loosen the tension at a Pennsylvania delegation gathering or a caucus meeting. Her work on the Energy and Commerce Committee was important to her constituents and to all of Pennsylvania, and her focus on economic development will continue to benefit the State.

We wish Marjorie all the best in her future activities. She has been a positive influence on the House of Representatives, and I predict that she will continue to play a significant role in improving the lives of people in Pennsylvania and all across the Nation.

Mr. McDADE. Mr. Speaker, I am pleased to take this opportunity to recognize the contributions of the five House Members of the Pennsylvania delegation who are leaving Congress this year.

It has been my pleasure as the senior Member of the delegation to work with each of these outstanding individuals—Austin Murphy, Tom Ridge, Lucien Blackwell, Rick Santorum and Marjorie Margolies-Mezvinsky.

While I was not in agreement with each and every one of my colleagues on all of the issues that came before the House, I am proud to say that, more often than not, we put partisanship aside to promote the best interests of the people of the Commonwealth. I know that their replacements will continue this tradition in the 104th Congress.

Two of my colleagues, Tom Ridge and Rick Santorum, will continue to serve in public life as Governor and Senator. They have been outstanding young Members of this institution, and I am pleased that there talents and energies will continue to benefit the citizens of Pennsylvania.

My colleague from Monongahela, AUSTIN MURPHY, has distinguished himself through his work as Chairman of the Subcommittee on Labor Standards and Occupational Health and Safety. He directed the effort to reform the Black Lung benefits program and he was the lead sponsor of minimum wage bills in 1989 and 1990.

The other departing colleagues, LUCIEN BLACKWELL and MARJORIE MARGOLIES-MEZVINSKY, have had shorter tenures, but their service has been marked by an admirable dedication to their constituents and a commitment to the policies they felt would best serve the citizens of Pennsylvania and the Nation.

I am grateful for the opportunity to have served with all five of the departing Members. They have been a credit to the U.S. House of Representatives, were important Members of the delegation and I wish them well in their future endeavors.

Mr. BORSKI. Mr. Speaker, I rise today to pay special tribute to my colleagues from the Commonwealth of Pennsylvania who will be departing Congress when we adjourn today. It has been a great privilege and honor to serve with these dedicated individuals, and I wish them great success in their future endeavors.

As you know, Mr. Speaker, five members of the Pennsylvania Congressional delegation will be departing the House and one member will be departing the Senate when the 103rd Congress adjourns this week. Some have served a long career in the House, dating back to 1976, while others have been here for only a very brief time. Each one of these individuals, however, has served their constituents well through their leadership, hard work and dedicated service.

As one of the most senior members of the Pennsylvania delegation, Congressman AUSTIN MURPHY will be retiring after he casts his vote today. I have known AUSTIN since we first served together in the Pennsylvania State legislature, when he was a State Senator and I was a State Representative. Since he was first elected to the U.S. Congress in 1976, AUSTIN MURPHY has passionately fought for the best interests of his constituents in western Pennsylvania.

AUSTIN MURPHY has always been there for working Americans when their interests have been threatened. As Chairman of the Subcommittee on Labor Standards, he has fought to improve the working conditions, health, safety, pay and benefits of all working Americans. AUSTIN'S service to Pennsylvania and to the country will surely be missed.

Congressman TOM RIDGE will be ending a distinguished career in the House, only to start a new career as governor of Pennsylvania. TOM and I were elected to the House in the same class in 1982. Since then, we have worked very effectively together on issues of importance to the state—even though we sit on different sides of the aisle. I remember very vividly when during our first term together, TOM invited me to co-chair a field hearing of the Select Committee on Aging. I agreed to participate, much to the chagrin of locally-elected Democrats in TOM'S district.

TOM RIDGE has served his constituents well as a member of Congress. During his tenure, he has shown how effective bipartisan leadership can lead to responsible legislation. I wish him great luck and success as Governor of Pennsylvania.

Pennsylvania will also be losing one of its members from Philadelphia, Congressman LUCIEN BLACKWELL. While he served only briefly in Congress, LOU has served Philadelphia as a public servant for a long time. He has fought hard for working Philadelphians, first as a labor union president, then as a State Representative and City Councilman.

I enjoyed serving with LOU BLACKWELL and will greatly miss the passion and dedication that he brought to his job. A one-time boxer, LOU never lost his tireless spirit in his many years of public service. With LOU'S departure, Philadelphia will certainly be losing a true fighter in Congress.

The Pennsylvania delegation will also be losing one of its newest members, Congresswoman MARJORIE MARGOLIES-MEZVINSKY. In 1992, MARJORIE defied all the odds by breaking a 76-year Republican reign over the 13th Congressional District. Since that time, MARJORIE has worked to build consensus around important family legislation, including full funding for Head Start and family and medical leave.

In her two years in Congress, MARJORIE MARGOLIES-MEZVINSKY left a lasting imprint on American politics and government. I am sure she will succeed in whatever path she chooses next.

While Congressman RICK SANTORUM will be leaving the House, he will not be leaving Congress. As Pennsylvania's newly-elected Senator, RICK will still be working closely with us on issues of importance to the state. Nevertheless, we will certainly miss the energy and hard work that RICK SANTORUM brought to his job every day as a member of the House.

Finally, Mr. Speaker we would be mistaken not to pay tribute to Senator HARRIS WOFFORD. Six months after he was appointed to fill the vacancy left by the death of Senator John Heinz, HARRIS shocked the nation in a stunning upset in a special election. His distinguished career dates back to the Kennedy Administration, when HARRIS served as a special assistant for civil rights. HARRIS also helped to establish the Peace Corps.

Prior to his election in 1991, HARRIS served as Pennsylvania's Secretary of Labor and Industry, where he fought for the interests of the state's working families. He took that dedication with him to Washington, fighting to make health care accessible and affordable for every working American. During his tenure in Washington, HARRIS had many legislative accomplishments, including the National Service legislation which was enacted last year.

The members of the delegation will remember in particular how well HARRIS WOFFORD worked the House in behalf of the interests of our State. His knowledge, intelligence, dedication to public service, and ability to work with others will be sorely missed in Congress.

Mr. Speaker, each of these departing members of the Pennsylvania delegation made a lasting impact with their service in Congress. Those of us who will serve in the 104th Congress will be looking forward to working with their successors next year. On behalf of the delegation, I wish AUSTIN MURPHY, TOM RIDGE, LUCIEN BLACKWELL, MARJORIE MARGOLIES-MEZVINSKY, RICK SANTORUM and HARRIS WOFFORD the best of luck in the new challenges in life before them.

Mr. HOLDEN. Mr. Speaker, it is with great sadness that I bid goodbye to several of my colleagues in the Pennsylvania Delegation. During my first term in Congress, it has been my great pleasure to serve with such a fine group of individuals.

AUSTIN MURPHY has been a good friend and a wise counselor as I have learned my way around Capitol Hill. AUSTIN has always had good advice for me, and has represented his district well for 18 years.

MARJORIE MARGOLIES-MEZVINSKY has been a great friend as a fellow freshman member. I have enjoyed working with her to represent the people of Pottstown, PA, which we share in Montgomery County.

LUCIEN BLACKWELL has been a hardworking champion for the working men and women of Pennsylvania and will be greatly missed.

We are also fortunate to have two delegation members moving on to other offices. I have enjoyed serving with TOM RIDGE and look forward to working with him for the people of Pennsylvania. I also look forward to continuing to work with RICK SANTORUM to make life better for our constituents.

I have the greatest confidence that all of these people will continue to excel in their individual lives. They are all fine public servants and it has been an honor for me to serve in Congress with them. I will miss all of them.

TRIBUTE TO THE HONORABLE JACK BROOKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. FROST] is recognized for 5 minutes.

Mr. FROST. Mr. Speaker, when I was elected to Congress 16 years ago, people asked me who in the Texas delegation I would pattern my career after. I told them without qualification that the two Texas Congressmen I most respected were JACK BROOKS and Jim Wright. I have followed that course from my first day here and I have never regretted my decision.

No one is perfect and I have not always agreed with JACK on every single issue, but I have enormous respect for the way he has handled his job. He is direct, he is honest and he does what he tells you he is going to do. He doesn't round the edges or tell you what you want to hear. He tells you exactly the ways things are.

JACK is first and foremost a Democrat. He never has an identity crisis about what it means to be a member of our party and he does not have a great deal of patience with those Members of Congress who have trouble understanding what it means to be a Democrat.

JACK is loyal and he has guts. He supports his friends and the leadership of his party even when there is a personal cost to himself. This year, he stood by his President and his party leadership and voted for the final version of the crime bill even though it contained a provision he violently opposed. As Chairman of the Judiciary Committee, he felt he had no other choice. That decision may have cost him his seat in Congress. But he didn't run for cover when the going got tough.

In the mid 1950's JACK BROOKS made an extraordinarily courageous decision. He was one of a handful of Southern Congressmen who did not sign the Southern Manifesto protesting the Supreme Court school desegregation decision in Brown v. Board of Education.

I will miss JACK tremendously. His political instincts are sound, his advice was always good—even when I didn't take it—and his friendship is irreplaceable. The Congress and the Country are better off for the years of service provided by my friend, JACK BROOKS.

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TRIBUTE TO MICHIGAN STATE REPRESENTATIVE, THE LATE HONORABLE DOMINIC JACOBETTI

THE SPEAKER pro tempore (Mr. BROWDER). Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to one of my political mentors and my dear friend—Neguanee Representative Dominic Jacobetti. "Jake", as he is known to those of us in Michigan, passed away yesterday morning. I want to talk tonight about Jake's life and what he did for those of us who live in the Upper Peninsula. Some joke that the former chairman of the House Appropriations Committee had a heart as big as the State treasury because of Jake's unyielding desire to steer tax dollars to the Upper Peninsula. But, in my mind, that is a downstate view. I believe Jake had a heart as big as the Upper Peninsula—because that is who he worked for. He worked for us. Jake always believed that the powers-that-be in Lansing overlooked the Upper Peninsula, and he was determined to do everything he could to help the people who live in our region of Michigan.

When I first arrived in Lansing as a freshman representative from the 109th district, I experienced firsthand Jake's kindness, integrity, and decency. The chairman didn't have to help me, he didn't have to answer my questions—but he did. He was always willing to take the time from his schedule to explain to me the legislative process, or assist me in securing grants and projects for the people of my district. He didn't have to help out this young freshman, especially when you think that Jake was first elected 40 years ago, 2 years after I was born. But he did help, because Jake cared so deeply about the people who make up the Upper Peninsula of Michigan.

Dominic Jacobetti was the longest serving legislator in Michigan ever. He was first elected to the Michigan House in 1954 and was re-elected 20 more times, most recently on November 8, 1994, when he won with 70 percent of the vote.

Shortly before the election, I had the great honor and privilege of hearing Jake address a campaign rally one more time. Vice President AL GORE was in Marquette stumping for me and our Upper Peninsula Democratic delegation—which by the way—all successfully were re-elected. Although we all knew he was ill, everyone in that room could tell that Jake had the fire in his belly. He really had the crowd fired up and it made all of us feel good to see him and hear him in action once again. As usual, Jake spoke of his beliefs about helping people and his beliefs about helping the Upper Peninsula.

To the day he passed away, Dominic Jacobetti best exemplified why people should go into public service—to help those who are less fortunate. His distinguished career is marked by helping others. Whether it was veterans or students at Northern Michigan University—Dominic Jacobetti believed in helping people.

There is no better example of Jake's work than his effort to spearhead the drive to locate Michigan's second veteran's facility in the Upper Peninsula. The Marquette facility, which bears Jake's name—the D.J. Jacobetti Michigan Veterans Facility is more than a place that assists Upper Peninsula veterans. It is also a symbol of who Jake worked for and why he worked for them. He worked for the people of the Upper Peninsula and he worked for them because they needed Jake.

At its inception the Jacobetti Center had 152 beds, but Jake and the veterans soon realized that the facility couldn't keep up with the demand/so Jake convinced the Department of Public Health to authorize 190 beds. Now, with over 250 beds and specialized units to care for veterans with such diseases, such as Alzheimer's. The Jacobetti Center is an epitaph for the man who it is named after/and the work that he successfully accomplished for those he cared about—veterans, seniors, and those less fortunate than Jake.

In 1989, I had the privilege of filling in for Jake during a speaking engagement at the American Legion Conference in Escanaba. Although Escanaba wasn't in Jake's district, he treated the people there/as if they were. He treated them with the same decency and honor as he treated everyone, who he came in contact with. That day in 1989, after I finished speaking about Dominic Jacobetti, the Jacobetti Center and the American Legion, the Legionaries gave me a standing ovation. I attributed that standing ovation not to my speech, but to the hard work, dedication, and integrity that was Representative Dominic Jacobetti.

There has never been a legislator with so much power who remained so active in his community. He was a member of St. Paul's Catholic Church, the Lions Club, the Eagles, Knights of Columbus, the Elks, the Northern Michigan Athletic Club, the Golden Wildcat Club and the Boys Town of Italy. And to those who thought Jake had slowed down during the last few months need look no further than his campaign van. He had signs plastered all over it and he was running hard again, and as usual, winning.

The son of Italian immigrants, Dominic Jacobetti worked in the iron mines during his youth. He graduated from St. Paul's High School in Negaunee and his first job came from President Franklin Delano Roosevelt's New Deal. Jacobetti, himself a Democrat, a New Dealer, the man who eventually became the Godfather never forgot who first employed him. His longevity is a lesson to all who work in public life—work hard and never forget the people who you represent.

Dominic Jacobetti is survived by his wife Marie and their three children; Judith, Colin, and Dominic, Jr. My deepest condolences and sympathy go out to his family.

To those of us who knew Jake, we now know that he is in heaven looking down upon us and for one last time, trying to steer a few more dollars across Mackinac Bridge, into his beloved Upper Peninsula.

Tonight, I wish to publicly say thank you Jake, for your guidance as a mentor, for your dedication and integrity as a legislator for all the people of the Upper Peninsula, but most of all for your unyielding friendship. You truly are a legend that we will never forget.

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Colorado [Mr. MCINNIS] is recognized for 15 minutes as the designee of the minority leader.

RECOGNIZING DEPARTING MEMBERS OF THE OHIO CONGRESSIONAL DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, I am pleased to reserve time today for Members to pay tribute to our colleagues from the State of Ohio who will be departing the Halls of Congress at the end of this legislative session. I want to thank my colleagues for joining me in saluting our friends, DOUG APPLEGATE, ERIC FINGERHUT, DAVE MANN and TED STRICKLAND.

Their respective congressional districts, the State of Ohio, and indeed, the Nation, has benefitted from the leadership and commitment of these individuals. As they depart this body, we pause to salute each of them for their commitment to public service, and for a job well done.

I want to take this opportunity to highlight some of the accomplishments of DOUG APPLEGATE, ERIC FINGERHUT, DAVE MANN and TED STRICKLAND.

Mr. Speaker, in 1961, DOUG APPLEGATE was elected to the Ohio House of Representatives. He served in that body until his election to the Ohio Senate in 1969. While serving in the Ohio legislature, DOUG was effective in focusing his energies on reclamation laws, senior citizen issues, veterans' legislation, and issues affecting labor, consumers and the disabled. He was also successful in lobbying for the advancement of travel and tourism in the State.

DOUG APPLEGATE was elected to the U.S. Congress on November 2, 1976. During his tenure, DOUG has served with distinction as a member of the House Public Works and Transportation Committee, where he chairs the Subcommittee on Water Resources and the Environment. He is also a member of the Veterans' Affairs Committee, where he is Vice Chairman of the Pension, Compensation and Insurance Subcommittees and the Hospitals and Health Care Subcommittee.

DOUG APPLEGATE's legislative assignments also include his memberships in the Congressional Steel Caucus, Congressional Coal Group, Congressional Arts Caucus and the Congressional Mining Caucus

Mr. Speaker, DOUG APPLEGATE is the recipient of many awards that recognize his outstanding career in public service. In addition to those awards, we note with pride the fact that DOUG has received special awards that recognize his efforts on behalf of America's veterans.

DOUG was named "Ohio Legislator of the Year" by the Disabled American Veterans. In 1992, he received the second ever "Inspirational Award" from the Military Order of the Purple Heart. In addition, he has received special recognition from the National Association of Atomic Veterans, the Polish Legion of American Veterans, Former Prisoners of War, and the Paralyzed Veterans of America.

Mr. Speaker, I can say quite candidly that DOUG APPLEGATE is one of the finest lawmakers I have ever met. He is a committed individual whose legislative abilities have earned him the respect and admiration of his colleagues. I can also say that DOUG is a gentleman of the highest integrity and caliber. As he departs the Halls of Congress, we extend our best wishes to him, his lovely wife, Betty, and his family.

Mr. Speaker, ERIC FINGERHUT was elected to the Congress from Ohio's 19th Congressional District. The district stretches more than 130 miles from southwest Cleveland to the Pennsylvania border. During his tenure on Capitol Hill, the 19th Congressional District has benefited greatly from ERIC's legislative efforts and ability.

A native of Cleveland before coming to Congress ERIC FINGERHUT served in the Ohio Senate for 2 years. He is a former attorney with the Older Persons Law Office of the Legal Aid Society of Cleveland. ERIC was also previously associated with the Cleveland firm of Hahn, Loeser & Parks. ERIC earned his bachelor's degree from Northwestern University and his law degree from Stanford University.

When he was elected to the Congress, ERIC FINGERHUT was selected to cochair the Freshman Democrat Task Force on Reform. The task force was able to develop a comprehensive package designed to make Congress operate more efficiently and effectively.

Mr. Speaker, ERIC also serves as a Member of the Banking, Finance and Urban Affairs Committee, where he is a Member of the Subcommittees on Economic Growth; International Development; and Finance, Trade and Monetary Policy. In addition, he is a Member of the Foreign Affairs Committee and its Subcommittees on Asia and the Pacific; Economic Policy; and Trade and the Environment. ERIC is also a Member of the Committee on Science, Space and Technology.

ERIC FINGERHUT has utilized his committee assignments to address the problems which confront our region and the Nation. He is a Member of the Northeast-Midwest Coalition's Manufacturing Task Force, which emphasizes the revitalization of the Nation's manufacturing industry. ERIC introduced legislative measures to improve cleanup efforts on the Great Lakes and to spur the production of environmentally-efficient materials.

Mr. Speaker, I have been honored to serve with ERIC FINGERHUT in the Congress. He is an individual who is well respected and greatly admired. He is also a bright and promising young leader who will be greatly missed in the Halls of Congress.

Mr. Speaker, the Ohio Congressional Delegation which I chair, welcomed to its ranks in the 103d Congress many bright new leaders. One such individual is DAVID MANN. DAVE represents Ohio's First Congressional District, which includes the city of Cincinnati, as well as suburbs to the north and west of the city.

DAVE brought to the Congress a wealth of knowledge and experience in public service. He is a former member of the Cincinnati City Council where he served from 1974 to 1992. DAVE was also honored to serve as Mayor of Cincinnati from 1980–82 and again in 1991.

Mr. Speaker, a native of Cincinnati, DAVE MANN is a graduate of Harvard College and Harvard Law School. He practiced law with Dinsmore and Shohl before opening his own firm, Taliaferro and Mann.

When he arrived in Congress, DAVE was selected to serve on the Judiciary Committee and the Committee on Armed Services. On the Judiciary Committee, DAVE earned the respect of his colleagues as a Member of the Subcommittees on Economic and Commercial Law; Crime and Criminal Justice; and Administrative Law and Government Relations.

As a Member of the Armed Services Committee, DAVE is a Member of the Subcommittee on Oversight and Investigations which oversees the military's involvement in the Drug Interdiction Program. He is also a Member of the Military Application of Nuclear Energy Panel which reviews issues relating to the maintenance and clean-up of our Nation's defense infrastructure.

Mr. Speaker, it has been an honor to serve in this body with DAVE MANN. He is an outstanding legislator and a friend. As he departs this chamber, we extend our best wishes to DAVE; his wife of 30 years, Elizabeth, and his family. DAVE has done an outstanding job of representing the First Congressional District and the State of Ohio.

Mr. Speaker, we gather this evening to pay tribute to Members of the Ohio Congressional Delegation who will depart the Congress at the conclusion of this legislative session. I am proud to salute TED STRICKLAND who was elected to represent the Sixth Congressional District of Ohio.

The Sixth Congressional District is the largest in the State, encompassing all of Ohio's southeast corner and reaching across to Warren County in the southwest.

The Representative of the Sixth District is a graduate of Asbury College. Ted received a Master of Divinity Degree from Asbury Theological Seminary. Continuing his studies at the University of Kentucky, he was awarded a Doctoral Degree in Counseling Psychology.

Prior to his election to Congress, TED STRICKLAND served as director of a Methodist Children's Home. He is a former Professor of Psychology at Shawnee State University, and a former consulting psychologist at Southern Ohio Correctional Facility, a maximum security prison.

Upon coming to Capitol Hill, TED was appointed as a Member of the House Education and Labor Committee. He is a Member of the Subcommittees on Elementary, Secondary and Vocational Education; Labor Standards; Occupational Health and Safety; and Postsecondary Education. TED is also a Member of the House Small Business Committee where he sits on the Subcommittees on Regulation; Business Opportunities and Technology; Rural Enterprises; and Exports and the Environment.

In addition, Ted is a Member of several legislative caucuses including the House Rural Caucus; House Steel Caucus; House Rural Health Coalition; Congressional Children's Working Group; Older Americans Caucus; and the Congressional Travel and Tourism Caucus.

Mr. Speaker, Ted Strickland has earned the praise of many of his colleagues for his strong legislative skills. His insight and input was particularly important during the debate over reform of the Nation's health care system. He also served ably as a Member of the First Lady's Task Force on Health Care Reform.

Ted Strickland is married to Frances Smith Strickland. I am proud to note that Frances is an educational psychologist and a respected author.

Mr. Speaker, I am proud to salute my colleagues from the State of Ohio. Doug Applegate, Eric Fingerhut, David Mann and Ted Strickland have done an exceptional job of representing the needs of their respective constituencies and our State in the Halls of Congress.

As we bring this legislative session to a close, we pause to thank Doug Applegate, Eric Fingerhut, Dave Mann and Ted Strickland for their dedication and strong commitment to public service. I admire each of them and I take pride in saluting them on this occasion.

Mr. REGULA. Mr. Speaker, one of the satisfactions of serving in this body has been the excellent cooperation that has characterized the Ohio delegation. I do not know of one instance wherein there has been a division on any issue important to Ohio.

There is always strong bipartisan support for projects and policies that benefit Ohio regardless of which district is directly benefitted.

Doug Applegate has been a very valuable member of the Buckeye team. Because of his leadership on the Public Works and Transportation Committee, he provided leverage that enabled each Member to achieve benefits for their constituents in individual districts and for Ohio.

Doug has been a good neighbor in the Ohio 18th District which is next to the 16th and has always been receptive to teamwork as we served our constituents.

Mary joins me in wishing Doug and Betty good health and a happy retirement.

□ 2020

NUCLEAR WEAPONS TESTING: A STATUS REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. Kopetski] is recognized for 60 minutes.

Mr. KOPETSKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. Sarpalius].

□ 2030

TRIBUTE TO THE HONORABLE JACK BROOKS

Mr. SARPALIUS. Mr. Speaker, I appreciate the gentleman yielding me a few minutes. I rise on this occasion to make a few kind remarks regarding the dean of the Texas delegation with whom I have served for the past 6 years. This individual was first elected to the Texas State Legislature in 1946 and then was reelected in 1948 without any opposition. He came to the U.S. Congress in 1952 and served here for 42 years.

Dean Brooks would have become the new dean of the U.S. House of Representatives, but unfortunately his constituents saw otherwise and did not recognize the wisdom and the contribution that he gave so brilliantly to his constituents and to this country and to the great State of Texas.

I rise tonight really in my last session serving the 6 years that I have served in the U.S. Congress. I guess one thing Dean Brooks and I will always have in common in Texas is we left this great institution at the same time.

But he is a true leader who has fought hard for the beliefs of his constituents, fought hard to keep the high standards in this House, fought hard as chairman of the Judiciary Committee for protecting children and battered women through the crime bill. He has made many, many contributions to this country.

I can think back. If there is ever an example of a person who truly gave of his time and his dedication to this country not only as a Member of Congress but also as an individual who served this country in World War II fighting overseas to defend and protect the principles of what this country represents, as chairman of the Judiciary Committee he was truly a leader, and he was truly a leader for this institution. He will be sorely missed. We will miss him with his cigar, we will miss him with his little twinkle in his eye, and the wit and encouragement and the dedication that he gave all of us.

So as I leave this body, I leave with many regrets and many honors that I have had in representing the people of the 13th District. But in all of my years I have served the people, in 14 years of public service, I can think of nobody that gave more for his constituents and for his country and for his State than Chairman Jack Brooks.

Mr. KOPETSKI. Mr. Speaker, I have the high honor of serving on the Judiciary Committee under Chairman Jack Brooks, and I know the gentleman from Texas, Mr. Sarpalius, knows that Jack Brooks was a mentor not just to the young members of the Texas delegation, but to all Members who had the foresight to go to such a veteran as Chairman Brooks and ask for advice. Sometimes he spoke in proverbs and sometimes he was very direct, but you always came away learning something, clearly appreciating his friendship, his humor, and his commitment to the people of his district, to this Nation, and especially to a very important document, the Constitution of the United States.

Mr. Speaker, I yield to a classmate of mine, the gentleman from Texas, Mr. Chet Edwards, for the purpose of honoring Chairman Jack Brooks.

Mr. EDWARDS of Texas. Mr. Speaker, I want to thank my colleague for the opportunity to just say a few brief words. Along with my other Texas colleagues who will be here in January, I hope at the appropriate time to add to the very appropriate statements made by my friend, Bill Sarpalius, about the dean of the delegation, Jack Brooks.

Tonight I just want to briefly say goodbye to a dear friend of mine, Congressman Bill Sarpalius. Bill and I had the opportunity to serve in the Texas Senate for some 8 years where he was a leader in the fight for the interests of rural Texas and the rural Panhandle, and above all he was a Texas Senator who cared very dearly about the children of Texas and made a difference in their lives.

As a Member of Congress for the last 6 years, Bill Sarpalius has been a tireless fighter for the people of the high plains of the State of Texas, and I know that they too will miss him and will not stop respecting and appreciating the many things that he did for his district. But above all, Bill Sarpalius to me represents a role model for children throughout this country that come from very difficult backgrounds, because Congressman Sarpalius was himself the product of a broken home and grew up on the Cal Farley Boys Ranch near Amarillo, TX where he did not have an even break and a fair shake as many of us did growing up. But rather than bemoaning his circumstances, he pulled himself up by his own bootstraps, looked to the future and made the best of his opportunities.

Never would anyone have guessed, I am sure, growing up with Bill Sarpalius at the Cal Farley Ranch, that sometime later that tall Texan would stand tall in the Texas Senate serving with a distinguished career there and then coming and having a great privilege of serving the people of his great district and the people of Texas and the people of the United States as a Member of the U.S. Congress. Farmers and ranchers throughout America will miss Bill Sarpalius, the people of Texas will miss Bill Sarpalius, the people of Amarillo and the Panhandle will miss Bill Sarpalius, the children of America for whom he has given so much of his career will miss Bill Sarpalius, and I as his friend will miss my friend, Bill Sarpalius.

But while he will be gone we will not forget his friendship and his commitment to the State of Texas and to the people of the United States.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to a great Texan and a great statesman, Congressman JACK BROOKS. As chairman of the Judiciary Committee, he lent his powerful leadership in such a way that his shoes will not soon be filed. It was in this capacity that he sponsored the historic Civil Rights Act of 1991, legislation which has perhaps done more to restore peace and honor to this nation than any other law.

As the dean of the Texas delegation, Chairman BROOKS inspired confidence in his fellow Members, and was consistent in bringing integrity to the U.S. Congress. Chairman BROOKS has been the epitome of statesmanship, having served his district, and his country, for more than 40 years.

Chairman BROOKS will be missed for his powerful wisdom, extraordinary insight into critical issues, and his profound leadership. Chairman BROOKS will also be missed for his keen wit and timely humor.

It is difficult, at best, to perceive the Congress without Chairman BROOKS. As a fellow Texan and the beneficiary of his superb leadership, I am grateful for the opportunity to have served with such a distinguished American.

NUCLEAR WEAPONS TESTING: A STATUS REPORT

Mr. KOPETSKI. Mr. Speaker, last year in the final days of the first session of the 103d Congress I delivered a special order on nuclear weapons testing and the international drive to end forever the testing, development and proliferation of nuclear weapons on the face of the Earth. Tonight, in my last speech before Congress and as a legislator, I want to revisit the issue and update America on the 1994 effort to achieve a comprehensive test ban treaty and other nonproliferation efforts.

The United States, due largely to congressional efforts, has not tested a nuclear bomb anywhere for more than 2 years. President Clinton extended the U.S. moratorium through September of 1995, and I commend him. Russia, France, and Britain also have refrained from nuclear weapons testing during this U.S. moratorium. Only China, in a rogue fashion, has tested brazenly nuclear weapons in the face of international pressure not to do so. This issue, though quieter than the raucous debates of past years, needs the attention of the Congress and the American people.

I am pleased to report the Congress continues to play an active role in arms control and proliferation issues. With regards to nuclear weapons testing, the House adopted my amendment to the defense authorization bill this past June. My amendment applauds the President for maintaining the U.S. nuclear testing moratorium and for taking a leadership role towards negotiation of a comprehensive test ban treaty. It encourages all nuclear powers to refrain from conducting nuclear explosions prior to conclusion of a comprehensive test ban treaty, and finally, it urges the conference on disarmament to make all possible progress toward a comprehensive test ban treaty by the end of this year.

Importantly, 263 House Members voted for this amendment, the largest vote total in support of nuclear moratorium ever recorded in the House.

Members of the House and Senate communicated with the executive branch on a number of key nuclear testing issues including the pace of the CTB negotiations, scope of the CTB Treaty, Chinese testing, North Korea, hydronuclear testing, the Nuclear Non-Proliferation Treaty, otherwise known as NPT, and the Nuclear Posture Review.

□ 2040

Within the Congress, Members also campaigned actively to reduce the funding for nuclear weapons testing activities. In the end, the budget for nuclear testing was reduced by $20 million for fiscal 1995.

With this as an introduction, let me now move into the Comprehensive Test Ban Treaty talks at the conference on disarmament. For the record, I include a fact sheet from the Arms Control and Disarmament Agency entitled Comprehensive Test Ban Treaty. This fact sheet is the administration's own progress report on the CTB negotiations, and I am making this report a part of the RECORD at this point.

COMPREHENSIVE TEST BAN TREATY

THE STATUS OF NEGOTIATIONS

Negotiations on a Comprehensive Nuclear Test Ban Treaty (CTBT) began in January 1994 at the Geneva Conference on Disarmament (CD), the world's only multilateral arms control forum with global representation. The CTBT negotiations are a top priority of the Conference.

The CD held three negotiating rounds during its 1994 session, before formally adjourning September 7. In addition, the Nuclear Test Ban Ad Hoc Committee agreed to hold intersessional negotiations from November 28 to December 16 with the possibility of additional time to be allocated before the 1995 CD session. Bilateral and multilateral consultations will also continue throughout the fall.

The third round concluded with the creation of a "rolling text" which contains both agreed treaty provisions and disputed text marked by brackets.

Much of the work to date has been accomplished in two working groups established last January. One addresses verification issues and the other addresses legal and institutional issues.

Although no final decisions have been made, it appears that international verification regime will include, at a minimum, a global network of seismic stations and radionuclide sensors and the right to conduct onsite inspections. The negotiators also are considering the use of other technologies to monitor compliance, including hydroacoustic and infrasound sensors.

The negotiators are considering "associated measures," such as information exchanges dealing with large chemical explosions, that could contribute to ensuring compliance with the treaty.

In sum, the basic building blocks for a treaty are in place. The "rolling text" will be the basis of a final treaty and thus will greatly advance negotiations during the intersessional period and the 1995 session.

U.S. NEGOTIATING OBJECTIVES

The United States is firmly committed to concluding the CTBT. Our objective is to conclude the negotiations at the earliest possible time. In particular, the United States seeks as much progress as possible by the time of the Nuclear Non-Proliferation Treaty (NPT) Extension Conference next spring.

The United States believes the treaty should be comprehensive. It should not be a threshold treaty. It should rule out all nuclear explosions anytime, anywhere, including so-called "peaceful nuclear explosions."

The CTBT should be a multilateral treaty open to signature by all nations. The goal is universal adherence.

The comprehensive ban on all nuclear explosions should apply to all treaty parties equally.

The CTBT should contain robust monitoring and verification measures to provide high confidence that states are complying with their treaty obligations.

CTBT AND INTERNATIONAL SECURITY

A CTBT will strengthen the global norm against the proliferation of nuclear weapons and constrain development of nuclear weapons capability in proliferant states.

A CTBT will enhance international security by constraining the qualitative development of nuclear weapons.

RELATIONSHIP BETWEEN A CTBT AND THE NPT

The United States does not accept linkage of the CTBT's completion to extension of the NPT. The NPT is important in its own right and should not be held hostage to negotiations on other issues.

However, the United States recognizes that progress on a CTBT will be important to our efforts to achieve indefinite and unconditional extension of the NPT at the 1995 Extension Conference.

U.S. MORATORIUM

The United States has not conducted a nuclear weapon test since September of 1992. In March, the President announced a further extension of our testing moratorium through September 1995.

The extension of the moratorium underlines the importance the United States places on achieving a test ban treaty.

We welcome the comparable restraint shown by Russia, Britain and France.

CONTINUED CHINESE TESTING

The United States deeply regrets the latest Chinese nuclear test on June 10, 1994.

We continue to urge China to refrain from further tests and to join the other nuclear powers in global moratorium as we work to complete the CTBT at the earliest possible time.

SAFETY AND RELIABILITY OF U.S. NUCLEAR WEAPONS

Finally, after a thorough review, the Administration determined that the nuclear weapons in the U.S. arsenal are safe and reliable. Additional nuclear tests conceivably could help the U.S. prepare for a CTBT and provide additional improvements in safety and reliability. However, the President determined that the cost to our nonproliferation objectives of resuming testing would outweigh any possible benefits.

The United States will continue a variety of programs to maintain confidence in the safety and reliability of its weapons.

Mr. Speaker, let me quote in part from the report:

In sum, the basic building blocks for a treaty are in place. The rolling text will be the basis of a final treaty and thus will greatly advance negotiations during the intersessional period and the 1995 session.

The United States is firmly committed to concluding the CTBT. Our objective is to conclude the negotiations at the earliest possible time. In particular, the United States seeks as much progress as possible by the time of the Nuclear Non-Proliferation Treaty [NPT] Extension Conference next spring.

The United States believes the treaty should be comprehensive. It should not be a threshold treaty. It should rule out all nuclear explosions anytime, anywhere, including so-called peaceful nuclear explosions.

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CTBT AND INTERNATIONAL SECURITY

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I applaud the administration's stated objective of achieving a comprehensive test ban treaty at the "earliest possible date." I applaud the work of the Arms Control and Disarmament Agency and the chief U.S. negotiator, Ambassador Steven Ledogar. I also want to praise the resolute leadership of Hazel O'Leary, the Secretary of Energy. The Department of Energy under Secretary O'Leary leadership has played a vital role in maintaining the U.S. nuclear weapons testing moratorium and contributed to other worthy non-proliferation objectives.

I have tremendous respect for our President, especially in this area. In less than 2 years, the Clinton administration has eclipsed the previous 12 years in progress towards a comprehensive test ban treaty.

At the same time, the administration must do more to bring a CTB to fruition. I believe firmly that President Clinton must become involved personally in this issue. In short order, President Clinton can provide the leadership and the necessary momentum to our international partners to bring the negotiations to a successful conclusion prior to the NPT Review Conference in May of 1995.

My greatest fear is the administration and our international partners at the Conference on Disarmament will fail to take advantage of today's opportunity. This is our window of opportunity to end forever nuclear weapons testing. I am troubled greatly that 1994's opportunities to conclude a CTBT have now passed. The obstacles to a comprehensive test ban treaty seem to grow as time erodes.

No one knows what will happen in Russia. Boris Yeltsin has been a strident opponent of renewed nuclear weapons testing. And the Russians have negotiated in good faith, in fact, the Russians deserve recognition for their advocacy for a CTBT.

The United States and the world community must recognize that a successful CTBT and an indefinite extension of the NPT supports the reform and democracy efforts led by President Boris Yeltsin. Delay only adds credence to the anti-reform militarists within Russia who seek to reverse Russia's historic change. Vladimir Zhironovsky is the most vivid reminder of the threat Russia may become once again if Russian reform fails. In his 1991 Presidential Campaign, Zhironovsky stated, "What price Paris? How about London? Washington? Los Angeles? How much are you willing to pay so I don't wipe them from the face of the earth with SS–18's. You doubt me? Want to take a chance? Let's get started." Ominous sounds.

The United States spend $4 trillion to wage and win the cold war. We must not jeopardize this investment by failing to support Russia's reform efforts.

In addition, the United States can ill-afford another arms race. The last one nearly bankrupted the United States; the next one surely will.

Importantly, on November 16, the Supreme Rada of Ukraine voted to accede to the Non-Proliferation Treaty. Ukrainian President Leonid Kuchma visited the United States last week to discuss the NPT and other nuclear weapons matters with President Clinton.

At the conference on disarmament, the United States continues to insist that all five nuclear powers agree to the text of a CTB before they move forward to the full conference. This is not leadership in my mind; rather, it is buckpassing.

It gives intransigent states like France and China a free hand to delay the negotiations. France and China have both taken the administration's que. The signs are obvious at the negotiations; a hesitancy by France and China to discuss a draft treaty, continued advocacy for allowable nuclear experimentation under a CTB regime, and insistence that a treaty before 1996 is impossible. France and China are the two States with ambitions to test nuclear bombs through 1996 and perhaps even beyond.

France continues to adhere to a moratorium imposed by President Mitterand in April 1992, much to their credit. President Mitterand has been a stalwart for peace and he continues to oppose French nuclear weapons testing, but his presidency is drawing to a close. The adherence hangs in the balance.

France will select a new President in the spring of 1995. Unfortunately, the French election is scheduled just prior to the NPT extension conference. The political uncertainty caused by the upcoming French election has clouded the prospects for a CTB, and the indefinite extension of the NPT.

The French negotiating position on the Conference on Disarmament can be traced to the volatility of the French domestic political situation. In spite of this, many analysts believe the French will sign a CTB by 1996 if put before them.

However, most analysts also believe the new French Government, if not given the constraints, will resume nuclear weapons testing. Estimates of the number of tests the French could conduct range from 3 to as many as 20.

In my estimation, France will be condemned widely in the international community if they do resume the testing of nuclear bombs. All of France's nuclear tests have been conducted in the South Pacific far from French soil. Perhaps the French Government and her people would feel differently about reckless nuclear experimentation if it were conducted on French soil. The nations of the South Pacific have all expressed their continued opposition to further French testing.

I urge the new French Government to follow in the footsteps of President Mitterand on this issue. The world will be much safer, for the French and President Mitterand's legacy will be complete for posterity.

The French need to understand that if they were to resume testing, they will set off a storm of protest throughout the world. Their credibility will plummet, but unfortunately, France may do so unless the CTB is agreed upon before May 1995.

As for China, China is the only nation unfortunately to continue testing. I believe the international community, however, has placed the Chinese tests in the proper perspective.

Fortunately, China's irresponsible behavior has not threatened the nuclear weapons moratorium that is still being observed by the other powers.

China has conducted 40 tests, far the fewest of any of the powers. However, China's last three tests have come while the nuclear weapons testing moratorium continues to be observed by the other four great powers.

While clearly not aiding the process at the Conference on Disarmament, China has made some positive pronouncements. For example, China has declared its nuclear weapons program is only for defensive purposes, and further that it wants to pursue negotiations on the total elimination of nuclear weapons. China also played a vital role in mediating the NPT controversy with North Korea.

I expect China to support proactively the agreement to halt North Korea's nuclear exploration.

It is a tumultuous time for China, no doubt, militarily, socially, politically, economically. Change is coming all over China, and this change will include new leadership following the death of the very elderly Deng Xioping. The internal struggle for Deng's successor is already under way. At this time, however, few leaders in China are able to counter the influence of the military. Few policymakers are willing to control the military into ending China's nuclear weapons testing program.

□ 2050

In my conversations with the Chinese, I have urged their government to join the United States in leading the international community away from reliance on nuclear weapons. I want to again urge the Chinese to stop immediately their nuclear weapons testing program. China will gain important international respect if they take this course of action. Again, the window of opportunity to obtain an agreement remains precariously open under the current Chinese regime. Will the window remain open after Deng's death, we should not wait to see.

In this time of political uncertainty in both France and China, I believe the administration must ensure that the Conference on Disarmament produces a CTBT for France and China to agree to at some point. The comprehensive test ban treaty is much too important to allow the French and Chinese to dictate the pace of negotiations or whether there will be an agreement. Realistically, the Clinton administration has at most 8 to 10 months to work with the international community to secure a comprehensive test ban treaty.

The administration refuses to set a deadline for conclusion of a comprehensive test ban treaty. This, in my view, is a flawed negotiating position. It is now time for President Clinton to set a date for conclusion of CTBT talks. A date for conclusion will spur the parties into action, just as occurred during negotiation of the Uruguay round of the GATT. Parties to the GATT successfully reached agreement by the U.S. deadline of December 15, 1993. I renew my call to the administration and our partners at the Conference on Disarmament to place talks on a comprehensive test ban treaty on a fast track with a date certain for conclusion of the negotiations. This request is not unusual and comes with a precedent. The precedent is the Partial Test Ban Treaty. After a series of failed discussions with the Soviet Union in 1962 and 1963, President Kennedy negotiated the Partial Test Ban Treaty with Moscow in 10 days. President Kennedy's success occurred in the shadow of the Cuban missile crisis and the U-2 incident—in the height of the cold war. Today's crises pale in comparison to the climate faced by Kennedy and Khrushchev.

The Non-Proliferation Treaty Extension Conference in May is the obvious deadline for the United States to support conclusion of CTBT negotiations. This deadline will likely secure two important arms control successes for the Clinton administration. First, the end of nuclear weapons testing for all ages. The CTBT will demonstrate the commitment of the nuclear weapons states to the NPT, particularly article VI, which obligates the nuclear powers to pursue denuclearization. The CTBT will pave the way for the second administration arms control success; the indefinite extension of the NPT.

On August 4, ACDA Director John Holum stated, "The United States seeks a CTB that will bring an end to all nuclear explosions. No thresholds. No exceptions." I support strongly this statement. Unfortunately, this statement does not appear to be supported by all elements of the administration. Specifically, the National Security Council, the Department of Defense and the Nuclear Weapons Laboratories have advocated for either the right to conduct small nuclear experiments or a clause in the CTBT allowing the United States to opt out of the treaty after a fixed period of time. These proposals face strident congressional opposition. The nuclear weapons labs have a history of subverting arms control treaties and agreements. After all, fewer nuclear weapons and reduced nuclear experimentation mean smaller budgets at America's bomb factories. The current efforts to delay or foil CTBT negotiations send the wrong message to our international partners and threaten both a CTBT and the indefinite extension of the NPT.

Of particular interest to me is the proposal to conduct small hydronuclear tests. Hydronuclear tests use a variety of techniques to slow down the normal course of the chain reaction in a nuclear weapon, thereby obtaining a small by still measurable nuclear yield of a few pounds or less of TNT equivalent.

Presumably, if we conduct such tests, other nations will assume they have the right to conduct them as well. I am not convinced that hydronuclear tests will ever be necessary to safely maintain our nuclear arsenal. I also believe other nations will see U.S. hydronuclear tests as inconsistent with the current nuclear weapons testing moratorium, and more seriously, with U.S. efforts to negotiate a comprehensive test ban treaty and extend the Non-Proliferation Treaty [NPT]. On balance, the security benefits of hydronuclear tests pale in comparison to their costs in terms of possible damage to U.S. nonproliferation efforts.

I believe adamantly that hydronuclear experiments are covered by section 507, the Hatfield-Exon-Mitchell amendment—of the Energy and Water Development Appropriations Act of 1992, Public Law 102-377. The provisions of the Hatfield-Exon-Mitchell amendment cover all underground tests of U.S. nuclear weapons, including hydronuclear tests. If the administration decides to violate Public Law 102-377, I am positive this matter will be taken immediately to Federal court as well as to the court of public opinion.

There are a number of important reasons why a comprehensive test ban treaty is in the interests of the United States. Perhaps the most important reason is the fact a CTBT will give the United States the legal authority to go after rogue states who pursue the development of nuclear weapons. The NPT and the North Korean situation demonstrate visibly the importance of a CTBT. The NPT gave the United States and the international community the legal authority to challenge North Korea. The CTBT will give the United States and the international community a legal right to combat nations states with nuclear aspirations. A CTBT, just like the NPT, will be an instrument of peace.

President Clinton committed the United States to a comprehensive test ban treaty "at the earliest possible time" following a fundamental assessment of the U.S. nuclear stockpile by the Department of Defense and the Department of Energy. The administration determined that the U.S. nuclear stockpile is safe, reliable, and fully able to provide strategic deterrence.

The threat of nuclear proliferation may be greater than ever. With the dissolution of the Soviet Union, the world has been saturated with stories of nuclear materials available on the black market. Additionally, without the cold war balancing act, nations are examining their own national security needs in the face of one super power, the United States. Many states now view nuclear weapons as necessary to deter the United States.

That is just a thought. Will it turn to reality? It depends on whether or not the world moves quickly and adopts a CTBT.

In my time in Congress, I have supported a number of free trade initiatives. I argue that a comprehensive test ban treaty is an economic stimulant as well. A successful CTBT will deter millions of dollars from nuclear exploration in both the short term and long term. This will give individual nations who may consider the expensive nuclear option at some point the economic freedom to invest infrastructure, education, and health care.

Mr. Speaker, the coming year will be one of monumental importance to arms control and the United States. 1995 will be the year of the 50th Anniversary. The United Nations, the instrument of international cooperation and cooperative action will celebrate its 50th year. In August, the United States will commemorate the 50th occasion of the Hiroshima and Nagasaki bombings, the world's only use of nuclear weapons.

Another significant anniversary on tap for 1995 is the 25th anniversary of the Nuclear Non-Proliferation Treaty's [NPT] entry into force. Importantly, the NPT is up for renewal beginning next April in New York. The United States and other nuclear powers argue for indefinite extension of the NPT. Within the nonnuclear states a variety of opinions exist. However, it is safe to say many nonnuclear states oppose longterm or indefinite extension of the NPT.

The primary reason is the question whether the United States and other nuclear powers are living up to article VI of the NPT, which requires a good-faith effort at the cessation of the nuclear arms race at the earliest possible date.

The CTBT depends on whether we are meeting that legal obligation. There are a number of other reasons for certain states to object to an indefinite extension of the NPT. Some states argue that the NPT further legitimizes the position of nuclear weapons by the nuclear powers and that indefinite extension of the NPT will foster complacency among the nuclear powers and reduce the likelihood for large-scale reductions in nuclear stockpiles.

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Other States remain concerned about the so-called de facto nuclear weapon states and threshold states, states viewed as likely to have nuclear weapons or sufficient technology to manufacture nuclear weapons. They argue that we must bring de facto and threshold states into the NPT regime prior to an indefinite extension of the treaty.

Mr. Speaker, few American policy makers debate the notion that the NPT and the CTBT are important tools for the United States to fight global proliferation of nuclear weapons. In a recent speech at the Conference on Disarmament, Arms Control and Disarmament Agency Director John Holum summarized, in my mind, why thousands of Americans lobby the Federal Government so passionately about arms control. Director John Holum stated, and I quote:

> From the very first atomic blast at Alamagordo, mankind has been struggling to recapture the ferocious beast unleashed there. Since then, thousands of women and men of good will and intellect have pursued—passionately, painstakingly—the compelling mission of our age. Working together, let us rededicate ourselves to that mission: to shepherd this beast back into its cage—to bring what was unleashed in a blinding blast of heat in the New Mexico desert to a fitting end in the cool atmosphere of reason in Geneva—to ensure that the first half-century of nuclear explosions is the last.

Arms control negotiations are never easy. However, as I conclude tonight, the United States is at a crucial crossroads. The proverbial ball is squarely in President Bill Clinton's court. The administration has pursued admirably, if not with total conviction, the President's stated nonproliferation objectives. 1995 will be remembered as the year of President Bill Clinton's historic arms control successes or of failed and lost opportunities to ease the threat of nuclear weapons and nuclear proliferation and experimentation. Mr. President, the choice is yours.

Arms control, a CTBT, and NPT extension, all can occur. I am convinced the American people want these. I know that world citizens want this. I know most leaders in the world want it. President Clinton, I know personally, wants it. The question for all of us is: How much do we want it? How much will we grab for it, secure it, such that we will make this a high agenda priority for all of us, for all of us so that we can live in a safe world, insure a safe world for our children and their children?

Mr. Speaker, this is my last speech before this great body. I leave with many fond memories, many friendships. I know there are many Members in this body who will continue this fight. I urge them to take up this matter. I urge my friend, the President, to make some phone calls tomorrow to President Mitterrand, to Boris Yeltsin, and say, "Let's resolve this issue before Christmas."

THE 103D CONGRESS' ACHIEVEMENTS FOR FUTURE GENERATIONS

The SPEAKER pro tempore (Mr. BROWDER). Under a previous order of the House, the gentleman from Wisconsin [Mr. BARCA] is recognized for 15 minutes.

Mr. BARCA of Wisconsin. Very briefly, Mr. Speaker, first of all I would like to applaud the gentleman from Oregon [Mr. KOPETSKI] for his fine remarks and for his many efforts on behalf of those causes such as arms control and many others that he believes in. This will be my last speech in the House as a Member of the 103d Congress, and I just wanted very briefly to pause to say how pleased and proud I have been to have been a Member of this 103d Congress. I think it has been a year or year and a half of just remarkable accomplishments.

I think most importantly from my standpoint, Mr. Speaker, tonight I just want to briefly reflect on what we have done. I believe in keeping faith and serving future generations of Americans. I think, like most Americans, I care very deeply about our children and our grandchildren who, I hope, will come someday, and I would like to just reflect on some things that we enacted this session that I believe will make a difference for future generations.

Mr. Speaker, most importantly probably is beginning to reduce our Federal budget deficit by over a third by the end of this fiscal year that we are currently in. To me that is very critical because as we look at our children and the obligation we have to them, not only do we owe it to them to leave them an Earth that we can be proud of, but also to leave them a fiscal situation that will not overly encumber them.

Second, Mr. Speaker, we had significant gains in the area of education from fully funding the Head Start Program for the first time in history to restructuring the student loan program and enacting a National Service Act that I believe will be long remembered as a remarkable achievement to provide new opportunities for young people.

Third, Mr. Speaker, is the issue of job development efforts in areas of improvements in research and development to many of the targeted tax credits that we enacted that I believe will open up job opportunities for young people today. Then finally, Mr. Speaker, the issue of the Comprehensive Crime Control Act which hopefully will make our streets safer for our children.

So all and all, Mr. Speaker, I believe that while there were many achievements in this Congress, and particularly, I think, for our children and for our grandchildren, hopefully we have left them with the start of some important improvements that will make their life a little bit easier in years to come, and I would just hope that the 104th Congress will begin to build upon this success.

So, I want to end by just saying that I greatly thank my constituents of the First Congressional District of Wisconsin for the tremendous opportunity they have provided me to serve, to my staff for their very hard work on behalf of the constituents of our district, time and time again with many constituents who had had difficulties. They were on the front line to answer those calls. And then finally to my family, to my wife, Kathy, and my daughter and my son, for their tolerance and allowing me to serve the long hours that are necessary to provide good representation for the people of Wisconsin.

So, I say, thank you, Mr. Speaker, for your tolerance, and I thank the people of Wisconsin.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, as we wind down in the 103d Congress, I want to pay tribute to my good friend and colleague, the gentleman from Wisconsin [Mr. BARCA] with whom I have had the pleasure of serving in the State legislature for 8 years and now in Congress for the last year and a half. PETER and I both entered the State legislature in Wisconsin in 1984, and from the first day he entered the legislature I could see that he was a leader, a person who cared about working people, a person who cared about working families, and a person who cared about the future of this country. In the State legislature he championed such causes as raising the minimum wage, working with training and retraining programs for workers who had been displaced, worked actively to help save and create new jobs for many people in his own home town of Kenosha, and continued that fine work when he was elected to Congress last year. Here he was very active in many of the retraining issues as well, was a champion in providing criminal penalties for truckers who were hurt in violent acts, and was really a leader in looking for spending cuts in this Congress, and he did so for the reasons he stated, because he is someone who cares about his children, who cares about his grandchildren, and he knows that if we do not get our spending house in order, Mr. Speaker, that it is going to lower the standard of living for the generations to come.

So, I stand here tonight and pay tribute to my good friend, the gentleman from Wisconsin [Mr. BARCA].

The people of the State of Wisconsin have had an excellent public servant for the last 10 years. He has represented the Kenosha area well, and he has represented the First Congressional District very well, and I pay tribute to him and wish him success in his future.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. HOUGHTON, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. MICHEL, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. YOUNG of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. CARDIN) to revise and extend their remarks and include extraneous material:)

Mr. CARDIN, for 5 minutes, today.

Mrs. KENNELLY, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. ROWLAND, for 5 minutes, today.

Mr. LANCASTER, for 5 minutes, today.

Mr. DEAL, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. BISHOP, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. KANJORSKI, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. MCCLOSKEY, for 5 minutes, today.

Mr. MURTHA, for 5 minutes, today.

Mr. GEPHARDT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend their remarks and include extraneous material:)

Mr. FROST, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAFICANT, and to include therein extraneous material, notwithstanding the fact that it includes two pages of the RECORD and is estimated by the Public Printer to cost $1,627.

SENATE BILLS REFERRED

Bills, joint resolutions, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 560. An act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Government Operations.

S. 991. An act to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes; to the Committees on Education and Labor, Public Works and Transportation, Natural Resources, Energy and Commerce, and Science, Space, and Technology.

S. 1203. An act to establish a Center for Rare Disease Research in the National Institutes of Health, and for other purposes; to the Committee on Energy and Commerce.

S. 1422. An act to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe; to the Committee on the Judiciary.

S. 1493. An act to support the transition to nonracial democracy in South Africa, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Ways and Means, Post Office and Civil Service, and Government Operations.

S. 1685. An act to amend the Federal Deposit Insurance Act to permit the continued insurance of deposits in minority- and women-owned banks by the Bank Deposit Financial Assistance Program, to the Committee on Banking, Finance and Urban Affairs.

S. 1774. An act to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes, to the Committee on Education and Labor.

S. 1881. An act to establish and implement a technology investment policy for aeronautical and space activities of the National Aeronautics and Space Administration, and for other purposes, to the Committee on Science, Space, and Technology.

S. 2036. An act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes, to the Committee on Natural Resources.

S. 2042. An act to remove the United States arms embargo of the Government of Bosnia and Herzegovina, to the Committee on Foreign Affairs.

S. 2075. An act to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the Act, to the Committee on Natural Resources.

S. 2145. An act to authorize the Secretary of Agriculture to determine which programs of the Department of Agriculture are eligible for State mediation and to certify States to administer mediation for the programs, and for other purposes, to the Committee on Agriculture.

S. 2272. An act to amend chapter 28 of title 35, United States Code, to provide a defense to patent infringement based on prior use by certain persons, and for other purposes, to the Committee on the Judiciary.

S. 2352. An act to amend the Public Health Service Act to reauthorize certain programs relating to the Substance Abuse and Mental Health Services Administration, and for other purposes, to the Committee on Energy and Commerce.

S. 2433. An act to amend title VIII of the Public Health Service Act to consolidate and reauthorize nursing education programs under such title, and for other purposes, to the Committee on Energy and Commerce.

S. 2478. An act to amend the Small Business Act to enhance the business development opportunities of small business concerns owned and controlled by socially and economically disadvantaged individuals, and for other purposes, to the Committee on Small Business.

S. 2550. An act to provide for the sale of certain lands of the University of Arkansas, to the Committee on Agriculture.

S. 2551. An act to prohibit the duplication of benefits, to the Committee on Agriculture.

S. 2559. An act relating to implementation of Oil Pollution Act with respect to animal fats and vegetable oils, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

S. 2560. And act to allow the collection and payment of funds following the completion of cooperative work involving the protection, management, and improvement of the National Forest System, and for other purposes, to the Committees on Agriculture and Natural Resources.

S.J. Res. 20. Joint resolution to designate February 7, 1993, through February 13, 1993, and February 6, 1994, through February 12, 1994, as "National Burn Awareness Week", to the Committee on Post Office and Civil Service.

S.J. Res. 180. Joint resolution to provide for the appointment of an executive secretary for the United States Capitol Preservation Commission, and for other purposes, to the Committee on Natural Resources.

S.J. Res. 181. Joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week", to the Committees on Post Office and Civil Service and Education and Labor.

S.J. Res. 186. Joint resolution to designate the week of February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 205. Joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland; to the Committee on the Judiciary.

S.J. Res. 208. Joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week; to the Committee on Post and Civil Service.

S.J. Res. 218. Joint resolution designating January 16, 1995, as "Religious Freedom Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 219. Joint resolution to commend United States rice producers and millers, and for other purposes; to the Committee on Agriculture.

S.J. Res. 222. Joint resolution to designate October 19, 1994, as "Mercy Otis Warren Day", and for other purposes; to the Committee on Post Office and Civil Service.

S.J. Res. 225. Joint resolution to designate February 5, 1995, through February 11, 1995, and February 4, 1996, through February 10, 1996, as "National Burn Awareness Week"; to the Committee on Post Office and Civil Service.

S. Con. Res. 21. Concurrent resolution expressing the sense of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case; to the Committee on the Judiciary.

S. Con. Res. 60. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

On October 11, 1994:

H.R. 5060. An act to provide for the continuation of certain fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker pro tempore: (Mr. HOYER.)

On October 12, 1994:

H.R. 4217. An act to reform the Federal crop insurance program, and for other purposes.

H.R. 4361. An act to amend chapter 63 of title 5, United States Code, to provide that an employee on the Federal Government may use sick leave to attend to the medical needs of a family member, and for other purposes.

H.R. 5053. An act to authorize the Secretary of Agriculture to extend for one year Water Bank Act agreements that are due to expire on December 31, 1994.

H.R. 5155. An act to authorize the transfer of naval vessels to certain foreign countries.

On October 17, 1994:

H.R. 6. An act to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

H.R. 512. An act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill; to provide for continuation of health benefits coverage for certain individuals enrolled in health benefits plans administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision; and for other purposes.

H.R. 783. An act to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization.

H.R. 808. An act for the relief of James B. Stanley.

H.R. 2056. An act to redesignate the Post Office building located at 600 Princess Anne Street in Fredericksburg, Virginia, as the "Samuel E. Perry Post Office Building".

H.R. 2135. An act to provide for a National Native American Veterans' Memorial.

H.R. 2266. An act for the relief of Orlando Wayne Naraysingh.

H.R. 2294. An act to redesignate the Post Office building located at 1000 Lamar Street in Wichita Falls, Texas, as the "Graham B. Purcell, Jr. Post Office Building".

H.R. 2411. An act for the relief of Leteane Clement Monatsi.

H.R. 2440. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

H.R. 2970. An act to reauthorize the Office of Special Counsel, and for other purposes.

H.R. 4192. An act to designate the United States Post Office building located at 3000 Veterans Drive in Saint Thomas, Virgin Islands, as the "Arturo R. Watlington, Sr. Post Office".

H.R. 4535. An act to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes.

H.R. 4833. An act to reform the management of Indian Trust Funds, and for other purposes.

H.R. 4842. An act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act and to provide for tribal Self-Governance, and for other purposes.

H.R. 4896. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.R. 4922. An act to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications of law enforcement purposes, and for other purposes.

H.R. 4924. An act to assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat.

H.R. 5116. An act to amend title 11 of the United States Code.

H.J. Res. 425. Joint resolution providing for the convening of the First Session of the One Hundred Fourth Congress.

On October 20, 1994:

H.R. 1348. An act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes.

H.R. 3050. An act to expand the boundaries of the Red Rock Canyon National Conservation Area.

H.R. 3059. An act to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

H.R. 3313. An act to amend title 38, United States Code, to extend certain expiring veterans' health care programs, and for other programs.

H.R. 3499. An act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act.

H.R. 3678. An act to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources.

H.R. 3984. An act to designate the building located at 216 Coleman Avenue in Waveland, Mississippi, for the period of time during which it houses operations of the United States Postal Service, as the "John Longo, Jr. Post Office"

H.R. 4180. An act to provide for the annual publication of a list of federally recognized Indian tribes, and for other purposes.

H.R. 4193. An act to designate the building located at 100 Vester Gade, in Cruz Bay, Saint Thomas, Virgin Islands, for the period of time which it houses operations of the United States Postal Service, as the "Ubaldina Simmons Post Office".

H.R. 4196. An act to insure that timber-dependent communities adversely affected by the Forest Plan for a Sustainable Economy and a Sustainable Environment qualify for loans and grants from the Rural Development Administration.

H.R. 4452. An act to designate the United States Post Office Building located at 115 North Chester in Ruleville, Mississippi, as the "Fannie Lou Hammer Post Office".

H.R. 4455. An act to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes.

H.R. 4497. An act to award a congressional gold medal to Rabbi Menachem Mendel Scheneerson.

H.R. 4551. An act to designate the United States Post Office building located at 301 West Lexington Street in Independence, Missouri, as the "William J. Randall Post Office".

H.R. 4571. An act to designate the United States Post Office building located at 103–104, Estate Richmond in Saint Croix, Virgin Islands, as the "Wilbert Armstrong Post Office".

H.R. 4595. An act to designate the building located at 4021 Laclede in St. Louis, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "Marian Oldham Post Office".

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

H.R. 4709. An act to make certain technical corrections, and for other purposes.

H.R. 4757. An act to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes.

H.R. 4777. An act to make technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees.

H.R. 4778. An act to codify without substantive change recent laws related to transportation and to improve the United States Code.

H.R. 4781. An act to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes.

H.R. 4814. An act to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact.

H.R. 4867. An act to authorize appropriations for high-speed rail transportation, and for other purposes.

H.R. 4967. An act to designate the United States courthouse located at 231 West Lafayette Street in Detroit, Michigan, as the "Theodore Levin United States Courthouse" and to designate the postal facility located at 1401 West Fort Street in Detroit, Michigan, as the "George W. Young Post Office".

H.R. 5034. An act to make certain technical amendments relating to the State Department Basic Authorities Act of 1956, the United States Information and Educational Exchange Act of 1948, and other provisions of law.

H.R. 5084. An act to amend title 13, United States Code, to improve the accuracy of census address lists, and for other purposes.

H.R. 5102. An act to amend title 18, United States Code, with respect to certain crimes relating to Congressional medals of honor.

H.R. 5161. An act to amend the Omnibus Budget Reconciliation Act of 1993 to permit the prompt sharing of timber sale receipts of the Forest Service and the Bureau of Land Management.

H.R. 5176. An act to amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation.

H.R. 5200. An act to resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States.

H.R. 5220. An act to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, Arizona, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal years 1994 and 1995.

H.R. 5244. An act to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.

H.R. 5246. An act to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

H.R. 5252. An act to amend the Social Security Act and related Acts to make miscellaneous and technical amendments, and for other purposes.

H.J. Res. 271. Joint resolution designating the month of November in each of calendar years 1993 and 1994 as "National American Indian Heritage Month."

H.J. Res. 326. Joint resolution designating January 16, 1995, as "National Good Teen Day."

On October 26, 1994:

H.J. Res. 390. Joint resolution designating September 17, 1994, as "Constitution Day."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

On October 11, 1994:

S. 922. An act to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

S. 1225. An act to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

S. 2060. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 2475. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa.

S. 2500. An act to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER (Mr. HOYER) announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

On October 12, 1994:

S. 340. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 2395. An act to designate the United States Courthouse in Detroit, Michigan, as the "Theodore Levin Courthouse", and for other purposes.

S. 2407. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2466. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

S. 2534. An act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws.

S.J. Res. 90. Joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

S.J. Res. 220. Joint resolution to designate October 19, 1994, as "National Mammography Day."

S.J. Res. 229. Joint resolution regarding United States policy toward Haiti.

On October 17, 1994:

S. 528. An act to provide for the transfer of certain United States Forest Service lands located in Lincoln County in the State of Montana.

S. 720. An act to clean up open dumps on Indian lands, and for other purposes.

S. 784. An act to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1312. An act to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries.

S. 1457. An act to amend the Aleutian and Pribilof Islands Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II.

S. 1927. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to revise and improve veterans' benefits programs, and for other purposes.

S. 2073. An act to designate the Warren B. Rudman United States Courthouse, the Jamie L. Whitten Federal Building, and the William H. Natcher Federal Building and United States Courthouse.

S. 2372. An act to amend the United States Commission on Civil Rights Act of 1983.

S.J. Res. 227. Joint resolution approving the location of a Thomas Paine Memorial and a World War II Memorial in the Nation's Capital.

S. 21. An act to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

S. 1146. An act to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes.

S. 1614. An act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 6, 1994:

H.R. 734. An act to amend the Act entitled "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes.".

H.J. Res. 398. An act to establish the fourth Sunday of July as "Parents Day".

H.J. Res. 389. An act to designate the second Sunday in October of 1994 as "National Children's Day".

H.J. Res. 415. An act designating the week beginning October 16, 1994, as "National Penny Charity Week".

H.R. 810: An act for the relief of Elizabeth M. Hill.

On October 10, 1994:

H.R. 5060. An act to provide for the continuation of certain fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995.

On October 12, 1994:

H.J. Res. 401. An act designating the months of March 1995 and March 1996 as "Irish-American Heritage Month".

H.J. Res. 417. An act providing for the temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Company and certain of its employees.

H.R. 1520. An act to amend the Petroleum Marketing Practices Act.

H.R. 3485. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for the fiscal years 1995 and 1996.

H.R. 2826. An act to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

H.R. 2902. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to reauthorize the annual Federal payment to the District of Columbia for the fiscal year 1996, and for other purposes.

H.R. 4278. An act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

H.R. 4308. An act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes.

H.R. 4379. An act to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes.

H.R. 4653. An act to settle Indian land claims within the State of Connecticut, and for other purposes.

H.R. 4950. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

H.R. 4217. An act to reform the Federal crop insurance program, and for other purposes.

On October 13, 1994:

H.R. 5116. An act to amend title 11 of the United States Code.

On October 14, 1994:

H.R. 4361. An act to amend chapter 63 of title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, and for other purposes.

H.R. 5053. An act to authorize the Secretary of Agriculture to extend for one year Water Bank Act agreements that are due to expire on December 31, 1994.

H.R. 5155. An act to authorize the transfer of naval vessels to certain foreign countries.

On October 18, 1994:

H.J. Res. 425. Joint resolution providing for the convening of the First Session of the One Hundred Fourth Congress.

H.R. 512. An act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill; to provide for continuation of health benefits coverage for certain individuals enrolled in health benefits plans administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision; and for other purposes.

H.R. 783. An act to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization.

H.R. 808. An act for the relief of James B. Stanley.

H.R. 6. An act to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for other purposes.

H.R. 2056. An act to redesignate the Post Office building located at 600 Princess Anne Street in Fredericksburg, Virginia, as the "Samuel E. Perry Post Office Building".

H.R. 2135. An act to provide for a National Native American Veterans' Memorial.

H.R. 2266. An act for the relief of Orlando Wayne Naraysingh.

H.R. 2294. An act to redesignate the Post Office building located at 1000 Lamar Street in Wichita Falls, Texas, as the "Graham B. Purcell, Jr. Post Office Building".

H.R. 2411. An act for the relief of Leteane Clement Monatsi.

H.R. 2440. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

H.R. 2970. An act to reauthorize the Office of Special Counsel, and for other purposes.

H.R. 4896. An act to grant the consent of the Congress to the Kansas-and Missouri Metropolitan Culture District Compact.

H.R. 4192. An act to designate the United States Post Office building located at 3000 Veterans Drive in Saint Thomas, Virgin Islands, as the "Arturo R. Watlington, Sr. Post Office".

H.R. 4833. An act to reform the management of Indian Trust Funds, and for other purposes.

H.R. 4535. An act to amend the Security Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes.

H.R. 4924. An act to assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat.

H.R. 4842. An act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Educational Assistance Act and to provide for tribal Self-Governance, and for other purposes.

H.R. 4922. An act to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

H.R. 5116. An act to amend title 11 of the United States Code.

H.R. 5034. An act to make certain technical amendments relating to the State Department Basic Authorities Act of 1956, the United States Information and Educational Exchange Act of 1948, and other provisions of law.

H.R. 4778. An act to codify without substantive change recent laws related to transportation and to improve the United States Code.

H.R. 5084. An act to amend title 13, United States Code, to improve the accuracy of census address lists, and for other purposes.

H.R. 4867. An act to authorize appropriations for high-speed rail transportation, and for other purposes.

H.R. 5176. An act to amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation.

H.R. 5252. An act to amend the Social Security Act and related Acts to make miscellaneous and technical amendments, and for other purposes.

H.R. 5244. An act to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.

H.R. 3678. An act to authorize the Secretary of the Interior to negotiate agreements for the use of Outer-Continental Shelf sand, gravel, and shell resources.

H.R. 4455. An act to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes.

H.R. 4196. An act to ensure that timber-dependent communities adversely affected by the Forest Plan for a Sustainable Economy and a Sustainable Environment qualify for loans and grants from the Rural Development Administration.

H.R. 3499. An act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act.

H.R. 5246. An act to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

H.R. 3313. An act to amend title 38, United States Code, to extend certain expiring veterans' health care programs, and for other purposes.

On October 24, 1994:

H.R. 3050. An act to expand the boundaries of the Red Rock Canyon National Conservation Area.

H.R. 3059. An act to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

H.R. 4709. An act to make certain technical corrections and for other purposes.

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Resources System, and to authorize appropriations to carry put the Coastal Barrier Resources Act.

H.R. 4777. An act to make technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees.

H.R. 4814. An act to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-level Radioactive Waste Compact.

H.R. 4180. An act to provide for the annual publication of a list of federally recognized Indian tribes, and for other purposes.

H.R. 4781. An act to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes.

H.R. 5102. An act to amend title 18, United States Code, with respect to crimes relating to Congressional medals of honor.

H.R. 5161. An act to amend the Omnibus Budget Reconciliation Act of 1993 to permit the prompt sharing of timber sale receipts of the Forest Service and the Bureau of Land Management.

H.R. 5220. An act to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, Arizona, under section 3 of the Act of September 30, 1990 (Public Law 874, 81st Congress) for fiscal years 1994 and 1995.

H.R. 4757. An act to provide for the settlement of claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes.

On October 25, 1994:

H.J. Res. 271. Joint resolution designating the month of November in each of calendar years 1993 and 1994 as "National American Indian Heritage Month".

H.J. Res. 326. Joint resolution designating January 16, 1995, as "National Good Teen Day".

H.R. 1348. An act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes.

H.R. 4497. An act to award a congressional gold medal to Rabbi Menachem Mendel Schneerson.

H.R. 3984. An act to designate the building located at 216 Coleman Avenue in Waveland, Mississippi, for the period of time during which it houses operations of the United States Postal Service, as the "John Longo, Jr. Post Office".

H.R. 4193. An act to designate the building located at 100 Vester Gade, in Cruz Bay, Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the "Ubaldina Simmons Post Office".

H.R. 4551. An act to designate the United States Post Office building located at 3012 West Lexington Street in Independence, Missouri, as the "William J. Randall Post Office".

H.R. 4571. An act to designate the United States Post Office building located at 103-104 Estate Richmond in Saint Croix, Virgin Islands, as the "Wilbert Armstrong Post Office".

H.R. 4595. An act to designate the building located at 4021 Laclede in St. Louis, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "Marian Oldham Post Office".

H.R. 4967. An act to designate the United States courthouse located at 231 West Lafayette Street in Detroit, Michigan, as the "Theodore Levin United States Courthouse" and to designate the postal facility located at 1401 West Fort Street in Detroit, Michigan, as the "George W. Young Post Office".

H.R. 4452. An act to designate the United States Post Office building located at 115 North Chester in Ruleville, Mississippi, as the "Fannie Lou Hamer Post Office".

H.R. 5200. An act to resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States.

On November 1, 1994:

H.J. 390. Joint resolution designating September 17, 1994, as "Constitution Day".

□ 2110

SINE DIE ADJOURNMENT

Mr. KOPETSKI. The Honorable THOMAS STEVEN FOLEY, Speaker of the United States House of Representatives, as a fellow son of the Great Pacific Northwest and as a proud American, I commend him for his service to our country, and pursuant to House Concurrent Resolution 315 and House Resolution 587, I move that the House do now adjourn.

The SPEAKER. In accordance with the provisions of House Concurrent Resolution 315 and House Resolution 587, the Chair declares the second session of the 103d Congress adjourned sine die.

Thereupon (at 9 o'clock and 10 minutes p.m.), pursuant to House Concurrent Resolution 315, the House adjourned sine die.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3945. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting its annual report, pursuant to 12 U.S.C. 2277a-13; to the Committee on Agriculture.

3946. A communication from the President of the United States, transmitting a report of seven deferrals of budget authority, totaling $3.5 billion, pursuant to 2 U.S.C. 684(a) (H. Doc. No. 103-329); to the Committee on Appropriations and ordered to be printed.

3947. A communication from the President of the United States, transmitting his request to make available appropriations totaling $1,000,000,000 in budget authority for the Commodity Credit Corporation [CCC] in the Department of Agriculture, and to designate these amounts as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-332); to the Committee on Appropriations and ordered to be printed.

3948. A communication from the President of the United States, transmitting his request for fiscal year 1995 supplemental appropriations for the Departments of the Treasury and Defense, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-333); to the Committee on Appropriations and ordered to be printed.

3949. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting his Determination and Memorandum of Justification regarding the restoration of democracy in Haiti; to the Committee on Appropriations.

3950. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95-2: Determination Pursuant to section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103-306); to the Committee on Appropriations.

3951. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the allocation of funds for foreign military financing, international military education and training, peacekeeping operations, and the economic support fund, pursuant to Public Law 103-306; to the Committee on Appropriations.

3952. A letter from the Director, Office of Management and Budget, transmitting a report providing the allocation by agency and account of procurement-related budgetary resources that will be permanently canceled on November 30, 1994, as a part of the effort to reinvent Federal procurement, pursuant to Public Law 103-329, section 644(a); to the Committee on Appropriations

3953. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of November 1, 1994, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103-334); to the Committee on Appropriations and ordered to be printed.

3954. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3955. A letter from the Under Secretary of Defense, transmitting selected acquisition reports [SARS] for the quarter ending September 30, 1994, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

3956. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notification that it is in the public interest to use procedures other than full and open competition to award a contract to McDonnell Douglas Corp. for the lease of the Clear Lake Development Facility in Houston, TX, and the construction of the Neutral Buoyancy Laboratory, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Forces.

3957. A letter from the Under Secretary of Defense, transmitting the Department's study on the differences between U.S. and foreign space launch vehicles, pursuant to section 213(e) of the National Defense Authorization Act for fiscal year 1994; to the Committee on Armed Services.

3958. A letter from the Under Secretary of Defense for Acquisition and Technology, transmitting a report describing the plan for obligating the funds authorized for intertheater airlift programs, pursuant to Public Law 103-337, section 131; to the Committee on Armed Services.

3959. A letter from the Secretary of Housing and Urban Development, transmitting the report on elderly families, families with children, and disabled families served by Federal housing programs, pursuant to Public Law 102-550, section 661 (106 Stat. 3825); to the Committee on Banking, Finance and Urban Affairs.

3960. A letter from the Acting Chief Executive Officer, Resolution Trust Corporation, Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report on the activities and efforts of the RTC, the FDIC, and the Thrift Depositor Protection Oversight Board for the 6-month period ending September 30, 1994, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking, Finance and Urban Affairs.

3961. A letter from the President, Export-Import Bank of the United States, transmitting notification of Board of Directors approval of four guarantees to support the sale of aircraft by the Boeing Co., pursuant to 12 U.S.C. 635(b)(1)(A); to the Committee on Banking, Finance and Urban Affairs.

3962. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the semiannual report on the activities and efforts related to use of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking, Finance and Urban Affairs.

3963. A letter from the Acting Chief Executive Officer, Resolution Trust Corporation, transmitting the Corporation's semiannual comprehensive litigation report, pursuant to Public Law 103-204, section 3(a) (107 Stat. 2374); to the Committee on Banking, Finance and Urban Affairs.

3964. A letter from the Deputy and Acting CEO, Resolution Trust Corporation, transmitting the Corporation's 1994 semiannual progress report (covering the period January 1 to June 30, 1994) on professional conduct investigations pursuant to the provisions of section 2540 of the Crime Control Act of 1990, pursuant to Public Law 101-647, section 2540 (104 Stat. 4885); to the Committee on Banking, Finance and Urban Affairs.

3965. A letter from the Deputy and Acting CEO, Resolution Trust Corporation, transmitting the semiannual report on the Affordable Housing Disposition Program which covers the reporting period defined as January 1, 1994, through June 30, 1994, pursuant to Public Law 102-233, section 616 (105 Stat. 1787); to the Committee on Banking, Finance and Urban Affairs.

3966. A letter from the Executive Director, Thrift Depositor Protection Oversight Board; transmitting the Board's report pursuant to section 21A(k)(9) of the Federal Home Loan Bank Act, as added by section 102(a)(3) of the Resolution Trust Corporation Funding Act of 1991; to the Committee on Banking, Finance and Urban Affairs.

3967. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-332, "Youth Initiatives Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3968. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-338, "Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3969. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-337, "Closing of a Public Alley in Square 2837, S.O. 92-195, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3970. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-333, "District of Columbia Board of Education Sale, Renovation, Lease-back, and Repurchase of Franklin School Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3971. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-331, "Child Support Enforcement Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3972. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-336, "Early Intervention Services Sliding Fee Scale Establishment Temporary Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3973. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-334, "Dedication and Designation of Woodcrest Drive, S.E., S.O. 92-124, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3974. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-335, "Day Care Policy Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3975. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Program Review of the Economic Development Finance Corporation For Fiscal Years 1989 Through 1993," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

3976. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "D.C. Auditor Testimony on the Government Managers Accountability Act of 1994—Bill 10-705," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

3977. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of the Alcohol and Drug Abuse Services Administration's Spending and Contractural Administrative Practices," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

3978. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of the D.C. Act 10-448, "Transfer of Jurisdiction over a Portion of Square 1183, S.O. 93-81," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3979. A letter from the Secretary of Education, transmitting final priorities—Early Educational Program for Children with Disabilities; technology, educational media, and materials for Individuals with Disabilities Program; and Program for Children and Youth with Serious Emotional Disturbance, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3980. A letter from the Secretary of Education, transmitting final regulations—training of interpreters for individuals who are deaf and individuals who are deaf-blind, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3981. A letter from the Secretary of Education, transmitting final regulations—Federally Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)91); to the Committee on Education and Labor.

3982. A letter from the Secretary of Education, transmitting final regulations—student assistance general provisions—verification, pursuant to 20 U.S.C. 1232(d)91); to the Committee on Education and Labor.

3983. A letter from the Secretary of Education, transmitting final regulations—student assistance general provisions, pursuant to 20 U.S.C. 1232(d)91); to the Committee on Education and Labor.

3984. A letter from the Secretary of Education, transmitting a copy of final priorities—Educational Media Research, Production, Distribution, and Training Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3985. A letter from the Secretary of Education, transmitting a copy of final priorities—empowerment zones or enterprise communitie4s, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3986. A letter from the Secretary of Education, transmitting final priorities—Research in Education of Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3987. A letter from the Secretary of Education, transmitting final priorities—rehabilitation engineering research centers, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3988. A letter from the Secretary of Education, transmitting final priorities—knowledge dissemination and utilization, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3989. A letter from the Secretary of Education, transmitting final regulations—Federal Pell Grant Program; Presidential Access Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3990. A letter from the Secretary of Education, transmitting final regulations—Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3991. A letter from the Secretary of Education, transmitting final regulations—Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3992. A letter from the Secretary of Education, transmitting final regulations—student assistance general provisions regulations—cash management, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3993. A letter from the Chairman, National Council on Disability, transmitting the Council's interm report for fiscal years 1993 and 1994 entitled, "National Disability Policy: A Progress Report", pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and Labor.

3994. A letter from the Secretary of Education, transmitting the biennial report on Title III HEA Strengthening Institutions Program and the waivers approval list of schools with significant minority enrollment; to the Committee on Education and Labor.

3995. A letter from the Secretary of Health and Human Services, transmitting the first annual report on the child care and development block grant; to the Committee on Education and Labor.

3996. A letter from the Secretary of Health and Human Services, transmitting a report on two studies concerned with targeting Federal funds for older Americans, pursuant to Public Law 89-73, section 202(a)(27); to the Committee on Education and Labor.

3997. A letter from the Secretary of Labor, transmitting copies of the 1992 and 1993 reports of the Department's advisory council for employee welfare and pension benefit plans; to the Committee on Education and Labor.

3998. A letter from the Acting Inspector General, Department of the Interior, transmitting the report for fiscal years 1992 and 1993 for reimbursable expenditures of EPA Superfund money, Bureau of Mines, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

3999. A letter from the Acting Inspector General, Department of the Interior, transmitting the fiscal year 1993 EPA Superfund money, Bureau of Reclamation report, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

4000. A letter from the Inspector General, Department of Defense, transmitting the fiscal year 1993 report of Superfund financial transactions, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

4001. A letter from the Secretary, Department of Health and Human Services, transmitting the seventh report on administrative and legislative actions to improve services for individuals with Alzheimer's disease, pursuant to 42 U.S.C. 679; to the Committee on Energy and Commerce.

4002. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "Production, Use and Consumption of Class I and Class II Ozone-Depleting Substances," pursuant to Public Law 101-549, section 602(a) (104 Stat. 2654); to the Committee on Energy and Commerce.

4003. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's most recent report on the tar, nicotine, and carbon monoxide content of the smoke of domestic cigarettes; to the Committee on Energy and Commerce.

4004. A letter from the Administrator, NASA, transmitting the administration's report on mixed waste streams, pursuant to 42 U.S.C. 6965; to the Committee on Energy and Commerce.

4005. A communication from the President of the United States, transmitting the National Telecommunications and Information Administration report on spectrum reallocation, pursuant to title VI of the Omnibus Budget Reconciliation Act of 1993; to the Committee on Energy and Commerce.

4006. A letter from the Secretary of Energy, transmitting the Department's quarterly report on the status of Exxon and stripper well oil overcharge funds as of June 30, 1994; to the Committee on Energy and Commerce.

4007. A letter from the Secretary of Energy, transmitting the Energy Information Administration report entitled, "Emissions of Greenhouse Gases in the United States, 1987–1992", the second in a series of annual reports, pursuant to section 1605(a) of the Energy Policy Act of 1992; to the Committee on Energy and Commerce.

4008. A letter from the Secretary of Health and Human Services, transmitting a report on the user fee feasibility study as prepared by the Food and Drug Administration, pursuant to Public Law 102-571, section 108(a); to the Committee on Energy and Commerce.

4009. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the United Nations for use in Somalia (Transmittal No. 04-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

4010. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the United Nations for use in Somalia (Transmittal No. 02-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

4011. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning a collaborative logistic support arrangement with Germany (Transmittal No. 10-94), pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

4012. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Somalia (Transmittal No. 07-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

4013. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Somalia (Transmittal No. 06-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

4014. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 95-07), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4015. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979 report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the fourth quarter of fiscal year 1994, July 1, 1994 through September 30, 1994, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

4016. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 12-94, concerning the design, development, and testing of a closed-loop degaussing system for mine countermeasures ships, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

4017. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 11-94, concerning a project for system definition of a future air defense artillery interoperability program, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

4018. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the United Nations for use in Somalia (Transmittal No. 05-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

4019. A letter from the Director, Defense Security Assistant Agency, transmitting the Department of the Army's proposed lease of defense articles to the United Nations for use in Somalia (Transmittal No. 03-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

4020. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed technical assistance agreement for an export license of major defense equipment and services sold commercially to the United Kingdom (Transmittal No. MC-35-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4021. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to South Korea (Transmittal No. DTC-36-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4022. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential determination No. 94-56, authorizing the furnishing of assistance from the emergency refugee and migration assistance fund to meet the urgent needs of refugees in Rwanda and Burundi, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

4023. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation policy in south Asia, pursuant to 22 U.S.C. 2376(c); to the Committee on Foreign Affairs.

4024. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination and certificaiton regarding Government actions to terminate chemical weapons proliferation activities of foreign persons, pursuant to 50 U.S.C. app. 2410c(b)(2); to the Committee on Foreign Affairs.

4025. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential determination on drawdown of Department of Treasury commodities and services to support Sebria-Montenegro sanctions program enforcement efforts, pursuant to 22 U.S.C. 2348a; to the Committee on Foreign Affairs.

4026. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the United Kingdom (Transmittal No. DTC-39-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4027. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95-5: Drawdown of Commodities and Services from the Inventory and Resources of the Department of the Treasury to Support Sanction Enforcement Efforts Against Serbia and Montenegro, pursuant to 22 U.S.C. 2348a; to the Committee on Foreign Affairs.

4028. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending September 30, 1994, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

4029. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

4030. A communication from the President of the United States, transmitting his declaration of a national emergency with regards to the proliferation of weapons of mass destruction, pursuant to 50 U.S.C. 1703(b) (H. Doc. No. 103-326); to the Committee on Foreign Affairs and ordered to be printed.

4031. A communication from the President of the United States, transmitting his termination of the national emergency with respect to Haiti, pursuant to 50 U.S.C. 1622(a) (H. Doc. No. 103-327); to the Committee on Foreign Affairs and ordered to be printed.

4032. A communication from the President of the United States, transmitting notification to expand the scope of the national emergency declared in Executive Order No. 12808 with respect to the blocking of property and additional measures with the Bosnian Serb-controlled areas of the Republic of Bosnia and Herzegovina, pursuant to 50 U.S.C. 1621(a) (H. Doc. No. 103-328); to the Committee on Foreign Affairs and ordered to be printed.

4033. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, Section 3 (105 Stat. 4) (H. Doc. No. 103-330); to the Committee on Foreign Affairs and ordered to be printed.

4034. A communication from the President of the United States, transmitting notification that the Iran emergency is to continue to effect beyond November 14, 1994, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 103-331); to the Committee on Foreign Affairs and ordered to be printed.

4035. A communication from the President of the United States, transmitting a report on developments since his last report of May 14, 1994, concerning the national emergency with respect to Iran, pursuant to 50 U.S.C. 1703(c) (H. Doc. No. 103-335); to the Committee on Foreign Affairs and ordered to be printed.

4036. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4037. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4038. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4039. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of his determination that Israel is not being denied its right to participate in the activities of the International Atomic Energy Agency, pursuant to Public Law 99-88, chapter V (99 Stat. 323); Public Law 100-461, title I (102 Stat. 2268-3); to the Committee on Foreign Affairs.

4040. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4041. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the status of the Department's initiatives to acquire the services of experienced and talented women and minority personnel in the Foreign Service, pursuant to Public Law 103-236, section 178; to the Committee on Foreign Affairs.

4042. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report about the state of United States relations with those recognized by Congress as the true representatives of the Tibetan people, the Dalai Lama, and the Tibetan Government in exile, and on conditions in Tibet, pursuant to Public Law 103-236, section 536(a)(2); to the Committee on Foreign Affairs.

4043. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on Russian military operations in the Independent States of the former Soviet Union, pursuant to Public Law 103-236, section 528; to the Committee on Foreign Affairs.

4044. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of documents creating the framework for resolution of the North Korean nuclear problem; to the Committee on Foreign Affairs.

4045. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting certification and justification of waivers of the prohibition against contracting with firms that comply with the Arab League boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of contracts of the basis of religion, pursuant to Public Law 103-236, section 565; to the Committee on Foreign Affairs.

4046. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on United States Agreements and Commitments in connection with efforts in Haiti, pursuant to Public Law 103-423, section 5; to the Committee on Foreign Affairs.

4047. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting a report on the designation of a senior advisor on women's human rights issues, pursuant to Public Law 103-236, section 142(b); to the Committee on Foreign Affairs.

4048. A communication from the President of the United States, transmitting the first monthly report on the situation in Haiti, pursuant to Public Law 103-423, sections 2 and 3; to the Committee on Foreign Affairs.

4049. A communication from the President of the United States, transmitting a copy of the report on Russia's demonstration of a commitment to comply with the 1972 Biological and Toxin Weapons Convention, the 1993 Chemical Weapons Convention, and the 1989 Wyoming Memorandum of Understanding on Chemical Weapons; to the Committee on Foreign Affairs.

4050. A communication from the President of the United States, transmitting developments since his last report on August 22, 1994, on our support for the United Nations and North Atlantic Treaty Organization's [NATO] efforts to achieve peace and security in Bosnia and Herzegovina (H. Doc. No. 103-336); to the Committee on Foreign Affairs and ordered to be printed.

4051. A letter from the Director, United States Information Agency, transmitting a report on strategies to increase Bureau of Education and Cultural Affairs programming for and about the disabled, pursuant to Public Law 103-236, section 242(b); to the Committee on Foreign Affairs.

4052. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 4278, H.R. 4924, H.R. 5116, S. 528, and S. 2500, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4053. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 4709, H.R. 4757, H.R. 4781, H.R. 4867, H.R. 5102, H.R. 5161, H.R. 5200, H.R. 5244, S. 1614, H.R. 1348, H.R. 3050, H.R. 3059, and H.R. 4497, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4054. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 4308, H.R. 5155, and H.R. 6, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4055. A letter from the Acting Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 4190 and S. 2182, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4056. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of S. 2406 and H.R. 810, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4057. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 995, H.R. 4217, S. 1587, H.R. 4299, and S. 1233, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4058. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 2144, H.R. 3679, and S. 1406, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4059. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of S. 2170, H.R. 5084, H.R. 5252, S. 21, and S. 1146, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4060. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 512, H.R. 4833, H.R. 4922, H.R. 5034, H.R. 783, S. 784, S. 1927, S. 2407, and H.R. 808, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

4061. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in September 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

4062. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in October 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

4063. A letter from the Secretary, American Battle Monuments Commission, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4064. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4065. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4066. A letter from the United States Commissioner, Delaware River Basin Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

4067. A letter from the Director, Commissioned Personnel, Department of Health and Human Services, transmitting the annual report of the retirement plan for the Public Service Commissioned Corps, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4068. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's annual report on the Program Fraud Civil Remedies Act for fiscal year 1994, pursuant to 31 U.S.C. 3810; to the Committee on Government Operations.

4069. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting the 1993 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4070. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4071. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4072. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4073. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4074. A letter from the Chairman, Federal Reserve System, transmitting the semiannual report on the activities of the Inspector General for the period September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4075. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4076. A letter from the Commissioner, Federal Supply Service, General Services Administration, transmitting a report on the utilization and donation of Federal personnel property for fiscal years 1991 and 1992, pursuant to 40 U.S.C. 484(o)(2); to the Committee on Government Operations.

4077. A letter from the Chairperson, National Commission on Libraries and Information Science, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4078. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year—if any—and the budget year provided by H.R. 4624, H.R. 4539, H.R. 4554, H.R. 4556, H.R. 4602, H.R. 4606, H.R. 4649, and H.R. 4650, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Operations.

4079. A letter from the Deputy Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4080. A letter from the President, Overseas Private Investment Corporation, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4081. A letter from the Chairman, Panama Canal Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4082. A letter from the Chairman, Postal Rate Commission, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4083. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's annual report on the Program Fraud Civil Remedies Act for fiscal year 1994, pursuant to 31 U.S.C. 3810; to the Committee on Government Operations.

4084. A letter from the Secretary of Energy, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4085. A letter from the Secretary of Labor, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994 and the Secretary's management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4086. A letter from the Secretary of Transportation, transmitting the Department's report on the valuation of the U.S. Coast Guard Military Retirement System for fiscal year 1993, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4087. A letter from the Inspector General, the National Endowment for the Arts, transmitting a copy of the report on the Agency's use and management of consulting services; to the Committee on Government Operations.

4088. A letter from the President and CEO, United States Enrichment Corporation, transmitting the annual report on the activities of the inspector general for the period July 1, 1993, through October 31, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4089. A letter from the Chief Judge, United States Tax Court, transmitting the actuarial report of the U.S. tax court judges' retirement and survivor annuity plans for the year ending December 31, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4090. A letter from the Director, Woodrow Wilson Center, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

4091. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 1994, through September 30, 1994 pursuant to 2 U.S.C. 104a (H. Doc. No. 103–337); to the Committee on House Administration and ordered to be printed.

4092. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use of the Mission Indian's judgment funds in Docket 80–A–2, before the U.S. Court of Federal Claims, pursuant to 25 U.S.C. 1402(a), 1404; to the Committee on Natural Resources.

4093. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

4094. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

4095. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's findings and progress respecting the design, construction, and operation of the demonstration projects in phase I and the study in phase II of the groundwater recharge of aquifers in the High Plains States, pursuant to 43 U.S.C. 390g–2 (c)(1); to the Committee on Natural Resources.

4096. A letter from the Secretary of the Interior, transmitting the Federal coal management report, fiscal year 1993, pursuant to 30 U.S.C. 208–2; to the Committee on Natural Resources.

4097. A letter from the Secretary of Health and Human Services, transmitting the 27th in a series of reports on refugee resettlement in the United States covering the period October 1, 1992, through September 30, 1993, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

4098. A letter from the National Commander, American Ex-Prisoners of War, transmitting a copy of the 1994 audit report and financial statement as of August 31, 1994, pursuant to 36 U.S.C. 1101(57), 1103; to the Committee on the Judiciary.

4099. A letter from the Assistant Attorney General of the United States, transmitting a copy of the Bureau of Justice Assistance fiscal year 1993 annual report to Congress, pursuant to 42 U.S.C. 3789e; to the Committee on the Judiciary.

4100. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation to amend chapter 11 of title 35 to provide for early publication of patent applications, to amend chapter 14 of title 35 to provide provisional rights for the period of time between early publication and patent grant and to amend chapter 10 of title 35 to provide a prior art effect for published applications; to the Committee on the Judiciary.

4101. A communication from the President of the United States, transmitting the President's report on immigration, pursuant to Public Law 101–649, section 141(b) (104 Stat. 5002); to the Committee on the Judiciary.

4102. A letter from the Chairperson, U.S. Commission on Civil Rights, transmitting the Commission's report entitled "The Fair Housing Amendments Act of 1988: The Enforcement Report," pursuant to 42 U.S.C. 1975c(c), 1975f; to the Committee on the Judiciary.

4103. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the District Columbia Circuit, transmitting an opinion of the Court; to the Committee on the Judiciary.

4104. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the District Columbia Circuit, transmitting an opinion of the Court; to the Committee on the Judiciary.

4105. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting the Third Priority Project List Report prepared by the Louisiana Coastal Wetlands Conservation and Restoration Task Force, pursuant to Public law 101–646, section 303(a)(3) (104 Stat. 4779); to the Committee on Merchant Marine and Fisheries.

4106. A letter from the Director, Office of Personnel Management, transmitting the agency's annual report on drug and alcohol abuse prevention, treatment, and rehabilitation programs and services for Federal civilian employees covering fiscal year 1993, pursuant to 5 U.S.C. 7363; to the Committee on Post Office and Civil Service.

4107. A letter from the Director, Office of Personnel Management, transmitting a report on the physicians' comparability allowance, pursuant to Public Law 103–114, section 2; to the Committee on Post Office and Civil Service.

4108. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting the fourth report on a list of projects which have been authorized, but for which no funds have been obligated during the preceding 10 full fiscal years, pursuant to 33 U.S.C. 579a; to the Committee on Public Works and Transportation.

4109. A letter from the Assistant Secretary (Civil Works), Department of the Army, transmitting the Chief of Engineers report entitled "Local Cooperation Agreements Annual Report," pursuant to 42 U.S.C. 1962d-5b(e); to the Committee on Public Works and Transportation.

4110. A letter from the Administrator, Federal Aviation Administration, transmitting the report on the effectiveness of the Civil Aviation Security Program for the period January through December 1992, pursuant to 49 U.S.C. app. 1356(a); to the Committee on Public Works and Transportation.

4111. A letter from the Administrator, Federal Aviation Administration, transmitting the report on the effectiveness of the Civil Aviation Security Program for the period January through December 1993, pursuant to 49 U.S.C. app. 1356(a); to the Committee on Public Works and Transportation.

4112. A letter from the Administrator, Federal Highway Administration, transmitting the Administration's status report entitled, "Progress Made in Implementing Sections 6016 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)," pursuant to Public Law 102-240, section 6016(e) (105 Stat. 2183); to the Committee on Public Works and Transportation.

4113. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting a draft of proposed legislation to modify the project for the India Point Railroad Bridge, Seekonk River, Providence, RI, to authorize the Secretary of the Army to demolish and remove the center span of the bridge; to the Committee on Public Works and Transportation.

4114. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting a draft of legislation to modify the project for flood control at Arkansas City, KS; to the Committee on Public Works and Transportation.

4115. A letter from the Secretary of Transportation, transmitting the Department's report entitled, "Preservation of Transportation Corridors"; to the Committee on Public Works and Transportation.

4116. A letter from the Secretary of Transportation, transmitting the Department's study of the axle weight limits of public transit vehicles on the Interstate System, pursuant to Public Law 102-388, section 341 (106 Stat. 1552); to the Committee on Public Works and Transportation.

4117. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the District of Columbia Circuit, transmitting an opinion of the Court; to the Committee on Public Works and Transportation.

4118. A letter from the Secretary of Health and Human Services, transmitting 18th annual report on the Child Support Enforcement Program, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

4119. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

4120. A letter from the Chairman, U.S. International Trade Commission, transmitting the 79th quarterly report on trade between the United States and China, the successor states to the former Soviet Union, and other title IV countries during April-June 1994, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

4121. A letter from the General Accounting Office, transmitting the Office's annual review of the interest rate charged to borrowers, as determined by the Governor of the Rural Telephone Bank [RTB] for the preceding fiscal year; jointly, to the Committees on Agriculture and Government Operations.

4122. A letter from the Deputy Under Secretary of Defense Logistics, Office of the Under Secretary of Defense, transmitting a report on cargo preference for the period June 1993-May 1994, pursuant to Public Law 103-139, section 326; jointly, to the Committees on Appropriations and Armed Services.

4123. A letter from the Chief of Staff, The White House, transmitting certification that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug Free Workplace Plan are themselves subject to a program of individual random drug testing, pursuant to 5 U.S.C. 7301 note Public Law 103-329, section 638 (108 Stat. 2432); jointly, to the Committees on Appropriations and Post Office and Civil Service.

4124. A letter from the Under Secretary of Defense, transmitting a report concerning the transfer of certain authorized funds; jointly, to the Committees on Appropriations and Armed Services.

4125. A letter from the Deputy Under Secretary (Environmental Security), Department of Defense, transmitting the Department's report on the demonstration program for the training of recently discharged veterans for employment in construction and in hazardous waste remediation, pursuant to 10 U.S.C. 1143 note; jointly, to the Committees on Armed Services and Veterans' Affairs.

4126. A letter from the Director, Test and Evaluation, Office of the Under Secretary of Defense, transmitting additions to the fiscal year 1995 FCT Program; jointly, to the Committees on Armed Services and Appropriations.

4127. A letter from the Director, Test and Evaluation, Office of the Under Secretary of Defense, transmitting additions to the fiscal year 1995 FCT Program; jointly, to the Committees on Armed Services and Appropriations.

4128. A letter from the Assistant Comptroller General, General Accounting Office, transmitting GAO's audit of the Foundation's statements of financial position as of September 30, 1993, 1992, and the related statements of revenues and expenses and changes in fund balance, and cash flows for the years then ended, pursuant to Public Law 101-525, section 8 (104 Stat. 2308); jointly, to the Committees on Education and Labor and Government Operations.

4129. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report of the nondisclosure of safeguards information for the quarter ending September 30, 1994, pursuant to 42 U.S.C. 2167(d); jointly, to the Committees on Energy and Commerce and Natural Resources.

4130. A letter from the Secretary of Energy, transmitting notification that the report on adequacy of management plans for the future generation of spent nuclear fuel and high-level radioactive waste will be late; jointly, to the Committees on Energy and Commerce and Natural Resources.

4131. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of additional program proposals for purposes of nonproliferation and disarmament fund activities, pursuant to 22 U.S.C. 5858; jointly, to the Committees on Foreign Affairs and Appropriations.

4132. A letter from the Secretary, Department of Defense, transmitting the quarterly report on program activities to facilitate weapons destruction and nonproliferation in the former Soviet Union, during the quarter from April 1, 1994, through September 30, 1994, pursuant to 22 U.S.C. 5859; jointly, to the Committee on Foreign Affairs and Appropriations.

4133. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on implementation of section 128 of Public Law 102-138; jointly, to the Committee on the Judiciary and Foreign Affairs.

4134. A letter from the Secretary of Transportation, transmitting the annual report on the status of the public ports of the United States for Calendar years 1992-1993, pursuant to 49 U.S.C. 308(c); jointly, to the Committee on Merchant Marine and Fisheries and Public Works and Transportation.

4135. Deputy Secretary of Defense, transmitting notification of proposed obligation of funds for the continuation of projects previously notified to Congress and initiated in fiscal year 1993, pursuant to Public Law 103-160, section 1206; jointly, to the Committee on Foreign Affairs, Armed Services, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on October 7, 1994, the following reports were filed on October 19, 1994:]

Mr. CONYERS: Committee on Government Operations. The Section 8 Project-based Assistance Program: Waste and Mismanagement (Rept. 103-859). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Poison Control Centers: On the Brink of Extinction (Rept. 103-860). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. The Administration and Enforcement of Employment Taxes—A Status Report on Ideas for Change (Rept. 103-861). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 7, 1994, the following reports were filed on October 19, 1994:]

Mr. CONYERS: Committee on Government Operations. Financial Management and CFO Act Reforms in the Department of Commerce (Rept. 103-862). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Misused Science: The National Cancer Institute's Elimination of Mammography Guidelines for Women in their Forties (Rept. 103-863). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. The Milstar Communications System: Comprehensive Reevaluation Needed (Rept. 103-864). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. World Food Program: Funding and Management Improvements can Strengthen Delivery of Food Aid (Rept. 103-

865). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 7, 1994, the following report was filed on October 19, 1994:]

Mr. CONYERS: Committee on Government Operations. Uncertainty and Data Quality Problems Affecting Federal Reserve Monetary Policy (Rept. 103–866). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Trade With Russia and the Newly Independent States [NIS] (Rept. 103–867). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Financial Management in the Customs Service (Rept. 103–868). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. National Aeronautics and Space Administration: Management Controls Must Be Strengthened To Protect Taxpayers (Rept. 103–869). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Problems Facing Minority and Women-Owned Small Businesses, Including SBA Section 8(a) Firms, in Procuring U.S. Government Contracts: An Interim Report (Rept. 103–870). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4994. A bill to apply the antitrust laws of the United States to major league baseball, with an amendment (Rept. 103–871). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LAFALCE:

H.R. 5291. A bill to establish the Commission on the Review of National Policies Toward Gambling; jointly, to the Committees on the Judiciary National Resources, and Ways and Means.

By Mr. DELLUMS:

H.R. 5292. A bill to amend the Defense Base Closure and Realignment Act of 1990 to extend the deadline for the submission of nominations for the Defense Base Closure and Realignment Commission; to the Committee on Armed Services. Considered and passed.

By Mr. BARRETT of Wisconsin:

H.R. 5293. A bill requiring that travel awards that accrue by reason of official travel of a Member, officer, or employee of the House of Representatives be used only with respect to official travel; to the Committee on House Administration.

By Mr. BILIRAKIS:

H.R. 5294. A bill to prohibit the provision of financial assistance from the Federal Government to any person who is more than 60 days delinquent in the payment of any child support obligation; to the Committee on Government Operations.

By Mr. DIAZ-BALART:

H.R. 5295. A bill to provide for the withholding of contributions to certain organizations that assist Iraq, Iran, Libya, and Cuba; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5296. A bill to oppose Cuba's admission as a member of international financial institutions; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5297. A bill to deny visas to aliens involved with the foreign expropriation of property of United States persons; to the Committee on the Judiciary.

H.R. 5298. A bill to prohibit the importation into the United States of sugar from countries that import sugar from Cuba; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey (for himself, Mr. FRANK of Massachusetts, Mr. ZIMMER, Mr. TORRICELLI, Mr. PAYNE of New Jersey, Mr. SAXTON, and Mr. PALLONE):

H.R. 5299. A bill to amend the Internal Revenue Code of 1986 to phase out the tax subsidies for alcohol fuels involving alcohol produced from feedstocks eligible to receive Federal agricultural subsidies; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 5300. A bill to improve access to health insurance and contain health care costs, and for other purposes; jointly, to the Committees on Energy and Commerce Ways and Means, Education and Labor, and the Judiciary.

By Mr. HAYES:

H.R. 5301. A bill to amend the Internal Revenue Code of 1986 to deny the earned income credit to illegal aliens and to prevent fraudulent claims for the earned income credit; to the Committee on Ways and Means.

H.R. 5302. A bill to promote portability of health insurance by limiting discrimination in health coverage based on health status or past claims experience; jointly, to the Committees on Energy and Commerce and Education and Labor.

By Mr. HUGHES:

H.R. 5303. A bill to make technical corrections in the Satellite Home Viewer Act of 1994; to the Committee on the Judiciary.

By Mr. KLINK:

H.R. 5304. A bill to amend the Clean Air Act to modify provisions relating to the redesignation of areas and motor vehicle inspection and maintenance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:

H.R. 5305. A bill to amend title 49, United States Code, relating to air carrier safety; to the Committee on Public Works and Transportation.

By Mr. SAXTON (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. HUNTER, Mr. DELAY, Mr. ZIMMER, Mr. DREIER, Mr. LIGHTFOOT, Mr. WALKER, Mr. DOOLITTLE, Mr. HANCOCK, and Mr. RAMSTAD):

H.R. 5306. A bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, and for other purposes; to the committee on ways and Means.

By Mr. SCHUMER:

H.R. 5307. A bill to amend title 28, United States Code, with respect to photographing, recording, and broadcasting court proceedings; to the Committee on the Judiciary.

By Mr. SMITH of Michigan:

H.R. 5308. A bill to amend title II of the Social Security Act to provide for a limitation on payment during any year of old-age, wife's, and husband's insurance benefits, based on the work record of an individual with higher levels of income for such year, if total payments of such benefits have exceeded prior contributions plus interest, and to adjust the gradual increase in retirement age so as to commence with calendar year 1996 and to reach age 68 for those who would attain age 65 in or after calendar year 2031; to the Committee on Ways and Means.

By Mr. THOMAS of California:

H.R. 5309. A bill to amend the Central Valley Project Improvement Act to prohibit the restoration of certain flows in the San Joaquin River; to the Committee on Natural Resources.

By Mr. WASHINGTON:

H.R. 5310. A bill to eliminate Segregationist language from the Second Morrill Act; to the committee on Agriculture.

By Mr. GUTIERREZ:

H.J. Res. 429. A joint resolution designating May 26, through 29, 1995, as "Peruvian Institutions in the United States of America Week"; to the Committee on Post Office and Civil Service.

By Mr. PALLONE:

H. Con. Res. 318. A concurrent resolution expressing the sense of the Congress relating to the slaughter of Greek civilians in Kalavryta, Greece, during the Second World War; to the Committee on Foreign Affairs.

By Mr. SABO (for himself and Mr. TORRES):

H. Con. Res. 319. A concurrent resolution to express the sense of Congress regarding regulation of mercury hazardous waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MICHEL:

A resolution authorizing and directing the Speaker to administer the oath of office to the gentleman from Oklahoma, Mr. Steve Largent; considered and agreed to.

H.Res. 586. A resolution that Members of the House express their profound thanks and appreciation to the Honorable Thomas S. Foley, Speaker of the House of Representatives for the very fair and impartial manner with which he has presided over our deliberations and performed the arduous duties of the chair during his tenure as Speaker; considered and agreed to.

By Mrs. ROUKEMA:

H. Res. 587. A resolution concerning the profound sorrow of the death of the Honorable Dean A. Gallo, a Representative from the State of New Jersey; considered and agreed to.

By Mr. MINETA:

H. Res. 588. A resolution amending the Rules of the House of Representatives to provide for transition salary continuation for certain committee staff; jointly, to the Committees on Rules and House Administration.

By Mr. MURPHY:

H. Res. 589. A resolution to express my deep appreciation and gratitude to my current and former staff members for their loyalty, support and dedication to the Congress and the residents of the 20th and 22nd Congressional Districts of Pennsylvania during my 18 years as a member of the United States House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of the rule XXII, memorials were presented and referred as follows:

496. By the SPEAKER: Memorial of the Assembly of the State of California, relative to the Southwest Complex; to the Committee on Armed Services.

497. Also, memorial of the Assembly of the State of California, relative to the Martinez Job Creation and Infrastructure Restoration Act of 1994; to the Committee on Education and Labor.

498. Also, memorial of the Assembly of the State of California, relative to special educating funding; to the Committee on Education and Labor.

499. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the enactment of solid waste flow control legislation that does not supplant the Commonwealth's current flow control mechanism; to the Committee on Energy and Commerce.

500. Also, memorial of the Assembly of the State of California, relative to violence affecting the lives of young children; to the Committee on Energy and Commerce.

501. Also, memorial of the Assembly of the State of California, relative to the Republic of China on Taiwan; to the Committee on Foreign Affairs.

502. Also, memorial of the Legislature of the State of California, relative to Federal mandates; to the Committee on Government Operations.

503. Also, memorial of the Senate of the Ninth Northern Marianas Commonwealth Legislature of Mariana Islands, relative to the Northern Marianas Delegate Act; to the Committee on Natural Resources.

504. Also, memorial of the Assembly of the State of California, relative to the Presidio National Park; to the Committee on Natural Resources.

505. Also, memorial of the Legislature of the State of California, relative to the Freedom of Access to Clinic Entrances Act of 1993; to the Committee on the Judiciary.

506. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to restating State sovereignty; to the Committee on the Judiciary.

507. Also, memorial of the Assembly of the State of California, relative to the NASA/Ames wind tunnel project; to the Committee on Science, Space, and Technology.

508. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to investigating delays in filing claims with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

509. Also, memorial of the Assembly of the State of California, relative to Social Security; to the Committee on Ways and Means.

510. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the telecommunications services; jointly, to the Committees on Energy and Commerce and the Judiciary.

511. Also, memorial to the Senate of the State of Texas, relative to declassifying information relating to American MIA's from the Korean War; jointly, to the Committees on Government Operations, Intelligence (Permanent Select), and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 301: Mr. BARCIA of Michigan.

H.R. 417: Mr. HOEKSTRA and Mrs. MEYERS of Kansas.

H.R. 930: Mr. CANADY.

H.R. 1330: Mr. GREENWOOD.

H.R. 1604: Mr. BARCIA of Michigan.

H.R. 2019: Mr. PAYNE of New Jersey.

H.R. 2228: Mr. ROGERS.

H.R. 2417: Mr. RICHARDSON.

H.R. 2588: Mr. ANDREWS of New Jersey.

H.R. 2803: Mr. SHAYS.

H.R. 3179: Mr. ARMEY.

H.R. 3347: Mr. RICHARDSON.

H.R. 3407: Mr. MAZZOLI, Mr. CANADY, Mrs. LOWEY, Mr. HINCHEY, and Mr. QUINN.

H.R. 3472: Mr. ORTON.

H.R. 4118: Mr. ENGEL.

H.R. 4636: Mr. TORKILDSEN.

H.R. 4708: Mr. DELLUMS.

H.R. 4714: Mr. HUNTER and Mr. ROHRABACHER.

H.R. 4831: Mr. LEWIS of California.

H.R. 4997: Mr. FOGLIETTA and Mr. STOKES.

H.R. 5006: Mr. KOLBE and Mr. TUCKER.

H.R. 5015: Mr. MORAN and Ms. VELAZQUEZ.

H.R. 5062: Mr. MCHUGH.

H.R. 5111: Mr. ORTON, Mr. PRICE of North Carolina, Mr. HINCHEY, and Mr. BARCA of Wisconsin.

H.R. 5141: Ms. CANTWELL and Mr. MINETA.

H.R. 5159: Mr. FILNER.

H.R. 5278: Ms. EDDIE BERNICE JOHNSON of Texas.

H.J. Res. 44: Mr. DUNCAN.

H.J. Res. 338: Ms. DELAURO.

H.J. Res. 362: Mr. OWENS.

H.J. Res. 422: Mr. MANN, Ms. SLAUGHTER, and Mr. ROMERO-BARCELO.

H. Con. Res. 49: Mr. SHAYS.

H. Con. Res. 61: Mr. OBERSTAR and Mr. MILLER of California.

H. Con. Res. 148: Mr. CLYBURN, Mr. TORKILDSEN, and Mr. HUTCHINSON.

H. Con. Res. 296: Mr. FALEOMAVAEGA, Mr. DURBIN, Mr. FINGERHUT, Mr. WATT, Mr. JOHNSON of South Dakota, Ms. PELOSI, Mr. HUGHES, Mr. SAXTON, Mr. UNDERWOOD, Ms. FURSE, Mr. PORTER, Mrs. MALONEY, and Mr. HAMILTON.

H. Con. Res. 306: Ms. PELOSI, Mr. MARKEY, Mrs. MALONEY, and Ms. WOOLSEY.

H. Res. 43: Mr. GREENWOOD.

H. Res. 234: Mr. WYDEN and Mr. ROYCE.

H. Res. 255: Mr. CAMP.

H. Res. 271: Mr. GREENWOOD.

H. Res. 291: Mr. HUTCHINSON.

H. Res. 446: Mr. BILIRAKIS.

H. Res. 473: Mr. ORTON.

H. Res. 527: Mr. JACOBS.

H. Res. 528: Mr. JACOBS.

H. Res. 545: Mr. SPENCE and Mr. SMITH of Michigan.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

132. By the SPEAKER: Petition of the mayor of the city and county of San Francisco, CA, relative to the reauthorization of the Kennedy-Hatch Care Act; to the Committee on Energy and Commerce.

133. Also, petition of the Bar Association of Puerto Rico, relative to a resolution concerning the blockade of Cuba; to the Committee on Foreign Affairs.

134. Also, petition of the city council of Middleburg Heights, OH, relative to a resolution supporting H.R. 140 and S. 993 to limit unfunded Federal mandates; to the Committee on Government Operations.

135. Also, petition of the city council of Compton, CA, relative to supporting H.R. 5128—The Federal Mandate Accountability and Reform Act; to the Committee on Government Operations.

136. Also, petition of Peter J. Cojanis, relative to the GATT vote in the House; to the Committee on House Administration.

137. Also, petition of the municipal assembly of Carolina, PR, relative to censuring the expression of the Commissioner of Puerto Rico in Washington, Carlos Romero Barceló, about the reputation of our political party leader, Hector Luis Acevedo; to the Committee on Natural Resources.

138. Also, petition of Gregory D. Watson, Austin, TX, relative to an amendment to the Constitution relative to the power of States to conserve and regulate the exploration, production, and distribution of their petroleum products, water, sulphur, and all other minerals and natural resources; to the Committee on the Judiciary.

139. Also, petition of the county board of commissioners, Nye, NV, relative to support of the 10th amendment to the Constitution; to the Committee on the Judiciary.

140. Also, petition of the city council of Compton, CA, relative to supporting amendments to provide funding for mandates included in the Welfare Reform Act—the President's plan; to the Committee on Ways and Means.

141. Also, petition of Bruce A. Ackerman, New Haven, CT, and John H. Jackson, Ann Arbor, MI, relative to the Uruguay round negotiations; to the Committee on Ways and Means.

142. Also, petition of City Councilmember Hal Bernson, Los Angeles, CA, relative to a proposed moratorium on foreclosures of any property damaged in the Northridge earthquake and other financial assistance measures; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

143. Also, petition of the Bar Association of Puerto Rico, relative to a resolution rejecting the increasing militarization of Puerto Rico; jointly, to the Committees on Natural Resources and Armed Services.

144. Also, petition of the Bar Association of Puerto Rico, relative to a resolution on Puerto Rican political prisoners; jointly, to the Committees on Natural Resources and the Judiciary.

145. Also, petition of the city council of Camarillo, CA, relative to supporting National Unfunded Mandates Week and Federal legislation to reduce the impacts of unfunded mandates on local governments; jointly, to the Committees on Post Office and Civil Service and Government Operations.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 15 by Mr. BILIRAKIS on House Resolution 382: JENNIFER DUNN.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1994:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th

(Mark one square only)

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1 ◆

Organization or Individual Filing	Employer/Client
J. Aaban, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations Bar Assn (For:Tax Attorneys & Consultants Assn)
Do	Aaban Legal Services International, Inc (For:World Nations League Import/Export Assn)
Aaban Enterprises Co, 1020 E. 27th Street Texarkana, TX 75502-3802	Solar Energy Society
Affordable Housing Tax Credit Coalition, 1255 23rd Street, NW, #800 Washington, DC 20037	
Agenda Communications, 203 N. LaSalle, Suite 1630 Chicago, IL 60601	Unitrin, Inc
Samuel J. Agger, SJA International, Inc 1133 Connecticut Ave., NW, #700 Washington, DC 20036	Zenith Data Systems
John Aguirre, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn
Jennifer Lee Ahern, 1725 17th Street, NW, #109 Washington, DC 20007	Bruce P. Cameron (For:Embassy of Monzambique)
Do	Bruce P. Cameron (For:National Council of Maubere Resistance)
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Memorial Sloan-Kettering Cancer Center
Michael J. Aklufi, 444 North Capitol Street Suite 711 Washington, DC 20001	Keefe Company (For:Radiofone, Inc)
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Dart Container Corp
Do	Keep America Moving
Do	Montgomery Watson Americas, Inc
Alliance for GATT NOW, 1317 F Street, NW, Suite 600 Washington, DC 20004	Alliance for GATT Now
Paul E. Almeida, 8630 Fenton Street, Suite 400 Silver Spring, MD 20910	International Fed of Professinal & Technical Engineers
Law Offices of Robert Altman, 901 15th Street, NW, #400 Washington, DC 20005	Golden Rule Insurance Co
American Continental Group, Inc, 601 Pennsylvania Avenue, NW Suite 900 Washington, DC 20004	AKT Development Corporation
Do	Bayless Boland Madigan & Barrett, Inc
Do	Compex Corporation
Do	Fisher Imaging
Do	GEC-Marconi Systems
Do	I-Stat Corporation
Do	Litton - Applied Technology
Do	National Assn of Retail Collection Attorneys
Do	Ncube
Do	Omni-Tech Medical Inc
Do	Plasma-Therm
Do	SeaBeam
Do	Syracuse University
Do	Vanguard
American Federation of Home Health Agencies, 1320 Fenwick Lane, Suite 100 Silver Spring, MD 20910	
American Institute of Architects, 1735 New York Avenue, NW Washington, DC 20006	
American Tort Reform Assn, 1212 New York Ave., NW, Suite 515 Washington, DC 20005	
Winston Anderson, 3990 Bronx Boulevard, #LK Bronx, NY 10466	
Jack O. Andresen, 1957 E Street, NW Washington, DC 20006	Stewart & Stewart (For:Brush Wellman Engineered Materials)
Arizona Students' Assn, 511 West University Drive Suite 4 Tempe, AZ 85281-5585	
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	CAI Wireless
Do	Investment Company Institute
Do	Motorola
LInda M. Auglis, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn
Les AuCoin, Bogle & Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	City of Gresham
AABAN Legal Services International, Inc, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations League Import/Export Assn
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	Queens Borough Public Library
Craig H. Baab, 122 C Street NW Suite 350 Washington, DC 20001	Armenian Assembly of America
James R. Bailes, P.O. Box 1835 Huntington, WV 25719	Campbell Woods & Bagley (For:West Virginia Reachback Coalition)
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:Nonprescription Drug Manufacturers Assn)
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Alliance for Managed Competition
Do	Bailey & Robinson (For:Nonprescription Drug Manufacturers Assn)
M.T. Baker, 1020 E. 27th Street Texarkana, TX 75502-3802	Sherman Mortgage Co
Baker & Botts, L.L.P., The Warner 1229 Pennsylvania Ave., NW Washington, DC 20004-2400	Trajen, Inc
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Capitol American Financial Corporation
Do	Paradigm Health Corp
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Eisenhower Exchange Fellowships, Inc
Gary Baldwin, P.O. Box 1210 Huntington, WV 25714	Princess Coals, Inc
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	Clatsop Community College
Philip A. Bangert, 2000 L Street, NW #612 Washington, DC 20036	Miami River Marine Group
Anne Banville, 1667 K Street, NW, Suite 330 Washington, DC 20006	CMF&Z Public Reclations (For:American Veal Association)
Patrick Baskette, 5604 Newington Road Bethesda, MD 20816	Healthcare Leadership Council
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	RESOLVE
Dick Batchelor Management Group, Inc, 201 South Orange Ave., Suite 1017 Orlando, FL 32801	Orlando-Orange County Expressway Authority
William B. Bates, 1615 L Street, NW, Suite 1220 Washington, DC 20036	Hallmark Cards, Inc
Russell B. Batson, 1615 H St., NW Washington, DC 20062	American Furniture Manufacturers Assn
Lana R. Batts, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference
Barry H. Bauman, 1615 H St., NW Washington, DC 20062	Lawyers for Clvil Justice
Bayless Boland Madigan & Barrett, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Portable Rechargeable Battery Assn
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	Haymarket House .
Do	SCITREK
Laurie Beck, 105 East 22nd Street, Room 809 New York,, NY 10010-5413	Community Service Society of New York
Judith Bell, 1535 Mission Street San Francisco, CA 94103	Consumers Union
Timothy H. Bell, 11490 Commerce Park Drive Reston, VA 22091	SeaWatch Management Corp
Judith H. Bello, 1722 Eye Street, NW Washington, DC 20006	Frost Fuels Corp
Mark Benedict, 900 2nd STreet, NE, Suite 306 Washington, DC 20002	Ferroalloy Assn
Doug Bennett, 1155 W. 4th Street, Suie 105 Reno, NV 89503	Nevada Assn of Medical Product Suppliers
Bergner Bockorny Clough & Brain, 1101 16th Street, NW, #500 Washington, DC 20036	Genetech, Inc
Paul C. Bergson, 1319 F Street, NW, #301 Washington, DC 20004	ICPR Junior College
Do	Point of Purchase Advertising Institute
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Pacific Telecom, Inc
Sam Black, 4330 Leland Street Chevy Chase, MD 20815	Jeld-Wen Company
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	National Convention for Reconst Develop of Sierre Leone...
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	City of Gresham
Margaret Bowman, 801 Pennsylvania Ave., SE, Suite 400 Washington, DC 20003	American Rivers
Richard A. Boyd, 309 Massachusetts Avenue, NE Washington, DC 20002	Grand Lodge, Fraternal Order of Police
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	Empress Cruise Lines
Nancy L. Bradish, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn
Lynne E. Bradley, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002-5675	American Library Assn
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	4-County Electric Power Assn
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	Apollo Advisors
Do	Chotin Group Corp
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	AFL-CIO Housing Investment Trust
Jeremiah S. Buckley, Goodwin Procter & Hoar 901 15th Street, NW, #410 Washington, DC 20005	General Latex & Chemical Co
Jack W. Buechner, 1300 North 17th Street, Suite 1330 Arlington, VA 22209	Missouri Enterprise Business Assistance Center
Barbara Burgess, 801 Pennsylvania Ave., NW, Suite 730 Washington, DC 20004	John Hancock Mutual Life Insurance Co
Tonio Burgos, Tonio Burgos & Associates, Inc 909 Third Ave., 17th Floor New York, NY 10022	Direct Access Diagnostics
Do	Local 1199
Moira Burke, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn
Roy Bussewitz, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	General Atomics
David S. Byer, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Coffee Sugar & Cocoa Exchange Inc
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	Rush-Presbyterian-St. Luke's Medical Center
Floyd Cameron, 105 East 22nd Street, Room 816 New York, NY 10010-5413	Community Service Society of New York
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Association of Private Pension & Welfare Plans
Do	St. Paul Fire & Marine Insurance Co
James R. Cannon Jr., 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Brush Wellman Engineered Materials)
Capital International Information Services, Inc, 2000 Pennsylvania Ave., NW, #5500 Washington, DC 20006	Korean Foreign Trade Association
Do	Republic of Korea - Ministry of Trade Industry & Energy
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Stericycle
Capitol Strategies, 888 16th Street, NW Washington, DC 20006	Cook Inlet Region, Inc
Do	General Communications, Inc
Patricia B. Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Embassy of El Salvador)
Do	Bannerman & Associates, Inc (For:L.A. Motley & Co (for Government of the Philippines))

Organization or Individual Filing	Employer/Client
Gerald P. Carmen, 1667 Elm Street, Suite 4 Manchester, NH 03101	Richard Cohen
Do	120 Church Street Associates
Simon P. Carr, 2001 Pennsylvania Ave., NW Washington, DC 20006-1813	Electronic Industries Assn
Caroline Carver, 5440 Jefferson Davis Hwy Fredericksburg, VA 22407	American Traffic Safety Services Assn
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Biomedical Waste Systems, Inc
Do	Brazil US Business Council
Do	City of Memphis
Do	CH2M Hill Companies, Ltd
Do	Englewood Hospital & Medical Center
Do	Limited
Do	Major League Baseball
Do	Multi-Dimensional Imagining, Inc
Do	Narrangansett Indian Tribe
Do	Nature Conservancy
Do	Partnership for Responsible Risk-Sharing
Do	Scott County Minnesota
Do	Taiwan Research Institute
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Air Products & Chemicals Inc
Rod Chandler, 101 143rd Avenue, SE Bellevue, WA 98007	American International Group, Inc
Aaron C. Chang, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores
Michael D. Chapman, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	Association of Research Libraries
Phillip R. Chisholm, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America
Robert A. Chlopak, 1400 L Street, NW, #600 Washington, DC 20005	Chlopak Leonard Schecter & Associates, Inc
Donna M. Cirolia, One Culligan Parkway Northbrook, IL 60062	Culligan International Co
City of Detroit, c/o Nettie Seabrooks Chief Administrative Officer 1126 City Council Building Detroit, MI 48226	
Dan Clark, 1228 Euclid Avenue, Suite 900 Cleveland, OH 44115-1891	Climaco Climaco Seminatore Lefkowitz & Garofoli Co (For:Blue Cross & Blue Shield of Ohio)
Fred D. Clark Jr., 340 TechnaCenter Drive, P.O. Box 244014 Montgomery, AL 36117	Alabama Rural Electric Assn of Cooperatives
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Massachusetts Bay Transportation Authority
Clinton Advocates for Change, 16 Lancaster Drive Suffern, NY 10901	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	University of Vermont
Coalition of Disk Exporters ('CODE'), 915 15th Street, NW, Suite 900 Washington, DC 20005	
David Cohen, 1055 Thomas Jefferson, NW Washington, DC 20007	Cohen & White (For:Sprint)
Herman J. Cohen & Associates, 1155 Connecticut Ave., NW, Suite 400 Washington, DC 20036	President Pascal Lissouba/Republic of the Congo
Jean L. Cole, 2001 Pennsylvania Ave. NW, Suite 300 Washington, DC 20006	Exxon Corp
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	National Pasta Assn
J. Collins, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations Bar Assn (For:Tax Attorneys & Consultants Assn)
Do	Aaban Legal Services International, Inc (For:World Nations League Import/Export Assn)
Ann Laine Combs, 2300 N Street, NW, #730 Washington, DC 20037	William M. Mercer, Inc (For:Levi Strauss & Co)
John B. Conaway, 5126 Woodmire Lane Alexandria, VA 22311	
Conkling Fiskum & McCormick, 900 SW 5th Avenue, Suite 2300 Portland, OR 97204-1268	ADS Ventures
Do	Columbia River Pilots Assn
Do	Electric Lightwave, Inc
Do	Integrated Measurement Systems
Do	SAFECO Properties, Inc
John W. Conrad III, 1100 New York Ave., NW, #1050 Washington, DC 20005-3934	American Bus Assn
Gladys Considine, 2000 K STreet, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare
Stephen H. Cooper, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Healthcare Assn of New York State
Do	Medco Containment Services, Inc
Do	Metropolitan Life & Affiliated Companies
Do	Waste Management, Inc
Copeland Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	Las Vegas Convention and Visitors Authority
R. Lawrence Coughlin, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:National Independent Automobile Dealers Assn)
Do	Eckert Seamans Cherin & Mellott (For:Southeastern Pennsylvania Transportation Authority)
Do	Eckert Seamans Cherin & Mellot (For:Triangle Transit Authority)
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	International Dairy Foods Assn
Do	Republic of the Marshall Islands
Lanny M. Craft, P.O. Box 13748 Jackson, MS 39236-3748	Comprehensive Health Insurance Risk Pool Assn
Bruce Craig, P.O. Box 640 Charles Town, WV 25414	Conference of National Park Cooperating Associations
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Association of Private Pension & Welfare Plans
Do	St. Paul Fire & Marine Insurance Co
James R. Cregan, 1211 Connecticut Ave., NW Washington, DC 20036	Magazine Publishers of America
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	P.T. Perkebunan III
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	Songwriters Guild of America
Herschel Cutler, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc
Bruce A. Davidson, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc
Donald K. Dean, 1725 Jefferson Davis Highway, Suite 900 Arlington, VA 22202	Loral Federal Systems Group
Glenn Roger Delaney, 601 Pennsylvania Avenue, NW, #900 Washington, DC 20004	McDermott Inc
Do	Tyson Foods
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	American Natural Soda Ash Co
Do	Bethlehem Steel, et al.
Do	Caribbean Marine Service Co, Inc
DeKieffer Dibble & Horgan, 915 15th Street, NW, Suite 900 Washington, DC 20005	Coalition of Disk Exporters ('CODE')
William L. Dickinson, 412 First Street, SE, Suite 60 Washington, DC 20003	Institute for Legislative Action, National Rifle Assn
Do	International Naval Technology Limited
David Dickson, 323 Pennsylvania Avenue, SE Washington, DC 20003	Center for Marine Conservation
Dickstein Shapiro & Morin, LLP, 2101 L St., NW Washington, DC 20037	Environmental Chemical Corp
Do	Royal Thai Government
Richard Jon Dines, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn
Rose M. DiNapoli, 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	Student Loan Marketing Assn
Sarah R. Dodge, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America
Susan E. Dore, 44 Goodrich Avenue Auburn, ME 04210	National Alliance for the Mentally Ill
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Bristol-Myers Squibb Co
Do	Crop Growers Insurance, Inc
Do	Medica
Madonna Cynthia Douglass, 1120 19th Street, NW, Suite 310 Washington, DC 20036-3605	Institute of Makers of Explosives
Lloyd Q. Dowdell, 70 Watchung Ave., #8 Belleville, NJ 07109	
Thomas J. Downey, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American International Group
Do	Waste Management, Inc
Thomas J. Downey & Associates, Inc, 1401 Eye Street, NW, Suite 1210 Washington, DC 20005	American International Group
Do	Healthcare Assn of New York State
Do	Waste Management, Inc
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	National Assn of Professional Employer Organizations
Drinker Biddle & Reath, 901 15th Street, NW, #900 Washington, DC 20005	General Communication, Inc
Do	Tandy Corp
Ducheneaux Taylor & Associates, 303 Massachusetts Ave., NW Washington, DC 20002	American Indian Higher Education Consortium
Diane C. Duff, 1129 20th Street, NW, 2nd Floor Washington, DC 20036	Greater Washington Board of Trade
David Dworkin, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	ALW, Inc
Do	Delta Queen Steamboat Co
Do	Magnavox Electronic Systems Co
Do	Rural Hospital Coalition
Dykema Gossett, 1300 I Street, N.W Suite 300 Washington, DC 20005	City of Detroit
Do	Industrial Technology Institute
DJR & Associates, Inc, 555 Madison Avenue, 12th Floor New York, NY 10022	U.S. Alcohol Testing of America, Inc
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:CAI Wireless)
Do	ARter & Haden (For:Investment Company Institute)
Do	Motorola
Daniel J. Edelman, Inc, 1420 K Street, NW Washington, DC 20005	Government of Portugal
Do	Rolls Royce Aerospace Division

Organization or Individual Filing	Employer/Client
Egan & Associates, PC, 2300 N Street, NW Washington, DC 20037	Edlow Internatinal Co
Jonathan B. Eisen, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn
Jenny Erickson, 200 Clarendon Street Boston, MA 02117	John Hancock Mutual Life Insurane Co
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Major League Baseball Players Assn)
Ernst & Young, 1225 Connecticut Ave, #500 Washington, DC 20036	Adventist Health System/Sunbelt, Inc
Do	Adventist Health System/West
Do	American Council on Education
Do	Baylor Health Care System
Do	Christ Hospital
Do	Cleveland Clinic
Do	Detroit Medical Center
Do	General Health, Inc
Do	Gottlieb Memorial Hospital
Do	Greater New York Hospital Assn
Do	Harris Methodist Health Services
Do	Helix Medical Center
Do	Methodist Hospital of Indiana
Do	Miami Valley Hospital
Do	Oakwood Health Services
Do	Presbyterian Health Care System
Do	Regional Medical Center
Do	Samaritan Health System
Do	Scott & White Hospital
Do	Sisters of Charity Health Care Systems, Inc
Do	Unihealth America
Do	University Hospitals
Do	Upper Valley Medical Centers
Do	US Health
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	American Cyanamid Co
Scott Faber, 801 Pennsylvania Ave., SE, Suite 400 Washington, DC 20003	American Rivers
Gary M Fader, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc
Patricia Faison, 739 8th Street, SE Washington, DC 20003	Citizens Consulting, Inc
Farm Health Care Coalition, 1735 I Street, NW, #704 Washington, DC 20006	
Fehrenbacher, Sale, Quinn & Deese, PC, 910 16th Floor, 5th Floor Washington, DC 20006	MIDA Dental Plans, Inc
Edward F. Feighan, 1228 Euclid Avenue, Suite 900 Cleveland, OH 44115-1891	Climaco Climaco Seminatore Lefkowitz & Garofoli Co (For:Blue Cross & Blue Shield of Ohio)
Geoffrey A. Feiss, 1612 K Street, NW, #1100 Washington, DC 20006	U.S. Telephone Assn
Lizabeth Heydt Ferry, 4636 Somerton Road Trevose, PA 19053	Betz Laboratories
Julie W. Fishbein, 7102 Plantation Lane Rockville, MD 20852	Fishbein Associates, Inc (For:American Continental Group)
Do	Fishbein Associates, Inc (For:Fleishman Hillard, Inc)
Do	Fishbein Associates, Inc (For:National Presto Industries, Inc)
Do	Fishbein Associates, Inc (For:Third World Foundation, Inc)
Rand Harrison Fishbein, 7102 Plantation Lane Rockville, MD 20852	Fishbein Associates, Inc (For:American Continental Group)
Do	Fishbein Associates, Inc (For:Fleishman Hillard)
Do	Fishbein Associates, Inc (For:National Presto Industries, Inc)
Do	Fishbein Associates, Inc (For:Third World Foundation, Inc)
Fishbein Associates, Inc, 7102 Plantation Lane Rockville, MD 20852	American Continental Group
Do	Fleishman Hillard, Inc
Do	National Presto Industries, Inc
Do	Third World Foundation, Inc
Donna J. Fisher, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Gregory M. Fisher, 1201 Connecticut Ave., NW, #300 Washington, DC 20036	Bailey & Robinson (For:Nonprescription Drug Manufacturers Assn)
Donald Fix, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:British Aerospace)
Do	Hyjek & Fix, Inc (For:Thorn EMI)
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	CommTek Communications Corp
Do	University of New Haven
Florida Business Associates, 1620 L Street, NW, #875 Washington, DC 20036	California Polytechnic University, Pomona
Do	National Technological University
Donna Steele Flynn, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America
Brian F. Fontes, 1250 Connecticut Ave, NW, 2nd Floor Washington, DC 20036	Cellular TElecommunications Industry Assn
Ford & Ferraro, 98 San Jacinto, Suite 2000 Austin, TX 78701	Houston Chemical Services, Inc
Sonja Fordham, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	Cryomedical Sciences, Inc
Do	New England Biomedical Research Coalition
Jordan Frankl, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee
Fuji Photo Film, Inc, 211 Pucketts Ferry Road Greenwood, SC 29649	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Ernst & Young
Monique S. Gaw, 3138 North 10th Street, Suite 300 Arlington, VA 22201	National Assn of Federal Credit Unions
David F. Gencarelli, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Alliance of American Insurers
Do	Guardian Life Insurance Co of America
Gibbons & Company, 1455 Pennsylvania Ave., NW, Suite 1180 Washington, DC 20004	Florida Citrus Mutual
Do	Kellogg Co
Do	Mutual Life Insurance Co of New York
Do	Natural Disaster Coalition
Do	Underwriters at Lloyd's of London
Do	Zeneca, Inc
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	American Insurance Association
Do	Terra Environmental
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Gulfstream Aerospace Corp)
Carolyn H. Giolito, P.O. Box 5793 Carefree, AZ 85377	Danou Enterprises, Inc
David L. Glass, 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Nonprescription Drug Manufacturers Assn)
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Citizens Flag Alliance
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Seneca Sawmill Company
Mark S. Gorman, Gorman Consulting 309 Prince Street Alexandria, VA 22314	Council for Affordable Health Insurance
Do	General Mills Restaurants, Inc
Kevin C. Gottlieb, Box 434 Rockville, MD 20848	Kevin Gottlieb & Associates, Inc (For:General Public Utilities)
Do	Kevin Gottlieb & Associates, Inc (For:New England Power Service Co)
Rebecca M.J. Gould, 2001 L Street, NW, Suite 400 Washington, DC 20036	Business Software Alliance
Edmund Graber, 6626 Rockleigh Way Alexandria, VA 22310	American Road & Transportation Builders Assn
Do	Crown America
Do	Highway Users Federation
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Dental Implant Manufacturers Assn
Harold Gray, 5050 Fulton Street, NW Washington, DC 20016	WMDP Service Station & Automotive Repair Assn
Kaylene H. Green, 2341 Jefferson Davis Highway, #1100 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc
Linda W. Greiner, 1317 F Street, NW, Suite 510 Washington, DC 20004	White Consolidated Industries
Griffith & Rogers, P.O. Box 960 Yazoo City, MS 39194-0960	Promus Companies
Michael E. Grisso, 5115 Doyle Lane Centreville, VA 22020	Blue Cross & Blue Shield Assn
Robert L. Guyer, 13714 NW 21 Lane Gainesville, FL 32606	Energizer Power Systems Division of Eveready Battery Co
GHL, Inc, 1090 Vermont Avenue, NW, #800 Washington, DC 20005	Foster-Miller, Inc
Haight Gardner Poor & Havens, 1300 I Street, NW, #470E Washington, DC 20005	Wilh. Wilhelmsen Limited A/S
Hall Estill Hardwick Gable Collingsworth & Nelson, 1120 20th Street, NW, #750-S Washington, DC 20036	Society Asset Management, Inc
Jean Halloran, 101 Truman Avenue Yonkers, NY 10703	Consumers Union
Hammons & Hunter, 50 Penn Place, Suite 1300 Oklahoma City, OK 73118	Express Services, et al.
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Contran Corp
Hance Scarborough Woodward & Weisbart, 111 Congress, Suite 800 Austin, TX 78701	Contran Corp
Do	Kinetic Concepts, Inc
Cynthia Haney, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn
Michael K. Hansen, 101 Truman Avenue Yonkers, NY 10703	Consumers Union
John C. Hare, 701 Pennsylvania Avenue Washington, DC 20004	Siemens Transportation Systems, Inc
Charles Edward Harple, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters
Robert L. Harris, 927 15th Street, NW, 3rd Floor Washington, DC 20005	Nutter & Harris (For:FMC Corp)
Hawthorn Group, LC, 1300 North 17th Street, Suite 1330 Arlington, VA 22209	American Personal Communications, Inc
Nikki Heidepriem, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	International Women's Health Coalition

Organization or Individual Filing	Employer/Client
Kevin S. Hensley, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America
Herbolsheimer Lannon Henson Duncan & Reagan, PC, 733 15th Street, NW, Suite 1120 Washington, DC 20005	Bowling Proprietors' Assn of America
Angela D. Herman, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn
Clare Hessler, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc
Michael R. Hightower, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc
Sharon L. Hildebrandt, 2600 Virginia Avenue, NW, Suite 1000 Washington, DC 20037	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)
J. Eldred Hill III, 1331 Pennsylvania Ave, NW #1500 North Tower Washington, DC 20004-1703	UBA, Inc
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Northrup Grummman
Do	Sharp Microelectronics Tech, Inc
Do	Ticketmaster
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Greater Rockford Airport Authority
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	Small Business Service Bureau, Inc
Robert L. Hirsch, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Mohegan Tribe of Indians of Connecticut
Jerry S. Hoffman, 74 N. Pearl Street Albany, NY 12207	Healthcare Assn of NYS
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Molloy College
George R. Holland, 111 West Capitol, Room 1049 Little Rock, AR 72201	Southwestern Bell Telephone Co
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Conservation Fund
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Manatee County Public Works Department
Do	Peace River/Manasota Regional Water Supply Authority
Do	Southwest Florida Water Management District
Do	TRW, Inc
Do	West Coast Regional Water Supply Authority
Ellen V. Hollis, 504 Lavaca Street, Suite 800 Austin, TX 78701	Southern Union Gas Co
Alan F. Holmer, 1722 Eye Street, NW Washington, DC 20006	Frost Fuels Corp
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Borden Chemicals & Plastics, Inc
Do	Bramalea Limited
Do	Trane Company
Edward Howard & Co, 137 N. Main Street, #702 Dayton, OH 45402-1729	Bank One
Do	BFGoodrich Co
Do	Dana Corp
Do	Goodyear Tire & Rubber Co
Do	Proctor & Gamble
Do	3M Corporate Marketing & Public Affairs
John J. Huber, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America
J. Michael Hudson, 112 S. West Street Alexandria, VA 22314	Strategic Management Systems, Inc (For:Blood Systems, Inc)
Brian Huse, P.O. Box 1289 Oakland, CA 94604-1289	National Parks & Conservation Assn
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	British Aerospace
Do	Hyjek & Fix, Inc (For:Thorn EMI)
Ibex International, Inc, 1620 Eye Street, NW, Suite 202 Washington, DC 20006	Sovereign Government of the Sudan
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Republic of the Maldives
Robert L. Isaacs, 10521 Judicial Drive, Suite 100 Fairfax, VA 22030	Rosenfeld & Shearer, PC
Laura T. Janes, 453 New Jersey Avenue, SE Washington, DC 20001	Beneficial Management Corp
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Association of International Automobile Manufacturers, Inc
Do	Bethune-Cookman College
Do	Bionetics
Do	Caremark Prescription Services
Do	City of Aurora
Do	City of Newport News
Do	City of Orlando
Do	Colorado Springs Chamber of Commerce
Do	Computer Sciences Corporation
Do	CompCare Corporation
Do	Dow Chemical Company
Do	Dunn-Edwards
Do	Dyncorp
Do	Ergodyne
Do	Figgie International
Do	Hampton University
Do	HolidayInn Worldwide
Do	ILZRO/Battery
Do	Jacksonville Transportation Authority
Do	Marshall Fund
Do	McLang Cellular, Inc.
Do	National Assn of Community Health Centers
Do	Republic of Armenia
Do	Rowland Company
Do	State of Arkansas, Health Resources Commission
Do	Virginia Commonwealth University
Do	Voice of the Retarded
Ed Jenkins, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:Lutheran General Health System)
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	American Booksellers Assn
Do	American Library Assn
Do	Building Owners & Manufacturers Assn
Do	Community Associations Institute
Do	Society of American Florists
Jensen Baird Gardner & Henry, Ten Free Street P.O. Box 4510 Portland, ME 04112	Regional Waste Systems, Inc
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)
Do	Arter & Hadden (For:Investment Company Institute)
Do	Arter & Hadden (For:Mineral Resource Alliancw)
Paul Johnson, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation
W. Ladd Johnson, 601 13th Street, NW, Suite 401 Washington, DC 20005	
Robert Winthrop Johnson II, Law Offices, 1050 Potomac Street, NW Washington, DC 20007	American Nonwoven Corporation
Johnson Smith Dover Kitzmiller & Stewart Inc., 1300 Connecticut Ave., NW, #600 Washington, DC 20036	National Assn of Broadcasters
Earl F. Jones, AP2-225 Appliance Court Louisville, KY 40225	General Electric Co
Gerald C. Jones Jr., 739 8th Street, SE Washington, DC 20003	Citizens Consulting, Inc
Neal T. 'Buddy' Jones, One Hundred Congress Avenue Austin, TX 78701	Pharmaceutical Research & Manufacturers of America
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	Blue Cross/Blue Shield
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Coal Coalition
Do	League of California Cities
Gregory J. Junemann, 8630 Fenton Street, Suite 400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers
Richard Kahn, 101 Truman AVenue Yonkers, NY 10703	Consumers Union
Scott Kearin, 418 C Street, NE Washington, DC 20002	Alaska Wilderness League
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	Kellogg Company
Do	National Pasta Assn
Linda E. Kelly, 1100 New York Ave; NW, #580 Washington, DC 20005	Ryder System, Inc
J. H. Kent, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Professional Compounding Centers of America)
Paul C. Kerkhoven, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation
Jonathan Keyserling, 1818 N Street, NW Washington, DC 20036	AirTouch Communications
Jeffrey J. Kimbell, 1575 Eye Street, NW Washington, DC 20005	McKenna & Cuneo (For:Quest Medical, Inc (for Medical Device Manfacturers Assn))
Mike Kinard, P.O. Box 727 Magnolia, AR 71753	Kinard Crane & Butler, PA
Ken Kinard & Associates, 1517 Gregg Street Columbia, SC 29201	Pharmaceutical Research & Manufacturers of America
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Greater New York Hospital Assn
Do	ITT Defense & Electronics
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Aultman Hospital
Do	Empire Wholesale Lumber Distributors
Kirlin Campbell & Keating, One Farragut Square South, Second Floor Washington, DC 20006	American Bureau of Shipping
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	American Managed Care & Review Assn
Susan Kohn, 1400 16th Street, NW Washington, DC 20036	Zero Population Growth, Inc
Kollmorgen Corp, Reservoir Place 1601 Trapelo Road Waltham, MA 02154	
Michel N. Korbey, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033	United Seniors Assn, Inc
Susan M. Koski-Grafer, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute
John F. Kostyack, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Kramer Rayson Leake Rodgers & Morgan, 800 South Gay Street, Suite 2500 Knoxville, TN 37929	CIT PET Systems, Inc

Organization or Individual Filing	Employer/Client
David B. Krone, 1320 19th Street, NW, Suite 201 Washington, DC 20036	Tele-Communications, Inc
Ann Langley & Associates, Inc, 444 North Capitol Street, NW, #837 Washington, DC 20001	Children's Hospital, Boston
Do	Children's Specialized Hspital
Do	Health Hill Hospital for Children
Do	Hospital for Sick Children
Do	La Rabida Children's Hospital Research Center
Do	National Assn of Children's Hospitals & Related Institutions
Do	National League for Nursing
Do	Tennessee Primary Care Network
Mark Lappen, 1000 Connecticut Ave., NW Washington, DC 20036	National Assn of Health Underwriters
Beth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:NMP Corp)
Do	Gadsby & Hannah (For:Westinghouse & Cutler/Hammer Products)
Gary G. LaPaille, 6518 S. Keeler Chicago, IL 60629	Whitman Corp
J. Lee, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations Bar Assn (For:Tax Attorneys & Consultants Assn)
Do	Aaban Legal Services International, Inc (For:World Nations League Import/Export Assn)
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	Erie Forge & Steel, Inc
Lent & Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	Dyer Ellis Joseph & Mills
Thomas G. Loeffler, 1801 K St., NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Investment Company Institute)
Do	Arter & Hadden (For:Mineral Resource Alliance)
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Blank Rome Comisky & McCauley (For:Maritime Exchange for the Delaware River & Bay)
Do	Blank Rome Comisky & McCauley (For:Pilots' Assn of the Bay & River Delaware)
Do	Blank Rome Comisky & McCauley (For:US Healthcare)
Minerva Castaneda Lopez, 1717 R Street, NW, #202 Washington, DC 20009	
John F. Lyons, 1350 I Street, NW, Suite 400 Washington, DC 20005	Motorola
Russell MacCleery, 1250 I Street, NW, #400 Washington, DC 20005	Service Station Dealers of America
James MacPherson, 725 15th Street, NW, Suite 700 Washington, DC 20005	Council of Community Blood Centers
Paul J. Magliocchetti, 1755 Jefferson Davis Hwy., Suite 1107 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	ARCO
Carrie Bedwell Mann, 1055 Thomas Jefferson, NW Washington, DC 20007	Cohen & White (For:Sprint)
William R. Manning, 1805 Crystal Drive, #806S Arlington, VA 22202	
Sarah E. Margolies, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	OSEI Power Corp
Ron Marlenee, 9008 Linda Maria Court Fairfax, VA 22031	Butler Creek
Andrea C. Maron, 1640 Wisconsin Avenue, NW 1st Floor Washington, DC 20007	American College of Surgeons
Kelly Leonard Martin, 725 15th Street, NW, Suite 700 Washington, DC 20005	Council of Community Blood Centers
Pamela Martin, 2000 Connecticut Ave., NW, Suite 414 Washington, DC 20008	Ad Hoc Committee to Promote the Finality of Bankruptcy Order
William R. Martin, 1800 K Street, NW Washington, DC 20006	Hercules, Inc
John S. Mason III, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Nicholas Masters, 1400 L Street, NW Washington, DC 20005	Oceaneering Space Systems
Maureen Maxwell, 900 17th Street, NW Washington, DC 20006	Wilderness Society
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	American Farm Bureau Federation
Do	Farley Industries, Inc
Do	Joseph E. Seagram & Sons Inc
Do	SmithKline Beecham
Marcia McAllister, 1270 West Northwest Highway Palatine, IL 60067	American Salvage Pool Assn
Grady McCallie, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
James R. McCarthy, 1801 K St., NW, Suite 700 Washington, DC 20006	Price Waterhouse LLP (For:Shell Oil Company)
Regina McClay, P.O. Box 2297 Boston, MA 02107-2297	Justin MacBridge Institute
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Airlease, Ltd
Do	Alliance Capital Management, LP
Do	Association for the Preservation of Civil War Sites
Do	Borden Chemical & Plastics LP
Do	Cedar Fair LP
Do	GAF Corp
Do	Health Insurance Provider Coalition
Do	Johnson & Johnson
Do	LAACO, Ltd
Do	Oppenheimer Capital LP
Do	Red Lion Hotels
Do	Reynolds Metals
Do	Rotary International
Do	RJR Nabisco Corp
Do	S.C. Johnson & Son
Do	Section 2039(e) Group
Do	Wells Manufacturing Co
McGehee & Associates, 11781 Lee Jackson Memorial Highway Suite 360 Fairfax, VA 22033	ELEKTA Radiosurgery, Inc
Do	Institute for Clinical PET
Yvonne McIntyre, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Co
McKenna & Cuneo, 444 South Flower Street, 7th Floor Los Angles, CA 90071	California Dental Association
Do	Medical Device Manufacturers Assn
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Corning, Inc, et al.
Do	INSLAW, Inc
Do	Risk & Insurance Management Society, Inc
Laura E. McNeill, 1025 Connecticut Ave., NW, Suite 1014 Washington, DC 20036	ENSERCH Corp
Thomas J. Medaglia III, 1615 M Street, NW, Suite 200 Washington, DC 20036-3260	Amoco Corp
Fred C. Meendsen, CPC International, Inc Englewood Cliffs, NJ 07632	CPC International, Inc
Mehl & Pickens Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Hughes Aircraft Co
David Melville, 610 Marshall Street, Suite 800 Shreveport, LA 71101-5332	Change Assistance Programs
Pamela L. Meredith, 600 New Hampshire Ave., NW Washington, DC 20037	Spectrum Asho, Inc
Paul T. Mero, 1902 Coleman Lane Fredericksburg, VA 22407	American Priorities
Thomas J. Meyer, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Company
Bradley P. Miller, 2061 Cherry Run Court, NW Grand Rapids, MI 49504	Business & Institutional Furniture Manufacturer's Assn
Scott Miller, 1050 Thomas Jefferson Street Washington, DC 20007	Student Loan Marketing Assn
W. Kirk Miller, 735 North Water Street, #908 Milwaukee, WI 53202	North American Export Grain Assn, Inc
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Marine Preservation Assn
Miller Canfield Paddock & Stone, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque, Cable Television Division
Do	City of St. Louis
Martha R. Moffett, 1606 34th Street, NW Washington, DC 20007	First Church of Christ, Scientist
Seth Mones, 601 Pennsylvania Avenue, NW North Building-Suite 700 Washington, DC 20004	North American Philips Corp
Mark Morgan, 1901 Fort Meyer Drive Arlington, VA 22209	Petroleum Marketers Assn of America
James F. Moriarty, 801 Pennsylvania Ave., NW Washington, DC 20004	Fulbright & Jaworski
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Shea Homes Limited Partnership
Jeremiah L. Murphy, 701 Pennysvania Ave, NW Washington, DC 20004	Siemens Corp
Patrick W. Murphy, 370 L'Enfant Promenade, SW, 10th Floor Washington, DC 20024	American Nuclear Society
William D. Mutch, 2500 Wilson Boulevard, Suite 301 Arlington, VA 22201	American Apparel Manufacturers Assn
MIDA Dental Plans, Inc, 200 Town Center, Suite 2200 Southfield, MI 48075	
Steven T. Nadherny, 2101 L Street, NW, Suite 405 Washington, DC 20037	Electric Generation Assn
Nationwide Supply, Inc, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations League Barter Assn
Diana Neidle, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of American
David W. Nelson, David Nelson & Associates 1120 Connecticut Avenue, NW, 11th Floor Washington, DC 20036	Marion Merrell Dow
Newberry Hargrove & Rambicure, 1211 Connecticut Ave., NW, Suite 300 Washington, DC 20C36	MESA, In
F. Ron Newbury, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:CAI Wireless)
Do	Arter & Hadden (For:Mineral Resource Alliance)
James Newell, 1050 Thomas Jefferson Street Washington, DC 20007	Student Loan Marketing Assn
Julie L. Nichols, 1101 17th Street, NW, Suite 600 Washington, DC 20036	American Airlines, Inc
Franklyn C. Nofziger, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006	
David F.A. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Blank Rome Comisky & McCauley (For:Maritime Exchange for the Delaware River & Bay)
Do	Bank Rome Comisky & McCauley (For:Pilots' Assn of the Bay & River Delaware)
Do	Blank Rome Comisky & McCauley (For:US Healthcare)
Nurnberger & Associates, 1275 K Street, NW, Suite 1100 Washington, DC 20005	National Campaign to End Neurological Disorders
O'Brien Calio, 1350 I Street NW Suite 690 Washington, DC 20005	GATT NOW Alliance

Organization or Individual Filing	Employer/Client
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Camara Nacional de la Industria Pesquera
Do	DataTech Software
Do	Fishing Vessel Owners' Assn
Do	M.A. Mortenson Co
Do	Southeast Alaska Seiners Assn
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Hospital Assn
Mary Rose Oakar & Asssociates, Inc, 2621 Lorain Avenue Cleveland, OH 44113	Greater Cleveland Growth Assn
Ziad Ojakli, 1200 7th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	California Waterfowl Assn
Omega Management Group, Inc, P.O. Box 107 Irvington, NY 10533	
Edward O.C. Ord, 650 California Street, #1200 San Francisco, CA 94108-8	Ord & Norman
Raul G. Ordonez Jr., 8390 West Flagler Street, Suite 205 Miami, FL 33144	Raul G. Ordonez
Beth H. Orsoff, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union
Oxygenated Fuels Assn, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036	
John Patrick, 211 Pucketts Ferry Road Greenwood, SC 29649	Fuji Photo Film, Inc
Sally Patterson, 810 Seventh Ave. New York, NY 10019	California Department of Education
Patterson Belknap Webb & Tyler, 1133 Avenue of the Americas New York, NY 10036	Teepak, Inc
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	Brown & Williamson Tobacco Corp
Do	City of Waterbury
Do	Coalition on Indian Housing Reform
Do	Direct Marketing Assn, Inc
Do	Eagle-Picher Industries, Inc
Do	Fastship Atlantic, Inc
Do	Morrison Knudsen
Do	Sheriff Harry Lee
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Financial Executives Institute
Do	IPSCO Steel Inc
Peabody & Brown, 1255 23rd Street, NW, #800 Washington, DC 20037	Affordable Housing Tax Credit Coalition
Christopher T. Peace, 500 E. Street, SW, #920 Washington, DC 20024	National Assn of Professional Insurance Agents
George A Peapples, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corporation
M. Pearlstein, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations Bar Assn (For:Tax Attorneys & Consultants Assn)
Do	Aaban Legal Services International, Inc (For:World Nations League Import/Export Assn)
Lawrence Peduzzi, 1755 Jefferson Davis Highway, Suite 1107 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc
Dean R. Peeler, P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute
Law Offices of John D. Pellegrin, 1140 Connecticut Ave., NW, Suite 606 Washington, DC 20036	Yankee Microwave, Inc
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	National Private Telephone Assn
Jean Perih, 644 Massachusetts Ave., NE, #405 Washington, DC 20002	National Taxpayers Union
Gary S. Persinger, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America
Bruce L. Petersen, 1899 L Street, NW Washington, DC 20036	National Petroleum Refiners Assn
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	City of Seattle
Barbara Phillips, 1818 N Street, NW Washington, DC 20036	AirTouch Communications
Phoenix Enterprises Co, 1020 E. 27th Street Texarkana, TX 75502-3802	Association of Societies & Associations
Pierce & Company, LP, 77 West Wacker Drive, Suite 3340 Chicago, IL 60601	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Rabanco Companies
Pope McGlamry Kilpatrick & Morrison, 720 Broadway Columbus, GA 31902	INSLAW, Inc
John D. Porter, 1150 Connecticut Ave., NW, Suite 1125 Washington, DC 20036	Financial Executives Institute
Jack R Pounds, Betz Laboratories Inc 4636 Somerton Road Trevose, PA 19053	Betz Laboratories Inc
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Hazardous Waste Action Coalition
Kurt A. Proctor, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores
Quality Business Solutions, 101 W. 11th Street, Suite 1010 Kansas City, MO 64105	Kansas City Missouri School District
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	Korea Foreign Trade Assn
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Evans Loosley, Inc)
Robert A. Rapoza Associates, Inc, 601 Pennsylvania Avenue, NW, #850 Washington, DC 20004	Community Reinvestment Fund
Do	Massachusetts Housing Partnership Fund
Do	Massachusetts Nonprofit Housing Assn
Do	National Assn of Housing Partnerships
Do	Northeast Ventures Corp
Do	West Virginia Community Action Directors Assn
Charles William Rech, 7592 South Emerson Circle Littleton, CO 80122	Tom Moad
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Owens-Illinois, Inc
Do	Techneglas, Inc
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Montana Power Company
Sam Richardson, 203 South West Street Alexandria, VA 22314-2826	Joens Day Reavis & Pogue (for Coal Coalition)
Clarine Nardi Riddle, 10607 Millet Seed Hill Columbia, MD 21044-4150	
Pedro Rivera, 101 E Street, SE Washington, DC 20003	X-Com, Inc
Robert C. Robb Jr., 425 One Plymouth Meeting Plymouth Meeting, PA 19462	Barnes & Tucker
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Office of the Los Angeles District Attorney
Do	Omnipoint Corp
Robins Kaplan Miller & Ciresi, 1801 K Street, NW, #1200 Washington, DC 20006	Factory Mutual Engineering
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:Alliance for Managed Competition)
Do	Bailey & Robinson (For:Nonprescription Drug Manufacturers Assn)
Gilbert A. Robinson, Inc, 1146 19th Street, NW Washington, DC 20036	First Church of Christ Scientist
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	Armtec Defense Products
Rock & Associates, 818 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	Contran Corp
Do	Kinetic Concepts, Inc
Do	Southern Company Services, Inc
Thomas C. Rodgers, 3000 S. Randolph Street, Suite 517 Arlington, VA 22206	Levi Strauss International
Robert A. Roe Associates, Inc, 1680 Route 23 Wayne, NJ 07470	New Jersey Sports & Exposition Authority
Curtis D. Rooney, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Dial Page, Inc
Do	Harvard University
Do	Tulane University
Daniel Rosenberg, 218 D St., SE Washington, DC 20003	U.S. Public Interest Research Group
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Nambe Pueblo
Lynn B. Russo, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corp
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	RailTex, Inc
Kathryn Sabo, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc
Stacy J. Sabo, 1000 Thomas Jefferson St, NW, Suite 609 Washington, DC 20007	Coalition for Consumers' Picture Rights
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Grand Canyon Air Tour Council
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:Nonprescription Drug Manufacturers Assn)
Paul Schomburg, 1819 L Street, NW, Suite 200 Washington, DC 20036	Matsushita Electric Corp of America
William J. Schuyler, 1500 K Street, NW, Suite 650 Washington, DC 20005	Glaxo, Inc
Joseph Schwartz, 1101 14th Street, NW, Suite 700 Washington, DC 20005	Physician for Social Responsibility
Michael Scott, 1101 Vermont Avenue, NW, #606 Washington, DC 20005	American Society of Anesthesiologists
Anne Scully, 777 14th Street, NW Washington, DC 20005	Zeneca, Inc
Patricia A. Sevilla, 1440 New York Ave., NW, #200 Washington, DC 20005	American Automobile Association
Eva Seydel, 1401 I Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	Island Development Corp
Kenneth L. Shapiro, Wilson Elser Moskowitz Edelman & Dicker One Steuen Place Albany, NY 12207	Healthcare Assn of New York State
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	City of Kansas City - Aviation Department
Sherman Mortgage Co, 1020 E. 27th Street Texarkana, TX 75502-3802	International Joint Venture Society
Jeffrey D. Shoaf, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Hewlett-Packard co
Mark D. Siljander, 650 Keithley Drive Great Falls, V2 2066	Global Strategies, Inc
Jennifer Singleton, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform
Mitchell C. Sklar, 3717 Columbia Pike, Suite 300 Arlington, VA 22204	National Assn of Alcoholism & Drug Abuse Counselors
Patrick Smith, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Sacramento
Do	City of San Francisco
Do	Lane Community College
Do	Union Switch & Signal, Inc
Do	USAir
Do	WOCN

Organization or Individual Filing	Employer/Client
Sonnenberg Anderson & Rodriguez, 200 South Wacker Dr. 33rd Floor Chicago, IL 60606	American Yazaki Corp
Angela M. Sparks, 4500 Vestal Parkway, East P.O. Box 3607 Binghamton, NY 13902-3607	New York State Electric & Gas Corp
Rachel E. Speltz, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc
Andrew Sperling, 12300 Twinbrook Parkway Rockville, MD 20852	National Community Mental Healthcare Council
Shanel Staten, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations Bar Assn (For:Tax Attorneys & Consultants Assn)
Do	Aaban Legal Services International, Inc (For:World Nations League Import/Export Assn)
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	American Dental Assn
Do	(For:Eli Lilly & Co)
Do	General Mills, INc
Do	PepsiCo, Inc
D. Steiner, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations Bar Assn (For:Tax Attorneys & Consultans Assn)
Do	Aaban Legal Services International, Inc (For:World Nations Leauge Import/Export Assn)
J. Steiner, 1020 E. 27th Street Texarkana, TX 75502-3802	Aaban Enterprises Co (For:Solar Energy Society)
Do	World Nations Bar Assn (For:Tax Attorneys & Consultants assn)
Do	Aaban Legal Services International, Inc (For:World Nations League Import/Export Assn)
Urvan R. Sternfels, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners
Heidi Sternheim, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare
Kari Stevens, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations Bar Assn (For:Tax Attorneys & Consultants Assn)
Do	Aaban Legal Services International, Inc (For:World Nations League Import/Export Assn)
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Brush Wellman Engineered Materials
Strategic Management Systems, Inc, 112 South West Street Alexandria, VA 22314	Blood Systems, Inc
Strategic Resource Group, Inc, 1229 15th Street, NW Washington, DC 20005	Human Rights Campaign Fund
Strategies for the Future, 2020 Pennsylvania Ave., NW, Suite 221 Washington, DC 20006	Zionist Organization of America
D. Stull, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations Bar Assn (For:Tax Attorneys & Consultants Assn)
J. Stull, 1020 E. 27th Street Texarkana, TX 75502-3802	World Nations Bar Assn (For:Tax Attorneys & Consultants Assn)
Jay R. Sullivan, Jamison & Sullivan, Inc 1101 30th Street, NW Washington, DC 20007	Catellus Development Corp
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	First Fidelity Bancorporation
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Kollmorgen Corp, et al.
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Alliance of American Insurers et al
Walter Sutton Jr., 9310 Belaire Drive Miramar, FL 33025	Hearty Hunks of America
David M. Sweet, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Association of Container Reconditioners
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	Forschler & Associates
SJA International, Inc, 1133 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Zenith Data Systems
E. Whitney Tannen, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn for Medical Equipment Services
Technical Group, Inc, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Steel Shipping Container Institute
Brian D. Thomas, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Pacific Telecom, Inc
John Threlkeld, 80 F Street, NW Washington, DC 20001	American Federation of Government Employees
Ashley O. Thrift, Womble Carlyle Sandridge & Rice P.O. Drawer 84 Winston-Salem, NC 27102	Milliken & Co
Do	Sprint, Inc
Michael L. Tiner, 1824 S Street, NW #402 Washington, DC 20009	Upjohn
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Loral Aeronutronic
Do	Loral Missiles Group
Francine L. Trull, 818 Connecticut Ave., NW, Suite 303 Washington, DC 20006	National Assn for Biomedical Research
Chris Tuffli, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	City of Gresham
James S. Turpin, 3444 S. Wakefield St. Arlington, VA 22206	Horsehead Resource Development
Robert E. Tyson Jr., 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	Promus Companies, Inc
Laura Van Etten, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	United Defense Limited Partnership
Van Fleet-Meredith Group, 499 S. Capitol Street, SW, #520 Washington, DC 20003	AT&T
Do	HARSCO Corp
Van Ness Feldman, P.C., 1050 Thomas Jefferson St., NW, #700 Washington, DC 20007	International Energy Development Council
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	Browning Ferris Industris
Do	Electronic Data Systems Corp
Jay Velasquez, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Bombardier Corp
Do	Harmon Industries
Do	State of Hawaii
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	Sacramento Metropolitan Water Authority
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Ohio Corporation for Health Information
Judith Lynn Wade, 7 Park Lane, Unit B Atlanta, GA 30309	Beckel-Cowan
Jennifer C. Wagner, 1150 Connecticut Ave., NW, Suite 1125 Washington, DC 20036	Financial Executives Institute
Matt Wald, 7101 Wisconsin Ave., #901 Bethesda, MD 20814	National Burglar & Fire Alarm Assn
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	RABANCO
Johnnie M. Walters, PO Box 19230 Washington, DC 20036	Leatherwood Walker Todd & Mann, PC
Barbara Warren, 101 Truman Avenue Yonkers, NY 10703-1057	Consumers Union
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	Wooden Publishing House
Wear & Associates, 888 16th Street, NW, Suite 300 Washington, DC 20006	Chemical Speciality Manufacturers Assn
West Virginia Reachback Coalition, Inc, 1100 6th Avenue Hungtington, WV 25714	
Michael G. Whitaker Sr., 1707 L Street, NW, Suite 300 Washington, DC 20036	United Air Lines, Inc
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Mormac Marine Group
W. Stephen Wilborn, 305 Ann Street, #403 Frankfort, KY 40601	American Petroleum Institute
Alecia Bryant Wilcox, 9310 Belaire Drive Miramar, FL 33025	Hearty Hunks of American
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	ROLITE, Inc
Laurie L. Wilkerson, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)
J. Christine Will, 419 7th Street, NW, Suite 500 Washington, DC 20004	National Right to Life Committee, Inc
Will Cofer Associates, Inc, 4001 Pine Brook Road Alexandria, VA 22310	
Karen Williams, 1750 K Street, NW Washington, DC 20006	Pharmaceutical Research & Manufacturers of America
Williams & Connolly, 725 12th Street, NW Washington, DC 20005	Hatco Corporation
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	Coalition for Global Investors (CGI)
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Atlantic Gulf Communities
Do	Fitch Investors Service, Inc
Do	Managed Futures Assn
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:Lutheran General Health System)
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Atlantic County Utilities Authority
Do	Bristol Resource Recovery Facility Operating Committee
Do	City of Indianapolis
Do	Connecticut Resources Recovery Authority
Do	Delaware County (PA), Solid Waste Authority
Do	Greater Detroit Resource Recovery Authority
Do	Lockheed Corp
Do	Marion County Solid Waste Management
Do	Martin Marietta Corp
Do	Mercer County
Do	Minnesota Resource Recovery Assn
Do	Montgomery County, Ohio & Montgomery County Solid Waste Dist
Do	New Jersey Assn of Environmental Authorities
Do	Northern Telecom
Do	Oceaneering Space Systems
Do	Penobscot Valley Refuse Disposal District
Do	Resource Authority Sumner County
Do	Solid Waste Authority of Central Ohio
Do	Stellar One Corp
Do	Summit County/Akron Solid Waste Authority
Do	Town of North Hempstead
Do	York County Solid Waste & Refuse Authority
WinCapitol, Inc, 1207 Potomac Street NW Washington, DC 20007	Dow Chemical Co
Do	OESI
Do	ORMAT

Organization or Individual Filing	Employer/Client
Do	Unocal Corp
Patricia A. Wolff, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation
Jeffry R. Wollitz, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc
Jonathan B. Wood, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group
Robert W. Woodbury Jr., 13 Plumbley Road Upton, MA 01568	Kollmorgen Corp
Sue E. Woods, P.O. Box 1330 Huntington, WV 25714	Crystal Block Coal & Coke Co
William H.L. Woodyard III, 1420 New York Avenue, NW, Suite 750 Washington, DC 20005	National Assn of Professional Employer Organizations
World Nations Bar Assn, 1020 E. 27th Street Texarkana, TX 75502-3802	Tax Attorneys & Consultants Assn
World Series, Inc, 21 Maple Avenue Madison, NJ 07940	
Julie Beth Wright, 1801 North Moore Street Arlington, VA 22209	American Assn of School Administrators
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	AmeriCable
Do	Belz Enterprises
Do	Construction Industry Air Quality Coalition
Do	Keen Realty Consultants, Inc
Do	(For:MFJ)
Do	PMA Group
Do	Rural States Federal Transportation Policy Development Grp
Do	Siemens Transportation Systems
Do	Union Pacific
H. Montee Wynn, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation
Zionist Organization of America, 4 East 34th Street New York, NY 10016	
Zuckert Scoutt & Rasenberger, 888 17th St., NW, #600 Washington, DC 20006-3959	Dubuque Regional Airport

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1994:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER ____________________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "*Employee*".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "*Employer*".—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1 ◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $...............Public relations and advertising services
2. $...............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $...............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $...............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $...............TOTAL for this Quarter (Add "1" through "8")
10. $...............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $...............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*Name and Address of Recipient—Purpose*
$1,750.00	7–11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	3,725.00	
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers	360.92	
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
George Abney, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	2,928.18	
Pamela Abney, 1101 Vermont Ave., NW, #710 Washington, DC 20005	American Veterinary Medical Assn	205.00	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #400 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)		
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 666 Pennsylvania Ave., SE, #403 Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	1,800.00	32.78
Charles A. Acquard, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
Jane M. Adams, 818 Connecticut Avenue, NW, #303 Washington, DC 20006	National Assn for Biomedical Research	972.00	
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	2,480.00	
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
Sandra Sue Adams-Choate, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	16,682.78	
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers)	500.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Michael B. Adlin, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007			
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		101.00	101.00
Advocacy Group, 1350 EYE Street, NW, #680 Washington, DC 20005	American Chiropractic Assn		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc		
Do	City of Tempe		
Do	Florida Board of Regents Foundation, Inc		
Do	Georgia Southern University		
Do	Intel Supercomputing Division		
Do	Livingston Health Care Services		
Do	National Fuel & Energy, Inc		
Do	New Mexico State University		
Do	Palmer Chiropractic University		
Do	Port of Brownsville, Texas		
Do	Sam Houston State University		
Do	University of Utah		
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		6,116.00	6,116.00
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	750.00	
Affordable Housing Tax Credit Coalition, 1255 23rd Street, NW, #800 Washington, DC 20037		2,000.00	2,000.00
Jennifer Lee Ahern, 1725 17th Street, NW, #109 Washington, DC 20007	Bruce P. Cameron (For:Embassy of Monzambique)	975.00	
Do	Bruce P. Cameron (For:National Council of Maubere Resistance)	650.00	
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Patricia W. Aho, 45 Memorial Circle Augusta, ME 04330-6400	American Petroleum Institute	736.40	
Robert S. Aiken, 800 Connecticut Avenue, NW, #610 Washington, DC 20006	Pinnacle West Capital Corp	20,000.00	1,780.00
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		325.00
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		16,000.00	16,929.03
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		7,000.00	6,572.00
Airports Council International - North America, 1775 K Street, NW, #500 Washington, DC 20066			27,487.30
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing		
Do	Air Transport Assn of America		
Do	Albertson's, Inc		
Do	Alliance of American Insurers	1,110.25	16.00
Do	Amerada Hess Corp		
Do	American Airlines, Inc	8,135.00	128.00
Do	American Financial Corp	150.75	8.00
Do	American Share Insurance Corporation	60.00	
Do	American Telephone & Telegraph Co	8,000.00	152.00
Do	Arthur T. Walker	750.00	
Do	ASSE International Student Exchange Program	960.00	19.00
Do	Bechtel Group, Inc		
Do	Beneficial Management Corp. of America	5,145.00	95.00
Do	Bolt Beranek & Newman, Inc		
Do	City of Houston	3,020.00	57.00
Do	Columbia Government Trade Bureau (PROEXPO)	9,430.00	
Do	Cotton Bowl Athletic Assn		
Do	Dow Jones & Co		
Do	Fremont Group, Inc		
Do	General Aviation Manufacturers Assn	50.00	
Do	Government of Norway	255.00	
Do	GTECH Corp		
Do	Liberty Mutual Insurance Co	1,585.00	19.00
Do	MacAndrews & Forbes Holdings, Inc		
Do	Mazda (North America), Inc		
Do	Medical Protective Company	5,960.00	95.00
Do	Mellon Bank Corp		
Do	Memorial Sloan-Kettering Cancer Center	4,510.00	76.00
Do	Mesa, Inc		
Do	Metropolitan Transit Authority of Harris County	3,780.00	57.00
Do	Micro Tracers	725.00	
Do	Miller Brewing Company	50.00	
Do	Robert Mondavi Winery		
Do	Morgan Stanley & Co, Inc	740.00	
Do	Mortgage Guaranty Insurance Corp		
Do	Mortgage Insurance Cos of America	13,200.00	247.00
Do	Motion Picture Assn of America, Inc	2,490.00	38.00
Do	MAXXAM, Inc	400.00	
Do	MCA, Inc		
Do	National Football League		
Do	Nationwide Mutual Insurance Company	301.50	16.00
Do	New York Public Library	1,720.00	19.00
Do	Riggs National Corp		
Do	Ryder System, Inc	1,220.00	19.00
Do	Southern California Edison Co		
Do	Thompson & Knight	1,875.00	19.00
Do	Time-Warner		
Do	Transamerica Financial Services	1,520.00	19.00
Do	USA Group, Inc	305.00	
Do	Warner-Lambert Co		
Do	Westinghouse Electric Corp		
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James J. Albertine, 1899 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:Association of School Business Officials International).	1,575.00	70.00
Do	Albertine Enterprises (For:Castle Harlan, Inc)		
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		250.00
Do	Albertine Enterprises, Inc (For:Exide Electronics)	3,900.00	200.00
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	3,500.00	375.00
Do	Albertine Enterprises, Inc (For:International Assn of Convention & Visitor Bureaus).	1,575.00	170.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	1,749.00	155.00
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	583.00	45.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	1,750.00	465.00
Do	Albertine Enterprises, Inc (For:Thermo Electron Corp)	500.00	140.00
Do	United Companies Financial Corp		
John M. Albertine, 1889 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:Association of School Business Offcials International).	2,925.00	197.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Albertine Enterprises, Inc (For:Castle Harlan, Inc)		
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		
Do	Albertine Enterprises, Inc (For:Exide Electronics, Inc)	3,900.00	162.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	6,500.00	455.00
Do	Albertine Enterprises (For:International Assn of Conventions & Visitor Bureaus)	975.00	165.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	3,249.00	162.00
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	800.00	110.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	3,250.00	390.00
Do	Thermo Electron Corp	1,084.00	160.00
Do	United Companies Financial Corp	800.00	110.00
Albertine Enterprises, Inc, 1899 L Street, NW, #500 Washington, DC 20036	Association of School Business Officials International	4,500.00	300.00
Do	Castle Harlan, Inc		
Do	Council for Superfund Fairness, Inc		
Do	Exide Electronics, Inc	6,000.00	250.00
Do	Fruit of the Loom, Inc	10,000.00	1,500.00
Do	International Assn of Conventions & Visitor Bureaus	4,500.00	200.00
Do	ITRON and AMR	1,666.00	60.00
Do	Potomac Capital Investment Corp	4,999.00	250.00
Do	SMS Corp	5,000.00	600.00
Do	Thermo Electron Corp	2,500.00	250.00
Do	United Companies Financial Corp		
Phyllis M. Albritton, 1455 Pennsylvania Ave., NW, Suite 500 Washington, DC 20004-0Met	MetPath, Inc	18,750.00	400.00
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Clean Coal	5,437.50	
Do	Alliance for Responsible CFC Policy	16,500.00	
Do	Alliance for Sound Atmospheric Policy	3,000.00	
Do	Associated Industries of Florida Property & Casualty Trust	15,000.00	
Do	Care Florida Health Systems, Inc	12,000.00	
Do	Center for Applied Engineering	2,875.00	
Do	City of Jacksonville	10,550.00	
Do	City of North Las Vegas	14,400.00	
Do	City of Virginia Beach	26,250.00	
Do	Computer Sciences Corp	3,000.00	
Do	Consolidated Freightways	12,750.00	
Do	Dade County Aviation Department	6,000.00	
Do	Dart Container Corp	10,000.00	
Do	Jack Eckerd Corp	3,000.00	
Do	Hillsborough County	18,000.00	
Do	Home Shopping Network	27,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jacksonville Chamber of Commerce	6,000.00	
Do	Jim Walter Corp	3,750.00	
Do	Keep America Moving	57,300.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County-Seaport Department	6,750.00	
Do	Montgomery Watson Americas, Inc	8,250.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Northern States Power Co		
Do	Palm Beach County	19,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Port of Palm Beach	18,000.00	
Do	Precision Systems, Inc	3,000.00	
Do	Regular Common Carrier Conference	7,500.00	
Do	Sonoma County	6,000.00	
Do	State Road 7 Association, Inc	17,790.00	
Do	Summa Corp	21,000.00	
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Troy Systems	5,000.00	
Do	U.S. Alcohol Testing Co of America, Inc	18,000.00	
Do	Walter Industries	30,818.43	
Do	Washington Workshops	12,000.00	
Gary Aldridge, P.O. Box 3087 Shepherdstown, WV 25443	In Defense of Animals	4,800.00	950.00
Margaret Alessi, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,250.00	811.76
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	300.00	84.56
William V. Alexander, 1425 Ironwood Drive McLean, VA 22101	American Citizens Abroad	1,500.00	
Do	Federal Express	7,500.00	
Joan Christina Alker, 1431 Corcoran Street, NW Washington, DC 20009	Families USA	1,975.80	326.50
Don Allen, P.O. Box 642 Helena, MT 59624	Don Allen & Associates (For:Highway Users Federation)		5,871.69
Pamela J. Allen, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	1,590.00	48.74
Alliance for GATT NOW, 1317 F Street, NW, Suite 600 Washington, DC 20004	Alliance for GATT Now	116,710.00	75,407.43
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			248,098.88
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		5,882.19	4,861.07
Robert F. Allnutt, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alpha Group: Designs for Education, 1319 F Street, NW, Suite 900 Washington, DC 20004	The First Church of Christ, Scientist	780.00	
Law Offices of Robert Altman, 901 15th Street, NW, #400 Washington, DC 20005	Golden Rule Insurance Co		
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	138.00
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		45,872.76	45,872.76
American Advertising Federation, 1101 Vermont Ave., NW, #500 Washington, DC 20005			
American Amusement Machine Assn, 450 East Higgins Road Elk Grove Village, IL 60007-1417		3,000.00	7,198.92
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201			5,264.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		48,487.40	48,487.40
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			43,845.26
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749		5,000.00	5,000.00
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		66.38	50.00
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			393.45
American Automobile Manufacturers Assn, 1401 H Street, NW, suite 900 washington, DC 20005		157,360.87	157,360.87
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		247,261.59	247,261.59
American Business Conference, Inc, 1730 K Street, NW, #1200 Washington, DC 20006		100,800.00	87,752.34
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Continental Group, Inc, 601 Pennsylvania Avenue, NW Suite 900 Washington, DC 20004	AKT Development Corporation		
Do	Compex Corporation		
Do	Fisher Imaging		
Do	GEC-Marconi Systems		
Do	I-Stat Corporation	13.00	
Do	Litton - Applied Technology		
Do	National Assn of Retail Collection Attorneys		
Do	Ncube		
Do	Omni-Tech Medical Inc		
Do	Plasma-Therm		
Do	SeaBeam		
Do	Syracuse University	13.00	
Do	Vanguard		
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		567.00	1,274.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		38,591.00	38,591.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044		1,113.00	
American Farm Bureau Federation, 225 Touhy Avenue Park Ridge, IL 60068		180,050.00	180,050.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			224,123.23
American Federation of Home Health Agencies, 1320 Fenwick Lane, Suite 100 Silver Spring, MD 20910		149,647.35	36,609.08

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		3,240.00	3,240.00
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			750.00
American Foreign Service Assn, 2101 E Street, NW Washington, DC 20037		1,502.00	24,113.00
American Forest & Paper Assn, 1111 19th Street, NW Washington, DC 20036			19,825.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		1.40	50.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	126,361.74
American Health Information Management Assn, 919 North Michigan Avenue, Suite 1400 Chicago, IL 60611-1683			17,105.97
American Home Products Corp, 1726 M Street, NW, #1001 Washington, DC 20036			20,800.00
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		24,244.31	15,492.69
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			38,506.91
American Insurance Assn, 1130 Connecticut Avenue, NW, #I000 Washington, DC 20036		5,595.00	5,595.00
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		261,554.00	173,939.00
American International Group, Inc, 70 Pine Street New York, NY 10270			79,010.75
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		148,930.00	208,905.39
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			3,900.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		15,000.00	11,177.93
American Library Assn, 50 E. Huron Street Chicago, IL 60611		1,389.00	11,743.00
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	788.50
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		15,570.80	3,504.48
American Medical Assn, 515 North State Street Chicago, IL 60610			770,904.44
American Medical Security, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54307-9032			65,163.47
American Methanol Institute, 800 Connecticut Ave., NW, #620 Washington, DC 20006		13,750.00	8,006.00
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		26,898.81	26,898.81
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571		101,347.04	101,347.04
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725		23,877.27	23,877.27
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		400,783.35	382,839.53
American Physical Therapy Assn, 1111 N. Fairfax Street Alexandria, VA 22314		5,378.08	5,378.08
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621		121,895.18	143,512.08
American Portland Cement Alliance, 1212 New York Avenue, NW, #500 Washington, DC 20005			64,473.75
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		121,895.18	143,512.08
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		92,481.00	92,481.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main Street Newington, CT 06111			19,080.00
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		500.00	500.00
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			35.00
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			57,443.88
American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003			68,805.36
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			28,800.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		58,108.80	75,180.22
American Tort Reform Assn, 1212 New York Ave., NW, Suite 515 Washington, DC 20005			424.00
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			27,200.00
American Veterinary Medical Assn, 1101 Vermont Avenue, NW, #710 Washington, DC 20005-3621		11,965.50	179.04
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		582,182.00	5,457.27
American Wind Energy Assn, 122 C Street NW 4th Floor Washington, DC 20001		72,375.00	37,795.22
Americans for Immigration Control, Inc, 725 2nd Street, NE Washington, DC 20002		13,133.54	13,133.54
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		7,199.00	7,199.00
Amie Amiot, 10801 Rockville Pike Rockville, MD 20815	American Speech-Language-Hearing Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Assn of Pharmaceutical Distributors	10,250.00	
Do	Kollmorgen Corp	7,500.00	
Do	Northrop Corp	9,000.00	
Do	Tenneco, Inc	16,000.00	
Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703	National Assn of Manufacturers		
Anadarko Petroleum Corp, 17001 Northchase Drive Houston, TX 77251-1330			
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	43.00
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp)		
Bryan D. Anderson, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Co	198.00	103.47
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	400.00	83.42
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	450.00	
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, 66 S, Pearl Street Albany, NY 12207	KeyCorp/Key Bank of New York	961.53	110.00
Frederick M. Anderson, Box 2000 - Bldg. 5702 ECIFi, Dix J Fort Dix, NJ 08640-2000			
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,375.02	
Lori Anderson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Socity of the Plastics Industry, Inc		
Margo L. Anderson, 1725 Jefferson Davis Highway, Suite 901 Arlington, VA 22202	Alliant Techsystems, Inc	9,487.50	
Philmore B. Anderson, 412 1st Street, SE. Suite 300 Washington, DC 20003	Independent Insurance Agents of America	8,352.00	
Richard F. Anderson, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies Inc		
Steven Anderson, 1764 Old Meadow Rd, #350 McLean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	4,508.00	
William C. Anderson, 818 Connecticut Avenue, NW, #200 Washington, DC 20006	US English, Inc	3,750.00	75.00
Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	400.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,287.78
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers		16,883.71
Do	Institute of Makers of Explosives		
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Ares-Serono, Inc		
Do	Association of Trial Lawyers of America		
Do	Blue Cross and Blue Shield of ND	20,000.00	
Do	California Dairy Institute		
Do	Interstate Natural Gas Assn of America (INGAA)		
Do	Johanna Dairies		
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Do	Thomson, Inc		
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Apartment & Office Building Assn of Metropolitan Washington, 1050 17th Street, NW, #300 Washington, DC 20036			
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	8,265.00	
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp		
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Amusement Machine Assn	12,959.60	4,525.07
Do	American Assn of Bioanalysts	41,688.49	3,219.95
Do	American Assn of Occupational Health Nurses	19,379.11	269.30
Do	American Board of Examiners in Clinical Social Work	15,417.93	282.94
Do	Jean-Bertrand Aristide	10,000.00	3,887.21
Do	Association of Professional Flight Attendants	10,059.26	32.78
Do	Children With Attention Deficit Disorder (CHADD)		477.67
Do	Children's Health Fund		21.92
Do	Guardian Life Insurance Co of America	44,981.93	28.88
Do	Health Commons Institute		
Do	Independent Federation of Flight Attendants		
Do	International Society for Clinical Laboratory Technology	4,000.55	
Do	Mercy Hospital of Des Moines, Iowa	4,308.00	1,865.11
Do	National Assn of Recording Merchandisers	2,792.09	182.04
Do	National Parking Association		
Do	Navajo Nation	46,523.68	904.78
Do	North American Training Services, Inc	1,113.50	29.16
Do	Raytheon Company	46,597.78	1,156.31
Do	Video Software Dealers Assn	914.30	30.29
Do	Worksite Health Promotion Alliance	42,054.62	3,889.40
John G. Arlington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	425.00	500.00
David C. Armijo, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co, Inc		
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Luther Glenn Arnette, 1101 Mercantile Lane, Suite 100 Landover, MD 20785	American Military Society (AMS)		
Do	Fleet Reserve Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Red Cross		
Do	Building and Construction Trade Department, AFL-CIO		
Do	City of Reading		2,325.38
Do	Commissioner, Dept of Telecommunications City of New York		
Do	Computer Sciences Corp		
Do	Continental Corporation		
Do	General Cable Corp		
Do	General Conference of Seventh-day Adventists	1,206.25	
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)		
Do	Montefiore Medical Center		
Do	National Assn of Telecommunications Officers & Advisors	756.00	
Do	National Coordinating Comm for Multiemployer Plans	10,937.50	471.81
Do	Paine Webber Group, Inc	672.94	
Do	Recording Industry Assn of America, Inc	4,528.38	14.00
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		
Do	Scripps Research Institute		
Do	Stanford University		
Do	State of Delaware	2,607.25	19.50
Do	State Farm Mutual Automobile Insurance Co	48,792.00	101.96
Do	Survival Technology, Inc		
Do	Tambrands, Inc		
Do	Unilever United States, Inc		
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	2,149.69	270.54
Deborah McNeal Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	Home Care Aide Assn of America/National Assn for Home Care	124.60	
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	American Insurance Assn	2,165.00	1,375.00
Do	Association for Responsible Thermal Treatment	1,230.00	740.00
Do	Cellular Telecommunications Industry Assn		
Do	Central & South West Corp		
Do	Circus Circus Enterprises, Inc	1,060.00	735.00
Do	Citicorp	1,080.00	770.00
Do	Corning, Inc	1,160.00	625.00
Do	CAI Wireless	2,500.00	628.00
Do	Electronic Data Systems Corp	1,000.00	670.00
Do	ELGARD Corp		
Do	Financial Guaranty Insurance Corp		
Do	Great Lakes Museum of Science Environment & Technology	500.00	360.00
Do	Hearst Corp	1,240.00	780.00
Do	Jeffries & Co, Inc		
Do	LTV Corp		
Do	Merck & Co, Inc	1,290.00	720.00
Do	Mineral Resource Alliance	3,500.00	960.00
Do	Motorola	1,000.00	620.00
Do	National Assn of Broadcasters	260.00	
Do	Nintendo of America	25.00	
Do	SPRINT	1,040.00	730.00
Do	Tesoro Petroleum		
Do	U.S. Long Distance Corp	1,000.00	620.00
Do	United Services Automobile Assn		
Do	Westinghouse Electric Corp		
Donald D. Asmonga, 1919 Pennsylvania Ave., NW, Suie 300 Washignton, DC 20006	American Health Information Management Assn	2,091.54	59.00
Associated Builders & Contractors, Inc, 1300 North 17th Street Rosslyn, VA 22209		2,500.00	
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		20,056.00	20,056.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		186,332.62	186,332.62
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			56.01
Association of Maximum Service Television, Inc, 1776 Massachusetts Avenue, NW, #310 Washington, DC 20036			
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of State & Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			2,000.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		20,518.75	20,518.75
Bob Asztalos, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	14,000.00	332.36
Carol F. Aten, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			2,134.00
Atlantic Systems, Inc, 8045 Leesburg Pike, Suite 650 Vienna, VA 22182			697.76
Deborah Marie Atwood, 1700 N. Moore Street Arlington, VA 22209	American Meat Institute	2,000.00	
Jonathan P. Atwood, 100 West Putnam Avenue Greenwich, CT 06830	UST Public Affairs, Inc	1,000.00	2,059.00
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	65.00	320.00
Frank W. Ault, 2009 N. 14th Street, #300 Arlington, VA 22201	American Retirees Assn	4,500.00	
Anna Aurilio, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group	6,206.88	
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,218.90	
John S. Autry, 1133 Connecticut Avenue, NW, #1010 Washington, DC 20036	JSA-1, Inc	12,000.00	2,777.55
Les AuCoin, Bogle & Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Forest & Paper Assn	1,769.00	
Do	City of Gresham	114.00	
Do	Confederated Tribes of the Grand Ronde	862.00	
Do	Global Forestry Management Group	88.00	
Do	Harsch Investment Co	537.00	
Do	International Paper	114.00	
Do	Northwest Forest Resource Council	1,478.00	
Avon Products, Inc, 9 West 57th Street New York, NY 10019			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie, Inc		
Merribel Symington Ayres, 601 13th Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	7,312.50	
Richard E. Ayres, 555 13th Street, NW, #500 West Washington, DC 20004	American Insurance Assn	6,000.00	19.00
Do	Cigna Corp	12,030.00	4.00
AIDS Action Council, Inc, 1875 Connecticut Avenue, NW, #700 Washington, DC 20009			4,521.72
AOPA Legislative Action, 500 E Street, SW, #920 Washington, DC 20024		131,849.00	148,176.00
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western & Southern Life Insurance Co		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
Wendy Baer, 4214 King Steet, West Alexandria, VA 22302	IHPA - The International Wood Products Assn	271.95	727.60
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
Kingsley E. Bailey, 1730 K Street, NW Suite 304 Washington, DC 20004	International Foundation for the Mentally Ill		
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Unisys Corp)		
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Cyanamid Co, Inc	15,000.00	
Do	American Gastroenterlogical Association Foundation	46,700.00	
Do	Blue Cross of Western Pennsylvania	30,000.00	
Do	MasterCard International	27,000.00	
Do	Natural Disaster Coalition	15,000.00	
Do	Oralco Management Services	30,000.00	
Do	Smart Corp	15,000.00	
Do	Utilities Telecommunication Council		
Do	UNISYS Corp	1,350.00	
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	1,005.44
James Jay Baker, 1742 N Street, NW Washington, DC 20036	National Rifle Assn of America	3,257.00	
Do	Sporting Arms & Ammunition Manufacturers Institute	11,250.00	1,150.00
John A. Baker, 1600 Peachtree Street, NW Atlanta, GA 30309	Equifax, Inc	1,760.00	1,618.00
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,490.99	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Baker & Botts, L.L.P., The Warner 1229 Pennsylvania Ave., NW Washington, DC 20004-2400	Association for Manufacturing Technologies	28,665.00	90.46
Do	BrightStar Group Limited		0.85
Do	Computer & Business Equipment Manufacturers Assn	13,963.25	11.13
Do	Mickey Leland National Urban Air Toxics Research Center		
Do	Ministry of Foreign Affairs of the Republic of Yemen		
Do	Rhone-Poulenc, Inc		18.25
Do	Trajen, Inc	1,965.00	25.60
Do	Westinghouse Electric Corp	4,800.00	15.50
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc	650.15	650.15
Do	American Football Coaches Assn Retirement Trust	12,724.36	12,724.36
Do	Canadian Sugar Institute		
Do	Chubb Group of Insurance Co		
Do	Cleveland Clinic Foundation		
Do	College on Problems of Drug Dependence (CPDD)	4,661.42	4,661.42
Do	Cominco, Ltd		
Do	Corroon & Black Corp	650.15	650.15
Do	Council of Insurance Agents & Brokers	93.74	93.75
Do	Edison Electric Institute	1,750.00	1,750.00
Do	Financial Holding Corp		
Do	Fireman's Fund Insurance Co		
Do	Flexi-Van Leasing/Pacific Holding Company		
Do	Hospital Insurance Forum	54,519.84	54,519.84
Do	Hyatt Corp		
Do	Independent Insurance Agents of America, Inc	93.74	93.75
Do	Invacare Corporation	22,816.57	22,816.57
Do	IM&I, Inc	15,949.99	15,949.99
Do	IOTA Partners	3,750.00	3,750.00
Do	Johnson & Higgins	650.15	650.15
Do	Life Gift Organ Donor Center	7,335.14	7,335.14
Do	Marsh & McLennan Companies	650.15	650.15
Do	Methodist Hospital of Indiana	144.79	144.79
Do	National Assn of Insurance Brokers, Inc	5,944.20	5,944.20
Do	National Assn of Professional Insurance Agents	93.74	93.75
Do	North American Reinsurance		
Do	Paradigm Health Corp	11,170.44	11,170.44
Do	Renal Physicians of Texas	4,930.77	4,930.77
Do	Robert Peterson Enterprises, Inc		
Do	Rollins Burdick Hunter	650.15	650.15
Do	Schering Berlin, Inc	37,517.13	37,517.13
Do	Sedgwick James, Inc	650.15	650.15
Do	Society of Cardiovascular & Interventional Radiology	20,557.34	20,557.34
Do	St. Joseph Hospital & Health Center		
Do	St. Paul Fire & Marine	650.15	650.15
Do	Travelers Insurance Co	70,340.43	70,340.43
Do	United Fidelity Life Insurance	1,171.74	1,171.74
Do	Washington Regional Transplant Consortium		
Diane L. Baldwin, 200 South Sixth Street Minneapolis, MN 55402	Grand Metropolitan, Inc		
Donald Baldwin, 888 16th Street, NW, #600 Washington, DC 20006	Diagnostic/Retrieval Systems, Inc		
Do	Law Enforcement Assistance Foundation		
Do	National Law Enforcement Council		
Do	Security on Campus, Inc		
Paul W. Baldwin, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc	1,500.00	
Stanley W. Balis, 1140 19th Street, NW, #700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	2,192.24	
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,079.17
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Bellevue (Washington)	5,584.06	678.94
Do	City of Modesto	6,600.00	766.52
Do	City of Portland, OR	21,000.00	2,573.63
Do	City University	35,535.00	4,813.67
Do	Clackamas County	17,130.00	1,972.53
Do	Clatsop Community College	6,000.00	593.88
Do	CPAFB (Committee to Preserve the American Family Business	9,000.00	1,863.23
Do	Greenbrier Leasing, Inc	35,751.00	5,002.91
Do	Northwest Industrial Gas Users		
Do	Northwest Woodland Owners Council	27,000.00	4,405.78
Do	Oregon Community College Assn	9,000.00	1,165.22
Do	Oregon Department of State Lands	4,500.00	250.00
Do	Oregon Department of Transportation	32,662.13	2,840.93
Do	Oregon Graduate Institute of Science & Technology	10,635.00	1,486.31
Do	Rayonier	11,980.00	944.50
Do	Schnitzer Steel Industries	1,745.00	856.99
Debra T. Ballen, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Thomas M. Balmer, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		
Michael Baly III, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	3,000.00	408.20
Balzano Associates, 1730 North Lynn Street Arlington, VA 22209	Northrop Corp		
Kip B. Banks, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	7,725.00	126.00
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	654.03	
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	189.15
Do	Bannerman & Associates, Inc (For:Beirut University College)	10,000.00	
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).	2,000.00	
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Reinsurance Corp		
Linda W. Banton, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,175.00	
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,050.00	
Samuel J. Baptista, 1776 Eye Street, NW, #735 Washington, DC 20006	Financial Services Council	5,250.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	12,339.60	539.16
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Dana Barbieri, 600 Maryland Ave., SW, Sutie 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Donald P. Barger, 20 Ridgeway Road Norris, TN 37828	National Parks & Conservation Assn	254.85	9.00
Russell E. Barker, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers	6,614.20	972.09
Do	Peanut Butter & Nut Processors Assn	3,307.14	942.10
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
Jared A. Barlage, 122 C Street, NW, 4th Floor Washington, DC 20001	American Wind Energy Assn	6,624.99	
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	2,286.80
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	FireArm Importers Fair Trade Group (FAIR)	13,957.50	2,935.43
Do	National Rifle Assn	16,606.41	337.65
Sharon W. Barnes, 5535 Hempstead Way Springfield, VA 22151-4094	National Assn for Uniformed Services	1,050.00	
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Aviation Management Associates (For:Megapulse, Inc)		
Do	Aviation Management Associates (For:Wilcox, Inc)		
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	3,020.00	80.00
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Eugene M. Barr, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,150.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn	3,000.00	
David J. Barrett, 801 Pennsylvania Ave., NW, Suite 955 Washington, DC 20004	Morgan Stanley & Co, Inc	3,000.00	
Robert W. Barrie, 1299 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	5,000.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Albert P. Barry, 2011 Crystal Drive, #107 Arlington, VA 22202	AAI Corporation	5,837.50	
Colleen L. Barry, 1828 L Street, NW, Suite 1010 Washington, DC 20036	Rosapepe & Spanos, Inc (For:H & R Block)	2,314.09	44.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas M. Barry, 1401 I Street, nw, Suite 1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	167.94
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co		
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Virginia Bartlett, One Sony Drive Park Ridge, NJ 07656	Sony Electronics, Inc	4,000.00	
William N. Bartolone, 1331 Pennsylvania Ave., NW, #1331N Washington, DC 20004	Cray Research, Inc	2,500.00	670.00
Patrick Baskette, 5604 Newington Road Bethesda, MD 20816	Healthcare Leadership Council	6,300.00	
J. Mel Bass, 1401 H Street, NW Washington, DC 20005	American Automobile Manufacturers Assn	10,000.00	
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,500.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	443.00
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,000.00	
Richard M. Bates, 1150 17th Street, NW, #400 Washington, DC 20036	Disney Worldwide Services, Inc	12,375.00	146.59
Russell B. Batson, 1615 H St., NW Washington, DC 20062	American Furniture Manufacturers Assn	500.00	360.57
Robin Battaglini, 12118 Beaver Creek Road Clifton, VA 22024	ITT Defense & Electronics		
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	875.00	
Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	19,517.00	6,034.35
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross & Blue Shield of Texas, Inc	2,500.00	1,577.94
Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005	Pennzoil Company	350.00	
Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	4,028.94	
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	32,400.00	1,522.11
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Associated Group	16,623.53	400.00
Do	Cook Group	7,479.49	450.00
Do	Illinois Tool Works, Inc	355.75	325.00
Do	Lender's Coalition		
Do	National Basketball Assn		
Do	National Soft Drink Assn	2,000.66	200.00
Do	Pennsylvania Savings Assn Insurance Corp		
Do	Real Estate Capital Recovery Assn		
Do	TENNECO	52,096.19	450.00
Bayless Boland Madigan & Barrett, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Alyeska Pipeline Service Co	1,000.00	
Do	Distilled Spirits Council of the U.S.	6,000.00	
Do	Energy Transportation Group	1,200.00	
Do	Portable Rechargeable Battery Assn	2,500.00	
Do	Southwest Airlines	300.00	
Do	Southwestern Bell Corp	5,000.00	
Do	Stewart & Stevenson Services, Inc	250.00	
Kim Koontz Bayliss, One Massachusetts Ave., NW, Third Floor Washington, DC 20001	United Video, Inc	17,010.00	8,567.94
Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	1,330.47	
Robert L. Beauregard, 1150 Connecticut Ave., NW, Suite 717 Washington, DC 20036	Southern California Gas Co		
Charles D. Becher, 1350 Eye Street, NW, Suite 1000 Washington, DC 20005	Ford Motor Company	1,500.00	662.40
Edward A. Beck III, 1615 L Street, NW, #1205 Washington, DC 20036	Smith Helms Mulliss & Moore	5,000.00	
Brenda Larsen Becker, 1310 G Street, NW, l2th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,857.00	145.23
Kenneth E. Becker, 760 Alexander Road, CN-1 Princeton, NJ 08543	American Hospital Assn		
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	8,506.41	25.00
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	793.42	623.00
Teresa G. Beeman, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
William A. Behan, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Corp	4,000.00	2,825.45
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co		
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc		
Charles Bell, 101 Truman Avenue Yonkers, NY 10703	Consumers Union		4,910.24
Judith Bell, 1535 Mission Street San Francisco, CA 94103	Consumers Union		
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak-Bronfman, 2100 L Street, NW Washington, DC 20037	Humane Society of the U.S.	8,562.50	184.50
Julia Jackson Bellinger, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn		
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		8.00
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	3,410.00	
Judith H. Bello, 1722 Eye Street, NW Washington, DC 20006	Frost Fuels Corp		22.50
Catherine A. Belter, 8616 Etta Drive Springfield, VA 22152	National PTA		261.21
Keith B. Belton, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	600.00	322.00
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	5,100.00	
Beverly Ann Benedict, 2414 16th Street Anacortes, WA 98221	Gertrude J. Dombrowski Research Organization		25.01
Mark Benedict, 900 2nd STreet, NE, Suite 306 Washington, DC 20002	Ferroalloy Assn		
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,475.81	
Daniel J. Bennet, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
John C. Bennison, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	8,500.00	
Frederick S. Benson III; 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		116.01
James E. Benton, New Jersey Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	185.00	
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	29.00	
Bergner Bockorny Clough & Brain, 1101 16th Street, NW, #500 Washington, DC 20036	American Medical Security	4,500.00	605.00
Do	Biotechnology Industry Organization	6,000.00	780.00
Do	Capital Research & Management Company		
Do	China External Trade Development Council	550.00	110.00
Do	Dow Chemical Co	1,400.00	715.00
Do	Edison Electric Institute	1,100.00	315.00
Do	Elanco Animal Health	2,000.00	315.00
Do	Electronic Industries Assn	3,000.00	435.00
Do	Fox Broadcasting Company	7,500.00	1,221.99
Do	Friendship in Freedom	500.00	40.00
Do	Georgetown University Medical Center	3,000.00	455.00
Do	Glaxo, Inc	2,000.00	860.00
Do	HealthCare COMPARE Corp	4,500.00	1,039.23
Do	Mallinckrodt Specialty Chemical Co, Inc	2,000.00	420.00
Do	McDonnell Douglas Corp	700.00	170.00
Do	Metpath	3,500.00	1,116.50
Do	National Assn of Business & Educational Radio, Inc	3,500.00	785.00
Do	National Soft Drink Assn	4,000.00	679.95
Do	Newscorp, USA	550.00	175.00
Do	Northwest Airlines	3,000.00	600.00
Do	Ogden Martin Systems, Inc	3,500.00	780.00
Do	Petroleum Marketers Assn of America	4,000.00	1,000.00
Do	Philip Morris Co, Inc	5,000.00	800.00
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1319 F Street, NW, #301 Washington, DC 20004	Methyl Bromide Working Group	3,000.00	838.50
Do	Smokeless Tobacco Council	1,000.00	
Jessica Berk, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services Council	1,125.00	
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	146.12	
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Ann Richardson Berkey, One Post Street, SUite 3275 San Francisco, CA 94104	McKesson Corp	21.83	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	4,000.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		247.58
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	7,749.00	477.72
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	3,000.00	2,719.87
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Jacqueline L. Berry, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining and Manufacturing (3M)	1,000.00	
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers & Exporters Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Florida Department of Citrus		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	
Michael J. Bertelsen, 1401 H Street, NW, #1200 Washington, DC 20005	Investment Company Institute	1,607.14	620.00
Maria L. Berthoud, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	7,269.00	267.69
Ed Bethune, P.O. Box 200 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	14,750.00	843.49
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	539.19
Do	American Assn of Eye & Ear Hospitals	2,250.00	100.63

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	AmeriNet	500.00	
Do	Health Industry Group Purchasing Assn	3,500.00	281.17
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	National Park Hospitality Association		
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	120.20	3.10
Nathan A. Bicks, 130 North Court Memphis, TN 38103	Belz Investco L.P.	16,776.50	2,213.82
Mary P. Bierle, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		674.22
Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036	Weyerhaeuser Company		130.64
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,315.60	
Kevin W. Billings, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Leon G. Billings, Inc, 1625 K St., NW, #790 Washington, DC 20006	Main San Gabriel Basin Water Quality Authority	46,750.00	
Do	Manville Corp	66,250.00	
Do	South Coast Air Quality Management District	15,000.00	
Do	Sterling Forest Corporation	6,350.00	
Do	Waste Management, Inc	25,287.50	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	7,153.60	4,480.57
William P. Binzel, 1401 Eye Street, NW Washington, DC 20005	MasterCard International, Inc	2,881.35	142.00
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Calista Corp	1,795.20	1,795.20
Do	Florida Coastal Landowners' Coalition	3,764.56	3,764.56
Do	Old Harbor Native Corp	7,678.40	7,678.40
Do	Pacific Telecom, Inc	2,240.00	2,240.00
Do	Sealaska Corp	2,880.00	2,880.00
Do	State of Alaska	903.00	903.00
Do	Tanadgusix Corporation	960.00	960.00
Do	Wildlife Legislative Fund of America	7,382.40	7,432.40
John H. Birdsall III, Schelford Farm Route 16, Box 25 Charlottesville, VA 22901	NICOR, Inc		
Susan Birmingham, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group	4,530.88	
McNair Bishop, 700 11th Street, NW, #650 Washington, DC 20001	Association of National Advertisers, Inc		
William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors		
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971		49,557.00	49,557.00
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	850.00	
Wayne V. Black, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA, Assn of the Nonwoven Fabrics Industry)		
Black & Decker Corp, c/o Samuel A. Bleicher Miles & Stockbridge 1450 G Street, NW, #445 Washington, DC 20005			18,967.48
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Avenue P.O. Box 5488 Daytona Beach, FL 32018.	Aetna Life & Casualty		
Do	Embry-Riddle Aeronautical University		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Allied-Signal Corp	22,500.00	
Do	American Airlines, Inc	15,000.00	
Do	American Behavioral Healthcare Assn	22,500.00	
Do	Bethlehem Steel Corp	22,500.00	
Do	Casino Association of New Jersey	7,500.00	
Do	Chrysler Corp	15,000.00	392.71
Do	Clark Construction Group	9,000.00	
Do	Consortium for Passenger Rail	2,500.00	
Do	D. George Harris & Associates	4,500.00	
Do	Johnson & Johnson, Inc	30,000.00	13.00
Do	Kashmiri American Foundation	35,000.00	
Do	MacAndrews & Forbes Holdings, Inc	45,000.00	
Do	Morton International	35,000.00	174.06
Do	MGM Grand, Inc	5,000.00	
Do	NEC USA, Inc	37,500.00	
Do	Philip Morris	6,000.00	
Do	Phoenix Home Life Insurance	9,000.00	
Do	Principal Group	15,000.00	8.00
Do	Roger Williams University	3,500.00	269.00
Do	Textron	15,000.00	
Do	Tourism Development Properties of Puerto Rico	3,750.00	
Do	Trump Organization	18,000.00	
Do	U.S. Tobacco	30,000.00	
Do	Union Pacific Corp	15,000.00	
Do	United Parcel Service	5,625.00	
Do	UNITA	3,750.00	
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	222.07
Robert J. Blackwell Jr., 816 Connecticut Avenue, NW, #900 Washington, DC 20006	OHM Corp		
Julia M. Blankenship, 2715 M Street NW, #150 Washington, DC 20007	Edison Electric Institute	1,125.81	225.03
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc		
Samuel A. Bleicher, 1450 G Street, NW, #445 Washington, DC 20005	Miles & Stockbridge (For:Black & Decker Corp)	11,752.59	251.64
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Audre Recognition Systems, Inc	1,217.57	115.86
Do	Consumers Paint Factory, Inc	201.25	46.60
Do	FHP Inc.		
Do	Hunter Industrial Facilities, Inc		
Do	National Paint & Coatings Assn, Inc	1,500.00	223.25
Do	National Spa & Pool Institute	900.00	118.33
Bliss & Wilkens, P.O. Box 201128 Anchorage, AK 99520-1128	Akhiok-Kaguyak, Inc	36,850.06	
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	10,000.00	2,005.00
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	8,700.00	2,696.68
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Anthony Bloome, 2030 M Street, NW Washington, DC 20036	Common Cause	1,827.20	
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,045.59
Robert S. Bludworth, 1100 South Washington Street, 1st floor Alexandria, VA 22314-4494	National Beer Wholesaler's Assn	7,324.72	
Blue Cross & Blue Shield of Florida, P.O. Box 1798 Jacksonville, FL 32231			1,300.00
Jared O. Blum, 3306 Shirley Lane Chevy Chase, MD 20815	Polyisocyanurate Insulation Manufacturers Assn	1,000.00	
Patti Blumer, 1350 I Street, NW, #1030 Washington, DC 20005-3305	Principal Financial Group	97.11	
Wayne F. Boan, 9124 E. 87th Place Tulsa, OK 74133	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		100,000.00	100,000.00
Jeffrey Bobeck, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	18,000.00	
Judith Ann Boddie, 701 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Edison Electric Institute	4,911.26	777.44
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		25.00
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	9,375.00	
Larry A. Boggs, 1299 Pennsylvania Ave., NW Washington, DC 20004-2407	General Electric Co	600.00	
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	1,042.50	1,042.50
Do	American Forest & Paper Assn	2,573.00	2,573.00
Do	American Sportfishing Assn	675.00	675.00
Do	Basic American, Inc	1,043.00	1,043.00
Do	City of Gresham	292.00	292.00
Do	Coastal Conservatin Assn	945.00	945.00
Do	Confederated Tribes of the Grand Ronde	4,089.00	4,147.18
Do	Direct Service Industries, Inc	1,239.00	1,239.00
Do	Global Forestry Management Group	128.00	128.00
Do	Harsch Investment Co	1,310.20	1,310.20
Do	International Paper	166.00	166.00
Do	McPhillips Manufacturing Co	822.00	822.00
Do	Northwest Forest Resource Council	2,150.00	2,221.08
Do	Pacific Northwest Utility Conference Committee	1,239.00	1,239.00
Do	United Sport Fishermen	675.00	675.00
Do	Washington Wheat Commission	2,205.00	2,205.00
S. Alexander Bohler, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee		
John K. Boidock, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments, Inc	3,500.00	
James B. Boillot, 1005 E Street, SE Washington, DC 20003	National Agricultural Aviation Assn		
Patricia Boinski, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	730.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stephen A. Bokat, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.		
Eugene R. Bolo, 1233 Main St., #4000 Wheeling, WV 26003	Ormet Corp		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)		
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Bond & Co, Inc, 1414 Prince Street, Sutie 300 Alexandria, VA 22314	Long Island Lighting Co		
Do	MassMutual		
Thomas W. Bonenberger, 1615 M Street, NW #200 Washington, DC 20036	Amoco Corporation		
John E. Bonitt, 1310 G Street, NW, 12th Floor Washington, DC 20005	Eli Lilly & Co		
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Soc of Anesthesiologists	4,251.39	
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,848.00	
Gaylon B. Booker, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Carolyn Boos, 5720 Smetana Drive, Suite 100 Minnetonka, MN 55343	Ag-Chem Equipment Co, Inc	7,500.00	1,168.67
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	Capitoline/MS&L (For:Republic of Turkey)	9,750.00	
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
William J. Bosies Jr., 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn	1,300.00	1,073.00
Carroll Bostic, 1776 I St., NW, Suite 1050 Washington, DC 20006	Eastman Kodak Company	1,350.00	1,865.00
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Stephen Bosworth, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company		
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	Chinese Computer Communications, Inc, et al.	1,000.00	270.00
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc		
Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Deborah L. Boudreau, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	3,570.00	
Monte F. Bourjaily III, 218 South Fairfax Street Alexandria, VA 22314	Management Vision Partners, Inc	1,250.00	375.00
Laura L. Bourne, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,435.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Melissa L. Bowen, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc	11,500.00	
Donna Bower, 800 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	Baxter, Gov't Affairs Div		
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	21,613.50	
Taylor R. Bowlden, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation	12,600.00	2,657.00
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	5,000.00	1,237.75
Larry G. Bowles, 1150 - 18th Street, NW, Suite 200 Washington, DC 20036	Halliburton Co		
Christopher Bowlin, 1331 Pennsylvania Avenue, NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	1,125.00	116.65
Michael D. Boyd, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	155.00	
Richard A. Boyd, 309 Massachusetts Avenue, NE Washington, DC 20002	Grand Lodge, Fraternal Order of Police	14,744.00	4,648.00
Richard K. Boyd, 299 Park Avenue New York, NY 10171	Westvaco Corporation		
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co	162.50	88.02
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	412.50	160.15
Do	Kemper Investors Life Insurance Company	862.50	111.01
Do	Kemper Corporation (For:Kemper Securities Group, Inc)	687.50	182.13
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	1,471.68	218.00
Van R. Boyette, 555 13th Street, NW, #305E Washington, DC 20004	Flo Sun, Inc	15,000.00	919.00
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Cynthia R. Boynton, 1000 Connecticut Ave., NW, #1106 Washington, DC 20036	Gordley Associates (For:U.S. Canola Assn)		
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	Birdsall, Inc		
Do	Browning-Ferris Industries, Inc	980.00	58.80
Do	Centex Corp		
Do	Chemical Manufacturers Assn, Inc		
Do	Council of Industrial Boiler Owners		
Do	COMDISCO, Inc		
Do	Edison Electric Institute		
Do	Enron Corp		
Do	Higman Barge Lines, Inc		
Do	Independent Refiners Coaliton		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc		
Do	Pennsylvania Natural Gas Assn		
Do	Physicians Insurers Assn of America	390.00	23.40
Do	Rohm & Hass Co		
Do	Joseph E. Seagram & Sons, Inc		
Do	Securities Industry Association		
Do	Southdown, Inc	7,050.00	423.00
Do	Sterling Chemicals, Inc		
Do	Torch Energy Advisors, Inc		
Do	Union Texas Petroleum Energy Corp		
Do	Valero Energy Corporation		
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Allied Pilots Association	5,000.00	100.00
Do	American Institute for Foreign Studies	5,000.00	110.00
Do	City of Ft. Worth	7,000.00	105.00
Do	City of Klamath Falls	7,000.00	120.00
Do	City of Tucson	7,000.00	170.00
Do	Coin Coalition	15,000.00	205.00
Do	County of Winnebago	300.00	25.00
Do	Daishowa America Company, Ltd	15,000.00	160.00
Do	Daylight Saving Time Coalition		20.00
Do	Energy Absorption Systems, Inc	8,000.00	105.00
Do	Fort Worth Transportation Authority	5,000.00	135.00
Do	Greater Rockford Airport Authority	5,000.00	120.00
Do	Michigan Consolidated Gas Co	15,000.00	250.00
Do	Southern California Edison	10,000.00	95.00
Do	St. Louis Airport Authority	4,000.00	140.00
Do	United Technologies Corp	4,000.00	80.00
Nick Braden, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	583.34	
Nancy L. Bradish, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	6,750.00	1,299.65
Lynne E. Bradley, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002-5675	American Library Assn	416.00	
George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Reinsurance Assn of America		
John J. Brady III, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	International Trade & Development Agency, Inc	12,500.00	
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Inc (For:Allied-Signal Corp)		
Do	Capitoline/MS&L (For:Republic of Turkey)	2,565.00	
Do	Capitoline/MS&L (For:UNISYS Corp)	270.00	
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	1,675.90	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	68.25	
Matt Branam, 316 Pennsylvania Ave., SE Washington, DC 20003	United Parcel SErvice	800.00	207.13
Patricia C. Branch, 6453 Browsing Deer Columbia, MD 21045	Children's Defense Fund	12,875.00	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Herb A. Caddell		
Do	Hewlett-Packard Co		
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	1,382.50	250.00
Do	NCube		
Do	Oracle Corp	1,687.50	72.12
Do	Seafarers International Union		
Do	Unisys	427.50	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,339.85	421.52
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
George W. Breece, P.O. Box 2801 Fayetteville, NC 28302	American State of the Art Prosthetic Assn	10,500.00	1,527.64
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	75.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	631.74
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	19,940.95	
Thomas M. Bresnahan III, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies	8,000.00	100.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	450.00	
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		1,408.77
Edmund C. Brickfield, 2596-F S. Arlington Mill Drive Arlington, VA 22206	Migrant Legal Action Program, Inc	6,687.00	85.00
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	American Medical Technologists		
Do	East Texas Electric Cooperative		
Do	Northeast Texas Electric Cooperative		
Do	Sabine River Authority		
Do	Tex-LA Electric Cooperative of Texas, Inc		
Do	4-County Electric Power Assn	2,275.00	113.75
Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,200.00	
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technologies, Inc	4,800.00	
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,656.00	1,170.69
Kitty Brims, 1331 Pennsylvania Ave., NW, Suite 1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
William R. Brittingham, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,645.00	
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney (for Michigan Consolidated Gas Co)	6,800.00	2,588.50
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc	300.00	
Do	BASF Corp	300.00	
Do	Corning, Inc	4,000.00	
Do	Gordley Associates	2,000.00	
Do	Telecommunications Industry Assn		
Marcia D. Brody, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	500.00	
Michael J. Brokovich, 1725 Jefferson Davis Highway, Suite 401 Arlington, VA 22202	Unisys Corporation	1,000.00	
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	9,000.00	
Douglas A. Brook, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	8,750.00	150.00
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	7,115.94	66.50
Carol R. Brophy, 444 South Flower Street, 7th Floor Los Angeles, CA 90071	California Dental Assn		
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company		
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)	2,800.00	160.00
Bonnie L. Brown, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Cheryl A. Brown, 1655 North Fort Myer Drive #700 Arlingtonn, VA 22209	American Assn for Respiratory Care	17,070.24	17,341.00
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Doreen L. Brown, 2000 L Street, NW, #200 Washington, DC 20036	Consumers for World Trade		
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	794.23	425.35
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	500.00	100.00
Do	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)	3,000.00	
Do	Klein & Sakes, Inc (For:Silver Institute)		
Paul S. Brown, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Regina A. Brown, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	850.00	
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,913.49	526.38
Steven J. Brown, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	2,000.00	
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	2,000.00	
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation	168.00	
John J. Brown & Associates, Inc, 50 E Street, SE Washington, DC 20003	Joint Council of Unions, AFL-CIO		
Thomas H. Brownell, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,597.00	
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Burlington Northern Railroad	1,500.00	
Do	Columbia Falls Aluminum Co	600.00	
Do	Cyprus Minerals Co	1,500.00	
Do	Glass Packaging Institute/Industry Union Glass Container...	300.00	
Do	Joint Board of Control for Flathead Irrigation Project	1,800.00	
Do	Lewis and Clark Interpretive Center	300.00	
Do	Montana Technology Corp	300.00	
Do	Pegasus Gold Corp	2,100.00	
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	American Salvage Pool Assn	5,000.00	5,258.94
Do	Asset Investors	619.00	41.65
Do	Crystal Creek Homeowners Assn		
Do	La Petite	33,357.30	5,812.03
Do	New Valley Corporation	26,173.10	3,841.94
Do	ORNDA	6,081.20	
Do	Pfizer, Inc	15,362.70	1,545.27
Do	Rose Medical Center	5,604.80	4,172.80
Do	Tele-Communications, Inc	6,996.60	6,297.77
Do	Vail Associates, Inc	1,500.00	69.08
Broydrick Broydrick & Dacey, 600 East Mason Street, #400 Milwaukee, WI 53202	Aurora Health Care, Inc	15,593.75	1,635.29
Do	Blood Center of Southeastern Wisconsin	4,643.75	932.88
Do	Children's Hospital of Wisconsin	5,573.75	201.69
Do	Derco Industries, Inc	100.00	4.31
Do	Electronic Data Systems Corp	10,600.00	102.85
Do	Loyola University of Chicago	19,115.00	1,216.38
Do	Managed Health Services, Inc	1,908.75	120.75
Do	Marquette University	11,097.50	1,383.38
Do	Milwaukee Metropolitan Sewerage District	100.00	
Do	Milwaukee Public Museum	235.00	
Do	National Assn of Children's Hospitals & Related Institutions	11,247.50	832.19
Do	National Marrow Donor Program	912.50	28.99
Do	Oneida Nations	52,533.75	5,951.89
Do	PrimeCare Health Plan	1,385.00	52.96
Do	Rust International	2,550.00	43.00
Do	Specialty Hospitals		
Do	Superconductivity, Inc	11,712.50	457.76
Do	TV Network Bingo	512.50	54.05
Do	Wisconsin Health Information Network	100.00	57.98
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	14,000.00	
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	787.50	
J. M. Brunkenhoefer, 400 North Capitol Street, NW. #856 Washington, DC 20001	United Transportation Union	6,250.00	283.53
J. Charles Bruse, 888 16th Street, NW, #500 Washington, DC 20006	Allstate Insurance Cos	3,450.00	464.59
Florence Buchanan, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc	93.00	997.00
Susan Buck, 1776 K Street, NW Washington, DC 20006	Wiley Rein & Fielding (For:Discovery Communications, Inc)	250.00	6.00
Do	Wiley Rein & Fielding (For:Gannett Co, Inc)	1,687.50	15.75
Do	League of American Theatres & Producers		
Do	Wiley Rein & Fielding (For:MassMutual Life Insurance Co)	1,625.00	80.77
Do	Wiley Rein & Fielding (For:U.S. Sprint Communications Co)		
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	Zeneca Pharmaceuticals Group	12,075.00	1,889.84
Robert Buckler, 225 East 6th Street, Suite #230 St. Paul, MN 55101	American Professional Pet Distributors, Inc	4,500.00	
Do	National Board of Fur Farm Organizations	9,000.00	
Do	Pheasants Forever	5,000.00	4,920.00
Roy C. Buckner, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Betsy Buffington, 23 North Scott, #23 Sheridan, WY 82801	Sierra Club	2,240.59	
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic Surgery & Cutaneous...		
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	16,640.00	324.75
Thomas J. Bulger, 1050 17th Street, NW., #510 Washington, DC 20036	Association for Commuter Transportation, Inc	9,000.00	842.19
Do	ESL/TRW	12,310.90	193.04
Do	Metropolitan Transportation Commission	30,762.48	1,355.78
Do	Oakland County, Michigan	9,113.75	930.17
Darrel D. Bunge, Minnesota Petroleum Council 8 Pine Tree Drive, #260 St. Paul, MN 55112	American Petroleum Institute	3,225.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
William D. Bunnell, 601 Madison Street, #200 Alexandria, VA 22314	Cummins Engine Co, Inc	470.50	
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	7,000.00	
Barbara Burgess, 801 Pennsylvania Ave., NW, Suite 730 Washington, DC 20004	John Hancock Mutual Life Insurance Co		
Tonio Burgos, Tonio Burgos & Associates, Inc 909 Third Ave., 17th Floor New York, NY 10022	Direct Access Diagnostics	30,000.00	300.00
Do	Local 1199		
Do	Pfizer, Inc	18,000.00	2,376.00
April L. Burke, 1776 Massachusetts Avenue, NW, #410 Washington, DC 20036-1904	Lewis-Burke Associates (For:Association of Independent Research Institutes (AIRI)).	600.00	
Do	Lewis-Burke Associates (For:California Institute of Technology)	1,000.00	
Do	Lewis-Burke Associates (For:National History Museum of LA County, et al.)	300.00	
Do	Lewis-Burke Associates (For:University of Cincinnati)	600.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn	1,935.00	100.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		1,875.00	
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	6,000.00	301.03
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	5,808.09	
Mark R. Burtchi, 1776 I Stret, NW, Suite 400 Washington, DC 20006	American Nuclear Energy Council	3,725.00	294.00
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	6,000.00	261.86
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Mary Bushman, 2505 S. Finley Road Lombard, IL 60148	AFSA Data Corp		
Michael R. Bushman, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company	1,275.00	1,316.22
Roy Bussewitz, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
James J. Butera, 1301 Pennsylvania Ave., NW Washington, DC 20004	Federal Home Loan Bank of Boston	2,000.00	
Do	Savings Bank of the Finger Lakes	1,000.00	
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	4,000.00	
Do	ADVANTA Corporation	3,000.00	
Do	Community Bankers Assn of New York State	1,500.00	
Do	Community Preservation Corp	1,500.00	
Do	CRISIS		
Do	Del Webb Corp	5,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Edison Electric Institute		
Do	Farmers & Mechanics Bank	1,000.00	
Do	Federation for American Immigration Reform	6,000.00	
Do	Financial Insurance Management Corp		
Do	Franco-Nevada Mining Corp, Inc		
Do	General Atomics	15,000.00	
Do	Household International	5,000.00	
Do	Independent Research Agency for llfe Insurance, Inc	5,000.00	
Do	National Assn of Retail Collection Attorneys	1,500.00	
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Life Insurance Fund	1,000.00	
Do	Superior Bank, FSB	1,500.00	
Do	Texas Savings & Loan League	1,000.00	
Do	Towers Perrin	1,500.00	
Jeanne A. Butterfield, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	1,955.00	
David S. Byer, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,575.00	50.00
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,169.00	33.77
Robert D. Byrne Jr., 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Cable Telecommunications Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005		411,616.00	32,950.00
Edward S. Cabot, 2030 M Street, NW Washington, DC 20036	Common Cause	6,364.80	
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
Dominique Cahn, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	Alliance for Fire & Emergency Management	3,125.00	47.35
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	481.53
Amy E. Callahan, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball	749.19	451.71
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	75.00
William L. Callaway, 1776 Massachusetts AVe., NW Washington, DC 20036	National Parks & Conservation Assn	2,344.00	1,066.38
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342			
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Allison Engine Company	4,500.00	
Do	Allison Transmission	6,151.00	
Do	General Dynamics Land Systems	11,730.00	
Do	McDonnell Douglas Helicopter Company	9,562.00	
Do	Stewart & Stevenson Services, Inc	7,500.00	
Do	Textron Lycoming	750.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	Lukens General Industries, Inc	1,440.00	
Do	Potters Industries, Inc	720.00	
Do	Rush-Presbyterian-St. Luke's Medical Center	37,500.00	
Do	Safetran Systems Corporation	8,350.00	
Do	Stimsonite Corporation	960.00	
Do	3M Company	14,880.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique		1,861.50
Do	National Council of Maubere Resistance	20,000.00	2,742.02
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbardos		6,336.13
Do	Polygon Co, Ltd	12,305.00	9,222.07
Paul A. Cammer, 2000 L Street, NW, #730 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)	1,200.00	32.00
Carolann Campana, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors, Inc		
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	5,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco	500.00	6,702.00
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	Association for Manufacturing Technology		
Do	Association of Private Pension & Welfare Plans		
Do	Chubb Corp		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Merck & Co		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Nuclear Energy Institue		
Do	Olsten Kimberly Quality Care		
Do	Securities Industry Assn		
Do	Shriners Hospital for Crippled Children		
Do	St. Paul Fire & Marine Insurance Co		
Do	Stone & Webster Engineering Corp		
Do	Textron Corp		
Do	USX Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)	1,300.00	1,183.00
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:GEO-Centers, Inc)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	John G. Campbell, Inc (For:Loral Corp)		
Do	ManTech International Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:Sippican, Inc)	3,000.00	2,730.00
Do	John G. Campbell, Inc (For:Teledyne Ryan Aeronautical)	2,500.00	2,275.00
Do	John G. Campbell, Inc (For:TASC)	3,000.00	2,730.00
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Associates	4,000.00	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,100.00
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	20,355.00	364.45
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	800.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Michael F. Canning, 12 Francis Street Annapolis, MD 21401	Manis Canning & Associates (For:National Troopers Coalition)	8,500.00	
Mark R. Cannon, One West Fourth Street, #200 Cincinnati, OH 45202	Student Loan Funding Corp	2,026.02	27.00
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,546.00	
H. Hollister Cantus, 9300 Lee Highway Fairfax, VA 22031	ICF Kaiser International, Inc	2,508.00	614.00
Gary Capistrant, 1055 North Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp	1,171.48	
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	LDDS		
Capital International Information Services, Inc, 2000 Pennsylvania Ave., NW, #5500 Washington, DC 20006	Korean Foreign Trade Association	145.00	
Do	Republic of Korea - Ministry of Trade Industry & Energy	145.00	
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Academic Health Center Coalition	2,500.00	
Do	Allergan, Inc	200.00	
Do	Alliance for Eye & Vision Research	1,500.00	
Do	American Academy of Physician Assistants	1,000.00	
Do	American Assn of Cancer Research	600.00	
Do	American Assn of Critical-Care Nurses	1,000.00	
Do	American Health Foundation	500.00	
Do	American Soc of Nephrology	5,000.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	Association for Practitioners in Infectious Control	500.00	
Do	Autism Society of America	1,000.00	
Do	Balance Pharmaceuticals	500.00	
Do	Bausch & Lomb	1,500.00	
Do	Carnation Co	3,500.00	
Do	Citizens Comm for Medical Research & Health Education	100.00	
Do	Collagen Corp	500.00	
Do	Cooper Hospital	1,000.00	
Do	Cystic Fibrosis Foundation	1,000.00	
Do	Fred Hutchinson Cancer Research Center	1,500.00	
Do	FDA Council	11,000.00	
Do	Genzyme Corp	300.00	
Do	Illinois Collaboration on Youth	100.00	
Do	Johns Hopkins University	1,000.00	
Do	Joint Council of Allergy & Immunology	500.00	
Do	Leukemia Society of America	1,000.00	
Do	Lipomatrix	500.00	
Do	Massachusetts General Hospital	3,000.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,500.00	
Do	National Assn of Rural Health Clinics	1,000.00	
Do	National Coalition for Cancer Research	1,000.00	
Do	Nestle Foods	3,500.00	
Do	New York University Medical Center	1,500.00	
Do	Northwestern Memorial Hospital	1,500.00	
Do	Partnership for Organ Donation, Inc	1,000.00	
Do	Ringling Brothers	1,500.00	
Do	Scholastic	1,000.00	
Do	Stericycle	200.00	
Do	U.S. Healthcare, Inc	1,000.00	
Capitol Link, P.O. Box 9183 Arlington, VA 22219	City of Mobile		
Do	Elevator-Escalator Safety Foundation, Inc		
Do	Madison County Commission		
Do	Southern Research Institute	2,118.75	
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute		
Do	Council on Foundations, Inc	335.00	4.50
Do	National Rural Electric Cooperative Assn		
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Andrew H. Card Jr., 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	American Automobile Manufacturers Assn	4,250.00	10.00
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Caremark International, Inc, 2215 Sanders Road, Suite 400 Northbrook, IL 60062			36,908.98
Hugh L. Carey, 919 18th Street, NW, Suite 400 Washington, DC 20006	WR Grace & Co		
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	250.00	
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	17,865.00	880.55
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	30.00	
Patricia B. Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)	500.00	8.00
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	
Patricia B. Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	500.00	46.05
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).	2,000.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	2,356.11	
Paul D. Carlson, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,440.00	
Nancy Carlton, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Carlyle Consulting, 3000 S. Randolph Street, Suite 317 Arlington, VA 22206	Amdahl Corp	843.75	
Do	Levi Strauss International	25,141.25	2,321.57
Gerald P. Carmen, 1667 Elm Street, Suite 4 Manchester, NH 03101	Richard Cohen		
Do	120 Church Street Associates		
Carmen & Muss, 1730 Pennsylvania Avenue, NW, #1050 Washington, DC 20006	Richard Cohen	1,327.50	25.73
Do	Ralvin Pacific Properties, Inc		
Do	120 Church Street Associates		
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Kennametal, Inc		
Do	Thicksten Grim & Burgum	4,000.00	1,950.00
Dan Carol, 7003 Carroll Avenue, Suite 200 Takoma Park, MD 20912	Sonoran Institute		
Do	3Com Corp		
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	420.00	
Robert J. Carolla, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009	Consumers Union	4,000.00	
Michael C. Carozza, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	10,000.00	
Kenneth A. Carpi, Carpi & Clay Government Relations 427 C Street, #306 San Diego, CA 92101	Children's Hospital & Health Center	6,000.00	
Do	San Diego County Water Authority	9,000.00	5,482.74
Do	Water Replenishment District of Southern California	5,000.00	
Terry M. Carr, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	5,790.00	
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,900.00	
David Carroll, 1212 New York Avenue N.W. #500 Washington, DC 20005	Lafarge Corp (For:Cement Kiln Recycling Coalition)		
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
Anjean Carter, 105 East 22nd Street New York, NY 10010	Community Service Society		
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	1,458.24	89.60
Carter Ledyard & Milburn, 1350 I Street, NW, Suite 870 Washington, DC 20005	Liberty Media Corp		
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	3,000.00	1,042.97
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	730.58
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	American Bankers Assn	8,400.00	115.70
Do	Bio Gro Systems, Inc		
Do	Council on Education Development and Research	300.00	63.15

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Strategic Agricultural Management Corp		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	725.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Albion College	600.30	
Do	American Digital Imaging, Inc.		
Do	American Dredging Co		
Do	American Science and Engineering, Inc	4,102.05	271.10
Do	American Superconductor Corp	1,000.50	
Do	ARCO Chemical Americas Co	3,201.60	
Do	AT&T	3,201.60	6.60
Do	ATEC/ICTA	3,801.90	7.50
Do	Babson College		
Do	Bishop Museum	533.60	7.50
Do	Boston College	1,500.75	15.00
Do	Boston University	3,035.25	31.60
Do	Brazil US Business Council	100.05	
Do	Bryant College	900.45	
Do	Buena Vista College	2,601.30	
Do	California Community Colleges	1,300.65	69.70
Do	California Institute of the Arts	6,603.30	55.00
Do	California Pacific Medical Center	900.45	7.50
Do	Capitol American Life Insurance Co		
Do	Charlotte-Mecklenberg Hospital Authority Foundation	1,000.50	
Do	Chicago Board of Trade		
Do	Chicago Mercantile Exchange		
Do	Children's Hospital and Health Center of San Diego	1,233.95	
Do	Children's Hospital of Pittsburgh	1,534.10	7.50
Do	Children's National Medical Center	2,001.40	31.80
Do	City of Fairfield, CA	2,401.20	
Do	City of Memphis	1,400.70	28.70
Do	Clark Atlanta University	2,001.00	
Do	Columbia University	2,801.40	30.00
Do	Connecticut Health System, Inc	3,201.60	
Do	Coriell Institute for Medical Research	1,000.50	7.50
Do	Crane Company	4,202.10	30.00
Do	Cray Research, Inc	7,403.70	224.00
Do	Critical Languages & Area Studies Consortium, Inc		
Do	CH2M Hill Companies, Ltd	7,003.95	99.70
Do	Delta Airlines	1,200.60	9.50
Do	Elliott Homes		
Do	Englewood Hospital & Medical Center	2,501.25	22.50
Do	Fairleigh Dickinson University	3,001.50	
Do	Federal Express	100.05	
Do	Florida Regional Emergency Services, Inc		
Do	Franklin institute	2,201.10	16.65
Do	Fudan Foundation		
Do	Geisinger Foundation	3,201.60	14.10
Do	General Dynamics Corp	800.40	6.60
Do	Glaxo, Inc	3,801.90	32.70
Do	Gonzaga University		
Do	Government Employees Hospital Assn, Inc	200.55	22.50
Do	Graduate Health Systems	200.10	
Do	Hahnemann University Hospital	100.05	
Do	Henry Ford Health System	4,702.35	48.90
Do	Illinois Institute of Technology	400.20	7.50
Do	In Home Health, Inc.	2,201.10	124.50
Do	Insituform of North America, 'Inc		
Do	Intercontinental Energy Group	800.40	38.20
Do	Just Say No International		6.60
Do	Kids Peace, Inc	1,000.50	
Do	Lahey Clinic	2,601.30	20.70
Do	LaSalle University	2,167.75	
Do	Lehigh University		
Do	Lewis and Clark College	200.10	7.50
Do	Loma Linda University Medical Center, Inc - Research	600.30	6.60
Do	Loyola Marymount University	2,501.25	15.00
Do	Lucas Industries, Inc.	1,800.90	
Do	Mac Andrews and Forbes		
Do	Maersk, Inc	1,400.70	161.55
Do	Major League Baseball	1,600.80	
Do	Manpower International	3,801.90	30.00
Do	Mary Hitchcock Memorial Hospital/Hitchcock Clinic	1,170.85	114.60
Do	McDonnell Douglas Corp	19,809.90	28.60
Do	Medical Center of Central Massachusetts	2,401.20	
Do	Medical College of Pennsylvania	2,801.40	26.20
Do	Mercy Hospital & Medical Center		
Do	Miami-Dade Community College	1,000.50	54.00
Do	Monterey Institute of International Studies	2,401.20	7.50
Do	Morehouse School of Medicine	5,602.80	
Do	Motion Picture Assn of America		
Do	Mt. Sinai Medical Center of Greater Miami	400.20	
Do	Multi-Dimensional Imagining, Inc	750.00	
Do	MCSI Technologies		
Do	MOOG, Inc	867.10	15.20
Do	Narragansett Indian Tribe	400.20	
Do	National Assn of Dredging Contractors	15,207.60	124.40
Do	National Jewish Center for Immunology & Respiratory Medicine	100.05	
Do	Nature Conservancy		
Do	New Jersey Instutute of Technology	1,467.40	
Do	New York Medical College	300.15	13.20
Do	Northwestern University	1,500.75	69.00
Do	Ocean Spray Cranberries, Inc	2,167.75	68.30
Do	Our Lady of Lourdes	1,934.30	7.50
Do	Pennsylvania Educational Telecommunications Exchange Network	1,237.30	37.50
Do	Polaroid Corp	8,004.00	45.00
Do	Polytechnic University	1,100.55	134.20
Do	Providence & Worcester Railroad Company	12,706.35	
Do	PGA Tour	1,200.60	
Do	Rhode Island Hospital	4,602.30	7.50
Do	Rhone-Poulenc, Inc	7,470.40	7.50
Do	Rochester Institute of Technology	300.15	14.10
Do	Rush-Presbyterian St. Luke's Medical Center	1,100.55	
Do	Sacred Heart Hospital	2,801.40	
Do	Saint Joseph's University	800.40	
Do	Savings Bank and Life Insurance Company of MA	800.40	
Do	Scott County Highway Department	1,600.80	
Do	Smokeless Tobacco Council		
Do	Southeastern PA Consortium for Info. Tech. & Training	1,800.90	36.50
Do	St. Francis Healthcare Foundation of Hawaii	1,200.60	
Do	St. Norberts College	2,201.10	40.85
Do	St. Xavier College	3,601.80	
Do	Sutter Bay Associates		
Do	Sylvan Learning Systems, Inc		
Do	Taiwan Research Institute	14,323.60	128.70
Do	Teaching Hospitals of America	1,000.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Tudor Investment Corp		
Do	Tufts University	6,403.20	124.20
Do	Union Memorial Hospital	1,267.30	
Do	Unisys		
Do	University of Dayton	1,800.90	58.10
Do	University of Detroit Mercy		
Do	University of Hawaii-University of Hawaii Found.	700.35	
Do	University of San Francisco	1,800.90	7.50
Do	University of Southern Mississippi	2,401.20	15.00
Do	University of St. Thomas	4,002.00	
Do	Watsonville Community Hospital		
Do	Women & Infants' Hospital	6,903.45	148.75
Do	World Learning	2,001.00	6.60
Penelope C. Cate, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company	342.60	408.53
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		1,634,699.65	72,102.77
Jean Caudle-Walking Eagle, 5 Point Place Wrightsville Beach, NC 28480	Ovate Internations Development Corp		
Gordon Cavanaugh, 601 Pennsylvania Ave., NW, #800 Washington, DC 20004	Reno & Cavanaugh (For:Cooperative Housing Foundation)		
Do	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	21,055.46	583.47
Do	Reno Cavanaugh & Hornig (For:Housing Assistance Council)	585.80	
Do	Reno Cavanaugh & Horning (For:Housing Authority Insurance, Inc)		
Do	Reno Cavanaugh & Hornig (For:National American Indian Housing Council)	2,688.10	58.82
Do	Reno & Cavanaugh (For:National Assn of Service & Conservation Corps)	816.75	10.95
Philip T. Cavanaugh, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	3,800.00	
Red Cavaney, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn		
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	3,493.00	
Center for Reproductive Law & Policy, 120 Wall Street, 18th Floor New York, NY 10005			3,362.40
Center for Responsive Politics, 1320 19th Street, NW, #700 Washington, DC 20036			
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	938.83	277.75
Warner Chabot, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Chambers Development Co, Inc, 10700 Frankstown Road Pittsburgh, PA 15235		36,500.00	79,559.42
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	16,500.00	500.00
Rod Chandler, 101 143rd Avenue, SE Bellevue, WA 98007	American International Group, Inc	2,000.00	235.00
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	4,100.00	411.60
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	24.35
Aaron C. Chang, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711	Pima County Board of Supervisors	7,555.00	1,298.85
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Michael D. Chapman, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Do	National Assn of Realtors	2,500.00	
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	18,053.23	3,130.24
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	20,645.24	396.51
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz		1,950.00
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			
Robert L. Chatten, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	7,500.00	31.62
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	36,894.00	100.00
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			202,138.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			2,068.30
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History		1,100.00
Do	Arena Stage	1,292.00	1,398.75
Do	Association of Research Libraries	1,750.00	
Do	Bishop Museum		100.00
Do	Capital Childrens Museum	1,151.00	1,257.75
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	16,684.17	299.06
Do	Ford's Theater	1,151.00	1,257.75
Do	Henry Ford Museum & Greenfield Village	2,000.00	1,000.00
Do	Isabella Stewart Gardner Museum		100.00
Do	John F. Kennedy Center for the Performing Arts	1,292.00	1,398.75
Do	Meridian House International	1,151.00	1,257.75
Do	Metropolitan Museum of Art		100.00
Do	National Council for the Traditional Arts	10,000.00	3,100.00
Do	National Museum of Women in the Arts	1,198.00	1,304.75
Do	National Symphony	1,292.00	1,398.75
Do	Natural History Museum of Los Angeles County		1,100.00
Do	Peabody Museum of Salem		
Do	Phillips Collection	1,151.00	1,257.75
Do	Science Museum of Minnesota		108.00
Do	Shakespeare Theater	1,151.00	1,257.75
Do	Textile Museum	1,151.00	1,257.75
Do	The Colonial Williamsburg Foundation		108.00
Do	Washington Ballet	1,151.00	1,257.75
Do	Washington Opera	1,292.00	1,398.75
Do	Washington Performing Arts Society	1,198.00	1,304.75
Larry J. Cherry, 1735 Jefferson Davis Highway, #800 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Stephan E. Chertoff, 1825 Eye Street, NW, #400 Washington, DC 20006	PCS Health Systems (For:McKesson Corp)	2,365.00	570.00
Sidonie Chiapetta, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federatoin	237.30	
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
Sandra L. Chiu, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,200.00	
Chlopak Leonard Schecter & Associates, Inc, 1400 L Street, NW, Suite 600 Washington, DC 20005	Health Care Reform Project	19,212.33	10,212.33
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Arne L. Christenson, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	26,974.00	649.86
James T. Christy, 1001 19th Street, NW, North, #800 Arlington, VA 22209	TRW, Inc	20,000.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			108,769.37
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	13,600.00	2,862.80
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	Chwat and Co, Inc (For:American Home Sewing & Craft Assn)	1,300.00	1,300.00
Do	Chwat and Co, Inc (For:American Radio Relay League, Inc)	3,000.00	3,000.00
Do	Chwat and Co, Inc (For:Associated Locksmiths of America)	1,400.00	1,400.00
Do	Chwat and Co., Inc (For:Coalition for Fairness in State Taxation)	6,000.00	6,000.00
Do	Chwat and Co, Inc (For:National Licensed Beverage Assn)	4,500.00	4,500.00
Do	Chwat and Co, Inc (For:National Weather Service Employees Organzation)	800.00	800.00
Paul N. Cicio, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Corp		6,690.00
Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036		19,500.00	19,328.00
Citizens for Reliable and Safe Highways (CRASH), 116 New Montgomery Street, #900 San Francisco, CA 94105		8,934.24	14,058.00
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)	6,667.00	
Do	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)	10,000.00	
Do	Strategic Management Associates (For:Montefiore Medical Center)	16,000.00	
Do	Strategic Management Associates, Inc (For:National Assn of Urban Critical Access Hospitals).	20,000.00	
Dan Clark, 1228 Euclid Avenue, Suite 900 Cleveland, OH 44115-1891	Climaco Climaco Seminatore Lefkowitz & Garofoli Co (For:Blue Cross & Blue Shield of Ohio).	7,200.00	3,125.00
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp	1,116.00	16.00
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	69,000.00	
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	22,500.00	364.53
Do	LDDS Metromedia Communications, Inc	30,000.00	758.79
Do	Massachusetts Bay Transportation Authority		
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	30,000.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	43,500.00	1,885.57
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	364.53

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	LDDS Metromedia Communications, Inc	30,000.00	758.79
Do	Massachusetts Bay Transportation Authority		
Do	Metromedia Communications		
Do	Metromedia Company	30,000.00	
Do	RJR-Nabisco Washington, Inc	43,500.00	1,885.57
Stephen B. Clarkson, 4101 Washington Ave., Dept 016 Newport News, VA 23607	Newport News Shipbuilding & Dry Dock Co	2,000.00	1,500.00
Lee Pendergast Claro, 1455 F Street, NW, #450 Washington, DC 20005	Upjohn Company	17,400.00	
Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	6,700.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	9,306.00	1,030.87
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Crompton & Knowles Corp		
Do	Government Representatives Cmte Securities Industry Assn		
Do	Institute of International Bankers		
Do	Salomon Brothers, Inc		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	4,493.51	1,352.92
Kimberly M. Clennan, 14157 Rahill Court Woodbridge, VA 22193			
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			877.00
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Blue Cross & Blue Shield of Ohio	225.00	880.00
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations	150.00	
Do	American Psychoogical Assn	1,000.00	
Do	Coalition of Higher Education Assistance Organizations	550.00	
Do	Consumer Bankers Assn	1,500.00	
Do	Diversified Collection Services, Inc	3,000.00	
Do	Economics Americas	350.00	
Do	Ithaca College	2,100.00	
Do	Student Loan Funding Corp of Ohio	1,300.00	
Do	University of Vermont	500.00	
Do	Very Special Arts	1,000.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	400.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Anthony T. Cluff, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	3,125.00	
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		24,954.76	24,954.76
Coalition for an Undercharge Relief Bill, 1750 Pennsylvania Ave., NW, #1111 Washington, DC 20006		10,500.00	
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Disk Exporters ('CODE'), 915 15th Street, NW, Suite 900 Washington, DC 20005			
Coalition of Supporters of the Shipping Act, c/o Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036			
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Sarah D. Coates, 800 Connecticut Avenue, NW, #1100 Washington, DC 20006	Baxter		
Richard B. Cobb, Georgia Petroleum Council 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute	100.00	
Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401	American Petroleum Institute	1,800.00	30.00
Cochran & Lotkin, 201 Massachusetts Avenue, NE, Suite C-1 Washington, DC 20002	City of South Pasadena Redevelopment Agency	2,000.00	
W. J. Michael Cody, Burch Porter & Johnson 130 North Court Memphis, TN 38103	Monsanto Company		
Coffield Ungaretti & Harris, 3500 Three Firest National Plaza Chicago, IL 60602	FMC Defense Systems		
Do	Pilot Chemical Corp	6,108.75	4,171.45
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	3,550.00	
Arnold D. Cohen, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	5,000.00	137.72
Catherine Grealy Cohen, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company	6,250.00	180.00
Daniel Cohen, 1211 Connecticut Ave., NW, Suite 800 Washington, DC 20036	International Council of Cruise Lines	23,750.00	
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
John Cohen, 1331 Penn Ave., NW, #I500-North Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	720.00	1,950.42
Philip Q. Cohen, 255 East Kellogg Blvd. St. Paul, MN 55101	Goff/Wilkie & Associates (For:North Metro Mayors Assn)		
Do	Goff/Wilkie & Associates (For:North Metro TH 610/10 Crosstown Council)		
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	52,280.00	1,377.73
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		168.79
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,465.00	
Eleanor Cole, 1331 Pennsylvania Avenue, NW 1500 North Tower Washington, DC 20004-1703	UBA, Inc	1,000.00	
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	270.80
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.	1,100.00	
Richard Coleman, 529 14th Street, NW, Suite 1055 Washington, DC 20045	Space Express Corp		1,800.00
Walter S. Coleman, 1200 19th Street, NW, #300 Washington, DC 20036-2401	Regional Airline Association	1,000.00	
Colex & Associates, 1160 North Taylor Street Arlington, VA 22201	American Stamps, Inc	1,000.00	
Do	Cambridge International, Inc	3,000.00	
Do	Coalition for Employment Opportunities	3,000.00	
Do	Contessa Cruise LInes	3,000.00	
Do	Diagnostek, Inc	1,000.00	
Do	DRC, Inc		
Do	MMW/Strategic Communications, Inc		
Do	National Rehabilitation Hospital	2,000.00	
Do	Orleans Levee District	3,000.00	
Do	RGDC, Inc		
Do	St. Bernard Port, Harbor & Terminal District	3,000.00	
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	822.50	27.00
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn	1,050.00	107.25
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	American Car Rental Assn	3,156.25	3,156.25
Do	American International Group, Inc	11,407.50	11,407.50
Do	American Textile Machinery Assn		
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board		
Do	Bicycle Manufacturers Assn of America		
Do	Cartax		
Do	Cast Iron Soil Pipe Institute	1,274.00	1,274.00
Do	Coalition for Improved Environmental Audits		
Do	Coalition for Safe Ceramicware		
Do	Crop Insurance Research Bureau	3,443.75	3,443.75
Do	COMPACT	960.00	960.00
Do	CSR Limited - Sugar Division		
Do	Food Marketing Institute		
Do	Footwear Industries of America		
Do	Gerry Baby Products Co		
Do	Golden Gate Petroleum International, Ltd		
Do	Hyster	3,246.25	3,246.25
Do	In Re Color Picture Tubes		
Do	Independent Lubricant Manufacturers Assn	840.00	840.00
Do	Inland Steel Corp	2,900.00	2,900.00
Do	International Crystal Federation		
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council	3,307.50	3,307.50
Do	National Assn of Convenience Stores	1,050.00	1,050.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn	1,102.50	1,102.50
Do	National Pasta Assn	8,612.50	8,612.50
Do	National Pork Producers Council	2,511.25	2,511.25
Do	Oneida, Ltd		
Do	Outdoor Power Equipment Institute		
Do	Owner-Operator Independent Drivers Assn	10,120.00	10,120.00
Do	Petrojam, Ltd		
Do	Petroleos de Venezuela, S.A.	32,100.00	32,100.00
Do	Pittsburgh Corning Corporation		
Do	Planar System, Inc	12,771.25	12,771.25
Do	PC Strand Producer Coalition	1,408.75	1,408.75
Do	Scotsman Industries, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Shipbuilders Council of America		
Do	Society of Independent Gasoline Marketers of America	21,038.25	21,038.25
Do	Specialty Steel Industry of the United States	12,411.25	12,411.25
Do	Steel Manufacturers Assn		
Do	STG	5,635.00	5,635.00
Do	Tanners Countervailing Duty Coalition	2,285.00	2,285.00
Do	Total Petroleum	2,312.00	2,312.00
Do	Verson Corp		
Do	Wickland Oil Co		
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	17,500.00	677.82
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	2,050.00	
Dionne A. Colvin, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey W. Combos, c/o Tennessee Petroleum Council 315 Deaderick Street, #1430 Nashville, TN 37238-1430	American Petroleum Institute	675.00	1,775.67
Lori A. Comeau, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	44.13
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			10,241.00
Committee for Humane Legislation, Inc, 2000 P Steet, NW, #415 Washington, DC 20026		47,625.00	21,453.56
Common Cause, 2030 M St., NW Washington, DC 20036		1,885,989.00	481,071.16
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			5,765.49
Community Service Society, 105 East 22nd Street New York, NY 10010			25,213.23
Jon R. Comola, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas, Inc	250.00	
Competitive Enterprise Institute, 1001 Connecticut Avenue, NW, #1250 Washington, DC 20036		272,900.00	6,911.20
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		30,000.00	26,643.00
Stephen R. Conafay, 5141 Yuma Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	
John B. Conaway, 5126 Woodmire Lane Alexandria, VA 22311		5,500.00	75.00
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	3,000.00	
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Association for Commercial Real Estate	3,000.00	
Do	Forest City Ratner Companies	25,000.00	
Do	Kinetic Concepts	3,000.00	
Do	Southern Company Services, Inc	3,000.00	
William J. Condon Jr., 813 Ridge Lake Blvd Memphis, TN 38120	Conwood Company, LP	6.10	14.71
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp	2,395.23	
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Galileo International		
Connaught Laboratories, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036		1,076.00	285.81
Michael E. Connealy, 3501 Thurston Avenue Anoka, MN 55303	Rural Community Insurnce Services, Inc	2,400.00	4,271.00
Peter J. Connell, 1667 K Street, NW, Suite 400 Washington, DC 20006	Aetna Life & Casualty	3,000.00	
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	226.34
Ralph T. Conner, 1250 Eye Street, NW Washington, DC 20005	National Tire Dealers & Retreaders Assn	657.00	146.00
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	International Brotherhood of Teamsters	15,000.00	4,750.00
Do	Laborers National Health & Safety Fund	15,000.00	4,750.00
Do	Laborers-Employers Cooperative & Education Trust	15,000.00	4,750.00
Do	Laborers/AGC Education & Training Fund	15,000.00	4,750.00
Do	Transportation Institute	15,000.00	4,750.00
Catherine Connor, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc	157.50	
David Conover, 1250 H Street, NW, #575 Washington, DC 20005	CH2M Hill	4,597.82	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,353.37	
John W. Conrad III, 1100 New York Ave., NW, #1050 Washington, DC 20005-3934	American Bus Assn	1,125.00	130.00
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093		25.00	
Consortium for Int'l Earth Science Information Network, 2250 Pierce Road University Center, MI 48710		4,500.00	18,263.61
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers for World Trade, 2000 L Street, NW, #200 Washington, DC 20036		9,870.00	33,171.35
John J. Contney, 1130 East Hallandale Beach Blvd. Suite B Hallandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	1,047.13
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			35,714.46
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,763.00	5,700.00
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Josephine S. Cooper, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	36,000.00	
Stephen H. Cooper, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Healthcare Assn of New York State	2,500.00	
Do	Hospital Association of New York State	480.31	4,527.54
Do	Medco Containment Services, Inc	125.00	
Do	Metropolitan Life & Affiliated Companies	250.00	
Coordinadora de Organizaciones Empresariales de Comercio Ext, 1025 Thomas Jefferson Street, NW Washington, DC 20007.		60,193.42	3,720.28
Darrell Coover, 1629 K Street, NW, #1000 Washington, DC 20006	National Assn of Independent Insurers	2,000.00	187.00
Greg Copeland, 1776 Eye Street, NW, Suite 275 Washington, DC 20006	Entergy Services, Inc	3,516.47	424.01
Copeland Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	County of Merced	6,750.00	
Do	Hazardous Waste Action Committee	5,510.45	
Do	International Bottled Water Assn	11,592.42	
Do	ICF International	9,121.22	
Do	Las Vegas Convention and Visitors Authority	5,575.00	
Do	Westlands Water District	8,045.54	
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	1,130.00	
Sherry Tonubbee Corbin, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	1,653.00	234.28
James T. Corcoran, 1667 K Street, NW, #320 Washington, DC 20006	Dial Corp		
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
George F. Cormeny Jr., 25 South Charles Street/Banc 121 - 013 Baltimore, MD 21203	First Mayland Bancorp		
Do	First National Bank of Maryland	250.00	10.50
Corn Refiners Assn, Inc, 1701 Pennsylvania Ave., NW Washington, DC 20036			
Christine Corrado, 1420 King Street Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	2,808.00	264.00
Richard L. Corrigan, 1250 H Street, NW Washington, DC 20005	CH2M Hill	6,789.18	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	1,066.15	224.00
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	1,700.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	11,372.00	461.97
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Gardner Cosgrove & Gardner (For:Anadarko Petroleum Corp)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		4,350.00	4,350.00
Louis A. Costantino Jr., 1850 M Street, NW Washington, DC 20036	Securities Industries Assn	541.15	
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		925.26
R. Lawrence Coughlin, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	2,250.00	
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			48,189.89
Council for the National Interest, 1511 K Street, NW, Suie 1043 Washington, DC 20005		300.00	2,222.42
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		63,160.00	63,160.00
Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036		2,000.00	2,000.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		800.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Brian Cove, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Hunda North America	200.00	75.70
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,000.00	1,000.00
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	American Assn of Oral & Maxillofacial Surgeons	52,067.50	75.00
Do	American Watch Assn	6,517.50	19.00
Do	Anchorage Telephone Utility	1,095.00	152.46
Do	Association of America's Public Television Stations	725.00	
Do	Association of Maximum Service Television, Inc		
Do	Attorneys' Liability Assurance Society, Inc	8,687.50	29.00
Do	Bankers Roundtable	14,582.50	37.00
Do	Bankers Trust Co	2,990.00	18.00
Do	BankAmerica Corp	6,974.50	210.00
Do	Brown Brothers Harriman & Co	2,150.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Consolidated Natural Gas Company		
Do	Council for Marketing & Opinion Research	130.00	
Do	CF Industries, Inc	1,485.00	
Do	Erisa Industry Committee	2,080.00	25.00
Do	International Business Machines Corp		4.00
Do	International Dairy Foods Assn		
Do	Investment Company Institute	62.50	
Do	John E. Simon Trust		
Do	John Hancock Mutual Life Insurance Co	2,062.50	11.00
Do	Lutheran Brotherhood		
Do	Merck & Co, Inc		
Do	National Football League		
Do	NationsBank Corp	877.50	
Do	Private Benefits Alliance	577.50	
Do	Procter & Gamble Co		
Do	Public Broadcasting Service	75.00	
Do	Republic of the Marshall Islands		310.00
Do	Syntex (USA), Inc	2,627.50	
Do	Tobacco Institute, Inc, et al.	875.00	
Sharon Cowan, 1828 L Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	4,146.24	
John A. Cox Jr., 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	19,689.13	210.38
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines, Inc	416.00	145.00
William J. Cox, 1776 K St., Washington, DC 20006	Catholic Health Association of the United States	4,002.00	
Lanny M. Craft, P.O. Box 13748 Jackson, MS 39236-3748	Comprehensive Health Insurance Risk Pool Assn	655.00	
Betsy Anne Craib, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Bill Crandell, 7104 14th Avenue Tacoma Park, MD 20912	Vietnam Veterans of America		
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Association of Private Pension & Welfare Plans		
Do	Chubb Corporation		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Merck & Co		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Olsten Kimberly QualityCare		
Do	Securities Industry Association		
Do	Shriners Hospitals for Crippled Children		
Do	St. Paul Fire & Marine Insurance Co		
Do	Campbell-Raupe (For:Stone and Webster Engineering Corporation)		
Do	Textron Corp		
Do	USX Corp		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	3,000.00	
Laura Jeanne Cranston, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Milly S. Crawford, 1445 New York Ave., NW, 8th Floor Washington, DC 20005	Public Securities Assn	6,000.00	635.47
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Coors Brewing Co	12,500.00	1,720.16
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
James R. Cregan, 1211 Connecticut Ave., NW Washington, DC 20036	Magazine Publishers of America	3,000.00	
Richard C. Creighton, 1212 New York Avenue, NW, #500 Washington, DC 20005	American Portland Cement Alliance	17,160.00	128.50
Raffaella S. Cristanetti, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Christopher K. Croft, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	138.48	
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	30.00	
Jennifer B. Cromwell, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	760.00	
Crop Insurance Research Bureau, 9200 Indian Creek Parkway, Suite 220 Overland Park, KS 66210-2008		3,443.75	3,443.75
Deborah T. Crouse, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	206.38	
Sonia Messirian Crow, 122 C Street, NW, Suite 350 Washington, DC 20001	Armenian Assembly of America		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn		
Do	American Land Conservancy		
Do	Asarco, Inc		
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Canyon Resources Corp	997.50	8.00
Do	City of North Miami		
Do	Cook Inlet Region, Inc		
Do	COMSAT Corp		
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company	1,080.00	10.00
Do	Endangered Species Coordinating Council		
Do	Helicopter Assn International		
Do	Independence Mining Company, Inc	20,520.00	72.00
Do	ICF Kaiser International, Inc & Subsidiaries		
Do	L&F Products Group		
Do	Meridian Minerals Co		
Do	Minnesota Mining & Manufacturing Co		
Do	National Assn of Temporary Services	147.50	4.00
Do	National Assn of Wholesaler-Distributors		
Do	National Risk Retention Assn		
Do	Polyisocyanurate Insulation Mfrs Assn		
Do	Regional Airline Association		
Do	Rocking K Development		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Government of Indonesia, Ministry of Trade		
Do	Singapore Trade Development Board		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	280.00	
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		1,397.20
Barry Cullen, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn		
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America		
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)	2,024.00	
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	14,792.00	
Do	McCutchen Doyle Brown & Enersen (For:Clean Water Act Reauthorization Coalition).	5,616.00	
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)	1,508.00	
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	130.00	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	49,556.00	
Do	McCutchen Doyle Brown & Enersen (For:Massachusetts Water Resources Authority).	11,877.00	
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	2,470.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McCutchen Doyle Brown & Enersen (For:3M)		
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	Committee to Support the Antitrust Laws	2,000.00	
Do	National Assn of Securities & Commercial Law Attorneys	25,000.00	716.70
Do	Service Station Dealers of America	2,500.00	
Do	Songwriters Guild of America	5,250.00	212.68
Do	West Publishing Co	12,500.00	29.00
Charles V. Cunningham, 1155 15th Street, NW, Suite 504 Washington, DC 20005	American Textile Manufacturers Institute, Inc	1,500.00	
Do	Dunavant Enterprises, Inc	3,000.00	
Do	Hohenberg Bros. Company	1,500.00	
William J. Cunningham, State Street Business Group 200 State Street, 10th Floor Boston, MA 02109	American Fed of Labor & Congress of Industrial Organizations	20,990.48	813.21
Do	Natural Disaster Coalition	12,000.00	
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn	1,000.00	210.00
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Debra Curtis, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,500.00	340.00
James R. Curtiss, 1400 L Street, NW Washington, DC 20005	Washington Public Power Supply System		14.00
Herschel Cutler, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	2,750.00	197.50
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	City of Henderson	9,232.50	93.25
Do	City of Tempe	615.00	11.00
Do	General Atomics	777.50	
Do	University of Colorado	5,703.75	138.71
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	4,160.00	8,212.00
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833			1,000.00
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	19,531.00	1,641.41
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028			98.23
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	7,800.00	2,745.47
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	789.64
John M. Damgard, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc		
Stephanie C. Dance, 1300 L Street, NW, #900 Washington, DC 20005	North American Export Grain Assn, Inc		309.33
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	7,624.82	
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			
Bruce A. Davidson, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Linda L. Davidson, 1776 Eye Street, NW, Suite 700 Washington, DC 20006	Phillips Petroleum Co	2,000.00	54.32
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	8,842.50	1,070.06
D. Drew Davis, 3M Center St. Paul, MN 55144-1000	Minnesota Mining and Manufacturing Company (3M)	3,500.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	106.36	30.00
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	12,363.60	
Frederick G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	3,315.75	37.20
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,947.75	
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	491.66	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert W. Davis, Bob Davis & Associates 2361 Jefferson Davis Highway, #506 Arlington, VA 22202	Alaska Ocean Seafood	5,000.00	774.00
Do	City of Charlevoix	500.00	
Do	Frequency Engineering Labortories	1,000.00	
Do	Lafarge Corp	1,000.00	
Do	Marinette Marine Corp	7,500.00	55.00
Robert W. Davis Jr., 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,600.00	662.00
Timothy S. Davis, 1020 Nineteenth Street, NW, #600 Washington, DC 20036	American Express Co	18,750.00	36.00
William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies	212.50	
Do	Alcoma Packing Company, Inc		
Do	American General Life Insurance Co	990.00	133.26
Do	American Horse Council	2,160.00	70.70
Do	Armco Steel Co	2,700.00	75.77
Do	Bethlehem Steel Corp	2,700.00	75.77
Do	Chicago Board of Trade	8,500.20	405.71
Do	Committee of Annuity Insurers	957.50	
Do	Dresser Industries, Inc		
Do	Employers Health Insurance Co	8,400.00	86.80
Do	First Penn-Pacific Life Insurance Co	2,694.00	109.72
Do	Florida Power & Light		
Do	Florida Sugar Cane League, Inc	1,200.00	70.70
Do	Hughes & Luce	110.00	
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co	1,016.00	20.00
Do	National Cattlemen's Assn	900.00	70.70
Do	Retired Lives Reserve Group	197.50	
Do	Stock Information Group		
Do	U.S. Sugar Corp	1,200.00	70.70
Do	Underwriters of Lloyd's London		
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	Brown Brothers Harriman & Co		
Do	Kohlberg Kravis Roberts & Co		
Do	Morgan Guaranty Trust Co	2,995.00	64.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	3,150.00	68.00
Benjamin D. Davol, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Leo A. Daly Company		
Do	Michael Gaughan		
Do	Opticians Assn of America		
Do	St. Thomas-St. John Chamber of Commerce, Inc		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	577.33
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	4,800.00	
Donald K. Dean, 1725 Jefferson Davis Highway, Suite 900 Arlington, VA 22202	Loral Federal Systems Group	3,500.00	
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	168.00	124.77
Do	Trainum, Snowdon & Deane (For:Coalition of Automotive Assns)	217.00	98.38
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	1,738.00	63,905.00
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Tom K. Decker, Box 3529 Portland, OR 97208	Port of Portland	15,378.00	834.67
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101			
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	6,333.54	1,502.29
William T. Deitz, Palumbo & Cerrell, Inc 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,822.50	199.65
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transportation Authority).	3,652.50	149.60
Do	New Jersey Turnpike Authority	2,407.50	122.87
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	18.00	
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	National Assn of Independent Insurers	22,500.00	959.12
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Edison Electric Institute		
Do	General Atomics	1,000.00	
Denison Scott Associates, 5910 Woodacres Drive Bethesda, MD 20816	Bristol-Myers Squibb Co	2,000.00	
William H. Dennerlein, 329 F Street, #208 Anchorage, AK 99501	National Parks & Conservation Assn	1,000.00	1,080.00
M. Sharon Dennis, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	9,678.00	5,700.00
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	1,512.14	
Department for Professional Employees, AFL-CIO, 815 16th St., NW, #707 Washington, DC 20006		15,642.08	15,642.08
John M. Derrick Jr., 1900 Pennsylvania AVe., NW Washington, DC 20068	Potomac Electric Power Co	220.87	
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation	3,000.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	4,500.00	
Paul Devlin, 815 16th Street, NW, Suite 308 Washington, DC 20006	Public Employee Department, AFL-CIO	2,772.35	
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert L. Dewey, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	1,191.93	
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Anker Energy Corporation		
Do	Association of Outplacement Consulting Firms		
Do	Beneficial Corporation		
Do	Boeing Company		
Do	Catholic Health Assn of the U.S.	4,100.00	
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems		
Do	General Electric Co		
Do	General Electric Pension Trust		
Do	General Reinsurance Corp		
Do	Georgia-Pacific Corp		
Do	Goldman Sachs & Co		
Do	Norfolk Southern Corp		
Do	Northwestern Memorial Hospital		
Do	NYNEX Corp		
Do	Outplacement Industry Tax Coalition		
Do	PacifiCorp Financial Services	6,150.00	
Do	Prudential Insurance Co of America		
Do	Sealaska Corp		
Do	SEMATECH	385.00	
Do	Teachers Insurance & Annuity Assn of America		
Do	Thompson Publishing Group		
Do	Travelers, Inc		
Do	Tribune Broadcasting Co		
Do	U.S. Coalition for Fair Lumber Imports	33,873.12	
Do	U.S. Golf Association		
Do	U.S. Telephone Assn		
Do	Union Pacific Corp		
Do	West Indies Rum & Spirits Producers Assn	820.00	
Do	Xerox Corp		
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	15.00
H. Edward DeBee III, 6520 North Western ,Suite 101 Oklahoma City, OK 73116	DeBee & Associates		
Katherine B. DeCoster, 666 Pennsylvania Avenue, SE, #401 Washington, DC 20003	Trust for Public Land	3,024.00	
Alecia A. DeCoudreaux, 1101 Pennsylvania Ave., NW, Suite 540 Washington, DC 20004	Eli Lilly & Co	3,000.00	
DeKieffer Dibble & Horgan, 915 15th Street, NW, Suite 900 Washington, DC 20005	Coalition of Disk Exporters ('CODE')		
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	317.33
Sandra Yartin DePoy, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	10,200.00	
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
David DeSantis, 1301 Pennsylvania Ave., NW, Suite 305 Washington, DC 20004	Natural Disaster Coalition	13,000.00	1,429.00
Mark DeSantis, 1455 Pennsylvania Ave., NW, Suite 230 Washington, DC 20004	Texas Instruments, Inc	5,000.00	
Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	234.00	
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	12,268.00	151.20
Thomas R. DeYulia, 1776 I Street, NW, #770 Washington, DC 20006	CNA Insurance Co		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:National Park Hospitality Association)		
Gregory G. Diaz, Burke Williams & Sorensen 3200 Park Center Drive, #750 Costa Mesa, CA 92626	City of Bell and Community Redevelopment Agency of Bell		
Ann Sanders Dickey, 2605 Nonconnah Memphis, TN 38132	Federal Express Corp	6,000.00	
J. Hugh Dickey, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	2,400.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickstein Shapiro & Morin, LLP, 2101 L St., NW Washington, DC 20037	American Greyhound Track Operators Assn	967.50	
Do	Apple Computer Corp		
Do	Bear Stearns & Co		
Do	Cigar Assn of America, Inc	1,000.00	
Do	Cordova District Fishermen United, Inc		
Do	CoreSource	150.00	
Do	Electric Generation Assn	1,200.00	
Do	Federal National Mortgage Assn	1,050.00	
Do	Federated Cash Management Systems		
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc		
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc		
Do	National Assn of Chain Drug Stores	5,043.75	
Do	National Fed of Societies for Clinical Social Work	7,816.25	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources & Community Develop		
Do	Ocean State Power		
Do	Paulucci Enterprises		
Do	Pipe Tobacco Council, Inc	1,000.00	
Do	Royal Thai Government	15,000.00	
Do	Smokeless Tobacco Council	3,000.00	
Do	State of Alabama (Escheatment), et al.		950.00
Do	State of Arkansas (DOE), et al.		
Do	State of Connecticut		
Do	U.S. Generating Company	300.00	
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
John Dill, 325 7th Strret,NW #1000 Washington, DC 20004	National Retail Federation	11,500.00	200.10
Robert E. Dillon, Sony Drive, Mail Drop #3F8 Park Ridge, NJ 07656	Sony Electronics, Inc	8,000.00	2,800.00
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)		
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	125.46	34.81
Do	Lumbermens Mutual Casualty Company	2,100.00	825.02
Richard Jon Dines, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	5,100.00	
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			26,154.00
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		150,126.47	150,126.47
Patsy B. Dix, 1130 Conn. Ave., NW Suite 1000 Washington, DC 20036	American Insurance Assn		
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Ann M. DiDonato, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp	560.16	574.19
Rose M. DiNapoli, 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	Federal Home Loan Mortgage Corp		
Do	Student Loan Marketing Assn	600.00	102.58
Lucia DiVenere, 519 C Street, NE Washington, DC 20002	National Assn for Home Care		
E. David Doane, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc	4,000.00	100.00
Julie Domenick Doerr, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	183.29	8.00
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	6,800.00	
J. Jon Doggett, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,537.50	570.91
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	350.00	45.00
Mary Anne Dolbeare, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Mark A. Dombroff, 1025 Thomas Jefferson St., NW East Lobby #700 Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Marla M. Donahue, 1901 North Moore Street Arlington, VA 22209	Foodservice & Packaging Institute, Inc		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,500.00	
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	417.30	
Paul Donnellan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	10,348.00	
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Nancy J. Donohoe, 1828 L Street, NW, #1010 Washington, DC 20365	Rosapepe and Spanos, Inc (For:H&R Block, Inc)	2,722.46	60.55
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc		
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	
Brad L. Doores, Three Park Central, #1000 1515 Arapahoe St. Denver, CO 80202	Energy Fuels Nuclear, Inc		
James R. Dorcy, 1666 Connecticut Avenue, NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	370.00	10.00
Susan E. Dore, 44 Goodrich Avenue Auburn, ME 04210	National Alliance for the Mentally Ill	8,100.00	6,470.96
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	4,460.00	88.25

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	General Pneumatics Corp		6,385.39
Do	Hercules Engine Co		1,522.74
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	157.26
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	5,916.00	
Do	Bristol-Myers Squibb Co	4,666.50	
Do	City of St. Paul	867.00	38.39
Do	Crop Growers Insurance, Inc	2,932.50	
Do	Deluxe Corp		
Do	Guam Commission on Self Determination		
Do	Medica	5,635.50	
Do	National Computer Systems		
Do	Solvay Pharmaceuticals, Inc		
Do	United HealthCare Corp		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	4,182.00	
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	3,000.00	
Robert J. Dotchin, 1350 Eye Street, NW, #680 Washington, DC 20005	UST Public Affairs, Inc	6,000.00	
Richard J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	110.89
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		2,504.88
Madonna Cynthia Douglass, 1120 19th Street, NW, Suite 310 Washington, DC 20036-3605	Institute of Makers of Explosives	2,500.00	25.00
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Home Shopping Network, Inc		
Do	Profit Sharing Council of America	320.00	18.00
Do	Stelco, Inc		
Thomas J. Downey, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American International Group		
Do	American Personal Communications	1,800.00	
Do	Center on Law & Social Policy/Center on Budget Policy	600.00	
Do	E.I. duPont de Nemours & Co	1,500.00	
Do	Fuel Cells for Transportation	300.00	
Do	Institute for Community Development		
Do	Joseph E. Seagram & Sons, Inc	1,800.00	
Do	Medco Containment Services, Inc	1,000.00	
Do	Metropolitan Life & Affiliated Companies	2,980.00	
Do	Personal Communications Industry Assn	999.00	
Do	Phillipp Brothers Chemicals, Inc	900.00	
Do	Time Warner, Inc	1,500.00	
Thomas J. Downey & Associates, Inc, 1401 Eye Street, NW, Suite 1210 Washington, DC 20005	American Personal Communications	4,500.00	4,500.00
Do	Center on Law & Social Policy/Center on Budget Policy...	999.00	999.00
Do	E. I. du Pont de Nemours & Co	3,750.00	3,750.00
Do	Fuel Cells for Transportation	750.00	750.00
Do	Institute for Community Development		
Do	Joseph E. Seagram & Sons, Inc	4,500.00	4,500.00
Do	Medco Containment Services, Inc	2,499.00	2,499.00
Do	Metropolitan Life & Affiliated Companies	5,480.00	5,480.00
Do	Personal Communications Industry Assn	2,499.00	2,499.00
Do	Phillipp Brothers Chemicals, Inc	2,400.00	2,400.00
Do	Time Warner, Inc	3,750.00	3,750.00
Mary Theresa Doyle, 801 Pennsylvania Avenue, NW, Suite 250 Washington, DC 20004	Massachusetts Mutual Life Insurance Co	43.27	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	23,899.12	
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	86.21
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,817.49	56.61
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	QualMed, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 1110 Vermont Avenue, NW, #400 Washington, DC 20005	Capitol Hill Strategies	1,000.00	50.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Drinker Biddle & Reath, 901 15th Street, NW, #900 Washington, DC 20005	General Communication, Inc	1,275.00	
Do	Tandy Corp	12,740.00	86.98
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #500 Washington, DC 20037	Aetna Life & Casualty	8,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Communications Satellite Corp	133.00	
Do	Consolidated Rail Corporation		
Do	Dow Corning Corporation	800.00	
Do	Federal National Mortgage Assn		
Do	General Motors Corp	800.00	
Do	Goldman Sachs & Co	2,400.00	
Do	Group Health Assn of American	7,200.00	
Do	Healthcare Leadership Council	8,800.00	
Do	Juvenile Diabetes Foundation International	6,250.00	
Do	Monsanto Company	4,000.00	
Do	National Cable Television Assn, Inc	4,000.00	
Do	Shell Oil Company	1,600.00	
Do	United Air Lines, Inc		
Do	Warner Communications, Inc	5,000.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation		
Ducheneaux Taylor & Associates, 303 Massachusetts Ave., NW Washington, DC 20002	Chippewa-Ottawa Treaty Fishery Management Authority	375.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Crow Creek Sioux Tribe		
Do	Gila River Farms	450.00	
Do	Grand Portage Reservation Tribal Council	450.00	
Do	Grand Traverse Bank of Chippewa and Ottawa Indians	450.00	
Do	Intertribal Agricultural Council	490.00	
Do	Leech Lake Tribal Council	562.50	
Do	Little Six, Inc	300.00	
Do	Minnesota Indian Gaming Assocation	907.50	
Do	Native American Rights Fund	320.00	
Do	Siletz Tribal Council	450.00	
Do	Tohono O'Odham Nation	562.50	
Do	Tulalip Tribes	600.00	
Do	White Earth Tribal Council	562.50	
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	180.93
Diane C. Duff, 1129 20th Street, NW, 2nd Floor Washington, DC 20036	Greater Washington Board of Trade	2,600.00	365.35
Andrew Dugan, 2001 S Street, NW, Suite 350 Washington, DC 20009	Community Nutrition Institute	5,480.75	284.74
John V. Dugan Jr., 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,548.00	
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	22,614.48	100.00
Valerie M.E.A. Dulk, 1625 K Street, NW, Suite 210 Washington, DC 20005	Americans for Democratic Action	1,406.25	
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW, #400 Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	1,281.00	
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	6,000.00	88.64
Mallory B. Duncan, 325 7th Street, NW, #1000 Washington, DC 20004	National Retail Federation	2,000.00	100.00
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn		35.00
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn, Inc		
Do	National Assn of Energy Service Companies		
Do	National Assn of State Energy Officials	77.50	
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation		
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	831.35	337.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	913.50	
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	23,181.00	56.45
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	451.06
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	2,036.25	55.00
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	797.50	
Do	Graham & James (For:National Assn of Dredging Contractors)		
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Affiliated Health Services		
Do	American Healthcorp, Inc	46,141.80	1,650.63
Do	American Lithotripsy Society		
Do	Atlantic Richfield Co	13,299.08	16,878.37
Do	ALW, Inc	3,598.40	56.57
Do	ARCO Transportation Company	14,009.22	217.21
Do	Bender Shipbuilding & Repair Co, Inc	1,403.86	
Do	Delta Queen Steamboat Co		6.30
Do	Greek Shipping Cooperation Committee	45,000.00	2,882.95
Do	International Air Transport Assn (IATA)	15,634.23	981.49
Do	JM Family Enterprises, Inc	187.50	
Do	Kirby Corp/Dixie Carriers	6,507.13	
Do	Liberty Maritime Corporation	89,710.91	18,732.61
Do	Magnavox Electronic Systems Co	2,286.81	32.85
Do	Medical Care America, Inc	24,108.75	873.90
Do	MedCath, Inc		15.37
Do	National Maritime Alliance, Inc		242.22
Do	National Oilseed Processors Assn	7,146.80	283.42
Do	National Steel & Shipbuilding Co	843.75	
Do	Northstar Shipping, Inc	2,561.24	
Do	Panhandle Eastern Corp	162.50	
Do	Radiation Care, Inc	82.50	
Do	Rural Hospital Coalition	2,060.00	225.02
Do	Schnitzer Group	6,017.27	29.42
Do	Surgical Care Affiliates, Inc	6,000.00	339.85
Do	T/2 Medical, Inc	213.75	
Do	U.S. Naval Institute		
Dykema Gossett, 1300 I Street, N.W Suite 300 Washington, DC 20005	American Osteopathic Association	6,693.75	
Do	Citizen's Committee to Save the Federal Center		
Do	Comerica	2,362.50	
Do	Committee on U.S. Business Canadian Life & Health Ins. Assn	5,408.00	1,000.00
Do	Detroit Medical Center	6,969.00	
Do	Ferris State University		
Do	Magic Line, Inc		
Do	Michigan Biotechnology Institute (MBI)	1,965.75	
Do	Military Boot Manufacturers Assn		
Do	Oakwood Health Services		
Do	Systems Control, Inc		
Do	Total Petroleum, Inc		
Do	University of Michigan Medical Center	640.00	
Do	Wayne State University	1,098.75	
Do	William Davidson Institute	687.50	
DJR & Associates, Inc, 555 Madison Avenue, 12th Floor New York, NY 10022	Alcalde & Fay		
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Peter J. Earle, 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Kerry P. Early, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	4,485.00	130.36
C. Renee Eastman, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	1,508.15
Mark Eaton, 1100 17th Street, NW, Suite 505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	138,693.00	1,875.00
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan, Inc	1,834.00	7.00
Do	IMC Fertilizer, Inc	917.00	14.00
John D. Echeverria, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
Gordon Alexander Echols, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries	2,500.00	1,165.32
Kevin James Echols, P.O. Box 2952, NE Washington, DC 20013	American Determination for Peace Co	10.00	
Bradley Eckart, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,649.99	
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)	1,155.00	
Do	Arter & Hadden (For:American Koyo Corp)		
Do	Association for Responsible Thermal Treatment	640.00	
Do	Arter & Hadden (For:Cellular Telecommunications Industry Assn)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)	260.00	
Do	Arter & Hadden (For:Corning, Inc)	260.00	
Do	Arter & Hadden (For:CAI Wireless)	260.00	
Do	Arter & Hadden (For:ELGARD Corp)		
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)		
Do	Arter & Hadden (For:Great Lakes Museum of Science Environment & Technology).	260.00	
Do	Arter & Hadden (For:Hearst Corp)	520.00	
Do	Arter & Hadden (For:Jeffries & Co, Inc)		
Do	Arter & Hadden (For:LTV Corp)		
Do	Arter & Hadden (For:Merck & Co, Inc)	260.00	
Do	Motorola	260.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:SPRINT)	520.00	
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Do	Arter & Hadden (For:Westinghouse Electric Corp)		
Timothy J. Eckels, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the U.S.	10,043.06	
Eckert Seamans Cherin & Mellot, One South Market Square Building 213 Market Stret Harrisburg, PA 17101	American Fuel Cell & Coated Fabrics Co		
Do	ADT Automotive, Inc	1,412.50	
Do	Eckert Seamans Cherin & Mellott		1,054.00
Do	Florida WetlandsBank		
Do	National Independent Automobile Dealers Assn	250.00	
Norman R. Eder, P.O. Box 91000 Portland, OR 97291-1000	Oregon Graduate Institute of Science & Technology	12,103.98	13,675.48
Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied-Signal Aerospace Co	2,000.00	107.38
Do	Firearms Training Systems, Inc	10,000.00	563.73
Do	Lockheed Corporation	12,000.00	671.11
Do	Oglethorpe Power Corp		
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		831.83	68,792.85
Education Legislative Services, Inc, 5855 Stadium Street San Diego, CA 92122	Central California Legislative Consortium	3,750.00	5,073.61
Do	Oakland Unified School District	7,500.00	10,150.39
Do	Sacramento City Unified School District	2,500.00	3,384.51
Do	San Diego Unified School District	5,829.00	7,889.84
Do	San Francisco Unified School District	3,750.00	5,073.61
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter, Discover & Co.	321.00	
D. Kendall Edwards, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn		
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,674.90	201.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	
Tony M. Edwards, 1129 20th Street, NW, Suite 305 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		28.00
Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005	Cable Telecommunications Assn (CATA)	10,000.00	
Egan & Associates, PC, 2300 N Street, NW Washington, DC 20037	Edlow Internatinal Co		
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc	8,050.00	4,083.63
Tim Eichenberg, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	667.69	
Jill A. Eicher, 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209	American Assn for Respiratory Care	13,651.74	148.79
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,800.00	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	WMX: Technology and Services, Inc.	16,750.00	
Earl B. Eisenhart, 66 Canal Center Place, #600 Alexandria, VA 22314	National Private Truck Council		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	Commercial Finance Assn	9,000.00	1,241.00
Stephen A. Elbert, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Maureen Eldredge, 1725 DeSales Street, NW Washington, DC 20036	Center for Marine Conservation		
Electric Generation Assn, 2101 L Street, NW, #405 Washington, DC 20037		363.75	1,032.39
Electronic Frontier Foundation, 1001 G Street, NW, #950 East Washington, DC 20001			7,475.00
George K. Eliades, 1199 North Fairfax Street, #801 Alexandria, VA 22314	NATSO, Inc		
Jim Elkin, 1615 L Street, NW, Suite 1320 Washington, DC 20036	Sandoz Pharmaceuticals Corp		285.00
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	41.20	
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc	1,000.00	
Scott A. Ellison, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	1,537.26	28.00
Eric J. Ellman, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn		
Dorothy A. Ellsworth, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.07	275.51
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	12,801.00	45.35
Do	St. Charles County	11,250.00	107.54
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		76,469.99	81,447.11
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Bro of Electrical Workers, AFL-CIO-CLC	20,638.75	481.00
Employers Insurance of Wausau, 2000 Westwood Dr. Wausau, WI 54401			27,475.00
Employment Policies Institute, 607 14th Street, NW, #1110 Washington, DC 20005			5,570.18
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	8,615.00	
Gary D. Engebretson, 1200 G Street, NW, #750 Washington, DC 20005	Contract Services Assn		287.00
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	1,440.00	66.00
English First, 8001 Forbes Place, #102 Springfield, VA 22151		199,794.42	214,523.03
Lewis A. Engman, 1163 Daleview Drive McLean, VA 22101	Generic Pharmaceutical Industry Assn	500.00	
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Robert F. Ensslin Jr., 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the US	3,312.50	401.45
Epstein Becker & Green, P.C., 1227 25th Street, NW, #700 Washington, DC 20037	MFJ Task Force	22,500.00	
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	25,133.00	354.80
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209		1,500.00	
Randall Harvey Erben, 807 Brazos Street, Suite 402 Austin, TX 78701	Competitive Long Distance Coalition	7,500.00	
Do	Panhandle 2000	30,000.00	679.06
Jack Ericksen, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	315.00	
Jenny Erickson, 200 Clarendon Street Boston, MA 02117	John Hancock Mutual Life Insurane Co		
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	530.00	
Do	McGuiness & Holch (For:Major League Baseball Players Assn)	890.00	
Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005	National Grain Trade Council		7.50
Dennis L. Erpelding, 1101 Pennsylvania Avenue, NW, #540 Washington, DC 20004	Eli Lilly & Company	3,000.00	707.16
James L. Ervin, 410 First Street, SE, #300 Washington, DC 20003	Arrowsmith Shelburne, Inc	3,750.00	
Do	Kaman Diversified Technologies, Inc	2,225.00	
Do	Lister Bolt & Chain, Ltd	2,250.00	
Do	Martin Marietta Corp	6,250.00	
Do	McDonnell Douglas	3,000.00	
Do	Mongtomery Area Chamber of Commerce	8,333.00	
Do	Northrop Corp		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	18,331.77	
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Anita R. Estell, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Hospital, Inc (For:McLean Hospital)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	400.00	
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care).	250.00	
Do	Van Scoyoc Associates, Inc (For:Spelman College)	1,200.00	
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	194.57
John T. Estes, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines	8,100.00	233.00
Nancy U. Etkin, 1515 Wilson Blvd., Suite 1030 Arlington, VA 22209	Natural Gas Vehicle Coalition	3,500.00	50.00
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	6,000.00	
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		
Cindy Evans, 1111 19th Street, NW, #800 Washington, DC 20036	National Forest Products Assn		
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	549.00	
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Dave Evans Associates, 406 3rd Street, SE Washington, DC 20003	Association for Regulatory Reform	2,500.00	
Do	California Thrift Assn	1,500.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	American Cyanamid Co	1,500.00	467.01
Do	Edison Electric Institute	25,000.00	307.99
Do	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).	2,450.00	
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			2,805.97
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,800.00	
Darryl H. Fagin, 1625 K Street, NW, #210 Washington, DC 20006	Americans for Democratic Action	5,735.70	
Robert J. Falb, 1821 Michael Faraday Drive Suite 400 Reston, VA 22090	National Wholesale Druggists' Assn		
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005		32,416.00	14,408.45
Frank J. Farfone, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical USA	500.00	6,702.00
S. Jackson Faris, 600 Maryland Avenue, SE, #700 Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		1,975.00	7,110.00
Farm Health Care Coalition, 1735 I Street, NW, #704 Washington, DC 20006			16,732.00
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	3,772.98
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024			
Dagmar T. Farr, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	300.00	
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	35,072.36
J. Michael Farren, 1401 H Street, NW, #200 Washington, DC 20005-2110	Xerox Corp	3,000.00	
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Capitol Consulting & Management, Inc	9,000.00	
Do	Central Utah Water Conservancy District	27,787.75	142.97
Do	Clark County Nevada	17,597.25	
Do	Clark County Nevada-McCarran International Airport	21,074.75	996.88
Do	Kirton McConkie & Poelman	756.65	
Do	Las Vegas Valley Water District	26,440.95	87.52
Do	Public Service Co of New Mexico	7,500.00	
Do	Sierra Pacific Power Co	30,706.25	
Do	State of Montana Dept of Natural Resources & Conservation	6,000.00	
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	2,482.40	
Robert C. Fay, 450 E. Higgins Road, #201-E Elk Grove Vilage, IL 60007-1417	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	10,062.50	2,552.71
Elizabeth Fayad, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	6,000.00	728.24
Nessa E. Feddis, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,409.00	105.00
Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768		6,307.47	17,713.43
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			10,464.00
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		5,815.05	5,815.05
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		13,500.00	13,500.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		17,889.24	4,362.32
John D. Fedor, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,835.00	415.42
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Martha A. Feichter, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Society of Clinical Pathologists		
Edward F. Feighan, 1228 Euclid Avenue, Suite 900 Cleveland, OH 44115-1891	Climaco Climaco Seminatore Lefkowitz & Garofoli Co (For:Blue Cross & Blue Shield of Ohio).	7,200.00	3,125.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,615.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	150.00	
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	16,575.00	222.00
Maureen H. Ferguson, Indiana Petroleum Council 143 W. Market Street, #714 Indianapolis, IN 46204	American Petroleum Institute		
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	3,600.00	1,054.82
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	34,200.00	2,096.54
Edward Ferrigno, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	3,000.00	126.50
Robert M. Ferris, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Defenders of Wildlife		
Lizabeth Heydt Ferry, 4636 Somerton Road Trevose, PA 19053	Betz Laboratories		
Marvin C. Feuerwerger, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	13,021.50	159.92
Amy Finan De Leon, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	233.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938			75,700.00
Financial Services Council, 1776 Eye Street, NW, #735 Washington, DC 20006		12,625.00	1,004.00
Jeanne Finberg, 1525 Mission Street San Francisco, CA 94103	Consumers Union	5,920.00	
Linda D. Findlay, 1420 New York Ave., NW, #210 Washington, DC 20005	Phelps Dodge Corp	2,500.00	
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	3,125.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Stephen Finley, 12606 SE 30th, #3 Bellvue, WA 98005		1,580.00	1,923.42
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	2,108.80	1,652.80
Maria Fiordellisi, 815 16th Street, NW Washington, DC 20006	American Federation of Labor & Congress of Industrial Orgs	16,989.98	659.81
First National Bank of Boston, 100 Federal St. Boston, MA 02110			2,258.61
Martha Scott Fisackerly, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Charles H. Fischer, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife		
Deborah A. Fischione, 1299 Pennsylvania Avenue, N.W., #1275 Washington, DC 20004	Chicago Mercantile Exchange	5,000.00	854.27
H. David Fish, 5855 Stadium Street San Diego, CA 92122	Education Legislative Services, Inc (For:Central California Legislative Consortium).	270.26	21.86
Do	Education Legislative Services, Inc (For:Oakland Unified School District)	540.68	43.72
Do	Education Legislative Services, Inc (For:San Diego Unified School District)	420.27	33.98
Do	Education Legislative Services, Inc (For:San Francisco Unified School District)	270.26	21.26
Do	Scramento City Unified School District	180.28	14.58
Dan Fishbein, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co		
Julie W. Fishbein, 7102 Plantation Lane Rockville, MD 20852	Fishbein Associates, Inc (For:American Continental Group)		
Do	Fishbein Associates, Inc (For:Fleishman Hillard, Inc)		
Do	Fishbein Associates, Inc (For:National Presto Industries, Inc)		
Do	Fishbein Associates, Inc (For:Third World Foundation, Inc)		
Rand Harrison Fishbein, 7102 Plantation Lane Rockville, MD 20852	Fishbein Associates, Inc (For:American Continental Group)		
Do	Fishbein Associates, Inc (For:Fleishman Hillard)		
Do	Fishbein Associates, Inc (For:National Presto Industries, Inc)		
Do	Fishbein Associates, Inc (For:Third World Foundation, Inc)		
Fishbein Associates, Inc, 7102 Plantation Lane Rockville, MD 20852	American Continental Group	20,000.00	296.80
Do	Fleishman Hillard, Inc	20,000.00	296.80
Do	National Presto Industries, Inc	31,783.00	572.29
Do	Third World Foundation, Inc	20,000.00	296.80
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn	4,661.35	
Gary K. Fisher, 1401 Eye St., NW, #1200 Washington, DC 20005	Chevron Companies	6,000.00	
Gregory M. Fisher, 1201 Connecticut Ave., NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Gastroenterological Assn Foundation)		
Do	Bailey & Robinson (For:Mastercard International)		
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Steven A. Fisher, 1015 33rd Street, NW, #610 Washington, DC 20007	American Great Lakes Ports	22,500.00	11,054.23
Linda G. Fitcheard, 777 14th & H Street, NW Washington, DC 20005	National Assn of Realtors	1,500.00	
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
John Fitzgerald, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	1,233.00	
Thomas H. Fitzpatrick, Connecticut Petroleum Council 55 Farmington Avenue, #704 Hartford, CT 06105	American Petroleum Institute		
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,500.00	30.00
Robert B. Flagg, 9622 Maury Road Fairfax, VA 22032	Chemical Manufacturers Assn, Inc	750.00	522.25
Meghan R. Flaherty, 700 13th Street, NW, Suite 500 Washington, DC 20500	Family Research Council	2,801.00	
Steven H. Flajser, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Space Systems/Loral	4,500.00	
Daniel V. Flanagan Jr., 1600 Wilson Blvd. Suite 200 Arlingtton, VA 22209	Flanagan Group, Inc (For:Dominion Resources, Inc)		
Do	Virginia Power		
Flanagan Group, Inc, 1600 Wilson Blvd., Suite 200 Arlington, VA 22209	Dominion Resources, Inc		
Do	Virginia Power		
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Nancy J. Fletcher, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	20,000.00	143.15
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Federal Express Corp)	650.00	
Do	R.G. Flippo & Associates, Inc (For:Huntsville-Madison County Airport Authority)	1,950.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Do	R.G. Flippo & Associates, Inc (For:State of Alabama, Dept of Economic & Community Affairs).	2,000.00	
Do	R.G. Flippo & Associates, Inc (For:Troy State Universtity)	2,850.00	
Florida Business Associates, 1620 L Street, NW, #875 Washington, DC 20036	Constellation Technology Corp.	2,000.00	
Do	Cray Research, Inc	36,367.07	
Do	Florida Community College at Jacksonville	12,352.06	
Do	Florida State University	20,000.00	
Do	Hampton University	6,000.00	
Do	MEDCO Containment	4,000.00	
Do	University of Alaska	15,000.00	
Do	University of Nevada-Las Vegas	15,625.56	
Do	University of Vermont	13,716.20	
Do	Virginia Commonwealth University	5,333.34	
Do	Westinghouse Electric Corp	14,258.95	
Florida Wetlandsbank, 1800 N. Douglas Road, Suite 203 Pembroke Pines, FL 33024			
Donna Steele Flynn, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	550.93
Laura C. Fogt, 1245 North Vernon Arlington, VA 22201	Families USA Foundation	1,942.50	305.00
M. Todd Foley, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Aurora Health Care, Inc, et al.		
Do	Council of Community Blood Centers		
Do	Global Technology Systems, Inc		
Do	Real Estate Services Providers Council		
Brian Folkerts, 1401 New York Ave., NW, Suite 400 Washington, DC 20005	National Food Processors Assn	4,221.36	100.00
R. D. Folsom, 601 13th St., Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Richard T. Foltin, 1156 15th Street, NW, Suite 1201 Washington, DC 20005	American Jewish Committee	6,500.00	160.00
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		16,560.00	16,560.00
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			4,150.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
James E. Ford, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	899.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			5,134.53
Paul Forlenza, 1301 K Street, NW Washington, DC 20005	IBM	1,268.00	343.00
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	60.00	
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques		
Do	Bremer Vulkan Verbund AG		
Do	Commerzbank Aktiengesellschaft		
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	19,900.00	894.26
Tracy Fortson, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research		
David V. Foster, 555 13th Street, NW Washington, DC 20016	National Leadership Coalition for Health Care Reform	10,000.00	81.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nancy E. Foster, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	3,610.37
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	American College of Sports Medicine	6,000.00	2,561.76
Do	AT&T	12,000.00	5,362.15
Do	Chem-Nuclear Systems, Inc	1,481.25	472.83
Do	Greenwood Development Corp	1,070.00	
James D. Fowler Jr., 1600 M Street, NW Washington, DC 20036	ITT Corp	92.50	
Alissa T. Fox, 311 Massachusetts Avenue, NE Washington, DC 20002	Washington Health Advocates	17,220.00	
Stephen R. Francisco, 815 16th Street, NW, Suite 706 Washington, DC 20006	United Steelworkers of America	12,348.33	
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)		
Robert Frankel, 55 Farmington Avenue, #403 Hartford, CT 06105	Trading Cove Associates	10,551.07	636.00
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
David C. Frankil, 1875 Eye Street, NW, Suite 540 Washington, DC 20006	Champion International Corp	1,440.00	1,011.99
Jordan Frankl, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	5,833.32	913.26
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,080.00	
Kevin Frankovich, 733 15th Street, NW, #700 Washington, DC 20005	CGR Associates, iNc (For:Association of Air Medical Services)	1,420.13	90.55
Do	CGR Associates, Inc (For:Fringe Insurance Benefits, Inc)	558.70	54.79
Kathleen A. Frawley, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	American Health Information Management Assn	2,515.59	78.55
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	4,523.00	69.45
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	190.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Freeborn & Peters, 311 South Wacker Drive, Suite 3000 Chicago, IL 60606	Boots Pharmaceutical, Inc		
Freedom Technologies, Inc, 1100 New York Ave., NW, Suite 650 East Washington, DC 20005	American Personal Communications	500.00	
Do	BroadBand Technologies, Inc	500.00	
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,337.50	78.96
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Paula D. Freer, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation		
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	350.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,100.00	
Do	Montgomery Ward & Co, Inc	175.00	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	8,000.00	150.00
Fresh Produce Association of the Americas, P.O. Box 848 Nogales, AZ 85621	West Mexico Vegetable Distributors Assn		
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Gulf Coast Waste Disposal Authority	1,575.00	
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,000.00	
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	3,967.50	47.30
Do	Lonza, Inc		37.83
Do	Virgin Islands Rum Industries, Ltd	715.00	
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,000.00	8.00
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn	9,000.00	8.00
Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company		
Charles H. Fritts, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	1,667.00	292.16
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	600.00	450.00
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	2,500.00	
Alan Front, 666 Pennsylvania Ave., SE, #401 Washington, DC 20003	Trust for Public Land	5,624.00	10,311.10
Gordon H. Fry, 900 19th St., NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Fuji Photo Film, Inc, 211 Pucketts Ferry Road Greenwood, SC 29649			1,139.02
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Barrett Resources Corp	2,712.50	37.10
Do	Ernst & Young		
Do	Federal Home Loan Bank Board of Dallas	9,000.00	37.50
Do	Generic Pharmaceutical Industry Assn		
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	4,187.50	
Furman Group, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Central Basin Municipal Water District	25,500.00	28.69
Do	Central Utah Water Conservancy District		
Do	Las Virgenes Municipal Water District	15,000.00	77.55
Do	Upper San Gabriel Municipal Water District	15,000.00	171.08
Do	West Basin Municipal Water District	37,500.00	532.31
Colleen Furukawa, 1100 Connecticut Avenue, NW, #910 Washington, DC 20036	Coalition for Employment through Exports		
Futures Industry Assn, Inc, 2001 Pennsylvania Ave., NW Washington, DC 20006-1807			
Edward M. Gabriel, 1001 G Street, NW, SUite 400 West Washington, DC 20001	Energy Fuels Nuclear, Inc	4,500.00	
Julie Leigh Gackenbach, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,300.00	182.09
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,352.62	
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Anchor Glass Container Corp		
Do	Pizza Hut, Inc		
Do	Wendy's International, Inc		
Kathryn M. Gagnon, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Floyd D. Gaibler, 1155 15th Street, NW, Suite 300 Washington, DC 20005	Agricultural Retailers Assn	7,000.00	2,820.73
John G. Gaine, 1150 Connecticut Avenue, NW, #700 Washington, DC 20036	Managed Futures Assn	3,000.00	590.00
Law Offices of John G. Gaine, 1150 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Managed Futures Assn	3,000.00	590.00
Gary P. Galanis, 1100 South Washington Streeet, 1st Floor Alexandri, VA 22134-4494	National Beer Wholesalers Assn	712.40	57.21
Christopher Gallagher, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		739.09
Leslie Lawing Gallagher, 1801 K Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	1,783.52	56.50
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Composites Fabricators Assn		
Do	Mobile Industrial Caterers Assn		
Do	National Assn of Theatre Owners		
Do	Textile Rental Services Assn of America		
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	Chemical Manufacturers Asn	2,600.00	978.04
Juan Gallardo, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext		
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Jon T. Gallinger, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.	4,386.46	6,629.62
L. Thomas Galloway, 7110 Broxburn Drive Bethesda, MD 20817	Galloway & Associates		
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	17,273.00	41.15
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	68,500.00	
Isabelle Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,753.35	52.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Robert Garcia, 301 SE Harbor Point Drive Stuart, FL 34996	Puerto Rico Federal Affairs	3,500.00	
Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 57 Winfield Street San Francisco, CA 94110	Citizens for Reliable and Safe Highways (CRASH)	195.00	
Theodore J. Garrish, 1776 I Street, NW, #400 Washington, DC 20006	Nuclear Energy Council	4,800.00	387.00
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assns, Inc	14,355.00	1,168.45
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	1,116.38	
Do	Interocean Management Company		
Do	J & B Management Company	19,112.63	
Do	National Assn of Independent Credit Reporting Agencies, Inc		
Do	Pacific Coast Federation of Fishermen's Assn, Inc	1,727.50	
Do	Seafood Consumers & Producers Assn, Inc	3,163.25	
Do	Space Industries, Inc		
Do	Totem Ocean Trailer Express, Inc	57,546.60	
Do	USX	6,613.51	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
David Gasson, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,697.00	310.46
Philip Gasteyer, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America		
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
A. Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	136.00	137.00
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Ethel Z. Geisinger, 113 King Street Armonk, NY 10504-1610	MBIA, Inc	1,000.00	600.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			71,547.00
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		11,350.00	
Generic Pharmaceutical Industry Assn, 1620 I Street, NW, Suite 800 Washington, DC 20006		34,319.20	34,319.20
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
Genzyme Corporation, 1020 19th Street, NW, Suite 550 Washington, DC 20036			7,001.20
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn		
Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005	El Paso Natural Gas Company		
Warren S. George, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,692.07
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	7,857.00	132.00
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,300.00	362.73
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	250.00	46.22
David A. Gerken, 1301 Connecticut Avenue, NW, 7th Floor Washington, DC 20365	Puerto Rico Federal Affairs Administration	25,500.00	816.55
Do	Puerto Rico Senate	4,500.00	
Do	Times Mirror Corp	6,000.00	563.02
Alvin J. Geske, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Renewable Fuels Assn		
Lawrence R. Gess, One Nalco Center Naperville, IL 60563-1198	Nalco Chemical Company	940.00	828.60
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,375.00	
Giauque Crockett & Bendinger, 500 Kearns Building 136 South Main Salt Lake City, UT 84101	Intermountain Health Care, Inc		
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	18,500.00	219.00
Martha A. Gibbons, 655 15th Street, NW, #300 Washington, DC 20005	Laidlaw Transportation Management, Inc	10,000.00	
Gibbons & Company, 1455 Pennsylvania Ave., NW, Suite 1180 Washington, DC 20004	Florida Citrus Mutual		
Do	Kellogg Co		
Do	Mutual Life Insurance Co of New York		
Do	Natural Disaster Coalition	9,000.00	
Do	Underwriters at Lloyd's of London		
Do	Zeneca, Inc		
Gail Giblin, 820 First Street, NE, #900 Washington, DC 20002	Turner Broadcasting System, Inc	2,125.00	
Kenneth W. Gideon, Wilmer Cutler & Pickering 2445 M Street, NW Washington, DC 20037-1420	National Structured Settlement Trade Assn		
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	975.00	
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	945.00	10.00
Judy Gifford, 1840 Wilson Blvd., 4th Floor Arlington, VA 22201	National Milk Producers Federation	718.10	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	10,575.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Joseph A. Gillan, 2001 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Exxon Corporation	1,300.00	
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)		
Do	Gadsby & Hannah (For:Dyncorp)	97.75	
Do	Gadsby & Hannah (For:IPAC)		
Do	Gadsby & Hannah (For:NMP Corp)	371.25	
Do	Gadsby & Hannah (For:Veda, Inc)		
Do	Gadsby & Hannah (For:Westinghouse Distribution & Control)	1,811.25	
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	50,000.00	632.04
Cynthia D. Gillespie, 250 Williams Street Suite 6000 Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games	265.60	3,753.00
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	658.11	490.00
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atlantic Richfield Company	6,158.34	
Do	Pacific Lumber & Shipping Co	149.01	
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	6,837.00	83.50
Jim Gilmore, 4039 21st Avenue, #400 Seattle, WA 98199	American Factory Trawler Assn	21,250.00	
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	United Air Lines, Inc		
Caesar A. Giolito, Capital-International Communications P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	500.00	
Carolyn H. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	500.00	
Do	Danou Enterprises, Inc	500.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	80.00
Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702			2,877.11
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp	91.00	
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	450.00	
Pete W. Glavas, 200 Longview Drive Alexandria, VA 22314	American Science and Engineering, Inc		
Marci Glazer, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	240.29	
Robert E. Gleason, 17 Battery Place New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Law Offices of Gleason & Mathews, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	2,000.00	599.52
Sara B. Glenn, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,000.00	283.86
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:American Gastroenterological Association Foundation)		
Do	Bailey & Robinson (For:Blue Cross of Western PA)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Oralco Management Services (Ormet))		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Advocates for Fertility Treatment	57.69	
Do	All Nippon Airways Co, Ltd		
Do	Community Learning & Information Network, Inc		
Do	Convex Computer Corp		
Do	Fanuc, Ltd		
Do	Gold & Leibengood		
Do	Hitachi, Ltd		
Do	Hyundai Motor America	144.23	
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Metro-Dade Country		
Do	Southwestern Bell Corp	115.38	
Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005	American Veterinary Medical Assn		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,600.00	90.35
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	418.00	
Donald G. Goff, 8003 Rivermont Court Springfield, VA 22153	McDonnell Douglas Corp		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Amercan College of Cardiology	3,000.00	2,344.00
Do	American Academy of Dermatology	16,000.00	2,344.00
Do	American Academy of Ophthalmology	10,605.00	2,303.00
Do	American Hospital Assn	6,750.00	2,344.00
Do	Beretta U.S.A. Corp	14,400.00	2,344.00
Do	Bridgeport Regional Business Council	5,750.00	2,344.00
Do	Camara Nacional de la Industria Pesquera	22,800.00	2,344.00
Do	Camara Nacional de las Industrias Azucarera y Alcoholera	5,694.00	2,344.00
Do	Caremark, Inc	10,000.00	2,349.00
Do	Cementos Mexicanos (CEMEX)	57,600.00	2,344.00
Do	Chemical Manufacturers Assn, Inc		2,044.00
Do	Coca Cola Company	7,200.00	2,264.00
Do	College of American Pathologists	6,000.00	2,344.00
Do	Eye Bank Assn of America	3,981.00	2,112.00
Do	Federated Investors, Inc	7,500.00	2,179.00
Do	Fiat, U.S.A., Inc	9,600.00	2,344.00
Do	Genentech, Inc	26,400.00	2,344.00
Do	International Council of Shopping Centers	25,000.00	2,044.00
Do	Investment Company Institute	88.00	2,076.00
Do	James Capel & Co		2,344.00
Do	Joint Commission on the Accreditation of Health Care Orgs	92,000.00	2,344.00
Do	Kidder Peabody & Co	5,250.00	2,344.00
Do	Medela, Inc	964.00	2,119.00
Do	Mountain-Park Master Conservancy District	12,000.00	2,344.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mutual Of Omaha	6,000.00	2,209.00
Do	MAPCO, Inc		2,344.00
Do	MCI Communications Corp	12,000.00	2,344.00
Do	National Football League	2,150.00	2,238.00
Do	National Restaurant Assn	19,500.00	2,344.00
Do	National School Transportation Assn	2,250.00	2,179.00
Do	Nestle USA, INC	1,800.00	2,171.00
Do	Pennzoil Co	4,000.00	2,344.00
Do	Philip Morris Co	42,393.00	2,344.00
Do	Regional Transportation District	8,000.00	2,044.00
Do	Salomon Brothers, Inc	3,550.00	2,290.00
Do	Thomson-CSF, Inc	9,000.00	2,344.00
Do	Thunder Child Veterans Administration Hospital	1,500.00	2,071.00
Do	Times Mirror Co	3,960.00	2,344.00
Do	Washington Metropolitan Area Transit Authority	11,000.00	2,044.00
Goldberg Godles Wiener & Wright, 1229 19th St., NW Washington, DC 20036	PanAmSat, L.P.		
Howard Goldblatt, 1511 K Street, NW, Suite 622 Washington, DC 20005	Coalition Against Insurance Fraud	3,000.00	20.87
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	812.50	
Wilson Golden, 715 Arlington Street Jackson, MS 39202-1617	ICF Kaiser International, Inc	18,750.00	11,265.19
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			10,150.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	11,250.00	
Ellen L. Goldstein, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	525.00	21.50
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	6,053.35	
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	2,626.35
Thomas E. Goode, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Deborah K. Goodell, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	967.74	2,877.35
Amanda L. Goodman, 1401 New York Ave., NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	1,831.00	
Susannah Goodman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,781.00	
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,277.50	12,411.23
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	
John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036	American Soybean Assn	11,000.00	6,495.82
Do	Export Processors Industry Coalition (EPIC)	7,500.00	4,026.31
Do	Iowa Pork Producers Assn	2,500.00	2,163.76
Do	National Sunflower Assn	3,000.00	3,658.75
Do	U.S. Canola Association	9,000.00	3,937.85
Anna Pegler Gordon, 2030 M Street, NW, Washington, DC 20036	Common Cause	2,630.28	
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	650.00
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn	150.00	
John C. Gore, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Gorlin Group, 2300 M Street, NW, Suite 800 Washington, DC 20037	Intellectual Property Committee	9,675.00	29.00
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	21,054.32	
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	
Mark S. Gorman, Gorman Consulting 309 Prince Street Alexandria, VA 22314	Council for Affordable Health Insurance		110.00
Do	General Mills, Inc	2,500.00	2,411.00
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress	60.00	24.00
Kevin C. Gottlieb, Box 434 Rockville, MD 20848	Kevin Gottlieb & Associates, Inc (For:General Public Utilities)	1,000.00	55.00
Do	Kevin Gottlieb & Associates, Inc (For:New England Power Service Co)	3,000.00	55.00
Rebecca M.J. Gould, 2001 L Street, NW, Suite 400 Washington, DC 20036	Business Software Alliance	25,147.00	27,850.50
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	2,687.50	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Lummi Nation	225.00	
Do	Mescalero Apache Housing Authority		
Do	Minnesota Chippewa Tribe		
Do	Navajo Nation		
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Pojoaque	2,793.50	
Do	Pueblo of Tesuque		
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo		
Do	Shoshone Tribe	21,360.00	
Do	Tonono O'dham Nation		
Do	Wind River Tax Commission		
Do	Yavapai-Apache Indian Community		
Do	Zuni Housing Authority		
Edmund Graber, 6626 Rockleigh Way Alexandria, VA 22310	American Road & Transportation Builders Assn	7,500.00	
Do	Crown America	10,500.00	
Do	Highway Users Federation		
Bill Gradison, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc	6,612.93	560.10
James E. Graf II, 601 Pennsylvania Avenue, NW North Building, Suite 725 Washington, DC 20004	British Telecommunications, plc	5,000.00	
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions	65.00	936.13
Alexander Graham, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc		
Dennis A. Graham, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	1,550.00	
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	6,000.00	321.55
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn	200.00	
Do	Dental Implant Manufacturers Assn	200.00	
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		753.72
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Rhonda K. Grant, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Co	2,500.00	3,290.35
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	1,400.00	
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Edwin C. Graves & Associates (For:Brickfield Burchette & Ritts)		
Do	Ed Graves & Associates (For:Correctional Education Consultants, Inc)	250.00	
Do	Edwin C. Graves and Associates (For:CBI Sugar Group)	300.00	
Do	Ed Graves & Associates (For:Emerald Resources Management, Inc)		
Do	Edwin C. Graves & Associates (For:Furman Group)		
Do	Ed Graves & Associates (For:McGuiness & Williams)		
Do	Ed Graves & Asociates (For:OPEDA)		
Do	Edwin C. Graves & Associates (For:Republic of Azerbaijan)	300.00	
Do	Capitoline/MS&L (For:Republic of Turkey)	250.00	
Do	Edwin C. Graves & Associates (For:South Dade Land Corp)		
Do	Edwin C. Graves and Associates (For:U.S. Corrections Corp)		
Adrienne A. Gray, 1301 K Street, NW, #1200 Washington, DC 20005	IBM Corporation	1,364.99	307.00
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	13,730.00	2,115.93
Neil A. Gray, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,700.00	43.00
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	2,800.00	
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			93.41
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	5,000.00	174.62
Deborah Green, 60 Bank Street New York, NY 10014	Ross & Green (For:Americans United with the Congolese People)		
Do	Ross & Green (For:Democracy Unlimited)		
Do	Manute Bol		
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
James E. Green, 1250 H Street, NW, Suite 500 Washington, DC 20005	Mobil Corp	2,500.00	872.83
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	709.65
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Peggy M. Green, 2220 Valcourt Drive Plano, TX 75023	Housing Roundtable		150.00
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	Boys & Girls Clubs of America	10,000.00	1,720.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	DARE AMERICA	10,000.00	1,720.00
Do	National Center for Missing & Exploited Children	5,000.00	861.00
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc		
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Health Alliance, Inc	500.00	500.00
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	Healthsource, Inc	5,737.50	181.31
Do	Humana, Inc	22,500.00	584.01
Do	MetroSound USA, Inc	18,000.00	1,735.48
Do	National Assn for the Support of Long-Term Care (NASL)	18,000.00	506.21
Do	Viacom International, Inc	7,396.89	361.77
Fred Greene, 316 Teal Crescent Virginia Beach, VA 23456	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	15,000.00	
Lori Valencia Greene, 1120 Connecticut Ave., NW, Suite 461 Washington, DC 20036	Planned Parenthood Federation of America	1,850.78	241.46
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	8,330.52	100.00
Rod Greenough, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn		
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	184.01	
John P. Gregg, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Sarah M. Gregg, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter		
Linda W. Greiner, 1317 F Street, NW, Suite 510 Washington, DC 20004	White Consolidated Industries		
Edward F. Greissing Jr., 1455 F St., NW, #405 Washington, DC 20005	Upjohn Company	52,850.00	
Greyhound Lines, Inc, P.O. Box 660362 Dallas, TX 75266-0362			30,000.00
Kathryn Griesinger, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	225.60
Mary Griffin, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union	1,000.00	
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
W. M. Griffin, 601 Pennsylvania Avenue, NW, #200 Washington, DC 20004	Texas Utilities Services, Inc	5,287.50	104.78
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	187.07
Griffith & Rogers, P.O. Box 960 Yazoo City, MS 39194-0960	American Maritime Congress	15,000.00	53.02
Do	American Rice, Inc	15,000.00	
Do	CBS, Inc	15,000.00	
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		30.00
Michael E. Grisso, 5115 Doyle Lane Centreville, VA 22020	Aliviane No-Ad, Inc	800.00	
Do	Arkansas Blue Cross Blue Shield, Inc		
Do	Blue Cross & Blue Shield of Oklahoma, Inc		
Do	Blue Cross & Blue Shield of Texas, Inc	9,000.00	783.35
Do	Blue Cross & Blue Shield Assn	11,400.00	266.62
Do	Blue Shield & Blue Cross of Louisiana, Inc		
Do	BP America, Inc	1,800.00	570.83
Do	WPS, Inc		
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
George Gross, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
John A. Gruver, 2649 Turf Valley Road Ellicott City, MD 21042	Westinghouse Electric Corp	500.00	75.00
Bettina R. Grzybowski, 125 C Street, SE, #4 Washington, DC 20003	New Jersey Hospital Assn		588.24
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Guillermo Guemez Garcia, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio		
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Derek Guest, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Co	90.00	90.00
Ana Maria Guevara, 3313 Wyndham Circle Alexandria, VA 22302	United Parcel Service	2,000.00	50.00
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	283.42
Jerene B. Guidry, 50 F Street, NW, Suite 1050 Washington, DC 20001	Freeport-McMoRan, Inc	2,090.00	8.00
Jay F. Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Tanner & Guin (For:Morrow Realty Co, Inc)	148.00	
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	500.00	40.00
Do	Marine Shale Processors, Inc	500.00	75.00
Do	McDermott, Inc	1,000.00	75.00
Do	Walk Haydel & Associates, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		323,291.88	396,251.13
Phyllis A. Guss, 1200 K Street NW Washington, DC 20005	Lockheed Information Management Services Company, Inc		
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	8,659.70	1,561.57
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation		
Rosemary T. Haas, 1710 Rhode Island AVe., NW, #300 Washington, DC 20036	Abbott Laboratories	1,000.00	
Sherry J. Haber, 1821 Michael Faraday Dr., #400 Reston, VA 22090	National Wholesale Druggists' Assn		
George Hacker, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	2,200.00	
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Elizabeth H. Hadley, 600 Maryland Ave., SW, Suite 100 West Washington, DC 20024-2571	American Nurses Assn	1,700.00	
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Do	L.E. Haefner Enterprises, Inc (For:Missouri Botanical Garden)		
Do	L.E. Haefner Enterprises, Inc (For:Surface Systems, Inc)	4,312.50	58.86
Thomas M. Hagan, P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Hager Sharp, Inc, 1090 Vermont Ave., NW, 3rd Floor Washington, DC 20005	APTUS, Inc, et al.	49,800.00	13,523.00
Veronica A. Haggart, 1350 I Stret, NW, Suite 400 Washington, DC 20005	Motorola	6,500.00	
James Hailer, 122 C Street, NW, Suite 310 Washington, DC 20001	American League for Exports & Security Assistance, Inc	2,000.00	50.68
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	2,625.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	370.97	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		628.71
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	ACX Technologies, Inc	7,068.00	20.00
Do	Center for Technology Commercialization, Inc	57.00	
Do	Genetics Institute		
Do	Harcourt Brace & Co	114.00	16.00
Do	Hybridon, Inc	754.00	15.80
Do	Maxtor Corporation		
Do	Medallion Oil Company		
Do	Micron Technology, Inc	55,638.00	737.18
Do	Northeastern University	1,334.50	46.44
Do	Park Electrochemical Corp		
Do	Psychological Corp	4,054.00	129.47
Do	Thinking Machines Corp	513.00	9.63
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	5,737.00	35.71
Debra J. Hall, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,324.80
Janet A. Hall, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	Magazine Publishers of America	2,000.00	
Lawrie Platt Hall, 14901 South Orange Blossom Trail Orlando, FL 32801	Dart Industries, Inc	293.01	144.85
Martin L. Hall, 5990 Richmond Highway, #1114 Alexandria, VA 22303	Concord Resources Group, Inc		
Robert M. Hall, 555 College Road, East Princeton, NJ 08543	American Re-Insurance Co	4,900.00	1,050.00
Robert P. Hall, 325 7th Street, NW, #1000 Washington, DC 20004	National Retail Federation	5,000.00	279.97
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		210.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	670.29
Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Mozambique)	484.92	
Do	Bruce Cameron (For:National Council of Maubere Resistance)	323.28	
James Patrick Halloran, 1615 H Street, NW Washington, DC 20062	United States Chamber of Commerce	12,500.00	
Jean Halloran, 101 Truman Avenue Yonkers, NY 10703	Consumers Union	200.00	
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Halprin Temple & Goodman, 1100 New York Avenue, NW, #650 East Washington, DC 20005	Bell Atlantic	6,932.50	
Do	NYNEX	10,472.50	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,500.00	
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	250.00	
Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	993.60	1,770.42
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Prudential Securities, Inc		2,600.51
Philip W. Hamilton, 1828 L St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Amy R. Hammer, 2001 Pennsylvania Ave., NW #300 Washington, DC 20006	Exxon Corporation	1,250.00	
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	4,800.00	103.00
Timothy M. Hammonds, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	200.00	
Hammons & Hunter, 50 Penn Place, Suite 1300 Oklahoma City, OK 73118	Express Services, et al.	35,415.00	2,086.22
Mary Moore Hamrick, 1001 Pennsylvania Avenue, NW, #460(N) Washington, DC 20004-2505	New York Like Insurance Co	2,275.00	340.86
Timothy A. Hanan, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Contran Corp	15,000.00	1,470.43
Do	Kinetic Concepts, Inc	4,000.00	78.14
Hance Scarborough Woodward & Weisbart, 111 Congress, Suite 800 Austin, TX 78701	Contran Corp	7,500.00	1,579.28
Do	Kinetic Concepts, Inc	2,000.00	21.12
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	General Electric Co	230.42	
Do	Ingalls Shipbuilding	499.17	
Do	Northrop Corp	1,429.15	
Do	Teledyne Industries, Inc	1,327.92	
Rita H. Hankins, 1300 I Street, NW, Suite 400 Washington, DC 20005	NYNEX Government Affairs	8,800.00	910.98
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Dolly A. Hanrahan, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Michael K. Hansen, 101 Truman Avenue Yonkers, NY 10703	Consumers Union	200.00	
William D. Hansen, 1155 15th Street, NW Washington, DC 20005	Education Finance Council	3,500.00	
Eric R. Hanson, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		107.68
Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	1,520.00	
William S. Haraf, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc		
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	34.00	
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn		
Do	Iowa Pork Producers Assn		
Do	National Sunflower Assn		
Do	U.S. Canola Assn		
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	595.00
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	1,174.52
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	6,125.00	43.00
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Wiley C. Harrell, Jr.		
Eugene Harrington, 8100 Oak Street Lorton, VA 22027	National Pest Control Association		
Kathleen M. Harrington, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	1,000.00	
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	605.00	
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	7,000.00	115.28
James W. Harris, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	5,000.00	750.00
Robert E. Harris, 1745 Jefferson Davis Hwy, Suite 1200 Arlington, VA 22202	Rockwell International Corp	1,500.00	
Robert L. Harris, 927 15th Street, NW, 3rd Floor Washington, DC 20005	Nutter & Harris (For:Aluminum Assn, Inc)	2,000.00	300.00
Do	Nutter & Harris (For:FMC Corp)	18,000.00	355.40
Do	Nutter & Harris (For:Lead Industries Assn)	27,675.00	
Do	Nutter & Harris (For:Plum Creek Timber Company)	10,500.00	150.00
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc	1,100.00	35.25
Do	Coalition of Food Importers Assn		17.50
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	1,640.00	9.00
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	360.00	4,281.33
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn		
Jayne A. Hart, 1350 Eye Street, NW, #590 Washington, DC 20005	College of American Pathologists	4,830.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Martha A. Hart, 700 North Fairfax Street Alexandria, VA 22314	Railway Progress Institute	715.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			58,540.00
Carolyn Hartmann, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group	6,666.66	
Robert Hartwell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	15,000.00	769.80
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Holly Hassett, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
Roy A. Hastick Sr., Brooklyn Navy Yard, Building 5 Mezzanine A Brooklyn, NY 11205	Caribbean American Chamber of Commerce & Industry, Inc		
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,318.56
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Charles W. Havens III, 1875 Connecticut Avenue, NW Washington, DC 20009	Leboeuf Lamb Leiby & MacRae		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	2,000.00	
Charles E. Hawkins III, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech, Inc	30,000.00	3,207.70
Do	Pharmaceutical Manufacturers Assn	21,000.00	85.05
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank		
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	420.00	
Margaret M. Hayden, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American Personal Communications	900.00	
Do	E.I. duPont de Nemours & Co	750.00	
Do	Fuel Cells for Transportation	150.00	
Do	Institute for Communicty Development		
Do	Joseph E. Seagram & Sons, Inc	900.00	
Do	Medco Containment Services, Inc	458.00	
Do	Metropolitan Life & Affiliated Companies	750.00	
Do	Personal Communications Industry Assn	500.00	
Do	Phillipp Brothers Chemicals, Inc	500.00	
Do	Time Warner, Inc	750.00	
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:American Automobile Manufacturers Assn)	5,324.12	20.70
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	2,599.25	8.21
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	475.00	
Do	American Sportfishing Assn	475.00	
Do	Basic American, Inc	475.00	
Do	Coastal Conservation Assn	665.00	
Do	Direct Service Industries, Inc	665.00	
Do	McPhillips Manufacturing Co	475.00	
Do	Pacific Northwest Utility Conference Committee	665.00	
Do	United Sport Fishermen	475.00	
Sherry D. Hayes, 227 Massachusetts Ave., NE, Suite 310 A Washington, DC 20002	InterHealth--Protestant Health Alliance	5,459.00	216.00
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	48,922.00	1,289.37
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		17,067.70	17,067.70
Healthcare Assn of New York State, 74 N. Pearl St. Albany, NY 12207		9,927.52	9,927.52
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			10.14
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	10,730.00	314.00
Robert L. Healy, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,086.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	350.50
Timothy P. Hecht, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Do	Hecht Spencer & Associates (For:Taiwanese Reichsbanknote Creditors Association (TRC)).		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	150.00
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Mid-America Waste Systems, Inc		
Do	MCI Telecommmunications	1,000.00	600.00
Do	National Automatic Merchandising Assn		
Do	Charles E. Smith Management		
Do	Taiwanese Reichsbanknote Creditors Assn	1,000.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	15,987.54	126.81
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Claire Heffernan, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	8,948.71	
Edward D. Heffernan, One Massachusetts Avenue, NW, #840 Washington, DC 20001	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	2,500.00	397.52
Do	DePaul University	3,000.00	
Do	Renewable Fuel Assn	3,000.00	
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,042.00	
Heller Ehrman White & McAuliffe, 701 Fifth Avenue, #6100 Seattle, WA 98104	Chugach Electric Assn, Inc		
Do	Direct Service Industries		
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	152.17
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	2,328.00	
Rebecca Poe Henderson, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	3,000.00	195.06
Gail L. Hendrickson, 701 Pennsylvania Ave., NW, Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	670.80	20.00
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	
H. Kirk Henry, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	2,025.00	
John Hugh Henry, 1525 Wilson Blvd., #100 Arlington, VA 22209	McDermott, Inc	12,000.00	3,269.82
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,585.00	16.00
Charlotte W. Herbert, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Herbolsheimer Lannon Henson Duncan & Reagan, PC, 733 15th Street, NW, Suite 1120 Washington, DC 20005	Bowling Proprietors' Assn of America		
Angela D. Herman, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn	187.50	
Wendy Herr, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		10.14
Owen E. Herrnstadt, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.07	487.20
John A. Heslip, 2302 Horse Pen Road Herndon, VA 22071	National Concrete Masonry Assn		7,046.00
David S. Hess, 3900 University Boulevard South Jacksonville, FL 32216	Citizens and Business for D'Oench Duhme Reform		1,763.71
Cara Hesse, 2030 M Street, NW Washington, DC 20036	Common Cause	450.00	
Clare Hessler, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	3,330.00	540.25
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	489.45
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	3,243.74
Sydney T. Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	1,600.00	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	1,000.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	26.44	
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	3.00
Michael R. Hightower, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc	1,300.00	2,562.00
Lucy A. Higley, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	3,432.00	1,815.44
Sarah M. Hildebrand, 8634 Vernon Avenue Alexandria, VA 22309	American Forest & Paper Assn	1,700.00	
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S.,,Inc	767.00	533.00
Catherine J. Hill, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Margaret A. Hill, Winston & Strawn 1400 L Street, NW Washington, DC 20005	Hoover Group		
Do	Nalco Chemical Co	786.25	8.00
Do	Sonoco Products Co	13,218.75	421.78
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	326.01
Thomas M. Hill, 1299 Pennsylvania Avenue, NW, Suite 1125 Washington, DC 20004-2402	Pacific Gas & Electric Co	3,629.25	
Willard I. Hill Jr., 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	1,500.00	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Association of International Automoblie Manufacturers		
Do	Blue Cross Blue Shield of Florida	1,440.00	
Do	Boeing Company		
Do	Broward County	1,200.00	
Do	Fujisawa/Lyphomed		
Do	Great Lakes Museum of Science Environment and Technology	3,000.00	
Do	Greater Cleveland Growth Assn		
Do	Los Angeles Airport	4,490.00	
Do	Louisiana Pacific		
Do	McAndrews & Forbes Holding, Inc		
Do	Mescalero Apache Tribe	2,475.00	
Do	Monsanto Co		
Do	Motorola, Inc	14,737.50	
Do	N-Viro International Corp		
Do	Northrup Grummman	6,500.00	
Do	Oralcle Corp	500.00	
Do	Phillips Petroleum Company		
Do	Port of Cleveland	5,000.00	
Do	Port Everglades	1,440.00	
Do	Sallie Mae		
Do	SanPellegrino		
Do	Sharp Microelectronics Tech, Inc	23,625.00	
Do	Synergics, Inc	12,150.00	
Do	Tera Computer Company		
Do	Ticketmaster	3,675.00	
Do	Union Pacific		
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Greater Rockford Airport Authority	4,125.00	342.30
Cynthia Hilton, 4301 Connecticut Ave., NW, #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 2100 Pennsylvania Ave., NW, #400 Washington, DC 20037	Florida Fruit & Vegetable Assn	3,000.00	
Do	Holland & Knight (For:Florida Tomato Exchange)	1,500.00	
Do	J.R. Brooks & Son, Inc	500.00	
Anne Hingeley, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	100.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).	2,000.00	16.00
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	11,986.00	211.47
Do	Small Business Service Bureau, Inc	12,109.00	91.38
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		
Sheila E. Hixson, 4301 Connecticut Avenue, NW, #300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board	74.00	
Do	Aroostook Band of Micmacs		
Do	Association of Navajo Community-Controlled School Boards	1,127.30	
Do	Black Mesa Community School Board		
Do	Evergreen Legal Services		
Do	Menominee Indian Tribe	280.00	
Do	National Indian Child Welfare Assn	280.00	
Do	National Indian Education Assn	1,140.00	
Do	National Minority Public Broadcasting Consortia	300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pinon Community School Board		
Do	Pueblo de Cochiti		
Do	Ramah Navajo School Board	74.00	
Do	Rock Point Community School Board		
Do	Rough Rock School Board		
Do	Seminole Tribe of Florida		
Do	Shiprock Alternative Schools, Inc		
Julius W. Hobson Jr., 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	1,309.98
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	15,060.69	
A.R. 'Trey' Hodgkins III, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,137.03	366.86
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Elise Hoerath, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,641.10	
Kristin Hofeditz, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	1,778.38	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	AIA Universe Insurance		3,553.28
Do	Froedtert Malt Corp	3,000.00	888.32
Do	National Barley Growers Assn	15,000.00	4,441.59
J. Stanley Hoffert, P.O. Box 8017 Wausau, WI 54402-8017	Employers Insurance of Wausau	4,752.00	13,715.54
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	13,325.00	581.88
Jerry S. Hoffman, 74 N. Pearl Street Albany, NY 12207	Healthcare Assn of NYS	466.61	547.14
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	15,000.00	3,276.01
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn		
Do	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
John B. Hofmann, 1311 I Street, Suite 100 Sacramento, CA 95814	California Forestry Assn	1,750.00	2,311.55
Judith L. Hofmann, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co		294.00
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Tissues Sciences	11,421.25	720.21
Do	American Coke & Coal Chemicals Institute		
Do	American Frozen Food Institute		
Do	American Insurance Assn		80.00
Do	American Peanut Shellers Assn	11,206.25	2,719.49
Do	American Physical Therapy Assn		
Do	American Registry of Pathology	1,807.50	81.59
Do	American Society for Bone & Mineral Research	6,039.26	509.36
Do	Amgen, Inc	1,400.00	8.00
Do	Arctco, Inc		
Do	Auburn University	8,000.00	536.97
Do	Berg Steel Pipe Corp	9,406.25	68.00
Do	Blount, Inc		
Do	Blue Cross & Blue Shield Assn	29,008.93	498.06
Do	Brother International Corp	5,000.00	926.63
Do	Burger King Corp	41,025.00	2,180.07
Do	BE&K Construction		
Do	California State Teachers' Retirement System	562.50	
Do	Computer & Business Equipment Manufacturers Assn		
Do	CC Distributors, Inc		
Do	Direct Selling Association	4,571.25	
Do	Drummond Company, Inc	12,051.25	991.59
Do	Farm Credit Bank of Baltimore		
Do	Farm Credit Bank of Texas	35,627.50	2,595.12
Do	Freightliner Corp		
Do	Genentech, Inc	2,640.00	
Do	General Electric Co	561.25	361.10
Do	General Mills, Inc		
Do	Glaxo, Inc		5.00
Do	Government of Haiti	82,500.00	6,904.23
Do	Grand Metropolitan	6,162.50	686.47
Do	Grocery Manufacturers of America, Inc	3,223.75	
Do	Group Hospitalization and Medical Services, Inc	37,871.95	9,809.91
Do	Harbert Corp		
Do	Hardie-Tynes Mfg Company	2,894.25	122.90
Do	Humane Society of the U.S.	1,036.00	67.20
Do	International Hydrolyzed Protein Council	10,022.50	369.32
Do	May Department Stores Co	3,905.00	35.00
Do	Medtronic, Inc	520.00	151.50
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	46,385.00	2,171.49
Do	Michigan Consolidated Gas Co	15,951.96	620.05
Do	Monsanto Co	4,892.50	17.08
Do	Mortgage Insurance Companies of America	24,000.00	867.87
Do	National Apparel		
Do	National Assn of Community Health Centers	20,000.00	385.58
Do	National Broiler Council		
Do	National Child Care Assn	6,000.00	700.46
Do	National Consumer Bankruptcy Coalition	21,000.00	663.28
Do	National Hospice Organization	117.93	
Do	National Osteoporosis Foundation	16,645.00	636.76
Do	National Structured Settlements Trade Assn		
Do	New England Brown Egg Council	6,000.00	397.01
Do	Nuexco Trading Corp, et al.		
Do	Ostegenesis Imperfecta Foundation	1,332.00	63.76
Do	Paget Foundation	833.00	63.76
Do	PepsiCo, Inc	7,347.50	73.71
Do	Pizza Hut, Inc	16,158.75	451.35
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	2,075.62	164.31
Do	Private Child Care Providers	12,054.12	393.99
Do	Product Liability Coordination Committee	45,000.00	2,402.10
Do	Rust Engineering	7,500.00	688.74
Do	Sierra Forest Products	476.25	30.42
Do	Simrad, Inc	12,711.25	504.11
Do	Soap & Detergent Assn	43,073.75	1,207.00
Do	Southern Company Services	13,931.25	1,029.60
Do	Storage Technology Corp		
Do	Taco Bell Corp	41,860.00	4,623.57
Do	Texas Heart Institute	2,310.68	274.71
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	8,517.50	140.00
Do	U.S. Sugar Corp	4,000.00	776.07
Do	Virginia Ready-Mixed Concrete Assn	1,560.00	
Do	Vulcan Materials Company	11,033.75	781.94
Do	Jim Walter Corp	6,000.00	931.53
Do	Williams Telecommunications	50,867.50	562.01
Do	Zeigler Coal Sales Co	667.98	246.34
Susan R. Hogg, 1331 Pennsylvania Ave, NW, Suite 1500 N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	87.00
Do	Home Savings of America	3,000.00	87.75
Do	Stuzin & Camner, P.A.	2,000.00	76.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral Corporation)		
Do	McGuiness & Holch (For:AT&T)	945.00	
Do	McGuiness & Holch (For:National Assn of Health Underwriters)		
Do	McGuiness & Holch (For:National Horse Show Commission)		
Do	McGuiness & Holch (For:Oneida Indian Nation)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McGuiness & Holch (For:RJR Nabisco)		
George R. Holland, 111 West Capitol, Room 1049 Little Rock, AR 72201	Southwestern Bell Telephone Co		9,135.26
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,000.00	600.00
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	American Plastics Council	2,000.00	
Do	Citgo Petroleum Corp	3,000.00	
Do	FMC Corp	1,000.00	
Do	Precious Metals Producers Group	3,250.00	
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	American Life Resources Corp		
Do	Community Service Society of New York	3,600.00	
Do	Homestead Community Bank		
Do	International Taxicab & Livery Assn		
Do	Manatee County Public Works Department	555.00	
Do	Pan American Satellite Corp		
Do	Peace River/Manasota Regional Water Supply Authority	555.00	
Do	Southwest Florida Water Management District	555.00	
Do	Spaceport Florida Authority		
Do	TRW, Inc	1,500.00	
Do	VITAS HealthCare Corp of Florida	1,440.00	
Do	West Coast Regional Water Supply Authority	555.00	
Jessica J. Holliday, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	12,500.00	674.92
Kimo S. Hollingsworth, 1608 K Street, NW Washington, DC 20005	American Legion	8,934.00	28.00
Patricia L. Hollis, 1300 L Street, NW, #950 Washington, DC 20005	American Dietetic Assn	2,000.00	
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,179.80	3,511.25
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201			
Alan F. Holmer, 1722 Eye Street, NW Washington, DC 20006	Frost Fuels Corp		
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	40.00
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		14,800.00	14,722.05
Rebecca Honeycutt, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Alliance for Responsible CFC Policy	2,500.00	
Do	Borden Chemicals & Plastics, Inc	4,500.00	
Do	Catellus	3,000.00	
Do	City of San Francisco (Water & Power Div)	13,500.00	
Do	Colonial Penn Life	2,700.00	
Do	Combustion Engineering, Inc	4,000.00	
Do	CSX/Yukon Pacific Corp	1,800.00	
Do	Destec Energy, Inc	750.00	
Do	Entergy Corp	13,500.00	
Do	Ewing Kauffman Foundation		
Do	ENSERCH Corp	4,500.00	
Do	Fluor Corp	3,750.00	
Do	Goldstrike Mine	30,000.00	
Do	Guadalupe Valley Electric Cooperative, Inc		
Do	Hallmark Cards	750.00	
Do	Hubbell, Inc	8,400.00	
Do	International Paper Co	7,500.00	
Do	IFINT, S.A.	2,500.00	
Do	John Hancock Mutual Life Ins Co	7,500.00	
Do	Kansas City Southern Industries	6,000.00	
Do	Mobil Corp	18,000.00	
Do	National Rural Letter Carriers' Assn	600.00	
Do	NorAm Energy Corp.	2,500.00	
Do	Panhandle Eastern Corp	7,400.00	
Do	Pennsylvania Engineering Co		
Do	Phlcorp	3,000.00	
Do	Raytheon Company	8,100.00	
Do	Science Applications Intern Corp	12,000.00	
Do	Trammell Crow Co		
Do	Trane Company	625.00	
Do	TECO Energy, Inc	5,000.00	
Do	Ultramar, Inc	1,200.00	
Do	Utilicorp United, Inc	8,000.00	
Do	WMX Technology & Services	1,500.00	
Edward Hopkins, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,300.00	115.00
Mark D. Hopkins, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	1,350.00	
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,500.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)	300.00	
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Grand Trunk Corp	122.56	
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Mern Horan, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	8,200.00	
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	11,810.00	535.11
Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	191.62
Blair Horner, P.O. Box 18332 Washington, DC 20036-8332	New York Public Interest Research Group	7,627.56	751.98
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)		
Charles H. Hossack, 50 South First Avenue Coatesville, PA 19320	Lukens, Inc	876.00	322.68
Gary E. Hotaling, 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Peggy A. Houlihan, 1100 Connecticut Ave., NW Suite 910 Washington, DC 20036	Coalition for Employment through Exports		
Household Financial Group, Ltd, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc		
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	Armour Pharmaceutical Co	33,200.00	15,950.00
Do	Caring Grandparents of America	3,500.00	
John H. F. Hoving, 1762 Church Street, NW Washington, DC 20036	Society of American Value Engineers		
Hoving Group, 1762 Church Street, NW Washington, DC 20036	American Film Marketing Assn	750.00	
Do	Eagle-Picher Industries, Inc	19,000.00	55.60
Do	Western-Southern Life Insurance Co	750.00	150.00
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,710.07	2,040.29
Edward Howard & Co, 137 N. Main Street, #702 Dayton, OH 45402-1729	Bank One	5,500.00	2,855.77
Do	BFGoodrich Co	5,500.00	2,855.77
Do	Dana Corp	5,500.00	2,855.77
Do	Goodyear Tire & Rubber Co	5,500.00	2,855.77
Do	Proctor & Gamble	5,500.00	2,855.80
Do	3M Corporate Marketing & Public Affairs	27,810.50	27,946.70
Susan Howe, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees	4,737.84	4,737.84
Earnest E. Howell, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Jackie G. Howell, 2030 M Street, NW Washington, DC 20036	Common Cause	5,110.76	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,967.00	
Liz Howell, 23 North Scott, Suite 27 Sheridan, WY 82801	Sierra Club	139.38	
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Jacqueline Howells, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Capitol Consulting & Management, Inc)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County-McCarran International Airport)	1,406.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,406.00	
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,406.00	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,406.00	
Do	Marcus G. Faust, PC (For:State of Montana, Dept of Natural Resources & Conservation).	1,406.00	
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	CitiCorp Services, Inc, et al.	540.00	
Do	Hughes Aircraft Co		
Do	Litton Industries, Inc		
Do	Rockwell International Corp		
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	15,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Portland Cement Alliance	7,850.00	232.10
Henry A. Hubschman, 1 Neumann Way, Mail Drop J104 Cincinnati, OH 45215	General Electric Co	2,500.00	
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42702	Brown & Williamson Tobacco Co	36,000.00	
Do	MCI Telecommunications		
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	12,625.00	518.75
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,094.69	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University	650.00	438.00
Do	Molten Metal Technology, Inc		
Do	Philip Morris, USA	600.00	438.00
Do	United Gas Pipe Line Co		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Gerald F. Hughes, 1600 Wilson Blvd, Suite 807 Arlington, VA 22209	Roadway Services, Inc	100.00	250.00
James J. Hughes Jr., 3128 Kinross Circle Herndon, VA 22071	Child Protection Lobby, Inc		
Patrick J. Hughes, 555 College Road Princeton, NJ 08543	American Re-Insurance Co		
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	998.00	450.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Holly Corp		
Do	Sammons Enterprises, Inc	4,025.00	21.52
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655	National Assn of Federal Veterinarians	27.75	
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	15,600.00	
B. Jeanine Hull, 12500 Fair Lakes Circle, Suite 260 Fairfax, VA 22033	LG&E Power, Inc	10,000.00	32.50
Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422	Adoptive Families of America		
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	26,302.74	56.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW, 10th Floor Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	17,875.00	83.75
Robert R. Humphreys, 2915 34th Street, NW Washington, DC 20008	Recording for the Blind, Inc	1,000.00	
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	646.01	
Francis M. Hunt, 11100 Post House Court Potomac, MD 20854-2534	Hunt Consulting, Inc	1,000.00	1,400.00
Harriet Hunt-Burgess, 456 Montgomery Street #1800 San Francisco, CA 94104	American Land Conservancy	249.99	933.41
Angela M. Hunter, 25 Louisiana Avenue,NW Washington, DC 20001	Health Insurance of America	1,419.00	301.74
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Robert Hurley, 601 13th Street, NW, #610 South Washington, DC 20005	Wall & Associates, R. Duffy	1,250.00	
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Unisys Corp)		
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	5,500.00	290.00
Brian Huse, P.O. Box 1289 Oakland, CA 94604-1289	National Parks & Conservation Assn	693.00	32.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,737.94
Philip A. Hutchinson, 1001 N. 19th Street, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		
Suzanne C. Hutchinson, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	13,750.00	118.05
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	12,836.84	
Ibex International, Inc, 1620 Eye Street, NW, Suite 202 Washington, DC 20006	Sovereign Government of the Sudan	30,000.00	305.00
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		798.89
Torbjorn Ihre, 1634 I Street, NW Suite 600 Washington, DC 20006-4083	Ericsson Corporation	2,000.00	
Scot E. Imus, 1199 North Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.		760.00	760.00
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		71,395.00	71,395.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		840.00	840.00
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	12,070.00	227.53
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,303.46	
Richard Innes, 1350 ConnecticutAVe., NW, Suite 1101 Washington, DC 20036	Browning-Ferris Industries	1,250.00	1,400.00
Institute for Responsible Housing Preservation, 1255 23rd St., NW, #800 Washington, DC 20037		2,000.00	
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171		1.00	35,191.13
Int'l Union, United Auto Aerospace & Agric Implement Workers, of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		132,356.40	132,356.40
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		24,717.21	37,205.70
International Assn of Machinists & Aerospace Workers, 9000 Machinists Place Upper Marlboro, MD 20772			47,812.89
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		31,998.20	31,998.20
International Fabricare Institute, 12251 Tech Road Silver Spring, MD 20904		16,193.00	9,313.75
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			10,231.50
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Embassy of the Republic of Bosnia & Herzegovina		
Do	Government of Pakistan	112,500.00	234.93
Do	Republic of the Maldives	25,000.00	
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,145.75
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	650.93
InterHealth--Protestant Health Alliance, Suite 233N, Court International 2550 University Avenue West St. Paul, MN 55114-1052.		8,718.00	8,718.00
Investment Company Institute, 1401 H Street, NW Washington, DC 20005			49,546.26
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,900.00	1,470.60
Andy Ireland, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey		
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-1290 First National Bank Bldg. St. Paul, MN 55101-1361		2,467.97	8,848.10
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	9,240.00	
Amy F. Isaacs, 1625 K Street, NW, #210 Washington, DC 20006	Americans for Democratic Action	14,056.86	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	7,125.00	
Mark Isakowitz, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	600.00
Susan A. Ishmael, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	250.00	
Anthony Iton, 1535 Mission Street San Francisco, CA 94103	Consumers Union	2,692.00	
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	750.00	
Suzanne Iudicello, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	1,318.39	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Coal Industry Health Protection Coalition	18,000.00	
Do	Pacific Lumber Co	7,000.00	
Do	Smithlkine Beecham	1,500.00	
Do	Stanton and Associates	10,000.00	
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Barbara Jackier, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	442.90	169.00
Dennis J. Jackman, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Dupont Merck Pharmaceutical Company	7,000.00	926.72
Alvin B. Jackson Jr., 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	6,892.00	
Beverly Roberson Jackson, 3922 Ingomar Street, NW Washington, DC 20015	National Center for Clinical Infant Programs	419.00	
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,500.00	294.00
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn		68.32
Robert L. Jackson, 1100 Wilson Boulevard Arlington, VA 22209	Hughes Aircraft Co	68.00	
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	9,000.00	208.00
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		133.95
Jaffe Raitt Heuer & Weiss, P.C., One Woodward Avenue, #2400 Detroit, MI 48226			
Edward L. Jaffee, 655 - 15th Street, NW, Suite 300 Washington, DC 20005	ISP Management Company, Inc		
Do	Primary Glass Manufacturers Council	46.88	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	6,270.00	
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	1,883.75	62.17
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Jerry James, 8303 Mopac Expressway, #146-C Austin, TX 78759	LDDSMetromedia		
Thomas M. James, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Furman Group	5,375.00	606.51
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	39,426.50	19,303.60
Laura T. Janes, 453 New Jersey Avenue, SE Washington, DC 20001	Beneficial Management Corp		
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,866.00	1,866.00
Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Richard B. Jarman, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Co		
James R. Jarrad, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	9,075.00	334.00
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc		
Steve Jarvis, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Judy Jaussi, 205 C Street, SE Washington, DC 20003-1910	NovaCare, Inc	500.00	220.95
Jeford International's, 2775 South Quincy Street, #520 Arlington, VA 22206	Aerojet-General Corp	250.00	
Do	Northrop Corp	660.00	
Do	Rotary Power International, Inc	250.00	
Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	212.40	42.60
Ed Jenkins, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Dental Assn)	1,875.00	
Do	Winburn & Jenkins (For:American Insurance Assn)	2,250.00	
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	750.00	
Do	Winburn & Jenkins (For:Connecticut Mutual Life Insurance Co)	1,500.00	
Do	Winburn & Jenkins (For:Delta Air Lines)	1,500.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	750.00	
Do	Winburn & Jenkins (For:Hartford Insurance Co)	2,250.00	
Do	Winburn & Jenkins (For:Illinois Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	1,500.00	
Do	Winburn & Jenkins (For:Lutheran General Health System)	750.00	
Do	Winburn & Jenkins (For:Michigan Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Milliken & Co)	2,250.00	
Do	Winburn & Jenkins (For:National Assn of Psychiatric Health Systems)	1,500.00	
Do	Winburn & Jenkins (For:National Assn of Urban Critical Access Hospitals)	1,500.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Stanly Memorial Hospital, Inc)	150.00	
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosis		
Do	American Booksellers Assn		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Library Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	American Soc of Assn Executives		
Do	Building Owners & Manufacturers Assn		
Do	Community Associations Institute		
Do	Independent Insurance Agents of America, Inc		
Do	National Assn of Professional Insurance Agents		
Do	National Glass Assn		
Do	Society of American Florists		
Teresa L. Jennings, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn		
Jensen Baird Gardner & Henry, Ten Free Street P.O. Box 4510 Portland, ME 04112	Mid-Maine Waste Action Corp	1,992.50	59.01
Do	Regional Waste Systems, Inc	5,589.00	
David C. John, 3138 North 10th Stret Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	20,990.48	1,287.11
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council	30,000.00	26,643.00
Katie Johnson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	3,392.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)	10.00	
Do	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)	15.00	
Do	Arter & Hadden (For:Citicorp)	20.00	
Do	Arter & Hadden (For:Corning, Inc)	165.00	
Do	Arter & Hadden (For:Electronic Data Systems Corp)	210.00	
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)		
Do	Arter & Hadden (For:Hearst Corp)	60.00	
Do	Arter & Hadden (For:Merck & Co, Inc)	10.00	
Do	Arter & Hadden (For:Mineral Resource Alliancw)		
Do	Arter & Hadden (For:National Assn of Broadcasters)	15.00	
Do	Arter & Hadden (For:SPRINT)	10.00	
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Do	Arter & Hadden (For:United Services Automobile Assn)		
Quincy R. Johnson III, 949 Clint Moore Road Boca Raton, FL 33487	Quincy Johnson Associates, Inc		
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,900.00	325.20
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Wortley, P.C., 1301 K Street NW Suite 800 East Washington, DC 20005	Permanente Medical Group, Inc	4,025.00	
Johnson Smith Dover Kitzmiller & Stewart Inc., 1300 Connecticut Ave., NW, #600 Washington, DC 20036	Air Transport Assn of America	2,000.00	64.00
Do	American Petroleum Institute	500.00	16.00
Do	American Psychological Assn	10,500.00	336.00
Do	American Red Cross	12,000.00	384.00
Do	American Transit Services Council	1,750.00	56.00
Do	Apollo Travel Services	1,000.00	32.00
Do	Appalachian Coalbed Methane Assn	10,000.00	320.00
Do	Arthur Andersen & Co	2,000.00	64.00
Do	Blue Cross & Blue Shield Assn	1,250.00	40.00
Do	Center for Marine Conservation	3,750.00	120.00
Do	Central and South West Services, Inc	7,500.00	240.00
Do	City of Broomfield, CO	250.00	8.00
Do	Coal Industry Health Protection Coalition	7,500.00	240.00
Do	Coopers & Lybrand, et al.	11,750.00	376.00
Do	Council for Marketing & Opinion Research	4,500.00	144.00
Do	Council of Smaller Enterprises (COSE)	10,750.00	344.00
Do	CBS, Inc	3,000.00	96.00
Do	COMSAT Corp	1,250.00	40.00
Do	Delta Dental Plans Assn	5,000.00	160.00
Do	Eli Lilly & Co	3,250.00	104.00
Do	Fluor Corp	9,250.00	296.00
Do	Galileo International	1,500.00	48.00
Do	General Atomics	500.00	16.00
Do	General Electric	21,750.00	696.00
Do	Halliburton NUS Environmental Corporation	7,500.00	240.00
Do	Heartland Health Systems	5,000.00	160.00
Do	Hong Kong Trade Development Council	2,750.00	88.00
Do	Human Rights Campaign Fund	2,000.00	64.00
Do	Independent Telephone & Telecommunications Alliance	13,000.00	416.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Martin Marietta Corp	3,750.00	120.00
Do	McCaw Cellular Communications, Inc		
Do	Merck & Co, Inc	5,250.00	168.00
Do	Motorcycle Industry Council, Inc		
Do	National Assn of Urban Critical Access Hospitals	6,250.00	
Do	National Coalition of Burn Center Hospitals		
Do	National Football League	2,000.00	64.00
Do	National Independent Energy Producers	6,250.00	200.00
Do	National Music Publishers Assn, Inc	2,500.00	80.00
Do	Natural Disaster Coalition	2,500.00	80.00
Do	Nuclear Energy Institute	10,000.00	320.00
Do	Software Productivity Consortium	7,500.00	240.00
Do	Travelers	8,750.00	280.00
Do	Waste Management, Inc		
Andrea Johnston, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	1,200.00	990.34
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,652.63	200.00
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	2,100.00	
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Linda Wolf Jones, 105 E. 22 Street New York, NY 10010	Community Service Society		
Michael Jones, 516-A C Street, NE Washington, DC 20001	Texas Highway Patrol Assn		
Neal T. 'Buddy' Jones, One Hundred Congress Avenue Austin, TX 78701	Pharmaceutical Research & Manufacturers of America		171,418.00
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,500.00	
Ronald D. Jones, 125 West 55th Street, 19th Floor New York, NY 10019	United Distribution Companies		
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	955.27	
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Affiliated Computer Services, Inc	1,696.00	
Do	County of Los Angeles	27,464.00	158.00
Do	League of California Cities	8,877.00	158.00
Do	Marathon Oil Co	2,600.00	16.00
Do	Nextel Communications, Inc	8,464.00	58.00
Do	NACCO Industries, Inc		
Do	Pfizer, Inc	205.00	
Do	R.J. Reynolds Nabisco, Inc	14,443.00	53.00
Do	Sungard Data Systems, Inc	1,696.00	
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Co		
Do	Space Dynamics Laboratory		
Do	Utah State University		
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Canal Barge Company, Inc		
Do	International Shipholding Corp		
Do	Jefferson Parish Council		
Do	Port of New Orleans		
Do	Turner Broadcasting System, Inc		
Patricia Jordan, 7800 Virginia Lane Falls Church, VA 22043	Jordan & Associates (For:City of Livermore)	10,333.33	528.00
Do	Jordan & Associates, Inc (For:City of Provo)	6,000.00	1,044.31
Do	Jordan & Associates, Inc (For:Sandy City)	8,133.34	700.78
James Jordan Associates, Inc, 1747 Pennsylvania Avenue, NW, #807 Washington, DC 20006	Consortium for International Earth Science Info. Network	18,000.00	18,263.61
Do	Polytechnic University	9,000.00	9,008.00
Robert R. Jorgensen, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp	1,800.00	
Robert G. Josephs, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	15,300.00	36.97
R. Bruce Josten, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	1,272.98	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John Steven Judge, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	3,298.08	
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	54,375.00	3,830.59
Do	International Speedway Corp	9,000.00	
Charles N. Kahn III, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc	868.50	601.65
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Jim Kaitz, 1100 17th Street, NW, #1203 Washington, DC 20036	Baxter	16,500.00	
Kalkines Arky Zall & Bernstein, 1675 Broadway New York, NY 10019-5809	Coalition of Financially Distressed Hospitals	924.00	
Do	St. Luke's-Roosevelt Hospital Center	377.00	
Walter Kallaur, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Edward D. Kalman, Behar & Kalman 6 Beacon Street Boston, MA 02108	National Assn of Long Term Hospitals	8,211.54	
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	5,600.00	
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
Susan Kamp, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,575.00	
Edward J. Kane, 2 Gannett Drive South Portland, ME 04106	Associated Hospital Service of Maine		146.42
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Lesley Kane, 666 Pennsylvania Ave., SE, Suite 401 Washington, DC 20003	Trust for Public Land	3,525.00	217.92
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA		
Do	Missouri Basin Municipal Power Agency	1,500.00	
Do	Northern California Power Agency	4,000.00	
Do	OPCO Wholesale Customer Group	7,000.00	
Do	Public Power Council	3,200.00	
Karen Kapen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,087.50	496.16
David A. Karcher, 4000 Legato Rd., #850 Fairfax, VA 22033-4003	American Soc of Cataract & Refractive Surgery	647.28	80.09
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	2,349.07
Gene Karpinski, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group	8,307.72	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	1,995.00	58.00
Stuart J. Kaswell, 1401 Eye Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	2,490.25	
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,000.00	24.00
Paul C. Katz, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America		
Everett E. Kavanaugh, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	250.00	10.00
Kathleen Kavanaugh, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	2,000.00	249.00
Edward M. Kavjian, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,286.95
David Keaney, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Scott Kearin, 418 C Street, NE Washington, DC 20002	Alaska Wilderness League	1,584.00	330.00
Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp		
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		658.00
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy		
Do	AFLAC, Inc	6,107.00	
Do	Borden, Inc	829.00	
Do	Connie Lee Insurance Co	5,819.00	
Do	CNA Insurance Co	6,838.00	
Do	Distilled Spirits Council of the US, Inc	1,000.00	
Do	Eastern Michigan University	383.00	
Do	General Instrument Corporation	16,000.00	
Do	Group Health, Inc	64,987.63	
Do	Kellogg Company	500.00	
Do	National Pasta Assn		
Do	Water Systems Council	5,000.00	
Michael G. Keegan, 2715 M Street, NW, Suite 300 Washington, DC 20007	National Rural Water Assn	80.00	70.00
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn	150.00	
J. Michael Keeling, 1726 M Street, NW, #501 Washington, DC 20036	ESOP Association		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,956.24	373.08
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	12.00	
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn	500.00	
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	20,250.00	11,338.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Leprino Foods		
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	531.30	31.00
Paulette M. Kellogg, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies	500.00	
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Linda E. Kelly, 1100 New York Ave; NW, #580 Washington, DC 20005	Ryder System, Inc		
Susan N. Kelly, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,481.06
Todd E. Kemp, 1201 New York Avenue, NW Washington, DC 20005	National Grain & Feed Assn	2,650.00	
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	10,000.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			160.27
Kemper Securities, Inc, Chicago, IL 60601			687.50
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	2,400.00	
Jonathan Kempner, 1850 M Street, NW, Suite 540 Washington, DC 20036-5803	National Multi Housing Council	13,725.00	
Heidi Werling Kendall, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co		
Kendall & Associates, Inc, 50 E Street, SE Washington, DC 20003	ALC Communications Corp		
Do	Manville Corporation	6,000.00	
Do	Toyota Motor Sales, USA, Inc	5,000.00	
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Northrop Grumman Corporation	625.00	2,787.66
Joseph W. Kennebeck, 955 L'Enfant Plaza, SW, #4000 Washington, DC 20024	Volkswagen of America, Inc	650.00	50.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	8,640.25	1,968.60
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	3,062.50	
Do	Pemco Aeroplex	4,485.00	151.44
Do	Stockton East Water District	6,487.50	532.34
John Paul Kennedy, 1385 Yale Avenue Salt Lake City, UT 84105	Edwards McCoy & Kennedy (For:Western Shoshone Judgment Distribution Assn)		2,527.88
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	600.00	452.50
Patricia Cregan Kennedy, 205 N. Liberty Street Arlington, VA 22203	Chrysler Corporation	7,375.00	189.65
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG&E Power Development, Inc		
Do	National Wood Energy Assn, Inc		
James J. Kenney, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	1,005.44
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute	66.00	
John V. Kenny, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp		
J. H. Kent, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgeons)	5,610.00	2,997.18
Do	Kent & O'Connor, Inc (For:American Supply Association)	915.00	971.43
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	6,547.00	5,582.57
Do	Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores)		
Do	Kent & O'Connor, Inc (For:Liz Claiborne, Inc)	29,454.00	15,720.43
Do	Kent & O'Connor, Inc (For:MBI, Inc)		
Do	Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America).	3,420.00	1,824.40
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)	2,486.00	1,327.63
William Kenworthy, 1776 I Strret NW #400 Washington, DC 20006	American Nuclear Energy Council	2,100.00	935.00
Dianne Keppler, 99 Canal Center Plaza, #500 Alexandria, VA 22314	AIADA	9,090.00	
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	489.45
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	802.73	
Eleanor W. Kerr, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,000.00	250.00
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	2,834.40	
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	168.00	124.77
Do	Trainum, Snowdon & Deane (For:Coalition of Automotive Associations)	217.00	98.38
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	1,738.00	639.05
Jonathan Keyserling, 1818 N Street, NW Washington, DC 20036	AirTouch Communications		
Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA	5,070.00	873.40
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,969.82
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,256.70	
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	8,000.00	1,641.30
John J. Killeen, 1101 Pennsylvania Ave. NW #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Jeffrey J. Kimbell, 1575 Eye Street, NW Washington, DC 20005	McKenna & Cuneo (For:Quest Medical, Inc (for Medical Device Manfacturers Assn)).	250.00	74.06
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Alliant Techsystems, Inc	1,000.00	
Do	Mansfield Center	800.00	
Do	Montana Technologies Co, Inc	1,100.00	
Do	Royal Teton Ranch	1,900.00	
Do	Textron Defense Systems	1,200.00	
Mike Kinard, P.O. Box 727 Magnolia, AR 71753	Kinard Crane & Butler, PA		
Ken Kinard & Associates, 1517 Gregg Street Columbia, SC 29201	Pharmaceutical Research & Manufacturers of America		1,128.01
James Jeffrey Kincheloe, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	90.40	
James A. Kinder, 10892 Pembroke Drive Santa Ana, CA 92705		161.00	
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,190.00	
D. Lance King, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,063.00	
Lewis O. King, 8407 Greenflint Lane Austin, TX 78759	National Guard Assn of Texas	1,000.00	140.50
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran, Inc	16,800.00	138.00
Do	IMC Fertilizer, Inc	8,200.00	69.10
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alamo Cement Co	887.80	2.50
Do	American Veterinary Medical Assn	715.00	
Do	Ash Grove Cement Co, Inc	1,331.70	3.75
Do	Atlanta Committee for the Olympic Games	8,622.50	48.00
Do	Banca Nazionale del Lavoro		
Do	Blue Circle America, Inc	1,331.70	3.75
Do	Charter Medical Corp	941.50	
Do	Dragon Products Co	266.34	0.75
Do	Electromagnetic Sciences Inc (EMS)		
Do	Florida Crushed Stone Co	887.80	2.50
Do	Generic Pharmaceutical Industry Assn		
Do	Geowaste, Inc		
Do	Glens Falls Cement Co, inc	266.34	0.75
Do	Greater New York Hospital Assn		
Do	GPIA-Animal Drug Alliance		
Do	ITT Defense & Electronics		
Do	LaFarge Corp	1,775.60	5.00
Do	Lehigh Portland Cement Co	887.80	2.50
Do	Lone Star Industries, Inc	1,331.70	3.75
Do	Martin-Marietta	2,405.00	16.00
Do	Medusa Corp	710.14	2.00
Do	National Cement Company of California	887.80	2.50
Do	North Texas Cement Co	887.80	2.50
Do	Pharmaceutical Resources, Inc (PAR)		
Do	Phoenix Cement Company	887.80	2.50
Do	Riverside Cement Co	887.80	2.50
Do	Southdown, Inc	1,864.38	5.25
Do	Tarmac America, Inc	887.80	2.50
Do	Texas Industires, Inc	887.80	2.50
Do	Texas-Lehigh Cement Co	887.80	2.50
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)		
Do	Aultman Hospital		
Do	Empire Wholesale Lumber Distributors		
Do	Macalloy Corporation		
Do	Non-Ferrous Founders' Society		
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Steven Kingsley, 845 Ninovan Road, SE Vienna, VA 22180	Citizens Scholarship Foundation of America	2,000.00	
Do	National Computer System	1,500.00	
Kevin J. Kinnaw, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales USA, Inc		
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Janie Ann Kinney, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	4,500.00	200.00
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	9,000.00	447.17
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	8,326.24	1,577.82
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn	2,000.00	
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corporation	12,562.50	6,345.68
Kirlin Campbell & Keating, One Farragut Square South, Second Floor Washington, DC 20006	American Bureau of Shipping	3,550.00	161.92
Do	Council of European & Japanese National Shipowners' Assn	17,550.00	471.52
Marie Kissel, 1401 H Street, NW, Suite 900 Washington, DC 20005	American Automobile Manufacturers Assn	6,080.00	350.00
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Skancke (For:Tuolumne Utilities District)	475.00	36.54
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Galena School District)	12,000.00	1,625.45
Do	Kito, Inc (For:North Slope Borough)	9,500.00	10,766.88
Do	Kito, Inc (For:Sealaska Corporation)	53,500.00	10,459.67
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	30,000.00	2,293.11
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,043.70	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,521.00	
Kenneth H. Klein, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,100.00	50.00
Mark Kleinman, Box 5473 Washington, DC 20016-5473		16.00	16.00
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	74.00
Mary Jane Klocke, 1776 EYE Street, NW, #1000 Washington, DC 20006	BP America, Inc		
William C. Klostermeyer, 1130 Connecticut Avenue, NW, #350 Washington, DC 20036	Bookman-Edmonston Engineering, Inc		
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	American Managed Care & Review Assn	10,000.00	
Do	Greyhound Lines, Inc	30,000.00	
Do	Mid-Atlantic Medical Services, Inc	18,000.00	
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,100.00	
Judith E. Knight, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	7,139.99	295.03
Knights of Columbus, 1275 Pennsylvania Ave., NW, #500 Washington, DC 20004-2404			450.00
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	2,335.48
Kent Knutson, 600 Maryland AVe., SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Robert P. Koch, 601 13th Street, NW, #580 South Washington, DC 20005	Wine Institute	5,846.00	216.00
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201			
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc	3,145.00	150.00
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	76.66	
Kogovsek & Associates, Inc, 700 Broadway, #929 Denver, CO 80203-3443	City of Greenwood Village	11,000.00	3,341.15
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	22,817.49	
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	113.62
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		690.15
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		163.90
Dennis R. Koons, 611 Woodward Avenue Detroit, MI 48226	NBD Bank, NA	4,500.00	4,439.38
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)	115.38	
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		75.00
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc		
John F. Kostyack, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	169.33	
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	675.00	34.00
Jerome J. Kozak, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Kramer Rayson Leake Rodgers & Morgan, 800 South Gay Street, Suite 2500 Knoxville, TN 37929	CIT PET Systems, Inc	5,460.00	7,777.23
Alan M. Kranowitz, 1725 K Street, NW, #300 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert S. Krebs, 1129 20th Street, NW, #200 Washington, DC 20036	Greater Washington Board of Trade	8,500.00	85.20
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	6,448.00	
Cecile B. Kremer, 1655 North Fort Myer Drive, #700 Arlington, VA 22209	C.M. Services (For:Plumbing Manufacturers Institute)	500.00	
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	2,000.00	50.00
Mary Jo Kripowicz, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
David B. Krone, 1320 19th Street, NW, Suite 201 Washington, DC 20036	Tele-Communications, Inc	3,750.00	
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U S West Communications	7,200.00	1,307.53
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Jake Kuitwaard, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,907.40
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	1,500.00	95.22
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	19,804.00	708.85
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		55.00
John R. Kyte, 1331 Pennsylvania Avenue, NW Suite 1500, North Lobby Washington, DC 20004-1790	National Assn of Manufacturers	1,500.00	
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor-Management Maritime Committee, Inc, 1150 17th Street, NW, Suite 700 Washington, DC 20036		4,586.00	6,564.00
Marc E. Lackritz, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	8,884.40	
Myron F. Laible, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Betsy Laird, 1300 North 17th Street Arlington, VA 22209	Associated Builders & Contractors, Inc		
David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation		
A. Gretchen Lamb, 1001 G Street, NW, Suite 400 West Washington, DC 20001	Energy Fuels Nuclear, Inc	1,000.00	25.00
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:Cabot Energy Corp)	3,000.00	
Do	Wright & Talisman, P.C. (For:Columbia Natural Resources)	3,000.00	
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)	3,000.00	
Do	Wright & Talisman (For:Marisol, Inc)	3,500.00	
Do	Wright & Talisman, PC (For:National Stripper Well Assn)		
Do	Wright & Talisman, PC (For:Potlatch Corp)		
Do	Wright & Talisman, PC (For:Solite Corp)		
Do	Wright & Talisman (For:Sun Company, Inc)		
Do	Wright & Talisman, PC (For:Tenneco, Inc)		
Do	Wright & Talisman (For:Virginia Oil and Gas Assn)		
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	2,000.00	
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Thomas G. Lambrix, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Union Camp Corp	275.00	261.00
Martha D. Lamkin, 11100 USA Parkway Fishers, IN 46038	USA Group, Inc		
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	667.00	
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	9,621.54	405.13
Susan Lamson, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	3,000.00	48.04
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp, et al.	6,600.00	68.80
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
Stanley W. Landfair, 444 South Flower Street, 7th Floor Los Angeles, CA 90071	California Dental Assn		
L. Charles Landgraf, 1875 Connecticut Avenue, NW Washington, DC 20009-5728	Leboeuf Lamb Leiby & MacRae		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Maury Lane, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	7,500.00	
Robert K. Lange, 1901 N. Moore St., #609 Arlington, VA 22209	E-Systems, Inc	10,229.00	811.19
Ann Langley & Associates, Inc, 444 North Capitol Street, NW, #837 Washington, DC 20001	Children's Hospital, Boston	2,400.00	
Do	Children's Specialized Hspital	750.00	
Do	Health Hill Hospital for Children	750.00	
Do	Hospital for Sick Children	750.00	
Do	La Rabida Children's Hospital Research Center	1,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Children's Hospitals & Related Institutions	18,000.00	40.65
Do	National League for Nursing		
Do	Tennessee Primary Care Network	300.00	
Robin W. Lanier, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	7,500.00	1,153.66
Do	National Coalition of Impact Aid Schools	15,000.00	486.96
Do	New York City Partnership, Inc	6,000.00	595.25
Do	School of Visual Arts	6,000.00	707.90
Peter J. Larkin, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	360.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Theresa Knieriemen Larson, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Robert L. Laszewski, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Health Policy & Strategy Associates, Inc (For:Alliance of American Insurers)	8,125.00	3,856.89
Do	Health Policy & Strategy Associates, Inc (For:Northwestern National Life Insurance Co).	7,500.00	5,084.63
Do	Health Policy & Strategy Associates, Inc (For:Pan American Life Insurance Co)	8,300.00	5,085.25
Do	Health Policy & Strategy Associates, Inc (For:Washington National Life Insurance Co).	9,375.00	7,564.56
Do	Health Policy & Strategy Associates, Inc (For:Wausau Insurance Companies)	3,750.00	2,544.54
Terry S. Latanich, 100 Summit Avenue Montvale, NJ 07450	Merck/Medco Managed Care Division	1,200.00	450.00
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Stir-Melter, Inc	6,000.00	482.74
Sabrina Laudati, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball		
Beth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:Colt Manufacturing Co, Inc)	2,273.75	
Do	Gadsby & Hannah (For:Consolidated Defense Corp)	652.00	
Do	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)	552.50	
Do	Gadsby & Hannah (For:IPAC)		
Do	Gadsby & Hannah (For:NMP Corp)	398.00	
Do	Gadsby & Hannah (For:Westinghouse & Cutler/Hammer Products)	702.00	
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores, Inc		
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	5,165.00	
M. S. Lawrence, 40 Franklin Rd, SW P.O. Box 2021 Roanoke, VA 24022	Appalachian Power Company		
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	6,230.94	172.76
Richard C. Lawson, 1300 I Street, NW, Suite 520 West Washington, DC 20005	Hoffman-La Roche, Inc	2,500.00	108.64
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Nevada Resort Assn	2,300.00	
Do	Sears Roebuck & Co	3,000.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	EG&G, Inc	18,500.00	
Do	Generic Pharmaceutical Industry Assn, et al.	18,000.00	
Do	Maritime Resorts, Inc		
Do	Martin Marietta Corp	6,250.00	
Do	Milliken & Company	15,000.00	
Do	MGM Grand, Inc	5,000.00	
Do	Nevada Resort Assn	39,999.00	
Do	Sears Roebuck & Co	2,750.00	
Do	Transcontinental Properties, Inc	3,000.00	
Randall R. LaBauve, P.O. Box 8082 Little Rock, AR 72203	Entergy Services, Inc	889.50	198.20
Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Louis A. LaMarca, 1667 K Street, NW, Suite 1270 Washington, DC 2006	Warner-Lambert Co	3,000.00	
Gary G. LaPaille, 6518 S. Keeler Chicago, IL 60629	Whitman Corp		
Wayne R. LaPierre Jr., 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	4,375.00	2,000.00
Clifford C. LaPlante, 1299 Pennsylvania Avenue, NW, #1100 Washington, DC 20004	General Electric Co	1,850.00	
Joan W. LaRock, 801 Pennsylvania Ave., NW, Suite 1213 Washington, DC 20004	LaRock Associates, Inc	2,300.00	
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150			791.63
Bruce Lear, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc		
Jeffrey A. Lear, 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants	2,300.00	
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	American Logistics Assn	6,000.00	
Do	Fabrique Nationale Nouvelle Herstal, S.A.	3,000.00	
Do	FMC Corp	6,000.00	
Do	Lockheed Corp	4,500.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Do	Thiokol Corp	3,000.00	
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	100.00
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Laura Murphy Lee, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	16,000.00	
Peter A. Lefkin, 1101 Connecticut Ave., NW, #950 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	1,558.00
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	
J. Mark Leggett, 100 North Tryon Street (NC1-007-11-05) Charlotte, NC 28255	NationsBank Corporation	1,350.00	600.55
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	Ben Franklin Technology Center of Western PA	6,000.00	327.70
Do	Erie Forge & Steel, Inc	562.50	414.00
Do	University of Pittsburgh	30,000.00	3,013.76
Jack Legler, 4301 Connecticut Avenue NW. #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Mary Nell Lehnhard, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,762.00	74.00
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn		
Lent & Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	Bernard L. Madoff Investment Securities	750.00	1,140.10
Do	Iroquois Gas Transmission Systems	600.00	1,209.10
Do	J. Makowski Co	750.00	1,097.89
Do	Mobil Corp	4,875.00	4,826.21
Do	Pfizer, Inc	4,500.00	3,197.07
Do	RBOC-GAPC Task Force	6,750.00	5,378.35
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,815.00	159.31
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	678.00	1,021.62
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	7,444.74	
Lepon McCarthy Jutkowitz & Holzworth, 1225 19th Street, NW, #600 Washington, DC 20036	Chilean Exporters' Assn	2,624.60	38.67
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co		
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	494.36	
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Frito-Lay, Inc	2,500.00	
Do	Milk Producers Council		
Do	Monsanto Co		
Do	RJR Nabisco		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	6,310.00	
Melissa Ann Lester, 1718 Connecticut Ave., NW, #700 Washington, DC 20009	Association of American Publishers	1,500.00	29.86
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	654.74
Robert B. Levethal, 1050 17th Street, NW, #350 Washington, DC 20036	AFL-CIO Maritime Committee		
Ted Levi, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Co	19,500.00	18,614.83
Levin & Rosenstein, 1130 17th Street, NW, Suite 314 Washington, DC 20036	Rural Community Insurance Services, Inc	2,000.00	228.44
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Insurance Co	4,000.00	
James E. Lewin, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	14,000.00	278.64
Deborah J. Lewis, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	750.00	
Jack W. Lewis, 888 17th Street, NW, #900 Washington, DC 20006	Paperboard Packaging Council	20,000.00	
Raymond A. Lewis, 3423 Silver Maple Place Falls Church, VA 22041	American Methanol Institute	3,000.00	493.00
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Stephanie R. Lewis, 1514 17th Street, NW, #B13 Washington, DC 20036	National Burglar & Fire Alarm Assn		
Howard Lewis III, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	4,750.00	400.00
Lewis Rice & Fingersh, 500 N.Broadway St. Louis, MO 63102	John E. Simon Trust		
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	3,643.97	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Maritrans Operating Partners, L.P.		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lawson LeGate, 2273 S. Highland Dr., #2D Salt Lake City, UT 84106-2832	Sierra Club	1,304.72	303.38
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	3,623.38	239.24
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	6,000.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600N Washington, DC 20004	Northern States Power Company	4,400.00	1,095.91
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	480.00	768.71
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp	3,000.00	
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Eric N. Lieberman, 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Sentara Norfolk General Hospital)		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			1,822.82
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	1,476.57	
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	15,998.63	
Do	Michigan Dept of Transportation	15,751.34	
Do	Missouri Highway & Transportation Department	24,545.92	
Do	State of Colorado, Dept of Highways	14,731.77	
Do	State of IL, Dept of Transportation, Div of Water Resources	37,072.98	
Do	Water Reclamation District of Greater Chicago	38,023.10	
Linda A. Lipsen, 1050 31st Street, NW Washington, DC 20007-4499	Association of Trial Lawyers of America	5,000.00	100.00
Steven S. List, 122 S. Michigan Avenue, Suite 320 Chicago, IL 60603	Peoples Gas Light & Coke Co	2,335.72	1,158.81
Sharon Litch, 1725 DeSales Street, NW Washington, DC 20036	Center for Marine Conservation		
Nelson Litterst, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Fed Independent Business	3,401.00	200.00
Melvin J. Littig, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Charles B. Little, 1331 Pennsylvania Ave., NW #1500 North Tower Washington, DC 20004-1703	UBA, Inc	2,000.00	
Jeanne Marie Little, 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	9,724.08	877.59
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	662.00
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	500.00	
Do	Greater Washington/Maryland Service Station Assn	250.00	
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	4,139.66
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	18,475.00
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	400.00	80.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	27,120.00	373.49
Do	San Francisco Bay Guardian		
John C. Lobert, 499 South Capitol St., SW, Suite 401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Michael A. Lobue, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	55.00	
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Mid-America Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	1,300.00	
Timothy J. Lockhart, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Lockheed Information Management Services Company, Inc, 1200 K Street, NW Washington, DC 20005		2,000.00	
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn		340.00
Thomas G. Loeffler, 1801 K St., NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Cellular Telecommunications Industry Assn)		
Do	Arter & Hadden (For:Central & South West Corp)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)	260.00	
Do	Arter & Hadden (For:Citicorp)	500.00	
Do	Arter & Hadden (For:Electronic Data Systems Corp)	260.00	
Do	Arter & Hadden (For:Mineral Resource Alliance)	520.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)	1,600.00	575.00
Do	Arter & Hadden (For:SPRINT)		
Do	Arter & Hadden (For:Tesoro Energy)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	520.00	
Do	Arter & Hadden (For:United Services Automobile Assn)		
Do	Arter & Hadden (For:Westinghouse Electric Corp)		
William E. Loftus, 1120 G Street NW, #520 Washington, DC 20005	American Short Line Railroad Assn		
James E. Lokovic, 4514 Governor Pratt Court Upper Marlboro, MD 20772	Air Force Sergeants Assn, Inc		
Frank P. Lombardo II, 1776 EYE Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,573.20	472.92
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Do	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Coalition for Affordable Home Financing).		
Do	Montgomery McCracken Walker & Rhoads (For:Keene Corporation)		
Do	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).		
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	1,836.00	
Do	Montgomery McCracken Walker & Rhoads (For:US Healthcare)		
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	580.00	
Robert Michael Long, The Littlefield Building 106 East 6th St., Suite 400 Austin, TX 78701	American Telephone & Telegraph Co	36,000.00	1,803.74
Shelley A. Longmuir, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,200.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Laura Loomis, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	2,005.38	950.00
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	
Minerva Castaneda Lopez, 1717 R Street, NW, #202 Washington, DC 20009			
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	5,000.00	
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	3,000.00	1,521.37
Bill Loughrey, One Technology Parkway South Atlanta, GA 30092	Scientific-Atlanta	300.00	
Timothy Lovain, 3719 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
James P. Love, P.O. Box 19367 Washington, DC 20036	Taxpayer Assets Project	1,300.00	280.00
David Loveland, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc		
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Heidi Lovett, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	121.15	
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	15,000.00	12,434.00
Suellen Lowry, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	3,209.50	984.16
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	10,000.00	850.00
Joe O. Luby Jr., 225 East John Carpenter Freeway Room 1202 Irving, TX 75062-2298	Exxon Corp		
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	7,150.00	
Mrs. Freddie H. Lucas, 1660 L St., NW, Suite 400 Washington, DC 20036	General Motors Corp	3,000.00	433.31
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	31.00
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	3,000.00	109.85
Do	Bannerman & Associates, Inc (For:L.A. Motley & Co (for: Government of the Philippines)).		
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
J.C. Luman & Associates, 1030 15th Street, NW, #410 Washington, DC 20005	National Assn of Personnel Services		
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			4,453.23
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Mines Corporation	1,620.00	
Do	Pennsylvania Power & Light Co	5,580.00	
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	1,500.00	
Cody Lusk, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	9,990.00	
R. J. Lyerly, 5335 Wisconsin Ave. Nw Suite 500 Washington, DC 20015	Amdahl Corp	1,000.00	
Barbara Lyman, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Marshall L. Lynam, 412 First Street, SE, #60 Washington, DC 20003	Dallas/Ft. Worth International Airport	25,000.00	
Do	Medical Matrix, Inc	2,250.00	
Do	Tandy Corp	12,000.00	
Janet Lynch, 601 13th Street, NW, Suite 11705 Washington, DC 20005	Microelectronics & Computer Technology Corp (MCC)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kevin A. Lynch, 1275 K Street, NW, #1100 Washington, DC 20005	PacifiCorp Electric Operations	8,190.00	832.25
James S. Lyon, 410 North Lincoln Street Arlington, VA 22201	Mineral Policy Center		51.00
John F. Lyons, 1350 I Street, NW, Suite 400 Washington, DC 20005	Motorola	1,500.00	
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,810.00	
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	29,609.00	500.00
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	12,500.00	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	1,118.00	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Gordan D. MacKay, 501 Boylston Street Boston, MA 02116	New England Mutual Life Insurance Co, ('The New England')	2,125.00	1,649.08
Robb S. MacKie II, 1957 E Street NW, Washington D.C.	Associated General Contractors of America	3,000.00	500.00
Jeffrey M. MacKinnon, 555 13th Street, NW, Suite 300 West Washington, DC 20004	Interstate Natural Gas Assn of America	6,000.00	
James MacPherson, 725 15th Street, NW, Suite 700 Washington, DC 20005	Council of Community Blood Centers	400.00	
Edward R. Madigan, 1710 Rhode Island Ave., NW, #700 Washington, DC 20036	State Farm Insurance Co	2,200.00	
Uday Madiman, P.O. Box 282 Indianapolis, IN 46206	Indy Unlocks, Inc		
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	1,850.00	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	587.79
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	Bath Iron Works Corp		
Do	BFGoodrich		
Do	Chamberlain Manufacturing Corp		
Do	CACI		
Do	Diagonstic Retrieval Systems, Inc		
Do	Dynamics Research Corp		
Do	DDP Delta		
Do	Electronic Warfare Associates, Inc		
Do	Era Aviation Services		
Do	Foundation Health Corp		
Do	FLIR Systems, Inc		
Do	Grumman Corporation		
Do	Hughes Aircraft Company		
Do	Laurel Technologies, Inc		
Do	LifeCell Corp		
Do	Medco Containment Services, Inc		
Do	Mountain Top Technologies, Inc		
Do	MIC Industries, Inc		
Do	Options Mental Health		
Do	Orange Shipbuilding Co, Inc		
Do	Pacific Consolidated Industries		
Do	Schat-Watercraft		
Do	Schweizer Aircraft Corp		
Do	Short Brothers (USA), Inc		
Do	Sperry Marine, Inc		
Do	Sunquest Information Systems, Inc		
Do	Tenneco, Inc		
Do	Textron, Inc		
Do	Trinity Marine Group		
Do	TI Group, Inc		
Do	Vision Service Plan		
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	18,266.53	17,410.17
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	1,987.50	73.93
Kevin L. Maher, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	1,015.38	
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #930 North Washington, DC 20004	National Broadcasting Co, Inc	3,250.00	210.61
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Unisys Corp)		
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	318.00	30.00
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	6,333.54	151.39
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Appraisal Institute	206.25	
Do	ARCO		
Do	Barr Laboratories, Inc		
Do	California Chiropractic Assn		
Do	California League of Savings Institutions	450.00	
Do	Chemical Bank	2,137.50	9.00
Do	City of Hope	4,200.00	32.00
Do	Money Store	3,618.75	22.00
Do	NEC USA, Inc		
Do	Royal Wine Corp	112.50	
Do	Western Dental Services, Inc	9,712.50	32.00
Do	World Cup USA 1994, Inc		
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	17,037.78	203.00
Christopher Manion, 6332 N. 22nd Street Arlington, VA 22205	American Council for Health Care Reform	3,825.00	
Carrie Bedwell Mann, 1055 Thomas Jefferson, NW Washington, DC 20007	Cohen & White (For:Sprint)	176.00	
Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	25,565.00	323.49
Perry Steven Mansfield, 225 Main Street Newington, CT 06111	American Radio Relay League, Inc	2,870.00	3,680.00
S.W. Manteria, 233 Broadway New York, NY 10279	Woolworth Corp	1,560.00	209.05
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc	481.00	169.00
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot & Ankle Surgeons	2,500.00	
Do	American Soc for Gastrointestinal Endoscopy	10,000.00	
Do	American Soc of Anesthesiologists	24,000.00	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	12,000.00	
Do	California Public Employees Retirement System (CALPERS)	4,250.00	
Do	City of Alhambra	4,000.00	
Do	CLMA	6,000.00	
Do	Federation of State Medical Boards of the US	6,000.00	
Do	Health Industry Manufacturers Assn (HME)	21,000.00	
Do	International Soc for Cardiovascular Surg/Soc for Vascular..	4,500.00	
Do	Los Angeles County Office of Education	6,000.00	
Do	Los Angeles County Transportation Commission	3,000.00	
Do	Merck Sharp and Dohm	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Hemophilia Foundation	8,000.00	
Do	NI Industries	3,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	U.S. Facilites Corp	6,000.00	
Joseph N. Mariano, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn	234.00	
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			18,367.03
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Co		
Do	Alaska Village Electric Cooperative	12,500.00	
Do	Anchorage Municipal Light & Power	14,400.00	
Do	City of Kake		
Do	INN Electric Cooperative	10,000.00	
Do	Kotzebue Electric Association	4,300.00	236.36
Do	OSEI Power Corp	4,200.00	
Morry B. Markowitz, 1001 19th Street North, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		1,500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Ron Marlenee, 9008 Linda Maria Court Fairfax, VA 22031	Butler Creek	300.00	
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn	1,487.50	44.00
Do	National Society of Fundraising Executives	25.00	40.00
Andrea C. Maron, 1640 Wisconsin Avenue, NW 1st Floor Washington, DC 20007	American College of Surgeons		146.89
Mary E. Marra, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,249.07	
James T. Marrinan, 1200 18th Street, NW, #1000 Wsahington, DC 20036	Community Psychiatric Centers	21,538.44	6,474.27
Marsh & Associates, P.C., 111 Washington Avenue Albany, NY 12210	Smokeless Tobacco Council, Inc		
Ellen M. Marshall, 1199 North Fairfax Street, Suite 204 Alexandria, VA 2314	International Council of Shopping Centers	700.00	
Gwen Marshall, 243 Parkway #3 Cincinnati, OH 45216		10.00	460.76
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	9,500.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc (for Plumbing Manufacturers Institute)	500.00	
David L. Martin, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn	1,603.12	1,027.84
Kelly Leonard Martin, 725 15th Street, NW, Suite 700 Washington, DC 20005	Council of Community Blood Centers	1,093.75	
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Lora Lee Martin, Carriage House University of California Santa Cruz, CA 95064	University of California	165.33	34.19
Teresa Martin, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn		
Antonio C. Martinez II, 11128 Church Street Fairfax, VA 22030-4901	Nutritional Health Alliance	13,500.00	340.00
Michael Marvin, 122 C Street, NW, 4th Floor Washington, DC 20001	American Wind Energy Assn	18,249.99	
Maryland People's Counsel, 6 St. Paul St., Suite 2102 Fl. Baltimore, MD 21202			
Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615	Chubb & Son, Inc	5,000.00	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,637.51	325.38
Glen David Mason, 1350 I Street, NW, #590 Washington, DC 20005	College of American Pathologists	7,960.00	
John S. Mason III, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	767.27	
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	6,000.00	94.00
Nancy Mason, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US WEST, Inc	366.40	
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Camille Bares Massic, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp, Inc	15,000.00	1,904.33
James D. Massie, 601 13th St., NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Sandra Masur, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company		
Mary Cheryl Matheis, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	856.15	74.00
Alexander S. Mathews, 1700 North Moore Street, Suite 1600 Arlington, VA 22209	American Meat Institute	12,750.00	3,539.20
Sandra Windsor Mathiesen, 230 12th Street, SE Washington, DC 20003	Denny Miller Associates, Inc	1,150.00	
Dawson Mathis, 410 First Street, SE, #300 Washington, DC 20003	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 410 First Street, NW, #300 Washington, DC 20003	Massachusetts Mutual Life Insurance Co	3,000.00	
Kim M. Matthews, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	10,076.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,479.54	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Harry D. Mattison, P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corporation		
Michael N. Matton, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp	165.00	
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	1,237.77
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos	2,750.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American Commodity Distribution Program)	1,500.00	
Do	Olsson Frank & Weeda (For:American School Food Service Assn)	9,000.00	
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	90.00	18.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	19,484.80	78.50
John A. Maxwell, New Jersey Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Gerald M. May, 1608 K Street, NW Washington, DC 20006	American Legion	9,651.24	32.75
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	4,857.40
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	871.63	291.50
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	American Farm Bureau Federation	600.00	
Do	Arthur Andersen & Co, et al.	2,750.00	
Do	Attorneys' Liability Assurance Society, Inc		
Do	Black & Decker Corporation		
Do	Brunswick Corp		
Do	Cabot Partners Limited Partnership		
Do	Chicago Stock Exchange, Inc	85.42	
Do	Comdisco, Inc		
Do	Continental Bank, N.A	200.00	948.99
Do	Deutsche Lufthansa A.G.		
Do	Farley Industries, Inc	100.00	
Do	First Chicago Corp		
Do	FMC Corporation		
Do	General Electric Industrial & Power Systems		
Do	Group Health Assn of America		
Do	GATX Corporation		
Do	Household Commercial Financial Services, Inc		
Do	JMB Realty Corp		
Do	L&B Real Estate Counsel		
Do	LaSalle Partners, Inc		
Do	Merrill Lynch Capital Markets		
Do	Nalco Chemical Co		
Do	NICOR, Inc		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		
Do	Sara Lee Corporation	800.00	
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County		
Do	SunAmerica, Inc		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
S. Hubert Mayes Jr., 320 West Capitol Avenue, Suite 1000 Little Rock, AR 72201-3525	Alliance of American Insurers	5,500.00	
Lee Ann Mayo, 1100 South Washington Street, 1st Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	12,689.95	416.83
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Marcia McAllister, 1270 West Northwest Highway Palatine, IL 60067	American Salvage Pool Assn		845.45
Michael McAllister, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
Rebecca McAuliffe, 601 13th Street, NW, Suite 850 South Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	18,382.02	
Susan P. McCaffrey, 3901 N. Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	Community Service Council of Central IN, Inc		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	49.08	
Nancey K. McCann, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4005	American Soc of Cataract & Refractive Surgery	9,679.34	207.26
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	MetPath, Inc	30,000.00	1,000.00
James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314	Snack Food Assn		100.00
John P. McCarthy, 173 Spring Street East Greenwich, RI 02818	Highway Users Federation	9,000.00	328.51
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
Donald N. McClure Jr., 20 Erford Road #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	10,291.25	394.24
Karen L. McClure, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	3,105.00	
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	American Mining Congress	71.00	
Do	Asarco, Inc	71.00	
Do	Barrick Resources (USA, Inc)	71.00	
Do	Battle Mountain Gold Co	71.00	
Do	Coeur d'Alene Mines Corp	71.00	
Do	Cray Research, Inc	125.00	
Do	Crown Butte Mines, Inc	71.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cyprus Amax Minerals Company	71.00	
Do	Echo Bay Mines	71.00	
Do	Euro-Nevada Mining Corp, Inc	71.00	
Do	Franco-Nevada Mining Corp, Inc	71.00	
Do	FMC Gold	71.00	
Do	Hecla Mining Co	71.00	
Do	Homestake Mining	71.00	
Do	Idaho Power Company	125.00	
Do	Kennecott Corp	71.00	
Do	Magma Copper Company	71.00	
Do	Minorco, USA	71.00	
Do	National Endagered Species Act Reform Coalition	125.00	
Do	National Rifle Assn		
Do	Newmont Mining Corp	71.00	
Do	Pacific Gas Transmission Company		
Do	Pegasus Gold Corp	71.00	
Do	Phelps Dodge Corp	71.00	
Do	Placer Dome US, Inc	71.00	
Do	Santa Fe Pacific Gold Corp	71.00	
Do	Stillwater Mining Company	71.00	
Do	WilTel	325.00	
McClure Trotter & Mentz, Chtd, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company		
Do	Dart Container Corp	2,718.00	1,998.61
Do	Motion Picture Assn America, Inc		
Do	Paramount Communications, Inc		
Do	Perpetual Corp		
Do	Rank Video Services America		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Joseph P. McCraren, P.O. Box 219 Bakerton, WV 25410	National Aquaculture Assn	1,350.00	
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute		
Carol A. McDaid, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,549.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology (Rust)	12,250.00	528.22
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Alaska Seafood Marketing Institute	4,172.00	
Do	Allergan, Inc	200.00	
Do	American College of Radiation Oncology	4,875.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Meat Institute		
Do	American Soc of Outpatient Surgeons		
Do	American Vintners Assn		62.00
Do	Associated Financial Corp	1,980.00	
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	ARA Services, Inc		
Do	California Avocado Commission	21,154.00	
Do	California Canning Peach Assn	3,398.00	
Do	California Children's Hospital Assn	2,100.00	
Do	California Kiwifruit Commission		
Do	California Raisin Advisory Board	7,093.00	
Do	Campbell Soup Company	250.00	
Do	Chiquita Brands, Inc	601.00	
Do	Co-Bank - National Bank for Cooperatives		
Do	Coalition for Employment Opportunities	6,510.00	
Do	Council of Women's & Infant's Specialty Hospitals	6,000.00	
Do	Crop Protection Coalition	562.00	
Do	Fargo Clinic/Medicare	2,500.00	
Do	Fashion Accessories Shippers Association		
Do	Fundesa		
Do	Good Sam Club	169.00	
Do	GAF Corp	5,775.00	
Do	Harcourt Brace Jovanovich		
Do	Dorothy Holt Estate		
Do	Intermountain Health Care, Inc	3,645.00	
Do	International Hearing Society	5,300.00	
Do	Juvenile Diabetes Foundation	6,000.00	
Do	Kmart Corporation		
Do	Marshfield Clinic	2,500.00	
Do	Minor Crop Farmer Alliance	16,100.00	
Do	Muscular Dystrophy Assn		
Do	MMW/Strategic Communications		
Do	National Assn of Diagnostic Services		
Do	National Potato Council	555.00	
Do	North American Assn of State & Provincial Lotteries	600.00	
Do	Olin Corporation		
Do	Outpatient Opthalmic Surgery Society		
Do	Public Employees Retirement Assn of Colorado		
Do	PGA Tour, Inc	900.00	
Do	Rural Health Network Coalition	2,000.00	
Do	Rural Referral Centers Coalition	2,000.00	
Do	Russ Berrie & Company		
Do	Shurfine-Central		
Do	Solo Cup Co		
Do	Southland Corporation	4,470.00	
Do	U.S. Mink Export Development Council	555.00	
Do	United Development Corp		
Do	VIVRA	7,200.00	
Do	Wear Guard Corp		
Do	Welch Foods, Inc	595.00	
Do	World Airways		
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Outboard Marine Corp	7,500.00	25.00
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	187.00	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	10,750.00	
Deborah C. McElroy, 1200 19th Street, NW, #300 Washington, DC 20036-2401	Regional Airline Assn	1,000.00	
Roland McElroy, 1111 19th Street, NW, Washington, DC 20036	American Forest & Paper Assn	9,500.00	
Robert H. McFadden, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,940.00	
Randall H. McFarlane, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	20,000.00	2,100.00
Michael Sean McGavick, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn		
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	32.42	
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	7,000.00	1,600.00
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	12,877.80	99.00
McGehee & Associates, 11781 Lee Jackson Memorial Highway Suite 360 Fairfax, VA 22033	Institute for Clinical PET		5,000.00
Elizabeth McGiffert, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union		
Patricia McGill, 1700 K Street, NW, Suite 906 Washington, DC 20006	National Council of Community Hospitals	11,316.00	89.50
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	24,520.58	2,059.83
Elissa M. McGovern, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	1,980.00	
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn		
Do	AT&T Federal Systems		
Do	AT&T Global Information Solutions		
Do	NYMA, Inc		
Do	System Resources Corp		
Jack V. McGrann, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson	966.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)		
Do	McGuiness & Holch (For:Arch Mineral Corporation)	697.50	
Do	McGuiness & Holch (For:Barr Laboratories, Inc)	750.00	
Do	McGuiness & Holch (For:Major League Baseball Players Assn)	8,977.50	
Do	McGuiness & Holch (For:National Assn of Chain Drug Stores)	3,600.00	
Do	McGuiness & Holch (For:National Nutritional Foods Assn)	4,635.00	
Do	McGuiness & Holch (For:PepsiCo, Inc)	2,002.50	
Do	McGuiness & Holch (For:RJR Nabisco)	225.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	National Council of Agricultural Employers		
Do	Nisei Farmers League	525.00	635.00
Do	Turfgrass Producers International	1,575.00	175.50
Do	Workers Compensation Integrity Stability & Equity (WISE)	10,164.00	
Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203	Allied-Signal, Inc		
Monica M. McGuire, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	489.45
Darina McKelvie, Miller & Chevalier, Chtd 655 15th Street, NW Washington, DC 20005	Citicorp Washington, Inc	1,562.50	
Do	Lincoln Savings & Loan Assn	1,562.50	
McKenna & Cuneo, 444 South Flower Street, 7th Floor Los Angles, CA 90071	Cigar Assn of America, Inc		
Do	DSE Industry Coalition		
Do	Fertilizer Institute		
Do	Medical Device Manufacturers Assn	1,166.00	
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,698.86	320.48
Sandra McKenzie, 2525 Wallingwood, Suite 201 Austin, TX 78746	Texas Committee on Natural Resources		
Kim F. McKernan, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	4,250.00	368.01
Robert E. McKew, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Timothy P. McKone, 1404 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	5,129.44
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)	1,062.50	
Do	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)		
Do	Rowan & Blewitt, Inc (For:IVAX Corp)		
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	2,562.50	
Do	Rowan & Blewitt (For:Monsanto Company)	375.00	
Do	Rowan & Blewitt, Inc (For:National Alliance for Infusion Therapy)	3,125.00	
Do	Rowan & Blewitt, Inc (For:North American Vaccine, Inc)	312.50	
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	2,500.00	
Do	Rowan & Blewitt, Inc (For:Scripps Research Institute)	1,000.00	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	500.00	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,000.00	
Kathleen Tynan McLaughlin, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American Personal Communications	900.00	
Do	E.I. du Pont de Nemours & Co	750.00	
Do	Fuel Cells for Transportation	150.00	
Do	Institute for Community Development		
Do	Joseph E. Seagram & Sons, Inc	900.00	
Do	Medco Containment Services, Inc	458.00	
Do	Metropolitan Life & Affiliated Cos	750.00	
Do	Personal Communications Industry Assn	500.00	
Do	Phillipp Brothers Chemicals, Inc	500.00	
Do	Time Warner, Inc	750.00	
Laure C. McLaughlin, 555 13th Street, NW, Suite 430 West Washington, DC 20004	Transco Energy Co	3,000.00	50.75
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	13,000.00	894.91
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	14,188.00	139.00
Allegra P. McManus, 815 16th Street, NW, Suite 301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	7,900.00	
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		5,706.46
Roger E. McManus, 4019 18th Street, NW Washington, DC 20011	Center for Marine Conservation		
William A. McManus, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn		
James D. McMillan, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation	1,000.00	40.40
Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006	McDermott Babcock & Wilcox	4,000.00	2,437.19
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	2,500.00	
Vanda B. McMurtry, 151 Farmington Avenue,RC6A Hartford, CT 06156	Aetna Life & Casualty	1,225.00	16.95
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	Association of Banks in Insurance (ABI)		
Do	Coalition for Auto Repair Equality	625.00	
Do	Corning, Inc, et al.	4,417.00	15.00
Do	Del Webb Corp	822.50	
Do	Food Lion, Inc		
Do	Fuji Photo Film, Inc	915.50	5.00
Do	Georgia-Pacific Corp	250.00	
Do	Harnischfeger Industries, Inc		
Do	International Assn for Financial Planning		
Do	INSLAW, Inc		
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co		
Do	South Carolina Research Authority		
Do	SCANA Corp		
Do	W.R. Grace & Company		
Do	Westinghouse Electric Corp		
Kathryn M. McNamara, 1300 I Street NW 12th Floor West Washington, DC 20005	Dean Witter Discover & Co	175.00	173.24
Laramie Faith McNamara, 1101 17th Street, NW Washington, DC 20036	BankAmerica Corp	1,647.00	4,133.62
Laura E. McNeill, 1025 Connecticut Ave., NW, Suite 1014 Washington, DC 20036	ENSERCH Corp		
John P. McNicholas, 8008 Westpark Drive McLean, VA 22102	Unisys Corp	2,500.00	1,505.65
Gerald T. McPhee, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental International Corp	1,000.00	242.80
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	17,765.00	565.00
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	18,232.00	
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	National Beer Wholesalers Assn		
Do	Norfolk Southern Corp	1,500.00	
Do	The Association of Container Reconditioners	3,000.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
James Gregory Means, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	18,000.00	
Myron Meche, 325 7th Street, NW, #1000 Washington, DC 20004	National Retail Federation	2,000.00	
A. Aaron Medlock, 50 Revere Street, #2 Boston, MA 02114	Humane Society of the U.S.	5,900.00	690.53
Charles M. Meehan, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Fred C. Meendsen, CPC International, Inc Englewood Cliffs, NJ 07632	CPC International, Inc		10,597.00
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Nevada Resort Assn	24,999.99	1,028.06
Mehl & Pickens Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Bogan Aerotech, Inc	3,000.00	
Do	Central Missouri State University	3,500.00	
Do	Cessna Aircraft Company	900.00	
Do	Chandler Evans	1,500.00	
Do	CIVS		
Do	General Atomics	800.00	
Do	Hughes Aircraft Co	2,000.00	
Do	Lockheed (Aviation MFT)	1,500.00	
Do	Lockheed (LASC)	1,500.00	
Do	Syscon Corp	800.00	
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	826.88	
Michelle Meier, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn	11,250.00	6,727.00
Do	Chicago Mercantile Exchange	10,500.00	6,727.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,697.45	
David Melville, 610 Marshall Street, Suite 800 Shreveport, LA 71101-5332	Change Assistance Programs	6,205.62	5,937.84

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mark Menezes, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)	1,200.00	1,652.95
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	115.05
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	6,577.50	142.00
Melinda Mercer, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571	American Nurses' Assn	10,203.00	99.23
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	12,500.00	232.23
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			124,438.00
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company	90.00	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	6,000.00	75.00
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	3,750.00	162.50
Neil T. Messick, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,500.00	198.00
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Discover & Co	200.00	27.00
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	1,009.40	77.65
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept, AFL-CIO	2,434.00	
Tanya K. Metaksa, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	4,000.00	
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606			
David P. Metzger, 1225 New York Ave., NW, #1200 Washington, DC 20005-3919	Davis Graham & Stubbs		
Christina A. Metzler, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	34.00
Brian M. Meyer, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,325.00	
Ferd C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	100.00	
Thomas J. Meyer, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Company	2,500.00	2,126.49
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE, #100 Washington, DC 20003	American Beekeeping Federation		61.12
Do	National Peanut Growers Group	16,320.00	655.12
Do	Ricebelt Warehouse, Inc		71.10
Do	Texas A&M Research Foundation	22,380.00	3,653.49
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	American Sheep Industry Assn	19,299.00	1,849.64
Do	Browsville Economic Development Council	15,000.00	320.06
Do	Corpus Christi Bay Area Economic Development Corp	18,000.00	346.94
Do	Federal Land Bank Assn	24,891.37	874.15
Do	Hudson Tank Storage Co	4,500.00	61.12
Do	New Mexico State University, College of Agriculture	9,000.00	936.69
Do	New Mexico State University, College of Engineering	9,000.00	447.62
Do	Texas Tech Foundation Texas Tech University	7,500.00	358.00
Do	Wellman, Inc	9,000.00	662.76
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	46.61	
Van R. Michael, P.O. Box 356 Sweetwater, TN 37874			
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University	1,750.00	
Richard P. Michalski, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	11,418.75	
Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	83.06
Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850			18,000.00
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		3,950.00	43,458.55
Edmund Mierzwinski, 218 D Street, SE Washington, DC 20003	U.S. Public Interest Research Group	7,356.30	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Edmund Joseph Mihalski, 1101 Pennsylvania Avenue, NW, Suite 540 Washington, DC 20004	Eli Lilly and Co	3,000.00	133.60
Nelson L. Milder, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Leslie K. Miles, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Richard Jeffrey Miles, 1530 Wilson Blvd, Suite 250 Arlington, VA 22209	Allison Engine Co	175.00	149.53
Military Boot Manufacturers Assn, P.O. Box 508 Belleville, IL 62222			
B. Parker Miller III, 1801 K Street,NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Bradley P. Miller, 2061 Cherry Run Court, NW Grand Rapids, MI 49504	Business & Institutional Furniture Manufacturer's Assn	2,000.00	482.85
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	11,998.80	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Dennis W. Miller, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn	165.00	85.80
Denny Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Douglas Miller, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,300.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,000.00	
Ellen S. Miller, 1320 19th Street, NW Washington, DC 20036	Center for Responsive Politics		
Paul M. Miller, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc	1,655.00	169.80
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	847.07
Sandra Burgess Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,136.44	
W. Kirk Miller, 735 North Water Street, #908 Milwaukee, WI 53202	North American Export Grain Assn, Inc		467.21
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Alaska Air Group, Inc	1,500.00	1,230.00
Do	All Alaskan Seafoods, Inc	300.00	245.00
Do	Boeing Company	3,000.00	2,460.00
Do	Central Puget Sound Regional Transit Authority	1,500.00	1,235.00
Do	First Church of Christ, Scientist	300.00	245.00
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Indian Council	300.00	245.00
Do	Momentum 94	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.00	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Toy Manufacturers of America	1,500.00	11,230.00
Miller Canfield Paddock & Stone, 1225 19th Street, NW, #400 Washington, DC 20036	City of Laredo		
Do	Montgomery County Government, Cable Television Office		
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	1,500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	2,000.00	
Do	Banneraman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).		
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Cellular Telecommunications Industry Assn	5,000.00	64.33
Do	Competitive Long Distance Coalition , Inc	12,500.00	375.57
Do	McCaw Cellular Communications, Inc	5,000.00	212.07
Do	National Cable Television Assn, Inc	7,500.00	197.70
Do	Newspaper Assn of America		
Do	Sprint	5,000.00	48.30
Brian C. Mitchell, 18715 Martins Landing Germantown, MD 20874	Clark Atlanta University	13,637.20	400.00
Do	Worldspace, Inc	4,598.31	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	176.78	
Gina Shea Mitchell, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute	12,250.00	
Lawrence W. Mitchell, 600 Maryland Ave., NE, #202 W Washington, DC 20024	Farmers' Education al & Co-Operative Union of America		
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	Acxiom Corp	42.50	
Do	Alliance of American Insurers	10,000.00	5,869.85
Do	Metropolitan Life Insurance Co		4,825.50
Do	National Assn of Professional Employer Organizations	5,655.00	2,759.46
Mark A. Mix, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,437.00	391.11
Robert R. Mix, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officer Assn	2,100.00	
Albert L. Modiano, 801 Pennsylvania Ave., NW, Suite 840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	6,000.00	350.00
Martha R. Moffett, 1606 34th Street, NW Washington, DC 20007	First Church of Christ, Scientist	127.50	18.95
Karen Ann Mogan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	18,277.84	100.00
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,252.00	
George F. Mohrmann, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,825.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp	6,062.50	
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)		
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	197.00
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	250.00
Seth Mones, 601 Pennsylvania Avenue, NW North Building-Suite 700 Washington, DC 20004	Electronic Industries Assn	17,403.76	319.00
Do	National Assn of Sured Bond Producers	5,000.00	
Do	North American Philips Corp	2,000.00	
Ark Monroe III, 1420 New York Ave, NW, Suite 750 Washington, DC 20005	Axciom Corp		
Do	Metropolitan Life Insurance Co	1,264.80	1,589.79
Do	National Assn of Professional Employer Organizations	520.80	1,344.71
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	3,000.00	50.00
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,200.00	45.00
Do	Underground Injection Practices Council	1,000.00	45.00
Lisa C. Moody, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for the Manufacturing Technology	1,500.00	25.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	100.00	
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Lockheed Corporation)		
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	1,736.41
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115			
Cynthia Root Moran, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Peter J. Moran, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	5,407.00	
Alan Morgan, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Society of Clinical Pathologists		12.00
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	6,488.82	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council		
John Morgan, 501 3rd Street, NW Washington, DC 20001	Communications Workers of America		58.10
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,000.00	
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	1,014.79	
Morgan Lewis & Bockius, 1800 M St., NW, #800 Washington, DC 20036	Chemical Manufacturers Assn	1,344.00	9.00
Do	City of San Antonio	2,915.00	39.00
Do	Coalition for an Undercharge Relief Bill		
Do	Coalition of Supporters of the Shipping Act		
Do	Columbia Presbyterian Medical Center		
Do	Cornell University		
Do	Financial Institutions Insurance Assn	520.00	
Do	Government of Mexico, Finance Ministry		
Do	Johns Hopkins Health System Corp		
Do	Johns Hopkins University		
Do	National Fuel Gas Distribution Co		
Do	New York Hospital		
Do	Strong Memorial Hospital		
Do	United Distribution Companies		
Do	UGI Utilities, Inc	4,770.00	96.38
Do	Yale New Haven Hospital		
Do	Yale School of Medicine		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	314.77	
Mary Morningstar, 21 Chandler Street Somerville, MA 02144	Lockheed Corp	23,750.00	3,978.46
Sara E. Morningstar, 8714 Ridge Road Bethesda, MD 20817	Montgomery County (Maryland) Government	3,160.00	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	
Robert Kellogg Morris, 1331 Pennsylvania Ave., NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	100.00
Andrew Morrison, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	50.10	290.82
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al.	241.08	604.42
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	977.78	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		24,600.00	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco		
Do	City of Los Angeles, Dept of Airports	1,180.00	
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	10,837.50	
Do	National Automated Clearing House Assn	1,220.00	46.85
Do	National Electrical Manufacturers Assn		
Do	Shea Homes Limited Partnership	276.00	
Do	Valent U.S.A. Corp		
Morrow Realty Co, Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887			158.00
Valerie T. Morse, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp		
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	781.25	218.85
James C. Morton Jr., P.O. Box 19001 Greenville, SC 29602	Michelin Tire Corp	2,000.00	2,805.00
Richard Moskowitz, 4301 Connecticut Ave., NW, Suite 300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Robert E. Moss, 1401 H St., NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	12,000.00	500.00
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	1,000.00	
Beth Moten, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	16,371.45	
John J. Motley III, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			1,500.00
William S. Mott, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	716.83	
Robert J. Mrazek, 301 Constitution Ave., NE Washington, DC 20002	Douglas Elliman Co	6,000.00	
Do	Grumman Aerospace Corp	5,000.00	
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	American Home Products Corp		
Do	Bristol-Myers Squibb Co		
Do	Footwear Distributors & Retailers of America		
Do	Hong Kong Trade Development Council		
Do	Johnson & Johnson		
Do	Pfizer, Inc		
Do	Upjohn Co		
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls, MN	546.22	
Do	Delaware & Hudson Railroad		
Do	Florida East Coast Railway Co		
Do	North American Equipment Dealers Assn	225.00	
Do	Soo Line Corporation	8,031.00	
Do	Trade Assn Healthcare Coalltion	1,851.85	
Do	TACA International Airlines		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	55.00
William J. Mulligan, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	375.00	
Thomas S. Mullikin, 1315 Monument Square P.O. Box 745 Camden, SC 29020	Mullikin Law Firm (For:Blue Cross Blue Shield)	10,055.54	4,306.11
Do	Laidlaw Environmental Services	21,000.00	3,442.21
Tracy Mullin, 325 7th STreet, NW, #1000 Washington, DC 20004	National Retail Federation	2,500.00	15.00
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,000.00	2,622.46
Kevin C.W. Mulvey, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Cyril D. Murphy, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,150.00	
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	3,000.00	
James P. Murphy, 56 East 42nd Street, #355 New York, NY 10017	Fleet Financial Group, Inc	15,000.00	
Jeremiah L. Murphy, 701 Pennysvania Ave, NW Washington, DC 20004	Siemens Corp		135.63
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	20,000.00	
Patrick M. Murphy, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	9,000.00	
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	735.54
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,312.51	17.90
James V. Murray, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Union Carbide Corp	7,000.00	
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227	USAir, Inc		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Academy for Oral Pathology		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Assn of Dental Schools	25,000.00	176.00
Do	American Assn of Public Health Dentistry		
Do	Atochem, N.A.	1,250.00	33.00
Do	Cleveland Cliffs Iron Co	1,000.00	15.00
Do	Coalition for Oral Health	2,125.00	88.00
Do	Delaware River Port Authority	6,875.00	121.00
Do	Dynatech Corporation	600.00	18.00
Do	Independence Blue Cross	3,375.00	77.00
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	250.00	10.00
Do	Iron Ore Assn	1,800.00	10.00
Do	LTV Corporation		
Do	Mine Safety Appliances	4,500.00	25.00
Do	Mutual of New York	500.00	15.00
Do	National Council of Coal Lessors	500.00	13.00
Do	New England Life Insurance Co	800.00	25.00
Do	Pacific Mutual Life Insurance Co	500.00	15.00
Do	Penn Mutual Life Insurance Co	500.00	20.00
Do	PepsiCo	2,500.00	55.00
Do	Philadelphia Regional Port Authority		
Do	Porsche Cars North America, Inc		
Do	Qualimetrics, Inc	600.00	25.00
Do	Shubert Organization, Inc	1,250.00	10.00
Do	State Mutual Insurance Co	500.00	15.00
Do	Student Loan Interest Deduction Restoration Coalition		
Do	Swaziland Sugar Assn	3,465.00	25.00
Do	Sweetener Users Assn		
Do	Technology Development & Education Corp		
Do	Temple University	11,400.00	165.00
Do	Wisconsin Central Transportation Corporation		
Richard Murrell, Maritime Building, 3rd Floor 4 East Port Road Riviera Beach, FL 33404	NICOR, Inc		
R.C. Murtha, 614 N. 3rd Street Harrisburg, PA 15230	Westinghouse Electric Corp		30.00
William D. Mutch, 2500 Wilson Boulevard, Suite 301 Arlington, VA 22201	American Apparel Manufacturers Assn	1,000.00	50.00
Robert J. Muth, 180 Maiden Lane New York, NY 10038	Asarco, Inc	75.00	419.60
Mutual Life Insurance Co Tax Committee, 751 Broad St. Newark, NJ 07102-3777			
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		
Deborah B. Myers, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba	5,500.00	
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	1,042.52
Karen Magee Myers, 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	104.00	
Daniel Nadash, 777 - 14th Street, N.W. Washington, DC 20005	National Assn of Realtors	2,500.00	280.94
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Laurie Naismith, 1150 17th Street, NW, Suite 307 Washington, DC 20036	Chambers Development Co, Inc	24,688.00	3,596.37
Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson HMI	554.24	128.00
Gerald F. Nalepa, 805 15th Street, NW, #410 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	254.11
Rochelle Nason, 989 Tahoe Keys Blvd, Suite 6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe	173.04	94.50
National Aquaculture Assn, P.O. Drawer 1569 Shepherdstown, WV 25443	National Aquaculture Association	656.25	6,934.53
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		159,700.00	11,335.61
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		1,942.30	13,567.32
National Assn of Air Traffic Specialists, 11303 Amherst Avenue, Suite 4 Wheaton, MD 20902			3,938.00
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		173,900.92	173,900.92
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			138,397.66
National Assn of Corp Directors, Suite 1000 Washington, DC 20036			3,938.00
National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			27.75
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Penn Ave., NW 15th Floor, N. Lobby Washington, DC 20004-1703		479,158.29	479,158.29
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		2,510.00	2,558.74
National Assn of Police Organizations, Inc, 750 First Street, NE, Suite 935 Washington, DC 20002-4241		18,000.00	17,850.00
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			28.00
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			41,176.77
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		18,000.00	15,800.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			42,265.00
National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494		14,163.50	65,063.39
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,900.00	3,900.00
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			
National Coalition for Marine Conservation, Inc, 5 West Market Street Leesburg, VA 22075		5,082.52	32,979.31
National Comm on Pay Equity, 1126 16th St., NW, #411 Washington, DC 20036		52,158.18	
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		1,237,950.00	1,237,950.00
National Comm Against Repressive Legislation, 3321 12th Street, NE Washington, DC 20017		170.00	1,412.27
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		183,718.43	51,000.00
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	23,056.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		31,326.59	31,326.39
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		22,915.00	22,846.15
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		18,000.00	3,671.00
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		10,654.00	8,745.27
National Council on Alcoholism & Drug Dependence, Inc, 1511 K Street, NW, #443 Washington, DC 20005			8,847.42
National Court Reporters Assn, 8224 Old Courthouse Road Vienna, VA 22182-3808			
National Education Assn, 1201 16th St., NW Washington, DC 20036		29,193.01	29,193.01
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		8,972.20	8,972.20
National Employee Benefits Institute, 601 Pennsylvania Ave., NW, #750 North Washington, DC 20004			85.00
National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214		50,867.00	50,867.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		1,250.00	45,413.68
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			6,300.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			39.50
National Grange, 1616 H St., NW Washington, DC 20006		16,500.00	16,500.00
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Coalition for Auto Repair Equality		
Do	Wal-Mart		
National Grocers Assn, 1825 Samuel Morse Drive Reston. VA 22090		3,000.00	1,817.35
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		24,404.67	37,151.91
National Independent Energy Producers, 601 13th Street, NW, #320 South Washington, DC 20005		80,500.00	14,941.50
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			5,873.41
National Leased Housing Assn, 1300 19th Street, NW, #410 Washington, DC 20036		2,000.00	2,000.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	15,118.10
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			2,184.93
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Retail Federation, 325 7th Street, NW #1000 Washington, DC 20004			37,742.07
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		8,379.96	8,379.96
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			1,349.87
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		11,100.00	11,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			2,355.04
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314			16,350.00
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group, Inc	20,000.00	1,893.43
Do	Instinet	731.25	90.27
Do	Reuters North America, Inc	5,625.00	98.30
Do	Triarc Companies, Inc.		3.04
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,504.78
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		8,495.00	8,495.00
National Truck Equipment Assn, 37400 Hills Tech Drive Farmington Hills, MI 48331-3414			3,135.93
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			51,985.01
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	9,000.00
Natural Gas Vehicle Coalition, 1515 Wilson Blvd., #1030 Arlington, VA 22209		3,500.00	50.00
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	39.74
Katherine Beh Neas, 8630 Fenton Street, Suite 410 Silver Spring, MD 20910	American Assn of University Affiliated Programs	11,250.00	150.00
Mark Nebergall, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,450.00	
Thayne T. Needles, 1129 20th Street, NW, Suite 305 Washington, DC 20037	National Assn of Real Estate Investment Trusts, Inc		
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America	18.00	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		261,153.00	200,818.00
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Embassy of the Republic of Korea	37,500.00	1,022.44
Do	Government of Jamaica	170,000.00	57,255.43
Do	Lockheed Fort Worth Co	18,000.00	114.55
Do	State of Bahrain	150,000.00	305.71
David W. Nelson, David Nelson & Associates 1120 Connecticut Avenue, NW, 11th Floor Washington, DC 20036	Barr Laboratories	19,875.00	537.58
Do	Marion Merrell Dow		79.58
Lori M. Nelson, P.O. Box 25354 Woodbury, MN 55125-0354	National Parks & Conservation Assn		
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	1,668.75
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Associated Credit Bureaus, Inc	10,000.00	2,325.00
Do	Federal National Mortgage Assn	1,500.00	700.00
Do	Institute of International Bankers	5,000.00	2,900.00
Do	Investment Company Institute	1,000.00	675.00
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	122.00
Alexander Netchvolodoff, 1320 19th Street, NW, #200 Washington, DC 20036	Cox Enterprises, Inc		600.95
Network, 806 Rhode Island Ave., NE Washington, DC 20018		67,112.72	55,275.48
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	2,786.50	5,761.93
Louis H. Nevins, Thacher, Proffitt and Wood 1500 K Street, NW, Suite 200 Washington, DC, DC 20005	California League of Savings Institutions	7,022.00	
New West Policy Group, 223 E. Union Street Prescott, AZ 86303	Del Webb Corp	20,696.63	
New York Capitol Consultants, Inc, 120 Washington Avenue Albany, NY 12210	Sidney Frank Importing Co, Inc	205.00	
New York Public Interest Research Group, 9 Murray Street, 3rd Floor New York, NY 10007			7,839.56
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		5,000.00	4,891.00
Newberry Hargrove & Rambicure, 1211 Connecticut Ave., NW, Suite 300 Washington, DC 20036	MESA, In	2,781.00	28.00
F. Ron Newbury, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:CAI Wireless)	160.00	
Do	Arter & Hadden (For:Mineral Resource Alliance)	400.00	
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc	173.08	
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	392.76
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	13,850.01	
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,679.83	
Julie L. Nichols, 1101 17th Street, NW, Suite 600 Washington, DC 20036	American Airlines, Inc	800.00	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	8,750.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank, PLC	9,000.00	1,024.20
Scott H. Nishioki, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,186.00	
Jennifer S. Nitchman, 1101 Vermont Avenue NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co	160.98	
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	180.00	1,256.22
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	329.55	68.43
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265			60,956.11
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			2,950.00
David F.A. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Coalition for Affordable Home Financing).		
Do	Montgomery McCracken Walker & Rhoads (For:Heintz Corp)		
Do	Montgomery McCracken Walker & Rhoads (For:Keene Corporation)		
Do	Blank Rome Comisky & McCauley (For:Maritime Exchange for the Delaware River & Bay).	650.00	
Do	Montgomery McCracken Walker & Rhoads (For:Pilots' Assn of the Bay & River Delaware).	150.00	
Do	Bank Rome Comisky & McCauley (For:Pilots' Assn of the Bay & River Delaware)	250.00	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	50.00	
Do	Montgomery McCracken Walker & Rhoads (For:US Healthcare)	2,000.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	American Insurance Assn	450.00	
Do	Chubb Corp	300.00	
Do	Employers Health Insurance Co	300.00	
Do	Health Insurance Association of America	450.00	
Do	Lincoln National Corp	450.00	
Do	National Assn of Insurance Brokers	450.00	
Do	Provident Life & Accident Insurance Co	450.00	
Do	UNUM Life Insurance Co	450.00	
Do	Washington National Corp	450.00	
North American Export Grain Assn, Inc, 1300 L Street NW, #900 Washington, DC 20005-4113			887.88
Patrice North-Rudin, 1133 21st Street, NW Two Layfayette Centre Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,648.00	
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	500.00	84.56
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			3,761.60
Clifford R. Northup, 50 F Street, NW Washington, DC 20001	Association of American Railroads	10,189.98	284.29
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Kaiser Engineers Hanford	1,681.25	1,081.29
Do	Royal Seafoods, Inc	2,550.00	
Do	Waste Management, Inc	612.50	
Do	Westinghouse Hanford Co	3,881.25	1,091.29
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	4,000.00	588.51
Julie Noufer, 8607 Westwood Center Drive, #204 Vienna, VA 22182	Professional Services Council	2,500.00	114.29
Mary Ann Novak, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinkerhoff Quade & Douglas, Inc		
Nuclear Energy Institute, 1776 I Street, NW, #400 Washington, DC 20006	American Nuclear Energy Council	553,933.00	78,412.00
Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036	Public Citizen	500.00	
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	4,000.00	
Nutritional Health Alliance, P.O. Box 25317 Washington, DC 20007		178,643.00	158,498.16
Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Christina Groszer Nyquist, 1310 G Stret, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,566.00	1,839.52
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	2,995.57	
Lynne Fletcher O'Brien, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	DuPont Merck Pharmaceutical Company	5,000.00	
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation		
Rosemary L. O'Brien, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation		
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	ARCO		
Do	Federal National Mortgage Assn	180.00	
Do	Intellectual Property Owners		
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners		
James E. O'Connor, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	23,750.00	
Kelley E. O'Connor, 666 Pennsylvania Avenue, SE, #403 Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Patrick C. O'Connor, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:American College of Occupational & Environmental Medicine).	6,348.00	3,026.07
Do	Kent & O'Connor, Inc (For:American Supply Association)	915.00	867.62
Do	American Warehousemen's Association	356.00	169.28
Do	Kent & O'Connor, Inc (For:National Assn of Fleet Administrators)	1,139.00	539.62
Do	Kent & O'Connor, Inc (For:Transportation Lawyers Assn)	1,746.00	835.81
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Allergan, Inc	2,741.00	
Do	Alliance of Marine Parks and Aquariums		
Do	American Clinical Laboratory Assn	1,000.00	
Do	AFL-CIO Maritime Committee	16,218.20	
Do	Bobby Berosini, Ltd		
Do	Camara Nacional de la Industria Pesquera	424.25	
Do	Coalition for Tax Equity	8,500.00	75.00
Do	Coca-Cola Company	1,405.00	
Do	Colt's Manufacturing Company, Inc		
Do	DataTech Software	6,425.21	
Do	Glass Packaging Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Golden Nugget, Inc		
Do	Government of Netherlands Antilles	1,857.00	
Do	Government of Peru	40,000.00	
Do	Health Images, Inc		
Do	J.C. Penney Company, Inc		
Do	Little Six, Inc	25,432.00	
Do	M.A. Mortenson Co	3,969.00	
Do	Martin Marietta Corp	3,880.00	
Do	Mercedes-Benz of North America, Inc		
Do	Michigan State University		
Do	Mirage		
Do	National Assn of Optometrists and Opticians, Inc		
Do	National Assn of Portable X-Ray Providers		
Do	Northern States Power Company		
Do	Pacific Seafood Processors Assn		
Do	Joseph E. Seagram & Sons, Inc		
Do	Soka University Los Angeles		
Do	Solid Waste Agency of Northern Cook County	992.98	
Do	State of Alaska	1,604.99	
Do	Student Loan Funding Corp	5,950.00	
Do	Support Systems International, Inc		
Do	Wards Cove Packing Company	224.07	
Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	15,000.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	25,000.00	
Ann E. O'Donnell, 307 Yoakum Parkway, #3-608 Alexandria, VA 22304	United Way of America	12,224.81	75.00
John O'Donnell, 1776 I Street, NW, #400 Washington, DC 20006	American Nuclear Energy Council	2,888.00	1,175.00
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,322.28	176.93
Terri O'Grady-Smith, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,489.48	442.29
Barbara E. O'Hara, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company		
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc		
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Mutual of America	42,937.50	6,804.36
Bradley O'Leary, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
John O'Leary, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	CIGNA Corp	9,625.00	324.28
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	2,976.00	6.56
Jim O'Neal, 4404 Fairfax Hill Plano, TX 75024	People for America		1,895.01
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	2,200.00	
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers	2,944.00	
William S. O'Neill, 500 E Street, SW, Suite 920 Washington, DC 20024	AOPA Legislative Action	12,125.00	1,856.15
Paul O'Palka Jr., Fifth Avenue Place, Suite 1924 Pittsburgh, PA 15222	Blue Cross of Western Pennsylvania	15,080.00	3,406.79
Charles Robert O'Regan, Palumbo & Cerrell, Inc 1000 Connecticut Avenue, NW Washington, DC 20036	American Society of Composers, Authors & Publishers	7,312.50	215.50
Do	Atlantic Richfield Co	390.00	42.50
Do	New Jersey Turnpike Authority	22.50	
John T. O'Rourke, 801 Pennsylvania Avenue, N.W., 5th Floor Washington, DC 20004	Coaxial Communications		76.23
Do	PNC Mortgage Corp of America	1,600.00	23.65
Do	Securities Industry Assn	1,400.00	34.24
Do	The Limited, Inc	1,420.00	33.66
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Philip Morris Companies, Inc	10.10	
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)	6,667.00	
Do	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)	10,000.00	
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)	16,000.00	
Do	Strategic Management Associates, Inc (For:National Assn of Urban Critical Access Hospitals).	20,000.00	
Do	Strategic Management Associates, Inc (For:National Medical Enterprises, Inc)	30,000.00	
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	14,700.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	531.12
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	1,636.44
Mary Rose Oakar & Asssociates, Inc, 2621 Lorain Avenue Cleveland, OH 44113	Great Waters Aquarium	7,500.00	
Do	LTV Steel Company	15,000.00	
Do	National Assn of Geriatric Education Centers		
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,562.28	40.08
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	8,622.04	
Obadal & McLeod, P.C., 121 North Henry Street Alexandria, VA 22314	Associated Equipment Distributors		
James C. Odom Jr., 701 Pennsylvania Ave., NW Washington, DC 20004-2696	Edison Electric Institute	1,720.24	59.27
Neil H. Offen, 1666 K Street, NW, #1010 Washington, DC 20006	Direct Selling Association		
Joanne Ogaitis, 777 North Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,850.00	181.13
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	5,000.00	
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project	3,521.00	388.31
Ziad Ojakli, 1200 7th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	350.00	
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Aetna Life & Casualty	2,875.00	252.00
Do	Alliance for Managed Competition	14,840.00	2,739.00
Do	American Assn of Retired Persons	750.00	13.00
Do	American Farm Bureau	450.00	
Do	American Insurance Association	1,375.00	89.00
Do	American International Group, Inc	6,187.00	11.00
Do	Anheuser-Busch Companies, Inc	2,000.00	10.00
Do	Ashland Oil, Inc	750.00	
Do	Association of American Railroads	12,500.00	448.00
Do	Avis, Inc	1,500.00	17.00
Do	California Waterfowl Assn	364.00	12.00
Do	Champion International Corp		36.00
Do	Circus Circus Enterprises, Inc	1,125.00	59.00
Do	Citibank		36.00
Do	Commonwealth Edison	1,875.00	
Do	Federal Express	4,500.00	441.00
Do	Fidelity Investments	61.00	
Do	Ford Motor Co	3,600.00	73.00
Do	General Electric Co	3,000.00	36.00
Do	Hewlett-Packard Co	600.00	39.00
Do	Investment Company Institute	7,500.00	
Do	Jones Intercable, Inc		
Do	Mescalero/Utility Storage Initiative	2,250.00	212.00
Do	MCI Communications Corp	1,125.00	
Do	National Cable Television Assn	12,500.00	83.00
Do	Pfizer, Inc	9,025.00	432.00
Do	Phillip Morris, Inc	6,413.00	424.00
Do	Proctor & Gamble Co		36.00
Do	RJR Nabisco, Inc	2,400.00	33.00
Richard Oleck, 1181 South Rogers Circle, #6 Boca Raton, FL 33487-2724	Building Trades Assn, Inc		
John P. Olinger, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American Personal Communications	900.00	
Do	Center on Law & Social Policy/Center on Budget Policy	399.00	
Do	E.I. du Pont de Nemours & Co	750.00	
Do	Fuel Cells for Transportation	150.00	
Do	Institute for Community Development		
Do	Joseph E. Seagram & Sons, Inc	900.00	
Do	Medco Containment Services, Inc	458.00	
Do	Metropolitan Life & Affiliated Companies	750.00	
Do	Personal Communications Industry Assn	500.00	
Do	Phillipp Brothers Chemicals, Inc	500.00	
Do	Time Warner, Inc	750.00	
Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	418.98	610.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Heidi Belz Oliver, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	1,000.00	
R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601	Merck & Co, Inc	3,000.00	500.00
Laura L. Olson, 1101 Connecticut Avenue, NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)		
Sydney Olson, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Allied Pharmaceutical Assn	1,000.00	
Do	American Academy of Audiology	5,000.00	
Do	Beef Products, Inc		
Do	ConAgra, Inc	1,000.00	
Do	National American Wholesale Grocers Assn	2,000.00	
Do	National Assn of Margarine Manufacturers		
Do	National Assn of Pharmaceutical Manufacturers	2,000.00	
Do	National Food Processors Assn	9,000.00	
Do	National Frozen Pizza Instutute		
Do	PennField Oil Co	15,000.00	
Do	Pillsbury Company	500.00	
Do	Ross Laboratories	2,000.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc	500.00	
Do	Southeastern Poultry & Egg Assn	4,000.00	
Do	Vicam		
Do	Western States Meat Assn		
Stuart I. Oran, P.O. Box 66100 Chicago, IL 60666	United Airlines, Inc		
Jason Osborne, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	
Sima Osdoby, 110 Maryland Ave., NE, Suite 205 Washington, DC 20002	Women's Action for New Directions, et al.	4,300.00	
Robert V. Oswald, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	9,375.00	572.00
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	300.80
Clifford M. Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	220.28
Overseas Education Assn, 1201 16th Street, NW, Room 210 Washington, DC 20036		500.00	1,489.24
Sally LaHue Owen, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	2,500.00	138.12
Stephen F. Owen Jr., 107 Park Washington Court Falls Church, VA 22046	Classroom Publishers Assn		
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,424.44	440.63
Oxygenated Fuels Assn, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036		45,500.00	19,145.31
Wayne P. Pacelle, 9806 Cahart Place Silver Spring, MD 20903	Humane Society of the U.S.	3,700.00	279.00
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473		45,993.00	3,545.92
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	209.50
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	542.91
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc	2,661.29	5,513.61
Pagonis & Donnelly Group, Inc, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Government of the Republic of Transkei		
Fredrick D. Palenske, 1133 Topeka Boulevard Topeka, KS 66629	Blue Cross & Blue Shield of Kansas		
Michael C. Palmer, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	2,540.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	18,112.50	1,086.87
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	525.00	42.75
Do	Bristol-Myers Squibb Co	1,537.50	42.50
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transit Authority)	650.00	
Do	New Jersey Turnpike Authority	387.50	4.00
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	90,000.00	50,272.92
Do	Atlantic Richfield Co	18,000.00	7,582.74
Do	Bristol-Myers Squibb Co	99,995.00	10,719.97
Do	Los Angeles County Metropolitan Transportation Authority	16,211.09	6,682.45
Do	New Jersey Turnpike Authority	39,998.75	6,384.67
Vincent A. Panvini, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers' Internatinional Assn	37,537.50	
PanAmSat, LP, One Pickwick Plaza Greenwich, CT 06830			
Michael A. Papalia, 101 Constitution Ave., NW Washington, D2 0001	United Brotherhood of Carpenters & Joiners of America	1,407.00	
Jonathan R. Paret, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	4,240.82	
Bruce J. Parker, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Leslie Parks, 1776 I Street NW, #400 Washington, DC 20006	Nuclear Energy Institute	1,350.00	886.00
Clayton J. Parr, Kimball Parr Waddoups Brown & Gee 185 South State Street, #1300 Salt Lake City, UT 84147	Energy Fuels Nuclear, Inc	6,300.00	6,307.00
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	13,012.81	502.19
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,485.88	
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Caren Pasquale, 3000 K Street, NW, Suite 620 Washington, DC 20007	Merrill Lynch & Co	1,000.00	
Enzo Pastore, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	3,150.00	
Richard A. Pate, 1130 Connecticut Ave., NW, SUite 830 Washington, DC 20036	Southern Company Services, Inc		4,041.57
John Patrick, 211 Pucketts Ferry Road Greenwood, SC 29649	Fuji Photo Film, Inc		317.02
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute		12.95
Jerry M. Patterson, Burke Williams & Sorenson 3200 Park Center Drive, #750 Costa Mesa, CA 92626	City of Bell & Bell Community Redevelopment Agency		
Do	Burke Williams & Sorensen (For:City of Santa Clarita)		
Laird D. Patterson, 1667 K Street, NW, Suite 600 Washington, DC 20006	Bethlehem Steel Corp	240.00	
Richard M. Patterson, 11038 Wickshire Way Rockville, MD 20852	Intrapol, Inc	2,250.00	80.00
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	9,503.76	
Charles R. Patton, 1050 17th Street, NW, Suite 1250 Washington, DC 20036	Houston Industries, Inc	1,500.00	
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination	640.00	15.00
Do	Air Products & Chemicals, Inc		
Do	Amenco		
Do	American Bankers Assn	500.00	
Do	American College of Gastroenterologists	2,700.00	100.00
Do	American Medical Security	4,050.00	250.00
Do	American Soc of Assn Executives	250.00	10.00
Do	Armco, Inc		
Do	Association for Manufacturing Technology (AMT)		
Do	Association of Trial Lawyers of America	3,550.00	200.00
Do	Blair Corporation		
Do	Blue Cross of California	4,963.50	250.00
Do	Bright Beginnings Inc.		
Do	Bristol Myers/Squibb Corp		
Do	Brown & Williamson Tobacco Corp	125.00	
Do	BIC Corporation		
Do	Center for Creative Non-Violence		
Do	Center for Molecular Medicine & Immunology	180.00	10.00
Do	Chamber of Commerce Health Care Coalition	315.00	
Do	Charlotte North Carolina Federal Liaison Task Force	2,165.00	91.05
Do	Cherokee Nation of Oklahoma	3,450.00	605.00
Do	Cherokee Nation Industries, Inc	1,380.00	170.00
Do	Chicago Board Options Exchange	640.00	15.00
Do	Chrysler Corporation		
Do	City & County of Denver		
Do	City of Baltimore		
Do	City of Cincinnati		
Do	City of Waterbury		
Do	Climate Council		
Do	Clorox Company		
Do	Coalition for Fair Allocation of Interest		
Do	Coalition on Indian Housing Reform	230.00	80.00
Do	Coalition on State Use Taxes	3,000.00	
Do	College Savings Bank		
Do	Council on Community Blood Centers		
Do	CUC International		
Do	Dairy Institute of California		
Do	Denver Colorado Planning Department		
Do	Direct Marketing Assn, Inc	640.00	15.00
Do	Dole Food Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Donaldson Lufkin & Jenrett, Inc		
Do	Duty Free Shoppers Group, Ltd		
Do	DuPont-Merck		
Do	Eagle-Picher Industries, Inc		
Do	Edison Electric Institute		
Do	Electric Reliability Coalition		
Do	Fastship Atlantic, Inc	1,350.00	20.00
Do	Federation of American Health	1,350.00	100.00
Do	Federation Against Inequitable & Progressive Taxation		
Do	Flexi-Van Leasing, Inc		
Do	Ford Motor Co	125.00	20.00
Do	Freedom to Advertise Coalition		
Do	FAG Kugelfischer Georg Schager KGaA	975.00	
Do	Genstar Container Corp		
Do	Greensboro-Jamestown Neighborhood Assn		
Do	GE Capitol Services	9,400.00	
Do	Infinity Broadcasting Corp	7,150.00	
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute	27,230.00	84.00
Do	International Swaps Dealers Assn, Inc	125.00	10.00
Do	International Union of Police Assns	960.00	50.00
Do	Irvin Industries		
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau		
Do	Johanna-Dairies, Inc		
Do	Johnson Controls	230.00	
Do	Kaiser Aluminum & Chemical Corp		
Do	Landauer, Inc		
Do	Leprino Foods		
Do	Loop, Inc	265.00	
Do	Major League Baseball Players Assn	3,130.00	770.00
Do	Manhole Adjusting, Inc		
Do	Manor Care	490.00	10.00
Do	Marathon Oil Co		
Do	Mars, Inc	1,567.50	30.00
Do	Mashantucket Peqush Tribe		
Do	Mass Mutual	1,825.00	20.00
Do	Matson Navigation Co		
Do	Metropolitan Life		
Do	Mitchell Energy & Development Corp		
Do	Morrison Knudsen		
Do	Mutual Legislative Committee		
Do	MCI Telecommunications, Inc	712.50	
Do	Nansay Hawaii		
Do	National Assn of Health Underwriters	2,700.00	150.00
Do	National Assn of Life Underwriters	1,095.00	10.00
Do	National Assn of Theatre Owners		
Do	National Automatic Merchandising Assn		
Do	National Cable Television Assn, Inc		
Do	National Retail Federation (RITAC)	2,125.00	30.00
Do	National Soft Drink Assn		
Do	New England Student Loan Marketing Corp	3,360.00	12.00
Do	New York Life Insurance Company	3,190.00	70.00
Do	Newspaper Assn of America	3,150.00	405.00
Do	Northwestern Mutual Life Insurance Co	365.00	
Do	NCNB Texas National Bank		
Do	Pacific Lumber Co	29,610.00	160.00
Do	Pepsico, Inc		
Do	PNC Financial Corp		
Do	Reader's Digest Assn, Inc	1,000.00	
Do	Reinsurance Assn of America	3,832.50	38.00
Do	Reliance Group Holdings, Inc		
Do	Republic National Bank of New York		
Do	Scheidt & Bachman		
Do	Raymond F. Schoenke Jr.		
Do	Sedgwick James, Inc		
Do	Shell Oil Co	16,415.00	44.00
Do	Sheriff Harry Lee		
Do	Charles E. Smith Companies	250.00	
Do	SmithKline Beecham		
Do	Smokeless Tobacco Council, Inc	15,000.00	
Do	Spat Bay Corp		
Do	State of Louisiana, Office of Conservation		
Do	Sultantate of Oman	2,750.00	
Do	Susan G. Komen Foundation	1,207.50	370.00
Do	Thomson US, Inc	1,350.00	100.00
Do	Trans Ocean, Ltd		
Do	Travelers	2,700.00	200.00
Do	Triton Container		
Do	TANO Marine Systems		
Do	U.S. Tobacco Company		
Do	USAir, Inc		
Do	USX Corporation		
Do	Wayne County Michigan	137.50	
Do	Westinghouse Electric Corp		
Do	Wometco Enterprises, Inc		
Alma Hale Paty, 1920 N Street, NW Washington, DC 20036	American Mining Congress	20.00	
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	2,500.00	94.38
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	Allegheny Power System Inc, et al.	7,050.00	
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology		
Do	American Institute of Merchant Shipping	4,275.00	
Do	American President Companies	15,675.00	
Do	American Trucking Assns, Inc	1,575.00	
Do	Business Council on Indoor Air		
Do	Embassy of the Government of the Republic of Hungary		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	14,625.00	
Do	Grocery Manufacturers of America, Inc	22,500.u0	
Do	Kawasaki Motors Corp, USA		
Do	Morehouse College		
Do	Norfolk Southern Corp	825.00	
Do	Novo-Nordisk Pharmaceuticals, Inc	450.00	
Do	Tyson Foods, Inc	5,625.00	
Do	Union Pacific Corp		
Gwen Gampel Paulson, 711 Second Street, NE, #300 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)		
Do	Center for Medicare Advocacy, Inc	3,000.00	340.00
Do	Dialysis Clinic, Inc		
Do	Kinetic Concepts, Inc	2,000.00	175.00
Do	National Comm to Preserve Social Security & Medicare		
Do	Congressional Consultants (For:National Renal Administrators Assn)	3,000.00	444.00
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	1,669.95
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,115.00	126.30
Peabody & Brown, 1255 23rd Street, NW, #800 Washington, DC 20037	Affordable Housing Tax Credit Coalition	2,000.00	
Do	Council for Rural Housing & Development	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	National Leased Housing Assn	2,000.00	
Christopher T. Peace, 500 E. Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	2,623.00	210.56
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			6,118.56
George A Peapples, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corporation	3,600.00	14,208.38
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:National Motorists Assn)		
Do	Pearson & Pipkin (For:Physicians Who Care)		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	National Motorists Assn	1,500.00	
Do	Physicians Who Care	1,500.00	
Joe P. Peck Jr., 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	185.55
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Dean R. Peeler, P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	1,112.50	
Law Offices of John D. Pellegrin, 1140 Connecticut Ave., NW, Suite 606 Washington, DC 20036	Yankee Microwave, Inc	1,500.00	50.00
Elin Peltz, 1156 15th Street, NW, #400 Washington, DC 20005	American Crop Protection Association		
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	6,500.00	546.00
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,576.58	
Pennsylvania Mines Corp, P.O. Box 367 Ebensburg, PA 15931			1,620.00
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			5,580.00
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	15,000.00	
People for America, Inc, 4404 Fairfax Hill Plano, TX 75024			4,853.08
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	National Private Telephone Assn		
Pepsico, Inc, 700 Anderson Hill Rd. Purchase, NY 10577			25,343.02
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	Boeing Company		
Do	Burlington Resources		
Do	Cook Inlet Region, Inc		
Do	James River II, Inc		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Jeffry L. Perlman, 1101 Vermont Avenue, NW, #500 Washington, DC 20005	American Advertising Federation	7,500.00	1,159.81
Karla Perri, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	1,000.00	
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Assn of Private Psychiatric Health Systems	500.00	
Anne Powers Perry, 1212 New York Avenue, NW, #1200 Washington, DC 20005-3987	Oryx Energy Co	14,400.00	402.10
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company	76.05	
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	780.00	64.00
Schley Louie Perry III, 1521 New Hampshire Avenue N.W. Washington, DC 20036	National Cotton Council of America	687.50	43.88
Susan Perry, 1100 New York Avenue, NW, #1050 Washington, DC 20005-3934	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	8,977.49	726.03
Gary S. Persinger, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	780.00	
John W. Pestle, Varnum Riddering Schmidt & Howlett P.O. Box 352 Grand Rapids, MI 49501-0352	Michigan Municipal Cooperative Group	1,388.00	1,383.00
Phillips S. Peter, 1200 18th Street, NW Washington, DC 20036	Reed Smith Shaw & McClay	250.00	
Robert L. Peters, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife		
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		32.00
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Cheryl A. Peterson, 600 Maryland Ave., SE, Suite 100 West Washington, DC 20024-2571	American Nurses' Assn	5,317.00	8.04
Dan A. Peterson, 1507 Lincoln Way, #304 McLean, VA 22102	Martin Marietta Corporation	8,500.00	
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Joseph P. Petito, 1800 M Street, NW, #400 Washington, DC 20036	Coopers & Lybrand	2,200.00	20.00
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	2,000.00	40.00
Thomas J. Petrizzo, 325 7th St., NW. #1000 Washington, DC 20004	National Retail Federation	700.00	
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	235.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,790.00
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Steven J. Pfister, 325 7th Street, NW #1000 Washington, DC 20004	National Retail Federation	5,000.00	177.00
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	7,000.00	280.32
James R. Phalen, 1776 EYE Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	3,415.00	31.00
Pharmaceutical Research and Manufacturers of America, 1100 15th Street, NW, #900 Washington, DC 20005		57,938.97	57,938.97
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	23,750.00	772.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	3,080.00	3,958.26
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	6,380.09	1,254.29
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	9,361.50	767.00
Barbara Phillips, 1818 N Street, NW Washington, DC 20036	AirTouch Communications		1,484.55
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	First National Bank of Boston	800.00	1,458.61
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,439.48	
Phillips Nizer Benjamin Krim & Ballon, 31 West 52nd Street New York, NY 10019	Riverbay Corp		
Kristine Phillips-Geddings, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	1,117.00	
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	6,500.00	262.84
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power'Assn	1,000.00	
Paulette C. Pidcock, 1301 Pennsylvania Ave., NW, #1050d Washington, DC 20004	Baltimore Gas & Electric Co		2,040.00
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Jennifer M.E. Pierce, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	3,000.00	
Jim Pierce, 1420 King Street Alexandria, VA 22314-2794	National Society of Professional Engineers	1,000.00	
Jeremy Edes Pierotti, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	5,625.00	330.28
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	American Land Title Assn	525.00	
Do	Mauritius Sugar Syndicate		33.71
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	AT&T	10,125.00	158.71
Do	County of Fairfax, VA	4,950.00	35.00
Do	Direct Marketing Assn	3,623.75	24.81
Do	Edison Electric Institute	1,032.32	
Do	Information Industry Assn		
Do	Journal of Commerce, Inc		
Do	Mead Data Central, Inc	3,807.50	253.00
Do	MCI Communications Corp	40,830.00	706.46
Do	Rabanco Companies	390.00	4.20
Frank M. Pizzoli, 1335 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society		
Planned Parenthood Fed of America, Inc, 1120 Connecticut Ave., NW, #461 Washington, DC 20036		12,808.01	12,808.01
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	9,730.00	292.15
Jon Plebani, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)		
Do	Arter & Hadden (For:Citicorp)	50.00	
Do	Arter & Hadden (For:Corning, Inc)		
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)		
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:Koyo Corp)		
Do	Arter & Hadden (For:Merck & Co, Inc)	150.00	
Do	Arter & Hadden (For:Mineral Resource Alliance)		
Do	Arter & Hadden (For:National Assn of Broadcasters)	200.00	
Do	Arter & Hadden (For:SPRINT)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Do	Arter & Hadden (For:United Services Automobile Assn)		
Wyll W. Pleger, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root, Inc		
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Kraege Polan, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	1,250.00	1,348.78
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc		
Diane Pollack, 1120 Connecticut Ave., NW, Sutie 461 Washington, DC 20036	Planned Parenthood Federation of America	3,436.96	324.30

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	748.71	
Alfred M. Pollard, 900 19th Street, NW, Suite 400 Washington, DC 20006	Bankers Roundtable	5,653.85	
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		639.00
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	8,670.00	
Kathryn Pontzer, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	80.00
Anthony Poole, 1020 19th Street, NW, Suite 800 Washington, DC 20036	Kelly Anderson & Associates (For:James River Corp)		
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
Potomac Research Group, 1747 Pennsylvania Ave., NW, Suite 1000 Washington, DC 20006	Alliance for GATT Now	4,400.00	109.75
Jack R Pounds, Betz Laboratories Inc 4636 Somerton Road Trevose, PA 19053	Betz Laboratories Inc		
Beth Powell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	249.38
Jan Geiselman Power, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	20,990.48	317.38
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	453.17
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	48.00
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Akitsu Shipping Co, Ltd	71.87	
Do	American Fisheries Coalition		
Do	American Forest & Paper Assn		
Do	American President Lines	1,970.00	
Do	ASARCO, Inc		
Do	Benson Marine Group		
Do	Brown Forman Corp	1,895.00	
Do	Burlington Northern Railroad Co	1,937.00	
Do	Business Software Alliance	36,825.00	
Do	Calista Corp		
Do	Delta Queen Steamboat Company	5,188.00	
Do	Dynasty Cruise Line, Inc		
Do	Empire Cruise Line Ltd		
Do	Hazardous Waste Action Coalition		
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Intermodal Association of North America	635.50	
Do	Marine Resources Company International		
Do	Maruha Corporation		
Do	Massachusetts Port Authority		
Do	Microsoft Corp	12,977.00	
Do	Mining Law Coalition		
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	Nichiro Corp	71.87	
Do	Nissui Shipping Corp		
Do	OMI Corp	2,799.00	
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Printing Industries of America		
Do	Rokuchuo Marine Corp		
Do	Royal Seafoods, Inc	29,638.75	
Do	Seattle Housing Authority	315.00	
Do	Sunmar Shipping, Inc		
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	University of Washington		
Do	USTF Conference Group	420.00	
Do	Washington State Hospital Assn		
Do	Westinghouse Electric Company		
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,326.00	83.30
Sheila M. Prindiville, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Waste Management Assn	500.00	
Curtis A. Prins, 4608 Briar Patch Ct. Fairfax, VA 22032	Acclerated Payment Systems	9,000.00	
Do	Adams Cohen Securities, Inc	4,644.53	
Do	American Collectors Assn	15,000.00	
Do	Credit Union National Assn	6,249.99	
Do	National Auctioneers Assn	13,749.99	
Do	U-Haul International	15,000.00	
Gwenyth Pritchard, 144 Mason Terrace Brookline, MA 02146	Foster-Miller, Inc		
Paul Clement Pritchard, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	94,640.00	1,270.64
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	128.61
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Kurt A. Proctor, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Profit Sharing Council of America, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Jerry Z. Pruzan, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	250.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation		
Alan C. Ptak, 916 Harriman Street Great Falls, VA 22066	Martin Marietta Corp	2,875.00	
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036		15.53	15.53
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		62,056.00	69,356.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		53,068.26	19,423.01
Public Strategies, 98 San Jacinto, Suite 900 Austin, TX 78701	Hillwood Development Corp	2,400.00	31.70
Do	Southwest Airlines Co	4,800.00	67.65
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Advanced Micro Devices	7,500.00	
Do	American Methanol Institute	30,000.00	
Do	American Trucking Assns, Inc	18,000.00	
Do	Anheuser-Busch Companies, Inc	40,000.00	
Do	Beneficial Management Corp	30,000.00	
Do	Blue Cross Blue Shield Assn	48,000.00	
Do	Boston Capital Partners, Inc	2,000.00	
Do	Chiquita Brands International	82,500.00	
Do	G-Tech Corporation	36,000.00	
Do	Mexican Department of Commerce & Finance	206,582.00	
Do	Nafta-El Paso Business Development Council	10,000.00	
Do	National Assn of Chain Drug Stores	24,999.00	
Do	National Environmental Trust Fund Project	5,000.00	
Do	Southwest Airlines	9,000.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Brenda Pulley, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	8,875.00	720.16
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	535.00	1,290.00
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Susan Putnam, 1301 K Street, NW Washington, DC 20005	IBM	1,344.42	350.97
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	750.00	
Do	Independent Bakers Assn	1,350.00	
Do	Stratcor	750.00	
Do	Welch Foods, Inc	2,000.00	
Quaker Oats Company, 321 North Clark Street Chicago, IL 60610		6,642.35	6,642.35
Patricia A. Quealy, 1133 21st Street, NW, #450 Washington, DC 20036	HealthCare COMPARE Corp	3,000.00	619.47
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	10,238.00	
John E. Quinn, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,500.00	
Patrick H. Quinn, 601 13th Street, NW, #410 Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	1,500.00	816.93
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Linda Rabben, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:National Council of Maubeve Resistance)	1,500.00	
Glenn S. Rabin, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Eugene M. Rackley, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alex Radin, 1200 New Hampshire Ave., NW, #311 Washington, DC 20036	Tennessee Valley Public Power Assn	1,218.75	
Do	Radin & Associates, Inc. (For:Washington Public Utility Districts Assn)	1,437.50	
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	American Psychological Assn	1,000.00	
Do	Association of Progressive Rental Organizations	3,000.00	
Do	AT&T	22,500.00	1,203.79
Do	BP America	1,000.00	
Do	China External Trade Development Council	11,250.00	
Do	Circus Circus Hotel & Resort	1,000.00	
Do	Competitive Long Distance Coalition	1,000.00	
Do	Crystal Holdings Corp	2,000.00	
Do	Dean Witter Realty, Inc	3,000.00	
Do	Diagnostic Retrieval Systems	1,000.00	
Do	Embassy of the Government of India	184,000.00	57,026.52
Do	Gardner Carton & Douglas	426.58	
Do	Golden Hill Paugussett Tribe	2,500.00	
Do	ICI Chemical	1,000.00	
Do	Jones Intercable		
Do	Korea Foreign Trade Assn	15,000.00	246.00
Do	McDonnell Douglas Corp	500.00	
Do	National Cable Television Assn	12,500.00	615.23
Do	Seafarers International Union	1,000.00	
Do	Telecommunications Industry Assn	10,500.00	136.93
Do	Tudor Investment Corp	1,000.00	
Do	Wiley, Rein & Fielding	1,000.00	
Zvi Rafiah, Asia House 4 Weizman Street Tel Aviv, 64239 Israel	Rabintex Industries, Ltd		
Do	Rafael Armament Development Authority	4,000.00	2,705.00
Do	TAAS, Israeli Industries LTD (IMI)	33,224.00	2,140.00
Do	Urdan Industries LTD		
Robert H. Ragan, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Ameritech, et al.)		
Do	Graham & James (For:Federal Judges Association)	315.00	
Do	Graham & James (For:Federal Magistrate Judges' Assn)	150.00	
Do	Graham & James (For:RR Donnelley & Sons Co)	140.00	
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Lisa J. Raines, 1020 19th Street, NW Washington, DC 20036	Genzyme Corp	1,625.00	
Meghan B. Rainey, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	3,000.00	271.00
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Business Computer Training Institute)	1,440.00	3,528.39
Do	Lindsay Hart Neil & Weigler (For:Evans Loosley, Inc)	7,455.00	4,306.74
Do	Lindsay Hart Neil & Weigler (For:MOEX Corp)	5,871.61	3,796.53
Jack Ramirez, 499 South Capitol Street, SW, Suite 401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Howard W. Randolph Jr, 815 16th St., NW Washington, DC 20006	Transportation-Communications Union	1,000.00	
Robert A. Rapoza Associates, Inc, 601 Pennsylvania Avenue, NW, #850 Washington, DC 20004	Great Lakes Rural Network/WSOS	12.83	19.30
Do	Impact Seven, Inc		19.30
Do	Kentucky Highlands Investment Corp	81.65	28.89
Do	Midwest Assistance Program	12.83	19.30
Do	National Council of La Raza		19.30
Do	National Rural Housing Coalition	770.00	27.00
Do	Northern Community Investment Corp	81.65	28.89
Do	Northern Economic Initiatives Corp	81.65	28.89
Do	Rural Community Assistance Corp	12.83	19.30
Do	Rural Housing Improvement	12.83	19.30
Do	Rural Opportunities, Inc	81.65	28.89
Do	Southern Development Bancorporation		19.30
Do	Virginia Water Project/SE RCAP	12.83	19.30
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
John W. Rauber Jr., 1101 Vermont Avenue, NW Washington, DC 20005	Chadbourne & Parke (For:American Forest & Paper Assn)		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	Bayley Seton Hospital	10,317.34	
Do	Cumberland Packing Company	10,541.84	
Do	Lutheran Medical Center	9,302.31	
Do	Simply Lite Foods Corp	3,901.34	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	1,000.00	45.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	Mutual of Omaha Companies	300.00	
Robert S. Raymar, One Gateway Center Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)		
Edgar L. Ready, 1800 Concord Pike Wilmington, DE 19897	Zeneca, Inc	5,975.00	1,277.00
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	145.75
Recording Industry Assn of America, Inc, 1020 l9th St., NW #200 Washington, DC 20036		34,092.50	34,092.50
Clark E. Rector Jr., 1101 Vermont Ave., NW, Suite 500 Washington, DC 20005	American Advertising Federation	500.00	
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	782.58	
Gregory Redmond, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co		
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	959.47	58.25
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	68.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Association of Financial Guarantee Insurors	3,750.00	
Do	High Speed Rail Maglev Assn	2,870.00	14.91
Do	Mid-America Transplant Association	585.00	1.81
Do	Owens-Illinois, Inc	43,942.50	2,536.21
Do	Paging Network, Inc	21,068.00	18.25
Do	Techneglas, Inc	1,250.00	2.86
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	56.25
R. Brent Regan, 1401 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	302.71
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	18,250.00	450.00
Regional Airline Association, 1200 19th Street, NW., #300 Washington, DC 20036-2401		7,140.00	2,150.00
David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	18,749.25	207.39
Reichler Milton & Medel, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Democracy & Dignity Foundation		1.40
Do	Embassy of the Republic of Uganda		1,642.03
Do	Interim Government of National Unity of Liberia	12,500.00	
Do	Republic of Guyana	1,758.95	2,160.64
Do	Republic of Nicaragua	113,968.66	752.22
Do	Saharawi Arab Democratic Republic		
Do	Supreme Court of Justice of the Republic of Guatemala	41,285.60	233.63
Do	United Front for Multiparty Democracy (Malawi)		92.12
Do	United Republic of Tanzania	69,000.00	4,613.74
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,807.26	1,058.65
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute		
Do	Kabi Pharmacia, Inc	2,133.75	83.71
Do	Minnesota Power		
Do	MDU Resources Group, Inc		
Do	Nishika Corp	1,228.75	123.91
Do	Pride Refining, Inc		
Do	Tucson Electric & Power Co		
Do	United Illuminating Company		
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equiptment Corp	25,000.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,250.00	662.40
Reinhart Boerner Van Deuren Norris & Rieselbach, 601 Pennsylvania Ave., NW North Bldg., Suite 750 Washington, DC 20004-2612.	National Employee Benefits Institute		
Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004			
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	2,492.87
Martin S. Rendon, 110 Maryland Ave., NE Washington, DC 20002	U.S. Committee for UNICEF	6,000.00	7,000.00
Julia Renjilian, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	664.76

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward Repa, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Galen J. Reser, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc	8,750.00	2,732.70
Barclay T. Resler, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Company	270.00	120.50
Resource Management Consultants, Inc, 205 S. Whiting Street, #308 Alexandria, VA 22304		28,376.00	21.46
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		15,268,031.00	53,720.53
Paul C. Rettig, 50 F Street, NW, #1100 Washington, DC 20001	American Osteopathic Healthcare Assn	4,000.00	
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Co	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	22,829.80	463.25
Mark E. Rey, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,500.00	
Jimmie V. Reyna, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart		
David Lyon Reynolds, 444 North Capitol Street, NW Washington, DC 20001	Association of California Water Agencies	17,500.00	
Larry D. Rhea, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,200.00	
Frederick W. Rhodes, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,500.00	
Jeffrey Ricchetti, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	5,626.00	2,076.18
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	12,974.61	79.63
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Allen Richard, 600 Maryland Avenue, SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America		
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Pratt & Whitney		
Do	Sunrider International	2,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	1,500.00	
Donna Rae Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,953.00	33.42
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	750.00	4,321.57
Max Richtman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	34,907.00	1,025.48
Lisa A. Rickard, 1200 19th Street, NW, Suite 603 Washington, DC 20036	Ryder System, Inc	4,050.00	85.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	2,000.00	
Quentin Riegel, 1331 Pennsylvania Ave., NW, Suite 1500 North Tower Washington, DC 20004-1790	National Assn of Manufacturers	175.00	
Earl F. Rieger, 13 Halifax Court Rockville, MD 20850	California Independent Mortgage Brokers Assn	4,000.00	32.00
Francis J. Rienzo, 1455 F Street, NW, Suite 450 Washington, DC 20005	Upjohn Company	10,000.00	
Blair A. Rieth Jr., 1101 Pennsylvania Ave., NW, Suite 540 Washington, DC 20004	Eli Lilly & Co	2,000.00	
Gina J. Rigby-LeDonne, 1901 North Moore Street, Suite 1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn		
Karen Rindge, 1120 Connecticut Ave., NW, #461 Washington, DC 20036	Planned Parenthood Federation of America	1,496.74	38.00
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	525.00	
Joan D. Ringel, 511 16th Street, Suite 210 Denver, CO 80202-4227		637.50	100.00
Durwood W. Ringo, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	GE Company	1,375.00	
Irene Ringwood, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	167.50	
Do	Basic America, Inc	168.00	
Do	Direct Service Industries, Inc	134.00	
Do	McPhillips Manufacturing Co	67.00	
Do	Pacific Northwest Utility Conference Committee	134.00	
Do	Washington Wheat Commission	1,005.00	
Rini & Coran, 1350 Connecticut Ave., NW, Suite 900 Washington, DC 20036			
Mary Jane Rintelman, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54313	American Medical Security	1,669.36	2,123.37
John S. Rippey, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	6,024.15	
Carol A. Risher, 1718 Connecticut Ave., NW, #700 Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute		
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Household Financial Group, Ltd		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,592.00	
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	925.38	437.18
Robert C. Robb Jr., 425 One Plymouth Meeting Plymouth Meeting, PA 19462	Barnes & Tucker	7,500.00	
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	548.40
Arch W. Roberts Jr., 1615 L Street, NW, Sutie 1150 Washington, DC 20036	Capitoline/MS&L (For:Republic of Turkey)	4,000.00	
Do	Capitoline/MS&L (For:UNISYS Corp)	22,000.00	
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,600.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,316.00	4,259.00
Glenn Roberts, 1620 I Street, NW, #925 Washington, DC 20006	American Spice Trade Association		
Do	Flavor and Extract Manufacturers Assn	50.00	
Do	Fragrance Materials Assn	50.00	
Do	International Assn of Color Manufacturers		
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	236.65
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	13,812.51	141.70
Robins Kaplan Miller & Ciresi, 1801 K Street, NW, #1200 Washington, DC 20006	Crystal Cruises, Inc		
Do	International Group of P&I Clubs	5,692.50	3,670.02
Do	National Assn of Wheat Growers		
Do	Polaris Industries, L.P.		
Do			
Do	Star Shipping A/S		
Do	U.S. Wheat Gluten Assn	500.00	
Cas M. Robinson, 1776 Eye Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute		
Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Gail Robinson, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	475.19	
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Kenneth L. Robinson, 3138 North l0th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64153-2315	Livestock Marketing Association	16,200.00	1,020.00
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Natural Disaster Coalition)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Unisys Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Robinson Lake Lerer & Montgomery, 1501 M St., NW, #600 Washington, DC 20005	Commission on Self-Determination		
Do	CALCOT, Ltd	10,000.00	
Do	Ingersoll-Rand	12,000.00	
Do	Mesa, Inc		
Do	National Venture Capital Association		
Do	Sun Diamond Growers	1,500.00	
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc (Government Programs Office)).		
Do	Robison International, Inc (For:McDonnell Douglas Corp)		
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	Allied-Signal Aerospace Co	6,000.00	3,874.68
Do	Armtec Defense Products	3,750.00	2,083.12
Do	British Aerospace, Inc (Government Programs Office)	12,093.30	5,207.80
Do	General Atomics Technologies	4,800.00	2,083.17
Do	Mas-Hamilton Group		
Do	McDonnell Douglas Corp	3,000.00	1,291.56
Do	Oshkosh Truck Corp	4,800.00	1,633.12
Do	Prudential Insurance Co	2,118.60	420.06
Do	Solid Waste Composting Council	3,000.00	420.06
Do	U.S. Global Positioning System Industry Council	7,500.00	1,260.18
Do	United Defense, LP	8,400.00	4,166.24
Peggy Rochette, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	300.00	
Julie Rochman, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	10,000.00	
James A. Rock, 1101 Pennsylvania Avenue, NW, #530 Washington, DC 20004-2514	Montana Power Co, et al.	2,500.00	244.98
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort Development Assn	3,000.00	
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Quincy Rodgers, 1899 L Street, Suite 500 Washington, DC 20036	General Instrument Corporation	7,000.00	
Carlos Rodriguez, 1535 Mission Street San Franscisco, CA 94103	Consumers Union	6,538.50	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Randall B. Roe, 1400 K Street, NW, #910 Washington, DC 20005	Burns & Roe Enterprises, Inc		
Robert A. Roe Associates, Inc, 1680 Route 23 Wayne, NJ 07470	City of Newark	30,000.00	15,509.82
Do	County of Bergen	31,334.56	15,509.82
Do	New Jersey Sports & Exposition Authority	30,000.00	15,509.82
William P. Roesing, 1401 Eye Street, NW, Suite 1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	6,375.00	
James A. Rogers, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	1,185.47
Kathleen Rogers, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116	Washington Citizens for World Trade	3,081.00	500.00
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,990.00
Susan L. Rogers, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Canadian Pulp & Paper Assn		
Do	Dofasco, Inc		
Do	Major League Baseball Players Assn	950.00	29.39
Barry K. Rogstad, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	43,153.00	30.00
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20006	City of Moorehead	5,000.00	250.00
M. Guy Rohling, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Co (For:May Department Stores)	29,312.50	220.80
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	11,400.00	
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,272.25	
Ian M. Rolland, 200 East Berry Street Fort Wayne, IN 46802	Lincoln National Corp		
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Emil A. Romagnoli, 1600 M Street, NW, #700 Washington, DC 20036	Asarco, Inc	10,000.00	840.00
Lewis Rome, 55 Farmington Avenue, #403 Hartford, CT 06105	Trading Cove Associates	10,551.07	645.00
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	American Council on Education		
Do	Cabot Corp		
Do	Dial Page, Inc	510.00	52.18
Do	Eastern Enterprises	15,810.00	526.62
Do	Enron Corp		
Do	Industrial Development Authority of Ireland		
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	3,217.45	48.95
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	H&R Block, Inc	13,250.00	13,133.23
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	3,500.00	
Rose Communications, Inc, 1625 K Street, NW, Suite 790 Washington, DC 20006	Fuel Cells for Transportation	5,072.50	5,072.50
Do	Johnson Matthey, Inc	17,000.00	17,000.00
Burt E. Rosen, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,500.00	500.00
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	3,700.00	
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	2,000.00	
Daniel Rosenberg, 218 D St., SE Washington, DC 20003	U.S. Public Interest Research Group	2,988.51	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	16,880.50	45.00
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Richard D. Ross, 1301 Pennsylvania Ave., NW, #305 Washington, DC 20004	Natural Disaster Coalition	14,500.00	3,459.67
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute	438.00	954.50
John C. Rother, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	2,025.96	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	International Union of Electronic Electrical Salaried...	9,887.90	176.50
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	910.50
Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036	Citizen Action Fund	300.00	53.00
Jeffrey S. Rothstein, 2722 Merrilee Drive, #360 Kansas City, KS 66101	International Brotherhood of Boilermakers...	215.00	
Robert G. Rothstein, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	3,282.00	1,872.02
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute	1,325.00	
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Conference of State Bank Supervisors		
Do	Eaton Vance Corp		
Do	Federal Home Loan Bank of New York		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	McClure Gerard & Neuenschwander, Inc		
Do	Michigan Trade Exchange		
Do	Republic Boston Capital Corp		
Do	Thorn Americas		
David R. Rozier Jr., 333 Piedmont Avenue Atlanta, GA 30308	Georgia Power Company	18,104.34	8,392.96
Eldon Rudd, P.O. Box 873 Scottsdale, AZ 85252	Central Arizona Project Assn		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	4,500.00	435.00
Paul M. Ruden, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	1,205.00
Nicholas L. Ruggieri, 3 Bethesda Metro Ctr., #700 Bethesda, MD 20814	Serono Laboratories	1,000.00	225.00
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	10,000.00	
Timothy R. Rupli, 601 13th Street, NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Rural Community Insurance Services, Inc, 3501 Thurston Avenue Anoka, MN 55303-1060		26,900.00	7,191.00
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	23,316.00	136.59
Charlotte Rush, 1401 Eye Street, NW Washington, DC 20005	Mastercard International, Inc		
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp	4,375.00	
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		30.00
Judith L. Russell, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Lynn B. Russo, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corp		
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Frank Ryan, 4545 Connecticut Ave., NW, Apt. 229 Washington, DC 20008	Greater Wash/MD Service Station & Automotive Repair Assn	250.00	
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #900 Washington, DC 20006	Nissan North America, Inc	8,775.00	
RASP, INC, P.O. Box 3674 Arlington, VA 22203-0674	Boeing Information Services	8,000.00	1,659.32
Do	Diagnostic/Retrieval Systems, Inc	3,125.00	498.97
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			30,677.86
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMX Technology & Services, Inc	4,246.00	
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	779.24
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	3,000.00	138.56
R. Gerard Salemme, 1150 Connecticut Avenue, NW, 4th Floor Washington, DC 20036	McCaw Cellular Communications, Inc	15,000.00	3,926.25
Frank Max Salinger, 650 Naamans Road Claymont, DE 19703	ADVANTA Corp	3,000.00	2,500.00
Scott R. Salmon, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corp		
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	1,168.00	75.75
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	16,874.20	756.31
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	1,600.00	174.42
Babette P. Salus, Schwing & Salus, P.C. 600 S. Second Street, #100 Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	1,825.00	6.50
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201		4,025.00	21.52
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Wendy B. Samuel, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae		
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	15,396.66	176.50
Sheldon W. Samuels, P.O. Box 1570 Solomons, MD 20688	Ramazzini Institute		100.00
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	2,000.00	329.00
Lee Sanders, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	2,590.00	67.00
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	412.76
Stuart A. Sanderson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,732.50	451.24

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn		
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Grand Canyon Air Tour Council	6,300.00	2,001.77
Do	Grand Canyon Air Tourism Assn	4,200.00	1,098.77
Do	National Parks Hospitality Association	7,500.00	146.41
Do	National Tour Assn, Inc	28,587.00	9,516.79
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn, Inc	5,275.00	
Susan Sarason, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	945.00	231.00
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314		2,594.38	2,594.38
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		255.55
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	95.00
Mary Jane Saunders, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		7,779.82	25,972.64
Savings and Community Bankers of America, 900 19th Street, NW Washington, DC 20006		2,623,561.50	107,141.81
Richard N. Sawaya, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
John A. Saxton, 801 Pennsylvania Ave., NW, Suite 720 Washington, DC 20004	Procter & Gamble Co	87.60	
Keith Scarborough, One Thomas Circle, NW, #950 Washington, DC 20005	Association of National Advertisers, Inc		
Jeanne Schaaf, North Building, Suite 725 601 Pennsylvania Ave., NW Washington, DC 20004	British Telecommunications, plc	2,500.00	48.82
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	6,500.00	4,686.64
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Tracy A. Schario, 4301 North Fairfax Drive, #360 Arlington, VA 22203-1627	National Utility Contractors Assn	1,100.00	112.00
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	227.55	
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:American Gastroenterological Association Foundation)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Do	Bailey & Robinson (For:Unisys Corp)		
David E. Scherb, 54 Farview Farm Road Redding, CT 06896	PepsiCo, Inc		
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Robert F. Schiff, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	10,000.00	
Peter J. Schildkraut, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc	3,750.00	
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Irene S. Schindler, 1025 Connecticut Ave., NW #1200 Washington, DC 20036	Health Insurance Association of America	114.19	375.44
Ella M. Schiralli, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	700.00	
Jeffrey L. Schlagenhauf, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc		
Paul Schlegel, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Weyerhaeuser Company		243.51
Terry Schley, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,775.21	
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	1,412.50	250.62
Rodger Schlickeisen, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Lafarge Corp	27,720.00	5,640.99
Anna-Maria Stephens Schneider, 1111 19th Street, NW, #600 Washington, DC 20036	Mitsubishi Motors America, Inc	93.75	
Mahlon C. Schneider, 1100 NW 14th Street Austin, MN 55912	Hormel Foods Corporation		
Phillip L. Schneider, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,000.00	
Abraham Schneier, McKevitt Group 1101 16th St. NW, #333 Washington, DC 20036	Kelly Services, Inc	4,250.00	
Do	PepsiCo, Inc	8,158.00	134.00
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			33.15
Thomas Schoegler, 122 C Street, NW, Suite 310 Washington, DC 20001	American League for Exports & Security Assistance (ALESA)	3,125.00	
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States)	2,250.00	
Do	Van Scoyoc Associates, Inc (For:Metropolitan Museum of Art)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	900.00	
Paul A. Schosberg, 900 19th Street NW, #400 Washington, DC 20006	Savings & Community Bankers of America		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	9,201.75	1,021.85
H. B. W. Schroeder, I016 I6th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies	2,852.00	1,460.69
Leah Webb Schroeder, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants		
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Daniel J. Schulder, 1331 F Street, NW 7th Floor Washington, DC 20004	National Council of Senior Citizens	16,132.50	
Leslie Schultz, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	21,323.12	558.74
Richard T. Schulze, 1747 Pennsylvania Ave., NW, Suite 850 Washington, DC 20006	Valis Associates	28,133.34	219.88
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Mitchell Energy & Development Co		4,299.85
Do	Southwestern Bell Corporation		
Do	Vulcan Materials		
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association	40.00	
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	3,000.00	
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	4,900.00	
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	6,100.00	
Eric M. Schwing, Illinois Department of Nuclear Safety 1035 Outer Park Drive Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	4,752.50	436.94
Yael Schy, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Scientific-Atlanta, One Technology Parkway Box 105600 Norcross, GA 30092			300.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For:Heatherton Staff Leasing, Ltd)		
David A. Scott, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corporation	2,000.00	
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	AmHS Institute	4,900.00	344.02
John H. Scott, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael Scott, 1101 Vermont Avenue, NW, #606 Washington, DC 20005	American Society of Anesthesiologists	21,506.10	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	913.50	
Steven R. Scott, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	California Department of Insurance		
Do	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	6,156.00	2,665.55
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc	11,367.00	2,001.65
Murray S. Scureman, 5335 Wisconsin Avenue, NW, #500 Washington, DC 20015	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	1,028.73
Securities Industry Assn, 1401 I Street, NW, Suite 1000 Washington, DC 20005			304,040.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA	6,728.00	7,414.00
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	6,000.00	700.00
James Sefcik, 1055 N. Fairfax STreet, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	202.50	
Ruth L. Segal, 1850 M Street, NW, #1040 Washington, DC 20006	Outdoor Advertising Assn of America	32,500.00	1,226.18
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Elliott M. Seiden, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Gary B. Sellers, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Leasing and Remarketing Assn (CDLA)		
W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036	NYNEX	8,987.00	220.90

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	17,500.00	88.05
David Senter, 1901 L Street, NW, #300 Washington, DC 20036	David Senter & Associates, Inc		
David Senter & Associates, Inc, 1901 L Street, NW, Suite 300 Washington, DC 20036			
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,835.00	96.01
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	3,243.74
Andrew L. Sernoritz, P.O. Box 33428 Washington, DC 20033-0428	Interactive Television Assn	10,000.00	27,000.00
Seward & Kissel, 1200 G Street, NW, #350 Washington, DC 20005	Delaware State Bank Commissioner		
Do	Ship Finance Assn, Inc		
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	Twin City Pipe Trades Welfare Trust	20,553.75	36.80
Do	Unisys Corp	16,998.75	14.17
Sally Shake, 7648 Ivanhoe Avenue, East La Jolla, CA 92037	Education Legislative Services, Inc	9,000.00	36.00
William H. Shaker, 5155 N. 37th Street Arlington, VA 22207			
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Gilan Shamir, 1511 K Street, NW, Suite 1043 Washington, DC 20005	Council for the National Interest	575.75	6.30
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	8,700.00	2,715.43
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Kenneth L. Shapiro, Wilson Elser Moskowitz Edelman & Dicker One Steuen Place Albany, NY 12207	Healthcare Assn of New York State		
Kimberly Shark, 1155 15th Street, NW, Suite 660 Washington, DC 20005	Penzoil Co	350.00	
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	84.56
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc	2,665.62	1,567.15
Do	Pipe Tobacco Council	896.87	
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Toy Manufacturers of America	1,705.00	1,412.00
Victoria E. Shaw, 1200 19th Street, NW, Suite 300 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	1,337.50	
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group	3,000.00	124.78
Do	Senior Executives Assn	10,000.00	323.10
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Airship International, Ltd		
Do	Atlas Corp		
Do	Austrian Airline		
Do	Aviall, Inc	6,674.97	366.96
Do	Bechtel Aviation Services		
Do	Bismarck Municipal Airport		
Do	Chromalloy Gas & Turbine		
Do	City of Kansas City - Aviation Department		
Do	Dallas/Fort Worth International Airport	35,380.40	1,736.80
Do	Edlow International Company		
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Federation of Japanese Bankers Assns		
Do	Fokker Aircraft, BV		
Do	Institute of International Bankers	6,277.50	
Do	Intermountain Health Care, Inc		
Do	International Small Satellite Organization		
Do	National Assn of State Aviation Officials		
Do	National Business Aircraft Assn		
Do	National Coalition for Minority Business	14,589.75	580.20
Do	North Carolina Air Cargo Airport Authority	8,113.25	551.38
Do	Pratt & Whitney	3,653.00	195.14
Do	Schnell-Bruter-Kernkraftwerksgesellschaft MbH	4,508.00	423.94
Do	Spectrum Astro, Inc		
Do	Summit '93 Health Coalition	4,055.17	444.83
Do	Workplace Health and Safety Council		
Matthew R. Shay, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 3333 State Bridge Rd. Alpharetta, GA 30202	Siemens Corporation		
Gail E. Shearer, 1666 Connecticut Avenue, NE, #310 Washington, DC 20009	Consumers Union	4,000.00	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	17,357.64	
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	2,564.50
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	55.83	
Jeffrey L. Sheldon, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
L. Philip Sheldon Jr., 8 West Roseville Road Lancaster, PA 17601	Child Protection Lobby	9,000.00	422.23
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	12,500.00	1,040.00
Zack H. Shelley Jr., 1212 Falster Road Alexandria, VA 22308	Martin Marietta Corp	2,850.00	
Julian L. Shepard, 1400 16th Street, NW, Suite 610 Washington, DC 20036	Association for Maximum Service Television, Inc		
Neal Sher, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public AFfairs Committee	24,187.50	2,305.68
Dawn M. Shiley, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufacturing Assn	500.00	76.50
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council	325.00	2,080.00
T. V. Shockley III, P.O Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Bard D. Shollenberger, 1350 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Co, Inc	2,000.00	
Shook Hardy & Bacon, One Kansas City Place 1200 Main Street Kansas City, MO 64105	Ewing Marion Kauffman Foundation	243.75	
Grant Scott Shotwell, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	2,475.00	
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Diane M. Shust, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,753.35	88.50
William H. Shute, 1401 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	8,464.76
Zelda Shute, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp		
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries, Inc	1,050.00	1,235.86
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Hewlett-Packard co	2,142.00	
Do	Mead Corp	8,260.00	77.75
Do	Newell Company	738.00	
Do	Pharmaceutical Manufacturers Assn	370.00	
Richard D. Siegel, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Modland Development Corp	1,000.00	289.50
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Stevens Institute of Technology	12,000.00	53.02
Kristin Siemann, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	148.08	
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Jill Sigal, Jill Sigal Associates 412 First Street, SE #100 Washington, DC 20003	ASARCO, Inc	23,000.00	1,264.32
Allan Silber, 365 Main Street Nashua, NH 03060	Recyclers of Copper Alloy Products	10,500.00	4,776.24
Mark Silbergeld, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Assn)		
Hilary Sills, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:OHM Corp)		
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:BP America, Inc)	6,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		419.00	1,629.00
Edward Silverman, 1150 17th Street, NW, Suite 400 Washington, DC 20036	Greenwich Asset Management, Inc	3,750.00	325.00
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	500.00	70.36
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	65.45
Do	Bannerman & Associates (For:L.A. Motley & Co for: Government of the Philippines).	2,000.00	88.66
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	7,020.00	69.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	International Chiropractors Assn	6,000.00	
Do	Life College	4,000.00	
Do	National Structured Settlements Trade Assn	10,000.00	
Talmage E. Simpkins, 1150 17th Street, N.W., #700 Washington, DC 20036	Labor-Management Maritime Committee, Inc	2,875.00	218.00
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	816.41	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Entergy Services, Inc (Mississippi Power & Light Co)	2,000.00	
Do	Federal Express	3,000.00	
Do	First Mississippi Corp	1,500.00	
Stephen F. Sims, 1120 Connecticut Avenue, 11th Floor Washington, DC 20036	National Nutritional Foods Assn	30,000.00	40,193.63
Christopher A. Singer, 1500 K. St., NW. #650 Washington, DC 20005	Glaxo, Inc	2,200.00	200.00
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America		
Jennifer Singleton, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	900.00	10.00
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc		
Do	Allied-Signal, Inc		
Do	American International Group, Inc	500.00	
Do	Angelo Brothers Co		
Do	Armco, Inc	15,000.00	
Do	Bell Atlantic	1,000.00	
Do	Bethlehem Steel Corp	25,000.00	
Do	Cellular Corp of Puerto Rico	2,000.00	
Do	Dun & Bradstreet		
Do	General Mills		
Do	Geotek Communication, Inc	146.00	
Do	Inland Steel Industries, Inc	25,000.00	
Do	LTV Steel Company, Inc	25,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Energy Service Companies	1,352.00	
Do	National Steel Corp	15,000.00	
Do	New World Communications Group, Inc		
Do	Prudential Insurance Co of America	20,000.00	
Do	Sara Lee Corporation		
Do	USX Corp	25,000.00	
Kerry A. Walsh Skelly, 850 Dixie Highway Louisville, KY 40210	Brown-Forman Corp	280.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMW Technologies, Inc	2,125.00	
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacopeial Convention, Inc.	583.68	24.45
Barney J. Skladany Jr., 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	19.00
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport	180.00	45.00
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company	1,500.00	
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	9,277.50	179.62
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	825.00	
Do	Bristol-Myers Squibb Co	4,582.50	103.75
Do	New Jersey Turnpike Authority		
Michael P. Skredynski, 1055 N. Fairfax St., #201 Alexandria, VA 22314	U.S. Strategies Corp		
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	100.00	
Robert G. Slaughter, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	557.00
David Sloan, Corporate Strategies International, Inc 1331 Pennsylvania Avenue, NW Suite 905 North Washington, DC 20004.	Oriental Rug Importers, Inc	225.00	
Do	Pande Cameron & Co of New York		
Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	748.69	351.00
Kelly Campbell Slone, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	25,000.00	30,000.00
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		2,802.00	3,705.00
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	4,200.00	
Lawrence E. Smarr, 1130 Connecticut Ave., NW, Suite 800 Washington, DC 20036	Physician Insurers Assn of America		
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #222 Washington, DC 20036	Pennzoil Co	6,000.00	
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation		
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc	1,099.20	
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel Smith, P.O. Box 1058 Montpelier, VT 05601	Northeast Interstate Dairy Compact Committee	10,625.01	9,717.59
Daniel C. Smith, 1815 H Street, NW, Suite 1001 Washington, DC 20006	National Field Selling Assn	2,500.00	
Elizabeth M. Smith, 1401 H Street, NW, #200 Washington, DC 20005-2110	Xerox Corp		
James E. Smith, One State Street Boston, MA 02109	Century Council	500.00	
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Fresh Produce Association of the Americas	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co		
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	500.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	2,240.00	425.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	977.25	945.71
Patrick Smith, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Paul C. Smith, 1776 K Street, NW Washington, DC 20006	National Religious Broadcasters, Music License Committee	2,464.00	23.00
Do	Owens-Corning, Inc	1,899.00	12.47
Do	Professional Photographers of America		
Peter N. Smith, 700 13th Street, NW, Suite 950 Washington, DC 20005	Raychem Corp	16,000.00	21,950.00
Richard D. Smith, 15 Mountain View Road Warren, NJ 07061-1615	Chubb & Son, Inc	5,000.00	
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	9,500.00	3,200.00
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	36.00	4,049.57
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	200.00	270.03
Tim Smith, 1776 EYE Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	5,788.00	1,044.00
W. Glenn Smith, 101 West Washington Street Indianapolis, IN 46255	National City Bank, Indiana		
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	New England Telephone Co	1,100.00	
Do	NYNEX Government Affairs	2,000.00	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Children's Hospital & Medical Center	15,000.00	125.00
Do	Cities of Crainville & Carterville, Illinois	6,000.00	
Do	City of Eugene, Oregon	9,000.00	
Do	City of Gillespie, IL	6,000.00	60.00
Do	City of Macon	15,000.00	160.00
Do	City of Ontario, California	15,000.00	
Do	City of Springfield, Oregon	4,500.00	
Do	CRASH	6,500.00	75.00
Do	Haarmann & Reimer Corp	6,000.00	55.00
Do	Kansas City Transit Authority	9,999.00	
Do	Lane County, Oregon	4,666.00	
Do	Metropolitan Water Reclamation District of Greater Chicago	20,000.00	
Do	N.Y. Metropolitan Transportation Agency	21,000.00	160.00
Do	National Assn of Foreign Trade Zones	4,000.00	
Do	Port of San Francisco	6,000.00	
Do	San Francisco Public Utilities Commission	15,000.00	
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance		
David A. Smitherman, Iowa Petroleum Council 218 6th Avenue, #1012 Des Moines, IA 50309-4006	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		34,386.64	34,386.64
William Snape, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	274.03	
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,000.00
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		20.00
Harry Snyder, 1535 Mission Street San Franscisco, CA 94103	Consumers Union		
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research	450.00	
Do	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Laura Snyder, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Allison Engine Co	52.50	100.15
Do	Digital Systems Group		
Do	NKF Engineering, Inc	37.50	
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)	54.36	80.75
Jack Sobel, 404 3rd Street, SE, #B Washington, DC 20003-1930	Center for Marine Conservation	122.84	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		18,344.89	16,979.83
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882		210.00	8,250.00
Society of Glass & Ceramic Decorators, 888 17th Street, NW, #600 Washington, DC 20006			
Software Publishers Assn, 1730 M Street, NW, Suite 700 Washington, DC 20036		59,729.84	48,858.51
Gary L. Sojka, 8304 Harland Drive Springfield, VA 22152	ARCO Power Technologies, Inc	525.00	
Do	Litton Inter Optical Systems	10,875.00	388.92
Do	Space Express Corp	1,800.00	
Eric W. Sokol, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	67.80	
Patricia F. Soltys, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Frederick P. Somers, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	5,000.00	14.00
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	3,500.00	
Stanley L. Sommer, 900 North Taylor Street Arlington, VA 22203	Brunswick Corp		
Sonnenberg Anderson & Rodriguez, 200 South Wacker Dr. 33rd Floor Chicago, IL 60606	American Yazaki Corp	26,006.50	1,726.96
Do	Florsheim Shoe Co	2,940.00	35.96
Do	Trek Bicycle Corp	3,730.60	1,969.56
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	1,337.50	
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		
Do	Western Pioneer, Inc		
Michele A. Sorenson, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		10,535.94	10,535.94
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			17,400.00
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
Sparber and Associates, Inc, 1319 F St., NW #301 Washington, DC 20004	Association of Fire Districts of the State of New York		1,500.00
Do	New York State Fire Chiefs Assn		1,500.00
Do	RJR Nabisco	27,000.00	27,000.00
John S. Sparkman, 1301 Pennsylvania Ave., Nw, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	533.90	
Ian D. Spatz, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004-2613	Merck & Co, Inc	1,000.00	400.00
Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	250.00
Barney H. Speight, 200 SW Market, Suite 1200 Portland, OR 97201	Blue Cross & Blue Shield of Oregon	1,940.00	2,125.00
Rachel E. Speltz, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Sandra Spence, 888 17th Street, NW, #600 Washington, DC 20006-3953	Society of Glass & Ceramic Decorators (SGCD)		
Collins Robert Spencer III, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,387.50	667.50
William B. Spencer, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Andrew Sperling, 12300 Twinbrook Parkway Rockville, MD 20852	National Community Mental Healthcare Council	2,357.67	48.00
Dennis D. Spice, 1901 Fox Drive Champaign, IL 61820	State Universities Retirement System of Illinois		
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Aspen-Pitkin County		
Do	City of St. Louis Airport Authority		
Do	Des Moines Community School District		
Do	Former Residents of Centralia, Pennsylvania		
Do	Minneapolis/St. Paul Metropolitan Airports Commission		
Do	Northern California Power Agency		
Do	Orange County		
Do	Transmission Access Policy Study Group		
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	7,500.00	175.00
Joel B. Spoonheim, 110 Maryland Avenue, NE, Suite 409 Washington, DC 20002	Council for a Livable World		
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al.		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany, Rossmarkt		
Do	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	907.50	8.00
Do	Information Technology Association of America		
Do	National Collegiate Athletic Assn		26.00
Do	Public Securities Assn		
Janet G. St. Amand, 1000 Connecticut Ave., NW, #507 Washington, DC 20036	Household Financial Group, Ltd	11,250.00	
Thomas J. St. Hilaire, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn		
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,200.00	8.88
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	150.00	580.26
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	1,000.00	1,100.00
Michael J. Stanton, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,750.00	
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland		
Do	National Assn of Bankruptcy Trustees		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	6,826.00
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellot (For:City Utilities of Springfield)	85.00	
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	550.00	
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	3,000.00	
Rozann M. Stayden, 1800 M Stret, NW Washington, DC 20036-5886	American Bar Assn	400.00	50.00
Randolph J. Stayin, 1401 Eye Street, Nw, #500 Washington, DC 20005	Barnes & Thornburg (For:Indiana Glass Company)	607.50	77.28
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)	3,217.50	40.50
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	900.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	3,391.42	541.17
Steele Silcox & Browning, P.C., 1220 19th Street, NW, #400 Washington, DC 20036	Kmart Corp		
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	American Dental Assn	24,810.00	8.82
Do	American Insurance Assn	5,520.00	75.85
Do	(For:Eli Lilly & Co)	25,950.00	71.16
Do	General Mills, INc	13,425.00	16.92
Do	Johnson & Johnson	24,360.00	122.28
Do	National Health Labs, Inc	3,100.00	
Do	National Restaurant Assn	27,690.00	280.57
Do	PepsiCo, Inc	13,425.00	16.93
Do	Pfizer, Inc	29,424.00	80.58
Do	Pharmaceutical Research & Manufacturers of America	25,730.00	195.03
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Alan C. Steinbeck, 1600 M Street, NW, Suite 700 Washington, DC 20036	Kennecott Corp	200.00	204.50
Jackson T. Stephens, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Stephen O. Stephens, P.O. Box 3507 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Stephens Overseas Services, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	American Restaurant China Council		2,375.40
Do	Bear Stearns & Co, Inc		
Do	Canyon Forest Village Corp		
Do	Citizens Savings & Financial Corp		
Do	Co-Operative Central Bank		
Do	CSO Company		
Do	Del Webb Corp		
Do	Mutual Life Insurance Company Tax Committee		
Do	Western Financial		
Do	Yavapai-Prescott Indian Tribe	224.00	
Michael Stern, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	2,765.11	1,105.53
Seymour Sternberg, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	1,000.00	493.20
Heidi Sternheim, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,840.00	
Michael E. Steward, 1101 Pennsylvania Ave., NW, #530 Washington,, DC 20004-2514	Puget Sound Power & Light Co	1,198.00	34.35
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	7,050.00	
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,107.19	10.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Veterans Coalition	2,600.00	652.92
Edward W. Stimpson, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	8,077.00	
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Caroline Stinebower, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	2,323.19
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	2,500.00	
Carlton A. Stockton, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Alex Stoddard, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Sean A. Stokes, 1140 Connecticut Ave., NW, Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	224.03	
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	4,500.00	637.89
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,291.66	32.47
Robin E. Stombler, 1001 Pennsylvania Avenue, NW, #725 Washington, DC 20007	American Society of Clinical Pathologists		92.36

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Geoff Stone, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Operations Corp)		
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	900.00	
Carol Gray Stores, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	2,248.08	
Sam E. Story Jr., 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	12,750.00	530.55
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	6,666.00	26.25
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	PSI Energy	19,490.00	11,525.07
Luther J. Strange III, 801 Pennsylvania Ave, NW, #230 Washington, DC 20004	Sonat, Inc	5,000.00	
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Greater New York Hospital Assn	6,667.00	
Do	Mobile X-Ray Providers of America	10,000.00	
Do	Montefiore Medical Center	16,000.00	
Do	National Assn of Urban Critical Access Hospitals	20,000.00	
Do	National Medical Enterprises, Inc	30,000.00	
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	American Plastics Council	1,388.96	10.64
Do	American Trucking Assn, Inc	968.88	21.67
Do	Arthur Andersen & Co	375.00	63.91
Do	Coopers & Lybrand	375.00	63.91
Do	Deloitte & Touche	375.00	63.91
Do	Ernst & Young	375.00	63.91
Do	Healthcare Leadership Council		
Do	KPMG Peat Marwick	375.00	63.91
Do	Price Waterhouse	375.00	63.91
Strategies for the Future, 2020 Pennsylvania Ave., NW, Suite 221 Washington, DC 20006	Zionist Organization of America		
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	293.01
Ronald J. Streck, P.O. Box 2219 Reston, VA 22090-0219	National Wholesale Druggists' Assn		
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (I983), Inc		
Steven P. Strobridge, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	3,156.00	
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	6,923.07	49.44
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	LDDSMetromedia, Inc		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Commission on Self-Determination, Govt of Guam	5,500.00	28.00
Do	Dreyfus Corporation		
Do	Jones Act Reform Coalition	271.00	
Do	Rongelap Community	482.00	15.00
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Assn		
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc	902.61	152.61
William Mark Stuart, 1331 Pennsylvania Ave., NW, Suite 1500N Washington, DC 20041-703	UBA, Inc	1,000.00	
Michael M. Stump, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
John N. Sturdivant, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	29,846.15	
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,123.61	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, P.O. Box 2310 Washington, DC 20013	Citizens United for Rehabilitation of Errants	2,466.00	2,250.00
Gael M. Sullivan, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	2,344.00	527.50
Harold R. Sullivan, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	600.00	
John J. Sullivan, 8900 Keystone Crossing Indianapolis, IN 46240	Golden Rule Insurance	15,942.00	7,397.03
Lauraine D. Sullivan, 151 Farmington Avenue Hartford, CT 06156-3124	Aetna Life & Casualty Co	3,125.00	
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	900.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	50.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	First Fidelity Bancorporation		844.85
Do	Securities Industry Assn		
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	1,000.00	
Rick Surratt, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	14,944.72	
Gavin J. Sutcliffe, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	761.54	
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federation for American Immigration Reform		
Do	New York Mercantile Exchange (NYMEX)		
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Northrop Grumman Corporation	625.00	643.99
Douglass W. Svendson Jr., 6443 Lily Dhu Lane Falls Church, VA 22044	Hollywood Marine, Inc		
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	1,500.00	
Do	Neckwear Assn of America, Inc		
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	1,810.00	
David M. Sweet, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co		
Lori Swenningsen, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America		
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	National Council of Community Hospitals	825.00	
Philip E. Swink, 1 Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		43.00
John F. Swope, P.O. Box 515 Concord, NH 03302	Chubb LifeAmerica		
David A. Sykuta, Illinois Petroleum Council 400 W. Monroe, #205 Springfield, IL 62704	American Petroleum Institute		
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	Armenian Assembly of America	30,000.00	15,720.00
Do	AIA, Agriculture Insurance Administrators	25,500.00	15,720.00
Do	China External Trade Develpment Council, CETRA	15,000.00	10,480.00
Do	Forschler & Associates	2,000.00	
Do	PAR Pharmaceutical	30,000.00	7,860.00
Do	Rabbi Milton Balkany	22,500.00	2,620.00
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Janis Tabor, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Taggart & Associates, Inc, 1156 15th Street, NW, #415 Washington, DC 20005	American Crop Protection Association		
Do	Association of American Railroads		
Do	M&M/Mars, Inc		
Do	Marion Merrell Dow, Inc		
Do	TDS Telecom		
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Robin M. Tallon, 1875 Eye Street, NW, Suite 800 Washington, DC 20006	Tobacco Institute	1,000.00	78.97
Jill L. Tanis, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
E. Whitney Tannen, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn for Medical Equipment Services	3,500.00	67.27
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,771.50	73.00
Tanner & Guin, P.C., P.O. Box 032206 Tuscaloosa, AL 35403	Morrow Realty Co, Inc	148.00	158.00
Augustine D. Tantillo, 900 2nd Street, Suite 306 Washington, DC 20002	SRG & Associates	20,000.00	700.00
Tapestry Consultants, Inc, 138 Fort Evans Road, NE Leesburg, VA 22075			300.00
Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	17,716.53	263.00
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,928.50	
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			45.00
Victor Tawil, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Larry D. Taylor, P.O. Box 70 Boise, ID 83707	Idaho Power Company		
Lonnie P. Taylor, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	11,250.00	98.54
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	22,167.18	904.27
Technical Group, Inc, 1300 Eye Street, NW, #1000 West Washington, DC 20005	NEDA/RCRA Project	500.00	
Peter B. Teeley, 502 Summers Court Alexandria, VA 22301	AMGEN, Inc		2,751.67
Richard Telthorst, Missouri Oil Council 428 East Capitol, Suite 203 Jefferson City, MO 65101	American Petroleum Institute		
Paul M. Tendler, 1090 Vermont Ave., NW, #1200 Washington, DC 20005	Tendler Goldberg Biggins & Geltzer, Chtd (For:American Licensed Practical Nurses Assn).		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	9,630.00	
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	59.66
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	1,919.00	420.55
Robert D. Testa, 1299 Pennsylvania Ave., NW, #1125 Washington, DC 20004-2402	Pacific Gas & Electric Co	1,294.15	12.00
James G. Tetirick, 807 Brazos, #601 Austin, TX 78701	J. C. Penney Co, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Texas Committee on Natural Resources, 5952 Royal Lane, #168 Dallas, TX 75230		376.08	376.08
Textron, Inc, 40 Westminster St. Providence, RI 02903		3,900.00	880.00
Laura I. Thevenot, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc	1,207.17	561.39
Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,500.00	
Gregory A. Thies, 14111 Scottslawn Road Marysville, OH 43041	O.M. Scott & Sons Company		617.35
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	1,965.00	500.00
Brian D. Thomas, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Pacific Telecom, Inc	1,480.00	2,440.00
Cindy Thomas, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	657.00	4,249.57
Do	Kent & O'Connor, Inc (For:U.S. Shoe)	1,063.00	345.71
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Jennifer L. Thomas, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Soceity of Clinical Pathologists		
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Liberty Media Corp		
Do	Visual Information Technologies, Inc		
R. Lindsay Thomas, 250 Williams Street Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games		
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	5,647.76	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	7,500.00	
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Kenneth W. Thompson, 1899 L Street, NW, #500 Washington, DC 20036	Association of School Business Officials International	1,000.00	10.00
Do	BellSouth Corp	5,000.00	10.00
Do	Council for Superfund Fairness, Inc		10.00
Do	Duke Power Co	6,000.00	10.00
Do	International Assn of Convention & Visitor Bureaus	1,500.00	10.00
Do	Itron and AMRplus Partners	12,000.00	10.00
Do	Potomac Capital Investment Corp	12,000.00	10.00
Do	Thermo Electron Corp	833.00	10.00
Do	United Companies Financial Corp		
Kirstin D. Thompson, 1819 L Street, NW, Suite 200 Washington, DC 20036	Matsushita Electric Corp of America		
Nick Thompson, 1420 New York Ave., NW, Suite 750 Washington, DC 20005	Acxiom Corp		
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacoma		
Do	CH2M Hill Hanford, Inc		
Do	Lornty Investment Company		
R. Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	Golden Rule Insurance Co	18,000.00	7,637.15
Do	Mitsubishi Electronics America, Inc	10,125.00	1,012.88
Thompson & Hutson, 1317 F St., NW, Suite 900 Washington, DC 20004	Fluor-Daniel, Inc	9,012.50	36.00
Do	National Dual Shop Coalition		
Thompson & Mitchell, 700 14th Street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	10,148.00	
Robert B. Thomson III, 453 New Jersey Avenue Washington, DC 20003	Beneficial Management Corp		
John H. Thorne, 1156 15th Street, NW, Suite 400 Washington, DC 20005		10,000.00	2,742.57
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	2,600.00	577.60
Walter L. Threadgill, 1001 Connecticut Avenue, NW, #622 Washington, DC 20036	Millicom, Inc		
John Threlkeld, 80 F Street, NW Washington, DC 20001	American Federation of Government Employees	11,343.66	
Gil Thurm, 1350 New York Avenue, NW, #900 Washington, DC 20005	National Assn of Manufacturers	5,000.00	
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Barbara Timmer, 1600 M Street, NW Washington, DC 20036	ITT Corp	4,030.00	1,833.95
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc	10,000.00	5,205.00
Paula Pleas Timmons, 1150 Connecticut Ave., NW, 4th Floor Washington, DC 20036	McCaw Cellular Communications, Inc		
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	1,050.00	
Do	Ameritech	4,800.00	
Do	Anheuser-Busch Companies, Inc	2,325.00	
Do	Association of Trial Lawyers of America	3,850.00	
Do	Capital Cities/ABC, Inc	2,325.00	
Do	Chrysler Corporation	2,175.00	
Do	Cox Enterprises	1,012.50	
Do	General American Life Insurance Co	3,025.00	
Do	General Instrument Corp	4,350.00	
Do	H.J. Heinz Co	1,275.00	
Do	Major League Baseball	9,150.00	
Do	National Rifle Assn	3,150.00	
Do	Natural Disaster Coalition	1,380.00	
Do	Northern Telecom, Inc		
Do	Northrop Grumman Corp	1,050.00	
Do	Omnipoint Corp	1,012.50	
Do	G. D. Searle & Co	4,200.00	
Do	SCEcorp and Subsidiaries	1,725.00	
Do	Union Pacific Corp	3,150.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Coors Brewing Co	12,109.50	
Michael L. Tiner, 1824 S Street, NW #402 Washington, DC 20009	International Brotherhood of Teamsters	500.00	
Do	McDonald's Corp	500.00	
Do	Systech Environmental Corp	500.00	
Do	Upjohn	500.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Loral Aeronutronic	800.00	30.00
Do	Loral Vought Systems Corp	1,700.00	95.00
William C. Tinklepaugh, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		536.05
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		243.22
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,500.00	1,115.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	3,000.00	
Erin Todd, 2626 Pennsylvania Avenue. NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	362.62
Greta Todd, 777 North Capitol Street, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	36.00
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn	10,000.00	
Neil Tonnesen, 5 Wildwood Gardens Port Washington NY11050			425.00
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Frank Toohey, 1401 Eye Street, NW, #1000 Washington, DC 20005-2225	Securities Industry Assn	4,046.54	
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Jonathan M. Topodas, 151 Farmington Avenue Hartford, CT 06156	Aetna Life & Casualty Co	4,250.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Virginia Torsch, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,443.50	
Bronwyn B. Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Christopher Townsend, 17901 Von Karman Irvine, CA 92714	Taco Bell Corp	3,946.15	7,948.30
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			3,205.00
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006		4,000.00	5,542.91
Mark Traphagen, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,834.00	
Thomas C. Trauger, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Travel & Tourism Government Affairs Council, 1100 New York Ave., NW, #450 Washington, DC 20005-3934		4,741.00	4,868.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,589.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Bernard R. Tresnowski, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Association		
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	1,000.00	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	1,250.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	572.50	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	750.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)		
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael G. Troop, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	17,000.00	
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	205.56
Francine L. Trull, 818 Connecticut Ave., NW, Suite 303 Washington, DC 20006	National Assn for Biomedical Research	1,800.00	
Genevieve W. Tuchow, 200 Civic Center Dr. Columbus, OH 43215	Columbia Gas Distribution Companies	3,300.00	
Barbara H. Tucker, P.O. Box 370129 West Hartford, CT 06137	Highway Users Federation	4,750.00	224.57
Patrick A. Tucker, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco, Inc	6,750.00	348.43
Tucker & Associates, 1350 Eye Street, NW, #870 Washington, DC 20005	Manville Corporation	5,378.08	5,378.08
Tucker Arensberg, PC, 116 Pine Street Harrisburg, PA 17101	Smokeless Tobacco Council		
Tucker Flyer & Lewis, P.C., 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee	2,610.00	
Chris Tuffli, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	City of Gresham	46.00	
Do	Confederated Tribes of the Grade Ronde	1,035.00	
Do	Harsch Investment Co	193.20	
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company	298.00	
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	4,800.00	1,850.00
Do	Inland Valley Development Agency	3,200.00	1,850.00
Do	Recovery Engineering	6,000.00	1,050.00
Do	San Bernardino Associated Governments	1,600.00	1,850.00
Do	San Bernardino International Airport Authority	4,000.00	1,850.00
Do	Southern California Regional Rail Authority	2,700.00	1,850.00
Jane L. Turner, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Terry Turner, 1641 Besley Rd., NE Vienna, VA 22182	Seafarers International Union of North America	5,000.00	
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		18,425.00	18,425.00
James S. Turpin, 3444 S. Wakefield St. Arlington, VA 22206	Horsehead Resource Development		
Tuttle Taylor & Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Sunkist Growers, Inc	61,193.75	2,274.06
M. Ann Tutwiler, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Central Soya Co, Inc	5,000.00	24.00
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	15,000.00	
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	9,500.00	
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)		
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	37.87	
G. John Tysse, 1015 15th Street, NW, #1200 Washington, DC 20005	McGuiness & Williams (For:Labor Policy Assn)	1,683.00	
U.S. Border Control, 8180 Greensboro Drive #1070 McLean, VA 22102		28,495.23	26,874.82
U.S. Public Interest Research Group, 218 D Street, SE Washington, DC 20003		57,697.75	95,765.46
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	CareTenders Healthcorp	900.00	
Do	City of Las Vegas		
Do	Continental Medical Systems	2,500.00	
Do	Healthsouth Rehabilitation Corp	10,500.00	
Do	Integrated Health Services, Inc	10,500.00	
Do	Promus Companies, Inc	15,000.00	
Do	USA Healthnet, Inc		
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036		7,030.98	7,030.98
Matthew Ubben, 1401 Eye Street, NW, #600 Washington, DC 20005	United Technologies Corp	1,300.00	75.07
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under the Radiation Exposure Compensation Act	50,000.00	
Philip J. Ufholz, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	600.00	
Laura Uhl, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	450.00	10.00
John R. Ulrich, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		6,690.00
John R. Undeland, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac	100.00	
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			23,617.44
United Distribution Companies, 125 West 55th Street, 19th Floor New York, NY 10019			
United Way/Community Service Council of Central IN, Inc, 3901 North Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409.			
Upjohn Co, 1455 F Street, NW, Suite 450 Washington, DC 20005			469,903.00
Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006	EG&G, Inc	175.00	
J. Andrew Usera, 8310-B Old Courthouse Road Vienna, VA 22182	Asociacion de Instituciones Postsecundarias Acreditadas		6,783.27
Utilities Telecommunications Council, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036			343.44
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc		8.00
Do	American Insurance Assn	10,000.00	
Do	Valanzano & Associates (For:American International Group, Inc)	1,000.00	
Do	Chubb Corporation	11,500.00	728.26
Do	Colonial Life & Accident Insurance Co	32,200.00	3,604.39
Do	Valanzano & Assocs. (For:Natural Disaster Coalition National Comm. on Property Insur.).	4,000.00	7.00
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Armour Pharmaceutical Co	15,750.00	
Do	Caring Grandparents of America	3,500.00	128.70
Paula R. Valente, 2211 Congress Street Portland, ME 04122-0545	UNUM LIfe Insurance Co of America		
Ellen Valentino-Benitez, Manis Canning & Associates 12 Francis Street Annapolis, MD 21404	National Troopers Coalition (NTC)	500.00	
Read Carson Van de Water, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	5,300.00	60.00
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Nancy Van Duyne, 1300 Eye Street, NW, #950E Washington, DC 20005	Continental Airlines, Inc	8,500.00	5,725.00
Juliane H. Van Egmond, 1101 Pennsylvania Ave., NW, #515 Washington, DC 20004	Miles, Inc	4,170.00	76.16
Van Ness Feldman, P.C., 1050 Thomas Jefferson St., NW, #700 Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp	940.00	
Do	Barron Collier Co		
Do	Bio Resources, Ltd		
Do	Blackfeet Tribe		
Do	Business Roundtable		
Do	City of Tacoma, WA, Dept of Public Utilities		
Do	Clean Coal Technology Coalition		
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Doyon, Ltd	2,119.50	
Do	Electric Transportation Coalition	2,726.00	
Do	Geothermal Resources Assn		
Do	GE Industrial & Power Systems	1,898.00	10.00
Do	International Energy Development Council	980.50	
Do	Intertribal Agricultural Council		
Do	Kenai Natives Assn	2,182.50	
Do	Koncor Forest Products Company		
Do	Mack Trucks, Inc		
Do	McClure Gerard... (for Mineral Resources Alliance)		
Do	McKesson Corp		
Do	National Endangered Species Act Reform Coalition		
Do	National Wetlands Coalition		
Do	Navajo Nation		
Do	Newport News Shipbuilding		
Do	North Slope Borough		
Do	Petro Star, Inc		
Do	Public Generating Pool		
Do	Royal Thai Government, Ministry of Commerce		
Do	Sacramento Municipal Utility District		
Do	Simpson Paper Co		
Do	Southern California Edison Co	1,749.00	
Do	Toyota Motor Corporate Services of North America, Inc		
Do	Uranium Producers of America		
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	1,000.00	
Do	Van Scoyoc Associates, Inc (For:American Operations Corp)		
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	2,500.00	
Do	Van Scoyoc Associates (For:Champion International Corp)		
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	2,250.00	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)		
Do	Van Scoyoc Associates (For:International Paper)		
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	572.50	
Do	Van Scoyoc Associates, Inc (For:McLean Hospital)	3,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	400.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care).	250.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	1,125.00	
Do	Van Scoyoc Associates (For:Quanex)	837.50	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	750.00	
Do	Van Scoyoc Associates, Inc (For:Spelman College)	1,200.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates (For:USF&G Insurance)		
Do	Van Scoyoc Associates (For:Weyerhaeuser)		
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	900.00	
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	13,613.00	221.17
Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301	American Petroleum Institute	78.00	
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	1,740.00	
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	400.00	
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company	637.06	322.57
L. Todd VanHoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	480.00	3,840.00
Robert C. Varah, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	2,065.61
Patricia C. Vaughan, 205 E. 42nd Street, #1504 New York, NY 10017	Risk & Insurance Management Society, Inc		
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Co	19,500.00	20,248.57
Lisa F. Vaughn, 422 South Church Street, PB05D Charlotte, NC 28242-0001	Duke Power Co	1,943.76	4,707.72
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Joseph J. Vecchio, 1299 Pennsyvlania Ave., NW Washington, DC 20004	General Electric Co		
Jay Velasquez, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Carol Verby, 1776 I Street, NW, #770 Washington, DC 20006	CNA Insurance Co		
Stephen J. Verdier, 900 19th Street, NW, #400 Washington, DC 20005-5802	Savings & Community Bankers of America	28,950.00	2,015.97
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, 10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,500.00	
Candace C. Vessella, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,325.00	
Sara Vickerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		449.42
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc	10,500.00	697.88
Do	National Assn of Crop Insurance Agents	20,001.00	1,783.47
Do	Rural Community Insurance Services	22,500.00	2,693.34
Mary Vihstadt, 1667 K Street, NW, Suite 320 Washington, DC 20006	Dial Corp	2,000.00	
Patrice Vincent, 1440 New York Ave., NW, #200 Washington, DC 20005	American Automobile Assn		
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	80.35
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Attorneys' Liability Assurance Society, Inc	34,406.50	
Do	Bank Tax Group		
Do	Citicorp Washington, Inc		
Do	Cook Inlet Region, Inc		
Do	Federal Express Corp		
Do	Goldman Sachs & Co	54,962.50	
Do	Large Public Power Council		
Do	Merrill Lynch & Co, Inc		
Do	Panhandle Eastern Corp		
Do	Scott & White Clinic		
Do	Texas Veterans Land Board		
Do	X L Insurance Company	45,867.50	
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Lutheran Brotherhood	5,000.00	
Do	Mennonite Mutual Aid Assn	20,000.00	
Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	16,029.52	66.65
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207			0.58
Dina Vizzaccaro, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	8,937.00	
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
John R. Vogt, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	10,000.00	630.58
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	20,217.48	
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Venable Baetjer Howard & Civiletti (For:Career College Assn)		
Do	Cohn and Marks (For:Cohn and Marks (for Career College Assn, Inc))		
Do	Venable Baetjer Howard & Civiletti (For:Direct Marketing Assn)		
Do	Venable Baetjer Howard & Civiletti (For:USA Networks)		
John M. Volpe, 1825 Eye Street, NW, Suite 400 Washington, DC 20006	Heublein, Inc	6,562.50	150.00
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	Equipment Leasing Assn of America		
Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138	Kids Project	75.00	
Ingrid A. Voorhees, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)	25.00	
Philip H. Voorhees, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	3,300.00	378.56
Kurt Vorndran, 1126 16th Street, NW Washington, DC 20036	International Union of Electrical Workers	12,500.00	
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	American Environmental Company		
Do	Clinton Gas Systems, Inc		
Do	Committee of Publicly Owned Companies		
Do	Community Mutual Insurance Company	4,909.05	307.22
Do	Fraternal Order of Police - National Headquarters	1,978.79	754.04
Do	Grocery Manufacturers of America, Inc		
Do	Honda North America, Inc	2,220.00	92.39
Do	Ohio Advanced Technology Center, Inc		
Do	Ohio Assn of Broadcasters		
Do	Ohio Cable Television Assn	325.60	
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn		
Do	Ohio Soft Drink Assn		
Do	Snow Aviation International, Inc		
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	24,717.21	1,056.75
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	317.36
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Grumman	1,400.00	
Judith Lynn Wade, 7 Park Lane, Unit B Atlanta, GA 30309	Beckel-Cowan	5,000.00	250.00
Robert Waffle, 4214 King Street, West Alexandria, VA 22302	International Hardwood Products Assn (IHPA)	675.04	1,560.40
Joan Wages, 913 East Taylor Run Parkway Alexandria, VA 22302	Cash Smith & Wages (For:Association of Professional Flight Attendants)	4,500.00	1,532.00
Do	Cash Smith & Wages (For:Independent Federation of Flight Attendants)	2,250.00	2,413.00
Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	2,050.00	78.30
Herbert R. Waite, 1036 South Collier Blvd., #105 Marco Island, FL 33937	Bankers Roundtable	12,500.00	7,109.10
Do	J.P. Morgan/Morgan Guaranty Bank	6,000.00	2,990.61
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	700.00	44.41
Gerald M. Walker, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	1,000.00	
Kelley Walker, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn		
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Nuclear Energy Council		
Do	American Petroleum Institute		
Do	American Telephone & Telegraph Co		
Do	Anheuser-Busch Companies, Inc		
Do	Broadcast Music, Inc	6,562.00	
Do	Coalition on Superfund	1,201.00	
Do	CSX Corporation	5,625.00	
Do	Federal Home Loan Mortgage Corp	3,000.00	
Do	Kennecott Corp	3,750.00	
Do	Mexican Department of Commerce & Industrial Development	17,747.00	
Do	Mid Continent Oil and Gas Assn	6,000.00	
Do	MBNA America Bank NA	6,000.00	
Do	Northville Industries Corp	3,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Northwestern Mutual Life Insurance Co	1,875.00	
Do	NEDA/RCRA Project	2,000.00	
Do	Pacific Lumber Co		
Do	Sony Music Entertainment, Inc	2,500.00	
Do	Sony Pictures Entertainment, Inc	2,500.00	
Do	Southern Company Services, Inc		
Do	United HealthCare, Inc	3,750.00	
Do	USA Group, Inc		
Do	Wheelabrator Envrionmental Systems, Inc, et al.	3,750.00	
R. Duffy Wall, 1317 F Street, NW, #400 Washington, DC 20004	Water Quality Assn	250.00	
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Ad Hoc Comm on Coal Taxation	1,000.00	
Do	Allied-Signal, Inc	1,000.00	
Do	American Crop Protection Assn	1,000.00	
Do	American Forest & Paper Assn	1,000.00	
Do	Bell Atlantic Corp	1,500.00	
Do	BHP Holdings (USA), Inc	500.00	
Do	Committee on Radioisotopes & Radionucleide Industries II	500.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals I	1,000.00	
Do	CIBA-GEIGY Corp	500.00	
Do	EcoScience Corp	500.00	
Do	Environmental Transportation Assn, et al.	1,000.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	1,000.00	
Do	Footwear Distributors and Retailers of America	1,500.00	
Do	Hazelden Foundation	1,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Horsham Corp	200.00	
Do	Kimberly-Clark Corp	500.00	
Do	Peabody Holding Co, Inc	500.00	
Do	Pharmaceutical Research and Manufacturers of America	1,000.00	
Do	Pittston Group	1,000.00	
Do	PPG Industries, Inc	500.00	
Do	Sandoz Agro, Inc	1,000.00	
Do	State of California	500.00	
Do	Torchmark Corporation	1,000.00	
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	8,412.00	
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	1,400.00	
Do	Alabama Power Co		
Do	American Soc of Farm Managers & Rural Appraisers	3,150.00	
Do	American Sugar Cane League	26,125.00	
Do	Calgene, Inc	6,000.00	
Do	Cash America International	4,000.00	
Do	Cotton Warehouse Assn of America		
Do	Domino Sugar Corp		
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	3,000.00	
Do	National Pawn Brokers Assn, Inc	200.00	
Do	Service Corporation International		
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,250.00	261.98
Susan M. Walter, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	General Electric Co	5,000.00	450.00
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	975.00
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Thomas E. Wanley, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	2,805.00	90.42
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation	4,170.00	
Gregg Ward, 1150 Connecticut Ave, NW, #717 Washington, DC 20036-4186	Southern California Gas Co		
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute	50.00	
Stephen E. Ward, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Company	4,000.00	
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado	3,037.50	
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	381.52
Ann D. Warner, 1725 K Street, NW, #500 Washington, DC 20006	Airports Council International - North America	8,550.00	
James H. Warner, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America		
Warner & Hultin, 155 E. Broad Street, 16th Floor Columbus, OH 43215-3617	Large States Quality Council	1,270.00	1,282.84
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
Ms. Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	6,000.00	413.08
Richard F. Warren, 918 16th Street, NW, Suite 402 Washington, DC 20006	American Furniture Manufacturers Assn	250.00	283.04
Kenneth Wasch, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	6,100.00	
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	2,917.06
Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Sheryl Washington, 316 Pennsylvania Avenue, SE Washington, DC 20003	United Parcel Service	5,000.00	153.19
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	City of Cleveland	6,259.66	10,375.65
Do	City of Miami	8,501.62	2,760.00
Do	City of Oakland	29,045.00	27,960.00
Do	Coca-Cola Company	6,000.00	1,080.00
Do	Electronic Data Systems, Inc		
Do	Foundation Health Federal Services, Inc		
Do	Government of Antigua and Barbuda	22,040.00	17,799.54
Do	Government of Sao Tome e Principe		6,493.98
Do	Greater Cleveland Regional Transit Authority	9,435.84	6,050.15
Do	National Fertilizer Co of Nigeria		
Do	Pascaline Mferri Bongo	72,666.00	59,166.69
Do	Reid & Priest (for City of Denver)		
Do	San Francisco Public Utilities Commission	10,833.22	8,124.99
Do	Wooden Publishing House		15,455.75
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Federal Republic of Nigeria	2,300,000.00	64,737.35
Do	Republic of Cameroon	42,159.00	29,036.47
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores	2,000.00	
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	10,000.00	576.58
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	3,900.00	
Leroy Watson, 1616 H Street, NW 11th Floor Washington, DC 20006	National Grange	5,500.00	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,850.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	10,875.00	669.79
Judith G. Waxman, 2913 Cathedral Ave., NW Washington, DC 20008	Families USA Foundation	1,964.81	121.50
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc	1,690.00	80.88
William H. Weatherspoon, North Carolina Petroleum Council 150 Fayetteville St. Mall Raleigh, NC 27601-2919	American Petroleum Institute	500.00	
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America		
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Halliburton Co		
Margaret L. Webber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	1,000.00
Jack Weber, 1301 Pennsylvania Ave., N.W. #900 Washington, DC 20004	Natural Disaster Coalition	37,500.00	4,000.00
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)		
Vin Weber, 1020 16th Street, NW, Suite 300 Washington, DC 20036-6	Medco Containment Services, Inc	10,000.00	
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council		
Earl Weeks, P.O. Drawer 351 Columbus, MS 39703	4-County Electric Power Assn	545.19	1,097.28
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	BP Alaska	2,500.00	
Do	Envirocare of Utah	9,301.07	450.00
Do	James W. Bunger & Associates		
Do	National Assn of Counties		25.00
Do	Rural Utah Public Lands Council		
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International	140.00	35.00
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	Portable Rechargeable Battery Association		
Stanley P. Weiner, One Kansas City Place 1200 Main Street, #3000 Kansas City, MO 64105	Shook Hardy & Bacon, P.C.	243.75	
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Steven B. Weingarten, One Commerce Plaza, Suite 2005 Albany, NY 12210	Weingarten Reid Associates	900.00	
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission	5,651.00	2,762.73
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company	200.00	200.00
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Kathleen Weiss, 200 Park Avenue New York, NY 10171	Westvaco Corp		379.20
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
Do	U.S. Defense Systems, Inc		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
William J. Welch, 701 Pennsylvania Ave., NW, SUite 610 Washington, DC 20004	Tenneco, Inc	2,694.00	301.49
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute		
Brad G. Welling, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	11,800.00	
Kent M. Wells, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	2,240.96
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,275.00	
Margaret A. Welsh, 2101 L Street, NW, #405 Washington, DC 20037-1526	Electric Generation Assn	301.00	81.15
Michael L. Welsh, Executive Mews, Suite D-20 Cherry Hill, NJ 08003	Welsh Consulting Corporation		
Annette Wencl, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	1,700.00	100.00
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,206.26	2,573.47
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
David Wentworth, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	19,097.04	662.00
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Barbara West, 311 Massachusetts Ave., NE Washington, DC 20002	Washington Health Advocates	7,380.00	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	371.42
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	21,000.00	
Do	Oklahoma Natural Gas	15,000.00	
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		25,000.00	25,000.00
Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121		2,661.29	5,513.63
Michelle Westover, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	4,211.00	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	1,946.22	100.00
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	6,250.00	10,652.20
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	13,000.00	5,457.27
Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006	Toyota Motor Sales, USA, Inc		
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	60.00	
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,517.00	
June M. Whelan, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn	4,000.00	53.87
Michael G. Whitaker Sr., 1707 L Street, NW, Suite 300 Washington, DC 20036	United Air Lines, Inc		
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	24,000.00	7,721.95
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN, Inc	10,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Maxxam	5,000.00	
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	808.56	
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	134.28
Margita E. White, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	87.09
Sam White, 1156 15th Street, NW, #400 Washington, DC 20005	American Crop Protection Assn		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles	25,500.00	2,878.58
Do	Cuyahoga County	9,468.75	900.00
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	National Constructors Association	3,333.33	4,589.19
David W. Whitehead, 6200 Oak Tree Boulevard Independence, OH 44131	Centerior Energy Corp	425.95	239.96
K. Elizabeth Whitehead, 1420 New York Avenue, NW, #750 Washington, DC 20005-2122	Acxiom Corp		
Do	Metropolitan Life Insurance Co	390.00	
Do	National Assn of Professional Employer Organizations		142.00
Richard M. Whiting, 805 15th Street, NW——#600 Washington, DC 20005	Bankers Roundtable	3,620.50	
Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,693.76	
William F. Whitsitt, 13155 Noel Road Dallas, TX 75240-5067	Oryx Energy Company	1,670.00	692.36
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc	2,642.63	2,384.89
Pamela J. Whitted, 1225 Eye Street, NW, #500 Washington, DC 20005	BHP Petroleum Americas	500.00	
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	City of Philadelphia	7,500.00	156.40
Do	Health Trust, Inc	2,500.00	42.00
Do	McDonald's Corp	4,000.00	37.20
Do	Mormac Marine Group	10,000.00	102.05
Do	National Rural Letter Carriers Assn	3,000.00	
Do	Pioneer Seed Co, Inc	1,000.00	21.00
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	6,000.00	
Do	Natural Gas Vehicle Coalition	3,000.00	
James K. Wholey, 1301 K Street, NW, Suite 900 East Tower Washington, DC 20004	Gardner Carton & Douglas (For:Association of Progressive Retail Organization)		
Do	Gardner Carton & Douglas (For:BCF Telecom International, Inc)	12,925.00	312.99
Do	Gardner Carton & Douglas (For:Jones Intercable)	20,000.00	4,207.50
Do	Gardner Carton & Douglas (For:Rhone-Poulenc Rorer Pharmaceuticals)	12,803.00	606.51
Do	Garder Carton & Douglas (For:Rocky Mountain Health Maint Org)	5,000.00	49.22
Do	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)		
Do	Garder Carton & Douglas (For:Voluntary Hospitals of America Inc)		
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	535.00	
James Wickett, 600 Maryland Avenue, SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,929.99	2,878.59
Barbara Wierzynski, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc		
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1775 K Street, NW, #500 Washington, DC 20006	Airports Council International - North America	17,760.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
W. Stephen Wilborn, 305 Ann Street, #403 Frankfort, KY 40601	American Petroleum Institute		
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)	400.00	
Do	Smith Bucklin & Associates, Inc (For:Society of Thoracic Surgeons)	2,400.00	
Brian Wilcox, 750 First Street, ME Washington, DC 20002-4242	American Psychological Assn		
Harry G. Wiles II, 1023 15th St., NW, # 400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		962.48
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Aeronautical Radio, Inc		
Do	Association of Telemessaging Services, International	3,914.00	77.74
Do	Blade Communications, Inc		
Do	Chaparral Steel Co		
Do	Club Car, Inc	285.00	
Do	CBS, Inc		
Do	Eastman Kodak Co	6,355.86	71.26
Do	Georgetown Industries	1,397.75	
Do	David S. Hess	260.00	
Do	Marine Mammal Coalition		
Do	McGaw, Inc		
Do	Merchants National Bank		
Do	Newspaper Assn of America (NAA)	10,297.50	23.00
Do	Olan Mills, Inc		
Do	Prodigy Services Company	2,765.00	92.06
Do	Raritan River Steel Co	270.00	
Do	ROLITE, Inc	1,365.00	15.00
Do	U.S. Banknote Corp		
Do	United Parcel Service	910.00	24.00
Do	W.F. Young, Inc		
Guenther O. Wilhelm, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006-1813	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Laurie L. Wilkerson, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)	10.00	
Do	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:SPRINT)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,625.00	1,067.24
Charles S. Wilkins, 1225 Eye Street, NW, Suite 601 Washington, DC 20005	National Corp for Housing Partnerships	33,750.00	412.00
Timothy C. Wilkins, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Acxiom Corp	3,437.50	
Do	Aetna Life Insurance	28,920.00	
Do	American Airlines, Inc		
Do	Bank of America		
Do	Bank of Boston		
Do	Barnett Banks, Inc		
Do	First Interstate Bank		
Do	Fleet Financial Group, Inc	85,691.50	192.67
Do	Northwest Hydroelectric Assn	4,200.00	101.00
Do	RECOLL Management Corp		
Do	RMJ Options Trading Corp		
Do	Solano Water Authority		
Do	Suntrust Banks, Inc		
Do	Synergics Energy Development, Inc	4,133.50	130.90
Do	Turlock Irrigation District	12,200.00	704.00
Do	VISA USA, Inc		
Do	Wachovia Bank and Trust		
Do	Wells Fargo & Company		
Will Cofer Associates, Inc, 4001 Pine Brook Road Alexandria, VA 22310			
Caroleen Williams, P.O. Box 85608 San Diego, CA 92186	General Atomics	640.00	50.00
Faith Williams, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	1,583.01	306.00
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,500.00	225.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,000.00	400.00
Do	Electro Com Automation, Inc	1,200.00	250.00
Do	Mid America Dairymen, Inc	1,000.00	300.00
Do	National Marine Manufacturers Assn	1,200.00	400.00
Do	Pacific Telesis Group	1,000.00	250.00
Do	Riceland Foods, Inc	1,200.00	250.00
Do	Tyson Foods, Inc	1,000.00	200.00
Joel C. Williams Jr., P.O. Box 339 Savannah, GA 31402-0339	Savannah Foods & Industries, Inc	300.00	64.00
Karen Williams, 1750 K Street, NW Washington, DC 20006	Pharmaceutical Research & Manufacturers of America	4,000.00	
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	437.45
Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048	Lobby Quorum International		
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	7,164.89	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
W. Jackson Williams, 111 Center Street, 22nd Floor Little Rock, AR 72201	Williams & Anderson (For:Education Finance Council)	6,176.75	1,882.49
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	American Home Products	14,450.00	
Do	Association for the Cure of Cancer of the Prostate		
Do	Robert M. Bass Group	650.00	
Do	Boots Pharmaceuticals		
Do	British Petroleum, plc	5,200.00	
Do	California Recycling Co		
Do	Century 21 Real Estate Corp		
Do	College Board		
Do	Colonial Pipeline Company	6,500.00	
Do	Continental Airlines Holding, Inc.	12,150.00	
Do	Credit Suisse Financial Products USA	1,607.50	
Do	CIGNA Corp	15,247.50	
Do	CS First Boston (First Boston Corp)	2,212.50	
Do	Dreyfus Corp		
Do	DuPont Merck	147.50	
Do	Estee Lauder, Inc	1,445.00	
Do	Greenwich Capital Markets, Inc		
Do	Kelly Appleman Hart & Hallman		
Do	Keystone Provident Life Insurance Co		
Do	National Assn of Rehabilitation Agencies	590.00	
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	1,650.00	
Do	Norfolk Southern Corp	7,275.00	
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co	2,240.00	
Do	Owens-Illinois, Inc		
Do	Pharmaceutical Manufacturers Assn	15,040.00	
Do	Physician Corp of America	1,945.00	
Do	Pittston Co	9,000.00	
Do	Recording Industry Assn of America, Inc	2,125.00	
Do	Sega of America, Inc	3,125.00	
Do	Southern Pacific Transportation Co	8,700.00	
Do	Southwest Airlines	3,300.00	
Do	Student Loan Marketing Assn (Sallie Mae)		
Do	Texaco, Inc	6,930.00	
Do	Turner Broadcasting System, Inc	5,750.00	
Do	TTX Company		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co	250.00	
Do	Zeneca Pharmaceuticals Group	147.50	
Fred H. Williamson, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Company		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,403.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,104.77	83.82
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	American Institute of Certified Public Accountants	1,100.00	
Do	Association of Directory Publishers	305.50	
Do	Browning-Ferris Industries, Inc	9,000.00	143.27
Do	Chemical Leaman Corp		
Do	Council of Appraisal & Property Professional Societies		
Do	El Alcalde de la Cindad Capital	2,865.00	
Do	Hispanic Information & Telecommunications Network	715.00	
Do	Katama Yachts, Inc	105.00	
Do	Morgan Guaranty Trust Co	1,437.50	
Do	National Assn of Independent Fee Appraisers	90.00	
Do	Sony Electronics, Inc	495.00	
Do	Standard Commercial Tobacco Co, Ltd		
Do	Telecommunications Industry Assn		
Do	Time Warner	3,220.00	
Do	Westinghouse Electric Corp	940.00	
Do	Yamaha Motor Co, Ltd, et al.		
Do	Yamaha Motor Manufacturing Corp of America		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co		
Do	Business Roundtable		
Do	Capital Cities/ABC, Inc	28,657.90	1,441.24
Do	Chemical Manufacturers Assn, Inc	3,380.00	
Do	Computer Systems Policy Project		
Do	Council for Responsible Nutrition	12,562.50	
Do	G-IV Family Coalition, Inc	39.00	
Do	Health Industry Manufacturers Assn.	227.50	
Do	Intellectual Property Committee		
Do	International Metals Reclamation Company, Inc		
Do	Managed Futures Assn		11,925.47
Do	Pepsico, Inc		
Chapin E. Wilson Jr., 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	5,675.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Charles D. Wilson, P.O. Box 19130 1919 South Broadway Green Bay, WI 54307-9130	Fort Howard Corp	2,153.76	3,796.48
David I. Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,321.00	15.00
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	
Michael M. Wilson, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,825.31
Patricia M. Wilson, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corporation		
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	AT&T	506.25	8.00
Do	Brown & Williamson Tobacco Corp	2,306.25	52.73
Do	Monk-Austin, Inc	618.75	8.00
Do	Standard Commercial Tobacco Corp	2,081.25	57.73
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Dental Assn)	1,875.00	
Do	Winburn & Jenkins (For:American Insurance Assn)	2,250.00	
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	750.00	
Do	Winburn & Jenkins (For:Connecticut Mutual Life Insurance Co)	1,500.00	
Do	Winburn & Jenkins (For:Delta Air Lines)	1,500.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	750.00	
Do	Winburn & Jenkins (For:Fluor Corp)		
Do	Winburn & Jenkins (For:Hartford Insurance Group)	2,250.00	
Do	Winburn & Jenkins (For:Illinois Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	1,500.00	
Do	Winburn & Jenkins (For:Lutheran General Health System)	750.00	
Do	Winburn & Jenkins (For:Mational Asn of Urban Critical Access Hospitals)	1,500.00	
Do	Winburn & Jenkins (For:Michigan Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Milliken & Co)	2,250.00	
Do	Winburn & Jenkins (For:National Assn of County Office Employees)		
Do	Winburn & Jenkins (For:National Assn of Psychiatric Health Systems)	1,500.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Judith A. Winchester, 800 Connecticut Ave., NW, #1200 Washington, DC 20006	Lehman Brothers, Inc	5,000.00	300.00
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	5,734.70	
Eugene J. Wingerter, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Wastes Management Assn		
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	617.53
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20006	Wilkes Artis Hedrick & Lane (For:Aldrich Eastman & Waltch, Inc)	675.00	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	1,235.18	74.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Alltel Corporation	622.50	
Do	American Airlines, Inc	3,272.50	20.40
Do	American Hospital Assn	12,506.50	131.28
Do	American Insurance Assn	4,017.50	37.00
Do	American Trucking Assn	980.00	40.80
Do	Atlantic County Utilities Authority	1,331.96	15.45
Do	Attorney's Liability Assurance Society, Inc	5,526.25	161.74
Do	Barr Laboratories, Inc	10,836.25	43.52
Do	Bristol Resource Recovery Facility Operating Committee	1,331.96	15.45
Do	Carus Chemical Company	1,207.50	
Do	City of Indianapolis	1,331.96	15.45
Do	Colorado Bio/Medical Venture Center		
Do	Compaq Computer Corporation		
Do	Connecticut Resources Recovery Authority	1,331.96	15.45
Do	Cooper Tire & Rubber Company		
Do	Delaware County (PA), Solid Waste Authority	1,331.96	15.45
Do	Digital Equipment Corp		
Do	James R. Elliott	861.25	55.69
Do	Fire Island Assn		
Do	Greater Detroit Resource Recovery Authority		
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Airpt		
Do	GNA Corp	17,304.00	189.50
Do	Hill International, Inc	183.75	
Do	Hong Kong Trade Development Council		
Do	Illinios State Medical Society	1,567.50	20.00
Do	Interbank Anonim Sirketi		
Do	Lockheed Air Terminal, Inc	262.50	
Do	Marion County Solid Waste Management	1,331.96	15.45
Do	McClure Gerard & Neuenschwander, Inc		
Do	Mercer County	1,331.96	15.45
Do	Minnesota Resource Recovery Assn	1,331.96	15.45
Do	Montgomery County, Ohio & Montgomery County Solid Waste Dist	1,331.96	15.45
Do	National Assn of Political Action Committees	1,137.50	95.92
Do	National Marine Manufacturers Assn		
Do	New Jersey Assn of Environmental Authorities	1,331.96	15.45
Do	Newport News Shipbuilding	10,623.75	372.22
Do	Northern Telecom	2,083.75	57.70
Do	Oceaneering Space Systems	1,237.50	56.77
Do	Phillips Colleges, Inc	56.25	
Do	Port of Pascagoula (Jackson County, MS)	4,673.75	88.04
Do	Regional Transit Authority	2,392.50	187.17
Do	Resource Authority Sumner County	1,331.96	15.45
Do	Solid Waste Authority of Central Ohio	1,331.96	15.45
Do	Southwestern Bell Corp		
Do	St. Joseph's Regional Health Center		
Do	Stellar One Corp	4,015.00	44.50
Do	Summit County/Akron Solid Waste Authority		
Do	SPR Task Force for Southeast Mississippi		
Do	Town of North Hempstead	1,331.96	15.45
Do	Waggoner Engineering, Inc	7,200.00	277.12
Do	Walt Disney Co		
Do	Westinghouse Electric Corp	1,300.00	35.40
Do	Yellow Corp	12,312.50	784.00
Do	York County Solid Waste & Refuse Authority	1,331.96	15.45
Linda M. Winters, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,000.00	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	Amoco Performance Products, Inc		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Coalition for Responsible Waste Incineration (CRWI)		
Do	Fiberite Corp		
Do	Goldman Sachs & Co	195.00	
Do	Hercules Aerospace Co		
Do	Lower Elwha Klallam Tribe		
Do	Monsanto Co		
Do	Navajo Nation		
Do	Organization for International Investment (OFII)	4,845.00	
Do	Refractory Ceramics Fiber Coalition		
Do	Sabreliner Corp		
Do	Schering-Plough Corp	6,050.00	
Do	Snappy Car Rental		
Do	Thrifty Rent-A-Car System, Inc		
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	9,875.00	435.06

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Anne Wixom, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Company Services, Inc		4,041.57
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	30,000.00	2,058.34
Do	AGE Westinghouse Transportation Systems, Inc	7,687.50	680.68
Do	Braddock Medical Center		717.60
Do	Children's Hospital of Philadelphia	51,000.00	4,382.34
Do	Children's Hospital of Pittsburgh		717.60
Do	Drexel University	15,000.00	1,110.35
Do	Envirotest Systems	7,250.00	
Do	Episcopal Hospital		717.60
Do	Hospital of University of Pennsylvania Medical Center		717.60
Do	Magee-Womens Hospital	19,500.00	1,678.75
Do	Mercy Health Corporation	15,000.00	2,204.90
Do	National Assn of Urban Critical Access Hospital	45,000.00	13,964.18
Do	North Philadelphia Health System		717.60
Do	Riverside County	12,000.00	1,200.00
Do	Society for Nutrition Education	7,500.00	750.00
Do	Thomas Jefferson University Hospital	717.60	
Do	University of Pennsylvania	37,500.00	2,155.08
Henry C. Wolf, Norfolk Southern Corp. Three Commercial Place Norfolk, VA 23510	Norfolk Southern Corp		
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc		
J. Thomas Wolfe, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries	5,750.00	688.59
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Public Citizen Health Research Group	12.00	
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	392.60	20.00
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Jeffry R. Wollitz, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Mei Lin Wong, 800 Connecticut Avenue, NW, #1100 Washington, DC 20006	Baxter		
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,750.00	
Jonathan B. Wood, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	13,752.00	
Lloyd Wood, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	1,550.00	14.70
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,710.00	
S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599	American Council of Life Insurance, Inc		
James H.B. Woodroffe III, P.O. Box 111 Tampa, FL 33601	Teco Energy, Inc	21,000.00	7,182.00
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171-0521	National Assn of Air Traffic Specialists	3,900.00	242.38
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp	1,400.00	
Robert W. Woody, 1875 Connecticut Avenue, NW, #1200 Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae	150.00	
William H.L. Woodyard III, 1420 New York Avenue, NW, Suite 750 Washington, DC 20005	Metropolitan Life Insurance Co	1,575.00	
Do	National Assn of Professional Employer Organizations	150.00	
Woolworth Corp, 233 Broadway New York, NY 10279			2,398.05
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
J.P. Word, 1601 Rio Grande, #420 Austin, TX 78701	Texas Chiropratic Assn		
Workers Compensation Integrity Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300		12,469.00	22,494.00
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,143.00	
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			
World Federalist Association, 418 7th Street, SE Washington, DC 20003		22,670.00	9,934.26
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, 925 Euclid Avenue, #1700 Cleveland, OH 44115-1405	Blue Cross of Ohio & West Virginia	200.00	
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc	850.69	876.00
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments	2,300.00	70.00
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Adventist Health System Sunbelt	9,000.00	201.69
Do	Air Touch Teletrac	1,518.08	
Do	Alliance of American Insurers	14,556.50	72.15
Do	American Assn of Orthodontists	7,000.00	565.76
Do	American Bus Assn	5,625.00	190.61
Do	American International Group, Inc	9,177.00	610.90
Do	American Orthotic & Prosthetic Assn	7,398.91	293.39
Do	American President Companies		
Do	American Soc of Assn Executives	4,000.00	311.81
Do	American Soc of Consultant Pharmacists	4,750.00	476.14
Do	AmeriCable	1,950.00	4.75
Do	Ares-Serono, Inc		
Do	BellSouth Corp	3,000.00	
Do	Belz Enterprises		
Do	Bermuda, Government of	1,709.75	139.60
Do	Bituminous Coal Operators Assn	32,000.00	513.25
Do	Bristol-Myers Squibb Co		
Do	Browning-Ferris Industries	4,436.70	120.00
Do	Circuit City Stores, Inc		
Do	Committee Against Revising Staggers		
Do	Computing Technology Industry Assn		
Do	Connaught Laboratories, Inc	10,585.00	466.34
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Crescent Cities Jaycees Foundation, Inc		
Do	CSX Corporation	3,000.00	
Do	Grand Metropolitan/Pillsbury	3,750.00	205.37
Do	Guam Tax Code Commission		39.00
Do	Herbalife International of America, Inc		
Do	HDTV 1125/60 Group		
Do	Island Development Corp		
Do	Karsten Manufacturing Co		
Do	Keen Realty Consultants, Inc		
Do	Kohlberg Kravis Roberts & Co	2,026.50	209.26
Do	Lonesome Dove Petroleum Company		
Do	Manville Corporation	1,611.00	29.32
Do	Martin Marietta	3,750.00	5.42
Do	McDonnell Douglas	1,875.00	35.69
Do	Metropolitan Life Insurance Co	18,003.00	750.16
Do	Molten Metal Technology	3,150.00	2,610.62
Do	Montana Department of Transportation	510.00	
Do	(For:MFJ)	23,230.10	27.62
Do	National Assn of Beverage Retailers	3,333.33	300.17
Do	National Assn of Small Business Investment Companies	1,829.50	13.79
Do	National Funeral Directors Assn	3,944.85	38.00
Do	National Retail Hardware Assn	3,467.50	257.62
Do	Neurology Center	3,161.78	1,435.09
Do	Northwestern Mutual Life Insurance Co	6,666.40	92.39
Do	NYNEX Corp		
Do	PMA Group	3,518.50	
Do	RJR Nabisco	1,500.00	74.49
Do	SmithKline Beecham	3,000.00	239.35
Do	Sony Corp of America		
Do	South Dakota Dept of Transportation	510.00	
Do	St. Gobain	3,000.00	1,386.15
Do	Stifel Nicolaus & Co, Inc		
Do	Tobacco Industry Labor Management Committee	19,200.00	
Do	U.S. Telephone Assn	37,500.00	
Do	Union Pacific	22,500.00	138.09
Do	Waste Conversion Systems, Inc		
Do	Westinghouse Airship Industries	8,000.00	653.42
James Wyerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	110.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
H. Montee Wynn, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,186.27	
Marc D. Yacker, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Association	650.00	
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	2,937.00	
John W. Yago, 1010 Massachusetts Avenue, NW Washington, DC 20001	American Road & Transportation Builders Assn	13,750.02	255.13
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	11,125.00	103.84
T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036	Fresh Produce Assn of the Americas	500.00	
Do	Toyota Motor Sales, USA, Inc	500.00	
Dalton Yancey, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, Attn: Mr. Steve Piascik 599 Research Parkway P.O. Box 1030 Meriden, CT 06450-1030			959.63
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	4,358.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	25,000.00	797.26
R. Christopher Yatooma, 1212 New York Ave., NW, Suite 300 Washington, DC 20005	National Assn of Arab Americans		30.00
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	1,741.67	454.65
Jack Yelverton, 15 Falcon Court Stafford, VA 22554-5316	United Armed Forces Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	13,200.00	504.75
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	175.20
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Nina M. Young, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	122.84	
Stephen G. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc		
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,524.38	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	134.46
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Paulette Zakrzeski, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	12,740.00	539.30
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc	150.00	40.00
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Richard A. Zavadowski, 1725 DeSales Street, NW, Suite 902 Washington, DC 20036	Nuclear Fuel Services, Inc	4,775.00	6.75
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,045.00
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Building & Construction Trades Dept, AFL-CIO		
Do	Cumberland Packing		
Do	New York Telephone		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,475.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation		
Steven L. Zeller, 500 Jackson Street Columbus, IN 47201	Cummins Engine Company, Inc	808.00	470.00
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	7,000.00	309.20
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company	6,000.00	353.40
Kelly Ziglar-Clay, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	9,100.00	
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,082.75
Ben Zingman, 1301 Connecticut Avenue, NW Washington, DC 20036	Brother Industries (USA), Inc		
Do	Brother International Corporation		
Zionist Organization of America, 4 East 34th Street New York, NY 10016			
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Arapaho Indian Tribe		
Do	Northern Cheyenne Tribe		
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	7,413.00	240.00
Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	16,339.05	291.59
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
965, Inc, 734 9th Street, SE Washington, DC 20003	General Electric Co	100.00	
Do	Kaman Diversified Technologies	125.00	
Do	Tenneco, Inc	100.00	
Do	Woods Hole Oceanographic Institution	100.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1993 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER ____________________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
    Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
George Abney, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	5,315.57	
Thomas L. Adams, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn	3,083.33	478.49
Sandra Sue Adams-Choate, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	13,757.83	
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		1,922.00	1,922.00
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	500.00	
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		1,752.00	1,752.00
Julia L. Akins, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Dale L. Alberts, 6305 Waterford Blvd., Suite 325 Oklahoma City, OK 73118	Rio Algom Mining Corp	2,871.00	36,134.00
Virginia S. Albrecht, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	1,072.00	
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Care Florida Health Systems, Inc	12,000.00	
Do	City of North Las Vegas	14,400.00	
Claude D. Alexander, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	4,000.00	950.72
Fay S, Alexander, 4155 F Sullyfield Circle Chantilly, VA 22021	Taxpayers Education Lobby, Inc	21,000.00	
Joan Christina Alker, 1431 Corcoran Street, NW Washington, DC 20009	Families USA	1,486.30	107.75
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,183.03	1,057.78
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	1,165.00
American Advertising Federation, 1101 Vermont Ave., NW, #500 Washington, DC 20005			
American Arts Alliance, 1319 F Street, NW, #500 Washington, DC 20004-1151		88,791.00	54,387.00
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		2,285.00	4,881.00
American Business Conference, Inc, 1730 K Street, NW, #1200 Washington, DC 20006		133,200.00	95,227.96
American Crop Protection Association, 1156 15th St., NW Washington, DC 20005			
American Forest & Paper Assn, 1111 19th Street, NW Washington, DC 20036			22,655.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		28,781.00	28,781.00
American Health Information Management Assn, 919 North Michigan Avenue, Suite 1400 Chicago, IL 60611-1683			15,954.11
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		1,95,175.37	35,830.88
American Methanol Institute, 800 Connecticut Ave., NW, #620 Washington, DC 20006		17,384.00	8,104.00
American Radio Relay League, Inc, 225 Main Street Newington, CT 06111			18,918.00
American Shooting Sports Council, 9 Perimeter Way, Suite C-950 Atlanta, GA 30339		20,986.60	12,096.66
American Soc for Clinical Laboratory Science, 7910 Woodmont Avenue, #1301 Bethesda, MD 20814			14,935.12
American Trucking Assns, Inc, 430 First Street, SE Washington, DC 20003		13,000.00	87,050.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		13,000.00	5,846.11
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		8,907.00	8,907.00
Sara Amundson, 227 Massachusetts Avenue, NE, #100 Washington, DC 20002	Doris Day Animal League	324.00	
Richard F. Anderson, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies Inc		
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	California Dairy Institute		
Do	Interstate Natural Gas Assn of America (INGAA)		
Do	Thomson, Inc		
Thomas D. Anthony, 2500 PNC Center Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical, Inc)		
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
Apartment & Office Building Assn of Metropolitan Washington, 1050 17th Street, NW, #300 Washington, DC 20036			
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Jean-Bertrand Aristide	15,000.00	6,526.39
Do	Guardian Life Insurance Co of America	40,790.29	80.10
Do	Motor and Equipment Manufacturers Association		
Do	National Field Selling Assn		
Do	Wellness Council of America	2,499.99	
Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001		19,188.00	19,188.00
Nan Aron, 1601 Connecticut Avenue, NW, #601 Washington, DC 20009	Alliance for Justice	84.63	
Karen McGill Arrington, 1629 K Street, NW, #1010 Washington, DC 20006	Leadership Conference on Civil Rights	3,997.97	
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	Corning, Inc	4,400.00	4,792.00
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			4,500.00
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	900.00	173.99
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	2,259.40
Richard E. Ayres, 555 13th Street, NW, #500 West Washington, DC 20004	American Insurance Assn	6,000.00	19.00
Do	Cigna Corp	10,920.00	
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	AEC Forest Products		
Do	City Utilities of Springfield		415.15
Do	Clark Public Utilities	8,100.00	
Do	Colorado River Energy Distributors		1,072.77
Do	Englehard Corp		
Do	Gerber Products Company	793.75	94.07
Do	Government of Romania		
Do	Heart of America Northwest		
Do	Hoffmann-La Roche, Inc		
Do	Northeast Public Power Assn		418.12
Do	Pennsylvania Power & Light		
Do	Sacramento Municipal Utility District		
Do	Source Northwest, Inc		
Do	Southern California Public Power Authority		15.00
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public Power Assn	2,480.00	
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			810.29
John A. Baker, 1600 Peachtree Street, NW Atlanta, GA 30309	Equifax, Inc	3,250.00	1,960.26
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc	2,073.42	2,073.42
Do	American Football Coaches Assn Retirement Trust	13,970.23	13,970.23
Do	Chubb Group of Insurance Co		
Do	Cleveland Clinic Foundation		
Do	Corroon & Black Corp	2,073.42	2,073.42
Do	Council of Insurance Agents & Brokers	251.02	251.02
Do	Edison Electric Institute	5,851.31	5,851.31
Do	Financial Holding Corp		3,228.46
Do	Fireman's Fund Insurance Co		
Do	Flexi-Van Leasing/Pacific Holding Company		
Do	Independent Insurance Agents of America, Inc	251.02	251.02
Do	Johnson & Higgins	2,073.42	2,073.42
Do	Marsh & McLennan Companies	2,073.42	2,073.42
Do	National Assn of Insurance Brokers, Inc	251.02	251.02
Do	National Assn of Professional Insurance Agents	251.02	251.02
Do	North American Reinsurance		
Do	Rollins Burdick Hunter	2,073.42	2,073.42
Do	Sedgwick James, Inc	2,073.42	2,073.42
Do	St. Paul Fire & Marine	2,073.42	2,073.42
Do	Travelers Insurance Co	34,576.36	34,576.36
Do	United Fidelity Life Insurance	5,037.69	5,037.69
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Allied-Signal, Inc	412.50	
Do	AFG Industries, Inc		
Do	AT&T	12,819.00	79.00
Do	Burger King Corp	2,065.00	
Do	Dallas/Fort Worth International Airport Board		
Do	Day & Zimmerman, Inc	250.00	28.73
Do	Federal Express Corp	8,427.75	
Do	Grand Metropolitan, Inc	590.00	
Do	Los Angeles County Transportation Commission	11,079.50	85.49
Do	Martin Marietta Corp	3,330.00	
Do	National Soft Drink Assn		
Do	North Carolina Air Cargo Airport Authority		
Do	Pennzoil Co	275.00	
Do	Pillsbury Company	885.00	130.00
Do	Schering-Plough Corp	22,431.80	100.00
Do	U.S. Tobacco, Inc	2,566.50	
Do	United Technologies Corp	3,549.50	86.29
Do	Ventura Port District	6,195.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	69.10
Philip A. Bangert, 2000 L Street, NW #612 Washington, DC 20036	Sher & Blackwell (For:Global Resort Partners)		
Do	Port of Oakland	75.00	
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Chemical Waste Management, Inc	5,000.00	
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	9,751.71	331.27
Dana Barbieri, 600 Maryland Ave., SW, Sutie 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	100.00
Leslie A. Barhyte, 529 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	5,000.00	64.20
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	795.80
Jim Barnes, 1025 Vermont Avenue, NW, #300 Washington, DC 20005	Friends of the Earth	84.84	
Barnes Richardson & Colburn, 1225 Eye Street, NW, #1150 Washington, DC 20005	American Tartaric Products, Inc		95.83
Do	Cummins Engine Company, Inc		38.96
Do	Department 56, Inc	1,318.28	111.20
Do	J.G. Durand International		
Do	Florida Citrus Mutual		
Do	Industrial Fastener Equity Committee		229.08
Do	Marion Merrell Dow, Inc		79.42
Do	Miles, Inc		
Do	Omni USA, Inc		0.47
Do	Polaroid Corp	3,771.79	0.25
Do	Schering-Plough Products, Inc		
Do	Sundstrand Corp		
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	256.00	10.00
Timothy Barnicle, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates, Inc (For:Aldrich Eastman & Waltch, Inc)	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates, Inc (For:Local Initiatives Support Copr)	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates, Inc (For:Massachusetts Water Resources Authority).	1,000.00	1,000.00
Do	Neece Cator Barnicle & Associates, Inc (For:National Center on Education and the Economy).	500.00	500.00
Do	Neece Cator Barnicle & Associates, Inc (For:Riley Consolidated, Inc)	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates, Inc (For:RG Associtès, Inc)	500.00	500.00
Do	Neece Cator Barnicle & Associates, Inc (For:Sallie Mae)		
Robert Barr, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,000.00	
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn	1,500.00	
David M. Barrett, 2626 Pennsylvania Avenue, NW Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority	1,937.50	968.75
Robert W. Barrie, 1299 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	4,000.00	
Bryan Barry, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee ot Preserve Social Security & Medicare	1,014.00	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	750.00	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	17,166.76
Jo-Anne R. Basile, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	7,650.00	116.79
Do	Family Violence Prevention Fund	2,850.00	115.43
Do	National Diabetes Research Coalition	2,250.00	63.83
Sandy Bass-Cors, 119 Oronoco Street, Suite 300 Alexandria, VA 22314	Coalition for Automotive Repair Equality	3,780.00	
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	5,000.00	488.69
Allison F. Bauer, 1275 K Street, NW, #1100 Washington, DC 20005	ADS Ventures, Inc (for Inchcape Testing Services)	1,700.00	26.33
Do	ADS Ventures (For:Chivus Multrum)	1,200.00	14.85
Do	ADS Ventures (For:Phychemidics Corp)	3,400.00	66.80
Bayless Boland Madigan & Barrett, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	National Food Processors Assn		
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	Big Brothers/Big Sisters of America		127.27
Do	Cummins-Allison Corp	4,725.00	167.60
Do	Museum of Science & Industry	2,550.00	224.99
Do	Mystic Seaport Museum	9,000.00	347.23
Do	National Coalition for Volunteer Protection		
Do	National Crime Prevention Council	14,250.00	1,274.39
Do	National Institute for Citizen Education & the Law	3,000.00	59.13
Do	National Museum of Health & Medicine Foundation	15,000.00	1,800.90
Do	New England Conservatory of Music	9,000.00	404.41
Do	Rubber Pavements Assn	18,000.00	3,349.39
Do	SCITREK		
Do	TDS Healthcare Systems Corp	6,000.00	176.23
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005		21,863.61	21,863.60
Mark Belanger, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		
Charles Bell, 101 Truman Avenue Yonkers, NY 10703	Consumers Union		1,381.66
Joseph M. Bellino, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	553.00	
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Catherine A. Belter, 8616 Etta Drive Springfield, VA 22152	National PTA		333.81
Daniel J. Bennet, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	15,020.18	1,445.99
Rebecca J. Berg, 808 17th Street NW, #200 Washington, DC 20006	Bostrom Corp (For:Passenger Vessel Assn)	1,950.00	90.00
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	94.00	
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc		
John F. Betar, 805 15th Street, NW #600 Washington, DC 20005	Bankers Roundtable	1,447.62	
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress, Inc	7,271.00	7,707.26
Do	National Park Hospitality Association		
Kevin W. Billings, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Robert Bingaman Jr., 408 C Street, NE Washington, DC 20002	Sierra Club	5,411.25	
Biotechnology Industry Organization, 1625 K Street, NW Washington, DC 20006		544,675.00	6,518.95
Mark E. Bitterman, 21700 Atlantic Boulevard Dulles, VA 22166-6801	Orbital Sciences Corp	84.00	150.29
Cathleen Black, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	1,006.00
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Avenue P.O. Box 5488 Daytona Beach, FL 32018.	Aetna Life & Casualty	85,000.00	292.21
Do	Embry-Riddle Aeronautical University	7,802.00	97.79
Do	Health Images, Inc		
Do	International Speedway Corp		
Do	Nascar, Inc		534.49
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Cooper Hospital/University Medical Center	4,000.00	
Do	First Hospital Corp	7,500.00	
Roger Blacklow, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	15,000.00	420.60
Brent Blackwelder, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	1,103.89	
Helen Blank, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	2,500.88	132.00
David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power	4,690.00	729.72
Do	Nuclear Assurance Corp	2,400.00	
Bliss & Wilkens, P.O. Box 201128 Anchorage, AK 99520-1128	Akhiok-Kaguyak, Inc	14,968.46	
Louis Blumberg, 900 - 17th Street NW Washington, DC 20006	Wilderness Society	418.48	174.75
Carmella Bocchino, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	19,054.15	836.84
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	9,375.00	
Larry A. Boggs, 1299 Pennsylvania Ave., NW Washington, DC 20004-2407	General Electric Co	600.00	
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	498.47
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Soc of Anesthesiologists	2,190.00	
Borden Group, Inc, 101 N. Alfred Street, Suite 200 Alexandria, VA 22314	American Fed of Home Health Agencies	10,000.00	6,744.44
Patricia A. Borowski, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Beau Boulter, P.O. Box 50908 Amarillo, TX 79159	United Seniors Assn, Inc	8,000.00	367.31
Elizabeth A. Boussard, 900 17th Street, NW Washington, DC 20006	Wilderness Society	741.31	100.67
Melissa L. Bowen, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc	11,500.00	
Betty Hudson Bowers, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	15,000.00	552.10
Diane K. Bowers, P.O. Box 182 Port Jefferson, NY 11777	Council for Marketing & Opinion Research (CMOR)	945.00	2,902.00
Taylor R. Bowlden, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation	10,500.00	600.00
Larry G. Bowles, 1150 - 18th Street, NW, Suite 200 Washington, DC 20036	Halliburton Co		
Richard K. Boyd, 299 Park Avenue New York, NY 10171	Westvaco Corporation		4,370.92

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Paul Boyle, 529 14th Street, NW, #400 Washington, DC 20045	Newspaper Association of America	7,000.00	145.13
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	9,600.00	
Nick Braden, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	583.34	109.19
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	13,594.19	583.48
Matt Branam, 316 Pennsylvania Ave., SE Washington, DC 20003	United Parcel SErvice	200.00	23.00
Patricia C. Branch, 6453 Browsing Deer Columbia, MD 21045	Children's Defense Fund	10,621.16	25.00
Karen L. Braunstein, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc		
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technologies, Inc	4,800.00	
Robert J. Brinkmann, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	4,000.00	20.99
B. Jeannie Brocato, 2301 Main Street Kansas City, MO 64113	Blue Cross & Blue Shield of Kansas City	280.00	1,915.00
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
David C. Brown, 601 Pennsylvania Ave., NW, Suite 620-North Building Washington, DC 20004	PECO Energy Company	10,290.00	1,318.22
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	617.47
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	Bi-State Development Agency	2,250.00	2,320.00
Do	City of St. Louis - City Hall	1,500.00	10,160.00
Do	Lambert-St. Louis International Airport	28,250.00	22,785.00
Omer F. Brown II, 1155 Connecticut Ave., NW, #700 Washington, DC 20036	Davis Wright Tremaine (For:Lockheed Environmental Systems & Technologies Co).		
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,030.00	37.91
William R. Brown Jr., 1630 Duke Street,4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	20,120.00	
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	New York City Housing Development Corp	717.50	
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations	142.70	15.60
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
Bryan Cave, 700 13th Street, NW, #700 Washington, DC 20005	PHP Healthcare Corp	25,000.00	
Brydges Riseborough Morris Franke & Miller, 150 N. Michigan Ave. Chicago, IL 60601	School District 63, et al.		142.90
John G. Buckley, 901 15th Street, NW, #700 Washington, DC 20005-2301	New England Fuel Institute	500.00	
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		29.00
Betsy Buffington, 23 North Scott, #23 Sheridan, WY 82801	Sierra Club	659.00	21.80
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			28,760.00
Thomas J. Bulger, 1050 17th Street, NW., #510 Washington, DC 20036	Association for Commuter Transportation, Inc	9,000.00	643.82
Do	ESL/TRW	12,135.51	204.17
Do	Metropolitan Transportation Commission	30,762.48	2,441.56
Do	Oakland County, Michigan	9,113.75	469.69
April L. Burke, 1776 Massachusetts Avenue, NW, #410 Washington, DC 20036-1904	Lewis-Burke Associates (For:Edison BioTechnology Center)		
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,493.41	938.50
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,543.75	50.02
Mary J. Burt, 1090 Vermont Avenue, NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers	18,750.00	
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp	11,528.64	8,208.48
Business Software Alliance, 2001 L Street, NW, Suite 400 Washington, DC 20036		25,147.00	27,850.50
James J. Butera, 1301 Pennsylvania Ave., NW Washington, DC 20004	Federal Home Loan Bank of Boston	1,000.00	
Do	Savings Bank of the Finger Lakes	1,000.00	
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	3,000.00	
Do	ADVANTA Corporation	2,500.00	
Do	Community Bankers Assn of New York State	1,500.00	
Do	Community Preservation Corp	500.00	
Do	CRISIS		
Do	Del Webb Corp	5,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Edison Electric Institute		
Do	Farmers & Mechanics Bank	3,000.00	
Do	Federation for American Immigration Reform		
Do	Financial Insurance Management Corp		
Do	General Atomics	10,000.00	
Do	Household International	5,000.00	
Do	Independent Research Agency for llfe Insurance, Inc	8,000.00	
Do	National Assn of Retail Collection Attorneys	1,500.00	
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Life Insurance Fund	1,000.00	
Do	Texas Savings & Loan League	1,500.00	
Do	Towers Perrin	500.00	
Jeanne A. Butterfield, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	1,955.00	
William Byler Associates, Inc, 6000 34th Place, NW Washington, DC 20015-1607	Ak-Chin Indian Community Council		
Do	San Carlos Apache Tribe		
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	23.25
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	40.00
Amy E. Callahan, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	835.00	
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbados		3,415.64
Do	Polygon Co, Ltd	23,809.55	13,752.04
William Canary Jr, 430 First Street, S.E. Washington D.C.	American Trucking Assns, Inc	3,000.00	
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	20,355.00	553.82
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	244.40
Shawn Cantrell, 218 D Street, SE Washington, DC 20003	Friends of the Earth	90.91	
Gary Capistrant, 1055 North Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp	1,171.48	46.48
Capital Partnerships (VA), Inc, 11350 Random Hils Road, #8000 Fairfax, VA 22030	American Guideway Corporation		
Do	American Road & Transportation Builders Assn		
Do	Illinois Public Transit Assn	10,000.00	1,500.00
Do	North Metro Mayors Coalition	10,198.00	1,530.00
Do	RADAR	10,234.00	1,535.00
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	National Assn of Rural Health Clinics	1,000.00	
Do	Scholastic	1,000.00	
Capitol Strategies, 888 16th Street, NW Washington, DC 20006	Cook Inlet Region, Inc		5,160.00
Do	General Communications, Inc		850.00
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	19,893.00	2,224.74
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Stacy C. Carey, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Kennametal, Inc		
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	1,051.00	
Paul E. Carothers, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	3,000.00	170.37
Kenneth A. Carpi, Carpi & Clay Government Relations 427 C Street, #306 San Diego, CA 92101	Children's Hospital & Health Center	9,000.00	
Do	San Diego County Water Authority	9,000.00	6,176.49
Do	Water Replenishment District of Southern California	10,000.00	765.40
Simon P. Carr, 2001 Pennsylvania Ave., NW Washington, DC 20006-1813	Electronic Industries Assn	750.00	
David Carroll, 1212 New York Avenue N.W. #500 Washington, DC 20005	Lafarge Corp (For:Cement Kiln Recycling Coalition)		
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	1,394.00	
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	804.00	
Cartwright & Riley, 420 C Street, NE Washington, DC 20002	Cooper Hospital University Medical Center	1,500.00	
Do	Harris Chemical Group	2,250.00	
Do	Scholastic, Inc	2,250.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	3,000.00	1,135.69
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	5,940.18	
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Counsel	1,200.00	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	3,500.00	852.00
G. Thomas Cator, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates (For:American Industrial Hygiene Assn)	2,200.00	2,200.00
Do	Neece Cator Barnicle & Associates (For:Design Professional Coalition)		
Do	Neece Cator Barnicle & Associates (For:GMIS)		
Do	Neece Cator Barnicle & Associates (For:National Assn of Development Companies).	1,000.00	1,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Neece Cator Barnicle & Associates (For:National Assn of Government Guaranteed Lenders, Inc).	750.00	750.00
Do	Neece Cator Barnicle & Associates (For:Southeastern Lumber Manufacturers Assn).	1,150.00	1,150.00
Jean Caudle-Walking Eagle, 5 Point Place Wrightsville Beach, NC 28480	Ovate Internations Development Corp		
Harvey E. Cauthen Jr., Cauthen & Associates P.O. Box 250266 Montgomery, AL 36125	Alabama Power Co	25,833.00	5,532.14
Do	Nuclear Energy Institute	12,000.00	963.54
Gordon Cavanaugh, 601 Pennsylvania Ave., NW, #800 Washington, DC 20004	Reno & Cavanaugh (For:Cooperative Housing Foundation)	680.50	19.50
Do	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	26,864.83	762.49
Do	Reno Cavanaugh & Hornig (For:Housing Assistance Council)	371.25	12.70
Do	Reno Cavanaugh & Horning (For:Housing Authority Insurance, Inc)	759.50	
Do	Reno Cavanaugh & Hornig (For:National American Indian Housing Council)	1,052.00	
Do	Reno & Cavanaugh (For:National Assn of Service & Conservation Corps)	792.00	9.75
Red Cavaney, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn		
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	20,613.25	
Center for Rehabilitation Technology, Inc, 490 10th Street, Suite 118 Atlanta, GA 30318			8,355.00
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO	6,673.00	
Do	Belk Stores Services, Inc		
Do	Coalition of Publicly Traded Limited Partnerships		
Do	Council of Infrastructure Financing Authorities	300.00	
Do	Edison Electric Institute	6,000.00	
Do	Manville Corporation	4,350.00	
Do	National Comm to Preserve Social Security & Medicare		
Do	Newhall Land and Farming Company		
Do	Pre-Medicine Health Security Coalition	35,000.00	
Do	Rite Aid Corp	413.00	
Do	U S West, Inc		
Thomas Champion, 601 Pennsylvania Ave., NW, #620 N. Bldg. Washington, DC 20004	Consolidated Edison Company of New York	4,770.00	1,974.83
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz		2,193.85
S. David Childers, 1221 East Osborn Road, Suite 104 Phoenix, AZ 85014	Low & Childers, P.C.	809.50	
James M. Childress, Koleda Childress & Co, Inc 1110 N. Glebe Rd., #610 Arlington, VA 22201	B.F. Goodrich		
Do	BASF Corp	1,389.00	10.00
Do	Dow Chemical Co	1,389.00	10.00
Do	Eastman Chemical Co	1,389.00	10.00
Do	GE Plastics	1,389.00	10.00
Do	Hoechst Celanese Chemical Group	1,389.00	10.00
Do	Rexene Corp		
Do	Union Carbide Corp	1,389.00	10.00
Do	Vista Chemical Co	1,389.00	10.00
Christian Action Network, P.O. Box 606 Forest, VA 24551		536,494.32	198,799.15
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009		19,954.00	16,214.23
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	Chwat and Co, Inc (For:American Home Sewing & Craft Assn)	1,300.00	1,300.00
Do	Chwat and Co, Inc (For:American Radio Relay League, Inc)	3,000.00	3,000.00
Do	Chwat and Co, Inc (For:Associated Locksmiths of America)	1,400.00	1,400.00
Do	Chwat and Co., Inc (For:Coalition for Fairness in State Taxation)	6,000.00	6,000.00
Do	Chwat and Co, Inc (For:National Licensed Beverage Assn)	4,500.00	4,500.00
Do	Chwat and Co, Inc (For:National Weather Service Employees Organzation)	800.00	800.00
Donna M. Cirolia, One Culligan Parkway Northbrook, IL 60062	Culligan International Co	727.02	3,192.82
Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036		19,200.00	19,080.00
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Brooklyn Hospital Center)		
Do	Strategic Management Associates (For:Healthcom International)		
Do	Strategic Management Associates (For:Lenox Hill Hospital)		
Do	Strategic Management Associates (For:Maimonides Medical Center)		
Do	Strategic Management Associates (For:Mount Sinai Medical Center)		
Do	Strategic Management Associates (For:New York Hospital-Cornell Medical Center).		
Do	Strategic Management Associates, Inc (For:Our Lady of Mercy Medical Center)		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	16,926.00	
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Massachusetts Bay Transportation Authority		
Lee Pendergast Claro, 1455 F Street, NW, #450 Washington, DC 20005	Upjohn Company	17,400.00	
Bruce Clash, 444 North Capitol Street, Suite 711 Washington, DC 20001	TKC International, Inc (For:Republic of Azerbaijan)		
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Blue Cross & Blue Shield of Ohio	150.00	3,031.00
Clinton Advocates for Change, 16 Lancaster Drive Suffern, NY 10901		35.00	165.50
Coalition for Automotive Repair Equality, Inc, 119 Oronoco Street, Suite 300 Alexandria, VA 22314		44,724.00	254,625.00
Coalition for Vehicle Choice, 1440 New York Ave., NW, #310 Washington, DC 20005		559,685.62	10,464.71
George T. Cody, 2213 M Street, NW, 3rd Floor Washington, DC 20037	American Task Force for Lebanon	990.00	49.50
Coffield Ungaretti & Harris, 3500 Three Firest National Plaza Chicago, IL 60602	FMC Defense Systems	570.00	
Philip Q. Cohen, 255 East Kellogg Blvd. St. Paul, MN 55101	Goff/Wilkie & Associates (For:North Metro Mayors Assn)		
Do	Goff/Wilkie & Associates (For:North Metro TH 610/10 Crosstown Council)		
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,414.38
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.	900.00	
Cole Corette & Abrutyn, P.C., 805 15th Street, NW, #900 Washington, DC 20005	Matsushita Electric Corp of America, et al.	18,471.48	940.85
John Collins, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001	Bechtel Parsons Brinckerhoff	11,250.00	
Do	EG&G, Inc	7,500.00	
Do	Wampanoag Tribe of Gay Head	15,000.00	
Community Service Society, 105 East 22nd Street New York, NY 10010			21,353.44
Harry J. Conaway, 2300 N Street, NW, #730 Washington, DC 20037	William M. Mercer, Inc		
Concerned Women for America Legislative Action Committee, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024	Concerned Women for America	36,975.17	36,975.17
Conkling Fiskum & McCormick, 900 SW 5th Avenue, Suite 2300 Portland, OR 97204-1268	ADS Ventures		
Do	Columbia River Pilots Assn	3,055.00	59.67
Do	Electric Lightwave, Inc		
Do	Electro Scientific Industries, Inc	3,059.00	
Do	Electronic Design Automation Council	3,213.00	9.00
Do	Integrated Measurement Systems	720.58	8.00
Do	Mentor Graphics Corporation	2,106.00	
Do	Sequent Computer Systems	307.00	
Do	Sisters of Providence	5,250.00	86.30
Do	Tektronix, Inc	12,500.00	104.60
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	5,276.49	
Consortium of Small School Districts, Inc, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006		3,490.00	3,318.00
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		93,260.00	4,105.25
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		84,521.00	76,323.10
Convergence Services, Inc, 1800 Diagonal Road, Suite 600 Alexandria, VA 22314	Greater Washington Educational Telecommunications Assn		
Do	Public Broadcasting Service	1,800.00	
Do	Twin Cities Public Television	375.00	
James F. Conway Jr., 701 Pennsylvania Avenue, NW Washington, DC 20004	Siemens Corp		
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	10,000.00	771.14
Edward Cooney, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research & Action Center	5,693.09	
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Josephine S. Cooper, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	5,000.00	
Stephen H. Cooper, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Hospital Association of New York State	960.61	8,675.87
Coordinadora de Organizaciones Empresariales de Comercio Ext, 1025 Thomas Jefferson Street, NW Washington, DC 20007.		56,515.91	4,745.12
Copeland Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	10,655.80	
Do	Biomagnetic Technologies	1,502.60	
Do	California League of Savings Institutions	10,500.00	
Do	County of Alameda	26,453.20	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	County of Merced	4,500.00	
Do	CALSTART	16,455.02	
Do	Dillon Development	48,013.52	
Do	Hazardous Waste Action Committee	3,028.80	
Do	International Bottled Water Assn	11,387.41	
Do	ICF International	9,068.65	
Do	Nomura Enterprises, Inc	4,551.74	
Do	Pacific Mutual Life Insurance Company	24,149.92	
Do	San Diego State University Foundation	40,351.61	
Do	Santa Barbara Metropolitan Transit District	12,465.95	
Do	South West Marine	10,067.09	
Do	State of California		
Do	SAIC, Inc		
Do	Westlands Water District	15,650.41	
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	7,155.00	
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		762.60
R. Lawrence Coughlin, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Behavioral Research Institute)		
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	6,812.50	
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	11,402.13	
Council for Marketing & Opinion Reserach (CMOR), 28 North Country Road, Suite 102 Mt. Sinai, NY 11766	Council for Marketing & Opinion Research (CMOR)		
Council of Nursing Home Suppliers, c/o Schmeltzer, Aptaker & Shepard 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905.		9,000.00	1,965.03
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,000.00	1,000.00
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	BankAmerica Corp	3,750.00	95.00
John A. Cox Jr., 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	16,862.21	994.03
Lanny M. Craft, P.O. Box 13748 Jackson, MS 39236-3748	Comprehensive Health Insurance Risk Pool Assn	1,855.00	
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	American Maritime Officers, MTD, AFL-CIO		1,278.30
Creative Coalition, 1100 Avenue of the Americas, 15th Floor New York, NY 10036			16.00
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,000.00	75.00
Teena Cregan, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the U.S.	11,385.70	
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Raffaella S. Cristanetti, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Crop Insurance Research Bureau, 9200 Indian Creek Parkway, Suite 220 Overland Park, KS 66210-2008		3,915.00	3,915.00
John H. Crosby IV, 950 North Glebe Road, Suite 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc	400.00	175.00
Mark E. Crosby, 1110 N. Glebe Road, #500 Arlington, VA 22201-4714	Industrial Telecommunications Assn, Inc		
Mary M. Cross, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	18,347.50	32.00
Sonia Messirian Crow, 122 C Street, NW, Suite 350 Washington, DC 20001	Armenian Assembly of America	2,981.25	
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn	14,036.00	112.00
Do	American Land Conservancy		
Do	Canyon Resources Corp	427.50	8.00
Do	City of North Miami		
Do	Cook Inlet Region, Inc		
Do	Endangered Species Coordinating Council		
Do	Independence Mining Company, Inc	4,560.00	32.00
Do	Meridian Minerals Co		
Do	Rocking K Development		
Do	Trust for Public Lands		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Government of Indonesia, Ministry of Trade		
Do	P.T. Perkebunan III		
Do	Singapore Trade Development Board		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	410.00	
Cuban American Foundation, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		23,000.00	35,152.54
Barry Cullen, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn		
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	19,800.00	
Stacey C. Cunningham, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	
William J. Cunningham, State Street Business Group 200 State Street, 10th Floor Boston, MA 02109	Natural Disaster Coalition	12,000.00	
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	23,750.01	532.50
Do	National Coordinating Comm for Multiemployer Plans		
Debra Curtis, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,500.00	285.00
Lynnea Bylund Dalton, 304 E. Market Street York, PA 17403	U.S. Independent Microwave Television Assn (USIMTA)		
Stephanie C. Dance, 1300 L Street, NW, #900 Washington, DC 20005	North American Export Grain Assn, Inc		213.80
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			
Seth Davidson, 1742 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	5,000.00	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert W. Davis, Bob Davis & Associates 2361 Jefferson Davis Highway, #506 Arlington, VA 22202	Frequency Engineering Labortories	4,800.00	150.00
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	St. Thomas-St. John Chamber of Commerce, Inc		
Harry F. Day, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	New York Stock Exchange, Inc		
Michael P. Day, 230 South Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Rural Community Insurance Services/Norwest		
Ralph De Gennaro, 1025 Vermont Ave., NW, Suite 300 Washington, DC 20005	Friends of the Earth	1,662.00	
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101	Association of State & Territorial Health Officials		
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	1,680.00	
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	National Assn of Independent Insurers	22,500.00	656.55
Do	National Council of Business Advisors		
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Department for Professional Employees, AFL-CIO, 815 16th St., NW, #707 Washington, DC 20006		16,530.52	16,530.52
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	American Natural Soda Ash Co		
Do	Anker Energy Corporation		
Do	Association of Outplacement Consulting Firms		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Boeing Company	4,100.00	
Do	Catholic Health Assn of the U.S.	16,400.00	
Do	Chrysler Corporation		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems	8,200.00	
Do	General Electric Co		
Do	General Electric Pension Trust		
Do	General Reinsurance Corp		
Do	Georgia-Pacific Corp		
Do	Goldman Sachs & Co		
Do	Health Insurance Assn of America, Inc		
Do	Morgan Stanley Co, Inc		
Do	National Assn of Wholesaler-Distributors		
Do	Norfolk Southern Corp		
Do	Northwestern Memorial Hospital	1,025.00	
Do	NYNEX Corp		
Do	Outplacement Industry Tax Coalition		
Do	PacifiCorp Financial Services	6,150.00	
Do	Prudential Insurance Co of America	615.00	
Do	Sealaska Corp		
Do	Semiconductor Industry Association	2,108.75	
Do	SEMATECH	673.75	
Do	Teachers Insurance & Annuity Assn of America		
Do	Thompson Publishing Group		
Do	Travelers, Inc		
Do	Tribune Broadcasting Co		
Do	U.S. Golf Association		
Do	U.S. Telephone Assn		
Do	Union Pacific Corp	4,100.00	
Do	West Indies Rum & Spirits Producers Assn	3,280.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Xerox Corp		
Mary Dewhirst, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations	1,043.15	91.00
Kendall P. Dexter, 4009 Old Shell Rd, #A-8 Mobile, AL 36608	MacMillan Bloedel, Inc		
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	15.00
Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	2,000.00	84.88
Sandra Yartin DePoy, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	10,200.00	71.96
Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	281.00	13.00
Cheryl DeSiena, 6815 Laurel Street, NW Washington, DC 20012	Arter & Hadden (For:Association for Responsible Thermal Treatment)	8,400.00	346.28
Do	Environmental Defense Fund	8,239.82	305.43
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:National Park Hospitality Association)		
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		341.28
Dickstein Shapiro & Morin, LLP, 2101 L St., NW Washington, DC 20037	State of Alabama (Escheatment), et al.		950.00
Lisa M. Dinackus, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	463.96
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	5,224.00	366.00
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	8,250.00	8,250.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	249.47
Brian E. Dixon, 1400 16th Street, NW Suite 320 Washington, DC 20036	Zero Population Growth	343.00	
Jeffrey A. Dodson, 1700 North Moore Street, #2000 Arlington, VA 22209	Boeing Company	4,480.00	2,106.14
Mark A. Dombroff, 1025 Thomas Jefferson St., NW East Lobby #700 Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	2,196.50	194.77
Thomas J. Donohue, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
Kimberly Olson Dorgan, 1702 Esquire Lane McLean, VA 22101	America's Public Television Stations	150.00	
Do	Children's Television Workshop	300.00	
Do	National Captioning Institute	150.00	
Doris Day Animal League, 227 Massachusetts Avenue, NE, Suite 100 Washington, DC 20002		224,025.00	53,908.00
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Directors Guild of America		
Do	Home Shopping Network, Inc		
Do	Profit Sharing Council of America		
Do	Stelco, Inc		
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,980.00	11,917.00
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Marcel Dubois, 430 1st Street, SE Washington, DC 20003	American Trucking Assn, Inc	9,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:Giddings & Lewis, Inc)		
Do	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	135.57
John V. Dugan Jr., 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,675.00	1,711.40
Valerie M.E.A. Dulk, 1625 K Street, NW, Suite 210 Washington, DC 20005	Americans for Democratic Action	1,406.25	
Louise C. Dunlap, 418 10th Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Environmental/CA Energy Commission)		
Do	Dunlap & Browder, Inc (For:Methanex Corp)		
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission		
Do			
Do	Methanex Corp		
John H. Dunne, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Affiliated Health Services		
Do	American Healthcorp, Inc	54,064.39	3,511.89
Do	American Lithotripsy Society		
Do	Atlantic Richfield Co	5,151.65	854.85
Do	ALW, Inc		
Do	ARCO Transportation Company	5,307.55	99.93
Do	Bender Shipbuilding & Repair Co, Inc	2,556.10	
Do	Greek Shipping Cooperation Committee	45,000.00	2,374.64
Do	International Air Transport Assn (IATA)	10,715.78	1,280.50
Do	JM Family Enterprises, Inc	431.25	0.33
Do	Kirby Corp/Dixie Carriers	10,289.08	300.62
Do	Liberty Maritime Corporation	61,389.48	4,454.44
Do	Magnavox Electronic Systems Co		170.99
Do	Medical Care America, Inc	15,000.00	1,592.97
Do	MedCath, Inc	7,080.94	449.15
Do	National Maritime Alliance, Inc		244.59
Do	National Oilseed Processors Assn	16,124.75	
Do	National Steel & Shipbuilding Co	806.30	
Do	Northstar Shipping, Inc		31.29
Do	Panhandle Eastern Corp		62.57
Do	Psychological Associates	1,000.00	
Do	Radiation Care, Inc	151.25	
Do	Rural Hospital Coalition		21.07
Do	Schnitzer Group	964.41	
Do	Surgical Care Affiliates, Inc	9,000.00	619.83
Do	T/2 Medical, Inc	1,708.90	
Do	U.S. Naval Institute		
Dykema Gossett, 1300 I Street, N.W Suite 300 Washington, DC 20005	Detroit Medical Center	3,956.00	
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760		25,500.00	6,095.84
Edelman Public Relations Worldwide, 1420 K Street, NW 10th Floor Washington, DC 20005	Government of India		
Do	Specialty Equipment Companies		
Norman R. Eder, P.O. Box 91000 Portland, OR 97291-1000	Oregon Graduate Institute of Science & Technology	12,937.68	4,278.91
Education Legislative Services, Inc, 5855 Stadium Street San Diego, CA 92122	Long Beach Unified School District	3,750.00	3,270.54
Edwards Associates, 214 Mass.Ave. N.E. #300 Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Egan & Associates, PC, 2300 N Street, NW Washington, DC 20037	Edlow Internatinal Co		
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	WMX: Technology and Services, Inc.	16,750.00	
Dina E. Elani, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging		
Electronic Frontier Foundation, 1001 G Street, NW, #950 East Washington, DC 20001			6,132.00
Electronic Industries Assn, 2001 Pennsylvania Avenue, NW Washington, DC 20006		6,946.20	20,400.07
Law Office of Peter L. Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Dorothy A. Ellsworth, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.07	345.28
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Employers Insurance of Wausau, 2000 Westwood Dr. Wausau, WI 54401			29,102.00
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference, Inc	7,385.00	
Environmental Issues Management, 1350 I Street, NW, Suite 660 Washington, DC 20005	AKT Development Corp		
J. Barry Epperson, 201 West 5th Street, #440 Tulsa, OK 74103-4211	Associated Wire Rope Fabricators		1,181.51
Dawn Erlandson, 218 D Street, SE Washington, DC 20003	Friends of the Earth	66.67	
Pamela K. Ernest, 1100 Connecticut Ave., NW, #710 Washington, DC 20036	Honeywell, Inc	4,665.00	4,710.00
Ernst & Young, 1225 Connecticut Ave, #500 Washington, DC 20036	EnvironCol		
Nancy U. Etkin, 1515 Wilson Blvd., Suite 1030 Arlington, VA 22209	Natural Gas Vehicle Coalition	3,500.00	50.00
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	165.00
Catherine Evans, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Armour Pharmaceutical Co		
Do	Matlack Systems, Inc		
Do	National Independent Automobile Dealers Assn	500.00	
Do	Republic of Cyprus	22,000.00	
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
S. Jackson Faris, 600 Maryland Avenue, SE, #700 Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Federal Kemper Life Assurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			
Tara Federici, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	805.00	80.00
Donald M. Fehr, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		4,619.90
Mimi A. Feller, 1100 Wilson Blvd Arlington, VA 22209	Gannett Co, Inc	10,000.00	14,275.00
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Kirk Ferrell, 122 C Street, NW, #875 Washington, DC 20001	National Pork Producers Council	10,000.00	1,428.68
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	34,200.00	609.44
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	446.40	
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	975.00	834.89
Jeanne Finberg, 1525 Mission Street San Francisco, CA 94103	Consumers Union	14,400.00	
Joseph T. Findaro Jr., 1350 Eye Street, NW, 2nd Floor Washington, DC 20005	Bayh Connaughton Fensterheim & Malone (For:San Luis & Delta Mendota Water Users Assn).	600.00	170.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Bayh Connaughton Fensterheim & Malone (For:South Delta Water Agency)	1,800.00	75.00
David O. Finkenbinder, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,875.00	139.88
Matthew H. Finucane, 1444 Eye Street, NW, #702 Washington, DC 20005	Asian Pacific American Labor Alliance, AFL-CIO	725.00	40.00
Martha Scott Fisackerly, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	1,821.25	9.50
Linda G. Fitcheard, 777 14th & H Street, NW Washington, DC 20005	National Assn of Realtors	1,500.00	
Alan M. Fitzwater, 801 Pennsylvania Avenue, NW, #220 Washington D.C.	Burlington Northern Railroad Co	15,000.00	
Donald Fix, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:British Aerospace)	1,500.00	979.27
Do	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	854.63
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	1,358.04
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	1,817.01
Do	Hyjek & Fix, Inc (For:Thorn EMI)	2,000.00	
Daniel V. Flanagan Jr., 1600 Wilson Blvd. Suite 200 Arlingtton, VA 22209	Flanagan Group, Inc (For:Dominion Resources, Inc)		
Do	ENVIPCO Management Services, Inc		
Do	Virginia Power		
Flanagan Group, Inc, 1600 Wilson Blvd., Suite 200 Arlington, VA 22209	Dominion Resources, Inc		
Do	ENVIPCO Management Services, Inc		
Do	Virginia Power		
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	7,500.00	
Do	American Optometric Assn	4,500.00	
Do	Association of American Railroads	9,999.00	
Do	Baxter Healthcare Corp		
Do	California Desert Coalition	7,000.00	
Do	Children's Hospital Medical Center of Northern California	3,000.00	
Do	City of Escondido, California	1,200.00	
Do	CW Agencies, Inc	15,000.00	
Do	Falcon Jet Corp		
Do	Institute of Scrap Recycling Industries	3,000.00	
Do	Litton Computer Services	2,000.00	34.00
Do	Marazul Charters	5,000.00	
Do	MasterCard International		
Do	Minot Area Development Corp	125.00	
Do	National Collegiate Athletic Assn (NCAA)		
Do	Nintendo of America, Inc	2,500.00	
Do	Novell, Inc	2,000.00	
Do	Pharmaceutical Coalition (Sandoz)	3,000.00	
Do	Safe Tire Disposal Corporation	12,000.00	
Do	Sony Corp of America		
Do	Sverdrup Corp		
Do	Syva Company	3,000.00	
Mac A. Fleming, 26555 Evergreen Rd., #200 Southfield, MI 48076	Brotherhood of Maintenance of Way Employes		
Florida Wetlandsbank, 1800 N. Douglas Road, Suite 203 Pembroke Pines, FL 33024			
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	6,000.00	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	8,108.30	
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Marine Group	3,730.83	139.36
Shelley L. Flynn, 8409 Pickwick Lane, Suite 107 Dallas, TX 75225	Leland H. Cooley II		
Laura C. Fogt, 1245 North Vernon Arlington, VA 22201	Families USA Foundation	2,016.50	176.79
Michael P. Forbes, 1615 H Street, Nw Washington, DC 20062	US Chamber of Commerce		
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Carol Tucker Foreman, 1155 21st Street, NW, #1000 Washington, DC 20036	International Women's Health Coalition	3,715.75	6.00
Foreman & Heidepriem, 1155 21st Street NW, #750 Washington, DC 20036	International Women's Health Coalition	12,385.83	13,184.68
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006	Association of Financial Services Holding Companies	3,750.00	
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	19,900.00	1,138.01
Michael Fortier, 1200 19th Street, NW, Suite 200 Washington, DC 20036-2437	American Managed Care & Review Assn		232.60
Richard C. Fortuna, 915 15th Street, NW, 5th Floor Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
David V. Foster, 555 13th Street, NW Washington, DC 20016	National Leadership Coalition for Health Care Reform	15,000.00	509.17
W. Frank Fountain Jr., 1100 Connecticut Ave., NW, Suite 900 Washington, DC 20036	Chrysler Corp	5,860.00	654.00
James D. Fowler Jr., 1600 M Street, NW Washington, DC 20036	ITT Corp	69.38	5.00
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,000.00	200.00
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co	390.00	
Do	Cryomedical Sciences, Inc	86.40	
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc		
Do	Hoffmann-La Roche, Inc		
Do	Immuno, US		
Do	Johnson & Johnson	195.00	100.00
Do	Lederle-Praxis Biologicals	205.00	100.00
Do	National Coalition for Cancer Survivorship		21.80
Do	New England Biomedical Research Coalition		122.50
Do	Serono Laboratories, Inc	390.00	205.00
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	10,187.16	75.00
C. Anson Franklin, 919 18th Street, NW, #450 Washington, DC 20006	Franklin Blee & Burling (For:Energy Tax Policy Alliance)		
Do	Nuclear Assurance Corp		
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
David Frazier, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	425.00	
Fran Frazier, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	3,877.00	
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,337.50	328.69
Robert Freimark, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Anheuser-Busch Companies, Inc	18,000.00	171.83
Do	Gulf Coast Waste Disposal Authority	1,502.00	325.25
Do	Los Angeles County Sanitation District	11,683.00	1,036.70
Friends of NIDCD, Inc, 262 Pennsylvania Avenue Freeport, NY 11520		7,500.00	6,650.60
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002		115,507.88	165,125.59
Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company		
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	1,260.76
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	2,500.00	
Richard B. Froh, 1700 K Street, NW, #601 Washington, DC 20006	Kaiser Permanente		18,788.35
Jocelyn C. Frye, 1875 Connecticut Ave., NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	353.00	127.00
Floyd D. Gaibler, 1155 15th Street, NW, Suite 300 Washington, DC 20005	Agricultural Retailers Assn	7,000.00	4,032.00
John W. Gaillard, 801 Pennsylvania Ave., NW Washington, DC 20004	European-American Chamber of Commerce		33.94
John G. Gaine, 1150 Connecticut Avenue, NW, #700 Washington, DC 20036	Managed Futures Assn	3,000.00	590.00
Juan Gallardo, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext		
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	120,000.00	250.00
Reginald R. Garcia, Melendi Gibbons & Garcia, P.A. 216 South Monroe St., #300 Tallahassee, FL 32301	American Communications... (for: Smokeless Tobacco Council)	10,000.00	622.65
Do	Florida Assn of Broadcasters	4,000.00	428.42
Do	Taylor Brion Buker & Greene (For:PRIDE of Florida)	1,545.00	794.22
Robert Garcia, 301 SE Harbor Point Drive Stuart, FL 34996	Puerto Rico Federal Affairs	3,500.00	
Lee D. Garrigan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,100.00	
Edward R. Garvey, 15 South Blair Street Madison, WI 53703	United Transportation Union	2,500.00	570.00
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Barbara L. Gay, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging	298.08	135.77
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
David F. Gencarelli, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Richard T. Hines Consulting, Inc (For:Northwestern National Life Insurance Co)	2,500.00	286.00
Do	Richard T. Hines Consulting, Inc (For:Pan American Life Insurance Co)	2,500.00	293.50
Do	Richard T. Hines Consulting, Inc (For:Washington National Life Insurance)	3,750.00	290.00
Do	Richard T. Hines Consulting, Inc (For:Wausau Nationwide Insurance Group)	8,750.00	303.00
David A. Gerken, 1301 Connecticut Avenue, NW, 7th Floor Washington, DC 20365	Puerto Rico Federal Affairs Administration	25,500.00	74.00
Do	Puerto Rico Senate	4,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Times Mirror Corp	6,000.00	57.50
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	3,690.00	717.24
Alvin J. Geske, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Renewable Fuels Assn		
Lawrence R. Gess, One Nalco Center Naperville, IL 60563-1198	Nalco Chemical Company		
Gibbons & Company, 1455 Pennsylvania Ave., NW, Suite 1180 Washington, DC 20004	Mutual Life Insurance Co of New York		
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Jana L. Gill, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA		
Do	Missouri Basin Municipal Power Agency	750.00	
Do	Northern California Power Agency	2,500.00	
Do	OPCO Wholesale Customer Group	2,500.00	
Do	Public Power Council	1,250.00	
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,625.00	
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Dyncorp)		
Do	Gadsby & Hannah (For:NMP Corp)	1,338.75	
Do	Gadsby & Hannah (For:Veda, Inc)	1,628.37	
Do	Gadsby & Hannah (For:Westinghouse Distribution & Control)	542.50	
Cynthia D. Gillespie, 250 Williams Street Suite 6000 Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games	546.84	3,497.44
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atlantic Richfield Company	1,208.50	
Do	Pacific Lumber & Shipping Co	1,541.53	
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	5,697.50	49.63
Glass Packaging Institute, 1627 K Street, NW, #800 Washington, DC 20006			1,495.00
Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	1,062.50	54.50
John Gleason, 1875 Connecticut Ave., NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest	5,000.00	
JoAnne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	19,050.00	2,000.00
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	797.00	
Wilson Golden, 715 Arlington Street Jackson, MS 39202-1617	ICF Kaiser International, Inc	18,750.00	8,068.70
Ronald L. Goldfarb, Ronald Goldbarb & Associates 918 16th Street, NW, #400 Washington, DC 20006	Washington Independent Writers, Inc		
Marva Goldsmith, 601 13th Street, NW, #650-North Washington, DC 20005	Detroit Edison Company	750.00	209.37
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	6,504.55	
Edward Lee Gonzague, 617 Denham Road Rockville, MD 20851-1035			
Richard A. Goodman, 4925 Manor Lane Ellicott City, MD 21042			
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn	150.00	1,600.00
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	12,000.00	1,400.00
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	384.60	
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	14,561.58	1,974.65
Paul E. Goulding, 1140 23rd Street, NW, Suite 505 Washington, DC 20037	American Deposit Corp		
Edmund Graber, 6626 Rockleigh Way Alexandria, VA 22310	American Road & Transportation Builders Assn	2,500.00	
Do	Crown America		
Do	Highway Users Federation	2,000.00	
Rhonda K. Grant, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Co	1,000.00	
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	11,904.93	
Ruth P. Graves, 600 Maryland Ave., SW, #600 Washington, DC 20560	Reading Is Fundamental, Inc	750.00	9.40
Geoffrey P. Gray, 888 17th Street, NW, Suite 312 Washington, DC 20006	Association of Financial Services Holding Companies	750.00	
Greater Ecosystem Alliance, P.O. Box 2813 Bellingham, WA 98227		72,976.58	77.97
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019		843,748.00	87,432.00
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	American Health Care Assn	6,000.00	711.04
Do	AT&T Universal Card Services	6,000.00	1,516.11
Do	Central American & Caribbean Textile & Apparel Council	16,020.66	3,755.33
Do	City of North Miami Beach	12,000.00	481.95
Do	Connaught Laboratories, Inc	25,851.50	641.05
Do	Cookson America USA	2,500.00	37.05
Do	Dade County	37,500.00	3,005.03
Do	Healthsource, Inc	1,543.76	191.87
Do	Humana, Inc	22,500.00	1,836.50
Do	John Alden Life Insurance Co	13,373.25	270.22
Do	MetroSound USA, Inc	6,000.00	466.05
Do	Mount Sinai Medical Center	15,300.00	724.13
Do	National Assn for the Support of Long-Term Care (NASL)	18,000.00	2,456.25
Do	National Assn of Mortgage Brokers	15,000.00	189.13
Do	National Health Laboratories	15,000.00	1,135.04
Do	NBD Bank, NA	7,500.00	399.82
Do	Thompson Curtis Bazilio & Associates		
Do	Torrington Co	36,000.00	1,693.25
Do	Viacom International, Inc	15,000.00	351.34
Do	Viera Co	243.00	
Do	Visionhouse	2,693.25	16.47
Laurence T. Greene, 100 North Diamond-Star Parkway Normal, IL 61761	Diamond-Star Motors Corp		35.00
Robert Greenstein, 777 North Capitol Street, NE, #750 Washington, DC 20002	Center on Budget & Policy Priorities	1,507.84	1,284.60
Jim Greenwood, 1350 Eye Street, NM, Suite 1240 Washington, DC 20005	Valero EnergyCorp		
Richard Grefe, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	America's Public Television Stations		
Janice M. Gregory, 1400 L St., NW, #350 Washington, DC 20005	Erisa Industry Committee	10,312.00	
Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001	Lake Preservation Coalition		
Linda W. Greiner, 1317 F Street, NW, Suite 510 Washington, DC 20004	White Consolidated Industries		
Edward F. Greissing Jr., 1455 F St., NW, #405 Washington, DC 20005	Upjchn Company	52,850.00	
Greyhound Lines, Inc, P.O. Box 660362 Dallas, TX 75266-0362			30,000.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co	115.00	540.79
Griffith & Rogers, P.O. Box 960 Yazoo City, MS 39194-0960	American Maritime Congress	15,000.00	13.00
Do	American Rice, Inc	25,000.00	
Do	CBS, Inc	15,000.00	
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	
Michael E. Grisso, 5115 Doyle Lane Centreville, VA 22020	Aliviane No-Ad, Inc	400.00	
Do	Arkansas Blue Cross Blue Shield, Inc		
Do	Blue Cross & Blue Shield of Oklahoma, Inc		
Do	Blue Cross & Blue Shield of Texas, Inc	9,000.00	166.00
Do	Blue Shield & Blue Cross of Louisiana, Inc		
Do	BP America, Inc		
Do	WPS, Inc		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #900 Washington, DC 20007			2,200.00
Teresa A. Gruber, 1 Massachusetts Ave., NW, #800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	10,287.00	211.13
John A. Gruver, 2649 Turf Valley Road Ellicott City, MD 21042	Westinghouse Electric Corp	500.00	75.00
Bettina R. Grzybowski, 125 C Street, SE, #4 Washington, DC 20003	New Jersey Hospital Assn		564.77
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Guillermo Guemez Garcia, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio		
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
Lewis Gulick, 1911 Ft. Myer Drive, #703 Arlington, VA 22209	International Interests, Inc	5,000.00	100.00
GHL, Inc, 1090 Vermont Avenue, NW, #800 Washington, DC 20005	Amoco Performance Products, Inc		17,286.34
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Health Information Management Assn	6,000.00	
Do	Assn of California State Attorneys & Administrative Law Jud	4,500.00	
Do	Association for Health Services Research	15,000.00	
Do	California Assn of Professional Scientists	4,500.00	
Do	Manor Healthcare, Inc	9,000.00	
Do	Midwest Organ Bank, Inc		
Do	National Assn of Homes & Services for Children	6,000.00	
Do	National Assn of Medical Directors of Respiratory Care		
Do	Professional Engineers in California Government	4,500.00	
Do	Puritan Group-Puritan Bennett Corp		
Do	Transtracheal Systems		
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation		
Hager Sharp, Inc, 1090 Vermont Ave., NW, 3rd Floor Washington, DC 20005	APTUS, Inc, et al.	45,068.00	6,760.20
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	American Institute of Certified Public Accountants	15,000.00	1,200.00
Do	Boston Area Mutual Fund Group	20,000.00	100.00
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	5,590.00	118.77

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hammons & Hunter, 50 Penn Place, Suite 1300 Oklahoma City, OK 73118	Express Services, et al.	18,200.00	1,490.82
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,640,281.00	673,275.00
Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	8,253.00	1,252.44
Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030	Seniors Coalition	9,166.65	2,530.23
Eric R. Hanson, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		46.76
Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	1,520.00	120.36
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	60.00	
Harker Firm, 5301 Wisconsin Ave., NW, #740 Washington, DC 20015	International Bottled Water Assn		
Michael C. Harper, 2111 Wilson Blvd, Suite 1100 Arlington, VA 22201	Teledyne Ryan Aeronautical	875.00	
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Robert L. Harris, 927 15th Street, NW, 3rd Floor Washington, DC 20005	Nutter & Harris (For:Aluminum Assn, Inc)	1,000.00	
Do	Nutter & Harris (For:Lead Industries Assn)	4,000.00	93.50
Do	Nutter & Harris (For:Plum Creek Timber Company)	12,000.00	
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
William J. Harte Ltd, 111 West Washington Street, Suite 1000 Chicago, IL 60602	AMGEN, Inc		
Do	Gamma of Illinois, Inc		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Christina M. Hauptli, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Kathryn Joann Hawes, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Charles E. Hawkins III, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Holly Elisabeth Hazard, 227 Massachsetts Avenue, NE, #100 Washington, DC 20002	Doris Day Animal League		
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations	423.68	
Hazelden Foundation, 15245 Pleasant Valley Road Center City, MN 55012-0011			50,643.00
Healthcare Assn of New York State, 74 N. Pearl St. Albany, NY 12207		11,452.37	10,143.07
Healthcare Leadership Council, 1500 K Street, NW, Suite 360 Washington, DC 20005			
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Nikki Heidepriem, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	International Women's Health Coalition	3,715.75	61.50
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	31.50	16.00
Don Hellmann, 900 17th Street, NW Washington, DC 20006	Wilderness Society	7,685.00	335.40
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		498.79
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	1,908.00
Wallace Henderson, 1250 Connecticut Avenue, NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		867.52
Kevin S. Hensley, 1957 E Street, NW Washington, DC 20006	American Consulting Engineers Council	4,800.00	
Charlotte W. Herbert, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Owen E. Herrnstadt, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.07	240.05
John Drew Hiatt, 1200 18th Street, NW, #500 Washington, DC 20036	National Business Owners Assn, Inc		5,792.54
Christopher Hicks, 1155 15th Street, NW, Suite 611 Washington, DC 20005	Ethyl Corp		
Sarah M. Hildebrand, 8634 Vernon Avenue Alexandria, VA 22309	American Forest & Paper Assn	3,400.00	
Sharon L. Hildebrandt, 2600 Virginia Avenue, NW, Suite 1000 Washington, DC 20037	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	3,059.82	
Ronald P. Hill, Villanova University 340 Bartley Hall Villanova, PA 19085			
Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth	189.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board	141.10	
Do	Aroostook Band of Micmacs	100.00	
Do	Association of Navajo Community-Controlled School Boards	1,182.00	
Do	Black Mesa Community School Board		
Do	Bristol Bay Area Health Corp	80.00	5.62
Do	Evergreen Legal Services		
Do	Maniilaq Assn	20.00	
Do	Menominee Indian Tribe	1,200.00	
Do	Metlakatla Indian Community	150.00	10.90
Do	Miccosukee Tribe of Indians of Florida		
Do	Mississippi Band Choctaw Indians	450.00	7.00
Do	Mohegan Tribe of Indians of Connecticut	340.00	63.61
Do	Narragansett Indian Tribe	6,000.00	
Do	National Indian Child Welfare Assn	140.00	
Do	National Indian Education Assn	2,961.00	
Do	National Minority Public Broadcasting Consortia	810.00	
Do	Norton Sound Health Corp	50.00	
Do	Oglala Sioux Tribal Public Safety Commission		
Do	Pinon Community School Board		
Do	Pueblo de Cochiti	240.00	
Do	Ramah Navajo School Board	29.20	
Do	Rock Point Community School Board		
Do	Rough Rock School Board		
Do	Seminole Tribe of Florida	1,200.00	
Do	Shiprock Alternative Schools, Inc	29.60	
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		149.39
A.R. 'Trey' Hodgkins III, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,137.03	478.19
J. Stanley Hoffert, P.O. Box 8017 Wausau, WI 54402-8017	Employers Insurance of Wausau	3,456.00	11,508.22
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Peanut Shellers Assn	21,327.50	986.85
Do	Farm Credit Bank of Baltimore		
Do	Farm Credit Bank of Texas	52,063.75	6,715.01
Do	General Mills, Inc		
Do	New England Brown Egg Council	4,000.00	282.14
Do	PepsiCo, Inc	1,931.25	
Do	Pizza Hut, Inc	10,132.50	1,753.14
Do	Sierra Forest Products	10,580.00	409.57
Do	Soap & Detergent Assn	28,236.25	2,476.81
Do	Taco Bell Corp	21,811.25	1,562.85
Do	U.S. Sugar Corp	6,000.00	1,404.30
Do	Visiting Nurse Service of New York		
Do	Zeigler Coal Sales Co	3,228.90	43.90
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Kimo S. Hollingsworth, 1608 K Street, NW Washington, DC 20005	American Legion	8,934.00	24.11
Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022	National Assn of Mortgage Brokers	1,875.00	
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		1,763.91
Edward Hopkins, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,300.00	75.00
Mark M. Hopkins, 2439 25th Street Santa Monica, CA 90405	SpaceCause	330.00	
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	11,079.00	165.56
Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	133.94
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Susan Howe, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Liz Howell, 23 North Scott, Suite 27 Sheridan, WY 82801	Sierra Club	752.63	
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	Australian Meat & Live-Stock Corp	829.00	
Do	CitiCorp Services, Inc, et al.	4,611.50	
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Brenda Gore Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209	TRW, Inc	650.00	191.65
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	755.74	73.60
Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422	Adoptive Families of America	8,447.50	1,887.89
Robert R. Humphreys, 2915 34th Street, NW Washington, DC 20008	Helen Keller National Center	250.00	
Do	Recording for the Blind, Inc	1,000.00	
Jessica Hunter, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	40.00	54.85
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Long Island Lighting Co	1,000.00	
Do	Metallgesellschaft Corp		
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	5,500.00	200.00
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	5,224.00	366.00
Joanne L. Hustead, 1875 Connecticut Avenue, NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	7,345.00	2,116.00
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	British Aerospace	1,500.00	
Do	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	855.54
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	1,160.99
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	
Do	Hyjek & Fix, Inc (For:Thorn EMI)	2,000.00	561.91
Angelo Iasiello, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	292.50	
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	American Council on International Personnel (ACIP)	3,000.00	82.75
Do	Information Technology Assn of America (ITAA)	450.00	9.07
Do	Irish Immigration Reform Movement (IIRM)	825.00	25.33
Do	Kennedy Capital Management, Inc	350.00	
Do	Professionals for Spouse Reunification	1,873.13	10.54
Independent Contractor Assn of America, Inc, 1629 K Street, NW, Sutie 1000 Washington, DC 20006		5,000.00	4,476.67
Industry Union Glass Container Promotion Program, 1627 K Street, NW, #800 Washington, DC 20006			17,162.00
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Richard Innes, 1350 ConnecticutAVe., NW, Suite 1101 Washington, DC 20036	Browning-Ferris Industries	1,250.00	1,400.00
International Assn of Machinists & Aerospace Workers, 9000 Machinists Place Upper Marlboro, MD 20772			47,812.89
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			11,556.45
Walter G. Irvine Jr., 34th & Civic Center Blvd. Philadelphia, PA 19104	Children's Hospital of Philadelphia	8,125.00	2,889.98
Amy F. Isaacs, 1625 K Street, NW, #210 Washington, DC 20006	Americans for Democratic Action	14,056.86	
Mark Isakowitz, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Susan A. Ishmael, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Anthony Iton, 1535 Mission Street San Francisco, CA 94103	Consumers Union	2,500.00	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Eva Jack, 888 17th Street, NW, #860 Washington, DC 20006-3939	Intel Corp	6,000.00	3,767.45
Beverly Roberson Jackson, 3922 Ingomar Street, NW Washington, DC 20015	National Center for Clinical Infant Programs	419.00	
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn		
Robert L. Jackson, 1100 Wilson Boulevard Arlington, VA 22209	Hughes Aircraft Co	96.00	
Thomas C. Jackson, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	4,515.00	
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	3,750.00	2,890.00
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Cy Jamison, Jamison & Sullivan, Inc 1101 30th Street, NW, #300 Washington, DC 20007	Sodak Gaming, Inc		
Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	3,600.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	15,000.00	
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	BC&T	4,500.00	
Do	Computer Sciences Corp	3,750.00	
Do	Labor-Management Comm for the Timber Industry	11,250.00	
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	5,224.00	366.00
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,957.35	472.64
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Farm Credit Bank of Wichita		
Jellinek Schwartz & Connolly, 1525 Wilson Boulevard #600 Arlington, VA 22209	ASARCO, Inc	38,144.00	381.44
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosis		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Dental Gold Institute		
Do	Independent Insurance Agents of America, Inc		
Do	International Soc for Hybrid Microelectronics		
Do	National Assn of Professional Insurance Agents		
Do	National Glass Assn		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,300.00	300.00
Hugh Jewett, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		1,258.27
Ronald P. Johnsen, 700 Thirteenth Street, NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	363.33
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Quincy R. Johnson III, 949 Clint Moore Road Boca Raton, FL 33487	Quincy Johnson Associates, Inc		
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation	2,000.00	7,584.25
Johnson Smith Dover Kitzmiller & Stewart Inc., 1300 Connecticut Ave., NW, #600 Washington, DC 20036	Fluor Corp	12,500.00	400.00
Andrea Johnston, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	297.00	
Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423	Herman Miller, Inc	8,242.00	444.90
Allan R. Jones, 430 First Street, S. E. Washington, DC 20003	American Trucking Assns, Inc	6,250.00	
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	500.00	311.01
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	1,500.00	
Gerald C. Jones Jr., 739 8th Street, SE Washington, DC 20003	Citizens Consulting, Inc	5,750.00	754.83
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	BellSouth Telecommunications, Inc		
Do	United Companies Financial Corporation		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Affiliated Computer Services, Inc	1,426.00	55.00
Do	County of Los Angeles	41,885.00	2,233.50
Do	Marathon Oil Co	1,560.00	19.00
Do	NACCO Industries, Inc	93,298.00	5,469.50
Do	R.J. Reynolds Nabisco, Inc	14,514.00	46.00
Do	Sungard Data Systems, Inc	1,426.00	55.00
Do	Zeneca Pharmaceuticals Group	59,196.00	95.00
Robert G. Josephs, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	15,300.00	230.79
JM Family Enterprises, Inc, 100 Northwest 12th Avenue Deerfield Beach, FL 33443			12,525.18
JMD Associates, Inc, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Engelhard Corp	4,500.00	150.00
Lisa Kahn, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	469.85	
Kalkines Arky Zall & Bernstein, 1675 Broadway New York, NY 10019-5809	Coalition of Financially Distressed Hospitals	3,278.00	249.00
Do	St. Luke's-Roosevelt Hospital Center	3,045.00	249.00
Edward J. Kane, 2 Gannett Drive South Portland, ME 04106	Associated Hospital Service of Maine		
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Harpreet Kang, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	Foreman & Heidepriem, Inc (For:International Women's Health Coalition)	380.00	22.09
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	19,500.00	579.00
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA		
Do	Missouri Basin Municipal Power Agency	1,500.00	
Do	Northern California Power Agency	3,000.00	
Do	OPCO Wholesale Customer Group	5,000.00	
Do	Public Power Council	3,000.00	
Karen Kapen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,087.50	125.35
Patricia L. Katson, P.O. Box 6802 Falls Church, VA 22003	Liberty Lobby, Inc	9,500.00	240.00
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Kraft, Inc	607.00	607.00
Do	Morgan Guaranty Trust Co of New York	1,515.00	1,515.00
Carolyn Kazdin, 815 16th Street, NW, #507 Washington, DC 20006	Amalgated Clothing & Textile Workers Union	2,500.00	119.22
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	4,712.00	
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		200.00
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy	20,000.00	
Do	American Public Communications Council		
Do	Arkansas Oklahoma Gas Company		
Do	Arkansas Western Gas Company		
Do	AFLAC, Inc	3,034.00	
Do	Borden, Inc		
Do	Connie Lee Insurance Co	4,053.00	
Do	CNA Insurance Co	6,837.00	
Do	Distilled Spirits Council of the US, Inc	1,000.00	
Do	Eastern Michigan University	127.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	General Instrument Corporation		
Do	Group Health, Inc	48,590.08	
Do	Monsanto Co		
Do	NorAm Gas Transmission Company		
Jane M. Keffer, Villanova University 340 Bartley Hall Villanova, PA 19085			
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn	500.00	
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	9,000.00	
Thomas J. Kelley, One Central Park Plaza Suite 1400 Omaha, NE 68102	McGrath North Mullin & Kratz (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz (For:Septemberfest Salute to Labor, Inc)		
Ernest B. Kelly III, 1155 Connecticut Avenue, NW, #401 Washington, DC 20036	Communications Satellite Corp		3,255.50
Steven B. Kelmar, 555 13th Street, NW, Suite 1260E Washington, DC 20004	Medtronic, Inc		76.62
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	6,266.45
Todd E. Kemp, 1201 New York Avenue, NW Washington, DC 20005	National Grain & Feed Assn	2,650.00	
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			731.45
Kemper Investors Life Insurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			1,545.03
Art Kennedy, P.O. Box 200576 Anchorage, AK 99520	Koniag, Inc	12,925.00	6,431.00
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG&E Power Development, Inc		
Do	National Wood Energy Assn, Inc		
John V. Kenny, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp		
Keystone International, Inc, 1650 University Blvd. NE #408 Albuquerque, NM 87102	International Disarmament Corp		
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	8,000.00	498.86
Joanna Kille, 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	155.00	
William P. Killmer, 1201 - 15th Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Daryl G. Kimball, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,500.00	
Sandra S. King, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:ADT Automotive, Inc)		
Do	Eckert Seamans Cherin & Mellot (For:Behavior Research Institute)		
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	GPIA-Animal Drug Alliance	1,375.00	
Janie Ann Kinney, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	4,500.00	200.00
Keith A. Kirk, 818 Connecticut Ave, NW, #200 Washington, DC 20006	U.S. English, Inc		3,575.00
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Allegheny Ludlum Corporation		
Do	Independent Grocers Alliance		
Do	National Court Reporters Assn		
Stephan O. Kline, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	Greyhound Lines, Inc	30,000.00	
Do	Mid-Atlantic Medical Services, Inc	18,000.00	
Sharon H. Kneiss, 1800 K Street, NW Washington, DC 20006	Hercules Corp	5,268.00	
Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005	Erisa Industry Committee	9,125.00	
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906	Firearms Coalition	10,000.00	1,100.00
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	161.53	
Kent Knutson, 600 Maryland AVe., SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Marcia L. Knutson, 549 4th Street, SE Washington, DC 20003	Association of America's Public Television Stations	1,125.00	329.20
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	26.80
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	1,149.94	388.59
Kogovsek & Associates, Inc, 700 Broadway, #929 Denver, CO 80203-3443	Central Arizona Water Conservation District	5,000.00	
Do	Dolores Water Conservancy District	4,000.00	1,591.73
Do	Northern Colorado Water Conservation District	4,500.00	
Do	Rio Grande Water Conservation District	3,000.00	710.00
Do	Rocky Mountain Health Care Corp	13,200.00	4,241.04
Do	San Juan Water Commission	1,877.50	903.40
Do	Shell Oil	4,000.00	
Do	Southern Ute Indian Tribe		8,738.35
Do	Southwestern Water Conservation District, Durango County		9,382.58
Do	Upper Yampa Water Conservancy	5,000.00	2,578.03
Do	Ute Mountain Ute Tribe	21,666.00	
Do	Water Protection Assn of Central Kansas		
Do	Wolf Springs Ranches, Inc	9,000.00	4,756.48
Susan Kohn, 1400 16th Street, NW Washington, DC 20036	Zero Population Growth, Inc	173.00	
Leonard R. Kojm, 1850 K Street, NW, Suite 1190 Washington, DC 20006	EG&G, Inc	175.00	
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			22,624.33
Barry Krasner, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	471.84	
Robert S. Krebs, 1129 20th Street, NW, #200 Washington, DC 20036	Greater Washington Board of Trade	8,500.00	235.12
Gawain Kripke, 1025 Vermont Ave., NW, Suite 300 Washington, DC 20005	Friends of the Earth	1,480.20	
Jake Kuitwaard, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,415.88
Sheena Kuruvilla, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,144.00	
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		
Jeffrey Kurzweil, 601 13th Street, NW, #1200 Washington, DC 20005	Jenner & Block (For:Marriott Corp)		
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			65,237.95
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, P.C. (For:Columbia Natural Resources)	3,000.00	
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)	6,000.00	
Do	Wright & Talisman (For:Marisol, Inc)	3,600.00	
Do	Wright & Talisman, PC (For:National Stripper Well Assn)		
Do	Wright & Talisman, PC (For:Potlatch Corp)		
Do	McGuire Woods Battle & Boothe (For:Sun Co, Inc)		
Do	Wright & Talisman, PC (For:Tenneco, Inc)		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Susan Lamson, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	3,000.00	73.75
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	6,785.00	
Robert D. Landis, 2201 Cooperative Way Herndon, VA 22071	NAIOP, Assn for Commercial Real Estate		14,250.00
Large States Quality Council, P.O. Box 6174 Westerville, OH 43081-6174		6,460.06	6,460.06
Christopher D. Larsen, 1220 L Street, NW, #510 Washington, DC 20005	Independent Insurance Agents of America, Inc (IIAA)		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
William M. Latimer, 6162 Castletown Way Alexandria, VA 22310	American Group Practice Assn	5,579.04	
arl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	291.00
eth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:NMP Corp)	277.30	
nathan Lawniczak, 1331 F Street, NW Washington, DC 20004-1171	National Council of Senior Citizens	6,000.00	
aul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Nevada Resort Assn	39,999.00	
uis A. LaMarca, 1667 K Street, NW, Suite 1270 Washington, DC 2006	Warner-Lambert Co	3,000.00	
ayne R. LaPierre Jr., 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	4,375.00	2,000.00
ifford C. LaPlante, 1299 Pennsylvania Avenue, NW, #1100 Washington, DC 20004	General Electric Co	1,850.00	
ach & English, 601 Montgomery Street, Suite 1150 San Francisco, CA 94111		47,640.04	28,208.99
ndy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
bert F. Lederer Jr., 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Assn of Professional Employer Organizations	2,000.00	
ry A. Lee Group, Inc, P.O. Box 271 Sanibel Island, FL 33957	AutoZone, Inc		
Do	Harnischfeger Industries		
Do	MapPower Corporation		
Do	Midas International		
Do	Pet, Inc		
roll H. Leggett, Box 194 Winston-Salem, NC 27102	Royal Embassy of Saudi Arabia		
old H. Leibowitz, 888 Sixteenth Street, NW # 507 Washington, DC 20006	Cameron & Hornbostel (For:Hebrew Immigrant Aid Society (HIAS))	19,200.00	
ren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,253.00	
na Lenhoff, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	1,856.00	505.00
T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	2,034.00	2,951.46
mond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
ert B. Levethal, 1050 17th Street, NW, #350 Washington, DC 20036	AFL-CIO Maritime Committee		
ert Levi, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	11,812.45	
ara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Gail Levitt, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	260.95
ert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
k J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation	1,147.50	70.40
h Christopher Lewis, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	9,462.00	145.00
las A. Lewis, 15th & M Streets., NW Washington, DC 20005	National Assn of Home Builders of the U.S.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Raymond A. Lewis, 3423 Silver Maple Place Falls Church, VA 22041	American Methanol Institute	3,000.00	488.00
Richard W. Lewis, 6525 Clagett Avenue Fairhaven, MD 20754			
Lewis White & Clay, P.C., 1300 First National Building Detroit, MI 48226	Powell Goldstein Frazer & Murphy		
Cynthia LeBrun-Yaffe, 4905 Del Ray Avenue, #503 Bethesda, MD 20814	Council for Compassionate Governance (NEAVS)	3,437.53	
Lawson LeGate, 2273 S. Highland Dr., #2D Salt Lake City, UT 84106-2832	Sierra Club	84.18	10.82
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	302.00
Judith Lichtman, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	585.00	156.00
Lightspan Partnership, Inc, 2000 Pennsylvania Avenue, NW, #5500 Washington, DC 20006			
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	6,300.00	160.00
Steven S. List, 122 S. Michigan Avenue, Suite 320 Chicago, IL 60603	Peoples Gas Light & Coke Co	2,267.69	2,188.00
Nelson Litterst, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Fed Independent Business	3,189.00	200.00
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,000.00	
Jeanne Marie Little, 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	8,823.07	1,127.64
Fernando Lloveras-San Miguel, P.O. Box 5623 San Juan, PR 00902-5623		18,000.00	9,000.00
Thomas G. Loeffler, 1801 K St., NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Can Manufacturers Institute)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)		
Do	Arter & Hadden (For:Westinghouse Electric Corp)		
Kimberly L. Lohman, 1090 Vermont Ave., NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers	7,706.76	
James E. Lokovic, 4514 Governor Pratt Court Upper Marlboro, MD 20772	Air Force Sergeants Assn, Inc		
Lord Day & Lord, Barrett Smith, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	Coffee Sugar & Cocoa Exchange, Inc		
Brien Lorenze, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	6,800.00	
James P. Love, P.O. Box 19367 Washington, DC 20036	Taxpayer Assets Project	1,300.00	280.00
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	29,943.72	1,733.09
Suellen Lowry, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	5,943.00	1,390.35
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Amy J. Lucas, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Manuel Lujan Jr., 1209 California, NE Albuquerque, NM 87110	National Indian Business Assn		
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Marshall L. Lynam, 412 First Street, SE, #60 Washington, DC 20003	Dallas/Ft. Worth International Airport	25,000.00	
Do	Medical Matrix, Inc	2,000.00	
Do	Tandy Corp	12,000.00	
Timothy P. Lynch, 430 First Street SE Washington, DC 20003	American Trucking Assns, Inc	15,000.00	
James S. Lyon, 410 North Lincoln Street Arlington, VA 22201	Mineral Policy Center		124.00
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,810.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	9,250.00	6,829.00
LDDS Communications, Inc, 1825 I Street, Nw, #400 Washington, DC 20006			186,478.00
Rodney Macalister, 1701 Pennsylvania Ave., NW Washington, DC 20006	E.I. DuPont deNemours & Co		
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	12,500.00	
Laura L. Madden, 601 13th Street, NW, #510-S Washington, DC 20005	Bracy Williams & Co		
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28405	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Federal Express Corp	12,000.00	
Do	Los Angeles County Metropolitan Transportation Authority	4,168.00	
Do	MarkAir, Inc		
Do	Sarasota-Bradenton Airport	6,500.01	
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	612.00
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	John W. Rollins & Associates	14,000.00	1,030.98
James Timothy Mahoney, 108 Gibbon Street Alexandria, VA 22314	Koniag, Inc	3,862.50	132.60
Major League Baseball Players Assn, 12 East 49th Street New York, NY 10017			118,511.00
Todd M. Malan, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce		311.93
Manatos & Manatos, Inc, 601 13th Street, NW Washington, DC 20005-3807	United Hellenic Amer Congress & Amer Hellenic Alliance, Inc		7,450.00
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Dole Food Co, Inc		
Do	Sharp Manufacturing Co of America		
Donald W. Mann, 60 B Fraklin Street Tenafly, NJ 07670	Negative Population Growth, Inc	500.00	
Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	26,681.52	214.42
Perry Steven Mansfield, 225 Main Street Newington, CT 06111	American Radio Relay League, Inc	2,460.00	2,565.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot & Ankle Surgeons	2,500.00	
Do	American Soc for Gastrointestinal Endoscopy	5,000.00	
Do	American Soc of Anesthesiologists	36,511.15	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	12,000.00	
Do	California Public Employees Retirement System (CALPERS)	4,250.00	
Do	City of Alhambra	4,000.00	
Do	CLMA	6,000.00	
Do	Federation of State Medical Boards of the US	6,000.00	
Do	Health Industry Manufacturers Assn (HME)	21,000.00	
Do	Helen Keller National Center	250.00	
Do	International Soc for Cardiovascular Surg/Soc for Vascular..	4,500.00	
Do	Los Angeles County Office of Education	6,000.00	
Do	Los Angeles County Transportation Commission	3,000.00	
Do	Merck Sharp and Dohm	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Hemophilia Foundation	8,000.00	
Do	NI Industries	3,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	U.S. Facilites Corp	6,000.00	
Morry B. Markowitz, 1001 19th Street North, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		3,785.00
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Ron Marlenee, 9008 Linda Maria Court Fairfax, VA 22031	Butler Creek	500.00	
Do	Safari Club International	3,000.00	300.00
Andrea C. Maron, 1640 Wisconsin Avenue, NW 1st Floor Washington, DC 20007	American College of Surgeons		
Pamela Martin, 2000 Connecticut Ave., NW, Suite 414 Washington, DC 20008	Ad Hoc Committee to Promote the Finality of Bankruptcy Order		
Teresa Martin, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn		
Antonio C. Martinez II, 11128 Church Street Fairfax, VA 22030-4901	Nutritional Health Alliance	13,500.00	325.00
Judith Marty, 1 Crane Place Bellevue Hill, NSW 2023 Australia			
Maryland People's Counsel, 6 St. Paul St., Suite 2102 Fl. Baltimore, MD 21202			
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	1,752.00	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	513.00
William A. Maxwell, 727 15th Street, NW, #900 Washington, DC 20005-2169	Convex Computer Corp	5,000.00	265.47
Gerald M. May, 1608 K Street, NW Washington, DC 20006	American Legion	9,651.24	29.00
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	1,537.50
Ellen McBarnette, 408 C Street, NE Washington, DC 20002	Sierra Club	4,499.04	
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	Western Resources Council		
Mary Stuart McCamy, 3805 Taylor Street Chevy Chase, MD 20815	Greater Yellowstone Coalition	5,010.00	801.95
Do	Keepers of the Treasures	5,625.00	
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Donald W. McClellan, 888 17th Street, NW, Suite 860 Washington, DC 20006-3939	Intel Government Affairs	15,000.00	3,614.89
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P.& P.F.I.	6,000.00	1,418.00
John M. McClung, 727 N Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	2,000.00	
Stephen McConnell, 1319 F Street, NW, #710 Washington, DC 20004-1106	Alzheimer's Assn	5,500.00	175.00
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology (Rust)	12,250.00	182.32
Marianne McDermott, 1200 G Street, NW, #760 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Allergan, Inc	200.00	
Do	American College of Radiation Oncology	4,875.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Soc of Outpatient Surgeons		
Do	American Vintners Assn		
Do	Association of Freestanding Radiation Oncology Centers	100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	California Children's Hospital Assn	2,100.00	
Do	Council of Women's & Infant's Specialty Hospitals	6,000.00	
Do	Fargo Clinic/Medicare	2,500.00	
Do	International Hearing Society	5,300.00	
Do	Juvenile Diabetes Foundation	6,000.00	
Do	Marshfield Clinic	2,500.00	
Do	Outpatient Opthalmic Surgery Society		
Do	Rural Health Network Coalition	2,000.00	
Do	Rural Referral Centers Coalition	2,000.00	
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc	226.00	106.00
Tom McDonald, 1100 Huntington Bldg. 925 Euclid Avenue Cleveland, OH 44115-1475	Arter & Hadden (For:Davon, Inc)		238.70
Do	Arter & Hadden (For:Hunt Valve Co, Inc)		
Do	Mt Carmel Health		203.93
Roland McElroy, 1111 19th Street, NW, Washington, DC 20036	American Forest & Paper Assn	9,500.00	402.38
Michael McGovern, P.O. Box 13 Knoxville, TN 37901	Towing & Recovery Assn of America, Inc	3,000.00	3,000.00
Jack V. McGrann, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson	949.00	32.00
Gail P. McGrath, JTK Corporation 4205 36th Street, South Arlington, VA 22206	AdminaStar Solutions, Inc		
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	Hoechst Celanese Corp	8,000.00	109.09
Do	Hoechst Roussel Agri-Vet	21,300.00	311.26
Do	Hoechst-Roussel Pharmaceuticals, Inc	30,062.50	385.38
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	13,730.76	
Kim F. McKernan, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
John R. McLaurin, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	24,240.00	1,380.54
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	610.00	
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	2,100.00	108.34
Do	McLeod Watkinson & Miller (For:State of Florida Department of Citrus)	280.00	
Do	McLeod Watkinson & Miller (For:United Egg Producers)	1,469.00	
Nancy L. McLernon, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment (OFII)	1,228.00	10.73
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	5,100.00	739.13
P. E. McManus Associates, 1101 30th Street, NW, #200 Washington, DC 20007	AAI Corporation	250.00	
Do	Hydroacoustics, Inc	200.00	
Do	Litton Data Systems	50.00	
Laramie Faith McNamara, 1101 17th Street, NW Washington, DC 20036	BankAmerica Corp	1,647.00	4,362.00
John P. McNicholas, 8008 Westpark Drive McLean, VA 22102	Unisys Corp	2,500.00	2,792.53
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes & Services for the Aging	341.00	189.76
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
James Meadows, 600 Congress Ave., #1360 Austin, TX 78701	Capital Network System, Inc	1,200.00	
Francis X. Meaney, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Medtronic, Inc, 7000 Central Avenue, NE Minneapolis, MN 55432			76.62
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	4,134.38	222.86
Joseph Mendelson, 1025 Vermont Ave., NW, 3rd Floor Washington, DC 20005	Friends of the Earth	120.55	
Mark Menezes, 1801 K Street, NW, #400 K Washington, DC 20006-1301	Arter & Hadden (For:Central & South West Corp)		
Do	Central & South West Corp	1,200.00	1,383.65
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	1,000.00	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	12,500.00	98.45
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company	292.00	
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	625.00	
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	3,035.00	6,236.31
Michaels & Wishner, P.C., 1140 Connecticut Avenue, NW, #900 Washington, DC 20036	Medco Containment Services, Inc	1,426.00	93.69
Do	United HealthCare Corp	950.00	
Richard P. Michalski, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	11,418.75	
Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850			18,000.00
Richard Jeffrey Miles, 1530 Wilson Blvd, Suite 250 Arlington, VA 22209	Allison Engine Co	175.00	
Claude W. Miller Jr., 410 Middle Street New Bern, NC 28560			
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Grumman Corp	4,000.00	600.00
Do	Northrop Corporation	4,000.00	600.00
Do	Vought Aircraft Co	4,000.00	600.00
Pamela A. Miller, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	1,723.09	31.70
Robert G. Miller, 9124 Hardesty Drive Clinton, MD 20735	Air Force Sergeants Assn, Inc		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Craft Council		
Do	American Psychoanalytic Assn		
Do	Arizona Health Care Contract Management Services, Inc		
Do	Association of Financial Services Holding Companies	1,300.00	
Do	Blue Cross of California	800.00	
Do	Chevy Chase Savings Bank, FSB		
Do	CHAPS Health Services, Inc		
Do	Electronic Industries Assn		
Do	Export Source Rule Coalition		
Do	Federal Savings Bank of Rogers, AR		
Do	General Chemical	2,700.00	
Do	Great Northern Insured Annuity Corp	3,511.25	
Do	Hewlett-Packard Co	250.00	
Do	Humane Society of the U.S.		
Do	Land Rover of North America, Inc		
Do	Leach & English	3,350.00	
Do	Leighton Parks Roper		
Do	Nuclear Fuel Services, Inc		
Do	O'Connor & Associates		
Do	Organization for International Investment		
Do	Pulte Home Corp		
Do	Southwest Marine	3,625.00	
Do	SABIC Marketing Americas, Inc		
Do	Thermal Science, Inc		
C.G. Pete Milligan, 526 Oak Harbour Drive Juno Beach, FL 33408	American Telephone & Telegraph Co	2,500.00	746.60
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Communications Industries Assn of Japan	7,500.00	
Do	Siemens Corp		
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company		500.00
C. Manly Molpus, 1010 Wisconsin Avenue, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	975.00	
Michael Monroney, 1250 H Street, NW, #700 Washington, DC 20005-3908	Citizens for a Sound Economy		
Andrew D. Moore, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,811.25	
Cynthia L. Moore, 2717 North Fillmore Street Arlington, VA 22207	National Council on Teacher Retirement	500.00	
Frank B. Moore, 1155 Connecticut Ave. NW, #800 Washington, D.C.	WMX Technologies, Inc	5,750.00	
Laura Moorhead, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment, Inc	2,079.00	25.35
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	North American Philips Corp	4,000.00	1,030.00
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	6,336.00	170.25
James F. Moriarty, 801 Pennsylvania Ave., NW Washington, DC 20004	Fulbright & Jaworski	2,633.75	
Mary Morningstar, 21 Chandler Street Somerville, MA 02144	Lockheed Corp	23,750.00	3,621.36
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	22,768.26	80.00
Kristen Morris, 1200 G Street, NW, Suite 400 Washington, DC 20005	Health Industry ManufacturersAssn	1,155.00	211.26
James C. Morton Jr., P.O. Box 19001 Greenville, SC 29602	Michelin Tire Corp	2,000.00	445.00
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Beth Moten, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	960.76	11,880.00
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		16,394.55	16,394.55
John J. Motley III, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
Barbara Moulton, 1601 Connecticut Ave., NW, #601 Washington, DC 20009	Alliance for Justice	111.97	
Susan Connolly Moya, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	7,500.00	51.00
Mt. Carmel Health, 793 West State Street Columbus, OH 43222			203.93
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	GP Financial Corp	33,723.50	1,156.59
Do	Manufacturers Life Insurance Co	16,855.00	1,189.66
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	Trade Assn Healthcare Coalition	2,792.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Patricia Collins Murdock, 1625 L St., NW Washington, DC 20036	Food Research & Action Center	1,826.93	
Patrick M. Murphy, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Susan A. Murray, 666 Pennsylvania Ave., SE Washington, DC 20002	National Audubon Society		
R.C. Murtha, 614 N. 3rd Street Harrisburg, PA 15230	Westinghouse Electric Corp		30.00
Robert Musil, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	4,664.00	
Deborah B. Myers, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba	5,500.00	
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036		1,000.00	1,000.00
National Air Traffic Controllers Assn, 1150 17th Street NW #701 Washington, DC 20036		38,344.93	4,661.08
National Assn for the Self-Employed (NASE), 1101 15th Street N.W., #400 Washington, DC 20005		37,860.85	37,860.85
National Assn for Stock Car Auto Racing, Inc (NASCAR), P.O. Box 26765 1801 Volusia Avenue Daytona Beach, FL 32115-2875.			2,500.00
National Assn of Beverage Importers, Inc, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Criminal Defense Lawyers, 1627 K Street, NW, 12th Floor Washington, DC 20006		14,925.00	150.00
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005			
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		7,533,543.50	249,980.80
National Assn of Mortgage Brokers (NAMB), 706 E. Bell Road, #101 Phoenix, AZ 85022		125,946.47	120,990.00
National Assn of Mutual Insurance Cos. 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		1,800.00	1,839.68
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,857,743.33	14,810.51
National Coalition for Abortion Providers (NCAP), 206 King Street, 2nd Floor Alexandria, VA 22314		55,396.02	48,997.29
National Coalition for Cancer Survivorship, 1010 Wayne Avenue, Suite 300 Silver Spring, MD 20910			15.25
National Coalition for Marine Conservation, Inc, 5 West Market Street Leesburg, VA 22075		64,670.00	48,803.22
National Comm of Cities & States for Air Service, P.O. Box 507 Williston, ND 58802-0507		8,165.41	7,029.00
National Comm on Pay Equity, 1126 16th St., NW, #411 Washington, DC 20036		77,172.85	
National Comm Against Repressive Legislation, 3321 12th Street, NE Washington, DC 20017		572.65	1,372.05
National Council on Alcoholism & Drug Dependence, Inc, 1511 K Street, NW, #443 Washington, DC 20005			8,163.84
National Education Assn, 1201 16th St., NW Washington, DC 20036		57,729.01	57,729.01
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		86,493.00	915.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			4,800.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			5,916.59
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		83,750.00	
National Pork Producers Council, 122 C Street, NW, #875 Washington, DC 20001		1,63,697.00	38,557.78
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		1,548,673.90	1,239,538.72
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		26,415.00	34,303.00
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		22,944.00	21,841.00
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		47,305.00	47,305.00
Natural Gas Supply Assn, 1129 20th St., NW, #300 Washington, DC 20036		351,710.00	170,928.17
Neaher Pape Company, 1250 24th Street, NW, Suite 300 Washington, DC 20037		5,100.00	3,000.00
Terry Neese, 2709 39th NW Oklahoma City, OK 73112	Small Business Alliance on Communications, Inc	2,000.00	102.00
Diana Neidle, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of American	1,384.45	13.16
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:United Egg Assn)	2,306.25	25.00
Do	McLeod Watkinson & Miller (For:United Egg Producers)	2,306.25	76.00
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Lisanne Nelson, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,312.50	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Alexander Netchvolodoff, 1320 19th Street, NW, #200 Washington, DC 20036	Cox Enterprises, Inc		381.71
Louis H. Nevins, Thacher, Proffitt and Wood 1500 K Street, NW, Suite 200 Washington, DC, DC 20005	California League of Savings Institutions	7,022.00	
Barry New, 11911 Freedom Drive, 6th Floor Reston, VA 22090-5602	Rolls-Royce, Inc	468.00	28.00
Newspaper Association of America, 11600 Sunrise Valley Drive Reston, VA 22091		71,612.99	71,612.99
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	360.43
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Ellen Nissenbaum, 777 North Capitol Street, NE, #705 Washington, DC 20002-4239	Center on Budget & Policy Priorities	1,745.45	35.95
Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	1,277.00	367.00
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	6,000.00	1,818.72
Nurnberger & Associates, 1275 K Street, NW, Suite 1100 Washington, DC 20005	National Campaign to End Neurological Disorders	4,000.00	122.50
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,578.01	
Christina Groszer Nyquist, 1310 G Stret, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,566.00	756.00
NAIOP, Association for Commercial Real Estate, Woodland Park, 2201 Cooperative Way Herndon, VA 22071		179,500.00	18,468.69
Coley C. O'Brien, 400 N. Capitol Street, NW, #353 Washington, DC 20001	Savings & Community Bankers of America		
Do	Transportation Brokers Conference of America		
Coley O'Brien & Associates, 400 N. Capitol Street, NW, Suite 353 Washington, DC 20001	American International Automobile Dealers Assn		
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners		
Maribeth O'Connor, 521 Wall Street Seattle, WA 98121	Group Health Cooperative	18,611.90	6,911.73
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Allergan, Inc	1,925.00	
Do	Alliance of Marine Parks and Aquariums	5,067.34	
Do	AFL-CIO Maritime Committee		
Do	Bobby Berosini, Ltd		
Do	Coca-Cola Company	1,484.00	
Do	Colt's Manufacturing Company, Inc		
Do	Glass Packaging Institute		
Do	Government of Netherlands Antilles	4,677.00	
Do	Institute of International Bankers	20,000.00	2,364.73
Do	J.C. Penney Company, Inc		
Do	Little Six, Inc	10,400.00	
Do	Martin Marietta Corp	2,265.00	
Do	Mercedes-Benz of North America, Inc	578.00	
Do	Mirage		
Do	New York State Mortgage Loan Corp	3,578.00	
Do	Northern States Power Company		
Do	Pacific Seafood Processors Assn		
Do	Soka University Los Angeles	1,695.00	
Do	Solid Waste Agency of Northern Cook County		
Do	State of Alaska	140.63	
Do	Student Loan Funding Corp	2,938.00	
Do	Wards Cove Packing Company		
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,000.00	2,189.82
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	65.50
Ann O'Leary, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	6,758.00	
Kathleen O'Leary, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Transmission Corp	5,000.00	
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	1,000.00	
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Brooklyn Hospital Center)		
Do	Strategic Management Associates, Inc (For:Healthcom International)		
Do	Strategic Management Associates, Inc (For:Lenox Hill Hospital)		
Do	Strategic Management Associates, Inc (For:Maimonides Medical Center)		
Do	Strategic Management Associates, Inc (For:Mount Sinai Medical Center)		
Do	Strategic Management Associates, Inc (For:New York Hospital-Cornell Medical Center).		
Do	Strategic Management Associates, Inc (For:Our Lady of Mercy Medical Center)		
Obadal & McLeod, P.C., 121 North Henry Street Alexandria, VA 22314	Associated Equipment Distributors		
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project	3,521.00	2,188.58
Richard Oleck, 1181 South Rogers Circle, #6 Boca Raton, FL 33487-2724	Building Trades Assn, Inc		
Erik Olson, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc	10,551.00	3,212.50
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Organ. for Protection & Advancement of Small Telephone Cos, 21 Dupont Circle, NW, Suite 700 Washington, DC 20036		4,455.00	4,455.00
Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604		10,950.00	10,936.13
Jason Osborne, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	
Joseph F. Page III, 201 W. Big Beaver Troy, MI 48084	Cox & Hodgman (For:Aetna Health Plans)		
John Palafoutas, 1111 14th Street, NW, Suite 1001 Washington, DC 20005	AMP, Inc	2,000.00	
Virginia N. Pape, 1250 24th St. NW, #300 Washington, DC 20037	Scripps League Newspapers, Inc	5,100.00	3,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David L. Parde, 119 Oronoco Street, #300 Alexandria, VA 22314	Coalition for Automotive Repair Equality, Inc	4,388.00	437.00
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Congress on Surveying & Mapping	2,692.65	1,003.75
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	24,018.00	2,283.00
James W. Parrish, 700 SW Jackson, Suite 200 Topeka, KS 66603	Decision Management, Inc	20,000.00	
Do	Superfund Improvement Project	7,500.00	
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	10,000.00	1,131.07
Andrea B. Passarelli, 3025 South Parker Road, #1100 Aurora, CO 80014	TeleCheck Services, Inc		1,185.72
Lisa M. Patera, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Thomas B. Patton, 1300 I Street, NW, #1070 East Washington, DC 20005	North American Philips Corp	5,000.00	1,030.00
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	American Institute of Merchant Shipping	215.00	10.00
Do	Brown & Williamson Tobacco Corp	1,311.25	75.00
Do	Center for Strategic Tax Reform (CSTR)		
Do	City & County of Denver	1,560.00	565.45
Do	Coalition on Indian Housing Reform	690.00	50.00
Do	Direct Marketing Assn, Inc	445.00	10.00
Do	Eagle-Picher Industries, Inc	125.00	
Do	Ford Motor Co	4,050.00	100.00
Do	Johnson Controls	517.50	25.00
Do	Leprino Foods		
Do	Shell Oil Co	2,225.00	
Do	Sheriff Harry Lee	537.50	10.00
Do	Steel Service Center Institute		
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	Embassy of the Government of the Republic of Hungary	225.00	
J. Leon Peace Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Joe P. Peck Jr., 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	195.25
Lee Peckarsky, 11408 Stonewood Lane Rockville, MD 20853	Kirkpatrick & Lockhart (For:Glendale Federal Bank, FSB)	12,500.00	
John D. Pellegrin, 1140 Connecticut Ave., NW, Suite 606 Washington, DC 20036	Yankee Microwave, Inc		
Law Offices of John D. Pellegrin, 1140 Connecticut Ave., NW, Suite 606 Washington, DC 20036	Yankee Microwave, Inc	1,606.25	50.00
Edward F. Pembleton, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Karen W. Penafiel, 1201 New York Avenue, NW, Suite 300 Washington, DC 20005	Building Owners and Managers Assn International	5,224.00	366.00
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,880.50	
Brenda K. Pennington, 1250 Connecticut Ave., NW, Sutie 200 Washington, DC 20036	Cellular TElecommunications Industry Assn		
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Jeffry L. Perlman, 1101 Vermont Avenue, NW, #500 Washington, DC 20005	American Advertising Federation	7,500.00	1,234.62
Karla Perri, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	1,500.00	
Robert Perschel, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Susan Persons, 1522 K Street, NW, Suite 836 Washington, DC 20005	Consortium of Social Science Assn		30.00
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	937.00	
Gayle Petersen, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Joseph P. Petito, 1800 M Street, NW, #400 Washington, DC 20036	Coopers & Lybrand	2,200.00	20.00
Petroleum Marketers Assn of America, 1901 N Ft. Myer Dr. #1200 Arlington, VA 22209		20,000.00	24,924.28
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes & Services for the Aging		
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	City of Philadelphia		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Medical College of Ohio	6,500.00	
Do	Metro	12,999.99	
Do	Mothers Against Drunk Driving (MADD)	18,000.00	
Do	National Assn for Sport & Physical Education	3,000.00	
Do	New York State Thruway Authority		
Do	Southeastern Pennsylvania Transit Authority	15,000.00	
Do	Toledo-Lucas Port Authority	15,000.00	
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	7,500.00	343.24
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	2,400.00	135.52
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)		
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,539.94	109.40
Kristine Phillips-Geddings, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,524.00	
Physicians for Social Responsibility, 1101 14th Street, NW, #700 Washington, DC 20005		13,650.00	15,721.00
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	AT&T	7,202.25	105.33
Do	Direct Marketing Assn	11,905.00	26.95
Do	Information Industry Assn		
Do	InfoAccess, Inc	8,150.00	13.40
Do	Journal of Commerce, Inc		
Do	Mead Data Central, Inc	7,455.00	98.85
Do	MCI Communications Corp	29,548.75	301.89
Do	Omnipoint Communications, Inc	46,972.50	785.10
Do	PCS Action, Inc		
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
William H. Pitsenberger, 1133 Topeka Boulevard Topeka, KS 66629-0001	Blue Cross & Blue Shield of Kansas		
Wyll W. Pleger, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root, Inc		
Martha Rachel Plotkin, 1120 Connecticut Avenue, NW, #930 Washington, DC 20036	Police Executive Research Forum	2,704.63	21.50
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	Association of Directory Publishers	23,360.00	296.25
Do	Capital Cities/ABC	4,000.00	127.91
Do	Committee for America's Copyright Community	10,000.00	346.19
Do	Computer & Business Equipment Manufacturers Assn	6,000.00	156.54
Do	CBS, Inc	4,000.00	127.91
Do	Digital Equipment Corp	20,000.00	64.25
Do	Electronic Frontier Foundation	2,421.50	544.33
Do	Fox Broadcasting Group	6,000.00	127.91
Do	Genentech, Inc	9,000.00	160.34
Do	International Brotherhood of Teamsters	139.09	
Do	Motion Picture Assn of America, Inc	8,000.00	511.65
Do	National Assn of Broadcasters	15,000.00	149.28
Do	National Broadcasting Company, Inc		127.91
Do	National Conference of Bankruptcy Judges	2,910.00	208.62
Do	Nutritional Health Alliance	12,000.00	365.52
Do	Pacifica Foundation		13.07
Do	PCS Action		
Do	Satellite Network Programming Committee		511.65
Do	Sega of America, Inc		
Do	Times Mirror	2,400.00	188.76
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	5,756.61	
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	9,090.45	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			2,542.56
J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006	McDermott Will & Emery		
John Pottridge, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	National Alliance for Infusion Therapy	8,516.00	
Do	Sanyo North America Corp	1,500.00	
Premark International, Inc, 1717 Deerfield Road Deerfield, IL 60015		4,000.00	4,000.00
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Washington State Hospital Assn		
Do	Westinghouse Electric Company		
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute		
Daniel B. Priest, 6808 Brookville Road Chevy Chase, MD 20815	Ecolocorp, Inc		
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	195.39
Profit Sharing Council of America, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606			
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	5,260.00	
PCS Action, Inc, 1200 19th Street, NW, 7th Floor Washington, DC 20036			
PFL Life Insurance Company, 9151 Grapevine Highway North Richland Hills, TX 76180-5605		937.50	987.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PHP Healthcare Corp, 4900 Seminary Road, 12th Floor Alexandria, VA 22311			25,000.00
Patricia A. Quealy, 1133 21st Street, NW, #450 Washington, DC 20036	HealthCare COMPARE Corp	3,000.00	2,020.44
Charles N. Quigley, 5146 Douglas Fir Road Calabasas, CA 91302	Center for Civic Education	4,450.00	4,595.00
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	5,000.00	3,138.96
George Gregory Raab, 1200 G Street, NW, Suite 400 Washington, DC 20005-0000	Health Industry Manufacturers Assn	1,125.00	75.50
Radio-Television News Directors Assn, 1000 Connecticut Avenue, NW, #615 Washington, DC 20036		2,500.00	
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Business Computer Training Institute)		4,891.13
Robert A. Rapoza Associates, Inc, 601 Pennsylvania Avenue, NW, #850 Washington, DC 20004	Alaska Village Initiatives	114.03	16.39
Do	Association for Enterprise Opportunity	154.00	
Do	Association for Health Services Research	1,463.00	
Do	Bedford Stuyvesant Restoration Corp	114.03	16.39
Do	Bethel New Life	114.03	16.39
Do	Center for Community Self-Help	14.25	
Do	Chicanos Por la Causa	114.03	16.39
Do	Coastal Enterprises, Inc	118.78	
Do	Community Reinvestment Fund	655.50	50.14
Do	Community Resource Group	38.50	
Do	Community Transportation Assn of America	154.00	49.73
Do	Delta Foundation	114.03	16.39
Do	Eastside Community Investments, Inc	114.03	16.39
Do	Great Lakes Rural Network/WSOS	38.50	
Do	Impact Seven, Inc	14.25	
Do	Kentucky Highlands Investment Corp	118.78	
Do	Local Initiatives Support Corp	596.00	
Do	Massachusetts Housing Partnership Fund	895.00	
Do	Midwest Assistance Program	38.50	
Do	National Assn of Housing Partnerships	462.00	
Do	National Congress for Community Economic Development		
Do	National Cooperative Bank	114.03	16.39
Do	National Council of La Raza	14.25	
Do	National Rural Housing Coalition	1,617.00	
Do	New Community Corp	114.03	16.39
Do	Northern Community Investment Corp	118.78	
Do	Northern Economic Initiatives Corp	118.78	
Do	Ridgecrest Enterprises	118.78	
Do	Rural Community Assistance Corp	43.25	
Do	Rural Housing Improvement	38.50	
Do	Rural Opportunities, Inc	118.78	
Do	Southern Development Bancorporation	14.25	
Do	TELACU	114.03	16.39
Do	Virginia Water Project/SE RCAP	38.50	
Do	West Virginia Community Action Directors Assn	154.00	
Do	YouthBuild, USA	533.00	19.55
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	5,559.60
Kenneth E. Raske, 555 West 57th Street, 15th Floor New York, NY 10019	Greater New York Hospital Assn	3,145.00	1,118.00
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #600 Washington, DC 20560			918.70
Edgar L. Ready, 1800 Concord Pike Wilmington, DE 19897	Zeneca, Inc	5,975.00	1,769.00
Clark E. Rector Jr., 1101 Vermont Ave., NW, Suite 500 Washington, DC 20005	American Advertising Federation	500.00	
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	1,872.00	
Jill C. Redmond, 606 N. Washington Street Alexandria, VA 22314	Society for Human Resource Management	2,732.00	
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,000.00	982.64
Martin A. Regalia, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,500.00	
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		34,248.99	35,067.58
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute		
Do	Robert E. Derecktor of Rhode Island, Inc		
William K. Reilly, c/o World Wildlife Fund 1250 24th Street, NW, 6th Floor Washington, DC 20037-1175	Golden Gate National Park Assn	16,400.00	363.46
Martin S. Rendon, 110 Maryland Ave., NE Washington, DC 20002	U.S. Committee for UNICEF	6,000.00	7,000.00
Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002			284,774.15
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		4,056.00	17,905.00
Mark E. Rey, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,500.00	
David C. Rich, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	15,865.00	241.00
Kevin C. Richardson, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	3,000.00	294.08
Timothy L. Richardson, 4104 Denfeld Avenue Kensington, MD 20895	Akhiok-Kaguyak, Inc	6,000.00	
Do	Old Harbor Native Corp	6,000.00	
Lisa A. Rickard, 1200 19th Street, NW, Suite 603 Washington, DC 20036	Ryder System, Inc	4,050.00	79.50
Francis J. Rienzo, 1455 F Street, NW, Suite 450 Washington, DC 20005	Upjohn Company	10,000.00	
Gina J. Rigby-LeDonne, 1901 North Moore Street, Suite 1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn	4,631.04	2,320.41
Judith Assmus Riggs, 1319 F Street, NW #710 Washington, DC 20004	Alzheimer's Assn	9,675.00	140.40
Durwood W. Ringo, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	GE Company	1,375.00	
Valentin J. Riva, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	5,000.00	500.00
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Association for Governmental Leasing & Finance		
Do	Cahners Publishing Co		
Do	Chicago Educational Television Assn		
Do	Consolidated Rail Corp		
Do	H.J. Heinz Company	5,004.00	246.00
Do	Harvard Corp	1,200.00	237.00
Do	Human Genome Sciences, Inc	2,450.00	472.00
Do	Magma Copper Co	22,500.00	4,763.00
Do	National Council of Health Facilities Finance Authorities	11,250.00	5,534.00
Do	National Theatre of the Deaf		
Do	Natural Gas Vehicle Coalition		
Do	New York State Housing Finance Agency		
Do	New York State Medical Care Facilities Finance Agency		
Do	North American Vaccine, Inc		
Do	Office of the Los Angeles District Attorney	4,000.00	409.00
Do	Omega Environmental, Inc	5,625.00	2,337.00
Do	Orbis International	688.00	1,505.00
Do	Puerto Rico Federal Affairs Administration	15,000.00	192.00
Do	Scholastic, Inc		
Do	Town of Vail (Colorado)	9,376.00	4,259.00
Do	Warburg Pincus Capital Corp	48,450.00	6,595.00
Do	Writers Guild of America, West, Inc	47,494.00	11,694.00
Ricardo Robelin, FCI Allenwood - Med Unit 3-B P.O. Box 2000 Register Number 11741-039 White Deer, PA 17887-2000			
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	13,812.51	325.85
Robins Kaplan Miller & Ciresi, 1801 K Street, NW, #1200 Washington, DC 20006	Crystal Cruises, Inc		
Do	International Group of P&I Clubs		
Do	National Assn of Wheat Growers		4,940.31
Do	Polaris Industries, L.P.	810.00	
Do	Star Shipping A/S	4,752.00	754.23
Do	U.S. Wheat Gluten Assn		
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc (Government Programs Office)).	750.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	750.00	
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	Allied-Signal Aerospace Co	4,838.53	3,061.91
Do	Armtec Defense Products	4,605.96	2,004.41
Do	British Aerospace, Inc (Government Programs Office)	10,945.46	6,304.77
Do	General Atomics Technologies	4,800.00	2,521.91
Do	Mas-Hamilton Group	13,606.50	2,675.71
Do	McDonnell Douglas Corp	4,664.17	3,061.91
Do	Oshkosh Truck Corp	4,808.00	2,004.41
Do	Prudential Insurance Co	1,400.00	445.95
Do	Solid Waste Composting Council	3,021.19	445.95

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. Global Positioning System Industry Council	6,000.00	1,337.85
Do	United Defense, LP	4,500.00	2,521.91
Lewis A. Rockman, P.O. Box 8000 Bradford, PA 16701-0980			
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes & Services for the Aging	439.30	155.88
Carlos Rodriguez, 1535 Mission Street San Franscisco, CA 94103	Consumers Union	6,800.00	
Robert A. Roe, 1680 Route 23 Wayne, NJ 07470	County of Bergen	4,464.26	
Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116	Washington Citizens for World Trade		500.00
Barry K. Rogstad, 1730 K Street, NW, #1200 Washington, DC 20006	American Business Conference, Inc	49,488.00	137.00
Barbara J. Rohde, 1701 K Street, NW, #400 Washington, DC 20006	Fargo Moorhead Metropolitan Council of Governments	4,500.00	70.00
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20006	City of Grand Forks	3,000.00	200.00
Do	City of Moorehead	8,000.00	250.00
M. Guy Rohling, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Co (For:May Department Stores)	35,218.75	731.35
Fernando D. Rojas, 7300 NW 35th Terrace, #105 Miami, FL 33122	Cuban American Foundation, Inc	6,529.80	
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	299.00	1,089.80
Fred B. Rooney, 700 13th Street, N.W., #400 Washington, DC 20005	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	AT&T	200.00	
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Eastern Enterprises	37,445.00	811.22
Ilene Rosenthal, 2000 Pennsylvania Avenue, NW, #5500 Washington, DC 20006	Lightspan Partnership, Inc		
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.	8,605.39	41.30
Dan Ross 62536-061, P.O. Box 2000 White Deer, PA 17887-2000			
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Nambe Pueblo	1,635.40	10.00
Do	Pueblo de Cochiti	7,816.90	1,410.52
John C. Rother, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	1,736.54	
Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036	Citizen Action Fund	300.00	40.00
G. Jon Roush, 900 17th Street, NW Washington, D2 0006	Wilderness Society	261.54	
Michael O. Roush, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp	4,375.00	26,984.85
Rust Environment & Infrastructure, 11240 Waples Hill Road, #100 Fairfax, VA 22030		937.50	
David A. Ruth, American Express Tower World Financial Center New York, NY 10285	American Express Co		
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Cathedral Healthcare System	900.00	
Do	West Virginia Hospital Assn	600.00	30.25
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Chicago & Northwestern Railroad	47,499.99	2,985.74
Do	Delaware Otsego System	1,000.00	2,985.74
Do	Illinois Central Railroad	24,000.00	2,985.74
Do	Investment Counsel Assn of America, Inc	4,102.27	2,985.73
Do	Regional Railroads of America	40,500.00	2,985.73
Do	Turbomeca Engine Corp	26,000.00	2,985.73
Dean Sackett, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMX Technology & Services, Inc	4,246.00	
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Chemical Bank	11,071.00	154.74
Do	City of Columbus	6,000.00	163.40
Do	Ebasco Services Inc	600.00	
Do	Fargo-Moorhead Metropolitan Council of Governments	2,000.00	
Do	Flash Technology Corporation of America		204.98
Do	Goodwill Games, Inc	1,800.00	75.29
Do	Indiana State University	12,420.00	169.01
Do	Rose Acre Farms		
Do	United Student Aid Funds	750.00	38.47
Do	USRowing		
Do	VASA Brougher, Inc	16,000.00	440.17
Do	1996 Atlanta Paralympic Games	18,000.00	2,279.05
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	2,263.00	85.33
Sheldon W. Samuels, P.O. Box 1570 Solomons, MD 20688	Ramazzini Institute		100.00
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	2,000.00	325.00
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Grand Canyon Air Tour Council	6,300.00	1,734.68
Do	Grand Canyon Air Tourism Assn	4,200.00	1,156.45
Do	National Parks Hospitality Association	7,500.00	269.68
Do	National Tour Assn, Inc	28,587.00	11,150.23
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	California Assn of Sanitation Agencies	4,056.00	3,019.55
Do	City of Sacramento, Dept of Utilities		
Do	ENS Resources, Inc (For:East Bay MUD)	7,471.25	5,239.83
Do	Union Sanitary District		
Do	Western Research Institute	1,123.77	79.12
Laura Saul-Edwards, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	12,981.78	
Margot Freeman Saunders, 1875 Connecticut Avenue, NW, #510 Washington, DC 20009	National Consumer Law Center	3,201.24	
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		35,395.50	33,354.35
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks of Washington (For:International Racquet & Sports Club Assn)	9,695.00	417.19
Marc Steven Scarduffa, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Scenic America, 21 Dupont Circle Washington, DC 20036			
Mark S. Schacht, 2000 O Street, #240 Sacramento, CA 95814	California Rural Legal Assistance, Inc	605.00	473.00
Schagrin Associates, 1140 - 19th Street, NW, Suite 600 Washington, DC 20036	Committee on Pipe & Tube Imports	6,933.75	34.20
Do	Tyco International		
Do	Weirton Steel Corporation	9,972.50	124.30
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,000.00	25.45
Ella M. Schiralli, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	700.00	
Schmeltzer Aptaker & Sheppard, 2600 Virginia Ave., NW, 10th floor Washington, DC 20037-1905	Council of Nursing Home Suppliers	9,000.00	1,965.03
Daniel J. Schulder, 1331 F Street, NW 7th Floor Washington, DC 20004	National Council of Senior Citizens	18,688.41	55.85
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	13,207.00	1,624.47
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	3,000.00	150.00
Joseph A. Sciarrino, 10 Madison Ave., Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute		
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,475.00	477.44
Michael D. Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,948.17	117.86
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	Philip Morris Management Corp		
Securities Industry Assn, 1401 I Street, NW, Suite 1000 Washington, DC 20005			256,002.00
James Sefcik, 1055 N. Fairfax STreet, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	202.50	155.99
Emily Marie Segar-Johnson, 6059-A Essex House Square Alexandria, VA 22310	Mille Lacs Band of Ojibwe Indians	3,000.00	800.00
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	110.00	
Steven K. Selby, 444 North Capital Street, Suite 711 Washington, DC 20001	TKC International, Inc (For:Republic of Azerbaijan)		
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Leasing and Remarketing Assn (CDLA)		
Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030		2,349,574.00	829,438.00
Seward & Kissel, 1200 G Street, NW, #350 Washington, DC 20005	Delaware State Bank Commissioner		
Suzanne Shackley, 601 Pennsylvania Ave., NW, #400 Washington, DC 20004	Arco Chemical Company	42.00	
Sally Shake, 7648 Ivanhoe Avenue, East La Jolla, CA 92037	Education Legislative Services, Inc	2,000.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)		
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	26,553.00	2,505.56
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Atlas Corp		
Do	City of Kansas City - Aviation Department	5,905.50	596.68
Do	Schnell-Bruter-Kernkraftwerksgesellschaft MbH		
James V. Sheahan, 3333 State Bridge Rd. Alpharetta, GA 30202	Siemens Corporation		
John E. Sheeley, 1 Massachusetts Ave., NW, Suite 800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	38,106.25	212.44
Zack H. Shelley Jr., 1212 Falster Road Alexandria, VA 22308	Martin Marietta Corp	2,750.00	
John B. Shlaes, 1331 Pennsylvania Avenue, NW Washington, DC 20004	Global Climate Coalition		
Grant Scott Shotwell, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	2,475.00	
Jill Showell, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,000.00	915.82
Sierra Club, 730 Polk Street San Francisco, CA 94109		291,186.26	291,186.26
Jill Sigal, Jill Sigal Associates 412 First Street, SE #100 Washington, DC 20003	ASARCO, Inc	16,340.00	1,395.00
William A. Signer, 1625 K Street, NW, Suite 200 Washington, DC 20006	Chambers Associates, Inc (For:Advocates for Flexible Employment)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chambers Associates, Inc (For:Alarm Industry Communications Committee)	2,550.00	259.96
Do	Chambers Associates, Inc (For:Committee for Employment Opportunities)	2,700.00	216.57
Do	Chambers Associates, Inc (For:Greater New York Hospital Assn)	2,250.00	219.94
Do	Chambers Associates, Inc (For:Management Insights)	600.00	76.19
Do	Chambers Associates, Inc (For:National Council of Chain Restaurants (NCCR))	5,000.00	
Do	Chambers Associates, Inc (For:New York Hospital)	1,500.00	174.82
Do	Chambers Associates, Inc (For:Targeted Management Consultants)		
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		37.00
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Kennecott Corp)	10,000.00	
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	200.00	250.00
Margaret Simmons, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	287.91
David J. Simon, 823 Gold Ave., SW Albuquerque, NM 87102	National Parks & Conservation Association	975.00	28.00
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp		
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
George Sinner, 101 North Third Street Moorhead, MN 56560-1990	American Crystal Sugar	1,200.00	253.17
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Assn		
Edmund J. Skernolis, 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMW Technologies, Inc	2,125.00	
Scott Sklar, 122 C Street, NW. Washington, DC 20001	Solar Energy Industries Assn	7,500.00	7,629.81
Michael P. Skredynski, 1055 N. Fairfax St., #201 Alexandria, VA 22314	U.S. Strategies Corp		
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Catherine Reiss Sloan, 1825 I Street, NW, #400 Washington, DC 20006	LDDS Communications, Inc		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	45,000.00	45,000.00
Daniel C. Smith, 1815 H Street, NW, Suite 1001 Washington, DC 20006	National Field Selling Assn		
David F. Smith, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.		
Eric H. Smith, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	IIPA	2,310.78	61.00
Erik J. Smith, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Marc Smith, 714 Jackson St. Suite 470 Dallas, TX 75202			
Philip Hardy Smith, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp	800.00	1,756.45
Rob Smith, 516 E. Portland Street Phoenix, AZ 85004	Sierra Club	2,066.00	1,721.46
Robert Thornton Smith, White & Case 1155 Avenue of the Americas New York, NY 10036-2787	Connell Finance Co, Inc	5,500.00	588.51
Velma Smith, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	4,211.99	
W. Lamar Smith, 1600 M Street, NW, Suite 700 Washington, DC 20036	VISA USA, Inc	36,750.00	1,183.09
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Composite Technology Transfer Consortium		
Robert B. Smythe, 4807 Wellington Drive Chevy Chase, MD 20815	Center for Marine Conservation	980.00	80.00
Harry Snyder, 1535 Mission Street San Franscisco, CA 94103	Consumers Union		
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Allison Engine Co	157.50	417.95
Do	Digital Systems Group	75.00	
Do	NKF Engineering, Inc	62.50	
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)	45.30	
Society of Glass & Ceramic Decorators, 888 17th Street, NW, #600 Washington, DC 20006			
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	6,695.87	
James E. Sommerhauser, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Alaska Native Health Board		
Do	American Assn of Acupuncture and Oriental Medicine		
Do	Assiniboine and Sioux Tribes		
Do	Bad River Band of Lake Superior Chippewa		
Do	Class of Native Alaskan Plaintiffs		
Do	Colville Business Council		
Do	Cook Inlet Regional Citizen Advisory Council		
Do	Hatteras Tuscarora Tribal Foundation		
Do	Hopi Tribe		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians		
Do	Mole Lake Band of the Sokaogon Chippewa Community		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Sault Ste. Marie		
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation		
Do	Standing Rock Sioux Tribe		
Do	Wisconsin Winnebago Nation		
Do	Yukon-Kuskokwim Health Corp		
Mary Sophos, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	300.00	
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		
Do	Western Pioneer, Inc		
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
Space Industries, Inc, 800 Connecticut Avenue, NW, #1111 Washington, DC 20006			
Sandra Spence, 888 17th Street, NW, #600 Washington, DC 20006-3953	Society of Glass & Ceramic Decorators (SGCD)		
Collins Robert Spencer III, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,387.50	462.20
William B. Spencer, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Public Securities Assn		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Melvin R. Stahl, 1235 Jefferson Davis Hwy., Suite 600 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Central Arkansas Transit Authority)	92.50	
Do	Eckert Seamans Cherin & Mellot (For:City Utilities of Springfield)		
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)	550.00	
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	2,079.40	
Kent D. Starwalt, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Steel Tank Institute, 570 Oakwood Road Lake Zurich, IL 60047		5,588.00	4,323.00
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	Aetna Life & Casualty	114,150.00	1,509.71
Do	American Insurance Assn	5,070.00	62.82
Do	Johnson & Johnson	22,320.00	96.80
Do	National Health Labs, Inc	22,480.00	
Do	National Restaurant Assn	26,520.00	458.97
Do	Pfizer, Inc	26,640.00	119.46
Do	Pharmaceutical Research & Manufacturers of America	23,810.00	163.86
Alan C. Steinbeck, 1600 M Street, NW, Suite 700 Washington, DC 20036	Kennecott Corp	50.00	25.00
Charles W. Stellar, 1200 19th Street, NW, #200 Washington, DC 20036-2437	American Managed Care & Review Assn		
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	American Restaurant China Council		448.60
Do	Hillman Properties, Inc		
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	2,600.00	32.00
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	8,461.00	152.60
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Veterans Coalition	3,900.00	650.26
Caroline Stinebower, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Kenneth F. Stinger, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Alex Stoddard, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Geoff Stone, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	1,462.50	
Susan M. Stout, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	200.00	
Andrea Strader, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	18,480.04	595.00
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Brooklyn Hospital Center		
Do	Healthcom International		
Do	Lenox Hill Hospital		
Do	Maimonides Medical Center		
Do	Mount Sinai Medical Center		
Do	New York Hospital-Cornell Medical Center		
Do	Our Lady of Mercy Medical Center		
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	Healthcare Leadership Council	8,400.00	2,510.78
W. Martin Strauss, 700 14th Street, NW, Suite 1100 Washington, DC 20005	Monsanto Co		
Maria S. Strong, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	International Intellectual Property Alliance		
John N. Sturdivant, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	25,070.54	2,310.29

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John F. Sturm, NAA 529 - 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	15,000.00	165.00
Fred Sudak, 250 South Wacker Drive, #1000 Chicago, IL 60606	Dakko Integrated Resources		
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilding)	172.00	
Do	Frank Sullivan Associates (For:ITT Corporation)	112.00	
Do	Frank Sullivan Associates (For:Northrop Corp)	172.00	
Do	Frank Sullivan Associates (For:Textron, Inc)	112.00	
Do	Frank Sullivan Associates (For:Waste Management Inc)	180.00	
Jay R. Sullivan, Jamison & Sullivan, Inc 1101 30th Street, NW Washington, DC 20007	Douglas County Oregon	3,000.00	
Do	Malheur Timber Operations	1,500.00	
Do	Sodak Gaming, Inc	2,500.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Maureen A. Sullivan, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging		
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	500.00	
Rick Surratt, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	12,809.76	
Rosemarie Sweeney, 2021 Massachusetts Avenue, NW Washington, DC 20036	American Academy of Family Physicians	7,960.86	2,112.90
Lori Swenningsen, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Iron & Steel Institute		
Do	Business Software Alliance	5,137.50	36.00
Do	Cable & Wireless, Inc		
Do	Chrysler Corp		
Do	Grocery Manufacturers Assn		
Do	Metropolitan Fiber Systems Communications Co, Inc	14,851.25	218.00
Do	National Asphalt Pavement Assn	13,905.00	128.00
Do	New England Power	1,083.75	28.00
Do	Pharmaceutical Manufacturers Assn		
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	5,893.67
SPACECAUSE, 922 Pennsylvania Avenue, SE Washington, DC 20003		483.00	503.00
Bruce B. Talley, 1401 H Street, NW, #1060 Washington, DC 20005	Asea Brown Boveri, Inc	8,500.00	97.77
Alan Tank, 201 Massachusetts Ave,NE, #C4 Washington, DC 20002	National Pork Producers Council	10,000.00	2,033.03
Taxpayers Education Lobby, Inc, 14155-F Sullyfield Circle Chantilly, VA 22021			494.80
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	Meridian Oil, Inc	1,750.00	165.06
Richard Taylor, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Co	500.00	
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	235.25
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	437.50	
Do	Midwest Motor Express, Inc		
Do	Multiemployer Pension Plan Solvency Coalition	28.75	
Do	National Assn of Convenience Stores		
Technical Group, Inc, 1300 Eye Street, NW, #1000 West Washington, DC 20005	NEDA/RCRA Project	500.00	
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center	5,691.04	
Paul M. Tendler, 1090 Vermont Ave., NW, #1200 Washington, DC 20005	Tendler Goldberg Biggins & Geltzer, Chtd (For:American Licensed Practical Nurses Assn).		
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	35,000.00	
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Edlu J. Thom, 1333 New Hampshire Ave., NW Suite 1001 Washington, DC 20036	Arco Chemical Company	112.50	
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Liberty Media Corp		
Do	Visual Information Technologies, Inc		
Patricia L. Thompson, 601 Pennsylvania Avenue #620-North Building Washington, DC 20004	United Illuminating Company	13,695.00	1,228.89
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacoma	700.00	5.50
Do	CH2M Hill Hanford, Inc	12,608.00	1,405.34
Do	Lornty Investment Company	2,235.00	86.17
R. Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	Golden Rule Insurance Co	18,000.00	6,697.88
Do	Mitsubishi Electronics America, Inc	10,125.00	3,327.85
Thompson & Hutson, 1317 F St., NW, Suite 900 Washington, DC 20004	Fluor-Daniel, Inc	12,425.00	
Do	National Dual Shop Coalition		
John H. Thorne, 1156 15th Street, NW, Suite 400 Washington, DC 20005			
John Thornton, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	1,661.60	
John Threlkeld, 80 F Street, NW Washington, DC 20001	American Federation of Government Employees	5,895.08	
William D. Toohey Jr., 1010 Massachusetts Ave., NW Washington, DC 20001	American Road & Transportation Builders Assn		
Greg R. Toomey, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc	9,000.00	
Jeff Topfer, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Electronic Publishing Group		46.35
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			3,862.50
Clifford Traisman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	225.00	
Bernard R. Tresnowski, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Association		12.00
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	United Mine Workers of America		
Troutman Sanders, 601 Pennsylvania Ave., NW, Suite 640 North Building Washington, DC 20004	Central & South West Corp	5,147.63	107.32
Do	Southern Company	5,147.63	107.32
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	Public Servcie Co of Indiana		
Shannon B. Tuel, c/o Burger King Corporation P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp	111.00	1,818.83
Jane L. Turner, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Max Turnipseed, 451 Florida Street, Room 914 Baton Rouge, LA 70801	Albemarle Corporation	1,485.00	148.09
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	9,500.00	
Nathan M. Tyler, 1627 K Street, NW, #800 Washington, DC 20006	Glass Packaging Institute	1,100.00	195.00
Peter Tyler, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,259.00	
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	CareTenders Healthcorp	900.00	
Do	City of Las Vegas		2,103.34
Do	Continental Medical Systems		9,300.00
Do	Curaflex Health Services, Inc		
Do	Edison Electric Institute		
Do	Healthsouth Rehabilitation Corp	10,500.00	
Do	Integrated Health Services, Inc		10,500.00
Do	United Parcel Service		
Do	USA Healthnet, Inc		
Philip J. Ufholz, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	600.00	
Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005	Erisa Industry Committee	2,062.00	
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		57,375.90	4,955.25
United Seniors Assn, Inc, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033		365,518.35	314,159.66
Upjohn Co, 1455 F Street, NW, Suite 450 Washington, DC 20005			512,870.00
Donald W. Upson, 1500 PRC Drive McLean, VA 22102	PRC, Inc		6,449.72
Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006	EG&G, Inc	175.00	
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers	15,820.98	40.00
J. Andrew Usera, 8310-B Old Courthouse Road Vienna, VA 22182	Asociacion de Instituciones Postsecundarias Acreditadas	5,689.58	5,689.58
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	924.00	
Jeanette Van DeWater, 262 Pennsylvania Ave., NW Freeport, NY 11520	Friends of NIDCD, Inc	4,133.33	54.04
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Textron	6,000.00	125.00
Do	Harsco Corporation	24,168.00	2,438.76
Do	United Defense Limited Partnership	12,084.00	1,230.12
Van Fleet-Meredith Group, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	34,377.00	1,638.28
Do	American Gas Cooling Center	15,000.00	
Do	AT&T	2,000.00	
Do	Bulova Technologies, Inc		
Do	Electrospace Corporation	10,500.00	18.32
Do	Engelhard/ICC	13,500.00	147.17
Do	Fischer Imaging corp		
Do	HARSCO Corp	2,000.00	
Do	Litton Applied Technologies	11,250.00	934.02
Do	Magnavox Government & Industrial Relations Co	22,350.00	
Do	Martin Marietta Corp	19,999.98	313.36
Do	Miltope Corp	10,050.00	38.05
Do	New York Gas Group	12,600.00	10.35
Do	NCube		
Do	OMNI-TECH Medical		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Sea Beam Instruments, Inc		
Do	Southern California Gas Co	24,999.99	1,344.09
Do	Southern Maryland Naval Alliance	5,000.00	149.69
Do	SNECMA		
Do	Tecogen Division	7,500.00	15.82
Do	Thermo Trex	7,500.00	33.06
Do	Thiokol Corp	15,000.00	22.20
Do	Vanguard Research, Inc		
Bronson Van Wyck & Co, 2141 Highway 224 East Tuckerman, AR 72473		9,139.49	14,154.56
Margaret VanAmringe, 700 13th Street, NW, Suite 950 Washington, DC 20005	Joint Commission on Accreditation of Healthcare Orgs	9,975.00	12,145.00
Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	993.75	
Vedder Price Kaufman Kammhoz & Day, 1600 M Street, NW, Suite 700 Washington, DC 20036	Coalition to Preserve Self-Insurance		26,580.28
Sally White Veith, 1400 L Street, NW, Suite 1000 Washington, DC 20005	Winston & Strawn		
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Advanced Television Research Consortium (ARTC)		
Do	Ameritech		
Do	Association of American Railroads	812.50	
Do	Brown & Root, Inc		
Do	Burlington Northern, Inc	1,687.50	
Do	Central Gulf		
Do	Central Transport	5,217.50	
Do	CliniCorp, Inc		
Do	Commonwealth of Puerto Rico	17,840.00	
Do	David Sarnoff Research Center	1,980.00	
Do	General Dynamics Corp	5,110.00	
Do	GenCorp	7,820.00	
Do	George Washington University		
Do	Guardian Industries	340.00	
Do	Hughes Communications, Inc	1,410.00	
Do	Hughes Network Systems, Inc		
Do	Insurance Solvency Coalition		
Do	Investment Company Institute		
Do	K Mart Corp		
Do	Kellogg		
Do	Large Public Power Cos		
Do	Manville Corp	8,412.00	
Do	Mars, Inc	1,880.00	
Do	McDonnell Douglas Corp	59,421.00	
Do	Merrill Lynch & Co, Inc	2,365.00	
Do	Michelin North America	764.00	
Do	Motion Picture Assn of America		
Do	Northwest Airlines		
Do	NBC	900.00	
Do	Puget Sound Power & Light Company		
Do	Shell Oil Co	3,130.00	
Do	Tenneco	680.00	
Do	Travelers Companies	27,830.00	
Do	TRW, Inc		
Do	Uniroyal Chemical Company, Inc		
Do	Western Michigan University	2,356.00	
Verrill & Dana, One Portland Square P.O. Box 586 Portland, ME 04112-0586	Major League Baseball Players Assn	10,485.00	2,336.21
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	281.25	
Do	California Franchise Tax Board	1,417.50	
Do	California Public Employees' Retirement System	7,975.00	
Do	California State Senate		
Do	Pacific Stock Exchange, Inc		
Do	Regional Stock Exchanges Coalition	27,200.00	
Do	Sacramento Metropolitan Water Authority	800.00	
Do	State Board of Equalization (Calif)	3,150.00	
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	15,566.00	1,915.62
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Lutheran Brotherhood	6,000.00	
Do	Mennonite Mutual Aid Assn	15,000.00	
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	8,581.21	74.44
Ellen M. Vollinger, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research and Action Center	1,258.48	
John M. Volpe, 1825 Eye Street, NW, Suite 400 Washington, DC 20006	Heublein, Inc	6,562.50	275.00
Philip H. Voorhees, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	2,250.00	241.10
Kurt Vorndran, 1126 16th Street, NW Washington, DC 20036	International Union of Electrical Workers	11,250.00	
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
James C. Waldo, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacoma		
Do	Lornty Investment Co		
Anne Marie Walsh, 1101 Connecticut Ave, NW, #700 Washington, DC 20036	American Assn of Preferred Provider Organizations		
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Michael D. Walsh, P.O. Box 591 Parishville, NY 13672			
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,250.00	159.85
Susan M. Walter, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	General Electric Co	5,000.00	450.00
Warner & Hultin, 155 E. Broad Street, 16th Floor Columbus, OH 43215-3617	Large States Quality Council	6,095.00	6,460.06
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	City of Cleveland	17,100.00	738.63
Do	City of Miami	11,250.00	2,149.65
Do	City of Oakland	19,627.50	377.50
Do	Coca-Cola Company	9,000.00	
Do	Electronic Data Systems, Inc		
Do	Foundation Health Federal Services, Inc		
Do	Government of Antigua and Barbuda		1,548.11
Do	Government of Sao Tome e Principe	40,473.00	2,023.44
Do	Greater Cleveland Regional Transit Authority	6,600.00	928.59
Do	National Fertilizer Co of Nigeria		
Do	Pascaline Mferri Bongo	265,297.00	3,213.51
Do	Reid & Priest (for City of Denver)		
Do	San Francisco Public Utilities Commission	16,249.98	
Washington Independent Writers, Inc, 733 15th Street, NW, #220 Washington, DC 20005			
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Federal Republic of Nigeria		2,752.00
Do	Government of the Republic of Haiti		
Do	Republic of Cameroon		2,434.53
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	15,204.00	563.27
Do	Wisconsin Counties Assn	13,457.40	855.61
Waterman & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	All-Industry Television Committee	6,000.00	81.75
Do	American Foundrymen's Society, Inc	75,000.00	1,788.76
Do	American Metalcasting Consortium (AMC)	5,000.00	310.87
Do	Cast Metals Coalition	7,500.00	208.52
Do	North American Die Casting Assn (NADCA)	20,000.01	2,398.88
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	10,000.00	487.43
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	10,000.00	333.67
Douglas R. Watts, 1320 19th Street, NW, #201 Washington, DC 20036	Tele-Communications, Inc	3,750.00	
Judith G. Waxman, 2913 Cathedral Ave., NW Washington, DC 20008	Families USA Foundation	3,736.36	310.00
James D. Webb, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	251.49	
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Halliburton Co		
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	48.00	
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Robert E. Weigend Jr, 13511 Sringhaven Drive Fairfax, VA 22033	Shemberg, USA		
Theodore F. Weihe, 1800 Massachusetts Avenue, NW 3rd Floor Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,000.00	
Kathleen Weiss, 200 Park Avenue New York, NY 10171	Westvaco Corp		1,343.46
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging		
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	11,600.00	543.25
Stuart P. Wells, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William B. Welsh, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	16,534.00	124.00
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		45,000.00	45,000.00
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Anheuser-Busch Companies, Inc	3,236.43	18.00
Do	SEGA of America	7,264.57	118.55
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	510.00	
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	120.00	
Thomas E. Wheeler, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Association		287.65
Ward H. White, 1401 H Street, NW, Suite 600 Washington, DC 20005	U.S. Telephone Assn		100.00
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles	25,500.00	4,517.85
Do	Cuyahoga County	16,831.25	1,301.15
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	Giddings & Lewis, Inc		
Do	National Constructors Association	9,999.99	5,064.38
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Central Utah Water Conservancy District)		
Martin Whitmer, 905 16th Street, NW Washington, DC 20006	Laborers' Int'l Union of N.A., AFL-CIO	5,333.34	122.50
John H. Whitmire, P.O. Box 7271 Houston, TX 77008	Houston Firefighters Relief & Retirement Fund	10,000.00	
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	Wilderness Society	178.76	
Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	J. I. Gray & Associates		
Do	Arnold J. Lande		
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	City of Philadelphia	7,500.00	140.56
Do	Health Trust, Inc	2,500.00	29.00
Do	McDonald's Corp	4,000.00	30.53
Do	National Rural Letter Carriers Assn		
Do	Pioneer Seed Co, Inc	1,000.00	8.50
James Wickett, 600 Maryland Avenue, SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Anne Marie Wiedemer, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	2,100.00	735.00
Brian Wilcox, 750 First Street, ME Washington, DC 20002-4242	American Psychological Assn	4,000.00	195.46
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Chaparral Steel Co		
Do	Club Car, Inc		
Do	Georgetown Industries	1,738.00	35.53
Do	Raritan River Steel Co		
Do	Washington Citizens for World Trade	37,928.50	2,928.04
Laurie L. Wilkerson, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:SPRINT)		
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Lawrence F. Williams, 408 C Street, NE Washington, DC 20002	Sierra Club	5,411.25	
Michael E. Williams, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,500.00	294.40
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	779.00	614.00
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Textile Manufacturers Institute	15,964.00	260.31
Do	Cook Inlet Communications, L.P.		
Do	Council for Responsible Nutrition		
Do	Educational Testing Service		
Do	Handgun Control, Inc		
Do	Swiss Bankers Assn	10,937.50	1,665.31
Chapin E. Wilson Jr., 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	5,675.00	1,280.00
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	31.68
Joseph B. Winkelmann, Winkleman & Associates, Inc 9220 Byron Terrace Burke, VA 22015	Council for Citizens Against Government Waste	9,000.00	
Peggy Winston, 6100 Lake Forrest Drive, Suite 420 Atlanta, GA 30328	Eagle Engineering & Communications Group, Inc		
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Honey Producers Assn		
Do	American Transit Services Council		
Do	Atlantic County Utilities Authority	270.58	
Do	City of Indianapolis	270.58	
Do	Connecticut Resources Recovery Authority	270.58	
Do	CSR, Ltd	2,000.00	15.00
Do	Data Transformation Corp	3,653.75	22.50
Do	Delaware County (PA), Solid Waste Authority	270.58	
Do	DHL Corporation	1,919.50	
Do	Government of the U.S. Virgin Islands	17,433.13	51.33
Do	Greater Detroit Resource Recovery Authority	270.58	
Do	GNA Corp	21,145.20	430.00
Do	Interbank Anonim Sirketi		5.00
Do	Mercer County	270.58	
Do	Minnesota Resource Recovery Assn	270.58	
Do	Montgomery County, Ohio & Montgomery County Solid Waste Dist	270.58	
Do	National Bulk Vendors Assn	710.00	
Do	New Jersey Assn of Environmental Authorities	270.58	
Do	Solid Waste Authority of Central Ohio	270.58	
Do	Summit County/Akron Solid Waste Authority	270.58	
Do	Town of North Hempstead	270.58	
Do	U.S. Rice Producers' Group	8,500.00	84.00
Do	Western Peanut Growers Assn	1,200.00	
Do	York County Solid Waste & Refuse Authority	270.58	
WinCapitol, Inc, 1207 Potomac Street NW Washington, DC 20007	California Energy Company, Inc	43.00	
Do	Calpine Corp	390.00	
Do	Dow Chemical Co		
Do	Geothermal Resources Assn		
Do	MAGMA Power Co	85.00	
Do	OESI		
Do	ORMAT		
Do	Premack International	400.00	
Do	Unocal Corp	81.00	
Jim Wise Associates, 1500 Wilson Blvd., #320 Alexandria, VA 22209	Kern County, CA	7,500.00	550.00
Do	National Assn of Credit Management	12,000.00	675.00
Do	R.J. Mathews Foundation for Prostate Cancer Research	3,000.00	200.00
Do	San Francisco Bar Pilots Assn	6,000.00	440.00
Melanie Wisniewski, P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp	756.00	1,283.39
Marcia A. Wiss, 1215 17th Street, NW Washington, DC 20036	Canned & Cooked Meat Importers' Assn	832.50	11.95
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	2,000.00	
Richard Marvin Womack, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	58.40	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,750.00	
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,710.00	
Terry R. Woodard, One Suffolk Square, Suite 500 Islandia, NY 11722-1543	Council for Marketing & Opinion Research (CMOR)		
G. Kent Woodman, 2100 Pennsylvania Ave., NW Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	2,730.00	22.00
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171-0521	National Assn of Air Traffic Specialists	3,900.00	181.61
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	165.00	85.00
Kyra Wostoupal, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
David L. Wray, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606	Profit Sharing Council of America		
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Adventist Health System Sunbelt	9,000.00	69.26
Do	Alliance of American Insurers	17,964.19	271.44
Do	American International Group, Inc	3,643.50	107.92
Do	Bermuda, Government of	2,574.75	198.40
Do	Bituminous Coal Operators Assn	24,000.00	433.84
Do	Circuit City Stores, Inc		
Do	Computing Technology Industry Assn		
Do	Guam Tax Code Commission		26.00
Do	Herbalife International of America, Inc	14,740.00	2.20
Do	Island Development Corp	370.00	
Do	Kohlberg Kravis Roberts & Co	3,013.50	383.76

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Metropolitan Life Insurance Co	13,596.50	171.26
Do	Mutual Life Insurance Co Tax Committee		
Do	National Assn of Small Business Investment Companies	1,500.00	25.24
Do	Northwestern Mutual Life Insurance Co	3,333.20	48.64
Do	NYNEX Corp	2,000.00	18.20
Do	Process Gas Consumers Group		
Do	RJR Nabisco	3,000.00	137.58
Do	Stifel Nicolaus & Co, Inc	1,400.00	68.50
Do	Waste Conversion Systems, Inc		
Marc D. Yacker, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Association	650.00	
John W. Yago, 1010 Massachusetts Avenue, NW Washington, DC 20001	American Road & Transportation Builders Assn	13,750.05	169.61
Dalton Yancey, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Yankee Microwave, Inc, P.O. Box 567 Naples, ME 04055			
R. Christopher Yatooma, 1212 New York Ave., NW, Suite 300 Washington, DC 20005	National Assn of Arab Americans		50.00
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	13,837.39	61.25
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,535.39	329.58
Robert A. Young, 12248 Turkey Creek Maryland Heights, MO 63043	James Brown & Associates		
Paul J. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc		
Sharon G. Zedd, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator & Associates (For:American Wood Preservers Institute)	2,000.00	2,000.00
Zero Population Growth, Inc, 1400 16th St., NW, #320 Washington, DC 20036		2,728.00	3,011.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	998.31	134.38
Stephen A. Ziller Jr., 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	35.00	
Joan Levy Zlotnik, 750 First Street, NE, #700 Washington, DC 20002	National Assn of Social Workers	10,980.00	
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00

EXTENSIONS OF REMARKS

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD the transcript of an interview my chief of staff, Paul Marcone, conducted last February with William Slattery, district director of the Immigration and Naturalization Service's New York City Office.

INTERVIEW OF WILLIAM SLATTERY, DISTRICT DIRECTOR IMMIGRATION AND NATURALIZATION SERVICE, NEW YORK, FEBRUARY 22, 1994

Mr. MARCONE. We're concerned over a number of things. We don't think that Joe Occhipinti got a fair trial, all that transpired with his attorney. We're not so sure that the INS here in Washington really went to bat for him the way that they should.

I guess, just to start off, where you Joe's supervisor during operation Bodega?

Mr. SLATTERY. No.

Mr. MARCONE. What was your position with INS during Bodega?

Mr. SLATTERY. I wasn't in New York when Bodega took place. I had been in New York previously, but I returned to New York in May of 1990.

Are you going to have this transcribed or?

Mr. MARCONE. If I can. If not, I'll send you a copy of the audio tape.

Mr. SLATTERY. Okay.

Mr. MARCONE. You were there in 1990?

Mr. SLATTERY. I returned to New York in May of 1990.

Mr. MARCONE. And at that time, Bodega was still going on though, wasn't it?

Mr. SLATTERY. I can't remember with certainty, but I believe not. I believe the issue was, had already been stopped.

Mr. MARCONE. And that was right after April, I believe, was the rally that was at city hall.

Mr. SLATTERY. Yes.

Mr. MARCONE. Were you Joe's supervisor, though, when you came back?

Mr. SLATTERY. Well, I was the Acting District Director in May of 1990, so I supervised everyone in the district. I think there were probably about 1200 employees, and Joe would be there.

But if you're asking if I was his immediate supervisor, the answer is, no. There were probably at least three or four supervisors between Joe and me.

Mr. MARCONE. But had you worked with Joe in any capacity prior to May 1990?

Mr. SLATTERY. In the early 1980s, I supervised Joe. As a first line supervisor, not a second——

Mr. MARCONE. Did you ever witness him or have any reports of anything illegal?

Mr. SLATTERY. No. I never saw Joe I think to do anything illegal.

Mr. MARCONE. What type of agent was he when you worked for him?

Mr. SLATTERY. Joe was a—well, I never worked for him. He worked for me.

Mr. MARCONE. Right.

Mr. SLATTERY. When I first met Joe, Joe was a journeyman agent, and he had just been upgraded. At that time, Immigration had different rankings for journeymen. He was just upgraded to the higher journeyman rank.

He came to work in the Fraud Investigation Bureau and he was the senior man, and Joe was involved in many prosecutions of cases.

I'm trying to think of the type of work he was doing. There was a project he ran that was called Project Shepherd. That was a rather large case, and I'm trying to think what was behind Shepherd. It might have been the manufacturing of false documents or something.

Mr. MARCONE. And what was your evaluation of his work product?

Mr. SLATTERY. Joe was dedicated, Joe was committed, Joe was driven. Joe was a very ambitious agent. Joe often times required a lot of support in the office in order to complete his case.

I can remember on some occasions we would have to hold 30 or 40 special agents to go out and pick up witnesses at the very last minute because somebody's life was threatened, or when Joe was about to execute arrest warrants, it required a substantial number of other agents dropping everything they were doing to kind of support him.

So he was the type of agent who, although he was effective in what he was doing in terms of case accomplishment, he wasn't able to control the case within his own resources. He always wound up bringing everybody and their brother involved in completing the case.

Mr. MARCONE. But did his work result in convictions?

Mr. SLATTERY. His work resulted in convictions.

Mr. MARCONE. He wasn't going on long-shot cases?

Mr. SLATTERY. He was making cases, that's correct. He was making cases and if there was any type of controversy in the office, it was over the fact that it wasn't going smoothly. It was a very disruptive way of doing business. Had there been a little more planning, a little more fine-tuning, a little more biting off only what you could handle, you know, to use a metaphor, you go out and shoot an elephant, you're by yourself, and you decide gee, how am I going to get the elephant out of the woods.

All of a sudden, you have to hire a hundred people to come into the woods to help cart the elephant.

So Joe was successful. He was getting his game, but in the process of doing it, always involving other people to help clean it up.

Mr. MARCONE. Did that cause resentment among his coworkers?

Mr. SLATTERY. Exactly, exactly. It generated some resentment.

Mr. MARCONE. But you never witnessed him doing anything, or you didn't get reports that he was going out and going above and beyond in terms of legality?

Everything he was doing was legal in terms of the people was he going after, the methods that he used to get convictions and get evidence and arrest people were legal?

Mr. SLATTERY. Yes. Yes.

And when he began, Joe was a journeyman and based upon his journeyman record, he was promoted into supervision. He applied for a job in supervision. It was a competitive promotion. There were several people on the selection certificate and Joe was selected as the supervisor.

And the position was for the Anti-Smuggling Unit. That's how Joe went into the anti-smuggling. So he competed for that and he received the promotion.

And although I wasn't the selecting official, I was certainly involved in providing my assessment of Joe. I don't remember my exact words, but obviously it was somewhere between favorable and very favorable.

And Joe got the job. I think the evidence is there that if Joe were suspected or identified with illegal tactics or doing things improperly, that the district director would not have promoted him into a management position.

Mr. MARCONE. So there is good reason to believe that the accusations against him stemming from operation Bodega was the first time he was accused in such a forthright manner of actual illegal activity?

Mr. SLATTERY. There were, I wasn't there at the time, but there were some other operations that weren't executed in a manner that the U.S. Attorney's office wanted them executed. I understand that the U.S. Attorney's office was concerned with Joe over past operations.

A case in point——

Mr. MARCONE. Illegal searches? Is that the main issue?

Mr. SLATTERY. No, but issues about statutory authority or exceeding that authority came up. A case in point would be an operation called Operation Red Eye. I don't know if you're familiar with it, or you've heard about it.

I wasn't in New York at the time. But what I understood the situation to be was that the Assistant U.S. Attorney David Lawrence was the head of the unit that created this Operation Red Eye, and they were interested in intercepting narcotics that were being transported into New York by unconventional means, i.e., people coming in on the Amtrak train, People coming in on buses, and avoiding state police in New Jersey and what-have-you.

Red Eye David Lawrence had called the branch chief, the Assistant District Director of Investigations, to participate in a meeting for INS to be a member of a task force and Red Eye was going to work these public transportation hubs to look for drug couriers.

The Assistant District Director at that time, Walter Connery, assigned Joe onto the case since he was the head of the Anti-Smuggling Unit, to represent INS.

My understanding is that there was a large operational plan and it had a target date to kick off. And that Joe jumped the gun on it. He left a day or two days earlier and conducted an operation at the Port Authority Bus station before that plan was to go. And that that operation, in essence, shut down Project Red Eye.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And not only did it shut down Project Red Eye but David Lawrence, who was in charge of Red Eye, lost that position in the U.S. Attorney's office and indeed was changed to head the public corruptions unit, a unit which eventually prosecuted Joe.

Mr. MARCONE. So there was a lot of bad blood in the U.S. Attorney's office?

Mr. SLATTERY. Well, that's, you know, I don't know if there was a lot of bad blood or not. I'm just telling you what's been represented to me.

Lawrence ran Operation Red Eye. Red Eye collapsed because Joe jumped in prematurely.

I understand—one would have to look into it—but as a result of that, Lawrence was reassigned to head the public corruptions unit, a much less important position within the office. And that's the unit that eventually prosecuted Joe.

So when you asked me the question before, were there any problems with Joe, I'm hearing that, yes, there were problems, and they dealt with Joe's ambitiousness and Joe's being somewhat uncontrolled.

Mr. MARCONE. But there were never any indications that he was racist, that he was going in and breaking the law and forcing people to sign consent forms?

There was no, you never got any reports or witnessed him ever intimidating people he was investigating, doing any thing illegal other than maybe he was being guilty of being over-zealous and a bit of a pain in the butt in the office because he was such a go-getter?

Mr. SLATTERY. Exactly.

Now I had left New York in November of 1986. As a matter of fact, I left investigations in July of 1984, so I was not supervising Joe after July of 1984.

I stayed in the examinations branch which administers the benefits and takes care of the airport until July of 1986.

During that period of time, I commuted with Joe, and we shared the same car coming in off and on, depending upon schedules.

Then, in November of 1986, I came to Washington, and I ran the legalization program. I was the Assistant Commissioner for Legalization.

I stayed here for 18 months. I went back to New York in May of 1988 for six months, and I was the Deputy Assistant Director, and then I was transferred down to Washington, and I came back to Washington in November of 1988 as the Acting Commissioner of the Border Patrol.

And I didn't get back to New York until May of 1990, see, so there was a lot of years there that I wasn't supervising Joe.

Mr. MARCONE. You could talk to me about, you were there when he was on trial?

Mr. SLATTERY. Yes, I was there when he was on trial.

Mr. MARCONE. Now, a week before his trial, or in that time frame, were you aware that the U.S. Attorney's office was intimidating INS officials?

Did you get the impression that they wanted to get Joe at all costs?

Mr. SLATTERY. The U.S. Attorney's Office, when they indicted Joe, they were out to convict him.

Mr. MARCONE. Did you witness them or hear that they were trying to intimidate INS officials to testify against Occhipinti.

Mr. SLATTERY. I know that many of us went over. I myself was one of the people that went over to the U.S. Attorney's office. The U.S. Attorneys, the prosecutors in the case, were very aggressive in pursuing—. And it was pretty clear to me that if you were going to testify anything to the positives for Joe, that the U.S. Attorney's office would challenge the credibility of your testimony, that they would come after you.

Mr. MARCONE. They would try to impugn your integrity?

Mr. SLATTERY. Absolutely, absolutely.

Mr. MARCONE. And that was known?

Mr. SLATTERY. Yes.

Mr. MARCONE. So you would say that INS people who may have been inclined to testify in support of Joe were hesitant to do so because of that attitude on the part, and that knowledge that they would try to destroy people's integrity?

Mr. SLATTERY. I can't speak for other people, but what I can say is this.

Mr. MARCONE. But that's the impression that you personally had?

Mr. SLATTERY. People were aware of the fact that the U.S. Attorney's office was prepared to impugn us if we got on the stand.

Now Joe, Joe was free to call any of us as witnesses that he wanted to.

And let me give you a case in point.

Joe did call Walter Connery, the head of investigations, to testify for him. When Walter went, Walter came into that courtroom with tremendous credentials. Prior to being the Assistant District Director for Investigations for New York, Walter had many years as the head of the INS OPR Unit.

He was in charge of professional responsibility. OIG within INS. In fact, Walter—for the INS. He was the only head that INS ever had.

And prior to that, Walter retired from the New York City Police Department. He retired as a ranking inspector. And he was an attorney and his job there was to oversee the legal work done by the internal affairs unit in the City of New York.

So Walter had an entire career of the internal affair type operations, both from a content and a legal prosecution experience and one with many years with INS.

Mr. MARCONE. How do you spell Walter's name?

Mr. SLATTERY. C-O-N-N-E-R-Y.

Mr. MARCONE. Okay.

Mr. SLATTERY. So Walter went over and testified, and in his testimony for Joe, I guess the defense attorney asked him, have you ever seen a prosecution like this before, and Walter said no. He said these type of infractions always start or were handled administratively. I've never seen an individual go through prosecution for this, especially since there's an absence of violence.

Mr. MARCONE. I don't want to get off track, but was that your impression, in the past, in your experiences in the INS, if someone is accused of forcing someone to sign a consent form or there's a problem with the consent form, that's usually handled administratively?

Mr. SLATTERY. I've never seen another case where there was a problem with a consent form. I've never heard of another case that either dealt administratively or criminally.

Mr. MARCONE. So have you ever been confronted with a case where someone was arrested as a result of a consensual search and that individual claimed that the arresting agent forced him to sign the consent form?

Mr. SLATTERY. No.

Mr. MARCONE. No one's ever filed a complaint about that?

Mr. SLATTERY. I've never seen one in all the years of service.

But let me finish with Walter here.

Walter testified he'd never seen that in all his experience. The U.S. Attorney's office came back to Walter and basically inferred and tried to claim that Walter was testifying in that way because I was the rating and reviewing official for Walter in his performance evaluation, and implying that I was a personal friend of Joe's and if Walter didn't testify in that manner, that Walter's ratings would be, it would be reflected in Walter's ratings.

Mr. MARCONE. Was that true, that allegation?

Mr. SLATTERY. Absolutely not.

And Walter said as much in court. As a matter of fact, Walter was planning on retiring in the near future and I'm sure he wanted a good rating, but you're not talking about a man who needed a good rating.

He was retiring from his second career from the city and he had another one coming from INS and he was not the kind of guy, if you spend your entire career running an OPR or OIG type operations, is one that's not easily intimidated by anybody.

Mr. MARCONE. How much of the trial did you personally witness, the actual trial?

Mr. SLATTERY. I went over for the sentencing. That was it.

Mr. MARCONE. Did you have a chance to observe Mordkofski, Occhipinti's attorney?

Mr. SLATTERY. No.

Mr. MARCONE. So you wouldn't have any first hand knowledge if he was mentally incompetent?

Mr. SLATTERY. No.

Mr. MARCONE. Did you testify at the trial?

Mr. SLATTERY. No.

Mr. MARCONE. Were you present at Connery's testimony?

Mr. SLATTERY. No.

Mr. MARCONE. Okay. So you——

Mr. SLATTERY. What I'm giving you here is in the transcript.

Mr. MARCONE. But did you notice in the transcripts that Occhipinti's attorney was less than satisfactory in terms of his questioning and his line of questioning?

Mr. SLATTERY. The transcripts could fill a shopping cart.

Mr. MARCONE. Yes.

Mr. SLATTERY. I'm aware of the Connery comment because it involved me.

Mr. MARCONE. Right.

Mr. SLATTERY. But looking for other evidence of competency of Joe's counsel, I never did that.

Mr. MARCONE. Okay, I'm going to be jumping around.

Mr. SLATTERY. Sure, go ahead.

Mr. MARCONE. Stafford Williams was one of the unindicted co-conspirators?

Mr. SLATTERY. Yes.

Mr. MARCONE. Did anyone from the U.S. Attorney's office or the Justice Department prevent you from taking disciplinary—you or the INS, from taking disciplinary action against him?

Mr. SLATTERY. Well, in a simple yes/no question, the answer would be no. We did take disciplinary action against him.

Mr. MARCONE. Did they discourage you from doing that?

Mr. SLATTERY. From taking disciplinary action, no. Did they encourage me to take less action than what I did take, yes.

Mr. MARCONE. They didn't want you to take any severe action against him?

Mr. SLATTERY. The thought that, you know, we—the INS—and let me explain the way the process works.

The Deputy District Director, my deputy, is the proposing official in disciplinary action.

Based upon Stafford Williams' testimony and nothing else——

Mr. MARCONE. His testimony was definitely against Occhipinti.

Mr. SLATTERY. Well, but it was hard, when we dealt with Stafford Williams, we didn't deal with Stafford Williams in terms of his relationship with Joseph Occhipinti. We dealt with Stafford Williams in terms of what he admitted to doing on the stand.

The difference between Joseph Occhipinti and Stafford Williams is Joseph Occhipinti said I didn't do anything wrong. Stafford Williams, on the other hand, came in and, under oath, admitted to doing a series of things.

And those things warranted his removal from the Immigration Service.

My memory may miss a couple of things, but as I remember, Stafford Williams admitted under oath and under questioning by the U.S. Attorney, Not Joe's defense attorney, which seemed odd if they didn't ask him we wouldn't have had the material to discipline him——

Mr. MARCONE. Right.

Mr. SLATTERY. But he admitted to falsifying his time and attendance sheets, so basically stealing from the Government. He admitted to violating the civil rights of individuals. He admitted to stealing from Bodegas, things such as coca cola cans, pornographic films, Spanish fly.

What else did he admit to—I'm not sure if that was it or there was more, but there was enough there in terms of stealing and lying and cheating on his attendance records that the standards we use, you've got a higher standard than law enforcement officers, and what caused us to take a look at Stafford Williams was that one of the Assistant U.S. Attorneys in the Eastern District of New York, not the Southern District, had a case where Stafford Williams was supposed to testify, and basically they communicated back to us to say we can't use your agent. If we use your agent, we have a legal responsibility to inform the jury of the things your agent has admitted to.

Mr. MARCONE. Right.

Mr. SLATTERY. Now, what they're telling you then is you've got an employee who is, to a great extent, useless because special agents are supposed to go out, uncover violations and present them from prosecution.

And the U.S. Attorney's office is telling us that this man can no longer present a case for prosecution without jeopardizing the whole case.

Mr. MARCONE. So you took action against him.

Mr. SLATTERY. So the Deputy District Director proposed that he be removed from the Immigration Service based upon his admissions on the stand.

Mr. MARCONE. Right.

Mr. SLATTERY. Then Stafford came back to me, and there's a long process where one could—see the proposing official proposes, and the normal letter says you have 30 days to respond to the deciding official, but there's provision to ask for extensions. And when people ask for extensions, they normally get them.

I think Stafford asked for a 60-day extension, which we gave him, so that gave shims about 90 days.

The U.S. Attorney's office called me and the deputy over and asked us what was going on. And they wanted us to do something less drastic.

Mr. MARCONE. Was this Jeh Johnson?

Mr. SLATTERY. I don't believe Jeh Johnson was in the room. I think it was David Lawrence and it was Staniford.

Mr. MARCONE. Staniford.

Mr. SLATTERY. Staniford, okay.

And there were some of the special agents who worked with the U.S. Attorney's office that prosecuted the case.

They approached it that there ought to be something less dramatic than with Stafford because Stafford's been cooperating with the Government, and couldn't we give him a different job, a different special agent position.

Mr. SLATTERY. I said, we don't have a special agent position that doesn't prosecute cases. You can't justify the grade, you can't justify the position.

And, you know, there's nothing else we could do.

They were interested in providing a different position for him.

At that time, I had an INS employee assigned to their office, and still do, and we've had one over there full time. I said to them, I said, if you want him, you can have him. Give me my guy back, and you've got him.

And they didn't want him.

But I said, you know, I can't use him.

Mr. MARCONE. So what ended up happening to Stafford Williams?

Mr. SLATTERY. Well, they said, they asked us not to take any action until they wrote a letter. And we, you know, we're all in the Department of Justice, and we're going to cooperate. We said, fine, you know, we'll give you an opportunity to write a letter before we take any action.

And I said to him, there was still this belief somehow that many of us in management were in Joe's camp.

Mr. MARCONE. A belief within the U.S. Attorney's office?

Mr. SLATTERY. Yes. Yes. And that Stafford wasn't getting a fair shake. So as a strategy, when my deputy and I returned back to our office in Manhattan, we communicated with our regional office in Vermont, and we offered to remove ourselves from the disciplinary process for Stafford Williams, if they wanted to replace us with somebody who was perceived to be more impartial or someone totally unassociated with the case.

Our regional office came back and said, no, they wanted us to do it as we do all the other cases.

I said, fine.

Stafford Williams also filed an EEO complaint about it, on or about the same time, and we now had two issues going; an EEO issue and the removal process.

We waited quite a while for the letter from the U.S. Attorney's office. We put jack up calls on to them saying where is your letter, where is your letter, because we were going to communicate their letter to Washington and say, here's the information we have on Stafford, here's his testimony, here's the disciplinary action, and here's a letter from the U.S. Attorney's office and, you know, we'll wait for your advice and guidance, but this is what we propose to do.

And we're on board with it, and we're going to do it right. It might take a little longer, but we would do it right. Months went by and the letter never came. I don't believe they ever sent us a letter.

So after——

Mr. MARCONE. All this time. Stafford Williams has continued to work as a special agent?

Mr. SLATTERY. Continued to work, continued to work. So then we went through with the, I don't know if we served a proposal on him that we were going to remove him or not.

Stafford came with his attorney and we entered into negotiations, and they agreed, I think the negotiations wound up to this effect. Stafford Williams would immediately resign from the Immigration Service, okay. That accomplished our objectives, and that we would give him a period, a six-month temporary employment with us while he sought other employment.

And that six-month employment could be extended for three months and then three months for a total of one year. At the end of that, it would not be extended again.

That would solve the EEO complaints, that would solve the disciplinary process in terms of arbitrating the case before an arbitrator, and we thought it was the best way to go.

It accomplished our objective and Stafford was gone, and it identified some dates specifically that he would be gone.

Six months went and Stafford couldn't find a job. He asked for an extension.

Part of the requirement was that he submit a letter identifying everything he did to find a job. That letter was a little light in specifics.

We gave him the extension and we gave him a warning that if he's got to come back to us for another three-month extension, he'd have to give us a much more extensive report on his attempts to find a job.

In three month's time, he came back. The initial submission was weak and we denied the last three-month extension, and his attorneys came off, they generated a lot of paper work, they came in with a whole series of job applications. They gave us what we should have had in the first place. And we did give him a second three-month extension.

At the end of one year, he was gone. And he was seeking federal employment elsewhere. Whether he's ever achieved it or not, I don't know.

But the bottom line was——

Mr. MARCONE. The U.S. Attorney never got back with you after saying he'd send you a letter. They never gave you any additional pressure not to take action against him?

Mr. SLATTERY. No.

Mr. MARCONE. Okay.

There's some question about whether or not the U.S. Attorney subpoenaed a training tape that featured Occhipinti teaching agents the Reid and interviewing techniques and how to secure consent searches.

Were you aware of that?

Mr. SLATTERY. No.

Mr. MARCONE. You're not aware of the training tape?

Mr. SLATTERY. No.

Mr. MARCONE. What about the INS consent search form that was in Spanish? Are you familiar with any problems with that? There was a word that the U.S. Attorney claimed did not exist in Spanish.

Mr. SLATTERY. No, I'm not familiar with that. I'm not even sure that's an INS form.

Mr. MARCONE. Okay.

Was there an INS internal affairs investigation that proved that Project Bodegas was lawful?

Mr. SLATTERY. I don't know.

Mr. MARCONE. You weren't aware of an internal affairs investigation?

Mr. SLATTERY. They don't share their——

Mr. MARCONE. You aren't aware through secondhand information that such a report exists?

Mr. SLATTERY. No.

Mr. MARCONE. Okay.

Joe maintains that you were never interviewed or called by his attorney, Mordkofsky. Is that true?

Mr. SLATTERY. I was, oh, you mean to prepare for trial?

Mr. MARCONE. Right.

Mr. SLATTERY. That's true.

Mr. MARCONE. He never called you or interviewed you?

Mr. SLATTERY. He never interviewed me. Early on, I did get a call from Mordkofsky said he was going to stop by, and he never showed up. No date, no appointment or anything.

Mr. MARCONE. How did he sound over the phone, professional, or you don't remember?

Mr. SLATTERY. I really don't remember but this was early on, way before the trial.

Mr. MARCONE. Right.

Mr. SLATTERY. And then I was subpoenaed to testify at the trial. And I honored the subpoena, I showed up.

Mr. MARCONE. Was subpoenaed by who?

Mr. SLATTERY. By Joe.

Mr. MARCONE. Okay.

Mr. SLATTERY. But the thing was that Mordkofsky had never prepped me and the trial was getting ready to start, and they elected not to go with me.

Mr. MARCONE. But you don't have, can you attest to the fact that his attorney was unprepared and exhibited unusual behavior?

Mr. SLATTERY. Oh, I can attest to the fact that it's unheard of, if you're going to subpoena someone as your witness, not to get with them ahead of time and say, hey, Paul, I'm going to send you a subpoena to come, and these are the issues I want to talk to you about.

It's not the way to do business just to subpoena someone and have them show up cold and then hope that they testify to what you want to say on the stand.

Mr. MARCONE. Were you in New York as District Director from July 1992 to December 1992? Were you in New York at that time?

Mr. SLATTERY. Well, I was the District Director of New York.

Mr. MARCONE. During that period.

Mr. SLATTERY. I travel.

Mr. MARCONE. Were you aware that the FBI was undertaking an investigation into the Occhipinti case?

Mr. SLATTERY. Yes.

Mr. MARCONE. Did they ever come and interview you?

Mr. SLATTERY. No.

Mr. MARCONE. They never interviewed you?

Mr. SLATTERY. No.

Mr. MARCONE. Did they ever interview anyone at the INS?

Mr. SLATTERY. Not that I know of.

Mr. MARCONE. During the 1992 investigation?

Mr. SLATTERY. Not that I know of.

Mr. MARCONE. Do you find that to be unusual?

If you were going to conduct an investigation, let's say they assigned you to the FBI to do an investigation of the Occhipinti case. As an investigator, would you talk to the people who worked with Occhipinti?

Mr. SLATTERY. Well, they may have talked to some of those people——

Mr. MARCONE. But they didn't talk to you?

Mr. SLATTERY. They certainly did not talk to me.

Mr. MARCONE. Are you aware of, we were told that the report was completed in December of '92, and we were told in a letter from the Justice Department, we'd written them three times in the last year, that there was an extraordinary and comprehensive review done from July to December of '92, but the reports haven't been published and we can't seem to get a hold of that report.

Have you ever seen the report or the file?

Mr. SLATTERY. No.

Mr. MARCONE. Have you ever heard about the report?

Mr. SLATTERY. No.

UNNECESSARY STUDY SHOULD STOP

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. THOMAS of California. Mr. Speaker, I am introducing a bill to alert Secretary Babbitt and the California water users community of my intent and that of Congressman-elect GEORGE RADANOVICH to change the 1992 reclamation law concerning the San Joaquin River. My bill shows our desire to work with the Secretary next year to swiftly amend a bad law so Secretary Babbitt can stop wasting taxpayer dollars studying potential water supply changes he has acknowledged are infeasible.

This bill is needed because the so-called Central Valley Project Improvement Act of 1992 puts the Secretary in an untenable situation. The act forces him to develop a "reasonable, prudent, and feasible" plan to address fish, wildlife, and habitat concerns along with the San Joaquin River with an eye toward trying to reestablish anadromous fish runs. The plan is due by September 30, 1996 and it has to be backed up with documents meeting National Environmental Policy Act requirements. This study is already costing farmers money. Central Valley Project water from the Friant system costs an extra $4 per acre-foot because of the law.

The Secretary has already said reestablishing a salmon run is infeasible and he is right. The fish are long gone. People occupy the valley now and it is the impact of reallocating water on the people which should determine what we do next. The Secretary's statement on October 21 was no different than the assessment of the thousands of my constituents who have appeared at meetings throughout the San Joaquin Valley to tell officials from the Department of the Interior exactly the same thing.

Without help from Congress, the Secretary has to keep on studying something he knows will not work. Secretary Babbitt's staff has already said he has to keep the study going only because the law says so. His staff has even said environmental groups are threatening to sue the Department.

The bill I am introducing solves the Secretary's problem. It ends the study. It ends the extra fees for water users and it blocks any reallocation of water from the Friant. The bill's introduction serves notice that I will work with water users next year to develop reforms that prevent the Department of the Interior from pursuing bureaucratic nonsense. I hope my colleagues in the House and the Secretary himself will work with me to put an end to the foolishness of an unnecessary study as soon as possible.

TRIBUTE TO BILL CASSIDY

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DOOLITTLE. Mr. Speaker, it is with sadness that I come to the floor to mourn the loss of a friend who recently passed away.

As most Members of this body know, I am a strong advocate of constructing a multipurpose dam near Auburn, CA. Earlier this month, a strong proponent of the Auburn Dam project since its inception, Bill Cassidy, died at the age of 78. More than being a leader on the Auburn Dam issue, Bill was an important part of the Auburn community he loved.

For 18 years, Bill Cassidy was publisher of Auburn's hometown newspaper, the Auburn Journal. Through his work at the Journal, he kept the paper focused on the people who lived and worked in the community. During his tenure, the Journal was named the best newspaper of its size in the State. Bill Cassidy also provided leadership to organizations like: the Mother Lode Golden Chain Council, the Auburn Elks, the Ben Ali Shrine Temple, the Eureka Lodge No. 16 of the Masons, the Grandfathers Club, the Tahoe Club, the American Legion, and the Auburn Volunteer Fire Department, to name a few. Mr. Speaker, as you and my colleagues can see, Bill Cassidy played a major part in his community. He will be sorely missed. May God grant that he rest in peace.

TRIBUTE TO DR. JOANNA CHOI KALBUS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LEWIS of California Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dr. Joanna Choi Kalbus. Dr. Kalbus will be retiring following 30 years of distinguished service in the field of education and will honored at a reception in her honor on December 5.

Joanna Choi Kalbus arrived in the United States from war-torn Korea at the age of 10. Since that time, she has mastered the English language and gone on to pursue a better life for herself and family through education. She received a BA degree from the University of California, Los Angeles; MA degree from Central Michigan University; and a Ph.D. from the University of California, Riverside.

Throughout her career, Dr. Kalbus has served in numerous leadership positions in the field of education. She has served as a teacher, lecturer, principal, director, assistant to the superintendent, and assistant superintendent. In addition, she is presently serving on numerous educationally related organizations holding a number of positions including secretary, chair, vice-chair, and president.

Mr. Speaker, I ask that you join me, our colleagues and the many friends of Dr. Kalbus in recognizing her remarkable work and selfless contributions to education. She retires as one of the highest ranking Korean-Americans in the field of education in our State. Without question, she has truly touched the lives of many people in our community and it is only fitting that the House recognize Dr. Kalbus today.

COMMENDING THOSE WHO DEFENDED SALT RIVER

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DE LUGO. Mr. Speaker, I rise to make special mention of several men and women who deserve recognition for their selfless contributions that helped establish the Salt River Bay National Historical Park and Ecological Preserve on St. Croix.

While it was my legislation that in 1992 became the law that created the 912-park on St. Croix's north shore, many concerned men and women devoted countless hours and incalculable energy to convincing the public, public officals, and the courts to protect Salt River Bay until it could become a park.

The fight to save Salt River from developers who hoped to build a hotel and marina on its historic shore was long and arduous, and could not have been won without help from several lawyers who willingly provided their skills and expertise pro bono.

Attorneys Britain Bryant, Stacey White, and Nancy Young of St. Croix, Katherine Harsch of St. Thomas, and Bob Dreher of the Sierra Club Legal Defense Fund in Washington were each involved in helping prepare and file legal briefs in the successful lawsuit the Virgin Islands Conservation Society brought against the developers.

Their legal work in support of the Conservation Society's court actions were pivotal to preventing developers from building the hotel complex, a project that would have caused immeasurable damage to the park, the historic value, and its fragile environment.

The former executive director of the Conservation Society's St. Croix Environmental Association, Joan Eltman, worked with tireless dedication to initiate many of the legal actions that brought the development to a halt. She also successfully communicated to the public and the Government the many reasons why Salt River should be preserved.

Mary "Liz" Wilson is one of the experts on Salt River. Her convincing arguments at public hearings, in the media, and before local groups helped persuade many in the community of Salt River's importance and why it was important to set aside this special place for posterity.

Finally, Ro Wauer, who is now retired from the National Park Service, often wrote about Salt River and particularly helped convince many people of influence in Washington of Salt River's importance and value as a national park.

The successful effort to create a national park at Salt River is an superb example of democracy in action. Grassroots people from all walks of life joined together and combined their talents to do what was clearly right. Their elected representatives in Washington took action and had the Federal Government do what was right. Together, we saved from desecration one of the most important places under the American flag and safeguarded it for generations to come.

TRIBUTE TO TOM LEWIS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mrs. MORELLA. Mr. Speaker, I rise to salute our colleague, TOM LEWIS of Florida's 16th District, who is retiring after six productive terms in this House.

TOM and I have worked closely together on the Committee on Science, Space, and Technology, especially on the Subcommittee on Technology, Environment, and Aviation, where TOM has been the ranking Republican.

I have appreciated TOM'S energy and cooperative spirit, his seriousness of purpose. I have also appreciated the great expertise and experience that he has brought to the committee's deliberations: prior to coming to this House, he spent 16 years at a major aerospace firm, serving as chief of rocket and jet engine testing.

Using his formidable background, the North Palm Beach Congressman has been successful in pushing a variety of aviation-related legislation. His National Air Safety Act requires the Federal Aviation Administration to spend at least 15 percent of its annual research budget on a number of safety issues. Earlier, he had drafted a law to require the FAA to undertake additional research designed to detect problems involving older airlines.

TOM has been an aggressive advocate of programs pushing American aerospace competitiveness. And, most recently, he has promoted a joint planning board enlisting NASA, the Defense Department, and private firms to devise future aerospace research projects.

TOM also has been a major force as a member of the House Agriculture Committee; his south-central Florida district includes a considerable amount of farmland.

At the same time, he has had an impact on environmental questions, concerning himself with expansion of national preserves, wetlands research, and offshore drilling issues.

TOM has made many outstanding contributions to this body's deliberations, and all of us will miss him. I join my colleagues in wishing him well in his retirement.

TRIBUTE TO MARIE KURIHARA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MINETA. Mr. Speaker, I rise today to pay tribute to Marie Kurihara, who retired this year as chief nurse at the San Francisco Veterans Affairs Medical Center after 28 years of service to the VA and a distinguished 44-year career in nursing.

Over the years, Ms. Kurihara has continuously given generously of herself to her community and her country through her nursing skills and expertise. Graduating from Cornell University/New York Hospital with a bachelor of science degree, she went on to the Teachers' College of Columbia University where she received her masters degree in nursing. She completed further graduate studies at the University of California, San Francisco, School of Nursing, where she received her accreditation as a clinical nurse specialist.

During her notable career, Ms. Kurihara served as a lecturer and published faculty member at Cornell University and the University of California, San Francisco. She has also taught at the University of Southern California and the University of California Irvine.

Perhaps one of the most influential experiences in her life occurred during World War II, when Ms. Kurihara was sent to an internment camp in Poston, AZ. She was 1 of 120,000 Americans of Japanese ancestry who were unconstitutionally interned during World War II.

Despite this attack on her civil liberties and this questioning of her patriotism, Ms. Kurihara showed her fidelity to her country by dedicating her career to aiding those who fought to preserve the freedom of the United States. She served in nursing executive positions at the VA medical centers in both Spokane, WA and Martinez, CA, and later moved to the San Francisco VA Medical Center, where she served as chief nurse for over 16 years.

Her proficiency and dedication to her work are evident through the many honors she has received, including the 1983 VA Administrator's Hands and Hearts Award, the first Western Regional Director's Award for Excellence in Nursing, the 1988 Bay Area Federal Employee of the Year Award in the management category, and most recently, the 1993 performance commendation from the VA Assistant Chief Medical Director for Nursing Programs.

Ms. Kurihara has earned the respect and admiration of her colleagues both at the VA and in the academic circle, where she has unselfishly reached out to the university system to enhance the affiliation and partnership between the San Francisco VA Medical Center and California University Schools of Nursing. She has also given of her personal funds to establish a graduate nursing scholarship at the University of California, San Francisco.

Presently, Ms. Kurihara continues to generously contribute to her community and her profession by volunteering at the local nursing home community and in nursing research endeavors at the San Francisco VA Medical Center.

Mr. Speaker, I would ask that you and my colleagues join me in commending and celebrating the many contributions and achievements of this great American.

TRIBUTE TO CAPT. WILLIAM JAMES CAVENAUGH

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DORNAN. Mr. Speaker, one of the greatest pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge certain individuals. It is therefore with great pleasure that I have the opportunity to pay tribute to Capt. William James Cavenaugh, who after 30 years of proud and dedicated service as the captain of the Laguna Beach Police Department will be retiring on December 4, 1994.

Undoubtedly, Captain Cavenaugh's greatest legacy to our community as a law enforcement officer will be his relentless and successful efforts to prosecute drunken drivers. Indeed, he has personally been credited with arresting more than 2,000 of these dangerous offenders. As well, his dedication to combating this public outrage led him to develop and implement an extensive training course designed to instruct police officers in the identification, apprehension, and prosecution of drunk driving offenders. This course has been attended by more than 1,600 California police officers. Moreover, it has been recognized as one of the finest training courses in the State of California.

In addition to his extensive service in law enforcement, Captain Cavenaugh has served his Nation in other capacities as well. He retained a position in the military reserves and currently holds the rank of colonel with the U.S. Marine Corps Reserves. During his tenure in the military, Captain Cavenaugh also became a notable expert in the field of antiterrorism and taught preventative measures and investigative techniques to both military and law enforcement personnel.

As a result of his tireless devotion to law enforcement and the protection of our fellow citizens, Captain Cavenaugh has been awarded the Medal of Valor, a Life Saving Medal and a Medal of Merit. In addition, he has received hundreds of letters of commendation and appreciation for exemplary acts of service to the public. Indeed, Captain Cavenaugh has dedicated most of his life to public service and for this we are most grateful.

Throughout his entire career, Captain Cavenaugh has exhibited extraordinary leadership, competence and professionalism. He has been a model of excellence and an inspiration to those aspiring to serve their local community. As he embarks on what I expect will be a relaxing and enjoyable retirement, I hope he takes with him a sense of great pride and accomplishment. Thank you, Captain Cavenaugh, for all that you have done for the citizens of Laguna Beach and its neighboring residents.

A TRIBUTE TO BRICE BLEDSOE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FAZIO. Mr. Speaker, it is a pleasure for me to rise and salute the achievements of a remarkable public servant: Brice Bledsoe, Executive Director of the Solano Irrigation District. Mr. Bledsoe's upcoming retirement is being observed in Solano County where his many friends are recognizing him for the contributions he has made.

Mr. Bledsoe has served his community with distinction for over 30 years. In the farm country and urban centers of Solano County, Brice Bledsoe is known as a superbly informed, tenacious professional who always acts with the best interests of Solano County at heart. And while Mr. Bledsoe deftly manages his day to day responsibilities, he deserves special recognition for the vision he has shown in guiding Solano County's water future.

I want to call attention to several of Brice's notable accomplishments with which I am personally familiar.

In the early 1970's Mr. Bledsoe led SID and the city of Fairfield to enact a visionary program which preserved the agricultural character of the Suisun Valley. There is no question that this rural treasure, with its superb soils and productive orchards, would have been urbanized long ago. It was not, however, due to SID and the city of Fairfield's joint decision to withhold construction of urban infrastructure until the next century.

In the mid-1970's, Mr. Bledsoe proposed that SID develop a hydroelectric powerplant at Monticello Dam, the central feature of the Bureau of Reclamation's Solano Project. After years of effort and many efforts, Solano brought the 13 megawatt project on line in early 1984. The facility was the first locally sponsored powerplant at a Federal dam in the region.

In the early 1990's, SID, again under Mr. Bledsoe's leadership, came to the assistance of the city of Benicia as it faced a dire water emergency at the height of the drought. Benicia, a city of over 30,000, had lost its entire water supply when the State Water Project was forced to curtail deliveries. SID, in conjunction with the Solano County Water Agency, established an intracounty water bank and arranged for several farmers to forgo planting and receive payment for sending 15,000 acre feet of their irrigation supply to Benicia. This exchange was the first of it type, predating the State's own banking program.

On a personal note, I add that I have always enjoyed working with Brice Bledsoe. I have been impressed with his knowledge and commitment to serve his community.

In conclusion, it is a pleasure to salute Brice Bledsoe. I wish him well in his retirement and I expect that the Solano Irrigation District and Solano County will continue to benefit from his experience even after he steps down as SID's Executive Director.

TRIBUTE TO TOM STRECKEWALD

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GREENWOOD. Mr. Speaker, I am here today because I feel it is important to preserve the memory of a true American. He was not a decorated war hero, nor was he a celebrity. His picture and story have not been zealously reported by the national media, but to those who knew Tom Streckewald, he was the symbol of what's *right* with America today. You see, Tom Streckewald can probably best be described as a giver. He was not a taker.

Tom Streckewald, who lived in Lower Makefield, PA, was killed in a senseless automobile accident on his 45th birthday in the early spring of this year. He is remembered not only by his wife Cathie and two young sons, Kevin and Daniel, but by the entire community he lived in and served. Tom will also be long remembered by the Thomas Edison State College in Trenton, NJ, where he was the director of institutional planning, and by the Princeton, NJ Chamber of Commerce, which he served as chairman.

Tom Streckewald shied away from politics, but he accepted challenging committee projects for the local school board. He coached local ball teams. He was the announcer at local swim meets, and he had trouble saying "no" to any other request the community brought to him. Tom Streckewald was a volunteer who consistently went far beyond the call of local responsibility. Efforts like Tom Streckewald's are what make a town, or borough, or a city truly a community, and that's why it's important that we remember him. His sense of citizenship should be recognized as the very foundation of this country's strength.

Newspaper reports of Tom's death repeatedly used the words "devotion", "commitment", "integrity", and "good-natured spirit" to describe him. It is certainly a beautiful way for a community to remember one of its finest citizens, and so he should be remembered here as a true role model for us all. A citizen who not only cared, but who was willing to roll up his sleeves and pitch in to make his community, his little piece of the United States of America, a better place to live.

TRIBUTE TO ROBERT "BOB" EBERHARDT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DOOLITTLE. Mr. Speaker, it is with sadness that I come to the floor to mourn the loss of a dear friend who recently passed away.

Regrettably, Mr. Speaker, many in northern California are grieving the loss of one of its leaders. The city of Stockton, which I used to represent, lost a good friend when Robert "Bob" Eberhardt died from a stroke earlier this month at the age of 67. For 31 years, Bob served as president of the Bank of Stockton. From this position, he worked to build and improve the Stockton community. He was willing to take risks on projects such as renewing downtown Stockton, whenever he felt the community would benefit.

Bob Eberhardt's support of the community didn't end when he had finished a day's work. He was very involved in groups like the Boy Scouts of America, Ducks Unlimited, Stockton Port Commission, and the Boys Club. In addition, he also served as chairman of the board of regents of the University of the Pacific [UOP] for 18 years.

My prayers are with his family as they struggle with this difficult loss. He will be greatly missed by his family and friends.

TRIBUTE TO DENNIS KOTTMEIER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dennis Kottmeier, district attorney for the County of San Bernardino, CA. Dennis will be retiring as he concludes 25 years of service to the office of the district attorney and will be recognized for his service at an event in his honor on December 15.

Dennis Kottmeier graduated from the University of Redlands with a BA in 1966 and graduated from the Hastings School of Law, passed the California State Bar, and the U.S. Bar in 1969. At that time, he began his work for the district attorney's office and has over the years worked diligently as a litigator trying over 40 murder and high-visibility felon trials and 12 death penalty trials. He has also effectively initiated law enforcement and educational programs in the areas of gang violence, crimes against children, auto insurance fraud, worker's compensation fraud, and many others. Each of these programs have proven effective and have worked for the betterment of the citizens of our community.

Dennis has also been actively involved in numerous law enforcement, civic, and community-based organizations including the California District Attorney's Association, the San Bernardino County Community Against Drugs, the San Bernardino County Children's Network Policy Council, the San Bernardino County Gang and Drug Task Force, the Citizen's War on Crime, We Tip, the Inland Empire Symphony board of directors, the Inland Empire Council of Boy Scouts, and others.

Mr. Speaker, I ask that you join me, our colleagues, and the many friends of Dennis Kottmeier in recognizing his remarkable work and selfless contributions to our community. Dennis is happily married to his lovely wife, Jacque, and blessed with four children—Sean, Sasha, Shyla, and Shaney. For over 25 years, Dennis Kottmeier has touched the lives of many people in our community and it is only fitting that the House recognize them today.

COMMENDING THOSE WHO MADE THE PIC PROGRAM POSSIBLE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DE LUGO. Mr. Speaker, today the House votes on the Global Agreement on Tariffs and Trade, the GATT treaty, which will be the keystone of our Nation's economy in the 21st century. I commend our President for his leadership on GATT and I commend my colleagues in the House and in the other body who have worked so diligently to make GATT a reality.

One of the provisions of GATT, small but of critical importance to the U.S. Virgin Islands and its economy, is the 12-year extension of the production incentive certificate program. Without this program, production of electronic watches in the Virgin Islands would come to an immediate halt and a half dozen watch firms employing some 400 people, primarily women, in decent paying jobs, would disappear and move to the Far East where wages are so low the United States cannot compete.

The production incentive certificate program is a brilliant concept that is the brainchild of three people in the Statutory Import Program of the International Trade Administration of the Department of Commerce: Richard Seppa, who was the director of the program until his retirement; Frank W. Creel, who worked with Dick and now has taken his place; and Faye Robinson, the manager for the Production Incentive Program.

Back in the early 1970's the Virgin Islands watch industry employed as many as 1,500 workers, but a decade later it was in real trouble; sales had shifted from mechanical movements to electronic ones and the lower tariff differentials were not enough to offset the higher costs of doing business in the U.S. Virgin Islands, even with duty-free entry.

By the early 1980's, only about 100 people were employed in the industry, and even their jobs were threatened.

But the creative minds of these three Commerce Department professionals invented the production incentive program. With the help of good friends of the Virgin Islands like Representative CHARLES RANGEL, Eddie Jenkins, and Dick Schulze, and Senators BILL BRADLEY, the late Spark Matsunaga, and others, I was able to have the legislation passed in the last bill of the lameduck session of 1982.

The program allowed watch manufacturers not only to ship their products duty-free, but also to receive negotiable customs certificates tied to wages paid in the Virgin Islands to offset other duties. Eligible salaries were capped, and the percentage of salaries covered decreased based on the number of pieces shipped, which were also capped.

The results were gratifying. Employment rose almost immediately to 660 jobs within just a few years, although it declined to about 400 in the aftermath of Hurricane Hugo in 1989.

The jobs are important to the islands and important to our Nation. Without them, 400 people, primarily women who are heads of households and who could not find comparable work at their skill levels, would be without jobs, without income and without hope.

Mr. Speaker, I want to publicly thank Richard Seppa, Frank Creel, and Faye Robinson for their contributions, their hard work, and their inventiveness. They are the unsung heroes of the work we did to rescue the Virgin Islands watch industry and the jobs of the 400 workers in it.

CONGRATULATIONS TO KENNESAW STATE COLLEGE MARKETING STUDENTS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GINGRICH. Mr. Speaker, I want to recognize the students of the Kennesaw State College Marketing Department for their hard work in hosting "Sun Quest Fest Week" during November 15–16, 1994.

Working with the General Motors Marketing Internship, the students created a promotions firm, Elite Promotions, and used their marketing skills to help a local car dealership create a promotional campaign for its new line of 1995 automobiles.

This type of hands-on experience is invaluable to students and has helped the young men and women of the Kennesaw State College Marketing Department develop a keen sense of the business world and what it takes to succeed.

Mr. Speaker, again, I want to commend the outstanding efforts of these hardworking, exceptionally bright, and dedicated students for presenting "Sun Quest Fest Week." And, I wish them all the best in their future endeavors.

TRIBUTE TO JONATHAN DZIOK

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Jonathan Dziok of Troop 1 Diamond Hill in Cumberland, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Jonathan outlined and developed a walking path through the town of Cumberland which was submitted to the planning board.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Jonathan Dziok. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Jonathan Dziok will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

FAREWELL AND GOOD LUCK TO COMDR. BILL BURKE U.S. NAVY, COMMANDING OFFICER OF THE U.S.S. "TOLEDO" [SSN 769]

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DORNAN. Mr. Speaker, I ask all my colleagues to join me in bidding farewell to Comdr. Bill Burke of the U.S. Navy Office of Legislative Affairs. Bill is leaving us to take command of the U.S.S. *Toledo* [SSN 769] nuclear attack submarine.

Bill has been an outstanding representative of the undersea service as well as the entire U.S. Navy during his tenure at the House Office of Legislative Affairs. I will personally miss his expertise of Navy and submarine matters as we prepare to rebuild the national security of this Nation during the next session of Congress. However, I know the Navy and especially the crew of the *Toledo* will be better prepared to defend our interests around the world because of Bill's leadership.

Run silent, run deep, and run safe, Commander Burke. We here in Congress will miss you.

TRIBUTE TO DAMASCUS' BERNARD GLADHILL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to Bernard Gladhill, who was recently honored as the Damascus Volunteer Fire Department's only continuous member over its 50 years of service to the community.

Mr. Gladhill has contributed greatly to the success of the Damascus department as its elected president, vice president, and director. Currently he serves as the senior director and has every intention of continuing his work with the department for years to come.

Since the department opened its doors in 1944, Mr. Gladhill has focused his attention on its financial operations. After 50 years of raising funds, the department is considered technologically advanced and well-endowed.

Over the years, he has justifiably won praise for his fire-fighting capabilities and compassion for the citizens of Damascus. There have been no deaths attributed to fires in Damascus, due at least in part to fire awareness courses taught by its volunteers.

I ask my colleagues to join me in recognizing Mr. Gladhill for his outstanding dedication and service to his community.

TRIBUTE TO ERNIE AND DOTTIE GARCIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of the remarkable husband and wife team of Dr. Ernest Garcia and Dr. Dorothy Garcia. The Garcias' will be receiving the prestigious Golden Baton Award from the Inland Empire Symphony Association for their countless hours of dedicated work and leadership on behalf of our community at a special tribute in their honor on January 14, 1995.

The Garcias' have had a long and distinguished role in the field of education. Ernie and Dottie began their own education at San Bernardino Valley College and went on to complete their bachelors, masters and doctorate study. Both have had remarkably distinguished careers in education. Ernie has served as the dean of the school of education at Cal State University, San Bernardino; an associate Professor of Education at University of Redlands, as well as principal, instructor, and lecturer at numerous universities and with numerous school districts across the State. Dottie has worked as a teacher at the Rialto, Mission, Barstow, and Bloomington school districts; and instructor at San Bernardino Valley College; a faculty member at the University of Redlands; and principal within the Colton Joint Unified School District.

Over the years, the Garcias' have been actively involved in a number of community and civic organizations. Dottie has served as an organizing board member and chair of the Bethany Presbyterian Church and First Presbyterian Church child care centers, and has been active with the Arrowhead United Way, the YWCA of Greater San Bernardino, and the San Bernardino League of Womens Voters. Ernie has provided leadership through his involvement with the Bethany Presbyterian Church, Kiwanis International, the National Orange Show, the San Bernardino County Museum, the San Bernardino Valley Community Concert Association, and the UCLA Alumni Bruin Club.

Mr. Speaker, I ask that you join me, our colleagues, and the many friends of the Garcias in recognizing their remarkable work and selfless contributions to our community. In addition to their fabulous work, they have raised three successful sons, Patrick, Timothy, and Steven and are the proud grandparents of Zachary and Emma Garcia. For over 40 years, Ernie and Dottie Garcia have touched the lives of many people in our community and it is only fitting that the House recognize them today.

NATIONAL EMPLOYER SUPPORT OF THE GUARD AND RESERVE DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BONIOR. Mr. Speaker, in the 10th Congressional District of Michigan, which I have the privilege to represent, the personnel at Selfridge Air National Guard Base have served in the defense of the United States for over 77 years.

Selfridge is one of the Nation's oldest and most historic military installations. It is named after Lt. Thomas Etholen Selfridge. Lieutenant Selfridge was the first military officer to pilot a heavier-than-air, engine-driven aircraft. While flying with Orville Wright on September 17, 1908, Lieutenant Selfridge, unfortunately, became the first officer to meet his death in powered flight. Wright survived only after a lengthy stay in the hospital.

Pilots began training at Selfridge Field only 2 weeks after it was activated as a military installation in 1917. This was just 3 months after the United States entered World War I. In 1947, when the Air Force became a separate service, Selfridge Field became Selfridge Air Force Base. It had grown from a 640-acre leased parcel of land to a permanent 3,600-acre base.

In 1971, the base was transferred to the Michigan Air National Guard and received its current name. It is the home of many diversified units. Team Selfridge takes pride in being the only Reserve Forces base to have permanently assigned units from all five of the uniformed services: the Air Force, Army, Marine Corps, Navy, and the Coast Guard. The Air Force Reserve and Air National Guard also have units at the base.

Earlier this month, on November 5, 1994, the 927th Air Refueling Wing paid tribute to the employers who support its Reserve and Guard employees. The 927th, which arrived at Selfridge in 1963, has depended on the flexibility and support of local employers for nearly 32 years.

National Guard and Reserve forces comprise almost half of our Nation's defense capability and are essential to national security. These citizen-soldiers train vigorously and stand shoulder-to-shoulder with their active duty counterparts in order to be ready to meet the Nation's call at a moment's notice.

Even though it has caused them financial and organizational strain, in times of need, employers have often subordinated their company interests to those of the Nation. Civilian bosses and supervisors of Reserve component soldiers, sailors, airmen, and marines have continued to pledge their active support. Thanks to their commitment, our National Guard and Reserve members have been able to fulfill their military missions.

Our National Guard and Reserve forces will play an even greater and more diverse role in the times ahead. It is through the vital support of America's employers that the National Guard and Reserves will be able to continue to bolster the Nation's security.

November 5, 1994 should be remembered as National Employer Support of the Guard and Reserve Day. As a measure of our thanks, we celebrate the significant contributions of our National Guard and Reserve employers. I urge my colleagues and all Americans to join me in honoring employers of National Guard and Reserve members; and I encourage the American people to express their gratitude to these employers for their extraordinary sacrifices on behalf of our Nation.

ANALYSIS OF PROPOSITION 187 VOTE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an editorial which appeared in the Omaha World-Herald on November 11, 1994.

VOTE WASN'T ANTI-IMMIGRATION; CALIFORNIANS OPPOSED LAWBREAKERS

Passage of Proposition 187 in California is being depicted as an expression of anti-immigrant bigotry. The depiction isn't fair. The California measure is not anti-immigration. It aims specifically at discouraging illegal immigration.

A number of California voters were angry about paying $3 billion a year to provide welfare, education and other social services for people who were living in this country illegally.

Parents were upset about reports that English was being crowded out of the schools by Spanish because of an influx of children of illegal Latin American immigrants. (Children who are born in this country are U.S. citizens even if their parents are here illegally.)

Senior citizens were outraged that illegal immigrants have taken up nursing home slots.

So they passed Proposition 187, which would prohibit social services for illegal immigrants, including a public school education. The proposition would require teachers, doctors and police officers to report illegal immigrants to the Immigration and Naturalization Service. The measure has been tied up in lawsuits by its opponents.

Yes, this is a nation of immigrants. The message on the base of the Statue of Liberty welcomes the tired and the poor of other lands, the huddled masses yearning to breathe free. But as Alan Nelson, a Proposition 187 advocate, noted, the Statue of Liberty has never stood for breaking the law. "It's not a symbol for sneaking into this country illegally in the darkness," said Nelson, a former director of the Immigration and Naturalization Service.

People who defend illegal immigration have cleverly changed the focus of the debate. They make Proposition 187 sound like a punitive action against all immigrants, not just illegals. They talk about white fear of the nation's changing ethnic mix. A Chicago Tribune story seemed to scold the Proposition 187 supporters with this statement: "No ballot measure or new law can turn back the clock to a whiter, simpler America, analysts say."

Apparently the people of California should shut up and be happy about the violations of the immigration law that they, with their tax dollars, are being forced to subsidize. However, they didn't do that. In addition to heavy support from white voters, Proposition 187 drew the support of about half the black and Asian voters and about a fourth of the Hispanics who voted.

In Texas, moreover, a public opinion survey indicated heavy support among Hispanic voters for a similar concept. Surely the Hispanics who expressed that view weren't showing support for an anti-minority, anti-immigrant crusade. More likely, they had the same feelings as the people of California who saw their taxes going to reward lawbreakers and decided to do something about it.

TRIBUTE TO SEBASTIEN MINABERRI

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. THOMAS of California. Mr. Speaker, I would like to take this opportunity to pay tribute to a Kern County, CA, resident, Mr. Sebastien Minaberri. Mr. Minaberri, a Basque immigrant, has helped tackle a complicated problem by using a little common sense.

As we in California know all too well, fires in the dry forests of the Los Angeles basin are common and destructive. Solutions to reduce the number and intensity of the fires are difficult to come by. But Mr. Minaberri is contributing to a solution with a low-cost, low-technology answer that is proving successful. You see, Mr. Minaberri is a successful sheep farmer. And by simply grazing his sheep on ridgetop firebreaks, Mr. Minaberri's sheep keep the grasses and brush low, thereby denying fires fuel and thus an opportunity to spread from mountain to mountain.

These firefighting sheep benefit just about everyone, sheep included. They are cheaper than machinery, far better for the environment than herbicides and they help protect the residents of communities threatened by uncontrolled brush fires. In addition, according to Mr. Minaberri, the sheep thrive better in the cooler temperatures of the national forests than they would in the 100-degree-plus heat of the lower altitudes.

For his contribution to reducing the number of fires in the Los Angeles basin my hat goes off to Mr. Sebastien Minaberri—an American success story, and a practitioner of one of our greatest arts—common sense.

TRIBUTE TO MICHAEL PETER JOUBERT

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Michael Peter Joubert of Troop 6 in Cranston, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Michael organized social activities for the residents of Cedar Crest Nursing Home.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Michael Peter Joubert. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Michael Peter Joubert will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

TRIBUTE TO EDWARD PAUL ORTLEB—AN OUTSTANDING SCIENCE EDUCATOR

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. CLAY. Mr. Speaker, Mr. Edward Paul Ortleb has retired from the St. Louis public schools after 39 years of committed service to the educational achievement of children in St. Louis public schools. On October 22, 1994, Mr. Ortleb was honored by his colleagues who paid tribute to this outstanding professional career. Mr. Ortleb served the district as a teacher, assistant principal, science coordinator for grades K–12, codirector of an environmental education project, and lead science supervisor for grades K–12. He also served as adjunct professor at Washington University and Harris-Stowe State College. Mr. Ortleb was a guiding force in science education in Missouri and across the Nation.

Mr. Ortleb's research at Washington University, the Republic of Panama, and the State of Missouri have been on "Orientation of Turtles; Predation; Mimicry; Topical Rainforest Ecology; Environmental Controls of Reproduction," and "Glades/Lizard Ecology." He has been the speaker at the Sony Foundation of Science Education in Japan, the Inter-American Conference on Science Education in Panama, and the National Catholic Education Association.

Mr. Ortleb is a member of Beta Beta Beta [biology], Kappa Delta Pi [education], and Phi Delta Kappa [education] honor societies. He has received the Missouri Science Educator Award; Distinguished Alumni Award from Harris-Stowe State College; Distinguished Service to Science Education Award; Outstanding Service to Science Education Award—Biology Association for Teachers; Leadership and Service Award—Science Technology Career Access Center; and Recognition of Achievement/Commendation from the St. Louis Board of Education.

Mr. Ortleb has served as director and president of the National Science Teachers Association; chairman of the National Science

Teachers Convention; president of the Science Teachers of Missouri; and district director of the National Science Supervisors.

Mr. Ortleb is a superior educator who has given fully and creatively to guide our most precious resource, our youth. I am pleased to call attention to a truly fine educator who contributed greatly to a more humane and richer society through quality education.

I invite my colleagues to join with me in wishing Mr. Edward Paul Ortleb Godspeed and much success in a retirement filled with tranquility, challenge, and personal fulfillment.

JOHN BALL'S 200TH BIRTHDAY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. EHLERS. Mr. Speaker, it is with great pleasure that I take this opportunity to recognize the 200th anniversary of the birth of Mr. John Ball. During the month of November, celebrations and educational programs will be held in my district honoring Mr. Ball for his many contributions to the city of Grand Rapids and the county of Kent.

Mr. Ball was born in New Hampshire on November 12, 1794, as the youngest of 10 children of Nathaniel and Sarah Ball. After spending his formative years working on his father's farm, Mr. Ball developed an interest in education and worked his way through Dartmouth, graduating in 1820. After graduating, Ball studied law in New York for 2 years before setting sail to Georgia to pursue a teaching opportunity in Savannah. After 6 months, Ball returned to New York to begin a law practice. In 1827, he was elected Justice of the Peace.

Two years after the formation of his law practice, Ball temporarily changed the direction of his professional career by assuming management of his sister's oil cloth factory. He did this to help her pay off company debts after her husband was killed in an explosion at the factory. After helping his sister get back on her feet, Ball began a cross-country adventure that was unheard of for his time. Starting in Baltimore with a party of 80 men and 300 horses and mules, Ball criss-crossed the continent exploring uncharted land and eventually ended up teaching at the first school in what is now known as the State of Oregon. In the spring of 1833, Ball also became the first American farmer in Oregon.

Still fascinated by travel and exploration, Ball set out again on a 2½ year adventure that took him to destinations such as San Francisco, Honolulu, Tahiti, Cape Horn, and Rio de Janeiro. He returned to New York where he practiced law for 2 more years. In 1836, he settled in Grand Rapids, MI, and opened a law practice that lasted 34 years. While in Grand Rapids, Ball was elected as a member of the State legislature and served in the session of 1838. Two years later, he was appointed by Governor Barry to select 400,000 acres of land to add to the State of Michigan. His choice of land played an important role in helping attract settlers to the area we now know as western Michigan. His role was not limited to law and politics, however; Ball also became very involved with the public schools and served 21 years as a member of the Board of Education. He also helped organize the first public museum.

Mr. Speaker, I have summed up just a few of the many achievements and accomplishments of this remarkable man. Mr. Ball is remembered today by citizens when they visit the land he donated for what is now the site of the John Ball Park and Zoo in Grand Rapids. During this anniversary celebration I encourage residents of my district to learn more about the man who helped shape, what we now know as, the State's second largest city, Grand Rapids. It is a great honor and privilege to recognize Mr. Ball and his family for their dedicated contributions to our community.

IN RECOGNITION OF MISSISSIPPI HIGHWAY PATROL TROOPER GEORGE DANIEL NASH JR. FOR HIS BRAVERY AND SERVICE TO OUR STATE AND OUR NATION

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. PARKER. Mr. Speaker, today, I stand in the Halls of Congress to ask you to join me in honoring the late Trooper George Daniel Nash Jr. of the Mississippi Highway Patrol.

Symbols are important. As in every society, we see and use symbols every day. The leaders of our Nation have always known the value of symbols for the public good. During the Civil War, President Lincoln demanded that construction continue on the new dome of the Capitol in Washington, DC. The reason was simple—he wanted to make sure that even in the midst of terrible turmoil, the citizens of the United States would realize that the Union would continue. It was a powerful symbol.

All of us have seen the picture of President Lyndon B. Johnson being sworn in on the airplane in Dallas after the assassination of President Kennedy. However, most people do not know that it was legally unnecessary for the Vice President to be sworn in as President. But President Johnson understood that the symbolism of the swearing-in ceremony would reassure the American people. On October 13, I participated in another symbolic act by dedicating a portion of U.S. Highway 84 in Mississippi to Danny Nash. Becoming a symbol of self-sacrificing public service probably was not Danny's goal in life. At 23 years old, he probably had not thought much about how he wanted to be remembered. He just wanted to be a State trooper. It was his lifelong dream, and he had waited impatiently to turn 23 to be eligible to apply.

When he graduated cadet school and was commissioned on December 15, 1982, I believe Danny very likely was as happy and proud as he had ever been in his life. He had achieved a major goal. He knew the potential consequences, and he courageously took the oath to serve our State in its most dangerous job. Danny worked only 51 days before a bullet took his life, just weeks away from his 24th birthday. He met life head-on and took the responsibility of becoming a Mississippi State trooper, striving to give people like you and me our American dream.

Danny's life itself was a symbol of courage. He hoped, he dreamed, he worked hard, and he triumphed. People like Danny know that there is no failure except in not trying. Danny's success had a price, which he bravely paid with his life. The biggest tragedy is that Danny Nash's life ended at such a young age. It is a loss for his family and friends, and for our State. We owe Danny and his family a debt we cannot adequately repay. Although it has been almost 12 years since he was taken from them, as a father, my heart goes out to his parents, George and Sonja Nash, and we thank them for sharing their son with the State of Mississippi. This memorial highway can never fill the empty place in their lives, but it serves as a symbol of one man's bravery as well as the sacrifices of all of Mississippi's troopers and their families.

This is not a day of mourning for Danny Nash. It is a day of remembering and honoring a brave young man who served the great State of Mississippi. Danny will be remembered for his enthusiasm, his dedication to fulfilling his dream and his eagerness to help others. We are here to pay homage to a man who gave his yesterdays for our tomorrows. By dedicating this section of U.S. Highway 84 to his memory, we offer a symbol of all that is good and true and steadfast in our society. We will always be grateful.

Mr. Speaker, at this time, I ask that my colleagues join me in saluting the late Mississippi State Trooper Danny Nash for his bravery and service to my home State, Mississippi, and to our great Nation.

LEGISLATION MAKING TECHNICAL CORRECTIONS TO THE SATELLITE HOME VIEWER ACT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HUGHES. Mr. Speaker, today, I introduce a bill to make necessary technical corrections to the Satellite Home Viewer Act of 1994, signed by the President on October 18, 1994, Public Law No. 103–369. While this bill will not be acted on this Congress, I introduce it in order to create a public record that may be used next Congress.

The Satellite Home Viewer Act of 1994 extends the Copyright Act's section 119 compulsory license until December 31, 1999. I was pleased to have worked with Mr. BROOKS, Mr. MOORHEAD, and Mr. SYNAR to craft the compromise on fair market value that paved the way for passage of the legislation. I was also pleased that after opposition to the concept of fair market value, the Senate accepted the House approach. After a lengthy negotiation, the version signed by the President directs the arbitrators to set rates that most clearly represent the fair market value of the signals.

In this connection, I wish to express disagreement with certain statements made by in the other body by the gentleman from Arizona during passage of the House bill in the Senate on October 4, 1994, specifically the following:

> Copyright license parity with cable is the central feature of the fair market standard articulated in this legislation. The inclusion of specific guidance to the arbitration panel to take into consideration the competitive environment in which satellite programming is distributed is essential to ensure that satellite carriers are not required to pay higher royalty fees than cable operators.
>
> I am confident that the arbitration panel will take steps to ensure that royalty fees paid by satellite carriers are on par with those paid by cable operators.—140 Cong. Rec. S14106 (daily ed. Oct. 4, 1994).

These views certainly reflect the arguments Senator DECONCINI made in opposing fair market value, but they do not reflect the bill that passed. If Congress had wished to achieve parity between satellite rates under section 119 and the cable rates under section 111, or had desired satellite carriers to pay rates under section 119 no higher than those paid by cable under section 111, it could easily have done so. But it did not, either in the Satellite Home Viewer Act of 1988 or in the Satellite Home Viewer Act of 1994.

Currently, satellite carriers are not paying fair market value for satellite retransmissions because the initial, 1988 statutory rate was deliberately set artificially low and because the subsequent rate set by arbitrators was based on the original statutory factors. The Satellite Home Viewer Act of 1994 has dramatically changed that landscape: Section 119 has been changed from a compulsory license whose rational was subsidized rates to a compulsory license whose rationale is the desire, temporarily, to keep in place an existing distribution system, while requiring the distributors to pay fees based on what a willing seller and a willing buyer would negotiate; in other words, fair market value.

This change, clearly reflected in the statutory language, is based on evidence presented at the subcommittee's March 17, 1993, hearing regarding the nature and size of the satellite industry, which has evolved from startup companies to large corporations, a number of whom are owned, in part, by the cable industry. Simply put, the satellite industry no longer needs subsidies. Accordingly, while preserving the compulsory nature of the section 119 statutory license in order to ensure that access to television programming will not be diminished, section 119 as amended by the Satellite Home Viewer Act of 1994 takes a completely different approach to the rates paid for the license from that taken by the Satellite Home Viewer Act of 1988: Under the new act satellite carriers will be required to pay what they would pay if section 119 was not in place; fair market value, what a willing buyer would pay to a willing seller.

The bill signed by the President permits the arbitrators to examine a wide universe of information, such as the competitive environment in which satellite programming is distributed, under the theory that the arbitrators should have available the greatest possible amount of information in setting fair market value. The amended statute, as the gentleman from Arizona correctly noted, directs the arbitrators to base their decision on economic, competitive, and programming information presented by the parties, including—(i) the competitive environment in which such programming is distributed, the cost for similar signals in similar private and compulsory marketplaces, and any special features and conditions of the retransmission marketplace.

There is no hierarchy within the classes of information enumerated: The statute does not declare one type of information to be more important than any other, nor does it favor the economic condition of satellite carriers over that of copyright owners. The information enumerated includes both cable and private marketplace arrangements. But by listing the rates paid in similar compulsory marketplaces as just one possible type of information to be used in establishing fair market value, the statute rejects Senator DECONCINI's argument that the rates satellite carriers are to pay under section 119 should be pegged to the rates cable pays under section 111. This argument is contrary to the statute's language and structure, which instead is designed to permit the arbitrators to consider the greatest possible amount of relevant evidence, toward the single goal of setting a fair market rate for satellite retransmissions.

I hope that in the very near future satellite carriers and copyright owners will be able to negotiate a free market solution outside the compulsory license regime. It is certainly in the best interests of the satellite carriers to do so, since they have been put on notice that no further extension should be expected.

COMMENDING THE ACHIEVEMENTS OF THE AMERICAN WATERWAYS OPERATORS [AWO], THE NATIONAL TRADE ASSOCIATION OF THE INLAND AND COASTAL BARGE AND TOWING INDUSTRY, WHICH IS CELEBRATING ITS 50TH ANNIVERSARY ON DECEMBER 7, 1994

HON. W.J. "BILLY" TAUZIN

OF LOUISIANA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. TAUZIN. Mr. Speaker, we are pleased to recognize a valuable national industry. The barge and towing industry's vessels have provided transportation for American citizens since the 1600's.

The industry has its roots in America's early flatboats which brought basic supplies to distant outposts and paddle-wheelers which transported goods to the burgeoning American West. Today's towing vessels and barges superseded these boats and now comprise an industry that moves more than 15 percent of the Nation's freight for less than 2 percent of the Nation's transportation costs.

U.S. barge and towing companies carry bulk liquids and solids, including petroleum and petroleum products, coal, chemicals, grain, building materials, and other basic building blocks of American life. It is the most productive, fuel efficient, and environmentally friendly method of moving the raw materials vital to our Nation. The industry provides direct employment for approximately 180,000 American citizens.

Millions of Americans depend on the barge and towing industry, which, throughout history, has provided vast areas of the country with access to distant markets and resources involving both domestic and foreign trade, resulting in significant regional economic benefits to communities located along the waterways. As an essential component of the Nation's transportation infrastructure system, the barge and towing industry has provided a valuable service to the American people with benefits that have contributed toward the country's economic well-being.

American Waterways Operators is the national trade association representing this important sector of America's maritime transportation industry. AWO represents hundreds of carriers and small and medium sized shipyards which build and repair towing vessels and barges, as well as affiliate members including suppliers, manufacturers, insurers, bankers, and other associations and businesses which serve the maritime industry.

Since 1944, AWO has successfully defined, supported, and advocated its members' interests and operations, and has promoted greater public awareness of the waterborne transportation industry's contribution to the overall U.S. economy.

AWO's many accomplishments include leading the effort to establish the Towing Safety Advisory Committee [TSAC]; working toward the enactment of the 1986 Water Resources Development Act; forging a partnership between the Coast Guard and the towing industry in the aftermath of the Oil Pollution Act of 1990; streamlining the title XI guarantee program; successfully stopping States from imposing regulations requiring tank barges to recover vapor emissions before the establishment of Federal uniformity and safety standards; securing overcharge rebates during diesel fuel tax litigation; successfully having reasonableness standards written into the marine provisions of the 1990 Clean Air Act amendments; creating the River Industry Executive Task Force [RIETF] that helped restore commerce to the Nation after the drought of 1988 and the Great Flood of 1993; and defeating the proposed $1 per gallon increase in the inland waterways fuel tax.

We are pleased to honor AWO and this milestone in its history marking 50 years of service and recognizing the barge and towing industry's significant contribution to America's citizens and the Nation's economy.

TRIBUTE TO JOHN ARCAND

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is John Arcand of Troop 6 in Cranston, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns this prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy

Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, John provided the water stations and refreshments for a 5K-road race sponsored by the Cranston Police Department.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout John Arcand. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that John Arcand will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

SALUTE TO WHO GLOBAL COMMISSION ON WOMEN'S HEALTH

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mrs. MORELLA. Mr. Speaker, I rise today to salute the efforts of the World Health Organization's Global Commission on Women's Health to improve the status of women worldwide. This distinguished Commission, which met last month in Washington, DC, joined with Members of the Congressional Caucus for Women's Issues to discuss the continued need for international cooperation to hold Governments accountable for commitments made at the Cairo International Conference on Population and Development.

The Commission has advocated worldwide policy changes in areas critical to women's health—nutrition, reproductive health, violence against women, lifestyle-related health conditions, aging, and work environment—as well as fundamental changes in education. The Commission's plan of action for women's health will be an important component of the United Nations Fourth World Conference on Women in Beijing in September 1995.

The Commission is to be commended for its recently published study, "Adolescent Health and Development: The key to the Future," outlining specific actions to improve the health of adolescent girls. This study recognizes the concern worldwide for the health of adolescents, who represent one-fifth of the world's population.

Because timely and reliable data on the status of women in the United States and around the world is critical if we are to effectively implement the Cairo Plan of Action and if we are to accurately evaluate the cost effectiveness of our domestic and foreign assistance programs, Congresswoman PATRICIA SCHROEDER and I last month introduced the Women's Progress Assessment Act (H.R. 5194). We plan to reintroduce this legislation in the 104th Congress.

The legislation calls for the U.S. Bureau of the Census as well as the State Department and U.S. Agency for International Development to collect and to publish data on the status of women at home and abroad. By careful monitoring of the data collected, policymakers will be able to ascertain which of our domestic and foreign aid programs are truly making a difference in the lives of women and girls around the world.

H.R. 5194 will help give organizations like the WHO Global Commission on Women's Health the tools they need to address the problems discussed in Cairo—and their possible solutions.

COMMON SENSE IN THE HEART OF OUR NATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BEREUTER. Mr. Speaker, both proponents and opponents of the Uruguay Round Trade Agreement have made the claim that Americans do not fully understand the complexity of international trade. Yet, the Norfolk Daily News, in the heart of conservative America, has done a perfectly admirable job of understanding this complex issue and providing coherent and sensible coverage of this historic trade accord. The following article from Norfolk, NE, is a great example of why Nebraska's first district residents certainly understand trade.

[From the Norfolk Daily News, Nov. 28, 1994]

STAKES ARE HIGH

American agriculture has a special interest in the post-Thanksgiving special session of Congress. Whether or not America will continue to lead the way toward freer trade among nations is the issue. Removing trade barriers offers America's food producers a chance to develop new markets.

The stakes are high as a lame duck Congress, still controlled by Democrats, convenes to vote on the General Agreement on Tariffs and Trade. It is not a partisan issue, however. Work on the agreement has spanned three presidencies—those of Ronald Reagan, George Bush and Bill Clinton.

The principal argument being used against ratification is that a single world trade body would find American laws superseded; that Congress and American presidents would be subservient in all trade matters to a super international body not accountable either to the American electorate or anyone else.

It is a false argument. America's leaders will not surrender their veto power over unfair trade tactics. Should there be consistent violations of the spirit of the agreement by other nations, Americans can readily withdraw. It is in the best interests of any nation able to produce valuable consumer goods efficiently and at fair prices to want to compete on a global basis. That is what American enterprise is capable of.

It is estimated that lower tariffs on products imported into America means the equivalent of a tax cut of $130 billion annually for American consumers. Further, an additional $100 billion in American exports of goods and services is anticipated, with the possible creation of a half-million new jobs in this nation because products made here are popular abroad.

This is no time for America to withdraw from trade competition and hunker down behind protectionist tariffs and quotas. It is a time to stand up and compete, and set examples in enterprise as this nation attempts to do in democracy. Free trade, free enterprise and the free exchange of ideas on an international basis are vital to world peace.

Reducing worldwide tariffs by one-third, as the GATT agreement does, should benefit all nations—but America most of all.

TRIBUTE TO DANIEL CROCKER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. Daniel Crocker. On November 19, 1994, just 10 days ago, Mr. Crocker was recognized at an awards dinner by the St. Clair County Department of Veterans Affairs as Veteran of the Year.

Mr. Crocker served in the U.S. Marine Corps from January 9, 1967, through January 2, 1970. He was honorably discharged as a sergeant; however, he has been a general in his efforts on behalf of veterans.

Dan Crocker has served in numerous capacities for several veterans groups, including the Veterans of Foreign Wars, the American Legion, the Allied Veterans Council, and the Department of Veterans Affairs Committee for St. Clair County. He has been the driving force for many activities—from lighting veterans monuments to several fundraising events. He is currently serving on a committee to secure transportation for veterans from St. Clair County to the VA medical center in Allen Park—a trek of nearly 100 miles for veterans in the northern portion of the county.

Those who know Dan Crocker know him as a patriot, a family man, and someone who can be counted on to go the extra distance. He was well-decorated during his time of service and he richly deserves the recognition he recently received.

During our Nation's time of need, Dan Crocker was ready and willing to serve. And, he has continued to serve those who answered our Nation's call. His commitment to our community, especially the veterans community, is truly commendable. I applaud his ongoing support of veterans and I urge my colleagues to join me in honoring Daniel Crocker, St. Clair County Veteran of the Year.

TRIBUTE TO MARY AND ASSO YONO

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LEVIN. Mr. Speaker, I wish to extend my congratulations to Mr. Asso Yousif Yono and Mrs. Mary Kenaya Yono on an extraordinary occasion. On November 28, 1994, the Yono's celebrate the 75th anniversary of their marriage.

Mr. and Mrs. Yono were born in Telkaif, Iraq, to Chaldean parents. They were married at a very young age. Mr. Yono worked to support his wife and family as a farmer, barber, and in dentistry for the local community. Mrs. Yono worked in the home and cared for their children. Mr. amd Mrs. Yono had 12 children, 7 surviving and living in the United States today. The Yono's devotion to their family and to each other over these past 75 years is truly inspiring.

The Yono's immigrated to the United States in 1972 to join their children, Gabriel Yono, Haniya Kasmarogi, Souad Sheena, Amira Yono, Katrin Sesi, Latifa Seman, and Sam Yono.

Their religious faith and community involvement are key elements in their lives. The Yono family is testament to Asso and Mary Yono's dedication to and belief in strong family values and hard work.

My best wishes to this incredible couple and to their family on this special event.

TRIBUTE TO DR. FREDERICK A. HAUCK

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. PORTMAN. Mr. Speaker, I rise today to congratulate my friend and Cincinnati Rotarian Frederick A. "Fritz" Hauck on his 100th birthday. He is one of the great citizens of Ohio's Second District and of this Nation.

"A winner never quits and a quitter never wins", words to live by according to Dr. Hauck. And live he has, despite the prognosis he received from doctors in 1937 giving him only 1 year to live.

Born in 1894, Dr. Hauck, still remembers the days when there were no telephones, plumbing, or automobiles, and continues to remark about the constant development of new technology. Dr. Hauck was a major factor behind these technologies. He has been a chemist, a metallurgist, an inventor, an explorer, a mining-company owner, and has been involved in nuclear-physics work and space-technology research. It was his technological improvements in surgical instruments which enabled him to rise to the chairmanship of Max Wocher & Sons, a medical instrument supplier.

Another example of his contribution to this Nation was his discovery of minerals vital to the Nation's defense. This led him to the responsibility of controlling strategic materials for the Manhattan Project and his work alongside Albert Einstein.

Dr. Hauck has also given a great deal back to his community and the world. He worked hard on such projects as the restoration of Fountain Square, Union Terminal, and the Cincinnati Zoo, just to name a few. Dr. Hauck has also been honored by the National Conference of Christians and Jews and received the Ohio Citation "for Distinguished Service to Ohio in the Humanities, Science, and Philosophy."

Education was a top priority for Dr. Hauck, who has been known to say "If you study, you will find out how much education means to an individual." That is why Hauck Enterprises has contributed to scholarships for more than 200 physics students at several universities. Currently, Dr. Hauck is working with the University of Florida to develop a gas-core nuclear-reactor engine.

Mr. Speaker, Fritz Hauck is a living example of the American Dream, and I ask all of my colleagues to recognize him on his 100th birthday on December 28, 1994, and for his continuing contributions to the development of this Nation.

A TRIBUTE TO DUNCAN CARMICHAEL HUNTER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. TAYLOR of North Carolina. Mr. Speaker, Duncan Carmichael Hunter was born to Scottish parents on November 15, 1908, in Sellars, SC. He married Ruth Epps on May 20, 1939, and had three children, Ruth Ellen, Duncan Carmichael Junior, and Stephen Epps; one son-in-law, James McMillan Keally III; two daughers-in-law, Carol Headman Hunter and Tanya Simmons Hunter; and six grandchildren, Meghan Carmichael Keally; Angela Jane and Elizabeth Ann Hunter; Emily Megan, Caitlin Noelle, and Andrew Tilson Hunter. He died in Brevard, NC, on November 8, 1994, 1 week before his 86 birthday.

In 1930, Duncan Carmichael Hunter graduated from Davidson College with an A.B. degree in history. During the 1930's he did graduate work at North Carolina State University, was a high school teacher and football coach in Belmont, NC, and was active as an educational advisor for the Civilian Conservation Corporation. In the 1940's, he was coordinator for diversified occupations for the city schools in Burlington, NC, and worked as personnel director for Broyhill Furniture Co. in Lenoir, NC, and for Burlington Industries in Gastonia, Burlington, and Mooresville, NC.

He moved with his family to Brevard, NC, in 1952 to work as recruitment and training director in the personnel department of Olin Chemical Corp. During his years with Olin, he served as vice president of the Southeastern Division for the American Society of Training Directors. In 1961, he was honored with an award from the Southeastern Division of ASTD for conscientious service to the training profession as a director and vice president. In 1967, Olin Corp. named him the "Most Productive Recruiter in the Southeast." In 1972, the Southern College Placement Association presented him with an award for long and active participation in the programs of their association. Also during this time, he received an honorary degree from the Georgia Institute of Technology in recognition of his work. After retiring from Olin in 1975, he worked for 10 years as a consultant for Western Carolinas Industries in Asheville, NC, and served on the board of directors for Cecil Business College in Asheville.

During his lifetime, he was an elder, Sunday school superintendent, and Sunday school teacher in Brevard-Davidson River Presbyterian Church and in other Presbyterian churches in North Carolina. In the 1950's, he organized the first Boy Scout troop in the Brevard-Davidson River Presbyterian Church. He was a member of the Kiwanis Club for 54 years and a former president of the Brevard Kiwanis Club. Loyal to his alma mater, he participated in raising funds for Davidson College and was a member of Pi Kappa Phi fraternity for 65 years.

Duncan Carmichael Hunter maintained an active interest in the history of his country and in the workings of the government. His final act before he died on Election Day 1994 was to go to his polling place and vote, thereby exercising his rights as a citizen of the United States for the last time.

REV. MAX I. SALVADOR: A MAN FOR GOD AND PEOPLE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to recognize Rev. Max I. Salvador for his extraordinary lifetime of community service and his deep commitment to helping others. Rev. Max I. Salvador's work as director of the All-Saints Episcopal Church merits his recognition as one of south Florida's most conscientious clergy.

Reverend Salvador completed his theological studies and was ordained as a minister of the Protestant Episcopal Church in Cuba. His first assignment was to open a church in the populous city of Santa Clara. By working closely with the local community, Reverend Salvador succeeded in building a beautiful temple and a sizable congregation.

After surviving the turbulent and tempestuous beginning of the Cuban crisis, Reverend Salvador left his beloved country with his wife, Lourdes, a victim of a debilitating illness, and their small children. When the Salvador family arrived in Miami in the early 1960's there was no Spanish-speaking Episcopal church in the area.

Once again, Reverend Salvador faced the challenge of developing a congregation in a new country and in a totally new environment. Thirty-five years later, his work has enriched our community with active church, attractive buildings, and variety of social service programs.

Reverend Salvador's story is a touching example of altruism in the face of adversity. As a young Cuban minister, Reverend Salvador had the vision and commitment to build the Episcopal Center, an enterprise which has provided thousands of exiles with food, clothing, medical care, and financial assistance.

Reverend Salvador is Cuban-American who deserves our admiration for of his dedication to improving his local community and helping those in need. I wish that there was more individuals with the desire and willingness to help others just as Reverend Salvador has done for over 30 years which inevitably has made our community a better place to live.

TRIBUTE TO J.J. RAIGOZA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. McINNIS. Mr. Speaker, I request the article that appeared in the Pueblo Chieftain on September 17, 1994, honoring a giant of a man, "JJ" Raigoza, be inserted into today's CONGRESSIONAL RECORD.

[From the Chieftain (Pueblo, CO), Sept. 17, 1994]

"JJ" RAIGOZA: A "GIANT OF A MAN" IN SIZE, HUMANITY

(By Gail Pitts)

"JJ" Raigoza was indeed a giant of a man.

At 6 feet 2 inches tall and 320 pounds, he was physically imposing.

But equally, he was a giant of a human being, in his enthusiasm, his compassion and his advocacy.

"He was an advocate since the day he left the service," his older son, JJ II, said Friday.

Johnny Jesus "JJ" Raigoza died Wednesday at age 49 following a two-month illness. Funeral mass will be at 10 a.m. today at St. Francis Xavier Church followed by interment with full military honors at Imperial Gardens.

"He was a tremendous advocate for all the youngsters," recalled John Tracey, chief judge of the 10th Judicial District where Raigoza had been a probation officer since the mid-1980s. "But at the same time, if they didn't respond, be would be the first one to come in and say it was time they received some serious consequences."

Tracey recalled first meeting Raigoza when he applied for the Pueblo job after serving in Colorado Springs.

"He just exuded a kind of enthusiasm for the job and you felt that here's a man who's got not only some enthusiasm, but will bring new ideas and invigorate whatever he undertakes."

That's what Raigoza did in his probation job, taking "the toughest of the tough in terms of counseling needs," Tracey said.

And that's what he did throughout his life, his wife, Arlene Raigoza said.

The couple met when both were working in the War on Poverty.

A Pueblo native and 1965 graduate of Central High School, Raigoza graduated from the University of Southern Colorado and served six years in the U.S. Navy in Vietnam and Guam.

He became involved in everything, from neighborhood health care programs to the Colorado Advisory Council on Alcohol and Drug Abuse.

He also worked as a guard in the forensic unit at the Colorado Mental Health Institute at Pueblo, for the district attorney, and at Spanish Peaks Mental Health Center.

He played a major role in the Latino Chamber of Commerce.

"He was an asset to our organization," said Bonnie Martinez, Latino Chamber president. "He truly gave his time. He always had time for everybody and everything."

Among dozens of accomplishments his proudest was his role in the development of the Bessemer Ditch Rehabilitation Bill, which was signed into law July 9, 1980, by then-president Jimmy Carter.

Raigoza had discovered the widespread flooding of basements in the Bessemer Ditch area and worked tirelessly to see the bill passed, she said.

The family enjoyed a vacation in Washington, D.C., this summer, a vacation they will treasure all the more now, she said.

Recently, he had lost a good deal of weight, Mrs. Raigoza said. "He wanted to get in shape."

And he formed his own business, AJ Connections, with an eye to a dream of developing a demographics data and editing business.

"He discovered computers," she said. George Autobec, former Puebloan who operates a Center for Hispanic Studies in Denver, "kept telling him, you've got to get in computers."

He did and made sure the children, and Mrs. Raigoza, became computer literate.

"He had a keen mind; he was very sharp; he was never boring she said. "To me he had charisma."

Judge Tracey agreed, "I believe he was universally liked."

FREDERICK F. AND WALTER F. CARTER—50 YEARS OF FEDERAL SERVICE

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. WYNN. Mr. Speaker, Mr. Frederick F. Carter and Mr. Walter F. Carter, who are identical twins and constituents of mine, celebrated their 50th anniversary of Federal service on November 12 of this year. These gentlemen have served their agency, the Government Printing Office, well and faithfully for the past half-century as part of the important process of providing the Congress and Federal agencies with the essential products needed for daily operations. I know we wish the Carter twins continued good health and good luck in the future. I wish to insert a brief biography highlighting the lives and careers of these truly unique individuals at this point:

BIOGRAPHY

Frederick and Walter Carter are identical twins who were born on August 12, 1926, in Washington, DC. They began their Federal careers on September 5, 1944, when they enlisted in the U.S. Navy. Because of the Sullivan family tragedy earlier in World War II, when five brothers were lost on the same ship, it was government policy to have siblings serve apart. However, because Fred and Walter were so close, a cousin who was Chief Yeoman on the staff of Admiral Chester W. Nimitz secured permission for them to serve together. After boot camp, they eventually served on three ships before their discharge on August 2, 1946. They then joined the Naval Reserve, in their words "in case of another war," and served for another 16 years.

The Carters began their GPO careers on October 10, 1946, as internal messengers. After brief stints in other areas of the Office, they became delivery truck drivers in the Messenger Unit in 1953, and have been fixtures there ever since. Their dedication to their jobs and their devotion to GPO are legendary. So proud are the twins of their affiliation with GPO that they hope one day to turn over souvenirs and mementos representing over 40 years in GPO's bowling league to the Bowling Hall of Fame in St. Louis, MO, in the name of the Office.

Their fellow GPO employees are accustomed to "seeing double" every day. The twins' childhood habit of dressing alike has extended not only to their Messenger Unit uniforms but to their "off-duty" clothes as well. Also famous are their "seesaw" conversations; when one twin starts a sentence, the other is very likely to finish it. Currently serving under their eleventh Public Printer, they proudly reminisce about having personally met every GPO agency head since Augustus Giegengack, who was appointed by President Franklin D. Roosevelt.

The Carter twins are extremely well-liked, not only by their coworkers but by the customers they serve. This is especially evident on Capitol Hill, where it is not an overstatement to call them GPO's "goodwill ambassadors." Their genuine warmth, honesty, and sincerity make them welcome visitors as they go about their daily delivery rounds.

TRIBUTE TO JEREMY M. KUBICA

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Jeremy M. Kubica of Troop 117 in Warwick, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Jeremy cleared trails and cleaned up the beach at the Kent County YMCA summer camp.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Jeremy M. Kubica. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Jeremy M. Kubica will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

COMSAT PROVIDES SUPPORT TO UNITED STATES TROOPS IN HAITI

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mrs. MORELLA. Mr. Speaker, as the men and women of our Armed Forces continue carrying out their mission in Haiti, we should be aware of the considerable contribution to their effort being made by the private sector, particularly those in the communications industry, to support them.

Communications is perhaps the most important and valuable commodity for troops out in the field or at sea. Without a reliable communications system, American lives would be at greater risk as they face the prospect of isolation from the rest of the world. Advancements in communications technology has helped to minimize that risk considerably. U.S. high-technology companies are to be commended for the work they have done to help bring our troops back safely, time and time again.

One company in my district has contributed enormously to bolster the efforts of our Armed Forces in Haiti. COMSAT Corporation in Bethesda, MD, as the U.S. Signatory to Inmarsat, has been providing communications satellite service on land, air, and sea to American troops all over the world. From Saudi Arabia to Somalia and now Haiti, COMSAT has provided land mobile, aeronautical, and maritime satellite terminals to the Army, Navy, Marines, and the Air Force guaranteeing a high-quality, reliable satellite communications system which is second to none. Our service men and women rely on COMSAT and its work within Inmarsat to help secure their safekeeping, not simply for their sake, but for the sake of those they've left back home.

We owe tremendous gratitude to COMSAT for their commitment to advanced communications which support our troops. I ask my colleagues to join me in recognizing their great efforts in supporting the Armed Forces of the United States.

RECOGNITION FOR BRIAN VAN ALLEN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LEVIN. Mr. Speaker, I wish to extend my congratulations to a young man from Clawson, MI, on attaining the highest award in Scouting—the coveted Eagle Scout Award.

Brian VanAllen, age 17, is the son of Ed and Gwen Robinson. He is a senior at Clawson High School, a member of the school track team and is currently studying computer assisted drafting.

Only 2 percent of the young men in the Scouting program reach this level of achievement. Brian has demonstrated his abilities in the areas of leadership, communications, outdoorsmanship, teaching, as well as community and civic involvement.

As part of a community service project, Brian organized fellow Scouts and adults to participate in a church revitalization project. After 120 hours of work, the crew had prepared, cleaned, and painted the walls and ceiling of a central hallway at the Clawson United Methodist Church.

As Brian receives this special award, I want to take this opportunity to highlight his contributions, not only to troop 1093, but to the community as a whole. I wish him many more years of service and good luck as he prepares to enter the U.S. Marine Corps this June.

TRIBUTE TO SIDONIA AND LEWIS LAX

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Sidonia and Lewis Lax, a couple devoted to helping others. For more than three decades the two of them played a prominent role with the Brandeis-Bardin Institute, providing strong leadership on the board of directors. In addition, Lewis was instrumental in the growth of Brandeis-Bardin when he served as vice president of administration.

Through their involvement with Brandeis-Bardin, Lewis and Sidonia demonstrated their devotion and commitment to the Jewish people. At the same time, they recognized the centrality of the arts and education in Jewish life. So many young Jewish men and women have enriched their spiritual and intellectual lives as a result of having spent time at Brandeis-Bardin. In no small measure this fortunate group have Lewis and Sidonia Lax to thank.

I ask my colleagues to join me in supporting Sidonia Lax and honoring the memory of Lewis Lax, partners who spent their entire adult life working on behalf of others. They are a shining example for us all.

CEDAR WORKS: AN OHIO SUCCESS STORY

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. PORTMAN. Mr. Speaker, I am very pleased to pay tribute to Cedar Works, a Peebles, OH, corporation which manufactures cedar products and was recently recognized by Nation's Business magazine as a successful small business that sells unique products to large retailers.

Under the able leadership of President Jim Obenshain, Cedar Works has created jobs and stimulated economic growth in Adams County, OH, at a time when the county has the second highest rate of unemployment in our State. It is a company with a focus on the customer. Jim Obenshain has been known to go so far as to personally deliver orders in his minivan to meet Christmas deadlines.

Jim founded Cedar Works in 1976, after envisioning a market for finely crafted birdhouses and mailboxes made of cedar. Today, the company employs 269 people and is one of the largest employers in Adams County. Since Cedar Works began selling its bird feeders and mailboxes and mailbox posts to Wal-Mart in 1990, sales, production, and employment have skyrocketed. Annual sales have risen from $2 to $15 million.

I am proud to congratulate the team at Cedar Works for their contribution to Peebles, OH, to Adams County, and to the entire State. They have provided a model for other businesses that might be looking to locate in an area like Adams County. We salute their vision and wish them even greater success in the future.

TRIBUTE TO JAMES T. WINSTEAD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to James T. Winstead, a man devoted to helping others. For more than three decades he has played a prominent role in dozens of organizations in the San Fernando Valley. The north San Fernando Valley is a better place because of the contributions of James Winstead.

I cannot imagine how Jim found the time to get involved with so many causes. For example, he has held leadership positions with the Optimists, Elks, Knights of Columbus, San Fernando Chamber of Commerce, San Fernando Valley Trade Association, and the North Valley YMCA. In addition he has served as director and president of the North & East Associated Chambers, the Greater Van Nuys Area Chamber of Commerce, and Golden Triangle Association. On top of everything else, in 1982, Jim was named honorary sheriff of Mission Hills.

Most recently, Jim received the Nelle Reagan Award for Distinguished Community Service Presentation from Olive View—UCLA Medical Center in Sylmar, yet another recognition of his strong sense of community.

I ask my colleagues to join me in supporting James T. Winstead, who has spent his entire adult life working on behalf of others. He is a shining example for us all.

TRIBUTE TO CHRISTOPHER RICHARD PHILLIPS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Christopher Richard Phillips of Troop 2 Natick in West Warwick, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Christopher painted the emergency power generating equipment in the West Warwick Police Department.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Christopher Richard Phillips. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Christopher Richard Phillips will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

A NEW VACCINE FOR OUR CHILDREN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the outstanding work of the National Institute of Child Health and Human Development who treated millions of parents to a special Thanksgiving blessing when it announced the promising results of a clinical trial involving a new vaccine for pertussis, commonly known as whooping cough.

The NICHD reported that this new acellular pertussis vaccine is effective in preventing whooping cough in infants and children, and does so without any significant adverse side effects. In fact, NICHD associate director, Dr. Charles Lowe concluded in his announcement that, "the encouraging results of this vaccine trial justify the expectation that in the near future, infants will have an acellular pertussis vaccine which was not only effective but remarkably safe."

That is especially good news for every parent, Mr. Speaker, because the currently used whole cell vaccine, although effective, has been associated with a variety of side effects.

The phase III—human—clinical trails for the new vaccine were conducted in Sweden, one of several countries which does not recommend whole cell pertussis vaccination because of side effects. As a result, a pertussis epidemic occured during a portion of the trial. Yet even under these demanding epidemic conditions, the vaccine proved to be remarkably safe and highly effective, so much so that the Swedish principal investigators plan to go forward and vaccinate those children who were part of the trial's control group.

Mr. Speaker, many American parents with their child's welfare at heart, have chosen not to vaccinate against pertussis, exposing millions of infants to the possibility of an outbreak such as one we've recently witnessed in Washington State. I'm delighted with the results of the NICHD trial and especially pleased that the North American Vaccine, the Beltsville, MD, based company licensing the acellular pertussis vaccine technology from the NICHD, anticipates filing for FDA approval in the near future.

I would like to include with my remarks a copy of the press announcement from the U.S. Department of Health and Human Services.

CLINICAL TRIAL RESULTS ANNOUNCED FOR NEW VACCINE AGAINST PERTUSSIS

The National Institutes of Health announced today the promising results of a Phase III efficacy study conducted in Göteborg, Sweden, for a new acellular pertussis vaccine to prevent whooping cough. Under epidemic conditions, the vaccine demonstrated an efficacy of 71 percent in protecting infants in the study cohort from contracting pertussis as defined by the World Health Organization (WHO).

Even more noteworthy was the absence of adverse side effects. The National Institute of Child Health and Human Development (NICHD) at the NIH supported the study. The vaccine was manufactured for the NICHD trial by AMVAX, a subsidiary of North American Vaccine, Inc., and has been under evaluation in Göteborg. For more than 3 years, Drs. John Taranger and Birger Trollfors of the Department of Pediatrics, University of Göteborg, under contract with the NICHD, have conducted the studies.

The NICHD acellular pertussis (aP) vaccine consists of a single component, pertussis toxoid. It was compounded by AMVAX as DTaP using diphtheria and tetanus (DT) toxoids manufactured by the Statens Seruminstitut, Copenhagen, Denmark. The DTaP was administered to a group of 1692 Swedish infants at 3, 5, and 12 months of age beginning in September 1991 in a randomized, double-blind placebo controlled trial.

Another group of 1687 infants served as controls and received only the diphtheria and tetanus vaccines. On average, the children were followed for about 20 months after their third vaccination by a team of nurses trained in field work who kept the infants and their households under close surveillance and evaluated all coughing episodes lasting 7 days or more for possible pertussis.

During the trial, 312 of the 3335 children completing the study developed pertussis that met the WHO criteria for the disease (at least 21 days of paroxysmal cough plus a positive culture for pertussis or significant pertussis antibody production). Of the children who developed pertussis, 240 were enrolled in the control (DT) group versus 72 in the pertussis vaccinated (DTaP) group.

In addition to a vaccine's ability to prevent disease, the absence of significant side effects is also important from a public health perspective. In this study, no children in either group had any severe adverse reactions attributed to vaccination. In fact, the vaccine proved to be remarkably safe. The incidence of all side effects, local and systemic, was far below that reported when infants receive the currently used whole-cell vaccine. In the United States, the frequency of significant adverse side effects, both local and systemic, with the currently used whole-cell vaccines has caused concern and prompted the search for a safer vaccine.

"The results of this trial are significant," said Dr. Charles Lowe, Associate Director of the NICHD and project officer and associate investigator for the study. "The study is important in demonstrating that a vaccine with a single component, a detoxified pertussis toxin, is capable of preventing disease in a substantial proportion of infants receiving the vaccine. The vaccine appeared to perform well in both efficacy and safety. The clinical results reflect not only the inherent attributes of the vaccine but also the commitment and dedication of the Swedish investigators."

In the United States, the schedule for routine childhood vaccination calls for five doses of pertussis vaccine as DTP, three in the first year of life and two thereafter. The fourth dose is given at 15 months of age and the fifth is given before school entry at 4 to 6 years of age. Whole-cell pertussis vaccine is currently the only product recommended for the first three doses. At present, acellular pertussis vaccines may be used only for the fourth and fifth doses for children 15 months or older.

Pertussis or whooping cough is a severe disease with paroxysmal cough which usually lasts about 6 weeks. In infants and in children with underlying diseases, serious complications sufficiently severe to require hospitalization can occur. In 1933, before immunization, there were 250,000 cases of pertussis in the United States with over 5,000 deaths. The currently available whole-cell vaccines can effectively prevent disease; but when populations in other countries have rejected vaccination because of concerns about safety, the effectiveness of the whole-cell vaccine becomes irrelevant. For example, in Great Britain and Japan, when the use of whole-cell vaccine was discontinued, these countries experienced epidemic pertussis. Since 1979, pertussis vaccination has not been recommended in Sweden and there is no licensed pertussis vaccine available in that country. Most children in Sweden have had pertussis by age 10. Accordingly, it was ethical to have a control group not vaccinated with pertussis in clinical trials performed in Sweden.

The pertussis toxoid vaccine was developed in NICHD's intramural research laboratories by Drs. Ron Sekura and John Robbins. Pilot studies for safety and immunogenicity were conducted beginning in 1986 in adults, toddlers, and infants both in the United States and Sweden. Additional trials of this DTaP vaccine for safety and immunogenicity are in progress in Charlotte, North Carolina, and San Antonio, Texas.

The very encouraging results of this vaccine trial justify the expectation that in the near future, infants will have an acellular pertussis vaccine which is not only effective but remarkably safe.

TEXPREP FOUNDER, AWARD WINNER DR. MANUEL BERRIOZABAL

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GONZALEZ. Mr. Speaker, I rise today to recognize and commemorate the accomplishment and dedicated service of a dear friend and truly outstanding member of the community from my hometown of San Antonio, Dr. Manuel Berriozabal.

Over the years of my association with Dr. Berriozabal—Manny, as I know him—he has strived to make a contribution to the betterment of the community by helping young people realize that they can attain their goals and dreams. While teaching at the University of Texas at San Antonio in 1979, he established the PreFreshman Engineering Program [PREP] to help encourage junior high and high school students with a proclivity for math and science to pursue careers as scientists and engineers. The success of this effort led to its expansion statewide in the TexPREP Program. Funded through the Dwight D. Eisenhower Mathematics and Science Education Act, PREP allows students to participate in an 8-week intensive academic enrichment program based both on mathematical theoretics and hands-on experience. Thanks to Dr. Berriozabal, it is is one of the best and most successful math and science preparation programs available to secondary school students anywhere in the country.

The program is especially important in San Antonio, where PREP has given so many Hispanic youths the opportunity and encouragement to achieve what they might not have thought possible otherwise. In this way, Dr. Berriozabal has helped literally thousands of young students in San Antonio and throughout the State attain educational and career achievements that will profoundly enhance the rest of their lives and the community as a whole.

Manny has always shown a deep caring for the young people in his program. And in the face of the naysayers who said that PREP would not succeed, Manny and his students have persevered.

This past September, Dr. Berriozabal received the Hispanic Award for Excellence in Education. This honor is much deserved for all of his dedication and hard work. At a time when many at the national level are trying to find easy answers to the challenges we confront today and when they are targeting worthy programs in the process, I say we need only look to Manny and his PREP Program for the answers and to witness the importance of these efforts. One by one, Dr. Berriozabal has touched the lives of many individuals. We can all take a lesson from his hard work, thoughtfulness, service, magnanimity, and steadiness of purpose.

I am enclosing here for the RECORD further material on Dr. Berriozabal, his achievements and his continuing efforts.

BERRIOZABAL GETS NATIONAL HONOR

Manuel Berriozabal, professor mathematics, received the 1994 Hispanic Heritage Award for Excellence in Education last week for initiating, developing and expanding the San Antonio Pre-Engineering Program (PREP).

The eighth annual awards ceremony, sponsored by Dr Pepper/Seven-Up Companies, Inc., took place at the National Building Museum in Washington, D.C. Also receiving awards were band leader Tito Puente, professional basketball referee Tommy Nunez, children's author Hilda Perera and labor activist Baldemar Velasquez.

PREP is a summer math and science enrichment program for middle and high school students.

"All kids need encouragement to succeed," Berriozabal said in a story that appeared in the Express-News. "PREP breaks the ice for them and gives them what they need to compete."

Working with San Antonio colleges and universities, school districts, corporate sponsors and volunteer instructors, Berriozabal established PREP in 1979 for high-achieving students in the 6th- through 12th-grade. Its goal is to identify students who have an aptitude for mathematics and the sciences and to encourage them to pursue careers as engineers and scientists.

Since PREP's founding, nearly 5,000 students in the San Antonio area and more than 8,000 students statewide have completed at least one summer of PREP. Minority students comprise 80 percent of the participants, and 53 percent are young women.

[From the San Antonio Express-News, Sept. 20, 1994]

UTSA PROFESSOR RECEIVES HISPANIC HERITAGE AWARD

(By Dan R. Goddard)

WASHINGTON.—Students, especially minority students, must excel in math and science if they want to be the masters and not the slaves of future technology, Manuel Berriozabal, a mathematics professor at the University of Texas at San Antonio, said upon receiving the 1994 Hispanic Award for Excellence in Education.

"When I first started TexPREP 16-years ago, I was advised that the program was doomed to failure because middle school and high school students would never want to spend eight weeks during the summer in the study of mathematics and its applications," Berriozabal said at the eighth annual Hispanic Heritage awards presented Monday at the National Building Museum in Washington.

Thousands of students have benefited from the programs created by Berriozabal, the Prefreshman Engineering Program (PREP) and the extended TexPREP, designed to encourage sixth- through 11th-graders with strong science and math skills and the potential to be engineers and scientists.

Critics said minority students, especially Hispanics, would not succeed in such a structured and disciplined environment.

"Now, 16 years of operations have belied those predictions. Nearly 10,000 students have pursued PREP; over 6,500 participants have been Hispanic," Berriozabal said. "The high school graduation rate is 100 percent, and the college graduation rate is 80 percent. Nearly 60 percent of the college graduates have majored in science or engineering."

In presenting the award to her husband, Maria Antonietta Berriozabal said, "Dr. B is my husband, my collaborator and my hero." She added in Spanish, "You are a man and you have the soul of a child," noting that he can speak to his students with empathy and understanding.

"The Mambo King" Tito Puente, jazz percussionist, band leader and influential purveyor of the Caribbean sound; Tommy Nunez, the only Mexican-American ever to referee for the National Basketball Association; Hilda Perera, a scholar and author of popular children's stories such as "Kike"; and Baldemar Velasquez, who established the Farm Labor Organizing Committee in 1986, are the other Hispanic Heritage award winners.

The Washington Post has called the awards "the glitziest and hippest event of Hispanic Heritage Month."

The 600 guests, including many Latin American dignitaries based in Washington, wore tuxedoes and glittery gowns.

The event was staged in the grand hall of the National Building Museum.

Established in 1987 and supported by 29 national Hispanic organizations, the awards honor individuals who personify the best in Hispanic culture, tradition and achievement.

Sponsored by Dr Pepper/Seven-Up Companies Inc., previous award winners include Emmy winner Luis Santerio, singer and producer Gloria and Emilio Estefan, boxer Jose Torres and actress Rita Moreno.

Prior San Antonio winners include Housing and Urban Development Secretary Henry Cisneros, Archbishop Patrick Flores and visual artist Jesse Trevino, who has an exhibit at the National Museum of American Art in conjunction with this year's Hispanic Hertiage awards.

[From the San Antonio Express-News, Sept. 20, 1994]

S.A.'S BERRIOZABAL RECOGNIZED FOR COLLEGE PREP MATH PROGRAM

(By David Uhler)

When Manuel Berriozabal created a special mathematics program for college preparation of high school students, several people told him it was doomed even before it started.

Berriozabal's critics claimed the students weren't mature enough to study on college campuses. They also felt women and minority students couldn't—or wouldn't—learn the math skills they needed to major in science and engineering in college.

That was 15 years ago.

Since then, thousands of graduates from the program have succeeded in college and professional careers. The Prefreshman Engineering Program, known as PREP, also has earned an armful of national and international honors for Berriozabal, a mathematics professor at the University of Texas at San Antonio.

On Monday, Berriozabal received the 1994 Hispanic Heritage Award for Excellence in Education at a ceremony in Washington.

"All kids need encouragement to succeed," he said. "PREP breaks the ice for them and gives them what they need to compete."

Berriozabal has taught at UTSA for 19 years. Raymond T. Garza, the provost and vice president for academic affairs at the university, said he's proud of Berriozabal.

"He has made a contribution to education in a significant way be reaching out to so many deserving students and instilling in them the desire to attain their highest potential," Garza said.

Since 1979, more than 3,400 students in the San Antonio area have completed one summer or more in the Prefreshman Engineering Program. Seventy-nine percent of the students were minorities; 58 percent were women. In 1986, the program was extended throughout the state. Today, it is taught in 12 cities on 22 college campuses.

The program also has received lots of national and international attention. In 1986, it was recognized by the U.S. Department of Education. Three years later, Berriozabal received an award from the Hispanic Engineering National Achievement Awards Conference.

In 1991, the Mexican American Engineering Socity awarded the state program its award for education engineering program of the year. The U.S. Department of Energy also presented PREP its Mathematics/Science Leadership Development and Recognition Award.

So how does PREP work?

Berriozabal said the course "is a combination of minds-on and hands-on instruction." Abstract mathematical concepts account for the mind exercises; the hands-on section is covered in physics and computer science instruction.

Most importantly, however, students in the eight-week program are taught they can succeed in math and science if they have a positive attitude and stick with it.

Berriozabal, 68, is a native of San Antonio. He received his bachelor's degree from Rockhurst College in Kansas City, Mo., his master's degree from the University of Notre Dame and his doctorate from UCLA. His wife, Maria, is a former San Antonio city councilwoman.

HOW SUCCESSFUL CAN INTERVENTION PROGRAMS BECOME?

MANUEL P. BERRIOZÁBAL

Since 1979, I have conducted each summer, the San Antonio PreFreshman Engineering Program (PREP), and eight week mathematics-based academic enrichment program for high achieving middle school and high school students. The participants develop abstract reasoning and problem solving skills through courses and laboratories in mathematics and mathematics related areas normally not offered to students at the middle school or high school levels.

3,400 students have completed at least one summer of PREP; 79 percent have been minority and 51 percent have been women; 53 percent come from low income families. The high school graduation rate has been 100 percent. The college entrance rate is 94 percent. The college graduation rate is 80 percent. The rate for science or engineering majors is 56 percent.

Program participants are expected to maintain a 75 percent plus average to stay in the program and the program retention rate each summer is normally at least 85 percent. Through hard work and commitment, program participants realize that they can successfully negotiate studies in a college setting. Participants may return for second and third summers.

PREP has been conducted on various college campuses in San Antonio. In 1992, because of the high enrollment of over 1,300 students and inadequate space on the college campuses, first year sixth-grade participants met on two high school campuses. The PREP staff consists of college and high school mathematics, science, and engineering teachers, Air Force and Navy Officers, and industrial scientists and engineers. Undergraduate engineering and science majors serve as program assistants.

The cost per student is approximately $1,200. PREP operational support through in kind and financial contributions comes from local, state and national public and private sector agencies. Support in the way of wages, stipends, and lunches for low income students comes from the local Private Industry Council Summer Youth and Employment Programs and the National Science Foundation.

Through the sponsorship of an NSF grant. PREP has developed a kit consisting of an operational manual and PREP curricular materials. This kit is available to any institution of higher education interested in starting an intervention program and the materials can be freely reproduced for noncommercial purposes.

San Antonio PREP has been replicated since 1986 throughout the State of Texas as the Texas Prefreshman Engineering Program (TexPREP). TexPREP statistics are similar to those of San Antonio PREP. The population of Texas is 35 percent minority. Yet, only 12 percent of the engineering and science college undergraduates are minority. This underrepresentation reflects the drain of minority talent somewhere between elementary and college years. TexPREP has a goal of at least achieving parity for minorities in the annual output of engineering and science college undergraduates.

Currently, the annual output of minority college science and engineering graduates is 16,000. The National Science Foundation has set an annual output goal of 50,000 minorities by the year 2000 and beyond.

I propose that successful intervention programs be replicated or adapted nationwide so that 250,000 minority students can be reached annually. If the current results of existing programs were to continue, then a steady State annual output of at least 50,000 minority science and engineering graduates would be achieved. An element of accountability must be present if this undertaking is successful. Consequently, I propose that an oversight committee consisting of minority members of mathematics, science, and engineering professional organizations be established. This committee will work with other minority advocacy groups to secure long-term, in kind support and financial funding from the Federal, State, and other public sectors, and private sectors for the support of this effort.

I estimate the annual direct operational costs for this undertaking in today's dollars would be approximately $300,000,000. This cost would include the operation of a summer intern program for prospective directors. this amount would be a small price to pay if this Nation is genuinely interested in providing access for minorities to careers in science and engineering and at the same time preparing a 21st century high technology work force among our citizenry.

TRIBUTE TO GREGORY EDWARD BAKER

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Gregory Edward Baker of Troop 66 Garden City in Cranston, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Gregory constructed garden beds and landscaped some of the grounds at Church of the Transfiguration.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Gregory Edward Baker. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Gregory Edward Baker will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

TRIBUTE TO CONGRESSWOMAN HELEN BENTLEY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to our colleague, HELEN BENTLEY, who is leaving office this year after five highly successful terms serving Maryland's Second District.

Helen has been an influential voice in Congress, battling for the American worker, an improved manufacturing base, and an upgraded maritime industry, as well as addressing a variety of other key issues facing the Nation.

From her first day as a Member of this body, HELEN has focused strongly on the development of the Baltimore port, which she has understandably viewed as a key to the economic betterment of that great city. HELEN has been such an effective advocate for the port that it has sometimes been referred to as her child. One of her major accomplishments was to win the long battle to have the port dredged. A few years ago, she helped in another way. When a bitter strike erupted at the port, she was asked to serve as a mediator.

She worked tirelessly to bring the sides together, and succeeded—thanks in part to the respect she commands from both labor and management.

HELEN has served effectively as a member of the Public Works, Merchant Marine and Fisheries, and Budget Committees, and, most recently, as a member of the Appropriations Committee.

All the time, she has justifiably won praise for her constituent service—fighting ceaselessly for the residents of the Second District.

On a personal basis, I will miss HELEN dearly. She has been a friend, and adviser—in fact, my mentor these past 8 years. This body will be the poorer in her absence. I join my colleagues in wishing her and her husband, Bill, continued success in their future endeavors.

RECOGNITION FOR JASON A. FIRBY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LEVIN. Mr. Speaker, I wish to extend my congratulations to a young man from Redford, MI, on attaining the highest award in Scouting—the coveted Eagle Scout Award.

Jason A. Firby is a high school graduate now working as an electrician's apprentice. In high school Jason earned varsity letters in football, wrestling, and track. His career in Scouting began in 1985 when he first joined the Cub Scouts. In May 1987, he joined the Cub Scouts. In May 1987, he joined Troop 435 at Jane Addams School in Redford where he held leadership positions as a Quartermaster, Patrol Leader, and Assistant Patrol Leader. Jason has been awarded a National Certificate of Merit for his part in the rescue of a canoe accident victim.

This young man has organized a group of volunteers to repair the walls and paint several rooms at the Southfield Community Church as part of his Eagle Service Project.

Throughout his Scouting career he has demonstrated great abilities in leadership, outdoorsmanship, community, and civic involvement. Jason Firby has clearly made a great contribution, not only to Troop 435, but to the community as a whole.

As Jason receives this special award, I want to take this opportunity to highlight his accomplishments and wish him many more years of service and good luck as he prepares to pursue a degree in electronics.

TRIBUTE TO MARVIN TAVLIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Marvin Tavlin, who continues to lead a rich and full life at the age of 80. Though his energy suggests a man at least 20 years younger, Marvin is by definition a senior citizen, which means seniors are one of his causes. In recent years he has become the legislative chair of the Los Angeles Federation of Senior Citizen Clubs; a member of the Los Angeles County Federation of Parks and Recreation Senior Citizens' Organization; and the president of the Westside Chapter of the National Council of Senior Citizens. With people such as Marvin as leaders, seniors can feel that their interests are being represented by the best.

Marvin has built his life on extending a hand to others. In the 1930's, he simultaneously fought for workers' rights and against fascism. In the 1940's, he appeared before the War Labor Board to secure wage increases for the United Steelworkers of America Local 2941, a 5,000-member union of which he was both organizer and president. In the 1960's, he was active with antiwar groups, and opened his home to troubled, confused youth with nowhere to go.

It seems the older Marvin is, the busier he is. During the 1980's, he was everywhere: volunteering with the Los Angeles Unified School District to help students with their studies, developing the curriculum for the Congress of California Seniors, serving as a paralegal volunteer in the law office of Grey Law, which meant dispensing free legal advice to seniors. When it comes to social activism, Marvin puts most of us to shame.

I ask my colleagues to join me in honoring Marvin Tavlin, a true leader who has touched the lives of many. He is a marvelous example of how to lead one's life.

TRIBUTE TO CENTER FOR CIVIC EDUCATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BECERRA. Mr. Speaker, just as our Nation has an interest and stake in the development of democracy throughout the world, we must also recognize the need and duty to maintain democratic values at home. The national standards for civics and government developed by the Center for Civic Education confront this issue.

As the national standards for civics and government are used and modified by state and local districts, they should serve as models of civic education, not only within the Nation, but throughout the world, especially in emerging democracies. I see this as an extension of our Nation's legacy of promoting and maintaining a system of constitutional democracy.

I commend the Center for Civic Education for its efforts, and I eagerly anticipate the continued development of future civic education initiatives.

TRIBUTE TO BRIAN NERI

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Brian Neri of Troop 8 in Cranston, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Brian constructed a clubhouse for children to use in McAuley Village, and also cleaned up some exterior areas in McAuley Village.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Brian Neri. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Brian Neri will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

AN EXPLANATION OF THE CONSERVATIVE REVOLUTION

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DOOLITTLE. Mr. Speaker, many of my colleagues know Dr. James Dobson from his outstanding radio show, "Focus on the Family." Recently, I received the following newsletter from Dr. Dobson that explains how many of the destructive social experiments that began in the 1960's have been discredited. His words also help to explain the conservative revolution that took place at the ballot box on November 8. I commend Dr. Dobson's insights to my colleagues.

FOCUS ON THE FAMILY

DEAR FRIEND: Perhaps you heard a recent "Focus on the Family" radio broadcast featuring syndicated columnist Cal Thomas. During that interview, Cal stated emphatically that liberalism is doomed as a political force in Western nations. Like Communism in the 1980s, liberal ideology is morally and intellectually bankrupt and is quickly unraveling at the seams. Its revolutionary ideas have poisoned Western cultures since the mid-'60s. But all of its cherished goals, with few exceptions, have failed miserably and lie on a rubbish heap today.

Where (except for Washington, D.C.) are the noisy radicals of past 30 years? Where are the advocates of "open marriage," drug legalization, death education, values clarification, filthy speech, the ERA, "children's liberation," commune dwelling and the sexual revolution? Where are the bra-burners, the men-haters, the flower children and the radical feminists? Oh, some of them are still out there, but few are taken seriously anymore.

I asked Mr. Thomas why, if this leftist movement is losing steam, are we still being plagued by its radical proposals? Every day, it seems, we hear disturbing stories about gay and lesbian extremism, nonsense in public education, wars between the sexes, euthanasia, "safe-sex" propaganda and the unbelievable pronouncements of Joycelyn Elders. Cal replied that these campaigns are merely the dying gasps of liberals who haven't noticed that the people are no longer with them. Our nation's capital, which feeds on its own propaganda, is often the last to recognize where the nation is headed.

Is Thomas correct in this perspective? We can certainly hope so. For now, however, the craziness is still in full bloom. Consider, for example, a recent column by Nat Hentoff, renowned authority on the Bill of Rights. This is what he wrote about an abominable medical policy in the United States.

In 44 states, all infants are tested at birth for the presence of HIV virus. In these 44 states, if the infant does test positive, neither the parents nor the baby's physician is informed. These are blind tests intended only to track the AIDS epidemic geographically * * *.

Why is the HIV test blinded? Over the years, gay organizations, the National Organization for Women, the National Abortion Rights Action League and the American Civil Liberties Union have made this a political rather than a medical issue. Since identifying the HIV status of the infant also discloses that the mother is infected, the privacy of the mother takes precedence over the life of the infants * * *.

As a New York mother, at first unaware that her infant was infected, says, "They are sacrificing infants on the altar of confidentiality." Her child is dying of AIDS.[1]

What a classic example of the fuzzy-headed, corrupt thinking that has dominated our public policy in recent decades! Its proponents would rather let sick babies go untreated than to surrender one of their cherished tenets. I could cite hundreds of similar outrages. When I served on the Attorney General's Commission on Pornography, for example, a representative of the ACLU named Barry Lynn testified that his organization opposed any restriction on the marketing, sale and distribution of child pornography. The ACLU appeared to have no interest in the children who would be horribly abused by such a policy. All that mattered was that the rights of pornographers be protected. (Not so coincidentally, the ACLU is heavily funded by the Playboy Corporation.)

Most of our social woes can be traced to this kind of liberal pap, including the current epidemic of sexually transmitted diseases, the phenomenon of juvenile crime, the "dumbing-down" of our educational system, planned barrenhood and the confiscatory tax structure. It is the institution of the family, however, that has been most severely wounded by leftist tampering. And hold onto your hats, friends and neighbors! Here come the social engineers again.

This time, they are taking on what they perceive to be the "approaching disaster" of world overpopulation. The problem, as they see it, is human beings—far too many human beings. They think the world is awash in babies. To remedy this problem, Vice President Al Gore and U.S. Undersecretary of State Tim Wirth led an American delegation of 45 members to the United Nations Conference on Population and Development in Cairo, Egypt, September 5–13. It represented the latest effort by the Clinton administration to promote abortion, feminist ideology and condom distribution in less developed nations around the world. It also featured a predictable assault on the traditional family and the values that support it.

Pope John Paul II, joined by leaders of many Muslim groups, severely criticized the conference organizers, saying they undermined family values and sought to promote an international right to abortion. Five Islamic countries had similar apprehensions and boycotted the event in Cairo.[2]

Mr. Gore, attempting to deflect the Vatican anger, denied that abortion is the centerpiece of the U.S. policy.[3] But he was in the unenviable position of contradicting established fact. One commentator said, "Then they sent poor Al Gore out to shred his credibility [by] denying it."[4]

Robert Novak wrote, "This team has left a paper trail that cannot be obscured by Gore and Wirth minimizing the U.S. position at Cairo. On May 11, Wirth bluntly told the United Nations what he wanted in Cairo: 'Our position is to support reproductive choice, including access to safe abortion.' As for undeveloped countries where abortion is prohibited by law, he said, 'A government which is violating basic human rights should not hide behind the defense of sovereignty.'"[5]

Incidentally, Wirth is reported to have provided a large bowl of brightly wrapped condoms for guests visiting his office in the State Department.[6] Does that give you a hint of what he believes about sexual morality and reproduction?

Vice President Gore's denial of a pro-abortion policy is also contradicted by the record of the Clinton administration. It has granted more than $13.2 million of taxpayer money (and promised $75 million more in the next five years) to organizations such as International Planned Parenthood for promoting abortion and "safe-sex" ideology in other countries.[7]

Then in March of this year, the State Department sent a cable to all American embassies around the world, urging them to coerce local governments to make abortion a "fundamental right of all women."[8] This directive, mind you, went to our ambassadors in predominantly Catholic nations, Islamic countries and other sovereign nations where abortion is anathema. It also went to African principalities, where inadequate medical care and insufficient antibiotics will result in wholesale deaths for women terminating pregnancies. This kind of interference in the affairs of other nations has led Catholics and Muslims to charge the U.S. with "cultural imperialism." We agree with their assessment.

Given these vigorous efforts to promote abortion around the world, how could the vice president have stood before the delegates in Cairo and denied that this has been the policy of our government? The answer, of course, is that the Vatican had backed the U.S. Administration into a corner. The matter had profound political implications. I applaud the Catholic leadership for having the courage to defend the unborn—while most Protestant denominations were either uninvolved or unwilling to take the heat.

Focus on the Family sent a representative to the Cairo conference, who brought back further evidence of the subterfuge that took place. Roughly 98 percent of the attendees from the U.S. turned out to be abortion and Planned Parenthood advocates. They were clearly pulling the strings for our government. For example, Tim Wirth had a Planned Parenthood consultant at his news conferences, to whom he turned when he couldn't answer a question. Furthermore, the few pro-life representatives in attendance were treated shabbily by the U.S. delegation. They were not given translators at their meetings and news conferences and were denied access to facilities and copy machines, etc. In retrospect, this conference reminds us of the National Women's Conference held in Houston in 1977, when feminists, lesbians and pro-abortionists totally dominated that governmental process. Bella Abzug was a principal designer of that lopsided affair. And guess what? Bella Abzug was there in Cairo as a special consultant for the United States and Jane Fonda was a delegate-at-large.[9] How little has changed with the passage of time.

Promotion of abortion wasn't the only problem with the Cairo conference, of course. Let's look at some other comments from the secular press:

Last August 26, George Weigel, president of the Ethics and Public Policy Center in Washington, wrote an editorial in The Wall Street Journal about the "Draft Final Document," which became the basis for the discussions in Cairo. He called it "morally and culturally offensive." Weigel was particularly critical of its failure to link sexuality and marriage, or marriage and the family. "Indeed," he wrote, "the word 'marriage' appears only once in the draft document's chapter on 'the family,' and then only in terms of deploring 'coercion and discrimination in policies and practices related to marriage.' Not one word addresses the importance to children—to their physical and mental well-being—of families rooted in stable marriages."

Finally, he said, "* * * the draft document has a nasty coercive edge to it. The responsibilities and rights of parents are brushed aside when it comes to 'adolescent sexual and reproductive health issues.' Rather, in a clause that should set off alarm bells in any parent's mind, the document mandates governments to remove 'social barriers to sexual and reproductive health information and care for adolescents.'"[10]

From Mr. Weigel's analysis and from the document itself, it is clear that the United States government is attempting to promote its own liberal agenda for the family throughout the world. We're exporting the radical notions of Joycelyn Elders and her allies to bureaucrats in more than 170 nations. And if they don't like it, we will use the enormous prestige of the United States to coerce them. Our goal is to make other nations adopt the bankrupt and divisive policies that have failed so dramatically in this country.

The greater concern is that governments seeking favor and/or funding from the United States will impose "birth quotas" on its women in order to reach mutually agreed-upon population targets. Linda Chavez expressed this danger in an article in USA Today. She explained how the Cairo conference will actually restrict individual liberty and repress women, rather than "empowering" them as the organizers claim. She wrote:

Footnotes at end of article.

What they [population control advocates] don't often say is that such policies will mean more government coercion and less individual liberty for people in other countries than Americans would ever tolerate for themselves. When Americans speak of unplanned pregnancies, they mean those unplanned by the parents. But radical population control advocates have another definition in mind. They mean pregnancies that exceed government targets.

Intrauterine devices, which were withdrawn from the U.S. market in the 1980s because of safety concerns, are the Chinese government's method of choice for controlling pregnancies. Government doctors in cities are ill-trained 'barefoot doctors' in rural areas forcibly insert IUDs in millions of Chinese women each year. Fearful that couples will remove the devices, the government has removed the strings from IUDs, making removal, even by a doctor, more dangerous and painful. Women must undergo X-rays every three months to ensure that the IUDs are in place.[11]

China's incredibly repressive policies about reproduction, to which Chavez referred, have created a social nightmare. By demanding that families have only one child, millions of female babies have been aborted, murdered or deserted after birth. The consequence has been catastrophic, according to an article in the New York Times:

Ultrasound machines and ready access to abortion have made it relatively simple for parents to guarantee that their one child is a boy. But after generations of tampering with nature, nature has begun to exact its revenge. And this time, the victims are Chinese men. The numbers suggest that tens of millions of men alive at the turn of the century will be lifelong bachelors because there will simply not be enough women available as wives. * * * [Single] men [in their 30s and older] outnumber the [single] women by nearly 10 to 1.[12]

We haven't heard the end of this story, where untold suffering and frustration have been inflicted on the Chinese people in the name of "population control." It should have been anticipated. Atheistic ideology always leads to chaos. It will be our undoing, too, if we persist in promoting policies that disregard the wisdom of the ages and the God of the universe. Nevertheless, there in Cairo sat the vice president of the United States in dialog with the Chinese tyrants who have trampled human rights and offended every understanding of moral decency. According to Congressman Chris Smith, R-N.J., China's representative was the man specifically responsible for the administration of their country's forced abortion program![13] It was disgraceful!

Nevertheless, a member of the House of Representatives has promised to introduce legislation "to ensure that a 20-year voluntary action plan expected to be adopted at the U.N. population conference is carried out in U.S. policy."[14] She also intends in this legislation to require that international family planning organizations, "stress the empowerment of women before they can be eligible for U.S. financial support."[15] I wonder how many billions of tax dollars that will consume, and how many babies will die as a result?

Let's return to Cal Thomas' thesis that Americans no longer support the liberal policies of their government, especially with regard to abortion. Ever since the election of Bill Clinton, the media has contended that the abortion debate is over. Admittedly, pro-life forces have been thrown back on their heels in recent years. Both the Supreme Court and the Congress are firmly in the hands of pro-abortionists, and a new law virtually strangles the protest movement. These are not the best of times in the defense of unborn babies. But what do the people think?

Vice President Gore said during an appearance on "Nightline With Ted Koppel," "Regardless of what your individual view is about abortion, the overwhelming majority of Americans agree that the choice ought to be made by a woman."[16] Is Mr. Gore correct in that assessment? Inquiring minds want to know. Therefore, Focus on the Family and the Family Research Council have joined hands to answer that question. We commissioned the nationally respected Roper organization to conduct a scientific poll of Americans' opinions on abortion. This was not just an analysis of Christians' views or those of our supporters. A representative sample of American citizens were asked to indicate their perspective on a 10-point continuum, beginning with the most conservative position and ranging to the most liberal. Following are the 10 choices and the findings shown in percentages:

[In percent]

		Sex		Political Affil.			Political Ideology		
		Male	Female	Dem.	Rep.	Ind.	Cons.	Mod.	Libl.
Total	100	100	100	100	100	100	100	100	100
Pro-Life Categories: (One could argue with categories 3 and 4 being pro-life, although some people with that view consider themselves to be pro-life):									
1. Abortion is wrong under any circumstances	19	19	20	17	20	20	25	14	12
2. Abortion is wrong, except to save the life of the mother	7	6	9	6	8	9	10	6	4
3. Abortion is wrong, except to save the life of the mother, and in the cases of rape or incest	18	18	18	18	21	16	20	18	16
4. Abortion is wrong, except to save the life the mother, in the instances of rape or incest; and in the cases of infant deformity, disease or retardation	11	9	13	10	12	11	11	12	10
5. Abortion is wrong, except to save the life of the mother, in the instances of rape or incest; in the cases of infant deformity, disease or retardation; and where the child is unwanted and will not have a good quality of life	11	10	11	11	12	10	11	12	10
Pro-Abortion Categories:									
6. Abortion is permissible for any reason the woman chooses, until the fetus can survive outside the womb	9	10	8	9	8	10	6	9	16
7. Abortion is permissible for any reason except as a way to select the sex of the child	4	3	5	4	4	4	3	5	5
8. Abortion is permissible for any reason the woman chooses, at any time during the pregnancy, and no legal restrictions should be imposed, including no parental notification or no delay for informed consent	7	7	8	7	7	8	6	7	11
9. Abortion is permissible for any reason the woman chooses, at any time during the pregnancy; there should be no legal restrictions of any kind, and the government should pay for the procedure if the woman cannot afford the expense	6	6	5	7	3	5	3	7	8
10. Don't know	8	12	5	9	6	6	5	10	7

These findings were incredibly gratifying to us, and should be encouraging to every friend of unborn children. Note these conclusions from the data:

The first four categories, all of which began with the statement "Abortion is wrong," might be said to represent variations within the pro-life movement. People selecting one of those options included 55 percent of the sample. The notion that only a tiny minority of Americans are pro-life, and most of them are religious fanatics, is patently debunked.

The last four categories, which begin with the phrase "Abortion is permissible," appear to represent the pro-abortion position. People selecting one of those options included only 26 percent of the sample. (Category 5 probably does not please either the pro-life or pro-abortion factions.) Note that more than twice as many Americans lean toward an anti-abortion perspective as those who think abortion is permissible and right.

The media has told us that abortion is a "woman's issue," supported overwhelmingly by the gender that suffers most from unwanted pregnancies. Well, that supposition was not validated by this poll. Women selected one of the pro-life positions 60 percent of the time, whereas only 50 percent of the men did so. Conversely, only 26 percent of both men and women included themselves in categories 6-9. Obviously, women are slightly more pro-life than men.

These findings have major significance for politicians. The National Organization for Women and other feminist groups have warned congressmen repeatedly that they risk defeat if they dare to be pro-life. Not true! The majority of Americans are in that category. And remember. This poll was taken according to scientific sampling procedures used by Roper, Gallup, Yankelovitch and all other reputable polling organizations. The maximum sampling error was only plus or minus two percentage points.

Wasn't it interesting that so little difference showed up between the three political groups? Democrats choosing the pro-life categories (1 to 4) represented 51 percent; Republicans 61 percent, and Independents in these categories represented 56 percent. We were surprised by the commonality among voters in parties with radically different platforms.

Even more surprising were the political views of this random sample of Americans. When asked to identify their ideology, 50 percent considered themselves to be "conservative"; 37 percent said they were "moderate"; and only 12 percent claimed to be "liberal." Behold, Cal Thomas is right. Liberals are a dying breed. A very small percentage of Americans is willing to identify themselves with that label. The political landscape has shifted, although some of our representatives in Washington don't know it yet!

The most important finding from this investigation deals with the tiny number of

Americans who agree with the president's views on abortion. His position is best described by statement #9 at the far end of the continuum. It reads, again, "Abortion is permissible for any reason the woman chooses at any time during pregnancy; there should be no legal restrictions of any kind, and the government should pay for the procedure if a woman cannot afford the expense." For those among my readers who disagree that this extreme statement represents the views of the current administration, may I ask you to identify which portions of it are wrong? Have there been any restrictions proposed by the president in the past two years? He has even supported the Freedom of Choice Act, which removes all restrictions on abortion including those for sex selection. And doesn't his health care plan include payment for abortions—not just for the poor, but for all American women? He says abortions should be "rare," then does everything possible to expand them around the world. Clearly, position 9 on the continuum is the one supported by the White House. But notice how far out of step the president is with the beliefs of the American people! Only 6 percent of the public identified with that final statement. Only 5 percent of women could support it.

You may recall that President Clinton granted an interview aboard Air Force One with radio station KMOX in St. Louis on June 26, 1994, during which he railed against the "Christian right" for their extremist views.[17] But who, may we ask, is out of the mainstream? On the issue of abortion, it is clear from this poll that Mr. Clinton is standing in left field with very few friends. What we have is a president and vice president who are held captive by the most radical social activists in the nation, and they are driving the policy of the government. Indeed, last month they drove it all the way to Cairo, and will take it around the world if given a chance.

We believe the data I have shared in this letter must be read and considered by great numbers of American people. That's why we are preparing an advertising campaign to be placed in publication across the country. It will be featured soon in one of the nation's major newspapers, perhaps USA Today, to be followed by others in individual cities. If you agree that this message must get out, I invite you to help us pay for this campaign. We also need your support for our ongoing endeavors in this struggle to defend traditional family values.

We're on the side of morality and decency in this matter. And now, more than any time in the past decade, I'm convinced that we are on the winning side. If you listen carefully, you might hear the foundation of liberalism cracking and splintering. One of these days, the entire superstructure will come crashing down, just like the collapse of the Berlin Wall in 1989. I'm not contending that secular humanism will disappear from the face of the Earth. But the stranglehold that the "cultural elite" have held on American culture is coming to an end.

Furthermore, I believe the radicals are increasingly aware that their power base is eroding, which leads to a certain desperation. That's why they have begun attacking conservative Christians and assaulting anyone who dares to disagree. But their day in the sun is passing. Not even their darlings in the media can save them. The American people are a tolerant, loving tribe that is slow to anger and reluctant to react. But heaven help those who push them too far! Peal Harbor provide that.

This is a time to be praying for our nation. Dramatic political change can be exciting, but it can be dangerous, too. Those who have run things of 40 years will not surrender quietly and walk away. There is plenty of mischief lying in our path. We must ask the Lord to bless this great land—to give us the quality of leadership that inspired our Constitution and established our liberties—and to bring a spiritual revival that will restore us to our moral underpinnings. I believe He will answer those prayers if we are faithful to ask Him.

Until then, Focus on the Family will be there for your family. Thank you for standing with us month after month, and for helping us with the ad campaign if you can. Come see us when you're near Colorado Springs.

Sincerely,

JAMES C. DOBSON, Ph.D.,
President.

P.S. After writing this letter, I was given a late report regarding the stunning rebuke the United States government has received to its efforts to promote abortion and "safe sex" ideology worldwide. More than 30 countries have added their reservations to the document, denying the conference organizers the global consensus they were so desperately seeking. According to Cecilia Royals of the pro-life National Institute for Womanhood, the large number of objections hinders the document and the plans of the pro-abortion forces. "Essentially, a runaway train has been stopped," Royals says.[18] You won't read this in the news media, but it's a fact. Unfortunately, additional conferences devoted to "population control" are planned for 1995 in Beijing, so we will have to fight this battle again.

FOOTNOTES

[1] Nat Hentoff, "HIV Ideologues Taking Precedence Over Dying Babies," Rocky Mountain News, July 18, 1994, p. 30A

[2] "Compromise Close in Fight Over Abortion, U.S. Says," Associated Press, Sept. 5, 1994

[3] John H. Cushman, "Gore Wants U.N. to Leave Abortion Up to Each Nation," New York Times, Aug. 26, 1994, P. A2

[4] Pat Buchanan, "John Paul II—No Friend of Bill," Denver Post, Sept. 8, 1994, p. 7B

[5] Robert Novak, "Clinton Pays Politically for Abortion Stand in Cairo," Colorado Springs Gazette Telegraph, Sept. 7, 1994, p. B7

[6] "Have Your Cake and Eat It, Too," World, July 30, 1994, p. 9

[7] "Family Planning for All Families," New York Times, November 29, 1993, p. A16

[8] United States State Department Outgoing Telegram, March 16, 1994

[9] Novak, September 7, 1994, p. B7

[10] George Weigel, "Where Marriage Is a Dirty Word," Wall Street Journal, Aug. 26, 1994, p. A14

[11] Linda Chavez, "Don't Let Government Dictate Size of Families," USA Today, Aug. 31, 1994

[12] Phillip Shenon, "Chinese Bias Against Girls Creates Surplus of Bachelors," New York Times, Aug. 26, 1994, p. A1

[13] Report from Bob Ditmer, "Family News in Focus," Sept. 7, 1994

[14] "Schroeder Vows to Push U.N. Plan," Associated Press, Sept. 6, 1994

[15] John Brinkley, "Schroeder Reaction to Cairo Mixed," Rocky Mountain News, Sept. 8, 1994, p. 46A

[16] ABC News, "Nightline," Sept. 6, 1994, Transcript #3467

[17] Martha Shirk and Jo Mannies, "Rightists: Clinton Attack Will Backfire; Democratic Leaders Welcome His Remarks," St. Louis Post Dispatch, June 26, 1994, p. 1A

[18] "Family News in Focus," Sept. 13, 1994

FREE TRADE FOR THE AMERICAS: THE NEXT STEPS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. RICHARDSON. Mr. Speaker, today, on the eve of the historic "Summit of the Americas" and 1 year after NAFTA's passage, I think it is vital that we consider future steps toward strengthening hemispheric democracies and economies. I urge my colleagues to read the following speech by Ambassador Abelardo Valdez titled "Free Trade for the Americas: The Next Steps" which was delivered at Baylor University on November 11, 1994.

FREE TRADE FOR THE AMERICAS: THE NEXT STEPS

(By Ambassador Abelardo L. Valdez)

Ladies and gentlemen and distinguished guests: It is a great pleasure to return to Baylor University and join you at this conference to discuss the potential and prospects of free trade for the Americas.

Twenty-seven years ago, a few months before I began my law studies at Baylor, I was fortunate to accompany President Lyndon B. Johnson to the first summit of the Presidents of the Americas at Punta del Este, Uruguay, as a young military aide. The primary goal of that first summit was to support the beginning of trade liberalization among the Latin American countries. Next month the second summit of the Americas will be held in Miami, with the primary goals of expanding free trade, strengthening democracy, and advancing economic and social development throughout the Western Hemisphere.

In the 27 years between these two historic events, our hemispheric neighborhood and the world have changed dramatically, and the small seed planted at Punta del Este is in the process of blossoming into a hemispheric free trade area, and, I predict, into a future Common Market of the Americas. The North American Free Trade Agreement ("NAFTA") has set the stage for achieving free trade throughout the Americas and strengthening the economic and political relations between the United States, Canada, Latin America and the Caribbean. I have had the good fortune to witness at close range and participate intensely in this process during the past quarter of a century. For this reason, I am especially pleased to join you at this event.

As we meet tonight, preparations for the Miami summit are reaching the critical point for decision. The United States, Canadian, and Latin Governments realize that this summit is not only a historic event, but a watershed event that could give impetus and momentum to the expansion of free trade throughout the hemisphere. The agenda for the summit is being finalized, the critical issues are being defined and the position papers are being developed. This, therefore, is a timely conference to analyze the issues from a U.S., Canadian and Latin perspective, to examine the pros and cons of expanding free trade throughout the Western Hemisphere, and to suggest some ways and means to achieve this goal.

The principal question before the Summit Conference is how to achieve the goal of free trade throughout the Americas and how to build on the trade liberalization efforts of the past quarter century in Latin America.

Related issues include the following: Should NAFTA be the foundation for this effort? If so, how can Central and South America and the Caribbean accede to NAFTA and what could be the standards or conditions for accession? Would it be feasible or desirable for groups of countries to jointly negotiate for accession with the NAFTA member countries. Or, should countries seek membership on an individual basis? How can democracy be strengthened and the environment protected in the hemisphere? What regulatory and dispute settlement mechanisms should be put in place. There is also the question of how to integrate countries of greatly varying economic development, size and competitiveness in a common free trade area.

These are questions which are being addressed by this Conference, and which will be the focus of the Summit Conference in Miami next month.

While there seems to be a general consensus of opinion throughout the hemisphere on the goal of free trade, there is no clear consensus on how to achieve it. Moreover, the role of the United States will be pivotal and the U.S. Congress is clearly divided on whether to grant the President the indispensable "fast track" negotiating authority to commence free trade negotiations.

I. WHY A WESTERN HEMISPHERE FREE TRADE AREA SHOULD BE CREATED

Although most summit participants are assuming that a Western Hemisphere Free Trade Area ("WHFTA") is a goal to be achieved and not one to be debated, we in the U.S. appear somewhat reticent and Congress is very divided on the issue.

It behooves us then to answer the question why should the United States, in partnership with Canada and Latin America, pursue this ambitious goal of creating a Western Hemisphere Free Trade Area within the next decade. The experience in achieving the NAFTA teaches us to never take for granted that a good idea will automatically be approved by Congress or that people beyond the Capital Beltway are properly informed about the issue.

So, first let us examine both the potential benefit of a hemisphere-wide free trade area to the United States and why a trade partnership with Latin America is feasible at this time.

It is important to understand that Latin America is undergoing a dramatic transformation in its economic policies. The positive results of that change have moved the International Monetary Fund to predict that the region will experience a higher rate of economic growth than any other region of the World over the next decade—approximately six percent per year. These changes have included privatizing their economies and opening their markets to foreign trade and investment and have been ongoing for several years. Latin leaders are eager to finish the job and maximize economic benefits through the creation of a Western Hemisphere Free Trade Area. They see significant economic and social progress being achieved through increased trade and investment among the nations of this hemisphere and are eager to increase their economic competitiveness and efficiency through free trade.

Moreover, Latin American countries have made great gains in expanding democracy over this same period. Latin leaders perceive that increased economic growth and opportunity for their people is the best catalyst for social progress and the best way to strengthen democracy in the region.

In view of these dramatic reforms and progress, I believe that the United States and Latin America would benefit substantially from a WHFTA.

A recent report issued by Institute for International Economics concluded that U.S. exports to Latin America would increase by $36 billion by year 2000 or 51 percent over current efforts because of such an arrangement. It also estimated that Latin American exports to the U.S. would increase by $87 billion by 2000 as a result of the WHFTA. As a result, the U.S. trade balance would improve with a gain of 60,000 net U.S. jobs being created by that date. The report also indicated that direct foreign investment in Latin American would increase by $60 billion by the year 2000.

The Western Hemisphere is expected to account for close to $200 billion in U.S. exports—considerably more than the United States sells to all of Europe plus Russia and more than it exports to eastern and southern Asia combined. Already, 37 percent of U.S. exports go to Western Hemisphere nations. To put it in perspective, let me point out that we sell as much to Brazil as to China; more to Venezuela than to Russia, and more to Ecuador than Hungary and Poland combined. Our exports to Latin America are growing at three times the global rate. If current trends continue, exports to Latin America will exceed those to the European Union as a whole.

One reason that our trade with Latin America is on the rise is that, between 1989 and 1992, the average effective tariff of Latin American and Caribbean countries was cut from 20 percent to 13 percent. This was done on a unilateral basis.

By next year, the Andean Pact countries—are expected to set a common external tariff no greater than 20 percent. As a result, they will become one of our twelve largest markets, accounting for $10 billion in U.S. exports. The U.S. sells more to the pact's 95 million people than to China's 1.2 billion.

MERCOSUR, the common market established by Brazil, Argentina, Paraguay and Uruguay, have agreed to eliminate all nontariff barriers affection regional trade. When completed, MERCOSUR could represent about half of the South American gross product. The United States exported over $10 billion to those countries in 1993, an 11 percent increase over 1992.

Today, the United States accounts for approximately 60 percent of the goods imported by Latin America and the Caribbean, a region with a growing population of 460 million. Total trade between the United States and Latin America was worth $141 billion in 1993.

If these trends continue, by the year 2000, United States exports to Latin America could well exceed U.S. sales to Western Europe—and could add one million new jobs for U.S. workers. United States exports could grow even faster if barriers to trade continue to come down.

NAFTA in its first six months of existence has already proven that free trade produces strong positive benefits. U.S. exports to Mexico have expanded by more than 17 percent and Mexico's exports to the U.S. grew by 20 percent during this period. If this trend continues, Mexico will displace Japan as our second largest market in the world by the end of this year.

Yet, despite this potential for great benefits to the U.S. economy to flow from a WHFTA, there is strong reluctance in Congress to move on this initiative. Labor leaders and environmentalists are voicing strong opposition, as they did with NAFTA. Unions fear that with free trade, low-wage workers in Latin America could siphon off American jobs and undermine U.S. wage standards. Environmentalists are concerned about lax environmental standards in most Latin countries. On the other hand, the business community and most of the Republican members of Congress are concerned that imposing stringent environmental and labor standards will cancel out the benefits of future trade agreements.

The big winners in a WHFTA would be business firms and consumers. However, these two groups have yet to demonstrate the ability of sustaining a strong lobbying effort to turn the tide at this time. It is this lack of clear-cut support in Congress and among the public that has caused a dampening of enthusiasm and prospects for the Presidential summit in Miami.

This was also the reason that the Clinton Administration was forced to withdraw fast-track negotiating authority from the GATT bill that is pending before the Congress, in order to preserve the possibility of passing the GATT bill this year. While the Administration has promised to reintroduce the "fast-track" measure early next year, there is no guarantee that it will pass, especially since it appears that President Clinton will have less support as a result of the Congressional elections held this past Tuesday.

So here we go again. It is another replay of the NAFTA experience, where only last-minute, feverish activity by the Administration saved NAFTA from the jaws of defeat. The bottom line is that those who are for a WHTA—the Administration, the business community, and consumers, etc.—have better start a strong effort now to insure that Congress passes fast-track and gets behind the WHFTA initiative. As I said before, one cannot assume that a good idea will necessarily be approved by a Congress left to its own devices, especially in the contentious climate that is expected in the next session of Congress.

II. HOW TO ACHIEVE A WESTERN HEMISPHERE FREE TRADE AREA

Nevertheless, I still believe that a Western Hemisphere Free Trade Area is an idea whose time has come and am confident that it will prevail. Assuming that fast-track is passed next year, the next question will be how to achieve the goal of a WHFTA.

Basically there are two strategies that are circulating at this time. One would expand NAFTA through the accession of individual countries or group of countries, in accordance with certain procedures and standards to be determined by the NAFTA member countries. The other strategy would deepen and enlarge the existing subregional free trade groups in the hemisphere such as NAFTA, MERCOSUR, the Andean Pact, the Central American Common market, and the Caribbean Community, and attempt to harmonize trade standards towards achieving a common free trade area. Of these two strategies, I think the first one is more feasible and simpler to pursue, although the two approaches are not necessarily exclusive.

NAFTA represents the most advanced free trade agreement in existence at this time. It would be much more expeditious to have it serve as the basis for achieving a WHFTA.

NAFTA is a multilateral accord that includes the principal economic partner and foreign investor for a large number of Latin and Caribbean countries. The Agreement's common set of rules already regulates three quarters of intra-hemispheric exports. Moreover, it is consistent with GATT, and its accession clause is an expression of open regionalism.

Nevertheless, to achieve a hemispheric free trade area through the expansion of NAFTA membership, the procedures for accession and the standards for application to the agreement still need to be defined. In view of the varying levels of development in the region, an inclusive hemispheric process would probably require flexible transitional arrangements and less uncertainty in areas that are sensitive to developing countries, such as labor and environmental standards. Expansion of NAFTA through accession would also require committed leadership, especially from the United States—and I have already mentioned the concerns about the division of American public and official opinion.

The second strategy of converging and widening the existing subregional agreements can strengthen and complement the overall process to achieve a WHFTA through a firm commitment to shared principles and participation in a common negotiating framework. This strategy would multilateralize free trade benefits among the existing subregional accords within a mutually agreed-upon period of time, while at the same time generating a hemispheric consensus on common minimum standards for sensitive trade-related issues such as investment, intellectual property, labor and the environment. This process could be facilitated by placing it in a hemispheric forum such as the Organization of American States Special Committee on Trade. While this strategy, like the expansion of NAFTA through accession has its own set of complexities, it does have the advantages of building on the progress achieved over the last quarter of a century in subregional integration and advancing the hemispheric trade process on the basis of inclusion and consensus.

In my judgment, a hybrid combination of these two strategies may produce the optimum results from creating a WHFTA within the next decade. Accession to NAFTA by individual countries or groups of countries would be the most efficient way to accomplish this goal. Those countries like Chile, Argentina, Trinidad, Colombia and Venezuela that are prepared to meet the standards to accede to NAFTA on an individual basis with some modest adjustments to their trade and economic policies would do so in the first phase of the process. Those countries that are less developed could prepare for eventual accession to NAFTA as individual countries or members of subregional groups which would harmonize their trade and trade-related standards within their subregional group before joining NAFTA. Thus free trade negotiations could be accomplished according to a predetermined schedule and set of properties, taking into account the needs of each country or group of countries.

This hybrid strategy would build on the trade liberalization achieved through subregional groups. It would respect the reality that some countries are less prepared to begin immediate negotiations to accede to NAFTA but that all countries wish to have an opportunity to be part of a hemisphere-wide free trade area. It would also have the potential to expedite the process by allowing groups of countries with commonalities in levels of development and trade policies to prepare together for access to NAFTA as a group.

This hybrid strategy should establish and respect these following fundamental principles:

First, it should commit to the GATT principles for the formation of regional trading arrangements. These include not raising protections above levels prevailing prior to the formation of a Free Trade Area or Customs Union; eliminating trade barriers within a trading zone across substantially all sectors within an agreement rather than having sectoral or topic-by-topic coverage; and assuring that trade agreements have a precise interim plan and schedule for the staged introduction of benefits and disciplines.

Secondly, it should provide for equal treatment for existing and new members to the regional trade arrangement, although allowing flexible transition periods among the parties.

Thirdly, there should be established explicit rules of entry, including clearly-defined procedures and technical conditions for application and negotiation of accession.

Fourthly, it is fundamentally important that this hybrid strategy adhere to basic standards of transparency regarding key trading rules, such as rules of origin, investment rules, and staged phase-in periods for different member countries in accordance with their level of development.

Fifthly, it should establish an efficient and effective dispute settlement mechanism for resolving trade and investment disputes.

Finally, the strategy should maintain openness to membership for countries within and beyond the regions.

The North American Free Trade Agreement already meets all but one of these conditions—the procedure and standard for accession. It is also the first international free trade agreement in the world that includes both developed and developing countries. Therefore, I believe that NAFTA should be the foundation and starting point for expanding free trade throughout the Americas.

III. WHAT THE SUMMIT OF THE AMERICAN PRESIDENTS NEEDS TO ACCOMPLISH

The first public step in creating a WHFTA was taken in January of this year, when NAFTA went into effect. The second crucial step is the upcoming Summit of the American Presidents. Decisions that are taken, or not taken, there will greatly influence the direction, process and efficiency of the effort to achieve the common goal of expanding free trade throughout the Americas, enhancing social and economic progress, and strengthening democracy.

It is imperative, in my opinion, that the focus and goal of the summit conference should be the expansion of free trade through the creation of a Western Hemisphere Free Trade Area. I believe that by concentrating on this goal, other equally important goals can be achieved. Economic progress and democracy will be strengthened if free trade throughout the hemisphere can be achieved. Certainly, the NAFTA experience has proven this to be the case. On the other hand, overloading the summit agenda with too many issues will only assure that no meaningful agreement may be reached on any objective.

Secondly, a decision on the strategy, including a mechanism and time schedule for achieving the goal of establishing a WHFTA, must be made by the summit conferees. Without a strategy, the effort to achieve this great goal may be stalled or frustrated. The summit leaders must grasp this once-in-a-century opportunity now and move expeditiously to realize it.

Thirdly, a decisive first step such as beginning negotiations with Chile for accession to NAFTA should begin by early 1995, otherwise the momentum needed to move the process may well founder. Successive steps should follow in a defined scheduled for achieving a WHFTA by a certain date.

CONCLUSION

It will require courage and vision from the leaders assembled at the summit to make these decisions in order to build a genuine economic and political partnership in the Americas. I believe that free trade can lead to the achievement of many common goals in this hemisphere, and that it can be the foundation for building a more democratic and more just and prosperous society throughout the Americas. Above all, our leaders and we need to take advantage of this propitious time.

As Shakespeare reminds us:

There is a tide in the affairs of men,
That taken at the flood,
Leads on to fortune;
Omitted, all the voyage of their life,
Is bound in shallows and in miseries.

CAUTION ON THE INFORMATION SUPERHIGHWAY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. PICKLE. Mr. Speaker, the new administration under President Clinton and Vice President Gore have heralded the new age in communications technology with its proposal to create the Global Information Superhighway [GIS]. The GIS has been greeted with great enthusiasm and will hopefully lead to greater ties between industrial and developing countries.

However, as Leonard Marks points out in his article "Detours Along the Information Highway," published in the Washington Times on October 16, 1994, there are serious detours and potholes that must be overcome. Two-thirds of the world's population have no access to the telephone service—plain old telephone. Such a statistic raises serious questions about the fulfillment of the lofty goals of the global highway's promoters.

Mr. Marks has a long and distinguished background in the field of communications. He served as Director of the U.S. Information Agency under President Lyndon B. Johnson and chairman of the first International Conference on Communications Satellites, which was responsible for INTELSAT. Most recently, Mr. Marks has been chairman of the Department of State Advisory Committee on International Communications and Information Policy.

I commend to my colleagues the following article about this most very important subject:

DETOURS ALONG THE INFORMATION HIGHWAY

Travelers beware! If you are planning to use the Global Information Superhighway (GIS), be prepared for potholes, barriers and detours.

When Vice President Albert Gore announced the Clinton Administration's plans for this project, his remarks were acclaimed by a world conference in Buenos Aires. The headlines featured the opportunities for world communications, but made no mention of the formidable obstacles that lay ahead.

The vice president's speech heralded a new age pointing out that:

"Telecommunications is an essential component of political, economic, social and cultural development. It fuels the global information society and economy which is rapidly transforming local, national and international life and, despite physical boundaries, is promoting better understanding between peoples."

While the Western world routinely enjoys direct dialing, receives faxes and television programs from remote points of the globe and looks forward to computer hookups via INTERNET and other whiz kids' inventions, the developing world yearns for a Plain Old Telephone (POT). When the telephone is installed, they pray daily that there will be a dial tone and that the receiver on the other end will be in service. Here are the grim facts:

Two-thirds of the world's population have no access to telephone service.

Over one-half of the world's population live in countries with less than one telephone for every 100 people.

Three-fourths of the world's population live in countries with 10 or fewer telephones for every 100 people.

Low-income countries have less than a 5 percent share of global telephone lines but have 55 percent of the world's population.

When the International Telecommunications Union reviewed this issue 10 years ago, it commented:

"While telecommunications is taken for granted as a key factor * * * in industrialized countries and as an engine of growth, in most developing countries the telecommunications system is not adequate even to sustain essential services. In many areas, there is no system at all."

As a goal, they proposed that by the year 2000, all mankind should be within easy reach of a telephone—i.e., within walking distance.

Efforts are being made to remove these barriers. However, the financial outlays would be enormous. The World Bank has estimated that $40 billion a year will be needed in the five-year period from 1995-99 to build the networks in developing countries to meet international standards. In addition, some $10-15 billion needs to be spent to modernize the networks in Eastern Europe. This would amount to a grand total of $250 billion which is four times the level of spending of the 1970's and three times the level of the 1980's—needless to say, a formidable barrier.

Even though telecommunications operations have been very profitable and have shown returns on capital of 10-20 percent, telecommunications entities often have difficulty finding investment capital. Investors have been discouraged by management ineptness in many developing countries, compounded by glaring problems in procurement. One horrible example in West Africa disclosed a cost of $20,000 to add one extra telephone line for reasons which the ITU says are "unclear." These factors make a $250 billion investment for new construction more than a pothole.

International travelers are aware of the existing telecom barriers throughout the developing world. Telephones are usually out of order and take a long time to repair. Even when the telephone does work, difficulties are encountered because of the shortage of equipment and inadequate maintenance. In peak periods, this situation becomes critical and frequently more than half of the calls fail to connect. Recognizing this problem, sophisticated users, when they are successful in getting a line connection, keep it open all day even though they may use it only sporadically; denying everyone else the opportunity to communicate. During peak periods, all too frequently it becomes impossible to call anywhere.

In addition to these technological potholes which could be cured, formidable man-made obstacles still exist because of political or social differences. As an example, for years the neighboring states of Israel and Jordan would not allow the use of existing telephone lines to connect these two points. When they diplomatically shook hands, they removed these "obstacles" and today, direct telephone communication is possible. However, in many parts of the world areas are isolated because of political and social differences.

Advocates for the GIS proclaim the wonders of satellites, fiber optics, data networks, cellular phones, interactive video and the miracles of the computer age. Their enthusiasm is justified but should be confined to a small part of the globe—the U.S., Western Europe, Japan and pockets of industrial growth. Two-thirds of the world's population—the telecom "have nots"—will continue to read about these developments while they yearn for the good old POT.

TRIBUTE TO FRANCES LIGHT CURRIE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. QUILLEN. Mr. Speaker, before I became a public servant, I owned a real estate development company in my hometown of Kingsport, TN. I hired a young woman back then to answer the telephones and work in the loan department. Little did I know when I hired her 40 years ago that she would become my right hand—my most loyal, hard-working, dedicated, and dependable employee—my very good friend.

Frances Light Currie has been by my side throughout my entire political career—8 years in the Tennessee General Assembly and 32 years here in the Congress. She worked tirelessly on all of my runs for the State House, on my First Congressional campaign, which operated out of a gas station, and continued to work in my congressional office in Kingsport. In the late 1960's, I was able to persuade Frances to come to Washington to work—even though she was widowed with two children.

She raised her two daughters, bestowing in them the same strong motivation to achieve—and both of them have become doctors. She has overcome many obstacles and personal tragedies over the years, including the death of her second husband, John Currie.

Frances has been a glowing example for my other employees over the years, and I couldn't even begin to list the countless contributions she has made over the years. She is well-known and highly respected by so many on Capitol Hill, particularly among the Members and staff of the Tennessee Congressional Delegation. In fact, she was recently awarded the Outstanding Tennessean Award by Tennessee Gov. Ned McWherter for her untiring efforts and unending accomplishments.

She has been my chief of staff for years, and I don't know how she put up with me for 40 years, but I'm sure glad she did. I want to personally thank Frances from the bottom of my heart for her devotion, friendship, and loyalty over the years. I wouldn't be where I am today without her.

IN HONOR OF VIRGINIA FREDERICK

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. PORTER. Mr. Speaker, it gives me great pleasure to rise today to offer a personal salute to one of Illinois' finest elected officials who is retiring after a distinguished career of public service: State Representative Virginia Frederick.

Virginia Frederick—Ginny to everyone who knows her—has been one of our State's most respected leaders and has made a real difference for the people of her district and across Illinois. She started out in Government in the 1970's as the very first woman elected to the Lake Forest City Council, and subsequently Ginny was elected to the general assembly, where she served with such skill that she was reelected for eight consecutive terms.

As a member of the Illinois Legislature, Ginny earned the respect of her colleagues and a reputation as a serious and thoughtful leader, especially for women's and children's issues. She was the driving force behind important legislation in support of education, aiding shelters for battered women, and badly needed domestic violence programs.

As just one example of Ginny's tenacity and commitment to the causes she believed in, an article in the Chicago Tribune noted that in her last term, she again sponsored a bill passed by the general assembly that grants tax exemptions for businesses that provide day care for employees' children—a bill that she had sponsored annually for 15 years.

From the perspective of my office, whenever there was a matter of concern to our shared constituencies that required a combined State and Federal effort, I could always count on Ginny Frederick. Whether it was flood control, support for local schools serving children from nearby military bases, or any other issue, Ginny was both responsive and effective.

But, Mr. Speaker, with Ginny's retirement we are losing not just a wonderful legislator, but someone whose personal warmth and kindness shone a special light on Illinois government. She brought a keen mind to the legislative process, but remembered that even the most sophisticated logical analysis doesn't beat good old common sense. She was and is a proud member of the Republican party, but never allowed partisanship to destroy the cooperation needed to govern. A class act, Mr. Speaker—that's what Ginny Frederick has been throughout her work in public office.

Courage, decency, hard work, and compassion were the hallmarks of Ginny Frederick's career in public service, and she has the gratitude of countless people throughout our area and our State whom she has served so ably. We will miss her leadership in Springfield, but we will never forget all the wonderful things she accomplished to make Illinois a better place.

Mr. Speaker, I am pleased to offer this tribute to Ginny in the permanent record of the U.S. Congress and to wish her and her husband, Ken, the very best in all the years to come.

VFW 50TH ANNIVERSARY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise on this occasion to extend my congratulations to the Maple Shade VFW Post 2445 on their 50th anniversary.

Founded on October 17, 1944, VFW 2445 has grown into an organization serving the needs of veterans in the Maple Shade community who have served and protected American ideology, interests and security against hostile forces in foreign lands. Throughout its history, the post has organized numerous parades and organized rallies in honor of the men and women of the community that gave their lives to uphold the ideals of America. The members of the post have also helped each other cope during times of need by providing a haven for their members and families to turn to when having difficulty dealing with veterans issues or in their personal life.

I commend the men and women of the Maple Shade VFW and hope that they will continue to prosper as they support all of America's armed services.

TRIBUTE TO JEFF ROBERT LECLAIR

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Jeff Robert LeClair of Troop 28 in Pawtucket, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Jeff organized the cleanup of St. Cecilia's Church Hall which had been used for storage for over 20 years.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Jeff Robert LeClair. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Jeff Robert LeClair will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

TRIBUTE TO DORI PYE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Dori Pye, who has been an articulate and enthusiastic spokesperson on behalf of businesses in Los Angeles. At a time when the economy of the region is going through profound change, Dori has worked tirelessly to help entrepreneurs throughout southern California keep pace. As president of the Los Angeles business council for the past 25 years, Dori has been a tremendous advocate for the diverse businesses that make up the southern California economy.

But Dori's involvement with her community is not limited to the business sector. For example, since 1986 she has been the host of "Inside LA," a syndicated television show that featured discussions with political leaders and people active in the arts. She has also served on a number of boards, including Jimmy Carter's Habitat for Humanity, the Jewish Immunology Center; and the University Religious Conference. It's hardly an exaggeration to say that somehow Dori finds time for everybody.

Dori has also made a tremendous impact with the leadership Los Angeles program, a 9-month series of intensive seminars on community issues that helps prepare businesspersons to assume leadership roles. I have spoken to members of this group several times, and am always impressed with their level of knowledge and the strength of their commitment.

I ask my colleagues to join me in honoring Dori Pye, a great friend of business and a true leader. Southern California is lucky to have her.

TRIBUTE TO REAR ADM. ROBERT KRASNER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SKELTON. Mr. President, I rise today to recognize the dedication, public service and patriotism of Rear Adm. Robert Krasner, U.S. Navy, Attending Physician to Congress, who has served our Nation and Navy so well over his 21½ year career. Unfortunately, Admiral Krasner will retire from the Navy on January 1, 1995.

A native of Newark, NJ, Rear Admiral Krasner graduated from Lafayette College in Pennsylvania with a degree in history and literature in 1967. He subsequently matriculated to the University of Maryland School of Medicine in Baltimore and spent part of his senior year as an exchange student in London. In the early 1970's, Dr. Krasner was commissioned under the Berry Plan as a lieutenant in the Medical Corps of the Naval Reserve, and came on active duty in 1973. His first assignment was as general medical officer and assistant surgeon at the naval communications station in Ethiopia where, in addition to his regular duties, he performed volunteer work in local Ethiopian medical facilities. Following a tour in La Maddalena, Sardinia and promotion to lieutenant commander, Dr. Krasner was assigned to the naval activities medical clinic in the American Embassy in London.

Following completion of his tour in London, Admiral Krasner was transferred to Bethesda Naval Hospital for training in internal medicine and earned a diploma in tropical medicine from the Walter Reed Army Institute of Research. During this time, he served in the naval medical research unit in Jakarta, Indonesia and was promoted to commander.

From 1980 to 1982, Admiral Krasner served as a staff physician in the Office of the Attending Physician here on Capitol Hill and was subsequently assigned as a staff internist at the Naval Hospital, Oakland, CA, serving there for 4 years. In 1986, now-Captain Krasner was assigned again to the Office of Attending Physician as the Director of Clinical Services. He was then appointed Attending Physician and promoted to his current rank of rear admiral.

Admiral Krasner's decorations include the Legion of Merit, the Navy Meritorious Service Medal, and the Navy Commendation Medal. He is a Fellow of the American College of Physicians, a member of the Academy of Medicine of Washington, and a member of the International Society of Travel Medicine.

Admiral Krasner is a superb naval officer and physician who, throughout his naval career, has been an indispensable asset to our Nation and Navy and, most recently, the U.S. Congress. Thanks to his consummate leadership, energy and integrity, Members of Congress were well cared for over the past 8 years. As Admiral Krasner retires from the naval service, our Nation and Navy owe him a debt of gratitude for his superb service. Members of Congress, our Nation and our Navy will certainly miss him. I wish he and his lovely wife Leslie and their two children, Jessica and Justin, "fair winds and following seas" as he concludes his distinguished career.

TO COMMEMORATE THE RETIREMENT OF JOHN F. BETAR

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DREIER. Mr. Speaker, I rise today to pay tribute to a former Capitol Hill staffer and Federal agency employee who, throughout his career, exemplified the highest standards of public and private service. I am referred to

John F. Betar of Oakton, VA, and of New Iberia, LA, who has recently retired from a Washington trade association, the Bankers Roundtable, where he served as legislative counsel.

John Betar was born and raised in New Iberia, LA, where he still maintains close ties. He first came to Washington in the mid-1950's as a summer employee of the Federal Bureau of Investigation, working as clerk in what we now know as the Ford House Office Building. John attended law school at Louisiana State University and after graduation clerked for U.S. District Judge Edwin F. Hunter, Jr., in Lake Charles, LA. From 1962 to 1964, he served with the rank of captain in the Judge Advocate General's Corps, Department of the Army, at the Pentagon and during that period was detailed to the White House as a military social aide to Presidents John F. Kennedy and Lyndon B. Johnson. Following his military service, John became a trial attorney in the Civil Division of the Department of Justice.

In 1966, John moved to Capitol Hill to serve as legislative assistant to the Hon. Edwin Willis, who at that time represented the 3d District of Louisiana.

In January 1969, John joined the Legal Division of the Federal Deposit Insurance Corporation. He served at the FDIC until 1985, and during the intervening years held progressively more senior positions, including administrative counsel, assistant general counsel, legislative counsel and liaison officer in the Office of Congressional Relations. It was in the latter position that John became well known to many of us in Congress as a helpful and knowledgeable source of information on banking generally and the FDIC in particular.

Beginning in 1985, John joined the Association of Bank Holding Companies as legislative Counsel, a position he held until his retirement earlier this year from the Bankers Roundtable, the successor organization to the holding company association.

Throughout his distinguished career in the public and private sector, John maintained the highest standards of his profession and in doing so earned both the respect and affection of his colleagues. I know that John's many friends in Congress, including especially the staffs and members of the two banking committees, will want to join me in saying "well done," with heartfelt best wishes for his retirement years.

TRIBUTE TO KATRINA MUMAW

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. McKEON. Mr. Speaker, I rise today to commend Katrina Mumaw of Lancaster, CA, an 11-year-old pilot, on being the first child to break the speed of sound.

At the age of 8, Katrina became the youngest person to fly "Sport-Combat" which is real air-to-air dogfights using planes with electronic signals for bullets. Katrina soon became the youngest ace in this type of flying. At the age of 9, Katrina became the leading scorer, and to this day she is still unsurpassed, regardless of age. In addition to being the first American child to pilot a MiG-29 jet fighter, Katrina is also the first child to ever fly a Russian military jet.

Aside from Katrina's aviation accomplishments, she still finds time to talk with youngsters about making their dreams a reality, as well as staying drug free. Katrina has said that she would rather "see kids high on aviation, not on drugs."

As an A-student, she is very active in school and extracurricular activities, such as Tae Kwon Do and Gymnastics. Her goals for the future include attending the U.S. Air Force Academy, becoming an Astronaut, and leading the first mission to Mars.

I applaud Katrina for being an inspiration to all Americans. I wish her well on her journey into the future and look forward to hearing about her next amazing accomplishment.

I request that a speech written by Katrina be entered into the RECORD for my colleagues to read. Please join me in recognizing this outstanding young lady, Miss Katrina Mumaw.

Thank you for having me here at your school. On July 12, 1994, I became the first child in history to break the sound barrier. On that same day, I broke a more important barrier, a barrier of doubts. All of my family, friends and everything I knew was half a world away from me. I was on my own. Facing me was a very stern Russian pilot named Vladimir. He just learned that not only was he going to be flying with a child, it was going to be just a little girl! It was easy that he didn't think that I could fly Russian jets. He even had to be led over to me to shake hands with me. His questions made it clear that he doubted my abilities.

The only person in that whole room who really knew that I could succeed was me. I had to believe in myself when others did not. I was not going to accept the limitations of others when I knew what I was capable of doing. I flew the L-39 jet trainer and proved that I could handle a jet. I flew the MiG-29 up seven miles high, broke the sound barrier and did aerobatics in it. I did what I knew that I could do. When Vladimir came over to me after the flight, it was with a smile. He gave me a special gift from himself, a MiG-29 watch. I will treasure that watch, but what I will treasure more is the respect of Vladimir and the other people in Russia. I knew, when Vladimir mussed my hair and visited as if we were old friends that I had broken another barrier.

When he went out of his way to shake my hand goodbye and wish me safe flying, I knew he had changed too. Breaking the sound barrier was one of my dreams. But that dream is no more important than those that each of you have for yourselves. You must never limit yourselves by giving up and saying "I can't". You must never let the doubts of others hold you back. Only through hard work and trying again and again can you really know how high you can reach. There is one thing, though, that can and will destroy all of your dreams. Drugs will not only destroy your dreams but your lives as well. I have seen the waste that drugs leave behind in ways that you cannot dream of.

You might say that my life is a mix between the movies "Top Gun" and "My Girl". My brother and I live with our father who is a funeral director. While I never go into the embalming room, I do see things that many kids don't. I see families who have been torn apart by drugs and I hear about dreams that will never come true. I see people of all ages who have had their lives cut short and ended by the use of drugs and alcohol. The innocent little kid who gets run down by a driver too high to know what is happening. A grade school kid who O.D.s on something which was supposed to make him feel real good. He didn't feel anything laying in that casket! One of the questions that I hear people ask is Why? Why did it have to happen? Why such a good kid like that?

My question is always why take drugs when it is so simple to say "No." The only trip that drugs are going to take anybody on, ultimately, is a trip in the back of my dad's hearse! Saying no is simple, but that doesn't mean that it is easy. Friends may try to pressure you or make fun of you if you don't become one of the group. I say, so what! Who is in charge of your life anyway? You are! You have the power to either reach for your dreams or throw them all away. Would you jump off a cliff, just because somebody said it felt good or was the cool thing to do? A lot of the time, kids think that bad things just can't happen to them. If you mess with drugs, bad things not only can but will happen! There is no way that I'm going to pollute my life and health with drugs, alcohol or smoking! I don't need anything phoney to feel good and have fun. If I can realize my dreams without drugs, you can too!

They say that it takes courage for me to dogfight in real planes, crashing through the sky. They said it took courage for me to break the sound barrier. I'll tell you what takes courage * * * saying no to drugs takes courage. Each and every one of you can be as brave as any fighter ace or test pilot if you can say no to drugs! You will be a hero to yourself and to those around you. I get high on aviation and not drugs!

If there is just one thing that you remember about me, it is that I am just a kid like all of you. A kid, just like all of you who has proven that you can reach your dreams and that the only way to do it is without drugs! Don't just make it a Red Ribbon Week, make it a Red Ribbon Life!

TRIBUTE TO THE HIALEAH-MIAMI LAKES ADULT EDUCATION CENTER

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor the Hialeah-Miami Lakes Adult Education Center for all of its efforts on behalf of adult literacy.

During the week of November 14, 1994, Dade County Public Schools celebrated the theme, "Turn on the Lights for Community Education." This program is yet another example of how the south Florida community continues to work diligently to assure that no individual suffers from the burden of illiteracy. The Hialeah-Miami Lakes Adult Education Center played an integral role in the event.

Specifically, Mr. Speaker, I would like to recognize certain individuals who helped support "Turn on the Lights for Community Education." Robert P. Villano, principal and Martin D. Simonoff, assistant principal, of the Hialeah-Miami Lakes Adult Education Center, as well as all of the teachers and volunteers of the Literacy Program, devoted a great deal of time and effort toward assuring that the event was a resounding success. Also, I would like to recognize Mr. Ariel Fernandez, a high school student volunteer, for his continued outstanding service to our community.

I, therefore, ask my colleagues to join me in expressing appreciation to the Hialeah-Miami Lakes Adult Education Center for its outstanding achievements in the area of adult literacy and education.

TRIBUTE TO SIXTH ANNUAL CONFERENCE ON HISPANIC ISSUES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to recognize the Sixth Annual Conference on Hispanic Issues, presented by the Northwest Indiana Hispanic Coordinating Council. The conference was held on Saturday, November 5, 1994, and it featured concerns regarding economic development.

The Northwest Indiana Hispanic Coordinating Council is composed of leaders from over 40 different Hispanic organizations. A common characteristic of these Hispanic leaders is their commitment to improve the standard of living for northwest Indiana residents, and in particular, that of the Hispanic community. Council president, Mr. Benjamin T. Luna, has exhibited exemplary leadership and virtuosity in his management of the organization.

Economic development in the future was the main focus of the conference. Specific issues discussed included riverboat gambling, the future of the work force and jobs for the next generation. I would like to take this opportunity to recognize two distinguished individuals who are instrumental in promoting economic development in the northwest Indiana community: Mr. Louis Lopez, assistant State director for U.S. Senator RICHARD G. LUGAR, and Mr. Louis B. Gonzalez, superintendent of the school city of East Chicago. These two men work together to educate citizens of northwest Indiana and implement economic opportunities for them in return.

I commend the efforts of these two outstanding proponents of educational excellence and the Hispanic community for their commitment to strengthening the link between the multicultural youth of northwest Indiana and education.

TRIBUTE TO COL. HARRY A. SPANNAUS UPON HIS RETIREMENT AS THE EXECUTIVE VICE PRESIDENT OF THE PERMIAN BASIN PETROLEUM ASSOCIATION

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. COMBEST. Mr. Speaker, I rise to pay tribute to a good friend and great American, Col. Harry A. Spannaus. Colonel Spannaus is retiring as executive vice president of Permian Basin Petroleum Association [PBPA].

Prior to being the executive vice president of PBPA, Colonel Spannaus served his country for 26 years as a fighter pilot in the U.S. Air Force. In his 26 years, he accumulated over 9,000 hours of single engine and fighter time, serving over 12 of those years in foreign countries. While serving in Korea and Southeast Asia, he flew 222 combat missions over hostile territories.

Colonel Spannaus was awarded over 40 declarations for distinguished combat flight and exemplary service to his country. These awards include two Legion of Merits, two Distinguished Flying Crosses, sixteen Air Medals, the Bronze Star with valor, and many other awards and declarations.

After his 26 years in the military, Colonel Spannaus worked for Hilliard Oil and Gas as a corporate pilot. He then went to work for PBPA, where he was known as an aggressive, up-front spokesman for the domestic oil and gas industry that had a strong sense of dedication to the petroleum industry, his friends, and family.

During his tenure at the helm of PBPA, he oversaw enormous growth in membership and activity. Spannaus built the PBPA into a formidable force to be reckoned with both in Austin and Washington, DC. I was pleased to join forces with Spannaus and PBPA in defeating numerous burdensome proposals to our domestic energy producers.

I wish Colonel Spannaus well in his future endeavors. I am sure that he will do well in any capacity in which he chooses to serve. I, too, would like to congratulate Spannaus on his recent appointment to the Interstate Oil and Gas Commission by Texas Gov. Ann Richards. His leadership and counsel will be missed, however, his departure from PBPA will be the Commission's gain.

THE QUINTESSENTIAL DESERT RAT

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. McCANDLESS. Mr. Speaker, as we rush headlong into the 21st century, we will undoubtedly look back on the marvels of the 20th. One of them surely will be Patricia "Corky" Larson, who will be retiring from the Riverside CA, County Board of Supervisors after 12 distinguished years.

Corky is the quintessential desert rat—meaning that she represents everything good about the desert and its people. She and her late husband, Keene, did it all: they worked the land, they raised six fine children, and there was hardly a community organization that did not receive their attention, and the Larson brand of energy and generosity.

With Corky, what you see is what you get. While she has worn dozens of different hats over the years, the face and the mind beneath them never changed. A straight shooter, she has also been one of the more thoughtful members of the board. She always tries to put herself in your shoes, while taking the long view, too.

As a public official myself, I'm in tune with the long hours and 7-day a week part of the jobs we hold. Even so, I've always been impressed with the sheer amount of time that Corky has always been willing to devote to causes that needed her guidance, from transportation to housing, from our desert environment to the Salton Sea, she has always been there when we needed her.

This Corky Larson, this friend, who had the tenaciousness and strength to get her law degree after Keene's terribly premature death, may be retiring from the Riverside County Board of Supervisors. But I know for certain that she will not be retiring from her very special place in the Coachella Valley. She will not be retiring from the hearts and minds of those thousands of our friends and neighbors whose lives are the better for Corky's continual efforts over the years. That place is hers and hers alone.

So, from one desert rat to another, here's hoping that your next chapter will bring you much happiness and joy—and the time to read the whole Sunday paper.

TRIBUTE TO PATRICIA H. BIRDSALL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. CALVERT. Mr. Speaker, one of the things that makes America the truly great country that it is, is its spirit of voluntarism—the willingness of citizens from all backgrounds and occupations to give of their time and talents to make their communities better places in which to live and work.

The community of Temecula, CA is fortunate to have an exceptionally dedicated group of citizens who give freely of their time and talents to make their new city one of the most desirable places in the country in which to live. One of these exceptional citizens is Ms. Patricia H. Birdsall.

Ms. Birdsall has been involved in a wide range of civic activities. She was elected to the inaugural city council of the city of Temecula in 1989, and later served as mayor pro tem and mayor. She also served as vice president and president of the Temecula Community Services District, and as a member of the Community Services Policy Committee, and the Helen Putnam Selection Committee of the League of California Cities.

Her boundless energy also led Ms. Birdsall to chair a committee to design the city of Temecula seal and to serve as a member of the Community Services Funding Review Committee, the Finance Committee, the Sister City Committee, the Cultural Preservation Committee, and the Old Town Steering Committee.

Patricia Birdsall is one of those people who sees something that needs to be done and jumps in and does it. She is an activist who believes that dedicated people can make a difference in their communities. And, she is a leader who leads by example, rather than by command.

On behalf of the citizens of Temecula and the 43d Congressional District, I wish to extend my thanks and appreciation to Ms. Patricia Birdsall for her distinguished public service, and for all she has done to make life better for others.

TRIBUTE TO MARK K. O'NEIL

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Mark K. O'Neil of Troop 1 Diamond Hill in Cumberland, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn, 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Mark mapped out an historical walking path from Hamlet Avenue to the Woonsocket-Blackstone line.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Mark K. O'Neil. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Mark K. O'Neil will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

A REVITALIZED ACDA IN THE POST-COLD WAR WORLD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LANTOS. Mr. Speaker, I would like to take this opportunity to voice my strong support for the Arms Control and Disarmament Agency (ACDA). It is my firm belief that as the Administration's watchdog on arms control issues, ACDA plays an essential role in ensuring our national security.

ACDA has many important roles to fill. It is responsible for leading arms control negotiations, implementing and verifying arms control agreements, and informing the public on issues of arms control and disarmament. In addition to overseeing these vital functions, the Director of ACDA serves as principal adviser to the President on arms control and nonproliferation. It is in this capacity that he has counseled the President on the most important threat to international security since the end of the Cold War: the development of nuclear weapons by the hermit dictatorship of North Korea.

About a year and a half ago, the Subcommittee on International Security, International Organizations and Human Rights, which I have had the honor to chair during the 103d Congress, held a hearing on the future of the Arms Control and Disarmament Agency (ACDA). At the time, ACDA's very existence was in jeopardy. Many argued that, with the end of the Cold War, the Agency had outlived its usefulness. They called for ACDA's to be abolished or, at a minimum, folded into the State Department.

The President's decision not only to preserve ACDA but to revitalize it has been vindicated. ACDA is playing a vital role in stemming the proliferation of weapons of mass destruction and the means to deliver them. For example: ACDA has initiated negotiations at the Conference on Disarmament on a comprehensive and verifiable nuclear test ban (CTB); ACDA has led U.S. efforts to bring into effect the Chemical Weapons Convention, an agreement of unprecedented scope which would bar its 154 signatories from acquiring or retaining chemical weapons; and ACDA has played an important role in controlling exports of items that might contribute to nuclear, chemical or missile proliferation.

Much, however, remains to be done. Foremost among the challenges facing ACDA is securing indefinite extension of the nuclear Non-Proliferation Treaty at the 1995 extension conference. The NPT, with nearly 160 members, represents the cornerstone of the international nonproliferation regime. ACDA must work not only to achieve an indefinite extension of the NPT, but also to strengthen the Treaty's provisions so as to prevent their evasion, as in Iraq, and their disregard, as in North Korea.

Progress on negotiating a Comprehensive Test Ban Treaty over the next several months will help to achieve our objectives at the NPT conference. So will progress on a global cutoff of the production of fissile material—plutonium and highly enriched uranium—for weapon purposes or outside of international safeguards. This initiative, referred to as the Cutoff Convention, is admirable as far as it goes. To fully address the problem of excess fissile material, however, the cutoff should be extended to production of plutonium for energy purposes as well.

In short, the ACDA agenda is full, if not overflowing. Far from becoming obsolete, ACDA has taken on increasing responsibility in the post-Cold War world. With so many issues competing for the attention of our foreign policy decisionmakers, it is imperative that ACDA continue consistently and forcefully to raise nonproliferation and arms control concerns at the highest levels of our Government.

At a recent hearing before our subcommittee, ACDA Director John Holum delivered an excellent statement on these issues. That hearing transcript is unfortunately not yet available. Mr. Speaker, I ask that Director Holum's statement be included in the RECORD. I urge my colleagues to read it carefully.

STATEMENT OF HON. JOHN D. HOLUM, DIRECTOR, U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Chairman Berman and Chairman Lantos, I am pleased to appear before you and the other Members of the Subcommittee on International Operations and the Subcommittee on International Security, International Organizations and Human Rights.

Let me take this opportunity to thank you both for playing central roles in strengthening and revitalizing the U.S. Arms Control and Disarmament Agency. Chairman Lantos made a great contribution last May when he introduced what ultimately became the Arms Control and Nonproliferation Act of 1994 (the "Act"). And of course, Chairman Berman's leadership and management skills were crucial to the timely and successful adoption of the Act as part of the State Department Authorization bill for FY 1995.

With the end of the Cold War, some felt that the need for arms control would recede. The Soviet-American arms race is, indeed, over. But paradoxically, the need for arms control has grown. The bipolar nuclear standoff has been replaced by what President Clinton described in the last State of the Union address as "rampant arms proliferation, bitter regional conflicts, ethnic and nationalist tensions in many new democracies * * * and fanatics who seek to cripple the world's cities with terror."

Thanks to your efforts—and those of Chairman Hamilton, Representatives Gilman, Sabo, Obey, Carr, and Porter and Senators Pell, Simon, Helms, and Hatfield—ACDA today is more capable than ever of fulfilling its distinctive mission.

The Administration's active and energetic support has been equally important. The President announced his decision as to ACDA's future last July 3. In his radio address that day to the American people, the President declared:

"I am * * * taking steps to revitalize the Arms Control and Disarmament Agency, so that it can play an active role in meeting the arms control and nonproliferation challenges of this new era. The work of combatting proliferation of weapons of mass destruction is difficult and unending, but it is an essential part of this task. It must be done."

In his letter transmitting ACDA's 1993 Annual Report to the Congress (which I request be included in the hearing record), the President stated: "A specialized, technically competent, and independent arms control institution remains important to the Nation." He also noted that "the ACDA Director acts as principal adviser to the President and the Secretary of State on arms control, nonproliferation, and disarmament."

Just as President Kennedy demonstrated leadership by creating the Arms Control and Disarmament Agency in 1961, strengthening and reinvigorating the Agency today demonstrates such leadership by President Clinton.

The President's determination to strengthen ACDA is shared by the Secretary of State and the National Security Advisor. In a July 12, 1993 letter to Chairman Pell of the Senate

Foreign Relations Committee, Secretary of State Christopher wrote:

"The President and I are fully committed to a revitalized ACDA through a combination of strong ACDA leadership, internal agency changes, full participation of ACDA in Executive Branch policy making, and legislative changes. You should also know that I have been working closely with Tony Lake on our approach. * * * ACDA must be a principal player in decision-making and enjoy equal status with the other agencies involved."

The executive and legislative branches agree not only on ACDA's revitalization, but also on the following major priorities: eliminating the overarmament of the Cold War; preventing proliferation of weapons of mass destruction and their means of delivery; pursuing agreements and related policies to serve nonproliferation objectives; applying arms control solutions to regional problems; and establishing norms for the control and transfer of conventional arms.

Functionally, as you know, ACDA has three main missions. The first is to conduct and support negotiations. The second is to provide arms control advice and advocacy. The third is to implement arms control agreements already negotiated—a burgeoning mission that includes but goes well beyond verification.

ACDA's revitalization is evident in all three of these areas, and is also reflected in our enhanced policy role, access, and budget. In my testimony today I hope to give you both a progress report and a sense of my priorities after six months as Director.

First, let me comment briefly on the significant accomplishments of the Act (listed in Appendix 1, which I request be made part of the Record). We are already making use of these important enhancements, which were signed into law by the President less than three months ago on April 30. And they have already proven their value by symbolizing the unequivocal support of both Congress and the Administration for a strong and vital arms control agency—something that has been felt in the Executive Branch interagency process, in our legislative dealings, in our contacts with nongovernmental organizations, and in our innumerable contacts with foreign governments, bodies, and officials.

When I was initially considering becoming ACDA Director, I heard a great deal about how ACDA was no longer a significant player in the policy community. By virtue of its history in the last decade, the Agency's policy role had in fact been confined. But when I came on board I found a large group of talented and dedicated professionals who have always believed in arms control and in what they are doing to bring it about. The Agency's vast potential was quite apparent to me very early on—for example, as the focal point of the Government's efforts with regard to the Chemical Weapons Convention, or as a key player in President Clinton's decision to continue U.S. participation in the nuclear testing moratorium.

So I have to stress that ACDA's revitalization, while central to the national interest, is emphatically not a case of making something from nothing. The gifted, experienced, and committed professionals who have been the core of the Agency for the last three decades have always represented a resource of the highest caliber; the challenge of revitalization has been finding the right ways to take advantage of and support this great national security asset.

Let me review briefly how our revitalization has been proceeding in terms of the three main missions mentioned earlier.

NEGOTIATION

Negotiation is the first of ACDA's main missions that I'd like to discuss. Under the direction of the President and Secretary of State, ACDA has primary responsibility for the preparation, conduct and management of U.S. participation in all international negotiations in arms control and disarmament, and when directed by the President, in nonproliferation. These responsibilities include the CTBT, extension of the NPT, the fissile cutoff proposal, Nuclear Weapons Free Zone initiatives, and future strategic weapons negotiations.

Our top negotiating priority in the coming year is substantively straightforward but politically complex: indefinite extension of the Nuclear Non-Proliferation Treaty. The NPT is the institutional framework and legal basis for all our efforts on nuclear nonproliferation—from South Asia to North Korea. Next year's NPT Conference is our one best chance to ensure that this bedrock regime—and all it means to global security—can be counted on forever.

We're also pushing hard in the Comprehensive Test Ban Treaty negotiations in the Conference on Disarmament ("CD") in Geneva. The negotiations reconvened on May 16, and we are working to achieve a CTBT "at the earliest possible time," as the President has instructed. I am cautiously optimistic that substantial progress in this negotiation will, in fact, create a favorable political climate for the NPT Conference next April.

A third negotiating priority is the fissile material cutoff. Such a global convention would prohibit the production of fissile materials for nuclear explosives for outside international safeguards. It could bring the unsafeguarded nuclear programs of non-NPT states under some measure of restraint for the first time. And it would likewise halt the production of plutonium and highly-enriched uranium for weapons in the five declared nuclear-weapon states.

Preliminary consultations on a Fissile Cut-off have begun. It will be formerly negotiated at the Conference on Disarmament in Geneva, and we expect that expert-level discussions on verification issues will be held in Vienna, the home of the International Atomic Energy Agency. We enter these talks with initiative, commitment, and serious purpose.

Ambassador Shannon of Canada has been appointed Special Coordinator in the CD for the fissile cutoff, and he has been consulting widely. The next step is to agree on a negotiating mandate and establishment of an ad hoc committee for this purpose.

In themselves, the CTBT and the Fissile Cut-off cannot prevent nuclear arms, but they are vitally important steps that would erect additional meaningful fences around nuclear weapons ambitions.

IMPLEMENTATION

Our second main responsibility is implementation and verification. Realizing the full potential of arms control agreements, including their verification obligations, is one of the central arms control and nonproliferation tasks of the future. Negotiating agreements sets the stage for buttressing our security, but it is in their fulfillment—the largely unsung work of implementation—that weapons which could be used against us are actually averted or taken down. More and more, the biggest part of the job is done after the Rose Garden ceremonies have ended.

With the advent of the arms control implementation era, ACDA's plate is full and growing fuller. Just a partial listing of the areas in which we are increasingly active includes the following: Our efforts in the Standing Consultative Commission in Geneva to define the difference between strategic defenses, which are strictly limited by the ABM Treaty, and theater defenses, which are not—in a way that preserves the great strategic benefits of the Treaty but still allows us to mount effective defenses against missiles in the hands of an Iraq, Iran or North Korea; leading the push for ratification, entry into force, and effective implementation of the Chemical Weapons Convention—which will completely ban an entire category of indiscriminate weapons and break new ground on verification; also regarding chemical weapons, our work with Russia on the Bilateral Destruction Agreement and the Wyoming MOU; the Trilateral Agreement on Biological Weapons between the U.S., the U.K., and Russia; fulfilling the Conventional Forces in Europe Treaty, and responding to the Russians' aspirations to exceed treaty limits on the flanks; entry into force and operation of the Open Skies Treaty; resolving issues in the SVC over monitoring procedures under the INF Treaty, and completing work on multilateralizing the Treaty; and intensive work in the JCIC on the START treaties, relating both to preparations for their entry into force and to multilateralizing START I.

In the area of implementation, compliance, and backstopping, ACDA manages the U.S. role in a great many international bodies. ACDA also has primary responsibility for assuring compliance and conducting periodic reviews of major arms control, nonproliferation, and disarmament agreements. And ACDA participates in policy-related and implementation activities with all the leading international arms control, nonproliferation, and disarmament entities. (Complete lists of these international agreements and entities are attached hereto as Appendices 2, 3, and 4, which I request be made part of the Record).

In addition, ACDA's implementation responsibilities extend to such matters as: security assurances; confidence-building measures (CBMs); "European" regional security issues such as Balkan arms control and establishment of the CSCE communications network throughout the former Soviet Union; the UN Special Commission on Iraq (UNSCOM); ongoing industry liaison with chemical and biological industry representatives; liaison with the Chemical Weapons Office of National Authority (ONA), and bilateral and trilateral arms control efforts such as CW destruction agreements; and efforts to support non-proliferation in all these areas. In addition, the Act reinforced ACDA's role regarding the UN Conventional Arms Transfer Register (TIA), and its participation in backstopping for all European arms control negotiations and implementation, as well as the management of treaty review conferences.

Let me just comment briefly on the challenge and importance of START implementation—addressing the bulk of all the world's weapons of mass destruction that can be delivered with devastating force on our own country. Our work encompasses two main tasks: dealing with the problems of multilateralizing a treaty originally negotiated bilaterally; and preparing for entry into force.

START was signed in 1991, and START II in January 1993. Some think that means we have taken care of the problem of Soviet heavy missiles and counterforce capabilities, and deeply cut back strategic nuclear forces. Well, not quite. Though reductions are being made, no country is yet legally required to destroy a single missile, bomber or submarine under the START Treaties. They have not entered into force.

Therefore, we must aggressively pursue efforts in the START Treaty's Joint Compliance and Inspection Commission (or "JCIC") to resolve issues that must be worked out prior to, or shortly after, START's entry into force. The U.S. delegation to the JCIC, led by Ambassador Steve Steiner of ACDA, has been making great progress on those issues.

New and unexpected technical issues can also cause complications. For example, when Russian defense enterprises began modifying ICBM missile designs for civil space launch purposes, this posed the question of their treatment under START obligations and monitoring procedures. If arms control agreements are to make a continuing contribution to the security of the United States and the other parties, then each such agreement must be kept viable through a continuing negotiating effort and through solutions that account for new developments but preserve the original policy objectives of those agreements.

Agreements of the complexity of the START Treaties, INF, and the Chemical Weapons Convention involve a continuing need to negotiate detailed implementing procedures and carry out obligations regarding notifications and inspections. That reality is detailed in my remarks on the advent of the "arms control implementation era," delivered at an ABA conference earlier this month. I ask that a copy of this speech be included in your hearing record.

ADVICE

As you know, the need for arms control advice and advocacy is not just what saved ACDA last year, but what first led to its creation in the Kennedy Administration. ACDA grew out of the conviction that the President needs to hear the case for arms control unfiltered—presented by an advisor dedicated to arms control as his or her highest priority.

This means that arms control considerations—instead of being compromised down or washed out by the time they reach the Cabinet level—are injected into the decision-making process at the highest levels. When arms control and nonproliferation issues are on the agenda, the Director of ACDA joins the National Security Advisor, the Secretaries of State and Defense, the Chairman of the Joint Chiefs of Staff, the UN Ambassador, the Director of Central Intelligence, and the heads of other affected departments and agencies in meetings of the NSC Principals' Committee.

The right to go directly to the President with arms control advice is also built in to the ACDA Director's role. Obviously this is a right to be exercised sparingly. But it is a valuable recourse when the interagency process does not adequately reflect our views.

Fortunately, there has been little need for this, because the access granted to ACDA in the interagency process has been very broad.

I'm told that in the past ACDA commonly had to fight to gain access to the policy process, and too often was excluded. This is something I have focussed on determinedly. We have been able to work out with a receptive National Security Adviser and staff a very inclusive list of subject areas, meetings, and interagency working groups in which ACDA now is routinely involved. It includes not only subjects on which we have lead negotiating responsibility—such as the ABM/TMD demarcation—but subjects, such as proliferation in South Asia, where others are at the front line. And it includes not only matters where arms control is predominant—like the test ban negotiations—but also areas, like China and the Middle East, where arms control is on but does not dominate the agenda.

As part of this process, the ACDA director and deputy director take part in relevant meetings of the Principals' and Deputies' committees, made up of members of the President's cabinet and their deputies. Thus far I have represented ACDA's perspective at Principals' Committee meetings about once every 10 days.

The overriding point is institutional, not personal. This Administration is genuinely committed to arms control and nonproliferation and to ACDA's expanded role. And that would be the case no matter who sat in my chair.

ACDA's revitalization means strengthened ties not just with the White House, but throughout the Executive Branch. We are enjoying a good working relationship with the Departments of State, Defense, Energy, the Joint Chiefs, and the intelligence community. ACDA's views are sought out and considered at the most senior levels of foreign policy formulation. It has been my privilege to articulate ACDA's views and judgments to the president, the National Security Advisor, the Secretary of State, and to a variety of Cabinet and sub-cabinet officials, to members of the Legislative Branch, to foreign officials and to various public interest groups.

ACDA has vigorously met the challenge of resuming its intended role. Its director is the principal advisor to the President, the National Security Council and the Secretary of State on the full range of arms control, nonproliferation and disarmament matters.

Perhaps of even more significance to the long-term institutional resurgence of ACDA is the now routine participation of ACDA representatives in all levels of the Washington interagency policy arena. ACDA is represented on the full spectrum of policy formulation and implementation venues. This permits us to have access to formerly restricted channels of communication and documents so that we can fully vet and coordinate our perspectives on relevant issues. We have established closer ties to the Department of State, relative both to the substance of issues and in the use of technology and communications. We are working to pool limited resources and to obtain the most out of our joint endeavors, to achieve U.S. objectives.

I have insisted, and will continue to insist, on coordination and good process in both directions. So far, ACDA and the other national security agencies are working well together as we work out our respective roles and address a colossal agenda.

One aspect of ACDA's revitalization is its enhanced role in the Administration's nonproliferation policy-making process. One example is its active participation in the Administration's conventional arms transfer policy review. Another is the enhancement and clarification of its role in decisions on U.S. dual-use exports.

Innovation

Another aspect of ACDA's advisory role is innovation. We are looking not just at what arms control can do better, but at what arms control can do for the first time.

ACDA will be examining such matters as the need for new arms control restraint regimes, the potential merits of citizen verification, and ways to foster greater cooperation between the U.S. Government and industry in arms-control related areas. Such cooperation worked well during the negotiation of the Chemical Weapons Convention (CWC) and continues to work well in the CWC ratification phase. Cooperation with industry will also be important to future arms control agreements, including a CTBT.

Let me discuss briefly just one initiative in which ACDA will play a leading role. We're becoming increasingly involved in conventional weapons generally, and land mines specifically. If we set our priorities according to weapons' actual versus potential harm, this would quickly work its way to the top of the list. Nuclear weapons haven't killed anyone on purpose since Hiroshima and Nagasaki. But in the time we will spend in this room together, it's likely that somewhere in the world, a noncombatant civilian—most likely a farmer at work or a child at play—will be killed or maimed by a land mine.

More than a hundred million land mines are in place today. Most sit and wait for years until someone—anyone—steps on them. And over 2 million additional mines are being emplaced every year—about 25 times as many as are being removed.

But it's not that hard to make land mines that are both self-destructing and self-inerting within a few days of emplacement. It seems to me that we'd accomplish a great deal if we succeeded in globalizing a norm to make all land-mines self-eliminating in this way.

MANAGEMENT

As the end of the Cold War has changed arms control, it must also change ACDA. As a complement to our revitalization by the Congress and the Administration, we have undertaken an in-house process of self-improvement that is well underway. It is dedicated to the proposition that our Agency must make the very best use of its people and resources if its influence is to transcend its size.

There are two broad parts to this process. First, ACDA's Management Assessment has involved broad and active initial consultations within the Agency as to how we can make most effective use of our resources, empower our employees, improve morale, and remove barriers to top performance. Virtually every employee in the Agency took part in these discussions. The results were tabulated, and our senior staff then met to consider them, absorb data, and discuss issues. We have designed and are now implementing an action plan to help the agency run more effectively and smoothly. Our Strategic Planning Working Group has begun addressing near term solutions for the FY 96 budget cycle. Then it will assist in developing our vision for the future—in light of changes in the world, the needs of our "customers" within and without the Administration, and our Congressional mandate.

The second element of this process is an assessment of the "lines of business" of our various bureaus and offices—a comprehensive examination of everything ACDA does and should be doing. We entered it with no preconceptions about protecting turf or enshrined ways of doing things. It may well be that we ought to do less in some areas in order to do certain core things better.

Two principles have guided my approach to this effort. One is that we must fulfill as best we can the arms control missions defined as priorities for us by Congress and the Administration. The second is that we ought to be guided as well by the concept of value added.

ACDA should not duplicate everything DoD does in defense, or State does in diplomacy, or Commerce does as to exports. We should instead concentrate on matters where we can bring something unique to the table—whether it is our expertise, our capacity for innovation, or our distinct point of view. A highly-disciplined focus is how a small agency can make a big difference. Mindless turf-grabbing is a bureaucratic reflex that I intend to avoid.

Budget and Personnel Matters

Let me comment briefly on the cross-cutting matters of budgets—our own and others—and personnel. Such matters are among the best barometers of revitalization's success.

The Administration's commitment to a strong and vital ACDA is reflected in our budget. At a time when budgets throughout the executive branch are being cut, the President proposed for ACDA an increase in both human and financial resources. We are grateful for the support of the President and OMB in the budget process, and also for the strong advocacy on our behalf by Secretary of State Christopher.

We also have a strong interest in the adequacy of other agencies' budgets, as they directly affect our mission. Specifically, as I have said, arms control implementation is becoming a mammoth mission. It is complicated by the fact that, to verify compliance, we depend heavily on physical and analytical resources controlled by other agencies.

One example of this is the COBRA DANE radar system, located in the Aleutian Islands, which is used to verify key provisions of the Strategic Arms Reduction Treaty. With the demise of the former Soviet Union, a number of national collection assets have been reoriented to other areas of the world or disestablished. In this vein, there were suggestions to discontinue operations of the COBRA DANE radar system. But we have been able to work with the Department of Defense and the Central Intelligence Agency to retain this important verification asset.

This case, however, points up a long-term systemic danger to the arms control implementation and verification mission. With the NPT, CWC, CFE, Open Skies, INF, and START Treaties—as well as a global test ban, fissile material cutoff, and other initiatives to come—we are piling up arms control implementation and verification requirements. But verification depends on radars, sensors, satellites, on-site inspectors, and other assets owned and operated entirely by other agencies, not by ACDA.

And most agencies of the government are cutting their budgets, to attack more than a decade of deficits and thereby rescue the economy. Deep cuts are expected from agencies like Defense, Energy, and Intelligence, whose missions have changed in the aftermath of the Cold War.

All of those agencies quite reasonably will apply their own standards of cost-effectiveness to their budgets—balancing defense or intelligence requirements against arms control verification.

You can see the tension. Already it has occupied a considerable amount of my time as Director of ACDA. In the months ahead it could well become a preoccupation.

R&D Coordination

A related cross-cutting interagency issue is the important challenge of coordinating the development and implementation of programs and projects to support arms control verification. Historically, coordination has been spotty at best. So this is an issue that I believe has benefitted from timely congressional interest. The Act this year significantly strengthened ACDA's role in coordinating research and development ("R&D") on arms control, nonproliferation, and disarmament. It also called on ACDA to prepare a report on all such research and development conducted by executive branch agencies.

Accordingly, ACDA has taken an active role in working toward a more effective process for coordinating arms control and nonproliferation R&D. With the support of the National Security Advisor, ACDA drafted a Presidential Review Directive, issued on May 25, toward that end, and it is now being worked interagency. In the meantime, ACDA also significantly revised the format of future reports on completed R&D studies to include assessments of the relationship of these projects to national arms control priorities.

Personnel

Great interest has been expressed—and rightly so—as to when ACDA may be graced with its full complement of presidential appointments. Obviously I share this interest.

My personnel search was prompt and aggressive. I recruited broadly, reviewed scores of resumes, and personally interviewed at least fifty candidates. Within about six weeks of coming on board, I submitted a full slate of eight PAS candidates to the White House. All were substantively very well qualified for the positions for which they were proposed. The President blessed them all in two weeks' time—one week of which, incidentally, he was in Brussels at the NATO summit and in Moscow and Kiev finalizing the trilateral accords.

As you know, we have named most of the PAS appointees publicly. Assistant Director designees Amy Sands, Lawrence Scheinman, and Michael Nacht are all superbly qualified, highly respected, and deeply experienced in their respective fields. Confirmation of Thomas Graham Jr. will officially place the task of NPT extension into just the right hands. And if confirmed, our Chief Science Advisor designee, James Sweeney, will greatly help both sides understand one another when science and policy intersect. I am delighted that their confirmation hearing before your colleagues on the Senate Foreign Relations Committee is being held tomorrow.

The remaining appointments will be made public soon. Their qualifications—and my enthusiasm for them—are equally strong. There is good reason to be hopeful that the process will be completed in the next two months.

Public Affairs

Part of ACDA's charge, of course, is to be a forceful public advocate and authoritative source of information for arms control.

As you know, ACDA's organic act from the beginning has always mandated "the dissemination and coordination of public information concerning arms control and disarmament." To this end, we have established two new components in our office of Public Information: a Public Diplomacy Division and a Publications and Media Division.

The Publications and Media Division produces a range of materials, including press releases, fact sheets, brochures, ACDA News, News Roundup, Special Edition, reports compendiums of treaties and agreements, historical documents, ACDA Newsletter, Current Articles, and a journal, Studies in Arms Control and Nonproliferation. It also handles press contacts and the ACDA Speakers Bureau. This division fills thousands of information requests each year. Responding to this increasing demand, we recently established a toll-free number (1-800-581-ACDA) for publications requests and inaugurated an Electronic Bulletin Board.

I am particularly proud of the ACDA Annual Report for 1993, which many have said is the most useful such document in years. It inaugurated a new format and contained fuller descriptions of our activities and priorities than ever before. I am gratified by the response the Report has received already, and look forward to presenting you with an even more useful such document next year.

In the past six months our public information activity has expanded considerably, often breaking new ground for the Agency. For example, we have inaugurated and are conducting an active public diplomacy effort, coordinating an interagency working group on the subject and conducting substantial public outreach in the academic and NGO communities. And preparations are underway for significant outreach and recruitment efforts that will take me to visit a number of historically black colleges in coming months.

The priority I have placed on public outreach and education has meant an active schedule of public speaking for me as well as other top Agency officials. I have already made more than a dozen major speeches—not only to Washington audiences, but also at the UN in New York, at Notre Dame, at the Conference on Disarmament in Geneva, and in England and Japan.

CONCLUSION

We have all seen the world change dramatically in recent years. The post-Soviet era truly has brought a sea change in the global security environment. The aftermath of the bipolar arms race remains a great issue that we continue to address in implementing the START, INF, and ABM treaties. But we are also dealing with a series of new challenges that have emerged from the shadow of the old superpower standoff—challenges on which the President and leading voices in the Congress have spoken out.

All this means that the business of national security agencies has changed not only in the United States, but worldwide. India, Egypt, Malta and several other countries have begun to set up national entities which are based on the ACDA model. Germany has had an arms control commissioner for some time. At their summit May 30-31, Frances and Germany reportedly discussed opening their proposed bilateral armaments agency to other members of the Western European Union. In short, the ACDA model of a specialized arms control agency is becoming more widely known and emulated throughout the global arms control community.

The months and years to come will continue to be a time of profound rethinking and reorientation about how ACDA's authority and resources can best be deployed to fulfill a growing mission in a world transformed. We must preserve our achievements—and be willing to reconsider old ways of thinking about global security. We must realize the promise of our strategic treaties—and begin looking beyond them to other steps that could increase stability and reduce reliance on nuclear weapons.

ACDA is working to meet all the challenges I've laid out today, and at the same time, to rethink and redesign how we are structured and operate. The Arms Control and Nonproliferation Act of 1994 is an integral part of this ongoing process—representing not just a great achievement, but a practical tool for the future. My testimony today has suggested some of my further thinking on these matters.

I appreciate the attention and commitment this Committee has devoted to arms control issues; these precious resources are the true coin of the realm in our deliberative democracy today. I am keenly aware of how important to our mission your support has been and continues to be. And I fully expect that future such sessions will continue and deepen ACDA's dialogue with the Congress, which has demonstrated for more than three decades a unique appreciation for the necessity, importance and role of an agency dedicated to arms control.

With that, I'll be happy to take your questions.

HAITI—WITHOUT AN ARMY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. TORRICELLI. Mr. Speaker, I submit for the RECORD an article from the Washington Post on Haiti.

The article follows:

[From the Washington Post, Nov. 22, 1994]

HAITI—WITHOUT AN ARMY

(By Oscar Arias)

Haiti and Panama are, respectively, the oldest and youngest independent nations in Latin America. The histories of both peoples have been marked by a tragic parallelism of poverty, foreign intervention and dictatorship. In particular, the second half of the 20th century has seen Haitian and Panamanian aspirations to liberty and democracy ruthlessly suppressed through the usurpation of political power by national armed forces.

By definition, the army or national guard owes allegiance and obedience to civil authorities. The Haitian and Panamanian armed forces repeatedly violated the national constitution and oppressed the people they were charged to protect. Neither army possessed a credible strategic capability; neither army could act effectively to defend territorial borders. But both armies consumed a huge part of the national budget, diverting resources that could have been dedicated to improving the lives of hungry children and disenfranchised citizens.

In October of 1994, two events critical to the future of peace and democracy on our continent took place: the fall of a bloody military dictatorship and the reinstatement of the democratically elected government in Haiti, and the constitutional abolition of the national armed forces in Panama. While the international press has thoroughly covered the return to power of Haitian President Jean-Bertrand Aristide, it has practically ignored the great achievement of the Panamanian people. The citizens of the United States must not have yet realized that two members of the Organization of American States—Panama and Costa Rica—have constitutionally abolished their armed forces. In these two countries, politics and geography have forged the first demilitarized region in the world.

This unjustified silence deprives the world of good tidings and the Panamanian people of well-deserved congratulations. Silence also mutes the suggestion that the international community's intervention in Haiti could be used to persuade the Haitian people to constitutionally abolish their army.

To ensure the viability of Haitian democracy, the world must unite to give rapid and massive aid toward the reconstruction of the Haitian economy. We must also take advantage of this opportunity to save the Haitian people from future suffering, to help them consolidate their democracy and to offer aid in the determination of the best use of their economic resources. All these goals can be realized through complete and definitive demilitarization.

When the efforts of people of good will are united, tremendous results can be achieve. For the good of the women and men of Haiti, and for the good of Latin America, these efforts should now be turned toward urging President Aristide and the members of the parliament in Port au Prince to repeat the Panamanian victory in Haiti. The culture of violence must be replaced by a culture of peace and solidarity. The small states of Central America and the Caribbean can take the first step toward achieving demilitarization on a global scale. I am certain that the Haitian people, as did their Panamanian and Costa Rican brothers and sisters, will support this historic resolution.

There have been innumerable martyrs to the cause of Haitian peace and democracy. Their sacrifice must not be in vain. Now is the hour of democracy. Now is the hour of peace. A few years ago, demilitarization was a utopia for Panama. Today it is a fact. Let us invoke the Haitian utopia today, so that it can become a reality in the very near future.

WATERFRONT PARK DEDICATED

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MAZZOLI. Mr. Speaker, I delivered the following remarks at the ground breaking celebration for phase one of the Waterfront Park being constructed in Louisville, KY, my congressional district. At this time, I wish to submit my remarks for the RECORD:

I am proud to be here today to participate in the ground breaking for one of the most exciting projects in this community today—our beautiful new Waterfront Park.

One of the most rewarding aspects of my years of service in Congress has been assisting in the revitalization of the Waterfront.

Since I have worked particularly closely with the Belvedere Connector Project, it is gratifying to me to know that we will have another ribbon cutting ceremony for the Connector next spring.

It is rewarding to work on projects like the Waterfront Master plan and the Belvedere Connector, to see them start out as ideas, and then become sketches and drawings on paper, and then move to concrete reality.

People tend to lose sight of the fact that the Belvedere Connector and Waterfront Park are much more than bricks and mortar. They are people places, full of activity and fun. Best of all, they offer us all an opportunity to enjoy the beauty of the Ohio River and its connection to our community in ways never before possible.

All of these Waterfront projects establish linkages to the Ohio River—and few projects will accomplish that better, both symbolically and physically, than this new Waterfront Park.

My hope and belief is that, for many generations to come, the Louisville Waterfront will be a place of celebration for the entire community.

SUPPORT OF THE SAFE DRINKING WATER REFORM ACT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DIXON. Mr. Speaker, I rise today to express my support for Safe Drinking Water Act Amendments (H.R. 3392). This measure makes significant improvements to the Safe Drinking Water Act to ensure protection of human health.

Recent incidents have brought attention to the safety of the water supply. Last year, in the city of Milwaukee, an outbreak of waterborne diseases caused illness in nearly 400,000 people and 104 deaths. Additionally, problems with a water facility in Washington, DC caused concern regarding the safety of the drinking water. While many have taken out drinking water supply for granted in the past, these episodes have enhanced awareness of water quality, and encouraged people to find alternative sources for drinking water. Increased use of alternative sources of water could place minority and poor communities at a disadvantage. Low-income persons cannot afford the additional costs of bottled water and home purification systems.

The Safe Drinking Water Amendments include provisions to establish a new revolving loan fund to provide money to States and local governments to improve drinking water treatment plants. The legislation also directs the Environmental Protection Agency to change the current system for writing rules for contaminants, requiring the agency to develop regulations for the contaminants in drinking water that pose the greatest risk to human health. By assisting localities in providing quality water, the Safe Drinking Water Act will help assure that all Americans have access to a safe water supply.

TRIBUTE TO FRANK KESSLER

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DORNAN. Mr. Speaker, one of the greatest pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge certain individuals. It is therefore with great pleasure that I have the opportunity to pay tribute to Frank Kessler, who recently retired as the mayor of the City of Garden Grove, CA.

After serving for 20 years as a police officer in Tucson, AZ, where he subsequently became deputy chief of police, Frank and his family moved to my hometown of Garden Grove back in 1976 when he became the city's sixth police chief. During his previous tenure as a police officer, Frank had many personal achievements. He completed a certificate program in law enforcement and also received bachelor and master degrees in criminal justice from the University of Arizona. In the early 1970's, he was selected to attend a 1-year fellowship program at Harvard University's Center for Criminal Justice.

As Garden Grove's chief of police for nearly 13 years, Frank is known nationwide for being an effective and ingenious law enforcement officer. In addition to his distinguished career in law enforcement, Frank is also dedicated to serving his community in other capacities. He is a member of local Rotary and Elk clubs, and he retains membership in the California Chiefs Association and International Association of Chiefs of Police. He also serves on the board of directors of AMI, owners of the Garden Grove Hospital.

Throughout his entire career, Frank has exhibited extraordinary leadership, competence, and professionalism. He has been a model of excellence and an inspiration to those aspiring to serve their local community. As he embarks on what I expect will be a new and exciting career, I hope he takes with him a sense of great pride and accomplishment. Thank you, Frank, for all that you have done for the citizens of Garden Grove.

GINNY MONTES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. EDWARDS of California. Mr. Speaker, the annual meeting of the Southern Regional Council—SRC—was held in Atlanta, GA, from November 17 to 19 of this year. The meeting was dedicated to Ms. Virginia E. (Ginny) Montes who died of a stroke on October 6, 1994.

Ginny's longstanding friendship with me and the members and staff of the Subcommittee on Civil and Constitutional Rights began during the 1981 deliberations on extension of the Voting Rights Act. That friendship continued until the day she died.

Ginny was a warrior for equal justice; an Amazon, who ironically was under 5 feet tall. Her wise counsel and camaraderie will be greatly missed. This eulogy from SRC eloquently captures the essence of this warrior-woman.

> We dedicate this annual meeting to Virginia E. (Ginny) Montes, whose life and activism reflected the values for which we work. A senior consultant in voting rights at the Council at the time of her death, Ginny led work across the South and the nation on civil rights, poverty, and women's issues for more than three decades. She died of a stroke October 6, 1994.
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> Born in Honduras, Ginny began her activism at the University of Florida as president of Gainesville Women for Equal Rights. She helped develop the University's first women's studies program and following graduation, was active in promoting student achievement and directed a youth job training program. "I was always impressed with how absolutely firm she was with her values, even as a very young woman, as a student at the University of Florida," says SRC Executive Committee member Jean Chalmers.
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> Ginny moved to Atlanta in 1980 to work for SRC as director of legislative research. During her 14-year association with the Council, she assisted in developing legislative analysis on issues relating to civil rights, poverty, children and housing. She also helped black legislators in the southern states as they organized legislative caucuses. She played a key role in extending the federal Voting Rights Act in 1982, and later became director of Project 1990 and director of SRC Voting Rights Programs.
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> During the mid-1980's, as director of the Georgia Housing Coalition, she initiated the analysis of lending patterns in Atlanta that led to the Pulitzer prize-winning Atlanta Constitution series on the discriminatory nature of bank lending practices.
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> From 1990-1993 she served as national secretary for the National Organization for Women (NOW), the first Latina to hold the post. She also served as Georgia State president for NOW, as well as government liaison officer and chief lobbyist for the national organization.
>
> Ginny also served on the national board of directors of the Center for Community Change, the National Community Reinvestment Coalition, the Advisory Council of Morehouse Medical School, and as a delegate to the Democratic National Convention in 1978, '80, '84 and '88. She was named to Who's Who Among Hispanic Americans and Who's Who in American Politics.
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> One of Ginny's many strengths was the ability to work with and bring together very diversive people. Says Chalmers: "She was warm instant friends with the very rich and the very poor, with people of all races and religions."
>
> "Ginny embodies the best qualities of democracy, a principle about which she cared deeply," says SRC Director Steve Suits. "She enlarged the capacity of others to promote the common good while seeking no credit for herself. She was a democrat and a Democrat; an integrationist and a Latina; an ardent feminist and a great mom; an American who loved our best principles and a Southerner who fought fiercely against the nation's worst nature."
>
> She is survived by her daughter, Rebecca Lynne Albury, her mother, and five siblings. Contributions may be made to the Virginia E. Montes Memorial Fund, in care of her sister Greata Montes, 910 Ivycroft Road, Wayne, Pennsylvania 19087.

ACCOMPLISHMENTS OF THE 103D CONGRESS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FILNER. Mr. Speaker, many have said that the 103d Congress was short on accomplishments and long on debate. I disagree; let there be no doubt that we began the process of addressing the real problems facing this country.

In the opening days of this Congress, we passed the Family Medical Leave Act, legislation that allows American families to take care of their own. We passed a tough and smart crime bill that is starting to make our streets safer. We passed legislation that provides more opportunities for students to continue their education, get off drugs, and stay out of gangs. We passed a budget that finally has begun to reduce the deficit, after decades of bipartisan neglect.

And in San Diego, I accomplished four things that will make a major impact on our community: killing Twin Ports; securing funding for State Route No. 905; starting construction on the international sewage treatment plant, and passing legislation allowing the city of San Diego to apply for a waiver from the Clean Water Act that will save ratepayers billions of dollars.

These are real actions that will improve life for all of us in San Diego and around the country. Political climate and bickering aside, this Congress has stood up for what it believes—a better life for all Americans, safer streets, opportunity for our children to have an education and a good job—and continued prosperity for the greatest country on Earth. This is no small task, but the 103d Congress was up to the challenge.

But we are not finished. Crime is still rampant in our streets, our children still need our help, our senior citizens and veterans need to be protected, and jobs need to be created.

Working together with the new Members of the 104th Congress, we must accomplish these goals. Let us continue.

THE 125TH ANNIVERSARY OF THE FOUNDING OF SAINT JOHN'S UNIVERSITY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to St. John's University, Jamaica, NY, on the occasion of its celebration of its 125th anniversary year of excellence in education.

St. John's University was founded in 1870 by the Congregation of the Mission to provide the growing immigrant classes of New York City with an opportunity for higher education at an affordable price. Responding to an invitation from the first Bishop of Brooklyn, John Loughlin, the university was established so that the youth of the city could have access to an intellectual and moral formation. One hundred and twenty-five years later St. John's University remains true to their original mission.

For over a century St. John's University has grown and developed as the city it is rooted in has. With campuses located in both Queens and Staten Island, St. John's University now has an enrollment of more than 18,000 students who hail from virtually every State in the union and 114 countries from around the world. It offers more than 100 majors on the undergraduate and graduate levels and numerous degree programs from the associate to the doctoral. St. John's University has schools of business, education, pharmacy and law. Its libraries have holdings of more than 1.5 million. With some 3,000 employees and a budget in excess of $180 million, it is a dynamic regional enterprise boosting the economy and enhancing life in New York. Today, St. John's University is the largest Catholic university in the United States of America. It has more than 100,000 alumni.

St. John's University is proud to boast an international reputation that is built on tradition backed with professional academics. Mr. Speaker, I am proud to recognize the achievements of St. John's University and I ask my colleagues to join me in honoring them during their 125th anniversary year. I wish the entire university community well as their mission continues into the 21st century.

TRIBUTE TO OFFICER JOE GREATHOUSE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to a young police officer who saved four lives during the early morning hours of October 14, 1994. Patrolman Joe Greathouse of Greenwich, OH, has been a full-time patrolman with the Greenwich Police Department for a year and a half. On the morning of October 14, Joe was conducting routine door checks of downtown stores when he discovered a building was on fire. After calling the fire department, he roused the sleeping tenants of the apartments above the store and safely evacuated them from the building.

The entire building was soon gutted by fire. Damage was estimated between $400,000 and $500,000. Although the damage was costly, Officer Greathouse's courage and quick thinking turned a potentially deadly situation into a remarkable rescue. He can take great satisfaction in knowing that he has provided a valuable service to his city and state.

Mr. Speaker, throughout my years of public service, I have admired the effort and dedication shown by our law enforcement agencies. Their commitments to duty and country are pillars on which successful communities are built.

Today, I ask my colleagues to join me in commending Officer Joe Greathouse on fulfilling this tradition of service and on a job well done.

COLORECTAL CANCER SCREENING

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GEPHARDT. Mr. Speaker, I rise today to address an aspect of health care reform that, unfortunately, this Congress will not have the opportunity to address. I refer to provisions that would establish a comprehensive screening program for colorectal cancer [CRC], the second most common form of cancer in the United States. According to the American Cancer Society, each year there are more than 120,000 new cases of CRC in the United States, and more than 57,000 deaths.

There is no debate in the medical community about the best way to reduce the mortality rate for CRC; it is to establish a screening program for the approximately 60 million Americans between the ages of 50 and 75, the segment of the population most susceptible to this disease. The medical evidence is clear that early detection can result in 5-year survival rates of 80 to 90 percent, as compared with rates of 50 to 60 percent if the disease is not detected in its early stages.

The health care reform legislation that I was preparing for consideration by this body included provisions to ensure that CRC screening would be available to all Americans. I would like to commend my colleagues in the Ways and Means and Education and Labor committees for reporting legislation that included a CRC screening program, as well as a number of other Members who introduced similar legislation.

I also would like to commend my colleague from Florida, Mr. HASTINGS, who was working with me on an amendment that would have broadened the range of CRC screening provisions covered by the legislation in a way that would not have increased the cost of the program.

Unfortunately, the 103d Congress will not be the one that enacts comprehensive health care reform for all Americans. It is my hope, however, that health care reform, and CRC screening, will be high on our agenda for the next Congress. I look forward to continuing to work with Mr. HASTINGS and other Members who have an interest in CRC screening to establish a cost-effective screening program to reduce the mortality rate from this disease.

DEPARTMENT ADJUTANT PEDRO ADVOCATES FLAG PROTECTION AMENDMENT

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FISH. Mr. Speaker, I would like to submit the following speech delivered by Mr. Richard M. Pedro, department adjutant, Department of New York, American Legion, on November 19, 1994. The occasion was the 75th anniversary of Lafayette Post 37, Poughkeepsie, NY. Mr. Pedro clearly spells out the position of the American Legion and the Citizen's Flag Alliance for an amendment to the Constitution prohibiting the desecration of the flag. It was my great fortune to be present at this celebration and I wish to share the words of Mr. Pedro who is at the forefront of this effort.

On June 21, 1989, The Supreme Court said it's okay for protestors to burn, trample, spit on, and otherwise mutilate our nation's flag. In a controversial interpretation of the First Amendment, five members of the high court rules, in Texas v. Johnson, that protestors who desecrate our flag as a means of making a political statement are merely exercising their right of free speech.

The judges further justified their ruling by saying that the Constitution makes no mention of the flag, therefore, it has no special status.

When the decision was announced, protestors rejoiced—patriots were angered and saddened—and our nation's most precious symbol was given a legal status lower than that afforded to trash, which we still can't burn in many localities—political statement or not.

It still angers most Americans that a violent, wanton, physical act of destructiveness that violates all community sensitivities can be labeled "free speech" by the highest court in the land.

Prior to that Supreme Court decision, 48 states and the District of Columbia had laws that prohibited desecration of the U.S. Flag. In the decades that those laws were on the books, our First Amendment rights were not in jeopardy, and no one believed that they were.

None of those laws prohibited free speech. People were free to speak anything they wished about the flag, our political system, our government, and our elected leaders. Those laws were enacted because "We, the people" knew in our hearts that the U.S. Flag deserved our nation's respect and protection.

What other symbol more readily and clearly says, "Freedom, liberty, equality, opportunity"? What other symbol so eloquently says, "America"?

Our love of our flag during war and peace is deeply rooted in our history. At the time the Constitution was drafted, our founding fathers could not have predicted the special role the flag would play in our history, our national character and our daily lives.

I think they would be pleased with what our flag has grown to mean to Americans. I think they would have been proud of how the ideals they enunciated have come to be represented in a single, recognizable and revered symbol.

And I think they would have been disappointed that the Supreme Court stripped Old Glory of the dignity and place of honor she has earned through two centuries of service.

There are various stories about who actually created the first stars and stripes, but it is certain that the first flag was not intended to be a mere decoration or ceremonial banner. Our flag has always been much more than just a piece of cloth.

It has a job to do. What our yet-to-be-recognized young nation needed was a distinctive symbol that signified the unity of the 13 colonies. They needed one flag to symbolize a willingness to stand united as one people against tyranny and oppression.

Moreover the fledgling army needed a distinctive flag on the battlefield to help identify the location of friend and foe.

That new flag was flown for the first time early in 1776 by the troops of the Continental Army near Boston. By June 14, 1777, a year after declaring our independence from England, the Continental Congress resolved:

"That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation."

By the time the British colors were surrendered at Yorktown in 1781, the stars and stripes were recognized around the world, and inspired many a people to cast off their own chains of tyranny and oppression.

In the War of 1812, after an all night bombardment of Fort McHenry, the sight of the American flag defiantly hoisted above the ramparts caused the British to withdraw. That stirring sight of our flag inspired Francis Scott Key to write the words that would become our National Anthem.

"O say does that star spangled banner yet wave, o'er the land of the free and the home of the brave"? What a magnificent sight that must have been by the dawn's early light!

During the Civil War, protection of the flag in battle was assigned only to the bravest and strongest soldiers. Carrying the flag was the most honored position in the unit. The color bearer was typically a sergeant who was unarmed.

He was flanked by six to eight soldiers who carried their weapons at port arms. These "color guards" were ordered to use their weapons only in defense of the flag.

Casualties among the color bearers and color guards were among the highest on the battlefield. Our own tradition of never allowing the flag to touch the ground was born in recognition of the heroism of those color bearers who protected the flag at risk of their own lives.

African-American Union soldiers took special pride in never allowing the American flag to fall or be captured. Of the 29 Medals of Honor awarded to them for heroism above and beyond the call of duty, most were awarded in recognition of acts of valor tied to protection of the flag.

The destruction of modern warfare has reduced the need for flag visability on the actual battlefield, but it has not diminished its ability to inspire soldier and civilian alike.

The most famous photograph of World War II is the picture of Marines fighting on Iwo Jima and raising the flag over Mount Suribachi.

Aside from the pride the image instilled in millions of Americans back home, there was a tactical reason for raising the flag.

The senior commander wanted a flag hoisted atop the mountain as an inspiration to U.S. forces still fighting below, and to demoralize the Japanese.

So great was the power of the flag.

For many other Americans, a flag folded into a triangle is all they have to remember a missing loved one.

In our country, it makes no difference if the call to duty was answered as a private, a petty officer, a major or a general—the flag-draped casket represents honorable service to a grateful nation during war and peace.

Throughout America, flags add dignity and honor to our municipal buildings, our post offices, homes and schools. They stand in our houses or worship. We open our sporting events with the flag and our national anthem.

Congress opens each day's session with the Pledge of Allegiance to the Flag, and flags have a prominent position in all of our courts—including the Supreme Court. Our national anthem pays tribute to our flag, and our Pledge of Allegiance is to our flag.

No one salutes the Presidential Seal. Copies of the Constitution do not fly proudly from our front porches. And Francis Scott Key was not looking for the Bill of Rights through the dawn's early light.

The U.S. Flag is the one symbol that unites us and reminds us of all of the ideals we, as a nation, strive to achieve.

Our flag has never belonged to a single political party, nor has it ever been the property of one particular cause.

In the heat of either a foreign or domestic crisis, the flag keeps us united as one people and is a symbol of our commonality of purpose.

Where then was the Supreme Court's sense of history when it ruled that it's okay to spit on it, to trample on it, and to burn it in anger?

In addition to categorizing the U.S. Flag as no more than an equal among all symbols, the high court bent the First Amendment by interpreting a physical, malicious act as an expression of free speech.

Free speech has never been a legitimate defense for such physical acts as burning a draft card, defacing U.S. currency, defacing a mailbox, public nudity, blocking access to public or private property, or even violating neighborhood architectural codes.

And it certainly should not be a legitimate defense against the heinous act of desecrating the Flag of the United States of America!

Even if we accept the First Amendment in its broadest interpretation, free speech is not an absolute freedom. Very early on, restrictions to free speech were imposed to protect citizens from libel and slander. Laws were enacted to establish copyright protection.

Community standards of restricting noise can be legally enforced. Obscene language and visuals are restricted on the public airways.

Advertising billboards are limited along certain public highways. Tobacco and distilled spirits advertising is prohibited on radio and television. There are laws against joking about bombs on airliners.

The list can go on and on—but, the Supreme Court doesn't worry about those laws putting our First Amendment rights on a "slippery slope".

Let us remember, it may be the Supreme Court—it may even be the U.S. Congress—but neither is the supreme governing body of this land. The supreme body is you. It's me. It's us. It's "We, the people." We, the people, in order to form a more perfect union. . .

And now . . . We, the people must do so by exercising our rights under the Constitution to protect the flag and keep it safe for future generations.

Over the past five years, 44 states have passed memorializing resolutions asking Congress to send a flag-protection amendment to the states for ratification. Those legislatures represent almost 94 percent of the American population.

We also realize that our campaign to secure a flag-protection amendment has to be more than a veterans' issue, or a union issue, or a small business issue, or a women's issue, or a liberal issue, or a conservative issue, or a Republican issue, or a Democratic issue—it must be an AMERICAN issue!

Passing a flag-protection amendment will not be easy. Even though 80 percent of Americans have said they would vote for such an amendment if given the chance, you can expect organized opposition from several quarters.

There will be those who say that no one should ever tamper with the Constitution, and certainly not with the Bill of Rights.

There will be those who maintain that preventing flag desecration is a direct attack on the First Amendment, and that its passage will put us on a "slippery slope" to erosion of our most treasured freedom.

And there will be the argument that this is hardly an important enough issue, given all of the problems this country is facing.

What do you say to those people who admit that they are against flag desecration, but nonetheless are not willing to take the only action that will legally put an end to it?

First, the Constitution was never intended to be a static document. There are specific provisions in Article V that give the people the power to amend the Constitution.

We, the people, are the supreme court of this nation, and we, the people, have the power, and the right, and the duty to determine the rules that will govern our society.

The Bill of Rights itself comprises the first 10 amendments to the Constitution. Without amendments to the Constitution, the Republic would not have survived.

We would still have slavery. Women and 18 year olds would not have the right to vote. And we would still have poll taxes.

We, the people, changed the Constitution—we changed the rules that govern us—we corrected the oversights of our founding fathers.

And, in the case of the 17th Amendment, allowing for the direct election of Senators, we even changed the intent of our founding fathers.

Second, in responding to those who say that tampering with the free speech provision of the First Amendment is dangerous, remind them that there are already many restrictions on free speech. I've mentioned more than a dozen today.

Also, tell them that what The American Legion is proposing does not limit actual speech, but, instead, protects the flag from intentional, public, disrespectful, physical acts of destruction.

Tell them that a flag-protection amendment won't leave them speechless!

And third, for those who maintain that this is not an issue as important as health care, welfare reform, crime and education, remind them that this issue is about our nation's values.

It is about the fundamental right of the people to set standards of conduct in civilized society. It is about our identity as a people, and about protecting and preserving the heritage of the greatest nation ever to grace the earth.

What's more, many of the issues debated before Congress don't even solve basic problems, and they still cost the taxpayers hundreds of billions of dollars.

A flag-protection amendment gives back to the people something that they once treasured, something that they want, and it does not cost one red cent.

I'm asking you to give your wholehearted support to The American Legion and the Citizens Flag Alliance, and HJ RES44, a bill proposing an amendment to protect the flag. If you do, we can preserve this beautiful red, white and blue symbol of our national unity and heritage.

The Supreme Court's ruling, and the failure of the Congress to pass an amendment, in effect, said that our flag is just another piece of cloth under the law.

Let's show them that it's more than just a piece of cloth—it's the fabric of our nation.

It presents all the things America stands for, and won't stand for . . . and all the values that made this nation great. No other object expresses our identity as a free people quite so well as our flag.

That's what this campaign is all about.

It's about preserving and restoring respect for that ultimate symbol of those values . . . so that our children and our grandchildren . . . will understand the price paid for our freedom.

So they will appreciate what it means when they see us place our hand over our heart and say, "I pledge allegiance to the Flag of the United States of America . . ."

It's about restoring respect for each other and for our institutions, so that we can perpetuate our sense of national unity, so we can celebrate our great accomplishments, and so we can rightly be proud to be Americans.

If we can do that, perhaps we can also rekindle in others—young and old alike—that indescribable emotion we feel when we look upon the United States Flag flying proud and unfettered against a spacious blue sky.

Thank you for allowing me to share some thoughts on our flag and its significance with you. I appreciate your kind attention, and I hope you have been moved to join us in our quest for a constitutional amendment to protect the flag.

God bless you, and God bless America.

TRIBUTE TO FRANK FULKERSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SKELTON. Mr. Speaker, today I wish to honor an outstanding Missourian, Frank Fulkerson, whose contributions to the State of Missouri should not be overlooked. Frank Fulkerson, area engineer, Missouri River Area Office, Kansas City District, is recognized for exceptional performance of emergency duties in a position of great responsibility during the period August 1993 through October 1994.

The Great Flood of 1993 destroyed the Missouri River Non-Federal Levee System. This left not only communities full of people, but valuable farmlands unprotected from future flooding. This levee system stretched from mile 498.2 at Rulo, NE to mile 0.0 at the mouth near St. Louis, MO. Approximately 1,000 river miles were contained in this region.

By the end of October 1994, the area office completed 68 levee rehabilitation contracts with a value of a $15.7 million completed under P.L. 84–99. Eleven similar contracts, valued at $3.3 million, were near completion. Five stone placement contracts for bank and channel work, with a value of $4.5 million were also completed and one, at $1.8 million was nearing completion.

Frank Fulkerson not only undertook, but was highly successful at completing this all-encompassing project. His competent judgement and outstanding leadership brought about timely results that will yield benefits to many residents on the Mid-West. His skillful capabilities and commitment to responsibility not only reflect himself, but his organization and the U.S. Army Corps of Engineers.

PREVENTING TWENTY OR MORE TERRORIST NUKES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GILMAN. Mr. Speaker, as we go about the business of considering the GATT Treaty today, I want to take a moment to commend our Departments of State, Defense, and Energy for their recent, successful effort to remove about 600 kilograms of highly enriched uranium from the newly independent State of Kazakhstan.

As we all know from the joint statements released by those agencies last week, as secret operation, code-named "Sapphire," was begun early this year, after the Government of Kazakhstan secretly notified our Government that it had the weapons-grade material stored at a facility in Ust-Kamenogorsk. The highly enriched uranium, inherited by Kazakhstan from the former Soviet Union, was simply licked in a warehouse at a nuclear fuel fabrication plant. There were none of the high-tech safeguards that we in the United States consider essential to preventing the theft of such very dangerous materials.

Obviously, our Government's immediate concern was that this weapons grade material might eventually fall into the hands of terrorists—or regimes that sponsor terrorist activities. Perhaps most ominous was the fact that the material was reported to be stored in about 1,000 canisters that were readily transportable.

Through this successful operation by the Departments of State, Defense, and Energy, that concern has now been addressed.

Mr. Speaker, the Government of Kazakhstan also deserves our strong commendation for the very constructive role it has played in Operation Sapphire. As we all know by now, the American and Kazakh Governments have worked closely over the past few months to secure the weapons grade material and then transport it safely to the United States, where it is now secure from possible theft. This is further evidence that, since committing itself to be a nonnuclear state under the Nuclear Non-Proliferation Treaty, Kazakhstan has taken its obligations under that treaty seriously. Not only did Kazakhstan voluntarily notify the United States of the presence of the materials at Ust-Kamenogorsk, but, as one of those Americans actively involved in Operation Sapphire stated, Kazakh officials bent over backwards to help us.

Mr. Speaker, before Operation Sapphire began, Kazakhstan had already agreed to also relinquish the powerful nuclear weapons that it had inherited from the former Soviet Union. Frankly, given Kazakhstan's actions in this regard and in carrying out Operation Sapphire, it strikes me that that country is proving itself to be a responsible member of the international community, deserving of the assistance we are now providing to help it implement economic and political reforms.

Mr. Speaker, I hope that all of my colleagues will join me in commending those of our American agencies that planned and carried out Operation Sapphire, and in commending the Government of Kazakhstan for its very responsible actions in this matter. Together, the United States and Kazakhstan have prevented 20 or more nuclear weapons from falling into the hands of terrorists.

"60 MINUTES OF SHAME"

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BONIOR. Mr. Speaker, on October 23, the television show "60 Minutes" aired a story titled: "The Ugly Face of Freedom" which purported to examine anti-Semitism in Ukraine. The inflammatory nature of the story has raised concerns in both the Ukrainian and Jewish communities.

As part of the story, excerpts were shown from an interview with Ukraine's Chief Rabbi Yakov Bleich in which he ways, "They want the Jews out." Due to the manner in which it was presented, viewers were led to believe that this feeling is widely held in Ukraine. However, in a recent interview, Rabbi Bleich explained that he, "was talking about the extremists that they had taken footage of. I certainly didn't mean the Ukrainian Government or the population at large. I mean that's crazy."

The sentiments were echoed by Martin Plax the area director of the American Jewish Committee in Cleveland. In a recent article, he stated:

> I was amazed by the selective and highly inflammatory way in which the entire report was crafted. So was Rabbi Yakov Bleich who was sent a videotape of the show by the American Jewish Committee. In a telephone conversation yesterday, Bleich said he was furious with the way his interview was edited. He said that he had told "60 Minutes" about many positive things taking place in Ukraine and that when he said "they want the Jews out" he was referring to small, but vocal groups of ultranationalists who are anti-Semitic, but not a significant force in the country.

Anti-Semitism and hatred must be constantly fought. However, as Mr. Plax continues:

> The Jews who have chosen to remain in Ukraine and to live Jewishly cannot be aided by an eruption of indignation and panic. We can give aid to them, however, by supporting the forces that exist within Ukraine which are striving to contain any hatred and promote stability and moderation.

Unfortunately, anti-Semitism does exists in Ukraine, as it exists in the United States and in many parts of the world. However, I am encouraged that Ukrainian President Leonid Kuchma visited the Holocaust Museum during his trip to Washington. While at the museum, Kuchma stated:

> The Holocaust is a human tragedy of universal significance. Humanity can never forgive the criminals and their lackeys who covered themselves with the blood of Jews Unfortunately, there were Ukrainians among the criminals unworthy of being called Ukrainians.

Such strong sentiments give me hope that things have improved in Ukraine since the end of the Soviet Union. Ukraine's Declaration on the Rights of Nationalities in Ukraine guarantees the rights of all citizens to profess their religion and makes discrimination against minorities punishable under law. The Government has been striving to protect these rights, and these efforts should be encouraged.

At this time it is imperative that we help the forces of tolerance and openness in Ukraine. To imply that Ukrainians are "genetically anti-Semitic" will not promote progress and understanding. "60 Minutes" can do better than to air such an inflammatory story. I would like to end by quoting Martin Plax once again:

> If we do anything other, we may learn another lesson; that those who distort the present, by assuming that nothing has changed from the past, will increase the probability that they might relive the past from which they had hoped to escape.

"60 Minutes" has done a disservice to both the Jewish and Ukrainian communities. They owe an apology to the Ukrainian community in particular for defaming their character with such broad stereotypes. Shame on "60 Minutes."

THE BICENTENNIAL OF CHESHIRE ACADEMY

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FRANKS of Connecticut. Mr. Speaker, today, I would like to recognize the bicentennial anniversary of the oldest boarding school in Connecticut. Cheshire Academy was founded in 1794 in the beautiful town of Cheshire. Its original mission was to prepare boys and girls for college and the clergy.

Cheshire Academy became an all-male military school in the 19th Century. The school community at that time included some of the heroes of the Civil War: Adm. Andrew Hull Foot, Congressional Medal of Honor winner Eli Woodbury, and President Lincoln's Secretary of the Navy Gideon Welles. Pictures exist of students in uniform marching on the dirt roads of what was then the farm village of Cheshire. The school at that time educated J.P. Morgan, who carved his initials into the bell in the tower of the school's oldest existing building, Bowden Hall.

In the 20th Century, Cheshire Academy became a preparatory school for colleges, in particular Yale. The school acquired an international flavor as students beyond the United States began enrolling there. Among the 20th century alumni of Cheshire Academy are Fred Friendly, former president of CBS News, and Roberto Goizueta, the president and CEO of Coca-Cola. In 1969 Cheshire Academy admitted women and returned to its original purpose of educating both boys and girls.

As it enters its third century, Cheshire Academy is giving students from a variety of cultural and socio-economic backgrounds an opportunity to experience independent school life. Through its small classes and extraordinarily committed faculty, the school continues to fulfill its mission of providing a personal and exceptional education to college-bound students. I salute the legacy of Cheshire Academy and wish the school many more years of success.

TRIBUTE TO HINSDALE COUNTY SHERIFF ROGER COURSEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MCINNIS. Mr. Speaker, I rise today to recognize a dedicated law enforcement official, Hinsdale County Sheriff Roger Coursey, who was shot and struck down Nov. 18 in the line of duty. While the nationwide hunt continues to find the couple who is allegedly responsible for his death, the community in Hinsdale County mourn the passing of a favorite son.

Sheriff Coursey, who was 44 years old, stopped the couple's truck after reports of several robberies, including a bank in neighboring Mineral County. The driver of the truck shot and killed Sheriff Coursey as he approached the vehicle.

The killing virtually shut down the town of 250, while the search for the two suspects was conducted. Residents were warned to lock their doors, and they curled up in their beds with hunting rifles.

Hundreds of mourners gathered with Roger's widow, Karen, and his grandson, Trevor Stephens last week, to pay their last respects to honor the slain sheriff.

Roger Coursey was appointed sheriff last August, and was elected to his first term less than 2 weeks before he was killed. The week before he was shot, he jumped into the icy water of Lake San Cristobal near Lake City and saved the life of Tommy Thompson, a National Park Service employee.

Roger was buried in the same cemetery where another Hinsdale County Sheriff was put to rest. Like Roger, Sheriff Edward Campbell was shot to death by two robbers, and like Roger, Campbell was getting ready to arrest two criminals, and was ambushed and killed in front of his undersheriff. Only in that case, which happened more than 100 years ago, the two murderers were captured that night and a lynch mob administered some Western justice with rope and a tree.

Freedom, peace, and justice in a society all come at high cost, but they are the foundation for a great society. At the core of such a society are brave people who stand up to be counted, who spend their energy making a secure future for others. It is people like Roger who fit that category. Roger's love of life, of people, of children, and his wife, was what drove him to his dedication as a sheriff.

Roger is a hero, and one did not need to know him to love and admire him.

I will end in saying that there is no greater price than that paid by Roger and his family, but that price allowed freedom and justice to stand tall in our society. Soon the assailants will be apprehended, and in the end, Roger will prevail.

TRIBUTE TO J. ROY ROWLAND

HON. CONSTANCE MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to our Georgia colleague, J. ROY ROWLAND, who is retiring this year after ably representing the 8th District for six terms.

ROY ROWLAND has made a major mark on a variety of important issues during his tenure in the House, not the least of which revolve around health care. A physician with the courtly manner of Marcus Welby, ROY has shown interest in research to cut infant mortality rates and was a member of a national and regional commission on the subject. He pushed successfully for an AIDS advisory commission, and has been an influential voice on a number of AIDS issues.

ROY has most recently been a major player in the debate over health care reform, and while he plans to retire back to his beloved Georgia, we will have the good fortune of hearing from him again in the future: he plans to continue to participate in the national debate on the topic.

I join my colleagues in wishing this fine Congressman, physician and gentleman continued success in his retirement.

JERRY NASITS CELEBRATES 80TH BIRTHDAY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to Mr. Jerry Nasits as he prepares to celebrate his 80th birthday. Mr. Nasits lives in Tyler, TX, a city I am proud to represent.

A native of Missouri, Mr. Nasits graduated from high school in California and moved to Tyler in 1932. His accomplishments and achievements in that community are lengthy and varied. In the business world, Mr. Nasits made a name for himself as the owner of a thriving flower shop and as a realtor. In addition to these businesses, he has been involved in numerous other ventures.

Jerry Nasits' civic contributions have been extremely noteworthy as well. He chaired the Smith County Red Cross, served as a director of Camp Fire Girls, was on the advisory board at Mother Frances Hospital, served on the board of the Tyler Chamber of Commerce and as president of both the Lions Club and the Jaycees. Also, he was a director of Southside State Bank. Perhaps Mr. Nasits' most notable accomplishments came when he served on the city commission of Tyler and as mayor of the city. His record of personal accomplishments is long, Mr. Speaker, but not nearly as distinguished as his list of accomplishments for Tyler and the surrounding Smith County area.

Mr. Nasits is married to the former Thelma Miller, a native of Corsicana. He and his wife are active members of Temple Beth El, where Mr. Nasits has served on the board of the synagogue and as president of the Men's Club. The Nasits have two daughters and four grandsons. I am sure his family joins this chamber in wishing Jerry Nasits a very happy birthday.

And so, Mr. Speaker, as we adjourn today, let us do so in honor of Jerry Nasits, with gratitude for his past 80 years and best wishes for a healthy and happy future.

TRIBUTE TO DONALD R. HUGHES

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. COBLE. Mr. Speaker, I rise today on behalf of the citizens of the 6th District of North Carolina, to say a few words of praise about a fellow citizen, Donald R. Hughes, who is retiring as vice chairman of Burlington Industries, Inc.

Burlington Industries, one of the largest and most diversified manufacturers of textile products in the world, is headquartered in my district and employs thousands of people throughout our great State. Through Don's outstanding leadership and commitment during his 35 years with Burlington, he has worked tirelessly to see that the company thrived and that the employees prospered.

In his many positions of leadership within the company and within the community, Don has always kept the welfare of working men and women foremost in his mind. That concern manifested itself over the years in Don's personal commitment to do everything he could to see that the jobs of Burlington employees and other textile and apparel workers were not sacrificed to unfair global competition. His interest and expertise in this area led to his chairmanship of the Fiber, Fabric and Apparel Coalition for Trade, and presidency of the American Textile Manufacturers Institute.

Don's concern about fairness in the international trade arena brought him to Capitol Hill time after time, year after year, to fight for better trade laws and policies to benefit America's workers.

Don knows full well the importance of maintaining a strong U.S. manufacturing base and made no bones about communicating this forcefully to Members of Congress and to the administrative branch. Don made many contributions to his company and his community, but this, to me, is the primary reason why he will be remembered so well and with such admiration.

I know I speak for many others in Congress, at Burlington and throughout the 6th district today, as I thank Don Hughes for a job well done on behalf of the U.S. textile industry and wish him well in his retirement years. I am sure his loving family—wife Agnes, daughters Elizabeth and Suzanne, and grandchildren, will keep him well occupied and happy in the years ahead.

CLOSER UNITED STATES-UKRAINIAN RELATIONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GILMAN. Mr. Speaker, with the conclusion of last week's state visit by Ukrainian President Leonid Kuchma, I am pleased to see some very significant improvements in our country's relations with the newly independent state of Ukraine.

First of all, the administration arranged a state visit for the President of Ukraine, the same honor accorded recently to Russian President Boris Yeltsin. The move to raise Mr. Kuchma's visit from the status of an official visit to that of a state visit was very important to the Ukrainian people. Too often it seems that we here in Washington have overlooked the fact that Ukraine is a major successor state to the former Soviet Union. While Russia is certainly the largest such successor state, Ukraine, with a population and territory often compared to that of France, deserves and requires our attention as well.

I believe that hosting this state visit for President Kuchma has sent a strong signal to the Ukrainian people that their nation's important role in Europe is recognized here in Washington.

Mr. Speaker, I also want to commend President Kuchma and the Ukrainian Parliament for making some difficult but vital decisions recently. First, the Parliament has now agreed to allow President Kuchma's government to proceed with badly needed economic reforms. Second, the Parliament also recently agreed with President Kuchma that Ukraine should fully and finally relinquish its considerable arsenal of Soviet-era nuclear weapons and ratify the Nuclear Non-Proliferation Treaty.

These important and welcome actions by the Ukrainian Government should now clear the way for a much-improved relationship both between Ukraine and the United States and between Ukraine and the nations of Western Europe. Frankly, in pursuing economic reforms, Ukraine has many more extremely difficult steps to take and it will need support from all of those countries. I was pleased to see that President Clinton has now moved to allocate additional assistance for Ukraine from funds already appropriated under the Freedom Support Act aid program. It is important, however, for the other members of the G–7 group of countries and the international financial institutions to move now to meet the commitments made to Ukraine at the Naples G–7 Summit in July. The G–7 package of $4.1 billion in loans and grants that was then promised to Ukraine once it began real economic reforms will be badly needed.

Mr. Speaker, as an American of the Jewish faith, let me also take just a moment to thank President Kuchma for taking time during his visit to the United States to visit the Holocaust Museum in Washington and to meet with Jewish communities in both Washington and New York City. His assurances that his government will combat anti-semitism in Ukraine mean a great deal to those who survived the Nazi-inspired atrocities carried out in Ukraine and the rest of Eastern Europe in World War II. I sincerely hope that Ukraine will indeed build on the positive steps it has already taken, such as the return of synagogues to their congregations and the encouragement of cultural and educational rights for the Jewish minority and other minorities in Ukraine.

Finally, Mr. Speaker, let me take this occasion to call on President Yeltsin and the Government of the Russian Federation to move to finalize a bilateral treaty with Ukraine that will explicitly recognize that new state's territorial integrity and sovereignty. It is time for Russia, Ukraine and the other states of Eastern Europe and Central Asia to move forward. There is no need for any one of these nations to dominate its neighbors. There is instead an urgent need for them to work together to overcome the terrific economic and political challenges they face. Now that the United States-Ukrainian relationship is moving forward, I hope that the United States—along with Germany and the other nations of Western Europe—will continue to provide diplomatic support for an improved relationship between Russia and Ukraine, which may prove vital to the future peace and stability of all of Europe.

KEEPING JUDEO-CHRISTIAN VALUES IN OUR LEGISLATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. OWENS. Mr. Speaker, several mean-spirited and inhumane proposals have been made with respect to children and welfare since the November election. Despite the lessons of history, practical experience, social science, and common sense, it has been proposed that poor children be taken from their mothers and warehoused in orphanages. It has also been stated that the mothers who can not find jobs after 2 years on the welfare rolls should be thrown into the ranks of the homeless. Instead of advocating a long-term economic stimulus to provide thousands of jobs for welfare recipients and others, we are being told that a certain segment of the population should be abandoned. The logical end point for such indifference will be similar to what is presently now taking place in the streets of certain South American cities. Bounty hunters are being paid to shoot orphans in the streets of Brazil. Children have been labeled as pests and large numbers of citizens have applauded the discovery of piles of murdered youth in the alleys. The situation is an abominable one; however, this is a logical consequence of the irresponsible neglect by public officials. In rich America there is no need to flirt with this brand of savagery. The policy must be to provide jobs to all of these who are able to work; provide a basic income for all parents. A firmly established long-term job-creation program would guarantee that in America we will never be tempted to discard our Judeo-Christian values. All human life is sacred. This is a nation that will never allow any group to shoot orphans in the street.

SHOOT THE ORPHANS

Shoot the orphans
In the street
Keep the neighborhoods
Ultra neat
Raise your ratings
In the polls
Slash and burn
The welfare rolls
Shoot the orphans
In the street
Soft Jesus Christ
Was dead wrong
The weak are free loaders
Only the strong
Really belong
Suffer the dirty urchins
To bleed in the night
Keep bloated bellies
Back in the alleys
Way out of sight
Shoot the orphans
In the street
Civilization is
A wonderful thing
Overflowing plates
For the few
It will surely bring
But when the wretched
Dare to meet
Feed them bullets
Without wheat
Shoot the orphans
In the street
In right wing weapons
We take great delight
Murdering mass dreams
We think it only right
That opportunity be assaulted
Every day and each night
Too soft on crime
Great liberal of his time
Long haired Jesus
Was all wrong
The meek are free loaders
Only the strong

Really belong
Cut the welfare rolls
Raise your ratings
In the polls
Keep the neighborhoods
Ultra neat
Shoot the orphans
In the street.

ANTI-GATT MYTHS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. OXLEY. Mr. Speaker, in view of the ever-increasing rhetoric from several anti-GATT sources, I submit for the RECORD a well-written and incisive column by Donald Lambro of the Washington Times which debunks the myths being used by GATT opponents. I recommend this for all of my colleagues and anyone else who is truly interested in an accurate picture of the impact of GATT.

GATT AND THE UNDERTOW OF A FREE-TRADE UTOPIA

When Congress votes this week on the international agreement to lower trade tariffs, known as GATT, it will decide whether America is going to be a key player in the global economy or run away from it.

What is at stake here is nothing less than the future economic strength of the United States—the largest and most prosperous exporter of goods and services on the planet—and whether we are going to continue to be the leading export-import trader in the lucrative world economy.

At its heart, the General Agreement on Tariffs and Trade is the richest business deal of the century. A vote for GATT means that America's businesses and their workers are going to be making those deals and profiting from them by selling U.S. goods and services to the world. That means higher profits and that leads to more and better-paying jobs.

The fight over GATT is really between those who want to lead America into the future, and ensure it is going to be part of the emerging markets hungry for American products and culture, and those who want to take us back to the past and rebuild the old tariff walls of Smoot-Hawley, which helped plunge the world into the Great Depression.

The former would be a vote of confidence in America's ability to compete and win in world markets. The latter would be a vote for retreat, surrendering those lucrative consumer markets to our competitors.

Trade is where the jobs of the future are coming from, says business guru Peter Drucker. That's why America has to plunge into the world economy head first, selling its computers, its laptops, its pagers, its airlines, its fast food, and its entertainment industry.

There are a billion potential customers in China for telecommunications equipment. And America, which makes the best telephone equipment in the world, must be the leader in that market.

A lot of myths, scare-tactics and demagoguery have been used against GATT by its opponents. Let's examine a few of them one by one:

American jobs will be lost and our economy will be hurt if we join GATT: The numbers show just the opposite has happened since the first GATT agreement took effect in 1947.

Back then U.S. exports represented 8 percent of our gross national product, which was about $234 billion. Last year, despite strong competition around the world, we exported more than $660 billion in goods and services, which accounted for 10.4 percent of our gross domestic product, which now stands at almost $6.5 trillion.

Those exports not only directly support 10 million American jobs, but the nation's total work force has exploded over this period, growing to more than 115 million workers today.

Imports produce unemployment: This is the phoniest and most specious of all the anti-GATT arguments. The lack of enough good-paying jobs is caused by too little capital investment in new and existing businesses. And that stems from excessive taxation on savings, income and investment capital.

If you want to see what higher tariffs will do to employment, examine the mess that Mexico was in just a few years ago until it began deregulating its economy. It had imposed high tariffs on imports and raised other obstacles to foreign investments to protect its industries. Yet Mexico was in a depression and its people were jobless until it opened its borders to trade.

Argentina is another example. Until 1930, it was a fast-growth country, attracting outside capital, immigrants and trade. But it chose to close its door to GATT, and shrank behind its higher tariff walls. The result was an economic disaster for that country until it opened itself to trade in the past decade and began rebuilding its economy.

Look at all the countries who joined GATT in 1947 and those who did not and you will see that the GATT countries are the most prosperous nations while the non-GATT countries are the poorest.

The World Trade Organization that GATT would set up to mediate disputes would undermine American sovereignty: Trade agreements are needlessly complex and the WTO is unnecessarily bureaucratic.

But a Joint Economic Committee analysis found nothing in the WTO provisions that would endanger America's independence. There is nothing in this agreement that could in any way prevent America from withdrawing at any time it chooses to do so. Besides, when has the United States ever been forced by a world body to do something that we deemed to be against our national interests?

The cut in tariffs will drive up the deficit: Actually, the increased economic growth and jobs that will result from expanded trade will produce a net revenue gain for the government, even with reduced tariffs.

A study by the Republican staff of the Joint Economic Committee of every major economic growth estimate of GATT from a wide range of economists and organizations showed eight different estimates of revenue gains. "When the total fiscal impact of the GATT is considered, the total new revenues could go as high as $115 billion over five years," and a JEC report.

The world's industrial powers and emerging growth economies are on the brink of a historic tidal wave of increased trade. It is America's destiny to not only be a part of this global growth, but to lead it.

TRIBUTE TO HISTORIC POST CHAPEL, FORT MEADE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to the Historic Post Chapel at Fort George G. Meade, MD. On Sunday, December 11, 1994, the Historic Post Chapel will celebrate 60 years of dedicated service to the soldiers, sailors, marines, airmen, and the families of Fort Meade in an afternoon anniversary service.

I want to share with you the history of the Historic Post Chapel. There are only eight buildings of its kind in the United States. Designed by an unknown architect, the chapel reflects the design of 18th Century tidewater churches. In the early 1940's, stained glass windows and an altar mural were given as a gift by active duty regiments stationed at Fort Meade, and by veterans of the 79th Division. The gift was given in memory of those soldiers who trained at Camp Meade, as it was formerly known, and lost their lives in World War I. Each window carries individual regimental crests and dedications that reflect Biblical scenes from the life of Jesus Christ.

The significance of the Historic Post Chapel does not rest soley on its unique design and architecture. Rather, it lies in the interdenominational community of people who have belonged to this heralded chapel for more than a half a century. Through two world wars, the Korean conflict, the Vietnam war, and Operation Desert Shield/Desert Storm, a congregation of all ages and backgrounds has turned to this sanctuary for companionship, solace, and spiritual guidance.

It is with pride and great pleasure that I commend the Historic Post Chapel at Fort Meade for its valuable years of service to a growing, increasingly diversified military community. I hope that my colleagues will join me in congratulating the Historic Post Chapel on its 60th anniversary and in extending best wishes for the future.

TRIBUTE TO CHARLES FENTON GRIGSBY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GORDON. Mr. Speaker, I rise to pay tribute to one of Tennessee's most prominent citizens, Charles Fenton Grigsby, who had a long and productive career in law enforcement and in his community until he died on October 19.

Mr. Grigsby, who was born in Bethesda, TN in 1910, began his career in education as a high school teacher, coach, and principal. He served his country in World War II as a lieutenant in the Navy, earning a Purple Heart in the Pacific. He obtained his law degree at Georgetown University while working for the Federal Bureau of Investigation in Washington, DC, and returned home to Tennessee for an illustrious FBI career that included investigative work on the trial of teamsters boss Jimmy Hoffa.

One of Charles Grigsby's most noteworthy contributions came with the creation of the Tennessee Law Enforcement Training Academy. As an FBI police instructor traveling throughout the State, he had identified the need for professional standards and training for police and other law-enforcement officers. Thanks to his tireless efforts, the Academy finally opened its doors on October 17, 1966. He served as assistant director from 1966 to 1968, then as director from 1968 to 1976, ensuring sustained and growing support during the Academy's crucial early years.

Now nearly 30 years old, The Tennessee Law Enforcement Training Academy has trained several thousand officers in the highest standards of professionalism and integrity. On the occasion of Mr. Grigsby's retirement in 1976, the Nashville Banner quoted him as saying:

> Training in all facets of law enforcement doesn't mean a thing unless the officer has integrity. He can do anything with that, as long as he has pride in this work.

Carrying on that tradition of integrity, Mr. Grigsby went on to be assistant counsel and investigator for the Tennessee Supreme Court's Board of Professional Responsibility. For the last 15 years of his life he practiced law in Franklin, TN, while serving as the mainstay of numerous law enforcement, veterans and other organizations. He was actively involved in alumni affairs at his alma mater, Middle Tennessee State University, and was selected as an outstanding alumnus in 1970.

Charles Fenton Grigsby will be remembered fondly by many individuals and groups for his integrity, for his patriotism, and for the vigor and good humor that characterized him until the day of his death. Please join me in paying tribute to the life of this notable Tennessean and proud American, and in extending condolences to Mr. Grigsby's family and friends.

TRIBUTE TO J.J. RAIGOZA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to an individual who made numerous contributions to the community of Pueblo CO, J.J. Raigoza. J.J. was an inspiration to the community, especially to the youth in Pueblo. I request that the article by Gail Pitts published in the Pueblo Chieftain, on September 17, 1994, be inserted into the RECORD.

"JJ" Raigoza was indeed a giant of a man. At 6 feet 2 inches tall and 320 pounds, he was physically imposing.

But equally, he was a giant of a human being, in his enthusiasm, his compassion and his advocacy.

"He was an advocate since the day he left the service," his older son, JJ II, said Friday.

Johnny Jesus "JJ" Raigoza died Wednesday at age 49 following a two-month illness. Funeral mass will be at 10 a.m. today at St. Francis Xavier Church followed by interment with full military honors at Imperial Gardens.

"He was a tremendous advocate for all the youngsters," recalled John Tracey, chief judge of the 10th Judicial District where Raigoza had been a probation officer since the mid-1980s. "But at the same time, if they didn't respond, he would be the first one to come in and say it was time they received some serious consequences."

Tracey recalled first meeting Raigoza when he applied for the Pueblo job after serving in Colorado Springs.

"He just exuded a kind of enthusiasm for the job and you felt that here's a man who's got not only some enthusiasm, but will bring new ideas and invigorate whatever he undertakes."

That's what Raigoza did in his probation job, taking "the toughest of the tough in terms of counseling needs," Tracey said.

And that's what he did throughout his life, his wife, Arlene Raigoza said.

The couple met when both were working in the War on Poverty.

A Pueblo native and 1965 graduate of Central High School, Raigoza graduated from the University of Southern Colorado and served six years in the U.S. Navy in Vietnam and Guam.

He became involved in everything, from neighborhood healthcare programs to the Colorado Advisory Council on Alcohol and Drug Abuse.

He also worked as a guard in the forensics unit at the Colorado Mental Health Institute at Pueblo, for the district attorney, and at Spanish Peaks Mental Health Center.

He played a major role in the Latino Chamber of Commerce.

"He was an asset to our organization," said Bonnie Martinez, Latino Chamber president. "He truly gave his time. He always had time for everybody and everything."

Among dozens of accomplishments his proudest was his role in the development of the Bessemer Ditch Rehabilitation Bill which was signed into law July 9, 1982, by then-President Jimmy Carter.

Raigoza had discovered the widespread flooding of basements in the Bessemer Ditch area and worked tirelessly to see the bill passed, she said.

The family enjoyed a vacation in Washington, D.C., this summer, a vacation they will treasure all the more now, she said.

Recently, he had lost a good deal of weight, Mrs. Raigoza said. "He wanted to get in shape."

And he formed his own business, AJ Connections, with an eye to a dream of developing a demographics data and editing business.

"He discovered computers," she said, George Autobee, former Puebloan who operates a Center for Hispanic Studies in Denver, "kept telling him, you've got to get in computers."

He did and made sure the children, and Mrs. Raigoza, became computer literate.

"He had a keen mind; he was very sharp; he was never boring she said. "To me he had charisma."

Judge Tracey agreed. "I believe he was universally liked."

THE OAKLAND PARK OUTPATIENT CLINIC

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SHAW. Mr. Speaker, I rise today in support of the Department of Veterans Affairs outpatient clinic in Oakland Park, FL. The clinic, which will celebrate its 13th anniversary this year, is a rare and excellent example of what truly works in the largest health care delivery system in the United States.

The DVA receives a lot of bad press, some of it well deserved, but as a legislator I would urge the media to peek into the way the Oakland Park clinic delivers its message and its health care. When the clinic opened in 1982, its chief administrator, Dr. Sumner Fredd, developed a consumer affairs group comprised of the chapter and post commanders of the service organizations. For 13 years he has continued to meet with this council monthly to discuss personnel changes and shortages, clinical trends, and other subjects his veteran consumers wish to discuss. Dr. Fredd is responsible and accessible and, thanks in large part to his leadership, the system actually bends to accommodate those who do not fit into the rigid divisions bureaucracy tends to create. The commitment to veterans exhibited by the employees of the clinic symbolizes all that is good about the DVA.

Today I rise to do my part in getting the DVA some good publicity. Five words: The Oakland Park Outpatient Clinic.

IN OPPOSITION TO HOUSE CONCURRENT RESOLUTION 301

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. HARMAN. Mr. Speaker, I rise in opposition to House Concurrent Resolution 301, the sense-of-Congress resolution regarding entitlement spending. It is with some reluctance that I oppose this measure. I know that Mr. ORTON and the supporters of this resolution have worked hard and I agree that Congress must face up to the growing problems associated with the explosion of costs in entitlement programs.

Today, half of all Federal spending is for entitlement payments to individuals. In less than 10 years that number will be upward of 65 to 70 percent—unless, of course, the current benefit and revenue structures are significantly revised. Just to illustrate the scope of the problem, if the Congress does not act, in less than 10 years most entitlement benefits will have to be cut by 50 percent or the taxes paid to support payments doubled.

Having said that, I reluctantly oppose the resolution and the amendments to be offered by Mr. ORTON because this debate, at this time, is sure to be unproductive and may only serve to make reform of entitlement programs more difficult to accomplish in the future. The proper time and place for the Congress to debate these issues is after thoughtful and sober hearing and analysis, not in the closing hours of a congressional session.

The Bipartisan Entitlement Commission, chaired by Senators BOB KERREY and JOHN DANFORTH, is conducting an extensive study of all aspects of entitlement spending. They will issue a final report to the President and Congress at the end of the year. The 104th Congress should hold extensive hearings on that report and consider legislation to bring about real and sustained reform of these programs.

The prudent course of action is to carefully review all options for reform and the potential impact of all reform proposals before we vote. We should await the Kerrey-Danforth Commission report before acting. For these reasons, I must oppose this resolution.

J. RAYMOND KEANY—A BIRTHDAY TRIBUTE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. OBERSTAR. Mr. Speaker, a great and patriotic American, Mr. J. Raymond Keany, will celebrate his 90th birthday on January 14, 1995. I take this opportunity on the last day of the 103d Congress to pay tribute to Ray Keany, who has served our country in so many important and distinctive ways, and who has also contributed to his faith community, his fellow citizens locally, and to the needy.

Ray Keany served his country with distinction during World War II in North Africa as a member of the 391st Army Engineers Regiment. After the war, he joined the United Nations Relief and Rehabilitation Administration, where he worked effectively to deliver the substantial and highly successful U.S. efforts to restore stability to post-war Europe. Later, Ray represented an international oil company in Washington, DC for 23 years.

Throughout his life, Ray Keany has given tirelessly of himself to help those less fortunate than he: As a 40-year member of the Washington Host Lions Club, he has helped raise money for the Washington Region Eye Bank, as well as raising funds for many other charitable organizations. Ray has been particularly instrumental in generating financial support for the Children's Inn at the National Institutes of Health, and for S.O.M.E., [So Others Might Eat] a Northeast Washington soup kitchen serving the area's poor, needy, and homeless.

Ray Keany also serves as a regular Sunday usher at St. Bartholomew's Church in Bethesda, MD, which is where I first came to know Ray and to observe his active involvement in parish life and service to his fellow parishioners. All of us in the St. Bart's faith community are impressed and inspired by Ray's sprightly smile, his sincere and enthusiastic welcome to one and all, his quick good humor, and his warm, engaging personality.

His contributions to family, church, and country are more numerous than the highlights I have listed here, but they all bespeak a man much loved and respected by all who have come to know him. I join Ray Keany's family and legion of friends in wishing him a happy 90th birthday, and many more years of robust, good health.

TRIBUTE TO MR. TALAT M. OTHMAN

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. RAHALL. Mr. Speaker, I rise to pay tribute to Mr. Talat M. Othman, chairman of the board and founding member of the Islamic Cultural Center of Greater Chicago, on the occasion of the celebration of the center's 20th anniversary on November 19, 1994, at the Hyatt Regency O'Hare Hotel in Chicago.

As the founding member, Talat Othman saw the Islamic Cultural Center established in a ground breaking ceremony in September 1974, with completion on March 21, 1976, and became its first president.

The second phase of the Cultural Center was completed in 1988, and Mr. Othman was called upon by the board to chair the grand opening ceremonies, and in 1991 Mr. Othman was elected to the board and has since served as its chair.

As one of the founding fathers, Mr. Othman has been an active force in the center's activities, serving Muslims from Bosnia, the Middle East, Pakistan, and other regions of the world. An important activity in which he has been involved, is the center's outreach program, reaching out to those of other faiths, as well as the important sharing of dialog with those in the Abraham faith.

In 1990, Mr. Othman formed a school advisory board to revamp and strengthen the weekend school at the center, and he has provided strong support to the activities of the center's women's group, including the provision of social, educational, and humanitarian support for the center.

In 1991, Mr. Othman was elected president of the ad hoc committee and successfully completed the tasks given him by the Islamic Organizations in Chicago to form the Council of Islamic Organizations, which now coordinates the activities of all the Islamic organizations throughout the area.

Mr. Othman, in addition to his duties as president of the center, is also chairman of the Dearborn Financial, Inc. of Arlington Heights, IL, and serves on the board of directors of Bank One Wisconsin Corp., Milwaukee; the Dansk International Design, Mt. Kisco, NY; Gorham, Inc. of Providence, RI; the Tejas Power Corp. of Houston, TX, and many others.

Mr. Othman is also a member of the Dean's Council of Advisors, Kennedy School of Government, Harvard University, on the board of Rand Corp., the Center for Middle East Studies, University of Chicago, and the Middle East Policy Council in Washington, DC. He also serves on the Board of Governors of St. Jude's Children's Research Hospital, and its fundraising arm, the American-Syrian-Lebanese Associated Charities.

Mr. Othman has been listed in the Who's Who in the Arab World, Who's Who in Finance and Industry, Who's Who in the Midwest, Men of Achievement, Personalities of America, Distinguished Americans, and Five Thousand Personalities of the World.

I heartily commend Mr. Othman for his lifelong public service, and for the strength of his leadership of the Islamic Center and its many humanitarian achievements on the part of the membership. He is, without a doubt, a leader among men. He continues to serve humankind with his great business acumen, human compassion, and his outstanding organizational skills.

On the 20th anniversary of the creation of the Islamic Cultural Center, I send my warmest regards to Mr. Othman and the members of the center, and my best wishes for a happy, successful, and productive future.

JUDGE WILBERT F. BIGGS

HON. CRAIG A. WASHINGTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. WASHINGTON. Mr. Speaker, I rise today to honor the contributions, dedication to others, and kindness of Judge Wilbert F. Biggs. The life of Judge Biggs is a life that all of us, in this most august body, should hope to emulate in some form, fashion or function, either today, tomorrow or in the near future. Judge Biggs' life was broader than one would usually associate with a person who has the rare opportunity to be a judge. Indeed, Judge Biggs has dedicated his life to his community, his county, his State, and his country. His underlying principle is to always place his concern for the public good ahead of his personal or parochial interests.

As a part of more than three decades of service to the people of the State of Texas and Galena Park, Judge Biggs has been the municipal judge of Galena Park. He was recently appointed to serve as an administrative judge of the municipal court. As a municipal judge, Judge Biggs created diversionary programs and instituted preventive measures to ensure that those youths who visited his chambers would not do so again. He ensured that these children know not just the law, but the responsibilities that being a citizen requires. This background probably comes from Judge Biggs' service of over 30 years on the Galena Park Recreation Commission, where he was a five-term chairman, and voted a life member of the commission.

Judge Biggs has been recognized by numerous individuals and organizations for his selfless service to the community. Among his many honors and evidence of public service are awards from the Gulf Coast Community Service for outstanding service and dedication to the people of the Gulf Coast community; the Galena Park Man of the Year Award; serving as president of the Galena Park little league; director of the Galena Park Food Pantry, which serves the hungry and the homeless; his organization of the Galena Park Minister's Fellowship; and his serving as scoutmaster, neighborhood commissioner and district activity chairman of the North Shore district.

It would take reams of the CONGRESSIONAL RECORD to list the many accomplishments of

Judge Biggs. And, knowing the modesty of Judge Biggs, he would not let us know the true depths of his dedication and service. But Judge Biggs lives out what the poet John Donne once said: "No man is an island * * *. Any man's death diminishes me, because I am involved in mankind; And therefore, you never need to ask for whom the bell tolls, it tolls for thee."

Judge Biggs has answered the clarion all for service. Judge Biggs has made, and will continue to make, a tremendous difference in the lives of all Texans. It is my honor to have Judge Wilbert F. Biggs' name placed among those who have been similarly honored in the CONGRESSIONAL RECORD.

TRIBUTE TO FLOYD E. POWELL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MAZZOLI. Mr. Speaker, I rise today to honor the late Floyd E. Powell, a native of my hometown of Louisville, KY, who was known for both his professional and personal accomplishments.

Mr. Powell began a cabinet making business, F.E. Powell Store Fixtures, Inc., in the Portland neighborhood of Louisville. He welcomed new clients by having horseshoes of flowers delivered to places where his fixtures were installed.

During the Great Depression, Mr. Powell often helped poor families. For example, he made a casket for a neighboring family who could not afford one for their deceased child. Mr. Powell also donated items such as a lectern for the Holy Name Society in Louisville.

Eventually, because of his benevolent nature and entrepreneurial skills, a majority of the businesses located in the Fourth Street area in Louisville had cabinets and fixtures made by Mr. Powell. With funds accumulated from his flourishing company, Mr. Powell was able to purchase a large warehouse in the Parkland area of Louisville.

Although he passed away in 1957, Mr. Powell's business continued until 1971. Yet, because his contributions in Louisville have never been forgotten, several of my constituents have expressed an interest in getting a commemorative stamp issued in honor of Mr. Powell.

I have written the Citizens' Stamp Advisory Committee in support of this worthy cause. Floyd was not an acclaimed or famous man, but his noble achievements deserve to be honored.

TRIBUTE TO NORM DAVIS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. Norm Davis who is retiring from Michigan Consolidated Gas Co. [MichCon] after 39 years of exemplary service.

It has been my good fortune that I have had an opportunity to work with Norm during the many years we have been friends. Norm began his career at MichCon as a meter reader and is retiring as a community relations representative. His work with natural gas issues as they relate to safety, fire safety in particular, has earned Norm respect from both his colleagues and customers. Norm has also been responsible for working on initiatives that assist senior citizens and retirees.

Throughout Norm's career, his commitment to hard work was only overshadowed by his commitment to serving the community through many volunteer activities. Instead of calling it quits at 5 o'clock, Norm has devoted his spare time and talents to serving the needs of students, seniors, and the less fortunate among us. He has served as a board member for the Anchor Bay School District, the Macomb County Community Service Agency, and the Macomb/St. Clair Private Industry Council. He remains active on the National Council of Senior Citizens. Norm has also been active in numerous organizations that promote public safety.

I am confident that Norm will be missed at MichCon and I wish him and his lovely wife Mary all the best in retirement. I urge my colleagues to join me in saluting Norm Davis. His dedicated service and commitment to our community are sincerely appreciated.

TRIBUTE TO WORLD WAR II HERO GEORGE H. GAY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HALL of Texas. Mr. Speaker, it is an honor for me to pay tribute today to George H. Gay, Jr., a World War II hero and a good personal friend, who passed away October 21, 1994, in Marietta, GA. He was 77 years old.

George Gay was one of the great American heroes of World War II. As a 25-year-old Navy pilot, George flew a Douglas Devastator torpedo plane in an attack on Japanese warships near Midway Island on June 4, 1942. All the planes in his squadron were shot down, and he was the only one of 30 men to survive.

The valor of the pilots of Torpedo Squadron 8 cleared the way for an attack by American dive bombers that eventually resulted in victory. Wounded and wearing a life jacket, George watched the American dive bombers hurtle out of clouds to attack Japanese aircraft carriers. He cheered every hit. He will always be remembered as the sole survivor of Torpedo Squadron 8—shot down during the battle of Midway—a battle that turned the tide against the Japanese during World War II.

After he was rescued by American forces, George made personal appearances for the Navy. Following the war, he was a Trans-World Airlines pilot and also spoke to civic groups around the country, telling of his Midway experiences and calling for greater military preparedness.

In 1975 George was a consultant for the movie, "Midway." He toured the country with the film's stars, Charlton Heston and Henry Fonda, to promote the film. His part in the movie was portrayed by Kevin Dobson.

George had a self-deprecating humor about his part in the war. As George used to say to me, he and I were "nasal radiators" in the War—rather than naval aviators. He was also always proud that he was a Texan. He once told me during a mid-1980's visit to Tyler, TX, "Ralph, don't ever ask anyone where they are from. If they are from Texas, they will tell you. If they aren't, there's no use in embarrassing them."

George was a native of Waco, TX, before eventually moving to Marietta. He is survived by his wife, Esther, and two children. George will be remembered and missed by his many friends and his family, and his heroism in World War II will be remembered forever in the history books. I am proud to have been his friend.

As the House adjourns today, let us do so in loving memory and everlasting respect for the late Ensign Gay of Torpedo Squadron 8.

TRIBUTE TO SGT. DANIEL PATTERSON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GORDON. Mr. Speaker, as America commemorates the 50th anniversary of World War II and reflects on how its battles altered world history, I would like to take a moment to remember the heroes of that war and let them know that we have not forgotten their sacrifices.

The men and women who fought in World War II not only took part in history, they also created it and are living records of an era that must not be forgotten. Sgt. Daniel Patterson of Gallatin, TN, is one of the many men who fought honorably and bravely in that war.

Four battles, two Purple Hearts, and four Bronze Stars later, Sergeant Patterson returned home. The Battle of the Bulge is probably the most widely known of the battles in which he fought and is also where he received his first Purple Heart in December 1944 after being shot. He was awarded a second Purple Heart during the winter of 1945 in Germany when he saved a lieutenant's life and was shot in the shoulder in the process. The most amazing feat about that evening was that after being shot, the Sergeant swam across a river in below-zero temperatures. Of the 40 men who attempted the swim, only 9 survived.

Sergeant Patterson, gathering in St. Louis with other veterans from that historical battle, deserves to be remembered and his story retold. His youngest daughter, Iva Rose Patterson Cavanah, told me the story of the Battle of the Bulge. Sergeant Patterson's squad was the first to cross the Remagen Bridge over the Rhein River in March 1945 and successfully protected the bridge until all American men and equipment crossed. Along with the rest of Company 8, his squad also helped in the liberation of concentration camps.

In a letter to the Sergeant dated March 27, 1945, from former U.S. Representative Wirt Courtney, Courtney states that "I notice that you have more decorations than nearly any boy from our District." His daughter, now a staff sergeant in the army, recalls a reunion in 1988 where soldiers from the squad told her, "If it weren't for him, we would've never survived World War II." And I am sure that the lieutenant whose life Sergeant Patterson saved many years ago in Germany would have a kind word as well.

After the war, Sergeant Patterson returned to Tennessee where he married, worked as a pipefitter, and had four children. He is now retired. His two sons, John and Wayne, are pipefitters like their father. One daughter, Sarah, has worked for the State of Tennessee Child Support Division for 20 years, while Iva Rose followed her father's footsteps into the military.

The Battle of the Bulge was a turning point in the European theater, crushing any remaining German momentum. Books and documentaries have immortalized the battle and its significance. Having played a role in that historic undertaking is something in which every veteran should take pride.

50TH ANNIVERSARY OF THE BATTLE OF THE BULGE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BORSKI. Mr. Speaker, I rise today to proudly and reverently commemorate the men and women of the U.S. Armed Forces who fought and died in the Second World War Battle of the Bulge. In addition, I wish to recognize the Veterans of the Battle of the Bulge, an honored organization of patriotic Americans dedicated to remembering what has been called the greatest American battle of World War II by Prime Minister Winston Churchill.

On December 16, 1944, Adolf Hitler waged his final counter-offensive in the wooded hills of southern Belgium. In his attempt to split the Allied forces, disrupt their supply system and split their unity concerning the war, Hitler considered Belgium's Ardennes Forest a weakened juncture in the Allied troop lines. German troops had used the gateway at Ardennes in 1870, 1914, and again in 1940, to seize the bridgeheads over the Meuse River and move onward to Antwerp, the main port of the Allies.

Twenty-five German divisions, led by Field Marshall Gerd von Rundstedt, struck six American divisions at 5 a.m. on December 16, effectively surprising the troops and quickly penetrating the Allied lines. Through the American troops, under the command of Gen. Omar Bradley, tried to hold back the assault, bad weather, and the English-speaking German troops in American uniforms added to their surprise and confusion. Within 48 hours, the Germans had moved 15 miles into Allied territory and by December 24, they had progressed 65 miles deep on a front ranging from 10 to 25 miles.

American and British troops were able to hold on to the town of Bastogne, positions in the north held by United States V Corps, and positions in the south held by the United States 4th Division. These footholds enabled the Allied troops to slow the progression of the German forces toward the Meuse River until reinforcements arrived.

December 26, 1944, was a turning point in the Battle of the Bulge. Allied forces were able to reach the town of Bastogne, providing much needed support. Slowly, the United States First Army halted the progression of the German's westward drive. The United States 21st Army Group, under command of General Montgomery, took over operational control of the United States forces north of the Ardennes, and the United States Third Army units, under Lieutenant General Patton, began to move ground slowly northward against the German southern flank.

Finally, as the weather cleared, the Allied forces were able to launch an air offensive which cut German supply and fuel lines, and stopped the German forces before they could reach Allied fuel depots and replenish their fuel. Hitler desperately threw troops at the front, but they were ill-trained, and a new Russian assault in the East eventually caused a massive withdrawal.

Over 600,000 Americans, more than the combined Union and Confederate forces at Gettysburg, fought in the Battle of the Bulge. More than 81,000 Americans were killed, wounded, or missing in the Battle of the Bulge. Germany forces lost 120,000 men, as well as 800 tanks and 1,000 aircraft. Although the battle did little, other than prolong the outcome of the war, the bravery of the American solders against overwhelming numbers caused Churchill to call the Battle of the Bulge the greatest American battle of the war.

Mr. Speaker, as the 50th anniversary of the Battle of the Bulge is rapidly approaching, I feel it is important to remember the stories of the brave and patriotic American forces who fought to protect our Nation's freedom. In addition, I would like to honor the Veterans of the Battle of the Bulge, who have pledged to make certain that the sacrifices of those who fought and died in the Ardennes Forest are not forgotten.

THE ULTIMATE PROFESSIONAL: ANN M. EPPARD, FORMER CHIEF OF STAFF TO CONGRESSMAN BUD SHUSTER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SHUSTER. Mr. Speaker, today I want to pay tribute to Ann M. Eppard, my chief of staff for over 22 years, who is retiring from public service to form her consulting firm in the private sector. Ann's reputation as one of the top congressional aides is legendary, among both Members and staff. She has earned, and truly deserves, respect from those who know her on both sides of aisle. Although Ann will have a continued presence on Capitol Hill through her new business, the lights will shine a little dimmer because "Annie" will not be a key staffer who makes things work, who makes people work harder, who dreams the dreams, and, quite simply, makes it all fun. When I decided to run for Congress in 1972, Ann was one of the principal organizers of my first campaign. She worked tirelessly and brilliantly to achieve victory, and then she started her long and deeply personal relationship with the citizens of the Ninth Congressional District of Pennsylvania. A born Pennsylvanian herself, Ann truly loves the people she has served during the past 22 years. She knew their concerns, she worried over them, and dedicated herself to solving so many of their cases. She was relentless in finding solutions to difficult problems. She became so proficient in her responsibilities, other congressional staff, and even Members, would often seek her advice. Two years ago, the lecturer at a Library of Congress seminar stated that Ann Eppard was the most effective chief of staff on Capitol Hill. Governor-elect Tom Ridge's chief of staff said it well in a November 19, 1994, Harrisburg Patriot article: "Ann's influence is fairly significant, certainly within this delegation. You knew you could accept as absolute truth what she said." In time, Ann became the role model for administrative assistants and chiefs of staff. One of the first women to rise to Chief of Staff, Ann became an expert in the transportation matters that became my highest priority in Congress. She worked closely with the Public Works and Transportation Committee on issues affecting not only central Pennsylvania, but the Nation. Ann would meet with presidents and CEO's of major transportation industries to work on technical and complex problems. She would then devote the same time and energies to her friends in our local unions. Both parties respect her judgment and wisdom. It is widely known that Ann is a straight-shooter who is always willing to lend a helping hand to those who need it. In fact, one of Ann's greatest virtues is her extreme generosity of spirit. She will always bend over backwards to help. She is a loyal and steadfast friend. Fortunately, Ann will continue to serve as my advisor on issues affecting my district, and we will still see her smile and hear her uproarious laughter in the halls, and for that we are most grateful.

CONGRATULATIONS TO THE HOMEWOOD-FLOSSMOOR HIGH SCHOOL VIKINGS ON BECOMING THE ILLINOIS CLASS 6A FOOTBALL CHAMPIONS

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REYNOLDS. Mr. Speaker, I rise to congratulate the Homewood-Flossmoor High School Vikings, who on Saturday, November 26, 1994, became the Illinois class 6A football champions in a thrilling 13–12 victory. Coach John Wrenn and his outstanding team are to be congratulated on this hard-fought, and long-sought victory.

Mr. Speaker, while watching the game on Saturday, I was struck by the sheer will and determination of players such as quarterback Ted Reichert, who, although injured, nonetheless threw the game winning touchdown pass. Receiver and special teams member Alonzo Moyer caught two of Reichert's passes for touchdowns, and blocked a field goal attempt. Moyer was named to the first all-class team by the Illinois High School Coaches Association. All-State linebacker Chris Havens contributed a game-high 14 tackles, while Sean Gregory compiled 86 yards rushing. They as well as all the other Vikings contributed to Saturday's success.

Homewood-Flossmoor is a special place not only because of its achievements on the gridiron, Mr. Speaker. It is a special place because of its achievements in the classroom every day. Homewood-Flossmoor High School educates and develops students academically and athletically. They are to be congratulated for their long history of success in the classroom and on the field. Homewood-Flossmoor High School is a model high school for the Nation.

Again, my congratulations to Coach Wrenn, and the Homewood-Flossmoor Vikings for winning the Illinois class 6A football championship.

HONORING DETECTIVE GILBERT CARRILLO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. TORRES. Mr. Speaker, today I rise to recognize Detective Gilbert Carrillo who is a 1994 Hall of Fame Award recipient from the El Rancho Unified School District.

Detective Carrillo grew up in Pico Rivera, attended local elementary and junior high schools and graduated from El Rancho High School in 1967.

Upon graduation Mr. Carrillo enlisted in the U.S. Army where he served a tour of duty as a helicopter crew chief, flying combat missions in Vietnam. He received decorations for valor and countless of hours flown in combat, but his greatest personal achievement was the help he gave during his free time to a small orphanage in that war-torn land.

In 1970, he returned from the Armed Forces and enrolled at Rio Hondo College. Mr. Carrillo decided to become a sheriff, driven in large part by a desire to help area youth as he had been helped in his youth by a former Pico Rivera deputy police officer.

Mr. Carrillo realized his dream after finishing his schooling at Rio Hondo College, California State University at Los Angeles, and the Academy. In 1971, he became a sheriff in East Los Angeles and initiated a antigang violence program involving concerned parents, residents, and youth. He is credited for successfully curbing gang violence by using non-uniformed police officers to infiltrate area gang operations.

In 1981, Mr. Carrillo was made a detective in the Homicide Bureau and member of the Gang Homicide Task Force where he worked for 3 years. In 1985, he was named to head the team investigating the Night Stalker murders and on August 31, 1985, Richard Ramirez was caught. During the investigation he served as the administrator of the search team coordinating well over 300 police. In addition, he coordinated the efforts of all the patrol stations, response units, 24 homicide investigators, 7 outside law enforcement agencies, the coroners office, crime lab, media, and public relations.

Indeed, Mr. Carrillo has proven to be an invaluable member of the community, through his valiant service in law enforcement. His dedication to the job ensures the safety of the residents of Los Angeles County on a daily basis. I commend Mr. Carrillo on his many accomplishments and his commitment to improving the lives of the youth he encounters every day.

THE VERDICT: EXCELLENT ON ALL COUNTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to call attention to the career of one of Michigan's most distinguished jurists, the Honorable Paul N. Doner, Bay County, MI, probate judge. He was honored at a retirement party on November 10, and it is fitting that his career, which touched so many individuals, be recounted here.

A graduate of both the University of Michigan and the Wayne State University Law School, Judge Doner earned his law degree in 1958. He started his career of service to the people by serving in the U.S. Army in 1959 and 1960, before entering private practice in Detroit and Livonia. For 8 years he served as director of the Bay/Midland Legal Aid Society, working to help those in need obtain skillful and necessary legal assistance. Since 1977, Judge Doner has served as Bay County probate judge.

In addition to handling his very demanding caseload, Judge Doner has also taken the time to add to his expertise in legal education through classes and seminars, as well as through membership in a multitude of civic organizations including the Association for Retarded Citizens, Children's Charter, the Council on Aging, and several others. He has shared his experience and capability by serving as an instructor in urban law clinics, for paralegals, and foster parent training.

As with any successful individual, his professional career has been bolstered by his family, including his wife Dena, and his three children: Alan, Linda, and Gary. He has another reason to enjoy his retirement with the birth of his first granddaughter, Amanda, less than 3 months ago.

Mr. Speaker, at a time when careers in public service are more demanding, those who have selflessly given to the public, such as Judge Paul Doner, deserve our thanks and praise. I urge all of my colleagues to join me in wishing Judge Doner and his family every success and new challenge in retirement. He has given a great deal to the public, and his efforts are sincerely appreciated.

TRIBUTE TO WALTER C. WORTHINGTON

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. COYNE. Mr. Speaker, today I want to pay tribute to Mr. Walter C. Worthington, chairperson emeritus, 1971–94, of the African Heritage Classroom Committee [AHCC] at the University of Pittsburgh.

It is fitting that the Members of the U.S. House of Representatives should have this opportunity to reflect on the contributions of Mr. Walter C. Worthington to the teaching of African-American history by sharing with others his knowledge of the important and integral part played by African-Americans in the history of the United States of America.

Mr. Worthington will be honored on Sunday, December 4, 1994, at an appreciation celebration where he will be recognized by friends and colleagues for his 23 years of service and leadership to the African Heritage Classroom Committee. His efforts resulted in the building of the African Heritage Classroom at the University of Pittsburgh which today stands among the other nationality rooms in the University's Cathedral of Learning. Mr. Worthington has earned the respect and gratitude of his colleagues, university students, and local residents for his untiring efforts in this cause.

Mr. Worthington is a long-time resident of the Hill District in the city of Pittsburgh and currently resides in the Schenley Heights area. Mr. Worthington has long been a committed member of the local community and has contributed significantly to a wide range of civic and volunteer efforts. As an active senior citizen who is dedicated to the betterment of humankind, Mr. Worthington has been recognized and is respected as the historian of the African-American community in Pittsburgh.

The African American Classroom Committee of the University of Pittsburgh will honor Mr. Worthington on December 4 in "A Tribute to a Living Elder." This event will begin with a grand procession of university, community, and legislative officials as well as youth and AHCC executive members. The ceremony will conclude with an Elders Ceremony bestowing on Mr. Worthington an African Elder's Title.

Mr. Speaker, I am pleased to have this opportunity to pay tribute to Mr. Walter C. Worthington. His efforts to establish the African-American Classroom in the University of Pittsburgh's Cathedral of Learning will stand as a legacy to future generations who seek to learn about the historic contributions of African-Americans to our country and the world.

UNAVOIDABLY DETAINED

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HORN. Mr. Speaker, despite a 96.6-percent participation in rollcall votes over the course of this Congress, I was unable to be present to cast a number of votes during two separate occasions.

First, I was unavoidably detained while the House was in session in order to testify in a Federal district court in Los Angeles, CA, where an individual was being tried for physically threatening the staff in my district office. If I had been present to vote, I would have voted in the following manner:

On rollcall vote No. 526, adoption of the fiscal year 1994 Energy and Water conference report, I would have voted "aye."

On rollcall vote No. 527, fiscal year 1994 Energy and Water appropriations, to recede and concur in a Senate motion to terminate the superconducting super collidor, I would have voted "no."

On rollcall vote No. 528, the Vento motion to strike the Tauzin amendment regarding services of volunteers with regard to the National Biological Survey, I would have voted "no."

On rollcall vote No. 529, the Dreier motion for a separate vote on the Taylor amendment regarding consent to enter private property with regard to the National Biological Survey, I would have voted "aye."

On rollcall vote No. 530, passage of the bill, H.R. 1845, to authorize the National Biological Survey, I would have voted "aye."

Second, because of hospitalization after successful surgery for prostate cancer in late May 1994, I was unable to cast a series of votes between May 23, 1994 and May 26, 1994. If I had been present to vote, I would have voted in the following manner:

On rollcall vote No. 191, fiscal year 1995 Defense authorization, the Solomon amendment regarding military recruiting, I would have voted "aye."

On rollcall vote No. 192, fiscal year 1995 Defense authorization, the Dellums amendment regarding selective services, I would have voted "aye."

On rollcall vote No. 193, passage of the fiscal year 1995 military construction appropriations, I would have voted "aye."

On rollcall vote No. 194, fiscal year 1995 Defense authorization, the Hansen amendment regarding base closure delay, I would have voted "aye."

On rollcall vote No. 195, fiscal year 1995 Defense authorization, the Harman-Horn amendment regarding the C–17 aircraft increase, I would have voted "aye."

On rollcall vote No. 196, fiscal year 1995 Defense authorization, the Dellums amendment regarding Haitian policy, I would have noted "no."

On rollcall vote No. 197, fiscal year 1995 Defense authorization, the Goss amendment regarding Haitian policy, I would have voted "aye."

On rollcall vote No. 198, fiscal year 1995 Defense authorization, the Spence amendment regarding U.N. peacekeeping costs, I would have voted "aye."

On rollcall vote No. 199, National Highway System designation, the Clement amendment regarding the Indianapolis-Houston corridor, I would have voted "no."

On rollcall vote No. 200, passage of National Highway System designation, I would have voted "aye."

On rollcall vote No. 201, the rule on the fiscal year 1995 Foreign Operations, I would have voted "no."

On rollcall vote No. 202, the previous question on the fiscal year 1995 Foreign Operations appropriations, I would have voted "no."

On rollcall vote No. 203, the rule on the fiscal year 1995 Foreign Operations appropriations, I would have voted "no."

On rollcall vote No. 204, the committee substitute on the fiscal year Foreign Operations appropriations, I would have voted "aye."

On rollcall vote No. 205, fiscal year 1995 Foreign Operations, the Callahan amendment regarding Russian aid, I would have voted "no."

On rollcall vote No. 206, fiscal year 1995 Foreign Operations appropriations, the Burton amendment regarding South Africa aid, I would have voted "aye."

On rollcall vote No. 207, fiscal year 1995 Foreign Operations appropriations, the Beilenson amendment regarding population development, I would have voted "aye."

On rollcall vote No. 208, passage of the fiscal year 1995 Foreign Operations appropriations, I would have voted "aye."

On rollcall vote No. 209, approval of the House Journal, I would have voted "no."

On rollcall vote No. 210, the rule of the fiscal year 1995 Legislative Branch appropriations, I would have voted "no."

On rollcall vote No. 211, fiscal year 1995 Legislative Branch appropriations, the Thurman amendment to cut salary and expenses, I would have voted "aye."

On rollcall vote No. 212, fiscal year 1995 Legislative Branch appropriations, the Pomeroy amendment to cut the House franking budget, I would have voted "aye."

On rollcall vote No. 213, fiscal year 1995 Legislative Branch appropriations, the Bereuter amendment to cut the General Accounting Office by $31 million, I would have voted "aye."

On rollcall vote No. 214, the motion to recommit the fiscal year 1995 Legislative Branch appropriations in order to seek more economies, I would have voted "aye."

On rollcall vote No. 215, fiscal year 1995 Legislative Branch appropriations, the motion to recommit with instructions to reduce the appropriations for House Information Systems by $13 million, I would have voted "aye."

On rollcall vote No. 216, passage of the fiscal year 1995 Legislative Branch appropriations, I would have voted "no."

Third, though in Washington, D.C., I was unavoidably detained from reaching the House floor in time to cast votes on a limited number of occasions due to the course of official business, such as extended committee hearings. If I had been in the chamber I would have voted in the following manner:

On rollcall vote No. 35, on approving the Journal, I would have voted "no."

On rollcall vote No. 48, on approving the Journal, I would have voted "no."

On rollcall vote No. 274, the rule for the consideration of the bill H.R. 2491, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, I would have voted "no."

On rollcall vote No. 290, passage of the bill H.R. 2491, I would have voted "aye."

On rollcall vote No. 340, an amendment to cut the $26,284,000 appropriation in the bill for salaries and expenses for the administration of economic development assistance programs within the Department of Commerce's Economic Development administration, I would have voted "aye."

On rollcall vote No. 490, an amendment to delete provisions of the bill that grant certain collective bargaining provisions to employees of the Metropolitan Washington Airports Authority, I would have voted "no."

THE ILLEGAL ALIEN CREDIT DENIAL ACT

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HAYES. Mr. Speaker, today I am introducing legislation which I hope will be part of a larger effort to end the outlay of our scarce resources on illegal aliens. This bill, the Illegal Alien Credit Denial Act, amends the Internal Revenue Act of 1986 to deny the earned income tax credit [EITC] to illegal aliens and to prevent fraudulent claims.

Under current law, there is no requirement that EITC claimants must be legal residents of this country. IRS forms do not require illegal aliens to identify themselves as such; therefore, so long as the eligibility requirements are met, illegal aliens can claim the EITC. My constituents in southwestern Louisiana are outraged that their tax dollars are going to people who are illegally residing in the United States. The EITC program was designed to help low-income Americans support their families by working rather than through welfare. It is a gross revenue expenditure and bad public policy for illegal aliens to continue receiving the EITC.

I am confident that this legislative proposal is one on which every American can agree on. It is time for our country to tighten its belt. The American people are fed-up with inefficient programs and wasteful spending. This legislation will generate significant savings and end the current practice of rewarding illegal immigrants for residing within our borders. I urge my colleagues to join me in reforming the Earned Income Tax Credit so that it achieves its two long-germ objectives: First, to offset the impact of Social Security taxes on low-income Americans and Second, to encourage low-income Americans to seek employment rather than welfare.

I would ask that a copy of my bill be included in the RECORD.

CHINESE DEMOCRACY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SOLOMON. Mr. Speaker, I commend to the attention of Members an article by Merrick Carey, president of the Alexis de Tocqueville Institution. Mr. Carey sets forth the interesting thesis that one of the ways the U.S. Government can promote the development of democracy in the People's Republic of China is by pursuing closer economic and political contacts between the U.S. and the PRC's principal ideological competitor, the Republic of China on Taiwan.

Few things have shaken the PRC's worldview more profoundly in recent years than the economic development and political liberalization in Taiwan that have lifted the ROC to membership in the first tier of advanced industrial nations.

Taiwan has already achieved a standard of living and social development that the PRC can only dream about. And the PRC had better start taking Taiwan's example seriously and learn the lessons to be drawn from it if a similar level of progress is ever to be realized on the Chinese mainland.

I commend Mr. Carey's article, which follows:

CHINESE DEMOCRACY

Until the early 1980s there was only one functioning democracy in East Asia: Japan. Today, democratic government has spread to include Russia, South Korea, the Republic of China (Taiwan), and the Philippines, and is beginning to take hold in Thailand and Malaysia. Even "Stalinist" Vietnam is experimenting with "doi moi" market reforms and limited elections at the local level.

This Asian revolution has coincided with the spread of democracy, starting in 1974, into the Iberian Peninsula, throughout Latin America, and most dramatically into Central and Eastern Europe and South Africa. Even Islam is no longer immune, as democracy takes root in Turkey and Pakistan.

As democracy has spread, the world has become more stable and prosperous. The global struggle between Russia and America is now a strong friendship, while much of Central Europe and Latin America now boast dynamic economies in areas recently in tyrannical darkness.

In Asia, as elsewhere, you can find tension and trouble where you find tyranny, and where there is democracy there is trade, high levels of growth and the free flow of people and ideas. The principal sources of tension in East Asia are between the North Korean and Chinese communist governments on the one hand, and their citizens and neighbors on the other.

The People's Republic of China (PRC) is now nearly surrounded by democracies and is having a hard time adjusting to the New World Order. Beijing is attempting to have its cake and eat it too by unleashing the forces of the market while continuing to tighten the screws politically. They are finding it increasingly difficult to sit between two chairs.

The smooth transition to a free market democracy on Taiwan is especially troubling for the PRC. The KMT Nationalists have ruled Taiwan since losing the civil war to the Communists in 1949, and have systematically turned what was an authoritarian state into a dynamic market liberal democracy. Today Taiwan has the world's 25th highest per capita income, 20th largest GDP, 15th biggest overseas trade volume and the largest foreign exchange reserves in the world. Even more impressive, since political liberalization began in the mid-80s, a free wheeling competitive party system, broad civil liberties and a lively press are now the hallmarks of Taiwan's democracy.

The success of Taiwan's market democracy might be compared to General Pinochet's experiment in Chile, except the KMT is still in power, and Chile did not have to contend with a gigantic neighbor trying to thwart its every move.

By any objective standard of weight and power, Taiwan should have been swallowed years ago by Mainland China. Its population is one-sixtieth, that's 1/60, the Mainland's, while its military personnel are 450,000 vs. 2,500,000. It's as if Delaware is competing with the U.S. on the global stage, and Delaware is gaining.

As the PRC undertakes its generational leadership transition and tries to contend with growing democratic pressures, the ROC has raised the ante; the first direct election of a President in the history of China will take place in early 1996. Many political observers in Taiwan believe this election could trigger a broader crisis across the Taiwan Straits, and it is already causing jitters in Taipei's financial and real estate markets.

Taiwan's democracy is the topic of choice on the Mainland today, and books about its success are moving at a fast pace, both above and below ground. The direct Presidential election will add further luster to the ROC image on the Mainland.

The ROC has undertaken a tricky diplomatic offensive to expand its role in international organizations while trying to balance a peaceful accommodation with Beijing. The strategists in Taipei must deal with a growing independence movement on Taiwan, represented primarily by the Democratic Progress Party, the success of which could trigger a military response from the Mainland. At the same time, Taiwan wants its growing economic and military power and political legitimacy to be recognized internationally in order to protect the ROC's autonomy should the Mainland prove incapable of transitioning to democracy and peaceful unification.

This is certainly a wise strategy, as Hong Kong is now finding out; Beijing has announced its intention to scrap Hong Kong's elected government bodies when the colony reverts to China in 1997. While hotels are still booked solid in 1997, empty apartments and non-renewed leases are growing in the British colony.

Both President Bush and Clinton have taken important steps to upgrade U.S. relations with the ROC, but more can be done. The Clinton Administration unfortunately missed a good opportunity to go further with Taiwan when it delinked Most Favored Nation status and human rights for the PRC. Nonetheless it seems reasonable to allow Taiwanese diplomats to begin visting the State Department and call their mission in Washington the "Taipei Representative Office." Even Japan and Canada have less stringent regulations than the U.S. in their diplomatic dealings with Taiwan. The U.S. should also assist the ROC in obtaining observer status at the U.N., as a preclude to becoming a full member.

A renewed look at the 3 cornered military relations between the U.S., PRC and ROC is also probably in order. It was the consensus of a recent group of high level Americans visiting Taiwan that the U.S. Congress would not allow any Administration to stand back and let the PRC attack Taiwan. These policymakers expected a replay of a reluctant Harry Truman sending the Seventh Fleet into the Taiwan Straights in the event Beijing attempts a forced reunification. A former key Bush Administration official recommended renewed, unofficial contacts between U.S. and ROC military strategists.

Americans are rightly pleased with the role our global diplomatic, economic and military power has played in the sustained spread of democracy. The 20th Century is not only the American Century, it is closing out as the Democratic Century as well. And it is no longer debatable that the spread of democracy enhances U.S. national interests.

The Carter human rights campaign and the Reagan Doctrine both placed democracy on the fulcrum of U.S. foreign policy, and President Clinton, Strobe Talbott and Anthony Lake have all indicated democracy will continue to be a driving force in their policies. Building our relations with the democratic Republic of China, while at the same time using every reasonable means to coax the PRC down a democratic path, would appear to fit into this strategy.

The Chinese people deserve nothing less.

U.S. REPRESENTATIVE NEAL SMITH: A MAN WHOSE WORD WAS NEVER DOUBTED

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LEACH. Mr. Speaker, on this last day of the 103d Congress I rise to express my admiration for—and deep sense of personal loss at the departure of—our distinguished colleague, the quintessential gentleman from Iowa, NEAL SMITH.

NEAL was born and raised on a farm in southwest Iowa. He attended the University of Missouri and the Syracuse University Schools of Public and Business Administration.

In his biography provided upon request by his office, it is noted with characteristic modesty that NEAL "also served four years in the U.S. Army Air Corps during World War II." Although he seldom speaks of his wartime service, his decorations speak for themselves. They include nine Battle Stars, the Air Medal with four Oak Leaf Clusters, and the Purple Heart.

Although he has always maintained his ties with the soil, after the war NEAL and his wife Bea enrolled and graduated together from Drake University Law School and each in their own way have been ornaments of the legal profession ever since.

First elected to the 86th Congress in 1958, today NEAL completes his 18th consecutive term in Congress. He served with distinction as Chairman of the House Committee on Small Business and as a cardinal, chairing the House Committee on Appropriations Subcommittee on Labor, Health and Human Services, and Education.

In modern politics, NEAL SMITH is and always has been a throwback. Operating without a press secretary and any sense of need to let the world know his opinion on each and every issue of the day, he has worked on the assumption that what he does and what he contributes will stand as testament enough. NEAL, in the classic sense, has been a legislating news maker, not a legislative commentator.

I know of no Member better liked or more trusted by his colleagues. NEAL has been an individual who has always understood the need to balance competing interests in such a way as to make the system work, without ideological posturing or partisan rancor.

NEAL has been the author of major legislation in a number of areas, including the

Wholesome Meat Act; the Farmer-Held Grain Reserve Act; the Commodity Futures Trading Commission Act of 1974; the Small Business Development Center Act of 1976; the Green Thumb Employment Program for the elderly; student loan programs; and emergency health services. He has also been the principal congressional sponsor of major public works, recreation, and conservation projects in Iowa, including Red Rock, Saylorville, the Greenbelt, Botanical Gardens, Walnut Creek Wildlife Refuge, and a number of projects in Des Moines, including, in particular, embellishments to the Drake University Law School.

No litany of positions held or legislation authored, however, will fully capture the stature of Neal Smith. The dean of the Iowa delegation when I arrived in January of 1977, he has been a model and mentor for me, indeed for all his colleagues. The professionalism and long tenure of his staff represent further testimony to the quality of NEAL's leadership. Led by the incomparable Tom Dawson and Park Rinard, they have been models and mentors for our staffs as well.

In conclusion, let me say that the citizens of every State recognize the specialness of their backgrounds, and Iowans are no exception. If asked what is so special, so good, about Iowans, I can do no better than to point to NEAL SMITH, a man whose word was never doubted. We in this body will be left bereft by his departure. I know I speak for every Member when I wish him and Bea Godspeed.

TRIBUTE TO SUSAN GORDON

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. KOPETSKI. Mr. Speaker, I have been blessed to work with some wonderful people during my time in Congress. Every Member relies on a network of advisers in his or her congressional district. My service has been marked by close associations with Oregonians involved in a wide array of issues from agriculture to international trade and foreign affairs.

Today, I want to pay special tribute to Susan Gordon, executive director of Oregon PeaceWorks. Susan coordinated my PeaceWorks Advisory Board and worked closely with my office and during my time in Congress. Susan is one of Oregon's most active and successful grassroots activists. From nuclear weapons testing to health care, Susan has been a trusted ally, a determined advocate, and at times a staunch critic. In addition to our professional relationship, Susan continues to be a close friend of mine.

Recently, Susan wrote a guest opinion piece for the Salem Statesman Journal newspaper. I have attached Susan's guest opinion piece titled, "Keep Clinton From Selling Arms," and I encourage all of my colleagues to read it.

[From the Salem Statesman Journal, Nov. 18, 1994]

KEEP CLINTON FROM SELLING ARMS

(By Susan Gordon)

President Clinton, that notorious liberal, is expected soon to sign into effect Presidential Decision Directive (PDD) 41.

PDD 41 is considered the most liberal arms trade policy in United States history. This long-awaited policy on conventional arms transfers will not be the same kind of liberal policy that Reagan and Bush had of selling weapons to nations regardless of their records on democracy or human rights.

PDD 41 will be the triumph of Secretary of Commerce Ron Brown, who has consistently lobbied the president to think more about profits than democracy, stability or human rights. The United States has been pursuing this path of global arms sales throughout the Clinton administration, and the result is that the United States now controls almost three-quarters of the entire arms trade to the Third World.

To secure these sales, the U.S. government offers subsidies paid for by the taxpayer and offset agreements that often transfer U.S. nonmilitary jobs to the buyer nations. PDD 41 will streamline the arms export process, making it even easier for arms merchants to sell abroad. It also will create an arms export subsidy trust to help U.S. companies secure transfer agreements.

From advanced M1A2 battle tanks to M1 assault rifles, our weapons have been pouring into nations such as Panama, Rwanda, Haiti, Somalia, Saudi Arabia, Kuwait, Indonesia, and Thailand, to name a few. All these nations have at best questionable human rights records and little history of democracy. Also, note those nations where American money was spent and American blood was spilled combating those allies we sold our weapons to.

By making this our official policy with PDD 41, Clinton has turned his back on not only morality but long-term military and economic security.

Senator Mark Hatfield and Representative Cynthia McKinney from Georgia are both intent on reintroducing their Code of Conduct legislation next year. The legislation would prevent human rights abusers, warmakers and dictators from getting their hands on our weapons. If the president is not willing to lead us in the right direction, we must rally behind those who will. This is not a liberal or conservative decision; this is just about right and wrong.

TRIBUTE TO THE ADATH ZION CONGREGATION

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 100th anniversary of the Adath Zion Congregation. I wish to extend my congratulations and commendations to the Adath Zion Congregation, its leader Rabbi Marvin H. Goldman, and its members for their devotion to their community in Philadelphia.

Founded by a pioneering handful of Jewish merchants, the Adath Zion Congregation began as a Jewish brotherhood in the fall of 1895. The congregation has since provided an encompassing sense of distinct Jewish community in the Philadelphia area. Over the last 100 years the members of Adath Zion have consistently demonstrated their tradition of community outreach through their global concern for the Jewish population. During this century, the people of Adath Zion have hosted Jewish soldiers during World War I and aided in the release of fellow Jews from the displaced persons' camps in Europe after World War II. These activities have always complemented their regular contributions to society, such as the annual Torah Education Brunch which raises funds for the Jewish day schools in the Greater Philadelphia area.

Currently, the members of Adath Zion are helping to assimilate Soviet Jewish emigres into Philadelphia community. Adath Zion is influencing many emigres to return to their Jewish roots through what congregation leader Rabbi Marvin H. Goldman describes as a phenomenal outreach program. Their extensive program includes: weekly classes in English, social gatherings and help with immigration services, as well as reserved seats at services. By means of these activities the congregation is helping to show the Soviet Jewish emigres that they do have a place in society as part of the Philadelphia Jewish community.

One other factor contributing to Adath Zion's continued success is its strong leadership. The current head is Rabbi Marvin H. Goldman who is entering his 20th year at the helm of this commendable organization. His experience as the past president of both the Board of Rabbis of Greater Philadelphia and the Greater Philadelphia Rabbinical Council lend to his dynamic guidance of the Congregation throughout its accomplishments within the Philadelphia Jewish community.

Mr. Speaker, the accomplishments of the Adath Zion Congregation over these years have been quite impressive even in the most difficult of times. I would like to commend and again congratulate Rabbi Marvin H. Goldman and the members of the Adath Zion Congregation on their 100 years of community and to wish them continued success.

RETIREMENT OF BRIG. GEN. JAMES J. JAMES

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. COLEMAN. Mr. Speaker, I wish to pay tribute to Brig. Gen. James J. James on the occasion of his retirement. I am especially appreciative of the service of this individual because he has served for the past 3 years as commanding general of the William Beaumont Army Medical Center in El Paso, TX. General James' retirement will be effective January 31, 1995.

Today, the William Beaumont Army Medical Center [WBAMC] can be counted among the very finest of military medical treatment facilities. And General James has been one of its finest commanding generals. During his tenure, there have been great advancements in the care WBAMC delivers. As you know, the Center is one of the seven U.S. Army military health centers in the Nation. It serves West Texas, New Mexico, Nevada, and Arizona. It also serves as a trauma center for the local community of El Paso, and has established working relationships with Texas Tech Medical School and the medical community in Ciudad Juarez, Chihuahua, Mexico.

General James has overseen the growth of this facility and a new initiative that promises to benefit the active duty, veterans, and military retiree population in the area. He has stewarded an innovative sharing agreement with the Veterans Administration that will pool resources from both entities to provide better service to its constituencies. This effort has been lauded and recognized by Army medical officials and Veterans Administration Secretary Jesse Brown.

General James has achieved numerous academic and professional achievements. As a native of Brooklyn, NY, he completed his undergraduate work at Long Island University and received his MD degree from University of Cincinnati College of Medicine in 1967. Following this, he completed an internship at the University of Southern California Los Angeles County General, and 2 years of residency in general surgery at the Dartmouth Affiliated Hospitals. General James went on to earn a master's degree in Health Care Administration through the Army/Baylor University Program in 1973. A residency in general preventative medicine was completed at the University of California, Los Angeles, between 1974 and 1976 as were the requirements for a doctorate in public health. In addition, Brigadier General James is a graduate of both the Armed Forces Staff College and the Industrial College of the Armed Forces, and currently holds the Surgeon General's "A" designator for professional achievement.

His military assignments have included sites as varied as Thailand, Korea, the Federal Republic of Germany, and Fort Sam Houston, TX. Through it all, he has exemplified the best traditions of military medicine.

I ask my colleagues to join me in congratulating Brigadier General James on the occasion of his retirement and wishing him well in all of his future endeavors.

JUDGE L. CLIFFORD DAVIS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FROST. Mr. Speaker, on December 15, 1994, the Tarrant County Black Bar Association in Fort Worth, TX, in conjunction with other local bar associations, will be honoring Judge L. Clifford Davis for his years of service to the community and the judicial system. He will be honored with a living color portrait that will be hung in Tarrant County Criminal District Court No. 2, where he presided with distinction from May 23, 1993 through December 31, 1988.

Judge Davis received a bachelor of arts degree from Philandersmith College in Little Rock, AR in 1945. He completed graduate studies at Atlanta University, Atlanta, GA in 1946 and received a law degree from Howard University School of Law in 1949.

In 1949, he started a general practice of law in Arkansas. Thereafter, he served in the U.S. military and received an honorable discharge. Subsequently, Judge Davis started the first black law practice in Tarrant County in 1955. During the 1960's, Judge Davis was appointed legal counsel for the NAACP. He is credited with helping bring about a peaceful transition to desegregation and integration in Fort Worth, Tarrant County, TX. When violence was advocated by many, Davis insisted that black people must stay within the realm of the law. His last civil rights efforts was a 1983 desegregation agreement which resulted in the reduction of court-ordered busing.

Judge Davis was the first black elected in a contested judicial race in Tarrant County in 1983, presiding in the Tarrant County Criminal District Court No. 2 from his election through 1988.

His professional affiliations include the Supreme Court of the United States, U.S. court of appeals, life member of the National Bar Association, Texas Bar Foundation Fellow, State Bar of Texas, and the Tarrant County Black Bar Association. His civic affiliations include the Fort Worth Metropolitan Black Chambers of Commerce, life member of the NAACP, life member of Omega Psi Phi Fraternity, Tarrant County Precinct Workers Council, Rotary Club, and St. Andrew United Methodist Church.

He is presently presiding as a visiting judge for Tarrant, Dallas, Denton, and Wise Counties. He joined the Fort Worth law firm of Johnson, Heiskell, and Vaughn as "of counsel." He is married to Ethel R. Davis and they have two daughters.

I join with the Tarrant County Black Bar Association, his colleagues and many friends in honoring Judge Davis for his tireless work and contributions to our community.

REGULATION OF ANIMAL FATS AND VEGETABLE OIL UNDER OPA 90: WILL COMMONSENSE PREVAIL?

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. EWING. Mr. Speaker, as we close this session, I plan to introduce legislation first thing in the new 104th Congress to require differentiation for animal fats and vegetable oils under the Oil Pollution Act of 1990. By way of background I wanted to let the members of the House know the status of the regulation of animal fats and vegetable oils under that statute, which has precipitated the need to pursue this clarifying legislation. This law, known as OPA 90, was enacted in response to catastrophic petroleum oil spills (e.g., *Exxon Valdez* spill) to reduce the risk of, improve the response to, and minimize the impact of those spills. However, due to the overly broad definition of oil, OPA 90 applies not only to toxic oils (e.g., petroleum oil), but also to non-toxic agricultural products such as animal fats and vegetable oils. As a result, these non-toxic substances used to make foodstuffs and other consumer products are unfortunately swept up in the same broad definition as petroleum and other toxic oils.

Lacking clear congressional direction on differentiation, implementing agencies, such as the Environmental Protection Agency and the Coast Guard, are issuing rules that regulate animal fats and vegetable oils to the same degree as toxic oils, while ignoring the unique non-toxic nature of these agricultural products. Although these agencies have classified them with non-petroleum oils under the various interim and final rules for spill response, a long list of toxic oils are still included in this same non-petroleum category. There is no reason why non-toxic animal fats and vegetable oils must be in the same category as toxic oils.

This year, Representative JILL LONG and I together with others have introduced and supported legislation to insure that both of these objectives are accomplished. This legislation does not change the underlying principles of OPA 90; it would only require agencies to differentiate animal fats and vegetable oils from other oils. I want to commend her for beginning this initiative. I know that many of the Members of this body joined in letters to Secretary Pena and Administrator Browner on this subject. Further, this measure was passed by the House twice this Congress as part of H.R. 4422 and H.R. 4852. In addition, the Senate passed virtually the same measure once in the form of S. 2559.

Although final legislation cannot be completed in the time remaining in this Congress, I want to assure all Members that I will be working to clarify this unintended consequence of the Oil Pollution Act when we reconvene in the 104th Congress. To this end I am appending to my remarks a more detailed fact sheet which examines this entire matter in depth. This issue should be made a priority as we work to eliminate the unnecessary and costly regulatory burdens placed on U.S. business that do not add any additional measure of protection to the environment or the health and safety of our citizens.

The scientific data collected to date indicate that animal fats and vegetable oils industry has an excellent spill history for these products. Specifically, these products account for less than one half of one percent of all oil spills in the U.S., which are mostly less than 1,000 gallons each. This excellent spill record together with their non-toxic characteristics justifies a differentiation from toxic oils. In making these remarks, I want to be clear that the animal fats and vegetable oils industry is not seeking to be exempt from oil spill response requirements, but is merely seeking two simple objectives in these OPA 90 rules.

First, they want a separate category for animal fats and vegetable oils so consumers can easily recognize that these oils are not harmful like other toxic chemicals. This is as much for scientific differences in the oils as it is for marketing reasons. Market perception being what it is, this is understandable. This is to ensure that consumers are not misled into believing that these products are harmful to use in their everyday life.

Second, they want response requirements that recognize the different characteristics of animal fats and vegetable oils within that separate category. A separate category without separate response requirements is nothing more than a hollow gesture. There is more flexibility available under the nationwide guidelines in the National Contingency Plan to respond to a spill of non-toxic animal fats and vegetable oils than there is for toxic oils like petroleum. EPA, the Coast Guard, and other agencies should more fully and clearly spell out the additional appropriate options available under the NCP in the regulations themselves so that no doubt exists as to the availability of these options.

Further, all spills whether petroleum or animal fats and vegetable oils are unfortunate and can have some similar environmental impacts. But in many respects they are very different in the way they affect the environment. Thus, the response to all spills does not have to be the same. Non-toxic animal fats and vegetable oils by their very nature do not have the same total environmental impact as a toxic oil, and it makes sense then that the response does not have to be the same. Scientists both within and outside the Government agree on the differences in toxicity and other characteristics among the various oils, it does not take any rocket scientist to come to that conclusion; it is just plain common sense. These are the same products used in households everyday consumed by ordinary Americans in the normal course of living.

So the hope is that these agencies will exercise this same common sense and have rules that reflect these differences. EPA has issued a notice for comment to address criticisms of its final rule but the timing of the regulatory process is such that no relief is possible before the final rule actually takes effect. It is most regrettable that the agencies will not exercise their discretion in the case of spill response rules to reserve judgment on animal fats and vegetable oils until all the facts are fully considered. This has been done in the case of other rules and should be done in this case also.

For these reasons, I will be pursuing legislation to require differentiation for animal fats and vegetable oils under OPA 90 in the 104th Congress with the hope that common sense will prevail.

REQUIREMENT FOR DIFFERENTIATION BETWEEN ANIMAL FATS AND VEGETABLE OILS AND OTHER OILS UNDER CERTAIN REGULATIONS

SUMMARY

Congress has enacted two principal statutes that address the discharge of "oil" into the nation's waters—FWPCA and OPA 90. Due to the statutes' broad definition of oil and lacking clear Congressional direction on differentiation, regulatory agencies generally have proposed or issued rules that will regulate animal fats and vegetable oils to the same degree as toxic oils (e.g., petroleum oils) without regard for the significant differences between them, in spite of scientific and other data justifying differentiation. These statutes, however, give the agencies broad regulatory discretion so that differentiation can be accomplished without compromising any of the objectives or principles of the statutes. As these rules will impose costly, inappropriate, and often counterproductive requirements, the animal fat and vegetable oil industry has been working towards the development of regulations that differentiate animal fat and vegetable oils from toxic oils to avoid the imposition of costly requirements intended for petroleum-based and other oils that are inappropriate for animal fats and vegetable oils.

Thus, a legislative change is needed to provide direction to regulatory agencies by requiring them to differentiate between non-toxic animal fats and vegetable oils, on the one hand, and all other oils, including toxic petroleum and non-petroleum oils, on the other hand, when promulgating oil pollution prevention and response regulations. This can be done without an amendment to these statutes that would change or alter the principles contained in them. In particular, agencies (1) should provide a category for animal fats and vegetable oils separate and apart from all other oils and (2) should differentiate these oils from other oils based on a recognition of their distinct properties.

BACKGROUND

On August 18, 1990, the U.S. Congress, in direct response to several catastrophic U.S. petroleum oil spills, including the EXXON VALDEZ spill, enacted the Oil Pollution Act of 1990 (OPA 90) to reduce the risk of oil spills, improve facility and vessel oil spill response capabilities, and minimize the impact of oil spills on the environment. In enacting OPA 90, Congress amended the Federal Water Pollution Control Act to impose certain requirements on the owners and operators of vessels carrying "oil" and on facilities posing a risk of "substantial harm" "significant and substantial harm" to the environment, including requiring owners and operators to prepare and submit response plans to various federal agencies by February 18, 1993, for review and approval, or stop handling oil. Other requirements affecting the handling and transportation of oil were also enacted.

Although petroleum oil has been the focus of Congress' attention during the enactment of OPA 90, the law's applicability was not limited to petroleum oil and, as a result, it applies to all oils, including animal fats and vegetable oils. Since enactment, various federal agencies have issued proposed or interim final rules implementing OPA 90 requirements (which include FWPCA provisions). The principal federal agencies and what they are responsible for regulating are as follows:

U.S. Coast Guard (USCG): vessels and marine-transportation-related (MTR) onshore facilities including any piping or structures used for the transfer of oil to or from a vessel.

DOT Research and Special Programs Administration (RSPA): tank trucks and railroad tank cars carrying oil.

U.S. Environmental Protection Agency: larage non-transportation-related onshore facilities handling, storing, or transferring oil; and, the National Contingency Plan (NCP).

DOI Minerals Management Service (MMS): Offshore facilities,including *any* facility on or over U.S. navigable waters.

National Oceanic and Atmospheric Administration (NOAA): natural resource damage assessment (NRDA) regulations.

Federal natural resource trustees having an interest in these rules include the Departments of Agriculture, Commerce, and Interior.

ISSUE

The animal fat and vegetable oil industry handles, ships, and stores over 25 billion pounds of animal fats and vegetable oils annually in the United States. These agricultural substances are essential components of food products produced in the United States. Industry is concerned that some of the regulations being developed will regulate animal fats and vegetable oils to the same degree or in the same manner as petroleum oils, in spite of information collected to date that suggests that different or less stringent regulations are appropriate. For example, a June 28, 1993 report by ENVIRON Corporation, "Environmental Effects of Releases of Animal Fats and Vegetable Oils to Waterways" and an associated Aqua Survey, Inc. study on the aquatic toxicity of petroleum oil and of animal facts and vegetable oils found that, unlike petroleum oils, the presence of animal fats and vegetable oils in the environment does not cause significant or substantial harm. That study reached the following conclusions with respect to the effects of potential discharges of animal fats and vegetable oils:

They are non-toxic to the environment.

They are essential components to human and wildlife diets.

They are readily biodegradable.

They are not persistent in the environment.

They have a high Biological Oxygen Demand (BOD), which could result in oxygen deprivation where there is a large spill in a confined body of water that has low flow and dilution.

They can coat aquatic biota and foul wildlife (*e.g.*, matting of fur or feathers, which may lead to hypothermia).

The animal fat and vegetable oil industry continues to seek data regarding the impact of animal fats and vegetable oils on the environment that will offer new insights to the appropriate regulation of these materials. On the basis of scientific data available to date, however, the only potential environmental harm that may result from spills of these products is the result of potential physical effects of spills of liquids in large quantities. Those potential physical effects consist of (1) the fouling of aquatic biota and wildlife that are exposed to the liquid products in high concentrations; and, (2) the potential oxygen deprivation from the biodegradation of high concentrations of liquid substances in confined and slow-flowing bodies of water. Fouling is not an issue, however, in the case of substances that are solids or congeal in the temperature conditions of the natural environment.

Moreover, the likelihood that an animal fat or vegetable oil spill of such magnitude will occur is extremely small. The industry's spill prevention efforts have resulted in an excellent environmental record for these products. For example, a review of the data recorded and compiled by the Coast Guard reveals that, from 1986 to 1992, animal fats and vegetable oils together accounted for only about 0.4 percent of the oil spill incidents in and around U.S. waters (both in terms of incidents and their volume). Less than half of those spills were in water. Further, these spills were generally very small. Only 13 of those spills were greater than 1,000 gallons. Put another way, only about 0.02 percent of all oil spill incidents in and around U.S. waters over the last seven years were spills of animal fats or vegetable oils greater than 1,000 gallons.

Furthermore, equipment and techniques used to respond to petroleum oil spills often will aggravate rather than mitigate the environmental impact if used for animal fats and vegetable oils. Attempts to remove the small quantities of animal fats and vegetable oils present in a typical spill would in most cases cause more environmental harm than would the presence of those products in the environment alone. For example, in comments filed on RSPA Docket Nos. HM-214 and PC-1, dated June 3, 1993, the Department of Interior recommended the establishment of response plan requirements for animal fats and vegetable oils comparable to those for the other oils. This recommendation was based on anecdotal data derived from a discharge of butter from a U.S. government warehouse into Shoal Creek, Maryland. DOT conceded, however, that the principal adverse environmental effects of the Shoal Creek incident were caused by the removal efforts themselves.

In addition to the differences noted above between animal fats and vegetable oils and petroleum oils, the animal fat and vegetable oil industry is significantly different from the petroleum industry in other ways warranting disparate regulatory treatment. For example, there are notable differences in the vessel characteristics and transfer operations involving animal fats and vegetable oils and those involving petroleum oils. Vessels carrying petroleum oils can exceed 500,000 deadweight tons (the EXXON VALDEZ was over 213,000 deadweight tons). In contrast, vegetable oils typically are carried on small parcel tankers ranging from 30,000 to 45,000 deadweight tons. Further, differences exist in the size of the tanks carrying these two kinds of products. Large tankers carrying petroleum oil may have 10 large center tanks and about 15 wing tanks with individual tank capacities reaching approximately 592,000 tons or 177,500,000 gallons of oil. Parcel tankers carrying vegetable oil typically have about 30 to 35 cargo tanks that range from 1,000 to 3,500 tons capacity each. With regard to transfer operations, the typical amount of vegetable oil loaded or offloaded during a transfer ranges from 500 to 5,000 tons. In contrast, a tanker carrying petroleum commonly loads or offloads its entire cargo during one transfer operation.

Similarly, facilities that handle or store animal fats and vegetable oils do not share the same characteristics as petroleum refineries and other facilities. Facilities that handle animal fats and vegetable oils are generally located in or near areas in which agricultural raw materials (*e.g.*, oilseeds, oil bearing plants, and animals) are available. consequently, unlike petroleum oil facilities, many are found in the Midwestern United States relatively far removed from the regional oil spill response centers which have evolved over the years and which are principally dedicated to petroleum oil spills.

DIFFERENTIATED RULES NEEDED

Unfortunately, there has been overabundance of supposition and anecdotal data cited to date to give support to treating these non-toxic substances in the same manner as petroleum oils. Reliance upon such information underscores the dangers of imposing regulatory requirements on the industry in a manner not specifically mandated by Congress and without adequate scientific foundation. In fact, no documented scientific data support treating these non-toxic animal fats and vegetable oils in the same manner as petroleum.

To the contrary, the significant differences between animal fats and vegetable oils and other oils, warrant regulation of these substances in a different manner. Identical requirements would represent a misapplication of limited industry resources.

Unfortunately, agencies have been attempting to achieve differentiation through vague regulatory language that requires further administrative or judicial interpretation to decipher and through discussions in the preambles to regulations published in the Federal Register. These techniques are examples of regulations that are not clear on their face and in need of revision. Not only should available scientific information be used to differentiate, but so should basic common sense. Many existing regulatory regimes go into detail to create separate categories for classes or types of oils (petroleum edible, etc.). Thus proven scientific and regulatory structures already exist that could form the basis of or model for a similar approach for regulations issued to implement the pollution prevention statutes.

Differentiation in rules is also warranted in view of President Clinton's Executive Order on Regulatory Planning and Review enunciates, and requires agencies to adhere to, certain principles of regulation. Exec. Order No. 12,866, 58 Fed. Reg. 51,735, 51,736 (1993). Among those principles are the following:

In setting regulatory priorities, each agency shall consider, to the extent reasonable, the degree and nature of the risks posed by various substances or activities within its jurisdiction.

Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative of its other regulations or those of other Federal agencies.

Each agency shall tailor its regulations to impose the least burden on society, including individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations.

CONCLUSION

The animal fat and vegetable oil industry continues to seek data to better understand the environmental risks associated with the transportation, handling, and storage of animal fats and vegetable oils. On the basis of scientific data currently available, however, there is no rational basis for regulatory nontoxic animal fats and vegetable oils in the same manner as petroleum oils. In fact, it is very likely that imposing certain regulatory requirements on animal fats and vegetable oils based solely on requirements developed for the petroleum oil (e.g. removal and response strategies and techniques) could lead to greater damage to the environment than the actual impact of a discharge of these substances themselves. Moreover, these requirements would add to the cost of these agricultural products. A category for animal fats and vegetable oil should be implemented that is separate and distinct from all other oils, including petroleum oil. In addition, regulations should take into account the differences in the physical, chemical, biological, and other properties, and the environmental effects of these oils. Further, regulatory principles should be followed which clearly permit regulatory regimes to reflect the economic impact on the industry regulated.

THE 90TH ANNIVERSARY OF ST. LADISLAUS MAGYAR CHURCH, NEW BRUNSWICK, NJ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. PALLONE. Mr. Speaker, on Saturday, October 29, 1994, St. Ladislaus Magyar Church of New Brunswick, NJ, celebrated its 90th anniversary with a dinner-dance at the East Brunswick Chateau, East Brunswick, NJ. It is truly an honor to pay tribute to this fine institution, one of the great landmarks of the community and a central focus for one of the largest Hungarian communities in America. It is a church with a wonderful history.

The groundbreaking for St. Ladislaus Magyar Church was on October 4, 1905, and the church was incorporated on October 25, 1904. On November 19, 1905, the cornerstone of the new church was blessed in a service witnessed by some 5,000 people, according to a newspaper account from that time. The church underwent renovations and improvements in 1955, under the guidance of Father Capistran Body, and again in 1973, under the leadership of Father Asztrik Kakonyi. In the spirit of renewal inspired by the Vatican Council, great pains were taken to enhance the facility while maintaining its noble beauty.

On September 30, 1973, Cardinal Jozsef Mindszenty, the hero of Hungarian resistance to Soviet repression, traveled to New Brunswick to bless the renovated St. Ladislaus. After the Cardinal's death in 1975, a statue of the Cardinal created by the great Hungarian sculptor Ferenc Varga, Sr., of Delray Beach, FL, was unveiled at St. Ladislaus. The area of Somerset Street where the St. Ladislaus complex now stands was renamed, in 1974, Mindszenty Square.

The church has been an integral part of New Brunswick's Hungarian community, a community that has managed to maintain the language, culture, and customs of the Magyar motherland while making important contributions to the community as a whole. All of the pastors of St. Ladislaus were born and educated in Hungary. The St. Ladislaus English-Hungarian School, founded in 1914, is the only parochial school outside of Hungary in which Hungarian is part of the curriculum. The renovation of the church has also generated efforts to preserve and develop the city's Hungarian neighborhood.

When Hungarians left their homeland for the promise of America, New Brunswick and other areas of Middlesex County was one of the most important regions where they settled. The first immigrants arrived during the time of World War I, the second wave came after World War II, and, finally, a large influx of refugees in 1956 after the brutal Soviet crackdown on the Hungarian people's efforts to achieve independence and democracy. The Hungarian immigrants, and their sons and daughters born in America, have shown their gratitude to the United States by working hard and contributing mightily to the growth and development of this country. The Hungarian-Americans are a diverse group. There are Democrats and Republicans among them. They have excelled in many different fields. But one can make at least this generalization about them: they are hard working and honest, and are driven by a strong sense of faith and family.

In this post-cold war era, we have an historic opportunity for improved U.S.-Hungary relations. The foreign operations bill we passed this year increases aid to Central Europe, while our Commerce Department is working in partnership with various Hungarian agencies to help keep economic reforms on track. The Partnership for Peace, announced by President Clinton this year, is a modest first step toward bringing Hungary and other former Warsaw Pact nations into the NATO fold. I am a cosponsor of legislation known as the NATO Expansion Act, which would give Hungary and its neighbors full NATO partnership by 1999 at the latest, with immediate provisions for joint military exercises and other defense cooperation. I also believe we must do more to protect the more than 2½ million ethnic Hungarians in Romania, and condition the granting of Most Favored Nation status on Romania's respect for their civil and human rights.

While our national governments can and should do their part, the most important initiatives are happening in the private sector, at the community level and in people-to-people contacts. The sister-city relationship between New Brunswick and Debrecen is an important arrangement that will benefit the people of both communities.

Mr. Speaker, as the Representative for the Congressional District that includes New Brunswick and the parish of St. Ladislaus, I am proud to represent the city that has been called the most Hungarian city in the United States.

TRIBUTE TO SUPERVISOR BOB ROUMIGUIERE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated elected officials, Marin County Supervisor, Bob Roumiguiere. Bob (Robert A.) Roumiguiere was appointed by Governor Ronald Reagan to represent the 1st Supervisorial District of Marin County in 1972. He has served the people of Marin County well in this capacity for over 22 years, being re-elected to 5, 4-year terms.

Bob and his wife, Barbara, have five children and six grandchildren. They live in San Rafael and have been residents of Marin County for over 50 years. Bob attended Marin County Schools, including Isabel Cook, Wade Thomas, Tamalpais High School, and the College of Marin. He also graduated from California Polytechnic State University with a B.S. in Dairy Husbandry.

As we celebrate Bob Roumiguiere's 22 years of service to this community, I wish to recognize Supervisor Roumiguiere for his commitment to the people of Marin County, and to thank him for his long record of public service.

I was pleased to have had the opportunity to work closely with Bob over the last several years on important issues such as transportation and the 101 corridor, the Lucas Valley Senior Housing Project, and removing the dry docks from Richardson Bay. It was a pleasure to be working hand-in-hand with him, and I continue to be impressed by his dedication and vision.

Bob Roumiguiere served with distinction since he was appointed to the board of supervisors, and has served as chair of the board in 1976, 1983, 1990, and most recently in 1993. Bob was described in the book, 100 Faces of Marin, as "the epitome of common sense government in Marin." He has demonstrated great leadership on a wide variety of issues.

Bob Roumiguiere has been called "Mr. Transportation" by the Marin Independent Journal for his tireless effort as chair of the Northwestern Pacific right-of-way. He chairs the Highway 101 Corridor Action Committee that was formed to relieve congestion on the highway and helped the cities of Marin County reach agreement on the 101 Corridor Action Plan with the County of Marin. Bob is also a member of the National Association of Counties' Transportation Steering Committee.

As an example of his commitment to the county, Bob currently chairs the Marin County Disaster Council and is Chief of Emergency Services in Marin County. He has worked with neighborhood groups to pass fire and paramedic measures and was a key player in efforts to establish a site for a homeless shelter at Hamilton Field. In 1993, Bob was named "Humanitarian of the Year" by the Marin Unit of the American Cancer Society.

Bob has also been involved in protecting the environment and agricultural land in Marin County. He has garnered a reputation as the "Father of Open Space" for his efforts to acquire countywide open space and park lands such as China Camp State Park and for his life long commitment to preserving the quality of life in our neighborhoods. As a member of the board of supervisors, Bob led an effort to get a private operator to plan, construct, and operate the golf course at McInnis Park. He spearheaded efforts to dredge Gallinas Creek, and implement a new operations plan to provide service and protect county interests for Gnoss Field.

Bob has been working to promote economic growth and stability for Marin. He was actively involved in organizing and adopting a very difficult budget this last year, helping school districts sell school sites to non-profit organizations, and working hard to address the transportation needs of the county.

Mr. Speaker, it is my great pleasure to pay tribute to Supervisor Bob Roumiguiere. Marin County owes a great deal of gratitude for the tireless efforts of Supervisor Roumiguiere over the years. Time and time again he has extended himself on behalf of so many people and for so many causes.

Lastly, Bob also has made a name for himself in the wine industry, with his very own "Bob's Really Good" red and white wines. In reference to his wines, the community will celebrate Bob's achievement at "Bob's Really Good Party'" on December 8, 1994. I regret that I am not able to join Bob and his many friends and supporters at the Marin Civic Center Exhibition Hall in San Rafael, but I extend my hearty congratulations and best wishes to Bob and to Barbara for continued success now, and in the years to come.

SALUTE TO VICKY HOWARD

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a long-time friend and neighbor who has made a real contribution to her community and her county as a member of the Simi Valley City Council and as a Ventura County supervisor.

Vicky Howard is truly someone who got involved because she wanted to make a difference in the lives of those around her, because she wanted to make things better.

After 4 years on the Simi Valley Planning Commission, she moved onto the Council in 1982—where I had the privilege to work with her—and stayed there for 8 years before being elected to represent the fourth supervisorial district in November, 1990.

She was sworn in the following January and—in only one term—has made a significant contribution to the entire county and particularly to the East County residents she most directly represented.

While East County residents and their concerns have always fought an uphill battle for recognition in Ventura, Vicky fought tirelessly to equalize the county's geographic focus and to ensure that more county services were based on close proximity to Simi Valley, Thousand Oaks, and Moorpark.

She championed an increase in services at the county's East County Courthouse, helping bring about the installation of an additional court commissioner there and additional county services including building and safety officials. She also worked to secure funds for a library renovation and expansion in Moorpark, lobbied Federal officials for disaster assistance following the Northridge earthquake and was a champion of the local business community.

As an elected official or just an involved citizen, Vicky has made a difference in her community and has truly left her mark here. Her husband, Jim, and her three children have always given her the support she needed to endure the long hours and often thankless work necessary to get results.

Vicky has gotten results for the people of Ventura County. I would like to thank her myself and on behalf of the people she has served and wish her all the best in the future.

TRIBUTE TO MURRAY McLENDON

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. KOPETSKI. Mr. Speaker, time as humans is finite. How we choose to spend that time is very precious to us all. When one dies we are all saddened, not so much if the person lived a long and fruitful life, more so if their life was cut short. Just a few months ago a dear friend of mine, a friend from my high school class of 1967 at Pendleton High School died.

Murray McLendon always had a smile for his fellow humans. He cajoled us into enjoying life, recognizing that our life could and should be filled. He had a special way of relating to our youth, always a positive force for all he encountered. Murray died young. But Murray touched so many lives in his short time with us. He made a lasting impression on so many. Our lives are richer because he walked our way. We miss him now but will never forget him.

Recently the Seattle Times wrote of Murray. I ask unaminous consent that the Times article be placed in the RECORD.

[From the Seattle Times, Sept. 9, 1994]

SAILING BUFF MURRAY MCLENDON, 'EVERYONE'S BOAT CONSULTANT'

(By Florangela Davila)

A handful of people huddled atop a 22½-foot boat Tuesday evening, fighting the fickle weather on Lake Union in their determination to set off in the last Duck Dodge race of 1994.

Linda Lathrop was captaining Woof for the first time. The crew struggled among the roughly 60 boats and got off to a jerky start.

"We really screwed up," Lathrop recalled. "We were so used to Mac always barking out the orders.

"When we finally got out, we said, 'OK, Mac. We take back every bad thing we've ever said about your starts.'"

Five friends took to the water this week to pay tribute to Murray "Mac" Andrew McLendon, a sailing enthusiast who could be found regularly vying for the gold rubber-ducky stickers awarded at the casual weekly races held every summer.

Mr. McLendon, 45, died Sunday at Harborview Medical Center after suffering a stroke.

The son of a forester and teacher, Mr. McLendon and his sister, Mary Cutting, spent their childhood in small towns in eastern Oregon. With no television, he and his sister regularly devoured books, and it was through literature that Mr. McLendon uncovered a passion for sailing, Cutting said.

Conventionalism was never one of Mr. McLendon's traits.

After earning an English degree at the University of Oregon, Mr. McLendon worked as a bicycle mechanic, ski instructor and school-bus driver, but he always found time to coach women's soccer teams.

He helped take the South Eugene High School girls' soccer team to the state championships in 1985.

He decided to move to Seattle eight years ago, in part because his sister had moved here and because he wanted to live closer to the water.

Mr. McLendon rented boats from the Center for Wooden Boats upon moving to Seattle, working at a marine supply shop and repairing boats. "He was everybody's boat consultant. He'd even read about voltage systems for fun," said Cutting about her younger brother.

When he was 35, Mr. McLendon returned to school to earn teaching credentials, though he never taught professionally.

"He taught Chelsea how to skip rocks, dribble a ball, how to ski. He was very patient," said Lathrop, speaking about Mr. McLendon's relationship with her daughter.

Mr. McLendon lived in Ballard with Lathrop, Chelsea and Lathrop's son, Adam.

An avid skier, cyclist, tennis player and woodworker, Mr. McLendon for the past three years worked as an engineering technician for Electroimpact in Mukilteo.

In addition to his sister, Mr. McLendon is survived by his parents, Malcolm and Barbara McLendon of Anacortes; his sister Tina Barron of Wenatchee; and his brother, Curt Wyrick of Vancouver, Wash.

A memorial service will be held at 1 p.m. tomorrow in the Thomsen Chapel at St. Mark's Cathedral, 1245 10th Ave. E. in Seattle.

The family asks that remembrances be made to the Center for Wooden Boats, 1010 Valley St., Seattle, WA 98109, or to the American Heart Association.

BRING COMMON SENSE TO THE REGULATION OF ANIMAL FATS

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. LONG. Mr. Speaker, for almost 2 years now, I and a number of my colleagues in the House and the Senate have been working hard to bring common sense and reason to the regulation of animal fats and vegetable oils. We succeeded in passing language twice in the House and once in the Senate that would have required regulatory agencies to differentiate between nontoxic animal fats and vegetable oils and toxic petroleum and non-petroleum oils when writing oil spill regulations. The legislation would not have exempted the animal fats and vegetable oil industries from regulation; it merely would require agencies to establish a separate category and separate regulations for these industries. Unfortunately, we have run out of time to reconcile the two versions of the bill, and this issue will go unresolved in the 103d Congress.

Even more unfortunately, final EPA regulations that classify vegetable oils and animal fats with toxic oils go into effect in February, 1995. EPA is reviewing its regulations, but that process will not be complete until long after the final rule goes into effect. Final rules are also pending at other agencies. Without quick congressional action, processors and transporters of these edible, nontoxic materials will be forced to comply with rules and regulations designed and developed for toxic substances. Not only will this impose undue costs on the animal fats and vegetable oils industries, it could also damage consumers' perceptions of these products.

Congressman TOM EWING, who has worked with me on this issue, has agreed to carry this legislation forward in the next Congress. I urge my colleagues to support his efforts to bring a reasoned and commonsense approach to an issue that has become a symbol of our country's sometimes illogical regulatory process.

JOHN E. KELLEY

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. WHEAT. Mr. Speaker, I rise today to pay tribute to the life and career of a remarkable individual from the Kansas City area, John E. Kelley.

A political reformer and powerful advocate of good government, John Kelley became a driving force behind the reform movement in the 1960's that forever changed Jackson County politics. The task he undertook—to dismantle the corrupt county political machine and the bribery, exploitation, and rampant patronage that engulfed it—was an uphill battle.

But Kelley, blessed not only with a brilliant mind but a courageous will, persevered. Eventually, Kelley and fellow reformers led the successful effort to adopt a home-rule charter for Jackson County. It was a historic and vital change for Jackson County, a change that would improve our community and the lives of the people who live and work in it for years to come. And it is only one of John Kelley's many legacies.

Anyone who knew John Kelley, if only briefly, could not help but be touched by his kindness and his humanity. His concern for the welfare of the less fortunate was genuine, his advice and counsel was honest, his friendship sincere. A devoted husband and father, John Kelley put his considerable talents to work to improve the lives of others, and for that many are grateful today. At a time when cynicism and skepticism often color our view of government and politicians, we need only look to John Kelley to remind ourselves of the true meaning of public service, and of the positive change we can make in our lives when good people come together in common cause.

The dedication John Kelley showed to both his community and profession should serve as an inspiration to all public servants. Mr. Speaker, with John Kelley's recent passing, I would like to share with my colleagues a tribute to his life that appeared in the Kansas City Star:

JOHN E. KELLEY

John Edgar Kelley was the mortal enemy of spoils system politicians. And, as much as any other individual, he was responsible for knocking them out of the Jackson County Courthouse in the middle 1960s. That led to reform of the county government, capped by adoption of a home-rule charter.

Defeat of the hard-line factions was an extremely difficult mission. The corrupt Pendergast machine had been swept out of City Hall in the early 1940s. But hard-core factionalism remained undisturbed across the street at the courthouse—with its raw exploitation of employees, its favoritism for insiders, greed and payoffs.

The factions were a powerful force because the county workers' first commitment was to register their people and get them to the polls on election days. Public service was incidental.

This entrenched outfit seemed invincible until Charles E. Curry, a savings and loan company executive, stepped onto the scene. Curry was elected to the old three-member county administrative court without being tainted by the factions. No one among his innermost advisers was closer to him than Kelley, a young lawyer.

When it became apparent that the other two faction-controlled court members would not follow Curry's reform efforts, the attack was launched: an all-out political war against the discredited county machine.

The reformers knocked out most faction candidates in the 1966 Democratic primary. They mopped up in 1968, putting county government in the hands of the "white hats." Kelley then moved on to other public service assignments.

A friendly, open individual, Kelley remained a fountainhead of information and insight into politics and trends, both for politicians and the public, mainly through broadcast outlets.

John Kelley, who has died at the age of 62, was not only a staunch foe of patronage politics. He had the way and the will to lead this community to watershed change—for the better.

TRIBUTE TO FRANCES HYDE CROWE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. OLVER. Mr. Speaker, I rise today to honor Frances Hyde Crowe on her retirement, after 26 years, as the western Massachusetts representative of the American Friends Service Committee. Throughout her career she has remained committed to local activism; to seeking peace, justice, and equality in her community.

In the 1950's, a concern for the threat nuclear testing posed to the health of her children led to her to seek a political solution. Mrs. Crowe went on to be the driving force behind a local chapter of the national SANE Nuclear Policy Committee; a founding member of a chapter of the Women's International League for Peace and Freedom in the early 1960's; and eventually the area representative for the AFSC in 1968. Over the years, she honed and developed her strengths as an activist for peace and social justice.

Frances Crowe's ability to inspire and motivate others into public action is a lasting contribution to her community. She has shown that through non-violent civil disobedience and through advocating a joyful community one can rally others toward realizing that community. Her vision of a sustainable society where citizens say "no" to violence, build good jobs, and are self-sufficient is something worth striving for.

I ask my colleagues to join me in congratulating Frances Hyde Crowe on her retirement and in wishing her continued success.

SALUTE TO THE HARDEST WORKING VA CLINIC IN THE UNITED STATES

HON. CHARLES N. WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. WILSON. Mr. Speaker, I rise today to share with you and with my colleagues a success story that began in Lufkin, TX, on March 23, 1991. It is the miracle of the Lufkin Veterans Outpatient Clinic, the hardest working veterans' clinic in the country.

Our clinic is a miracle because at the start we were told by planning experts that it was not needed in our area.

It is a miracle because once we proved that assumption wrong, we were told by those experts that the clinic would only have about 15,000 patient visits annually and never more than 25,000 and that many only after several years of operation.

It is a miracle because in the first year of operation, and staffed only to handle those experts' estimate of patients, the Lufkin Veterans Outpatient Clinic handled almost 31,000 visits by east Texas veterans.

And it is a miracle because today, half-way through its fourth year of operation, the Lufkin clinic is up to nearly 40,000 patient visits annually. Our clinic is treating a percentage of the eligible veterans in the area that is more than double the national average for use of veterans medical care facilities.

This was accomplished through the tenacity of many, many people. In the beginning it was the community leaders who fought with me to get the clinic for Lufkin. However, we just laid the groundwork for a clinic medical staff that has put in the overtime, shown the dedication and made the commitment to keep up with the demand on their services. Anyone who harbors a notion that Federal employees never work hard should pay a visit to our Lufkin Veterans Clinic.

Their work continues with all energy focused on the medical needs of east Texas veterans. The miracle also continues for the tens of thousands of veterans who otherwise might not have the care that they need without a long, and for some impossible, drive.

I ask that you join with me in praising the people who have made the Lufkin Veterans Outpatient Clinic the most successful, hardest working veterans' clinic in the United States: its doctors, nurses, and medical technicians—the administrative staff—the volunteers. This is an example of how the system can and should work for our communities, our citizens, and our veterans.

SIX SIKH PRISONERS KILLED BY PRISON GUARDS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. CRANE. Mr. Speaker, I rise today to bring to the attention of the U.S. Congress, the Government of the United States, and the American people another tragic incident in a long list of human rights violations by the Indian Government at the expense of the Sikh nation. According to Agence France Presse, Indian prison guards at the Pilibhit prison in Uttar Pradesh murdered six Sikh prisoners and may have tortured as many as 30 others. All six were scheduled to be released, and four of the six were witnesses to another cold-blooded incident where 12 other Sikhs were pulled off a bus and shot in the head at point blank range by Indian police. While initial reports stated that the Sikhs were killed during an escape attempt, there is now evidence that the murders were premeditated, indicating that the Indian Government wished to silence these witnesses.

Such abuses should not be tolerated anywhere. For years, our Government has had access to numerous reports concerning India's brutality against the Sikhs. The Pilibhit prison murders are only the tip of the iceberg.

The Sikh nation declared its independence on October 7, 1987, forming the separate country of Khalistan, and I believe it is time the United States takes action to support the independence of the Sikh nation. Congress should pressure India to end human rights abuses against Sikhs and allow international human rights organizations to conduct investigations and inspections without governmental interference. Our Government should encourage India to allow self-determination and free-elections in Khalistan. If India will not grant these simple liberties to Sikhs, I believe we must consider more additional action, including a reduction in aid to India. The United States simply cannot sit idly by and allow these abuses to continue.

So that the American people and other members of the Congress can see reports of these abuses themselves, I am submitting for the record the Council of Khalistan's news release regarding the prison murders, as well as Agence France Presse reports from November 10 and November 16.

[From the Council of Khalistan, Nov. 29, 1994]

SIX SIKH PRISONERS TORTURED AND MURDERED BY PRISON GUARDS

WASHINGTON, DC, November 29.—Indian guards at the Pilibhit prison in the Indian state of Uttar Pradesh tortured and murdered six Sikh prisoners on November 8 just days before they were to be released on bail, according to the Agence France Presse. Another 30 Sikhs were tortured but did not die. Four of the Sikhs killed witnessed the cold-blooded murder of 12 Sikhs last year who were shot in the head at point blank range by Indian police after being pulled off a bus. Officials initially tried to cover up the prison murders. An Agence France Presse wire service report on November 10, said that the Sikhs were killed while attempting a prison break. On November 16, however, the same wire service revealed that signs of torture, like crushed genitals, had been discovered on victims' corpses. The murders had obviously been premeditated.

"It is clear that the prison guards wanted to kill those Sikhs who witnessed the Pilibhit massacres last year. They wanted to silence them for good," said Dr. Gurmit Singh Aulakh, president of the Council of Khalistan. "India did not want to let them free at the risk that they would expose its brutality against the Sikhs and help advance the struggle for an independent Khalistan. But India's designs have backfired. The government may control the flow of information in India, but somehow the truth gets out. India is not being exposed."

Well-respected international human rights investigators have fully documented India's pattern of cover-ups regarding the murder of Sikhs as part of its effort to crush the Khalistan movement. According to a 1993 Amnesty International report, the *modus operandi* of Indian police is to deny any wrongdoing concerning the murder of Sikhs and simply claim "that the victim 'escaped' from custody or has been killed in an 'encounter.'" According to *Dead Silence: The Legacy of Abuses in Punjab*, published jointly by Human Rights Watch/Asia and Physician for Human Rights, most Sikhs killed by the Indian government "were summarily executed in police custody in staged 'encounters.' These killings became so common, in fact, that the term 'encounter killing' became synonymous with extrajudicial execution.

Indian prison guards apparently attempted to follow the same pattern of murder and denial at the Philibhit prison on November 8.

Original reports said that four Sikhs tried to escape from the jail using their unfurled turbans as ladders. Prison officials claimed that they had cut through iron bars and stabbed and wounded three prison guards who had stopped to challenge them. Local reports, however revealed the truth that the Sikhs were murdered in cold blood.

"This is the kind of systemic brutality Sikhs have been struggling against for years," said Dr. Aulakh. "The Sikh nation declared independence from India on October 7, 1987 forming the separate country of Khalistan. Incidents like this simply show the urgency of our demands. Sikhs will never be assured of their right to life as long as we live under India's brutal rule. I hope the world seriously looks at this incident and understands that it is just the tip of the iceberg. India's record of savage abuse against the Sikhs is a mile long. The time has come for the world to send a message to the Indian government that it will no longer stand for its brutality against the Sikhs. The time has come for the liberation of Khalistan."

[From the Agence France Presse, Nov. 10, 1994]

FOUR SIKH MILITANTS DIE IN ABORTIVE JAIL BREAK

Four Sikh militants were killed by prison guards when they tried to escape from a jail in northern India by using their turbans to make a cloth ladder, press reports said here Thursday.

Twenty-eight people, including prison staff, were injured in a brawl that followed the abortive jailbreak late Tuesday night at the Pilibhit penitentiary in Uttar Pradesh state, the Press Trust of India (PTI) said.

Several Sikh separatist guerrillas from the northern farming state of Punjab are lodged in the jail.

The inmates cut through the iron bars of their barracks and were trying to scale a wall using a ladder they had made out of turban cloth when they were spotted by prison guards.

The guards overpowered them using bamboo staves, PTI said, adding that four prisoners were so seriously injured that they died.

SIKH PRISONERS TORTURED TO DEATH IN NORTH INDIAN PRISON: DAILY

NEW DELHI, November 16.—Six Sikh militants previously reported to have died while trying to escape from a high-security prison in north India were actually tortured to death for protesting corruption in jail, a daily alleged Wednesday.

The Telegraph said the six who were reported to have been shot dead during a jailbreak in Pilibhit, in the state of Uttar Pradesh, had in fact been killed by guards for raising the issue of venal warders.

"Circumstantial evidence suggests the murders were premeditated," it said, and cited witnesses who claimed the prisoners had been tortured and their genitals crushed.

Earlier reports said the six had been shot dead on November 8 while trying to fashion a cloth ladder from their turbans after cutting through iron bars in the barracks.

"Escape is ruled out by the presence of a 30-foot (nine-metre) wall encircling the prison," it said. The prisoners "had received their bail orders and were to be released very soon."

H.R. 1520, THE PETROLEUM PRACTICES ACT AMENDMENTS OF 1994

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DINGELL. Mr. Speaker, a goal which has been of concern to me over several years has been ensuring a strong independent gasoline dealer presence in the motor fuel marketing industry. A strong independent dealer sector benefits consumers, and keeps this key industry competitive.

Last month's passage of H.R. 1520, the Petroleum Marketing Practices Act Amendments [PMPA] of 1994, furthers this goal.

H.R. 1520 is in many ways a State-law-protection package. It helped clarify that the Federal PMPA was and will remain limited in scope, and is simply intended to set forth termination standards. State law can tell us what meets those standards.

The Federal PMPA was never intended to preclude State regulation of other franchising matters, such as disclosure or content of franchise provisions.

States such as Michigan have laws on the books which H.R. 1520 protects. It does this in several ways.

First, the legislation adopts a new definition of the term "failure." We have strengthened, through clear and unambiguous statutory language, the original intent of the act. The PMPA was always intended to preclude franchise terminations based on franchise provisions which are illegal or unenforceable as determined by the governing State law. The term "the law of the state" is used in its broadest context to include State statutes and regulations, as well as State common law.

The antiwaiver provisions of H.R. 1520 also address this issue, by providing that franchise agreements will be governed by the law of the franchisee's home State.

Further, the antiwaiver provision is intended to preclude any claim that by reason of signing a new franchise agreement, a franchisee is precluded from challenging the validity of the underlying provision under the governing law of the State.

Second, the goodwill amendment must be read as narrowly as it is drafted. For example, our law in Michigan that provides for inventory repurchase upon termination, has just been upheld against a PMPA preemption attack.

In particular, the goodwill amendment in H.R. 1520 applies only where the State seeks to require goodwill as condition of a lawful PMPA termination, and only to goodwill generated by the gasoline portion of franchisee's business. No interference with regulation of ancillary franchises, rebate of sums paid to franchisors, or other provisions of law such as ours in Michigan is intended.

Third, thanks to H.R. 1520, State survivorship laws such as ours in Michigan, which allows a dealer to pass his or her business on to their family members, should never again be subjected to a Federal PMPA preemption attack.

We have also made in this measure an important addition to the PMPA's failure-to-agree test, which generated the controversy in the first place.

Finally, H.R. 1520 expressly provides that the franchisor may not insist on changes or additions that would have the effect of the station becoming company operated.

I want especially to acknowledge the hard work of so many of our colleagues, including my good friend, the chairman of the subcommittee, Mr. SHARP, and the tireless efforts of those who worked on this issue, particularly on behalf of the dealers.

TRIBUTE TO DALE BOLLE

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. PETRI. Mr. Speaker, I rise today to recognize the accomplishments of a leader in my home State of Wisconsin, State representative Dale Bolle.

In 1982, Representative Bolle was elected to the Wisconsin State Assembly to represent parts of Manitowoc and Brown Counties. In the six terms that Dale has served in the assembly, he has established a reputation as a trustworthy public servant for the 2d district and a tireless advocate for our State's veterans.

Dale graduated from Manitowoc Lincoln High School in 1941. During World War II, the Manitowoc County native enlisted in the Army and later returned to service during the Korean conflict. Dale continued to serve his country in the Army Reserves and after 23 years of service he attained the rank of captain.

Dale and his wife Ethelyn were married in 1946. They have raised two sons and have three grandchildren. After serving in two major wars, Dale began working as a truck driver, and in 1961, he purchased his own trucking company. He retired from the business in 1980.

Dale served on the Manitowoc County Board from 1970 to 1980 and was chairman from 1976 to 1978. He was a member of the Bay-Lake Regional Planning Commission, the Wisconsin County Boards Association, the Wisconsin Counties Utility Tax Association, and the chamber of commerce. He is an active member of the St. Augustin Church in Reif Mills, the Two Rivers Elks Club, the Master Builders Association, the Disabled American Veterans, and the Veterans of Foreign Wars. Recently, Dale was honored by the Manitowoc County United Veterans Council for his commitment to veterans issues.

During his career in the State assembly, he served on numerous legislative committees including excise and fees, highways, government operations and corrections, and urban and local affairs. He was the first chairman of the assembly's committee on aging and also served on the judiciary, economic development, local affairs and small business committees.

In 1987, he took over the chairmanship of the assembly committee on veterans and military affairs and held that position longer than any other legislator. As chairman, he was a strong advocate for the State's 500,000 veterans and members of the military. His efforts helped aid homeless veterans, women veterans, and those who were unemployed or in need of health care.

Dale always maintained that democracy was the best form of government, even if the legislative process was not as fast as the public would like. He possessed the gift of cooperation and knew the art of compromise. Dale's dedication to his family, his country and his community has never wavered.

I commend Dale Bolle's record of public service to my colleagues, and ask them the join me in recognizing his accomplishments as he retires from the Wisconsin State Legislature.

SWEARING-IN CEREMONY FOR DOYLE L. COOK

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FOLEY. Mr. Speaker, today I had the honor of participating in the formal swearing-in ceremony for Doyle L. Cook, whose appointment to the Board of the Farm Credit Administration was confirmed by the Senate last month. Doyle joined the Board of the Farm Credit Administration [FCA] on October 6, 1994, bringing 32 years experience in agricultural lending.

Doyle Cook originally joined the Farm Credit System in 1975, after 13 years experience in credit, marketing, finance, and general management with Ralston Purina. He is from Star City, AR, and earned a B.S. degree in agricultural business and an M.S. degree in agricultural economics from the University of Arkansas.

I came to know and respect Doyle Cook from his service to the Farm Credit Bank of Spokane. That service represents a significant achievement in Doyle's career and makes him eminently qualified to serve on the FCA Board.

When Doyle took over the Spokane Farm Credit Bank, it was in dire financial straits. Under his leadership, the Spokane Farm Credit Bank was restored to financial health.

When Doyle took over the Spokane Farm Credit Bank as president and chief executive officer in 1989, he immediately went to work to get the bank back to a sound financial position. He quickly obtained Federal financial assistance to stabilize the situation. He selected a new management team and charged them with increased responsibilities and levels of accountability. He reduced the bank's cost of funds by buying down high-cost debt. He encouraged the associations to merge to reduce operating costs and helped persuade borrowers that they should convert from guaranteed stock to "at risk" capital to enable the district to meet its capital requirements. Within 5 years, the bank was profitable again and Federal assistance had been repaid, 10 years ahead of schedule. This spring, when the Farm Credit Bank of Spokane was merged with the Farm Credit Bank of Omaha, Doyle willingly stepped down to create a leaner, stronger bank better able to serve its customers.

The Spokane bank was not the first challenge of this type Doyle had undertaken. In 1985, he left his position as senior vice president of the Federal Intermediate Credit Bank of Texas to assume leadership of a large district-wide association in Louisville, KY, with a $75 million operating loss. Within 4 years, the association was earning a $52 million profit.

Today, at his swearing-in, Doyle made the following remarks, which I think give us some insight into the kind of regulator he will be:

Since coming to FCA, a number of people have asked me about my agenda as a regulator. My answer has been that my agenda will be to continue to do the effective job of regulating the system that FCA has been doing, but to challenge the staff to do it better, more efficiently, and more creatively. Although I am a great believer in learning the lessons history has to teach us, I also think "we've always done it that way" is not an acceptable reason for doing something. I favor regulation that creates the right incentives for farm credit system institutions to serve their markets better, make sound loans, and build strong financial institutions. Beyond this I have no agenda. Certainly, this is agenda enough.

To system institutions and to the FCA staff, I would say we need to beware of the complacency that is fostered by benign economic conditions. Let's be sure we have learned the lessons the eighties have to teach us. One thing we know, good times and bad times are cyclical. At the same time, let's be sure that we understand how things have changed and seek to understand the pace and direction of the change that continues even as we speak. And let's dare to do things differently and more creatively, as the need arises, to respond to the risks and opportunities that the future holds.

During the 1980's, I assumed leadership of two troubled institutions—a large association and a bank. In both cases, things looked bad. Keeping up employee moral was a struggle. Keeping up my own morale was a struggle. But what I learned from these experiences is that people can perform heroically in the worst of conditions, just as people can perform miserably in the best of conditions, and ultimately, we reap what we sow. When conditions are benign, as they currently are, we need to strive just as hard for excellence as we do when we are challenged by difficult economic conditions. Otherwise, we sow the seeds for future difficulties. I have also learned that people of enthusiasm and good will can make a poor organizational structure work and unenthusiastic and self-interested people can sabotage an excellent organizational structure.

What is my agenda? A few years ago, I expressed my feelings about the role I hoped to play as CEO of a troubled institution by quoting Elbert Hubbard's "Businessman's Creed." With a few modifications to degenderize it and to reflect my new role as regulator, it still seems to work. With apologies to Mr. Hubbard for the modifications, here it is:

1. I believe in the stuff I'm handing out in FCA and our ability to get results.

2. I believe that honest stuff can be passed out to honest people by honest methods.

3. I believe in working, not weeping; in boosting, not knocking; and in the pleasure of my job.

4. I believe that a person gets what they go after, that one deed done today is worth two deeds tomorrow, and that no person is down and out until they have lost faith in themselves.

5. I believe in today and the work I am doing, in tomorrow and the work I hope to do, and in the sure reward which the future holds.

6. I believe in courtesy, in kindness, in generosity, in good cheer, in friendship, and in honest competition (with commercial banks, or course).

7. I believe there is something doing, somewhere, for every person ready to do it.

8. I believe I am ready. Right now.

IN RECOGNITION OF THE BOYS AND GIRLS CLUBS OF AMERICA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HOYER. Mr. Speaker, I rise today to honor the Boys and Girls Clubs of America, an organization which for years has been instrumental in the development of America's youth. Through an array of programs, an expert staff, and a dedicated corps of volunteers, Boys and Girls Clubs provide services to over 2 million children throughout this country. In doing so, Boys and Girls Clubs instill in our Nation's children sound character and superior values. They provide a foundation from which the youth of today may become the leaders of tomorrow.

The future of America's children, however, remains precarious. In our society, children are confronted with the difficult task of overcoming many obstacles which threaten their development. Drugs and alcohol are ever present. Crime and violence are tragically abundant. Yet, Boys and Girls Clubs of America continues to steer children along the path to opportunity, hope, and success. For this I commend them. Their work is indeed a testament to what's right with America.

On September 21, 1994, Mr. Arnold Burns delivered remarks before a congressional breakfast which honored the Boys and Girls Clubs' Youth of the Year finalists. His comments were clearly indicative of the Boys and Girls Club's commitment to serving our country's children. In recognition of this outstanding service, I respectfully submit that his remarks be entered into the Record.

Boys & Girls Clubs of America
Congressional Breakfast

Good morning. When I hosted my first congressional breakfast 10 years ago in this very place, Boys & Girls Clubs of America, then known as Boys Clubs of America, served just over 1,000,000 kids. Today thanks to a tremendous outreach program we are serving over 2,000,000 children!

Today we celebrate and honor the five "Youth of the Year" finalists. These young people represent the next generation of Americans on whose shoulders will rest the future peace and prosperity of the United States.

And I, for one, am optimistic about that future. These young men and women have made outstanding contributions to their communities. We admire their strength and their determination to overcome the many barriers to success that fate has placed in their paths. We salute them.

Others, however, have not been so fortunate. Many are too downtrodden and depressed by the everyday fight for survival.

In our society today, there is poverty. There is crime. There is a drug epidemic. There is violence. Kids growing up today often feel trapped. They don't know how to break the cycle. They see no light at the end of the tunnel.

Teenage pregnancies continue to plague us. Each year in the United States there are more than 1 million such pregnancies, and the lives of many young, unwed parents are filled with nothing but despair.

By the 12th grade, 80 percent of all boys and girls in the nation are periodic drinkers. Almost two-thirds of all high school seniors have tried illicit drugs. Latch-key teens who are left unsupervised for long periods of time feel abandoned, frustrated and angry. They are subject to all kinds of danger, as well as depression and even suicide. Kids today too often join violent youth gangs because they feel the need to be part of something or because they have no other place to turn. This perpetuates the cycle of arson, rape, robbery, and violence. Too often kids don't know the first thing about how to resist street pressure for drugs and sex. They don't know the first thing about how to find a job and how to lead a productive life. No doubt about it—our societal problems are staggering—mind-boggling.

How can we address these problems head on and win—and win big? To help us answer that question we today invited the manager of the New York Yankees—in first place by more than 6½ games in the Eastern Division of the American League when the season was suspended. With the help of my friend George Steinbrenner, principal owner of the team (who incidentally is one of the top supporters of our Tampa Bay Boys & Girls Club) Buck Burns is here with us and, drawing from his sports experience, will give us some pointers.

"Good morning folks. I am delighted to be here. Thank you for inviting me. As you heard, I am manager of the New York Yankees. I love my job. As Casey Stengel said when asked about the art of managing, "Managing is getting paid for home runs someone else hits."

"In thinking what I was going to say today I made a list of the nine most important factors (one for each position on the ballfield) which, in my judgment, make for a winning ball club. I am convinced that these same factors are at play at Boys & Girls Clubs all over our nation in addressing and solving the problems of youth so well described by the person who just introduced me.

"1. FUNDAMENTALS

"In baseball, you start with the fundametals—the basics. There are certain plays you must be able to make, game after game, inning after inning. You must be able to turn a double play. You must be able to hit the cut-off man. You must be able to advance the runner into scoring position. All this may sound simple—but it is the tried and proven plays such as these that often make the difference between winning and losing.

"In the Boys & Girls Clubs it is the tried and proven programs that keep kids coming back day after day and year after year—programs that help kids find employment, inculcate good work habits, teach them how to get up in the morning, how to show up on time for an interview, how to become a reliable and important part of the work force. Other Boys & Girls Club programs help kids say no to drugs, no to alcohol, no to teenage sex and yes to school, jobs, and family. They literally save hundreds of thousands of kids from harm and destruction each year.

"2. A DEDICATED STAFF

"Before the strike I was working harder than I ever had as Yankee manager, often staying up 'til the wee hours of the morning watching the videotape of the previous night's game, seeing what we could have done better. Still, hard as I might work, I couldn't do this job without my coaching staff and other support persons. I depend heavily on them—my hitting coach, my pitching coach, my bullpen coach, all the way down to my equipment manager and clubhouse attendants. I think we have the best staff in baseball—they share my dedication and old-fashioned work ethic.

"At the Boys & Girls Clubs they have a cadre second to none of 5,600 full-time trained career professionals and 14,800 part-time workers dedicated to helping young people gain self-esteem and develop the motivation to become productive citizens and leaders. 77,000 board and program volunteers help make the Boys & Girls Club movement work.

"Clubs provide a positive place for kids. Clubs help their members stay out of trouble with the law, and Club staff become [1]second parents[2] to many boys and girls who often turn to them for advice and guidance.

"3. A STRONG FARM SYSTEM

"One of the reasons the Yankees are in first place is because of our farm system: our Class AAA team in Columbus, Ohio; our Class AA team in Albany, New York; and our two Class A teams in Tampa and Greensboro, North Carolina. Many of our young players today came up through our farm system, where they learned to play baseball the "Yankee way" before they made it to the big leagues. We're proud of our farm clubs—in many ways they're the backbone of our organization.

"At the Boys & Girls Clubs there are 1566 club units in 49 states and Puerto Rico run by 664 local Boys & Girls Club organizations where kids, ages 6 to 18, can go every day after school, in the evenings and on weekends to participate in supervised activities.

"The Boys & Girls Clubs of America—the national umbrella organization—helps community leaders form new clubs, provides training, management consulting and resource materials to Clubs, promotes greater public and media awareness of Club work, and addresses legislative and public policy issues affecting young people.

"4. FINANCIAL STABILITY AND RESOURCES

"The unfortunate and, from our point of view as division leader, untimely baseball strike is all about money and financial resources. It is important for all 28 Major League teams to be healthy and financially sound so that they can remain competitive on the field.

"The local Boys & Girls Clubs and the Boys & Girls Clubs of America today raise and spend over $300 million each year, with over 90% of these funds coming from non-governmental sources. Today, if you had to replace all the current Boys & Girls Clubs buildings, playgrounds, and camps, it would cost close to one billion dollars.

"5. TOP EXECUTIVES

"Remember I told you how much help I needed from my coaching staff in order to do my job? Well, I rely just as heavily on the executives in our organization—people such as my boss, George Steinbrenner, Stick Michael, our General Manager; Jack Lawn, our Vice-President; and my assistant, Buck Showalter. While I'm thinking about little things like whether to bunt or put the hit-and-run on, our executives are thinking about really big things—like where our organization is headed in the next several years.

"At the Boys & Girls Clubs of America, they have had and now have major homerun hitters and hall of famers like the late Al Cole, like John Burns, Jeremiah Milbank, Pete Silas, George Grune, President Tom Garth, and Robbie Callaway—these men are top talent. Their vision is vital to the long-term success of the Boys & Girls Clubs.

"6. CHARACTER

"In assessing whether a player is right for our team we ask our scouts to look for athletic skill, speed, and agility. But I have to tell you that the most important trait of all is character. We want players who will take extra batting practice. Players who work hard in the offseason. Players who take pride in wearing the Yankee uniform. Players who will stand up under pressure. Players on whom teammates can rely. Players who are for the team first and foremost and not concerned only with their own stats. And we know we can help a player build his character.

"Same thing with the Boys & Girls Clubs of America. The care, concern, and understanding that young people receive from Club workers helps foster trust and the development of sound values, character, and leadership quantities. The Boys & Girls Clubs take the same approach as the Yankees: each young person they meet could develop into the next Don Mattingly—a leader in the clubhouse.

"7. A REAL FAN BASE

"In baseball we call the fans our 10th man. Through the years there have been so many times when we've been down, when it seemed as if we were headed straight to defeat, and all of a sudden our home fans would pick us up and help us rally for a dramatic win. Simply put, we couldn't have won all those pennants without the loyal support of our loud and enthusiastic fans who appreciate and understand the great tradition and legend of the New York Yankees.

"The Boys & Girls Club of America also have an active fan club. Many of their fans are with us this morning. Justice Department fans include Attorney General Reno, Laurie Robinson, John Wilson, and Shay Bilchik. Department of Housing & Urban Development fans include Secretary Cisneros, Joe Schuldinner, Dom Nessi, Ed Moses, and Mike Janis. Fans at the Department of Education include Secretary Riley and Bill Nodzeleski and Terry Peterson. Treasury Department fans include Secretary Bentsen, Herb Jones and Ron Noble and Department of Health & Human Services fans include Laura Schiller and Peter Edelman. Among our Defense Department fans are Gail McGinn and Daniel Donahue. AmeriCorps fans include Eli Segal, Hank Oltmann, and Don Mathis, and fans at DEA include Administrator Constantine and Ron Trethric.

"There are also special fans here today who have always been willing to help, such as Drug Czar Dr. Lee Brown and Bureau of Alcohol, Tobacco and Firearms Director John Magaw. The FBI's Demand Reduction Unit has joined forces with Boys & Girls Clubs of America to develop after school initiatives focusing on high-risk youth. FBI fans include Director Freeh, Swanson Carter, Scott Nelson, and Bob Garrity. Police chiefs are in the fan club including such exceptional chiefs as United States Park Police Chief Langston, and Chief Mitchell of Prince George's County. Our White House fans include our alumnus, the fella in the Oval Office, and Veronica Biggins, who is here with us.

"There are also fans here from the private sector who time and time again have stepped up to the plate to provide financial and other support. Fans also include our friend John Walsh, host of "America's Most Wanted", who is with us this morning.

"And, of course, we have a solid congressional fan club, which is led by Senator Thurmond, Representative Hoyer, Senators Biden and Hutchison, and Representatives Ramstad, Morella, Mollohan, Martinez, and so many of you who are here with us this morning.

8. PHYSICAL AND MENTAL FITNESS

"In order to pay baseball, you must be physically and mentally fit. In fact, being mentally fit may be more important than being physically fit, especially when it comes to hitting. As Yogi Berra, one of our many hall of famers, once said: "Ninety percent of hitting is mental; the other half is physical."

"In Boys & Girls Clubs, they have the: Smart Moves program, which helps kids stay away from drugs and alcohol; Career Exploration and Job Search Programs which mentally help our boys and girls prepare to be productive working members of society; Sectional Tournaments which allow our members to test their physical abilities in team competition, and Albert Cole/Reader's Digest Youth Entrepreneurs Program which allows our members to test their physical and mental fitness by pursuing entrepreneurial activities such as the Huntsville, AL Boys & Girls Club Produce Market, where the kids farm and grow all the produce, and the funds go toward pursuing their education.

"In addition to these programs, more and more Boys & Girls Clubs are providing their members with the opportunity to use computers, and providing them with skills that are so valuable to their education and to their futures.

"9. SOME ALL STARS

"Don't let anybody fool you. I could be the smartest manager in baseball—smarter than Tommy Lasorda, smarter than Sparky Anderson—but if I didn't have a few all stars in my lineup, very little of my strategy would matter. Every teams needs its share of all stars—which brings me back to our five youths of the year and the clubs whence they come.

I'd like to close by congratulating our all star "Youth of the Year" finalists—Todd Green from Tampa, Brooke Kersey from Philadelphia, David Lillard from Gary, Indiana, Torry Winn from Phoenix, and Lawanda Jones from Dallas. For being an inspiration to us all you give us cause to celebrate. You make us proud to renew our commitment to a strong America.

"With young people like this, I, too, am optimistic about the future. It is not a foolish optimism. It is not the optimism of the small-time football coach with a reputation for looking at the world through rose-colored glasses. He came into the locker room to give the team a pre-game pep talk. "Alright, boys," he cried cheerily, "here we are, unbeaten, untied, and unscored upon—and ready for the first game of the season." No, mine is an informed optimism. With your continued support and help, Boys & Girls Clubs will indeed continue to succeed.

"Thank you."

UNITED TECHNOLOGIES CARRIER APPLAUDED FOR INGENUITY, COMMITMENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. WALSH. Mr. Speaker, today I want to congratulate a company from my home district, a major employer and important contributor to the great quality of life we enjoy in central New York.

The company is United Technologies Carrier. Recently Carrier was honored three times for its ingenuity. On the State level, they received The New York State Governor's Award for Energy Innovation. These were underlined when the company shortly thereafter received the U.S. Environmental Protection Agency Award for Ozone Protection.

The EPA award, like the others, recognizes Carrier's contribution to global environmental protection by way of a new technology. It involves two advancements: the improvement of operating efficiencies of Carrier's commercial centrifugal chillers, which use chlorine-free HFC–134a refrigerant, and the development of the world's first residential central air conditioner to use a chlorine-free refrigerant.

These are among the results of a successful 5-year, $71 million effort to phase out CFC refrigerants from Carrier products and to develop air-conditioning products compatible with chlorine-free refrigerants.

Carrier is the world's largest manufacturer of heating and air-conditioning systems and equipment. It is a provider of a broad range of high-technology products and support services in the aerospace, building systems, and automotive industries.

Over its years in the Syracuse area, Carrier has thrived. It has in turn supported community organizations and civic betterment. Carrier represents wise management, a dedicated labor force and enviable marketing and research—all of which represent the best of American industry. I ask my colleagues to join me in saluting them.

ON THE RETIREMENT OF THE HONORABLE ROD DIRIDON

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MINETA. Mr. Speaker, during the 20 years in which I have had the honor of representing the people of Santa Clara County in the U.S. House of Representatives, many of those same constituents have enjoyed the fair and dedicated representation of Rod Diridon as their voice on the Santa Clara County Board of Supervisors. From the moment we were both elected to our posts in 1974, it has been a pleasure and an honor to work with Supervisor Diridon in addressing the needs of our community.

On December 31, 1994, in Santa Clara County, CA, Rod Diridon will officially retire from two decades of service as a Member of the Santa Clara County Board of Supervisors.

Mr. Speaker, Rod Diridon is a man of vision. His leadership as five time Chair of the Santa Clara County Transit District, Chair of the Metropolitan Transportation Commission for the nine counties of the San Francisco Bay area, Transit Liaison to the Department of Transportation for the State of California, and Chair of the American Public Transit Association are but a few of the many positions held by Mr. Diridon which demonstrate his expertise in the field of transportation. Through his outstanding leadership and advocacy in transit planning, Supervisor Diridon has helped lay the foundation for creating a new rail transit system in Santa Clara County. As Chair of the Committee on Public Works and Transportation in the U.S. House of Representatives, I have been grateful for Rod's partnership in responding to the transportation needs of our growing valley.

Rod Diridon has provided unparalleled leadership during his tenure on the Santa Clara County Board of Supervisors. He has presided over more than one hundred national, state, and local community service programs and projects. As Chair of the Bay Area Air Quality Management District and the Association of Bay Area Governments, Mr. Diridon has been responsible for the development of the San Francisco region's major housing and environmental master plans. He has been involved with nearly every major land-use decision made in the bay area for well over a decade.

Mr. Speaker, Rod Diridon is a man of great principle. He has, time and again, demonstrated a willingness to fight for worthy causes, even in the face of fierce opposition and passionate controversy. Rod Diridon refused to back down from his battle for safer streets in our community, despite powerfully organized efforts to defeat the gun control ordinance he firmly supported. Thanks to Rod's leadership, our county recognizes the danger posed by assault weapons and has taken a stronger stand against crime. Our community now has the lowest crime rate of any major metropolitan area in our Nation.

Rod Diridon has served as a defender of those programs vital to the members of our community who depend upon services and funding provided through the county government. Rod has worked repeatedly with a variety of funding sources to ensure continued support for our county parks and libraries. As a champion of clean air, Supervisor Diridon has supported new programs to reduce air pollution, and successfully led a strongly contested effort to establish one of the first ordinances in the Nation to limit public smoking. He has consistently protected funding for county health care services, fighting for equal health care options for all women and to guarantee that no indigent member of our community would be turned away in a time of greatest need. And, Mr. Speaker, it was Rod Diridon who took the initiative in my home of Santa Clara County to introduce and pass an ordinance calling for reparations for former county employees of Japanese ancestry who lost their jobs upon being interned during the Second World War.

Over the course of two decades, Mr. Speaker, Supervisor Rod Diridon presided over the positive and healthy manner in which our community made the transition from the blossom covered orchards of the Valley of the Heart's

Delight to today's bustling center of technology, Silicon Valley. With his vision and foresight, Rod Diridon led the way in planning for the future of our county, defined our community as a regional and national leader in the areas of his expertise, and remained forever committed to the daily services important to his constituents.

Mr. Speaker, I ask that my colleagues in the House of Representatives join me in honoring Rod Diridon as he retires from 20 years of service on the Santa Clara County Board of Supervisors, and in recognizing his numerous achievements which remain as testimony to his success as a modern pioneer and exemplary public servant.

INTRODUCING THE TAXPAYER RELIEF AND SAFE PORTS ACT OF 1994

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing the Taxpayer Relief and Safe Ports Act of 1994. Joining me as original cosponsors of this legislation are Mr. FRANK, Mr. ZIMMER, Mr. TORRICELLI, Mr. PAYNE of New Jersey, Mr. SAXTON, and Mr. PALLONE. The need for this legislation has become ever more apparent over the course of this past Congress.

As you may know, Mr. Speaker, the Environmental Protection Agency [EPA] has announced that they intend to begin mandating the use of a particular additive, ethanol and ethanol derivatives, in motor fuels. Unfortunately, this decision represents the triumph of political, not environmental, considerations. This proposal, which was opposed by the Sierra Club and the Environmental Defense Fund, will prove to be a tremendous windfall for ethanol producers and suppliers. However, it will do nothing to clean our air.

This mandate would add approximately $300 million to the coffers of the U.S. ethanol industry, an industry that already enjoys a $600 million yearly Federal tax subsidy. In sum, it will cost American consumers up to 15 cents per gallon, while doing nothing to improve the environment.

Fortunately, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit recently ruled that the new regulation should be delayed until a lawsuit challenging the program is resolved early next year. I intend to use this temporary reprieve to repeal the Federal agricultural tax subsidy for ethanol produced for motor fuel uses.

One-half of the new revenues generated from removing this special interest tax break will be applied directly toward deficit reduction. The remaining funds will help finance the research, development, and construction of dredged material decontamination technologies and facilities. This proposal makes environmental sense and will allow for the continued economic vitality of our Nation's ports and harbors by ensuring that necessary deepening operations can be maintained.

Mr. Speaker, I urge my colleagues to cosponsor this important legislation. While it will not pass in this Congress, I am hopeful that similar legislation will be passed early next year. American consumers shouldn't have to pay more at the pump for an expensive mandate that will not improve our Nation's air quality.

TRIBUTE TO REAR ADM. JOHN T. NATTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SKELTON. Mr. Speaker, I rise today to recognize and honor Rear Adm. John T. Natter, U.S. Navy, Deputy Director of the U.S. Naval Reserve, who has served our Nation and Navy so well over his 32½-year career and most recently on active duty in Washington. Unfortunately, Rear Admiral Natter will be leaving active duty in December to return to his law practice and the Naval Reserves in Birmingham, AL.

Born in New York, and raised in Trussville, AL, Jack Natter was one of nine children, seven boys and two girls. Over the course of the years, the seven sons all joined the military as six naval officers and one Air Force officer. Next year, one of Jack Natter's three daughters, Beth, currently a senior at Boston College, will be commissioned an ensign in the Navy Nurse Corps. I have had the pleasure to know the Natter family for nearly 10 years and have personally worked with Admiral Natter on a variety of important issues affecting the Naval Reserve.

Admiral Natter attended the U.S. Naval Academy at Annapolis and was commissioned an ensign in 1962. After 6 years of active duty aboard ships and in the Special Warfare Command on the West Coast, Western Pacific, and Vietnam, Admiral Natter returned to Alabama and received a law degree from Samford University in 1973. Upon his termination of active duty he remained in the Naval Reserve. Admiral Natter's previous significant Reserve assignments include commander, Naval Reserve Readiness Command, New Orleans; commander, Naval Inshore Undersea Warfare Group Two; and inspector general, Naval Reserve Readiness Command.

He practiced law in Birmingham until 1992, at which time he was recalled to active duty in his current job as the deputy director of the Naval Reserve. In this capacity he was responsible for formulating policy relating to the training and readiness of 113,000 Naval Reservists, along with programming and executing an annual budget of $3.2 billion. His truly exceptional skills in management and personnel policy have been the cornerstone in the consistently strong performance of our Naval Reserve programs. His insightful leadership and visionary approach during a period of unprecedented change within the Navy and its Reserve component have actively promoted the Total Force Concept within that great service.

Admiral Natter chaired a key committee for the Assistant Secretary of Defense for Reserve Affairs. The committee conducted a Naval Reserve roles and mission study which established the foundation for broadening the opportunities for new and expanded roles and missions for the Naval Reserve. Admiral Natter was also responsible for developing annual and highly successful Total Force Wargames. These wargames addressed the integration and employment of the Naval Reserve with their active duty counterparts in time of crisis.

A driving force in the effort to increase the professionalism of the Naval Reserve Officer Corps, Admiral Natter directed the development and expansion of the Naval Reserve Advance Management Seminar. This program is recognized throughout the Naval Reserve as a key element in the professional growth and development of Naval Reserve Officers. Admiral Natter was also responsible for the development and implementation of the Naval Reserve Training Plans which, under his superb leadership, have provided the Naval Reserve with a comprehensive foundation for identifying all training requirements.

Admiral Natter's decorations include the Legion of Merit with a gold star, the Navy Commendation Medal, the Navy Achievement Medal, and various unit and campaign medals. He is a dynamic and resourceful naval officer who throughout his tenure has proven to be an indispensable asset to our Nation and Navy. His superior contributions and distinguished service will have long-term benefits for the U.S. Navy and the Naval Reserve. As Admiral Natter returns to Birmingham with his lovely wife Nancy, our Nation and Navy owe him a debt of gratitude for his superb service. Members of Congress, our Nation and our Navy will certainly miss him. I wish him fair winds and following seas as he concludes his distinguished career.

CERTIFICATES OF FINANCIAL RESPONSIBILITY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FIELDS of Texas. Mr. Speaker, I am concerned about the effects of the initial implementation date of the Coast Guard's Interim Final Rule requiring certificates of financial responsibility for vessels. The Interim Final Rule, published July 1, 1994, implements the requirement, under section 1016 of the Oil Pollution Act of 1990 (33 U.S.C. 2716) (OPA 90), for owners or operators of vessels to obtain evidence of insurance or other evidence of financial responsibility to cover their potential oil spill liability under OPA 90. The interim final rule [IFR] requires United States and foreign oil tankers in U.S. waters to provide evidence of financial responsibility by December 28, 1994.

I am most concerned that the compliance deadline for oil tankers may cause a serious disruption in our Nation's imported oil supply. With no insurance scheme or other solution available to the majority of tanker owners as the deadline approaches, there has already been an impact on charter arrangements for oil shipments from the Persian Gulf to the United States. I understand that it takes approximately 37 days for a vessel to arrive in the Gulf of Mexico from the Persian Gulf. It also takes approximately 2 weeks to complete charter arrangements for an oil shipment. This does not include the additional days needed for lightering and transshipment of oil to U.S. ports. We are clearly within the timeframes necessary to complete chartering arrangement and for laden tankers to be en route from the Persian Gulf. While not every charter arrangement has been blocked by the inability of tanker owners and operators to comply with the IFR, the uncertainty over compliance will continue to create problems in the charter market that may ultimately impact our imported oil supply. No one can state with certainty when all U.S. and foreign oil tankers must obtain evidence of financial responsibility if a disruption of our imported oil supply is to be avoided, but we are obviously nearing the date when such a disruption is inevitable if methods for complying with the IFR are not widely available.

The effects of a disruption in our foreign oil supply would be disastrous. Close to 75 percent of the crude oil and approximately two-thirds of the refined product imported into the United States in recent years was carried aboard independently owned vessels. If independent tanker owners cannot comply with the Coast Guard IFR because of the unavailability of affordable insurance, there will be a major shortfall in our oil supply. If the supply of oil to independent refineries is disrupted, shortages will occur not only in gasoline and heating oil, but also in jet fuels, fuels for military aircraft, and generation of electric power. The gasoline lines in this country following the 1973–74 Arab oil embargo were caused by a shortfall of less than 6 percent of the Nation's domestic consumption. Obviously, there is a potential for a much greater disruption under the present circumstance.

Despite expressions of concern by industry and other interested parties, the Coast Guard remains firm in its belief that the market will develop solutions to the lack of affordable insurance cover. The solutions that have arisen thus far, however, are not generally available to the average independent tanker owner at an affordable cost or at an acceptable risk. To the extent that any of the proposals may eventually provide a viable solution to most tanker owners or operators, it is not at all clear that any of these proposals will become a fully functional, reliable facility by the deadline.

Moreover, there are additional solutions that have not been fully explored but that may provide better protection both for the tanker owner or operator and the U.S. taxpayer. I strongly favor ratification of the 1992 International Oil Spill Protocols, with implementing legislation similar to that proposed by the House Conferees who developed OPA 90. The international nature of oil transportation requires a comprehensive, global approach to the problem of oil pollution. Ratification of the protocols will assure safe, reliable transportation of oil to supply the needs of the citizens of our country.

Another proposed solution to the problem is the Mandatory Excess Insurance Facility supported by the Greek, Norwegian, and Swedish shipowners' associations, as well as INTERTANKO. The MEIF was developed by shipowners themselves to solve the financial responsibility problem and to provide excess insurance above that currently available in the market at an affordable cost without disrupting existing commercial insurance capacity. This proposal will most likely be considered by the next Congress as part of any proposed amendments to OPA 90.

Because none of the insurance options that have arisen appear to be generally available to most vessel owners, I am concerned that there may be many responsible vessel owners with excellent safety records who are unable to comply with the Coast Guard's IFR. The regulations implementing the financial responsibility requirement of OPA 90 should not cause U.S. or foreign vessel owners who consistently operate safely in U.S. waters to go out of business. This would concentrate control of oil transportation resources and have an anticompetitive impact in the world oil market. If safety is not an issue, market forces should control who operates in the international oil transportation business. Implementation of OPA 90 should not control the supply of vessels that are available to transport oil to the United States. To the extent that implementation of the IFR will have this effect, the Coast Guard should consider a delay in its effective date to allow all options to be fully explored and developed.

TRIBUTE TO DR. EVA L. EVANS

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. CARR. Mr. Speaker, I am very proud to announce the selection of Dr. Eva L. Evans of Lansing, MI, as the new president and chief executive officer of Alpha Kappa Alpha, Inc., America's first Greek-letter organization for black women. I ask my colleagues to join me in saluting her for this exceptional undertaking.

Dr. Evans is the 24th national president of this renown 86-year-old organization which has more than 130,000 members in 850 chapters throughout the United States, West Africa, Germany, England, the Bahamas, Korea, and the Virgin Islands.

Since its inception in 1908, Alpha Kappa Alpha has been a strong link in the chain of human caring, as evidenced by its programs for minorities, youth, the disadvantaged, senior citizens, and others. This is an organization which is known for excellence in service from early efforts such as its Mississippi Health project which provided mobile health services for more than 15,000 people plagued by famine and disease in the Mississippi Delta during the 1930's, to current projects such as its Ivy AKAdemy, community based comprehensive learning centers which provide academic, economic, health, and cultural training and resources for youth and adults. Under Dr. Evans, I am confident this fine tradition of service will continue.

Dr. Evans has chosen the theme, "Building the Future: The Alpha Kappa Alpha Strategy: Making the Net Work," and will use mathematics and science literacy for African-American youth as the cornerstone of her 4-year term. Her seven-pronged program will also include maintaining AKA's partnership with the Department of Labor for the continued operation of the Cleveland Job Corps Center; creating a senior residence center; increasing the presence of AKA in the policymaking process in Washington, DC; networking with the American Red Cross to provide health care; preserving the African-American family; and promoting entrepreneurial behavior.

As deputy superintendent of the Lansing public schools, Dr. Evans has been a positive force in molding our youth, and I am confident that Alpha Kappa Alpha, too, is in the hands of one who not only envisions a better world, but also provides the leadership to make that dream come true. Consequently, the city of Lansing, the State of Michigan, the Nation, and the world will continue to benefit from programs sponsored by Alpha Kappa Alpha, whose mission has been "to be of service to all mankind." I am especially proud that someone of Dr. Evans' caliber, who comes from my home congressional district in Michigan, will represent such a fine international organization.

IN MEMORY OF THOMAS J. DONAHOE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. COYNE. Mr. Speaker, today I want to pay tribute to Thomas J. Donahoe, an outstanding American of the Pittsburgh area who passed away on November 16, 1994.

Tom Donahoe was a long-standing resident of the Hazelwood community in Pittsburgh where he dedicated his life to family, God, and country. He set an example of personal commitment and sacrifice for others that earned him the admiration and respect of many in his community.

Tom Donahoe worked with the young people of Hazelwood and the Pittsburgh area for over 12 years as Scoutmaster of Troop 58, of St. Stephen's. Under Tom's leadership, Troop 58 grew to be one of the largest Scout troops ever in the Allegheny Council with a membership totaling over 100 young men annually. In addition, Tom Donahoe directed a local Cub Scout Pack and an Explorer Post. The combination of these three units resulted in Tom working with over 200 boys and young men each year. He earned the respect of these boys and young men and helped them to learn valuable lessons that will stay with them for life.

Tom Donahoe made a life-long commitment to the Boy Scouts of America, serving over 50 years in various roles. He taught both young Scouts and other Scoutmasters about how to live the principles of Scouting, such as love of country, respect for the flag, and the need for each person to "Be Prepared" for all that life demands. Tom Donahoe set an example that gave others a true understanding of how a Scout can be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent.

Tom Donahoe's commitment to service extended far beyond the Boy Scouts into volunteer efforts in his local parish and his community. Tom made a special commitment to working with the St. Vincent de Paul Society to relieve suffering and bring joy to thousands of the less fortunate in Hazelwood, Glenwood, Hays, and Glen Hazel. Tom would never let his personal comfort get in the way of his service to others, often getting up in the middle of the night to find food or shelter for a local resident in need. As Eucharistic Minister, Tom brought cheer and comfort to the sick and dying and continued to serve his church and his community until his failing health required him to suspend these activities last year.

Thomas J. Donahoe passed away on November 16 of this year at the age of 83, but he will long be remembered by friends and neighbors as a true patriot and a man dedicated to both his family and his community. Tom is survived by his widow, Olga Donahoe, and his children, Thomas J. Donahoe, Jr., of Hazelwood, James Donahoe, of Whittier, CA, and Joan, also of California.

Mr. Speaker, it is fitting that Members of the House assembled here today should have this opportunity to reflect on the life of an American like Thomas J. Donahoe. Tom exemplified the values of patriotism and service to others that deserve to be recognized and celebrated by each of us. I am pleased to have this opportunity to pay my respects to Tom Donahoe and express my condolences to his family and friends.

THE HEALTH INSURANCE EQUITY ACT OF 1994

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HAYES. Mr. Speaker, today I am pleased to introduce a bill that will allow individuals and groups alike to seek health care coverage without threat of denial or inflated premiums due to a preexisting condition. This legislation, the Health Insurance Equity Act of 1994, will promote portability of health insurance by limiting discrimination in health coverage based on health status or past claims experience.

My legislation responds to the concerns expressed to me by my constituents in southwestern Louisiana and echoed by millions of Americans across our great Nation, namely that health care coverage should be readily available to all individuals regardless of their health status. It represents an honest effort to address one of the most critical obstacles facing consumers now, and that is entrance into the health care market. Additionally, by requiring insurers to recognize continuation of coverage waivers, the first steps to portability of coverage are achieved by allowing individuals the freedom to switch jobs without fear of coverage loss due to their prior health experience or the health status of a family member.

I have stated from the beginning of this debate that the market can and must be reformed without interfering with the quality of health care that Americans have long enjoyed. We have made many sacrifices both in time committed and financial resources spent in order to achieve the status of providing our citizens with superior health care. My legislation would bring about meaningful reform without interrupting the integrity of the care we now receive.

The Health Insurance Equity Act provides States with the maximum flexibility in enforcing the insurance reform measures contained within the bill. Unlike other health care proposals, my legislation provides States with the Federal funding necessary to accomplish their regulatory function. Without creating a new Government bureaucracy, my legislation achieves in 18 pages what Americans have asked us to help provide—access to health insurance coverage.

FRANK KOPASZ—A TRUE ACE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BARCIA. Mr. Speaker, in highlighting Frank Kopasz's remarkable dedication to our community throughout his 27 years of public service, I would like to pay special attention to Frank's 20 years as county commissioner. It is appropriate, here among his many friends and neighbors, that we pay tribute to those successful years on this, his last commissioner board meeting.

Meeting every challenge with passion, Frank maintained a strict sense of accountability and responsibility while making sacrifices in his personal and professional life to improve not only our quality of living, but those of future generations.

Frank's community involvement does not end as a county commissioner. In fact, he presently serves on the Bay-Arenac Community Mental Health Board, as well as the State Mental Health Board. He is also a member of the State Advisory Council on Aging, the Northeast Michigan Community Service Agency, and the Michigan Northern Counties Association.

Mr. Speaker, I urge all my colleagues to recognize this expression of recognition in sincere appreciation and profound gratitude for Frank's many years of service to our community.

TRIBUTE TO PENNSYLVANIA DELEGATION DEPARTING MEMBERS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SHUSTER. Mr. Speaker, today I come to the floor of the U.S. House of Representatives to honor five of our distinguished colleagues from the Commonwealth of Pennsylvania who are departing the House upon completion of the 103d Congress. All have made notable contributions to their constituencies and to the Commonwealth of Pennsylvania. During my time in Congress, I have worked closely with three of these departing Members and at this time would like to recognize their service to this body and to their constituents.

Mr. Speaker, I would first like to recognize Congressman TOM RIDGE, who has recently been elected Governor of the Commonwealth of Pennsylvania.

TOM began his public service many years before he became a Member of this body. After gradating from high school in the Pittsburgh steel valley community of Munhall, TOM earned an academic scholarship to Harvard University. He graduated with honors and moved on to Carlisle, PA, where he began pursuing a law degree at Dickinson Law School. Following his first year he was called upon to serve in the U.S. Army as an infantryman in Vietnam. As a result of his commitment he was awarded the Bronze Star for valor. TOM returned to Carlisle and completed his studies at Dickinson in 1972.

TOM was brought up in a humble, working class family, and returned to his roots after completing law school. He set up a law practice and subsequently served as one of Erie's assistant district attorneys. He was first elected to Congress on November 2, 1982. TOM has been an active member of the House Banking, Finance and Urban Affairs Committee. In this capacity he has focused his time and energy on serving the constituents that he represents in the 21st District, with a philosophy centered on fiscal responsibility which creates economic opportunity. TOM's relationship with the people of the Commonwealth of Pennsylvania is evident by their overwhelming support for him on November 8, 1994, electing him as their Governor.

As a close friend and dear colleague, I wish TOM, his wife, Michele, and their children, Lesley and Tommy, much success and happiness in the coming weeks, months, and years as they move to their new home in Harrisburg.

Second, Mr. Speaker, I rise to pay tribute to another respected member of the U.S. House of Representatives from Pennsylvania, Congressman RICK SANTORUM. Congressman SANTORUM was elected to the House of Representatives in 1990. As a member of the Committee on Ways and Means he served as ranking member of the Subcommittee on Human Resources, as well as serving on the Subcommittee on Oversight. His commitment to fight for American jobs and boost the American economy in his committee posts have been noteworthy. As a comember of the Steel Caucus I have seen, first hand, that RICK has served his constituents with great distinction.

Mr. SANTORUM has proven himself to be a champion of the people throughout his short time in the House. He will continue to serve Pennsylvania in the 104th Congress as the State's junior Senator. Congressman SANTORUM, soon to be Senator SANTORUM, will become the youngest Member to serve in the Senate during the upcoming Congress. I am confident that RICK will continue to represent the people of Pennsylvania by keeping their best interests at heart. Through his relentless commitment to reducing both big government and burdensome taxes he has clearly established himself as a leader not only for Pennsylvania but for the Nation as well.

I speak for myself, as well as the rest of the Pennsylvania delegation as I wish RICK, his wife Karen, and their two children the best of luck as they look to the future.

Finally, Mr. Speaker, I would like to pay tribute to one of Pennsylvania's most respected and well liked Members, Congressman AUSTIN MURPHY.

Congressman MURPHY who is retiring at the end of the 103d Congress has dedicated his life to serving the people of Pennsylvania. He was a prominent member of both the Pennsylvania State House of Representatives and the State Senate before coming to Congress in 1977. Throughout his tenure in the House, AUSTIN has earned a solid reputation as a man of his word representing the citizens of the 20th District of Pennsylvania with integrity and honor. Congressman MURPHY's years of service on the Education and Labor Committee is a testimony to his status as a national leader both in our schools and in our workplace.

Mr. Speaker, I wish AUSTIN, his wife Ramona, and their six children continued success and happiness in their future endeavors.

The House of Representatives faces considerable challenges in the upcoming Congress and we will undeniably miss the kind of tested leadership that Congressmen RIDGE, SANTORUM, and MURPHY have provided. The commitment that these men have made to the American people is truly an inspiration to both their constituents and their colleagues in the Congress.

SALMON RESTORATION AND TRIBAL TREATY RIGHTS

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FURSE. Mr. Speaker, I would like to bring to my colleagues' attention the attached newspaper op-ed piece by Mary Christina Wood, a assistant professor at the University of Oregon School of Law, which was printed in the Seattle Times, Indian Country Today, Eugene Register Guard, and the Columbian.

The article articulately describes some of the factors resulting in the demise of the salmon runs of the Pacific Northwest and the devastating impacts of this salmon decline on the economic survival and cultural traditions of the Northwest Tribes. Ms. Wood also underscores the important point that successful recovery of Pacific salmon will be dependent on the preservation of the cultures which depend upon these legendary fish, as they represent some of the salmon's greatest allies.

[The Seattle Times, Sept. 30, 1994]

TRIBAL TREATY VICTORY HELPS SAVE SALMON

(By Mary Christina Wood)

The brief Indian fall chinook fishing season on the Columbia River is historically symbolic. It represents a hard-won effort by the tribes to protect their treaty rights from arbitrary and discriminatory regulation by the National Marine Fisheries Service [NMFS] under its Endangered Species Act [ESA] authority.

And that effort may have turned a new page in the continuing struggle to save the salmon from extinction.

The Yakama, Warm Springs, Nez Perce and Umatilla tribes have treaty rights to take fall chinook fish. While the vast majority of the fall chinook that swim through the Indian fishing grounds are healthy stock and hatchery fish, less than 1 percent are wild Snake River fall chinook, a species protected under the ESA. The tribes' fishing results in the unavoidable take of some of these fish.

Earlier this summer, NMFS said the tribes would have to forgo a harvest of about 40,000 fish to avoid the incidental take of approximately 22 wild Snake River chinook that would otherwise reach spawning grounds. The tribes and several environmental groups justifiably condemned NMFS's action as representing a skewed and misguided approach to salmon conservation. Relative to all human-caused mortalities throughout the fall chinook life cycle, the tribal fishery results in an incidental take of only 2½ percent of the protected chinook.

Meanwhile, NMFS has failed to muster the political will to regulate the Columbia/Snake River hydropower system, which is responsible for killing 90 percent of the wild adult and juvenile population. NMFS has also failed to regulate habitat destruction, irrigation practices, hatchery operations and Alaska commercial fisheries, all of which substantially contribute to salmon mortality.

Any conservation gain achieved through limiting tribal take of wild spawners is diminished when 81 percent to 93 percent of the offspring smolts are killed in the dams on their migration down the Snake and Columbia Rivers out to the sea. Experts agree that if all tribal fishing were to end, the salmon would nevertheless go extinct unless the overriding causes of salmon deaths are abated.

Beyond representing a backwards regulatory approach to conservation, NMFS's proposed restrictions of the tribal fishery amounted to a shocking disregard of settled principles of Indian law.

Court decisions require agencies to regulate other non-Indian sources of mortality before restricting treaty rights, and they forbid action that discriminates against the tribes. NMFS's action was so discriminatory on its face that it raised the specter of an agency bent on eliminating tribal use of salmon altogether.

As the tribes have often stated, their existence as a people depends on the salmon, just as it has over the past 10,000 years. The fall chinook fishery is the last remaining commercial fishery for the four Columbia River tribes. For the past 30 years, the tribes have steadily cut back on their fishing to compensate for the spiraling decline of the species entirely attributable to non-Indian activities.

Though called a "commercial" fishery because tribal members are allowed to sell their catch, much of the harvest will provide subsistence for members of the four tribes. The salmon also play a vital part in tribal ceremonies, and without an adequate supply the tribal traditions cannot be passed along to the next generation. NMFS's threatened cutback of this only remaining significant fishery presented a last stand for the Columbia River tribes and their way of life.

The tribe had no choice but to seek relief in federal district court after negotiations with high-level federal officials broke down. In a hearing held Sept. 2, the judge noted the "tragic" circumstances that brought the parties to court and urged the tribes and the government to arrive at a settlement. The parties agreed to a tribal fishing season shortened by about a day and half.

It is shameful that the tribes suffered the brunt of NMFS's failed conservation record and its outright disregard of Indian law principles. Relinquishing any portion of their last significant fishery is an immense sacrifice for the tribes. But the settlement holds the promise of long-term reform in NMFS's approach to salmon recovery because it requires NMFS to engage in a "good faith" effort to address the overriding sources of salmon mortality. This may provide the legal impetus needed to overcome NMFS's political reluctance to regulate the hydrosystem.

By relinquishing part of their treaty harvest this year for the promise of change in NMFS's regulatory approach, the tribes may have sacrificed for the long-term benefit of the species and, ultimately, the region as a whole. But the sacrifice is only worth it if NMFS truly does change its ways. If NMFS fails to impose drastic changes on the hydrosystem, it is inevitable that the wild salmon will go extinct. Eliminating the last tribal commercial fishery will do nothing to prevent that.

The episode provides a lesson for the future. It is important to realize that the tribal dependence on salmon fuels the efforts of a dedicated and effective tribal coalition pushing for salmon restoration. As one legal scholar recently put it, "The solution to the salmon crisis does not lie in the extinction of the one culture that best understands the salmon's importance." Ultimately, the last stand for treaty rights is, also, a last stand for the salmon.

IN HONOR OF HARDYAL SINGH, PRESIDENT OF THE AMBEDKAR INTERNATIONAL MISSION, U.S.A.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Hardyal Singh, founder and president of the Ambedkar International Mission for his many contributions to the Indian community. Mr. Singh is also the president of the Federation of Indian Associations in New Jersey and senior vice president of the Indian National Congress of North America.

Mr. Singh's latest accomplishment will be celebrated on December 6, which is the anniversary of the death of Dr. B.R. Ambedkar. On this day, Mr. Singh will be honored for his efforts in naming a portion of Tonnelle Avenue, between Kennedy Boulevard and Newark Avenue in Jersey City as Dr. B.R. Ambedkar Avenue.

Mr. Singh was the first Indian-American to be named a special deputy sheriff of Hudson County. He was successful in his campaign to have the Indian national flag raised at Jersey City City Hall. Mr. Singh's contributions to the Indian community also include the role he played in renaming Public School No. 23 to Mahatma Gandhi School, and the designation of Mahatma Gandhi Day by Governor Jim Florio. He led the drive to change the names of two Jersey City streets to India Square and Mahatma Gandhi Plaza. Mr. Singh was also instrumental in many programs designed to strengthen India-United States relations and increase American understanding of Indian culture and traditions.

Mr. Singh obviously understands the importance of achieving a better understanding of Dr. Ambedkar and Gandhian values of life, peace, and friendship. These are values we must all remember to uphold so that we can live together in harmony. I commend Mr. Singh for all of his hard work in the community and for devoting so much time and energy to maintaining Indian-United States relations. It is people like Mr. Singh who really make a difference in our society.

Please join me in wishing the Ambedkar International Mission a successful event and prosperous future. It gives me great pleasure to have people such as Mr. Singh in my district. I salute Mr. Singh for his many accomplishments and wish him much luck in the future.

TRIBUTE TO DRUG FREE COMMUNITIES, INC.

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MANZULLO. Mr. Speaker, welfare reform and the war on drugs go hand-in-hand in several instances. As debate unfolds, Congress must look to the creativity spawned in communities around the Nation that are successful in helping people get off Government assistance and onto the payrolls of private businesses. Congress must look to not-for-profit organizations, such as Drug Free Communities, Inc. of Freeport, IL, to help people with drug and/or alcohol addictions make changes in their lives and become productive citizens.

We must have faith in the decisions of our local communities on how to deal with welfare. In the town of Freeport, IL, the Freeport Township's Community Workfare Program helps people work their way into supporting themselves. The program helps pay for a person's rent while they work for nonprofit organizations and at the same time look for paying jobs. This helps people gain experience and fill a gap of need. These people are not on welfare—they are working for a living, trying to make themselves and their families better. At the same time, they are helping our nonprofit organizations fill their needs.

While some wish to retreat from the war on drugs, basically concluding that America does not have the will to keep off drugs, organizations such as Drug Free Communities, Inc. need encouragement to organize more programs for students such as the International Drug Free Youth Program.

The International Drug Free Youth Program is a creative, market-based, program set-up for students to voluntarily submit to drug tests. Those who test negative will receive a drug-free card enabling them to get discounts among other privileges at local businesses. These actions are creative, reasonable responses to the needs within local communities and deserve recognition and commendation.

Mr. Speaker, isn't it time that we look to our private sector for more creative responses to general needs? I think it is and will work to that end.

WHAT RUSSIAN REFORM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SOLOMON. Mr. Speaker, the premise of our aid program for Russia over the past 2 years has been that the success of Russia's supposed transformation to democratic capitalism was in our interest and that Western money would help facilitate the process. But even if one accepts that democratic capitalism in Russia is in our interests, which I do, and the Western money is required, which I don't, recent news from Russia leaves no doubt that the premise is still flawed because there simply is no more reform effort in Russia.

Anybody reading the news out of Russia lately can plainly see that the main objective, if not obsession, of the Russian Government today is not capitalist economic reform, democratic reform, or integration into Western institutions, but the re-integration of the former Soviet States.

Given Russia's 500-year imperial legacy, it is doubtful that this re-integration will be anything but a ruse for renewed Russian domination of these States. This is not in our interest, Mr. Speaker, and it is something that incoming Members of the 104th Congress should ponder.

Mr. Speaker, I insert for the record a selection of news clips from today's and yesterday's Radio Free Europe/Radio Liberty daily reports, which attest to Russia's highly disturbing actions of late.

[RFE/RL Daily Report No. 223, 28 November 1994]

SEGODNYA SAYS PRO-WESTERN STAGE OF REFORM OVER

Mikhail Leontev, an economist and chief editor of Segodnya, believes that reforms aimed at westernizing Russia have ended in defeat. Writing in the liberal newspaper on 24 November, he contended that "forces through which the West has acquired a stake in Russia have become political outsiders" and Russia is beginning a new, "patriotic" stage of reform. That meant, he continued, that Russia could no longer rely on Western aid, but only on loans and investments from international organizations. The "patriotic" stage of reform, he said, implied a strong authoritarian element and state regulation of the economy but it would allow Russia to follow its own path. Russia needs partners, not mentors, Leontev concluded. The Segodnya article is the second anti-Western publication to appear recently in prodemocratic mass media. Last week Moskovsky komsomolets accused the architect of privatization, Anatolii Chubais, of helping Western corporations to take over Russian industry. The State Duma has appointed a special commission to investigate the latter charges, agencies reported on 25 November.—Victor Yasmann, RFE/RL, Inc.

ONE BORDER FOR ALL

The customs chiefs' gathering coincided with a meeting, also in Moscow, of the Council of Border Troops Commanders of CIS member states, chaired by the Russian commander, Colonel General Andrei Nikolaev. He told Russian TV on 27 November that a CIS Customs Union "would simply be impossible without reliable protection of the outer border of the CIS," something "we once had." Following recent Russian agreements on "joint border defense" with a number of CIS states, Nikolaev said, "there remain only two windows in the common border of the CIS. These are the outer borders of Moldova and Azerbaijan." Both states have recently been asked by Russia to join a common border defense system. Interviewed in Pravda of 24 November, on the subject of "One Border for All," Nikolaev insisted on distinguishing—as Russian civilian officials also often do—between "internal borders" in the CIS, which he wanted to be "transparent," and "external borders of the CIS," which he argued should be defended "jointly." Nikolaev has recently been high in Yeltsin's esteem.—Vladimir Socor, RFE/RL, Inc.

DISPUTES LOOMING OVER CITIZENSHIP

Russia's unilateral steps toward instituting dual citizenship with CIS member countries (see Daily Report of 28 November) are becoming a source of concern to countries directly affected. Kazakh Foreign Minister Kasymzhumart Tokayev told Interfax on 25 November that dual citizenship would make for divided loyalties and "may become a serious cause of instability and entail heavy consequences." (Kazakhstan has recently faced vocal demands from Russian Cossacks settled there for recognition of dual citizenship with Russia and other integration measures). Multiethnic states in the former USSR should foster loyalty based on common citizenship of common homeland, Tokayev said. Ukraine has also resisted proposals for dual citizenship with Russia. In the Crimea, however, the local Supreme Soviet's deputy chairman, Viktor Mezhak, told Interfax on 27 November that body intended to appeal to Yeltsin shortly to grant Russian citizenship to willing residents of the Crimea. Some 200,000 of them have already sent applications, Mezhak said, predicting that some 1.5 million of Crimea's 2.6 million people would want Russian citizenship. The prospect of granting Russian citizenship to residents of such areas as northern Kazakhstan, Ukraine's Crimea, or eastern Moldova (where Russia has already begun the practice) adds to Moscow's leverage over those countries.—Vladimir Socor, RFE/RL, Inc.

RFE/RL DAILY REPORT, NO. 225, 29 NOVEMBER 1994

RUSSIA: CONTROVERSIAL CUSTOMS UNION CONCEPT

Russian officials complained to Interfax on 28 November that some CIS member states had failed to realize that a CIS customs union would entail not only the lifting of trade barriers but also closer economic integration, weighted voting in coordinating bodies in proportion to the member states' economic power (rather than one country-one vote), and decisions binding for all. The officials were speaking in the wake of the 23 November meeting in Moscow of the Council of Heads of Customs Services of CIS states that had discussed a draft agreement on a customs union, uniform customs codes and customs service regulations for member states, and a common tariff regime regarding imports from outside the CIS. The documents will be presented to higher CIS forums for approval. According to Interfax on 24 November, Russian officials expect intra-CIS customs barriers to be lifted "over the next few years." That delay would frustrate the overriding goal of most member states, which is to regain unimpeded access to the Russian market, and would in the meantime increase Russia's leverage over them. Russian officials want the customs union's member states to pursue a coordinated foreign trade policy in relations with third countries and to introduce a common tariff system and common trade controls—ideas that may presage the establishment of a protected eastern market to which non-CIS goods would have limited access.—Vladimir Socor, RFE/RL, Inc.

RUSSIAN CITIZENSHIP FOR RUSSIANS IN NEAR ABROAD

Abdullakh Mikitaev, head of the Directorate for Citizenship Affairs of Russia's presidential administration and chairman of the special Commission on Citizenship Issues set up by Yeltsin, commented in Trud of 23 November on the recent presidential decree on implementing Russia's citizenship law enacted in 1992 and amended in 1993. The decree enables Russians in the "near abroad," their descendants, and, more generally, "people who consider themselves Russian," to acquire Russian citizenship even if they already have the citizenship of their country of residence, Mikitaev said. He confirmed that under Yeltsin's decree, meant to "explain to officials how to interpret the law," Russia was "unilaterally recognizing dual citizenship" for those people even though most of the newly independent states do not. The deadline for applying, originally 6 February 1995, will be extended by two to three years. Citizenship legislation will "become the basis for the gradual unification of countries and peoples" of the former USSR, Mikitaev said.—Vladimir Socor, RFE/RL, Inc.

ALBERTINA SISULU HONORED IN NEW HAVEN, CT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. DELAURO. Mr. Speaker, residents of New Haven will soon gather to honor the accomplishments of one of the outstanding leaders of our time—Albertina Sisulu. Mrs. Sisulu is one of the most significant leaders of the South African liberation movement.

A lifelong resident of South Africa, Albertina was born in 1918 in the district of Tsomo, Transkei, and educated at Maraizel College in the Cape Province. In 1940 she trained as a nurse at General Hospital in Johannesburg and later obtained her midwifery certificate at Bridgeman Maternity Hospital in 1954.

While working as a young nurse in the townships around Johannesburg, Albertina's interest in politics grew, fueling her desire to improve the conditions of her people, especially the women. Appalled by the lack of health facilities, adequate housing, and electricity in the townships surrounding the capital, she dedicated her life to improving the lives of South African blacks.

In 1944, Albertina married Walter Sisulu, a political activist who later became President of the African National Congress [ANC]. Walter was jailed eight times and in 1964 was finally sentenced, with Nelson Mandela, to life in prison. Throughout all of this, Albertina continued her crusade against apartheid and raised eight children.

Albertina's political achievements are impressive and they demonstrate her gifts to motivate and organize people. Over the years, she has headed the ANC Women's League, the Federation of South African Women, and the United Democratic Front. In 1954 she was one of the founders of the Federation of South African Women, established to fight for women's rights and against the discriminatory laws of apartheid.

Albertina Sisulu leads by example. Her initiative serves as an inspiration to women and all the people of South Africa who are working to make the future of their country full of hope, equality, and peace.

Today, in her mid-seventies, Albertina Sisulu continues to fight for the women of South Africa and serves as an inspiration to us all. She is a member of the ANC Executive Committee, the National Assembly, and is president of the World Peace Council. Sisulu has fought to heighten awareness about domestic violence in South Africa, where one out of every six women is assaulted regularly by her partner.

Albertina Sisulu has been imprisoned, harassed, and outlawed. She has led protests, marches, and boycotts. She has organized social and political organizations designed to improve life in South Africa for blacks, particularly black women. She has contributed tremendously to the South African liberation movement and continues to work hard on behalf of the people of South Africa. It is fitting that while visiting the United States, she be praised as an exceptional leader, humanitarian, and woman. It is with great honor that I join my friends and neighbors in New Haven as they pay tribute to this outstanding leader.

SALUTE TO FRANK SCHILLO

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GALLEGLY. Mr. Speaker, I rise today to salute a man who has dedicated the last 10 years of his life to improving his city as a council member and who will now make that same level of dedication available to an even larger constituency as a Ventura County supervisor.

The first 2 years that Frank Schillo spent on the Thousand Oaks City Council were the last 2 that I spent as mayor of Simi Valley, and I had the pleasure of working with him periodically over that period. Both during that brief overlap and in the years that followed, I found him to be an honorable public servant who was always available and always willing to do the work necessary to accomplish things for the people he represented.

As a resident, a husband, father, businessman, and councilman, Frank Schillo has always put the interests of those he serves above his personal interests and has always given of himself to the great benefit of others.

In his 10 years on the city council, Frank has initiated several programs that continue to benefit the people of Thousand Oaks—particularly those most in need of assistance. His work with the Manna Food Bank and Many Mansions have made a difference to a group of people that some would rather ignore—and a group that is often facing desperate circumstances.

The only consolation to the people of Thousand Oaks upon losing Frank as a council member should be the fact that they are at the same time gaining him as a county supervisor, and that he will continue to work on their behalf and in their best interests.

I wish him all the best in his new position and in the future and also would like to pass on my thanks to his wife, Marion, and their four children for supporting Frank in his selfless support of the people of Thousands Oaks.

TRIBUTE TO CONGRESSIONAL STAFF

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SWETT. Mr. Speaker, as you know, I will not continue to serve as a Member of Congress when the 104th Congress convenes January 4th, and one of the principal reasons I regret not returning to this body is the fact that I will not be able to continue working with the fine women and men of my congressional office staff. It is for this reason, Mr. Speaker, that I rise today—on the last day that the House of Representatives will meet during this Congress—to pay tribute to the members of my staff.

Mr. Speaker, during my 4 years as a Member of Congress, I have had the great pleasure of working with an extremely dedicated congressional staff, both here in Washington and in New Hampshire. Today, I want to pay tribute to these members of my staff for their competence and dedication. They have been extremely loyal to me personally, and I am most grateful for that. More importantly, Mr. Speaker, they have been loyal and devoted to the people of the Second Congressional District of New Hampshire.

Serving the good people of New Hampshire has been the principal goal of my staff. They have devoted countless hours working in many different and important ways for the benefit of New Hampshire: helping individuals facing problems with Federal agencies that can be only be resolved with the intervention of the congressional office; working on legislation that will be beneficial for the people of New Hampshire; providing detailed information about Federal programs, pending legislation, and Federal action that will affect my constituents. Whatever question, letter or other request we have received has been given our full effort—and Granite Staters are not shy about making requests of their elected representatives.

Mr. Speaker, I want to express publicly my gratitude, respect and sincere thanks to the members of my congressional staff for their outstanding record of public service during my tenure in the Congress, I want to mention each of them. In my Washington office I want to pay tribute to: Dr. Kay Atkinson King, my Administrative Assistant/Chief of Staff, who has also been my Washington press secretary; Joseph Freeman, legislative director;

Matthew Pappas, office manager/computer systems manager; Legislative assistants, Kurt Johnson, Susan Prolman, and Timothy Schofield. Tim also has served as my scheduler. Richard Fite, who is a Congressional Fellow from the U.S. Department of Agriculture, has served as a legislative assistant during the past 6 months.

In New Hampshire I want to pay tribute to the staff in my Concord Office: Shireen Tilley, my New Hampshire chief of staff who also has been my press secretary; Jeffrey Woodburn, executive director; Ramsay McLauchlan, special assistant/scheduler; Jill Hadaway, military affairs coordinator; and my constituent service representatives, Robert Quinn, Todd Quinn, and Denise Perron.

In my Nashua Office I want to recognize my constituent service representatives, Paul Bagley, Sheila Capone, and Cheryl Breton.

In my office in Littleton I want to pay tribute to Richard Polonsky, my North Country representative.

I also wish to mention and recognize members of my Washington and New Hampshire Staff who have served during some of the past 4 years, although they are not on my staff at present. These include my legislative assistants, Andrew Sperling, Eve Grossman, Kevin Swope, Jordan Green, Patrick Cooney, Jeff McMenemy, Mike Greiner and John Swope. Mike also served as computer systems manager and John as office manager. Claudia Deverall, a Congressional Fellow, also temporarily served as a legislative assistant. Other staff include Abigail Rogers, scheduler/receptionist; Barbara Baldizar, regional office director; Michael Rose and Robert Coates, constituent service representatives; Robin Jaques McLauchlan, administrative secretary; and Melissa Girrard, press assistant.

Mr. Speaker, I ask that my colleagues join me in honoring and thanking these outstanding men and women who have served as well in the work of the U.S. House of Representatives.

MRS. WILLIE MAE BROWN HONORED AT THE OHIO STATE ASSOCIATION OF ELKS' PRESIDENT'S BALL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. KAPTUR. Mr. Speaker, on November 12, the Golden Rule Lodge No. 129 honored Willie Mae Brown for her outstanding leadership as Daughter Ruler and for the many contributions she makes to the community through her involvement with a variety of organizations. This prestigious honor is befitting of Willie Mae, who embodies the solid values and giving spirit for which northwest Ohioans are known. Willie Mae Brown is a shining example of why there is a great respect for Midwestern values in America.

Willie Mae is the loving wife of the Rev. Fredrick Douglas Brown. She is communications director for the church, sings in two of its choirs, serves as a board member of the Jerusalem Outreach Center, is president of the Veterans of Foreign Wars Post #4386 and is a member of the Hyatt Allen American Legion Auxiliary Post #538. Beyond that, she has been employed for the past 18 years as secretary and office manager of the University of Toledo's athletic department.

On behalf of all the citizens of northwestern Ohio, I would like to commend and thank Willie Mae Brown for all her years of dedication to improving our community and congratulate her for this prestigious honor.

SGT. JOHN T. WINBORN

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LEACH. Mr. Speaker, I rise to invite my colleagues' attention to the accomplishments of a remarkable young man, Sgt. John T. Winborn, U.S. Army.

On December 16, 1994, John will graduate at the top of his class from the Army's Special Forces training at Fort Bragg, NC. The rigorous training for which this elite unit is famous produces strong, confident, and resourceful leaders and John will be an outstanding addition to its ranks.

John is the son of two of my oldest friends, Ed and Sandy Winborn, and he inherited his vocation of military service from his father, a distinguished 1964 graduate of West Point and Vietnam veteran. It has been my pleasure to watch John grow to a mature and courageous manhood.

In 1992, John married Lisa Marchman Winborn. They have a bright future as an Army family before them. At a time when many are questioning America's fortitude, I am proud to be able to point to John as an example of the sort of individual each generation has counted on to step forward in defense of freedom. Our future security is assured by a military led by men and women like John Winborn.

TRIBUTE TO J.D. BROWN & CO.

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SANGMEISTER. Mr. Speaker, I rise today to commemorate the 150th birthday of J.D. Brown & Co., the oldest continuous pharmacy business in the State of Illinois. I would also like to pay tribute to the memory of the illustrious gentleman who was its founder, James Douglas Brown.

James Douglas Brown was 18 years old when he opened a drugstore in downtown Joliet in 1844, at the corner of Joliet and Jefferson Streets. Brown was one of Joliet's most prominent citizens, and the drugstore served as an informal gathering place for the city's gentlemen. Legend has it that after one of his lengthy debates with Abraham Lincoln in 1858, U.S. Senator Stephen A. Douglas stopped in Joliet to visit his friend J.D. Brown, as well as to pick up some cough syrup to cure his laryngitis.

Brown died in 1895 at the age of 69. By that time, the drugstore was already in the capable hands of his son, Horace Brown. When Horace died, the drugstore was inherited by his daughter, Marion, and her husband, Louis Schlosser. Eventually, Schlosser sold J.D. Brown & Co. to its present owner, Ken Pritz, a pharmacist who was working at the drugstore at the time. Three decades later, Pritz is very pleased that he can still say that J.D. Brown & Co. is a family business. His son-in-law, David Umek, is in charge of the medical equipment and hospital supply end of the store. Pritz's son, James Doran Pritz, has recently graduated from pharmacy school and will soon begin his career as a pharmacist at J.D. Brown & Co.

Naturally, the business has undergone a few changes in the last 150 years. For example, J.D. Brown & Co. has since moved from the corner of Joliet and Jefferson Streets to its present Raynor Avenue location and the pharmacy is now computerized. Nevertheless, Pritz still keeps around a few reminders of the store's early beginnings. For example, visitors to the store can peruse J.D.'s handwritten formula books, which cover everything from cures for horses and cows to black and orange cough syrup.

Mr. Speaker, for 150 years the people at J.D. Brown & Co. have been a valuable resource to the citizens of Joliet. I congratulate them on their outstanding service to the community and wish them 150 more years of success.

TRIBUTE TO JOHN T. STIBICH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Mr. John T. Stibich, former chief of detectives with the Chicago Police Department, who retired this month after 38 years of service. I would like to share with my colleagues Mr. Stibich's numerous accomplishments which made him an invaluable member of the Chicago Police Department.

Mr. Stibich became a Chicago police officer after serving 4 years in the U.S. Navy. He started as a patrol officer in 1956 and was quickly promoted into the detective division. His strong leadership abilities and tremendous dedication earned him several promotions and prestigious positions throughout his years on the force. For example, he has served as commanding officer of area one special operations group, commanding officer of area four homicide/sex section, commander of the 20th district, commander detective division area three, deputy chief of detective division field group-A, and the list goes on. For the past 3 years, Mr. Stibich has served as chief of detectives, coordinatinating all investigations and operations of the detective division for the city of Chicago. He was also responsible for the implementation of a $52 million budget and the supervision of over 1,000 sworn and civilian members of the Chicago Police Department.

Mr. Stibich is a natural leader. He has always been a strong role model for rookie Chicago police officers. He has even instructed courses at the Chicago Police Academy. Mr. Stibich will be greatly missed by his colleagues in the Chicago Police Department. He will be equally missed by the city of Chicago. The city is extremely grateful for the service and protection Mr. Stibich has provided over the past 38 years. Mr. Stibich should be proud of the years of service he has dedicated to the community.

I am sure that my colleagues would like to join me congratulating Mr. John T. Stibich for his exemplary service over the past 38 years. Because of the efforts of dedicated individuals who, like Mr. Stibich, place the safety and well-being of others above their own, our Nation is a better place to live. I thank him for a job well done.

HONORING WILSON TROMBLEY OF WOLCOTT

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FRANKS of Connecticut. Mr. Speaker, it is a great pleasure to recognize and congratulate Wilson Trombley of Wolcott, for his many years of public service to the town of Wolcott. For the past 25 years Mr. Trombley has played an invaluable role as a dedicated, productive member of the Wolcott Republican Party. In each capacity that he has served, he has approached each venture with fervor and anticipation. Mr. Trombley has served as chairman of the Wolcott Town Council and the Wolcot Republican Town Committee. As the current town attorney, Mr. Trombley continues to prove that perseverance and dedication manifest fruitful, effective results.

Many people in the town of Wolcott and the surrounding area as well have benefitted greatly from Wilson Trombley's sage advice and keen wisdom. I salute Mr. Trombley's dedication to the public good.

SPECIAL TRIBUTE TO DR. S.M. WRIGHT OF DALLAS, TX

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor a great Texan and a great American, Dr. Sylvester Maryland Wright of Dallas, TX, who passed from this life on November 3, 1994. As president of the National Missionary Baptist Convention of America, Dr. Wright led one of the largest and oldest religious organizations in the country. Prior to serving in this tremendous capacity, Dr. Wright was a fixture in Texas and national political leadership for more than three decades.

In Dallas, and throughout the State of Texas, Dr. S.M. Wright was sought out for his leadership and council by political leaders and elected officials, both Democrats and Republicans. His support of their efforts was always critical. An endorsement by Dr. Wright was tantamount to success.

History would be incomplete without enumerating the many profound accomplishments of Dr. S.M. Wright, and the impact his years of service had on Dallas and beyond. For 37 years, Dr. Wright served as the pastor of the Peoples Missionary Baptist Church in Dallas, TX, with a membership of over 1,600. During his outstanding career in the ministry, Dr. Wright also served as vice chairman of the Billy Graham Crusade of the Southwest; helped lead the Educational Task Force of Dallas Alliance at Drew School Desegregation Plan in 1976; and became the first black elected to the Democratic Convention of Grayson County.

The list of civic and professional organizations to which he gave his unlimited devotion included the South Dallas NAACP; the Dallas Black Chamber of Commerce; the Ministers' Conference of Prairie View A&M University; the United Way of Metropolitan Dallas; Children's Medical Center of Dallas; and the Dallas-Fort Worth Airport Chaplain Board.

For more than 30 years, Dr. Wright served as president of the Interdenominational Ministers' Alliance of Metropolitan Dallas. His bold and courageous leadership in organizing black leaders around the State of Texas, served as a catalyst in the election of former President Jimmy Carter.

Many doors that were previously closed to the black community were opened to Dr. Wright. He, in turn, opened those doors for the rest of us. One of his greatest accomplishments was his successful efforts to desegregate the Dallas public schools. All of Dallas owes him a tremendous debt of gratitude for his leadership in this historic achievement.

Throughout the years, Dr. Wright has consistently worked to improve race relations in Dallas, and throughout the State of Texas, by opening dialog that remained focused on helping Dallas rise to its fullest potential. Dr. Martin Luther King, Jr., a former colleague and friend of Dr. Wright, said this:

> An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity.

That is precisely the way Dr. Wright lived, and shared, his life, for the betterment of his fellow man. The city of Dallas, and the entire world, suffered a great loss on November 3, 1994.

INTRODUCTION OF H.R. 5291, TO REESTABLISH THE COMMISSION ON THE REVIEW OF NATIONAL POLICIES TOWARD GAMBLING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LAFALCE. Mr. Speaker, today I am introducing a bill to establish a second Commission on the Review of National Policies Toward Gambling.

Twenty years ago, Congress received the final report of the first Commission on the Review of the National Policy Toward Gambling. At the time of the report, casino gambling was legal in just one State, Nevada, where the industry was highly regulated and was the foundation for a booming tourist economy. The implementing legislation for the Commission was attached to the Organized Crime Control Act of 1970, reflecting the primary concern vis-a-vis gambling at the time; that is, the extent to which it was linked with criminal activity. Thanks to the vigilance of law enforcement at the Federal level and the commitment of Nevada officials to oversee a clean industry, gambling and organized crime is not the concern now that it was 25 years ago.

But today, the scope and scale of casino activities, and of gambling activities in general, is fundamentally different than it was at the time of the Commission's report. Casino gambling is now legal in well over 20 States, State lotteries exist in 36 States, and legalized gambling in some form exists in 48 States. As a result of regulatory changes at the Federal level, gambling in Indian-owned casinos and gaming establishments has grown to encompass 15 percent of the industry. I do not believe that any members of the original Commission could have predicted the evolution of gambling regulations and the phenomenal growth of gambling that has ensued, nor do I expect that the Commission members would consider their findings and recommendations relevant to the present condition of gambling in the United States.

For this reason, I am introducing a bill to establish a second Commission on the Review of National Policies Toward Gambling. The focus of national policy toward gambling has changed over the years, but the need for national policy is no less critical today than it was two decades ago. Currently, Federal oversight of gaming is limited primarily to Indian reservation gaming through the Indian Gaming Regulatory Act [IGRA] of 1988. Since the inception of IGRA, we have seen considerable conflict and competition between Indian tribes and States over gambling. As the lines of jurisdiction continue to be disputed and as States and tribes enter into increasing levels of competition for the gambling dollar, numerous lawsuits and a great deal of lobbying effort have ensued.

In short, a disjointed regulatory structure, with some forms of gaming regulated federally and some at the State level, has not served our cities and States well in ensuring a careful, knowledgeable, and judicious approach to the expansion of gambling. Instead, gambling, and casino gambling in particular, has proliferated with little show of concern at the State or Federal levels of government.

What is the cause of this recent proliferation? I suspect there are three primary reasons, all centering on a competitive atmosphere to attract the gambling dollar. First, States are competing with Indian tribes, both in a race to build gambling establishments ahead of the other. Second, States are competing with other States to lure potential gamblers across State lines. Finally, with the recent success of a casino development in Windsor, ON, where 80% of the patronage consists of Detroit residents, there is a competition developing between border States and Canadian communities to our north. As we trace back to the source of the gambling explosion, it appears that the defining moment is the enactment of IGRA. The regulations embodied in IGRA have put tribes and States in a competitive relationship, creating adversaries in a race to attract gambling dollars.

If gambling were a typical industry, if it were like any other recreation and leisure industry, there would be little reason for us to focus on the impact of the industry's explosive growth in recent years, except to applaud its success. But gambling does not appear to be a typical industry. In social and economic terms, gambling may have significant externalities that we do not see in other businesses or industries. For example, there is a general consensus that increased access to gambling results in greater levels of gambling addiction. This is a clear social ill resulting from gambling growth.

Further, as gambling legalization is touted in States and communities nationwide as a painless economic development strategy, we must consider the true economic impact to the Nation as a whole. To focus on one important sector of the economy, the impact of casino proliferation on existing small businesses appears to be mixed. Some businesses will likely benefit from the increased traffic in a community that casinos create. On the other hand, we know that Americans have a fixed amount of entertainment income; if they spend more of it on gambling, then it would seem that they will spend less of it on movies, restaurants, and sporting events.

Finally, I am concerned about a general sentiment that legalized gambling in all forms, from lotteries to high-stakes casinos, is an inevitability for just about every community in our country. A Maryland official recently stated in the Washington Post: "You can be against gambling, but if your State is going to remain competitive, you have to know what your sister States are doing." In the same article, a spokesman for Harrah's, the Nation's largest casino operator, makes this claim: "Casino gambling is moving toward becoming an essential entertainment offering in big cities."

How did we get to the point where gambling is an answer to competitiveness; and more importantly, what is the likely socio-economic impact of all 50 States pursuing gambling as a competitiveness strategy? Unfortunately, there currently exists no clear body of evidence to answer this question at the national level.

At a recent hearing of the Committee on Small Business, we tried to get some answers from an expert panel of witnesses. And while they all offered valuable testimony that contributed to our understanding of the issue, nearly every witness suggested that there is a lack of good information on gambling's impact nationwide. It is time for a national commission to meet this need by re-examining a topic that has not been addressed at the national level in over 20 years. In addition to providing currently unavailable information on the impact of gambling proliferation, the commission will offer valuable recommendations on reforms to the current gambling regulatory structure. The findings and recommendations of a national commission will contribute significantly to the effort toward sound public policy regarding gambling at the Federal, State, and local levels of government.

TRIBUTE TO STEVE YODER

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LEWIS of Florida. Mr. Speaker, today I rise with a heavy heart to both honor and to mourn the passing of a good friend, Mr. Steve Yoder of Blountstown, FL. To pay tribute to Steve using mere words does not give justice to this great man.

My heart goes out to the Yoder family. To his wife, Carolyn, and his children, Loretta, Margaret, Ralph, Steve, Jr., and David—thank you for sharing your husband and father with us. To his parents, Mr. and Mrs. Monroe Yoder, and his brothers and sisters, Dan, Ben, Carol, Sharon, Mary Lou, Lois and Ester—your son and brother was one of the finest individuals I have ever known.

Steve's accomplishments and accolades in life were numerous. While those achievements are impressive, they did not define Steve. Steve was defined by who he was. He was a man who loved God, his family and his community. He was committed to agriculture—as his livelihood, and as the strength of this great country.

There was some concern that Steve—through his service and travels throughout the world—would change.

In a country that is crying out for change, and a society that changes daily—Steve remained steadfast in his dedication to his principles, and loyal to those he represented. He never forgot why he was sent to Washington. He formed a bridge from his community to ours and worked to draw out the strengths of each in seeking solutions to our differences.

In addition, he brought to Washington his warm nature and gentle friendship. In a city which has been described as a "hardship post for friendship," Steve was a wonderful friend. He forever changed our hearts and lives. The truth is that Steve did not change. He changed us.

Psalm 112, the Blessings of the Just Man, was used to eulogize Steve; I would like to share these words with my colleagues:

> Happy the man who fears the Lord, who greatly delights in his commands. His posterity shall be mighty upon the earth; the upright generations shall be blessed. Wealth and riches shall be in his house; his generosity shall endure forever. He dawns through the darkness, a light for the upright; he is gracious and merciful and just.
>
> Well for the man who is gracious and lends, who conducts his affairs with justice; He shall never be moved; the just man shall be in everlasting remembrance. An even report he shall not fear; his heart is firm, trusting in the Lord.
>
> His heart is steadfast, he shall not fear till he looks down upon his foes. Lavishly he gives to the poor; his generosity shall endure forever; his horn shall be exalted in glory. The wicked man shall see it and be vexed; he shall gnash his teeth and pine away; the desire of the wicked shall perish.

Steve's pilgrimage through life was full of purpose. Through his quiet ways, God gave him the creative power to stir and shape the lives of others—in his family, in his community, and in his country.

In listening to friends as they grieved for Steve, I heard it said, "Steve made you believe in the world again."

Steve, you truly did. You will be missed * * * but you shall always be remembered.

CONSIDERATION OF LEGISLATION IMPLEMENTING THE GATT AGREEMENT

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GLICKMAN. Mr. Speaker, during this year's campaign, I made a specific and unequivocal commitment to the people of the Fourth Congressional District of Kansas that I would not support the GATT agreement during the lame duck session of the 103d Congress. I intend to keep the commitment.

Notwithstanding my defeat and, importantly, my support for the substance of the GATT agreement and the fair trade principles it embodies, if I renege on my commitment, I believe that act would deepen public cynicism towards government and further the debasement of contemporary political debate.

GATT is critically important to our country's economic well being. The economic battlegrounds on which we will determine our and our children's prosperity are radically different from those of the past. This agreement which, deservedly, has strong bipartisan support, will enable the United States to get a fair deal on those new battlegrounds—the most important markets of the 21st century. It will take extraordinary steps towards leveling the global economic playing field. GATT will eliminate unfair barriers other countries have erected in the way of Americans and should be, for those reasons, implemented.

During the campaign, I expressed reservations about the process by which this legislation is being considered, concerns about GATT's effect on agriculture, and the powers of the World Trade Organization [WTO]. I am satisfied these substantive concerns have been met. Senator Dole's efforts to strengthen the ability of the United States to remove itself from GATT have satisfied my concerns about the WTO and I commend him. But, my reservations about bringing the agreement before a lame duck session—populated by an unprecedented number of retiring and defeated Members, including myself—remain.

Restoring public trust in government and elected officials is as critically important to strengthening our political future as GATT is to our economic well-being. Indeed, unless we rescue the political commerce of the Nation from the abyss into which it has slipped, securing our economic future will be next to impossible. In one of my last acts as a Member of the House, I will continue striving towards those goals—which I can do best by keeping my word, and I will.

HONORING MAJ. EDWARD A. CABRERA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. TORRES. Mr. Speaker, today I rise to recognize Maj. Edward Cabrera, who is a 1994 Hall of Fame Award recipient from the El Rancho Unified School District.

Edward was raised in Pico Rivera. He attended local elementary and junior high schools and graduated from El Rancho in 1978.

After graduating he accepted an appointment to the U.S. Air Force Academy in Colorado. He established an exceptional record of service in the U.S. Air Force as a fighter pilot and experimental test pilot. For the past 5 years he has been assigned to the Air Force Flight Test Center at Edwards Air Force Base. During the period he has furthered the combat capability and effectiveness of the F–16, one of the world's most technologically advanced fighter aircraft. His leadership, flying skills, and professionalism are of the highest caliber.

Recently, Major Cabrera was selected to attend the Air Force Flight Test Center at Maxwell AFB, AL, an honor reserved for the most promising officers. This Air Force Flight Test Center is the premier research and development facility of its kind in the world.

Major Cabrera's unique accomplishments reflect his qualifications in several award categories, including outstanding technical/professional achievement and most promising engineer.

Major Cabrera serves as an inspiration and a role model to all those minority students who wish to serve their country by attending one of the U.S. services' academies. I commend Major Cabrera for the trails he blazed making it easier for those that will follow.

TRIBUTE TO PAUL O'DWYER

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Mr. Paul O'Dwyer. He illustrates the qualities we all look for in a leader. He has been recognized throughout the country as an accomplished attorney, writer, politician and, most importantly, a defender of civil rights.

Born in County Mayo, Ireland, Paul O'Dwyer was the 11th child of rural school teachers. He came to New York at the age of 18 where he attended Fordham University and St. John's Law School. His family has been a very important part of Mr. O'Dwyer's life. He married the late Kathleen Rohan in 1935 and has four lovely children: William, Eileen, Brian, and Rory. The unfortunate and tragic death of his wife Kathleen in 1980 ended a wonderful marriage of 45 years. In 1984, he remarried to Patricia Hanrahan.

Mr. Speaker, Paul O'Dwyer and the late Oscar Bernstein started the law firm of O'Dwyer & Bernstein in 1935. This firm, located at 52 Duane Street in New York City, is engaged in the general practice of the law with emphasis on litigation in all State and Federal courts. The firm has represented some of the city's most prestigious writers and artists.

For many years, Paul O'Dwyer has held great interest in the Democratic Party. In 1958, he helped form the Committee for Democratic Voters with Eleanor Roosevelt and Senator Herbert H. Lehman. During the Presidential campaign of 1960, O'Dwyer was co-chairman of the Committee for the Kennedy-Johnson ticket. President Kennedy then appointed him as chairman of the Medicare campaign in New York City in 1962. These are just a few instances where O'Dwyer has been an important key in the development and growth of the Democratic Party starting with the Roosevelt administration and continues today with the Clinton administration.

Mr. Speaker, Paul O'Dwyer has had a great impact on the civil rights movement throughout the world including the Middle East, the Caribbean, South America, Asia, Europe, and Russia. He continues today by working for the reunification of Ireland. In the United States, Mr. O'Dwyer was a strong and active supporter of the civil rights movement. By contributing his legal expertise, Mr. O'Dwyer became a hero to many individuals who looked to him for quality legal representation that they might not have received otherwise. As a former practicing attorney and strong supporter of the civil rights movement, I applaud him on his leadership experiences.

Mr. Speaker, I recently had the pleasure to pay my respects to Paul O'Dwyer at a dinner held by his family. In addition, I have written a letter on his behalf to President Clinton encouraging the President to choose Paul O'Dwyer as a recipient of the coveted President Medal of Freedom.

Mr. Speaker, Paul O'Dwyer illustrates a true leader. I know my colleagues join me in congratulating Paul O'Dwyer for a lifetime of leadership in our world, country, and his community.

PUNJAB FARM LEADER CHARGED UNDER TADA FOR SPEECH IN BRITAIN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SOLOMON. Mr. Speaker, on the very day that the voters here in the United States were going to our polling places to elect a new Congress, India's phony democracy once again reared its ugly head. Ajmer Singh Lakhowal, leader of the Bharatiya Kisan [Farmers] Union [BKU], was charged under India's repressive Terrorist and Disruptive Activities Act [TADA]. Mr. Lakhowal's crime was making a speech in Southall, England, in which he advocated independence for Khalistan, the Sikh homeland which was declared independent on October 7, 1987.

The speech had been delivered in April, according to the report in the November 9 issue of the Tribune of Chandigarh, but the charges were filed in November because the speech was published in a leading local Punjabi daily. For this speech, Mr. Lakhowal was charged with "assertion prejudicial to national integration." What kind of country files criminal charges against someone for making a speech? Certainly not the world's largest democracy.

According to the Tribune, Mr. Lakhowal was already in jail when the charge was filed. He had been arrested in October to prevent him from staging a protest outside the residence of Punjab Chief Minister Beant Singh against the lower government price for super-fine rice. You might say that Mr. Lakhowal is a repeat offender. Mr. Lakhowal's case is more evidence of India's disregard for democratic values. What could demonstrate more clearly why so many peoples want to be free from Indian tyranny?

In addition, Jagmit Singh Brar, a Sikh member of Parliament who belongs to the ruling Congress Party, was not allowed to hold a peaceful protest march to protest the discrimination and genocide inflicted on the Sikhs in Punjab, Khalistan. If a member of Parliament can't have a peaceful demonstration, then how can India call itself a democracy?

The United States of America is the beacon of democracy for the world. We should not be doing business with such a brutal country. As long as India demonstrates this kind of disrespect for basic human liberties, it does not deserve a penny of aid from the United States or the other free nations of the world. The people of Punjab, Khalistan, massively repudiated Indian rule when 96 percent of them boycotted the 1992 state elections. Until India is willing to hold a free and fair vote in occupied Khalistan, all aid to that country should be ended. Until India is willing to allow individuals to make speeches and hold peaceful demonstrations, it should receive nothing from the hard-working taxpayers of this country.

Khalistan is the only solution to the Punjab problem. Real democracies do not support repression. We must stop aiding India's tyranny.

I am placing the article from the November 9 Tribune in the RECORD, along with a release from the Council of Khalistan.

AJMER SINGH LAKHOWAL CHARGED UNDER TADA FOR SPEAKING OUT FOR KHALISTAN IN ENGLAND

WASHINGTON, DC, November 29—The Indian government has charged Ajmer Singh Lakhowal, president of the Bharatiya Kisan Union (BKU) under the draconian Terrorist and Disruptive Activities Act (TADA) for making a speech in Southall, England in which he advocated freedom for Khalistan through peaceful means. Though he delivered the speech in April of this year, Mr. Lakhowal was not charged until earlier this month. He was charged after a transcript of his speech was published in a leading local Punjabi daily.

"The TADA charges brought against Ajmer Singh Lakhowal represent a complete denial of the fundamental freedom of speech which should be openly permitted in all true democracies," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "But of course, India is anything but a true democracy."

That Mr. Lakhowal delivered his speech six months ago while visiting the United Kingdom only serves to further highlight the extent to which the Indian government goes out of its way to deny Sikhs their basic rights. Human rights groups have persistently criticized the TADA laws under which Mr. Lakhowal was charged. Under TADA the presumption of innocence is reversed to a presumption of guilt and the accused can be held without trial for up to two years. Members of the United Human Rights Commission have condemned TADA as "disturbing" and "completely unacceptable" for falling far short of international standards for the protection of human rights.

The TADA charges were filed against Mr. Lakhowal while he was already in jail. Mr. Lakhowal was arrested in October to prevent his party affiliates from staging a "dhrana" or protest march against low government prices for super-fine varieties of rice produced in Punjab. Indian authorities continue to hold him.

"India's intolerance for peaceful dissent comes of little surprise," said Dr. Aulakh of Lakhowal's arrest and imprisonment. "But that in no way makes it right. India should know that the world is watching its every move. When peaceful dissent is encountered with imprisonment, when speeches delivered in England get people arrested in India, when the basic principles of democracy are violated at every turn, India, quite frankly, looks foolish. It is quite clear that India is afraid of what Sikhs have to say. It knows that we have declared our independence and that we will not stop until Khalistan is free. Perhaps it is time for India to face the music, to sit down with the Sikh leader and demarcate the boundaries between India and Khalistan. The Sikh nation will settle for nothing less."

CASE AGAINST LAKHOWAL UNDER TADA

JALANDHAR, Nov. 8 (UNI).—The city police registered a case under TADA against Bharatiya Kisan Union (BKU) President Ajmer Singh Lakhowal last night, basing it on the publication in leading local Punjabi daily of his speech delivered in a Southall gurdwara in Britain in April.

The case under Section 4 of TADA and Section 153-B of IPC (imputation, assertion prejudicial to national integration), was registered by police station division No. 4.

Mr. Lakhowal, who was taken into custody to prevent his party men from staging a dharna outside the residence of the Punjab Chief Minister at Chandigarh last month on the issue of "low price" of superfine variety of paddy, is already in jail.

He had been charged with having propagated the cause of "Khalistan" and justified the killing of Indira Gandhi.

TRIBUTE TO RICHARD D. BRYAR

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Richard D. Bryar, an outstanding individual and a fine soldier, who is entering civilian life after a distinguished career in the U.S. Army.

Since spring of 1991, Rich Bryar has served as an admissions officer for the U.S. Military Academy at West Point, New York. Rich has worked tirelessly assisting candidates and their families as well as Congressional staff members to work within the USMA admissions process to identify, nominate and offer appointments to a select few of the best and the brightest of our high school seniors.

Rich Bryar is a Chicago native. Rich earned a Bachelor of Business Management from Western Illinois University, where he received his regular Army commission as a distinguished military graduate from the ROTC program. Rich also earned a masters of business administration from Ball State University.

Prior to his assignment at West Point, Rich Bryar served as a field artillery officer with the 2d Armor Division, headquartered at Fort Hood, TX, and with the 18th Field Artillery stationed in the Federal Republic of Germany.

Rich Bryar has received numerous military decorations, including the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal with second oak leaf cluster and the Parachutist Badge.

Mr. Speaker, Rich Bryar's distinguished military service is a model of patriotism and citizenship. I ask my colleagues to join me in wishing Rich, his wife Carol, and his sons Randy and Michael well as the Bryar family begins this new chapter in their lives.

May they fully enjoy the blessings of peace and freedom that Rich Bryar has so ably defended as an officer in the U.S. Army.

FAIR TREATMENT OF CERTAIN REAL ESTATE SALES

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today on a tax issue that is of considerable importance to me and my constituents. That issue concerns the tax treatment under section 818(b) of the Internal Revenue Code of distressed real estate sales by life insurance companies.

Section 818(b) is a remnant of the Life Insurance Company Income Tax Act of 1959 that unfortunately was left in the code when most of the provisions of the 1959 act were repealed in 1986. The main impact of section 818(b) today is on life insurance companies that are undertaking programs to sell distressed real estate assets they own as a result of loan defaults by borrowers. Section 818(b) causes life insurance companies to undertake considerable tax planning steps when deciding whether to sell assets they hold, if the assets only can be sold at a loss. Moreover, section 818(b) often results in life insurance companies making decisions based strictly on tax consequences, rather than on economic factors. Section 818(b), whose purpose disappeared when the other provisions of the 1959 act were repealed, needs to be amended.

Specifically, because of section 818(b), a life insurance company must treat as a capital loss any loss on the sale of depreciable property or real estate which is used in any trade or business other than its life insurance business. In contrast, other taxpayers who dispose of the identical kind of properties at a loss are allowed an ordinary loss for tax purposes. It is generally more advantageous from a tax standpoint to have an ordinary tax loss rather than a capital loss, because capital losses of a corporation are deductible only to the extent the corporation has realized capital gains, and capital loss carryforwards expire after 5 years. On the other hand, ordinary losses can be used by a corporation to offset either capital gain income or ordinary income.

Therefore, because of section 818(b), a life insurance company planning to sell distressed real estate must monitor and manage its overall capital gain and capital loss position throughout its entire asset portfolio, for the purpose of ensuring that it will realize capital gain each year in an amount at least equivalent to its capital losses on distressed real estate for the year. Otherwise, the company will not receive the immediate tax benefit of the capital loss it realizes. Thus the current tax law encourages life insurance companies either to slow down the pace of sales of distressed real estate, or to speed up sales of assets with capital gains, such as assets in the companies' bond portfolios, solely for tax purposes.

Because section 818(b) leads to inefficient economic decisions based solely on tax consequences, it needs to be changed. For the past 2 years I have worked closely with the Joint Committee on Taxation's revenue estimators to develop a legislative solution that is both revenue neutral and that substantially eliminates the negative impact of section 818(b) on life insurance companies trying to dispose of troubled real estate holdings. The result of that effort is a proposal that would amend section 818(b) in a way that would allow for modified ordinary loss treatment for losses from the sale of real property acquired by a life insurance company as a result of a foreclosure. My proposal was the subject of hearings held in June 1993, before the Subcommittee on Select Revenue Measures of the Committee on Ways and Means. The legislative proposal provides for an appropriate simplification of the tax law, reaches the right policy results, and is revenue natural. Due to a lack of action on Member tax bills in the past 2 years, it was not possible to have the proposal enacted during the 103d Congress. I believe we should address the issue early in the 104th Congress.

Because life insurance companies should receive the same tax treatment as other businesses when they sell assets at a loss, I plan to press my proposal to allow for modificated ordinary loss treatment under section 818(b) in the 104th Congress. Enactment of my proposal will ensure that section 818(b) achieves the right policy result, when life insurance companies sell distressed real estate at a loss.

Because the correct tax policy result will be achieved in a revenue-neutral manner, I plan to provide that the proposal be effective for tax years beginning after December 31, 1993. I believe that modified ordinary loss treatment for losses from the sale of real estate acquired by life insurance companies in a foreclosure is necessary in order to remove inefficient tax considerations from the decisionmaking process, when life insurance companies consider how, and when, to dispose of their distressed real estate assets. I will ask for the support of my colleagues to have this important change enacted into law.

TRIBUTE TO R. STEVEN POPE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FILNER. Mr. Speaker, I rise today to honor a good friend and community activist who recently passed away due to complications from AIDS—R. Steven Pope.

Steven always worked to make life better for everyone—believing that activism was better than lip service, progress better than the status quo, and surrender unacceptable.

Since 1968, Steven was active in numerous political campaigns for Democratic candidates and causes. He worked to increase liberties and achieve equality for all Americans through the political process. He never tired in his passionate commitment to open the doors of democratic participation to everyone. His politics were principled long before the age of political correctness.

His diagnosis with AIDS in 1987 did not stop him—instead prompting him to greater involvement and activism. He served several terms as vice president of the San Diego Democratic Club and was recently elected to a third term to the County Democratic Central Committee. He was a delegate to the 1988 Democratic National Convention and several California State Democratic Conventions.

Steven was a dedicated worker for democratic principles and values. He was a teacher in San Diego City schools—as well as a teacher by his life and by example. We who knew him know more now about living to the absolute fullest and remaining faithful to our principles.

As he was released from the hospital on the eve of the recent election, Steven spoke of getting home in time to participate in the effort to get out the vote. His unwillingness to be stopped was typical of his energetic commitment. His medical complications would occasionally slow him, but could not stop him for 7 years—until now.

Of all the praise and awards Steven earned, perhaps the most significant was the respect and admiration of his friends, family and community for his unwavering commitment to hard work, community involvement and a sincere belief that one person can make a difference.

In this lifetime, we all come across a small number of special people—those who touch our minds, hearts and souls with their activism, optimism and dedication to making everyone's life richer. Steven was one of those chosen few. My thoughts and prayers go out to his family, friends and San Diego's gay and lesbian community. This world needs more people like R. Steven Pope—he will be sorely missed.

CLEAN AIR ACT AMENDMENTS OF 1990

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GEKAS. Mr. Speaker, on Wednesday, November 30, 1994, I will send a letter to Environmental Protection Agency Administrator Carol M. Browner, with regard to requirements that the Commonwealth of Pennsylvania implement an enhanced automobile inspection and maintenance [I&M] program. This letter will be the starting point of a campaign to bring common sense to the way we implement the Clean Air Act Amendments of 1990.

In this letter I will outline inconsistencies which have been brought to my attention with regard to the enhanced I&M program. For example, moderate to marginal nonattainment areas do not have to follow a centralized I&M program. However, moderate to marginal nonattainment areas of the Northeast Ozone Transport Region must implement such a program. Also, the General Accounting Office reported that EPA data found that over 25 percent of the vehicles that EPA tested using the IM240 test procedure failed an initial emissions test but passed a second emissions test, even though no repairs were made to the vehicles.

Mr. Speaker, I have many more concerns and will continue to investigate problems with the enhanced I&M program. In addition, I have contacted Thomas J. Bliley, Jr., chairman-elect of the House Energy and Commerce Committee, and have requested prompt hearings on the issue for the 104th Congress.

In closing, I want to make my colleagues aware that I am drafting legislation to be introduced in the 104th Congress that will include at its core a delay in the implementation date for the enhanced I&M program and require the EPA to reassess its determination with respect to the centralized program and issue new regulations governing the program. This legislation will have as its objective clean air through private sector incentives rather than through heavy-handed regulatory means. I ask my colleagues to join me in this effort in the 104th Congress.

TRIBUTE TO CONGRESSMAN JAMIE WHITTEN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. DIXON. Mr. Speaker, I rise today in special tribute to the Honorable JAMIE WHITTEN, who will retire as a Member of Congress after more than 53 years of dedicated service to the people of the 1st district of Mississippi. Chairman WHITTEN, the Dean of the Congress, served admirably as Chairman of the Appropriations Committee for 13 years. In this powerful and sometimes laborious position, he maintained the respect of Democrats and Republicans. Always working for the protection of our natural resources, Chairman WHITTEN's name became synonymous with agriculture, as he used his influence and unwavering commitment to advance the interests of rural America. One of his most significant contributions was the authorization of the Farmers Home Administration to bring water systems, telephones, and other conveniences to rural America, which comprises 84 percent of the Nation's land area. As a member of the Appropriations Committee, I appreciated his strong leadership and sense of fairness that have established him as a man of unquestionable personal integrity and dependability.

Chairman WHITTEN has always been a unique individual. He finished high school in 3 years, and studied at both the literary and law departments of the University of Mississippi. He served as a school principal for 1 year before being admitted to the Mississippi State Bar with the highest average in 1932. After joining the law firm of Denman, Breland, and Whitten as the junior partner, Chairman WHITTEN was elected to the Mississippi House of Representatives. At the age of 23, Chairman WHITTEN became district attorney of the 17th District of Mississippi, and was twice re-elected to this post. The Chairman has represented the 1st District of Mississippi since 1941, when he won a special election to the 77th.

During President Eisenhower's Presidency, Chairman WHITTEN helped re-establish the right of Congress to initiate public works projects. He has supported flood control projects, highway and navigation projects, the disaster relief efforts, and irrigation programs. More recently he was champion for the Tennessee-Tombigbee Waterway, which is bringing new opportunities for industries, recreation, and tourism to the scenic region of Mississippi, Alabama, and Tennessee.

Chairman WHITTEN is a proud member of the Charleston Presbyterian Church, the Rotary Club, the Lions Club, and the Masonic Order. He also belongs to the Omicron Delta Kappa, the Phi Alpha Delta, and the Beta Theta Pi fraternities. He has earned such prestigious honors as Watch Dog of the Treasury, Minute Man Hall of Fame, the REA National Award, the American Legion Award, the Extension Service Award, various 4–H and FFA honors, and many other citations.

Mr. Speaker, I join my colleagues in the House of Representatives in acknowledging the many contributions and the exceptional leadership of Congressman JAMIE WHITTEN. I join his children, Beverly Rebecca and James Lloyd, Jr.; and a host of family, friends, and colleagues in applauding his accomplishments and wishing him continued happiness in the future.

TRIBUTE TO ESTHER BUSH

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mrs. KENNELLY. Mr. Speaker, I rise today to pay tribute to a treasured member of the Hartford community, and a dear friend of mine—Esther Bush. Esther has resigned as president and CEO of the Urban League of Greater Hartford to become president of the Urban League in her hometown of Pittsburgh, PA.

During Esther's 5 years in the presidency, she consistently recognized the changing needs of her region's clientele and instituted new services—from off-site adult education, to affordable mortgage programs, to HIV/AIDS prevention and outreach. Yet she has never lost sight of the primary mission of the Urban League—to reach out and assist African

Americans and other minority group members to reach their full potential as members of this society.

Articulate, thoughtful, and principled in her approach, Esther had earned the respect, support and admiration of clients, donors and colleagues in the public and private sectors. At a time when the Hartford area's economy has been in a deep recession, Esther was an advocate for leaner, but not meaner management. At the same time, she doubled the agency's budget—and recently raised a record $200,000 at the 1994 Equal Opportunity Dinner.

Mr. Speaker, Esther Bush will be greatly missed in our community, but her legacy of accomplishment will guide the Urban League of Greater Hartford for years to come. I know I join with the entire Hartford community in wishing her continued success and great happiness as she assumes her new responsibilities.

INTRODUCTION OF A CONCURRENT RESOLUTION IN SUPPORT OF FLUORESCENT LAMP RECYCLING

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SABO. Mr. Speaker, I rise today with Congressman ESTEBAN TORRES to introduce a Concurrent Resolution expressing the sense of Congress that the Environmental Protection Agency [EPA] should adopt waste management policies and rules that minimize releases of mercury into the environment and encourage the recycling of mercury-containing lamps and other devices.

Mercury contamination is a serious environmental health hazard in the United States. Over 30 States have issued human consumption advisories or bans on consuming freshwater fish because of unacceptable levels of mercury in the fish. The development of nonmercury containing batteries has cut down on a major source of mercury pollution. However, mercury contamination is still a national threat because of the increasing use of energy-efficient fluorescent lighting, which is soon likely to become the single-largest source of toxic mercury releases into the environment. In addition to environmental and public health concerns, we must also consider the negative economic impacts of mercury contamination on important tourism, fishing, and other industries across the country.

The EPA has identified mercury as a hazardous waste and has determined that fluorescent lamps qualify as hazardous waste because of their mercury content. The EPA is currently considering public comments on a proposed rule that provides two alternatives for disposal of these lamps. The "exemption" option would exclude these lamps from controls designed to ensure safe handling of hazardous wastes. Exempting these lamps from hazardous waste standards would set a bad precedent and send the wrong message to States, businesses, and consumers. The correct alternative is the "universal waste" option, which would encourage the recycling of these lamps and would capture mercury before it is released into the environment.

Currently, most mercury-containing fluorescent lamps are disposed of in solid waste landfills. When these lamps are broken in landfills or in transit, mercury is released into the air and may also leach into the groundwater. The use of energy-efficient fluorescent lamps has greatly increased, largely due to the successful EPA Green Lights Program. Using fluorescent lighting makes good sense. However, to be environmentally responsible, we must also ensure that we dispose of these lamps properly.

Fortunately, there is an economically feasible solution to this problem. In States such as Minnesota and California, where State solid waste regulations prohibit the dumping of mercury-containing lamps into landfills, recycling has significantly increased—creating an awareness of the health, safety, and environmental concerns associated with mercury, as well as producing new jobs. In addition, these regulations have not diminished the relamping efforts promoted by the Green Lights Program. Costing only a few cents per foot of lamp, recycling is estimated to be only 1–2 percent of the cost of implementing the EPA Green Lights Program.

For these reasons, I strongly support adoption of the "universal waste" option, and urge my House colleagues to support it as well. We must ensure that Federal safeguards to prevent mercury releases are strengthened, not weakened. The "universal waste" option is the only one that protects our lakes and rivers from mercury contamination while remaining consistent with the Green Lights Program's promotion of energy-efficient lighting. When we consider the long range effects of mercury contamination, treating these lamps as hazardous waste and encouraging recycling programs is clearly the environmentally and economically sound alternative.

LATE PUNJAB GOVERNOR PAID BY INDIA TO FOMENT "TERRORISM"

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SOLOMON. Mr. Speaker, new evidence has come to light which shows that the Indian regime paid the late Punjab governor, Surendra Nath, $1.5 million dollars to foment covert terrorism in Punjab, Khalistan, and Kashmir. The Hitavada, an Indian newspaper, reported on November 6 that Mr. Nath, who died in a plane crash, was paid by the regime to organize and support covert terrorist activities through organizations infiltrated by his operatives. The Hitavada report was attributed to highly placed sources inside the Indian regime.

Both Home Minister S.B. Chavan and Internal Security Minister Rajesh Pilot were well aware of this effort, according to the Hitavada. Even the former director general of the Punjab police, J.F. Riberio, was quoted by the Punjab Mail as saying that Mr. Nath's wealth should be investigated. Mr. Nath had approximately 8 billion rupees, or about $233 million, at his death, according to the Mail. So far, the Indian regime has stonewalled as the call for an investigation increases.

A police officer named Bakhsish Singh, who was chief of security for former Punjab Finance Minister Balwant Singh, remained in very close touch with Mr. Nath even after being suspended from the police force. According to the Hitavada, Bakhsish Singh had "very easy access to Mr. Nath even at odd hours, and was 'well informed' of all the 'secret missions' of the late Governor." In this light, it seems probable that Mr. Nath's operatives murdered Balwant Singh, rather that the so-called Sikh terrorists who were officially blamed for it.

These acts reflect a pattern. India has murdered over 115,000 Sikhs since 1984, over 150,000 Christians in Nagaland since 1947, and over 43,000 Kashmiri Muslims since 1988. Our own State Department reports that from 1991 through 1993, over 41,000 cash bounties were paid to police officers to kill Sikhs.

This new information demonstrates yet again that democracy in India is a sham. The genocidal repression of Khalistan and the other nations seeking their freedom is the true face of Indian democracy. This kind of repression and brutality should not be supported by decent nations like ours with either aid or trade.

On October 7, 1987, the Sikh nation declared its independence as Khalistan. The Sikh nation seeks its freedom by peaceful means. Yet India continues to seek out opportunities to shed more Sikh blood. Only a free and independent Khalistan will solve the Punjab problem. The Congress must act to insure that the United States is on the side of the peoples seeking their God-given freedom, not on the side of a brutal, oppressive police state which tries to hide behind the cover of calling itself "the world's largest democracy."

I am entering into the RECORD the article from the Hitavada and a news release from the Council of Khalistan, which has done outstanding work in exposing the real nature of Indian "democracy."

[From the Hitavada, November 6, 1994]

SURENDRA NATH PAID TO FAN MILITANCY?

(From Sukhbir Osan)

Was the late Punjab Governor, Mr. Surendra Nath, who died in a plane crash with nine family members, behind the thousands of killings in Punjab and Kashmir through a third agency?

According to highly placed sources, the Union Government had made available a huge amount of Rs. 4500 crore to Mr. Surendra Nath, IPS, who held many a prestigious post from time to time, to "prop up" terrorism in Punjab and Kashmir in a bid to defame the Punjab and Kashmir militants. Both the Union Home Minister Mr. S.B. Chavan and the Internal Security Minister Mr. Rajesh Pilot were well aware of the fact that Mr. Nath had very successfully infiltrated "officials" of the Punjab and Kashmir Government into various terrorist groups.

What is further intriguing the minds of the people of Punjab is the ignorance being feigned by the Government of India, especially its Home Ministry regarding the "seizures" made from "Punjab Raj Bhawan" after the demise of Mr. Nath. The total "collection" amounts to Rupees 800 crore inclusive of cash, jewelry, and other immovable property. In fact, according to sources, this "body" seems to be a part of the amount of Rs. 4500 crore which was placed at the disposal of Mr. Surendra Nath to root out terrorism.

Mr. Surendra Nath played an all important role to give strength to the hitherto lesser known C.I.S.F. (Central Industrial Security Force) and it is being alleged that some of "its" men were used to kill innocent persons including the family members of the Punjab police personnel as well as teachers, doctors, engineers, media men and political personalities.

A "suspended" police official Bakhsish Singh remained very close to Mr. Surendra Nath. Mr. Singh was the security in charge of the all time high-profile top Akali leader and the former Punjab Finance Minister Mr. Balwant Singh who was gunned down by "terrorists" in broad day light. Mr. Bakhsish Singh was immediately suspended after the ghastly murder of Mr. Balwant Singh. But with the advent of Mr. Surendra Nath as the Governor of Punjab- Mr. Bakhsish Singh, a Nath confidant, re-approved on the scene and enjoyed a very easy access to Mr. Surendra Nath even at "odd" hours and was "well informed" of all the "secret missions" of the late Governor.

Though the Union Home Minister, Mr S.B. Chavan has denied that currency has been seized from the Punjab Raj Bhavan, he has further complicated the issue by saying that only the Prime Minister Mr. Rao could say anything about the "seizures" made from the Raj Bhavan.

Though the veteran CPI leader and the former Punjab Minister, Mr. Satyapal Dang as well as the Khalistan protagonist Mr. Simranjit Singh Mann have asked for a CBI probe into the Punjab Raj Bhavan seizures, the Government of India is maintaining a studied silence. Meanwhile, a Human Rights protagonist and an advocate of the Punjab and Haryana High Court has filed a written petition in the Supreme Court for a CBI probe into the matter.

According to sources, the list of seizures prepared by intelligence agencies is very long and is consisting of Rupees 110 crore in cash, jewelry worth Rupees 40 crore, immovable property worth Rupees 650 crore, various political bangalows and farm houses and above all his attempt to grab land near Kullu at a throw away price of Rupees 8 crore.

The Prime Minister, these sources maintain, is annoyed with both Mr. Chawan and Mr. Pilot since he feels that their infighting is behind all this "leakage" to media persons and may have a "damaging influence" on the Congress I performance in the ensuring elections being held in the Southern States.

[N.B. 1 crore equal to 10 millions]

[From the Tribune, November 10, 1994]

Cops Killed Eleven for Awards

(By Our Legal Correspondent)

CHANDIGARH, November 9.—Mr. Satwant Singh Manak, Black Cat Commando in the Punjab Police, today made startling disclosures through a writ petition in the Punjab and Haryana High Court.

He alleged that as many as 11 innocent citizens of the state were killed by the Punjab Police in his presence. He also elaborate details of the persons killed.

A Division Bench consisting of Mr. Justice R.P. Sethi and Mr. Justice Sat Pal issued notice of motion to the state of Punjab, the Director-General of Police, Mr. Bakshi Ram (Deputy Inspector-General, Ferozpur Range), Mr. Jarwinder Singh, Mr. M.K. Tiwari and Ishwar Chander (all SSPs), Mr. Surjit Singh, Mr. K.B. Singh and Mr. A Gautam (SPs), Mr. Bachan Singh Randhawa (DSP) and other police officials also.

Those killed by the Punjab Police as alleged by the petitioner were Nirmal Singh Nimma, a resident of Rajeana village in Faridkot district, Mr. Baljit Singh of Wadaghar, Mr. Kulwant Singh Kanta of Ghumiara village, Mr. Baljinder Singh Bijliwala, Mr. Kartar Singh Karmitti, Mr. Bahal Singh of Padhari village, Mr. Satwant Singh Sodhi of Chogawan village, Mr. Gurmukh Singh of Langiana village, Mr. Gurcharan Singh of Moga and Mr. Nacchhattar Singh Fauji of Daudhar village.

Mr. D.S. Rajput and Mr. M.S. Gill, counsel for the petitioner, contended that the persons killed were earlier tortured both physically and mentally by the police in C.I.A. Staff, Moga, and other police stations. Some of the bodies were cremated without following legal formalities. They were shown to have been killed in fake encounters. The police officers resorted to this modus operandi to earn cash awards and out-of-turn promotions. Some of the persons were killed in the presence of the petitioner, but he was helpless because everything was being done at the behest of his superiors.

They submitted that the petitioner was kept in illegal police custody and was badly tortured.

It was argued by Mr. Rajput that the inquiry regarding the murder of 11 persons should be made by the CBI or a sitting judge of the high court. The guilty officers should be arrested and an FIR lodged against them. It was also demanded that the next of kin of the deceased should be given compensation of Rs. 2 lakh. The petitioner also sought security cover either by the CRPF or ITBP as he apprehended a threat to his life.

JOHN SHEEHAN: VOICE FOR WORKING MEN AND WOMEN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. VENTO. Mr. Speaker, I rise today to recognize an active advocate for working men and women in Minnesota.

John Sheehan, business manager and financial secretary-treasurer for Twin Cities Local 512 of the International Association of Bridge, Structural and Ornamental Iron Workers since 1984 and a symbol of the best of the American labor movement, will retire on February 1, 1995.

John, who was born, reared and still resides in Minnesota's Fourth Congressional District, has served working men and women and Local 512 for more than 4 decades, first as a journeyman ironworker and for the last 20 years as an elected officer of Local 512.

During his tenure as a Local 512 officer, John not only has struggled to make the ironworker's lofty workplace safer, but to ensure that his brothers and sisters are well trained, fairly paid, and attain a retirement with dignity. John played a significant role in securing both health and welfare and pension plans that are second to none in the building trades.

John has fulfilled his responsibilities as a union official, Minnesota AFL–CIO vice president, and community and political activist with courage and compassion. Not only have John's contributions earned him the thanks of his brother and sister ironworkers, but they've won him the respect of trade unionists from throughout the Midwest area.

As Fourth District Congressman, I have had the privilege of working with John on many issues of concern to working men and women. From striker replacement legislation to the enforcement of the Davis Bacon law, John has been a consistent and effective advocate of workers' rights.

Throughout his career, John Sheehan's mission has always been to promote the interests and improve the lives of working men and women. He has succeeded well in his quest, and Minnesota workers will continue to reap the benefits of John's accomplishments long after his retirement.

John Sheehan has made a real difference for people from the training of construction workers to improved safety, wages, and benefits. These are the highquality products of a skilled tradesmen. John Sheehan is emblematic of today's ironworker—a craft and trade that is shaping America's built environment with the latest technology and knowhow on the job and in the construction workplace. Well done, John Sheehan. We owe you our thanks, and wish you and your family a happy, well earned retirement in the years ahead!

TRIBUTE TO JACK JENNINGS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. KILDEE. Mr. Speaker, during my years of service in the House of Representatives I have had the opportunity to work with many fine and dedicated staff people. One of the best has been John F. "Jack" Jennings who is retiring at the end of this Congress. First as counsel for the Subcommittee on Elementary, Secondary and Vocational Educational, and later as general counsel for education for the full Education and Labor Committee, Jack's advice has been highly regarded by myself and many other members of both the subcommittee and full committee.

The following article on Jack's distinguished career with the Education and Labor Committee appeared in the September 28, 1994, issue of Education Week. I bring it to my colleagues' attention as a tribute to Jack's many accomplishments.

Education Aide Leaves 27-Year Legacy of Quiet Influence

(By Mark Pitsch)

When Congress adjourns this fall, a revised Elementary and Secondary Education Act will have given the major federal education programs a new emphasis.

The end of the session will also signal a new chapter in the career of John F. Jennings, who has been instrumental in shaping that legislation—more so than most of the lawmakers he has served as an aide on the House Education and Labor Committee.

Mr. Jennings, whose choirboy looks betray his 51 years, is retiring after an unparalleled 27 years on the committee's staff.

Only its chairman, Rep. William D. Ford, D-Mich.—who is also leaving Congress at the end of the year—has served the panel longer. And when it comes to education issues, perhaps only the influence of a committee chairman exceeds that of the unflappable Mr. Jennings.

"Nobody is irreplaceable around here, but the fact is, I look at the committee and I don't see anybody ready to step in with his kind of qualifications," Mr. Ford said. "He's got a scholar's mind with a lot of pragmatic experience."

"When all of us arrive here, we feel we bring the ideas that never got to Washington before," Mr. Ford continued. "Jennings has been able, with one after another new member of the committee, to walk them through where this evolutionary process is taking us."

Mr. Jennings's withdrawal from Capitol Hill comes at a time when lawmakers and the Clinton Administration are making the most dramatic changes in policy that Congress has contemplated since it first took an active role in education with the enactment of the original E.S.E.A. in 1965.

FROM ACCESS TO STANDARDS

At that time, access to education for minorities and low-income children was the key objective of the law and its cornerstone, the Chapter 1 compensatory-education program. But the law that will be enacted this fall will prod states and districts to improve the quality of schools by requiring them to set high curricular standards.

It is a transformation that corresponds with Mr. Jennings's own evolving beliefs as the committee's chief education counsel.

"I do believe in standards now; I didn't a few years ago," he said in an interview. "It does a kid no good to be in a program that isn't any good."

"I think I have learned, which I knew intellectually but have seen anew, that just because things were done a certain way in the past doesn't mean they should be done that way in the future," he said.

Mr. Jennings, who is universally known as Jack, describes his early years as "the typical ethnic Catholic background." His father was a policeman, his mother was a housewife, and they had five children.

"If you were an Irish Catholic boy growing up in the 50's in Chicago, you became one of the three P's—priest, politician, or policeman," Mr. Jennings said. "My mother wouldn't let me become a policeman, and I tried the seminary."

After five years at the local diocesan seminary, which served as a high school and earned him some college credits, Mr. Jennings turned to more secular pursuits. He enrolled in Loyola University, where he became active in the Illinois College Young Democrats.

As a law student at Northwestern University, Mr. Jennings was asked by the local Democratic ward committeeman, Rep. Roman Pucinski, to be the precinct captain for his neighborhood of about 500 voters. Mr. Jennings was able to turn out a Democratic majority in most major elections, even though the precinct had previously had a Republican tilt.

In 1967, Mr. Pucinski became chairman of the Education and Labor Committee's Subcommittee on Elementary, Secondary, and Vocational Education. He lost his first subcommittee vote and promptly called Chicago.

A CALL FROM WASHINGTON

"I was sworn into the Illinois bar one day and into the D.C. bar the next," recalled Mr. Jennings, who became the subcomittee's staff director.

In 1973, Rep. Carl Perkins, D-Ky.—who began a 17-year reign over the full committee in 1967—took over the elementary and secondary education subcommittee and took the unusual step of announcing publicly that he would retain Mr. Jennings as staff director. Mr. Jennings also joined the full committee as associate counsel.

Over the next 11 years the lawyer and the chairman cemented a bond that grew stronger the longer they worked together. Mr. Jennings said he was attracted by Mr. Perkins's "constancy of purpose" in trying to help the poor people in his district and across the country.

"A number of other politicians are buffeted by publicity or are very inconsistent," Mr. Jennings said.

Among the few decorations in Mr. Jennings's office in the Rayburn Office Building are two that recall his time with Mr. Perkins. One is a photo of the chairman shortly before his death in 1984; the other, a gift from Rep. Bill Goodling, R-Pa., is a watercolor of Mr. Perkins's Kentucky home.

"This job and what I do," Mr. Jennings said, taking note of the souvenirs, "is never very far from my mind.

Upon Mr. Perkins's death, the new chairman, Rep. Augustus F. Hawkins, D-Calif., asked Mr. Jennings to remain in his post. When Mr. Ford succeeded Mr. Hawkins in 1990, Mr. Jennings thought about leaving, but did not. He dropped his subcommittee title, as Mr. Ford opted to chair a different subcommittee, but stayed on as counsel to the full committee.

in 1992, he again contemplated leaving. But with the reauthorization of the E.S.E.A on the Horizon, Rep. Dale E. Kildee, D-Mich., the subcommittee chairman, asked him to stay on another two years.

"It made sense to help rethink what I started with," Mr. Jennings said.

'A KEY PLAYER'

He said he was also swayed by the opportunity—for the first time in 13 years—to work with a Democratic administration, and one with an education agenda he personally agrees with.

"I like to use my interest in politics to further good policy," Mr. Jennings said in explaining why he has not left Congress for a more lucrative and less stressful occupation.

While Mr. Jennings may be little known outside of Washington, his impact on policy has been considerable, and has grown over the years.

At the time he began his work here, House members were more directly involved in decisionmaking and writing legislation. As Congress has taken on a broader array of issues, and committees have proliferated, elected officials have come to rely much more on their aides to work with constituents, develop expertise in a particular field, and draft legislation.

And Mr. Jennings has become the dominant figure in education.

"There probably isn't an important [education] issue on which Jack hasn't been a key player," said Michael Edwards, the manager of Congressional relations for the National Education Association. "He is the one person who really ties the creation of these [education] programs to today's intellectual and political reality."

Colleagues and lobbyists describe Mr. Jennings as at once disarming and demanding, a consensus-builder and a partisan.

His low-key demeanor, they say, enables him to deal effectively with a 25-year old junior staffer as well as 20-year Congressional veterans. But his intellectual standards mean he rarely suffers fools and that arguments must be well reasoned before they go beyond his desk.

'A GLOVED FIST'

"Jack and I get along fairly well, [and] Jack has never been afraid to tell me I'm full of crap," said Bruce Hunter, a senior associate executive director of the American Association of School Administrators. "You have to defend and work your ideas."

"He used a gloved fist, and the glove was information, knowledge, and logic," said Andy Hartman, a former Republican staff director on the committee who is now the executive director of the National Institute for Literacy. "When a report would come out, instead of putting it in a pile on his desk, he read it and would quote it."

Associates also say that Mr. Jennings is keenly aware of how to most productively negotiate the nuances of legislation. He is conscious of the institution's inherent slowness, they say, and always tries to keep moving negotiations along.

"If you've got an argument, he'll listen to it, but if you're passive, he'll walk right by you and move the process along," said Tom Wolanin, an official in the Education Department's legislative-affairs office who used to work with Mr. Jennings on the committee.

Several colleagues cited an incident where Mr. Jennings walked out of a staff conference after only a few minutes, effectively ending it.

It was a demonstration of power, they said, and also a statement of Mr. Jennings' disgust at the lack of progress on the issue at hand, an education-reform bill that included pieces of President Bush's America 2000 agenda. His silent verdict turned out to be correct; the bill was rejected by Congress several times, although portions of it resurfaced in the Clinton Administration's Goals 2000: Educate America Act.

THE INTIMIDATION FACTOR

While Mr. Jennings usually presents a genial and collected persona, colleagues say he has been known to raise his voice.

One former House aide recalls disparaging Goals 2000 at a staff meeting.

"He called me a Nazi, commie, feminist, rattled off a whole host of expletives about how I was so negative and how we have to support the President," the former aide said.

A current House aide said: "I started out being really scared of him. Then we had a few big shouting matches, and I don't think I'm scared of him any more."

"He's very intimidating, and that's part of his effectiveness," the aide said. "You hate it when you're going through House negotiations, but you love it when you're [bargaining] with the Senate."

Many aides recall Mr. Jennings as a consensus-builder, and say he has often worked to secure some Republican support for legislation, particularly Mr. Goodling's vote.

But with lifelong Democrats for parents, it was hard not to be partisan, said Mr. Jennings, who sees himself as following the tradition of Presidents Roosevelt, Kennedy, and Johnson.

Mr. Jennings helped House Democrats "play the gridlock game," said Charles E.M. Kolb, who often engaged in legislative negotiations as an Education Department and White House official in the Bush Administration.

The Democrats, Mr. Kolb noted, have been more receptive to the Goals 2000 program than to Mr. Bush's America 2000, despite their similar emphasis on standards.

Lately, Mr. Jennings has been swamped preparing for his last big negotiation, the

House-Senate conference on the E.S.E.A. reauthorization that began last week. (See related story, page 23.)

After the bill is passed and signed by the President, Mr. Jennings plans to take some time off, and do some writing on the-standards-setting movement in education.

"Since I've been in this position for so long, I want to use what I've learned to help people understand the process better and understand the issues better," he said.

Despite offers from law firms, Mr. Jennings said he will probably join a Washington-area think tank, where he can continue writing on education issues.

I've decided to turn down the big money," he said.

COMMUTER AIRLINE SAFETY STANDARDS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. OBERSTAR. Mr. Speaker, today I am introducing legislation to require that the same standards apply to small commuter type airline operations as apply to large airline operators. Under current Federal Aviation Administration regulations, commercial operations on aircraft with 30 seats or less are subject to lower standards—part 135 of the Federal Air Regulations—than govern operations with more than 30 seats—part 121.

As the importance of commuter operations has grown, the travelling public has come to expect one standard, the higher one, for all scheduled operations. Approximately 10 percent of the air travel in this country—50 million annual boardings—are on less-than-30-seat aircraft. Through commercial, marketing and ownership arrangements with the large airlines, the smaller ones very often fly with the livery and colors of the larger carriers. The travelling public has come to believe that the "Express" carrier of a major airline is part and parcel of the major airline. While that may truly be the case, the public would be very incorrect to assume that the same standard of safety applies.

Hearings by the Subcommittee on Aviation last February received expert testimony from the National Transportation Safety Board, the FAA, pilots, dispatchers, and representatives of the commuter airline industry that indicate that there are important differences between part 135 and 121 regulations and standards that need not exist. Some of the Significant areas of differences are: Recurrent pilot training for part 135 is much less than it is for part 121; pilots under part 135 have less stringent flight time and rest requirements; part 135 carriers are not required to have a flight dispatch system for maintaining operational control over aircraft and flights; there are also equipment differences among which are that part 135 carriers are not required to carry windshear warning and detection systems. Collision avoidance equipment requirements are also different; and, flight attendants are not required on aircraft with 19 or fewer seats.

At those subcommittee hearings, FAA Administrator David R. Hinson committed to take a variety of actions on pilot training, flight time and rest requirements, and dispatching systems for commuter airlines. While Administrator Hinson's commitments were genuine and sincere, the bureaucratic process and analysis required to upgrade these rules is bogging down and the upgraded standards for commuters remain a long time coming.

Generally, it takes at least 2 years for the agency to make a proposal for a regulatory change and then another year, often more, to issue a rule. There then follows a period of time for airlines to bring themselves into compliance.

I recognize that in a field as complex as commercial aviation, there are regulatory issues that take a lengthy period of time to sort through, particularly if there are disagreement on the correct approach within the industry or the FAA. But I believe a consensus has now developed to upgrade the part 135 standards, and the normal lengthy bureaucratic process is simply not needed.

The subcommittee hearings on commuter airline safety standards earlier this year showed that steps could and should be taken to harmonize the two standards. Since then, the National Transportation Safety Board has issued a comprehensive study of the commuter airline industry which recommended an upgrading of part 135 to part 121 standards in all areas possible. The FAA has publicly stated that it agrees with the recommendation, and the Regional Airline Association, the trade association representing the small commercial operators has stated that they believe the NTSB recommendations should be implemented and that they stand ready to work toward this end. I commend both the agency and the industry for their positive approach to these recommendations.

But again, if we let the normal process play itself out, even with this consensus, results in many cases will be years in coming. The bill I am introducing today will require that the FAA issue rules that apply a minimum standard of safety for all scheduled operations aircraft with nine passengers seats or more by March 1, 1996.

When these regulatory changes are made, there will be safety benefits. With these changes, the commuter airline safety record will improve and become more equivalent to the large aircraft operators. The safety record of the part 135 scheduled operators has made tremendous improvements since the large 1970's, and when I am asked, which is frequently, about the safety of commuters, I tell people that they are safe to fly and people should not be apprehensive.

But the fact remains that there are two different standards that result, in many ways, in the levels of safety being significantly different as evidenced by their respective accident rates.

The commuter industry which is, and will increasingly be, an important and integral part of our air transportation system needs to be regulated under the more sophisticated standards.

I want to note that Thursday is the anniversary of a commuter airline accident in Hibbing, MN, of my congressional district, in which 18 people perished. Had this operation been regulated to the higher part 121 standard, this accident would likely not have occurred.

I am introducing this bill, so discussions within the aviation community and the FAA can begin and become focused before the 104th Congress convenes in January. I would urge the new Republican leadership of the Congress and the Committee on Public Works and Transportation to move expeditiously to enact this legislation as it is in the interests of the safety of the traveling public. I look forward to working with the Republican leaders to accomplish that end. I will reintroduce this bill at the start of the 104th Congress. If our colleagues would like to cosponsor this legislation, please have your office contact the Subcommittee on Aviation office at x59161.

TRIBUTE TO JIM BACCHUS

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. PETERSON of Florida. Mr. Speaker, today the House of Representatives will say farewell to a gentleman who has proven himself to be one of the most respected, dedicated, and conscientious Members to have ever served in this body.

The Honorable JIM BACCHUS of the 15th District of Florida has spent the last 4 years of his life working diligently in the Congress to ensure a better future for his constituents, for Floridians, and for all Americans. JIM has always exemplified those values that make public service such a noble endeavor.

His hard work, professionalism, compassionate judgment, and remarkable knowledge of the issues, especially in the areas of science, technology, banking, and trade, have had a lasting impact on numerous major laws that were passed by this House over the last two terms. JIM'S record of public service reflects great personal sacrifice on his behalf and that of his family.

Mr. Speaker, Congressman BACCHUS is leaving this Chamber as a model legislator whose efforts helped make America stronger, and I am honored to have served with him over the last 4 years. He will be missed as an insightful advisor, a responsible legislator, and a pretty good roommate. JIM has a bright future in either the private or public sector, so we will all see him again as a national leader. He is a true friend and a great American, and I am sure I join all of my colleagues as I wish him and his family the very best.

TRIBUTE TO STEVE McNAIR

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand today to recognize Steve McNair, the senior quarterback on the Alcorn State University football team, for his outstanding accomplishments. Alcorn State University, which is located in Lorman, MI, is the oldest historically black land-grant university in the United States.

McNair, a native of Mount Olive, MI, is the National Collegiate Athletic Association [NCAA] career leader in total offense with 16,823 yards. In his 4 years at Alcorn State, he led the football team to two Southwestern Athletic Conference [SWAC] championships and two appearances in the NCAA Division 1–AA playoffs. During this period, the team achieved a record of 22–4–1 in the SWAC and an overall record of 31–12–2.

McNair has been selected as the SWAC Player of the Year for an unprecedented fourth straight year. He has also been selected to play in the 1995 Senior Bowl, which is comprised of the Nation's top senior college football players. McNair is a leading candidate for the prestigious Heisman Trophy, which is awarded by the Downtown Athletic Club of New York to the Nation's most outstanding college football player. He is also a leading candidate for the Walter Payton Award, which is awarded to the top football player in NCAA Division 1–AA.

Because he is widely acclaimed by National Football League [NFL] scouts for his athletic ability, Steve McNair will most likely join the ranks of many outstanding Mississippians who have played in the NFL.

Steve McNair is more than just an exceptional football player. He is an impressive young man who has represented his family, Alcorn State University, and the State of Mississippi with great distinction. I congratulate Steve McNair for an outstanding collegiate career at Alcorn State University.

SIX SIKH PRISONERS TORTURED, MURDERED BY PRISON GUARDS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BURTON of Indiana. Mr. Speaker, I rise today to bring to the attention of the U.S. Congress, the Government of the United States and the American people an extreme injustice brought upon the Sikh nation. According to the Agence France Presse, Indian prison guards at the Pilibhit prison in Uttar Predesh murdered six Sikhs. Other reports indicate that as many as 30 have been tortured. Four of the six Sikhs killed were witnesses to the cold-blooded murder of 12 Sikhs last year who were shot in the head at point blank range by Indian police after being pulled off a bus in Pilibhit. All of these Sikhs were scheduled to be released from the Pilibhit prison within a few days of their murder. It is now evident that the Indian government wanted to silence them. Initial reports suggested that the prison murders were a result of an attempted prison break. Later, when the truth came out, it was revealed that the murders were premeditated.

This is an intolerable state of affairs, Mr. Speaker. For years, this House has had access to numerous reports concerning India's brutality against the Sikhs. The Pilibhit prison murders are only the tip of the iceberg. Brutality and torture against the Sikh populace are rampant throughout Punjab. That is one of the reasons that a broad band of prominent Sikh leaders have called for a separate Sikh homeland. The time has come to take action. I call on Congress to take the following action.

First, cut aid to India until it stops its brutal reign of murder, torture, and rape against the Sikh people.

Second, pass a resolution supporting the Sikh nation's rights to a free and fair plebiscite on self-determination.

Third, demand that India stop killing Sikhs and allow international human rights organizations within its borders to conduct human rights investigations unencumbered by governmental interference.

I am submitting for the RECORD a news release from the Council of Khalistan regarding the prison murders in Pilibhit, Uttar Predesh. Also submitted is the wire service report released by Agence France Presse on November 16 concerning the same, which shows how the Indian government manipulates and befools even the international press.

[From the Council of Khalistan, Nov. 29, 1994]

SIX SIKH PRISONERS TORTURED AND MURDERED BY PRISON GUARDS

WASHINGTON, DC, NOVEMBER 29—Indian guards at the Pilibhit prison in the Indian state of Uttar Predesh tortured and murdered six Sikh prisoners on November 8 just days before they were to be released on bail, according to the Agence France Presse. Another 30 Sikhs were tortured but did not die. Four of the Sikhs killed witnessed the cold-blooded murder of 12 Sikhs last year who were shot in the head at point blank range by Indian police after being pulled off a bus. Officials initially tried to cover up the prison murders. An Agence France Presse wire service report on November 10, said that the Sikhs were killed while attempting a prison break. On November 16, however, the same wire service revealed that signs of torture, like crushed genitals, had been discovered on victims' corpses. The murders had obviously been premeditated.

"It is clear that the prison guards wanted to kill those Sikhs who witnessed the Pilibhit bus massacres last year. They wanted to silence them for good," said Dr. Gurmit Singh Aulakh, president of the Council of Khalistan. "India did not want to let them free at the risk that they would expose its brutality against the Sikhs and help advance the struggle for an independent Khalistan. But India's designs have backfired. The government may control the flow of information in India, but somehow the truth gets out. India is now being exposed."

Well respected international human rights investigators have fully documented India's pattern of cover-ups regarding the murder of Sikhs as part of its effort to crush the Khalistan movement. According to a 1993 Amnesty International report, the *modus operandi* of Indian police is to deny any wrong-doing concerning the murder of Sikhs and simply claim "that the victim 'escaped' from custody or has been killed in an 'encounter.'" According to *Dead Silence: The Legacy of Abuses in Punjab*, published jointly by Human Rights Watch/Asia and Physician for Human Rights, most Sikhs killed by the Indian government "were summarily executed in police custody in staged 'encounters.' These killings became so common, in fact, that the term 'encounter killing' became synonymous with extrajudicial execution."

Indian prison guards apparently attempted to follow the same pattern of murder and denial at the Pilibhit prison on November 8. Original reports said that four Sikhs tried to escape from the jail using their unfurled turbans as ladders. Prison officials claimed that they had cut through iron bars and stabbed and wounded three prison guards who had stopped to challenge them. Local reports, however revealed the truth that the Sikhs were murdered in cold blood.

"This is the kind of systemic brutality Sikhs have been struggling against for years," said Dr. Aulakh. "The Sikh nation declared independence from India on October. 7, 1987 forming the separate country of Khalistan. Incidents like this simply show the urgency of our demands. Sikhs will never be assured of their right to life as long as we live under India's brutal rule. I hope the world seriously looks at this incident and understands that it is just the tip of the ice berg. India's record of savage abuse against the Sikhs is a mile long. The time has come for the world to send a message to the Indian government that it will no longer stand for its brutality against the Sikhs. The time has come for the liberation of Khalistan."

[From Agence France Presse, Nov. 16, 1994]

SIKH PRISONERS TORTURED TO DEATH IN NORTH INDIAN PRISON: DAILY

NEW DELHI, Nov. 16.—Six Sikh militants previously reported to have died while trying to escape from a high-security prison in north India were actually tortured to death for protesting corruption in jail, a daily alleged Wednesday.

The Telegraph said the six who were reported to have been shot dead during a jailbreak in Pilibhit, in the state of Uttar Pradesh, had in fact been killed by guards for raising the issue of venal warders.

"Circumstantial evidence suggests the murders were premeditated," it said, and cited witnesses who claimed the prisoners had been tortured and their genitals crushed.

Earlier reports said the six had been shot dead on November 8 while trying to fashion a cloth ladder from their turbans after cutting through iron bars in the barracks.

"Escape is ruled out by the presence of a 30-foot (nine-metre) wall encircling the prison," it said. The prisoners "had received their bail orders and were to be released very soon."

HONORING CHIEF CAMERINO SANCHEZ, JR.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. TORRES. Mr. Speaker, today I rise to recognize Chief Camerino Sanchez, Jr., who is a 1994 Hall of Fame Award recipient from the El Rancho Unified School District.

Chief Sanchez was born in El Paso, TX and moved to Pico Rivera when he was 2 years old. He grew up in Pico Rivera and graduated from El Rancho High School in 1971. After graduation he received his A.S. degree from Rio Hondo Community College and his bachelor of arts degree from the University of Redlands.

Throughout his law enforcement career Chief Sanchez has diligently pursued avenues for improving the lives of the youth in the communities which he has served. In Holister, CA, Chief Sanchez is developing a broad palette of new programs for the city's youth. As part of his commitment to a policy of strong community involvement, the police department has begun an Adopt-a-Cop program, Explorers program, and a Jeopardy/Homework program with the local schools.

Chief Sanchez, certainly is an exemplary role model for the students of El Rancho High School. He personifies for students that the pursuit of goals and dedication to one's dreams can lead to their fulfillment. I commend Chief Sanchez on his many accomplishments and I know he will continue his commitment to our community for years to come.

FITZSIMONS ARMY MEDICAL CENTER

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SCHAFER. Mr. Speaker, I am pleased to submit for the RECORD a letter I initiated last month in support of Fitzsimons Army Medical Center, which serves nearly 1 million people in its 12-state service area. Signed by 23 Members of Congress representing every state in the Fitzsimons service area, the high participation in this letter demonstrates the high degree of support this important Army hospital enjoys in Congress.

As we approach the beginning of the fiscal year 1996 budget cycle, I commend this letter to the attention of budget planners, both in the Department of Defense and in Congress.

OCTOBER 17, 1994

Hon. WILLIAM PERRY,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR SECRETARY PERRY: As you know, Fitzsimons Army Medical Center is a vital part of the Department of Defense's health care system. Its central location in Aurora, Colorado allows it to serve nearly a million beneficiaries in a twelve-state region stretching from Utah to Wisconsin.

This summer, the House and Senate overwhelmingly rejected efforts to defund Fitzsimons by agreeing to House language in the conference report to accompany S. 2182, the fiscal year 1995 defense authorization bill. Contained in this report is $225 million in funding for the construction of badly needed replacement hospital at Fitzsimons. Knowing that you are in the midst of preparing your proposed budget for fiscal year 1996, we urge you to accommodate the desires of the House and Senate by providing for Fitzsimons in your budget submission next year.

We would like to remind you of the appeal made on behalf of Fitzsimons by the DoD Office of the Assistant Secretary of Defense for Health Affairs earlier this summer. The appeal says, in part:

"Through extensive health care provider and beneficiary analyses, the Secretary of Defense has determined that an addition and alteration to the existing Fitzsimons Army Medical Center is necessary and in the best interest of the Department * * *".

"* * * [The completion of Fitzsimons] is necessary to support the Department's Regional center to ensure medical readiness in time of conflict and support of DoD beneficiaries in times of peace as well as conflict."

Mr. Secretary, we urge you now to continue your support of Fitzsimons by providing for this vital facility in your FY96 budget submission. This is a matter of great concern for nearly a million beneficiaries in 12 states.

As elected representatives of those served by Fitzsimons, we would be interested in knowing your position on the future funding of this important medical facility.

Thank you for your attention to this matter.

Sincerely,

Dan Schaefer (Colorado, Patricia Schroeder (Colorado), Bill Orton (Utah), Scott McInnis (Colorado), Craig Thomas (Wyoming), Joel Hafley (Colorado), David Skaggs (Colorado), Phil Crane (Illinois), Wayne Allard (Colorado), Pat Roberts (Kansas), Mel Reynolds (Illinois), Tim Johnson (South Dakota), James Hansen (Utah), Steve Gunderson (Wisconsin), Harold Volkmer (Missouri), Bill Barrett (Nebraska), Collin Peterson (Minnesota), Jim Lightfoot (Iowa), Lane Evans (Illinois), Peter Barca (Wisconsin), Bill Emerson (Missouri), Jim Slattery (Kansas), Earl Pomeroy (North Dakota).

WORLD AIDS DAY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FILNER. Mr. Speaker, today I join millions of people around the world in the recognition of "World AIDS Day."

As I stand here before you today, millions of people are dying of the AIDS virus and many more will be diagnosed with HIV before the day's end. Most of us feel helpless to stop the spread of this dreadful disease—but together, we can continue to fund research to find a cure and restore hope to millions.

But this isn't just about a disease, this is a human condition that has a human face. The face of our friends, family, and loved ones. Our response must be to further our commitment to better care and more funding for research and education.

We are making headway. Recently, San Diego received $2.5 million for AIDS patient care under the Ryan White AIDS Resources Emergency Act.

The Ryan White Act comes up for reauthorization in 1995—and we must support it. Our ultimate goal remains the same—finding a cure to stop the suffering. Working together, we will accomplish this goal.

For those who we have already lost to this disease—know that we will keep fighting so that the suffering will end. For those who are currently fighting the battle of their lives, we give you our love, prayers, and our commitment to fight this battle until we have won a cure.

TRIBUTE TO AN AMERICAN HERO

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. KOPETSKI. Mr. Speaker, rarely does a sports figure become known throughout the United States and the world both for his or her accomplishments on or off the field of competition. That's what makes Ms. Martina Navratilova unique.

Recently, Ms. Navratilova retired from professional tennis competition. Her record on the court is legion.

Martina is an American. She came by it her way—the hard way—by escaping the scourge of communism in her home country. She chose America. And as an American so many of us cheered her on to victory, were depressed when she lost. But our respect for her only continued to rise as she lived a life of example and courage. She changed life on the court for many aspiring women tennis players. She had the courage to speak out with pride and credibility on the rights of gays and lesbians. In her unique way, one of America's most famous and accomplished immigrants, showed us that her sexual orientation should be accepted as that: an orientation of herself, not some trait that was odd or a malady. She wears her orientation as comfortably as she holds a tennis racket. She taught us, moved us forward as a society, in her own way. We respect her for this and appreciate her contributions.

Recently, the Washington Post wrote of Ms. Navratilova's life to date and her retirement from professional tennis. I ask unanimous consent that the Post article be made a part of the RECORD. Her life to date is one of which all Americans can point to with pride and state: "Martina, you're a great American."

[The Washington Post, Nov. 15, 1994]

FOR NAVRATILOVA, IT'S TIME TO "JUST BE"

(By Johnette Howard)

NEW YORK.—Sometime this week at Madison Square Garden it will finally end. A ball will bound forever out of reach, the match will have hit its unavoidable conclusion and Martina Navratilova will make her last long walk to the net as cheers—a tumult of cheers—thunder down. The ovation is guaranteed to be long and loud and heartfelt. Much like her career. In sports you never say never. But you wonder. Who might approximate her at her zenith? Her uniqueness? Her gallant, unyielding, uncompromising example?

It doesn't matter much if you approve of Navratilova's sexuality, the opinions she voices, the choices she's made. This is undeniable: more than just an athlete, she has been a serious figure in public life. When the United Nation's 50th anniversary board recently selected its U.S. national committee to help spread U.N. principles of peace, human rights and social justice, it tabbed names such as Henry Kissinger and Coretta Scott King and Navratilova, the lone athlete chosen. Because of the heights she hit. And the breadth of her reach.

When she felt her spirit shackled by her Communist Czechoslovakia homeland, she chose freedom. A lesbian, she became a beacon for gays—forthright, unapologetic, unbowed. In the years since, she has never stopped saying what she believes, even after she went on to dominate women's tennis and endorsements never came; even after bigots made wisecracks about the physicality she brought to women's sports, failing to acknowledge that the sort of training regimen she embraced is now standard for women athletes.

Navratilova remade women's athletics in the process of inventing herself. She is an original. She came along at a time when women's tennis was moving from backwater to big time. She won a record $20 million in prize money. Along the way, she has carefully paid homage to the game's groundbreakers before her, especially Billie Jean King, and to places such as Wimbledon, tennis's enduring shrine, and to America, her beloved adopted home.

Tuesday night a tribute will be held for Navratilova at Madison Square Garden after her opening match at the Virginia Slims Championships, a season-ending tournament Navratilova has won six times. The tournament will mark the end of her 21-year, 1,650-match odyssey on the tour. She says the yawning distance between where she started and where she's come in life has seized her only occasionally this year. But always, it moves her to say, "Who'd have thought this? I mean, who'd have thunk all this could happen. To me. Just because I can hit a tennis ball?"

Navratilova was only 12 when Soviet tanks rolled into Prague in '68. She was only 18 and alone when she defected in Manhattan in 1975, spitting out the bit the Czech tennis federation tried to shove in her mouth to rein her in. She was already marked for tennis greatness. The price for her freedom was steep. She left parents, a sister, a dear grandmother. She was declared a "nonperson" back home. But Czech newspaper editors would slyly keep her countrymen abreast of her career with carefully worded stories such as, "The four semifinalists of Wimbledon are already known. They are Chris Evert, Andrea Jaeger and Evonne Goolagong."

Any Czech who could count to four would know the last semifinalist's name.

To Czechs and Slovaks alike she was—and remains—a heroic figure, a clenched fist of defiance back when dissident victories were rare. In 1986 when Navratilova returned to Czechoslovakia for the first time with the U.S. Federation Cup team, she'd been an American citizen five years, a Czech expatriate for 11. The Iron Curtain was still drawn, but fans in Prague chanted her name—Nav-ROT-e-lo-va! Hundreds more lined up four-deep at her old club, Sparta, to watch her practice.

Now, in the gloaming of her career, fellow players revere her with the same intensity. When Navratilova lost the 1993 Wimbledon semifinals, Sports Illustrated reported that top-ranked Steffi Graf was so disappointed about the lost chance to meet Navratilova in one last final, she sent word to Navratilova through an intermediary: How about the two of them get together, alone, on the hallowed old grass courts, and play one more championship with no linesmen, no crowds, no coaches—just the two of them?

Last week at the Bank of the West Classic Czech-born Marketa Kochta spoke of traveling to Oakland and entering the tournament's qualifier round expressly because she'd never played the great Navratilova in five years on the tour. This represented her last chance.

Kochta's family had defected from Czechoslovakia when she was 7. Navratilova's career had been her faraway inspiration. When her three-set, first-round loss to Navratilova in Oakland was through, Kochta shook her hand at the net and bashfully said, "You are my hero." Then, once off the court, she fell into a friend's embrace and sobbed.

"I could never tell her my feelings," Kochta said, "until today."

Asked what the 38-year-old Navratilova has meant to tennis, Kochta stared and her eyes opened wide and she said: "She made it. She is history. She made things *possible*, you see?"

AN AMERICAN VOICE

A trace of Czech may remain in Navratilova's voice, her syncopated cadence, but she has always believed she was meant to land in America. "I felt it in my blood," she says. "Even before I had a reason to. I don't know why."

For so long she was marginalized as the Communist defector, the Iron Curtain amazon, the lesbian with the outrageous entourage in tow. For eight years her lover was a divorced Texas beauty queen and mother of two. Her first pro coach was a transsexual opthalmologist. So much of what she accomplished was as the villian.

But regard for her has changed. Of her adversaries, Navratilova now jokes: "I've outlasted them. Definitely.

And America has definitely changed," she says. "It's more acceptable for women to be assertive, for them to be athletes, to speak their minds, to be politicians or heads of the household. Gays are treated differently. And people realized I was not as threatening as they thought I was, especially when I was beating Chris [Evert]. She's the perfect image of a lady who also happens to be a great tennis player. Whereas I was an athlete who happens to be a woman. The contrast was pretty great."

In time, though, it was as if the flip side of their rivalry—Evert and Navratilova's genuine affection and respect for each other—helped humanize Navratilova to the public in ways she, by herself, could not. By 1989, the first year of Evert's retirement, regard for Navratilova had begun to shift. She lost a three-set final at the U.S. Open to Graf, just as she had lost to Graf at Wimbledon months earlier. And the Open crowd gave Navratilova a rousing standing ovation that brought tears to her eyes.

"One of the best things about lasting this long is it's been so nice to feel the appreciation," Navratilova says.

She encounters it everywhere. When she returned to Prague in 1990 for the six-month anniversary of the end of Communist rule, Vaclav Havel, the dissident poet and eventual Czech president, asked her to speak from the balcony of his liberation party's headquarters to the tens of thousands who had gathered below in Wenceslas Square.

After years of walking into tennis stadiums or banquet halls unsure of what the reaction to her would be, after going through the irony of fighting a couple of palimony suits in courts that won't even recognize gays as legally married, Navratilova took the rostrum at the 1993 gay rights march on Washington and the crowd—a half million gays and their supporters—cut loose a sustained full-throated roar.

Among the things she said:

"If we want others to give us respect, we must first be willing to give ourselves respect. We must be proud of who we are. And we cannot do that if we hide. We have to make ourselves palpable. Touchable. Real. And then we have the opportunity to show the world what we are all about: happy, intelligent, giving people. We can show our whole strength, our dignity and character. We can show our joy and sorrow, our heartaches and our pain."

And then?

"Then" she said, "We can just be."

TO BE THE BEST

In that same speech Navratilova said: "My sexuality is an important part of my life. But it's not all that I am." When asked in Oakland if she ever identified with something Arthur Ashe once said—that bigotry or racism requires so much wasted energy—Navratilova nodded and said: "It has been so much wasted energy. So much. It's so negative and counterproductive and useless, all this hate talk."

For all the turns her life has taken, she has steadfastly tried to just be.

At the start of her tennis career she set out to be the best ever. But as the years went on she discovered "the closer I got, the less it mattered to me." She points out her career didn't take off until she was 25. But her statistics are nonetheless amazing: She was ranked No. 1 a record 332 weeks. She won 167 singles titles. She won a record 74 straight singles matches, and 109 consecutive doubles matches with partner Pam Shriver. Her 18 Grand Slam singles wins break down to nine Wimbledons, four U.S. Open crowns, three Australian Opens and two French Opens.

She knows she had some well-chronicled bouts of excess—too much junk food, too much shopping, some overboard largesse. But when she remade her body and finally hunkered down to see how good she could be, the results were astonishing: From 1981 through 1984, she hung up annual records of 89–14, 90–3, 86–1 and 78–2. But she doesn't look back fondly on those invincible years. "I'm a much better person now," she says, "and a much better human being.

"By 1986 I had been going for five years, nonstop, full speed, and I was getting really tired of it, and I was making out my schedule for '87 and I was saying, 'Okay, how few tournaments can I play and get away with it?'" Navratilova says. "There were years when I only took off two days from practice the *whole* year. Until Billie [Jean King] pointed out to me what I was feeling was burnout, I had no idea."

With the help of King and fulltime coach Craig Kardon, Navratilova won her record ninth Wimbledon singles title in 1990. By the midpoint of this year she was playing lousy and losing early, and it was King and Kardon who assured Navratilova once she got back to the the All-England Club, the magic of Wimbledon would take over. And it did. As Navratilova said then, "I feel this place in my bones."

She rolled to a finals berth no one predicted for her. Once there, her three-set conqueror was Conchita Martinez, a young Spaniard who grew up practicing against a wall she'd nicknamed "Martina."

When the match was lost, Navratilova blinked. She sighed. Then, looking around, she smiled. She and Martinez hugged at the net, their heads tilted against each other's in fatigue. When the awards ceremony was through, Navratilova took one fond last lap around Centre Court. Then she plucked a couple of blades of grass before saying goodbye with a turn and a wave.

Whenever she's gotten down in the four months since, she says she's often reminded herself if she hadn't played one more year, "I wouldn't have had Wimbledon."

MOVING ALONG

Looking ahead to Tuesday's ceremony at the Garden and this final week of her career, Navratilova has insisted she's not yet been struck by the finality of the occasion. And friends, with a laugh, say she's either engaged in the greatest focusing act of her career or her most colossal bout of denial.

Either way, the 21 years and 1,650 matches are funneling down to this. Navratilova's friends and family are flying in. Her friend, pop star Melissa Etheridge, will sing. Garden management will raise a retirement banner to the rafters for her, commemorating the 18 titles she's won there.

Navratilova has been telling friends she expects this to be "the best week of my life."

And beyond this week? Navratilova has purposely resisted having too much planned for next year. A 1995 legends tour with Evert could be forthcoming. But Navratilova has said "no" to myriad other things because she simply wants to put her feet up, visit with friends, try wind-surfing and snowboarding and helicopter skiing, ride her Harley, visit Big Sur and the Napa Valley and "just see this country I've been living, in.

"For so many years tennis was first. Now my life will come first—what a change, what a concept!" She says with a laugh.

She has been asked to predict her legacy. But she knows it's likely to be different things to different people. She has joked, "Before me, everybody played baseline like Chris. Then I came along playing serve-and-volley tennis. And everybody still played baseline like Chris." But that image of Navratilova—rushing forward, always bravely—is the one most likely to last. In a more serious moment she says, "I guess I'd tell people I played the game with a passion. Not just tennis, but life."

But she has been more revolutionary than just that. Navratilova is proof that all serious daring starts from within.

Poet William Dean Howells once wrote it is always the small still voice the soul listens to. In some ways, Navratilova's life has been a parable about that—a reason to believe conviction counts. And that by telling the truth you carve out room for more truth around you. And that if you indeed last long enough and live honestly enough, time can leaven the valleys and the spires, the tumult and the shouting. Even the hate talk can die out, diminish. And decency will prevail.

And then? Then you really can just be. Difference will not be seen as a bad thing but, rather, as something glorious and precious. Something proud. And you will be someone worth celebrating, not just worth remembering, long after your last tennis ball bounds out of reach.

IN RECOGNITION OF CANCER-CURED KIDS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to share with my colleagues in the House of Representatives the story of a revolutionary organization that has formed on Long Island. While most people would rather not discuss this sensitive issue, the group I speak of, Cancer-Cured Kids, dedicates itself to heightening awareness of and improving the quality of life of the child who survives cancer.

One out of every 330 children in the United States will develop cancer before the age of 19. What is more startling than this statistic is that thanks to medical research, 70 percent of these children will survive for more than 5 years, and the numbers continue to improve.

With such a high survival rate, a great problem becomes evident: who will assist these children in their return to normalcy? Their return is complicated by the fear and ignorance of those with whom surviving children come into contact, including their own families and educators. These children have valid fears: will their cancer reoccur? Will their friends visit them? Will they be able to catch up with school work? In more extreme cases, the loss of a limb, hair loss, or other physical changes can be even more problematic.

The parents and teachers of a cancer-cured child face their own difficulties. Providing appropriate discipline, while nurturing healthy development of a child who was almost lost is arduous, and little in expert advice is available. According to the charter of the National Coalition for Cancer Survivorship, survival is a challenging human experience. It involves not only the individual, but their family and the givers of care.

The goal and founding principle of Cancer-Cured Kids is to help these children, their families, friends, and those who provide medical and educational services by providing educational materials and programs that address these and other emotional issues. The founders of this not-for-profit organization, Jamie Reich, M.S. and Dr. Michael Elice, pediatrician, are developing a series of video programs, entitled "Stand By Me—The Child with Cancer at Home and at School." These videos are targeted to the people who provide care for the cancer-cured kids, the children themselves, as well as their peers. The programs will show positive approaches to help cancer-cured children attain a new normalcy, and to realize their full potential, regardless of limitations that may have resulted from the disease. In addition to the video programs, curriculum that can be adapted in a variety of formats is being developed for classroom use, as well as by families.

Dr. Elice and Ms. Reich believe their efforts can improve the quality of life of thousands of children and those who come in contact with them. They have traveled around the country presenting their project to the American Cancer Society, the Make-A-Wish Foundation, the National Childhood Cancer Foundation, the Rehabilitation Institute of Chicago, Gilda's Club, Cancer Care, Inc., and the Ronald McDonald House, to name just a few. They have received the unequivocal support of these organizations and medical institutions nationwide. I, too, believe that the benefits of this program are extraordinary. This frontier has waited too long to be explored, and is deserving of our support.

Mr. Speaker, it is my privilege and distinct pleasure to bring Cancer-Cured Kids to the attention of my colleagues, and hope they will join me in supporting the valiant efforts of Ms. Reich and Dr. Elice for heightening our awareness of this issue, as well as for their demonstrated dedication to the cancer-cured children of America.

SALUTE TO COLLEEN TOY WHITE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a selfless public servant who has devoted her life to locking up criminals as a prosecutor in Ventura County and who will now rely on this lifelong education in right and wrong, innocence and guilt, as a Justice on the Ventura County superior court.

Colleen Toy White was born and raised in Wetumka, OK, but I like to think of her as a product of Ventura County because Ventura County was the home she chose for herself after adolescence and she has remained here for nearly her entire adult life.

After graduating from Ventura College with a perfect 4.0 grade point average, Toy White went on to receive her law degree from Ventura College of Law in 1977, having by then already spent a year clerking for the district attorney's office.

She then officially joined the DA's office as a deputy district attorney and she never left, working first in the misdemeanor trials division, then in consumer fraud and consumer mediation.

Only 3 years into her career as a prosecutor, Toy White was appointed special assistant district attorney and charged with supervising special investigations, organized crime, and intelligence, heady stuff for someone who had only recently entered the legal world.

But, as always, she was up to the challenge. Just 3 years later, in 1983, she was appointed chief assistant district attorney, the second-highest ranking position in an office with a staff of 500 employees and a budget of over $25 million. Many would be overwhelmed by that kind of a challenge. Toy White thrived on it.

She has helped make the Ventura County district attorney's office one of the best in the State and the Nation through her hard work and partnership with District Attorney Michael D. Bradbury. She has also given back to the county and the local legal community through her membership in various charitable and philanthropic organizations and a willingness to teach others about the law in a wide variety of forums.

The residents of Ventura County continue to enjoy a crime rate that is much lower than other areas throughout the State and Nation and Toy White is part of the reason. She has helped supervise a group of prosecutors who mean business when it comes to dealing with lawbreakers or consoling victims.

When I heard that Toy White was interested in pursuing a seat on the superior court I could hardly think of a more perfect person for the bench. In short, she brings compassion and clarity to her new role and a breadth of legal knowledge and experience that others simply cannot match.

I wish her all the best in the future and take heart in the knowledge that, in her new position, Colleen Toy White remains firmly entrenched on the fault line between good and evil in Ventura County.

U.S. PARTNERSHIP ENCOURAGES EXCELLENCE IN BIOMEDICAL RESEARCH INDICATED BY THE NUMBER OF NOBEL LAUREATES ACROSS THE NATION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GEKAS. Mr. Speaker, as we prepare for the 104th Congress and an opportunity to reorder our national budget priorities, we should review which Federal programs in partnership with private entities make good use of our tax dollars and make positive contributions to the United States.

Over the last 3 years, I have participated in 30 briefings for the Congress on biomedical research, all research which is funded by the National Institutes of Health [NIH] in partnership with universities and enterprises. I have in the process come to fully understand the value of our partnership through the investment of tax dollars in biomedical research, which encourages private investment in research and development activities. Biomedical research enhanced by the NIH not only improves the quality of our lives but also promotes economic growth in new enterprises and a favorable international balance of trade.

There is no more outstanding evidence of U.S. dominance in biotechnology nurtured by biomedical research than the number of living U.S. recipients of the Nobel Prize in fields related to biomedical research. For example, 43 U.S. recipients of the Nobel Prize, in late August, 1994, petitioned the Congress to include health research as an integral and cost-saving part of health care reform. A review of the following list of Nobel laureates demonstrates their geographic diversity across the Nation due to our partnership investment, all based on competitive peer review. We have demonstrated that Federal partnership through the NIH provides the opportunity for excellence in science across the Nation, which has achieved international recognition. The number of U.S. Nobel laureates in biomedical related fields is an accomplishment that should be celebrated and supported in partnership with academia and industry, as we plan our budget priorities.

The text of the petition follows:

PETITION ON BEHALF OF A TRUST FUND FOR BIOMEDICAL RESEARCH IN THE UNITED STATES FROM AMERICAN RECIPIENTS OF THE NOBLE PRIZE

We the undersigned American recipients of the Nobel Prize petition the United States Congress to establish a trust fund for biomedical research, to supplement appropriations for the National Institutes of Health. The amendment offered by Senators Harkin and Hatfield provides a suitable model for such a trust fund. In these times of deficit reduction and fiscal restraint, we regard the trust fund as essential for the preservation of reliable and adequate funding for the National Institutes of Health. We consider the trust fund to be an appropriate vehicle because we believe that the revenues generated by health care should help support the research required to improve the quality and reduce the cost of that care.

Christian Anfinsen, Professor of Biology, John Hopkins University, Nobel Prize in Chemistry, 1972.

Julius Axelrod, Guest Worker, National Institutes of Health, Nobel Prize in Physiology or Medicine, 1970.

David Baltimore, Professor, Massachusetts Institute of Technology, Nobel Prize in Physiology or Medicine, 1975.

Baruj Benacerraf, President, Dana-Farber, Inc, Nobel Prize in Physiology or Medicine, 1980.

Paul Berg, Cahill Professor in Cancer Research and Director, Beckman Center for Molecular and Genetic Medicine, Stanford University, Nobel Prize in Chemistry, 1980.

J. Michael Bishop, Professor of Microbiology and Immunology, University of California, San Francisco, Nobel Prize in Physiology or Medicine, 1989.

Konrad Bloch, Higgins Professor of Biochemistry, Harvard University, Nobel Prize in Physiology or Medicine, 1964.

Michael S. Brown, Paul J. Thomas Professor of Molecular Genetics, University of Texas Southwest Medical Center, Nobel Prize in Physiology or Medicine, 1985.

Tom Cech, Distinguished Professor, Investigator, Howard Hughes Medical Institute, University of Colorado, Boulder, Nobel Prize in Chemistry, 1989.

Stanley Cohen, Distinguished Professor of Biochemistry, Vanderbilt University School of Medicine, Nobel Prize in Physiology or Medicine, 1986.

Leon N. Cooper, Thomas J. Watson, Sr., Professor of Science, Director, Institute for Brain and Neural Systems, Brown University, Nobel Prize in Physics, 1972.

Elias James Corey, Professor of Chemistry, Harvard University, Nobel Prize in Chemistry, 1990.

Renato Dulbecco, President Emeritus, The Salk Institute for Biological Studies, Nobel Prize in Physiology or Medicine, 1975.

Gertude B. Elion, Scientist Emeritus, Burroughs Wellcome Company, Nobel Prize in Physiology or Medicine, 1988.

Edmond H. Fischer, Professor Emeritus of Biochemistry, University of Washington, Nobel Prize in Physiology or Medicine, 1992.

William A. Fowler, Institute Professor of Physics Emeritus, California Institute of Technology, Nobel Prize in Physics, 1983.

Jerome I. Friedman, Institute Professor and Professor of Physics, Massachusetts Institute of Technology, Nobel Prize in Physics, 1990.

Ivar Giaever, Institute Professor, Rensselaer Polytechnic Institute, Nobel Prize in Physics, 1973.

Joseph L. Goldstein, Professor and Chairman, Department of Molecular Genetics, University of Texas Southwestern Medical Center, Nobel Prize in Physiology or Medicine, 1985.

Herbert A. Hauptman, President, Medical Foundation of Buffalo, Nobel Prize in Chemistry, 1985.

Dudley Herschbach, Baird Professor of Science, Harvard University, Nobel Prize in Chemistry, 1986.

George H. Hitchings, Scientist Emeritus, Burroughs Wellcome Company, Nobel Prize in Physiology or Medicine, 1988.

David H. Hubel, University Professor, Harvard Medical School, Nobel Prize in Physiology or Medicine, 1981.

Jerome Karle, Chief Scientist, Laboratory for the Structure of Matter, Naval Research Laboratory, Nobel Prize in Chemistry, 1985.

Lawrence R. Klein, Benjamin Franklin Professor of Economics (Emeritus), University of Pennsylvania, Nobel Prize in Economics, 1980.

Arthur Kornberg, Professor of Biochemistry, Stanford University, Nobel Prize in Physiology or Medicine, 1959.

Edwin G. Krebs, Professor Emeritus, Department of Pharmacology, University of Washington, Nobel Prize in Physiology or Medicine, 1992.

Leon M. Lederman, Pritzker Professor of Science, Illinois Institute of Technology, Director Emeritus, Fermilab, Nobel Prize in Physics, 1988.

William N. Lipscomb, Abbott and James Lawrence Professor, Emeritus Harvard University, Nobel Prize in Chemistry, 1976.

Bruce Merrifield, John D. Rockefeller Professor, Emeritus, The Rockefeller University, Nobel Prize in Chemistry, 1984.

Joseph E. Murray, Professor of Surgery Emeritus, Harvard Medical School, Nobel Prize in Physiology or Medicine, 1990.

Daniel Nathans, Senior Investigator, Howard Hughes Medical Institute, Nobel Prize in Physiology or Medicine, 1978.

George E. Palade, Dean, Scientific Affairs, University of California, San Diego School of Medicine, Nobel Prize in Physiology or Medicine, 1974.

Ilya Prigogine, Director, Prigogine Center for Studies in Statistical Mechanics & Complex Systems, The University of Texas at Austin, Nobel Prize in Chemistry, 1977.

Frederick C. Robbins, University Professor Emeritus, Dean Emeritus, Case Western Reserve University, Nobel Prize in Physiology or Medicine, 1954.

Glenn T. Seaborg, University Professor, University of California, Berkeley, Nobel Prize in Chemistry, 1951.

Hamilton O. Smith, Professor of Molecular Biology & Genetics, The Johns Hopkins University School of Medicine, Nobel Prize in Physiology or Medicine, 1978.

George D. Snell, Senior Staff Scientist, Emeritus, The Jackson Laboratory, Nobel Prize in Physiology or Medicine, 1980.

Henry Taube, Professor (Emeritus) of Chemistry, Stanford University, Nobel Prize in Chemistry, 1983.

E. Donnall Thomas, Member, Fred Hutchinson Cancer Research Center, Seattle, Professor of Medicine, Emeritus, University of Washington, Nobel Prize in Physiology or Medicine, 1990.

Susumu Tonegawa, Professor of Biology, Massachusetts Institute of Technology, Center for Cancer Research, Nobel Prize in Physiology or Medicine, 1987.

James D. Watson, President, Cold Spring Harbor Laboratory, Nobel Prize in Physiology or Medicine, 1962.

Torsten Wiesel, President, The Rockefeller University, Nobel Prize in Physiology or Medicine, 1981.

CHINA'S POLITICAL INSTITUTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HAMILTON. Mr. Speaker, last month the International Republican Institute sponsored seminars in Beijing on federalism, the legislative process, and elections. There were over 70 Chinese participants, the great majority from China's National People's Congress, from provincial-level people's congresses, and from local people's congresses.

The purpose of the seminars was to introduce the Chinese participants to the practice of American democracy, as manifested in Federal-State relations, the workings of the U.S. Congress, our electoral system, and the role of the courts in judicial review. The focus of much of the discussion was how legislative institutions at various levels can fairly and effectively reflect competing social interests, and how they can serve as a useful counterweight to executive agencies.

An important feature of these seminars is that the Americans who participated were not theorists but individuals who could describe for Chinese participants the nuts and bolts of our political institutions. Among them were two outstanding employees of the House of Representatives: Charles W. Johnson III, chief parliamentarian, and Ted Van Der Meid, minority general counsel.

I would like to commend the International Republican Institute and particularly its Asian regional director, Ms. Lorraine Spiess, for sponsoring these seminars and Messrs Johnson and Van Der Meid for participating. Sessions like these are a fine example of the ways in which the United States, as part of a strategy of engagement, can make a significant and positive contribution to discussion in China on that country's political system. In the process, we help stimulate greater understanding in that country of the rule of law and of democratic governance. China will, of course, make its own decisions about its political future. Yet Americans who give Chinese a better appreciation of how our system works and how elements of it might be adapted to the very different Chinese context play an important role as well.

BROOKS ACADEMY BUILDING SESQUICENTENNIAL

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. STUDDS. Mr. Speaker, I rise to pay tribute to the town of Harwich as it celebrates the 150th anniversary of the Brooks Academy Building.

The academy was built in Harwich Center in 1844 by Sidney Brooks and was America's first school of navigation. Mr. Brooks served for many years as a principal and teacher at the academy which trained many who worked at sea.

Over the years, the building has contributed to the education of the citizens of Harwich and for many years served as the town's high school. Presently, the Brooks Academy Building is home for the Harwich Historical Society. It also serves the town as a museum where so much of the town's rich history is preserved.

We join with the people of Harwich as they celebrate the anniversary of the Brooks Academy Building which has served the community so well for the past 150 years.

UNITED STATES-JAPAN TRADE AND SUPERCOMPUTERS

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SABO. Mr. Speaker, our discussion today concerning the Uruguay round of the General Agreement of Tariffs and Trade clearly illustrates the importance the United States attaches to international trade. United States-Japanese trade, however, has been plagued by a continuing Japanese trade surplus and a series of sectorial problems.

The administration has been involved in intensive talks with Japan about creating a framework for improving trade on insurance, flat glass, and government procurement of telecommunications and medical equipment. With the threat of the United States applying trade sanctions, a negotiated solution was found at the September 30, deadline, thereby averting what could have led to a trade war. The trade agreements reached by the negotiators are being heralded as significant breakthrough.

But have we made any real progress? After all this is hardly the first trade agreement concluded with Japan. More likely, we need to recognize this as just another lull in the already ongoing trade war—which we continue to lose.

A major obstacle which stalled negotiations for most of this year was achieving agreement on a means to measure United States gains in the Japanese market. The United States insisted that objective criteria are needed to measure trade progress. The Japanese, however, consistently objected, calling it managed trade. They prefer to open their markets by negotiating procedural problems and inequities on a sector by sector basis as they have so successfully done in the past.

The September 30 agreement for Japanese Government purchases of medical and telecommunications equipment calls for these products to achieve, over the medium term, a significant increase in access and sales. But what does this mean? Is a significant increase a commitment or goal? Or is it just another negotiating ploy to once again postpone achieving any real balanced trade?

Is the American position of setting goals or objective criteria a reasonable strategy to pursue? Our experience with the semiconductor agreement of 1991 tells us it works. The United States-Japanese trade pact in 1991 set a 20 percent semiconductor market share objective. The goal was achieved, and by the second quarter of this year, United States market share of Japans semiconductor market hit a record 21.9 percent.

Alternatively, supercomputer trade represents a more typical case of repeated attempts to open the Japanese market by addressing only procedural changes. While the overall market for high performance computing represents only a small portion of Japan's $60 billion annual trade surplus with the United States, the importance of supercomputer technology and its spin-offs, are critical in ensuring United States technological leadership and competitiveness. Congress and the President realized this several years ago when they created the high performance computing and communications program, a 5-year effort to invest more than $5 billion to further advance supercomputing initiatives in the United States.

In the 1970's the Japanese Government recognized the strategic importance of supercomputers and a policy followed to delay foreign penetration into their market. Despite the overwhelming United States lead in high performance computing technology, Japanese government-funded labs purchased only 2 of their 43 supercomputers from United States companies between 1980 and 1989. During this period, United States firms were rarely notified of government supercomputer procurements. Furthermore, when competition really got tough, Japanese companies would offer discounts of up to 90 percent. As a result, Japan's three major supercomputer firms, Fujitsu, Hitachi, and NEC directly benefited from these government policies.

Since 1983, a number of United States Government initiatives were undertaken to help United States firms overcome Japanese trade barriers. An agreement concluded in 1987 addressed many of the procedural problems encountered by United States firms in the Japanese supercomputer market. By 1989, the United States recognized the agreement was not working. Although the Japanese supercomputer market was now formally open to United States firms, informal limits still applied, heavy discounts continued, and performance claims went unverified. Therefore, the U.S. Trade Representative [USTR] reopened negotiations, and a second supercomputer agreement was signed in June 1990. That agreement required evaluation based on concrete performance criteria and limited the use of price discounts.

Have these two agreements worked? Have United States firms, which enjoy 85 percent of the market in Europe, the only large neutral trade area, increased their 11-percent share of the Japanese public sector market? Is Japan complying with the formal requirements of the treaties? At best, the record is mixed.

This past fiscal year, the Japanese Government bought 15 supercomputers in a process under special scrutiny by the USTR. Although United States supercomputer manufacturers were awarded six of these contracts, two major problems remain: First, too few United States supercomputers were purchased and second,lack of treaty compliance still prevails. Based on an 85-percent United States market share in Europe, it is reasonable to expect a similar share in Japan. Under this assumption, United States firms should have won 12 of the 15 contracts in the past fiscal year. Furthermore, no Japanese company actually submitted a bid in the six contracts won by United States firms, thus raising the suspicion that these contracts were earmarked for United States winners.

The recent USTR review highlighted continuing problems in areas of systems software evaluation, compliance with the agreement's provisions on pricing, benchmark performance testing, and lack of definitive measures for agreement compliance. Therefore, on April 30 of this year, USTR Mickey Kantor announced his decision to continue the special treaty review for an indefinite period. This means, in essence, that the United States Government will continue to monitor supercomputer trade and insist that the Japanese Government increase its purchases of United States supercomputers.

With Japanese efforts to foster their domestic industry and the tendency of Japanese users to purchase from related companies, the United States has become involved in a supercomputer trade dispute that has gone on for years. We have worked with our Japanese trading partners to bring down impediments to free trade through protocol and procedural agreements. The process is slow, and thus far lacks any means of measuring compliance. Kantor has shown he can be a tough and determined negotiator, and yet he also seems willing to rely on patient waiting and watching when necessary. While we have seen modest gains in sales of supercomputers to the Japanese Government, there is still a long way to go to reach a reasonably level playing field, and an agreed objective criteria.

The supercomputer dispute merits our careful attention. If the Japanese Government refuses to give way on this high technology market, where we have already negotiated two detailed trade agreements, what hope is there for progress in areas where no such agreements exist. All indications are that the Japanese Government can be expected to continue using every means possible to protect their home market, while advocating free trade everywhere else.

TRIBUTE TO COL. RICHARD J. DREIMAN ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Col. Richard J. Dreiman, Ohio Army National Guard, on the occasion of his retirement from military service.

Throughout his 30 years of distinguished military service, Richard Dreiman has demonstrated unwavering dedication to performing his duties and fulfilling responsibilities with the utmost efficiency and competence.

Richard Dreiman began his military career as a second lieutenant in 1965. He served with distinction while on active duty with the 7th Infantry Division, 25th Infantry Division, and the 1st Armored Division.

In June, 1977, Richard Dreiman became a member of the Ohio National Guard, rising through the ranks to become a colonel. After holding many leadership positions, he was appointed in 1991 as the U.S. Property and Fiscal Officer for Ohio. Richard Dreiman received numerous honors, commendations, and awards.

The heroic tradition of our country's armed forces are an important part of our American heritage. By working diligently to perpetuate and preserve those traditions, Richard Dreiman has earned the respect of all those with whom he has served. As he begins his retirement, Colonel Dreiman can take great satisfaction in knowing that he has provided a valuable service to his State and Nation. He has established a record of achievement which will stand as a hallmark for others to emulate.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in congratulating Col. Richard J. Dreiman on the occasion of his retirement and in saluting him as one of the Nation's finest citizens.

HONORING JOHN ROWE OF WOLCOTT

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FRANKS of Connecticut. Mr. Speaker, it is a distinct privilege and a great honor to acknowledge and recognize Mr. John Rowe of Wolcott, CT for his many years of public service to the town of Wolcott. The role that he has played there as a responsible member of the Republican Party has been a most productive, fruitful one. As the immediate past president and active volunteer for the Wolcott Republican Town Committee, Mr. Rowe toiled endless hours to improve and enhance the growth and effectiveness of the Republican Party in Wolcott. His diligence has played an important role in making the Republican Party the majority party on the town council.

I salute the many inroads that Mr. Rowe has made and recognize his endless interest and concern in making the town of Wolcott and the United States a better place to live. John Rowe is certainly a man who is sincere in his interest for the common people.

IN HONOR OF CAPT. ANDREW CONSIGLIO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. DELAURO. Mr. Speaker, I rise today to recognize the accomplishments of a dear friend and remarkable man, Capt. Andrew Consiglio. A man who is affectionately known by his colleagues, neighbors, and friends in New Haven, CT as "Captain Andy."

Since 1966, Captain Consiglio has been serving the citizens of New Haven. He first joined the New Haven Police Department as a patrol officer. Throughout his career he has been promoted several times, from the rank of detective to sergeant and lieutenant, culminating in his being named captain on July 12, 1994.

During his 28 years of dedicated service, Captain Consiglio has been frequently honored by his peers and community. His honors include: 18 certificates of commendation from the New Haven Police Department; 9 letters of commendation; 27 letters of appreciation; and a certificate of appreciation from the New Haven Police Department as well. In 1981, Captain Consiglio was named Police Officer of the Year by the congregation of St. Michael's Catholic Church in New Haven, CT. He was, in fact, the first recipient of this award, which has since become one of the highest honors the community bestows on the city's police officers. He also received the Santa Maria Maddalena Civil Service Award in 1981.

Aside from his decorated record as a high ranking law enforcement and community official, Captain Consiglio has also been praised for the substantial contributions he has made as a tireless and compassionate volunteer. He is best known for the work he has done at Southbery Training School, a state-run home for mentally retarded children. Whether it is fundraising, organizing annual outings, or planning the traditional Christmas party at Southbery, Captain Consiglio has made a tremendous difference in the lives of these students.

At a time when the fear of crime is escalating and the role of law enforcement is being redefined, Captain Consiglio stands as a role model for others. He is an inspiration to his fellow officers, for he exemplifies what one person can accomplish by getting involved. He is a brave and generous man who gives of himself everyday. For this reason, he has won the hearts of the people of New Haven, CT. But no one is more proud of Captain Consiglio than the people he has lived with all of his life in Wooster Square, his family, his friends, and his neighbors.

I salute Captain Consiglio and congratulate him on a successful and dignified record of service to people of New Haven, CT.

LOWELL RUPP SELECTED 1994 ARCHBOLD CITIZEN OF THE YEAR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. KAPTUR. Mr. Speaker, on November 3, the citizens of Archbold, OH, honored Mr. Lowell Rupp as the 1994 Citizen of the Year. This prestigious honor is bestowed each year upon an individual of the community that embodies the solid values and giving spirit for which Northwest Ohioans are known. Mr. Rupp is a fitting example of why the respect for small town values in America is stronger than ever.

Mr. Rupp is one of only a few elected officials in the 32-year history of the program to be honored as citizen of the year. A life-long resident of Fulton County, Mr. Rupp will retire from his post as Fulton County commissioner at the end of this year.

First appearing on the ballot in the early 1960's, Mr. Rupp has played an important part in the history of Fulton County. He was involved in obtaining the country enhanced 911 emergency telephone system, as well as creating a center for senior citizens in nearby Wauseon. Among his other accomplishments, Mr. Rupp was instrumental in adding 60 acres to the Fulton County Fairgrounds, improving the infrastructure of the region, and developing the corrections center of northwest Ohio.

On behalf of all the citizens of northwestern Ohio, I would like to congratulate Mr. Rupp on his selection as Archbold's 1994 Citizen of the Year, and thank him for his years of dedication to improving our community.

WHITEWATER QUESTIONS REMAIN UNANSWERED

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. BURTON of Indiana. Mr. Speaker, during this past year I have given numerous speeches on the House floor this year regarding Whitewater and a number of related topics. We are ending this session of Congress with many troubling questions about Whitewater still left unanswered. I think that this is one of the biggest failures of the 103d Congress.

When the 104th Congress convenes in January, Whitewater hearings will certainly be high on the agenda. For the benefit of my colleagues who will be participating in these hearings, I thought it would be helpful to summarize the concerns that I have expressed throughout this year. I believe that a majority of the American people want to put Whitewater behind us, but only after all questions are answered and all persons involved are held accountable for their actions.

DEATH OF WHITE HOUSE DEPUTY COUNSEL VINCENT FOSTER, JR.

Vincent Foster left his White House office at 1:00 p.m. on July 20, 1993. He was found dead late that afternoon by the confidential witness (CW) at Fort Marcy Park in Fairfax County, Virginia. The Fiske report, released on June 30, 1994, concluded that Mr. Foster committed suicide, and did so at Fort Marcy Park. However, CW has contradicted many key statements in the report. This summer I obtained a sworn statement from CW regarding Vince Foster's death.

CW said that when he discovered Mr. Foster's body, Mr. Foster's hands were at his side, palms up, with no gun in either hand. The Fiske report quoted CW as saying that there may have been a gun in Mr. Foster's hand which he did not see due to dense foliage at the site. They suggested to him that if the trigger guard had been around one finger, and the gun underneath his hand, that CW might not have noticed it. After being pressed, CW said that if that were the case, he might not have seen the gun, but the palms were definitely up. The FBI agents refused to show CW the photo of Foster's hand. When I showed CW the photo of Foster's hand. When I showed CW the ABC News photo of Mr. Foster's hand with the thumb trapped in the trigger guard, CW reacted very strongly, saying this is definitely not what he saw. If CW is correct, then someone moved Mr. Foster's head between the time CW left the scene and the police and the paramedics arrived.

The Fiske report said that Mr. Foster's head was upright, but it had been moved earlier as evidenced by bloodstains on Mr. Foster's right cheek and shoulder that are inconsistent with the upright position of the head. CW, who was first on the scene, made it very clear to me that Mr. Foster's head was in an upright position when he saw it, and that there was no blood stain on the cheek. Clearly, someone moved Mr. Foster's head after CW left. The Fiske report failed to identify who moved the head.

CW also said that he saw a wine cooler bottle adjacent to Mr. Foster's body. He said that this bottle matched the half-empty wine cooler four-pack that was in the white Honda automobile in the parking lot of the park. The Fiske report is silent on the wine cooler bottle.

I am further troubled by several other unanswered questions. The FBI never found the bullet that killed Vince Foster at the park, nor were any skull fragments ever found at the scene. The Fiske report said that no fingerprints were found on Foster's .38 caliber Colt revolver. No dirt or grass was found on Foster's shoes. Carpet and hair fibers found on Foster's clothing were not analyzed as to their origin. The security guards stationed outside of the Saudi Arabian Ambassador's residence directly across Chain Bridge Road from the park never heard a shot.

The Fiske report contained a great deal of material (over 70 pages in all) on the credentials of the four pathologists who reviewed the physical evidence surrounding Vince Foster's death. Yet they never actually examined his body. Their findings were wholly reliant on the autopsy conducted by Dr. James Beyer, the Fairfax County Coroner. He said that Foster's death was "consistent with a self-inflicted wound."

Dr. Beyer has been challenged in the past for conducting flawed and erroneous autopsies. According to the Washington Times, Dr. Beyer overlooked critical evidence in the 1989 Timothy Easley stabbing and supported a police finding that the death was a suicide. The death was later ruled a homicide after an outside expert noted glaring errors in Dr. Beyer's report. These errors included missing a self-defense wound on the victim's hand and getting the color of his hair wrong. Mr. Easley's girlfriend later confessed to the murder.

In December 1991 Dr. Beyer ruled that the death of Thomas Burkett, Jr. was a suicide. The body was later exhumed and a second autopsy detailed numerous serious omissions in Dr. Beyer's report. These omissions included a fractured lower jaw and, according to the New York Post, a bloody and disfigured ear, indicating a struggle.

So many questions remain unanswered that it is very clear that the investigation into Mr. Foster's death needs to be reopened.

THE SEARCHES OF VINCENT FOSTER'S OFFICE

White House Chief of Staff Thomas "Mack" McLarty ordered Vince Foster's office sealed after learning of his death. However, the office remained unlocked overnight and was not sealed until 11:00 a.m. the next day, when a guard was posted at the door. Despite the order to seal the office, within the first few hours after Vince Foster's body was found, White House officials removed records of business deals between the President, Mrs. Clinton, and the Whitewater Development Corporation, without telling the Federal authorities who were investigating his death. The officials removing files from the office were White House Counsel Bernard Nussbaum, Special Assistant to the President Patsy Thomasson, and Mrs. Clinton's Chief of Staff, Margaret Williams.

On July 22, 1993, Mr. Nussbaum and White House officials searched Mr. Foster's office a second time. Citing executive privilege, they kept the Park Police and FBI agents from entering the office. The Park Police later discovered that Whitewater records had been removed from the office.

On July 27, 1993, White House officials revealed that on July 26, they found a note, supposedly written by Vince Foster, in the bottom of the briefcase which was in the office. The note was torn into 27 pieces, and there were no fingerprints on the note. The Fiske report said that reason for the lack of fingerprints on Foster's gun was because of the heat and humidity that day. This begs the question as to the reason for the lack of fingerprints on the note. In addition, two previous searches of the briefcase failed to turn up any note.

CLINTON TIES TO CONVICTED COCAINE DISTRIBUTOR

Both Patsy Thomasson, who is responsible for the administration of the White House, and President Clinton have been linked to Dan Lasater, who was convicted in 1986 of cocaine distribution. Lasater's Little Rock, AR brokerage (Lasater and Company) was awarded lucrative contracts to underwrite bond sales for the State. These contracts may or may not have been related to the fact that Lasater was a friend of the Clintons and a large political donor. He lent money to Roger Clinton, Bill Clinton's half-brother, to help him pay off his drug debt, and also gave him a job, according to Newsweek.

In the early 1980s Ms. Thomasson joined Lasater's company and quickly rose to become a key assistant. When Dan Lasater served his sentence for cocaine distribution, she ran the company and received Mr. Lasater's power of attorney. Prior to Dan Lasater's conviction, Mr. Dennis Patrick from eastern Kentucky was persuaded by a longtime friend to open an account at Lasater and Company. Over $107 million was traded in his name without his knowledge. When Mr. Patrick raised questions about the huge amount of money flowing through his account, there were three attempts made on his life. We need to find out if Ms. Thomasson knew that these illegal trades were taking place.

The Arkansas Development Finance Authority (ADFA) steered a great deal of state bond underwriting business to Lasater and Company. Then-Governor Bill Clinton created ADFA to provide economic development loans to small businesses in Arkansas. In December 1988 ADFA deposited $50 million in a bank in the Cayman Islands. I do not see how depositing this money in the Cayman Islands would have benefited small businesses in Arkansas, since Arkansas banks offered competitive interest rates. Given Dan Lasater's drug involvement, I believe that some very serious questions need to be raised about why the State of Arkansas was sending its money to an offshore bank in a country identified by the State Department as a drug money laundering haven.

According to the Albuquerque Journal, a joint Federal/State investigation of Dan Lasater's drug activities was called off for political reasons. Eventually Lasater was convicted of possession and distribution of cocaine. He served 10 months of a 30 month prison sentence, but did not spend one day in prison. He was later pardoned by then-Governor Clinton. Congress and the American people need to know whether or not Ms. Thomasson was aware of Lasater's drug use and whether or not then-Governor Clinton was aware of this when the State bond contracts were awarded to Lasater and Company, and the American people deserve to know why Bill Clinton would pardon a convicted drug distributor who made substantial contributions to his campaign.

There was also another case similar to that of Mr. Dennis Patrick. Lasater and Company traded Treasury futures for First American Savings and Loan of Oak Brook, Ill. First American lost $361,000 of depositors' money through these trades, which First American's head claimed were traded without their permission.

First American was seized by Federal regulators in 1986. The regulators pursued a pending lawsuit that First American had filed against Lasater. The Rose Law Firm handled this suit on behalf of the Federal Government, and superlawyer Hillary Clinton and Vincent Foster worked on this case. The suit, which was originally for 3.3 million, was settled for $200,000. It was a serious conflict of interest for Hillary Clinton to be handling this lawsuit. Dan Lasater, who was the primary target of the lawsuit, was a personal friend and supporter of her husband. One certainly has to wonder how hard Hillary worked to obtain as much money as possible from Mr. Lasater.

QUESTIONABLE LOANS TO CLINTON WHILE HE WAS GOVERNOR

According to the Washington Post, the Wall Street Journal, and the Associated Press (AP), then-Governor Clinton borrowed between $220,000 and $400,000 in the mid-1980s to promote his legislative agenda as Governor of Arkansas. White House Press Secretary Dee Dee Myers said that the money was used for travel and legislation-related events. The White House has said that most of the money to repay these loans came from individual donors who were not connected with corporate interests. However, AP has reported that Tyson Foods, Inc. and TCBY Enterprises, Inc. were among the donors.

We need to know specifically what the loans were used for, who the donors were, and whether or not any of the donors received special favors from the Legislature or from then-Governor Clinton. I wrote to the President on July 14, 1994, asking for answers to these and other questions that have been raised in response to the press reports. To date I have received no response.

CRIMINAL PROBES IN WHITEWATER PIGEONHOLED

President Clinton appointed Paula Casey as United States Attorney for the Eastern District of Arkansas (Little Rock). She had worked on the Clinton/Gore campaign in 1992, and her husband was appointed to a state job in Arkansas when Bill Clinton was governor.

A criminal referral from Jean Lewis, a Resolution Trust Corporation (RTC) investigator who investigated the failed Madison Guaranty Savings and Loan, was on Paula Casey's desk waiting for action when she became U.S. Attorney. This referral, which was made in September of 1992, stated that over $100,000 in Madison Guaranty Savings and Loan funds were illegally funneled into the Whitewater Development Corporation to pay the company's bills. President Clinton and his wife were two of the four principal investors in Whitewater. Ms. Lewis identified at least a dozen companies that siphoned Madison funds to Whitewater. The Clintons were identified as "potential beneficiaries" of this scheme.

In September of 1993, Jean Lewis at the RTC filed a second criminal referral charging that Madison had illegally diverted $60,500 to Clinton's 1984 gubernatorial campaign. Her referral charged that the campaign was an alleged participant in the illegal conspiracy. The referral also contained additional information on the relationship between Madison and Whitewater Development Corporation.

In October of 1993, Paula Casey formally declined to investigate the first criminal referral. After the second criminal referral had been reported in the press, reported in the press, Paula Casey recused herself from the case. Because of Paula Casey's close relationship with President Clinton, she should have immediately recused herself from both referrals. The fact that she didn't raises questions about why she let the first referral languish for so long.

On November 10, 1993, Jean Lewis was removed from the Madison/Whitewater case because of an alleged personality conflict with an attorney on the case. On February 2, 1994, after both of her criminal referrals were made public. Ms. Lewis was visited by April Breslaw, an RTC attorney from Washington, D.C. Ms. Lewis tape recorded this meeting. During the meeting, Ms. Breslaw pressured her to change her conclusions about Madison and Whitewater. Furthermore, Ms. Breslaw said that people at the top (of RTC) would be happier if they had answers to the Whitewater questions that would get them off the hook. Ms. Lewis said that two of the head people Ms. Breslaw was talking about were RTC Deputy Chief Executive Officer Jack Ryan, and RTC General Counsel Ellen Kulka. Both Mr. Ryan and Ms. Kulka worked directly under then-Deputy Treasury Secretary Roger Altman, the RTC's acting Director and a close friend of the President. Ms. Lewis is now seeking redress under the Federal Government's whistleblower law.

At the time the first criminal referral from Jean Lewis at the RTC was gathering dust on Paula Casey's desk, Paula Casey was negotiating with David Hale. Mr. Hale was the head of Capital Management Services, Inc., a small business investment company. According to the Wall Street Journal, among the bad loans he was under investigation for were $300,000 to a company controlled by Susan McDougal, a Whitewater partner with her husband and the Clintons. Some $110,000 of this loan may have ended up in the Whitewater account. Mr. Hale told reporters that he was pressured by then-Governor Clinton to make the loan to Mrs. McDougal. Mr. Hale was a former municipal court judge appointed by Bill Clinton.

Mr. Hale's attorney, Randy Coleman, entered into negotiations with Paula Casey to obtain a plea bargain. Mr. Coleman asked Paula Casey to recuse herself from this case because of the obvious conflict of interest that would be present on her part. Since Mr. Hale was willing to provide additional information on the case to assist in undercover operations, I am concerned about the possibility that Paula Casey may have refused to consider his request because of the obvious political implications of the information he would provide. Paula Casey eventually recused herself from the case in November of 1993, but by that time Mr. Hale had been publicly indicted and thus would not have been useful to any undercover operations.

We need to find out if President Clinton or other members of his administration sought to influence the actions of Pauls Casey and the RTC with respect to Jean Lewis' criminal referrals and David Hale's plea bargain request. The above mentioned situations I think already represent a clear conflict of interest on the part of Paula Casey, but I am concerned that it may go deeper than that.

DOCUMENT SHREDDING AT THE ROSE LAW FIRM

Jeremy Hedges, a part-time courier at the Rose Law Firm, told a grand jury that he was told to shred documents from the files of Vincent Foster after Robert Fiske had announced that he would look into Mr. Foster's death (Fiske was appointed as Independent Counsel on January 20, 1994). It is still illegal to destroy such evidence even before a subpoena is issued. Hedges said that none of the documents that he saw and shredded related to Whitewater. However, another Rose employee told the Washington Times that documents showing the Clintons' involvement in Whitewater had also been ordered destroyed. The shredding reportedly occurred on February 3, 1994.

During the 1992 presidential campaign, three current or former Rose employees said that couriers from the Rose Law Firm were summoned to the Arkansas governor's mansion by Hillary Clinton, who personally handed over records to be shredded at the firm's downtown office. The shredding began after the New York Times reported on March 8, 1992, the involvement of Governor Clinton and his wife in Whitewater Development Corporation. The shredding continued through the November 3 general election. During the presidential campaign, the Clintons said that the Whitewater records had disappeared. We need to find out which documents were shredded, why they were shredded, and who ordered this to be done.

GOVERNOR JIM GUY TUCKER

Jim Guy Tucker succeeded Bill Clinton as Governor of Arkansas and was elected Governor for a full 4-year term this year. Previously he served as the Lieutenant Governor of Arkansas. Like President Clinton, he has been involved in several questionable business deals with James McDougal that contributed to the demise of Madison Guaranty Savings and Loan.

According to press reports, the RTC has subpoenaed documents from Governor Tucker's businesses going back over a decade, the RTC is pursuing fraud claims against him, and has named him in a criminal referral to the Justice Department. The press has also reported that Governor Tucker is a possible target for indictment in the Independent Counsel's of Madison's failure.

Mr. Tucker borrowed over $1.25 million from Madison, amazingly without even filling out loan applications or making down payments. He told the Little Rock Democrat-Gazette, "I called Jim McDougal if I wanted to borrow money." When Federal regulators seized Madison, Mr. Tucker's $1 million loan for a sewer system was one of the largest delinquent loans on Madison's books. We need to find out to what extent Mr. Tucker's bad loans contributed to the failure of Madison.

Mr. Tucker also borrowed over $750,000 from David Hale's Capital Management Services, Inc. However, Capital Management Services was licensed by the U.S. Small Business Administration only to lend to socially or economically disadvantaged small business owners. The key question is why Mr. Tucker, who became a millionaire through the cable television business, was borrowing money from a company that was only allowed to lend to disadvantaged persons. David Hale has also accused Mr. Tucker of pressuring him to make bad loans.

CONCLUSION

I am hopeful that the issues I have raised will be thoroughly investigated by the Independent Counsel, Mr. Starr, and by the House and Senate. Contrary to what supporters of the President have said, those of us who advocate a compete and thorough investigation of Whitewater are not on a political fishing expedition. We simply want to know the facts. If the President and members of his administration had answered all of the questions that have been raised so far, perhaps Whitewater would be far behind us now. Let us hope that this will all be dealt with by the Independent Counsel and Congress this coming year so that the American people can regain confidence in their Government and so that we in Congress may devote our attention to other crucial issues facing our country.

THOUGHTS ON A MEETING WITH UKRAINIAN PRESIDENT KUCHMA

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. LEVIN. Mr. Speaker, I had the pleasure and privilege to meet twice last week with President Leonid Kuchma of Ukraine.

All of us from the Congress who met with President Kuchma were encouraged by his leadership and his expressions of commitment to democracy and economic reform. The people of the United States have a major stake in Ukraine's success. This large nation occupies a critical place in Europe. It asks not mainly for money but for American technical assistance and friendship. It is important that we respond appropriately and effectively.

During our discussions a number of issues were reviewed, including the acceleration of technical ties between our two nations and greater utilization of the talents of the Ukrainian-American communities, including that in Michigan's 12th district. Vice President AL GORE and I pledged to work with representatives of Ukraine on this important matter.

During our meetings there was also discussion of the "60 Minutes" program. The deep distortions in that program were of concern to all of us, and everyone present was encouraged by the determination shown by President Kuchma to demonstrate that Ukraine of today and tomorrow is far removed from the misshaped picture put together by "60 Minutes."

In this regard I insert a statement I presented on October 27, 1994 in Warren, MI:

I regret that I cannot be with you tonight because of two prior engagements. I know all of you, my friends in the Ukrainian-American Community, will understand.

I did not see the "60 Minutes" program and, of course, had no knowledge of its contents. These days, I don't get to watch much television.

But as soon as I had learned of the program, I acted to get whatever information might be available.

Today, I received the transcript and have read it carefully. I also have been in touch with people at the American Jewish Committee who immediately shared with me their deep concern.

I have had several lengthy conversations with Martin Plax, Area Director of the American Jewish Committee in Cleveland. He has served as liaison between the Ukrainian and Jewish Communities in Cleveland.

He told me a few hours ago that he had just finished an article for publication on the "60 minutes" program.

Because of his expertise and the clarity of his message, I would like, with his permission, to quote from his article. Mr. Plax writes,

". . . I was amazed by the selective and highly inflammatory way in which the entire report was crafted. So was Rabbi Yakov Bleich, who was sent a videotape of the show by the American Jewish Committee. In a telephone conversation yesterday, Bleich said he was furious with the way his interview was edited. He said that he told "60 Minutes" about the many positive things taking place in Ukraine and that when he said 'they want the Jews out' he was referring to small, but vocal groups of ultranationalists who are anti-semitic, but not a significant force in the country.

". . . If the producers of this segment of "60 minutes" had any integrity they would have at least given Ukrainian government officials an opportunity to indicate directly how they were responding to the ultranationalists and to the two instances when Jews were attacked.

". . . Efforts are now underway by Jews in Ukraine and by Ukrainian leaders there and in Europe to respond to all of the inaccuracies of that story. It certainly won't make a difference to "60 Minutes." They're in the business of attracting viewers, so the more sensational and the more lurid, the better.

"The Jews who have chosen to remain in Ukraine and to live Jewishly cannot be aided by an eruption of indignation and panic. We can give aid to them, however, by supporting the forces that exist within Ukraine which are striving to contain any hatred and promote stability and moderation. If we do anything other, we may learn another lesson: that those who distort the present, by assuming that nothing has changed from the past, will increase the probability that they might relive the past from which they had hoped to escape."

In addition to conveying these remarks, I want to reiterate: I find the reference, by Morley Safer, to "genetically anti-semitic" totally reprehensible. No explanation can excuse it, in my judgment.

I have welcomed the many opportunities I've had to work with the Ukrainian-American Community. I have enjoyed the good times together at the Sunflower Festival and other occasions; I have been privileged to work with you on a number of serious projects, including most recently helping to obtain some added resources for the Center's work in support of democratic forces in Ukraine. I also have benefitted from some frank discussions about times past, and future opportunities.

The goal of good will among all people must remain a vital one. I understand that a high level meeting is being scheduled in New York on this matter within the next week or two and that Rabbi Bleich will be in the U.S. within several weeks. I assure you I will follow-up on this matter.

HONORING WORLD HOME CARE WEEK

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. ROEMER. Mr. Speaker, we are now in the middle of World Home Care Week, in recognition of the great advances this Nation and our world have made in expanding the quality and availability of medical care in the home.

It is fitting that in the Third Congressional District of Indiana, which I represent, that the Memorial Home Care Institution will be marking this week with a local celebration, where the value of home care will be acknowledged with a demonstration of how far we have come in providing home care to our citizens, both globally and locally.

Home care is an important, noble and smart concept. It allows people to receive care where they will be most able to heal or rest comfortably—in their own home—and such care provides dignity, efficiency, and economic benefits.

The network of people who provide home care: doctors, nurses, therapists, social workers, home care aides, and many others are providing a service that benefits our health care industry, our economy, and most important of all, people. The people who need care and their families receive caring, responsible, and warm services, and it improves the quality of life for everything.

Memorial Home Care is an institution which has provided skilled, committed, and compassionate services for the people of our community, and I am pleased to join with them in celebrating this week of recognition for home care services, both in our community and worldwide.

RETIREMENT OF SPEAKER TOM FOLEY

HON. ELEANOR HOLMES NORTON

DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. NORTON. Mr. Speaker, wise, compassionate, judicious, TOM FOLEY has been an exemplary Speaker of the House. His innate fairness, his deep sense of honor, and his brilliant intellect, have won him respect on both sides of the aisle. He leaves this House with a full host of admirers, Democratic and Republican alike.

This entire House will always be indebted to Speaker FOLEY, but we in the Capital City owe him much for his strong and unswerving support of the District. In keeping with his strong democratic principles, Speaker FOLEY has been one of the primary advocates for District home rule. Neither my constituents nor I will ever forget him.

The Congress' loss, however, is the world's gain. We can be sure that, no matter what challenge he takes up next, TOM FOLEY will continue serving the American people—and serving them well, as he has always done in this House. We bid him farewell with the greatest reluctance.

PRISONER RELEASES IN CHINA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HAMILTON. Mr. Speaker, during the recess, the Chinese Government released eight political prisoners on medical parole or by commutation of sentence. Seven of the prisoners had been detained at the time of the Tiananmen incident or earlier. Four of the prisoners released were Tibetans.

These eight individuals are a small fraction of the number incarcerated because of their political activities. The Chinese Government continues to treat some dissidents as criminals and to deny those accused of due process. Yet I believe it is important to take note of the release of these eight individuals. I hope that the humanitarian leniency of these releases will be extended to others.

I first learned of these released from Mr. John Kamm, an American businessman in Hong Kong, who has worked quietly, yet effectively, to facilitate the release of political prisoners in China.

For the record, the eight people released are as follows:

1. Wu Zhaoqiang, age 27, unemployed worker in Beijing at the time of his arrest, sentenced in 1990 to a 7-year term.

2. Wang Sinlong, 49, a teacher at Shanxi University in Taiyuan City, Shanxi Province, at the time of his arrest, sentenced in 1990 to an 8-year term.

3. Leng Wanbao, 34, a worker in Changchun City, Jilin Province, at the time of his arrest, sentenced around 1990 to an 8-year term.

4. Ge Hu, 35, a college teacher in Shanxi Province at the time of his arrest, sentenced in 1990 to a 7-year term.

5. Yulo Dagwacering, 65, a teacher at Tibet University in Lhasa at the time of his arrest, sentenced in 1989 to a 10-year term.

6. Tubdain Namzhub, 67, a lama at the Johkang Monastery at the time of his arrest, sentenced in 1989 to a 9-year term.

7. Chung Bdag, 38, a citizen of Lhasa at the time of her arrest, sentenced in 1990 to an 8-year term.

8. Cewang Baindain, 62, a farmer in Lhasa at the time of his arrest, sentenced in 1991 to a 5-year term.

A FALLEN HERO

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. VENTO. Mr. Speaker, I rise today to express my sympathy at the tragic murders of Sergeant Henry Joseph Daly, a Washington, DC police officer and friend, and the FBI agents Martha Dixon Martinez and Michael John Miller. My staff and I are shocked and saddened by this November 22, 1994, outburst of senseless violence.

Mary Ann Daly, Henry's wife, has worked with me and my staff for almost 17 years. Our thoughts and prayers are with Mary Ann and her family. They are truly all our friends.

The community of Washington, DC, of which this Capitol is a part, has lost a good man and an excellent law enforcement officer. DC police Sgt. Henry Daly was admired and respected by those he served and with whom he served. To paraphrase his brother, Michael Daly, Henry was a larger than life figure. We must remember how Henry Daly lived even as we mourn his passing.

I would like to include for the RECORD the following article from the Washington Post from Wednesday, November 23:

SLAIN DETECTIVE KNOWN AS DOGGED INVESTIGATOR

(By Sari Horwitz and Debbi Wilgoren)

Sgt. Henry Joseph Daly, a D.C. police officer for 28 years, was a big, tough, chain-smoking cop who liked to joke in his gravelly voice about the squad room coffee, but was always known as being cool yet aggressive under pressure. He was respected by his colleagues as a dogged investigator during the years when homicides in the District have soared to record-breaking levels.

Daly, 51, was shot to death yesterday in his third-floor office when a gunman opened fire in D.C. police headquarters at 300 Indiana Avenue NW. Two FBI agents, Martha Dixon Martinez and Michael John Miller also died as did the gunman. Two other people, FBI agent John Kuchta and a 15-year-old were wounded.

"He was a tremendous homicide detective," said former D.C. police chief Isaac Fulwood Jr., breaking into tears when he heard of Daly's death. "And he told me a few months ago he was just about to retire."

"He knew how to talk to people and he was an outstanding crime scene man," Fulwood said. "In the face of all the horror you see on the street, Hank Daly could walk up to a crime scene and put the thing together."

Tony Daniels, an assistant director in charge of the FBI Washington field office, said "the law enforcement community here in Washington has lost three close members of its family."

"These are times you pray will never happen," Daniels said.

Martinez, 35, who received a degree in biology from the University of Pittsburgh, had been an FBI agent for seven years. She recently married fellow agent, Jorge Martinez and lived in Springfield.

Miller, 41, was an eight-year member of the FBI. Eight years after getting a law degree from Georgetown University, he joined the bureau and had served in Oklahoma and Washington. He lived with his wife and two children in Upper Marlboro

Kuchta, 31, who lives in Sterling, joined the FBI three years ago after receiving a law degree from Duquesne University in Pennsylvania. He remained in critical condition last night at Washington Hospital Center.

The father of two grown children—Elizabeth, 25 and Steven, 23, Daly lived with his wife and high school sweetheart, Mary Ann in Fairfax County. Mary Ann Daly was at work as the appointment secretary for Rep. Bruce Vento (D-Minn.) when the shooting occurred.

About two years ago, Fulwood tapped Daly to command his new "Cold Case Squad," a group of veteran detectives and FBI agents assigned to concentrate on homicide cases that remained unsolved for three months or more.

Daly's fellow detectives said last night they were still in shock over his brutal death. They described him as a dedicated man who could have retired from the force at any time, but chose to continue working as a detective.

Former D.C. police detective V.I. Smith, who worked with Daly when they were patrol officers in the 6th Police District, remembered him yesterday as "the kind of guy who never went to sleep." "He was always out in the street, looking and searching," Smith said. "He was a good officer. He was very well-respected. He did his job and he did it well."

"Hank was a stabilizing force," said William O. Ritchie, the former head of the D.C. criminal investigation division. "Rarely did you see him in a high-stressed demeanor. He took things in stride." Ritchie said Daly's death was going to be hard on the homicide squad.

"The guys are going to be devastated," he said. "People look at the macho homicide detective. But they too are human beings. Their space has been violated by the bad guy."

At a news conference last night, D.C. Police Chief Fred Thomas called Daly "an outstanding detective." "He was a family man," Thomas said. "You couldn't find a better person or police official."

Daly, whose father was in the Army, was born in Kassel, Germany. He served for about six years in the Marine Corps and then joined the D.C. police force, according to his brother, Lt. Michael Daly, a Metro transit officer.

He spent 13 years in the homicide squad. At his desk in the cluttered office of the cold-case squad, Daly would grumble about the mud coming out of the coffee machine, and he filled up ashtray after ashtray in the non-smoking Municipal Building.

"He's been here so long no one can believe he's gone," said Lt. Charles Bailey, commander of the D.C. forensic science section and a friend of 18 years. "Everyone thought he was invincible. He was a great detective."

Several neighbors said last night that Daly, who loved hunting and belonged to the Fairfax Rod and Gun Club, had told them he would soon retire.

"He and his son would clean deer in the backyard," neighbor Michelle Oliver said. "He was very strong-minded, very firm."

Another neighbor, Garnette Strickland, 77, said, "I can't believe it. . . You would think you would be safe inside a police department."

On Saturday, Bailey said that he and Daly went to the Fairfax Rod and Gun Club to shoot skeet. "I said, 'Why don't you retire from the police department, Hank?'" recalled Bailey, who was with Daly's family last night. "He said, 'I can't. I love it.'"

SALUTE TO JUDY MIKELS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a selfless public servant who has served the people of Simi Valley as a council member for the past 4 years and who now will serve a much broader area as a Ventura County supervisor.

Judy Mikels is someone who has always known what it means to make a commitment to others and to honor that commitment by doing the hard work necessary to get things done.

Before being elected to the Simi Valley City Council in November, 1990, she had served on and chaired the city planning commission and—through that valuable experience—was really able to hit the ground running upon her ascension to the council dais.

In addition to her political savvy, she brought the council a valuable business background, having owned and operated her own art gallery for more than a decade. She also brought a strong relationship with the cultural community in Simi Valley, as president of the Simi Valley Cultural Association.

But, most importantly, Judy came to the council with a heartfelt love of her community and a concern for her friends and neighbors. She has always done everything she could to improve her city and she has always had the support of her husband, John, and sons Brett and Ken in her tireless efforts.

One of the improvements that Judy has helped bring about is the establishment of a cultural center in the city, both the interim center in the former Simi Valley Courthouse and the permanent center currently being renovated on Los Angeles Avenue.

As a resident of Simi Valley, I am sorry to lose her as a council member but gratified that the citizens of Moorpark will now be able to benefit equally from her hard work and determination. I wish her all the best in her new role as supervisor of the fourth district in Ventura County.

AMERICAN SOLDIERS MISSING IN KOREA

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FRANKS of Connecticut. Mr. Speaker, at the last Veterans Day ceremony on the Waterbury, CT, Town Green, I was able to witness the dedication of a plaque remembering three men from Waterbury who are missing in action from the Korean war. These three soldiers are Army Sgt. Victor J. Choiniere, missing since November 1950, Army Cpl. Dennis Rush, missing since November 1950, and Army Cpl. Donald Humiston, missing since July 1952. These three soldiers went to Korea for a common and heroic cause: the protection of democracy and freedom from the oppression of communism.

Much of this century has been a battle to defend the ideals exemplified by the United States. Citizens of Waterbury have contributed to this fight. With the plaque on the Waterbury Green, the people of Waterbury will never forget the sacrifices that soldiers and their families made for the freedoms we enjoy. We hope that one day we will be able to account for the fates of Mr. Choiniere, Mr. Rush, and Mr. Humiston, and we pray that the peace that has been so elusive this century will soon reign in our Nation and the world.

TRIBUTE TO CITIZENSHIP AND LAW RELATED EDUCATION CENTER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MATSUI. Mr. Speaker, I rise today to commend the Citizenship & Law Related Education Center for its presentation of the second annual Business-Government-School based Partnerships: Mechanism for Change conference in Sacramento.

This year's conference, "Safe Schools, Safe Communities, Make It Happen!" will address not only the mechanics of effective partnerships but the unfortunate climate of violence and fear that has spread through our Nation's public schools.

Today, public schools are the scene of some 3 million crimes per year. In urban and rural communities alike, the news of a fatal stabbing or shooting at a public school no longer astonishes or surprises us.

In the richest and poorest districts in the country, students walk their campuses literally fearing for their lives. In larger cities, some schools have begun to add drive-by-shooting drills to their safety plans and many others have resorted to outlawing baggy clothing and overcoats, ripping out student lockers and installing metal detectors to deter guns, knives and other lethal weapons from entering school grounds.

The resulting climate is eroding the very mission of our schools, prompting Secretary of Education Richard Riley to lament that violence "has turned many of our classrooms into war zones."

Whether we believe the cause of this disturbing trend to be extreme poverty, lack of supervision or the media's glamorization of violence, the solution to juvenile crime and violence lies in a solid partnership between everyone involved—government, schools and communities.

Linking the resources of business, government and education presents one of the most powerful opportunities for rescuing today's youth and restoring safety to our schools and communities.

This conference is a model business-education-government symposium for the 13 counties which comprise the Sacramento region. I applaud the outstanding job the CLRE Center has done in recruiting effective partners and fostering successful partnerships.

This year's conference boasts a menu of dynamic workshops covering issues relative to new as well as ongoing partnerships, and will provide the tools necessary for partners to begin to restore safety to their schools and communities.

Additionally, the conference, in cooperation with Sacramento's the Business Journal, will conduct the first annual Business-School Partnership awards ceremony. These awards will be presented during the luncheon portion of the conference, recognizing businesses and schools who are working together to improve student success in school and preparation for responsible and productive citizenry.

Mr. Speaker, I ask my colleagues to join me in recognizing the important work being done in Sacramento with regard to building such successful partnerships between businesses, government and schools. I salute each of the conference participants for recognizing that if we are to truly prepare our children for tomorrow, we must collectively meet this challenge.

TRIBUTE TO THE HONORABLE JAMIE L. WHITTEN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. STOKES. Mr. Speaker, today my friend and colleague from Mississippi, Jamie L. Whitten, cast his last vote as a Member of the U.S. House of Representatives.

Jamie Whitten's career began in November 1941—1 month before Pearl Harbor. With 53 years of service, Jamie holds the record as the longest serving Member of the House. He established this in January 1992, when he broke the record set by the late Congressman Carl Vinson of Georgia. Mr. Vinson had the previous record of 50 years and approximately 2½ months. I'm sure Jamie Whitten's record will stand for all time.

I have the privilege of serving with Jamie Whitten since I was elected to the House in 1968. he has had a long and distinguished career which spans the period beginning with World War II to the present. He has devoted his life to his constituents, this institution, and this Nation. During his 53 years in the House, he has shaped policies great and small.

As a long-time chairman of the Agriculture Appropriations Subcommittee, Jamie has ensured investment in the family farm and in agricultural research so our Nation could reap the bounty of its land. No nation on earth has the wealth and diversity of food products as does the United States.

As chairman of the Full Appropriations Committee, Chairman Whitten guided and shaped many of the programs that helped build our country. Through the power of the purse, he worked to ensure that our Nation was strong by making the necessary and appropriate investment in both its people and infrastructure.

I wish Chairman Whitten and his wife Rebecca the very best in their retirement years.

TRIBUTES TO DEPARTING MEMBERS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

TRIBUTE TO HAMILTON FISH

Mr. MICHEL. Mr. Speaker, we are saying goodbye to many of our long-time colleagues as the 103d Congress ends. Among them is our good friend, HAM FISH, ranking minority member of the House Judiciary Committee. HAM is a member of a distinguished New York family, and he has carried on the family tradition of public service. One Hamilton Fish was President Grant's Secretary of State. Another, the father of our good friend, was a Member of the House for 24 years. HAM always has carried out his duties with that sense of duty and pride in public service which is the legacy of his family.

HAM has given the Judiciary Committee many years of distinguished service. His approach to difficult political and legislative questions has always been one in which reason, civility, and respect guided his actions. He has truly been one of the fine gentlemen of the House and I want to thank him for the guidance and support he has given me in my role as Republican leader over the years.

TRIBUTE TO DAN ROSTENKOWSKI

Mr. Speaker, during my years in the House it has often occurred to me that the center aisle that divides the two parties can be see as a moat dividing us or a road joining us, depending upon the mood of the House and the nature of the issue. If it is always seen as a moat, you never get to really know the men and women of the other party; if it is always seen as a road, you lose that sense of party solidarity so necessary to the successful outcome of legislative debates.

But no matter how you view the middle aisle, there are always Members of the opposing party with whom you strike up a friendship, and I am happy to say that one of the enduring friendships I have been fortunate enough to forge in this House has been with my Illinois colleague, DAN ROSTENKOWSKI.

I came to the House in 1957. ROSTY joined us only 2 years later. There we were, a political odd couple if there ever was one: A Republican from Ev Dirksen's old district and a Democrat from Mayor Daley's Chicago. And yet, improbably enough, we became friends and it is a friendship that has survived through many twists and turns of the political road over the years.

As both of us like to relate, in the early days we used to drive back to Illinois each weekend, along with our good friend Harold Collier, to be with our families. We would each take turns driving, while one of us slept in the back seat. You get to know each other pretty well under such conditions and it was in those long hours on the road that our friendship grew.

Since I announced my decision not to seek reelection little over a year ago, I have been interviewed many times by the media. In many of the discussions I am asked what I will miss when I leave the House. And I tell them that what I will miss the most is the friendship, the camaraderie, the sense of mutual respect, the knowledge that we in the House have the privilege granted to relatively few human begins in history, that of representing free people in a freely elected national legislature. What an honor it has been. And it has been all the more rewarding because of the wonderful men and women I have been fortunate enough to know, among whom I am proud to count my good friend ROSTY. Neither he nor I will be returning to the next Congress, so I want to take this opportunity to let him know I wish him the very best.

TRIBUTE TO GEORGE SANGMEISTER

Mr. Speaker, there is a special bond between members of a State delegation. While we might—and often do—disagree on policy and programs, there is always that sense of community that comes when you all share allegiance to a great State.

The State of Illinois has been fortunate in having a delegation that reflects the general outlook I have just referred to. I think of our Illinois State lunches, where Democrats and Republicans gather to talk about what is in the best interests of our State. One of the most admirable members of that group is our colleague GEORGE SANGMEISTER. He is a Democrat. I am a Republican. But we both represent Illinois districts and we both try to do what is in the interest of our people. You get to know colleagues in your own delegation, especially when you get the chance to visit foreign countries with them as I did with GEORGE.

GEORGE served in the Illinois legislature from 1972 to 1976 and he came to the House with the hands-on experience that can be gained only by working in the legislative process at the State level. He has the distinction of having held office in every branch of government, as magistrate, State's attorney and, of court, legislator. My very best wishes go to GEORGE and his family as he begins a new life.

TRIBUTE TO ALEX MCMILLAN

Mr. Speaker, in the next Congress, the Ninth Congressional District of North Carolina will be losing the services of a fine representative and a valued colleague of ours, ALEX MCMILLAN. ALEX has decided to return to private life when he was so successful for many years as a business executive, a long-time civic activist, and a problem solver for the people of Charlotte, his hometown, and other communities in his district. ALEX would rather find solutions than dwell on difficulties, and he brought that spirit of problem solving with him to the House.

A Charlotte newspaper once said of him that he was "the personification of the city's leadership core," and it is this quality of leadership that made ALEX such an effective Congressman. On issues ranging from the budget to health care, he has always demonstrated the common sense and personal character that earns respect on both sides of the aisle. I have always believed that those who come to us from the business world give our proceedings a good dose of common sense they might otherwise lack. ALEX MCMILLAN certainly has shown that assumption to be true.

TRIBUTE TO JAMIE WHITTEN

Mr. Speaker, a legend of the House will be leaving at the end of this Congress. I refer to our good friend and esteemed colleague, JAMIE WHITTEN. He was first elected in a special election back in 1941, just a month before the bombing of Pearl Harbor, and has served his constituents, his State, and his country with distinction ever since. Having served longer in the House than anyone in history, he has already carved out for himself a place in this institution's historic memory.

From 1949 until 1992, he served as the chairman of the Agriculture Subcommittee of the House Appropriations Committee, except for one term of Republican control, an amazing record of political longevity.

It was my good fortune as a junior Member of Congress to have JAMIE WHITTEN as one of my first subcommittee chairmen when I began my first 12 terms on the Appropriations Committee. He was indeed a good tutor. I learned so much from him that eventually helped me become a better legislator.

Beyond our professional relationship we had occasion to travel together to the far corners of the globe, and become good friends in the process.

I shall never forget those firebrand speeches of JAMIE when he got all fired up over an issue. While he could be very passionate in his delivery, he never lost his head in the heat of debate.

He is indeed a legend in his own time and I shall always cherish his friendship and respect him as one of the giants of the House during my tenure.

TRIBUTE TO BOB SMITH

Mr. Speaker, one of the glories of the House is the variety of backgrounds of those who make up our membership. Lawyers and social activists, businessmen and business women, teachers, athletes, actors, farmers, and journalists—each brings something special to our deliberations. BOB SMITH of the Second Congressional District of Oregon—one of the Nation's largest districts—came to us after a career as a cattle rancher and as a distinguished member of his State's legislature, including periods as Speaker of the Oregon House of Representatives and Senate Republican leader.

That combination of experience in the private sector and a great record as a long-time State legislator gave Bob a special advantage when he came to us in 1983. His fine work as a member of the Agriculture Committee and the Natural Resources Committee earned him the admiration of his constituents and the respect of his colleagues.

TRIBUTE TO J.J. PICKLE

Mr. Speaker, the Almanac of American Politics has this to say about our very good friend and colleague, the gentleman from Texas, JAKE PICKLE: "[He is] conscientious, hard-working, kindly, politically-adept but also principled."

I believe that any one of us would be honored to receive even one of those accolades. But JAKE PICKLE deserves them all, because he is a gentleman and public servant who is not only respected but admired on both sides of the aisle. I guess it can be said that old-timers like myself have a special affection for those of us who have for so long labored in the political vineyards, in good times and in bad. So my great affection for JAKE is rooted in part in the fact that he and I have been colleagues for so many years.

But there is another reason that I have admired JAKE for so long. He has always been first and foremost the conscientious, kindly, principled man that the Almanac of American Politics wrote of. Time has a way of erasing memories of who voted with you and who voted against you on issues of long ago. But qualities of character and warmth and just plain decency remain indelibly etched in the memory. JAKE PICKLE exemplifies these qualities, and I want to join all our colleagues in wishing him the very best.

TRIBUTE TO AL MC CANDLESS

Mr. Speaker, our good friend and colleague AL MCCANDLESS has decided to move on to private life. As Congressman from California's 44th District, he represented a desert area of great weather all year around, and also one that is the fastest-growing in population. A former Marine who rose through the ranks from enlisted man to captain, a successful auto dealer, a former chairman of the board of supervisors of Riverside County, CA, AL came to the House with the kind of wide experience calculated to make him an effective legislator.

As ranking Republican of the Banking Consumer Credit and Insurance Subcommittee, AL worked diligently on the important issue of credit reporting legislation, and fought the good fight for economic growth in his district and the Nation. The House will miss his solid, dependable approach to legislation.

TRIBUTE TO TIM PENNY

Mr. Speaker, TIM PENNY of the First Congressional District of Minnesota has decided not to seek reelection and will be leaving the House in January. Although we are on different sides of the aisle, I just want to take this opportunity to pay tribute to his consistent efforts on budget reduction, including his cosponsorship of what became known as the Penny-Kasich bill, a bipartisan attempt at restoring economic common sense to our deliberations.

Such an effort is not the easiest thing to do in the face of opposition from the leadership of your own party, and I believe TIM PENNY deserves our admiration for the principled stand he has taken in favor of budget reduction. He has always acted out of sincere conviction and I believe such a principled stand deserves bipartisan recognition.

TRIBUTE TO TOM LEWIS

Mr. Speaker, one of the benefits of public service in the House is the opportunity to get to know colleagues with widely varying backgrounds. Our colleague TOM LEWIS, who will be leaving the House after the 103d Congress, came to us after 11 years as a member of the U.S. Air Force and has been a pilot for 40 years. As a representative of Florida's 16th Congressional District, his interests have ranged from providing distant early warning of hurricanes to fair play for Florida citrus growers, from building a veterans' hospital to aviation safety.

It is this kind of versatility and dedication that has made TOM such a fine Congressman and a well-respected colleague. My very best wishes go to TOM and his family as they enter a new phase of their lives.

TRIBUTE TO ROMANO MAZZOLI

Mr. Speaker, there is one political virtue that many in Congress claim and all of us praise, but which is not actually put into practice very often. I refer to the virtue of independence. What one person may see as bipartisanship, another may see as disloyalty to party principles. But when a colleague shows signs of demonstrating true independent thinking on some tough issues, I think we hold him in esteem.

I am reminded of this fact by the decision of our Democratic colleague, ROMANO MAZZOLI, not to seek another term. In the 1980's, when he voted with Republicans on a challenge of an election result, he did so out of a sincere conviction that Republicans had made the better argument in the debate. That's the kind of independent judgment we see all too rarely. There have been issues on which ROMANO MAZZOLI and I have disagreed, but I have always admired his independent judgment, and I believe it will be missed in the next Congress.

TRIBUTE TO J. ROY ROWLAND

Mr. Speaker, as you know, I have always been fascinated by the different strengths that individual members contribute to the House of Representatives. Each member brings to our deliberations the values of a unique community, the historic outlook of a region, the special pride of a state, the vantage point of a specific profession or job—and, of course, the views of a distinct and well-defined personality. This mixture of gifts makes the House a most interesting place in which to work.

J. ROY ROWLAND—DOC ROWLAND—is a family physician. His insights into health issues are therefore not the product of political views, but the result of a lifetime of dedication to the alleviation of human suffering and the desire to educate the public on issues relating to health care. He has given us a different vantage point from which to judge the various complicated health care proposals that have come before us. As chairman of the House Veterans Affairs Hospitals and Health Care Subcommittee, he has shown exemplary leadership rooted in conservative principles of government.

I guess I am also partial to DOC because he shares with me the very great honor of being able to wear the Combat Infantryman's Badge. For heroic action in Germany during World War II he was also awarded the Bronze Star. The House of Representatives will miss his sage advice, and I wish DOC the very best as he returns to private life.

TRIBUTE TO EARL HUTTO

Mr. Speaker, there have been countless words written and said over the years about the virtues of bipartisanship in the House. Unfortunately, bipartisanship is all too often more praised than practiced. In order for that virtue to become a reality, there have to be certain members of the House who, on specific issues, are willing to transcend partisan differences for the good of the country. I believe it can be said of EARL HUTTO, of the First District of Florida, that he has always been willing to side with those of both parties who favor a strong national security policy.

As a member of the Armed Services Committee, EARL HUTTO has demonstrated a willingness to put country first when it comes to national defense issues. The House will miss his dedication and his patriotism.

TRIBUTE TO ARTHUR B. CAMPBELL

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, I rise today to congratulate Mr. Arthur B. Campbell of Wakefield on being named Rhode Island's Superintendent of the Years, and is now eligible to win the national version of this award in February.

Mr. Campbell has been the superintendent of the South Kingstown public school system for the past 10 years, and this award recognizes his outstanding leadership and commitment to making South Kingstown's schools among the best in the Nation.

Although no member of his family had ever attended college, let alone afford it, Mr. Campbell was urged by his employer to apply to Rhode Island College and pursue a career as a teacher. He did so, but not without working full time at a drug store and later a pizza parlor.

Upon graduating from Rhode Island College he began work as a science teacher in Jamestown, then moved on to the Chariho Regional School District, and in 1965 joined the staff at South Kingstown Junior High.

During his tenure as a teacher at South Kingstown Junior High, Mr. Campbell was the president of the local teacher's union, led the first strike in the history of the school department, and helped form the Rhode Island/National Education Association's first political action group.

In 1972, Mr. Campbell became director of instruction, and in 1984 he was named superintendent of schools. Over the years, Mr. Campbell has participated in numerous State and local educational task forces. I also was fortunate enough to have Mr. Campbell serve on the scholarship committee I have established. He gave freely of his limited time, and the committee appreciates it.

Mr. Campbell has helped the town cope with a dramatic increase in the number of students in South Kingstown and the need for new classrooms and facilities. His hallmark patience and cooperation also helped forged the coalitions and level of trust necessary for the town to undertake these multimillion-dollar projects.

Under Mr. Campbell's guidance, South Kingstown's schools and teachers have won a number of State and national awards. Now, it is Mr. Campbell's turn to be recognized for his outstanding leadership and commitment to education.

I ask my colleagues to join me in commending Mr. Arthur B. Campbell for being named Rhode Island Superintendent of the Year and wish him continued success.

ELIZABETH JULIA (BETTY) MARRA REMEMBERED

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HOYER. Mr. Speaker, I insert in the CONGRESSIONAL RECORD a eulogy I delivered for Betty Marra last Friday:

The inevitability of death does not diminish the shock when it arrives prematurely and unexpectedly.

Thus came Betty's death: unexpected, premature, unwelcomed.

Those of us who had been her friend through the years and who, just days ago, had worked with her and experienced her enthusiasm and energy have great difficulty in contemplating her absence.

She and I graduated from the same high school—Suitland—two years apart. We were contemporaries. Therefore, more than most, I know she has died too young.

We did not know one another in high school, but soon thereafter we became friends as members of the Young Democrats of Prince George's County.

She loved politics and it was a very large part of her life. And in almost every campaign during the last thirty years, Betty was there.

Involved.
Leading.
Following.
Helping.
Making a difference.

She had come, like so many of us in Prince George's County, from someplace else. But this was home and this is where she made a difference.

She worked for, taught, learned from, and greatly helped so many of us who have been given the privilege and honor of elected public service.

From the great Chairman of the House Judiciary Committee, Peter Rodino; to Representative Leon Gavin of Pennsylvania; to my friend, Representative Bill Hughes of New Jersey. And, of course, she participated as a member of the staff of the historic Impeachment Inquiry Committee in 1974.

Her longest continuance employment was, appropriately, with her dad—the patriarch of the wonderful Procopio family, which, like Betty, has made such a positive contribution to the life and well being of our Community.

Betty always reflected the warmth and graciousness of her mother Rose; and evidenced the love for her brothers: the late Alfonso, Jr., Ray and Joe, and her sisters: Josephine and Linda.

And, I can remember well Julio as early as the '60's and the contribution he has made, as well. Thank you, Julio, for what you have meant to so many of us.

Elizabeth Julia Marra was a special person, who reflected what Hubert Humphrey referred to in 1968 as "the joy of politics."

In talking to her sons, Al and Michael, they commented on that joy she shared. The excitement she derived from and brought to her involvement in politics at the County, State and National levels. Precinct official and President were persons she respected for their effort and their commitment.

In the days before her death she was deeply involved in doing what she loved so much and did so well—making democracy work. She volunteered her time in Governor-elect Glendening's campaign and in mine. And, as always, she made a difference. She made all of us a little more enthusiastic, a little more engaged, and a little more proud of the effort we were making.

Governor-elect Glendening was sorry that he was unable to be with us today. He asked me to express his personal sympathy to the Marra family and reiterate his great appreciation for all of Betty's contributions to his campaign and to Prince George's County.

Betty Marra was contagious. And so many of us caught her spark and carry it with us, today. We will remember her and her vitality, her optimism, her drive, her warmth, her faith, her love of life and of all of us.

History chronicles the contributions of a few and we call those individuals "famous."

Betty was not famous.

But, Elizabeth Marra, did what all of us should do; she gave freely of her time and talent to make her Community and Country better. She did what President Kennedy urged each of us to do and she did not "ask what her Country could do for her, but what she could do for her Country."

And, as she did, she joined the ranks of thousands who have played a part in preserving and protecting the great nation we love as the "land of the free and the home of the brave."

And so, for what she did for each of us; and what she did for me:

I say thank you—Betty—we love you and we miss you.

5TH ANNUAL THREE KINGS CELEBRATION AND CULTURAL EXCHANGE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SERRANO. Mr. Speaker, this coming January 7, 1995, PAX theatre community, in association with Pregones theatre, will hold the 5th annual Three Kings Celebration and Cultural Exchange at Hostos Community College in the South Bronx.

Three Kings Day, which commemorates the journey of the Biblical three kings from the East and the gifts they gave to the newborn Jesus, is the highlight of the Christmas season for Roman Catholics of Hispanic heritage. Each year since 1991, Latino theater artists have held this Three Kings event in which the spirit of the season and the diversity of cultural expression within the Hispanic community is celebrated through song, dance, storytelling, and theater.

Mr. Speaker, in addition to fostering a sense of identity and self-esteem among the Hispanic youngsters in attendance, this event welcomes the participation of nonLatino community members and serves as a cultural bridge between the different ethnic groups in the South Bronx.

I ask my colleagues to join me in saluting PAX theatre community and Pregones theatre for their magnificent efforts this coming holiday season.

IN HONOR OF CONGRESSMAN GEORGE SANGMEISTER'S RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Congressman GEORGE SANGMEISTER on his retirement from the U.S. House of Representatives. He has not only served this chamber as a diligent legislator, but to many of his constituents and colleagues on both sides of the aisle he has been a good and trusted friend.

Before coming to serve in the House of Representatives, GEORGE and I had the privilege of working together for a number of years in the Illinois State Senate. In 1988, we were both elected to represent the people of Illinois in the House of Representatives. As a new Member of Congress, it was a pleasure to have a close friend and colleague like GEORGE to learn and work along side. Over the past 6 years, GEORGE and I have continued to work together on many issues and projects important to the people of our districts and the State of Illinois. Serving with GEORGE in this Chamber and in the Illinois Senate has been an honor which will remain an important memory of my time in the House of Representatives.

I would like to extend best wishes and good health to GEORGE, his wife, Doris, and his entire family in the many years to follow his retirement. His service to the people of the 11th Congressional District and the State of Illinois will forever be appreciated by those he has so diligently served.

TRIBUTE TO ARTHUR T. LEE

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Ms. DUNN. Mr. Speaker, I ask my colleagues to join with me in paying tribute to Arthur T. Lee of Washington State.

As we observed Veterans Day earlier this month, I realized that most Americans probably do not know that this annual commemoration was originally called Armistice Day.

Set aside to honor Americans who fought in World War I, November 11, was the day on which the truce, or armistice, ending that conflict was signed in France.

Arthur Lee will remember the day's original meaning. Mr. Lee, who celebrated his 100th birthday on Thanksgiving Day, is one of our State's two surviving World War I veterans.

To say that Mr. Lee is a survivor is misleading. He is an exceptional man who served his country at an extraordinary time.

As the 20th century began, the United States was just emerging as one of the world's great military powers. Nevertheless, America rested in the waning twilight of the 19th century. Most Americans were shocked when Europe erupted in war in August 1914.

We maintained our neutrality during the early years of the war, as the first truly mechanized war unfolded. It was a new kind of war in which the horrors of submarine attack, lethal gas, and aerial bombing were first unleashed on a mass scale.

But when the United States declared war on Germany and the Axis Powers in April 1917, American history changed forever. It was in this conflict—America's first war on the European continent—that Art Lee distinguished himself.

Born in Seattle in 1894, Mr. Lee grew up in Ballard, where he finished high school. But the ink on his Whitman College diploma was barely dry when the left for Army officer's training in May 1917. Commissioned a lieutenant, he sailed for Europe in July 1918.

An infantry officer, Lieutenant Lee was in the American Expeditionary Force's 91st Division. With its men drawn largely from the Western States, it was nicknamed the "Wild West Division." They were part of the infusion of hundreds of thousands of fresh American troops on the side of Europe's democracies, the turning point of the war.

On September 26, 1918, the Battle of the Meusse Argonne began. Historians refer to this battle as "the beginning of the end" of World War I. Machine gun and cannon fire raged for days, during which young Lieutenant Lee led forces capturing strategically important Tronsol Farm, contributing to an American victory.

Within weeks, the war ended. But before the Armistice was signed at 11 a.m., November 11, 1918, casualties were heavy. The 91st Division suffered 1,454 dead and 4,654 wounded, including Lieutenant Lee, shot in the knee.

For his bravery, Lieutenant Lee received the Distinguished Service Cross. France and Belgium both awarded him the Croix de Guerre with Palm.

After recovering from his wound at Camp Lewis—now Ft. Lewis—near Tacoma, Mr. Lee went on to a successful career in business and civic service, living for many years in Bellevue.

As our country paused November 11 to remember its veterans, we can be proud to count Mr. Arthur Lee among them. He symbolizes the patriotic tradition of sacrifice that has kept our country free. To you, Arthur Lee, and your fellow veterans, we say thank you.

TRIBUTE TO C. TOBIAS "TOBY" JOHNSON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to one of Sacramento's premiere public servants, C. Tobias "Toby" Johnson, who is retiring from 16 years of outstanding public service to the Sacramento County board of supervisors.

A California native, Toby Johnson has lived in Sacramento County since he was an infant. Following graduation from Sacramento High School, Mr. Johnson attended U.C. Berkeley, Sacramento State University, and Stanford University. He received B.A. and M.A. degrees in education and public administration and holds elementary and secondary teaching credentials and a school administrative credential.

Mr. Johnson's career in the field of education was long and successful. In 1949, he began teaching at Franklin Elementary in Sacramento, where he taught for 8 months before being drafted to replace the district superintendent, who had resigned.

In 1953, he moved to Marshall School. In 1956 Mr. Johnson became the principal of Arden School and in 1957, he was promoted to director of personnel for the San Juan district. In 1961, he became principal of Jonas Salk Middle School and in 1965, he was named principal of Mira Loma High School.

Mr. Johnson left California briefly in 1967 for a school post in Colorado but returned the next year to serve for a decade as principal and superintendent of the Arcohe School District in Herald, CA.

Since January 1, 1979, Mr. Johnson has served continuously as supervisor of the Fifth Supervisorial District in Sacramento County. The district is comprised of 569 square miles, has a population of over 225,000 and is very diversified with a full range of urbanized communities, as well as one of the largest farming communities in northern California.

In this capacity, he has become adept at budget management, personnel administration, and business management. Mr. Johnson has administered labor relations, project writing for State and Federal grants and school site development, planning and construction of facilities, and has had experience in community planning.

In addition to his stated supervisorial duties, Mr. Johnson also represents Sacramento County on the following boards and commissions: Local Agency Formation Commission, Sacramento Employment and Training Agency, Sacramento Area Council of Governments, Sacramento Transportation Authority, Sacramento Area Flood Control Agency, Delta Protection Commission, Sacramento County Cable Commission, Solid Waste Authority, Sacramento Metropolitan Air Quality Management District, Sacramento-Yolo Port Commission, Mather Internal Study Team, and the Sacramento Public Library Board.

Mr. Speaker, it is with great pleasure that I rise to recognize the great leadership Toby Johnson has provided for so many years to the people of Sacramento County. I ask my colleagues to join me in congratulating him and wishing him success and happiness in all of his future endeavors.

GINO ARCONTI, FORMER MAYOR OF DANBURY, CT

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. FRANKS of Connecticut. Mr. Speaker, today I would like to pay special tribute to the late Gino Arconti of the City of Danbury, CT. When Mr. Arconti passed away earlier this month, he left a legacy worthy of our recognition and acknowledgement.

Mr. Arconti was the son of Italian immigrants. After serving in the Army during and after World War II, Mr. Arconti returned home and rose through the ranks of city government. Eventually the popular Mr. Arconti became mayor and served three very active terms. During his tenure as mayor, Mr. Arconti directed the construction of numerous city buildings, including the library and both the police and the fire headquarters. After his third term, Mr. Arconti decided to retire as mayor and spend more time with his family.

Mr. Arconti was also active in community service. As a dedicated member of the Parish, he chaired the building committee of St. Gregory the Great Church. Other Endeavors included serving as vice-chairman of the University Foundation of Western Connecticut State University, director of the Pope John Paul Center for Health Care, and campaign chairman for the United Way of Northern Fairfield County.

Gino Arconti was a principled and honest leader and a devoted father and friend. His concern for others and his endless energy will long be remembered.

IN HONOR OF DORA J. KAUFMAN'S RETIREMENT FROM THE FARMERS HOME ADMINISTRATION

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. POSHARD. Mr. Speaker I rise today to honor Dora J. Kaufman on her retirement from the Farmers Home Administration. Dora retired from the Flora County district office on September 29, 1994, after 39 years of dedicated service.

Dora began her career as a clerk in the Flora County office of the Farmers Home Administration. In September 1978, Dora was promoted to District Loan Technician, and later she was again promoted to District Loan Specialist.

Over the years Dora has received several awards for her superior work with the Farmers Home Administration. Dora's contributions toward the processing and servicing of rural rental housing loans helped make many rural area apartment projects a reality for senior citizens and young families in the 19th Congressional District. In addition, Dora was also instrumental in assisting with the financing of several essential community facilities such as rural health clinics, hospitals, and shelter workshops.

On behalf of the people of the 19th Congressional District, I want to thank Dora Kaufman for the many contributions she has made to our local communities and its citizens. Her work has truly had an impact on the lives of many over the years, and for that we are all grateful. In closing, I wish Dora and her entire family happiness and good health in the many wonderful years to follow her retirement.

IN RECOGNITION OF HON. RONALD K. MACHTLEY FOR HIS SERVICE TO THE STATE OF RHODE ISLAND

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. REED. Mr. Speaker, today marks the last vote of Congressman RONALD K. MACHTLEY, a man who has represented the citizens of Rhode Island's 1st Congressional District since 1989.

He began his service to the people of Rhode Island as soon as he arrived in Washington by securing a position on the important Armed Services Committee. As a member of that committee, RON MACHTLEY worked to protect critical submarine construction jobs in both Connecticut and Rhode Island.

Most recently, RON MACHTLEY was involved in negotiations surrounding final passage of the Crime bill and took an active interest in health care reform. His work on these and other matters reflected an honest and sincere effort to improve the lives of all Rhode Islanders.

Those of us who have served with RON MACHTLEY know him as a devoted husband and father, as well as an active member of his church. On a personal level, I will always appreciate the courtesy he has shown to me, and despite our political differences, his willingness to work together to help Rhode Island.

Finally, as a graduate of West Point, I will miss serving with RON MACHTLEY because, as a Naval Academy graduate, he was always willing to place a bet on the fortunes of the Navy football team, and always accepted their defeat with grace.

I would like to take this opportunity to wish him and his family a healthy and prosperous future.

FTC PROPOSAL ON DISCLOSURE OF CREDIT SCORES

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. MCCANDLESS. Mr. Speaker, as the ranking Republican member of the Subcommittee on Consumer Credit and Insurance of the Banking Committee during the 102d and 103d Congresses, I have devoted a considerable amount of time on legislation to amend the Fair Credit Reporting Act. In this Congress, those efforts led to legislation which was passed by the House of Representatives sent to the Senate for final approval prior to adjournment in October. However, the Senate was unable to act on the legislation in October and it now appears unlikely that they will consider FCRA legislation during the lameduck session.

Toward the end of the 103d Congress, the Federal Trade Commission announced a proposal to amend its commentary interpreting the FCRA. The proposal would require credit bureaus to make certain credit score or risk score disclosures under section 609 of the FCRA. Such scores are calculated using a formula or so-called scoring model which is designed, through statistical analysis of past experience with consumers, to assess the relative statistical significance of individual pieces of financial data. Risk scores are calculated by applying such formulas to pieces of information about a consumer's financial background to estimate the relative risk that the consumer presents in connection with a particular transaction or contemplated relationship. Mr. Speaker, because of my involvement with this issue, I believe that the FTC's proposal is inconsistent with the current language of the FCRA and with the conclusions we reached during our deliberations on amendments to it.

The current language of section 609 of the FCRA requires a credit bureau, upon request, to disclose to a consumer the nature and substance of all information the credit bureau has in its files on the consumer at the time of the request. Over the years that we have been considering legislation to amend the FCRA, there has been considerable debate and deliberation on proposed amendments to section 609. Those discussions have included proposals to require credit bureaus or others to disclose to consumers credit or risk scores which are calculated based on information contained in a consumer's credit bureau file. However, each time that such proposals have been considered, we discarded them. Such disclosures were rejected because they are largely unworkable, costly, and would not provide any meaningful benefit to consumers who already are entitled under section 609 to disclosure of each component of their files upon which such a credit or risk score might be based.

Accordingly, from the perspective of one who has been deeply involved in legislation to amend the FCRA, if in the unlikely event that it is deemed necessary and appropriate to expand section 609 of the FCRA to require credit bureaus to make credit or risk score disclosures to consumers, such a change should be implemented through a legislative amendment to the FCRA, not through a regulatory expansion of the FCRA as proposed by the FTC.

IN HONOR OF CONGRESSMAN BOB MICHEL'S RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor House Minority Leader BOB MICHEL for the many years of dedicated services he has given the people of Illinois and the citizens of our Nation. He has not only served us as a great leader, but to many of his constituents and colleagues on both sides of the aisle he has been a good and trusted friend.

When I was elected to the House of Representatives in 1988, 32 years after Congressman BOB MICHEL was first sworn into office, BOB welcomed me with open arms to the Illinois congressional delegation. BOB has worked diligently with my colleagues and me in continuing to make the State of Illinois a great place in which to live and work. Serving with BOB over the past 6 years has been an honor which will remain an important memory of my time in this Chamber.

I would like to extend best wishes and good health to BOB and his entire family in the many years to follow his retirement. His service to the people of this country will remain an example to us all as we continue to lead our Nation into the future.

TRIBUTE TO LATINOS ORGANIZATION FOR LIVER AWARENESS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. SERRANO. Mr. Speaker, I rise to salute the Latinos Organization for Liver Awareness, Inc. [LOLA], nonprofit organization dedicated to reaching out to Hispanics about the dangers of liver disease and the dire need to support those who suffer from it.

Liver disease claims the lives of 26,000 people every year. The need for organ donation is very great, as is the need for counseling, education, and support for families that must contend with the trials of liver transplant. Amongst those families is that of Debbie Delgado-Vega, the young woman in my district—herself in need of a liver transplant—who founded and chairs this organization.

Mr. Speaker, on Thursday, December 8, LOLA will hold its first benefit breakfast in the Bronx to raise funds for the vital services it provides. I ask my colleagues to join me in praise and support of LOLA and its life-saving work.

SALUTE TO ALEX FIORE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. GALLEGLY. Mr. Speaker, I rise today to salute the only remaining original member of the Thousand Oaks city council, Alex Fiore, who is retiring after 30 years of service to the city and its citizens.

The city of Thousand Oaks has come a long way since its incorporation in 1964, and Alex Fiore is the one person who can truly claim to have been there every step of the way. He chaired the incorporation committee in 1964 and won one of the original council seats after spending $37 on his campaign.

He first won re-election—something to which he would soon become accustomed—in 1966 by receiving more votes than any other candidate. In 1971, he began meeting with residents outside the Janss mall every Saturday and listening to their concerns—a practice that continued through his retirement.

Thousand Oaks would be a very different place today were it not for the ceaseless and tireless efforts of Alex Fiore over the years. I believe it would not be as successful a city or as beautiful a community without Alex Fiore's contribution. I first met and worked with Alex while serving as the mayor of Simi Valley and I appreciated the chance to help further the causes of our respective cities and of East Ventura County together.

Alex has attended 1,400 city council meetings over the years and has spent an estimated 8,000 hours seated in his chair on the council dias. Thankfully, he leaves that chair of his own free will and with a truly incredible record of service and achievement to look back on.

Among his many accomplishments are the formation of the Conejo Open Space Conservation Agency, the introduction of a city water conservation program, a strong record of service to senior citizens and on housing issues. He was also the city's leading financial advisor, playing an indispensable leadership role in compiling the city's budget each year and scrutinizing even petty cash expenditures with an unparalleled level of scrutiny.

Finally, and most recently, Alex played a critical role in the creation and the opening of the city's Civic Arts Plaza—a premier facility that will serve Thousand Oaks and the entire county as a source for first-rate cultural events and entertainment.

We are saddened by the departure of Alex Fiore from the Thousand Oaks city council but heartened by the fact that he has left much in the way of achievement and progress for us to remember him by.

I wish Alex, Katy, and the rest of his family all the best in the future.

THE WAR IN BOSNIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. HOYER. Mr. Speaker, the latest reports out of the United Nations designated "safe haven" of Bihac indicate that the Serb forces have intensified their attack and have seized nearly half of the region. Entire villages have reportedly been razed or put to the torch by the Serbs. More than 180,000 civilians in the region, mostly Moslems, are at risk and food supplies have been virtually exhausted. The blood bath in Bihac highlights the utter failure of the international community to effectively confront aggression and genocide which have ravaged Bosnia for the past 3 years. The humanitarian nightmare continues unabated and the prospects are bleak. Not one nation can raise its head today from the weight of political indifference and shame. Not one, Mr. Speaker.

The United Nations, the guarantor of the protection of civilians in Bihac and in safe havens elsewhere in Bosnia, cannot even ensure the safety of its own personnel. An estimated 400 U.N. peacekeepers are currently being held hostage by Serb militants. Beyond Bihac, convoys of desperately needed food and fuel to Gorazde, Srebrenica, and Zepa continue to be blocked by Serb forces while the airport in Sarajevo remains closed.

The United Nations and NATO have basically deemed themselves irrelevant in the face of this latest Serb onslaught as diplomats ponder further concessions to lure the emboldened Serbs back to the bargaining table. Absurd. You can be certain that such an exercise will only embolden the Serbs in their efforts of ethnic cleansing and in creating a greater Serbia.

If they had any doubts about the intentions of the world community, they should have none now—the international community will do nothing to save Bosnia.

Mr, Speaker, the on-going war in Bosnia violates virtually every one of the principles enshrined in the Helsinki Final Act, the U.N. Charter and all norms of human decency. But there is one principle which the nations of the world are violating—and that is the right of Bosnia to defend itself against aggression. In effect by not lifting the arms embargo we have sentenced the people of Bosnia to a slow, brutal death. We have done little to stop the deaths and yet have taken effective steps to deny them the dignity and right to defend their families, their homes, their communities, and their country from extinction.

Mr. Speaker, I believe that we, in this House, should bow our heads in a moment of silence upon the death of a nation and of the principles which the community of nations committed itself to uphold.

IN HONOR OF GERALD R. BOYLE ON HIS RETIREMENT FROM THE DECATUR SOCIAL SECURITY OFFICE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1994

Mr. POSHARD. Mr. Speaker, I rise today to honor Gerald Boyle of Latham, IL. On January 3, 1995, Gerald is retiring after 20 years of dedicated service as director of the Decatur, IL Social Security office.

In 1961, Gerald Boyle begin his career with the Social Security Administration as a claims representative in Chicago. He diligently served the agency in various positions until he was named district manager of the Decatur office in 1975.

Prior to his many years with the Social Security Administration, Gerald Boyle served for 3 years in the U.S. Navy. In all, he has given our Government 37 years of service, and for that accomplishment he should be very proud. Over the years he has also been an active member of the Latham Volunteer Fire Department, the Knights of Columbus, and the St. Thomas Aquinas Catholic Church.

On behalf of the people of the 19th Congressional District, I would like to congratulate him on his many years of dedicated service to our Federal Government and the hundreds of people he has served over the years. I wish Gerald, his wife, Madonna, and his entire family best wishes and good health in the many years to follow his retirement.

SENATE—*Wednesday, November 30, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

O the depth of the riches both of the wisdom and knowledge of God! How unsearchable are His judgments, and how inscrutable His ways! For who hath known the mind of the Lord? or who hath been His counselor? Or who hath given a gift to Him that it should be repaid? For from Him, and through Him, and to Him, are all things: to whom be glory for ever. Amen.—Romans 11:33–36.

Eternal God, infinite in wisdom, power, and love, make each of us aware of Thy presence in this Chamber at this critical time. Grant to each Senator a mighty visitation of Thy holy will. Thou knowest the circumstances which have brought us to this hour. Thou knowest the profound implications for the future of the Nation and the world, implicit in the issue confronting the Senate in this special session. Thou knowest the minds and hearts of the Senators, their own convictions and the pressures, pro and con, imposed upon them, as well as the challenge of the unknown.

Let the light of God's truth illuminate their minds, give them insight and courage to obey their conscience. And may Thy will be done here today as it is in Heaven.

To the glory of God and the welfare of the Nation. In the name of the King of Kings and the Lord of Lords. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, pursuant to a prior order, the Senate will shortly proceed to consideration of the implementing legislation for the Uruguay round trade agreement. Under Senate rules, there will be 20 hours for debate on that agreement. I will address the subject shortly in more detail.

However, prior to that time, it will be the pleasure of the Senate to observe the swearing in of the newly elected Senator from Oklahoma, who is present with his colleague.

I would like at this time to yield to my friend and the acting Republican leader to introduce the newly elected Senator.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. SIMPSON] is recognized.

TRIBUTE TO SENATOR MITCHELL

Mr. SIMPSON. Mr. President, I thank the Chair. I thank the majority leader and express the gratitude of the leader, Senator DOLE, who will be with us tomorrow. He is in Brussels.

I express to the majority leader his appreciation for extraordinary kindness, cooperation, and support through these last years and wish the majority leader Godspeed in his new activities at the conclusion of this special session.

I personally say that it has been a great personal privilege for me to work with the majority leader, who I came to know and with whom I served on two committees, who I found to be extraordinarily fair, extraordinarily able, slightly partisan, and one of the rare and extraordinary people who populate this Chamber from time to time. His name will be high on the list of those we have come to respect and admire.

INTRODUCTION OF SENATOR-ELECT JAMES M. INHOFE

Mr. SIMPSON. Mr. President, let me now introduce our new Republican Senator from Oklahoma, JIM INHOFE, who is a most extraordinary man, a businessman, pilot, raconteur, and an energetic Congressman who had a very remarkable race and did a very able job in presenting himself to the people of Oklahoma.

He and his wife Kay are great additions to the Senate family. I know the leader and his charming wife and those of us on the other side of the Senate, the family of the Senate, will enjoy greeting JIM INHOFE and Kay.

I then would say that his senior colleague, the senior Senator from Oklahoma, Senator NICKLES, will accompany him as he takes the oath of office. We are well aware in our party and in the Senate of the very remarkable abilities of the senior Senator from Oklahoma, who serves as part of our leadership.

With that, we are ready to proceed with the swearing-in ceremony.

SENATOR FROM OKLAHOMA—CREDENTIALS

The PRESIDENT pro tempore. The Chair lays before the Senate a Certificate of Election for Unexpired Term, of the Senator-elect JAMES M. INHOFE, of the State of Oklahoma, caused by the resignation of Senator Boren.

Without objection, it will be placed on file, and the Certificate of Election will be deemed to have been read.

The Certificate of Election for Unexpired Term is as follows:

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States

This is to certify that on the 8th day of November, 1994, James M. Inhofe was duly chosen by the qualified electors of the State of Oklahoma as Senator for the unexpired term ending at noon on the 3rd day of January, 1997, to fill the vacancy in the representation from said State in the Senate of the United States caused by the resignation of Senator David L. Boren.

Witness: His excellency our Governor David Walters and our seal hereto affixed at Oklahoma City, Oklahoma this 15th day of November in the year of our Lord 1994.

CEREMONY OF ADMINISTRATION OF OATH OF OFFICE TO JAMES M. INHOFE AS SENATOR FROM THE STATE OF OKLAHOMA

The PRESIDENT pro tempore. If the Senator-elect will now present himself at the desk, the Chair will administer the oath of office as required by the Constitution of the United States and prescribed by law.

Mr. INHOFE, escorted by Mr. NICKLES, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to him by the President pro tempore; and he subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Without objection, the majority leader is recognized under the standing order.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I am advised that Senator INHOFE wishes to make a brief statement and, for that purpose, I now yield to the acting Republican leader, who I understand will yield him time from the Republican leader's leader time for that purpose.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AN IMPRESSIVE CEREMONY

Mr. SIMPSON. Mr. President, as always an impressive ceremony. The occupant of the chair does it in a way which has always impressed all of us. The oath of office is sometimes not easily said. I have often seen people use cards and memos. Our President pro tempore uses none of those support devices and it is always a more impressive ceremony.

Now I would yield 4 minutes of the leader's time to the new junior Senator from the State of Oklahoma.

The PRESIDENT pro tempore. The Chair recognizes the junior Senator from the State of Oklahoma for 4 minutes.

Mr. INHOFE. I appreciate that, Mr. President.

AN AWESOME RESPONSIBILITY

Mr. INHOFE. Mr. President, I have heard that mixed emotions is what you experience when your teenage daughter comes home at 3 a.m. with a Gideon Bible under her arm. And I must admit, I have some mixed emotions when I look at this awesome responsibility that I am undertaking at this time.

For one thing, it just occurred to me this morning, Senator COATS, even though I have been involved peripherally in politics as well as the private sector for some 30 years or longer, I have never been a majority, so I am not sure how to act as a majority and will try to act right.

It occurred to me also that I spent 8 years in the other body down the hall learning how to condense 30 minutes into 2 minutes, only to come over here and find I can now extend the 2 minutes back to 30 minutes.

I think I would be remiss if I did not make a reference to the man that I am replacing here, Senator BOREN. There is only one person in this Chamber who knows the close relationship that has existed for many years between Senator BOREN and myself.

Mr. Leader and Mr. President, we were both elected in 1966 and for many years, while I was in the State Senate he was in the Statehouse, we tried to pass and propose most of the reforms in Oklahoma at that time. And I want to tell Senator BOREN, who is now the president of Oklahoma University, who is probably watching at this moment, that I will continue to try to complete those tasks which he so ably began.

I think I would also be remiss if I did not respond to the wake-up call that hit us all on November 8. I think that the new group that is coming in—I will be one of 11 new Members—perhaps will be a little bit more assertive in our style than some of you are used to around here, but I think that we have to look back and see that this is not just a normal time in our country.

Henry H. Beecher said, "I don't like those precise, perfect people, who, in order not to say wrong, say nothing, and, in order not to do wrong, do nothing."

I commend to these people who are here today: I will not do nothing.

I think also that when you look at what the message was that came to us, we have to think of Winston Churchill, who said, "Truth is incontrovertible . . . panic may resent it . . . ignorance may deride it . . . malice may destroy it . . . but there it is."

And the truth is, people are saying we have got to make changes. We have to rebuild the decimated defense system, we have to get tough on crime, we have to do the things that we have talked about doing but have not done in the past. And I think also that we have got to stop denying the relationship between the soaring crime rate, the soaring drug addiction rate, and we cannot deny the relationship between those perverted behaviors that have kind of taken over this country, and the fact that there was a well-meaning but flawed decision made back in the early sixties when we expelled God from school.

Last, I would be remiss if I did not acknowledge that there are many important people here in this Chamber, but the more important people are in the upper level of this Chamber in the family galleries up here. These are the ones that worked so hard.

And not just my wife Kay, who has endured me for the last 35 years, but also the shiny faces. There are probably more Oakies than we have ever had in this Chamber. And these shiny faces represent thousands who are not here today and could not be here who fought in the trenches in this revolution that took place on November 8. I can tell you now, and I commit to you, that the work that you have endured will not go unanswered by my inaction. I will not let you down. And this goes for the rest of you here—I will not let you down.

So, Mr. President, and fellow Members, it is with a great deal of humility that I thank you for your receiving me into the U.S. Senate.

URUGUAY ROUND AGREEMENTS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 5110, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 5110) to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations.

The Senate proceeded to consider the bill.

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, and Members of the Senate, under the Senate rules there will now be 20 hours for debate on this agreement. I announced in October that I expect that we will complete 12 hours of debate today and the remainder tomorrow. I hope that any votes which occur with respect to this agreement will occur at the conclusion of those 20 hours of debate or at approximately 6 p.m. tomorrow.

Under the rules, the majority leader has control of 10 hours of time and the minority leader 10 hours of time.

Mr. President, I designate to control the 10 hours of the majority's time Senator MOYNIHAN 5 hours in behalf of proponents of the legislation and Senator HOLLINGS 5 hours in behalf of opponents of the legislation.

Mr. President, I now would like to address the Senate on the subject and I ask unanimous consent to use such portion of my leader time as is necessary for that purpose.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senate will be in order.

Mr. MITCHELL. Mr. President, I will make a detailed statement tomorrow just prior to the vote, but I wanted to begin this discussion by stating my strong support for the implementing legislation for the Uruguay round trade agreement. I urge the Senate to pass it.

This historic agreement is essential to our economic future. It will open foreign markets to American goods and services. It will reduce protectionist foreign trade barriers. It will protect the intellectual property rights of American individuals and enterprises. It will expand export opportunities for our agricultural products.

It will create new opportunities for American businesses and farmers to compete and sell more in foreign markets. It will benefit consumers by lowering tariffs that increase the purchase price of consumer goods.

A prosperous international community is in the best national interest of the United States.

That has been the goal of American policy throughout much of this century. Since the end of the Second World War, we have pursued that policy goal by working for a free, open, and fair international trading environment.

Beginning in 1947, our Nation, together with 22 others, negotiated the General Agreement on Tariffs and Trade. Its purpose was to reduce tariff barriers and establish international trading rules. The General Agreement first entered into force in January 1948. It remains the only multilateral agreement governing international trade.

Six subsequent rounds of trade negotiations have occurred since 1948, the last in 1979. These agreements lowered both tariffs and nontariff barriers, eliminated quotas and refined trade rules to respond to new products and trading patterns.

Since 1948, the world trading nations have worked to further reduce tariff and nontariff barriers and to further refine the world trading rules. The Uruguay round agreement is simply a comprehensive improvement of the previous seven rounds of multilateral trade negotiations.

Eight years ago, the negotiations on this agreement began in Punta del Este, Uruguay. For 7 years, three successive American Presidents, Presidents Reagan, Bush and Clinton have negotiated this trade agreement.

Congress has repeatedly supported these efforts by renewing fast track negotiating authority in 1988, 1991, and 1993 to allow our trade negotiators to conclude the agreement.

Last December 15—almost 1 year ago—the negotiators concluded the agreement, and President Clinton notified Congress that he intended to enter into the Uruguay round agreement.

There is no basis for a further delay in approving the implementing legislation until next year. The international trading system under the General Agreement on Tariffs and Trade took effect more than 46 years ago. A global trading system is not a new and untested concept: It has been an integral factor of our economic policy, working for our producers and exporters for almost five decades.

Congress has reviewed the Uruguay round agreement thoroughly. There have been numerous congressional hearings and extensive reports on the meaning and impact of this agreement on the United States. Almost every aspect of this agreement has been carefully examined and debated.

It is important that Congress approve this trade agreement this year so that American businesses can take advantage of the expanding opportunities in the international marketplace and American workers can enjoy the new jobs to be generated by expanded trade.

A delay would undermine our economic self-interest.

Economists estimate that when the Uruguay round agreement is fully implemented, the American gross domestic product will increase between $100 and $200 billion every year. That growth will produce hundreds of thousands of new jobs for American workers.

But delaying the implementation of this trade agreement will, in the best case, cost both U.S. businesses and consumers billions of dollars in increased sales to foreign markets and higher prices on consumer goods. In the worst case, a delay in implementing this agreement will kill the agreement itself and undermine the future of the world trading system.

It is an agreement which our American self-interest dictates that we approve, and that we approve now. I urge my colleagues to vote for it.

I thank my colleagues for their attention and, Mr. President, I would like now to yield to the distinguished chairman of the Senate Foreign Relations Committee, Senator MOYNIHAN, who has so skillfully guided this legislation to this point.

Mr. EXON. Will the majority leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. EXON. Mr. President, I ask this question. I think the answer will be that I will have to rely on the good offices of my colleague.

Debate in the U.S. Senate is supposed to have something to do with the outcome of the final vote. That is not always the case, but we continue to think that debate is important in the Senate.

Mr. MOYNIHAN. Frequently.

Mr. EXON. What do we have to do, those of us who have not made up our minds whether we are opponents or proponents? Do we just have to rely on the good offices of the body to yield us whatever time we need before we make a commitment as to which way we are going to vote?

Mr. MITCHELL. The answer is yes. But I will also say that I will be pleased to work with my colleague and with the distinguished managers—who I am certain will be helpful and cooperative in that regard.

Mr. HOLLINGS. Will the majority leader yield so I can announce?

Mr. MITCHELL. Yes.

Mr. HOLLINGS. Mr. President, in that we have been assigned 5 hours in the opposition on this side of the aisle, after talking with the different colleagues, the consensus, the thought was, that we would consume 3 hours today during the 12-hour period and 2 hours tomorrow. So, restricting us just to 3 hours, we have assigned momentarily—and I hope to keep to this but I do not have much time left: Senator BYRD, 25 minutes; Senator METZENBAUM, 20; Senator DORGAN, 20; Senator BAUCUS, 20; Senator WELLSTONE, 15; Senator BRYAN, 15, Senator HEFLIN, 15; Senator HARRY REID, 15; and 25 minutes to myself to manage it. That consumes the time.

If some come now and want some time today, we might have to pare back a few minutes or otherwise put them over to tomorrow.

I thank the majority leader and distinguished chairman and ranking members on both sides for allowing me this moment. We are trying to give everybody time and deal it out equally.

For those who have not made up their minds, they can listen. Thank you.

Mr. MITCHELL. I yield to my colleague from my time.

Mr. EXON. I further inquire—I do not appreciate the last remarks, probably said in jest, by my friend and colleague from South Carolina, with whom I worked long and hard, and put in a lot of time on this. I would simply say that I recognize the pressures that are brought to bear on someone who controls time. That is why I brought up the suggestion. And, despite the feelings of the Senator from South Carolina, my distinguished friend, there are those of us who reserve the right to make up our minds during the debate.

I know that is a revolutionary idea to place in the U.S. Senate, when generally we choose up sides and we have to come in here and beg for time unless we have committed to one side or the other.

I would hope, Mr. President, that maybe some time could be yielded to the relatively few of us who reserve the right to make up our minds after debate. I think that the Senate is intended to run that way. But as we all know, it does not.

I simply say that the rights of the minority have to be protected, the rights of those of us who have not yet made up our minds have to be protected, notwithstanding some of the arrogant views of those who have already made up their minds.

Mr. MITCHELL. Mr. President, I will see that the Senator is accommodated.

Mr. EXON. I thank the majority leader.

The PRESIDENT pro tempore. Without objection the time will now begin running.

Who yields time? The Senator from New York [Mr. MOYNIHAN].

Mr. MOYNIHAN. Mr. President, I will yield myself 10 minutes to get our debate going and take the occasion to assure my friend from Nebraska that he will have time to speak and time to listen and participate. This is a deliberative process and it would please him to hear, I think—and I shall speak of it in just a moment—that one of the most distinguished and respected constitutional lawyers, professors of constitutional law in the United States, Laurence Tribe, who presented a brief basically in opposition to this legislation on the grounds that it should be a treaty, has now written to us to say he has thought it over and changed his mind.

This is a deliberative process and new information, new argument brings new perspective. That is what we would hope to do.

Mr. President, I ask unanimous consent that the letter by Professor Tribe concerning the present legislation before us be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, MA, November 28, 1994.

To Hon. GEORGE J. MITCHELL; Hon. ROBERT DOLE; Hon. ERNEST F. HOLLINGS; Hon. LARRY PRESSLER; Hon. THOMAS S. FOLEY; Hon. NEWT GINGRICH; Hon. RICHARD A. GEPHARDT; Ambassador Michael Kantor; Assistant Attorney General Walter Dellinger.

From Laurence H. Tribe.

Re treaty ratification of the GATT Uruguay round.

I have read with care the thorough and thoughtful memorandum of November 22, 1994, from Assistant Attorney General Walter Dellinger to Ambassador Michael Kantor on the question whether the Uruguay Round Agreements concluded under the auspices of the General Agreement on Tariffs and Trade (the "GATT") must be ratified as a treaty. A number of the arguments advanced in this most recent memorandum require me to give further consideration to the conclusions I have previously expressed on the subject of the Uruguay Round Agreements in letters and memoranda to President Clinton; Assistant Attorney General Dellinger; Abner J. Mikva, Counsel to the President; and Senators GEORGE J. MITCHELL, ROBERT DOLE, and ROBERT C. BYRD; and in my testimony before the Senate Commerce Committee on October 18, 1994. The newest memorandum from Assistant Attorney General Dellinger offers a level of analysis far superior to that previously set forth by the Administration and is thus testimony to the Administration's serious consideration of the constitutional questions raised by the Uruguay Round Agreements and by the manner of their approval. At the moment, candor compels me to concede that reasonable minds may differ on the proper resolution of the constitutional questions posed by the GATT. In short, the issue is a close one. Although I continue to believe that the constitutional concerns that I have previously raised are deeply important, I cannot say with certainty that my prior conclusions should necessarily be adopted by others or are ones to which I will adhere in the end after giving the matter the further thought that it deserves.

I do not mean to give my own views undue importance, but the prospect that my earlier statements might have some effect, however slight, in the debates in the House of Representatives on November 29, 1994, and in the Senate on December 1, 1994, would make it inappropriate for me not to express this substantial caveat. Although I will be writing again on the subject in a forthcoming article scheduled to appear in the Harvard Law Review in the spring of 1995, that analysis obviously will not come in time to be of any use in the impending debate.

I should perhaps explain that the strength with which I previously expressed my negative conclusions on this subject were in part a reaction to the weaknesses (as I continue to perceive them) of the arguments previously marshaled on the other side, both by the Administration and by scholars who have come to its defense with constitutional arguments that have struck me as both shallow and contrived. In my future writing on the subject, I will be interested in exploring what I regard to be the troublesome character of these constitutional analyses, itself symptomatic of problems in contemporary constitutional discourse. For now, however, although it might be less embarrassing for me simply to say nothing, I regard it as my responsibility, in light of Assistant Attorney General Dellinger's recent forceful analysis, to say that I believe the Clinton Administration has based its position on the Uruguay Round Agreements on constitutional arguments that are both powerful and plausible. It would therefore be incorrect to quote or to rely upon my earlier contrary views without adding this important qualification.

In closing, I reiterate the suggestion that I made to the Senate Commerce Committee that the Senate give serious thought to the constitutional role delegated to it by the Treaty Clause of Article II. Although the GATT will likely be approved on a "fast track," the Senate constitutional role in treaty ratification deserves further, sustained consideration.

Mr. PACKWOOD. Mr. President, may I just make a brief announcement?

Mr. MOYNIHAN. Do, sir. I yield to my colleague.

Mr. PACKWOOD. Mr. President, I will be managing the time on the Republican side, and we will be dividing the time evenly between those who support and those in opposition, so I will be allocating the time to both proponents and opponents on our side. I will do the best I can to allocate it fairly. But I would suggest this—and we have all seen this. But my hunch is that at about 3:30 or 4 o'clock tomorrow——

Mr. MOYNIHAN. Tomorrow——

Mr. PACKWOOD. All kinds of people are going to come and want time. The majority leader—or minority leader now, soon to be majority leader—Senator DOLE, wants some time. I will want some time, closing time. For all of those who wish to speak, we would rather have them speak today rather than tomorrow, and as we get close to the end of time tomorrow it may be difficult to work everybody in.

The PRESIDENT pro tempore. The Senator from New York has the floor.

Mr. MOYNIHAN. I thank my friend, as I have frequently said, the once and future chairman. I did not think he would be future chairman in that early a future. And I expect around 11 o'clock we will be looking for colleagues who wish to comment and there you are.

PRIVILEGE OF THE FLOOR

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Eileen Hill, from the staff of the Committee on Finance, have privilege of the floor during the consideration of this legislation. Miss Hill is a legislation fellow with the committee.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, on July 8, 1916, in a speech on the House floor, Cordell Hull, then a young Congressman from Carthage, TN—the same town from which our distinguished Vice President, Presiding Officer in exceptional circumstances comes—called for a permanent international trade congress.

It was a hugely prescient idea. He understood that the inability of the European powers—the established ones—to accommodate the enormously increased economic importance of Germany had, in considerable measure, led to the First World War.

He saw that trade was a source of conflict as far back as conflict is recorded and that it should be subject to the same kinds of rules and procedures internationally that we had established in our internal arrangements.

Our Constitution is very careful to see that trade disputes, which are really the bulk of the litigation that takes place in our courts, are given validity across State boundaries and that the trading partners, knowing that whenever disputes arise, if litigated, the decisions will be held valid everywhere in the Union, are all the more disposed to entering such contracts. This is a point which Alexander Hamilton made in his Report on Manufacturers given to the Congress in 1791.

Hull saw the extension of this great understanding to a world market. That was the beginning of the century. Two vast wars and much turmoil in between bring us to the end of the century and to the completion of that vision. It reached its nadir in 1930 when, in the Smoot-Hawley Tariff Act of that year, we raised tariffs to an average of 60 percent in our country. Imports dropped by two-thirds; exports dropped by two-thirds; the British went off free trade, establishing a colonial empire's imperial preference; the prosperity feared in Japan began. In 1933, in a parliamentarily correct election, Adolf Hitler became chancellor. War was 6 years away—5. Not even that, Mr. President.

(Mrs. FEINSTEIN assumed the chair.)

Mr. MOYNIHAN. Madam President, in 1934, Cordell Hull began the reciprocal trade agreements program, an arrangement whereby the Executive could enter trade agreements and Congress would approve. It was a brilliantly innovative device, and every President, Madam President—whom we welcome back in glory—every President since has held to this proposal, this basic construct.

It cannot be too much stated or stressed that the agreement before us today was proposed under President Ronald Reagan, to whom we send the great good wishes of the Senate on this first occasion that we have met since his announcement of his illness. It was largely negotiated by President Bush's representatives, notably Carla Hills, who has been indomitable in support of this measure, and it was concluded, as the majority leader observed, a year ago in Geneva. The formal signing took place in Marrakesh in Morocco this spring, but the work was done a year ago. It took a long time to do it, 3 years longer than expected, because more was done than in past trade agreements.

Most important, we have brought agricultural interests into the GATT. I hope the Senator from Nebraska will take note of that, that agricultural products are now under the GATT. They have never been previously; it has been a manufactured goods affair. And the export subsidies which have so bedeviled our exports of agricultural goods are to be severely cut back, a concession finally made from the European Union, which is one of the reasons this bill comes to us 3 years later than originally expected.

The bill provides protection for intellectual properties, our largest growth industries in this country, which have been bedeviled by widespread piracy, and it creates a WTO. This World Trade Organization is no more than a rather pale image of the International Trade Organization which was contemplated at the end of World War II. The Bretton Woods agreements of 1944 proposed the International Bank for Reconstruction and Development, which we know as the World Bank and the International Monetary Fund; they did not get to the details of an international trade organization, but they clearly anticipated that one would be proposed and adopted.

President Truman did, indeed, propose that there be such an organization with many more powers than the WTO will have. It failed of adoption in the Congress. The House Foreign Affairs Committee never acted, principally due to opposition in the Senate Finance Committee, as the distinguished former chairman, future chairman knows.

Madam President, there has been a great deal of talk about this new organization as if it is something very new and very large and threatening. May I make the simple point that the GATT, which began, in the absence of an ITO, as simply an informal arrangement—a British Treasury official, Eric Wyndham-White, whom I had the privilege to know, with just a small secretarial staff, ran it on a very informal basis—over 40 years, the staff of the General Agreement on Tariffs and Trade has reached 450 persons. The staff estimates that, with the new responsibilities that the World Trade Organization will devolve onto the GATT in consequence, the 450 would acquire 15 additional employees.

Four hundred sixty-five persons in the WTO. Madam President, that is one-third the size of the Capitol Police force, scarcely a daunting prospect of world government. The dispute settlement decisions that were made in the GATT were arbitration decisions really, given agreements, given the rules. Over the last 40 years, there have been about four such cases a year that have come to be completed.

Under the GATT arrangement, there was a veto, and, for example, Europeans on agricultural products were repeatedly saying, "Well, yes, the panel decided the American exports were being unfairly discriminated against, but we even so will not accept it."

Madam President, I yield myself 5 additional minutes which I may not need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Madam President, I simply make the point that we are not creating anything new in this World Trade Organization. We are simply codifying the practice of consensus, which has been the practice of the GATT.

May I make the point that I wonder if my friend from Oregon knows: That there has not been a vote in the GATT for 35 years. Yes, this is not a litigious organization in that sense. When there is a dispute—and contract disputes are the bread and butter of the American judicial system, and properly so—the parties concerned pick nonpartisan arbiters from other countries. They make their case and may live with the results. That is what a system of law is about.

Finally, Madam President, it was the view earlier in a brief by Laurence Tribe, who is a professor of constitutional law at Harvard University Law School, that the WTO needed to be a treaty. That it should be a treaty sent to us by the President and decided here in the Senate, not at all in the House, even though the WTO is an article I issue. Commerce and revenue are its principal features. Until the income tax, our principal source of revenue was tariffs. They are taxes.

This is a tax cut before us. Treating this matter as a treaty would keep the House out of this and confine it to the Senate, contrary to the practice since 1934. Contrary to the repeated times, this Senate has confirmed and reconfirmed the propriety of reciprocal trade agreements and the approval of trade tariff schedules by legislation. Professor Tribe thought otherwise.

Just yesterday, in a memorandum sent to the majority and minority leaders and the honorable chairman of the Commerce Committee, Senator HOLLINGS, and others, Professor Tribe observed that he had read the memorandum from the Assistant Attorney General, Walter Dellinger, also a professor of constitutional law, and had been thinking about it. And on reflection, he writes, that the memorandum from Assistant Attorney General Dellinger offers a level of analysis far superior to that previously set forth, and thus is testimony to the administration's serious consideration of the constitutional questions raised. And then I quote:

> At the moment, candor compels me to concede that reasonable minds may differ on the proper relation of constitutional questions posed by the GATT. In short, the issue is a close one although I continue to believe that the constitutional concerns that I have previously raised are deeply important. I cannot say with certainty that my prior conclusions should necessarily be adopted by others, or that I will adhere to them at the end after giving the matter further thought that it deserves.

In a word, Madam President, the brief in opposition has been withdrawn. I think that is a good spirit of open inquiry with which to begin this debate. The legality and constitutionality of our procedures, in place for two-thirds, or more than half a century, 60 years, is not in question. The wisdom of our action is scarcely in doubt. Yesterday, by a 2-to-1 majority, the House approved this agreement. It now comes to us. It has been reported from the Committee on Finance 19 to 0. It is in the tradition of bipartisan trade policy. It is the largest trade agreement in history. It sets in place the institutional arrangements that will keep the peace after the long cold war, after the tormented 20th century.

Madam President, I urge the adoption of this legislation.

Mr. President, on July 8, 1916, in a speech on the House floor, Cordell Hull, then a Democratic Congressman from Tennessee, called for a "permanent international trade congress" to formulate agreements to dismantle destructive trade practices. Today, over 78 years later, it is with great honor that I, as chairman of the Committee on Finance, bring to the floor of the Senate legislation that will finally realize that vision.

Mr. President, over the past several weeks, a number of persons have observed, quite accurately, I believe, that we are about to cast a vote of monumental importance—on a par with the historic and defining votes on the League of Nations and the Marshall plan. The legislation that we take up this morning will approve and implement the largest, most comprehensive trade agreement the international community has yet witnessed. If this Senate approves the Uruguay Round Agreements Act, as I fully expect it shall, that action will represent nothing less than the culmination of 60 years of American trade policymaking—policymaking that began with Cordell Hull's Reciprocal Trade Agreements Program in 1934 and that has, ever since, been carried out in the best bipartisan traditions of this body.

Mr. President, it was only 8 years ago, September 1986, in Punta del Este, Uruguay, that trade ministers from around the world gathered to launch the eighth round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade—the GATT, a provisional arrangement that has served as a forum for trade agreements since 1948.

The ministers' goals were ambitious—indeed, too ambitious for the timetable they contemplated. They sought to strengthen the rules governing international trade, to bring trade in agriculture, services, and textiles under the rules, to protect intellectual property and trade-related investment.

Such far-reaching objectives could not be reached in 4 years, as they had planned. Not until December 1993, rather than 1990, was final agreement struck. But that agreement was one that largely achieved their objectives.

Objectives, I must point out, that were both shared and guided by the Congress of the United States. The Congress laid down the United States objectives for the Uruguay round in the Omnibus Trade and Competitiveness Act of 1988, goals shared by the executive branch and sought by negotiators under three American Presidents, Republican and Democrat alike. I am pleased to report that, as a result of the endeavors of the administrations of Presidents Reagan, Bush, and Clinton, in close consultation with the Congress, the agreement before us today largely meets the standards set forth by the Congress 6 years ago. Not in total, we must acknowledge, as I suppose the objectives of other countries were likewise qualified in the give-and-take of negotiation. But met in large part.

Optimistic reports on the economic impact of the Uruguay round abound. The GATT organization itself estimates that, in 10 years' time, U.S. gross domestic product [GDP] will increase by $122 billion annually as a result of this agreement. Our own Council of Economic Advisors estimates an annual increase in U.S. GDP of $100 to $200 billion. Other studies suggest smaller increases, but it is notable that all economic analyses are positive—a singular event in the world of economists.

The economic benefit of many aspects of the Uruguay round, such as improved intellectual property protection and rules for services trade, are difficult to quantify here and now. But its simplest aspect alone presents a compelling case—that is, the nearly $750 billion in tariff, meaning tax, cuts to be made worldwide. The largest tax cut in world history. A tax cut of $32 billion over 10 years on products imported into this country alone. And an average tax cut of 40 percent on the products we export to the rest of the world. I would ask my colleagues: What other economic measure could we consider with such far-reaching effect?

Most importantly, the Uruguay round means jobs—300,000 to 700,000 more American jobs once fully implemented. And these will be good jobs, for jobs engaged in producing exported goods typically pay 13 percent more than the average.

Much will be made during this debate, I expect, of the decline in manufacturing jobs over the last decade, attributing such in large part to the failings of American trade policies. Indeed, employment in manufacturing has declined between 1979 and 1993—falling from 21 to 18 million—even though employment in the non-agricultural sector of the economy has increased by almost 25 percent. But why, we must ask?

In significant part because American companies have succeeded in becoming the most productive in the world. From 1979 to 1993, while manufacturing employment declined by 14 percent, productivity increased substantially so that industrial production in the manufacturing sector increased by 38 percent. The result—more output, fewer workers. Repeating our experience in agriculture, where the mechanization of production released thousands of workers from the field: in 1930, over 21 percent of America's workers were engaged in agricultural production, but by 1993, less than 3 percent of the work force was employed in the farm, forest, or fishery sectors—and less than 1 percent of the work force was employed as farmhands.

In these circumstances, difficult as they may be for the workers affected, we should look upon trade not as the villain, but as an opportunity. Trade among countries should not be avoided; indeed, it cannot be avoided in an open society, any more than can be the effect of advancing communications or innovative technologies. If we approach trade as friend, rather than foe, we will find ways to sell more of our goods abroad, employing more rather than fewer Americans.

In fact, the United States is in the best position among trading nations to take great advantage of the more open markets that come with the Uruguay round. For the United States today is at the height of its global competitiveness. Americans should note with some degree of satisfaction the recent report of the World Economic Forum which rates the United States as the world's most competitive nation. We have returned to the top ranking for the first time since 1985, Japan now a distant second.

Of this fact I would remind those who have voiced concerns about the impact of this agreement on U.S. sovereignty. There are legitimate concerns here, which have been legitimately addressed. Again in a bipartisan fashion. But others who speak of a loss of sovereignty prey on the fears of American workers, uncertain about their future in a global economy. Let us remind American workers of their ability to think, create and innovate, not to fail or fall prey to outside forces beyond their control. That is not the kind of thinking by which American workers built the most competitive economy in the world. Nor is there reason to succumb to such thinking now.

Rather, we must remember that our economy is the largest single market in the world, a market which others seek, recognizing its value. To those who fear that we will constantly be out-voted in the new World Trade Organization, established in the Uruguay round, I would say that there is little reason for concern. The WTO simply codifies the practice of consensus in the GATT and there has not been a vote in the GATT on a trade policy matter for 35 years. To those who suggest that the WTO will have the power to override our own governing of our market, I would say but one thing—look to the Constitution. We yet govern ourselves, with the authority to regulate commerce with foreign nations given to the Congress. And with the Congress also rests the authority to take the necessary and proper steps to carry out international agreements, as recognized by the Supreme Court in the seminal Missouri versus Holland decision—on a migratory bird convention, of all matters—in 1920.

It is the Congress which, since the disaster of the Smoot-Hawley Act of 1930, has chosen with care the arrangements whereby U.S. trade policy is made. Having learned the lessons of Smoot-Hawley—the two-thirds drop in trade that followed, worldwide depression, the rise of totalitarian regimes, and in the wake of such events, the Second World War.

In the aftermath of such, the Congress sought a better arrangement for trade policymaking in this country. Beginning with the Reciprocal Trade Agreements Program of 1934, the Congress has determined that the President should negotiate liberalizing trade agreements and the Congress should embody those agreements in legislation which it considers, debates, and votes on. In 1974, the Congress chose to create special procedural rules—we know them today as the fast track—to ensure that these trade liberalizing policies would continue.

But these arrangements do not preclude the Congress from performing its constitutional duties of regulating foreign commerce. Indeed, the Congress has chosen these arrangements in the belief that they best serve our commercial interests. Likewise, mechanisms have been created with this implementing bill to ensure that the congressional voice is heard should the World Trade Organization not serve American interests. Congress will have the opportunity to demand withdrawal from this organization on 6 months' notice as permitted under the agreement itself.

Indeed we should withdraw if the worst fears of the opponents are realized. If foreign governments pursue repeated, and unfounded, challenges to U.S. law. But that is not the likely scenario. The United States is not a protectionist country. And it is those countries which are so that must be concerned about the WTO, not the United States.

We seem to forget that it was the United States, and the Congress in the 1988 Trade Act, that sought the strengthened rules that come with the

World Trade Organization. Why? Because although we consistently have been more successful than the average in GATT litigation, we have too often been frustrated in our successes. During the period leading to the passage of the 1988 Trade Act, we won three GATT cases against the Europeans—on pasta, citrus, and canned fruit—only to be frustrated by their stalling tactics. The European Community blocked the adoption of those three panel reports, preventing formal GATT approval of the panel's decisions. And throughout 1988, the Europeans first blocked and then further delayed the establishment of a dispute settlement panel to hear a U.S. challenge to EC production subsidies on oilseeds. Four cases, all of great consequence to our agricultural community. Is it any wonder that the Congress, in 1988, urged our negotiators to achieve a more effective and expeditious dispute settlement system?

Under the new WTO rules, these stalling tactics will not be allowed. And the United States, I might note, has nothing to fear from a tougher dispute settlement system. We have been victorious more often than most under the GATT, and there is every reason to expect that trend to continue. Under the GATT, we have prevailed in 70 of the 87 cases that we have brought. That is a remarkable success rate of roughly 80 percent. When challenged, we have also prevailed more than most—in 55 of the 75 cases brought against us, or nearly 75 percent of the time.

Most important, we should keep in mind that, in the first 43 years of the GATT, there have only been 88 panel decisions. If we include the cases that did not culminate in panel decisions, that number grows to 207. That averages to less than five cases a year. There is thus no grounds for fearing that hundreds of our laws will be challenged in the WTO.

Thus, the crucial fact to be remembered: It is the United States that stands to benefit most from the World Trade Organization's improved, and more effective, rules for settling disputes among trading partners.

We are on the brink of realizing these benefits. This is not the International Trade Organization [ITO], established in the Habana Charter of March 1948, that the Congress turned its back on. The ITO was a more ambitious arrangement. It included, as the WTO does not, provisions on full employment and economic reconstruction, on technology transfer and access to capital, on private cartels and international commodity agreements.

The ITO died at the hands of the Congress, due in no small part to the intense opposition of the Committee on Finance of that day. The business community joined in that opposition, ironically because of concerns that the ITO Charter fell too far short of their ideals of free trade. In the end, only one committee of Congress, the House Committee on Foreign Affairs, even held hearings on the Habana Charter. There were no votes. The ITO Charter simply withered in the face of intractable opposition.

In contrast, the World Trade Organization of 1994 is a more modest arrangement than that envisioned by the Habana Charter. But its principal purpose is the same—to provide a sound institutional framework for the conduct of trade among nations. To provide a forum for resolving disputes that inevitably arise among people who trade together. In recognition that the prosperity of all depends upon the peaceful resolution of such conflicts and the continuing conduct of international trade. And in 1994, unlike in 1948, the Finance Committee and the business community join together in support of the World Trade Organization.

Let us not replicate our unfortunate experience with the International Trade Organization, over 40 years ago. Instead, let us emulate the bipartisan spirit that has developed over the past decade as we have ratified, with little or no dissent, four important conventions negotiated under the auspices of the International Labor Organization [ILO].

Mr. President, I look forward to the coming debate, and I urge the Senate, once the debate is over, to act in that bipartisan spirit and approve the Uruguay Round Agreements Act.

I see that my distinguished friend and chairman is on the floor. I see that he has teaching aides and other matters to bring before us. I look forward to them, and with great pleasure I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon [Mr. PACKWOOD] is recognized.

Mr. PACKWOOD. Madam President, I thank the Chair.

Madam President, during the next 2 days, I expect to speak often on this subject and I am not going to try to cover the entire gambit of the arguments for or to rebut all the arguments against the GATT agreement right now.

I want to lay at rest, if I might, in my opening comments the particular issue of whether or not the United States can compete in the world, because the principal argument against the World Trade Organization really is that we cannot compete. We heard it in NAFTA. How can we compete against 50 cents an hour wages in Mexico? That is neither here nor there. If wages were the key, Bangladesh would be the industrial behemoth of the world, and we all would manufacture in Bangladesh and ship all over the world. There would be no industry in Japan, Britain, or the United States. It would all be in Bangladesh at 5, 10, or 15 cents an hour, or at whatever their wages are. That is not true. It has not happened and will not happen.

I think in retrospect, we may have made a terrible mistake in calling the successor to the GATT the World Trade Organization. GATT was a term no one understood, the General Agreement on Trade and Tariffs. The World Trade Organization sounds like something created by the Trilateral Commission to Subsume our Sovereignty. Indeed, it does not, and I am not going to address the issue of sovereignty in this opening comment. I want to address the issue of can America compete?

So let us take a look at what is called the balance of trade, because the worst of the statistics are cited as an example of how we cannot compete.

You have two major sectors in trade. One is called merchandise—cars, refrigerators, jet engines, VCR's, televisions, hard goods. It is called merchandise. The other is services—Visa, American Express, Master Card. They license the use of their cards around the world. The licensee pays to use the card and the money comes to the companies of the United States. That is dollars. That is dollars, just like if we sell a jet engine. That is services.

In merchandise in 1993—we do not have the complete statistics yet in 1994—we had a $116 billion deficit. In services in the same year, we had a $57 billion surplus. Net is a $59 billion deficit.

I want to emphasize something. It is the services sector that is growing the fastest. This is a sector that is intensely dependent on rapid communication, computers, highly paid workers, educated workers. It is an area in which we dominate the world. So I want to round off the $59 billion to $60 billion. We have a $60 billion deficit which will be closing as the services begin to dominate more and more.

But I want to comment on something on the merchandise deficit that we overlook. Again, there are the goods. As I said, we have a $116 billion deficit. $44 billion of that deficit is oil; oil that every time we hope we can find in the United States or in the Outer Continental Shelf or in Alaska, we have to fight tooth and nail to even look for, let alone take it out of the ground, because we run against environmental objections and others.

Is the oil there? We do not know if the oil is there. Do we think it is? Yes. But if we want to avoid oil—and I checked with the South African Embassy this morning to see if they have changed since the new Government came in and most of the trade restrictions have been lifted. South Africa makes a significant amount of its own gasoline from coal.

They have an abundant coal supply, and during the trade embargo when they could not get oil, they wanted to be self-dependent and they turned to their coal reserves and make almost all of the gasoline and oil that they use. So could we do the same thing? You bet. We have a 400-year supply of coal in this country. We have a 200-year supply of oil shale. We can make all the oil we want in this country from coal or extract it from oil shale. There is a problem in that it is infinitely more expensive than imported oil.

So if you are not worried about a cartel that can squeeze you—and twice they have squeezed America in 25 years. But cartels usually do not work over a long period of time. Producers cheat. If we wanted to eliminate $44 billion worth of trade deficit, we could do it. It would take an immense capital investment, and I am guessing that it would take 5 to 10 years to develop the plants. So we could eliminate $44 billion of the deficit and produce all of the oil and petroleum in this country at an expense greater than importing it, but it would eliminate $44 billion of deficit.

Second, cars. Oil is $44 billion of the deficit; cars are $43 billion. I have been in this body long enough to remember when cars were not a problem. In the fifties, and even into the almost early 1970's—1970, 1971—the only cars of any consequence that were imported in this country were big cars, such as Rolls Royces, or itsy-bitsy cars, like the Volkswagen Beetle. The Volkswagen Beetle had a very small, but loyal, segment of the market, but we always thought that people that drove Volkswagens were funny looking and they had beards and certainly real Americans would not want a car like that.

Then a funny thing happened in the 1970's, maybe coincidental. The Japanese, in 1971, 1972, 1973, were producing good little cars at the small end of the market. And they were producing them at the same time the first Arab oil boycott hit. I remember the debate we had in the Senate on whether or not we should adopt mileage standards for cars. I remember the argument against it from the auto companies, which was twofold. One, they could not possibly produce the cars in less than 5 or 7 years. It would take that long to retool. This is from an industry that went from cars to tanks in 6 months in World War II. They could not do it that soon. They said America did not want cars like that anyway.

Well, it turns out that America did want cars like that. It is amazing that America really liked cars that were well made, when given an option. In the 1970's, Japanese cars were better made and they got 20 or 25 miles to the gallon. They get much more than that now. We bought them in droves. The Japanese were very smart. They initially concentrated on the low end of the market, inexpensive cars, not the high-end imports that you see now, but low end. They captured a significant segment of the automobile market in an area in which American manufacturers were not making cars, good high-mileage cars. Having captured that portion of the market—Lord, anybody knows it—in terms of product loyalty—they began to move up the scale to more expensive cars. People that have driven an inexpensive Toyota liked it, and now they buy a Lexus, which is an expensive car.

To American manufacturer's credit, they are now starting to gain it back. It has taken 20 years to learn. We have learned now that it does not take 5 to 7 years to go into this development. We have now learned about our market, and we are succeeding in taking the market back. But those two items—cars, which we threw away, and oil, which we can eliminate if we wanted to—are the overwhelming part of our trade deficit.

So let us not get into the argument that America simply cannot compete. We are competing in cars, and we could compete in oil if we wanted, although it is expensive.

I want to take some examples from my State, and I am going to take a low-wage example and a high-wage example and a medium-cost example. First, I have a chart behind me. Sabroso is in Medford, OR. Medford is a fair-sized town in Oregon, but it is not on a major railway. It is a company of about 150 employees. Sabroso makes fruit purees and concentrates for use in juices and baby foods. They are the largest supplier of the basic ingredient to the three principal baby food manufacturers in the United States—Heinz, Gerber, and I cannot remember the third one—in Medford, OR.

In this plant, lots of employees are first-generation immigrants, and you find three or four different languages. The supervisors know the languages. You find that some of the supervisors are first-generation immigrants who speak two or three languages. Here is an example of a peach puree. This is the label on it. It is designed for sale in Arabic countries. Look at the next one. This is Spanish. Twenty-eight percent of their gross is from overseas sales out of Medford, OR. This is an industry that, in terms of its mass of employees, is at the lower end of the wage scale, although it is highly capital intensive in terms of its equipment. Can they compete? You bet they can, from a mid-sized town in Oregon all over this world. They were tremendous supporters of NAFTA, and you can understand why. If you are making baby food and you are looking at a market that is young and exploding, all of that, they could not wait. They were strong supporters of NAFTA. Do not tell them you cannot compete. Let me give a second example.

Another example is Intel, the largest manufacturer of computer chips in the United States. This is an 8-inch chip wafer made in Oregon. Intel is the largest private employer in Oregon. It was founded in 1969. They are expanding one of their present plants in Oregon—a $700 million expansion—and are putting in a new $1.2 billion plant not 20 miles away from it, to make things like this. Why is this not made in Bangladesh? I will tell you why. The $1.2 billion plant is a high-end technical plant. These are not minimum-wage jobs. Why are they doing it in Oregon? I think they can do it in other States, but I am honored that they chose Oregon. There is a good education system and a good work ethic and people that understand mathematics on the production level.

I went through the current Intel plant on my last trip to Oregon and you can look at the clean room. Twenty years ago, it was just a white coat. Now these people are smocked in devices that look like they are from Star Wars. They are catching their breath in a pipe that runs through an oxidizer on their back as they walk around so that nothing gets in or out of this room. All it takes is a speck of dust on the wafer and it is ruined. Do you have to ask any more than to say I understand why they are not making it in Bangladesh? There is not a nondusty place there 9 months of the year, and the other 3 months it is under water. Tremendous employment, done here.

Third, Denton plastics. Denton plastics is a plastic recycling company that is 11 years old. It only has a few score employees now. The plant has doubled its employment. It takes plastic trash—here a good example. They will take this—and I have been in their plant. It is an immense warehouse full of boxes of junk like this that they take, heat up, grind up and turn into little pellets like this.

They are different colored pellets, if necessary, black color or white color, and sell them all over the world, which companies use all over the world.

Here is the bag I was looking for which I want to use as an example. See the green on here, it is just a plastic sack. But in order to sell these, in order to make them into black or whatever color you want to make them into you have to have a uniform color. That is no problem. You kind of cut out the colored part and throw the rest in the hopper, grind it up, heat it up, and out comes the little pellets.

It does not work that way. What you do is you got something like this. There must be 15 colors on here. They have invented a process that lets them take this, run it through their process, and somehow it bleaches it and all the colors come out uniform.

Dennis Denton, the President of the company, sells in China. I have a yo-yo here that he sells in China. He has been to China and seen China try to duplicate it.

What? Are you trying to compete with China? What are you doing in China, with cheap labor, tackling something like this; cutting out each color and putting them in different pots. All the yellow in this pot, all the green in that pot. No wonder they cannot beat him. He is paying wages that start at $6.50 or $7 an hour, and $8 or $9 an hour for high-production people, and higher than that. These are not high-wage jobs, but they are not minimum-wage jobs. He says he will always stay one step ahead of the Chinese one way or the other. He is selling overseas tremendously.

My last example is Freightliner. Freightliner makes big trucks. We have all seen them on the road. Thus, Freightliner is now the biggest manufacturer of big trucks in the United States. They own International Harvester, which they acquired a couple years ago. They have a plant in Oregon with 2,200 employees, a plant in North Carolina with about 2,300 employees—Mount Holly.

Both of those plants are unionized. North Carolina is the automobile workers. Oregon is the International Association of Machinists. The wages in the Portland plant, counting fringe benefits, are at the high end of production scale, about $25 an hour, $3 or $4 less for starting wage. But by any measure this is a high-wage employer.

How can they compete, you ask? I will give you an example. At the moment Freightliner ships these trucks to Mexico in kit form, and they are assembled in Mexico. Part of it is the old domestic content law; part of it is the tariff, 20 percent.

I talked to the president of the company yesterday. They are now shipping 10 kits a day out of their North Carolina plant to Mexico. He says as the tariffs come down, the line at which it is cheaper to do it here than Mexico crosses in about 1998, and from that point onward they are going to make all the trucks in final form here, send them down to Mexico for sale. They cannot wait for the opportunity to be able to do this all over the world. This is a company paying about the top of the scale in wages and competing anyplace in the Western Hemisphere.

So can we do it? You bet we can. How on Earth, you say, can we stay ahead? And what Mr. Denton said at Denton Plastics is "We can." He said "I will invent something new when the Chinese have a bleaching machine like I have. I will be a step ahead."

This morning I was listening to WGMS. The announcer was saying, "You know, today is the birthday of Winston Churchill and Mark Twain." And, he said, who was it that said, "East is East and West is West and never the twain shall meet," leading you to guess Mark Twain. Of course, it was Rudyard Kipling.

I thought to myself Kipling said it better than anyone else when he said it in a poem he called "The Mary Gloster"—the name of a ship. The poem basically centers on an old man now, who was a coal scuttle on a ship as a boy of 14 and 15; worked his way up. By the time he was 16 and 17, he was a mate; by the time he was 20, captain; and he finally had his own ship at 24. In his older age he was the shipping magnet of the world. The poem is in the form of interview, of how did you get there. Here are the lines.

> I didn't begin with askings,
> I took my job and I stuck;
> And I took the chances they wouldn't
> an' now they're calling it luck.
> And they ask me how I did it
> and I gave them the scripture text,
> "You keep your light so shining
> a little in front 'o the next!"
> They copied all they could follow
> but they couldn't copy my mind,
> And I left 'em sweating and stealing
> a year and a half behind.
>
> (From the "Mary Gloster"—Rudyard Kipling)

We can compete. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, might I yield myself 3 minutes just to comment on the extraordinarily able presentation by my friend and colleague, the Senator from Oregon, and to make two points, if I may, with respect to issues that have been raised in this matter.

In the course of the crisis in the 1970's when American automobiles might not have been as high or the right size, and oil prices were going up, we enacted in 1978 the so-called gas-guzzler tax, the corporate average fuel economy [CAFE] registration. The European union took us to arbitration, to the GATT panel, on that issue, saying it was designed to keep European imports out; it was nominally environmental, in fact, protectionist.

On September 30, Mr. President, this year, a GATT panel said no, it was not; it was a legitimate environmental concern. We prevailed. And we will. Where the purpose is legitimate it will be so found. That has been our experience.

Finally, sir, the most elemental of all products in the industrial age is steel. American steel fell behind. The Japanese, who were getting their technology from Austria, the coal from West Virginia, and iron ore from Australia, were underselling us. No more. We are the low-cost producer in the world.

This morning in the New York Times there is a story, "Steelmakers' Quest for a Better Way," if I can just read the opening paragraph and one other.

> Even as it enjoys one of its biggest booms in decades, the American steel industry is investing big money in technologies to carry it through the inevitable next downturn.

And then this, sir.

> The price of steel today in real terms is the same as it was in 1985. . . .

That is what productivity is all about. That is what your plastics man in Denton, did the Senator say?

Mr. PACKWOOD. Denton Plastics.

Mr. MOYNIHAN. He is just going to keep productivity ahead and prices, relatively speaking, down.

Our automobiles are back. Steel is back. Plastics are ahead. Intel is ahead of everything you ever heard of. We are the world's lowest cost producers. We are asking the Senate to let us trade worldwide.

That is all, Madam President. I believe the facts are overwhelming.

Mr. PACKWOOD. Mr. President, if the chairman will yield, perhaps the greatest example of all is agriculture.

At the turn of the century we used to be able to feed seven people with one farmer. By the turn of the next century we will feed at least 100 people with one farmer.

You say how could a farmer possibly pay several hundred thousand dollars for a combine, thousands of dollars for a tractor beat someone with an ox and a plow. And we beat them in productivity. Agriculture is one of our largest successful balance of trade merchandise exports and we will get better and better and better as the markets and barriers are more open to us.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, let me congratulate the distinguished Presiding Officer.

The PRESIDING OFFICER. Thank you very much.

Mr. HOLLINGS. I am glad to see her back.

What happens, and let me put it to bed immediately, agriculture is the most protected, subsidized of all of America's produce. We all know it. We vote for the price support programs. We put in the Export-Import Bank to finance it. We put in export promotion programs, and everything else. I believe in those things, and they have been successful.

Right to the point, on Intel and steel, steel, as the Senator reads from the New York Times, we use, coming out of the distinguished Finance chairman's committee, Super 301 and being able to threaten retaliation. We did not retaliate, but we threatened retaliation to open up the market. Then we got in so-called agreements, voluntary restraint agreements, on steel, on automobiles, yes, on semiconductors. Intel benefits from the managed trade that they say they are all against.

But under GATT, Madam President, I can tell you the European commission and the booklet on Japan in their particular findings already have found our voluntary restraint agreements are GATT illegal, our Super 301 is GATT illegal. And that, in and of itself, is enough to kill this particular agreement—should kill it.

What disturbs this particular Senator is the attitude that somehow when they bring in trucks and those kinds of things, and technology, they assume the lack of intellect or experience on the other side. We know about exports. I can list down from Bosch and all the fuel injectors for the Toyotas and Mercedes. I can list our General Electric friends. I brought them in 35 years ago to make bulbs, light bulbs. Then they made cellular radios. And now they make what? Magnetic resonance images, health care, the most sophisticated instrumentality there is. And do you know what? We took the market. Florence, SC, took the market from Tokyo. We ship over half of what we produce in Florence, SC, to Tokyo. We know about exports and we know about automobiles.

The Japanese have been dumping, dumping automobiles at less than cost.

I had, as chairman of the Commerce Committee, lined up a couple years ago on the 1989 figure of a loss of $3.2 billion that the Japanese lost in selling cars in the United States of America, I had Ford and Chrysler ready to testify to start into dumping. General Motors chickened out. That is why we do not do it. The business leadership said, rather than spending for lawyers on dumping cases, we are just going to move on out. That is our problem.

If you do not believe it continues about liking cars or not liking cars, here is Fortune Magazine, December 12. Read it. I cannot get the exact page on this one, but you can see.

> Japan Car Crash in North America.
>
> Bruised by the strong yen and the recession at home, the Japanese have made a valiant effort to boost their car sales in the United States this year. Valiant but expensive. While sales are up 5.8 percent, Japanese auto makers will lose $20.5 billion, up from $1.5 billion in 1993.

They have been losing it. Theirs is market share. And that brings me right to the point. There are two different trading systems in this global competition. Do not say, "We are competent. We can compete. We can compete."

We know that the American industrial worker is the most productive, our research is the best, our technology is the best. What is inadequate, downright dumb, is us, the Government, right here. That is what is not competing. Do not sell me off about we are against the American workers and all that and give me the patriotism.

What happens is, there are two different systems entirely. We follow Adam Smith, David Ricardo, competitive advantage, free markets, open markets, open competition. The Japanese and all the countries in the Pacific rim follow the federalist Alexander Hamilton of closed markets. They measure the wealth of a country not by what it can buy, but by what it can produce. And their decisions are made as to whether or not it weakens the economy or strengthens the economy.

And all of these Senators run around moaning and groaning about fair play and quit cheating and we want a fair trade and all those kinds of things.

There is no moral question of fairness or unfairness. It is a calculated, definitely successful method of trade.

And not only are all the Pacific Rim countries following it, read the most recent issue of Business Week and you will find, Madam President, that Business Week says Eastern Europeans coming in from communism into capitalism are following not the American system but the Pacific rim system of design for market share. That is what it is—the strength of a country.

And we are running around talking about the price of consumers. When the poor Senator says we have got 200 jobs for trucks in Oregon, we have got 300 jobs for trucks in North Carolina, he does not understand what he says, because he says we are the largest manufacture of that particular equipment. Well, it is the largest, 500 jobs. We are talking about jobs. Transportation equipment in the United States in the last 5 years has lost 278,000 jobs. And that is why the Senator can stand on the floor and say the largest we have got has only got 300 jobs in North Carolina and 200 jobs in Oregon.

Going to those particular two systems, what happens over the years. We failed to compete as a government intentionally. We sacrificed, if you please, our economy to keep the alliance together under the cold war.

And let us go immediately now to the Tokyo round and where we are at this particular time, because we heard all of these arguments under Ambassador Strauss in the previous administration in 1979, under President Carter.

What is particularly annoying is that the leadership in this town, Republican and Democrat, fail to recognize reality and the real competition that they are in. That is the frustration of the American voter that you faced here just a couple of weeks ago and it continues. It is not over now.

Oh, they can run around and take away from committees and they can run around and cut this and say we all are going to be subject to the same rules, but if we do not get this Government competitive on jobs, on creating an industrial backbone that we are fast draining off, we all should go down the tube. We do not have to pass term limits. They will limit you. You go in to bat in 2 years, 4 years from now, we all will see the result. They promised me the jobs.

The actual figure, undisputed—and we had eight separate hearings in the Committee of Commerce, very few people were around, but they were covered by C-SPAN—we have lost 3.2 million jobs under what we got. Now here, instead of creating jobs, they talk about what is going to happen in the future.

We heard that in 1979, that we were going to all burst out with all of these jobs. We have lost jobs. The average worker who has really got a job—a lot of people are back into part-time jobs and everything else of that kind, those are the only ones created—are making 20 percent less.

And what happens? This is a trade debate, the General Agreement on Tariffs and Trade. And what happens on trade? An average of a $100 billion deficit. Not exports. Yes, exports might go up X percent, Y percent, G percent, 50 percent, 300 percent, but never, never more than imports. Imports are coming in faster.

Yes, exports create jobs, but imports lose the jobs, and we are losing them at $100 billion a year. And, according to their own measure, every billion dollars represents 20,000 jobs. So we are losing 2 million jobs a year. This year, 1994, that is a $150 to $160 billion trade deficit. That is 3 million jobs lost. And they continue to think they are leading. "This is a wonderful moment in history. The allies will wonder whether we continue to lead." Continue to lead. That is nonsense.

We are losing. The poor President goes out to the Far East a couple of weeks ago with a $150 billion hole in his pocket and a tin cup, begging the Japanese to finance the debt. Where do you think you get the debt? Right here. This is not competing, this particular Government here, that we are all part of. We are losing.

The Japanese leaders—I have been in conferences with them. They are aghast, over the years, at our lack of competing here and enforcing our own dumping and trading laws. So after all those deficits in the balance of trade, by 1985 we had, yes—former Secretary of State Baker, he was Secretary of Treasury, and ran the White House—he devalued the dollar in 1985 with the Plaza Agreement and put the United States of America up for a half-price sale and the Japanese came running and bought up the Metro Goldwyn Mayer, all the studios out there in your back yard—the Plaza, Algonquin Hotel—bought up everything. They bought up the farms. We did not have to worry about shipping beef to the Japanese. They just bought up the farms and shipped back their own beef at half price. Come on.

What has been going on is that we are in a disastrous decline—a disastrous decline. The headline just before the election said "Rising Tide Fails to Lift." There is no rising tide. We are losing jobs. We have 40 million hungry in America. I wrote a book on hunger. It used to be 12 million. Now there are 40 million out there. How many homeless? Millions are homeless. How many on, heavens above, half the take-home pay?

So they are all for the family. What breaks up the family? When you are only getting half, 20 percent, of what you were making, the wife has to go out and you get the latchkey children.

So they think it is a moral thing, that we have to get the wives and the mothers to look after children more. It is economic decline. They look after the children trying to earn bread to put it on the table. Who is causing latchkey children? We are.

In crime? They are all against crime—three strikes and you are out. Build more prisons. There are 64,000 textile jobs in the Bowery in New York, sewing jobs; there are 60,000 out there in Los Angeles, in Watts. They get $6.30 an hour and get all the requirements. We burden our system, business: Clean air, clean water, minimum wage, plant closing notice, parental leave, Social Security, Medicare/Medicaid, safe working place, safe machinery—on and on, up and up. Those jobs move to Mexico and now to the Pacific rim, all gone. And you have a little candidate running all around here with his blow-dry, hollering, "Enterprise zone, enterprise zone." We are taking, today, the enterprise out of the zone. That is what causes the crime, when we lose the jobs that we have there in the inner city: Newark, New York, Los Angeles, Chicago, Cleveland. Go around the country and find out what is happening. That is what the American people say: Get off your duffs and start competing here. Because this Tokyo round has been a disaster.

Madam President, what has been the change? One, they talk about tariffs. Back in 1947, tariffs were nothing—absolutely nothing, relatively speaking. The average tariff in Japan is 2 percent. The average tariff here is 4 percent. Cut it 50 percent? That is not the case. It is nontariff barriers. That is why Ambassador Kantor went working all year long. He had this GATT agreement back in December. He has been working all year long to get an agreement with the Japanese, but he comes around and says, "We will all work under the same rules." We are not going to all work under the same rules. We are not going to open up any markets.

If they thought so, they put him on notice out there in Malaysia and Indonesia. The trade executive in Indonesia said we are not going along with it.

> Kuala Lumpur, Malaysia, today expressed its objection to any efforts for enforcing trade liberalization. Minister of International Trade and Industry, Ricardo Seed, said it is mooting market liberalization. No OPEC member should push another member to open its markets.

So what did they do? They came away and said open them by the year 2020, 25 years from now, and they hail that as, "We have progress. We are opening up markets. We are creating jobs," when we are going down the tubes. We are killing every economic or job opportunity that you could possibly think of. That is one particular change.

The other particular change is America's security is like on a three-legged stool. We have the one leg, the values of the country—strong. Feeding the hungry in Somalia, building democracy in Haiti.

The second leg, the military leg or power—unquestioned.

The third leg is our economic strength. And if one is fractured or tips, the security tips, and that is the condition we are in. We are on the way, as England. Years back, they told England, "Don't worry; instead of a nation of brawn, you will be a nation of brains. Instead of producing products, you will produce services and be a service economy. Instead of creating wealth, you will handle it and be a financial center." And England has gone to hell in a hand basket, economically. We can prove that. It came out in the hearings. We are on the same road, and I am trying to get us off that road, and not listen to these shibboleths about creating jobs and technology. We are losing all of the technology jobs.

What we have now, with the fall of the wall, Madam President, the big change is that we have an opportunity to quit sacrificing the economy and refurbish that third leg of the stool, our economic strength. I hope we can go after this in a deliberate way and understand that it is not the rule of the jungle or anything else.

We have a virtual veto under the present GATT. We lose our veto under this GATT. I have 50 witnesses and they cannot point to me where I have a veto and they have to go to it.

I see now I am pretty well limited in my time. Let me yield to the distinguished Senator from Ohio and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Madam President, I rise in opposition to the passage of GATT, The General Agreement on Tariffs and Trade. Before I discuss my concerns with the agreement, let me frankly say I wish I could support the President on this matter, especially in light of recent events. I strongly believe the President has been misunderstood and unfairly maligned. He has done much to improve the direction of this country and deserves far more praise than he has received. But I am frank to say that I have many deep concerns about this agreement and I just cannot support it.

Today, I want to focus on the impact of this agreement on children. Up to now, there has been virtually no discussion about this critical issue. I recently held a hearing of the Labor Subcommittee on International Child Labor Abuses and, frankly, I was deeply shocked by what I heard. Around the world today, as many as 200 million children are subjected—200 million children are subjected—to abusive labor practices in sweat shops, in mines, in factories, and in the fields. The more advanced and mobile our productive technology gets, the more easily it can be run by children in impoverished countries.

Walk into a clothing store like the Gap, or the Limited. You will have a very hard time finding any garments made in the United States. I did that the other day, just to explore for myself. It is very difficult to find anything made in the United States. But you do find clothing made in low-wage countries such as Thailand, China, the Philippines, Brazil, Honduras, Korea, and so many other countries. In many of these countries, a substantial percentage of the apparel industry is comprised of children, and working conditions are horrendous. Child labor is also widely used in many other countries in the production of toys, in carpets, in jewelry, and in numerous other exports.

I ask unanimous consent, Madam President, that a list of these countries be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNTRIES WITH DOCUMENTED CHILD LABOR VIOLATIONS

Bangladesh—Childen make up an estimated 40 percent of garment industry workers there, despite national laws that prohibit employment of children under the age of 14.

Brazil—1,300 children under the age of 14 work illegally in the footwear industry, which exports $1.4 billion worth of merchandise to the U.S.

China—Children between the ages of 10 and 16 spend 14 hours a day working for foreign-owned companies

Colombia—Children as young as 11 work in the fresh cut flower industry where they are exposed to toxic substances present during and after the spraying of pesticides.

Cote D'Ivoire—Children as young as three years old work in the gold mining industry

Egypt—Children in the export-oriented leather industry average 11.7 years of age and work an average of 12.8 hours a day.

India—India has the largest number of child workers in the world: an estimated 100 million, including some as young as five in the silk and fireworks industries.

Indonesia—Children make up a portion of the export industry workforce, for which they work an average of 7–13 hours a day, 7 days a week. They earn an average of $4 a week for their work.

Lesotho—Children under the age of 14 work in at least ten different foreign owned factories that assemble garments exported to the United States.

Mexico—Many children under the age of 14 are found working in the maquiladoras, which are affiliates of American-owned companies that assemble goods for export.

Morocco—Children as young as eleven work in leather workshops, where they are exposed to toxic chemicals and work with hazardous machinery.

Nepal—Five year olds working 15 hours a day in Nepal's carpet export industry earn approximately $25 for a carpet that will retail in the U.S. for $4,000.

Pakistan—Millions of children suffer under a system of "bonded labor", a situation in which children pay off their parents' debts through forced labor. It is estimated that 50,000 children in the bonded labor sector will die before the age of 12 because of disease and malnutrition.

The Philippines—Children work long hours in unhealthy and crowded conditions and are paid less than one-third of the minimum wage.

Portugal—Children are paid 10 percent of an adult's wages working in the garment industry that exports $60 million in merchandise annually to the U.S.

Tanzania—Children make up 30 percent of the workforce in the sisal (rope and yarn) industry, which exports $2 million in merchandise to the U.S.

Thailand—Children working in the leather industry, which exports products to the U.S., are given amphetamines to keep up their strength during their 15 hour days.

Source: *By the Sweat and Toil of Children: The Use of Child Labor in American Imports.* U.S. Department of Labor, 1994.

Mr. METZENBAUM. Global trade may bring great riches to multinational corporations and even to some developed nations, but for millions of children around the world it is an unmitigated disaster, bringing oppressive working conditions, rampant illiteracy, unbroken cycles of poverty, and an ever-widening gap between rich and poor.

Incredibly, the GATT Treaty not only ignores this problem, it will encourage even more employers to exploit the children of the Third World in the manufacture of goods for the U.S. and other developed markets.

I am a cosponsor of Senator HARKIN's bill to ban the importation of goods made with child labor. But in a recent letter, U.S. Trade Representative Mickey Kantor informed me that GATT would actually make that bill illegal under the new World Trade Organization's rules. Now, Mickey Kantor is a longtime friend, one who has done superb work as the U.S. Trade Representative. But according to Mickey Kantor, under the GATT Treaty, "the United States could not block the importation of a product made by child labor consistent with our obligations under the GATT."

How can we approve a treaty that not only ignores the problem of international child labor, but actually prevents us from doing anything about it in the future?

I suspect that the American people, as well as most of my colleagues, have no idea of the scope or depth of this problem. So let me set forth some basic facts.

We are talking about children—kids forced into slavery, subjected to torture and physical abuse, all in the name of free trade, to produce goods for U.S. markets. Instead of meeting this problem head on, GATT will only make it worse.

Today, in many developing nations, millions of children are paid pennies an hour for their labor.

Many of these children will die of disease, exhaustion, physical abuse, or starvation.

Those who are lucky enough to survive the horrors of forced child labor will never lead a normal adult life.

By working instead of going to school, child laborers are doomed to perpetuate the cycle of poverty.

It is outrageous that these conditions exist, and we are talking about passing the GATT Treaty and not doing a damned thing about it. Even worse, they are doing nothing to address the problem. GATT will not help—it will simply hurt, by limiting our ability to address this problem in the future.

Mickey Kantor further tells me that "there will undoubtedly be cases where we will advise Congress that we oppose legislation because it is inconsistent with our international obligations."

I ask unanimous consent that the text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. TRADE REPRESENTATIVE,
Washington, DC, November 22, 1994.

Hon. HOWARD METZENBAUM,
Chairman, Subcommittee on Labor, U.S. Senate, Washington, DC.

DEAR CHAIRMAN METZENBAUM: I am writing to respond to the concerns you have expressed about trade and child labor, and specifically to address the questions you have raised about the impact of the Uruguay Round agreements on our ability to ban imports made by child labor. I also want to take this opportunity to explain the relationship between these agreements and our laws on health, safety, and environmental protection.

The Uruguay Round agreements, which will be administered by the new World Trade Organization (WTO), reflect an unprecedented degree of agreement by 128 nations about the rules under which international trade should be conducted. The Administration believes that they will benefit U.S. companies, farmers, workers and consumers for years to come. We did not, however, reach agreement on every issue of importance to us, and the agreements do not establish any international rules governing the importation of products made by child labor.

There has been no decision under the GATT addressing whether a ban on the import of products made with child labor would be consistent with GATT rules. Under the general analysis that has developed under the GATT, the question whether a product was made using child labor is a question relating to the processes or production methods (PPMs) associated with that product. There is currently a great deal of discussion in the GATT about the ability of countries to distinguish between products based on PPMs that do not have an impact on the physical characteristics of the product. For example, this is one of the areas the United States will be pursuing in the Committee on Trade and Environment, since PPMs may have important implications for the environmental impact associated with a product.

To date, several panel reports under the GATT have found in general that, under the national treatment rules of Article III, a nation cannot block importation of a product of GATT contracting parties on the basis of an objection to the PPMs involving that product that do not have an impact on the physical characteristics of the product. Consequently, under this line of reasoning the United States could not block the importation of a product made by child labor consistent with our obligations under the GATT, unless it fell within an exception to the GATT rules. (For example, Article XX of the GATT provides general exceptions to the GATT rules, including exceptions for measures "necessary to protect human, animal, or plant life or health" and for measures "relating to the products of prison labour.")

The Uruguay Round agreements changed neither Article III nor Article XX of the current GATT, both of which are carried over into the new GATT 1994. Accordingly, it should be clearly stated that the rules for the treatment of products made from child labor under the WTO are not different in this sense from the rules under the existing GATT.

Furthermore, while our ability to block the adoption of panel reports will be restricted under the new dispute settlement procedures, this will not in any way diminish our right to enforce U.S. legislation. This means that if Congress enacted legislation banning the import of products made by child labor, and a dispute settlement panel were to find that legislation to be inconsistent with GATT or WTO rules, we would still have the sovereign right to retain that legislation.

At the same time, the Administration takes U.S. international obligations seriously. Thus, there will undoubtedly be cases where we will advise Congress that we oppose legislation because it is inconsistent with our international obligations. But there will certainly be instances where Congress, in pursuit of a goal of overriding importance, will legislate irrespective of our international obligations. Under the WTO, Congress will remain free to do so.

We believe that the real issue is how to begin dealing with the scourge of child labor generally. Toward that end the Clinton Administration has taken a number of steps.

First, we have launched a multilateral effort to incorporate internationally recognized labor standards within the rules of the global trading system. We are leading the effort to build a consensus on enforcing standards that have already been agreed to by a large number of countries. A minimum age for the employment of children is one such standard.

Recognizing the need for and desirability of such policies, GATT Contracting Parties have agreed to discuss intenrationally recognized labor standards in the Preparatory Committee leading to the World Trade Organization. Despite bipartisan support from three Presidents and the Congress, this is the first time that we have achieved a breakthrough of this kind in the GATT framework. In addition, the Administration is contributing resources and expertise to the International Labor Organization's program to eliminate child labor around the world, thanks in large part to Congressional leadership.

Second, our law on the Generalized System of Preferences (GSP) requires that beneficiary countries must have taken or be taking steps to afford internationally recognized worker rights, including a minimum age for the employment of children. This is an overarching issue that affects a country's entire eligibility for GSP. Pursuant to this authority, the Administration formally reviewed worker rights practices in more than 30 countries; child labor practices were a particular issue in our GSP reviews of Bangladesh, Pakistan and Thailand. In seeking to renew GSP next year, we intend to consult closely with the Congress on the application of this authority.

Third, at Congressional urging, the Labor Department recently completed the first-ever review of international child labor practices. The report provides an overview of the causes of child labor throughout the world and documents child labor practices in 19 countries. It focuses specifically on identifying any foreign industry and their host countries that utilize child labor in the export of manufactured products from industry or mining to the United States. The Department will continue its investigation in the coming year.

Let me now discuss the relationship between the Uruguay Round Agreements and U.S. food safety and environmental laws. A more detailed discussion of these issues is contained in the Statement of Administrative Action (SAA) and in the "Report on Environmental Issues" that were submitted to the Congress along with the Uruguay Round Agreements.

1. FOOD SAFETY RULES

Our negotiators had strong environmental and food safety laws fully in mind in concluding the Uruguay Round agreements with our trading partners. As a result, the agreements recognize the right of each government to protect human, animal, and plant life and health, the environment, and consumers and to set the level of protection for health, the environment, and consumers—as well as the level of safety—that the government considers appropriate.

Under the WTO, most food safety laws will be covered by the "Agreement on the Application of Sanitary and Phytosanitary Measures" (S&P Agreement). The Agreement will permit us to continue to reject food imports that are not safe. Moreover, it will not require the Federal Government or States to adopt lower food safety standards.

The S&P Agreement calls for food safety rules to be based on "scientific principles." That is important because many countries reject our agricultural exports on non-scientific grounds.

As a general matter, the FDA and EPA (which participated directly in the negotiations of the S&P Agreement), as well as the States, base their food safety regulations on science. Thus, meeting the basic requirement of the S&P Agreement should pose no problem for U.S. food safety rules.

It is worth noting that the rule in the Agreement requiring a scientific basis applies to S&P measures. It does not apply to the level of food safety that those measures are designed to achieve. Each country and—in the case of the United States each State—is free to establish the level of protection it deems appropriate. That means, for example, that the "zero tolerance" level for carcinogens mandated by the Federal "Delaney clauses" are entirely consistent with the Uruguay Round agreements. Furthermore, a government may establish its levels of protection by any means available under its law, including by referendum.

While the S&P Agreement contains a general obligation to use international standards, it produces the ability of governments to use more stringent standards if they have a "scientific justification." The S&P Agreement makes explicit that there is a scientific justification if the government determines that the relevant international standard does not provide the level of food safety that the government determines to be appropriate. Far from undermining U.S. laws, this language serves to make clear that no "downward harmonization" is required for those laws.

Under the S&P Agreement, food safety rules imposed by the States will be subject to the same rules as those for Federal restrictions. But the Agreement does not require that States use the same food safety standards as the Federal Government.

2. ENVIRONMENTAL AND HEALTH RULES

Most environmental and health-based product standards for industrial and consumer goods will be covered by the Agreement on Technical Barriers to Trade (TBT Agreement). The new TBT Agreement carries forward, with some clarifying and strengthening modifications, the provisions of the existing GATT TBT Code, which entered into force for the United States in 1980.

The TBT Agreement recognizes that countries may set standards for products in order to protect human life, health, or safety or the environment. U.S. regulations prescribing safety standards for infant clothing, or banning the presence of PCBs in consumer products, are the types of product-oriented measures covered by the TBT agreement. The Agreement makes clear that the level of protection the Federal Government or a State seeks to achieve through standards of this kind is not subject to challenge.

In general, our State and Federal clean air and clean water laws and regulations are directed at controlling pollution generated in industrial operations. Not only do these laws generally not raise trade-related questions, they are generally not even covered by the new TBT Agreement since they do not set product standards. Where those laws do set product standards, as for automobile emission controls, they will be treated like the other product standards described above. Both the S&P and TBT provisions of the Uruguay Round agreements will allow each State to maintain stricter safety standards than the Federal Government in order to achieve the level of protection that the State considers appropriate.

On the question of environmental standards, let me point out that the recent GATT panel report on the European Community's challenge to three U.S. automobile laws lays to rest fears that WTO panels will interpret the GATT in a way that challenges our ability to safeguard our environment. The panel report on our Corporate Average Fuel Economy (CAFE) rules, gas guzzler tax and luxury tax explicitly upheld the sovereign power of governments to regulate their markets and their environments. The panel report confirms the broad discretion of governments to distinguish among products in order to achieve legitimate domestic policy objectives, such as progressive taxation, fuel conservation, clean air and water, and responsible energy use.

You have raised important questions concerning the Uruguay Round agreements. I hope that you find these comments informative and reassuring. Please let me know if you need more information.

Sincerely,

MICHAEL KANTOR.

Mr. METZENBAUM. Mickey Kantor goes on to say Congress "will remain free" to pass legislation "irrespective of our international obligations." What does that mean? Would such a law be valid? Would the President be obligated to veto it, or would it be invalidated by the WTO?

I do not know. I do not know the answer. But my guess is and it is quite clear that we are not in a position to pass restrictive labor with respect to the importation of products made with child labor.

I want to speak to my colleagues on a personal basis. How would you feel if your children were forced to forego their childhood to perform long hours of back-breaking work for little or no pay?

Do not your children—and all the children of the world—have a right to be children, to be kids?

Many Senators may be skeptical as to whether child labor conditions are really as bad as I have suggested. Do not take my word for it. Let me give you some real life examples from the Labor Subcommittee hearing I chaired this past September.

Kailash Satyarthi of India has rescued thousands of children from forced labor. Today, India has the most child laborers in the world, 100 million of them. In the carpet industry, children work on looms in damp, dark pits for less than a dollar a day. Kailash told us that many children are lured by promises of learning a trade, only to find themselves enslaved hundreds of miles from home. Some are sold by their parents for as little as $50; still others are "bonded" laborers who work to pay off a family debt. The backbreaking work causes spine deformities, skin and respiratory diseases. Children who make mistakes in their work are beaten and tortured. When children cut their fingers during weaving, some employers scrape sulfur into the child's wounds, and set the wounds on fire to prevent the child from bleeding on the carpet fibers. Some employers have even branded their child workers to indicate ownership.

I am not making this up—it is true. It is outrageous. Just look at these pictures.

This girl, too small even to spin the spindle, spent 14 hours a day spinning silk thread in Bangladesh. This child does not go to school, but instead works 14 hours a day in a silk thread mill in Magati, India. These bonded carpet workers are forced to work because of debts owed by their parents in Mirzapur District in India.

What are we doing? How can we be indifferent? Does not the milk of human kindness run somewhere through our bodies? Instead of doing something about it, we are slamming the door and saying, "We can't do anything about it in the future."

It is a travesty for us to pass GATT and not do anything about child labor. Have we no heart? As parents and grandparents, can't we realize that we have an obligation to exclude the products of child labor from our markets? GATT won't accomplish this—it will actually prevent us from taking such a step.

Nazma Akther, a young Bangladeshi woman, also testified before our subcommittee. She went to work in a garment factory in Dhaka, Bangladesh, at the age of 11. Nazma worked an average of 70 hours a week, for about 3 cents an hour. That is right, 3 cents. According to press reports, some Bangladeshi children are burned with hot irons, scalded with boiling water or hung up by their hands if they work too slowly. Sixty percent of the Bangladesh garment industry's production is exported to the United States. There are other cases.

Roberto Juimaraes also testified. He went to work full-time in the Brazilian shoe industry when he was 11. Roughly a third of the industry's workers are under 18, and many are under 14. Roberto and his coworkers earn as little as 35 cents an hour, and are exposed to toxic chemicals which cause ulcers, vision impairment, and nervous disorders. Most of the shoes from Brazil are exported, where? Of course, to the United States.

The media and international human rights organizations have reported countless other examples. They include children in Peru who are taken deep into the jungle to pan for gold. Many die of malaria or other diseases; many others are killed by their employers to avoid payment of wages. True. Unbelievable, but true. They include children as young as 3 in mines, in the African Nation of Ivory Coast. They include children in Thailand's leather industry who are fed amphetamines so they can work long hours, sometimes even 2 or 3 days, without sleep.

These are appalling, tragic stories. But make no mistake about it, GATT completely ignores the problem of child labor, and will only make matters worse.

In good conscience, we should not lower these trade barriers unless we first address these flagrant abuses of children's rights.

But as I have already stated, we will effectively be precluded from addressing this problem if we adopt GATT.

Do we not, as a civilized nation, believe that children should have a right to be children? That they should be free from exploitation?

If we will not stand up for our children, what will we stand up for?

Tragically, rather than making aggressive efforts to end child labor around the world, U.S. policymakers have historically been indifferent to the problem.

Every year, American consumers unknowingly purchase billions of dollars' worth of goods manufactured by children. Let me show you an example. This is a Liz Claiborne sweater, which my staff purchased at a Hecht's department store here in Washington for $58. On the tag, Liz Claiborne tells you this was "made in Honduras," but there is much more to the story.

At the subcommittee hearing, I heard testimony from one of the young Honduran girls that made this sweater and thousands more like them. Lesly Solorzano is a beautiful, intelligent, and poised young girl, but she told a tragic story.

These sweaters are made by girls as young as 13, for a paltry 38 cents an hour, with no benefits. The girls work up to 80 hours a week.

According to Lesly's testimony, the girls are sexually and physically abused on a regular basis by their superiors.

But the label just says "Made in Honduras." But if it said, "Made in Honduras by young girls working long hours in terrible conditions for pennies an hour, and subjected to physical and sexual abuse," I doubt that many Americans would buy this sweater.

In fact, according to the National Consumers League, 74 percent of its members would not buy a product if they knew it was manufactured by children.

Certainly, the multinational corporations that are involved in these production methods share some of the blame.

Liz Claiborne has taken significant steps to remedy the problem we uncovered, and the company is to be applauded for its actions. But there are thousands of other multinational firms that have allowed these practices to continue.

Has the Gap, Hecht's or any other department store raised a question as to how these products are being made and what kind of kids are being exploited to make them? Those stores can and should move forward to protect the children. But we have an obligation as legislators to do more. Instead what we are doing is slamming the door down and saying that we in Congress cannot do anything in the future about this.

This is our chance to do something about the problem. We should make sure that American consumers can make informed decisions about the products that they buy. But instead of addressing the problem we are here debating how to bring even more products manufactured by children, by kids, into the United States. Incredibly, that is just what the GATT treaty would accomplish.

So as this chart shows, 175 nations have recognized the right of children to be protected from economic exploitation—175 nations have signed the U.N. convention on the rights of the child but the United States is only one of a handful of nations that has not signed this convention. What are we waiting for? Mozambique has signed it, Morocco has signed it, Ghana has signed it, and Belgium has signed it. But not the United States. Instead, we are here talking about a GATT treaty which will make it even more difficult to protect the rights of children.

It is equally unacceptable that 46 nations have signed the ILO Convention which establishes a minimum employment age, but the United States has not. Why not? Our silence has been deafening. Our inaction is embarrassing.

As a world leader, the United States should attack the problem of child labor aggressively, with a combination of sticks—such as trade sanctions and import bans—and carrots, such as technical assistance and aid for education.

Most importantly, we must link free trade privileges to child labor protections.

But the GATT treaty not only fails to do so, it will actually prevent us from addressing this problem in the future. It sends an unmistakable message to U.S. and foreign manufacturers: Go right ahead and exploit the world's children, and then bring the fruits of their labor to our markets, and we will meet you with open arms.

GATT may be a boon for many of the world's multinational corporations, but for the world's children, GATT spells disaster.

Madam President, I will have more to say about GATT during tomorrow's debate. I have many additional concerns about this agreement.

But I am frank to say that GATT's impact on children or its failure to do anything about the problem of child labor in the world is reason enough to oppose it all by itself.

Madam President, I reserve the remainder of my time.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that an article by Prof. Kaushik Basu of Cornell University be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 29, 1994]

THE POOR NEED CHILD LABOR

(By Kaushik Basu)

Something like 100 million children worldwide work as laborers, 98 percent of them in poor countries. Many, if not most, work for long hours and minuscule wages.

This tragic phenomenon is being used as a club with which to beat the General Agreement on Tariffs and Trade, which Congress is considering this week. In a separate measure, some lawmakers have proposed banning the importing of goods produced using the labor of children under 15. GATT includes no such restrictions, although it might take up the issue in the future.

But while the effort to ban child labor has the support of many well-meaning people and groups, it is based on deeply flawed premises.

First, its inspiration is clearly protectionist. An early version of the bill reads, "Adult workers in the United States and other developed countries should not have their jobs imperiled by imports produced by child labor in developing countries." (The current version, which is far more polished, omits that sentence.)

But even if the bill's sponsors are motivated solely by concern for children, their logic does not stand up. To seek the abolition of child labor is to claim that we are more concerned about the well-being of the child than are the child's parents. And while some parents in every country are callous and abusive, it is patronizing in the extreme to suppose that the cause of mass child labor in so many poor countries is lack of parental concern.

Few parents would send their children to work unless they were driven to it by poverty and hunger. While child labor should be illegal where it is aberrant, as it is in rich countries, it needs a different antidote where it is a mass phenomenon.

In those countries, the right way to battle the problem is to improve opportunities for the poor—to provide not just free education, for example, but incentives (like free meals in school) to make sure that the poor take advantage of it. Such measures can be described as collaborative, since they rely on choice—unlike a ban, which overrides individual choice.

Of course, it can be argued that a U.S. ban on tainted imports would compel third world governments to adopt collaborative measures to minimize child labor. The current version of the child labor bill does talk, if briefly, about the need to support primary education, rehabilitation and other efforts.

But this provision is clearly an afterthought; it did not appear in the earlier version, and there is no indication how it would be carried out. More important, it puts too much faith in governments' capacity to do what is best for children.

It is much more likely that a third world government with chronic fiscal problems, when confronted by a ban on the export of products made with child labor, will do exactly what the U.S. bill proposes: ban child labor. And that would be an unmitigated disaster for most families that send their children to work.

Some time ago in New Delhi, we had a 13-year-old girl, Lalita, who came to work in our house mornings and evenings. After a couple of weeks, in an effort to banish child labor from our household, we gave her notice and offered to pay her a little not to work.

Lalita came back the next morning with her father. A bedraggled man, he was a rickshaw puller. It was immediately evident that he loved his child. He begged us to take her back because the family would perish otherwise. We decided to listen to him.

I cannot hope to change the minds of those who seek a ban on child labor simply to protect their own profits. But for the larger number who support the bill out of a genuine concern for the welfare of children, common sense dictates that an outright prohibition is the wrong way to go. While we must make every effort to make child labor unnecessary, we must not ban it.

Mr. MOYNIHAN. Madam President, I congratulate the Senator from Ohio, and I call to his attention the ILO, the International Labour Organisation convention concerning the minimum age for admission to employment, Convention Number 138. It is a happy but not coincidental circumstance that in 1934 when the reciprocal trade agreements program began the United States joined the International Labour Organisation. This was an undertaking which President Roosevelt felt he had an obligation he had inherited from Woodrow Wilson. The first meeting of the ILO took place just down Constitution Avenue in the Pan American Building, and in which we did join. We have been a member now for 60 years, and we have finally begun ratifying ILO conventions, which are treaties and have the force of law.

In the last 5 or 6 years we have ratified four. I have been the floor leader generally speaking, for example, on the most recent concerning the abolition of forced labor, in 1991. Senator PELL has been very supportive in the Committee on Foreign Relations. Of these four labor treaties, as they are interesting to call, with one exception all the votes were unanimous. For the one that was not it was 81 to 2.

So I hope that we might take the vigorous statement of the Senator from Ohio and his challenge to address the Convention No. 138.

I ask unanimous consent that the text of that Convention be placed in the RECORD also.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONVENTION NO. 138.—CONVENTION CONCERNING MINIMUM AGE FOR ADMISSION TO EMPLOYMENT[1]

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

ARTICLE 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

ARTICLE 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement—

(a) that its reason for doing so subsists; or

(b) that it renounces its right to avail itself of the provisions in question as from a stated date.

ARTICLE 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

ARTICLE 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

ARTICLE 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned,

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[1] Date of coming into force: 19 June 1976.

where such exist, initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article—

(a) shall indicate in its reports under article 22 of the Constitution of the International Labour Organization the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;

(b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

ARTICLE 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, and is an integral part of—

(a) a course of education or training for which a school or training institution is primarily responsible;

(b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or

(c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

ARTICLE 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is—

(a) not likely to be harmful to their health or development; and

(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which was availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

ARTICLE 8

1. After consultation with the organizations of employers and workers concerned, where such exist, the competent authority may, be permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

ARTICLE 9

1. All necessary measures, including the provisions of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified whenever possible, of persons whom he employs or who work for him and who are less then 18 years of age.

ARTICLE 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, the Minimum Age (Underground Work) Convention, 1965.

2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

4. When the obligations of this Convention are accepted—

(a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

(b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

(c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

(d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall *ipso jure* involve the immediate denunciation of that Convention,

(e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall *ipso jure* involve the immediate denunciation of that Convention,

(f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention—

(a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

(c) in respect of maritime employment shall involve the denunciation of the Minimun Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,

if and when this Convention shall have come into force.

Articles 11–18: Standard final provisions.[1]

Mr. MOYNIHAN. Madam President, I thank the Presiding Officer and welcome her back enthusiastically. And I yield 15 minutes to my eloquent and indomitable friend, the senior Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 15 minutes.

Mr. BRADLEY. Madam President, I thank the distinguished chairman of the committee for yielding. I thank the distinguished Senator from Ohio for his comments. I agree fully with him on the need to ratify the convention on the rights of the child. I have been in this body and on this floor and sponsored resolutions for the last 5 years with the distinguished Senator from Indiana has a cosponsor, and it is bewildering to me why the administration would not ratify the convention on the rights of the child.

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[1] See Appendix I.

I further agree with the Senator from Ohio in his call for the ILO agreement. I think it is long past due that we be a signatory to that agreement. I disagree with him strongly, however, on GATT. I rise in strong support of the Uruguay round agreement. I think this agreement is not only good for the United States. I think it is a requirement for continued American prosperity.

Let me say that again because I think we are in danger of losing sight of the stakes in our vote. Approval of the Uruguay round agreement is a prerequisite to continued American prosperity. If we reject the agreement, opt out of the international trading system, we will consign ourselves to economic stagnation. We will deny ourselves export-led growth, competitive industries with more jobs, and an expanding tax base. We will in effect by voting no on GATT be putting a cap on prosperity.

Madam President, in March 1985, actually for about the previous year, I was a member of a group that was established by the Secretary General of GATT. We met on a regular basis, and we were asked if we could to issue a report on what should be the goals of a new GATT round. I was the only American in that group. I was the only politician worldwide. There were 7 members from different regions of the world. We issued a report in March of 1985 with 15 recommendations for the upcoming GATT negotiations that became the Uruguay round.

The most important of those recommendations were those increasing the transparency of trade policies; in other words, making what people do more obvious to everybody, bringing trade and textile services and agricultural products into the GATT because they had not been in the GATT or had special rules; reducing and controlling nontariff barriers, those things countries would do that would have the same effect of denying access to markets; tightening rules on subsidies, those things countries do under the guise of helping a particular area sector that in effect distorts trade; and improving GATT's dispute system, having some way to resolve disputes when one country says one thing and another says something else, pursuant to one set of rules.

Madam President, subsequent to that report, the Omnibus Trade Competitiveness Act of 1988 set forth negotiating objectives for the Uruguay round. The law listed three overall trade negotiating objectives: First, more open, equitable and reciprocal market access. Second, reduction and elimination of barriers and other trade-distorting policies and practices. Third, a more effective system of international trading disciplines and procedures.

Madam President, these two documents establish what I think is sound criteria by which we can evaluate the Uruguay round. The final product, in my view, substantially meets the criteria that were laid out by the group in 1985 and by the U.S. Congress in the Omnibus Trade Competitiveness Act of 1988. First and foremost, this agreement opens markets. It lowers tariffs worldwide by $744 billion—$744 billion. It is the world's largest tax cut in history, reducing tariffs. On manufactured products, the average cut in tariffs is over one-third. If we were going to export a manufactured good to a country prior to this agreement and we were going to sell it in a country for $100, with the tariff it would be $133. Now we have cut that by a third. Because the United States entered the negotiations with low tariffs and because we are the world's greatest exporting nation, we gain the most from these across-the-board reductions. These are not reductions in this sector or that sector, but they are across the board, a one-third cut. Therefore, it is obvious that the country that is the biggest exporter will benefit the most, especially in the zero-for-zero sectors where tariffs will be eliminated entirely. In some sectors there will be no tariffs. The United States will have a tremendous advantage.

The agreement further opens markets by restricting the use of nontariff barriers. It abolishes things like voluntary export restraints, where two governments get together and they say we could do this or that, but if you do that on your own, we will not make a big deal, so you do it on your own, and they wink at each other and trade is distorted and employment drops in export sectors. Well, they are gone. It also converts quotas into tariffs, which cannot be raised but can be negotiated down.

What happens so often is a country says we do not have a tariff. No, but they have a quota, which is the same thing, because the price to the consumer is higher. But you say, no, there is a quota and we are going to make that a tariff so that the public can see what it costs them. You are paying more for your product, and we are changing the quota to the tariff so you can see how much more you are paying for your product.

The result is to bring trade barriers under this agreement into the light of day, so consumers can understand why they pay too much for their goods. The best antidote to protectionism, in my view, is transparency. This agreement makes barriers more transparent. Everybody will be able to see who is doing what and why. It will not be in the dark of night, stuck in some bill and some bureaucracy. It will all be right there, and tariffs will be clear to everybody, and they will be cut.

The Uruguay round agreement also brings important new sectors into the international economy under the global trading system. It phases out textile quotas, reduces agricultural subsidies and quotas, increases intellectual property protection, brings trade and services into the system. The result is that our productive industries will have greater opportunities to compete on the basis of merit, rather than on the basis of political influence.

This was one of our most important objectives, as we thought about a new round. You cannot have a world economy where the fastest growing segment of the economy—services—is not included in any kind of trade agreement. It was not until this round. It will be included in this round. And then, of course, we have countries around the world that see an American movie or an American drug, or they see how it works, and they pirate the movie or the product and sell it in their country, and they pay nothing to the United States that invented the product and spent the billions of dollars necessary to invent the medicine or make the movie. Prior to this agreement, there was nothing you could do about piracy. Under this agreement, intellectual property is now included for the first time ever. It is an enormous advance.

While it is unfortunately unrealistic to ban all subsidies altogether—I think we probably should ban all subsidies—but this agreement defines them more precisely and brings them into the WTO system. The agreement's dispute resolution mechanism provides recourse for those who feel they are injured by subsidies. Even more important over the long-term, the subsidies agreement will open Government subsidy policy to scrutiny by taxpayers. Once voters understand the cost of Government subsidy programs, they will put, I believe, pressure on their elected representatives to curb them.

Finally, rules need enforcement. You cannot have a rule-based multilateral trading system unless you have some way to enforce the rules. We need only look at our endless trade rows with Japan for proof. One of the most important features of this agreement is that it strengthens the dispute settlement system. For the first time, no single country can block a panel report. In the past, the losing party could deny us our rights. We could win and they could say, "I am sorry." Under the WTO procedure, that can no longer happen. Either the offending country will change its policy, or we can exact retaliation against other exports.

This does not mean, however, that we have given the WTO sovereignty over U.S. law, as some have asserted. When we lose cases—and we will, although statistics show we lose less often than any other country—the result does not automatically change U.S. law. I will quote from the legislation so we understand this. This is what it says:

> No provision of any of the Uruguay round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

In other words, nothing that violates U.S. law will have any effect. The decision made will have no effect. Only the Congress of the United States can change American Federal law. That has been the case with GATT for 47 years, and it is the case now under the WTO. Nor can the WTO change State and local laws. Indeed, in the highly unlikely incidence that the Federal Government would want to sue to change the State and local law as a result of an adverse panel ruling, it will only be able to do so after a series of safeguards have been implemented.

I might note in this regard that in the nearly half century that the GATT has been in effect, the Federal Government has never sued to overturn State or local law because of an adverse GATT panel ruling—not one time.

Madam President, we have heard concerns expressed by our colleagues and our constituents that by strengthening the dispute settlement resolution system, we are putting ourselves at risk.

Madam President, I think most Americans appreciate the value of playing by the rules, whether in trade or sports or politics or life. Given the competitiveness of our industries, we gain when the rules are fair and when the rules can be enforced.

Indeed, take a look at what happened since 1947. We have been by far the largest user of the existing and continuing GATT panel system, having brought over a third of all the complaints from 1947 to 1993. The United States has brought over one-third of all the complaints from 1947 to 1993. That is over twice as many as all of Europe has brought. Japan is barely even on the charts in terms of bringing cases.

The United States wins in GATT more often than other countries do. As a complainant, as a country that says some other country has broken the rules, the United States achieved a positive result in 80 percent of the cases initiated, either because of a favorable panel ruling or a negotiated settlement. This is much better than the GATT average of 64 percent.

In other words, when we brought a case, we have won the case four out of five times. Overall the other countries of the world win the case about three out of five times.

As a respondent, in other words, a country that is charged with violating the rules, we have defeated the charge 52 percent of the time, which is far above the average of about 23 percent.

So what we have done when other countries have charged us under this system the people characterize as a disaster, is that we have defended ourselves effectively over half the time. The rest of the world is defending themselves effectively to charges that they are breaking the rules about 20 percent of the time.

I do not think that this should surprise anyone, because we play by the rules, and it has always been in our interest that the rules be enforced. The Uruguay round's dispute resolution provisions simply make it more likely that the rules will be enforced.

May I have an additional 5 minutes?

Mr. MOYNIHAN. Madam President, I am happy to yield an additional 5 minutes to the Senator.

The PRESIDING OFFICER. Without objection, the Senator is recognized for an additional 5 minutes.

Mr. BRADLEY. Madam President, let us get to the bottom line. The Uruguay Round Agreement will bring direct dollars-and-cents benefits to the American economy. The numbers bear repeating. For example, the 1994 Economic Report of the President estimates that the aggregate increase in U.S. annual income after 10 years will be about $100 and $200 billion, the equivalent of 1.5 or 3 percent of the whole income of the economy. That means that this agreement alone, on conservative estimates, is the equivalent of a free year of economic growth.

The Treasury Department estimates that by the year 2004 the average family of four in the United States will be $1,700 richer every year because of this agreement. More jobs, higher income, more growth. How often are we able to put $1,700 in a family's bank account and reduce the budget deficit at the same time? Not very often. This agreement will do that.

Madam President, exports are essential to economic growth. That is the lesson of the Asia-Pacific region, where first Japan, then the "Dragons," and now China are exporting their way to growth.

It is also the lesson of our experience. Export growth has accounted for half of the total U.S. economic growth over the past 5 years. Half of all our growth comes from exports that are tied to jobs. This agreement, on conservative estimates, will increase our merchandise exports $150 billion per year, and our agricultural exports about $8.5 billion per year by the year 2004. And that does not even count the boost in services exports that we will get because we are bringing services under the rules. That is a very conservative estimate as to what we will increase in exports.

Economic growth means jobs. The Treasury Department estimates that the agreement will lead to 300,000 to 700,000 net new jobs after 10 years. These will be high-paying jobs, since the jobs in the export sector pay over 10 percent more than average.

Now, Mr. President, we are all Senators from States. We represent our States as well as thinking of the national interest. My State of New Jersey is going to be a major beneficiary of this GATT agreement. We exported 14.5 billion dollars' worth of merchandise last year. We have increased our exports since 1987 by 90 percent—90 percent increase in exports. The only thing increasing jobs in New Jersey in the last 5 years, or since 1987, has been a boom in exports, New Jersey's manufacturing exports.

People always say manufacturing is in danger. The manufacturing exports directly supported, in my State, about 200,000 jobs. The tariff reductions, intellectual property provisions, service rules, and other aspects of the Uruguay Round Agreement will flow through to New Jersey in the form of even greater export growth, more export jobs, not to mention reduced prices for New Jersey consumers. The Treasury Department estimates that New Jersey will be $5.4 billion richer every year, and that 18,000 more New Jerseyans will be employed as a result of this agreement.

That is a pretty good deal. New Jersey and all America have benefited from a healthy international trading system. Indeed, measured by volume, America's exports have risen faster than those of any other G–7 country, including Japan, over the past 5 years we have been talking of. That is because we have done more than any G–7 country to adapt our economy to the new world we face. We have made changes we are more competitive.

I ask for 3 more minutes.

Mr. MOYNIHAN. Yes.

The PRESIDING OFFICER (Mr. DORGAN). The Senator is recognized for 3 additional minutes.

Mr. BRADLEY. As a result, we have become once again the world's most competitive economy. According to the 1994 World Competitiveness Report, the United States is the most competitive economy. We should, on this evidence, pass this agreement and stride confidently into the future.

However, Mr. President, we will be casting at least two votes on this agreement, the agreement for it, and then the budget waiver. And it is not just a simple up-or-down majority vote, but we have a 60-vote point of order that we need to pass. Under the Senate paygo budget rule, any increase in spending or decrease in taxes will be offset by equal savings elsewhere for 10 years—10 years. Thus, under Senate rules we must make up the revenue lost because of this agreement's tariff reductions over 10 years—even though the legislation before us fully complies with the Budget Enforcement Act, and even though the revenue generated by the extra growth that this agreement will unleash, more than makes up for the lost tariff revenue. Because the legislation before us finances only the first 5 years it is subject to this 60-vote point of order.

I take, personally, a back seat to no one in efforts to cut the budget. I have offered amendments to cut unnecessary spending. I have offered a line-item veto. I have introduced legislation that eliminates procedural obstacles preventing effective steps to cut appropriation levels. I have worked and will continue to work to bring our budget under control. But torpedoing the Uruguay round is not the way to cut the deficit.

Indeed, a vote against the agreement on the budget point of order is, in fact, a vote against budget stringency. Why do I say that? If this agreement is killed for narrow technical reasons, we will pay with less growth, fewer jobs, and as a result, a higher budget deficit.

The figures bear this out, whether it is the Joint Economic Committee Republican staff, DRI/McGraw Hill, or the International Institute of Economics.

Make no mistake, this vote on the budget point of order is a vote on the agreement. My colleagues cannot vote against the budget waiver hoping to then vote for the agreement, for if the first vote is lost, there will not be a second vote.

But let us get back to the main and final point about this vote. What the Uruguay round does is position the United States to take advantage of its enhanced competitiveness in an expanding global market. And it positions us to take a bigger bite out of a bigger apple.

The choice is clear. We should ratify this agreement.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. Mr. President, may I simply congratulate the Senator from New Jersey for a comprehensive and convincing statement of the whole case. And, may I add, it was the good fortune of the Senate that he was asked to be a member of the GATT advisory panel in 1985. It shows.

I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I yield 15 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized for 15 minutes.

Mr. GORTON. Mr. President, the debate over the General Agreement on Tariffs and Trade has been conducted at two highly distinct levels: The first, of course, is the desirability of freer trade among the nations of the world; the second, with respect to the impact of this agreement on the sovereignty of the United States, the ability of the United States to enforce its own laws domestically.

With respect to the first of those two subjects, the desirability of freer international trade, I believe that the debate divides Americans into optimists and pessimists. The optimists see the United States as a highly competitive economy in which the great majority of its people will be benefited by a more open trading system around the world. The pessimists believe that the United States fundamentally is noncompetitive with less developed nations and, therefore, by even a modest greater opening of its own markets, that Americans will, by and large, suffer from a free trade regime.

This is a question, of course, which is being argued on the basis of theories and comparative wage scales and cultural and social differences, and any such look into the future is obviously subject to debate.

At the same time, it should seem obvious to all that we have such a long history in the world, both in eras during which trade restrictions were increased on the part of many countries and then most of the post-World War II era in which in most nations trade barriers were reduced, so that we do not really need to argue from theory but can argue from history itself.

I believe that every previous General Agreement on Tariffs and Trade and, for that matter, every previous regional or bilateral lowering of trade barriers has resulted in sharply increased prosperity. Obviously, reducing those barriers results in an increase in trade among all of the nations which are involved. But with only the most minor exceptions, the prosperity of the people of each of the participating parties to previous General Agreements on Tariff and Trade has increased. There are individual dislocations, there are sectorial dislocations, but when one takes the good of the people of a nation as a whole, it has been advanced by past agreements.

I am confident, as a result, that when we ask ourselves the question, will the per capita income of Americans increase and increase measurably as a result of an approval of this General Agreement on Tariffs and Trade, that the answer to that question is yes. Will consumer choice increase as a result of this agreement? The answer is yes. In fact, reputable economists have estimated that the increase in per capita or per family income is well up into four digits on an annual basis.

Just a year ago, we had a similar debate over the North American Free Trade Agreement involving only two other nations in addition to the United States. We heard many of the same counter arguments that we are listening to today, but in a relatively brief period of time of less than a year, trade between Mexico and the United States has increased sharply. Literally thousands of new jobs have been created in the United States of America as a result, and we have a somewhat more peaceful and prosperous immediate neighbor.

Yet, many economists say that the impact of a General Agreement on Tariffs and Trade on the positive side of the scales of balance will be between 10 and 50 times greater than that of the North American Free Trade Agreement, an almost obvious truth due to the much, much larger number of nations that are involved in this particular agreement.

What many forget is that we have a General Agreement on Tariffs and Trade today. We have had changes in the past in that General Agreement on Tariffs and Trade. And very few, if any Americans, would simply cancel everything that has been done in the international trade field during the course of the last 40 or 50 years and return us to our international trade policies of the 1930's.

This agreement, of course, extends beyond subsidies on goods to reducing barriers with respect to subsidies, with respect to many services, which have never been covered by previous General Agreements on Tariffs and Trade, and with respect to intellectual property. So as we examine this agreement, simply from the perspective of whether or not international trade will increase as a result of its passage and whether or not that increase will benefit most Americans, the answer that history gives us reinforces the answer that theory gives us. Prosperity in this country and around the world will be increased, will be enhanced by the ratification of this agreement.

The second level of debate, the debate over the sovereignty of this Nation, is in some respect more important, more visceral, more emotional, and more significant. No nation, the United States leading among them, wishes to give up a portion of its sovereignty to any international body much less an international body which is one country one vote.

At the same time, it is the United States of America itself which has been frustrated by the lack of enforceability of decisions under the previous General Agreement on Tariffs and Trade. We are far more sinned against than sinning at the present time, and we have not been able to get nations which have violated the present agreement to agree to cease those violations, even when panels have determined that those violations are absolutely clear. And the World Trade Organization is designed and almost certainly, in effect, will amount to an organization which is more likely to have its decisions adhered to by nations against whom it rules than the present system does.

That, however, is not at the essence of sovereignty. We lose sovereignty only if the World Trade Organization has either internal enforcement authority within the United States or, alternatively, our commitment to it is irrevocable. Neither of those propositions is true. We still can, as can all other countries, defy the edicts of the World Trade Organization. And the recourse of the Nation we have wronged in the eyes of the World Trade Organization is to impose trade sanctions against us—exactly what can happen today and does happen frequently today in the absence of a World Trade Organization.

And, if one proposition has become increasingly clear as this issue has been debated during the course of the last 3 weeks, the United States obviously can withdraw from that organization, or from GATT, essentially at will. Under the agreement made between the distinguished senior Senator from Kansas, our leader, and the President, it will give to the Congress of the United States an ability to work in that field, as well as to the President of the United States. Our sovereignty is not implicated by the World Trade Organization.

Could that World Trade Organization be better? Of course, it could. But we are faced in this connection with the ability to create a far freer and more open trade regime in the world, greatly to the prosperity of the people of the United States; an agreement which has been negotiated over the Presidencies of three different Presidents of the United States with different attitudes, getting the best deal they could possibly get. We cannot, in the Congress of the United States, unilaterally write a better deal. This is a good deal for the United States. It is a good deal for the world. It will contribute to our prosperity and it ought to be passed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, with the authority of the Presiding Officer, I yield myself 20 minutes.

Mr. President, we are discussing here an extraordinary piece of economic policy for this country. And, as we begin this discussion, I thought it would be useful to present a chart that shows where we are. This chart shows our merchandise trade deficit in this country. The red lines going down represent red ink, trade deficits, a hemorrhaging in this country. This is an extraordinarily serious trade deficit that represents a serious problem for this country. All of this red means less income for our country, fewer jobs in America. All of this red means a failed trade policy in our country.

With this as a backdrop—America as the largest debtor Nation in the world; a failed, collapsed trade policy resulting this year in the largest trade deficit in American history—we are told by the same bipartisan group of people who have hugged and embraced this trade policy now for 30 or 40 years: We want to do more of the same. Let us put a bigger engine in the same old vehicle.

There is an old saying: When you find yourself in a hole, it is time to stop digging. The crowd that would have us pass GATT says that when you find yourself in a hole, let's pass out more shovels.

This policy, which comes to the Senate as GATT, is a trade policy that is fundamentally hurting America. I am for free markets. I am for expanded trade. But that must be accompanied by a fresh, new admission price to our marketplaces. That admission price should say we will trade with anybody, as long as they pay a living wage, have working conditions that are fair and safe, and are not fouling the world's air and the water. There should be some minimum conditions that must be met.

We should not say let us simply have open markets and free trade and go ahead, you producers, and hire 12-year-olds working 12 hours a day, paid 12 cents an hour, and send the products of their labor into our marketplace to eliminate our jobs. That might satisfy some—certainly the large international businesses that profit from it—but it does not satisfy me and it does not satisfy this country's economic interests either.

Let me read some of the arguments of the proponents of this agreement. I hope those who support GATT and are urging us to pass it would listen to this.

> These agreements offer new opportunities for all Americans. For American farmers, the agreements expand world markets for American farm products. For American workers, the agreements offer more jobs, higher income, and more effective responses to unfair foreign competition.

Oh, no, that is not the argument made today, Mr. President. That is the argument made in 1979 for the Tokyo round. The argument will be made today, in exactly the same language by many of the same people. So let us look at what the outcome was. Better for farmers? More jobs? Higher incomes for American workers? Oh, no. Following the Tokyo round, agricultural exports since 1980 are up just 5 percent, while agriculture imports since 1980 are up a whopping 32 percent.

American workers seeing good times? No. A net loss of 3.3 million manufacturing jobs since 1979. Higher incomes? No. Sixty percent of American households now have lower income than they had a decade ago.

Another argument: "These agreements will result in lower prices, increased competition and greater prosperity for all the American people." An argument made today that also was made in 1979 about the Tokyo round.

Where is the greater prosperity? Real hourly wages for U.S. production workers, which had grown 3 to 5 percent annually for many years, stopped growing in 1973 and have now declined to mid-1960's levels on a real-income basis.

This new order, the new order that was promised in 1979, is identical to the promises we are hearing today: More jobs, more income.

Nonsense. The record shows just the opposite happened.

Let me share with my colleagues something very interesting that I read last evening. This comes from the Finance Committee from 1986. They are talking about the Tokyo round completed in 1979.

> The committee is concerned the Tokyo round of trade negotiations and the legislative branch and executive branch's actions to implement it have not had the effect of improving the American standard of living intended.

They go on to talk about the sea of red ink and the trade deficits. The Finance Committee itself said the Tokyo round did not work. Exactly the same arguments that were used to promote that trade agreement in 1979 that we hear again today in connection to the Uruguay round.

My point is that those arguments that drove the Tokyo round in 1979 were wrong. They are demonstrably wrong. The facts show it. Our economy shows it. Lost jobs, lost incomes show it. Do these arguments have any credibility anymore?

We had an election recently. The election was about change. Does anyone doubt that the election was about change? Yet this trade strategy is business as usual. You strip away all the brush here and what you find at the roots is one central fact: The largest international businesses in the world want to produce where it is cheap and sell back into our marketplace. That might be good for international business' profits, but it certainly is not good for the prospect of jobs and decent incomes for American families.

Open markets? Sure. I believe in open markets. But I believe there is an admission price to those open markets. You have to pay a living wage. You have to care about worker safety. You have to care about the things that we fought for 50 years in this country to achieve that have made life better for Americans.

And if you strip away all the nonsense, all the fractured statistics, all the charts and all the graphs, there is one central question we must ask ourselves: Is the standard of living for the American family improving or declining? In other words, will this agreement, which asks low-wage and low-skill Americans, who comprise nearly two-thirds of the work force, to compete against 2 or 3 billion low-skilled people in the world, many of whom are willing to work for 8 cents, 20 cents, or 80 cents an hour—will it improve the standard of living in this country? The evidence is all around us. The answer is no.

This is a strategy for larger corporate profits and a strategy for lower income for American workers and fewer jobs.

Let me show one additional chart that illustrates the problem quite graphically, I think. The blue line shows productivity in America. Productivity has increased. The red line shows household incomes. Regrettably, they are moving in opposite directions. Why?

The answer is that American workers cannot compete when those who head the multinational corporations get in an airplane and circle the globe to try to figure out where they can produce at the least cost to sell the products back into the best marketplace. And that is the disconnection we have with this trade agreement.

I could talk about the World Trade Organization and other elements of GATT. It is absurd for anyone to argue that the creation of a World Trade Organization does not impinge on our sovereignty. Of course it does. That is precisely why it was created. Of course it does.

I could talk about child-labor conditions: 200 million children working in the world—3-year-olds, 6-year-olds, 10-year-olds, 12-year-olds. It would break your heart to hear the facts. Children making carpets, cutting knots with knives. There was testimony before the Senate about someone in those factories who sees burnt fingers and wonders why, and then discovers 12-year-old kids using knives to cut knots on silk rugs are cutting their fingertips, and those who employ them use matchstick powder to burn in those fingertips to create scars so they can keep those kids working. It breaks your heart to see the working conditions around the world. Should we compete with that? Of course not. Does this prevent competition in those circumstances? Regrettably, no.

They chant "free market," like a mantra. It is as if they are beating cymbals and chanting over and over again: "Free market, free market, free market."

That is not what is important. Yes, let us have expanded opportunities. Yes, let us compete around the world. But let us make sure the rules are fair, and let us make sure the end result represents a better standard of living for American workers.

That is, by far, the most important of all the measurements: What happens to the standard of living for those in this country who produce, who risk their capital to keep jobs in this country and for those who work for them, who want a living wage and want a safe workplace. That is what is important.

I regret that this administration is supporting this GATT agreement because I feel so strongly it is bad for this country. President Clinton and Mickey Kantor are people who have had the guts to stand up to other nations in bilateral negotiations, such as those with Japan. They stood up and fought for us on grain problems with Canada. This administration has done things, when previous administrations had sat on their hands. I compliment this administration for that.

When the winds of change out there suggest the American people do not like the direction we are moving, you would think that this would be the time to assess what is going wrong. Why are incomes declining in America, and what can we do about it?

This kind of trade agreement, which asks American workers to compete against others around the world who are going to be paid 20 cents an hour, is a strategy for enhancing corporate profits and diminishing the importance of, and the ability to help families, that depend on American jobs.

Instead of having thoughtless discussions about trade where we put people into two camps—the free-trade camp that sees over the horizon and are the know-all, see-all wise folks; and the "isolationist xenophobic stooges" who cannot see anything, and are protectionists who want to put a wall around the country—I hope one of these days we can do better than that. That is thoughtless sloganeering and nonsense.

I do not want to put a wall around our country. I want goods to come into America and compete on a fair basis. The only caveat for me in the long term is that all of us should work toward establishing policies that will enhance the ability of American families and American people to find good work that pays good wages and enhances and improves their standard of living.

Frankly, the evidence is all around us, littering the floor of the Senate and the House from past trade debates. This trade strategy is wrong and it should not take a sea of red ink, our worst trade deficit in history this year and the transformation of America from the largest creditor nation in the world to the largest debtor nation in the world, to convince us of that.

Anyone who remains unconvinced has simply been reading the wrong information. My friend, Senator BROWN, from across the aisle, I understand, had said he previously was inclined to support GATT. But then he courageously was the only Member of the U.S. Senate who accepted a challenge by Ralph Nader to take a test of knowledge about GATT. So my friend, Senator BROWN from Colorado, apparently spent his Thanksgiving reading and studying GATT, and then took the test.

I am pleased to say he upheld the honor of the Senate and passed that test and apparently won $1,000 to be given to charity. But I think he is going to tell us what he told some folks yesterday. Upon reading this document, he concluded it is not good policy for this country. This is not about us versus them. It is not about Republicans versus Democrats. This is about change versus more of the same. And more of the same will hurt this country badly.

I hope the Senate will reject GATT and decide instead to expect, to demand, fundamental change in our trade strategy—not to close this country's borders, but to declare that there is an admission price to exercise the rights of the marketplace in a country like ours. And that admission price is that you must pay a living wage and play by the rules.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I yield 15 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Thank you, Mr. President. I want to thank the distinguished future chairman of the Finance Committee for the time. Many Members have come to the floor and expressed concerns about GATT or approval for GATT. Others have talked about whether or not they favor free trade or open trade. I favor free trade. I favor open trade. I am for lowering tariffs and eliminating quotas. I am for expanding the world's trading market. But, if you believe as I do and study the agreement, instead of being for GATT, you will be very concerned about it.

Let me be quite specific because much of the debate has been bumper-sticker debate, debate over whether you favor free trade or not, debate about whether U.S. sovereignty is infringed or not. These are not the issues. We must focus on the agreement itself. Let me be very specific.

GATT sets up an ineffective court system that will replace our ability to litigate many of these trade questions in U.S. courts. The dispute settlement body will establish a series of panels to rule on trade disputes. Unlike U.S. courts, the proceedings of the panels will be conducted in secret. No conflict-of-interest rules exist to ensure impartial panelists. Decisions will be rendered anonymously by unaccountable bureaucrats and the appeals process will not be subject to outside review.

Who in this Chamber believes we ought to have a court system that does not have the basic elements of procedural due process? GATT sets up a court system without procedural safeguards to ensure due process. In effect, it establishes a trade legislative body with the right to rule on implementation of its own laws, unlike in the United States where we separate these functions into separate branches of government.

Please do not be mistaken, GATT's new WTO will legislate future trade policy. Does it force us to adopt their legislation? No, it does not. But can they influence and amend the agreements that we are involved in? Yes, they can.

The problem is not that we have set up an international system for legislating in this area. The problem is that we have set up a legislative system without fair representation. Under the new rules established under the GATT, we will have one vote out of all the member countries, currently expected to be at least 123, yet we will pay the greatest share of the bills. Nearly 25 percent of the cost could fall upon U.S. shoulders, and yet we will have less than 1 percent of the control of how the money is spent. Is that a problem?

Please look at the World Bank and the International Monetary Fund. During debate here in the Senate concerning more than a billion dollar increase in taxpayer funds to the World Bank, I challenged Members of this Senate to come forward and defend the way that the money of American taxpayers is spent. At the World Bank, according to articles published in prominent news sources, the average salary was $123,000 a year—that is right, you heard me correctly, an average salary; that includes janitors, service people, receptionists, nonskilled workers—an average salary that is roughly equivalent to a U.S. salary of $176,000 a year because the $123,000 average is tax free. Why do salaries get that way? Because those who pay the bill and those who decide the staffing are not the same.

Will that be a problem with the new GATT organization? Yes. It will create 50 new councils, committees, panels, and working groups. It is going to be a huge international bureaucracy. The United States will pay the bills and other countries will decide how it is run.

Lastly, it is a one-sided agreement. Anyone who thinks we are getting into an agreement that expands free trade has not read the text of the agreement itself. Let me repeat that, because it is absolutely true and I hope Members will focus on it. Anyone who thinks this is an agreement that expands free trade has not read it.

Why do I say that? It expands the openness of our markets but authorizes developing countries and the least developed countries to exempt themselves from those liberalizing effects, some for 5 years, some for 7 years, some for 8 years. The exemptions vary by agreement. But what this agreement does is open our market and allow the developing and least developed countries to keep theirs closed. Some will say, "Hank. Wait a minute. In 5 or 8 years that market will open, or in 10 years the market will open, or in some areas in 12 years it will open." If they say that they have not looked closely at the way the WTO will operate. Most of these agreements provide authority for the WTO to amend them. Could they clear the necessary procedural hurdles to amend them?

More than three-fourths of the votes in the WTO are in the Third World—more than three-fourths of the votes. Three-fourths is important because it is the majority needed to amend and interpret the agreements. With more than three-fourths of the votes in the WTO, the Third World's less developed countries can extend these exemptions ad infinitum. There is some language in the agreement that indicates that is a possibility.

What is the bottom line? The bottom line is we set up a court system without due process. We set up a trade legislating body without fair representation. I do not know what you would consider fair. But let me tell you, I do not think you will consider WTO fair. We have 1 vote out of 123, and we are going to pay 25 percent of the cost with less than 1 percent of the votes. In the United Nations at least we have a veto. In the IMF at least we have a weighted vote. In the WTO, we have no protection. We pay the bills and other members will determine the cost. It is completely a one-sided agreement.

Let me be specific because those are serious charges and they are ones that Members ought to be concerned about. In the court system that they set up—again it is called the dispute settlement body—a panel is appointed.

The ministerial conference will elect the director general, and the general council will substitute for the ministerial conference when it is not in session. The director general will help recruit, hire and employ the secretariat. The Third World controls the selection of the director general. That is not speculation. If all signatories join, the Third World will have 83 percent of the vote. You tell me who is going to control the director general. With 83 percent of the vote the Third World is going to control the director general. The director general handles the hiring of the secretariat and the supervisors. When you have a question that has to be interpreted, a litigation, in effect a court hearing, it is the secretariat that is hired by the director general controlled by Third World country members that will decide upon the experts to make decisions and recommendations in a trade dispute. Will these experts be weighted in favor of the Third World countries? You bet your life they will be.

From that pool of experts will be selected the three or more members that will be on the panel to settle the dispute. They decide it. Some will say that is OK. They have to be fair. Do they have to be fair? Do they have to have open hearings? No. They do not. They even render anonymous decisions.

Mr. President, the heart of the WTO will be a court system that does provide procedural due process safeguards. I hope the Members who are in favor of this will come to the floor and tell us why we should not expect to have due process in these hearings. Before Members vote, I hope they will ask themselves the same question.

We have talked about trade legislation. But let me simply mention this. The United States has one vote. The European Common Market has 16. Does anybody here think that is fair? If they think that is fair and they are going to vote for it, please come down and tell me why the United States gets 1 vote and the European Common Market gets 16. I want to hear why and so do the American people. If you like the WTO, tell me why it is fair that 18 countries with populations of under 1 million apiece will have more voting power than the United States and the European market combined.

Let me repeat that. Eighteen countries with a population less than half the size of California are going to have more voting power than all of the United States and the European Common Market combined. If you think that is fair, come down to the floor and tell me why you think so. Anyone who thinks this is about fairness and a valid legislative body to settle trade disputes has not read the legislation.

Mr. President, I have talked about it being a one-sided agreement. I want to be specific about that because I think that may be something that Members have not focused on. When I say it is a one-sided agreement, let me be specific. Some Members are from dairy States. I hope they will look at this. Under the GATT-WTO agreements, the European Union is allowed to spend $2.5 billion a year to subsidize the exports of 30 billion pounds of milk, $2.5 billion a year for EU subsidies for exported milk. Does the United States get to spend an equal amount or maybe a larger amount? No. Under the agreement we are limited to less than one-twentieth of the European Union's allocation.

Anyone who thinks this is a fair, balanced, open market agreement has not read it. The fact is, the United States was outtraded. When we are allowed to use one-twentieth of the resources that the European Economic Community is allowed, I do not think it is fair. If somebody does, come down and say it. If somebody thinks having a 20-to-1 advantage is fair, please come and talk about it. Go on the record, because it is not fair. It is not evenhanded, and it is not a good negotiation. Is that the only example? No.

Take a look at the agreement on trade-related aspects of intellectual property rights. We ought to respect property rights. People are proud of this agreement because it expands free trade and protects property rights. Read the agreement. We have 1 year to bring our intellectual property standards into line with the accord; 1 year. Is that the same for every other nation? No. Developing countries have 10 years. The least developed countries have 12. Let me repeat it. We have 1 year. They have 10 years. For 10 years they can violate those agreements and get away with it. We have signed an accord that recognizes their right to do so. Is that fair? Does anybody think that is fair? Will the advocates of this measure come to the floor and tell me. Is it fair for us to have 1 year and them to have 10 to 12 years? But the disparities do not end here. Because after they get through with 12 years of cheating on our patents—cheating and stealing which we will recognize as their right—after they get through with 12 years of doing that, they have the right to come back and amend the rules to continue. We will not have enough votes to stop them.

Let me follow up because it is important for Members to take a look at the exact specifics. In agriculture, if you are from an agriculture State, let us take a look at page 1366. Here is what you are going to find: Part 9, article 15: "Special differential treatment."

Those are not my words. Those are the words out of the agreement.

> 1. In keeping with the recognition that differential and more favourable treatment for developing country Members is an integral part of the negotiation, special and differential treatment in respect of commitments shall be provided as set out in the relevant provisions of this Agreement and embodied in the Schedules of concessions and commitments.
>
> 2. Developing country Members shall have the flexibility to implement reduction commitments over a period of up to 10 years. Least-developed country Members shall not be required to undertake reduction commitments.

It is right there. That is not fair trade. That is not evenhanded trade. We were out-traded. We opened up our markets and let them keep them closed. Moreover, remember the exemptions that are here do not necessarily run out because those who benefit from them can then amend the rules.

Page 1386, article 10, "Special and Differential Treatment."

This is the sanitary and phytosanitary agreement. It is an important agreement. It is what many of our constituents see as important because they believe it will give them protection in other nations similar to those required here and will establish a fair standard for trade with foreign countries. Read what those fair standards are.

Paragraph 3:

> With a view to ensuring that developing country members are able to comply with the provisions of this agreement, the committee is enabled to grant such countries upon request specified time limited exemptions, in whole or in part, from the obligations under this agreement taking into account their financial and development needs.

Has anybody read it? The people who think it is so great, do they understand it is going to apply to us and not necessarily to the countries we sell to? Have they asked themselves who has the power to extend these exemptions? It is a body of which 83 percent could be developing Third World countries. In the current GATT, there are only 90 developing country members so far, well over three-fourths necessary for approval of rule changes and amendments. Is that out of line? Look at page 1438, Article 12, Special and Differential Treatment of Developing Country Members, 12–1:

> Members shall provide differential and more favorable treatment to developing country members to this agreement through the following provisions, as well as throughout the relevant portions of other articles of the agreement.

It says "shall provide." That is under the technical barriers to trade. If you talk to Members who are advocates of this agreement, they will tell you how great this agreement is because the agreements on technical trade barriers are going to break down foreign trade barriers to our products.

Read the Agreement on Trade-Related Investment Measures on page 1449, Mr. President. And I can go on. But if Members are voting for this because they like free trade and want to open up foreign markets and think this is a way to do it, please read it and look at the votes that are in the WTO. If anybody thinks this is fair, please come down and say so. I want to know why it is fair that Americans ought to subject their market to foreign trade without having the same access to other markets.

Some of you may know America is a great inventive and creative country. Part of that is because of our patent procedures that protect our inventive creations. Under U.S. law, we currently have 17-years of patent protection from the time a patent is approved. But the implementing legislation will change it to 20 years from the time the patent application is filed. The net effect according to the U.S. biotechnology industry is that this legislation will reduce U.S. patent protection from 17 to 10 years because of the lengthy time required for patent approval. Who will that favor? Not the United States. A patent-producing country, an invention-producing country, will be at an enormous disadvantage. When you look at Japan, who leases our patents, you can see this industry will have an enormous pickup because they will have to pay for that patent for a period of a decade less.

Mr. President, I ask unanimous consent for 1 additional minute.

Mr. PACKWOOD. I yield 1 additional minute to the Senator.

Mr. BROWN. Mr. President, before Members cast a final vote, please read what others have said about it. Le Monde, an influential French newspaper, commented:

> A great power like the United States has now less power to impose its views on other countries because it has agreed to the following rules of the multilateral game.

Mr. President, that is what the French have said. From the European Union, Sir Leon Brittan says this:

> A major trading power such as the United States now has fewer levers with which to impose its views on other countries because it has formally agreed to be more mindful of the rules of the multilateral game. This has always been an objective.

The bottom line is this: We have pretty good leverage now. We have not done with it what we ought to. But this agreement has one big impact: It creates unfair trading rules and it changes the rules of the game so the United States loses its leverage and power to open up markets. If you favor free markets, as I do, and expanded trade, please read the agreement. I think you will find that rather than opening up the market, this cements the closure of some and creates loopholes for others. What it says to the rest of the world is that you can have access to our market without us having access to yours. That does not expand or help free trade, it hurts it.

Mr. MOYNIHAN. Mr. President, may I say for the record—and if anyone disagrees, we can discuss it later—that the United States currently pays 14.6 percent of the GATT budget, that being our estimated portion of world trade. This year, the U.S. contribution is $8.8 million. Anticipating the establishment of the WTO, the President's budget for fiscal year 1995 will request $9.1 million. That is an increase of $300,000. I ask my friend from Oregon, when is the last time he has heard $300,000 debated on the Senate floor?

Mr. PACKWOOD. I thought my good friend from New York misspoke himself when he said "million." That is an asterisk in the budget.

Mr. MOYNIHAN. That is true. I thank my friend.

The most distinguished chairman of the Committee on Foreign Relations has asked for 10 minutes to address the Senate on this subject. I am honored to yield to Senator PELL.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, I address the Senate today regarding the legislation implementing the international trade negotiations we know as the Uruguay round of GATT. Our actions here represent the culmination of over 8 years of work started by President

Reagan, continued under President Bush, and reaching conclusion under President Clinton. The process has been long and tedious but the result well worth the effort. With the accomplishments of the Uruguay round, trade in the international arena will be freer of the artificial barriers which stifle economic interaction and opportunity, especially for the United States, the most powerful, dynamic, and diverse economy in the world. This means growth for all involved but especially for the American economy which historically has demonstrated and will continue to demonstrate its ability to compete and win in a marketplace free of trade restrictions.

At the outset, let me state that I am a supporter of GATT. I firmly believe that the United States stands to benefit from liberalized trade in general and from the provisions of the Uruguay round in particular. We have the resources, the knowledge, the quality of labor, the infrastructure, the market, and the leverage to compete on an unparalleled basis with any country in the world. Lowering barriers to our products will mean that we will be able to gain access to new markets that were previously closed to us as well as pave the way for our developing and tapping the markets of the future.

The benefits of GATT are broad. The Council of Economic Advisers has estimated that U.S. annual income will increase somewhere between $100 billion to $200 billion over the next 10 years, an increase of 1.5 to 3 percent of our gross domestic product. Conservative estimates of 300,000 to 700,000 new jobs have been projected as a result of the Uruguay round. A global reduction in tariffs averaging 38 percent—or some $750 billion—will mean that consumers will see lower prices for the products they purchase. Enhanced protection of intellectual property and trademarks—crucial for American growth industries—will be put into place, protecting everything from computer software, to movies and records, to information and news services. Agriculture subsides and protectionism, long entrenched as unassailable in many countries throughout the world are finally being reduced. Service industries, such as banking and insurance, will be able to take the first steps toward global expansion. Clearly, the achievements of the Uruguay round present a golden opportunity for the world economy, and for the United States as its economic leader, to step forward into the reality of the modern marketplace.

But the Uruguay round of GATT has not been without its detractors. Indeed, much has been said since it was signed by 123 countries in Marrakesh, Morocco last April. We still hear the cry today that we are moving too rapidly in approving this agreement and that more hearings are required and that the so-called fast track process used in considering GATT is unusual, tainted, and even unconstitutional. These arguments, forwarded by the opponents of GATT, simply do not hold up under scrutiny. Other detractors claim that the agreement threatens U.S. sovereignty and will bust the budget. These arguments likewise simply do not merit the concern that they are accorded.

As I mentioned earlier, the Uruguay round has been in the works for 8 years now, having begun in Punte del Este, Uruguay in 1986. Moreover, the Uruguay round is just an extension of an ongoing process of lowering world trade barriers that began in 1947 and has been through seven successive rounds of negotiations. In most cases, matters that could not be resolved in previous negotiation sessions are taken up in the next one. So to say that somehow we are considering something only a few months old is not accurate.

Regarding the fast-track process under which we are considering GATT, this process has been used for years and indeed Congress specifically authorized its use for the Uruguay round. And while it has been termed "fast track" that is somewhat of a misnomer. "Fast track" simply means that once legislation is submitted to Congress it cannot be amended or filibustered indefinitely. The reason for this is common sense. If amendments were allowed by any of the 535 members of Congress, the carefully crafted compromises reached in the extensive and contentious negotiations with 123 other countries would be unravelled in a minute. It is impossible to imagine the world community ever coming together to agree to meaningful trade reform if each legislator in every country had the ability to amend any portion of the entire agreement. Recognizing this, we have authorized the President to negotiate as best he can and if we do not like the results, we can reject them by a simple majority vote. That is precisely what we will have an opportunity to do when we vote on the Agreement at the conclusion of this debate.

The concern about GATT's potential effect on U.S. sovereignty is one that warrants careful review and indeed this issue was considered in a hearing on this matter this summer before the Committee on Foreign Relations. During that hearing, we explored whether or not the World Trade Organization [WTO], as set up in the agreement to monitor international trade disputes, in any way posed a serious threat to the ability of the United States to make or carry out its domestic laws. As a result of the hearing, it is my own opinion, and the conclusion of the committee as well, that the WTO does not pose a serious threat to U.S. sovereignty.

The WTO does not affect Congress's sole right to change U.S. law nor does it create a new powerful international organization. The WTO reaffirms current GATT practice of making decisions by consensus. In the rare instances that the WTO would vote, each country would have one vote, just as they do under the GATT today. The voting procedures in the WTO would actually strengthen the hand of the United States and weaken the power of smaller countries by requiring a higher majority for decisions than is currently required in the GATT. Even if every country voted against the United States, they could not affect the substantive rights and obligations of the United States which can only be changed with the express approval of the United States.

Since that time, an even further safeguard against threats to U.S. sovereignty has been secured at the request of Senator DOLE providing for a review panel of former U.S. appellate judges which would scrutinize WTO decisions to insure against U.S. bias. Whether or not this additional safeguard is completely necessary is uncertain but if it serves to alleviate any misgivings on the part of those in the United States that somehow our domestic laws are threatened, then it serves a good purpose. Nonetheless, I believe that there is now even further reason to be satisfied that the WTO does not significantly threaten U.S. sovereignty.

Finally, the argument that GATT busts the budget by cutting tariff revenues is an interesting argument against the agreement, especially since it is being forwarded by those who often advocate the virtues of tax cuts, which is precisely what a tariff reduction is. But for those who are concerned, it is likely that the U.S. Treasury will be better off as a result of the agreement since it is estimated that the increased revenues that will result from the increased economic activity stemming from the agreement will far surpass the lost tariff revenues.

Nevertheless, to accommodate the concern for the lost tariff revenues, budget offsets have been found to make up for the reductions. I commend the Finance Committee for working to come up with the financing package to satisfy the requirements of the Budget Act and believe that this obstacle to the passage of GATT has been appropriately addressed.

In the end, the debate on GATT has been long, contentious, and fraught with the familiar fears voiced in the last half century about liberalized trade. Those fears have proven to be unfounded and the benefits of freer trade have become apparent. Now, as the world moves inexorably toward greater connectedness and economic interdependence, we must likewise adapt the rules of world trade to reflect this reality. The achievements of the Uruguay round of GATT are significant steps toward during that end and it is an opportunity that we, as the world's economic leader, cannot afford to pass up.

I commend the Reagan, Bush, and Clinton administrations for demonstrating great leadership and skill in negotiating this complicated and difficult agreement. As I recall, Secretary Christopher in his confirmation hearing pledged to make U.S. economic interests a forefront of U.S. foreign policy and I believe the Clinton administration has fulfilled that commitment in completing the Uruguay round negotiations, NAFTA and in promoting free trade in the Asia Pacific region. I also commend the majority leader, Senator MITCHELL, and the chairman of the Finance Committee, Senator MOYNIHAN for their leadership in developing the implementing legislation for GATT and seeing that this vitally important agreement did not fall by the wayside during this turbulent year of electoral politics.

I urge the Senate to support passage of GATT and in the process complete the process began 8 years ago to secure the benefits of freer trade for the United States and the world.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I express my personal appreciation to the distinguished chairman of the Committee on Foreign Relations for his generous remarks about the Finance Committee and to say, more importantly, his firm assertion that the issues of sovereignty have been addressed by the Committee on Foreign Relations, and the committee is satisfied, and the Senator is here to represent it, and that I think is an important fact in the debate.

Mr. PELL. The Senator is correct. As he will recall, we had that hearing on this and we discussed it, and there is no question but that the committee as a whole approved it.

Mr. MOYNIHAN. I thank the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent that a copy of the "GATT/World Trade Organization Challenge," of which I was the sole participant, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GATT/WORLD TRADE ORGANIZATION CHALLENGE, NOV. 28, 1994—SOLE CHALLENGER: SEN. HANK BROWN OF COLORADO

1. Q. Which political body shall determine the annual share of the World Trade Organization's (WTO) operating expenses owned by the United States?

a. The House Ways & Means Committee.
b. The Senate Finance Committee.
c. The Office of Management and Budget.
d. The General Council of the World Trade Organization.
e. Other.

A. The General Council of the World Trade Organization. Article VII.

2. Q. The world trade pact now before Congress is to be administered by a new international body, the World Trade Organization that will be located in Geneva, Switzerland. The United States will have one vote in the WTO. Will the United States also have:

a. A veto as it does in the Security Counsel of the United Nations.
b. A weighted vote, as it does at the International Monetary Fund and the World Bank?
c. None of the above.

A. None of the above. At the WTO, it is one-nation-one vote, no veto. Article IX.

3. Q. Under the WTO, tribunals comprised of three trade experts drawn from a roster of practicing trade lawyers, scholars and trade officials would hear challenges against countries' laws as violating the WTO rules. Once these panelists have ruled, their decisions are enforceable through trade sanctions. Considering the sizable influence these panelists will have one each WTO Member Nation's domestic laws, what are the WTO conflict of interest provisions to ensure there are not economic or other conflicts?

A. There is no prohibition for panelists to be conducting their private careers simultaneous to service on a GATT tribunal. Annex 2, Article 8.

4. The U.S. court system provides for certain due process protections. For instance, all court documents are available to the public and press, as are hearings on cases. The procedural rules of the World Trade Organization prompted 50 newspaper publishers and heads of journalistic societies to write a protest letter to President Clinton in September 1994.

When a U.S. law is challenged at the World Trade Organization, which of the following groups from the United States have the right to attend the deliberations or obtain the documents of the Dispute Settlement Board?

a. The U.S. media.
b. The U.S. public.
c. The affected U.S. companies.
d. The affected U.S. workers.
e. State Attorneys General.
f. None of the above.

A. None of the above. All deliberations shall be confidential. Annex 2, Article 14.

5. Q. The final decisions of the World Trade Organization's dispute tribunals take effect automatically unless what percentage of the WTO nations, that are members, reject the finding?

A. One hundred percent, including the winning plaintiff nation. Annex 2, Article 16.

6. Q. The United States has long used access to its markets to enforce a variety of human rights, national security, environmental and health laws. For instance, we have banned imports from countries that violate human rights or products that are not safe. As well, under trade laws such as one called Section 301, we prohibit a country from sending goods to our markets on favorable terms if it does not open its market to our goods. Under the WTO, could the U.S. continue to use these unilateral trade measures against WTO member nations?

A. No. Under Article 23 of the WTO's Dispute Settlement Agreement, the U.S. must use the WTO's Geneva tribunals to resolve matters with WTO member nations for all issues covered by the WTO and all issues that touch on the expectations of other members under the WTO even if there are not specific WTO rules covering these matters. Annex 2, Article 23.

7. Q. Would the WTO require the United States to accept imported food that does not conform to our existing standards?

A. Yes. The WTO requires Members to accept imported food if the exporting country shows that its different standards are "equivalent" in meeting our domestic level of protection. Unfortunately, the term equivalent is not defined and similar provisions in the 1988 U.S.-Canada Free Trade Agreement allowed circumvention of U.S. food safety standards, including meat inspection. Agreement on the Application of Sanitary and Phytosanitary Measures, Article 4.

8. Q. Under the WTO Agreement on Technical Barriers to Trade, all WTO Members are required to base their domestic standards on international standards that are now complete or whose completion is imminent. Technical standards refer to any non-food product standard such as consumer product safety standards, bans on hazardous substances such as asbestos and environmental laws such as the Clean Air Act. the WTO would allow countries to avoid the requirement of international standards only for three reasons. That the international standard does not provide sufficient consumer health or safety or environmental protection is not one of the exceptions. Please name three reasons.

A. Fundamental technological problems.
Fundamental climatic problems.
Fundamental geographic problems. Agreement on Technical Barriers to Trade, Article 2.

9. Q. Under the current GATT, if a dispute panel rules against a U.S. federal or state law, the decision of the panel and any later decision to impose sanctions could only be made if the United States agreed. Under the proposed WTO, the de facto veto has been eliminated. Thus, should the WTO rule against a U.S. law, the United States would have only three options in response. What are those three options?

A. a. Eliminate or alter the U.S. law to conform with the tribunal's ruling.

b. Pay compensation to the winning country.

c. Face trade sanctions from the winning country. Annex 2, Article 22.

10. Q. The Clinton Administration has stated that the United States would have no obligation under the World Trade Organization to make U.S. laws meet WTO regulations. If the United States joins the WTO, would have the legal obligation to conform its law with the hundreds of pages of Uruguay Round rules?

A. Yes. The agreement's exact language is: "Members shall ensure conformity of their laws, regulations and Administrative procedures" with all of the annexed Uruguay Round Agreements (i.e. all of the substantive rules.) Article XVI.

11. Q. The North American Free Trade Agreement (NAFTA) clearly exempted actions to be taken under three major environmental treaties: The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; the Montreal Protocol on Substances that Deplete the Ozone Layer; and The United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Which of these environmental treaties are exempted under GATT/WTO?

A. None. Article XVI.

12. Q. Is it true or false that a ban by any WTO member nation on the trade of goods produced by prison labor and by child labor are illegal under GATT/WTO?

A. False. Only bans on trade of goods produced by prison labor are illegal under GATT/WTO. Foreign trade of goods made by child labor is GATT/WTO legal. The General

Agreement on Tariffs and Trade, which came into force on January 1, 1948, allows contracting parties to bar imports of goods produced with prison labor. (Includes amendments to original GATT text.) Article XX (e). Article 16, 1, of the Uruguay Round of GATT incorporates this and other provisions by reference.

Mr. MOYNIHAN. Mr. President, I will suggest the absence of a quorum with the time to be equally divided and controlled.

Mr. HOLLINGS. Mr. President, I will use some of our time.

Mr. MOYNIHAN. Sure.

Mr. President, the Senator from South Carolina has control of his own time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me first thank the distinguished Senator from Colorado for the deliberate and very thorough approach that he used in analyzing this GATT agreement. It is a discombobulated, tricky mess.

I am an old-time lawyer. That is how I made a living and am able to afford serving in the U.S. Senate. Business clients would come in and present a contract to you and say "HOLLINGS, what about this?" I would have to analyze the good and the bad and then come up and help the client make a judgment.

Now here what we have, as pointed out by the Senator from Colorado, Senator BROWN, is the worst kind of contract that you could possibly imagine. People do not really believe that officials representing American interests can enter into such a contract.

Let me tell you how we have been taken over. What happened is, Mr. President, we started at the end of World War II, the only manufacturer, the only industrial complex left standing after the war. Wisely, we determined to subsidize, lead, and support the development of capitalism in Europe and particularly in the Pacific rim.

And in those days we had a number of aid programs, Public Law 480 in agriculture, and the tax breaks for industry.

Industry resisted it at first, going abroad. They did not want to travel all the way to Japan—they did not speak the language—or travel to places like Korea, and certainly not to China or Taiwan and Hong Kong and Singapore and other countries. In Europe, the Marshall plan took root, fortunately, and no one regrets it. It was a visionary policy to rebuild the devastation wrought by war.

But the fallout from this visionary foreign policy has become a disaster to our economic policy. I have the greatest respect for the chairman of the Foreign Relations Committee, but, this is not foreign policy anymore; this is economic policy. That is the problem. We cannot get that mindset changed.

We cannot get it changed in the administration at the White House. We tried to with NAFTA. And we will go at length to show that, yes, that sucking sound is there and it has been muffled here because we do not have time for debate. But if they want to get into it, I would be delighted to give them the facts, the numbers, because we are losing to Mexico. We are losing jobs.

But what has developed is what you might call a trade war. And, Mr. President, the enemy is not Japan. I have been in enough debates around here. Well, they say, "Oh, you are just bashing Japan. You are just from a little textile State and you want to bash Japan." I do not bash Japan. I am bashing Washington. As the nationals found out that they could produce more economically by placing their production offshore, they became multinationals. How do they do it?

They said that they had a hearing in the Foreign Relations Committee. We had eight hearings. And here is the booklet. I hope they will read this very pro and con balanced set of hearings, commended by all the colleagues who attended. It was shown there in the hearings that for a typical American industry 30 percent of its sales volume is taken up by labor costs, and, Mr. President, you can save 20 percent of that cost or volume of labor by moving your production offshore to the Pacific rim, or to any of these low-wage countries.

Now, what has happened with the fall of the wall is that you have 4 billion people coming into the capitalist work force, 4 billion workers making 2 to 3 percent of the American wage. You can get 50 Chinese for one American worker, you can get 27 Filipinos for one American worker, you can get 37 Indonesians for one American worker. And so you can go to any of these countries, and save 20 percent by moving offshore.

If you have $500 million in sales, 20 percent savings means you could make or increase your before-tax profit 100 million bucks by getting out of the country, moving your production offshore. You can keep your regular sales force here in this country, the executive branch, and sit up there on the 50th floor of the Chase Building in New York and spin out all of this nonsense about free trade, free trade, free trade, free trade, while they are gutting the work force. The manufacturing base in the United States has gone, since 1987, from 26 percent of the work force to 16 percent.

You can make $100 million by moving your production offshore or you can go broke by staying in the United States. That is the trade policy that this Government has. That is why I call the Government the enemy in this trade war. We have seen the enemy and it is us. It is common sense.

In one of the finest news articles you have ever seen, Mr. President—it was just a few days before the election—the USA Today said: "Americans in a Stoning Mood." And there was one sentence that summed it all up. It was a medical technician in New Hampshire who said, "It used to be that you could work hard, keep your nose clean, and you could always count on your job. But today, you could lose your job at any time."

And the reason for it is us right here.

So you start with a program of trying to bring about capitalism, which has worked 40 years ago, but now gobbles us up. Now that the nationals became multinationls, espoused free trade, knowing all along that they were moving out of the United States where they do not have to worry about Social Security and Medicare, clean air and clean water and safe working place and safe machinery, and plant closing notices and parental leave, and you do not have to worry about that Congress raising your cost of doing business. You can go to Taiwan, Hong Kong, Singapore, in Malaysia, in India—where you are protected from Congressional regulation.

So if they come, these folks making big money, the multinationals, they go to their banks who are financing them and say, "We must support free trade."

If you ever run for President, they will invite you to the council on foreign relations. And when you come at their invitation, what they will do is they want you to swear on the alter of free trade, almighty faith for ever and ever you are a free trader, you are a free trader. "Yes, I am for free trade; free trade." That is all they want. You can get their contributions, you can get their support. I have been there. I know what I am talking about.

And so you have then the multinational corporations and the multinational banks. And then they finance all the consultants and the think tanks. And you can spew in any kind of statistical material you want to these economists and they will support free trade with paid studies. And that is the kind of statistical bunk we have to hear at every one of these GATT rounds about the thousands of jobs and $1700 a year we are going to make and everybody is going to get rich in America.

Mr. President, I feel like that boxer who was obviously losing. By the 10th round, he was staggering, barely able to stand. He fell back on his stool in the corner. And, of course, his second was patting him on the face. "He hasn't put a glove on you. He hasn't put a glove on you." And he blinks and barely opens his eyes. He says, "'Well, watch that referee, because somebody is knocking the hell out of me."

I mean, they are telling us we are getting rich, while we are losing jobs. Do not come around here and tell me they are interested in jobs, manufacturing and economic strength of America. They are debilitating and destroying it here today and tomorrow in the National Government. That is blind to what is occurring in the global marketplace.

Because after they get the multinationals, the multinational banks, the consultants, the think tanks—and we have had them all come in and testify; we have had them at our hearings—then they go to the retailers. And that is a story that has already been told by the Senator from North Dakota and the Senator from Ohio. Compare prices of foreign-made and U.S.-made blouses. I have done it myself. Go down to Bloomingdale's: One made in the United States, one made in Taiwan—both $32. Go over to Herman's, get a catching glove: One made in Korea, one made in Michigan—both $42.

When Nike moved offshore, the cost of shoes did not go down. The profits rose. That is what happened. They can take what is made in the United States and what is made more cheaply offshore and make a bigger profit. I remember one of the debates. I went down and got the annual report of the Washington Post, that crowd—they made $1 billion on advertising. I think this was about 1987 or 1989, and 80 percent of their profits, $800 million of that profit, was from retail advertising. "Whose bread I eat, his song I sing." Do not tell me about this business crowd and something being free. There is nothing free in business. This is not foreign policy, this is business policy.

The other governments and the competition have made it their business to play by business rules, and we sit around here with the golden rule. Do as we say: Free trade, free trade, free trade. We have been trying for 50 years, and you have seen the deficits in the balance of trade. Not "exports, exports, exports." We have a deficit in exports; whereas our exports are totally overcome by imports. And then it came to mind, when the distinguished Senator from Colorado was pointing out how that agreement—how they could sell out, because all of these particular trade representatives go back downtown and represent the other side after leaving the Government. There are 68,000 lawyers, Mr. President, in Washington, DC. Yes, there are a few lawyers here in the Congress who can read contracts, thank heaven. But if you can find me one of those 68,000 lawyers downtown who is against GATT, I will jump off the Capitol Dome. Come on. They all have their hands in the till here. They do not care about jobs. They have clients. They are making a fortune.

How are they going to create jobs under this GATT? Here, not only are we opening our markets, we are exposing our basic laws to challenge. Suppose you do not like the Glass-Steagall Act. And it has really kept the integrity of banking since the 1930's, but you want to change that particular act. So all you do is get one of those Washington teams of lawyers to get a little small country and get together with some money, and that little small country petitions GATT, the World Trade Organization, to say that Glass-Steagall—governing the requirements on banking in the United States—is not the least trade restrictive way of regulating financing. And you can abolish your law. No, this implementing bill does not change the law, but they have a way to repeal it over in Geneva. You obey or you pay.

Or you can get another group of lawyers to go after your investment laws. Suppose you had trouble with securities, the SEC, the Investment Act of 1940, and the requirements thereunder with regard to foreign investments. You can go down and get a bunch of Washington lawyers and get after that one, too. You can go after the environmental laws—and they have.

The CAFE standards have been found, by GATT, as GATT illegal right this minute. But we vetoed it, virtually, because we do not have to go along. We virtually have a veto under the current GATT. The current GATT found GATT-illegal our tuna-dolphin law, our embargo against the Mexican tuna coming up where they do not obey the dolphin laws; they find it illegal, but we have vetoed it. Now we lose our veto.

I was thinking of those lawyers. It just got me because I have to cover one other topic. I see some others here and we want to hear from them.

Mr. President, you have supporting the GATT the Washington newspapers, the think tanks, the Washington lawyers, the retailers, the multinational banks, the multinational corporations, and the Fortune 500. And why has that "GATT now" crowd been running those ads? None other than Robert Reich, the Secretary of Labor, on page 95 of his book, "The Work of Nations," says between 1975 and 1990, the Fortune 500's have not created one net new job in the United States. And since that time—I have the record here—they have invested over $50 billion overseas. And, to bring it totally up to date, we have another particular page here out of the Business Week article where they talk about the spending binge being global. The spending binge.

Here are all the poor working people who never heard of any spending binge. But I read from the November 14 Business Week. It says, "As the global upturn widens, the investment spree among U.S. companies is spreading to their overseas operations."

Can these Senators listen? Not American investment. Oh, they are making money, all right. And they are investing it, all right. And they are investing it overseas.

According to a recent Commerce Department survey, "Foreign affiliates of the United States firms plan to hike their capital outlays by 8 percent this year to about $69 billion, the largest increase since 1990."

The last sentence of the Business Week article concludes: "Capital expenditures by U.S. affiliates in Mexico are set to jump an eye-popping 40 percent."

There you go; that is it. What are we talking about? We are talking about jobs. And we are getting the rich richer and we are getting the poor poorer. Why? Time Magazine had a cover article here, "Boom for Whom?" in late October. Sure, it is a boom for this crowd, the "GATT now" group, the Fortune 500 crowd, the newspaper editorial crowd, the multinational crowd, the multinational bank crowd, and the retailers returning all over the place trying to increase their profits.

But there are a few of us lawyers here who can read contracts, as Senator BROWN from Colorado has. And we know what is good for the country. I do not have to serve a corporation or individual—I serve them both. I can tell you categorically we have had an uphill fight. We had it in 1979. We had the same rhetoric as the Senator from North Dakota has pointed out, reading it to you. We have had our own Finance Committee in 1986 saying: "The Tokyo round was a bust." It was not working. It did not give the economic boom and all that kind of stuff that they continue to talk about now. It is ruining the country. They want to take a bleeding wound and turn it into a hemorrhage. It will ruin the middle class. And that is my point.

The crowd that came to Washington to support and prosper the middle class is destroying the middle class. That is exactly what this article says here, "Boom for Whom?" Regarding service jobs, it says: "The people cannot lead a middle-class life in the service jobs that are left over." That is the state of America, and that is the point of the recent election. But voters are just as angry still at Republicans as they are at Democrats. It just was their time at bat. If they do not understand it, some on the other side of the aisle, we will get rid of them in 1996. I will borrow their TV ads, change the words around from Democrat to Republican, and we will run them out of town. Because we are both guilty. We have not faced reality. We have been selling the industrial and manufacturing and economic backbone of America down the tubes and we are destroying the middle class that supported this democracy. That is why we have the inner-city crime. That is why we have the latchkey children. That is why we have the drugs.

The GATT proponents give all those statistics. The trouble with this crowd is that the statistics that they give measure activities, not the impact on the social order. When we had Hurricane Hugo, then we had to rebuild all the places down there in my back yard, and that increased the GNP—the carpenters, the timber, the materials, and the renovation. Likewise, you ironically get an increase in GNP when we have an explosion of health costs. We build more hospitals. The same thing when we get drugs, when we get crime. We build more prisons.

The cost of drugs and crimes and natural disasters—floods and all—is 7.5 percent of the GNP, if they want to give figures. That is just activity. It is not good activity, not favorable. What we have to do is assume the responsibility of not being number crunchers around here, and putting the people first and not the money first. That is the whole point here.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New York.

Mr. MOYNIHAN. Mr. President, I have the honor to yield 10 minutes to the distinguished, formidable, and indomitable Senator from Maryland, Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland [Ms. MIKULSKI] is recognized.

Ms. MIKULSKI. Thank you very much, Mr. President. I thank the chairman of the Finance Committee for yielding time and congratulate him on his recent victory.

Mr. President, I have spent my entire life trying to save jobs, save communities, and help people who are trying to help themselves. I have spoken many times on this floor about generating jobs, jobs in my own home State and jobs in the United States of America.

For my own home State right now, the key to the future is export jobs, and that is why I have decided to vote for GATT. The old ways are not working. The world is changing and a new economy is about to be born. I do not want the United States of America to be left behind.

As a member of the Appropriations Committee, I have been trying to do my part to make public investments, to generate jobs in aerospace, in high-speed ground transportation, in new environmental technologies that the world desperately needs. I have been a leader trying to urge our Government to work on core technologies, to focus on strategic research to lead to new ideas and new products.

I want to see the United States of America win not only the Nobel Prizes but also win new markets. I want the United States of America to reap the rewards of those great new American ideas. For years, I have worked with my colleagues to protect American inventions against countries that deny adequate intellectual property rights. I want good American know-how protected and the jobs that it creates to stay right here in the United States of America.

I want to see us develop new American products, restore our Yankee-trader tradition and export those products around the world. We have done a great job exporting democracy and now I want us to export products that are made in the United States of America. The future of the United States of America does lie in high technology. Even so-called low-technology manufacturing is now going high technology.

But in order to develop export technologies, we need to have export markets, and GATT gives us the chance to do that. GATT will eliminate or drastically reduce foreign tariffs on leading products that Maryland does export. It means that my own State can sell more abroad and that it will also protect ideas and inventions that are being developed in the United States of America in the fields of life science, space and transportation technology, and in the environment. That means more jobs for us.

In this debate, I have heard from the working people of Maryland. Some fear for their jobs and others believe that GATT will help them and their children have good jobs now and in the future. The working people of Maryland are on both sides of this debate, and I want to be clear. I hear them and I acknowledge what they are saying. I acknowledge their fears. I acknowledge their hopes. I acknowledge their dreams, and I also acknowledge the fact that they worry about their very lives being downsized.

Make no mistake about it, I am a blue-collar Senator. My heart and soul lies with blue-collar America. I spent most of my life in a blue-collar neighborhood. My mother and father owned a neighborhood grocery store. When Bethlehem Steel went on strike, my dad gave those workers credit. My career and public service is one of deep commitment to working-class people. And in the last decade, working people have faced the loss of jobs, lower wages and a reduced standard of living, and a shrinking manufacturing base, everything that the critics say. But voting against GATT will not save those jobs or bring those jobs back. If I thought that is what would be the solution, I would support it. But right now, we know that the world will either pass us by or we will be part of the new economic relationships.

Much has been said about the loss of sovereignty. If we do not support GATT, all we are going to be is hollowed out as our jobs flee to other nations. The globalization of labor makes that a reality. Demography is destiny: 1.2 billion in China. So, therefore, we need to have relationships with these countries.

I have just gotten back from an East Asian trip focusing on trade and national security, traveling on a bipartisan basis with JOHN GLENN, SAM NUNN, DAVE PRYOR, KIT BOND, and BILL COHEN. It was clear—clear—that they want to do business with the United States of America, and why? Because we are the best of the best. That is why I believe that we can play a role and save manufacturing jobs if we support GATT.

I have been listening to America's working people, and I know their fears personally. But I also know that the old ways are not working; that the current rules of international trade are holding America back. All America needs is a fair chance and a level playing field to compete globally.

The Uruguay round is not perfect, and this implementing bill is not perfect. But the bottom line for me is that foreign tariffs will be cut by one-third for manufactured products, and also it will cut tariffs and reduce trade barriers for many of Maryland's top export industries. So Maryland will be able to export more, manufacture more, and create jobs.

What it does mean is that there will also be more jobs for the Port of Baltimore. It means more and more work out of our great American minds, world-class research and development, and those issues will not be stolen to reap profits for foreign countries.

My State of Maryland is ready, willing, and able to compete for jobs. In 1989, one out of every six manufacturing jobs in Maryland was tied to exports. And in the early 1990's, Maryland's exports grew at twice the national average. This huge increase was led by a 65-percent rise in products manufactured in Maryland being exported and sold overseas. For Maryland, these exports mean jobs today, and it also means more products that Maryland can export, more products that Maryland can manufacture and, thus, more jobs in the State of Maryland.

I believe that with this new century coming, we must engage, have constructive engagement with the rest of the world. We cannot close our doors or close our minds to the reality of what is happening. I believe that if we pass GATT, yes, it does present problems, but the problems will be far more significant and the world will truly pass us by if we do not vote for GATT.

For those emerging nations, if we do not vote for GATT now, when they continue to become export trading nations as well—or import—they are going to hold it against us. They are going to say, "Where were you in the 1990's when we could have all come together?"

The issues today are less now of strategic alliances and more of economic alliances. Our President went to APEC. We now see EC. I voted against NAFTA, and yet based on what I am seeing now, NAFTA maybe was not as bad as I had anticipated.

Now on the brink of this new day, I believe that we must seize the day and vote for GATT. So I am voting for GATT to generate more exports, to create more jobs in my own State of Maryland and in the United States of America, and I am voting for GATT because I believe America's future depends upon it.

Mr. President, I yield the floor and any such time as I might have left.

Mr. MOYNIHAN. Mr. President, may I congratulate the Senator from Maryland on a powerful, persuasive case spoken from the point of view of those workers at Sparrows Point and those workers at Bethlehem Steel, those people in Maryland who earn income from exports. Just to give one quick example from a New York firm, George Fisher, the head of Kodak, who recently, apropos the Senator's tour of South Asia on trade matters, said: "There are 4 billion people in the world who have never snapped a picture and we have plans for them."

I thank the Senator.

Mr. President, I see our distinguished President pro tempore is here.

Mr. PACKWOOD. I have talked with the distinguished President pro tempore, Mr. President, and he indicated to me that he would kindly allow Senator BURNS to go first. So I yield 15 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS], is recognized.

Mr. BURNS. I thank the Chair. I thank my friend from Oregon.

Mr. President, as we rise today to make note of our intentions on this important piece of legislation, of course, I am not real sure of the time that I have in this body. This is probably one of the toughest votes that I have ever had to deal with. So we do not take this vote very lightly because it does have ramifications and it will have great affect all the way around the world. We could take a look at the world economy. But yet it all boils down to what happens locally. How does it affect our States and the people who live in those States and what our own local situation is? So I guess, even though having great international implications, it still goes back to the speaker who was Speaker of the House from Massachusetts when Tip O'Neill said all politics—and of course, all situations—are local.

I am a free trader, and have been in the private sector all my life. But we all were operating out of almost the same rule book, not entirely. When I look at this and see who is making the rules and those rules are coming from outside the framework in which we are going to have to operate, it brings up great questions.

So I intend to vote no on the GATT agreement, and I also intend to vote against the budget waiver because I remember those of us who came off of campaign trails just not quite a month ago, and we said we were going to vote for less Government and more jobs. This is not one of those vehicles which lets us accomplish that end. The real debate boils down to winners and losers.

This agreement by some has been called a win-win situation for Americans. Free trade is good policy for consumers in many industries that will benefit from new trade rules. But again when we go back, consumers will win because tariffs on imports will be lowered. I am not real sure, however, that those who import are willing to pass along those savings to the consumer. Nobody has shown me where they intend to do that. I think it is something—and I do not want to be antibusiness—where somebody gets a product and he can put it on the market, and the market is driven by supply and demand. But I am not real sure that the money saved in tariffs will be passed along to the consumer even in a competitive environment. I know whenever this Congress repealed the wool incentive, the wool incentive was financed. The incentive was given to our sheep producers of America, and was financed by tariffs collected on wool imported into this country.

If we repealed part of that, we only repealed part of the law and that was the part when we give incentives to the sheepmen. We did not repeal the tariff because this Government kept the $120 million out of the $400 million that they collected in tariffs. This Government kept the $120 million for itself and diverted those funds into other funds for which the law in the first place was never intended.

So will corporations take the same attitude? I do not know. We have known how to deal with tariffs. But sometimes I doubt if we really know how to deal with nontariff demand items. Tariffs and unfair subsidies in other countries will be cut allowing our agriculture maybe to be a winner. And I am not sure yet. But it looks good to many people.

The United States is the largest exporter. It has already been said. Our GNP is tied to exports. We make and grow a lot of products. We sell computers, electronics, steel, automobiles, cattle, corn, and wheat. Our financial institutions and entertainment industry are second to none, and our economy thrives for the most part on exports. But nobody has talked about the losers in this deal, and they are out there. Not everybody will win. This free trade deal will not be fair for everybody. We have to slow down and take a look at who will be negatively affected in our own neighborhoods. Who will see the benefits of GATT? And when I see how this GATT will affect our daily lives with the people in my home State, I see the negatives of GATT fall disproportionately on States like Montana.

I will give you a good reason for that. Let us look at the agreement and how it will affect our State. We are a rural State. We do not have big cities. We do not have a large manufacturing base. We are dependent on natural resource industries like agriculture, mining, timber. And, yes, we do have a very solid and new and thriving high-technology community that is just now getting off the ground.

So I want to know how GATT is going to be worked for the working men and women of my State, the men and women who carry the lunchbox, who pull the shifts, and they are just not a faceless crowd out there. They are people, folks. They own homes. They would like to drive a new pickup every couple of years. They like to educate their kids. They want a part of the American dream too. They are not in the position to make the policy that will govern this, the guys who cut the timber, the guys that run the family farm, and the miners who provide our minerals, our trace minerals for, yes, American industry. They are the ones who stand to lose the most. They are the ones that are going to have to compete in the world market. They compete with the Third World worker who scratches for meager wages. I think it forces our workers to compete with developing countries. Montana workers will be in direct competition with the Argentine farmers, Chilean miners, and the Indonesian loggers. Those decisions are not even made by those miners or those loggers or those farmers. Those decisions will be made by the governments of those respective countries.

So we cannot allow somebody else to pull the rug and make the decision who wins and who loses and pull the rug from our people here in the United States. Some folks would call that protectionist. I say it is trying in the best way in the world in a democracy in a free society to argue for my side and to sell my product. I do not want to be excluded by price alone.

Agriculture was excluded in the GATT for the first time. That is good news for producers. But a closer look will tell us that the changes are not even across the board. The time schedule for cutting subsidies lowering the tariffs is different for developing countries than it is for developed countries. That is not a level playing field. America is lucky in that we are very lucky that we can feed ourselves, and we feed a lot of people around the world.

We do not have to worry about food shortages in this country, and we should not trade away our food production in exchange for gains in the service industries and, again, this agreement is not fair.

We have a longer border with Canada than any other State in the Union. I have seen firsthand how a free trade agreement really works, not just on paper, but in reality. We have had to deal with a dispute with Canada not on tariff problems but on nontariff barriers. Now we are told that GATT is not NAFTA, and I agree; it is bigger, with more members, more bureaucracy, more pages.

So in Montana, our ranchers and grain growers are struggling to compete with Canadian imports coming over the border. It is not a question of efficiency. It is about nontariff barriers, such as tests for bluetongue, keeping our feeder cattle from going north of the border. I probably would have no problem—we have just one border crossing up at Sunburst, MT, where you have 250 loads of cattle a day, and these ain't bobtail loads, folks; these are semis, 250 loads a day coming across into this country. Yet, we cannot take advantage of a $6 to an $8 per hundredweight market better than ours on feeder cattle going to the north to be fed in southern Alberta. Why? Not because of tariffs, but because of a nontariff barrier that they called for animal health reasons, and the principal thing called bluetongue.

So with all of this, we see nontariff barriers going up. We can deal with and negotiate tariffs. But we have a hard time negotiating on the nontariff barriers. I have heard some say this helps us to deal even with the nontariff deals, because it will bring it into a situation. Montana was the largest buyer of Canadian wheat last year. We could not get them to the table. Had it been producer to producer, we probably would have worked it out. When a country such as Canada markets their wheat through a national wheat pool and we here market our commodity by individual farmers and they have to compete against the Canadian Government, this is not fair because that was a Government decision, not a producer decision. It was a Government decision.

Let us talk a little about the WTO. It creates a bureaucracy of historic proportions to oversee international trade. Future WTO dispute settlements may intrude upon areas of policy previously outside of the scope of the U.S. multilateral trade relations. The bottom line is that the WTO could put our Federal and State laws at risk. There will be those of the legal community that say that is not a risk. Already, our State and Federal laws and regulations on the environment, product standards, testing, labeling, and certification have been identified as potential violations.

The dispute settlement panel does not stand up under scrutiny. They will say that NAFTA and the Canadian Free-Trade Agreement is not a good example to compare it to, but we do not have anything else to compare it to. Anytime that you can dump all of your excess commodity on the market in less than 6 months, and it takes a year and a half to get people to the table, let me tell you, your market has been disrupted, eroded, and it cannot be put back together. In fact, it went so far on the Canadian border that we had farmers put their trucks around the elevators so they could not accept any more Canadian grain in Montana. It was a very volatile and hostile type of situation that existed just on the Canadian border in my State of Montana.

There is a lot of power in the WTO, delegated to them by unelected and faceless bureaucrats, most of them put in place by foreigners.

So when we lose a case, we have to follow the ruling. The same teeth that can be used to force our trading partners to follow the rules will be used against us, and I guess that is a fair statement if you really believe in what the WTO stands for. So we will be forced to pay the price, either through compliance, compensation, or retaliation.

Does it seem fair to you, or anybody else, that we are going to pay 25 percent of the cost of the WTO and we get less than 1 percent of the representation of the vote on that panel? I think we can negotiate a better deal. The European Economic Community has 17 votes within that union, and that union is being put together why? For a trading block, just like our North American Free-Trade Agreement. But under NAFTA, a trading block would have 3 votes. But 17 would be true with the European Economic Community.

If you say each State or each part of the Union would have a vote, that would probably give us 50, and we could probably deal with something like that. I do not think that is exactly fair, either.

Nobody knows for sure what will happen when the WTO is unleashed. But is it a risk we can take? Sure we can get out of it, like we can also get out of any of the international organizations we belong to. Unfortunately, we get sucked into these groups to never escape. The only certainty is that our portion of the tab always increases and the number of bureaucrats grows. Meanwhile, we do not have the influence in proportion to our trading size. The United States will have one vote and no veto. This is an unprecedented attempt to put us on the same level as every other member. This is just one more step in the direction of a world government.

Another glaring problem is the implementing legislation and the financing provisions. This is not the place for surprises and sweet deals for special interests. And Congress and the President cannot ignore the budget rules by waiving the costs of implementing the deal. It has been called a tax cut for consumers. That is banking on retailers to cut prices to reflect the drop in tariffs. Short of that, it is a loss of revenue and an attempt to break the budget, putting American taxpayers on the short end of the stick.

In conclusion, I do not support this trade agreement. After looking at it from every angle I am absolutely positive that this is not a fair trade agreement for everyone. I cannot ignore problems with the World Trade Organization, or flaws with the financing provisions and implementing legislation. And I look at the lessons Montana has learned from our previous trade agreement with Canada and Mexico which show that agreements that look good on paper, do not always work well in reality.

I am a free-trader, but I cannot support a free trade agreement that is not fair. GATT is not fair.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I do not know that the Senator from South Carolina is present. I know if he were, he would wish to yield time to the distinguished President pro tempore. I will take the prerogative of yielding such time as he may desire, the time to come from the Senator from South Carolina.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from West Virginia is recognized on the time of the Senator from South Carolina.

Mr. BYRD. Mr. President, with great respect to the very distinguished chairman of the Finance Committee, and to the very able ranking member of the Finance Committee, I make these comments, and in the spirit of total friendship, admiration, and high regard. I am opposed to the executive agreement on the GATT Uruguay round, and I shall shortly raise a budget point of order against it, even though the waiver of the point of order will not be voted on until the very end of the running of time on tomorrow and just prior to the final vote.

While I support efforts to reduce tariffs the world over, I believe that the Uruguay round is of such stature, such scope, and such permanence that it should have been considered as a treaty, requiring a supermajority vote in the United States Senate, rather than as an executive agreement requiring a mere majority in both Houses of Congress.

I do not take the position that it is constitutionally wrong or that it violates the Constitution not to have this far-reaching matter presented to the Senate in the form of a treaty, but as an executive agreement.

I do take the position that it should have been presented as a treaty because of its scope, its dignity, its stature, its far-reaching importance, and I realize that, more and more, we are getting away from the use of treaties in dealing with such vital matters and going more and more to the executive agreement instrument. I feel that, with each time this is done, it becomes easier on the next occasion to proceed by way of an executive agreement rather than by the instrument that is set forth in Article II, section 2 of the U.S. Constitution, the language dealing with the treaty process.

Inevitably, over a period of time, the result of this growing trend will be a reading out or an amending, in effect, of the treaty process as set forth in the Constitution.

The messenger in the third part of King Henry VI stated it well when he said:

> But Hercules himself must yield to odds;
> And many strokes, though with a little ax,
> Hew down and fell the hardest-timber'd oak.

So, Mr. President, that hardest-timber'd oak of the treaty process as set forth in Article II, section 2 of the Constitution will eventually be hewed down and will have been felled by the many deviations from the use of that constitutional provision.

In any event, action on the Uruguay agreement should be delayed until next year. The Members of a new Congress, not the lame-duck Members of the old Congress, should have the opportunity to fully study the agreement and make their decisions with more attention to the details of this far-reaching agreement.

People of this country are entitled to render a verdict on the judgment of lame-duck Members as expressed by their votes on this matter. Those lame-duck Members, those who will have retired, those who will have been defeated at the polls—and I say this with the highest respect for any and all of those Members—they will have had a free ride; they will not have to answer for their vote to the judgment bar of the people at the next election.

I regret that. I regret that this vital issue is to be decided in this Congress.

I also regret the rape of the legislative process by the fast-track procedures which will govern the decision by the Senate on this agreement. "Fast track" should never be imposed on a matter which can be so destructive of Senate prerogatives, so destructive of States' rights, and so destructive of the sovereignty of the people of this Republic.

"Fast track" is nothing more than a quick shuffle designed to ram through this agreement without much scrutiny. Therefore, Mr. President, here we are at this late hour, faced with an upcoming vote on a matter about which we know little and under such restrictions as will limit debate and tie our legislative hands with respect to amendments, leaving us only with a choice of voting this important legislation up or down.

The President is not to be blamed for this fast track. The Senate itself must bear the blame. It was the Senate that voted to bind itself, hands and feet, with cords of steel that shut out amendments. It was the Senate that voted to impose the gag rule upon itself and to limit free and open debate to a paltry 20 hours concerning a matter about which vote we may have ample decades during which to regret.

I wrote to the President earlier this year and urged that he not present this agreement to the Senate this year, that he delay the presentation until next year so as to give Senators more time to consider, and so as to give the Members of the 104th Congress, who will be fully responsible under the new leadership in the Senate and in the House, to answer to the bar of judgment of the people come the next election.

The President wrote back and in a very nice way declined to follow my request.

It is my belief that the approval mechanism that ought to have been used, especially for the WTO portion of the GATT agreement, is the constitutional procedure for treaty ratification. In fact, the introductory note in the final text of the Uruguay agreement declares as follows: "By signing this Final Act at the Marrakech Ministerial Meeting, the participants will establish the texts"—this is the final act from which I now read—"the participants will establish the texts set out in the Annexes, in accordance with international treaty practice."

Hence, it is evident that the Uruguay Round's Final Act contemplated action thereon as a treaty.

The new World Trade Organization would have the authority to set parameters reaching far beyond trade law. Thus, the ability of Congress and the ability of State legislatures to legislate in the best interests of the United States, and the States, respectively, will for the first time in our history be subjected to the review of secret panels comprised of citizens of other nations. Amazingly, the World Trade Organization can require that the United States and other members conform domestic laws to WTO rules.

For example, laws imposing an asbestos ban would not be allowed unless they employ means that are the "least trade restrictive" alternatives. U.S. laws and State laws in many areas must comport first with the WTO's trade rules, or such laws can be challenged as an "illegal trade barrier" by other countries. Federal and State laws dealing with toxics and hazardous waste, consumer protection, recycling and waste reduction, pesticides and food safety, energy conservation, wildlife protection, and natural resource and wilderness protection, would all be vulnerable to WTO challenge. The new GATT would prevent countries from rejecting products based on how they are made; for example, with child labor or with ozone depleting chemical processes.

There is no doubt that State as well as Federal law would be affected. Article 3 of the agreement says so in plain language.

All of this means that we can only maintain standards that are consistent with the terms of the agreement—and here it is, 2,000 pages of it—and they must be "least trade restrictive," regardless of political feasibility. A wholesale circumvention of many of our domestic laws is, therefore, invited.

Now I ask the question: Who shall be the umpire or referee when U.S., State, municipal, or local laws and regulations are challenged by other members of the World Trade Organization?

Under the agreement, a Dispute Settlement Body [DSB] shall have the authority to establish panels.

A standing Appellate Body shall hear appeals from panel cases. The functions of panels would be to examine any matter referred to the DSB by the complaining party and stand in judgment on claims against the U.S. by any GATT member.

There is no outside appeal, no external standing review body. None. The proceedings of the appellate body shall be confidential and final.

Where a dispute panel or the appellate body concludes that U.S. law, regulation or administrative procedure is inconsistent with a covered agreement, the WTO shall recommend that the member concerned bring the measure into conformity with the covered agreement.

Mr. President, I am opposed to the prospect of creating a new international institution which is fundamentally antidemocratic closed to the parties unless they are invited and closed to the participation of the people of the world.

Mr. President, the Long Parliament in England abolished the Star Chamber in 1641, which by means of secret trials and arbitrary judgments, had suppressed the opponents of Charles I, who later paid with his life on January 30, 1649. I should think that every Senator—this Senator does—would object to this new type of Star Chamber which will be installed with the approval of the Uruguay agreements and which will, by arbitrary and secret meetings, render judgments and impose sanctions against members whose laws, regulations, and administrative procedures are not in conformity with the rules and regulations of the World Trade Organization.

Beyond the delicate issue of the political accountability of foreign nationals ruling on the legality of U.S. laws lies perhaps even greater concern for states. Georgetown University Law Professor Robert Stumberg, in a report prepared for the Center for Policy Alternatives, has identified 90 statutes in California alone that are likely to be subject to WTO challenge.

If a foreign nation wins a challenge to any United States law, State or Federal, and the United States declines to revise or preempt the law, or otherwise deprive the law of its effect, the foreign country would be free to impose countervailing sanctions including fines against the particular offending U.S. industry or any other—not just the offending industry, but any other U.S. industry or sector.

This could amount in effect to a secret foreign panel's levying taxes on the American people as a punishment for not altering U.S. law to a complaining party's liking. Think of that! Observe how we worry and scurry and wrangle in this body whenever a tax increase is even discussed, even mentioned, even whispered; and yet, here we are ready to roll over and grant a secret board, a secret body, a secret panel anonymous and secret powers to fine U.S. taxpayers if we do not rewrite U.S. law to suit the World Trade Organization. Talk about taxation without representation—and we once fought a revolution over that principle—here it is in spades!

Mr. President, doubt not that the sanctions imposed by the WTO have teeth—and claws. What should be very plain to us here is that the new rules provide for cross-sectoral sanctions should the United States not make the change called for by the GATT dispute resolution panel. Thus, sanctions could be imposed on the telecommunications industry for failure to comply with a GATT ruling on fisheries or automobiles. This possibility of cross-sectoral retaliation is likely to pose enormous difficulties for States and likely to provide perverse incentives for foreign nations to seek sanctions strategically.

If a State chose not to alter a measure found by the WTO to be GATT-illegal, the U.S. Trade Representative could choose to bring an action against the State in a Federal court, even if Congress had chosen to allow the state's measure to remain in effect and to accept trade sanctions on behalf of the entire Nation rather than preempt the offending State law. So there we have it. So much for Federalism. So much for State rights. So much for State legislators and Governors. Just leave everything for the WTO and the exalted trade representative to decide.

Thus, even a blind man can see that this agreement involves a substantial shift of control over each of the fifty States from Congress to the executive branch and to foreign nations.

Mr. President, the Administration is quick to say that WTO dispute settlement panels will have no power to change U.S. laws and that only Congress can do that. Well, that is true. And every schoolboy and schoolgirl in this country knows that. We already know that.

The administration seeks to tamp down the concerns of Members of Congress by saying, "Well, the WTO will not have any power to change U.S. laws."

Of course it will not have the power to change U.S. laws. Every history book in this country worthy of the name will tell us that. I learned that 60 years ago. It is nothing new. But the effect of the sanctions that can be applied by the WTO will be strong enough leverage to force U.S. and State laws to be changed to bring them into conformity with the WTO rulings.

This would put the domestic laws passed by a duly elected U.S. Congress and by elected State and local governments at risk to unelected, unaccountable, unsympathetic, foreign bureaucrats.

The agreement presented for Senate approval includes provisions that are take it all or leave it. Article 16 provides that a member state cannot have any reservations to the WTO agreement. Swallow it whole. Further, future amendments to the agreement can be made by a majority of the GATT membership, without any further consideration by this body. The U.S. can vote against such amendments, which might be adverse to our interests, be out-voted, and we have no choice but to swallow them whole.

So, Mr. President, here in my hand is the implementing legislation. You do not see what you get. You do not see what you get. We will have one opportunity tomorrow evening to vote up or down on this implementing legislation. After which, the 124 members of the World Trade Organization can vote to adopt amendments by a three-fourths majority, and in some instances by a two-thirds majority, and whether the United States likes it or not, it can be outvoted, as it is so often outvoted in the United Nations by the same nations that will be in the WTO.

And so, Senators, once we pass this bill, that is it. We have had it. We have had our chance and that is all. But then these agreements, 2,000 pages of them, can be amended by a three-fourths vote in the WTO. And we can like it or we can lump it. We can get out of the WTO. But if we remain in, we are going to live by those amendments which are not included in this document.

So we ought to remember that. It is the last word for us until after the passage of the first 5 years. But this is the last word for now. That is it. Then turn it over to the WTO to interpret and to amend. And how many votes do we have? One. A country of 260 million people with one vote, and 18 of the other members of this WTO will each have a million people or less. And the vote of each member, large or small, will be equal to the vote of the United States. So, you are not buying exactly what you see here. You are seeing the tip of the iceberg in this document of 2,000 pages, but that can be changed and will be—long after we have cast our vote tomorrow evening—changed by the amendment process set forth in the agreement.

The Senate is the only body that represents the States qua States, and it is the only body in which every State, from the smallest to the largest, is guaranteed equal representation. It is the only national body in which all members are politically accountable to all the voters in their respective states. We should not vote for this kettle of brew which will diminish the sovereignty of the states we represent.

The distinguished minority leader has expressed concern and reservations about the provisions of this agreement. He has made attempts to secure an agreement from the President to fix the potential damage and excesses that can be brought by the World Trade Organization, upon the U.S., our laws, and regulations in many fields. I have conferred with Mr. DOLE about this proposed fix—which can only be passed by the next Congress, and I must reluctantly conclude that the World Trade Organization cannot be fixed by the Dole proposal.

Mr. DOLE has proposed legislation which would establish a new American Commission to monitor the decisions of the Dispute Settlement Panels in the WTO. If the Commission found over the course of 5 years that the WTO dispute settlement tribunals have violated the appropriate standards of review, any Senator could introduce a privileged resolution calling on the President to withdraw from the World Trade Organization.

First, Mr. President, how will the Commission get the full record of the Dispute Settlement Bodies when the U.S. is committed in this agreement and committed by virtue of our adoption of this implementing legislation—committed to keeping the deliberations of such bodies "confidential?"

The documents, the deliberations, what is said in these panels, will be secret. And even the complaining party and the offending party will not be able to appear before those boards in the decisionmaking process unless they are invited.

So there is the fundamental question, I say, to those who are looking to the Dole proposition as cover. There is the fundamental question of the secret records and the Star Chamber proceedings that will frustrate the five judges on the commission that the minority leader wants to create.

Now, Mr. President, we have in the specifics of the procedures and standards established by the GATT for the World Trade Organization the elevation of trade as the top priority over all other values. If environmental laws get in the way of trade, they must fall. If consumer protection gets in the way, if standards of innumerable kinds, get in the way of trade, they go. Humane methods of trapping tuna, in order to protect dolphins go out the window. Flipper loses. Rigid pesticide controls which make products more expensive are GATT illegal. Out they go. Child labor laws restricting trade are illegal. Who cares? Only trade matters.

What happens when our laws are declared a violation of GATT? The Administration would like us to accept the proposition that no U.S. laws are wiped out here, and technically they are not. What will happen is that other member nations, perhaps prodded, or even dominated by one or a group of multinational corporations, will bring a complaint against the U.S. before the WTO, and a Dispute Panel could rule in secret against a U.S. law, as being GATT illegal. The room for pernicious manufactured claims should be obvious to all of us. This puts great pressure on us to change our laws.

Now, the question is what remedy does the proposal of Mr. Dole's offer for this situation.

After three determinations by the Commission under the standards set forth in the minority leader's agreement a resolution can be introduced with a privileged status, calling for the President to withdraw from the WTO. How hard will that be? Both Houses of Congress must pass the resolution and then be able to muster a two-thirds majority to override a Presidential veto. As my colleagues well know, this is a very difficult undertaking, and we would be faced with all the arguments about how wonderful free trade is on balance, despite a raft of adverse decisions. What is the likelihood that this fix is really a fix? When is a fix not a fix? When it is not a fix. It will be nearly impossible to get out of the organization, and so this high improbability of using the so-called fix should not dominate the vote on the agreement which this implementing legislation approves. If the WTO agreement is flawed, and I say it is very seriously flawed, then we ought not get into it in the first place.

Senators with ambitious ideas about health, environmental, labor, food labeling, or other standards would be well advised to check the standards of international bodies approved by the WTO before bothering to introduce legislation. One could imagine that rubber stamps embossed with the words "GATT illegal" will become popular in the White House.

So, Mr. President, the minority leader's proposal is well-intended, but in effect it is a fig leaf, a giant fig leaf pasted onto a Tyranosaurous about to ransack its way around decades of statutes and standards on a multitude of policy matters.

I do not have the agreement just in front of me. I had it. Here it is.

It is the fix. The Federal commission of five judges will be appointed and they will determine whether or not the proceedings in back of a decision imposing sanctions on the Federal Government or upon State governments or upon municipalities in this country or the local governments—they will decide whether or not the proceedings have been fair, whether or not they have been adopted according to proper procedure. But how are they going to get the documents? How are they going to get the materials from the panels, from the disputes board, from the appellate body within the WTO? Those proceedings are to be kept secret and anyone who says anything in those proceedings is to remain anonymous. The statements are to be anonymous.

How is this Federal commission, this new commission of five judges, to be able to make its decisions when it has no way of reaching into the panel, the secret panel, no way of reaching into the dispute settlement board, no way of reaching into the appellate body in the WTO and extracting those documents, those secret records upon which to make a judgment? This is a fig leaf.

And then, after 5 years, if the reports that are sent up by the President indicate that some of the decisions have not been fair, any member, they tell us, any member can offer a resolution. And we are promised that those resolutions will be expedited in the procedures in the House and Senate. But that legislation is to be put off until next year. But everybody here knows the barriers that one has to run when it comes to getting a resolution adopted.

First it has to go to committees. There is no assurance the committee will report it out unless those expedited proceedings mandate such. Then it has to pass both bodies of Congress. Then it has to go to the President's desk and he can veto it. So where does it leave us?

Mr. President, Benjamin Franklin told the story of how, upon his seventh birthday, many of his friends gave him several copper pennies. And so off to the shop that sold children's toys he went, and on the way, he heard a friend blowing a whistle which he had bought. Franklin so liked the sound of this whistle that he went into the shop and voluntarily plunked down all of his pennies for a whistle. He then went around his house blowing it proudly, while his brothers and sisters and cousins were all irritated by it and impressed upon him the fact that he had paid too much for his whistle. They told him that he paid four times the value of the whistle and listed to him all of the other things that he could have bought instead. Ben was so vexed that he broke out in tears. The reflection of his folly gave him more chagrin than the whistle gave him pleasure.

Franklin later said that he had learned a lesson by this experience. The lesson was that he had paid too much for his whistle.

I say to the distinguished minority leader and others who have concocted this massive fig leaf that they have paid too much for their whistle, and those Senators who are depending upon the covering of that fig leaf to shield them from the ire of the voters come the next election or at some future election will learn that they too, have paid too much for their whistle.

The people on November the 8th sent us a message. They said that they are tired of the arrogance of power that abounds in this city. They told us that they want to be a part of the decision-making process. Here we are about to decide on legislation of extreme significance—not only in matters of employment, jobs and basic pocketbook issues that affect every American, but also concerning the bedrock, fundamental sovereignty of our Federal and State Governments. And to add insult to the injury, the decision is being made by a lame duck Congress.

Why do we not ever get it in this town? An agreement that should consume weeks of debate is going to be implemented with only 20 hours of discussion. This is not just another ordinary trade agreement. What is the rush? If the American people are outraged over the arrogance and the posturing of their elected officials, we have only to look at the present situation to understand why.

We rail against budget deficits. Yet, here we are about to waive the Budget Act to increase the deficit so that the GATT agreement can go forward. In a few months, we will hear the sound and fury of those in this body and the other body crying for a balanced budget amendment: Give us a balanced budget amendment to the Constitution, they will say, let us all remember the Budget Act waiver vote as we craft our lofty speeches for that coming debate.

Mr. President, do the American people buy this fig leaf? Do the American people buy this whistle? Let us take a look at a poll conducted by Daniel Yankelovich on November 23 through 27.

Question: The American public and GATT. Do you favor or oppose passing GATT?

Fifty-one percent oppose; 33 percent favor; 16 percent not sure.

Second question: Budget waiver. If GATT were enacted, it would increase the Federal budget deficit. Current law requires revenue increases to offset those losses. The Senate can waive that law with 60 votes. Is it appropriate or inappropriate for Congress to waive the law—that will be done tomorrow night—to waive the law so that GATT can be enacted?

Sixty-seven percent of the people answered inappropriate; 20 percent answered that it is appropriate; 13 percent, not sure.

The next question: Some people argue that GATT should be voted upon by the new Congress that was elected in November and not the old Congress which includes about 100 Members who were defeated or are retiring. Who should vote on GATT, the 103d Congress or the 104th?

Sixty-three percent say the new Congress; 29 percent say the old Congress; 8 percent not sure.

Fourth question: WTO, World Trade Organization, and U.S. law. Do you think the World Trade Organization should be able to override the laws of member nations, such as the United States?

Seventy-two percent said no; 17 percent said yes; 11 percent said not sure.

So here we are on this chart—the American people—here is how they feel about it. They think this question should be put off until the 104th Congress.

We owe it to the American people to put this decision off until the newly-elected Congress is in place. We owe it to the American people to more carefully study this mammoth bill and ponder its consequences. We ought to heed the people's election message that was spoken to us in the loudest, and most profound way, rather than be so presumptuous as to turn a deaf ear to their collective voices?

In closing, Mr. President, let us review for a brief few seconds a few words from the Book of Genesis. God created Adam and Eve and put them in a garden of bliss and happiness—eternal happiness. He instructed them not to eat of the tree of knowledge of good and evil or, he said, "you will surely die." But the serpent got to the woman and said, "You will not surely die." Adam and Eve ate of the tree of the knowledge of good and evil, and then they saw that they had sinned.

What did they do? They sewed together fig leaves and created for themselves aprons. And then in the cool of the day, they heard the voice of the Lord God walking in the garden, and they hid among the other trees of the garden. And God said: "Adam, where art thou? Adam, where art thou?"

Mr. President, the people who are reflected on this chart are saying, "Senator, where art thou? Where art thou on the budget waiver? Where art thou?"

And in the days to come, they will say, "Where wert thou? Where were you? Where were you when you voted to make Uncle Sam cry uncle to GATT? Where were you when this monstrous bill was passed after only 20 hours of debate without an amendment? Where were you when this new world organization was given the power to force changes in State and Federal law? Where were you on this legislation that will shift millions of additional jobs overseas to the developing countries, that will cause multinationals to go overseas more and more and more? Where were you when you had the opportunity to say no? Where were you when you voted to increase the budget deficit by $14.5 billion? Where were you, Senator?" Where were you? Where were you? And you, and you, and you?

Mr. President, my vote will be to delay this matter until next year. How do I do it? I vote against the budget waiver, and thus sustain this point of order. It is a legitimate point of order, and it is in accordance with the agreement that we reached at the budget summit in 1990 when we said that such decreases in revenues should be offset.

I will make the point of order and do make it now, that the pending bill, H.R. 5110 violates section 23 of House Concurrent Resolution 218, the concurrent resolution on the budget for fiscal year 1995.

I thank Mr. HOLLINGS. I thank Mr. MOYNIHAN and Mr. PACKWOOD.

And I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, thanking the distinguished President pro tempore for his thoughtful, gracious remarks as ever, even so, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive titles III and IV of the Congressional Budget Act, and I further move to waive section 23 of House Concurrent Resolution 218, the concurrent resolution on the budget for fiscal year 1995 as permitted by subsection 3 of that provision.

The PRESIDING OFFICER. Pursuant to title 19 U.S.C. section 2191(g)23, debate on the motion to waive the Budget Act, further consideration of H.R. 5110 is limited to 1 hour to be equally divided and controlled by the Senator who made the motion and the majority manager of the bill. In the event the majority manager supports the motion, the time in opposition to the motion is controlled by the minority leader or his designee.

ORDER OF PROCEDURE

Mr. MOYNIHAN. Mr. President, in respect to that specific matter, since the vote on the budget waiver will not occur until the expiration of the 20 hours of debate, and acknowledging that Senators may discuss the waiver at any time and may wish to do so during this debate, I ask unanimous consent that the 1 hour of debate allocated for consideration of the motion by the distinguished President pro tempore to waive be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I yield 8 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to support the motion made by my good friend from West Virginia, Senator ROBERT BYRD, that this bill violates the concurrent resolution on the budget for fiscal years 1995 through 1999.

The legislation that is currently before the Senate, H.R. 5110, the Uruguay Round Agreements Act, has many weaknesses. One of the most severe problems with this agreement relates to its funding. As we know, the Budget Enforcement Act of 1990 created the pay-as-you-go budgeting system, requiring that direct spending or revenue legislation not add to the deficit. This budgeting procedure was implemented to help our country to balance its budget and reduce our national debt. The concurrent resolution on the budget contains an enforcement provision to the pay-as-you-go system. Unfortunately, GATT violates pay-as-you-go rules.

Estimates by the Congressional Budget Office indicate that the passage of GATT will result in $43 billion in lost revenues. According to an analysis of this bill by the Joint Committee on Taxation, revenue offsets total less than $12 billion. A $31 billion shortfall results, not covered by budget cuts or revenue increases, thus adding to the budget deficit and our national debt.

Mr. President, the $12 billion in revenues that are included in the funding mechanisms of this bill are basically gimmicks and tricks. Funding proposals totaling over $3.5 billion relate to compliance and timing. However, such provisions do not add to total revenues, only change when the revenues are collected. We are asked to pay for GATT by requiring newborn infants to have a Social Security card to reduce tax fraud; eliminating the 4 percent minimum interest rate on savings bonds; and instituting voluntary withholding of taxes on unemployment compensation and other Federal payments to individuals.

Another funding provision concerns the Pension Benefit Guaranty Corporation. The implementing legislation contains an extensive 106-page rewrite of Federal law governing pension plan funding and benefits. The Retirement Protection Act has not been given adequate consideration by any Senate committee not by the full Senate. The inclusion of such a comprehensive measure in trade legislation, subject to fast track limitations, is inappropriate.

Mr. President, waiving the budget rules for any purpose is a serious proposition given the huge deficits and debt of our government. In the 103d Congress, budget waivers have been proposed 35 times. In only four instances has the Senate passed such a waiver. I urge the Senate to not add to the deficit with this vote. There is sufficient time to properly budget for GATT in the next budget resolution, if that is the will of the Congress. I will not vote to waive the budget enforcement provisions and encourage my colleagues take that position.

Finally, Mr. President, the legislation addresses an area of great concern to many Americans. The Pioneer Preferences licenses provision is included in the GATT implementing legislation. This section sells the rights for cellular telephone licenses at a reduced rate. It has been estimated that the Federal Government could sell these licenses for $2 billion more than provided for in this legislation. Why is Congress being asked to waive the budget when $2 billion more could have been raised to help pay for GATT. This provision should not be included in this trade bill.

Mr. President, regardless to one's position on the merits of the trade provisions of this bill, there is adequate reason to not support the legislation based on the fiscal provisions of the measure. The American people spoke loud and clear in the last election. They want a smaller government and a government that stays within its budget. The consideration of this bill, at this time, under the budget arrangement is contrary to the expectation of the citizens of this Nation. Let us begin now to say not to further deficits and increased debt. Let us stand firm on the principle some have supported throughout this Congress. The enforcement provisions of the Budget Act and the budget resolution should not be disregarded. Again, I urge my colleagues to vote no on the waiver of the budget point of order.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I yield 15 minutes to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 15 minutes.

Mr. EXON. I thank my friend and colleague, the chairman of the Commerce Committee, Senator HOLLINGS. I would like to ask certain questions. Unfortunately, Senator MOYNIHAN has had to leave the floor. There may be others on the floor who could answer these questions. Some of my concerns were best highlighted by the excellent remarks and presentation made by the President pro tempore of the Senate, our distinguished colleague from West Virginia, Senator BYRD. I want to compliment him on his usual excellent presentation. He went right to the heart of the problem. I have not made up my mind for sure how I am going to vote on several of the votes that are going to take place. But I do want to compliment him for bringing up one of the many concerns that I have about the new World Trade Organization that we are going to be asked to vote on, and certainly aside from everything else a key vote obviously will be a vote on the waiver of the budget requirement that he properly within his rights brought up, with regard to the breaking of the budget on the approval, if that is what the Senate body as a whole is to do.

I would like, though, to ask Senator BYRD about some of the testimony that was received—and I have a record of it here—in the Commerce Committee, initiated by Senator HOLLINGS, and of which I was pleased to be a part. There were several questions of the balanced panels that were brought before that committee for the pros and cons on the matter. I, too, asked several questions of several witnesses over and over again on a whole series of matters, and I came to the conclusion that was so well brought out by Senator BYRD in talking about the figleaf that has been advanced with regard to if we do not like what we are into with this, we can relatively easily get out. In fact, we made it so easy that we have set up a meaningless panel to help us get out, and the panel absolutely would do nothing.

I saw in the Washington Post this morning a story, and there was a statement in the story that was not attributed to anybody, just a reporter's view, where it said Senator DOLE had worked out an arrangement whereby we could pull out of the treaty. Well, the arrangement that has been worked out has already been in the treaty, or the agreement, whatever you wish to call it. I simply point out that when the matter was sent over by the administration, there was a provision that is in the treaty that any nation, within 6 months' notice, can withdraw from the treaty. So I think that the figleaf or window dressing—call it what you wish—is not something that anybody can stand behind by saying the sovereignty issue has therefore been settled, it is over and done with, there is no problem. It is phony and it should not be given any serious consideration. But I recognize if somebody wants an excuse, at least it is an excuse but not a very good one.

One of the things that I think the Senator from West Virginia did not bring up that I would like to mention, in the testimony—and I may be getting into this a little further, and maybe the chairman of the Commerce Committee will also—time and time again, witnesses, when pressed on the situation as to how do we get out—I think the bottom line of summation of what we heard was you are not going to get out. Once you are in, you are in. So either now you make the decision as to whether you think it is right that you go in and, if so, right or wrong, we are in. If we do not go in, we do not have to worry about getting out. I think we should not finesse that. I think we should lay it right out on the line.

One of the other things I think about—let us assume that 3 or 4 years from now, after all of these procedures, after we go through the song and dance of having retired Federal judges making determinations and recommendations, and say that was sent to the floor of the U.S. Senate and it was passed to pull out, then it could be vetoed by the President, as Senator BYRD has very well pointed out. And then we would have to override the veto. Even if all of that were to be done, can you imagine the dilemma we would be in as a nation? Could you imagine the hue and cry of the many corporate giants in the United States and not so large corporate giants that know full well that they are going to foreign countries to make substantial investments that they would hope and probably would receive a return on if we are a part of the new World Trade Organization? Can you imagine the hue and cry that would go up? We would have many companies in the United States that would come to the Congress of the United States and say, "What are you doing?" If you do go through these procedures, if you do finally pull out, as Senator BYRD pointed out very eloquently—the art of the impossible, if it were accomplished—these companies would say, "You are going to bankrupt our company. You are going to pull us out of the World Trade Organization after, because of the strengths of it, we have gone over and established plants in these other countries, and now you are going to, for all practical purposes, make our substantial investments in plants and equipment null and void because you have pulled out of the agreement."

I simply say that maybe that is not a salient point. I say that this is one more proof positive that it is a lot easier to get into this agreement, and we may well be going into it. But it is going to be extremely difficult—the art of the impossible would be tried and tried over and again on something like this. So I think none of my colleagues should be lulled into the conclusion—and they have the right to vote however they want, and there are some good reasons, I might add, why we should go into this agreement, and I may address that later. But let us not be fooled. Let us be forewarned.

I simply would like to amplify the other excellent point that the Senator from West Virginia made, the sovereignty issue. I believe the sovereignty issue probably is one that my constituents are very much concerned about. I would say, Mr. President, from my view, that the constituents in Nebraska are probably pretty equally divided on this issue. It is not an easy call as to what we should do. I have told all of them that I will be asking questions, and I will be making statements, and I will be involved in this process. I have studied it a lot and I have spent as much time, I guess, as anyone, with the possible exception of my friend, Senator HOLLINGS, in committees that have studied this, and I have listened to experts.

One of the experts I listened to with great interest, though, on this sovereignty issue that first brought it home fully to me—although I had some concerns about it—was Professor Tribe, who testified in front of the committee. I inquired of him in some detail about the World Trade Organization, the three-member secret tribunal that would make the final decision on whether or not sanctions could be imposed against the United States. He clarified it when we were talking about the one-man/one-vote principle.

Let me emphasize this once again so there is no misunderstanding. While I have been assured by many people in knowledgeable positions that we should not worry about this sovereignty issue, that it is something that should not concern anyone, the facts of the matter are very clear that under the World Trade Organization, we are taking and removing all of the protection we have had under the GATT agreements up until now by going into this new World Trade Organization. Certainly, I think it is true, as the defense says, in this: Look, it explicitly says in this agreement that no laws of the United States or any of the States of the United States can be changed. That is true. But let me give an example of what I think is not fully understood. Let us say, for the sake of discussion, that the State of Nebraska had a widget manufacturing company that was very important to the economy of our State, and let us suppose that the State of Nebraska had laws preventing the importation of widgets into Nebraska for strictly parochial reasons; let us suppose, for example, that Bangladesh could make widgets cheaper than we could because they have about one-seventh to one-tenth the labor costs that our widget manufacturer in Nebraska would have.

So, no, I do not believe that Bangladesh can change the law of Nebraska. But certainly under the World Trade Organization, unless I could be corrected by other people, Bangladesh could bring an action that the Nebraska law is in violation of the World Trade Organization. They could not make Nebraska change the law, but if it could not be worked out by negotiations and if it cannot be worked out by negotiations it is explicitly spelled out in this agreement that there would be a three-member panel that would meet in secret, as Senator BYRD has said. They would make a determination. If they decided with Bangladesh, then the only way that the United States could overturn that is not by one-man, one-vote and a 50 percent of the 113 or 130 nations that would be part of the World Trade Organization. The United States could make an appeal that the 3-man tribunal was wrong, but to overturn the 3-man tribunal you have to have a unanimous vote of all of the nations involved, whether they are 113 or 127 or 131, including Bangladesh who brought the charge in the first place. They would have to vote against their own interests which is another way of saying that let us not be too sure that everything is just hunky-dory and there would not be any problems on down the line.

In this regard, I asked Lawrence Tribe the question as to how he viewed this. This was his answer published on page 327, Committee of Commerce hearings, S. 2467, GATT implementation legislation:

> Professor TRIBE. Senator, I think there is a mistaken premise in your question that I really want to be as clear about as I can, and I think the chairman may have stumbled onto the same issue.
>
> Yes, it is true that under article 9, paragraph 1 of the WTO agreement, there is the one-person-one-vote approach in certain circumstances, and I think the question you raise is a very good one. Does that give enough protection to us? Is it unusual?
>
> But what perhaps you have not focused on is that when it comes to decisions by WTO panels that find that one of our laws, either an act of Congress or a law of a State, is illegal under one of the GATT agreements, that decision is treated differently, and not in a way that gives the United States more voice. It is less than one-country-one-vote in this sense.
>
> That is, I think you all have this fat volume that was distributed a couple of days ago, and just for your convenience, I will tell you that what I am quoting from appears on page 1,670. It is in article 22, paragraph 6 of the dispute settlement understanding. Though it is buried in fine print, it is going to make a huge difference in the future of this country. It makes very clear that the trade sanctions that are to be imposed within 30 days of a certain period of time will be imposed unless the DSB—that is, the decision body decides by consensus to reject the request for sanctions. Then it explains that consensus means unanimity.
>
> So, that means that if 113 countries say, we think that was outrageous to find Nevada or California or South Dakota or Alaska or the United States of America guilty in these circumstances, the fact that there are votes the other way prevents the sanctions from being lifted. That is not one-person-one-vote. That is much worse, and that is the way this works.
>
> With respect to sanctions imposed upon an offending State or country, the only way that one can reverse the decision to sanction is to get unanimity. Now, I do not know how long the U.S. Trade Representative thinks people will not focus on that, but I sure hope they do now.

I simply say that there is time remaining if anyone would like to use time. I would like to have someone if they could assure me that what the understandings of Senator BYRD, the understandings of Professor Tribe and others have and the concerns that they have about the loss of sovereignty under that three-man secret tribunal whether or not there is some explanation for that that I have missed.

The PRESIDING OFFICER (Mrs. MURRAY). The time of the Senator from Nebraska has expired.

Who yields time? The Senator from Oregon.

Mr. PACKWOOD. Madam President, I will use a moment before yielding to the Senator from Utah to answer one question of the Senator from Nebraska.

As to panels involved in the trade dispute, if Germany wants to sue us or we want to sue Germany, the panels are picked by the parties involved in the dispute and every side can veto any panelist. The parties have to agreed on a panelist.

You get into an argument as to whether or not they are meeting in secret. This is not some secret tribunal whose panelists are imposed upon us or imposed upon anybody else. We agree to them or not agree to them.

I yield 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized 10 minutes.

Mr. HATCH. Madam President, I find it ironic that we are gathered together in a special lameduck session here in the Senate to debate the implementation of a trade agreement that has languished in obscurity to the average Member of Congress and the average citizen of this country for the better part of a decade.

What is it about trade agreements that garners so little interest until Congress is poised to vote on whether to ratify them?

It was just over a year ago when the Senate was preparing to take a vote on another piece of trade legislation, the North American Free-Trade Agreement [NAFTA]. As you will recall, Mr. President, it was not until long after President Bush had signed the NAFTA and Congress was preparing to take a vote for final passage that it arose out of relative obscurity to become the number one agenda item for a wide variety of interest groups and individuals even to the extent that those on both sides of the agreement were running ads on television.

Interestingly, as is the case with the Uruguay round agreement, the NAFTA could trace its origins back to the Reagan administration when the idea of a Mexican Free-Trade Agreement, tailored after its predecessor the Canadian Free-Trade Agreement, was floated and initial discussions got underway.

While working closely with the administration to craft an acceptable bill that will implement the terms of the Uruguay round agreement, I recalled those issues that have been the most controversial over the last several months and that threaten to delay passage of the Uruguay round legislation before the end of the 103d Congress are largely the same as those that threatened to delay and defeat NAFTA last year. I would submit that we might learn something now if we look at what has happened since we passed NAFTA, especially in light of some of the grave predictions that were made during its debate. In fact, not only have those grave predictions of NAFTA opponents failed to materialize, but the immediate results of NAFTA have been as good or better than what many of us would have expected. I encourage my colleagues to bear these results in mind as we debate many of the same points that were raised during last year's NAFTA debate.

Therefore, Madam President, in the interest of time, I will enumerate the positive results of NAFTA during the first half of 1994 along with some elaborative comments on the points I will make today in the RECORD upon the completion of my statement.

In an effort to clear the air of misleading information regarding the Uruguay round and its impact on the United States in economic and constitutional terms, I would now like to briefly address some specific points that have been raised by opponents of the Uruguay round.

First, Uruguay round opponents claim that the agreement will further increase the budget deficit by $31 billion above the $11 billion that is offset by the implementing legislation. This figure is derived from the CBO estimating what the tariff reductions will be over a 10-year period. However, there is no way to confirm the accuracy of this figure, especially when you consider that this projection is 10 years in the future. More importantly, this figure does not take into account the dynamic effects of tariff reductions on market access and economic growth.

I believe that the approach taken by the administration of offsetting the Uruguay round was a reasonable one, given the political realities. Certainly, no one, including me, is totally happy with the financing provisions; but, as we all know, politics is the art of compromise for the greater good.

Second, Uruguay round opponents cite billions of dollars in giveaways to media giants including the Washington Post. Madam President, I am certainly not here to defend the Washington Post—it is certainly perfectly capable of defending itself—but I refer you and the rest of our Senate colleagues to a detailed, cogent, and truthful explanation of this complicated issue as drafted jointly by the majority and minority committee staffs of the House Committee on Energy and Commerce. At this time, I ask unanimous consent to have this document printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

QUESTIONS AND ANSWERS ABOUT THE PIONEER PREFERENCE PROVISIONS OF H.R. 5110

1. Why are these provisions included in the GATT bill in the first place? What do these provisions have to do with trade?

You're right, they don't have anything to do with trade. However, under the "pay-as-you-go" requirements of the deficit reduction laws, any bill that increases spending or decreases revenues has to be accompanied by provisions to neutralize the effect on the deficit. Since the GATT agreement reduces tariffs, thereby reducing revenues to the Government, Congress is required under law to include provisions that offset the otherwise negative effect these tariff reductions would have on the deficit. The pioneer preference provision would generate at least $500 million, and probably much more.

The alternative—offsetting the revenue loss by increasing trade-related revenues—would require that other tariffs be raised.

2. What is a pioneer preference?

The Federal Communications Commission (FCC) established the "pioneer preference" policy, by rule, nearly four years ago. This policy offered the guarantee of an FCC license to entrepreneurs who successfully developed important new communications services and technologies.

There is substantial evidence to indicate that the "reward" of the license has proven to be sufficiently attractive to encourage hundreds of companies, small and large, to seek innovations worthy of the pioneer grant. The "reward" has also encouraged financial institutions to invest in the innovators seeking the pioneer grant. To obtain a pioneer's preference, companies have to risk more than just time and money; they also have to put proprietary design details into the public domain. This public disclosure, while a significant competitive risk, fosters the rapid development and deployment of new technologies which is at the very core of the purpose of the pioneers preference policy.

The public has already benefitted from the pioneers program. Innovations in the areas of low earth satellites, wireless cable, and narrowband personal communications services (PCS) services have led to the granting of pioneer awards, and the advancement of new services and technologies in these areas. The narrowband PCS auction raised over $650 million for the U.S. Treasury.

3. Is pioneer preference unique to PCS?

This FCC policy is not unique to PCS services. For example, pioneer preferences have been awarded for other telecommunications services. The first pioneer's preference was awarded to Volunteers in Technical Assistance (VITA), a non-profit company, for being the first to develop and demonstrate the feasibility of using a low-earth orbit satellite system on VHF/UHF frequencies for civilian digital message communication purposes. The second award was made to Mobile Telecommunications Technologies Corporation (MTEL) for developing and testing an innovative new 900 MHz narrowband PCS technology that will increase spectrum efficiency.

4. The Federal Communications Commission's order requires the pioneers to pay 90 percent of the average bid in the top 10 markets. Isn't Congress undercutting the FCC's decision by giving the pioneers a better deal than the FCC?

No, for several reasons.

First, the FCC has no explicit authority to require a licensee to pay a fee in return for the license. In its decision, the Commission claimed that it has implicit authority contained in the general provisions of section 4(i) of the Communications Act:

"The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions."

While it is risky to predict the outcome of litigation, there is a very strong likelihood that when a court rules on whether or not the Commission can require a licensee to make a payment, the Commission's order is going to be reversed. In that case, the taxpayers will get nothing.

Second, the Commission's order does not permit the payment of the fee over time, and does not require the payment of interest charges. Because these provisions are included in the GATT bill, the pioneers will actually pay more utilizing the GATT formula than they would if the Commission's formula is upheld in court.

5. Is this a "backroom deal" or did Congress consider this in a deliberate fashion?

The pioneer preference issue has been thoroughly examined over the past several months by at least three Committees in the House. The Subcommittees on Telecommunications and Finance and Oversight and Investigations in the Energy and Commerce Committee; the Budget Committee and the Appropriations Committee have all examined and/or held hearings on the issue.

On December 23, 1993, the Federal Communications Commission awarded the pioneer preference to three companies for personal communications services licenses. Under the Commission's decision, the three companies would be permitted to apply for licenses while no competing applications would be accepted by the FCC. The Commission also decided that licenses would be awarded for free to the pioneer companies.

Last May, the Energy and Commerce Committee's Subcommittee on Oversight and Investigations initiated an inquiry into allegations of irregularities in the Commission's decision making process, and whether the contributions of the recipients justified granting a PCS license under this process instead of the auctions that will govern the award of all other PCS licenses. Questions concerning the FCC's process also were raised at the FCC's Appropriation hearing. To remedy the problems the Oversight and Investigations Subcommittee discovered in the Commission's program, Chairman Dingell and Ranking Minority Member Moorhead, Subcommittee Chairman Markey, along with Chairman Sabo introduced H.R. 4700 on June 30. This bill required that the pioneer recipients pay 90% of the market value of the license instead of receiving them for free.

On August 9, 1994, the FCC revised its policy to require the pioneers to pay an amount comparable to that in the legislation. The Energy and Commerce Committee remained concerned, however, that the Communications Act does not give the FCC explicit authority to compel a licensee to pay the Government in return for a license. It was the Committee's opinion that the FCC decision would likely be overturned in court.

Around this time, the Administration began negotiating with the House and Senate and arrived at the 85% payment requirement now contained in Title VIII of the GATT legislation. On September 28, 1994 the Energy and Commerce Committee marked up the GATT legislation. Title VIII was discussed at the markup. On September 29, 1994, the Budget Committee held a hearing on the pioneer preference issue.

6. Critics claim that the pioneers preference amounts to a "billion dollar giveaway." Is this allegation supportable?

No. This claim is wildly inflated and based on insupportable assumptions. Everyone agrees that the three service areas in question have a total population of 55 million. The Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) have determined that the value of a license per person should be calculated at $24 per capita. (While densely populated urban areas obviously have a greater per capita value, the pioneers' licenses awarded also include large, sparely populated rural areas where the value is much below this figure). Thus, based on this $24 figure, the total potential revenue in an auction without any discount or preference would be $1.32 billion. The preference set out in the GATT legislation requires the pioneer to pay based on a formula of 85 percent of the average per capita cost in the top twenty markets awarded through PCS auctions. By averaging the top twenty markets, the formula avoids any anomalies created by looking solely at the price paid for the other license awarded in the pioneers region. (This issue is discussed in greater detail in Questions #7 and 9.)

Thus, the pioneers are likely to pay $1.12 billion, under this OMB and CBO endorsed model. The "benefit" to the three companies, collectively, is $200 million. Based on information provided by the three pioneer preference winners, their investment to date is roughly $100 million. Consequently, the net award is closer to $100 million. And, as noted above, the entrepreneurial efforts, risk, and "sweat" equity of these three companies, which the FCC deemed worthy of the pioneer's award, will result in the more rapid deployment of the next generation of cellular, PCS technology.

7. On what basis were these three companies awarded a preference for a broadband PCS license?

Last December, the FCC awarded a pioneer preference to three PCS applicants, out of more than 100 applicants. In so doing, the FCC guaranteed each of these companies the opportunity to file an application for a license without giving other companies the opportunity to file a competing application. The preference is for one of two licenses to be granted in each of the three markets. If the pioneer fails to build out and operate the system throughout the service area, the FCC may revoke the license. The FCC awarded these preferences based on its determination that their unique contribution to the development of broadband PCS services and technology justified the grant. The three companies which were awarded a preference are:

American Personal Communications: APC, which is 70 percent owned by the Washington Post, was awarded its pioneer preference principally through two, interrelated developments. First, APC provided the Commission with a study demonstrating that the 1850–1990 MHz band had a sufficient amount of usable spectrum to initiate PCS service without relocating the many microwave operations already licensed there. As the Commission acknowledges, that study focused attention on the 1850–1990 MHz band by demonstrating that a significant technical hurdle to using this spectrum—the existing microwave users—could be overcome.

APC's second significant contribution—its FAST technology—is related to the first development. Because the Commission agreed with APC that the 1950–1990 MHz band would be appropriate for PCS service, an efficient technology was needed to allow sharing that spectrum with existing microwave licensees. The FCC determined that FAST meets that need. The technology uses measurements of microwave transmissions at PCS base stations to determine frequencies that can be used for PCS communications without interfering with microwave incumbents. Without this technology, either microwave incumbents would have to be relocated before PCS could begin (a time-consuming and expensive process), or the spectrum that is now being auctioned would be useless for PCS (which would mean little or no auction revenue).

Cox Enterprises: Cox was the first cable company to apply for an experimental PCS license proposing the use of cable television plant to achieve spectrum efficiency, and centralized modulation and distributed antennas to achieve cost efficiencies. Cox was the first company to demonstrate the technical feasibility of these ideas by testing them on live cable, developing a cable/PCS interface (the Cable Microcell Integrator or CMI), demonstrating centralized modulation, and demonstrating a 2 GHz cell-to-cell handoff with cable connected microcells. These efforts demonstrated that existing networks can be used as part of the PCS infrastructure.

Omnipoint: The FCC granted Omnipoint its pioneer's preference for its significant accomplishment in developing PCS equipment—specially, its design, development, miniaturization, and deployment of the first 1850–2200 MHz handheld phone. Ominpoint developed this PCS equipment based on a unique implementation of spread spectrum technology; it documented the feasibility of its system; and it demonstrated the system in operation. The technical feasibility of Omnipoint's system was also tested and documented by more parties than any other PCS system and has been independently verified to be capable of coexisting with incumbent microwave users in 1850–1990 MHz spectrum band, thus minimizing the number of microwave licensees that must relocate.

8. Why are the markets in which the pioneers received their licenses excluded from the formula? Won't this result in a windfall to companies like the Washington Post and Cox Enterprises?

First, all predictions about the behavior of bidders at spectrum auctions are entirely speculative. We have little experience on which to base predictions. Earlier this year, when the only auction that is comparable to the PCS auction was held, bidders paid a total of $678 million for 10 licenses that Government economists thought were of so little value they didn't even bother to estimate how much was going to be raised.

Second, while attempting to predict the behavior of bidders is at best speculative, we do know this: the bidding on licenses in markets where pioneers have been awarded another license at a discount is going to be different than the bidding in markets where there is no pioneer license.

For instance, a case can be made that the winning bid for the remaining license is going to be higher than it otherwise should be, because the supply of licenses available for bidding has been reduced by 50 percent. Since the supply has been reduced, the price is likely to be artificially increased.

If the pioneers are required to pay an amount equal to 85 percent of that artificially inflated price, they could well end up paying more for the license than they would if they simply bid for it at the auction.

On the other hand, giving the pioneers a discount—either of 100 percent, as originally proposed by the FCC, or 15 percent, as contained in the GATT legislation—will confer a competitive advantage of some magnitude on the pioneer. That could have the effect of reducing the amount competitors are willing to pay, and reduce the amount of the winning bid.

The short answer is this: we know that the bidding in markets where there is a pioneer is going to be different. What we don't know is whether the difference is going to result in higher or lower bids. In order to reduce the risk created by this uncertainty—to the Government and to the pioneers—those markets have been excluded from the formula.

9. The GATT legislation requires the pioneers to pay according to a formula that is based on the top twenty markets, which ignores the fact that two of the pioneer licenses are the two biggest cities in the country. Doesn't this create a windfall for the pioneers, because the New York and Los Angeles markets are very concentrated and highly lucrative?

We don't think so. Given the speculative nature of attempting to predict the behavior of bidders at auction, a definitive response is impossible to predict. However, there are several reasons to conclude that there will not be any windfall to these companies.

First, the serve areas—known as Metropolitan Trading Areas (MTAs) are huge. Sure, the New York MTA includes Manhattan—but it also includes North Hero, Vermont, and Elmira, New York. The Southern California MTA includes Los Angeles and San Diego—but also includes Kingman, Arizona and Beatty, Nevada. And the FCC's rules require that the pioneers offer the same services in these remote areas as they do in downtown New York or Los Angeles. If the licenses were limited to the urban areas, there might be some basis for this claim. But as the size of the service territory increases to include vast rural areas and small towns, the differences between the various MTAs disappear.

Second, the allegation that there is a substantial difference in the values of the very largest markets and other large markets is not borne out by an examination of the existing cellular marketplace. Recent transactions involving the sale of cellular systems do not reveal any price distinction, on a per capita basis, between the very largest cities and other large cities.

Finally, our limited experience with auctions indicates that when the bidding for the most desirable licenses gets to be too expensive for some of the bidders, they simply drop out of the bidding for those licenses and bid up the prices of the next tier of licenses. To the extent that there is a distinction between the very largest MTAs and other large MTAs (and we don't anticipate that there will be), this behavior will have the effect of drawing up the prices being paid for all MTA licenses.

Mr. HATCH. Madam President, the issue of pioneer preferences as part of the funding mechanism of the Uruguay round has been held up by opponents of the agreement as a back room deal cut by large telecommunications businesses for their benefit. On the contrary, the provision contained in the implementing legislation that requires three telecommunications pioneers to pay 85 percent of the average PCS bid in the largest 20 markets in the country was worked out between Republicans and Democrats in both Houses of Congress and will potentially save the pioneers $200 million collectively.

However, what is not mentioned by Uruguay round opponents is the fact that before this issue was ever considered for funding offsets for the Uruguay round, the FCC was originally prepared to offer these pioneers PCS licenses for free under the pioneer preference provisions of the Communications Act of 1934.

Third, the loss of U.S. sovereignty resulting from membership in the World Trade Organization has been debated extensively by many individuals, groups, and constitutional scholars—all with conflicting views. So, Madam President, how do we resolve this difference of opinion? I have spent considerable time reviewing this aspect of the Uruguay round agreement.

I believe we must put the issue in context, and the context is found in the last 47 years of U.S. membership in the GATT. We must ask ourselves what our relationships have been with not only the GATT itself but to other GATT-member countries and how these relationships have affected U.S. laws and the ability we have as a nation and Congress to conduct the affairs of our Nation.

The fact is that never has any GATT obligation been imposed upon the U.S. resulting in a change in U.S. law that has not been approved by Congress. Never. Claiming that this practice will change with the WTO directly contradicts statutory language found in title I, section 102, of the implementing bill of the Uruguay round which states clearly that "No provision of any of the Uruguay round agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect." Madam President, I do not believe we can be any more clear when it comes to where the Uruguay round and the WTO stand in relation to our Constitution.

Fourth, claims have been made regarding voting procedures in the proposed WTO. Again, Madam President, we must look to the context of the GATT for the past 47 years of making decisions regarding operating rules, procedures, and amendments to GATT. The fact is that GATT has determined its administrative course by consensus. This process will not change under the WTO. This means that WTO decisions will be made on a consensus basis, not according to majority voting blocks. If and when voting procedures are invoked, member countries will not be held accountable to amendments to WTO rules and procedures that they do not support.

Fifth, Uruguay round opponents have also repeatedly advocated considering the Uruguay round as a treaty, requiring a supermajority of two-thirds of the Senate, instead of as an executive agreement to be passed by a simple majority by both Houses of Congress. Quite frankly, Madam President, the distinction between whether international agreements should be considered as treaties or as executive agreements is quite dubious.

In fact, Prof. Louis Henkin, who is considered by many to be the premier expert on constitutional foreign affairs issues, has stated that this debate is juridically a political question and thus nonjusticable.

Presidents have repeatedly submitted international agreements to both Houses of Congress, and the House and Senate have repeatedly joined together in exercising their article I powers to approve a wide range of important international agreements, ranging from Bretton Woods to SALT I to NAFTA. Moreover, to exclude the House from consideration of legislation that has such significant revenue impacts would be a serious mistake in my view.

Sixth, one issue that is important to everyone in this body—no matter which side of the aisle or argument he happens to be on—is jobs. Opponents of the Uruguay round make the claim that jobs now and for the future will be lost if we pass this agreement. But, Madam President, I believe we must look at how jobs are created. Jobs are created by capital investment resulting from increased demand, which spurs economic growth.

This demand has been generated largely by consumers around the world who want the best goods and services at the lowest possible prices. Foreign countries like Japan began meeting that demand decades ago by improving quality and reducing costs. As a result, U.S. jobs were lost while U.S. manufacturers adjusted to the increased competition. Now, in many industries, U.S. products are in high demand all over the world. Unfortunately, the costs, both tariff and nontariff, associated with accessing these markets has made exporting expensive, thus encouraging U.S. firms to shift their manufacturing bases overseas.

Fortunately, due in part to efforts by the United States to reduce these market access barriers and create fair trading rules, U.S. and foreign firms have begun to take advantage of the labor efficiency gains found in the United States. This is evidenced by the growth of our export sector in recent years—the fastest growing sector in the U.S. economy. Rejecting the Uruguay round now will only set back this positive trend that I believe will create more high-paying jobs for Americans in the future by creating incentives to invest more in their own skills and education because of the opportunities opened by increased access to overseas markets.

Seventh, there are fears held by Uruguay round opponents that ratifying the agreement will threaten our food safety and environmental laws. Madam President, historically GATT was established on two fundamental principles: First, to liberalize trade; and second, to institute a system of minimal standards and rules to enhance the benefits of liberalized trade.

Inherent in the principle of establishing a set of minimal standards to which all member countries agree to adhere does not prohibit countries from setting higher standards as long as it can be proven that the standards are scientifically based and there is no discrimination between foreign and domestic entities.

A recent example of this principle was exhibited by a challenge to our gas guzzler law and the Corporate Average Fuel Efficiency Act by German auto manufacturers. The claim made by the German companies was that these laws were an unreasonable barrier to trade. However, the challenge was rejected by a GATT dispute resolution panel citing that these statutes were nondiscriminatory and therefore not a barrier to trade. I ask unanimous consent to have printed in the RECORD an overview of that panel decision provided by the U.S. Trade Representative's office.

There being no objection, the material was ordered to be printed in the RECORD as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE U.S. TRADE REPRESENTATIVE,
Washington, DC, September 30, 1994.

U.S. FUEL CONSERVATION MEASURES UPHELD BY GATT PANEL

Ruling in an important trade dispute with the European Union, a GATT panel in Geneva found in favor of the United States today on key provisions of U.S. laws regulating auto fuel economy and luxury taxes.

The GATT panel, which the European Union asked last year to review the three U.S. automobile laws, found that the core provisions of the three laws are consistent with GATT rules. Two of the measures at issue, the Corporate Average Fuel Economy (CAFE) requirements and the "gas guzzler" tax, are central components of the U.S. automobile fuel conservation policy that emerged in response to the 1973–74 OPEC oil embargo. The third measure is the luxury tax on cars over $30,000, enacted in 1990.

U.S. Trade Representative Mickey Kantor welcomed the panel's report. "The panel has emphatically rejected the European claim that trade-neutral legislation intended to further energy conservation goals and protect the environment could be attacked because Chrysler, Ford and GM invested and complied with the laws while Mercedes and BMW chose not to, and had to pay penalties."

"The panel's finding also confirms that GATT's trade rules can be compatible with our laws that conserve natural resources and protect the environment," Kantor noted. "This decision is a recognition that our government—and those of other countries—have latitude to legislate and regulate in these crucial areas as long as they are not discriminating between domestic and imported products."

"I would expect the panel's report to help steer the debate when GATT countries take up trade and environment issues under the new World Trade Organization," he said.

The panel rejected EU complaints that the CAFE requirements, the gas guzzler tax, and the luxury tax discriminated against cars manufactured by Mercedes, BMW and other European luxury car makers. Those manufacturers have paid a large share of penalties and taxes under these laws.

The panel report broke new ground in crucial respects:

It found for the first time that the general exception under the GATT for conservation measures could excuse a country's law that was otherwise inconsistent with the GATT.

It recognized for the first time that, in reviewing a non-discriminatory measure of a country, it is not relevant whether other, more economically efficient alternatives might be available to achieve the government's legitimate policy objectives.

It laid to rest the concern that governments were obligated to select the "least trade restrictive" conservation measure. A measure is consistent as long as it clearly serves the purpose of energy conservation or environmental protection, and does not arbitrarily or unjustifiably discriminate between domestic and imported products.

The panel agreed with EU complaints on one technical issue—the CAFE accounting rules that establish separate "domestic" and "import" fleets for determining overall fuel economy. Because these rules do not have any actual economic impact on EU auto manufacturers, and therefore no trade damage results from this requirement, Ambassador Kantor said that the United States does not intend to make any changes in the CAFE rules.

Copies of the panel's report are available in the USTR public reading room.

Mr. HATCH. Finally, Madam President, after all the arguments that have been made by Uruguay round opponents on the substance of the agreement, they question the wisdom of considering this document during a lame duck session, claiming that nonreturning Members are not accountable to voters and that we should not be hasty in taking a vote on this document.

However, Mr. President, the Uruguay round agreement has been worked out over an 8-year period, which began during the Reagan administration. There have been several delays since 1986, and there have been several Congresses involved in crafting improvements to the agreement. There comes a point at which further delay only hurts our economy because it cannot take advantage of the benefits that will surely accrue from the agreement, such as tariff cuts, increased market access, and protection of intellectual property, just to name a few.

Furthermore, if dynamic economic projections are correct, the increased economic activity resulting from the agreement will help to reduce our budget deficit. Thus, each month we delay hampers us from reducing our budget sooner and costs the United States, in terms of increased gross domestic product [GDP], about $1.25 billion and 4,000 new jobs.

The Uruguay round is simply a sequential step along the trade-liberalizing policy path that the United States has been engaged in for more than half a century. The time has come to cast our vote on the economic future of our Nation. There will be plenty of opportunities in the next Congress and in Congresses that follow to continue improving our trade laws without defeating this important agreement that has been carefully negotiated by three administrations and five Congresses.

It is time to move ahead. I encourage my colleagues to support this agreement.

Let us look for a moment at the results of NAFTA since its implementation.

IN GENERAL

United States exports to Mexico and Canada during the first half of this year were up 17 and 10 percent, respectively.

The United States trade surplus with Mexico has increased to a record level of $2.1 billion during the first 6 months of this year.

Exports to Canada and Mexico, so far this year, are responsible for more than 52 percent of overall United States export growth.

United States exports to Mexico are running at an annualized rate of $48.9 billion, up more than $7.3 billion from the 1993 level.

Keep in mind, Mr. President, Mexico is currently our third largest export market for consumer goods, behind Canada and Japan. This means that Mexicans are buying United States products. And it will not be long before Mexico surpasses Japan as our second largest export market for consumer goods.

SPECIFICALLY

From January to May of this year—

United States auto exports to Mexico exceeded the total number of exports during all of 1993—an increase of approximately 600 percent.

In my home State of Utah, WordPerfect has attributed significant sales increases in Mexico to better intellectual property protection afforded under NAFTA.

Primary metal exports to Mexico from Utah have increased almost 3,000 percent from 1993 levels during the same period.

Industrial machinery and computer equipment exports from Utah to Mexico have increased almost 500 percent over 1993 levels during the same period.

And Utah chemical exports to Mexico have increased over 250 percent during the first quarter of 1994.

In addition, despite the job loss predictions that were prevalent during the NAFTA debate last year, the Department of Labor has reported that fewer than 5,000 applications for assistance were made at the NAFTA Adjustment Assistance Program during the first half of this year.

Yes, imports from Mexico and Canada have also increased, but is not that what the objective of the agreement was—to create a more open market where goods and services could flow more freely? We want to provide American consumers with the widest array of choices.

Moreover, can we expect our trading partners to agree to do business with us without realizing some mutual benefits? We must remember that the fundamental reason the United States pursues more liberal economic relationships is that on a level playing field we can out-compete anybody.

But, Mr. President, we are not here to discuss NAFTA. We are here to discuss the Uruguay round. And the reason I raise NAFTA at this time is to draw attention to the fact that we have all expressed concerns pertaining to specific sections of the Uruguay Round Agreement and the implementing language, just as we did a year ago during the NAFTA implementing process.

As you will recall, we argued heavily over funding for the NAFTA, labor and environment issues as they related to our NAFTA trade objectives, and the potential threat that NAFTA posed to our national sovereignty. Ironically, these are the same issues that both the House and Senate are struggling over during this current debate on the Uruguay round. Therefore, Mr. President, I encourage all of my colleagues to consider the historical lessons that we have learned from NAFTA and not to lose focus on what we have the opportunity to do for our economy now.

Our problem has been that many countries have yet to match our system of openness, a system that has served us well for the better part of 200 years. But we still struggle with trying to encourage other countries to adopt our same philosophy of openness where the benefits outweigh the drawbacks.

Therefore, we must continue to ask ourselves whether we would rather raise our level of protection and nontransparency to that of our trading partners, refusing to afford them any benefits of our markets until they adhere to our terms, or try to raise other nations' standards to our level of market access, low tariffs, and transparent trade laws, which will exploit more fully the advantages we have in economic efficiency and ingenuity, not to mention the benefits that accrue to U.S. consumers in an economy where there is more competition and more choice.

In other words, do we take a leadership role in world economics by seizing the day and controlling our own economic destiny; or, do we wait for others to hopefully act in a way that is beneficial to us? It seems to me that we have consistently and successfully chosen the leadership role.

But before the Senate determines the fate of the Uruguay Round Agreement, I would like to address a few of the key issues that surround this debate, because I am concerned that there is a lot of misinformation being spread about the Uruguay round, the General

Agreement on Tariffs and Trade [GATT], and the World Trade Organization [WTO].

First, let me bring up the issue of sovereignty. As I said, this is not a new concern when it comes to entering into trade agreements. I have heard it said that the WTO will have the new-founded ability to force the United States to change Federal and State laws that inhibit trade or are "GATT inconsistent." In light of these criticisms, I have given serious consideration to this aspect of the Uruguay round.

In order to understand the WTO, it is imperative to understand exactly what the GATT is. The original GATT was ratified in 1948 by 23 nations including the United States. The original agreement was the culmination of a post-World War II effort to prevent the return of the troublesome protectionist trade measures of the 1930's. Since that time, there have been eight subsequent GATT negotiating rounds that have expanded upon the original agreement, the latest round of which is the Uruguay round. Of course, the charter establishing the WTO is part of the Uruguay round text.

The fundamental assumption that GATT espouses is that reduced trade barriers enhance economic well-being among participating nations. Therefore, GATT was established with two objectives in mind: First, to liberalize trade; and second, to institute a system of minimal standards and rules to enhance the benefits of liberalized trade.

To use an analogy, just as individual freedoms within a political system create greater potential for citizens of the system to maximize the benefits of life and liberty, greater freedom within an economic system maximizes potential for members to obtain economic benefits, that is, higher standards of living. Therefore, the United States has always been a leader in promoting agreements such as GATT.

However, allowing more freedom within a political system without a commensurate system for fair and credible law and order creates chaos, inequality, and eventually, repression. Likewise, a more open economic structure without a system of fair rules and a credible dispute settlement mechanism only creates a situation wherein members may exploit others to their economic detriment. Unfortunately for the United States, as the world's most open economy and its largest exporter, we are at a severe disadvantage without such a system that seeks trade liberalization while employing a legitimate dispute settlement mechanism. The alternative to such a system is to become isolated and subject to the arbitrary market entry rules of each individual nation.

In 1988, Congress recognized the need for a tougher international trade dispute settlement mechanism because the United States has been the plaintiff in dispute settlement cases brought to GATT many more times that we have been the defendant, and we have won many more cases than we have lost.

Unfortunately, under the current GATT, a country that receives a negative panel decision can choose to block the adoption of the ruling or bog it down through procedural measures until the issue died without any resolution. Thus, in the Omnibus Trade Act of 1988, Congress spelled out several objectives with regard to trade. One of the objectives was to create stronger, more timely dispute settlement procedures.

The proposed WTO seeks to accomplish the 1988 congressional objective and is the result of a systematic expansion of the traditional GATT, not a completely new and powerful body that will ride roughshod over U.S. law. On the contrary, the WTO is simply an attempt to strengthen the enforcement of international trade obligations to which the United States has been committed since 1948.

Therefore, contrary to what has been characterized as a serious digression from traditional U.S. trade policy, the WTO will provide a framework and a forum to work out trade disputes and to resolve economic differences. Moreover, if Congress votes to ratify U.S. membership in the WTO, the subordination of U.S. international obligations to the Constitution and Congress' ability to make laws will not change.

In fact, Judge Robert H. Bork stated in a May 26, 1994, letter to Trade Representative Mickey Kantor that:

> * * * no treaty or international agreement can bind the United States if it does not wish to be bound * * * Congress should be reluctant to renege on an agreement except in serious cases, but that is a matter of international comity and not a loss of sovereignty.

Therefore, as one who is a student of constitutional matters, I am satisfied that the WTO will not threaten U.S. or State sovereignty any more than it has been threatened under the current GATT system.

Second, I have heard dismay expressed over what the Uruguay Round will actually do for our economy, as if negotiating with other nations to break down trade barriers around the world is somehow a dangerous policy that will only lead to economic woes for the United States. Mr. President, these are the same types of fear-promoting predictions that we heard last year during the NAFTA debate and which have not materialized.

The world is a very different place than it was at the conclusion of World War II. We are seeing myriad new and emerging markets, which were virtually closed before and which are creating new challenges and opportunities for the United States. Many of these emerging markets operate under differing economic principles and conditions. GATT and the Uruguay Round provide an opportunity for greater U.S. access to these markets.

In turn, boosting the economic conditions of many less-developed countries through trade not only expands market opportunity and customer base for developed countries like the United States, but also helps to promote free enterprise economic reforms within these countries—not an insignificant fringe benefit of free trade.

At the same time, we expose these markets to our transparent trading regime and our principles of nondiscriminatory trade policy and justice system, which protects things such as intellectual property. Only through exposure to our way of doing business will countries begin to change unfair trade practices and reduce trade barriers. GATT provides a forum for this progress to take place, and the Uruguay Round provides yet another step along the trade policy path that the United States has been pursuing since World War II.

At the risk of boring my colleagues with statistics, it is important to understand exactly what we are talking about in terms of the potential benefits to our economy that the Uruguay Round will afford.

Currently, trade represents more than 10 percent of our annual gross domestic product [GDP], which now exceeds $6 trillion. This means that we are exporting over $600 billion of goods and services. Jobs that are attributed to trade account for approximately 9 percent of our total workforce, or approximately 12 million people of a total of about 119 million workers in the United States. These figures have steadily grown since 1947, when the United States first entered into GATT and the gross national product [GNP] was at approximately $234 billion, with trade accounting for about 8 percent of that figure.

It is clear and indisputable that trade contributes significantly to our economy. We can't ignore this fact. Trade is now a larger portion of our economy in an environment of increased competition—competition which did not exist in 1947. I believe that without strict adherence to a post-World War II trade policy of expansion and liberalization, of which our membership in GATT has been a key component, we would be much worse off economically than opponents of our trade policy claim that we are today.

Another strength of the implementing language before us is the improvement it makes in our existing system of patent protection. It alters the term of patent protection from its current length of 17 years from date of issuance to the new standard of 20 years from date of application. Because the average time to process a patent application is 18 months, in most situations inventors will receive a longer term of patent protection under this provision. Also, by focusing on the date of application rather than the date of issuance, the disruptive tactics of some who have sought to manipulate the patent system through the use of so-called "submarine" patents will come to an end.

I am aware, Mr. President, of the controversy that is associated with this issue. Unfortunately, it is a factual dispute to which the conflicting parties are in nearly complete disagreement. Some say this change in our patent law will disadvantage small inventors; some say it will instead benefit them. Only time will tell. But I have given assurances to the many small inventors in my home State of Utah—and throughout the Nation—that I will be vigilant in watching this issue. And I will not hesitate to sponsor private relief or other legislation that might be required to restore to any inventor who is disadvantaged by this change in the law to the full 17 years of protection available under current law. But it would be inappropriate for Congress to act further until there are actual, demonstrated instances of inventors being disadvantaged—through no fault of their own—by this change in the law.

In short, the clear benefits of this amendment to our patent law should not be forestalled because of the specter of theoretical cases that might arise in the future. Should those cases actually arise, the Patents Subcommittee, where I have served as ranking member for 8 years, stands ready to act and to act quickly.

Finally, Mr. President, I would like to address the issue of funding for the Uruguay round. There has been a great deal of debate concerning the financing of the Uruguay round. Because of the budget rules that Congress has established and the fact that this legislation is being considered under the fast track procedure, we find ourselves in a very interesting and somewhat difficult position as to passing this implementing legislation.

Because the Uruguay round will lower tariffs that the Treasury will collect on imported goods, there will be a loss of revenue that otherwise would be collected. Thus, under the current methods of estimating the revenue effects of legislation, and according to the budget rules, this implementing legislation will require an offset to prevent it from increasing the budget deficit. It is important to note that the budget rules in the Senate now require that these losses be offset over both a 5-year and a 10-year period. Failure to provide adequate offsets leaves the legislation open to budget points of order, which can only be overcome by a vote of 60 Senators.

However, Mr. President, as you and our colleagues know, the budget rules of the Senate do not always reflect the economic reality of the world. We have seen many examples that amply demonstrate that the fact that estimated revenue effects of various bills are sometimes woefully inadequate. In the case of the Uruguay round, it is already evident to almost every economist in the Nation that the overall economic impact of the agreement will not result in a loss of revenue to the Treasury. People on both sides of the political aisle agree that the economic benefits to the United States of increased trade as a result of the agreement will far outweigh the tariff revenue lost due to the lower rates.

By opening up new trading opportunities to U.S. businesses, up to 500,000 more jobs will be created in the country. This will result in a great deal of new economic activity throughout the Nation and a large increase in our gross domestic product. All of this new business will swell the receipt of payroll and income tax revenue to the Treasury, which will far more than offset the amount of revenue loss resulting from the reduction in tariffs.

Unfortunately, the new revenue coming in to the Treasury because of the increased economic activity and new jobs is not taken into account by the Congressional Budget Office, Joint Committee on Taxation, and Office of Management and Budget for purposes of deciding how the budget rules will apply to this legislation. Thus, we find ourselves in the strange position of facing budget points of order unless this implementing legislation is paid for by tax increases or entitlement spending cuts.

This situation put the Clinton administration in a predicament—having to come up with a package of tax increases and spending cuts to pay for the agreement to avoid having to waive the budget rules. As we all know, Mr. President, it is never much fun having to propose tax hikes or spending cuts, especially when most experts agree that they really aren't needed. This predicament was further complicated by the new budget rule in the Senate that requires the first 10 years of the agreement to be offset, instead of only the first 5 years. In terms of dollars, this requirement means that the value of the offsets has increased from an estimated $11.5 billion required to offset the first 5 years to an estimated $40 billion to offset the full 10 years.

The administration was forced to make a difficult decision—whether to propose to fully offset the estimated cost over the 10 years, and totally avoid the budget points of order, or to offset less than the full amount and face potentially fatal budget points of order from opponents of the Uruguay round. To fully offset the agreement would have required $40 billion of tax increases and/or spending cuts, which could also have killed the deal. Not offsetting the estimated revenue loss at all would have opened the administration up to criticism from various factions that a full budget waiver irresponsibly increases the budget deficit, or at the least, sets a bad precedent. We must keep in mind, Mr. President, that once the implementing legislation was delivered to the Congress, it could not be amended. Thus, the administration had to get it right the first time.

The administration chose a middle-of-the-road course. It decided to try to offset the 5 year cost of the agreement, but also decided that to come up with adequate offsets to pay for the 10 year cost would have been counterproductive. Thus, the administration set itself on a course to find about $12 billion worth of tax increases and spending cuts. As we all know, Mr. President, this decision has left the implementing legislation subject to budget points of order. Thus, in reality, it will take 60 affirmative votes to pass this deal tomorrow.

I don't know of anyone who is entirely happy with the package of offsets that the administration ultimately included in this implementing legislation. There is much to criticize. To start with, I am of the opinion that we didn't need to fund the agreement at all. When it is obvious to almost every economist that the dynamic economic effects of implementing the agreement will bring in far more revenue than is lost by the tariff reductions, why shouldn't we simply waive the budget rules and pass the bill? I realize that my viewpoint would probably not carry the day in the Senate and that an unfinanced GATT would not have the votes to pass. Thus, even though I personally do not like the idea of having to raise taxes to pay for an agreement that in reality needs no funding, I am willing to go along with the offsets that this package includes, for two reasons.

First, many of the revenue increases in the financing package are innocuous. Almost $4 billion of the revenue raised in the package comes from compliance initiatives and accelerating the receipt of taxes. These are not tax increases, Mr. President. They meet the technical definition of budget offsets, but they are not harmful tax increases. Another almost $1 billion is raised through the reform of the Pension Benefit Guarantee Corporation [PBGC]. While I am not thrilled that this reform package did not go through the usual legislative process, I am generally satisfied with the result.

Second, to the extent that the financing package does contain obnoxious and harmful provisions, and there are some, I believe we can justify them by the tremendous benefits the Nation receives by ratifying the Uruguay round. As I mentioned, I do not believe that anyone's taxes should be raised to pay for an agreement that, in reality, doesn't need to be paid for. Therefore, for example, I am not happy that 4-percent floor on savings bond yields has been eliminated. This provision only raises $122 million, but could damage the attractiveness of U.S. savings bonds. I am also not pleased that the interest rate that the Internal Revenue Service will pay corporate taxpayers on refunds over $10,000 would be lowered. This seems unfair to me, especially considering the fact that interest paid by corporations to the IRS on amounts due would stay the same. Although these are not traditional tax increases, they nevertheless take money from the pockets of taxpayers and put it into the Treasury.

Although the financing package is not perfect, the administration is to be commended for its willingness to work with the Finance Committee in settling on the final package of revenue increases. Many of the earlier proposals, which were much more harmful to taxpayers, were removed after objections were raised by various Members of Congress. For the most part, our concerns were considered and changes were made.

All in all, Mr. President, I believe that the approach taken by the administration if offsetting the Uruguay round was a reasonable one, given the political realities. I do not believe that anyone is totally happy with the financing provisions, but, as we all know, politics is the art of compromise. I will vote to waive the budget point of order.

In conclusion, Mr. President, the Uruguay round is not a perfect agreement that is going to solve all of our trade problems, of which we have many. However, we must look at what our strengths are and move forward. The Uruguay round is a sequential step in the effort to do just that.

We cannot afford to deny ourselves the benefits of an agreement that will add $100–$200 billion to our economy over the next 5 years; that will, for the first time add provisions protecting intellectual property—the United States loses billions of dollars a year in intellectual property violations by other countries; that will significantly reduce allowable subsidy, tariff, and internal support levels for agricultural products of our trading partners, which could yield as much as an $8.5 billion increase in agricultural income over the next 10 years; and that will potentially create 500,000 jobs due to the increase in economic activity generated by the Uruguay round.

The facts are that the United States is the largest market in the world, we have the lowest average tariff rates in the world, and we are the world's largest single exporting country. For these reasons, it is in our interest to gain access to foreign export markets and to strengthen the credibility of a dispute settlement process. We accomplish these objectives by reducing current barriers to these markets and creating a stronger administrative body to ensure enforcement of the rules. The Uruguay round seeks to reduce these barriers, and the WTO provides the forum for a more credible dispute settlement process.

By reducing these barriers, we provide more opportunities for Americans to produce goods and services to export throughout the world. By creating more exporting opportunities, we create more jobs. More jobs create more earnings, which create more consumer spending and private investment, creating even more jobs. These activities also create more revenues which help to reduce the Federal budget deficit.

I support the objectives of the Uruguay round because they are good for our economy. Without a strong economy, then I believe that we do face the possibility of losing some of our sovereignty as a nation and a people.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the junior Senator from West Virginia by yielded such time as he may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, it is up to the Senate to seize this historic opportunity. The trade agreement now before the United States Senate for approval represents the culmination of nearly 50 years of efforts designed to open global markets that have unfolded since the end of World War II. These moves towards a more free, a more fair, and a more open trading system have been led at every turn by the United States.

With this agreement, known as the Uruguay Round, we will join 123 other countries in adopting and improving rules of international trade in ways that are in the direct and vital interest of Americans. That is the basic reason that I will vote in favor of the legislation before us to implement the Uruguay Round Trade Agreement, better known as the GATT.

Madam President, the people of my state of West Virginia and the rest of the country are hearing from numerous critics who urge the defeat of this agreement. They are correct in saying the GATT is not perfect. But that argument completely misses the point. With this agreement, American companies and workers will see barriers to our products come down. Our industries will have more access to more markets around the world, and that is essential to creating better jobs for more of our people. At a time when Americans are understandably frustrated about stagnating wages, this is precisely when we need to make and sell more products for export. With this trade accord, it's predicted that real income for families in the United States will go up by more than $1,000. That kind of economic progress is what West Virginians and our fellow Americans are asking their leaders to help bring about.

In considering this trade agreement, we are making a choice. Defeating it will mean keeping current practices and policies in place, like the tariffs that shut out American products and the toleration of foreign companies pirating and copying our inventions, our patents, our intellectual property. Adopting this agreement, on the other hand, will make the playing field more accessible, more fair, and more beneficial for Americans.

The reality of the international market place is something we not only have to deal with, it is something that Americans must take advantage of. We do not have a choice about the nature of the marketplace and the economy that Americans now have to deal with. That is, unless we want to go back to Smoot-Hawley and effectively close our markets, which back then deepened the Depression and could cause the same results now. The world is now America's marketplace and where our economic destiny and more importantly, our economic opportunities lie.

I did not approach the Uruguay round as either a doctrinaire free trader or a die-hard protectionist.

From the beginning, I saw the talks as a chance to win the best possible deal for America and my State of West Virginia.

From the beginning, I also supported the founding goals of the Uruguay round—to open markets; to standardize more of the trading rules that all 124 participating countries would then pledge to follow; and to enforce the newly developed or improved rules so together we do more to deter unfair trade.

Through the seven years of the Uruguay round talks, our trade negotiators have pursued these goals. In the broadest sense, the effort has been about building a more healthy global economy, while charting a stronger economic future for this country.

But untold numbers of hours and pages have been devoted over these years to hammering out the nitty-gritty details of our trade laws, and thinking through the impact of hundreds, if not thousands, of small changes in those laws.

That's where I have tried to hover over the process, and play a role in affecting the outcome. I have spent a great deal of time working on this agreement, trying to fix what was not coming out well at various stages of the talks, and fighting for what I saw as essential for the people of West Virginia and the Nation.

And let me be clear, my decision to support this agreement was not a foregone conclusion. Until our trade negotiators worked out the final, crucial deals, and until the congressional committees worked out the final version of the legislation before us, I was not prepared to sign on.

My constituents know that I voted against the NAFTA because I did not think it was in the best interest of the people of West Virginia. As I said at the time, and still believe today, the idea of effectively merging the economy of the United States with a country so far behind us in economic development as Mexico still is, was a threat to the workers of West Virginia that I was not willing to accept at the time. I also said at the time, that as Mexico only accounted for 2 percent of West Virginia's total exports, I was not convinced that passage of the NAFTA was going to mean much in terms of job creation in West Virginia either. And the jury is still out on the NAFTA. Perhaps in a few years we will find that some of the worst fears were unfounded—I certainly hope so.

But the Uruguay round of the GATT is not a free trade agreement like the NAFTA. From West Virginia's perspective, the Uruguay round is essentially about establishing rules to ensure trade is conducted more fairly, with the promise of lower tariffs in countries that represent the most of our State's export markets. Tariffs act like walls that prevent American goods and services from being sold in countries as different in size and development as New Zealand is from Brazil. The Uruguay round will lower tariffs and open markets around the world to West Virginia products. At the same time, it will offer greater protection for things like intellectual property, which is vital to the chemical industry, West Virginia's largest manufacturing employer.

The Uruguay round represents the eighth round of negotiations since the GATT was formed in 1948 to establish basic principles and guidelines of world trade. The United States has always been at the forefront of promoting free and fair trade. The question before the Senate is essentially whether to update the rules by which countries across the globe interact economically.

The world has changed in incredible ways since 1948. Communism is no longer a threat, and new economies across the world are emerging as important trading partners of the United States. More significantly, the global economy itself has been transformed in ways our post-World War II leaders never could have envisioned.

Undreamed advances in transportation, communications, and information technology has made the global economy a daily and permanent reality. Simple transactions, like shipping fresh flowers or produce halfway around the world, are now routine when 20 years ago they were logistically impossible. Complex transactions that move billions of dollars or other currencies are completed with a few keystrokes. Business deals can be negotiated with trading partners on the other side of town or on the other side of the world via teleconference and fax.

On a macroeconomic level, globalization and expansion have led to unprecedented growth and creation of national wealth. But back home on Main Street, that growth and wealth still hasn't flowed or trickled to where they make a positive difference in enough lives. What's good for Wall Street or Dow Jones doesn't always put food directly on the table back in Moundsville. In fact, for the working men and women of West Virginia and people across the country who are struggling to pay the rent and save for their kids' education, they have felt greater insecurity about their personal economic situation. Globalization has opened markets all over the world, but it has also exposed our industries to foreign competition, not all of it fair or market-based.

As a result, our people have benefitted as consumers, but we have not done as well as producers. West Virginians tell me they are concerned about their jobs, their ability to build a better life than their parents, their health and retirement benefits. The opponents of this trade agreement have tried to stir up these fears, but I think they are doing the American people a real disservice.

These anxieties are not misplaced, but killing the GATT is no solution or even an antidote. In fact, it could be more like poison. The simple truth is that we cannot stop the globalization of our economy, and, even if we could, I do not believe it would be in our interest to do so. Export-related jobs are, on average, better paying jobs, and free trade has always spurred economic growth. Our objective must be fair trade in this changing world and reality.

That's why I have focused my energy on making changes to those parts of the law that deal with unfair trading practices that hurt West Virginia companies and workers. Industries like chemicals, steel, ball bearings, pipe and tube manufacturers, glass and chinaware, and other traditional industries are particularly vulnerable to unfair trade practices, and my duty to the people of West Virginia is to see that opening the trading system does not lead to the sacrifice of American jobs.

Even before the Uruguay round negotiations were concluded, I went to Geneva to fight to preserve U.S. laws that enable our industries and workers to defend themselves against unfair and market-distorting foreign competition. I insisted that the administration seek a trade agreement that achieves consistent and fair rules among all the participating countries.

In this process, I worked closely with West Virginia industries on issues that affect jobs in our State. In my view, the final text is a much better agreement than the initial draft text, but it was still far from perfect. It left a number of important questions about how to implement the agreement—which are answered in the bill we are considering today.

Answering those questions has taken a great deal of effort. We faced opposition from special interest groups that seem to care more about importing goods from other countries into the United States than preserving our own domestic industries. In the end, we fended off many of the worst threats by crafting a reasonable approach that will ultimately achieve more open and fair trade.

Madam President, following my statement, I would like to insert into the RECORD a list of specific issues that I addressed during consideration of this legislation. Throughout this process, my priorities were clearly defined by what was important to West Virginia workers and the companies that compete in the global marketplace, industries as diverse as steel is from fiber optics.

My list expanded and contracted over the last year. Some smaller items that I addressed early on were resolved last spring, while others needed constant attention throughout the summer, such as the work I did on protecting intellectual property rights and captive production.

Overall, I am very pleased with the progress made. We won some large victories and some small victories for domestic industry. Overall, roughly 14 of the 16 items I addressed turned out well. Those are victories for West Virginia companies and their workers that will help them compete in the highly predatory realities of the global market place, and they are solid reasons why this legislation should be approved.

Overall, we toughened our dumping laws, defined illegal subsidies, and took measures to improve our trade laws across the board. This is just about the best trade bill we could have come up with for American industry and American workers. While it takes steps to promote open trade, it makes sure that trade is done fairly and in the best interest of Americans, not foreign special interests.

The GATT agreement will increase trade among the United States and all of our trading partners, and I believe that West Virginia will benefit as markets for our exports open and become reliable. That should translate into more jobs and higher wages for West Virginians.

Overall, it is estimated that trade liberalization resulting from the Uruguay round will add $100 to $200 billion to America's GNP within ten years. And every $1 billion in exports means approximately 20,000 American jobs.

A key, key point is that export-related jobs tend to be higher-paying jobs. Again, Americans are understandably upset over their stagnating wages. There are a number of reasons for this, and one is that rising health care costs have quietly eaten into employers' ability to pay their workers more.

But there are also a number of areas where we must act to build a better standard of living for American families, and one key way is to expand our export markets and sales.

In 1993 alone, West Virginia recorded exports of $754 million, an increase of almost $100 million since 1987. That figure should grow considerably. Just a few of the West Virginia industries that the Commerce Department expects will benefit directly from this trade agreement are the chemical industry, household glassware and pottery, and wood products which are all listed as potential "winners."

Overall, the chemical industry represents 35 percent of West Virginia's manufacturing output, and employs 20 percent of the state's manufacturing workers—16,800 people. Add to this the other industries in West Virginia that rely on the chemical industry for their inputs, and we're talking about 127,000 workers in West Virginia who rely at least in part on a strong chemical industry.

And as I said, in addition to chemicals, the Commerce Department picks wood products and household glassware and pottery as potential big GATT winners. Foreign duty reductions of up to 69 percent will significantly improve access for U.S. household glassware and pottery products in world markets; this is especially true in Europe, East Asia and South America. And reductions in our own tariffs will be staged over a 5- or 10-year period so our companies can adjust.

As to wood products, on average we can expect reductions of about 23 percent. But more importantly, Japan, which is our largest export market will be reducing their tariffs by an average of 52 percent. And Europe will be reducing theirs by about 40 percent.

These types of foreign tariff reductions should translate into greater job security for workers in those fields and in other areas where West Virginia businesses compete around the world.

In addition, the tariff cuts that will promote access to our market should be looked at for what they will mean to American consumers—a tax cut. A tariff on goods coming into the United States, even with our lower tariff levels, is still essentially a sort of sales tax. We will be reducing these tariffs—or you could say cutting taxes—by $11 billion over the next 5 years and $20 billion over the subsequent 5 years. The Treasury Department estimates that 80 percent of those tariff reductions will be received by American consumers and businesses in the form of lower prices for foreign made consumer goods or products. This is the kind of progressive tax cut that will benefit America's working families, unlike a capital gains cut which would primarily reward wealthy investors.

Now, Madam President, before I conclude, let me also address some of the concerns surrounding the dispute settlement procedures in the new World Trade Organization [WTO]. While I have taken the concerns people have about sovereignty very seriously—I have sworn to uphold the Constitution and would never support any measure that infringed on that obligation—in this instance, I agree with Ambassador Kantor that most of the concerns raised by GATT opponents about sovereignty are exaggerated. This is one of the areas where I think the agreement's opponents have really skewed the facts. That does not mean that the dispute settlement procedures in the WTO are perfect. We can and should be diligent in making sure that the WTO is fair, and that America's best interests are served by maintaining membership in the organization.

It is abundantly clear that the WTO cannot, by itself, change U.S. law, although it can object to a U.S. law if it does not comply with internationally agreed upon trade rules, and it can ask us to change our laws. Only the U.S. Congress can make or change laws in the United States. To be even more precise, section 102(a)(1) of the legislation implementing the Uruguay round says:

> No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

This is followed by the additional note that:

> Nothing in this Act shall be construed to amend or modify any law of the United States, including any law relating to the protection of human, animal, or plant life or health, the protection of the environment or worker safety, or to limit any authority conferred under any law of the United States, including section 301 of the Trade Act of 1974 [this is the provision which allows us to enforce U.S. rights and retaliate against unfair trading practices], unless specifically provided for in this Act.

This legislation could not be more specific about the primacy of U.S. law. If a WTO panel finds that a U.S. law violates the agreement, then we can either change our law to comply with the rules, or we can decide not to. In that case, the country that claims we violated the rules can impose a trade sanction against the United States. Essentially, this is the same as the way things work now.

Under the current GATT, the United States wins more cases than it loses, and considering that we were the driving force behind the Uruguay round, and the principal shaper of the agreement, that trend is expected to continue. However, there are often unintended consequences to actions taken involving so many entities, and that is why I believe that the establishment of a Dispute Settlement Review Commission—worked out between the administration and Senator DOLE—is a good idea. This Commission will consist of five Federal appellate judges appointed by the President in consultation with Congress. The Commission will review all final, i.e., adopted, WTO dispute settlement reports where the final report is adverse to the United States.

If the Commission determines that the WTO overstepped its authority or ruled in some other sort of arbitrary, unfair manner that infringed on United States rights or obligations, then we can initially seek a way to make sure the problem doesn't recur, or if this happens three times in any 5-year period then we can get out of the WTO altogether. Again, this agreement is clear on that, all it takes is 6 months notice for us to get out of the WTO.

Article XV of the Uruguay round agreement says:

> Any Member may withdraw from this Agreement. Such withdrawal shall apply both to this Agreement and the Multilateral Trade Agreements and shall take effect upon the expiration of six months from the date on which written notice of withdrawal is received by the Director-General of the WTO.

So we are not locked in to the WTO if it doesn't work. We have established a review mechanism that will oversee the workings of the WTO, and overall American sovereignty is clearly preserved.

In conclusion, let me say again that I support this bill, not just because it is good for American businesses—which it certainly is. And not just because it is good for most Americans—which it is. A very central reason is my belief that the passage of the Uruguay round is in the best long-term interest of the people of my State of West Virginia. The changes that will be made in our trade laws are just about the best possible outcome for America's industries. Markets that we have sought for two generations will open up to American and West Virginia products. Intellectual property rights will finally be protected. Tariffs, taxes, will come down, and our economy will be given a blastoff into the next century.

But we can't let our guard down, and we also can't put on blinders. The world is changing and we have to change with it. The question is therefore, how do we do that in a way that is in the long-term best interest of the working people of America? One immediate answer is by approving this trade agreement and passing the legislation before us.

In the coming years, I also think we have to continue to look at the whole universe of international trade. What globalization means to the world, the United States, and more importantly, to the workers of West Virginia and our nation. How do we provide security at home while the engine of economic growth vaults forward? And what about the broader question of "what is a national economy for"? Is it intended to create capital? To create wealth? Or can it be looked at as an element in our social contract guaranteeing a degree of personal security and economic stability for working Americans?

Those are just some of the questions we must ask and try to answer in the coming years, but what's before us today is a trade bill. This won't be the first trade agreement we have passed in this country, and it certainly won't be the last. It is obviously one of the most important pieces of legislation we have considered in some time, and I believe it is in our nation's best interest to pass it. Madam President, this is not a question of "should we move forward?" That will happen with or without us. It is a question of how do we give some direction to the way we move forward. That is what passage of the Uruguay Round of the GATT will mean. It provides a base for us to work from as the globalization of our economy takes place. It provides rules and structures to both open the world to our products and make everyone compete with the same playbook.

With this trade agreement, we have a chance to spur the growth and economic benefits that can make a real difference in the lives of hard-working West Virginians and Americans. I feel an obligation to approve this major step, and hope to see enough of this body reach the same conclusion.

Madam President, I congratulate this Administration and its predecessors for investing leadership and hard work into this important effort on behalf of the United States. Ambassador Kantor and his team have earned special commendation. Chairman MOYNIHAN proved his commitment to economic progress by steering the work on the implementing legislation through the Senate Finance Committee, helped at a critical stage by Senator PACKWOOD. I also want to single out Ken Levinson of my own staff, for his talented labors in assisting me to serve West Virginians and the country's interests in every possible way.

EXPLANATION OF SPECIFIC PROVISIONS OF THE IMPLEMENTING LEGISLATION FOR THE URUGUAY ROUND TRADE AGREEMENT

ISSUE BREAKDOWN

1. Captive Production: This provision was one of my chief efforts to improve the ability of domestic steel companies to make the case that dumped imports are harming them.

2. Intellectual Property Rights/Section 337: I authored the provision in the bill that will make it easier to enforce our intellectual property rights—patents and trademarks—against infringing imports. This is important to preserve the effectiveness of our trade laws for high tech companies like Corning.

3. Fair Comparison: This issue will affect all industries that compete with dumped imports. It changes the way we measure the cost of a product in the United States versus the cost of a product in its home market or another market. There is a lot of detail to this, and the provision as it came out of the Finance Committee was better than what made it into the final bill, but if this is done right it should be "fair" and effective for all concerned.

4. Duty absorption/Sunset: This partly deals with the problem of importers who don't pay enough duty because the related foreign company they buy from covers the cost of the duty—"absorbs" it—which offsets the effect of our trade laws. This is not as good as the "duty as a cost" provision, which would have doubled the absorbed duty, but it is a step in the right direction. The steel industry was very interested in dealing with absorption of duties by related parties.

5. Circumvention/Diversion: For the first time, this bill addresses the problem of importers who try to get around our trade laws by importing a product from a third country. The example everyone uses would be if Korean televisions were assembled in Mexico to get around our dumping laws. This provision should help prevent that kind of abuse.

6. Anti-competitive practices: The bill maintains our ability to use our leverage to open markets that are closed to our products (Section 301, and Super 301); to battle things like Japanese keiretsus that unfairly block American products from being sold in Japan. Just this Fall we cited Japanese practices in auto parts under Section 301. These are valuable tools for increasing American exports worldwide.

7. Causation: This is another "small" provision that could have a big impact. The Administration agreed with me that dumped imports need only be A cause of injury to a domestic industry, not the cause of injury. This makes it much more likely the ITC (International Trade Commission) will vote to find injury when it exists.

7A. The Administration agreed with me that improvements in the condition of an industry after posting the initial bonding rate should not be taken into consideration when making a final determination. This preserves the intention and integrity of our dumping laws.

8. Standing: We won an important concession when it was agreed that if a domestic producer opposes a dumping petition brought against a company that is related to the domestic producer, then their opposition should not be counted. This is only reasonable. For example, if Sony USA objects to a dumping case being brought against Sony Japan, their opposition should not be considered—they're not an objective party.

9. Subsidies: For the first time, international trade laws recognize that only certain kinds of government assistance are allowed. This is a huge step. The implementing legislation also ensures our ability to retaliate against harmful subsidy practices. In the future I hope we even more strictly limit the ability of foreign governments to subsidize weak industries. Overall, this is a big step in the right direction.

10. Negligibility/De minimis: This relates to the question of when the ITC can add imports from different countries together in order to decide if the domestic industry has been injured. From our point of view, the more they add together, the easier it is to find injury—and the more accurate too. Under the bill, if imports from a country are less than 3 percent of the market, then they are considered insignificant, but if you add up negligible imports from a number of sources and they add up to more than 7 percent, then they are counted. I advocated this "bright line" standard and it made it into the bill.

11. Averaging: This is another tool we have in our dumping laws to make sure we account for variations in price of imported goods if they sell for one price in one place, but another price in another place, or at another time. The way we determine what the price really is, is vital for determining if it is being undersold in a particular market. The methodology that the Administration is going to use in "averaging" prices is what I advocated.

12. GSP (Generalized System of Preferences): GSP is the program we have in our trade laws that allows some leniency in our trade laws for goods from developing countries. Generally, this is a pretty good program, but they only went half way on one of the changes I wanted in it: To permanently exempt from this provision import sensitive commercial chinaware, glass, and glassware. Instead of making the exemption permanent, they extended exemptions to 3 years instead of having to apply for them yearly. This is a half victory, and since we renewed GSP for only 1 year, we can have at it again next year.

13. Suspension of the duty on ODI: In 1993, on behalf of Miles Inc., who employ 1,400 people in New Martinsville, I introduced legislation to eliminate the duty on ODI (Octadecyl Isocyanate), a chemical that is used to make the sticky surface of Post-It note pads. This was then included in the legislation implementing the Uruguay round.

Following is a description of two proposals that I opposed and that were fortunately omitted from the bill:

14. Economies in Transition (EIT): This would have created a real loophole in our laws that would have made it easier for countries like Russia to dump goods into the United States. There might be sound foreign policy reasons for helping the Russian economy, but this particular program would have hit domestic industries like steel and other metals particularly hard, because countries like Russia can make those products cheaply. I fought against this idea, and it didn't make it into the bill.

15. Short (or No) Supply: This was another attempt by importers to get around our legitimate trade laws. I fought hard against this, and I'm pleased that it was soundly defeated.

16. Start-up: When we are trying to decide if an importer is selling below his cost of production, we have to figure out what his actual costs are. Part of that is what costs are included in starting a production line (known as "start-up"). There are some good things in this, but I am concerned that "variable costs"—materials you have to buy, hourly labor, etc.—are allowed to be included in the calculation of what are considered legitimate precompetitive costs.

The above might sound like Greek to people who haven't specialized in trade issues, but for those of us who have worked on the Uruguay round for years, they are the bread and butter of our trade laws. As I said, some of these issues take up but a few lines of text in the bill, but they can make a real difference to an American company that is harmed by predatory foreign trade practices. Of the 16 issues that I addressed in the process of negotiating the Uruguay Round and writing this legislation, 14 of them came out in a way that benefits domestic industries and their workers in West Virginia and across the United States.

Mr. PACKWOOD. Madam President, I am shortly going to yield to the Senator from North Carolina.

When the Senator from West Virginia referred to small companies, I have the same situation in Oregon. We hear "multinational, multinational, multinational" all the time. One company in Oregon, a husband and wife and a third person, have invented an insert to use after a tracheotomy. They have a patent, a worldwide patent, and they are selling these things all over the world. Three people.

Another company, which I doubt has a score of employees at the outside, has found a process for freezing baked potatoes after they are baked, and they are selling them all over the world. These are individual entrepreneurs who have found a niche and they found that the world is ready for them, assuming there is an opportunity.

I yield 15 minutes to the Senator from North Carolina.

Mr. HELMS. I thank the Chair and the distinguished Senator from Oregon.

Madam President, I think it was exactly 22 days ago that the American people went to the polls and voted for less government, lower taxes, and an end to backroom deals. Clearly, the American people were demanding—and they are entitled to it—fundamental changes in Washington.

Here we are 3 weeks and 1 day later, and what is the Senate's response? It is business as usual, with a lame duck Congress preparing to approve a treaty that is not being considered as a treaty, with legislative language that pitifully few Senators have even bothered to or had time to read. As a matter of fact, Senator HANK BROWN of Colorado is one of the few to step forward and announce that he had indeed read the entire agreement.

Several of us asked the President to delay the vote on the GATT trade agreement until early next year, like the middle of January, so that it could be carefully considered by the new Congress. The vote on this GATT agreement should be delayed, but it will not be, obviously.

Madam President, we have a 22,000-page world trade agreement —a treaty, if you please—poised on a so-called "legislative fast track" with only 20 hours of debate allowed, with no amendments in order and motions in order. This raises several legitimate questions like: What is the President afraid of? What is it in this agreement that could not withstand just a little bit of sunlight? The hearings in the Foreign Relations Committee lasted 3 or 4 hours. The number of witnesses was limited. What is the necessity of pushing this trade agreement despite the will of the people?

I have in hand a Yankelovich poll of yesterday, and this pollster is widely respected. Sometimes he comes forth with findings that I do not agree with, and sometimes it is the other way. But yesterday his poll showed that by large margins the American people oppose the General Agreement on Tariffs and Trade. Most Americans surveyed think that the current lame duck Congress should not vote on GATT. They oppose waiving the Senate budget rules to approve GATT, and they think that GATT should not be able to override the U.S. laws. By a 5 to 1 margin, Republicans think that it is inappropriate for the lame duck Congress to vote on GATT.

The Yankelovich pollsters contacted 1,000 American adults and found that 63 percent of Americans want the next Congress, the 104th Congress to vote on GATT—not this lame duck Congress that is meeting today. Furthermore, 67 percent of Americans think that the U.S. Senate should not waive its budget rules to pass the GATT; 57 percent of Americans think that GATT will bring about a loss of American jobs; 51 percent of Americans indicated opposition to GATT, with only 33 percent in favor of it.

Madam President, this proposed World Trade Organization that is created is being called by many Americans "the United Nations of world trade without a veto for the United States." Madam President, all of us want to expand world trade and eliminate foreign trade barriers. But, speaking for myself, I am for world trade all right, but I am flat out against world government.

And I believe this is what we are marching toward, and I believe that the vast majority of Americans feel the same way about it.

Madam President, it is a fact that this agreement will add billions of dollars to the Federal deficit. The Senate is about to ignore the law, to ignore the Constitution, to ignore the budget rules and vote to increase the deficit. That is not an appropriate thing for the Senate to do.

I commend the able Senator from West Virginia, Senator ROBERT C. BYRD, the President pro tempore of the Senate, for his decision to raise a point of order.

I had the honor of serving with another remarkable Senator, a great constitutional scholar, named Sam Ervin. One of Senator Ervin's greatest apprehensions was the danger that international agreements so often pose to the national sovereignty of the United States. Senator Ervin used to say the United States has never lost a war nor won a treaty, but that was before American military forces were sent to Vietnam to fight a war that they were not allowed to win.

In any case, this new trade agreement should have been submitted to the Senate as a treaty and considered as a treaty under the Constitution of the United States.

The United States joined the United Nations by treaty. The United States joined NATO by treaty. The Congressional Research Service concluded that pursuing the position that treaties and Executive agreements are "interchangeable" could result in "reading out of the Constitution the treaty process" entirely, and that is a quote from the Congressional Research Service.

Madam President, I reiterate that very few Senators have even glanced at this trade agreement, let alone read it, let alone studied its implications. As I said earlier, Senator HANK BROWN of Colorado did, and he expressed astonishment at what he found. The able Senator from Colorado concluded that he could not vote for this GATT agreement.

Small wonder, because under the World Trade Organization, the United States has precisely one vote out of 123. And since the United States will have only one vote, it is a certainty that the United States will be outvoted by Third World countries, just as is the case in the United Nations where 83 countries vote regularly against the United States. The United States is likely to be outvoted by such countries as Uganda, Ghana, Chad, Zimbabwe, Cameroon, Bangladesh, Cyprus, the Maldives, and others.

Madam President, in the United Nations, the United States does have veto power in the United Nations, but the United States will not have it under this agreement.

Madam President, the American taxpayers, once again, will fund an international bureaucracy that is in no way accountable to the American taxpayer. It is a bureaucracy that will grow and grow and grow just as other bureaucracies of international character have grown and grown and grown. Just consider, for example, the World Bank. In 1951 it employed 400 people. In 1994, the World Bank bureaucracy exceeded 6,300 people.

Once again, let me emphasize that the United States will no longer be able to veto bad decisions from this international agency, the WTO. If we can use the WTO against Japan and France to cut down their laws, foreign countries can use it to cut down United States laws. We cannot have it both ways. Either it works or it does not.

Finally, Madam President, this agreement will harm workers in many small businesses in North Carolina and indeed throughout the country. Apparel and textile employees will be particularly hard hit. There is no way that U.S. workers can compete with Communist Chinese slave labor or with child labor anywhere in the world, especially in the Third World countries, who are paid 50 cents an hour for their labor.

I think the Senate should support the point of order and postpone consideration of this agreement until early next year and let the next Congress, not this lame duck Congress, do the job of examining it carefully. And by all means there should be separate votes in any case on the World Trade Organization itself. There ought to be two issues, the agreement and the World Trade Organization.

I thank the Senator for yielding to me, and I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). Who yields time?

Mr. HOLLINGS. Mr. President, I yield 20 minutes to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank the distinguished Senator from South Carolina.

Mr. President, I rise, with great regret, in opposition to this bill, and I will explain why.

When we opened the Uruguay round in the fall of 1986, we Americans hoped to bring trade in services and farm products under the GATT, cut agricultural export subsidies, require GATT members to protect intellectual property rights, continue cutting tariffs and opening markets on a fair, reciprocal basis, and approve dispute settlement while protecting American interests, particularly our rights as American citizens.

Those were ambitious goals, the right goals, and the Uruguay round, I think, is an agreement which, although all of us worked for and although it meets many of those goals, it does not meet enough of them and we should not vote for it today.

I believe that we have not met the last and most important goal, that is, preserving U.S. sovereignty, and we are not assuring that the middle-income American receives enough of the benefits that the large companies under this agreement themselves will reap.

That is why I cannot support this. And I urge the Senate to reject it today, come back next spring after we have negotiated with other countries—we have been on this, after all, for 8 years; a few more months is not going to make a big difference—and address these fundamental problems and solve them.

I believe the World Trade Organization this bill creates has two problems. I do not think it makes sense to give the United States, the world's largest economy, the largest importer and the largest exporter, no more voice in major WTO decisions than any other country. It just does not stack up. It is unfair. It is wrong.

I also fear that the dispute settlement process threatens one of the most important rights of citizens, that is, the right to due process in American courts.

Let me begin with the positive. The United States is already the top exporting country in the world, exporting $464 billion in goods and $180 billion in services last year. Together, our exports of manufactured goods and farm products support 9.3 million jobs, one job in every 12 across the country.

We are also the world's most open economy.

So here, as in every one of our other trade agreements, we reduce our barriers by less than other countries reduce theirs.

The Uruguay round cuts tariffs by an average of 33 percent around the world. That means America cuts tariffs 1½ cents on the dollar. The foreign countries, on the average, cut by 4 cents on the dollar and Japan cuts 2½ cents and Europe about the same, India 15 cents, and Brazil 11½ cents, and so on around the world.

Then consider intellectual property—the copyrights, patents and trademarks which make our artists and inventors get the benefit of their creative work. Today we Americans lose tens of billions of dollars to intellectual property piracy. We suffer because not just a few but dozens of countries let individuals, companies, and mafia organizations skip the creative work of writing a book, recording a song, shooting a film or writing software and avoid expensive research and development and essentially rip us off.

Under this agreement, they will adopt our high intellectual property standards and because of that we will be better able than ever before to fight pirates and rip off artists around the world.

Then take agriculture. Europe will cut export subsidies by 21 percent. That should open wheat and barley markets around the world to American farmers, and by binding tariffs, this agreement blocks others from discriminating against us.

China, for example, retaliated for a textile dispute in 1985 by refusing to buy Montana wheat. When China eventually joins the GATT, that will stop for good.

Equally important is something this agreement does not do. It does not weaken our domestic trade lawsuits. We preserve our right to use section 301 antidumping and countervailing duty laws and keep fighting theft of intellectual property through Special 301.

And we update our laws to cover such critical issues as exclusive Japanese business practices. So the economics, in terms of overall total GDP, may be on the side of the bill. It will increase total aggregate GDP in this country and other countries around the world. But there is a deeper, more fundamental issue involved.

No trade agreement, no matter how good a deal it is, is worth sacrificing our basic rights as American citizens. I am afraid the new World Trade Organization this bill creates will do just that. And that risk is too great. And that is why I will vote against this bill.

I must say, Mr. President, this is not an easy decision. I have supported fast track legislation on the last major trade bill. I supported the Canadian Free Trade Agreement and I supported NAFTA because I thought they were good for America.

Mr. President, for 8 years I supported the Uruguay round with confidence that the changes in dispute settlement would not intrude upon our fundamental rights. But an event just 3 months ago shook that confidence. I will not go into great detail, but essentially we reached agreement with Canada during the CFTA negotiations to settle subsidy disputes through our countervailing duty laws with dispute panels available to Canada only to make sure the laws were properly used. Although I received assurances from constitutional lawyers, trade experts, the Reagan administration, and everybody else that the Canadian dispute settlement panels would work strictly in accord with American, the fact is, that is not what happened. Our members on the panel played fair. The Canadian members did not play fair.

Here is a statement of Judge Malcolm Wilkey, a U.S. panelist, who said:

> The panel started, of course, by giving us the litany of standard review of administrative agency action as enunciated in the United States law, all thoroughly familiar. The panel then proceeded to violate almost every one of those canons of review of agency action.

Why? Because we played fair and the Canadian members did not play fair. It is a system that is flawed.

What about the WTO? Will that be any better? I have tried to persuade myself that the problem that occurred with Canada cannot happen with the WTO. I debated the issue with my staff, with experts and friends. I studied this with great care. The problem is, the more I have studied it, the more my worries grew, the more problems I had, and the more I reached the conclusion that not only these kinds of problems but probably many more problems will occur under WTO.

It has been mentioned often that WTO provides that we will not be able to veto any of the panel's decisions. Presently, we can. And that is why we have not worried too much about the membership of the present GATT.

Currently, each country in the GATT gets one vote. We have not worried about that standard because any country could veto an egregious, unfair decision by a GATT panel.

Now, the laws have changed. The stakes are much higher. And that is why it is so important that we look much more closely at the composition, the standards of review, the selection process, and the procedures under this new WTO. This body has not done that. And I submit the more one looks at it, the more one sees flaws.

Mr. President, it is outrageous. The United States of America has one vote and every other country also has one vote. It is an outrage. Nobody, and I say nobody, can stand here on the Senate floor and defend that. Nobody. Nobody.

What about the World Bank? The World Bank vote is weighted according to the size of the country, as it should be. What about the International Monetary Fund? It, too, its composition, its voting powers are weighted according to the size of the country, as it should be.

What about the United Nations? Sure, we have a General Assembly, but we also have a Security Council. That is fair. That is the way it should be.

This agreement does not do that. This agreement is totally contrary to the basic precepts of American civil process. We should go back to the drawing board and make some changes. It is clear other countries want this agreement. It is clear the United States wants this agreement. And we know, Mr. President, where people want an agreement, they can find a way to reach an agreement. There are a lot of ways to skin a cat. We can get this done.

I hear all of these horror stories that if this is not approved, the world is going to come to an end, a cataclysmic response, Smoot-Hawley. You hear all these horror stories.

Mr. President, it is all baloney. It is untrue. What is going to happen if we reject this? Do you know what is going to happen? Big headlines in the paper, big stories on the evening news. How long is that going to last? Maybe a day, maybe 2. A lot of scrambling around.

We want to address the trends in trade in this world. Other countries want to address the trends in trade in the world. We will find a way, a more realistic way that more realistically reflects the powers and the strengths of countries to get a better solution. That is what is going to happen.

Overall, we have been working on this thing for 8 years—8 full years. This agreement does not have to go into effect until July. What is wrong with going back and renegotiating for a few more months? I ask you, what is wrong with that? Nothing. Nothing is wrong with trying to get a little bit better agreement. Not because we are trying to achieve perfection; but because we are trying to do what is right.

There is one other point, Mr. President. I heard a lot of comments on the floor of this body today saying, well, gee, the world has become more global, with faxes and modems and computers and program trading and advances in technology. We have to get with it. We have to adopt this because if we do not, the world is going to pass us by.

That is not true. It is true the world is changing. The world is changing dramatically. Different people, different organizations, different countries are doing different deals within the country and around the world. Capital travels at the speed of light. It does not respect national boundaries. Investors go to where they can get the greatest investment.

That is what is happening. The world is incredibly competitive. As a result, it is not only American companies, it is not only Japanese companies, it is not only European companies, it is other countries' companies that are downsizing. They are laying people off. In many respects, they have to become "more efficient," to be more technological. That is happening. And it is going to happen with or without a trade agreement.

But what else is happening? What is happening is the major companies, those in position to take advantage of this new world order, are getting the benefits. That is fine. They should get benefits. I strongly believe in competition. I strongly believe someone should go out and try to make a better product more efficient. That is fine.

But what also is happening? The average middle-income American is not getting in on the deal. He is not getting the benefits.

We have to find a way, Mr. President, when we pass trade agreements, that not only the companies—and they should get higher profits, their officers should get higher incomes—but the working stiff, the guy who is working in the plant, the average middle-income American, sees his income increase. And we all know, according to statistics, the exact opposite has happened. As trade has increased, as GDP has increased as a consequence of trade, average middle-income Americans have seen their incomes decline.

I am not standing up here and saying it is an exact quid pro quo. I am not standing up here and saying this is an exact correlation and totally causal. I am not saying that. But I am saying there is some cause, some relation; there is something going on here that we Americans, as we pass this big trade agreement, are not dealing with.

I have been over to Geneva. I have been to Brussels. I have been part of these trade negotiations. Who is there? It is the major companies, the multinational companies. The big economists and the big bankers. That is fine. They should be trying to do a better job for themselves.

But who is not there? Who is not there is the average middle-income American, the average middle-income Montanan, West Virginian, Oregonian. They are not there and they are not being represented and they are not part of these agreements.

Mr. President, I have what I call workdays. One day a month I work at some job in Montana. I show up at 8 in the morning with my sack lunch. I am there to work. Not to watch but to work. I have worked in saw mills, worked in mines, waited tables, hospitals, helped Alzheimer's patients, day care centers, Meals On Wheels—I love it. It is great. And I tease people at home by saying one day a month I do an honest day's work. It is very educational.

My workday a few weeks ago, just preceding the election, was in Lewistown, MT. I worked in a bottling plant. It is called Big Springs Bottling Plant. They bottle spring water. I worked all day there putting bottles on assembly lines and I was working with a forklift operator. His name was Rick.

Rick turned to me and said, "Max, my father said anybody who carries a lunch bucket ought to vote Democratic. But I don't vote Democratic anymore."

I said, "Why?"

He said, "I don't know, it just seems to me"—and he is a typical fork lift operator, in his fifties, has a mustache; typical American, typical Montanan. He says, "I don't know, it just seems to me that Democrats kind of have forgotten people like me. They have forgotten the average guy. They are more concerned about gays in the military, about foreign aid, about welfare," and he probably could have said about these trade agreements. That is, benefits for other people—the wealthiest people, or some of the most unfortunate people—but not enough about him.

I say that passage of this agreement today as it stands now with its current provisions is another example of—I do not say Democrats, I do not say Republicans, I am just saying all of us, who represent the average American—forgetting Rick again. But saying no to this agreement is saying we can make it better, to better reflect what he is grappling with, what he is trying to cope with, where his rights are better protected as an American citizen. Figuring out some way to get more of the benefits to the average middle-income American is something I think he would like us to do.

I have said many times it is a hard thing for me to do because I generally support trade agreements. But I am also saying just because somebody supports a trade agreement does not mean all trade agreements are good. There is a lot that is good in this agreement. But there is a lot that is not good. I am not trying to achieve perfection. Perfection can be the enemy of the good. But I am saying that the WTO dispute system is set up in a way that is not fair to Americans. I am also saying we have an obligation as Members of this Senate to try to find a way, a better way to make sure more benefits go to average middle-income Americans.

I have been struck by the debate here this afternoon. But the major point I think has not been engaged. It is like two ships passing in the night. More free trade may be better for America, but we should better help the little guy. We should spend more time trying to figure out how the benefits of trade agreements get down to the average middle-income American.

With that, Mr. President, I yield the floor and thank the Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Montana. It is a very understanding statement. As the chairman of our trade subcommittee of finance, it is a very, very significant statement.

It is my colleague's turn?

Mr. BREAUX. If the Senator wants to alternate, if that is all right, I inquire of the Senator from Virginia how much time does he wish?

Mr. ROBB. I would say to the Senator from Louisiana, about 10 to 12 minutes max.

Mr. BREAUX. I yield whatever time he may consume to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I thank you and I thank the Senator from Louisiana for yielding time.

Mr. President, in a perfect world there would be no tariffs or restrictions on trade whatsoever—and foreign governments would not subsidize their domestic industries to give them an unfair advantage on price competition. GATT does not bring us a perfect world, but it does move us in the right direction.

GATT combats protectionism abroad and spurns it at home. Rejecting the most comprehensive trade accord in history would tell Americans that we could not cope with change and that we did not have confidence in America's ability to compete in a world economy. I think that is precisely the wrong message to be sending, and it reminds me of dark days in America over 60 years ago.

Mr. President, there was a time in our history when we made the mistake of looking inward, isolating ourselves from the world, and ignoring what the global economy had to offer. Republican Herbert Hoover was President and the 1930 Smoot-Hawely Tariff Act was the law of the land. In his economics primer, Nobel Economic Laureate Paul Samuelson notes that "economists—who are supposed to agree on almost nothing—were unanimously opposed to the extreme tariff rate in the Smoot-Hawely Act."

Mr. President, Senator Smoot and Representative Hawley had it wrong then—supporting a wall of tariffs around America—and we should have the wisdom not to repeat those mistakes. This country should lead the world economy by example. Free, unencumbered trade is in our interest. Tariffs impede U.S. economic growth, reduce our standard of living, and prevent our job base from growing.

GATT reduces the tariffs other countries impose on U.S. manufactured goods and services and it will reduce the cost to U.S. consumers of goods manufactured abroad—and in so doing will create an estimated 500,000 jobs over a 10 year period, while increasing America's income by an average of about $1,700 per family. GATT's fundamental accomplishment is basic and real: It provides Americans new economic opportunity, a vital chance to improve their livelihoods, and new horizons abroad to build something from nothing.

In particular, Virginia businesses large and small have demonstrated their ability to compete in the far corners of the globe, and our overall trade policy, it seems to me, should reflect an effort to assist, not inhibit, U.S. exporters. These companies are seeking greater market access, lower tariffs, and less foreign government intervention abroad. GATT makes breakthroughs in all three areas.

Mr. President, Virginia companies are increasingly dependent on export markets abroad. The Commonwealth of Virginia recorded merchandise exports in 1993 of $8.2 billion, a 160 percent jump achieved over just the last 6 years. Virginians stand to make tremendous economic gains from GATT given tariff elimination on paper products and reductions on furniture and wood products by the European Community, which is the State's largest export market. The same goes for Virginia produced industrial machinery, tobacco, electronic equipment, renewable energy technology, fish and fish products, chemical products, and high technology exports. Virginia is ready to seize additional market share abroad, and GATT serves as the linchpin for easing if not eliminating outright foreign protectionist barriers.

Mr. President, the effect on one Virginia industry perhaps crystallizes the debate over GATT better than any other. Our Commonwealth exported $856 million in transportation equipment in 1993, second only to tobacco in net dollar terms. As a result of the Uruguay Round, tariffs on transportation equipment will be reduced anywhere from 40 percent to 80 percent worldwide.

Virginia companies and Virginia workers stand to benefit from GATT immediately. Amadas Industries, based in Suffolk, employs 160 Virginians to build peanut harvesting machinery and other kinds of agricultural equipment. It estimates that GATT will pump exports as much as 50 percent in the next 3 to 5 years, particularly to Asia and South America. The Marine Development Corporation in Mechanicsville, the Sonix company in Springfield, the Hampton Roads Maritime Association and the Mobil Oil corporation join dozens of other industries, companies, organizations, and people in Virginia rallying for GATT. And I hear their voices loud and clear.

But are there elements of the agreement we ought to be concerned about? Absolutely. 22,500 pages of new trade rules do not come without problems. A range of opposition voices has observed that this trade deal vests far too much power in the World Trade Organization, which will have the authority to dole out penalties for trade violating nations through a complicated system of panel adjudication.

Under the WTO, the three nation member panels that will hear and judge trade complaints from one nation about another will meet in secret. Hypothetically, the panel could rule against the United States in a particular case, and only a limited appeal could be made to the broader GATT membership. Failing at that level, the United States would have no choice but to change the policy, regulation or law in effect or else the nation initiating the trade complaint could return to the GATT membership to invoke appropriate penalties.

Given these arguments, I will support legislation next year that establishes a

WTO Dispute Settlement Review Commission consisting of five appellate judges who will, according to the Administration, "review all final WTO dispute settlement reports adverse to the United States." Acting as a fail-safe mechanism, the Commission's judgments could signal Congress to initiate a procedure allowing the U.S. to exit the WTO in short order.

The Administration has worked hard to resolve other problems as well. For example, provisions in the legislation relate to an auction of spectrum for personal communications systems. Three pioneers in the PCS industry have been awarded licenses to encourage their participation in this innovative environment. Originally, these companies were slated to receive the licenses for free. But while we should encourage innovation and improved technology, we should not do so at an unreasonable expense to the American taxpayer. The compromise rewards the innovation of these companies by allowing them to purchase spectrum at 85 percent of market value. The agreement reflects a reasonable balance between stimulating advances in technology while ensuring that taxpayers are fairly compensated. The resolution of this matter in the legislation will make PCS services available for the first time in Virginia, giving our consumers greater choice and lower prices in purchasing wireless services.

But should these limited arguments about GATT, particularly the ones about circumscribing sovereignty, cause us to reject the whole package? Not at all, Mr. President. In fact, we would be foregoing a $750 billion global tax cut by voting GATT down, as well as causing a significant blow to our leadership in the world today.

Finally, Mr. President, as we move to adjust to the international economic order through GATT, we have a responsibility to assist those Americans currently working in industries that are unable to meet the competition abroad. They deserve our support through retraining assistance and other means as they face a transition from one job to another.

Mr. President, I will conclude by quoting from a November 22 editorial from the Roanoke Times & World News which paints a discouraging picture of a world without GATT that I happen to share: "If GATT goes down, so will stock in America as a leader in liberalizing trade rules. If international support for the agreement collapses, protectionism would surge, commerce would contract, and the likelihood of trade wars would loom large. Congress should approve GATT on its merits, and for the good of the country."

Mr. President, I will vote for the GATT implementing legislation, and I will vote to waive the budget point of order.

I thank the Chair, I thank the Senator from Louisiana, and I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield 20 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I ask unanimous consent that at the conclusion of my remarks, there be printed in the RECORD a letter from Carol E. Johnson of Madison, AL. I think that she has written me a very excellent letter pertaining to the GATT. I do not agree with all of the statements that she makes in regard to the letter, but I think overall it is one of the best documents that I have seen pertaining to GATT and I ask that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. Mr. President, I also ask unanimous consent that at the conclusion of my remarks there be printed in the RECORD an article by Anna Quindlen, who is a columnist for the New York Times, which is entitled "Out of the Hands of Babes." I ask that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HEFLIN. Mr. President, the fundamental question we must answer with this historic vote is: Will the best interests of the United States and our citizens be served by joining GATT and the World Trade Organization? When we clear away all the politics and pontification, facts and figures, television ads and radio sound bites, pros and cons, does this agreement result in a net win or net loss for the American people?

In my judgment, passage of the Uruguay round will ultimately result in a new loss for America, and should not be approved until significant changes are made. Despite the fast-track authorization, we shouldn't be forced to hurry this massive agreement through a lame duck session with inadequate consideration, deliberation, or debate. Most importantly, this agreement should not be approved for the sake and appearance of free trade at all costs. I fear GATT will lead to a "hocus-pocus trade trap" that will be difficult to escape.

At a time when we are finally beginning to deal with our massive budget deficits, it would be unwise to put our stamp of approval on an agreement that even its supporters say will increase the deficit in the short-term. Reduced tariffs will necessarily result in a loss of revenue, not all of which is offset by the GATT implementing legislation.

Arguments that GATT's passage will increase revenues and reduce deficits remind me of the same arguments that were made regarding supply-side tax cuts in 1981, when income taxes were reduced approximately 30 percent over a 3-year period. Instead, we saw our deficits soar.

I was strongly opposed to NAFTA because it would create relocation incentives which would cause severe job losses in this country, particularly in labor-intensive manufacturing industries. The major relocation incentive is cheap labor. GATT will allow products to come into this country from low-wage paying countries—6 to 10 times lower than American wages. It will be difficult, if not impossible, for such labor-intensive manufacturing firms to compete with Mexican- or Asian-made products. This means that more and more American industries will move to Mexico or to other low-wage countries. Let me illustrate with a specific labor-intensive industry that provides a tremendous number of jobs in the United States, particularly in the Southeast. I'm talking about the textile and wearing apparel industries.

GATT does away with multifiber arrangements, which are the sets of international agreements that have regulated the textile and apparel trade for the last 30 years. Cheaper labor caused the relocation of the wearing apparel industry from New England and New York to the Southeast several decades ago. Now, with the phase out of the multifiber agreements, we will see an exodus of these jobs to nearby countries like Mexico. The resulting competition from abroad under GATT will provide a powerful additional incentive to relocate.

In Alabama, there are over 100,000 jobs in the textile industry, which make up approximately 35 to 40 percent of all its manufacturing jobs. Most of these jobs are in the cut and sew wearing apparel operations. Recently, I went to an area of my State hit by severe unemployment and visited a sewing company whose employees were almost entirely women. Their wages were based on an incentive basis—a piece basis—but they were relatively substantial. These are the kind of hard-working people who will be hurt by companies such as this relocating to take advantage of lower wages and standards elsewhere.

What nation has had the best trade policy with respect to its citizens over the last 30 years? If we stop and think the obvious answer is Japan. And what has been its policy? Japan has taken care of certain industries, and should serve as an example of a country that has prospered through its trade policies. We can and should operate according to free-trade principles, but this should not preclude us from adopting certain needed protection measures that would be helpful to our economic well-being as we look to the 21st century. I believe the United States would have a much better trade policy if we followed many of Japan's historic practices.

Moreover, we will not be able to eliminate some of the most adversarial trade practices through the GATT system. The nontariff barriers they use, the extended financing possible in the cartels of Japan, China, and Europe will not be eliminated under mechanisms provided by WTO.

I was in England a couple of years ago, where I met with the Minister at that time who formulated economic policy, Mr. Lamont. He had just announced the day before that he was lowering interest rates. He had also called for a 40-percent income tax depreciation deduction in the first year for all new equipment and buildings. It was, basically, similar to our investment tax credit.

I went on to ask Mr. Lamont if that would not spur England's economy, since it was comparable to a 12- to 15-percent investment tax credit in the United States. I was surprised when he replied that the reduction would not have much effect since England had ceased to be a manufacturing country, with only 15 percent of its jobs in the manufacturing sector. Many members of the European common market have lost their manufacturing jobs to low-wage countries. Look at the unemployment rates of the major European nations: The average unemployment rate is in the neighborhood of 11 to 16 percent.

I opposed NAFTA because I was convinced that labor-intensive industries would move to Mexico, where there are many incentives to relocate, such as an extremely low-minimum wage, few OSHA standards, practically no workman's compensation programs, weak unemployment compensation programs, and lax clean air regulations. Under GATT, another relocation incentive will be added due to the increased competition in the textile and wearing apparel industries from Pacific Rim countries like Malaysia, Taiwan, and Hong Kong who will be able to sell in United States markets. To remain competitive, our companies will be forced to go to Mexico or other low-wage countries. Many will relocate, and jobs will be lost. GATT will be like rubbing salt into the wounds already suffered by American workers from NAFTA's passage.

The Uruguay round establishes a powerful new bureaucracy in Geneva, Switzerland known as the World Trade Organization [WTO], one of whose functions will be to adjudicate trade disputes between member nations who are signatories to the new world trading pact. The provisions of GATT notwithstanding, I have come to the conclusion that the WTO is not in the best sovereign interests of the United States or its citizens.

The WTO will operate much like the United Nations, except it will do so in the area of international trade. It will have the power to establish, administer, and enforce global trade rules and will be governed by a ministerial conference, where each nation will have only one vote.

Approximately 124 nations could belong to the WTO, and my research reveals that it will be dominated by less-developed nations, much like the U.N. General Assembly is heavily weighted toward such countries. Under the new WTO, each nation, no matter how large or small, will have one vote. The WTO agreement does not have a weighted voting arrangement based on a country's financial contribution to the organization.

Conspicuously absent is the ability of any nation to cast a veto vote, which is distinctly different from the parallel situation at the United Nations where the security council provides a forum for a veto vote. This "one vote per country/no veto" policy will clearly put the United States at a voting disadvantage in the ministerial conference, which is analogous to the U.N. General Assembly.

When a country finds itself in a dispute with another WTO member, a dispute settlement body [DCB] will administer all dispute proceedings including establishing panels which hear disputes, adopting panel and appellate decisions, monitoring the implementation of these decisions, and authorizing retaliatory measures. The panels, which hear initial disputes, will consist of three or five citizens of nondisputing countries and appeals panels will consist of seven citizens of nondisputing countries. The decisions of these panelists can be rejected by the disputing parties only for compelling reasons which is a term not well-defined under this GATT Agreement.

Where a panel makes a finding that a country's laws or regulations—Federal or State, as the case might be—are inconsistent with the GATT Agreement, the panel will recommend that the losing party "bring the measure into conformity with that agreement." A losing party cannot veto a panel decision as it currently can under existing GATT procedures.

A party which loses a decision can choose to ignore it, but the WTO could impose fines or allow the winning party to retaliate. There is no question in my mind, if the United States were to lose a decision, there would be great pressure on our country to bring a violative law or regulation into compliance with our obligations under GATT.

It is true that panel decisions will have no direct legal effect on Federal or State laws and regulations—only Congress and the executive branch can change laws and regulations. However, the decisions of these foreign panels will, if we are on the losing side, have an indirect effect on our sovereign laws and regulations. Whether direct or indirect the ultimate result is the same.

In reviewing the agreement which establishes the WTO, I looked at the "miscellaneous provisions" section and found the following language: "Each member shall ensure the conformity of its laws, regulations and administrative procedures with its obligation as provided in the annexed agreements."

Thus, by joining the WTO, the United States under this provision agrees to change its laws, regulations, and administrative procedures to conform to the obligations of the new trading agreement. It is the WTO who will give the final say as to whether these obligations have been met.

Does the cumulative effect of the dispute settlement procedures of the WTO have, at the least, "de minimus" implications on U.S. sovereignty? I think the short answer is "yes." Remember, if a WTO panel or appellate body decision goes against the United States, the United States could decide to ignore a panel decision. However, the WTO could then impose fines or allow the aggrieved party to retaliate against the United States. Under current GATT policy, this cannot happen. This new arrangement could infringe on sovereign U.S. interests.

There is no doubt in my mind that at the ministerial level, the "one vote per nation" rule will substantially increase power among the smaller, less-developed nations. Over 18 member nations with populations of less than 1 million people will have the same weighted vote as the United States, Canada, Germany, Japan, and the other major trading partners. It should be pointed out that developing nations will constitute 83 percent of the votes of the WTO. Further, each nation of the European Union will have one vote, and history has shown that trade relations with our European allies have not always been smooth.

GATT will also put State laws at risk. If a State law is successfully challenged by a member nation, the United States cannot simply veto the adverse ruling as it has done in the past. Under the new GATT rules, the executive branch must force the State to change or repeal its offending law or the United States will be subject to economic sanctions. True, this GATT cannot make us change our laws if we don't choose to, but the penalty for ignoring an adverse ruling could be very expensive. That is the point of the sanctions provision. It is intended to make it too expensive for us to ignore an adverse ruling.

The deck is stacked against the United States in light of the fact that we will have no veto power in the ministerial conference should the Third World or the European Union choose to try and kick us around in the World Trade Organization. We can no longer veto a panel decision in a trade dispute proceeding further eroding our sovereign interests.

Article XI will also allow the lesser developed nations to exempt themselves from many market-opening requirements due to their status. Article XI states as follows: "The least developed countries recognized as such by the United Nations will only be required to undertake commitments and concessions to the extent consistent with their individual development, financial, and trade needs or their administrative and institutional capabilities." This is a loophole of monumental proportions for developing nations that will put us at a huge disadvantage in terms of trade.

Another issue which has been raised in connection to the WTO is whether joining might force the United States to lower standards adopted by the Federal and State governments in their consumer, environmental, and work safety laws. Again, one only has to look at the textual language of the "miscellaneous provisions" section, which states: "Each member shall ensure the conformity of its laws, regulation, and administrative procedures with its obligation as provided in the annexed agreements."

The WTO will be the forum where member nations can challenge consumer, environmental, and worker safety laws as "unfair trade barriers" because such laws containing higher standards can and do often restrict trade. If our laws are more stringent than say those of Malaysia, Singapore, or Taiwan, the United States could find itself frequently under attack in the WTO. A panel decision declaring U.S. laws to be "unfair trade barriers" will put the United States in a bind to change those laws, or face potentially heavy fines, or if we choose to ignore a panel decision, subject the United States to retaliatory retribution from the complaining party.

Remember, under the current GATT structure, we can veto a panel decision. U.S. sovereignty is not threatened. I believe our sovereignty will be threatened under this new system of the WTO. We should reject membership in the WTO until changes are made regarding voting procedures and sovereignty provisions are dramatically altered to protect the interests of the United States and the American people.

Regardless of how one feels about the World Trade Organization and the issues of sovereignty it raises, we should all be disturbed at the procedure under which this agreement is being debated and considered. In my judgment, WTO membership should be considered as treaty ratification.

According to Laurence H. Tribe, Constitutional Law Professor at Harvard, "If there is any category of international agreement or accord that must surely be submitted to the Senate for approval under the usually rigorous two-thirds rule of the treaty clause, that category must include agreements like the Uruguay round, which represents not merely a traditional trade agreement but a significant restructuring of the power alignment between the national government and the States."

"It's hard to imagine what kind of agreement must be regarded as a treaty, and subjected to State ratification as such through the Senate, if the Uruguay round not be so regarded. However inconvenient, the structural safeguard of the constitution must not be ignored."

Article II, section 2, clause 2 of the U.S. Constitution says that the power to make treaties is expressly conditioned on the requirement that "two-thirds of the Senators present concur." If America's membership in the WTO doesn't require a treaty vote, what does?

The United States joined the United Nations by treaty. We joined NATO by treaty. And when the United States rejected the International Trade Organization, the 1947 version of WTO, it rejected such membership as a treaty. Every other democratic country is considering the WTO as a treaty.

The issue of "downward harmonization" of laws is also of grave concern to me. Under GATT, almost any of our critical food safety or environmental laws can be challenged by another country. In the past, the Marine Mammal Protection Act, which protects dolphins from needless slaughter by the tuna industry, and our CAFE standards, which are in place to promote cleaner and healthier air, have been challenged. Other countries have also targeted the U.S. new, clearer nutritional labels and California's strict limits on lead in wine as "barriers to trade."

Under GATT, pressure will be great to scale back our laws so that they are in harmony with weaker international standards, thereby creating a "lowest common denominator" approach to trade legislation and a significant relaxation of important social safeguards.

Membership in WTO would also undermine our food safety, consumer safety, and environmental protections by limiting the goals the United States may pursue in its standard, for instance by restricting what issues would be considered "legitimate" grounds for regulation; by limiting the means the United States may use to promote GATT-allowable health, safety, and environmental goals with the requirement that such means be "least trade restrictive," regardless of political feasibility; by requiring the United States to accept imports that do not meet our standards, where they satisfy different, but "equivalent," standards. This requirement invites wholesale circumvention of U.S. law; and by specific statutory changes in the GATT implementing legislation to existing U.S. standards for poultry and meat imports.

According to William Lovett, professor of law and economics at Tulane University Law School, even the gains for U.S. agriculture are weak and largely illusory. He writes that "great hopes for U.S. gains in agriculture exports were raised by U.S. Trade Representative Clayton Yeuter in the mid-1980's when the Uruguay round was launched. The cairns group—14 other agricultural exporting countries—were hopeful, too. But European Community resistance was very strong, and the resulting Blair House accords, December 1992, into the GATT 1994 deal provided only modest gains. The EC conceded only a 21-percent reduction in key agricultural subsidies over 6 years. No surprise," Lovett continues, "the majority of EC countries have very powerful farm lobbies."

In addition, the GATT 1994 deal provided strong preferences for developing country agriculture, their exports, and broad freedom for LDC farm subsidies. For these reason, U.S. agriculture is a substantial net loser under the GATT 1994 deal." Also, section 22 is abolished, but concessions were given in tariffication.

There are also concerns surrounding the agreement reached between the administration and Senator DOLE last week with regard to the appeals process and the ability of the U.S. to withdraw from WTO. According to that agreement, the administration will support legislation next year to establish a WTO dispute settlement review commission. The Commission would consist of 5 senior Federal appellate judges, appointed by the President in consultation with the leadership of both Houses and chairmen and ranking Members of the Ways and Means and Finance Committees.

This panel will review all final WTO dispute settlement reports adverse to the United States to determine whether the WTO panel exceeded its authority or acted outside the scope of the agreement. Following the issuance of any affirmative determination by the Commission, any Member of each House would be able to introduce a joint resolution calling on the President to negotiate new dispute settlement rules that would address and correct the problem identified by the Commission.

If there are 3 affirmative determinations in any 5-year period, any Member of each House may introduce a joint resolution to disapprove U.S. participation in the WTO. If the resolution is enacted by Congress and signed by the President, the United States would commence withdrawal from the WTO Agreement. This is a good provision that improves the appellate process within WTO, but it leaves some questions unanswered.

What happens if we have a pure free-trade President who vetos the joint resolution? Can we count on the review commission to be sufficiently knowledgeable on trade issues to make the proper recommendation to Congress? There is a great reluctance on the part of constructionist judges to become involved in proposing legislation. Besides, the proceedings under the WTO are secret and confidential. I am concerned that there is enough vagueness and uncertainty regarding the appeals process that it will ultimately work to our disadvantage. Under the current GATT rules, any member nation can withdraw with 6 months notice, at the discretion of its head of state. Even under the new agreement with Senator DOLE, the new GATT provisions make withdrawal more time-consuming, arduous, and elusive.

The bottom line is that American workers, U.S. trade, manufacturing, and industrial interests are not well served by the 1994 Uruguay round deal as presently before us. All the issues and provisions I have outlined here—the revenue loss, the loss of jobs, the inability to sufficiently combat unfair trade practices, the operations of the WTO, the weakening of our laws, the losses in agriculture, and others—together justify rejection of the proposed 1994 GATT and its proposed world trade organization.

I don't oppose free trade. I am for free trade. I am for a version of GATT. But I do not favor free trade if it means sacrificing trade policies that serve our best interests. Furthermore, no trade agreement must even threaten our sovereignty or reduce our standards to the lowest common denominator. Our decision should be clear: The Uruguay round before us does not serve our best interests, and should be rejected.

EXHIBIT 1

Madison, AL, November 21, 1994.

Hon. Senator HOWELL HEFLIN,
Tuscumbia, AL

DEAR SENATOR HEFLIN: I vote in all elections, as does my husband. I am a taxpaying contributing member of society, and my chief concern is the pending GATT/WTO bill. While I am certainly in favor of expanding export and import opportunities for the U.S., it appears that doing this under the stipulation of GATT would spiral our nation into economic disaster. This bill promotes a Rousseaunian utopian globalism, lessens America's self-determination for a host of vital issues, and moreover, places unprecedented and burgeoning national debt—adding $31 Billion!!!—on all taxpaying American citizens (excluding, of course, the money aristocracy who are able to insulate themselves by becoming trans-national citizens). I strongly urge you to allow yourselves more time to carefully study possible ramifications yet unanticipated. It is abominable that due to fast track status, you are not even engaging in a formal debate process. No one as yet fully understands this bill and its effects. If the WTO is going to supersede any U.S. laws that contravene it, why is it a matter for Congress to decide by a majority vote? Shouldn't it be subjected to the treaty process, requiring approval by two-thirds of the Senate? Since the intense negotiation of GATT under three presidential administrations has had every involvement in getting and spending, would not the House of Representatives be the rightful evaluators of its own handiwork? Since we, the United States have been the primary plaintiff in the trade wars of the past generation of grievances against Japan, France, Italy, Germany, and China, what reasoning person would think that the proposed multi-national parliamentary decision-rendering process is going to benefit America consistently? At very least extend your time-frame to the second-quarter of 1995 before the vote must be rendered. I find Newt Gingrich's recent declaration of being deeply committed to its passage revolting and I am outraged that he touts the weak explanation that it is only partisan opposition tactics by democrat Senator Hollings to derail this bill. Why aren't you bringing forth this issue to a public debate forum for all Americans to be given an opportunity to appreciate its merits?

Please work to ensure that colleagues of the 1993/94 Congress who are now voted out and may be taking a corporate lobbyist job which poses conflict of interest, face retribution if they do not decline to vote on this issue. I have supported you by my vote in the past. I consider the proposed GATT/WTO to be a defining one and will only continue to support those politicians who have the best interests of their constituents in mind and this bill in my opinion certainly does not seem to be in our best interest! I and other constituents will be screaming about the many GATT-induced stresses to come if it is passed. As one of your constituents, I implore you to vote NO on GATT/WTO, and if you don't, we will be mad as hell at the polls next time.

Firstly, how will we pay for it? (I have studied the September 14 published breakdown of items both the Senate and House have agreed to in their proposed funding—which only amounts to just $5.7 million out of the total $43 billion to be lost in decreased tariff revenues—even on a five-year payment schedule!) Furthermore, with >$600 billion of our national debt being owned by foreign interests, how does this agreement provide US infrastructure with which we will eventually pay this debt? The following is a brief outline of GATT/WTO's seemingly inevitable alarming ramifications:

Prosperous nations produce actual widgets—so much of U.S. domestic production has ceased or is increasingly in jeopardy. I have read gripping accounts of this phenomena in the summaries of a scholarly work Magaziner and Patinkin produced in The Silent War (1989, Random House, New York). One finds a litany of justification for governments fostering—not undermining—a highly-technical and well-educated labor force, and consequently, a higher-caliber base citizenry. An ever-rising percentage of the U.S. economic pie belongs to service-oriented jobs—which certainly proved economically unsound for the United Kingdom over the last several decades. National wealth is best created with raw materials manufactured into complex products. Included in U.S. export figures is the sum value of disassembled-assembled American factories exported! I submit to you, sir, that face-value representation does indeed not tell of the more accurate reality of the trade deficit. Furthermore, the chief product among our exports to Mexico is not indicative of a highly-skilled labor force and industry fashioning raw materials into technical, high-performance devices, but rather, it is pet food! Did you and your colleagues know this?

Our former military superiority is now dangerously subjugated to foreign production and ownership of its high technology components. (I cite the study done revealing the incident of grossly-delayed availability of vital Japanese-owned components for high-tech equipment used in the Gulf Storm campaign.) This was discussed in a C-SPAN program in the post-campaign 'lessons learned' evaluations. Somewhere within these first two points clearly belongs also the argument in favor of strong protection for intellectual property rights—which the current GATT sorely lacks.

Our national wealth is pouring out of our own economic system ($1.4 Trillion trade deficit since 1988 Uruguay Round, nearly order of magnitude rates at which this deficit has climbed annually—please feel free to substantiate any dispute in your response.) Many third world nations have different foresight and fiscal policies to guard their own abilities to generate capital and thereby increasingly create national wealth which remains in their country.

The Cargolux jumbo jet now doubling its shipment frequency between Huntsville and Luxembourg carrying by business activity percent to Alabama (not from Alabama): North America, 27%; Asia, 23%; Europe, 23%; Central & South America, 15%; Africa, 11%; and Australia, 1%. It would be interesting to see disclosed the nature of any goods presumably produced in Alabama being exported; and also just how much of its weight or wealth—whichever the term 'business activity' used in the article represents. This question reflects The Huntsville Times, September 11, 1994 article, "Global Growth." The author has not responded to my three inquiries. I am concerned about the compositional product of U.S. exports, so that advanced technology in a widely-based labor pool has been utilized to produce commodities, not the export products such as the $2.00 trees that comprise our allegedly satisfactory trade balance figures wherein minimal human skill has been involved in its "production." I hear and read a lot of empty rhetoric about desired policies to foster the growth of labor skills both in the Southeast and nationally. If you share this vision, where is the muscle behind any intent to implement upgrading a labor force to any great significance? Will the alleged new jobs to be created consist primarily of distribution and retail industry jobs that will service the alleged plethora of consumers who will presumably have an increased share of the wealth available for discretionary spending? There is a fundamental flaw in allowing consumer-driven ideology to rule: Such a consumer-driven economy is counter-productive to the manifestations of the quality of life our culture has provided under the increasingly obsolete notion of a labor-standard-protected work force in many of the targeted producing foreign countries. Besides, the latest glowing figures pronouncing such a healthy economy always measure the consumer index perspective—not that of production!

Transnational companies answer to NO ONE—it is self-evident that they will enjoy frightful impunity of any legislative policies that the GATT/WTO agenda would hope to enforce. They will thereby definitely not bring about a more humanitarian, rising tide elevation of worker conditions and fair practices. Free and fair trade, a mantra being used to bring about a new world order to the demise of Americans' personal freedom and living standards as we know them today.

My basic liberty to buy food and other products deemed safe by our FDA is already shrouded in unknown foreign growers or production sources with inevitably inferior growing or assembly standards regarding pesticides, existing soil contaminants, substandard components (compositional screws that readily break), etc. The many countries part of GATT/WTO would of course attempt to declare our FDA and National Product Safety Commission standards too restrictive and unfair: the penalties inflicted on the U.S. are heavy and far-reaching according to the GATT/WTO document, exacting fines permanently '* * * until the unfair practice is corrected.' And further pertinent to inflicting substandard health and safety practices, what about the future regulation of now foreign-owned or pending for sale American properties that could potentially be used as toxic dumping sites for global radioactive waste? It is my understanding that the US taxpayer would bear severe penalties for refusal to comply!

Huntsville's Dunlop Corporation plant, now owned by the Japanese, provides more than 1,500 jobs to employees who on average earn $16.55. They watch their benefits dwindling with each dispute—this past September narrowly escaping closure. Could we expect to see Mexicans imported to fill those Dunlop slots the next time an irreconcilable dispute arises? Public dole-provided career counseling will not create 1,500 positions for those workers to fill. I'd like to see some economic data of the rate at which such factories American, and foreign-owned with American employees, are succumbing to foreign labor practices. (Did you also know that huge corporate profit figures from going to offshore manufacturing are included in export figures as well?) I'd like to see explicit data from Alabama State reports of the types of jobs which are said to be created from all this positive NAFTA spin-off. It is clear that PACs who desire the currently-proposed GATT legislation are trying to ultimately promote lower-cost labor for little benefit to U.S. worker-displaced citizenry (the bulk of their "customers") as a whole. How will congressional elected officials answer to the apparent failure to nurture a vital technically skilled labor force, and the extraordinary negative social and economic consequences that will continue to ensue?

NAFTA's passage hugely-increased illicit drug traffic volume from Central America * * *. One can easily project what will happen under GATT.

Please feel free to offer us a detailed, within budget solution to the rampant unemployment we are already suffering. Insiders at our local Alabama unemployment office declare that it is a blatant manipulation of figures which is creating the myth of a rebounding economy. Namely, unemployed persons not successful in getting a job after six months are simply dropped from the rolls and are therefore not counted as unemployed. I don't need to expound upon the intangible (or tangible, depending upon one's perspective) effects such as family and community deterioration under financial duress, rising crime, and ripple effects to all other associated businesses in unhealthy economic times. I do, however, expect Congress to address these realities, for they are universal concerns of increasing numbers of Americans—except perhaps the small percentage of powerful groups whose interests lie foremostly in immediate cheap labor.

We and our community of working middle-class parents are increasingly stressed about our abilities to offer an optimal upbringing for children who hopefully will be able to obtain a quality high-skill oriented education. The cost of higher education is obviously an issue as inflation rages on. It will really be an awful issue when GATT-induced inflation removes this dream even further from us. As you know, since the days you enjoyed in your parents' lifetime, the tax (and "fees") levied were the negligible ~8% of total income—quite different from the ~60% we struggle under today. We watch the trends of rising numbers of random crimes, company layoffs, the absurd GATT notion of an American consumer-driven economy in a global economy when jobs and net incomes are evaporating, grossly inadequate public school systems with their poor academic performance standards, and their lack of discipline and instruction void of any values. We stay concerned that people like us are not too far removed from crumbling under bleak financial pressures. We and many families we know have already eliminated from our budgets the vacation extras, dining-out expenses, many other discretionary entertainment or household expenses, and even more retail purchases (I consistently go the second-hand shop or garage sale route for complete clothing and educational toy needs—at least 95% of all such purchases), and some acquaintances have completely eliminated savings for retirement provisions. Footing this GATT/WTO bill will wreak financial havoc. While you're at it, for your information, look at some industry statistics of just how well these second-hand institutions are faring and flourishing! And then figure out just how much money American consumers and displaced workers will be spending on the flood of imports to the U.S. (or the pitiful few pennies of savings on the influx of foreign-manufactured goods passed on to the consumer enclosed in a 'Made in the U.S.A.' box)?

To further endorse this bill or worse, vote to pass it, is foolish and deceptive unless you are remarkably well informed (Can you look into your crystal ball with no trepidation and in good conscience if this is passed?) You and your constituents should have promoted better public access to more detailed information of its specific nature and ramifications. It is certainly egregious that status-quo media are grossly neglecting to cover this issue, and scantily offer slanted glamorizing views (5 favorable articles to 1 negative article by analysis cited in an early October Congressional committee hearing, despite renouncing negative challenge on the part of numerous congressional committee participants) on GATT/WTO legislation (e.g. Washington Post and its covert pork payoffs for licensing fees). To implement such a pervasive agreement at a time of already perilous domestic manufacturing woes is irresponsible: I implore you to vote to delay passing this agreement as it is now and plan to more carefully evaluate and rewrite it, work to deem it treaty status or implement whatever framework it would take to give the U.S. more voting power as disputes arise. I might remind you that your position exists due to the taxes my family and I pay to employ you (albeit we watch with great disgust the increasing percent financing of public officials' campaigns by way of PACs and wonder to what extent a pro GATT vote represents the myopic interests of multi-national CEOs). I am college-degreed, learned a foreign language, studied abroad six years, and formed my views from an international perspective but also as a patriotic American. The current debate surrounding GATT/WTO will hugely define institutions of the next century as we continue well on the road in this post Cold War Era. I'm trying very not to be overly trade projectionist, and fundamentally firmly believe that global trade is a good thing, and that free and fair enterprise is best—if that and self determination in a post Cold War Era that has evolved into a Trade War Era are not mutually incompatible. Even though NAFTA is insignificant compared to GATT, it, however, is the only model we can look to for projecting the ensuing effects of an implemented GATT. . . . It indeed appears to be catastrophic. Please be honest when you interpret the resultant findings thus far, and convince the taxpayers otherwise if that is the case.

Again, as one of your constituents, I implore you to vote no on GATT/WTO.

CAROL E. JOHNSON.

P.S. By the way, because I so highly value the C-SPAN information I regularly enjoy, and would like to see that my tax dollars support this network if the cable companies' public service broadcasts of congressional hearings and other pertinent events were ever to be threatened. It is one way I experience a sense of empowerment of what our public servants do in Washington. A C-SPAN journalist round of media pundits recently predicted it will eventually be discontinued due to lack of revenues generated—such as the ever-expanding shopping channels generate! If C-SPAN is discontinued, I will be outraged at the default message that what goes on in Washington is rendered deliberately less accessible to the rest of the nation.

EXHIBIT 2

OUT OF THE HANDS OF BABES

[From the Times Daily, Nov. 26, 1994]

(By Anna Quindlen)

Would you buy a rug if you knew that it had been woven in India by 10-year-olds beaten if they didn't work fast enough? Would you wear a shirt if it had been sewn by a 9-year-old locked into a factory in Bangladesh until production quotas for the day had been met?

Would you eat sardines if the cans had been filled by 12-year-old Filipino children sold into bonded servitude?

The General Agreement on Tariffs and Trade, known as GATT, is the most sweeping free-trade pact in history. But like many agreements among different nations with different agendas, much has been lost in the translation. One of the losses in the GATT negotiations was the right of children not to be exploited, overworked and underpaid as a source of cheap labor around the world.

From the children who make carpets in India, sometimes 16 hours a day, seven days a week, to those who sew in Bangladesh for as little as five cents an hour, the International Labor Organization estimates that there may be as many as 200 million child laborers worldwide. Some are working in sweatshops that contract to make American goods.

In testimony before the Senate earlier this year, a 15-year-old from Honduras told of girls working up to 80 hours a week at a factory manufacturing Liz Claiborne sweaters.

Child labor is the dirty little secret of foreign imports. Sen. Tom Harkin, who wants to outlaw U.S. imports of all products made by children under age 15, says the problem is that Americans don't know that some of what they buy, including toys for their own kids, has been manufactured by children working the kind of hours, under the kind of conditions, that many still associate with the darkest days of the Industrial Revolution.

"You give me any cross-section of 100 Americans," says the senator, "people from any income level, any area of the country, and I think the reaction would be overwhelmingly against buying the products."

Harkin is a voice crying in the wilderness, and the wilderness is the guided thicket of free trade.

Harkin's bill to keep products made with child labor out of the United States would probably be a violation of GATT, which provides only for those restrictions spelled out in the trade pact.

During various GATT negotiations, developing countries successfully argued against child labor provisions, insisting that children have always worked in their cultures, that to try to interfere with child labor is protectionist and punitive when a child may be the only wage-earner in a desperately poor family.

But the tradition of children helping on small farms and the innovation of locking them into a hotbox of a factory for 14 hours a day are worlds apart. The reason they may be the only wage-earner in some areas is because adult workers have been laid off in favor of children, who are infinitely more exploitable and provide bigger profits for prosperous factory owners. And nations that really want to compete in a global economy will educate their kids, not work them half to death before they've even reached puberty.

After the bad publicity of the Senate hearings, Liz Claiborne announced that it was ditching the Honduran contractor, then decided instead it would "work with the facility" to "meet our human rights standards."

A few American companies have been ahead of the curve; Levi Strauss and Reebok, for instance, had already demanded that their contractors overseas hire only workers over age 14. In India a consortium of carpet makers has started an industry campaign that tags those products made without child labor.

That's the least Americans deserve, some assurance that what they buy has not been manufactured by kids.

Amid attempts to protect elephants from ivory poachers and dolphins from tuna nets, the rights of children go remarkably unremarked. "This is the last vestige of slavery sanctioned in the world today," said Harkin.

If GATT passes, an opportunity to end these children's servitude will have been shunted aside for the alleged bonanza of free trade. But consumers can vote with their credit cards only if products are labeled.

At the very least the slogan "Not Manufactured with Child Labor" should shame those companies not in a position to affix it to their products.

Mr. CHAFEE. Mr. President, I yield 15 minutes to the distinguished Senator from Oklahoma.

Mr. INHOFE. I thank the Senator very much for yielding. Let me respectfully say to the distinguished Senator from Alabama that I agree with many of his conclusions, however, for different reasons. I might also respectfully suggest a second viewpoint that our rising deficits were due not to the reduction in the income tax rates but instead to a Congress that spends too much money.

Mr. President, our Nation's decision on the GATT agreement is too important to be decided by a lame duck Congress. The GATT accord, along with implementing legislation, will affect economic and foreign policy not just for another year or another 2 or 3 years, but for decades to come. We should postpone this vote until next year and let the newly-elected Congress, the Congress which by definition is closer to the people, make this decision. This is what the people want. This is what common sense dictates.

There is a point that really has not been addressed here. If we are serious about ending public cynicism in Government, we should stop the practice of railroading through complicated legislation which few, if any, read and probably fewer understand. We can begin by taking the time to allow the new Congress to carefully consider all the ramifications of the GATT agreement.

I do not mean to be presumptuous, Mr. President, but as the newest Member of this body, I am in a unique position. I come here with the winds of public opinion behind me. The public clearly does not have a formed consensus on GATT because many questions are still to be answered. I think the general public does have an opinion on free trade, and I agree with that opinion, as I am a free trader. But they have not been convinced that this GATT legislation is the best way to serve this cause. What the public wants is an end to the power plays, the back room deals, and an end to business as usual, where legislation is passed sight unseen on the basis of pleasing labels, fancy photo ops, and soothing speeches. The crime bill is a good recent example. I was serving in the other body when that came up for consideration. It was August 21, on a Sunday afternoon, and this bill that was 2 inches thick had been printed only for 2 hours and it passed and there was not one Member of Congress that had read that bill, and I suspect the same thing was true over here.

The public wants major decisions like this to be made on the basis of substance. They know that the devil is in the details. They expect their representatives to exercise judgment based not just on labels but on fine print as well. These were critical underlying issues in the election campaign just concluded. I know this because I just concluded a very active, aggressive, assertive and challenging race. The people want open Government; the people want decisions to be made outside of institutional barriers, institutional protections that protect the people here, and let the people at home know exactly what is going on. We had such an institutional problem in the other body, which we corrected, and it is something that has had a major impact on the elections of November 8. We truly had a wakeup call on November 8. I think we need to be listening to that wakeup call.

Mr. President, we need more time to consider the GATT details and make that judgment. Again, it should be voted on by the newly-elected Congress which has been out there on the firing line talking not to bureaucrats, not to the insiders, but to real people.

The process by which this GATT legislation was brought before this body raises many questions. The administration was given fast-track authority to submit an unamendable bill with two implicit understandings. First, it was understood that the implementing bill would contain only what was required by the GATT agreement. Second, it was understood that Congress would have a full 45 days to consider the bill. What actually happened? The administration did not submit this bill until very shortly before the Congress' scheduled adjournment in October. In fact, it was less than 10 days before, not 45 days. Fortunately, that power play was rejected, forcing this lame duck session. But the question is: Why did they want to rush the bill through so fast? Are they afraid of more detailed scrutiny? It sounds to me like the pork barrel crime bill. In fact, the administration produced a much broader bill containing many provisions not directly required by the GATT agreement.

These are among the provisions that have caused the most concern.

For example, as recently reported, two major media companies, the Washington Post and the Atlanta Constitution, would receive special benefits worth hundreds of millions of dollars as a result of the bill. According to the Wall Street Journal a provision in the bill grants a special discount to the Post and the Constitution on license fees owed the Federal Government under the so-called pioneer preferences in the telecommunications section.

This provision is totally nongermane to the GATT agreement and it has nothing to do with free trade.

Another much more serious example is the provision that changes the rules relating to patents and intellectual property rights.

I know something about property rights. I came back from a very aggressive campaign, as I mentioned before, and when I talked to farmers throughout America, they are as threatened, as farmers, about the 1995 farm bill and all the price supports and these things as they are to what is happening to property rights, the fact the bureaucracy is taking away the value of these rights. Yes, these are property rights but not intellectual property rights. They are all the same and equally protected by the 14th amendment, or should be.

Do the new rules protect our people and private property rights? They are taken for granted. The administration says yes, and inventors and others concerned about the issue say no.

In fact, I had my first visitors as the newest Member of this body. They came yesterday, and they are from Oklahoma. They were inventors, and they came in very much concerned that the changes in this bill will have the effect of undermining the rights to intellectual property affecting billions of dollars in our ability to effectively compete in the high-tech environment of the future.

They asked me, what do these patent changes have to do with enhancing free trade anyway? What is in the GATT agreement itself that requires these changes?

I cannot answer them. I do not know. I do not have the answer to that. I believe there are serious problems with legislation and those provisions which are not required by GATT. Some are little more than apparent payoffs and sweetheart deals. Others are more sinister and may serve to enrich multinational corporations at the expense of the American people. But the bottom line is this: The train is going too fast. Let us slow it down, weed out the sweetheart deals and debate this in the new Congress with Representatives and Senators who are accountable to the people. I do not think that is too much to ask.

The PRESIDING OFFICER (Mr. BINGAMAN). Who yields time?

Mr. MOYNIHAN. Mr. President, the distinguished and newly victorious Senator from California would like 15 minutes, and I am happy to yield.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, thank you very much, and I thank the distinguished Senator from New York for this opportunity.

Mr. President, I believe that GATT is a win for this nation. I believe it is a win for manufacturing and agriculture, and I believe it is a win for the State of California.

Tomorrow Congress has the chance to pass the equivalent of one of the largest tax cuts in history. Many people do not realize this. GATT, the General Agreement on Tariffs and Trade, reduces what are known as border taxes, or tariffs, and they reduce them worldwide by one-third. This amounts to a global tax or tariff cut of $744 billion.

GATT AND THE U.S. ECONOMY

What does this mean for the U.S. economy? The economic benefits for U.S. workers, consumers and businesses are many.

One, producers will benefit from cuts in foreign tariffs. They will be able to sell more of their products abroad because these products will no longer face a whole panoply of high tariffs, quotas, hidden and not so hidden restrictions that they encounter in many countries today.

Two, despite having the lowest tariffs in the world, America still has tariffs, and these will go down under GATT. So, many consumers will benefit because of lower prices on imports which lower the costs of the products they buy.

Three, the GATT agreement will increase the U.S. gross domestic product by $150 billion when fully implemented. So, what we produce in services and products today will increase by $150 billion over 10 years.

Four, GATT will open markets, foreign markets, that have been effectively closed to U.S. exporters, such as rice, beef, citrus, oilseeds, pharmaceuticals and construction equipment.

Five, GATT will protect those who innovate and take risks by protecting their patents and copyrights abroad.

And, finally, GATT ensures that all 125 member countries obey the same trade rules, even if they have not signed agreements from previous rounds. This eliminates the tortuous "free rider" problem, where a nation gets the benefits but does not play by the same rules of open trade.

GATT AND THE CALIFORNIA ECONOMY

Let me talk about GATT and California because no State stands to benefit more from this accord than California.

Today California accounts for 15 percent of U.S. exports, and the jobs and economic activity these exports create have grown significantly over the past few years.

Nearly 70 billion dollars worth of California goods were exported abroad last year. That is an increase of 46 percent from just 5 years ago.

The manufacture, production, and transportation of California exports accounts for 1.8 million jobs in the State today, nearly 13 percent of California's total employment.

California's economic future is directly tied to increased foreign trade. In 1987, the last year for which data are available, California had 22,265 exporting establishments. In fact, we led the Nation in the number of business establishments that export.

California's strong export-based economy demonstrates that it will gain disproportionately from enactment of this trade agreement. If GATT is rejected, it would cost literally hundreds of thousands of jobs in California.

I would like to take a moment to read from an analysis by John O. Wilson, Chief Economist for Bank of America, on the GATT agreement, and I quote:

> If it is not ratified, what would the absence of a GATT accord have on trade development? Specifically for California, we could anticipate the following developments:
>
> (1) an increase in tariff and non-tariff barriers to California exports to Asia, Latin America, and Europe;
>
> (2) a reduction in California exports to those regions, and particularly to Japan, China, Germany, and France;
>
> (3) little impact on trade with Canada and Mexico which would still be controlled by the [North American Free Trade Agreement]; and,
>
> (4) an immediate loss of 173,000 jobs in California (in 1995) growing to a loss of 252,000 jobs by 2000. This would increase the unemployment rate by a full one percent.

This is not my analysis; this is an economist's analysis.

Let us take a brief look at how some of California's major industries will most likely be affected by GATT.

AGRICULTURE

In 1993, California's agricultural production amounted to almost $20 billion. In that year, we exported $1.4 billion in agricultural products. Hence, almost 50 percent of what is produced in California is exported, that is how big it is.

The GATT agreement will continue this growth by reducing agricultural tariffs by 36 percent over 6 years, increasing market access for agricultural exports and reducing anticompetitive agricultural subsidies by foreign nations. Some even think we can reduce our subsidies to American agricultural crops because they will no longer be necessary.

I want to highlight a few examples from the California Farm Bureau of how California agriculture will benefit.

Our No. 1 export commodity is beef. The GATT agreement will increase California's beef exports by 10 to 14 percent. The reduction in Japan's beef tariffs will be cut from 50 percent to 38.5 percent. This is a huge reduction, and will result in the export of more California beef to Japan.

The GATT will permanently open Japan's market to California rice by establishing an import quota of 379,000 tons of rice in 1995. This amount will be increased, almost doubled, to 758,000 tons in the year 2000. This market, as you know, was initially opened in 1993 because Japan was unable to supply its own people with rice that year. But the market has tightened again. So clearly, under GATT, Japan's market will be opened once and for all for California rice.

Almonds are another example of expected export growth under GATT. California produces up to 70 percent of the world's supply of almonds. A reduction in the tariff on almonds, particularly in the European Union, should result in increased sales and increased U.S. jobs. Blue Diamond expects its growers will benefit immensely from the $21 million reduction in almond tariffs to Europe.

The GATT agreement will also increase export sales of California wine. One of California's largest wine customers, Japan, will reduce its wine tariff from 21.3 percent to 15 percent. Furthermore, the GATT will require the European community to substantially reduce its export wine subsidies.

Tariffs for citrus are greatly reduced. Let me provide some examples. The European Union's tariffs for orange juice—that is pure concentrate—will be reduced from 19 percent to 12.1 percent. In Japan, tariffs for oranges are down from 40 percent to 32 percent, and grapefruit tariffs are down 10 percent.

In Korea, tariffs will drop for lemons, limes, and grapefruit by 40 percent. In Thailand, tariffs will drop for sweet oranges and grapefruits by 50 percent. Think of the markets that then open for our products.

In summary, for agriculture in California, GATT could mean 112,000 new jobs, $10 billion to $30 billion in related economic activity, and an export boost of $5 billion to $14 billion. For the Nation, GATT could mean a net gain in U.S. jobs of 300,000 to 700,000 over 10 years, according to Citibank.

Let me talk for a moment about sanitary and phytosanitary policy. This is a dull series of words for something that has become very significant.

Exporters of California agricultural products have found that, as tariffs and quotas are reduced, sanitary and phytosanitary barriers are erected. For example, Mexico did this with plums. They just stopped plums at the border and they said they had phytosanitary conditions and the plums could not be sold in Mexico. Therefore, they could not be returned because they would rot. And so they used phytosanitary concerns as an actual barrier to exports from this country.

The GATT agreement establishes necessary rules and disciplines to prevent the use of both sanitary and phytosanitary regulations as disguised trade barriers by recognizing only scientifically sound measures.

MANUFACTURING

Let me speak for a moment about industrial machinery, computers, and electronic equipment. California's biggest exports consist of industrial machinery, computers, and electronic equipment. These categories alone accounted for nearly half the State's exports last year. When it comes to computer parts, the European Union will reduce its tariffs by a whopping 87 percent. Korea would lower its tariffs by 40 percent and Japan would eliminate its tariffs altogether. Reduced tariffs will increase sales of exports of these products and increase job opportunities here at home.

INTELLECTUAL PROPERTY

The GATT agreement does something else. It guarantees the protection of copyrights, patents, trademarks, industrial designs, and semiconductors. American businesses lose an estimated $60 billion a year—$60 billion—from piracy of intellectual property. People take great risk as entrepreneurs, get a patent, feel they are protected, export abroad, and then find out their patent is meaningless.

ENVIRONMENT

Let me speak on the environment. I recognize the concerns raised by some regarding environmental protection. I have great respect for my friends in the environmental community. I was proud to work with them in the last 2 years to help enact the California Desert Protection Act.

While the U.S. negotiators were successful in achieving some measure of environmental protection, environmental groups advocated for more. As a consequence, the GATT agreement calls for the establishment of an environmental agenda to deal with unresolved environmental issues in the future.

Some have stated the GATT would require the United States to lower its environmental standards to those of developing countries, or to an internationally harmonized level. The GATT agreement makes it clear that the United States can maintain environmental standards which are stricter than international standards if, one, the United States decides that the international standards are not sufficient to achieve its appropriate level of protection; and, two, the standard can be justified on scientific principles. These rules work in our favor because they will allow us to challenge blatantly protectionist "food safety" claims that have been routinely used to bar the sale of our products abroad.

The recent GATT panel decision rejecting a challenge to the U.S. fuel economy laws demonstrates that the United States can have stricter environmental standards than other countries and still be in compliance with GATT. This case showed that the United States can enact laws that further energy conservation goals and protect the environment.

I ask unanimous consent to have printed in the RECORD a letter from me to Ambassador Kantor in June, and his answer, on three other environmental concerns.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 23, 1994.

Hon. MICHAEL KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: Some serious concerns have been raised by members of the environmental laws in California. As you know, the European Union has published a target list of U.S. environmental laws it believes it can successfully challenge as illegal barriers to trade, if the Uruguay Round agreement is adopted.

The European Union's "Report of United States barriers to Trade and Investment" targets specific California laws as well as federal laws that are important to California. Those laws include:

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT (PROPOSITION 65).

This law requires warning labels on all products containing substances known to cause cancer or reproductive harm. The Europeans contend that this law "imposes stricter California standards in place of federal standards." They also object to requirements imposed by the California Attorney General under Proposition 65 to participate in the financing of a $1 million lead safety information campaign for consumers.

GLASS RECYCLING

California requires recycled material to be used in imported and domestic glass food and beverage containers. The minimum percentage is scheduled to rise from 15 percent in 1992 to 55 percent in 2002. This law applies to all glass containers produced or sold in California and thus affects European Union exports to California. The Europeans object to the law because it imposes requirements and therefore restrictions on their imports.

LEAD IN WINE

California recently set tolerance levels for lead in wine that are higher than the federal standard. The European Union opposes states being allowed to set higher than federal standards.

These are the specific California laws that the European Union has identified for GATT action. Many other California and U.S. environmental and food safety laws also appear to be vulnerable to GATT challenges.

I would appreciate your views regarding whether these laws would be endangered if the GATT implementation bill is passed by Congress. Are these laws violations of GATT? If they are, could California be required by the federal government to change them?

This is a very important matter. I would like to give you the opportunity to separate fact from fiction in this debate. I look forward to hearing from you on this important matter.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senate.

U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, July 27, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter of June 23, 1994, concerning the impact of the Uruguay Round Agreement on environmental laws in California. I welcome the opportunity "to separate fact from fiction in this debate." I will address each of the points in your letter in turn.

The Uruguay Round Agreement is good for the United States, and the State of California, because it will generate economic growth and good jobs. I suspect that some of the opposition to the Uruguay Round Agreement may in fact reflect a more fundamental apprehension about economic growth. We do not share this apprehension. We want instead to promote responsible economic growth, and believe firmly that trade can and does play an important role in growing the U.S. economy.

As you state in your letter, some serious concerns have been raised by members of the environmental community regarding the potential impact of the Uruguay Round Agreement on environmental laws in California. I want to assure you that these concerns are unfounded. One important point to keep in mind is that while most environmental organizations are concerned about trade, many are working with us to make the trading system more compatible with environmental and conservation measures. Unfortunately, a few groups have chosen to take the alarmist path, frequently making claims based on misinformation and highly exaggerated speculation.

The European Union's Report on U.S. Trade Barriers is, as you mention, cited by certain environmental groups as proof that specific California laws are being targeted by our trading partners and that these laws can be successfully challenged under the General Agreement on Tariffs and Trade (GATT). This misreads the EU's report and is completely speculative. The European Union has been preparing its annual report for years. If they really thought they had good cases under the GATT, they could have filed them long ago.

This year's report, like previous ones, is basically a political document in which the EU points to laws and policies in the United States that they would like to see changed. It does not claim that each U.S. or state law cited is inconsistent with the GATT. Nor is it a legal treatise; it should not be seen as carrying any legal weight in interpreting the GATT even in the relatively few instances where the report actually does suggest an alleged GATT inconsistency.

In general, we find nothing in the EU's report that is persuasive with respect to any of the measures referred to in your letter. Any challenge by the EU is completely speculative at this point in time. Needless to say, the United States has never proposed that any changes to these laws were needed in order to conform them to U.S. obligations under the GATT, nor is the Administration proposing any changes to any of these laws in order to implement the new Uruguay Round Agreement.

Let me now discuss briefly each of the measures mentioned in your letter:

Proposition 65. The EU's report does not even hint at a GATT inconsistency with respect to Proposition 65. We would note that the law is not discriminatory, and States have the right to establish their own requirements to protect against cancer or reproductive harm.

Glass Recycling. The EU claims this law is not in conformity with the GATT because "any environmental damage caused in California by the import of glass containers is in no way related to the amount of recycled glass used when the product was manufactured in a third country." However, the EU's "jurisdictional" approach has already been discredited once in the GATT when they tried to convince a dispute settlement panel to adopt it. Furthermore, the EU ignores the fact that the governments negotiating the Uruguay Round Agreement have recognized that this is an area needing additional work under the new World Trade Organization, so they are trying to prejudge the results of that work.

Lead in Wine. The EU does not even claim that this measure is inconsistent with the GATT. Lead is recognized as posing a health hazard which our laws are addressing in a nondiscriminatory way.

Consequently, among the three laws you cite, the EU actually claims that only one is inconsistent with the GATT, and they have not pointed to anything in the GATT to support their claim. This is particularly ironic since many European countries have their own recycling requirements as part of their programs to deal with solid waste problems.

On a more general level, we have a system that mediates against discrimination, the core objective of many of the disciplines of the GATT. On the other hand, the same cannot be said with as much confidence about all other countries. And this underlines the importance of having international rules: we want a level playing field which can be used to root out discrimination while fully preserving the right of governments to protect the environment and the health and safety of their citizens.

The Uruguay Round Agreement takes important steps in the right direction. Of course, it is not perfect. Environmental considerations have only become a trade issue in recent years. However, I think we should all be encouraged by the fact that we were able to persuade all of our trading partners to launch an important new work program within the WTO to find ways to ensure greater compatibility between the evolution of the trading system and environmental measures. We are committed to this project and are working closely with our environmental community to make sure it addresses their concerns.

Thank you again for giving me the opportunity to correct some of the misimpressions created by some groups to derail the Uruguay Round Agreement.

Sincerely,

MICHAEL KANTOR.

Mrs. FEINSTEIN. Thank you, Mr. President.

SOVEREIGNTY

Let me touch on what is perhaps the most emotional element of this debate, and that is the argument the GATT in some way, shape, or form harm's America's sovereignty. Many have raised questions concerning whether the World Trade Organization, WTO, could undermine this sovereignty. In my opinion, much rhetoric and misinformation have clouded the facts about the WTO.

Earlier today, Senator BRADLEY pointed out that America wins 80 percent of the decisions made by GATT. What he did not say was that many panel decisions are blocked by the losing nations under the present dispute settlement procedure, so they never go into effect, or they are delayed. So America's victories mean little.

Under the new procedure, a country cannot block a panel decision. This, more times than not, works in favor of the United States.

Even if a GATT panel finds that a country has not lived up to its commitments, all the panel can do is recommend that the country begin observing its obligations. The defending country may choose to change its law, it may decide to offer trade compensation, such as lower tariffs. At worst, if a negotiated resolution is not reached, the country that lodged the complaint may respond by suspending trade concessions equal to the injured amount.

GATT panel decisions cannot change United States law. Section 102(a) of the GATT bill makes it clear that, "no provision of the Uruguay round agreement, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States, shall have effect ."

Congress passed legislation in 1988 establishing our objectives for this round of the GATT talks. Principal among those objectives was strengthening the dispute settlement process. The United States has been frustrated in international trade disputes because, while we have maintained the world's most open market, panel decisions we have won against illegal foreign trade practices have been blocked by the losing country.

While the United States interests are fully protected, the World Trade Organization agreement permits the United States to withdraw from the organization with 6 months notice.

Further mechanisms have been put in place to quell concerns about U.S. sovereignty. Section 125 of the GATT will allow Congress to review its membership in the WTO every 5 years. At that time, Congress will have the opportunity, if it wishes, to cast a vote to pull out of the WTO.

Next year, Senator DOLE will propose legislation that would allow Congress to vote to withdraw from the WTO if the United States is on the losing side of three WTO decisions within a 5-year period.

BUDGET WAIVER

Congress has made great strides in reducing the growth of the Federal deficit. The budget deficit for fiscal year 1994 was $203 billion—approximately $100 billion less than it otherwise would have been if we did not enact the Budget Reconciliation Act in 1993.

Tariff reductions in the GATT bill require approximately $11.9 billion in offsets over 5 years. This bill includes $10.3 in deficit reduction measures and $1.6 billion in previously enacted budget savings, known as pay-go balances.

Because the Congressional Budget Act does not allow pay-go balances to be used as an offset, the budget point of order must be waived by 60 votes. And we will face that tomorrow.

I believe that there is precedent for using pay-go balances to offset revenue measures. It was used five times in the Bush administration, most recently with the Emergency Unemployment Extension Compensation Act of 1992.

CONCLUSION

There is no disagreement among mainstream economists that the GATT trade agreement will increase U.S. exports and job opportunities in the United States.

To be sure, GATT is not perfect. Some of the protections are phased in over too long a period, and some of the tariff cuts and protections are not as extensive as they might be. In particular, I would like to have altered the European Union's cultural exemption provisions to create freer trade in movies, television programs and recordings. I also would have phased out the multi-fiber agreement differently. Nonetheless, there is no question that this agreement is still a win-win for the United States, and especially for California.

Trade agreements always seem difficult to understand, even mind numbing. Not only does this agreement help large industry, it also assists small businesses. I would like to give two small business examples of how GATT will help two small businesses in the State of California.

One is a company called Applause, a Los Angeles area distributor of children's toys and gifts. They told me that lower tariffs will allow them to increase their sales by 12 percent to other countries. The upshot? They plan to hire 150 to 275 workers in California.

A second company, Blue Leaf Design, in Monterey, manufactures outdoor recreational equipment. This company has been hesitant to market overseas because of the lack of patent protection. Under the new agreement that would change. Consequently, the company expects to triple its sales and double its work force over the next 10 years. So, not only are larger businesses benefiting, but small ones are as well.

Mr. President, in summary I would like to indicate my strong support for the passage of the General Agreement on Tariffs and Trade.

I thank the President, I thank the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, may I thank, might the Senate thank the Senator from California, for a wide ranging and concrete description of what we have here. Just to help, for the record, sanitary refers to animals; phytosanitary, to plants. The Senator mentioned rice. We have three large rice producing States. I bet California produces some, but certainly Louisiana, Arkansas, and Texas do.

On the front page of today's Washington Times there is a large photograph from Seoul, Korea. It says, "Fired Up Farmers. South Korean farmers demonstrate in downtown Seoul yesterday against the GATT provisions opening rice markets."

This is a pattern we see all over the world. One of the great innovations, and after so much effort in this GATT agreement, is that agricultural products are finally involved.

A year ago I was in Geneva, going around in the last week of the negotiations, making points at various ministries. All that time, the streets of cities all over France were blocked by farmers saying what do you mean, American food products can come here?

The answer is yes, now. And about time, too.

Well done.

I thank my colleague very much, and yield the floor.

The PRESIDING OFFICER (Mr. EXON). The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, by any measurement, the trade legislation we are considering today represents a monumental achievement. After 7 years work, the U.S. and 122 other nations have reached an agreement on new international trading rules.

These rules cover subjects that previous agreements failed to cover: for example, agriculture and textiles. Likewise, for the first time, the rules have been expanded to deal not only with tangible goods, but with services and with intellectual property.

The Uruguay round takes its place as the eighth—and most far-reaching—of the consecutive negotiating "Rounds" that have occurred in the nearly 50 years since the establishment of the original GATT in 1947. Begun in Uruguay, under the Reagan Administration, continued in the Bush Administration, and concluded by the Clinton Administration, the Uruguay round Agreements represent seven years of exceedingly arduous negotiation. The negotiations had their share of highs and lows, and at times seemed dangerously close to breaking down altogether. But they did not; and that they did not is a testament to the skill and patience of our trade negotiators and to the commitment of these three Presidents. I want to salute Presidents Reagan, Bush, and Clinton, and U.S. Trade Representatives Yeutter, Hills, and Kantor, for what may be called, without hyperbole, a truly unprecedented and historic agreement.

IMPACT ON THE UNITED STATES

What will the Uruguay round mean to the United States, which exports some $660 billion (more than 10 percent of our GDP!) in goods and services annually? How will it affect our consumers, our manufacturers, and our economy?

As I think the endorsement of the Uruguay Round Agreements by the organization Consumers Union demonstrates, American consumers and their families can expect to see benefits of increased choice and lower prices. Consumers Union says that the agreement "will eliminate or reduce a variety of costly barriers that artificially increase consumer prices and reduce consumer choice." With the agreements in place, goods that we purchase every week will be more varied, more plentiful, and more affordable. Indeed, the Department of the Treasury estimates that the Uruguay round, once implemented, every year will bring an additional $1,700 in benefits to each American family of four. That is good news indeed. Mr. President, I ask unanimous consent that the letter from the Consumers Union be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. Manufacturers will see their market access increased as global tariffs are slashed by one-third—or $744 billion; and many of these tariff cuts come in areas in which the United States is particularly competitive—such as scientific and medical equipment, chemicals, and electric machinery.

U.S. service providers—and here I mean telecommunications, financial services, and professional services—will reap new benefits from the round. Rules regarding services are set forth in the agreements, and these will serve as a framework for further liberalization. Clearly, more remains to be done in the area of services, as not all the U.S. negotiating objectives were achieved. But as the President's Advisory Committee on Trade Policy and Negotiations noted, the new agreement is an important achievement because it includes services in the world trading system for the first time and has resulted in some substantial market access offers. Moreover, the services agreement itself provides for continued negotiation in basic telecommunications, financial services, and maritime transport.

Intellectual property—such as computer software, film, television programs, pharmaceutical formulas, semiconductor and jewelry designs—all of these product areas where the United States stands virtually unrivaled will gain new protections under the intellectual property agreement.

How will the Uruguay round affect our economy overall? We will see more trade, more sales—and more well-paying jobs. Our products will be sold more easily and less expensively all over the world. The GATT Secretariat has projected that the Uruguay round agreements will add some $127 billion annually to the U.S. economy. Our own Council of Economic Advisors has estimated that the Uruguay round, once implemented, will add from $100-200 billion to the U.S. economy each year. I think these phenomenal figures speak for themselves.

IMPACT ON THE TEXTILE INDUSTRY

What about the U.S. textile industry? We in Rhode Island have a long history in textiles, and the industry continues to be an important contributor to the Rhode Island economy. It has not been easy, as we have faced serious competition not only from overseas, but from southern States. But this experience has toughened our industry; and today, we make a high-quality, topnotch product that can and does compete against products from anywhere else.

There is no question that the Uruguay Round Agreement on Textiles and Clothing will bring about significant changes in the industry here at home—and indeed, worldwide. Under the Agreement, the Multi-Fiber Arrangement—the formal name for the international quotas now in place on textiles and textile products—will be phased out over a ten-year period, and no new quotas will be allowed. Once that period is over, textile products will be fully integrated into the world trading system and will be treated no differently from other goods.

The quota phaseout will be a change. But U.S. industry has been preparing for this eventuality since the Uruguay round negotiations started in 1986, at which time it was made clear that textiles were to be brought into the trading system. And, to ensure that the transition period progresses smoothly, with as much predictability as possible, I offered a series of amendments to the implementing bill. These amendments, now part of the bill before us, helped win the support of major textile associations—including the American Textile Manufacturers Institute and the Northern Textile Association—for the legislation before us today.

I believe that the U.S. and Rhode Island textile industry can withstand foreign competition, and can continue to produce and sell quality product. We will need to continue to pursue greater market access overseas. I am confident that our negotiators will do so, and indeed, I am gratified by their recent success with Pakistan.

THE MULTILATERAL TRADING SYSTEM

Let us pause for a moment and consider the importance of the world trading system.

The United States has been a participant in formal global trading agreements for the past 47 years. After the disastrous tariff policies of the 1930's, we joined with 22 other nations in 1947 to draft the original General Agreement on Tariffs and Trade. We helped found the GATT because we—and the other 22 original "Contracting Parties" to the GATT—believed that expanding trade would cause all those participating to prosper and grow. And it has: the rising tide has lifted all of our boats.

The United States Government has believed that there is more to be gained than lost by setting up international rules for trading among nations. The 1947 GATT not only established tariff concessions, but also a basic set of principles meant to guide how trade was to be conducted. And we—the most powerful economy in the world then, as now—made the decision that participating in trade under a set of rules, brought more benefit to us than competing without rules in the law-of-the-jungle situation. Thus we entered into this contract with our trading partners; and we, like they, have reaped the benefits of this mutual contract ever since.

The Uruguay round agreements that will be implemented by the legislation before us stand as a reaffirmation of our belief in the value of the global trading system and its rules of play. And, as history has shown us. These expanded rules will promote the free flow of trade, and thus prosperity.

I want to emphasize that our participation in the world trading system is best described as a contract: the United States, a sovereign nation, agrees to abide by certain rules and guidelines, rules that we, in fact helped draft. But we remain a sovereign Nation which has the right to withdraw from the contract at any point in time should we find that the contract is no longer beneficial. The GATT is not a world government that holds absolute power over members, but rather a voluntary association made up of sovereign members; indeed, GATT members are known as "Contracting Parties!"

THE WORLD TRADE ORGANIZATION

That leads me directly to a topic that has received an overwhelming amount of attention in recent months: the creation of the World Trade Organization (WTO).

First and foremost, let me emphasize that the WTO is not some brand new organization that suddenly has appeared on the scene. Rather, the WTO is a formal—and yes, more effective—version of what we already have in place in Geneva. The WTO will replace the ad hoc organization that has administered the GATT rules since 1947. It is not a super-government bent on controlling sovereign nations; the WTO's sole job is to administer the global trade rules—just like its predecessor. It cannot make changes in nations' domestic laws.

This is particularly true for the United States. When the Uruguay round agreements go into effect, they will not nullify U.S. law. Only Congress has the power to change U.S. law. Indeed, as the Senator from California mentioned, the first substantive line—section 102—of the legislation before us explicitly states that no provision of the agreements that is inconsistent with U.S. law shall have effect.

Thanks to the new Dispute Settlement Understanding, the WTO will be better able to referee international trade disputes and bring about their resolution.

This is an objective for which we in the United States have been pushing for years—and indeed, in 1988 Congress explicitly directed USTR to negotiate more effective and expeditious dispute settlement mechanisms. Why? Because we, as a nation who often brought trade problems to the international forum, were perennially frustrated with the procedures that allowed for endless delay and no finality. The Europeans limited our soybean exports with complete impunity. The Japanese kept our beef out without cause. The French banned our fish exports out-of-the-blue. In each of these cases, the United States was frustrated by an inability to resolved these cases through the multilateral system because the GATT dispute settlement mechanisms were too weak.

But now, we will be able to win effective relief. Let me take an example that strikes close to home for most of us in New England. Last March, after French fishermen rioted and burned down a town hall, the French government suddenly—and for the flimsiest of reasons—banned imports of foreign fish. This hit us in Rhode Island pretty hard. There was nothing wrong with the fish whatsoever—it was clear that the French took this action solely to appease their fishermen. Under the old GATT dispute resolution, it would have taken years before a decision was reached. But under the new system, the United States will be able to take the French to dispute resolution immediately (with expedited procedures for perishable products), avoid unfair delays, and win a decision that would force the French to cease and desist, or else face retaliation on their fish products (or "cross retaliation" on their wines). If you want fair trade—this is it.

Now, some will say: But this powerful system will be used against the U.S. After all, what is good for the goose is good for the gander. Granted—but look at the record. Who has the most open market in the world? The United States. Whom has history shown to be more often a plaintiff than a defendant in Geneva? The United States Who has an impressive record in winning complaints in Geneva? The U.S. It is safe to say that stronger dispute settlement plays to our advantage.

Some say: in the WTO every nation—including tiny nations—will have a vote, and they will outvote the United States every time. However, this argument ignores the way the system works. Under the WTO—just like its predecessor—each nation technically will have one vote. But does that not mean we will be outvoted. Why?

First, because the WTO is directed to operate by consensus first and foremost; second, because unlike the United Nations, there rarely is a vote taken in the GATT. In fact the last substantive vote was in 1959, 35 years ago. And third, because due to its size and impact on the world economy, the United States plays a leading role in world trade matters, and its view often carries the day.

The WTO is an integral part of the Uruguay round agreements. A nation may not choose to join, say, the Agreement on Agriculture but not the WTO. It is a package deal: join the WTO and gain all the benefits of the updated GATT—or don't join and get nothing. As must every other signatory nation, the United States must sign onto all the Agreements, including the WTO, or forget the benefits of the Round altogether.

What if, however, at the end of the day the new WTO and dispute settlement procedures just are not beneficial to the United States? Simple: we get out. The Uruguay Round Agreements themselves allow any nation to get out of the package upon a mere 6 months' notice. Moreover, the implementing legislation explicitly calls for a review of the WTO every 5 years, and if Congress so decides, it can vote to take the United States out. And Senator DOLE has worked with the administration on a plan to ensure that should WTO panels exceed their authority, Congress can remove the United States from the WTO. It could not be any clearer: if we don't like it, we can leave it.

CLOSING

I believe we will find that the Uruguay Round will bring to this Nation great benefits that will increase our prosperity. I believe that this Round will take its place in history as one of the most important global agreements—both in terms of its size and in terms of its impact—ever fashioned. And it is our leadership that has brought it this far.

More than 30 countries already have given it their stamp of approval, with 50 others expected to do so shortly. The European Union and Japan are watching us closely to see what action we take. The future stability and growth of the global trading system is in our hands. Without the United States, there will be no such trading system. A yes vote advances our Nation's and the world's prosperity. I shall vote for the budget waiver and for approval of the Uruguay Round and urge my colleagues to do likewise.

EXHIBIT 7

CONSUMERS UNION,
PUBLISHER OF CONSUMER REPORTS,
Washington, DC, September 28, 1994.

Hon. JOHN H. CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATOR CHAFEE: In the next few days, you will vote on legislation that would approve and implement the GATT Uruguay Round Agreement. Consumers Union urges you to vote "YES".

Through increased competition and economic expansion, this agreement will benefit American consumers. We urge the Congress to approve the Agreement this year, so that on January 1, 1995, consumers can begin to realize its benefits.

The Agreement is a crucial first step in the continuing effort to make the rules of world trade more consumer friendly. It will eliminate or reduce a variety of barriers that artificially increase consumer prices and reduce consumer choice. While additional improvements to the world's trading rules are needed and must follow the implementation of the Uruguay Round, the first step, implementation, is needed now.

Consumers Union has reviewed the issues relating to protection of U.S. health, safety and environmental standards. We believe that the Agreement is appropriately written to protect these standards.

Your "yes" vote to ratify the GATT Uruguay Round Agreement will be a "yes" vote for consumers.

Sincerely,

MARK SILBERGELD,
Director, Washington Office.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I ask for 20 minutes from the distinguished Senator from Rhode Island.

Mr. CHAFEE. That will be fine.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 20 minutes.

Mr. STEVENS. Will the Senator yield to me for just a moment?

Mr. SPECTER. Yes.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that an intern working on my staff at the present time, Dana Quam, be admitted for floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the General Agreement on Tariffs and Trade, commonly known as GATT, because I am convinced that it will help the American worker by creating many high-paying jobs, that it will help the American consumer by bringing in locally priced goods, and because it will be beneficial generally worldwide. History favors free trade. In the long run, elimination of tariffs and trade restrictions promotes commerce and leads to a higher standard of living for all involved. The rising tide lifts all the boats.

In an era when so many say that the next generation will have a lesser standard of living than the past generation, I think it is incumbent on government to do everything we can to promote trade and to promote a higher standard of living.

It is my view, Mr. President, that the American worker can compete very well in worldwide markets notwithstanding any restrictions which may be imposed on the United States in terms of wages, in terms of environmental controls or whatever additional impediments there may be because of the competitive force of the American worker.

So I am confident that in the long run we will be able to compete very, very effectively providing there is reciprocity. And when we lower tariffs and lower trade barriers, it is in effect a tax break and a tax reduction for the American consumer.

The issue has been raised repeatedly about the question of loss of sovereignty. I take a position second to none, Mr. President, on insisting that American national sovereignty be maintained. But there is no realistic issue about loss of American sovereignty in the so-called GATT agreement. The basic protection on this critical issue is our right to withdraw at any time from GATT on 6 months' notice.

The concern about potential unfairness to the United States is one which I share. I have long urged, on legislation which I have introduced in the course of the past decade, that there be a private right of action to guarantee that U.S. industry would not be unfairly impacted by subsidies or by dumping. And the arrangements which have been worked out, with the leadership of the distinguished Senator from Kansas, Senator DOLE, I think, go a long way in guaranteeing that if there is any unfairness to American industry or to the American worker, it would be rectified by having a panel of Federal judges who will review the decisions of the World Trade Organization to be sure that there is no unfairness. This kind of review, which is in effect appellate review, I think, is a very, very excellent remedy to guarantee against unfairness to the United States. There are a series of standards set out that if the World Trade Organization has three decisions, according to the panel of United States judges, which are unfair, arbitrary or capricious, or by misconduct, or by other standards which are set forth explicitly, then a resolution of withdrawal can be brought in the Congress of the United States and can lead to immediate notification of the intention of the United States to withdraw which will protect our interests if in fact we are treated unfairly by the World Trade Organization.

There is no doubt, Mr. President, about the complexity of the pending agreement and about the many provisions which will have to be experienced to really understand exactly how they will work out. But that happens any time any law is enacted in the United States or any complex provisions are put into place to govern conduct in trade or criminal law or from any sort of change in regulations governing our conduct. If we find as a matter of trial and correction that it does not work out, there can be a modification, or if it is onerous, we can withdraw from the entire arrangement.

A question has been raised about the proceedings as to due process and whether the decisions of the World Trade Organization will really be fair. I think that this concern has been allayed by a number of comments from Senators who have spoken to the fact that so much of what is done in GATT is done by consensus. When you talk about due process of law, we ought to note that in the United States there has been a lengthy development as to what is due process in our own courts, and those standards are changing with many, many modifications as to what constitutes due process of law. Here again, I think in due course, if we find that the procedures are insufficient, they can be changed; or again, if they become very onerous or are deemed unfair to the United States in the careful procedures worked out, we can withdraw from GATT.

As I view the current trade restrictions in the trade laws, I have expressed on the floor of this Senate many times my dissatisfaction with the way the International Trade Commission works when there is some basic unfairness alleged by an American company, which injures an American company or American workers; and when a complaint is taken under current law to the International Trade Commission, it takes a long period of time before there is a decision. There has been no injunctive relief stopping the unfair trade practice. When the decision is handed down, the damages are prospective only, meaning it applies only to the future; so that if an American company or American workers are injured, it is just too bad as to what happened in the past. If under some circumstances there is a surge or an increase in imports as a result of the complaint filed by an American company, there can be some remedy for past conduct. But in decisions which frequently take more than a year, that remedy is limited to a few months, so what we have at the present time under the International Trade Commission hardly compensates for existing unfair trade practices.

With the new arrangements under GATT, we find that many items will be covered which have not been covered up to the present time, such as intellectual property, services, and agriculture. Agriculture is the leading industry in Pennsylvania, as it is a major industry in the United States. GATT offers unique opportunities for increased exports for the American farmer.

The steel industry which has been very hard hit by unfair imports, by subsidies from foreign governments, and from dumping, is an industry which will be very materially assisted by GATT, according to the leading executives of the steel industry in Pennsylvania.

In supporting GATT, I express my concern about the impact in the short run on the loss of jobs. That is a concern which I have had during the course of the 14 years which I have been in the U.S. Senate. When the American work force, especially the work force in a State like Pennsylvania, has been so badly damaged by unfair imports and by dislocations in the work force, to the extent that this occurs, I think we will have to take action in the U.S. Congress to make sure that there is adequate compensation for workers who are injured in the short run.

The industrial organizations have been very, very strong in their support of GATT. In a State like Pennsylvania, with very strong labor interests, I have had some constituent objections, but some of the labor groups think in the long run GATT will provide more jobs. That is certainly my conclusion. So that looking on GATT as a whole, I think it offers a really great promise for the future. It is by no means a certainty, but there are escape clauses and escape valves, so that if the U.S. is not treated fairly, or if it does not work out for the benefit of the U.S., we have ample opportunity to protect U.S. interests by withdrawing.

With respect to the waiver of the Budget Act, Mr. President, I propose to support that. The Congressional Budget Office, I think, too often in making the estimates for revenue loss does only for the very short run. I believe that in the longrun GATT will provide very, very substantial increases in revenue to the U.S. Treasury because of the increased trade, increased wages, higher paying jobs, leading to greater revenues.

Mr. President, I have sought recognition during this debate of the Uruguay Round of the General Agreement on Tariffs and Trade, commonly known as GATT, because in my view we are looking at a tremendous opportunity—not frequently seen in my 14 years here in the Senate—to create many, many high-wage jobs in this country as a direct result of reduced tariffs and trade barriers that have impaired the ability of U.S. companies to effectively sell their products abroad. While concerns exist with certain aspects of the Agreement, I believe on balance we should pass the GATT.

The GATT promises to cut tariffs on average by one-third on manufactured products and will eliminate tariffs in ten sectors that the United States is particularly competitive. For the first time, it will cover intellectual property, services, and agriculture—all of which are major exporting sectors of the U.S. economy. According to the General Accounting Office the GATT is projected to produce $100 to $200 billion a year in added income by 2004. The GATT also promises important export opportunities for U.S. concerns as it will remove many trade barriers that they currently face. This opening of new markets for U.S. industries competing overseas like, agriculture, steel, glass, chemicals, and pharmaceuticals will, in my judgment, increase jobs significantly in this country.

My home State of Pennsylvania, like the United States as a whole, is vitally dependent on foreign trade for its economic health. Pennsylvania's trade with countries all around the globe is worth billions of dollars. According to the International Trade Administration, in 1993 Pennsylvania was ranked 10th out of all 50 States in exports. In 1992, Pennsylvania's 10.6 billion dollars' worth of exports was comparable to the entire gross domestic product of countries like Cameroon, Ecuador, and Tunisia. According to the International Trade Administration, some of the Pennsylvania sectors that will benefit from the implementation of the GATT are: steel mill products, industrial and analytical instruments, computer equipment, construction machinery, household glassware and pottery, and pharmaceuticals.

There is strong constituent support in my State for GATT. There will be new high paying jobs for many people from increased export opportunities and additional revenues according to data supplied to me from many key Pennsylvania companies including Armstrong World Industries, Bethlehem Steel, Hershey Foods, Rohm & Haas, Unisys Corporation, and U.S. Steel.

The employees of Grove Worldwide which is based in Shady Grove, PA, and manufactures construction equipment, sent me pages of petitions urging me to vote for the GATT. PPG Industries, wrote with their comments in support of the legislation. For them, the GATT will provide guidelines for the protection of intellectual property, trade in chemicals and will open markets, besides being a tremendous benefit to consumers. Warner Lambert, in Lititz, PA, stated similar reasons for supporting the GATT.

According to Mr. Jim Unruh, chairman and CEO of Unisys Corp. in Blue Bell, PA, U.S. computer industry exports to the European Union exceeded $10 billion in 1993. Under the GATT, the European Union, which is the largest market for U.S. computer exports, will reduce tariffs by nearly 80 percent. While difficult to quantify, it seems clear that industry revenues will increase as a result of reduced tariffs. Mr. Unruh goes on to inform me that requirements to set up local assembly or research facilities as a precondition to doing business in certain markets will be reduced or eliminated under GATT thereby increasing U.S. job opportunities. U.S. Steel, based in Pittsburgh, urges me to support the agreement because it, and I quote, "will assist domestic manufacturing in its ability to compete internationally." In addition to that, numerous employees of the steel industry have recently written to me urging me to vote for GATT. They recognize the benefits of lower tariffs which leads to a better trading environment, fostering economic growth and good jobs.

The support for this agreement continues: General Electric, which has a significant presence in my State, informs me that almost 40 percent of their total revenue comes from international activity. The GATT would assist them in opening global markets and level the playing field in European trade. Miles, Inc., which employs 1,700 in Pennsylvania and plays a vital role in the Pittsburgh economy, urges me to support the GATT because it would protect their copyrights and patents, and lower the costs on almost all their raw materials. Procter & Gamble, which also has several facilities in my State, estimates that more than 10,000 jobs will be created for Procter & Gamble and their suppliers in the United States over the next 10 years.

Again and again, the message is the same: It is important to pass the GATT so that U.S. businesses can remain competitive worldwide.

As was the case during our consideration of NAFTA—the North American Free-Trade Agreement—in the first session of this Congress, my main worry in supporting GATT is the potential loss of jobs in the short run. No one can question my consistent support of the interests of working men and women be it supporting increases of minimum wage, extending unemployment benefits, expanding job training or increasing funding for displaced workers. In balancing the short term job loss with the anticipated long-term job gains, however, my sense is that we should proceed with GATT and make sure that the Federal Government takes all appropriate steps to assist workers displaced by the effects of GATT.

While it is clear that this agreement is not perfect, I know of no trade agreement that is. There are those that urge us to reject this agreement, however, there is no guarantee that doing so will net a better agreement. Many businesses and industries have had to accept compromises, but they believe that this agreement is the best one that can be secured. The United States is a global trading partner and leader. Delaying passage of this agreement will likely send a dangerous message to the world marketplace. In my view, it is unwise to delay or prevent passage when we stand to gain so much in terms of jobs and increased revenues.

Legitimate concerns regarding U.S. sovereignty and fairness have been raised about the new World Trade Organization, the new international agency authorized under the GATT to enforce the provisions of the agreement. But I believe that we can deal with these. We in Congress must and will closely monitor the actions of the World Trade Organization as it concerns our interests.

In this regard, it is important to note that there are several checks on the ability of member countries to negate the U.S. influence within the WTO. First, member countries are expected to continue the GATT tradition and practice of reaching a decision by consensus. In fact, article IX of the World Trade Organization Agreement makes it clear that the practice of consensus is the primary means by which WTO members will seek to make decisions.

Second, within the legal framework of the agreement, voting safeguards are included in the event that a WTO vote should be required. These include unanimity in certain instances and supermajority in others. Moreover, supermajority votes will apply only to those countries voting in favor of them. Under this framework, therefore, it seems that the WTO cannot force the United States to do something that is against its national interest. Nor can it overturn our laws; that remains the sole jurisdiction of our legislative bodies, both State and Federal.

This is particularly important as it concerns our antidumping and countervailing duty laws and other trade laws such as Super 301 that allow us to redress unfair trading practices. I have constantly fought any weakening of these trade laws and in fact have sought to strengthen them. When the so-called Dunkel draft of the GATT was made available in December 1991, I wrote to then U.S. Trade Representative Carla Hills strongly objecting to it because it would weaken U.S. trade laws with regard to dumping and subsidized imports. In my extensive travels through Pennsylvania's 67 counties, I have seen the problems of Pennsylvania's working men and women including the injury caused by dumping and subsidized imports which violate the principles of free trade—which means cost of production plus a reasonable profit, free of foreign governmental subsidies, or dumping. Additionally, since 1982, I have sponsored and pushed legislation which would create a private right of action in the Federal courts to enjoin dumped and subsidized imports and to compensate workers and companies which have sustained serious damages from such imports. As I have frequently stated, there is nothing like the vigor of private plaintiffs when it comes to the enforcement of our trade laws. Fortunately under the GATT implementing language, our antidumping and countervailing duty laws remain intact and the President still has the Super 301 powers at his disposal.

Third, an additional safeguard is the option to withdraw from the WTO on 6 months notice as determined by the President or, importantly, by the Congress, in the event of three adverse WTO decisions within a 5-year period as was recently agreed to by the administration.

It should be mentioned that in other areas the United States would benefit from the WTO. The WTO would provide oversight functions and would subject member nations to GATT disciplines and rules of conduct. We will also benefit from a better written set of principles for dispute resolution which have been noticeably absent in the past, and has caused harm to the United States.

There is also concern regarding the deficit and waiving the budget rules in favor of the GATT. While there is no doubt that this agreement will reduce tariff rates and subsequent revenue, I think it is important to look at the long-term benefits of the agreement.

As former U.S. Trade Representative Carla Hills pointed out in her November 22, 1994, Washington Post op-ed such benefits are extraordinary. Citing economic projections, she states the GATT will give us nearly $1 trillion in new economic growth in the next 10 years. Unfortunately, the budget rules do not allow us to take that estimate into consideration. While we must fund future revenue losses, we cannot use future benefits to account for them.

As an economic fiscal conservative, I, too, believe that the Government must live within its means. But there are times when the needs of the country are such that we must spend a little to get a lot. And I believe that this is one of those rare instances when a waiver is in our best interest. Waiving the budget rules for the GATT is a wise investment. By providing a more open trading environment for U.S. businesses, we gain business growth which leads to greater revenue and the creation of more jobs and better opportunities in the long run.

In sum, Mr. President, this agreement is about jobs and the long-term economic growth of the United States. More and more, jobs in this country are dependent on the international economy. We have a responsibility to strengthen those positions and expand the opportunities for American economic growth. This agreement is also about strengthening bonds and enhancing global peace and security by bringing the economies of the world closer together. With this agreement, the United States will be sending the message that we will continue our commitment to global economic partnerships in the post-Cold War era. For these reasons, I urge my colleagues to support this legislation.

Mr. HOLLINGS. Mr. President, I understand, having talked to our distinguished chairman on this side, that I have just a few minutes remaining, in order to reserve the 2 hours for tomorrow. I understand that is their intent also.

With that understanding, I can make a few comments; is that correct?

Mr. MOYNIHAN. That is correct, sir.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that an article by Lars-Erik Nelson, "The Victims of Free Trade," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 26, 1994]

THE VICTIMS OF FREE TRADE

For its next disaster, the Clinton administration is making another one of those blunders that make ordinary Americans wonder, "Whose side are these guys on?"

In blind devotion to a perpetually disappointing economic theory, President Clinton and his aides are fighting for swift passage of the GATT, the general agreement on tariffs and trade. Sure, free trade will cost us some jobs in the short run, its advocates admit. But Vice President Al Gore promises that the GATT will be the biggest tax cut in history and "will lower prices for consumers."

Has it not dawned on these folks that America's most burning problem is not that consumer prices are too high? It is that our cities—once the joy of human civilization—are ever more dangerous slums, filled with the unskilled and unemployable victims of what economists celebrate as "progress."

America has not yet solved the social upheaval of the Great Migration of southern farm workers to the North, yet it is ready to dislocate millions more of its workers in the name of economic efficiency.

"The economists never want to talk about the social costs of free trade," complains a

Senate Democratic source. "Urban decay is by far the most important problem in the country."

It is particularly mindless for the Clinton administration to press for the GATT now. Its own welfare reform plan—and a far more Draconian one being pushed by Republicans—would force welfare recipients into the job market at the same time that GATT would kill the kind of low-wage, industrial jobs—in the garment industry, for example—that traditionally are the first step up the job ladder.

To the economists, these are "bad jobs," better shipped to low-wage countries. But if you're trying to end welfare, there is no such thing as a bad job. Any job is better than perpetuating welfare handouts, generation after generation.

Second, previous trade agreements have come with the promise of aid to workers who lose out. The new Republican-controlled Congress, however, regards such programs, especially those aimed at inner cities, as "pork-barrel spending." The Republicans would far sooner spend $3 billion for prisons to hold the dislocated than $3 billion for job training.

Resisting free trade is a tricky business. You find yourself on the same side as the paranoid yahoos who opposed fluoridation of water 40 years ago—and for the same reason: They saw the whole thing as an international conspiracy to deprive Americans of their freedom.

But for millions of Americans, free trade has not lived up to its promise. We are the freest-trading country in the world, and our incomes have stagnated for the past 20 years. once-secure employees live in dread of being laid off in the name of "global competition."

And the argument that free trade creates even better jobs for those who educate themselves is belied by the unending stream of middle-management layoffs and the spectacle of college graduates managing all-night grocery stores.

Yet the economists keep foisting their theory on the Clinton administration. "No proposition enjoys greater unanimity among economists than the idea that free-trade will, on net, be a win-win situation," says Rob Shapiro, a non-dogmatic economist at the Progressive Policy Institute.

"At the same time, we are seeing something we have never seen before—relatively backward countries producing advanced products. Koreans and Mexicans producing automobiles. We have figured out how to export our high-tech factories to low-wage countries—and we have not figured out how to deal with the consequences."

This is why, Shapiro says, economists close their eyes to the social costs of free trade. "They don't know how to deal with the problem—but they can't give up the economics of free trade," he says. "The fact is, there are significant social costs."

With the economists—and politicians—ducking the question, it has been left to a maverick Anglo-French businessman, Sir James Goldsmith, to raise the alarm about free trade's downside. In a current book, "The Trap," he makes this simple argument:

"The real cost to consumers of cheaper goods will be that they will lose their jobs, get paid less for their work and have to face higher taxes to cover the social cost of increased unemployment * * *. As unemployment rises and poverty increases, towns and cities will grow even more unstable. So the benefits of cheap imported products will be heavily outweighed by the social and economic costs. * * *."

Yes, I like my VCR. But it wasn't worth losing Brooklyn.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that a list of the organizations in opposition to GATT be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

For more information on these issues:

ENVIRONMENTAL

Friends of the Earth (202) 783-7400

Greenpeace (202) 462-1177

National Wildlife Federation (202) 797-6800

Sierra Club (202) 547-1141

LABOR

AFL-CIO Trade Task Force (202) 637-5000

Amalgamated Clothing and Textile Workers Union (ACTWU) (202) 628-0214

International Brotherhood of Teamsters (202) 624-6800

International Ladies Garment Workers Union (202) 347-7417

International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers (IUE) (202) 296-1200

CONSERVATIVE

The American Cause (703) 827-9200

Coalition for Americas (202) 546-3003

The Eagle Forum (202) 544-0353

U.S. Business and Industrial Council (202) 628-2211

CITIZEN

Citizen Action (202) 775-1580

Citizens Trade Campaign (202) 879-4297

Government Accountability Project (202) 408-0034

National Rainbow Coalition (202) 728-1180

Ross Perot's United We Stand America (214) 450-8803

FARM

American Corngrowers Association (202) 835-0330

Institute for Agriculture and Trade Policy (612) 379-5980

National Family Farm Coalition (202) 543-5675

National Farmers Union (202) 554-1600

Rural Coalition (703) 534-1845

CONSUMER

Community Nutrition Institute (202) 462-4700

Public Citizen (202) 546-4996

Public Interest Research Group (PIRG) (202) 546-9707

National Consumers League (202) 639-8140

HUMANE AND ANIMAL WELFARE

Animal Welfare Institute (202) 337-2332

American Humane Association (202) 543-7780

American Society for the Prevention of Cruelty to Animals (ASPCA) (202) 232-5020

Humane Society of the United States (202) 452-1100

American Humane Association, Animal Protection Institute, Center for International Environmental Law, Community Nutrition Institute, Defenders of Wildlife, Earth Island Institute, EarthKind, Environmental and Energy Study Institute, Friends of the Earth, and Fund for Animals.

Greenpeace, Humane Society of the United States, Human Society International, International Fund for Animal Welfare, National Wildlife Federation, Sierra Club, Society for Animal Protective Legislation, US PIRG, World Society for the Protection of Animals, and World Wildlife Fund.

CALIFORNIA

Ban Waste Coalition and West Valley Coalition—Phil Klasky, Director

Bob Benson, Professor, Loyola University Law School*

California Citizen Action—Daniel Lambe, Director

California Communities Against Toxics—Stormy Williams, President

California Network for a New Economy—Carol Webb, Labor Representative

Center for Community Action and Environmental Justice—Penny Newman, Director

Center on Race, Poverty and the Environment—Luke Cole, Director

Citizens for a Better Environment—Mike Belliveau, Executive Director

Citizens for the Chuckawalla Valley—Donna Charpied, Director

Citizens Clearinghouse for Hazardous Waste—Annamarie Stenberg, Director

Clean Water Action—Bruce Lee Livingston, California Director

Community Alliance with Family Farmers—Thomas Haller, Executive Director

Concerned Residents of Commerce—Anthony Thorpe, Director

Concerned Citizens of Pico Rivera—Ophelia Rodriguez, President

Concerned Citizens of South Central Los Angeles—Kathleen Allen, Coordinator

Contra Costa County Central Labor Council—Steve Robeiti, Executive Secretary-Treasurer

Desert Citizens Against Pollution—Jane Williams, Director

Desert Environmental Response Team—Ray Kirkham, Director

Earth Island Institute—Dave Phillips, Co-Executive Director

Eddie Wong, Regional Director, Rainbow Coalition*

Environmental Coalition of UCLA

Greenpeace—David Chatfield, Regional Director

International Ladies Garment Workers Union Pacific Coast Division—Katie Quan, Manager

Jobs and the Environment Campaign—Jon Mayer, California Director

Labor/Community Strategy Center—Eric Mann

L.A. Rainforest Action Project—Atosa Soltani, Director

Mendocino Environmental Center—Gary and Betty Bail, Co-Directors

Mothers of East Los Angeles/Santa Isabel—Juan Gutierrez, President

Northern California Interfaith Council on Economic Justice—Sydney Brown, President

Northern California Labor Council for Latin American Advancement—Frank Martin del Campo, President

Pacific Advocates—Patricia Schifferle

People for Clean Air and Water of Kettleman City, CA—Mary Lou Mares, President

Peninsula Peace and Justice Center—Paul George, Director

Pesticide Action Network—Monica Moore, Program Director

Rainforest Action Network—Randall Hayes, Executive Director

Robert McAfee Brown, Professor Emeritus, Pacific School of Religion*

Sacramento Valley Toxics Campaign—Mark Fleming, Executive Director

Sam Schuchal, Executive Director, California League of Conservation Voters*

San Diego Environmental Health Coalition—Diane Takvorian, Executive Director

Sheldon Plotkin, Coordinator, Southern California Federation of Scientists

Sierra Club Southern California—Larry Freilich, Director

Sierra Club—Carl Pope, Executive Director

Sierra Club—Barbara Boyle, Regional Director
Sonoma County Conservation Action—Mark Green
South Bay Labor Council—Amy Dean, Business Manager
San Mateo Central Labor Council—Art Pulaski, Business Manager
Southwest Witness for Peace—Lynne Halpin, Grassroots Coordinator
Southern Kern Residents Against Pollution
Student Environmental Action Coalition—Abdi Soltani, Coordinator
Ted Smith, Executive Director, Silicon Valley Toxics Coalition*
Urban Habitat Program—Carl Anthony, Executive Director

CONNECTICUT

American Friends Service Committee
Connecticut Citizen Action Group
Connecticut Occupational and Safety Hazards
Connecticut State Federation of Teachers
Environmentalists to Elect Legislators (ELECT)
Greenpeace New Haven
International Association of Machinists
Labor Party Advocates
Legislative Education Action Program
New England Health Care Workers, 1199
Sierra Club
United Auto Workers
United We Stand
We the People

GEORGIA

AFL-CIO Region V
Amalgamated Clothing and Textile Workers Union
Communication Workers of America
ECO Action
Georgia Citizen Action
Georgia State Employees Union
Graphics Communications International Union
Greenpeace
International Brotherhood of Electrical Workers
International Ladies Garment Workers Union
Public Citizen
Sierra Club
Southern Organizing Committee for Economic and Social Justice
United Food and Commercial Workers Union

ILLINOIS

African American Citizen Coalition of Regional Development (AACCORD)
Amalgamated Clothing and Textile Organization of Retirees (ACTOR)
Amalgamated Clothing and Textile Workers Union—Chicago and Central States Joint Board
American Federation of State, County and Municipal Employees Council 31
American Friends Service Committee Great Lakes Region
American Income Life Insurance Company
Bensenville Senior Citizens Club
Broken Arrow
Diocese of Joliet Peace and Social Justice Ministry
Chicago Federation of Labor
Chicago Greens
Chicago Journeyman Plumbers Local 130
Chicago Recycling Coalition
Chicago Senior Senate
Coalition of Labor Union Women-Chicago Chapter
Colombia J/Human Rights Committee
Congregation of Alexian Brothers, Elk Grove Village
Congregation of Sisters of Saint Francis of Mary Immaculate, Joliet, Illinois
Democratic Socialists of America-Illinois
Diocese of Joliet Peace and Social Justice Ministry
Federation for Industrial Retention and Renewal
Greater Chicago Council of Senior Citizens
Greenpeace
Holy Cross/Immaculate Heart of Mary Parish Social Action Committee
Illinois Public Action
Illinois State Council of Carpenters
Illinois State Council of Machinists
Illinois State Council of Senior Citizens
Illinois Stewardship Alliance
Independent Voters of Illinois/Independent Precinct Organization (IVI-IPO)
International Association of Machinists Automobile Mechanics Local 701
International Association of Machinists Retirees Local 1487
International Association of Machinists Retirees Local 353
International Association of Machinists Local 113
International Brotherhood of Teamsters Local 706
International Brotherhood of Teamsters Local 743
International Brotherhood of Teamsters Local 714
International Ladies Garment Workers Union—Midwest Region
Joliet Franciscan Sisters
Lake Michigan Federation
Metro Seniors in Action
Midwest Center for Labor Research
Monsignor John Egan, DePaul University*
Motion Picture Projectionists, Operators and Video Technicians Local 110
National Coalition of American Nuns
National Farmers Organization
Nigaragua Solidarity Committee
Our Lady of the Ridge Parish Family
Palos Hills Seniors
Peoria Environmental Action Committee for the Earth
Prairie Preservation Society of Ogle County
Regional Association of Concerned Environmentalists
Samuel Levin Retirement Centre
Samuel S. Epstien, MD, Chairman Cancer Prevention Committee University of Illinois at Chicago School of Public Health
Save our Jobs Committee—Chicago
Schools Sisters of St. Francis
Service Employees International Union Illinois Council
Service Employees International Union Local 46
Service Employees International Union Local 73
Sheet Metal Workers Local 115
Sierra Club
SOAR Steelworkers Retirees
St. Nicholas of Tolentine Church, Chicago
St. Pius V Parish
Synapses
The Womens Office—Sisters of Charity, BVM
Thorium Action Group
United Auto Workers Union Region 4
United Auto Workers Retirees Local 59
United Auto Workers Retirees Local 152
United Auto Workers Retirees Local 588
United Food and Commercial Workers Union Local 546
United Food and Commercial Workers Local 881 Retirees
University Professional of Illinois Local 4100 IFT, AFT
U.S. Guatemala Labor Education Project
Viet Nam Veterans Against the War
Wellington Avenue United Church of Christ Outreach Committee
Women for Economic Justice
Women for Economic Security
Women for Guatemala
8th Day Center for Justice

IOWA

Catholic Rural Lie, Sioux City Diocese
Iowa Citizen Action Network
Iowa Family Farm Coalition
Iowa Farmers Union
Iowa Federation of Labor
Iowa Peace Network
Iowa National Farmers Organization
PrairieFire Rural Action
Rick Avery, United Auto Workers Local 997, Newton, Iowa*
Margaret Vernon, Des Moines Presbytery*
Jay Howe, Rural Caucus, Greenfield, Iowa*
Fr. John Cain, Coalition to Preserve the Family Farm*

MASSACHUSETTS

ACORN
American Friends Service Committee
Boston Committee in Solidarity with the People of El Salvador
Boston Mobilization for Survival
Central America Solidarity Association
Citizen Action of Massachusetts
Citizens for Participation in Political Action
Clean Water Action
Communications Workers of America, District One
Community Church of Boston
Democratic Socialists of America (Boston)
Gay and Lesbian Labor Activist Network
Grassroots International
Greater Roxbury Workers' Association
International Brotherhood of Teamsters Local 122
International Brotherhood of Teamsters Local 504
IUE Local 201
Jobs and Environment Campaign
Jobs with Justice
Lawrence Grassroots Initiative
Merrimac Valley Greens
Massachusetts Public Interest Research Group (PIRG)
Massachusetts Senior Action Council
Massachusetts Teachers Association
Massachusetts Toxics Campaign
Neighbor to Neighbor
Service Employees International Union Local 285
Service Employees International Union Local 509
United Electrical, Radio and Machine Workers, District Council Two
United Electrical, Radio and Machine Workers Local 204
United Electrical, Radio and Machine Workers Local 262
United Electrical, Radio and Machine Workers Local 271
United Steel Workers of America Local 12003 (Gas workers)
Western Massachusetts Coalition for Occupational Safety and Health
Women's Action Coalition

MINNESOTA

Amalgamated Clothing and Textile Workers Northern District Joint Board
American Federation of Television and Radio Artists—Twin Cities Local
American Federation of Grain Millers Local 118
American Federation of Grain Millers Local 264
American Federation of State County and Municipal Workers

Carpenter Local 1644

Catholic/Lutheran Northwestern Minnesota Rural Life Commission

Central Minnesota AFL-CIO Trades and Labor Assembly

Clean Water Action Alliance

Communications Workers of America Local 7200

Communist Party of Minnesota

Duluth AFL-CIO Central Body

Fair Trade Campaign

Guatemala Solidarity Committee

Institute for Agriculture and Trade Policy

International Association of Machinists Lodge 459

International Association of Machinists Air Transport District 143

International Association of Machinists Airline Local 1833

International Brotherhood of Teamsters Local 792

International Union of Electrical Workers Local 1140

International Woodworkers of America Local III-33

Justlife, Minnesota

League of Rural Voters

Millrights and Machinery Erectors Local 548

Minneapolis Central Labor Union Council

Minnesota Coalition of Labor Union Women

Minnesota Farmers Union

Minnesota Green Party

Minnesota Safe Food Link

Minnesota Women's Political Alliance

Minnesotans for Safe Food

National Organization of Women—Minnesota Chapter

Oil, Chemical and Atomic Workers Local 6-662

Oil, Chemical and Atomic Workers Local 6-75

Oil, Chemical and Atomic Workers Local 6-418

Oil, Chemical and Atomic Workers Local 6-409

Red Wing Area AFL-CIO Council

Resource Center of the Americas

St. Croix Valley Central Labor Union

St. Joan of Arc Catholic Church Peace and Justice Committee

St. Paul Trades and Labor Assembly

The Working Group on Economic Dislocation

United Church of Christ, Minnesota Conference

United Electrical, Radio and Machine Workers Local 1139

United Paperworkers International Union Local 264

United Steel Workers of America District 33

United Steel Workers of America Local 7263

Veterans for Peace, Minnesota Chapter

Women Against Military Madness

Women Religious for Justice

MISSISSIPPI

Jesus People Against Pollution, Marion County

Chisholm Community Improvement Project, Lincoln County

Tallahatchie County Union for Progress

MS Environmental Networking Group

Southern Echo

MS Association of Cooperatives

Federation of Southern Cooperatives (Regional)

MONTANA

Alternative Energy Resources Organization

International Brotherhood of Teamsters Local 2

International Brotherhood of Teamsters Local 190

Montana Audobon Society

Montana Farmers Union

Northern Plains Resource Council

Operating Engineers Local 400

NEW JERSEY

New Jersey Environmental Federation

Chemical Workers Association

Burlington Central Labor Council

Mercer Central Labor Council

South Jersey Work On Waste

Coalition of Union Retirees Organization

New Jersey Citizen Action

NEW YORK

Albany Public School Teachers Association

Albany Typographical Union

ACCESS/Attorney—Peter Hill, Oneonta

Amalgamated Clothing and Textile Workers Union, Glove Cities Area District, NY-NJ Regional Joint Board

American Lung Association of New York State

Americans Removing Injustice, Suppression and Exploitation (ARISE)

Animal Rights Action

Babylon Environmental Education Seminar

Capital District Labor and Religion Coalition

Central New York Labor Agency

Citizen Action of New York

Citizens Against Radioactive Dumping

Citizens' Environmental Coalition

Citizens of Wyoming County

Coalition on West Valley Nuclear Wastes

Communication Workers of America Local 14164/Tri County Labor Council—Elsa McDonald, Business Agent

Communication Workers of America Local 1118

Communication Workers of America Local 1127

Cornerstone Project for Sustainable Agriculture

Don't Waste Connecticut

Don't Waste New York

Earth Island Institute

Environmental Research Foundation

Farmworker Legal Services of New York

Five Towns Forum

Fort Crailo Neighborhood Association

Great Neck SANE/ Peace Action

Greenworking

Huntington Peace Center

Industrial Workers of the World

Injured Workers of New York

International Association of Machinists and Aerospace Workers—William Sparro, Business Rep., Elmira

International Association of Machinists and Aerospace Workers District 58

International Brotherhood of Electrical Workers/Binghamton

Long Island Alliance for Peaceful Alternatives

Long Island Progressive Coalition

Marxist Forum of Great Neck

Nassau Democratic Socialists of America

New York Coalition for Alternatives to Pesticides

New York State Grange

New York State Greens

New York State Labor and Environment Network

New York State Sustainable Agriculture Working Group

Oil, Chemical and Atomic Workers International Union

Protect a Clean Environment (PACE)

Radioactive Waste Campaign

Rainbow Alliance for a Clean Environment

Research and Education Project of Long Island

Rural Opportunities, Inc., Safety and Health Unit

Scenic Hudson, Inc.

Security and Law Enforcement Employees Council 82, American Federation of State, County and Municipal Employees, AFL-CIO

Service Employees International Union Local 200D

Sierra Club Atlantic Chapter

South Shore Citizens for Survival

Syracuse Peace Council

Syracuse Real Food Coop—Larry Rutledge, President

Transport Workers Union Local 100

United Auto Workers Local 624

United Auto Workers Local 1686

United Electrical, Radio and Machine Workers of America

United Paperworkers International Union Region II

United Steelworkers of America

United We Stand America—Vincent Stark, Gilbertsville

United We Stand America—Vincent Stark, Gilbertsville

United We Stand America—James A. Zuch, Syracuse

Work and Environment Initiative

OKLAHOMA

Oklahoma Organic Association—Gordon Graham, President

Oklahoma Toxics Campaign—Earl Hatley, Director

Sierra Club—Mike Arnett, Regional Chair Oklahoma City

OREGON

Amalgamated Clothing and Textile Workers Union

Central America Task Force

Central Oregon Forest Issues Committee

Committee in Solidarity with the Central American People

Friends of British Columbia Forests

International Association of Machinists and Aerospace Workers

International Chemical Workers Union, Local 109

Labor-Environment Solidarity Network

Kalmiopsis Audubon Society

Native Forest Council

Northwest Coalition for Alternatives to Pesticides

Northwest Environmental Advocates

Northwest Farmers Union

Northwest Oregon Local Council

Oil, Chemical and Atomic Workers International Union

Oregon AFL-CIO

Oregon Grassroots

Oregon League of Conservation Voters

Oregon Natural Desert Association

Oregon Natural Resources Council

Oregon Peaceworks

Oregon Tilth

Oregon Wildlife Federation

Pacific Party

Portland Central American Solidarity Committee

Portland Jobs with Justice

Portland Peace Works

Portland Rainbow Coalition

Sierra Club, Oregon Chapter

United Consumers of Oregon

United Steelworkers of America District 38

Women's International League for Peace and Freedom

Woodworkers Division, International Association of Machinists

VERMONT

Food & Water, Inc.

International Brotherhood of Teamsters

Peace and Justice Coalition
Rural Vermont
Sierra Club
United Electrical, Radio, and Machine Workers of America
Vermont Jobs with Justice Coalition
Vermont Natural Organic Farmers Association
Vermont Public Interest Research Group
Vermont State Labor Council, AFL-CIO

WASHINGTON

Friends of the Earth
Northwest Office
Northwest Sierra Club
Washington Toxics Coalition
Washington State Rainbow Coalition
Washington Biotechnology Action Council

WISCONSIN

Allied Council of Senior Citizens of Wisconsin
Amalgamated Clothing and Textile Workers Union Wisconsin District
A.O. Smith Steelworkers DALU Local 19806
Citizens for Fairness to U.S. & Mexico Workers
HONOR, Inc.—Honor Our Neighbors Original Rights
International Ladies Garment Workers Union District 3
Jobs with Peace
League of Rural Voters
Milwaukee County Labor Council
United Electrical, Radio, and Machine Workers of America, Wisconsin
University of Wisconsin Greens
University of Wisconsin at Milwaukee Latino Student Association
University of Wisconsin at Milwaukee Student Association
United Paperworkers International Union Local 7232
Wisconsin Citizen Action
Wisconsin Family Farm Defense Fund
Wisconsin Farmers Union
Wisconsin Farmland Conservancy
Wisconsin Greens
Wisconsin Injured Workers Vocational Rehabilitation Center
Wisconsin Milk Marketing Cooperative
Wisconsin Public Interest Research Group (WISPIRG)
Wisconsin Sierra Club
Wisconsin United We stand America
Wisconsin for Peace

*Organization listed for identification purposes only.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that an article by Edward Luttwak in the Sunday Washington Post, "Will Success Spoil America?" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 27, 1994]

WILL SUCCESS SPOIL AMERICA?—WHY THE POLS DON'T GET OUR REAL CRISIS OF VALUES

(By Edward N. Luttwak)

Having tried George Bush, who showed himself blithely unaware of the very existence of the problem, and having tried Bill Clinton, who spoke as if he knew all about it but failed to act, the American electorate has now given a two-year opportunity to the congressional Republicans to show that they can understand the problem and also come up with valid remedies.

The problem in question is the unprecedented sense of personal economic insecurity that has rather suddenly become the central phenomenon of life in America, not only for the notoriously endangered species of corporate middle managers, prime targets of today's fashionable "downsizing" and "re-engineering," but for virtually all working Americans except tenured civil servants—whose security is duly resented.

Individual Americans who are neither economists nor statisticians do not focus on the economy's overall rate of growth, but rather on the security of their own jobs. Hence the vigorous recovery that provoked the Federal Reserve's anti-inflationary crusade cannot assuage personal fears. And the source of these fears is obvious: The once highly regulated and internationally dominant U.S. economic system has given way to a far more dynamic but also much more unstable turbo-charged capitalism open to the world's competition, in which no single firm, no particular industry and certainly no job or self-employment niche can be secure any longer. However tiny its effect, the General Agreement on Tariffs and Trade (GATT) Treaty now before this lame-duck Democratic Congress, can only add to those worries.

There is nothing new about the "creative destruction" of free competition. Only if outdated economic structures and obsolete working methods are first swept away, freeing up their human and material resources, can more efficient structures and methods arise in their place. What is new is only a matter of degree, a mere acceleration in the pace of structural change at any given rate of economic growth. But that, as it turns out, is quite enough to make all the difference.

The rise and decline of skills, firms and entire industries is now quite rapid even when there is zero growth, becoming that much faster when the economy does grow. In the process, the most enterprising or most fortunate individuals are offered more opportunities for rapid enrichment than ever before, and even tiny firms can aspire to fabulous growth. (Microsoft, born 1975, is the classic example). At the same time, however, the great majority of individuals has experienced not only unprecedented job upheavals, but also an absolute 20-year decline in personal earnings.

Republicans of the "family values" persuasion should have been the first to recognize that more disruptive change has been inflicted on working lives and entire industries than the connective tissue of many families and communities has been able to withstand. As it is, only a few paleo-conservatives of Pat Buchanan's persuasion have recognized the far-from-mysterious economy-society connection. Hence in the standard two-part Republican political speech, Part I still celebrates the virtues of dynamic economic growth, propelled by technological progress, deregulation and free trade, while Part II mourns the decline of the family and community "values" eroded precisely by the constant dislocations caused by our turbo-charged economy.

So far, the blatant contradiction at the very core of what has become mainstream Republican ideology ("family values" and dynamic economic growth) has gone mostly unremarked. And in any case it is not the Democratic Party as it now defines itself that can benefit from the Republican contradiction. Americans who work and earn but who fear for their economic future cannot benefit from what the Democrats have to offer: more taxes, more redistribution and more favors for any group that can claim victim status.

Both political parties promise more growth through the magic of an unfettered economy. But what most working Americans now seem to want is not the possibility of better jobs or higher incomes through growth, (because they have seen that it need not increase their earnings) but rather security for the jobs and income they already have.

A vast segment of the political spectrum is thus left vacant by the mainstream Republican contradiction on the one hand, and by mainstream Democratic "assistentialism" on the other. That was the space briefly occupied during the 1992 election year by the caprices of Ross Perot, who burdened his core message of personal economic security with strange preoccupations. And that is the space that the Republicans will leave vacant for another third-party candidate if they do not address the problem of personal economic security by 1996.

Perhaps the most obvious cause of accelerated structure change is the retreat of government regulatory controls. (Actually the totality of regulations continue to increase, but commercial as opposed to health, environmental and anti-discriminatory regulation has certainly diminished, and continues to do so.) With that, competition and efficiency both increase and once secure enterprises must face the full perils of the market.

The airline industry is the exemplary case. When still highly regulated, the moderately inefficient airlines were consistently profitable, commonly offering lifetime jobs for all their employees. While their profits were not spectacular, they earned enough to pay both rank-and-file and management employees rather well, and to serve as a stable and rich customer base for the aircraft industry.

Today's deregulated industry by contrast, consists largely of airlines perpetually within sight of bankruptcy, which they try to avert by extreme cost-cutting (service standards have notoriously collapsed) and desperate marketing maneuvers. Almost all have imposed serious wage reductions, layoffs or both. By contrast, almost all now pay much, much more to their top managers. And all surviving airlines offer such low domestic fares that, unlike the days of regulation, even Americans with ample free time and/or low income now habitually travel by air.

Airline deregulation has also destabilized the aircraft industry. Domestic airlines fly more aircraft than before, but tend to keep them until they are worn out. Lockheed has stopped manufacturing airliners altogether; McDonnell Douglas is too weak financially to develop any new airlines on its own (and seeks Asian risk-sharing partners at the price of sharing its key technologies); and Boeing's future is secure only because of sales to foreign airlines—most of which are still highly regulated.

Overall, airline regulation served the interests of Americans-as-producers, at the expense of Americans-as-consumers. Now it is the other way around. From a strictly economic point of view, the greater efficiency brought about by cut-throat competition may justify all. But from a social point of view there is no such compensation.

With its stable, well-paid jobs the regulated airline industry of the past obviously contributed to family and social stability. By contrast, today's chaotically unstable airlines are very disruptive for families and communities, as they rapidly expand or drastically shrink over a matter of months or even weeks, as they shift hubs and maintenance bases, each time hiring and firing employees in their constant maneuvering for market survival. It would be a nice bit of sociological research to calculate the number of divorces and problem children caused by deregulation-induced economic stresses on the families of airline employees.

Partly because there are no such statistics, we are accustomed to simply ignore the non-economic consequences of de-regulation, not just in the airline industry but in all industries. Yet it is intuitively obvious that social losses must outweigh economic gains in many cases.

Another obvious cause of accelerated structural change in the U.S. economy is the rather sudden computerization of office work. After being long delayed, the increased efficiencies that electronic computation, data storage, reproduction and internal communication machines were supposed to achieve bit by bit, finally arrived in bulk during the 1980s. Partly because even senior managers can now work these machines; partly because junior managers are increasingly compelled to use those machines in place of clerical help; and partly because "local-area networks" allow managers at the next level up literally to oversee the work that their subordinates are doing or not doing—for all these reasons the computerization of office-work has suddenly become a near-universal reality. With that, white-collar workers too are now exposed to the mass firings and diminishing employment prospects that have long been the lot of blue-collar workers in mature industries.

Management consultants prattle about "re-engineering the corporation," but the very real economies that Wall Street anticipates by bidding up the shares, thereby enriching top executives with stock options, come not from the background music of management-consulting jargon but rather from the firing of telephone-answering secretaries replaced by voice-mail systems,of letter-writing secretaries replaced by word-processing and fax-boards, and of filing secretaries replaced by electronic memories, with the resulting elimination of their clerical supervisors, and the middle managers who used to supervise those supervisors.

That is why businesses whose revenues and profits are increasing nicely in the present recovery are nevertheless not adding white-collar or middle management positions; why businesses whose revenues and profits are stable are eliminating quite a few of those positions; and why businesses in decline are drastically reducing both white collar and management positions.

To be sure, technological progress also allows many new jobs to emerge, often very good ones. Unfortunately, as the continuing decline in the average hourly earnings of all employed Americans proves beyond a doubt, the loss of a great many so-so white collar jobs continues to outweigh increases in exciting new-technology jobs. A recent highly optimistic column by Robert J. Samuelson inadvertently showed why the totality of new jobs is not a satisfactory replacement for the old white collar jobs that have been lost.

The Samuelson list included such classic new-tech companies as Intel, Microsoft, Apple Computer and Genentech. Simple arithmetic, though, showed that all the companies in the list employed a grand total of 62,500 people—only 500 more than Home Depot alone, a retail chain that offers mostly low-paid and part-time jobs.

That indeed is the true destination of most fired white-collar workers; lower-status jobs in retail sales or other cheap services, with diminished earnings, smaller fringe benefits, and scant if any job security. (Since the table was published there have been mass firings at Apple). It is interesting to note that the table also included Nike, which manufactures mostly outside the United States, and Southwest Airlines, a non-union company that pays the lowest wages in the industry, forcing competing airlines to do the same in each regional market it moves into.

Once again, as with deregulation, structural changes induced by the arrival of new technologies are undoubtedly increasing the total efficiency of the U.S. economy. The trouble is that they are enriching only the architects of change and those who can invest in their ventures, while impoverishing a net majority of all working Americans.

The most blatantly obvious (if not most important) cause of structural change is the so-called "globalization" of the U.S. economy. Negotiated trade agreements, including the new GATT Treaty have been only one factor in increasing the exposure of the economy to the competitive pressures and opportunities of the global marketplace. Other factors include cheap and instant telecommunications that ease the formation of new commercial relationships; the diminishing incidence of transport costs and the hammering down of once diverse consumer preferences into uniformity by trans-national mass media imagery and advertising.

Globalization means that U.S. sales of goods or services can expand far beyond the limits of the domestic market—and of course that the U.S. production of many kinds of goods and services, and the related employment, can be displaced at any time by cheaper production from someplace else in the world. True, globalization as such does not determine U.S. wage levels. Even the U.S. worker who happens to be competing head-on with an Indian counterpart is paid according to the supply and demand for his skills in the U.S. labor market, and not the Indian market. But life for the vast number of Americans who now participate in the global economy, wittingly or unwittingly, is full of exciting surprises and catastrophic downfalls.

Viewed in the very narrow national-accounting perspective of all our globalization debates, whether NAFTA last year or the GATT Treaty now, any increase in the combined income of all Americans—no matter how unevenly distributed—fully justifies going ahead to globalize some more. On that there seems to be a perfect consensus between mainstream Democrats and mainstream Republicans. Both take it for granted that globalization has increased and can continue to increase the country's total GNP (true), that it must therefore increase the income of all Americans or at least most of them (false), and that because protectionism is always bad for U.S. consumers (true), it must always be bad for the country (false).

What is missing is anything resembling a social perspective. In fact it is simply taken for granted that economic efficiency must never be compromised in the slightest to suit the needs of society. That would make perfect sense if the United States were a very poor country with a perfectly peaceful and tranquil society. As it is, the United States has much more wealth than social tranquility and would benefit much more from economic stability than from further economic growth, inevitably achieved by disruptive structural changes of one kind or another.

If one does take into account the psychological and practical need of families and communities for a reasonable degree of stability, very different criteria apply to globalization as well as to deregulation.

Those are the very criteria that have shaped Japan's protracted resistance to the globalization of its own economy, as well as to deregulation. U.S. trade negotiators are forever arguing the merits of free markets, but the overall purpose of Japan's many overt and covert trade barriers and domestic regulations is precisely to protect Japanese society from the disruptive effects of any competition, foreign or domestic. Small shopkeepers are protected by a Large-Scale Retail Law that greatly restricts the spread of chain stores, supermarkets and department stores. Craftsmen threatened by cheaper imports are protected by unwritten customs house conspiracies as well as overt barriers. And many industries, including low-tech paper and plywood, have their own informal protective arrangements, while high-tech industries are officially assisted as well as protected. As a result, Japanese-as-consumers must pay very high prices, but Japanese-as-producers enjoy all the benefits of personal economic security.

American visitors immediately notice the tranquility of Japanese crowds, and the conspicuous absence of the free-floating anger that has become a sinister feature of American life, and a deadly one at time. They must attribute all this calm to the homogeneity of Japan's population, or its ancestral discipline. But they would be wrong: Before its all powerful bureaucracy stabilized Japan's economy with its regulations and protectionism, the country witnessed a great many very violent strikes, any number of political assassinations and frequent mass demonstrations that often degenerated into outright street fighting.

To be sure, the Japanese system sacrifices economic efficiency at every turn, and the consumer pays the price every time. It is a fact that the actual Japanese standard of living is on average much lower than the American, even though average Japanese money incomes are now substantially higher.

But that is a very incomplete truth, for it only includes purely material factors, overlooking society-wide considerations that count for much more—even in purely monetary terms.

When I drive into a gas station in Japan, three or four clearly underemployed young men leap into action to wash and wipe the headlights and windows as well as the windscreen, check tire pressures and all the different oils, in addition to dispensing the fuel. For that excellent service, I have to pay a very high price for the gasoline. The Japanese bureaucracy, determined to protect those low-end jobs for youths who lack the talent for better employment, as well as small gas stations in rural areas, flatly prohibits self-service gas pumps, and in any case forces all gas stations to compete by offering lavish service because fuel prices are fixed by the government and price-cutting is banned.

Back in America, I fill my own tank much more cheaply from a self-service pump, but there also three or four young men are waiting—sometimes in person but certainly by implication. But because they are not employed by the gas station, or by anybody else, I do not have to pay their wages through government-imposed high prices for my gas. That is where U.S.-style economic analysis stops: Japanese consumers are being exploited, while the free market provides American consumers with cheap gas.

But in reality, I still have to pay for those young men who are not employed by the gas station. My car insurance rates are higher because of their vandalism and thefts, my taxes must be higher to pay for police, court and prison costs and even a little by way of welfare benefits. If I am very unlucky, I may have to pay in blood. In a recent article on a Washington youth who killed a Korean immigrant at the age of 17, while absent from a psychiatric clinic where he had been sent for killing a taxi driver at the age of 15, it was parenthetically noted that more than $100,000 had been spent on his psychiatric treatment; his 30-year prison term will cost another $750,000 or so.

Not counting two deaths and his trial costs, the cost of not employing that one youth would pay for at least 37,777 gallons of gasoline—even at very high Japanese prices. American free-market gasoline is thus very expensively cheap, as compared to Japan's employment-generating, cheaply expensive gasoline.

There is no assurance of course that those young men whom I see loitering would actually take gas station jobs if any were available for them. But what is certain is that in Japan the government acts to ensure that there are job openings for youths incapable of more demanding employment, while in the United States, nothing must stand in the way of free-market efficiency, very narrowly defined to exclude any and all social consequences.

As it happens, in Japan even the bureaucracy is now beginning to discuss deregulation. But the currently victorious Republicans might still benefit from glancing over at the Japanese model. As of now, we have not only unemployed youths but also a great many small-town shop-keepers facing the relentless spread of Wal-Mart and its ilk; textile workers imminently threatened by imports and employees everywhere caged with corporate tigers out to fire them if they possibly can.

If the Republicans too only offer more economic growth and yet more social disruption, by 1996 the electorate will be ready to try out whatever third party comes along—or lacking that it may even vote for the Democrats if only to show its displeasure once again.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that a letter from Public Citizen to Ambassador Kantor be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

August 3, 1994.

Hon. MICHAEL KANTOR,
600 17th Street N.W.,
Washington, DC.

DEAR AMBASSADOR KANTOR: Critics and supporters of the Uruguay Round GATT agreements agree that they are far-reaching in their impact. The decision about whether the agreements should be approved in their present form and whether the United States should enter the World Trade Organization (WTO) should be made carefully and cautiously, after full and informed debate and discussion among the American people.

As the negotiator and prime supporter of the trade pact, you wish to emphasize what you believe to be the positive features of the agreements and the WTO. As a government official, however, you have an obligation also to honestly and reasonably report on—and at least acknowledge—ambiguities or drawbacks contained in the agreements you are advocating.

As the debate over the WTO and the new GATT has proceeded, you and your deputies have increasingly slighted this public official duty. Your response to detailed criticisms or carefully expressed concerns has been to dismiss the critics as ill-informed or to answer them with misleading statements, distortions and deceptions.

The purpose of this letter is to rebut, for the public record, a number of your long list of erroneous statements, and to urge you to reconsider your approach to the WTO-GATT debate and to give the American people a decent interval of time to digest the WTO-GATT proposal.

Erroneous Statement Number 1: The World Trade Organization is not much different than the existing GATT, thus fears about sovereignty are misplaced.[1]

Correction: The existing GATT is an international business contract between nations (like NAFTA) who are called contracting parties. Congressional approval of the Uruguay Round would make the United States a member of a permanent new global trade agency, the World Trade Organization (WTO). The WTO would: maintain an international "legal personality" akin to the United Nations;[2] possess on-going rule making capacity;[3] and operate a binding dispute resolution system whose decisions would be enforced with trade sanctions and fines.[4]

The creation of a new standing organization has great significance. As a contractual arrangement rather than an independent actor, GATT has owed its political legitimacy to the consent of the GATT contracting parties. GATT has been cautious in taking actions without express authorization, and, because signatories to GATT did not cede any power to a standing organization, has operated almost exclusively by consensus.

A vote for the Uruguay Round would dramatically alter both the political and legal status of the GATT/WTO. Reflecting the WTO's legal status and enhanced political authority, important decisions under the WTO regime would be made by one-country, one-vote voting.[5]

Unlike GATT, the World Trade Organization includes an affirmative international obligation to "ensure the conformity of [a country's] laws, regulations and administrative procedures" with the WTO rules.[6] In its April 1994 report on U.S. laws that allegedly violate the WTO mandate, the European Union lays out the U.S. obligation clearly: "The comprehensive multilateral dispute settlement mechanism which has been agreed upon in the framework of the World Trade Organization will . . . oblige [countries] to bring their domestic legislation into conformity with all of the Uruguay Round agreements.[7]

Erroneous Statement Number 2: The WTO will operate by consensus; "[in] fact, Article IX of the WTO Agreement codifies what was merely a custom in the GATT. It makes consensus the governing principle for WTO for decision-making."[8]

Correction: The Administration has regularly cited only a portion of the relevant WTO agreement provision on decision-making. Administration officials refer to the first sentence of Article IX–1 of the Agreement Establishing the WTO. "The WTO shall continue the practice of decision-making by consensus followed under the GATT, . . ." But Administration officials consistently fail, in Congressional testimony and otherwise, to cite the next sentence, which reads, "Except as otherwise provided, where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting—each member of the WTO shall have one vote."[9]

Important decisions that would be made by majority and supermajority voting, instead of consensus, include: decisions to amend the WTO rules;[10] interpretations of the WTO rules;[11] decisions to allow additional countries to become WTO Members;[12] and decisions to start new negotiations and implement the results of such negotiations.[13] Decisions to adopt the ruling of WTO dispute resolution panels would be taken by reverse consensus, requiring all countries to agree not to adopt a panel ruling.[14]

Indeed, rather than consensus decision-making being the rule under the proposed WTO, it is the specifically cited exception, and is only specifically cited in the WTO Agreement in the context of amendments to five specific WTO or GATT articles.[15]

Erroneous Statement Number 3: Under the WTO, no substantive change in the rights and obligations of the United States can occur under any of its provisions unless the United States agrees to it.[16]

Correction: USTR's claim that no decisions affecting U.S. "rights and obligations" under the WTO can be taken without its agreement is clearly undermined by the provisions on initiating and implementing new negotiations by a majority vote of the Ministerial Conference.[17] However, even under Article X of the Agreement Establishing the WTO, which provides special procedures for amending provisions that would alter a WTO Member's rights and obligations, the decision about whether a proposed amendment does alter such rights and obligations is taken by a three-fourths vote.[18] If a three-fourths majority agrees that such rights and obligations are not affected, then amendments can be voted by a two-thirds majority with the results binding on all Members.[19] Even if three-fourths of the WTO Members decide that a proposed amendment does alter rights and obligations and the amendment is adopted by a two-thirds vote and only applies to the members voting for it, a three-fourths vote of the WTO Members can decide whether the Members who do not accept the amendment shall still be allowed to remain Members.[20]

Erroneous Statement Number 4: The existing GATT provides for majority voting, thus the Uruguay Round is "much more protective of U.S. sovereignty" by moving decision-making from majority to supermajority voting.[21]

Correction: Because the International Trade Organization (ITO) proposed in 1947 was not approved by the U.S. Senate, GATT has never had the political legitimacy to activate its voting rules. GATT virtually never operated by any voting. The last GATT vote was in 1959. In fact, as USTR regularly emphasizes in other contexts, GATT decisions are made by consensus. Thus, the real change with the establishment of the WTO is the switch from consensus decisionmaking to one-nation, one-vote voting.

This change effectively eliminates the veto the United States has enjoyed as a sovereignty safeguard under the existing GATT. Under the WTO, the United States would not maintain the effective veto now provided by consensus decision-making in dispute resolution and other decisions under the current GATT.

In the context of dispute resolution, the United States would specifically lose a veto which it has had available under the existing GATT and used to stop the 1991 tuna-dolphin

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Footnotes at end of letter.

ruling. The WTO's proposed dispute settlement process would be unique among international organizations in requiring consensus to stop action rather than consensus to commit a sovereign nation to international action. The rulings of the WTO's dispute resolution tribunals would be automatically adopted 60 days after publication, unless every WTO Member, including the victorious plaintiff nation, opposes adoption.[22] (An internal appeal is provided with a similar negative veto which would be required to stop adoption for its ruling.[23]) Similarly, if the United Stats refused or failed to repeal or revise a law held to be an illegal trade barrier, after a set number of days, the WTO would automatically authorize trade sanctions unless every WTO Member including the complaining nation opposed sanctions.[24]

In non-dispute resolution contexts, there is no veto because there is no consensus decision-making either, except for five WTO or GATT articles specifically listed under Article X-2 of the Agreement Establishing the WTO for which consensus is required to approve an amendment.

In sum, not only does the United States lose the veto it now has under the current requirement of consensus to adopt a panel ruling and consensus to authorize sanctions, it would now (after an unfavorable WTO tribunal ruling) have to build a unanimous consensus just to stop WTO action against it.

Erroneous Statement Number 5: Congress maintains full control over the passage, maintenance and repeal of U.S. laws under the World Trade Organization's regime.[25] "A WTO dispute settlement panel recommendation has no effect on U.S. law."[26]

Correction: While it is true that only Congress can establish, alter or repeal a federal law, WTO tribunals would have the authority to determine the WTO-legality of U.S. laws and to exert enormous pressure on the United States to alter laws found "WTO-illegal." The WTO could force Congress into making a cruel choice: either alter or repeal a law determined to be WTO-illegal or face perpetual trade sanctions against any U.S. industry the winning country chooses.[27] Moreover, the threat of such challenges and the ensuring no-win dilemma would have a chilling effect on Congress, deterring the legislature from passing laws that are claimed by opponents in the United States and in other WTO nations to be WTO-illegal; and the threats would also have a chilling effect on proposals by both agencies and citizen groups.

Erroneous Statement Number 6: Countries won't follow through in using WTO-authorized sanctions against the United States because the United States is the largest trading nation in the world and other countries would be reluctant to run the risk of closing themselves off from U.S. markets.[28]

Correction: Logically, the administration cannot have it both ways. The WTO cannot be a big stick to open markets when wielded by the United States, yet a limp reed when held by others over the United States. Either no WTO Members—including the United States—will use the powerful new dispute resolution mechanism, or the United States and other countries will use it.

The WTO—with its automatic imposition of perpetual fines or perpetual cross-sector retaliatory sanctions in cases where a domestic law that if found to be WTO-illegal is not altered or eliminated—would give foreign countries enormous leverage over the United States. Moreover, unlike NAFTA, the WTO member countries would include two major trading powers: Japan and the European Union. Both have threatened trade measures against the United States when displeased by U.S. trade behavior before, as has Canada. Under the WTO, these countries would be authorized to take such actions against the United States with full approval and support of a global agency and its Members.

Finally, it is peculiarly reprehensible to state, as the Administration prepares to enter the United States into a powerful new international organization with a vast array of attendant obligations, that the United States does not intend to respect its international commitments.

Erroneous Statement Number 7: WTO dispute settlement panels do not have the power to make "decisions" or impose solutions. Panels will issue reports containing their views on the dispute and a recommendation to the dispute parties.[29]

Correction: The actual language of the Dispute Settlement Understanding paints quite a different picture. It reads, "Within sixty days of issuance of a panel report to the Members, the report shall be adopted at a DSB (Dispute Settlement Body) meeting unless one of the parties to the dispute formally notifies the DSB of its decision to appeal or the DSB decides by consensus not to adopt the report."[30] Appeals are limited to a review of the application of GATT rules to the facts and must be completed in 60 days.[31] "An appellate report shall be adopted by the DSB and unconditionally accepted by the parties to the dispute unless the DSB decides by consensus not to adopt the appellate report within thirty days following its issuance to the Members."[32] "Where a Panel or Appellate Body concludes that a measure is inconsistent with a covered agreement, it shall recommend that the Member concerned bring the measure into conformity with that Agreement".[33] "Compensation and the suspension of concessions or other obligations are temporary measures available in the event that the recommendations and rulings are not implemented within a reasonable period of time."[34]

In summary, once a three-person tribunal rules and its decision is approved by the internal WTO appellate body (if an appeals is even taken), the decision is final, unless all members of the WTO arrive at a consensus to reject the tribunal decision. Then a country must change its law or face sanctions.

Erroneous Statement Number 8: The United States can maintain any food safety or environmental standard as long as it based on science.[37]

Correction: "Based on science" is only one of a series of tests in the Uruguay Round food standards that U.S. food laws must pass to avoid being labelled an unfair trade barrier that must be eliminated.[38] In fact, even supporters of the Uruguay Round have admitted to the National Journal that many U.S. laws would not meet some of the proposed WTO requirements.[39]

The most worrisoms tests are those specifying the means a country may use to obtain even a WTO-legal objective. Two such "means" tests are the "least trade restrictive" means test and a rule prohibiting countries from distinguishing products on the basis of how they were produced. (For instance, protecting dolphins by distinguishing between fishing techniques that are dolphin safe and those that kill large numbers of dolphins.)

Under the least trade restrictive rule, a U.S. law would fail to pass WTO muster—no matter how acceptable the law's goal might be in WTO terms—if the means used to accomplish that goal is not the least trade restrictive.[40] Congress would have to repeal or alter any law found to have failed this test by a WTO tribunal, or the United States would face perpetual fines or trade sanctions. Indeed, in our February 1993 meeting, you acknowledged your own concern about the "least trade restrictive" test, which you said you were able to limit somewhat in NAFTA.

As for the prohibition on distinction based on "process standards," in early 1993, you expressed dismay to a large gathering of environmental and consumer representatives about the application of this rule to the U.S. Marine Mammal Protection Act in the successful 1991 Mexican challenge of that U.S. law. As applied in the GATT tuna-dolphin cases, this rule required the United States to treat tuna caught with methods that result in high dolphin-kill rates and that caught with dolphin-safe methods the same. Applied in another context, it could require the United States to treat goods made with ozone-depleting processes and those made with other methods in the same fashion if the goods were physically the same.

The least trade restrictive means test and process-distinction tests have been the basis of the two recent GATT challenges to U.S. environmental laws, and that was before those rules were specifically enumerated in the test, as they are in the Uruguay Round proposal. In the tuna-dolphin challenge, the United States lost the case because it distinguished on the basis of process—not because of any purported failure to base the law on science. In the European Union challenge to the U.S. CAFE and gas guzzler fuel efficiency standards (a challenge which the United States has been widely predicted to lose), the challenging parties agreed that the U.S. goal of fuel efficiency is allowable and do not question the scientific justification of the goal or the scientific efficacy of the United States means to achieve it; the dispute is over the political issue of how the goal should be achieved, including whether it is through minimum automobile miles-per-gallon standards or a carbon tax.

Finally, as an aside, it important to note that the "based on science" test itself is neither as simple or objective as you imply. Application of the test will be made by the secret WTO tribunals, whose members are trade experts, not scientists or even lawyers or officials with a background in consumer, environmental or related matters. This method itself, especially the secrecy, is quite an unscientific way to proceed.

Erroneous Statement Number 9: The Uruguay Round rules do not require downward harmonization.[41]

Correction: While harmonization is required in both the food and technical standards chapters,[42] it is not specifically labelled as upwards or downwards harmonization. However, the rules that make up those chapters will result in downward harmonization of strong U.S. standards.

First, under the WTO's two standards chapters, a domestic law can be found to be a trade barrier because it is stronger than international standards, but not because it is too weak. Only laws that are stronger than named international standards will be subject to a battery of tests in order to establish that they are not illegal trade barriers that must be eliminated. Meanwhile, with the exception of prison labor,[43] no country's law can be attacked as WTO-illegal because it provides too weak protection to the environment or to consumer or worker safety and health.

Second, both the food and technical standards texts require countries to base their standards on specified international standards. Standards issued by several of the international standard-setting bodies are weaker than current U.S. domestic laws and regulations require. For technical standards—all non-food standards such as product safety or environmental rules "where technical regulations are required and relevant international standards exist or their completion is imminent. Members shall use them, or the relevant parts of them, as a basis for their technical regulations, except when such international standards * * * would be an ineffective or inappropriate means for the fulfillment of the legitimate objectives pursued, for instance because of fundamental climatic or geographical factors or fundamental technological problems." [44] In the food area, domestic standards also must be "based on" the named international food standards of the Codex Alimentarius Commission.[45] According to the General Accounting Office (GAO), the United States established more health protective pesticide standards in 66 percent of the cases where the comparison could be made.[46]

Erroneous Statement Number 10: It is unlikely that there will be many challenges brought under the Uruguay Round agreements against U.S. Laws.[47]

Correction: Although the United States has often been a plaintiff in past GATT challenges, that will change under the WTO. The Uruguay Round would expand trade disciplines beyond the traditional trade matters in which the United States is situated to be a plaintiff and into non-tariff issues—namely the many standards setting environmental, health, labor and other requirements for products sold in the United States. In these areas, the United States is likely to be a defendant because of its more advanced health and safety protections. Moreover, the change to binding GATT dispute resolution (that would require a country to change laws found to be GATT-illegal, or accept sanctions or pay fines) from a system with largely advisory dispute resolution (a panel suggested a course of action that a country had to agree to) will in itself stimulate more cases. The long lists published in 1994 by the European Union, Canada, and Japan of laws they and their motivated domestic corporate interests consider to violate the new rules illustrate the magnitude of the risk to domestic U.S. federal and state laws and standards.

Erroneous Statement Number 11: It is very unlikely that there will be many challenges brought under the Uruguay Round agreements against state laws.[48]

Correction: In addition to the general incentives the Uruguay Round presents to foreign countries to challenge many U.S. laws, the proposed new substantive trade rules—such as those requiring consistency of level of risk—provide many new tools for challenges of state laws merely because they are different than federal laws.[49] While the European Union, Canada and Japan have published lists of laws they consider to violate GATT in previous years, this year's reports, which are based on the proposed new Uruguay Round rules, contain extensive new lists of state environmental, health, tax and other laws.

The European Union's "Report on United States Barriers to Trade and Investment, 1994" goes so far as to attack the U.S. federalist system, and the diversity of rules and standards it encourages, as a trade barrier in itself. "There are more than 2,700 State and municipal authorities in the United States which require particular safety certifications for products sold or installed within their jurisdiction," the EU report complains. And it alleges, "Even if, in general, not intentionally discriminatory, the complexity of U.S. regulatory systems in this domain [technical regulations regarding consumer, health, safety and environmental protection] can represent a very important structural impediment to market access" (emphasis in original).[50]

Erroneous Statement Number 12: GATT rules will fully protect the right of any state to impose stringent health or environmental standards, including those more protective than federal standards.[51]

Correction: GATT's two standards chapters both directly threaten strong state environmental and consumer laws. For instance, the Technical Barriers chapter requires domestic standards to be based on international standards that are complete or near completion unless there are fundamental climatic, geographic or technological reasons not to use them.[52] That a state believes such international standards do not provide sufficient health or environmental protection is not a WTO-legitimate justification for departing from the international standard, much less a federal standard. The food standards contained in the Sanitary and Phytosanitary chapter specifically require domestic laws to avoid distinctions in the level of protection provided. "With the objective of achieving consistency in the application of the concept of appropriate level of sanitary and phytosanitary protection . . . each member shall avoid arbitrary or unjustifiable distinctions in the levels it considers to be appropriate in different situations . . ." [53] Although these rules also apply to federal law, as noted by the Attorneys General, state laws are especially at risk because of the very difference between federal and state standards that is the cornerstone of federalism. The WTO does not provide a federalism exception for such differences, nor does it limit the definitions of "arbitrary" or "unjustifiable" to allow differences between federal and state decision-makers facing the same data and risks in making different political decisions about how much risk to accept.

In our nation's history, the very absence of an international uniformity straitjacket (and the allowance for state diversity, within the limits of not arbitrarily burdening interstate commerce) has freed our country to lead the world rather than follow a lower common denominator.

Erroneous Statement Number 13: The unilateral trade measures of Section 301 remain usable under GATT.[54]

Correction: As virtually all commentators outside of the U.S. Trade Representative's office agree, the unilateral action provisions of Section 301 and its hybrids will not survive the WTO's Dispute Resolution Article 23. The Congressional Research Service's American Legal Division issued an opinion memo to Representative Cardiss Collins about Section 301 being effectively gutted by Article 23's ban on "unilateralism." Representative Richard Gephardt's office, having admitted that Section 301 would be unenforceable under the new rules for most uses, has tried unsuccessfully to find alternatives to trade sanctions to enforce some sort of unilateral trade measure. With regard to Section 301 and other U.S. unilateral measures, the government of Japan has written, "The United States' attitude of pursuing market opening in bilateral negotiations backed by the threat of sanctions is not compatible with the multilateral trade system of the GATT/WTO." [55] The European Union has also objected to the U.S. use of Section 301, as well as other unilateral trade measures, including those contained in environmental laws.[56]

With the debate over the WTO and the new GATT clouded by these and other erroneous USTR statements, it is difficult for citizens, the media or Representatives and Senators to make a reasoned assessment of the WTO-GATT proposals.

It is not too late to provide Congress and the American people with a full assessment of the impact on our democracy and standards of domestic justice posed by the WTO and the new GATT. Deferring the Congressional consideration of the WTO and the new GATT until next year would give the American democratic process a chance to work properly.

Sincerely,

Ralph Nader, Lori Wallach.

FOOTNOTES

[1] Written testimony of USTR Mickey Kantor before the Senate Commerce Committee, June 16, 1994; written testimony of Deputy USTR Rufus Yerxa before the Senate Foreign Relations Committee, June 14, 1994.

[2] Agreement Establishing the WTO, Article VIII–1 (to which treaty practice under the Vienna Convention would apply, according to Note to the Final Act Embodying the Results of the Uruguay Round of the Multilateral Trade Negotiations).

[3] *Id*, Article III–2; Agreement on Sanitary and Phytosanitary Measures, Articles 38–39 (establishing a Committee on Sanitary and Phytosanitary Measures, etc.).

[4] Dispute Settlement Understanding, Article 22.

[5] Agreement Establishing the WTO, Article IX–1 (describing voting procedures for amendments); Article III–2 (providing for anew negotiations upon simple majority voting of the "Ministerial Conference" of all WTO Members).

[6] *Id*. Article XVI–4.

[7] Services of the European Commission, *Report on United States Barriers to Trade and Investment, p. 7.*

[8] USTR Fact Sheet, *U.S. Sovereignty Under the World Trade Agreement; Debunking the Myths*, 1994; See also oral testimony of Deputy USTR Rufus Yerxa before the Senate Foreign Relations Committee, June 14, 1994, as transcribed by Federal News Service.

[9] Agreement Establishing the WTO, Article IX–1.

[10] *Id*. Article X (providing for assorted two-thirds and three-fourths supermajority voting rules).

[11] Id. Article IX–2 (providing for interpretations on three-fourths vote).

[12] *Id*. Article XII (providing for two-thirds votes on accessions).

[13] *Id* Article III–2 (providing for simple majority voting of the Ministerial Conference).

[14] Dispute Settlement Understanding, ¶ 16.4 (for panel rulings) and ¶ 17.14 (for appellate reports).

[15] *Agreement Establishing the WTO*, Article X–2.

[16] Oral testimony of Deputy USTR Rufus Yerxa before the Senate Foreign Relations Committee, June 14, 1994, as transcribed by Federal News Service; Oral testimony of USTR Mickey Kantor before the Senate Commerce Committee, June 16, 1994, June 14, 1994, as transcribed by the Federal News Service; USTR Fact Sheet, *U.S. Sovereignty Under the World Trade Agreement; Debunking the Myths*, 1994 ("The WTO Amendment provisions in Article X state that any substantive amendment takes effect for a member only if the country consent to it.").

[17] Agreement Establishing the WTO, Article III–2.

[18] *Id*. Article X–1.

[19] *Id*.Article X–4.

[20] *Id*. Article X–3.

[21] Oral Testimony of USTR Mickey Kantor before the Ways and Means Committee, June 10, 1994, as transcribed by the Federal News Service ("In many cases, decisions under the GATT could be made by a majority vote"). See also written testimony of USTR Mickey Kantor before the Senate Commerce Committee, June 16, 1994.

[22] Dispute Settlement Understanding, ¶ 16.4.

[23] *Id*. ¶ 17.

[24] *Id*. ¶ 22.6.

[25] This assertion has been made throughout testimony and other public statements. See e.g. written

testimony of USTR Mickey Kantor before the House Ways and Means Committee, June 10, 1994; and written testimony of Deputy USTR Rufus Yerxa before the Senate foreign relations, June 14, 1994.

[26] Memo to Congress, Nancy A. LeaMond, Assistant USTR for Congressional Affairs, July 19, 1994.

[27] Dispute Settlement Understanding, Article 22.

[28] Oral testimony of USTR Mickey Kantor before the House Ways and Means Committee, June 10, 1994, as transcribed by the Federal News Service, answering a question asked by Representative Newt Gingrich.

[29] USTR Fact Sheet, *U.S. sovereignty Under the World Trade Organization: Debunking the Myths*, 1994.

[30] Dispute Settlement Understanding, ¶16.4.

[31] *Id.* ¶17.6, ¶17.5.

[32] *Id.* ¶17.14.

[33] *Id.* ¶19.1.

[34] *Id.* ¶22.1.

[37] USTR Fact Sheet, *Questions and Answers for the State Attorneys General*, 1994.

[38] Agreement on Sanitary and Phytosanitary Measures.

[39] *National Journal*, July 16, 1994, p. 1686.

[40] Agreement on Technical Barriers to Trade, Article 2.2.

[41] Written testimony of USTR Mickey Kantor before the Senate Commerce Committee, June 16, 1994.

[42] Agreement on Sanitary and Phytosanitary Measures, Article 9–13; Agreement on Technical Barriers to Trade, Articles 2.4 and 2.6.

[43] GATT, Article XX-e.

[44] Agreement on Technical Barriers to Trade, Article 2.4.

[45] Agreement on Sanitary and Phytosanitary Standards, Article 9.

[46] General Accounting Office, *International Food Safety: Comparison of U.S. and Codex Pesticide Standards*, August, 1991, p.28.

[47] Oral testimony of USTR Mickey Kantor before the Senate Commerce Committee, June 16, 1994, as transcribed by Federal News Service.

[48] USTR Fact Sheet, *Questions and Answers for State Attorneys General*, July 1994.

[49] Agreement on Sanitary and Phytosanitary Measures, Article 20.

[50] Services of the European Commission, *Report on United States Barriers to Trade and Investment*, 1994, p.55.

[51] USTR Fact Sheet, *Questions and Answers for State Attorneys General*, July 1994.

[52] Agreement on Technical Barriers to Trade, Article 2.4.

[53] Agreement on Sanitary and Phytosanitary Measures, Article 20.

[54] Written testimony of USTR Mickey Kantor before the House Ways and Means Committee June 10, 1994; Written testimony of Rufus Yerxa before the Senate Foreign Relations Committee, June 14, 1994. See also, Memo to Congress, Nancy A. LeaMond, Assistant USTR for Congressional Affairs, July 19, 1994.

[55] Government of Japan, *1994 Report on Unfair Trade Policies by Major Trading Partners*, 1994, p.259.

[56] Services of the European Commission, *Report on the United States Barriers to Trade and Investment*, 1994, p.7 ("[T]he new World Trade Organization will restrain the Contracting Parties from further having to resort to unilateral determinations in trade disputes, "and will oblige them to bring their domestic legislation in conformity with all of the Uruguay Round Agreements." The report then labels United States efforts to renew Super 301 as "contrary to this.").

Mr. HOLLINGS. Mr. President, the comment was made—I cannot keep up with all the comments but right to the point—by my distinguished colleague from Pennsylvania about the reservations and the laws, and we continually hear that, specifically, we do not have a veto. We have the virtual veto now, but under the GATT agreement we lose that veto. And working against our interests we have from bitter experience in the United Nations time and again had to use that veto. Were it not for the veto, there would be no country of Israel. Everyone in this U.S. Congress understands the wonderful emanation here of a nation-state, Israel, in the Mideast never would have occurred had we not had that veto. And a world power like the United States has to act like a world power and use that veto because 90 percent of those in the 117 membership of GATT have voted against us as small countries and have voted against us over 50 percent, the majority of the times.

The best of allies, France and Mexico, have voted against us in the United Nations 79.9 percent of the time.

With respect to textiles, because we heard from the distinguished Senator from Rhode Island, let me just go right to the point. I ask unanimous consent that an article "Japan Moves to Protect Its Textiles" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Herald Tribune, Nov. 23, 1994]

JAPAN MOVES TO PROTECT ITS TEXTILES

TOKYO.—Japan, flooded with cheap textiles mainly from other Asian nations, is poised to write rules that would let it restrict imports if there were evidence of damage to its domestic industry, government officials said Tuesday.

Japan's textile industry has been seeking import curbs under the Multi-Fiber Arrangement, an international agreement that permits nations to restrict imports if they disrupt their domestic textile industries.

The guidelines, drawn up by the Ministry of International Trade and Industry, will take effect Dec. 5.

Cotton textile imports rose to a high of 804 million square meters (961 million square yards) in 1993, up 21.4 percent from a year earlier.

Ryutaro Hashimoto, the minister of international trade and industry, said the guidelines would help clarify how safeguards for textiles operate. "Talking only about import restrictions is misleading. The guidelines are denying comprehensive and semipermanent restrictions," he said.

Trade ministry officials have said that Japan was sending missions to Pakistan in November and December to investigate dumping charges and probably would come up with a final decision by February.

The Japan Spinners' Association and Japan Cotton and Stable Fiber Weavers' Association have asked for curbs on imports of poplin and broad textiles from China and Indonesia.

Under the guidelines, if the Trade and Industry Ministry felt action was necessary, it would start investigations within two months after a claim was made by the textile industry and conclude them within a year.

If Tokyo decided emergency trade restrictions were needed, a study group would examine each case before a final decision by the minister. Japan would then start talks with the country whose imports were deemed damaging to the domestic industry. If the two sides failed to reach an accord, the ministry would then use emergency trade restrictions.

Mr. HOLLINGS. That is dated here the 23d of this month, just last week. Here in Japan moving where we are moving here not to integrate the textile industry, as the expression was used, but to eliminate it.

Mr. President, I ask unanimous consent that "The Impact of Eliminating the Multi-Fiber Arrangement on the U.S. Economy" by the Wharton Economic Finance Group be printed in the RECORD at this particular point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE IMPACT OF ELIMINATING THE MULTI-FIBER ARRANGEMENT ON THE U.S. ECONOMY

ISOLATING THE TEXTILE AND APPAREL COMPONENTS OF GATT

In manufacturing, the expenditure-induced impacts on durable goods amount to $2.55 billion 1982 dollars or 0.1 percent of the average 1993–2002 baseline output forecast. The change is durable goods output reflects both reduced spending for automobiles, appliances, furniture, and so on, as well as lower investment demand for machinery and equipment to produce these goods as business respond to lower demand for their products. The expenditure-induced impacts on nondurables production is $2.72 billion 1982 dollars, or 0.2 percent of the baseline output forecast.

The impacts accrued in manufacturing have counterparts in other sectors of the economy. A reduction of $.014 billion 1982 dollars is observed in construction, reflecting reduced demand in both the residential and nonresidential sectors, while the impact on the regulated industries will be $0.75 billion.

Likewise, the continual declines in income generated by this process leads to lower wholesale and retail activity. Sales margins are reduced $1.44 billion 1982 dollars in the wholesale and retail trade sector. This represents 0.14 percent of the ten-year average baseline output from 1993–2002.

IMPACT ON MANHOURS

Because the level of employment and manhours in most industries is generally a function of their output, the impact on manhours closely mirrors output effects, unless other inputs have substantially higher costs per unit. These effects are summarized in Table 4B.

In the direct and indirect industries, on average 179 million manhours are lost in the manufacturing sectors due to the proposed new trade policy. The vast majority of these manhours, 172 million hours, are in the nondurables sector. The durable industries are impacted by 6.2 million hours on average.

In the nonmanufacturing sectors, 17 million manhours are lost on average in the regulated industries, or 0.12 percent of the average baseline manhours over the next ten years. In wholesale and retail trade 24 million manhours or 0.05 percent of the baseline average are lost. Finally, in the service sectors 17 million hours, or 0.04 percent, are lost an average due to increases in textile and apparel imports.

The expenditure-induced employment impacts likewise reflect the induced gross output impact. For example, within manufacturing, 68 million hours of work are lost on average due to the assumed trade policy changes. Of these, 32 million hours are lost in durable goods industries, and 68 million hours are lost in nondurable goods industries. Also 14 million manhours are lost on average in the regulated industries. 53 million hours in wholesale and retail trade, and 23 million hours in the narrowly-defined service sector between 1993 and 2002.

IMPACT ON EMPLOYMENT

As might be expected, the employment impact of the new proposed trade policy on the textile and apparel sectors is severe. Table

4.5 shows the direct and indirect impact on employment for all of the two digit SIC industries, and Table 4.6 summarizes the induced impact. The WEFA Group baseline (with MFA) forecasts a job loss of 392.000 in the textile and apparel industries during the 1993–2002 period, based on expected productivity increases as well as the domestic industries' competitive disadvantages.

Under the new proposed policy (GATT) the employment declines will be much more severe. The direct and indirect impact on the textile and apparel industries is estimates to be job loss of 647,000, and the induced effect is an additional 98,000, during 1993–2002.

Under the new proposed policy (GATT) the direct and indirect impact on total establishment employment is estimated at 970,000, including 210,000 jobs lost in the non-manufacturing sectors. The induced impact is estimated to be an additional 420,000 job loss in total, of which 150,000 is in the non-manufacturing sectors.

The WEFA Group employed the Industrial Analysis Service Model to trace and measure the impact of the proposed new trade policy for textile and apparel on industrial output and manhours for the period 1993–2002. This model uses a combination of input/output and statistical techniques to estimate the impact of the new trade assumptions on textile and apparel manufacturers and all related industries.

In input/output analysis, the production of a commodity like apparel starts a chain reaction of transactions through the economy. Demand for apparel prompts its manufacture, and this production in turn generates a need for inputs, such as fabrics, buttons, paper, advertising and trade services. These are referred to as direct industries. These suppliers to the apparel core sectors will in turn need inputs for their own production. For example, in order to meet demand coming from the apparel industry, textile manufacturers will require inputs of cotton, synthetic fibers, electricity, and so on. Likewise, the second-round suppliers to the apparel industry will require inputs for their production processes, with the cycle continuing. The sum of all these transactions are referred to as indirect supplier contributions. In addition, the income earned by employees in these industries, as production and sales transactions occur, will in turn be spent on goods and services, creating additional demand and production requirements throughout the economy. This is the familiar income multiplier concept, referred to as "expenditure-induced" impacts.

IMPACT ON PRODUCTION

Direct requirements by the textile and apparel manufacturers are those inputs purchased by these two industries for the final production of textile and apparel products. These industries demand materials (referred to as intermediate demand) and add value to produce their own products.

An examination of the direct and indirect impact of the proposed trade policy (Table 4A) shows that the linkages of the textile and apparel industries are diverse, with almost every U.S. industry affected to some degree. Due to the concentration of textile and apparel inputs in nondurable goods, the nondurable industries are impacted the most. On average over the next ten years the total impact on these industries amount to $10.64 billion 1982 dollars or 0.34 percent of baseline output. Sectors which are significantly affected are chemicals ($1.64 billion 1982 dollars or 0.8 percent of the baseline), paper ($0.52 billion 1982 dollars or 0.45 percent), and miscellaneous manufacturing ($0.08 billion 1982 dollars 0.25 percent). Agriculture and regulated industries show large impacts in percentage terms from baseline levels despite small dollar figures. The direct and indirect impact to the agriculture sector is $0.3 billion in real terms, or 0.18 percent of the actual on average between 1993–2002. Regulated industries, which consist of electric utilities, transportation services, and telecommunications services, are also affected by the assumed change in trade policy. Around $0.97 billion 1982 dollars or 0.11 percent of the baseline output result from the indirect feedbacks from the assumed changes in trade policy. Around $0.97 billion 1982 dollars or 0.11 percent of the baseline output result from the indirect feedbacks from the assumed changes in trade in the textile and apparel industries.

When the induced spending effects generated by the change in textile and apparel trade are considered, further impacts associated with the proposed new trade policy are implied for U.S. industries. Our methodology allows prices to respond to demand changes, and at the same time income is reduced due to employment loses. These two phenomena have offsetting influences on demand and supply.

Induced impacts reflect lower income for employees in the textile and apparel industries, which in turn cause reduced spending on a wide array of goods and services. New cars, furniture, clothing, food, vacations, housing, and other goods and services are all affected. As can be seen from Table 4A, the expenditure—induced impacts are quite apparent in virtually every industry.

Mr. HOLLINGS. Then, Mr. President, with respect to the industries that the Senator from California said we are going to pick up business in Europe. Not at all. I remember our former colleague and then later Vice President Mondale talking and trying to get domestic content. I tried to include domestic content in the telecommunications bill.

We got a rough letter from Ambassador Kantor that it was GATT illegal. So I read from the exact release in the Journal of Commerce on February 7, 1989, to the European Commission Monday announced tough local content rules covering import of integrated circuits that will force leading Japanese and U.S. chip suppliers to build expensive new plants in the communities to ensure free market access.

Mr. President, the electronics industry has already moved there, so has the IBM downsized as the nice expression for firing 60,000 last year. They have already moved to Europe, and everything else, to get the benefit of the European subsidies and the European protection. GATT does not change that entry provision in there, and go right to the New York Times here in July "U.S. Corporations Expanding Abroad at a Quicker Pace." I ask unanimous consent that this be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

[From the New York Times, July 25, 1994]

U.S. CORPORATIONS EXPANDING ABROAD AT A QUICKER PACE

(By Louis Uchitelle)

American companies are once again rapidly expanding their operations abroad—demonstrating that no matter what the incentives for keeping business in the United States, the urge to spread factories, offices, stores and jobs overseas is irresistible.

The surge in these investments and the jobs they create overseas comes just when exports should be climbing more rapidly than investment abroad. A weak dollar and falling labor costs have made American products increasingly competitive. Yet overseas investment is rising at twice the rate of exports. And for each dollar earned from exports, American companies take in nearly $2 from the sale of what they produce abroad.

"If you are going to be really important in the world market, you are going to grow by producing in many countries, and not by exporting, which has its limits," said Robert E. Lipsey, an expert on overseas investment at the National Bureau of Economic Research. "There are circumstances where this might not be the case, but by and large that is the story."

The issue, of course, is jobs, and who will hold them. American companies employ 5.4 million people abroad, 80 percent of them in manufacturing, and the hot issue in the late 1980's, during a similar surge in overseas investment, was this: Why can't the goods and services that these foreign workers produce be supplied from the United States? Why must companies migrate abroad, shedding some of their national identity and loyalty?

Now that debate is likely to revive, although perhaps with less intensity. American investment overseas remains concentrated in manufacturing, particularly in Europe, Canada and Japan, but manufacturing was an area of more rapid growth in the 1980's than it is today. This time companies like Wal-Mart and Morgan Stanley & Company are leaders—and that tones down the job issue.

Opening a factory in Europe or Mexico or East Asia often suggests that one in the United States may be closed. Wal-Mart's new retail investments in Canada, Brazil and Mexico, on the other hand, or Morgan Stanley's eight offices in East Asia do not suggest cutbacks at home.

"What we are sending abroad, apart from money, is our skill and experience as investment bankers, and you really have to be on site to do this sort of thing," said Stephen S. Roach, a senior economist at Morgan Stanley, in a telephone interview from Hong Kong, where he was helping his local colleagues advise the Chinese Government on the privatization of an airline.

Morgan Stanley employs 410 people in Hong Kong, and expects to increase that to 500 by year's end, Mr. Roach said. Most of the firm's Asia offices, including two in China, have opened since the late 1980's.

The new surge in investment, in all types of businesses, showed up in recently released Commerce Department data. This investment by American companies in overseas operations rose last year to $716.2 billion, when measured as the cost of replacing the buildings and equipment. The 7.2 percent increase, coming after two years of much less growth, matched some of the better years of the 1980's. In the first quarter of 1994, investment increased even more quickly.

MANUFACTURING LAGS BEHIND

But while manufacturing still dominates the numbers, representing nearly 40 percent of the total, manufacturing investment rose by only 7 percent last year. Outlays for retail, finance and the like went up by twice that percentage or more.

"It is our belief that, with trade barriers coming down, the world is going to be one great big marketplace, and he who gets there first does the best," said Donald Shinkel, a spokesman at Wal-Mart, which had no stores overseas in the 1980's.

The investment surge, after two years of relatively little growth, coincides with incipient recoveries in Europe and Japan after periods of recession. As business has picked up, sales and profits have risen at American operations abroad, making more money available for investment. These reinvested profits accounted for more than half the outlays last year, the Commerce Department reports.

Booming economies in East Asia, particularly China, Singapore and Hong Kong, also drew investment, and so did nearly every Western Hemisphere country, with Canada, Mexico, Argentina and Bermuda among the leaders—Bermuda being an offshore haven for American banking and insurance companies, while Canada, Mexico and Argentina attracted mainly manufacturing investment.

But the European nations and Japan attracted the biggest share of the manufacturing investment. They almost always do, although they are industrial countries with stronger currencies and higher average labor costs than in the United States.

American manufacturing companies engage in three types of overseas investment, and the one involving the industrial countries is perhaps the most difficult to justify—given that exporting from the United States can be less expensive, said Raymond Vernon, an economist at the Kennedy School of Government at Harvard University.

Still this investment does not draw the greatest criticism, which has been reserved for companies that relocate labor-intensive operations, like auto assembly, or apparel manufacturing, or the assembly of some electronics products, to low-wage countries like Mexico or Thailand. "The United States is simply not the lowest-cost producer in the world, and moving abroad to these countries is inevitable," Mr. Vernon said.

Then there are the Wal-Marts and Morgan Stanleys trying to penetrate new markets in the only way possible, by putting a store or an investment house on site. Since these companies do not hold back operations at home to expand abroad, their tactics are seldom criticized.

Finally there are the situations in which a company can export its product inexpensively enough, particularly when the dollar is weak, but chooses instead to manufacture abroad, mainly for "insurance," as Mr. Vernon puts it. Of course, foreign companies, particularly the Japanese, adopt the same strategy for the United States, establishing many factories here that create jobs for Americans. But they employ 4.9 million Americans, which is 500,000 fewer than the American corporate payroll abroad.

Jobs are also created in the United States when American companies, investing abroad, export parts or machinery to help make their products overseas. But this "American content" makes up only 9 percent, on average, of the merchandise produced, the Commerce Department says. The rest is obtained overseas.

The Gillette Company embraces the strategy of manufacturing abroad rather than exporting, generating jobs overseas rather than in the United States. That has happened most recently in the case of Gillette's new Sensor XL razor blade cartridge.

The cartridge, simple for consumers to use, is difficult to manufacture, involving 10 welds with high-technology laser machines. Production started nearly two years ago at Gillette's main plant, in Boston, but all the output was exported to Europe. "We introduced the product in Europe because razor blade sales there are greater than in the United States," said Thomas Skelly, a Gillette senior vice president.

The new Sensor model is to be sold in the United States starting this year. But rather than expand the Boston operation to handle the additional production—and add jobs, perhaps—Gillette is adding the extra capacity to its Berlin plant, a high-technology factory that will take over the European market.

CURRENCY ISSUES DISCOUNTED

Cost is not the issue; blades are small and not difficult to ship, and the weak dollar gives the United States an advantage—but one that Mr. Skelly, and other corporate executives, dismiss as insignificant. "In the long run, these currency fluctuations, up and down, don't mean a whit in the decision where to manufacture," he said.

Over the years, Gillette has put 62 factories in 28 countries and each tries to operate as if it were a regional company, adjusting as quickly as possible to local competitors. Being close to a market is a priority, promising better returns than exporting from the United States, Mr. Skelly says.

"We are also concerned about having only one place where a product is made," he said. "There could be an explosion, or labor problems." If the Boston workers struck, for example, Gillette would supply the Sensor XL to Europe and the United States from the Berlin plant, and vice versa.

The upshot of this approach is that Gillette employs 2,300 people in the manufacture of razors and blades in the United States and 7,700—more than three times as many—abroad.

Some of those workers are making blades at Gillette plants in Poland, Russia and China, where production costs are less than in the United States. But that is not the case in Germany. "You could ship the blades from here, but you set up there for insurance," Mr. Vernon said. "And the justifications for this approach are not so clear cut."

Mr. HOLLINGS. It reads:

American companies are once again rapidly expanding their operations abroad—demonstrating that no matter what the incentives for keeping business in the United States, the urge to spread factories,.offices, stores and jobs overseas is irresistible.

The entire article, of course, is included. But down at the bottom it says the Gillette Company, a typical example, embraces the strategy of manufacturing abroad rather than exporting, generating jobs overseas rather than in the United States.

The cartridge—talking about the Sensor XL razor blade cartridge—is made at the main plant in Boston. Now if we have to strike we have the exact language in here. We just get it from the overseas plant.

The upshot of this approach is that Gillette employs 2,300 people in the manufacture of razors and blades in the United States and 7,700—more than 3 times as many—abroad.

Some of these workers are making blades at Gillette plants in Poland, Russia, and China . . . But that is not the case in Germany. "You could ship the blades from here, but you set up there for insurance."

But, Mr. President, it uses that expression that if they went and tried to strike that would be gone.

Then, Mr. President, I want everyone to really hear this one because we have the article that appeared in the Washington Post and the Roll Call. Mr. President, I ask unanimous consent that whatever—I know we cannot have the picture of Smoot and Hawley —but whatever account of this ad be printed in the RECORD.

There being no objection, the ad was ordered to be printed in the RECORD, as follows:

REMEMBER THESE FELLAS WHEN YOU VOTE ON GATT

Remember these fellas? Senator Smoot & Congressman Hawley? They're the people who tried to put a wall up around America.

It was 1931. The country faced economic uncertainty. Fear was everywhere.

Congress' reaction? Protectionism. The Smoot-Hawley Act.

The Members of Congress who supported that bill attached their names to one of the most infamous—and destructive—pieces of legislation ever passed by the United States Congress.

Now, it's 1994. The country faces economic uncertainty.

What will Congress do?

With GATT, Congress has an historic opportunity to open foreign markets to American products and services and reject protectionism. A vote for GATT will add billions to the U.S. economy and create new high-paying American jobs.

GATT gives us the largest global tax cut in history, stops foreign countries from cheating on trade and makes over 120 nations play by the same rules we do.

So, when you vote on GATT, keep these two fellas in mind.

And remember: History has not been kind to those in Congress who embrace protectionism.

Mr. HOLLINGS. Mr. President, "Vote America's Future. Vote GATT"

Remember these fellas? Senator Smoot and Congressman Hawley? They are the people who tried to put a wall up around America.

It was 1931. * * *

False. It was 1930. It was in June 1930. The crash occurred in October 29, and in June 1930 Smoot-Hawley was passed after the crash. And the distinguished colleague from Pennsylvania, the late Senator John Heinz, in "The Myth of Smoot-Hawley" contained in the CONGRESSIONAL RECORD of May 9, 1983, and I ask unanimous that this speech by the former Senator John Heinz be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MYTH OF SMOOT-HAWLEY

Mr. HEINZ. Mr. President, every time someone in the administration or the Congress gives a speech about a more aggressive trade policy or the need to confront our trading partners with their subsidies, barriers to imports and other unfair practices, others, often in the academic community or in the

Congress immediately react with speeches on the return of Smoot-Hawley and the dark days of blatant protectionism. "Smoot-Hawley," for those uninitiated in this arcane field, is the Tariff Act of 1930 (Public Law 71–361) which among other things imposed significant increases on a large number of items in the Tariff Schedules. The act has also been, for a number of years, the basis of our countervailing duty law and a number of other provisions relating to unfair trade practices, a fact that tends to be ignored when people talk about the evils of Smoot-Hawley.

A return to Smoot-Hawley, of course, is intended to mean a return to depression, unemployment, poverty, misery, and even war, all of which, apparently were directly caused by this awful piece of legislation. Smoot-Hawley has thus become a code word for protectionism, and in turn a code word for depression and major economic disaster. Those who sometimes wonder at the ability of Congress to change the country's direction through legislation must marvel at the sea change in our economy apparently wrought by this single bill in 1930.

Historians and economists, who usually view these things objectively, realize that the truth is a good deal more complicated, that the causes of the Depression were far deeper, and that the link between high tariffs and economic disaster is much more tenuous than is implied by this simplistic linkage. Now, however, someone has dared to explode this myth publicly through an economic analysis of the actual tariff increases in the act and their effects in the early years of the Depression. The study points out that the increases in question affected only 231 million dollars' worth of products in the second half of 1930, significantly less than 1 percent of world trade; that in 1930–32 duty-free imports into the United States dropped at virtually the same percentage rate as dutiable imports; and that a 13.5 percent drop in GNP in 1930 can hardly be blamed on a single piece of legislation that was not even enacted until midyear.

This, of course, is not to suggest that high tariffs are good or that Smoot-Hawley was a wise piece of legislation. It was not. But it was also clearly not responsible for all the ills of the 1930's that are habitually blamed on it by those who fancy themselves defenders of free trade. While I believe this study does have some policy implications, which I may want to discuss at some future time, one of the most useful things it may do is help us all clean up our rhetoric and reflect a more sophisticated—and accurate—view of economic history.

Mr. President, I ask that the study, by Don Bedell of Bedell Associates, be printed in the RECORD.

The study follows:

BEDELL ASSOCIATES,
Palm Desert, Calif., April 1983.

TARIFFS MISCAST AS VILLAIN IN BEARING BLAME FOR GREAT DEPRESSION—SMOOT/HAWLEY EXONERATED

(By Donald W. Bedell)

SMOOT/HAWLEY, DEPRESSION AND WORLD REVOLUTION

It has recently become fashionable for media reporters, editorial writers here and abroad, economists, Members of Congress, members of foreign governments, UN organizations and a wide variety of scholars to express the conviction that the United States, by the single act of causing the Tariff Act of 1930 to become law (Public Law 361 of the 71st Congress) plunged the world into an economic depression, may well have prolonged it, led to Hitler and World War II.

Smott/Hawley lifted import tariffs into the U.S. for a cross section of products beginning mid-year 1930, or more than 8 months following: the 1929 financial collapse. Many observers are tempted simply to repeat "free trade" economic doctrine by claiming that this relatively insignificant statute contained an inherent trigger mechanism which upset a nearly functioning world trading system based squarely on the theory of comparative economics, and which propelled the world into a cataclysm of unmeasurable proportions.

We believe that sound policy development in international trade must be based solidly on facts as opposed to suspicions, political or national bias, or "off-the-cuff" impressions 50 to 60 years later of how certain events may have occurred.

When pertinent economic, statistical and trade data are carefully examined will they show, on the basis of preponderance of fact, that passage of the Act did in fact trigger or prolong the Great Depression of the Thirties, that it had nothing to do with the Great Depression, or that it represented a minor response of a desperate nation to a giant world-wide economic collapse already underway?

It should be recalled that by the time Smoot/Hawley was passed 6 months had elapsed of 1930 and 8 months had gone by since the economic collapse in October, 1920. Manufacturing plants were already absorbing losses, agriculture surpluses began to accumulate, the specter of homes being foreclosed appeared, and unemployment showed ominous signs of a precipitous rise.

The country was stunned, as was the rest of the world. All nations sought very elusive solutions. Even by 1932, and the Roosevelt election, improvisation and experiment described government response and the technique of the New Deal, in the words of Arthur Schlesinger, Jr. in a New York Times article on April 10, 1983. President Roosevelt himself is quoted in the article as saying in the 1932 campaign. "It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all try something."

The facts are that, rightly or wrongly, there were no major Roosevelt Administration initiatives regarding foreign trade until well into his Administration; thus clearly suggesting that initiatives in that sector were not thought to be any more important than the Hoover Administration thought them. However, when all the numbers are examined we believe neither President Hoover nor President Roosevelt can be faulted for placing international trade's role in world economy near the end of a long list of sectors of the economy that had caused chaos and suffering and therefore needed major corrective legislation.

How important was international trade to the U.S.? How important was U.S. trade to its partners in the Twenties and Thirties?

In 1919, 86% of U.S. Imports were duty free, or $2.9 Billion of a total of $4.3 Billion. Exports amounted to $5.2 Billion in that year making a total trade number of $9.6 Billion or about 14% of the world's total. See Chart I below.

CHART I.—U.S. GROSS NATIONAL PRODUCT, 1929–33

[Dollar amounts in billions]

	1929	1930	1931	1932	1933
GNP	$103.4	$29.5	$75.3	$56.8	$55.4
U.S. international trade	$9.5	$6.8	$4.5	$2.9	$3.2
U.S. international trade percent of GNP	1.3	7.6	5.9	5.1	[1] 5.6

[1] Series U.S. Department of Commerce of the United States, Bureau of Economic Analysis.

Using the numbers in that same Chart I it can be seen that U.S. imports amounted to $4.3 Billion or just slightly above 12% of total world trade. When account is taken of the fact that only 33%, or $1.5 Billion, of U.S. imports was in the Dutiable category, the entire impact of Smoot/Hawley has to be focused on the $1.5 Billion number which is barely 1.5% of U.S. GNP and 4% of world imports.

What was the impact? In dollars Dutiable imports fell by $462 Million, or from $2.5 Billion to $1.0 Billion, during 1930. It's difficult to determine how much of that small number occurred in the second half of 1930 but the probability is that it was less than 50%. In any case, the total impact of Smoot/Hawley in 1930 was limited to a "damage" number of $231 Million; spread over several hundred products and several hundred countries!

A further analysis of imports into the U.S. discloses that all European countries accounted for 30% or $1.3 Billion in 1929 divided as follows: U.K. at $330 Million or 7½%, France at $171 Million or 3.9%, Germany at $255 Million or 5.9%, and some 15 other nations accounting for $578 Million or 13.1% for an average of 1%.

These numbers suggest that U.S. imports were spread broadly over a great array of products and countries, so that any tariff action would by definition have only a quite modest impact in any given year or could be projected to have any important cumulative effect.

This same phenomenon is apparent for Asian countries which accounted for 29% of U.S. imports divided as follows: China at 3.8%, Japan at $432 Million and 9.8%, and with some 20 other countries sharing in 15% or less than 1% on average.

Australia's share was 1.3% and all African countries sold 2.5% of U.S. imports.

Western Hemisphere countries provided some 37% of U.S. imports with Canada at 11.4%, Cuba at 4.7%, Mexico at 2.7%, Brazil at 4.7% and all others accounting for 13.3% or about 1% each.

The conclusion appears inescapable on the basis of these numbers: a potential adverse impact of $231 Million spread over the great array of imported products which were Dutiable in 1929 could not realistically have had any measureable impact on America's trading partners.

Meanwhile, the Gross National Product (GNP) in the United States had dropped an unprecedented 13.5% in 1930 alone, from $103.4 Billion in 1929 to $89 Billion by the end of 1930. It is unrealistic to expect that a shift in U.S. international imports of just 1.6% of U.S. GNP in 1930 for example ($231 Million on $14.4 Billion) could be viewed as establishing a "precedent" for America's trading partners to follow, or represented a "model" to follow.

Even more to the point an impact of just 1.6% could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

Note should be taken of the claim by those who repeat the Smoot/Hawley "villain" theory that it set off a "chain" reaction around the world. While there is some evidence that certain of America's trading partners retaliated against the U.S. there can be no reliance placed on the assertion that those same trading partners retaliated against each other by way of showing anger and frustration with the U.S. Self-Interest alone would dictate otherwise, common sense would intercede on the side of avoidance of "shooting oneself in the foot," and the facts disclose that world trade declined by 18% by the end of 1930 while U.S. trade declined by some 10% more or 28%. U.S. foreign trade continued to decline by 10% more through 1931, or 53% versus 43% for worldwide trade, but U.S. share of world trade declined by only 18% from 14% to 11.3% by the end of 1931.

Reference was made earlier to the Duty Free category of U.S. imports. What is especially significant about those import numbers is the fact that they dropped in dollars by an almost identical percentage as did Dutiable goods through 1931 and beyond: Duty Free imports declined by 29% in 1930 versus 27% for Dutiable goods, and by the end of 1931 the numbers were 52% versus 51% respectively.

The only rational explanation for this phenomenon is that Americans were buying less and prices were falling. No basis exists for any claim that Smoot/Hawley had a distinctively devastating effect on imports beyond and separate from the economic impact of the economic collapse in 1929.

Based on the numbers examined so far, Smoot/Hawley is clearly a mis-cast villian. Further, the numbers suggest the clear possibility that when compared to the enormity of the developing international economic crisis Smoot/Hawley had only a minimal impact and international trade was a victim of the Great Depression.

This possibility will become clear when the course of the Gross National Produce (GNP) during 1929–1933 is examined and when price behavior world-wide is reviewed, and when particular Tariff Schedules of Manufacturers outlined in the legislation are analyzed.

Before getting to that point another curious aspect of the "villian" theory is worthy of note. Without careful recollection it is tempting to view a period of our history some 50–60 years ago in terms of our present world. Such a superficial view not only makes no contribution to constructive policy-making. It overlooks several vital considerations which characterized the Twenties and Thirties:

1. The international trading system of the Twenties bears no relation to the interdependent world of the Eighties commercially, industrially and financially in size or complexity.

2. No effective international organization existed, similar to the General Agreement for Tariffs and Trade (GATT) for example for resolution of disputes. There were no trade "leaders" among the world's nations in part because most merchantile nations felt more comfortable without dispute settlement bodies.

3. Except for a few critical products foreign trade was not generally viewed in the "economic-critical" context as currently in the U.S. As indicated earlier either President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.

4. U.S. foreign trade was reintively as an amorphous phenomenon quite unlike the highly structured system of the Eighties; characterized largely then by "caveat empton" and a broadly laissez-faire philosophy generally unacceptable presently.

These characteristics, together with the fact that 60 percent of U.S. imports were Duty Free in 1929 and beyond, placed overall international trade for Americans in the Twenties and Thirties on a very low level of priority especially against the backdrop of world-wide depression. Americans in the Twenties and Thirties could no more visualize the world of the Eighties than we in the Eighties can legitimately hold them responsible for failure by viewing their world in other than the most pragmatic and realistic way given those circumstances.

For those Americans then, and for us now, the numbers remain the same. On the basis of sheer order of magnitude of the numbers illustrated so far, the "villian" theory often attributed to Smoot/Hawley is an incorrect reading of history and a mis-understanding of the basic and incontrovertible law of cause and effect.

It should also now be recalled that, despite heroic efforts by U.S. policy-makers its GNP continued to slump year-by-year and reached a total of just $55.4 billion in 1933 for a total decline from 1929 levels of 46 percent. The financial collapse of October, 1929 had indeed left its mark.

By 1933 the 1929 collapse had prompted formation in the U.S. of the Reconstruction Finance Corporation, Federal Home Loan Bank Board, brought in a Democrat President with a program to take control of banking, provide credit to property owners and corporations in financial difficulties, relief to farmers, regulation a stimulation of business, new labor laws and social security legislation.[3]

So concerned were American citizens about domestic economic affairs, including the Roosevelt Administration and the Congress, that scant attention was paid to the solitary figure of Secretary of State Cordell Hull. He, alone among the Cabinet, was convinced that international trade had material relevance to lifting the country back from depression. His efforts to liberalize trade in general and to find markets abroad for U.S. products in particular from among representatives of economically stricken Europe, Asia and Latin America were abruptly ended by the President and the 1933 London Economic Conference collapsed without result.

The Secretary did manage to make modest contributions to eventual trade recovery through the Most Favored Nation (MFN) concept. But it would be left for the United States at the end of World War II to undertake an economic and political role of leadership in the world; a role which in the Twenties and Thirties Americans in and out of government felt no need to assume, and did not assume. Evidence that conditions in the trade world would have been better, or even different, had the U.S. attempted some leadership role can not responsibly be assembled. Changing the course of past history has always been less fruitful than applying perceptively history's lessons.

The most frequently used numbers thrown out about Smoot/Hawley's impact by those who believe in the "villain" theory are those which clearly establish that U.S. dollar decline in foreign trade plummeted by 66 percent by the end of 1933 from 1929 levels, $9.6 billion to $3.2 billion annually.

Much is made of the co-incidence that world-wide trade also sank about 66 percent for the period. Chart II summarizes the numbers.

CHART II.—UNITED STATES AND WORLD TRADE, 1929–33

[In billions of U.S. dollars]

	1929	1930	1931	1932	1933
United States:					
Exports	5.2	3.8	2.4	1.6	1.7
Imports	4.4	3.0	2.1	1.3	1.5
Worldwide:					
Exports	33.0	*26.5	18.9	12.9	11.7
Imports	35.0	29.1	20.8	14.0	*12.5

*Series U Department of Commerce of the United States, League of Nations, and International Monetary Fund.

The inference is that since Smoot/Hawley was the first "protectionist" legislation of the Twenties, and the end of 1933 saw an equal drop in trade that Smoot/Hawley must have caused it. Even the data already presented suggest the relative irrelevance of the tariff-raising act on a strictly trade numbers basis. When we examine the role of a world-wide price decline in the trade figures for almost every product made or commodity grown the "villain" Smoot/Hawley's impact will not be measurable.

It may be relevant to note here that the world's trading "system" paid as little attention to America's revival of foreign trade beginning in 1934 as it did to American trade policy in the early Thirties. From 1934 through 1939 U.S. foreign trade rose in dollars by 80% compared to world-wide growth of 15%. Imports grew by 68% and exports climbed by a stunning 93%. U.S. GNP by 1939 had developed to $91 Billion, to within 88% of its 1929 level.

Perhaps this suggests that America's trading partners were more vulnerable to an economic collapse and thus much less resilient than was the U.S. In any case the international trade decline beginning as a result of the 1929 economic collapse, and the subsequent return by the U.S. beginning in 1934 appear clearly to have been wholly unrelated to Smoot/Hawley.

As we begin to analyze certain specific Schedules appearing in the Tariff Act of 1930 it should be noted that sharp erosion of prices world-wide caused dollar volumes in trade statistics to drop rather more than unit volume thus emphasizing the decline value. In addition, it must be remembered that as the Great Depression wore on, people simply bought less of everything increasing further price pressure downward. All this wholly apart from Smoot/Hawley.

When considering specific Schedules, No. 5 which includes Sugar, Molasses, and Manufactures Of, maple sugar cane, sirups, adonite, dulcite, galactose, inulin, lactose and sugar candy. Between 1929 and 1933 import volume into the U.S. declined by about 40% in dollars. In price on a world basis producers suffered a stunning 60% drop. Volume of sugar imports declined by only 42% into the U.S. in tons. All these changes lend no credibility to the "villain" theory unless one assumes, erroneously, that the world price of sugar was so delicately balanced that a 28% drop in sugar imports by tons into the U.S. in 1930 destroyed the price structure and that the decline was caused by tariffs and not at least shared by decreased purchases by consumers in the U.S. and around the world.

Schedule 4 describes Wood and Manufactures Of, timber hewn, maple, brier root, cedar from Spain, wood veneer, hubs for wheels, casks, boxes, reed and rattan, toothpicks, porch furniture, blinds and clothespins among a great variety of product categories. Dollar imports into the U.S. slipped by 52% from 1929 to 1933. By applying our own GNP as a reasonable index of prices both at home and overseas, unit volume decreased only 6% since GNP had dropped by 46% in 1933. The world-wide price decline did not help profitability of wood product makers, but to tie that modest decline in volume to a law affecting only 6½% of U.S. imports in 1929 puts great stress on credibility, in terms of harm done to any one country or group of countries.

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[3] Beard, Charles and Mary, New Basic History of the United States.

Schedule 9. Cotton Manufactures, a decline of 54% in dollars is registered for the period, against a drop of 46% in price as reflected in the GNP number. On the assumption that U.S. GNP constituted a rough comparison to world prices, and the fact that U.S. imports of these products was infinitesimal. Smoot/Hawley was irrelevant. Further, the price of raw cotton in the world plunged 50% from 1929 to 1933. U.S. growers had to suffer the consequences of that low price but the price itself was set by world market prices, and was totally unaffected by any tariff action by the U.S.

Schedual 12 deals with Silk Manufactures, a category which decreased by some 60% in dollars. While the decrease amounted to 14% more than the GNP drop, volume of product remained nearly the same during the period. Assigning responsibility to Smoot/Hawley for this very large decrease in price beginning in 1930 stretches credibility beyond the breaking point.

Several additional examples of price behavior are relevant.

One is Schedule 2 products which include brick and tile. Another is Schedule 3 iron and steel products. One outstanding casualty of the financial collapse in October, 1929 was the Gross Private Investment number. From $16.2 Billion annually in 1939 by 1933 it has fallen by 91% to just $1.4 Billion. No tariff policy, in all candor, could have so devastated an industry as did the economic collapse of 1929. For all intents and purposes construction came to a halt and markets for glass, brick and steel products with it.

Another example of price degradation world-wide completely unrelated to tariff policy is Petroleum products. By 1933 these products had decreased in world price by 82% but Smoot/Hawley had no Petroleum Schedule. The world market place set the price.

Another example of price erosion in world market is contained in the history of exported cotton goods from the United States. Between 1929 and 1933 the volume of exported goods actually increased by 13.5% while the dollar value dropped 48%. This result was wholly unrelated to the tariff policy of any country.

While these examples do not include all Schedules of Smoot/Hawley they clearly suggest that overwhelming economic and financial forces were at work affecting supply and demand and hence on prices of all products and commodities and that these forces simply obscured any measurable impact the Tariff Act of 1930 might possibly have had under conditions of several years earlier.

To assert otherwise puts on those proponents of the Smoot/Hawley "villian" theory a formidable challenge to explain the following questions:

1. What was the nature of the "trigger" mechanism in the Act that set off the alleged domino phenomenon in 1930 that began or prolonged the Great Depression when implementation of the Act did not begin until mid-year?

2. In what ways was the size and nature of U.S. foreign trade in 1929 so significant and critical to the world economy's health that a less than 4% swing in U.S. imports could be termed a crushing and devastating blow?

3. On the basis of what economic theory can the Act be said to have caused the GNP drop of an astounding drop of 13.5% in 1930 when the Act was only passed in mid-1930? Did the entire decline take place in the second half of 1930? Did world-wide trade begin its decline of some $13 Billion only in the second half of 1930?

3. Does the fact that duty free imports into the U.S. dropped in 1930 and 1931 and in 1932 at the same percentage rate as dutiable imports support the view that Smoot/Hawley was the cause of the decline in U.S. imports?

4. Is the fact that world wide trade declined less rapidly than did U.S. foreign trade prove the assertion that American trading partners retaliated against each other as well as against the U.S. because and subsequently held the U.S. accountable for starting an international trade war?

5. Was the international trading system of the Twenties so delicately balanced that a single hastily drawn tariff increase bill affecting just $231 Million of dutiable products in the second half of 1930 began a chain reaction that scuttled the entire system? Percentage-wise $231 Million is but 0.65% of all of 1929 world-wide trade and just half that of world-wide imports:

The preponderance of history and facts of economic life in the international area make an affirmative response by the "villain" proponents an intolerable burden.

It must be said that the U.S. does offer a tempting target for Americans who incessantly cry "mea culpa" over all the world's problems, and for many among our trading partners to explain their problems in terms of perceived American inability to solve those problems.

In the world of the Eighties U.S. has indeed very serious and perhaps grave responsibility to assume leadership in international trade and finance, and in politics as well.

On the record, the United States has met that challenge beginning shortly after World War II.

The U.S. role in structuring the United Nations, the General Agreement on Tariffs and Trade (GATT), the International Monetary Fund, the Bretton Woods and Dumbarton Oaks Conferences on monetary policy, the World Bank and various Regional Development Banks, for example, is a record unparalleled in the history of mankind.

But in the Twenties and Thirties there was no acknowledged leader in international affairs. On the contrary, evidence abounds that most nations preferred the centuries-old patterns of international trade which emphasized pure competition free from interference by any effective international supervisory body such as GATT.

Even in the Eighties examples abound of trading nations succumbing to nationalistic tendencies and ignoring signed trade agreements. Yet the United States continues as the bulwark in trade liberalization proposals within the GATT. It does so not because it could not defend itself against any kind of retaliation in a worst case scenario but because no other nation is strong enough to support them successfully without the United States.

The basic rules of GATT are primarily for all those countries who can't protect themselves in the world of the Eighties and beyond without rule of conduct and discipline.

The attempt to assign responsibility to the U.S. in the Thirties for passing the Smoot/Hawley tariff act and thus set off a chain reaction of international depression and war is on the basis of a preponderance of fact, a serious mis-reading of history, a repeat of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.

It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all those responsible for developing new and imaginative measures designed to liberalize international trade.

Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.

Nothing is less worthwhile than attempting to re-write history, not learning from it. Nothing is more worthwhile than making careful and perceptive and objective analysis in the hope that it may lead to an improved and liberalized international trading system.

Mr. HOLLINGS. It affected less than 1.5 percent of our GNP. It affects now world trade 18 percent of our GNP and only affected one-third of the trade. The other two-thirds lost just as much rather than unaffected part and then goes on that under our friend Cordell Hull and reciprocal free trade we got into a positive balance in 1933. That is a bum rap this wall where you can ship capital around the world on a satellite technology and a computer clip. That is why they are all moving. They give me that wall argument and Smoot and Hawley. We have heard enough of it. I wanted to make sure we answered these particular arguments and then we reserve our 2 hours for tomorrow. And I thank the distinguished chairman, Senator MOYNIHAN, for his courtesy.

Mr. MOYNIHAN. Yes. Mr. President, we are aware of some pressure of time. The distinguished Senator from South Carolina has the better part of 2 hours remaining and that will be for his disposition tomorrow.

Mr. HOLLINGS. Very good. I thank the Senator.

Mr. MOYNIHAN. The Senator from Alaska has to leave, we know.

The Senator from Washington is next. And I yield 10 minutes to the Senator from Washington. And then I believe the Senator from Wyoming will take whatever time he wants.

I yield to the distinguished Senator from Washington.

Mrs. MURRAY. Thank you.

Mr. President, I rise today in full support of the implementing legislation to the Uruguay round of the GATT.

Two years ago, I first came to our Nation's Capital and to this Capitol Building.

Two years ago, I vowed that I would look at every piece of legislation that came before this body from the perspective of average Americans.

And, I promised I would speak with the voice of common people. People who worry about educating their kids, taking care of their parents, paying their mortgage, and balancing their checkbooks.

Mr. President, from the first vote I cast in the 103d Congress on the Family and Medical Leave Act to this one on the GATT, I have not lost that vision.

That's why I can say this bill is important to average Americans like the members of my family.

Mr. President, this bill is vital because this bill means more secure and well-paying jobs.

The importance of trade is understood by families in my home State from Seattle to Spokane. My friends and neighbors understand that international commerce is the lifeblood of our economy.

Per capita, my home State is America's largest exporter. One in five jobs in Washington is directly linked to trade.

Our State is home to the Nation's largest exporting company—the Boeing Co.

Ours is the State of the Nation's most cutting-edge, innovative industries of the future—software and biotechnology.

Washington State sends the fruits of our labors—our precious apples and pears and wheat—to every corner of the globe.

We in the State of Washington know that expanding trade means more goods jobs. It means more manufacturing jobs. More high-technology jobs. More jobs at our Pacific Coast ports and more jobs in the orchards and farmlands of our Inland Empire.

And, these family-wage jobs provide the economic stability and economic diversity the citizens of the State of Washington have worked so hard to achieve.

I have heard from many people in my trade-dependent state who understand how important this vote is to their lives.

They know the global tax breaks in the GATT will save each American family about $110 per year.

They know if we walk away from this deal which took more than 7 years to negotiate and more than 120 countries to sign, Boeing will have a more difficult time selling airplanes.

That our most innovative companies, like Microsoft and Nintendo, will lose billions of dollars to foreign copyright privates.

That our apples—finally just reaching Japanese shores—will be turned away. And, our wheat will sit in silos.

And, worst of all, if we walk away, we will return to those dark days of the recession with long unemployment lines. And, declining family incomes.

Mr. President, I have heard some of the arguments against this bill. They are based more in misunderstanding of this agreement than they are in solid economic analysis. I know how easy it is to score debating points on issues like this. And, how easy it is to blow things out of proportion, to scare rather than to educate.

I know how this works, because I understand the fear of economic insecurity.

Mr. President, you have heard me say this before. The highest paying job I had before I came here paid $23,000 per year. I am one of those people who has spent years working hard and playing by the rules. And, still being a pink slip away from economic disaster.

I know what all working families want—we want to get out of the system what we put into it.

And, Mr. President, this is exactly what the GATT does. It gives us an fair return for our hard work. It encourages and protects our innovations.

It makes not only our country but all countries work better for average Americans.

It gives our workers a step up against the unfair and high tariffs we have had imposed on us for decades.

It levels the economic playing field, and it makes the world live up to our rules. It opens foreign markets as wide as this great American market is to foreign products.

And, it is a great deal for consumers. It is the largest global tax cut in the history of civilization.

I have heard the arguments against the GATT. I share some of the concerns of the opponents. But, I believe that economic growth and expanded trade can exist and even encourage environmental protection.

I believe we can conclude a trade agreement and work toward improving the quality of life of workers around the world.

I believe that we can pass this agreement and follow the hard work of my good friend, Senator HARKIN, to end the horrendous practices of some of our trading partners in child and slave labor.

I say to these opponents, we cannot influence our trading partners by imposing trade sanctions. We cannot make other countries live up to our standards by ignoring them.

And, I say to my colleagues on the other side of this issue—once again, we have a choice. We can face the challenges of the 21st century and the international marketplace. Or, we can look backward, become isolationist, and turn inward.

History will record what we do here. We are at a crossroads. For the first time in the history of civilization, we have before us an agreement which covers trade in services, a comprehensive agreement on subsidies, trade-related aspects of intellectual property and foreign investments.

This agreement is good for America. It is good for America's future generations.

And it is a good example of what I hope will be a new era in American politics.

I support the compromise President Clinton reached with Senator DOLE last week. They worked together in the best bipartisan way to clear up some misunderstandings about sovereignty. They have illuminated for us the best work of three administrations.

More than 120 countries agreed to a set of rules regarding trade. And, we should, too.

I urge my fellow colleagues to swiftly pass this bill.

I thank the Chair and I yield back my time.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I congratulate the Senator from Washington on her very thoughtful comments.

And might I particularly draw attention to her comment that she is concerned, as are other Senators, about the problems of child labor in the world, and properly so, in the world where population expansion has been so demonic. But we will never be able to engage those countries if we cut off trade with them. She is absolutely right in that regard, and importantly so, and I want to thank her for her remarks.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER (Mr. MOYNIHAN). The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the manager of the bill.

While I support the concept of the General Agreement on Tariffs and Trade, I cannot support the bill that is before the Senate.

I have three basic reasons. I believe that the creation of the World Trade Organization, as contained in the agreement and as would be approved by this bill, infringes upon our sovereignty, not only of our Nation but of our individual States.

Second, I believe that the procedure under which we are considering this bill once again violates the Constitution of the United States. Mr. President, I am compelled to say I think that in the last election the public was telling us that we have a Constitution we should live up to. We raise our hands and say we will support the Constitution. Then we, once again, bring a trade agreement before this body under a procedure which is unconstitutional—the fast track procedure.

The third reason I cannot support this agreement is that it requires a waiver of the Budget Act. I do not believe we should vote to waive the Budget Act in order to approve the General Agreement on Tariffs and Trade. Particularly not with our current Federal budget deficits.

Mr. President, as one who supports the concept of free trade, I find it very difficult, to come before the Senate and oppose the approval of a trade agreement because of the procedures that have been followed. I did that with regard to the North American Free-Trade Agreement last November. During the debate on the NAFTA agreement, I raised on the Senate floor two constitutional points of order, two issues that affect the rights of States and particularly the rights of small States.

The first issue related to the Senate's constitutional duty under article II, section 2, clause 2 of the Constitution to "advise and consent" to treaties negotiated by the President. Once again, we have here before us now an executive agreement. It is an executive agreement merely because the President designated it as such, notwithstanding the fact that it is clearly one of the items that should have been within the treaty clause of the Constitution. The President does have some discretion to choose the type of instrument he will use, but I do believe he must respect the confines of the instrument he chooses as he puts before the Congress a particular new type of foreign agreement for approval by the Congress.

The Constitution specifically refers to treaties, compacts, and agreements as some of the choices that are available to the President. But there are some parameters, I feel, that should be confining upon any President as he exercises that discretion to choose the type of agreement he will use.

This agreement clearly is a treaty, in my judgment. We had a distinguished representative of Harvard Law School come before the Commerce Committee who set forth why it is that. I regret to say he has recanted his position at the last minute, as he started to count votes because of the circumstance that he does support GATT, but he opposes the process.

I believe that we should stand by the Constitution, rather than just count votes, and the GATT Agreement should be submitted to the Senate as a treaty because of the World Trade Organization concept that is created by it. The WTO concept deals with issues of sovereignty. It deals with the powers of government that particularly affect this country and our system of government. I believe that the GATT Agreement should be submitted to the Senate as a treaty because the World Trade Organization Council and the dispute resolution mechanism diminish the sovereignty of the individual states. I do not understand why we should create a new World Trade Organization that will take part of the sovereignty—diminish the sovereignty of our States and our Nation—through a trade agreement and not a treaty.

The second constitutional issue is one that I raised last November—the fast track procedure which prohibits amendments to the implementing legislation is unconstitutional. The fast track procedure applies to the bill that is before us now. It limits the amount of debate on the bill and prohibits amendments to it. I believe that is unconstitutional. I spelled out to the Senate, last November, this same issue. There is no reason for me to raise it again, because I know I will lose again, because the same people are here who voted on it before. Maybe another Congress at a later date will realize that we ought to start protecting the Constitution.

Members of the Senate have the Constitutional right under article I, section 7 to offer amendments to revenue bills. It says:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

GATT is a revenue measure. It originated in the House of Representatives. Yet, I am prohibited now by this procedure from offering amendments to protect my State. And the last time I presented an amendment during the NAFTA debate, the Chair ruled that my amendment was out of order and the Chair's ruling was sustained.

Critics of my amendment point to article 1, section 5, clause 2 of the Constitution which provides that "Each House may determine the Rules of its proceedings", arguing that the Members of the Senate agreed to limit our own rights to offer amendments. I disagree with that argument. The Constitution annotated—published by the Congressional Research Service and sold to the public as an official Government document—says:

> In the exercise of their constitutional power to determine their rules of proceedings, the Houses of Congress may not ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method to be attained.

In Powell versus McCormick, the Supreme Court held that the qualifications of Members are enumerated in the Constitution and neither House of Congress may impose additional qualifications through its own rules.

When we first contemplated the fast track procedure we believed we were restricting our rights for very narrow purposes. Section 151(b)(1)(C) of the Trade Act of 1974 provides that the implementing bill will only contain provisions "necessary and appropriate" to implement the trade agreement. The implementing legislation we are currently considering contains at least 29 sections that are not essential to implementing the trade agreement. They are only needed to meet the Budget Act and not the trade agreement. The inclusion of nonessential provisions in a trade agreement that is not amendable—even to strike the offending provisions—is an abuse of process. This is the type of abuse of process that led the Senate to adopt the Byrd Rule regarding the consideration of reconciliation bills. The Byrd Rule states that if the budget effect is incidental to the nonbudgetary impact then the provision is nongermane and subject to a motion to strike. I believe that there should be a similar type of rule which would, at the very least, allow Members to strike provisions which are not "necessary and appropriate" to implement the trade agreement.

It is unfortunate, I think, that we can get to the point where, under a fast track procedure, we deny the rights of representatives of small States. And they are the people that are being hurt, Mr. President, by this bill. I mention in particular the double E savings bond provision that is in the revenue portion of this bill.

The bill before us includes not only provisions required to implement the trade agreement but also provisions to comply with the Budget Act. I do not believe that we ever contemplated we would have Budget Act provisions in a bill that came before us under the fast track that we would not be able to amend.

One of these provisions is the double E savings bond provision which is going to penalize people who use deductions from their salaries to buy savings bonds. It raises a very small amount, about $122 million over 5 years, compared to the billions that are required to offset the revenue loss from the tariff reductions in this bill. This provision was put in here—I say this respectfully—by the members of the Finance Committee, and the Ways and Means Committee. A very small portion of the Congress made this provision a part of the GATT deal. And, the people who are going to pay for it are the people who purchase savings bonds, quite often for their retirement or children's education. Many of these individuals purchase the savings bonds through a deduction plan from their paychecks. The $122 million savings that is included in this bill will come about because someone redeeming a savings bond could forfeit up to six months of interest. Currently interest is credited every month, but under this provision the Treasury Department will exercise its administrative discretion to credit interest every six months instead. This is wrong and this provision should be subject to amendment here on the floor.

I believe that denying us the right to offer amendments to deal with these types of revenue provisions clearly violates the Constitution.

There is one other issue I am constrained to mention. I was the author of the spectrum auction concept. For years I argued that the people who were acquiring new licenses for spectrum, through the FCC, should not get them through a lottery, but they should bid for them. The licenses had extreme value.

People laughed at that. The first time that CBO looked at this issue they said that my bill would probably raise about $250 million. It is now in the budget for about $14 billion. And part of the provisions we put in there provided for a pioneer preference provision to give preference to people who develop new technologies but did not have the financing capability to utilize those technologies because they would be competing against the enormous financial entities of telecommunications industry in this country for those licenses.

As a consequence of the fast track procedure which prohibits amendments, included in this bill is a pioneer preference provision that says, "Oh, by the way, those people have to pay about 85 percent of the average paid by other people in spectrum auctions." Which, Mr. President, was not what was intended at all. Strangely, we have people holding the spectrum under the pioneer preference auctions that are part of the largest financial organizations in the country. They are not small people who developed new technologies that need a boost to get licenses for less than cost or—as a matter of fact, we wanted them to get them free. But under the circumstances of this bill, I find again a revenue provision that is included which I cannot, even as the author of spectrum auction concept, offer an amendment to knock it out of the implementing legislation. The pioneer preference provision should not be in this bill at all.

I have the feeling that those of us from the small States are the ones who are really harmed by this bill.

In addition to these constitutional issues, I have been concerned that the GATT will adversely affect Alaska and 16 other States that use the unitary tax method. If the Uruguay round agreement is adopted, Alaska could be in jeopardy of losing approximately $200 million in revenue annually from its unitary tax on oil producers. The other States that rely on this method of taxation include Arizona, California, Colorado, Connecticut, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island and West Virginia.

The Supreme Court of the United States recently upheld the right of Alaska and other States to use a unitary tax. However, the European Commission has already identified in its 1994 "Report on United States Barriers to Trade and Investment" the unitary tax as an unfair trade practice. In response the Administration negotiated an exception to the General Agreements on Trade in Services which is designed to protect the State's ability to use unitary taxes. In addition, the USTR submitted reservations in Geneva on June 29, 1994. I submitted along with Senator DORGAN a letter to the U.S. Trade Representative on November 14 requesting a report on the status of the reservations. I would like to submit for the RECORD a copy of the response to that letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, November 30, 1994.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR TED: Thank you for your letter of November 14, 1994, regarding the status of the reservation we filed in June exempting state and local tax measures from certain requirements of the General Agreement on Trade in Services (GATS). Specifically, you asked me to let you know the status of negotiations relating to our reservation and whether it will be included in the final agreement.

The reservation will be an integral part of the GATS—the Uruguay Round agreement that governs services trade. The reservation will limit the requirement for our states and localities to provide "national treatment" under their tax and subsidy regimes to services firms from other GATS countries. One effect of the reservation—as well as of an exception written into GATS Article XIV(d)—is to protect state unitary tax regimes, such as Alaska's, from successful challenge under the new World Trade Organization (WTO).

The reservation will go into effect at the same time as the GATS. Its status does not depend on concurrence from other GATS countries.

Since we filed our state and local tax and subsidy reservations, various other GATS members have indicated that they may insist on similar reservations for their own sub-central government units. A number of governments have suggested, alternatively, that the GATS should exclude entirely sub-central government tax measures of the kind covered by our reservation. That would allow all countries to enjoy the kind of protection now provided to U.S. states and localities under our reservation.

Although I cannot say whether the GATS countries will agree to such an exclusion, I can you assure that, either way, the state and local tax and subsidy measures covered by our reservation will be fully protected from challenge under the WTO.

Sincerely,

MICHAEL KANTOR.

Mr. STEVENS. I understand that Senator MURKOWSKI sent a letter to Ambassador Kantor and received a response which assures him that even if Alaska's unitary tax were found to treat foreign service suppliers less favorably than domestic suppliers, it would be protected from challenge by a GATT panel due to the exception and reservations. However, I would like to state for the record that I am not completely convinced that the ongoing discussions with other countries regarding our tax reservations will adequately protect Alaska's right to use the unitary tax method. I do not believe that the letter that has been delivered here by the Trade Representative answers the question, for those of us who want to protect the unitary tax from this GATT and its interpretation by the European Commission following the adoption of this GATT proposal.

Even if the States are protected on this tax issue, there are many other State laws which do not have reservations or have not been excepted from the agreement which will be subject to challenge by WTO. I am concerned that the ability of WTO to challenge State laws will compromise the rights of States to operate as sovereign and independent States. I would like to submit for the record a copy of an article which appeared in "Inside U.S. Trade on December 18, 1992." This article states that in its last days, the Bush administration proposed that the concept of a WTO—then known as the MTO: Multilateral Trade Organization—be dropped from the Uruguay round of GATT. It is my belief that the Bush administration took this action because it saw the need to separate world trade from world government. I agree with that separation. While I generally support free trade, I cannot support this concept of world government.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. CALLS FOR ELIMINATING PROPOSED MULTILATERAL TRADE ORGANIZATION

The U.S. is seeking to scrap the proposed Multilateral Trade Organization in the Uruguay Round and replace it with a looser organizational structure headed by a trade committee of ministers. The proposals are contained in a paper given to trading partners last week, which elaborates on recent remarks made by a senior trade official that the U.S. does not support the creation of the MTO (*Inside U.S. Trade*, Dec. 11, p 1).

Informed sources said that the U.S. proposed dropping the MTO largely out of fear that the voting procedures could have allowed small countries to dominate the new organization by "interpreting" the agreement in ways harmful to U.S. interests. But some other delegations criticized the U.S., saying that such concerns could easily have been addressed through established negotiating channels, and that the U.S. has not spelled out clearly its problems with the current proposal. They charge that the U.S. has backed away from the MTO as a result of pressure by Congress, and by some environmental and consumer groups who have opposed the proposed organization.

The U.S. proposal, reprinted below, was denounced by a number of countries, including Canada and the European Community, at a Dec. 10 meeting of the heads of the delegations in Geneva, according to informed sources.

Sources in Geneva said that the negotiations on the MTO have come to a halt as a result of the U.S. proposal, and that the issue must be worked out by chief negotiators, and by Arthur Dunkel, director-general of the General Agreement on Tariffs & Trade. Other delegations say they are still waiting for the U.S. to table language detailing the changes it is seeking, but the outline of the proposal lays out generally what the U.S. envisions. The new "post-Uruguay Round system structure" proposed by the U.S. would be directed by a ministerial trade committee, which would meet every two years to oversee the operation of the trade agreements and to provide a forum for negotiating further agreements. A General Council, composed of national representatives, would perform the same functions between meetings.

The U.S. proposal would, however, still require countries to agree to abide by all the provisions of the GATT, as well as the proposed General Agreement on Trade in Services (GATS), the agreement on Trade-Related Intellectual Property (TRIPs), and the

GATT codes on procurement, import licensing, standards, customs valuation and civil aircraft. The Administration insists that the proposal would still achieve the same ends as the MTO without creating a formal organization.

While the structure proposed by the U.S. is similar to that contained in the MTO proposal, the MTO would have been an organization with an independent legal standing, along the liens of the World Bank and the International Monetary Fund. The U.S. proposal would not create such an organization. And sources also said that U.S. proposal currently lacks any definition of the powers and functions of the ministerial committees and the councils, and does not spell out such issues as how votes will take place and how amendments to the agreements will be made.

The proposal would also deal with Administration fears that the U.S. will be dominated by smaller countries under a system of one-country, one-vote decision-making. The U.S. proposal calls for negotiating partners to "reaffirm existing GATT practice with respect to decision-making by consensus. "Informed sources said this would delete two provisions opposed by the U.S.: first, the language in the draft of the proposed MTO that would allow a majority of countries in the Ministerial Conference of the General Council to "interpret the provisions of the agreement"; and secondly the proposal that amendments to the agreements which are adopted by a two-thirds majority would be binding on all MTO members. Under current GATT consensus procedures, countries are only bound by those amendments to which they explicitly consent. But sources critical of the U.S. idea said that the MTO proposal had already incorporated the GATT consensus procedures, and would not represent a significant shift from current practice.

Once source in Geneva said that the U.S. proposal had "hijacked" the process that the Secretariat of the GATT had hoped to initiate to resolve outstanding substantive issues on the MTO and the dispute settlement system. This process of setting up a special working group was intended to deal with a handful of contentious issues that have been unresolved since the so-called Track 3 negotiations on legal drafting were suspended last May. The new working group was supposed to deal with three MTO issues: the amending procedure, waivers from the agreement, and the procedures for non-application of the agreement (Inside U.S. Trade, Dec. 4, p.1).

Sources said that the Track 3 negotiations have come to a halt, and many negotiators are expected to leave Geneva today (Dec. 18).

The MTO was originally proposed formally by Canada and by the European Community in late 1991, and was intended to provide a permanent institutional structure for overseeing the world trading system. The new institution was aimed in part at dealing with the problem of "free riders," by forcing countries to sign onto all the new agreements emerging from the Uruguay Round, as well as the existing codes of the GATT. It was also intended to implement the single integrated dispute settlement system, which would have allowed countries to "cross-retaliate" by taking trade actions in one sector if its interest were impaired by trading partners in another. Both principles are supported by the U.S.

More than 300 environmental and consumer groups from around the world spoke out against the proposed MTO last week, and a Nov. 17 statement by groups from 30 countries called for scrapping the MTO. The statement charges that the MTO would "override national policies and possibly other international agreements," and would contribute to environmental degradation (see related story). In addition, the National Wildlife Federation said that the Administration should remove the MTO from the draft Uruguay Round agreement and put on the same timetable as negotiations to reform the provisions of the GATT (see separate story).

One informed source in Geneva, however, said that the U.S. proposal could actually weaken the provisions on the environment. While it has been generally accepted that a trade and environment committee will be created within the MTO, the source said that the EC and Canada had both favored including language on the importance of environmental protection and sustainable development in the body of the MTO test itself. The U.S. proposal, however, would restrict this environmental paragraph to a non-binding preamble to the proposed ministerial decision, the source said.

U.S. PROPOSAL ON MTO—MINISTERIAL DECISION OUTLINE

Define scope of multilateral trading system under one umbrella: the four annexes to latest draft MTO agreement.

Agree to convene ministerial meetings every two years to oversee the operation of these agreements, further their objectives and provide a forum for negotiation of further trade agreements.

Establish council of representatives to perform these functions in the intervals between ministerial meetings.

Establish 3 subsidiary councils; Goods, Services, TRIPs.

Establish Dispute Settlement Body to administer the integrated dispute settlement procedures in Annex 2 and a TFRM in accordance with Annex 3.

Establish standing subsidiary bodies of the general council: Balance-of-Payments Committee, Budget and Finance Committee, Committee on Trade and Development. Committee on Trade and Environment.

Designate Secretariat to support all the agreements in the four annexes.

Reaffirm existing GATT practice with respect to budget and contributions.

Reaffirm existing GATT practice with respect to decision-making by consensus.

Provide that by adopting this Decision, Ministers agree to submit, as appropriate, the annexed instruments for approval and implementation in accordance with relevant domestic procedures.

Adopt test of protocol to be accepted upon domestic approval.

Mr. STEVENS. My third reason for opposing the GATT is because it would bust the Federal budget. The Congressional Budget Office recently estimated that the agreement would contribute to the Federal budget deficit $1.6 billion in the first 5 years and up to an additional $16.5 over the next 5 years. With a Federal debt of $4.6 trillion and $202 billion budget deficit this year, I cannot in good conscience support this agreement.

I say, in sheer frustration, that I do not know where this Congress is going. Why can't we live up to the Constitution? Why can't we read the Constitution again, and proceed according to the Constitution?

Again I state my good friend in the Chair will recall the discussion we had during the debate on NAFTA. I am still waiting for the hearing, from the Finance Committee, to give us a chance to determine the future of fast track concepts. I for one will oppose fast tracks as long as I am in the Senate, until we get an understanding of how we are going to protect the Constitution as we consider bills under the fast track procedure.

I thank my good friend for his courtesy.

The PRESIDING OFFICER. The time has expired.

The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. WALLOP. Mr. President, free trade means the freedom of private parties to make choices about how to order their lives and how to spend the money they earn. Restricting trade burdens the exercise of this liberty. When governments restrict the freedoms of individuals to make such choices, they are regulating the disposition of private property. Whatever the arguably beneficial effects of trade laws, this is their actual function: government interference in private transactions.

Free trade agreements, therefore, should get governments out of the way of private choices, businesses, and transactions. Free trade agreements should deregulate international trade, give bureaucrats less control over how, where, and when exporters and importers can do business with consumers in foreign nations, and streamline our outdated and largely protectionist trade laws. Regulations are as harmful to international trade as they are to the domestic economy, and in both cases, they must be scaled back to stimulate private economic activity and allow private parties to enjoy the fruits of their labor and investments. Free trade agreements should encourage other nations to scale back informal or formal government controls over private economic activity.

I believe in free trade. I don't think any Member could argue with my record of support for free trade. Thus, despite its flaws, GATT reduces tariffs, the most obvious barriers to free trade, and institutes a standard set of rules for international trade which should permanently alter the entrenched protectionist policies of many foreign countries.

But what we are voting on today is not simply whether to make trade freer through the GATT. We are not voting on the GATT agreement signed in Morocco in April. We are voting on the implementing legislation which the administration and the staffs of the Finance and Ways and Means Committees drafted to integrate the substance of the GATT Agreements into current

U.S. trade law. Not only does the implementing legislation not integrate the GATT faithfully, it became an excuse to strengthen the protectionist biases in current U.S. law.

Let me give a few examples, examples of a few of the items which I hope the next Congress will examine closely and strip from U.S. law. First, according to the plain language of the GATT, there must be a fair comparison between the prices of foreign goods imported into the United States, and the prices of those goods in the exporting country. The current legislation perverts this language to allow average prices in the foreign market to be compared with individual transaction prices in the United States. The relevant provision effectively requires every sale of a foreign good in the United States to turn a profit or face duties over and above any tariffs already imposed. This is economic nonsense.

Second, a related provision allows a deduction of profits from the U.S. price when comparing those prices to prices in foreign markets. In other words, the more competitive imports are, the more certain it is that the ever vigilant Department of Commerce will find that they are dumped. Again, this is economic nonsense, and exalts the narrow interests of protected U.S. industries above the broad interests of the American consumer. Both of these provisions were unnecessary. We are now forced to vote on barely decipherable legalese which either obscures or contravenes what we negotiated with over 100 other nations.

Third, as part of the expansion of the definition of subsidy in the implementing legislation, there is a provision which states that, if a formerly government-controlled foreign company is privatized, its goods will still be subject to U.S. countervailing duties, again over and above duties which may already exist. This is a terrible incentive to provide to the emerging market economies of the world. What sort of message are we sending? In the context of a free trade agreement, the U.S. Congress tells nations transforming from centrally planned economies to private sector driven economies that their exports can never escape the effects of prior subsidies in the eyes of U.S. laws. This is both bad economics and bad foreign policy. Such a provision is especially ridiculous because GATT itself creates categories of subsidies immune from countervailing duties. Percentages of research and development, environmental compliance, and aid to "disadvantaged regions," whatever that means, are by the GATT language OK to subsidize. Mr. President, we as a nation cannot afford to subsidize industries whether such subsidies are GATT legal or not. I know that Senator DANFORTH and I agree that legitimizing subsidies on a national scale amounts to sanctioning a national industrial policy, which is and has always been a bad idea. The Government cannot pick winners; it only makes losers out of potential winners by transferring the money of working Americans to inefficient industries. American business and the American people want Government out of the way and out of their pockets. We cannot use a free trade agreement built on similar principles to defraud taxpayers. I can only hope that the administration will heed the language and intent of the amendments which Senator DANFORTH and I offered to address these concerns.

Closing this point, let me make one thing clear. Earlier this month, Secretary of Labor Robert Reich decried tax credits for corporations as "corporate welfare." Secretary Reich, wake up. Subsidies are corporate welfare. Antidumping laws which penalize efficient, competitive foreign products are corporate welfare for domestic industries. Tax credits, which mean that the Federal Government takes away less of the money which a business has earned, are not welfare. The money which a business and its employees have earned is theirs, Mr. Reich, not the Government's to bestow upon them.

To further demonstrate that the implementing legislation is contrary to the language and spirit of the GATT, I want to point out provisions which were not included in this legislation. The administration fought tooth and nail during the committee markup to defeat an amendment which would simply have granted U.S. importers of specialized foreign products temporary exemptions from antidumping and countervailing duties in cases where no domestic supply exists. Clearly, if no one in the United States makes a given product, no one would be inconvenienced by the import of that product without duties, which can average over 50 percent of the value of the good. Why should an American consumer or an American industry which needs such a product pay such duties? What or who is being protected by such a blind application of the trade laws? There are no benefits. Yet the Department of Commerce and the International Trade Commission saw the amendment which would have addressed this illogical situation as a threat to their imprudent stewardship of the restrictive trade laws. Industries protected from foreign competition by Commerce's favoritism in the application of antidumping laws also felt threatened by the amendment, and helped to defeat the amendment during the committee markups. These industries argued that the amendment would destroy incentives for domestic industries to produce the desired products. Again, bad economics. If sufficient incentives existed for domestic industries to produce the product, they would already be doing so. Because such incentives do not exist, American consumers who need the product must import it, and under current law, they are penalized for doing so. Protected industries were not swayed by the language in the amendment which gave domestic industries first crack at producing any desired product before any remission of duties took place. They and their allies in the administration simply rejected out of hand any language which suggested that American consumers ought not to be penalized for importing specific goods, in small quantities, when there is no domestic production.

The administration would have us believe that they are committed to free trade. I for one am not surprised that their actions diverge so clearly from their rhetoric when less government management of trade is advocated. And the amendment to which I just spoke was but one example. The Caribbean Interim Trade Program, originally proposed for inclusion in the GATT, would have expanded the now $22 billion United States-Caribbean trading relationship. It would have accelerated these nations' accession to GATT, necessitated protection of intellectual property rights, and stimulated bilateral investment treaties. The United States, including my own State of Wyoming, has run a trade surplus with the Caribbean Basin for 8 years. Yet it too, was left out of this implementing legislation due to lukewarm support from the administration and the same advocates of protectionism who were responsible for the other anti-GATT inclusions and omissions about which I have spoken.

On the whole, the implementing legislation reflects bad policy turned into bad law by bad leadership from the administration. If any Senator votes against this agreement, the reasons I have detailed above would amply support his or her decision.

But as every Senator knows, we are rarely asked to vote on perfect legislation. Far from perfect, this remains a historic vote. As my last vote in the Senate, I judge this legislation against the one thing that has underscored every vote I have cast in this body—liberty. The biggest reason to support GATT is to expand individual liberty. When governments regulate and restrict the way that millions of private citizens choose to do business and with whom they do business, they are restricting freedom, restricting liberty. Restrictions in the name of protection are without merit; government cannot protect citizens from the risks of free commerce without denying them the rewards. But when governments reduce barriers to trade, they increase the ability of each and every consumer to make choices. Thus my vote for GATT, despite the many problems in this implementing legislation, is simply that a vote for the ability of peoples around the world to engage in commerce more freely, with greater liberty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair notes that this will be the last vote that the Senator from Wyoming will cast, and if anyone could characterize a career as having been devoted to liberty, none would be more exemplary than his.

Does the Senator from North Dakota seek recognition?

Mr. CONRAD. Mr. President, I do seek recognition, and I would grant myself such time as I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

Mr. President, I will vote for GATT. I will vote for it because I believe it is in the best interest of the State of North Dakota and of our Nation. The reason is simple: The United States has the most open market in the world, and this agreement will force other countries to open their markets to us. The United States is the largest exporting nation in the world, and the agreement will provide the largest tax cut on our goods in world history. The $740 billion in tariff cuts will mean $700 billion in cuts by other countries while we reduce our own tariffs by only $40 billion. Clearly, that is in our interest.

The United States is the most competitive nation in the world, according to a recent analysis by the World Economic Forum. Opening other countries' markets to us will allow us to sell them more and create additional jobs for us. Clearly, that is in our interest.

North Dakota exports much of what we produce. This agreement will provide new opportunities for sales of our agricultural products, including wheat, cattle and hogs. Projections from the respected Food and Agricultural Policy Research Institute indicate that by the year 2001, the average North Dakota wheat farmer will realize $3,300 a year in increased income as a result of this trade pact. But the agreement does not just benefit agriculture. It will increase our sales of farm machinery, computer software and many other products we produce. Clearly, that is in our interest.

Mr. President, as you know, I have opposed trade agreements in the past, such as the Canadian Free Trade Agreement and the North American Free Trade Agreement. I opposed them because I did not think they were in North Dakota's interest. But I believe this agreement is dramatically different. Those agreements contained provisions that stacked the deck against our producers. This agreement starts to level the playing field. It is certainly true that other countries have played us for suckers on trade in the past. They have taken advantage of our relatively open markets while keeping their markets closed to us. This agreement starts to open their markets and make them play by the same rules that we have followed for years.

These changes are projected to add $100 to $200 billion each year to our economy when fully implemented. That translates into an extra $1,200 a year for every American worker.

According to the U.S. Treasury Department, it means $60 billion in deficit reduction over the next 10 years, without a tax increase. For those concerned with the loss of jobs, I believe this agreement will produce many more and better jobs than those we might lose as a result of this pact.

The U.S. Treasury Department projects that the agreement will result in a net increase of 500,000 jobs in the next 10 years. Mr. President, that is nearly as many people as reside in the State that I represent.

For those concerned with our sovereignty, I share their concerns. I do not think we should erode our sovereignty, and I would not support this agreement if I thought it would. After examining this issue closely, I do not think the agreement will interfere with our sovereign rights as a nation. But if the World Trade Organization proves to infringe on our sovereignty, we have the clear right to withdraw at any time on 6 months' notice. Further, every 5 years, we can vote in the Congress on whether or not to continue in the World Trade Organization. This vote cannot be filibustered. It will be a straight up-or-down vote on withdrawing.

We would be less than frank if we did not admit that this agreement is far from perfect. It will not solve all of our trade problems. We recognize that. Japan's unfair trade practices are only partially addressed. They will remain a serious problem that we must address in negotiations between the two countries. China, which remains outside of the General Agreement on Tariffs and Trade, will no doubt continue its unfair trade practices. We will have to aggressively address its trade abuses as China seeks to re-enter the GATT and join the World Trade Organization.

Finally, this GATT agreement does not address the major problem of unfair competition from countries that use child labor, pay their workers abysmal wages or force them to work under terrible conditions. This is a serious failing of the agreement. American workers should not be expected to compete with foreign workers who are not accorded fair working conditions.

But rejecting the GATT agreement will do nothing to change these circumstances. They exist today. Rejecting the GATT agreement will only retard economic progress in developing countries and slow progress on these issues.

Whatever the outcome of this debate, we must aggressively pursue a commitment from all of our trading partners to raise labor standards and wages if they expect continued access to our markets.

Although this agreement does not solve all our problems, it moves the 123 nations that are signatories in the right direction. It deserves our support.

The fact is that the world is changing. We must choose whether we attempt to cling to the past or bend the future to our best interests. I believe it is hopeless to try to prevent the changes that are already occurring in every corner of the world. Instead we must seek to make those changes work for us.

This GATT does that. I will support it.

I thank my colleague. I especially thank our chairman and the Presiding Officer for his courtesy.

I yield the floor.

The PRESIDING OFFICER. I thank the Senator.

Who yields time?

Mr. WALLOP. Mr. President, I yield myself but 1 minute.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I feel very strongly as well about the Budget Act, though I will support GATT. As I told the chairman when we were in committee, those of us who have voted against waiving it over the course of time could scarcely be expected to waive it now without being accused of either falsely supporting it or politically supporting it in the past. I regret to say that. But once that hurdle is cleared, I will be happy to add my support to the treaty.

Mr. President, I suggest the absence of a quorum with the time being equally divided.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I yield to the Senator from Alabama 15 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 15 minutes.

Mr. SHELBY. Mr. President, I rise today not to reject free and fair trade, but to oppose the unwise ceding of our national sovereignty, irresponsible budgeting, and backdoor legislative tactics. Mr. President, if the Senate fails to pass the pending legislation implementing the Uruguay round of the General Agreement on Tariffs and Trade, this body will not be rejecting the principles of free trade. Neither I nor the vast majority of my colleagues and constituents believe that American businesses and their employees cannot compete with any foreign enterprise on a level international trading field.

Few would argue that eliminating international trade barriers to our products and services is not a healthy and productive endeavor. It is. I am convinced that if the current enabling legislation contained nothing more than measures adjusting certain tariff duties and was adequately financed that there would be little concern on the part of most Americans to this agreement.

However, a cloud of mistrust, suspicion, and outright hostility on the part of many ordinary Americans has surrounded this legislation since its delivery from the White House to Congress.

This tension and exasperation is only heightened by the fact that a largely repudiated Congress is considering the measure only weeks after an historic election in a lameduck session.

Having reviewed the voluminous document to which this legislation would bind this Nation and the implementing legislation itself, I can draw no conclusion other than that this Congress and our trade negotiators should go back to the drawing board and create a trade agreement instead of a document promoting world government and fiscal irresponsibility.

The legislation before the Senate is hastily crafted, largely unstudied, and unpredictable in its effects.

Mr. President, each Member of this body is sworn to uphold and defend the Constitution of this great Nation. As such, our highest obligation is to preserve the sovereignty of this country and the powers of its elected bodies to write the laws that govern our people.

Yet, this document, before the Senate tonight would require the United States to join a World Trade Organization that would have the power to order the Federal, State and local governments to alter laws relating to trade, labor, industrial or any other policy that a panel of three international bureaucrats meeting in secret might find offensive to their interpretation of the GATT agreement.

Decisions by such dispute panels can only be overturned by unanimous vote of the GATT membership—a membership that will be composed not of the major industrialized nations of the world but of countries that simply agree to move toward more open markets. Think about it.

Given the U.S. track record in the General Assembly of the United Nations, it is far from assured and less than encouraging that trade disputes will be adjudicated in our favor.

Should WTO dispute panels rule against the U.S. when its domestic laws are challenged, we will be subject to international sanctions if we choose not to comply by altering our laws to fit the WTO's wishes.

The thought of an underdeveloped and undemocratic nation passing judgment on the laws of the largest free market and most democratic nation in the world is simply offensive to most Americans.

Yet, the White House's trade negotiators can give us no reassurance that the worst case scenario involving membership in the WTO will not come to pass.

When it is pointed out to trade negotiators that WTO membership requires a member "to ensure the conformity of its laws, regulations, and administrative procedures with its obligations as provided in the annexed agreements," and that the WTO will interpret and enforce this conformity they respond not with concrete assurances. Instead, trade negotiators express wishful thinking that it just will not happen. A hope and a prayer is simply not sufficient grounding for a decision that could affect the sovereignty of our governing institutions.

In addition, Mr. President, the American people most assuredly voted on November 8 for fiscal responsibility and I believe restraint.

Yet, only 3 weeks after that historic election, approval of this document mandates that we vote to waive the requirements of our budget law and add another $15 billion to our national debt over the next 10 years.

In the haste to pass this legislation, the administration has failed to provide over half of the funding to pay for lost tariff revenues. In addition, one of the few revenue raisers in this bill would finance GATT on the backs of the elderly and the working Americans by reducing the rate of return on ordinary savings bonds. Just think about it.

This legislation does not pass the straight-face test. We cannot seriously, I believe, talk about fiscal responsibility in the weeks leading up to the last election, and within a month vote to pass another budget-straining piece of legislation and still wonder why voters are cynical and mistrustful of this Congress.

Finally, as it has repeatedly in the past 2 years, the administration has inevitably succumbed to the temptation to load a large piece of legislation up with prizes and cutouts for some of its friends. For example, some of the worst among these cutouts is section 801 of title 8 of the bill that would give, some people think, between $1 billion and $2 billion in Federal fee relief to the Washington Post and to the Atlanta Constitution for exclusive and lucrative telecommunications licenses.

Mr. President, I have no idea, and I challenge my colleagues to explain to me what this provision has to do with international trade. Given that this legislation could cede our national sovereignty to an international body, that it busts the budget and contains extraneous materials, we should hardly be surprised that so many Americans are so passionately against this agreement.

Mr. President, proponents will argue that this debate should be about free trade. Indeed, I agree that it should be. And if it were, I could easily support the agreement. But, Mr. President, there are more important issues at stake in this debate than the lowering of trade barriers. This agreement has become a post-Thanksgiving turkey to be swallowed by a lameduck Congress.

There is simply too great an atmosphere of distrust and confusion in the minds of the American people and too little knowledge on the part of the Congress to pass this legislation.

I believe that we should come back next year with new legislation that guarantees our continued sovereignty, pays for this agreement, and is free of extraneous material. I ask my colleagues to vote no on this agreement at this time.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I am happy to yield 15 minutes to the distinguished Senator from New Jersey, who returns in welcomed triumph to this Chamber.

Mr. LAUTENBERG. I thank the distinguished chairman of the Finance Committee.

Mr. President, I take this opportunity to present my views on the GATT agreement, the General Agreement on Tariffs and Trade currently before the Senate. It is a culmination of more than 50 years of developing international trade relationships and practices. It has been the subject of specific negotiations for almost a decade. We will soon decide whether the United States will support this document which our Government has been instrumental in developing.

I have approached my decision on GATT by asking questions about our future, about the direction our economy is taking, about the best way to improve our prospects, and the best way to provide opportunities for the workers, the families, and the children in my State.

As the Presiding Officer knows, I come from the business community in New Jersey. My corporate experience led me to deal with corporations of all types, all different businesses, and I got to know the industrial makeup of our State. It pains me, Mr. President, to see the decline in various parts of the manufacturing sector in our State and throughout this country.

Therefore, after much review, a lot of questions, a lot of time spent in dealing with staff and with people from the trade office, I have decided that supporting GATT is the best way to build a better economic future for the people of New Jersey and for our Nation.

Historically, America offered those who were willing to work a real opportunity to get ahead. Low-skilled workers could make a week's pay. They found a way to care for their families. They could help their children get an education and move up the economic ladder and get a piece of the American dream.

But in the last few decades, we have seen declines in American industrial employment. Manufacturing jobs at decent wages are harder to find. Too many industries are fading away. Too many firms are shrinking. The people who used to start in manufacturing plants now end up in the low-wage service jobs, without fringe benefits, without job security, without health insurance, and without a secure future.

These developments have been difficult for our country. They have created unprecedented anxiety even as we pull out of a recession, unemployment is going down, and the economy is growing. But still, too many American workers fear that they will never have the kind of income and job security they need to fully participate in the American dream. These economic trends result from many factors, and I would like to identify just three.

First, new technologies have made our economy more competitive and productive; but they have also allowed companies to reduce their work force even as their profits grow.

Second, as developing nations move to share free markets, we face a new challenge. We have to compete with companies who pay their workers a 10th, or a 20th, or even a smaller fraction of American wages. And those companies operate with little regard to the health and safety of their workers or the well-being of the environment.

Third, our own economic development in the international marketplace has in some ways pitted sectors of our economy against one another. Whenever we try to protect less competitive economic sectors, other nations retaliate against our new and growing industries seeking niches in their marketplace.

GATT or no GATT, our society must face and deal with these difficult decisions. America's future depends on a highly skilled work force, top-notch job training, and technological innovation. I do not want to see a single job lost in this country, especially not to competition from workers in low-wage, exploitive economies. But with or without GATT, we do face that competition. There is no way to ignore it. So what we have to do is respond to it.

GATT, though not perfect, is a reasonable response. It will increase economic growth, create new jobs, and provide our workers and their children with the opportunities they deserve. Today, as we prepare to vote on this historic agreement, I have tried to look into the future a little and make a decision that will contribute to the most stable, prosperous society that we can have. I believe that approval of GATT will provide us with that opportunity.

This legislation amounts to the largest single tax cut in the history of the world. As tariffs decline, so should prices, and all consumers, Americans and others, will benefit.

GATT provides the kind of intellectual property protection that we need to compete in the global economy. More markets will be open to our products, and fewer of our ideas will be pirated or counterfeited. GATT goes a long way toward securing our economic future and addressing our concerns. It establishes a level playing field in those areas where our economy is growing—pharmaceuticals, communications, and other high-tech industries. And in sectors that will suffer, like textiles, it attempts to cushion the blow by phasing in the new rules and giving people time to adjust to them.

The benefits of GATT will spur growth in American industry, both large and small.

In my State of New Jersey, exports have increased 90 percent since 1987. There are 6,900 companies in New Jersey that sell their products outside the United States. Of these companies, 6,100 of them, 6,100 out of 6,900, have fewer than 100 employees. Unlike the giant firms that continue to downsize, these are the firms that led New Jersey's economic recovery. These are the firms that will continue to increase employment if they can increase sales. And GATT encourages them to do just that.

Real economic growth, the kind that creates jobs as well as profits, requires us to support the small companies that have always been the bread and butter of American business.

The Treasury Department estimates that GATT will create 18,000 new jobs in New Jersey alone, many of them in small high-tech companies. These are good, well-paying jobs, the kind that let people enter or remain in the middle class and build a future rather than being forced to work harder for less money.

Throughout this debate, I have been particularly concerned with the issues of job loss, child labor, and sovereignty. I had a lengthy conversation this morning with U.S. Trade Representative Mickey Kantor, and we discussed these concerns.

Obviously, we can find flaws in the agreement in these areas. And even after my discussion with Ambassador Kantor, I am concerned about our ability to prohibit abuses of child labor. But I do recognize that this is an issue that we can continue to pursue. GATT is not the last word on trade issues. We will continue to fight child labor and other human rights abuses.

While GATT does not solve the problem, it does not prevent us from solving it. We have other ways to make our case and protect our laws, including GSP renewal and section 301, and I intend to pursue our goals in this manner. In addition to these trade-related remedies, we can also use our military and foreign aid programs to deter practices that we oppose.

Mr. President, I recognize that many fear that GATT will undermine U.S. sovereignty. If I believed that was the case, I would not support it. Nor would four former Presidents. Nor would a majority of Members of the House of Representatives.

Specific concerns about our rights under GATT have been addressed in the implementing legislation. We have reaffirmed the simple fact that no rule in GATT, no decision by the WTO, will require that the United States to modify any of our domestic laws. And even Senator DOLE, the current Republican leader, who was so skeptical about this point, has been reassured by the administration's commitment to support future legislation that will allow us to withdraw from the agreement if WTO decisions are arbitrary.

Mr. President, with or without GATT, we have an obligation to retrain displaced workers. We have a moral responsibility to them. And we must work in a bipartisan way to ensure that they are not forgotten.

I believe that if we work together and work hard we can compete successfully in the global economy. I think this agreement will allow us to do so more effectively. I have faith in the American worker and American industry. And I am confident that with a level playing field we can create an export surplus, improve our economy and build a more prosperous America for future generations.

My distinguished colleague, Senator BRADLEY, who has had long experience as a Member of the Finance Committee and working with trade issues, came to a conclusion after a deep review of what benefits there might be and what kind of problems would follow. He came to a very thoughtful conclusion that he is going to support GATT.

I am pleased that he and I view this the same way, that this is the better way to support America's opportunities in the future, and I am happy to register my support for it.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KERREY). Who yields time?

Mr. MOYNIHAN. Mr. President, may I just for a moment thank the Senator from New Jersey for his statement and emphasize his observation. This is a historic decision. The Senate will not make a more important vote in this decade and his statement is very important in seeing to its success.

Mr. President, I yield the floor. I see the Senator from Iowa I believe is managing time on the other side.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I will yield what time I might consume to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I rise this evening to speak in favor of the General Agreement on Tariffs and Trade. I have concluded that this agreement will not only benefit our Nation's economy, it will also benefit the world's economy, and in particular, it will benefit the economy of my home State of Indiana.

The State of Indiana is consistently ranked among the top exporting States in the Nation. We continue to lead the country in the production of steel. We are one of the Nation's premier agricultural States. We are in the top five auto manufacturing States. And Indiana has been a leader of pharmaceutical and medical devices manufacture, all products that will significantly benefit from expanded world trade.

I will speak in a moment about the larger benefits of GATT to the American economy and why I believe this historic free trade agreement is a step, and an important step, that our country should take.

But first let me speak specifically about how the GATT will affect the State of Indiana.

I want to be very specific about why I believe this agreement is good for the State of Indiana. Productive workers, making products and providing services that are in demand around the world, need expanding markets or they simply will lose their jobs. It is that simple and that important.

Free, fair, and open trade is crucial to Indiana because exports are the lifeblood of Indiana's economy. One of every six Hoosier manufacturing jobs is due to exports. Were those products not exported around the world, one of six Hoosiers would be out of work.

One-third of our farm production travels overseas. One- third of our acreage would be idle and one-third of our agricultural workers would be out of a job were those agricultural products not shipped overseas.

Over 155,000 Hoosiers owe their jobs directly to the export of manufactured goods. We have seen in the State of Indiana a 126-percent increase in merchandise exports just since 1987. We ranked 14th overall in the value of export sales just last year alone.

We exported $1.3 billion worth of agricultural commodities in this last year, an amount that is estimated to increase by $240 million through passage of GATT. University of Purdue economists are predicting today that the passage of GATT will inject $63 million into the Hoosier farm economy each year and will cause farm income to rise 1.5 percent.

There has been a crucial fact missing from this GATT debate, and it is central to the American way of life and to the promise that the American economy holds for our workers. That is a fact that we should never forget and a fact that I think is determinative in this debate. The American worker is the best in the world in terms of productivity. We can compete with any country anytime, anywhere. America's overall productivity is 30 percent higher than that of the Japanese worker. Our manufacturing productivity is 28 percent higher. These are astounding figures when compared to one of the most dynamic economies in the world, West or East.

But GATT, which is certainly a global agreement, has a major local impact on where it is we live and where we work and where we raise our families.

So, once again, I return to Indiana. In Gary, our U.S. Steel plant uses only 2.7 man-hours to produce a ton of steel, compared with an average of 5.4 man-hours in Japan and 5.6 in Germany.

Let us compete and the American worker can do great things. To opt out of GATT would be to opt out of a dynamism that is the future not only of the American economy but of the world economy. We must recognize this reality. We must recognize this truth, this fact that is changing the way that America works, is changing the way the world works. If we do not meet this challenge, if we do not compete successfully to meet this change, we will see declining productivity, we will see declining opportunity, we will see declining job opportunity for American workers. But if we do meet the challenge, as we are accomplishing in our manufacturing and service industries today, if we do meet that, America will see a continued rise in our standard of living and in employment opportunities in this country.

As the world's largest economy, the United States stands to gain more than any other country from increased commerce that could be generated and will be generated, I believe, by a new global trade pact. GATT is projected to add $100 billion a year to our gross domestic product just in the next decade. That growth may well represent over a half million new jobs for America's workers.

The North American Free-Trade Agreement, a benchmark which we can look to which was approved just last year after a tough battle here in the Congress, provides a lesson on the merits of open trade. During the first 6 months of NAFTA, United States exports to Canada surged 29 percent and exports to Mexico jumped by 17 percent.

My home State newspaper, the Indianapolis News, said this in a recent editorial:

> Trade has become the prime engine of economic growth in America, which is the world's leading exporter and importer. U.S. workers, who are the most productive in the world, will see more jobs created by GATT.

Mr. President, this agreement, as has been stated on this floor, is not a perfect agreement. It is a negotiated agreement over a decade of time among more than 100 nations. There had to be some give and take. There are portions of it that all of us would like to modify. However, we should not let the perfect be the enemy of the good.

I believe it is a good agreement. I believe it is an agreement that is in the best interest of the Nation and in the best interest of the State that I represent.

The changes incorporated by Senator DOLE in an agreement with the President are important changes. They address some of the fundamental questions that have been raised and important questions that have been raised by many of our citizens. Those agreements, I believe, satisfactorily address the concerns that many of us had when the initial agreement was presented to us by the administration.

I commend the minority leader, Senator DOLE, for his efforts in working with the administration to address these concerns and incorporate these changes that will allow us to go forward and support this agreement.

America is today presented, Mr. President, with a historic prospect. I hope my colleagues will join me in supporting this treaty.

Mr. President, I thank the Senator from Iowa. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I am happy to yield 20 minutes to the distinguished Senator from California, Senator BOXER.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, GATT is important for my home State of California and I hope it will pass the Senate today.

The GATT Agreement will expand California exports, create jobs, and strengthen my State's economic recovery.

The GATT Agreement will tear down foreign barriers on California-made goods from computers, semiconductors, electronics, pharmaceuticals, and medical devices to construction equipment, steel, chemicals, and wood products.

The GATT Agreement will provide greater protection for California's world-class software and pharmaceuticals and music recordings and television shows. The strength of California's economy—and the promise of our future—are the great ideas of our inventors and entrepreneurs. Too often, these ideas are stolen and sold by pirates in markets abroad—in fact, in 1992 alone, U.S. companies lost between $15 billion and $17 billion from piracy. With the GATT Agreement, we will have more effective tools to attack these pirates.

The GATT Agreement will also expand California's farm exports and create jobs in the agriculture sector, especially for growers of rice, grapes, almonds, walnuts, tree fruit, and vegetables.

The GATT Agreement may mean as much as $10.1 billion in new California exports in the first 10 years. According to the California Institute, California stands to gain as many as 200,000 jobs from increased exports of manufactured products alone. And, exports of services and agricultural products will generate another 44,000 jobs for Californians.

Yes, GATT will be good for California.

But, let me say: I know this agreement is not perfect. It does not do enough to open markets for our entertainment industry, and telecommunications companies, and our aircraft makers.

I also recognize that many are concerned that our strong Federal and State environmental, health and safety laws could be vulnerable under new GATT rules. I understand these concerns and I have thought about them very carefully.

But, let me say: I do not believe that this GATT Agreement will threaten those laws. GATT rules or GATT panel decisions do not have the force of law. Not a single environmental, health, or safety law—at the Federal or the State level—can be changed without action by the Federal or the State Governments. Yes, our trading partners could challenge our laws, but no—our trading partners cannot change our laws.

I have received specific assurances from U.S. Trade Representative Mickey Kantor on this very issue. Ambassador Kantor has assured me that:

> California's strong environmental and consumer protection laws cannot be overturned by WTO rules or dispute settlement panels.

Ambassador Kantor points out that section 102(a)(1) of the GATT implementing legislation states explicitly that no provision of the GATT agreement "that is inconsistent with any law of the United States shall have effect."

I also want to say to GATT critics: GATT is not NAFTA. GATT is about creating a more level playing field for American exports around the world. The GATT Agreement creates trading rules that 123 nations will agree to live by—and many of these nations have a standard-of-living that is the same or above that of the United States. In contrast, NAFTA created a special trading relationship with one country—a low-wage developing economy.

The GATT is not NAFTA because, under the GATT, Congress has the power to say: "We want out." The GATT implementing legislation provides an expedited procedure for Congress to revoke its approval of the GATT Agreement; NAFTA did not provide this kind of mechanism for Congress to end U.S. participation in the trade arrangement.

GATT is not perfect. But, GATT will be good for California and GATT will be good for the economic health and growth of our entire Nation. GATT—or no-GATT—our industries and our workers already compete in a global marketplace. Our industries and our workers face competition—not only within our country—but also with industries and workers on the other side of the globe.

GATT—or no-GATT—this is economic reality. Trade—in all parts of the world and in all sectors of our economy—is expanding rapidly. GATT is an opportunity to see that this trade is fair.

The GATT agreement creates rules that all nations will have to play by—creating a better and more fair climate for U.S. industries and workers who must compete in this global marketplace.

This Nation—and especially California—has always been ready to look forward and face new challenges. Competition in the global marketplace is among the biggest of these challenges. But, we are ready—ready with the best, most productive workers and bold new ideas. We are ready with industries that produce what the world wants to buy.

Since my youth I wondered what it would be like to have a world that was no longer divided between the Soviet Union and the United States of America. I wondered what changes would come with the end of the cold war.

When I became a Member of Congress in 1983 that dream seemed very far off. The United States and the Soviet Union had missiles pointed at each other; children had nuclear nightmares; stories appeared that the Government had an underground maze as a place to survive a nuclear attack; every year more and more deadly missiles with multiple warheads were built with precious tax dollars.

Then the physical walls came down in Europe. The Gorbachevs and the Walesas and the Havels changed the world. Communism collapsed of its own weight and, although the world is certainly volatile, complicated and dangerous, it is no longer divided between two nuclear armed camps.

You might wonder what all that has to do with GATT. What does all that have to do with the General Agreement on Tariffs and Trade? To me, it has everything to do with it.

The challenge for America now that we have won the cold war, is to continue to be the leader in the world. Yes, we will always be the most powerful. Today, we spend 500 percent more on the military than all of our potential enemies combined. We will always have a powerful military. But being a leader also means engaging in the world diplomatically and economically. And when we engage in the world economically, we have the opportunity to do so much for our Nation because we will influence people all over the world and we will help people all over the world.

When we have the chance to make lives better for the people of the world with our abundant food, our pharmaceuticals, our computers, our services, our know-how, our country will gain influence and friends among the people of the world.

I look at GATT as a major part of the peace dividend. The countries that have signed the GATT Agreement include many who were once behind the walls of communism and other countries that now feel free to join the world economic system because the cold war is over.

So in the large sense: I see world trade as one answer to avoiding conflict and isolation. The more countries that are involved the better.

From the standpoint of the direct benefit to our Nation I think the answer is clear: the most productive nation in the world should not shrink from engaging in the world's commerce, it should enthusiastically accept the challenge and win the competition.

Right now we are the world's most competitive economy. In fact, the World Economic Forum in Geneva in its "1994 World Competitiveness Report" ranked the United States the world's most competitive economy for the first time since 1985—above Japan, above Europe, above all the nations in Asia. The United States was the world's No. 1 exporter of goods and services last year. The American work force is the most productive in the world—the productivity of workers in France is 91 percent of the United States level, in Germany it is 86 percent of the United States level, and workers in Japan are at 73 percent of the productivity of American workers.

We have been tested. We have had our fiscal nightmares like the S&L scandal which came about because of greed. For a while in the 1980's we didn't seem to value productivity, only wealth. But we saw our country moving backward and we saw our Nation building up debt and we turned it around. It hasn't been easy.

I remember when President Bush had a dinner in Japan and he got sick and that became a symbol of our economic weakness. We tried to tell the nations of the world what to do with their economies but they wouldn't listen to us because we weren't leading by example. But, now we are. We have reduced the deficit 3 years in a row; we will have the fewest Federal employees since John Kennedy and we are productive and creating jobs. President Clinton deserves credit for this, although he rarely gets it. We are getting our economic house in order. This is the right moment for us to step up to GATT and lead the world.

Change isn't easy. The opponents of GATT speak to our fears. They talk about lost jobs to imports. But they don't speak of new jobs from exports, exports all over the world, exports to new and growing and exciting marketplaces all over the world.

Yes, there will be a World Trade Organization with the authority to judge if the rules are being followed. But, if this organization steps over their bounds and begins to encroach on our sovereignty we can pull out. That is a real safety net and one which this Senator would not hesitate to use if necessary.

Looking out to the future we need to ask ourselves where will the customers come from to buy American goods. In America, of course. But beyond America. Too many times we have been stopped by tariffs and barriers. With GATT that will end and I believe in America's ingenuity and skill. We will sell our products and people will come back for more and there will be more jobs.

There is one world now. And that world looks to America. Whenever I travel I am so taken with the world's fascination with our Nation, with its interest in our Nation. America's TV is all over the world. America's music is all over the world. America's blue jeans are all over the world; America's hamburgers are all over the world. All of our products should be all over the world. We will dominate in trade because of our productivity, because of our ingenuity and because we are a free people, free to be creative. But we need rules, and GATT will give us fair rules.

We have a tremendous opportunity with the GATT, in this shrinking world to expand the reach of the American people through trade.

That is the future I believe is best for my State and for my country. It is the future that is best for the working men and women of this country, whom I care deeply about. I hope and trust that a strong majority of my colleagues see it that way.

The PRESIDING OFFICER. Who yields time? The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I congratulate the Senator from California for a thoughtful, comprehensive and spirited statement about this subject: Step up to the GATT and get on with the future; we are the most competitive economic power on Earth; we were not leading by example, we now do; now is the time to go on.

I think that is exactly the spirit in which you end up this decade and this century.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MOYNIHAN. I yield the floor.

Mr. PACKWOOD. Mr. President, waiting for another speaker I might allocate some time for myself.

I want to talk a bit about this argument as to whether or not this loses money—we passed GATT and it loses money—because it is very critical that those who are viewing this understand the difference between static revenue estimates and what we call behavioral or dynamic revenue estimates.

A static estimate, Mr. President, is this: You presume no change in behavior. If you have a 25-percent tax rate on all the people in this country and that produces $1,000, you raise it to 50 percent and you get $2,000. Raise it to 100 percent, you get $4,000. I suppose if you raise it to 200 percent, you get $8,000. That is a static revenue estimate.

I, at one time, asked the Joint Tax Committee, which is the professional group that advises us, if they could do an estimate of how much money we could raise at a 100-percent level of taxation. And they said, well, they really could not do that exactly, but they could tell us how much money there was that was untaxed over $100,000 and how much we could apparently raise if we taxed it all. So their estimate indicated that in the first year at 100 percent rate of taxation, we would raise something, as I recall, let us say $120 billion, the second year $140 billion, and the third year—they do these 5-year estimates. Each year it kept going up.

So I said, "You mean to tell me that if we have a 100 percent rate of taxation for 5 years in a row, the revenues will go up every year?"

And they said, "Well, we presume no change in behavior."

I said, "You mean to say at 100 percent rate of taxation you think people will keep working?"

Then they did say they thought if the taxpayer thought there was no hope of getting out from under and no way to defer this income tax past 5 years, no way to avoid the tax, that they would expect a significant downturn in activity and a downturn in Federal revenue.

Well, that is static revenue projecting and, of course, behavior changes. You tax somebody 100 percent and most people will not work very much if they have to give it all to the Government. You lower the taxes to 90 percent, some people might work; you keep 10 percent. That would be a behavioral change, dynamic change. You lower the tax rates a bit, lower it to 80 percent, maybe more people would work.

Now, of course, everybody can see the undertow that is coming. This leads to the theory of supply-side economics: You cut the taxes and cut the taxes and more revenue comes in. Dr. Laffer was right in his theory of the Laffer curve. He tried to say there is a point on a parabola that is the optimum level of taxation that raises the most money. And if anyone knows where that exactly is, that person should be in the stock market rather than attempting to predict taxation. Well, that is dynamic or behavior prediction. You change the rates, people's behavior changes.

In the revenue projections that we are doing on this bill, we are projecting revenues on a static basis because our rules require that. So we are saying, if the present tariffs raise a million dollars and we lower the present tariffs, we are going to lose money. It does not presume any increase in trade. It does not presume any increase in activity that would raise money from other sources.

Now here is the interesting difference. There is not a respectable economist that I know of from the far left to the far right that says this bill loses money. The Congressional Budget Office has had to predict that it loses money because they have to predict on this static basis. The Office of Management and Budget will say if we must predict on a static basis, it loses money. But they will both say unofficially, "We don't think it loses money."

Why are people afraid of those kinds of predictions? It is understandable why we are hesitant to get into dynamic predictions, but I want to emphasize again, to the best of my knowledge not a single respectable economist from the left to the right says this bill loses money.

The reason we are hesitant to use this form of revenue estimating normally is that every zealot group that believes in a cause is convinced that if we will spend money on their cause now, it will save money in the future. Come in and spend $5 billion on juvenile crime prevention now and it will save us $30 billion on prisons 20 years from now. Spend more money on education now, people have more education if they go to college instead of high school, they make more money, they will pay more taxes, we will get more money back than we spend. Everybody says that. And the zealots believe it. There are programs where I believe that.

But the trouble is, there is no one who believes in a program who thinks that program is going to lose money. So we have to have some middle ground of attempting to dispassionately, bipartisanly attempt to estimate what is going to happen if you change tax rates. And here, because we are going to get into this again on capital gains this year, I want to talk about the capital gains tax.

Three years ago, President Bush proposed a capital gains tax cut. The Treasury Department predicted that over 5 years, the cut would produce about $12 billion in revenues. The Joint Tax Committee, the professional group that advises the House and the Senate, predicted that over the same 5 years, it would lose about $12 billion and this became a cause bell between those who wanted it and those who did not. Those who did not said this is a boondoggle for the rich and the poor will have to pay for it. Those who wanted it said this is going to give us $12 billion we can spend on the poor.

The irony is the Joint Tax Committee and the Treasury Department were not very far apart. Both of them were attempting to estimate on a behavioral basis. The base of transactions upon which they were basing their estimate was trillions of dollars—trillions. Twelve billion dollars, plus or minus, was so close to being almost the same prediction, well within the margin of error, that we should not have been hassling, but philosophy swept us up in the argument. It was a very, very close estimate between Treasury and Joint Tax.

Here would be the difference in guessing, but magnify this a million times over. Let us say that the capital gains tax is $10 a transaction. Let us say a $10 stock transaction, and you had 100 transactions last year. A thousand dollars in taxes come in.

Now somebody says, "Let's cut the tax to $5 a transaction and we will raise money." But if you are going to cut it to $5 a transaction, then instead of 100 transactions, you have to have 200 transactions to get the same thousand dollars.

In essence, what Treasury and the Joint Tax Committee did when they were estimating is that Treasury said, we think at $5 you will get 210 transactions; the Joint Tax Committee says we think at $5 you will get 190 transactions, and that was the difference in their revenue estimates and it is the difference between two estimates as to behavior. A static estimate would have been if you cut it to $5, you get $500. No change, no difference in transactions.

I want to emphasize again that in our dealings here, the estimates of revenue loss are based on the assumption that no matter how you lower the tariffs, there is going to be no difference in the quantity and quality and cost of the goods that come in. It would be the same number of goods regardless of whether there is a tariff or no tariff, regardless of whether there are barriers at the border that keep it from coming in or not. That simply is not realistic, and no one I know says it is realistic.

So I hope we can put this boogeyman to bed that what we are trying to do costs money. It does not. Because of our arcane budget rules, we have to score it that way, but it does not lose money.

Now I want to talk about one other situation, and this is a little more difficult to talk about. There are winners and losers in any kind of trade arrangement.

Let us say the United States and Germany are negotiating trade agreements, just the United States and Germany. And we say to Germany, "We think you are not allowing us to sell our telecommunications equipment in your country fairly.

You have an unfair barrier or tariff and we cannot sell our telecommunication equipment fairly. Germany says we think you have an unfair barrier to our pharmaceuticals and we cannot sell our pharmaceuticals in our country fairly. So we work out a deal with Germany. We say if you will lower your telecommunication barriers we will lower our pharmaceutical barriers. The Telecommunication Manufacturing Equipment Association of Germany, if there is such a thing, does not like that arrangement and probably the Pharmaceutical Manufacturers Association in this country does not like that arrangement. There is a give and a take.

But what it means is that German consumers will be able to buy at least telecommunications equipment cheaper and probably better because there will be more variety and more competition. And, conversely, you have a greater option of pharmaceutical options in this country. The consumers benefit in both countries. The industries that are affected do not like it, understandably. Most of these industries are decent, well-intentioned.

I really am using a wrong example of pharmaceuticals because they are one of the leading edges in the world. They produce in this country a tremendous surplus balance of trade. And one of the great things they get out of this agreement is their intellectual property protection. So their drugs cannot be copied, stolen, or manufactured elsewhere and they get paid nothing for them. I do not mean to in anyway say this industry is slacking. They are tremendous from our standpoint.

But almost every industry is convinced that it cannot stand competition. You see the world through your eyes. I mean you grow up. Here is the forest as you live in it. It is hard for you to step back and see anything but trees.

So there is a give and a take. One of the gives I fear to say may be the apparel industry. I remember once the chairman of the Finance Committee, Senator MOYNIHAN, saying we have not yet learned how to automate the making of a man's suit. Not the textile industry. That is very capital intensive. Their exports as a matter of fact are going up. Japan is instructive on this.

I think I heard earlier somebody saying go out and try to find a garment that says "made in U.S." You will see that it is made in Bangladesh, Singapore, India, Hong Kong—none made in United States. Thirty years ago Japan was in the top 5 in the export of apparel, and also the largest exporter of textiles. Today, Japan is not even listed in the top 25 of apparel exporters. Maybe, but it is difficult to go to any clothing store in this country and find a garment that says "made in Japan." They nearly got out of the business. They realized they could not compete in a heavy hand labor business with Bangladesh. But they did not get out of the textile business. That is capital. That is machines. That is immense investment in highly-skilled, technical, well-paid workers. They are still in the top 10 in the export of textiles in the world.

If we are going to sell Boeing 747's, and American pharmaceuticals, and General Electric nuclear reactors around the world, the world has to have dollars to buy those things and in order to have dollars they have to sell us something to get dollars so they can buy what we can make best.

I used the example earlier. It is not all necessarily advanced high technology. I used the example earlier of a company on the outskirts of Portland, OR, called Denton Plastics. They are in the business of recycling garbage plastic, the kind of plastic you get when you come from the dry cleaners or the plastic or the paper at the grocery store, those kinds of things. They recycle the plastic wrappers you find on a frozen food package with all the colored carrots, beans, and all those different colors on the packages. They only have 40 employees.

How often have we heard on the floor the multinational corporations who are going—they have 40 employees. It is 11 years old. Mr. Denton is still the principal owner of the company. They take all of this garbage plastic and somehow squeeze it, heat it, and crush it.

Here I have an example. Here is the kind of bag that they take. It is a normal bag you would get. Here is the kind of wrapper that you might find on a frozen food package. They take all of this and they crush it up, heat it up, and out comes these little black plastic pellets which they then sell to China and Thailand and Korea who in turn make yo-yo's out of them and sell them back to us. This came from this.

I talked with Mr. Denton not an hour and a half ago. I said to him, "How on Earth can you compete with China in your kind of a business?" He has been to China several times. He sells in China where this yo-yo comes from. He said what the Chinese do is they have something like this. They will take a pair of scissors and they cut by hand the color out of it because they do not have the process for taking all of this, wadding it up and throwing it in the big heated vat. Then they will even take something like that and try to cut it into different colors by hand.

I said to him, "Mr. Denton, how much is your floor labor costs?" And I mean on the floor, not as research and development, and not Mr. Denton's salary. He is not going to move to Beijing. His R&D is not much. "How much are your floor labor costs?" He said, "Just a minute. Let me check." I could hear him looking: 10 percent. It is not worth moving to China when your labor costs are 10 percent. That is not the key to your competitiveness around the world.

That is how you can compete with a company that pays whatever we have heard today, 3 cents an hour, 30 cents an hour, $3 a month, whatever. The labor costs are de minimis. Go to any of our major electronics companies.

Intel is an immense operation in Oregon. They are just about—they have already made their announcement—ready to put in a new $1.2 billion plant in addition to, not 20 miles away, a $700 million expansion on a plant they already have. They are the biggest single private employer. Their company was founded in 1969. I asked them. "What are your floor labor costs?" They are 6 percent, or 7 percent. This is a highly capital intensive company; 6 or 7 percent. The only reason they are overseas—if they have to go overseas—to manufacture—is to be in the market to overcome trade restrictions in that market.

Those are the kinds of things that this GATT Agreement breaks down. Intel is not investing close to $2 billion in Bangladesh or Singapore or Malaysia. They are investing it in Oregon; Oregon, U.S.A. Oregon is a high tax State, comparatively speaking. We have no sales tax in Oregon. So we have a very high property tax and a very high income tax and a high corporate income tax. With all of that, they can compete throughout the world manufacturing in what is allegedly a high-cost country.

We cannot compete in everything. There are some things other countries can do better than we can, but there are not many things that they can do better that involve intellectual property. In films, Hollywood dominates the world; television, New York dominates the world. We have two kinds of merchandise figures. One is basically industrial things: refrigerators, cars, airplanes. We call that merchandise. The other is services, credit cards, insurance. Take Visa. Take Master Card. Take American Express.

They license the use of their card all over the world, and the licensee pays dollars to the American company. That is services. We have an immense surplus in trade in this country in services, and it is getting bigger and bigger as the world becomes more service oriented in comparison to its manufacturing base, and I mean the whole world's manufacturing base. But that is all of the service industries dependent upon quick and accurate communications. They do not have immense machinery like a shipbuilding facility. It is small and quick. Can we compete? You bet.

So as we consider this bill, remember just these few points: This bill does not cost money by anybody's rational scoring that I know that lives in this world, right or left, conservative or liberal. Two, if we are going to trade in this world, we are going to have to buy some things from other countries so that they have some money to buy things from us. And the things that we want to do and the lessons we should have learned are the kinds of lessons that Japan taught us some years ago. There are certain industries that you can justify keeping, and others you cannot. One I did not mention—and it is not so much a competitive thing—is aluminum. Japan, almost 20 years ago now, got out of the aluminum business. They are an energy-poor country. They have no coal, no oil, no natural gas of any consequence, no great rivers to dam up for electricity. Of course, the reduction of aluminum is an immensely electric-consuming, energy-consuming industry. Japan just said, "We are getting out." My hunch is they probably had a little base of aluminum workers, probably unionized, that did not like it. Japan said they had better things to do with their money.

In 1969, 1970, maybe 1971, I was a young Senator here, and Oregon was trying to sell beef in Japan. We were having a dickens of a time coming in. We are much more successful in their market recently. A young economic attaché in the Japanese Embassy came to my office, and I thought he was both wise and perceptive in explaining why he had no intention of letting us in. He said, "Mr. Senator, your States, this country, the United States, produces very good beef. I am convinced that if we opened up our market to your beef, you could probably find $500 million to $1 billion in sales in your beef, and that is $500 million to $1 billion we need for oil and not beef. We cannot afford to spend it on beef. We raise a little beef ourselves, but frankly we need it for oil." That was a rational answer, I thought. You only have so much money. But we have crashed their market in beef, and in a good many other products now.

So, Mr. President, I hope, as we continue to debate this tonight, and then into tomorrow, that we will remember this does not cost money. This bill produces money, except under our arcane method of scoring. There are winners and losers but, on balance, America is the winner for this reason: On average, tariffs and other restrictions are higher in countries around the world where we try to sell our products than they are in this country where other countries try to sell their products.

At the moment, the present world trading system disadvantages us. This bill that we are now considering attempts to bring down tariffs significantly, but it is as if we are starting with the world here; zero is here and the world is here and we are here, and what we are trying to do is this, come down, get them both down to zero eventually. We do not even make it in full with this agreement. But it gives us a better opportunity for trading throughout the world than we have now, and that, if no other reason, is a justifiable reason to vote for this bill.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, I thank the soon-to-be chairman of the Committee on Finance for a very thoughtful and precise statement. This legislation will not lose any money. But if we are going to talk economics for a bit, I wonder if I could add just a 4-minute statement about what economists have come to call the "trade cycle" in particular activities, which is that when it is typical for a product in the United States to be developed here, then to be exported to foreign countries. Then it begins to be manufactured in foreign countries, and then it begins to be exported back here. That is a perfectly normal cycle. There are good economic reasons for it and it makes perfect sense, as long as by the time the exports of our original product get back here, we are making something new. And we are, as the Senator has said.

We are the most competitive Nation on Earth in intellectual properties, and that being the case, yes, it can be a little disturbing to see familiar American products arriving with strange foreign names. Daniel Boorstin, our distinguished former Librarian of Congress Emeritus, in his book on the Americans, described how one of the ways these people from all over God's Earth got together and became a nationality was in part by the Model-T Ford, and other artifacts we manufactured here, which were very distinctly American, and we all knew about them, and that is why we knew about each other. Well, when that Ford equivalent starts being called a Nissan something, you start saying what is going on in our country, when in fact it is something that is very normal.

We have begun exporting computer chips, and the day will come when they come back and Intel will have something else. So there will be a new Intel. These are unsettling things, but nothing has equaled the growth in the wealth of nations—and this Nation in particular—than the growth in trade since the reciprocal trade agreement of 1934. That process began with Cordell Hull. Four years earlier, under Smoot-Hawley, we got tariffs to the level of 60 percent, and our exports dropped two-thirds in 2 years. We have a historic moment here at the close of the century, and it is looking good.

May I ask a question of the soon-to-be chairman? You are feeling good about this agreement, are you not?

Mr. PACKWOOD. I am feeling wonderful about this agreement.

Mr. MOYNIHAN. Mr. President, do you hear that? We feel wonderful.

Mr. PACKWOOD. Is that the question?

Mr. MOYNIHAN. That is the question. I think it appears there are no further speakers desiring to speak on our side.

Mr. President, I suggest the absence of a quorum, the time to be divided equally between Senator PACKWOOD and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I yield to the Senator from Missouri such time as he might want.

The PRESIDING OFFICER. The senior and distinguished Senator from the State of Missouri is recognized.

Mr. DANFORTH. Mr. President, I thank the Chair and I thank my friend from Oregon.

Mr. President, I strongly support the GATT agreement and strongly support the enabling legislation that is now before us in the Senate.

There is no doubt in my mind that if the United States is going to face the future, we have to compete with the rest of the world. We cannot as a nation pretend that the world does not exist. We cannot as a nation crawl into a hole and hope that somehow the world will pass us by, because if we do crawl into a hole, the world will indeed pass us by and relative to the rest of the world America will get poorer and poorer. So the concept of an international marketplace is one that in my opinion we are committed to and must be committed to as a nation.

Many people point out the fact that in international trade today the rules are not applied fairly to the United States. Many people have said that they believe that Americans can compete with any country in the world provided that the playing field is level, provided that the rules are fair.

But, Mr. President, in today's world the rules as they are applied are not fair, and one of the key examples of that is the series of problems that American soybean farmers have had with competition from subsidized oilseeds in Europe.

On two different occasions a GATT case has been brought and on two different occasions the GATT case has been won by American soybean farmers and on two different occasions there has been no result from winning those contests.

A lot of people have commented about the World Trade Organization as though it is somehow a threat to the United States. But the fact of the matter is that the World Trade Organization would make it possible for once to have enforceable rules of international trade. The problem in world trade has not been that the United States does not comply with the rules. We do comply. We have a long history of negotiating trade agreements and then abiding by those trade agreements because that is the kind of country we are, but other countries do not necessarily abide by agreements or play by the rules.

And what happened in the two oilseed cases that were brought by American soybean farmers is that we won those cases and then the European Community said simply: We do not care whether you won or not. We are not going to do anything about it.

So the present state of affairs is that we have an unworkable system. We have a system that does not act to the advantage of American farmers. It does not necessarily act to the advantage of Americans because other countries can abide by the rules when they want to or forget the rules when they want to and we cannot do anything about it.

One of the great accomplishments of this trade agreement is that it does provide for better enforcement than we have today, and better enforcement is something that is going to be to the advantage of the American people.

Now, some have said, well, how about the budget? Does not this forgo certain revenues? And it does forgo certain revenues, tariff revenues by the United States. But, Mr. President, I believe that is a technical argument rather than a real argument because the fact of the matter is that by expanding international trade, we will create somewhere between 300,000 and 700,000 new jobs for the American people, and there is no way that we can create 300,000 to 700,000 new jobs for the American people without simultaneously creating more revenue for the Government. It is not a revenue accomplished by the tax increase. In fact, it is a revenue increase that is accomplished by the largest international tax cut in history, but the effect of it is to stimulate economic activity, create more jobs, create more American jobs, more good American jobs, and with those additional jobs comes more income, more revenue to the Federal Government, more spending by people, a ripple effect throughout the economy and better opportunities for all of us, including a better situation for the budget deficit.

So the argument that somehow this has a negative effect on the budget is flatly wrong.

I would like to just make one other point, Mr. President. It is something that I think all of us understand. There is a natural fear by a lot of us of the unknown; a fear that when we enter the future, when we enter new challenges as a country we are going to be hurt. There is a comfort in the status quo. There is a comfort level in not having change. There is a comfort level in not having to compete as a country. And I understand that. If you compete, maybe somebody else will do better than you do. Would not it be better if we have no competition?

But, I do not think that this land of ours is the land of the timid. I do not think that it is the land of the fearful. I do not believe that the American people deep in their hearts really think that America just is not good enough to keep up with other countries of the world.

I think that most Americans feel that, given the opportunity, we can compete with any country, anywhere. Given fair rules, we can compete and we can win that competition with anybody. And that is what trade legislation and that is what trade agreements are all about. It is to create the possibility of real competition, not slanted competition, unfair competition, but real competition so that the American people will have the opportunity to sell what we produce on international markets.

This trade agreement, for the first time in history, limits agricultural subsidies. We wish that the limits would have been more stringent than they are. But for the first time there are some limits on agricultural subsidies and the agricultural subsidies of particularly the European Community have acted to the detriment of our country. This agreement establishes trading rules for intellectual property rights and for trade and services. These are two areas where the United States clearly has a competitive advantage over the rest of the world. Intellectual property, that is trademarks, patents, the inventiveness of the American people. It is a terrible situation when American effort and American ingenuity creates a new patent which is promptly stolen in another part of the world.

This covers intellectual property. It covers trade and services. And there is no doubt in my mind that in doing so this is to the advantage of Americans and of American jobs.

So, Mr. President, I am very supportive of this GATT agreement.

I want to pay a special compliment to the U.S. Trade Representative, Ambassador Mickey Kantor, and to his associates at the U.S. Trade Representative's office. I have, over the past year, noted certain problems that I had with the agreement as it was negotiated; problems relating to whether or not governments are going to get in the business of subsidizing especially high-tech industries and problems of whether or not we would open up future rounds of trade negotiations which tied trade policy to extraneous matters, even desirable extraneous matters, including labor standards and the environment. Those problems have been worked out to my satisfaction.

I want to express my appreciation to Ambassador Kantor for his willingness to work with interested Senators in addressing these very thorny questions.

But all in all, Mr. President, this is a really magnificent accomplishment, an outstanding trade agreement, and one which will greatly benefit the people of our country.

Mrs. KASSEBAUM. Mr. President, I rise today in support of legislation to implement the Uruguay round agreement of the General Agreement on Tariffs and Trade [GATT]. After months of study, questioning, and debate—both in Congress and in Kansas—I am convinced that this trade agreement is vital to our nation's economic future.

For half a century, the world's trading powers have recognized that everyone benefits from having basic rules of the road for international trade. That is why we have participated in the GATT system since its inception in 1947. The issue before us today is not whether to have an international system of trading rules but whether we can improve the rules that already exist.

I believe that we can.

The Uruguay round agreement—which resulted from 7 years of hard negotiation by the past three U.S. administrations—is not perfect. But in many key areas, it marks a significant improvement over the system now in place.

For the first time, this agreement will afford the protection of law to our farmers and agribusinesses who rely on overseas markets. It will help protect our rapidly growing industries that trade in copyrights and patents. It will offer the first protection in history to our businesses that sell services overseas.

The agreement will cut tariffs and help reduce Government interference in the free market around the world. It will make deep cuts in taxes on imported goods, and consumers will be the winners. Tariffs worldwide will fall by roughly one-third. And, companies in the United States—which already have less tariff protection than many of their competitors abroad—will come out ahead.

For example, I was contacted by Flexel, Inc., a cellophane manufacturer with more than 300 good jobs at its plant in Tecumseh, KS. More than half of Flexel's product is sold overseas, but today the deck is stacked against this small American manufacturer. The U.S. tariff on imported cellophane from Flexel's competitors in Europe is 5 percent; the European Union tariff on U.S. cellophane is 13 percent. The GATT agreement will level the playing field, lowering the European tariff to match our own.

As the critics point out, certain U.S. tariff barriers will have to come down in return. But it is clear that, overall, our domestic employers will gain far more than we concede. Consider, for instance, overall industrial tariffs. Under this agreement, we will reduce ours by 1.6 percent. By contrast, India will cut its industrial tariffs by 15.0 percent. Japan by 2.5 percent. The Europeans by 2.3 percent.

I believe we are winners with this agreement. However, many thoughtful people genuinely do not. I am deeply disappointed at the failure of the GATT's supporters to take the case to the people and to lay out clearly and precisely the arguments in favor of this agreement. I also have been disappointed by the unwillingness of many people on both sides of this debate to listen to the arguments of those who disagree—and to respect their sincerity.

Many Kansans worry about the role of the new World Trade Organization [WTO] and its potential to affect American sovereignty. They do not want an economic United Nations where the world's largest economic power has no more influence than any other country.

I share those concerns, and I have raised them with numerous trade experts, both in and out of Government. The WTO system has no relationship to the United Nations—indeed, the member countries have explicitly rejected any ties to the U.N.

Most of the changes that WTO will make in the existing GATT system are aimed at fixing problems that long have disadvantaged the United States.

For example, under the current system, decisions of the panels that settle trade disputes cannot be enforced by the country that prevails. And they are frequently ignored by the country that loses. Because the United States brings and wins far more challenges than any other country, we need a system that lets us enforce the rules. And that is precisely what we got in this WTO agreement.

For half a century, we have been members of a world trade organization known as the GATT Secretariat. This debate should focus on how the new WTO will differ from the existing organization that it replaces.

The new WTO will strengthen the procedural protections that the United States—and other countries—have in defending their trading rights. I believe we must get past the generalities and look at the details of how this WTO will work:

The current GATT can amend the trade agreements in ways that do not alter members' rights or obligations with only a ⅔ vote of the members—under WTO, a ¾ vote would be required to get to an amending vote, and no amendment would bind any country that votes "no."

The GATT can change the agreements in ways that alter members' rights and obligations by a ⅔ vote—under WTO, a ¾ vote is required.

The current GATT can expel by majority vote a member who refuses to accept changes in trade rules—under WTO, a ¾ vote is required.

The current GATT can interpret the substantive trade agreements by a simple majority vote—under WTO, a ¾ vote will be required, and protections are included to ensure that amendments masquerading as "interpretations" are not permitted.

The current GATT permits a majority of members to decide to take trade actions not specified in the agreements as long as those actions facilitate the operation and objectives of the GATT—the WTO eliminates this broad freelance provision.

The current GATT makes trade decisions only by consensus of all members, but that requirement is customary rather than required—the WTO mandates that decisions must be by consensus.

The current GATT establishes ad hoc panels to settle trade disputes among nations, and their rulings are final—the WTO adds a new opportunity to appeal panel decisions.

I was further reassured by the protective agreement worked out recently by Senator DOLE, which ensures added review of WTO judgments against the United States. If a panel of American judges finds that WTO panel decisions are arbitrary and capricious, we can expedite our withdrawal from the organization. The bottom line is simple: Only Congress can change U.S. laws, and nothing in this agreement cedes even one bit of that national sovereignty. That is why conservative Judge Robert Bork, who has studied the agreement, concluded that the sovereignty issue is a scarecrow.

Many also have expressed concern about the budget implications of reduced tariff revenues. But in the end, the budget argument does more to illustrate the shortcomings of the bizarre congressional budget rules than any shortcoming in the GATT agreement. The requirement—unique to the Senate—that legislation be revenue neutral for 10 years after enactment is simply unrealistic. It is impossible to predict with any semblance of certainty what legislation passed today will mean to the Treasury in 10 years. Remember: Ten years ago, it was predicted that the Gramm-Rudman-Hollings legislation would have balanced the budget by now. The budget argument is, at best, uncertain.

This vote is about new markets, less Government regulation of the marketplace, lower consumer prices and expanded American businesses and workforces. I will vote for the Uruguay round agreement because it is in our interest.

But the vote also is about leadership and our ability to shape, rather than follow, world events. Eight years ago, we led the world in calling for this agreement. Our trading partners now are watching to see whether the United

States, the world's largest economic power, will turn its back on free trade.

We must not underestimate the importance of this vote.

I, for one, believe we must lead.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 103-359, appoints the following individuals as members of the Commission on the Roles and Capabilities of the United States Intelligence Community: Senator JIM EXON of Nebraska, and the Honorable Wyche Fowler, Jr., of Georgia.

The Chair announces, on behalf of the majority leader, pursuant to Public Law 96-114, as amended, the reappointment of the following individuals to the Congressional Award Board: John M. Falk, of Virginia, and Ralph Everett, of Virginia.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 103-394, appoints Jeffrey J. Hartley, of Alabama, to the Bankruptcy Review Commission.

URUGUAY ROUND AGREEMENTS ACT

The Senate continued with the consideration of the bill.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. MOYNIHAN. Mr. President, on behalf of the distinguished chairman-designate of the Committee on Finance and the Senator from South Carolina and myself, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, December 1; that the Senate resume consideration of H.R. 5110 immediately following the prayer, with the time for the two leaders reserved for their use later in the day; that there be 9 hours remaining of the statutory time limit on H.R. 5110, with the time divided as follows: 2 hours for the Senator from New York; 2 hours for the junior Senator from South Carolina; and 5 hours for the Senator from Oregon.

Mr. PACKWOOD. I agree very much and think that is a fair allocation of time tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO SENATOR JIM SASSER

Mr. MITCHELL. Mr. President, when the 104th Congress convenes in January, our Nation will be without the service of Senator JIM SASSER. I have had the privilege of working with Senator SASSER for nearly 14 years, and I want to thank him for his outstanding service to the American people during this time.

Since 1989, JIM SASSER has had the not necessarily enviable task of chairing the Senate Budget Committee. During these extraordinarily difficult budgetary times, Senator SASSER has been charged with leading our efforts to reduce spending while preserving vital services.

By all accounts, Senator SASSER has done an outstanding job. He worked hard to enact President Clinton's historic 1993 budget resolution which is already working to cut the deficit by nearly $500 billion. Senator SASSER effectively has balanced the many competing demands on our Nation's budget, working to ensure that no single area bore the brunt of budget cuts.

JIM SASSER has been an outstanding Member of the Senate. He has worked tirelessly on behalf of the people of Tennessee and the Nation. I offer him my best wishes as he returns to private life.

FAREWELL TO SENATOR HARRIS WOFFORD

Mr. MITCHELL. Mr. President, I regret that when the 104th Congress convenes next January, our Nation will be without the service of Senator HARRIS WOFFORD. I want to express my gratitude to him for his outstanding efforts in the Senate on many issues of interest to both of us.

Senator WOFFORD has been a leader in this Congress on issues of importance to every American. He has done as much as anyone to bring to the fore of our Nation's attention the need to reform our broken health care system. He has worked hard to advance legislation that would improve patient choice, contain costs, and extend care to those who need it but can't afford it.

Senator WOFFORD was also a leader in advancing the idea of national service. HARRIS WOFFORD's longstanding commitment to the importance of each of us giving of ourselves so that those less fortunate than we might have a better life is unquestioned. He understands the value of public service and was a champion of legislation that allows young people to undertake volunteer work while earning money to pursue a higher education.

Although his time in the Senate has been relatively short, Senator WOFFORD's contributions have been significant. I have greatly enjoyed working with him, and I wish him the very best as he returns to Pennsylvania.

HONORING ABRAHAM ROSENTHAL

Mr. MOYNIHAN. Mr. President, a little less than two weeks ago I attended a marvelous event honoring Abraham Rosenthal and his work on behalf of the Tibetan people. Mr. Rosenthal has enjoyed an illustrious career at the New York Times and almost throughout has found time to remind us all of the continuing struggle of occupied Tibet.

For his efforts, the International Campaign for Tibet honored him with the "Light of Truth Award" at which they presented him with a Tibetan ritual butter lamp from the Dalai Lama himself.

Unfortunately, a recent illness prevented Mr. Rosenthal's attendance, however, his son, Andrew, was there to accept the award on his behalf and to read a statement which he had prepared. I was fortunate to be asked to make a few remarks before the award was presented. I ask unanimous consent that the text of my remarks and those of A.M. Rosenthal's be placed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL CAMPAIGN FOR TIBET BENEFIT DINNER

(Presented by Andrew Rosenthal)

Sometimes, when I write about Tibet, readers ask genuinely puzzled questions.

Why do I care so much about Tibet? And, given all the other things more immediate to American interest as they see it, why should they care as much as I ask them to?

A third question—since China has not budged for a half century about Tibet, except to make its captivity of Tibet ever more cruel, what makes me think Tibet will ever be recognized for what it is, a nation among nations?

These are important questions, decently intended. The fact that they are still asked makes it more important that we keep answering them. In truth, it is more and more important that we keep answering them for ourselves to ourselves, to keep alive the campaign for Tibet inside us.

They all add up to one question: why? Why is Tibet, almost alone among nations, denied the most elemental rights of nationhood and freedom?

When I was a young reporter, The Times assigned me to help out a the bureau it had set up at the brand new U.N.

The total membership of the U.N. then was fifty six. That struck a British delegate as dangerously large. He warned one day that if the U.N. kept growing, why one day it would be as high as seventy or seventy-five.

Today the membership of the U.N. stands at one hundred eighty four. Among them are many that are minute in population and size. Their most important industry is the bureaucracy needed to run them.

And we all know that there are many others whose people do not share most of the qualities of nationhood—common language, religion or history or historic boundary. Their boundaries and nationhood were imposed on them by colonial rulers in London, Paris, Berlin or Brussels. They were the creations of the bureaucratic convenience of colonial administrators thousands of miles away.

Yet here they are, full members of the U.N. which as the world has turned out most of them should be. Their flags fly on First Avenue and their Ambassadors are treated with dignity around the world—again as it should be.

And yet here we have one nation excluded. Tibet, a nation whose history is almost as old as the memory of mankind. A nation with a common language, ancient borders, united history, a culture unique to the world, a religion that binds together not only its own people but attracts and embraces men and women all over the world.

Tibet is not only barred from the U.N. membership but its representatives usually are not even welcome in its halls and meeting rooms—or in foreign offices and state departments of the world.

So I tell people who write me that the question is not can Tibet be a nation among nations but how did it come to be that this nation, this quintessential embodiment of nationhood, has been so long so cruelly barred and cast out?

The great sadness is that we do not have to search for the answer. Tibet is not recognized as a nation among nations because the other countries of the world—American, European, African and Asian—have made a deliberate decision to abandon it to its captors.

The most important reason is money.

Beijing made it clear that it would reduce or eliminate trade with those countries that supported human rights, let alone political freedom, for the Tibetans. To this economic pressure, virtually every country in the world simply surrendered.

Among these countries were many who really sympathized with Beijing—United Nations members ruled by their own dictatorships. For them, the liberation of any captive people was simply encouragement to their own.

At least they had some excuse—the brotherhood of tyranny.

Our own nation, like the rest of the West, has none. We must state it plainly: U.S. policy toward Tibet has been determined by greed for trade with China at whatever cost in human freedom. Others will put it more delicately. There is no reason for us to do so, no excuse to do so.

All this brings us back to our personal and national interest in China. It is fairly simple. Tibet is a criminal. So am I, so are all of you here, so is our entire American nation.

The same political crimes that bound us to the prisoners in the Nazi concentration camps, the dissidents in the Soviet Gulags, the Latin American and Khymer Rouge death pits, the torture chambers of Syria, Iraq, Iran and Libya, bind us to Tibet and Tibetans.

Every day that we live under the grace of freedom we commit the crimes for which Tibetans have been made captive, tortured and massacred and for which their nations has been sundered, occupied and burned. We talk, we write, we act, we think, we pray. Those are the crimes that bind Americans to all who yearn for freedom and suffer for it.

The U.S. supported political freedom for Eastern Europe and to its credit never recognized the Soviet occupation of the Baltic nations. It supported the nationhood of Israel and is now following a path that will lead to the independence of Palestine. But Tibet has no ethnic or national constituency in the United States.

Only one thing distinguishes the U.S. from other nations, and makes it cherished around the world. It is the belief that political freedom should be universal. Without that belief, we are just real estate, from sea to shining sea.

So we, all of us who support Tibetan freedom, are the seeds of the Tibetan constituency . If we love freedom, we are as criminal as any people, any nation, held in captive captivity. So we are all criminals for freedom. We are all Tibetans—the largest American constituency any foreign nation could enjoy in our land.

I believe this, I believe this constituency will grow and help Tibet taste liberty and I thank you for giving me the chance to say so, through my son.

DINNER GIVEN BY THE CAMPAIGN FOR TIBET HONORING A.M. ROSENTHAL

(By Senator Moynihan)

It is indeed an honor to be asked to speak on an occasion honoring A.M. Rosenthal. I have known him ever so long, and learned from him ever so much, most especially as regards the cause which brings us together this evening, the International Campaign for Tibet.

My first encounter with this transcending issue came with my appointment as ambassador to India a near quarter century ago. What I knew of that region I had mostly learned from Mr. Rosenthal's reporting in the New York Times, not least of which was the fact that India had given refuge to the Dalai Lama after the Chinese invasion of Tibet in 1949. Whilst in New Delhi, I came to know Jagat Mehta, the Indian diplomat who had made these arrangements on instructions from Indian Prime Minister Nehru. In 1974, I attended the coronation of King Jigme Singye Wangchuck of Bhutan, A Buddhist principality bordering Tibet, whose independence the Indians had insisted upon, and in that sense, preserved. Even as the Chinese had seized Tibet.

In 1975, along with my daughter Maura, I visited China as a guest of George Bush, who was then Chief of our U.S. Liaison Office in Peking. By this time, I was persuaded the Soviet Union would break up along ethnic lines. But I was not prepared for the intensity of ethnic concerns in the People's Republic. One was met at the Canton railroad station by a giant mural of Mao surrounded by ecstatic non-Chinese peoples who occupy more than half the nominal territory of the People's Republic. In Beijing, three year-olds in the Neighborhood Revolutionary Committee of Chi Eh Tao nursery school sang a patriotic song for us which began:

> We will grow up quickly to settle the border regions.
> We will denounce and crush Lin Piao and Confucius.

A refrain which ended:

> We will each grow a pair of industrial hands.

Much of that Stalinoid dementia has disappeared from the coastal regions of China, at least for the moment, but not from Tibet. Daughter Maura, just returned from Lhasa, reports that the Mao posters, the population transfers, the anti-religious campaigns are as great or greater than ever.

Is the world to accept the destruction of Tibetan civilization? Are we? Whatever the case with the executive branch, it is hugely important for Americans to be clear that the United States Congress does not. The Foreign Relations Authorization Act, fiscal years 1994 and 1995, Public Law 103-226 signed April 30, 1994, states the matter unequivocally.

"Congress has determined that Tibet is an occupied sovereign country under international law and that its true representatives are the Dalai Lama and the Tibetan Government in exile—"

To drive this postion home, the Senate Committee on Foreign Relations required: "a report on the state of relations between the United States and those recognized by Congress as the true representatives of the Tibetan people."

The report entitle, "Relations of the United States with Tibet", was submitted by the Department of State just last month. It is not without merit, and its authors should be treated with respect, given the policy of the executive branch. But one sentence tell all: "Our policy seeks to support respect for the human rights of ethnic Tibetans, as we do for all Chinese citizens."

In diplomacy this is called "semantic infiltration". Get the other side in a negotiation to use your terms to describe reality as they would wish it understood. Which is to say that Tibetans are "Chinese citizens."

They are not. They are Chinese prisoners, and will remain so until our nation understands the import of A.M. Rosenthal's words written in 1991: "Tibet remains in prison, and the United States still refuses to recognize the right of that ancient nation and people to the self rule it had for centuries."

POSTSCRIPT

While assembling materials for these remarks, my associate, Michael Lostumbo, found a draft of a "Letter From Peking" dated January 26, 1975, which I wrote and submitted to The New Yorker. The closing passage begins as follows:

"While it is agreed that few Marxist-Leninist predictions have come true in the twentieth century, it is perhaps not sufficiently noticed that certain predictions about Marxist-Leninist regimes have proved durable enough. Lincoln Steffens returned from Moscow in the early years, pronouncing that he had seen the future, and it worked. Well, it was one future, and it has worked for a half century, and may have considerable time left before ethnicity breaks it up. Red China works, too, and is likely to last even longer. It is more than worth a visit, this capital city, and its nursery school of the Neighborhood Revolutionary Committee of Chi Eh Tao. This is also a future, and one even more foreboding."

I believe this is the first time in my writing that I stated the belief that the Soviet Union would one day break up along ethnic lines. A no longer brief acquaintance with Central Asia and its history had about convinced me that the Czarist empire was finished. I thought then, at mid-decade, that this dissolution might require "considerable time." By the end of the 1970s I was persuaded it would happen in the 1980s. A continuing puzzlement to me, which I hope others would come to share, is why it is that American foreign policy has shown so little understanding of this subject. "Chinese citizens", indeed!

I should note that the "Letter From Peking" was never published. The editors at The New Yorker, notably the late Robert K. Bingham, liked it and accepted it. But in the leisurely manner of that eminent journal in those distant days, they were in no rush to publish it. Five months went by and I was appointed by President Ford to be U.S. Permanent Representative to the United Nations. Given the general hostility of my observations, I thought it prudent to ask that the article be withdrawn. The New Yorker editors graciously agreed.

TRIBUTE TO REVEREND SOTERIOS ALEXOPOULOS

Mr. GREGG. Mr. President, today I rise to commend a distinguished citizen of New Hampshire, the Rev. Soterios Alexopoulos, for his outstanding service to the Greek Orthodox Church for over three decades.

Father Alexopoulos was first assigned to the Greek community in Nashua, NH in 1973. At that time, under his leadership, a new church was built which was named St. Philip. Under Father Alexopoulos' leadership, St. Philip's membership has grown from 250 families in 1973 to 450 families in 1994.

Father and Mrs. Alexopoulos' commitment and dedication to their community are to be applauded. Their involvement in the Ladies Society AGAPE, which they organized, the Youth Group, the Greek and Sunday Schools and Bible Study have been instrumental to the community. Father Alexopoulos also served on the Mayor's Council on the Elderly, city of Nashua, the Nashua Council of Churches, the Board of Directors of the New England Clergy Brotherhood, and the Boston Diocesan Council.

In 1987, Archbishop Iakovos of North and South America bestowed upon Father Alexopoulos the highest honor to a married priest, Protopresvyteros.

Father Alexopoulos faithfully served St. Philip for over 20 years. The community thrived under his leadership and he will be sorely missed by his fellow parishioners.

I, along with all the members of the Nashua community, whose lives Father Alexopoulos has touched through his commitment and devotion, would like to extend a heartfelt thanks and wish him all the best for a healthy and prosperous retirement.

TRIBUTE TO SHELDON AND DR. MIRIAM ADELSON

Mr. REID. Mr. President, it is with great pleasure that I rise today to recognize two distinguished members of the southern Nevada community, Sheldon and Dr. Miriam Adelson. On December 11, Sheldon and Miriam will be recognized by the State of Israel as this year's recipient of the distinguished Israel Peace Medal.

Sheldon Adelson is a classic example of the Horatio Alger hero: The son of a poor immigrant family, Sheldon hawked newspapers on a Boston street corner as a young boy, and at the age of 16 bought his first business. Through hard work, determination, and ingenuity, he became an outstanding success and, in 1972, started The Interface Group, a company specializing in trade show events.

Recognizing the rapidly expanding development of computer technology, Sheldon and his partners developed COMDEX, an international exhibition of computer equipment and software held in Las Vegas that draws almost 200,000 attendees each year. Since then, Sheldon's company purchased the famous Las Vegas Sands Hotel and Casino and built the Sands Convention Center, the largest, privately owned convention site in the world. He is currently involved in fostering trade, manufacturing, and international business opportunities in Israel.

His wife, Dr. Miriam Adelson, has an equally distinguished professional background. Dr. Adelson received her bachelor of science degree in microbiology and genetics at Hebrew University in Jerusalem, served as a biological scientist in the Israeli Army, and graduated magna cum laude from the Sackler Medical School at Tel Aviv University.

In 1980, she was named chief physician of the Sourasky Medical Center's emergency room, and she has become an expert on drug abuse and the treatment of drug addicts. Dr. Adelson currently serves as director of the Adelson Drug Abuse Treatment and Research Clinic, the first such center in Israel that operates in a hospital setting.

Together, Sheldon and Miriam have been dedicated advocates for the State of Nevada and the nation of Israel, devoting countless hours and resources to worthy causes in both places. They represent what is good and kind and generous in our country. There are thousands of people throughout the world who have benefited from their talents and assistance, and many more who will never know that Sheldon and Miriam were their benefactors.

I am proud to have Sheldon and Miriam Adelson as my friends and to tell the U.S. Senate and the American people of their accomplishments. I join all Nevadans in wishing the Adelsons shalom and every other good thing on this important occasion.

RETIREMENT OF THE ATTENDING PHYSICIAN TO CONGRESS ROBERT C.J. KRASNER, REAR ADMIRAL, MEDICAL CORPS, U.S. NAVY

Mr. MITCHELL. Mr. President, the 103d Congress will complete its work very soon and enter its final sine die adjournment. When the 104th Congress reconvenes next January, some here today will not be returning.

I would like today to pay tribute to one such person whose presence here has been a great help to all of the Members of the Senate and Senate officials. I refer to Rear Admiral Doctor Krasner, the Attending Physician to the Congress, who will not be returning next year.

Doctor Krasner's appointment to the Attending Physician post is the culmination of a career of service to this institution and more importantly, to the U.S. Navy and the Nation it serve.

His career with the Navy began in July, 1973, with an assignment to Ethiopia when Emperor Haile Selassie ruled, and has led him to service in Sardinia, at our British Embassy in London, in Bethesda at our Naval Hospital, and in Jakarta, Indonesia.

Through his 20-plus years of service, Admiral Krasner has earned some of the highest honors the Navy can bestow: The Navy Commendation Medal, the Meritorious Service Medal, and the Legion of Merit.

Although to the Navy, he is properly known as Admiral Krasner, to Senator he will always be Doctor Krasner.

Doctor Krasner has served two terms of duty in the Attending Physician's office here in the Capitol, as well. He first came to the Congress in 1980, as Commander Krasner and was transferred to Oakland, CA in 1992, where he rose to command the Naval Medical Northwest Region.

In 1986, Doctor Krasner returned to the Capitol, where in 1990, he was appointed the Attending Physician to the Congress.

His work here with us has earned him the respect and friendship of all Senators. Doctor Krasner's professionalism and manner are reassuring to Members. His management and administration of the Office of Attending Physician has created an efficient medical team which gives both congressional staff and Members high-quality care at a moment's notice when needed, and which provides enormous reassurance to us all that a workplace accident or illness will not adversely affect the work of the Congress.

All Senators know that our health care here is a cost that we pay personally. But I am certain that all Senators would agree that no monetary payment could ever purchase the quality of care and compassion that Doctor Krasner has created in the operations of the Attending Physician's Office.

I ask my colleagues to join me in wishing Doctor Krasner, his wife Leslie, and his children, Jessica and Justin, the very best for a happy and successful future. He will be missed here in the Capitol, but I know he will earn the same respect and friendship wherever he serves in future as he has earned here.

JOANNE RATHGEB

Mr. LEAHY. Mr. President, on November 19, my dear friend, Joanne Rathgeb, died of breast cancer. She was at home with her family.

Joanne played many roles in her life. In the theater, she was an award-winning actress, producer, and director. In education, she was an inspiring teacher. In her community, she was a loving wife, mother, sister, and friend. She lived an extraordinary life, bringing joy to everyone who was lucky enough to know her. To those who did not know her, but watched her public struggle with breast cancer, she gave hope.

Joanne Rathgeb accepted the news of her cancer by taking on a new role—citizen activist. She got other women in Vermont, and across the Nation, to speak up and demand more attention to breast cancer research. I was proud to work with Joanne to increase breast cancer research funds. For Joanne and every family touched by breast cancer, I pledge to continue the fight.

Joanne and Don Rathgeb have been two of Vermont's leading citizens. Both brought a wealth of talent and commitment to our State.

When I went to their home after hearing the news, I shared the grief of Don and their family. I told them of how honored I was to have known Joanne and to have been her friend. I also told them that throughout her ordeal with cancer, during our many meetings, she always spoke about someone else's need and never her own. She was a courageous, selfless, and wonderful friend.

I ask unanimous consent that an article from the Burlington Free Press, and the homily delivered by Tony Staffieri at Joanne's Mass of the Resurrection be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMEMBERING JOANNE RATHGEB

Don, Laura Mae, Elizabeth and Dan, Laura and David, Donald, Vickie and Caitlyn, Mary Jo and John, Nonny Rathgeb and Sister Mary Elizabeth, FR. Mike Cronogue, President Reiss, honored guests, members of the Faculty of Saint Michael's College, members of Joanne's extended family, neighbors, students and friends:

Good morning. My name is Tony Staffieri, and for the last 27 years I have been proud to call Joanne Rathgeb my friend, my teacher, my second mother, my spiritual guide, and my inspiration. Ever since that day in September 1967 when at 8:30 a.m. Joanne sprang into my life as my very first teacher at Saint Michael's, she has been my friend.

Throughout our friendship, Joanne and I have been there for each other on countless occasions—I remember the day when she first told me of the lump she had found in her breast. We shared our friendship through diagnosis and treatments, ups and downs, weddings, funerals, anniversaries, good reviews and petty reviews. Clearly today is the saddest day of our 27 year friendship.

Before she left us, Joanne had planned for today—you know how she was—never leaving things undone. She asked that I speak here today remembering her for her family and friends and hoping to be remembered for whatever good she did or laughter she brought to us * * * and asking pardon for any name forgotten or for anything left undone.

So how do you characterize a woman who is laid to rest in the black robes of a Benedictine Oblate—who is also wearing a Kermit the Frog watch? That was Joanne! She, like Kermit, knew that it wasn't easy being green. And she would tell you, just like she would tell Kermit, Be true to your greenness; Hold on to your greenility; Don't deny your greenanity. And by all means, remember you're a frog—be proud of it!

My favorite Joanne story happened on her sabbatical in New York City in 1988. What many of you probably don't know was that Joanne was my roommate during her four month sabbatical. If you don't think being Joanne's roommate was a scream, you simply haven't experienced life.

One afternoon when Joanne went out into the scariness of New York City, filled with weirdos, kooks and nutcases (who always seemed a little bit intimidating to Joanne), she had a real New York experience. It seems she was shopping for a Saint Michael's production. And on this particular expedition she had purchased a number of rubber chickens and rubber fish. She came cascading into my apartment as if she had just discovered the secret to cold fusion, and declared, "I finally figured it out—I finally figured how to keep the thugs from bothering me."

What Joanne had discovered on the streets of lower 5th Avenue this cool spring day was, what she was later to refer to as her "rubber chicken lady walk." "There I was", she recalled, "in my nice big coat, hair flying dirty sneakers and a bagful of rubber chickens. If they aren't scared of that, start talking out loud. And if that doesn't work—cross the street, and walk right towards them!"

And that's how one frail woman with a great big coat and a bagful of rubber chickens handled some street thug who probably had a knife and an automatic weapon!—and who's still talking about his encounter with Joanne Rathgeb.

As Dolly Parton says, "Laughter through tears, my favorite emotion."

On October 17 of this year I spent the day with Joanne. Clearly the days left together would be few, and I relished this time to be with her alone for it was my duty and distinct honor to ask her, what she would like remembered here today.

Her cousin, a Benedictine Monk, Brother Gerard, had taught Joanne to see her life and work as prayer. And she later pledged her life to this philosophy of work as prayer. She recalled, "I see everything we do as prayer; from teaching to changing a diaper." And that is how we should all remember Joanne Ellspermann Rathgeb—her life as a prayer.

Recalling her life in this year's fall as the trees foreshadowed what was to come just one month later, Joanne recounted a story she chose never to forget. As she looked out through her front window, she brought me back to the mid 1950s when her student won the first black actor's award in a one play contest in Chicago—an achievement that would be echoed again 30 years later as her students won unprecedented back-to-back awards at the Kennedy Center Honors in Washington, DC.

But back in the 50s though, this was a first for Joanne. Her group of theatre friends—mixed blacks and whites went for a swim at a Chicago beach after the awards ceremony. And she recalled, "The joy of theatre people coming together was shattered because it was a whites only beach." This was an important lesson for Joanne which was to mark her life with purpose and, subsequently, influence thousands from the profound lesson of righteousness she learned that day. Life and work as prayer.

Later in early 60s, Joanne recalled arriving at St. Mary's of the Woods College . . . having just learned that she was pregnant with Elizabeth. "The College had a rule," Joanne observed with a bit of irony, "that all pregnant teachers had to stop teaching. But we had a very progressive president, Sister Mary Madaleva." Joanne went to Sister Madaleva and made her case . . . in a way she was to do 30 years later to Congressmen and Senators in Washington. "Sister," she noted, "you're asking us to teach young women in the world and to equip them to compete on the same level as men—but you're taking us out of the classroom as if being pregnant diminished our brain power." To which Sister Mary Madaleva replied, "My Dear, you're absolutely right. I guess we'll have to change that rule, won't we." And Joanne's been clearing a path and changing the rules ever since. A champion in her work, in her life and in her wonderful manner. Her life and work as prayer.

Joanne cared for others even as she lay dying. When she learned that a colleague's son—Ben Lindau, Buff's son, had been diagnosed with cancer—she made a point to call Buff from her bed to offer solace, guidance and love.

I'm pleased to report Ben is well and back in school and Joanne's care and concern will forever be a fond memory for Buff and her family.

In writing this remembrance, Joanne's friends and colleagues have told me in the last few days that they credit her with saving lives, making careers, and fostering marriages and families. It is no surprise then, that the most important part of Joanne's life was her immediate family. Don was her husband, partner, best friend, director of choice, and coproducer for over 34 years. Never have I witnessed more love and dedication than I did between Don and Joanne—Don and Joanne; it's as if it were one word.

I remember during Joanne's sabbatical visit—she hadn't seen Don for about 3 or 4 weeks. And one morning I found her in my kitchen ironing a dress. Joanne ironing was some surprise. She was singing and humming to herself. Her hair was in rollers and she was like a litter girl * * * and then I realized, Don was on his way * * * and after 25 years of marriage, she was still excited to see him.

I was honored to be one of the children—natural, by marriage, and acquired (that's my category) to have hosted Don and Joanne's 30th wedding anniversary in June of 1990. The commemorative photo album presented at that event was entitled, The Dog is Sticking to the Kitchen Floor. It was both a remembrance and a review of Joanne's housekeeping prowess. She may not have been the best housekeeper on the planet, but she kept the warmest and most wonderful house anywhere.

Her children filled Joanne's life. Their first child, Elizabeth, strong, determined, caring, and for those of us who babysat for this brood, the ringleader. She is here today with the first Rathgeb son-in-law, Dan Pratt. Then Laura—gentle, gifted, her mother's image, the thought provoker, supported today by her companion, David Leopold.

Then there were the twins: Donald, Jr. and Mary Jo. Donald, now a daddy himself, with his lovely wife Vickie and their daughter—the apple of Joanne's eye—Caitlyn. Donald Jr. is a true miniature of Don Sr., quick with a pun, gentle and loving. And Mary Jo, with her husband John Balaskas and their two dogs, Trixie and Ellie, which Joanne reveled in during their last visit in October. Mary Jo is the one with the impish smile and infectious giggle—the back-up ringleader when Liz was engrossed in Barbie Dolls and wasn't available to lead. In small and major ways they are all a reflection of their mom and dad * * * and we see Joanne in all of them. Her life's work * * * as prayer.

As Bill Mannel, one of Joanne's former students recently observed, Don and Joanne were for many of us a second set of parents, a little more hip than our own folks, more understanding and willing to experiment, but real parents. And for many of Don and Joanne's students, when they moved on to form their own families, Don and Joanne became one of the prototypes they emulated.

And then there was Joanne's professional work. Educated in parochial schools in Terre Haute, Indiana, she attended St. Mary's of the Woods College and Indiana State University, from which she received her BA and MA.

Joanne's life was forever changed when in the late 50s, while taking post-graduate classes at Catholic University, she became affiliated with Catholic University's National Players and another lifelong friend and mentor, the wonderful, late Fr. Gilbert Hartke. She toured for two seasons with the Company as Kate in Taming of the Shrew and in Oedipus Rex, Twelfth Night, and as the nurse in Romeo and Juliet. That tour brought Joanne all over the world—from the 400 year old Teatro Olipico in Italy, to the Carnegie Hall Playhouse in New York City, to the Notre Dame University Theatre in South Bend. It was there she met a dashing young theater professor, Don Rathgeb.

Don thought Joanne, at first, a stuck-up actress—until he found her hammering away on the set one day. They traveled together to Catholic University's Summer Theater, Saint Michael's College, in Winooski, Vermont in 1958—where they were to begin a 36 year run. Two years later, the cute little actress with the ponytail—a young woman whose face we see today in her three lovely daughters and grandaughter—married the man who was to become her very best friend, partner, father of their children, and, in the fall of her life, her primary care giver, devoted servant and compassionate helpmate.

How do you characterize a performance career as diverse as Joanne's—from her New York debut in the Phoenix Theatre Company in Peer Gynt and Lysistrata to my favorite Joanne role, Adelaide in Guys and Dolls, or Opal in Everybody Loves Opal. She brought tears to even the most hardened eyes as Emily Dickinson in The Belle of Amherst, and then too, tears of another kind as Mother Superior in Nunsense. During Nunsense, there seemed at times more nuns in the audiences for Joanne's shows than on stage—we wondered when Joanne was performing who was minding the Convent?

One of Joanne's most enjoyable experiences was performing in the CBS movie, aptly titled, A Gift of Love, as well as several other productions, including Oedipus Rex and Minnie Remebmers. Joanne was unforgettable as the stripteasing, reluctant floozie, Adelaide, in Guys and Dolls as she was as the tapdancing Mother Superior or the stately and detached Emily Dickinson. To each of these roles she brought warmth, depth and humanity. Her life's work a prayer.

As a teacher no one could compare to Joanne. She could take the dullest subjects and breathe life into them. She taught Freshman English in my first year, and despite the 8:30 a.m. class time and four young, very active children, she seldom missed a class. And she was so compelling, we seldom missed her class. She and Don are credited with inventing video training in 1966 using black and white Sony video equipment to teach speech classes. And the techniques they pioneered were and are used far and wide from training elected officials, a gaggle of Catholic deacons, cosmetic industry executives, and even a recalcitrant stripteaser.

In her classroom and her acting and coaching sessions, Joanne was always a trailblazer. I remember when first we met, Joanne smoked. Then when the government reports proved that smoking was dangerous, Joanne stopped smoking, got Don to stop smoking and got many of us to stop smoking.

As only the second woman to Chair a department at Saint Michael's College, Joanne guided the Fine Arts department through its first major challenge, building a home for the department during the three years of design, construction and opening of the McCarthy Fine Arts Center. In 1993 when she retired as a full professor, the alumni of the Saint Michael's Fine Arts Department, spanning over 20 years, came back to pay tribute to Joanne and Don. It was just one year ago that our Fine Arts Family frolicked and played on stage for Don and Joanne—who topped the evening off with what was to become Joanne's last public theatrical performance—a tour de force reading with Don of I'm Herbert.

I was remembered being there with Fine Arts students cheering and clapping for Don and Joanne. We savored these moments.

The last professional chapter of Joanne's life was recently categorized in an editorial in The Burlington Free Press as nothing less than a military campaign, where the foot soldier and the general were one and the same person. In October 1985, Joanne was diagnosed with breast cancer. I remember her call outlining the details, the therapies, the options and her determination to beat this disease.

She turned the frightening realities of hair loss due to chemotherapy into a ravishing new fashion statement—showing up at Donald and Vickie's wedding with a strikingly short silver fox haircut which she dubbed my "Chemo Cut." No, she would not lie down and become a victim. Instead, Joanne rose up and became a survivor, a leader, a champion. I guess when you see your work as prayer, rising up—even in the most dire of circumstances—isn't so unimaginable. For those of us who looked on, we were humbled with awe.

One afternoon during a visit to New York, where Joanne was helping to comfort me through the loss of yet another friend to AIDS, she noticed all the literature about AIDS and spoke about how politically effective AIDS activists were. "And why," she asked, "is there no such movement for women with breast cancer?"

The answer to Joanne became clear. In the absence of any substantive movement, she would just get in there and do it herself. "I was never really politically active," she recalled last month, "but when your own survival depends on activism, you can become a citizen activist very quickly."

Joanne approached breast cancer activism the way she approached everything. And it was not without humor. When asked to perform for a breast cancer fund raiser, she didn't choose some dreary poem. No, she and Don whipped up a hilarious original monologue, A Funny Thing Happened on the Way to Radiation.

When the National Breast Cancer Group decided to send letters of support to Congress, they assigned Vermont the task of obtaining 600 letters. Joanne's response was to obtain nearly 14,000 letters. She galvanized women in Vermont—and in other states—to speak up. "Don't call it the C-word," she would tell people. "It's cancer, and you must/we must be public about it. And force the men who make all the decisions about research money to start giving us our fair share!"

She and Don went to Washington and lobbied Congressman Bernie Sanders and Senator Pat Leahy to co-sponsor the Breast Cancer Registry Bill—so that states like Vermont with small populations, but with high incidents of breast cancer (Vermont ranks 8th in the U.S.) could perhaps find some of the causes. She was as eloquent with the men of power as she had been with Sister Madaleva nearly 30 years earlier. The need for the Breast Cancer Registry Bill became a political fact of life and a reality. And although many others participated, all agreed that Joanne was the prime mover in Vermont—and her work had national ramifications.

On Sunday, the day after Joanne died, I came to the house on Seneca Avenue and found our Senator, Patrick Leahy consoling Don and the kids. He was moved and in tears. He was sincerely fond of Joanne. When he heard of my task today, he made a point of telling me, "Make sure everyone knows that whenever Joanne came to me it was always for other people, it was never favors for her; she was so generous." Work as prayer.

In a book of Cancer Stories that belonged to Joanne, we found a telling phrase she had underlined, "In the great acts of life, we are often alone."

But in the sadness of Joanne's death, she was never really alone. As one who has witnessed many friends die long and protracted passing, I cannot help but observe how extraordinary the care was that Joanne received from so many friends and her family. Truly this is a community of which we can all be proud. And when politicians refer to "family values," it is the good people of Vermont and this community they should hold in their mind's eye as one to be emulated. She received loving care from so many—those in the Cancer Support Group: Jim Schwartz, Liz Russo, Mary Siegler, Bob Tucker, Filicia Carreon and Pat Hanniford; her lifelong buddies, Peggy O'Brien, Pauline Landry and Pierrette Roy; students, friends, and neighbors like the Woodards and L'Ecuyers, and always from Don, and towards the end, Laura. All of these friends and family were there by Joanne's side comforting, administering—their lives now a common prayer of support, and love helping to ease in the transition as this magnificent flame flickered and then went out.

Joanne died in peace and with dignity. Laura and I were there beside her. She had asked Don to celebrate their achievements by traveling to Manchester to receive their Lifetime Achievement Award from the Vermont Council on the Arts—an award she would never see—but one she savored, for this, like the three awards she received from Saint Michael's was from her peers.

As Laura observed, in the end, Joanne had only one thing left, "boundless love," which she generously shared until her last breath.

Towards the end, Joanne believed that she had not quite done enough, but we knew otherwise. As she had wryly observed in the Free Press, she "brought warring factions together—from all three political parties and the various cancer groups. She even succeeded in getting both U.S. Senators, the U.S. Congressman from Vermont and the Governor and Lt. Governor all on the same platform (a rare feat!) dedicating Mother's Day as a Day of Remembrance for all those Vermont mothers, wives, sisters and friends lost to this epidemic. She was a general who saw the need to remember fallen troops. And now, in May 1995, we will add Joanne's name to this ever growing list of fallen heroines.

If Joanne's death is to have meaning, then I urge all of you to become citizen activists like Joanne. One voice, no matter how timid or strong, can make a difference. If you doubt this, remember Joanne Rathgeb.

She taught us how to live. She showed us how to die with dignity. And even after her death she showed us there was still more to say. At her request, an autopsy was performed. She theorized, "If I'm going to go through this hell, then let's learn something from it." From her life and her death, she has planted the seeds from which knowledge will spring forth. . . and in her way. . . her life, her work, her prayer, will one day become part of the cure for breast cancer.

In another section of the Cancer Story book, Liz Rathgeb Pratt showed me a section underlined by Joanne. "I don't think people are afraid of death. What they are afraid of is the incompleteness of their lives." Joanne Rathgeb lived as complete a life as anyone could hope to live.

So, as we go forth from this house of worship today, where so many chapters of Joanne's life are recorded, we bring with us Joanne in our hearts. Her joy, her triumphs and her love. Remember Joanne's life and work as prayer. For every time we see an injustice and right this wrong, we are remembering and honoring Joanne.

Every time we hear laughter, especially laughter through tears, remember Joanne.

Every time we treat life's chores not as drudgery, but as prayer, you will be remembering Joanne in a way she would love.

Every time we teach a child and see the light of knowledge brightening in their faces, we honor Joanne.

And, every time we honor and love one another, we remember Joanne.

Leave here today not in sadness, nor in sorrow, but in joy, for having been even a small part of the celebration of Joanne Rathgeb's life. Take her with you in your hearts as I will in mine. Do as she asked me to tell you . . . . "Love one another" as she loved all of you.

You may be gone, but for the rest of our days, you will forever be in our hearts and in our prayers.

Good bye, my Darling.

[From the Burlington (VT) Free Press, Nov. 20, 1994]

RATHGEB DIES OF CANCER

(By Susan Kelley)

One of the state's most tenacious breast cancer activists and the matriarch of northern Vermont theater died Saturday morning of the disease.

Joanne Rathgeb, 64, died at 10:15 a.m. Saturday at her home in Essex Junction, after fighting breast cancer for nine years. Her daughter, Laura, and a family friend were by her side.

Rathgeb helped raise awareness of breast cancer and demanded more research into the disease. Vermont has the eighth highest rate of death by breast cancer in the nation.

But Rathgeb and her husband, Donald, also were known as the soul of the St. Michael's Playhouse, the oldest continuously operating Equity theater in the state. They were founders of the theater department at St. Michael's College in Colchester.

"She was my spouse," Don Rathgeb said. "She was also my colleague in teaching. She was my business partner. She was my chief talent on stage, and she was a friend. I have not yet realized what I have lost—although I'm quite sure that having spent 34½ years together, that there will be memories."

Rathgeb is survived by her husband, four children, grandchildren, an older sister and brother, and a large, extended family.

Over the course of Rathgeb's career at St. Michael's College as professor, actor, producer and director, she won awards from Vermont Women in Higher Education; three medallions from the American College Theatre Festival national and regional competitions; and was a fellow at the Vermont Academy of Arts and Sciences. Friday, she and her husband received a lifetime achievement award from the Vermont Council on the Arts. Her family traveled to Manchester to accept the award for her.

Theater critic Ruth Page remembers Rathgeb's talent onstage, especially in comedic roles. Fans still remember her lead role from 14 years ago in "Everybody Loves Opal," in which she played a women who recycled teabags by hanging them on a clothesline.

"Whenever Joanne came onstage, it just brightened up the whole audience," Page said. "When my mom was in her 80s, I used to take her to the Playhouse. Every time Joanne came out in a humorous role, Mother would just crack up."

But Rathgeb was also a talented acting coach, Page said, especially working one-on-one with young actors.

"She didn't order them around. She'd say 'Let's try this,' and kind of show them with body English, and they would comprehend and try."

Rathgeb was born Joanne Ellspermann in Terre Haute, Ind., to a family of German descent. She was educated at parochial schools and showed an early interest in theater.

She earned a bachelor's degree in theater and a master's degree in English from Indiana State University. She also attended St. Mary's of the Woods College and did postgraduate work at Catholic University of America. She taught in the Chicago school systems and helped organize theaters in Terre Haute.

The bright-eyed, pony-tailed actress met her future husband in South Bend, Ind., when she was 28 and touring with the prestigious Catholic University Repertory Company.

Don Rathgeb, who was teaching at St. Mary's of Notre Dame, thought she was "just a phony, sophisticated actress," he has said.

But that changed when he saw her working on a stage set, scrunched under an 18-inch level and hammering in a nail.

They drove together to Vermont to work at St. Michael's College in 1958 and were married two years later.

Even while juggling a family of six, teaching, acting and directing, Rathgeb retained her sense of humor.

She said in 1988 that if a movie were made of her life, the title would be "The Dogs are Sticking to the Kitchen Floor."

Rathgeb was diagnosed with breast cancer in 1985. It was an event that propelled her into the arena of breast cancer activism.

As she learned more about the disease, she found that Vermont's breast cancer death rate increased 36 percent between 1980 and 1987. State Health Department figures showed that the rate increased from 27.4 deaths per 100,000 to 34.4 deaths per 100,000.

But no research was being done to find out why Vermont had the eighth-highest death rate in the nation due to breast cancer.

In 1992, she began a statewide registry of cancer victims. She and others convinced Rep. Bernard Sanders, I-Vt., and Sen. Patrick Leahy, D-Vt., to propose that Congress pass the Cancer Registries Act. That legislation set up a uniform system of collecting data on cancer in each state.

She also participated in a letter-writing campaign to collect 2.6 million signatures asking President Clinton to develop a national strategy to end the epidemic.

"She was always in her own way making an incredible impact on the work that's being done, even now. It will live on," said fellow activist Virginia Soffa.

In recent days, Rathgeb's health had deteriorated rapidly. The cancer that had attacked most of her body had crept into her bronchial tubes, restricting breathing and making swallowing impossible.

But her husband, Don, takes solace in having been her primary care-giver for the past two months.

"I'm not sure if it feels like being a quadriplegic, but there's a definite sense of loss."

He and his family were preparing for visitors Saturday afternoon. Funeral arrangements were incomplete Saturday and are being handled by Ready Funeral Home.

COLVILLE RESERVATION CONFEDERATED TRIBES CLAIMS SETTLEMENT

Mr. INOUYE. Mr. President, when the Committee on Indian Affairs and the Committee on Energy and Natural Resources held a joint hearing on August 4, on a bill to provide a settlement of the claims of the Confederated Tribes of the Colville Reservation for the inundation of tribal lands resulting from the construction and operation of Grand Coulee Dam, the committees also received testimony from the Spokane Tribe of Washington, whose lands were similarly affected by the construction and operation of the dam and related hydropower project. The Spokane Tribe was seeking an amendment to S. 2259 that would enable their claims to be addressed.

I believe that Senator BRADLEY, in his capacity as chairman of the Water and Power Subcommittee of the Committee on Energy and Natural Resources, shares my concern that the

Spokane Tribe be accorded equitable treatment by the United States in addressing their claims, which are comparable in so many respects, to those of the Colville Tribes. May I ask my colleague, Senator BRADLEY, for his views on this matter?

Mr. BRADLEY. S. 2259 settles the claims of the Confederated Tribes of the Colville Reservation, yet the claims of the Spokane Tribe which are nearly identical in their substance, remain unsettled. The historic fishing sites and the lands of the two tribes were inundated by the Grand Coulee project. It is clear that hydropower production and water development associated with the project were made possible by the contributions of both tribes. Thus, I believe it is incumbent that the United States address its obligations under the Federal Power Act to both tribes.

Mr. INOUYE. I thank the distinguished Chairman. I would also appreciate knowing the views of the primary sponsor of this measure.

Mrs. MURRAY. Mr. President, I am most grateful that the Committee on Indian Affairs and the Committee on Energy and Natural Resources have acted so expeditiously on S. 2259, the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act. I want to express my appreciation to both Chairman INOUYE and Chairman BRADLEY for the personal attention they have given to this legislation.

The settlement of the claims of the Colville Tribes is long overdue. The claim, first filed by the Colville Tribes over 40 years ago, is based upon the authority the Congress vested in the Indian Claims Commission, which provided a 5-year period during which Indian tribes could bring their claims against the United States.

Unfortunately, the Spokane Tribe did not organize its government in time to participate in the claims process.

The fair and honorable dealings standard established in the Indian Claims Commission Act should clearly apply to the United States' conduct and relationship with both the Colville and Spokane Tribes. I would urge, in the strongest possible terms, that the Department of the Interior and other relevant Federal agencies enter into negotiations with the Spokane Tribe that might lead to a fair and equitable settlement of the tribe's claims. Do the distinguished chairmen support such action being undertaken?

Mr. INOUYE. I fully support the notion that the United States has a moral obligation to address the claims of the Spokane Tribe, and I would be pleased to join the Senator in a letter to Interior Department Secretary Babbitt urging that negotiations be undertaken by the Department.

Mr. BRADLEY. Under the Federal Water Power Act, which is now referred to as the Federal Power Act, where an Indian tribe's land contributes to power production, the licensee must pay an annual fee to the Indian tribe which represents the tribe's contribution to power production. I too, would be pleased to join Senator MURRAY and Chairman INOUYE in urging the Interior Department and the Bonneville Power Administration to enter into negotiations with the Spokane Tribe to address the tribe's claims.

Mr. MCCAIN. As vice chairman of the Committee on Indian Affairs, I am pleased to join my colleagues in the action we take today to resolve yet another longstanding claim of an Indian tribe against the United States. As Senator BRADLEY has indicated, the Federal Power Act requires compensation to Indian tribes whose lands contribute to power production, and I commend the Bonneville Power Administration for acknowledging and acting upon this obligation. I also want to join my colleagues in urging the Department of the Interior to seize this opportunity to address the Spokane Tribe's comparable and equitable claims for damages arising out of the inundation of their lands for the construction and operation of Grand Coulee Dam.

Mr. HATFIELD. Mr. President, I am glad to see the Senate moving forward today with this important legislation to ratify the settlement regarding the Confederated Tribes of the Colville Reservation and the Grand Coulee Dam project. The settlement reached regarding these claims is very reasonable and represents a true showing of good faith by all parties involved. I am pleased to offer an amendment today to S. 2259 which does not alter the settlement in any manner, but provides for an alternative credit option for the Bonneville Power Administration [BPA] should the BPA privately refinance its debt to the United States and thus not have interest payments to the United States available for deduction. My amendment would not alter the amount of the deduction and has no budgetary effect.

Mr. INOUYE. I thank the distinguished senior Senator from Oregon for his amendment. It is a constructive amendment that will make it unnecessary to revisit this act for amendment should the Bonneville Power Administration refinance its debt to the United States.

Mr. HATFIELD. I thank the chairman for his leadership on this issue, and on so many other issues in the Committee on Indian Affairs during the 103d Congress.

Mr. INOUYE. I thank my good friend from Oregon. I have also proposed an amendment to section 7(a) of S. 2259, which would bring the Senate bill into accord with the companion measure that is presently before the House of Representatives. The amendment is to strike the words "the Federal Government or" on lines 1 and 2 on page 11 of S. 2259, thereby eliminating any reference to Federal taxation.

Mr. BRADLEY. Could the distinguished chairman of the Committee on Indian Affairs explain the amendment in more detail?

Mr. INOUYE. I would be pleased to respond to the Senator's question. In the settlement of an action brought before the Indian Claims Commission, the exemption from Federal taxation of the principal amount and any annual payments to a tribe, including any distribution by a tribe to tribal members, is provided for under existing law, specifically at 25 U.S.C. 1407. This section refers to claims settlements and another section of the United States Code, 25 U.S.C. 117(b) references the exemption from Federal taxation for the distribution of such funds. Accordingly, there is no need to address the Federal taxation of funds authorized for appropriation in S. 2259.

Mr. BRADLEY. I agree that the present law provides the immunity from Federal taxation that the Colville Tribes are seeking and that no specific provision is necessary in this measure. Funds received by the tribes or its members in the settlement of an action against the United States pursuant to the Indian Claims Commission Act should not be and are not subject to Federal taxation, nor are payments made by a tribe to its members from trust funds.

Mrs. MURRAY. Mr. President, I want to thank Senator HATFIELD for his support and participation. I also want to express my support for his amendment. It is very important for the regional ratepayers to have this flexibility. Again, I thank the chairmen for their leadership and support.

Mr. INOUYE. I thank my colleagues for their interest and commitment to the fair and equitable resolution of tribal claims.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody ever does anything about it.

A lot of politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But just look at how so many of these same politicians regularly vote in support of bloated spending bills that roll through the Senate.

As of Tuesday, November 29, at the close of business, the Federal debt stood—down to the penny—at exactly $4,761,962,482,184.16. This debt, don't forget, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until the spending had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit-and-run with George Bush.

These buck-passing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,761 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at 4 trillion, 761 billion, 962 million, 482 thousand, 184 dollars and 16 cents. It'll be even greater at closing time today.

A FAREWELL TO CHAPLAIN HALVERSON

Mr. HATFIELD. Mr. President, as this Congress comes to a close this year, my colleagues and I will lose one of our most valued assets, the Senate Chaplain, Dr. Richard C. Halverson. Throughout his tenure in the office of the Chaplain, Dr. Halverson has guided my colleagues and I in our work here, helping us to find the spirit of the Lord within ourselves and to remind us continually of our mission as servants of the pubic. I have called him the most Christ-like man I know; this sentiment has not changed. As he prepares to retire from service this month, I wish to thank him both for myself and on behalf of my colleagues. He leaves here with our warmest wishes for peaceful and fulfilling years ahead.

Columnist Cal Thomas took the opportunity to express his appreciation for the service of Chaplain Halverson in a recent column. I am pleased to have this chance to share his words with my colleagues.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Times, November 10, 1994]

(By Cal Thomas)

CHAPLAIN'S FAREWELL TO THE SENATE

Among those leaving office at the end of this Congress is a man who lived and worked among senators for the past 14 years—but never played the power "game." He didn't have many of the perks of senators. He drove himself to work in an unspectacular older car. His office was smaller than all the others and, like the man who occupied it, lacked pretension. And yet, according to some who know him best, he has been the most powerful man in Washington.

Richard Christian Halverson, a native of North Dakota, a former chauffeur who went to Hollywood as a young man to become an actor, is retiring as chaplain of the U.S. Senate. A rare man in Washington, . . . Democrats and Republicans, from Ted Kennedy to Jesse Helms. His job description required nothing more of him than to open the Senate each day with prayer, as the Senate has every session since Benjamin Franklin offered the first prayer at the dawn of the new nation. Some of Mr. Halverson's prayers were so meaningful and relevant that portions of a few of them made the evening network newscasts.

Mr. Halverson's prayers were minisermons imploring not only God's blessing on the Senate and its members but imparting words of wisdom that could facilitate reasoned debate and enlightened legislative decision-making.

A prayer he delivered on June 23, 1993 was typical "God of our fathers, during the presidential campaign last year, Jesse Jackson reminded us that what is morally wrong cannot be politically right. If we separate morality from politics, we imperil our nation and threaten self-destruction. Imperial Rome was not defeated by an enemy from without; it was destroyed by moral decay from within. Mighty God, over and over again You warned Your people, Israel, that righteousness is essential to national health."

A frequent visitor to the Senate Press Gallery, Mr. Halverson prayed this prayer on Feb. 26, 1992: "Gracious Father, investigative reporting seems epidemic in an election year—its primary objective to defame political candidates. Seeking their own reputation, they destroy another's as they search relentlessly, microscopically for some ancient skeleton in a person's life. Eternal God, help these self-appointed 'vacuum-cleaner journalists' to discover how unproductive and divisive their efforts are."

From the mundane to the profound, Richard Halverson could speak (and pray) about things in meaningful and effective ways. For several decades he has written a biweekly devotional letter called "Perspective" that has affected the thousands who have received it. I once met a man in a coffee shop in Amarillo, Tex, who told me he had never met Mr. Halverson but had read "Perspective" for years, "and it changed my life" That is real power, the power to change the life of a person you have never met.

Dick Halverson has not been a closet chaplain, sitting in his office in the Hart Senate Office Building, waiting for senators to come to him. He has roamed the halls and knows the names of waitresses and custodians as well as those of senators. The countenances of the small and the great (a distinction lost on Mr. Halverson) light up his presence.

Like his famous predecessor, Chaplain Peter Marshall, Richard Halverson has been a true servant of God in a place where His influence is sorely needed. On hearing of Peter Marshall's death, the late Sen. Arthur Vandenburg wrote Mr. Marshall's widow: "To me he was the embodiment of Onward Christian Soldiers. To me he was the personification of purposeful religion . His prayers were eloquent and real. He lived his faith.

The same could be said of Dick Halverson, whose power came not from the electorate, or status, or position, but from God. The new Senate will fill no office of greater or more profound importance.

INTERNATIONAL ANTITRUST ENFORCEMENT ASSISTANCE ACT

The text of the bill (S. 2297) to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes, as passed by the Senate on October 7, 1994, is as follows:

S. 2297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Antitrust Enforcement Assistance Act of 1994".

SEC. 2. DISCLOSURE TO A FOREIGN ANTITRUST AUTHORITY OF ANTITRUST EVIDENCE.

In accordance with an antitrust mutual assistance agreement in effect under this Act, subject to section 8, and except as provided in section 5, the Attorney General of the United States and the Federal Trade Commission may provide to a foreign antitrust authority with respect to which such agreement is in effect under this Act, antitrust evidence to assist the foreign antitrust authority—

(1) in determining whether a person has violated or is about to violate any of the foreign antitrust laws administered or enforced by the foreign antitrust authority, or

(2) in enforcing any of such foreign antitrust laws.

SEC. 3. INVESTIGATIONS TO ASSIST A FOREIGN ANTITRUST AUTHORITY IN OBTAINING ANTITRUST EVIDENCE.

(a) REQUEST FOR INVESTIGATIVE ASSISTANCE.—A request by a foreign antitrust authority for investigative assistance under this section shall be made to the Attorney General, who may deny the request in whole or in part. No further action shall be taken under this section with respect to any part of a request that has been denied by the Attorney General.

(b) AUTHORITY TO INVESTIGATE.—In accordance with an antitrust mutual assistance agreement in effect under this Act, subject to section 8, and except as provided in section 5, the Attorney General and the Commission may, using their respective authority to investigate possible violations of the Federal antitrust laws, conduct investigations to obtain antitrust evidence relating to a possible violation of the foreign antitrust laws administered or enforced by the foreign antitrust authority with respect to which such agreement is in effect under this Act, and may provide such antitrust evidence to the foreign antitrust authority, to assist the foreign antitrust authority—

(1) in determining whether a person has violated or is about to violate any of such foreign antitrust laws, or

(2) in enforcing any of such foreign antitrust laws.

(c) SPECIAL SCOPE OF AUTHORITY.—An investigation may be conducted under subsection (b), and antitrust evidence obtained through such investigation may be provided, without regard to whether the conduct investigated violates any of the Federal antitrust laws.

(d) RIGHTS AND PRIVILEGES PRESERVED.—A person may not be compelled in connection with an investigation under this section to give testimony or a statement, or to produce a document or other thing, in violation of any legally applicable right or privilege.

(e) CONFORMING AMENDMENTS.—

(1) ANTITRUST CIVIL PROCESS ACT.—The Antitrust Civil Process Act (15 U.S.C. 1311 et seq.) is amended—

(A) in section 2—

(i) in subsection (d)—

(I) by striking "or any" and inserting ", any", and

(II) by inserting before the semicolon "or, with respect to the International Antitrust Enforcement Assistance Act of 1994, any of the foreign antitrust laws", and

(ii) by adding at the end the following:

"(k) The term 'foreign antitrust laws' has the meaning given such term in section 12 of the International Antitrust Enforcement Assistance Act of 1994.", and

(B) in the first sentence of section 3(a)—

(i) by inserting "or, with respect to the International Antitrust Enforcement Assistance Act of 1994, an investigation authorized by section 3 of such Act" after "investigation", and

(ii) by inserting "by the United States" after "proceeding".

(2) FEDERAL TRADE COMMISSION ACT.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(A) in section 6 by inserting after subsection (h) the following:

"(i) With respect to the International Antitrust Enforcement Assistance Act of 1994, to conduct investigations of possible violations of foreign antitrust laws (as defined in section 12 of such Act).";

(B) in section 20(a) by amending paragraph (8) to read as follows:

"(8) The term 'antitrust violation' means—

"(A) any unfair method of competition (within the meaning of section 5(a)(1));

"(B) any violation of the Clayton Act or of any other Federal statute that prohibits, or makes available to the Commission a civil remedy with respect to, any restraint upon or monopolization of interstate or foreign trade or commerce;

"(C) with respect to the International Antitrust Enforcement Assistance Act of 1994, any violation of any of the foreign antitrust laws (as defined in section 12 of such Act) with respect to which a request is made under section 3 of such Act; or

"(D) any activity in preparation for a merger, acquisition, joint venture, or similar transaction, which if consummated, may result in any such unfair method of competition or in any such violation.".

SEC. 4. JURISDICTION OF THE DISTRICT COURTS OF THE UNITED STATES.

(a) AUTHORITY OF THE DISTRICT COURTS.—On the application of the Attorney General made in accordance with an antitrust mutual assistance agreement in effect under this Act, the United States district court for the district in which a person resides, is found, or transacts business may order such person to give testimony or a statement, or to produce a document or other thing, to the Attorney General to assist a foreign antitrust authority with respect to which such agreement is in effect under this Act—

(1) in determining whether a person has violated or is about to violate any of the foreign antitrust laws administered or enforced by the foreign antitrust authority, or

(2) in enforcing any of such foreign antitrust laws.

(b) CONTENTS OF ORDER.—

(1) USE OF APPOINTEE TO RECEIVE EVIDENCE.—(A) An order issued under subsection (a) may direct that testimony or a statement be given, or a document or other thing be produced, to a person who shall be recommended by the Attorney General and appointed by the court.

(B) A person appointed under subparagraph (A) shall have power to administer any necessary oath and to take such testimony or such statement.

(2) PRACTICE AND PROCEDURE.—(A) An order issued under subsection (a) may prescribe the practice and procedure for taking testimony and statements and for producing documents and other things.

(B) Such practice and procedure may be in whole or in part the practice and procedure of the foreign state, or the regional economic integration organization, represented by the foreign antitrust authority with respect to which the Attorney General requests such order.

(C) To the extent such order does not prescribe otherwise, any testimony and statements required to be taken shall be taken, and any documents and other things required to be produced shall be produced, in accordance with the Federal Rules of Civil Procedure.

(c) RIGHTS AND PRIVILEGES PRESERVED.—A person may not be compelled under an order issued under subsection (a) to give testimony or a statement, or to produce a document or other thing, in violation of any legally applicable right or privilege.

(d) VOLUNTARY CONDUCT.—This section does not preclude a person in the United States from voluntarily giving testimony or a statement, or producing a document or other thing, in any manner acceptable to such person for use in an investigation by a foreign antitrust authority.

SEC. 5. LIMITATIONS ON AUTHORITY.

Sections 2, 3, and 4 shall not apply with respect to the following antitrust evidence:

(1) Antitrust evidence that is received by the Attorney General or the Commission under section 7A of the Clayton Act (15 U.S.C. 18a), as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976. Nothing in this paragraph shall affect the ability of the Attorney General or the Commission to disclose to a foreign antitrust authority antitrust evidence that is obtained otherwise than under such section 7A.

(2) Antitrust evidence that is matter occurring before a grand jury and with respect to which disclosure is prevented by Federal law, except that for the purpose of applying Rule 6(e)(3)(C)(iv) of the Federal Rules of Criminal Procedure with respect to this section—

(A) a foreign antitrust authority with respect to which a particularized need for such antitrust evidence is shown shall be considered to be an appropriate official of any of the several States, and

(B) a foreign antitrust law administered or enforced by the foreign antitrust authority shall be considered to be a State criminal law.

(3) Antitrust evidence that is specifically authorized under criteria established by Executive Order 12356, or any successor to such order, to be kept secret in the interest of national defense or foreign policy, and—

(A) that is classified pursuant to such order or such successor, or

(B) with respect to which a determination of classification is pending under such order or such successor.

(4) Antitrust evidence that is classified under section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162).

SEC. 6. EXCEPTION TO CERTAIN DISCLOSURE RESTRICTIONS.

Section 4 of the Antitrust Civil Process Act (15 U.S.C. 1313), and sections 6(f) and 21 of the Federal Trade Commission Act (15 U.S.C. 46, 57b-2), shall not apply to prevent the Attorney General or the Commission from providing to a foreign antitrust authority antitrust evidence in accordance with an antitrust mutual assistance agreement in effect under this Act and in accordance with the other requirements of this Act.

SEC. 7. PUBLICATION REQUIREMENTS APPLICABLE TO ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.

(a) PUBLICATION OF PROPOSED ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.—Not less than 45 days before an antitrust mutual assistance agreement is entered into, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the proposed text of such agreement and any modification to such proposed text, and

(2) a request for public comment with respect to such text or such modification, as the case may be.

(b) PUBLICATION OF PROPOSED AMENDMENTS TO ANTITRUST MUTUAL ASSISTANCE AGREEMENTS IN EFFECT.—Not less than 45 days before an agreement is entered into that makes an amendment to an antitrust mutual assistance agreement, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the proposed text of such amendment, and

(2) a request for public comment with respect to such amendment.

(c) PUBLICATION OF ANTITRUST MUTUAL ASSISTANCE AGREEMENTS, AMENDMENTS, AND TERMINATIONS.—Not later than 45 days after an antitrust mutual assistance agreement is entered into or terminated, or an agreement that makes an amendment to an antitrust mutual assistance agreement is entered into, the Attorney General, with the concurrence of the Commission, shall publish in the Federal Register—

(1) the text of the antitrust mutual assistance agreement or amendment, or the terms of the termination, as the case may be, and

(2) in the case of an agreement that makes an amendment to an antitrust mutual assistance agreement, a notice containing—

(A) citations to the locations in the Federal Register at which the text of the antitrust mutual assistance agreement that is so amended, and of any previous amendments to such agreement, are published, and

(B) a description of the manner in which a copy of the antitrust mutual assistance agreement, as so amended, may be obtained from the Attorney General and the Commission.

(d) CONDITION FOR VALIDITY.—An antitrust mutual assistance agreement, or an agreement that makes an amendment to an antitrust mutual assistance agreement, with respect to which publication does not occur in accordance with subsections (a), (b), and (c) shall not be considered to be in effect under this Act.

SEC. 8. CONDITIONS ON USE OF ANTITRUST MUTUAL ASSISTANCE AGREEMENTS.

(a) DETERMINATIONS.—Neither the Attorney General nor the Commission may conduct an investigation under section 3, apply for an order under section 4, or provide antitrust evidence to a foreign antitrust authority under an antitrust mutual assistance agreement, unless the Attorney General or the Commission, as the case may be, determines in the particular instance in which the investigation, application, or antitrust evidence is requested that—

(1) the foreign antitrust authority—

(A) will satisfy the assurances, terms, and conditions described in subparagraphs (A), (B), and (E) of section 12(2), and

(B) is capable of complying with and will comply with the confidentiality requirements applicable under such agreement to the requested antitrust evidence,

(2) providing the requested antitrust evidence will not violate section 5, and

(3) conducting such investigation, applying for such order, or providing the requested antitrust evidence, as the case may be, is consistent with the public interest of the United States, taking into consideration, among other factors, whether the foreign state or regional economic integration organization represented by the foreign antitrust authority holds any proprietary interest that could benefit or otherwise be affected by such investigation, by the granting of such order, or by the provision of such antitrust evidence.

(b) Limitation on Disclosure of Certain Antitrust Evidence.—Neither the Attorney General nor the Commission may disclose in violation of an antitrust mutual assistance agreement any antitrust evidence received under such agreement, except that such agreement may not prevent the disclosure of such antitrust evidence to a defendant in an action or proceeding brought by the Attorney General or the Commission for a violation of any of the Federal laws if such disclosure would otherwise be required by Federal law.

(c) Required Disclosure of Notice Received.—If the Attorney General or the Commission receives a notice described in section 12(2)(H), the Attorney General or the Commission, as the case may be, shall transmit such notice to the person that provided the evidence with respect to which such notice is received.

SEC. 9. LIMITATIONS ON JUDICIAL REVIEW.

(a) Determinations.—Determinations made under paragraphs (1) and (3) of section 8(a) shall not be subject to judicial review.

(b) Citations to and Descriptions of Confidentiality Laws.—Whether an antitrust mutual assistance agreement satisfies section 12(2)(C) shall not be subject to judicial review.

(c) Rules of Construction.—

(1) Administrative procedure act.—The requirements in section 7 with respect to publication and request for public comment shall not be construed to create any availability of judicial review under chapter 7 of title 5 of the United States Code.

(2) Laws Referenced in Section 5.—Nothing in this section shall be construed to affect the availability of judicial review under laws referred to in section 5.

SEC. 10. PRESERVATION OF EXISTING AUTHORITY.

(a) In General.—The authority provided by this Act is in addition to, and not in lieu of, any other authority vested in the Attorney General, the Commission, or any other officer of the United States.

(b) Attorney General and Commission.—This Act shall not be construed to modify or affect the allocation of responsibility between the Attorney General and the Commission for the enforcement of the Federal antitrust laws.

SEC. 11. REPORT TO THE CONGRESS.

In the 30-day period beginning 3 years after the date of the enactment of this Act and with the concurrence of the Commission, the Attorney General shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report—

(1) describing how the operation of this Act has affected the enforcement of the Federal antitrust laws,

(2) describing the extent to which foreign antitrust authorities have complied with the confidentiality requirements applicable under antitrust mutual assistance agreements in effect under this Act,

(3) specifying separately the identities of the foreign states, regional economic integration organizations, and foreign antitrust authorities that have entered into such agreements and the identities of the foreign antitrust authorities with respect to which such foreign states and such organizations have entered into such agreements,

(4) specifying the identity of each foreign state, and each regional economic integration organization, that has in effect a law similar to this Act,

(5) giving the approximate number of requests made by the Attorney General and the Commission under such agreements to foreign antitrust authorities for antitrust investigations and for antitrust evidence,

(6) giving the approximate number of requests made by foreign antitrust authorities under such agreements to the Attorney General and the Commission for investigations under section 3, for orders under section 4, and for antitrust evidence, and

(7) describing any significant problems or concerns of which the Attorney General is aware with respect to the operation of this Act.

SEC. 12. DEFINITIONS.

For purposes of this Act:

(1) The term "antitrust evidence" means information, testimony, statements, documents, or other things that are obtained in anticipation of, or during the course of, an investigation or proceeding under any of the Federal antitrust laws or any of the foreign antitrust laws.

(2) The term "antitrust mutual assistance agreement" means a written agreement, or written memorandum of understanding, that is entered into by the United States and a foreign state or regional economic integration organization (with respect to the foreign antitrust authorities of such foreign state or such organization, and such other governmental entities of such foreign state or such organization as the Attorney General and the Commission jointly determine may be necessary in order to provide the assistance described in subparagraph (A)), or jointly by the Attorney General and the Commission and a foreign antitrust authority, for the purpose of conducting investigations under section 3, applying for orders under section 4, or providing antitrust evidence, on a reciprocal basis and that includes the following:

(A) An assurance that the foreign antitrust authority will provide to the Attorney General and the Commission assistance that is comparable in scope to the assistance the Attorney General and the Commission provide under such agreement or such memorandum.

(B) An assurance that the foreign antitrust authority is subject to laws and procedures that are adequate to maintain securely the confidentiality of antitrust evidence that may be received under section 2, 3, or 4 and will give protection to antitrust evidence received under such section that is not less than the protection provided under the laws of the United States to such antitrust evidence.

(C) Citations to and brief descriptions of the laws of the United States, and the laws of the foreign state or regional economic integration organization represented by the foreign antitrust authority, that protect the confidentiality of antitrust evidence that may be provided under such agreement or such memorandum. Such citations and such descriptions shall include the enforcement mechanisms and penalties applicable under such laws and, with respect to a regional economic integration organization, the applicability of such laws, enforcement mechanisms, and penalties to the foreign states composing such organization.

(D) Citations to the Federal antitrust laws, and the foreign antitrust laws, with respect to which such agreement or such memorandum applies.

(E) Terms and conditions that specifically require using, disclosing, or permitting the use or disclosure of, antitrust evidence received under such agreement or such memorandum only—

(i) for the purpose of administering or enforcing the foreign antitrust laws involved, or

(ii) with respect to a specified disclosure or use requested by a foreign antitrust authority and essential to a significant law enforcement objective, in accordance with the prior written consent that the Attorney General or the Commission, as the case may be, gives after—

(I) determining that such antitrust evidence is not otherwise readily available with respect to such objective,

(II) making the determinations described in paragraphs (2) and (3) of section 8(a), with respect to such disclosure or use, and

(III) making the determinations applicable to a foreign antitrust authority under section 8(a)(1) (other than the determination regarding the assurance described in subparagraph (A) of this paragraph), with respect to each additional governmental entity, if any, to be provided such antitrust evidence in the course of such disclosure or use, after having received adequate written assurances applicable to each such governmental entity.

(F) An assurance that antitrust evidence received under section 2, 3, or 4 from the Attorney General or the Commission, and all copies of such evidence, in the possession or control of the foreign antitrust authority will be returned to the Attorney General or the Commission, respectively, at the conclusion of the foreign investigation or proceeding with respect to which such evidence was so received.

(G) Terms and conditions that specifically provide that such agreement or such memorandum will be terminated if—

(i) the confidentiality required under such agreement or such memorandum is violated with respect to antitrust evidence, and

(ii) adequate action is not taken both to minimize any harm resulting from the violation and to ensure that the confidentiality required under such agreement or such memorandum is not violated again.

(H) Terms and conditions that specifically provide that if the confidentiality required under such agreement or such memorandum is violated with respect to antitrust evidence, notice of the violation will be given—

(i) by the foreign antitrust authority promptly to the Attorney General or the Commission with respect to antitrust evidence provided by the Attorney General or the Commission, respectively, and

(ii) by the Attorney General or the Commission to the person (if any) that provided such evidence to the Attorney General or the Commission.

(3) The term "Attorney General" means the Attorney General of the United States.

(4) The term "Commission" means the Federal Trade Commission.

(5) The term "Federal antitrust laws" has the meaning given the term "antitrust laws" in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)) but also includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(6) The term "foreign antitrust authority" means a governmental entity of a foreign state or of a regional economic integration organization that is vested by such state or such organization with authority to enforce the foreign antitrust laws of such state or such organization.

(7) The term "foreign antitrust laws" means the laws of a foreign state, or of a regional economic integration organization, that are substantially similar to any of the Federal antitrust laws and that prohibit conduct similar to conduct prohibited under the Federal antitrust laws.

(8) The term "person" has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(9) The term "regional economic integration organization" means an organization that is constituted by, and composed of, foreign states, and on which such foreign states have conferred sovereign authority to make decisions that are binding on such foreign states, and that are directly applicable to and binding on persons within such foreign states, including the decisions with respect to—

(A) administering or enforcing the foreign antitrust laws of such organization, and

(B) prohibiting and regulating disclosure of information that is obtained by such organization in the course of administering or enforcing such laws.

SEC. 13. AUTHORITY TO RECEIVE REIMBURSEMENT.

The Attorney General and the Commission are authorized to receive from a foreign antitrust authority, or from the foreign state or regional economic integration organization represented by such foreign antitrust authority, reimbursement for the costs incurred by the Attorney General or the Commission, respectively, in conducting an investigation under section 3 requested by such foreign antitrust authority, applying for an order under section 4 to assist such foreign antitrust authority, or providing antitrust evidence to such foreign antitrust authority under an antitrust mutual assistance agreement in effect under this Act with respect to such foreign antitrust authority.

NATIONAL WOMEN AND GIRLS IN SPORTS DAY

The text of the joint resolution (S.J. Res. 186) to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day," as passed by the Senate on October 7, 1994, is as follows:

S.J. RES. 186

Whereas women's athletics are one of the most effective avenues available for women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972;

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) February 2, 1995, and February 1, 1996, are each designated as "National Women and Girls in Sports Day"; and

(2) the President is authorized and requested to issue a proclamation calling on local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe those days with appropriate ceremonies and activities.

RELIGIOUS FREEDOM ACT

The text of the joint resolution (S.J. Res. 218) designating January 16, 1995, as "Religious Freedom Day," as passed by the Senate on October 7, 1994, is as follows:

S.J. RES. 218

Whereas December 15, 1991, is the 200th anniversary of the completion of the ratification of the Bill of Rights;

Whereas the first amendment to the Constitution of the United States guarantees religious liberty to the people of the United States;

Whereas millions of people from all parts of the world have come to the United States fleeing religious persecution and seeking to worship;

Whereas in 1777 Thomas Jefferson wrote the bill entitled "A Bill for Establishing Religious Freedom in Virginia" to guarantee freedom of conscience and separation of church and state;

Whereas in 1786, through the devotion of Virginians such as George Mason and James Madison, the General Assembly of Virginia passed such bill;

Whereas the Statute of Virginia for Religious Freedom inspired and shaped the guarantee of religious freedom in the first amendment;

Whereas the Supreme Court of the United States has recognized repeatedly that the Statute of Virginia for Religious Freedom was an important influence in the development of the Bill of Rights;

Whereas scholars across the United States have proclaimed the vital importance of such statute and leaders in fields such as law and religion have devoted time, energy and resources to celebrating its contribution to international freedom; and

Whereas America's First Freedom Center, located in Richmond, Virginia, plans a permanent monument to the Statute of Religious Freedom, accompanied by educational programs and commemorative activities for visitors from around the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 16, 1995, is designated as "Religious Freedom Day," and the President is authorized and requested to issue a proclamation calling on the people of the United States to join together to celebrate their religious freedom and to observe the day with appropriate ceremonies and activities.

NATIONAL BURN AWARENESS WEEK

The text of the joint resolution (S.J. Res. 225) to designate February 5, 1995, through February 11, 1995, and February 4, 1996, through February 10, 1996, as "National Burn Awareness Week," as passed by the Senate on October 7, 1994, is as follows:

S.J. RES. 225

Whereas the problem of burn injuries and death in the United States is one of the worst of any industrialized nation in the world;

Whereas burn injuries are one of the leading causes of accidental death in the United States;

Whereas every year over 2,000,000 people in the United States are victims of some form of burn injury, and children account for between ⅓ and ½ of this total;

Whereas of the number of people injured by burns, over 70,000 are hospitalized, resulting in 9,000,000 disability days and $100,000,000 in costs annually;

Whereas over 6,000 people die from burn injuries annually, and the rehabilitative and psychological impact of burns is devastating;

Whereas young children are in the highest risk group suffering from hot liquid burns and injuries caused by child fire play and fire setting;

Whereas older adults and the disabled are also at great risk and extremely susceptible to burn injuries;

Whereas burn survivors often face years of costly reconstructive surgery and extensive physical and psychological rehabilitation in overcoming disabilities and fears of rejection by family members, friends, coworkers, schoolmates, and the general public;

Whereas it is estimated that approximately 75 percent of all burn injuries and deaths could be prevented by a comprehensive national educational and awareness campaign and by changes in the design and technology of homes and consumer products;

Whereas general public awareness of the need for smoke detectors and home fire escape plans, in combination with an understanding of the risk associated with items in the home environment, can cause a reduction of injuries and loss of life; and

Whereas there is a need for an effective national problem that deals with all aspects of burn injuries and burn prevention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks of February 5, 1995, through February 11, 1995, and February 4, 1996, through February 10, 1996, are each designated as "National Burn Awareness Week". The President is authorized and requested to issue a proclamation calling on the people of the United States and all Federal, State, and local governments officials to observe the weeks with appropriate programs and activities.

MERCY OTIS WARREN DAY

The text of the joint resolution (S.J. Res. 222) to designate October 19, 1994, as "Mercy Otis Warren Day," and for other purposes, as passed by the Senate on October 7, 1994, is as follows:

S.J. RES. 222

Whereas Mercy Otis Warren was born on September 14, 1728, in Barnstable, Massachusetts, was 1 of 13 children, and was without a formal education, yet her thirst for knowledge and ardent interest in politics transformed her into 1 of the prominent political thinkers and commentators of her day;

Whereas Mercy Otis Warren maintained throughout her life an aggressive concern for public affairs and the role of women in society, and was determined that women should not be restricted to domestic interests;

Whereas Mercy Otis Warren wrote numerous published works providing commentary on the leading political figures of the American Revolution and on the political viewpoints of her day, including a major literary work, the 3-volume "History of the Rise, Progress, and Termination of the American Revolution", completed in 1805;

Whereas Mercy Otis Warren was so well respected by her contemporaries for her understanding of political issues that her advice was sought by such notables as John Adams, Samuel Adams, and Thomas Jefferson;

Whereas Mercy Otis Warren wrote a 19-page pamphlet, published in 1788, entitled "Observations on the New Constitution", that contributed to the political movement that provided a foundation for the Bill of Rights; and

Whereas Mercy Otis Warren is recognized by American historians as a poet, a patriot, and a historian of the American Revolution: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 19, 1994, is designated as "Mercy Otis Warren Day". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this day with appropriate ceremonies and activities.

COMMENDING THE U.S. RICE INDUSTRY

The text of the joint resolution (S.J. Res. 219) to commend the United States rice industry, and for other purposes, as passed by the Senate on October 7, 1994, is as follows:

S.J. RES. 219

Whereas the rice industry is a good and valuable part of the United States economy;

Whereas it is estimated that rice production, milling, and marketing and rice-related commerce provide over 100,000 jobs in the United States economy;

Whereas the rice industry helps to generate a positive balance of agricultural trade for the United States economy;

Whereas the rice industry generates over $3,000,000,000 in annual commerce for the United States economy;

Whereas rice is a popular food in the United States, with consumption increasing 3 to 5 percent annually;

Whereas rice producers have made major efforts to protect waterfowl habitat, and rice production can be managed to protect water quality in an environmentally sound manner;

Whereas the rice industry produces an important food used in the worldwide humanitarian assistance program of the United States Government;

Whereas competition for foreign rice markets is ever increasing;

Whereas, to be competitive, the United States rice industry must implement and maintain a comprehensive research and product market development program;

Whereas, to be competitive, the United States rice industry must use its resources efficiently and effectively;

Whereas a strong unified voice is a valuable and productive asset for any United States industry but especially for a comparatively small industry like rice; and

Whereas the United States rice industry, fully recognizing modern resource and market and other economic and environmental challenges, has voluntarily and collectively developed a plan for, and agreed to establish, an industry organization to best determine and accomplish its goals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States rice industry is to be commended for its decision to establish an industry organization, and the President is authorized and requested to issue a proclamation commending the decision and recognizing the success that the decision will have in promoting the common interests of the rice industry, as well as the interests of the rice-consuming public.

PROHIBITING THE DUPLICATION OF BENEFITS

The text of the bill (S. 2551) to prohibit the duplication of benefits, as passed by the Senate on October 7, 1994, is as follows:

S. 2551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the 1994 disaster assistance provision as contained in the Agriculture Rural Development, Food and Drug Administration, and Related Agencies Act, 1995, is amended by adding at the end the following new paragraph:

"(10) LIMITATION ON DISASTER PAYMENTS.—The Secretary shall adjust the amount of disaster payments made to a producer for a crop of peanuts to ensure that the total amount of quota poundage for which such payments are made to the producer plus the amount of quota poundage produced and marketed by the producer does not exceed the effective poundage quota for the farm of the producer for that crop. Disaster payments to a producer on poundage quota in excess of the effective quota for the farm of the producer shall be made based on the additional poundage payment rate.".

MENTAL HEALTH AND SUBSTANCE ABUSE PROGRAMS REAUTHORIZATION

The text of the bill (S. 2352) to amend the Public Health Service Act to reauthorize certain programs relating to the Substance Abuse and Mental Health Services Administration, and for other purposes, as passed by the Senate on October 7, 1994, is as follows:

S. 2352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FAILURE TO COMPLY WITH MAINTENANCE OF EFFORT PROVISIONS.

(1) MENTAL HEALTH.—Section 1915(b)(3)(A) of the Public Health Service Act (42 U.S.C. 300x-4(b)(3)(A)) is amended—

(1) by striking "material"; and

(2) by inserting before the period at the end thereof the following: ", except that the Secretary may defer the reduction for a reasonable period of time, but in no event to exceed 1 year, to afford the State an opportunity to correct or mitigate the violation of the agreement that the State made for the preceding year under paragraph (1), and the Secretary shall recalculate the reduction accordingly".

(b) SUBSTANCE ABUSE.—Section 1930(c)(1) of the Public Health Service Act (42 U.S.C. 300x-30(c)(1)) is amended—

(1) by striking "material"; and

(2) by inserting before the period at the end thereof the following: ", except that the Secretary may defer the reduction for a reasonable period of time, but in no event to exceed 1 year, to afford the State an opportunity to correct or mitigate the violation of the agreement that the State made for the preceding year under subsection (a), and the Secretary shall recalculate the reduction accordingly".

SEC. 2. BLOCK GRANTS TO STATES REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE.

Section 205(b) of the ADAMHA Reorganization Act (42 U.S.C. 300x(b) note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2), the following new paragraph:

"(3) FISCAL YEAR 1995.—With respect to an allotment for fiscal year 1995 under section 1911 or 1921, the Secretary shall, upon the request of the chief executive officer of a State, make a transfer as described under paragraph (1) or (2) in the case of any State for which such an allotment for fiscal year 1995 is—

"(A) in the case of an allotment under section 1911, at least 20 percent less than the amount of the allotment for such State under such section for fiscal year 1994; or

"(B) in the case of an allotment under section 1921, at least 20 percent less than the amount of the allotment for such State under such section for fiscal year 1994.''.

SEC. 3. PREVENTION AND TREATMENT GRANTS.

Section 1924(b)(2) of the Public Health Service Act (42 U.S.C. 300x-24(b)(2)) is amended by striking ''10 or more'' and inserting ''15 or more''.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect as if enacted on September 30, 1994.

LEGAL TELECOMMUNICATIONS INTERCEPTION

The text of the bill (S. 2375) to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes, as passed by the Senate on October 7, 1994, is as follows:

S. 2375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERCEPTION OF DIGITAL AND OTHER COMMUNICATIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 119 the following new chapter:

"CHAPTER 120—TELECOMMUNICATIONS CARRIER ASSISTANCE TO THE GOVERNMENT

"Sec.
"2601. Definitions.
"2602. Assistance capability requirements.
"2603. Notices of capacity requirements.
"2604. Systems security and integrity.
"2605. Cooperation of equipment manufacturers and providers of telecommunications support services.
"2606. Technical requirements and standards; extension of compliance date.
"2607. Enforcement orders.
"2608. Payment of costs of telecommunications carriers.

"§ 2601. Definitions

"(a) DEFINITIONS.—In this chapter—

"the terms defined in section 2510 have, respectively, the meanings stated in that section.

"'call-identifying information'—

"(A) means all dialing or signaling information that identifies the origin, direction, destination, or termination of each communication generated or received by the subscriber equipment, facility, or service of a telecommunications carrier that is the subject of a court order or lawful authorization; but

"(B) does not include any information that may disclose the physical location of the subscriber (except to the extent that the location may be determined from the telephone number).

"'Commission' means the Federal Communications Commission.

"'government' means the government of the United States and any agency or instrumentality thereof, the District of Columbia, any commonwealth, territory, or possession of the United States, and any State or political subdivision thereof authorized by law to conduct electronic surveillance.

"'information services'—

"(A) means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications; and

"(B) includes electronic publishing and electronic messaging services; but

"(C) does not include any capability for a telecommunications carrier's internal management, control, or operation of its telecommunications network.

"telecommunications support services" means a product, software, or service used by a telecommunications carrier for the internal signaling or switching functions of its telecommunications network.

"'telecommunications carrier'—

"(A) means a person or entity engaged in the transmission or switching of wire or electronic communications as a common carrier for hire (within the meaning of section 3(h) of the Communications Act of 1934 (47 U.S.C. 153(h)));

"(B) includes—

"(i) a person or entity engaged in providing commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))); or

"(ii) a person or entity engaged in providing wire or electronic communication switching or transmission service to the extent that the Commission finds that such service is a replacement for a substantial portion of the local telephone exchange service and that it is in the public interest to deem such a person or entity to be a telecommunications carrier for purposes of this chapter; but

"(C) does not include persons or entities insofar as they are engaged in providing information services.

"§ 2602. Assistance capability requirements

"(a) CAPABILITY REQUIREMENTS.—Except as provided in subsections (b), (c), and (d) of this section, and subject to section 2607(c), a telecommunications carrier shall ensure that its services or facilities that provide a customer or subscriber with the ability to originate, terminate, or direct communications are capable of—

"(1) expeditiously isolating and enabling the government to intercept, to the exclusion of any other communications, all wire and electronic communications carried by the carrier within a service area to or from equipment, facilities, or services of a subscriber of such carrier concurrently with their transmission to or from the subscriber's service, facility, or equipment or at such later time as may be acceptable to the government;

"(2) expeditiously isolating and enabling the government to access call-identifying information that is reasonably available to the carrier—

"(A) before, during, or immediately after the transmission of a wire or electronic communication (or at such later time as may be acceptable to the government); and

"(B) in a manner that allows it to be associated with the communication to which it pertains,

except that, with regard to information acquired solely pursuant to the authority for pen registers and trap and trace devices (as defined in section 3127), such call-identifying information shall not include any information that may disclose the physical location of the subscriber (except to the extent that the location may be determined from the telephone number);

"(3) delivering intercepted communications and call-identifying information to the government in a format such that they may be transmitted by means of facilities or services procured by the government to a location other than the premises of the carrier; and

"(4) facilitating authorized communications interceptions and access to call-identifying information unobtrusively and with a minimum of interference with any subscriber's telecommunications service and in a manner that protects—

"(A) the privacy and security of communications and call-identifying information not authorized to be intercepted; and

"(B) information regarding the government's interception of communications and access to call-identifying information.

"(b) LIMITATIONS.—

"(1) DESIGN OF FEATURES AND SYSTEMS CONFIGURATIONS.—This chapter does not authorize any law enforcement agency or officer—

"(A) to require any specific design of features or system configurations to be adopted by providers of wire or electronic communication service, manufacturers of telecommunications equipment, or providers of telecommunications support services; or

"(B) to prohibit the adoption of any feature or service by providers of wire or electronic communication service, manufacturers of telecommunications equipment, or providers of telecommunications support services.

"(2) INFORMATION SERVICES; PRIVATE NETWORKS AND INTERCONNECTION SERVICES AND FACILITIES.—The requirements of subsection (a) do not apply to—

"(A) information services; or

"(B) services or facilities that support the transport or switching of communications for private networks or for the sole purpose of interconnecting telecommunications carriers.

"(3) ENCRYPTION.—A telecommunications carrier shall not be responsible for decrypting, or ensuring the government's ability to decrypt, any communication encrypted by a subscriber or customer, unless the encryption was provided by the carrier and the carrier possesses the information necessary to decrypt the communication.

"(c) EMERGENCY OR EXIGENT CIRCUMSTANCES.—In emergency or exigent circumstances (including those described in sections 2518 (7) or (11)(b) and 3125 of this title and section 1805(e) of title 50), a carrier at its discretion may fulfill its responsibilities under subsection (a)(3) by allowing monitoring at its premises if that is the only means of accomplishing the interception or access.

"(d) MOBILE SERVICE ASSISTANCE REQUIREMENTS.—A telecommunications carrier offering a feature or service that allows subscribers to redirect, hand off, or assign their wire or electronic communications to another service area or another service provider or to utilize facilities in another service area or of another service provider shall ensure that, when the carrier that had been providing assistance for the interception of wire or electronic communications or access to call-identifying information pursuant to a court order or lawful authorization no longer has access to the content of such communications or call-identifying information within the service area in which interception has been occurring as a result of the subscriber's use of such a feature or service, information is made available to the government (before, during, or immediately after the transfer of such communications) identifying the provider of wire or electronic communication service that has acquired access to the communications.

"§ 2603. Notices of capacity requirements

"(a) NOTICES OF MAXIMUM AND ACTUAL CAPACITY REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this chapter, after consulting with State and local law enforcement agencies, telecommunications carriers, providers of telecommunications support services, and manufacturers of telecommunications equipment and after notice and comment, the Attorney General shall publish in the Federal Register and provide to appropriate telecommunications carrier associations, standard-setting organizations, and for a—

"(A) notice of the maximum capacity required to accommodate all of the communication interceptions, pen registers, and trap and trace devices that the Attorney General estimates that government agencies authorized to conduct electronic surveillance may conduct and use simultaneously; and

"(B) notice of the number of communication interceptions, pen registers, and trap and trace devices, representing a portion of the maximum capacity set forth under subparagraph (A), that the Attorney General estimates that government agencies authorized to conduct electronic surveillance may conduct and use simultaneously after the date that is 4 years after the date of enactment of this chapter.

"(2) BASIS OF NOTICES.—The notices issued under paragraph (1) may be based upon the type of equipment, type of service, number of subscribers, geographic location, or other measure.

"(b) COMPLIANCE WITH CAPACITY NOTICES.—

"(1) INITIAL CAPACITY.—Within 3 years after the publication by the Attorney General of a notice of capacity requirements or within 4 years after the date of enactment of this chapter, whichever is longer, a telecommunications carrier shall ensure that its systems are capable of—

"(A) expanding to the maximum capacity set forth in the notice under subsection (a)(1)(A); and

"(B) accommodating simultaneously the number of interceptions, pen registers, and trap and trace devices set forth in the notice under subsection (a)(1)(B).

"(2) EXPANSION TO MAXIMUM CAPACITY.—After the date described in paragraph (1), a telecommunications carrier shall ensure that it can accommodate expeditiously any increase in the number of communication interceptions, pen registers, and trap and trace devices that authorized agencies may seek to conduct and use, up to the maximum capacity requirement set forth in the notice under subsection (a)(1)(A).

"(c) NOTICES OF INCREASED MAXIMUM CAPACITY REQUIREMENTS.—

"(1) The Attorney General shall periodically provide to telecommunications carriers written notice of any necessary increases in the maximum capacity requirement set forth in the notice under subsection (a)(1)(A).

"(2) Within 3 years after receiving written notice of increased capacity requirements under paragraph (1), or within such longer time period as the Attorney General may specify, a telecommunications carrier shall ensure that its systems are capable of expanding to the increased maximum capacity set forth in the notice.

"§ 2604. Systems security and integrity

"A telecommunications carrier shall ensure that any court ordered or lawfully authorized interception of communications or access to call-identifying information effected within its switching premises can be activated only with the affirmative intervention of an individual officer or employee of the carrier.

"§ 2605. Cooperation of equipment manufacturers and providers of telecommunications support services

"(a) CONSULTATION.—A telecommunications carrier shall consult, as necessary, in a timely fashion with manufacturers of its telecommunications transmission and switching equipment and its providers of telecommunications support services for the purpose of identifying any service or equipment, including hardware and software, that may require modification so as to permit compliance with this chapter.

"(b) MODIFICATION OF EQUIPMENT AND SERVICES.—Subject to section 2607(c), a manufacturer of telecommunications transmission or switching equipment and a provider of telecommunications support services shall, on a reasonably timely basis and at a reasonable charge, make available to the telecommunications carriers using its equipment or services such modifications as are necessary to permit such carriers to comply with this chapter.

"§ 2606. Technical requirements and standards; extension of compliance date

"(a) SAFE HARBOR.—

"(1) CONSULTATION.—To ensure the efficient and industry-wide implementation of the assistance capability requirements under section 2602, the Attorney General, in coordination with other Federal, State, and local law enforcement agencies, shall consult with appropriate associations and standard-setting organizations of the telecommunications industry and with representatives of users of telecommunications services and facilities.

"(2) COMPLIANCE UNDER ACCEPTED STANDARDS.—A telecommunications carrier shall be found to be in compliance with the assistance capability requirements under section 2602, and a manufacturer of telecommunications transmission or switching equipment or a provider of telecommunications support services shall be found to be in compliance with section 2605, if the carrier, manufacturer, or support service provider is in compliance with publicly available technical requirements or standards adopted by an industry association or standard-setting organization or by the Commission under subsection (b) to meet the requirements of section 2602.

"(3) ABSENCE OF STANDARDS.—The absence of technical requirements or standards for implementing the assistance capability requirements of section 2602 shall not—

"(A) preclude a carrier, manufacturer, or services provider from deploying a technology or service; or

"(B) relieve a carrier, manufacturer, or service provider of the obligations imposed by section 2602 or 2605, as applicable.

"(b) FCC AUTHORITY.—

"(1) IN GENERAL.—If industry associations or standard-setting organizations fail to issue technical requirements or standards or if a government agency or any other person believes that such requirements or standards are deficient, the agency or person may petition the Commission to establish, by notice and comment rulemaking or such other proceedings as the Commission may be authorized to conduct, technical requirements or standards that—

"(A) meet the assistance capability requirements of section 2602;

"(B) protect the privacy and security of communications not authorized to be intercepted; and

"(C) serve the policy of the United States to encourage the provision of new technologies and services to the public.

"(2) TRANSITION PERIOD.—If an industry technical requirement or standard is set aside or supplanted as a result of Commission action under this section, the Commission, after consultation with the Attorney General, shall establish a reasonable time and conditions for compliance with and the transition to any new standard, including defining the obligations of telecommunications carriers under section 2602 during any transition period.

"(c) EXTENSION OF COMPLIANCE DATE FOR FEATURES AND SERVICES.—

"(1) PETITION.—A telecommunications carrier proposing to deploy, or having deployed, a feature or service within 4 years after the date of enactment of this chapter may petition the Commission for 1 or more extensions of the deadline for complying with the assistance capability requirements under section 2602.

"(2) GROUND FOR EXTENSION.—The Commission may, after affording a full opportunity for hearing and after consultation with the Attorney General, grant an extension under this paragraph, if the Commission determines that compliance with the assistance capability requirements under section 2602 is not reasonably achievable through application of technology available within the compliance period.

"(3) LENGTH OF EXTENSION.—An extension under this paragraph shall extend for no longer than the earlier of—

"(A) the date determined by the Commission as necessary for the carrier to comply with the assistance capability requirements under section 2602; or

"(B) the date that is 2 years after the date on which the extension is granted.

"(4) APPLICABILITY OF EXTENSION.—An extension under this subsection shall apply to only that part of the carrier's business on which the new feature or service is used.

"§ 2607. Enforcement orders

"(a) ENFORCEMENT BY COURT ISSUING SURVEILLANCE ORDER.—If a court authorizing an interception under chapter 119, a State statute, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or authorizing use of a pen register or a trap and trace device under chapter 206 or a State statute finds that a telecommunications carrier has failed to comply with the requirements in this chapter, the court may direct that the carrier comply forthwith and may direct that a provider of support services to the carrier or the manufacturer of the carrier's transmission or switching equipment furnish forthwith modifications necessary for the carrier to comply.

"(b) ENFORCEMENT UPON APPLICATION BY ATTORNEY GENERAL.—The Attorney General may apply to the appropriate United States district court for, and the United States district courts shall have jurisdiction to issue, an order directing that a telecommunications carrier, a manufacturer of telecommunications transmission or switching equipment, or a provider of telecommunications support services comply with this chapter.

"(c) GROUNDS FOR ISSUANCE.—A court shall issue an order under subsection (a) or (b) only if the court finds that—

"(1) alternative technologies or capabilities or the facilities of another carrier are not reasonably available to law enforcement for implementing the interception of communications or access to call-identifying information; and

"(2) compliance with the requirements of this chapter is reasonably achievable through the application of available technology to the feature or service at issue or would have been reasonably achievable if timely action had been taken.

"(d) Time for Compliance.—Upon issuance of an enforcement order under this section, the court shall specify a reasonable time and conditions for complying with its order, considering the good faith efforts to comply in a timely manner, any effect on the carrier's, manufacturer's, or service provider's ability to continue to do business, the degree of culpability or delay in undertaking efforts to comply, and such other matters as justice may require.

"(e) Limitation.—An order under this section may not require a telecommunications carrier to meet the government's demand for interception of communications and acquisition of call-identifying information to any extent in excess of the capacity for which notice has been provided under section 2603.

"(f) Civil Penalty.—

"(1) In general.—A court issuing an order under this section against a telecommunications carrier, a manufacturer of telecommunications transmission or switching equipment, or a provider of telecommunications support services may impose a civil penalty of up to $10,000 per day for each day in violation after the issuance of the order or after such future date as the court may specify.

"(2) Considerations.—In determining whether to impose a fine and in determining its amount, the court shall take into account—

"(A) the nature, circumstances, and extent of the violation;

"(B) the violator's ability to pay, the violator's good faith efforts to comply in a timely manner, any effect on the violator's ability to continue to do business, the degree of culpability, and the length of any delay in undertaking efforts to comply; and

"(C) such other matters as justice may require.

"(3) Civil action.—The Attorney General may file a civil action in the appropriate United States district court to collect, and the United States district courts shall have jurisdiction to impose, such fines.

"§ 2608. Payment of costs of telecommunications carriers

"(a) Equipment, Features, and Services Deployed Before Date of Enactment; Capacity Costs.—The Attorney General shall, subject to the availability of appropriations, pay telecommunications carriers for all reasonable costs directly associated with—

"(1) the modifications performed by carriers prior to the effective date of section 2602 or prior to the expiration of any extension granted under section 2606(c) to establish, with respect to equipment, features, and services deployed before the date of enactment of this chapter, the capabilities necessary to comply with section 2602;

"(2) meeting the maximum capacity requirements set forth in the notice under section 2603(a)(1)(A); and

"(3) expanding existing facilities to accommodate simultaneously the number of interceptions, pen registers and trap and trace devices for which notice has been provided under section 2603(a)(1)(B).

"(b) Equipment, Features, and Services Deployed On or After Date of Enactment.—

"(1) In general.—If compliance with the assistance capability requirements of section 2602 is not reasonably achievable with respect to equipment, features, or services deployed on or after the date of enactment of this chapter, the Attorney General, on application of a telecommunications carrier, may pay the telecommunications carrier reasonable costs directly associated with achieving compliance.

"(2) Consideration.—In determining whether compliance with the assistance capability requirements of section 2602 is reasonably achievable with respect to any equipment, feature, or service deployed the date of enactment of this chapter, consideration shall be given to the time when the equipment, feature, or service was deployed.

"(c) Allocation of Funds for Payment.—The Attorney General shall allocate funds appropriated to carry out this chapter in accordance with law enforcement priorities determined by the Attorney General.

"(d) Failure To Make Payment With Respect To Equipment, Features, and Services Deployed Before Date of Enactment.—

"(1) Considered to be in compliance.—Unless the Attorney General has agreed to pay the telecommunications carrier for all reasonable costs directly associated with modifications necessary to bring the equipment, feature, or service into actual compliance with those requirements, provided the carrier has requested payment in accordance with procedures promulgated pursuant to subsection (e), any equipment, feature, or service of a telecommunications carrier deployed before the date of enactment of this chapter shall be considered to be in compliance with the assistance capability requirements of section 2602 unless the equipment, feature, or service is replaced or significantly upgraded or otherwise undergoes major modification.

"(2) Limitation on order.—An order under section 2607 shall not require a telecommunications carrier to modify, for the purpose of complying with the assistance capability requirements of section 2602, any equipment, feature, or service deployed before the date of enactment of this chapter unless the Attorney General has agreed to pay the telecommunications carrier for all reasonable costs directly associated with modifications necessary to bring the equipment, feature, or service into actual compliance with those requirements.

"(e) Procedures and Regulations.—Notwithstanding any other law, the Attorney General shall, after notice and comment, establish any procedures and regulations deemed necessary to effectuate timely and cost-efficient payment to telecommunications carriers for compensable costs incurred under this chapter, under chapters 119 and 121, and under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

"(f) Dispute Resolution.—If there is a dispute between the Attorney General and a telecommunications carrier regarding the amount of reasonable costs to be paid under subsection (a), the dispute shall be resolved and the amount determined in a proceeding initiated at the Commission or by the court from which an enforcement order is sought under section 2607.".

(b) Technical Amendment.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 119 the following new item:

"120. Telecommunications carrier assistance to the Government .... 2601".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 2608 of title 18, United States Code, as added by section 1—

(1) a total of $500,000,000 for fiscal years 1995, 1996, and 1997; and

(2) such sums as are necessary for each fiscal year thereafter,

such sums to remain available until expended.

SEC. 3. EFFECTIVE DATE.

(a) In General.—Except as provided in paragraph (2), chapter 120 of title 18, United States Code, as added by section 1, shall take effect on the date of enactment of this Act.

(b) Assistance Capability and Systems Security and Integrity Requirements.—Sections 2602 and 2604 of title 18, United States Code, as added by section 1, shall take effect on the date that is 4 years after the date of enactment of this Act.

SEC. 4. REPORTS.

(a) Reports by the Attorney General.—

(1) In general.—On or before November 30, 1995, and on or before November 30 of each year for 5 years thereafter, the Attorney General shall submit to Congress and make available to the public a report on the amounts paid during the preceding fiscal year in payment to telecommunications carriers under section 2608 of title 18, United States Code, as added by section 1.

(2) Contents.—A report under paragraph (1) shall include—

(A) a detailed accounting of the amounts paid to each carrier and the technology, equipment, feature or service for which the amounts were paid; and

(B) projections of the amounts expected to be paid in the current fiscal year, the carriers to which payment is expected to be made, and the technologies, equipment, features or services for which payment is expected to be made.

(b) Reports by the Comptroller General.—

(1) Payments for modifications.—On or before April 1, 1996, and April 1, 1998, the Comptroller General of the United States, after consultation with the Attorney General and the telecommunications industry, shall submit to the Congress a report reflecting its analysis of the reasonableness and cost-effectiveness of the payments made by the Attorney General to telecommunications carriers for modifications necessary to ensure compliance with chapter 120 of title 18, United States Code, as added by section 1.

(2) Compliance cost estimates.—A report under paragraph (1) shall include the findings and conclusions of the Comptroller General on the costs to be incurred after the compliance date, including projections of the amounts expected to be incurred and the technologies, equipment, features or services for which expenses are expected to be incurred by telecommunications carriers to comply with the assistance capability requirements in the first 5 years after the effective date of section 2602.

SEC. 5. CORDLESS TELEPHONES.

(a) Definitions.—Section 2510 of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "but such term does not include" and all that follows through "base unit"; and

(2) in paragraph (12) by striking subparagraph (A) and redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(b) Penalty.—Section 2511 of title 18, United States Code, is amended—

(1) in subsection (4)(b)(i) by inserting "a cordless telephone communication that is

transmitted between the cordless telephone handset and the base unit," after "cellular telephone communication,"; and

(2) in subsection (4)(b)(ii) by inserting "a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit," after "cellular telephone communication,".

SEC. 6. RADIO-BASED DATA COMMUNICATIONS.

Section 2510(16) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (D);

(2) by inserting "or" at the end of subparagraph (E); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) an electronic communication;"

SEC. 7. PENALTIES FOR MONITORING RADIO COMMUNICATIONS THAT ARE TRANSMITTED USING MODULATION TECHNIQUES WITH NONPUBLIC PARAMETERS.

Section 2511(4)(b) of title 18, United States Code, is amended by striking "or encrypted, then" and inserting ", encrypted, or transmitted using modulation techniques the essential parameters of which have been withheld from the public with the intention of preserving the privacy of such communication".

SEC. 8. TECHNICAL CORRECTION.

Section 2511(2)(a)(i) of title 18, United States Code, is amended by striking "used in the transmission of a wire communication" and inserting "used in the transmission of a wire or electronic communication".

SEC. 9. FRAUDULENT ALTERATION OF COMMERCIAL MOBILE RADIO INSTRUMENTS.

(a) OFFENSE.—Section 1029(a) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (3); and

(2) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a telecommunications instrument that has been modified or altered to obtain unauthorized use of telecommunications services; or

"(6) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses—

"(A) a scanning receiver; or

"(B) hardware or software used for altering or modifying telecommunications instruments to obtain unauthorized access to telecommunications services,".

(b) PENALTY.—Section 1029(c)(2) of title 18, United States Code, is amended by striking "(a)(1) or (a)(4)" and inserting "(a) (1), (4), (5), or (6)".

(c) DEFINITIONS.—Section 1029(e) of title 18, United States Code, is amended—

(1) in paragraph (1) by inserting "electronic serial number, mobile identification number, personal identification number, or other telecommunications service, equipment, or instrument identifier," after "account number,";

(2) by striking "and" at the end of paragraph (5);

(3) by striking the period at the end of paragraph (6) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(7) the term 'scanning receiver' means a device or apparatus that can be used to intercept a wire or electronic communication in violation of chapter 119.".

SEC. 10. TRANSACTIONAL DATA.

(a) DISCLOSURE OF RECORDS.—Section 2703 of title 18, United States Code, is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) by striking clause (i); and

(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and

(B) by adding at the end the following new subparagraph:

"(C) A provider of electronic communication service or remote computing service shall disclose to a governmental entity the name, address, telephone toll billing records, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, when the governmental entity uses an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury or trial subpoena or any means available under subparagraph (B)."; and

(2) by amending the first sentence of subsection (d) to read as follows: "A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction described in section 3126(2)(A) and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.".

(b) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 3121 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) LIMITATION.—A government agency authorized to install and use a pen register under this chapter or under State law, shall use technology reasonably available to it that restricts the recording or decoding of electronic or other impulses to the dialing and signalling information utilized in call processing.".

MINORITY SMALL BUSINESS OPPORTUNITIES

The text of the bill (S. 2478) to amend the Small Business Act to enhance the business development opportunities of small business concerns owned and controlled by socially and economically disadvantaged individuals, and for other purposes, as passed by the Senate on October 7, 1994, is as follows:

S. 2478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business Development Opportunity Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AMENDMENTS TO THE MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

PART A—PROGRAM ORGANIZATION AND PARTICIPATION STANDARDS

Sec. 101. Minority Enterprise Development Program.
Sec. 102. Consolidation of eligibility review function.
Sec. 103. Clarification of various eligibility criteria.
Sec. 104. Clarification of certain additional eligibility criteria imposed by regulation.
Sec. 105. Enhancing due process in eligibility determinations.
Sec. 106. Improving geographic distribution of program participants.

PART B—BUSINESS DEVELOPMENT ASSISTANCE

Sec. 111. Developmental assistance authorized for program participants.
Sec. 112. Expanding the eligible uses for loans under existing loan programs for program participants.
Sec. 113. Test program for the use of surety bond waivers.
Sec. 114. Targeting section 7(j) business management assistance to program participants.
Sec. 115. Other enhancements to the section 7(j) management assistance program.
Sec. 116. Developmental teaming.

PART C—IMPROVING ACCESS TO EQUITY FOR PROGRAM GRADUATES

Sec. 121. Continued contract performance.
Sec. 122. Continued program participation.

PART D—CONTRACT AWARD AND ELIGIBILITY MATTERS

Sec. 131. Contract award procedures.
Sec. 132. Timely determination of eligibility for contract award.
Sec. 133. Competition requirements.
Sec. 134. Standard industrial classification codes.
Sec. 135. Use of contract support levels.
Sec. 136. Business mix requirements.
Sec. 137. Encouraging self-marketing.
Sec. 138. Bundling of contractor capabilities.

PART E—TRIBALLY OWNED CORPORATIONS

Sec. 141. Management and control of business operations.
Sec. 142. Joint ventures.
Sec. 143. Rule of construction regarding the Buy Indian Act.

PART F—CONTRACT ADMINISTRATION MATTERS

Sec. 151. Accelerated payment.
Sec. 152. Expedited resolution of contract administration matters.
Sec. 153. Availability of alternative dispute resolution.

PART G—PROGRAM ADMINISTRATION

Sec. 161. Simplification of annual report to Congress.
Sec. 162. Reduction in reporting by program participants.

TITLE II—CONTRACTING PROGRAM FOR CERTAIN SMALL BUSINESS CONCERNS

PART A—CIVILIAN AGENCIES PROGRAM

Sec. 201. Procurement procedures.
Sec. 202. Implementation through the Federal Acquisition Regulation.
Sec. 203. Sunset.

PART B—ELIGIBILITY DETERMINATIONS REGARDING STATUS

Sec. 211. Improved status protest system.
Sec. 212. Conforming amendment.

TITLE III—EXPANDING SUBCONTRACTING OPPORTUNITIES

Sec. 301. Evaluating subcontract participation in awarding contracts.
Sec. 302. Subcontracting goals for certain small business concerns.
Sec. 303. Small business participation goals.
Sec. 304. Improved notice of subcontracting opportunities.

TITLE IV—REPEALS AND TECHNICAL AMENDMENTS

PART A—REPEALS

Sec. 401. Loan program superseded by section 7(a) loan program.

Sec. 402. Superseded loan program relating to energy.
Sec. 403. Employee training program of limited scope.
Sec. 404. Expired provision.
Sec. 405. Expired direction to the Administration.
PART B—TECHNICAL AMENDMENTS
Sec. 411. Technical amendments.
TITLE V—DEFINITIONS
Sec. 501. Historically underutilized businesses.
Sec. 502. Emerging small business concern.
TITLE VI—REGULATORY IMPLEMENTATION AND EFFECTIVE DATES
PART A—ASSURING TIMELY REGULATORY IMPLEMENTATION
Sec. 601. Deadlines for issuance of regulations.
Sec. 602. Regulatory implementation of prior legislation.
PART B—EFFECTIVE DATES
Sec. 611. Effective dates.

TITLE I—AMENDMENTS TO THE MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM

PART A—PROGRAM ORGANIZATION AND PARTICIPATION STANDARDS

SEC. 101. MINORITY ENTERPRISE DEVELOPMENT PROGRAM.

(a) PROGRAM ESTABLISHED.—Section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)) is amended—

(1) by striking the subsection designation and the first 2 sentences and inserting the following:

"(10) MINORITY ENTERPRISE DEVELOPMENT PROGRAM.—

"(A) ESTABLISHMENT.—There is established within the Administration a Minority Enterprise Development Program (hereafter in this paragraph referred to as the 'Program'), which shall be administered by an Associate Administrator in accordance with this paragraph and section 8(a).";

(2) by striking subparagraph (B);

(3) by striking "(A) The Program shall—" and inserting the following:

"(B) PROGRAM GOALS.—The Program shall—"; and

(4) in subparagraph (C)(i), by striking "participating in any program or activity conducted under the authority of this paragraph or".

(b) PROGRAM PHASES.—Section 7(j)(12) of the Small Business Act (15 U.S.C. 636(j)(12)) is amended to read as follows:

"(12) SEGMENTING OF MINORITY ENTERPRISE DEVELOPMENT PROGRAM.—

"(A) IN GENERAL.—In addition to such other segments as the Administrator deems appropriate, the Minority Enterprise Development Program established in paragraph (10) shall consist of the following 3 phases:

"(i) The Business Creation Phase.

"(ii) The Business Development Phase.

"(iii) The Business Development (Preferential Contracting) Phase.

"(B) ELIGIBILITY FOR PREFERENTIAL CONTRACTING.—Only a firm participating in the Business Development (Preferential Contracting) Phase shall be eligible for award of Federal contracts pursuant to section 8(a) (and shall be referred to as a 'Program Participant' for the purposes of this section and section 8(a)).

"(C) PARTICIPATION BY FIRMS.—Except as provided in section 10(c), a firm may participate in the Business Development (Preferential Contracting) Phase described in subparagraph (A)(iii) for a total period of not more than 9 years, which period shall be divided into the following 2 stages:

"(i) A developmental stage (of not more than the first 5 years).

"(ii) A transitional stage.".

(c) CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 601 et seq.) is amended—

(1) by striking "Minority Small Business and Capital Ownership Development" each place it appears and inserting "Minority Enterprise Development";

(2) by striking "Capital Ownership Development" each place it appears and inserting "Minority Enterprise Development";

(3) by striking "capital ownership development" each place it appears and inserting "minority enterprise development";

(4) by striking "Business Opportunity Specialist" each place it appears and inserting "Business Development Specialist"; and

(5) by striking section 7(j)(15) and inserting the following:

"(15) [Reserved].".

SEC. 102. CONSOLIDATION OF ELIGIBILITY REVIEW FUNCTION.

Section 7(j)(11)(E) of the Small Business Act (15 U.S.C. 636(j)(11)(E)) is amended by striking the third sentence.

SEC. 103. CLARIFICATION OF VARIOUS ELIGIBILITY CRITERIA.

(a) TRIBALLY OWNED CORPORATIONS.—Sections 7(j) and 8(a) of the Small Business Act (15 U.S.C. 636(j), 637(a)) are each amended by striking "an economically disadvantaged Indian tribe" each place it appears and inserting "an Indian tribe".

(b) NATIVE HAWAIIAN ORGANIZATIONS.—Section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A)) is amended by striking "an economically disadvantaged Native Hawaiian organization" each place it appears and inserting "a Native Hawaiian organization".

(c) PRESUMPTION OF ECONOMIC DISADVANTAGE.—Section 8(a)(6)(A) of the Small Business Act (15 U.S.C. 637(a)(6)(A)) is amended by striking the last sentence.

SEC. 104. CLARIFICATION OF CERTAIN ADDITIONAL ELIGIBILITY CRITERIA IMPOSED BY REGULATION.

Section 7(j)(11)(G) of the Small Business Act (15 U.S.C. 636(j)(11)(G)) is amended to read as follows:

"(G) An applicant shall not be denied admission into the Minority Enterprise Development Program established in paragraph (10) based solely on a determination by the Division that—

"(i) specific contract opportunities are unavailable to assist in the development of such concern, unless—

"(I) the Government has not previously procured and is unlikely to procure the types of products or services offered by the concern; and

"(II) the purchases of such products or services by the Federal Government will not be in quantities sufficient to support the developmental needs of the applicant and other Program Participants providing the same or similar items or services;

"(ii) the prospective Program Participant firm has not been in operation for a period of time specified by the Administration prior to making application to the Program, if the prospective Program Participant firm can demonstrate that—

"(I) the individual or individuals upon whom eligibility is to be based have substantial and demonstrated business management experience;

"(II) the prospective Program Participant has demonstrated technical expertise necessary to carry out its business plan with a substantial likelihood of success;

"(III) the prospective Program Participant has, or can demonstrate its ability to timely obtain, adequate capital to carry out its business plan;

"(IV) the prospective Program Participant can demonstrate the competitive award and performance (either ongoing or completed) of contracts from governmental or nongovernmental sources in the primary industry category reflected in its business plan; and

"(V) the prospective Program Participant has, or can demonstrate its ability to timely obtain, the personnel, facilities, equipment, and any other requirements needed to perform contracts of the type likely to be awarded to the firm pursuant to section 8(a);

"(iii) the individual or individuals upon whom eligibility is to be based have not been working full time at managing the prospective Program Participant firm for a period specified by the Administration prior to making application to the Program;

"(iv) the prospective Program Participant is a tribally owned corporation whose chief executive officer (or chief operating officer) is other than a Native American, if the governing body of the Indian tribe certifies to the Administration that it was unable to hire a qualified Native American after conducting a national recruitment for such individual; or

"(v) the prospective Program Participant lacks reasonable prospects for future success despite access to one or more of the types of developmental assistance provided for in paragraph (13), unless such determination is supported by specific findings.".

SEC. 105. ENHANCING DUE PROCESS IN ELIGIBILITY DETERMINATIONS.

Section 7(j)(11)(H) of the Small Business Act (15 U.S.C. 636(j)(11)(H)) is amended—

(1) by striking "(H)" and inserting "(H)(i)"; and

(2) by adding at the end the following new clauses:

"(ii) The Associate Administrator for Minority Enterprise Development shall—

"(I) notify an applicant, in writing, of the denial of an application under clause (i), stating the specific determinations supported by specific findings in support of the denial; and

"(II) provide the applicant an opportunity to respond (or to modify the business organization of the applicant in response) to matters raised in the notice of denial and to seek a reconsideration of the application.

"(iii) If the application is denied upon reconsideration pursuant to clause (ii) and the denial is based upon determinations or findings not previously cited as a basis for the initial denial of the application, the Associate Administrator for Minority Enterprise Development shall provide the applicant an opportunity to respond to the determinations or findings not previously raised, or to modify the business organization of the applicant in response to such determinations or findings.".

SEC. 106. IMPROVING GEOGRAPHIC DISTRIBUTION OF PROGRAM PARTICIPANTS.

(a) ACTION PLAN REQUIRED.—The Administrator of the Small Business Administration shall develop an action plan for improving participation in the Minority Enterprise Development Program established by section 101 by firms across the Nation.

(b) CONTENTS OF THE ACTION PLAN.—In addition to such other matters as the Administrator deems appropriate, the action plan developed under subsection (a) shall address—

(1) an outreach program directed at small business concerns owned and controlled by

socially and economically disadvantaged individuals eligible for program participation in those States with historically low rates of participation in the Minority Enterprise Development Program (and its predecessor program, the Minority Small Business and Capital Ownership Development Program); and

(2) improved implementation of section 8(a)(16)(B) of the Small Business Act (relating to geographic distribution of contracts awarded noncompetitively pursuant to section 8(a)(1) of such Act).

(c) PUBLIC PARTICIPATION.—In carrying out this section, the Administrator shall seek public comment on the proposals to be included in the action plan.

(d) SUBMISSION.—Not later than June 30, 1995, the action plan developed under subsection (a) shall be submitted to the Committees on Small Business of the Senate and House of Representatives.

PART B—BUSINESS DEVELOPMENT ASSISTANCE

SEC. 111. DEVELOPMENTAL ASSISTANCE AUTHORIZED FOR PROGRAM PARTICIPANTS.

Section 7(j) of the Small Business Act (15 U.S.C. 636(j)) is amended—

(1) in paragraph (13), in the matter preceding subparagraph (A), by striking "the stages of program participation specified in paragraph 12" and inserting "its Program participation"; and

(2) by striking paragraph (14) and inserting the following:

"(14) [Reserved].".

SEC. 112. EXPANDING THE ELIGIBLE USES FOR LOANS UNDER EXISTING LOAN PROGRAMS FOR PROGRAM PARTICIPANTS.

Section 7(a)(20)(A)(iii) of the Small Business Act (15 U.S.C. 636(a)(20)(A)(iii)) is amended by striking "to be used" and all that follows before the semicolon.

SEC. 113. TEST PROGRAM FOR THE USE OF SURETY BOND WAIVERS.

Section 7(j)(13)(D) of the Small Business Act (15 U.S.C. 636(j)(13)(D)) is amended—

(1) by striking clauses (i) through (iii);

(2) by striking "A maximum" and inserting "(i) A maximum";

(3) by striking ", except that, such exemptions may be granted under this subparagraph only
if—" and inserting a period; and

(4) by adding at the end the following new clauses:

"(ii) The agency with contracting authority may, upon the request of the Program Participant, grant an exemption pursuant to clause (i), if—

"(I) the Program Participant provides certification, in the form prescribed by the Administration, that the firm was unable to obtain the requisite bonding from corporate surety bonding firms even with a guarantee issued by the Administration pursuant to title IV of the Small Business Investment Act of 1958;

"(II) the Program Participant has provided for the protection of persons furnishing materials or labor under the contract by arranging for—

"(aa) the direct disbursement of funds owed to such persons by the procuring agency or through an escrow account provided by any bank the deposits of which are insured by the United States Government; or

"(bb) irrevocable letters of credit (or other alternatives to surety bonding acceptable to the procuring agency); and

"(III) the award value of the contract for which the exemption is being sought does not exceed $1,000,000.

"(iii) The authority to grant an exemption under clause (ii) shall cease to be effective on September 30, 1997.".

SEC. 114. TARGETING SECTION 7(j) BUSINESS MANAGEMENT ASSISTANCE TO PROGRAM PARTICIPANTS.

Section 7(j)(1) of the Small Business Act (15 U.S.C. 636(j)(1)) is amended by striking "individuals or enterprises eligible for assistance under sections 7(i), 7(j)(10), and 8(a) of this Act" and inserting "participants in the Minority Enterprise Development Program established in paragraph (10)".

SEC. 115. OTHER ENHANCEMENTS TO THE SECTION 7(j) MANAGEMENT ASSISTANCE PROGRAM.

(a) FOCUS ON BUSINESS MANAGEMENT ASSISTANCE.—Section 7(j)(2)(E) of the Small Business Act (15 U.S.C. 636(j)(2)(E)) is amended to read as follows:

"(E) the furnishing of business development services and related professional services, especially accounting and legal services, with special emphasis on marketing, bid and proposal preparation, financial management, strategic business planning, and transition management planning for participants in the Minority Enterprise Development Program, that will foster the continued business development of the Program Participants after program graduation.".

(b) TWO-YEAR AUTHORIZATION.—Section 7(j)(5) of the Small Business Act (15 U.S.C. 636(j)(5)) is amended to read as follows:

"(5)(A) Financial assistance authorized in paragraph (1) may be provided through grants, cooperative agreements, or contracts.

"(B) Funds appropriated to carry out paragraph (1) shall remain available for obligation by the Administration during the fiscal year succeeding the fiscal year for which the funds were appropriated.

"(C) Recipients of financial assistance awarded pursuant to paragraph (1) may expend such funds prior to the expiration date of the grant, cooperative agreement, or contract under which the funds were awarded.".

(c) ELIGIBILITY FOR CERTAIN EDUCATIONAL INSTITUTIONS.—Section 7(j) of the Small Business Act (15 U.S.C. 636(j)) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively; and

(B) by inserting before subparagraph (B), as redesignated, the following new subparagraph:

"(A) business executive education programs conducted by institutions of graduate business education for owners or managers of small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined in section 8(d)(3)(C));"; and

(2) by striking paragraph (4) and inserting the following:

"(4) In making awards pursuant to paragraph (1) to institutions of graduate business education eligible under paragraph (2)(A), the Administration shall give preference to institutions that have previously provided such programs, with the greatest preference being accorded to institutions that have provided such programs for a period of not less than 10 consecutive years.".

SEC. 116. DEVELOPMENTAL TEAMING.

(a) PROGRAM ESTABLISHED.—There is established a Developmental Teaming Program (hereafter in this section referred to as the "Program") within the Minority Enterprise Development Program established under section 101.

(b) PURPOSE.—The purpose of the Program shall be to foster the business development and long-term business success of firms participating in the Minority Enterprise Development Program by encouraging the formation of teaming arrangements and long-term strategic business alliances between such firms and firms that have graduated from the Minority Enterprise Development Program (and its predecessor program, the Minority Small Business and Capital Ownership Development Program).

(c) PROGRAM PARTICIPANTS.—

(1) ASSISTANCE RECIPIENTS.—Small business concerns owned and controlled by socially and economically disadvantaged individuals that are participants in the Business Development (Preferential Contracting) Phase of the Minority Enterprise Development Program shall be eligible to participate in the Program (and shall be referred to as "Program Participants" for purposes of this section).

(2) ASSISTANCE PROVIDERS.—A small business concern owned and controlled by socially and economically disadvantaged individuals that is a graduate (or a current Program Participant in the Transitional Stage) of the Business Development (Preferential Contracting Phase) of the Minority Enterprise Development Program (and its predecessor program, the Minority Small Business and Capital Ownership Development Program) shall be eligible to participate in the Program and to furnish developmental assistance to Program Participants through a developmental teaming agreement, approved pursuant to subsection (d). (For purposes of this section, firms having, or seeking to establish, a developmental teaming agreement shall be referred to as "Developmental Teaming Partners").

(d) TEAMING AGREEMENTS.—

(1) ASSISTANCE AUTHORIZED.—A Developmental Teaming Partner may provide to a Program Participant one or more of the following forms of developmental assistance and training:

(A) General business management (including financial management, organizational management and personnel management).

(B) Business development, marketing, and proposal preparation.

(C) Process engineering (including production, inventory control, and quality assurance).

(D) Award of subcontracts on a noncompetitive basis.

(E) Technology transfer.

(F) Financial assistance (including loans, loan guarantees, surety bonding, advance payments, and accelerated progress payments).

(G) Such other forms of assistance designed to foster the development of the Program Participant, contained in a developmental teaming agreement approved pursuant to paragraph (3).

(2) CONTENT OF AGREEMENTS.—In addition to such other matters as the parties may deem appropriate, each developmental teaming agreement shall include the matters described in subsection (e).

(3) APPROVAL REQUIRED.—Each developmental teaming agreement shall be approved by the Administration before—

(A) the furnishing of any type of developmental assistance to a Program Participant pursuant to such agreement; or

(B) the Developmental Teaming Partner becomes eligible for any of the incentives authorized by subsection (f).

(4) ACTION BY THE ADMINISTRATION.—Each proposed developmental teaming agreement

shall be reviewed and approved (or denied approval) not later than 45 days after the receipt of such agreement by the Administration. A denial of approval shall state specific reasons for the denial and shall afford the applicant an opportunity for reconsideration. Every reasonable effort shall be made by the Administration to act upon matters relating to the administration of an approved developmental teaming agreement not later than 30 days after the receipt of such agreement by the Administration.

(e) CONTENT OF THE AGREEMENT.—

(1) FORMS OF ASSISTANCE.—Each developmental teaming agreement shall specify forms of business development assistance to be furnished by the Developmental Teaming Partner and indicate how these forms of assistance are designed to advance the approved business plan of the Program Participant.

(2) MEASURES OF SUCCESS.—Each developmental teaming agreement shall include specific milestones or benchmarks which will permit objective measurement of whether the agreement has advanced the business development of the Program Participant.

(3) DURATION OF AGREEMENT.—Each developmental teaming agreement between a Program Participant and a Developmental Assistance Provider may be for a term not to exceed 3 years, with the option of the parties to renew the agreement upon its expiration for an additional term of not to exceed 2 years.

(4) TERMINATION OF AGREEMENT.—The developmental teaming agreement shall include provisions regarding the termination of the agreement that meet the standards of subsection (h).

(f) PARTICIPATION AS SUBCONTRACTOR.—A Developmental Teaming Partner may be awarded a subcontract under a contract awarded pursuant to section 8(a)(1) of the Small Business Act, without regard to the subcontracting limitations of section 8(a)(14) of such Act, if—

(1) the contract was awarded to a Program Participant with which such firm has an approved developmental teaming agreement; and

(2) the subcontract award was approved as part of the developmental teaming agreement (or subsequently approved by the Administration).

(g) AFFILIATION OR CONTROL.—For the purposes of the Small Business Act, no determination of affiliation or control (either direct or indirect) shall be found on the basis that a Program Participant is being furnished (or has entered into agreement to be furnished) developmental assistance pursuant to a developmental teaming agreement, approved pursuant to subsection (d).

(h) TERMINATION OF AGREEMENTS.—

(1) BY A PROGRAM PARTICIPANT.—A Program Participant may voluntarily terminate a developmental teaming agreement after giving not less than 30 days advance notice to its Developmental Teaming Partner.

(2) BY A DEVELOPMENTAL ASSISTANCE PROVIDER.—

(A) WITHDRAWAL FROM PROGRAM.—A Developmental Teaming Partner may terminate its developmental teaming agreement with a Program Participant by withdrawing from the Program after giving not less than 30 days advance notice to the Administration and to each of the Program Participants for which the firm was a Developmental Teaming Partner.

(B) TERMINATING AN AGREEMENT FOR CAUSE.—

(i) IN GENERAL.—A Developmental Teaming Partner may terminate its developmental teaming agreement with a Program Participant for cause in accordance with the procedures in clause (ii).

(ii) NOTICE.—In terminating an agreement under clause (i), the following procedures shall apply:

(I) IN GENERAL.—The Program Participant shall be furnished a written notice of the proposed termination under clause (i), not less than 30 days prior to the effective date of such proposed termination, that states the specific reasons for the proposed termination.

(II) RESPONSE.—The Program Participant shall have not more than 30 days to respond to such notice of proposed termination, rebutting any findings believed to be erroneous and offering a remedial program.

(III) FINAL ACTION.—After giving the Program Participant's response prompt consideration, the Developmental Teaming Partner shall either withdraw the notice of proposed termination or issue a notice of termination.

(iii) NONREVIEWABILITY.—The decision of the Developmental Teaming Partner regarding a termination for cause, conforming to the procedures of clause (ii), shall be final and shall not be subject to review by the Administration.

(3) BY THE SMALL BUSINESS ADMINISTRATION.—

(A) IN GENERAL.—The Administration may terminate the participation of a Developmental Teaming Partner or a Program Participant for cause in accordance with subparagraph (B).

(B) PROCEDURES.—In terminating an agreement under subparagraph (A), the following procedures shall apply:

(i) NOTICE.—The firm proposed for termination from the Program shall be furnished a written notice of the proposed termination, not less than 30 days prior to the effective date of such proposed termination, that states the specific reasons for the proposed termination.

(ii) RESPONSE.—The notice of proposed termination shall provide 30 days for the firm proposed for termination to respond to such notice.

(iii) FINAL ACTION.—After giving prompt consideration to the response of the firm proposed for termination, the Administration shall either withdraw the notice of proposed termination or issue a notice of termination.

(C) REVIEWABILITY.—A decision by the Administration to terminate for cause the participation of a firm in the Program shall be final, but may be appealed pursuant to section 8(a)(9) of the Small Business Act.

(i) DURATION OF THE PROGRAM.—

(1) IN GENERAL.—Business concerns eligible to participate in the Program may enter into developmental teaming agreements during the period commencing on the effective date of the regulations required by subsection (j) and ending on September 30, 1997.

(2) TERMINATION.—The Program shall terminate on September 30, 2002.

(j) REGULATIONS.—The Administrator of the Small Business Administration shall prescribe regulations to carry out the Developmental Teaming Program. Proposed regulations shall be published not later than 90 days after the date of enactment of this Act. Final regulations shall be promulgated not later than 180 days after the date of enactment of this Act.

(k) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) SMALL BUSINESS CONCERNS.—The term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act and the regulations promulgated pursuant to such section.

(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the same meaning as in section 8(d)(3)(C) of the Small Business Act.

(3) MINORITY ENTERPRISE DEVELOPMENT PROGRAM.—The term "Minority Enterprise Development Program" means the program authorized by section 7(j)(10)(A) of the Small Business Act (as amended by section 101).

(4) GRADUATED.—The term "graduated" has the same meaning as in section 7(j)(10)(H) of the Small Business Act.

PART C—IMPROVING ACCESS TO EQUITY FOR PROGRAM GRADUATES

SEC. 121. CONTINUED CONTRACT PERFORMANCE.

Section 8(a)(21) of the Small Business Act (15 U.S.C. 637(a)(21) is amended—

(1) in subparagraph (B), by striking "The Administrator may, on a nondelegable basis, waive the requirements of subparagraph (A) only if 1 of the following conditions exist:" and inserting "The requirements of subparagraph (A) may be waived, under any of the following circumstances:"; and

(2) by striking subparagraph (C) and inserting the following:

"(C)(i) Except as provided in clause (ii), a request for a waiver pursuant to subparagraph (B) shall be submitted prior to the actual relinquishment of ownership or control.

"(ii) Under the circumstances described in subparagraph (B)(iii), the waiver request shall be made as soon as practicable after the incapacity or death occurs.".

SEC. 122. CONTINUED PROGRAM PARTICIPATION.

Section 7(j)(11)(D) of the Small Business Act (15 U.S.C. 636(j)(11)(D)) is amended to read as follows:

"(D)(i) A Program Participant shall remain eligible for participation in the Program after a transfer of an ownership interest in the firm if ownership and control (as required by section 8(a)(4)) is—

"(I) retained by the socially and economically disadvantaged individuals upon whom Program eligibility is based; or

"(II) acquired by a small business concern owned and controlled by socially and economically disadvantaged individuals who have graduated from the Program or otherwise exited the Program through a means other than a termination proceeding.

"(ii) A Program Participant shall remain eligible for participation in the Program after transfer of ownership and control (as required by section 8(a)(4)) to individuals who are determined to be socially and economically disadvantaged pursuant to section 8(a). Unless graduated or terminated, the Program Participant shall be eligible for a period of continued Program Participation not to exceed the period described in paragraph (15).

"(iii) A Program Participant that is a tribally owned corporation may remain eligible for participation in the Program with other than a Native American as the firm's chief executive officer (or chief operating officer), if the governing body of the Indian tribe certifies to the Administration that it was unable to hire a qualified Native American after conducting a national recruitment for such an individual.".

PART D—CONTRACT AWARD AND ELIGIBILITY MATTERS

SEC. 131. CONTRACT AWARD PROCEDURES.

Section 8(a)(1) of the Small Business Act (15 U.S.C. 637(a)(1)) is amended—

(1) by striking subparagraphs (A), (B), and (C); and

(2) by striking "(a)(1)" and inserting the following:

"(a)(1)(A) The Administration shall ensure that contracts sufficient to satisfy the contract support levels identified by participants in the Minority Enterprise Development Program established in section 7(j)(10) are designated by the various Federal agencies for award pursuant to this subsection.

"(B) Except as provided in subparagraph (D), the award of contracts under this section shall be made on a noncompetitive basis by the agency offering the contracting opportunity to the Program Participant selected for the award, and determined to be responsible by such agency. The award shall be made at a fair market price.

"(C)(i) The Administration shall determine the eligibility of the Program Participant to receive the award in accordance with the eligibility criteria listed in paragraph (16).

"(ii) With respect to an individual contracting opportunity, the Administration may provide, upon a request by the Program Participant, assistance with respect to—

"(I) the negotiation of the terms and conditions of the award; and

"(II) the resolution of controversies arising from the performance of the contract prior to such contract performance controversies becoming formal contract disputes within the meaning of the Contract Disputes Act of 1978;

"(iii) In the event of an adverse decision by an agency regarding a contracting opportunity, the Administrator may—

"(I) not later than 5 days after receiving notice of such adverse decision, file a notice of intent to appeal with the head of the agency; and

"(II) not later than 15 days after receiving such notice, file an appeal with the head of the agency, requesting reconsideration of the adverse decision.

"(iv) Upon receipt of the notice of intent to file an appeal under clause (iii)(I), further action regarding award of the contract shall be suspended, unless the head of the agency makes a written determination, supported by specific findings, that urgent and compelling circumstances that significantly affect the interests of the United States will not permit reconsideration of the adverse decision.

"(v) If the head of the agency sustains the adverse decision upon reconsideration, the decision by the head of the agency shall be in writing and shall be supported by specific findings.

"(vi) An adverse decision regarding the responsibility of a Program Participant shall be decided pursuant to subsection (b)(7).

"(vii) For the purposes of this subparagraph, an adverse decision includes a decision by the contracting officer responsible for the contracting opportunity—

"(I) failing to respond to a request from the Administration to make a specific contracting opportunity available for award pursuant to this subsection;

"(II) declining to make available for award under this subsection a contracting opportunity (or class of contracting opportunities) or failing to support such a determination with specific findings;

"(III) finding a Program Participant to be ineligible for award of a contracting opportunity on the basis of a determination of nonresponsibility; or

"(IV) failing to reach agreement with the Program Participant with respect to the terms and conditions of a contract selected for award under this subsection.".

SEC. 132. TIMELY DETERMINATION OF ELIGIBILITY FOR CONTRACT AWARD.

(a) IN GENERAL.—Section 8(a)(16) of the Small Business Act (15 U.S.C. 637(a)(16)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (E);

(2) by striking subparagraph (A) and inserting the following:

"(A) Upon receiving notification that a Federal agency intends to consider a Program Participant for award of a contract pursuant to this subsection (on a competitive or noncompetitive basis), the Administration shall promptly notify the agency regarding the eligibility of the Program Participant for award of the contract, and shall identify all matters that could reasonably be expected to render the Program Participant ineligible at the time of the contract award."; and

(3) by inserting after subparagraph (A) (as added by paragraph (2)) the following new subparagraphs:

"(B) A Program Participant may be found to be ineligible for award of the contract pursuant to this subsection, if—

"(i) the award of the contract would result in the Program Participant failing to attain its business activity targets established pursuant to section 7(j)(10)(I); or

"(ii) the Program Participant has failed to make the submissions required under paragraph (6)(B).

"(C) A small business concern owned and controlled by socially and economically disadvantaged individuals that has completed its Program Participation term pursuant to section 7(j)(15) shall be eligible for award if—

"(i) in the case of a contract to be competitively awarded, the prospective contract recipient was a Program Participant eligible for award of the contract on the date specified for receipt of offers, and such firm had timely submitted an offer (including price); or

"(ii) in the case of a contract to be noncompetitively awarded, the prospective contract recipient was a Program Participant eligible for award of the contract on the date specified by the agency contracting officer for the submission of an offer (including price).

"(D) If the Administration determines that a Program Participant is ineligible for consideration for award of a contract under subparagraph (B) or (C), the determination shall be supported by specific findings. The determination (and supporting findings) shall be furnished to the Program Participant and to the contracting officer for the agency providing the contracting opportunity.".

(b) CONFORMING AMENDMENTS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A) and inserting the following:

"(A) [Reserved]."; and

(B) by striking subparagraph (D) and inserting the following:

"(D) Subsequent to the award of a contract under this subsection, if requested by the recipient of the contract, the Administration shall not publicly disclose the agency's estimate of the fair market price.";

(2) in paragraph (7), by striking subparagraph (A) and inserting the following:

"(A) [Reserved].";

(3) in paragraph (12)(A), by striking "eligible to receive subcontracts" and inserting "eligible for contract awards"; and

(4) in paragraph (9)(B)—

(A) in clause (iii), by striking "and";

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following new clause:

"(iv) a determination of ineligibility for award of contract pursuant to paragraph (16)(B); and".

SEC. 133. COMPETITION REQUIREMENTS.

(a) INDEFINITE QUANTITY AND DELIVERY CONTRACTS.—Section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)) is amended—

(1) by redesignating clause (ii) as clause (iv); and

(2) by inserting after clause (i) the following new clause:

"(ii) Whenever a requirements-type contract (including a task order contract, indefinite quantity contract, or indefinite delivery contract) is to be awarded, the thresholds for competition required under clause (i)(II) shall be calculated on the basis of the estimated total value of the contract.".

(b) AUTHORIZATION FOR ADDITIONAL NONCOMPETITIVE CONTRACT AWARDS.—Section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)) is amended by inserting after clause (ii) (as added by subsection (a)) the following new clause:

"(iii) The Associate Administrator for Minority Enterprise Development, on a nondelegable basis, may authorize the noncompetitive award of contracts in excess of the amounts specified in clause (i)(II) to a Program Participant, if—

"(I) such Program Participant is an emerging small business concern;

"(II) the award of such contracts would contribute substantially to the development of the Program Participant in accordance with its business plan, including attainment of the business activity targets established pursuant to section 7(j)(10)(I), by the time such firm enters the transitional stage;

"(III) the award value of the contract does not exceed twice the amounts specified in clause (i)(II); and

"(IV) the aggregate dollar value of awards pursuant to this clause does not exceed $20,000,000.".

SEC. 134. STANDARD INDUSTRIAL CLASSIFICATION CODES.

(a) APPROVAL OF CODES.—As part of the process of developing and maintaining a business plan pursuant to section 7(j)(10)(D) of the Small Business Act, a Program Participant may designate its capabilities to perform contracting opportunities under one or more standard industrial classification codes.

(b) DETERMINATIONS BY PROCURING AGENCY REGARDING APPLICABLE STANDARD INDUSTRIAL CLASSIFICATION CODE.—The standard industrial classification code assigned to a contracting opportunity by the responsible contracting officer shall apply, unless modified by the contracting officer after considering additional information furnished by the Administration or from other sources.

(c) EFFECT OF RESPONSIBILITY DETERMINATIONS.—The Administration shall be bound by a determination of responsibility by the agency contracting officer with respect to a Program Participant being considered for award of a contract pursuant to section 8(a) of the Small Business Act.

(d) CONFORMING AMENDMENT.—Section 8(a)(7) of the Small Business Act (15 U.S.C. 637(a)(7)) (as amended by section 132(b)(2)) is amended to read as follows:

"(7) [Reserved].".

SEC. 135. USE OF CONTRACT SUPPORT LEVELS.

Section 7(j)(10)(D) of the Small Business Act (15 U.S.C. 636(j)(10)(D)) is amended by adding at the end the following new clause:

"(v) The forecasts of overall business activity contained in the business plan of a Program Participant or the estimate contained in the section 8(a) contract support level of such firm shall not be used by the Administration to make a determination that such firm is ineligible for the award of a contract to be awarded pursuant to section 8(a).".

SEC. 136. BUSINESS MIX REQUIREMENTS.

Section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)) is amended—

(1) in subparagraph (D)—

(A) in clause (iii), by striking "contracts awarded" and inserting "contracts awarded noncompetitively"; and

(B) in clause (iv)(I), by striking "contracts awarded" and inserting "contracts awarded noncompetitively"; and

(2) in subparagraph (I)—

(A) in clause (i)—

(i) by striking "for contracts awarded other than pursuant to section 8(a)" and inserting "through contracts other than contracts awarded noncompetitively pursuant to section 8(a)"; and

(ii) by striking "will engage a" and inserting "will engage in a";

(B) in clause (iii)—

(i) by redesignating subclauses (II) through (V) as subclauses (III) through (VI), respectively;

(ii) by striking subclause (I) and inserting the following:

"(I) establish business activity targets applicable to Program Participants during each year of Program participation, which reflect a consistent increase in new contracts awarded other than pursuant to section 8(a), so that not more than 20 percent of the dollar value of the Program Participant's business base (as a percentage of total sales) at the beginning of the ninth year of Program participation is derived from contracts awarded pursuant to section 8(a);

"(II) provide that the business activity targets established pursuant to subclause (I) reflect that not more than 50 percent of the dollar value of the new contracts awarded during the fifth and succeeding years of Program Participation be awarded pursuant to section 8(a) on a noncompetitive basis;";

(iii) by striking subclause (IV), as redesignated, and inserting the following:

"(IV) require that a Program Participant in the transitional stage of Program participation certify compliance with its business activity targets (or with any program of remedial measures that may have been imposed pursuant to subclause (VI) for failing to attain such targets) to eligible for award of a contract pursuant to section 8(a);";

(iv) in subclause (V), as redesignated, by striking "and" at the end;

(v) by striking subclause (VI), as redesignated, and inserting the following:

"(VI) authorize the Administration to require a Program Participant that has failed to attain a business activity target to undertake a program of remedial measures designed to assist the firm to reduce its dependence on contracts awarded pursuant to section 8(a); and"; and

(vi) by adding at the end the following new subclause:

"(VII) authorize the Administration to limit the dollar volume of contracts awarded to the Program Participant pursuant to section 8(a), especially those awarded noncompetitively, if the firm has not made substantial progress toward attaining its business activity targets."; and

(C) by adding at the end the following new clause:

"(iv) Actions by the Administration relating to enforcing compliance with business activity targets shall not be reviewable pursuant to section 8(a)(19), unless such action is a termination from further Program participation.".

SEC. 137. ENCOURAGING SELF-MARKETING.

(a) ELIMINATION OF REGULATORY LIMITATIONS.—In accordance with the schedule for the issuance of revised regulations contained in section 601(a), the Administration shall promulgate such regulations as may be necessary to eliminate regulatory limitations on self-marketing by Program Participants, including limitations relating to so-called "National Buys" and "Local Buys".

(b) CONFORMING AMENDMENT.—Section 8(a)(11) of the Small Business Act (15 U.S.C. 637(a)(11)) is amended to read as follows:

"(11) [Reserved].".

SEC. 138. BUNDLING OF CONTRACTOR CAPABILITIES.

(a) IN GENERAL.—Section 8(a)(14) of the Small Business Act (15 U.S.C. 637(a)(14)) is amended to read as follows:

"(14)(A) Except as provided in subparagraph (B), a contract shall not be awarded pursuant to this subsection unless the small business concern complies with the requirements of section 15(o).

"(B)(i) Whenever the Administration determines that a proposed contract opportunity represents a bundling of contract requirements as defined by section 3(n), a Program Participant may propose a team of subcontractors meeting the requirements of clause (ii) without regard to the requirements of section 15(o) or regulations of the Administration regarding findings of affiliation or control, either direct or indirect.

"(ii) The subcontracting team proposed by a Program Participant may include—

"(I) other Program Participants;

"(II) other small business concerns;

"(III) business concerns other than small business concerns, whose aggregate participation may not represent more than 25 percent of the anticipated total value of the contract; and

"(IV) historically black colleges and universities and other minority institutions.".

(b) DEFINITION.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(n) CONTRACT BUNDLING.—For purposes of contracting opportunities subject to sections 8(a) and 15, the terms 'contract bundling' and 'bundling of contract requirements' mean the practice of consolidating two or more procurement requirements of the type that were previously solicited and awarded as separate smaller contracts into a single large contract solicitation likely to be unsuitable for award to a small business concern due to—

"(1) the diversity and size of the elements of performance specified;

"(2) the aggregate dollar value of the anticipated award;

"(3) the geographical dispersion of the contract performance sites; or

"(4) any combination of the factors described in paragraphs (1), (2), and (3).".

(c) CONFORMING AMENDMENT.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended by striking "If a proposed procurement" and all that follows through "prime contract participation unlikely," and inserting the following: "If a proposed procurement represents a bundling of contract requirements, as defined in section 3(n),".

PART E—TRIBALLY OWNED CORPORATIONS

SEC. 141. MANAGEMENT AND CONTROL OF BUSINESS OPERATIONS.

Section 8(a)(4)(B)(ii) of the Small Business Act (15 U.S.C. 637(a)(4)(B)(ii)) is amended to read as follows:

"(ii) in the case of a tribally owned corporation, an individual designated by the Indian tribe (or the board of directors of a wholly owned entity of such tribe), who shall be a Native American if such individual is available; or".

SEC. 142. JOINT VENTURES.

(a) IN GENERAL.—Section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)) is amended to read as follows:

"(15)(A) Except as provided in subparagraph (B), a contract may be awarded pursuant to this subsection to a joint venture owned and controlled by a Program Participant, notwithstanding the size status of such joint venture, if the Program Participant—

"(i) is owned and controlled by an Indian tribe;

"(ii) owns at least 51 percent of the joint venture;

"(iii) is located and performs most of its activities on the reservation of such Indian tribe; and

"(iv) employs members of such tribe for at least 50 percent of the work force of such joint venture.

"(B) A contract may not be awarded to a joint venture pursuant to subparagraph (A) if an Indian tribe owns and controls one or more Program Participants who are currently joint venturers on more than 5 contracts awarded pursuant to subparagraph (A).".

(b) DEFINITIONS.—

(1) INDIAN TRIBE.—Section 3 of the Small Business Act (15 U.S.C. 632) (as amended by section 139(b)) is amended by adding at the end the following new subsection:

"(o) INDIAN TRIBE.—For purposes of this Act, the term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in section 3 of the Alaska Native Claims Settlement Act that—

"(1) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or

"(2) is recognized as such by the State in which such tribe, band, nation, group, or community resides.".

(2) NATIVE HAWAIIAN ORGANIZATION.—Section 3 of the Small Business Act (15 U.S.C. 632) (as amended by paragraph (1)) is amended by adding at the end the following new subsection:

"(p) NATIVE HAWAIIAN ORGANIZATION.—For purposes of this Act, the term 'Native Hawaiian organization' means a community service organization serving Native Hawaiians in the State of Hawaii that is—

"(1) a not-for-profit organization chartered by the State of Hawaii;

"(2) controlled by Native Hawaiians; and

"(3) engaged in business activities that will principally benefit such Native Hawaiians.".

(3) CONFORMING AMENDMENT.—Section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13)) is amended to read as follows:

"(13) [Reserved].".

SEC. 143. RULE OF CONSTRUCTION REGARDING THE BUY INDIAN ACT.

A contract awarded pursuant to section 8(a) of the Small Business Act to a small business concern owned and controlled by members of an Indian tribe (or a wholly owned business entity of such tribe) shall be considered to be in compliance with section 23 of the Act of June 25, 1910 (25 U.S.C. 47).

PART F—CONTRACT ADMINISTRATION MATTERS

SEC. 151. ACCELERATED PAYMENT.

Section 8(a)(1) of the Small Business Act (15 U.S.C. 637(a)(1)) is amended by adding at the end the following new subparagraph:

"(E)(i) Any contract awarded pursuant to subparagraph (B) to a Program Participant in the developmental stage of the Program shall include a payment term requiring payment of any invoice, progress payment request, or other authorized request for payment, not later than 20 days after receipt of a proper invoice or other form of payment request.".

SEC. 152. EXPEDITED RESOLUTION OF CONTRACT ADMINISTRATION MATTERS.

Section 8(a)(1)(E) of the Small Business Act (15 U.S.C. 637(a)(1)(E)) (as added by section 151) is amended by adding at the end the following new clause:

"(ii)(I) A Federal agency awarding a contract under this subsection shall make every reasonable effort to respond in writing to any written request made to a contracting officer with respect to a matter relating to the administration of such contract, not later than 15 days of such request.

"(II) If the contracting officer is unable to reply before the expiration of the 15-day period described in subclause (I), the contracting officer shall transmit to the contractor within such period a written notification of a specific date by which the contracting officer expects to respond.

"(III) The provisions of this subparagraph do not apply to a request for a contracting officer's decision under the Contract Disputes Act of 1978 nor create any new rights pursuant to such Act.".

SEC. 153. AVAILABILITY OF ALTERNATIVE DISPUTE RESOLUTION.

Section 8(a)(1)(E) of the Small Business Act (15 U.S.C. 637(a)(1)(E)) (as amended by sections 151 and 152) is amended by adding at the end the following new clause:

"(iii)(I) Except as provided in subclause (II), an agency awarding a contract pursuant to subparagraph (B) shall make available, upon the request of a Program Participant, an alternative means of dispute resolution pursuant to subchapter IV of chapter 5, of title 5, United States Code.

"(II) In carrying out this clause, the agency need not provide an alternative dispute resolution procedure if the agency makes a written determination, supported by specific findings, citing one or more of the conditions in section 572(b) of title 5, United States Code, or such other specific reasons, that alternative dispute resolution procedures are inappropriate for the resolution of the dispute for which such procedures were sought under the contract.".

PART G—PROGRAM ADMINISTRATION

SEC. 161. SIMPLIFICATION OF ANNUAL REPORT TO CONGRESS.

Section 7(j)(16)(B)(v) of the Small Business Act (15 U.S.C. 636(j)(16)(B)(v)) is amended to read as follows:

"(v) The total dollar value of receipts received during the most recently completed program year from contracts awarded pursuant to section 8(a), and such amount expressed as a percentage of the total sales of—

"(I) all firms participating in the Program during the preceding fiscal year; and

"(II) firms in each of the 9 years of Program participation.".

SEC. 162. REDUCTION IN REPORTING BY PROGRAM PARTICIPANTS.

Section 8(a)(20)(A) of the Small Business Act (15 U.S.C. 637(a)(20)(A)) is amended by striking "semiannually report" and inserting "report, not less often than annually,".

TITLE II—CONTRACTING PROGRAM FOR CERTAIN SMALL BUSINESS CONCERNS

PART A—CIVILIAN AGENCIES PROGRAM

SEC. 201. PROCUREMENT PROCEDURES.

Section 8(c) of the Small Business Act (15 U.S.C. 637(c)) is amended to read as follows:

"(c) PROCUREMENT PROCEDURES.—

"(1) IN GENERAL.—For the purpose of attaining an agency's goal for the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals pursuant to section 15(g)(1), the head of a participating executive agency may enter into contracts using—

"(A) less than full and open competition, by restricting the competition for such awards to small business concerns owned and controlled by socially and economically disadvantaged individuals as defined in subsection (d)(3)(C); and

"(B) a price evaluation preference, of not to exceed 10 percent, when evaluating an offer received from such a small business concern as the result of an unrestricted solicitation.

"(2) DEFINITION.—For the purposes of this subsection, the term 'participating executive agency' means a Federal agency, as defined in section 3(b), in the executive branch of the Federal Government, other than the Department of Defense.".

SEC. 202. IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.

(a) IN GENERAL.—The Federal Acquisition Regulation shall be amended to provide uniform implementation by each executive agency choosing to participate in the program authorized in section 8(c) of the Small Business Act (as amended by section 201).

(b) MATTERS TO BE ADDRESSED.—The provisions of the Federal Acquisition Regulation prescribed pursuant to subsection (a) shall include—

(1) conditions for the use of advance payments;

(2) provisions for contract payment terms that provide for—

(A) accelerated payment for work performed during the period for contract performance; and

(B) full payment for work performed;

(3) guidance on how contracting officers may use, in solicitations for various classes of products or services, a price evaluation preference pursuant to section 8(c)(1)(B) of the Small Business Act (as amended by section 201) to provide a reasonable advantage to small business concerns owned and controlled by socially and economically disadvantaged individuals without effectively eliminating any participation of other small business concerns; and

(4)(A) procedures for a person to request the head of a Federal agency to determine whether the use of competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals at a contracting activity of such agency has caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity; and

(B) guidance for limiting the use of such restricted competitions in the case of any contracting activity and class of contracts determined in accordance with such procedures to have caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity.

SEC. 203. SUNSET.

The amendments made by section 201 shall cease to be effective on October 1, 2000.

PART B—ELIGIBILITY DETERMINATIONS REGARDING STATUS

SEC. 211. IMPROVED STATUS PROTEST SYSTEM.

Section 7(j)(10)(J) of the Small Business Act (15 U.S.C. 636(j)(10)(J)) is amended by striking clause (ii) and inserting the following new clauses:

"(ii) A protest may be brought regarding a self-certification by a business concern regarding its status as a small business concern owned and controlled by socially and economically disadvantaged individuals by—

"(I) another person with a direct economic interest in the award of the contract or subcontract under which such business has allegedly made the false certification regarding its status as a small business concern owned and controlled by socially and economically disadvantaged individuals;

"(II) a prime contractor receiving specific and credible information that an actual or prospective subcontractor or supplier has falsely certified its status as a small business concern owned and controlled by socially and economically disadvantaged individuals;

"(III) a contracting officer receiving a self-certification regarding an actual or prospective contractor's status, which such officer reasonably believes to be false; or

"(IV) the Associate Deputy Administrator for Minority Enterprise Development and Government Contracting of the Small Business Administration (or any successor position).

"(iii) The Office of Hearings and Appeals shall hear appeals regarding the status of a concern as a small business concern owned and controlled by socially and economically disadvantaged individuals for purposes of any program or activity conducted under section 8(d) or any other Federal law that refers to such section for a definition of program eligibility.

"(iv) A decision issued pursuant to clause (iii) shall—

"(I) be made available to all parties to the proceeding;

"(II) be published in full text; and

"(III) include findings of fact and conclusions of law, with specific reasons supporting such findings and conclusions, on each material issue of fact and law of decisional significance regarding the disposition of the protest.

"(v) A decision issued pursuant to clause (iii) shall be considered a final agency action, and shall be subject to judicial review under section 553 of title 5, United States Code.

"(vi) If a firm engages in a pattern of misrepresentations regarding the status of the firm in violation of section 16(d)(1), the Administration or the aggrieved executive agency shall initiate an action to impose an appropriate penalty under section 16(d)(2).".

SEC. 212. CONFORMING AMENDMENT.

Section 7(j)(11)(F) of the Small Business Act (15 U.S.C. 636(j)(11)(F)) is amended by—

(1) striking clause (vii); and

(2) redesignating clause (viii) as clause (vii).

TITLE III—EXPANDING SUBCONTRACTING OPPORTUNITIES

SEC. 301. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (4), by striking subparagraphs (A) through (D) and inserting the following:

"(4)(A) Each solicitation for the award of a contract (or subcontract) with an anticipated value of $1,000,000, in the case of a contract for construction (including repair, alteration, or demolition of existing construction) or $500,000, in the case of a contract for all other types of services or supplies, that can reasonably be expected to offer opportunities for subcontracting, shall—

"(i) in the case of a Federal contract to be competitively awarded, include solicitation provisions described in subparagraph (B);

"(ii) in the case of a Federal contract to be noncompetitively awarded, require submission and acceptance of a subcontracting plan pursuant to subparagraph (C); and

"(iii) in the case of a subcontract award, require submission and acceptance of a subcontracting plan pursuant to subparagraph (D).

"(B) With respect to subcontract participation by small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals, the solicitation shall—

"(i) specify minimum percentages for subcontract participation for an offer to be considered responsive whenever practicable;

"(ii) assign a weight of not less than the numerical equivalent of 5 percent of the total of all evaluation factors to a contract award evaluation factor that recognizes incrementally higher subcontract participation rates in excess of the minimum percentages;

"(iii) require the successful offeror to submit a subcontracting plan that incorporates the information described in paragraph (6); and

"(iv) assign a significant weight in any evaluation of past performance by the offerors in attaining subcontract participation goals.

"(C)(i) Each small business concern apparent successful offeror shall negotiate—

"(I) a goal for the participation of small business concerns and for the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals; and

"(II) a plan for the attainment of the goals that incorporates the information prescribed in paragraph (6).

"(ii) The goals and plan shall reflect the maximum practicable opportunity for participation of small business concerns in the performance of the contract, considering the matters described in subparagraph (F)(iii). If, within the time limits prescribed in the Federal acquisition regulations, the apparent successful offeror fails to negotiate such a subcontracting plan, such offeror shall be ineligible for contract award.

"(D) An apparent subcontract awardee shall negotiate with the prime contractor (or higher-tier subcontractor) a goal for the participation of small business concerns and for the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals, and a plan for the attainment of those goals which incorporates the information prescribed in paragraph (6). Such goals and plan shall reflect the maximum practicable opportunity for participation of such small business concerns in the performance of the contract, considering the matters described in subparagraph (F)(iii).";

(2) by striking paragraph (5) and inserting the following:

"(5) [Reserved]."; and

(3) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (F) as subparagraphs (C) through (G), respectively; and

(B) by inserting the following new subparagraph (B):

"(B)(i) a listing of the small business subcontractors (including suppliers) who have actual or contingent awards for participation in the performance of the contract, identifying the work to be performed and the anticipated award value of the subcontracts; and

"(ii) assurances that the listing of small business subcontractors described in clause (i) will be regularly revised to identify firms that have been removed from or substituted for previously listed firms, and annotated to reflect the reasons for any removal or substitution;".

SEC. 302. SUBCONTRACTING GOALS FOR CERTAIN SMALL BUSINESS CONCERNS.

Section 8(d)(7) of the Small Business Act (15 U.S.C. 637(d)(7)) is amended to read as follows:

"(7)(A) Except as provided in subparagraph (B), paragraphs (4), (5), and (6) shall not apply to offerors who are small business concerns.

"(B) A small business concern owned and controlled by socially and economically disadvantaged individuals shall be required to negotiate a subcontracting plan for the use of emerging small business concerns owned and controlled by socially and economically disadvantaged individuals, if—

"(i) the prime contract was awarded pursuant to—

"(I) subsection (a) or (c) of section 8;

"(II) section 2323 of title 10, United States Code; or

"(III) any law that authorizes the award of a Federal contract as the result of a competition restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals as defined in section 8(d)(3)(C);

"(ii) the anticipated total value of the contract exceeds $20,000,000; and

"(iii) subcontracting opportunities are expected.".

SEC. 303. SMALL BUSINESS PARTICIPATION GOALS.

Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking "20 percent" and inserting "25 percent".

SEC. 304. IMPROVED NOTICE OF SUBCONTRACTING OPPORTUNITIES.

(a) USE OF THE COMMERCE BUSINESS DAILY AUTHORIZED.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following new subsection:

"(k) NOTICES OF SUBCONTRACTING OPPORTUNITIES.—

"(1) IN GENERAL.—Notices of subcontracting opportunities may be submitted for publication in the Commerce Business Daily by—

"(A) a business concern awarded a contract by an executive agency subject to subsection (e)(1)(C); and

"(B) a business concern which is a subcontractor or supplier (at any tier) to a contractor required to have a subcontracting plan pursuant to subsection (d) having a subcontracting opportunity in excess of $100,000.

"(2) CONTENTS OF NOTICE.—The notice of a subcontracting opportunity shall include—

"(A) a description of the business opportunity that is comparable to the description specified in paragraphs (1), (2), (3), and (4) of subsection (f); and

"(B) the due date for the receipt of offers.".

(b) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall be amended to provide uniform implementation of the amendments made by this section.

(c) CONFORMING AMENDMENT.—Section 8(e)(1)(C) of the Small Business Act (15 U.S.C. 637(e)(1)(C)) is amended by striking "$25,000" each place it appears and inserting "$100,000".

TITLE IV—REPEALS AND TECHNICAL AMENDMENTS

PART A—REPEALS

SEC. 401. LOAN PROGRAM SUPERSEDED BY SECTION 7(a) LOAN PROGRAM.

(a) IN GENERAL.—Section 7(i) of the Small Business Act (15 U.S.C. 636(i)) is amended to read as follows:

"(i) [Reserved].".

(b) CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 601 et seq.) is amended—

(1) in section 2(d)(1), by striking "sections 7(i) and 7(j)" and inserting "section 7(j)";

(2) in section 4(c)(2), by striking "7(i),";

(3) in section 5(e)(3), by striking "sections 7(a)(4)(C) and 7(i)(1)" and inserting "section 7(a)(4)(C)";

(4) in section 7(j), by striking "sections 7(i), 7(j)(10), and 8(a)" each place it appears and inserting "paragraph (10) and section 8(a)"; and

(5) in section 7(k), by striking "sections 7(i), 7(j)(10), and 8(a)" and inserting "subsection (j)(10) and section 8(a)".

SEC. 402. SUPERSEDED LOAN PROGRAM RELATING TO ENERGY.

(a) IN GENERAL.—Section 7(*l*) of the Small Business Act (15 U.S.C. 636(l)) is amended to read as follows:

"(l) [Reserved].".

(b) CONFORMING AMENDMENTS.—Section 4(c)(2) of the Small Business Act (15 U.S.C. 601 et seq.) is amended by striking "7(l),".

SEC. 403. EMPLOYEE TRAINING PROGRAM OF LIMITED SCOPE.

Section 15(j)(13)(E) of the Small Business Act (15 U.S.C. 644(j)(13)(E)) is amended to read as follows:

"(E) [Reserved].".

SEC. 404. EXPIRED PROVISION.

Section 8(a)(2) of the Small Business Act (15 U.S.C. 637(a)(2)) is amended to read as follows:

"(2) [Reserved].".

SEC. 405. EXPIRED DIRECTION TO THE ADMINISTRATION.

Section 303(f) of the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 637 note) is repealed.

PART B—TECHNICAL AMENDMENTS

SEC. 411. TECHNICAL AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 8(d)(10)(C) (15 U.S.C. 637(d)(10)(C)), by striking "in the case contractors" and inserting "in the case of contractors";

(2) in section 10—

(A) in subsection (a), by striking "the Senate Select Committee on Small Business"; and

(B) in subsection (b), by striking "to the Senate Select Committee on Small Business, and to the Committee on Small Business of the House of Representatives" and inserting "to the Committees on Small Business of the Senate and House of Representatives"; and

(3) in section 15(g)(1)—

(A) in the first sentence, by striking "The President" and inserting "(A) The President";

(B) by striking the second and third sentences and inserting the following:

"(B) The Governmentwide goals established pursuant to subparagraph (A) shall be—

"(i) for small business concerns, 20 percent of the total prime contracts for the fiscal year; and "(ii) for small business concerns owned and controlled by socially and economically disadvantaged individuals, 8 percent of the total value of all prime contracts and subcontracts for the fiscal year.";

(C) in the fourth sentence, by striking "Notwithstanding the Government-wide goal" and inserting the following:

"(C) Notwithstanding the Governmentwide goal";

and

(D) in the fifth sentence, by striking "The Administration" and inserting the following:

"(D) The Administration".

TITLE V—DEFINITIONS

SEC. 501. HISTORICALLY UNDERUTILIZED BUSINESSES.

(a) DEFINITION.—Section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A)) is amended by striking "socially and economically disadvantaged small business concern" and inserting "historically underutilized business".

(b) TECHNICAL AMENDMENT.—Section 9(j)(2)(F) of the Small Business Act (15 U.S.C. 638(j)(2)(F)) is amended by striking "socially and economically disadvantaged small business concerns, as defined in section 8(a)(A)" and inserting "small business concerns owned and controlled by socially and economically disadvantaged individuals".

SEC. 502. EMERGING SMALL BUSINESS CONCERN.

(a) IN GENERAL.—Section 3 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following new subsection:

"(q) EMERGING SMALL BUSINESS CONCERN.—For purposes of sections 8 and 15, the term 'emerging small business concern' means a small business concern the size of which is less than or equal to 25 percent of the numerical size standard for—

"(1) in the case of a contracting opportunity being awarded by the Government, the standard industrial classification code assigned by a contracting officer; or

"(2) in all other cases, the standard industrial classification that encompasses the principal line of business of the business concern.".

(b) DELAYED APPLICABILITY TO THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.—For the purposes of the Small Business Competitiveness Demonstration Program, the amendment made by subsection (a) shall not supersede the definition of "emerging small business concern" provided in section 718(b) of the Small Business Competitiveness Demonstration Program Act of 1988.

TITLE VI—REGULATORY IMPLEMENTATION AND EFFECTIVE DATES

PART A—ASSURING TIMELY REGULATORY IMPLEMENTATION

SEC. 601. DEADLINES FOR ISSUANCE OF REGULATIONS.

(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations shall be published not later than 120 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to either section 22 of the Office of Federal Procurement Policy Act or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

(b) FINAL REGULATIONS.—Final regulations shall be published and become effective not later than 270 days after the date of enactment of this Act.

SEC. 602. REGULATORY IMPLEMENTATION OF PRIOR LEGISLATION.

(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or the Small Business Administration regulations pertaining to the statutory provisions listed in subsection (c) shall be published not later than 30 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to either section 22 of the Office of Federal Procurement Policy Act or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

(b) FINAL REGULATIONS.—Final regulations implementing the amendments made by this Act shall be published and shall take effect not later than 120 days after the date of enactment of this Act.

(c) DELAYED REGULATIONS.—

(1) Section 203 of the Small Business Administration Reauthorization and Amendments Act of 1990 (15 U.S.C. 637 note; 104 Stat. 2818).

(2) Section 221 of the Small Business Credit and Business Opportunity Enhancement Act of 1992 (15 U.S.C. 636 note; 106 Stat. 999).

(3) Section 222 of the Small Business Credit and Business Opportunity Enhancement Act of 1992 (15 U.S.C. 632 note; 106 Stat. 999).

PART B—EFFECTIVE DATES

SEC. 611. EFFECTIVE DATES.

(a) EFFECTIVE DATE OF ACT.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act.

(b) AMENDMENTS REQUIRING IMPLEMENTING REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act which require the issuance of regulations shall take effect on the date on which final implementing regulations are prescribed in accordance with section 601.

(2) EXCEPTIONS.—The amendments made by sections 101, 102, 111, 112, 114, 115, 122, 133, 134, 135, 136, 138, 141, 142, 143, 161, 162, and 211 shall take effect on the date of enactment of this Act.

SURPLUS PERSONAL PROPERTY DONATION

The text of the bill (H.R. 2461) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals, as passed by the Senate on October 7, 1994, is as follows:

H.R. 2461

Resolved, That the bill from the House of Representatives (H.R. 2461) entitled "An Act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals", do pass with the following amendment:

Page 2, after line 11, insert:

TITLE I—PAPERWORK REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Paperwork Reduction Act of 1994".

SEC. 102. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.

"3501. Purposes.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities; submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Government Information Locator Service.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

"(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

"(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

"(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

"(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

"(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

"(4) the term 'Director' means the Director of the Office of Management and Budget;

"(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

"(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

"(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

"(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

"(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records.

"§3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

"(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities.

"§3504. Authority and functions of Director

"(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including service delivery to the public. In performing such oversight, the Director shall—

"(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

"(B) provide direction and oversee—

"(i) the review of the collection of information and the reduction of the information collection burden;

"(ii) agency dissemination of and public access to information;

"(iii) statistical activities;

"(iv) records management activities;

"(v) privacy, confidentiality, security, disclosure, and sharing of information; and

"(vi) the acquisition and use of information technology.

"(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

"(b) With respect to general information resources management policy, the Director shall—

"(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

"(2) foster greater sharing, dissemination, and access to public information, including through—

"(A) the use of the Government Information Locator Service; and

"(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

"(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

"(4) oversee the development and implementation of best practices in information resources management, including training; and

"(5) oversee agency integration of program and management functions with information resources management functions.

"(c) With respect to the collection of information and the control of paperwork, the Director shall—

"(1) review proposed agency collections of information, and in accordance with section 3508, determine whether the collection of information by or for an agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

"(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

"(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

"(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

"(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

"(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

"(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

"(e) With respect to statistical policy and coordination, the Director shall—

"(1) coordinate the activities of the Federal statistical system to ensure—

"(A) the efficiency and effectiveness of the system; and

"(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

"(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

"(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

"(A) statistical collection procedures and methods;

"(B) statistical data classification;

"(C) statistical information presentation and dissemination;

"(D) timely release of statistical data; and

"(E) such statistical data sources as may be required for the administration of Federal programs;

"(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

"(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

"(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

"(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

"(A) be headed by the chief statistician; and

"(B) consist of—

"(i) the heads of the major statistical programs; and

"(ii) representatives of other statistical agencies under rotating membership; and

"(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

"(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

"(B) all costs of the training shall be paid by the agency requesting training.

"(f) With respect to records management, the Director shall—

"(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

"(2) review compliance by agencies with—

"(A) the requirements of chapters 29, 31, and 33 of this title; and

"(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

"(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

"(g) With respect to privacy and security, the Director shall—

"(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

"(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, the Director shall—

"(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

"(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

"(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

"(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and review proposed determinations under section 111(e) of such Act;

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of interagency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

"§3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden;

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759), and the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions; and

"(4) in cooperation with the Administrator of General Services, issue guidelines for the establishment and operation in each agency of a process, as required under section 3506(h)(5) of this chapter, to review major information systems initiatives, including acquisition and use of information technology.

"§3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(5) The head of each agency shall establish a permanent information resources management steering committee, which shall be chaired by the senior official designated under paragraph (2) and shall include senior program officials and the Chief Financial Officer (or comparable official). Each steering committee shall—

"(A) assist and advise the head of the agency in carrying out information resources management responsibilities of the agency;

"(B) assist and advise the senior official designated under paragraph (2) in the establishment of performance measures for information resources management that relate to program missions;

"(C) select, control, and evaluate all major information system initiatives (including acquisitions of information technology) in accordance with the requirements of subsection (h)(5); and

"(D) identify opportunities to redesign business practices and supporting information systems to improve agency performance.

"(b) With respect to general information resources management, each agency shall—

"(1) develop information systems, processes, and procedures to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) develop and maintain an integrated, comprehensive and controlled process of information systems selection, development, and evaluation;

"(C) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(D) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(iii) an exemption from coverage of the collection of information, or any part thereof;

"(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) contains the statement required under paragraph (1)(B)(iii);

"(G) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

"(d) With respect to information dissemination, each agency shall—

"(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

"(A) encouraging a diversity of public and private sources for information based on government public information, and

"(B) agency dissemination of public information in an efficient, effective, and economical manner;

"(2) regularly solicit and consider public input on the agency's information dissemination activities; and

"(3) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination.

"(e) With respect to statistical policy and coordination, each agency shall—

"(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

"(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

"(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

"(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

"(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

"(6) make data available to statistical agencies and readily accessible to the public.

"(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

"(g) With respect to privacy and security, each agency shall—

"(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

"(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, each agency shall—

"(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

"(2) assume responsibility and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

"(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

"(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

"(5) establish, and be responsible for, a major information system initiative review process, which shall be developed and implemented by the information resources management steering committee established under subsection (a)(5), consistent with guidelines issued under section 3505(4), and include—

"(A) the review of major information system initiative proposals and projects (including acquisitions of information technology), approval or disapproval of each such initiative, and periodic reviews of the development and implementation of such initiatives, including whether the projected benefits have been achieved;

"(B) the use by the committee of specified evaluative techniques and criteria to—

"(i) assess the economy, efficiency, effectiveness, risks, and priority of system initiatives in relation to mission needs and strategies;

"(ii) estimate and verify life-cycle system initiative costs; and

"(iii) assess system initiative privacy, security, records management, and dissemination and access capabilities;

"(C) the use, as appropriate, of independent cost evaluations of data developed under subparagraph (B); and

"(D) the inclusion of relevant information about approved initiatives in the agency's annual budget request.

"§3507. Public information collection activities; submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

"(1) the agency has—

"(A) conducted the review established under section 3506(c)(1);

"(B) evaluated the public comments received under section 3506(c)(2);

"(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

"(D) published a notice in the Federal Register—

"(i) stating that the agency has made such submission; and

"(ii) setting forth—

"(I) a title for the collection of information;

"(II) a summary of the collection of information;

"(III) a brief description of the need for the information and the proposed use of the information;

"(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

"(V) an estimate of the burden that shall result from the collection of information; and

"(VI) notice that comments may be submitted to the agency and Director;

"(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

"(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

"(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

"(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

"(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

"(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

"(A) the approval may be inferred;

"(B) a control number shall be assigned without further delay; and

"(C) the agency may collect the information for not more than 2 years.

"(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Office of the Director, the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information which has not been approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of an independent regulatory agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning such an agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

''(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

''(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

''(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

''(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

''(A) a collection of information—

''(i) is needed prior to the expiration of such time periods; and

''(ii) is essential to the mission of the agency; and

''(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

''(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

''(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

''(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§3508. Determination of necessity for information; hearing

''Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent that the Director determines that the collection of information by an agency is unnecessary for the proper performance of the functions of the agency, for any reason, the agency may not engage in the collection of information.

"§3509. Designation of central collection agency

''The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

"§3510. Cooperation of agencies in making information available

''(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

''(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

''(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

"§3511. Establishment and operation of Government Information Locator Service

''In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

''(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

''(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

''(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

''(4) consider public access and other user needs in the establishment and operation of the Service;

''(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

''(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

"§3512. Public protection

''Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the applicable collection of information—

''(1) was made after December 31, 1981; and

''(2)(A) does not display a valid control number assigned by the Director; or

''(B) fails to state that such collection is not subject to this chapter.

"§3513. Director review of agency activities; reporting; agency response

''(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

''(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

''(1) be taken to address information resources management problems identified in the report; and

''(2) improve agency performance and the accomplishment of agency missions.

"§3514. Responsiveness to Congress

''(a)(1) The Director shall—

''(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

''(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

''(2) The Director shall include in any such report a description of the extent to which agencies have—

''(A) reduced information collection burdens on the public, including—

''(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

''(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter; and

''(iii) a list of any increase in the collection of information burden, including the authority for each such collection;

''(B) improved the quality and utility of statistical information;

''(C) improved public access to Government information; and

''(D) improved program performance and the accomplishment of agency missions through information resources management.

''(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

"§3515. Administrative powers

''Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

"§3516. Rules and regulations

''The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

"§3517. Consultation with other agencies and the public

''(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

"(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, the person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

"(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

"(2) take appropriate remedial action, if necessary.

"§3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of—

"(i) a civil action to which the United States or any official or agency thereof is a party; or

"(ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

"§3519. Access to information

"Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

"§3520. Authorization of appropriations

"(a) Subject to subsection (b), there are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, $8,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

"(b)(1) No funds may be appropriated pursuant to subsection (a) unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section.

"(2) No funds are authorized to be appropriated to the Office of Information and Regulatory Affairs, or to any other officer or administrative unit of the Office of Management and Budget, to carry out the provisions of this chapter, or to carry out any function under this chapter, for any fiscal year pursuant to any provision of law other than subsection (a) of this section.".

SEC. 103. NONAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.

The provisions of section 4 and title IV of this Act shall not apply to the provisions and amendments made by this title.

SEC. 104. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect on March 31, 1995.

DEFENSE DEPARTMENT OVERSEAS TEACHER PAY

The text of the bill (H.R. 3499) to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act, as passed by the Senate on October 7, 1994, is as follows:

H.R. 3499

Resolved, That the bill from the House of Representatives (H.R. 3499) entitled "An Act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act", do pass with the following amendment:

Page 2 after line 12, insert:

SEC. 2. PROHIBITION ON CASH AWARDS TO CERTAIN FEDERAL OFFICERS.

(a) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by inserting after section 4507 the following new sections:

"§4508. Limitation of awards during a Presidential election year

"(a) For purposes of this section, the term—

"(1) 'Presidential election period' means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election; and

"(2) 'senior politically appointed officer' means any officer who during a Presidential election period serves—

"(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

"(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

"(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.

"§4509. Prohibition of cash award to Executive Schedule officers

"No officer may receive a cash award under the provisions of this subchapter, if such officer—

"(1) serves in—

"(A) an Executive Schedule position under subchapter II of chapter 53; or

"(B) a position for which the compensation is set in statute by reference to a section or level under subchapter II of chapter 53; and

"(2) was appointed to such position by the President, by and with the advice and consent of the Senate.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

"4508. Limitation of awards during a Presidential election year.
"4509. Prohibition of cash award to Executive Schedule officers.".

VETERANS' PERSIAN GULF WAR BENEFITS ACT

The text of the bill (H.R. 4386) to amend title 38, United States Code, authorizing the Secretary of Veterans Affairs to provide compensation to veterans suffering from disabilities resulting from illnesses attributed to service in the Persian Gulf theater of operations during the Persian Gulf War, to provide for increased research into illnesses reported by Persian Gulf war veterans, and for other purposes, as passed by the Senate on October 7, 1994, is as follows:

H.R. 4386

Resolved, That the bill from the House of Representatives (H.R. 4386) entitled "An Act to amend title 38, United States Code, authorizing the Secretary of Veterans Affairs to provide compensation to veterans suffering from disabilities resulting from illnesses attributed to service in the Persian Gulf theater of operations during the Persian Gulf War, to provide for increased research into illnesses reported by Persian Gulf War veterans, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Improvements Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—PERSIAN GULF WAR VETERANS

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Development of medical evaluation protocol.
Sec. 105. Outreach to Persian Gulf veterans.
Sec. 106. Compensation benefits for disability resulting from illness attributed to service during the Persian Gulf War.
Sec. 107. Evaluation of health status of spouses and children of Persian Gulf War veterans.
Sec. 108. Clarification of scope of health examinations provided for veterans eligible for inclusion in health-related registries.

Sec. 109. Survey of Persian Gulf veterans.
Sec. 110. Authorization for epidemiological studies.
Sec. 111. Cost-savings provisions.
TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION
Sec. 201. Appointment, pay comparability, and performance reviews for members of the Board of Veterans' Appeals.
Sec. 202. Deadline for establishment of performance evaluation criteria for Board members.
Sec. 203. Continuation in office of Chairman pending appointment of successor.
TITLE III—ADJUDICATION IMPROVEMENTS
Sec. 301. Acceptance of certain documentation for claims purposes.
Sec. 302. Expedited treatment of remanded claims.
Sec. 303. Screening of appeals.
Sec. 304. Report on feasibility of reorganization of adjudication divisions in VBA regional offices.
TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION
Sec. 401. Establishment of commission.
Sec. 402. Duties of the commission.
Sec. 403. Powers of the commission.
Sec. 404. Commission personnel matters.
Sec. 405. Termination of the commission.
Sec. 406. Definitions.
Sec. 407. Funding.
TITLE V—MISCELLANEOUS PROVISIONS
Sec. 501. Restatement of intent of Congress concerning coverage of Radiation-Exposed Veterans Compensation Act of 1988.
Sec. 502. Extension of authority to maintain regional office in the Philippines.
Sec. 503. Renouncement of benefit rights.
Sec. 504. Clarification of payment of attorney fees under contingent fee agreements.
Sec. 505. Codification of herbicide-exposure presumptions established administratively.
Sec. 506. Treatment of certain income of Alaska natives for purposes of needs-based benefits.
Sec. 507. Elimination of requirement for payment of certain benefits in Philippine pesos.
Sec. 508. Study of health consequences for family members of atomic veterans of exposure of atomic veterans to ionizing radiation.
Sec. 509. Center for Minority Veterans and Center for Women Veterans.
Sec. 510. Advisory Committee on Minority Veterans.
Sec. 511. Mailing of notices of appeal to the Court of Veterans Appeals.
TITLE VI—EDUCATION AND TRAINING PROGRAMS
Sec. 601. Flight training.
Sec. 602. Training and rehabilitation for veterans with service-connected disabilities.
Sec. 603. Alternative teacher certification programs.
Sec. 604. Education outside the United States.
Sec. 605. Correspondence courses.
Sec. 606. State approving agencies.
Sec. 607. Measurement of courses.
Sec. 608. Veterans' Advisory Committee on Education.
Sec. 609. Contract educational and vocational counseling.
Sec. 610. Service Members Occupational Conversion and Training Act of 1992.
TITLE VII—EMPLOYMENT PROGRAMS
Sec. 701. Job counseling, training, and placement.
Sec. 702. Employment and training of veterans.
Sec. 703. Conforming amendments to ERISA relating to the Uniformed Services Employment and Reemployment Rights Act of 1994.
TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS
Sec. 801. Eligibility for burial in national cemeteries of spouses who predecease veterans.
Sec. 802. Restoration of burial eligibility for unremarried spouses.
Sec. 803. Extension of authorization of appropriations for State cemetery grant program.
Sec. 804. Authority to use flat grave markers at the Willamette National Cemetery, Oregon.
TITLE IX—HOUSING PROGRAMS
Sec. 901. Eligibility.
Sec. 902. Revision in computation of aggregate guaranty.
Sec. 903. Public and community water and sewerage systems.
Sec. 904. Authority to guarantee home refinance loans for energy efficiency improvements.
Sec. 905. Authority to guarantee loans to refinance adjustable rate mortgages to fixed rate mortgages.
Sec. 906. Manufactured home loan inspections.
Sec. 907. Procedures on default.
Sec. 908. Minimum active-duty service requirement.
TITLE X—HOMELESS VETERANS PROGRAMS
Sec. 1001. Reports on activities of the Department of Veterans Affairs to assist homeless veterans.
Sec. 1002. Report on assessment and plans for response to needs of homeless veterans.
Sec. 1003. Increase in number of demonstration programs under Homeless Veterans Comprehensive Service Programs Act of 1992.
Sec. 1004. Removal of funding requirement of Homeless Veterans Comprehensive Service Programs Act of 1992.
Sec. 1005. Sense of Congress.
TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL
Sec. 1101. Findings.
Sec. 1102. Requirement for minimum number of full-time equivalent positions.
Sec. 1103. Enhanced authority to contract for necessary services.
Sec. 1104. Study.
TITLE XII—TECHNICAL AND CLERICAL AMENDMENTS.
Sec. 1201. Amendments to title 38, United States Code.
Sec. 1202. Amendments to other laws administered by Secretary of Veterans Affairs.
Sec. 1203. Amendments to other laws.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—PERSIAN GULF WAR VETERANS

SEC. 101. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Veterans' Benefits Act".

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) During the Persian Gulf War, members of the Armed Forces were exposed to numerous potentially toxic substances, including fumes and smoke from military operations, oil well fires, diesel exhaust, paints, pesticides, depleted uranium, infectious agents, investigational drugs and vaccines, and indigenous diseases, and were also given multiple immunizations. It is not known whether these servicemembers were exposed to chemical or biological warfare agents. However, threats of enemy use of chemical and biological warfare heightened the psychological stress associated with the military operation.

(2) Significant numbers of veterans of the Persian Gulf War are suffering from illnesses, or are exhibiting symptoms of illness, that cannot now be diagnosed or clearly defined. As a result, many of these conditions or illnesses are not considered to be service connected under current law for purposes of benefits administered by the Department of Veterans Affairs.

(3) The National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, held in April 1994, concluded that the complex biological, chemical, physical, and psychological environment of the Southwest Asia theater of operations produced complex adverse health effects in Persian Gulf War veterans and that no single disease entity or syndrome is apparent. Rather, it may be that the illnesses suffered by those veterans result from multiple illnesses with overlapping symptoms and causes that have yet to be defined.

(4) That workshop concluded that the information concerning the range and intensity of exposure to toxic substances by military personnel in the Southwest Asia theater of operations is very limited and that such information was collected only after a considerable delay.

(5) In response to concerns regarding the health-care needs of Persian Gulf War veterans, particularly those who suffer from illnesses or conditions for which no diagnosis has been made, the Congress, in Public Law 102–585, directed the establishment of a Persian Gulf War Veterans Health Registry, authorized health examinations for veterans of the Persian Gulf War, and provided for the National Academy of Sciences to conduct a comprehensive review and assessment of information regarding the health consequences of military service in the Persian Gulf theater of operations and to develop recommendations on avenues for research regarding such health consequences. In Public Law 103–210, the Congress authorized the Department of Veterans Affairs to provide health care services on a priority basis to Persian Gulf War veterans. The Congress also provided in Public Law 103–160 (the National Defense Authorization Act for Fiscal Year 1994) for the establishment of a specialized environmental medical facility for the conduct of research into the possible health effects of exposure to low levels of hazardous chemicals, especially among Persian Gulf veterans, and for research into the possible health effects of battlefield exposure in such veterans to depleted uranium.

(6) In response to concerns about the lack of objective research on Gulf War illnesses, Congress included research provisions in the National Defense Authorization Act for Fiscal Year 1995, which was passed by the House and Senate in September 1994. This legislation requires the Secretary of Defense to provide research grants to non-Federal researchers to support three types of studies of the Gulf War syndrome. The first type of study will be an epidemiological study or studies of the incidence, prevalence, and nature of the illness and symptoms and the risk factors associated with symptoms or illnesses. This will include illnesses among spouses and birth defects and illnesses

among offspring born before and after the Gulf War. The second group of studies shall be conducted to determine the health consequences of the use of pyridostigmine bromide as a pretreatment antidote enhancer during the Persian Gulf War, alone or in combination with exposure to pesticides, environmental toxins, and other hazardous substances. The final group of studies shall include clinical research and other studies on the causes, possible transmission, and treatment of Gulf War syndrome, and will include studies of veterans and their spouses and children.

(7) Further research and studies must be undertaken to determine the underlying causes of the illnesses suffered by Persian Gulf War veterans and, pending the outcome of such research, veterans who are seriously ill as the result of such illnesses should be given the benefit of the doubt and be provided compensation benefits to offset the impairment in earnings capacities they may be experiencing.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to provide compensation to Persian Gulf War veterans who suffer disabilities resulting from illnesses that cannot now be diagnosed or defined, and for which other causes cannot be identified;

(2) to require the Secretary of Veterans Affairs to develop at the earliest possible date case assessment strategies and definitions or diagnoses of such illnesses;

(3) to promote greater outreach to Persian Gulf War veterans and their families to inform them of ongoing research activities, as well as the services and benefits to which they are currently entitled; and

(4) to ensure that research activities and accompanying surveys of Persian Gulf War veterans are appropriately funded and undertaken by the Department of Veterans Affairs.

SEC. 104. DEVELOPMENT OF MEDICAL EVALUATION PROTOCOL.

(a) UNIFORM MEDICAL EVALUATION PROTOCOL.—(1) The Secretary of Veterans Affairs shall develop and implement a uniform and comprehensive medical evaluation protocol that will ensure appropriate medical assessment, diagnosis, and treatment of Persian Gulf War veterans who are suffering from illnesses the origins of which are (as of the date of the enactment of this Act) unknown and that may be attributable to service in the Southwest Asia theater of operations during the Persian Gulf War. The protocol shall include an evaluation of complaints relating to illnesses involving the reproductive system.

(2) If such a protocol is not implemented before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such a protocol has not yet been developed.

(3)(A) The Secretary shall ensure that the evaluation under the protocol developed under this section is available at all Department medical centers that have the capability of providing the medical assessment, diagnosis, and treatment required under the protocol.

(B) The Secretary may enter into contracts with non-Department medical facilities for the provision of the evaluation under the protocol.

(C) In the case of a veteran whose residence is distant from a medical center described in subparagraph (A), the Secretary may provide the evaluation through a Department medical center described in that subparagraph and, in such a case, may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

(4)(A) If the Secretary is unable to diagnose the symptoms or illness of a veteran provided an evaluation, or if the symptoms or illness of a veteran do not respond to treatment provided by the Secretary, the Secretary may use the authority in section 1703 of title 38, United States Code, in order to provide for the veteran to receive diagnostic tests or treatment at a non-Department medical facility that may have the capability of diagnosing or treating the symptoms or illness of the veteran. The Secretary may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

(B) The Secretary shall request from each non-Department medical facility that examines or treats a veteran under this paragraph such information relating to the diagnosis or treatment as the Secretary considers appropriate.

(5) In each year after the implementation of the protocol, the Secretary shall enter into an agreement with the National Academy of Sciences under which agreement appropriate experts shall review the adequacy of the protocol and its implementation by the Department of Veterans Affairs.

(b) RELATIONSHIP TO OTHER COMPREHENSIVE CLINICAL EVALUATION PROTOCOLS.—The Secretary, in consultation with the Secretary of Defense, shall ensure that the information collected through the protocol described in this section is collected and maintained in a manner that permits the effective and efficient cross-reference of that information with information collected and maintained through the comprehensive clinical protocols of the Department of Defense for Persian Gulf War veterans.

(c) CASE DEFINITIONS AND DIAGNOSES.—The Secretary shall develop case definitions or diagnoses for illnesses associated with the service described in subsection (a)(1). The Secretary shall develop such definitions or diagnoses at the earliest possible date.

SEC. 105. OUTREACH TO PERSIAN GULF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall implement a comprehensive outreach program to inform Persian Gulf War veterans and their families of the medical care and other benefits that may be provided by the Department of Veterans Affairs and the Department of Defense arising from service in the Persian Gulf War.

(b) NEWSLETTER.—(1) The outreach program shall include a newsletter which shall be updated and distributed at least semi-annually and shall be distributed to the veterans listed on the Persian Gulf War Veterans Health Registry. The newsletter shall include summaries of the status and findings of Government sponsored research on illnesses of Persian Gulf War veterans and their families, as well as on benefits available to such individuals through the Department of Veterans Affairs. The newsletter shall be prepared in consultation with veterans service organizations.

(2) The requirement under this subsection for the distribution of the newsletter shall terminate on December 31, 1999.

(c) TOLL-FREE NUMBER.—The outreach program shall include establishment of a toll-free telephone number to provide Persian Gulf War veterans and their families information on the Persian Gulf War Veterans Health Registry, health care and other benefits provided by the Department of Veterans Affairs, and such other information as the Secretary considers appropriate. Such toll-free telephone number shall be established not later than 90 days after the date of the enactment of this Act.

SEC. 106. COMPENSATION BENEFITS FOR DISABILITY RESULTING FROM ILLNESS ATTRIBUTED TO SERVICE DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—(1) Chapter 11 is amended by adding at the end of subchapter II the following new section:

"§1117. Compensation for disabilities occurring in Persian Gulf War veterans

"(a) The Secretary may pay compensation under this subchapter to any Persian Gulf veteran suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that—

"(1) became manifest during service on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; or

"(2) became manifest to a degree of 10 percent or more within the presumptive period prescribed under subsection (b).

"(b) The Secretary shall prescribe by regulation the period of time following service in the Southwest Asia theater of operations during the Persian Gulf War that the Secretary determines is appropriate for presumption of service connection for purposes of this section. The Secretary's determination of such period of time shall be made following a review of any available credible medical or scientific evidence and the historical treatment afforded disabilities for which manifestation periods have been established and shall take into account other pertinent circumstances regarding the experiences of veterans of the Persian Gulf War.

"(c)(1) The Secretary shall prescribe regulations to carry out this section.

"(2) Those regulations shall include the following:

"(A) A description of the period and geographical area or areas of military service in connection with which compensation under this section may be paid.

"(B) A description of the illnesses for which compensation under this section may be paid.

"(C) A description of any relevant medical characteristic (such as a latency period) associated with each such illness.

"(d) A disability for which compensation under this subchapter is payable shall be considered to be service connected for purposes of all other laws of the United States.

"(e) For purposes of this section, the term 'Persian Gulf veteran' means a veteran who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1116 the following new item:

"1117. Compensation for disabilities occurring in Persian Gulf War veterans.".

(b) CONFORMING AMENDMENTS.—Section 1113 is amended—

(1) by striking out "section 1112 or 1116" in the first and third place it appears and inserting in lieu thereof "section 1112, 1116, or 1117";

(2) by striking out "title" the second place it appears and inserting in lieu thereof "title, or payments of compensation pursuant to section 1117 of this title,"; and

(3) by inserting "or disabilities" after "diseases" both places it appears in subsection (a).

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report stating whether or not the Secretary intends to pay compensation as provided in section 1117 of title 38, United States Code, as added by subsection (a).

(d) REGULATIONS.—If the Secretary states in the report under subsection (c) that the Secretary intends to pay compensation as provided

in section 1117 of title 38, United States Code, as added by subsection (a), the Secretary shall, not later than 30 days after the date on which such report is submitted, publish in the Federal Register proposed regulations under subsections (b) and (c) of that section.

SEC. 107. EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) EVALUATION PROGRAM.—Subject to subsection (c), the Secretary of the Veterans Affairs shall conduct a study to evaluate the health status of spouses and children of Persian Gulf War veterans. Under the study, the Secretary shall provide for the conduct of diagnostic testing and appropriate medical examinations of any individual—

(1) who is the spouse or child of a veteran who—

(A) is listed in the Persian Gulf War Veterans Registry established under section 702 of Public Law 102–585; and

(B) is suffering from an illness or disorder;

(2) who is apparently suffering from, or may have suffered from, an illness or disorder (including a birth defect, miscarriage, or stillbirth) which cannot be disassociated from the veteran's service in the Southwest Asia theater of operations; and

(3) who, in the case of a spouse, has granted the Secretary permission to include in the Registry relevant medical data (including a medical history and the results of diagnostic testing and medical examinations) and such other information as the Secretary considers relevant and appropriate with respect to such individual.

Such testing and examinations shall be carried out so as to gather such medical data as the Secretary considers relevant and appropriate in order to determine the nature and extent of the association, if any, between illness or disorder of the spouse or child and the illness of the veteran.

(b) DURATION OF PROGRAM.—The program shall be carried out during the period beginning on November 1, 1994, and ending on September 30, 1996.

(c) FUNDING LIMITATION.—The amount spent for the program under subsection (a) may not exceed $2,000,000.

(d) CONTRACTING.—The Secretary shall provide for the conduct of testing and examinations under subsection (a) through appropriate contract arrangements.

(e) STANDARD PROTOCOLS AND GUIDELINES.—The Secretary shall seek to ensure uniform development of medical data through the development of standard protocols and guidelines for such testing and examinations. If such protocols and guidelines have not been adopted before the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such protocols and guidelines have not yet been developed.

(f) ENTRY OF RESULTS IN REGISTRY.—The results of diagnostic tests, medical histories, and medical examinations conducted under subsection (a) shall be entered into the Persian Gulf War Veterans Health Registry.

(g) OUTREACH.—The Secretary shall conduct such outreach activities as the Secretary determines necessary to ensure that implementation of this section results in sufficient information to enable the Secretary—

(1) to analyze the health status of large numbers of spouses and children of Persian Gulf veterans; and

(2) to formulate research hypotheses regarding possible association between illnesses or disorders suffered by Persian Gulf veterans and illnesses or disorders (including birth defects, miscarriages, and stillbirths) suffered by their spouses and children.

(h) USE OUTSIDE DEPARTMENT OF STANDARD PROTOCOLS AND GUIDELINES.—The Secretary shall—

(1) make the standard protocols and guidelines developed under this section available to any entity which requests a copy of such protocols and guidelines; and

(2) enter into the registry the results of any examination of the spouse or child of a veteran who served in the Persian Gulf theater which a licensed physician certifies was conducted using those standard protocols and guidelines.

(i) REPORTS TO CONGRESS.—(1) The Secretary shall submit to Congress no later than October 31, 1995, a report on the Secretary's implementation of this section.

(2) The Secretary shall analyze the data entered into the registry under this section and shall submit to Congress, not later than March 1, 1997, a report on that analysis and on the Secretary's recommendation for any further legislation or studies regarding the health status of spouses and children of Persian Gulf War veterans.

(j) DEFINITIONS.—For purposes of this section, the terms "child" and "spouse" have the meanings given those terms in paragraphs (4) and (31), respectively, of section 101 of title 38, United States Code.

SEC. 108. CLARIFICATION OF SCOPE OF HEALTH EXAMINATIONS PROVIDED FOR VETERANS ELIGIBLE FOR INCLUSION IN HEALTH-RELATED REGISTRIES.

Section 703 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended—

(1) by inserting "(including diagnostic tests)" after "examination" each place it appears other than in subsection (a)(1)(A);

(2) in subsection (a)(1)(A)—

(A) by inserting "(including any appropriate diagnostic tests)" after "a health examination"; and

(B) by inserting "and the tests" after "the examination"; and

(3) in subsection (a)(2), by inserting "(including any diagnostic tests)" after "examinations".

SEC. 109. SURVEY OF PERSIAN GULF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out a survey of Persian Gulf veterans to gather information on the incidence and nature of health problems occurring in Persian Gulf veterans and their families.

(b) COORDINATION WITH DEPARTMENT OF DEFENSE.—Any survey under subsection (a) shall be carried out in coordination with the Secretary of Defense.

(c) PERSIAN GULF VETERAN.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War as defined in section 101(33) of title 38, United States Code.

SEC. 110. AUTHORIZATION FOR EPIDEMIOLOGICAL STUDIES.

(a) STUDY OF HEALTH CONSEQUENCES OF PERSIAN GULF SERVICE.—If the National Academy of Sciences includes in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102–585) a finding that there is a sound basis for an epidemiological study or studies on the health consequences of service in the Persian Gulf theater of operations during the Persian Gulf War and recommends the conduct of such a study or studies, the Secretary of Veterans Affairs is authorized to carry out such study.

(b) OVERSIGHT.—(1) The Secretary shall seek to enter into an agreement with the Medical Follow-Up Agency (MFUA) of the Institute of Medicine of the National Academy of Sciences for (A) the review of proposals to conduct the research referred to in subsection (a), (B) oversight of such research, and (C) review of the research findings.

(2) If the Secretary is unable to enter into an agreement under paragraph (1) with the entity specified in that paragraph, the Secretary shall enter into an agreement described in that paragraph with another appropriate scientific organization which does not have a connection to the Department of Veterans Affairs. In such a case, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, at least 90 days before the date on which the agreement is entered into, notice in writing identifying the organization with which the Secretary intends to enter into the agreement.

(c) ACCESS TO DATA.—The Secretary shall enter into agreements with the Secretary of Defense and the Secretary of Health and Human Services to make available for the purposes of any study described in subsection (a) all data that the Secretary, in consultation with the National Academy of Sciences and the contractor for the study, considers relevant to the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department such sums as are necessary for the conduct of studies described in subsection (a).

SEC. 111. COST-SAVINGS PROVISIONS.

(a) ELECTION OF DEATH PENSION BY SURVIVING SPOUSE.—Section 1317 is amended—

(1) by striking out "No person" and inserting in lieu thereof "(a) Except as provided in subsection (b), no person"; and

(2) by adding at the end the following:

"(b) A surviving spouse who is eligible for dependency and indemnity compensation may elect to receive death pension instead of such compensation.".

(b) POLICY REGARDING COST-OF-LIVING ADJUSTMENT IN COMPENSATION RATES FOR FISCAL YEAR 1995.—The fiscal year 1995 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title will be no more than a percentage equal to the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), with all increased monthly rates and limitations (other than increased rates or limitations equal to a whole dollar amount) rounded down to the next lower dollar.

TITLE II—BOARD OF VETERANS' APPEALS ADMINISTRATION

SEC. 201. APPOINTMENT, PAY COMPARABILITY, AND PERFORMANCE REVIEWS FOR MEMBERS OF THE BOARD OF VETERANS' APPEALS.

(a) MEMBERS OTHER THAN CHAIRMAN.—(1) Chapter 71 is amended by inserting after section 7101 the following new section:

"§7101A. Members of Board: appointment; pay; performance review

"(a) The members of the Board of Veterans' Appeals other than the Chairman (and including the Vice Chairman) shall be appointed by the Secretary, with the approval of the President, based upon recommendations of the Chairman.

"(b) Members of the Board (other than the Chairman and any member of the Board who is a member of the Senior Executive Service) shall, in accordance with regulations prescribed by the Secretary, be paid basic pay at rates equivalent to the rates payable under section 5372 of title 5.

"(c)(1)(A) The Chairman shall establish a panel to review the performance of members of the Board. The panel shall be comprised of the

Chairman and two other members of the Board (other than the Vice Chairman). The Chairman shall periodically rotate membership on the panel so as to ensure that each member of the Board (other than the Vice Chairman) serves as a member of the panel for and within a reasonable period.

"(B) Not less than one year after the job performance standards under subsection (f) are initially established, and not less often than once every three years thereafter, the performance review panel shall determine, with respect to each member of the Board (other than the Chairman or a member who is a member of the Senior Executive Service), whether that member's job performance as a member of the Board meets the performance standards for a member of the Board established under subsection (f). Each such determination shall be in writing.

"(2) If the determination of the performance review panel in any case is that the member's job performance as a member of the Board meets the performance standards for a member of the Board established under subsection (f), the Chairman shall recertify the member's appointment as a member of the Board.

"(3) If the determination of the performance review panel in any case is that the member's job performance does not meet the performance standards for a member of the Board established under subsection (f), the Chairman shall, based upon the individual circumstances, either—

"(A) grant the member a conditional recertification; or

"(B) recommend to the Secretary that the member be noncertified.

"(4) In the case of a member of the Board who is granted a conditional recertification under paragraph (3)(A) or (5)(A), the performance review panel shall review the member's job performance record and make a further determination under paragraph (1) concerning that member not later than one year after the date of the conditional recertification. If the determination of the performance review panel at that time is that the member's job performance as a member of the Board still does not meet the performance standards for a member of the Board established under subsection (f), the Chairman shall recommend to the Secretary that the member be noncertified.

"(5) In a case in which the Chairman recommends to the Secretary under paragraph (3) or (4) that a member be noncertified, the Secretary, after considering the recommendation of the Chairman, may either—

"(A) grant the member a conditional recertification; or

"(B) determine that the member should be noncertified.

"(d)(1) If the Secretary, based upon the recommendation of the Chairman, determines that a member of the Board should be noncertified, that member's appointment as a member of the Board shall be terminated and that member shall be removed from the Board.

"(2) Upon removal from the Board under paragraph (1), a member of the Board (other than the Chairman) who was a career or career-conditional employee in the civil service before commencement of service as a member of the Board shall revert to the civil service grade and series held by the member immediately before the appointment of the member to the Board.

"(e)(1) A member of the Board (other than the Chairman or a member of the Senior Executive Service) may be removed as a member of the Board by reason of job performance only as provided in subsections (c) and (d). Such a member may be removed by the Secretary, upon the recommendation of the Chairman, for any other reason as determined by the Secretary.

"(2) In the case of a removal of a member under this section for a reason other than job performance that would be covered by section 7521 of title 5 in the case of an administrative law judge, the removal of the member of the Board shall be carried out subject to the same requirements as apply to removal of an administrative law judge under that section. Section 554(a)(2) of title 5 shall not apply to a removal action under this subsection. In such a removal action, a member shall have the rights set out in section 7513(b) of that title.

"(f) The Chairman, subject to the approval of the Secretary, shall establish standards for the performance of the job of a member of the Board (other than the Chairman or a member of the Senior Executive Service). Those standards shall establish objective and fair criteria for evaluation of the job performance of a member of the Board.

"(g) The Secretary shall prescribe procedures for the administration of this section, including deadlines and time schedules for different actions under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7101 the following new item:

"7101A. Members of Board: appointment; pay; performance review.".

(b) SAVE PAY PROVISION.—The rate of basic pay payable to an individual who is a member of the Board of Veterans' Appeals on the date of the enactment of this Act may not be reduced by reason of the amendments made by this section to a rate below the rate payable to such individual on the day before such date.

(c) EFFECTIVE DATE.—Section 7101A(b) of title 38, United States Code, as added by subsection (a), shall take effect on the first day of the first pay period beginning after December 31, 1994.

(d) CONFORMING AMENDMENTS.—Section 7101(b) is amended—

(1) by striking out paragraph (2);

(2) by designating as paragraph (2) the text in paragraph (1) beginning "The Chairman may be removed"; and

(3) by striking out "Members (including the Chairman)" in paragraph (3) and inserting in lieu thereof "The Chairman".

SEC. 202. DEADLINE FOR ESTABLISHMENT OF PERFORMANCE EVALUATION CRITERIA FOR BOARD MEMBERS.

(a) DEADLINE.—The job performance standards required to be established by section 7101A(f) of title 38, United States Code, as added by section 201(a), shall be established not later than 90 days after the date of the enactment of this Act.

(b) SUBMISSION TO CONGRESSIONAL COMMITTEES.—Not later than the date on which the standards referred to in subsection (a) take effect, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing the standards established by the Chairman of the Board of Veterans' Appeals.

SEC. 203. CONTINUATION IN OFFICE OF CHAIRMAN PENDING APPOINTMENT OF SUCCESSOR.

Section 7101(b)(3) is amended by adding at the end the following new sentence: "If, upon the expiration of the term of office for which the Chairman was appointed, the position of Chairman would become vacant, the individual serving as Chairman may, with the approval of the Secretary, continue to serve as Chairman until either appointed to another term or a successor is appointed, but not beyond the end of the Congress during which the term of office expired.".

TITLE III—ADJUDICATION IMPROVEMENTS

SEC. 301. ACCEPTANCE OF CERTAIN DOCUMENTATION FOR CLAIMS PURPOSES.

(a) STATEMENTS OF CLAIMANT TO BE ACCEPTED AS PROOF OF RELATIONSHIPS.—Chapter 51 is amended by adding at the end the following new section:

"§5124. Acceptance of claimant's statement as proof of relationship

"(a) For purposes of benefits under laws administered by the Secretary, the Secretary may accept the written statement of a claimant as proof of the existence of any relationship specified in subsection (b) for the purpose of acting on such individual's claim for benefits.

"(b) Subsection (a) applies to proof of the existence of any of the following relationships between a claimant and another person:

"(1) Marriage.

"(2) Dissolution of a marriage.

"(3) Birth of a child.

"(4) Death of any family member.

"(c) The Secretary may require the submission of documentation in support of the claimant's statement if—

"(1) the claimant does not reside within a State;

"(2) the statement on its face raises a question as to its validity;

"(3) there is conflicting information of record; or

"(4) there is reasonable indication, in the statement or otherwise, of fraud or misrepresentation.".

(b) REPORTS OF EXAMINATIONS BY PRIVATE PHYSICIANS.—Such chapter, as amended by subsection (a), is further amended by adding at the end the following new section:

"§5125. Acceptance of reports of private physician examinations

"For purposes of establishing any claim for benefits under chapter 11 or 15 of this title, a report of a medical examination administered by a private physician that is provided by a claimant in support of a claim for benefits under that chapter may be accepted without a requirement for confirmation by an examination by a physician employed by the Veterans Health Administration if the report is sufficiently complete to be adequate for the purpose of adjudicating such claim.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"5124. Acceptance of claimant's statement as proof of relationship.

"5125. Acceptance of reports of private physician examinations.".

SEC. 302. EXPEDITED TREATMENT OF REMANDED CLAIMS.

The Secretary of Veterans Affairs shall take such actions as may be necessary to provide for the expeditious treatment, by the Board of Veterans' Appeals and by the regional offices of the Veterans Benefits Administration, of any claim that has been remanded by the Board of Veterans' Appeals or by the United States Court of Veterans Appeals for additional development or other appropriate action.

SEC. 303. SCREENING OF APPEALS.

Section 7107 is amended—

(1) in subsection (a)(1), by striking out "Each case" and inserting in lieu thereof "Except as provided in subsection (f), each case"; and

(2) by adding at the end the following new subsection:

"(f) Nothing in this section shall preclude the screening of cases for purposes of—

"(1) determining the adequacy of the record for decisional purposes; or

"(2) the development, or attempted development, of a record found to be inadequate for decisional purposes.".

SEC. 304. REPORT ON FEASIBILITY OF REORGANIZATION OF ADJUDICATION DIVISIONS IN VBA REGIONAL OFFICES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans

Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report addressing the feasibility and impact of a reorganization of the adjudication divisions located within the regional offices of the Veterans Benefits Administration to a number of such divisions that would result in improved efficiency in the processing of claims filed by veterans, their survivors, or other eligible persons for benefits administered by the Secretary.

TITLE IV—VETERANS' CLAIMS ADJUDICATION COMMISSION

SEC. 401. ESTABLISHMENT OF COMMISSION.

(a) Establishment of Commission.—There is hereby established a commission to be known as the Veterans' Claims Adjudication Commission (hereinafter in this title referred to as the "commission").

(b) Membership.—(1) The commission shall be composed of nine members, appointed by the Secretary of Veterans Affairs as follows:

(A) One member shall be appointed from among former officials of the Department of Veterans Affairs (or the Veterans' Administration).

(B) Two members shall be appointed from among individuals in the private sector who have expertise in the adjudication of claims relating to insurance or similar benefits.

(C) Two members shall be appointed from among individuals employed in the Federal Government (other than the Department of Veterans Affairs) who have expertise in the adjudication of claims for benefits under Federal law other than under laws administered by the Secretary of Veterans Affairs.

(D) Two members shall be appointed from among individuals recommended to the Secretary by representatives of veterans service organizations.

(E) One member shall be appointed based on a recommendation of the American Bar Association or a similar private organization from among individuals who have expertise in the field of administrative law.

(F) One member shall be appointed from among current officials of the Department of Veterans Affairs.

(2) The appointment of members of the commission under this subsection shall be made not later than February 1, 1995.

(c) Period of Appointment; Vacancies.—Members of the commission shall be appointed for the life of the commission. A vacancy in the commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Initial Meeting.—The commission shall hold its first meeting not later than 30 days after the date on which all members of the commission have been appointed.

(e) Meetings.—The commission shall meet at the call of the chairman.

(f) Quorum.—A majority of the members of the commission shall constitute a quorum, but a lesser number may hold hearings.

(g) Chairman.—The Secretary shall designate a member of the commission (other than the commission member who is a current official of the Department of Veterans Affairs) to be chairman of the commission.

SEC. 402. DUTIES OF THE COMMISSION.

(a) In General.—The commission shall carry out a study of the Department of Veterans Affairs system for the disposition of claims for veterans benefits.

(b) Purpose of Study.—The purpose of the study is to evaluate the Department of Veterans Affairs system for the disposition of claims for veterans benefits in order to determine the following:

(1) The efficiency of current processes and procedures under the system for the adjudication, resolution, review, and final disposition of claims for veterans benefits, including the effect of judicial review on the system, and means of increasing the efficiency of the system.

(2) Means of reducing the number of claims under the system for which final disposition is pending.

(3) Means of enhancing the ability of the Department of Veterans Affairs to achieve final determination regarding claims under the system in a prompt and appropriate manner.

(c) Contents of Study.—The study to be carried out by the commission under this section is a comprehensive evaluation and assessment of the Department of Veterans Affairs system for the disposition of claims for veterans benefits (as defined in section 406) and of the system for the delivery of such benefits, together with any related issues that the commission determines are relevant to the study. The study shall include an evaluation and assessment of the following:

(1) The preparation and submission of claims by veterans under the system.

(2) The processes and procedures under the system for the disposition of claims, including—

(A) the scope and nature of the review undertaken with respect to a claim at each stage in the claims disposition process, including the role of hearings throughout the process;

(B) the number, Federal employment grade, and experience and qualifications required of the persons undertaking such review at each such stage;

(C) opportunities for the submittal of new evidence; and

(D) the availability of alternative means of completing claims.

(3) The effect on the system of the participation of attorneys, members of veterans service organizations, and other advocates on behalf of veterans.

(4) The effect on the system of actions taken by the Secretary to modernize the information management system of the Department, including the use of electronic data management systems.

(5) The effect on the system of any work performance standards used by the Secretary at regional offices of the Department and at the Board of Veterans' Appeals.

(6) The extent of the implementation in the system of the recommendations of the Blue Ribbon Panel on Claims Processing submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives on December 2, 1993, and the effect of such implementation on the system.

(7) The effectiveness in improving the system of any pilot programs carried out by the Secretary at regional offices of the Department and of efforts by the Secretary to implement such programs throughout the system.

(8) The effectiveness of the quality control practices and quality assurance practices under the system in achieving the goals of such practices.

(d) Cooperation of Secretary.—Upon the request of the chairman of the commission, the Secretary shall, within 30 days of such request, submit to the commission, and to the Committees on Veterans' Affairs of the Senate and House of Representatives, such information as the chairman shall determine is necessary for the commission to carry out the study required under this section.

(e) Reports.—(1) Not later than one year after the date of the enactment of this Act, the commission shall submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a preliminary report on the study required under subsection (c). The report shall contain the preliminary findings and conclusions of the commission with respect to the evaluation and assessment required under the study.

(2) Not later than 18 months after such date, the commission shall submit to the Secretary and to such committees a report on such study. The report shall include the following:

(A) The findings and conclusions of the commission, including its findings and conclusions with respect to the matters referred to in subsection (c).

(B) The recommendations of the commission for means of improving the Department of Veterans Affairs system for the disposition of claims for veterans benefits.

(C) Such other information and recommendations with respect to the system as the commission considers appropriate.

SEC. 403. POWERS OF THE COMMISSION.

(a) Hearings.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out the purposes of this title.

(b) Information From Federal Agencies.—In addition to the information referred to in section 402(d), the commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out the provisions of this title. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission.

(c) Postal Services.—The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts.—The commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 404. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the commission. All members of the commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(c) Staff.—(1) The chairman of the commission may, without regard to the civil service laws and regulations, appoint an executive director and such other personnel as may be necessary to enable the commission to perform its duties. The appointment of an executive director shall be subject to approval by the commission.

(2) The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees.—Upon request of the chairman of the commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of the department or agency to the commission to assist it in carrying out its duties.

(e) Procurement of Temporary and Intermittent Services.—The chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 405. TERMINATION OF THE COMMISSION.

The commission shall terminate 90 days after the date on which the commission submits its report under section 402(e)(2).

SEC. 406. DEFINITIONS.

For the purposes of this title:

(1) The term "Department of Veterans Affairs system for the disposition of claims for veterans benefits" means the processes and procedures of the Department of Veterans Affairs for the adjudication, resolution, review, and final disposition of claims for benefits under the laws administered by the Secretary.

(2) The term "Secretary" means the Secretary of Veterans Affairs.

(3) The term "veterans service organizations" means any organization approved by the Secretary under section 5902(a) of title 38, United States Code.

SEC. 407. FUNDING.

(a) Fiscal Year 1995.—From amounts appropriated to the Department of Veterans Affairs for fiscal year 1995 for the payment of compensation and pension, the amount of $400,000 is hereby made available for the activities of the commission under this title.

(b) Availability.—Any sums appropriated to the commission shall remain available until expended.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. RESTATEMENT OF INTENT OF CONGRESS CONCERNING COVERAGE OF RADIATION-EXPOSED VETERANS COMPENSATION ACT OF 1988.

(a) Restatement of Absence of Statutory Limitation to United States Tests.—Clause (i) of section 1112(c)(3)(B) is amended by inserting "(without regard to whether the nation conducting the test was the United States or another nation)" after "nuclear device".

(b) Proof of Service Connection of Disabilities Relating to Exposure to Ionizing Radiation.—(1) Section 1113(b) is amended—

(A) by striking out "title or" and inserting in lieu thereof "title,"; and

(B) by inserting ", or section 5 of Public Law 98–542 (38 U.S.C. 1154 note)" after "of this section".

(2) The amendments made by paragraph (1) shall apply with respect to applications for veterans benefits that are submitted to the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 502. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1999".

SEC. 503. RENOUNCEMENT OF BENEFIT RIGHTS.

Section 5306 is amended by adding at the end the following new subsection:

"(c) Notwithstanding subsection (b), if a new application for pension under chapter 15 of this title or for dependency and indemnity compensation for parents under section 1315 of this title is filed within one year after renouncement of that benefit, such application shall not be treated as an original application and benefits will be payable as if the renouncement had not occurred.".

SEC. 504. CLARIFICATION OF PAYMENT OF ATTORNEY FEES UNDER CONTINGENT FEE AGREEMENTS.

(a) Clarification.—Subparagraph (A) of section 5904(d)(2) is amended to read as follows:

"(A) A fee agreement referred to in paragraph (1) is one under which the total amount of the fee payable to the attorney—

"(i) is to be paid to the attorney by the Secretary directly from any past-due benefits awarded on the basis of the claim; and

"(ii) is contingent on whether or not the matter is resolved in a manner favorable to the claimant.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to fee agreements entered into on or after the date of the enactment of this Act.

SEC. 505. CODIFICATION OF HERBICIDE-EXPOSURE PRESUMPTIONS ESTABLISHED ADMINISTRATIVELY.

Section 1116(a)(2) is amended by adding at the end the following new subparagraphs:

"(D) Hodgkin's disease becoming manifest to a degree of disability of 10 percent or more.

"(E) Porphyria cutanea tarda becoming manifest to a degree of disability of 10 percent or more within a year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(F) Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea) becoming manifest to a degree of 10 percent or more within 30 years after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(G) Multiple myeloma becoming manifest to a degree of disability of 10 percent or more.".

SEC. 506. TREATMENT OF CERTAIN INCOME OF ALASKA NATIVES FOR PURPOSES OF NEEDS-BASED BENEFITS.

Any receipt by an individual from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of cash, stock, land, or other interests referred to in subparagraphs (A) through (E) of section 29(c) of that Act (43 U.S.C. 1626(c)) (whether such receipt is attributable to the disposition of real property, profits from the operation of real property, or otherwise) shall not be countable as income for purposes of any law administered by the Secretary of Veterans Affairs.

SEC. 507. ELIMINATION OF REQUIREMENT FOR PAYMENT OF CERTAIN BENEFITS IN PHILIPPINE PESOS.

(a) General Rule.—The second sentence of each of subsections (a) and (b) of section 107 is amended—

(1) by striking out "rate in pesos as is equivalent to" and inserting in lieu thereof "rate of"; and

(2) by striking out "rate in Philippine pesos as is equivalent to" and inserting in lieu thereof "rate of".

(b) Survivors' and Dependents' Educational Assistance.—Sections 3532(d) and 3565(b)(1) are amended by striking out "a rate in Philippine pesos equivalent to" and inserting in lieu thereof "the rate of".

(c) Effective Date.—The amendments made by this section shall apply with respect to payments made after December 31, 1994.

SEC. 508. STUDY OF HEALTH CONSEQUENCES FOR FAMILY MEMBERS OF ATOMIC VETERANS OF EXPOSURE OF ATOMIC VETERANS TO IONIZING RADIATION.

(a) Interagency Agreement.—The Secretary of Veterans Affairs shall enter into an agreement with the Medical Follow-Up Agency of the Institute of the Medicine of the National Academy of Sciences under which that agency shall convene a panel of appropriate individuals to carry out the evaluation described in subsection (b).

(b) Evaluation of Feasibility of Study.—(1) The panel convened under subsection (a) shall evaluate the feasibility of carrying out a study as described in subsection (c).

(2) The panel shall submit the results of the evaluation under paragraph (1) to the Secretary not later than 180 days after the date of the enactment of this Act. The Secretary shall promptly notify the Committees on Veterans' Affairs of the Senate and the House of Representatives of such results.

(c) Description of Study To Be Evaluated.—The study referred to in subsection (b) (the feasibility of which is to be evaluated under that subsection by the panel convened under subsection (a)) is one which would determine the nature and extent, if any, of the relationship between the exposure of veterans described in subsection (d) to ionizing radiation and the following:

(1) Genetic defects and illnesses in the children and grandchildren of such veterans.

(2) Untoward pregnancy outcomes experienced by the wives of such veterans, including premature births, stillbirths, miscarriages, neonatal illnesses and deaths.

(3) Periparturient diseases of the mother which are the direct result of such untoward pregnancy outcomes.

(d) Covered Veterans.—Subsection (c) applies to—

(1) any veteran who was exposed (as determined by the Secretary) to ionizing radiation as a result of—

(A) participation while on active duty in the Armed Forces in an atmospheric nuclear test that included the detonation of a nuclear device;

(B) service in the Armed Forces with the United States occupation force of Hiroshima or Nagasaki, Japan, before July 1, 1946; or

(C) internment or detention as a prisoner of war of Japan before that date in circumstances providing the opportunity for exposure to ionizing radiation comparable to the exposure of individuals who served with such occupation force before that date; and

(2) any other veteran who the Secretary designates for coverage under the study.

SEC. 509. CENTER FOR MINORITY VETERANS AND CENTER FOR WOMEN VETERANS.

(a) In General.—Chapter 3 is amended by striking out section 317 and inserting in lieu thereof the following new sections:

"§317. Center for Minority Veterans

"(a) There is in the Department a Center for Minority Veterans. There is at the head of the Center a Director.

"(b) The Director shall be a noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

"(d) The Director shall perform the following functions with respect to veterans who are minorities:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are minorities.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are minorities are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are minorities and the conduct of outreach activities to veterans who are minorities, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are minorities.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are minorities and the extent to which *programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.*

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are minorities about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are minorities.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are minorities.

"(9) Publicize the results of medical research which are of particular significance to veterans who are minorities.

"(10) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Center;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.

"§318. Center for Women Veterans

"(a) There is in the Department a Center for Women Veterans. There is at the head of the Center a Director.

"(b) The Director shall be a noncareer appointee in the Senior Executive Service. The Director shall be appointed for a term of six years.

"(c) The Director reports directly to the Secretary or the Deputy Secretary concerning the activities of the Center.

"(d) The Director shall perform the following functions with respect to veterans who are women:

"(1) Serve as principal adviser to the Secretary on the adoption and implementation of policies and programs affecting veterans who are women.

"(2) Make recommendations to the Secretary, the Under Secretary for Health, the Under Secretary for Benefits, and other Department officials for the establishment or improvement of programs in the Department for which veterans who are women are eligible.

"(3) Promote the use of benefits authorized by this title by veterans who are women and the conduct of outreach activities to veterans who are women, in conjunction with outreach activities carried out under chapter 77 of this title.

"(4) Disseminate information and serve as a resource center for the exchange of information regarding innovative and successful programs which improve the services available to veterans who are women.

"(5) Conduct and sponsor appropriate social and demographic research on the needs of veterans who are women and the extent to which programs authorized under this title meet the needs of those veterans, without regard to any law concerning the collection of information from the public.

"(6) Analyze and evaluate complaints made by or on behalf of veterans who are women about the adequacy and timeliness of services provided by the Department and advise the appropriate official of the Department of the results of such analysis or evaluation.

"(7) Consult with, and provide assistance and information to, officials responsible for administering Federal, State, local, and private programs that assist veterans, to encourage those officials to adopt policies which promote the use of those programs by veterans who are women.

"(8) Advise the Secretary when laws or policies have the effect of discouraging the use of benefits by veterans who are women.

"(9) Publicize the results of medical research which are of particular significance to veterans who are women.

"(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (relating to the inclusion of women and minorities in clinical research) and of particular health conditions affecting womens' health which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are women.

"(11) Provide support and administrative services to the Advisory Committee on Women Veterans established under section 542 of this title.

"(12) Perform such other duties consistent with this section as the Secretary shall prescribe.

"(e) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Center in a timely manner.

"(f) The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Center;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Center to comply with its statutory and regulatory duties; and

"(3) a report on the activities and significant accomplishments of the Center during the preceding fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 317 and inserting in lieu thereof the following new items:

"317. Center for Minority Veterans.
"318. Center for Women Veterans.".

SEC. 510. ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) ESTABLISHMENT.—Subchapter III of chapter 5 is amended by adding at the end the following new section:

"§544. Advisory Committee on Minority Veterans

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Veterans (hereinafter in this section referred to as 'the Committee').

"(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

"(i) representatives of veterans who are minority group members;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans who are minority group members;

"(iii) veterans who are minority group members and who have experience in a military theater of operations; and

"(iv) veterans who are minority group members and who do not have such experience.

"(B) The Committee shall include, as ex officio members, the following:

"(i) The Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment).

"(ii) The Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense).

"(iii) The Secretary of the Interior (or a representative of the Secretary of the Interior designated by the Secretary of the Interior).

"(iv) The Secretary of Commerce (or a representative of the Secretary of Commerce designated by the Secretary of Commerce).

"(v) The Secretary of Health and Human Services (or a representative of the Secretary of Health and Human Services designated by the Secretary of Health and Human Services).

"(vi) The Under Secretary for Health and the Under Secretary for Benefits, or their designees.

"(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

"(4) The Committee shall meet as often as the Secretary considers necessary or appropriate, but not less often than twice each fiscal year.

"(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for veterans who are minority group members, reports and studies pertaining to such veterans and the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department.

"(c)(1) Not later than July 1 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are minority group members. Each such report shall include—

"(A) an assessment of the needs of veterans who are minority group members with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

"(d) In this section, the term 'minority group member' means an individual who is—

"(1) Asian American;

"(2) Black;

"(3) Hispanic;

"(4) Native American (including American Indian, Alaskan Native, and Native Hawaiian); or

"(5) Pacific-Islander American.

"(e) The Committee shall cease to exist December 31, 1997.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 543 the following new item:

"544. Advisory Committee on Minority Veterans.".

SEC. 511. MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—Section 7266(a) is amended to read as follows:

"(a)(1) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans' Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e) of this title.

"(2) An appellant shall file a notice of appeal under this section by delivering or mailing the notice to the Court.

"(3) A notice of appeal shall be deemed to be received by the Court as follows:

"(A) On the date of receipt by the Court, if the notice is delivered.

"(B) On the date of the United States Post Service postmark stamped on the cover in which the notice is posted, if the notice is properly addressed to the Court and is mailed.

"(4) For a notice of appeal mailed to the Court to be deemed to be received under paragraph (3)(B) on a particular date, the United States Postal Service postmark on the cover in which the notice is posted must be legible. The Court shall determine the legibility of any such postmark and the Court's determination as to legibility shall be final and not subject to review by any other Court.".

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to notices of appeal that are delivered or mailed to the United States Court of Veterans Appeals on or after that date.

TITLE VI—EDUCATION AND TRAINING PROGRAMS

SEC. 601. FLIGHT TRAINING.

(a) ACTIVE DUTY PROGRAM.—Section 3034(d) is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(d)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(b) POST-VIETNAM ERA.—Section 3241(b) is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(b)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(c) RESERVE PROGRAM.—Section 2136(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)" after "(c)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1994.

SEC. 602. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) REHABILITATION RESOURCES.—Section 3115 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out "or" after "(including the Department of Veterans Affairs),"; and

(ii) by inserting "or of any federally recognized Indian tribe," after "financial assistance,"; and

(B) in paragraph (4), by inserting "any federally recognized Indian tribe," after "contributions,"; and

(2) by adding at the end the following:

"(c) For purposes of this section, the term 'federally recognized Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

(b) ALLOWANCES.—Section 3108(c)(2) is amended by inserting "or federally recognized Indian tribe" after "local government agency".

(c) TECHNICAL CORRECTION.—(1) Section 404(b) of the Veterans' Benefits Act of 1992 (106 Stat. 4338) is amended by striking out the period at the end and inserting in lieu thereof ", but shall not apply to veterans and other persons who originally applied for assistance under chapter 31 of title 38, United States Code, before November 1, 1990.".

(2) The amendment made by paragraph (1) shall take effect as of October 29, 1992.

SEC. 603. ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

(a) IN GENERAL.—Section 3452(c) is amended by adding at the end the following: "For the period ending on September 30, 1996, such term includes any entity that provides training required for completion of any State-approved alternative teacher certification program (as determined by the Secretary).".

(b) CLARIFYING AMENDMENT.—Section 3002 is amended by adding at the end the following new paragraph:

"(8) The term 'educational institution' has the meaning given such term in section 3452(c) of this title.".

SEC. 604. EDUCATION OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The first sentence of section 3476 is amended to read as follows: "An eligible veteran may not enroll in any course offered by an educational institution not located in a State unless that educational institution is an approved institution of higher learning and the course is approved by the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to courses approved on or after the date of the enactment of this Act.

SEC. 605. CORRESPONDENCE COURSES.

(a) APPROVAL OF PROGRAMS OF EDUCATION.—(1) Section 3672 is amended by adding at the end the following new subsection:

"(e) A program of education exclusively by correspondence, and the correspondence portion of a combination correspondence-residence course leading to a vocational objective, that is offered by an educational institution (as defined in section 3452(c) of this title) may be approved only if (1) the educational institution is accredited by an entity recognized by the Secretary of Education, and (2) at least 50 percent of those pursuing such a program or course require six months or more to complete the program or course.".

(2)(A) Section 3675(a)(2)(B) is amended by striking out "A State" and inserting in lieu thereof "Except as provided in section 3672(e) of this title, a State".

(B) Section 3680(a) is amended—

(i) by inserting "or" at the end of paragraph (2);

(ii) by striking out "; or" at the end of paragraph (3) and inserting in lieu thereof a period; and

(iii) by striking out paragraph (4).

(C) Section 3686(c) is amended by striking out "(other than one subject to the provisions of section 3676 of this title)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after the date of the enactment of this Act.

SEC. 606. STATE APPROVING AGENCIES.

(a) REIMBURSEMENT.—(1) Section 3674(a)(4) is amended by striking out "$12,000,000" each place it appears and inserting in lieu thereof "$13,000,000".

(2) The amendments made by subsection (a) shall apply with respect to services provided under such section after September 30, 1994.

(b) ELIMINATION OF REQUIREMENT FOR QUARTERLY REPORT TO CONGRESS.—Section 3674(a)(3) is amended—

(1) by striking out subparagraph (B); and

(2) by striking out "(A)" after "(3)".

(c) EVALUATION OF AGENCY PERFORMANCE.—Section 3674A is amended—

(1) in subsection (a)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(2) in subsection (b)—

(A) by striking out "subsection (a)(5) of this section" both places it appears and inserting in lieu thereof "subsection (a)(4)"; and

(B) by inserting "of this title" after "section 3674(a)" both places it appears.

SEC. 607. MEASUREMENT OF COURSES.

Section 3688(b) is amended—

(1) by striking out "this chapter or" and inserting in lieu thereof "this chapter,"; and

(2) by inserting before the period at the end thereof the following: ", or chapter 106 of title 10".

SEC. 608. VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692 is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "34,"; and

(B) by inserting "and chapter 106 of title 10" before the period at the end;

(2) in the first sentence of subsection (b), by striking out "this chapter" and all that follows through "of this title" and inserting in lieu thereof "this chapter, chapter 30, 32, and 35 of this title, and chapter 106 of title 10"; and

(3) in subsection (c), by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 2003".

SEC. 609. CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING.

(a) PAYMENT LIMITATION.—Section 3697(b) is amended by striking out "$5,000,000" and inserting in lieu thereof "$6,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 610. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING ACT OF 1992.

(a) PERIOD OF TRAINING.—(1) Section 4485(d) of the Service Members Occupational Conversion and Training Act of 1992 (106 Stat. 2759; 10 U.S.C. 1143 note) is amended by striking out "or more than 18 months".

(2)(A) Section 4486(d)(2) of such Act (102 Stat. 2760; 10 U.S.C. 1143 note) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "in the community for the entire period of training of the eligible person.".

(B) The amendment made by subparagraph (A) shall apply with respect to programs of training under the Service Members Occupational Conversion and Training Act of 1992 beginning after the date of the enactment of this Act.

(b) PAYMENTS.—Section 4487 of such Act (106 Stat. 2762; 10 U.S.C. 1143 note) is amended—

(1) in subsection (a)(1)—

(A) by striking out "subparagraph (B)" in subparagraph (A) and inserting in lieu thereof "subparagraphs (B) and (C)";

(B) by inserting before the period at the end of subparagraph (A) the following: "but in no event to exceed hours equivalent to 18 months of training"; and

(C) by adding at the end the following new subparagraph:

"(C) Assistance may be paid under this subtitle on behalf of an eligible person to that person's employer for training under two or more programs of job training under this subtitle if such employer has not received (or is not due) on that person's behalf assistance in an amount aggregating the applicable amount set forth in subparagraph (B)."; and

(2) in subsection (b)(3), by inserting before the period at the end thereof ", or upon the completion of the 18th month of training under the last training program approved for the person's pursuit with that employer under this subtitle, whichever is earlier".

(c) ENTRY INTO PROGRAM OF JOB TRAINING.—Section 4488(a) of such Act (106 Stat. 2764; 10 U.S.C. 1143 note) is amended by striking out the third sentence thereof and inserting in lieu thereof "The eligible person may begin such program of job training with the employer on the day that notice is transmitted to such official by means prescribed by such official. However, assistance under this subtitle may not be provided to the employer if such official, within two weeks after the date on which such notice is transmitted, disapproves the eligible person's entry into that program of job training in accordance with this section.".

TITLE VII—EMPLOYMENT PROGRAMS

SEC. 701. JOB COUNSELING, TRAINING, AND PLACEMENT.

(a) DEPUTY ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 4102A(a) is amended—

(1) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively;

(2) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following:

"(2) There shall be within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment and Training. The Deputy Assistant Secretary shall perform such functions as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes. The Deputy Assistant Secretary shall be a veteran.".

(b) DVOP SPECIALISTS COMPENSATION RATES.—Section 4103A(a)(1) is amended by striking out "a rate not less than the rate prescribed for an entry level professional" and inserting in lieu thereof "rates comparable to those paid other professionals performing essentially similar duties".

(c) SPECIAL UNEMPLOYMENT STUDY.—Subsection (a) of section 4110A is amended to read as follows:

"(a)(1) The Secretary, through the Bureau of Labor Statistics, shall conduct a study every two years of unemployment among each of the following categories of veterans:

"(A) Special disabled veterans.

"(B) Veterans of the Vietnam era who served in the Vietnam theater of operations during the Vietnam era.

"(C) Veterans who served on active duty during the Vietnam era who did not serve in the Vietnam theater of operations.

"(D) Veterans who served on active duty after the Vietnam era.

"(E) Veterans discharged or released from active duty within four years of the applicable study.

"(2) Within each of the categories of veterans specified in paragraph (1), the Secretary shall include a separate category for women who are veterans.

"(3) The Secretary shall promptly submit to Congress a report on the results of each study under paragraph (1).".

SEC. 702. EMPLOYMENT AND TRAINING OF VETERANS.

(a) FEDERAL CONTRACTS.—Section 4212(a) is amended by striking out "all of its suitable employment openings," in clause (1) of the third sentence and inserting in lieu thereof "all of its employment openings except that the contractor may exclude openings for executive and top management positions, positions which are to be filled from within the contractor's organization, and positions lasting three days or less,".

(b) ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER FEDERAL EMPLOYMENT AND TRAINING PROGRAMS.—Section 4213 is amended—

(1) by striking out "chapters 11, 13, 31, 34, 35, and 36 of this title by an eligible veteran and" and inserting in lieu thereof "chapters 11, 13, 30, 31, 35, and 36 of this title by an eligible veteran,";

(2) by inserting "and any amounts received by an eligible person under chapter 106 of title 10," after "chapters 13 and 35 of such title, and"; and

(3) by striking out "the needs or qualifications of participants in" and inserting in lieu thereof "eligibility under".

SEC. 703. CONFORMING AMENDMENTS TO ERISA RELATING TO THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994.

(a) PERIOD OF CONTINUATION COVERAGE.—Section 602(2)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)) is amended by adding at the end the following new clause:

"(vi) SPECIAL RULE FOR ABSENCE FROM EMPLOYMENT BY REASON OF SERVICE IN THE UNIFORMED SERVICES.—In the case of a qualifying event described in section 603(2), resulting in an absence from employment by reason of service in the uniformed services to which section 4317 of title 38, United States Code, applies, if the covered employee makes an election under such section 4317, the date which is the earlier of—

"(I) 18 months after the date of the qualifying event, or

"(II) the day after the date on which the covered employee fails to apply for or return to a position of employment, as determined under section 4312(e) of such title 38.".

(b) PREMIUM REQUIREMENTS.—Section 602(3) of such Act (29 U.S.C. 1162(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "The plan may require" and inserting the following:

"(A) IN GENERAL.—The plan may require";

(3) by adjusting the left-hand margination of subparagraph (A) and clauses (i) and (ii) thereof (as redesignated by paragraphs (1) and (2)) accordingly;

(4) in the last sentence of subparagraph (A) (as redesignated), by striking "subparagraph (A) of this paragraph" and inserting "clause (i) of this subparagraph"; and

(5) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR ABSENCE FROM EMPLOYMENT BY REASON OF SERVICE IN THE UNIFORMED SERVICES.—

"(i) LIMITATION ON EMPLOYEE PREMIUM.—In the case of a qualifying event described in section 603(2), resulting in an absence from employment by reason of service in the uniformed services to which section 4317 of title 38, United States Code, applies, if the covered employee makes an election under such section 4317 and the covered employee performed such service for less than 31 days, the portion of the premium which the covered employee is required to pay may not exceed the portion (if any) of the premium which the covered employee would have been required to pay but for the qualifying event.

"(ii) TREATMENT OF MULTIEMPLOYER PLANS.—In the case of a group health plan that is a multiemployer plan, any liability under the plan for the portion of the premium payable by the employer shall be allocated by the plan in such manner as the plan sponsor shall provide, except that, if the plan sponsor does not so provide, such liability shall be allocated by the plan—

"(I) to the last employer employing the covered employee before the period served by the covered employee in the uniformed services, or

"(II) if such last employer is no longer functional, to the plan.".

(c) ENFORCEMENT OF CONTINUATION COVERAGE REQUIREMENTS.—Section 607 of such Act (29 U.S.C. 1167) is amended by adding at the end the following new paragraph:

"(6) ENFORCEMENT OF PROVISIONS RELATING TO ABSENCE FROM EMPLOYMENT BY REASON OF SERVICE IN THE UNIFORMED SERVICES.—For purposes of part 5, the provisions of section 4317 of title 38, United States Code (as in effect on the effective date of this paragraph) shall be treated as provisions of this title to the extent such provisions relate to group health plans covered under this title. The remedies provided pursuant to this paragraph shall be in addition to remedies otherwise available under such title 38. An action or proceeding commenced under part 5 shall not preclude further recourse to remedies otherwise available under such title 38. The Secretary shall ensure that covered employees and other qualified beneficiaries commencing actions or proceedings under part 5 are informed of remedies also available under such title 38.".

(d) ENFORCEMENT OF RULES RELATING TO PENSION PLAN COVERAGE.—Section 204 of such Act (29 U.S.C. 1054) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

"(i) ENFORCEMENT OF PROVISIONS RELATING TO ABSENCE FROM EMPLOYMENT BY REASON OF SERVICE IN THE UNIFORMED SERVICES.—For purposes of part 5, the provisions of section 4318 of title 38, United States Code (as in effect on the effective date of this subsection) shall be treated as provisions of this title to the extent such provisions relate to pension plans covered under this title. The remedies provided pursuant to this subsection shall be in addition to remedies otherwise available under such title 38. An action or proceeding commenced under part 5 shall not preclude further recourse to remedies otherwise available under such title 38. The Secretary shall ensure that participants and beneficiaries commencing actions or proceedings under part 5 are informed of remedies also available under such title 38.".

(e) EFFECTIVE DATE AND TRANSITION RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994.

(2) TRANSITION RULES.—Section 8 of the Uniformed Services Employment and Reemployment Rights Act of 1994 shall apply with respect to the amendments made by this section in the same manner and to the same extent as such section applies with respect to sections 4317 and 4318 of title 38, United States Code (as amended by such Act).

TITLE VIII—CEMETERIES AND MEMORIAL AFFAIRS

SEC. 801. ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES OF SPOUSES WHO PREDECEASE VETERANS.

Section 2402(5) is amended by inserting "spouse," after "The".

SEC. 802. RESTORATION OF BURIAL ELIGIBILITY FOR UNREMARRIED SPOUSES.

Section 2402(5), as amended by section 801, is further amended by inserting after "surviving spouse" the following: "(which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)".

SEC. 803. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR STATE CEMETERY GRANT PROGRAM.

Paragraph (2) of section 2408(a) is amended by striking out "nine" and inserting in lieu thereof "fourteen".

SEC. 804. AUTHORITY TO USE FLAT GRAVE MARKERS AT THE WILLAMETTE NATIONAL CEMETERY, OREGON.

Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary of Veterans Affairs may provide for flat grave markers at the Willamette National Cemetery, Oregon.

TITLE IX—HOUSING PROGRAMS

SEC. 901. ELIGIBILITY.

(a) RESERVISTS DISCHARGED BECAUSE OF A SERVICE-CONNECTED DISABILITY.—Section 3701(b)(5)(A) is amended—

(1) by inserting "(i)" before "who has"; and

(2) by striking out the period at the end and inserting in lieu thereof ", or (ii) who was discharged or released from the Selected Reserve before completing 6 years of service because of a service-connected disability.".

(b) SURVIVING SPOUSES OF RESERVISTS WHO DIED WHILE IN ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The second sentence of section 3701(b)(2) is amended—

(1) by inserting "or service in the Selected Reserve" after "duty" each place it appears; and

(2) by striking out "spouse shall" and inserting in lieu thereof "deceased spouse shall".

SEC. 902. REVISION IN COMPUTATION OF AGGREGATE GUARANTY.

Section 3702(b) is amended—

(1) in the matter preceding paragraph (1), by striking out "loan, if—" and inserting in lieu thereof "loan under the following circumstances:";

(2) in paragraph (1)—

(A) by striking out "the property" at the beginning of subparagraph (A) and inserting in lieu thereof "The property";

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out "a veteran-transferee" at the beginning and inserting in lieu thereof "A veteran-transferee";

(B) by striking out "; or" at the end and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out "the loan" at the beginning of subparagraph (A) and inserting in lieu thereof "The loan";

(5) by inserting after paragraph (3) the following new paragraph:

"(4) In a case not covered by paragraph (1) or (2)—

"(A) the loan has been repaid in full and, if the Secretary has suffered a loss on the loan, the loss has been paid in full; or

"(B) the Secretary has been released from liability as to the loan and, if the Secretary has suffered a loss on the loan, the loss has been paid in full.";

(6) in the last sentence, by striking out "clause (1) of the preceding sentence" and inserting in lieu thereof "paragraph (1)"; and

(7) by adding at the end the following new sentence: "The authority of the Secretary under this subsection to exclude an amount of guaranty or insurance housing loan entitlement previously used by a veteran may be exercised only once for that veteran under the authority of paragraph (4).".

SEC. 903. PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS.

Section 3704 is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 904. AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.

(a) LOANS.—Section 3710(a) is amended by inserting after paragraph (10) the following new paragraph:

"(11) To refinance in accordance with subsection (e) an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d).".

(b) AMOUNT OF GUARANTY.—Section 3710(e)(1) is amended—

(1) in the matter preceding subparagraph (A), by inserting "or for the purpose specified in subsection (a)(11)" after "subsection (a)(8)"; and

(2) in subparagraph (C), by striking out "may not exceed" and all that follows in such subparagraph and inserting in lieu thereof "may not exceed—

"(i) an amount equal to the sum of the balance of the loan being refinanced and such closing costs (including any discount permitted pursuant to section 3703(c)(3)(A) of this title) as may be authorized by the Secretary (under regulations which the Secretary shall prescribe) to be included in the loan; or

"(ii) in the case of a loan for the purpose specified in subsection (a)(11), an amount equal to the sum of the amount referred to with respect to the loan under clause (i) and the amount specified under subsection (d)(2);".

(c) FEE.—Section 3729(a)(2)(E) is amended by inserting "3710(a)(11)," after "3710(a)(9)(B)(i),".

SEC. 905. AUTHORITY TO GUARANTEE LOANS TO REFINANCE ADJUSTABLE RATE MORTGAGES TO FIXED RATE MORTGAGES.

Section 3710(e)(1)(A) is amended by inserting before the semicolon at the end the following: "or, in a case in which the loan is a fixed rate loan and the loan being refinanced is an adjustable rate loan, the loan bears interest at a rate that is agreed upon by the veteran and the mortgagee".

SEC. 906. MANUFACTURED HOME LOAN INSPECTIONS.

(a) CERTIFICATION OF CONFORMITY WITH STANDARDS.—Paragraph (2) of subsection (h) of section 3712 is amended to read as follows:

"(2) Any manufactured housing unit properly displaying a certification of conformity to all applicable Federal manufactured home construction and safety standards pursuant to section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415) shall be deemed to meet the standards required by paragraph (1).".

(b) REPEAL OF INSPECTION REQUIREMENTS.—Subsection (j) of such section is amended by striking out "in the case of" the first place it appears and all that follows and inserting in lieu thereof "in the case of—

"(1) manufactured homes constructed by a manufacturer who fails or is unable to discharge the manufacturer's obligations under the warranty;

"(2) manufactured homes which are determined by the Secretary not to conform to the standards provided for in subsection (h); or

"(3) a manufacturer of manufactured homes who has engaged in procedures or practices determined by the Secretary to be unfair or prejudicial to veterans or the Government.".

(c) ELIMINATION OF REPORTING REQUIREMENT.—Subsection (l) of such section is amended—

(1) by striking out "the results of inspections required by subsection (h) of this section,"; and

(2) by striking out "of this section,".

SEC. 907. PROCEDURES ON DEFAULT.

(a) IN GENERAL.—Paragraph (7) of section 3732(c) is amended—

(1) in the matter preceding subparagraph (A), by striking out "that was the minimum amount for which, under applicable State law, the property was permitted to be sold at the liquidation sale";

(2) in subparagraph (A)—

(A) by striking out "the Secretary may accept conveyance of the property to the United States for a price not exceeding" and inserting in lieu thereof "(i) the amount was the minimum amount for which, under applicable State law, the property was permitted to be sold at the liquidation sale, the holder shall have the option to convey the property to the United States in return for payment by the Secretary of an amount equal to"; and

(B) by striking out "and" after "loan;" and inserting in lieu thereof "or";

(C) by adding at the end the following:

"(ii) there was no minimum amount for which the property had to be sold at the liquidation sale under applicable State law, the holder shall have the option to convey the property to the United States in return for payment by the Secretary of an amount equal to the lesser of such net value or total indebtedness; and"; and

(3) in subparagraph (B), by striking out "paragraph (6)(B)" and inserting in lieu thereof "paragraph (6)".

(b) CONFORMING AMENDMENT.—Paragraph (6) of such section is amended—

(1) by striking out "either";

(2) by striking out "sale or acquires" and all that follows through "(B) the" and inserting in lieu thereof "sale, the"; and

(3) by redesignating clauses (i) and (ii) as clauses (A) and (B), respectively.

SEC. 908. MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT.

Subparagraph (F) of section 5303A(b)(3) is amended by inserting "or chapter 37" after "chapter 30" in the matter preceding clause (i).

TITLE X—HOMELESS VETERANS PROGRAMS

SEC. 1001. REPORTS ON ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO ASSIST HOMELESS VETERANS.

(a) ANNUAL REPORT.—(1) Not later than April 15 of each year, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the activities of the Department of Veterans Affairs during the year preceding the report under programs of the Department for the provision of assistance to homeless veterans.

(2) The report shall—

(A) set forth the number of homeless veterans provided assistance under those programs;

(B) describe the cost to the Department of providing such assistance under those programs; and

(C) provide any other information on those programs and on the provision of such assistance that the Secretary considers appropriate.

(b) BI-ANNUAL REQUIREMENT.—The Secretary shall include in the report submitted under subsection (a)(1) in 1995, and every two years thereafter, an evaluation of the effectiveness of the programs of the Department in providing assistance to homeless veterans.

(c) CONFORMING REPEAL.—Section 10 of Public Law 102–590 (106 Stat. 5141; 37 U.S.C. 7721 note) is repealed.

SEC. 1002. REPORT ON ASSESSMENT AND PLANS FOR RESPONSE TO NEEDS OF HOMELESS VETERANS.

(a) UPDATE OF ASSESSMENT.—Subsection (b) of section 107 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102–405; 106 Stat. 1977; 38 U.S.C. 527 note) is amended by adding at the end the following new paragraph:

"(6) The Secretary shall require that the directors referred to in paragraph (1) update the assessment required under that paragraph during each of 1995, 1996, and 1997.".

(b) REPORTS ON ASSESSMENTS AND PLAN.—Subsection (i) of such section (106 Stat. 1978) is amended—

(1) by striking out "REPORT.—" and inserting in lieu thereof "REPORTS.—(1)"; and

(2) by adding at the end the following:

"(2) Not later than December 31, 1994, the Secretary shall submit to such committees a report that—

"(A) describes the results of the assessment carried out under subsection (b);

"(B) sets forth the lists developed under paragraph (1) of subsection (c); and

"(C) describes the progress, if any, made by the directors of the medical centers and the directors of the benefits offices referred to in such subsection (c) in developing the plan referred to in paragraph (2) of such subsection (c).

"(3) Not later than December 31 of each of 1995, 1996, and 1997, the Secretary shall submit to such committees a report that describes the update to the assessment that is carried out under subsection (b)(6) in the year preceding the report.".

SEC. 1003. INCREASE IN NUMBER OF DEMONSTRATION PROGRAMS UNDER HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.

Section 2(b) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended in the first sentence by striking out "four" and inserting in lieu thereof "eight".

SEC. 1004. REMOVAL OF FUNDING REQUIREMENT OF HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.

Section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking out the second sentence.

SEC. 1005. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) of the funds appropriated for any fiscal year to support Federal programs which are designed to assist homeless individuals, a share more closely approximating the proportion of the population of homeless individuals who are veterans should be appropriated to the Secretary of Veterans Affairs for programs to assist homeless veterans that are administered by that Secretary;

(2) of the Federal grants made available to assist community organizations that assist homeless individuals, a share of such grants more closely approximating the proportion of the population of homeless individuals who are veterans should be provided to community organizations that provide assistance primarily to homeless veterans; and

(3) the Secretary of Veterans Affairs should take such actions as are necessary to ensure that Federal agencies that provide assistance, either directly or indirectly, to homeless individuals, including homeless veterans, are aware of and encouraged to make appropriate referrals to facilities of the Department of Veterans Affairs for benefits and services, such as health care, substance abuse treatment, counseling, and income assistance.

TITLE XI—REDUCTIONS IN DEPARTMENT OF VETERANS AFFAIRS PERSONNEL

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) Under proposals for national health care reform, the Department of Veterans Affairs will be required to provide health care services to veterans on a competitive basis with other health care providers.

(2) The elimination of positions from the Department that the Office of Management and Budget has scheduled to occur in fiscal years 1995 through 1999 would prevent the Department from meeting the responsibilities of the Department to provide health care to veterans under law and from maintaining the quality of health care that is currently provided to veterans.

SEC. 1102. REQUIREMENT FOR MINIMUM NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

(a) IN GENERAL.—Chapter 7 is amended by adding at the end the following new section:

"§712. Full-time equivalent positions: limitation on reduction

"(a) Notwithstanding any other provision of law, the number of full-time equivalent positions in the Department of Veterans Affairs during the period beginning on the date of the enactment of this section and ending on September 30, 1999, may not (except as provided in subsection (c)) be less than 224,377.

"(b) In determining the number of full-time equivalent positions in the Department of Veterans Affairs during a fiscal year for purposes of ensuring under section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 108 Stat. 115; 5 U.S.C. 3101 note) that the total number of full-time equivalent positions in all agencies of the Federal Government during a fiscal year covered by that section does not exceed the limit prescribed for that fiscal year under that section, the total number of full-time equivalent positions in the Department of Veterans Affairs during that fiscal year shall be the number equal to—

"(1) the number of such positions in the Department during that fiscal year, reduced by

"(2) the sum of—

"(A) the number of such positions in the Department during that fiscal year that are filled by employees whose salaries and benefits are paid primarily from funds other than appropriated funds; and

"(B) the number of such positions held during that fiscal year by persons involved in medical care cost recovery activities under section 1729 of this title.

"(c) The Secretary shall not be required to make a reduction in the number of full-time equivalent positions in the Department unless such reduction—

"(1) is necessary due to a reduction in funds available to the Department; or

"(2) is required under a law that is enacted after the date of the enactment of this section and that refers specifically to this section.

"(d) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report, through the year 2000, on the number and type of full-time equivalent positions in the Department that are reduced under this section. The report shall include a justification for the reductions and shall be submitted with the materials provided in support of the budget for the Department contained in the President's budget submitted to Congress for a fiscal year pursuant to section 1105 of title 31.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"712. Full-time equivalent positions: limitation on reduction.".

SEC. 1103. ENHANCED AUTHORITY TO CONTRACT FOR NECESSARY SERVICES.

Section 8110(c) is amended by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) Paragraphs (1) through (6) shall not be in effect during fiscal years 1995 through 1999.

"(8) During the period covered by paragraph (7), whenever an activity at a Department health-care facility is converted from performance by Federal employees to performance by employees of a contractor of the Government, the Secretary shall—

"(A) require in the contract for the performance of such activity that the contractor, in hiring employees for the performance of the contract, give priority to former employees of the Department who have been displaced by the award of the contract; and

"(B) provide to such former employees of the Department all possible assistance in obtaining other Federal employment or entrance into job training and retraining programs.

"(9) The Secretary shall include in the Secretary's annual report to Congress under section 529 of this title, for each fiscal year covered by paragraph (7), a report on the use during the year covered by the report of contracting-out authority made available by reason of paragraph (7). The Secretary shall include in each such report a description of each use of such authority, together with the rationale for the use of such authority and the effect of the use of such authority on patient care and on employees of the Department.".

SEC. 1104. STUDY.

(a) REQUIREMENT.—The Secretary of Veterans Affairs shall enter into an agreement with an appropriate non-Federal entity under which the entity shall carry out a study of the feasibility and advisability of alternative organizational structures, such as the establishment of a wholly-owned Government corporation or a Government-sponsored enterprise, for the effective provision of health care services to veterans.

(b) SUBMISSION OF REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study required under subsection (a). The report shall be submitted not later than one year after the date of the enactment of this Act.

(c) AUTHORIZATION OF FUNDS.—There is hereby authorized to be appropriated for the Department of Veterans Affairs the sum of $1,000,000 for the purposes of carrying out the study required under subsection (a).

TITLE XII—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1201. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

(a) REFERENCES TO "SECRETARY" AND "DEPARTMENT".—Title 38, United States Code, is amended as follows:

(1) Paragraph (1) of section 101 is amended to read as follows:

"(1) The terms 'Secretary' and 'Department' mean the Secretary of Veterans Affairs and the Department of Veterans Affairs, respectively.".

(2) Section 1532(c) is amended by striking out "Secretary" and inserting in lieu thereof "Veterans' Administration".

(3) Section 3745(a) is amended by striking out "Secretary" after "consult with the" and inserting in lieu thereof "Administrator".

(4) Section 4102A(e) is amended by striking out "Regional Secretary" both places it appears and inserting in lieu thereof "Regional Administrator".

(5) Section 4110(d)(9) is amended by striking out "Secretary of the Small Business Administration" and inserting in lieu thereof "Administrator of the Small Business Administration".

(b) REFERENCES TO DEPARTMENT OF MEDICINE AND SURGERY.—

(1) The following sections of title 38, United States Code, are amended by striking out "Department of Medicine and Surgery" each place it appears and inserting in lieu thereof "Veterans Health Administration": sections 3120(a), 3120(f), 3121(a)(3), 7603(a), 7603(c)(1)(B), 7604(1)(B), 7604(2)(D), 7612(c)(1)(B), 7615, 7616(b)(2), 7616(c), 7622(b)(1), 7622(c)(2)(A), 7623(b), 7635(a)(1), 7635(a)(2), and 8110(a).

(2) Section 7622(c)(2)(B) of such title is amended by striking out "such Department" and inserting in lieu thereof "the Veterans Health Administration".

(c) CONFORMING AMENDMENTS RELATING TO CONVERSION OF POSITIONS OF CHIEF MEDICAL DIRECTOR AND CHIEF BENEFITS DIRECTOR TO UNDER SECRETARY POSITIONS.—Title 38, United States Code, is amended as follows:

(1) Section 305 is amended—

(A) in subsection (a)(1), by striking out "a Under Secretary" and inserting in lieu thereof "an Under Secretary"; and

(B) in subsection (d)(2)(F), by striking out "Under Secretary" the second place it appears and all that follows through the closing parenthesis and inserting in lieu thereof "Chief Medical Director of the Veterans' Administration)".

(2) Section 306 is amended—

(A) in subsection (a), by striking out "a Under Secretary" and inserting in lieu thereof "an Under Secretary"; and

(B) in subsection (d)(2)(F), by striking out "Under Secretary" the second place it appears and all that follows through the closing parenthesis and inserting in lieu thereof "Chief Benefits Director of the Veterans' Administration)".

(3) Section 7306 is amended—

(A) in subsection (a)—

(i) in paragraph (3), by striking out "Assistant Chief Medical Directors" and inserting in lieu thereof "Assistant Under Secretaries for Health";

(ii) by redesignating the last three paragraphs as paragraphs (8), (7), and (9) respectively;

(iii) by reversing the order in which the penultimate and antepenultimate paragraphs appear; and

(iv) in paragraph (8), as so redesignated, by striking out "Chief Medical Director" and inserting in lieu thereof "Under Secretary for Health";

(B) in subsection (b), by striking out "Assistant Chief Medical Directors" in the matter preceding paragraph (1) and inserting in lieu thereof "Assistant Under Secretaries for Health"; and

(C) in subsection (c), by striking out "and (7)" and inserting in lieu thereof "and (8)".

(4) Section 7314(d) is amended—

(A) in paragraph (1)—

(i) by striking out "the Chief Medical Director and the Secretary to carry out" and inserting in lieu thereof "the Secretary and the Under Secretary for Health in carrying out"; and

(ii) by striking out "the Assistant Chief Medical Director described in section 7306(b)(3)" and inserting in lieu thereof "the Assistant Under Secretary for Health described in section 7306(b)(3)"; and

(B) in paragraph (3), by striking out "Assistant Chief Medical Director" both places it appears and inserting in lieu thereof "Assistant Under Secretary".

(5) Section 7318 is amended by striking out "Chief Medical Director" each place it appears and inserting in lieu thereof "Under Secretary for Health".

(6) Section 7440(1) is amended by striking out "Chief Medical Director's" and inserting in lieu thereof "Under Secretary for Health's".

(7) Section 7451(g)(1) is amended by striking out "Chief Medical Director's" and inserting in lieu thereof "Under Secretary for Health's".

(d) CROSS REFERENCE AMENDMENTS TO PROVISIONS OF TITLE 38.—Title 38, United States Code, is amended as follows:

(1) Section 115 is amended by striking out "sections 230" and inserting in lieu thereof "sections 314, 315, 316,".

(2) Section 1710(f)(3)(E) is amended by striking out "section 1712(f)" and "section 1712(f)(4)" inserting in lieu thereof "section 1712(a)" and "section 1712(f)", respectively.

(3) Section 1712 is amended—

(A) in subsection (i)(5), by striking out "section 1722(a)(1)(C)" and inserting in lieu thereof "section 1722(a)(3)"; and

(B) in subsection (j), by striking out "Section 4116" and inserting in lieu thereof "Section 7316".

(4) Section 3018A(d)(3) is amended by striking out "section 3015(e)" and inserting in lieu thereof "section 3015(f)".

(5) Section 3018B(d)(3) is amended by striking out "section 3015(e)" and inserting in lieu thereof "section 3015(f)".

(6) Section 3032(f)(3) is amended by striking out "(c), or (d)(1)" and inserting in lieu thereof "(d), or (e)(1)".

(7) Section 3035(b) is amended—

(A) in paragraph (2), by striking out "section 3015(c)" and inserting in lieu thereof "section 3015(d)"; and

(B) in paragraph (3)(C), by striking out "section 3015(e)" and inserting in lieu thereof "section 3015(f)".

(8) Section 3103(b)(3) is amended by striking out "section 3102(1)(A)" and inserting in lieu thereof "section 3102(1)(A)(i)".

(9) Section 3106(a) is amended by striking out "section 3102(1)(A) or (B)" and inserting in lieu thereof "clause (i) or (ii) of section 3102(1)(A)".

(10) Section 3113(a) is amended by striking out "section 3102(1)(B) and (2)" and inserting in lieu thereof "subparagraphs (A)(ii) and (B) of section 3102(1)".

(11) Section 3120(b) is amended by striking out "section 3012(1)(A)" and inserting in lieu thereof "section 3102(1)(A)(i)".

(12) Section 3241(c) is amended by striking out "1663,".

(13) Section 3735(a)(1)(A) is amended by striking out "section 3402" and inserting in lieu thereof "section 5902".

(14) Section 4103(c)(2) is amended by striking out "subchapter IV of chapter 3" and inserting in lieu thereof "subchapter II of chapter 77".

(15) Section 5104(a) is amended by striking out "section 211(a)" and inserting in lieu thereof "section 511".

(16) Section 8103(d)(6)(A) is amended by striking out "section 230(c)" and inserting in lieu thereof "section 316".

(17) Section 8110(c)(3)(B) is amended by striking out "section 213 or 4117" and inserting in lieu thereof "section 513 or 7409".

(18) Section 8135(a)(3) is amended by striking out "section 8134(2)" and inserting in lieu thereof "section 8134(a)(2)".

(19) Section 8155(a) is amended by striking out "section 4112" and inserting in lieu thereof "section 7312".

(20) Section 8201(c) is amended by striking out "section 4112(a)" and inserting in lieu thereof "section 7312(a)".

(e) PUNCTUATION, CAPITALIZATION, SPELLING, ETC.—Title 38, United States Code, is amended as follows:

(1) Section 111(b)(3)(B) is amended by striking out "the Department facility" and inserting in lieu thereof "a Department facility".

(2) Sections 305(d)(2)(F) and 306(d)(2)(F) are amended by striking out "Commission" and inserting in lieu thereof "commission".

(3) Section 312(a) is amended by striking out "(5 U.S.C. App. 3)" and inserting in lieu thereof "(5 U.S.C. App.)".

(4) Section 317(b)(2) is amended by striking out "provided, by the" and inserting in lieu thereof "provided by, the".

(5) Section 711(d) is amended by striking out "Committees" and inserting in lieu thereof "committees".

(6) Section 1116(a)(1)(B) is amended by striking out "(1)" and "(2)" and inserting in lieu thereof "(i)" and "(ii)", respectively.

(7) Section 1722A(a)(1) is amended by striking out the closing parenthesis after "veteran" in the first sentence.

(8) Section 1969(e) is amended—

(A) by striking out "sections 1971 (a) and (c)" and inserting in lieu thereof "subsections (a) and (c) of section 1971"; and

(B) by striking out "sections 1971 (d) and (e)" and inserting in lieu thereof "subsections (d) and (e) of section 1971".

(9) Section 1977(f) is amended by striking out "sections 1971 (d) and (e)" and inserting in lieu thereof "subsections (d) and (e) of section 1971".

(10) Section 3011(f)(1) is amended by striking out "whose length" and inserting in lieu thereof "the length of which".

(11) Section 3018B(d) is amended—

(A) in paragraph (1), by striking out "(a)(2)(D) of this subsection" and inserting in lieu thereof "(a)(2)(D) of this section"; and

(B) in paragraph (3)—

(i) by striking out "such Account" and inserting in lieu thereof "such account"; and

(ii) by striking out "this chapter" and inserting in lieu thereof "this title".

(12) Section 3688(a)(6) is amended by inserting a comma after "3241(a)(2)".

(13) Section 3706 is amended by striking out "of this chapter" the second and third places it appears and inserting in lieu thereof "of this title".

(14) Section 3712 is amended—

(A) in subsection (c)(3)—

(i) by inserting "of" in subparagraph (D) after "subparagraph (B)"; and

(ii) by striking out "of this subsection" in subparagraph (E) and inserting in lieu thereof "of this paragraph"; and

(B) in subsection (m), by striking out "section 3704(d) and section 3721 of this chapter" and inserting in lieu thereof "sections 3704(d) and 3721 of this title".

(15) Section 3713(b) is amended in the last sentence by striking out "subsection 5302(b) of this title, if eligible thereunder" and inserting in lieu thereof "section 5302(b) of this title, if the veteran is eligible for relief under that section".

(16) Section 5702 is amended—

(A) by inserting "(a)" before "Any person desiring";

(B) by striking out "custody of" and all that follows through "stating" and inserting in lieu thereof "custody of the Secretary that may be disclosed under section 5701 of this title must submit to the Secretary an application in writing for such copy. The application shall state"; and

(C) in subsection (c), by striking out "is authorized to fix" and inserting in lieu thereof "may establish".

(17) Section 6101(a) is amended by inserting a comma after "title 18".

(18) Section 6103(d)(1) is amended in the second sentence—

(A) by striking out "(a)" and "(b)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(B) by striking out "prior to" and inserting in lieu thereof "before".

(19) Section 6105(c) is amended—

(A) in the first sentence, by striking out "clauses (2), (3), or (4) of subsection (b) of this section" and inserting in lieu thereof "paragraph (2), (3), or (4) of subsection (b)";

(B) in the second sentence, by striking out "clause (1) of that subsection" and inserting in lieu thereof "paragraph (1) of subsection (b)"; and

(C) by transposing the two sentences of that subsection (as so amended).

(20) Section 7312(d) is amended by striking out "the advisory groups activities" and inserting in lieu thereof "the activities of the advisory group".

(21) Section 7408(a) is amended by striking out "civil-service" and inserting in lieu thereof "civil service".

(22) Sections 7433(b)(3)(A) and 7435(b)(3)(A) are amended by striking out "nation-wide" and inserting in lieu thereof "nationwide".

(23) Section 7451(d)(3)(C)(i)(I) is amended by striking out "labor market area" and inserting in lieu thereof "labor-market area".

(24) Section 7453 is amended by striking out "subsections" in subsections (f) and (g) and inserting in lieu thereof "subsection".

(25) Section 7601(a) is amended by striking out the comma at the end of paragraph (1) and inserting in lieu thereof a semicolon.

(26) Section 7604 is amended by striking out "subchapters" in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof "subchapter".

(27) Section 8126 is amended—

(A) in subsection (e)(1)(A), by striking out "1-year" and inserting in lieu thereof "one-year"; and

(B) in subsection (f)(2), by striking out ", and" and inserting in lieu thereof a period.

(f) DATE OF ENACTMENT REFERENCES.—Title 38, United States Code, is amended as follows:

(1) Section 1922A(b) is amended by striking out "insurance not later than" and all that follows through "that the Department" and inserting in lieu thereof "insurance. Such application must be filed not later than (1) October 31, 1993, or (2) the end of the one-year period beginning on the date on which the Secretary".

(2) Sections 3011(e) and 3012(f) are amended by striking out "the end of the 24–month period beginning on the date of the enactment of this subsection" and inserting in lieu thereof "October 28, 1994,".

(3) Section 3018B(a)(2)(A) is amended by striking out "the date of enactment of this section" and inserting in lieu thereof "October 23, 1992,".

(4) Section 3702(a)(2)(E) is amended by striking out "For the 7–year period beginning on the date of enactment of this subparagraph," and inserting in lieu thereof "For the period beginning on October 28, 1992, and ending on October 27, 1999,".

(5) Section 6103(d)(2) is amended by striking out "the date of enactment of this amendatory Act" and inserting in lieu thereof "June 30, 1972".

(6) Section 8126 is amended—

(A) in subsection (e)(1)(A), by striking out "30 days after the date of the enactment of this section" and inserting in lieu thereof "December 4, 1992"; and

(B) in subsection (g), by striking out "the date of the enactment of this section" in paragraphs (1) and (2) and inserting in lieu thereof "November 4, 1992".

(g) OBSOLETE OR EXECUTED PROVISIONS.—Title 38, United States Code, is amended as follows:

(1) Section 312(b) is amended by striking out paragraph (3).

(2) Section 1524(a)(2) is amended by striking out "Subject to paragraph (3) of this subsection, if" and inserting in lieu thereof "If".

(3) Section 4110(c)(1) is amended by striking out "shall, within 90 days after the date of the enactment of this section, appoint" and inserting in lieu thereof "shall appoint".

(4)(A) Section 5505 is repealed.

(B) The table of sections at the beginning of chapter 55 is amended by striking out the item relating to section 5505.

(5) Section 7311 is amended by striking out subsections (f) and (g).

(6) Section 7453(i)(3) is amended by striking out "of title 5".

(7) Section 8110(c) is amended by striking out paragraph (7).

(8) Section 8111(b) is amended—

(A) in paragraph (2)—

(i) by striking out "During fiscal years 1982 and 1983" in the second sentence and inserting in lieu thereof "During odd-numbered fiscal years";

(ii) by striking out "During fiscal year 1984" in the third sentence and inserting in lieu thereof "During even-numbered fiscal years"; and

(iii) by striking out the fourth sentence; and

(B) in paragraph (4), by striking out "Within nine months of the date of the enactment of this subsection and at such times thereafter as" and inserting in lieu thereof "At such times as".

(h) AMENDMENTS TO HEADINGS AND TABLES OF CONTENTS.—Title 38, United States Code, is amended as follows:

(1) The table of chapters before part I and the table of chapters at the beginning of part III are amended by striking out the item relating to chapter 42 and inserting in lieu thereof the following:

"42. Employment and Training of Veterans .... 4211".

(2) The heading of section 2106 is amended by revising each word after the first word so that the initial letter of each such word is lower case.

(3) The item relating to subchapter III in the table of sections at the beginning of chapter 73 is amended to read as follows:

"SUBCHAPTER III—PROTECTION OF PATIENT RIGHTS".

(4) The heading of section 7458 is amended to read as follows:

"§7458. Recruitment and retention bonus pay".

*(5) The heading of chapter 81 is amended by inserting "**ENHANCED-USE**" before "**LEASES OF REAL**".*

(6) The item relating to section 8126 in the table of sections at the beginning of chapter 81 is amended to read as follows:

"8126. Limitation on prices of drugs procured by Department and certain other Federal agencies.".

(i) OTHER MISCELLANEOUS CORRECTIONS.—Title 38, United States Code, is amended as follows:

(1) Section 1718(c)(1) is amended by inserting "of Veterans Affairs" after "Department" in the first sentence.

(2) Section 1922(b)(4) is amended by striking out "Notwithstanding" and all that follows through "title," and inserting in lieu thereof "Notwithstanding section 1917 of this title,".

(3) Section 1969(d)(3) is amended by striking out "'General Operating Expenses, Department'" and inserting in lieu thereof "'General Operating Expenses, Department of Veterans Affairs'".

(4) Section 3018A(a)(1) is amended by striking "after December 31, 1990," and all that follows through "whichever is later," and inserting in lieu thereof "after February 2, 1991,".

(5) Section 3121(a)(3) is amended by striking out "Department of Veterans' Benefits" and inserting in lieu thereof "Veterans Benefits Administration".

(6) Section 3680(a)(C) is amended by striking out "1 full" and inserting in lieu thereof "one full".

(7) Section 4110(e)(3)(B) is amended—

(A) by striking out ", United States Code,"; and

(B) by striking out "the Board" and inserting in lieu thereof "the advisory committee".

(8) Section 5110 is amended by striking out subsection (m).

(9) Section 7315(b)(2) is amended by striking out "Department" and inserting in lieu thereof "Veterans' Administration".

(10) Section 8111(f)(6) is amended by inserting "of Defense" after "the Secretary" the second place it appears.

(11) Section 8502(d) is amended by striking out "General Post Fund, National Homes, Department," and inserting in lieu thereof "General Post Fund, National Homes, Department of Veterans Affairs,".

SEC. 1202. AMENDMENTS TO OTHER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) PUBLIC LAW 102–54.—Effective as of June 13, 1991, and as if included in the enactment of Public Law 102–54, Public Law 102–54 is amended as follows:

(1) Section 13(e) (105 Stat. 275) is amended by striking out "subsection (b)(10)" and inserting in lieu thereof "subsection (c)(10)".

(2) Section 15(a)(1)(A) (105 Stat. 289) is amended by inserting "the first place it appears" before "in the first sentence".

(b) PUBLIC LAW 102–83.—Effective as of August 6, 1991, and as if included in the enactment of Public Law 102–83, section 4(a) of Public Law 102–83 (105 Stat. 403) is amended as follows:

(1) Paragraph (2)(E) is amended by striking out "Section 601(4)" and inserting in lieu thereof "Section 601(3)".

(2) Paragraph (4) is amended by adding at the end the following:

"(E) Sections 7314(b)(1) and 7315(b)(2).".

(c) PUBLIC LAW 102–86.—Section 403(b)(4) of the Veterans' Benefits Programs Improvement Act of 1991 (Public Law 102–86; 105 Stat. 423; 36 U.S.C. 493(b)(4)) is amended by striking out "section 235" and inserting in lieu thereof "section 707".

(d) PUBLIC LAW 102–547.—Section 10(b)(2) of the Veterans Home Loan Program Amendments of 1992 (106 Stat. 3643; 38 U.S.C. 3703 note) is amended by striking out "paragraph 4" and inserting in lieu thereof "paragraph (4)".

(e) PUBLIC LAW 102–585.—The Veterans Health Care Act of 1992 (Public Law 102–585) is amended as follows:

(1) Section 202 (38 U.S.C. 8111 note) is amended by striking out "the Chief Medical Director" and inserting in lieu thereof "the Under Secretàry for Health of the Department of Veterans Affairs".

(2) Section 511(c) (38 U.S.C. 7318 note) is amended by striking out "Chief Medical Director" each place it appears and inserting in lieu thereof "Under Secretary for Health".

SEC. 1203. AMENDMENTS TO OTHER LAWS.

(a) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act is amended as follows:

(1) Section 502(b)(2)(D) (42 U.S.C. 290aa–1(b)(2)(D)) is amended to read as follows:

"(D) the Under Secretary for Health of the Department of Veterans Affairs;".

(2) Section 542(b)(2) (42 U.S.C. 290dd–1(b)(2)) is amended by striking out "Chief Medical Director" and inserting in lieu thereof "Under Secretary for Health".

(3) Section 2604(b)(2)(A) (42 U.S.C. 300ff–14(b)(2)(A)) is amended by striking out "Veterans Administration facilities" and inserting in lieu thereof "Department of Veterans Affairs facilities".

(b) MISCELLANEOUS DEPARTMENT AND SECRETARY REFERENCES.—Section 5102(c)(3) of title 5, United States Code, is amended by striking out the comma after "Department of Veterans Affairs".

(c) MISCELLANEOUS CROSS-REFERENCE CORRECTIONS.—

(1) Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "section 4303".

(2) Section 441(b)(2)(B) of the Job Training Partnership Act (29 U.S.C. 1721(b)(2)(B)) is amended—

(A) by striking out "subchapter IV of chapter 3" and inserting in lieu thereof "subchapter II of chapter 77"; and

(B) by striking out "sections 612A, 620A, 1787, and 2003A" and inserting in lieu thereof "sections 1712A, 1720A, 3687, and 4103A".

(3) Section 107 of the Local Public Works Capital Development and Investment Act of 1976 (42 U.S.C. 6706) is amended by striking out "section 4211(2)(A)" and "section 2011(1)" inserting in lieu thereof "section 4211(2)" and "section 4211(1)", respectively.

(4) Section 4(g)(2) of the Employment Act of 1946 (15 U.S.C. 1022a(g)(2)) is amended—

(A) by striking out "this subsection" and inserting in lieu thereof "this section"; and

(B) by striking out "section 2011(1) or (2)(A)" and inserting in lieu thereof "section 4211(1) or (2)".

Amend the title so as to read: "An Act to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.".

DOMESTIC VIOLENCE COURT EVIDENCE

The text of the concurrent resolution (S. Con. Res. 21) expressing the sense of the Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case, as agreed to by the Senate on October 7, 1994, is as follows:

S. CON. RES. 21

Whereas State criminal courts often fail to admit expert testimony offered by a defendant concerning the nature and effect of physical, sexual, and mental abuse to assist the trier of fact in assessing the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

Whereas the average juror often has little understanding of the nature and effect of domestic violence on the behavior, beliefs, or perceptions of such a defendant, and the lack of understanding can result in the juror blaming the woman for the victimization of the woman;

Whereas the average juror is often unaware that victims of domestic violence are frequently in greater danger of violence after the victims terminate or attempt to terminate domestic relationships with their abusers;

Whereas myths, misconceptions, and victim-blaming attitudes are often held not only by the average layperson but also by many in the criminal justice system, insofar as the criminal justice system traditionally has failed to protect women from violence at the hands of men;

Whereas specialized knowledge of the nature and effect of domestic violence is sufficiently established to have gained the general acceptance that is required for the admissibility of expert testimony;

Whereas, although both men and women can be victims of physical, sexual, and mental abuse by their partners in domestic relationships, the most frequent victims are women; and

Whereas a woman is more likely to be assaulted and injured, raped, or killed by the current or former male partner of the woman than by any other type of assailant, and over one-half of all women murdered are killed by their current or former male partners: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case to assist the trier of fact in understanding the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) a witness should be qualified to testify as an expert witness, with respect to a case in which abuse has occurred, based upon the knowledge, skill, experience, training, or education of the witness, and should be permitted to testify in the form of an opinion or otherwise; and

(3) domestic relationships about which such expert testimony should be admissible include relationships between spouses, former spouses, cohabitants, former cohabitants, partners, or former partners, and between persons who are in, or have been in, a dating, courtship, or intimate relationship.

CENTER FOR RARE DISEASE RESEARCH ACT

The text of the bill (S. 1203) to establish a Center for Rare Disease Research in the National Institutes of Health, and for other purposes, as passed by the Senate on October 7, 1994, is as follows:

S. 1203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office for Rare Disease Research Act of 1994".

SEC. 2. ESTABLISHMENT OF OFFICE FOR RARE DISEASE RESEARCH.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 404F. OFFICE FOR RARE DISEASE RESEARCH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of the National Institutes of Health an office to be known as the Office for Rare Disease Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of the National Institutes of Health.

"(b) PURPOSE.—The purpose of the Office is to promote and coordinate the conduct of research on rare diseases through a strategic research plan and to establish and manage a rare disease research clinical database.

"(c) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the purpose of providing advice to the director of the Office concerning carrying out the strategic research plan and other duties under this section. Section 222 shall apply to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

"(d) DUTIES.—In carrying out subsection (b), the director of the Office shall—

"(1) develop a comprehensive plan for the conduct and support of research on rare diseases;

"(2) coordinate and disseminate information among the institutes and the public on rare diseases;

"(3) support research training and encourage the participation of a diversity of individuals in the conduct of rare disease research;

"(4) identify projects or research on rare diseases that should be conducted or supported by the National Institutes of Health;

"(5) develop and maintain a central database on current government sponsored clinical research projects for rare diseases;

"(6) determine the need for registries of research subjects and epidemiological studies of rare disease populations; and

"(7) prepare biennial reports on the activities carried out or to be carried out by the Office and submit such reports to the Secretary and the Congress.".

INDIAN SELF-DETERMINATION CONTRACT REFORM ACT

The text of the bill (S. 2036) to specify the terms of the contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes, as passed by the Senate on October 6, 1994, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Self-Determination Contract Reform Act of 1994".

SEC. 2. GENERAL AMENDMENTS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended—

(1) in section 4—

(A) in subsection (g), by striking "indirect costs rate" and inserting "indirect cost rate";

(B) by striking "and" at the end of subsection (k);

(C) by striking the period at the end of subsection (l) and inserting "; and"; and

(D) by adding at the end the following new subsection:

"(m) 'construction contract' means a fixed-price or cost-reimbursement self-determination contract for a construction project, except that such term does not include any contract—

"(1) that is limited to providing planning services and construction management services (or a combination of such services);

"(2) for the Housing Improvement Program or roads maintenance program of the Bureau of Indian Affairs administered by the Secretary of the Interior; or

"(3) for the health facility maintenance and improvement program administered by the Secretary of Health and Human Services.";

(2) by striking subsection (f) of section 5 and inserting the following new subsection:

"(f)(1) For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract entered into, or grant made, under this Act, the tribal organization that requested such contract or grant shall submit to the appropriate Secretary a single-agency audit report required by chapter 75 of title 31, United States Code.

"(2) In addition to submitting a single-agency audit report pursuant to paragraph (1), a tribal organization referred to in such paragraph shall submit such additional information concerning the conduct of the program, function, service, or activity carried out pursuant to the contract or grant that is the subject of the report as the tribal organization may negotiate with the Secretary.

"(3) Any disagreement over reporting requirements shall be subject to the declination criteria and procedures set forth in section 102.";

(3) in section 7(a), by striking "of subcontractors" and inserting in lieu thereof "or subcontractors (excluding tribes and tribal organizations)";

(4) at the end of section 7, add the following new subsection:

"(c) Notwithstanding subsections (a) and (b), with respect to any self-determination contract, or portion of a self-determination contract, that is intended to benefit one tribe, the tribal employment or contract preference laws adopted by such tribe shall govern with respect to the administration of the contract or portion of the contract.";

(5) at the end of section 102(a)(1), add the following new flush sentence:

"The programs, functions, services, or activities that are contracted under this paragraph shall include administrative functions of the Department of the Interior and the Department of Health and Human Services (whichever is applicable) that support the delivery of services to Indians, including those administrative activities supportive of, but not included as part of, the service delivery programs described in this paragraph that are otherwise contractable. The administrative functions referred to in the preceding sentence shall be contractable without regard to the organizational level within the department that carries out such functions.";

(6) in section 102(a)—

(A) in paragraph (2)—

(i) in the first sentence, by inserting ", or a proposal to amend or renew a self-determination contract," before "to the Secretary for review";

(ii) in the second sentence—

(I) by striking "The" and inserting "Subject to the provisions of paragraph (4), the";

(II) by inserting "and award the contract" after "approve the proposal";

(III) by striking ", within sixty days of receipt of the proposal,"; and

(IV) by striking "a specific finding is made that" and inserting "the Secretary provides written notification to the applicant that contains a specific finding supported by clearly demonstrated evidence or a controlling legal authority that";

(iii) in subparagraph (B), by striking "or" after the semicolon;

(iv) in subparagraph (C), by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following new subparagraphs:

"(D) the amount of funds proposed under the contract is in excess of the applicable funding level for the contract, as determined under section 106(a); or

"(E) the program, function, service, or activity (or portion thereof) that is the subject of the proposal is beyond the scope of programs, functions, services, or activities covered under paragraph (1) because the proposal includes activities that cannot lawfully be carried out by the contractor."; and

(vi) by adding at the end of the paragraph the following new flush material:

"Notwithstanding any other provision of law, the Secretary may extend or otherwise alter the 90-day period specified in the second sentence of this subsection, if before the expiration of such period, the Secretary obtains the voluntary and express written consent of the tribe or tribal organization to extend or otherwise alter such period. The contractor shall include in the proposal of the contractor the standards under which the tribal organization will operate the contracted program, service, function, or activity, including in the area of construction, provisions regarding the use of licensed and qualified architects, applicable health and safety standards, adherence to applicable Federal, State, local, or tribal building codes and engineering standards. The standards referred to in the preceding sentence shall ensure structural integrity, accountability of funds, adequate competition for subcontracting under tribal or other applicable law the commencement, performance, and completion of the contract, adherence to project plans and specifications (including any applicable Federal construction guidelines and manuals), the use of proper materials or workmanship, necessary inspection and testing, and changes, modifications, stop work, and termination of the work when warranted."; and

(B) by adding at the end the following new paragraph:

"(4) The Secretary shall approve any severable portion of a contract proposal that does not support a declination finding described in paragraph (2). If the Secretary determines under such paragraph that a contract proposal—

"(A) proposes in part to plan, conduct, or administer a program, function, service, or activity that is beyond the scope of programs covered under paragraph (1), or

"(B) proposes a level of funding that is in excess of the applicable level determined under section 106(a),

subject to any alteration in the scope of the proposal that the Secretary and the tribal organization agree to, the Secretary shall, as appropriate, approve such portion of the program, function, service, or activity as is authorized under paragraph (1) or approve a level of funding authorized under section 106(a). If a tribal organization elects to carry out a severable portion of a contract proposal pursuant to this paragraph, subsection (b) shall only apply to the portion of the contract that is declined by the Secretary pursuant to this subsection.";

(7) in section 102(b)(3)—

(A) by inserting after "record" the following: "with the right to engage in full discovery relevant to any issue raised in the matter"; and

(B) by inserting before the period the following: ", except that the tribe or tribal organization may, in lieu of filing such appeal, exercise the option to initiate an action in a Federal district court and proceed directly to such court pursuant to section 110(a)";

(8) in section 102(d), by striking "as provided in section 2671 of title 28)" and inserting "as provided in section 2671 of title 28, United States Code, and including an individual who provides health care services pursuant to a personal services contract with a tribal organization for the provision of services in any facility owned, operated, or constructed under the jurisdiction of the Indian Health Service)";

(9) by adding at the end of section 102 the following new subsection:

"(e)(1) With respect to any hearing or appeal conducted pursuant to subsection (b)(3), the Secretary shall have the burden of proof to establish by clearly demonstrated evidence the validity of the grounds for declining the contract proposal (or portion thereof).

"(2) Notwithstanding any other provision of law, a decision by an official of the Department of the Interior or the Department of Health and Human Services, as appropriate (referred to in this paragraph as the 'Department') that constitutes final agency action and that relates to an appeal within the Department that is conducted under subsection (b)(3) shall be made either—

"(A) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency (such as the Indian Health Service or the Bureau of Indian Affairs) in which the decision that is the subject of the appeal was made; or

"(B) by an administrative judge.";

(10) by striking subsection (a) of section 105 and inserting the following new subsection:

"(a)(1) Notwithstanding any other provision of law, subject to paragraph (3), the contracts and cooperative agreements entered into with, and grants made to, tribal organizations pursuant to sections 102 and 103 shall not be subject to Federal contracting, discretionary grant or cooperative agreement laws (including any regulations), except to the extent that such laws expressly apply to Indian tribes.

"(2) Program standards applicable to a nonconstruction self-determination contract shall be set forth in the contract proposal and the final contract of the tribe or tribal organization.

"(3)(A) With respect to a construction contract (or a subcontract of such a construction contract), the provisions of the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) and the regulations relating to acquisitions promulgated under such Act shall apply only to the extent that the application of such provision to the construction contract (or subcontract) is—

"(i) necessary to ensure that the contract may be carried out in a satisfactory manner;

"(ii) directly related to the construction activity; and

"(iii) not inconsistent with this Act.

"(B) A list of the Federal requirements that meet the requirements of clauses (i) through (iii) of subparagraph (A) shall be included in an attachment to the contract pursuant to negotiations between the Secretary and the tribal organization.

"(C)(i) Except as provided in subparagraph (B), no Federal law listed in clause (ii) or any other provision of Federal law (including an Executive order) relating to acquisition by the Federal Government shall apply to a construction contract that a tribe or tribal organization enters into under this Act, unless expressly provided in such law.

"(ii) The laws listed in this paragraph are as follows:

"(I) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(II) Section 3709 of the Revised Statutes.

"(III) Section 9(c) of the Act of Aug. 2, 1946 (60 Stat. 809, chapter 744).

"(IV) Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393 et seq., chapter 288).

"(V) Section 13 of the Act of Oct. 3, 1944 (58 Stat. 770; chapter 479).

"(VI) Chapters 21, 25, 27, 29, and 31 of title 44, United States Code.

"(VII) Section 2 of the Act of June 13, 1934 (48 Stat 948, chapter 483).

"(VIII) Sections 1 through 12 of the Act of June 30, 1936 (49 Stat. 2036 et seq. chapter 881).

"(IX) The Service Control Act of 1965 (41 U.S.C. 351 et seq.).

"(X) The Small Business Act (15 U.S.C. 631 et seq.).

"(XI) Executive Order Nos. 12138, 11246, 11701 and 11758.";

(11) by striking subsection (e) and inserting the following new subsection:

"(e) If an Indian tribe, or a tribal organization authorized by a tribe, requests retrocession of the appropriate Secretary for any contract or portion of a contract entered into pursuant to this Act, unless the tribe or tribal organization rescinds the request for retrocession, such retrocession shall become effective on—

"(1) the earlier of—

"(A) the date that is 1 year after the date the Indian tribe or tribal organization submits such request; or

"(B) the date on which the contract expires; or

"(2) such date as may be mutually agreed by the Secretary and the Indian tribe.";

(12) by striking paragraph (2) of section 105(f) and inserting the following new paragraph:

"(2) donate to an Indian tribe or tribal organization title to any personal or real property found to be excess to the needs of the Bureau of Indian Affairs, the Indian Health Service, or the General Services Administration, except that—

"(A) subject to the provisions of subparagraph (B), title to property and equipment furnished by the Federal Government for use in the performance of the contract or purchased with funds under any self-determination contract or grant agreement shall, unless otherwise requested by the tribe or tribal organization, vest in the appropriate tribe or tribal organization;

"(B) if property described in subparagraph (A) has a value in excess of $5,000 at the time of the retrocession, rescission, or termination of the self-determination contract or grant agreement, at the option of the Secretary, upon the retrocession, rescission, or termination, title to such property and equipment shall revert to the Department of the Interior or the Department of Health and Human Services, as appropriate; and

"(C) all property referred to in subparagraph (A) shall remain eligible for replacement on the same basis as if title to such property were vested in the United States; and";

(13) by adding at the end of section 105 the following new subsections:

"(i)(1) If a self-determination contract requires the Secretary to divide the administration of a program that has previously been administered for the benefit of a greater number of tribes than are represented by the tribal organization that is a party to the contract, the Secretary shall take such action as may be necessary to ensure that services are provided to the tribes not served by a self-determination contract, including program redesign in consultation with the tribal organization and all affected tribes.

"(2) Nothing in this title shall be construed to limit or reduce in any way the funding for any program, project, or activity serving a tribe under this or other applicable Federal law. Any tribe or tribal organization that alleges that a self-determination contract is in violation of this section may apply the provisions of section 110.

"(j) Upon providing notice to the Secretary, a tribal organization that carries out a nonconstruction self-determination contract may propose a redesign of a program, activity, function, or service carried out by the tribal organization under the contract, including any nonstatutory program standard, in such manner as to best meet the local geographic, demographic, economic, cultural, health, and institutional needs of the Indian people and tribes served under the contract. The Secretary shall evaluate any proposal to redesign any program, activity, function, or service provided under the contract. With respect to declining to approve a redesigned program, activity, function, or service under this subsection, the Secretary shall apply the criteria and procedures set forth in section 102.

"(k) For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)) (relating to Federal sources of supply, including lodging providers, airlines and other transportation providers), a tribal organization carrying out a contract, grant, or cooperative agreement under this Act shall be deemed an executive agency when carrying out such contract, grant, or agreement and the employees of the tribal organization shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

"(l)(1) Upon the request of an Indian tribe or tribal organization, the Secretary shall enter into a lease with the Indian tribe or tribal organization that holds title to, a leasehold interest in, or a trust interest in, a facility used by the Indian tribe or tribal organization for the administration and delivery of services under this Act.

"(2) The Secretary shall compensate each Indian tribe or tribal organization that enters into a lease under paragraph (1) for the use of the facility leased for the purposes specified in such paragraph. Such compensation may include rent, depreciation based on the useful life of the facility, principal and interest paid or accrued, operation and maintenance expenses, and such other reasonable expenses that the Secretary determines, by regulation, to be allowable.

"(m)(1) Each construction contract requested, approved, or awarded under this Act shall be subject to—

"(A) except as otherwise provided in this Act, the provisions of this Act, other than sections 102(a)(2), 106(m), 108 and 109; and

"(B) section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (104 Stat. 1959).

"(2) In providing technical assistance to tribes and tribal organizations in the development of construction contract proposals, the Secretary shall provide, not later than 30 days after receiving a request from a tribe or tribal organization, all information available to the Secretary regarding the construction project, including construction drawings, maps, engineering reports, design reports, plans of requirements, cost estimates, environmental assessments or environmental impact reports, and archaeological reports.

"(3) Prior to finalizing a construction contract proposal pursuant to section 102(a), and upon request of the tribe or tribal organization that submits the proposal, the Secretary shall provide for a precontract negotiation phase in the development of a contract proposal. Such phase shall include, at a minimum, the following elements:

"(A) The provision of technical assistance pursuant to section 103 and paragraph (2).

"(B) A joint scoping session between the Secretary and the tribe or tribal organization to review all plans, specifications, engineering reports, cost estimates, and other information available to the parties, for the purpose of identifying all areas of agreement and disagreement.

"(C) An opportunity for the Secretary to revise the plans, designs, or cost estimates of the Secretary in response to concerns raised, or information provided by, the tribe or tribal organization.

"(D) A negotiation session during which the Secretary and the tribe or tribal organization shall seek to develop a mutually agreeable contract proposal.

"(E) Upon the request of the tribe or tribal organization, the use of an alternative dispute resolution mechanism to seek resolution of all remaining areas of disagreement pursuant to the dispute resolution provisions under subchapter IV of chapter 5 of title 5, United States Code.

"(F) The submission to the Secretary by the tribe or tribal organization of a final contract proposal pursuant to section 102(a).

"(4)(A) Subject to subparagraph (B), in funding a fixed-price construction contract pursuant to section 106(a), the Secretary shall provide for the following:

"(i) The reasonable costs to the tribe or tribal organization for general administration incurred in connection with the project that is the subject of the contract.

"(ii) The ability of the contractor that carries out the construction contract to make a reasonable profit, taking into consideration the risks associated with carrying out the contract and other relevant considerations.

"(B) In establishing a contract budget for a construction project, the Secretary shall not be required to separately identify the components described in clauses (i) and (ii) of subparagraph (A).

"(C) The total amount awarded under a construction contract shall reflect an overall fair and reasonable price to the parties, including the following costs:

"(i) The reasonable costs to the tribal organization of performing the contract, taking into consideration the terms of the contract and the requirements of this Act and any other applicable law.

"(ii) The costs of preparing the contract proposal and supporting cost data.

"(iii) The costs associated with auditing the general and administrative costs of the tribal organization associated with the management of the construction contract.

"(iv) In the case of a fixed-price contract, a fair profit determined by taking into consideration the relevant risks and local market conditions.

"(v) If the Secretary and the tribe or tribal organization are unable to develop a mutually agreeable construction contract proposal pursuant to the procedures set forth in this subsection, the tribe or tribal organization may submit a final contract proposal to the Secretary. Not later than 30 days after receiving such final contract proposal, the Secretary shall approve the contract proposal and award the contract, unless, during such period the Secretary declines the proposal pursuant to sections 102(a)(2) and 102(b) of section 102 (including providing opportunity for an appeal pursuant to section 102(b)).

"(n) Notwithstanding any other provision of law, the rental rates for housing provided to an employee by the Federal Government in Alaska pursuant to a self-determination contract shall be determined on the basis of—

"(1) the reasonable value of the quarters and facilities (as such terms are defined under section 5911 of title 5, United States Code) to such employee, and

"(2) the circumstances under which such quarters and facilities are provided to such employee,

as based on the cost of comparable private rental housing in the nearest established community with a year-round population of 1,500 or more individuals.";

(14) in section 106(a)—

(A) in paragraph (1), by inserting before the period at the end the following: ", without regard to any organizational level within the Department of the Interior or the Department of Health and Human Services, as appropriate, at which the program, function, service, or activity or portion thereof, including supportive administrative functions that are otherwise contractable, is operated";

(B) in paragraph (2), by inserting after "consist of" the following: "an amount for"; and

(C) by striking paragraph (3) and inserting the following new paragraphs:

"(3)(A) The contract support costs that are eligible costs for the purposes of receiving funding under this Act shall include the costs of reimbursing each tribal contractor for reasonable and allowable costs of—

"(i) direct program expenses for the operation of the Federal program that is the subject of the contract, and

"(ii) any additional administrative or other expense related to the overhead incurred by the tribal contractor in connection with the operation of the Federal program, function, service, or activity pursuant to the contract,

except that such funding shall not duplicate any funding provided under section 106(a)(1).

"(B) On an annual basis, during such period as a tribe or tribal organization operates a Federal program, function, service, or activity pursuant to a contract entered into under this Act, the tribe or tribal organization shall have the option to negotiate with the Secretary the amount of funds that the tribe or tribal organization is entitled to receive under such contract pursuant to this paragraph.

"(4) For each fiscal year during which a self-determination contract is in effect, any savings attributable to the operation of a Federal program, function, service, or activity under a self-determination contract by a tribe or tribal organization (including a cost reimbursement construction contract) shall—

"(A) be used to provide additional services or benefits under the contract; or

"(B) be expended by the tribe or tribal organization in the succeeding fiscal year, as provided in section 8.

"(5) Subject to paragraph (6), during the initial year that a self-determination contract is in effect, the amount required to be paid under paragraph (2) shall include startup costs consisting of the reasonable costs that have been incurred or will be incurred on a one-time basis pursuant to the contract necessary—

"(A) to plan, prepare for, and assume operation of the program, function, service, or activity that is the subject of the contract; and

"(B) to ensure compliance with the terms of the contract and prudent management.

"(6) Costs incurred before the initial year that a self-determination contract is in effect may not be included in the amount required to be paid under paragraph (2) if the Secretary does not receive a written notification of the nature and extent of the costs prior to the date on which such costs are incurred.";

(15) in section 106(c)—

(A) by striking "March 15" and inserting "May 15";

(B) in paragraphs (1) and (2), by striking "indirect costs" each place it appears and inserting "contract support costs";

(C) in paragraph (4), by striking "and" at the end;

(D) in paragraph (5), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(6) an accounting of any deficiency of funds needed to maintain the preexisting level of services to any tribes affected by contracting activities under this Act, and a statement of the amount of funds needed for transitional purposes to enable contractors to convert from a Federal fiscal year accounting cycle to a different accounting cycle, as authorized by section 105(d).";

(16) in section 106(f), by inserting immediately after the second sentence the following new sentence: "For the purpose of determining the 365-day period specified in this paragraph, an audit report shall be deemed to have been received on the date of actual receipt by the Secretary, if, within 60 days after receiving the report, the Secretary does not give notice of a determination by the Secretary to reject the single-agency report as insufficient due to noncompliance with chapter 75 of title 31, United States Code, or noncompliance with any other applicable law.";

(17) by striking subsection (g) of section 106 and inserting the following new subsection:

"(g) Upon the approval of a self-determination contract, the Secretary shall add to the contract the full amount of funds to which the contractor is entitled under section 106(a), subject to adjustments for each subsequent year that such tribe or tribal organization administers a Federal program, function, service, or activity under such contract.";

(18) by striking subsection (i) of section 106 and inserting the following new subsection:

"(i) On an annual basis, the Secretary shall consult with, and solicit the participation of, Indian tribes and tribal organizations in the development of the budget for the Indian Health Service and the Bureau of Indian Affairs (including participation of Indian tribes and tribal organizations in formulating annual budget requests that the Secretary submits to the President for submission to Congress pursuant to section 1105 of title 31, United States Code)."; and

(19) by adding at the end of section 106 the following new subsections:

"(j) Notwithstanding any other provision of law, a tribal organization may use funds provided under a self-determination contract to meet matching or cost participation requirements under other Federal and non-Federal programs.

"(k) Without intending any limitation, a tribal organization may, without the approval of the Secretary, expend funds provided under a self-determination contract for the following purposes, to the extent that the expenditure of the funds is supportive of a contracted program:

"(1) Depreciation and use allowances not otherwise specifically prohibited by law, including the depreciation of facilities owned by the tribe or tribal organization.

"(2) Publication and printing costs.

"(3) Building, realty, and facilities costs, including rental costs or mortgage expenses.

"(4) Automated data processing and similar equipment or services.

"(5) Costs for capital assets and repairs.

"(6) Management studies.

"(7) Professional services, other than services provided in connection with judicial proceedings by or against the United States.

"(8) Insurance and indemnification, including insurance covering the risk of loss of or damage to property used in connection with the contract without regard to the ownership of such property.

"(9) Costs incurred to raise funds or contributions from non-Federal sources for the purpose of furthering the goals and objectives of the self-determination contract.

"(10) Interest expenses paid on capital expenditures such as buildings, building renovation, or acquisition or fabrication of capital equipment, and interest expenses on loans necessitated due to delays by the Secretary in providing funds under a contract.

"(11) Expenses of a governing body of a tribal organization that are attributable to the management or operation of programs under this Act.

"(12) Costs associated with the management of pension funds, self-insurance funds, and other funds of the tribal organization that provide for participation by the Federal Government.

"(l) The Secretary may only suspend, withhold, or delay the payment of funds for a period of 30 days beginning on the date the Secretary makes a determination under this paragraph to a tribal organization under a self-determination contract, if the Secretary determines that the tribal organization has failed to substantially carry out the contract without good cause. In any such case, the Secretary shall provide the tribal organization with reasonable advance written notice, technical assistance (subject to available resources) to assist the tribal organization, a hearing on the record not later than 10 days after the date of such determination or such later date as the tribal organization shall approve, and promptly release any funds withheld upon subsequent compliance.

"(2) With respect to any hearing or appeal conducted pursuant to this subsection, the Secretary shall have the burden of proof to establish by clearly demonstrated evidence the validity of the grounds for suspending, withholding, or delaying payment of funds.

"(m) The program income earned by a tribal organization in the course of carrying out a self-determination contract—

"(1) shall be used by the tribal organization to further the general purposes of the contract; and

"(2) shall not be a basis for reducing the amount of funds otherwise obligated to the contract.

"(n) To the extent that programs, functions, services, or activities carried out by tribal organizations pursuant to contracts entered into under this Act reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of contract funds determined under subsection (a), the Secretary shall make such savings available for the provision of additional services to program beneficiaries, either directly or through contractors, in a manner equitable to both direct and contracted programs.

"(o) Notwithstanding any other provision of law (including any regulation), a tribal organization that carries out a self-determination contract may, with respect to allocations within the approved budget of the contract, rebudget to meet contract requirements, if such rebudgeting would not have an adverse effect on the performance of the contract.".

SEC. 3. CONTRACT SPECIFICATIONS.

The Indian Self-Determination Education Assistance Act (25 U.S.C. 450 et seq.) is amended by inserting after section 107 the following new section:

"SEC. 108. CONTRACT OR GRANT SPECIFICATIONS.

"(a) Each self-determination contract entered into under this Act shall—

"(1) contain, or incorporate by reference, the provisions of the model agreement described in subsection (c) (with modifications where indicated and the blanks appropriately filled in), and

"(2) contain such other provisions as are agreed to by the parties.

"(b) Notwithstanding any other provision of law, the Secretary may make payments pursuant to section 1(b)(6) of such model agreement. As provided in section 1(b)(7) of the model agreement, the records of the tribal government or tribal organization specified in such section shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

"(c) The model agreement referred to in subsection (a)(1) reads as follows:

"SECTION 1. AGREEMENT BETWEEN THE SECRETARY AND THE ___ TRIBAL GOVERNMENT.

"'(a) AUTHORITY AND PURPOSE.—

"'(1) AUTHORITY.—This agreement, denoted a Self-Determination Contract (referred to in this agreement as the "Contract"), is entered into by the Secretary of the Interior or the Secretary of Health and Human Services (referred to in this agreement as the "Secretary"), for and on behalf of the United States pursuant to title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and by the authority of the ___ tribal government or tribal organization (referred to in this agreement as the "Contractor"). The provisions of title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) are incorporated in this agreement.

"'(2) PURPOSE.—Each provision of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and each provision of this Contract shall be liberally construed for the benefit of the Contractor to transfer the funding and the following related functions, services, activities, and programs (or portions thereof), that are otherwise contractable under section 102(a) of such Act, including all related administrative functions, from the Federal Government to the Contractor: (List functions, services, activities, and programs).

"'(b) TERMS, PROVISIONS, AND CONDITIONS.—

"'(1) TERM.—Pursuant to section 105(c)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(c)(1)), the term of this contract shall be ___ years. Pursuant to section 105(d)(1) of such Act (25 U.S.C. 450j(d)), upon the election by the Contractor, the period of this Contract shall be determined on the basis of a calendar year, unless the Secretary and the Contractor agree on a different period in the annual funding agreement incorporated by reference in subsection (f)(2).

"'(2) EFFECTIVE DATE.—This Contract shall become effective upon the date of the approval and execution by the Contractor and the Secretary, unless the Contractor and the Secretary agree on an effective date other than the date specified in this paragraph.

"'(3) PROGRAM STANDARD.—The Contractor agrees to administer the program, services, functions and activities (or portions thereof) listed in subsection (a)(2) of the Contract in conformity with the following standards: (list standards).

"'(4) FUNDING AMOUNT.—Subject to the availability of appropriations, the Secretary shall make available to the Contractor the total amount specified in the annual funding agreement incorporated by reference in subsection (f)(2). Such amount shall not be less than the applicable amount determined pursuant to section 106(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1).

"'(5) LIMITATION OF COSTS.—The Contractor shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds awarded under this Contract. If, at any time, the Contractor has reason to believe that the total amount required for performance of this Contract or a specific activity conducted under this Contract would be greater than the amount of funds awarded under this Contract, the Contractor shall provide reasonable notice to the appropriate Secretary. If the appropriate Secretary does not take such action as may be necessary to increase the amount of funds awarded under this Contract, the Contractor may suspend performance of the Contract until such time as additional funds are awarded.

"'(6) PAYMENT.—

"'(A) IN GENERAL.—Payments to the Contractor under this Contract shall—

"'(i) be made as expeditiously as practicable; and

"'(ii) include financial arrangements to cover funding during periods covered by joint resolutions adopted by Congress making continuing appropriations, to the extent permitted by such resolutions.

"'(B) QUARTERLY, SEMIANNUAL, LUMP-SUM, AND OTHER METHODS OF PAYMENT.—

"'(i) IN GENERAL.—Pursuant to section 108(b) of the Indian Self-Determination and Education Assistance Act, and notwithstanding any other provision of law, for each fiscal year covered by this Contract, the Secretary shall make available to the Contractor the funds specified for the fiscal year under the annual funding agreement incorporated by reference pursuant to subsection (f)(2) by paying to the Contractor, on a quarterly basis, one-quarter of the total amount provided for in the annual funding agreement for that fiscal year, in a lump-sum payment or as semiannual payments, or any other method of payment authorized by law, in accordance with such method as may be requested by the Contractor and specified in the annual funding agreement.

"'(ii) METHOD OF QUARTERLY PAYMENT.—If quarterly payments are specified in the annual funding agreement incorporated by reference pursuant to subsection (f)(2), each quarterly payment made pursuant to clause (i) shall be made on the first day of each quarter of the fiscal year, except that in any case in which the contract year coincides with the Federal fiscal year, payment for the first quarter shall be made not later than the date that is 10 calendar days after the date on which the Office of Management and Budget apportions the appropriations for the fiscal year for the programs, services, functions, and activities subject to this Contract.

"'(iii) APPLICABILITY.—Chapter 39 of title 31, United States Code, shall apply to the payment of funds due under this Contract and the annual funding agreement referred to in clause (i).

"'(7) RECORDS AND MONITORING.—

"'(A) IN GENERAL.—Except for previously provided copies of tribal records that the Secretary demonstrates are clearly required to be maintained as part of the recordkeeping system of the Department of the Interior or the Department of Health and Human Services (or both), records of the Contractor shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

"'(B) RECORDKEEPING SYSTEM.—The Contractor shall maintain a recordkeeping system and, upon reasonable advance request, provide reasonable access to such records to the Secretary.

"'(C) RESPONSIBILITIES OF CONTRACTOR.—The Contractor shall be responsible for managing the day-to-day operations conducted under this Contract and for monitoring activities conducted under this Contract to ensure compliance with the contract and applicable Federal requirements. With respect to the monitoring activities of the Secretary, the routine monitoring visits shall be limited to not more than one performance monitoring visit for this Contract by the head of each operating division, departmental bureau, or departmental agency, or duly authorized representative of such head unless—

"'(i) the Contractor agrees to one or more additional visits; or

"'(ii) the appropriate official determines that there is reasonable cause to believe that grounds for reassumption of the Contract, suspension of contract payments, or other serious contract performance deficiency may exist.

No additional visit referred to in clause (ii) shall be made until such time as reasonable advance notice that includes a description of the nature of the problem that requires the additional visit has been given to the Contractor.

"'(8) PROPERTY.—

"'(A) IN GENERAL.—As provided in section 105(f) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(f)), at the request of the Contractor, the Secretary may make available, or transfer to the Contractor, all reasonably divisible real property, facilities, equipment, and personal property that the Secretary has used to provide or administer the programs, services, functions, and activities covered by this Contract. A mutually agreed upon list specifying the property, facilities, and equipment so furnished shall also be prepared by the Secretary, with the concurrence of the Contractor, and periodically revised by the Secretary, with the concurrence of the Contractor.

"'(B) RECORDS.—The Contractor shall maintain a record of all property referred to in subparagraph (A) or other property acquired by the Contractor under section 105(f)(2)(A) of such Act for purposes of replacement.

"'(C) JOINT USE AGREEMENTS.—Upon the request of the Contractor, the Secretary and the Contractor shall enter into a separate joint use agreement to address the shared use by the parties of real or personal property that is not reasonably divisible.

"'(D) ACQUISITION OF PROPERTY.—The Contractor is granted the authority to acquire such excess property as the Contractor may determine to be appropriate in the judgment of the Contractor to support the programs, services, functions, and activities operated pursuant to this Contract.

"'(E) CONFISCATED OR EXCESS PROPERTY.—The Secretary shall assist the Contractor in obtaining such confiscated or excess property as may become available to tribes, tribal organizations, or local governments.

"'(F) SCREENER IDENTIFICATION CARD.—A screener identification card (General Services Administration form numbered 2946) shall be issued to the Contractor not later than the effective date of this Contract. The designated official shall, upon request, assist the Contractor in securing the use of the card.

"'(G) CAPITAL EQUIPMENT.—The Contractor shall determine the capital equipment, leases, rentals, property, or services the Contractor requires to perform the obligations of the Contractor under this subsection, and shall acquire and maintain records of such capital equipment, property rentals, leases, property, or services through applicable procurement procedures of the Contractor.

"'(9) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, any funds provided under this contract—

"'(A) shall remain available until expended; and

"'(B) with respect to such funds, no further—

"'(i) approval by the Secretary, or

"'(ii) justifying documentation from the Contractor, shall be required prior to the expenditure of such funds.

"'(10) TRANSPORTATION.—Beginning on the effective date of this Contract, the Secretary shall authorize the Contractor to obtain interagency motor pool vehicles and related services for performance of any activities carried out under this Contract.

"'(11) FEDERAL PROGRAM GUIDELINES, MANUALS, OR POLICY DIRECTIVES.—Except as specifically provided in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) the Contractor is not required to abide by program guidelines, manuals, or policy directives of the Secretary, unless otherwise agreed to by the Contractor and the Secretary, or otherwise required by law.

"'(12) DISPUTES.—

"'(A) THIRD-PARTY MEDIATION DEFINED.—For the purposes of this Contract, the term "third-party mediation" means a form of mediation whereby the Secretary and the Contractor nominate a third party who is not employed by or significantly involved with the Secretary of the Interior, the Secretary of Health and Human Services, or the Contractor, to serve as a third-party mediator to mediate disputes under this Contract.

"'(B) ALTERNATIVE PROCEDURES.—In addition to, or as an alternative to, remedies and procedures prescribed by section 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450m-1), the parties to this Contract may jointly—

"'(i) submit disputes under this Contract to third-party mediation;

"'(ii) submit the dispute to the adjudicatory body of the Contractor, including the tribal court of the Contractor;

"'(iii) submit the dispute to mediation processes provided for under the laws, policies, or procedures of the Contractor; or

"'(iv) use the administrative dispute resolution processes authorized in subchapter IV of chapter 5 of title 5, United States Code.

"'(C) EFFECT OF DECISIONS.—The Secretary shall be bound by decisions made pursuant to the processes set forth in subparagraph (B), except that the Secretary shall not be bound by any decision that significantly conflicts with the interests of Indians or the United States.

"'(13) ADMINISTRATIVE PROCEDURES OF CONTRACTOR.—Pursuant to the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.), the laws, policies, and procedures of the Contractor shall provide for administrative due process (or the equivalent of administrative due process) with respect to programs, services, functions, and activities that are provided by the Contractor pursuant to this Contract.

"'(14) SUCCESSOR ANNUAL FUNDING AGREEMENT.—

"'(A) IN GENERAL.—Negotiations for a successor annual funding agreement, provided for in subsection (f)(2), shall begin not later than 120 days prior to the conclusion of the preceding annual funding agreement. Except as provided in section 105(c)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(c)(2)) the funding for each such successor annual funding agreement shall only be reduced pursuant to section 106(b) of such Act (25 U.S.C. 450j-1(b)).

"'(B) INFORMATION.—The Secretary shall prepare and supply relevant information, and promptly comply with any request by the Contractor for information that the Contractor reasonably needs to determine the amount of funds that may be available for a successor annual funding agreement, as provided for in subsection (f)(2) of this Contract.

"'(15) CONTRACT REQUIREMENTS; APPROVAL BY SECRETARY.—

"'(A) IN GENERAL.—Except as provided in subparagraph (B), for the term of the Contract, section 2103 of the Revised Statutes (25 U.S.C. 81) and section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476), shall not apply to any contract entered into in connection with this Contract.

"'(B) REQUIREMENTS.—Each Contract entered into by the Contractor with a third party in connection with performing the obligations of the Contractor under this Contract shall—

"'(i) be in writing;

"'(ii) identify the interested parties, the authorities of such parties, and purposes of the Contract;

"'(iii) state the work to be performed under the Contract; and

"'(iv) state the process for making any claim, the payments to be made, and the terms of the Contract, which shall be fixed.

"'(c) OBLIGATION OF THE CONTRACTOR.—

"'(1) CONTRACT PERFORMANCE.—Except as provided in subsection (d)(2), the Contractor shall perform the programs, services, functions, and activities as provided in the annual funding agreement under subsection (f)(2) of this Contract.

"'(2) AMOUNT OF FUNDS.—The total amount of funds to be paid under this Contract pursuant to section 106(a) shall be determined in an annual funding agreement entered into between the Secretary and the Contractor, which shall be incorporated into this Contract.

"'(3) CONTRACTED PROGRAMS.—Subject to the availability of appropriated funds, the Contractor shall administer the programs, services, functions, and activities identified in this Contract and funded through the annual funding agreement under subsection (f)(2).

"'(4) TRUST SERVICES FOR INDIVIDUAL INDIANS.—

"'(A) IN GENERAL.—To the extent that the annual funding agreement provides funding for the delivery of trust services to individual Indians that have been provided by the Secretary, the Contractor shall maintain at least the same level of service as the Secretary provided for such individual Indians, subject to the availability of appropriated funds for such services.

"'(B) TRUST SERVICES TO INDIVIDUAL INDIANS.—For the purposes of this paragraph only, the term "trust services for individual Indians" means only those services that pertain to land or financial management connected to individually held allotments.

"'(5) FAIR AND UNIFORM SERVICES.—The Contractor shall provide services under this Contract in a fair and uniform manner and shall provide access to an administrative or judicial body empowered to adjudicate or otherwise resolve complaints, claims, and grievances brought by program beneficiaries against the Contractor arising out of the performance of the Contract.

"'(d) OBLIGATION OF THE UNITED STATES.—

"'(1) TRUST RESPONSIBILITY.—

"'(A) IN GENERAL.—The United States reaffirms the trust responsibility of the United States to the ___ Indian tribe(s) to protect and conserve the trust resources of the Indian tribe(s) and the trust resources of individual Indians.

"'(B) CONSTRUCTION OF CONTRACT.—Nothing in this Contract may be construed to terminate, waive, modify, or reduce the trust responsibility of the United States to the tribe(s) or individual Indians. The Secretary shall act in good faith in upholding such trust responsibility.

"'(C) GOOD FAITH.—To the extent that health programs are included in this Contract, and within available funds, the Secretary shall act in good faith in cooperating with the Contractor to achieve the goals set forth in the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

"'(2) PROGRAMS RETAINED.—As specified in the annual funding agreement, the United States hereby retains the programs, services, functions, and activities with respect to the tribe(s) that are not specifically assumed by the Contractor in the annual funding agreement under subsection (f)(2).

"'(e) OTHER PROVISIONS.—

"'(1) DESIGNATED OFFICIALS.—Not later than the effective date of this Contract, the United States shall provide to the Contractor, and the Contractor shall provide to the United States, a written designation of a senior official to serve as a representative for notices, proposed amendments to the Contract, and other purposes for this Contract.

"'(2) CONTRACT MODIFICATIONS OR AMENDMENT.—

"'(A) IN GENERAL.—Except as provided in subparagraph (B), no modification to this Contract shall take effect unless such modification is made in the form of a written amendment to the Contract, and the Contractor and the Secretary provide written consent for the modification.

"'(B) EXCEPTION.—The addition of supplemental funds for programs, functions, and activities (or portions thereof) already included in the annual funding agreement under subsection (f)(2), and the reduction of funds pursuant to section 106(b)(2), shall not be subject to subparagraph (A).

"'(3) OFFICIALS NOT TO BENEFIT.—No Member of Congress, or resident commissioner, shall be admitted to any share or part of any contract executed pursuant to this Contract, or to any benefit that may arise from such contract. This paragraph may not be construed to apply to any contract with a third party entered into under this Contract if such contract is made with a corporation for the general benefit of the corporation.

"'(4) COVENANT AGAINST CONTINGENT FEES.—The parties warrant that no person or selling agency has been employed or retained to solicit or secure any contract executed pursuant to this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business.

"'(f) ATTACHMENTS.—

"'(1) APPROVAL OF CONTRACT.—Unless previously furnished to the Secretary, the resolution of the ___ Indian tribe(s) authorizing the contracting of the programs, services, functions, and activities identified in this Contract is attached to this Contract as attachment 1.

"'(2) ANNUAL FUNDING AGREEMENT.—

"'(A) IN GENERAL.—The annual funding agreement under this Contract shall only contain—

"'(i) terms that identify the programs, services, functions, and activities to be performed or administered, the general budget category assigned, the funds to be provided, and the time and method of payment; and

"'(ii) such other provisions, including a brief description of the programs, services, functions, and activities to be performed (including those supported by financial resources other than those provided by the Secretary), to which the parties agree.

"'(B) INCORPORATION BY REFERENCE.—The annual funding agreement is hereby incorporated in its entirety in this Contract and attached to this Contract as attachment 2.'".

SEC. 4. ADDITIONAL AMENDMENTS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), as amended by sections 2 and 3, is further amended—

(1) in section 109—

(A) by inserting after "pursuant to such contract or grant agreement," the following "or in the management of trust fund, trust lands or interests in such lands pursuant to such contract or grant agreement,";

(B) by striking "action as prescribed by him" and all that follows through "in such cases, he" and inserting the following: "action as prescribed by the Secretary to remedy the contract deficiency, except that the appropriate Secretary may, upon written notice to a tribal organization, and the tribe served by the tribal organization, immediately rescind a contract or grant, in whole or in part, and resume control or operation of a program, activity, function, or service, if the Secretary finds that (i) there is an immediate threat of imminent harm to the safety of any person, or imminent substantial and irreparable harm to trust funds, trust lands, or interests in such lands, and (ii) such threat arises from the failure of the contractor to fulfill the requirements of the contract. In such cases, the Secretary";

(C) by inserting after "rescind such contract or grant agreement" the following: ", in whole or in part,";

(D) by striking the second period after "the tribal organization may approve"; and

(E) by inserting before the last sentence, the following new sentence: "In any hearing or appeal provided for under this section, the Secretary shall have the burden of proof to establish, by clearly demonstrated evidence, the validity of the grounds for rescinding, assuming, or reassuming the contract that is the subject of the hearing.";

(2) in section 110(a), by inserting immediately before the period at the end the following: "(including immediate injunctive relief to reverse a declination finding under section 102(a)(2) or to compel the Secretary to award and fund an approved self-determination contract)"; and

(3) in section 110(d), by inserting immediately before the period at the end the following: ", except that all administrative appeals relating to such contracts shall be heard by the Interior Board of Contract Appeals established pursuant to section 8 of such Act (41 U.S.C. 607)".

SEC. 5. REGULATIONS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), as amended by sections 2 through 4, is further amended—

(1) by striking subsections (a) and (b) of section 107 and inserting the following new subsections:

"(a)(1) Except as may be specifically authorized in this subsection, or in any other provision of this Act, the Secretary of the Interior and the Secretary of Health and Human Services may not promulgate any regulation, nor impose any nonregulatory requirement, relating to self-determination contracts or the approval, award, or declination of such contracts, except that the Secretary of the Interior and the Secretary of Health and Human Services may promulgate regulations under this Act relating to chapter 171 of title 28, United States Code, commonly known as the 'Federal Tort Claims Act', the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), declination and waiver procedures, appeal procedures, reassumption procedures, discretionary grant procedures for grants awarded under section 103, property donation procedures arising under section 105(f), internal agency procedures relating to the implementation of this Act, retrocession and tribal organization relinquishment procedures, contract proposal contents, conflicts of interest, construction, programmatic reports and data requirements, procurement standards, property management standards, and financial management standards.

"(2)(A) The regulations promulgated under this Act, including the regulations referred to in this subsection, shall be promulgated—

"(i) in conformance with sections 552 and 553 of title 5, United States Code and subsections (c), (d), and (e) of this section; and

"(ii) as a single set of regulations in title 25 of the Code of Federal Regulations.

"(B) The authority to promulgate regulations set forth in this Act shall expire if final regulations are not promulgated within 18 months after the date of enactment of the Indian Self-Determination Contract Reform Act of 1994.

"(b) The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of the Indian Self-Determination Contract Reform Act of 1994, and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act."; and

(2) by adding at the end of section 107, the following new subsections:

"(d)(1) In drafting and promulgating regulations as provided in subsection (a) (including drafting and promulgating any revised regulations), the Secretary of the Interior and the Secretary of Health and Human Services shall confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members.

"(2)(A) In carrying out rulemaking processes under this Act, the Secretary of the Interior and the Secretary of Health and Human Services shall follow the guidance of—

"(i) subchapter III of chapter 5 of title 5, United States Code, commonly known as the 'Negotiated Rulemaking Act of 1990'; and

"(ii) the recommendations of the Administrative Conference of the United States numbered 82-4 and 85-5 entitled 'Procedures for Negotiating Proposed Regulations' under sections 305.82-4 and 305.85-5 of title 1, Code of Federal Regulations, and any successor recommendation or law (including any successor regulation).

"(B) The tribal participants in the negotiation process referred to in subparagraph (A) shall be nominated by and shall represent the groups described in this paragraph and shall include tribal representatives from all geographic regions.

"(C) The negotiations referred to in subparagraph (B) shall be conducted in a timely manner. Proposed regulations to implement the amendments made by the Indian Self-Determination Contract Reform Act of 1994 shall be published in the Federal Register by the Secretary of the Interior and the Secretary of Health and Human Services not later than 180 days after the date of enactment of such Act.

"(D) Notwithstanding any other provision of law (including any regulation), the Secretary of the Interior and the Secretary of Health and Human Services are authorized to jointly establish and fund such interagency committees or other interagency bodies, including advisory bodies comprised of tribal representatives, as may be necessary or appropriate to carry out the provisions of this Act.

"(E) If the Secretary determines that an extension of the deadlines under subsection (a)(2)(B) and subparagraph (C) of this paragraph is appropriate, the Secretary may submit proposed legislation to Congress for the extension of such deadlines.

"(e) The Secretary may, with respect to a contract entered into under this Act, make exceptions in the regulations promulgated to carry out this Act, or waive such regulations, if the Secretary finds that such exception or waiver is in the best interest of the Indians served by the contract or is consistent with the policies of this Act, and is not contrary to statutory law. In reviewing each request, the Secretary shall follow the timeline, findings, assistance, hearing, and appeal procedures set forth in section 102.".

SEC. 6. CONFORMING AMENDMENTS.

Section 105(h) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(h)) is amended by striking "and the rules and regulations adopted by the Secretaries of the Interior and Health and Human Services pursuant to section 107 of this Act".

QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR ACT

The text of the bill (H.R. 1348) to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes, as passed by the Senate on October 6, 1994, is as follows:

H.R. 1348

Resolved, That the bill from the House of Representatives (H.R. 1348) entitled "An Act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

SEC. 101. SHORT TITLE.

This title may be cited as the "Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994".

SEC. 102. FINDINGS.

The Congress finds that—

(1) the Quinebaug and Shetucket Rivers Valley in the State of Connecticut is one of the last unspoiled and undeveloped areas in the Northeastern United States and has remained largely intact, including important aboriginal archaeological sites, excellent water quality, beautiful

rural landscapes, architecturally significant mill structures and mill villages, and large acreages of parks and other permanent open space;

(2) the State of Connecticut ranks last among the 50 States in the amount of federally protected park and open space lands within its borders and lags far behind the other Northeastern States in the amount of land set-aside for public recreation;

(3) the beautiful rural landscapes, scenic vistas and excellent water quality of the Quinebaug and Shetucket Rivers contain significant undeveloped recreational opportunities for people throughout the United States;

(4) the Quinebaug and Shetucket Rivers Valley is within a two-hour drive of the major metropolitan areas of New York City, Hartford, Providence, Worcester, Springfield, and Boston. With the President's Commission on Americans Outdoors reporting that Americans are taking shorter "closer-to-home" vacations, the Quinebaug and Shetucket Rivers Valley represents important close-by recreational opportunities for significant population;

(5) the existing mill sites and other structures throughout the Quinebaug and Shetucket Rivers Valley were instrumental in the development of the industrial revolution;

(6) the Quinebaug and Shetucket Rivers Valley contains a vast number of discovered and unrecovered Native American and colonial archaeological sites significant to the history of North America and the United States;

(7) the Quinebaug and Shetucket Rivers Valley represents one of the last traditional upland farming and mill village communities in the Northeastern United States;

(8) the Quinebaug and Shetucket Rivers Valley played a nationally significant role in the cultural evolution of the prewar colonial period, leading the transformation from Puritan to Yankee, the "Great Awakening" religious revival and early political development leading up to and during the War of Independence; and

(9) many local, regional and State agencies businesses, and private citizens and the New England Governors' Conference have expressed an overwhelming desire to combine forces: to work cooperatively to preserve and enhance resources region-wide and better plan for the future.

SEC. 103. ESTABLISHMENT OF QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR; PURPOSE.

(a) ESTABLISHMENT.—There is hereby established in the State of Connecticut the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

(b) PURPOSE.—It is the purpose of this title to provide assistance to the State of Connecticut, its units of local and regional government and citizens in the development and implementation of integrated cultural, historical, and recreational land resource management programs in order to retain, enhance, and interpret the significant features of the lands, water, and structures of the Quinebaug and Shetucket Rivers Valley.

SEC. 104. BOUNDARIES AND ADMINISTRATION.

(a) BOUNDARIES.—The boundaries of the Corridor shall include the towns of Ashford, Brooklyn, Canterbury, Chaplin, Coventry, Eastford, Franklin, Griswold, Hampton, Killingly, Lebanon, Lisbon, Mansfield, Norwich, Plainfield, Pomfret, Preston, Putnam, Scotland, Sprague, Sterling, Thompson, Voluntown, Windham, and Woodstock. As soon as practical after the date of enactment of this Act', the Secretary shall publish in the Federal Register a detailed description and map of boundaries established under this subsection.

SEC. 105. STATE CORRIDOR PLAN.

(a) PREPARATION OF PLAN.—Within two years after the date of enactment of this title, the Governor of the State of Connecticut is encouraged to develop a Cultural Heritage and Corridor Management Plan. The plan shall be based on existing Federal, State, and local plans, but shall coordinate those plans and present a comprehensive historic preservation, interpretation, and recreational plan for the Corridor. The plan shall—

(1) recommend non-binding advisory standards and criteria pertaining to the construction, preservation, restoration, alteration and use of properties within the Corridor, including an inventory of such properties which potentially could be preserved, restored, managed, developed, maintained, or acquired based upon their historic, cultural or recreational significance;

(2) develop an historic interpretation plan to interpret the history of the Corridor;

(3) develop an inventory of existing and potential recreational sites which are developed or which could be developed within the Corridor;

(4) recommend policies for resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Corridor's historical, cultural, recreational, scenic, and natural resources in a manner consistent with supporting appropriate and compatible economic revitalization efforts:

(5) detail ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(6) contain a program for implementation of the plan by the State and its political subdivisions.

(b) PUBLIC INVOLVEMENT IN PLAN DEVELOPMENT.—During development of the Plan, the Governor is encouraged to include:

(1) the participation of at least the following:

(A) local elected officials in the communities defined in section 104;

(B) representatives of the three Regional Planning Agencies defined in section 108;

(C) representatives of Northeast Connecticut Visitors District and Southeastern Connecticut Tourism District;

(D) the Commissioners, or their designees, of the Connecticut Department of Environmental Protection and the Connecticut Department of Economic Development;

(E) Director, or his designee of the Connecticut State Historical Commission; and

(F) residents of the communities within the Corridor as defined in section 104.

(2) hold at least one public hearing in each of the following counties: Windham; Tolland, and New London; and

(3) consider, to the maximum extent practicable, the recommendations, comments, proposals and other information submitted at the public hearings when developing the final version of the plan. The Governor is encouraged to publish notice of hearings discussed in subparagraph (2) of this paragraph in newspapers of general circulation at least 30 days prior to the hearing date. The Governor is encouraged to use any other means authorized by Connecticut law to gather public input and/or involve members of the public in the development of the plan.

(c) IMPLEMENTATION OF PLAN.—After review of the plan by the Secretary as provided for in section 106, the Governor shall implement the plan. Upon the request of the Governor, the Secretary may take appropriate steps to assist in the preservation and interpretation of historic resources, and to assist in the development of recreational resources within the Corridor. These steps may include, but need not be limited to—

(1) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in preserving the Corridor and ensuring appropriate use of lands and structures throughout the Corridor;

(2) assisting the State and local governmental entities or regional planning organizations, and non-profit organizations in establishing and maintaining visitor centers and other interpretive exhibits in the Corridor;

(3) assisting the State and local governmental entities or regional planning organizations, and nonprofit organizations in developing recreational programs and resources in the Corridor;

(4) assisting the State and local governmental entities or regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the historical and architectural resources and sites in the Corridor;

(5) assisting the State and local governmental or regional planning organizations and nonprofit organizations in the restoration of historic buildings within the Corridor identified pursuant to the inventory required in section 5(a)(1);

(6) encouraging by appropriate means enhanced economic and industrial development in the Corridor consistent with the goals of the plan;

(7) encouraging local governments to adopt land use policies consistent with the management of the Corridor and the goals of the plan; and

(8) assisting the State and local governmental entities or regional planning organizations to ensure that clear, consistent signs identifying access points and sites of interest are put in place throughout the Corridor.

SEC. 106. DUTIES OF THE SECRETARY.

(a) ASSISTANCE.—The Secretary and the heads of other Federal Agencies shall, upon request of the Governor assist the Governor in the preparation and implementation of the plan.

(b) COMPLETION.—Upon completion of the plan the Governor shall submit such plan to the Secretary for review and comment. The Secretary shall complete such review and comment within 60 days. The Governor shall make such changes in the plan as he deems appropriate based on the Secretary's review and comment.

SEC. 107. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Corridor shall consult with the Secretary and the Governor with respect to such activities to minimize any adverse effect on the Corridor.

SEC. 108. DEFINITIONS.

For the purposes of this title:

(1) The term "State" means the State of Connecticut.

(2) The term "Corridor" means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor under section 103.

(3) The term "Governor" means the Governor of the State of Connecticut.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "regional planning organization" means each of the three regional planning organizations established by Connecticut State statute chapter 127 and chapter 50 (the Northeastern Connecticut Council of Governments, the Windham Regional Planning Agency or its successor, and the Southeastern Connecticut Regional Planning Agency or its successor).

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title: Provided, That not more than $200,000 shall be appropriated for fiscal year 1995, and not more than $250,000 annually thereafter shall be appropriated for the Secretary to carry out his duties under this title for a period not to exceed seven years: Provided further, That the Federal *funding for the Corridor shall not exceed 50 percent of the total annual costs for the Corridor.*

SEC. 110. NATIONAL PARK SERVICE.

The Corridor shall not be deemed to be a unit of the National Park System.

TITLE II—WEIR FARM NATIONAL HISTORIC SITE ADDITIONS.

SEC. 201. SHORT TITLE.

This title may be cited as the "Weir Farm National Historic Site Expansion Act of 1994".

SEC. 202. PURPOSE.

The purpose of this title is to preserve the last remaining undeveloped parcels of the historic Weir Farm that remain in private ownership by including the parcels within the boundary of the Weir Farm National Historic Site.

SEC. 203. BOUNDARY ADJUSTMENT.

(a) ADJUSTMENT.—Section 4(b) of the Weir Farm National Historic Site Establishment Act of 1990 (Public Law 101–485; 104 Stat. 1171) is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the flush material below paragraph (2); and

(3) by adding at the end the following:

"(3) the approximately 2-acre parcel of land situated in the town of Wilton, Connecticut, designated as lot 18 on a map entitled 'Revised Map of Section I, Thunder Lake at Wilton, Connecticut, Scale 1′ = 100′, October 27, 1978, Ryan and Faulds Land Surveyors, Wilton, Connecticut', that is on file in the office of the town clerk of the town of Wilton, and therein numbered 3673; and

"(4) the approximately 0.9-acre western portion of a parcel of land situated in the town of Wilton, Connecticut, designated as Tall Oaks Road on the map referred to in paragraph (3).".

(b) GENERAL DEPICTION.—Section 4 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

"(c) GENERAL DEPICTION.—The parcels referred to in paragraphs (1) through (4) of subsection (b) are all as generally depicted on a map entitled "Boundary Map, Weir Farm National Historic Site, Fairfield County Connecticut", dated June, 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.".

TITLE III—CANE RIVER CREOLE NATIONAL HISTORICAL PARK.

SEC. 301. SHORT TITLE.

Titles III and IV of this Act may be cited as the "Cane River Creole National Historical Park and National Heritage Area Act".

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Natchitoches area along Cane River, established in 1714, is the oldest permanent settlement in the Louisiana Purchase territory;

(2) the Cane River area is the locale of the development of Creole culture, from French-Spanish interactions of the early 18th century to today's living communities;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, unlike the Cane River area, most are isolated examples, and lack original outbuilding complexes or integrity;

(5) the Cane River area includes a great variety of historical features with original elements in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, four other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefitted from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs.

(b) PURPOSES.—The purposes of titles III and IV of this Act are to—

(1) recognize the importance of the Cane River Creole culture as a nationally significant element of the cultural heritage of the United States;

(2) establish a Cane River Creole National Historical Park to serve as the focus of interpretive and educational programs on the history of the Cane River area and to assist in the preservation of certain historic sites along the river; and

(3) establish a Cane River National Heritage Area and Commission to be undertaken in partnership with the State of Louisiana, the City of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

SEC. 303. ESTABLISHMENT OF CANE RIVER CREOLE NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—In order to assist in the preservation and interpretation of, and education concerning, the Creole culture and diverse history of the Natchitoches region, and to provide technical assistance to a broad range of public and private landowners and preservation organizations, there is hereby established the Cane River Creole National Historical Park in the State of Louisiana (hereinafter in titles III and IV of this Act referred to as the "historical park").

(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:

(1) Lands and structures associated with the Oakland Plantation as depicted on map CARI, 80,002, dated January 1994.

(2) Lands and structures owned or acquired by Museum Contents, Inc. as depicted on map CARI, 80,001A, dated May 1994.

(3) Sites that may be the subject of cooperative agreements with the National Park Service for the purposes of historic preservation and interpretation including, but not limited to, the Melrose Plantation, the Badin-Roque site, the Cherokee Plantation, the Beau Fort Plantation, and sites within the Natchitoches National Historical Landmark District: Provided, That such sites may not be added to the historical park unless the Secretary of the Interior (hereinafter referred to as the "Secretary") determines, based on further research and planning, that such sites meet the applicable criteria for national historical significance, suitability, and feasibility, and notification of the proposed addition has been transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the House of Representatives.

(4) Not to exceed 10 acres of land that the Secretary may designate for an interpretive visitor center complex to serve the needs of the historical park and heritage area established in title IV of this Act.

SEC. 304. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the historical park in accordance with this title and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1935 (49 Stat. 535; 16 U.S.C. 1, 2–4); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary shall manage the historical park in such a manner as will preserve resources and cultural landscapes relating to the Creole culture of the Cane River and enhance public understanding of the important cultural heritage of the Cane River region.

(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, or other public or private entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of titles III and IV of this Act. Any funds donated to the Secretary pursuant to this subsection may be expended without further appropriation.

(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center on lands identified by the Secretary pursuant to section 303(b)(4). Such center shall provide for the general information and orientation needs of the historical park and the heritage area. The Secretary shall consult with the State of Louisiana, the City of Natchitoches, the Association for the Preservation of Historic Natchitoches, and the Cane River National Heritage Area Commission pursuant to section 402 of this Act in the planning and development of the interpretive center.

(d) COOPERATIVE AGREEMENTS AND TECHNICAL ASSISTANCE.—(1) The Secretary, after consultation with the Cane River National Heritage Area Commission established pursuant to section 402 of this Act, is authorized to enter into cooperative agreements with owners of properties within the heritage area and owners of properties within the historical park that provide important educational and interpretive opportunities relating to the heritage of the Cane River region. The Secretary may also enter into cooperative agreements for the purpose of facilitating the preservation of important historic sites and structures identified in the historical park's general management plan or other heritage elements related to the heritage of the Cane River region. Such cooperative agreements shall specify that the National Park Service shall have reasonable rights of access for operational and visitor use needs and that preservation treatments will meet the Secretary's standards for rehabilitation of historic buildings.

(2) The Secretary is authorized to enter into cooperative agreements with the City of Natchitoches, the State of Louisiana, and other public or private organizations for the development of the interpretive center, educational programs, and other materials that will facilitate public use of the historical park and heritage area.

(e) RESEARCH.—The Secretary, acting through the National Park Service, shall coordinate a comprehensive research program on the complex history of the Cane River region, including ethnography studies of the living communities along the Cane River, and how past and present generations have adapted to their environment, including genealogical studies of families within the Cane River area. Research shall include, but not be limited to, the extensive primary historic documents within the Natchitoches and Cane River areas, and curation methods for their care and exhibition. The research program shall be coordinated with Northwestern State University of Louisiana, and the National Center for Preservation Technology and Training in Natchitoches.

SEC. 305. ACQUISITION OF PROPERTY.

(a) GENERAL AUTHORITY.—Except as otherwise provided in this section, the Secretary is

authorized to acquire lands and interests therein within the boundaries of the historical park by donation, purchase with donated or appropriated funds, or exchange.

(b) STATE AND LOCAL PROPERTIES.—Lands and interests therein that are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation or exchange.

(c) MUSEUM CONTENTS, INC.—Lands and structures identified in section 303(b)(2) may be acquired only by donation.

(d) COOPERATIVE AGREEMENT SITES.—Lands and interests therein that are the subject of cooperative agreements pursuant to section 303(b)(3) shall not be acquired except with the consent of the owner thereof.

SEC. 306. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and in consultation with the Cane River Heritage Area Commission, the National Park Service shall prepare a general management plan for the historical park. The plan shall include but need not be limited to—

(1) a visitor use plan indicating programs and facilities that will be provided for public use, including the location and cost of an interpretive center;

(2) programs and management actions that the National Park Service will undertake cooperatively with the heritage area commission, including preservation treatments for important sites, structures, objects, and research materials. Planning shall address educational media, roadway signing, and brochures that could be coordinated with the Commission pursuant to section 403 of this Act; and

(3) preservation and use plans for any sites and structures that are identified for National Park Service involvement through cooperative agreements.

TITLE IV—CANE RIVER NATIONAL HERITAGE AREA

SEC. 401. ESTABLISHMENT OF THE CANE RIVER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Cane River National Heritage Area (hereinafter in this title referred to as the "heritage area").

(b) PURPOSE.—In furtherance of the need to recognize the value and importance of the Cane River region and in recognition of the findings of section 302(a) of this Act, it is the purpose of this title to establish a heritage area to complement the historical park and to provide for a culturally sensitive approach to the preservation of the heritage of the Cane River region, and for other needs including—

(1) recognizing areas important to the Nation's heritage and identity;

(2) assisting in the preservation and enhancement of the cultural landscape and traditions of the Cane River region;

(3) providing a framework for those who live within this important dynamic cultural landscape to assist in preservation and educational actions; and

(4) minimizing the need for Federal land acquisition and management.

(c) AREA INCLUDED.—The heritage area shall include—

(1) an area approximately 1 mile on both sides of the Cane River as depicted on map CARI, 80,000A, dated May 1994;

(2) those properties within the Natchitoches National Historic Landmark District which are the subject of cooperative agreements pursuant to section 304(d) of this Act;

(3) the Los Adaes State Commemorative Area:

(4) the Fort Jesup State Commemorative Area;

(5) the Fort St. Jean Baptiste State Commemorative Area; and

(6) the Kate Chopin House.

A final identification of all areas and sites to be included in the heritage area shall be included in the heritage area management plan as required in section 403.

SEC. 402. CANE RIVER NATIONAL HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—To assist in implementing the purposes of titles II and III of this Act and to provide guidance for the management of the heritage area, there is established the Cane River National Heritage Acra Commission (hereinafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall consist of 19 members to be appointed no later than 6 months after the date of enactment of this title. The Commission shall be appointed by the Secretary as follows—

(1) one member from recommendations submitted by the Mayor of Natchitoches;

(2) one member from recommendations submitted by the Association for the Preservation of Historic Natchitoches;

(3) one member from recommendations submitted by the Natchitoches Historic Foundation, Inc.;

(4) two members with experience in and knowledge of tourism in the heritage area from recommendations submitted by the local business and tourism organizations;

(5) one member from recommendations submitted by the Governor of the State of Louisiana;

(6) one member from recommendations submitted by the Police Jury of Natchitoches Parish;

(7) one member from recommendations submitted by the Concerned Citizens of Cloutierville;

(8) one member from recommendations submitted by the St. Augustine Historical Society;

(9) one member from recommendations submitted by the Black Heritage Committee;

(10) one member from recommendations submitted by the Los Ades/Robeline Community;

(11) one member from recommendations submitted by the Natchitoches Historic District Commission;

(12) one member from recommendations submitted by the Cane River Waterway Commission;

(13) two members who are landowners in and residents of the heritage area;

(14) one member with experience and knowledge of historic preservation from recommendations submitted by Museum Contents, Inc.;

(15) one member with experience and knowledge of historic preservation from recommendations submitted by the President of Northwestern State University of Louisiana;

(16) one member with experience in and knowledge of environmental, recreational and conservation matters affecting the heritage area from recommendations submitted by the Natchitoches Sportsman Association and other local recreational and environmental organizations; and

(17) the Director of the National Park Service, or the Director's designee, ex officio.

(c) DUTIES OF THE COMMISSION.—The Commission shall—

(1) prepare a management plan for the heritage area in consultation with the National Park Service, the State of Louisiana, the City of Natchitoches, Natchitoches Parish, interested groups, property owners, and the public;

(2) consult with the Secretary on the preparation of the general management plan for the historical park;

(3) develop cooperative agreements with property owners, preservation groups, educational groups, the State of Louisiana, the City of Natchitoches, universities, and tourism groups, and other groups to further the purposes of titles III and IV of this Act; and

(4) identify appropriate entities, such as a non-profit corporation, that could be established to assume the responsibilities of the Commission following its termination.

(d) POWERS OF THE COMMISSION.—In furtherance of the purposes of titles III and IV of this Act, the Commission is authorized to—

(1) procure temporary and intermittent services to the same extent that is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable;

(2) accept the services of personnel detailed from the State of Louisiana or any political subdivision thereof, and may reimburse the State or political subdivision for such services;

(3) upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties;

(4) appoint and fix the compensation of such staff as may be necessary to carry out its duties. Staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(5) enter into cooperative agreements with public or private individuals or entities for research, historic preservation, and education purposes;

(6) make grants to assist in the preparation of studies that identify, preserve, and plan for the management of the heritage area;

(7) notwithstanding any other provision of law, seek and accept donations of funds or services from individuals, foundations, or other public or private entities and expend the same for the purposes of providing services and programs in furtherance of the purposes of titles III and IV of this Act;

(8) assist others in developing educational, informational, and interpretive programs and facilities;

(9) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; and

(10) use the United States mails in the same manner and under the same conditions as other departments or agencies of the United States.

(e) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(g) TERMS.—The terms of Commission members shall be for 3 years. Any member of the Commission appointed by the Secretary for a 3-year term may serve after expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(h) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report is made, and actions that are planned for the following year.

SEC. 403. PREPARATION OF THE PLAN.

(a) IN GENERAL.—Within 3 years after the Commission conducts its first meeting, it shall prepare and submit a heritage area management *plan to the Governor of the State of Louisiana. The Governor shall, if the Governor approves the plan, submit it to the Secretary for review and approval. The Secretary shall provide technical assistance to the Commission in the preparation and implementation of the plan, in concert with actions by the National Park Service to prepare a general management plan for the historical park. The plan shall consider local government plans and shall present a unified heritage preservation and education plan for the heritage area. The plan shall include, but not be limited to—*

(1) an inventory of important properties and cultural landscapes that should be preserved, managed, developed, and maintained because of their cultural, natural, and public use significance;

(2) an analysis of current land uses within the area and how they affect the goals of preservation and public use of the heritage area;

(3) an interpretive plan to address the cultural and natural history of the area, and actions to enhance visitor use. This element of the plan shall be undertaken in consultation with the National Park Service and visitor use plans for the historical park;

(4) recommendations for coordinating actions by local, State, and Federal governments within the heritage area, to further the purposes of titles III and IV of this Act; and

(5) an implementation program for the plan including desired actions by State and local governments and other involved groups and entities.

(b) APPROVAL OF THE PLAN.—The Secretary shall approve or disapprove the plan within 90 days after receipt of the plan from the Commission. The Commission shall notify the Secretary of the status of approval by the Governor of Louisiana when the plan is submitted for review and approval. In determining whether or not to approve the plan the Secretary shall consider—

(1) whether the Commission has afforded adequate opportunity, including public meetings and hearings, for public and governmental involvement in the preparation of the plan; and

(2) whether reasonable assurances have been received from the State and local governments that the plan is supported and that the implementation program is feasible.

(c) DISAPPROVAL OF THE PLAN.—If the Secretary disapproves the plan, he shall advise the Commission in writing of the reasons for disapproval, and shall provide recommendations and assistance in the revision of the plan. Following completion of any revisions to the plan, the Commission shall resubmit the plant to the Government or Louisiana for approval, and to the Secretary, who shall approve or disapprove the plan within 90 days after the date that the plan is revised.

SEC. 404. TERMINATION OF HERITAGE AREA COMMISSION.

(a) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the first official meeting of the Commission.

(b) EXTENSION.—The Commission may petition to be extended for a period of not more than 5 years beginning on the day referred to in subsection (a), provided the Commission determines a critical need to fulfill the purposes of titles III and IV of this Act; and the Commission obtains approval from the Secretary, in consultation with the Governor of Louisiana.

(c) HERITAGE AREA MANAGEMENT FOLLOWING TERMINATION OF THE COMMISSION.—The national heritage area status for the Cane River region shall continue following the termination of the Commission. The management plan, and partnerships and agreements subject to the plan shall guide the future management of the heritage area. The Commission, prior to its termination, shall recommend to the Governor of the State of Louisiana and the Secretary, appropriate entities, including the potential for a nonprofit corporation, to assume the responsibilities of the Commission.

SEC. 405. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the Commission with respect to implementation of their proposed actions; and

(2) to the maximum extent practicable, coordinate such activities with the Commission to minimize potential impacts on the resources of the heritage area.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out titles III and IV of this Act.

INTRASTATE TOW AND WRECKER TRUCK TRANSPORTATION TECHNICAL CORRECTION ACT

The text of the bill (H.R. 5123) to make a technical correction to an Act preempting State economic regulation of motor carriers, as passed by the Senate on October 6, 1994, is as follows:

H. 5123

Resolved, That the bill from the House of Representatives (H.R. 5123) entitled "An Act to make a technical correction to an Act preempting State economic regulation of motor carriers", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. TECHNICAL CORRECTION OF 1994 FFA AUTHORIZATION ACT.

(a) IN GENERAL.—Section 11501(h)(2) of title 49, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(C) does not apply to the transportation of garbage and refuse;

"(D) does not apply to the transportation for collection of recyclable materials that are a part of a residential curbside recycling program; and

"(E) does not restrict the regulatory authority of a State, political subdivision of a State, or political authority of 2 or more States before January 1, 1997, insofar as such authority relates to tow trucks or wreckers providing for-hire service.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1995.

FEDERAL RAILROAD SAFETY AUTHORIZATION ACT

The text of the bill (H.R. 4545) to amend the Federal Railroad Safety Act of 1970, and for other purposes, as passed by the Senate on October 6, 1994, is as follows:

H.R. 4545

Resolved, That the bill from the House of Representatives (H.R. 4545) entitled "An Act to amend the rail safety provisions of title 49, United States Code, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION. 1. SHORT TITLES.

(a) TITLE I.—Title I of this Act may be cited as the "Federal Railroad Safety Authorization Act of 1994".

(b) TITLE II.—Title II of this Act may be cited as the "High Risk Drivers Act of 1994".

TITLE I—FEDERAL RAILROAD SAFETY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 20117(a)(1) of title 49, United States Code, is amended by inserting after subparagraph (B) the following:

"(C) $68,289,000 for the fiscal year ending September 30, 1995.

"(D) $75,112,000 for the fiscal year ending September 30, 1996.

"(E) $82,563,000 for the fiscal year ending September 30, 1997.

"(F) $90,739,000 for the fiscal year ending September 30, 1998.".

SEC. 102. HOURS OF SERVICE PILOT PROJECT.

(a) IN GENERAL.—Chapter 211 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 12108. Hours of service pilot project

"(a) PILOT PROJECTS AUTHORIZED.—A railroad or railroads, and all labor organizations representing any directly affected covered service employees of the railroad or railroads, may jointly petition the Secretary of Transportation for approval of one or more pilot projects to demonstrate the possible benefits and costs of implementing alternatives to the requirements of this Act, including, but not limited to, those concerning maximum on-duty and minimum off-duty periods. Based on such a joint petition, the Secretary, after notice and opportunity for comment, may waive, in whole or in part, compliance with this Act for a period of no more than 2 years, if the Secretary determines that such waiver of compliance is in the public interest and is consistent with railroad safety. Any such waiver may, based on a new petition, be extended for additional periods of up to 2 years, after notice and opportunity for comment. An explanation of any waiver granted under this section shall be published in the Federal Register.

"(b) REPORT.—The Secretary shall submit to Congress no later than June 1, 1996, an interim report that discusses the status of the pilot project program and a final report by January 1, 1998, that explains and analyzes the impact on safety, railroad operating conditions, railroad operations, and potential benefits of any pilot projects approved under this section.".

(b) CIVIL PENALTY.—The first sentence of section 21303(a) of title 49, United States Code, is amended by inserting a comma and "or a provision of a waiver granted under section 12108 of this title," after "of this title" the second place it appears.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 211 of title 49, United States Code, is amended by adding at the end thereof the following:

"12108. Hours of service pilot project.".

SEC. 103. TECHNICAL AMENDMENT TO FEDERAL RAILROAD SAFETY ACT OF 1970.

Section 20111(c) of title 49, United States Code, is amended by inserting "this chapter or any of the laws transferred to the jurisdiction of the Secretary of Transportation by subsection (e)(1), (2), or (6)(A) of section 6 of the Department of Transportation Act, as such Act is in effect on June 1, 1994, or" after "individual's violation of".

SEC. 104. BIENNIAL REPORTING ON IMPLEMENTATION OF FEDERAL RAILROAD SAFETY ACT OF 1970.

(a) IN GENERAL.—Section 20116 of title 49, United States Code, is amended by striking "not later than July 1 of each year a report on carrying out this chapter for the prior calendar year"

in the first sentence and inserting "every 2 years, on or before July 1, a report on carrying out this chapter for the preceding 2 calendar years".

(b) CONFORMING AMENDMENT.—The section heading for that section is amended by striking "Annual report" and inserting in lieu thereof "Biennial report".

SEC. 105. STATE HIGHWAY SAFETY MANAGEMENT SYSTEMS.

(a) AMENDMENT OF REGULATIONS.—The Secretary of Transportation shall conduct a rulemaking proceeding to amend the regulations under section 500.407 of title 23, Code of Federal Regulations, to require that each highway safety management system developed, established, and implemented by a State shall, among countermeasures and priorities established under subsection (b)(2) of that section—

(1) include public railroad-highway grade-crossing closure plans that are aimed at eliminating high-risk or redundant crossings (as defined by the Secretary);

(2) include railroad-highway grade-crossing policies that limit the creation of new at-grade crossings for vehicle or pedestrian traffic, recreational use, or any other purpose; and

(3) include plans for State policies, programs, and resources to further reduce death and injury at high-risk railroad-highway grade crossings.

(b) DEADLINE.—The Secretary of Transportation shall complete the rulemaking proceeding described in subsection (a) and prescribe the required amended regulations, not later than one year after the date of enactment of this Act.

SEC. 106. EMERGENCY NOTIFICATION OF GRADE-CROSSING PROBLEMS.

Section 20134 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) PILOT PROGRAMS.—

"(1) The Secretary of Transportation shall conduct a pilot program to demonstrate an emergency notification system utilizing a toll free telephone number that the public can use to convey to railroads, either directly or through public safety personnel, information about malfunctions or other safety problems at railroad-highway grade crossings. The pilot program, at a minimum—

"(A) shall include railroad-highway grade crossings in at least 2 States,

"(B) shall include provisions for public education and awareness of the program, and

"(C) shall require information to be posted at the railroad-highway grade crossing describing the emergency notification system and instructions on how to use the system.

The Secretary may, by grant, provide funding for the expense of information signs and public awareness campaigns necessary to demonstrate the notification system.

"(2) The Secretary shall complete the pilot program not later than 24 months after the date of enactment of the Federal Railroad Safety Authorization Act of 1994, and shall submit to the Congress not later than 30 months after that date an evaluation of the pilot program, together with findings as to the effectiveness of such emergency notification systems. The report shall compare and contrast the structure, cost, and effectiveness of the pilot program with other emergency notification systems in effect within other States. Such evaluation shall include analyses of the safety benefits derived from the programs, cost effectiveness, and the burdens on participants, including the railroads and law enforcement personnel.

"(3) Unless the Secretary determines that—

"(A) the national notification system would not be a cost-effective means of providing timely and accurate notification of railroad-highway grade crossing safety emergencies; or

"(B) State-level notification systems evaluated by the Secretary offer a clearly superior means of providing such notification, and the Secretary includes in the report to the Congress under paragraph (2) a strategy and schedule for extending such systems to other States;

then the Secretary shall establish, and shall issue implementing regulations for, a national notification system, within 24 months after the date on which the report is issued. The regulations shall include provisions requiring railroads to erect and maintain appropriate signs and to provide necessary railroad-highway grade crossing information to the United States DOT/AAR Rail-Highway Grade Crossing Inventory.

"(4) In addition to sums authorized under section 20117(a)(1) of this title, there are authorized to be appropriated to carry out this section not to exceed $700,000 for fiscal year 1995, $250,000 for fiscal year 1996, $800,000 for fiscal year 1997, and $400,000 for fiscal year 1998.".

SEC. 107. OPERATION LIFESAVER.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized by law, there are authorized to be appropriated for railroad research and development $300,000 for fiscal year 1995, $500,000 for fiscal year 1996, and $750,000 for fiscal year 1997, to support Operation Lifesaver, Inc.

(b) PROGRAM REQUIREMENTS.—The Secretary of Transportation shall not provide financial assistance from any amount appropriated for railroad research and development to Operation Lifesaver, Inc., in excess of $150,000 for any fiscal year unless—

(1) such excess funding is for the development and implementation of a national, multi-year, multimedia public information and law enforcement program for the reduction of fatalities and serious injuries involving railroad-highway grade crossings and trespassing on railroad rights-of-way and property; and

(2) at least 30 percent of the costs of developing and implementing such program is provided from non-Federal sources, including States and railroads.

(c) SECRETARY OR DELEGATES TO SERVE EX OFFICIO ON BOARDS OF RECIPIENT ORGANIZATIONS.—In order to ensure maximum coordination and effectiveness in carrying out the Operation Lifesaver program, the Secretary of Transportation or, by delegation, the Administrator of the Federal Railroad Administration and the Administrator of the Federal Highway Administration, is authorized to serve, ex officio, as a member of the board of directors (or similar governing body) of any organization receiving funds made available by the Secretary for carrying out a program of public information and education to reduce or prevent motor vehicle accidents, injuries, and fatalities, or to improve driver performance, at railroad-highway grade crossings, and to prevent trespassing on railroad rights-of-way and resulting injuries and fatalities.

SEC. 108. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

(a) IN GENERAL.—In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary of Transportation shall ensure that the National Intelligent Vehicle-Highway Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent vehicle-highway technologies to promote safety at railroad-highway grade crossings. The Secretary of Transportation shall ensure that two or more operational tests funded under such Act shall promote highway traffic safety and railroad safety.

SEC. 109. VIOLATION OF GRADE-CROSSING LAWS AND REGULATIONS.

(a) FEDERAL REGULATIONS.—Section 31311 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(h) GRADE-CROSSING VIOLATIONS.—

"(1) SANCTIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.

"(2) MINIMUM REQUIREMENTS.—Regulations issued under paragraph (1) shall, at a minimum, require that—

"(A) the penalty for a single violation shall not be less than a 60-day disqualification of the driver's commercial driver's license; and

"(B) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than $10,000.".

(b) DEADLINE.—The initial regulations required under section 31310(h) of title 49, United States Code, shall be issued not later than one year after the date of enactment of this Act.

(c) STATE REGULATIONS.—Section 31311(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(18) GRADE-CROSSING REGULATIONS.—The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(h) of this title.".

SEC. 110. SAFETY ENFORCEMENT.

(a) COOPERATION BETWEEN FEDERAL AND STATE AGENCIES.—The National Highway Traffic Safety Administration, and the Office of Motor Carriers within the Federal Highway Administration, shall on a continuing basis cooperate and work with the National Association of Governors' Highway Safety Representatives, the Commercial Vehicle Safety Alliance, and Operation Lifesaver, Inc., to improve compliance with and enforcement of laws and regulations pertaining to railroad-highway grade crossings.

(b) REPORT.—The Secretary of Transportation shall submit a report to Congress by January 1, 1996, indicating (1) how the Department worked with the above mentioned entities to improve the awareness of the highway and commercial vehicle safety and law enforcement communities of regulations and safety challenges at railroad-highway grade crossings, and (2) how resources are being allocated to better address these challenges and enforce such regulations.

SEC. 111. INSTITUTE FOR RAILROAD AND GRADE-CROSSING SAFETY.

The Secretary of Transportation, in conjunction with a university or college having expertise in highway, traffic, and railroad safety, shall establish, within one year of enactment of this Act, an Institute for Railroad and Grade-Crossing Safety. The Institute shall research, develop, fund, or test measures for reducing the number of fatalities and injuries in railroad operations, focusing on improvements in railroad-highway grade-crossing safety, railroad trespassing, prevention, and enforcement. There is hereby authorized to be appropriated to the Secretary $1,000,000 for each of the fiscal years 1996 through 2000 to fund activities under the preceding sentence carried out by the Institute, which shall report at least once each year on its use of such funds in carrying out such activities and the results thereof to the Secretary of Transportation and the Congress.

SEC. 112. RAILROAD GRADE-CROSSING TRESPASSING AND VANDALISM PREVENTION STRATEGY.

(a) EVALUATION OF EXISTING LAWS.—In consultation with affected parties, the Secretary of Transportation shall evaluate and review current local, State, and Federal laws regarding trespassing on railroad property and vandalism affecting railroad safety, and develop model prevention strategies and enforcement laws to be used for the consideration of State and local legislatures and governmental entities. The first such evaluation and review shall be completed *within 1 year after the date of enactment of this Act. The Secretary shall revise such model prevention strategies and enforcement codes periodically.*

(b) OUTREACH PROGRAM.—The Secretary shall develop and maintain a comprehensive outreach program to improve communications among Federal railroad safety inspectors, State inspectors certified by the Federal Railroad Administration, railroad police, and State and local law enforcement officers, for the purpose of addressing trespassing and vandalism problems on the railroads and railroad property, and strengthening relevant enforcement strategies. This program shall be designed to increase public and police awareness of the illegality of, dangers inherent in, and the extent of, trespassing on railroad rights-of-way, to develop strategies to improve the prevention of trespassing and vandalism, and to improve the enforcement of laws relating to railroad trespass, vandalism, and grade crossings safety.

(c) MODEL LEGISLATION.—Within 18 months after the date of enactment of this Act, the Secretary, after consultation with State and local governments, shall develop and make available to State and local governments model State legislation providing for—

(1) civil or criminal penalties, or both, for vandalism of railroad equipment or property which could affect the safety of the public or of railroad employees; and

(2) civil or criminal penalties, or both, for trespassing on a railroad owned or leased right-of-way.

SEC. 113. WARNING OF CIVIL LIABILITY.

The Secretary of Transportation shall encourage railroads to warn the public about potential liability for violation of regulations related to vandalism of railroad-highway grade crossing signs, devices, and equipment and to trespass on railroad property.

SEC. 114. LOCOMOTIVE WHISTLE BAN PROHIBITION.

(a) PROHIBITION.—No State or political subdivision thereof shall enact or enforce a locomotive whistle ban with respect to any railroad-highway grade crossing or series of railroad-highway grade crossings after December 31, 1995, unless, consistent with regulations issued under subsection (c), one of the following actions has been taken with respect to a crossing or series of crossings (as determined by the Secretary)—

(1) the affected crossing is closed during the hours covered by the ban;

(2) crossing gates and median barriers have been installed and are operational;

(3) 4-quadrant gates have been installed and are operating; or

(4) other effective safety measures, described in regulations issued by the Secretary (including regulations involving the demonstration and evaluation of new safety measures), are in place at an affected crossing or series of crossings.

(b) TESTING.—The Secretary of Transportation is authorized to approve the testing of railroad-highway grade crossing safety measures, including demonstration and evaluation of such measures at railroad-highway grade crossings.

(c) REGULATIONS.—By January 1, 1996, the Secretary of Transportation shall issue regulations implementing this section. These regulations shall include—

(1) standards for safety measures identified in paragraphs (1), (2), and (3) of subsection (a);

(2) identification of any additional safety measures that provide an equivalent level of safety to that provided by the safety measures identified in paragraphs (2) and (3) of subsection (a); and

(3) procedures for securing approval to demonstrate new railroad-highway grade crossing safety measures at railroad-highway grade crossings.

SEC. 115. RAILROAD CAR VISIBILITY.

(a) REVIEW OF RULES.—The Secretary of Transportation shall conduct a review of the Department of Transportation's rules with respect to railroad car visibility. As part of this review, the Secretary shall collect relevant data from operational experience by railroads having enhanced visibility measures in service. The Secretary shall also conduct such research as may be required to establish whether enhanced visibility of railroad cars would improve driver behavior and thereby reduce railroad-highway grade crossing accidents.

(b) REGULATIONS.—If the review and research conducted under subsection (a) establishes that enhanced railroad car visibility would likely enhance safety in a cost-effective manner, the Secretary shall initiate a rulemaking proceeding to issue regulations requiring substantially enhanced visibility standards for newly manufactured and remanufactured railroad cars. In such proceeding the Secretary shall consider, at a minimum—

(1) visibility from the perspective of an automobile driver;

(2) whether certain railroad car paint colors should be prohibited or required;

(3) the use of reflective materials;

(4) the visibility of lettering on railroad cars;

(5) the effect of any enhanced visibility measures on the health and safety of train crew members; and

(6) the cost/benefit ratio of any new regulations.

(c) EXCLUSIONS.—In issuing regulations under subsection (b), the Secretary may exclude from any specific visibility requirement any category of trains or railroad operations if the Secretary determines that such an exclusion is in the public interest and is consistent with railroad safety including railroad-highway crossing safety.

SEC. 116. CROSSING ELIMINATION; STATEWIDE CROSSING FREEZE.

(a) STATEMENT OF POLICY.—

(1) Railroad-highway grade crossings present inherent hazards to the safety of railroad operations and to the safety of persons using those crossings. It is in the public interest—

(A) to eliminate redundant and high risk railroad-highway grade crossings; and

(B) to limit the creation of new crossings to the minimum necessary to provide for the reasonable mobility of the American people and their property, including emergency access.

(2) Elimination of redundant and high-risk railroad-highway grade crossings is necessary to permit optimum use of available funds to improve the safety of remaining crossings, including funds provided under Federal law.

(3) Effective programs to reduce the number of unneeded railroad-highway grade crossings, and to close those crossings that cannot be made reasonably safe (due to reasons of topography, angles of intersection, etc.), require the partnership of Federal, State, and local officials and agencies, and affected railroads.

(4) Promotion of a balanced national transportation system requires that highway planning specifically take into consideration the interface between highways and the national railroad system.

(b) PARTNERSHIP AND OVERSIGHT.—The Secretary shall foster a partnership among Federal, State, and local transportation officials and agencies to reduce the number of railroad-highway grade crossings and to improve safety at remaining crossings. The Secretary shall make provision for periodic review to ensure that each State (including State subdivisions and local governments) is making substantial, continued progress toward achievement of the purposes of this section.

(c) CROSSING FREEZE.—If, upon review, and after opportunity for a hearing, the Secretary determines that a State or political subdivision thereof has failed to make substantial, continued progress toward achievement of the purposes of this section, then the Secretary shall impose a limit on the maximum number of public railroad-highway grade crossings in that State. The limitation imposed by the Secretary under this subsection shall remain in effect until the State demonstrates compliance with the requirements of this section. In addition, the Secretary may, for a period of not more than 3 years after such a determination, require compliance with specific numeric targets for net reductions in the number of railroad-highway grade crossings (including specification of hazard categories with which such crossings are associated).

(d) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

SEC. 117. RESEARCH PRIORITIES.

(a) 5-YEAR PLAN.—

(1) The Secretary of Transportation shall submit to Congress a 5-year strategic plan that will demonstrate improved programs to enhance railroad safety (including human factors and railroad-highway grade-crossing safety), the prevention of trespassing on railroad property, and the prevention of vandalism to railroad-highway grade crossing safety devices and signs. With respect to human factors, the strategic plan shall establish a comprehensive program to investigate workload, stress, and fatigue, operator training, ergonomics, operating rules, and other areas judged appropriate by the Secretary.

(2) The plan shall be incorporated into the research, technology development, and testing priorities of the Federal Railroad Administration.

(3) The plan shall be submitted to Congress no later than January 1, 1996.

(4) There are authorized to be appropriated for conducting such programs $3,500,000 for each of the fiscal years 1996 through 1999.

(b) PARTICIPATION OF OTHER AGENCIES.—In carrying out the activities authorized by this Act, the Secretary shall cooperate with other Federal agencies and seek to maximize the use of Federal monies to apply defense-related technologies to railroad-highway grade crossing safety, trespassing prevention, and other railroad-safety initiatives.

SEC. 118. COORDINATION WITH THE DEPARTMENT OF LABOR.

The Secretary of Transportation shall consult with the Secretary of Labor on a regular basis to assure that all applicable laws affecting safe working conditions for railroad employees are appropriately enforced to assure a safe and productive working environment for the railroad industry.

SEC. 119. POSITIVE TRAIN CONTROL SYSTEM PROGRESS REPORT.

The Secretary of Transportation shall make annual progress reports to the Committees of the Senate and of the House of Representatives with jurisdiction over railroads on the development, deployment, and demonstration of Positive Train Control Systems.

SEC. 120. PASSENGER CAR SAFETY STANDARDS.

Section 20133 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(d) MINIMUM STANDARDS.—

"(1) The Secretary shall issue regulations establishing minimum standards for the safety of cars used by railroads to transport passengers. The regulations shall address, at a minimum, crashworthiness of the cars, interior features (including luggage restraints, seat belts, and exposed surfaces) that may affect passenger safety; maintenance and inspection of the cars; emergency response procedures and equipment; and any operating rules and conditions that directly affect safety not otherwise governed by regulations or orders. The Secretary may make

applicable some or all of these standards to cars existing at the time of the issuance of the regulations as well as to new cars, and the Secretary shall explain in the rulemaking document the basis for making such standards applicable to existing cars.

"(2) The Secretary shall issue initial standards for railroad passenger safety, including standards addressing core safety concerns for which research has been completed, within 3 years after the date of enactment of the Federal Railroad Safety Authorization Act of 1994. The initial standards may except equipment used by historical, scenic, and excursion railroads to transport passengers. The Secretary shall complete the issuance of passenger safety standards required by this section within 5 years after such date.

"(3) The Secretary is authorized to establish within the Department of Transportation 2 additional full time equivalent positions beyond the number currently authorized by existing law to assist with the drafting, issuance, and implementation of the regulations described in paragraph (1).".

SEC. 121. GRANT AUTHORITY.

Section 103 of title 49, United States Code, is amended by redesignating subsection (d) as (e), and by inserting after subsection (c) the following new subsection:

"(d) Subject to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Secretary may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Secretary may determine to be necessary or appropriate to carry out functions of the Federal Railroad Administration. The authority of the Secretary granted by this subsection shall be carried out by the Administrator. Notwithstanding any other provision of this chapter, no authority to enter into contracts or to make payments under this subsection shall be effective, except as provided for in appropriation Acts.".

SEC. 122. TOURIST RAILROADS.

Section 20103 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) In prescribing regulations that pertain to safety that affect tourist, historic, or excursion railroad carriers, the Secretary shall take into consideration any financial, operational, or other factors that may be unique to such railroad carriers. The Secretary shall submit a report to Congress not later than September 30, 1995, on efforts made to revise and update regulations that pertain to safety that affect tourist, historical, or excursion railroad carriers. The report shall address the financial, operational, and other factors that may be unique to these railroads.".

SEC. 123. AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Transportation for the benefit of Amtrak $40,000,000 for fiscal year 1995 and $50,000,000 for fiscal year 1996 to be used for engineering, design, and construction activities to enable the James A. Farley Post Office in New York, New York, to be used as a train station and commercial center and for necessary improvements and redevelopment of the existing Pennsylvania Station and associated service bundling in New York, New York.

TITLE II—HIGH RISK DRIVERS PROGRAM

SUBTITLE A—HIGH-RISK AND ALCOHOL-IMPAIRED DRIVERS

SEC. 211. FINDINGS.

The Congress makes the following findings:

(1) The Nation's traffic fatality rate has declined from 5.5 deaths per 100 million vehicle miles traveled in 1966 to an historic low of an estimated 1.8 deaths per 100 million vehicle miles traveled during 1992. In order to further this desired trend, the safety programs and policies implemented by the Department of Transportation must be continued, and at the same time, the focus of these efforts as they pertain to high risk drivers of all ages must be strengthened.

(2) Motor vehicle crashes are the leading cause of death among teenagers, and teenage drivers tend to be at fault for their fatal crashes more often than older drivers. Drivers who are 16 to 20 years old comprised 7.4 percent of the United States population in 1991 but were involved in 15.4 percent of fatal motor vehicle crashes. Also, on the basis of crashes per 100,000 licensed drivers, young drivers are the highest risk group of drivers.

(3) During 1991, 6,630 teenagers from age 15 through 20 died in motor vehicle crashes. This tragic loss demands that the Federal Government intensify its efforts to promote highway safety among members of this high risk group.

(4) The consumption of alcohol, speeding over allowable limits or too fast for road conditions, inadequate use of occupant restraints, and other high risk behaviors are several of the key causes for this tragic loss of young drivers and passengers. The Department of Transportation, working cooperatively with the States, student groups, and other organizations, must reinvigorate its current programs and policies to address more effectively these pressing problems of teenage drivers.

(5) In 1991 individuals aged 70 years and older, who are particularly susceptible to injury, were involved in 12 percent of all motor vehicle traffic crash fatalities. These deaths accounted for 4,828 fatalities out of 41,462 total traffic fatalities.

(6) The number of older Americans who drive is expected to increase dramatically during the next 30 years. Unfortunately, during the last 15 years, the Department of Transportation has supported an extremely limited program concerning older drivers. Research on older driver behavior and licensing has suffered from intermittent funding at amounts that were insufficient to address the scope and nature of the challenges ahead.

(7) A major objective of United States transportation policy must be to promote the mobility of older Americans while at the same time ensuring public safety on our Nation's highways. In order to accomplish these two objectives simultaneously, the Department of Transportation must support a vigorous and sustained program of research, technical assistance, evaluation, and other appropriate activities that are designed to reduce the fatality and crash rate of older drivers who have identifiable risk characteristics.

SEC. 212. DEFINITIONS.

For purposes of this subtitle—

(1) The term "high risk driver" means a motor vehicle driver who belongs to a class of drivers that, based on vehicle crash rates, fatality rates, traffic safety violation rates, and other factors specified by the Secretary, presents a risk of injury to the driver and other individuals that is higher than the risk presented by the average driver.

(2) The term "Secretary" means the Secretary of Transportation.

SEC. 213. POLICY AND PROGRAM DIRECTION.

(a) GENERAL RESPONSIBILITY OF SECRETARY.—The Secretary shall develop and implement effective and comprehensive policies and programs to promote safe driving behavior by young drivers, older drivers, and repeat violators of traffic safety regulations and laws.

(b) SAFETY PROMOTION ACTIVITIES.—The Secretary shall promote or engage in activities that seek to ensure that—

(1) cost effective and scientifically-based guidelines and technologies for the nondiscriminatory evaluation and licensing of high risk drivers are advanced;

(2) model driver training, screening, licensing, control, and evaluation programs are improved;

(3) uniform or compatible State driver point systems and other licensing and driver record information systems are advanced as a means of identifying and initially evaluating high risk drivers; and

(4) driver training programs and the delivery of such programs are advanced.

(c) DRIVER TRAINING RESEARCH.—The Secretary shall explore the feasibility and advisability of using cost efficient simulation and other technologies as a means of enhancing driver training; shall advance knowledge regarding the perceptual, cognitive, and decision making skills needed for safe driving and to improve driver training; and shall investigate the most effective means of integrating licensing, training, and other techniques for preparing novice drivers for the safe use of highway systems.

SUBTITLE B—YOUNG DRIVER PROGRAMS

SEC. 221. STATE GRANTS FOR YOUNG DRIVER PROGRAMS.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

"§411. Programs for young drivers

"(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make basic and supplemental grants to those States which adopt and implement programs for young drivers which include measures, described in this section, to reduce traffic safety problems resulting from the driving performance of young drivers. Such grants may only be used by recipient States to implement and enforce such measures.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate estimated expenditures from all other sources for programs for young drivers at or above the average level of such expenditures in its 2 fiscal years preceding the fiscal year in which the High Risk Drivers Act of 1994 is enacted.

"(c) FEDERAL SHARE.—No State may receive grants under this section in more than 5 fiscal years. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year a State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the young driver program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

"(d) MAXIMUM AMOUNT OF BASIC GRANTS.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e) shall equal 30 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title. A grant to a State under this section shall be in addition to the State's apportionment under section 402, and basic grants during any fiscal year may be proportionately reduced to accommodate an applicable statutory obligation limitation for that fiscal year.

"(e) ELIGIBILITY FOR BASIC GRANTS.—

"(1) GENERAL.—For purposes of this section, a State is eligible for a basic grant if such State—

"(A) establishes and maintains a graduated licensing program for drivers under 18 years of age that meets the requirements of paragraph (2); and

"(B)(i) in the first year of receiving grants under this section, meets three of the seven criteria specified in paragraph (3);

"(ii) in the second year of receiving such grants, meets four of such criteria;

"(iii) in the third year of receiving such grants, meets five of such criteria;

"(iv) in the fourth year of receiving such grants, meets six of such criteria; and

"(v) in fifth year of receiving such grants, meets six of such criteria.

For purposes of subparagraph (B), a State shall be treated as having met one of the requirements of paragraph (3) for any year if the State demonstrates to the satisfaction of the Secretary that, for the 3 preceding years, the alcohol fatal crash involvement rate for individuals under the age of 21 has declined in that State and the alcohol fatal crash involvement rate for such individuals has been lower in that State than the average such rate for all States.

"(2) GRADUATED LICENSING PROGRAM.—

"(A) A State receiving a grant under this section shall establish and maintain a graduated licensing program consisting of the following licensing stages for any driver under 18 years of age:

"(i) An instructional license, valid for a minimum period determined by the Secretary, under which the licensee shall not operate a motor vehicle unless accompanied in the front passenger seat by the holder of a full driver's license.

"(ii) A provisional driver's license which shall not be issued unless the driver has passed a written examination on traffic safety and has passed a roadtest administered by the driver licensing agency of the State.

"(iii) A full driver's license which shall not be issued until the driver has held a provisional license for at least 1 year with a clean driving record.

"(B) For purposes of subparagraph (A)(iii), subsection (f)(1), and subsection (f)(6)(B), a provisional licensee has a clean driving record if the licensee—

"(i) has not been found, by civil or criminal process, to have committed a moving traffic violation during the applicable period;

"(ii) has not been assessed points against the license because of safety violations during such period; and

"(iii) has satisfied such other requirements as the Secretary may prescribe by regulation.

"(C) The Secretary shall determine the conditions under which a State shall suspend provisional driver's licenses in order to be eligible for a basic grant. At a minimum, the holder of a provisional license shall be subject to driver control actions that are stricter than those applicable to the holder of a full driver's license, including warning letters and suspension at a lower point threshold.

"(D) For a State's first 2 years of receiving a grant under this section, the Secretary may waive the clean driving record requirement of subparagraph (A)(iii) if the State submits satisfactory evidence of its efforts to establish such a requirement.

"(3) CRITERIA FOR BASIC GRANT.—The seven criteria referred to in paragraph (1)(B) are as follows:

"(A) The State requires that any driver under 21 years of age with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated for the purpose of (i) administrative or judicial sanctions or (ii) a law or regulation that prohibits any individual under 21 years of age with a blood alcohol concentration of 0.02 percent or greater from driving a motor vehicle.

"(B) The State has a law or regulation that provides a mandatory minimum penalty of at least $500 for anyone who in violation of State law or regulation knowingly, or without checking for proper identification, provides or sells alcohol to any individual under 21 years of age.

"(C) The State requires that the license of a driver under 21 years of age be suspended for a period specified by the State if such driver is convicted of the unlawful purchase or public possession of alcohol. The period of suspension shall be at least 6 months for a first conviction and at least 12 months for a subsequent conviction; except that specific license restrictions may be imposed as an alternative to such minimum periods of suspension where necessary to avoid undue hardship on any individual.

"(D) The State conducts youth-oriented traffic safety enforcement activities, and education and training programs—

"(i) with the participation of judges and prosecutors, that are designed to ensure enforcement of traffic safety laws and regulations, including those that prohibit drivers under 21 years of age from driving while intoxicated, restrict the unauthorized use of a motor vehicle, and establish other moving violations; and

"(ii) with the participation of student and youth groups, that are designed to ensure compliance with such traffic safety laws and regulations.

"(E) The State prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway; except as allowed in the passenger area, by persons (other than the driver), of a motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers.

"(F) The State provides, to a parent or legal guardian of any provisional licensee, general information prepared with the assistance of the insurance industry on the effect of traffic safety convictions and at-fault accidents on insurance rates for young drivers.

"(G) The State requires that a provisional driver's license may be issued only to a driver who has satisfactorily completed a State-accepted driver education and training program that meets Department of Transportation guidelines and includes information on the interaction of alcohol and controlled substances and the effect of such interaction on driver performance, and information on the importance of motorcycle helmet use and safety belt use.

"(f) SUPPLEMENTAL GRANT PROGRAM.—

"(1) EXTENDED APPLICATION OF PROVISIONAL LICENSE REQUIREMENT.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires that a driver under 21 years of age shall not be issued a full driver's license until the driver has held a provisional license for at least 1 year with a clean driving record as described in subsection (e)(2)(B).

"(2) REMEDIAL DRIVER EDUCATION.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires, at a lower point threshold than for other drivers, remedial driver improvement instruction for drivers under 21 years of age and requires such remedial instruction for any driver under 21 years of age who is convicted of reckless driving, excessive speeding, driving under the influence of alcohol, or driving while intoxicated.

"(3) RECORD OF SERIOUS CONVICTIONS; HABITUAL OR REPEAT OFFENDER SANCTIONS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State—

"(A) requires that a notation of any serious traffic safety conviction of a driver be maintained on the driver's permanent traffic record for at least 10 years after the date of the conviction; and

"(B) provides additional sanctions for any driver who, following conviction of a serious traffic safety violation, is convicted during the next 10 years of one or more subsequent serious traffic safety violations.

"(4) INTERSTATE DRIVER LICENSE COMPACT.—The State is a member of and substantially complies with the interstate agreement known as the Driver License Compact, promptly and reliably transmits and receives through electronic means interstate driver record information (including information on commercial drivers) in cooperation with the Secretary and other States, and develops and achieves demonstrable annual progress in implementing a plan to ensure that (i) each court of the State report expeditiously to the State driver licensing agency all traffic safety convictions, license suspensions, license revocations, or other license restrictions, and driver improvement efforts sanctioned or ordered by the court, and that (ii) such records be available electronically to appropriate government officials (including enforcement, officers, judges, and prosecutors) upon request at all times.

"(5) The State has a law or regulation that provides a minimum penalty of at least $100 for anyone who in violation of State law or regulation drives any vehicle through, around, or under any crossing, gate, or barrier at a railroad crossing while such gate or barrier is closed or being opened or closed.

"(6) VEHICLE SEIZURE PROGRAM.—The State has a law or regulation that—

"(A) mandates seizure by the State or any political subdivision thereof of any vehicle driven by an individual in violation of an alcohol-related traffic safety law, if such violator has been convicted on more than one occasion of an alcohol-related traffic offense within any 5-year period beginning after the date of enactment of this section, or has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense;

"(B) mandates that the vehicle be forfeited to the State or a political subdivision thereof if the vehicle was solely owned by such violator at the time of the violation;

"(C) requires that the vehicle be returned to the owner if the vehicle was a stolen vehicle at the time of the violation; and

"(D) authorizes the vehicle to be released to a member of such violator's family, the co-owner, or the owner, if the vehicle was not a stolen vehicle and was not solely owned by such violator at the time of the violation, and if the family member, co-owner, or owner, prior to such release, executes a binding agreement that the family member, co-owner, or owner will not permit such violator to drive the vehicle and that the vehicle shall be forfeited to the State or a political subdivision thereof in the event such violator drives the vehicle with the permission of the family member, co-owner or owner.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $9,000,000 for the fiscal year ending September 30, 1996, $12,000,000 for the fiscal year ending September 30, 1997, and $14,000,000 for the fiscal year ending September 30, 1998, $16,000,000 for the fiscal year ending September 30, 1999, and $18,000,000 for the fiscal year ending September 30, 2000.".

(b) CONFORMING AMENDMENT.—The analysis of chapter 4 of title 23, United States Code, is amended by inserting immediately after the item relating to section 410 the following new item:

"411. Programs for young drivers.".

(c) DEADLINES FOR ISSUANCE OF REGULATIONS.—The Secretary shall issue and publish in the Federal Register proposed regulations to implement section 411 of title 23, United States Code (as added by this section), not later than 6 months after the date of enactment of this Act. The final regulations for such implementation shall be issued, published in the Federal Register, and transmitted to Congress not later than 12 months after such date of enactment.

SEC. 222. PROGRAM EVALUATION.

(a) EVALUATION BY SECRETARY.—The Secretary shall, under section 403 of title 23, United States Code, conduct an evaluation of the effectiveness of State provisional driver's licensing programs and the grant program authorized by section 411 of title 23, United States Code (as added by section 101 of this Act).

(b) REPORT TO CONGRESS.—By January 1, 1997, the Secretary shall transmit a report on the results of the evaluation conducted under subsection (a) and any related research to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The report shall include any related recommendations by the Secretary for legislative changes.

SUBTITLE C—OLDER DRIVER PROGRAMS

SEC. 231. OLDER DRIVER SAFETY RESEARCH.

(a) RESEARCH ON PREDICTABILITY OF HIGH RISK DRIVING.—

(1) The Secretary shall conduct a program that funds, within budgetary limitations, the research challenges presented in the Transportation Research Board's report entitled "Research and Development Needs for Maintaining the Safety and Mobility of Older Drivers" and the research challenges pertaining to older drivers presented in a report to Congress by the National Highway Traffic Safety Administration entitled "Addressing the Safety Issues Related to Younger and Older Drivers".

(2) To the extent technically feasible, the Secretary shall consider the feasibility and further the development of cost efficient, reliable tests capable of predicting increased risk of accident involvement or hazardous driving by older high risk drivers.

(b) SPECIALIZED TRAINING FOR LICENSE EXAMINERS.—The Secretary shall encourage and conduct research and demonstration activities to support the specialized training of license examiners or other certified examiners to increase their knowledge and sensitivity to the transportation needs and physical limitations of older drivers, including knowledge of functional disabilities related to driving, and to be cognizant of possible countermeasures to deal with the challenges to safe driving that may be associated with increasing age.

(c) COUNSELING PROCEDURES AND CONSULTATION METHODS.—The Secretary shall encourage and conduct research and disseminate information to support and encourage the development of appropriate counseling procedures and consultation methods with relatives, physicians, the traffic safety enforcement and the motor vehicle licensing communities, and other concerned parties. Such procedures and methods shall include the promotion of voluntary action by older high risk drivers to restrict or limit their driving when medical or other conditions indicate such action is advisable. The Secretary shall consult extensively with the American Association of Retired Persons, the American Association of Motor Vehicle Administrators, the American Occupational Therapy Association, the American Automobile Association, the Department of Health and Human Services, the American Public Health Association, and other interested parties in developing educational materials on the interrelationship of the aging process, driver safety, and the driver licensing process.

(d) ALTERNATIVE TRANSPORTATION MEANS.—The Secretary shall ensure that the agencies of the Department of Transportation overseeing the various modes of surface transportation coordinate their policies and programs to ensure that funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 1914) and implementing Department of Transportation and Related Agencies Appropriation Acts take into account the transportation needs of older Americans by promoting alternative transportation means whenever practical and feasible.

(e) STATE LICENSING PRACTICES.—The Secretary shall encourage State licensing agencies to use restricted licenses instead of canceling a license whenever such action is appropriate and if the interests of public safety would be served, and to closely monitor the driving performance of older drivers with such licenses. The Secretary shall encourage States to provide educational materials of benefit to older drivers and concerned family members and physicians. The Secretary shall promote licensing and relicensing programs in which the applicant appears in person and shall promote the development and use of cost effective screening processes and testing of physiological, cognitive, and perception factors as appropriate and necessary. Not less than one model State program shall be evaluated in light of this subsection during each of the fiscal years 1996 through 1998. Of the sums authorized under subsection (i), $250,000 is authorized for each such fiscal year for such evaluation.

(f) IMPROVEMENT OF MEDICAL SCREENING.—The Secretary shall conduct research and other activities designed to support and encourage the States to establish and maintain medical review or advisory groups to work with State licensing agencies to improve and provide current information on the screening and licensing of older drivers. The Secretary shall encourage the participation of the public in these groups to ensure fairness and concern for the safety and mobility needs of older drivers.

(g) INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.—In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary shall ensure that the National Intelligent Vehicle-Highway Systems Program devotes sufficient attention to the use of intelligent vehicle-highway systems to aid older drivers in safely performing driver functions. Federally-sponsored research, development, and operational testing shall ensure the advancement of night vision improvement systems, technology to reduce the involvement of older drivers in accidents occurring at intersections, and other technologies of particular benefit to older drivers.

(h) TECHNICAL EVALUATIONS UNDER INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT.—In conducting the technical evaluations required under section 6055 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2192), the Secretary shall ensure that the safety impacts on older drivers are considered, with special attention being devoted to ensuring adequate and effective exchange of information between the Department of Transportation and older drivers or their representatives.

(i) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized under section 403 of title 23, United States Code, $1,250,000 is authorized for each of the fiscal years 1995 through 1997, to support older driver programs described in subsections (a), (b), (c), (e), and (f).

SUBTITLE D—HIGH RISK DRIVERS

SEC. 241. STUDY ON WAYS TO IMPROVE TRAFFIC RECORDS OF ALL HIGH RISK DRIVERS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Secretary shall complete a study to determine whether additional or strengthened Federal activities, authority, or regulatory actions are desirable or necessary to improve or strengthen the driver record and control systems of the States to identify high risk drivers more rapidly and ensure prompt intervention in the licensing of high risk drivers. The study, which shall be based in part on analysis obtained from a request for information published in the Federal Register, shall consider steps necessary to ensure that State traffic record systems are unambiguous, accurate, current, accessible, complete, and (to the extent useful) uniform among the States.

(b) SPECIFIC MATTERS FOR CONSIDERATION.—Such study shall at a minimum consider—

(1) whether specific legislative action is necessary to improve State traffic record systems;

(2) the feasibility and practicality of further encouraging and establishing a uniform traffic ticket citation and control system;

(3) the need for a uniform driver violation point system to be adopted by the States;

(4) the need for all the States to participate in the Driver License Reciprocity Program conducted by the American Association of Motor Vehicle Administrators;

(5) ways to encourage the States to cross-reference driver license files and motor vehicle files to facilitate the identification of individuals who may not be in compliance with driver licensing laws; and

(6) the feasibility of establishing a national program that would limit each driver to one driver's license from only one State at any time.

(c) EVALUATION OF NATIONAL INFORMATION SYSTEMS.—As part of the study required by this section, the Secretary shall consider and evaluate the future of the national information systems that support driver licensing. In particular, the Secretary shall examine whether the Commercial Driver's License Information System, the National Driver Register, and the Driver License Reciprocity program should be more closely linked or continue to exist as separate information systems and which entities are best suited to operate such systems effectively at the least cost. The Secretary shall cooperate with the American Association of Motor Vehicle Administrators in carrying out this evaluation.

SEC. 242. STATE PROGRAMS FOR HIGH RISK DRIVERS.

The Secretary shall encourage and promote State driver evaluation, assistance, or control programs for high risk drivers. These programs may include in-person license reexaminations, driver education or training courses, license restrictions or suspensions, and other actions designed to improve the operating performance of high risk drivers.

SUBTITLE E—FUNDING

SEC. 251. FUNDING FOR 23 USC 410 PROGRAM.

In addition to any amount otherwise appropriated or available for such use, there are authorized to be appropriated $15,000,000 for fiscal years 1995, 1996, and 1997 for the purpose of carrying out section 410 of title 23, United States Code.

Amend the title so as to read: "An Act to authorize appropriations to carry out certain Federal railroad safety laws, and for other purposes.".

LAND SALE BY THE UNIVERSITY OF ARKANSAS

The text of the bill (S. 2550) to provide for the sale of certain lands of the University of Arkansas, as passed by the Senate on October 7, 1994, is as follows:

S. 2550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALE OF LAND BY THE UNIVERSITY OF ARKANSAS.

Notwithstanding any other provision of law, the University of Arkansas may sell, under such terms and conditions as the University may specify, approximately 103.52 acres of land in Washington County, Arkansas, that is owned by the University, commonly known as the "Walker Tract". Such sale may be made only on the condition that all of the proceeds of such sale are used for the purposes of agricultural research facilities and programs of the University of Arkansas.

IMPLEMENTATION OF OIL POLLUTION ACT WITH RESPECT TO ANIMAL FATS AND VEGETABLE OILS

The text of the bill (S. 2559) relating to the implementation of the Oil Pollution Act with respect to animal fats and vegetable oils, as passed by the Senate on October 8, 1994, is as follows:

S. 2559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in implementing the Oil Pollution Act of 1990 (Public Law 101-380), Federal agencies shall differentiate between animal fats or oils of vegetable origin and other oils, including petroleum oils, on the basis of their physical, chemical, biological, and other properties, and their environmental effects.

THE COOPERATIVE WORK TRUST FUND AMENDMENTS OF 1994

The text of the bill (S. 2560) to allow the collection and payment of funds following the completion of cooperative work involving the protection, management, and improvement of the National Forest System, and for other purposes, as passed by the Senate on October 8, 1994, is as follows:

S. 2560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COOPERATIVE WORK FOR PROTECTION, MANAGEMENT, AND IMPROVEMENT OF NATIONAL FOREST SYSTEM.

The penultimate paragraph of the matter under the heading "FOREST SERVICE." of the first section of the Act of June 30, 1914 (38 Stat. 430, chapter 131; 16 U.S.C. 498), is amended—

(1) by inserting ", management," after "the protection";

(2) by striking "national forests," and inserting "National Forest System,";

(3) by inserting "management," after "protection," both places it appears; and

(4) by adding at the end the following new sentences: "Payment for work undertaken pursuant to this paragraph may be made from any appropriation of the Forest Service that is available for similar work if a written agreement so provides and reimbursement will be provided by a cooperator in the same fiscal year as the expenditure by the Forest Service. A reimbursement received from a cooperator that covers the proportionate share of the cooperator of the cost of the work shall be deposited to the credit of the appropriation of the Forest Service from which the payment was initially made or, if the appropriation is no longer available, to the credit of an appropriation of the Forest Service that is available for similar work. The Secretary of Agriculture shall establish written rules that establish criteria to be used to determine whether the acceptance of contributions of money under this paragraph would adversely affect the ability of an officer or employee of the United States Department of Agriculture to carry out a duty or program of the officer or employee in a fair and objective manner or would compromise, or appear to compromise, the integrity of the program, officer, or employee. The Secretary of Agriculture shall establish written rules that protect the interests of the Forest Service in cooperative work agreements.".

PATENT PRIOR USER RIGHTS ACT

The text of the bill (S. 2272) to amend chapter 28 of title 35, United States Code, to provide a defense to patent infringement based on prior use by certain persons, and for other purposes, as passed by the Senate on October 8, 1994, is as follows:

S. 2272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent Prior User Rights Act of 1994".

SEC. 2. DEFENSE TO PATENT INFRINGEMENT BASED ON PRIOR USE.

(a) IN GENERAL.—Chapter 28 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"§273. Rights based on prior use; defense to infringement

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'commercially used' means used in the production of commercial products, whether or not the processes, equipment, tooling, or other materials so used are normally accessible, available, or otherwise known to the public;

"(2) the term 'effective and serious preparation' means that a person has—

"(A) actually reduced to practice the subject matter for which rights based on prior use are claimed; and

"(B) made a substantial portion of the total investment necessary, for the subject matter to be commercially used; and

"(3) the 'effective filing date' of an application for patent is the earlier of the actual filing date of the application or the filing date of any earlier United States, foreign, or international application to which the subject matter at issue is entitled under sections 119, 120, or 365 of this title.

"(b) IN GENERAL.—

"(1) DEFENSE.—A person shall not be liable as an infringer of a patent under section 271 of this title with respect to any subject matter claimed in the patent that such person had commercially used in the United States, or made effective and serious preparation therefor in the United States, before the effective filing date of the application for the patent.

"(2) GOOD FAITH PURCHASERS.—A person who purchases in good faith a product that results directly from a use or preparation therefor described in paragraph (1) shall not be liable as an infringer for continuing the use of the product purchased, or for selling to another person the product purchased.

"(c) LIMITATION OF DEFENSE.—Rights based on prior use under this section are not a general license under all claims of the patent, but, subject to subsection (d), extend only to the claimed subject matter that the person asserting the defense based on prior use had commercially used or made effective and serious preparation therefor before the effective filing date of the application for the patent.

"(d) CERTAIN VARIATIONS AND IMPROVEMENTS NOT AN INFRINGEMENT.—The rights under this section based on prior use shall include the right to vary quantities or volumes, or to make improvements, that do not infringe claims other than those claims that, but for subsection (b), would have been infringed as of the effective date of the application for patent.

"(e) QUALIFICATIONS.—

"(1) RIGHTS ARE PERSONAL.—The rights under this section based on prior use are personal and may not be licensed or assigned or transferred to any other person except in connection with the good faith assignment or transfer of the entire business or enterprise or the entire line of business or enterprise to which the rights relate.

"(2) EXCLUSIONS.—(A) A person may not claim rights under this section based on prior use if the activity under which such person claims the rights was based on information obtained or derived from the patentee or those in privity with the patentee.

"(B) If the activity under which a person claims rights under this section based on prior use is abandoned on or after the effective filing date of the application for the patent, such person may claim such rights only for that period of activity which occurred before abandonment.

"(f) BURDEN OF PROOF.—In any action in which a person claims a defense to infringement under this section, the burden of proof for establishing the defense shall be on the person claiming rights based on prior use.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 28 of title 35, United States Code, is amended by adding at the end thereof the following:

"273. Rights based on prior use; defense to infringement.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsections (b) and (c), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXISTING PATENT CLAIMS.—This Act and the amendments made by this Act shall apply to any action for infringement that is brought, on or after the date of the enactment of this Act, by a patentee in a case in which the effective filing date (as defined in section 273(a)(2) of title 35, United States Code) of the application for patent is before such date of enactment, only if—

(1) no other action for the same act or acts of infringement was brought before such date of enactment, and

(2) there has been no notice of infringement under section 287 of title 35, United States Code, as of October 1, 1994, with respect to the same act or acts of infringement.

(c) EQUITABLE COMPENSATION.—In any action for infringement to which subsection (b) applies and in which the defense of prior user rights under section 273 of title 35, United States Code (as added by this Act), is asserted and determined to be valid by the court, the court may grant equitable compensation to the patentee, notwithstanding subsection (b) of such section 273. Such equitable compensation may be based on all actions of the person asserting the defense that were carried out after notice of infringement under section 287 of title 35, United States Code, which would constitute infringement of the patent but for section 273 of such title (as added by this Act).

MARYLAND-WEST VIRGINIA INTERSTATE COMPACT ACT

The text of the joint resolution (S.J. Res. 205) granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland, as passed by the Senate on October 8, 1994, is as follows:

S.J. RES. 205

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress hereby consents to the Jennings Randolph Lake Project Compact entered into between the States of West Virginia and Maryland which compact is substantially as follows:

"COMPACT

"Whereas the State of Maryland and the State of West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, have approved and desire to enter into a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they seek the approval of Congress, and which compact is as follows:

"Whereas the signatory parties hereto desire to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they have a joint responsibility; and they declare as follows:

"1. The Congress, under Public Law 87-874, authorized the development of the Jennings Randolph Lake Project for the North Branch of the Potomac River substantially in accordance with House Document Number 469, 87th Congress, 2nd Session for flood control, water supply, water quality, and recreation; and

"2. Section 4 of the Flood Control Act of 1944 (Ch 665, 58 Stat. 534) provides that the Chief of Engineers, under the supervision of the Secretary of War (now Secretary of the Army), is authorized to construct, maintain and operate public park and recreational facilities in reservoir areas under control of such Secretary for the purpose of boating, swimming, bathing, fishing, and other recreational purposes, so long as the same is not inconsistent with the laws for the protection of fish and wildlife of the State(s) in which such area is situated; and

"3. Pursuant to the authorities cited above, the U.S. Army Engineer District (Baltimore), hereinafter 'District', did construct and now maintains and operates the Jennings Randolph Lake Project; and

"4. The National Environmental Policy Act of 1969 (P.L. 91-190) encourages productive and enjoyable harmony between man and his environment, promotes efforts which will stimulate the health and welfare of man, and encourages cooperation with State and local governments to achieve these ends; and

"5. The Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) provides for the consideration and coordination with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation; and

"6. The District has Fisheries and Wildlife Plans as part of the District's project Operational Management Plan; and

"7. In the respective States, the Maryland Department of Natural Resources (hereinafter referred to as 'Maryland DNR') and the West Virginia Division of Natural Resources (hereinafter referred to as 'West Virginia DNR') are responsible for providing a system of control, propagation, management, protection, and regulation of natural resources and boating in Maryland and West Virginia and the enforcement of laws and regulations pertaining to those resources as provided in Annotated Code of Maryland Natural Resources Article and West Virginia Chapter 20, respectively, and the successors thereof; and

"8. The District, the Maryland DNR, and the West Virginia DNR are desirous of conserving, perpetuating and improving fish and wildlife resources and recreational benefits of the Jennings Randolph Lake Project; and

"9. The District and the States of Maryland and West Virginia wish to implement the aforesaid acts and responsibilities through this Compact and they each recognize that consistent enforcement of the natural resources and boating laws and regulations can best be achieved by entering this Compact:

"Now, therefore, be it *Resolved*, That the States of Maryland and West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by The Congress of the United States and by the respective state legislatures, to the Jennings Randolph Lake Project Compact, which consists of this preamble and the articles that follow:

"Article I—Name, Findings, and Purpose

"1.1 This compact shall be known and may be cited as the Jennings Randolph Lake Project Compact.

"1.2 The legislative bodies of the respective signatory parties, with the concurrence of the U.S. Army Corps of Engineers, hereby find and declare:

"1. The water resources and project lands of the Jennings Randolph Lake Project are affected with local, state, regional, and national interest, and the planning, conservation, utilization, protection and management of these resources, under appropriate arrangements for inter-governmental cooperation, are public purposes of the respective signatory parties.

"2. The lands and waters of the Jennings Randolph Lake Project are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact that, notwithstanding any boundary between Maryland and West Virginia that preexisted the creation of Jennings Randolph Lake, the parties will have and exercise concurrent jurisdiction over any lands and waters of the Jennings Randolph Lake Project concerning natural resources and boating laws and regulations in the common interest of the people of the region.

"Article II—District Responsibilities

"The District, within the Jennings Randolph Lake Project,

"2.1 Acknowledges that the Maryland DNR and West Virginia DNR have authorities and responsibilities in the establishment, administration and enforcement of the natural resources and boating laws and regulations applicable to this project, provided that the laws and regulations promulgated by the States support and implement, where applicable, the intent of the Rules and Regulations Governing Public Use of Water Resources Development Projects administered by the Chief of Engineers in Title 36, Chapter RI, Part 327, Code of Federal Regulations,

"2.2 Agrees to practice those forms of resource management as determined jointly by the District, Maryland DNR and West Virginia DNR to be beneficial to natural resources and which will enhance public recreational opportunities compatible with other authorized purposes of the project,

"2.3 Agrees to consult with the Maryland DNR and West Virginia DNR prior to the issuance of any permits for activities or special events which would include, but not necessarily be limited to: fishing tournaments, training exercises, regattas, marine parades, placement of ski ramps, slalom water ski courses and the establishment of private markers and/or lighting. All such permits issued by the District will require the permittee to comply with all State laws and regulations,

"2.4 Agrees to consult with the Maryland DNR and West Virginia DNR regarding any recommendations for regulations affecting natural resources, including, but not limited to, hunting, trapping, fishing or boating at the Jennings Randolph Lake Project which the District believes might be desirable for reasons of public safety, administration of public use and enjoyment,

"2.5 Agrees to consult with the Maryland DNR and West Virginia DNR relative to the marking of the lake with buoys, aids to navigation, regulatory markers and establishing and posting of speed limits, no wake zones, restricted or other control areas and to provide, install and maintain such buoys, aids to navigation and regulatory markers as are necessary for the implementation of the District's Operational Management Plan. All buoys, aids to navigation and regulatory markers to be used shall be marked in conformance with the Uniform State Waterway Marking System, "2.6 Agrees to allow hunting, trapping, boating and fishing by the public in accordance with the laws and regulations relating to the Jennings Randolph Lake Project,

"2.7 Agrees to provide, install and maintain public ramps, parking areas, courtesy docks, etc., as provided for by the approved Corps of Engineers Master Plan, and

"2.8 Agrees to notify the Maryland DNR and the West Virginia DNR of each reservoir drawdown prior thereto excepting drawdown for the reestablishment of normal lake levels following flood control operations and drawdown resulting from routine water control management operations described in the reservoir regulation manual including releases requested by water supply owners and normal water quality releases. In case of emergency releases or emergency flow curtailments, telephone or oral notification will be provided. The District reserves the right, following issuance of the above notice, to make operational and other tests which may be necessary to insure the safe and efficient operation of the dam, for inspection and maintenance purposes, and for the gathering of water quality data both within the impoundment and in the Potomac River downstream from the dam.

"Article III—State Responsibilities

"The State of Maryland and the State of West Virginia agree:

"3.1 That each State will have and exercise concurrent jurisdiction with the District and the other State for the purpose of enforcing the civil and criminal laws of the respective States pertaining to natural resources and boating laws and regulations over any lands and waters of the Jennings Randolph Lake Project;

"3.2 That existing natural resources and boating laws and regulations already in effect in each State shall remain in force on the Jennings Randolph Lake Project until either State amends, modifies or rescinds its laws and regulations;

"3.3 That the Agreement for Fishing Privileges dated June 24, 1985 between the State of Maryland and the State of West Virginia, as amended, remains in full force and effect;

"3.4 To enforce the natural resources and boating laws and regulations applicable to the Jennings Randolph Lake Project;

"3.5 To supply the District with the name, address and telephone number of the person(s) to be contacted when any drawdown except those resulting from normal regulation procedures occurs;

"3.6 To inform the Reservoir Manager of all emergencies or unusual activities occurring on the Jennings Randolph Lake Project;

"3.7 To provide training to District employees in order to familiarize them with natural resources and boating laws and regulations as they apply to the Jennings Randolph Lake Project; and

"3.8 To recognize that the District and other Federal Agencies have the right and responsibility to enforce, within the boundaries of the Jennings Randolph Lake Project, all applicable Federal laws, rules and regulations so as to provide the public with safe and healthful recreational opportunities and to provide protection to all federal property within the project.

"Article IV—Mutual Cooperation

"4.1 Pursuant to the aims and purposes of this Compact, the State of Maryland, the State of West Virginia and the District mutually agree that representatives of their natural resource management and enforcement agencies will cooperate to further the purposes of this Compact. This cooperation includes, but is not limited to, the following:

"4.2 Meeting jointly at least once annually, and providing for other meetings as deemed necessary for discussion of matters relating to the management of natural resources and visitor use on lands and waters within the Jennings Randolph Lake Project;

"4.3 Evaluating natural resources and boating, to develop natural resources and boating management plans and to initiate and carry out management programs;

"4.4 Encouraging the dissemination of joint publications, press releases or other public information and the interchange between parties of all pertinent agency policies and objectives for the use and perpetuation of natural resources of the Jennings Randolph Lake Project; and

"4.5 Entering into working arrangements as occasion demands for the use of lands, waters, construction and use of buildings and other facilities at the project.

"Article V—General Provisions

"5.1 Each and every provision of this Compact is subject to the laws of the States of Maryland and West Virginia and the laws of the United States, and the delegated authority in each instance.

"5.2 The enforcement and applicability of natural resources and boating laws and regulations referenced in this Compact shall be limited to the lands and waters of the Jennings Randolph Lake Project, including but not limited to the prevailing reciprocal fishing laws and regulations between the States of Maryland and West Virginia.

"5.3 Nothing in this Compact shall be construed as obligating any party hereto to the expenditure of funds or the future payment of money in excess of appropriations authorized by law.

"5.4 The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of the Jennings Randolph Lake Project Compact is declared to be unconstitutional or inapplicable to any signatory party or agency of any party, the constitutionality and applicability of the Compact shall not be otherwise affected as to any provision, party, or agency. It is the legislative intent that the provisions of the Compact be reasonably and liberally construed to effectuate the stated purposes of the Compact.

"5.5 No member of or delegate to Congress, or signatory shall be admitted to any share or part of this Compact, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

"5.6 When this Compact has been ratified by the legislature of each respective State, when the Governor of West Virginia and the Governor of Maryland have executed this Compact on behalf of their respective States and have caused a verified copy thereof to be filed with the Secretary of State of each respective State, when the Baltimore District of the U.S. Army Corps of Engineers has executed its concurrence with this Compact, and when this Compact has been consented to by the Congress of the United States, then this Compact shall become operative and effective.

"5.7 Either State may, by legislative act, after one year's written notice to the other, withdraw from this Compact. The U.S. Army Corps of Engineers may withdraw its concurrence with this Compact upon one year's written notice from the Baltimore District Engineer to the Governor of each State.

"5.8 This Compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the Governor of each State and the Baltimore District Engineer of the U.S. Army Corps of Engineers. An amendment to this Compact shall become effective only after it has been ratified by the legislatures of both signatory States and concurred in by the U.S. Army Corps of Engineers, Baltimore District. Amendments shall become effective thirty days after the date of the last concurrence or ratification.".

SEC. 2. The right to alter, amend or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on October 11, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 922. An act to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

S. 1225. An act to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

S. 2060. An act to amend the Small Business Act.

S. 2475. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa.

S. 2500. An act to enable producers and feeders of sheep and importer of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes.

Under the authority of the order of the Senate of January 5, 1993, the enrolled bills were signed on October 11, 1994, during the recess of the Senate by the President pro tempore (Mr. BYRD).

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on October 12, 1994, during the recess of the Senate, received a message from the house of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 340. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 2395. An act to designate the United States Federal Building and Courthouse in Detroit, Michigan, as the "Theodore Levin

Federal Building and Courthouse," and for other purposes.

S. 2407. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2466. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively and for other purposes.

S. 2534. An act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws.

H.R. 4217. An act to reform the Federal crop instance program, and for other purposes.

H.R. 4361. An act to amend title 5, United States Code, to provide that an employee of the Federal government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family; and for other purposes.

H.R. 5053. An act to expand eligibility for the wetlands reserve program to lands covered by expiring agreements under the Water Bank Act.

H.R. 5155. An act to authorize the transfer of naval vessels to certain foreign countries.

S.J. Res. 90. Joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

S.J. Res. 220. Joint resolution to designate October 19, 1994, as "National Mammography Day".

S.J. Res. 229. Joint resolution regarding United States policy toward Haiti.

Under the authority of the order of the Senate of January 5, 1993, the following enrolled bills and joint resolutions were signed on October 12, 1994, during the recess of the Senate by the President pro tempore (Mr. BYRD):

S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 2466. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively and for other purposes.

H.R. 4217. An act to reform the Federal crop insurance program and for other purposes.

Under the authority of the order of the Senate of January 5, 1993, the following enrolled bills were signed on October 13, 1994, during the recess of the Senate by the President pro tempore (Mr. BYRD):

S. 340. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 2395. An act to designate the United States Federal Building and Courthouse in Detroit, Michigan, as the "Theodore Levin Federal Building and Courthouse", and for other purposes.

S. 2407. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

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S.J. Res. 220. Joint resolution to designate October 19, 1994, as "National Mammography Day."

S.J. Res. 229. Joint resolution regarding United States policy toward Haiti.

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on October 17, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 528. An act to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana.

S. 720. An act to clean up open dumps on Indian lands, and for other purposes.

S. 784. An act to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1312. An act to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries.

S. 1457. An act to amend the Aleutian and Pribilof Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II.

S. 1927. An act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 2073. An act to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse", and for other purposes.

S. 2372. An act to reauthorize for three years the Commission on Civil Rights, and for other purposes.

H.R. 6. An act to extend for six years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965 and for other purposes.

H.R. 512. An act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes.

H.R. 783. An act to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization.

H.R. 808. An act for the relief of James B. Stanley.

H.R. 2056. An act to designate the Federal building located at 600 Princess Anne Street in Fredericksburg, Virginia as the "Samuel E. Perry Postal Building."

H.R. 2135. An act to provide for a National Native American Veterans' Memorial.

H.R. 2266. An act for the relief of Orlando Wayne Naraysingh.

H.R. 2294. An act to designate the Federal building in Wichita Falls, Texas, which is currently known as the Main Post Office, as the "Graham B. Purcell, Jr., Post Office and Federal Building."

H.R. 2411. An act for the relief of Leteane Clement Monatsi.

H.R. 2440. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

H.R. 2970. An act to authorize the Office of Special Counsel, and for other purposes.

H.R. 4192. An act to designate the United States Post Office located at 100 Veterans Drive in Saint Thomas, Virgin Islands, as the "Arturo R. Watlington, Sr. United States Post Office."

H.R. 4535. An act to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes.

H.R. 4833. An act to reform the management of Indian Trust Funds, and for other purposes.

H.R. 4842. An act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes.

H.R. 4896. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.R. 4922. An act to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

H.R. 4924. An act to assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat.

H.R. 5116. An act to amend title II of the United States Code.

S.J. Res. 227. Joint resolution to approve the location of a Thomas Paine Memorial.

H.J. Res. 425. Joint resolution providing for the convening of the First Session of the One Hundred Fourth Congress.

Under the authority of the order of the Senate of January 5, 1993, the enrolled bills and joint resolutions were signed on October 17, 1994, during the recess of the Senate by the President pro tempore (Mr. BYRD).

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on October 25, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 21. An act to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 1146. An act to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes.

S. 1614. An act to amend the Child Nutrition Act of 1966 and the National Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

H.R. 1348. An act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes.

H.R. 3050. An act to expand the boundaries of the Red Rock Canyon National Conservation Area.

H.R. 3059. An act to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

H.R. 3313. An act to amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes.

H.R. 3499. An act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act.

H.R. 3678. An act to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources.

H.R. 3984. An act to designate the United States post office located at 212 Coleman Avenue in Waveland, Mississippi, as the "John Longo, Jr. Post Office."

H.R. 4180. An act to prohibit the withdrawal of acknowledgement or recognition of an Indian tribe or Alaska Native group or of the leaders of an Indian tribe or Alaska Native group, absent an act of Congress.

H.R. 4193. An act to designate the United States Post Office located at 100 Vester Gade, in Cruz Bay, Saint John, Virgin Islands, as the "Ubaldina Simnmons United States Post Office."

H.R. 4196. An act to ensure that all timber-dependent communities qualify for loans and grants from Rural Development Administration.

H.R. 4452. An act to designate the Post Office building at 115 West Chester in Ruleville, Mississippi, as the "Fannie Lou Hamer United States Post Office."

H.R. 4455. An act to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes.

H.R. 4497. An act to award a congressional gold medal to Rabbi Menachem Mendel Schneerson.

H.R. 4551. An act to designate the Post Office building located at 301 West Lexington in Independence, Missouri, as the "William J. Randall Post Office."

H.R. 4571. An act to designate the United States post office located at 103–104 Estate Richmond in Saint Croix, Virgin Islands, as the "Wilbert Armstrong United States Post Office."

H.R. 4595. An act to designate the building located at 4021 Laclede in St. Louis, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "Marian Oldham Post Office."

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System.

H.R. 4709. An act to make certain technical corrections, and for other purposes.

H.R. 4757. An act to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes.

H.R. 4777. An act to make technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees.

H.R. 4778. An act to codify without substantive change recent laws related to transportation and to improve the United States Code.

H.R. 4781. An act to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes.

H.R. 4814. An act to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact.

H.R. 4867. An act to authorize appropriations for high-speed rail transportation, and for other purposes.

H.R. 4967. An act to designate the Federal building and United States courthouse in Detroit, Michigan, as the "Theodore Levin Federal Building and United States Courthouse."

H.R. 5034. An act to make certain technical amendments relating to the State Department Basic Authorities Act of 1956, the United States Information and Educational Exchange Act of 1948, and other provisions of law.

H.R. 5084. An act to amend title 13, United States Code, to improve the accuracy of census address lists, and for other purposes.

H.R. 5102. An act to amend title 18, United States Code, with respect to certain crimes relating to Congressional medals of honor.

H.R. 5161. An act to amend the Omnibus Budget Reconciliation Act of 1993 to permit the prompt sharing of timber sale receipts of the Forest Service and the Bureau of Land Management.

H.R. 5176. An act to amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation.

H.R. 5200. An act to resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States.

H.R. 5220 act to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, Arizona, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal years 1994 and 1995.

H.R. 5244. An act to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.

H.R. 5246. An act to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

H.R. 5252. An act to amend the Social Security Act and related Acts to make miscellaneous and technical amendments, and for other purposes.

H.J. Res. 271. Joint resolution designating November of each year as "National American Indian Heritage Month."

H.J. Res. 326. Joint resolution designating January 16, 1995, as "National Good Teen Day."

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on November 30, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res 390. Joint resolution designating September 17, 1994, as "Constitution Day."

Under the authority of the order of the Senate of January 5, 1993, the following enrolled joint resolution was signed on October 31, 1994, during the recess of the Senate by the President pro tempore (Mr. BYRD):

H.J. Res. 390. Joint resolution designating September 17, 1994, as "Constitution Day."

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on November 30, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5110. An act to approve and implement the trade agreements concluded in the Uruguay Round of multilateral trade negotiations.

The message also announced that pursuant to the provisions of section 904(b) of Public Law 103–236, the Speaker appoints the following Member to the Commission on Protecting and Reducing Government Secrecy on the part of the House: Mr. HAMILTON.

The message further announced that pursuant to the provisions of section 902(a) of Public Law 103–359, the Speaker appoints to the Commission on the Roles and Capabilities of the United States Intelligence Community the following members on the part of the House: Mr. DICKS and from private life, Mr. TONY COEHLO of Alexandria, VA.

The message also announced that pursuant to the provisions of section 604 of Public Law 103–394, and the order of the House of Friday October 7, 1994, authorizing the Speaker and the Minority Leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on November 17, 1994, did appoint the following person from private life to the National Bankruptcy Review Commission on the part of the House: Mr. John A. Gose of Seattle, WA.

The message further announced that pursuant to the provisions of section 5205(a)(1)(C) of Public Law 100–418, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the Minority Leader to accept resignations and to make appointments authorized by law or by the House, the Speaker and the Minority Leader on November 17, 1994, did jointly appoint the following person from private life as a member of the Competitiveness Policy Council on the part of the House to fill the existing vacancy thereon: Mr. Donald V. Fites of Peoria, IL.

The message also announced that pursuant to the provisions of section

4(b) of Public Law 94-201, (20 U.S.C. 2103(b)), and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the Minority Leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on October 11, 1994, did appoint to the Board of Trustees of the American Folklife Center in the Library of Congress the following member from private life on the part of the House to fill the existing vacancy thereon: Mr. William L. Kinney, Jr. of Bennettsville, SC, for a 6-year term.

The message further announced that pursuant to the provisions of section 703 of the Social Security Act (42 U.S.C. 903) as amended by section 103 of Public Law 103–296, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the Minority Leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on November 17, 1994, did appoint to the Social Security Advisory Board the following members on the part of the House from private life: Ms. Martha Keys of Arlington, VA, to a 5-year term; and Mr. Arthur L. (Pete) Singleton of Dunnsville, VA, to a 4-year term.

MESSAGES FROM THE HOUSE

At 12:06 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5292. An act to amend the Defense Base Closure and Realignment Act of 1990 to extend the deadline for the submission of nominations for the Defense Base Closure and Realignment Commission.

The message also announced that the House has agreed to the following resolution, in which it requests the concurrence of the Senate:

H. Res. 587. Resolution expressing profound sorrow upon the death of the Honorable Dean A. Gallo, a Representative from the State of New Jersey.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that she had presented to the President of the United States, the following enrolled bills and joint resolutions:

On October 6, 1994:

S. 316. An act to establish the Saguaro National Park in the State of Arizona, and for other purposes.

S. 1233. An act to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes.

On October 7, 1994:

S. 2406. An act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 922. An act to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

S. 1225. An act to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

S. 2060. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 2466. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

S. 2475. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa.

S. 2500. An act to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes.

On October 17, 1994:

S. 340. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 2407. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2534. An act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws.

S.J. Res. 90. Joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

S.J. Res. 229. Joint resolution regarding United States policy toward Haiti.

S.J. Res. 220. Joint resolution to designate October 19, 1994, as "National Mammography Day."

On October 18, 1994:

S. 528. An act to provide for the transfer of certain United States Forest Service lands located in Lincoln County in the State of Montana.

S. 720. An act to clean up open dumps on Indian lands, and for other purposes.

S. 784. An act to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1312. An act to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries.

S. 1927. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to revise and improve veterans' benefits programs, and for other purposes.

S. 2073. An act to designate the Warren B. Rudman United States Courthouse, the Jamie L. Whitten Federal Building, and the William H. Natcher Federal Building and United States Courthouse.

S. 2372. An act to amend the United States Commission on Civil Rights Act of 1983.

S.J. Res. 227. Joint resolution approving the location of a Thomas Paine Memorial and a World War II Memorial in the Nation's Capital.

On October 19, 1994:

S. 2395. An act to designate the United States Courthouse in Detroit, Michigan, as the "Theodore Levin Courthouse," and for other purposes.

On October 25, 1994:

S. 21. An act to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

S. 1146. An act to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes.

S. 1614. An act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3425. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, an interim report of the Defense Equal Opportunity Task Force on Discrimination and Sexual Harassment, dated September 1994; to the Committee on Armed Services.

EC–3426. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the national emergency with respect to Haiti; to the Committee on Banking, Housing and Urban Affairs.

EC–3427. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the sanctions against Haiti; to the Committee on Banking, Housing and Urban Affairs.

EC–3428. A communication from the Chief Financial Officer of the Export-Import Bank, transmitting, pursuant to law, a report in compliance with the Inspector General Act for fiscal year 1993; to the Committee on Banking, Housing and Urban Affairs.

EC–3429. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Report to Congress on Elderly Families, Families with Children and Disabled Families Served by Federal Housing Programs"; to the Committee on Banking, Housing and Urban Affairs.

EC–3430. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to direct spending and receipts legislation within five days of enactment; to the Committee on the Budget.

EC–3431. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–3432. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–3433. A communication from the Administrator of the Department of Transportation, transmitting, pursuant to law, the Department's annual report on civil aviation security from calendar year 1993; to the Committee on Commerce, Science and Transportation.

EC–3434. A communication from the Administrator of the Department of Transportation, transmitting, pursuant to law, the Department's annual report relative to civil aviation security for calendar year 1992; to the Committee on Commerce, Science and Transportation.

EC–3435. A communication from the Acting Assistant Secretary of the Army (Civil Works), Department of the Navy, transmitting, pursuant to law, a report relative to local cooperation agreements; to the Committee on Environment and Public Works.

EC–3436. A communication from the Executive Director of the National Commission on International Transportation, transmitting, pursuant to law, a report relative to national intermodal transportation; to the Committee on Environment and Public Works.

EC–3437. A communication from the President of the United States, transmitting, consistent with the Authorization for Use of Military Force Against Iraq Resolution, a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council (received in the Senate on November 1, 1994); to the Committee on Foreign Relations.

EC–3438. A message from the President of the United States, transmitting, pursuant to law, a report relative to the national emergency with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC–3439. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–3440. A communication from the President of the United States, transmitting, pursuant to law, a report of deferrals of budget authority dated October 18, 1994; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Finance, and the Committee on Foreign Relations.

EC–3441. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, selected acquisition reports for the quarter ending September 30, 1994; to the Committee on Armed Services.

EC–3442. A communication from the Secretary of the Senate transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in her possession from April 1, 1994 through September 30, 1994; ordered to lie on the table.

EC–3443. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and defferals dated November 9, 1994; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Finance and the Committee on Foreign Relations.

EC–3444. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to revised statistical information regarding rescissions; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC–3445. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the annual report of the Office for fiscal year 1993; pursuant to law, referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC–3446. A communication from the Director of Corporate Financial Audits, General Accounting Office, transmitting, pursuant to law, a report relative to the cost of money rate; to the Committee on Agriculture, Nutrition and Forestry.

EC–3447. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 94-06; to the Committee on Armed Services.

EC–3448. A communication from the Under Secretary of Defense, transmitting, pursuant to law, notice of funds transfers; to the Committee on Armed Services.

EC–3449. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the obligation of funds for the intertheater airlift programs; to the Committee on Armed Services.

EC–3450. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to space launch vehicles; to the Committee on Armed Services.

EC–3451. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the Corporation's Semiannual Comprehensive Litigation Report for the six month period ending September 30, 1994; to the Committee on Banking, Housing and Urban Affairs.

EC–3452. A communication from the Associate Director, Government Business Operations Issues, General Accounting Office, transmitting, pursuant to law, a report relative to the RTC's Affordable Housing Disposition Program; to the Committee on Banking, Housing and Urban Affairs.

EC–3453. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Domestic and International Housing Technology Research"; to the Committee on Banking, Housing and Urban Affairs.

EC–3454. A communication from the President of the United States, transmitting, pursuant to law, a notice of the expansion of the scope of the national emergency with respect to the actions and policies of the Governments of Serbia and Montenegro; to the Committee on Banking, Housing and Urban Affairs.

EC–3455. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the state of fair housing; to the Committee on Banking, Housing and Urban Affairs.

EC–3456. A communication from the President of the United States, transmitting, pursuant to law, a notice of the continuation of the national emergency with respect to Iraq; to the Committee on Banking, Housing and Urban Affairs.

EC–3457. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board and the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, a semiannual report of the activities of the RTC the Federal Deposit Insurance Corporation and the Thrift Depositor Protection Oversight Board; to the Committee on Banking, Housing and Urban Affairs.

EC–3458. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the reduction of risk in financial markets; to the Committee on Banking, Housing and Urban Affairs.

EC–3459. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the Corporation's semiannual report relative to the Affordable Housing Disposition Program for the period from January 1, 1994 through June 30, 1994; to the Committee on Banking, Housing and Urban Affairs.

EC–3460. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Public Housing Lead-Based Paint Demonstration; to the Committee on Banking, Housing and Urban Affairs.

EC–3461. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, a report relative to professional conduct investigations; to the Committee on Banking, Housing and Urban Affairs.

EC–3462. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the emissions of greenhouse gasses in the United States; to the Committee on Energy and Natural Resources.

EC–3463. A communication from the Administrator of the Department of Transportation, transmitting, pursuant to law, a status report on the implementation of the Intermodal Surface Transportation Efficiency Act; to the Committee on Environment and Public Works.

EC–3464. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to projects which have been authorized, but for which no funds have been obligated; to the Committee on Environment and Public Works.

EC–3465. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Preservation of Transportation Corridors"; to the Committee on Environment and Public Works.

EC–3467. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to demonstration activities; to the Committee on Finance.

EC–3468. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a certification relative to the United Nations agency or U.N. affiliated agencies for fiscal year 1995; to the Committee on Foreign Relations.

EC–3469. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to Exxon and Stripper

Well overcharge funds as of June 30, 1994; to the Committee on Energy and Natural Resources.

EC-3470. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, notice of refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3471. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, notice of refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3472. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the use of light duty alternative fuel vehicles in Federal fleets; to the Committee on Energy and Natural Resources.

EC-3473. A communication from the Assistant Secretary for Water and Science, Department of the Interior, transmitting, pursuant to law, a report relative to the High Plains States Groundwater Demonstration Program; to the Committee on Energy and Natural Resources.

EC-3474. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on the Interior.

EC-3475. A communication from the Secretary of the Interior, the Secretary of Energy and the Director of the National Science Foundation, transmitting, pursuant to law, the annual report of the Continental Scientific Drilling Program; to the Committee on Energy and Natural Resources.

EC-3476. A communication from the Acting Inspector General, Department of the Interior, transmitting, pursuant to law, the report of reimbursable expenditures of Environmental Protection Agency Superfund Money, Bureau of Mines for fiscal years 1992 and 1993; to the Committee on Environment and Public Works.

EC-3477. A communication from the Acting Inspector General, Department of the Interior, transmitting, pursuant to law, the report of reimbursable expenditures of Environmental Protection Agency Superfund Money, Bureau of Reclamation for fiscal year 1993; to the Committee on Environment and Public Works.

EC-3478. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report of the Third Priority Project List; to the Committee on Environment and Public Works.

EC-3479. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report on facilities storing mixed wastes; to the Committee on Environment and Public Works.

EC-3480. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the study of the maximum axle weight limits of public transit vehicles on the interstate system; to the Committee on Environment and Public Works.

EC-3481. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation to modify the project for flood control at Arkansas City, Kansas to authorize the Secretary of the Army to construct the project; to the Committee on Environment and Public Works.

EC-3482. A communication from the Deputy Inspector General, Department of Defense, transmitting, pursuant to law, the U.S. Army Audit Agency report of its review of Superfund financial transactions for fiscal year 1993; to the Committee on Environment and Public Works.

EC-3483. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Review of the Alcohol and Drug Abuse Services Administration's Spending and Contractual Administrative Practices"; to the Committee on Governmental Affairs. .

EC-3484. A communication from the Acting Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of Safeguards Information for the period July 1, 1994 through September 30, 1994; to the Committee on Environment and Public Works.

EC-3485. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation to modify the project for the India Point Railroad Bridge, Seekonk River, Providence, Rhode Island; to the Committee on Environment and Public Works.

EC-3486. A communication from the Secretary of Energy, transmitting, pursuant to law, notice relative to the report on Adequacy of Management Plans for the Future Generation of Spent Nuclear Fuel and High-Level Radioactive Waste; to the Committee on Environment and Public Works.

EC-3487. A communication from the Assistant Secretary of Energy (Environment, Safety and Health), transmitting, pursuant to law, the report on progress in implementing the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act for fiscal year 1993; to the Committee on Environment and Public Works.

EC-3489. A communication from the Inspector General of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on the Superfund program for fiscal year 1993; to the Committee on Environment and Public Works.

EC-3490. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on the production, use, and consumption of Class I and II Ozone-Depleting Substances; to the Committee on Environment and Public Works.

EC-3491. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report on trade between the United States and China, and the Successor States to the Former Soviet Union during the period April 1, 1994 through June 30, 1994; to the Committee on Finance.

EC-3492. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on Child Support Enforcement; to the Committee on Finance.

EC-3493. A communication from the Secretary of Labor, transmitting, pursuant to law, the report on the expenditure and need for Worker Adjustment Assistance Training Funds for the period July 1, 1994 through September 30, 1994; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-649. A joint resolution adopted by the Legislature of the State of California; ordered to lie on the table.

"ASSEMBLY JOINT RESOLUTION NO. 26

"Whereas, Acts of violence and harassment against medical doctors, their staff, patients of health facilities where abortions are performed, and their families, are increasing; and

"Whereas, That violence and harassment recently resulted in the shooting death of Dr. David Gunn, a medical doctor who performed abortions in the State of Florida; and

"Whereas, The death of Dr. Gunn was precipitated by picketing and harassment of him and his health facility for more than one year; and

"Whereas, Those acts of violence and harassment must meet immediate, legislative, judicial, and law enforcement response; and

"Whereas, The California Legislature condemns those who perpetrate such acts of violence and harassment; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact the Freedom of Access to Clinic Entrances Act of 1993 to guarantee American women their fundamental right to reproductive health care; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, and each Senator and Representative from California in the Congress of the United States."

POM-650. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

"SENATE JOINT RESOLUTION NO. 49

"Whereas, There is a need for creating and maintaining the capability to perform long duration space research in science and technology, and the Space Station will advance our use of the unique space environment by providing a permanent, multipurpose Earth-orbiting laboratory; and

"Whereas, Pressurized laboratory accommodations will enable experimenters to use the microgravity environment of space to expand our knowledge, develop new technologies, realize new products and processes, provide an observation point to view the Earth and the heavens, and to carry out a range of scientific and technical experiments; and

"Whereas, The Space Station will be built by an international team from Europe, Japan, Canada, Russia, and the United States, who have all planned and adjusted their space program budgets over the past few years and have made difficult choices to eliminate other activities of national or joint interest in order to maintain funding for their portions of the International Space Station; and

"Whereas, The Space Station will be a world-class laboratory in space that will serve as an intellectual magnet to inspire all Americans, especially our youth; and

"Whereas, The current Space Station program employs 9,700 people in southern California alone, 30,000 people directly, and over 100,000 people indirectly, nationwide; and

"Whereas, The Space Station will create thousands of high technology jobs that will enhance future United States competitiveness; and

"Whereas, The past and proposed military base closures in California are devastating to an economic base reeling from the recession, extremely high unemployment compared to the rest of the nation, natural disasters, and the state budget crisis; and

"Whereas, The Space Station can help maintain the California manufacturing base and all of the small subcontracting businesses and keep California at the forefront of science and technology; and

"Whereas, The International Space Station is the largest international scientific cooperative program in history that channels the Russian aerospace industry into nonmilitary pursuits and furthers commercial ties and builds on Russian space experience and expenditures; and

"Whereas, Our national expenditures on the Space Station program represent only a very small fraction of the federal budget, and the program management is improved and streamlined to reduce cost risk, saving even more money; and

"Whereas, Substantial progress in the design and fabrication of hardware warrants high confidence of program success that will propel the United States to the forefront of technological progress and commercial application of space research; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California hereby urges the members of the congressional delegation from California to act in united support of fully funding the United States' involvement in the International Space Program and to communicate their support to the Secretary of the United States Department of Defense, to the President of the United States, and to other pertinent parties; and be it further

"*Resolved*, That the Legislature of the State of California hereby urges the boards of supervisors of all California counties, all city councils in the state, and all chambers of commerce in the state to provide their attention and support for the continued funding of the Space Station and to communicate their support to the President of the United States, the Secretary of the United States Department of Defense, the Chairperson of the United States Senate Armed Services Committee, the Chairperson of the United States House of Representatives Armed Services Committee, and the congressional delegation from California; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the boards of supervisors of all California counties, to all city councils in the state, and to all chambers of commerce in the state."

POM-651. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

"SENATE JOINT RESOLUTION NO. 5

"Whereas, The State of California and other states have incurred and are continuing to incur extensive fiscal responsibilities for health, welfare, correctional, and educational services for immigrants entering the United States as a result of federal immigration and refugee policies, as well as a lack of federal controls on undocumented noncitizens; and

"Whereas, The federal government has long mandated or otherwise sought state services for immigrants and assumed a cumulative obligation to pay for them under the Refugee Act of 1980 (Public Law 96-212), the State Legalization Impact Assistance Grants pursuant to the Immigration Reform and Control Act of 1986 (Public Law 99-603), and the Omnibus Budget Reconciliation Act of 1986 (Public Law 99-509); and

"Whereas, In the past four years, despite previous promises and commitments, the amount of federal immigration impact aid appropriated to California has been less than $200 million annually, which is well below the $2.5 billion needed to meet obligations this year; and

"Whereas, Failure by the federal government to pay the obligated immigration impact payments is likely to result in state reductions in Supplemental Security Income/State Supplementary Program (SSI/SSP) grants; elimination of the Aid to Families with Dependent Children homeless assistance program; elimination of Medi-Cal optional eligibility categories for low-income, uninsured adults and children; elimination of Medi-Cal optional benefits; reductions in hospital inpatient reimbursements, and many other consequences; and

"Whereas, In recent years federal taxes collected in California have substantially exceeded the expenditure of federal funds in the state, in some years reaching a low of 91 cents spent per dollar collected; and

"Whereas, This trend is likely to be exacerbated in the current year because of further reductions in defense expenditures and closure of defense bases, to both of which California is particularly vulnerable; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to carry out existing federal law, including formal as well as implied commitments, by providing in the near future at least $400 million in federal funds to offset costs incurred by the state in providing health and social services to refugees and other immigrants; and be it further

"*Resolved*, That the Legislature further memorializes the President and Congress to provide at least an additional $1.7 billion for the school year cost of educating undocumented immigrants in the public schools of California; and be it further

"*Resolved*, That the Legislature further memorializes the President and the Congress to provide in the near future at least an additional $402 million dollars in federal funds for the state to cover the cost of incarcerating felons who are undocumented aliens whose presence in the United States is a federal responsibility; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States."

POM-652. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"SENATE JOINT RESOLUTION NO. 50.

"Whereas, Since the end of the cold war the United States has withdrawn the majority of its overseas forces; and

"Whereas, The ability to rapidly and efficiently airlift military personnel and equipment is vitally necessary to enable the United States to protect its global interests and to respond in crisis situations through rapid deployment; and

"Whereas, The nation's airlift forces are aging rapidly due to use during the Desert Shield/Desert Storm conflict and the humanitarian relief efforts of Somalia and Bosnia and Herzegovina; and

"Whereas, The Defense Department has declared the U.S. Air Force C-17 airlift program to be its number one priority; and

"Whereas, The C-17 is the only aircraft able to perform all of the critical military deployment missions including roll on/roll off airland, airdrop, low-altitude-parachute-extraction, and combat offload as well as transporting large-outsize cargo over intercontinental distances and landing at semi-prepared, small, austere airfields; and

"Whereas, The C-17 development program is nearly complete and eight aircraft have now entered operational service with the 437th Airlift Wing at Charleston Air Force Base in South Carolina; and

"Whereas, The Department of Defense Inspector General has declared that the recent Omnibus Settlement between the manufacturer of the C-17 airlifter and the government on all outstanding issues is reasonable and fair and in the best interests of the United States Government; and

"Whereas, The continuing production of the C-17 airlifter will provide significant economic development and employment opportunities to the beleaguered aerospace industry of the State of California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact funding for the C-17 Omnibus Settlement between the United States Department of Defense and the manufacturer of the C-17 airlifter to ensure the continued production of 120 of these aircraft; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-653. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs.

"SENATE JOINT RESOLUTION NO. 32

"Whereas, Since the 1964 Surgeon General's Report recognizing the grave health danger of tobacco use, it has been the national policy of the United States to discourage smoking; and

"Whereas, Since the passage of Proposition 99 in 1988 by a margin of 5,607,387 to 4,032,644, the number of smokers in California has significantly decreased by over one million people, due in part to the antismoking advertising and education campaign mandated by Proposition 99; and

"Whereas, Tobacco is the number one preventable cause of death and disease in the United States; and

"Whereas, Recent health statistics indicate that Americans as a whole are smoking less, which signals the tobacco industry's decline in this country; and

"Whereas, In the developed world, cigarette consumption fell by 6.2 percent between 1986 and 1991, while in poor countries it grew by 17.4 percent; and

"Whereas, Health experts around the world believe we are at a critical juncture in whether smoking becomes a worldwide epidemic, with estimates that the number of tobacco-related deaths will increase threefold to eight million by the year 2025, and that the progress made in curbing deaths from malnutrition and infectious diseases in lesser developed countries will be lost to deaths caused by smoking; and

"Whereas, Starting in 1985, the United States government, while discouraging smoking at home, successfully pressured Japan, Taiwan, South Korea, and Thailand into breaking their domestic tobacco monopolies and allowing the sale of American cigarettes; and

"Whereas, American tobacco companies are attempting and sometimes succeeding in undermining laws to limit cigarette advertising in Asian countries; and

"Whereas, Two years after the United States tobacco companies entered Japan, television advertising increased tenfold, and since 1988 when United States advertising was allowed in South Korea, the smoking rate for male teenagers rose from 18 percent to 30 percent, and for female teenagers from 2 percent to 9 percent; and

"Whereas, Some American tobacco companies experiencing a diminishing United States market are targeting one billion Chinese by positioning to expand investments, production, and advertisement of cigarettes; adversely influencing other cultures by manipulative marketing to men, women, and children; and creating costly tobacco-related health hazards and premature deaths; and

"Whereas, It is estimated that 50 million Chinese children will die from tobacco prematurely if trends continue; and

"Whereas, American tobacco industry activity in Asia is analogous to 19th century British merchants who persuaded their government to force China to allow the entry of dangerous and addictive opium and contributed to anti-British and anti-Western sentiment in China for decades to come; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the California Legislature, expressing its grave concern for the health of the people of developing countries, thereby urges the following courses of action:

"(a) That the United States Congress pass legislation to prohibit the United States Trade Representative, the United States Department of State, and the United States Department of Commerce, or any other agency of the United States government from actively encouraging, persuading, or compelling any foreign government to expand the marketing of tobacco products, whether it be by repealing laws restricting marketing practices, or securing agreements to introduce new measures or expand current ones. This applies to the promotion, advertisement, distribution, and taxation of tobacco products.

"(b) That the President of the United States, who has advocated for comprehensive health programs and policies to protect children in the United States, formulate responsible bilateral, multilateral, and international policies which support, rather than oppose, health laws designed to discourage tobacco use in other countries.

"(c) That American tobacco companies cease and desist from their unsavory advertising and marketing practices that are designed to encourage tobacco consumption among developing countries, and that will result in tremendous loss of human life and increased health care costs in those developing countries; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Trade Representative, to the United States Department of State, and to the United States Department of Commerce."

POM-654. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"ASSEMBLY JOINT RESOLUTION NO. 64

"Whereas, The United States is the world leader in aeronautics and the largest producer of commercial aircraft in the world, with annual sales of over $22 billion and 490,000 jobs nationwide related to the international aircraft market; and

"Whereas, Civil aircraft is the largest United States export and the aeronautics industry is now driven by civilian instead of military requirements; and

"Whereas, The United States' share in the world civil aeronautics industry has declined from 91 percent in the late 1960s to 67 percent in 1991; and

"Whereas, For the United States to continue to lead the world in aeronautics, we must lead the development of the next generation of civil aircraft; and

"Whereas, Wind tunnels are important to the civil aeronautics industry because they provide the means to test new, more efficient aircraft; and

"Whereas, Today the most advanced wind tunnel facility is in Europe; and

"Whereas, Two new United States wind tunnels are needed for development of the next generation of subsonic and transonic transportation; and

"Whereas, The National Aeronautics and Space Administration (NASA) will build a National Wind Tunnel Complex that includes construction of new, sophisticated wind tunnels; and

"Whereas, NASA/Ames Research Center, in Silicon Valley, has the most experience in wind tunnel design, construction, and operation, with 27 wind tunnels on site; and

"Whereas, NASA/Ames currently employs more than 5,000 people and manages a budget of over $700 million annually; and

"Whereas, NASA/Ames has a proven record of working closely with the Silicon Valley community and a highly successful partnership with the commercial aircraft industry; and

"Whereas, Silicon Valley is a renowned national center of high tech research and production, with a highly skilled work force and easy access to major international airports; and

"Whereas, The proposed National Wind Tunnel Complex will provide needed construction, high technology, and support jobs for an economic region still stagnant from the national recession; and

"Whereas, California has the united support of our Congressional delegation, State Assembly, State Senate, local and regional governments, business community, organized labor, and environmental organizations for the proposed National Wind Tunnel Complex: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to select as the site for the proposed National Wind Tunnel Complex the NASA/Ames Research Center in Silicon Valley; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, NASA, the United States Department of Commerce, the White House Office of Science and Technology Policy, the United States Department of Defense, and to each Senator and Representative from California in the Congress of the United States."

POM-655. A resolution adopted by the Town Board of Saugerties, New York relative to the proposed Hudson River Valley American Heritage Area; to the Committee on Energy and Natural Resources.

POM-656. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 33

"Whereas, The United States, recognized as the leader in stimulating the pursuit of global democracy, promotes the extension of self-determination to all peoples, especially to those states and territories under its jurisdiction; and

"Whereas, Guam strives ultimately to provide the people of Guam with greater participation in deciding their destiny within the American community through recognition of their human rights and the establishment of a just political relationship between the people of Guam and the United States government; and

"Whereas, The people of Guam are citizens of the United States and should be given all the rights afforded citizens in the United States Constitution; and

"Whereas, The citizens of the Territory of Guam share the same dreams and aspirations as do other Americans and should be granted the dignity and freedom associated with greater rights of self-determination; and

"Whereas, The California Legislature supports the attempt by each territory controlled by the government of the United States to attain the political status best suited to the people of the territory; and

"Whereas, By ratifying the Guam Commonwealth Act in 1987, the citizens of the Territory of Guam have demonstrated their desire to control their own political, social, and economic future; and

"Whereas, Attaining the status of a Commonwealth of the United States would enable the citizens of the Territory of Guam to enjoy the benefits of self-government, while retaining their longstanding loyalty to the government of the United States; and

"Whereas, The Territory of Guam is one of the few territorial possessions remaining in the world today, and support for its efforts to achieve the status of a Commonwealth has been widespread, including support from a number of states, from the National Governors' Association, the National Conference of State Legislatures, the Western Legislative Conference of the Council of State Governments, and the United States Conference of Mayors: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the California Legislature hereby expresses its support for the people of the Territory of Guam in their efforts to attain the status of a Commonwealth of the United States and a just and permanent relationship with the government of the United States; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, the Governor of Guam, the Speaker of the Guam Legislature, and the Guam Congressional Delegate."

POM-657. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 31

"Whereas, President Clinton has proposed a forest plan which contains an economic assistance package, known as the Economic Adjustment Initiative, that is intended to aid communities that are adversely impacted as a result of reduced timber harvest on United States forest lands; and

"Whereas, The economic assistance package, as proposed, would provide $1.2 billion in economic assistance over five years to workers and their families, to communities, and to business and industry for the purpose of developing infrastructure, and encouraging ecosystem investment intended to create economic diversity and growth; and

"Whereas, The Federal Administration is implementing memoranda of understanding between federal agencies and state and local governments regarding how the economic assistance package will be structured and allocated; and

"Whereas, Approximately $234 million has been either appropriated or redirected for the economic assistance package for the 1994-95 fiscal year; and

"Whereas, It is important to the State of California to marshal all available resources necessary to maximize the federal assistance available for communities that qualify for funds from the economic assistance package; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California memorializes the President and the Congress of the United States to continue efforts to appropriate and allocate the entire $1.2 billion in economic assistance committed in the Economic Adjustment Initiative to assist communities adversely impacted by reduced timber harvest of United States forest lands; and be it further

"*Resolved*, That the economic assistance should be allocated to individuals and communities without large overhead and administrative costs being deducted by federal, state, and local agencies; and be it further

"*Resolved*, That a significant portion of the economic assistance should be used to help communities develop and diversify their economic base by providing incentives such as risk capital for new or expanding businesses and community infrastructure to support new businesses and jobs; and be it further

"*Resolved*, That the Legislature urges the Governor and the Secretary of the Resources Agency to keep the Legislature and local government informed of the activities of the executive branch with respect to the planning, enactment, and implementation of the economic assistance package, and provide adequate administrative support to ensure the timely participation of the state and local governments in the development of the package; and be it further

"*Resolved*, That the Legislature urges the Secretary of the Resources Agency to provide quarterly reports to the Joint Legislative Budget Committee identifying the amount and source of funding for all economic assistance programs and projects that are developed by the State Community Economic Revitalization Team (CERT) and financed by state or federal agencies, including, but not limited to, the Employment Development department, the Department of Housing and Community Development, and the California Trade and Commerce Agency; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of the resolution to the President and the Vice President of the United States, to the Congress of the United States, to each Senator and Representative from California in the Congress of the United States, and to the Governor and the Secretary of the Resources Agency."

POM-658. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION NO. 2016

"Whereas, the United States Supreme Court in C & A Carbone, Inc. v. Town of Clarkstown found that the provisions of the Town of Clarkstown's flow control ordinance violated the "dormant" commerce clause of the United States Constitution; and

"Whereas, the United States Congress is considering flow control legislation to alleviate the potential impact of the Carbone decision on local governments; and

"Whereas, the Commonwealth has had a flow control law for 10 years that, after much debate, negotiation and revision, (i) provides local governments with flow control authority only following public hearings and specific findings by the local government related to the necessity for flow control, (ii) grandfathers certain facilities and (iii) limits the types of waste to which the authority may apply; and

"Whereas, Virginia's flow control mechanism has proven to be an equitable and workable resolution to the flow control issue for both private industry and local governments; and

"Whereas, local governments and private industry in the Commonwealth have relied on Virginia's flow control law in making hundreds of millions of dollars in investment and in making planning and business decisions; and

"Whereas, while it is important that Congress promptly enact flow control legislation so that flow control legislation enacted in the states is not threatened as a result of the Carbone decision, federal legislation could replace Virginia's solution to flow control problems with new procedures, options and requirements disrupting the equitable balance and certainty created by Virginia's flow control law; and

"Whereas, the legislative study committee established by House Joint Resolution 19 of the 1994 Session of the Virginia General Assembly to examine the flow control issue has found that supplanting Virginia's flow control statute would be disruptive and burdensome to Virginia's solid waste industry and local governments; now, therefore, be it "*Resolved by the House of Delegates, the Senate concurring*, That the United States Congress be requested to assure that any federal flow control legislation be in a form that does not preempt or modify the Commonwealth's law; and, be it "*Resolved further*, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Virginia Congressional Delegation to apprise them of the sense of the Virginia General Assembly in this matter."

POM-659. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"SENATE JOINT RESOLUTION NO. 46

"Whereas, Existing federal law imposes an income tax on a portion of Social Security benefits for recipients whose annual income exceeds twenty-five thousand dollars ($25,000) for a person filing an individual return and thirty-two thousand dollars ($32,000) for persons filing a joint return; and

"Whereas, These income thresholds are not indexed to inflation, so that with time the percentage of Social Security recipients who are taxed on a portion of their benefits has increased; and

"Whereas, In 1984, when the federal income tax on Social Security benefits was first established, the tax affected 8 percent of recipients; and

"Whereas, By 1993, the tax affected 22 percent of recipients; and

Whereas, Future increases in inflation will lead to a higher percentage of seniors being taxed on their Social Security benefits; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to index to inflation the income thresholds for the federal income taxation of Social Security benefits; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-660. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION NO. 28

"Whereas, There have been serious allegations of human rights abuses in connection with the disturbances in the Punjab; and

"Whereas, The vast majority of the people of the area seek a peaceful resolution of these difficulties; and

"Whereas, It is the policy of the United States to support democratic governments and the preservation of human rights; now, therefore, be it

"*Resolved, by the Senate and the Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to make the resolution of the difficulties in the Punjab a high priority through the use of all its diplomatic means; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-661. A resolution adopted by the Senate of the Legislature of the State of California; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 53

"Whereas, July 20, 1994, was the twentieth anniversary of the Turkish invasion of Cyprus, and the problem of Cyprus remains unresolved; and

"Whereas, The 200,000 refugees, who constitute 40 percent of the population, have not yet been allowed to return to their home and properties; and

"Whereas, The humanitarian crisis involving the enclaved Greek Cypriots in the occupied part of Cyprus grows increasingly more acute; and

"Whereas, As a result of the Turkish invasion, 1,619 persons, including five Americans, are still missing; and

"Whereas, The Republic of Cyprus has rendered substantive assistance to the United States in recent years in the region, particularly during the Iraqi invasion of Kuwait; and

"Whereas, President Clinton has declared human rights to be the hallmark of United States foreign policy; and

"Whereas, By the illegal use of arms supplied by the United States, Turkey has attacked, seized, and continues to occupy 38 percent of the territory of the Republic of Cyprus; and

"Whereas, Turkey has increased its troops in Cyprus to 40,000 in recent years and its colonizers to 85,000, and has illegally upgraded its arms on the island through weapons supplied by the United States for NATO defense; and

"Whereas, Turkey continues its longstanding policy of suppression of its Kurdish, Greek, Armenian, and Jewish minorities, as reported by Amnesty International, the Helsinki Watch Group, and the United States State Department; and

"Whereas, The Ecumenical Patriarchate in Istanbul, the See of Orthodoxy, has recently sustained fire bomb attacks and bombing attempts by Islamic Fundamentalists not yet apprehended; and

"Whereas, The rise in Islamic Fundamentalism and the recent vote in the Turkish Parliament to convert the Basilica of Orthodoxy, the St. Sophia Cathedral in Istanbul to a mosque are indications of the prevalence of religious intolerance in Turkey; and

"Whereas, Turkey has recently urged the United States to ease the sanctions imposed by the world community against Iraq, and Turkey was the recipient of financial and military assistance in excess of $500 million in 1993 from the United States: Now, therefore, be it

"*Resolved by the Senate of the State of California,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to do all of the following:

"(a) Assist the Secretary General of the United Nations in finding a solution to the Cyprus problem, based on the United Nations Charter and the relevant resolutions which provide for international guarantees for the sovereignty, independence, and territorial integrity of the Republic of Cyprus, and call for the freedom of movement, settlement, and property ownership throughout Cyprus.

"(b) Stop subsidizing the illegal occupation of Cyprus through its aid to Turkey, and to exert their best efforts to ensure the removal of all Turkish occupation troops and colonizers from Cyprus and restore majority rule to the people of Cyprus.

"(c) Stop all military and financial assistance to Turkey until it is in compliance with all articles of the European Convention on Human Rights.

"(d) Enforce the provisions of the 1961 Military Sales Act by recalling all U.S. supplied arms currently present in the occupied parts of Cyprus.

"(e) Stop any further assistance to Turkey until the 1,619 persons that are missing as a result of the 1974 Turkish invasion of Cyprus are accounted for, particularly Kyriacos Leontiou, Christos Libertos, Socrates Kapsouris, Jack Sofocleous, and Andreas Kassapis, who are all United States citizens; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

POM—662. A resolution adopted by the Legislature of the State of Missouri; to the Committee on Foreign Relations.

RESOLUTION

"Whereas, the people of the State of Missouri enjoy a sister state relationship with the Province of Taiwan, Republic of China; and

"Whereas, commercial interaction with the Republic of China on Taiwan has grown substantially in recent years, to the benefit of our State; and

"Whereas, democratic, multi-party political system has been smoothly established in the Republic of China on Taiwan in recent years; and

"Whereas, the direct role of the Republic of China on Taiwan in international development programs and humanitarian relief operations has expanded significantly during the past decade, often in close coordination with our nation's own such efforts; and

"Whereas, seven Central American countries have proposed to the Secretary General of the United Nations that a supplementary item be included in the provisional agenda of the 48th General Assembly session to consider the exceptional situation of the Republic of China on Taiwan in the international community, based on the principle of universality and in accordance with the established pattern of parallel representation by divided countries in the United Nations; *therefore be it*

"*Resolved, by the Legislature of the State of Missouri,* That our on-going commercial relationship with the people of the Republic of China on Taiwan should be recognized as serving our mutual interests in an equitable and reciprocal manner; and

"*Resolved,* That the record of the Republic of China on Taiwan concerning her democratization at home, and humanitarian service abroad, be accorded appropriate recognition by the people of this State; and

"*Resolved,* That due consideration should be given by the United States to the readiness of the Republic of China on Taiwan for the latter's further contributions to and broader participation in the international community, including such forums as multilateral trade associations, humanitarian relief organizations, and the United Nations; and

"*Be it Further Resolved,* that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional Delegation and for the Deputy Secretary of State of the Republic of China on Taiwan."

POM—663. A joint resolution adopted by the Legislature of the State of California; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION NO. 51

"Whereas, Unfunded federal mandates imposed on state, local, and tribal governments have become increasingly extensive in recent years; and

"Whereas, Unfunded federal mandates have, in many instances, added to the growing deficits in state, local and tribal government budgets and have resulted in the need for state, local, and tribal governments to increase revenue or curtail sometimes essential services; and

"Whereas, The excessive fiscal burdens on state and local governments have undermined, in many instances, the ability of state and local governments to achieve their responsibilities under state and local law; and

"Whereas, Congress Member Gary Condit has authored House Bill No. 140 (H.R. No. 140), the Federal Mandate Relief Act; and

"Whereas, H.R. No. 140 would ensure that the federal government pay the total amount of direct cost incurred by state and local governments in complying with federal requirements which take effect on or after the date of enactment of the Federal Mandate Relief Act under a federal statute or regulation; and

"Whereas, H.R. No. 140 would provide that any requirement under a federal statute or regulation that a state or local government conduct an activity (including a requirement that a government meet national standards in providing a service) shall apply to the State or local government only if all funds necessary to pay the direct costs incurred by the government in conducting the activity are provided by the federal government; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature respectfully memorializes the President and the Congress of the United States to adopt the Federal Mandate Relief Act, and proposed by H.R. No. 140, at the earliest possible time to ease the fiscal burdens imposed on state, local, and tribal governments; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–664. A joint resolution adopted by the Legislature of the State of California; to the Committee on Governmental Affairs.

"RESOLUTION

"Whereas, The 10th Amendment to the Constitution of the United States reads as follows:

"Whereas, The 10th Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the State respectively, or to the people"; and

"Whereas, The 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

"Whereas, The scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

"Whereas, In the year 1994, the states are demonstrably treated as agents of the federal government; and

"Whereas, Numerous resolutions have been forwarded to the federal government by the California Legislature without any response or result from Congress or the federal government; and

"Whereas, Many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

"Whereas, The United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the State of California hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution and that this measure shall serve as notice and demand to the federal government to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and be it further

"*Resolved*, That the Secretary of the Senate transit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the President pro Tempore of the United States Senate, each Senator and Representative from California in the Congress of the United States and to the Speaker of the House and the President of the Senate of each state legislature in the United States of America."

POM-665. A resolution adopted by the Senate of the Legislature of the State of Texas; to the Committee on Governmental Affairs.

"SENATE RESOLUTION No. 146

"Whereas the Senate of the State of Texas respectfully concurs with the executive and legislative branches of the United States government in assigning the "highest national priority" to determining the location and status of all American servicemen and civilians still missing from the Korean War; and

"Whereas there are over 8,177 American servicemen and civilians still missing in action whose fates remain uncertain to this day, some 42 years since the withdrawal of American troops from Korea; and

"Whereas the majority of information obtained on these missing servicemen and civilians to date has remained classified, denying the families of these missing servicemen and civilians, as well as the press and the American public, access to reports of live prisoner sightings, burial sites and information, and detainment camp locations and information; and

"Whereas much of this important information could be declassified without compromising the methods, resources, and identities of intelligence operatives; now, therefore, be it

"*Resolved*, That the Senate of the State of Texas, 73rd Legislature, hereby respectfully urge the President to declassify all information relating to American military personnel and civilians who remain missing from the Korean War, except for that information that would reveal the methods, resources, and identities of intelligence operatives; and, be it further

"*Resolved*, That any remains returned from Korea in the future be transferred to the Smithsonian Institution in Washington, D.C., for the purpose of identification; and that the United States continue its current policy that diplomatic and economic relations with North Korea be normalized only when that country has helped make a complete accounting of the missing, whether still alive or dead; and, be it further

"*Resolved*, That a copy of this Resolution be prepared for the President of the United States, the Speaker of the House of Representatives and President of the Senate of the United States Congress, and all members of the Texas Congressional delegation as an expression of the sentiment of the Texas Senate."

POM-666. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION No. 48

"Whereas, On January 17, 1969, Major An Quy Nguyen of the Vietnamese Naval Air Force led a mission of United States Army helicopters and Vietnamese Naval Air Force helicopters to deploy a Special Forces platoon deep into enemy-held territory; and

"Whereas, Major An, after coming under sniper fire, reached the mission destination, unloaded his troops, and thereafter remained overhead to monitor the remainder of the mission; and

"Whereas, One of the United States Army helicopters was badly damaged by heavy weapons fire and because of that damage was forced to attempt an emergency landing in enemy territory; and

"Whereas, Major An, with complete disregard for his own life and safety, immediately pulled alongside the damaged helicopter and guided it under hazardous conditions to a site within enemy territory where it could be landed; and

"Whereas, Major An then landed his own craft alongside the crippled helicopter, retrieved the four Americans who evacuated the downed helicopter, and flew them to safety; and

"Whereas, Major An was nominated for the Silver Star and received the Distinguished Flying Cross; and

"Whereas, After being seriously injured on a subsequent mission, Major An lost both of his arms, and later spent time in a force-labor camp, suffering physical deprivation and separation from his family; and

"Whereas, Major An and his daughter, Ngoc Kim Quy Nguyen, who assists him in his daily living activities, desire to become citizens of the United States but have been granted only one-year visas for humanitarian purposes; and

"Whereas, His records are part of the National Archives in Washington, D.C., and his cause is championed by United States military and political leaders; and

"Whereas, Major An was received with reverence and military pomp and circumstance as befits a hero when he and his daughter arrived at Travis Air Force Base on January 15, 1994; and

"Whereas, The United States of America owes Major An a debt of gratitude for the lives and safety of at least four American servicemen; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States of America to take the appropriate action to enable Major An Quy Nguyen and his daughter Ngoc Kim Quy Nguyen to remain in the United States and assist them in any way possible to meet their goal of obtaining citizenship; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-667. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION No. 36

"Whereas The McCarran-Ferguson Act recognizes that the taxation and regulation of the business of insurance by the states rather than the federal government is in the public interest; and

"Whereas Article I of the United States Constitution authorizes cooperation among the states through the use of interstate compacts; and

"Whereas The states, through the National Association of Insurance Commissioners, the National Conference of Insurance Legislators, the National Conference of State Legislatures, and other bodies have been engaged in an ongoing effort improve state insurance regulation through a number of statutory and regulatory initiatives; and

"Whereas, Interstate compacts have proven to be effective and efficient mechanisms for the states to strengthen and coordinate their regulatory responsibilities, particularly as they affect complicated multistate issues; and

"Whereas It is in the best interests of the people of the State of California for this state's regulatory capability to be enhanced and coordinated with other states, when practical; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the National Association of Insurance Commissioners, the Council of State Governments, the National Conference of State Legislatures, the National Conference of Insurance Legislators, and all other similar organizations are hereby encouraged to develop an interstate compact for insurance regulation and to present the compact to the California Legislature for its consideration at the earliest practicable time; and be it further

"*Resolved*, Tht the United States Congress should adopt appropriate resolutions encouraging the states to adopt insurance regulatory compacts and, to the extent required by law, consent to the adoption of these compacts by the states; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the chairpersons of the National Association of Insurance Commissioners, the Council of State Governments, the National Conference of State Legislatures, and the National Conference of Insurance Legislators."

POM-668. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

POM-668. Senate Joint Resolution No. 23—Relative to nursing facilities.

"Whereas, Increasing state budget pressures may compel fine assessment to a level where they trigger nurse aide training program disapprovals; and

"Whereas, The initiation of either a partial or extended survey and the imposition of civil monetary penalties, regardless of survey findings, abolishes an approved nurse aide training program for two years even through there may be no relationship or violation of standards relevant to the nurse aide training program; and

"Whereas, Approximately 90 to 100 nurse aide training programs will be disapproved this year which will prevent 1,200 to 1,300 nurses aides from receiving necessary training; and

"Whereas, Facility-based training programs comprise one-half of all nurse aide training programs and are critical to the maintenance of a labor resource; and

"Whereas, Onsite nurse aide training programs promote quality care in a long-term health care facility; and

"Whereas, The disapproval of a program for two years constitutes a disincentive to the establishment of a well-trained nursing staff, and henceforth, serves to reduce the quality of care provided to nursing facility residents; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation that would require governmental agencies responsible for the disapproval of a nurse aid training program to disapprove a nurse aid training program only for violations of regulations that directly relate to the quality of the nurse aide training program and, once the problems are resolved, to permit the timely reapproval of the nurse aide training program within the nursing facility; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California."

POM-669. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

"SENATE JOINT RESOLUTION NO. 38

"Whereas, The railroad industry is acknowledged as the originator of private employer pensions in the United States; and

"Whereas, In the 1930's the United States Congress assumed the responsibility for developing a federally administered retirement program to place the various railroad pension plans on a solid financial basis; and

"Whereas, The Railroad Retirement System today covers over one million individuals who have contributed over the years in good faith and who have legitimate expectations of receiving their benefits; and

"Whereas, The National Performance Review in its report "From Red Tape to Results: Creating a Government That Works Better and Costs Less" originally proposed to transfer the functions of the Railroad Retirement Board to the Social Security Administration and to other federal agencies; however, this proposal has been eliminated from the federal legislation (House Resolution 3400) that would implement the report; and

"Whereas, This proposal would have terminated a program that has worked well and provided retirement security to millions of people for nearly 60 years; and

"Whereas, It now costs less money per benefit dollar to administer Railroad Retirement than it costs to administer Social Security and consequently, the proposal is likely to increase costs to the taxpayer; and

"Whereas, The transfer would violate the federal government's stated commitment to "serving the customer" as current and future Railroad Retirement beneficiaries vehemently oppose the transfer; and

"Whereas, This action threatens to disrupt earned and needed benefits for 1.3 million active, retired, and disabled rail workers and their families; and

"Whereas, This proposal would adversely affect all active, retired, and disabled railroad employees and their families in the great State of California; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California memorialize the President and the Congress of the United states to recognize and affirm a continued commitment to the Railroad Retirement System and to assure the integrity of the railroad retirees' benefits; and be it further

"*Resolved,* That the preservation of the present structure of the Railroad Retirement System, including the administrative framework of the Railroad Retirement Board, is necessary to fulfill the time-honored responsibility of the federal government; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-670. A joint resolution adopted by the Legislation of the State of California; to the Committee on Labor and Human Resources.

"SENATE JOINT RESOLUTION NO. 39

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Congress of the United States to encourage federal efforts to develop, implement, and evaluate violence prevention and anti-aggression education curricula for use in public elementary and secondary schools; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEE

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 112) to establish the Hudson River Artists National Historical Park in the State of New York, and for other purposes (Rept. No. 103-413).

Report to accompany the bill (S. 855) to authorize the Secretary of the Interior to consolidate the surface and substance estates of certain lands within 3 conservation system units on the Alaska Peninsula, and for other purposes (Rept. No. 103-414).

Report to accompany the bill (S. 1222) to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes (Rept. No. 103-415).

Report to accompany the bill (S. 1324) to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal reclamation project, Washington, and for other purposes (Rept. No. 103-416).

Report to accompany the bill (S. 1726) to provide for a competition to select the architectural plans for a museum to be built on the East Saint Louis portion of the Jefferson National Expansion Memorial, and for other purposes (Rept. No. 103-417).

Report to accompany the bill (S. 2064) to expand the boundary of the Weir Farm National Historic Site in the State of Connecticut (Rept. No. 103-418).

Report to accompany the bill (S. 1998) to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes (Rept. No. 103-419).

Report to accompany the bill (S. 2001) to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes (Rept. No. 103-420).

Report to accompany the bill (S. 2078) to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes (Rept. No. 103-421).

Report to accompany the bill (S. 2121) to promote entrepreneurial management of the National Park Service, and for other purposes (Rept. No. 103-422).

Report to accompany the bill (S. 2234) to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that Act (Rept. No. 103-423).

Report to accompany the bill (S. 2249) to amend the Alaska Native Claims Settlement Act, and for other purposes (Rept. No. 103-424).

Report to accompany the bill (S. 2303) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes (Rept. No. 103-425).

Report to accompany the bill (H.R. 457) to provide for the conveyance of lands to certain individuals in Butte County, California (Rept. No. 103-426).

Report to accompany the bill (H.R. 1716) to amend the Act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek, and for other purposes (Rept. No. 103-427).

Report to accompany the bill (H.R. 2620) to authorize the Secretary of the Interior to acquire certain lands in California through an exchange pursuant to the Federal Land Policy and Management Act of 1976 (Rept. No. 103-428).

Report to accompany the bill (H.R. 3433) to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior (Rept. No. 103-429).

Report to accompany the bill (H.R. 3498) to establish the Great Falls Historic District, and for other purposes (Rept. No. 103-430).

Report to accompany the bill (H.R. 1137) to amend the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1027), and for other purposes (Rept. No. 103-431).

Report to accompany the bill (H.R. 3252) to provide for the conservation, management, or study of certain rivers, parks, trails, and historic sites, and for other purposes (Rept. No. 103-432).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD:

S. 2563. A bill for the relief of land grantors in Henderson, Union, and Webster Counties, Kentucky, and their heirs; to the Committee on the Judiciary.

By Mr. GREGG:

S. 2564. A bill to delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PRESSLER:

S. 2565. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WALLOP:

S. 2566. A bill to amend the Federal Water Pollution Control Act to restore State control over the allocation and granting of water rights and FERC control over the licensing of hydroelectric projects, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 286. A resolution to refer S. 2563 entitled, "A bill for the relief of land grantors in Henderson, Union and Webster counties, Kentucky, and their heirs," to the Chief Judge of the United States Claims Court for a report thereon; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself, Mr. LEAHY, and Mr. JEFFORDS):

S. Res. 287. A resolution to express the sense of the Senate regarding regulation of mercury hazardous waste, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD:

S. 2563. A bill for the relief of land grantors in Henderson, Union, and Webster Counties, KY, and their heirs; to the Committee on the Judiciary.

THE KENTUCKY LAND GRANTORS RELIEF ACT OF 1994

Mr. FORD. Mr. President, for many years I have introduced legislation to help a group of Kentuckians and their heirs get an opportunity to have their day in court. Last September, their cause got a giant push forward when the Senate unanimously passed a resolution on their behalf. The resolution authorized the U.S. Court of Claims to study their situation and make a report back to the Senate.

During this consideration, there has been some confusion as to exactly who would be covered under the original legislation. So today, I am reintroducing legislation that I hope will clear up any misunderstandings or misinterpretations. This new language makes it unequivocally clear who is to be covered under my original legislation, S. 794.

The fact is, many folks have gotten the short end of the stick on this matter and I hope that they can receive some kind of restitution. Anyone who lost their land and their right to buy it back, or the mineral rights for that matter, should be considered for restitution. Fair is fair, these fine people have waited long enough, let us let all of them have their share of justice.

For those of my colleagues that are unfamiliar with this situation, I ask unanimous consent that the bill and the full text of a newspaper article on the subject from the Henderson Gleaner be entered into the RECORD.

I thank my colleagues for their time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION.

The Secretary of the Treasury is authorized and directed to pay, out of money not otherwise appropriated, to the individuals (and in any case in which such individual is deceased, the heirs of such individual) who were the former owner of properties located in Henderson, Union, and Webster Counties, Kentucky which were condemned or otherwise procured by the United States Government in order to provide the approximately 36,000 acres necessary for the military training camp known as Camp Breckinridge, the sum of $, such sum being in full satisfaction of all claims by such individuals against the United States arising out of such sale.

SEC. 2. REASON FOR RELIEF.

The individuals described in Section 1 assert that they were—

(1) promised they would be given priority to repurchase land sold by the United States Government; and

(2) paid less than reasonable value due in part to the refusal of the United States government to compensate the owners for mineral, oil and gas rights.

SEC. 3. ATTORNEY FEES.

No part of the amount appropriated by this Act in excess of ten percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

DESCENDANTS OF THOSE EVICTED FOR ARMY CAMP WILL GET HEARING

(By Frank Boyett)

After three decades of struggle, the descendants of 1,500 families evicted from their farms to form Camp Breckinridge in World War II apparently will finally get a full hearing in court.

The U.S. Senate passed a resolution Tuesday that authorizes the U.S. Court of Claims to study the situation and make a report back to the Senate on possible compensation. U.S. Sen. Wendell Ford has sponsored similar resolutions in every congressional session since 1979, but up to now has never been able to get a unanimous vote in the Judiciary Committee, which is necessary before special relief legislation can be sent to the Senate floor.

"All these families ever wanted was to have their day in court and be given the opportunity to rectify the injustices done to them by the government," Ford said. "Their determination and perseverance should be an example to everyone who refuses to give up on what they think is right. They have stayed together, never given up, and now will have the opportunity under this legislation to present their case in a court of law."

The story has its beginning more than 50 years ago. In 1942, less than two months after the attack on Pearl Harbor, the federal government authorized the construction of an army camp on 36,000 acres in Henderson, Union and Webster counties, with the bulk of the base in Union County.

Farmers were paid roughly $3.5 million for their land, and were told to vacate almost immediately.

Most farmers accepted the low payments the government offered, on the promise the government would give them first chance to buy back their farms once the war was over.

Thousands of men were trained at Camp Breckinridge during World War II, and the camp was reactivated during the Korean War.

Meanwhile, the law under which the farmers were promised their land back was repealed, and the farmers were unaware that the deadline had passed for them to file claims to reacquire their land.

In the early 1960s, however, the land was declared surplus. The government subsequently sold the land at auction for about $40 million—much of that money coming from the sale of the coal and oil rights. The farmers were never paid for the mineral rights, because Camp Breckinridge was supposed to be only a temporary military camp.

At that point the farmers organized the Breckinridge Land Committee and tried to get their land back. They filed a suit in U.S. District Court in Owensboro in 1965, maintaining that they had been promised first chance at the land. The court ruled against them, pointing out that the law under which they made their claim had been repealed and the deadline had long passed for filing claims.

An appeals court also ruled against them, and the U.S. Supreme Court refused to hear the case.

The land committee languished for about a decade, and then reorganized in the late 1970s, at which point Ford got involved.

"They were not able to get to the merits of their case in a court of law," said Robert Mangas, a lawyer who works in Ford's office. "All we did (with passage of the resolution) was to give them their day in court."

Mangas said the U.S. Court of Claims should be able to resolve the case fairly quickly. A decision possibly could be made within a matter of months, he said, since the land committees has kept most of the pertinent documents, and there may be no need for hearings.

"They have a lot of discretion on how formal the proceedings get or how much evidence they feel is necessary," he said.

Ruby Higginson Au, whose father owned a major farm in the area, has been one of the leaders of the Breckinridge Land Committee for more than 15 years, and wrote a book about the subject in the mid-1970s.

"We are delighted (Ford) was able to get it through this time," she said from her home in Prospect. The committee is now looking for a lawyer to represent it before the Court of Claims, she said, and will be meeting at 7:30 p.m. Friday at the Union County Courthouse.

"There will be a lot of happy faces there on Friday evening," Mrs. Au said.

"We are certain it will be a positive recommendation" from the Court of Claims. "We feel that we have a very strong case. We had a very strong case in 1965, but the attitude of the judges was that the government never does anything wrong."

By Mr. PRESSLER:

S. 2565. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes; to the Committee on Labor and Human Resources.

THE COURT REPORTER FAIR LABOR STANDARDS ACT OF 1994

Mr. PRESSLER. Mr. President, on November 8, the American people sent a strong, clear signal to Washington: They want less government and they want it now. Today, I rise to introduce a bill which addresses a problem that illustrates why the American people sent this signal. It is a glaring example of the Federal Government sticking its nose into a situation that everyone is happy with. Let me explain.

The U.S. Department of Labor [DOL] has adopted a position concerning the status of official court reporters under the Fair Labor Standards Act of 1938 [FLSA]. Currently, official court reporters enjoy a unique status among Government workers. In most States, they are treated as both Government employees and independent contractors. While performing their primary duties of recording and reading back court proceedings, they are considered employees of the court and are typically compensated with an annual salary and benefits.

However, in addition to their in-court duties, court reporters in most jurisdictions are required to prepare and certify transcripts of their stenographic records for private attorneys, litigants, and others. The reporter and his or her assistants prepare and deliver transcripts using their own equipment, without any supervision by the court. The court reporter bills the attorney or other client directly and collects a per-page fee set by law or court rule. In charging this fee, the court reporter usually earns twice the amount or more earned during an hour of salaried work for the court. Indeed, it is possible for a court reporter to earn more from private transcription work than from his or her annual salary.

When working for a private fee, the court reporter is clearly acting as an independent operator, as has been specifically determined by the Internal Revenue Service. The fee income is treated as separate and apart from the annual government salary for taxation purposes. In fact, in my home State of South Dakota, court reporters are required to collect and pay sales tax on this income. They also file self-employment income forms with the Internal Revenue Service.

The transcription services provided by court reporters are invaluable to private parties. They are able to obtain a highly accurate recording of court proceedings quickly and reliably. Court reporters are small businessmen and businesswomen performing a cost effective and timely service. There may be many flaws in our system of justice, but our system of court reporting is not among them.

As I stated earlier, everyone is happy with the current situation as it now exists. Everyone, that is, except the U.S. Department of Labor. Unfortunately, DOL has not yet recognized the independent capacity of court reporters. An August 26, 1994, letter from the Wage and Hour Division of the Labor Department took the position that, while preparing transcripts for attorneys, litigants, and other parties, official court reporters in the State of Oregon still are acting as employees of the court for purposes of FLSA. Similar letters have been received regarding official court reporters in Indiana and North Carolina. Official court reporters in the vast majority of States operate in circumstances similar to as these three States.

If allowed to stand, this interpretation would require State and local courts to pay court reporters one and one-half times their regular rate of pay for all transcription work performed during overtime hours in a given week. The DOL position threatens to dramatically impact State and local court budgets. They will either have to increase their salary budgets or cut costs elsewhere, possibly including job reductions. In return, they would receive nothing except additional administrative duties and headaches.

The Labor Department's position also exposes State and local courts to potentially explosive liability costs from court reporters suing for overtime back-pay. If a suit is successful, the court would owe the reporter at least 2 years worth of overtime back-pay. The amount would be doubled if the court could not demonstrate that it was acting in good faith and could go back 3 years if the violation were deemed willful.

Faced with exposure to hundreds of millions of dollars of liability nationwide, State and local courts are considering dramatic changes in their pay practices and how transcription work is to be performed. Many of these contemplated changes include severe reductions in the number of court reporter positions. Meanwhile, court reporters who continue to perform transcription work may be required to do it for substantially reduced compensation. In addition to their own loss of income, the high level of productivity encouraged by a per-page method of billing would be lost. An already overburdened judicial system would suffer even greater inefficiencies.

In short, no one involved in the court reporting system is happy with DOL's position. State and local courts would face increased salary budgets and liability exposure. Court reporters would lose a significant part of their income and, in some cases, their jobs. Private parties would lose the productivity and efficiency of the current method of transcription.

So why is this change being considered? After all these years, why has the Department of Labor suddenly decided that the Fair Labor Standards Act applies in situations never before contemplated? What extraordinary benefits will result from this governmental meddling? These are all questions better directed to the Secretary of Labor because I do not know the answers.

I do have a solution, however: Keep government out of the situation. Don't fix what is not broken.

The bill I am introducing today would allow an exemption from the Fair Labor Standards Act for official court reporters while they are performing transcription duties for a private party, provided there is an understanding between the court reporters and their State or local court employer. The bill also would bar lawsuits by court reporters for overtime back-pay.

Note that only State and local court reporters would be affected. Federal court reporters already enjoy a complete exemption from FLSA. Passage of my bill would ensure similar treatment for government court reporters regardless of whether they work for a Federal, State, or local court.

Interestly, this exemption from the so-called "protection" of the Federal wage and hour laws is being sought by the very workers the laws were designed to protect—the court reporters themselves. They have already asked the Department of Labor to reconsider its position and the matter is currently under review. Obviously, if the Department's position is reconsidered and the exemption is granted, legislation will not be necessary. I sincerely hope this is what happens.

Mr. President, it is not often that labor and management are in agreement on the best solution regarding contentious labor issues. In this case, however, everyone agrees that the current system serves everyone's best interests. Despite the fact that they could recover huge back pay awards, the court reporters are willing to forego the opportunity to bring suits in order to preserve the current system.

That is why the National Court Reporter Association strongly supports this legislation. The bottom line is: Court reporters do not want the protections of the Fair Labor Standards Act for their transcription work.

Again, I hope the Department of Labor eliminates the need for this bill by giving a reasonable interpretation to the current law that permits labor and management to work these issues out to their mutual benefit without the helping hand of the Federal Government. I urge the Department to reconsider its position. If it does not, I will act quickly in the new Congress in seeking enactment of the exemption through legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Reporter Fair Labor Standards Act of 1994".

SEC. 2. LIMITATION ON COMPENSATORY TIME FOR COURT REPORTERS.

Section 7(o) of the Fair Labor Standards Act of 1938 9 (29 U.S.C. 207(o)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) A public agency may not be considered to be in violation of subsection (a) with respect to an employee who performs court reporting transcript preparation duties if such public agency and such employee have an understanding that the time spent performing such duties outside of normal working hours or regular working days is not considered as hours worked for the purposes of subsection (a).".

SEC. 3. EFFECTIVE DATE OF AMENDMENTS.

The amendments made by section 2 shall take effect as if included in the provisions of the Fair Labor Standards Act of 1938 to which such amendments relate, except that such amendments shall not apply to an action—

(1) that was brought in a court involving the application of section 7(a) of such Act to an employee who performed court reporting transcript preparation duties; and

(2) in which a final judgment has been entered on or before the date of enactment of this Act.

By Mr. WALLOP:

S. 2566. A bill to amend the Federal Water Pollution Control Act to restore State control over the allocation and granting of water rights and FERC control over the licensing of hydroelectric projects, and for other purposes; to the Committee on Energy and Natural Resources.

LEGISLATION TO OVERTURN THE TACOMA DECISION

Mr. WALLOP. Mr. President, I send to the desk for appropriate reference legislation to overturn the Supreme Court's decision in *PUD No. 1 of Jefferson County, et al* v. *Washington Department of Ecology, et al.* (generally referred to as Tacoma) in order to restore the jurisdiction of the 50 States over decisions with respect to the allocation of water and reassert the proper role of the Federal Government and the States within the framework set forth in the Constitution.

Tacoma is contrary to the intent of Congress as expressed in the Clean Water Act and several other laws, and the results of this decision are bad public policy. Tacoma deserves to be overturned, and the legislation I am today introducing would do so by amending the Clean Water Act to restore the state of the law to where it was prior to Tacoma.

By misinterpreting the Clean Water Act, and by ignoring the extensive legislative history of the Federal power Act, the Electric Consumers Protection Act of 1986, and the Energy Policy Act of 1992, the Tacoma decision threatens State water law and the integrity of the FERC hydroelectric licensing process. Tacoma may also give the EPA effective control over a host of other federally authorized activities requiring a Clean Water Act section 401 certificate, such as natural gas pipelines and electric transmission lines crossing waterways, as well as structures such as oil and gas drilling rigs sited in waterbodies and wetlands. Let me explain why.

The Tacoma case involved a hydroelectric project proposed by the city of Tacoma on the Dosewallips River in the State of Washington. Under the Clean Water Act, an applicant for a Federal license for an activity involving discharges into navigable waters (such as a FERC license to build a hydroelectric project) must obtain a section 401 certificate from the State in which the discharge will occur. The section 401 certificate contains conditions to require the licensee to comply with State water quality standards.

The State of Washington included in its section 401 certificate for the project a requirement that the licensee provide minimum stream flows for fish habitat—requirements which were clearly unrelated to the prevention of water pollution.

Because the section 401 certificate limited the amount of water that could be used for the production of electricity by the project, the city of Tacoma protested that the minimum stream flows would render the project economically infeasible. More importantly, the city of Tacoma contended that imposing stream flows for fish habitat were not proper water quality requirements pursuant to section 401 of the Clean Water Act.

The city of Tacoma argued that sections 510(2) and 101(g) of the Clean Water Act specifically exclude regulation of water quantity allocations—reserving that to the several States. I can understand why the city of Tacoma made that argument, because that is what the plain language of those sections says. Section 510(2) states:

> Except as expressly provided in this act, nothing in this act shall * * * (2) be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

Moreover, section 101(g) states:

> It is the policy of Congress that the authority of each State to allocate quantities of water within its jurisdiction shall not be superseded, abrogated or otherwise impaired by this act. It is the further policy of Congress that nothing in this act shall be construed to supersede or abrogate rights to quantities of water which have been established by any State.

This Clean Water Act language is clear on its face, but apparently not so for the Clinton administration. The EPA and the Department of Justice decided to read into the Act something that Congress not only did not intend, but specifically rejected. They argued that water quantity and water quality are inseparable, and thus water quality programs cannot fulfill the act's goal of protecting the biological integrity of the Nation's waterways without control of stream flows.

I think I know a little about congressional intent with respect to section 101(g), because in 1977 I was the one who added it to the Clean Water Act and that provision has generally been referred to as the Wallop amendment. There is no question that section 101(g) was intended to assure that the Clean Water Act would not be used for the purpose of interfering with State water right systems. It reinforced the already existing prohibition against interference with State water rights in section 510(2), which was part of the original Clean Water Act enacted in 1972. As I said on this floor in 1977:

> The amendment speaks only—but significantly—to the rights of States to allocate quantities of their water and to determine priority uses. It recognizes the differences in types of water law across the Nation. It recognizes patterns of use, and the historic allocation rights contained in State constitutions.

When enacting this provision, the Congress recognized that legitimate water quality measures taken under the Clean Water Act may, at times, have some incidental effect on individual water rights. The addition of section 101(g) was not to preclude minor, incidental effects. We sought then, and all Members of the Senate continue to seek now, the application of standards necessary to improve the quality of our Nation's waters. Everyone favors that.

But, as is clear from a plain reading of the statute, and as is abundantly clear from the accompanying legislative history, Congress never intended that a section 401 water quality certificate could be used to require activities not related to clean water. For example, Congress never intended to allow the State of Washington to use the Clean Water Act to require the city of Tacoma to maintain a level of stream flow in order to enhance a fishery, or the State of Vermont to require the spillage of water over a dam to make the project more aesthetically pleasing. Although there may be some who want to employ the Clean Water Act to achieve these ends, that is not what Congress intended.

Unfortunately, and to the surprise and dismay of this Senator, the Supreme Court did not agree, and based its decision on other than a plain reading of the law. It ruled in Tacoma that a State may include minimum stream flow requirements in a section 401 water quality certificate notwithstanding the plain meaning of the act. The Court held that Clean Water Act sections 101(g) and 510(2) preserved only the authority of each State to allocate water quantity as between users, and did not limit the scope of water pollution controls that may be imposed on users who have obtained a water allocation. This has serious and far-reaching consequences.

Under the Tacoma decision, any condition may be imposed to enforce a "use" of a water body designated in a water quality standard under the Clean Water Act. Such uses can be extremely broad. For example, they may include fish and wildlife habitat, swimming, boating, fishing, and other recreational activities. There appears to be no meaningful check on the imposition of onerous or even project-breaking conditions by section 401 certifications, so long as the conditions relate to the designated use. In one case, a license applicant was even required to construct access roads and paths, low-water stepping stone bridges, a boat launching facility, and a residence and storage building. What that has to do with water quality, I do not know.

Worse yet, the Supreme Court made clear that the scope of its ruling reaches beyond the FERC hydroelectric licensing at issue in Tacoma, to all federally authorized activities that may result in a discharge into waterways and wetlands. These may include:

Permits under section 404 of the Clean Water Act for the discharge of dredged and fill material associated with the construction of water supply projects, gas pipelines, electric transmission lines, and other structures that must be built in waterbodies and wetlands.

Permits for installation of structures in navigable waters under the Rivers and Harbors Act.

Permits from the Secretary of Interior or Agriculture for the construction of reservoirs, canals and water storage systems on Federal lands.

The Court's decision is particularly perplexing in light of Congress's actions in the Electric Consumers Protection Act of 1986 and the Energy Policy Act of 1992. In both acts, the Congress considered, but affirmatively rejected, any expansion of the EPA's powers over stream flows. Furthermore, in the Energy Policy Act of 1992, the conference committee quite emphatically rejected an effort to permit fish and wildlife agencies to include flows within their conditions, and limited them solely to structural modifications. That entire debate and determination has been rendered meaningless by the Court's ruling that allows EPA to bootstrap impermissible requirements from the Fish and Wildlife Service under the guise of a mandatory condition from section 401. The careful balancing of fish and wildlife agency recommendations agreed upon in the ECPA of 1986 and contained in section 10(j) of the Federal Power Act have also been overridden by this decision.

Mr. President, it has been asserted by some that the Tacoma decision is a great victory for States rights. As a champion of States rights, I would only wish that were true; but it is not. I believe that Tacoma actually shrinks State authority to make decisions about their water resources; it instead gives the basic authority to the EPA. Let me explain why.

Although under the Clean Water Act it is State water quality agencies who issue the section 401 certificate, they do so pursuant to Environmental Protection Agency requirements. It can not be stressed enough that the Clean Water Act is a federal statute, administered by the States under the direction of the EPA. States are involved in the issuance of section 401 certificates only if the EPA approves the State program; otherwise the EPA issues the certificate. It is the EPA that establishes the water quality standards necessary for the State to issue such a certificate, and thus it is the EPA that determines to what extent and under what conditions the States will be allowed to exercise their federally delegated functions. In effect, then EPA gets to decide when the States will jump; the States only have the discretion to ask the EPA How high?

Tacoma thus gives the EPA, not the States, enhanced authority to prescribe restrictive requirements for water uses designated to protect fish and wildlife, recreation, aesthetics or other uses. It also gives the EPA enhanced authority to refuse to approve proposed State standards that do not adhere to EPA-established requirements. This enhanced authority to impose requirements on proposed projects and projects seeking renewals is both broad and ambiguous—but it derives from the Clean Water Act and it is in the hands of the EPA.

Since the Tacoma decision, the EPA has taken an increasingly interventionist approach to State water allocation issues. In the State of Nebraska, for example, where two hydroelectric projects are now undergoing FERC relicensing, the EPA has threatened to invalidate—and itself assume control over—the State's section 401 certification for the projects. The EPA has given strong indications that because Nebraska's stream flow allocations are determined through the State's water rights process, that the State's water quality program fails to comply with the Clean Water Act. Further, the EPA has indicated that quantitative water rights for irrigation and hydropower granted pursuant to beneficial use determinations under State law must be able to be preempted by the EPA or the State water quality agency enforcing designated uses for fish and wildlife under the Clean Water Act. What is particularly pernicious in this case is that the EPA is not concerned with health or safety, but with controlling another Federal agency's recommendations. Under the Federal Power Act, fish and wildlife agencies make recommendations for conditions in a license. The Federal Power Act requires the FERC to give equal consideration to those recommendations, but it does not require the FERC to blindly accept them. Using the Tacoma decision, the EPA is requiring States to adopt those recommendations as a part of the mandatory conditions attached to a Clean Water Act section 401 certificate, which is mandatory. The Governor of Nebraska has rightly characterized EPA's actions as a "power-grab that will concern all Western States." He is right. It sure concerns me.

Another recent example of EPA's zealous and arrogant approach is in the State of California, where EPA has sought to impose—over the objections of the State—water quantity standards for fish habitat in the San Francisco Bay Delta. Enforcement of these EPA dictated standards would restrict upstream diversions for irrigation, water supply and other beneficial uses.

In addition to these and other actions, EPA officials have publicly made clear that the agency intends to use the Tacoma decision as a way to insinuate its control over water allocation issues, in the name of watershed protection and ecosystem management, in derogation of State authority and private property rights.

It is evident that under the new Federal land and water use planning scheme envisioned by the EPA, the States' role will be rendered secondary and subordinate to EPA's centralized control. They will merely be the instrument of the EPA. It is also clear that EPA's water use determinations under the Clean Water Act will be made with little or no consideration of economic impacts or balancing of competing uses such as irrigation, water supply, and hydropower.

I am also very troubled by the Tacoma decision because it will result in duplicative and potentially conflicting regulation of hydroelectric projects. In the Federal Power Act Congress gave the FERC the exclusive authority to license hydroelectric projects. By allowing Clean Water Act section 401 certificates to include conditions unrelated to clean water, the Tacoma decision creates a schizophrenic federal regulatory process for hydroelectric projects. One agency or the other ought to be in charge; but not both.

I am also very concerned that the Tacoma decision will encourage extreme environmental groups to demand section 401 certifications (with restrictive conditions) on Federal authorizations that are only incidental to permits for activities that may result in a discharge. An example of such an incidental authorization is a permit for a right-of-way across Federal lands for a road, pipeline, drilling rig, or transmission line that will cross a wetland. The strategic aim of these groups is to convert State section 401 proceedings into an alternative forum for conditioning or vetoing any and all Federal authorizations deemed to clash with the objectives of these particular groups. Thus, such a group recently filed a suit in Oregon alleging that a State section 401 certification is required even for Federal grazing permits, because livestock discharge into waterbodies.

This is a very troubling decision. I understand the motivation of EPA and the Department of Justice in the litigation. They are simply continuing this administration's assault on federalism and particularly on State jurisdiction and control over water resources. Secretary Babbitt has led an assault under the various land management and reclamation authorities within the Department of the Interior, and Administrator Browner is simply following that example and consolidating power within her operation. I am perplexed by the Court's decision, however, in large part because the majority opinion was written by Justice O'Connor and joined by the Chief Justice and Justice Kennedy, three persons who should have some understanding and sensitivity to Western water issues and who normally resist Federal preemption. Justice Thomas's dissent is precisely on point.

I do not have an explanation for the Court's rationale in this decision. Perhaps they simply believed the administration and thought that this was a victory for State's rights. Clearly the State of Washington did, although they were wrong, as Nebraska has found out.

I want to make clear in introducing this legislation that I am not opposed to what the State of Washington attempted to do. I believe the State of Washington should have that authority as a simple matter of its authority to grant or deny a water right in accordance with its substantive and procedural laws. I am opposed to the concept that the State of Washington can exercise jurisdiction over its waters only when some bureaucrat in EPA decides to permit it. I am opposed to using the Clean Water Act to bootstrap into mandatory conditions the recommendations of fish and wildlife agencies that are supposed to be the subject of careful consideration and balancing by FERC under the Federal Power Act. The Supreme Court was wrong when it failed to overturn First Iowa and it was wrong when it entered the Tacoma decision. Maybe the Court thought that in Tacoma it was giving the States the jurisdiction over the allocation of water that it denied them in Rock Creek and other decisions permitting First Iowa to stand. If they thought that, they were badly mistaken.

Mr. President, in large part the elections this year were a reaction to the ever increasing intrusion of the Federal Government into areas historically reserved to the States and to the continuing subversion of the concept of federalism established by the Constitution. Water rights are simply one example, although a very important one to those of us from the arid West. Government is supposed to be the servant of the people, not their master. For good or ill, the sovereign State of Washington, not the Administrator of EPA, should make the decisions with respect to the highest and best use of the waters of the State of Washington. It should not be the objective of the Federal Government to constantly experiment with new ways to test the limits of Federal authority under the Constitution.

We have come a long way since 1977 when my amendment adding section 101(g) to the Clean Water Act was passed. I submit to my colleagues that the intent of my amendment has been subverted. Again, that intent was to ensure that States' historic rights to allocate quantity and establish priority of usage remained inviolate, and that State-granted water rights could not be effectively taken away by EPA or State water quality agencies under the guise of pollution control. We have an opportunity before us now to make a choice about what the purposes and scope of the act should be. I, for one, do not believe it should be a comprehensive Federal land and water use planning statute that federalizes water use decisions in this country. This legislation would amend section 101(g), 410, and 510 of the Federal Water Pollution Control Act to clarify that the act is limited to protecting water quality and may not be used to infringe on State-granted water rights or State authority to allocate water.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2566

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1.

(a) Section 101(g) of the Federal Water Pollution Control Act is amended to read as follows:

"(g) AUTHORITY OF STATES OVER WATER.—

"(1) The authority of each State to allocate quantities of water within its jurisdiction shall not be superseded, abrogated, or otherwise impaired by this Act.

"(2) Nothing in this Act shall supersede or abrogate rights to quantities of water which have been established by any State. Federal agencies shall cooperate with State and local agencies to develop comprehensive solutions to prevent, reduce, and eliminate pollution in concert with programs for managing water resources.

"(3) Nothing in this Act authorizes the regulation of quantities of water, or impairs or affects any right or authority of a State with respect to the allocation of water (including boundary waters) by such State.

"(4) Nothing in this Act authorizes an action which impairs or affects any water right established by State law, an interstate water compact, or a Supreme Court decree.

"(5) Nothing in this Act authorizes an action which respect to other matters, including, but not limited to, aesthetics, not directly related to water quality.".

SEC. 2.

(a) Section 401(a)(1) of the Federal Water Pollution Control Act is amended by adding prior to the period in the first sentence the following:

": *Provided*, That any such discharge will comply with narrative and numeric water quality criteria based on designated uses adopted in water quality standards under section 303 of this Act: *Provided further*, That such certification shall not regulate water use or water quantities".

(b) Section 401(d)(1) of the Federal Water Pollution Control Act is amended by adding "narrative or numeric water quality criteria under section 303 (not including water use or water quantities)," prior to "standard of performance", and by adding "related to such limitations, criteria or standards" prior to "set forth in such certifications".

SEC. 3.

Section 510 of the Federal Water Pollution Control Act is amended—

(a) by striking "(1)";

(b) striking ";" through "States"; and

(c) by adding at the end thereof the following: "Nothing in this Act authorizes the regulation of quantities of water, or impairs or affects any right or authority of a State with respect to the allocation of water (including boundary waters) by such State. Nothing in this Act authorizes an action which impairs or affects any water right established by State law, an interstate water compact, or a Supreme Court decree. Nothing in this Act authorizes an action with respect to other matters, including, but not limited to, aesthetics, not directly related to water quality."

SECTION-BY-SECTION ANALYSIS

SECTION 1

This section amends section 101(g) of the Clean Water Act ("the Act"), which provides that the authority of each State to allocate quantities of water within its jurisdiction may not be superseded, abrogated or otherwise impaired by the Act, and that the Act shall not supersede or abrogate rights to quantities of water that have been established by any State. The first two paragraphs of this section essentially restate section 101(g), though with one significant difference. The new section omits the phrase that section 101(g) is "the policy of Congress". Consequently, the new section eliminates any possibility that the section merely expresses a Congressional policy that State water law and water rights should be accommodated where possible. Instead, the section is a direct statement of law and establishes a barrier between water quality and water quantities. The intent is to completely reject any assertion that there is a relation between quantity and quality and that regulation of quantity could be accomplished through regulation of quality.

This section also adds three additional paragraphs to section 101(g). The first paragraph expressly states that the Act does not authorize the regulation of quantities of water, nor does it impair or affect the authority of States respecting the allocation of water. The second paragraph expressly states that the Act does not authorize actions impairing or affecting any water right established by State law, interstate water compact, or Supreme Court decree. The last paragraph expressly states that the Act does not authorize any action concerning other matters, such as aesthetics or construction of boat ramps, not directly related to water quality.

SECTION 2

This section amends section 401 of the Act, which requires that applicants for Federal licenses or permits for activities involving discharges into navigable waters, such as a license to build a hydropower project, must obtain a certification from the State that the activity will comply with State water quality standards. Section 2 of the bill makes clear that the discharge must comply with narrative and numeric water quality criteria based on designated uses adopted in water quality standards under section 303 of the Act. The section also provides that State 401 certifications may not regulate water use or water quantities. Lastly, the section clarifies that the limitations set forth in the State certifications, which become conditions of the Federal license or permit, are restricted to narrative or numeric water quality criteria under section 303 of the Act.

SECTION 3

This section amends section 510 of the Act, which concerns State authority. The amended section provides that nothing in the Act authorizes the regulation of quantities of water, or impairs or affects any right or authority of a State concerning the allocation of water by the State.

In addition, this section provides that the Act does not authorize any action impairing or affecting any water right established by State law, interstate water compact, or Supreme Court decree.

Finally, this section provides that nothing in the Act authorizes any action with respect to other matters, such as aesthetics, not directly related to water quality.

ADDITIONAL COSPONSORS

S. 531

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 531, a bill to amend the Internal Revenue Code of 1986 to increase the estate and gift tax exemption from $600,000 to $1,000,000.

S. 613

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 613, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

SENATE RESOLUTION 286—RELATIVE TO THE RELIEF OF LAND GRANTORS IN HENDERSON, UNION, AND WEBSTER COUNTIES, KENTUCKY, AND THEIR HEIRS

Mr. FORD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 286

Resolved, That the bill (S. 2563) entitled "A bill for the relief of land grantors in Henderson, Union, and Webster Counties, Kentucky, and their heirs", now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Court of Claims. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such findings of fact and conclusions that are sufficient to inform Congress of the amount, if any, legally or equitably due from the United States to the claimants individually.

SENATE RESOLUTION 287—TO EXPRESS THE SENSE OF THE SENATE REGARDING REGULATION OF MERCURY HAZARDOUS WASTE

Mr. WELLSTONE (for himself, Mr. LEAHY, and Mr. JEFFORDS) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 287

Whereas there has been a 2- to 3-fold global increase in mercury in the environment since the 1850's, increases of 3.4 times have been found in wilderness areas of the United States, and much higher increases have been found in developed areas of the United States;

Whereas mercury is truly a national and international concern because mercury is atmospherically transported indiscriminately across political boundaries;

Whereas mercury poses a serious and growing public health and environmental problem even when released in minute quantities;

Whereas mercury presents particular problems in aquatic systems where mercury bioaccumulates;

Whereas human consumption advisories have been issued in at least 34 States because of the high level of mercury contamination in fish, resulting in losses to the tourism and fishing industries and related activities;

Whereas atmospheric deposition resulting from human activities, including waste disposal, contributes most of the mercury loading to the environment;

Whereas numerous studies have indicated that mercury-containing lamps will soon become the largest contributor of mercury to municipal waste streams in the United States;

Whereas the United States, through the Environmental Protection Agency, is working cooperatively within the international community to reduce global risks of mercury in the environment;

Whereas the Environmental Protection Agency is already actively supporting efforts to virtually eliminate releases of mercury in the Great Lakes Region; and

Whereas the waste management priorities of the United States encourage recycling before waste disposal: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Environmental Protection Agency should not exempt mercury hazardous wastes from hazardous waste regulation but instead should adopt waste management policies and rules that seek to minimize all releases of mercury into the environment while encouraging the recycling of mercury-containing fluorescent lamps and other mercury-containing devices.

Mr. WELLSTONE. Mr. President, today I would like to draw the Senate's attention to something that is going on at the Environmental Protection Agency that is of great concern to many of our House and Senate colleagues and myself. As one of two alternatives, the EPA has proposed to allow light bulbs containing a highly toxic material to be dumped in regular solid waste landfills. That material is mercury.

Now let me just state for the record that mercury is the target of major effluent reduction efforts. In the Great Lakes Region, mercury has been labelled a "Critical Pollutant." In October 1993, the Regional Administrator for EPA Region 5 wrote EPA headquarters opposing this proposal. There are now at least 34 states that have issued fish consumption advisories because mercury contamination is evident in the food chain.

So why is EPA now proposing to grant an exemption for mercury-containing light bulbs from EPA's own hazardous waste rules? What is special about these products? Under EPA's own protocol, these bulbs qualify as hazardous waste, so why would EPA propose to let them be dumped in regular solid waste landfills and not be handled as other hazardous wastes are?

Not surprisingly, General Electric (GE) and the National Electrical Manufacturers Association (NEMA) are strongly supportive of EPA's deregulation proposal. It would save GE's commercial customers from having to add the cost of environmentally sound disposal into their light-bulb buying budget's.

Mercury contamination is a major problem in my home state of Minnesota. We are lucky to have thousands of fresh-water lakes, with some of the best fishing in the country. In many of our lakes, you can drink the water. But don't eat too many of the fish. They tell you when you go to the Boundary Waters Canoe Area Wilderness that in some lakes you should limit the number of fish you eat over a certain size.

The bigger, older fish tend to have a greater accumulation of mercury.

So in Minnesota we take mercury, and the products that contain mercury, very seriously. We have a thriving recycling industry that collects our mercury-containing light bulbs. We are trying to keep mercury out of our waste stream.

But mercury pollution, caused when mercury evaporates and is carried in the air, does not respect state boundaries. That is why we have a federal environmental agency: to set minimum standards to address a national and global problem. Each state benefits from the positive environmental practices of other states, and when the EPA removes a nationwide protection, even the states with the best protections will suffer. If EPA deregulates mercury-containing light bulbs, my state of Minnesota—and perhaps the states of some of my colleagues, too—will be harmed.

Now, in EPA's two-part proposed rule, the agency also provides an alternative to exempting mercury-containing light bulbs from hazardous waste regulations. That alternative is to include these bulbs in the "universal waste rule." In a nutshell, the universal waste rule was designed to address the problem of regulating widely used household items that qualify as hazardous waste. The scheme entails a significantly lower burden on generators of the waste, while still encouraging recycling and keeping the products out of the municipal solid waste stream.

We are doing something like this in Minnesota, and it is working well. Taking a cue from Minnesota, the EPA ought to choose the universal waste rule option.

Today I am submitting, along with Senators LEAHY and JEFFORDS, a resolution stating that it is the Senate's view that EPA ought not to exempt mercury-containing hazardous wastes from hazardous waste regulations. Rather, EPA ought to adopt waste management policies that seek to minimize all releases of mercury into the environment while encouraging the recycling of mercury-containing products. On Tuesday, my colleague Representative SABO submitted a similar resolution in the House.

Over 20 Members of the House and Senate have signed a letter transmitting comments on the EPA's proposed rule to EPA Administrator Carol Browner. I ask unanimous consent that this letter be printed in the RECORD.

Obviously, the Senate will not have time to act on this resolution before adjournment. The purpose of submitting the resolution is to draw my colleagues' attention to the issue. Many of us are opposed to the exemption option, and we want to say that loud and clear. Our comments have been sent to the agency. We will be watching this matter very closely and expect to revisit it next year.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
November 29, 1994.

RE: Comments on EPA Docket No. F-94-FLEP-FFFFF

Hon. CAROL M. BROWNER,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR BROWNER: In the Federal Register of July 27,1994 (59 Fed. Reg. 38,288), the Environmental Protection Agency (EPA) proposed two regulatory alternatives, one of which would worsen the already serious mercury environmental and public health problem in this country.

We are writing to express our strong opposition to one of those alternatives: EPA's proposal to exempt mercury-containing lamps from hazardous waste regulations. The exemption would allow over 500 million hazardous waste lamps to be disposed into solid waste landfills each year and would perpetuate uncontrolled releases of mercury into the environment.

We believe that such a proposed exemption is inconsistent with both national policies and global efforts to reduce risks from mercury. Instead, we urge EPA to adopt the "universal waste" alternative, designed to streamline the regulations to foster proper hazardous waste management, including recycling, while maintaining important environmental safeguards for mercury.

Mercury poses a serious and growing public health and environmental problem even when released into the environment in extremely small quantities. This is especially true in aquatic systems, where mercury bioaccumulates. For example, at least 34 states have issued human consumption advisories or consumption bans because of unacceptable levels of mercury in freshwater fish.

Mercury is truly a national and international concern because it is atmospherically transported indiscriminately across political boundaries. Therefore, states with more stringent environmental requirements cannot prevent mercury releases from outside their borders from contaminating their waters. Without the adoption of national regulations, states will continue to experience public health and environmental problems and losses in their tourism and fishing industries.

We believe that is would be irresponsible for EPA to exempt lamps from the hazardous waste regulations because of the detrimental environmental impacts of mercury. Furthermore, the municipal solid waste regulatory system is not designed to prevent releases of mercury into the air and water, and wastewater treatment facilities are not designed adequately to treat and dispose of mercury in landfill leachate. In addition, land-spreading of leachate is a common practice which also results in dispersion of mercury to the environment.

It is our strong belief that such an exemption by EPA for a waste determined hazardous by EPA's own testing protocol would set an extremely bad precedent. It would also send out the wrong message to the general population that uncontrolled releases of mercury into the environment are not a significant problem. In addition, the exemption alternative would greatly discourage lamp recycling, since disposal in solid waste landfills would be by far the least costly disposal option. Further, the exemption alternative would be a disincentive for manufacturers to reduce the amount of mercury in lamps.

However, experience in states with lamp management regulations demonstrates that universal waster-type management requirements for spent mercury-containing lamps result in significant increases in lamp recycling, create awareness about the health, safety and environmental concerns related to mercury, produce new jobs and do not diminish relamping under EPA's Green Lights" programs. In addition, EPA's own data show that the cost of either lamp recycling or hazardous waste management represents only a small percentage of the total cost of relamping and that relamping under the universal waste option would continue to be extremely cost-effective.

Clearly, choosing the universal waste option for managing lamps would support both our national waste management priorities and pollution prevention policies and would remain consistent with current EPA activities designed to minimize or eliminate mercury pollution. At the same time, adopting the universal waste option for lamp management would uphold the United States' commitment to international efforts to reduce uncontrolled releases of mercury and global risks from mercury.

We urge the EPA to choose the universal waste option in promulgating its final rule on mercury, containing lamp regulation. The exemption alternative is not supportable on environmental grounds and should not be adopted.

Sincerely,

Paul D. Wellstone, Patrick J. Leahy, David Pryor, Martin O. Sabo, Charlie Rose, James Jeffords, Dale Bumpers, Russ Feingold, Esteban E. Torres, Bruce F. Vento.

Joe Moakley, Bern Sanders, James L. Oberstar, John Lewis, Gerry E. Studds, Wayne T. Gilchrest, David R. Obey, Ed Markey, Henry A. Waxman.

Tony Beilenson, David Skaggs, Eric Fingerhut, John W. Olver, Ron Wyden, Edward M. Kennedy, Carl Levin, Daniel Moynihan, Bill Richardson.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, November 30, 1994, to review labor management relations at the Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LOVE OF NEIGHBOR FALLS BY THE WAYSIDE—PUBLIC LIFE DOMINATED BY A MEAN-SPIRITED SELFISHNESS

• Mr. SIMON. Mr. President, all of us in the Senate recognize we are suffering a loss when our colleague, Senator JOHN DANFORTH, retires.

Sometimes we differ with him on issues, but we always respect him.

Recently, he gave a farewell sermon at the St. Albans Episcopal Church in

Washington, and the St. Louis Post-Dispatch condensed that sermon and published it on its editorial page.

Because it speaks to people of goodwill of every religious persuasion and talks about the need to move away from a mean-spirited selfishness, it is a message that needs to be heard today.

I do not recall personally an election which has been as negative as the one we have just passed through. And unless many of us speak out, it will become worse.

Self-restraint is essential for a democracy to function.

That applies to those of us in public office, those who seek public office, to the media, and to the public-at-large.

I ask that the Danforth statement be printed in the RECORD at this point.

The statement follows:

[From the St. Louis Post-Dispatch, Nov. 6, 1994]

LOVE OF NEIGHBOR FALLS BY THE WAYSIDE—PUBLIC LIFE DOMINATED BY A MEAN-SPIRITED SELFISHNESS

(Thou shalt love they neighbor as thyself.—Mark, 12:31)

(By John C. Danforth)

Because an election is only days away, I want to talk this morning about politics. And because the Gospel included the love commandment, I want to talk about the love commandment and the connection, if there is any, between politics and the love commandment.

But especially, I want to talk about you, because so often people have said to me, "what is the connection between your religion and your politics?" And I want to turn that around and ask it of those of you who are not in politics as a daily routine, people who don't hold any office. I want to ask, "What is the relationship between politics and religion to you, in connection especially with the love commandment?"

And the reason it's appropriate to ask the question of you is that whether you want to be or not, you are very much a part of the political scene in our country. A lot of people say that, "Well, politicians are out of touch. They just don't know what is going on. They're distant, they're inside the Beltway, they don't understand."

That is not true.

Politicians have never been as in touch as they are today. It is a technological possibility to be totally in touch with constituents. Not just because travel and mass communication make contact very easy, but also because the business of politics has become a science. It's possible to test what it is that makes people really mad and then use those words. It is possible to take public opinion polls within a margin of error of about 3 percentage points and know exactly what is on people's minds.

So what is done in politics is done because it's been tested with the public. It's been tried out.

And what the professionals are hearing from the people is something quite different from the love commandment. What politicans are hearing from the public is not "love your neighbor." Why do you think in the state of California the issue of immigration is the biggest campaign issue? It is not because the politicans of California are hearing from the constituents, "Love your neighbor."

How about the nature of political campaigns themselves? It is believed by a lot of people that political campaigns are dirtier than ever. Every two years we say it can't get any worse. And then we find out, yes, it can. And it is. The nature of political campaigns has changed dramatically in the last 25 years. They are more vicious than ever. Why is that, do you thnk? The answer is, negative campaigns work. If you want to run a positive campaign, you will almost never win.

We are not hearing from the public, "Love your neighbor." We are hearing, "Hey, this is kind of neat." We are hearing, "I love myself."

People in politics listen to the public. And what people in politics hear, and what people in politics try to respond to is "Gimme, gimme." And so we have organized ourselves into interest groups trying to grab what we can for ourselves. And when we can't get it, or to justify the grabbing, we like to believe, we want to believe, that we're victims. "I'm not being treated fairly. I'm not getting my just deserts." What's happened to the love commandment in politics?

And I think on the other side of the coin there is a tendency to believe that, yes, there is a requirement placed on us to love our neighbors, but it is a requirement that doesn't really involve us individually; it's something that can be discharged through a political program. A clergy friend of mine told me a long time ago every time he goes to any kind of clergy meeting dealing with some social problem, the meeting always concludes by everybody resolving to go home and write their congressman a letter. That's it. Well, we've got a problem; well, let's write our congressman.

And, of course, one of the problems with this is that it is a way to discharge your own sense of responsibility. But in addition to that, to the extent that your religious commitment is embodied in a political agenda, to the extent that a political agenda can be identified with a religious commitment, then the political position is infused with all kinds of religious meaning. And this is happening now.

What can you do about politics consistent with the requirement upon you to love your neighbor as yourself? I think the first thing you can do, and I can do, and all of us can do is to be a counter voice to all the meanness that is going on now. I think that you and I can speak out against political campaigns as they exist today. I think that when you and I see a human being have a perfectly fine life turned to ashes, we can say that's wrong.

When we hear a talk show host destroy a human being, we can pick up the phone and we can say that's wrong. We can show up at town meetings where politicians are, and we can say that we resent that, that's wrong. This person is a human being and whether we agree with this individual or not, this is a child of God who should not be destroyed. This is a person with a family, with children. And it's not right. And we can do that.

Another thing we can do: We can be people who look beyond our own interests. That is not to say that we are not going to be interested in ourselves; that's human nature. We can be something other than just members of interest groups. We can be the leaven in the lump of politics.

Christians are called to look beyond themselves. We can be people who, in the political world, look beyond ourselves to our neighbors to the larger world and the larger country beyond ourselves. We can call our country and call our politicians to do more than simply pander to our own narrow economic or personal interests. We can do that.

And finally, we can understand as Christians that there is and will always be a vast difference between the requirements of the love commandment and any political agenda that can ever be developed.

The love commandment is absolute. No political program is an absolute. All of it is compromise. The legislative process by its nature is compromise. The American system of government is compromise, not by accident, but by design.

Any time you have something built on compromise, the political programs are going to be more or less good or more or less bad and probably a mix between the two. And when they're implemented, the implementation is going to be a far cry from whatever it was ever designed to be in the first place.

And we can say to people who try to infuse a political agenda with religion that God's ways are not our ways. And we will never create a political agenda which is the equivalent of the will of God or a political agenda which is capable of discharging the requirement that is placed on each of us to love our neighbors.

When Jesus was asked, who is your neighbor, his response was to tell the story of the good Samaritan. The point of the story is to talk about who is a neighbor to that poor soul who is beside the road.

But a question I have is, well, what was wrong with the priest, what was wrong with the Levite? Were they just mean people? Were they insensitive people who didn't care? They were probably perfectly sensitive people. But they probably thought that somebody else was coming along. "I can afford to pass the other way because somebody else will come along or maybe after I pass the other way I can write a letter to my congressman and my congressman will pass a law and something will be done about this poor devil."

I don't think we can delegate responsibility like that. I don't think we can delegate responsibility to any political program. I don't think we can count on anyone to do for us what we are commanded to do. It's our responsibility to apply the love commandment. And we should try to do it in politics and we should try to do it with respect to all the nastiness that's out there today. And we should try to do it by getting some sort of rein on our own self-interests, and looking beyond ourselves. And we should try to do it by recognizing the difference between the love commandment and our own political agenda.

But in the end, the responsibility is really on us, the people, you, me, to do the work of loving our neighbors as ourselves.•

TRIBUTE TO LT. COL. JOHN M. MOLINO

• Mr. COATS. Mr. President, I rise to recognize the dedication, public service, and patriotism of Lt. Col. John M. Molino, U.S. Army, on the occasion of his retirement after 20 years of faithful service to our Nation. Colonel Molino's powerful contribution to personnel policy helped construct the highest quality military force in the history of our armed services. His strong commitment to excellence will leave a lasting impact on the vitality of our modern warfighters, commanding admiration, and respect from his military colleagues and Members of Congress.

Colonel Molino is a native of New York City. He was graduated from Saint Peter's College, Jersey City, NJ, and was commissioned a second lieutenant in the U.S. Army in May 1974. In his first duty assignment, Colonel Molino served as the executive officer in a basic training company at Fort Knox, KY. While at Fort Knox, he also served as battalion operations officer and chief of protocol. From the earliest days of his career, Colonel Molino displayed extraordinary commitment to the care and nurturing of young troops. These powerful traits served as the basis for the success he would enjoy later in his career.

As a plans officer in the mobilization branch at the Reserve Components Personnel Center, St. Louis, MO, in 1979, Colonel Molino helped craft a system for the recall of retirees in the event of national emergency. This innovative system was eventually used during Operation Desert Storm. After receiving his masters degree in 1981, he served for 3 years in the 25th Infantry Division, Hawaii, as the chief of personnel management and, later, as the chief of military personnel actions. In this capacity, Colonel Molino was responsible for virtually all personnel actions for 10,000 people. While with the 25th, he developed a revolutionary program to encourage the reenlistment of only the most qualified soldiers. The Army touted this highly effective program as the best of its kind.

With a 1984 assignment to the Army's personnel center, Colonel Molino began an extended tour of duty in the Washington, DC area. This crucial period is characterized by assignments of increased responsibility on the staff of the Joint Chiefs, the Office of the Secretary of the Army, and finally, the Office of the Secretary of Defense.

Most recently, Colonel Molino was assigned as the special assistant for personnel and reserve affairs, in the Office of the Secretary of Defense [legislative affairs]. He served as the focal point for communication between the Department of Defense and the Congress on policies relating to personnel; compensation and benefits; morale, welfare, and recreation; family services; and training and education. In this critical position, Colonel Molino's consummate leadership, intellect, and integrity ensured clear communication between these two preeminent institutions. Working closely with the Congress, Colonel Molino helped obtain necessary House and Senate approval for vital personnel programs, directly contributing to future readiness and success of our troops in the field.

Colonel Molino's awards include the Legion of Merit, the Defense Meritorious Service Medal, the Meritorious Service Medal, the Army Commendation Medal, and the Army Superior Unit Award. The colonel has also earned identification badges from the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the Army General Staff. Additionally, during his Army career, Colonel Molino was also graduated from the Armed Forces Staff College and completed the Adjutant General's Officer Advanced Course and the Armor Officer Basic Course.

Our Nation, the U.S. Army, his wife Eileen, and sons Bill, Chris, and Matthew, can truly be proud of the colonel's many accomplishments. A man of his extraordinary talent and integrity is rare indeed. While his honorable service will be genuinely missed in the Department of Defense, it gives me great pleasure to recognize Colonel Molino before my colleagues and wish him all of our best wishes in his new and exciting career.•

AFRICAN GOTHIC

• Mr. SIMON. Mr. President, in the magazine Vanity Fair, there is an article by Christopher Hitchens about the African scene.

The article is, in my opinion, unduly pessimistic, but it brings a grim reality about much of Africa that is accurate. And it shows that we ought to be paying more attention to Africa. And by "we" I mean the United States and the other industrial nations.

The continents of the world are gradually increasing their standard of living and quality of life, with the exception of Africa. That can change, but Africa needs assistance to change it.

Listen to this paragraph in the Christopher Hitchens article:

> Statistics do their usual job of confirming initial impressions. Of the 20 most impoverished nations in the world, 18 are in Africa. Per capita GNP declined at the rate of almost 2 percent per year in the 1980's. Though it contains one-eighth of the world's population, the continent's share of world trade had dipped to just above 2 percent. But these paltry 2 percents balloon into terrifying figures when the downside is being measured. The sub-Saharan African debt was 110 percent of the total GNP of all its nations in 1991. Of the people diagnosed as having the AIDS virus, two-thirds are in Africa.

The other side of the picture is that democracy is spreading in Africa.

Christopher Hitchens does look at Eritrea, one of the brighter spots. Attention could have been paid to Botswana, Namibia, South Africa, and other nations with better news.

Angola may be on the verge of signing a peace agreement, and if it holds, within 10 years, you will see a fairly dramatic improvement in the quality of life of the people of Angola, if the government and the opposition forces use self-restraint.

I ask that the Christopher Hitchens article be printed in the RECORD.

The article follows:

AFRICAN GOTHIC

(By Christopher Hitchens)

Whoever he was, and whatever happened to him, he will certainly never read this. He was clad in nothing but an outfit of ragged trousers, and he was being pulled across the road by a half-dozen other men. If it hadn't been nighttime I might barely have noticed, but there isn't much street light in Kinshasa after dark, and your headlights make a tableau of anything that's visible. There was a shantytown hunched in blackness on one side of the pitted street, and another shantytown slumped on the other side, and the gang needed or wanted to drag the guy from the first to the second. He looked as if he badly didn't desire to cooperate. My driver floored it as soon as he took in the scene, and as the pickup shot past I could register the external details: mouth open in a wordless yell, eyes rolling in the face, muscles and tendons bent in resistance—a man headed for some unnameable appointment.

In the capital city of Mr. Mobutu's Zaire, whom was I going to call? The police? Even if the rugged-looking crew didn't turn out to *be* the police, the telephones have been out these many years. And no Zairean, such as the pickup driver from whom I'd hitched the ride, would think of intervening in such a macabre but routine sideshow.

Anglo-Saxon tribal lore tells the parable of the sparrow that flies into the dining hall at night, flutters about for a moment, and then wings out again. Its brief time in the light, and the darkness from which it comes and to which it goes, provides the allegory of a human life. I know less about that Zairean's life than my forefathers knew about the sparrow's. And Africa today is relayed to the rest of the world in similar fashion, by brief and sad or shocking images that stay for a moment on the retina before fading away again. The swollen infant, the milkless mother, the hoarse, red-eyed street fighter or jungle combatant, the operatic dictator, the chaotic and miserable crowd—these are the Africans we feel we "know."

And while images from the rest of the world are grim enough in all conscience, there can be something weird and neolithic about African traumas. General Idi Amin *did* keep human heads in his freezer. Samuel Doe of Liberia *was* videotaped having his ears cut off by the transition team of the incoming administration. Murders in Rwanda and Somalia were, perhaps, not morally different from or worse than murders in Bosnia or Ulster but seemed somehow more primitive, carried out as they were with clubs and axes, or with bare hands and by dancing, gibbering crowds.

Moreover, run the rule across Africa and see if you can find, anywhere in the entire forsaken continent, anything like a success story. The economies are used to scare the children of World Bank officials. (When I was last in Zambia, there was a national day of prayer for the local currency. Prayer was not answered.) The famines, plagues, and epidemics are, from old-style locusts to ultra-modern AIDS, the most sweeping and devastating. The clan wars and the wars of religion are the most bitter and pitiless. Human life is at its nastiest, most brutish, and shortest.

Statistics do their usual job of confirming initial impressions. Of the 20 most impoverished nations in the world, 18 are in Africa. Per capita G.N.P. declined at the rate of almost 2 percent per year in the 1980s. Though it contains one-eighth of the world's population, the continent's share of world trade has dipped to just above 2 percent. But these paltry 2 percents balloon into terrifying figures when the downside is being measured. The sub-Saharan African debt was 110 percent of the total G.N.P. of all its nations in

1991. Of the people diagnosed as having the AIDS virus, two-thirds are in Africa.

As I embarked on my voyage from the Horn of Africa southward, crossing the continent at its tip and working my way back up the western coast. I had every chance to get bored by the stock farewells. "Take care in darkest Africa/the dark continent/the heart of darkness . . ." No wonder people are so fond of Nelson Mandela—he's practically a Westerner.

Almost all current writing about Africa depends on a blend of Joseph Conrad and Evelyn Waugh: the brooding, throbbing stagnation of the Congo and the sinister farce of egomaniacal "Afrocentric" politics. (V. S. Naipaul is sometimes successful in achieving a literary synthesis of the two). In no country is this journalistic temptation harder to resist than in the original Congo itself (now pointlessly renamed Zaire), where I had my haunting brief encounter on the roadside. Here, where Conrad's river could be like the Mississippi, the Yangtze, the Rhine, or the Mekong-a great waterway of trade—you find instead a huge, sweltering ditch, studded with eroded hulks and sunken barges in which, as in every crevice of African decay, some wretched people have tried to scratch out a home. Attempting to make sense of my chance sighting of the man I couldn't help, I struggled to widen the small pool of light in which I'd glimpsed him.

Great place, Zaire. It's as large as the United States east of the Mississippi, and it's the second-largest French-speaking country in the world. It has colossal resources, built as it is on vast reefs of copper, cobalt, and diamonds, to say nothing of its immense river network and its wealth of game and arable land. It has been the recipient of tremendous generosity from every kind of lending institution. It could have broken out of the "Third World" a generation ago. But instead it became a demonstration case of the deliberate uses of underdedvelopment—something neither Waugh nor Conrad bothered even to imagine.

Initiation begins at the airport. International airlines will not let their aircraft spend a night in Kinshasa, because they are not sure the planes will still be there in the morning, and because no insurance company in the world will cover them for the stopover. As I stepped off the plane, I was grabbed and surrounded on the tarmac between the stairs and the "terminal." My passport was seized by one official—at least he said he was an official—while a brisk auction of my belongings was begun by other, rival bureaucrats and assorted freelances.

The filthy, airless arrivals building was awash with garbage and pools of fetid water, as well as with predators of all kinds who, I later learned, were off duty cops in search of an income supplement. If not for the aid of a big and kindly Zairean doctor I had met on the plane, I might be there still. And not even he could get me out of the parking lot, which was a wasteland of rusting cars and jagged potholes. The uniformed goons of the Zairean army, guns and bayonets to the fore, simply placed their jackboots against the doors of the creaking and springless taxi, preventing the driver from getting behind the wheel until he had handed over a wad of dirty bills. This tax is passed on to the consumer, as I later found.

One of the soldiers, very much the worse for drink, insisted on getting into the taxi so as, he explained, to guarantee my safety on the ride to the hotel. Upon arrival he demanded $1,500 in cash for the privilege, and followed me angrily into the lobby when I refused to pay. His breath was undoing my tie. Nobody in the hotel offered to take my side.

General Mobutu Sese Seko, the cunning bandit who presides over the country (his titles variously translate as "the cock that leaves no hen untouched" and "the all-powerful warrior who, because of his inflexible will to win, goes from conquest to conquest leaving fire in his wake"), is not a subtle man. One of the main streets in his capital is named for Emperor Bokassa, the deposed tyrant of the neighboring Central African Republic, who practiced cannibalism and murdered hundreds of schoolchildren who refused to wear his choice of uniform. In the eastern part of Zaire, a large stretch of water is named in honor of Idi Amin.

I quote from a brochure of the state tourism industry: "Thanks to the great number of hippos, the fish in Lake Amin benefit from a rich and abundant diet provided by their excrement." The same point is emphasized a little lower down: "Lake Idi Amin Dada, extraordinarily rich in fish thanks to the defecation of a myriad of lake hippos." One wants to picture the planning meeting. "Tourism is slow. The numbers are down badly. We can't do much about the airport. But what if we offer them a fish dinner, stressing the hippo shit and reminding them twice of the enticing name of the lake?"

I thought that the author of Scoop and Black Mischief could have made something of that. And Conrad would have had no difficulty recognizing the rotting, crashing decay of the equatorial interior. When the Belgian colonists departed in 1960, the country could boast 88,000 miles of decent road. By 1985, this had contracted to 12,000 miles, of which only 1,400 were paved. Today, the smallest trip outside Kinshasa requires an all-terrain vehicle. The back country and the forest have lost all connection with the capital and the coast.

To this, however, can be added some strictly modern horrors. I spent part of an afternoon at the suburban villa of Etienne Tshisekedi, the veteran opposition leader, who, on the previous day, had been subjected to an attack by one of Mobutu's private militias. The windows in his study had been shot out, and a litter of grenade shells and cartridge cases had been collected by supporters as evidence. Here was a scene recognizable from Bosnia or El Salvador or Lebanon: the civilian and nontribal politician trying desperately to survive in a welter of mayhem and superstition.

In the garden, a large black cock was playing a vicious game of cat and mouse with a crippled frog, something I didn't know poultry had the wit or the cruelty to do. As the pecking torture went on, I listened to aides of Tshisekedi, who was legally made prime minister in 1991 and who enjoys vast popular support, but who—if only because he can hardly leave his home—is failing to make any headway against the vast corruption and lawlessness of the Mobutu state. "Our leadership comes from every main national group and tribe, while Mobutu's entourage is all from the Ngabandi clan," I was told by Frederic Kibassa, one of the toughest and most outspoken of the dissidents. "Mobutu's political family is corrupted through and through." Estimates by Western diplomats of the private fortune Mobutu has hijacked from the central bank fluctuate between $4 billion and $11 billion: "At any rate," an American envoy to the country told me, "he could clear the national debt by writing a personal check."

But Mobutu's larger achievement is to have corrupted an entire society and made it complicit with beggary, embezzlement, and theft. An elevator attendant in one run-down government ministry wanted a bribe to take me from the 18th to the 19th floor. Passport Control extends an imperative palm just as your plane is boarding. Policeman farm their beats. I was detained with my photographer companion, Ed Kashi, as we tried to get some pictures of the Congo river bank; two separate teams of police and customs officials disputed the extortion rights over us and threatened to take the camera equipment before settling for a compromise price. "I am afraid, Mr. Christopher," said my guide sadly at one point, "that my country is a jungle. A jungle." This was no sarcastic white settler talking with condescension about Mau Mau land. It was a man genuinely embarrassed by the abject shame of his country.

He actually said this to me after he'd shown me the Kinshasa zoo. I had not especially wanted to go, since I'm fed up with reading articles that describe Africa as being either a safari park or an elephants' graveyard, but I soon understood why he wished me to see it. After being contemptuously fleeced by a couple of bored gatekeepers, we were admitted to a tiny hell. Baffled bears with sore-covered muzzles were moldering in dirty, waterless pens. A scrofulous eagle sat in a dropping-spattered cage. A lioness sported a suppurating stump where her tail had been.

It was the very essence of a country that has forgotten self-respect and that cannot be bothered to safeguard even its natural patrimony of charismatic wildlife. As we drove sadly away, my Zairean friend still apologizing for the wreck and squalor, we passed a few roadside food stands where sat clutches of roadkill vendors. You could get a squashed fox for a few grubby bills, and some live pangolins were being roughly handled for curious potential buyers. Everything was coarse, brutal, and cheap, and nothing worked. It wasn't just worse than when the much-hated Belgian racists had departed. It was worse than before colonialism began at all.

Portuguese explorers in the first decade of the 19th century reported on the kingdom of Kazembe, which occupied the part of Zaire now called Shaba or Katanga Province. The kingdom, they said excitedly, was "rich in food and strongly governed." Today, malnutrition is a leading cause of death among Zairean children, and a warlord system runs Shaba Province. The once fabulous mining operations have been virtually shut down, as the skilled Baluba workers, who knew how to run them, are being ethnically cleansed from the area.

"Don't be deceived by the chaos," said one experienced Western businessman. "Mobutu likes it this way. With hyperinflation it's easy for foreigners to make money, and it's the cut from foreigners that fills his pockets. With no roads, the army can never topple him. With no communications, the opposition can never organize. With total corruption, it's every man for himself and people can be picked off one by one." The uses of underdevelopment.

As I went around the markets and streets of Kinshasa, I was often asked if I was French. This was not a compliment to my poor usage of the tongue, and it wasn't asked in a friendly way. What people turned out to mean was that if I was French they wouldn't talk to me. Popular hatred of France for its open support of Mobutu exceeds even the dislike of the C.I.A. for installing him, in a coup in 1965, in the first place. The French intervention in Rwanda was widely seen as a scheme to help both Mobutu and the blood-stained Rwandan officers who carried out the genocide of last April. After the bodies of hundreds of thousands of Rwandans left their country by way of the river system, the embalmed corpse of Rwandan president Juvénal Habyarimana was unloaded at Kinshasa airport by the very officers who had used his death as a pretext for massacre. Even as they broadcast appeals for panic-stricken Rwandans to flee to the nightmare of the Goma refugee camp, they themselves were setting up shop in Zaire's finest hotels and most fragrant banks. Mobutu's soldiers. meanwhile, were robbing the refugees at the frontier and charging international relief aircraft 300 bucks a flight—cash—for the privilege of using the Goma strip. I could have warned them.

Several times I was told that "what happens in Algeria will happen here"—that soon foreigners would be killed on sight. The Zairean people are probably too gentle and too welcoming, as individuals, ever to make good on such threats. But there is an almost bottomless well of humiliation and frustration to draw upon, and though episodes of violence have been infrequent, they have been very ferocious. The certainty in any case is that if things do turn nasty we will see Zaireans in the raw, untreated state in which their fellow Africans are presented to us now—stripped of cover and dignity and occupying certain well-worn categories. The Refugee. The Beggar. The Slum Dweller. Just like the nameless man who was dragged across my headlamps.

But now take another look at that guy. There's no God-given reason why he isn't dressed in a good suit of clothes, supporting his family by working for a thriving mining company at a standard of living higher than that of southern Italy or northern Portugal. Or why, on weekends, he isn't taking the children on a cruise upriver, perhaps to see a well-run game park or maybe to explore the wonders of the rain forest, where careful and judicious logging provides a healthy income to farmers who would otherwise move hungrily to the townships, while preserving the canopy and the older growths for—among other things—innovative research into tropical medicine.

This is no Utopian area. The material conditions for this other Zaire already exist. And there are men and women qualified to administer it, except that they tend to be either in prison or abroad. (In the 1980s, at least 100,000 educated and professional Africans fled the continent.) The current situation is almost completely determined by outsiders, who have shored up Mobutu as a "friendly power," who have bought the raw materials cheap, who have supplied the guns and trainers to the swollen and unnecessary army, and who have set the percentage rate at which Zaireans will work—or not work—to repay their debt. If the "new globalism" means anything, it means that, outward appearances to the contrary, the man I saw is part of the same political economy as I am.

The fact is that, unfair as it may seem, Africa desperately needs that success story I mentioned earlier. Not everyone is as crude as the late Richard Nixon, who confided to H.R. Haldeman that American blacks were no good because Africa itself was no good and had never produced a workable or civilized society. ("The worst," he added viciously, "is Liberia, which we built.") In common with far too many educated people, Nixon knew less about Africa than he did about the north face of the Eiger. But his cynicism finds a partial echo in the weariness with which rationalizations for African failure are received.

Yes, we know that colonialism was devastating and disruptive. Yes, we know that the political borders of Africa make no sense and were drawn without regard to human reality. Yes, no doubt the international-trade deck is stacked against African products. But does this explain why there is still slavery in Mauritania and southern Sudan (often but not always Islamic enslavement of Christians, and what do Mr. Farrakhan's Black Muslins have to say about that?)? Does it explain why millions of young girls are genitally mutilated? Does it explain why the Wa-Benzi—a brilliant street term for the local class that rides in the imported Mercedes limousine—are greedier and less productive than any privileged elite in Asia or Latin America?

Like my Zairean guide, who referred angrily to his country as a jungle, Africans are often their own sternest critics. In the Ivory Coast, where I attended a conference of political parties, the chairman of the meeting, Achi Koman, gave me a copy of his pamphlet. It turned out to contain a long denunciation of sorcery and witchcraft among the educated classes. He told me later that in his opinion it was one of the country's most urgent problems, and that even the most outwardly sophisticated university graduates were often in thrall to some village feticheur.

The Ivory Coast is actually a very good place to contemplate the persistence of cultism and its frequent counterpart, the glorification of the chieftain or leader. The capital, Abidjan, is a well-run Frenchified coastal city with numerous chic shops and restaurants and functional if overlarge bureaucracy. But it is not, technically, the political capital of the nation. That honor belongs to the provincial town of Yamoussoukro, birthplace and ancestral village of Felix Houphouet-Boigny. Until his death in 1993, F.H.-B. ran the country like a private estate. And if you make the three-hour journey north by road to Yamoussoukro, you can see his memorial.

Soaring directly out of the red dirt and the scrub is an immense Roman Catholic cathedral (perhaps 15 percent of Ivorians are Catholic in name) which was designed specifically to be taller than St. Peter's Basilica in Rome. For some reason you need a military permit to enter the place, but on the day of my visit that was a pointless preliminary because I was the only person there. The vast domed structure with its inhuman scale had the look of something that had recently landed from a Steven Spielberg set. Lizards fooled about. A guard dozed stertorously in the men's room. A mongrel was attempting to administer itself a blow job on the steps, but abandoned the effort either because of the heat or from a feeling that the surroundings were inappropriate.

Yamoussoukro is eerie, because its huge Stalinist boulevards and avenues lead nowhere, and because its vast "Institute" dedicated to the study of Houphouet-Boigny "thought," is completely bare of books and papers. Here, as elsewhere in Africa, you get a queasy sense of the jungle creeping unstoppably back. Meanwhile, what has been built is a sort of unsatisfying and discordant compromise between opportunistic capitalism and tenacious tribalism. The contract to build the wasteful and hideous basilica (at a cost which is not disclosed but which consumed a sizable fraction of the country's budget) went, as most local contracts do, to the French construction conglomerate Bouygues, which is to France what Bechtel is the United States. That was one of the many pourboires which sweeten the relationship between Paris and its African client states. Yet smack in the middle of this neglected hellhole of concrete and glass and marble modernism, there is a large artificial lake dedicated to the care and feeding of sacred crocodiles. This in turn is right next to the immense presidential palace which F.H.-B awarded himself. Interestingly, the saints and martyrs in the cathedral stained glass are all conspicuously white. But stationed close to the Redeemer in one panel is a black man whose face is well known from official portraits.

As I watched the crocs playing to and fro in that way they have, I was thinking of a conversation I had had in the capital the night before. "F.H.-B got the Pope himself to come and consecrate that basilica" I was told. "But then when he died he wasn't buried in it. Everyone thought it was supposed to be his mausoleum, but he had arranged for his body to be handed over to the traditional medicine priests. The funeral was in secret. On these occasions, cher ami, the witch doctors are supposed to take back the power they conferred on the big chief when he was alive. That usually means human heads—up to 40 of them for a really major chieftain."

Oh come on, I thought (and indeed said). Wouldn't people notice that there were—to take one objection at random—some missing persons? "Ah, but who counts the peddlers who wander over the border from Liberia or Guinea? Who will miss the occasional refugee, or ask any questions?" These were Africans talking. Europeans in Abidjan, some of whom thought it was politically nonkosher to suggest human sacrifice at the presidential level, nonetheless confirmed that their servants had been nervous, and had gone around checking on stray or missing members of their families. Impressive, at any rate, was the number of people who believed the story.

Superstition can take more than one form. Houphouei-Boigny was a French client. Joaquim Chissano is the leader of a revolutionary and secular party in Mozambique—a former Portuguese colony that tore itself away by armed struggle, and until recently proclaimed the slogans of socialist internationalism. Today, president Chissano greets visiting diplomats and dignitaries by bending their ears about Transcendental Meditation, and has awarded millions of hectares of prime land to "the Maharishi Heaven on Earth Development Corporation."

In the past two decades, Mozambique has been through an anti-colonial revolution, swiftly superseded by a vicious war of attrition with South Africa in which perhaps one million Mozambicans lost their lives. Its economy has been heggared and put into World Bank receivership. After such an acute crisis of expectations, and such a numbing series of disappointments, perhaps people are willing to give anything a try. "If you want to see voodoo economics," said one rather bitter Mozambican radical, "don't read the World Bank reports. Go to the market in Maputo and ask for the black-magic section. They have one now. They didn't used to, but that's all coming back these days."

On a visit to the market, which sold everything from hubcaps to Johnnie Walker, I found the voodoo section without difficulty and was offered a surefire male-potency enhancer. It looked like a suspension of tofu in vinegar, and I felt confident enough to pass it up after a brief hesitation, especially since—to my relief—the vendor didn't really seem to believe in it either.

However, when people have tried everything and have discovered that nothing works, they will tend to revert to what they know best—which will often be the tribe, the totem, or the taboo. There is almost no country in Africa where it is not essential to know to which tribe, or which subgroup of which tribe, the president belongs. From this single piece of information you can trace the lines of patronage and allegiance that define the state.

The promise of political independence has soured. Economic progress has not merely been arrested, it has been turned back. In most countries, the state forms a thin and unpopular veneer on a pain-racked society. In Nairobi, the relatively clean and modern capital of Kenya, I went to a conference of right-thinking people who were concerned with this very subject. The seminar was on "Democracy in a Multi-ethnic Society," a pressing topic at any time in Kenya, which is riven with tribal envy between the Luo and the Kikuyu peoples, but an especially absorbing one in view of the news from Rwanda. (On the edge of all political conversation in Africa today, if you listen, you can hear the word "Rwanda.")

Though Kenya is outwardly calm, and its English-language press maintains a jaunty tone, worrying news creeps in from the outlying districts. There is the Somali horror show on the border. There are riots in the slums. Up in the Rift Valley, a crude war of clan against clan has broken out.

The meeting took place in the Nairobi Safari Club, in a highly urbane and relaxed atmosphere. It had something of the feel of an old British colonial gathering, called to discuss signs of restlessness among the natives. But with the exception of a German social Democratic team who were helping sponsor the event, all present were Africans. There was some nervous joking about the morning's headlines, which featured a denunciation by President Daniel arap Moi of all such "Democracy conferences," which he accused of being anti-Kenyan activities sponsored by sinister forces overseas.

This was likely to be more than mere rhetoric; President Moi has an imperious way with dissent and uses his police force with a heavy hand. Moreover, he is from a minority tribe himself and is given to consolidating his position by playing off the principal tribes against one another. The word at the meeting was that the fighting in the Rift Valley was probably state-instigated as part of a divide-and-rule strategy. And in Kenya, l'état c'est Moi.

The day's keynote speaker was Professor Ali Mazrui, a smooth-as-silk Kenyan-born academic who now holds a chair at the State University of New York at Binghamton. He appeared to get straight to the point by stressing the abattoir conditions in Somalia, Rwanda, Liberia, Angola, Burundi, and elsewhere. "Is the old slate of the colonial order being washed clean with buckets of blood?" he asked. "Or is the blood in fact spilling in the maternity ward of history as a new Africa is trying to breathe amidst the mess of convulsive birth pangs?"

I could think of a question much scarier than these. What if it's neither of the above? What if all the bloodshed is for nothing? What if Africa is neither being cleansed in blood nor giving birth in blood, but just plain drowning in blood? What if it's rocketing back into the primeval, using 20th-century techniques to accomplish its own destruction? Well, I only asked.

This was a gathering sponsored by, among others, the National Concerns Council and a group called Gender Sensitive Initiatives, which God knows is needed in a continent where on every road you see men leading strings of women like pack animals. But I wondered if such nicely named outfits would care to look reality in the face.

Actually, Mazrui improved as the morning wore on. He proposed six tests for a minimally successful state. Does it control its territory? Is it sovereign over its own resources? Can it collect revenue? Does it maintain an infrastructure of roads, railways, and telephones? Can it provide services such as health, education, and sanitation? Is it able to guarantee law and order? There is a seventh question which he touched upon. Does it control some areas by day but surrender that vestigial power at night?

By any or all of these tests, including the informal and crepuscular seventh one, the majority of African states are not states at all, just entities with occasional impact on the lives of the people who dwell in them. South Africa qualifies as a proper state, as does Botswana, and as do Namibia and Zimbabwe. But that claim would still come as news to millions of their citizens, who live outside the charmed circle of development and "the market."

And to their noncitizens. Much of South Africa's mining labor force comes from impoverished Mozambique, which in effect lives by the export of people. Perhaps one in seven inhabitants of the Ivory Coast is a hungry immigrant from a neighboring country. Even before the terrifying events of April 1994, 200,000 or so Rwandans lived as refugees in Uganda. Eritrea is trying to repatriate a large chunk of its population from Sudan, which in its turn is creating a mass of internal refugees as the Muslim-Christian conflict becomes more acute.

Solzhenitsyn once wrote of the prison population of the U.S.S.R. as a nation apart, with its own rules and even its own economy. In Africa, the displaced person is a special category of citizenship, or at any rate of existence. Nobody really knows how many millions there are. On a dusty and glaring day, I went to visit the Boane camp in Mozambique, which is supposed to be a clearing center, operated by the U.N., for returning Mozambicans who fled to Swaziland during the war. Of the first two men I spoke to, one was an Ethiopian merchant sailor who had made his way down the coast of eastern Africa by sea and had a rather confused account of how he came to be in a relocation center 35 miles from the Swazi border, and the other was a former Angolan policeman who had left the city of Huambo, on the other side of the continent, to get away from the UNITA guerrillas of Jonas Savimbi. He, too, was at something of a loss to explain his presence in this transient wilderness. But, for the moment, it was home. And there wasn't much to go back to.

Both men were educated, with qualifications and skills, and both could speak fair English. Yet in any foreseeable future they were fated to be part of a vast population of Africa whose tragedy is that nobody wants them, nobody needs them, and nobody knows who or where they are. As far as the world economy is concerned, they might as well not have been born, and might as well hurry up about dying.

You don't get a sense of the absurdity of Africa's borders if you travel by air, because customs and immigration routines are the same everywhere (Zaire wholly excepted and other countries partially so). But on land the arbitrariness of politicall geography becomes swiftly apparent. In the hills outside the town of Masvingo—formerly Fort Victoria—in eastern Zimbabwe is the site of the Great Zimbabwe ruins, for which the country is named. After the pyramids, these imposing stone marvels are the largest masonry structure in Africa—not as big as the basilica in Yamoussoukro, perhaps, but far more authentic and many times more absorbing.

Until recently, it was an article of faith among the white settlers that this—the Acropolis of southern Africa—could not conceivably have been built by the ancestors of the shiftless blacks. The country's leading archaeologist, Peter Garlake, was compelled to live abroad when this dogma was made official by the Ian Smith regime. It was now been established beyond doubt that Great Zimbabwe was the work of an African civilization of the later Iron Age, probably in the 13th century but perhaps before that.

On the day of my visit, the vast stone enclosure with its beautifully curved and rounded observation tower was being looked over by a group of Afrikaner tourists. Newly encouraged to travel in black Africa by the amazing developments in their own homeland, they had come to see for themselves that Africa really does have a history and an architecture that pre-dates the white conquest. They were full of enthusiasm, and were writing flattering things in the visitor's book. Well, I thought, I've lived to see it.

Of course, the question arises, if Great Zimbabwe was so great, why did it collapse? There's no clear answer to this question, but it may have had something to do with a loss of contact with the eastern coast. All the way from Masvingo down to the shores of Mozambique, there are lesser Zimbabwes (the word in the Shona language means both "houses of stone" and "venerated houses") that used to be part of the same extended civilization. But if you want to follow this natural archaeological trail, you come up against a frontier that was drawn during the course of a late-19th-century local quarrel between Anglo-Saxon empire builder Cecil Rhodes and the Portuguese.

At the frontier, which cuts across the road with hardly any notice, signs in English and Portuguese warn of land mines. But there is no reason that a mine field should separate the populations on either side of the Zimbabwe—Mozambique border, who are both from the Shona nation and are in fact the same people with a common local language. Nor does it make sense, at a particular bend in the road, for the Shona people to stop going to schools that teach English and start attending schools where the medium of instruction is Portuguese.

Zimbabwe is the country where the young Doris Lessing wrote her first stories—The Grass Is Singing and This Was the Old Chief's Country. For decades after, she was persona non grata in what was then Rhodesia and, returning after independence to write her book African Laughter, she was amazed to find the settlers engaged in the same conversation they had been having when she left.

I had a sample of that very conversation at that very bend in the road at the Zimbabwe-Mozambique crossing. Standing at the border post was a trio of tough, blond young men. They were South Africans, but not in the least like the friendly, mellow Afrikaner families I'd encountered at the Zimbabwe ruins. They looked more like San Diego surf nazis, and they were in a foul mood. Since they had arrived without troubling to acquire visas, the border guards wouldn't let them cross. More insulting still, the guards would not take money to bend the rules. They were polite but firm in this refusal. "Christ, man, I thought that in Africa everyone took bribes," remarked the tallest of the three charmers. Yes, that's right, I thought venomously, push your way into one of the few honest countries left in Africa, start throwing bribes and foreign currency about, and then go home and complain that everybody is on the take.

An unsatisfactory conversion ensued. "Vanity Fair—isn't that a pornography magazine?" Well, I mean to say, really! I changed the subject with what I thought was appropriate dignity, asking them how they liked Zimbabwe. Not a bit, it was a nothing country, not at all the sort of thing they were used to. Oh, and what sort of thing was that? "Well, back home in South Africa we have Catseyes down the middle of the road. They haven't got anything like that here." Weeks later, in Johannesburg, I found that these youths had pissed me off sufficiently to make me notice that—aha!—there was a distinct shortage of Catseyes on the main roads.

Actually, Zimbabwe has at least one foot in the First World. If you fly in from any neighboring country, you see the suburbs of the capital, Harare, winking with the blue eyes of many, many swimming pools. The quarter-million or so white settlers have abandoned their silly claim to run and own the country in exchange for the undisturbed right to make money in their own way, and they have been joined by a large and ambitious black middle class. An American visitor can use his credit cards, dial AT&T direct, and deal with gleaming car-rental companies. The choice of golf clubs, safari parks, and mountain resorts is extraordinary.

But as elsewhere in Africa, and perhaps more noticeably in Zimbabwe because of the contrast, you have only to walk a few steps from the pool of light around your hotel, or turn your car or jeep a few yards off the main road, to find yourself in the Third World again.

The AIDS crisis is actually one of the few exceptions to this rule, because it strikes all classes and conditions. In a ritzy discotheque in Harare, I met Alex Kaunda, son of the man who until recently was the president of neighboring Zambia. There has been an AIDS death in that family. But most Third World afflictions are unsubtle in being income-related. (Just as the Third World itself is unsubtle in making poor people very thin and rich people very fat.) I began to compose a sort of blank-verse "Sub-Saharan Blues," in which the first line of each verse ran: "You know you're in the Third World when . . ." Thus:

You know you're in the Third World when you see a half-dozen scabby, tiny, scrawny Zimbabwean children playing cheerfully with the improvised toy of a simple balloon made from an inflated prophylactic—the gift of a superbly sincere Swedish charity. In Africa, there is a birthrate trap: a higher standard of living will lead to smaller families but smaller families will not lead to a higher standard of living.

You know you're in the Third World when you talk to an agronomist and he tells you that in southern Africa the drought of 1991–92 was disastrous for food production and the good rains of 1992–93 a huge relief, but that unfortunately the good rains have created ideal conditions for a plague of locusts.

You know you're in the Third World when, flying up the western coast on the national airline of Cameroon, you decide that a visit to the men's room is in order. Reaching the back of the plane and giving the door handle the usual twist and tug, you are fortunate to be covered in nothing worse than confusion when the whole unit comes away in your hand. (I actually muttered the word "WAWA" at that point. Taught me by the most liberal white resident I've ever met, it is an unavoidable acronym which means: "West Africa Wins Again.")

You know you're in the Third World when, hearing that a mother in Zaire has lost two children, you tentatively inquire the cause of death and are told "diarrhea." (In an added touch, epidemiologists have now traced the cause of many deaths in that same rich country to a renewed outbreak of . . . bubonic plague.)

You know you're in the Third World when you see a child, half scared and half scary, guarding some stretch of dirt road or some flyblown checkpoint with the help of a rifle as big as himself. Of the many cases researched for the International Red Cross-sponsored report Child Soldiers: The Role of Children in Armed Conflicts, most of the really wrenching ones occurred in Africa. In Eritrea I was told of Ethiopian conscripts, captured by the rebels, who turned out to be under 14. They had sometimes been used to clear minefields.

Outside the Eritrean city of Massawa, its beautiful coral streets and squares still charred and gouged from the last days of the 30-year war for independence from Ethiopia, I stood at the edge of a grave. Behind an improvised wall of corrugated iron in the middle of some dull coastal flatlands, a mini killing field had been created. Piles of ammunition boxes lay stacked every which way, spilling their contents in all directions. But the contents, in what I realized had the makings of a nasty metaphor, were not ammunition. They were the end products of ammunition.

Yellowing skeletons were sprawling in contorted attitudes, and piles of skulls went with them. Most of the skulls had bullet holes either directly between the eyes or squarely in the back of the neck: a 20th-century "signature" that by now even a child (or, in these regions, especially a child) can recognize. These uncountable and horribly inseparable bodies had been heaped up after an execution.

The Eritrean liberation forces had lost enough people of their own, God knows, and are still looking for thousands of prisoners and hostages who went "missing." But this trove of murder was no help to their inquiry. It belonged, rather, to the war-crimes trials which the new government of Ethiopia will be staging. Their skeletons, some still clad in rags of uniform, almost certainly belonged to dissident Ethiopian officers and soldiers who had urged an end to the dirty war against Eritrea, and been shot down in heaps pour encourager les autres.

The Dergue, the Ethiopian dictatorship responsible for the skeletons, was supported politically and militarily by the former Soviet Union and by Cuba, which had obvious geopolitical ambitions in a country so near the Persian Gulf. But it was also supported politically by the United States and militarily by Israel. Washington favored the continuance of an imperial "unitary state," and Israel opposed the emergence of a new Eritrean state that seemed friendly to Arab nationalists on the other side of the Red Sea.

So the killing field of Massawa, to which I was taken by a group of bright and courageous young Eritreans who had returned from exile in Los Angeles, was a sort of laboratory of foreign interference. Yet again, when Africans had been willing to kill one another, they had found outsiders willing to arm and encourage them.

In 1960, in Tourist in Africa, Evelyn Waugh wrote, "Even now you will find people of some good will and some intelligence who speak of Europeans as having 'pacified' Africa. Tribal wars and slavery were endemic before they came; no doubt they will break out again when they leave. Meantime under European rule in the first forty years of this century there have been three long wars in Africa on a far larger scale than anything perpetrated by marauding spearmen, waged by white men against white, and a generation which has seen the Nazi regime in the heart of Europe had best stand silent when civilised notions are contrasted."

A shrewd point, and from an unexpected source. Nonetheless, there is a sense in which really terrifying and elemental violence is more a part of contemporary African experience than it is of, say, most of Asia and Latin America. The radiant Somali human-rights crusader Rakiya Omaar, co-director of the organization African Rights and author of the definitive new work on Rwanda, put it to me like this: "Many people can imagine losing a friend or a relative or a loved one. But these people have lost all their kin, all their loved ones, all their friends—everyone who even knew who they were."

Rakiya was convinced from her work in the field that the final death count in Rwanda would be even higher than the estimates of half a million. And this, as she pointed out grimly, arises from two rather modern, premeditated forms of barbarism—the broadcast of coordinated orders over a special radio station, and "the use of fragmentation grenades at close range on people who had been herded together."

Rwanda was no frantic explosion of bloodlust, but a long-prepared plan to destroy an entire people. Since before 1990, the Rwandan military had been buying and stockpiling an arsenal of light and heavy weapons, purchased discreetly from South Africa, Egypt, and the ever helpful French. Even the United States did its bit, training 35 Rwandan officers and NCOs in American military schools, and furnishing loans for the purchase of American military equipment. In 1992 the Bush administration cheerfully certified to Congress that Rwandan government "relations with the U.S. are excellent," and announced that "there is no evidence of any systemic human rights abuses by the military or by any other element of the government of Rwanda."

And how did impoverished Rwanda pay for the weapons that would make it into one gigantic charnel house, instead of the verdant and fertile upland community it had once been? In order to finance a $6 million arms deal with Egypt, Rwanda obtained an export guarantee from France's nationalized bank Crédit Lyonnais. This loan was to be redeemed in . . . tea. Poor Rwanda mortgaged the future earnings of its Mulindi tea plantation to Crédit Lyonnais as collateral, and gave Egypt a million dollars' worth of fresh tea as a commodity down payment.

Thus were the innocuous herbal products of a thriving rural people turned into a Western technology transfer, which in turn made a serious genocide, as distinct from a random massacre, actually thinkable and doable. Wole Soyinka, the Nigerian Nobel laureate, once quite properly wrote that it is Africans themselves who are to blame for "the trail of skeletons along desiccated highways . . . the lassitude and hopelessness of emaciated survivors crowded into refugee camps . . . the mounds of corpses." But when these things happen, the West is not entitled to watch as if they were happening on another planet. The globalization of the world economy means an exchange of responsibilities as well as techniques and resources, and as Joseph Conrad actually did write in Heart of Darkness, "The conquest of the earth . . . is not a pretty thing when you look into it."

"Mozambique is in a coma," I was told by Jose Luis Cabaço, one of the many white Mozambicans who supported the country's independence movement. A long civil and tribal conflict, which was also an aspect of its long war with white Rhodesia and apartheid South Africa, has left Mozambique barely breathing.

We were sitting in the beautiful Hotel Polana in Maputo, where Graham Greene set the scene of illicit interracial romance in The Human Factor. "There is no state," continued Cabaço, who served as minister of information in the revolutionary regime and is still a member of its Parliament. "There is no economy. There is no independence. The war against us was designed by anthropologists"—he practically sput out the word—"who knew all our society's weak points. And a coma requires an oxygen tent. This oxygen tent is now being supplied by the powers that be."

He was right, both on the first point and on the second. The tribalist contras who were financed by South Africa in the bad old days were people who understood the weak spots. They went for the clinics and the schools, using local witch doctors to spread fear of new things, and they kidnapped children and turned them into killers. Roy Stacey, an assistant secretary in the Reagan-era State Department, called this "one of the most brutal holocausts against ordinary human beings since World War II." Today, Mozambique's vital signs are flickering again. But only on one important condition.

It hit me when I went to the stricken hamlet of Mohiua, in the northern Mozambican province of Zambézia, to see the contras being demobilized and to watch preparations for this fall's multi-party elections. To get to Mohiua, I had to fly first to Nampula on a Russian plane with South African pilots and (a first for me, and only their second U.N. peacekeeping effort) an immaculate Japanese ground crew. Then I hitched a ride on a United Nations Puma helicopter which boasted a British flight crew and a Bangladeshi ground crew. On arrival in the bush, I found officers and soldiers from India, Egypt, Spain, Argentina, and (nice to see some Africans) Guinea-Bissau. All along my journey from the capital, I had not met a single Mozambican official. The writ of the government did not run anywhere.

The word is "recolonization." It's a decision that has been made for quite a few African countries. For obvious reasons, it's not called recolonization, out loud, in Africa itself. For equally obvious reasons, it is not called recolonization in the West either, or not outside a few nostalgic newspapers in London and Paris. But in country after country, with Mozambique as a salient case, you find that the local Treasury is a branch of the World Bank, the armed forces are under the stewardship of the United Nations, the electoral register is in the care of international "observers," the distressed citizens apply for relief to outside charities and aid groups, and the choicest bits of real estate are in the hands of multinational corporations.

In the scrub and dirt of Mohiua, nothing grew except footprints. The ex-heroes of South Africa's surrogate army stood around glowering indiscriminately. Their chief, a man distinguished by his highly abbreviated pair of pink Lurex hot pants, was obviously afraid of his men, or his boys, who had been waiting too long for their handout of shoes and rations from the foreigners.

The atmosphere veered nastily between a sorry, unhygienic torpor and an ugly, vindictive frustration. One group of malcontents stood shiftily apart, showing the lopped and stunted effect of a harvesting of limbs—a foot here, a shin there—by land mines. They needed the crisply attired foreign-aid workers, and they also hated and resented them. Any trite moment, such as the arrival of a batch of cans bearing the blue-and-gold logo of the European Union, or the passage by of an undulating village woman, could cause a cacophony of whooping or a pointless, shoving match. In the command tent, where it was planned to give every man, able-bodied or otherwise, a machete and a plastic bucket before sending him back to his home village (if he could find it), and where there was some jocular unease because of the Rwandan echo of the pile of machetes. I heard the ultimate insult being whispered. "They're like *children*, really: out of temper one minute and eager for attention the next. How can you deal with them?"

This was not said by only the non-Africans present. Fernando, the very personable, plump, and patient volunteer from Guinea-Bissau, had the roughest time with the rabble of ex-fighters. At one point, calling him a traitor to Africa and other things less tender and polite, he loudly offered to kill him. "You don't believe me?" said one young tough with a vicious cast in his eye. "I've killed plenty of people." He looked and sounded quite believable, but after an interval of menace he found his attention engaged elsewhere and sloped away to do whatever the next thing was. A few years ago, he had been corrupted by having too much power. Now he was corrupted by having no power at all.

In the Inhambane Province of Mozambique, in 1983, perhaps 100,000 people starved because the world's lending institutions did not relish the "independence" rhetoric of the government, Or, as a World Bank report rather frigidly phrased it, that government's "policy stance was, moreover, instrumental in provoking a sharp decline in external assistance, which further exacerbated the emerging crisis." That lesson, anyway, has now been learned. Every country in Africa has come to heel. The Structural Adjustment Program, or SAP, is the only available model. Export-led growth, deflation, and debt repayment are the new mantras.

But export what? The rest of the world doesn't even pretend to want the continent's main export, which is people. In the Ivory Coast I read a brochure which touchingly invited me to visit: "The Banco Forest, the last trace of the first forest which used to cover all the regions before is now a place looked for and admired by the visitors, its haven of 3000 hectares of preserved forest and of numerous and varied essences." Behind this fractured English crouched the disagreeable truth that, like much of western Africa, the Ivory Coast has little to sell but its old-growth forests, and that these must be felled and logged at an unreal pace, or else the country—a country, after all, that is named for a raw material—would have no "growth" statistics to report to its creditors. "WALA," to rephrase the old saying. West Africa Loses Again.

Even when externally determined policies are probably a "good thing," they arrive like sudden thunderstorms or droughts. In January, the entire populations of 13 African countries woke up one morning to discover that their currencies had been devalued by 50 percent. From Senegal to Burkina Faso and from Cameroon to Chad, the legal tender is the C.F.A. franc (C.F.A. standing technically for Communauté Financière Africaine but known in local vernacular as Colonies Françaises d'Afrique), pegged to the franc and set by the French Treasury. The decision to halve the rate had been made by a French prime minister, without any real consultation.

This is what recolonization has come to mean: African states, and African peoples, being rescued for their own good. If the policy of the outsiders is sound and consistent, they wait and live. If not, they wait and die.

To see how people can drown in powerlessness, you have to understand the depth of the debt hole into which Africa has fallen, or been plunged. Every year, the continent pays out between $10 and $11 billion on a debt which stands at about $180 billion and is climbing. While according to UNICEF, the United Nations Children's Fund, only $9 billion is required to underwrite the immediate health, schooling, food, and family-planning requirements of the continent. Servicing the debt, then, takes more out of Africa than the projected outlays on social spending for the 1990s.

But out of which "Africa"? Most of those promiscuous loans were made during the years of grandiose dictatorship and one-party statism, when men like Mobutu were being supported by the West, and other profligate and sanguinary regimes, such as Ethiopia's Dergue, were being indulged by the former Soviet Union. Now the emerging civil societies (and their children) are being compelled to pay for crimes they did not commit and for blundering, ecologically foolish prestige projects that they had no hand in commissioning.

Archbishop Desmond Tutu, for one, has proposed a modest six-month moratorium on debt repayment, in order to provide a breathing space (or at any rate a panting space) for good government. "The money saved during this time should be used not to benefit the elite, but the so-called ordinary people," Tutu said, adding that Africa needs and deserves "a second chance now that most governments have seen the light and seen that democracy and freedom are cheaper than oppression."

Most governments? Well, 13 governments out of the more than 40 sub-Saharan regimes have had some form of democratic revolution since the great "people-power year" of 1989. Nigeria is currently in the travail of a terrific contest between junta rule and civilian authority, in which the tenacity of the democratic forces has astonished the world. The two most long-running and intense battles for African liberation have actually been consummated only in this decade: the emancipation of all the peoples of South Africa from apartheid and the freeing of Eritrea from another, African empire in the shape of Ethiopia. It could be a mistake to say too glibly that Africa is lapsing back into prehistory when its real history may have scarcely begun.

Some African writers, like Kwame Anthony Appiah in his marvelous book In My Father's House, are properly skeptical of there being such a place as "Africa" at all. The differences among Africans, as Appiah says, are as great as the differences between

Africans and non-Africans. Nonetheless, there is an undeniable African aspiration. Absurd and grotesque as it may frequently be—it chose Idi Amin as its chairman in 1975—the Organization of African Unity embodies the idea of a continent-wide consciousness.

Miriam Makeba sang beautifully at the independence ceremonies of many African states, and tightened a million throats when she spoke of one day singing at an all-African freedom celebration. In these more limited times, let's admit that many Africans would settle for the single, inarguable success story that I proposed earlier.

Currently, everybody's favorite nominee for success story is Uganda. This is partly because 15 or so years ago the very word "Uganda" was a synonym for everything loathsome and terrifying, for a country reduced to the uttermost degradations of cruelty, ignorance, and tribal barbarism. Today, I find myself talking to Toshihiro Fujiwara, a World Bank economist, who is full of pleasant surprises. Uganda, he says, is on its way "back." "Relations between the different peoples and tribes are good. All political and economic discussions are very open and very free. There is a stable exchange rate for the currency, and the economy is growing. The bureaucracy is easy to deal with, and it has no 'hidden agenda' of diverting resources to itself." When I inquire of Fujiwara what makes the difference, he is inclined to stress the big factor in Africa—the rogue factor and the charisma factor—which is leadership. "President Yoweri Museveni is a very good, clean, popular president," he says, "and that makes a huge difference."

It is true that Museveni's reputation is justly very high, and also true that he played a useful role in supporting and protecting the many Rwandan refugees who were driven into Uganda. But the key fact about his recovery plan is that it was not forced upon him from outside. Recently, alluding to the time when the first Portuguese slavers arrived in Africa, Museveni said, "We will have to rely on ourselves. We have to go back to the year 1500, where we left off building an economy integrated in itself, able to produce its own food, its own tools, its own weapons."

The Swahili word for this concept, now coming back into vogue after a long series of experiments with foreign models, is Majimbo. It stands for the idea of local initiative and trust in traditional wisdoms. SUNY Binghamton's Professor Ali Mazrui is one of its leading advocates, and Basil Davidson, perhaps the greatest living historian of Africa, has been very sympathetic to much the same scheme.

"Of course I'm a great admirer of Basil's. We all are. But I heard he'd gone a bit native." My conversation partner, who is speaking so affectionately of a man who is as English as the day is long, is Professor Bereket Habte Sellassie. He is one of Africa's most distinguished lawyers and academics, and he has come home, after a long exile, to chair the commission that is writing Eritrea's constitution. To him, the problem with Majimbo and majimboism is that it is a bit too much like the way it sounds—a bit fuzzy, a bit archaic, a bit improvised, and a bit too respectful of rather dubious "traditional" leaderships. One reason that I like Asmara, the capital of Africa's newest country, is that it is a place where you can have conversations in this tone of voice.

Having survived Mussolini's depredations, the attempt by British colonialism to partition them along tribal lines, and three decades of bloody Ethiopian occupation and repression, the Eritreans have done a remarkable thing. They have gotten rid of outside tutelage, while retaining the best of Italy (the food and the espresso, though even an ardent fan cannot praise the wine, which tastes like sheep-dip), the best of England (pedestrian traffic in Asmara is directed by modest but efficient Girl Scouts wearing white ankle socks), and most of the useful contacts with Ethiopia.

Though the war of liberation went on for generations, and though every adult Eritrean has seen violence and suffered from it, there is no cult of the gun. No testosterone-infested jerks and yahoos with machine guns mounted on their jeeps, like the cowardly road-warrior "technicals" in neighboring Somalia. It is rare to see a policeman, and very rare indeed to see an armed soldier, even though burned-out tanks and the rubble of warfare litter the country.

Driving down to the coastal city of Massawa, I watched with mingled admiration and annoyance as a smart motorcycle cop drew abreast of our car, signaled us to pull over, parked his machine, and removing one white glove for the purpose, gave a disciplined salute to his well-polished helmet. He then issued us a ticket for passing another car too fast on a bombed-out causeway. Our driver was ticked off, all right, but the thought of offering money did not even occur to him. As he grumbled I thought of telling him how lucky he was.

The aid agencies like Eritrea because it is honest and open and because the money doesn't get sucked up into stray pockets along the way. They also like Eritrea because, in a very rough neighborhood, it is going against the tide of religious and tribal sectarianism. Next door, in Sudan, a jihad of revolting proportions is being waged by the Muslim fanatics in Khartoum against the Christians and animists of the South, and against secular ideas. You know the story in Somalia—no longer a state and barely a nation. In Yemen, across the straits, a political and social bloodbath.

The two big tests for Eritrean society will be, and already are, the overcoming of tribal and religious fissures, and the emancipation of women. Both tasks are made easier by the nature of the war Eritrea fought, a people's war which involved different tribes and faiths, and both sexes, fighting together. Although the country is divided into nine ethnic groups and their main religions, the solidarity that has emerged from this is more than rhetorical.

For example, both the Muslim mufti and the Coptic Christian patriarch agreed recently to go on the airwaves and say clearly that the practice of female circumcision and infibulation was not sanctioned by Koranic or biblical teaching. What a tonic it was to sit with Sheikh Alamin Usman Alamin, the grave and courteous mufti, and to hear him speak about the need for schools to be free and nondenominational, about the importance of elevating the status of women, and about the necessity of cooperating with Christians. "We were brothers in the movement for independence," he says, "and brothers we will remain." In any case, as he adds, the rule of one religion is no guarantee of harmony: "Look at Yemen"—as he speaks, most of the Yemeni national airline is parked on the tarmac at the Asmara airport, hiding from the civil war in Aden—"they are all Muslims there."

This broad-minded, open style found its counterpart in Abune Philipos, the Coptic Orthodox prelate, who pointed out something I had already noticed—namely the way in which any village of size could boast a Christian church and a mosque side by side. Ethiopian and Eritrean Orthodoxy has the advantage, also, of dating back to the fourth century A.D. and thus of being entirely African.

In Eritrea, one does not encounter the fateful combination, consisting of resentment of Europeans and envy of Europeans, which disfigures so many other countries. The president, Issaias Afwerki, drives around in a jeep and, in his first address to the Organization of African Unity, accused that body of being a waste of time. The constitution is being written slowly and carefully, to avoid either offending the traditionalists or giving in to them too much. The press is fairly free. The refugees and exiles are in one case clamoring and in the latter case often hurrying to come home. There are no photographs of leaders or politicians in public places.

It can be done, even in a country with almost no natural resources, and this multiplies the reproach that is involved in contemplating the rot and crash and failure elsewhere. We need to seek out the Eritreas, and the Professor Sellassies in all countries, and clasp them to us. It's no good dealing with Africa through the medium of intermittent horror stories, half-cocked panicky interventions, high-handed economic relations, debt schedules, cultural blinkers, and the shipment of expensive weapons. The resilience of Africans (and what resilience) and the resources of Africa (and such resources) can yet be combined in astounding ways. The alternative is warned against by a UNICEF statement, which concluded, "The abandonment of hopes for the continent would mean the writing off of the talents, aspirations and potential of one eighth of mankind, both now and far into the next century." We have no right to amputate the human family in that way.●

MISSION OF PUBLIC SERVICE

● Mr. HATFIELD. Mr. President, I was recently made aware of the remarks made by Governor Nathaniel Butler when convening the first Parliament of Bermuda in 1615. The message of the mission of public service is still clear today and is one I would like to share with my colleagues. I ask unanimous consent that it be made a part of the RECORD.

The message follows:

Thanks be to God, that we are thus met, to so good an end as the making of good and wholesome laws; and I hope the blessed effect will manifest that this course was inspired from heaven into the hearts of the undertakers in England [shareholders of the Bermuda Company], to pronounce and offer it unto us, for the singular good and welfare of this plantation . . .

Take due notice that we come not hither for ourselves only, and to serve our turns, or any man else's in particular, but to serve and regard the public. We are, therefore, to rid ourselves of all base desires of gain; we are to despise all private interests, thus far at least, as to cause them to give way to the general.

It may well be that some men chosen to be burgesses [members of the House of Assembly] here may find some bills preferred into this Assembly that may strike at some getting and income of theirs in particular. If they do so, let them remember their oaths, let them not shame themselves, and the place they hold here . . . If, in their own conscience, they find that hitherto they have done injury to a common good, let them not augment it by obstinacy . . . I grant there is a freedom of speech and opinion with modesty to be held by every man here . . .

Let us beseech God to inspire us with peaceable spirits, and such thoughts and desires as become honest, loyal and wise men, such as may be for his glory and the forming of this hopeful and forward plantation. . . .•

NO-WIN ROAD TO CUBA

• Mr. SIMON. Mr. President, Cynthia McClintock, president of the Latin American Studies Association [LASA], and Philip Brenner and Wayne Smith, who are with the Cuba Task Force of LASA, recently had an op-ed piece in the Washington Post about the strange policy of the administration of restricting travel to Cuba.

As a matter of fact, that policy doesn't make sense whether it's Cuba, Iran, Iraq, or any other country.

My strong belief is that we play into the hands of dictators when we restrict travel to their country.

Only if there is danger to Americans, should we restrict travel.

It was not very many years ago when we rightfully criticized the Soviet Union because they would not let their citizens travel to the West.

And here we are doing the same thing.

I ask that the McClintock, Brenner, and Smith item be printed in the CONGRESSIONAL RECORD at this point.

The op-ed piece follows:

NO-WIN ROAD TO CUBA

(By Cynthia McClintock, Philip Brenner, and Wayne Smith)

Among other measures it took this past summer to "tighten the noose" on Fidel Castro, the Clinton administration rescinded the general license under which professional researchers could travel freely to the island. This means that professors and graduate students working on issues related to Cuba must now apply for a specific license if they wish to travel. They must do so at least six weeks in advance and have no assurance that the license will be granted; rather, they will be at the mercy of government bureaucrats who can scrub research projects without explanation at the stroke of a pen.

This is an egregious infringement of academic freedoms only one step up from book burning. Many academics, including members of the Latin American Studies Association (LASA), have already indicated their intention to travel to Cuba in defiance of the unjust law.

Controls on travel to Cuba have for years now clearly been unconstitutional. The Supreme Court upheld them in 1984 only because of the Cold War. National security needs, the court ruled by a narrow margin, overrode the rights of citizens to travel. We thought that decision wrong in 1984, but at that point its rationale was at least consistent with other Cold War national security-based opinions. Today, with the Soviet Union having collapsed, the Cold War having ended and Cuba no longer representing even a potential threat to the United States or any other country, the national security argument has evaporated. Yet despite all this, the Clinton administration, shamefully, has continued to violate the constitutional right of American citizens to travel.

Now it goes even further by curtailing academic freedoms. This is not an "ivory tower" issue that affects only college professors. On the contrary, it concerns all Americans, for it goes to the heart of our ability to learn the truth, unvarnished by would-be government censors and manipulators.

And why did the Clinton administration take these new measures? To deny the Castro regime the dollars academics spend during their travels to the island. This, it was said, would help force Castro to prevent Cuban citizens from departing the island by raft or small boat.

First, the dollar amounts are almost laughably small (academics being notoriously poor). And—more puzzling still—didn't the Clinton administration until recently criticize the Castro government precisely on grounds that it was preventing such departures? The Clinton administration said that was a violation of human rights. So did many human rights organizations. And indeed, international conventions state that citizens of any country should be free to depart and return at will. Thus, in demanding that Castro stanch the flow of refugees, were we not directing him to resume the practices we once criticized and, in fact, to violate human rights?

Whatever the moral dilemmas embedded in our demands, Castro has complied. He has agreed to again prevent Cubans from setting out for the United States in small boats. The Clinton administration, however, has given no indication that it intends to rescind the measures it took supposedly to force him to do just that. First for an unjust cause, and now without any cause at all, the administration tramples the civil rights and academic freedoms of American citizens. Why? To placate a right-wing fringe within the Cuban-American community in Florida. Indeed, these elements, led by the Cuban-American National Foundation, seem to have played the leading role in shaping our Cuba policy over the past few months. They wanted these measures imposed, and they want them left in place.

But if they are left in place, one result could be American jails (or at least courts) filled with university presidents and academics. Before it goes any further down this no-win road, the Clinton administration should begin to rethink its whole Cuba policy—and to seek advice elsewhere.•

HOOVER, HONNOLD, AND MUDD: DAVID KUHNER'S ARTICLE

• Mr. HATFIELD. Mr. President, it has been 15 years since the U.S. Senate commemorated the 50th anniversary of the inauguration of Herbert Hoover. A testimony to the appropriateness of this event crossed my desk not long ago. While 40 years have passed since our 31st President's death, we are still discovering new ways that he, and others like him, perennially affect our Nation and the world.

This testimony takes the form of an article written by a diligent and gifted researcher and writer from the Claremont Colleges in southern California, David Kuhner. I ask that this article be placed in the RECORD following my remarks.

What is of greater importance today than the education of our Nation's youth? While each year brings with it new challenges, this question is hardly novel. On February 7, 1936, three men, who shared much in common, were among a gathering to celebrate the convocation of the Claremont Colleges: Herbert Hoover, William Honnold, and Harvey Mudd. Each man, a giant in the area of mining engineering, each a humanitarian, in one way or another, and each dedicated to answer that rhetorical question with their lives.

That warm, winter day in southern California, Hoover spoke out on the importance of young men and women studying to find national solutions. Honnold and Mudd, as guiding members of the college consortium's steering committee, watched and listened as their work drove miles closer to fruition. What did these engineers have? They had a vision. A vision for this small yet powerful piece of American higher education. From Hoover's De Re Metallica Library to Harvey Mudd College, their vision remains today—no less powerful than it was in 1936, only more tangible.

The article follows:

[From the Tempo Journal, May 1994]

WHEN THE THREE MUSKETEERS OF ENGINEERING CAME TO CLAREMONT

(By David Kuhner)

It was a small California event in the year 1936, while much bigger headlines clamored for world attention. "King Edward VIII To Wed Mrs. Wallis Simpson"—"Spanish Civil War Begins"—"Germans Occupy Rhineland"—"Joe Louis On Way To Heavyweight Championship."

But the meeting on a college platform in Claremont of three internationally famous mining engineers, who were also close friends—Herbert Hoover, William Honnold, and Harvey Mudd—set in motion forces that still stir the currents of university and college life in southern California today.

Hoover, Honnold and Harvey Mudd—it almost reads like an advertising slogan—were among several guests of honor when they were invited to attend the Claremont Colleges convocation and celebration of February 7, 1936.

Hoover had managed mining enterprises in Australia, China and London, to name just a few of his residences as a young man. Honnold had helped to develop the legendary gold fields of the Far Eastern Rand in South Africa. And Harvey Mudd, along with his father Seeley Wintersmith Mudd, another engineer, had found 'the lost copper mines of the Romans' on the island of Cyprus, a real-life adventure story that rivaled the fictions of King Solomon's Mines. So here they were in 1936, one an ex-President of the U.S. and all three globetrotters, wending their way to a college function at the foot of the San Gabriel Mountains.

They had been told the primary purpose of the event was to honor Dr. James A. Blaisdell, the man behind the plan to group several colleges together in Claremont. Another purpose was to salute the three schools already in the plan: Pomona College, Scripps College, and the Graduate School for their just completed ten years of close association.

This was the program and this was the plan. There was first a grand gathering of faculty and families at Bridges Auditorium at 10:30 in the morning, then a luncheon at Frary Hall at Pomona College where several distinguished guests would speak, and finally a big alumni dinner in the evening.

The combined Pomona Glee Clubs provided great music; the consuls of Japan, Mexico and China were present, and names such as Robert Gordon Sproul, president of the University of California; Rufus B. von Kleinschmid, president of USC; and Robert A. Millikan, President of the California Institute of Technology added sparkle to the mix. More than 70 universities sent representatives.

In his talk at the luncheon, Hoover provided one of the highlights of the day according to Los Angeles Times reporter Ed Ainsworth, who said that the former President "helped the Claremont Colleges look through a telescope at their own bright future." Hoover said that the young men and women in colleges such as these must play a role in the solution of "the great national problem" and he praised President Blaisdell and his fellow engineer, Mr. Honnold, for leading the way to this goal. Blaisdell had spent the summer of 1925 in England and returned with a concept new to America. "My own deep hope," he said, "is that instead of one great differentiated university we might form a group of small colleges somewhat on the Oxford type."

This pattern was now set in Claremont and during those halcyon years both Honnold and Harvey Mudd played key roles in steering the project through their service on the Board of Fellows, the overall governing body. Mr. Mudd's father, Seeley W. Mudd, had passed on before this time but his spirit was mighty strong in the board rooms.

Another important announcement at the luncheon was made by Harvey Mudd when he said that a third college would be added to the group "within a very few years." This was to be Claremont Men's College, now known as Claremont McKenna College, which came aboard in 1946.

What was it about these engineers that made them loom so large among the Claremont movers and shakers? Although there were certainly other brilliant occupations and leaders present, the threesome of this story were destined to leave an extraordinary legacy of their lives to this college scene, one that was totally unpredictable in 1936. Here is how it happened.

Hoover, out of the turmoil of the White House at last, went back to Palo Alto and lost himself in causes close to his heart: the Boys Clubs of America and directorships of a dozen scientific and educational institutions. Then came the day in 1945 when President Truman called him into the Oval Office and said, "Mr. President, there are a lot of hungry people in the world (World War II had left millions starving in 22 countries) and I want you to head up a world-wide emergency famine committee."

Truman later stated, "Well, I looked at him. He was sitting there and there were great big tears running down his cheeks. It was the first time in 13 years that anybody had paid attention to him."

Hoover traveled 35,000 miles on that assignment—a bit of deja vu for him as he had done very much the same thing before his presidential term, following the First World War, a quarter century earlier. Later he proceeded to direct the 'Hoover Commissions' for streamlining the Executive Branch of the U.S. Two-thirds of his Commission's proposals were adopted.

When death closed his career in 1964 at the age of 90, there was one last legacy of his to give. His family, represented by his grandson Herbert Hoover III, decided in 1970 to give his famous rare book library on mining and metallurgy to the Claremont Colleges. This treasure still guides students and faculty interested in the history of science. Its printed catalogue, called the De Re Metallica Library, has been distributed to research libraries around the world.

William Lincoln Honnold, who at that convocation of 1936 was given the first honorary Doctor of Science degree ever awarded by The Colleges, was called a "citizen of the world" by his friends and colleagues. Over many years he and his wife, Caroline, had a particular faith in Claremont as a center of learning. Shortly after Honnold's death in 1950, his wife announced that their gift of $1,000,000 would be used to construct and endow a centrally located library. The Hannold Library, the main library of the college group now with over 1,000,000 volumes on its shelves, was dedicated on October 23, 1952 and serves as the spectacular centerpiece of the combined campuses.

Harvey Seeley Mudd had a career that stretched from Leadville, Colorado, to Cyprus and to California. A friend has described him as "one of the most humble, most fortunate, and most successful men of modern times . . . a thinker, a patient builder and a self-reliant scholar." He served with distinction as president of the American Institute of Mining and Metallurgical Engineers and in 1935 was cited as the Los Angeles citizen who had given the community the most valuable and unselfish service.

Shortly after his death in 1955, his family and admirers made possible the formation of a new college, Harvey Mudd College, which is situated along Foothill Boulevard in the northern tier of the present Claremont collegiate complex. This college of science and engineering has been consistently ranked the number one school of its kind in the country.

So the years ran on from that convocation of 1936 when three old friends stood on a platform and nodded and accepted applause, to the present day when libraries and buildings bear their names and tell their story. What a change from the days when "engineers" were not quite considered the professionals they are today.

One of Hoover's favorite stories was about his trans-Atlantic crossing by ship in the early 1900s. He was in the dining salon when a vary proper British lady at his table suddenly looked at him and said "What is your occupation, Mr. Hoover?" Hoover replied, "I'm an engineer." "Oh my," exclaimed the lady, her eyes opening wide, "I thought you were a gentleman!"•

A CUBA POLICY DRIVEN BY SADISTIC ZEAL

• Mr. SIMON. Mr. President, I recently held a hearing in my Subcommittee on the Constitution of the Senate Judiciary Committee on the constitutional right to travel. I believe that our policy of severely restricting travel is unconstitutional.

Senator PELL recently had a hearing of the Senate Foreign Relations Committee on the foreign policy aspects of our policy toward Cuba and opened the hearing with a remarkably forthright statement, which I ask unanimous consent to insert into the RECORD at this point.

About the same time, the Los Angeles Times printed a column by Alexander Cockburn about our trade policies with Cuba and how we are hurting innocent people in Cuba through our policies.

I believe we have to recognize that our policies need to be modified, and I hope we do that before too long.

At this point, I ask that the Los Angeles Times column by Alexander Cockburn be printed in the RECORD.

The column follows:

CHAIRMAN PELL'S OPENING STATEMENT, HEARING ON CUBA, OCTOBER 7, 1994

I am pleased to welcome our witnesses today. I believe a serious review of U.S. policy toward Cuba is long overdue and I hope this hearing will begin that process. I have travelled to Cuba three times since the revolution, meeting with President Castro and other high-level officials, dissidents, political prisoners and members of the religious community. I have been frustrated by the Cuban government's failure to implement political reforms and demonstrate respect for human rights. I believe current policy, however, is counterproductive to promoting a peaceful transition of democracy and improving human rights. A recent CIA report warned, President Clinton could face a major crisis in Cuba. Serious instability ninety miles away could lead to a mass exodus of refugees—far more than we saw in August—and spur demands for a U.S. military intervention. I think we are heading along a dangerous path and I urge the Clinton Administration to reassess its approach.

I am deeply troubled by the Clinton Administration's recent tightening of sanctions and its unwillingness to enter into broad talks with the Cuban government. I was pleased, however, that the United States took one small step in the right direction by finally reaching an agreement this week to expand telecommunications between our countries.

It is my view that the embargo hurts more than it helps. We should move toward lifting an embargo which provides the regime with a convenient scapegoat for its economic woes and a rallying point for Cuban nationalism. Rather than isolating the island, we should be expanding contact with the Cuban people. By flooding the island with people, ideas and information, we will better undermine the Castro regime.

The approach I outlined has bipartisan support and I would point out that previous Administrations, Democratic and Republican, have understood that it is in the U.S. interest to normalize relations with Cuba. Pierre Salinger recently wrote in The Washington Post (August 28, 1994) that President Kennedy, who imposed the embargo, realized he made a mistake. Five days before his death, Kennedy sent a note to Castro calling for negotiations to normalize relations. In his posthumously published book "Beyond Peace," (p. 138) former President Nixon wrote that we should have an "open door" policy toward Cuba, "dropping the embargo and opening the way to trade, investment and economic interaction." Officials who served in the Reagan and Bush Administrations have likewise criticized the embargo calling for a change in policy as has the Wall Street Journal, The Washington Post, New York Times, USA Today, The Economist, The Journal of Commerce, The Chicago Tribune, and U.S. News and World Report.

I have invited some Members of Congress who have a keen interest in Cuba to testify today as well as two former government officials, William D. Rogers, who served as Assistant Secretary for Inter-American Affairs under the Ford Administration and Wayne Smith, who as a foreign service officer, served as Chief of the U.S. Interests Section in Havana during the Carter Administration and the beginning of the Reagan Administration. I look forward to hearing our witnesses' views about how to promote change in Cuba and the lessons we have learned during the three decades that the United States has followed a policy of political and economic isolation.

[From the Washington Post, Sept. 8, 1994]

THE EMBARGO MUST GO

(By Claiborne Pell and Lee H. Hamilton)

The United States and Cuba have taken the positive step of opening talks to address the refugee exodus. But we need to look beyond this crisis. A comprehensive review of U.S. policy toward Cuba is long overdue. Rather than focusing all of our attention on Fidel Castro, we need to start thinking about what's good for Cuban people, and how to promote lasting, peaceful change.

Current U.S. policy dates from when Cuba was a Soviet surrogate, aggressively challenging U.S. interests from Africa to Central America. That time is past. Cuba poses no threat to the security of the United States. Yet Washington's hard line stance continues—more a product of shortsighted domestic politics than of prudent foreign policy considerations.

We share the president's goal of fostering democratic change on the island: We want Cuba to join the community of democratic nations by instituting political and economic reform and respecting human rights. Unfortunately, current policy seems based on the longstanding hope that isolating Cuba will bring about change. We believe the critical challenge is to construct a policy that doesn't put the pace of change in Castro's hands but that proactively promotes a peaceful transition to democracy in Cuba.

For the last 33 years, the cornerstone of U.S. policy has been an embargo that restricts trade, travel and the flow of information. Defenders of the approach argue that by isolating the regime and aggravating Cuba's economic crisis, the United States can force the Cuban government to capitulate, or induce a desperate Cuban people to overthrow the regime. Toward that end, the embargo was tightened two years ago. President Clinton's recent decision to block Cuban Americans from sending cash to relatives in Cuba and to drastically restrict travel to and from the island further tightens the noose.

Unfortunately, after three decades the embargo has failed to bring about democracy in Cuba. Though Cuba has suffered the loss of Soviet subsidies and its worst sugar harvest and most devastating tropical storm in recent history, Castro remains in power. No matter how hard the United States squeezes the Cuban economy, we doubt it will force the Cuban government to embrace democracy. Castro has made a career of defying U.S. pressure and is unlikely to yield: U.S. policy provides a convenient scapegoat for Cuba's economic woes and a rallying point for Cuban nationalism.

Moreover, U.S. policy has done little to advance the cause of human rights in Cuba. Instead, it creates an atmosphere of hostility, reinforcing a siege mentality and providing a justification for repressive policies. The U.N. special rapporteur on Cuba stated in his 1994 report to the U.N. commissioner on human rights that the embargo is "totally counterproductive" to improving human rights. Reformers see the embargo as an obstacle to change, providing ammunition for Cuban hard-liners to accuse anyone advocating reform of playing into the hands of "imperialists" to the north.

Escalating economic pressure may actually reduce prospects for a peaceful transition. If economic sanctions create sufficient hardship to cause social unrest, the most likely consequence would be widespread political violence. This would be a tragedy for the Cuban people and a disaster for the United States. Civil strife would generate a tidal wave for refugees far beyond current flows from Cuba. And it would provide intense domestic political pressure for U.S. military intervention—far greater than we have witnessed with Haiti.

We have learned that the best way to move a communist country toward freedom is to intensify and broaden our engagement with its people. The Cuban people need an invasion of people, ideas and information, not a tightened embargo or a blockade. The United States seeks to change regimes in China and Vietnam through trade and broader engagement. If we use this approach to pry open societies halfway around the world, why should Cuba, 90 miles away, be different?

The United States should open the door for a positive, rather than punitive, influence on Cuba's future by expanding contact with the Cuban people. As initial steps, the United States should: (1) Lift the travel ban that prevents most U.S. citizens from traveling to Cuba; (2) lift the ban on remittances to family members; (3) remove restrictions limiting telecommunications and the exchange of press between the United States and Cuba: (4) expand exchange programs between United States and Cuban citizens; (5) lift the ban on the commercial sale of food and medicine; and (6) remove the extraterritorial provisions of the embargo that have angered our allies and hindered a multilateral approach to Cuba. Beyond these measures the United States can, over time, take additional step-by-step measures to modify the embargo in treasure to positive Cuban actions.

In contrast to Haiti, where the United States is collaborating with other countries to promote democracy, we are alone in our Cuba policy. Many of our closest allies in Europe and Latin America are establishing closer political and economic ties with Cuba, diminishing the economic impact of the U.S. embargo. At the last U.N. General Assembly, only Israel, Albania and Paraguay joined us in opposing an end to the embargo.

We don't think lifting the embargo immediately is politically possible. We may need to move gradually—but we need to move. Lifting the embargo in stages can give the United States leverage over the Cuban government, which fears openness more than isolation. We will better erode totalitarianison by reaching out in the Cuban people.

A CUBA POLICY DRIVEN BY SADISTIC ZEAL

(By Alexander Cockburn)

The United States is killing Cubans every day. The victims are mostly over 65, and they are dying from such diseases as TB, influenza and pneumonia. It's the kind of carnage registered in small upticks on a mortality graph, not as easy to focus on as, say, a pile of bodies dismembered by U.S.-trained troops in El Salvador in the early 1980s. But the killing, engineered by the U.S. government, is just as relentless.

Cuba's crisis began with the collapse of the Soviet Bloc in the late 1980s, but real devastation commenced with the Cuban Democracy Act of 1992, reluctantly signed into law by President Bush in order to head off candidate Clinton, who had been eagerly promoting the bill in Florida. The new law severely tightened the 33-year U.S. embargo on trade with Cuba, banning shipments to Cuba from any subsidiaries of U.S. firms. Foreign ships visiting Cuba are banned from docking at U.S. ports for six months.

U.S. government officials have been enforcing the 1992 law with sadistic zeal. They once banned a shipment of Colombian chickens to Cuba because their diet consisted of American-made chicken feed. Goods produced outside the United States containing less than 10% U.S.-origin components aren't banned under the act. But the United States determined that by the time of shipment, the American feed was reckoned to make up more than one-tenth of the chicken. It would take the pen of Jonathan Swift to address this level of bureaucratic madness. Would a Somalian kid fed on humanitarian shipments be able to claim U.S. citizenship because he had been raised on corn from the Midwest?

The policy is sadistic and deadly. Cuba was able to import a European-made water-purification system that contained filters made in the United States. But the sale of replacement filters was prohibited. So now the whole system is useless. Deaths in Cuba from diseases such as diarrhea, associated with unsafe drinking water, have been rising since 1992.

Medical donations are sometimes permitted from private U.S. organizations, but only under maniacally tortuous on-site supervision.

Cuba can buy food and medical supplies from other countries, but pays about 30% more than U.S. prices; shipping costs are anywhere from 50% to 4,000% higher.

Under such duress, imports of medicines and medical supplies have declined by about 40%. Substitution of some American products is impossible: X-ray film for breast-cancer detection; replacement parts for respirators, Spanish-language medical books from a firm bought by a U.S. conglomerate. Bibliographic searches are impossible for Cuban doctors, since they can't use the National Library of Medicine's MEDLAR indexing system.

Between 1989 and 1993, Cuba's overall mortality rate rose 15%, with a 79% increase from flu and pneumonia attributed to lack of antibiotics. Since the Cuban medical system gives priority to women and children, the elderly and men are bearing the brunt of the shortage.

Rationing protects the weak. Nonetheless, even though overall infant mortality continues to decline, babies with birth weights under 5½ pounds rose by nearly 2% from 1989 to 1993, wiping out 10 years of progress.

Cuba's health system has always been one of the great achievements of the Castro years. Childhood malnutrition disappeared. Immunization coverage for those under 2 is still higher than 90%. The population over 65 increased from 4.8% to 8.9% in 20 years and life expectancy at birth is 75 years, the highest in Latin America.

There's one physician to every 214 residents and the number of physicians continues to rise.

This public-health system is resilient, and shows no sign of the sort of collapse suffered by nations in the former Soviet Union. When a shortage of B vitamins caused 50,662 Cubans to go temporarily (and 200 permanently) blind back in 1993, health workers were quick in distributing the necessary supplements to every household.

But Cuban people are dying because of the U.S. siege,and one question is: What is the American medical community going to do about it? Almost all the major associations have kept their mouths obediently shut. The only one that fought the 1992 bill publicly was the American Public Health Assn. When its own material interests are threatened, no group is more tigerish in self-defense than American physicians. Is it beyond the powers of one of the most powerful U.S. lobbies to urge its government to drop this barbaric siege?•

TRIBUTE TO CHIEF GEORGE R. "BOB" JOHNSTON

• Mr. PRYOR. Mr. President, I rise today to pay special tribute to a distinguished Arkansan, and my good friend, Chief Bob Johnston of the Arkadelphia Police Department.

Chief Johnston, last year's president of the Arkansas Association of Chiefs of Police, [AACP], received the association's highest honor when he was named Chief of the Year this past September. The chiefs association is an organization that keeps chiefs of police from across the State in touch with one another and provides seminars that offer hours of certified law enforcement training in various areas. The AACP also offers drug education programs for junior and senior high schools. Johnston was lauded for his leadership of the AACP as president in 1993–94. The organization made great strides this year with his work on the Governor's Law Enforcement Work Group, the Law Enforcement Summit meeting, and the legislative special session where tougher laws were passed to improve law enforcement capabilities of reducing violent crimes.

The leadership that Chief Johnston has exemplified as the president of the Arkansas Association of Chiefs of Police this past year is greatly appreciated by all. In talking with Johnston's colleagues in Arkansas, I have discovered that his advice has been sound; his expertise has been crucial; and his support of the association is unerring.

Mr. President, I applaud Chief Johnston's work.•

THE INSPIRATION OF ERIC LOPEZ

• Mr. HATFIELD. Mr. President, in this world there are people who choose to walk the well worn path, and there are those who choose "the road not taken." There are people who rise above personal obstacles to achieve what others thought impossible, and to give what others thought improbable. I knew one such individual for a good many years. His name was Eric Lopez, and in October, after a lifelong battle with Epidermolysis Bullosa, Eric passed away.

Epidermolysis Bullosa causes severe blistering that scars the internal organs and deforms the hands and feet. In 1979, with the help of his mother, Eric started a non-profit research organization called D.E.B.R.A., which stands for Dystrophic Epidermolysis Bullosa Research Association. Instead of waiting for a cure, Eric spoke for hundreds of thousands of Americans and brought their story of EB "out of the darkness and into the light." He chose the road not taken, and made a difference. Since the founding of D.E.B.R.A. in 1979, progress has been made.

Under the leadership of Eric's mother, Arlene Pessar, D.E.B.R.A. has labored to increase the public's awareness of EB—I am sure the organization will continue to do so, inspired by the light of Eric's legacy. In the years since the plight of these children was brought to my attention, I have become increasingly aware of the importance in finding a cure, and alleviating the pain of Eric and many others who are suffering. Just the day before his passing a new bill to establish an Office for Rare Disease Research was passing the Senate, but unfortunately failed to be considered in the House. Now that a new session has commenced, it is one of my highest priorities to see that the bill is passed quickly. Our inspiration for swift passage must be Eric Lopez and the others who came before him including my friend Cal Larson, to honor their courage and determination to see change. That is why I bring Eric's story to you today, and why I ask you to join me in paying tribute to an individual who touched the lives of many with his strength and perseverance.

Eric's valiant story can be found within the prose of a poem by Robert Frost, entitled "The Road Not Taken". I would like to read the final stanza of that poem today—in memory of Eric Lopez and the great lengths he took in order to improve the lives of so many. Eric made all the difference.

I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.•

LONGER SCHOOL YEAR SHOWS PROMISE IN BOOSTING STUDENT ACHIEVEMENT

• Mr. SIMON. Mr. President, on October 20, President Clinton signed into law the reauthorization of the Elementary and Secondary Education Act [ESEA], which revised and extended many important Federal education programs. The bill was the final education bill passed by the 103d Congress. Some observers have dubbed this Congress the "Education Congress" because of its success in passing a series of landmark pieces of education legislation including, in addition to ESEA, the establishment of the Federal Direct Student Loan Program, the Goals 2000: Educate America Act, and the School-to-Work Opportunities Act. While there is much more we need to do in order to ensure that all students have the opportunity to learn and that our Nation continues to advance its productivity, the work we have done here provides a roadmap for where we ought to be going.

Included in the Elementary and Secondary Education Act was an amendment I sponsored that would support the efforts of schools wishing to lengthen their school year to at least 210 days. The measure did not receive as much attention as other parts of the bill. And the money authorized, $72 million, is a relatively small amount in a nation of 45 million elementary and high school students. But it is enough to get school boards and school administrators talking about the issue and to provide those who wish to lead on this the incentive to proceed. I believe that the few who do lead on this will see their students do better and that they will soon be followed by many others who recognize the improvement such a change can bring.

In Japan, students go to school 243 days a year, in Germany, 240. In the United States, students attend school only 180 days per year. This is below the number for most other industrialized countries. Can we learn as much in 180 days as they can in 240 or 243? Obviously not.

Our current schedule is a holdover from the days when students needed to leave school and go out and harvest the crops. Yet even in small-town America where I live, this no longer is true for most young people. Our world has changed, and so our educational system must change with it. Increasing attendance to 210 days, still below Germany and Japan, would add 2 full years of schooling by the 12th grade. If we want our students to compete with those of the rest of the world, we must make sure that they are adequately prepared.

A recent article in the Baltimore Sun reports on a school in North Carolina which has lengthened its school year. The early results are encouraging. I ask that the article be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Baltimore Sun, Oct. 11, 1994]

A STUDY OF LONGER TERMS

(By Mary Maushard)

If Old Court Middle School adopts its plan for a longer school year for all students, it will join a select group of schools in this country.

Some private school students go to school more than 180 days. Some public and private schools offer voluntary extended-year programs. Other public schools, such as two in New Orleans, have tried longer years, been pleased with the results, but have had to give them up because of the added expense.

Year-round schools are becoming more prevalent, but these schools usually just configure the 180 days differently to ease overcrowding and reduce learning loss by having shorter vacations.

American schools have been steadfast in clinging to a nine-month school year, despite calls for reform and warnings that students here are falling further and further behind their Japanese and European peers who spend more days—and hours each day—in classrooms.

There is evidence that the idea is getting a hearing. A little-noticed provision in an education bill enacted by Congress last week includes $72 million for school districts who keep students in class for 210 days.

"The few who will lead on this, and see their students do better on the average than other American students, will soon be followed," said Sen. Paul Simon, an Illinois Democrat who backed the proposal.

Educators, in fact, debate whether more is better when it comes to time in school. Many say just using the time they have efficiently would help students.

At least one public school, the Brooks Global Studies Magnet School in Greensboro, N.C., is committed to more time as a way to improve education.

The Brooks school operates 210 days a year, 30 days longer than any other school in the Guilford County School District. And 300 youngsters are on a waiting list for the 4-year-old elementary school, which has nearly 400 students this year.

"Time within itself is not necessarily good, unless it's used effectively," said Tony Meachum, Brooks' principal. "With 30 extra days, they can go into various topics in more detail. We're trying to teach our children to be problem-solvers, to think on their feet," he added.

The Brooks school ended last year on June 29. It started this school year July 21, said Mr. Meachum. The students had three weeks off; the teachers, two. Many of the Brooks students have never known any other schedule. They started there in kindergarten and don't expect the traditional summer off. Instead, they have a long weekend almost every month; a normal holiday break and a relatively long spring break, said Laura Colston-Brooks, whose two children attend the school.

"We're really happy with it," said Ms. Colston-Brooks. "The teachers really work hard to make things interesting. This is a special, special school," said the PTA co-president.

Because it's a magnet program, students and families knew when they applied that they would be buying into a longer school year, making it different from the proposed longer year at Old Court. The first year, Brooks had only 80 students.

The Brooks students are showing more progress than youngsters of similar backgrounds and abilities who are in traditional-year magnet schools, said a researcher following some Brooks students since the school opened in the fall of 1991.

"Extended year kids make twice as much progress as traditional-year kids in reading and math," said Julie A. Frazier, a doctoral student in developmental psychology at Loyola University of Chicago. These results came after a year of additional days.

Ms. Frazier's study is showing even more differences between the two groups in general knowledge, she said. "It is possible that the extended-year teachers [knowing more time was available for instruction] may simply have engaged their students in more in-depth lessons, which, in turn, may have contributed to the development of a higher level of general knowledge," she wrote in a summary of the study to-date.

Ms. Fazier said the greater implications of an extended year is the cumulative effect on students who attend Brooks throughout elementary school.

Even with this success, Mr. Meachum sees a few disadvantages to the extended year. It's more expensive, costing about $500,000 more to operate per year than a 10-month school, he said. He also has concerns about teacher burnout, about animosity from other schools that think they are being shortchanged and about some real administrative problems, such as hiring staff and ordering materials with only three weeks between school years.•

TURKEY

• Mr. DECONCINI. Mr. President, in October, I visited Turkey as chairman of the Helsinki Commission and the Senate Intelligence Committee. I wanted to follow up on issues examined during my last visit in 1989, including human rights, the Kurdish situation, conflicts in the Balkans and the Middle East peace process. Following the visit, I joined President Clinton at the signing of the Jordanian-Israeli peace agreement—an historic milestone in the quest for regional peace, and a priority of both the United States and Turkey.

I met with parliamentary leaders, a foreign ministry official and representatives of human rights organizations. I was disappointed, however, that I was not allowed to meet with jailed Kurdish parliamentarians and other political prisoners, a departure from the openness with which I was received during my 1989 visit.

I expressed concern for the heavy toll on commerce caused by the enforcement of U.N. sanctions against Iraq and believe our Government should seek further compensation for Turkey's losses from Gulf States who have benefited most from continued allied pressure on Saddam Hussein. I also expressed my belief that Turkey can play a critical role in promoting a CSCE-like regional framework for the Middle East, especially if it finds a non-military solution to the Kurdish issue. Turkey's Government has already taken a leading role in supporting a CSCME as a means of fostering a lasting and comprehensive regional peace.

Mr. President, terrorism threatens Turkey's stability and remains a major factor in the cycle of violence plaguing all its citizens. The apparent unwillingness and inability of Turkey's leadership to seek new approaches to the Kurdish situation, however, were evident and disturbing, as was evidence of continued widespread use of torture and restrictions on free expression. Despite these problems, I left Turkey with an appreciation of mutual interests and shared democratic values and believe both our governments should work towards strengthening bilateral relations.

I discussed ongoing efforts by security forces to evacuate and destroy Kurdish villages while fighting the PKK. While I was encouraged by official claims that investigations have been launched, at this point, no such public examination has occurred. I also discussed restrictions on free expression and was told that pending legislation could result in the release of many currently detained for speech crimes. I expressed hope that concrete measures decriminalizing all forms of non-violent expression would take place to bring Turkey into compliance with stated CSCE commitments. I reiterated that the rights of ordinary citizens and duly elected legislators to freely express themselves could not be curtailed in a democratic society.

I also discussed continued widespread use of torture. During my 1989 visit, officials indicated that concrete measures would be taken to reduce torture and educate police officers about proper and acceptable interrogation methods. Today, however, heightened tensions and violence seem to have lessened the political will and urgency of eradicating torture. Human rights advocates say torture is routinely used in political cases and forced confessions are widely used to obtain convictions. I urged officials to redouble torture prevention and monitoring efforts, especially during pretrial detention periods when detainees have no access to lawyers and most torture is alleged to occur. A recent incident further underscores my concerns. On November 3, a Turkish court ordered the confiscation of "File of Torture" a booklet published by the Human Rights Foundation which documents deaths in detention since 1980 and other torture cases. Prosecutors are determining whether to charge Yavuz Onen, who met with the delegation, and Fevzi Argun for disseminating separatist propaganda, a crime carrying a 2-to-5 year prison sentence.

The very measures Turkey is employing to safeguard the State from threats of separatism are polarizing Turkish society even further. Rising nationalism and the tendency to view reforms as concessions to terrorism intimidate any who speak of compromise. The tactics of the PKK do nothing to engender support yet it is the PKK that finds itself the beneficiary of increased sympathy by a people who view themselves with no choices. Voices of moderation are squelched by threats of repression and even assassination.

The delegation left Turkey very concerned as to whether Turkey can accommodate the interests and aspirations of its Kurdish citizens within the present political framework. For years Turkey has repressed, often brutally, a separate Kurdish cultural identity in favor of a secular Turkish identity. Whereas Turkey is not the same as it was only 5 years ago, the steady progression from denying the mere existence of Kurds to granting certain restricted liberties, has been accompanied by a growing gulf of mistrust between Kurds and Turks. The armed insurgency and the counter measures by the military are approaching the dimensions of a civil war. The Kurdish issue is a critical one for Turkey and all its citizens with very serious long-term repercussions for not only Turkey but the Middle East. Old unresolved questions are reemerging in Turkey and how it deals with those questions today will largely determine the state of democracy in Turkey tomorrow.

I believe the Turkish Government must consider non-military approaches to meet the concerns of Kurdish citizens who do not support the use of violence and who are presently victimized by both sides. Moderate political voices, whether Turkish or Kurdish, must be legitimized and heard—and they must condemn terrorism. Policies and attitudes which fail to differentiate between terrorism and protected forms of expression threaten the foundations of Turkey's democracy. A ceasefire should be the first step towards peacefully resolving the Kurdish issue. Should the PKK declare a unilateral ceasefire, as it did in March 1993, the Government of Turkey should reciprocate. Only when the guns have been silenced, can the difficult task of reconciling Turks and Kurds victimized by war begin. Until the Kurdish question is peacefully resolved, Turkey's efforts in many other areas will be jeopardized—as will continued close cooperation and relations with Western allies.●

THE TROUBLE WITH MERGERS; MAKING A MEAL OF MERGERS

● Mr. SIMON. Mr. President, during the interim of the Senate being in session, I have caught up on some of my magazine reading and came across a commentary in The Economist of September 10, 1994 under the title, "The Trouble With Mergers."

For some time, I have had a concern that we are using capital for non-productive purposes, for one corporation simply to consume another corporation, and we compound that folly by having a tax system that encourages that acquisition by debt rather than equity.

One of the things that the commentary notes: "Many studies of mergers stretching back to the last century have shown that, despite some successes, the overall record is decidedly unimpressive."

There is no author indicated in The Economist piece, but I ask unanimous consent to insert their commentary, "The Trouble With Mergers," into the RECORD at this point.

Then I would like to insert into the RECORD from the same edition an article titled, "Making a Meal of Mergers." The article is summed up well in the subhead: "Corporate America has rediscovered its appetite for mergers and takeovers. Experience suggests that it will end up with indigestion." This British publication sees our situation more clearly than most of us see it. I ask that it be printed in the RECORD at this point.

The articles follow:

[From The Economist, Sept. 10, 1994]

THE TROUBLE WITH MERGERS

Camels do it, birds and bees do it, even companies do it: all over America, firms are falling in love and settling down together. So far this year, more than $210 billion-worth of corporate mergers have been announced. The ritziest marriage of all, a share swap worth over $10 billion, was announced recently by Martin Marietta and Lockheed, two giants that will henceforth bestride the defense industry as a single colossus. Even bigger deals are said to be on the way, not only in defense but also in drugs, media, entertainment and many other sectors. If only a few of these are consummated, their total value this year will reach levels that have not been seen since the merger frenzy that swept America in the 1980s.

At first glance many such mergers look eminently healthy, not only for the firms involved but also for the economy as a whole. They are portrayed as intelligent adaptations to a changing business environment, caused variously by shrinking markets (defense), government reforms (drugs and health care) or technological change (media and telecoms). And unlike the hostile takeovers of the 1980s, most of this year's mergers have been friendly. Entailing true romance rather than shotgun weddings, tempting synergies rather than financial opportunism, no rash of mergers has ever seemed more benign, or better calculated to boost corporate profits.

The snag is that mergers can almost always be made to look that way at the time. Troubles come later. And many studies of mergers stretching back to the last century have shown that, despite some successes, the overall record is decidedly unimpressive (see page 87). It is not so much that marriages result in asset-stripping, as the enemies of takeovers often allege. In aggregate, mergers seldom lead to egregious cuts in R&D, investment or even jobs (though many head-office jobs vanished in some 1980s mergers). Nor is it common for mergers to vindicate the fears of trustbusters, by creating price-rigging monopolies. No, the real disappointment about mergers is that, on average, they do not result in higher profits or greater efficiency; indeed, they often damage these things. And although they prompt a rise in the combined stockmarket value of the merging firms, this gain is often short-lived.

Naturally not all mergers—and not all waves of mergers—are equal. Blessed with hindsight, most economists now agree that the merging of the 1960s, when firms grouped themselves into diversified conglomerates (ITT, Beatrice) on the strength of faddish management theories, was a disaster. They have also come to agree that many of the takeovers of the 1980s brought lasting benefits, not least by freeing many potentially robust businesses from the unwieldy conglomerates created two decades earlier. Unfortunately, the ruminations of tomorrow's economists do not greatly help today's managers and shareholders as they tremble on the threshold of corporate marriage. Is there a reliable way to predict whether particular mergers are likely to succeed or fail?

TWO CAN TANGO

Much depends on the quality of managements. Even complementary firms can have different cultures, which makes melding them tricky. And organising an acquisition can make top managers spread their time too thinly, neglecting their core business and so bringing doom. Too often, however, potential difficulties such as these seem trivial to managers caught up in the thrill of the chase, flush with cash, and eager to grow more powerful. Merger waves tend to arrive when economies are buoyant and firms have plenty of money to spend—either their own or that of willing lenders.

For all this, not all mergers fail. And they are more likely to succeed when inspired by a clear goal, such as the need to reduce excess capacity in an industry. It is, for example, hard to argue with Norman Augustine, who is to become president of Lockheed Martin, that three full factories are better than six half-full ones. Yet there are surprisingly few industries, such as defense, in which the strategic choice is so clear-cut.

Consider "vertical integration", in the name of which a multitude of mergers between telephone, cable, television and film companies are being mulled or implemented. It makes sense for, say, a maker of television programs to guard itself against betrayal by a distributor. And managers caught up in the multimedia revolution may be right to argue that, if they do nothing, their firms will soon be as redundant as blacksmiths after the invention of the motor car. Yet in some cases it might be better for them to follow General Dynamics, a defense firm that is winding itself down and returning money to shareholders, than to gamble on ill-defined "synergies" that may or may not secure a place on the next century's information superhighway. Time will tell—too late as usual.

Like all waves of mergers, the present one is accompanied by claims that it is more rational than its predecessors. And yet a worrying feature of the current wave is the very friendliness that so many admire. Most hostile takeovers at least have the merit that they seek to replace the incumbent managers with others who, the buyer believes, can run the firm better. Since the 1980s new laws have made hostile takeovers difficult unless the managers of the target firm put themselves in play by starting merger talks with another firm. If a takeover does not install a fresh management, the justification in terms of synergies or economies of scale needs to be all the stronger.

Ultimately the success of an individual merger hinges on price. By definition, shareholders of acquired firms are happy with their dowry, or they would not have parted with their shares. By contrast, shareholders of acquiring firms seldom do well: on average their share price is roughly unchanged on the news of the deal, then falls relative to the market. Part of the reason for this is that lovelorn company bosses, intent on conquest, neglect the needs of their existing shareholders. At this time of corporate romancing, these shareholders might usefully offer such bosses some sage parental advice, along the lines of: take your time, play the field. Otherwise, they may end up in bed with a camel.

[From The Economist, Sept. 10, 1994]

MAKING A MEAL OF MERGERS

Corporate America has rediscovered its appetite for mergers and takeovers. Experience suggests that it will end up with indigestion.

Merger mania is again sweeping down Wall Street and up Main Street. With over $200 billion of deals clinched already this year, the total for 1994 could easily reach levels not seen since the boom years of the late 1980s (see chart on next page). The market is awash with rumors of possible mega-deals: a General Electric bid for American Express, perhaps, or a buy-and-break-up move for Time Warner, an unwieldy media conglomerate formed through a merger in 1989. Whole industries are thought to be ripe for mergers—ranging from defense to multimedia. It is enough for the historically minded to talk of American business's fifth great merger "wave" in just over a century.

Bankers are rubbing their hands with glee at the prospect of some juicy fees. Shareholders are hoping that their firms might become bid targets, since that would send the stock price soaring. It is a good time, therefore, to pause and consider some of the lessons of America's previous four waves—in the 1890s, 1920s, 1960s and 1980s. Many studies have looked at why these merger waves happened, and what they achieved. Most make grim reading.

Useful articles include: "The Takeover Wave of the 1980s" by Andrei Shleifer and Robert Vishny, Science, August 1990; "Do Bad Bidders Become Good Targets?", by Mark Mitchell and Kenneth Lehn, *Journal of Political Economy*, 1990, no 2; and "Mergers", by Dennis Mueller, the New Palgrave Dictionary of Finance, 1992.

No study has been able plausibly to explain why mergers happen in waves. The most obvious possibility, that at some times firms are systematically under-priced, is easily dismissed. Merger waves have, on the contrary, usually come when stockmarkets are valued above their long-run average.

A second possibility is that a bunch of mergers happen together thanks to a sudden change in a particular industry's market conditions. Mark Mitchell, an economist at the University of Chicago, points out that in the 1980s mergers were especially prevalent in industries experiencing rapid technological change, deregulation, price shocks or increased foreign competition. The same appears to be true now, with mergers clustered in such fast-changing industries as banking, defense, telecoms and health care.

Although this is clearly part of the story, such industry changes do not explain why mergers have happened when stockmarkets are buoyant. Andrei Shleifer, an economist at Harvard University, reckons the answer to that is rather crude: when stockmarkets are bullish, company bosses have money to spend (or can raise it more easily) and worry less that shareholders will call them to account for what they do with it. On this basis, suggests Mr. Shleifer, mergers have often been good examples of managers acting against the interests of shareholders.

There is plenty of evidence to support this. Mergers are always announced with promises of booming profits and big gains in efficiency. Yet several studies have found that even in the 1890s and 1920s, when firms in the same industry merged to reduce competition and win monopoly power, they did not achieve higher profitability. Studies of later merger waves have reached similar conclusions, and found that efficiency was not boosted either; indeed, some have found that efficiency was actually reduced by merger. (All these results are, naturally, open to debate, as they rely on assumptions about what would have happened if the firms had not merged.)

The wave of conglomerate mergers in the 1960s, which resulted in sprawling companies made up of often unrelated businesses, had been found particularly wanting. In most cases, however, problems with the new conglomerates did not emerge until the mid-1970s, when the economy was decidedly rocky. It is possible that the mergers would have worked had the economic boom continued. But by the late 1970s, many of the fashionable 1960s conglomerates were performing very badly.

Most studies have, by contrast, concluded that the 1980s merger wave was beneficial. However, the cases that most strongly support this conclusion were those in which corporate raiders borrowed heavily, took over a conglomerate that had been formed in the 1960s, and broke it up. This is more of an advertisement for firms staying apart than for mergers. The record of full-blown mergers in the 1980s, such as Time Warner's, is less impressive.

So far, most of this is common ground among academics. Where they disagree is in their interpretation of market reactions to mergers. The facts are clear enough. Shareholders in acquired firms have gained on average by 20 percent between the announcement of a proposed deal and its completion. Shareholders in buying firms, on the other hand, made a gain of less than 1 percent over the same period in mergers that took place before 1980; and actually suffered an average loss in mergers since then.

Such poor returns to buyers have prompted fierce debate. On the one hand, the lack of any bid premium is seen as evidence of the "efficiency" of the stockmarket. This is meant in two senses. One is that a stock's price before a merger announcement should incorporate expectations that the firm might be involved in a merger. So a deal should not come as a surprise. A second argument is that a merger proposal will alert rival firms to the merits of the target, triggering an auction that ensures that the seller gets the highest price for his shares. That process will bid away any premium.

Indeed, critics of the efficient-market view point to a significant hole in it: the many cases in which bidders actually lose money. One reason often put forward for this is that the market inflicts a "winner's curse" (ie, the auction tends to push the price too high); another, suggested by Mr. Shleifer, is that managers of a successful bidder are more concerned with expanding their firm than with making a profit for shareholders. That makes them happy to pay over the odds to capture their quarry.

SWINGS AND ROUNDABOUTS

Despite all this, the combined effect of mergers on acquiring and selling shareholders taken together is usually positive. Since many big institutional shareholders now have a stake in both parties to any transaction, they may be happy to lose on the buying side in order to make bigger gains on the selling one. Merger fans argue that this overall gain gives them ample justification—especially since the gain outweighs any costs in terms of fewer jobs (which usually means little more than cuts in head-office workers), wages (usually barely changed), or investment and R&D (which are usually not cut significantly).

However, the share price of a merged firm tends to fall relative to the whole market in the months and years after a merger, in some cases by so much that the original gain disappears entirely. But the significance of this finding is hotly contested. Efficient-market theorists argue that changes in share prices after a merger are irrelevant, as they must reflect new information. Steve Kaplan, an economist at the University of Chicago, reckons that, particularly for long term studies, the difficulties of defining an appropriate benchmark against which to compare share-price changes are so severe that any results are probably meaningless.

One more finding is worth noting. In the 1980s, shares in acquiring firms performed best when the firm was heavily indebted (since money was tight, managers had a strong incentive to perform) and the bid was hostile, intended to remove the managers of a target firm. But these are precisely the deals that are not happening now, in part thanks to government antipathy toward hostile takeovers and in part thanks to the decline of the junk-finance market.

There are, nonetheless, reasons to hope that the new ways of mergers will not repeat earlier mistakes. Big shareholders are increasingly holding company bosses to account, which should make them think twice before pursuing over-priced deals. Rob Visny, another Chicago economist, reckons that today's relaxed anti-trust regime is helpful too, since it allows firms to pursue rationalization in industries such as defense and banking that might not have been allowed in the 1960s and 1970s. Yet the sad fact is that history is littered with examples of failed mergers in the belief that this time, unlike in all previous merger booms, things would be different.•

TRIBUTE TO CHARLES FENTON GRIGSBY

• Mr. MATHEWS. Mr. President, this year the issue of crime has been prominent in the work of the Congress and in virtually every election campaign. However, too often we forget that in the end, it is the professionalism and dedication of sworn law-enforcement officers which is the real key to crime prevention and control. Today I would like to pay tribute to a prominent citizen of Tennessee who made a real difference in this field.

Charles Fenton Grigsby, who passed away on October 19, was born in 1910 in Bethesda, just outside Franklin, TN. He began his career as a high school teacher, coach, and principal, then went on to serve in World War II as a lieutenant in the U.S. Navy, earning a Purple Heart in action in the Pacific.

After his return from the war, Mr. Grigsby obtained his law degree at Georgetown University while working at the Federal Bureau of Investigation in Washington, DC. He later returned to Tennessee and pursued an illustrious career with the FBI, including investigative work on the Jimmy Hoffa trial and work as a police instructor throughout the State.

Mr. Grigsby's most notable contribution to the State of Tennessee and to improving the quality of law-enforcement training in this country was his role in founding the Tennessee Law Enforcement Training Academy in Donelson, TN. Having worked doggedly for its creation, he served as its assistant director from 1966 until 1968, then as director of the academy from 1968 until 1976. By the time he left, the academy had trained 6000 Tennessee

State highway patrolmen, police officers, and other law-enforcement personnel. It has since trained many thousands more in high standards of professionalism and integrity. In an article on the occasion of his retirement in 1976, the Nashville Banner quoted him as saying, "Training in all facets of law enforcement doesn't mean a thing unless the officer has integrity. He can do anything with that, as long as he has pride in his work."

Carrying on that tradition of integrity, Charles Grigsby went on to serve for 3 years as assistant counsel and investigator for the Tennessee Supreme Court's Board of Professional Responsibility. During the last 15 years of his life, he was an attorney in Franklin and was actively involved in the Middle Tennessee State University Alumni Board as well as the Tennessee Bar Association and other law-enforcement, veterans and community organizations. He will be remembered fondly by many individuals and groups for his integrity, for his patriotism, and for the vigor and good humor which he exhibited until the day of his death.

Please join me in paying tribute to the life of this notable Tennessean and American and in extending condolences to his family and many friends.•

HARRY BELAFONTE RECEIVES THE LETELIER-MOFFITT HUMAN RIGHTS AWARD

• Mr. SIMON. Mr. President, I was pleased to note in the Washington Post that Harry Belafonte, who has done so much for UNICEF and so many other good causes, was honored by the Institute for Policy Studies with the Letelier-Moffitt Human Rights Award for his "lifetime commitment to civil and human rights."

As people write about the entertainment scene today, Harry Belafonte plays a prominent role.

But for me, it is even more significant that as people write the history of civil rights and the civil rights struggle and the struggle for human rights and decency for all human beings, Harry Belafonte has been in the forefront.

He is an incredibly fine human being, who believes in good causes and is willing to help good causes.

I know I speak for all of my colleagues in the U.S. Senate when I congratulate Harry Belafonte.•

RETIREMENT OF DR. LAWRENCE E. SHULMAN

• Mr. HATFIELD. Mr. President, in an era where the public is taking a critical look at government, I want to bring to the attention of the Senate, and to the American people, one individual who has served the public with distinction for many years. As many know, I have a keen interest in the medical research programs of the National Institutes of Health. The Director of one of the NIH Institutes, Dr. Lawrence E. Shulman, of the National Institute of Arthritis and Musculoskeletal and Skin Diseases [NIAMS], retired this past fall. Dr. Shulman directed the NIAMS since its inception in April 1986 and became the Institute's first Director Emeritus on November 1 of this year. Dr. Shulman's leadership has been exemplary and this position of distinction at the NIH is well deserved.

During his tenure as NIAMS Director, Dr. Shulman successfully guided the development of the institute through its formative years. He played a pivotal role in facilitating the growth of both the intramural and extramural research activities of the Institute by developing new programs, encouraging innovation, and seizing scientific opportunities. He also convened 150 of the country's leading scientists to develop a comprehensive national plan for the Institute.

In the intramural area, Dr. Shulman organized plans, as requested by Congress, for future program development and expansion. He convened a high-level external advisory group that recommended new laboratories and clinical research programs. Under his leadership, two renowned laboratories—in structural biology and in skin diseases research—have been added. Also established were a model sabbatical program for outside researchers, a collaborative research training program with Howard University, and a training program in pediatric rheumatology with Children's National Medical Center.

NIAMS-supported extramural researchers have made significant progress and major discoveries have occurred in numerous areas of research related to the joints, bones, muscles, skin and connective tissues and their disorders. In addition, under Dr. Shulman's leadership, the Institute has launched a series of research initiatives to build on recent advances, focusing on basic biology, pathogenetic mechanisms of disease, clinical investigation, epidemiology, and prevention research in these important areas.

A strong supporter of investigations related to both women's health and minorities' health, Dr. Shulman has given high priority to research focused on diseases such as osteoporosis, lupus erythematosus, rheumatoid arthritis, and scleroderma. At the same time, he has seen to it that all of the diseases within the broad and diverse mandate of the Institute have been addressed, and has endeavored to bring many of the more costly and prevalent of these diseases to the forefront of the Nation's research agenda. He has mounted impressive initiatives for tragic rare—orphan—diseases, such as epidermolysis bullosa and osteogenesis imperfecta. Epidemiology has also been a priority, with NIAMS leading national data groups on arthritis, osteoporosis, and skin diseases and setting up research registries for several rare diseases.

Collaboration has been a cardinal feature during Dr. Shulman's tenure. He fostered coordination among Federal agencies through his chairmanship of three interagency groups in skin diseases, arthritis and musculoskeletal diseases, and bone diseases. He worked closely with the NIH Office of Medical Applications of Research to set up key consensus development conferences on ultraviolet light and the skin, optimal calcium intake, and total hip replacement. Dr. Shulman gained cooperation between NIAMS and the National Aeronautics and Space Administration through a joint scientific workshop and later a Memorandum of Understanding to collaborate on studies of bone loss and muscle atrophy both on earth and in space. He also played an active role in several international collaborations with Russia, Italy, Germany, the Caribbean nations, and other countries. Dr. Shulman's commitment to cooperation also can be seen in the activities of the Task Force on Lupus in High Risk Populations, generating effective education programs for young African-American women.

Dr. Shulman's career at the NIH began in 1976 when he was appointed the first NIH Associate Director for Arthritis, Musculoskeletal and Skin Diseases for what was then the National Institute of Arthritis, Metabolism, and Digestive Diseases. As such, he created and implemented the programs recommended by the National Arthritis Act and the Arthritis plan, which was presented to Congress in 1976 by the National Commission on Arthritis and Related Musculoskeletal Diseases. In 1983, he was named Director of the Division of Arthritis, Musculoskeletal and Skin Diseases of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, where he served until the establishment of NIAMS in 1986.

Throughout his career, Dr. Shulman has maintained his association with the Johns Hopkins Medical Institutions where he completed his internship, residency, and research fellowship in internal medicine and endocrinology. He then joined the full-time medical school faculty there, becoming the first director of the Connective Tissue—Rheumatology—Division, whose growth and development he led over the next 20 years before coming to the NIH. Dr. Shulman has been a greatly admired mentor and teacher of many of the Nation's leading rheumatology investigators here and abroad.

An internationally recognized medical leader, Dr. Shulman has himself made many major contributions to biomedical research, particularly in the areas of systemic lupus erythematosus, scleroderma and other connective tissue diseases. Among his notable achievements was the discovery of eosinophilic fasciitis, also known as Shulman's disease. In 1975, Dr. Shulman was awarded the Heberden Medal for Research in the Rheumatic Diseases in London. He has also been a leader in many professional organizations, serving in 1974–75 as president of the American Rheumatism Association, now the American College of Rheumatology, and as president of the Pan-American League Against Rheumatism from 1982 to 1986.

Dr. Shulman has been the recipient of many honors and awards during his distinguished career, including a 1992 award for leadership in promoting orthopaedic research from the American Academy of Orthopaedic Surgeons, a 1993 Presidential citation for leadership in biomedical research from the American Academy of Dermatology, a 1994 Lupus Foundation of America Award for dedicated leadership and service on behalf of people with lupus, and a 1994 award from the American Society for Bone and Mineral Research for his outstanding support of research in the field of bone and mineral metabolism. Dr. Shulman has chaired scientific groups of the World Health Organization in connective tissue diseases, rheumatic diseases, and osteoporosis. He has also been elected to honorary membership by numerous societies around the world.

In conferring the new title of Director Emeritus on Dr. Shulman, Dr. Harold Varmus, Director of the NIH, said "the Emeritus designation is a high honor accorded those few selected individuals who have distinguished themselves during their careers at the National Institutes of Health."

Mr. President, I want to thank the Society for Investigative Dermatology for their assistance in developing the background for this statement.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Lee E. Arrowood, a member of the staff of Senator WALLOP, to participate in a program, sponsored by the Austrian Federal Economic Chamber, to be held in Austria from December 10–17, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Arrowood in this program.

The select committee received notification under rule 35 for Bobby Franklin, a member of the staff of Senator PRYOR, to participate in a program in Chile, sponsored by the Chilean-American Chamber of Commerce, and the Association of American Chambers of Commerce in Latin America.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Franklin in this program.

The select committee received notification under rule 35 for James Lee Price, a member of the staff of Mr. MFUME's Joint Economic Committee, to participate in a program in Denmark sponsored by the Danish Government and the U.S. Government.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Price in this program.

The select committee received notification under rule 35 for Charles H. Riemenschneider, a member of the staff of Senator LEAHY, to participate in a program in Rome, sponsored by the Food and Agriculture Organization of the United Nations.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Riemenschneider in this program.•

TIME FOR NATO TO ADMIT TRIO FROM EASTERN EUROPE

• Mr. SIMON. Mr. President, my colleagues, Senator HANK BROWN and Senator BARBARA MIKULSKI, and I have been pushing for NATO membership for Poland, Hungary and the Czech Republic in the not-too-distant future, not excluding other nations in Central and Eastern Europe as they become solid democracies and stable economically.

By that, I mean to specifically include Russia, whose long-term best interests are served by a healthy NATO that stabilizes her western frontier.

Recently, R.C. Longworth, who is a senior writer with the Chicago Tribune, had an op-ed piece on the question of admitting Poland, Hungary and the Czech Republic to NATO, and what he has to say makes good sense. He has written about Eastern Europe through the years and has traveled extensively in that area.

I hope some key people in the Administration will read the CONGRESSIONAL RECORD and consider his observations. I ask that the op-ed piece be printed in the RECORD at this point.

The material follows:

CONTINENTAL SHIFT—TIME FOR NATO TO ADMIT TRIO FROM E. EUROPE

(By R.C. Longworth)

Warsaw—the U.S. and its allies fought the Cold War at least partly to end the division of Europe and to bring the East European satellites back into the Western family of nations. Or so we thought.

Five years after the Iron Curtain fell, Europe remains divided. But this time the West is responsible. Washington and Western Europe are meeting East Europeans' pleas for acceptance with a display of cold cowardice.

Although all East European countries want to join NATO and the European Union, even the most advanced of them—Poland, Hungary and the Czech Republic—do not hope for European Union membership for at least five or six years.

But those three countries could, and should, join NATO immediately. In fact, they probably would be in by now if the U.S. was not afraid to anger Russia, which opposes the expansion of its old foe, NATO, to the borders of the former Soviet Union.

So Washington, which won the Cold War, is throwing away its victory by giving the loser, Moscow, a new sphere of influence over its old satellites and a veto power over the right of these countries to run their own affairs.

For the East Europeans, this kowtowing to the Russians is almost immoral.

Czech President Vaclav Havel, in an eloquent plea in Foreign Affairs magazine, said the West must meet the challenge of Eastern membership to uphold its own values.

"We are concerned," Havel wrote, "about the destiny of the values and principles that communism denied, and in whose name we resisted communism and ultimately brought it down.

"The fate of the so-called West is today being decided in the so-called East."

For the West, the question of East European membership in NATO is one of money, military resources and relations with Russia. For the East Europeans, it is a matter of life or death.

The Poles, Czechs and Hungarians want to join the two great Western institutions partly out of fear of turmoil in neighboring Russia and Ukraine. But mostly, they crave membership because it would honor their courage in throwing off communism, would salute their success in building freemarket democracies, and would validate their status as true Western nations, despite their half-century as Soviet satrapies.

NATO and the European Union have promised to let in at least some of the former satellites, some day. Neither will say when.

The U.S., in particular, is blocking their admission to NATO. Any timetable is "entirely premature," Defense Secretary William Perry said in Spain this month.

"We certainly haven't specified who [will join] or when, and we are not likely to in the near future."

A U.S. government official in Washington said the East Europeans should "concentrate on building their democracies and economies first," to avoid any risk that the U.S. could be dragged into a civil war in the area. But the Poles, Czechs and Hungarians already have build robust democracies and market economies and no serious observers expect civil war in the area.

Despite this, NATO and the EU have taken halfway measures that seem intended to keep the East Europeans at arm's length, rather than to speed their entry into the Western institutions.

By stiff-arming the East, the U.S. and its allies risk creating a security vacuum in Eastern Europe, a zone of insecurity that could prove irresistible to a new Russian imperialism. This could undermine the triumph of adding 60 million people to the world's democracies.

NATO, after all, is more than a military alliance. It is a union of like-minded democratic nations and the only institutional bridge between the U.S. and Western Europe.

Formed in 1949, NATO gave Western Europeans a security framework against Moscow within which they rebuilt their political and economic lives. It now is being asked to do the same thing—no more—for the East Europeans.

Few Westerners realize the sheer emotional longing of the East Europeans for membership in the two Western institutions—or the damage that rejection would do.

"Europe is a continent of values," Janos Martonyi, former Hungarian state secretary for foreign affairs, said in Budapest. "Before, you didn't help us escape from Soviet domination. Now if you cut it in two again, those of us who were not lucky enough to get in before 1949 will be left outside forever."

The East Europeans' dream of joining NATO and EU is a reason why their reforms are succeeding. The ex-Communists know they must play by the West's rules if they are to join.

Rejection could remove this incentive, undermine progress and revive the spiteful nationalism that has caused so much trouble in Eastern Europe.

For these countries, the West's response will determine whether they become truly Western countries, secure within the EU and linked to America through NATO, or will revert to their historical role as a breakwater, battered by waves of Eastern despotism while the luckier nations to the West grow and prosper.

Twice in this century, the Western leaders had the chance to protect Eastern Europe.

At Munich in 1938, they gave it away to Hitler. At Yalta in 1945, they gave it away to Stalin. Munich led to World War II, and Yalta to the Cold War.

The European Union is caught now in its own maelstrom of weak governments, internal feuding, protectionism and post-Cold War confusion, and dreads the expensive task of integrating the relatively poor East Europeans.

Most Americans see the EU as a trading bloc. But its real value lies in the way it already has absorbed 12 nations—some traditional enemies, like France and Germany—into a web of mutual prosperity.

The East Europeans, locked into a failed communist system, missed all this. They want it now.

For the East Europeans, NATO membership would give them an all-important link to the U.S.

"The U.S. role is a real anchor of our security," a Czech official said in Prague, in a clear reference to Munich. "History proves the value of this American involvement. Whenever the European nations are left alone without involvement from across the Atlantic it always led to a tragedy on this continent." This is why the American attitude toward their NATO membership has been such a disappointment.

As soon as the Cold War ended, the East Europeans began seeking NATO membership.

But this desire was barely discussed in the West until about a year ago, when a reunited Germany realized that it was sitting next to ex-communist countries with no security anchor, and not that far from a Russia that was spinning out of control.

Germany began calling for NATO membership for Hungary, Poland and the Czech Republic. The Clinton administration, until then fixated on Russia, realized it had to respond.

The result was Partnership for Peace, which offered an association with NATO—including joint maneuvers and information sharing—not only to the East Europeans but to Russia and all the other former Soviet republics, including such non-European nations as Tajikistan. This cooperation omitted what the East Europeans really wanted, which was NATO's promise to defend them if attacked.

But Russia is telling the East Europeans that their full membership—which would bring NATO to the frontier of the old Soviet Union—would be a hostile act.

For the record, Washington rejects this Russian attempt to reimpose its old sphere of influence, and says it hopes to swing Moscow around to accepting NATO's expansion. But if the U.S. fears a weak and demoralized Russia now, it is unlikely to be any more courageous later, when Russia recovers, economically and diplomatically.

"People here are frustrated with the American administration," said Andrzej Harasimowicz, director of the Polish government's Bureau for European Integration. "It seems it is more interested in restoring the Russian empire than in meeting Poland's desire to rejoin the Western world."

Among the West Europeans, the Germans are pushing hardest to get the East Europeans into both NATO and the EU.

They know their growing power will be accepted by their neighbor only if they not only belong to a larger Europe but are surrounded by it.

France, already upset by the post-Cold War growth in the power of a unified Germany, fears that expanded membership will create a new Teutonic bloc.

This is complicated by the EU's agreement this year to admit Austria, Finland, Sweden and Norway, all closer to Germany than to France.

This has nothing directly to do with the East Europeans. But like the U.S. fear of ruffling Russian feathers, it could leave them, once again, outside Europe, naked before the winds of history.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Katherine Howard:									
Eritrea	Dollar		262.00						262.00
Ethiopia	Dollar		394.00						394.00
Kenya	Dollar		242.00						242.00
Switzerland	Franc	379.80	199.00					379.80	199.00
Belgium	Franc	9,331.56	276.00					9,331.56	276.00
Total			1,373.00						1,373.00

PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition and Forestry, July 29, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Korea	Won	409,450	508.00					409,450	508.00
Dick D'Amato:									
Italy	Lira	2,771,996	1,739.00			366,100	226,55	3,138,066	1,965.55
France	Franc			36.22	648.73			36.22	648.73

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			2,247.00		648.73		226.55		3,122.28

ROBERT C. BYRD,
Chairman, Committee on Appropriations, July 28, 1994.

ADDENDUM CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel K. Inouye:									
Germany	Dollar		368.00						368.00
United States	Dollar				5,508.75				5,508.75
Richard L. Collins:									
Germany	Dollar		460.00						460.00
England	Dollar		375.00						375.00
United States	Dollar				2,995.00				2,995.00
David Morrison:									
Germany	Dollar		370.00						370.00
United States	Dollar				1,012.85				1.012.85
Senator Daniel K. Inouye:									
Germany	Dollar		388.00						388.00
France	Dollar		520.00						520.00
England	Dollar		212.00						212.00
United States	Dollar				7,092.95				7,092.95
Richard L. Collins:									
Germany	Dollar		378.00						378.00
Italy	Dollar		502.00						502.00
France	Dollar		510.00						510.00
England	Dollar		206.00						206.00
United States	Dollar				8,146.15				8,146.15
David Morrison:									
Germany	Dollar		950.00						950.00
France	Dollar		310.00						310.00
England	Dollar		500.00						500.00
United States	Dollar				2,532.95				2,532.95
Total			6,049.00		27,288.65				33,337.65

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Aug. 18, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator McCain:									
India	Rupee	19,812	634.00					19,812	634.00
Sri Lanka	Dollar		263.00						263.00
Korea	Won	409,450	508.00					409,450	508.00
Senator William S. Cohen:									
Singapore	Dollar		656.84						656.84
Malaysia	Ringgit	1460.64	537.00					1460.64	537.00
United States	Dollar				3788.95				3788.95
Dale F. Gerry:									
Malaysia	Ringgit	1460.64	537.00					1460.64	537.00
Singapore	Dollar		804.00						804.00
United States	Dollar				3690.95				3690.95
Eben A. Adams:									
Malaysia	Ringgitt	1460.64	537.00					1460.64	537.00
Singapore	Dollar		739.00						739.00
United States	Dollar				3690.95				3690.95
Senator Dan Coats:									
Czech Republic	Koruna	3,644.10	125.00					3,644.10	125.00
Hungary	Dollar		219.00						219.00
Germany	Dollar		464.00						464.00
Italy	Dollar		514.00						514.00
Czech Republic	Dollar						274.25		274.25
United States	Dollar				1,809.55				1,809.55
David J. Gribbin:									
Czech Republic	Koruna	3,644.10	125.00					3,644.10	125.00
Hungary	Dollar		219.00						219.00
Germany	Dollar		389.00						389.00
Italy	Dollar		439.00						439.00
Czech Republic	Dollar						274.25		274.25
United States	Dollar				1,809.55				1,809.55
Richard F. Schwab:									
Czech Republic	Koruna	3,644.10	125.00					3,644.10	125.00
Hungary	Dollar		119.00						119.00
Germany	Dollar		364.00						364.00
Italy	Dollar		514.00						514.00
Czech Republic	Dollar						274.25		274.25
United States	Dollar				1,809.55				1,809.55

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles S. Abell:									
Czech Republic	Koruna	3,644.10	125.00					3,644.10	125.00
Hungary	Dollar		219.00						219.00
Germany	Dollar		381.00						381.00
Italy	Dollar		460.00						460.00
Czech Republic	Dollar						274.25		274.25
United States	Dollar				1,809.55				1,809.55
Senator Sam Nunn:									
Russia	Dollar		551.52				26.00		577.52
Senator Dan Coats:									
Russia	Dollar		650.00						650.00
Senator Dirk Kempthorne:									
Russia	Dollar		620.00		20.00		10.00		650.00
Richard L. Reynard:									
Russia	Dollar		624.95						624.95
Romie L. Brownlee:									
Russia	Dollar		611.00		5.00		34.00		650.00
Lucia M. Chavez:									
Russia	Dollar		650.00						650.00
Richard E. Combs, Jr:									
Russia	Dollar		611.00		5.00		34.00		650.00
John W. Douglass:									
Russia	Dollar		604.89						604.89
Daniel B. Ginsberg:									
Russia	Dollar		579.70						579.70
Thomas G. Moore:									
Russia	Dollar		650.00						650.00
C. Richard D'Amato:									
Russia	Dollar		650.00						650.00
Suzanne M. McKenna:									
Russia	Dollar		650.00						650.00
Glen E. Tait:									
Russia	Dollar		640.00				10.00		650.00
Richard F. Schwab:									
Ruissia	Dollar		650.00						650.00
Richard D. DeBobes:									
Russia	Dollar		608.82		5.00		46.00		659.82
Andrew W. Johnson:									
Russia	Dollar		600.15						600.15
Marshall A. Salter:									
Korea	Won	409,450	508.00					409,450	508.00
Frank Norton:									
France	Franc	7,787.41	1,498.01					7,787.41	1,498.01
Senator James Exon:									
Russia	Dollar		647.24						647.24
Senator Kay Bailey Hutchison:									
Russia	Dollar		403.80						403.80
Senator John Glenn:									
Russia	Dollar		650.00						650.00
France	franc	1,653	290.00					1,653	290.00
Senator Bob Smith:									
Russia	Dollar		620.00						620.00
France	Dollar		234.00						234.00
Thomas L. Lankford:									
Russia	Dollar		650.00						650.00
Total			25,469.92		18,444.05		1,257.00		45,170.97

SAM NUNN,
Chairman, Committee on Armed Services, July 1, 1994.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994

Name and Country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Nunn:									
France	Franc	2,877.68	553.33					2,877.68	553.33
Total			553.33						553.33

SAM NUNN,
Chairman, Committee on Armed Services, July 19, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994

Name and Country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
India	Rupee	19,812	634.00					19,812	634.00
Sri Lanka	Dollar		263.00						263.00
Italy	Dollar		447.00						447.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994—Continued

Name and Country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				602.85				602.85
Ruth Cymber:									
India	Rupee	19,812	634.00					19,812	634.00
Sri Lanka	Dollar		263.00						263.00
Italy	Dollar		447.00						447.00
United States	Dollar				602.85				602.85
Robert Cresanti:									
Russia	Dollar		1,250.00						1,250.00
United States	Dollar				1,526.55				1,526.55
Total			3,938.00		2,732.25				6,670.25

DONALD RIEGLE,
Chairman, Committee on Banking, Housing, and Urban Affairs, July 28, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Larry Pressler:									
United States	Dollar				7,005.95				7,005.95
United Kingdom	Pound	894.69	1,338.00					894.69	1,338.00
Earl W. Comstock:									
United States	Dollar				673.45				673.45
Mexico	Dollar		800.00						800.00
Total			2,138.00		7,679.40				9,817.40

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science and Transportation, Aug. 11, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Shirley Neff:									
France	Dollar		914.00						914.00
United States	Dollar				714.95				714.95
Total			914.00		714.95				1,628.95

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Aug. 3, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Russell D. Feingold:									
Ivory Coast	Franc	39,392	70.93					39,392	70.93
Angola	Dollar		656.00						656.00
Tunisia	Dinar	445,411	441.00					445,411	441.00
Spain	Peseta	47,115	349.00					47.115	349.00
Senator John F. Kerry:									
United Kingdom	Pound	549.07	828.00					549.07	828.00
Senator Paul Simon:									
Ivory Coast	Franc	33,997	60.50					33,997	60.50
Angola	Dollar		936.00						936.00
Tunisia	Dinar	554,192	548.00					554,192	548.00
Spain	Peseta	62,100	460.00					62,100	460.00
Lisa Alfred:									
Ivory Coast	Franc	34,102	60.67					34,102	60.67
Angola	Dollar		936.00						936.00
Tunisia	Dinar	554,192	548.00					554,192	548.00
Spain	Peseta	62,100	460.00					62,100	460.00
Kristin Brady:									
Cuba	Dollar		1,700.00						1,700.00
United States	Dollar				317.00				317.00
United States	Dollar				261.00				261.00
Russia	Dollar		990.00						990.00
United States	Dollar				2,502.65				2,502.65
Geryld B. Christianson									
United Kingdom	Pound	140	213.00	41.45	63.00			181.45	276.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				538.95				538.95
Edwin K. Hall:									
Greece	Drachma	190,684	772.00					190,684	772.00
United States	Dollar				2,103.35				2,103.35
Richard Kessler:									
Croatia	Dinar	3,183,215	515.00					3,183,215	515.00
United States	Dollar				3,062.95				3,062.95
Robyn Lieberman:									
Ivory Coast	Franc	46,812	83.30					46,812	83.30
Angola	Dollar		671.00						671.00
Tunisia	Dinar	477,730	473.00					477,730	473.00
Spain	Peseta	58,050	430.00					58,050	430.00
Sandra S. Mason:									
Ivory Coast	Franc	47,770	85.00					47,770	85.00
Angola	Dollar		745.00						745.00
Tunisia	Dinar	480,368	475.00					480,368	475.00
Spain	Peseta	60,664	449.36					60,664	449.36
Kenneth A. Myers:									
Russia	Dollar		960.00						960.00
Diana Ohlbaum:									
Russia	Dollar		990.00						990.00
United States	Dollar				1,880.065				1,880.65
Andrew K. Semmel:									
Croatia	Dinar	3,183,215	515.00					3,183,215	515.00
United States	Dollar				3,062.95				3,062.95
Jonathan M. Winer:									
United Kingdom	Pound	549.07	828.00					549.07	828.00
Total			17,248.76		13,792.50				31,041,26

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Aug. 4, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Darrell Panethiere:									
France	Dollar		1,008.45						1,008.45
United States	Dollar				1,836.05				1,836.05
Total			1,008.45		1,836.05				2,844.50

JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, August 10, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
Switzerland	Franc	839.40	597.01					839.40	597.01
United States	Dollar				299.00				299.00
Joseph Biegner:									
Switzerland	Franc	839.40	597.01					839.40	597.01
United States	Dollar				599.95				599.95
Total			1,194.02		898.95				2,092.97

EDWARD M KENNEDY,
Chairman, Committee on Labor and Human Resources, Aug. 5, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS AFFAIRS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Valerie A. Kessner:									
Germany	Dollar		850.00		602.95				1,452.95
Total			850.00		602.95				1,452.95

JOHN D. ROCKEFELLER IV,
Chairman, Committee on Veterans' Affairs, June 30, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Howard Walgren			1,370.00		4,058.65				5,428.65
Gary Reese			1,370.00		4,058.65				5,428.65
Timothy Carlsgaard			423.00		1,573.82				1,996.82
Louis de Leon			423.00		1,150.82				1,573.82
Senator John Chafee			1,668.03		7,522.35				9,190.38
James Wolfe			1,432.00		1,860.95				3,292.95
Timothy Carlsgaard			1,432.00		1,860.95				3,292.95
Senator Bob Graham					669.15				669.15
Alfred Cumming					656.05				656.05
Total			8,118.03		23,411.39				31,529.42

DENNIS DE CONCINI,
Chairman, Select Committee on Intelligence, June 27, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David M. Evans:									
United States	Dollar				2,233.75				2,233.75
Belarus	Dollar		398.00						398.00
John J. Finerty:									
United States	Dollar				1973.85				1,973.85
Belarus	Dollar		398.00						398.00
Heather F. Hurlburt:									
Austria	Schilling	60,915.58	5,537.78	36,120	3,071.68	5,053.29	459.39	102,088.87	9,068.85
Austria	Dollar						566.78		566.78
Ukraine	Dollar		868.00						868.00
Kazakhstan	Dollar		1,145.00						1,145.00
Czech Republic	Dollar		690.00						690.00
Erika B. Schlager:									
Netherlands	Dollar						136.77		136.77
Victoria A. Showalter:									
United States	Dollar				1,488.85				1,488.85
Poland	Dollar		1,110.00				23.88		1,133.88
United States	Dollar				1,784.75				1,784.75
Malta	Dollar		400.10						400.10
Samuel G. Wise:									
United States	Dollar				1,488.85				1,488.85
Poland	Dollar		1,110.00						1,110.00
United States	Dollar				1,480.15				1,480.15
Czech Republic	Dollar		1,100.00						1,100.00
United States	Dollar				1,379.65				1,379.65
Malta	Dollar		408.31				227.69		636.00
Total			13,165.19		14,901.53		1,414.51		29,481.23

DENNIS DE CONCINI,
Chairman, Commission on Security and Cooperation in Europe, July 27, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER, FROM APR. 1 TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mira R. Baratta:									
Italy	Lire	477,590	293.00					477,590	293.00
Croatia	Dollar		70.00		268.00				338.00
Bosnia	Dollar		329.00						329.00
United States	Dollar				2,010.45				2,010.45
Croatia	Dinar	2,572.17	422.36					2,572.17	422.36
United States	Dollar				1,300.95				1,300.95
Dino L. Carluccio:									
Russia	Dollar		1,950.00						1,950.00
Clarkson Hine:									
Croatia	Dollar		75.00						75.00
Randy Scheunemann:									
Croatia	Dollar		75.00						75.00
Senator Arlen Specter:									
Russia	Dollar		556.83						556.83
Kazakhstan	Dollar		97.43						97.43
Kyrgyzstan	Dollar		157.43						157.43
Uzbekistan	Dollar		163.86						163.86
Turkmenistan	Dollar		155.00						155.00
Senator Robert F. Bennett:									
Russia	Dollar		640.00						640.00
Kazakhstan	Dollar		558.00						558.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER, FROM APR. 1 TO JUNE 30, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				3,924.00				3,924.00
Carey Tatum:									
Norway	Krone	3,412.80	474.00					3,412.80	474.00
Russia	Dollar		473.20						473.20
Kazakhstan	Dollar		131.40						131.40
Kyrgyzstan	Dollar		124.50						124.50
Uzbekistan	Dollar		219.90						219.90
Turkmenistan	Dollar		155.00						155.00
Germany	Dollar		69.00						69.00
United States	Dollar				1,656.95				1,656.95
Total			7,189.91		9,160.35				16,350.26

ROBERT J. DOLE,
Republican Leader, July 27, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, APR. 1 TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Walter J. Stewart:									
Italy	Lira	477,883	293.00					477,883	293.00
France	Franc	3,945.61	691.00	433.96	76.00			4,379.57	767.00
United States	Dollar				2,777.65				2,777.65
Martha S. Pope:									
Italy	Lira	349,034	214.00					349,034	214.00
France	Franc	3,717.21	651.00	433.96	76.00			4,151.17	727.00
United States	Dollar				2,777.65				2,777.65
Jan Paulk:									
Italy	Lira	464,835	285.00					464,835	285.00
France	Franc	3,945.61	691.00	433.96	76.00			4,379.57	767.00
United States	Dollar				2,777.65				2,777.65
Sally Walsh:									
France	Franc	3,915.24	708.00					3,915.24	708.00
United States	Dollar				1,835.95				1,835.95
Senator George J. Mitchell:									
France	Franc	1,213.92	216.00					1,213.92	216.00
Senator Harry Reid:									
Ivory Coast	Franc	121,392	216.00					121,392	216.00
Angola	Dollar		936.00						936.00
Tunisia	Dinar	544,192	548.00					544,192	548.00
Spain	Peseta	45,350	335.92					45,350	335.92
Larry Werner:									
Ivory Coast	Franc	112,392	199.98					112,392	199.98
Angola	Dollar		936.00						936.00
Tunisia	Dinar	544,192	548.00					544,192	548.00
Spain	Peseta	62,100	460.00					62,100	460.00
Total			7,928.90		10,396.90				18,325.80

GEORGE J. MITCHELL,
Majority Leader, Aug. 9, 1994.

TRIBUTE TO FRANCIS BARDANOUVE

• **Mr. BAUCUS.** Mr. President, when Representative Francis Bardanouve retired from his post in the Montana Legislature this month, he capped a remarkable career as Montana's longest serving house member. But as he returns to tending the Harlem ranch he so loves, Montanans will continue to draw on him as a source of wisdom and inspiration on progressive reform.

I like to think of him as the Mike Mansfield of the Montana state Legislature. Francis is a mentor of mine, and has been since I observed him in action in the house of representatives almost 20 years ago. As a young legislator, I was privileged to serve on Chairman Bardanouve's appropriations committee. From that experience, I know that the Montana taxpayer had no greater friend.

At the north end of the Montana Capitol is a statue of Territorial Governor Thomas Francis Meagher that reminds me of Francis. Looking out over the sleeping giant, Meagher brandishes his sword and stands guard over the Capitol. Likewise, Francis Bardanouve brandished a sharp knife and stood guard over the budget of this State.

Lawmakers everywhere can learn from Bardanouve's dedication: In four decades, he never lost his zeal in serving his hi-line district. And the institution never changed him.

Rather, Francis changed the Montana Legislature. He piloted many of the innovations that made it a more efficient, adaptable body. He always looked to the future. Among his initiatives: Setting up councils to help State lawmakers rein in the purse strings, helping to integrate the mentally ill into society and tapping new technology to speed up the work of the legislature.

Francis embodied the best of the citizen legislature. For 36 years, he left Blaine County and made the 4-hour-plus trip to Helena to serve in the legislature. He put in extra hours making sure that Montanans were well-served. And he served Montanans well in watching the budget bottom line like a hawk.

So I wish him well as he returns full time to his beloved family and ranch. But Francis knows that he is not one to quietly ride off into the sunset. As Mike Mansfield continues to save our Nation—his wisdom a guidance—

Francis Bardanouve will remain an active participant in the affairs and direction of the State. Montanans will rely on his vision and advice as we continue our journey into a new millennium.•

HATE CRIMES STATISTICS

• Mr. SIMON. Mr. President, last June, I held an oversight hearing of the 1990 Hate Crimes Statistics Act. At that hearing, we heard from FBI officials and civic leaders about the successes and shortcomings of this act encouraging State and local law enforcement agencies to report hate crimes to the FBI. We also heard from people working to combat intolerance before it becomes violent. Everyone involved with this hearing, and indeed with the universal struggle against intolerance, agrees that education can be an effective tool in teaching tolerance and preventing hate crimes.

The American Bar Association's Young Lawyers Division—ABA/YLD—has made a real contribution to this important effort. In 1992, ABA/YLD launched a national pilot project, The Tolerance Education Handbook, designed to provide a tolerance curricula for elementary, middle school, high school, and college students. The message of the pilot programs is: "We will not remain silent in the face of racism and bigotry." Some of the pilot programs in different States are:

The South Carolina Young Lawyers Division coordinated attorney/teacher teams to teach an 8-week course to third and fourth graders, where they discussed the application of the Bill of Rights and the Constitution to issues of prejudice, discrimination, and tolerance.

Maryland's Young Lawyers Division presented a forum on tolerance education to superintendents and middle school principals from across the State.

The Cleveland Young Lawyers Division sponsored a 2-day program for high school students. On the first day, the students viewed an Anti-Defamation League video in which high school and college students speak openly about their experiences with discrimination. On the second day, an attorney, police officer, and juvenile court worker appeared at each participating school to discuss the legal ramifications and effects on a community of committing a hate crime.

All participating schools asked the Young Lawyers Division affiliates to continue their programs into the next semester, and teachers reported that their students evidenced a development in critical thinking.

I applaud the commitment and creativity of the ABA/YLD. It is essential that we all take responsibility for providing a positive example for young people, and that we send the message of tolerance as clearly and loudly as possible.•

TRIBUTE TO BOB BROWN, DEDICATED PUBLIC SERVANT

• Mr. BAUCUS. Mr. President, I rise today in tribute to a dedicated public servant and a personal friend. Bob Brown, the new president of the Montana Senate, has a reputation for rising above the political fray on behalf of sound public policy and the people of Montana. This is a man whose passion for public service is so true that he made it his duty for more than half his life.

Bob's interest in politics began when he was a youngster and continued unflaggingly. When other boys were tracking baseball rosters, Bob was tracking politicians. And Montana State University's student president certainly lived up to all expectations.

Bob and I worked on opposite sides of the political fence when we served together in the Montana House of Representatives two decades ago. And as one of Bob's colleagues, I can say that above all he is a fair-minded lawmaker. And that is still true today. In his new leadership role, he talks about working with minority Democrats rather than steamrolling them this session.

So too, Bob approaches the classroom as he approaches lawmaking. As a teacher in Kalispell, Bigfork, and Whitefish, Bob was known for introducing his high school students to diverse viewpoints and a wider world. For one, he set up interactive projects with Japan. And he invited me to speak, to his students, whom I found one of the most enthusiastic and well-informed groups of young adults I have ever met.

Montana faces some difficult issues in the upcoming session—property taxes and rising health care costs, finding revenue to fund schools and transportation, and promoting growth while ensuring that our State remains the most beautiful in the country. Challenging waters that demand a deft pilot in the senate. Bob certainly has the direction and wisdom to lead the way.

Therefore, Mr. President, I congratulate Bob Brown, the new president of the Montana Senate, and I wish him well as he strives to lead in the fair-minded, respectful way that he has marked his career.•

THE EFFECTS OF MEDIA VIOLENCE

• Mr. SIMON. Mr. President, for years I have worked to sensitize the entertainment industry to the damaging effects of media violence. Many researchers, industry leaders, and journalists have joined me in this effort. Joe Urschel of USA Today recently wrote a piece, "Playing Violence just for Laughs," calling for greater industry sensitivity and responsibility. He writes about the popular movie "Pulp Fiction," in which violence is no longer just gratuitous or shocking, but is played for laughs. Urschel recognizes the director's creative freedom to make his movies the way he wants, but he points out that while moral culpability may not exist in the fantasy worlds they create, it does in the world they live in. We have seen progress but clearly we must continue our efforts. I ask that the USA Today article be printed in the RECORD at this point.

The article follows:

PLAYING VIOLENCE JUST FOR LAUGHS

"PULP FICTION" IS DISTURBING FOR ITS BRAZEN DEPRAVITY

Sadly, you cannot always believe what you read.

"A work of such depth, wit and blazing originality"—*The New York Times.*

"Quite simply, the most exhilarating piece of filmmaking"—*Entertainment Weekly.*

"Ferocious fun . . . damn near a work of art"—*Rolling Stone.*

"Bursts out of its bindings with loopy delights!"—USA Today.

These are the words of film critics writing for some of the largest and most influential publications in the country. They are celebrating the release of Quentin Tarantino's *Pulp Fiction*, a movie in which violence is no longer just gratuitous, no longer just for shock, no longer just for some sort of twisted cinematic "artistic effect."

In *Pulp Fiction*, violence is for laughs.

You can forget about trying to reform the Hollywood industry that produces the most profitable television and movie products in the world. Like contemporary tobacco chiefs who deny any link between cigarettes and cancer, Hollywood executives will still be sitting before congressional committees 10 years from now in adamant denial.

They will continue to callously brush off the connections between their products and the violence in society—despite an avalanche of scientific studies showing the connection.

Unlike the tobacco industry, however, Hollywood has a powerful coterie of sycophants and enablers in the press who wrap this craven merchandising in the cloak of artistic expression and try to elevate it to the level of something holy and good.

While *Pulp Fiction* may not be the most violent movie to come along, or the most profane, it is certainly both. But what should disturb anyone who sees it—especially those who are judging it for others—is its brazen depravity.

This is a movie about a collection of morons who move through life dispassionately executing the guilty and the innocent. The movie doesn't show you this to make you loathe these people or their actions. It doesn't rub your nose in this violence to make you hate it. It does this to make you laugh.

Everything is a loose, high-schoolish joke in *Pulp Fiction*. It doesn't just mock our sense of revulsion at off-handed, unconscionable murder. It plays rape, sadomasochism, cocaine, heroin injections, drug overdoses, Vietnam POWs, the Bible and anything else it encounters for laughs as well.

The biggest gag in the movie occurs when John Travolta's gun discharges and inadvertently blows the head off a kid in the back of his car. A laugh riot ensues while our lovable protagonists have to clean up the car by picking skull pieces off the seats and mopping up pools of blood on the floor.

What depth! What exhilaration!

Why is it that when the latest street atrocity is committed—an 11-year-old casually executed by friends, an elderly couple killed for their car, kids at a pool sprayed with gunfire—we are repulsed and alarmed, but when similarly horrific acts are depicted on the screen, we celebrate them as art?

This isn't to deny Quentin Tarantino the right to make his movies any way he wants. Nor is it to deny that there is craftmanship and skill in his work.

But something not worth doing is not worth doing well. And while filmmakers may create extraordinary fantasy worlds in which there is no moral culpability, they do not live in one.●

LAW ENFORCEMENT AVAILABILITY PAY

● Mr. DECONCINI. Mr. President, in recent weeks I have been contacted by numerous Federal law enforcement associations as well as Federal law enforcement agencies expressing concerns about regulations proposed by the Office of Personnel Management on law enforcement availability pay [LEAP], enacted under section 633 of Public Law 103-329, the fiscal year 1995 Treasury Appropriations Act. As the author of this provision, I believe some clarification is in order.

I understand that OPM regulations which are currently being circulated are draft regulations which have not yet been finalized. I have been kept abreast of the formulation of these regulations by OPM and I commend the conscientious efforts to ensure that the regulations accurately reflect the intent of the Congress. Unfortunately, some agencies have prematurely issued their own regulations which neither reflect the OPM draft regulations nor the intent of Congress. As the author of section 633, I want to take this opportunity to express in clear terms the intent of the LEAP legislation.

The LEAP legislation emerged from extensive and cooperative discussions and meetings with Federal agency representatives and law enforcement organizations. As such, the final LEAP legislation was intended to accomplish several objectives:

First, establish a uniform system of compensation for the unique work conditions and excessive hours commonly required of a Federal criminal investigator, thus eliminating the varied and disparate compensation previously provided under administratively uncontrollable overtime or "AUO" regulations

Second, eliminate excessive administrative activity and paperwork associated with current overtime pay systems in order to achieve cost savings to Federal agencies while maximizing investigative time and efforts in the field.

Third, guarantee and uniformly apply compensation which had been under constant review, revision, or consideration for reduction, thus providing a sense of financial security and consistency to those investigators who must frequently relocate themselves and their families as a condition of employment.

Fourth, eliminate other costly forms of compensation [FLSA] which had been provided in addition to "AUO", thus providing significant savings to agencies and departments during times of fiscal restraint.

Fifth, ensure that supervisors are managing their personnel and evaluating performance rather than merely counting hours.

Section 633 makes clear that all 1811 series criminal investigators "shall be paid" except in those cases where both the agency and employee mutually agree that conditions for compensation will not be met and, therefore, not provided.

Perhaps the areas of greatest concern are the interpretation of the term "available," the conditions under which the compensation may be terminated, and the formula to be applied for scheduled overtime compensation.

The term "available" was included in LEAP with several goals in mind. It ensures that, in the process of career development, a criminal investigator would not be penalized for accepting an administrative assignment in positions such as headquarters or training. These positions may have precluded the investigator from qualifying for premium pay under the AUO guidelines of irregular, uncontrollable hours or may not have afforded the investigator the opportunity to routinely work the substantial unscheduled duty hours consistently required in the field.

The availability condition also serves to protect a criminal investigator from intentionally being precluded from assignments, cases, or activities, by a supervisor solely to disqualify the investigator from receiving the premium pay. An agent who is performing satisfactorily, routinely recognizes and works unscheduled duty, and has regularly demonstrated a willingness and availability to work unscheduled duty should receive this premium pay.

It is also important to note those conditions which were not intended to serve as criteria for availability status. Availability hours are not defined as, all off duty hours during which an investigator is reachable or accessible by telephone, radio, or pager. Certainly, in those circumstances when an investigator is a duty agent and personal activities are restricted, accrual of some unscheduled duty hours should be recognized by an agency. Additionally, a reasonable application of availability hours should be considered on regular work days during which an employee has consistently demonstrated a willingness and readiness to perform duties.

Federal law enforcement agencies and associations have long maintained and supported through statistics that the vast majority of criminal investigators have always worked unscheduled duty hours far in excess of those previously required under AUO. With the exclusion of required unscheduled duty hours for annual leave, sick leave, training, and other approved status, the required hours necessary for compensation are now significantly diminished. I, therefore, believe that the vast majority of criminal investigators will continue to work any additional hours necessary to successfully complete their mission.

As stated in the Senate committee report accompanying H.R. 4539, LEAP does not provide license for an investigator to refuse legitimate unscheduled duty assignments or assume that availability may, solely at the investigator's discretion, replace work, when in fact the agent has assigned duties or cases. Nor should an investigator refuse extra duty hours because the investigator has already met any minimum number of hours for compensation solely through an investigator's claim to be available.

The manager should also exercise some responsibility and common sense. Investigators should not be directed to report prior to, nor remain on duty after a regular work day for the sole purpose of ensuring that a 2-hour requirement for unscheduled duty is being met absent any other need for the investigator's presence. The 2-hour formula refers to an annual average and does not imply that each and every workday requires 2 hours of additional work by the criminal investigator.

On the issue of termination of this premium pay, it was not the intent of the Congress to provide to management the right to arbitrarily remove the compensation from any individual or category of investigator without adverse action through the Merit Systems Protection Board. Termination of this compensation should result from an investigator's regular refusal or unwillingness to work unscheduled duty, poor performance and low productivity together with a deficiency in unscheduled duty hours. Again, common sense should apply. Managers should be well aware of the performance, attitude and efforts of their respective personnel and not base a denied "certification" solely on the accrual of hours.

The scheduled overtime provision was absolutely not intended to provide agencies the authority to schedule 10 hour workdays to ensure that unscheduled LEAP hours are worked. The scheduled overtime provision has always been and continues to be a mechanism for additional compensation. It should be applied on those occasions when an agency intends to provide compensation in addition to LEAP. The number of hours for which scheduled overtime compensation is provided is determined by the respective agency. The 10-hour rule was intended as a reminder that LEAP hours should be provided during the course of that workday.

LEAP has placed more responsibility on managers to manage their personnel and emphasizes performance in addition to required unscheduled duty hours. The investigators, too, have the responsibility of recognizing the need to work the necessary unscheduled hours and should not view this legislation as an opportunity to avoid assignments or inappropriately decrease their productivity.

Perhaps, most importantly, common sense and good faith must be applied by both agency management and investigators. I have always viewed Federal criminal investigators as professionals and have long held that their mission will be carried out with due dedication and professionalism. I would hope that those managers and investigators who may represent the few exceptions do not drive agency regulations and requirements which are counter to the intent of the legislation.

I urge agencies and investigators to work together cooperatively to implement this legislation which has been described by law enforcement agencies, associations and journalists as a "win, win" solution for everyone.•

THE COSTS OF OVERLOOKING THE OTHER CHINA

• Mr. SIMON. Mr. President, for some time now, United States relations with Taiwan have lagged far behind the remarkable political and economic progress that country has made. Taiwan has made great strides in opening and democratizing its political system; the contrast between Taipei, with its free elections and free press, and Beijing could not be more striking. And while China is touted for its booming economy and seemingly limitless market, fewer people are aware that Taiwan is now the 20th largest economy in the world, and that last year its 21 million citizens bought more from the United States that the 1 billion people of China did. Yet from the standpoint of official, governmental contracts with the United States, Taiwan in many ways remains a non-person, an outcast.

That is simply wrong. It is wrong from a political standpoint, that a country which is working hard to measure up to democratic standards should be treated worse than countries which are openly contemptuous of those very values. And increasingly, it is wrong from an economic standpoint. While we keep our distance from Taiwan, other countries have sent more than 30 Cabinet-level officials to Taipei in the past 3½ years to promote business interests. Our government's unwillingness to accord Taipei similar respect puts American business at a serious disadvantage in the increasingly important Taiwanese market.

An article in the October 8 National Journal makes very clear the costs of our overlooking the other China. I request that the article, "The Other China," be printed in the RECORD.

The article follows:

[From the National Journal, Oct. 8, 1994]

THE OTHER CHINA

(By Dick Kirschten)

The corporate moguls who accompanied Commerce Secretary Ronald H. Brown to China at the end of August were essentially stage props for a triumphal series of ceremonial contract signings. Still, they were delighted that President Clinton has avoided angering Beijing by declaring that human rights concerns should not pose a barrier to trade.

When it comes to greasing the skids for deals with Taiwan—the "other China"—however, the U.S. business community wants the White House to be less timid about offending the rulers of mainland China, formally the People's Republic of China (PRC).

After the results of a long-awaited Clinton Administration review of U.S. policy toward Taiwan—formally the Republic of China (ROC)—were disclosed on Sept. 7, Clinton was roundly criticized as excessively cautious by business lobbyists and congressional boosters of trade with Taiwan.

As one of the tigers of the so-called East Asian Economic Miracle, Taiwan has built up massive foreign-exchange reserves and has both the desire and capacity to purchase large quantities of advanced technology for both civilian and military purposes.

After many profitable years as Taipei's dominant business partners, American businesses suddenly find themselves competing for a share of the lucrative Taiwanese market. "The kind of client-state relationship that we used to have is gone," explained David N. Laux, president of the USA-ROC Economic Council, a business group that seeks to foster trade with Taiwan.

Laux, whose council represents scores of Fortune 500 firms, argues that higher-level contacts by U.S. officials are needed to nurture the commercial ties that have made Taiwan the United States sixth-largest trading partner. "We are not paying the proper attention to Taiwan that we should for its economic performance," he said in an interview.

Current trade statistics support Laux's argument. Mainland China may be the world's premier emerging market, but for now, Taiwan is by far the larger customer for U.S. goods. American exports to Taiwan last year totaled $16.3 billion, compared with $8.8 billion to mainland China.

The Taipei government wants more attention, too. "There is a growing feeling among the people of Taiwan that they don't get adequate respect around the world because they are not recognized as a state by other countries," explained Ralph Clough, a professor of Asian studies at the Johns Hopkins School of Advanced International Studies. Taiwan has "functioned in the world community as a de facto sovereign state for more than 40 years," but does not enjoy membership in the United Nations and many other international organizations, Clough noted.

After its defeat by the Communists in 1949, the nationalist Chinese government fled to Taiwan, a 14,000-square-mile island in the South China Sea, 80 miles from the mainland, where for decades it held that it was the legitimate government of China in exile. In recent years, the Taipei government—while still committed to eventual reunification—has come to accept the reality that China is governed by separate political entities.

As Taiwan's political system has become more democratic, an aggressive opposition party, the Democratic Progressive Party (DPP), has emerged that pledges to declare independence if it wins next year's national elections. Citizens born on the mainland now constitute a shrinking minority, and the island's population increasingly regards itself as Taiwanese rather than Chinese.

In the face of growing DPP support, the ruling Kuomintang (KMT) party—though mindful of Communist China's threats to go to war to prevent Taiwanese sovereignty—has been forced to adjust its positions to seek greater international recognition. Taiwan is now on track for inclusion in the General Agreement on Tariffs and Trade (GATT) and is seeking "parallel representation" in the United Nations, citing Germany and Korea as precedents for dual U.N. representation. Taipei, despite rumblings of displeasure from Beijing, is also courting diplomatic recognition by other sovereign nations.

But the United States officially recognizes only one China, and since diplomatic relations were shifted from Taipei to Beijing in 1979, that has been the PRC. America's "one China" policy, of course, has always been largely a fiction. Unofficially, America has maintained the closest of economic and military ties to Taiwan.

Washington's contacts with Taipei are restricted to relatively low-level officials. Most communication is carried out through the artifice of an allegedly private entity, the American Institute in Taiwan (AIT), whose offices in both countries are staffed by people on leave of absence from the State Department.

DELICATE BALANCE

When Lynn B. Pascoe, the director of the AIT's Taipei office, called on Taiwan's foreign affairs minister on Sept. 7, he became a minor footnote to history. It was the first time since 1979 that the de facto senior American official in Taiwan was permitted to make such a visit.

The less-than-earth-shaking diplomatic breakthrough was occasioned by the Administration's Taiwan policy review, approved on Labor Day by the President while he was vacationing on Martha's Vineyard. Indeed, Pascoe's visit to the Foreign Ministry was to inform Taipei of the changes.

Billed as the first comprehensive review of Taiwan policy since 1979, the new policy strains to strike a balance between Taipei's growing desire for higher-level contacts with U.S. officials and Beijing's demands that America continue the pretense of not officially recognizing Taiwan as an entity separate from the rest of China.

The policy review keeps America's one China policy officially intact and reiterates that the United States does not back Taiwan's entry into the United Nations. It supports Taiwan's expected admission to the GATT, however, and says that Taipei's voice should be heard in other "appropriate" international groups, including the new forum on Asia-Pacific Economic Cooperation.

Visits to the United States by Taiwan's president and other top leaders are still forbidden, but the new policy specifically permits such officials to "transit" America. The latter provision responds to the congressional furor in May when Taiwanese President Lee Teng-hui's airplane made a refueling stop in Hawaii but was denied permission to stay overnight.

The key adjustment in the policy is to boost the octane of Washington's backing of U.S. corporate interests in Taiwan. The idea, Administration officials say, is not to raise the diplomatic stakes but rather to facilitate solving problems and doing business.

The policy sets guidelines based on the somewhat murky proposition that some government contacts are official but others are not. No meetings are to occur between senior officials, whose duties are considered to be primarily diplomatic, military or political. But officials "at a relatively senior level" whose portfolios involve commercial, cultural or technical issues will be permitted to get together.

To promote commercial and cultural ties and to foster a "sub-Cabinet economic dialogue" with Taipei, high-level U.S. officials from economic and technical agencies will now be permitted to go to Taiwan. Even visits by Cabinet officers involved with trade or technology appear possible, subject to case-by-case approval.

Senior Taiwanese officials visiting the United States would be barred from setting foot in such "official" sanctums as the White House, the Old Executive Office Building, the Pentagon and the State Department. But a meeting at the Commerce Department would be OK.

At the same time, State Department officials at the undersecretary level who have nonpolitical portfolios can now meet with senior Taiwanese visitors, just so long as they don't do so in their offices at Foggy Bottom.

Another mini-refinement permits the Taiwanese government representatives who are stationed in Washington to include the word "Taipei" in the same of their office, which currently bears the uninformative name of the Coordination Council for North American Affairs. The new title will be Taipei Economic and Cultural Representative Office in the United States.

A delegation of Taiwanese legislators recently passed through Washington on the way to a rally at the United Nations, whose agenda committee voted on Sept. 22, at the urging of the PRC, not to take up the question of representative for Taiwan. The lawmakers met with State Department officials on Sept. 21 to register their disappointment with the Clinton policy review, which Sen. Parris H. Chang, DPP member, described in an interview as "retrograde in certain respects." Albert Lin, the information director for Taiwan's Washington outpost, said his office's new title was selected from a list of acceptable options but was not his country's first choice.

KEEPING BEIJING HAPPY?

Beijing's reaction to the Clinton policy adjustment, although predictably negative, was perfunctory in tone. A government spokesman declared that Washington's action "interferes with the internal affairs of China" and "seriously" violates the three joint communiqués that form the basis of U.S. relations with Communist China. At the same time, however, the Chinese governments repeated an invitation to Clinton to come to Beijing for a summit meeting.

Taiwan's government offered lukewarm praise for the modest changes but complained that they don't go far enough. Its official response called the policy review "welcome" but added that "these adjustments have not sufficiently addressed the needs arising from the close relationship between the United States and the Republic of China."

In an interview, American Enterprise Institute for Public Policy Research director of Asian studies James R. Lilley, a U.S. ambassador to China during the Bush Administration, faulted the Clinton team for making too large a deal out of too small a change. "There should have been no review in the first place," he said, citing the fact that the Bush Administration, with no fanfare, had permitted Carla A. Hills, who then held Cabinet rank as U.S. Trade Representative, to visit Taiwan in December 1992.

"You just do these things," Lilley argued. "You don't put it out in the press [as a major policy review] and stick your tongue out at Beijing." Citing Commerce Secretary Brown's recent trade mission to China, he said that "Clinton ought to have Brown do the same thing in Taiwan."

That would be fine with Laux, whose business council lobbied the Bush Administration to permit Hills to address its 1992 conference in Taiwan. In December, the council will convene again in Taipei and hopes the highlight will be an appearance by a Clinton Cabinet officer.

Responding to the White House policy review, Laux pointed out that "more than 30 Cabinet-level officers from European and other countries have visited Taiwan in the last three-and-a-half years to promote the business interests of their companies." He added that despite Beijing's misgivings, those countries have been able to maintain diplomatic relations with China. "The sky has not fallen in on any of those countries," he said.

Acknowledging that during his tenure in government, he was "part of the process" that led to America's current China policy, Laux said, "I'm not blaming anyone in particular, but we have unnecessarily put ourselves in a straitjacket" in terms of trading with Taiwan.

For the ailing U.S. defense industry, Taiwan's prodigious appetite for armaments is a tempting target. Michael T. Klare, a military affairs expert at Hampshire College, said that "the China-Taiwan nexus probably constitutes the most vibrant arms market in the world today." Despite improved communications between the two Chinas, he noted, neither has repudiated historical claims to the territory of the other.

Although the Reagan Administration, in a 1982 communiqué with Beijing, agreed to reduce arms sales to Taipei, the 1979 Taiwan Relations Act authorizes U.S. contractors to sell Taiwan whatever is deemed necessary for its defense. And when Taipei appeared interested in buying French-built Mirage fighters, the Bush Administration responded by approving the 1992 sale of 150 U.S.-made F-16 fighters to Taiwan. Delivery of the advanced fighters is still more than a year away.

Klare, in an interview, noted that military technology acquired from other countries, including U.S. ships, aircraft and electronic equipment, is helping Taiwan establish its own defense manufacturing capacity through "reverse engineering."

Despite the F-16 deal, the American League for Exports and Security Assistance Inc., a defense industry trade association, has estimated that restrictions on arms sales to Taiwan have cost as much as $20 billion in U.S. revenues and affected more than 400,000 American jobs.

But military technology is not the only commodity that Taipei is in the market for. Having blossomed into the world's 20th-largest economy. Taiwan has entered into a massive six-year infrastructure improvement program to meet the demands of an increasingly affluent population of 21 million.

The U.S. Commerce Department has said that Taiwan's $235 billion national development plan creates the "largest market in the world today for major infrastructure projects," including up to $50 billion worth of foreign procurement for energy, pollution control, telecommunications and transportation projects.

Thus far, said William S. Botwick, president of the American Chamber of Commerce in Taipei, European bidders have won more than $5 billion in contracts under the Taiwan development plan, "four times more than U.S. firms have." Botwick, the General Motors Corp.'s managing director in Taiwan, said that he traveled to Washington twice last year to urge Administration officials to take bolder steps to "redress past slights" and restore "mutual trust" to the U.S.-Taiwan bilateral relationship.

After being upstaged by the highly publicized debate over extending preferred trading status to mainland China and its emerging market, Taiwanese interests are clamoring to remind Washington of their own business relationship and their government's success in reducing the U.S. trade deficit with Taiwan, while the deficit with mainland China has been growing.

The Washington lobbying firm of Cassidy and Associates, and its public relations affiliate, Powell Tate, recently signed a three-year, $4.5 million agreement to represent the Taiwan Research Institute, a private, nonprofit study center with ties to Taiwan's ruling party. With help from its U.S. consultants, the Taipei think tank joined the chorus condemning what it said was the timidity of the Clinton policy review.

A Powell Tate press release said that "if the United States sincerely wishes to recognize the remarkable progress of democracy in Taiwan, it should treat Taiwan officials with the respect and consideration it affords representatives of other democratic nations."

Taiwan's allies on Capitol Hill also weighted in. Sen. Paul Simon, D-Ill., said that Clinton passed by a golden opportunity to significantly revise long-outdated policies that today "seem like official pettiness." Simon lauded the development of free elections, multiple political parties and a free press in Taiwan and expressed dismay that "we continue to cuddle up to the mainland government, whose dictatorship permits none of those." Sen Frank H. Murkowski. R-Alaska, lamented that "bolder and more-substantive steps" were not taken. Sen. Hank Brown, R-Colo., alluding to U.S. willingness to engage North Korea directly, branded the policy review a "slap in the face to Taiwan."

Johns Hopkins Asian expert Clough, however, gave the Administration credit for maintaining the delicate balancing act that enables the United States to pursue relations with both Chinas. "At best, it's a marginal change in the management of our policy," he said of the Clinton review, "It's fascinating, the amount of ambiguity that's required," he added.•

TRIBUTE TO THE HONORABLE JOHN C. HARRISON

• Mr. BAUCUS. Mr. President, I wish to pay tribute to the Honorable John C. Harrison, who is retiring after many years of service on the Montana Supreme Court.

Justice Harrison has given a lot to Montana. Elected in 1960, he is the longest serving Supreme Court Justice in Montana history. In fact, it is hard to imagine the Montana Supreme Court without "Judge John C.," as he is affectionately known. He is a member of the American Legion, V.F.W., Kiwanis, Montana Lung Association, and the Mental Health Association. And, as an Eagle Scout, he is very active with the Boy Scouts of America.

Before his rise to the court, Justice Harrison and the late Senator Lee Metcalf got their starts together in both the legal profession and Montana politics. And while their careers took them their separate ways, their close friendship endured.

I have known Justice Harrison and his family for many years. His son, Bob, worked for me in my Washington office, and his daughter, Nina Myrhe, grew up with me in Helena. As we like to say in Montana, "they're good people." And while Justice Harrison will undoubtedly miss playing an active role on the court, I know that he looks forward to spending more time with his family and traveling to his beloved Ireland.

So it seems appropriate to close this tribute with a traditional Irish blessing:

May the road rise to meet you
May the wind always be at your back
May the sun shine warm upon your face
May the rain fall soft upon your fields
And until we meet again
May God hold you in the palm of His hand.

Justice Harrison, the people of Montana thank you for your many years of service to our State, and wish you well in your future endeavors.●

WEST GARFIELD TAKES BACK ITS STREETS

● Mr. SIMON. Mr. President, the residents of the West Garfield section of Chicago are trying to take back their streets. They are peacefully confronting the drug pushers who brought violence and fear to their community. The West Garfield "Take Back the Streets" campaign is an effort not only to reclaim their neighborhood but to resume the peaceful coexistence that the neighborhood once enjoyed.

In 1993 alone, there were 94 murders in the West Garfield section due to the increase in gangs and drugs. The streets in the West Garfield area are the deadliest in Chicago. The people who live in these neighborhoods are tired of all the violence that has taken over the streets and now they want them back.

The citizens are making an attempt to rid their streets of drugs and violence. Most of the organizers and residents of the 40-day event realize that this will be a very difficult task. But they are encouraged by the success other communities across the country have had with these types of campaigns.

For 6 weeks the West Garfield neighborhood will sponsor job fairs, prayer vigils, voter registration drives, and youth activities. The campaign organizers are also seeking city support to clean up the vacant lots and demolish abandoned drug houses. They are also asking the court system to sentence gang members to community service along with fines or jail sentences.

The citizens of West Garfield ought to be commended for their efforts and more importantly for their courage. Their campaign has peacefully shown that they are tired of living in fear. They have transformed that fear into the determination to drive the drugs and violence out of their neighborhood forever.

Mr. President, I ask that a Chicago Tribune article on West Garfield's campaign and other material be printed in the RECORD.

The material follows:

[From the Chicago Tribune, Sept. 30, 1994]

Drug Buyers, Stay at Home; Marchers Take Message to Suburbs

(By John W. Fountain)

Six-year-olds Darryl Glass and Parcha Mahomes teamed up for a mission Thursday in a place not far from home but worlds away from their drug-infested West Garfield neighborhood.

Wearing smiles and sneakers, the friendly schoolmates toted a bright red banner amid a band of lively protesters outside a Chicago Transit Authority "L" station in Forest Park. The banner read: "Give our kids a chance."

"We're holding this because we want to hold it," Parcha, said. That wasn't the only reason, said Darryl, who quickly chimed in: "It's for the dope march!"

Darryl and Parcha were among about 100 West Garfield residents who took their fight to save their neighborhood to the suburbs, where police say many people who buy drugs in the city live.

Organizers chose the Des Plaines Avenue stop of the CTA's Congress train line in Forest Park because it is where many suburbanites park and ride to their downtown jobs.

The march, speckled with songs and cheers, came a day after Chicago police arrested 100 people in a reverse drug sting in the Harrison police district, which contains the West Garfield neighborhood. Police arrested drug dealers in the 1000 block of South Springfield Avenue, and moved in undercover officers in their place.

Within two hours, police arrested 100 people who attempted to purchase drugs, officials said.

The reverse sting is part of an effort to fight the drug trade on all fronts by arresting not only dealers but also buyers. In reverse stings conducted by Harrison District this summer, police found up to 80 percent of the buyers live outside the neighborhood where drug buys were attempted. Some of those arrested live in the suburbs.

"They don't want it to be known," said John Glass, Darryl's grandfather, who attended the rally. "But we have seen them come into our neighborhood and buy drugs. We have taken down their license plates (numbers)."

Of the 100 people charged Wednesday with attempting to buy drugs, 51 were from Chicago, 18 from the suburbs and one lived in another state, police records show.

Wednesday's arrests included residents of Oak Park, North Chicago, Cicero, Bellwood and Harvey. In previous stings, arrestees were from suburbs that included Lake Zurich, Evanston, and Hoffman Estates.

Since April, more than 1,000 people were nabbed in reverse stings in the Harrison district. Many of them were arrested in West Garfield, where the drug trade has intensified due apparently to pressure in neighboring districts that engage in community policing.

In Wednesday's sting, police also seized 27 vehicles. Five of those arrested in the sting had warrants outstanding, police said.

West Garfield, in the heart of the West Side, in recent years has become a portrait of gangs, drugs and violence. It is in the city's deadliest police district, where 94 people were killed last year.

Violent crime here has soared, authorities say, largely because of the fight for control of a lucrative drug trade. And the success of community policing in neighboring police districts has pushed dealers into the area.

Still, vigilant residents aim to turn the tide.

The march in Forest Park was spearheaded by Bethel Lutheran Church and is part of a 40-day vigil began earlier this month with the help of West Garfield churches and community organizations.

The effort, dubbed "Take Back the Streets," involves a host of activities, including prayer vigils, candlelight services and family gatherings on Friday evenings outside Bethel Church, 4215 W. West End Ave.

Thursday was the 23rd day. And despite their effort after nearly a month, spirits and energy were high.

That was evident in the song and quick steps of protesters, who marched back and forth in front of the "L" station through the afternoon.

"Are you ready?" a voice blared over a loud speaker as the march got under way.

"Yes," the crowd roared back.

The voice blared again. "All right. This is God's Army."

"We're here to tell the commuters to take back the message that there is a collage of drug activity coming into our community," said Ald. Ed Smith (28th), also at the rally. "The important thing here is that we save the children."

John Glass, who spent the evening handing out fliers, agreed.

"It means that my grandson will not get hooked up in drugs and gangs," said John Glass. "Drugs and gangs has got to go."

"We deal in hope," Glass said. "Not dope."

[From the Chicago Tribune, Sept. 18, 1994]

Neighbors Take Back Their Streets

They stayed up all night, walking the sidewalks with candles burning, singing gospel hymns and saying prayers for the neighborhood's drug dealers and gang-bangers, most of whom slunk away to avoid the attention.

It was a 24-hour prayer vigil, the beginning of a 40-day "Take Back The Streets" campaign run by the churches and community groups of West Garfield Park on Chicago's West Side.

The vigil also marks the spread of a welcome trend: law-abiding citizens peacefully confronting the gun-toting pimps and pushers who have turned their neighborhoods into urban war zones.

From Rogers Park to Roseland, from Austin to Humboldt Park, ordinary people fed up with curbside drug dealing and nightly shootings are gathering in the streets and in church basements, speaking out against the punks who have laid siege to their neighborhoods.

On a wider scale, thousands of Chicagoans participated in Gang Awareness Week, which concludes Sunday at a North Side church with a memorial service for victims of street violence.

Such events will not, by themselves, put an end to the epidemic of drug dealing and gang shooting that has sickened so many neighborhoods in the city and suburbs. But they are hugely important nonetheless, because they send a loud message that the law-abiding majority is not going to surrender their neighborhood to a law-breaking minority.

"Residents are tired of living in fear," said Mary Nelson, director of Bethel New Life church in West Garfield Park. "So we've banded together to take back the streets for ourselves and our children."

So over the next six weeks the streets of West Garfield, which at times have become clogged with the slow-moving cars of dope buyers, will be alive instead with prayer vigils, job fairs, voter registration drives and, on Friday nights, a Family Fun Fest that will reclaim the corner of West End and Keeler Streets for kids' games and gin rummy.

Nelson and Ald. Ed Smith, who helped organize the campaign, also are seeking city support to clean up vacant lots and demolish abandoned drug houses. They're asking the criminal court judges to sentence gang members to community service and they want newspapers to publish the names of outsiders arrested in their neighborhood for attempting to buy drugs.

Good ideas all. So are the community policing techniques which Nelson credits with working so well in the Austin neighborhood that many drug dealers moved east into West Garfield Park.

Now she's out to move them again by proving the streets belong to the people, not to the punks.

[From the Chicago Sun-Times, Sept. 8, 1994]

WEST GARFIELD PARK SWIPING AT DRUGS, GANGS

Vowing to "take back the streets" of their West Garfield Park neighborhood, area parents and teachers have launched a 40-day campaign to break the grip of fear that gangs and drug pushers hold over the area.

"More than 100 drug active spots have been identified in the 11th (police) District" that serves the West Side community, said Laurie Glenn, spokeswoman for Bethel New Life Inc., one of the campaign organizers.

"The next worse (police) district is contending with only about 30" drug hot spots, she said. "People are frightened and they are ready to do something about it" in the area bordered by Roosevelt, Kinzie, Kostner and Central Park.

The effort began Wednesday night with a 24-hour fast and prayer vigil at the Bethel Lutheran Church, 4215 W. West End.

Activities continue today with a human "corridor of safety" in which teachers, parents and city officials will join hands to give students at three elementary schools there safe passage after school. Glenn said Mayor Daley will participate.

[From Neighborhood Partnership, Chicago, IL]

TAKE BACK THE STREETS

WEST GARFIELD PARK-NEIGHBORHOOD SAFETY ZONE

(1) 40 Day (6 month) Campaign Kick Off: 24 Hour Prayer Vigil-Keeler and West End. Human Chain of Safety—Tilton, Bethel, Marconni School—Mayor. Family Fun Fest in street—prayer vigil. Family fun fare in Mason Park. Five churches conclude out in the Street on Sunday.

(2) Activities in Streets during campaign: Friday evening—Family Fun Nights—Westside artists performing. Friday evening—Prayer vigils until Midnight. Food, children's events (see current schedule). Voter Registration, Job Fair, Lead Van in streets during campaign.

(3) Operation Clean Up: Clean off vacant lots. Lighting in dark areas. Fencing in vacant passageways of dealers. Streets and Sanitation clean up. Community clean up ongoing during campaign.

(4) City Co-operation: One way streets; stop signs; cul de sacs. Clean off the streets. Clog up streets with resurfacing. Abandoned buildings, hot spot—demolitions, etc.

(5) Neighborhood Safety Zone Ordinance: Process of input, introduction. Available to neighborhoods. Courts, penalities. Newspapers publishing the buyers names and addresses. Demonstration in the suburbs—Stay out of our community.

(6) Alternatives for users and sellers—proactive approach: Healing alternatives—Substance abuse opportunities. More residential rehab needed. Jobs Jobs, Jobs, job fair, employment services. Youth Center, youth alternatives—$ needed to carry on programs.

PARTICIPATING GROUPS

Alderman Ed Smith—28th Ward; Argonne National Laboratory; Bethel New Life, Inc.; Bethel Christian School; Bethel Lutheran Church; Campaign for a Drug Free West Side.

Chicago Alliance for Neighborhood Safety & VISA Project; Chicago Fire Department—4th District; Chicago Police Department—11th District; Christ English Lutheran Church; Church of Christ (Maypole Ave.).

City of Chicago: Dept. of Planning, Streets and Sanitation; City-Link: Mid American Leadership Council; Concerned Citizens Inc.; Corinthian Church of God in Christ; Mayor Richard Daley, City of Chicago; Delegation for Christ Chorale.

ELCA/Division for Congregational Ministries; Evangelistic Outreach Ministry; First Baptist Congregation; Gammon United Methodist Church; Garfield Austin Interfaith Network; Greater Garfield Chamber of Commerce; Guardian Angels.

Illinois Criminal justice Authority; Interfaith Organizing Project (IOP); Keystone Baptist Church; Loretto Hospital; Lutheran Church of the Atonement (Barrington); Marconi Elementary School; Metropolitan Missionary Baptist Church; Mt. Sinai Missionary Baptist Church #2.

National Training and Information Center; New Mt. Pilgrim Baptist Church; Northwest Austin Council; Operation Push; Princeton '55; Project Clean; Redeemer Lutheran Church (Hinsdale).

SACC (South Austin Community Coalition); Seminary Consortium for Urban Pastoral Education (SCUPE); Senator Paul Simon's Office; Southminster Presbyterian Church (Glen Ellyn); Tilton Elementary School; The Habitat Company; The Neighborhood Partnership; United Way of Chicago.

Urban Studies Program—ACM; West Garfield Chamber of Commerce; Westside Health Authority; Westside Ministers Coalition; Westside Small Business Development Center.•

DEADLY GANG VIOLENCE

• Mr. SIMON. Mr. President, while gang violence has been a national problem for decades, it has become even more deadly in recent years. In place of the knife and chain rumbles of the 950s, today's gangs are heavily armed with automatic weapons capable of mass destruction. A recent report from the National Institute of Justice (NIJ) on Street Gang Crime in Chicago details over a three-year period, 1987–1990, the role of guns, especially automatic and semiautomatic weapons, in the dramatic increase in lethal killings of young people in Chicago.

This report concludes that a gun was the lethal weapon used in almost all gang-motivated homicides. Use of high-caliber, automatic, or semiautomatic weapons dramatically increased. Overall the number of street gang-motivated homicides increased from 51 in 1987 to 101 in 1990. The number killed with an automatic or semiautomatic (any caliber) or with a nonautomatic gun of 38 caliber or higher increased from 24 to 70. The report concludes that virtually the entire increase in the number of street gang-motivated homicides seems attributable to an increase in the use of high-caliber, automatic, or semiautomatic weapons.

Unfortunately, the trend in Chicago is not unique. The use of high-power weapons by street gangs is a nationwide problem, with suburban and rural areas reporting increasing incidences of gang-related violence. At the same time, the NRA is taking credit for the defeat of some of the legislators who courageously voted for the Brady law and the assault weapons ban. And many in Congress are talking about an effort to repeal those important initiatives. This is not the time to backpedal. Our young people, both gang members and innocent bystanders, are literally being gunned down on the streets of our communities. We must stand up to those who would do nothing. We must follow the policy advice in the NIJ report: reduce the availability of the most dangerous weapons.•

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum, as there may be somebody else coming to speak in morning business.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MOYNIHAN. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:35 p.m., recessed until Thursday, December 1, 1994, at 9 a.m.

SENATE—*Thursday, December 1, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

And we know that God works in everything for good to those who love Him and are called according to His purpose.—Romans 8:28.

Gracious God our heavenly Father, on this last day of the 103d Congress we want to thank You for all of its achievements and for faithful Senators who will not be with us in the 104th. We ask Thy blessing upon them and their loved ones, and we pray that Thou wilt surprise them with the good things You have planned for them, for which their time in the Senate was preparation. Fill them with a sense of Your love and the plans You have for them in the future.

Loving Lord, You know how traumatic an election can be for staff people whose Senators were not reelected. We thank You for those who have found work, and we pray for those who are hurting because, up to this time, they have not found a place in which to serve. May Thy grace fill their hearts as they remember that they have not been forgotten, either by God or by those for whom or with whom they labored so faithfully. Encourage them in the confidence that You have a plan for their lives and will guide and protect and fulfill. Let Thy blessing rest upon all who experience the many changes that are inherent in a new Congress.

In the name of Him who is the Way, the Truth, and the Life. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The Senate will be in order.

Under the previous order, leader time is reserved.

URUGUAY ROUND AGREEMENTS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5110, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5110) to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations.

The Senate resumed consideration of the bill.

The PRESIDENT pro tempore. Under the order, there shall be 9 hours of debate remaining under the statutory time limitation with 2 hours under the control of the Senator from New York [Mr. MOYNIHAN], 2 hours under the control of the Senator from South Carolina [Mr. HOLLINGS], and 5 hours under the control of the Senator from Oregon [Mr. PACKWOOD].

Mr. MOYNIHAN addressed the Chair.

The PRESIDENT pro tempore. Mr. MOYNIHAN, the Senator from New York, is recognized.

Mr. MOYNIHAN. Mr. President, I yield myself such time as may be required to make an opening statement on, as Reverend Halverson said, this last day of the 103d Congress and the momentous—as I see it and many do—decision we will make at the end of this day and at the end of this Congress, which is the decision to ratify or not the legislation that will put into effect the Uruguay round of the General Agreement on Tariffs and Trade culminating 60 years of American trade policy that began with Cordell Hull in 1934.

The Washington Post has an editorial this morning which, in the view of this Senator, sums up the case with great clarity and force. I would take the liberty, sir, of reading it to the Senate.

It says:

> Until the Soviet Union collapsed, the military threat was the glue that held the rest of the world together and enforced political cooperation. Currently, it's beginning to look as though trade is going to be the next organizing principle, with trading relations and institutions becoming the transition lines of political influence. Americans can take great pride in the work that their country has done in the past 50 years to bring stability and prosperity to a dangerous world. Some dangers have now vanished with the end of the Soviet Union, but others are appearing. Both for its own interest and the world's, the United States has to remain the central force in the world's trading system.

I think we would all agree on that, even if we disagree on the particulars of the arrangements of the institutions, the facilities, that we put in place. But the great point about our decision today is to consult our experience as well as our hopes and not simply our feelings.

Trade is always an area that arouses concern among citizens, and ever has done as far back as our Republic goes. In 1791, Alexander Hamilton, in his report on manufacturers, made a powerful case but a case that had to be made that, no, it would not be enough for the United States simply to remain a rural agricultural nation; that we had to be a manufacturing and trading nation. We have been so ever since, never more so than now.

This is the expanding sector of our economy, the one that brings—and I think it is fair to say, as the Washington Post observed it—not necessarily more jobs, but a lot of better jobs, jobs with higher value added, higher wages, and better, longer term prospects.

That, sir, is what brings us here on this final day, an era which we can see as having begun in the depths of the Depression, with the recognition of strong, able leaders—Franklin D. Roosevelt, Cordell Hull—that we had to change what had been a pattern set for many years of protectionism and take the gamble which in the end has succeeded. And, having done so, I say this is the moment of decision.

I met today with my colleague and dear friend, the Senator from Oregon [Mr. PACKWOOD], who is necessarily delayed for a few moments.

I saw my friend from South Carolina visit the Chamber. He is here now. I cannot believe that he will not return in force and with great vigor.

But, for the moment, it falls to me to welcome him this morning. I made some opening remarks, and perhaps the Senator from South Carolina would like to do so the same.

I yield the floor, Mr. President.

Mr. HOLLINGS addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, I always enjoy the comments and expression, and literally the education, I receive from the distinguished Senator from New York. He has a profound sense of history.

What happens is that America should continue to lead in the trading system. Therein, in and of itself, is our difficulty. We are not leading; we are losing. Yes, we set the example in a losing fashion over 45, almost 50 years. It was almost like the Golden Rule: "Do unto others as they would do unto you."

And we tried to set the good example of Adam Smith and David Ricardo of comparative advantage, open markets and free trade, which we all believe in.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

This Senator voted for free trade with the Free Trade Agreement with Canada. I strongly support the proposed free trade agreement with Chile, which we will be visiting in a few weeks, because we have relatively the same standards of living, the same systems of open markets—David Ricardo—comparative advantage. But the competition, according to Alexander Hamilton or Friedrich List, is measured not by a cheap shirt or what you can buy but what you can produce. Decisions are made that weaken or strengthen the economy.

Interestingly, Mr. President, that is the example being followed today in Eastern Europe. You only have to read this week's special edition of Business Week. Romania, Hungary, and all the rest of these Europeans now are not going for old David Ricardo and Adam Smith. They are going for Friedrich List, as the Germans long since have with their interlocking directives and Japan with the Keiretsu, of course, out in the Pacific rim. And so now, after the 60 years, which the distinguished Senator points out, the change that has taken place with the fall of the wall is that we should no longer sacrifice our economy to keep the alliance together. Yes, the editorial is correct, we kept the alliance together. It worked and it deserves praise. But with this change, now is the time to rebuild the economy of the United States; and the reality is that we are in decline. Everyone knows that. Everyone knows that. That is, the people of America know. That is what the election was about, and the stupid politicians here in Washington—we politicians—cannot recognize it. That is the frustration of the American voter.

The American worker, yes, the most productive American worker, who is the most productive in the world, is taking home 20 percent less pay than what he was 20 years ago. His wife is having to go out and work to make up for that loss of income. And then you have the latchkey children, and we politicians run around saying, "I am for the family, and we have to get the children and mothers back together." We are separating them with this GATT. Can they not see it? Can they not understand where the crime begins in the inner city of New York, with 93,000 garment workers down there who will now lose their jobs, which will flee to the Pacific rim? Everybody knows. Rather than creating enterprise zones, what we are doing here today at 6 o'clock is taking the enterprise out of the zone. Leading? That Americans should continue to lead the world's trading system—I wish they had politicians and newspapers made overseas. Washington would be out of business and long gone. They make everything else offshore. If we could only get politicians and newspapers manufactured offshore, this crowd would learn quickly.

Mr. President, the President went out there just a couple of weeks ago to Indonesia, and every one of those countries in the Pacific rim was at the meeting. We have a deficit in the balance of trade. Who is leading? Is the United States leading? They rebuffed us. The head of trade in Malaysia and the head of trade in Indonesia said, "We are not going along with this." To keep face, they want, of course, this particular GATT, because this opens up the United States, as Senator BROWN from Colorado pointed out. This opens us up entirely, but it does not open up the Keiretsu or the closed markets of the Pacific rim. None whatsoever. The GATT proponents defend the WTO rules. Do not worry about the WTO rulings, they do not have to be obeyed, they say. But if nobody changes the laws in the United States, in the debate, ergo, they do not change the laws of Japan or the Keiretsu. They cannot have it both ways.

So the President is out there with a $150 billion deficit. They keep talking exports, exports, exports. Fine. I export regularly from South Carolina. We built the ports there and we are proud of it. But look at the entire picture, not like a CPA coming in and looking at your expenses and not your income. You are faulty on income here in this case. Your imports far overshadow—$150 billion worth—your exports. There is the President with a $150 billion hole in his pocket and a tin cup begging the Japanese. Tell me about the fears of inflation. They keep writing all those articles about inflation. But I asked Mr. Felix Rohatyn at the GATT hearings that we had in the Commerce Committee and he said, "Yes, that is a good part of it."

I said, "Mr. Rohatyn, is it not a fact that we have depended on the Japanese, until recently, to buy 30 percent of our Treasury instruments to finance our debt? Is that not a fact? Now, is it not a fact that they are threatening us every time we go there and tell them to open the markets?"

Who is the Trade Representative? Ambassador Kantor or Secretary Bentsen? Everybody with common sense knows it is Secretary Bentsen, because he has to finance our debt. So we give in and we have meetings with the Japanese and praise each other and agree to negotiate, as with financial services, and we will come back again. Just like services themselves. We have to negotiate those still. You have to go back to the WTO. Senator BROWN read the agreement.

But the reason for that tin cup in the hand is we have now subjected our economy and economic future to the whims of the Pacific rim financing our debt. We are in decline.

Heavens above, wake up, Washington. My friend John F. Kennedy wrote the book, "Why England Slept." They all say, "HOLLINGS is just for textiles." I have been in textiles, yes, but I have been in an entire picture for 28 years up here. I testified before I got here in the fifties before the International Tariff Commission. I want to write the book called "Why America Continues To Sleep."

Yes, we have a special session. I never intended it. I never thought the President, not calling us back for a lame duck for health care, or for welfare reform, and not calling us back for all the other issues we are interested in, such as the information superhighway, would call us back for GATT. We have until July 1995 on this one. No industrial country has adopted it, none. So we could easily debate it next year. We debate complicated treaties. SALT I, SALT II, the ABM treaties. We can put in reservations. We cannot do the same with this one, except, of course, for the distinguished minority leader, soon to become majority leader, who goes to the White House and, as we read in a newspaper, in a dignified fashion got his amendments. The Finance and Ways and Means Committees have a right to amend. We will look at the gift to the Washington Post later.

We will look at these other things later. We will get like 10 New York doctors on Carter's little liver pills. Under the agreement between the President and the future majority leader, we will get four or five court judges to make up their minds for us to see whether or not we will have reservations.

They get amendments. I do not know what amendments they agreed to. We do not. It is scandalous the way this Congress operates and this Government in Washington. Nothing has changed. They are wheeling and dealing. They are saying: I will take your budget-buster for GATT. You take mine later on for capital gains. Do not be telling me about a veto on capital gains, Mr. President, because it loses $25 billion. I am taking a loss of $31 billion for you today to save your political hide.

Nothing has changed. Come on. And our country is in decline and better wake up and not lose. Start leading by rejecting this agreement and getting a good competitive trade policy.

I retain the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be allocated to either side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DOMENICI. Is there time allotted for the Senator from New Mexico?

The PRESIDENT pro tempore. There is time under the control of the Senator from New Mexico. If the Senator opposes the point of order the time is under the control of Mr. PACKWOOD.

Mr. MOYNIHAN. Mr. President, I am sure that the Senator from Oregon [Mr. PACKWOOD], would wish the Senator from New Mexico to have as much time as he requires.

The PRESIDENT pro tempore. How much time does the Senator require?

Mr. DOMENICI. About 15 minutes, Mr. President.

The PRESIDENT pro tempore. The Senator will be recognized for not to exceed 15 minutes.

Mr. DOMENICI. I thank the Chair, and I thank Senator MOYNIHAN.

Mr. President, for some it must have seemed like this day would never come. Hundreds of people, both here and abroad, have worked on the Uruguay round of multilateral trade negotiations for the past 8 years; 125 nations began the negotiations in Punta del Este in September 1986. On April 15, 1994, 111 signed the final act in Marrakesh, and thus we are here. By signing that final act those 111 nations committed to bring the results before their respective legislatures for ratification.

Several countries have ratified this agreement, the United Kingdom, Greece, and Belgium among them. France and Canada are very close and will ratify this agreement this year. Japan will soon follow. The United States through the U.S. Senate in this Senator's humble opinion should also vote to ratify this agreement.

My colleagues from the Finance Committee have ably spoken to the U.S. Senate and the Senators herein regarding the benefits to trade and national welfare that the GATT agreement will afford to our country and our people, and I concur with those remarks.

I especially congratulate the soon-to-be chairman of the Finance Committee for his eloquent remarks. I have listened to them. I openly commend him for his explanation of what trade means to American jobs and what GATT could mean to American workers and American prosperity.

That is not to detract from other excellent statements to the American people and to the Senate that have been made here on the floor.

The merits of the Uruguay Round Agreement have not been nearly so controversial as the issue that I will speak about here today—how the agreement affects the Federal budget. By far the largest budget effect is the loss of revenues from reduced tariffs. The Congressional Budget Office has estimated that the net revenue loss amounts to $11.5 billion over the first 5 years and $31.8 billion over 10 years.

This Uruguay Round Agreement cuts overall U.S. tariff collections by 15 percent from what they otherwise would be. Everyone should understand, because of Budget Act points of order, consideration of this implementing legislation requires 60 votes in the U.S. Senate. I will explain this shortly.

It has been very difficult for the U.S. Congress to wrap its arms around the deficit. We tried at the 1990 summit conference, but at that time we did not have a GATT agreement in mind. The Chair, the distinguished Senator from West Virginia, was an active member of that budget summit.

We came up with a concept, aside and apart from GATT, and it is called pay-as-you-go. It says, if a policy results in lower revenues, you must make up the loss somewhere else with new revenues or with entitlement cuts. Now, frankly, that is very new, that 60-vote point of order for pay-go. It is very new to American legislation and certainly to the body of the Senate and our processes.

I, for one, believe it is among one of the five or six good new concepts for budget control. It is easy to understand. It resonances nicely—pay-go. Everybody thinks that is right. You ought to pay as you go. But the truth of the matter is that it is all based on estimates and all based on assumptions. What paygo does, in a sense, is put a big picket fence around the deficit.

But I must suggest we left a nice gate in the fence. There is a little gate in this fence. And the gate is a hard gate to get through—60 votes, supermajority. I submit that is precisely why we put that in and it finds itself right here on the floor.

When there is something of paramount American importance, you open the gate and you say, "Look, these rules are good, but these rules are not impeccable. These rules are not things that cannot be violated." And if the GATT agreement is good for America, it appears to this Senator that you ought to open that gate in the fence. And that is why I support waiving this point of order and opening that gate in the fence.

Now I want to continue on to make sure that my constituents and those who are interested in the views of somebody who has been working on the budget for a long time and understands all this estimating, understands the big current argument about dynamic evaluation of activities versus static. I am not one that jumps to the tune of either one, as if the rhythm is absolutely mandatory.

From my standpoint, I am looking for accuracy in these two apparently opposite systems of static versus dynamic. And that is at play here today. For those who would like me to say you do not need a waiver because if this was estimated with a dynamic model there would not be any revenue loss, I am not prepared to do that yet. We are going to have a joint hearing with the House and Senate Budget Committees on the dynamic versus static issue. For the first time in the history of both bodies, both budget committees are going to have hearings to let the public understand that.

But for now, I do not choose to say there is no effect on the deficit, but I do choose to say it is rather minimal. And let me proceed to discuss that, having discussed that opening in that fence with the gate that requires 60 votes to get around this wall.

The Congressional Budget Office has estimated that, as a result of this agreement, there will be following the results: In agriculture, there will be a savings of $1.5 billion over the first 5 years and $5.2 billion over 10 years. Now that means we will spend less on agriculture because of this agreement.

The overall net cost of the agreement to the Treasury before any offsets is $10 billion over the first 5 years under the current way of estimating. Over 10 years, the cost is $26.6 billion. However, the administration and Congress worked together to structure a package of offsets. The entire agreement, offsets included, increases the deficit by $1.7 billion over 5 years, I say to Senator MOYNIHAN, $1.7 billion over 5 years and $12 billion over 10 years.

Now I am not one that excuses spending because it is a small amount. But I must put this one in perspective. This increase in the deficit represents two-tenths of 1 percent, I say to Senator PACKWOOD, two-tenths of 1 percent of the total projected deficit for the next 5 years, five-tenths of 1 percent of the total projected deficit for the next 10 years—if, in fact, the numbers are right; if, in fact there is no positive influence on America starting out in the 6th, 7th, 8th year by getting rid of tariffs which have to work in our favor. I have heard everyone speak to that. It is unequivocal that getting rid of tariffs works to our advantage.

So last May, Congress wrote a budget for this country by the adoption of a budget resolution which set a floor for revenues and a ceiling for outlays. The GATT implementing legislation, on its own, reduces revenues below that floor and, therefore, as I indicated heretofore, violates the budget resolution. The Budget Act defines this in section 311(a) and talks about a point of order. It takes 60 votes to waive, as I have just indicated in my general explanation of the pay-go provisions, which I think have generally been very good.

This same budget resolution modified the pay-as-you-go point of order established last year. Our pay-go enforcement makes it out of order to consider legislation that, combined with all legislation enacted since August of 1993, would increase the deficit for any one of the following three periods: 1995, 1995 to 1999, or 2000 to 2004. So I say to my friends in the Senate, we are now out there in the 2000 and 2004 part of this.

Incidentally, that was not even the law a year and a half ago. We went out 10 years, I say to Senator MOYNIHAN, and heretofore we had only gone out 5. So, in a sense, we are burdening GATT with a very, very stern test when we are very tough on the evaluation of these activities in terms of estimates.

So, based on the CBO scoring, it is obvious that GATT violates this pay-go point of order, this fence around expenditures or loss of revenues for the last two thresholds and is subject to this point of order.

I urge that the Senate vote to waive this point of order. And, as I have indicated, generally I do not do that lightly but I believe the 60-vote point of order was there clearly intended to give us the opportunity to not have to comply with pay-go when we find it is in the national interest to do otherwise.

The administration knew the budget effects of this agreement and knew precisely what they would be. They proceeded to try their hardest, as I can determine, to find ways to offset the costs and it was not their wish to run into points of order over GATT. People worked tirelessly here in the Congress and in the administration for months to work out a funding package for this agreement.

I can remember 8 months ago talking to both Senator MOYNIHAN and Senator PACKWOOD about that. So we have been all busy doing it. We could accomplish it mutually and we had to do it with the administration and the Congress.

Since the agreement with all the offsets will still increase the deficit, this point of order lies. And so we are confronted with the facts as I have described them with this rather small effect if it all works out that way, and do we have a GATT or do we not based upon those rather small and almost insignificant budget effects.

Mr. President, our budget rules are tough. They are very tough. They were meant to be. And I think of the rules, as I have indicated before, are like a fence with a gate. We have this small gate, but we are penalized when we use it and we have to get 60 votes. I support waiving this Budget Act for purposes of considering the GATT implementation language and we simply have too much to lose if we miss this opportunity.

In the field of economics that is known for diverse answers to the same question, there is a remarkable agreement on the benefits of GATT to our people. So where economists differ on many things there is almost a unanimous concurrence that GATT is good for American workers and for our future. So, if we fail to waive, we are letting all that go down the drain because of a 60-vote point of order that I have done my very best to describe in terms of its impact.

Incidentally, the United States is not the only winner. Reducing trade barriers is not a zero sum game where some countries benefit at the expense of others.

The positive, overall effects of GATT are long term and accrue to all countries participating. With free trade—and free trade causes investment and capital formation—workers become more productive, the economy grows, and jobs increase. Household incomes rise.

While we do not score the future expected economic growth for budget purposes, in this case we can be pretty sure it is going to happen. This is one of the cases where we need to crack the gate open, as I have indicated, and fit this legislation through it and waive the pay-go.

In my mind, this is not a vote on whether we increase the budget deficit. It is a vote for free trade. So for those who are using the budget waiver as an excuse, or for their justification, the truth of the matter is this is not a budget vote. It is a free-trade vote. Those who oppose free trade clearly can use any reason they like. But I believe the view is very shortsighted that predicates a vote against GATT on budget and budget activities.

Mr. President, I ask for 5 additional minutes.

Mr. PACKWOOD. I yield the Senator 5 additional minutes.

The PRESIDING OFFICER (Mr. DORGAN). The Senator may proceed for 5 additional minutes.

Mr. DOMENICI. Frankly, this GATT agreement will do more for the long-term economic growth and for our people's prosperity than anything else passed in the 103d Congress. And I believe that. Most of what we did has some very measurable impacts and much of it has both negatives and positives. GATT, as an instrument of change in the way the world markets work, is the most significant legislation that we will pass here in the whole 103d Congress, and I stand on that and I believe that.

Before I conclude, I would like to briefly address a couple of important issues that citizens in my State and many others have brought to our attention. They are legitimate, valid concerns and deserve attention.

First and foremost, the GATT agreement does not threaten U.S. sovereignty. Let me repeat. I know people in New Mexico, many of them good, solid friends of mine, have been talking about sovereignty. In this Senator's opinion, the GATT agreement does not threaten U.S. sovereignty. All living Presidents, former Secretaries of State, all former Trade Representatives of the United States, as well as many constitutional scholars, including Robert Bork, are convinced that this agreement does not impede U.S. sovereignty.

Among all of those people, would any of them want to deny our sovereignty? I do not believe so. I do not believe this Senator wants to, and I do not believe the 61 Senators who hopefully are going to vote for waiver really want to deny our sovereignty.

Simply put, the World Trade Organization cannot change U.S. law. The WTO cannot change a U.S. law because only the U.S. Congress can change a U.S. law. Therefore, even if the World Trade Organization made a ruling that would go against an existing U.S. law, the U.S. law could not automatically be changed to conform to the World Trade Organization ruling. A U.S. law can only be changed if the U.S. Congress votes to change the law.

A final safeguard to U.S. sovereignty is that if at any time the United States becomes dissatisfied, it can withdraw from the World Trade Organization after giving 6 months' notice. That is a pretty good escape hatch. In the event the WTO becomes arbitrary or capricious, we get out.

Another important concern has to do with why should we do this in this session; why should it not be delayed? Many of my constituents are asking that. The answer is, this is not a "rush" to approve an agreement. The GATT has been negotiated for over 8 years by Presidents Reagan, Bush, and Clinton. The Congress has had ample time to review carefully the specifics of this multilateral trade agreement, and it is time to make a decision one way or another.

There are Senators who have read much of this. There are some who have read every word in it. And one of the overriding reasons why we need to make this decision sooner rather than later is that delay in approving this means that other nations will continue to impose high tariffs on U.S. goods. This is costly to each and every American. The United States should protect its valued business interests and jobs. According to some estimates, a belated passage of GATT implementing legislation could cost us as much as $7 billion in lost production over 1 year alone, as well as thousands of jobs. Given these onerous costs, I believe the time is now. I submit to people around the country and people in the State of New Mexico that we have had plenty of time, over three Presidencies, to work on this and get it where it is. I do not believe it needs to be delayed any longer.

Another important concern some have in our country, and in my State, is that this agreement appears to be a treaty and, thus, requires a two-thirds vote by the U.S. Senate. It is important to point out this is not a treaty. It was not negotiated as such. It has always been considered an executive agreement by all parties involved. As such, GATT is about the issue of commerce with foreign nations, and under

Article I of the Constitution, the Congress has the power to regulate commerce with foreign nations. Hence, only a majority vote in both Chambers of Congress is required. If it were considered a treaty, then the U.S. Senate would be required under the Constitution to pass it by a two-thirds vote. However, this is not the case, and I believe the constitutionality of this kind of executive agreement is well established. I do not choose to go into the legal opinions, but I believe it is established.

A final question of special concern is that GATT requires that every United States citizen receive an identification number at birth, and that this matter is unrelated and irrelevant to matters of trade. The answer is that this requirement is included in the implementing language of GATT; it is not part of the GATT itself. This language was included in the implementing legislation because to ensure accurate assessments of income taxes, improper deductions on tax returns must be minimized.

Mr. MOYNIHAN. It is the Social Security number.

Mr. DOMENICI. The Social Security number, that is right. As a consequence, this section is designed to reduce tax cheating by people who claim children they do not have, which has the effect of reducing their taxes. This is important because it has a significant effect on the amount of tax revenue collected, which directly correlates with the overall net cost of the agreement to the U.S. Treasury. Therefore, the United States has decided that it is critical to maintain an accurate accounting of its taxable population.

Mr. President, as I stated earlier, I believe this legislation is extremely advantageous for our long-term economic growth and our American prosperity. It is as fiscally disciplined as it can realistically be. It is something we must pass to achieve better standards of living in our own country and around the world. I have reviewed this agreement carefully, and I am satisfied that it is in the best interests of our citizens. I am, therefore, confident that the GATT should be approved.

Mr. PACKWOOD. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Oregon, the Chair is informed, has 4 hours and 38 minutes remaining.

Mr. PACKWOOD. Four hours and 38 minutes remaining? I thank the Chair.

I ask that only for this reason. Senator GRASSLEY is here ready to speak. Does Senator HOLLINGS have any objection?

Mr. HOLLINGS. Go right ahead. No.

Mr. PACKWOOD. I am going to give him 15 minutes. But I will say this. I have 17 speakers left who have said they wanted to speak. I just know what is going to happen as they begin to get here in the afternoon. They are going to want 10 or 15 or 20 minutes with 2 hours to go, and I will say, for those who want to speak, if they will come over now they are more likely to get 10 or 15 or 20 minutes than they are this afternoon.

With that, I will yield 15 minutes to the Senator from Iowa.

Mr. MOYNIHAN. Mr. President, will my friend from Oregon allow me just one moment to say that in our case, we are in yet more straitened circumstances. We have 1 hour 55 minutes. The leader will have to have some time. Probably no more than 10 Senators, at most, can be accommodated. There will be a limit of 10 minutes. I hope those who wish to speak will let us know.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa for 15 minutes.

Mr. GRASSLEY. Mr. President, I rise today to urge my colleagues to waive the budget point of order and to support the GATT.

As my colleagues know, I yield to no one in this Chamber in my desire to cut spending and reduce the deficit. The National Taxpayers Union recently rated my voting record as one of the three most fiscally conservative in the Senate.

I believe it is important that we have the fiscal discipline to pay for tax cuts with reductions in spending or increased revenues.

That is why I joined several of my colleagues in signing a July 15 letter to President Clinton asking that the administration provide the necessary spending cuts and revenues to make up for the tariff revenues that will be lost under GATT.

The Congressional Budget Office [CBO] estimated at that time that implementation of GATT will mean a loss of approximately $12 billion in revenues over the next 5 years. The administration's proposed spending cuts and revenue increases would limit this loss to only $2.5 billion over the next 5 years according to CBO.

I am pleased that the July 15 letter was effective in forcing the administration to greatly limit the amount of lost revenues. I am disappointed that the administration did not show the leadership to provide the spending cuts necessary to avoid a budget point of order.

However, the $2.5 billion in lost revenues is dwarfed by the costs of delaying GATT and attempting to find the additional funds. The Department of the Treasury has estimated that postponing the implementation of GATT will cost the United States $70 billion in lost production over the next 10 years.

The Department of the Treasury also estimates that a 6-month delay in implementation will reduce U.S. employment by an average of 25,000 a year over the next decade. These costs greatly overshadow the $4.5 billion in lost revenue.

The Department of the Treasury numbers are supported by what I'm hearing from my fellow Iowans. In Iowa, many businessmen and women and especially farmers tell me that they need GATT now. It is my understanding from them that 100's of millions of dollars are at stake for Iowa companies and workers. Enormous grain sales could be lost to unfair EC subsidies if we fail to pass GATT now.

Due to this year's bumper crop, there are now mountains of corn in Iowa. It is imperative to Iowa's economy that this corn reach overseas markets. Iowa State University estimates that GATT will mean a net increase in farm income of $225.5 million in Iowa by 2002.

In considering my vote on this waiver, it was necessary to weigh the long-term impact. While the budget deficit is a top priority for me, there is no question that GATT will be a tremendous boon to our Nation's workers and the economy. GATT will especially benefit agriculture in our Nation—good news for farmers and for Iowa. A growing economy is crucial if we are going to successfully address the deficit.

The budget shortfall is half-a-billion dollars a year. While the budget aspect should be a serious concern, an even more serious concern is growth, prosperity and competitiveness. The flow of exports from Iowa and the United States to greater markets will help bring us these. We can't let half-a-billion dollars a year get in the way of that. It would be like building a beaver dam to stop up the Mississippi. It would do nothing but no good.

As my colleague Senator DOMENICI, the incoming chairman of the Senate Budget Committee, made clear earlier today, the authority to waive the Budget Act was put into the law by design to provide the Senate a gate to disregard the budget rules when it is in the best interests of the American people. GATT is certainly a case where we must crack open that gate in the budget rules. GATT is without question in the best interests of the American people.

I have voted in the past to waive the budget rules when I believed it was in the long-term interests of the American people. In 1992, I voted to waive the budget act to allow for an extension of emergency unemployment benefits. Given the state of our Nation's economy at the time, I thought it was important that we provide additional benefits to families in need.

Similarly, it does not make sense to me now to jeopardize the tremendous benefits to working families across America and throughout Iowa from free trade because of the administration's failure to provide sufficient spending cuts.

Mr. President, I urge my colleagues to join me in supporting the budget waiver so we can pass this landmark, worldwide agreement.

Mr. President, very soon we will be voting on the GATT implementing legislation, one of the most important pieces of economic legislation since the end of World War II. It is also one of the most controversial.

Many opponents of the agreement have bombarded the American people with the claims that they have nothing to gain and a great deal to lose from implementation of this agreement: U.S. sovereignty will be sacrificed they say; our environmental and sovereignty will be scarified they say; our environmental and health standards will be endangered; and unemployment will soar.

These are frightening prospects, and if they were true I would be the first to oppose this agreement. But all the ranting from soapboxes doesn't make the opponents arguments true. In fact, these predictions are about as accurate as the one about the giant sucking sound NAFTA was supposed to produce, which has proven to be demonstrably false.

This is not meant to suggest that the concerns expressed by my colleagues during this debate are without merit. I share many of these concerns, such as the use of child labor in many countries, and will do whatever I can to correct these problems. But I believe we can address these problems more effectively as the most influential member of the international trading community, as opposed to rejecting this agreement outright.

For each of us however, the failure to secure certain more parochial concerns should have no impact on our decision whether to support GATT. Simply put, the removal of trade barriers generally will promise global competitiveness and greatly improve the standard of living both here and abroad.

A look at GATT shows it is an economic winner for the United States. Economists, both Liberal and Conservative, agree that ratification of the agreement will add $100 to $200 billion to the U.S. economy each year, and create thousands of jobs, particularly in the high value-added, high-productivity, high-wage industries that produce the types of jobs our economy needs.

Let's look at the sectors of our economy that will benefit from this agreement:

Foreign tariffs on telecommunications equipment and wood products will be lowered and tariffs on agricultural machinery, construction equipment, pharmaceuticals, toys, and furniture will be phased out, thereby bolstering exports of these products. High-Technology goods will be especially helped.

The aircraft industry will benefit from lower subsidies to its foreign competitors.

Stronger protection of intellectual property will help those industries that have suffered from piracy or product counterfeiting, costing us billions of dollars in lost revenue every year.

And especially important to Iowa, exports of agricultural products will rise because of reductions in export subsidies and tariffs in Europe, as well as requirements for minimum import access in all countries.

My colleagues have discussed the positive impact GATT will have on other sectors of the economy, so I would like to focus on the benefits of implementing the Uruguay round to Iowa agriculture. Perhaps the most significant accomplishment of the Uruguay round is the reduction in tariffs and export subsidies for agricultural products. The tariff reductions will lead to increased access to foreign markets for U.S. commodities—leveling the playing field in the world market for trading agricultural goods. The reduction in export subsidies will force our foreign competitors to cut their support for agricultural exports—again, leveling the playing field for U.S. producers.

How will these liberalized trade rules benefit agriculture? Although the United States is currently running a trade deficit, we enjoy a healthy trade surplus in agricultural goods. So even though our foreign trading partners erect high barriers to U.S. agriculture imports and heavily subsidize their own exports, the United States still exports more agricultural commodities than it imports. This is a result of the U.S. farmer being the most efficient producer in the world. Because of the wide advantage in productivity enjoyed by the U.S. farmer, we will be able to export even more agricultural products when worldwide barriers and subsidies are lowered.

The importance of exports to the agriculture sector and the individual farmer cannot be overstated. In any given year, the United States sells about 70 percent of its wheat, 40 percent of its corn and 60 percent of its soybeans in the world market. This year, exports take on increased significance. The harvest of 1994 has resulted in record supplies of corn and soybeans. According to the USDA, the U.S. corn crop could exceed 10 billion bushels for the first time in history and soybeans should set a record at about 2.5 billion bushels. There are literally mountains of grain in Iowa that need to be moved to market. However, the demand for grain in the United States is not sufficient to liquidate these supplies. Therefore, exporting this grain to foreign markets is essential to the viability of the family farmer.

Clearly the family farmer and farm-related workers will benefit from GATT. Consider some projections regarding Iowa farmers, for example. The center for agricultural and rural development at Iowa State University has concluded that Iowa producers of corn, soybeans, pork, and beef all benefit to a large degree under the Uruguay round. As a result of increased trade in these commodities, Iowa State economists project cash receipts of corn to increase $184 million, receipts from hogs will increase $110 million, soybean receipts will rise by $83 million and, finally, cattle cash receipts are expected to increase $92 million. The bottom line is that Iowa net farm income is projected to rise over $200 million per year from 1995 to 2002. I want to stress that these figures are just for Iowa farmers alone. The impact on the U.S. agricultural economy is just as dramatic. Cash receipts for agriculture products are projected to rise $5 billion by the year 2002 with net farm income rising $1.4 billion per year from 1995 and 2002. Although these figures are dramatic, my intent is not to befuddle the American public by citing a number of estimates and projections. The basis for these projections is simple: Increased access to the world marketplace will increase agricultural exports which, in turn, will increase the net income for the American farmer and those associated with farming.

And in regard to the budget issue that has been raised by some of my colleagues, in agriculture alone there are a number of budgetary consequences that are receiving little or no attention. For example without new export markets opened by GATT, U.S. surplus farm production will cost the Government more in storage costs, create higher deficiency payments and require export subsidies to continue the agricultural subsidy battle with the European Union. So rejecting GATT could hurt, not help efforts to reduce the budget deficit.

Let us not forget that the United States has the lowest tariffs in the world, so GATT will mean that tariffs of other countries will come down. So GATT is more in our interest than that of other nations. When foreign tariffs are brought down, the playing field will be level. And as the most productive nation on Earth, we can compete with anyone and win.

In the final analysis, my support for this agreement is based on the fact that GATT is good for America; GATT is good for Iowa; and GATT is good for world prosperity.

I would now like to deal with some of the arguments that have been filling the airwaves lately, that come close to predicting the end of the world as we know it if GATT passes. The bone of contention for opponents is the provision in GATT that creates the World Trade Organization and gives it the authority to arbitrate and settle disputes between international traders. Opponents claim the WTO would infringe upon U.S. sovereignty making the laws of the land subservient to an international tribunal. They have created the impression that the WTO was foisted on the United States by countries who want nothing more than to invalidate our laws. The arguments ignore the plain facts. The WTO was suggested and fought for by the United States out of frustration with the weakness of, and delays in, GATT dispute settlement proceedings and enforcement. For example, U.S. farmers suffered greatly from the European refusal to abide by several GATT panel rulings on agricultural products and the lack of effective enforcement rules. Under the WTO procedures, countries that discriminate against U.S. products can no longer ignore adverse rulings. And it is worth noting that the United States has won 80 percent of the cases it has brought to GATT since 1947.

With regard to U.S. sovereignty, I can state without fear of contradiction that no Member of Congress is going to vote against the sovereignty of our Nation. This Senator certainly will not do that. But this argument is as false as all the others. Let me quote from the implementing legislation which states that "nothing in this act shall be construed to amend or modify any law of the United States, including any law relating to the protection of human, animal, or plant life or health, the protection of the environment, or worker safety." The legislation also provides in section 102 that "no provision of GATT * * * that is inconsistent with any law of the United States shall have any effect." So the implementing legislation emphasizes Congress' commitment to ensuring that the United States and not the WTO will determine the primacy of U.S. laws.

And the opponents conveniently overlook the fact that if we don't like what's happening with the WTO, we can withdraw at any time by giving 6 months notice. And thanks to Senator DOLE, we will have another withdrawal option, given to Congress, if a review panel decides that WTO decisions against the United States have been arbitrary or capricious. And if that is not enough, there is a provision in the agreement that gives Congress the right to review our situation under GATT after 5 years and if we don't like what we see we can withdraw at that time. With all these safeguards, it is hard to see how our sovereignty is at stake.

The plain truth is we are the greatest economic power on the planet, and our influence will be respected. In fact, the WTO will operate under the first rule of international trade: Do unto others as you would have them do unto you. If that principle is ignored, then the opposite rule will take effect: He who has the gold, rules. We will dominate the WTO by that simple fact alone. Simply our threat to withdraw will be enough, because who can imagine a WTO without the most prestigious and largest member of the International Economic Community.

Let us bear in mind that membership in GATT is not a lifetime commitment. It is, in fact, a voluntary association which we benefit from because it will require other countries to play by the same rules we have been playing by for years. There is simply no basis to the argument that our sovereignty is in danger, and I want my constituents to know that this argument is not valid.

Another argument that has people in an uproar is the one that says Congress should not deal with such an important issue during a lameduck session. Well, Congress has dealt with many matters of enormous importance to the Nation in post-election sessions.

Since 1950, there have been six post-election sessions. In those sessions, Congress has passed well over 150 bills, resolutions and conference reports involving matters of national security, economic policy, foreign policy, and Government spending. During these sessions Congress has ratified treaties, approved a budget and budget resolutions, approved major environmental measures, passed a mass transit bill and authorized numerous appropriations.

Every Member in this body was duly elected by his or her constituents to serve in the 103d Congress, so any suggestion that this post-election session lacks "standing" or "legitimacy" is not legally supportable. This is the argument one makes when he knows he can not win on the merits. It is simply a smokescreen for delay to give the opponents of GATT more time to appeal to people's fear and insecurity.

Americans have always had a high view of our Nation. We think we stand for something important, and that its worth offering the world. And the world is listening, as more and more countries try to emulate us. When you are No. 1, the only superpower, the only Nation with a globally appealing ideology, when you want to keep America first, that is the time to promote free trade to open markets to American products. GATT does that, and we should pass it now.

Mr. PACKWOOD. Mr. President, I yield 1 minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado, Senator HANK BROWN, is recognized for 1 minute.

Mr. BROWN. Thank you, Mr. President. I simply wanted to thank the distinguished chairman of the Finance Committee for entering into the RECORD yesterday, following my talk, the portion of the cost of GATT that the United States now pays which is a little under 15 percent. Our share of GATT's cost is based on our share of international trade. In my statement yesterday, I mentioned the U.S. contribution could be as high as 25 percent. This was from an understanding that we may shift to a formula used by the United Nations which is based on a member country's portion of the total world GDP, and from other proposed changes in the assessment of members' contributions to the World Trade Organization [WTO] that may take place soon.

According to the State Department, the size of a member country's economy will be a consideration in calculating its contribution to help pay for the new WTO. It is likely that some modifications will be made in the contributions to the WTO based on each member's portion of the total world GDP. Our current portion of the total world economy is 23 percent.

Also, beginning in 1996, each GATT member country's contribution will reflect its share in international trade in goods, services, and intellectual property. Thus, the U.S. contribution to WTO will significantly increase because we have the largest trade in service and intellectual property in the world.

The chairman's figures are exactly correct that we currently pay 14.6 percent of GATT's costs. I appreciate very much him taking the time to enter them into the RECORD to set it straight.

Mr. MOYNIHAN. Mr. President, may I express my great admiration for the graciousness and thoughtfulness of the Senator from Colorado, who is meticulous in these matters. If there is any one of us in this Chamber who has not had some statistics go awry from time to time, I do not know who that would be. I do very much appreciate his remarks.

I yield the floor.

Mr. PACKWOOD. Mr. President, I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN], is recognized for 5 minutes.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Oregon for yielding time to me.

Mr. President, after undertaking a careful review of the Uruguay round, I am convinced the GATT agreement provides an unprecedented opportunity to benefit the United States, create new high-paying jobs, and strengthen our economy. The Uruguay round is the most comprehensive trade agreement in history. It breaks down foreign trade barriers and opens markets to U.S. goods, services, and agricultural products. Since the United States already has the most open market in the world, this means more export opportunities for our side.

Mr. President, in looking at the agreement and being in meetings with colleagues, talking to administration and former administration officials, I have assimilated a body of information which I am pleased to share with the Senate in writing. I have labeled this information, that I ask be printed in the RECORD, "GATT Agreement Facts."

We have heard a lot of rhetoric, we have heard a lot of fears, we have heard a lot of arguments, and we have heard a lot of speculation. What the Senate needs to focus its attention on right now are the facts. I asked my staff to try to sift through all of this information that we have accumulated during this process and to put down on paper what the facts are. The facts are overwhelmingly persuasive, in my view, in favor of approval of this agreement, and in waiving the so-called "budget rule" to accomplish the approval of this agreement.

I am going to highlight just a few of these facts in the brief time that is available to me, and then ask it all be made a part of the RECORD.

The United States accounted for almost 12 percent of all world exports in 1992. We are the world's largest exporting country. We sell more of what we produce in the international marketplace than any other country.

Trade represents approximately one-fourth of our gross domestic product. Over the last 5 years, U.S. exports accounted for half of our total U.S. economic growth.

The reason these facts are important to me is very obvious. If we are able to lower barriers to our trade throughout the world, then those growth numbers are going to be even higher in the years ahead, above what are already projected to be opportunities for more growth in exports.

It benefits us more than any other country to lower barriers and to remove unfair barriers to our trade. This agreement will cut tariffs on manufactured goods by over one-third, the largest cut in history.

The agreement will bring important areas such as services, intellectual property, and agriculture under international rules for the first time. Why is that important? Because agriculture is one of our largest industries. If you add production agriculture with the food processing and transportation industries, almost one out of every five jobs in America depends upon agriculture, food processing, transportation, and the rest.

Being able to export more from this sector of our economy is a tremendous advantage to the United States, and agriculture subsidies are brought under GATT for the first time under this agreement. Increased agricultural exports will mean higher prices for U.S. farmers, along with increased export-related jobs.

At the conclusion of my remarks, Mr. President, I ask unanimous consent that a roster of the Agriculture for GATT Coalition be printed in the RECORD. This is a list of all of the members of this coalition.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COCHRAN. To give you an idea, the Senate should notice there are three single-spaced pages of names of organizations and producer groups in agriculture that support this agreement.

Another fact that I am including is that in my State of Mississippi, just as an example, we recorded exports of $803 million in 1993, nearly 80 percent greater than the $354 million in 1987, just 6 years before. Exporting and sales in overseas markets is a growth industry in my State, as it is in many other States, and much of that is related to the exporting of food, food products, timber and timber products, and other manufacture products as well.

Mississippi boosted export sales of a wide range of manufactured products over the 1987–93 period. Rapidly expanding export categories included furniture and fixtures, up over 1,000 percent; rubber and plastic products, up 600 percent; food products, 502 percent; textile mill products, 330 percent; fabricated metal products, 154 percent; and transportation equipment, 123 percent.

The agreement contains important provisions to open foreign markets and reduce tariffs on many of Mississippi's largest and fastest growing export products, leading to economic growth and job creation for the State.

Mississippi expects rapid growth in overseas sales by Mississippi manufacturing industries such as furniture, rubber and plastics, fabricated metals, and transportation equipment.

Exports to the State's fastest growing markets—Latin America—stand to realize significant benefits under the GATT Agreement.

Stronger patent and intellectual property protection under GATT and harmonization of foreign tariffs at lower levels will benefit Mississippi's top export—chemical products.

The agreement's elimination of tariffs on paper goods, wood, and many furniture products will enhance the State's exports.

Under the agreement, the European Community nations will substantially reduce tariffs on many of the State's exports of industrial machinery and electronics.

The WTO does not endanger U.S. sovereignty.

The World Trade Organization would be the governing body of international trade disputes. It provides a forum to resolve trade disputes and investigate the issues of tariffs and other trade barriers. The WTO cannot directly override U.S. laws or require any action to do so. The United States will only be bound to obligations it has accepted and Congress has voted on. In comparison to the current situation, the WTO would have expanded powers. It would be able to exercise indirect powerful pressure upon countries to change its laws that contain more rigid requirements on foreign producers than domestic producers, regardless of whether the discrimination was intended or not. A panel decision will no longer be able to be blocked as under the existing GATT. WTO would allow counties aggressively to go after other countries through international trade measures.

According to R. William Ide III, president of the American Bar Association, and I quote:

> In particular, the Uruguay Round dispute settlement provisions leave U.S. domestic legal powers totally intact, just as they were under the old GATT rules. Likewise, the WTO simply provides an updated procedural framework for dealing with GATT trade issues. It gives the U.S. more, not less procedural protections than the old GATT. Finally, none of these changes permits GATT rules to override U.S. domestic law, so U.S. sovereignty remains intact.

Robert H. Bork concurs, I quote:

> In sum, it is impossible to see a threat to this nation's sovereignty posed by either the WTO (World Trade Organization) or the DSU (Dispute Settlement Understanding). Any agreement liberalizing international trade would necessarily contain mechanisms similar to those in the Uruguay Round agreements. The claim that such mechanisms are a danger to U.S. sovereignty is not merely wrong but would, if accepted, doom all prospects for freer trade achieved by multi-national agreement.

In considering the GATT implementing legislation, a budget waiver is justified.

Under congressional budget rules, the implementing bill must include provisions to offset the loss of tariff revenues under the trade agreements. Estimates of lost revenues are about $12 billion for the first 5 years and as much as $40 billion for 10 years. The bill includes about $1.7 billion in savings available from previously enacted legislation, another $2.2 billion in savings from nontax writing committees—including the controversial pioneer preference provisions—and $7.3 billion in a wide variety of relatively small, unrelated provisions. Most of the sections are tax provisions, but one on tax section pertains to reform of the Pension Benefit Guarantee Corporation. If a budget rules waiver is needed in the Senate, 60 votes will be needed to pass the waiver.

A study by the Joint Economic Committee Republican staff, using several independent estimates of economic growth under the agreement, found that on average, the agreement will raise nearly $30 billion in new revenue over the first 5 years. After accounting for the expected $12 billion revenue lost to tariff reductions, the agreement still comes out ahead on revenues by an average of nearly $18 billion. When the total fiscal impact is considered, every study of the GATT surveyed by the staff showed a net reduction to the Federal deficit.

According to Representative JIM SAXTON, of New Jersey:

> We are all aware of the PAYGO rules which threaten to hold up the GATT legislation. In

general, the PAYGO rules are helpful in preventing new and wasteful spending. However, in the case of free trade in general and the GATT in particular, such rules fly in the face of virtually all the available evidence. The purpose behind the GATT is to improve economic performance. Virtually all economists agree it will have this effect. * * *

There are some valid concerns about the GATT, but objections to this free trade agreement over its fiscal impact are hollow. The GATT will not reduce Federal revenues, and in all likelihood, it will substantially increase them. The Congress should start governing smarter, and the GATT presents a marvelous opportunity to do so.

BACKGROUND INFORMATION—HISTORY

The General Agreement on Tariffs and Trade [GATT] is a multilateral trade agreement, entered into force in 1948, to promote freer trade among member countries. GATT provides a forum for negotiating trade issues and a framework of principles guiding the conduct of trade. Central features of the GATT framework are: nondiscriminatory trade treatment; reliance on tariffs, rather than nontariff barriers, when it is necessary to protect domestic producers; adherence to negotiated tariff rates, at fixed maximum levels; and, settlement of disputes through consultation and conciliation. The membership of GATT includes 123 countries, accounting for over four-fifths of world trade.

Prior to the Uruguay round, signatory countries had conducted seven rounds of trade negotiations. Despite the significant accomplishments of these rounds in removing barriers to trade, many observers maintained that important reforms were needed to improve GATT rules and procedures, to strengthen the codes negotiated in the rounds, and to expand the coverage of the GATT to new areas of international trade. A conference in Uruguay in September 1986 launched a new round of multilateral trade negotiations.

Trade officials from over 100 countries signed the closing documents of the Uruguay round in Marrakesh, Morocco on April 15, 1994. They endorsed the Final Act, a 22,000 page document that includes rules on trade in goods, trade in services, intellectual property rights, and dispute settlement.

PROVISIONS

The agreement would produce significant changes in the world trading system.

World Trade Organization.—The agreement establishes a new structure for the administration of world trade rules. The umbrella body with oversight of this structure will be the World Trade Organization [WTO]. WTO will administer agreements on goods, services, and intellectual property rights, and will oversee the dispute settlement understanding. WTO will also administer the trade policy review mechanism, which will regularly examine countries' trade policies and practices. Countries will have to sign on to all of the new trade structure or none of it, thus eliminating the free rider problem where a country gains the benefits of an agreement without accepting the obligations.

Tariff reductions.—Developed countries agreed to cut tariffs on industrial products by an average 38 percent. Tariffs would be reduced to zero for the following: construction equipment, agricultural equipment, medical equipment, steel, beer, distilled spirits—not all kinds—pharmaceutical, paper, toys, and furniture. Tariffs would be reduced by 50 to 100 percent on electronic items, and they would be harmonized at reduced rates for chemicals. Most tariff reductions would be effective after 5 years, except for certain sensitive products, which would have tariffs reduced over 10 years.

Agriculture.—Countries agreed to cut export subsidy outlays by 36 percent and the quantities exported with subsidies by 21 percent—1986–90 base—over 6 years for developed countries and over 10 years for developing countries.

Nontariff barriers to imports, such as quotas, will be replaced by tariffs. All tariffs will be reduced by an average 36 percent—24 percent for developing countries—with a minimum cut of 15 percent; 10 percent for developing countries, for each tariff item.

Internal support programs, that distort trade will have to be cut by 20 percent—1986–88 base. Credit will be allowed for cuts already undertaken since 1986. Action will not be taken against export subsidies and internal support measures that meet the above reduction commitments. Imports, however, will be subject to countervailing duties except in certain circumstances.

Sanitary and phytosanitary measures.—Countries also agreed to several provisions on sanitary and phytosanitary measures; health and safety measures related to people, animals, and plants. They agreed that each country has the right to set its own standards. Standards should be based on scientific principles and can be more stringent than international standards. States and local governments are expected to abide by the Uruguay round framework, but do not have to lower their standards if the standards are scientifically based.

Textiles and apparel.—Countries agreed to a 10-year phaseout of the current quota system under the multifiber arrangement and full integration of textiles and apparel into the GATT. During the 10-year period, a safeguard mechanism will be allowed to protect domestic industries against import surges; special provisions on transshipments—shipments through a third country—are included. Quotas will be eliminated in three stages over 10 years, with the importing countries having wide discretion over which products are freed from quotas at each stage.

Developed and developing countries have agreed to market access commitments, both for tariffs and nontariff barriers. Trade remedies are allowed if a country does not meet its commitments.

Safeguards—protections against import surges that threaten to harm a domestic industry.—The safeguards section includes some incentives to use the multilateral safeguards process rather than unilateral measures, and it places tighter controls on how safeguard measures are used. For example, existing voluntary restraint agreements; agreements where the exporting country voluntarily limits its exports, will be phased out over 4 years, except for one allowed exception that will be phased out by the end of 1999. The reason for imposition of safeguards will be publicly explained, and any safeguards will be phased out over a maximum term of 8 years.

Antidumping.—The agreement consists mostly of relatively minor clarification and expansion of existing provisions. Changes include: a standard of review, greater transparency and due process in antidumping investigations, de minimis dumping and import volume margins, sunset of antidumping orders, cumulation of injury, and recognition of anticircumvention practices.

Subsidies and Countervailing Measures.—The agreement adopts substantive changes in the subsidies and countervailing practice. It (1) introduces modified subsidies disciplines for developing countries; (2) defines "subsidy"; and (3) categorizes subsidies as: prohibited—specific subsidies—to individual enterprises—and export performance-conditioned subsidies; actionable—countervailable—those causing injury, impairment of benefits, or serious prejudice, subsidies that exceed 5 percent; cover operating losses, or forgive debt; and nonactionable—provisions expire in 5 years—for industrial research, up to 75 percent of cost; precompetitive development activity, up to 50 percent; regional development, or one-time adaptation of facilities to new environmental requirements, up to 20 percent; and introduces modified subsidies disciplines for developing countries.

Trade-related investment measures.—The agreement establishes, for the first time, rules on investment measures that distort trade. It includes a list of measures that are prohibited, including local content and trade balancing requirements. The phaseout period for eliminating prohibited investment practices would be 2 years for developed countries, 5 years for developing countries, and 7 years for the least developed countries. As practices are phased out, a country can impose similar requirements on new entrants into their market in order to reduce any disadvantages on already established firms. A review of this section will be required within 5 years.

Services.—For the first time, countries agreed to international rules and market access commitments to cover trade in services. These provisions are in the newly established General Agreement on Trade in Services [GATS]. Also for the first time, disputes concerning the trade in services will be covered by multilateral dispute procedures.

The GATS includes a broad framework of principles that include most-favored-nation [MFN] treatment, nondiscrimination among foreign services or service providers; national treatment, nondiscrimination between domestic and foreign services or service providers; transparency, publicly available information; and access to markets.

Intellectual property rights.—The agreement establishes, for the first time, rules for trade-related intellectual property rights [IPR] and brings these issues under a multilateral dispute process.

Countries agreed to observe the major copyright treaty, the Berne Convention, and they agreed to important copyright protections for computer bases, motion picture makers, and sound recordings. They agreed to greater protection under both process and product patents and to some limits on compulsory licensing of patents; however, U.S. pharmaceutical companies oppose the long lead-in time for developing countries to change their laws. Other protections in the agreement cover trademarks, trade secrets, integrated circuits, industrial designs, and appellation of origin—product names specific to a geographical region.

Dispute settlement.—The final act greatly strengthens the dispute procedures. It provides that dispute procedures shall apply to the areas of goods, services, and intellectual property rights, and allows cross-retaliation; that is, retaliation in one are to address a violation in another.

Several changes are expected to strengthen the dispute settlement process; establishment of a dispute panel upon request, automatic adoption of panel reports, a time limit on implementation of a panel finding, and automatic approval of retaliation if a country refuses to implement the finding, unless a consensus agrees otherwise. A country will not be forced to change its practices if it loses a case, but if it does not implement the panel finding, it might face retaliation by the other party to the dispute. It is uncertain how the use of unilateral U.S. measures, section 301, might change with this stronger dispute process, but many experts have said that there might be less need to use unilateral measures with stronger multilateral rules.

Government procurement.—The government procurement agreement provides for open information on bids, minimum deadlines for bids, notification of bid outcome, procedures for protest of bid decisions, and a tie-in to the multilateral dispute procedures. It covers, for the first time, government procurement in services. The agreement sets a threshold for procurement to be covered, and it expands the types of procurement covered by adding subfederal procurement, limited mostly in public utilities. There is some difference in concessions from country to country, depending upon the concessions offered by each country.

Other trade provisions.—Several other important provisions are in the final act. The section on import licensing procedures includes a minimum notification period if licensing procedures are changed, limits the time to process licensing applications, and requires that countries instituting new licensing procedures must provide detailed notification. The section on customs valuation includes changes related to investigation of customs fraud and developing country obligations. The section on preshipment inspection includes rules related to the use of preshipment inspection companies, which often are employed by developing countries for customs-related work, and dispute provisions. The section on rules of origin includes disciplines on such rules and requires that a 3-year work program be undertaken to try to harmonize the rules of origin among signatories. The section on technical barriers to trade deals with how counties set technical standards and how they determine conformance with those standards. Several provisions relate to miscellaneous GATT articles such as balance-of-payment problems, state trading companies, and preferential trading arrangements.

The environment.—Environmental issues were included in the final act as modifications to language in the preamble and sections on technical barriers to trade, sanitary and phyto-sanitary measures, and dispute settlement. An environmental work program was formulated and it was agreed that an environmental committee in the WTO will be established to carry out the work plan. Environmental groups are split on the outcome of the round: some support the increased participation that the environmental committee provides; others are concerned about the potential of the WTO to reduce environmental standards and want a full negotiation of environmental and trade issues. Attention will focus on how environmental goals and objectives might be outlined in the implementing legislation.

Worker rights.—The United States pushed strenuously for discussion of worker rights during the months between conclusion of the round and the Marrakesh signing. Although the United States was unsuccessful in having a permanent committee on worker rights established in the WTO, it did have the issue placed on the agenda for the preparatory committee. What this means is that worker rights will be one of the topics considered for possible inclusion on future agendas.

Mr. President, based on all of these facts and comments that I have been able to elicit from present administration officials, from the Bush administration and the Reagan administration officials, it is as clear as anything can be that the approval of this agreement and waiver of the budget rules are the things for the Senate to do today.

EXHIBIT 1

AG FOR GATT COALITION

NATIONAL ASSOCIATIONS

Agricultural Retailers Association, American Cotton Shippers Association, American Farm Bureau Federation, American Forest and Paper Association, American Hardboard Association, American Hardwood Association, American Hardwood Export Council, American Institute of Timber Construction, American Meat Institute, American Seed Trade Association.

American Society of Farm Managers and Rural Appraisers, American Walnut Manufacturers Association, APA, The Engineered Wood Assn., Coalition For Food Aid, Corn Refiners Association, Inc., Fast Food Merchandisers, Fine Hardwood Veneer Association, Futures Industry Association, Grocery Manufacturers of America, Hardwood Manufacturers Association.

Holstein Association USA, International Apple Institute, International Ice Cream Association, International Dairy Foods Association, Milk Industry Foundation, National Association of State Departments of Agriculture, National Barley Growers Association, National Cattlemen's Association, National Cheese Institute, National Corn Growers Association.

National Cotton Council, National Council of Farmers Cooperatives, National Dry Bean Council, National Food Processors Association, National Grain and Feed Association, National Grain Trade Council, National Hardwood Lumber Assn., National Oak Flooring Manufacturers Association, National Pork Producers Council, National Potato Council.

National Wood, Window, and Door Association, North American Export Grain Association, Pet Food Institute, Snack Food Association, Sweetener Users Association, Terminal Elevator Grain Merchants Association, The Fertilizer Institute, United Egg Association, United Egg Producers, United Fresh Fruit and Vegetable Association, U.S. Egg Marketers, U.S. Meat Export Federation, U.S. Sugar Industry, USA Poultry & Egg Export Council, USA Rice Federation.

STATE/REGIONAL ORGANIZATIONS

Agricultural Council of California, Arizona Department of Agriculture, Arkansas State Plant Board, California-Arizona Citrus League, California Department of Food and Agriculture, California Walnut Commission, Colorado Department of Agriculture, Connecticut Department of Agriculture, Delaware Department of Agriculture, Eastern United States Agricultural & Food Export Council.

Georgia Department of Agriculture, Hawaii State Department of Agriculture, Illinois Department of Agriculture, Iowa Department of Agriculture and Land Stewardship, Kentucky Department of Agriculture, Lake States Women in Timber, Louisiana Department of Agriculture and Forestry, Maryland Department of Agriculture, Massachusetts Department of Food and Agriculture, Mid-America International Agri-Trade Council.

Minnesota Department of Agriculture, Mississippi Department of Agriculture and Commerce, Missouri Department of Agriculture, Nevada Division of Agriculture, New York State Department of Agriculture and Marketing, North Carolina Department of Agriculture, Northeastern Loggers' Association, Northwest Horticultural Council, Ohio Department of Agriculture, Oregon Department of Agriculture.

Pennsylvania Department of Agriculture, Penn-York Lumberman's Club, Rhode Island Department of Agriculture, South Dakota Department of Agriculture, Southeastern Lumber Manufacturers Association, Southern Forest Products Association, Southern U.S. Trade Association, Tennessee Department of Agriculture, Texas Agricultural Cooperative Council, Texas Department of Agriculture.

Utah Council of Farmer Cooperatives, Utah Department of Agriculture, Washington State Apple Commission, Washington State Department of Agriculture, Western U.S. Agricultural Trade Association, Western Wood Products Association, Wisconsin Department of Agriculture, Trade and Consumer Protection.

COMPANIES/COOPERATIVES

Abenaki Timber Corporation, Affiliated Rice Milling, Inc., AgriBank, FCB, AGRIPAC, Inc., Allegheny Highland Hardwoods, Inc., American International Log, Appalachian Hardwood Manufacturers, Inc., Anderson-Tully Company, Inc., Archer Daniels Midland Company, Associated Rice Marketing Cooperative.

Augusta Logging Exporters, Inc., Austin Hunt Logs & Lumber International, Averitt Lumber Company, Inc., Baillie Lumber Company, Banks Hardwoods, Inc., Beaumont Rice Mills, Inc., Blaney Hardwoods, Inc., Blue Diamond Growers, E. Boyd & Associates, Inc., Bradford Forest Products.

Broussard Rice Mill, Bryan Forwarding Company, Inc., Buchanan Hardwoods, Inc., Bunge Corporation, CK International, C-Wood Lumber Company, Inc., Calico Cottage Candies, Inc., California Canning Peach Association, California Pacific Rice Milling, Ltd., California Rice Milling, Ltd.

California Tomato Growers Assn., Camden Hardwood Company, Cardinal Trading, Ltd., Cargill, Incorporated, Catlett Warehouse, Central Soya Company, Inc., CF Industries, Inc., Chicago Board of Trade, Chicago Mercantile Exchange, Coastal Lumber.

CoBank, National Bank for Cooperatives, Cole Hardwood, Inc., Colonial Craft (Rasmussen Millwork), ConAgra, Inc., Connell Rice & Sugar Company, Connor Forest Industries, Inc., Continental Grain Company, Cookie Investment Company, Cormier Rice Milling Company, Countrymark Cooperative, Inc.

David R. Webb Company, Inc., Diamond Fruit Growers, Inc., Duckwater Farms, Inc., Edwards Wood Products, Elanco Animal Health, El Campo Rice Milling Co., Energy Beverage Company, Inc., Falcon Rice Mill, Inc., Farmers Grain Terminal, Inc., Farmers' Rice Cooperative.

Farmers Rice Milling Company, Inc., Farmland Industries, Inc., Fitzpatrick and Weller, Inc., Florida Citrus Mutual, GDM Farms, Inc., Georgia-Pacific Corporation, Germain Timber Company, GROWMARK, Inc., Gulf Compress, Gutchess International, Inc.

Hardwood Plywood Manufacturers, Inc., Harvest States Cooperatives, High Mountain Associates, Incotrade, Inc., International Veneer Co., Inc., J.M. Jones Lumber Company, Inc., Kane Hardwoods, KBX, Inc., Kitchen Brothers Manufacturing Co., Langston Companies, Inc.

Lewis Brothers Lumber Co., Inc., Liberty Rice Milling, Linden International, Inc., Lo Brothers & Associates, Louis Dreyfus Corporation, Mackey's Ferry Sawmill, Inc., Matson Wood Products, MBG Marketing, Alan McIlvain Company, MFA, Incorporated.

MFA Oil Company, Midwest Lumber & Dimension, Inc., Frank Miller Company, Miller and Company, Monadnock Forest Products, Inc., Monsanto Company, Monticello Hardwood, Inc., Morgan Farms, Nicolet Hardwoods, Norbest, Inc.

NORPAC Foods, Inc., North Atlantic Timber & Shipping, Northland Corporation, Northland Forest Products, North Pacific Lumber Company, Oaks Unlimited, Inc., Ocean Spray Cranberries, Inc., Olive Growers Council of California, Owens Forest Products, P.W. Plumy.

Pacific Lumber & Shipping Company, Pierce Foods/Hester Industries, Pioneer Hi-Bred International, Inc., Port of Orange, Producers Rice Mill, Inc., Providence Bay Fish Company, RAM Export Sales, Inc., R.B. Farms, Rice Belt Warehouse, Inc., Rice Growers Association of California.

Rice-Tec, Inc., Riceland Foods, Inc., Richmond Lumber, Inc., Riviana Foods, Rossi Enterprises, Rue & Forsman, Salamanca Lumber Company, Inc., Schmid Lumber Company, Inc., Seafood Export, Inc., Shannon Lumber International.

Southern States Cooperative, Inc., Spellman Hardwoods, Inc., St. Paul Bank for Cooperatives, Stewart Lumber Company, Inc., Stimson Lumber, Stinson Seafood Company, Sun-Diamond Growers of California, Sunkist Growers, Inc., Supreme Rice Mill, Inc., T & S Hardwoods.

Taylor-Cross International, Taylor Lumber, Inc., Taylor-Ramsey Corporation, The Jolt Company, Tradewest Hardwood Company, Tradewinds International, Inc., Tree Top, Inc., U.S. Livestock Genetics Export, Inc., USA Woods International, W.M. Cramer Lumber Company.

W&W Rice Company, Walter H. Weaber Sons, Inc., Webster Industries, Inc., West Implement, Western Farm Credit Bank, Weyerhaesuer Company, Whitson Lumber Company, World Wood Company.

Mr. PACKWOOD. Mr. President, I yield 15 minutes to the Senator from Texas.

If I might, Mr. President, I have 16 speakers left, and if we go 15 minutes apiece, I will use up more time than I have. If we can hold it to 15, I would appreciate it.

Mrs. HUTCHISON. Mr. President, the debate we are having today is not new; it has raged in this century and those before—here and in the Parliaments of Europe. For most of the Victorian Age, England, the greatest economic power of the 19th century, held to a policy of free trade and prospered. At the turn of the century, an "Imperial Preference" plan was proposed to divide the world in two. Crown colonies would enjoy free trade with England, while all other nations would be walled off by stiff tariffs.

The Imperial Preference was as controversial then as GATT is today. England's greatest statesman, Winston Churchill, was then a back-bencher in the House of Commons. He had followed in his father's footsteps in support of free trade, and as a Conservative Party member. But on the Imperial Preference, Churchill refused to follow his party leaders towards protectionism; he crossed the aisle to join the free-trade liberals, stating that protectionism is a:

> Policy to shut the British Empire up in a ringed fence. Why should we deny ourselves the good and varied merchandise which the traffic of the world offers, more especially since the more we trade with others, the more they trade with us.

This week, as we debate whether our country should continue to be part of the economic community of nations, we should listen to what the lessons of history from abroad and from our own former Presidents teach us.

HISTORY

First, we need to remember Calvin Coolidge, a plain-spoken American. He said, "the business of America is business." Our national identity is not wrapped up in a historic monarchy. Our Nation is about freedom to pursue life, liberty, and happiness. To succeed in that pursuit, we need jobs—and the paychecks that follow. We need employers and workers, raw materials and factories, customers and suppliers.

With our abundant resources and educated work force, we produce more than we consume. We cannot have the business and jobs we have today without trade with other countries.

Shortly after President Coolidge left office, Congress passed the Smoot-Hawley Act of 1930. Under Smoot-Hawley, tariffs on imports rose to the highest level in history. In 1932, tariffs averaged 59 percent—nearly doubling the cost of imported raw materials and finished goods. Smoot-Hawley pushed us into the depths of the depression; we did not fully recover until after the Second World War. Under authority delegated from Congress, the Roosevelt administrations were able to reduce these tariffs through a series of international agreements.

Following the war, the United States and eight other countries agreed to a provisional GATT—15 other nations soon joined. Six rounds of negotiations and agreements followed the initial agreement—the first five concentrated on tariff reduction. Other rounds concentrated on reducing nontariff trade barriers and coordinating antidumping laws. The Uruguay round agreement is the latest step in a continuing series of agreements that have reduced tariffs and other barriers to international trade.

FORMER PRESIDENT'S CONTRIBUTIONS

As we debate the GATT bill, we need to remember the contributions to two former Presidents—Presidents Reagan and Bush. Under their leadership, the Uruguay round went from an idea—to expand trade agreements beyond tariff reduction to trade in services, trade in agriculture products, intellectual property protection, and reducing government subsidies—to near completion.

Without their unshakable belief in American competitiveness and the free market system, and their faith in the eventual resolution of the talks to the benefit of the United States, we would not be on the threshold of a new chapter in world economic growth. President Reagan said:

> America doesn't need to hide behind trade barriers. Given a level playing field, Americans can out-produce and out-compete anyone, anywhere on earth. That's why it's the policy of this Administration to open markets abroad, not close them at home.

President Bush's leadership and understanding of North American economics probably did more for free trade than any other modern President. By successfully completing the North American Free-Trade Agreement, President Bush showed that freeing countries from trade barriers could do more than just create jobs and increase trade. Trade creates good neighbors and solidifies friendships.

TRADE POLICY

Despite the efforts of Presidents Bush and Reagan, the Uruguay round talks were a marathon. Internal politics in Japan and France prevented a resolution of agricultural issues, and delayed completion of the round for almost 2 years. Despite claims that foreign rice was unfit for consumption, the Japanese Government agreed to end its ban on imports of rice. By the year 2000, rice imports in Japan will be 8 percent of the market. French farmers also held up agricultural negotiations—and traffic in Paris—until a worldwide deal on oilseeds and other issues were reached.

We have delays here in the United States, too. After years of negotiations we made important new agreements with over 100 other nations. But the Clinton administration put passage of this legislation, and our participation in the WTO, at risk by delaying this bill in order to push new international environment and labor standards. Congress flatly refused to allow this by refusing to include new fast track negotiating authority for the President in this fast track bill. New negotiating authority should be fully considered on its own, in amendable legislation.

That brings us to the present. I have been in a dilemma over GATT because there are serious questions and serious consequences for voting either yes or no. I want to discuss a few of the serious issues.

WTO

Much of the concern over the agreement has focused on whether the WTO is a threat to the sovereignty of the United States. I have thoroughly reviewed this issue. I have concluded that the implementing legislation contains adequate safeguards against ceding our authority to a multinational body.

Under our constitutional system, no treaty or international agreement can bind the United States if we do not wish to be bound. At any time, Congress can override such an agreement by statute. Similarly, the WTO Agreement states that any amendment changing the rights or obligations of a member country is not binding unless it is agreed to by the member.

Changes in existing trade agreements—which will include the Uruguay round agreements if they go into effect—require a two thirds vote of the WTO. If a member refuses to accept a change, it can be asked to withdraw from the WTO by a three-quarters vote. But such a sanction could not reasonably be imposed on the United States—member countries would not eject their largest customer for their imports from the low-tariff trading community. but if it were imposed, ejection would simply put us where opponents want us—out of the WTO. So this argument is without foundation; in sum, it is "we shouldn't join the WTO because we could get thrown out."

No less a constitutional scholar than Judge Robert Bork has concluded that the sovereignty issue is a "scarecrow" raised by opponents of lowering trade barriers. Bork found that many of the safeguards in the WTO agreement are either the same or stronger than those already existing in the GATT, under which we have operated successfully for decades. Under the new agreement, changes to the WTO dispute settlement rules—the rules for challenges by one member to another's laws or practices—now require a unanimous vote of all members; under the GATT, they could be changed by a two-third vote.

The GATT has existed for almost 50 years as a multilateral trade agreement, and an ad hoc body to administer the agreements. But in order to make sure that the best interests of the United States are protected, Senator DOLE and the Clinton administration reached an agreement last week to pass legislation next year that will establish a "WTO Dispute Settlement Review Commission" of five Federal appellate judges.

Under the Dole agreement, if there are three commission determinations in 5 years that a WTO panel unfairly hurt the United States interests, any Senator or Congressman could introduce a privileged, expedited joint resolution disapproving of United States participation in the Uruguay round agreements. If the resolution is enacted by the Congress and signed by the President, the United States will commence withdrawal from the WTO.

Senator DOLE's agreement establishes a procedure for expedited consideration of withdrawal from the WTO if the WTO does not effectively serve the United States best interests. Because of the improvement made in the agreement, I believe that joining the WTO will not harm the sovereignty of the United States.

FINANCING

I remain, however, severely disappointed with the administration's financing plan.

While some of the revenue increases in the bill are good—I certainly support denying the earned income tax credit to prisoners and illegal aliens—others are irresponsible. For years, savings bonds have been the soundest, most accessible investment for many Americans. Why are we eroding the public's trust in savings bonds and the Government by repealing the mandatory 4 percent floor on savings bond interests?

Cuts in tariffs are tax cuts—they reduce tariffs on imports. Tariffs are unkowingly paid to the Government by consumers as part of the sales price at the check-out counter. Cutting tariffs reduces prices—not only on imports, but through competition on U.S. products, too. Lower prices mean consumers have more money to spend that goes to producers, instead of to the Government, which means more sales, more sales revenue, and more jobs. It also means that economic activity increases—which creates higher, not lower, total Government revenue.

Despite this, the administration insisted that the tariff cuts be offset for the first 5 years—they don't believe tax cuts change consumer behavior. OMB went so far as to say that "we do not believe it is necessary to sacrifice budget discipline" to pass GATT. But they fell $2.5 billion short in their offsets, and came up with a budget gimmick—counting past tax increases that were already used for deficit reduction—for a second time.

After insisting on a static model estimate for the first 5 years, the administration argued that Senators should vote to waive the Budget Act because cutting tariffs will raise revenue over years 6 through 10. So offsetting the first 5 years became unnecessary in the Senate—we need a Budget Act waiver anyway.

The administration could have: Used spending cuts as offsets; recognized that the static model does not compensate for consumer behavior; or fully offset the entire agreement instead of using budget gimmicks.

Instead, they ask us to believe one prediction method for the first 5 years, and a second for the second 5 years.

All I can say in response to such inconsistency is that when consumers have money in their pockets instead of the Government's, they either save or spend it—and both help the economy and raise revenue more than higher taxes do. When Republicans are in the majority, I hope the administration will recognize that we expect honest accounting. We may not agree on methods, but there should be no more shell games of switching estimating models after 5 years or recounting past tax increases as an offset.

CONSEQUENCES

So that brings me to the consequences of passing or not passing this bill. Some have tried to pin jobs lost in America to trade agreements. That is wishful thinking on the part of Members of Congress looking for the trees and missing the forest.

Jobs have left America because Government regulation, litigation, and taxation makes it too expensive to do business in America. If our businesses can not compete, it is not because our workers are paid more. All the statistics show our workers make up for their better wages by being more productive and efficient than workers in foreign countries.

When our businesses can not compete, its because over-regulation and litigation drive up their production costs, and taxes drain their capital. GATT is a first step towards leveling the playing field because it reduces other countries trade barriers. We must take that first step now, and next year we must take another step towards leveling the playing field by passing regulatory and litigation reform here at home.

Over time, reducing trade barriers has benefited America. In the early 1950's, most countries tariffs on imports averaged 40 percent. Once the new agreements are fully implemented, tariffs will average less than 4 percent. Our gross national product in 1947—expressed in today's prices, for better comparison—was $231 billion. Today, our national economy is almost $7 trillion a year. This is more than a 30-fold increase since we first joined the GATT.

Obviously, GATT has been good for America, and for the world economy. Reducing tariffs from 40 to 4 percent has created jobs here, and jobs abroad. I am sure it has created more jobs in developing countries than any foreign aid money ever has.

GATT will also be good for my home state of Texas. The GATT agreement opens new foreign markets by lowering other countries' tariffs on chemicals, computers, semiconductors, construction equipment, and steel that is produced in Texas, and in many other States. Agriculture will benefit from increased access to world markets—feed grain, cotton, beef, and poultry exports are expected to increase.

Most important, GATT will benefit consumers; the Treasury estimates that lower prices from GATT will result in savings of $1,700 for every American family of four. That is a tax cut which provides needed help for every person—it will mean more food, clothing, books, and education savings for children all over America. People will choose where their money is spent, instead of being forced to fund bureaucratic spending programs from Washington.

Our experience with NAFTA is a resounding success. We're enjoying a "Surge in Trade," according to one recent newspaper article. Exports to Mexico are up 22 percent in 1994. These exports support thousands of jobs in the United States.

For example:

Because of cuts in tariffs under NAFTA, the Miles, Inc. chemical company has closed its plants in Mexico. Because the plants in Mexico are no longer protected with high tariffs, they cannot compete with the productivity, efficiency, and skills of American workers. Miles now exports to Mexico from its plant in Baytown, TX.

In El Paso, a new plant that manufacturers Wrangler jeans has created 450 new jobs this year to meet demand from NAFTA-related trade.

Even though newsprint tariffs do not go down until 1997, the improved business climate with Mexico has more than doubled newsprint exports to Mexico in the last year.

We can continue to increase our exports under GATT, and increase employment throughout America.

So to conclude, while I am troubled by part of this agreement, my choices do not include amending it. My choice is to vote yes—or no. Because of its benefits for American workers and American consumers, I will vote "yes" for the implementing bill, and for the motion to waive the Budget Act.

Winston Churchill said that the price of greatness is responsibility. It is our responsibility to act now for the benefit of American workers and for our country's future.

Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against the three parties in charge of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, yesterday I used the example of agriculture as an industry, and I use the term "industry" in the best sense of the word, that is able to compete worldwide when given a level playing field.

In response, my good friend from South Carolina, the junior Senator, Senator HOLLINGS, said, well, what would you expect from an industry that is the most subsidized industry in the world and no wonder they can compete?

I would like to respond to that as follows: As far as my State of Oregon is concerned, wheat is our largest agricultural export. At the moment, we export about 85 percent of all the wheat we grow. At the moment, the export price in Portland is $4.50 to $4.60 a bushel. Which is above the target subsidy price set in the 1990 farm bill. Therefore, these wheat farmers are getting no GATT-illegal subsidy. They are competing on the worldwide market without a penny of any GATT-illegal subsidy.

In order of export, our next biggest crops are vegetables, principally processed vegetables, fruits, peaches, cherries, all kinds of fruits, and then grass and vegetable seeds. Oregon has become one of the largest seed-growing areas in the entire world, both grass seeds or vegetable seeds. Neither vegetables, fruits nor seeds are subsidized at all.

So we are competing throughout the world without subsidies and beating the world.

Yesterday I called John Deere to recheck my facts, and I said, what does a large combine cost? They said, $145,000 to $150,000. What does the large tractor cost? And this one surprised me—$120,000 to $130,000.

I guess I am old enough. I was thinking of the old-style tractors. These are immense new tractors that are pulling these combines.

You say to yourself, how can a farmer pay $150,000 for a combine and $140,000 for a tractor—and that is not all the equipment they need—and compete with the farmer someplace else that is using an ox and a wooden plow?

You know the argument that is raised—30 cents an hour, 30 cents an hour, clean conditions, child labor. How does a husband, wife and maybe a couple kids and maybe or maybe not a hired hand beat the world? And the answer is productivity.

At the turn of the century a farmer could feed seven people in the United States. Now, a farmer can feed about 80 people, and I will wager that by the end of this century a farmer will be able to feed about 100 people in this country.

Agriculture is the most stunning example, more than manufacturing, more than services, of our success in productivity. But we can do it in manufacturing and we are starting to. We can do it in services, and we are doing it. We have an immense surplus in our balance of trade in services.

I just wanted to set the record straight that at least as far as Oregon is concerned the products we are competing with throughout the world are mostly agricultural products that are not GATT illegally subsidized, that are very, very capital intensive and that we are winning that war and we can continue to do it and GATT will make it even easier to do it.

I thank the Chair and suggest the absence of a quorum and ask unanimous consent that the time be charged equally against the parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I yield 10 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I appreciate the chairman yielding and hope that I might have 5 additional minutes if I need it at the end.

Mr. President, I take no great pleasure in being on this floor on the opposing side of this GATT issue. I think it was Mark Twain who was once asked to debate and he said, "Fine, give me the opposing side. That will take no preparation."

I would prefer to be here on another side of this issue. But the fact is, we are presented with these trade agreements under a fast-track procedure and we are told that you cannot amend them. It is this way or no way. So we only have one option here. We either accept or reject these agreements.

I also take no pleasure in this because this President, President Clinton, and this Trade Representative, Ambassador Kantor, have exhibited real guts as compared to many others in the past 20 years. They have stood tall on bilateral negotiations with Japan and Canada and others, and they have done things other administrations would not even think of trying to do. So I support them very much in their initiatives on trade.

But our trade strategy, in my judgment, that brings this GATT agreement to the floor is a bipartisan failure and has been for a long while. It moves us in precisely the wrong direction.

This year our Nation's trade deficit will be the largest in American history. If you are not persuaded that the current trade strategy, which helped produce the largest deficit in history this year, is the wrong direction, what on Earth will persuade you?

We have accumulated a trade deficit of $1.2 trillion since 1980. What on Earth does it take to be persuaded that this is the wrong direction?

I just heard someone refer a moment ago to the United States of America as the dominant figure in world trade, leading the way. And I was thinking of reading to my son the other night about Gulliver's travels and this behemoth Gulliver laying there on the ground tied up by the Lilliputians. That is the way we are in trade.

Yes, we are large. We are the largest economy in the world. That is why we are the biggest market for cheap imports, displacing American jobs. There is no substitute for the American marketplace anywhere on this globe. And that is why in every corner of the Earth there are interests, and especially the international corporations' interests, who want to produce where it is cheap and then sell not in Libya, not in Nairobi, not in Kenya, but in the American marketplace.

Why? Because they can compete in the market with very cheap labor, displace American jobs, and injure this country's economy, and under the new GATT they can do so with no restrictions, no admission price at all.

Under the rules of the new GATT, companies are free to produce shirts somewhere overseas in some factory using 6-year-olds or 10-year-olds working 12 hours a day and making 12 cents an hour, and then ship them to Cleveland, ship them to Fargo, ship them to New York to be sold in a store under a designer label name and have the American consumer purchase the products of labor of 12-year-olds. The admission price to our marketplace should be higher than that.

Free trade is just fine, as long as it is fair competition. And the plain fact is, this trade strategy is not fair, it is not fair to our country, it is not fair to our workers, and it is not fair to our businesses who produce here and try to compete here and around the rest of the world.

This is supposed to be a time of change and new policy, a period of fresh air in public policy in Washington. And, do you know what? We come back to this Senate floor after the recent elections and engage in the same old, worn out, failed trade policies that have put this country deep in debt. The same old policies. There is no change here.

I read yesterday, and I think I will read again, some of the debate from our consideration of the Tokyo round trade agreements in 1979. That was the last time we debated a new GATT agreement here.

Here is what the proponents of the 1979 agreements said. Now, just close your eyes and imagine. Is it 1979 or 1994?

"These agreements offer new opportunities for all Americans. For American farmers, the agreement expands world markets for American farm products. For American workers, the agreement offers more jobs, higher incomes, and more effective responses to unfair foreign competition." That is the argument made here in 1979.

What happened? GATT was passed. Those were the promises. Well, U.S. agriculture exports did go up 5 percent. In 14 years, agricultural imports into this country went up 32 percent. Is that not something?

How about the American workers? Since the Tokyo Round Agreement, the United States has seen a net loss of 3.3 million manufacturing jobs.

Higher incomes? Oh, no. Most Americans out there in the American households understand that average household incomes has declined since 1979.

So how on Earth can the people who gave us the promises in the last round have any credibility at all?

The central point here is that U.S. living standards are being sacrificed to a bunch of failed policies and a slogan called "free trade."

I know that when you stand on this floor and speak as I speak, you are immediately categorized as some protectionist. Protectionist. Lord, it is an awful word, I guess, that you would want to protect the economic interests of our country. I do not know when that became unfashionable, but I regret that it did. I should think it would be fashionable for people to stand here and protect the economic interests of America.

Protect us against imports? No, not at all. I want our consumers to have the widest choice.

Protect us against unfair competition that would move our jobs elsewhere? You better believe I want to protect us against that.

Protect us against policies that will erode and have eroded the income of the American family? You bet I want to protect us against that. Just chalk it up and mark me down as a protectionist. If we are talking about protecting American income and protecting American jobs, you are darn right that is something I want to protect. If being called a protectionist is the price for doing that, then count me in.

But, do not ever confuse protecting the economic interests of our country with efforts to put a wall around America. A wall is not our intent. It will always be my intent to fight for a world in which we have broader, expanded trade but trade which is fair and trade in which there is an admission price to enter a developed marketplace. We fought for 50 years for safe working conditions and fair living wages and protection of air and water against dumping pollutants and chemicals and toxic waste into water and air, and the admission price into our marketplace must reflect our determination to maintain those accomplishments for the American people.

That is exactly what this debate is about.

Interesting. I had a debate yesterday with some people from the U.S. Trade Representative's office. They were alleging that these new agreements are going to help us with Japan. Total bunk. Nonsense. This will do nothing with respect to Japan. We have a $60 billion trade deficit with Japan. It is a shame, a shame that we have that circumstance in our bilateral relationship between us and Japan.

Yes, Japan is a good friend but they have taken advantage of us for decades. We ought not have a $60 billion trade deficit with Japan, and this GATT agreement will do nothing to resolve it. The only thing that will resolve it is bilateral negotiations that are tough, assertive, strong, with some nerve, and will on our part say to them, "You cannot do that. If you expect to ship your goods to the United States of America, then you better expect to have your markets open for our goods to be shipped there. We are going to hold up a mirror and look in the mirror because what you see is what you get. You treat us fairly, we treat you fairly."

That is the way reciprocal trade ought to work.

China? China is not even a part of the new trade agreements; another outrage. Their trade deficit with us has gone from $9 billion, to $12 billion, to $18 billion—this year to $28 billion. Our trade strategy with China is not working. The deficit is draining American jobs. That should not be hard to understand.

I just heard a Member of the Senate talk about jobs leaving America, saying that the exodus is not because of cheap labor elsewhere, but because of Government regulation. I do not know how you could come to such a conclusion. You have a choice in this country if you are a producer. You can produce with the same money: Hiring one American, or, instead, 20 Filipinos; or 40 from India; or, 80 Chinese.

Under those conditions, producers go outside this country and use cheap labor to produce their products; ship American jobs there, and then ship their goods back here. That means we lose. It is a process of accessing cheap labor to injure our marketplace.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. I ask the Senator for 5 additional minutes?

Mr. HOLLINGS. Two?

Mr. DORGAN. Two is fine. I had wanted to speak about child labor and about agriculture.

Regarding agriculture, the Senator from Oregon made the point about farmers. I support it fully. While we disagree on the end strategy here, I support his point about agriculture. But the fact is, you take a look at what happens in agriculture. We negotiate to reduce export subsidies and, guess what? We lose every single trade negotiation. The European Community will end up with three times as much allowable export subsidies on wheat, for example, as our country will be allowed to use. That is fair? Of course it is not fair.

Think of this as an Olympics. We have an Olympics and we put uniforms on Americans and we put "USA" on them. We all sit on the edge of our couch hoping that we win. This is an economic Olympics of sorts. The fact is the winners are going to be the recipients of new jobs, expanded opportunities, and economies that provide new growth.

The losers are misguided nations who believe what matters is not what you produce, but what your consume. It is called the British disease: a shrinking economy, shrinking base, shrinking job opportunities. The fact is, what matters is what you produce. That is the genesis of economic health, the genesis of jobs and income.

This is an international Olympics of sorts, and the fact is we have somehow been embarrassed to support our team. We have somehow not been concerned about our winning. The only important element at the end of this debate when all the dust settles on all the issues that are raised is this and only this: Have we done something that increases—no, not trade exports, not GDP—have we done something that increases the standard of living of people who live in America? If not, then we have lost. And, on that basis, this GATT trade agreement is a loser for this country.

There is a much better way, with open trade, expanded trade, and better opportunity for the entire world; a way that I support. That is free trade with fair competition between us and other countries of the world.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Mr. President, I yield 10 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from North Dakota for his fine statement, and I appreciate his comments, especially about the importance of incorporating basic internationally-recognized human rights standards into our trade policy.

Let me start by quoting from the Calgary Herald of the other day.

> This past Friday the preparatory committee for the new World Trade Organization, WTO, rejected any formal institutional arrangement subjecting the new body to any human rights scrutiny whatsoever.

This was this last Friday. This was the last effort to have some kind of linkage to human rights in this trade arrangement, and it failed. I would like to just follow up on what the Senator from North Dakota said. He said he did not have a chance to go to child labor and human rights issues. I want to do so now. And if a picture is worth 1000 words, let me start out with a picture.

The first picture here is of three sisters, age 6 to 16, working in an incense factory in Nagpur, India. They roll 20,000 incense sticks per day for less than $1.65. Children working all day, for a total income of $1.65.

Next picture. Young children who work in a carpet factory in Nepal, for long hours under strict production quotas that they must meet to avoid abuse by their employers.

Next picture. Children who are forced to work because of debts owed by their parents, in India—in virtual indentured servitude.

Mr. President, while some on this floor have downplayed this issue, facts are stubborn things. There are an estimated 200 million children in the workplace worldwide, working under dangerous and unsafe conditions in violation of international human rights standards. In Bangladesh, children as young as 8 years old make up 25 percent of the work force in the garment industry.

In Brazil, 4-year-old children—4-year-old kids—work up to 10 hours a day harvesting cotton. Mr. President, here again we are talking about children who work for little pay and who are subject to abuse by employers when they do not meet their harvesting quotas.

I start out this way because I really believe that the promotion of internationally-recognized human rights standards should be a part of what the United States of America should be about in our foreign and trade policies. There should be some kind of linkage in our trade agreements. I felt that way in relation to most-favored nation status for China. I felt that way in relation to our policy toward Indonesia. I felt that way in terms of the North American Free-Trade Agreement. And I most definitely feel that way when it comes to the new WTO.

And I am concerned because I do not believe, despite the tireless efforts by international advocates for children, that enough is known about the horrible abuses in this area all around the world. I know that come this Christmas, when parents buy toys for their children, it may not occur to them that in many cases the toys they buy for their children were made by children in other countries even younger than their own kids, for $1.35 a day under the most harsh, exploitative, awful working conditions. I know that when people buy carpets for their living room they do not want to buy carpets that are produced by children working under these kind of conditions.

And let's not try to fool anyone that this issue is going to be vigorously pursued within the World Trade Organization. As I said earlier, it was just last Friday that we had the final formal rejection by the WTO preparatory committee of any kind of human rights scrutiny by the United Nations, any kind of linkage to child labor or other social development issues under this agreement.

I have been in the Senate now for 4 years and I have learned a lesson. This is a respectful disagreement with other colleagues. That is the way we have to be, in respectful disagreement.

And one of the things I have learned is that if you do not have some kind of framework, some kind of intellectual and philosophical framework that you stay true to, you just sort of get buffeted about on the basis of who can yell the loudest, who can exert the most pressure and all the rest. Now some argue that in order for developing countries to become more democratic, and better able to extend basic civil and political rights to all of its citizens, you have to have the trade liberalization and the economic expansion first. And there is an element of truth to that argument. In some countries, it has worked out that way. But you are much more likely to get progress in human rights if pressure is maintained by major trading partners for such progress, and if everyone—all trading nations—have agreed beforehand on at least a few basic minimum standards.

If history has taught us anything, it is that the only way that happens is when the United States and other major countries take the lead and insist on some kind of linkage, and use our leadership as a democracy to encourage and pressure other countries to live up to these basic standards.

I wanted so much for there to be some kind of basic human rights formulation built into this agreement, and have pressed for that. I have not been able to support either the GATT or NAFTA, as much as I am an internationalist by birth, partly for these reasons. I am the son of a Jewish immigrant from Russia. My mother's family was from the Ukraine. My father taught me that we ignore the world at our own peril. But I believe from head to toe that human rights and child labor conditions must be a part of such an agreement. Instead, this linkage was formally rejected.

Mr. President, as we move forward in this debate, let's not forget that there is a linkage between the working conditions of these children in these pictures and this agreement. These kids' lives do matter. Commercial logic is not the only logic; they do matter. There is a linkage between the conditions of their lives and what happens to our work force as well. As Senator DORGAN said, it is very difficult for workers to compete, for citizens in our country to compete, against children who are getting paid $1.35 for a whole day.

When I take together the human rights questions, which are compelling questions to me, the child labor questions, which are compelling questions to me, and I realize that this agreement does not acknowledge these conditions and makes no effort to begin to address these conditions, it saddens me. Combined with concern that the WTO, which makes important trade decisions that crucially affect the quality of the lives of citizens in the United States of America, does not meet publicly and is not publicly or democratically accountable, it gets even worse. And then when you consider that some of the legislation my State and others have passed in consumer protection, in environmental protection, health and safety over the years might be put at risk by WTO decisions, this agreement does not make the grade. All of that legislation could be challenged as GATT-illegal and our country, therefore, made subject to economic retaliation.

Though I am an internationalist, and would have loved to have had an opportunity through amendments to have improved this agreement, that is not possible under the fast-track procedures. I would have loved to have had the opportunity through amendments to have built in some linkage to human rights and child labor, to have built in some protection for democratic procedures and decisionmaking, to have made this trade agreement more accountable.

But I do not have that opportunity. This is on fast-track procedure, which I voted against, and, therefore, I cannot in good conscience—and I emphasize the word "conscience"—I cannot in good conscience view this trade agreement as a step forward. I cannot view this trade agreement, though I want to, as one which will lead to the uplifting of the living standards of peoples in our nations. I believe it is a step backward.

I know some of my colleagues disagree. But that is my rigorous analysis, that is my honest assessment, that is my view and, therefore, I will vote no.

I yield the rest of my time.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, when we consider that over 20 percent of America's economy is dependent upon trade—when we consider that over the past four decades, trade-related jobs in our country have grown three times faster than overall American job creation—when we consider that open markets and free trade mean new jobs for American workers—we realize how important this debate is.

Not only are we considering an historic trade agreement—an agreement some 7 years in the making—but an agreement that can go a long way toward providing jobs and security for Americans.

Of course, Mr. President, I wish I could say that this is a perfect agreement—that it would be immediately and universally advantageous to all Americans. But such is not the case. The fact is that long-term growth seldom comes without change and change is sometimes disruptive and even painful. There will be real challenges in the short term.

Some will be less than others as this agreement is to be phased in over a number of years, but from the beginning we must be aware of those men and women and families whose lives and livelihoods will be affected by this agreement.

We must also be aware of concerns felt by others regarding the creation of the World Trade Organization. Personally, I am satisfied that—as Robert Bork and other distinguished scholars have said—the GATT and the WTO will not interfer with American sovereignty. America cannot be bound by an international agreement or treaty if it does not wish to be bound.

As Judge Bork has said, "Congress may, at any time, override such an agreement or provisions * * * by statute." Despite this assurance, we must continue to be vigilant and certain that now and in the future America remains first among equals in its international relationships.

The key to that future will be borders that are open for imports and exports—trade that is free and fair. As the great historian Will Durant pointed out, tariffs that restrict trade in the name of protectionism are little more than civilized piracy—piracy that strangles commerce and internationalizes poverty.

If we are to realize the potential of our future, we must have international agreements that break down these barriers. I believe the agreements that emerged from the Uruguay round of trade talks is a step in the right direction.

Let me tell you what this agreement can do for Delaware:

In my State, exports have grown 27 percent since 1987 to $3.5 billion in 1993. The Port of Wilmington and the longshoremen that work there, Delaware's farmers, our workers at chemical, pharmaceutical, and auto plants have all seen their exports grow. This agreement will further increase these exports and create even more jobs by reducing and eliminating tariffs and nontariff barriers to trade.

In Delaware, our farm sector is of vital importance, but our farmers are often on the short end of the stick when it comes to exporting to our trade partners like Canada. This agreement will move us toward correcting such inequity. Not only in Delaware, but across the Nation, our farmers, who exported over $40 billion last year, will finally see some relief from the subsidy and other unfair trade policies that have plagued world agricultural trade for far too long. We are the world's largest agricultural exporter and will be a major beneficiary of liberalized trade in this critical area.

This agreement will also strengthen intellectual property rights and improve trade rules that protect Delaware and American industries against unfair trade practices. The intellectual property rules alone will be critical to eliminating the piracy of U.S. intellectual property that are essential to our pharmaceutical, software, and chemical industries, to name a few. Each of these industries is important to Delaware, and piracy of intellectual property costs our economy billions of dollars each year.

For these, and other, reasons, Mr. President, I will support this agreement. I encourage my colleagues to do likewise. With them, I understand that this agreement will not be completely painless to all Americans. Change is often difficult.

But if America is to maintain its leadership in the global community—if we are to have the bright and prosperous future that is possible—I believe we need this agreement.

We need it because our Nation's economic health is dependent upon the global economy. We need it because it is in our fundamental interest to have an international trade regime that is built on three pillars: openness and cooperation; predictable rules of fair play; and mechanisms to make sure the rules are upheld. Creating these conditions has been the essential purpose of the GATT, particularly this Uruguay round. That is why I will vote for this agreement.

Mr. President, I would like to now explain more in depth my analysis of the Uruguay Round Agreement and my reasons to support it.

Mr. President, we are now considering whether to approve an historic trade agreement—the Uruguay round. It was negotiated under the aegis of the General Agreement on Tariffs and Trade, otherwise known as the GATT, which has served as the foundation for global trade since 1947. The negotiations leading to this historic agreement were initiated by President Reagan, almost concluded by President Bush, and finalized by President Clinton. The agreement has been over 7 years in the making, and has had strong bipartisan support throughout.

Before us is the legislation that is needed to implement our obligations under the Uruguay round. It is a momentous decision in many respects. It will determine the future course of our trade relations with other nations. It will have a substantial impact on jobs and economic growth here at home. It will say a lot about our Nation's confidence in facing the economic challenges and opportunities ahead. There should be no illusions about if—this decision is a defining moment for America and the rest of the world.

The Uruguay round was concluded last December, and, over the past several months, Congress has worked with the administration on the legislation that is needed to implement it. What has emerged is not a perfect trade agreement, and some serious questions have been raised about it, such as those regarding the new World Trade Organization [WTO] and its affect on U.S. sovereignty.

Likewise, the implementing legislation is not perfect, and the implementation process has not gone as smoothly as it could, or should, have. The final legislation and the Statement of Administrative Action were introduced very late in the congressional session. Although, as a member of the Finance Committee, I had a chance to review most of the draft bill before it was introduced, many of my colleagues did not have such an opportunity, and they should have been given more time to review it. While the special session has afforded more time to examine the final details. A lame-duck session is certainly not the best congressional process for deciding the final fate of such an important issue facing the Nation.

Nevertheless, after careful examination of the trade agreement, the legislation to implement it, and the concerns that have been raised, I believe that, on balance, we must approve the Uruguay round. I am convinced that to do otherwise would be a grave mistake and a detriment to the people of Delaware as well as to folks throughout the country.

My decision to support the Uruguay round is based on the recognition that our Nation's economic health is dependent upon the global economy and that it is in our fundamental interest to have an international trade regime that is built on three pillars: openness and cooperation; predictable rules of fair play; and mechanisms to make sure the rules are upheld. Creating these conditions has been the essential purpose of the GATT, particularly this Uruguay round. In a sense, creating these conditions has been our Nation's objective. For this reason, the United States has been the prime mover behind the GATT's creation and evolution. For decades, we have viewed the international trading system as an opportunity, not as a threat, and I believe that this is a view our Nation should maintain.

IMPORTANCE OF GLOBAL TRADE TO DELAWARE AND U.S. ECONOMY

I have often said that whether we like it or not we cannot shut ourselves off from trading with the rest of the world; this is more true today than ever before. We are the world's largest trader. Last year we exported $465 billion in manufactured goods and agricultural products, $650 billion in you add services. Over 25 percent of our economy is trade-related and millions of our jobs depend on trade. In my State of Delaware, exports have grown 27 percent since 1987 to $3.5 billion in 1993. The Port of Wilmington and the longshoremen that work there, Delaware's workers at chemical, pharmaceutical, and auto plants, as well as poultry growers, just to name a few, have seen their exports grow. Over the last 5 years, in fact, 50 percent of U.S. economic growth has been due to exports.

SOME KEY BENEFITS FROM THE URUGUAY ROUND

The GATT has been a critical reason for the enormous expansion of world trade since the post-World War II era and the economic growth that has accompanied it. Through seven so-called rounds of negotiation, we have eliminated tariff and other barriers to trade in goods and have negotiated predictable rules to help facilitate this trade. And that is what is at the heart of the Uruguay round, the eighth round of trade talks held under the GATT. It is an integral part of our Nation's longstanding trade policy to open markets to our exports, and to establish a transparent, rules-oriented trading system which eliminates the law of the jungle.

The Uruguay round, in fact, goes much further than previous GATT negotiations in opening trade. it will cut tariffs worldwide by one-third, by almost $750 billion. Tariffs really are no more than a tax that is imposed at the border. A global tax cut of $750 billion will lower consumer and producer costs and will be a huge stimulus to economic growth here at home and abroad. All studies of the agreement have shown major economic benefits. According to some estimates, the agreement could add as much as $100–$200 billion annually to our economy once fully implemented, and create as many as 1.4 million new jobs.

Aside from this huge tariff cut, the Uruguay round improves existing GATT rules and principles, creates important new ones, and tackles nontariff trade barriers that the United States has been battling for decades. For the first time ever, we will have international trade rules to protect intellectual property rights, to reduce distortive agricultural subsidies, and to govern trade in services. Our workers, farmers, industries, and firms excel in each of these areas and we will reap enormous benefit from these new agreements. In one fell swoop, over 120 countries are expected to agree to these rules, something which would take much longer to achieve if we were to negotiate one-on-one with each of these countries.

The new rules on intellectual property rights, for example, will finally raise standards worldwide to protect U.S. copyrights, patents, trademarks, and other critically important intellectual property. We have, for years, been trying to eliminate the piracy of our intellectual property, which costs the U.S. economy billions of dollars each year. Our computer software and pharmaceutical producers, among other industries, spend millions creating their innovative products and rely on strong intellectual property protection for their competitive survival. Anyone spending millions on R&D to create a new product obviously cannot compete for long against another company that has simply copied the product at little cost by stealing patents and ignoring copyrights. Few dare to do that in the United States because of our strong laws protecting intellectual property, but the same is not true in many markets overseas, particularly in developing countries. The Uruguay round will help reverse this situation.

In agriculture, our farmers, who exported over $40 billion last year, will finally see some relief from the subsidy and other unfair trade policies that have plagued world agricultural trade for far too long. The Uruguay round agreement on agriculture will move us down a path of fairer and freer trade. Although it does not go nearly as far as I would have liked, we are the world's largest agricultural exporter and will be a major beneficiary of liberalized trade in this critical area. The Department of Agriculture estimates that the Uruguay round could expand farm exports by by as much as $8.7 billion, create as many as 190,000 farm-related jobs, and add as much as $2.5 billion in net farm sector income.

There is one area of the agricultural trade that must be further addressed by the administration as soon as the agreement goes into effect. This, of course, is making sure that Canada upholds its free trade commitments to us by eliminating all tariffs to trade, including poultry products. Now that the Uruguay round commits Canada to converting its very restrictive quota regime for poultry into tariffs, it must now agree to eventually eliminate them altogether. We have had a free-trade agreement with Canada since 1989, but in my opinion that free-trade agreement is not completely free until Canada eliminates the restrictions it places on United States poultry products. The time has come for our administration to start paying more attention to resolving this problem.

CONCERNS OVER SOVEREIGNTY

I would like to turn to two of the issues that have captured the most attention in the debate on the Uruguay round: The impact of the WTO and the strengthened dispute settlement rules on U.S. sovereignty. I have examined these important issues very closely and they have been an active part of the Finance Committee's implementation process. Based on my review, and the safeguards that Congress has required in the implementing bill, I have concluded that U.S. sovereignty remains intact under the WTO, the GATT's successor regime.

That is not to say that a major international cooperative agreement, such as the Uruguay round, does not entail obligations on our part. It certainly does, but it is an exercise in sovereignty in agreeing to adhere to them voluntarily because, on balance, we believe they are in our best national interest.

There are important safeguards in the actual implementing legislation that address the concerns that have been raised and clear up some of the misunderstandings about the agreement's effect on U.S. sovereignty. For example, the bill clearly states, in section 102, that if there is any conflict between United States law and a Uruguay round agreement, only United States law applies. The only changes to U.S. law as a result of the Uruguay round are those that are contained in the implementing bill we are now considering. After that, any future decision on whether and how to change United States law in relation to any possible inconsistency with our Uruguay round commitments can only be made by Congress. The WTO cannot change U.S. law; only the Congress can do that. What we are considering here is not a self-executing agreement which has the direct force-of-law.

The implementing bill also addresses the State-related concerns that were expressed earlier by establishing elaborate Federal-State consultation procedures regarding possible obligations and dispute settlement proceedings affecting State laws. Both the Governors and Attorneys General Associations, as well as other State organizations, have endorsed this approach as meeting their concerns. The Governors Association unanimously endorsed passing the GATT agreement this year.

In looking at the WTO and the new dispute settlement rules, it is very important to keep in mind that they essentially build on the existing GATT, which has been in place since 1947. Article 9 of the WTO explicitly provides that the decisionmaking process will continue the GATT practice of operating on the basis of consensus. The last time there was a vote on a policy issue was in 1959. As under the GATT, voting procedures can be used in the absence of consensus, based on a one-country, one-vote process, but they are now more protective of our interests than they were under the GATT. Most importantly, we do not have to accept any future amendment affecting our fundamental rights and obligations if we choose not to.

There are other important safeguards in the bill. One is that both Congress and the private sector will have a much greater role in providing input and oversight on the general operation of the agreement and on any future dispute settlement panel. There is also a built-in, expedited procedure for a congressional vote on whether to continue U.S. participation in the WTO 5 years after it goes into effect, and every 5 years after that. Our future majority leader, Senator DOLE, has also devised an earlier review process of the new dispute settlement rules, which could lead to our withdrawal from the WTO sooner than 5 years. We can, of course, withdraw voluntarily at anytime after 6 months written notice.

I believe these and other provisions will ensure that the new WTO's operations do not impinge on our sovereign powers. While no one can predict precisely how the new WTO will work in practice, if the new system does indeed harm our sovereign interests, I do predict that we will not remain as members for very long.

BUDGETARY IMPACT

Before concluding my statement, I would like to make just a couple of points on the budgetary impact of the agreement. The first point is that Congress gave little or no thought to major trade-liberalizing agreements when the latest budget rules were enacted, because if it had, I am convinced that these agreements would have been the exception to the rule. It is an historical fact that lowering tariffs and eliminating trade barriers have major positive, dynamic economic effects which ultimately lead to increased revenue. Lowering tariffs are not a cost to the taxpayer, they are a decrease in producer and consumer costs. This agreement goes much further than any previous GATT agreement in cutting global tariffs by almost $750 billion. It will put more money in consumer pockets and will be a boon to the United States and world economy.

That is what the economic studies of the agreement show. The Republican staff of the Joint Economic Committee recently surveyed eight of these studies and found that the GATT's total fiscal impact could lead to new revenue as high as $115 billion over 5 years.

Regardless of these economic and revenue benefits, the Uruguay round's tariff cuts do fall within current budget rules requiring that any lost revenue be offset, and the implementing bill includes funding provisions to offset the $12 billion in lost tariff revenue that is expected during the first 5 years of the agreement. Some of these proposals have been controversial, including the "pioneer preference" provision. But the recent agreement between Senator DOLE and the administration on this provision should eliminate the concerns that have been expressed about it. Unfortunately, however, the bill cannot be changed at this point and, while I do not support these extraneous and controversial funding provisions, the agreement should not be defeated because of them.

CONCLUSION

Mr. President, the time to move forward is now. It took 7 long years of negotiation to conclude the Uruguay round. The agreement itself was finalized almost 1 year ago. There has been ample time to examine its contents. The Finance Committee alone has held 25 hearings on one or more aspects of the agreement.

It is essential that we approve this precedent-setting trade agreement. Current GATT rules are antiquated and have not kept pace with the rapid changes in the global trading system. The GATT also does not cover many areas of critically important trade to the United States, such as services and intellectual property rights. And the current GATT leaves in place major tariff and nontariff barriers that slow down or prevent the expansion of U.S. exports. We export well over $600 billion of goods and services and we need the Uruguay round's trade rule improvements and greater worldwide market openings to further our export and economic growth. A stable, predictable and open global trade regime is in our Nation's best interests.

Failure to approve the Uruguay round through procedural points-of-order maneuvers or by voting against the implementing bill itself would be a blunder of historical magnitude and would set our Nation's trade agenda in a harmful, backward direction. I cannot believe that this body would choose that direction. I hope that it moves along the same path it did when it considered the last major GATT negotiation—the Tokyo round. It passed the Senate overwhelmingly by 90 to 4. I hope this latest agreement garners the same level of support, and I urge my colleagues to strongly support it.

I yield the floor.

Mr. HOLLINGS. Madam President, I yield 15 minutes to the distinguished Senator from Ohio.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Ohio is recognized for 15 minutes.

Mr. METZENBAUM. Madam President, I rise in opposition to the passage of the GATT because I think it is a bad deal for America. I think it is a bad deal for American workers. I think it is a particularly bad deal for the children of America. Unquestionably, one of the most prodigious and well-respected magazines in all the world is the Economist. The Economist in its April 9, 1994, issue had a picture of a child carrying heavy cement blocks in India. The editorial is "Free trade or foul."

I believe the significance of that magazine, so totally well respected throughout the world, addressing itself to the subject to which I addressed myself yesterday is important for people of this country to know about.

I ask unanimous consent that the entire editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Economist, Apr. 9, 1994]

FREE TRADE OR FOUL?

It was supposed to be a sunny coda to end years of discordant haggling. Now it seems that next week's gathering of world trade minister in Marrakesh, Morocco, may be a darker affair. They are meeting to sign the agreement hammered out during the seven-year Uruguay round of world trade talks. But the prospects for world trade have become clouded since the final negotiating session in Geneva in December. This cloud, no bigger yet than a man's hand, is growing fast.

In recent weeks America and France have been pressing for an addition to the declaration from Marrakesh. Their demands are unclear, but at a minimum they want a promise that the new World Trade Organisation (the successor to the GATT) will examine how labour standards and workers' rights ought to affect trade rules. The proposal sounds innocuous, even benign. Yet it has caused anger in the developing world. India's prime minister, P.V. Narasimha Rao (whose efforts to liberalise the Indian economy were difficult enough already, said this week that such moves could become "an alibi for raising protectionist trade barriers".

Peter Sutherland, the GATT's director-general, hopes that a compromise (Japan proposed a vague reference to "social conditions" in the Marrakesh communiqué) will allow the celebrations to go ahead. But the subject will not go away. The charge that developing countries are engaged in "social dumping"—competing unfairly by denying their workers basic rights and decent conditions—is potent. It appeals equally to rich-country self-interest and self-righteousness. The competitive threat from third-world exports is likely to increase over the next few years; as it does, social dumping will challenge environmental protection as the issue most likely to force radical change on the global trading system.

CRUDE DISGUISES AND FLYING PIGS

Some complaints of social dumping hardly deserve to be taken seriously. Those who regard it as "unfair" for Chinese workers, say, to be paid less than American ones, and who call for tariffs to redress the balance, are in truth opposed to all trade between rich and poor countries. This is extreme protectionism in the crudest possible disguise. When its advocates claim as well to have the best interests of developing-country workers in mind, they are surely hypocrites too. Countries cannot pay their workers more merely by deciding to do so. They must first produce more, and the best way to spur growth is to trade.

What goes for wages applies as well to other labour costs. To insist on a levelling of "working conditions"—closer equality in hours worked each week, standards of health and safety in the workplace, entitlements to holidays, health care, sick-pay, pensions and so forth—would be in every case to insist on a standard of living that poor countries, being poor, cannot afford. Legal rights over such terms of employment may exist in most industrial countries, but rights under the law (which are freely modified as circumstances dictate) should not be confused with more basic human rights (which are not).

Other concerns, however, cannot be so easily dismissed. Slavery, which is wicked, is still practised in some developing countries. Children should be educated, not sat at looms or made to carry bricks all day. Workers should have the rights of assembly and free speech—which, in some developing countries, they are denied. In cases such as these, basic freedoms are at stake. You do not need to be rich to outlaw slavery or grant the rights of free speech and assembly; education is costly, but curbing the cruellest sorts of child labour is widely affordable. Therefore, is it not right to put pressure on offending third-world governments to change their ways? If there is a reasonable chance that the pressure will work, and if it does not put other interests at risk, the answer is Yes.

Granting that pressure may sometimes be justified, why not let trade policy be the means? Free-traders, such as this newspaper, would like to answer that pressure of this kind never works. In fact, it often does. Against large countries and small, America has often got its way by threatening trade restrictions. The case against such a policy is not that it cannot achieve its narrow objective, but that it puts other interests—America's own, as well as those of the rest of the world—in jeopardy.

The difficulty can be stated simply enough: governments cannot be trusted with trade policy. If, as trade-policy activists implicitly assume, governments were competent and dedicated to the public good, there would be less to worry about. The case for trade policy in pursuit of basic human rights would be more persuasive (though low-flying pigs would be a terrible nuisance). The institutions that liberal democracies use to rule themselves are needed precisely because governments in the real world are often incompetent and always subject to demands from narrow, organised interests. The GATT is one of these needed institutions—an especially necessary one, because trade policy is an area in which governments, left to themselves, are especially unreliable. The GATT was created in the first place because its founders understood that the pressure to protect producers is intense; without an occasional exchange of multilateral trade concessions, governments would find liberal trade impossible to achieve.

They were right: only consider how close the Uruguay round was to collapsing last year, or the ferocity of opposition to the North American Free-Trade Agreement, or the sharp rise during the 1980s of new forms of non-tariff protection. Liberal trade is under perpetual attack. To beat it back, governments need to strengthen the GATT and at every opportunity undermine its enemies.

If industrial countries insist on bringing labour-related rights into the multilateral trade task, they will do the opposite. The GATT will be weakened because its agreement-by-consensus approach cannot accommodate such controversial issues. At the same time the GATT's foes will be strengthened by each new admissible ground for trade restrictions. For instance, a trade rule on child labour might keep countries in which that practice is common (whether or not legal) out of the WTO; on the other hand, if a country joined the WTO after signing up for the rule, but was then unable to enforce it, it would be prey to every species of rich-country projectionist, henceforth equipped with new grounds to seek trade sanctions. In the battle between liberal trade on one side and the protectionism that helps to keep poor countries poor on the other, the balance would have shifted decisively in the wrong direction.

Those who truly seek to advance the cause of human rights in the third world should weigh this carefully—and reluctantly conclude that the costs of pressing for new links between trade and basic human rights outweigh the likely benefits. They should call for diplomatic pressure instead; and tell rich-country consumers about human-rights abuses, then let them make up their own minds about whose goods to buy. That is bound to strike many as inadequate. But in reality most lobbyists seek to use human rights as just another way to raise old-fashioned barriers against poor countries' exports, caring little for human right, caring nothing for the plight of the third world's poor, caring nothing for the freedoms of industrial-country consumers. The argument is ugly—but it will run and run.

Mr. METZENBAUM. Madam President, I had spoken yesterday at some length about the whole issue of child labor and products pouring into the United States. Today I will not repeat those arguments. But I will talk about my other concerns with GATT.

I am frank to say that I wish I could support the agreement. I believe in and I want to support expanded trade. I believe that international trade agreements can be beneficial both to America and to the entire world. But I believe that free trade must occur between equals. I do not believe that you can mix countries and markets of unequal status and unequal standards and expect all to benefit. Just look at our own trade deficit. The whole idea is that NAFTA has been such a wonderful thing. That is just not true. We keep entering into trade agreement after trade agreement and our trade deficit continues to increase. Last year our trade deficit was $130 billion. We are making a lot of progress. This year it is expected to exceed $160 billion, and GATT will only increase that deficit.

Our recent experience with the NAFTA agreement further confirms the problems of trade among unequals. Since the enactment of NAFTA, during the first 6 months of 1994, our trade surplus with Mexico has declined by 50 percent. Sixty percent of Mexico's new capital is coming from the United States to build factories in order to make products which will be sold back into the United States markets.

In addition, the jobs that NAFTA was going to create just have not materialized. The administration claimed that 100,000 jobs would be created by NAFTA. But so far only 500 have been created. Over 30,000 workers have already filed for trade adjustment assistance because they claim they lost their jobs by reason of NAFTA. Walk into any store in America, in any of the shopping centers or in the smaller communities of America, wherever, the larger communities. It is nearly impossible to find products made in America anymore. Shoes from Brazil, clothes from China, India, Bangladesh, Hong Kong, Taiwan, tools from Mexico and Taiwan, TV's and computers from Japan and Korea. Instead of entering into endless free trade agreements that help our corporate community but decimate our labor force, we should be investing in our own industries to create American products and American jobs.

The GATT agreement will only accelerate the demise of American production. The average American has not the slightest idea what this agreement is about. Walk down the streets of any town, be it Dayton, OH, or Cody, WY, or Natchez, MS, or Eugene, OR. Ask the first person you meet. "What is GATT about? Are you for GATT or against it? Explain to me in one sentence or two sentences or a paragraph." He or she does not have the slightest idea, but the professionals who are interested in our passing this bill have some idea what it is about.

But if the average citizen knew what was in this bill, they would be skeptical that American workers will benefit from some international trade agreement about which they know practically nothing. We have an obligation to explain this major international agreement to the American people. But we have no chance to do that. We must act within 2 days. Great. I am in favor of always moving forward as promptly as we can. But that means that the average American will not know what it is all about until he or she gets her termination notice. I am realistic enough to know that if this matter were debated for 2, 3, or 4 more days more, that would not change the facts.

Unfortunately, however, this agreement is flawed in many ways.

The biggest problem is what is not in this agreement.

This agreement contains no protections for workers.

We should be considering international working conditions together with trade.

It is basic common sense that if trade is based primarily on price without any other standards, America will lose out.

Labor, capital, and raw material costs determine the price of most goods and services. And if American labor receives on average $15 an hour, and Korean, Indian or South American labor receives only $1 an hour, it is obvious what is going to happen.

The only way for America to compete against dramatically different labor costs is to have significantly better quality. And some would argue that is the way we solve the problem. We produce better products. But many foreign products are not that inferior to American made products. Whether it is clothing, toys, games, radios, TV, tools, or a host of other products, it is difficult even without GATT to buy American made products. With GATT we will only exacerbate the problem.

Blindly opening up American trade to the cheapest price without any labor protections will only force countries to lower their labor costs, not raise them.

American wages in real dollars, have declined almost 10 percent over the past 20 years when adjusted for inflation.

In large part what Americans were worried about during this past election cycle was the problems they face in their working lives.

Most Americans do not see that their working lives are getting better.

Americans are working longer hours for less pay.

They are watching their standard of living erode.

There is a relationship between increased international trade and declining American wages.

We must look at these issues together.

Unfortunately, too many who negotiate trade agreements know nothing about wage and working conditions.

And I do not say that to slight any particular individual or group. Too many know about trade and trade only.

The only two places that working conditions are even mentioned in the GATT legislation are on pages 14 and 70. That is 2 pages out of more than 2,000 pages. And the words on these two pages do not help American workers.

On page 14 it states that—

> Nothing in this act shall be construed to amend or modify any law of the United States relating to worker safety unless specifically provided in the act.

American workers need help. They need protection. GATT does not do a single thing for them in that statement. It actually only addresses itself to worker safety.

There are a whole range of labor laws that protect American workers in addition to worker safety.

Does this mean that our minimum wage and civil rights laws are not protected under GATT?

Or our child labor laws?

Our labor relations laws?

Our antidiscrimination laws?

The sad fact is that this statement is stated the wrong way.

It should not just be that GATT does not undo other Federal laws.

We should affirmatively state that all of our labor laws are protected as part of GATT.

Pages 70 says the President shall seek the establishment of a working party to explore the relationship between internationally recognized worker rights and GATT.

It does not take a rocket scientist to figure out that this is meaningless mumbo jumbo. What is a working party? And what does it do after it explores this relationship?

The reality is the United States and France already tried to get a committee on workers' rights and were rebuffed by India and most of the South American countries.

A lot of Third World countries do not want to raise the wages of their workers nor improve their working conditions. Their ruling elites want to keep the benefits of trade for themselves.

But as long as we do not bring the working standards in these countries up, they will continue to bring American workers' wages down.

If we could not get a committee on workers rights before GATT, imagine trying to get a committee after GATT becomes a reality.

It is disgraceful that a 2,000-page trade agreement contains barely 2 pages even mentioning worker rights.

We need an international trade agreement but one that improves the lives of working men and women, not one that undermines it.

There is too much that we do not know about how this agreement will be applied and much to be feared.

And quite honestly, I cannot help but conclude that the GATT agreement will undermine our framework of environmental laws.

Last fall, when the European automakers such as Mercedes, Ferrari, and Jaguar objected to U.S. CAFE standards, a GATT panel recommended that the United States bring CAFE regulations into conformity with the treaty's free trade obligations.

The CAFE standards law had been on the books since 1975.

It was passed in the grips of an oil shortage, when auto emissions were rapidly deteriorating our air quality.

And in spite of that the panel concluded that this energy conservation law was a thinly disguised restriction on trade.

Quite frankly, this is just a shot across the bow for our environmental laws.

And I only wonder how other laws protecting the air, water, and environment will fare if the GATT treaty is approved.

Finally, too many of the financing provisions for this agreement smell of corporate pork.

This bill contains sweet deals for the Washington Post, Cox Enterprises, Omnipoint Communications, GM, Ford, and Chrysler as well as public utilities.

In 1986, I stood on the Senate floor exposing and stopping dozens of tax breaks hidden in the Tax Reform Act for individual American corporations.

Now the same type of shenanigans are going on again—only this time in an unamendable bill.

Why do good companies do this? They do not need these special breaks.

This agreement would raise even more revenues if it did not contain such special deals.

It undermines our credibility and that of these companies when they seek unnecessary special breaks.

It is especially shocking when the beneficiaries of these deals include some of the newspapers that generally editorialize against congressional pork and special perks.

I was shocked to learn that the final GATT bill included the so-called pioneer preferences deal for the Washington Post, Cox Enterprises which owns the Atlanta Constitution, the Dayton Daily News, and Omnipoint Communications.

The administration cut a deal with these companies. They will receive communications licenses for a total of $400 million even though the fair market value of the licenses is estimated at $1.2 billion.

Under the Dole negotiations, it is my understanding that there is something about they might be able to reopen and rediscuss the subject at some later point. Do not hold your breath.

The FCC had been planning to auction the licenses on the open market this December where they were estimated to sell for a total of $1.2 billion.

But at the last minute, the administration and the companies cut a back room deal to sell the licenses for a total of $400 million. Who pays?

The American taxpayer gets ripped off for $800 million.

There are other secret deals in this bill as well.

Senator DANFORTH extended an expiring provision to permit companies such as McDonnell Douglas in his State to transfer workers' pension moneys to pay for health benefits. The Danforth provision permits companies to drain their pension funds jeopardizing both the workers' pension and health benefits. What does this provision have to do with international trade? Nothing. And it does not belong in this bill.

The bill also contains a variety of pension law changes to speed up pension funding by underfunded pension plans.

These pension changes have no place in a trade bill. We should use pension reforms to provide better pension benefits to retirees, not to pay for a trade bill.

Furthermore, some companies got special exemptions from the new pension funding rules.

GM, Ford, and Chrysler negotiated special rules so that they do not have to fully fund their pension plans.

And Senator PACKWOOD put in a special deal for public utilities exempting them for 3 years from having to pay increased PBGC insurance premiums. He specifically provided that utilities need not pay increased pension premiums for 3 years unless the utility gets the money through a rate increase from taxpayers. Again, this provision has no place in GATT and was never included in previous pension bills.

It is outrageous to include these deals for big business in an unamendable trade agreement that will shortchange the American worker.

This is not what the fast-track process was meant to be about.

These are exactly the types of insider deals that give the administration and us our bad reputation. It amounts to buying votes with taxpayer dollars.

In closing, I regret that I cannot support this agreement.

A vote "no" on the budget waiver is right—right for America, right for balancing the budget, right for our economy, and right for millions of children around the world.

Mr. PACKWOOD. Madam President, I want to respond to two things the Senator from Ohio said. I have talked with Senator MOYNIHAN, and he has a response, and Senator NICKLES will be speaking next for about 15 minutes.

The Senator from Ohio mentioned two issues. One was the so-called pioneer preference and the other was the regulated utilities and Pension Benefit Guaranty Corporation [PBGC]. I will explain what happened on both of those, the Pension Benefit Guaranty Corporation first.

About 20 years ago, we set up the Pension Benefit Guaranty Corporation. We were worried about companies promising pensions to workers and going bankrupt or going out of business and leaving the pension plans underfunded. Workers of 20, 30 years of experience suddenly had no pension. The PBGC was to collect premiums from companies, put them into a fund, so that if some company went bankrupt and could not pay, the Government the—PBGC—would have a fund to pay from. This is similar to the Federal Deposit Insurance Corporation for banks which has by and large worked well over the years.

We are aware that any number of companies have underfunded pension plans. The Pension Benefit Guaranty Corporation advised us from time to time that not enough money is going into the fund to pay the promised benefits. So in this bill the administration suggested, and we agreed, to revamp that so that the companies with the highest level of underfunding will pay more to the PBGC fund. None are going to pay less. They would pay more into their funds to guaranty the solvency of their pension funds.

Among the companies that we directed to increase their payments were a number of regulated utilities—electric, water, transportation, and sewage companies. The one problem with many regulated utilities is that their prices are regulated by State law. So that if we increase a cost to the utility, they cannot immediately collect the money to pay it. They have to go to the local public utility commission and say: The Federal Government said we have to pay more money into the PBGC, and we petition you to raise the rates to get the money to pay.

That is why we gave a 3-year grace period to the regulated utilities. They are different from other companies because they cannot go out and automatically increase their rates to recoup the premium costs. There is a company in Oregon that is so affected, and this came from a list that the Pension Benefit Guaranty Corporation gave us. There were five in Ohio on the list that were similarly affected. There are several scores of these companies around the country that also benefit from this provision. It is not a rifle shot for a company in Oregon.

Second, there is pioneer preference. This is an unusual situation. I can understand the frustration of the Senator from Ohio. But let me explain what happened.

Up until a few years ago, the Federal Communications Commission used to issue licenses on comparative applications, and if they had a radio frequency to give out—and nowadays there are wireless communications—they would give a frequency that your company could have to use for wireless communication, and you had what you called comparative applications. A number of companies would apply for a frequency. And these applications were very expensive. You had to be a pretty well-financed company to even apply, by the time you got all of your technical experts and lawyers and say why you are better than some other company to get this. The Tom, Dick, and Harrys of this world simply could not afford to get into the competition.

So after a number of years at congressional direction, we said this is not fair. We are getting into the area of wireless communication, and only the giants should be able to afford to even compete. So we said, instead of doing that, we want you to give these licenses by lottery, so everybody could apply. It does not cost much to apply if you do not have to prove you are fit or unfit. Minimal qualifications. If you win the lottery, you get a license. One unusual thing happened that we did not foresee. Actually, there were two. A lot of very clever lawyers in this country, who were knowledgeable in the ways of the Federal Communication Commission, began to prepare scores of applications for the licenses. It did not cost a lot to file. They actually began to syndicate a piece of the application. Say you are a mechanic, a garage mechanic in Steubenville, you can put up $50 or $100 to get a piece of the application. If the lottery hit your number, there is a big payoff. But the little guy did not get it anyway. As soon as somebody won the lottery, one of the big giants went and bought it up from the person. So the mechanic who put up $50, $100, or $150, hit the jackpot. The big company bought it up. There was an after-market in these licenses.

So the Congress said this is ridiculous. If the big boys are getting it anyway, why do not we at least go back and have them auctioned off by the FCC and we will get the money?

Now, while this process was going on, before it got to Congress saying we think we do not want these lotteried off anymore, we want them auctioned off, a number of large companies came to the FCC and said, "We have some very innovative ideas that are going to cost us millions of dollars to develop. We are prepared to put up millions of dollars of research and innovation if our chances of getting a license are not based on lottery. Why should we put up $40 million to come up with something innovative and no hope at all other than winning the lottery of getting the license?"

So the FCC said, all right. We will make you a deal. We will have a pioneer preference and here are the standards. The FCC set up a bunch of standards, and there were competitive applicants for these pioneer preferences. A lot of companies put up a lot of money on research. And the FCC picked three and they said: We think what you have shown is justifiable, and research is good, and we think it is innovative and is going to advance the communications of this country, and we award these.

Three licenses. Interestingly, some people did not like the process. Their application did get picked in pioneer preference. They are now complaining.

At this stage there was never any talk of paying for these licenses because if you won a license in the lottery, you did not pay for it either. You got it for nothing.

So when we said to pioneers, if you put up millions of dollars and if you will come up with something innovative, you get a license, we did not think of charging them. We were not charging anybody for any license, whether they won in the lottery or otherwise.

But then Congress said to the FCC, change your practice, do not lottery them off anymore; auction them off. At that stage the Federal Communications Commission had already said to these pioneers, if you put up a lot of money and do research and meet our standard as to what is innovative, we will give you a license even though Congress said auction.

Then, the Federal Communications Commission felt somewhat honor bound to go ahead and award some of the pioneer licenses. The FCC awarded three even after Congress told them to auction the licenses off. And one of them happens to be a company that is 70 percent owned by the Washington Post and another is Cox Communications and another is Omnipoint.

The big flap came around the Washington Post. Why does the administration cut a deal with the Washington Post, and what is going on?

The administration did not cut the deal. Think of the sequential situation. We lottery off all these licenses and you pay nothing for them. We say to the pioneers, well, the chance of winning the lottery is not very great. If you put up a lot of money we will give you a license. We do not charge anybody for licenses anyway. So we will not charge you. Then Congress says charge and the Federal Communications Commission says it is not fair. These companies put up all this money, we will give them three free licenses. This occurred on about December 1993.

A couple months later the Federal Communications Commission, after a lawsuit was filed, changed its position and said, no, we are not going to give or even let these pioneers have these licenses for nothing. We are going to charge them a certain amount.

At this stage one of the three companies sued and said, "You violated the contract. You promised this. We relied on it. We put a lot of money in for research. Now you are changing the rules for us."

The case is in the court of appeals. It has not yet been decided. For the moment the court has simply remanded it to the Federal Communications Commission and is holding it to see what Congress and the Federal Communications Commission are going to do because as of yet the Federal Communications Commission has not charged them. They said we are going to charge you, they have not done it yet. So from the standpoint of the court, the case is not what you call ripe. It is not quite ready for decision.

But if this company wins the case in court, then the Government gets nothing, and none of the three companies will have to pay us anything—if they win. This case has not been decided.

This is a common situation with lawyers in court. Do you go ahead, take your case to the jury and take your chances, win or lose, zero or a hundred, or do you settle and not take the chance of possibly losing everything?

So the administration worked out arrangements with these three companies and said, all right, let us reach a settlement. You pay us a minimum of $400 million plus interest, a minimum. It may be more than that because it is going to be based upon a percentage of the auction price of these new licenses. And the auction starts on December 5 and goes for about a month. It is going to be based upon a percentage of that auction price, but in any event they will pay $400 million plus interest. And if they accept that offer they have to drop the lawsuits.

They accepted the offer. So now the Government is guaranteed at a minimum of getting $400 million plus interest. We might get more if the auction price is a lot more, but no one knows what the auction price is going to be. That is the trouble with pioneer licenses.

You can argue whether we ever should have had the policy, or the Federal Communications Commission was right or wrong in what they did. You can argue whether standards were correct or not correct. But at the time they set it up, they set it up because people were not going to put up millions of dollars for research and innovation in communications if the chance of getting a license was based upon the lottery with 60,000 or 70,000 applicants in the lottery. That is it.

Was this a sellout to the Washington Post? No, it was not a sellout. It was a settlement, a settlement in the hopes of getting some money, and a settlement of avoiding the risk of getting no money and having to justify these three licenses anyway.

The administration has now agreed, and Senator DOLE got them to agree, that after the new Congress comes in they will reconsider this, and the Federal Communications Commission may have the power to undo this. I am not quite sure what happens to the lawsuits in that case, but we have to see when we get there. Apparently it is going to be reconsidered in the next Congress. There certainly was not any malice by the Federal Communications Commission or by Ambassador Kantor or President Clinton or the Washington Post or anyone else in how this arrangement was arrived at.

I thank the Chair. I believe Senator MOYNIHAN wanted to say something and we will then go to Senator NICKLES.

Mr. MOYNIHAN. Madam President, I thank my friend and future chairman.

Madam President, I yield myself such time as I may require, and it is not much.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. I regret the tone in which I will have to speak, but it is one of sincere regret.

There is not a more honorable Member of this body than the Senator from Missouri, Senator DANFORTH. The idea that there is any provision in this measure that is put there as some kind of backroom deal for Senator DANFORTH is completely unfounded. Senator DANFORTH has been interested for some time in the use of excess pension assets to fund retiree health benefits. It is a perfectly logical, reasonable case to make—that where moneys are not needed for this employee benefit, they may be used for this other employee benefit. He persuaded us completely, and it stands, in my view, and I am sure the Senator from Oregon shares it—it was the entirely proper proceeding as open as the morning sky.

I am sure the Senator from Ohio did not mean anything personal in this regard. I see he is standing, and I yield to him.

Mr. METZENBAUM. Madam President, the Senator from Ohio pointed out the deals not as a reflection upon either Senator PACKWOOD, Senator DANFORTH, or any individual Member. I think everybody's conduct is entirely above board and I have no fault with it at all.

My point of reference is that these measures do not belong in the GATT treaty, and it is in that respect that I criticized.

Mr. MOYNIHAN. That is a perfectly legitimate argument, Madam President, and yet the paygo provisions required us to pay. The provision in question raises substantial revenue.

May I also say with respect to the idea there was some backroom deal with respect to the Washington Post or such, in no sense can it be so described in my view.

My friend from Oregon, the future chairman—who has the distinct advantage of having attended the New York University law school, and therefore is a far more formidable man in this regard—spoke that the Government was faced with the prospect losing a court challenge and getting no money at all.

I wonder if he would not agree from the point of view of a lawyer, because I have distinguished attorneys here, we have many of them with the Finance Committee—Mr. Joseph Gale, our chief tax counsel—I know what his view is, that it was not a risk. It was a probability about how a court would decide.

Mr. PACKWOOD. Whether it was a probability, a possibility or a risk, there is no question but what the court of appeals was sitting on this case and was going to wait to see what we did or what the Federal Communications Commission did. But had that case gone to conclusion I am not sure but what a court would not have said, "If the FCC said you do ABC you get a license for nothing," and you did ABC-plus, you might have a pretty good case.

Mr. MOYNIHAN. Now we have, if there is anything—I hesitate to say this at this point in the debate—if there is anything involved here, it might just possibly be an abuse of Government authority. It is certainly not a backroom deal.

Madam President, I yield the floor.

Mr. METZENBAUM. Will the Senator from Oregon yield for a question?

Mr. PACKWOOD. Yes, I yield for a question.

Mr. METZENBAUM. Who won in the lower court?

Mr. PACKWOOD. There was no lower court decision because you appealed directly from the Federal Communications Commission to the court of appeals, so there has been no decision yet. The court of appeals is just holding it pending further action by the Federal Communications Commission, because as yet the FCC has not charged them. So they do not really, exactly, have a pending case.

Mr. METZENBAUM. Would the Senator from Oregon, who I know is a fair man and scholar, agree that this matter, as well as some of the other matters that are in the bill, do not really belong in a GATT treaty?

Mr. PACKWOOD. Let me answer this question this way. They are not exactly in the GATT treaty.

In other words, the pioneer preference was not negotiated in Geneva in the GATT treaty. The administration and Congress will come up with money to pay—and we have a number of provisions in here—by raising money. And I think anybody can probably say that most of the things that are in here to raise money really have no relation to trade.

So, are they related to trade? No. Are they in the treaty? No. Did we have to come up with some money under our scoring rulings to pay? Yes, we did. And this was one of the ways we come up with some money.

Mr. METZENBAUM. I thank the Senator.

Mr. PACKWOOD. Before turning to Senator NICKLES, Senator WALLOP has a statement. I think it is about 1 minute long.

Mr. WALLOP. Madam President, I thank the Senator from Oregon. As he will recall, last summer during the Finance Committee consideration of the administration proposals for changes to antidumping and countervailing duty law, we considered an amendment to deal with situations of "no supply." This amendment would have created a procedure to allow for temporary and quantity-limited relief from orders where a particular product needed by U.S. industry is not available domestically.

The amendment did not pass. However, during the consideration of the amendment the Department of Commerce submitted to the Finance Committee an explanation of authority to consider the lack of domestic availability in deciding issues that would come before the Commerce Department and the International Trade Commission in antidumping and countervailing duty cases.

Madam President, I ask unanimous consent that the letters be printed in the RECORD at the appropriate point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 17, 1994.

Hon. MICHAEL KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: During the Finance Committee's consideration of the GATT implementing legislation this summer, I proposed an amendment to the antidumping and countervailing duty laws to establish a procedure for "no supply," under which the Commerce Department could selectively waive the application of dumping or countervailing duties in cases where domestic producers were unable to meet domestic demand for a particular product. A considerable coalition of American manufacturing companies strongly supported this amendment. The Administration, for reasons that are still unclear to me, vigorously opposed the amendment. As a result, it did not pass.

However, during consideration of the amendment, the Department of Commerce submitted to the Finance Committee a carefully worded explanation of its current authority to consider the lack of domestic availability in deciding issues that come before the Commerce Department and the International Trade Commission in antidumping and countervailing duty cases. A copy of this explanation is attached.

I would very much appreciate your consulting with the Secretary of Commerce, and others whom you consider appropriate, to inform me if the Administration concurs that the Commerce Department has the authority to consider lack of domestic supply in proceedings under the antidumping and countervailing duty laws, as outlined in the attached paper from the Commerce Department. I would greatly appreciate a response prior to the Senate's vote on the GATT, given the relevance of this issue to my consideration of the GATT implementing legislation.

Sincerely,

MALCOLM WALLOP,
U.S. Senator.

THE U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, November 30, 1994.

Hon. MALCOLM WALLOP,
U.S. Senate,
Washington, DC.

DEAR SENATOR WALLOP: Thank you for your letter of November 17, 1994 concerning the "no supply" amendment that you proposed during the Senate Finance Committee's consideration of the Uruguay Round Agreements Act. Your letter asks for confirmation of the statement provided by the Department of Commerce on the exclusion of products from an investigation or order.

After consulting with the Department of Commerce, I can confirm all of the information provided in the statement. In particular, I can confirm that the lack of domestic supply may motivate interested parties to request that Commerce consider the scope of an investigation or order or conduct a changed circumstances review. The Department has the authority to define the scope of an investigation and to clarify the scope of an order to exclude products where coverage would not serve the purposes for which the petition was brought. In a changed circumstances review, the Department has the authority to revoke an order in part if maintaining the order as issued is no longer of interest to the domestic producers.

The lack of domestic supply is relevant to the International Trade Commission's injury determinations in initial investigations as well as sunset reviews. As noted in the Department's earlier statement, the fact that a product is not made in the United States is reflected in the Commission's determination of whether the imports are a cause of injury to the domestic industry.

The Clinton Administration recognizes the importance of the upcoming vote on the Uruguay Round Agreements Act to you and your constituents. We are fully prepared to answer any further questions about the proposed implementing legislation as quickly as possible.

Sincerely,

MICHAEL KANTOR.

EXCLUSION OF PRODUCTS FROM AN INVESTGATION OR ORDER

There are mechanisms under current law by which a product can be excluded from an order without undermining the overall effectiveness of the antidumping and countervailing duty laws. Proposals have been made from time to time to depart from this structure to create discretion to waive application of antidumping and countervailing duties. It is the Administration's view, given the existing provisions, that such authority is inappropriate, would undermine the effectiveness of the law, and would result in undue discretion to favor different industries.

INVESTIGATION PROCEDURES

Throughout the investigation, the administering authority has the ability to define and clarify the scope of the case to exclude products where coverage would not serve the purposes for which the petition was brought. In addition, in making the injury determination, the ITC must define "like product" based on consideration of whether the characteristics and uses of the domestic production are similar to those of the imported product. The fact that a product is not made in the United States will be reflected in the ITC's determination of whether the imports are a cause of injury to the domestic industry. If petitioning companies are not producing a competing product, there will be no lost sales, or adverse price impact with respect to the particular merchandise and this will be a factor taken into account in making the overall injury determination.

POST ORDER PROCEDURES

After an order is in effect, the administering authority can clarify the scope of an order. If a product has substantially different characteristics or uses than the merchandise covered by the order and it is unclear whether the order included the specific product at issue, it can be declared outside the scope of the order. Furthermore, the Department will continue to have the authority, based on a changed circumstances review, to revoke an order in part when maintaining an order as issued is no longer of interest to the domestic producers.

Finally, an order will not continue indefinitely if it is not continuing to provide a needed remedy to the domestic industry. Under the new sunset review procedures required by the GATT, if injury is not likely to continue or recur, the order will be revoked. The goal of defining the scope and duration of orders through these procedures is to ensure that the petitioning industries are provided an adequate remedy while not unnecessarily inhibiting trade.

Mr. WALLOP. Based on this information, a number of Senators may have concluded that the current authority of the Commerce Department and the International Trade Commission to address no supply situations was adequate and that further authority was unnecessary. Specifically, under that antidumping and countervailing duty law, the nonavailability of a product from a domestic source is a relevant factor that the Commerce Department may consider in defining the scope of an investigation, in clarifying the scope of an order, and in deciding whether to revoke an order, in whole or in part. The fact that the domestic industry is unable to supply a particular product is a good indication of lack of domestic interest in including that product in the scope of an investigation or order. In addition, nonavailability is a relevant factor in situations such as the International Trade Commission's like product, injury causation, and revocation determinations.

So my question, Senator PACKWOOD, is, do you concur that the Commerce Department and the International Trade Commission possess the authority to consider the nonavailability of merchandise and antidumping and countervailing duty investigations and orders?

Mr. PACKWOOD. I confirm, Senator WALLOP, that the antidumping and countervailing duty statute authorizes the Department of Commerce to consider a number of factors in deciding the issues you have had described, and that among these is whether a product is available from a domestic producer. For example, the Department of Commerce or the International Trade Commission may consider unavailability of a product in clarifying the scope of an investigation or order in making like product and causation determinations and considering whether an order should be revoked in whole or in part. There is little sense including within an antidumping or countervailing duty remedy products that U.S. users cannot get from domestic producers. I expect that the Commerce Department will exercise this authority when appropriate.

Mr. WALLOP. Madam President, I thank the Senator for his response.

I point out one last thing: That even the greatly protectionist European Union included the no supply provision in its application.

Mr. PACKWOOD. I now yield 15 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 15 minutes.

Mr. NICKLES. Madam President, first I wish to congratulate Senator PACKWOOD, the future chairman of the Finance Committee, and also Senator MOYNIHAN, the chairman of the Finance Committee, for an outstanding job on this piece of legislation. And also my friend and colleague, Senator WALLOP, who will be casting his last vote later tonight in the Senate. His service for the last 18 years to the Senate has been a real asset, not only to the State of Wyoming, but also to this country as well.

Madam President, I rise today in support of GATT. But first let me say I do not rise in support of a lot of things that are happening in this process. I strenuously object to the fast-track process. I object to the fact that we are having implementing legislation that we are not able to amend. It is 600-some-odd pages and it touches several things. The Senator from Ohio raised some of those issues and I think Senator PACKWOOD addressed them very well. But I would like to have the opportunity to amend them. We do not have that opportunity now but we will next year. I have some problems with some of the provisions in the implementing legislation.

I might mention, too, Madam President, as far as the GATT, the trade agreement itself, that is not amendable. I know even one of our major newspapers in my State said, "Let's put it off until next year. Congress can amend it next year."

Well, that is not possible. We signed an agreement with 123 nations, a trade agreement to reduce tariff and nontariff barriers. I think that is positive. It is probably not perfect. Anything that is thousands and thousands of pages long leaves a lot to be desired. The fact that it has a general reduction in tariff and nontariff barriers I think is very positive. But I do not like the process.

Also, I compliment the Senator from South Carolina, Senator HOLLINGS, who delayed this somewhat and caused some concern amongst the administration. I think he is to be complimented. Because of his action we did have more hearings. I think we needed those hearings.

I am also critical of the administration, because this trade agreement was agreed to on December 15, 1993. It took the administration until the last week that we were in session to say we want to pass it this year. I think that is one of the reasons GATT has had some trouble. It is one of the reasons it had some trouble with this Senator. I do not like this process. I do not like being told that we cannot amend the implementing agreement, and I do not like being told we have to pass something very quickly. As a matter of fact, I probably would have voted against it if they had tried to pass it in the last 3 or 4 days of the session, just because I do not like being railroaded. I do not like being forced into action without having a chance to review it.

Well, we have had a month or so and Senator HOLLINGS has had significant hearings that, I think, exposed some of the strengths and some of the weaknesses of the underlying agreement.

I also think it has taken too long to get here. The GATT process started in 1986. Basically, it started under the Reagan administration and continued during the Bush administration. I compliment the Bush administration because it made significant gains. They included agriculture. Many countries did not want agriculture to be included in GATT, and it had not been in the past. They had all kinds of restrictions. But they were successful in November 1992 in including agriculture in the GATT agreement. I think it is a very positive thing for agriculture, and any agriculture State needs to look very closely at this. It has a lot of positive things. So I compliment the Bush administration for its success in that.

But that was in November 1992. This administration took another year to finalize the agreement, all the way to December 15, 1993. Then it has taken us now almost a full year to get to where we are voting on it. I think that is too long, and I regret the fact that the Clinton administration waited until the last few days of the session.

But it does not change the fact we are voting on GATT. And we are also voting on the implementing legislation. We cannot separate the two. Some of us may not like some of these provisions, either, to finance this package, as was mentioned. Special provisions dealing with pioneer preferences; we can reopen that. Senator DOLE has already made mention of that, and has an agreement with the administration to do so if it is determined that those prices were too low. I think that was a step in the right direction. I was concerned about that, so I agree.

But I look at the overall thrust of the agreement of GATT, a reduction in tariffs and nontariff trade barriers, and I support that. I support that wholeheartedly. I think that is a positive move for our country. I think it is a positive move for other countries.

Some people say, well, other countries will benefit more than the United States. I disagree. Trade is a two-way street. We do not compel anybody to trade in this legislation. Trade is a voluntary effort. If somebody wants to sell a product, they can sell it. If somebody else wants to buy it, they will buy it. It will be mutually beneficial. It is not one winner and one loser, or somebody wins and somebody loses.

That is not the case in trade. Trade can be and should be mutually beneficial. If you get Government barriers and tariffs out of the way, then you are allowing free individuals to be making those decisions and I think that is positive.

I also think it is real positive that agriculture now has access. I notice in my State—the cattle industry is probably our biggest agriculture commodity—the National Cattlemen's Association supports GATT, the Farm Bureau associations support GATT, the Wheat Growers and the Grain and Feed Associations support GATT, mainly because they see this as increasing markets. And that makes sense. We produce a lot more than we can consume in my State and in this country. We are a very productive country in agriculture, and we should be proud of that. We can compete with anybody in the world.

So this general agreement with 123 countries says we are going to tear down some of those barriers. The barriers are a lot higher in those countries than they are in our country, so they have a lot more to reduce. That is to our gain, and I think it is to the gain of the other countries as well. I think it is mutually beneficial. And that means that people in the cattle industry, the wheat industry, or people in the high-technology industries in my State, California, or Oregon, are going to be able to sell more. And that creates jobs, and those are good jobs. Exports do create thousands of jobs. GATT is estimated by some to create 700,000 jobs; some estimate 1.4 million jobs. I do not know which is correct, but I do know increased trade will increase jobs. This will increase jobs, and I think that is positive. The reduction of tariffs is positive.

Some people say they have had reservations about it. I have had reservations about it. I have had reservations about the sovereignty provision because many people said this infringes on our sovereignty. I do not want to do that. I will not do it. Am I an expert in that area? No.

I did notice this letter by Robert Bork. I will just read the first sentence or two. He writes:

> This letter is in response to opponents of the ratification of the Uruguay round agreement, the General Agreement on Tariffs and Trade, who argue that GATT undermines U.S. sovereignty by creating the World Trade Organization. The opponents' charge is simply false.

I respect Judge Bork.

I also look at the implementing legislation, and on page 14 it says:

> United States laws to prevail in conflict. No provision of the Uruguay Round of agreements, nor the application of such provisions to any person or circumstance that is inconsistent with any law of the United States, shall have effect.

That is pretty plain. It is pretty simple. They cannot overturn U.S. laws or State laws in GATT.

Some people have alleged that, and I even read it in one of the newspapers today. That is not the case.

Again, maybe the implementing legislation will be changed, but I know that is one provision that will not be changed, so I feel comfortable with that.

Some people said, well, they are going to support the agreement but they do not support the budget waiver because they do not want to increase the deficit. I respect that statement a lot. I probably voted to object to waiving the budget as many times as anybody on the floor. I do not want to waive the budget order that allows us to increase deficit spending. But, likewise, Madam President, I think we should take into account the economic consequences of our decisions.

Some people have estimated that we are going to be increasing trade by GATT. Again, I do not know if this is factual or not. I have not run this through computers and so forth. But they estimated that by passing GATT, we are going to be increasing trade, to the benefit of the United States, by a $100 billion to $200 billion increase in economic activity every year. That is going to create jobs. That is going to have people paying taxes. There will tax revenue generated.

I think we should take that economic effect into consideration, and at least give it some credit. We do not give it any credit right now. We analyze budgets with a static model instead of a dynamic one. And I think GATT will have a positive impact and probably produce far more revenue than it would lose by a small reduction in these tariffs.

Again, keep in mind our trading partners are reducing their tariffs much, much more than we are. So I think that is positive.

Some of the other provisions that were mentioned—Senator METZENBAUM mentioned one concerning pioneer preferences. I listened to Senator PACKWOOD's analysis of that. He has done a lot of homework on it. I compliment him. Maybe what is in the implementing legislation is just right but it may not be right, so maybe we will have to take a look at that next year. We are willing to do that. We can do that. We cannot reopen GATT and rewrite GATT. We cannot call the 123 countries that have been working on this since 1986 and say let us do this all over again, we do not like one provision. That is not possible. Several countries have already signed on. But we can review the implementing legislation and if we do not like something in it, or if it is not enough, or if it is not fair, let us review it. We can do that. We will review it and Congress can do that and hopefully we will.

Madam President, I think it is important that we pass GATT. It is also important we do not fail to pass it. What would happen if we fail to pass it? Some people say wait until next year. I do not think we can. I do not think we can rewrite GATT. We can rewrite the implementing legislation. We cannot rewrite GATT.

What would happen if we do not pass it? All the other countries have been looking to the United States to be the leader of the free world. We have been espousing free trade for decades, and especially during the Reagan-Bush years. They were the leaders. They were the ones. Reagan and Bush were telling everybody we want to tear down barriers. So we passed the Canadian-Free-Trade Agreement, we passed a free trade agreement with Israel. Now we passed NAFTA. In every case we have increased trade. It has been to the mutual benefit of all countries to do that.

If we do not pass GATT I am afraid the opposite will happen. A whole lot of those countries that have been looking to the United States for leadership will start moving back and say, "Wait a minute, we are not going to do that. We are going to close our doors to agriculture." So South Korea is not going to allow us to sell beef or rice there, or into Japan. Or in France, where they have made restrictions time and time again on various agriculture exports, they would start building those walls. You can see this happen, country by country. Again, that would happen because the United States, which is supposed to be the leader in world trade and free trade, failed to ratify an agreement that we have been negotiating for 8 years. I think it would be a serious mistake.

So for the above reasons I hope my colleagues, one, will vote to waive the budget and, two, vote to pass the GATT agreement.

Mr. MOYNIHAN. Madam President, I yield to my friend, the distinguished Senator from Arizona, 10 minutes to speak to the momentous question before us.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. DECONCINI. I thank my colleague and friend, Senator MOYNIHAN, the chairman of the Finance Committee, and Senator PACKWOOD, ranking member, and compliment them on the work they have done on trade matters over the many years I have been here with them.

Madam President, I followed the Uruguay round negotiations of GATT over the past 7 years with great interest, and I have been very pleased with some results, and very displeased with others. I have carefully considered the implementation legislation before us today. This is a vote which will have great implications for the future of our economy. Though there are many areas which trouble me, in weighing the pros and the cons, I have to come down in favor of voting to waive the Budget Act and vote in favor of the legislation to implement the Uruguay round agreement.

I believe the GATT has served our Nation and the international economy well since we became members in 1947. It has opened up international markets, brought down trade barriers and reduced tariffs, from an average of 40 percent in 1947 to an average of 4.7 percent before the Uruguay round. In short, by bringing rule and order to the international trading system it has allowed international trade to flourish. It is not a perfect system. There have been rulings against the United States with which I did not agree and which deeply troubled me. But as the largest economy in the world, I believe the United States has benefited greatly from the GATT.

One of the failings of the current system is that, prior to the Uruguay round, sectors greatly important to the United States, such as services, agriculture and intellectual property, were not included in the GATT rules. While there are provisions in the Uruguay round where I had hoped the United States would get a better deal and there are provisions in the implementing legislation which deeply concern me, overall I believe being a member of the World Trade Organization and implementing the Uruguay round agreement is far more beneficial to the United States than remaining outside this system.

Failure of the United States to join the WTO and the unraveling of GATT would have disastrous consequences. An international trade environment not governed by comprehensive agreements would leave individual countries to put up trade barriers at will, set tariffs arbitrarily and force individual industries to scramble around the globe to cut deals with every country in which they wanted access. This would be a chaotic system which, I fear, would bring international economic growth to a grinding halt.

I am supporting the implementing legislation not because I believe the Uruguay round agreement is perfect in all respects but because overall I believe this trade agreement will lead to economic growth for our country by opening foreign markets to American goods and lowering tariffs on American goods sold abroad. The agreement will be good for American workers whose products will be more accessible overseas, will help U.S. exporters compete for Government infrastructure projects overseas and will help American consumers by lowering the tariff on goods they purchase.

Lower tariffs is one of the significant achievements of this agreement. Tariffs will be reduced to zero on many important items such as construction, agricultural and medical equipment and pharmaceuticals and will be reduced 50–100 percent on electronic items. Overall, tariffs will be cut by one-third. In essence, this is a huge tax cut which will stimulate new opportunities for American products abroad and will allow American consumers to pay less at home for goods and services.

One tariff in which I had a particular interest during the Uruguay round negotiations was on refined copper products, in which Arizona is a world leader. I pushed for zero tariffs on refined copper products. While Ambassador Kantor worked hard to get zero tariffs, the Japanese were unwilling to go to zero on this product. In the end, however, significant tariff cuts were made which will allow expanded access to the Japanese copper market which will benefit Arizona and United States copper in general.

In agriculture, another area important to my home State, this agreement does much to allow American farmers to compete globally as the GATT for the first time addresses trade in agriculture. U.S. farmers have long been hurt by countries which limited imports and subsidized exports. This agreement cuts export subsidies and internal agricultural supports, both of which distort trade and have hurt American farmers as the Europeans have subsidized their farmers higher than the United States. This cut in subsidies, along with provisions which will allow the use of funds for the Export Enhancement Program to enhance exports, will greatly help American farmers including Arizona cotton growers. Arizona citrus growers will greatly benefit by lower tariffs by Japan and Thailand, among other countries and by the reduction in export subsidies by the European Union.

In addition to agriculture, another important element of this agreement is the fact that it covers trade in services for the first time. The service sector represents 60 percent of U.S. output and 70 percent of U.S. jobs.

It is enormously important that the service sector was brought into GATT for the first time with the Uruguay round.

The agreement provides that countries not discriminate among foreign service providers, and that foreign service providers be treated the same as domestic providers.

As I mentioned, there are areas of the agreement which concern me. I share the concerns of some about the World Trade Organization. In particular, I am troubled by the meetings of dispute panels in closed sessions and that the panel deliberations will be confidential.

In addition, I am troubled by the idea that U.S. laws designed to address environmental concerns or child labor concerns could be challenged—and I say could be—as trade barriers by the WTO members. At the same time, however, I believe that the WTO also improves upon previous dispute settlement practices by achieving a more effective and expeditious dispute settlement mechanism. Furthermore, no WTO decision can affect U.S. law unless the Congress of the United States changes the law.

Since historically the United States has brought more cases to the GATT than any other country and we have seen many rulings favorable to the United States be blocked, the WTO procedures could well work to our advantage.

Another area where I have had strong concerns is in the area of intellectual property. My concerns are the lack of national treatment and recognition of contractual rights with certain copyright revenue, exclusion of plants and animals from patents, pipeline protection for pharmaceuticals and agricultural chemicals and shortening the transition periods. Certain countries, especially in Europe, impose levies on the sale of blank audio and visual recording media and equipment which can be used to make private, unauthorized copies of motion pictures and sound recordings and they do it for millions and hundreds of millions of dollars each year.

The problem is that the U.S. right holders do not share fully in the revenue distribution. This is not a fair deal for the United States copyright industries. However, having said that, there are benefits for the United States in this agreement in that area. These include establishing minimum standards for the protection of intellectual property rights which was not there before; ensuring procedures to enforce those rights; procedures for dispute settlement regarding members' obligations to establish minimum standards and mechanisms to enforce those procedures.

While I am concerned about those areas I mentioned above, the agreement does address the $15 to $17 billion loss in 1993 by the U.S. computer software, motion picture, music, recording, and book publishing industries due to piracy worldwide. This is a big black market which needs to be shut down.

While the TRIPS measures are not perfect, they will reduce the piracy now devastating American companies. And these companies are vital to the United States. In value added to GDP, the copyright industries contribute more to the U.S. economy than most any other industrial sector.

I also have concerns about the revenue provisions of the implementing legislation. I am troubled by the fact that the implementing legislation does not contain offsets for the loss in tariff revenues for the full 10 years.

I am troubled by the fact that the implementing legislation does not contain enough revenue but I have been around here long enough—for 18 years—to realize what has to be done to pass this trade agreement, and I am willing to do it. It is not something that I do easily, because I have been out on this floor arguing for a balanced budget amendment and other reductions in Federal expenditures. I am confident that in the long run the agreement will result in gains to the Treasury, not losses.

I am also concerned about the inclusion of the so-called "pioneer preference provisions" in the GATT implementing legislation that was argued a few minutes ago. I do not believe these provisions concerning FCC licenses belong in this legislation.

Other financing provisions which concern me are the pension provisions, which have also been discussed here this morning. Why this is part of the implementing legislation is just beyond me and almost brought me to the conclusion not to vote for it. I hope that in the future we would not have these kind of things put in a trade agreement.

But despite these concerns which I cannot minimize, I share the view of leading economists that in the long run, implementation of the agreement will bring much more to the U.S. Treasury than reduction in tariffs will cost the Treasury. It is estimated by the Treasury that the Uruguay round will raise money and hold down the deficit by $60 billion over the next 10 years and the agreement will add $100 to $200 billion to the U.S. gross domestic product when fully implemented. That is impressive, and I think that is the most important part of this debate.

Madam President, I weighed this decision carefully. This agreement is not perfect. Nobody will stand here and say it is, but our economy, our workers, and our consumers will be much better off with the Uruguay round agreement than without it. The Uruguay round helps us to continue to open markets for U.S. goods, stimulate economic growth at home and create jobs for Americans.

It is for these reasons that I will vote for waiving the Budget Act and vote for the implementing legislation and the agreement this evening.

I thank the Senator from New York.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield 10 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEAHY. I thank my friend. Mr. President, I should note, in listening to the distinguished Senator from Arizona, how much I have enjoyed serving here with him. Senator DECONCINI and I have ancestors from the same part of northeastern Italy, we have served as prosecutors in our States before coming here. We both came from the prosecutor's office to the U.S. Senate. We were good friends before we were in the Senate. We remained good friends throughout our Senate tenure and will continue to be in the years to come. He has been a voice of reason and concern for his part of the country and the country itself in service as a Senator from Arizona, as chairman of the Senate Intelligence Committee, and all the other areas that he has served. I have been proud to be associated with him in the U.S. Senate, and I am going to miss him when he leaves.

Mr. President, as the Senate prepares to vote on implementing the Uruguay round of the General Agreement on Tariffs and Trade, I do have grave concerns about this agreement. I said in October that I expect that I would have to oppose it, and I will oppose it.

I have also listened carefully to the Senate debate on whether to waive the Senate budget rules. I had grave concerns about the budget waiver and after listening to the debate, I feel it is inappropriate to vote in favor of the budget waiver to assure the passage of the Uruguay round agreement. I believe it is going to add billions of dollars to our deficit.

I am concerned because in the past 2 years, President Clinton and the Congress have made great strides in getting our fiscal house in order. In fact, President Clinton is the first President since Harry Truman to preside over a budget that 2 years in a row has decreased the Federal budget deficit. In fact, as a share of our gross domestic product, the deficit has been cut in half from 4.9 percent in 1992 to a projected 2.4 percent in 1995.

Our strict Senate budget rules have helped in that, and that is why I cannot vote to waive the Budget Act in this matter. If GATT passes, as many now predict it will, it will have some benefit on the U.S. economy. I am going to be the first to admit that. By lowering tariffs worldwide, the agreement should allow U.S. companies to compete and win anywhere in the world. These tariff cuts should stimulate U.S. exports by making U.S. goods more competitive, and they are going to add high-wage jobs here at home. I also hope that the minimum in intellectual property protection that has been included in this agreement can benefit our computer, entertainment and other copyright industries, although I continue to have concerns in those areas.

But despite these benefits, despite the work and the herculean efforts by Ambassador Kantor, one of the finest trade negotiators I have ever seen in any administration, Republican or Democrat, I am convinced that this is a fatally flawed agreement. I believe that GATT is fatally flawed for a number of reasons, and I say this as one who believes in free trade, as one who has encouraged international trade to create jobs in the United States.

I am one who believed in NAFTA and strongly supported NAFTA. But I do not believe in GATT. It is not what GATT does, it is what it fails to do that creates a problem.

GATT fails to provide fair rules for our dairy exports—a billion-dollar industry in my home State of Vermont. Under this agreement, we will export fewer dairy products, and import more subsidized dairy products. I am unwilling to expose Vermont dairy farmers to these risks. We could have worked that out. Senator JEFFORDS and I made every effort to work with the administration to provide U.S. milk producers with the tools they need to be successful in a post-GATT world. But the administration decided it did not want to, and an agreement that does not provide increased access to foreign markets for Vermont dairy farmers is not free trade for Vermont.

As I stated, I believe in fair trade. I voted for the North American Free Trade Agreement, and I did it willingly and with enthusiasm. It has been an overwhelming success across the country and in Vermont. In fact, in the first 9 months since NAFTA went into effect, United States exports to Mexico jumped 22 percent. NAFTA has been an economic boon to Vermonters. It opened up markets and spurred Vermonters to add more high-quality jobs to their payrolls.

I wish GATT was more like NAFTA, but GATT is not NAFTA. The two are totally different. GATT, unlike NAFTA, does not adequately address labor, environmental and food safety concerns. I am one Vermonter who is concerned about these areas, and in today's global economy, the interaction between trade and these issues cannot be ignored. We can never ask U.S. citizens to jeopardize their standard of living in the name of free trade.

Unfortunately, GATT moves away from the crucial link between trade and the labor environment and food safety issues we fought so hard to forge in NAFTA. We were able to do it there. We were unable to do it in GATT. I am unwilling to support this trend. We need to go back, learn the lessons from NAFTA, and incorporate them into GATT.

President Clinton and others have hailed GATT as an engine for our economic growth for the rest of this decade and into the 21st century. I hope they are right. I know that President Clinton has been more dedicated than any President I have known in his efforts to create jobs and encourage our trade worldwide. I believe GATT's tariff cuts should stimulate U.S. exports and add U.S. jobs. But there are still too many unanswered questions. I really wish we could go back and close the gap in these areas. Then I could support this agreement. Unfortunately, the gaps are still there.

So I must oppose this agreement not for what it is, but I oppose it for what it is not.

I also ask unanimous consent that a statement of mine given as a member of the Judiciary Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PATRICK LEAHY ON SECTION 514 OF THE URUGUAY ROUND AGREEMENTS ACT

As a senior member of the Judiciary Committee, I have been involved with Senators DeConcini, Biden, Hatch, and others in working on the intellectual property provisions contained in title V of the bill. Among the more controversial provisions is section 514 of the bill, amending section 104A of the Copyright Act, which "restores" copyright protection for foreign works that are not in the public domain in their country of origin but not currently protected in the United States.

Ownership of the restored copryight vests first in the author or in the initial rightholder of the work as determined by the law of the country of origin. Such initial rightholder could be, for example, the producer of a sound recording or the producer of a motion picture where rights are vested therein by foreign law. Those that had acquired these rights through contract would also be recognized as rightholders.

In attempting to achieve a degree of fairness, we include protection for reliance parties, those who have relied on the foreign works having fallen into the public domain. These protections extend to those who are successors, assignees or licensees of "significant assets" of a reliance party which assets could include multiple copyrights, several titles, a back list, imprints or tangible inventory, even if less than all of the holdings of the company or of a division of the initial reliance party.

We have also tried to ensure fairness for those who continue to exploit "derivative works"—as that concept is used elsewhere in the Copyright Act and its case law—based upon foreign works subject to restored copyright protection.

Section 514 of the bill also makes clear that section 412 of the Copyright Act applies to actions for infringements of restored works. The meaning of "commenced" is intended to be governed by existing case law under section 412 without the addition of any new element or test.

This is among the more complicated set of changes to our law. It is being proposed in order to ensure that others will treat U.S. works similarly within their countries and grant them the copyright protections to which they should be entitled.

Mr. PACKWOOD. Mr. President, I yield 15 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 15 minutes.

Mr. GRAMM. Mr. President, if someone had asked me a year ago what my feelings would be in debating the GATT Uruguay round agreement and looking toward its potential passage, my guess is I would have said that this would be one of the high points of my career in the U.S. Senate. I am a firm believer in trade. I believe trade is critically important to job creation and to freedom and independence.

While I am going to vote for GATT today, and while I am going to vote to jump the procedural hurdle that stands in the way of GATT today, I would have to say that the irresponsibility of this administration, the arrogance and irresponsibility of the Clinton administration in the way it has structured the debate, the way it has written the enabling legislation, and the way it failed to deal with budget requirements, has made it very difficult for me, and very difficult for a lot of other people who normally would have been for GATT, to be strongly supportive and to be excited about it.

The bottom line of the debate is, however, that despite what I believe has been the arrogance of the administration and the irresponsibility of the administration on GATT, the GATT agreement is critically important to the future of the people who do the work and pay the taxes and pull the wagon in Texas and in America. And while you can find a lot of reasons to be against it, there is one overriding reason to be for it. That reason is that it is the right thing to do for America and for its people.

I want to try to address very briefly some of the issues that have been raised. Let me start with the whole sovereignty issue. It is a fraudulent issue. Anyone who understands the American constitutional system understands that the Congress of the United States, even in concert with the President, cannot give up sovereignty. The Constitution is very clear on this point. Nothing we can do, alone or in concert with the President, can change the Constitution or can limit American sovereignty.

If anything, based on a study of the whole World Trade Organization provisions of the Uruguay round agreement and looking at the existing GATT agreement, the new agreement has more built-in protections of American sovereignty than the current trade agreement we are operating under. If you are driven only by concerns about sovereignty, this new agreement is an improvement over the current GATT, an improvement over the trade agreement that we have operated under since the Second World War. Not only am I saying this, but no less of a constitutional authority than Judge Bork has concluded the same thing.

I also want to thank Senator DOLE. As I have said, I personally believe that there is not a sovereignty problem with GATT. But there are many Americans who are concerned about it, and I think an important step to take in dealing with an agreement like this is to allay people's concerns. Senator DOLE sought to do that. He has reached agreement on a mechanism involving a panel of Federal judges to monitor the process and to report to the Congress. And he provided for triggering mechanisms. I think in terms of guaranteeing Americans that they are not going to lose sovereignty in this agreement, that is a good proposal.

I will have to say that, like any other proposal, it holds out some potential for mischief. That is something that we are going to have to watch very closely. Every greedy special interest in America that wants to steal from the American consumer is going to come here and argue that somehow America is being hurt because Americans are being allowed to buy goods competitively and under price competitive conditions.

So I want to thank Senator DOLE. I am going to watch the mechanism to see that it does what we set out for it to do. But I think, again, if your concern is sovereignty, this agreement, especially with the Dole provision, is a dramatic improvement over current procedures and practice.

Second, in terms of the budget waiver, let us be very clear what we are talking about here. We are talking about an agreement that every reasonable budget authority, every financial planner, and every economist in the country that is not on the payroll of some special interest group has concluded is going to promote more trade, more job creation. And, since the Government, like a leech, can draw more blood out where the heart is pumping strongly, this agreement is going to mean more revenues coming into the Federal Treasury because it will mean a stronger economy.

We are debating a budget waiver here only because OMB, in its projections, and our Congressional Budget Office, act as if trade, job creation, and consumer behavior have nothing to do with the revenues of the Federal Government.

Second, in their initial estimate, the administration did pay for the provisions of the bill for the first 5 years. Moreover, if we were voting on lowering the capital gains taxes, if we were voting on repealing the earnings test for Social Security, I would vote to waive the Budget Act on those issues. I will vote to waive it today because basically it is the same fundamental issue.

In terms of extraneous matters, let me say the Clinton administration has been totally and absolutely irresponsible on this bill. I am not aware that in the past has an administration ever included matters in a trade bill that clearly had absolutely nothing to do with the trade bill. I believe that in the process that the Clinton administration has probably killed the fast-track process as we know it. I think we are going to have to write a new fast-track process that will have a clear rule against extraneous matters and that will set out in the most minute detail the requirement that never again will a President put extraneous matters in a bill that is dealt with under special procedures where those extraneous provisions cannot be changed.

I think the fact that in this bill we are extending Super 301 of the trade bill, which is a rotten provision and which has absolutely nothing to do with GATT, is outrageous. I think the fact that we are even getting into a question about settling a court case on licensing fees for communications is something that has nothing to do with GATT and should have never been in this agreement and should have been dealt with in legislation next year or dealt with through the courts.

The provision on rules of origin on textiles was nothing more than a provision that was meant to buy votes for this agreement. It is an outrageous provision which is going to steal billions of dollars from working families in this country who are going to pay more to put clothing on the backs of their children. That extraneous provision was put in this bill which should never have been in here. Under no circumstances would I ever support it if it were a freestanding measure.

Let me tell you why today I am going to take a deep breath and look beyond the outrageous and irresponsible manner with which the administration has dealt with GATT. I am going to do that because we are talking about something that is vitally important. I take trade very seriously. The growth of world trade, which we promoted as a matter of American foreign policy beginning in earnest under Eisenhower and Kennedy and under every President, Democrat or Republican, since that day, was the great engine which tore down the Berlin Wall, which won the cold war, which liberated Eastern Europe, which transformed the Soviet Union, and which freed more people than any victory in any war in the history of mankind.

We created a wealth machine with trade that rebuilt Europe and rebuilt Japan after the war. We created a wealth machine that created vast amounts of productive capacity in places like Taiwan and Korea that had never known prosperity. And America benefited every step of the way. No country in the world has benefited more by the growth of trade than has the United States of America.

We are talking about more than jobs, more than growth, more than opportunity. We are talking about freedom. Does it not abridge my freedom when my Government, in protecting a special interest, imposes a tax or sets a quota that stops me from buying goods which are better than the goods I could buy on the domestic market, or cheaper? If the objective is not to raise revenues to pay for essential Government but instead to limit my right to buy goods because some politically powerful special interest in America is for limiting that right, does that not infringe on my freedom? I say it does.

So there are not many issues, Mr. President, I say in conclusion, that are important enough that they would induce me to accept all of these extraneous add-ons, the arrogance of the whole approach that has been followed by an administration which does not support trade as much as I do. There are very few issues that are important enough that I would look beyond all these problems in this bill, but trade is one of those issues.

Let me say to the few colleagues that are undecided on this. This is one of those issues that comes along once in awhile where all the politics is on one side and all the right is on the other. It would be a great tragedy for America if this bill failed today.

We could blame Bill Clinton. We could point out all this stuff he put in this bill. We could point out his arrogance in the whole process. We could do all those things. We could dump this baby right at his doorstep. But the baby would be dead, and we love the baby ourselves.

In fact, it is our baby. We created this baby. Six of the 8 years of negotiations occurred under Republicans, and except for this one provision that the Clinton administration put in on green-light subsidies—which again is a bad provision, which I am not for—this is a good agreement.

So I want to urge my colleagues when they are getting all these telephone calls about sovereignty, when they look at all the politics, when they are outraged about the way the Clinton administration has handled all these issues, I simply ask them to look at what would happen if we rejected the GATT Uruguay round.

If I thought we could reject this agreement, kill all these extraneous matters, get rid of these green-light subsidies, and do this bill again 2 years from now when there is a Republican in the White House, I would do it in a heartbeat. But I do not think we can get Humpty-Dumpty back together again. I think if we reject this agreement, no other major country in the world will approve it.

We all know how much protectionist sentiment we have right here in this body, in our own country. It is strong all over the world, and it is something that people who understand trade, on a bipartisan basis, have to stand up to. Today I am joining those who have stood up to it. I am going to vote for this agreement. It is important that it be adopted.

I say to my colleagues that, in the next few days, the next few weeks, a vote for this bill will probably be unpopular, but I believe that a year from now or 5 years from now or 10 years from now you will be able to look back and say, "I did the right thing." I do not want my children, 20 years from now, to be looking through some CONGRESSIONAL RECORD and see my name down as voting against trade and say, "I wonder why my dad was such an ignoramus."

Let me tell you, this is important to the future of America and to a free people, and that is why I am for it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. MOYNIHAN. May I first express to the Senator from Texas my admiration for what he said, and to say that the Senator from New York has nothing like the competence as a economist that he has. But I share more of his reservations than he might know, or I might be willing to admit. But I am absolutely, firmly with him. It would be a tragic mistake.

Sixty years of American trade policy—which really got energized under Eisenhower, but it began with Cordell Hull—is at issue and will be resolved at 6 o'clock tonight. This is a momentous vote. It is a great way to end up the century.

Now I have the great pleasure to yield 10 minutes to my friend from Mew Mexico, Senator BINGAMAN.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. BINGAMAN. Mr. President, thank you, and I thank the Senator from New York for his leadership on this issue as well as on many others and for yielding me the time.

Mr. President, the main goal we should have in considering the GATT is maintaining and increasing the number of high-wage jobs in the United States. Increased trade with other countries can help us to do that. But in order for us to grow new high-wage jobs, we must be able to maintain some balance in our trade relationships with the rest of the world, and we must be allowed to export to other countries the products and services in which we have a competitive advantage.

The question is whether going forward with GATT at this time helps us or prevents us from maximizing the high wage job creation that we want in future years.

Our trade deficit is the largest in the world. It appears to be on the rise and primarily it is caused by two large unaddressed problems:

The first is imported oil, and the second is imported manufactured products from the Far East, which are not offset with sufficient exports by us to those Far Eastern countries.

The imported oil problem is of our own doing. We have lacked the national will to pursue energy independence and the chronic deficit that we carry in oil and petroleum products is the obvious result of that lack of national will. GATT will not address this problem.

The imbalance in trade with the industrializing countries of the Far East—Japan, China, Taiwan, Korea, Malaysia, Thailand, and Indonesia—is both our own fault and the fault of those we trade with. It is a direct result of those countries pursuing policies of export promotion and import restraint and also the direct result of our own country's maintaining a policy of relative free trade while those countries are engaged in this persistent import restraint. In my view GATT will only marginally address this problem as well.

Under U.S. law today there are tools available to the administration to achieve more equitable trade treatment from these countries; antidumping laws, countervailing duties, section 337, section 301. Unfortunately, however, either those tools are inadequate or no administration in the 12 years I have been in Washington has been willing to use them effectively. The consequence has been the continued unfair treatment we receive at the hands of these governments and their key industries and the growing trade deficit we suffer with these countries.

Mr. President, I understand that we should not expect to have perfectly balanced trade with each country, but we cannot allow the imbalances with certain countries to become so great that they cannot be offset for by trade elsewhere. That is precisely what we have allowed to happen with these Asian countries.

The proponents of GATT are running television ads which say that GATT will require over 120 countries to trade by the same rules we do. My own reading of GATT indicates that it will reduce tariffs but that it will not prohibit other countries from continuing to play by their own rules in most important respects. For example, it will not prevent Japan from maintaining a distribution system for its domestically manufactured cars that is closed to foreign manufactured cars. Similarly, it will not prevent cartels of foreign manufacturers from remaining in effect, and it will not prevent foreign governments from providing generous financial support to their domestic companies to support their efforts to export.

Those countries have made it clear they will not play by our rules, and GATT does not require them to. Rather, the real question for us as a country is not whether other countries will play by our rules; whether we will have the clear-headedness, the pragmatism, and the courage to begin playing by some of the rules which the rest of the world has adopted and still insist on. Those rules include creating tax incentives for domestic manufacture of products to be sold in domestic markets, supporting government industry partnerships in strategic and targeted industries, aggressively supporting efforts by domestic firms to export, and most importantly, taking any and all steps necessary to produce reasonable balances of trade with other huge world economies.

That is the real challenge we face in a post-GATT world and I conclude that the adoption of GATT will do little to help us in meeting this challenge.

Whether the adoption of GATT will prevent us from maximizing the high-wage job creation we want in future years is another question altogether. In fact, subject to key assurances and assumptions, I agree with proponents of GATT who say that it will not prevent us from achieving our job creation goals.

Mr. President, on balance I have concluded that adoption of GATT at this time by the Congress is the responsible thing to do. The 10 years of preparation that have gone into this agreement and the leadership role this country should play in world trade make it imperative that we move ahead.

On balance, I believe that GATT is also a responsible choice for New Mexico. Like the Nation as a whole, New Mexico will have losers and winners. I believe, however, that the potential for increased exports is great in New Mexico. In 1992, New Mexico exported $247 million in goods. In 1993, this figure jumped to $397 million, an increase of approximately 60 percent. GATT can help sustain this trend in exporting, and support good, high-wage jobs in New Mexico. Our leading export industries, which include electric and electronic equipment, industrial machinery and computers, and refined petroleum products, are all likely to reap the benefits of lower tariffs abroad.

In reaching this conclusion I believe that certain assumptions and assurances are critically important. My vote in favor of GATT today is only being cast based on assumptions and assurances in four major areas:

First, my vote is based on the assumption that the United States will still have the ability to retaliate against unfair trade practices for activities not specifically covered by a rule in GATT;

Second, my vote is based on the assumption that the United States will continue to resist the admission of China to GATT until China agrees to be bound by the rules that apply to other industrialized nations; and

Third, my vote is cast with the expectation that if the new World Trade Organization operates in ways that are inimical to U.S. interests we can, and in fact will, exercise our right to withdraw.

And finally, my vote is based on assurances from the President that he shares my concern about the enormous trade deficits we currently have with Japan, China, Taiwan, Korea, Thailand, Malaysia, and Indonesia and that he will work with me over the coming days to find an effective way to review the cause of those deficits and their impact on the retention and creation of high-wage jobs in this country, and to come up with specific action steps we can take to deal with that very real problem.

Mr. President, let me just show one chart to my colleagues here to make the point which I have tried to make here in my statement about the growing imbalance in trade deficits with Far Eastern countries.

This chart shows in 1983 the combined trade deficit we suffered with the seven nations that I have cited was $32 billion. Ten years later, in 1993, it was $105 billion. This year it is anticipated to be $117 billion.

I point out to my colleagues that the ability of China to manufacture for export is just now developing.

We have a serious problem in this area, Mr. President. I have discussed it with the Trade Representative and I have discussed it with others in the administration, and I believe strongly that after GATT is adopted—and I believe it will be adopted today by the Senate—we need to give attention to this growing trade imbalance with Asian countries.

This is a problem that is not going to fix itself. It is not one that is going away. It does impact on those working families in this country which are trying to maintain their standard of living and hope for better wages in the future.

First, my vote is based on the assumption that the United States will still have the ability to retaliate against unfair trade practices for activities not specifically covered by a rule in GATT.

One area of concern which I share with many others relates to the ability of signatories to GATT to pursue unilateral retaliation for trade practices not required by a GATT rule to be handled by a dispute settlement body. According to a July GAO report, the European Union takes the position that governments that subscribe to GATT commit not to use trade retaliation except as authorized through the WTO legal system.

I have raised this issue directly with Trade Representative Kantor, and he assures me that the GAO report does not reflect the correct EU position on the issue. He further assures me that this administration's position is solidly to the contrary, that is, the administration's view is that practices and policies of other GATT members which are not specifically covered by a GATT rule can be retaliated against by the United States and that all U.S. trade laws remain in effect even under GATT.

In my opinion the main trade obstacles we face are not covered by any GATT rule, and accordingly it is vitally important that we maintain the ability to act unilaterally against unfair trade practices which we believe require retaliation.

Second, my vote is further based on the assumption that the United States will continue to resist the admission of China to GATT until China agrees to be bound by the rules that apply to other industrialized nations.

Although the chronic trade deficit we run with Japan is clearly the largest single country component of our overall trade deficit, another cause for alarm is the enormous increase in our trade deficit with China in recent years. In 1989, the first year of the Bush administration our trade deficit with China was $6.24 billion. By 1992, at the end of President Bush's term it had risen 193 percent to $18.26 billion. Last year in 1993, it grew to $22.77 billion and this year it is expected to reach over $28 billion.

Experts point out that the cause for these increases are many, however, it is indisputable that one of those causes is the conscious policy of the Chinese Government to limit imports, and promote exports. The growth of Chinese exports in excess of imports is primarily into the United States market. And a particularly troubling fact is that even with those large exports, only a small fraction of China's GDP is devoted to exports today. To put it bluntly, we are on our way to importing even more from China than we import from Japan by the end of this decade.

Again, this is a concern that I have raised with Trade Representative Kantor. He has assured me that he shares this concern, not only about the size of our trade deficit with China but also about the Chinese policies and practices that have partially caused that deficit.

He has also assured me that this administration will block the admission of China to GATT until China has shown credible evidence of its willingness to abide by the rules that apply to other industrial nations. Blocking China's admission to GATT will not solve the problem we have today in trade with China, but it will help to maintain a focus on their unfair trading practices, until those practices are corrected.

Third, my vote is cast with the expectation that if the World Trade Organization operates in ways that are inimical to U.S. interests we can, and in fact will, exercise our right to withdraw.

Many have pointed out the potential problems that exist in the structuring of the WTO. The U.S. economy accounts for about 25 percent of world trade today, but under the proposed WTO we will have the same voting weight as those countries with the least amount of world trade. This is a serious problem which will only be alleviated if, in fact, the WTO can operate on a consensus basis as the GATT has in recent years. Time will tell whether this arrangement is a fatal flaw in the WTO which will require us to withdraw. But we need to put all countries on notice that the possibility is real, and I may well support such withdrawal if the need arises.

Finally, my vote is based on assurances from the President that he shares my concern about the enormous trade deficits we currently have with Japan, China, Korea, Thailand, Singapore, Malaysia, and Taiwan and that he will work with me over the coming days to find an effective way to review the cause of those deficits and their impact on the retention and creation of high-wage jobs in this country, and to come up with specific action steps we can take to deal with that very real problem.

Mr. President, it is my view that the approval of GATT will not dramatically improve our ability to export, although it will result in tariff reductions over a period of time. GATT neither solves our major trade problems nor significantly impedes our ability to solve them in coming years. Without trying to criticize or demean the importance of GATT, I see it largely as secondary to the central trade issue which we confront.

The central trade issue which cries out for attention is this large and growing trade deficit with Asian countries. In 1993 when you add up the cumulative trade deficit the United States ran with the seven Asian countries of Japan, China, Taiwan, South Korea, Malaysia, Thailand, and Indonesia, it exceeds $105 billion. Our trade deficit with all nations by contrast was only $116 billion. American workers see downsizing and streamlining and plant closings and they see more and more of the manufactured products bought by Americans being produced abroad. That increase in imports from abroad can be accepted as long as the jobs we lose are being replaced with jobs of equal worth in sectors of our economy which are exporting. But the existing trade imbalance reflects a job creation imbalance as well. And even though the U.S. economy has been successful at creating many new jobs in the last few years, too few of those jobs are high-wage jobs committed to export.

Japan has built the world's second largest economy by pursuing a policy of manufacturing for export. This has worked to Japan's benefit but has harmful effects on our own ability to retain manufacturing jobs. And now other Asian countries are following the model of Japan. The United States cannot remain strong and U.S. workers cannot maintain their standard of living if we continue indefinitely as the one truly open market for Asian manufactured goods, and Asia retains a maze of impenetrable barriers to our own exports.

My concern about this crucial trade problem has prompted me to urge the President to work with me over the coming days to find an effective way to review the causes of these deficits and their impact on the retention and creation of high-wage jobs in this country. That review would result in recommendations of specific steps we should take to reverse the adverse trends in our trade relations with these countries and to bring our trade relations into reasonable balance by the turn of the century in such a way that we maximize the creation of high-wage jobs in the United States. It is my hope that this review could provide the basis for real progress in the 104th Congress in dealing with the challenge we face of making trade support our efforts to create a high-wage economy here in the United States.

Mr. President, before concluding, let me also address the arguments that U.S. ratification of GATT will cede U.S. sovereignty to others or will inundate U.S. laws in the areas of environmental and consumer protection. My reading of the agreement and the implementing legislation lead me to conclude that these arguments are soundless. If an adverse decision is rendered against the United States under GATT, this does not invalidate any Federal, State, or local laws. The result is rather that the successful complaining country will be authorized to take retaliating action against us. Of course any country has that same option at the present time.

In conclusion, based on the assumptions and assurances I have just outlined, I will support the GATT with my vote today. But the approval of GATT by the Congress should not be interpreted as an indication we believe that all is well in world trade. I believe the trade deficit we are experiencing as a nation are intolerable and I hope that the approval of GATT and the other steps I refer to above will lead us toward a resolution of this problem. For only a reversal of these trade deficit trends will allow the working men and women of this country to hope once again that they will have access to the high-wage jobs that can produce more prosperous and economically secure lives than they have today.

So in conclusion, Mr. President, I will support GATT with my vote today. But the approval of GATT by the Congress should not be interpreted as an indication that we believe all is well in world trade. I believe the trade deficits we are experiencing as a nation are intolerable. I hope that the approval of GATT and the other steps I have referred to will lead us toward a solution to the problem. For only a reversal of these trade deficit trends will allow the working men and women of the country to hope once again that we will have access to the high-wage jobs that can produce more prosperous and economically secure lives than they have today.

Thank you, Mr. President. I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Senator from New Mexico for a compelling case. May I say that the caveats he suggested about would the United States be able to retaliate for trade practices not covered in the GATT, the answer is yes. We have section 301 and we will continue to do so.

But I note that 60-percent increase in exports over 1 year. That is the prospect we have in America. And those are good jobs.

Mr. BINGAMAN. I certainly agree. Again, I thank the Senator from New York for yielding me the time.

SUBSTANTIAL UNDERSTATEMENT PENALTY AMENDMENT

Mr. RIEGLE. I would like to ask the distinguished Chairman for a clarification on section 744 of this legislation, which amends section 6662(d) of the tax code. Am I correct, Mr. Chairman, that this amendment is not intended to alter the definition of a tax shelter for purposes of the substantial understatement penalty?

Mr. MOYNIHAN. The Senator is correct.

Mr. RIEGLE. And is it the understanding of the Chairman that, under current law, only those entities or other arrangements that have as their principle purpose the avoidance or evasion of Federal income tax are considered tax shelters?

Mr. MOYNIHAN. That is my understanding.

Mr. RIEGLE. Am I therefore correct that an entity, plan, or other arrangement that has as its purpose the claiming of tax benefits, such as the low-income housing tax credit under section 42 of the Code or the credit for producing fuel from nonconventional sources under section 29, in a manner consistent with the statute and Congressional purpose is not considered a tax shelter for purposes of the substantial understatement penalty and will not be affected by the proposed amendment?

Mr. MOYNIHAN. The Senator is correct.

Mr. RIEGLE. I thank the Chairman for this clarification.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I yield 15 minutes to the Senator from Idaho.

The PRESIDING OFFICER (Mr. BRADLEY).

Mr. KEMPTHORNE. Thank you very much, Mr. President.

Mr. President, I rise today to express my strong support for free trade and the proposed $750 billion reduction of tariffs around the world. I know that the American worker, the American farmer and professional, can compete with anyone in the world, and I am confident that the General Agreement on Tariffs and Trade would make a major contribution to economic growth in the United States and around the world.

If I could vote for the General Agreement on Tariffs and Trade without voting for the budget waiver and without voting for the World Trade Organization, I would do so without any hesitation. But I cannot do that.

While I strongly support free trade and a reduction in world tariffs, I am also determined to do everything I can to protect the sovereignty of the Federal Government and our 50 States. Despite the acknowledged economic benefits that will result from GATT, I have carefully weighed the evidence and I have come to the inescapable conclusion that the WTO threatens to do more harm than good. Let me be specific. I am convinced the voting arrangements for the World Trade Organization will jeopardize the sovereign right of our State governments and the Federal Government to affect the lives of Americans. While the agreement will not change our governments' right to make laws, it will, in my view, create a situation that puts pressure on State governments to change or repeal their laws and regulations to abide by WTO mandates. And within the WTO, our vote will be equal to the vote of Rwanda, Cuba, or Fiji. This voting arrangement and the enforcement powers given to the WTO lead me to the conclusion that this agreement poses far more risks than benefits to the American way of life.

Under the current GATT procedures, trade disputes are settled by consensus among the relevant parties. While this system has not worked well every time, it has preserved the U.S. ability to veto GATT decisions contrary to our interests. Under the Uruguay round of GATT now before the Senate, this veto power will be lost.

If passed, the World Trade Organization would replace the current GATT consensus structure. In a letter to President Clinton, Harvard Law Prof. Lawrence Tribe stated "the proposed WTO would have authority to impose major financial sanctions on jurisdictions whose laws, either national or local, are found by WTO tribunals to restrict trade in unacceptable ways." The WTO is clearly difficult from the current GATT structure.

More specifically, under the dispute resolution powers given to the World Trade Organization, a WTO panel will meet, in secret, to settle trade disagreements. During the panel's deliberations, the U.S. Government will be represented by an official from the U.S. Trade Representative's office. Although a State law may be challenged by the WTO panel, the affected State will not be allowed to defend itself before the WTO panel. In addition, the decisions of the WTO panels will be binding and the United States has no ability to veto these decisions. In the event that a WTO panel rules against the United States we are left with three options: change the offending law, reject the WTO ruling and suffer trade retaliation or pay compensation to the offended parties. Under this system it seems likely that the certainty of trade retaliation or penalties will lead the U.S. Government to pressure a State to change a law that the WTO considers an impediment to trade.

Concerned about the ability of the WTO to pass mandates onto the States, 42 State Attorneys General contacted President Clinton, in July, about GATT. They stated that they had concerns about how some of our State laws and regulations would fare under the WTO and its dispute resolution panels. The Attorneys General noted some countries had identified U.S. State laws that they intend to challenge under the WTO. The Attorney General from Idaho, Larry Echohawk, signed that letter.

At the end of July, after several meetings with the USTR and a few changes to the GATT agreement, several of the Attorneys General sent a letter to Ambassador Kantor announcing their support for GATT. The Attorney General from Idaho did not sign this letter. In fact, Mr. Echohawk stated in an August 1 letter to me that "the GATT agreement still raises serious concerns for the rights of States in our federal system of government."

Mr. Echohawk acknowledged that the changes negotiated between the USTR and the Attorneys General were significant. However, he went on to state that "they are all in the nature of damage control after-the-fact. None of the changes provides the kind of protection that is due to a sovereign state under the federal form of government guaranteed by the United States Constitution." I agree and I believe States should be concerned. In the same letter to the President on GATT, Professor Tribe stated that "the basic thrust of the Uruguay Round is that it would empower international tribunals effectively to override State laws protecting local workers, consumers, or the environment on the ground that those laws interfere with world trade."

In addition, in a letter I received today, the Idaho State Tax Commission stated "we believe that the dispute resolution process to be effected by the World Trade Organization risks a serious diminution of traditional state sovereignty." Moreover, the Commission recognized the importance of the changes brought about by the negotiations between the USTR and the Attorneys General. However, the Commission stated that "these protections * * * do not change the main fact that GATT represents a significant shift of sovereign authority away from State and local governments."

The Idaho State Tax Commission and the Attorney General of Idaho have identified numerous State laws that the WTO might call impediments to trade. For example, the Idaho legislature has enacted an investment tax credit which allows companies to deduct plant investments. It is not hard to imagine a WTO panel determining that this investment tax credit favors Idaho industries over foreign competition. Likewise, the State of Idaho has sent the United States Trade Representative 350 pages of Idaho laws that might be challenged by the WTO as trade impediments.

The United States economy is one of the largest markets in the world. Currently, the size of our market gives us increased clout in trade disputes with other countries. Under the one-nation one-vote formula of the WTO, our influence will be dramatically reduced. This reduced influence poses a direct threat to the sovereignty of State laws. Indeed, many of the health regulations, worker protection laws, including child labor laws, and environmental protection enacted by the various states might be challenged as trade impediments by the World Trade Organization.

As a United States Senator for the State of Idaho, I understand the impact of allowing others to control a State's destiny. This great Nation of ours was formed by a collection of sovereign states and we should reject any agreement or treaty that proposes to cede power and authority to a world organization.

I believe that this agreement should be considered by the Senate as a treaty, which is amendable and, under the U.S. Constitution, requires the support of two-thirds of the Senate body. Harvard Law Professor, Lawrence Tribe, also believes that this agreement should be voted on as a treaty. Speaking on the treaty question, Professor Tribe has stated "GATT, as presently structured, would entail so substantial a shift of sovereignty from State and local governments to the proposed WTO that the agreement requires Senate ratification as a treaty."

I am also troubled by the proposal to waive the Budget Act to make up for the lost revenue that would result from enactment of the GATT agreement. The Congressional Budget Office originally estimated that over 10 years GATT will cost the Federal treasury around $30 billion. The administration has now put forward some offsets that are said to pay for all but $15 billion of the lost GATT revenue. But these offsets are questioned by a number of opponents of GATT. In addition, even with these offsets every Senator will be asked to add $15 billion to our national debt if he or she wants to support the Uruguay round of GATT. I cannot go back to my State and tell the people of Idaho that I just voted to increase our deficit by over $15 billion.

If this agreement is as good as its supporters suggest, then we ought to pay for it up front. That is why I joined a small number of my colleagues to sign a letter to President Clinton urging him to pay for all of the lost revenue that would result from the passage of GATT. But this request was not agreed to. I also wrote to Senators MITCHELL and DOLE requesting that the Senate vote on the budget waiver if the President would not pay for all of the lost revenue from GATT. As we all know, our first vote on today will be concerning this budget waiver.

In conclusion, I would like to just quote from that letter I received yesterday from the Idaho State Tax Commission. They say in their closing paragraph:

> One of the historic and traditional roles of the U.S. Senate is to represent and protect the interests of state in our federal system of government. It is unfortunate that this legislation is before the Senate under rules that require an all-or-nothing vote. The laudable goals of free trade and reduced tariffs are made inseparable from the more lamentable dispute resolution procedures provided by GATT.

They say it very clearly. I wish I could vote for GATT but vote against the World Trade Organization.

The United States must continue to be a leader in GATT. The administration and Congress should continue to reduce tariffs in the United States and urge their reduction around the world. However, I strongly believe that United States participation in the WTO is a detriment to our 50 States and this Nation, and I oppose passage of the GATT-WTO agreement.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield myself such time as I may assume under the direction of Senator MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, I rise today in support of the new GATT agreement and in support of the jobs and prosperity that it will bring not only to the United States but also to my State of Louisiana which I proudly represent. Today's vote is a vote between—and a choice between—old versus new. It is a question of whether we want to return to the days of the Smoot-Hawley or whether we want to march into the 21st century. It is a question of whether we build walls around the United States or whether we tear down the walls around other countries of the world.

The international trade train of tomorrow is leaving the station and the question is whether we will be on it or whether the United States will be left at the station, surrounded by walls of protectionism. Some say we should reject GATT because it is too risky. They say our sovereignty is at risk, our jobs are at risk. These are the same people who see a half-filled glass of water and say it is half empty. While this agreement may not be perfect—and it is not—I know it is a much better agreement than one that is only half full. It is as close to full as an international trade agreement can ever be.

For example, how else are we going to get an agreement with over 120 countries of the world that expands Louisiana farmers' ability to sell their products abroad by limiting foreign Governments from unfairly subsidizing their own crops? How else are we going to get an agreement with over 120 countries of the world to open their markets to Louisiana chemical manufacturers, our industrial machinery, our processed foods, lumber, wood products, and, yes, our textile industries as well? How else are we going to get an agreement with 120 countries of the world to respect and pay for the use of Louisiana's creativity, found in our music, our movies, our computer software, our medical drugs, and our inventions?

Under current GATT rules, a country that closes its market to Louisiana products and goods can thumb its nose at a GATT ruling against it. But under this new agreement, our exporters can get deserved relief and Louisiana jobs will grow accordingly. As the world changes and the economic power of other countries grow, international trade rules will become more and more important. While we should not and will not give up our ultimate market leverage to resolve trade disputes as a country established under the rule of law, we should not fear the new trade rules. We will, instead, use these rules to our advantage.

Fruit Of The Loom, the largest employer in the State of Louisiana, Avondale Shipyards, Riverwood International, Procter & Gamble, Dow Chemical, the Louisiana Farm Bureau, the Port of New Orleans and other ports of Louisiana and countless other Louisiana employers and employees support this agreement as a positive step to improve the standard of living in Louisiana, and so do I.

This agreement is not a final answer to our economic prosperity. A level playing field is only as good as the players on that field. But, by leveling the playing field we can now focus our attention on improving the quality of our players as well.

During the 1980's, U.S. companies paid the price to become competitive in the global markets. Now we are ready to seize the opportunity of expanded world trade.

Finally, this effort is an example of how Government should work. It is bipartisan. It is Ronald Reagan, it is George Bush, and it is Bill Clinton working together over two decades to reach the same agreement: GATT.

It is Mickey Kantor and James Baker, it is Ron Brown and Jim Miller, it is TOM FOLEY and NEWT GINGRICH and GEORGE MITCHELL and RICHARD ARMEY and also, to their great credit, PAT MOYNIHAN and BOB PACKWOOD, all together in support of the same package.

At the same time it is an all-American solution which benefits all Americans. It says to Mr. and Ms. America that you are going to win one for a change.

Our choice is very clear: Old versus new. Build a fence around ourselves or knock down the fences of other countries and sell our products overseas. The Senate should pass GATT.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I thank the distinguished Senator from Louisiana for his comments, generous personal comments. May I ask him, Louisiana continues to be an important rice producer, does it not?

Mr. BREAUX. We are one of the largest in the United States.

Mr. MOYNIHAN. And will be larger, because for the first time ever, in this agreement rice imports are open—in Japan, in Korea, and all parts of Asia. They do not like it one bit, but it is about time and you will have helped bring this about.

Mr. BREAUX. I thank the chairman for his comments. It is something we have been working on for over 25 years and now we can obtain that goal.

Mr. MOYNIHAN. Twenty-five years. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask the time reserved for me, 10 minutes under the time allotted to Senator HOLLINGS, be enacted at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask unanimous consent a copy of a Washington Post editorial be printed at the end of my remarks.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, the question before the Senate is an important and difficult one. Should the Senate approve or disapprove or delay the implementing package to the agreement reached under the General Agreement on Tariffs and Trade? Like all pieces of legislation, this bill has its good features and its bad features. Unlike other bills which come before the Senate or the House, the so-called fast-track rules, Members of both bodies are prevented from seeking to remedy the shortcomings of this legislation or to enhance its good features because amendments are not allowed.

In my view this process and the implementing legislation is a mixed bag. I have spent a great deal of time in committee hearings, discussions, and study of the details.

First, I would like to discuss and acknowledge the very good features of this agreement. The proposed GATT agreement does advance important U.S. priorities, including better protection of intellectual and other property rights, including some protection for leadership in advanced technology.

I applaud our trade negotiators for this achievement. It is an area in which I have long sought change.

In the area of financial services, it is generally agreed that this new GATT agreement is a success. Trade in financial services is one of America's strongest suits. Progress in this area bodes well for the American banking, financial, and insurance industries.

There are clearly some improvements and some measure of success for some of our agricultural producers. Others are not likely to fare well at all.

Mr. President, these important successes have been weighed against what I consider shortcomings of the GATT agreement. My long-held concerns are manyfold. My hopes of receiving satisfactory explanations and assurances from administration officials and colleagues strongly supporting approval have failed. The more I study it, the more convinced my conscience dictates "no."

The structure of the World Trade Organization [WTO] is a serious problem. Granting an international organization of 130 foreign countries the authority to object to any Federal, State, or local law by filing a trade violation charge and seeking counterbalancing tariffs is no small matter.

It is a loss of power, or sovereignty, when our law could be found to be contrary to GATT and the subject of the WTO trade sanctions.

I am very concerned about the structure of the new World Trade Organization and its methods of dispute resolution. Under this new organization, member nations agree to subject their laws to the view of the WTO. The proponents don't want to concede this. If negotiations between nations fail, a dispute between the two countries, say the United States and Bangladesh, would go to a three member panel for experts to review.

If for example, the United States loses before that panel, the panel could approve trade sanctions by Bangladesh against the United States in an amount equal to the injury caused by the offending United States law. The three-member panels meet in secret and their decisions are binding unless the entire WTO membership—and I emphasize entire— including the country who filed the action unanimously agree to overrule the panel decision. Such a structure will clearly stack the deck against the United States, since most countries want unlimited access to the coveted U.S. market. Virtually every country will have an invitation to challenge indirectly U.S. law which impedes any imported products.

Yes, as the proponents preach and preach and preach again, only the United States can change its laws in response to a WTO dispute resolution. But it must also be said that only the WTO has the power to determine if another country is justified in imposing trade sanctions against the U.S. law. This they do not preach. My concerns about the dispute resolution and decisionmaking process procedures are both about sovereignty and fairness.

Another structural problem with the WTO is its decisionmaking process above and beyond dispute resolution. Under the new agreement, decisions will be made on a one country, one vote basis.

Contrary to that, in the United Nations, the United States has an effective veto power over major actions of the United Nations because it is a member of the security council. In the World Bank and the International Monetary Fund, the United States has voting power weighted toward its financial contributions to these institutions. The United States will likely contribute 20 percent of the WTO budget and will bring the largest and most important consumer market to the world trading system, but will have a vote in that organization only equal to the smallest nation.

It is interesting to note that when President Eisenhower proposed another form of the WTO, it included a security council-type body which took into account market size. There is none of this balance in the proposal before us.

I must also observe that it is, if nothing more, ironic that the presumed Senate majority leader of the next Congress, swept into power by promises of deficit reduction and a reduced government, asks that his party members in the Senate waive the budget act; support the creation of a new international bureaucracy and later support a new Federal bureaucracy to watch over the international bureaucracy.

This legislation, over the next 10 years, handles the $30 billion loss in tariff revenues by raising the Government's take by $15 billion and raising the national debt by $15 billion.

I have serious reservations about the agriculture portions of this agreement. While many farm groups support passage of this agreement it seems we have been down this road before. The promise of a pot of gold for American farmers in foreign markets has been a promise unfulfilled. I am troubled that even after the adoption of this agreement, some of our European competitors will still have higher domestic subsidies than the United States. Yes, this agreement is progress, but faulted.

There are several other non-highlighted potential problems, such as the provision that allows our competitors to employ higher subsidies by the use of so-called mix and remix of agricultural subsidies.

Mr. President, it is my best judgment that my constituents are probably evenly split on this proposal.

The largest number of corn, hog, cattle, and milo producers support it. They believe, as they always have, that foreign markets are the real chance that they have to escape low commodity prices. They have always believed that they can produce their way to prosperity. They are under serious financial stress. I feel for them. Their investments are high and their returns are low and frequently below the cost of production.

The Farm Bureau is in support. The Farmers Union is opposed. The soybean producers are opposed. My wheat producers are generally opposed. The milk producers are opposed since they know that, for some, GATT is near the end of their troubled road. I have not heard a great deal from our sugar beet producers but GATT surely is a dead end for some of them.

Mr. President, these are all good folks. They are hard pressed. I wish I could agree with all of them. Given the circumstances, it is not possible.

I am fearful passage of this trade agreement will give opponents of agricultural and rural programs one more arrow in their quiver to fire in the heart of American farm families. Mark my words, during consideration of the 1995 farm bill, some of the most innovative reforms will be met with protestants that reform is "GATT illegal." Note the editorial of November 30, 1994, from the not-so-farmer-friendly Washington Post which is printed following my remarks. As a veteran of many congressional battles for family farmers, I predict passage of this agreement holds nothing but peril for the new 5-year farm bill that must be passed in 1995.

Mr. President, every trade agreement involves a give and take. Unfortunately for many years the United States gave and gave and gave of its rich consumer market. The United States has allowed the near destruction of some industries in the name of free trade. That is not fair trade.

For the last 20 years working Americans have seen their standard of living slip or remain static. In spite of the recovering economy, Americans feel less secure in their jobs. The idea that children and grandchildren will have a better life than their parents is an open question.

I think cheap foreign labor puts Americans jobs at severe risk. It should not be applauded. It should be condemned.

The proponents of this agreement will try to portray the opponents as protectionist. The choice is not between the World Trade Organization and Smoot-Hawley. There are a number of other options.

America is already the world's most open market. GATT opponents do not advocate unilaterally closing the American market. We should simply insist that the rest of the world catch up or risk their access to the American market. This was the idea behind the 1988 Trade Act. I believe that it is no accident that with this tough message, the U.S. trade deficit declined in the several years following the enactment of the 1988 Trade Act. The downward trend in trade deficit was reversed with the current GATT-mania. The trend I talk about from 1988 up to now, was reversed by the GATT mania.

Trade should not be the only value the United States holds dear. There are other values—decency, dignity, fairness and conservation of the resources which may and should take precedence over unfettered international trade. Our Nation's abhorrence of tyranny, child labor, and environmental destruction should not be subordinated to the GATT principle of the least trade restrictive measures.

How many Americans and Nebraskans know this agreement prohibits exports of goods made by prison labor but allows exports made by children of, say, 12 years of age working for 50 cents per hour. Now that is something that we all can be proud of. We protect criminals but not the kids.

In closing, let me say that the free trade gurus that live in the world do not seem to understand where the treatment of workers starts and when we should leave workers to their own volition to do what is right. I do not apologize for being concerned about the Nebraska apparel workers, sugar beet growers in the panhandle, and workers in small and large factories throughout the State. They are real live Nebraskans and Americans all. I represent them too.

I am profoundly troubled with the way GATT enthusiasts view low wage, low skill workers as disposable. I remember an America where hard work would earn a decent wage. Today, hard work and good will do not seem to go as far as they once did. The depiction of low skill workers by some GATT supporters demeans the hard work of many Americans. These workers are the families that so many politicians laud. Here is a chance to vote for them. Who's listening?

It is interesting that this same Congress just passed a massive crime bill and the next Congress will consider welfare reform. It is often said there are few of our social ills which could not be solved with a good job. Thousands of entry level jobs will be in peril with this agreement. But lest we forget, they don't vote.

The problem with the fast track procedures is that the Senate has no way to change the bad parts of this agreement. If we had more time, perhaps next year, absent the fast track we possibly could correct it. But as is, it is an all or nothing proposition. Having carefully weighed the benefits with the risks, I have concluded, Mr. President, that I can not lend my support to this agreement.

Thank you, Mr. President. I reserve the remainder of my time.

EXHIBIT 1

[From the Washington Post, Nov. 30, 1994]

NEXT YEAR, A FARM BILL

A major task of the Clinton administration and the Republican Congress next year will be to write a new farm bill. It's a huge undertaking; here will come a five-year bill involving billions of dollars in likely subsidies and other forms of support to an entire sector of the economy at the start of a new era in world trade. But this time the problem is compounded. The administration has no discernible farm policy, has never developed one and seems most unlikely to do so now, when it has been politically weakened and will shortly lack even an agriculture secretary. The Republicans, perhaps particularly in the House, are likewise untested. It's clear enough that they want to cut federal spending and regulation, but not so clear that they want to cut farm spending and regulation—not the elaborate regulatory structures that prop up prices, at any rate.

The major farm support programs are trade-offs of price and income supports for production restraints. The strongest believers in free markets among the Republicans would do away with them. Majority leader-to-be Richard Armey has been among this group in the past. Some urban Democrats have also tried to kill or cut back some of the lesser programs, though for different reasons. There's likely to be a revival of such talk this time around, particularly if Republicans, who tend to be strong in farm states, also pass a balanced budget amendment and begin to make heavy cuts in other spending. If only for political reasons, members not from farm states will try to force them to cut farm spending, too.

The farm state members of both parties can be expected to resist. They have already indicated they will once again try to do no more than make some modest further reductions in support levels. But that, too, can eventually lead to a dissolution of the system, because as support levels drift below break-even points, farmers will be inclined to withdraw from the programs rather than submit to the production limits.

That will be the broadest battleground—how much and how to cut the principal programs. There will also be some lesser battles. Dairy price supports have become dysfunctional; what helps one region hurts another. The system has been so patched over the years that the price of milk is now almost entirely a federal artifact. A truly deregulatory Congress would strike the system down. It would do away with such anti-competitive constructs as the sugar program as well, in which import and now even domestic marketing limitations are used to keep U.S. prices artificially high.

The farm bill also presents environmental issues. What happens next to the conservation reserve program, in which farmers are paid to idle supposedly fragile land? To what extent will either the administration or Congress seek to use the farm bill to make pesticide and/or clean water or wetlands policy?

The administration may not propose a bill. Instead, it is said to be considering a statement of principles, mostly of the steady-as-you-go variety, the effect of which would be to leave the writing of the bill to Congress, which has the power anyway. That would be a bow to political reality as well as a way of preserving the president's options and avoiding blame, all of which might be shrewd. But it still wouldn't constitute a farm policy.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Oregon.

Mr. PACKWOOD. I yield 6 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 6 minutes.

Mr. JEFFORDS. Mr. President, the Senate will shortly be voting on H.R. 5110, the General Agreement on Tariffs and Trade [GATT] implementing legislation. As my colleagues know, I have always encouraged and supported international trade and will continue to do so in the future. Expanding and developing export markets will not only give Vermonters, but all Americans, the opportunity to gain access into world-wide markets.

As a firm believer in free and fair trade, I regret that I am unable to support the GATT agreement. On first inclination, I am prone to support this agreement which has such worthy goals and intentions. There is no doubt, our economic future depends on the ability of this Nation to compete in the international marketplace. But this agreement is flawed. Upon detailed review of the sections pertaining to the dairy industry, the potentially devastating impact of GATT is clear.

Vermont's dairy farmers have for too long suffered at the expense of our trade policies. This agreement removes protections for Vermont farmers and puts them in direct competition with foreign farmers who receive massive government subsidies, making fair competition an impossibility.

There are few States that take advantage of international trade opportunities more than Vermont. This is a statistic which I think we should be quite proud of, and one which I will work to increase.

Still, this issue is far more complex than just simply reviewing State trade statistics. Back in 1991, we took up the issue of so-called fast-track authority for negotiating the GATT agreement. I opposed this authority because dairy interests have been routinely ignored in trade negotiations. Once again this is true, our trade negotiators have given away the farm on GATT, and I am afraid Vermont's dairy farmers will be the ones to pay for it.

Within GATT, section 22 protections for dairy farmers are eliminated. In addition to that, a 5-percent minimum on food imports is mandated, domestic farm programs, including Federal dairy programs are reduced, and our domestic food safety laws are weakened. So what do we get in return? Canada is dragging its hooves on opening its dairy markets, and the Europeans are only required to scale back their exports by the same percentage we do.

This may be fair on its face to anybody who does not know dairy, but the Europeans have been massively subsidizing their exports while the USDA seems to regard dairy exports as a nuisance.

Senator LEAHY and I tried to work with the Clinton administration to make GATT fair to Vermont's farms and all dairy producers. I commend Senator LEAHY for his efforts in working with me on a dairy export plan to be included within GATT. This plan was supported by most farmers who could see the benefits of creating worldwide markets for their products.

On numerous occasions, I urged the Clinton administration to give our farmers a fair chance in a market open to so many countries and include our export plan. Unfortunately, the President denied our request to include our export plan onto the enabling legislation of the worldwide agreement.

Mr. President, I also have concerns on the effects the GATT agreement will have on the world's environment. Primarily, arguments have been made that GATT will undermine implementation and enforcement of our domestic environmental protection standards. But just as importantly, GATT will interfere with international efforts to protect the environment, potentially reducing the effectiveness of international environmental treaties.

Mr. President, I am extremely disappointed that the President does not value the interests of the U.S. dairy farmers within the world market, along with supporting our strong environmental standards, as I do. Therefore, I cannot accept a trade agreement that will further burden our dairy farmers, weaken environmental standards and limit child labor protection.

I think it is time for the President to stand up for the U.S. dairy industry and value the importance of these farmers to our Nation. He has done it for cattle, and he has done it for wheat. It is high time he pay attention to dairy as well.

Whatever happens here today, I plan to go home having supported the environment and dairy farmers, in Vermont and throughout the Nation. Fairness demands nothing less, Mr. President. For these reasons, I will not vote for this agreement.

Mr. President, I yield the floor.

Mr. BRADLEY addressed the Chair.

Mr. MOYNIHAN. Mr. President, I yield 10 minutes to the distinguished Senator from New Jersey who has the distinction, among many, of having been a member of the study committee on the GATT in the mideighties.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. BRADLEY. Mr. President, we have been debating the Uruguay round agreement for nearly 20 hours now. I believe the proponents of this legislation have made a compelling case.

I do not think it is any exaggeration to say that America's prosperity depends on our vote. Failure to pass this legislation would be a profoundly self-destructive act. It would close us out of world trade and deny us the export engine for economic growth and remove our voice from the councils that will shape the 21st century and national economic system.

Failure to pass the agreement would be a vote of no confidence in our own future. I think it is trite but true to say that the only constant in the world today is change. Our vote is an indication of how we will react to change. We can seize it and shape it to our advantage. That is the response of a self-confident, vigorous nation, and that is the traditional American response. Or we can put our heads in the sand in the vain hope that change will pass us by.

That is the response of a nation without a future.

It is about that future that I would like to talk today. For even as we debate the Uruguay round, we should look ahead to the next round of negotiations that will move the international trading system to the next level.

The world economy did not stand still while our negotiators hammered out the Uruguay round. It changed in ways unimagined by the ministers who first gathered in Punta del Este in 1986. For example, the end of the cold war combined with broad acceptance of the capitalist model in the developing world introduced billions more consumers and competitors into the global economy. The liberalization of capital movements led to an explosion in foreign investment and unleashed daily currency flows that dwarf trade in goods. The information revolution both changed the way we create and measure value, and increased the importance of intellectual property rights. Meanwhile, our environmental problems continued to mount as an unintended consequence of our economic dynamism.

When we ratify this today, we need a new round, sooner rather than later, to adapt the world trading system to these and other transformations shaping the global economy. I see five major areas for a new round to address:

First is trade in services. Advanced economies rely on service industries for new growth. We have made progress in disagreement but there is much more to do.

These already produce over 53 percent of American GDP and provide 70 percent of U.S. jobs. We exported about $200 billion in services in 1993, with a surplus of $68 billion. The new round should address services. It should return to the issue. We have not exhausted it in this agreement.

Second is investment. With the increase of capital mobility and the triumph of market economics, foreign investment has exploded. This matters because investment is essential to economic growth, and because trade follows investment. For example, studies indicate that over 20 percent of American goods exports are made to foreign affiliates of the American exporter.

The Agreement on Trade-Related Investment Measures, TRIMS, is a tiny first step toward bringing investment under the disciplines of the world trading system. APEC and the OECD are working on this issue now. The next trade round should use their thinking as a basis to advance beyond the TRIMS agreement, or the current investment policy of this particular bill.

Third is competition policy. Some of the fiercest debates in the Finance Committee, as in Geneva, where over the dumping and subsidies rules. Our ability to make sense of unfair practices and counter them is severely hamstrung by the disconnect between trade policy and domestic competition policy. These two sides of the same coin currently receive separate treatment, leading to the illogical result that competition within borders is treated differently than competition across them. The next round needs to look at ways to integrate competition and trade policies into a more effective whole that recognizes that business activity now takes place in a global market.

Fourth is labor rights. Improving worker rights has been an objective of U.S. trade policy for over a century. However, we are still groping to understand the connection between humane labor practices and trade. Trade policy must not deny developing countries their natural advantage in cheaper labor. At the same time, we cannot condone practices that violate basic human rights. We all want workers to reap the fruit of their labors, but we do not yet agree on where to draw the line between human rights and protectionism.

We need more work to help us understand which labor practices constitute human rights violations, which afford unfair trade advantages, which represent legitimate comparative advantage, and which are simply the result of underdevelopment. The OECD is doing some work on this issue. We need to do more and integrate the findings into the international trading system.

Finally, there is the environment. We now find ourselves in the untenable position of developing two parallel trade/environment structures. On the one hand, we have our environmental commitments, such as the Montreal Protocol, the Global Climate Change Convention, the Biodiversity Convention, and our obligations under the Stockholm and Rio Declarations. These all have trade effects. On the other, we have our GATT/WTO commitments, which have an impact on the environment.

These structures intersect in many places. They contradict in others, as demonstrated by the problems we have had with the Marine Mammal Protection Act.

Arthur Dunkel once told me he thought the next GATT round would be a green round. Clearly, we need to build a conceptual framework to bring together environmental policy and trade policy. The next round must do so.

I have listed a number of issues, identified a number of problems, and provided no answers. That pretty well reflects the current state of thinking. It is incumbent upon the first Director General of the WTO, whoever he may be, to follow Arthur Dunkel's example and, as his first act, appoint a new eminent person's group to lay the conceptual framework for a new round, just as we laid the conceptual framework for this round in the 1985 group.

In order to participate in new negotiations and meet these new challenges, we must renew the President's fast track negotiating authority. We must make a fast-track bill one of the first priorities of the new Congress. There are many contentious issues to work out, but with a vote in favor of free trade this week we will have the foundation to work out an acceptable negotiating framework.

Still, Mr. President, these are issues for tomorrow. The task at hand is to pass the legislation before us implementing the Uruguay Round Agreement. Before we can move ahead on these issues for the future, we must reaffirm our own commitment to the international trading system.

Some say that we are not "the" economic superpower. Japan is. If we turn down the Uruguay round, that may become a self-fulfilling prophesy. If we approve this agreement, continue our efforts to bring the budget deficit under control, provide worker education, fix our pension system, and retain our leadership in the world trading system, the United States will remain what it now is—the world's largest, most productive economy.

In the NAFTA debate, a number of my colleagues began their statements, "I'm a free trader, but * * *" Some said, "* * * but we'll hear a giant sucking sound as jobs go south." Others said, "* * * but the Mexicans aren't democratic enough." Although I disagreed with them on NAFTA these were legitimate concerns, given complexity of the commitment we were undertaking.

Well, the returns are coming in, and they show that NAFTA was a good deal for America. There has been no sucking sound of jobs going south, and we have an adjustment program in place for the 10-15,000 workers who could be displaced by NAFTA this year. Instead, the main sound has been the steady "whoosh" of goods, services, and profits crossing our borders in all directions.

Gary Hufbauer, of the Institute for International Economics, estimates that, because of lower import prices NAFTA will put $600 million into the pockets of American consumers. American business will have more in gross margin to cover their fixed costs.

In my State of New Jersey alone, a recent study has found that NAFTA has already led to $287 million in increased exports and over 5000 net new jobs. And the Uruguay round dwarfs NAFTA in economic size.

NAFTA also served as an anchor to the Mexican political and economic system when it was shaken by the assassination of the ruling party's presidential candidate. It created new economic and financial constraints on the ability of old-style politicians to fix the election. As a result, Mexico ran the cleanest presidential election in its modern history and is poised to do even better next time.

There are no "buts" in the matter before us. We have a clear choice between prosperity and stagnation. We have a choice between enjoying the benefits of a developing international trading system, or retreating into autarky, poverty, and irrelevance. We have a choice between national self-confidence and national decline.

I hope that we will pass this GATT agreement. Opponents have made a number of arguments, one of which is low wages; all the jobs will go to low wage countries. If that were the case, Mr. President, Bangladesh would be an economic superpower. Clearly low wages are not the only criteria for investment around the world.

They have also made the point that we have the problem of child labor.

Mr. President, if there is a problem of child labor in this country, child labor of illegal immigrants in our own country in factories across this land, we have a law now that says if an employer hires an illegal immigrant, whether that is a child or not, he should be fined and sanctioned.

We do not fund adequately employer sanctions and because we do not fund adequately employer sanctions there are literally thousands of illegal immigrant children at work in this country today. So those who come to this floor and puff about child labor, let us make sure that we fund the economic sanctions that are already in law.

An estimate is that they require an additional 10 times what we are now funding to enforce economic sanctions under the immigration law. We have $28 million to do that. Estimates are it would cost $280 million to $300 million.

So those who are concerned about child labor in Bangladesh or China or somewhere else why not be concerned about child labor in your State, in your town, because it is there today with illegal immigrants and if you want to stop child labor stop it in the United States first.

GATT is a good agreement. We are the most open economy in the world and we will benefit the most from opening other economies.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oregon.

Mr. PACKWOOD. I yield 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. BOND. Mr. President, I thank the Chair and my colleague from Oregon.

Mr. BOND. Mr. President, the debate over the GATT and the legislation before us today has raged for many months now. I have been following this very closely both in the public debate and the debate in Congress and the debate in homes and coffee shops and community centers around the country. It is clear that this is an issue that has raised passions, as well as fears, among a large segment of our population.

The arguments on both sides of the debate have been presented forcefully and extensively as they have here. I have listened to the objections of those who oppose the agreement, and I think I have considered each one of them very closely. I would like to take just a moment to review those objections.

First is the budget implication of this bill. Opponents argue that this bill will increase the Federal budget deficit by tens of billions of dollars over the next decade. If that were the case, I would be voting today against the budget waiver and against the bill. The bottom line, however, is that the charge is simply not true. It is based on static budget assumptions which fail to take into consideration the huge impact the new GATT will have on our Nation's economy. By lowering tariffs worldwide, the agreement will result in hundreds of billions of dollars of added economic activity. It is not a zero sum game. It is not just slicing up the pie different. It is slicing up a larger pie.

That agreement that we will approve today, I hope, will generate significant new tax revenues, which will almost certainly reduce, rather than increase, the deficit.

A second argument that continues to be raised in opposition to this agreement is that it creates a new World Trade Organization which will give unfair power to tiny foreign countries, to tiny dictatorships, and which will have the power to overturn U.S. laws. Again, I have looked at these charges carefully. If they were true, I would be down here today arguing strongly against this agreement. It is clear to me, however, that they are not true. The WTO is a new organization that the United States pushed for to give the GATT more muscle to resolve trade disputes and enforce settlements. The reason we pushed for it is because we are the country which most frequently brings complaints before the GATT. Since we are the ones most often asking for relief, it makes sense to ensure that the GATT has the ability to make its decisions stick. Too often it has been the U.S.A., our farmers, our export workers, our creative producers who have been the losers when GATT did not have the clout to stop unfair practices directed at us. It is time we had a stick instead of a wet noodle to enforce those agreements. This agreement makes a major stride in that direction.

Many opponents have suggested that the United States will find itself on the losing end of a trade dispute—perhaps as a result of many smaller countries ganging up on us in the WTO—and that we will be forced to forfeit our sovereignty by modifying our laws or lowering health and safety standards. I simply do not accept that. That is not true.

The United States is the world's largest economy. The goal of every other country in the world is to sell as much as possible in our great market. They know that they cannot attack us unfairly with impunity. If they try, we will retaliate and their economy—not ours—will suffer. Furthermore, Congress has put the world on notice that we will monitor the WTO like a hawk, and that we are prepared not to comply with an unfair ruling, or even to withdraw if necessary. We are unlikely ever to see such a situation, however. The GATT has worked over the years by operating through consensus. There is every reason to expect that consensus will continue to be the rule.

With regard to the issue of sovereignty, it is just not true that this agreement will infringe on our right to set our own laws. The U.S. Supreme

Court has made very clear that the Government can choose to ignore treaty provisions when it desires. Further, the legislation itself clearly states that no part of the agreement which is inconsistent with U.S. law shall have effect. And finally, we have the right to withdraw from the agreement at any time with only 6 months notice.

There has also been much criticism of the wide range of non-GATT provisions in this legislation which were included to help offset the tariff cut. Many Missourians have called my office to express their concern about giveaways of their tax dollars. I have looked at as many of these provisions as have been brought to my attention and, although I can see how some might oppose the policy behind them, I cannot agree that they are a giveaway of our tax dollars. It could be argued that the Government could have received more for some of these radio spectrum license sales, and that is something the administration has agreed to review, but clearly it is not a giveaway to tax dollars.

After reviewing those concerns, one must then look at the other side of the equation—the benefits that would result from approving the new GATT accord. In my opinion those benefits will be huge both for the United States as a whole and for my State of Missouri.

This agreement will provide the largest tariff—or tax, because that is what a tariff is—reduction in history. That will mean more money in the pockets of Americans as well as citizens of other countries. That is money that can be saved or that can be spent. Regardless of how it is used, it is certain to result in the creation of thousands of new American jobs.

The benefits of GATT can be seen very clearly just by looking at its impact upon Missouri.

The new agreement will be a boon to Missouri's farmers who already export a quarter of their output. We know that if you take down the barriers they can export more because they are the world's most efficient producers. That percentage is certain to surge as other countries are forced to lower unfair trade barriers which currently keep out Missouri commodities such as rice, corn and beef.

The largest manufacturer in Missouri—McDonnell Douglas—will benefit significantly from rules designed to limit unfair Government subsidies to its overseas competitors in the commercial aerospace field.

Companies like Monsanto, Sprint, Hallmark, Leggett & Platt, and Ralston Purina will find it much easier to sell their products overseas, as well. The tens of thousands of Missourians who make up these companies, and the employees of the small Missouri businesses that supply them, will be the true beneficiaries as new jobs are created, and existing jobs become more secure due to increased worldwide sales.

But it is not just Missouri's large companies that will benefit from GATT. The growing world market will provide tremendous opportunity to the thousands of small companies across the state. As we enter the 21st century, we are truly entering a global economy, and all companies—large and small—will have to participate to survive. This agreement, which lowers tariffs worldwide and helps to level the playing field, only serves to make it easier for smaller companies to succeed.

The bottom line is that the U.S. economy is inextricably tied to the world economy. For that reason, we have to use our power and prestige as the largest market and most powerful economy to move the world toward more open and fair trade. That is the best way to ensure prosperity for the greatest number of Americans.

Having said that, I would hasten to add that in working for free and fair trade, we must be careful not to be played for patsies. We have the muscle to see that the game is played fairly and that our interests are protected. We must do that and, if we find that others are not playing by the rules, then we should retaliate or withdraw from the agreement.

Having considered all of the arguments before us, it is clear to me that this agreement makes sense for the United States. We will be the biggest beneficiary of its approval. For that reason, I will today support the budget waiver and passage of the implementing legislation, and I ask my colleagues to do so.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I do not see anyone else here on either side of the aisle to speak.

Then, I might speak a bit to elaborate further on a point that I made.

When we talk about world trade, there are two kinds of trade. One is in merchandise. Merchandise is what we might call goods—cars, refrigerators, jet airplanes, nuclear reactors, hard goods for lack of a better term. The other is services, insurance, credit cards, and tourism.

The United States is without question the world's leader in services. Take credit cards, for example—Visa, Master Charge, American Express. These are all American-centered companies, but they sell licenses throughout the world to provide these cards. The licensees pay money for the license and that money flows back to the United States. We are talking dollars, the same kind of dollars you get when you sell an airplane. It just happens to be a different kind of business.

Last year, 1993, we had a $57 billion surplus in services—surplus, more coming in than going out.

In merchandise, the goods, the refrigerators, the cars, we unfortunately had a $116 billion deficit.

Now we exported a lot last year. We exported almost $450 billion, but we brought in a lot more.

So the first question is, why? And I think I can guess why, although I cannot prove it.

At the end of World War II, we were the only major industrial country left that was relatively unscathed. Japan was devastated. Up until that time, Japan had not been a major factor in world trade anyway. Germany, devastated; France, devastated; Italy, devastated; Russia, which never had been a factor in world trade, and really not much of a factor today, devastated.

So, after World War II, we could sell almost anything we wanted in the world and there was a market. It really did not matter if they were good products or bad products; they were the only products. For years thereafter, we had a tremendous surplus in the merchandise trade sector, the goods sector. It may have been a Caterpillar tractor—and I might say Caterpillar today does very well. But it did not matter what it was, we sold it around the world. It did not matter if the merchandise was relatively shoddy; you either bought ours or you bought nothing.

The service industry, on the other hand, was an industry that almost did not exist at the end of World War II. I think most of the people listening to me today can remember an era when there were no credit cards, period, we did not have any; when insurance was by and large local. Other than the maritime industry, there were no large conglomerates of insurance companies selling insurance around the world.

But the whole business of services and high-tech goods like computers have really grown up only in the last 20 to 30 years.

Take a company like Intel, which is the largest private employer in Oregon. The company was founded in 1969. It was not around during World War II.

Look what happens when you are an older company—and this was true of the auto companies, true of the steel companies. They came out of World War II having produced tanks and steel and were the only one left in the world in business. They had no incentive to change, for one thing, and they had no competition for probably 20 years, up until the mid-sixties.

Take cars, for example. The only foreign cars that were sold in this country of any consequence, probably until 1970, were those little Volkswagen beetles, which Germany developed in the mid-1950's. They had a small portion of our market, not a large portion. But they had a little cadre of people who liked the beetles—I liked the beetles—and they had sold a fair number. They did not have a large percentage of our market, but they had hard-core followers.

Then there was also the big imported cars, the Mercedes, Rolls Royces, the very expensive cars. We did not make anything in this country comparable to the Rolls Royce. Therefore, there was a market for them. Again, a small market. They did not have a significant impact on our auto industry.

It was not until really the 1970's that two things happened. One was the Arab oil embargo and the sharp increase in the price of oil from about $3 a barrel to $12 a barrel in 1973-1974 and then again from roughly $12 a barrel to about $35 a barrel in 1979 and 1980. That pushed up our gasoline prices tremendously. It was almost coincidental that in about 1971 and 1972, the Japanese were starting to introduce into this country high-mileage, good, small cars. And I emphasize "good." They were good. From the standpoint of repair and maintenance, they were a superior car to our small cars. It is probably coincidental that they were just hitting the market as the oil stock and the gasoline prices went up. The result was Americans flocked to these cars in droves.

I can remember when we first passed the mileage standards in this country which required cars to get to a certain minimum mileage each year. There was tremendous opposition from the American auto industry to these standards. They had two arguments. One, it would take them 5 to 7 years to develop that kind of car and get it on the market; two, Americans did not want those kinds of cars anyway.

Well, 5 to 7 years, this from an industry that in 6 months went from cars to tanks in World War II. And pretty good tanks. We did not get really into the war until Pearl Harbor and by the summer of 1942 we were turning out tanks instead of cars and turning them out in droves.

But the argument the Americans did not want these kind of cars was just fallacious. We wanted cars that got good gas mileage. Amazingly, we liked good cars. We liked cars that were dependable and that did not take a lot of repair.

The Japanese stole the market from us. Wrong word; we gave it away; gave it away.

Now, to their credit, American manufacturers are now catching up. The Japanese are building cars in this country. I think it will only be another 4 to 5 years until they build more cars here for the American market than they import from Japan. But Ford, GM, and Chrysler are now turning out superior cars, every bit as good as the Japanese, cheaper than the Japanese, as good mileage as the Japanese, and Americans are buying them.

But it took competition over 20 years to force American manufacturers to catch up.

If you read the Wall Street Journal yesterday, you will note that steel has also caught up. Steel went through the doldrums in the 1970's and 1980's. It could not compete with the low-wage Japanese, could not compete with the Koreans. Today we are the lowest cost producer of steel in the world. We are competitive everywhere. But it took us a long time to catch up.

Having said all that, what is going to happen and what can we do to narrow this terrible trade deficit we keep hearing about?

First, when you calculate the trade deficit, you have to take the merchandise deficit, our deficits in the cars, VCR's, and television, and, against that, offset the services surplus. Our trade deficit for 1993 is about $60 billion when you offset the surplus of services against the merchandise deficit.

Of that $60 billion, $44 billion is oil, imported oil; $43 billion is imported cars. You get rid of just those two items, cars and oil, and we have a total trade surplus. I should point out, however, that the deficit in cars is starting to shrink.

Now I will pose the question what we should do about oil. I am indebted to the Library of Congress for this information. I have to say, the Library of Congress' Congressional Research Service is the greatest research organization in the world. I would not trade them for all the rest of the research organizations put together. I only put them on this issue yesterday to see if they could find out if what I thought was probably true is, and they verified that it is true.

Now, I am going to make a bold statement. We import oil because it is cheaper than making oil in this country out of coal. What do I mean by that?

This country has a cornucopia of natural resources. Japan has no natural resources, no oil, no coal, no natural gas, and no great rivers to dam up to make electricity. They have to import all of their energy. This country has a cornucopia of energy. We have a 400-year supply of coal. We have a 200-year supply of oil shale. If you count all of North America, including Canada and Mexico—and I will add that we are all involved now in this North American Free-Trade Agreement—there is more natural gas than we know what to do with and we are finding more than we are using. But we are short of oil, crude oil, the kind you bring out of the ground in liquid form.

I say we are short. I am not sure, because every time we think we might find some oil, we just have a devil of an environmental argument as to whether we should look for it in Prudhoe Bay or in the Outer Continental Shelf. Should we drill? Should we even do experimental drilling to see if oil is there? The answer from the environmental community very often is no. We do not want to look because, if we look, we might find, and if we find, then somebody may want to bring it out. So we import it instead.

But let us assume for the moment there is no oil there. What could we do? It is what South Africa did for the better part of 30 years, because their government had a trade boycott against it and they could not buy oil of any quantity overseas. Well, South Africa, which is, again, a country rich in natural resources, took to making gasoline out of coal. You can do it. Transform the coal into oil, transform the oil into gasoline. It is expensive, but it can be done.

I asked the Library of Congress yesterday and they gave me the answer today, could we make coal into oil in this country? Do we have enough coal? The answer is, yes, we have more coal than we know what to do with. Could we turn the oil into gasoline? Yes. Is it much more expensive? Yes, it is much more expensive. How much? And I said put it in terms that are understandable to me, the layman. They answered that, if we were to take our coal, turn it into oil, turn the oil into gasoline, the equivalent price of gasoline, in their estimate, would be $3 to $4 a gallon, instead of what we currently pay. In addition, all other oil prices would go up equivalently. Whatever you pay for fuel oil, whatever you pay for oil to turn the generators to produce electricity, all throughout the economy, you would have these price increases and inflation. But we could get rid of the $44 billion trade deficit in oil.

Now, the question is: Do we want to do that?

Coal is a problem. Coal burns dirty. It takes a lot of money to burn coal clean. If you are going to turn it into oil it is a lot more expensive and a lot dirtier than just pumping it out of the ground. But if we are so all-fired worried about this trade surplus, would we be willing to get rid of $44 billion of it by making our own oil out of coal? If you say to the American public: Yes, this trade deficit is so bad that I think we should have gasoline at $3 to $4 a gallon, we should have fuel oil for our homes, at whatever the equivalent increase will be, we ought to have the inflation it will bring, and the increase in bond prices and mortgage interest rates that come with inflation, we are willing to have all of that to get rid of this $44 billion deficit—that is a fair debate, whether or not we want to trade that off. We should not say we cannot do it. South Africa did it. Japan cannot do it. They do not have the resources.

I am going to predict what is going to happen over the years. I do not think we are going to turn to making oil out of coal. However, our services sector is the fastest growing segment in all of the industrial countries of the world. We keep hearing that our manufacturing base has disappeared. It has not disappeared. It has become more productive. I count agriculture as one of our industrial bases. It is a separate category but it is very capital intensive. We put more money per person into farm equipment and farming than we do any other industry.

At the turn of the century it took about one farmer to produce food enough for seven people. Today one farmer produces enough food for about 82 to 83 people. I would wager by the turn of the century one farmer in this country will produce enough food for 100 people. That is a tremendous increase in productivity. It is expensive.

A new combine for cutting wheat costs between $145,000 and $150,000. A new tractor to pull that combine is about $130,000. Yet, with that combine and that tractor and a lot of other expensive equipment that goes with it, a husband and wife and a couple of kids and a hired hand can farm a multithousand-acre wheat farm successfully and compete anyplace in the world. That is the situation in agriculture.

The same thing that has happened in agriculture has happened in automobile manufacturing and steel manufacturing—especially for the last 20 years we have gotten so much better at it that we can turn out more cars with fewer people, more steel with fewer people. We have learned how to become more productive. It is not that we are producing fewer cars. When people say we have lost our industrial base—we have not lost our base. We are producing more cars with fewer people, more steel with fewer people. We are producing more wheat with fewer people. That is also true in Germany. Not in their agricultural sector which is heavily subsidized and inefficient, but it is true in Germany for steel. It is true in Japan in cars. It is true in all of the industrialized countries of the world. Their manufacturing sector, in terms of manufacturing employment in relation to their total employment, is shrinking. The number of employed stays about the same but their production increases tremendously and the number of employees in manufacturing in relation to the number of employees in services gets smaller and smaller as a percentage because it is the service industry that is growing. And it is the service industry that we are the best at.

Example: 5 years ago the trade surplus in services was $25 billion. Five years later it is $57 billion. I will make a bet 5 years from now it will be $100 billion in our favor. And the merchandise deficit will go down. There will be an irreducible minimum in my judgment below which it cannot go if we do not do something about oil. If we want to continue to import oil, I do not know if we will ever get to a trade balance in merchandise, no matter how hard we try. But to the extent we can make up that deficit in merchandise with a surplus in services there is nothing wrong with that. Credit cards are not un-American. Insurance is not un-American.

We have almost a death wish fascination with manufacturing, that somehow you cannot be a great country unless you are the world's greatest producer of things: Steel, autos, refrigerators, locomotives. You cannot be a great country because you are the best producer of these little computer chips. I held up one yesterday. Intel—I will give an example. I mentioned Intel once before. Intel is the largest private employer in Oregon. It is a company that was founded in 1969. When I was elected to the Senate in 1968, this company did not exist. They are now investing close to $2 billion in Oregon—about $700 million to expand an existing plant and about $1.2 billion to build a new plant and turn out computer chips. They are now the world's largest manufacturer. They have overtaken the Japanese. They are outselling the Japanese around the world. These are chips for export—this counts as services—export.

How can Intel compete with Bangladesh? Oregon is a relatively high-wage State and a relatively high-tax State.

Do you know what the answer is? And this is true of all of the high-tech industries. You ask them what are your floor labor costs? By floor labor they mean the production laborers, the hands-on workers, not the research and development which they do not plan to move anyplace, nor their management. How much of a percent of your total cost is your floor labor? Seven percent. Eight percent. They are not going to move to Bangladesh where they can pay somebody 50 cents an hour when labor is 7 percent of the total cost anyway.

It is much more critical to them that they have good transportation to get their products around the world. It is more critical to them they have a clean atmosphere. I was in their plant not 2 months ago and you ought to see it now, what they call the clean room. When I started my business a clean room was a white smock. In their clean room today you would swear you were looking at something out of Star Wars. People clothed almost like an astronaut on the Moon. Their breath being monitored through a tube and through a recirculator on their backs so that their breath does not get on the chips that are being made.

Immense temperature control equipment to keep these rooms almost at a perfectly even temperature. They would have to have these things in Bangladesh, and they cost just as much to put them in Bangladesh as here. Bangladesh does not make machines like that. They are not going to move to Bangladesh.

So, can we compete? You bet we can compete. And the things that we will compete at best are very frankly the things that have the lowest percentage of labor cost to total cost. I did not say lowest labor cost. Lowest percentage of labor cost to total cost. Those things that have a high labor cost we may not be able to compete in.

One of those is low-end apparel. I do not mean high-cost apparel. I think even in this country we can compete in apparel made here that is very expensive apparel, but can we compete making a $1.99 T-shirt or a cheap man's suit when we have not yet learned how to automate the making of a man's suit? I doubt it.

Japan learned that lesson 20 years ago. Thirty years ago, Japan was in the top five in the world in the export of apparel and the export of textiles—apparel being the clothing and textiles being the cloth—30 years ago. Today I defy you to go to a clothing store, look at the garments, look at the "where they are made" tags, and see if you can find one that says made in Japan. Thailand—yes, Bangladesh—yes, Singapore—yes, Honduras—yes. Japan? No. Japan got out of the apparel business because they figured they do not compete. There was too much hand labor. Japan is still in the top five in the export of textiles. And the difference? Textiles is a highly capital-intensive business. By this I mean it needs machines run by relatively few people. And the machines, just like the Intel machines, cost a lot of money. They cost just as much to put them in Bangladesh, which does not make them, as it does to put them in Kyoto or Tokyo.

Japan also realized something. If we are going to get Thailand to buy our television sets and pay us in yen, they have to be able to make something to sell us to get yen. Why do we not let them sell us apparel? If we want to sell Boeing 747's, General Electric and Westinghouse nuclear reactors, farm products—the biggest single item surplus that we have in our trade is agriculture. We have $19 billion surplus in agriculture. We are the world's best farmers without question. But if Mexico is going to buy wheat, or if Brazil is going to buy Westinghouse nuclear reactors, what are they going to pay us with? We want dollars.

To pay us, they have to sell us something that we give them money for, so they can buy back what we want to sell them. Mr. President, as sure as we are here, we are going to win this battle because time and tide are on our side. In every country that is the big purchaser of anything, it is the services sector that is growing. That is the sector where we compete the best. In the merchandise sector we have become much more competitive than we were 20 years ago.

Oil is an ultimate problem and we have to make a decision there as to whether we would like to buy oil from Venezuela, Indonesia, Saudi Arabia, at

$15 to $16 a barrel—which is roughly what the price is today—and have a $40 billion to $50 billion trade deficit in oil, or whether we want to produce the oil here at the equivalent of anywhere from $32 or $33 to $45 a barrel, get rid of the trade deficit, and have gasoline at $3 to $4 a gallon. Because those are both fair considerations. But for anyone to say that America cannot compete is really saying: America, I do not want to compete.

To my fellow Senators, for better or for worse, we are in a competitive world. We may choose not to compete. We can put up the barriers. We can make all of our own clothing here, all of our own cars here, all of our own videocassette recorders here; sell nothing overseas and buy nothing overseas. Consumer prices will be higher. Products will be shoddier and America will be poorer. But we will not have to worry about competition.

There is an old saying, "If you think you can or if you think you can't, you're right." If we think we cannot compete in the world, we will not compete. But if we think we can, then we will develop the Intels of the world and all of the equivalent companies that go with it, and we will master the world in trade.

The choice is ours, and the vote on the bill that is before us today is perhaps a more significant vote for or against competition, depending which way you vote, than any other vote we will make in this decade. I, for one, am going to opt on the side that America can compete; that we have not scratched the surface of what we can do in terms of competition in this world when we are pushed. This bill gives us not only the push we need but it also lowers barriers in markets overseas that we need to get into. We will never have a better opportunity to improve this country.

I thank the Chair. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. LEAHY). Who yields time?

Mr. PACKWOOD. I yield 11 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina for 11 minutes.

Mr. THURMOND. Mr. President, yesterday during debate on this issue, I outlined my opposition to waiving the budget agreement to pass this bill. Today, I would like to summarize some of the other parts of the GATT implementing legislation that concern me.

Before elaborating on the GATT agreement, I would like to take a moment to talk about how those who oppose this measure have been characterized. It has been said that we are against trade; that we are isolationists and protectionists. As far as this Senator is concerned, nothing could be further from the truth. I support trade because it helps increase our employment and provides economic growth. I have worked to support efforts which expand our country's exports. However, our trade is with foreign manufacturers who are subsidized by their Governments and who have primitive labor laws and ridiculously low wages. Unfortunately, the agreement before us does not address these issues and, therefore, places our workers at a major disadvantage in the global marketplace. Consequently, I cannot support the passage of this bill.

In addition, Mr. President, significant problems exist that are associated with this agreement which go beyond the pure trade provisions of the pact.

For instance, a major concern that I have with this agreement is the establishment of a new international body, called the World Trade Organization, known as WTO. This supranational bureaucracy will adversely affect the sovereignty of our Nation.

The WTO establishes a ministerial conference and a general council. The ministerial conference will meet every 2 years and receive decisions on matters covered by trade agreements. The general council will govern the WTO on a daily basis. The dispute settlement body, which will be established under the general council, will be the ultimate arbitrator of trade disputes. The decisions handed down by the WTO will be voted on by the member countries.

Each country gets one vote regardless of the population or the value of trade by a country and, unlike in the United Nations, the United States will not have a veto power over WTO decisions. Further, the United States will finance up to 20 percent of the budget for operating the WTO.

The WTO will be the arbitrator of trade disputes between signatory countries. By adopting this bill, we will allow our trade disputes to be settled behind closed doors by bureaucrats that are accountable to no one. Let me quote what Ralph Nadar said in testimony before the Senate Committee on Commerce about how the WTO will work:

> This is a tribunal in which three trade specialists preside over a totally secret deliberative process. The press is excluded. Nongovernmental organizations are excluded. All citizens are excluded. State attorneys general are excluded. Only representatives of national governments that are parties to a dispute are given a role. Furthermore, all submissions, all briefs and materials that must be open in our courts, can be kept secret.

Mr. President, we should not let trade disputes be settled by secretive panels of specialists who are accountable to no one. I want to repeat that. We should not let trade disputes be settled by secretive panels of specialists who are accountable to no one. Our country was founded on a principle of openness. Our Senate proceedings are open to public scrutiny. We have sunshine laws that require us to have an open and accountable Government.

At the very least, if the United States is to consider entering into the WTO, then this matter should be considered as a treaty. Article 16, paragraph 4 of the GATT agreement states that "each member shall ensure the conformity of its laws, regulations, and administrative procedures with its obligation as provided in the GATT." By changing our laws to satisfy this supranational trade organization, we are giving away our power to make our own laws. By definition, sovereignty is the ability of a country to make and enforce its own laws. When the WTO rules against us and then tells us to change our laws, we are losing our rights as a country.

One argument used to justify the WTO is that other countries would not impose harsh penalties against the United States since we have such a lucrative marketplace. However, I do not think any of us can really be sure how the developing nations of the world, which account for 83 percent of the WTO membership, will vote when a situation arises. During 1993, more than three-quarters of the WTO members voted against the United States and the other G–7 countries on at least half of the votes on matters before the United Nations. What makes us think that they will not vote against us in trade-related matters?

Mr. President, those of us who were serving in the Senate during the Tokyo round of GATT talks have heard many of the same arguments that the Clinton administration is currently making in regard to this agreement. The claims regarding the Uruguay round are strikingly familiar to those made by the Carter administration at the close of the Tokyo round talks in the late 1970's. At that time, we were told that the bold new steps which were incorporated into the Tokyo round were needed to eliminate our trade deficit and to make America more competitive in the global marketplace. Yet, history and our trade deficit show that the exact opposite happened. After implementation of the Tokyo round, the United States trade deficit grew from $14 billion in 1979 to over $115 billion for 1993. Further, we saw a major decline in the viability of the steel, textile and apparel, and electronics industries. These industries have struggled to survive in spite of the closed markets that they encountered in other countries.

Mr. President, in my travels around the State of South Carolina, I get the opportunity to talk to many people. My constituents voice concerns about where our country is headed. They realize that they are working longer, but their hard work is not showing up in their paycheck. Wages are stagnant. They are fearful that their jobs are going to be exported. With this fear comes the loss of hope that they will ever be able to improve their economic status in the current environment.

According to Department of Labor statistics, no single U.S. job has been created in industries exposed to world trade for more than 20 years. Every job created has been in areas that do not face foreign competition, such as health care and retail sales.

During this debate, many proponents of this agreement will use the argument that for each $1 billion of goods exported, 20,000 jobs are created. I would then ask how many jobs are lost for each billion dollars, worth of merchandise trade deficit that the United States incurs? Using the same 20,000 jobs and with our current trade deficit of over $160 billion in 1994, our country could lose over 3 million jobs this year. As I previously stated, with the last GATT agreement, our trade deficit has continued to climb. I doubt that this trend is going to magically reverse itself with the passage of this bill.

Mr. President, I urge my colleagues to carefully study this agreement before deciding to disregard our budgeting procedures and eroding our sovereignty to accept the dubious benefits of this agreement. Further, I would ask that they not vote to approve this trade agreement.

Mr. President I ask unanimous consent that related materials be printed in the RECORD.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 14, 1994.

President BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As advocates for openness in government, we would like to register our deep concern about the dispute settlement process proposed as part of the World Trade Organization agreement. As it now stands, this proposal is riddled with provisions denying access to government deliberations that are an affront to the democratic traditions of this nation.

This unprecedented secrecy is particularly offensive, given the vast powers to punish and penalize that this body will hold, not over just the federal government, but state and local ones, too. Maximum access should be required in this dispute resolution process for the following reasons:

(1) The proposed process would have the power to determine the legality of a wide variety of laws at the local, state and federal levels, although officials from all levels would not be able to take part in the deliberations.

(2) The deliberations affect not only trade issues, but consumer, worker and environmental protections as well.

(3) Penalties exacted in this process could be severe.

We urge you to insist that signatories to this agreement understand that when state and federal laws are subjected to an international authority to the extent proposed in this document, that citizens of the United States have a constitutional right to access to those deliberations. Here are some of the secrecy and confidential provisions of the agreement that we hope will be revised to conform with democratic practices and traditions:

(1) The public and press should be able to monitor deliberations of the dispute settlement panels. Under the present proposal, those sessions would be closed to both the public and the press.

(2) Documents presented during panel deliberations should be made available to the public as they are in the U.S. judicial proceedings. The decisions of the panels in this process have the force of law, with serious penalties for a non-complying nation, yet the only concession to demands for openness on this point has been a proposal to provide a summary of this information. That falls far short of the public's needs in such critical matters.

(3) The American public's First Amendment right to petition the government should be made a part of this proposed agreement. As it stands, there are no means of direct input from the people, no right of public comment or amicus briefs.

(4) Provision should be made for conflict-of-interest disclosure requirements. As the proposal stands, there is no way for the public to determine whether panelists deciding an issue have economic or other interest in that matter. You may recall that the NAFTA dispute settlement panel operates like the one proposed for the WTO, and during a recent timber subsidy case between Canada and the United States it was discovered belatedly that two attorneys on the panel worked for the Canadian lumber industry.

(5) Documents relating to appeals of WTO panel decisions should be made public. Under the current proposal, all of the appeal process is conducted in secret.

The First Amendment advocates whose names appear below take no position, as a group, on the World Trade Organization agreement itself. Some may support it, others may oppose and still others may be undecided. But all of us, as a group, urge you and your negotiators to restore democratic openness to this crucial process. To do otherwise would break a sacred pact with the American people.

Sincerely,

Paul K. McMasters, National President, Society of Professional Journalists.

Jo-Ann Huff Albers, President, Assoc. of Schools of Journalism and Mass Communication.

Paul Anger, President, Associated Press Sports Editors.

Gilbert Bailon, President, National Association of Hispanic Journalists.

John Seigenthaler, Chairman, The Freedom Forum First Amendment Center at Vanderbilt University.

Diana Baldwin, Chairman, Oklahoma Project Sunshine, Oklahoma City, OK.

David Bartlett, Radio-Television News Directors Association, Washington, DC.

Maurine H. Beasley, Professor of Journalism, University of Maryland College of Journalism, 1993–1994 President, Association for Education in Journalism and Mass Communication.

Lawrence K. Beaupre, Editor, The Cincinnati Enquirer, Vice President, Associated Press Managing Editors.

Susan Bischoff, President, American Association of Sunday and Feature Editors.

Ron Bridgeman, Editor, The Oak Ridger, Oak Ridge, TN.

Benjamen Burns, Michigan FOI Committee, Inc., Northville, MI.

Colorado Press Association, Colorado Freedom of Information Council, Denver, CO.

Lucy Dalglish, National Chairwoman, Freedom of Information Committee, Society of Professional Journalists.

Kathleen Edwards, Manager, Freedom of Information Center, Columbia MO.

Dinah Eng, President, Asian American Journalists Association.

Gregory Favre, President, American Society of Newspaper Editors.

The Florida First Amendment Foundation, Miami, FL.

John R. Foreman, Editor, Champaign-Urbana News-Gazette, Illinois State Chairman for Project Sunshine.

Terry Francke, Executive Director, California First Amendment Coalition.

The Freedom of Information Foundation of Texas, Dallas, TX.

Joseph E. Geshwiler, Editorial Associate, Atlanta Constitution, President, National Conference of Editorial Writers.

Loren Ghiglione, The News, Southbridge, MA.

Bob Giles, Editor and Publisher, The Detroit News, Chairman, The Foundation for American Communications.

Dorothy Gilliam, President, National Association of Black Journalists.

Kelly Hawes, Metro Editor, Muncie Star, Muncie, IN.

William Hilliard, Former Editor, The Oregonian, Portland, OR.

Max Jennings, Editor, Dayton Daily News, Dayton, OH.

Ron Johnson, President, College Media Advisers.

Gary Klott, President, Society of American Business Editors and Writers.

Bill Kovach, Curator, The Nieman Foundation, Cambridge, MA.

Linda Lightfoot, Baton Rouge Morning Advocate, Baton Rouge, LA.

Micheal Loftin, The Chattanooga Times, Chattanooga, TN.

Bill Loving, President, FOI Oklahoma, Inc.

Diane McFarlin, Sarasota Herald Tribune, Sarasota, FL.

Robert G. McGruder, Managing Editor, Detroit Free Press.

Karen Lincoln Michel, President, Native American Journalists Association.

The National FOI Coalition.

Ohio Coalition for Open Government, Dayton, OH.

Burl Osborne, The Dallas Morning News, Dallas, TX.

Geneva Overholser, Vice President and Editor, The Des Moines Register, Des Moines, IA.

Peter Prichard, Editor, USA Today.

Hyde Post, Managing Editor, Atlanta Constitution, President, Georgia First Amendment Foundation.

Charles Rowe, Fredericksburg Free Lance Star, Fredericksburg, VA.

Edward Seaton, Editor in Chief, The Manhattan Mercury, Manhattan, KS.

John Simpson, Editor, USA Today International.

Timothy Smith, Director, Ohio Center for Privacy and the First Amendment.

Dick Smyser, The Oak Ridger, Oak Ridge, TN.

State of Connecticut, Freedom of Information Commission, Hartford, CT.

Frank Sutherland, Editor, The Tennessean, Nashville, TN.

William B. Toran, Professor Emeritus, Columbus, OH.

Georgiana Vines, Immediate Past President, Society of Professional Journalists, Managing Editor, Knoxville News-Seninel, Knoxville, TN.

Pete Weitzel, Senior Managing Editor, Miami Herald, Miami, FL.

CHILDREN'S ADVOCACY INSTITUTE,
November 22, 1994.

President BILL CLINTON,
White House
Washington, DC.

Senate Minority Leader BOB DOLE,
House Minority Leader NEWT GINGRICH,
U.S. Congress,
Washington, DC.

GENTLEMEN: The Uruguay round of the General Agreement on Tariffs and Trade (GATT) is coming before the current Congress for a critical vote during the last several weeks of this session. The terms of this Agreement raise serious questions about the plight of children in many nations placed in factories and fields under regrettable conditions.

Child labor may be cheap, and an international marketplace which functions solely based upon price competition may allow those who most use child labor to have a concomitant market advantage. Such an advantage drives others into similar practices in order to reduce their costs and preserve marketplace. Unless major consuming nations refuse to buy products produced by inappropriate child labor, or international compacts preclude it effectively, competition will drive producers down to the lowest common cost denominator. That may well mean child labor as a competitively pressured alternative.

In some parts of the world, child labor already means irreparable harm to children. While work is also a part of growing up, some children are now forced into sweat shops which may approximate the worst abuses of slavery. Many are deprived of the lost opportunities that an education can bring. Most lose the simple joys of childhood as we have known them.

One counterforce has been the possibility of rejection of products produced by abusive child labor practices by consuming nations, particularly the United States. Nations can, individually or collectively, set standards to assure the protection of children from cruelty and abuse, and enforce them with potent pocketbooks.

But the Congressional Research Service has recently opined in writing that a national statute which bars purchase of products based upon child labor abuses would be "inconsistent with GATT articles prohibiting quantitative restrictions on imports * * * and that, further, it may be difficult to justify a ban under GATT exceptions." [Congressional Research Service, American Law Division, Report to Hon. Tom Harkin, July 15, 1993] The Report indicates that the GATT drafters did not consider child labor issues in the draft agreement now pending.

As advocates for children within the United States, we are concerned about long standing child labor abuses within many nations selling products. We do not support the reward of child labor exploitation by American purchase. If an international treaty binding the United States does not reliably protect children, we would hope that our nation would not surrender its sovereign right to do so.

Thus far, the debate on GATT has not involved substantial consultation with those of us who focus professionally on the status of children. We have not had an opportunity to debate fully the momentous implications of this measure as it affects children. We need the time and opportunity to do so.

We ask that you not vote precipitously on a measure with such far reaching and potentially permanent implications without opportunity for full debate, particularly as to issues affecting children.

Very sincerely,

ROBERT C. FELLMETH,
Executive Director,
Children's Advocacy Institute,
California's Statewide Child Advocates.

ROSALIND MCGEE,
Executive Director,
Utah Children,
Utah's Child Advocates.

EVE BROOKS,
President, National Association of Child Advocates, The Nation's Umbrella Organization of State-Based Child Advocates for 37 States.

PLAYING THE GATT NUMBERS GAME

The Clinton Administration and cohorts are promising better returns than the neighborhood bookie as the Congressional vote on the U.S. implementing legislation for the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) nears. Before U.S. consumer, labor and environmental protection laws and sovereignty are gambled away to the whims of a secretive, undemocratic tribunal in Geneva, the U.S. public, the press, and Congress should look behind those promises. Let's consider five of the predictions:

HOW TREASURY CREATED $200 BILLION IN GATT GDP GAINS

The U.S. gross domestic product (GDP) will increase by $153 billion in the tenth year alone of the Agreement, according to the U.S. Treasury Department. To calculate that $153 billion, Treasury started with "static gains" of $88 billion, based on economic models that took for granted improved allocation of resources as a result of GATT. Never mind that most of the model-based estimates were computed before the Agreement was concluded and the final terms known, or that the models assumed full employment and perfect competition. Next, Treasury added $27 billion in "guesses" about the GDP impact of nontariff and service trade agreements, an $11 billion estimate for so-called "model aggregation" from the Administration's chief GATT cheerleader, $11 billion from the industries most likely to benefit from intellectual property rules in the Agreement, and, to appease the U.S. GATT negotiators, $11 billion for an "improved" dispute resolution system. The fantasy was topped off with $53 billion in "dynamic gains," the latest euphemism for supply-side economics. Even the Council of Economic Advisors couldn't swallow the lofty total and demanded a "cushion" of a negative $55 billion. (Other estimates range as low as $7 billion in GATT-related GDP gains for the entire first 10 years of the Agreement.)

GATT IS NO $744 BILLION WORLDWIDE TAX CUT

This Agreement will create a $744 billion worldwide tax (tariff) cut over the next 10 years, according to the U.S. Treasury Department. The estimate assumes that all Uruguay Round reductions in tariff and nontariff barriers would take effect immediately. In fact, the decreases would be phased in over a 10 year period. Additionally, the Administration counts as GATT cuts, tariffs that are lowered or removed as the result of unrelated and unaffected agreements such as NAFTA. According to the Economic Policy Institute, adjusting for these two errors brings the tariff cut down to $200 billion, or $3.51 per person per year. The actual cut is even less than $200 billion because the calculations ignore tariff increases that are part of the Uruguay Round Agreement. Even Treasury admits that some of the benefits of tariff cuts will not be passed on to consumers, but will simply line corporate coffers.

88 PERCENT OF GATT FUNDING IS UNRELATED TO INTERNATIONAL TRADE

The $12 billion in tariff income lost by the Treasury during the first five years of the Uruguay Round cuts would be offset with increases in revenue and reductions in spending in other areas, according to the Senate Finance and House Ways and means committees. More than half of those offsets generate no money to replace the real dollar tariff losses, but instead rely on accounting gimmicks and PAYGO surpluses. For example, the Congressional committees claim to have created $1.207 billion in additional revenues simply by collecting excise taxes in September, before the end of the fiscal year, instead of October, when the taxes would have been due. According to the Joint Tax Committee of Congress, more than $2.5 billion in PAYGO balances (by law intended to reduce the federal deficit) also will be used to offset tariff losses. (PAYGO balances are generated from past legislation that reduced expenditures or increased revenues.)

"NO" VOTE ON GATT WON'T CAUSE A STOCK MARKET CRASH

Failure to ratify the implementing legislation will cause the stock market to crash. Some GATT proponents have even gone so far as to attempt to generate fear of a crash by comparing GATT to NAFTA. They blame stock price decreases prior to the November 1993 NAFTA vote solely on "anti-NAFTA" events and increases on "pro-NAFTA" developments, even though interest rates, inflation fears, and the release of economic reports had an impact. At the time, a chief technical analyst predicted, "As soon as the NAFTA vote is done, people will be back to worrying about quarterly earnings and interest rates. The NAFTA vote is just an emotional thing." The day after Congress passed NAFTA, stock prices buckled in response to a big retreat in bond prices.

GATT DISPUTE STATISTICS REFUTE KANTOR'S CLAIMS

The U.S. wins 80 percent of the trade disputes deliberated by GATT panels, according to U.S. Trade Representative Mickey Kantor. In fact, the U.S. has won 80 percent of the time only when the U.S. has accused other countries of GATT violations. When other countries have charged that U.S.laws were GATT-illegal, the U.S. has won a comparatively minuscule 21 percent of the time. GATT disputes involving the U.S. have tripled since 1980, compared to the previous fifteen years. The EEC has recently published its Report on United States Barriers to Trade and Investment, which will "serve as a means of monitoring US measures to implement the Uruguay Round agreement." At risk are consumer protection rules of the Food and Drug Administration, incentives for small and minority-owned businesses, recycled content requirements, restrictions on purchases of defense products from foreign suppliers, etc.

The implementing legislation for the Uruguay Round is scheduled for a vote in a lame duck session of Congress next week. Under fast track rules, debate is limited and no amendments may be proposed. The House has even adopted special rules which allow no points of order (such as challenging the use of PAYGO) to be raised. The Senate will need to vote to override its balanced budget requirements. Now's the time for the public, the press and Congress to challenge the GATT proponents' numbers game. Otherwise, in response to false promises and threats, U.S. sovereignty may be surrendered to an international bureaucracy whose operating procedures guarantee that consumer, labor and environmental laws will be reduced to the lowest common denominator.

POTENTIALLY GATT-ILLEGAL SENATE BILLS OF THE 103RD CONGRESS

Following is a list of bills introduced in the 103rd Congress that are particularly susceptible to successful challenge under the proposed World Trade Organization if they are signed into law. If WTO dispute panels ruled against the measures, the United States would face a cruel choice: repeal the WTO-illegal measure or pay trade sanctions. Just the threat of such challenges would have a chilling effect on legislative initiatives raised by federal and state legislators.

Buy American bills: S. 1359 Intro. 8/4/93 by Leahy with Harkin, Simon, Moseley-Braun, Wofford, Pryor, Kerrey, Baucus, Johnston; to require the domestic production of food stamp coupons.

Consumer bills; S. 734 Intro. 4/1/93 by Feingold; to temporarily prohibit the sale of milk produced with hormone-injected cows.

S. 735 Intro. 4/1/93 by Feingold; to amend the FDA Act to require labeling of milk produced by cows injected with bovine growth hormone.

S. 954 Intro. 5/14/93 By Kohl with Leahy, Feingold; to prohibit the use of bovine growth hormone in domestic or international commerce until equivalent marketing practices are established in other major dairy exporting nations.

S. 601 Intro. 3/17/93 by Inouye; to require imported fresh papayas to meet the exact requirements imposed on domestic fresh papayas.

S. 2326 Intro. 7/28/94 by Boxer with Feinstein; to require regulations concerning the use of the term "fresh" in labeling poultry.

S. 2453 Intro. 9/22/94 by Daschle with Leahy; to provide for improved health and food safety through the reduction of meat and poultry pathogens by prohibiting the sale or transportation of meat products that exceed established levels of pathogens.

Environmental bills; S. 716 Intro. 11/20/93 by Bond with Coats, Cochran, Conrad, Daschle, Dorgan, Durenberger, Feingold, Glenn, Grassley, Harkin, Heflin, Kassebaum, Kerrey, Levin, Metzenbaum, McConnell, Pressler, Pryor, Sasser, Simon, Wells, Wofford; to require all federal lithographic printing to be performed using ink made from vegetable oil and materials derived from other renewable resources.

S. 818 Intro. 4/22/93 by Hatfield with Packwood, Mitchell, Boxer, Jeffords, Lieberman, Kennedy, Metzenbaum, Kerry, Levin, Harkin, Leahy, Riegle; to require refund values for certain beverage containers.

S. 822 Intro. 4/27/93 by Breaux; to provide for state management of solid waste and to reduce and regulate the interstate transportation of solid waste, including authorization of waste fees with rates that differ according to the origin of the waste.

S. 1145 Intro. 6/23/93 by Jeffords with Akaka; to prohibit the use of outer space for advertising and to prohibit imports of products by manufactures that engage in outer space advertising.

S. 1634 Intro. 11/8/93 by Heflin; to authorize states and certain political subdivisions to control the movement of municipal solid waste generated in or imported into the state or political subdivision.

S. 1636 Intro. 11/20/93 by Kerry with Packwood; to authorize appropriations for the Marine Mammal Protection Act and improve the program to reduce incidental takings of marine mammals during commercial fishing operations.

S. 1873 Intro. 2/24/94 by Dorgan; to permit governors to limit the disposal of out-of-state municipal and industrial waste in the states.

S. 2345 Intro. 10/5/94 by Baucus; to prohibit operators of landfills or incinerators from receiving out-of-state municipal solid waste without explicit authorization from the affected local government.

Trade bills: S. 301 Intro. 2/3/93 by Daschle with Levin, Johnston; to revive and strengthen Super 301 authority, used by the U.S. Trade Representative to eliminate unfair trade barriers.

S. 1132 Intro. 6/17/93 by Riegle; to promote fair trade in auto parts by providing for unilateral remedies to certain unfair trade practices and initiation of antidumping investigations.

S. 1858 Intro. 2/22/94 by Baucus with Danforth; to make permanent U.S. Super 301 powers of unilateral retaliation for unfair trading practices.

S. 1872 Intro. 2/25/94 by Rockefeller; to expand U.S. exports by requiring the development of objective criteria to achieve market access in Japan.

Health bills: S. 331 Intro. 2/9/93 by Kennedy; to regulate pesticide chemical residues in food.

S. 966 Intro. 5/13/93 by Lautenberg with Chafee; to reduce the presence of certain toxic heavy metals that pose public health and environmental hazards in packaging.

S. 1347 Intro. 8/3/93 by Bradley; to impose an excise tax on lead and lead products, including imports, to create a Lead Abatement Trust Fund.

S. 1671 Intro. 11/18/93 by Cohen; to require that promotional products for cigarettes bear labels warning of the dangers associated with smoking.

Human rights bills: S. 189 Intro. 1/26/93 by Helms; to ban imports of goods made in China with forced labor. (GATT only prohibits trade in prison-labor goods; other forced labor, including coerced child labor is acceptable under GATT once China becomes a WTO member.)

S. 613 Intro. 3/18/93 by Harkin with Grassley, Rockefeller, Metzenbaum, Feingold, Campbell, Dorgan, Riegle, Inouye, DeConcini, Wofford, Levin, Kennedy, Daschle; to prohibit imports of foreign goods produced with child labor.

Labor bills: S. 1661 Intro. 11/16/93 by Durenberger with Pell; to provide for uniform warnings on personal protective equipment for occupational use.

Public Safety bills: S. 440 Intro. 2/25/93 by Gorton with Akaka, D'Amato, Thurmond, Kassebaum, Shelby, DeConcini, Breaux, Bryan; to control the diversion of certain chemicals used in the illicit production of controlled substances and to provide flexibility in the controls placed on legitimate commerce in those chemicals.

S. 680 Intro. 3/31/93 by Gorton with Rockefeller, Bryan, DeConcini, Lieberman, Dodd; bill to protect the safety of small children by requiring warning labels on balloons, small balls and games designed for small children and banning the marketing for small children of toy balls that have a diameter of less than 1.75 inches.

S. 799 Intro. 4/20/93 by Metzenbaum with Simon; to permanently label four- and six-gallon buckets to warn of a potential drowning hazard to young children.

S. 1663 Intro. 11/19/93 by Levin with Riegle, Feingold, Kohl; to control the diversion of certain chemicals used in the illicit production of controlled substances.

S. 1848 Intro. 2/10/94 by Danforth with Bryan, Gorton; to provide disclosure of the bumper-impact capability of certain passenger vehicles and require a 5-MPH bumper standard for such vehicles.

[From the USA Today, Nov. 22, 1994]

REJECT THIS FLAWED TREATY

(By Ralph Nader)

How ironic: USA Today's editorial supports the General Agreement on Tariffs and Trade Organization, but USA Today's reporters would be prohibited from covering any of WTO's secret tribunals.

These closed courts would be deciding whether U.S. laws challenged by other countries would have to be repealed, or if you, the taxpayer, would have to pay fines to the winning foreign nation.

You, the readers, would be barred from observing, participating in or appealing any of these tribunals' decisions affecting your health, safety and workplace conditions.

Fifty-one leaders of the media, led by John Seigenthaler of the Freedom Forum First Amendment Center, protested this shutout in a letter to President Clinton in September, but to no avail.

Should you try to improve conditions by amending our country's laws, the State Department would inform you if it considers your consumer, environmental or labor proposals to be trade-restrictive and thereby illegal under GATT–WTO.

This chilling effect from Geneva, where WTO technocrats and global corporate lobbyists will gather together, is made colder by WTO's twin mandates:

One is the supremacy of foreign trade over non-trade practices such as food safety, pollution control, occupational health and tax policies.

Trade agreements should stick to trade.

The second is the international harmonization of standards. This would often mean harmonization downward for our generally higher safety conditions.

Currently, for example, under a similar North American Free Trade Agreement mandate, U.S. and Mexican officials are meeting secretly in Acapulco to harmonize truck-weight standards which in the United States cannot exceed 80,000 pounds. Since the U.S. trucking lobby likes the bigger Mexican rigs that have a 175,000-pound ceiling, which image do you think your rear-view mirror will reflect in a few years?

As a governing regime, the WTO's 123 member-nations are each given one vote. Two dictatorships can outvote the United States, which has no veto. This is why the Bush administration itself opposed this WTO idea before leaving office in December 1992.

Remarkably, countries that mistreat their workers, consumers and environment (including condoning brutalized child labor) do not violate the GATT–WTO. But our country, with more humane standards than many other countries, can be charged at those secret tribunals with restricting trade.

That is why the proposed WTO is a "pull-down," not a "pull-up," trade agreement.

Fifteen years ago, when the prior revision of GATT called the Tokyo round was completed, Washington made similarly inflated promises of more jobs for the United States.

Since then, our country has suffered from even larger annual trade deficits, including a deficit in manufactured goods.

Even with a cheap dollar, this year's deficit will exceed $150 billion. That is exporting lots of American jobs from a nation experiencing falling real wages for the past two decades.

Congress should defeat the GATT-WTO and return it to Geneva for renegotiation under democratic processes and "pull-up" standards of prosperity.

This would also avoid busting the federal budget and overcentralizing unaccountable power in Geneva, and it will prevent the foreign regulation of America.

This lame-duck Congress, with more than 90 defeated or retiring job-seekers, needs to hear by next Tuesday from concerned Americans, who may call their Senators and Representatives at 202-224-3121.

Brief Response to Some Senators Who Employ the Argument That the United States Can Always Get Out of the WTO on Six-Months Notice

(By Ralph Nader)

Given the array of power pressing the Congress to get into this World trade pact, consider the unlikelihood that we would ever get the Congress to get out of this Pact. Giving notice and getting out means surrendering 50 years of trading rights with other nations. It is not going to happen in this town.

Moreover, the U.S. cannot get out of parts of this Pact. Article 16, Par. 5 of the agreement stipulates that no reservations may be made in respect of any provision of this agreement. The U.S. and all other nations are not permitted any exceptions the way the old GATT (now operating) permits.

Therefore, if exiting the Pact is politically impossible, can we fix the trade pact from inside—regarding the autocratic secretive processes, the one-nation-one vote, no veto etc? Can we amend this agreement given the way the voting power is overwhelmingly stacked against the U.S. and the supramajorities needed for such changes? We have less than one percent of the vote, and shrinking as new large and tiny countries are added to the rolls. Maybe someone can explain how we can fix this agreement, as many Senators have been saying, to try to minimize the disadvantageous provisions that are in the text against the interests of the American democracy and economy. Will any of these Senators stand up and explain the practical points?

1. Can we really quit the WTO once we are in it?

2. Can we really fix the WTO, given the voting odds, once we are in it?

3. And isn't it better to reject the WTO proposal (as a prior Congress[1] did when it was called the ITO and a renegotiation occurred in 1947) and send it back to Geneva for renegotiation while we have some bargaining power left. For without the approval of Congress, the Pact would have to be renegotiated—our major trading partners have acknowledged this reality.

Please think about this!

The 118 Nations That Signed the Uruguay Round of GATT

Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei, Burkina Faso, Burendi, Cameroon, Canada, Central African Rep., Nambia, Chad, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Egypt, El Salvador, Fiji, Finland, France, Gabon, Gambia, Germany, Fed. Rep. of, Ghana, Greece, Grenada, Guatemala.

Guyana, Haiti, Hong Kong, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Korea, Rep. of, Kuwait, Lesotho, Luxembourg, Macau, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Mynamar, Nambia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Romania.

Rwanda, Saint Lucia, Saint Vincent, Senegal, Sierra Leone, Singapore, Slovakia, South Africa, Spain, Sri Lanka, St. Kitts and Nevis, Gov't of, Suriname, Swaziland, Sweden, Switzerland, Tasmania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HOLLINGS. Mr. President, I yield 5 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. HARKIN. Mr. President, I thank the distinguished Senator for yielding this time. I may not take all of that.

I just wanted to state for the record that since 1975 when I first entered the House of Representatives I have worked assiduously and tirelessly on behalf of human rights. The first amendment dealing with human rights and foreign policy was in fact an amendment I offered in 1975 in the House of Representatives.

I do not believe there is any more pressing issue regarding human rights in the world today than the exploitive and abusive use of child labor, whether it is in manufacturing, mining, textiles, rugmaking, shoes, et cetera. I have a bill pending in the Senate which I will introduce again next year, S. 613, which basically would cut off the importation into this country of any items that are made by child labor.

For the record, on September 23, 1993 the U.S. Senate went on record unanimously with a sense-of-the-Senate resolution supporting that legislation. That was just about a year ago. I will read the resolution. It says:

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the economic exploitation of children, especially the practice of bonded child labor should be strongly condemned;

(2) it should be the policy of the United States to not allow the importation of products made by children who are employed in industry or mining; and

(3) the President should take action to seek an agreement with governments that conduct trade with the United States for the purpose of securing an international ban on trade in products made with child labor.

Mr. President, that was just over a year ago when the Senate went on record with that resolution. Last year, I funded through my Subcommittee on Appropriations a study by the Department of Labor of those industries and countries that use exploitive child labor. Nineteen of our trading partners were identified. The study documented some of the more serious abuses of child labor. There are more than 19 countries involved in abusive child labor practices. But that was the limit of the study.

The documentation is irrefutable—millions of children 8 to 14 years of age, bonded labor, working 10 to 12 hours a day 6 to 7 days a week for mere pennies. The facts are clear that as international corporations seek low-wage workers they push down the cost of labor to the lowest level. The lowest level, obviously, is slavery. But since we do not sanction slavery in any country, and to utilize slavery would make a country a pariah, slavery is not utilized.

The next rung up is prison labor. We do not allow prison labor either. As the distinguished Senator from Nebraska said a few moments ago—I repeat what he said, it was very, very good—"we protect criminals but we do not protect the kids. We do not allow the products of prison labor to come in but we do of children. So we protect criminals but we do not protect the kids. What an odd set of circumstances."

So we have a situation that we have to address. Again, what is happening is that so many of these products are now produced overseas.

I ask unanimous consent to have printed in the Record, an article from Harper's magazine, August 1992, entitled "The New Free-Trade Heel."

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Harper's magazine, August 1992]

The New Free-Trade Heel—Nike's Profits Jump on the Backs of Asian Workers

(By Jeffrey Ballinger)

Her only name is Sadisah, and it's safe to say that she's never heard of Michael Jordan. Nor is she spending her evenings watching him and his Olympic teammates gliding and dunking in prime time from Barcelona. But she has heard of the shoe company he endorses—Nike, whose logo can be seen on the shoes and uniforms of many American Olympic athletes this summer. Like Jordan, Sadisah works on behalf of Nike. You won't see her, however in the flashy TV images of freedom and individuality that smugly command us to JUST DO IT!—just spend upward of $130 for a pair of basketball shoes. Yet Sadisah is, in fact, one of the people who is doing it—making the actual shoes, that is, and earning paychecks such as this one in a factory in Indonesia.

In the 1980s, Oregon-based Nike closed its last U.S. footwear factory, in Saco, Maine, while establishing most of its new factories in South Korea, where Sung Hwa Corp. is based. Sung Hwa is among many independent producers Nike has contracted with. Nike's actions were part of the broader "globalization" trend that saw the United States lose 65,300 footwear jobs between 1982 and 1989 as shoe companies sought nonunionized Third World workers who didn't require the U.S. rubber-shoe industry average of $6.94 an hour. But in the late 1980s, South Korean laborers gained the right to form independent unions and to strike. Higher wages ate into Nike's profits. The company shifted new factories to poorer countries such as Indonesia, where labor rights are generally ignored and wages are but one seventh of South Korea's. (The Sung Hwa factory and others like it are located in Tangerang, a squalid industrial boomtown just outside Jakarta.) Today, to make 80 million pairs of shoes annually, Nike contracts with several dozen factories globally, including six in Indonesia. Others are in China, Malaysia, Thailand, and Taiwan. By shifting factories to cheaper labor pools, Nike has posted year after year of growth; in 1991 the company grossed more than $3 billion in sales—$200 million of which Nike attributes to Jordan's endorsement—and reported a new profit of $287 million, its highest ever.

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[1] Congress did not actually vote to reject; its members signaled that the ITO would not be accepted. The White House listened.

The words printed on the pay stub are in Bahasa Indonesia, a language created by fusing Roman characters with a dominant Malay dialect. The message, however, is bottom-line capitalism. "Per hari" is the daily wage for seven and a half hours of work, which in Sadisah's case is 2,100 Indonesia rupiah—at the current rate of exchange, $1.03 per day. That amount, which works out to just under 14 cents per hour, is less than the Indonesian government's figure for "minimum physical need." A recent International Labor Organization survey found that 88 percent of Indonesian women working at Sadisah's wage rates are malnourished. And most workers in this factory—over 80 percent—are women. With seldom more than elementary-school educations, they are generally in their teens or early twenties, and have come from outlying agricultural areas in search of city jobs and a better life. Sadisah's wages allow her to rent a shanty without electricity or running water.

"Pendapatan" is the earnings column, and five lines below the base pay figure for the month (50,400 rupiah) is one for overtime. Sadisah and the other workers in this factory are compelled to put in extra hours, both by economic necessity and by employer fiat. Each production line of 115 workers is expected to produce about 1,600 pairs of Nikes a day. According to the column at left, next to "OT (JAM)," Sadisah worked 63 hours of overtime during this pay period, for which she received an extra 2 cents per hour. At this factory, which makes mid-priced Nikes, each pair of shoes requires .84 man-hours to produce; working on an assembly line, Sadisah assembled the equivalent of 13.9 pairs every day. The profit margin on each pair is enormous.

Here are Sadisah's net earnings for a month of labor. She put in six days a week, ten and a half hours per day, for a paycheck equivalent to $37.46—about half the retail price of one pair of the sneakers she makes. Boosters of the global economy and "free markets" claim that creating employment around the world promotes free trade between industrializing and developing countries. But how many Western products can people in Indonesia buy when they can't earn enough to eat? The answer can't be found in Nike's TV ads showing Michael Jordan sailing above the earth for his reported multiyear endorsement fee of $20 million—an amount, incidentally, that at the pay rate shown here would take Sadisah 44,492 years to earn.

Mr. HARKIN. Mr. President, the Harper's magazine article shows the labor cost to manufacturing. For a pair of Nike's made in Indonesia, the cost of labor is 12 cents. They sell for $80 in the United States.

I have here also an article about a rug made in Morocco. The 13-year old girl that made it got $19.34. It sold in Macy's for $499. That is a little better than the Nike shoe example but not much.

I just want to read the last sentence of this article. It says quoting:

> Someone in Morocco says we cannot compete with them in India because in India they pay with a bowl of rice for two rugs.

So that is really what is happening. Companies are bidding down the price of labor. And as they do that, since we do not sanction slavery or prison labor, the next rung up on that ladder is child labor. That is what is happening around the world today. It is becoming a more and more serious problem. It is not alleviated.

I am hopeful that we can do something in this country to address the child labor issue. The only way we can do it is through our market system. We can say to those countries: If you are going to use child labor you will not have access to our markets. That kind of provision is not in the GATT agreement.

I have had discussions with Ambassador Kantor and people within the administration. They say they are going to work in the WTO preparatory committee this month to establish a work program on child labor, labor rights. They are going to work with us to get a bill enacted regarding imports made with child labor. They are going to work with us to deal more effectively with child labor in the GSP, the Generalized System of Preferences, which will be up for reauthorization next year—covering 140 countries, many of them abusing child labor. That is where we ought to also attack this issue of the child labor in other countries. And they have promised to address child labor in future negotiations on regional trade agreements.

Mr. President, I do know that the U.S. must take the lead in reducing and ending exploitive and abusive child labor. Only we can do that because of our longstanding advocacy and support for human rights.

Mr. President, I also want to make a few remarks specifically on the budget point of order that is expected to be raised against this legislation later today.

In that regard, I ask unanimous consent that a letter signed on July 15, 1994 to the President, signed by 19 Members of the Senate, be made part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 15, 1994.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: We write to ask that you join us in opposing any effort to waive provisions of the Budget Enforcement Act for the General Agreement on Tariffs and Trade (GATT) implementing legislation and avoid the requirement that such legislation be fully funded.

Some of us support GATT, others of us oppose the agreement, and still others of us have yet to make a decision, but we are united in our concern about the precedent waiving the provisions of the Budget Enforcement Act could set, undermining our ability to make further progress in lowering the deficit now and in the future.

We are confronted on a regular basis with having to make tough decisions on worthy programs because of our budget rules, and rightly so. The federal budget deficit must be brought down.

That GATT is significant is clear, but the importance of an issue should not determine whether or not it should conform with the budget rules we have set for ourselves. Indeed, the true test of our resolve to bring the deficit under control is our willingness to apply the budget rules to the important issues.

We recognize your commitment to passing GATT implementing legislation. Your support for making that legislation comply with the budget rules will be all the more meaningful because of that commitment, and we hope you will join us in this effort to oppose any effort to dodge this responsibility.

Sincerely,

Russ Feingold, Ben Nighthorse Campbell, Chuck Grassley, Jesse Helms, Dirk Kempthorne, Dale Bumpers, Strom Thurmond, Larry Pressler, Dave Durenberger, Lauch Faircloth, Larry E. Craig, Trent Lott, Robert F. Bennett, David Boren, John Warner, Hank Brown, Byron L. Dorgan, Alfonse D'Amato, Herb Kohl.

Mr. HARKIN. Mr. President, the letter sent on July 15, 1994 to the President was signed by 19 Members of the Senate saying that they oppose any GATT implementing bill requiring us to waive the budget rules to provide for deficit spending. I will read one sentence. It says:

> Indeed, the true test of our resolve to bring the deficit under control is our willingness to apply the budget rules to the important issues.

Now I understand that some of the people who signed the letter now say they are going to vote to waive the budget rules.

I want to make it clear that I believe we ought not to be waiving the budget rules to provide for the GATT agreement.

Therefore, I cannot and I will not vote to waive the budget rules to provide for deficit spending to enact the GATT agreement.

There is nothing wrong with bringing this agreement up next year when it should be brought up, once the funding is worked out. I believe that if we want to, if the people really want to enact a GATT agreement, we will find a way to raise the money, to cover the sum of $14.6 billion that we will increase the deficit by in the present GATT implementing bill.

Mr. President, I just do not see how Senators can waive the Budget Act to provide for deficit spending, to provide for the enactment of GATT this year. It should be done next year.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum and ask that the time be allocated to each side accordingly.

Mr. HOLLINGS. I suggest the absence of a quorum and ask that the time not be allocated to either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll. The time will not be allocated to either side.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MITCHELL. Am I correct in my understanding that unless otherwise agreed to, a quorum call is charged equally against all of those who now hold remaining time?

The PRESIDING OFFICER. The quorum call is normally charged against the Senator putting in the quorum call. If a quorum call is not put in, it will be charged equally. Of course, that can be changed by unanimous consent as it was in this instance. In this instance there was a unanimous consent request asking that the quorum call not be charged to either side.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time of the quorum call be charged half to each side and proportionally on the Democratic side equally among the proponents and opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time will be charged as requested in the unanimous-consent request by the Senator from Maine.

Mr. PACKWOOD. Half to us and half to them; is that correct?

The PRESIDING OFFICER. The Senator from Oregon is correct.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BREAUX. I will ask the Chair to inform me of how much time this side has remaining.

The PRESIDING OFFICER. The side has 1 hour and 2 minutes remaining.

Mr. BREAUX. Let me yield to the distinguished Senator from Florida 10 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. GRAHAM. Mr. President, thank you. I appreciate my good friend and colleague from Louisiana yielding me time to make a brief comment on the matter which is before us.

Mr. President, I speak strongly in favor of the General Agreement on Tariffs and Trade and hope that our colleagues will approve this historic agreement later today.

I would like to talk about this issue from two perspectives. First, the perspective of my State of Florida, a major export State, and the benefits that it will derive particularly in the area of agriculture and, second, to the importance of this to relations within the Western Hemisphere.

Mr. President, yesterday there was a press conference held in the Capitol. "Ag for GATT." Representatives of the major agricultural organizations in America stood together in support of the General Agreement on Tariffs and Trade.

American farmers, as represented by those gathered yesterday, want to do what they are best able in the world to do, which is to produce food and sell it at competitive prices around the globe.

GATT will help Florida farmers in three ways. First, it will increase access to foreign markets. Second, it will reduce export subsidies. Third, it requires countries to base their sanitary rules on sound principles of science.

Florida's $6 billion agricultural industry will benefit under the GATT. Florida is expected to gain from the Clinton administration's recent pledge of $600 million in additional funding for agricultural export programs which are acceptable under the GATT.

As a result of GATT, U.S. agricultural exports are projected to reach $4.7 billion by the year 2000, an increase of $1.6 billion from today. Agricultural exports are expected to reach $8.7 billion by the year 2005. The increased agricultural exports created by the GATT will create as many as 112,000 jobs—112,000 jobs—in the United States, Mr. President, by the year 2000, and 190,000 jobs by 2005.

As a specific example, GATT will greatly benefit Florida's citrus industry. The European Union, Japan, Korea, Switzerland and Thailand have all agreed to lower tariffs on various citrus products upon the passage of the GATT.

Mr. President, there have been considerable statements of concern made relative to the World Trade Organization and some of the powers it will have. I would concede that a consequence of the World Trade Organization is that the United States is going to be less sovereign in terms of its ability to control trade. But the same statement is made about every other country. They are giving up some of their sovereignty and we, Mr. President, have been the targets of some of the misapplication of other nations' economic sovereignty.

As an example, it was not very many years ago that there were boatloads of Florida citrus products, particularly grapefruits, tied up at a particular Pacific nation's ports, unable to be unloaded because that nation was holding that a particular form of treatment which these grapefruits had received, a treatment which is applied on a worldwide basis, did not meet their sanitary standards. There was no scientific basis for that country's sanitary standards. It was an economic effort to exclude from that market Florida grapefruit products. The consequence of that was that the boatload of grapefruit was lost, the economic gain was denied to our farmers, and access to those quality products was denied the citizens of that nation.

It is that type of abuse that the World Trade Organization provisions are intended to rectify.

Mr. President, this agreement will also be especially important to Florida and to our many other States which have substantial economic interests in what happens within this hemisphere, because the GATT will promote better trade opportunities among the countries of North and South America and the Caribbean. The potential for economic prosperity within this hemisphere has never been fully realized, even though Latin America is the only region of the world in which the United States currently enjoys a substantial trade surplus. Last year, we had about a $3.5 billion trade surplus with the Caribbean and South America. Prior to the break up of the Soviet Union, the United States looked upon Latin America and the Caribbean primarily as a security concern rather than an area of economic opportunity. Now that focus is changing.

Last year, we passed the North American Free Trade Agreement. That is not a book, but rather a chapter in a much larger book of expanding economic relations within the Western Hemisphere. Next week, in Miami, the summit of the Americas will meet, the first time in over a quarter of a century that the heads of Government of all the Nations that are democratically ruled in this hemisphere will meet together. A principal topic of that meeting, Mr. President, will be economic expansion and the particular role which expanded trade will have in increasing the economic opportunities of all the people within this hemisphere.

The United States prospects for trade with the Caribbean and Latin America are good today, and with the passage of GATT will be better tomorrow.

Latin America has a need for the technologically advanced products that the United States produces. In Mexico, for example, there are 7.3 telephone lines per 100 people. That compares to the United States which has 56.2 telephone lines per 100 people. We have a tremendous opportunity to meet those types of needs which not only will utilize U.S.-produced products, but will also help build a stronger economic infrastructure for our neighbors.

The fastest growing segment of U.S. trade with the Caribbean and Latin America has been in precision equipment, exactly the type of equipment which is necessary in order to enhance the economy of that region, while also producing jobs and opportunities in the United States. This meeting of an identifiable need has already resulted in a substantial increase in trade between the United States and the Caribbean and Latin America.

This year, Latin America, including Mexico, will buy 18 percent of U.S. merchandise exports. And, according to U.S. Trade Representative, Ambassador Mickey Kantor, Latin America will purchase 25 percent—25 percent—of all U.S. exports, totaling $232 billion by the year 2010.

Mr. President, within 15 years Latin America and the Caribbean will have a greater share of U.S. export than will Europe and Japan combined. That is the scale of the opportunity that is available to the United States through an invigorated economy in Latin America and the Caribbean and our ability to sell effectively into those stronger economies. The United States direct investment in Latin America and the Caribbean has tripled since 1986 and now accounts for 13 percent of all U.S. investment abroad. Latin America is the second-fastest-growing economic region in the world with a projected growth of an average of 5 to 6 percent a year over the next 10 years. Sales to Latin America increased by $48 billion between 1958 and 1993. This growth created 900,000 new jobs in the United States.

As Latin America becomes more prosperous economically, the demand for U.S. consumer goods will grow. The growing relationship between the United States and Latin America and the Caribbean can be reciprocal. While the United States responds to demands for products in Latin America and the Caribbean, that same region can assist in providing us with much needed natural resources.

Latin American countries have recognized an opportunity for improved trade with the United States and have begun to dismantle barriers to trade and foreign investment. Latin American countries have lowered their tariffs on U.S. goods from an average of 56 percent just 9 years ago, to 15 percent last year. There is still room for improvement.

As tariffs remain higher in Latin America than in most developed nations, the GATT will further Latin American Governments' efforts to deregulate sectors of their economy, reduce subsidies in price controls, private state enterprises, establish antitrust and intellectual property regimes and institute democratic political reforms.

Mr. President, at this point I would like to indicate that it was only a matter of a few years ago that you could count on the fingers of your hand the number of democratic regimes in Latin America and the Caribbean. Today every nation in the Latin American and Caribbean region is a democracy, except for Cuba.

So, Mr. President, I say in summary that Latin America and the Caribbean are a significant but underappreciated sector for U.S. economic growth. The GATT will increase Latin America's economic prosperity and thus contribute to the economic prosperity of the United States and jobs for Americans.

I urge the passage of the agreement.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Who yields time?

Mr. PACKWOOD. Mr. President, I yield 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. COHEN. Mr. President, the global economy is here and offers tremendous opportunities for us.

I was encouraged to find at the two international trade conferences I held in Maine this year that there were literally hundreds of Maine businessmen and women who already are succeeding in the world economy. Most of these businesses are small and their export efforts often go unnoticed, but they are out there. I think it is important to help these small businesses to take full advantage of export opportunities. Small businesses simply do not have the resources to secure foreign sales on their own. The Federal Government, through its export assistance programs, has been helping and must continue to do so.

At issue today is the largest trade agreement in the history of the world. It is not something that can be approached lightly. It is complex and voluminous. Many legitimate questions have been raised.

In particular, as was just expressed by my colleague from Florida, there is great concern that the World Trade Organization could undermine U.S. sovereignty. And that allegation must be taken very seriously. Undoubtedly, the WTO will have more power than the existing GATT accord, and people understandably are concerned about the WTO's power. However, after careful consideration, I am not convinced that the WTO poses a threat to U.S. laws.

The only laws that could be challenged under the WTO are unfair and illegal trade barriers. The United States has nothing to fear under the WTO because it is other countries, not the United States, that have a record of enacting trade barriers thinly disguised as health or public safety laws. For instance, Japan has continually justified its ban on the United States rice imports on the grounds that our rice poses a threat to the health of Japanese population. Of course, this is a ludicrous argument. There is no evidence to support this outrageous claim, and the WTO would expose Japan's law for what it is—trade barrier masquerading as a health law.

Moreover, it is important to note that the WTO does not have the authority to strike down U.S. laws, even if they are found to violate trade law. The WTO does not have powers like the U.S. Supreme Court. When the Supreme Court finds that a law violates the Constitution, that law is automatically declared void. The WTO, on the other hand, has no such power. The most severe action the WTO could take would be to impose fines on countries that refuse to take down their trade barriers. Again, since the United States is already the most open market in the world, we have little to fear from the WTO and much to gain if it can reduce trade barriers elsewhere in the world.

Finally, the United States reserves the right to withdraw from the WTO at any time after providing 6 months notice. And Congress has the ability to vote once every 5 years as to whether or not we should remain in the WTO.

I think, like others who have stood on the floor today and yesterday to express their reservations, that while there are areas certainly where the GATT could be improved, on balance, I think the agreement is in the best long-term interests of American workers. Export-related jobs on average pay 17 percent more than other jobs. Therefore, we must encourage and take advantage of our export opportunities.

The principal goals of GATT are to open foreign markets to American goods and to lower tariffs by one-third.

In a very important way, the GATT agreement is really about shifting power from governments to individuals. By reducing tariffs, money that would have been coming to Washington will stay in the pockets of consumers. Furthermore, by reducing trade barriers, individuals—rather than governments—will decide where they buy their products from and where they sell them. The cornerstone of free-trade policy is that individuals—not governments—should make consumer choices. I believe the GATT agreement makes significant progress in this regard.

In embracing GATT and the global economy, however, we must help those for whom the new economy poses more of a challenge than an opportunity. Federal job training programs and other outreach efforts are essential to help those in need. The debate over free trade must never focus solely on the benefits to the Nation as a whole. We must also focus on those who are adversely affected by trade, because if trade policies do not in the long term benefit all Americans, there will be a tremendous backlash against efforts like GATT in the future.

So, Mr. President, I am supporting GATT today because I believe it will benefit American families over the long term, but I also intend to ensure that we do not forget those who, as the result of freer trade policies, may be adversely affected.

Let me just conclude by stating that I recently returned from a trip to Southeast Asia. To my colleagues, let me say: We are succeeding. We are penetrating markets. Barriers are coming down. Products made in Maine and elsewhere are now penetrating those markets that previously had been barred to United States and Maine-made products. So we are competing effectively. We are the most efficient, the most productive Nation in the world.

It seems to me if we want to continue to promote prosperity on a worldwide basis, from which we can only benefit, this is an agreement that we should support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PACKWOOD. I thank my good friend from Maine very, very much. I confess when I talked with him yesterday I had some nervous trepidations, but I am delighted with his statement today. I thank him very much.

I suggest the absence of a quorum and request we charge the time half to the Republican side and half to the Democrats.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time? From whose time does the Senator from Indiana seek recognition?

Mr. LUGAR. I am a proponent of the bill, so I ask the manager who is managing that side to yield me time.

The PRESIDING OFFICER. Without objection, the Senator from Indiana is yielded time from that of the Senator from Oregon.

Mr. LUGAR. Mr. President, there should be no doubt about the proper course of action for the Senate today: We should approve the Uruguay round trade agreements by an overwhelming margin. At a time when many people around the world are wondering aloud about the future of U.S. international leadership, we have today an opportunity—and an obligation—to reaffirm our leading role.

The Uruguay round will allow the United States to increase our exports by as much as $150 billion a year by 2004. It will boost economies worldwide, accelerating growth in both developed and developing economies.

Among the most significant achievements of the Uruguay round is the agreement on agriculture reached after 7 years of arduous negotiation. As incoming chairman of the Committee on Agriculture, Nutrition, and Forestry, I would like to point out to my colleagues that this agreement subjects agricultural trade to rules and disciplines which have been the norm for industrial products over many decades, but have been applied haphazardly, if at all, to trade in agricultural commodities.

The Uruguay round will require export subsidies to be cut by 36 percent in budget terms, and by 21 percent in terms of subsidized tonnage. This provision helps the United States because for most heavily subsidized commodities, we can export at a competitive price but our European rivals—the major practitioners of export subsidies—cannot.

The round will also require that import quotas be turned into equivalent tariffs. The resulting tariff levels—and indeed all other agricultural tariffs—must be reduced an average of 36 percent, with each individual tariff cut no less than 15 percent.

Finally, the round also recognizes for the first time the trade-distorting potential of domestic farm subsidies, and provides new disciplines in this area. At the same time, countries will receive credit for cuts they have already made; in the United States, having indeed made some cuts, we will not be compelled by GATT to make more.

The U.S. Department of Agriculture projects a rise of up to $4.7 billion in exports by 2000, along with a gain of 112,000 new jobs and an increase of $1 billion in farm income. USDA's projections for the following 5 years are even more dramatic.

Mainstream American agriculture agrees. My colleagues have probably received a letter of support for the Uruguay round signed by an unusually large and diverse agricultural coalition: about 300 different companies, grower association, and other groups.

I ask unanimous consent that the text of the letter and its signatories be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AG FOR GATT,
Washington, DC, November 28, 1994.

Hon. RICHARD G. LUGAR,
U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR: Very soon you will vote on the GATT implementing bill, one of the most important pieces of economic legislation since the end of World War II. Passage of the bill will mean more U.S. exports, more American jobs, lower taxes and a real stimulus to our economy. Defeat of this bill would be nothing short of a victory for protectionism both here and abroad.

The nearly 300 farm groups, associations and agricultural businesses that make up the Ag for GATT coalition urge you, in the strongest terms, to vote for the GATT and for a better future for American farmers, ranchers and their allied enterprises. With record or near record production of nearly all farm products this year, we need the benefits that GATT will bring to our sector and we need them now, not at some unspecified time in the future.

Agriculture will benefit from expanded export markets, lowered export subsidies and an improved ability to challenge unfair foreign trade barriers. It is estimated that the GATT agreement will increase U.S. farm exports by anywhere from $5 billion to $14 billion per year by the end of the transition period. It will also increase net farm income by over $1 billion and create over 100,000 new jobs throughout the food chain. Quite simply, without the GATT agreement, more farmers will be forced to leave farming and government expenditures in agriculture will rise.

The direct benefits to agriculture have been well-documented. However, there are two other issues in the GATT debate that we would like to address because they have received a great deal of attention and because they have agricultural implications.

The World Trade Organization and U.S. Sovereignty—American agriculture has suffered under exiting weak and often ineffectual GATT dispute settlement rules. We support the improved enforcement of international trade commitments that will come with the WTO. We would not support the agreement if it weakened U.S. sovereignty and we are satisfied that it does not.

The bill itself ensures that U.S. laws and regulations are totally protected. Section 102 reads in part:

Relationship of Agreements to United States Law.

United States Law to Prevail in Conflict. No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

Nothing in this Act shall be construed to amend or modify any law of the United States, including any law pertaining to the protection of human, animal, plant life or health, the protection of the environment, or worker safety, or to limit any authority conferred under any law of the United States . . .

The Budget Issue—A vote against the budget waiver is a vote against the GATT. If the budget waiver is rejected, there will be no vote on GATT and all of the benefits to agriculture from the GATT agreement will be lost.

It is essential to recognize that a vote for the waiver is not a vote to increase the budget deficit. The GATT will result in increased revenues to local, state and federal treasuries, by stimulating economic growth and creating jobs. In fact, rejecting the GATT could be a budget buster. In agriculture alone there are a number of budgetary impacts that are receiving little, if any, attention. For example, without the new markets to be opened by the GATT agreement, U.S. surplus farm production will cost the government more in storage costs, higher deficiency payments and larger export subsidies to continue the ag subsidy battle with the European Union. These are just a few examples of how rejecting the GATT could hurt, not help, efforts to reduce the budget deficit.

The following organizations therefore, urge you to vote for the budget waiver and for the GATT implementing bill, to help American agriculture compete in world markets and in the years to come.

Sincerely,

AG FOR GATT.

AG FOR GATT COALITION

NATIONAL ASSOCIATIONS

Agricultural Retailers Association.
American Cotton Shippers Association.
American Farm Bureau Federation.
American Forest and Paper Association.
American Hardboard Association.
American Hardwood Association.
American Hardwood Export Council.
American Institute of Timber Construction.
American Meat Institute.
American Seed Trade Association.
American Society of Farm Managers and Rural Appraisers.
American Walnut Manufacturers Association.
APA, The Engineered Wood Assn.
Coalition For Food Aid.
Corn Refiners Association, Inc.
Fast Food Merchandisers.
Fine Hardwood Veneer Association.
Futures Industry Association.
Grocery Manufacturers of America.
Hardwood Manufacturers Association.
Holstein Association USA.
International Apple Institute.
International Ice Cream Association.
International Dairy Foods Association.
Milk Industry Foundation.
National Association of State Departments of Agriculture.
National Barley Growers Association.
National Cattlemen's Association.
National Cheese Institute.
National Corn Growers Association.
National Cotton Council.
National Council of Farmer Cooperatives.
National Dry Bean Council.
National Food Processors Association.
National Grain and Feed Association.
National Grain Trade Council.
National Hardwood Lumber Assn.
National Oak Flooring Manufacturers Association.
National Pork Producers Council.
National Potato Council.
National Wood, Window, and Door Association.
North American Export Grain Association.
Pet Food Institute.
Snack Food Association.
Sweetener Users Association.
Terminal Elevator Grain Merchants Association.
The Fertilizer Institute.
United Egg Association.
United Egg Producers.
United Fresh Fruit and Vegetable Association.
U.S. Egg Marketers.
U.S. Meat Export Federation.
U.S. Sugar Industry.
USA Poultry & Egg Export Council.
USA Rice Federation.

STATE/REGIONAL ORGANIZATIONS

Agricultural Council of California.
Arizona Department of Agriculture.
Arkansas State Plant Board.
California-Arizona Citrus League.
California Department of Food and Agriculture.
California Walnut Commission.
Certified Angus Beef Program.
Colorado Department of Agriculture.
Connecticut Department of Agriculture.
Delaware Department of Agriculture.
Eastern United States Agricultural & Food Export Council.
Georgia Department of Agriculture.
Hawaii State Department of Agriculture.
Illinois Department of Agriculture.
Iowa Department of Agriculture and Land Stewardship.
Kentucky Department of Agriculture.
Lake States Women in Timber.
Louisiana Department of Agriculture and Forestry.
Maryland Department of Agriculture.
Massachusetts Department of Food and Agriculture.
Mid-America International Agri-Trade Council.
Minnesota Department of Agriculture.
Mississippi Department of Agriculture and Commerce.
Missouri Department of Agriculture.
Nevada Division of Agriculture.
New York State Department of Agriculture and Marketing.
North Carolina Department of Agriculture.
Northeastern Loggers' Association.
Northwest Horticultural Council.
Ohio Department of Agriculture.
Oregon Department of Agriculture.
Pennsylvania Department of Agriculture.
Penn-York Lumberman's Club.
Rhode Island Department of Agriculture.
South Dakota Department of Agriculture.
Southeastern Lumber Manufacturers Association.
Southern Forest Products Association.
Southern U.S. Trade Association.
Tennessee Department of Agriculture.
Texas & Southwestern Cattle Raisers Association.
Texas Agricultural Cooperative Council.
Texas Cattle Freeders Association.
Texas Department of Agriculture.
Utah Council of Farmer Cooperatives.
Utah Department of Agriculture.
Vermont Department of Agriculture.
Washington State Apple Commission.
Washington State Department of Agriculture.
Western U.S. Agricultural Trade Association.
Western Wood Products Association.
Wisconsin Department of Agriculture, Trade and Consumer Protection.

COMPANIES/COOPERATIVES

Abenaki Timber Corporation.
Advance Food Company.
Affiliated Rice Milling, Inc.
AgriBank, FCB
AGRIPAC, Inc.
Agri-West International, Inc.
Agrolink Corporation.
AJC International, Inc.
Allegheny Highland Hardwoods, Inc.
Agrolink Corporation.
AJC International, Inc.
Allegheny Highland Hardwoods, Inc.
American Foods Group.
American International Log.
Appalachian Hardwood Manufacturers, Inc.
Anderson-Tully Company, Inc.
Archer Daniels Midland Company.
Associated Rice Marketing Cooperative.
Augusta Logging Exporters, Inc.
Austin Hunt Logs & Lumber International.
Averitt Lumber Company, Inc.
Baillie Lumber Company.
Banks Hardwoods, Inc.
Beaumont Rice Mills, Inc.
Blaney Hardwoods, Inc.
Blue Diamond Growers.
E. Boyd & Associates, Inc.
Bradford Forest Products.
Broussard Rice Mill.
Bryan Forwarding Company, Inc.
Buchanan Hardwoods, Inc.
Bunge Corporation.
CK International.
C-Wood Lumber Company, Inc.
Calico Cottage Candies, Inc.
California Canning Peach Association.
California Pacific Rice Milling, Ltd.
California Rice Milling, Ltd.
California Tomato Growers Assn.
Camdan Hardwood Company.
Cardinal Trading, Ltd.
Cargill, Incorporated.
Catlett Warehouse.
Central Soya Company, Inc.
CF Industries, Inc.
Chicago Board of Trade.
Chicago Mercantile Exchange.
Coastal Lumber.
CoBank, National Bank for Cooperatives.
Cole Hardwood, Inc.
Colonial Beef Company.
Colonial Craft (Rasmussen Millwork)
ConAgra, Inc.
Connell Rice & Sugar Company.
Connor Forest Industries, Inc.
Continental Grain Company.
Cookie Investment Company.
Cormier Rice Milling Company.
Countrymark Cooperative, Inc.
David R. Webb Company, Inc.
Diamond Fruit Growers, Inc.
Dockocil (Wilson Foods).
Duckwater Farms, Inc.
Edwards Wood Products.
Elanco Animal Health.
El Campo Rice Milling Co.
Energy Beverage Company, Inc.
Excel Corporation.
Falcon Rice Mill, Inc.
Farmers Grain Terminal, Inc.
Farmers' Rice Cooperative.
Farmers Rice Milling Company, Inc.
Farmland Industries, Inc.
Fitzpatrick and Weller, Inc.
Florida Citrus Mutual.
Frontier Foods International, Inc.
GDM Farms, Inc.
Georgia-Pacific Corporation.
Germain Timber Company.
GROWMARK, Inc.
Gulf Compress
Gutchess International, Inc.
Hampton Angus.
Hardwood Plywood Manufacturers, Inc.
Harris Ranch Beef Company.
Harvest States Cooperatives.
Hatfield Quality Meats, Inc.
High Mountain Associates.
Hitch Enterprises, Inc.
Hormel Foods.
IBP, Inc.
Incotrade, Inc.
International Veneer Co., Inc.
Interstate Producers Livestock Association.
J.M. Jones Lumber Company, Inc.
Kane Hardwoods.
KBX, Inc.
Kitchen Brothers Manufacturing Co.
Langston Companies, Inc.
Lewis Brothers Lumber Co., Inc.
Liberty Rice Milling.
Linden International, Inc.
Lo Brothers & Associates.
Louis Dreyfus Corporation.
Mackey's Ferry Sawmill, Inc.
Matson Wood Products.
MBG Marketing.
Maverick Ranch Lite Beef Company.

Alan McIlvain Company.
MFA, Incorporated.
MFA Oil Company.
Midwest Lumber & Dimension, Inc.
Frank Miller Comapny.
Miller and Company.
Mitsui O.S.K. Lines.
Monadnock Forest Products, Inc.
Monfort, Inc.
Monsanto Company.
Monticello Hardwood, Inc.
Morgan Farms.
John Morrell & Company.
New City Packing Company.
Nicolet Hardwoods.
Norbest, Inc.
NORPAC Foods, Inc.
North Atlantic Timber & Shipping.
Northland Corporation.
Northland Forest Products.
North Pacific Lumber Company.
Oaks Unlimited, Inc.
Ocean Spray Cranberries, Inc.
Olive Growers Council of California.
Owens Forest Products.
P.W. Plumly.
Pacific Lumber & Shipping Company.
Pierce Foods/Hester Industries.
Pioneer Hi-Bred International, Inc.
Port of Orange.
Producers Rice Mill, Inc.
Providence Bay Fish Company.
Purina Mills, Inc.
RAM Export Sales, Inc.
R.B. Farms.
Rice Belt Warehouse, Inc.
Rice Growers Association of California.
Rice-Tec, Inc.
Riceland Foods, Inc.
Richmond Lumber, Inc.
Riviana Foods.
Rose Packing Company.
Rossi Enterprises.
Rue & Forsman.
Salamanca Lumber Company, Inc.
Schmid Lumber Company, Inc.
Seafood Export, Inc.
Shannon Lumber International.
Simplot Meat Products.
Skylark Meats, Inc.
Southern States Cooperative, Inc.
Spellman Hardwoods, Inc.
St. Paul Bank for Cooperatives.
Stewart Lumber Company, Inc.
Stimson Lumber.
Stinson Seafood Company.
Strauss Veal.
Sun-Diamond Growers of California.
Sunkist Growers, Inc.
Supreme Rice Mill, Inc.
Syntex Animal Health.
T & S Hardwoods.
Taylor-Cross International.
Taylor Lumber, Inc.
Taylor-Ramsey Corporation.
The Bruss Company.
The Jolt Company.
Tradewest Hardwood Company.
Tradewinds International, Inc.
Tree Top, Inc.
U.S. Livestock Genetics Export, Inc.
USA Woods International.
Vienna Sausage.
W.M. Cramer Lumber Company.
W&S Rice Company.
Walter H. Weaber Sons, Inc.
Webster Industries, Inc.
West Implement.
Western Farm Credit Bank.
Weyerhaeuser Company.
Whitson Lumber Company.
World Wood Company.

Mr. LUGAR. I thank the Chair. Mr. President, these groups state in their letter that Congressional approval of the Uruguay round "is essential if U.S. agriculture is to remain a growth industry." They have put their finger on the key benefit of the round for U.S. farmers and agribusinesses: It will safeguard our future. That is because it will allow the United States agriculture and food industry to use its many comparative advantages: The ability to deliver products in large volumes; the ability to deliver commodities consistently year-round; cutting-edge plant and animal technology and research; the franchise value of many American fast-food firms; U.S. advantages in food packaging, manufacturing and marketing. At the same time, the Uruguay round will bring disciplines in an area where the United States does not have a comparative advantage: subsidies. Here, other countries seem more willing to transfer wealth from their national treasuries and their consumers to their farm sectors. The lesson for the United States is not to copy them, but to work for change in their policies so that our own market-based advantages will have a chance to work. The new GATT accords compel such changes and afford us just such an opportunity.

For my State of Indiana, the Uruguay round offers many benefits beyond agriculture. The agreement will reduce tariffs to zero or very low levels for important industries like steel, farm equipment and chemicals—basic American industries. It will afford new protection for the intellectual property of pharmaceutical companies, medical device makers and other firms in those allied industries. For insurance providers and other services within GATT disciplines for the first time, although more work remains to be done here. All in all, the agreement promises to be in the economic interest of Hoosier businesses, consumers, workers and farmers.

I do want to express my concern about some of the budget offsets included by the administration in this bill. These provisions are not necessarily bad policy in every case, but they now come before the Senate without any opportunity for amendment, for deletion, or even for very much debate.

As one Senator, I wish we could have a more thorough debate on the merits of several of these revenue items: not only the "pioneer preference" and savings bond provisions that have been mentioned often in this debate and about which many of my colleagues have expressed concern, but the changes in pension law as well, which will have significant effects on some retirees.

On some of these topics, Senator DOLE has obtained useful assurances, but I am more concerned about the state of the fast-track process generally. I believe this legislation illustrates that over the years, the fast-track privilege has come to be seen as a vehicle for side deals, special-interest accommodations and provisions of questionable merit—none of which can be changed once included in the implementing legislation, unless a Senator is prepared to defeat the entire agreement, which I certainly am not.

We will continue to need fast-track authority for future trade agreements, but our recent experience suggests we should make some changes when we renew this authority next year. First, we should set out clear negotiating objectives that must be met before any agreement can be submitted under the fast-track privilege.

Second, we should allow amendments to provisions of fast-track legislation that are included only to offset apparent budget costs of the trade agreement. In this way, Senators would be able to change revenue provisions they did not favor, or even delete them altogether. Since these provisions are typically unrelated to the substance of the trade agreement itself, there seems to me no compelling argument to give them absolute insulation against amendment. However, the total time for debate and amendment on a bill under fast-track procedures should continue to be limited.

Third and finally, the President should be allowed to include in fast-track legislation only those provisions that are absolutely necessary to implement the agreement. Current law allows provisions that are "necessary and appropriate," and in the real world the latter word constitutes an enormous loophole of which both the President and the Congress have taken full advantage.

These reforms will help build public confidence in our trade policy by opening up the fast-track process and making it exceedingly difficult to add special-interest provisions. It is essentially these aspects of the current process that have drawn the most criticism from members of the public. Significantly, much of the opposition to the Uruguay round has focused not the specifics of the agreement, where the United States clearly stands to gain, but on the allegedly closed and corrupt nature of the congressional fast-track process. Opponents have exaggerated much, but where they make legitimate points, we should not be afraid to make changes.

Again, I hope to work with my colleagues, especially those who serve on the Finance Committee, to introduce or join in the introduction of legislation incorporating the principles I have outlined. I welcome the reaction of my colleagues and the public to the changes I have suggested.

Whatever the shortcomings of the fast-track process, they do not outweigh the manifest benefits of the Uruguay round for our economy. To raise questions about some aspects of this agreement is understandable; to reject it would be unthinkable. We should vote for it without hesitation, for it is a good agreement for the United States as we enter a new century in which our Nation must continue to lead.

I will add, Mr. President, that I am heartened by reports that passage of this agreement today will lead to conversations involving the President of the United States, President Clinton, and President Frei of Chile. Chile, for a long time, has looked forward to either a free trade agreement with the United States or accession to the NAFTA treaty or to some other way in which the free trade principles espoused in both of our countries might be enhanced promptly. I am hopeful that stimulus and momentum will continue promptly.

I commend President Clinton for that intent and, likewise, the patience of the Chileans who have waited a long time. I know the occupant of the Chair, who has been involved in many such conversations, will undoubtedly welcome that momentum also of a conference that will occur soon in his great State.

I thank the Chair, and I suggest the absence of a quorum.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask that the quorum call might be deferred and I can go forward with my remarks. I thank my friend from Indiana.

Mr. President, I rise in support of the Uruguay round agreements of the General Agreement on Tariffs and Trade, GATT. This debate, much like the NAFTA debate, has been riddled with myth and misinformation. I have heard thoughtful arguments against GATT—indeed I have—as well as for it. And I have also heard some alarms which seem to verge nearly on the hysterical. One would think that some of us are here preparing to bargain away our national sovereignty instead of trying to negotiate away foreign trade barriers. But sadly, that is the level of some discourse.

I admire the people on both sides of this issue. There is no one who speaks with more passion than my friend from South Carolina, Senator HOLLINGS. His position is so clear to us. And the wisdom of our ranking member on the Finance Committee, Senator PACKWOOD, has given necessary balance to the debate. This has been a very good debate.

The fine people of my State, like those of any State, are deeply worried about their jobs and about the economic future facing them and their children. There are, of course, no simple prescriptions available to create prosperity. One thing is very clear: Jobs are not destroyed by trade; jobs are created by trade. And the more plentiful and fair and open that trade is, the more jobs are created here at home.

We do not—I repeat, not—produce jobs at home by refusing to participate in the difficult work of dismantling foreign trade barriers. I cannot stress strongly enough that I would never support any piece of legislation that would adversely affect the people and the economy of Wyoming. The GATT agreement is good for the economy, it is good for the people of Wyoming, it is good for the people of America. I would not say that it, or its financing mechanism, is perfect, but it is far, far preferable to the fallout and lost opportunities that would come from rejecting it.

The United States took a responsible step last year when it approved the North American Free-Trade Agreement. That agreement opened the door to greater exports to our biggest and best trading partners, Canada and Mexico. Exports to these NAFTA partners last year alone accounted for almost two-thirds of our export growth. The exports to Canada and Mexico surpassed exports to Asia and even Europe, and the benefits of this expanded trade are now a matter of record. They are on the record. The GATT agreement gives us the opportunity to build on that success and extend those principles now around the world.

I want to commend Mickey Kantor. Ambassador Kantor has been superb. He has done a tremendous job. I admire his work. And he has always been accessible and receptive to things I have shared with him about issues in Wyoming that have to do with grain and agricultural products. The U.S. Trade Representative calls the Uruguay round a $750 billion global tax cut. That is a direct reference to the tariffs that consumers around the world will no longer have to pay.

Indeed, it is estimated that this trade agreement will be responsible for a gain in global income of more than $500 billion by the year 2005. This is an important decision for our foreign policy, as well as for our domestic economic interests. What sort of a message would the rejection of GATT convey to the world? I believe the answer is very clear. If we choose to reject GATT, then Germany, France, Japan, China, and the rest of Asia will go right back to their old protectionist ways, ways that kept U.S. exporters out of their markets. Our export opportunities will evaporate before our eyes. We will face the same old obstacles to trade as we have in the past.

We should well remember and recall the stated belief by the Japanese that only Japanese downhill skis worked on Japanese snow. I remember that one. We in Wyoming knew that not to be the case, especially with Wyoming powder. But how about that one? We do not want to go back to that. Japan is one of our finest allies, and one of our finest trading partners. We do not want to hear any more things like that.

During the 7 years that the GATT was negotiated I had the opportunity to receive the opinions of more than several hundred constituents. My constituents are not fainthearted. They discussed GATT. Some of the discussion came from individuals who had been fed some fallacious information sent to them by individuals with a big stake in defeating GATT who had been led to fear for their own job security if GATT is passed. I will make a brief comment on those. But first, for the most part, I have heard in great detail about the benefits GATT would provide to my State.

Let me just say that all of us are guided often by provincial energy. Let me say that I represent a State of 473,000 human beings. My good colleague to my immediate left, Senator PATRICK DANIEL MOYNIHAN, represents a State of millions of human beings. I want to commend the senior Senator from New York for the work he has done on this issue. He has been intrepid, dedicated, and completely forward in his support of it. His energies, I hope, will be met with success this evening.

But in this State of 473,000 people in 93,000 square miles, if we do not have the ability to export, we will perish. We are the largest producer of trona, which is soda ash, which is in every piece of glass. One-third of the world's trona comes from southwest Wyoming. And this will reduce tariff barriers in Belgium and France on soda ash which will be of tremendous longterm benefit until the end of the reserves in that part of Wyoming. This is the greatest benefit to an entire quadrant of my State that you could ever have had. That is what it will do with the big boys in Brussels and France and the soda ash producers, completely reducing those tariffs.

We are the largest producer of coal in the United States, bigger than West Virginia, bigger than Kentucky, bigger than Pennsylvania. This will help. We produce pork, beef, sugar beets, lamb, and wool. These are things that Wyoming emphasizes; also, chemical and MTBE production. These are commodities and goods that GATT will benefit.

So our whole economy is based on trade. That means fair trade. It means the elimination of trade barriers that will continue to exist if GATT is defeated.

We trade in all of these things, including timber, and a great array of manufactured goods. We are a State rich, rich indeed, in raw materials that amount to far more than whatever we could consume. Without access, without these openings, we would dry up and disappear. This is our export opportunity. This is our future. This is the way we keep our young people in Wyoming to work, and live and play there.

I believe GATT has made some tremendous advancements toward the objective of free and fair trade. Certainly there are key elements that are somewhat disturbing. But I think we have had those answered.

The key is tariffs, reduction in foreign tariffs, either fully eliminated or significantly cut on approximately 85 percent of world trade including construction, agricultural equipment, even beer—which is a very lucrative world market I might add.

The General Agreement on Trade and Services, which is GATS, will assist in opening export markets and ensuring fair foreign investment rules for American service companies and professional, business, communications, financial, health, tourism, education, environmental fields, industries which employ millions of Americans.

Agriculture will be included for the first time in a GATT agreement. Here is the one issue that has messed up international trade for decades. Agricultural support systems and the burning of commodities on the Champs-Elysees in Paris, getting rid of potatoes here, grain here. That is absurd.

Finally, we deal with that. Finally we get to that. We increase these trade opportunities. We are going to reduce agricultural export subsidies by a total of 36 percent, which is $8 billion, over half of which is accounted for by the European unit.

Member nations are going to cut $35 billion in support for domestically consumed agricultural products; 18 percent reduction. But it is going to benefit wheat, barley, beef, pork, sugar. And I will have to tell my constituents because somebody has them all worked up and giving them erroneous information. I will be very glad to help educate them and tell them what we are doing here, and that it is not about the loss of sovereignty. It is not about the World Trade Organization. I wish they had picked a different name for it. It seems to have connotations that led to most sinister references. There is a gross misunderstanding about that. Clarifying these misconceptions is very important. And I shall do that because they will wonder why I am voting and so strongly helping to pass GATT.

The Uruguay round would also extend significant protection to American producers, in the realm of intellectual property. The GATT would finally offer some substantial protection for U.S. companies that manufacture pharmaceutical drugs, computer programs and games, semiconductor chips, books, films, and compact music disks. Not only would it provide for recognition of U.S. patents, copyrights and trademarks abroad, but it also requires foreign governments to provide effective enforcement of them. This is an area of unquestionable importance for U.S. exporters. Protections in this area are absolutely critical for preserving the global integrity of those industries.

One issue on which many people have expressed concern is the establishment of the World Trade Organization [WTO]. I believe there is a gross misunderstanding about that and I would like to try to clarify some of the misconceptions as I mentioned earlier, since the formation of the GATT in 1948, member nations have renegotiated the global trade rules approximately every 5 years. As a result of the Uruguay round, the rules have been substantially expanded and extended to most trading nations on an equivalent basis.

Because of this expansion, it has become necessary to formally reorganize the current GATT officiating body. The WTO would simply replace that current body. The WTO will provide the world with procedures for negotiating additional reductions of trade barriers and for the prompt resolution of trade disputes between countries.

I strongly believe that no trade agreement, whatever its economic benefits, should be approved if it infringes upon State or Federal sovereignty. But provisions in the GATT agreement clearly state that U.S. law prevails in every situation under the WTO. There are significant safeguards in the implementing legislation—including an outright statement that gives primacy to U.S. laws—to ensure that our sovereignty is fully protected.

But let me just read one section of the legislation because we are talking about sovereignty. Here it is, section 102(A)(1) of that legislation which clearly States this:

> No provision of any of the Uruguay round agreements, nor the application of any such provision to any person or circumstances, that is inconsistent with any law of the United States shall have effect.

Mr. MOYNIHAN. Period.

Mr. SIMPSON. I appreciate the emphasis from my colleague from New York, "period." There it is. That is it. You cannot say it. It could have been a little better syntax, I think. But, nevertheless, in its jumbled version it says exactly what people have been concerned about, and I think that is very important.

I believe that this provision fully recognizes the fact that the power to create and abolish U.S. law is ultimately reserved to Congress and the State legislatures. That power is derived directly from the U.S. Constitution and I can assure my listeners that there is no method by which those legislative duties will be relinquished to some international trade court in Switzerland. Suggestions to the contrary reveal only how cynical many have become about the patriotism and good faith of those in government, particularly those who negotiated the agreement.

Second, the implementing legislation sets up procedures by which Congress will maintain oversight of WTO actions as they relate to the United States. It also ensures that the administration will always coordinate with Congress in its responses to upcoming WTO voting issues. That is a very important element which will ensure that Congress—and the public's—voice with regard to U.S. positions on international trade is clearly heard. All briefs and decisions made by the WTO and dispute settlement panels will be available to public inspection. Secret tribunals will not exist nor are they authorized under the WTO.

Furthermore, in the event that Congress becomes dissatisfied with WTO decisions at any time, the bill sets up a special, expedited procedure by which we can decide every 5 years whether or not to revoke the agreements. There is also a safety hatch that allows us to withdraw at anytime with six months notice.

Finally, Senator DOLE has negotiated an additional safeguard in the form of an agreement with the President to establish a WTO Dispute Settlement Review Commission. The Commission would consist of five judges appointed by the President and the leadership of both Houses. The Commission will review all final WTO dispute settlement reports where the report rules against the United States. If the judges determine on three occasions that the WTO exceeded its authority or diminished the rights of the United States, any member of either House could introduce a resolution to disapprove U.S. participation in the WTO. Three strikes and we're out of the WTO.

In order to pass GATT, the Senate is required to waive the Budget Act. The budget waiver is required even though most experts agree that the benefits of GATT greatly surpass any losses which would result from reduced tariffs. Our own budget rules here in the Senate require strict deficit neutrality over a course of 10 years as "scored" by static scoring models—models which do not account for changes in behavior which may result from the change in law.

The $11.7 billion tax cut from the GATT legislation for the first 5 years is paid for with $11.1 billion of deficit reduction measures and $600 million of previously enacted budgetary savings. Moreover, because the GATT financing package is mostly outlay reductions, not revenue increases, the net effect of the package is to provide for a substantial net tax cut for Americans.

Nonetheless, GATT still requires a waiver of the Congressional Budget Act. A failure to approve the budget waiver for GATT will mean that the bill is dead. A vote against the budget waiver is a vote against the GATT.

This morning we were at the White House and I wanted to conclude with what our leader, George MITCHELL, said, if I may paraphrase correctly. He said something like this: I thought it was devastatingly appropriate. He said:

I think everyone will admit that already the United States of America is the most open trading country in the world. That is a given. We have less restrictions, less tariffs, less games, less punishment, less all the things that become tricky in this, and countervailing duties, and so on.

So if we are already the most open trading country on the Earth, and GATT is about opening trade, how can we miss? We cannot miss. America cannot miss on this. If we are already the most open country on Earth and the sole purpose of this legislation is to open trade around the world, that is good for America and good for Wyoming. It is plain and simple. The agreement will open up important foreign markets for Wyoming, and it will reduce hideous tariffs around the world. We have a choice to chart a course forward, a fairer and more profitable choice.

I am proud to make that choice and to support this historic agreement.

Mr. MOYNIHAN. May I congratulate the distinguished Republican whip for his thoughtful, analytic, factual statement. If we could hear what he has said and extend it to our own States, as is easily done, the case has been made. I thank him for his graciousness and his courtesy, which is unfailing, and the skilled cowboy knows his international trade.

Now I have the pleasure to yield 10 minutes to my friend and neighbor from Massachusetts, the Honorable JOHN KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I have been listening to a number of my colleagues who paint a very grim picture of diminishing U.S. sovereignty; the weakening of environmental laws; and the withering away of the U.S. manufacturing base that would result if we pass this bill.

Well, Mr. President, I think those fears, as a number of my colleagues have articulated, are misplaced. This agreement will not do any of these things.

Indeed, with respect to the sovereignty issue, it is interesting to note that a cross-section of American institutions—the American Bar Association, the Consumers Union, and the Heritage Foundation, which I think rarely agree on anything—all agree that the Uruguay round will not harm the sovereignty of this Nation one iota. The ABA stated, "In particular, the Uruguay round dispute settlement provisions leave United States domestic legal powers totally intact."

In point of fact, if the WTO did begin to hand down a number of decisions adverse to the United States, we would have the ability to withdraw from this agreement—by merely providing 6 months' notice.

A second concern is the impact this agreement will have on the environment, but there, too, the GATT recognizes specifically the right of each country to protect human, animal, and plant life; and the health, the environment and consumers. It allows each country to set a level of protection for health, and the environment and consumers that the particular government deems appropriate.

The third concern, and the most important, is that this agreement will reduce jobs. However, by forcing other countries to play by the same rules of fair play that the United States has always abided by, the agreement will increase—by 300,000 to 700,000 over 10 years. Moreover, annual U.S. income will increase $100 to $200 billion over the same period.

We are 4 percent of the world's population; 96 percent of the world's population is where 90 percent of the development and growth will take place over the course of the next years. If we do not pass this agreement, we deny ourselves access to that market and we invite our most voracious competitors—the French, Germans, Japanese, Taiwanese, Singaporese, and a host of others—to rush in where we fear to tread.

In fact, not only will the passage of the Uruguay round not threaten our sovereignty nor our prosperity, but on the contrary, I believe that failure to pass it would in fact subject us to these very fears—by forcing us to confront the inevitable continued globalization of the world's economy, unregulated by a set of multilateral rules.

Why do so many people oppose this agreement then? I suppose it is because so many do not want to acknowledge that continued globalization of the world economy that we have witnessed is inevitable. It is going to continue whether we like it or not, and whether we pass the Uruguay round implementing legislation or not. We cannot turn back the clock.

In many ways it is good that we cannot. The jobs created by exports traditionally pay 17 percent higher than the U.S. average. Eleven million people in the United States owe their jobs to exports—one-quarter of our work force. This number is expected to increase to one-third of our work force in the next 10 years.

This agreement is an opportunity for us to make this change work for American workers—by increasing U.S. exports.

I was just in India, where I met with the Finance Minister, the Minister of Telecommunications, and the Foreign Minister. I gave each of them a Polaroid camera made in Massachusetts, with two packets of film. I said, "When you finish these packets of film, you will not—unless a friend brings you more—be able to buy more in India because they are kept out by tariffs of 50 percent. Despite the fact that no Indian company manufactures these cameras—and therefore there is no domestic industry asking for protection—you maintain one of the highest tariffs on film in the world."

I hope that the Government of India will decide to reduce this tariff in the next several months.

Under GATT, similar tariffs would be reduced, creating enormous opportunities for companies like Polaroid, and their employees.

That, Mr. President, means jobs for Americans. In Fall River, MA, there is a company called Quaker Fabrics. They have increased their capacity to make textiles in America and sell them abroad. Of the 500 people they have hired over the last few years, 300 of them are directly related to the increase in export capacity. They support GATT.

In addition to those examples as to why GATT is important, let me just quickly summarize a few others. It is the largest tax cut—by virtue of the reduction of tariffs—in world history. It will eliminate major foreign barriers to the export of our goods.

It will permit—and in some cases actually strengthen—the United States's ability to enforce its laws against foreign unfair trade practices.

It will protect intellectual property of United States entrepreneurs from piracy in world markets.

And it will boost the currently stalled world economy, thereby creating even more export opportunities for U.S. firms.

The benefits to my home State are especially large. In addition to the direct benefits of the jobs I just mentioned, it will eliminate duties for medical equipment and printed matter. It will lower significantly tariffs on fish and fish products, which are a mainstay of Massachusetts.

It will provide strong intellectual property rights protection which will benefit particularly exports of semiconductor manufacturers, computers, and software.

Finally, I will say this is not a perfect agreement. No agreement is. There are obviously deep concerns that we have about labor standards in other countries. There are concerns that we have about the ability of those countries to meet some of the environmental standards we consider critical.

Therefore, we must bear in mind that with this vote our job is not finished.

Opening up opportunities in the new global economy is important. But we must also prepare all our citizens for the impact of that globalization.

Some of our most vulnerable citizens will be hurt in the transition process. It is a tragedy that in this Nation we have not fully funded worker training and adjustment programs. As some benefit, it should not be at the expense of others.

Further, we must make certain that we ensure that international labor standards are protected and increased through the World Trade Organization. This will entail a major effort by the United States, but we are obliged to make it.

We also must do everything we can to ensure that textile markets around the world are opened so that our textile manufacturers, who will be newly challenged under this agreement, do not find themselves relinquishing the protection of the multifiber agreement without finding fairness in foreign markets. I am convinced that it is through the GATT that we can help them to achieve that equity in the marketplace. This agreement will help us to open up those last barriers.

Lastly, we must follow the progress of the new Environment and Trade Committee of the WTO to ensure that the goal of sustainable development is not relegated to the marketplace in Geneva.

In all of these cases, if we find that the new agreement and the WTO are not working to our benefit and are undermining our labor and environment standards, we should be prepared to exercise our option to waive.

These are the tangible steps that we can and must take in order to guarantee that GATT is not a hollow victory today and that we continue to be concerned for the workers of this country.

But like NAFTA, Mr. President, this agreement is a good one, and it is good for U.S. workers.

I urge my colleagues to acknowledge the facts, to recognize that we are better off with a world community trading by global agreement rather than the chaos of individual bilateral arrangements. It is precisely those arrangements that have created some of the worst inequities in the marketplace today, and it is precisely this agreement that attempts to redress that.

Again, I thank the distinguished chairman both for the time and for his leadership on this issue.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I congratulate the Senator from Massachusetts, first for his enterprise in bringing Polaroid cameras to New Delhi and making a very proper neat point.

I can add that the President of Kodak, which is of course a New York firm, has made the point that there are 4 billion people on Earth who never snapped a photograph and he would like to sell them cameras.

I would like to make the point that we surely are heading for the moment where a third of our work force will be in export industries, if we adopt the GATT. If we do not, remember dollar week, remember 1933. That is what Cordell Hull and Franklin Roosevelt tried to take us out of on this very important point about displaced workers and there will be, and multifiber agreement. It happens I was one of the three persons who negotiated for President Kennedy the long-term cotton textile agreement in 1962 which made possible the Trade Enhancement Act of that year that led to the Kennedy round.

That was involved. The original cotton textile agreement became multifibers. It had been in place 32 years now and we have another 10 years in this agreement, about half a century, but it also provided for displaced workers and that commitment was made and that is when the labor movement was behind us then and we have not kept faith with them.

The Senator's commitment is a very important one which I think we should all undertake to keep.

Mr. KERRY. I thank the chairman.

Mr. MOYNIHAN. Mr. President, I see our distinguished friend from Colorado, and I am happy to yield 10 minutes, if that is agreeable, on Senator PACKWOOD's time.

Mr. BROWN. I thank the distinguished chairman of the committee.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Thank you, Mr. President.

Mr. President, it is quite clear that this measure is going to pass, that the distinguished chairman of the Finance Committee, and others, have made an excellent case.

I rise out of concerns over the GATT, and I want to raise a couple specific points that I hope at least in the record of this debate will be reflected upon at some point.

Americans used to take great pride in being called Yankee traders. It was an aggressive term. It was one we liked to call ourselves, and we think it implied that not only were we capable traders when we were involved in the international marketplace, but we were at least savvy about the way we did it, as well as that in the trades we put together we thought of ourselves of at least capable of holding our own and perhaps even at times outtrading everybody else in the world. Perhaps that is part of the American mystique. While we are made up of few from around the globe, we also pride ourselves in having something a little better than the rest of the world.

How will we evaluate this GATT agreement? Some will say this is simply a free trade agreement that benefits all and so the discussion needs to end there. I have read many editorials lately that have reflected that viewpoint. How could you possibly oppose GATT because you ought to be in favor of free trade?

Mr. President, I am in favor of free trade. I am in favor of reducing trade barriers. I do think it is an advantage to our economy and other economies around the world. I think it is a plus for consumers.

But, Mr. President, the issue that is before us is not free trade. How can I say that? It is in the agreements themselves, in agreement after agreement after agreement, and as I think the distinguished Members know there are a number of agreements included in this measure. It calls on the United States to open its markets but allows other countries to keep their markets closed or exempts them from the requirement to open their markets or exempts them from the marketing opening provision. Please do not confuse this with the free trade agreement that opens both markets. It does not.

Many of the agreements have a specific provision for countries of the free world. What they say is, the United States, you open your market but countries in the Third World can keep it closed for 5 years. For some it is 7 years and for some it is 8 years. In another agreement it goes to 10 years and even one it goes to 12 years.

Does anybody think that is a good trade? Would anybody be happy to be the U.S. Trade Representative and come back and say look what I got you; I got you the right to make your concessions immediately, but the other ones do not have to match them until a dozen years from now. That is not being a Yankee trader. That is being a chump.

This is not a good agreement. Those who are advocates of free trade ought to understand there is more involved than simply slogans, that they have to look at the agreements to evaluate them.

Some will say, "Well, OK, we will suffer for 5 years or a dozen years, but then at least at the end of that time we will have achieved something great. We will have opened those other markets, too."

Mr. President, everybody who believes that I hope will go down and register their name, because we have some real estate in Florida or perhaps Colorado we would like to sell them.

The truth is, what is included in the WTO, included in this agreement, is an empowerment of the general council or the ministerial conference by a vote to amend the rules.

Well, some will say, "Well, Heavens, that takes a supermajority to amend the rules." Surely no one would come forward after giving those special privileges to Third World countries and would waive the requirement that they eventually come into line.

Mr. President, people need to read this agreement. This agreement does give that power. There is the ability to amend the rules. What does it take? Three-quarters. How can anybody, for such a difficult position to defend, assume that you could amend those rules. One reason might be that people who vote in the World Trade Organization are going to vote for their interests. Most of those countries are not what we would call free traders. And, as a matter of fact, if all of the Third

World countries join in the WTO, they will have 83 percent of the vote. Maybe they all will not join. Ninety have joined already. They have by now already three-quarters of votes. All they have to do is vote for themselves and they will be able to extend these provisions.

Has anybody talked about it? Yes, they have. There are references to extending them.

Mr. President, this is not a good bargain. And it has nothing to do with whether you like free trade or not. It has to do with a lousy job of negotiating a contract and making sure that the other side has to live by the same rules we live by. If anybody is proud of this agreement in terms of negotiation, I hope they will come down and defend it. They may be proud of the concept, and I am all with them. But when you look at the text of the agreement, they have nothing to be proud of.

Some discussion has been made with regard to the expense of GATT, and I want to share this with Members because I want to make a forecast. The United States cost to administer GATT has increased 181 percent from 1984 to 1993. That is because the GATT expenses have increased 72 percent. Is it a lot of money? Well, not in terms of the Federal Government. But $9 million is a lot to some people.

What are the chances that it is going to increase? I want to draw the Members' attention to a couple of things. Currently, each country's share of the total annual expense of GATT is equal to the country's portion of total trades in goods and contracting priorities and associated governments. In other words, it is a trade figure. We get to pay between 14 and 16 percent. Currently it is about 14.6, as the distinguished chairman pointed out yesterday, of the cost to operate GATT.

However, there is this change and our source for this change is from Focus—an official GATT newsletter published by the General Agreement on Tariffs and Trade, Geneva, Switzerland.

Beginning in 1996, every country's assessment will reflect its share in international traded goods, services and intellectual property. Therefore, the U.S. contribution to WTO will significantly increase because we have the largest trade in services and intellectual property in the world. In other words, 14.6 percent is going to go up, not down.

But, Mr. President, in addition to that, we have been in discussion with people from the State Department and they indicate that the provisions that allocate costs along with the size of the gross domestic product, or the gross national product that incidentally is used in the United Nations, is under consideration here. If we do that, our share to the WTO will clearly go up to about 23 percent.

Some will say, "Well, wait a minute. We have to have votes on that first."

Let me draw the Members' attention to this question. One, in this new agreement it is not spelled out. We have not been guaranteed what the allocation will be nor are we guaranteed what the costs will be.

But, Mr. President, we do know the process. The ministerial conference elects the director general. The director general will reflect that majority. Keep in mind that the countries that will be voting, a majority of them, have voted against the United States in the United Nations over 50 percent of the time. This is not a benign group. This is a group that has opposed us in policies in the United Nations consistently. They will elect the director general, not the United States. The director general helps set up the secretariat and the secretariat is the one that appoints the people who will be judges. We call them panelists, dispute settlement body panelists. But the budget is proposed by the director general.

That budget is then forwarded to the committee on budget, finance and administration. Once they have made their recommendation it goes to the general council. The general council will have over 80 percent, perhaps as high as 83 percent of its members from the Third World. It only takes two-thirds to approve budget matters. Does not the Third World have the opportunity to skew the budget and to give us a disproportionate cost? Absolutely. Do not kid yourself. Do not kid yourself. They have the votes.

Now, would they possibly do that? I have heard Members convey to me in private, "Look, we are so influential on trade matters, no one would stick us with a disproportion of the cost."

Please take a look at what happens in the United Nations. If any Member of this body is comfortable with the share of the costs we pay in the United Nations, if anybody feels it is proportional to what it ought to be, I would love to have them come forward and say so. It is my impression that it is not anywhere near close. We get taken. We pay far more than our share of the cost.

Is that a good trade? Of course not.

What we have had is a negotiation where the United States gave up on most of the key important points and signed a bad deal. And now we are going to ratify it. To have bad negotiators go and represent this country may not be our responsibility, but if we vote for this measure it is our responsibility.

Americans, Yankee traders, ought to be able to do better than that. They ought to be able to do better in a negotiation than have this country not get equal access. I think it is fair to insist that we have the same access to other countries as they have here. It is not in this agreement. It is the opposite.

I think it is fair for us to have a weighted vote as we do in the International Monetary Fund, or vetoes as we in the United Nations, or at least something that is proportional. We do not have that in this agreement. That is not a good trade.

Mr. President, the way the courts are administered does not include due process. No one claims it does. It has the potential of being very abusive to Americans and American interests. That is not a good trade.

Whether it is the cost of the operation, whether it is the trade agreements themselves, whether it is the mechanism that is established, whether it is the quasijudicial procedures that are set up, whether it is the votes in the general council, this country came out on the short end.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PACKWOOD. I yield 6 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair and I thank the floor managers for allowing me to come in at this time.

Mr. President, later this afternoon, we will be casting the 328th vote, and possibly the 329th vote of this second session of the 103d Congress. These will be historic votes not only because they will be the last votes of this Congress, but because on these votes, unlike all of the other votes we have cast, the entire world is watching and awaiting the outcome.

In reaching my decision, I have tried to balance the positive economic components of the agreement against the uncertainties associated with the idea of creating a supranational body—the World Trade Organization [WTO]—to govern international trade disputes.

I have always believed that an open trading system is in the best interests of citizens of Alaska and the Nation as a whole. And so I wanted to give the proponents of the agreement every opportunity to make their case and help me overcome my very serious reservations about the WTO.

Many Alaskans have asked me why I have waited until today to make my decision on the agreement. The reason I have waited so long is that I had very specific concerns about certain aspects of the agreement, and how they would affect my home State of Alaska. One of my principal concerns was whether Alaska's unitary tax system is protected under the new agreement.

ALASKA'S UNITARY TAX METHOD

Many Alaskans have expressed concern that the State's unitary method of corporate taxation could be challenged by one of our trading partners, and if the WTO ruled against Alaska, the State would either have to dismantle its tax system or the United States would face retaliatory penalties. Last week, I wrote to the U.S. Trade Representative, Ambassador Mickey Kantor, concerning the potential of a challenge to Alaska's unitary system. Three days ago, Ambassador Kantor responded and assured me that "Alaska's unitary tax system if fully protected under the new Uruguay round agreements."

According to Ambassador Kantor, Alaska's unitary tax system is excepted from the agreement and "WTO member countries would have no ground on which to suspend Uruguay round trade concessions in response to Alaska's unitary tax system." In addition, Alaska's Governor has examined this issue and reached a conclusion consistent with Ambassador Kantor's analysis.

Although I am satisfied that Ambassador Kantor's interpretation of the agreement is correct, nothing precludes another country from attempting to challenge the unitary tax systems in my State or the 15 other States that use this method. I would hope that such a challenge would be summarily dismissed.

Mr. President, I ask unanimous consent that a copy of my letter to Ambassador Kantor, his response, and a letter from John Katz, director of State/Federal relations for the State of Alaska, be included in the RECORD.

The PRESIDING OFFICE. Without objection, it is so ordered.

[See exhibit 1.]

Mr. MURKOWSKI. Mr. President, what made my decision so difficult is the fact that there are clear economic benefits that will flow from the agreement. The agreement that was hammered out with our trading partners is designed to enhance international trade in industrial and high-technology products by cutting tariffs by $744 billion over the next decade.

By some estimates, if the agreement is approved, U.S. exports will increase by $150 billion, creating 500,000 new jobs and increasing the income of the average U.S. family by $1,700 per year over the next 10 years, and the agreement could increase our gross domestic product by $100 billion to $200 billion a year.

BENEFITS FOR ALASKA

For the citizens of Alaska, especially those involved in the fishing and wood products industry, the GATT Agreement promises new jobs and new export opportunities. As the largest producer of fisheries products in the United States, Alaska seafood exports currently account for 48 percent of total seafood exports, accounting for more than $1.5 billion. Under this agreement our seafood exports are likely to increase because Japan has agreed to cut its fishery duties by 24.5 percent and South Korea and other Asian nations will cut their tariffs by 35 percent.

Wood products exports from Alaska, which currently account for more than $540 million, are likely to increase because the principal markets for our wood products—Japan, Canada, Mexico, and South Korea—have all agreed to cut their lumber and solid wood tariffs by an average of 28 percent. In addition, in Brazil, where Alaskan wood products have been effectively blocked by tariffs as high as 52 percent, tariffs will be cut by three-fourths to 14 percent.

These potentially positive elements of the agreement are compelling, especially when one considers how important international trade is to Alaska.

ISSUES OMITTED FROM GATT

But it should be noted that this agreement falls far short of achieving the goals we originally sought when the Uruguay round began. We failed to eliminate governmental subsidies for civil aviation and agriculture. We failed to establish workable rules that would allow free trade in financial services and telecommunications, and were unsuccessful in breaking open the European broadcasting and movie industry. These are all industries where the United States clearly maintains a competitive advantage; yet our negotiators were unable to achieve any major breakthroughs with our trading partners in these areas.

THE WTO

What is of serious concern to the citizens of Alaska and to me is the dispute settlement process authorized by this agreement. I have heard from many Alaskans over the last several months who have expressed legitimate and serious concerns that the newly created World Trade Organization [WTO] could represent a threat to our Nation's sovereignty. As all of my colleagues know, there is real concern throughout the country that a group of faceless foreign bureaucrats whose interests are inimical to the United States will issue rulings in secret that will penalize American business and force Congress to rewrite our laws to conform to the arbitrary whims of other countries.

If this agreement were not being considered under the fast track procedure, I would certainly offer an amendment to strip out the WTO and maintain GATT as the body for governing trade disputes. That, in effect, is what our predecessors did in the late 1940's when the Senate refused to approve an organization similar in concept to the WTO—the so-called International Trade Organization. World trade has flourished since GATT was implemented in 1948 and I think it was a mistake for our trade negotiators to replace GATT with the WTO. Make no mistake, world trade will continue to flourish GATT or no GATT. The world market is too competitive to stop now.

Instead of creating the one-country, one-vote WTO, our negotiators should have used the U.N. Security Council as a model for dispute settlement. Using the Security Council model, the major trading countries—the United States, Japan, Germany, France, Great Britain, Italy, and Canada—could have retained a veto over any decision that was contrary to their interests.

Although the Republican leader, Senator DOLE, should be commended for winning a commitment from the administration to support legislation that will create a WTO Dispute Settlement Review Commission here in the United States, this review commission does not have the authority to overturn WTO decisions.

If the Commission finds that the WTO exceeded its authority in any case involving the United States, all Congress can do is adopt a resolution calling on the President to negotiate new dispute settlement rules. If the WTO issues three such decisions, Congress could adopt legislation requiring the United States to withdraw from the WTO. That is not totally satisfactory to this Senator.

THE BUDGET WAIVER

Finally, Mr. President, I believe the administration made a fundamental mistake when they sent the implementing legislation to Congress without fully complying with our budget rules. Since the administration has claimed $1.7 billion in savings from unrelated legislation passed since the 1993 budget, and since the financing package only offsets 5 years' tariff reductions, the GATT Agreement is subject to a budget point of order.

Our Federal debt is approaching $4.7 trillion. Interest to service that debt will exceed $225 billion this year. With this extraordinary amount of fiscal red ink, it is fundamentally irresponsible for the administration to have submitted unamendable legislation that is not fully funded. We should not be adding to the debt and the deficit in order to finance this trade agreement.

Instead, the administration should have submitted a series of real spending cuts to finance this entire package. We all know the significance of the debt and what we are doing here is basically additional deficit financing. That is something I abhor.

I refuse to support any legislation that adds a further debt burden to our children and grandchildren.

In the final analysis this is a vote about winners and losers—American winners and losers. Depending on who is counting, either the winners are in the majority or the losers are. The irony of this loud, emotional, and well-meaning debate about free trade is that we lose sight of what we do to ourselves regarding free trade. How can we urge free trade, presumably urging our trading partners to lower their barriers, as we seek entry for our products, when we prohibit by our own laws, the export of our products?

How can we prohibit the export of our own Alaskan North Slope oil for 20 years and yet plead for fairness from our trading partners.

In the old saying, we have met the enemy and it is us.

This would be a very close call on the merits and the issues. I hope we will have an opportunity to send this back for improvements, and I especially hope we will be honest about paying for the agreement with spending cuts before final consideration.

EXHIBIT 1

U.S. SENATE,
Washington, DC, Nov. 22, 1994.

DEAR AMBASSADOR KANTOR: Concerns have been expressed by some individuals in Alaska that under the terms of the uruguay Round GATT agreement, the state's unitary tax system could be jeopardized. In particular, there is concern that the state's unitary tax system could be challenged before the World Trade Organization (WTO), and if the WTO ruled that this method of taxation is inconsistent with the principles of national treatment, the state would have to dismantle its tax system or face retalatory penalties.

GATT Article XIV, subsection (d) provides that nothing in the agreement prevents the adoption of a taxing system "aimed at ensuring the equitable or effective imposition of direct taxes in respect of services or service suppliers of other Members." The footnote to subsection (d) attempts to define tax measures that are designed to ensure the "equitable or effective" collection of taxes. Included in this list are tax systems which "determine, allocate or apportion income, profit, gain, loss, deduction or credit of resident persons or branches, or between related persons or branches of the same person, in order to safeguard the Member's tax base." (FN 6, (vi). Although this definition appears to encompass a unitary tax system, it does not clearly and specifically approve the unitary tax system.

Because of the uncertainty surrounding this issue and its importance to my state, I would appreciate if you would provide me with a written answer to the following questions before the Senate's scheduled vote next week on GATT.

1. What is the status of worldwide unitary tax systems adopted by states such as Alaska under the GATT?

2. Can the state's unitary tax system be challenged before the WTO?

3. If the WTO determines that Alaska's unitary tax system is inconsistent with the principles of national treatment, what sanctions can be imposed on the state, or kthe United States, as a result of this determination?

Sincerely,

FRANK MURKOWSKI,
U.S. Senator.

THE U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, Nov. 28, 1994.

Hon. FRANK H. MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: Thank you for your letter of November 22, 1994, expressing concerns from some of your constituents that Alaska's unitary tax system might be vulnerable to challenge in dispute settlement proceedings under the proposed World Trade Organization (WTO). I want to assure you that Alaska's unitary tax system is fully protected under the new Uruguay Round agreements.

As you may know, the two Uruguay Round agreements that most directly apply to taxation measures are the General Agreement on Tariffs and Trade 1994 (GATT 1994) and the General Agreement on Trade in Services (GATS). For the reasons explained below, neither agreement provides a basis for challenging state unitary taxation measures.

The relevant provisions of GATT 1994 apply to taxes assessed on the goods rather than on income. Thus, GATT 1994 could not be successfully used to challenge Alaska's unitary tax system. I would point out that the GATT 1994 rules on this subject are no different than those that have been in effect under the GATT since 1948.

With respect to the GATS, its relevant provision—the national treatment (nondiscrimination) rule—does apply to income taxes, subject to a broad exception under Article XIV, which you cited in your letter. The United States insisted on the broad carveout in Article XIV(d) and the language in footnote 6(vi) precisely in order to protect both our federal and state income tax systems, including state unitary tax regimes. In addition, we "reserved" (that is, specifically excluded) from our commitments under the GATS all:

"Sub-federal tax measures which afford less favorable treatment to services or service suppliers of another Member based on the method of allocating or apportioning the income, profit, gain, losses, deductions, credits, assets or tax based of such services suppliers or the proceeds of a services transaction."

Accordingly, even if Alaska's unitary tax system were found to treat foreign service suppliers less favorably than domestic service suppliers, it would be protected from successful challenge both by the exception in Article XIV(d) and by this reservation.

Our negotiators took great pains to ensure that state unitary tax systems, such as Alaska's, will be fully protected when the Uruguay Round agreements take effect. As a result of their efforts, I am pleased that I can respond to your specific questions as follows:

First, Alaska's unitary tax system is excepted from the relevant provisions of the GATT and GATS;

Second, Alaska's unitary tax system is protected from successful challenge to WTO dispute settlement proceedings; and

Third, therefore, WTO member countries would have no ground on which to suspend Uruguay Round trade concessions in response to Alaska's unitary tax system.

Sincerely,

MICHAEL KANTOR.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Washington, DC, Nov. 30, 1994.

Hon. FRANK MURKOWSKI,
U.S. Senate.
Washington, D.C.

DEAR SENATOR: Thank you for your letter of earlier today regarding the potential impact of the GATT on the State's collection of income tax based on the 'unitary tax' method. As you know, the importance to the State of Alaska of maintaining this manner of taxation cannot be understated.

We have reviewed this question with the Governor's office in Juneau, with the Departments of Law and Revenue, and with the MultiState Tax Commission. Our assessment at this hour, as it has been previously, is consistent with the analysis shared with you by Ambassador Kantor.

However, notwithstanding a protected status, the United States could be challenged based on Alaska's use of the unitary tax. In such an instance, reliance must be placed on the Federal government in defending its position and upon the World Trade Organization in upholding the reservation.

If we can be of any further assistance, please let us know.

Sincerely,

JOHN W. KATZ,
Director of State/Federal Relations and Special Counsel to the Governor.

Mr. HOLLINGS. I yield the Senator from North Dakota 3 minutes.

Mr. DORGAN. Mr. President, during this debate I heard a number of people referring to NAFTA, saying the information we received about NAFTA is that it is working very well. We have already created substantial new jobs. They know that because they have been given part of the story.

Let me give it to you in automobiles. They say we have sent 30,000 more automobiles to Mexico under NAFTA during the first 9 months of this year. That is true. They did not tell the rest of the story, that 70,000 additional cars came into this country from Mexico. That means we lost jobs.

I asked the Joint Economic Committee to do an evaluation of the net job situation between here and Mexico with NAFTA. They said it is hard but they put together a staff study. I just got it yesterday. It says the following. I want to read the paragraph.

> This analysis summarizes U.S. trade data with Mexico through the first 9 months of 1994. It provides a preliminary and partial perspective on the effects of NAFTA on the U.S. This analysis will show that, while increased exports have created jobs during the period, changes in the overall trade balance with Mexico have resulted in a net deficit of 10,000 U.S. jobs since the agreement went into effect.

The overall trade balance changes have resulted in a net deficit of 10,000 U.S. jobs since the trade agreement went into effect. So the next time someone stands up and says, "Boy, this NAFTA is really working well," it is because somebody gave them a part of the story. The rest of the story is here. NAFTA, like GATT, means that companies can access cheap labor and that is what the next paragraph says:

> This analysis demonstrates that NAFTA has not increased U.S. employment but rather increased global access to Mexico's low-wage labor supply, as reflected in growing shipments of capital goods and production inputs to Mexico from the U.S. and foreign countries and rapidly rising imports of finished products from Mexico to the U.S.

That is the full story. That is NAFTA. And that is what we are going to read about GATT, after this GATT agreement passes.

Mr. President, I yield back the remainder of the time.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield myself such time as I may consume.

Mr. President, let me thank the distinguished Senator from North Dakota for the astute approach that he has made to the problem at hand. There is no question with respect to that sucking sound. We can only look at the facts with respect to electric machinery, sound, TV equipment—since NAFTA was enacted a deficit of $671 million. Optic photo medical-surgical equipment, a deficit to the United States of $241 million; an 87 percent increase over the same period of last year. Vehicles and parts, $218 million.

The fact of the matter is, Mr. President, that what we have had is 244 industries apply for adjustment assistance, representing the loss of 35,000 jobs. I do not question the Joint Economic Committee study about the loss, but we know when 35,000 people lose their jobs, by past experience, less than half will get their jobs back. And if they do get another job it pays 20 percent less.

So down to Mexico, they go with their automobile factories. I counseled a friend from Michigan. I said, "Look, there is no question about their intent after NAFTA, Volkswagen says they are going to expand the plant to produce a million cars to sell in the United States." You do not have to wait for economic projections. Nissan, Ford, Chrysler, General Motors have all announced new facilities. We know that recently General Motors has downsized 71,000 jobs. They are all moving down there.

With respect to the productivity, the biggest mislead is when they talk about low income, they think of low skill. The fact of the matter is, they are very high skilled. J.D. Powers made a study of all automobile productivity in the world and found that the most productive Ford plant was not in Europe, not in Detroit, but in Mexico right this minute.

So we know, as we can train them to make automobiles productively, as we never have done before but now have just started in South Carolina, hard common sense says you can do that in Mexico. Fiat has a plant in the Ivory Coast and the automobile industry will move around and go that way.

And, incidentally, BMW has moved to our State, and has also announced a $180 million new facility investment in Mexico—in Mexico under NAFTA. So we have had, yes, an increase in exports of 17,000 cars, but we have had imports of cars of 154,000. Since the distinguished Senator from Oregon started talking about trucks, the overall we have imported 176,000 cars and trucks. So there is no question in my mind that that sucking sound is there, but, of course, the Fortune Fifth Column in the trade war continues to muffle it.

To try to get into this debate, they said in the Wall Street Journal that trade was not an issue in the last election. You could not get this to be an issue. You could not get on a program. You could not get in a news column. I publicly thank the Christian Science Monitor which finally accepted a column from this particular Senator. Now, in my hometown, I get one this morning after they have been editorializing for the past 3 months against my position; they finally put in an article today.

Now, Mr. President, the distinguished Senator from New York talked about textiles in the Kennedy round. I want to emphasize that just exactly, because in the Kennedy round, we had cotton in the 7-point Kennedy program. Before President John Kennedy could institute that particular program, we had to get Secretary of Labor Arthur Goldberg and Secretary Dillon from Treasury and Dean Rusk—actually George Ball subbed for Dean Rusk over there at the State Department—Luther Hodges at Commerce, and our friend Orville Freeman from Agriculture. The five of them got together, and I happened to bring a good many of the witnesses before them.

We found that next to steel that textiles was the second most important industry to our national security. I pointed out how it brings down the crime in the city. Those are good, valid sewing jobs. Those are the enterprises that we have in the enterprise zones. People do not seem to understand it here: 96,000 of those jobs are in the inner city of New York; 63,000 in Watts in Los Angeles. And you pass this GATT; yes, those sewing jobs are bound to leave to the Pacific rim. And when they leave, you have unemployment, you have unemployment compensation, you have increased taxes there, health costs go up, welfare costs go up and, of course, the crime rate goes up. We have those running around all over the country saying what we ought to do in the inner city is get enterprise zones and give businesses more tax cuts to get them there, as we affirmatively this afternoon remove them. That is the tragedy of this entire debate.

When it comes to the competition we are in, the best headline is from November 23—today is December 1—exactly a week ago: "Japan Defends Plan To Erect Textile Barriers."

This is the crowd they are talking about dealing with on free trade. This GATT does not open the market in Japan, Malaysia, Korea—you can just go right on down the list. Anybody that believes that is whistling Dixie. Come on, let us wake up.

The Senator from Oregon said on Crossfire that we did not have a study showing job loss. We put the study in the CONGRESSIONAL RECORD. According to this study, we lose 1,390,000, almost 1,400,000 textile jobs, under this GATT. Very, very important jobs. But they say, "Oh, here comes the textile Senator." Well, here comes a Senator who is interested in those high-technology jobs in the aircraft industry. Boeing fired 28,000. Or high technology jobs in computers. Well, IBM fired 60,000. But before I get to the high-technology jobs, I want to get particularly to some of these things that get passed over.

With respect to the $500 billion increase to the world GNP, we had a hearing—eight hearings, actually—before the Committee on Commerce. They started out with an OECD study that said $200 billion. When they were told that that meant only .07 percent to the world GNP, they came up with $500 billion. Then the Special Trade Representative came up with $1 trillion. So you can see how statistics are irresponsibly thrown around.

With respect to the $750 billion tax cut, Mr. President, let us get right to that one because what it says is really a $750 billion tariff cut. If you cut the tariffs, the Senator from Ohio brought out that they are not getting the garments any cheaper. Similarly, with the Senator from Iowa, he pointed that out. I pointed it out time and again that when Nike moved offshore from the United States and out of Oregon, the price of shoes did not go up, the profits went up. So, yes, we hope it will give you a cheaper price, but we know that the retailers, part and one of the main troops in the Fortune Fifth Column in this trade war, are only interested in bigger profits. They are not interested in your job and my job or middle America. They are interested in more money.

I want to thank Senator BROWN. I am hissing along here. He talked with respect to the intellectual property. Yes, but they have exceptions in there, for developing countries, of 10 years. On agriculture, but the Europeans have subsidies greater than ours. What kind of agreement is that? It leaves the United States economy wide open and it keeps their particular economies closed.

Now, with respect to specifically 301, if I was a trade lawyer, I would say the whole thrust of this Uruguay round is to eliminate United States unilateralism under section 301 and super 301. We know from the finding already made by the European commission, and I will read:

> The GATT does not allow for any unilateral interpretation of the rights and obligations of the contracting parties, nor for unilateral action by any one of the contracting parties aimed at inducing another contracting party to bring its trade policies in conformity with GATT.

Then, of course, on the next page it says specifically:

> Accordingly, for the United States, this means that section 301 and its hybrids will have to undergo revision in order to ensure compliance with the new WTO dispute settlement structure.

They say no laws are changed. But, nevertheless they mentioned here a minute ago, the Senator from Massachusetts, the Consumers Union, and the American Bar Association—they are wonderful groups. But, nevertheless they are not the judges. The World Trade Organization and the dispute resolution panels—they are the judges. It is said we select them and the opposition selects one, and then WTO. We do not have a veto over that deciding party. We do not have a veto over the GATT agreement itself and the World Trade Organization. We have one man, one vote. Castro cancels us out.

Article 16, section 4, each member shall ensure the conformity of its laws under the obligations of the agreement. That is very simple and clear. Oh, it does not change the law automatically, Mr. President. But, nevertheless I tell you what it does do. It says you play along with this agreement that you signed and confirmed in a national Congress or you pay. You pay or play. You pay with sanctions that can be cross-indexed to other particular industries not even in the particular dispute.

I asked them in the committee hearings, Mr. Ambassador Kantor, or any of them who came up, all of the officials. I said show me the page, the line that has the veto. I asked them today on the floor of the U.S. Senate. Show me the page, the line and do not give me this gobbledygook about consensus because they say, "Yes, it goes to consensus," and the next line says "You cannot get together by consensus." Then the World Trade Organization, one man, one vote, one country, one vote.

With respect to the budget itself, a moment ago when they talked about the $750 billion tax cut. Of course, it is a tax. I mean it is a tax increase. Here we have a $31 billion deficit that they are going to have a waiver on the point of order, my distinguished colleague from West Virginia.

I ask unanimous consent to have printed in the RECORD the letter of July 15 by 25 Senators, asking that you join us in opposing any effort to waive the provisions of the Budget Enforcement Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 15, 1994.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: We write to ask that you join us in opposing any effort to waive provisions of the Budget Enforcement Act for the General Agreement on Tariffs and Trade (GATT) implementing legislation and avoid the requirement that such legislation be fully funded.

Some of us support GATT, others of us oppose the agreement, and still others of us have yet to make a decision, but we are united in our concern about the precedent waiving the provisions the Budget Enforcement Act could set, undermining our ability to make further progress in lowering the deficit now and in the future.

We are confronted on a regular basis with having to make tough decisions on worthy programs because of our budget rules, and rightly so. The federal budget deficit must be brought down.

That GATT is significant is clear, but the importance of an issue should not determine whether or not it should conform with the budget rules we have set for ourselves. Indeed, the true test of our resolve to bring the deficit under control is our willingness to apply the budget rules to the important issues.

We recognize your commitment to passing GATT implementing legislation. Your support for making that legislation comply with the budget rules will be all the more meaningful because of that commitment, and we hope you will join us in this effort to oppose any effort to dodge this responsibility.

Sincerely,

Russ Feingold, Ben Nighthorse Campbell, Chuck Grassley, Jesse Helms, Dirk Kempthorne, Dale Bumpers, Strom Thurmond, Larry Pressler, Dave Durenberger, Lauch Faircloth, Larry E. Craig, Trent Lott, Robert F. Bennett, Conrad Burns, John Warner, Hank Brown, Byron L. Dorgan, Alfonse D'Amato, Herb Kohl.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, August 8, 1994.

Hon. LARRY PRESSLER,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRESSLER: Thank you for your letter to the President of July 15th, requesting that the President oppose any effort to waive the Budget Enforcement Act (BEA) for the General Agreement on Tariffs and Trade (GATT) implementing legislation. The Administration shares your concern about such efforts.

The Administration firmly believes that the recently completed Uruguay Round accords under the General Agreement on Tariffs and Trade will increase economic growth, here in the United States and around the world. We know that our view is shared by many others in the economic and international trade communities. This Administration has continued to work to bring those negotiations to a conclusion to increase economic growth in the future.

Nonetheless, we do not believe it is necessary to sacrifice budget discipline to pass GATT in the Congress. In fact, we fear that if Congress were to reverse the progress that has been made on budget discipline over the past few years, we could lose more than we would gain from the GATT accords.

Instead, I hope that we can work with you and other Members of Congress to find offsets for the costs of GATT implementation.

Thank you again for your letter. I hope to be working with you soon on these matters.

Sincerely,

ALICE M. RIVLIN,
Acting Director.

Mr. HOLLINGS. Mr. President, there it is as the Senators see it, at least 20 of them.

Here we go. Alice M. Rivlin, a letter dated August 8 to Senator PRESSLER. "Nonetheless," says Ms. Rivlin, the Acting Director at that particular time, and now the Director of the Executive Office of the President, Office of Management and Budget.

Nonetheless, we do not believe it is necessary to sacrifice budget discipline to pass GATT in the Congress.

But that is what they are doing, fixing the jury. I have talked to the Senators. "The President just called me." That is not what his Budget Director said. We do not believe in sacrificing the discipline with respect to export jobs.

Fifty companies in that Fortune 500, the top 50 companies account for over half of the total U.S. manufacturing exports. As a result, we look to see whether they are increasing as they talk, increasing the jobs.

Under those export industries, aircraft parts, since 1987 lost 67,000 jobs, industrial machinery, 284,000, electronic and electrical equipment, 694,000, transportation equipment, 278,000.

I ask unanimous consent, Mr. President, that the list be printed in the RECORD. I can read them all. But I want to make sure that they understand that export jobs are not the ones created.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOBS LOST TO THE CHRONIC U.S. TRADE DEFICIT

[Allocation to States by gross State product Shares; in millions of dollars]

State	Merchandise Trade deficit exports, f.a.s./imports, customs				Trade Related job loss: U.S. Govt. estimates $1 billion of net exports=20,000 jobs			
	1991	1992	1993	1994 est.	1991	1992	1993	1994 est.
United States total	($66,723)	($84,501)	($115,568)	($155,000)	(1,334,460)	(1,690,020)	(2,311,360)	(3,100,000)
California	(8,953)	(11,338)	(15,506)	(20,797)	(179,052)	(226,760)	(310,129)	(415,945)
New York	(5,580)	(7,067)	(9,666)	(12,964)	(111,609)	(141,346)	(193,313)	(259,271)
Texas	(4,639)	(5,875)	(8,035)	(10,777)	(92,782)	(117,503)	(160,704)	(215.536)
Illinois	(3,274)	(4,147)	(5,672)	(7,607)	(65,490)	(82,939)	(113,432)	(152,135)
Florida	(2,991)	(3,788)	(5,181)	(6,949)	(59,826)	(75,766)	(103,621)	(138,977)
Pennsylvania	(2,984)	(3,779)	(5,169)	(6,932)	(59,685)	(75,587)	(103,377)	(138,650)
Ohio	(2,674)	(3,387)	(4,632)	(6,213)	(53,490)	(67,742)	(92,647)	(124,258)
New Jersey	(2,495)	(3,160)	(4,322)	(5,797)	(49,905)	(63,202)	(86,438)	(115,931)
Michigan	(2,221)	(2,813)	(3,847)	(5,160)	(44,423)	(56,260)	(76,944)	(103,197)
Massachusetts	(1,830)	(2,318)	(3,170)	(4,251)	(36,602)	(46,354)	(63,396)	(85,027)
North Carolina	(1,730)	(2,190)	(2,996)	(4,018)	(34,592)	(43,809)	(59,916)	(80,359)
Virginia	(1,702)	(2,156)	(2,948)	(3,954)	(34,046)	(43,117)	(58,969)	(79,089)
Georgia	(1,684)	(2,133)	(2,917)	(3,912)	(33,683)	(42,658)	(58,341)	(78,247)
Washington	(1,395)	(1,767)	(2,417)	(3,241)	(27,904)	(35,339)	(48,331)	(64,822)

JOBS LOST TO THE CHRONIC U.S. TRADE DEFICIT—Continued

[Allocation to States by gross State product Shares; in millions of dollars]

State	Merchandise Trade deficit exports, f.a.s./imports, customs				Trade Related job loss: U.S. Govt. estimates $1 billion of net exports=20,000 jobs			
	1991	1992	1993	1994 est.	1991	1992	1993	1994 est.
Indiana	(1,339)	(1,696)	(2,319)	(3,111)	(26,782)	(33,917)	(46,387)	(62,214)
Maryland	(1,312)	(1,661)	(2,272)	(3,047)	(26,234)	(33,223)	(45,438)	(60,941)
Missouri	(1,245)	(1,577)	(2,157)	(2,893)	(24,906)	(31,542)	(43,139)	(57,858)
Minnesota	(1,211)	(1,534)	(2,098)	(2,814)	(24,223)	(30,677)	(41,956)	(56,271)
Wisconsin	(1,204)	(1,525)	(2,086)	(2,798)	(24,089)	(30,508)	(41,724)	(55,960)
Tennessee	(1,182)	(1,497)	(2,047)	(2,746)	(23,638)	(29,936)	(40,942)	(54,911)
Connecticut	(1,130)	(1,431)	(1,957)	(2,625)	(22,601)	(28,623)	(39,147)	(52,504)
Louisiana	(1,118)	(1,416)	(1,937)	(2,598)	(22,365)	(28,324)	(38,738)	(51,955)
Colorado	(902)	(1,142)	(1,562)	(2,095)	(18,037)	(22,843)	(31,242)	(41,901)
Alabama	(867)	(1,098)	(1,502)	(2,014)	(17,342)	(21,963)	(30,037)	(40,286)
Kentucky	(819)	(1,037)	(1,418)	(1,902)	(16,377)	(20,740)	(28,365)	(38,044)
Arizona	(818)	(1,036)	(1,417)	(1,900)	(16,360)	(20,719)	(28,336)	(38,004)
South Carolina	(779)	(986)	(1,349)	(1,809)	(15,572)	(19,721)	(26,972)	(36,175)
Oregon	(689)	(873)	(1,194)	(1,601)	(13,788)	(17,462)	(23,881)	(32,030)
Oklahoma	(679)	(860)	(1,176)	(1,577)	(13,580)	(17,199)	(23,522)	(31,548)
Iowa	(657)	(832)	(1,138)	(1,526)	(13,139)	(16,640)	(22,758)	(30,522)
Kansas	(625)	(791)	(1,082)	(1,451)	(12,494)	(15,823)	(21,640)	(29,024)
Mississippi	(486)	(616)	(842)	(1,130)	(9,727)	(12,319)	(16,848)	(22,596)
Arkansas	(476)	(602)	(824)	(1,105)	(9,511)	(12,045)	(16,474)	(22,095)
Nebraska	(414)	(524)	(716)	(961)	(8,273)	(10,477)	(14,329)	(19,219)
Nevada	(391)	(495)	(677)	(908)	(7,814)	(9,896)	(13,534)	(18,152)
Utah	(388)	(491)	(672)	(901)	(7,757)	(9,823)	(13,435)	(18,019)
Hawaii	(361)	(457)	(626)	(839)	(7,223)	(9,147)	(12,510)	(16,779)
New Mexico	(355)	(449)	(614)	(824)	(7,093)	(8,983)	(12,286)	(16,478)
West Virginia	(340)	(431)	(589)	(790)	(6,804)	(8,616)	(11,784)	(15,805)
Alaska	(307)	(389)	(532)	(714)	(6,146)	(7,784)	(10,646)	(14,279)
New Hampshire	(286)	(362)	(496)	(665)	(5,723)	(7,247)	(9,912)	(13,294)
Maine	(272)	(345)	(472)	(633)	(5,450)	(6,902)	(9,439)	(12,660)
Delaware	(249)	(316)	(432)	(579)	(4,989)	(6,318)	(8,640)	(11,589)
Rhode Island	(242)	(307)	(419)	(563)	(4,844)	(6,135)	(8,390)	(11,253)
Idaho	(223)	(283)	(387)	(519)	(4,466)	(5,656)	(7,736)	(10,376)
Montana	(169)	(214)	(293)	(393)	(3,381)	(4,282)	(5,856)	(7,855)
South Dakota	(161)	(204)	(278)	(373)	(3,215)	(4,072)	(5,569)	(7,469)
Wyoming	(152)	(192)	(263)	(352)	(3,032)	(3,840)	(5,252)	(7,044)
North Dakota	(141)	(179)	(245)	(328)	(2,824)	(3,577)	(4,892)	(6,561)
Vermont	(131)	(166)	(227)	(305)	(2,626)	(3,325)	(4,548)	(6,100)

No reliable data exist for foreign imports by U.S. States. Allocating imports by Gross State Product (1991) shares is one method of driving a very rough set of estimates. MBG Information Services and U.S. Dept. of Commerce, Bureaus of the Census & BEA.

Source: MBG Information Services.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that we print in the RECORD, the Business Week 21st Century, this weekly edition of Business Week entitled "High-Tech Jobs All Over the Map."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SKILLS EXPLOSION—HIGH-TECH JOBS ALL OVER THE MAP

As training and experience in less developed countries rapidly improve, the West's workers may be left behind.

If any megatrend kindles hopes of producing megajobs for skilled Americans, it is the coming of age of the Information Revolution. U.S. companies are already setting industry standards and pioneering virtually all of the key technologies. Plus, America possesses the wealth of creative talents needed to lead the coming wave of newfangled software, multimedia gadgetry, and ingenious programming. There will be jobs enough, it would seem for anyone with a decent education.

But trek out to the laboratory of Kenneth Chou in a new business park on the outskirts of Beijing, and you begin to wonder. There 30 artists, software engineers, and computer programmers at Chou's Bilingual Educational Computing Inc. are busily designing interactive CD-ROM programs, complete with voice and animation, for teaching English. Since 1991, Bilingual has sold 50,000 sets of its First Aid English multimedia lessons, now $55 apiece, to institutes from Japan to Germany.

In fact, practically anywhere you go in Asia these days, local workers can be found doing the same highly skilled tasks you would expect to find in Palo Alto, Boston, or Tokyo. At a Silicon Graphics Inc. joint venture in Bangalore, India, software designers earning $300 a month are developing programs to produce three-dimensional images for diagnosing brain disorders. In a sleek industrial park in Singapore, engineers design future generations of personal digital assistants for Hewlett-Packard Co. In Taiwan, Hong Kong, and South China, research and development teams are at work on multimedia gizmos ranging from digital answering machines to interactive computers for children.

New World Order. The message is that anybody who still thinks the only competitive edge of developing countries is cheap, unskilled labor has a lot of catching up to do. One of the less-heralded developments in the emergence of a global economy is that there is an increasingly better balance of skills in the world. The worldwide shift to market economies, steady improvements in education, and decades of overseas training by multinationals are all producing a global workforce in fields ranging from product development to finance and architecture that is capable of performing tasks once reserved for white-collar workers in the West.

What's more, dizzying advances in telecommunications are making these workers more accessible than ever. As a result, just as Westerners learned in the 1970s and 1980s that manufacturing could be moved virtually anywhere, today it is getting easier to shift knowledge-based labor as well.

Conventional notions of comparative advantage are getting blurred in the process. In electronics, cities such as Taipei, Edinburgh, Singapore, and Penang (Malaysia), which are far away from the end-user and technological breakthroughs, already have emerged as global product-development hubs.

Service providers, too, can now spread across the globe. Citibank taps local skills in India, Hong Kong, Australia, and Singapore to manage data and develop products for its global financial services. Houston-based M. W. Kellogg Co. farms out detailed architectural-engineering work for power and chemical plants it builds around the world to a partner in Mexico. And everyone from law firms to U.S. nonprofit groups cuts costs in managing and analyzing documents by hiring "outsourcers" such as International Data Solutions Inc. in Herndon, Va., which employs thousands of workers in the Philippines.

What makes Third World brainpower so attractive is price (charts). a good computer circuit-board designer in California, for example, can pull down $60,000 to $100,000 a year. Taiwan is glutted with equally qualified engineers earning around $25,000. In India or China, you can get top-level talent, probably with a PhD, for less than $10,000.

Tedious tasks. Where the big savings can come is in the "back end" of product development—the painstaking work of turning a conceptual design into blueprints, computer code, or working models and in testing the final product. Take Bilingual's CD-ROMS. With wages ranging from $75 a month for a Chinese keypunch operator to $400 for a good artist, Bilingual can produce a CD-ROMS product for anywhere from a quarter to one-tenth of the cost in the U.S. In a business as tough as CD-ROMS, where the few titles that succeed can have a shelf life of less than a year, keeping costs under control is critical.

It doesn't matter that few of the staff speak English. Bilingual writes the scripts, the most creative part, in Taiwan. The rest of the work, from, animation to voice-over recording, is done on the mainland. "When you get down to it," says Chou, "about 80% of the labor in producing software is very tedious."

Since marketing and creativity will always be in hot demand, graduates of Stanford University business school or Massachusetts Institute of Technology probably needn't worry. Trouble is, the back end happens to be where millions of Americans are employed. And they're well-paying jobs: software designers, bookkeepers, mechanical engineers, draftsmen, libraries. Most require a bachelor's degree or at least a few years in a polytechnic institute. Yet in theory, at least, none of these jobs can be regarded as secure from foreign competition. "Just as with the move of manufacturing overseas, you're going to see a increasing flux of technical jobs out of the U.S.," predicts Intel Corp. Chief Operating Officer Craig R. Barrett. "We don't have any protected domains anymore."

New view. Policymakers have only begun to ponder what all this means for American, European, and even Japanese white-collar workers. Until recently, it seemed the impact would be minimal. Groups such as the National Science Foundation have been warning that as the Digital Age makes industries technology-intensive, there will be an acute shortage of technicians in the West. Skilled workers displaced by outsourcing would simply move on to higher value-added sectors.

But this view is being challenged. In a jarring keynote speech to the annual convention of the Institute of Electrical & Electronics Engineers (IEEE) in September, Edith Holleman, counsel to the House Science, Space & Technology Committee, warned that exciting new high-tech jobs "are not reserved for you in the First World." What's more, she said, high-tech breakthroughs in the U.S. "cannot be counted on to spin off into domestic manufacturing facilities providing employment for many engineers and skilled workers."

Consider what already has happened to the PC motherboard, the circuit card loaded with chips that runs every computer. Five years ago, most motherboards—regarded as the guts of a PC—were produced in-house by U.S. computer makers. Today, some 60% are subcontracted to Taiwanese companies and their army of 150,000 information-technology engineers. And now, the Taiwanese are becoming a major force in customized computer-chip design and local-area networks. Little wonder, it would seem, that unemployment among U.S. electrical engineers hit a record 5.9% this summer, according to the IEEE, and the situation is expected to get worse.

Still, a host of factors suggests that the outflow of skilled work to cheap Third World havens is only a temporary phenomenon. For one, the wage gap is bound to close eventually, as technicians and engineers in the developing world command more. Also, the Information Superhighway is a two-way street, allowing U.S. and European engineers to compete for work in Asia as well as the reverse. Moreover, experts fear that education systems in Thailand, Malaysia, Indonesia, and Mexico, among others, are not producing enough skilled workers for those nations to guarantee advancement up the industrial ladder.

ROBO-TECH. What's more, as factories in the Third World turn to state-of-the-art automation to stay competitive with domestic rivals and meet international quality standards, that automation could threaten Third World job growth. Meanwhile, technological leaps in areas such as text and voice recognition and computer-aided design software that reduce the time-consuming code-writing process will wipe out jobs in service industries.

But for now, the ground is shaking under skilled workers as Western companies take advantage of big wage disparities. Anyone who has witnessed the exceptional performances of Chinese, Indian, and Vietnamese emigrés in U.S. schools and labs knows that developing countries are loaded with talent. The rapid growth of Asia's economies means they can now apply their skills at home.

A wild card in the global skills game is telecommunications. Consider Hong Kong's Johnson Electric Holdings Ltd., a $195 million producer of micromotors that power hair dryers, blenders, and auto features such as door locks, windshield wipers, and automatic windows. With factories in South China and an R&D base in a Hong Kong industrial park, Johnston is thousands of miles away from a leading auto maker.

This hasn't stopped the company from virtually cornering the market for the electric gizmos it makes for Detroit's Big Three. "My customer is right here," says Managing Director Patrick Wang Shui Chung, pointing to a videoconferencing unit in the midst of hundreds of engineers. For two hours each morning, design teams "meet" face-to-face with their customers in the U.S. and Europe. Concepts are transmitted from R&D centers in North America and Europe to Hong Kong, where 200 engineers on a network of workstations develop the motors using CAD/CAM software.

Their specifications are programmed directly into Hong Kong production lines. The process is so streamlined that Johnson can take a concept and deliver a prototype to the U.S. in six weeks. To cut that time even further, the company is investing in more advanced telecommunications to link its 9,000-worker operations in China. "Today, your location doesn't matter," says Wang. "It's turnaround time. I want to be the fastest gun in the world."

Knowhow. The pioneers in bringing foreign technicians into the global workforce are multinationals such as Motorola, Hewlett-Packard, and Philips Electronics. Originally, they set up plants in Asia chiefly for cheap labor. But many of these assembly shops have gathered so much knowhow that they now do critical design-and-engineering tasks.

A good example is Motorola Inc. Its paging-device plant in Singapore boasts 75 local engineers and a new $35 million building dubbed the Motorola Innovation Center. There, the Scriptor pager was developed almost entirely by Singaporean industrial designers using Singaporean software.

Hewlett-Packard has gone even further. It encourages each of its manufacturing sites around the world to become the global base for its product. Penang, Malaysia, has become a global center for many components used in HP's microwave products and is taking over responsibility for computer hard-disk drives from Palo Alto. And in Singapore, a plant HP opened in 1970 to assemble keyboards is now the global R&D and production center for its line of portable ink-jet printers. It is also the base for all handheld devices, such as persona digital assistants and calculators.

Intensive training by multinationals is another reason that skills are rising rapidly. A key training locale is the Penang Skills Development Center, a 360-student polytechnic institute funded by 57 foreign companies and the government for local high school and university graduates. Intel donated a $140,000 microprocessor lab. A 20,000-square-foot "team building park" for leadership training and a clean room for vacuum technology came courtesy of Seagate Technology Inc., which has a big hard-disk plant nearby. Motorola Inc. kicked in $320,000 for PC software training and a bachelor-of-science program.

India, China, and Russia are closely watching the successes of Malaysia and Singapore. The potential of all three is staggering given the heavy emphasis their schools place on math and basic science. In these countries, notes Intel's Barrett: "I see a ton of people who are as technically well-educated as people in the U.S."

India has the second-largest pool of English-speaking scientific talent in the world, after the U.S. This includes 100,000 software engineers and technicians and hundreds of companies, many locally owned, that supply software to Western customers. The number of engineers could double by the end of the decade. And a monthly salary of $800 for an engineer with five years' experience is enough to place a worker squarely in India's upper-middle class.

Central Europe also is peppered with brilliant scientists rapidly being discovered and unleashed. The most promising spots as production bases by 2020, according to a study of 404 European locations last year by Cologne-based market researcher Empirica, are Bratislava (in Slovakia), Western Bohemia (in the Czech Republic), Györ-Sopron (Hungary), and Poznan (Poland).

Germany's Robert Bosch has been making engine parts in the Czech Republic since last year. "Czech engineers have the technical competence we require," says Heinz G. Grewe, Bosch's head of management systems for gasoline engines. Despite added startup and training costs, industry analysts say, auto-parts makers can still save 30% by outsourcing to Central Europe. Farther east, in Russia, most multinationals have been slow to exploit the huge pool of technologists who worked in the former Soviet Union's defense industries. But pioneers such as Sun Microsystems Inc. and ABB Asea Brown Boveri (Holdings) Ltd., which already employ thousands of Russians, are bullish, particularly about the hard-driving younger generation that is eager to get rich (page 128).

Well-stocked waters. The deepest pool of untapped skills is in China. Dataquest Inc., the research firm, estimates that there are at least 350,000 information-technology engineers in Chinese research institutes, state companies, and universities. The average salary: about $105 a month. And with the Chinese government placing electronics, telecommunications, and software industries high on its list of priorities, colleges across the country are preparing to train hundreds of thousands more (page 126).

Multinationals are fishing in these well-stocked waters. Northern Telecom Ltd. just opened a lab at the 10,500-student Beijing University of Posts & Telecommunications that will soon employ 250 engineers. NT will work with faculty and students on cellular phones, multimedia-transmission devices, and software. In the northern city of Tianjin, Motorola will have 3,000 workers making semiconductors and telecom equipment by yearend. Meanwhile, AT&T, which is just getting started in China, plans to link up the telecom plants it has scattered across the country.

For now, these facilities will focus on the enormous telecom needs of China. But it's only a matter of time before Chinese engineers start playing key R&D roles in products sold globally. "All of our joint ventures can be technical centers in their businesses," says AT&T China Inc. Human Resources Director Albert Siu. "I've never found people more open to learning. They soak up everything."

Many of the lessons companies are learning in high tech can also be applied to the

West's other big job generator; services. There, the potential of offshore skilled labor is just beginning to be tapped. For more than a decade, companies such as American Airlines Inc. and Citicorp have been loading tons of ticket stubs, credit-card receipts, and insurance forms onto planes headed for places such as the Dominican Republic or the Philippines, home of low-paid keypunch operators.

Many experts think high-end services can also be farmed out to overseas workers. Why not let specially trained Filipino accountants do much of the grunt work in preparing tax returns for multinationals? Or how about outsourcing the legal research for expensive product-liability cases? Using CD-ROM libraries, paralegals in India could churn out the mountain of writs and affidavits for such cases at a deep discount. Anupam P. Puri, managing director of McKinsey & Co.'s Bombay office, says such task transfers are long overdue. "Most of our multinational clients are still very behind in seeing how they can redistribute service work around the world," he says.

Regulatory hurdles remain, of course. But the technological barriers are falling fast. International Data Solutions, for example, scans case and client files for U.S. law firms and transmits them in digital form via satellite to the Philippines. There, workers organize and index the documents so they can be readily retrieved by a computer network in the U.S. International Data employs two full-timers in Virginia—and up to 3,000 Filipinas. "With the Information Superhighway revolution, this trend is accelerating dramatically," says International Data President Kenneth R. Short. "It really doesn't matter where the work is done as long as quality, price, and service are right."

Broader View. In the construction industry, Houston's M. R. Kellogg has teamed up with Mexico's Bufete Industrial on contracts to build petrochemical-refining systems worldwide. After developing conceptual drawings on a computer, Kellogg transmits them to Bufete, of which Kellogg owns 21 percent. The Mexicans turn the drawings into detailed blueprints. The arrangement, says Kellogg Manager Robert Salazar, "makes us competitive all over the world."

While this flexibility sounds great for corporations, it could be traumatic for professionals who are not well-equipped for a global economy. As gaps between experience levels and wages narrow around the world, skilled workers will compete on a more equal footing. To profit from the emerging trends, workers will require broader training than is now provided by most education systems—in both the East and the West.

Rather than focus on one discipline, for example, professional workers will need to understand the economics and technologies that are revolutionizing their industries. In the banking world, "the pure technologist is already dead," says George P. DiNardo, Singapore-based chief technology officer for Citibank's Asian consumer business. "And so is the pure businessperson."

In electronics and telecommunications, engineers discarded by Corporate America are taking advantage of cheaper access to data and video networks by forming their own design houses for Asian manufacturers. In many other fields, professionals may have to similarly redefine their jobs in order to prosper from the globalization of work rather than be at its mercy.

Mr. HOLLINGS. Mr. President, the message is that anybody who still thinks the only competitive edge of the developing countries is cheap unskilled labor has a lot of catching up to do.

Mr. President, the Senator from Oregon referred to Intel. Well, here is what is happening at Intel. "Just as with the move of manufacturing overseas, you are going to see an increasing flux of technical jobs outside of the United States," predicts Intel Corporation chief operating officer, Craig R. Bennett, in Business Week.

"We don't have any protected domains anymore."

Then it goes on to say,

"Consider what already has happened to the PC mother board, the circuit card loaded with chips and runs of computer. Five years ago most mother boards, regarded as the guts of a PC, were produced in-house by the U.S. computer makers. Today, some 60 percent are subcontracted to Taiwanese companies and their army of 150,000 information technology engineers.

On and on, Mr. President. Dispelling that myth, I read from the Business Week of December 17, 1990. Here it is. I quote:

From all the fuss about the United States becoming more export oriented, hardly any additional industries have joined the exporting sector in the past 10 years.

Do not keep coming up here talking export jobs.

Moreover, success overseas is not translating into job creation at home.

I quote then not reading the entire article, but quoting word for word:

These trends show no sign of abating. Using government employment forecasts Business Week is projecting an increase of 9.6 percent in the size of the exporting sector over the next 10 years, far less than the projected national employment growth of 14.6 percent. True, the exporting sector could expand faster if import competing industries such as machine tools, some domestic industries' machine tools and our tools regain market share in the United States or if some domestic industries learn how to be big exporters. Barring these competitive gains, the proportion of Americans producing for world markets will just continue to shrink in the 1990's.

Mr. President, why can't we understand what is going on? We are in a decline.

Mr. President, Vermont is due to lose 6,100 jobs this year under GATT. The total loss from the trade deficit is 3,100,000 jobs.

With respect to being in decline, we have none other than Lee Kuan Yew, and I quote:

America is not the surplus country. It is Japan and Germany. It is New York with the expertise but Tokyo and Bonn with the actual cash.

"The greatest problem for Americans," he said, "was coming to terms emotionally with this shift, accepting in our guts that there is a permanent change in competitive position."

Mr. President, read this language and listen to it very, very clearly. Talking about GATT agreements, "These agreements, saying it word for word, offer new opportunities for all Americans. For American farmers the agreements expand world markets for American farm products. For American workers the agreements offer more jobs, higher income and more effective responses to unfair competition.

That was none other than Robert Strauss in 1979, the Tokyo round under which we are in. What did his Texas colleague and our good friend and former chairman of the Finance Committee say in 1987 with respect to that particular Tokyo round in 1987? I am reading word-for-word, because we never seem to learn. We listen to the same babble, technobabble and statistical babble, but we do not look at the reality. Here is what Senator Bentsen in the Finance Committee itself reported:

The Committee is concerned that the Tokyo round trade negotiations and the legislative branch and executive branch actions to implement the Tokyo round trade agreements, have not had the effect of improving the American standard of living as intended. Perhaps worst of all—

Listing many things.

the composition of the merchandise trade deficit has changed from mainly an oil deficit—

Talking about oil jobs, which was bad enough.

to mainly a manufacturing and agricultural deficit, which strikes at the heart of U.S. export strength.

Agricultural exports alone have fallen from about $40 billion in 1980 to about $25 billion in 1987. And if petroleum prices in 1986 had been the same as in 1980, then the 1986 trade deficit could well have been over $200 billion. The mainstays of American trade competitiveness are in trouble.

This is the now Secretary of Treasury.

By last year, West Germany surpassed the United States as the world's leading exporter and Japan had 10 percent of the world's exports in 1986, compared to 10.3 percent for the United States, who may well move into second place in 1987. The size and composition of the trade deficit have caused retching adjustments on the American farm and American industry and among American workers. For example, the widening trade deficit reduced real potential GNP by nearly 20 percent in 1983 and 1984, according to the International Trade Commission. The National Association of Manufacturers found that 2 million fewer jobs were created as a result of the growth of the trade deficit in this period. The deficit deterioration of American high-wage industrial employment concentrated employment growth this decade in the lower-wage service sector.

Mr. President, how can you do it any better than that? What happens is, as we put in the RECORD on yesterday from Lars Erik Nelson—and I have the entire article. I will read a paragraph:

The economists keep foisting their theory on the Clinton administration. No proposition enjoys greater unanimity among economists than the idea that free trade will, on net, be a win-win situation, says Bob Shapiro, a nondogmatic economist at the Progressive Policy Institute. This is why, Shapiro says, economists close their eyes to the social cost of free trade. They don't know how to deal with the problem, but they can't give up the economics of free trade. The fact is there are significant social costs.

That is what the election in November was all about. Here we have 40 million living in poverty. Their take-home pay is 20 percent less; they are working longer hours and being paid less. We have gone from the biggest creditor nation to the biggest debtor nation. Our manufacturing, since 1985, has gone from 26 percent of the work force down to 16 percent. And the inner cities are in turmoil with crime and drugs and deprivation. Yet, they are telling us we are on "a rising tide," as they said in the Washington Post. There is no rising tide. We are going out of business, and the social costs are there. Here the group that came to town for the middle class, Mr. President, is decimating the middle class.

I heard the Senator from Texas earlier today say if he had a Republican President, he would vote for this. Well, on this particular trade policy, he has a Republican President, I can tell you this now, because we are not protecting the middle class, the jobs, and we are not striking out against the social instability caused by the unemployment, not striking out against the deficits caused by unemployment compensation, increased health and welfare costs, increased crime costs, and the like. We are not doing it. We are exacerbating it here with this debate this afternoon and with this vote.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DECONCINI). Who seeks recognition?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. On whose time does the Senator seek recognition?

Mr. BYRD. Mr. President, I believe the distinguished Senator from South Carolina has assured me that I might have 14 minutes?

The PRESIDING OFFICER. Does the Senator from South Carolina yield 14 minutes?

Mr. HOLLINGS. I yield the time remaining to the Senator from West Virginia.

Mr. BYRD. Mr. President, GATT is a budget buster, any way you want to slice it. By itself, GATT would increase the deficit by more than $25 billion over the next 10 years. To partially offset this deficit increase, the pending bill includes a number of so-called "revenue raisers," several of which I find very questionable.

Among those provisions is one which would repeal the 4-percent statutory minimum interest rate on U.S. savings bonds. Under current rules, a person can lose, at most, one month of interest. Under the repeal contained in this bill, a purchaser of U.S. savings bonds can lose up to 6 months worth of interest.

In other words, to help pay for this trade deal, we have gone so far as to undermine the U.S. savings bond. That same bond that we have for generations given to our grandchildren and to our sons and daughters will no longer be quite the dependable, sound investment it has been for decades—so that we can pay for GATT.

While this GATT Uruguay round agreement may arguably be good for U.S. businesses, U.S. workers are placed at a competitive disadvantage under this agreement.

For businesses in developing countries, and motivated by a "greatest-profits-at-lowest-cost" mentality, a return to the world of Dickensonian sweatshops populated by underpaid, overworked, uneducated, and uncomplaining children will be irresistible.

For example, the export of U.S. jobs overseas has hit my own State of West Virginia hard over the years, as U.S. trade liberalization has made it more advantageous for firms to move manufacturing and assembly jobs overseas while still retaining easy access to the U.S. marketplace. While part of this decline is due to improvements in mechanization that require fewer workers to produce the same level of output, jobs in the coal mining industry in West Virginia have declined 28 percent just since 1988.

The once-thriving glassware and pottery industries in West Virginia have fallen victim to overseas competition as well. Jobs in the stone, clay, and glass products industries have declined 68 percent since 1960, dropping from 22,400 jobs to just 7,100 jobs in 1993, according to the Department of Labor. Tariff reductions will not help those companies.

I am not generally opposed to trade agreements if those agreements are good for the United States and its work force. But let me make clear that this country and the U.S. work force in West Virginia and throughout the Nation are this Senator's paramount concerns.

There is a lot of leeway granted in this agreement to developing countries. The aid is to help improve the economies and the standards of living in other nations.

Free trade is fine, but fair trade should be our goal. Yes, our workers are among the most productive in the world, but how can they hope to continue to compete with workers who are willing to toil for 50 cents an hour or 25 cents an hour?

I cannot support the new, slick trend toward one-worldism which seems to be emerging with this agreement. It is almost as if some people in this country feel that the United States should sacrifice so that other nations can grow—that Uncle Sam ought to blush if the United States prospers much more than other nations.

To that point of view I say, beware of the "idiot who praises with enthusiastic tone, all centuries but this and every country but his own."

Support for this agreement flies in the face of the results of the recent election. Look at these poll figures. This poll was taken by the Yankelovich Partners survey, November 23 through November 27, 1994.

Do you favor or oppose passing GATT?

Fifty-one percent oppose; 33 percent favor; 16 percent not sure.

What about the budget wavier on GATT? Is it inappropriate or appropriate?

Sixty-seven percent inappropriate; twenty percent appropriate; thirteen percent not sure.

What about deferring GATT over to the 104th Congress?

Sixty-three percent say defer it to a new Congress; 29 percent say let the old Congress do it; 8 percent not sure.

Then, what about the WTO and U.S. law? Do you think the World Trade Organization should be able to override the laws of member nations?

Seventy-two percent say "no"; 17 percent say "yes"; and 11 percent say "not sure."

So, Mr. President, the people's view is clear. Only in this convoluted Capitol City could doing what the people want ever be perceived as bad for the President.

Some Senators have said to me that putting GATT over into the next Congress would damage the President if this waiver is rejected. Not according to these polls. Not according to these polls. In my view, rejecting this agreement as it presently stands would be doing a service to the President because it would give him time to go back to the table and get a better agreement—one that the people can support, as reflected in the poll. Those who support this Agreement now may say that they like what they are getting, but they may, in the final analysis, not get what they like.

It is a fig leaf that has been concocted by our distinguished Republican leader and the administration. First, the Review Commission cannot even review the record of the GATT panels, since the proceedings will be secret.

Mr. President, Members of the Senate who read the Scriptures, and I take it that Members do read the Scriptures, will remember Ezekiel and the valley of the dry bones. Senators have probably heard sermons on that scripture. The spirit of the Lord sat Ezekiel down in the valley of the dry bones. The Lord told Ezekiel to speak prophecies unto the dry bones and God would put sinews and flesh and skin on them; bones would be joined together, the four winds would breathe breath into these bones and they would come to life.

Mr. President, the Lord God kept his promise to Ezekiel. Flesh and sinews came upon the bones, and they lived, and stood upon their feet. Those old dry bones became an exceeding great army.

Mr. President, there will be no life breathed into this dry bone that has been worked out between the minority leader and the Administration. This fix will not work. This miracle will not work. This dry bone is a dry bone is a dry bone is a dry bone. And no amount of hocus pocus is going to change it.

Here is the dry bone. Here it is in my hand. Here is the dry bone put out by the Bureau of National Affairs containing an explanation of the agreement between the Clinton Administration and Mr. DOLE.

Well, this dry bone will only serve as a rhetorical cover for Senators to vote for something that is seriously flawed.

This is an agreement in disguise. It is the Mrs. Doubtfire trade agreement. What you see is not necessarily anything like what you may get.

Moreover, the WTO cannot be fixed by the Dole legislation. First, the Review Commission cannot even review the record of the panels, since the proceedings are secret.

Second, the idea that we would withdraw from the WTO after three adverse decisions in a five-year period flies in the face of a history in which we have never withdrawn from any important international organization. It would take a resolution passed by both Houses, and most probably over a President's veto—a highly unlikely scenario.

So this is a fig leaf only serving as rhetorical cover for Senators to vote for something that is seriously flawed and can be manipulated regularly against the best interests of our country and our people.

This fix is in the time-honored tradition of such legendary promises as, "The check is in the mail." It ranks right up there with, "Yes, I will still love you tomorrow," and "Don't call me, I'll call you."

Unless one's I.Q. is lower than the air temperature, it should be plain that none of these so-called promises can be counted on. Neither can the Senate count on this so-called fix.

Hanging one's hat or one's vote on this so-called future fix may produce nothing but future shock. It is like trying to hang one's hat on a greasy flagpole. The hat will not stay and the people will not buy this fix as a cover for a bad vote.

The President and others argue that to delay action until next year will kill the GATT.

Here we see this headline on Business Week, "Delay Will Mean the Death of GATT." Don't you believe it. Don't you believe it.

That is a bogus scare tactic. The thing that might really kill GATT is scrutiny by 100 Senators and the discovery that it is a mega-turkey. The implementing legislation can be introduced again next year, and we have until next July to approve it. No other major nation's legislature has approved it—everyone is waiting to see what good old Uncle Sam will do. So there is no rush.

We hear the siren song of doom from the rafters of the White House. The dead will live again and flourish. Jesus, according to the scriptures, brought Lazarus, the brother of Martha and Mary, back to life. Jesus brought back to life the son of the widow of Nain. He brought back to life the daughter of Jairus. And Elisha breathed new life into the child of the Shunammite woman. Let me assure Senators that miracles are not over. If this budget waiver is rejected today, this matter will only be put over until next year. It will be child's play for the spin doctors, for the trading giants to breathe life into the treaty. Just you wait and see what happens if we sustain the budget point of order. Then the spin doctors will go to work.

All our major allies will be brought together, those who have all been sitting on their hands, like Japan and our European allies, waiting to see what we will do. You can bet that if this Agreement is so great for everyone, there will be a rush for airline tickets to get on planes bound for Geneva. The restaurateurs in Geneva will be putting in extra supplies of turkey for the occasion.

I would also argue that delay is not always bad. It does wonderful things for a cheese and and old wines and old violins. Delay will not kill this treaty. Delay may well improve this Agreement. I have every confidence that our President and our trade negotiators who have listened to this debate could then negotiate a better agreement in the months ahead.

The argument that delay until next year would kill the Uruguay Agreement is a G-string under the fig leaf of the so-called "fix" we have all heard about. It is the last argument. If all else fails, proponents can claim that a delay will kill this Agreement.

For these extremely important budget, institutional, and political reasons, I believe that the legislation before us today should be deferred until the next Congress, at a time when Senators will have had the time to study the Agreement more closely, and when there is ample time for debate and deliberation. And the way to accomplish this is to vote against the waiver.

Mr. President, I thank the Chair.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Who yields time?

Mr. PACKWOOD. Mr. President, how much time is left on each side?

The PRESIDING OFFICER. The Senator from Oregon has 1 hour and 4 minutes. The Senator from New York has 35 minutes.

Mr. PACKWOOD. I thank the Chair.

Mr. President, I yield myself as much time as I may need.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I think it was Disraeli, but I would not bet the mortgage on that, who once said there are three kinds of lies. There are lies, there are damned lies, and then there are statistics.

We have heard the statement made over and over that for every $1 billion of imports, 20,000 jobs are lost. That figure is premised on a study that said for every $1 billion of exports, 20,000 jobs are created. And those who choose to take that statistic and use it in their favor on imports has simply turned it on its head, as if 20,000 jobs for $1 billion of exports means 20,000 jobs lost with $1 billion of oil imports.

Let me give you just two examples, then I have other points to touch on, where this just is not true.

I have talked several times about the import of oil in this country. We imported last year about $44 billion worth of oil. We import this oil because we do not have, or have not chosen to look for, in one way or another, to get oil out of the ground in this country. We need the oil.

First, the drilling for and the extraction of oil is capital intensive, not labor intensive. I doubt that there are 20,000 jobs associated with $1 billion worth of oil exports or $1 billion worth of oil imports.

But I want you to think what would happen in this country if we did not import $44 billion of oil. Do you think if we did not import it, we would create 880,000 jobs? That is 20,000 jobs for every $1 billion of imports.

I will tell you what would happen if we did not import $44 billion of oil in this country. We would have an absolutely up-to-your neck depression in this country because this country runs on oil. We generate electricity with it; our industries run on it; we run our cars on it. And we do not have the capacity in this country to produce it immediately.

I had indicated earlier we could produce it if we wanted to make it out of coal. We have a 400-year supply of coal, but it is expensive to make oil out of coal.

I had the Library of Congress check for me—and I want to give them credit again, the Congressional Research Service, for the extraordinary research they do, because I only asked them yesterday.

South Africa, of course, has produced oil out of coal for years. They had a trade embargo when the white-only government was in power and they could not import, so they had to produce it. And they have lots of natural resources. They produced oil out of coal and gasoline out of oil, but it was very expensive.

The Library of Congress said, yes, we have enough coal to make oil out of it. If we did, the Library of Congress' estimate is—and they did not want me to hold them too closely to it—that the cost of gasoline, if we produced it from coal in this country, would be between $3 and $4 a gallon instead of what we pay for it now. And, of course, home heating oil would go up equivalently; the oil we use to generate electricity would go up equivalently. I have no idea what that would do to inflation. I have not asked the Library of Congress to check about the impact of an increase in inflation, which would in turn increase interest rates, home mortgage rates, and everything else. My hunch is that approach is not going to help this country.

So let us put this bogeyman—that because we are importing $44 billion worth of oil, we are losing 880,000 jobs—to rest.

Now, let me move to a study my friend from South Carolina, Senator HOLLINGS, has cited over and over and over again. This is a study by Charles McMillion. He is a business consultant who testified against the GATT before the Commerce Committee. Mr. McMillion took this 20,000 figure and he calculated, therefore, what every State would lose in terms of jobs based upon $1 billion of imports in that State.

States have customs districts which keep track of imports. Oregon imported about $1.6 billion in imports through the Portland customs district. Therefore, he multiplied 1.6 times 20,000 and said Oregon would lose 32,000 jobs. Mr. McMillion says Oregon will lose 32,000 jobs because of imports.

Well, Portland is the fourth largest importer of cars in the United States. Different ports excel at different things. Portland excels at importing cars. As a matter of fact, we are also the largest exporter for Hondas in the United States. They are made in Marysville, OH, trucked to Portland, and off they go throughout the world.

For the moment, just stick with the imports. Do you think that Oregon would have more jobs or fewer jobs in Oregon if we did not import cars? We do not make any cars in Oregon, but we do have longshoremen that unload cars and we have teamsters that drive the trucks upon which the cars are loaded. We have a rather thriving little industry in Portland on importing cars. We are not going to lose jobs because of these imports. We gain jobs.

That is the trouble with statistics. So I want to put aside statistics and I want to talk about real world cases, if I might.

Before I do, I want to emphasize the principal thing the United States asked out of this trading negotiation. I am going to quote a very short sentence from the Trade Act of 1988.

> The principal negotiating objective of the United States with respect to dispute settlement is to provide for more effective and expeditious regulation of the disputes and enable better enforcement of United States rights.

We bring far more cases in the GATT—we have not yet gotten to the World Trade Organization; it is not established yet—complaining about overseas trade practices than are brought against us. Say we get into a dispute with Germany and we ask a GATT panel to look into it. The GATT panel is a group that listens to the two sides and says who is right and who is wrong. Under the current GATT arrangement, even if we win, it is not enforceable unless the loser agrees.

Well, the loser never liked us to begin with. That is why we are having this dispute panel settle things. So we insisted in the Uruguay round negotiations that these panel decisions involving trade disputes between countries have some modicum of enforcement.

Under GATT, and I see no reason it is going to change under the World Trade Organization, we won 80 percent of all the cases in which we were a complainant. It is no wonder we want them enforceable. And it is understandable why we bring more cases. We are a more open country. We allow things easier into this country than other countries allow into their countries. And we are asking for a level playing field. We want in. We want as much access to their countries as they have to ours.

The reason we brought all these cases in the past is that we have not had that access and this trade agreement that we are about to enact—and I am confident we have the votes to enact it—is going to lower the barriers for our getting into these countries. The agreement makes these panel decisions enforceable unless all of the countries to the panel agree not to enforce it. It is just the opposite of what we had before.

Before you had to have all of the countries that are a part of the panel dispute agree to enforce the panel decision. Under this new agreement, the panel decision is enforceable unless all of the countries disagree. The only reason that would happen is as follows: The United States has a case with Germany. We win. And then Germany says, "OK, you win. Now we negotiate some kind of agreement. You have won. We concede that, but we really do not want to give up on what you have won but we will give you some other trading preference." And we negotiate and say OK. Then both parties would agree not to enforce the panel decision. And that is going to happen from time to time with both sides. So we have won in the GATT what we hoped we would win.

I listened to Senator BYRD from West Virginia talk about industries in his State and what is happening. I want to take just a cross-section of industries in Oregon. Not necessarily unique, not just timber products—we are a big timber producer—but a cross-section, and give you an example of what industries big and small can do in foreign trade.

Take Smith Frozen Foods, of Weston, OR. Weston is a town 225 miles east of Portland in the modestly populated wheat and cattle section of our State. Smith Frozen Foods almost went bankrupt 10 years ago. Then the young son of the founder took it over and built it up, now, to 800 employees. It processes frozen peas, carrots, corn, and beans and what not. About 125 of the 800 employees are pretty much directly related to the sale of the products overseas.

I might say, the founder's son is an extraordinary man. In fact this body would appreciate his success. He spent 10 years building up this business. Then, in 1992, he decided to go into politics and was elected to the Oregon State Senate in November of 1992 and took office in January of 1993. Perhaps in May or June of 1993 the Republican leader in the Oregon State Senate resigned, for whatever reason. And this young man, Gordon Smith, was selected as the leader in his first 4 months in the legislature.

The Republicans took control of the senate this year and he will be the senate president in his second session of the senate. This is an extraordinary talent at business and politics. That is Smith Frozen Foods.

Another company is Met One of Grants Pass, OR. Grants Pass is a town of 15,000, 260 or 270 miles south of Portland and about 450 miles north of San Francisco. Again, here we have a very small town with a small airport and a trucking service on the interstate. It is not a major metropolitan area. Met One makes indoor pollution monitoring devices, especially lab equipment monitoring devices. It has 110 employees, 35 of them related to sales overseas. This business is growing tremendously. As we are becoming more pollution conscious throughout the world, both indoors and outdoors, this company is doing very well.

Medford Steel, of Medford, OR, is another company 300 miles south of Portland and about 400 miles north of San Francisco. It makes industrial parts for mining and manufacturing and has 135 employees, 40 of them related to overseas trade.

Sabroso, I have talked about so often on this floor, is also located in Medford, OR, has 160 employees, about half of them involved in foreign trade. This company takes fruit and makes a puree out of it. It is the largest supplier of the base for baby foods for the three principal baby foods in the United States: Beechnut, Heinz and Gerber's. I used posters yesterday showing labels from their cans: one in Arabic, one in Spanish. They sell all over the world. They look at this agreement as an absolute bonanza and an opportunity. Operating out of Medford, OR.

Wing-Lynch makes photo-processing equipment. It is a small company, 23 employees; 5 of them responsible for foreign trade.

Enway is one of my favorites. Enway, a 20-employee firm, sells everything they make overseas. They make frozen processed potatoes and they have found some way—secret or not—of processing them and selling them overseas and doing it wonderfully and successfully.

Then let me mention a couple of lumber companies. North Douglas Wood Products in Drain, OR, is 200 miles away from Portland; 65 of their 70 employees were involved in overseas sales. Starfire Lumber in Cottage Grove has a similar experience.

One of my favorites, though, is Vanport Lumber, because I remember a particular circumstance. You have to understand the humor in some of this, as to how old-line American industries look at things as opposed to newer industries. When I first came to the Senate, elected in 1968, one of the big debates we were having with the Japanese and with other countries was over what we called size standards. We wanted them to buy our two-by-fours. Of course, do not worry they are on the metric system and they do not measure the same way we do. Any other normal business says, "What does my customer want? I will make it for my customer." The American wood products industry wanted Japan to change its measuring standards so that they could buy our standard two-by-fours.

Japan is very conscious about high-quality wood with their post and beam interior construction and exposed wood. They do not want bad wood and they want it exactly measured. We must have gone through 10 years of this debate on size standards.

Then along comes Adolf Hertrich. I think he was either Swiss or German by birth and spoke English with a Germanic accent. I do not think he had a background, really, in lumber. I do not know when he came to this country or how, but he forms this Vanport Lumber Co. and produces lumber using relatively outmoded equipment, as a matter of fact, then. He was convinced you could crack this Japanese market and he had enough money to last initially 2 or 3 years.

He would go over there and explain this is what he could do and he would show the quality he could produce. Then "no, they were not satisfied yet." Finally, in about 1981, he got the Japanese to agree they would send an inspector over and look at his plant. He would have to pay for it, have to put him up, have to feed him, but the inspector would come over and look at his plant and maybe they would buy some things if he could do what they wanted. He had a Japanese inspector over for a couple of years. Finally, by 1983 he convinced them he could, indeed, produce the wood they wanted. They did not have to have their inspectors there anymore. And hallelujah, it had taken him 5 years to get to this place.

I did not know him at this time. I discovered him in about 1984 when he calls me and he has a problem. Bear in mind he has 220 employees and is selling all of his product to Japan. He calls me because the Internal Revenue Service refused to let him deduct a Japanese tea house he had built on his property to show buyers when they came over. IRS said this is not an ordinary and necessary business expense. You do not need a tea house.

He says all I do is sell to the Japanese. They use this wood for tea houses. I want to show them what we have.

I went out there. Picture this. Here is Adolf Hertrich, speaking with his Germanic English. My chief of staff is an English woman who speaks like Eliza Doolittle at the end of "My Fair Lady" with very proper English. Then there was a Japanese buyer there speaking in sort of Japanese English. And me—whatever. We all sit down with our feet under the table in the Japanese tea house, and are served tea by a woman dressed in the Japanese outfit. After hearing English English from the administrative assistant and Japanese-English from the Japanese buyer and the German-English, finally the IRS gave up and let him construct the tea house. But we had to go through that. But here is an example of a guy who says, "I know I can do it."

Mr. MOYNIHAN. Will the Senator yield for a question on my time?

Mr. PACKWOOD. Yes, by all means.

Mr. MOYNIHAN. On what he has been saying about this combination in the State of Oregon, you are the largest importer of cars on the west coast.

Mr. PACKWOOD. We are the fourth-largest importer of cars in the United States.

Mr. MOYNIHAN. And you export.

Mr. PACKWOOD. We are the largest exporters——

Mr. MOYNIHAN. It is a practice that has been in place, understand, as long as this Republic. I took the occasion of this debate to read the Report on Manufacturers, Communication to the House of Representatives, December 5, 1791 from Alexander Hamilton, Secretary of the Treasury. He was saying we cannot, need not remain a simply pure agricultural nation. We can manufacture and we can trade. And he spoke the wonderful phrase—he had that wonderful language and he was a New Yorker at this point, as you know—he spoke of those who would sacrifice the interests of a mutually beneficial intercourse to the vain project of selling everything and buying nothing. Have we not heard some of that on this floor?

Mr. PACKWOOD. As a matter of fact, that is some people's definition of a level playing field. They will buy from us, but we will buy nothing from them.

Mr. MOYNIHAN. We will sell to them and we will buy nothing from them.

Mr. PACKWOOD. Take another company, a big company, Tektronics. This is a company founded in the 1940's or 1950's by an Oregonian. The company invented a state-of-the-art oscilloscope that sold all over the world. This is the kind of business you cannot stay still in very long. They were up 25,000 employees one time at the top of the market maybe 15 or 20 years ago. They went way down. Now they have branched into all other kinds of things. They have about 4,500 employees, which is big for Oregon. It would be big in New York. Two thousand of their employees are directly involved in sales overseas in high-tech computer products.

Morale II is a research subsidiary of United Parcel Service. They came up with a device to keep track of where packages were in the delivery system. I visited them when they were experimenting with the device.

But they thought to themselves, "Wait a minute, wouldn't this be a wonderful thing for police departments," or "Wouldn't this be a wonderful thing for any company that delivers to be able to, by satellite, communicate up and back and on your screen have an entire grid of a city you can push buttons and change the grid and exactly tell where your truck is in the city."

The police thought it was a wonderful idea. They can tell exactly where the police car is. Without even having to call them, you know where it is.

This company has been very successful in moving beyond just products for the United Parcel Service. Obviously, navigation equipment is a natural.

Lektro is located in Warrenton, OR, on the Oregon coast, about 110 miles from Portland. It is a small company with 20 employees. They make aircraft towing devices. Those things you see hooked up on the front of trucks that drag planes around. They sell these all over the country and are involved in world trade. When I first saw them, they were operating out of an old airplane hangar. They are very successful.

Yesterday, I mentioned Denton Plastics. They are a fun company. I discovered, by the way, since yesterday, they have 40 employees. Denton recycles plastics, such as, the sacks from grocery stores, the sacks from dry cleaners, and plastic wraps from frozen food. They put them into something like a vat and heat it quickly. They turn it, grind it, take all the color out, and it comes out in little black pellets. Then they sell them around the world in Korea, in China. People make toys, garbage pails, et cetera, out of the pellets. Denton, with 40 employees, is the biggest company north of Los Angeles and west of the Mississippi River in this business. Denton is an excellent example that you do not have to be a big company to be, relatively speaking, a giant in an industry.

Mr. MOYNIHAN. I have learned that.

Mr. PACKWOOD. This is the amazing thing we all learned in our States. I wager the Senator from New York has had the same experience. You go around and run across companies you never heard of that are doing very well in foreign trade, and they have a handful of employees. They have a niche that they are doing well at.

So when people say America cannot compete, I just look at these examples in Oregon of all kinds of different companies. But there is almost one thing they all have in common: Brains and patents, trademarks or copyrights—intellectual property, as we call them—things that they have thought up that nobody else thought up and they have protected with a patent or a copyright and they are selling it around the world.

If there is any single thing where there is a quantum leap forward in this GATT agreement, it is in the protection of what we call intellectual property, patents, copyrights, trademarks around the world. All it can do is benefit these companies.

I will make one last comment about these companies. Not a single one of these companies is a minimum-wage company. Some of them are not high wage, but there is not a single one that is minimum wage. Some of them are in the $7 to $8 an hour bracket, some in the $9 to $10, some of them more. But how often have we heard on this floor that you cannot compete with Bangladesh or India paying $1, $1.50 an hour? Without exception, every one of these companies is competing.

I will use a last example, and then I will close because this is a company everyone has probably heard of: Freightliner. They make those large trucks and cabs that you see on the highway. Freightliner has a large plant in Portland with over 2,000 workers, a large plant in North Carolina with over 2,000 workers, and another plant in Cleveland, NC. This is high-wage employment.

In Portland, the plant is unionized, organized by the International Association of Machinists. At the high end of their production floor workers, counting fringe benefits, earn about $25 an hour. About a third of that is fringe benefits, and that is the high end of the production work.

At the moment, there is a 20 percent tariff on trucks going into Mexico. So Freightliner packages up its trucks in kit form and sends them to Mexico where they are assembled. If you send them that way, the tariff does not apply. At the moment, about 10 kits a day are going out of the North Carolina plant to Mexico.

I talked to the president of the company yesterday morning. He said the 20 percent tariff is scheduled to come down to zero in the North American Free Trade Agreement with Mexico. Around 1998, the tariff will be reduced enough where it will be economically justifiable to make the entire truck in the United States instead of the kit.

At that stage, they are going to quit sending the kits to Mexico and make the trucks here and send them down in final form. Their U.S. workers make $25 an hour. Do not tell me we cannot compete.

Freightliner just landed a contract with Israel for 800 to 1,200 trucks which will be made in its North Carolina plant. That is a big order, having to compete with trucks apparently made in India or trucks apparently made in Brazil, or wherever trucks are made. Do not tell me we cannot compete.

Tonight, in about an hour, we are going to have a chance to vote up or down on this agreement. A vote for this agreement is a vote to give the green light to the best companies in America—and they are not all big, most of them, as a matter of fact, are small—to compete throughout this world on a much fairer basis than they have been able to compete to date.

A no vote is a vote to say, no, we really cannot do it when State after State, company after company, even under adverse circumstances today, are proving they can do it.

So I say to the chairman, Senator MOYNIHAN, it has been a thrilling time working with him on this. There are moments when he and I had some fears and trepidations, I think. I cross my fingers; I think we now have the votes. For the good of this country, I hope in the next hour that overwhelmingly we pass this agreement.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, may I congratulate my future chairman and past chairman for the extraordinarily important exposition of the proposition. We are told that the Fortune 500 have not added an employee in the last 10 years. That is because American enterprise is working. Firms with 20 are going to 30. That is a 50-percent increase. And they are working all over the world.

If I may just one last time invoke that great West Indian, New Yorker, Alexander Hamilton, and his report on manufacturers, who talked about those misguided nations which sacrificed the interests of a mutually beneficial intercourse to the vain project of selling everything and buying nothing. It cannot be done. He saw the future, and it is here. The future is now. And the future will be ours if we seize it this evening. In an hour's time, we shall have the opportunity.

I have the great honor and pleasure to yield 10 minutes to the learned, indefatigable—a great citizen, a great citizen of Pennsylvania—Senator WOFFORD.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. WOFFORD].

Mr. WOFFORD. Mr. President, that gentleman from the West Indies and New Yorker, Alexander Hamilton, began the Federalist Papers, as I recall the first sentence, the first proposition, by saying that it is reserved to the American people to determine to prove whether our fait accompli must be forever controlled by accident and force, or whether it is possible to determine it by reflection and choice.

I congratulate the Members of this body in these last 2 days of debate for making sure that we make this important decision by reflection and choice.

Mr. President, after much thought, I rise in support of the General Agreement on Tariffs and Trade because I believe that on balance, it is good for our country. This agreement is far from perfect. No agreement forged in compromise is likely to be perfect, certainly not one negotiated with more than 120 nations.

Some of the arguments voiced by opponents of GATT are strong and disturbing. They are right that GATT does not give America enough leverage in critical areas such as child labor, human rights, and environmental standards.

Mr. President, I believe it is wrong in trade negotiations for economic concerns to supersede all other concerns. It is wrong for the conditions of child labor described by Senator WELLSTONE this morning to be ruled out of consideration in any limitations on trade.

On questions of economic justice, human rights, and environmental health, the world should be able to look to America for leadership. We have a responsibility to provide that leadership—a responsibility that is not given adequate scope in the World Trade Organization provided for in this agreement.

So in the years to come, as we work within GATT and within the new World Trade Organization, and as we move forward to negotiate new bilateral trade agreements, we must honor that obligation to give leadership and work and fight to supplement the trade-only approach of GATT.

Those of us who will be on the outside of government will have a responsibility to take action in these matters. For not all of the pressure needed to uphold America's ideals should come from government. Much of it must come from private citizens.

When I was head of the International League for Human Rights, I often pressed the point that the concept of human rights goes beyond just political rights. It must include abuses of human rights in the form of the child labor portrayed by the Senator from Minnesota.

Determined support by private citizens helped change our trade policies with South Africa and helped bring about the changes that are underway in that nation today.

So concern about the exploitation of labor and the unfair competition that follows from it should not be the province solely of the American labor movement. It should be the concern of this Congress and of the American people at large.

Let me add another vital point for the future American agenda.

While I believe GATT will benefit most industries and most Americans, some industries and some workers and their families will suffer, at least in the short term.

In Pennsylvania, the textile and dairy industries—both already hard pressed—will lose certain protections on which they have come to rely.

We should take special responsibility for the fait accompli of such industries. This includes a responsibility to help those men and women who lose their jobs to learn new skills and pursue new opportunities. That will come to the fore when this Congress turns next year to the reemployment bill that is before it. These industries need our special concern and help.

Despite these strong reservations that I have just added my voice to, I will be casting my vote in favor of GATT for the reasons that have been eloquently given in this body already in the last 2 days because, on balance, I am convinced it is good for the economy of Pennsylvania and good for the American economy, because I believe it will, in not many years, prove not to increase our deficit but to reduce it; because I believe it would be wrong to go back to the drawing board after so many long years of negotiations; and because I have faith in America's ability to compete successfully and to provide leadership, leadership for human rights as well in the global economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President and Members of the Senate, we are in the closing moments now of an epic debate, a defining moment in American history. It has been said that the vote we will cast this evening is comparable to votes—a half dozen, at most, in the 20th century—such as the Marshall Plan, to name but one. We are going to define the American future on how we vote this morning.

We are about to hear from our leaders, after which time the votes will commence. It cannot be stated too strongly that we are choosing a future for the United States, and the distinguished chairman-to-be of the Committee on Finance and I feel confident; we feel ebullient, if I may say. Sixty years of American foreign trade policy that began with Cordell Hull and Franklin Roosevelt in the depths of our Depression and the world depression in 1934, in the Reciprocal Trade Agreements Act, culminating now in the Congress—as Cordell Hull called it, a "Congress of international trade" in a speech on the floor of the House of Representatives in 1916. It is not a large one. The World Trade Organization has 450 employees—the GATT, rather—after 40 years. It is contemplated that an additional 15 will be employed now. But a world trading system will be in place for settling disputes, for making agreements, and for creating a future.

I am confident that we will make the right choice, Mr. President, hugely acknowledged not only by your support but by Members on both sides of the aisle. I make the simple point that this measure was reported from the Committee on Finance 19-0. I do not know that the margin will be quite that emphatic in the next hour, but I hope it will be sufficient so that the world will know that the United States has not only led the world to this moment, but means to continue to do so.

Mr. President, I thank the Chair and I suggest the absence of a quorum, the time to be charged equally to the two parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, first of all, I thank my colleague, Senator MOYNIHAN, the chairman of the committee, and Senator PACKWOOD. I have been listening to some of the debate, and I certainly know of the impact their statements have had.

Let me say also that we sort of reached the point right now, the moment it is going to happen, now, in the next 30 or 40 minutes. It has been 8 years in the making, 8 years, a long time.

I must say, just having come back from a very brief trip to the United Kingdom and Brussels, I said to Secretary Bentsen this morning at the White House in a meeting with the President and others who were undecided on this particular matter—Secretary Bentsen had been telling me for some time that the whole world was waiting for America to act in a positive way—I said, Lloyd, by "the whole world" you mean everybody is waiting for the U.S. Senate, the U.S. House to vote on GATT? He said yes, nearly the whole world.

I want to confirm that statement, because while we were in Belgium, Brussels, we talked about NATO we talked about Bosnia. But there were ambassadors there from countries all over the world. When we were in London, we talked with the Prime Minister. I think his first question was about GATT. We talked to Margaret Thatcher about GATT. I spoke at a meeting last night made up of former Prime Ministers and others, people interested in trade, about GATT.

The point I am making is this is a decision we are making today that is going to have impact around the world, a positive impact. And if we did not act in a positive way, it would have impact, it would be a very negative impact.

So I would start by saying that I want to thank all of my colleagues who are supporting GATT, who are supporting us on the waiver of the point of order, that is the critical vote.

I want to thank Secretary Bentsen.

I want to thank Mickey Kantor, the U.S. Trade Representative. He has done an outstanding job and worked with me and others to resolve some of the real differences that we have and it has made a difference.

I want to thank the President for his efforts, and former Presidents, Republicans and Democrats up and down the line, who understand the importance of trade and the importance of this particular vote and this particular moment, after 8 years.

There are a lot of countries involved and like any other big trade agreement, it was up and it was down, and people thought it was going to break down. People walked away, and they came back. But anyway we persevered and finally got it worked out, and about the eighth round of negotiations finally concluded last December.

I think it is fair to say, because there are critics—and I have said many times we are getting about 2,000 phone calls a day in our office opposed to GATT, two or three slip in in favor of GATT—if you took the phone calls that this is a measure of support in America, you could say there is no reason to bring this matter before the Senate. Many of the callers are certainly well-intentioned. Many of the calls are orchestrated. Many of the callers have a strong point of view. Many of the callers are critical of any of us who even think about even trying to fix it, they are just flat against it, they want it killed, they do not want any trade agreement, they are concerned about sovereignty and other issues that I will discuss later. But I must say most of the callers are well-intentioned and they are concerned, concerned about their jobs, concerned about their children, concerned about something.

So I think we need to state for the record this is not a perfect agreement. On the way back last night I had a big book, it weighed about 10 pounds, briefing material. I did not read the entire document, but I read many, many of the arguments on the pros and cons. It is not a perfect trade agreement. We never achieve all of our objectives. We have to go back and complete the work in some of the areas, especially services, including financial services, telecommunications and audio-visual.

In addition, Mr. President, the overall economic impact of the Uruguay round agreements I think probably has been overstated. But it is always the case around here that with each administration, maybe overstatements are made from time to time. But in this case there are overstatements in both directions.

To hear some of the supporters you would think this agreement cures everything but the common cold, and maybe even the common cold. If we just vote yes our troubles are over.

If you listen to the other stream on the other side, you get a different picture.

We are told this is going to create hundreds of thousands of jobs, maybe millions of jobs, billions of dollars. And I know for some reason Wichita, KS sort of became the anti-GATT capital of the world, and I have heard a host of statements and a lot of information, a lot of letters from people that I know—a hundred times worse than NAFTA, a stealthlike power grab by the bureaucrats, by international bureaucrats—and all the other arguments you heard on the floor today and before.

But I believe on balance that this is a good trade agreement. The benefits certainly are going to be modest or better, but clearly going to be a net gain for the American people. No doubt about it, for if our trade policy does not serve the American people, we ought to change it or we should not extend it. I am talking about the American people, the working family making $20,000, $25,000, $30,000, $35,000, a year, they are ones who are concerned, they are the ones who, in many cases are calling or going to the meetings. Others have different motives.

So this creation of a new trade bureaucracy is not our objective. It is domestic and economic growth, and increasing the standard of living of hardworking American families. Trade should serve the people and not the other way around, and I think this does.

It will be tested. We will find it is not complete in many areas, we will find that probably some things will have to change. This is going to create jobs and opportunities. I am not going to say how many jobs, I will leave that to the experts. But let us face it, we are going to be the big beneficiary, the United States of America. Any way you cut it, we are the biggest beneficiary.

It is going to bring down tariffs worldwide, and that is why we are going to be the big beneficiary, because our tariffs are already low, around 4 percent. And around the rest of the world they are relatively high, around 20 percent. One-third cut in global tariffs under this agreement certainly means disproportionate benefits to U.S. exports. That is what it is all about.

It means tariffs are going to be lowered, some estimate, $744 billion. That is a huge reduction in the most tangible barrier to trade that exists, the direct tax on imports. That is going to be reduced.

In some sectors—construction equipment, agricultural equipment, steel, beer, distilled spirits, paper, toys and furniture—tariffs are not just reduced they are eliminated, they go to zero. And these are the so-called zero-for-zero products. These are sectors in which the U.S. producers are already very competitive. This trade agreement is going to make us even more competitive.

Overall, U.S. merchandise exports, it is estimated, will be over $150 billion per year over the next 10 years. So maybe it is not $150 billion, maybe $140, or maybe it is $160. They are estimates. But they are positive estimates. Let me talk about agriculture.

I met last week, or the week before, I guess, with representatives of 20 different sectors of agriculture—cattle, hogs, wheat, soybeans, farm bureaus, different farm groups, corn growers. There is no doubt that the U.S. farmers are the most productive in the world. They are going to be forced to compete—or would have been forced to compete—primarily with foreign treasuries had it not been for some changes in this agreement. Because if we lower the subsidies, and we are prepared to do that—in fact, our subsidies are already so low it is not going to take additional effort from the Americans, it is going to take additional effort elsewhere.

But our subsidies are low compared to other countries. So we are going to require not as much as we wanted to do, do not misunderstand me, but we are going to level out the playing field, something President Bush started and President Reagan announced years ago about eliminating subsidies so we could compete worldwide. And if we can compete, we will win more than our share of the market. That is what it is all about: Market access and market share.

Market access, as far as agriculture products that are produced in my State and nearly every State in the Nation, are going to increase as tariffs come down—we are going to expand—as nontariff barriers are converted to tariffs and then reduced, and as minimum access levels are implemented. These are certainly important goals if you are talking about global agriculture and global agriculture trade.

And, again, these are estimates, but again they are expected to increase exports by $4.7 billion to $8.7 billion by the year 2005. According to the U.S. Department of Agriculture, exports of grains and feeds will increase $2 billion to $4 billion; cotton by nearly $600 million; meats, dairy, and other animal products by $1.7 billion to $2.5 billion. That is real money. Horticultural products by $200 million to $400 million; and oilseeds and products by $800 million to $1.3 billion.

What does that mean? It means more farm income. It means that the average farm family, whether it is in New York or Kansas or Oregon or New Mexico, or wherever, is going to have more income. Some estimate—and again these are all estimates, and I think this is where much of the problem is, because nobody knows precisely where it is—but the estimates are it will increase agriculture income by $2.5 billion by the year 2005. So we are talking about 190,000 jobs in that same timeframe—190,000 jobs. That is a lot of jobs.

And I think one thing that we have received assurances on—and I would like to put this in the RECORD. My colleague in the House, Congressman PAT ROBERTS, from Kansas, who will become the chairman of the House Agriculture Committee starting the next Congress, does an outstanding job for agriculture. He is not concerned that agriculture may be cut as other programs are cut, but he did not want agriculture singled out by saying, "Well, we will take it all out of agriculture and more out of agriculture somewhere else."

So at his request, I was able to receive assurances from Leon Panetta, the Chief of Staff at the White House, concerning agriculture and agriculture programs, important not just to Kansas but other States.

I ask unanimous consent that that material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington.

The Honorable ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: It was good to meet with you on Saturday regarding a number of your concerns about the GATT legislation. Lloyd Bentsen, Mickey Kantor and I felt that we had a constructive discussion and are hopeful that you will be joining all of us on both sides of the aisle who are supporting the GATT legislation.

You had raised some specific concerns related to agriculture, which I wanted to follow up with this brief note. Overall, as you know, U.S. agriculture is projected to benefit substantially from the GATT agreement. The coalition of some 265 agricultural organizations who are supporting GATT cite the projections that GATT will lead to increases in U.S. agricultural exports by $5 to $14 billion over the next 5 years, which will help to create over 110,000 new jobs in the agriculture sector and help to generate $10–$30 billion in related economic activity throughout the U.S. economy.

One of your concerns was whether the Administration was singling out agriculture programs for spending cuts. I can reassure you that is not the case. The Administration will honor the commitments in this area made by Director Rivlin and Secretary Espy in their September 30, 1994 joint letters to the leadership of the Senate and House Agriculture Committees. Those letters committed the Administration to maintaining discretionary spending on USDA agricultural programs at or above the FY 1995 level in the FY 1996 and 1997 Budget requests to Congress. Regarding mandatory programs, the Administration will consider potential spending changes only in the context of its overall reviews of entitlement programs and in the farm bill process.

You asked specifically about the Export Enhancement Program (EEP) and the Conservation Reserve Program (CRP). With respect to the EEP program, we are following through on our commitment to use it to the maximum extent allowed, as demonstrated by our recent EEP actions on wheat, barley, and pork. In fact, for the FY 1995 budget just enacted, the Administration requested full funding for EEP and it was the Congress that reduced the funding by twenty percent. We have also decided, as part of the implementation of GATT, to reform EEP to focus on market expansion and promotion, not just for combating unfair trade practices.

Regarding the CRP, the Administration strongly supports and will propose reauthorization and extension of the CRP in 1995. In addition, we will take further administrative actions as needed to support a continuation of the CRP at the fullest possible level. That will be reflected in the FY 1996 Budget baseline for FY96 and future years.

In the context of concerns held by wheat growers, you asked if the Administration is willing to streamline the approval process for EEP decisions. I am happy to report that we already are moving forward on our commitment in the Rivlin/Espy letters to do exactly that. As a result, the most recent EEP decisions were cleared in periods ranging from one to four weeks, in contrast to earlier actions which sometimes took six months.

Finally, you raised questions about how the Administration could aid the oilseed industry. Unfortunately, the funds that you identified to pay for purchases of vegetable oil for food assistance programs have already been included in the GATT legislation to help cover the overall costs of the package. However, oilseed products are specifically included in the additional $600 million of "greenbox" export promotion program levels that the Administration proposed to carry forward if the GATT passes. Decisions on greenbox spending will be based on criteria such as the importance of programs in promoting value-added products, additionality, and other criteria to be developed in consultation with the Congress.

Oilseeds would benefit from further reductions in trade barriers. The U.S. industry took the lead on the oilseeds zero-for-zero initiative in the Uruguay Round, and the Administration, as stated in the Statement of Administrative Action accompanying the GATT legislation, intends to pursue negotiations to achieve duty reduction and elimination for oilseeds. Our negotiations with China are directed in part toward achieving meaningful access for U.S. agricultural products, including oilseeds, to the Chinese market.

We appreciate the stong support for GATT that the overall U.S. agriculture community has given over the past weeks. I hope that the information I've provided here will reinforce that support and demonstrate the seriousness of our commitments to the industry.

I hope we will have your support in passing the GATT legislation for the good of agriculture and the whole U.S. economy.

Sincerely,

LEON E. PANETTA,
Chief of Staff.

Mr. DOLE. So, on the whole, let me say very clearly that we are going to be able to demonstrate next year and the year after that and the year after that that the GATT agreement did help the American farmer, the American producers, the American rancher, and the farm families.

The GATT agreement also establishes for the first time rules governing intellectual property, services, and investment trade. It is my hope that coverage of these areas by trade rules will especially benefit the United States. We have a big trade surplus, nearly $60 billion, and I think this is going to help us with that, as we bring rules and disciplines to trade in services that allow us to continue to be the leader in global services.

And, again, no country in this case—and I reconfirmed this last night; read it time and again to make certain I understood it. Under this agreement, as opposed to previous agreements, you are not going to have any single country out there be able pick and choose from the benefits of the agreement, sort of "a la carte." For the first time, the selections on the menu must be taken all or nothing. You cannot pick out what benefits you want and leave what does not benefit you. You cannot do that anymore. So whether it is on subsidies, antidumping, customs valuation, or standards, everyone will have to observe the same rules. This, too, will benefit the United States, since we will not have to change our practices much, while many other countries will have to come into conformity.

Now, let me say there is one aspect of the agreement that I think we have had more phone calls on, more letters, more concern, more frustration, than any other, and that is the question of the World Trade Organization. It is new. Maybe another name would have been better, any other name. When you start talking about world trade, world anything, people are nervous. So perhaps here, too, the benefits and dangers I think have been overstated. I think, judging from the thousands of phone calls and letters we have received, no aspect of this agreement is of deeper concern to the American people.

I have heard from Ross Perot; I have heard from Pat Buchanan; I have heard from Ralph Nader; I have heard from Lane Kirkland. They are all good people; all feel very strongly that this agreement ought to be killed on the spot. Do not fix it. Do not fix it; kill it.

Well, my intent never was to kill it. My intent was to fix it. If we can fix it, and it is good for America, let us fix it.

So while I have respect for their views and their opinions, I hope in fairness they will say, "Well, maybe you did fix it a little. Maybe it is a little better."

So there are a couple of major concerns behind the criticism of the WTO. One is that the WTO could produce bad decisions that might be grossly unfair to U.S. interests. Now, the more I looked at the issue and the more I studied the issue, the less likely I feel that could happen. But the other is that somehow we are diminishing or selling out our "sovereignty" if we sign up as a member of the WTO; that the WTO represents "world government." And when you talk about world government, as I say, you are fighting a lot of people.

The first concern seemed to me to have some real substance, Mr. President. The WTO is not just an international "watchdog" organization. It will have judicial powers, in effect. What will we do if the WTO decides to exercise those powers in an "activist" way? Here in the United States, our judiciary has a tradition of judicial restraint, but no such tradition exists in the World Trade Organization. It is a brand new organization.

Furthermore, decisions by the WTO dispute settlement panels will be automatically adopted by the WTO, unless all members, including the winning country, agree the decision should not be adopted. This is an important change from current GATT practice, which permits any country, under present law, to block or veto the adoption of a decision. I believe that most of the time, this change will benefit the United States since so many times in the past, we have won cases in the GATT only to have the losing countries refuse to comply with the rulings against them. We win the cases, they do not comply, and nothing happens. The Europeans repeatedly refused to comply with the soybean decision against them, and Japan thumbed its nose at the GATT on beef imports. Nevertheless, in cases where the United States is the loser and the WTO dispute settlement panel exceeded its powers or simply made an arbitrary decision, it seemed to me important to have additional protection.

And I want to make this very clear. There was a concern here. We believed it was real. We understood that people who were calling us were concerned about it. They understand it, or someone else understood it, and had them call. So we went to work.

I talked to the chairman about it, Chairman MOYNIHAN. I talked to Senator PACKWOOD about it. I talked to Mickey Kantor about it. I said, "Mickey, what can we do? How can we fix it? I want to support the trade agreement."

So they agreed we needed some additional protection against decisions by the WTO that go beyond the WTO's authority. And we agreed that next year, a dispute settlement review commission would be created to review WTO actions and determine whether the WTO exceeded its power and authority. After three such cases, Congress would vote on whether to withdraw from the WTO. It is as simple as that, Mr. President.

I know, "you can withdraw in 6 months," but that is the Executive. They are not going to withdraw. We wanted Congress to have some say. And Congress now has some say. It is going to allow us to get out if necessary, if the decision is arbitrary and capricious, and we have about 3 other standards. We can get out of WTO if our rights are being trampled by dispute settlement panels in Geneva. I would like to have printed in the RECORD at this point the agreement we made with the administration in this area.

There being no objection, the material was ordered to printed in the RECORD, as follows:

THE U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, Nov. 23, 1994.

Hon. BOB DOLE,
Senate Minority Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: Secretary Bentsen, Leon Panetta, and I appreciated the chance to discuss the remaining issues of concern to you in the Uruguay Round implementing legislation. We believe that your concern can be addressed in a way that enables you to join us in providing the leadership to bring the Uruguay Round effort to a successful conclusion.

You have expressed concern about (1) the World Trade Organization (WTO), dispute settlement, and sovereignty; and (2) the change proposed in the term of patent protection. Let me respond on each issue.

WTO, Dispute Settlement, and Sovereignty.

Critics of the Uruguay Round have charged that proposed WTO and the Dispute Settlement Understanding (DSU) would unacceptably infringe U.S. and state sovereignty. I agree that no trade agreement, whatever its economic benefits, should be approved if it infringes U.S. or state sovereignty. But it is clear, as I have testified many times, that the critics' fears concerning sovereignty are without foundation.

Three Administrations—two Republican and one Democratic—steadfastly safeguarded our sovereignty throughout the negotiations. This year, working together on a bipartisan basis, the Administration and Congress established further protections for sovereignty through the implementing legislation.

A broad range of individuals and groups of diverse views across the political spectrum support the view that the Uruguay Round agreements do not affect U.S. sovereignty. These include Consumers Union, the Heritage Foundation, the American Enterprise Institute, Judge Robert Bork, the National Governors Association, the National Conference of State Legislatures, Citizens for a Sound Economy, the American Bar Association, just to name a few.

Section 102(a)(1) of the implementing legislation unequivocally reaffirms that U.S. law prevails in every situation over any conflicting provision of the Uruguay Round agreements. Further, Articles IX and X of the WTO agreement make it clear that no substantive right or obligation of the U.S. can be altered or changed unless we agree. Article IX establishes that the WTO will operate by consensus—just as the GATT has. The charge that the United States will be outvoted on important issues in a system where each country has one vote is a "scarecrow" in the view of Judge Bork. In its recent report on the WTO, the Heritage Foundation posed the question: "Does the WTO have any power over the United States that could undermine U.S. sovereignty?" The Foundation's unequivocal answer was "none whatsoever".

Neither the WTO nor WTO dispute settlement panels will have the power to change, or order any change, in Federal, state, or local laws or regulations. Only we in the United States can change our laws. Longstanding practice of the GATT, continued in the WTO, assures that in disputes, we will only be in front of panelists approved by the United States.

Moreover, while the dispute settlement process is not yet as open as the litigation process in the United States, it is far removed from being the "secret tribunal" that critics allege. U.S. briefs in panel cases will take into account Congressional advice and the views of the public. In addition we will provide prompt access to our submissions, and access to at least non-confidential summaries of other WTO member submissions. Panel reports will be made public as soon as we receive them, and our response to any panel report will be developed with Congress. Also, section 123(g)(3) of the implementing legislation permits the appropriate committees of Congress to vote on whether the United States should comply with a panel report.

We have fully safeguarded the right of federal, state, and local governments to protect human, plant, and animal health and safety at whatever level of protection we see fit. Furthermore, state governments may impose more stringent standards than the Federal government and we will be free to exceed international standards when necessary to achieve the level of protection we believe appropriate.

Thanks to extensive consultation with groups of state officials, led by the National Association of Attorneys General and the Multistate Tax Commissioners, state sovereignty is fully protected. This includes the right of the states to participate at every stage of the dispute settlement process if a state law is challenged.

Finally, while the Administration believes that U.S. interests are fully protected, the WTO agreement permits the United States to withdraw on six months' notice at any time and for any reason. Additionally, section 125 of the implementing legislation provides an expedited process by which Congress can review U.S. participation in the WTO every five years, and revoke approval of the WTO agreement if it so chooses.

Sovereignty has been the central issue in the debate on the WTO throughout this year. When members of Congress or other individuals or groups have come forward with concerns, we have worked hard, and effectively, to address them. Nevertheless, we recognize that concerns remain, in Congress and around the country, about our sovereignty under the WTO, and particularly the impact of a dispute settlement system where "blocking" of panel reports is no longer permitted. We believe that it is important to approve the Uruguay Round agreements with the broadest possible bipartisan support and public confidence. Consequently, the Administration wants to ensure that WTO dispute settlement decisions are fully consistent with the Uruguay Round agreements by providing additional guarantees that WTO dispute settlement decisions will be vigorously monitored to ensure that U.S. sovereignty is not adversely affected.

To that end, the Administration will support legislation next year to establish a WTO Dispute Settlement Review Commission. The Commission would consist of five Federal appellate judges, appointed by the President in consultation with the Leadership of both Houses and the Chairmen and Ranking Members of the Ways & Means and Finance Committees. Each Commissioner would have a four-year term with possible renewals. Provision would be made for appropriate staggering of the terms of the Commissioners.

The Commission will review all final (i.e., adopted) WTO dispute settlement reports (by a panel if the panel report is not appealed or by the Appellate Body) where the final report is adverse to the United States. In each such case, the Commission would determine whether the panel or Appellate Body:

1. Demonstrably exceeded its authority or terms of reference or, where the matter concerned the Uruguay Round Antidumping Agreement, failed to apply Article 17.6 concerning standard of review;
2. Added to the obligations or diminished the rights the United States assumed under the pertinent Uruguay Round agreement;
3. Acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from the procedures specified for panels or the Appellate Body in the agreements; and whether
4. The action in 1, 2, or 3 materially affects the outcome of the report.

The Commission would issue its determination within 120 days after the report is adopted. Three votes would be required for an affirmative determination. The U.S. Government and interested parties would have the right to be heard by the Commission.

Following issuance of any affirmative determination by the Commission, any Member of each House would be able to introduce a joint resolution calling on the President to negotiate new dispute settlement rules that would address and correct the problem identified by the Commission. The resolution would be privileged. The resolution would be discharged from the Ways & Means and Finance Committees under the same procedures provided in section 125 of the implementing legislation; floor action would be expedited under the same procedures.

If there are three affirmative determinations in any five-year period, any Member of each House would be able to introduce a joint resolution to disapprove U.S. participation in the Uruguay Round agreements under the same procedures set forth in section 125 of the implementing legislation. If the resolution is enacted by the Congress and signed by the President, the United States will commence withdrawal from the WTO Agreement.

Term of Patent Protection.

You have expressed concern about the provision of the implementing legislation which would change the terms of patents in the United States. Specifically, you have asked the Administration to support legislation next year which would change the patent term to grant patents for a term beginning on the date on which the patent issues, and ending on the later of 20 years from the date on which the patent application was filed in the United States or 17 years after the date of the grant.

Under present law, patent rights exist for a term of 17 years measured from the date the patent is granted. The legislation would change our current system to provide for a patent term of 20 years measured from the earliest effective filing date of the application that leads to the patent.

This change, which has the strong, bipartisan support of the House and Senate Judiciary Committees, has been recommended numerous times by expert study groups starting as far back as 1967. One reason the Committees support both the change and the approach taken in the implementing bill is that it will address the problem of "submarine patents".

A "submarine patent" can exist when a patent applicant delays grant of the patent, sometimes for years, even after the Patent and Trademark Office has determined that a patent can be granted. In the meantime, an entire industry has built up around the technology, since patent applications are held secret until after the patent is issued. When the patent issues, the inventor often demands high royalties as the price of not suing companies for patent infringement. The proposal of providing a term of the longer of 20 years from filing or 17 from grant of the patent would not address this problem, since there still will be no incentive for the patent applicant to stop delaying patent grant.

Under the implementing bill, almost all U.S. patent owners will have a longer term of protection than they now have. There are several reasons for this, but the key point is that we included provisions that would add up to five years to the 20-year term provided under the implementing bill if there is delay in getting the patent and that delay is not the fault of the patent owner.

For all these reasons, we believe that the case for the change is compelling, and it will bring great benefits to our patent holders and innovators. The proposed change has extraordinarily broad support in the business and intellectual property communities, ranging from manufacturing and chemical companies, such as 3M, Dow Chemical, Westinghouse, MARS, Exxon Research and Engineering Company, Deere & Company, Bridgestone/Firestone, DuPont, Cincinnati Milacron, Pioneer Hybred, and Fisher-Rosemount to the Intellectual Property Law Section of the ABA, the American Intellectual Property Owners' Association (AIPLA), and the Intellectual Property Owners' Association (IPO).

We believe that if Congress reconsiders the issue next year it will reach the same conclusion reached by the Administration and the Judiciary Committees over the nine months that we work on the implementing bill. Nevertheless, if the Congress does revisit the issue and reaches the conclusion that a change in accordance with your proposal should be made, the Administration would not oppose legislation to achieve that change.

Once again, thank you for discussing this matter with us. I look forward to working with you to secure approval of this historic agreement.

Sincerely,

MICHAEL KANTOR.

Mr. DOLE. That is the first concern and it has merit.

The second concern in my view has no merit. The World Trade Organization is not world government. Our sovereignty is not threatened by this agreement or by the WTO. The WTO has no power to force the United States to do anything. They cannot make us do anything. It is not a world power.

If the WTO finds that U.S. law does not square with the obligations we have assumed under the agreement, we remain totally free to disregard that finding. It does not change U.S. law. It does not change State laws, as some of the critics have said. The critics should be answered, and they have been answered. But they keep coming back with the same message.

I do not know who you could go to, if you want to talk to somebody who felt strongly about something and you wanted some conservative jurist to give you a legal opinion. So somebody asked Judge Bork to address this issue. I know it has been recited on the floor before. Judge Bork has a pretty good reputation as being a scholar and understanding the law. As he pointed out, our ultimate compliance with the agreement is a matter of international comity or accommodation, not of sovereignty. We are talking about comity or accommodation—not sovereignty. Our legislative and executive branches will continue to function exactly as before. Let me quote Judge Bork. I know he has been quoted before, but I want to quote him again because I think the well-meaning people in America who oppose this agreement because of the sovereignty issue ought to know about the quote. Maybe they will read it. Maybe they will hear it. I would be happy to send them a copy of the letter. This is what Judge Bork said:

> The U.S. constitutional framework safeguards U.S. sovereignty by providing the motion recent action by the political branches of the Federal Government supersedes prior laws or international agreements. As long as the United States can relieve itself of any international obligation that conflicts with U.S. law by enacting a subsequent statute, U.S. sovereignty is protected. Arguments to the contrary distort American law and contradict principles recognized by the Supreme Court for more than one hundred years.

That is not BOB DOLE. That is not BOB PACKWOOD. That is not PAT MOYNIHAN. That is Judge Bork. He is not infallible, but he has a great reputation. So I would say to those who rant and rave about the sovereignty issue, I think it has been answered.

I would also note one of the most vocal critics of the WTO's infringement on our sovereignty, Professor Lawrence Tribe, of Harvard, recently reversed his position on the issue. He was a critic. He was on the other side. He was supporting Ross Perot and Pat Buchanan and Pat Choat and Ralph Nader and others who feel strongly about this issue. This is the memorandum he sent to me and other Senators dated November 28, and I quote:

> Although it might be less embarrassing for me simply to say nothing, I regard it as my responsibility, in light of Assistant Attorney General's Dellinger's recent forceful analysis, to say that I believe the Clinton administration has based its position on the Uruguay round agreements on constitutional arguments that are both powerful and plausible.

Not BOB DOLE, not PAT MOYNIHAN, not BOB PACKWOOD—Laurence Tribe.

So the sovereignty issue is a red herring. And, if our rights are being trampled we are going to be able to fix it. We have worked it out. We are going to have to pass a law next year and we will have administration support, and bipartisan support in the House and Senate. Our sovereignty could not be better protected. No one in this Chamber is going to stand up and diminish our sovereignty or somehow sell out or diminish some of our sovereignty that I know of on either side of the aisle.

Let me finally say this. I know the majority leader is waiting to conclude the debate.

We were also concerned about some of the measures in the implementing legislation. Frankly, we thought there were too many things added. It was not clean. There were just too many things added to the implementing legislation. So a lot of charges have been made that millions and millions and billions of dollars are being spent. It is almost like a reconciliation bill. You cannot amend it. All you can do is debate it and vote it up or down.

So we raised some of those questions with the administration. I think it is clear that one reason the fast track process may be in danger from now on is we have to clean up our act. We cannot load up the implementing legislation with extraneous provisions that have nothing to do with trade because this bill is not subject to the normal rules of debate. As I said, you cannot amend it. You debate it and vote it up or down. So it has a whole variety of things in there that benefit certain people, probably certain interests that should not be there at all. And I have addressed those.

I ask at the appropriate time those letters be printed in the RECORD. One is a pioneer preference provision. I am just trying to find out if it is fair. If it's fair that is fine with me. But we are going to try—going to review it next year. We have a promise from the administration to work next year with the administration to ensure that Government is fully and fairly compensated for the licenses in question. That is all we want. We are not after anybody.

So I guess the truth of the matter is, the fast track vehicle is carrying a lot of unauthorized cargo. And it is abuse of the fast track process and I hope that, if we use the fast track process again, we will be able to clean that up. I voted for the fast track extension and I think certainly this undermines the process if that is going to be approved next year.

We have another term dealing with patents. This was raised by a colleague on the House side, Congressman ROHRABACHER. That has been addressed. We think the administration now agrees it will not oppose legislation, if it is offered next year. I ask that statement by him be made a part of the RECORD. That was from the Trade Representative, from Mickey Kantor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, November 23, 1994.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: I appreciate the opportunity to respond to your concerns about the so-called "pioneers' preference provision," which is found in Title VIII of the GATT implementing legislation.

As you know, this provision serves two basic purposes. First, it prevents the pioneers from obtaining the use of radio spectrum for free. Absent the GATT provision there is, in our judgment, an unacceptable risk that the pioneers will succeed in overturning the current FCC Order which, reversing an earlier order, now requires payment from the pioneers. Second, it rewards the innovation produced by the pioneers who, in the judgment of the FCC, have helped to spur the current interest in the provision of Personal Communications Services. Indeed, we are only days away from the beginning of the broadband PCS auction. The PCS auctions, which were proposed by President Clinton and established in the budget reconciliation act of 1993, are expected by OMB to raise $12.6 billion for the federal government.

Under the GATT provision, the three pioneers will contribute a significant percentage of the total proceeds to be gained from the PCS spectrum. OMB estimates that, over a five-year period, the three pioneers will pay about $1.5 billion to the federal treasury.

We are aware, of course, of competing estimates that have been made by opponents of the GATT agreement and potential competitors of the pioneers. In general, those assertions attempt to compare mature, small markets for established wireless services that possess a significant customer base with the incipient, multistate, demographically-diverse markets for new PCS services. In our judgment, no known alternative estimate establishes a credible basis for analysis.

Of course, as the Administration has consistently noted, no one can predict with certainty the outcome of the coming PCS auctions and, therefore, it is impossible to be absolutely sure how much the pioneers will pay under the GATT provision or how much that payment might differ from the alternative formulae contained in the current FCC Order.

I can commit to you, therefore, that the Administration will work with Congress next year to do the following:

1. Compare the price paid by the pioneers to the payments paid by the PCS auction winners;

2. Determine whether the government received a fair return for the licenses obtained by the pioneers;

3. If the determination in (2) above is negative, pass legislation that would adequately compensate the United States in accordance with the determination on fair return.

Congress, of course, could still act on its own. We are sending under separate cover a letter expressing our views with regard to the constitutionality of future legislation on this issue.

Sincerely,

LEON E. PANETTA,
Chief of Staff.

Ms. MIKULSKI assumed the Chair.

Mr. DOLE. The rest of my statement deals with the budget. I understand Senator PACKWOOD made a brilliant speech. I was not here to hear it, but I have had people fax me notes on how he explained the budget process and the waiver. And I thank him for that.

But it is pretty clear to me that if we do not waive the budget, we are going to doom the whole process. There is no question about it. And that is a steep price to pay. So we have addressed it. We think it has been addressed as much as we could. And we have to keep in mind, too, we are talking about cutting tariffs, going to create more jobs, more opportunities—a lot of things are going to happen in the second five years. So I think in the long run, increased economic activity which is going to result from this trade agreement certainly is going to outweigh the losses and obligations caused by the tariff cuts. In other words, over time, tariff cuts pay for themselves. In fact this argument is reminiscent of an argument we have been making for a long time with regard to capital gains rate reduction. I hope next year, as I said in my letter to my colleagues, the administration will be receptive to this argument in the context of the capital gains debate.

So, finally, I would just say, Madam President, that I think the bottom line is we just cannot isolate ourselves from the rest of the world. We have to have a big "open for business" sign all over America. Everywhere in America it has to say we are open for business. We want your business in America. He want to create jobs, we want to create opportunities in America. We do not want to put a "closed" sign in America, "Not welcome in America."

We want them to bring down the barriers for our products and our services. We are going to lock in this agreement—market opening measures pave the way for further measures.

I have always thought that we could compete with anybody else in the world as long as we have access to that market and that we have assured access. I think this agreement is going to help us in that regard.

So, Madam President, I ask any other material I have not included in the RECORD relating to this agreement be printed at this point. And again thank my colleagues for their leadership.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE
U.S. DEPARTMENT OF COMMERCE,
Washington, DC, November 23, 1994.

Hon. ROBERT DOLE,
Minority Leader,
U.S. Senate Washington, DC.

DEAR SENATOR DOLE: One of the revenue measures included in the GATT implementing legislation would require the Federal Communications Commission to recover for the public a portion of the value of the public spectrum that has been awarded by the Commission to licenses granted under the "pioneers preference" program. The legislation requires the pioneers to pay not less than 85 percent, on a per population basis, of the highest bids for licenses in the 20 largest markets in which no applicant has obtained preferential treatment (the 3 pioneer markets). Assuming enactment of the GATT legislation free from constitutional infirmities that re-calculates the fees to be paid by the pioneers. This subsequent legislation would likely occur after the FCC proceeds to issue the licenses to the pioneers and would raise a constitutional question whether such subsequent legislation could be effective on a retroactive basis. We believe that the Congress retains wide discretion to enact retroactive economic legislation to support legitimate legislative purposes and such legislation would be permissible from a legal perspective.

In a case decided June 13, 1994, the Supreme Court held in *United States* v. *Carlton*, 114 S.Ct. 2018 (1994), that due process was not violated by retroactive application of an amendment to a federal estate tax statute limiting availability of a deduction despite evidence that a taxpayer detrimentally relied on the previous provision and had no notice that the provision would be retroactively amended. In the case, the Court noted that the due process standard to be applied to tax statutes with retroactive effect "is the same as that generally applicable to retroactive economic legislation." 114 S.Ct. at 2022. In quoting from its decision in *Pension Benefit Guaranty Corp.* v. *R.A. Gray & Co.*, 104 S.Ct. 2709 (1984), the Court stated:

"Provided that the retroactive application of a statue is supported by a legitimate legislative purpose furthered by rational means, judgments about the wisdom of such legislation remain within the exclusive province of the legislative and executive branches."

We believe that the Supreme Court's holding in the Carlton case would be controlling if the Congress enacted subsequent legislation with retroactive effect regarding the price paid by the pioneers. There, as here, the subsequent Congressional action would be intended as a "curative" measure to correct previous legislation with "significant and unanticipated" revenue consequences (Congress had estimated the revenue loss from the deduction in the Carlton case at $300 million over 5 years but subsequently discovered the loss could be as much as $7 billion). There, as here, the "corrective" legislation would be enacted promptly with only a "modest period of retroactivity." Just as a taxpayer "has no vested right in the Internal Revenue Code," no party has a vested right in conveyance of Government spectrum at a discount. *See* 114 S.Ct., at 2023. In addition, two factors which the appellate court found troubling in that case, a lack of notice and detrimental reliance, would not be present provided the Congress included floor statements in the CONGRESISONAL RECORD noting the possibility of subsequent legislation relating to the fee question.

For these reasons, we believe that Congress could, if it wished, enact subsequent legislation with retroactive effect regarding the assessment of fees to be paid by the pioneers.

Sincerely,

GINGER LEW.

DEPARTMENT OF THE TREASURY,
Washington, DC, November 23, 1994.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR BOB: I appreciate the work you have done to address the concerns of your constituents and other Senators before making a final decision about the GATT agreement. I am encouraged that the sovereignty issue has been resolved. I believe your announcement today in support of GATT will certainly bring us closer to the 60 votes needed for the budget waiver.

As the President stated in his press conference Tuesday, the Administration is unwilling to link any conversation regarding capital gains to GATT. But Members of the 104th Congress will no doubt set forth ideas for capital formation. I can assure you that these proposals will be carefully reviewed.

It would of course be our hope that the work of the 103rd Congress be completed next week with a bipartisan victory, not by a narrow margin, but by a resourcing vote of confidence. You and I have led important fights in the past to expand economic growth in our country. Few are as important as this one. If we can achieve this, I believe the American people will hold both our political parties in greater esteem. With my best wishes for a Happy Thanksgiving.

Sincerely,

LLOYD BENTSEN.

Mr. DOLE. I want to commend my colleagues who are on the other side. They feel very strongly about it. I think it has been our hope that we could answer some of the concerns they had.

Some are just flat opposed to it. Some believe there is a conspiracy out there. Some believe that some of us are out to do in America. That is not my record and I do not think it is the record of anybody else.

It seems to me we had two choices: Kill it or make it better and pass it. In my view we have made it better. It is better than it was, because of the cooperation we have had with the administration and because they, too, understand that the WTO was causing real concern with real people all across America. And now Congress has some say or will have some say when we pass the legislation next year.

So, Madam President, I hope that—we probably cannot have a unanimous vote—but let us try for 70 votes, at least 70, on the budget waiver.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield the remainder of the time I have to Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia has 2 minutes 40 seconds.

Mr. WARNER. Madam President, I shall be very brief. I wish to associate myself with the remarks of the distinguished Republican leader. I have counseled with him on this matter from the very beginning, and he has laid forth the precedents, the points that I shall place in the RECORD in support of my decision on this measure.

An easier vote perhaps would have been to vote against the point of order, then vote for the treaty. But to me that is not being honest. That is not being straightforward, and I feel that as the distinguished Republican leader feels, we ought to stand and be counted and vote if it is in our judgment this is in the best interest of the United States.

I waited, Madam President, such that all across Virginia calls came, as the distinguished leader said, and others, in opposition, in large measure. I did not want to cut off the avenue of my constituents to reach me with their views, and I forced an open mind. But it is the wise counsel of our Republican leader and that of the two managers of this bill, the Senator from New York, Senator MOYNIHAN, and the Senator from Oregon, Senator PACKWOOD, and others, to persuade me this is in the best interest of the United States.

Mr. WARNER. Mr. President, I rise today to voice my support for H.R. 5110, legislation to implement the Uruguay Round Agreement reached under the General Agreement on Tariffs and Trade (GATT). After many months of closely scrutinizing the agreement, I have come to the conclusion that this agreement is in the best interests of Virginia and the Nation as a whole. It moves the United States toward free trade and positions us to compete vigorously in the worldwide market.

Virginia recorded merchandise exports in 1993 of $8.2 billion—the second largest State total in the South Atlantic region. Nationally, Virginia ranked 15th among the States in the value of export sales. Over the 1978–93 period, Virginia's merchandise exports rose by 159 percent—well above the 90 percent increase for the Nation as a whole and the 12th largest percentage gain among States. Virginia's top three export markets in 1993 were Japan, Canada, and Belgium and 87 percent of Virginia's 1993 export sales consisted of manufactured goods. Also, it should be noted that Virginia posted substantial export gains in virtually all major manufactured product categories over the 1987–93 period.

I anticipate that under the Uruguay Round Agreement reached under GATT Virginia will experience greater economic expansion particularly in the areas of: fish and fish products, maritime industry, household and office furniture, renewable energy technology, industrial machinery, electronic equipment, tobacco, and high technology exports. In the area of agriculture, economic expansion is expected in, among others, these areas: corn, soybean, small grains, apples, beef, poultry, and horticultural products.

Those areas listed above are just a few of the areas that will benefit under the agreement. The worldwide lowering of tariffs will help open other countries' markets, therefore creating markets in the future for many other Virginia goods and services.

Mr. President, I would like to say a few words about the World Trade Organization (WTO) and its impact on U.S. sovereignty. The WTO will have the authority to pass out penalties to member nations that have violated the agreement. After reviewing the WTO provisions of the agreement I, like many others, was concerned with that aspect of the agreement.

However, I believe that former U.S. Appeals Court Judge Robert H. Bork, in a letter to Senator DON NICKLES, helped clarify this matter. Judge Bork stated that "the U.S. constitutional framework safeguards U.S. sovereignty by providing that the most recent action by the political branches of the federal government supersedes prior laws or international agreements." Judge Bork concluded by saying that "as long as the United States can relieve itself of any international obligation that conflicts with U.S. law by enacting a subsequent statute, U.S. sovereignty is protected."

In addition, incoming Senate Majority Leader DOLE reached an agreement with the Clinton administration on the matter of the WTO. The Dole-Clinton agreement commits the Clinton administration to support prompt enactment next year of legislation creating a permanent commission of five sitting U.S. appellate court judges, appointed by the President in consultation with appropriate House and Senate leaders. The commission will review all final WTO dispute settlement reports, subjecting them to a three-part test. If the majority of the commission believes that the WTO panel did not demonstrate adherence to certain guidelines then action could be taken by Congress to request that the President negotiate new dispute settlement rules addressing the problems identified by the commission. If the commission issues three affirmative decisions in a 5-year period, any Member of Congress would be able to introduce a joint resolution to disapprove U.S. participation in the WTO.

Mr. President, we must not sit idle and let the world pass us by. We are the world's largest exporter and we can only benefit from a lowering of worldwide tariffs that in turn allow us access to more foreign markets. The Uruguay Round Agreement does just that and I intend to support it.

Mr. President, in closing I ask unanimous consent that an Op-Ed written by Mr. John W. Snow, Chairman, President, and CEO of Richmond, Virginia based CSX Corporation and Chairman of the Business Roundtable, be included in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Richmond Times Dispatch, Nov. 27, 1994]

VIRGINIA, U.S., HAVE STAKE IN EXPANDED TRADE

Let's cut to the heart of the GATT debate: If America wants more jobs, higher living standards, and lower taxes, then this vital international trade agreement must be approved by the U.S. Congress *immediately*. Defer action and we lose.

The latest round of GATT (shorthand for General Agreement on Tariffs and Trade) has been seven years in negotiation and represents the cumulative work of 123 nations to reduce trade barriers and encourage economic growth. It is the most comprehensive trade deal in history and would not have happened without American leadership. Presidents Reagan, Bush, and Clinton have all championed this effort.

The present "Uruguay Round"—the eighth in the history of GATT—stands as the latest, best opportunity to continue the process of making American values a fixed part of the international economic system.

Yet we hear objections. It is argued, without factual basis, that the U.S. will lose control of its destiny. Others say, "Why rush, let's improve it"—ignoring the years of difficult, step-by-step struggle this agreement represents.

A lot of this is disturbingly familiar. The road to passing the North American Free Trade Agreement (NAFTA) was littered with exaggerated dangers and unsubstantiated claims by opponents. In fact, the early report card on NAFTA is even more encouraging than many proponents had predicted.

NAFTA HAS BENEFITTED CONSUMERS

For unrestricted trade to be of benefit, both imports and exports should rise. In the first six months of 1994, the U.S. Commerce Department reports that Mexican exports to the U.S. rose 21 percent, to $23.4 billion, from a year ago, and U.S. exports to Mexico rose 16 percent, to $25.5 billion. Such numbers portend solid growth for American businesses and respectable savings for American consumers.

GATT, like NAFTA, will be a plus for the American people, because America wins with free trade. The United States is by far the world's largest exporter and the world's most open market. Any agreement like GATT that binds more than 100 nations to the same discipline we impose on ourselves can only benefit our economy over the long term.

It is simply remarkable that anyone would oppose this opportunity for economic growth—particularly in Virginia, where exports have driven and sustained our economy, where from 1987 to 1993, merchandise exports soared by 159 percent—way above the national average of 90 percent. Last year alone, Virginia racked up $8.2 billion in export sales. So much a part of Virginia's past, international trade requests our best chance in the future.

The state's exports touch on many sectors of its economy, from agriculture and livestock, production to manufacturing of products ranging from electronics and computers to chemicals and heavy machinery, and encompass the gamut of large to small employers. A study done in 1987 found that 95 percent of Virginia enterprises involved in export trade had fewer than 500 employees.

Without a doubt, the citizens of the Commonwealth would benefit from overall business growth and creation of new jobs resulting from more open international trade. Several gubernational administration representing both Democrats and Republicans have seen the value equation in international trade and have worked effectively to market Virginia's exports to the world. The GATT stands to extend those economic benefits well into the 21st Century.

Since the GATT process began in 1947, world trading nations have cut average tariffs from 40 percent to 5 percent today, thanks largely to U.S. efforts that have once again spanned both Republican and Democratic administrations. The result has been the fastest global economic growth in history. The newest GATT agreement obligates signatory nations to take serious action against discriminatory non-tariff import barriers and to reduce or eliminate tariffs and quotas on a range of products affecting 85 percent of world trade. The result will be a $744 billion reduction in tariffs on world trade, the largest tax cut in the history of the world.

Implementing the Uruguay Round is expected to cost the United States $40 billion in foregone tariffs over the next 10 years. However, for every dollar lost in revenue from tariff cuts, the Clinton administration estimates an additional $3 in new revenues will be generated from increased economic activity. Obviously, one aspect of the GATT debate focuses on how much additional growth the United States can expect.

The administration estimates that the GATT will pump an extra $100 billion to $200 billion into the U.S. economy every year after the agreement takes full effect in 10 years. This assessment recently was boosted by a study released by the GATT Secretariat showing that the trade accord would add another $122 billion to the U.S. economy by the year 2005.

GAINS OUTWEIGH ANY LOSSES

But even the most conservative assessment of the GATT by independent analysts shows that the accord will contribute an extra $25 billion to $30 billion per year to the U.S. gross domestic product. That would be far in excess of the GATT's projected 10-year cost of $40 billion.

The truth is that more open trade will generate far more to the American economy than it will cost. Right now the biggest danger is that the Congress will fall prey to GATT opponents who are using the complexity of the agreement to urge delay on ratification until next year's formal deadline. Those who oppose free trade expansion know that delay crushes political chances for approval and certainly damages America's standing with its trading partners.

It is worth repeating that talks began on the latest trade pact more than seven years ago under President Reagan and enjoyed the support of President Bush during the 1992 campaign, before being embraced by and concluded under President Clinton. Improving the climate for international trade was, until recent times, a subject that enjoyed broad bipartisan leadership.

Earlier this month, voters sent a strong message to Washington that they expect more leadership on a host of issues connected to the nation's future direction and a collective sense of well-being for our families and communities.

The upcoming vote on the GATT agreement is certainly a once-in-a-generation opportunity: for the President to govern, for the Democrats to vote their great hopes for the nation's future, and for the Republicans to show their leadership. Even a delay in considering the GATT agreement could cost future generations of Americans immeasurably, as a number of our political leaders have expressed the view that a delay on the GATT vote will ultimately kill its chance for implementation. Such is the power of America's position on this issue around the world.

Our representatives in Congress will be asked to demonstrate their bipartisan leadership in the next few days. They will have the opportunity to sow the seeds of future prosperity for our nation and our fellow citizens by approving the GATT agreement.

In the final analysis, GATT is about change. It's about moving toward the future, not away from it. It's about knocking down barriers to global commerce and allowing economic competition to flourish throughout the world.

AMERICAN PRODUCTS WILL WIN

Congress should approve the agreement, thereby opening the doors, leveling the playing field, and preparing the way for an American victory. America will win with GATT because our workers are the most productive in the world. America will win because our science is better, our products are superior, and our companies are more efficient. America also will win because of the ideas we hold dear. It's really extraordinary. In this decade, the ideological battle between command economies and market-driven economies has ended. The verdict is in. Markets win!

The worldwide advance of economic liberty is the great victory of the late 20th Century. Freedom has momentum on its side. The U.S. and 17 other Pacific Basin countries—a group constituting half of the world's production and 45 percent of world trade—have just agreed to opening their economies and removing all trade barriers by the year 2020. Other expansions of freedom beckon; the future is promising. But nothing is guaranteed. A defeat of GATT would send the wrong message at the worst possible time.

Congress must not let that happen. If anything, the recent election affirmed Americans' desire for greater economic opportunity. Now, at a time when the world has come to embrace that same desire, for freedom and prosperity, it would be a sad irony for America to step backward. We should approve GATT now—and I urge Virginians to so inform their congressional representatives.

Mr. LEVIN. Mr. President, the decision on how to vote on the implementing legislation of the Uruguay Round of GATT has been a particularly difficult one for me. I have painstakingly studied the bill. I have corresponded extensively with USTR and others to obtain clarification of many of its provisions and I have carefully weighed the pros and cons of this agreement. There are many strengths.

This agreement will put in place a set of rules which will allow the U.S. to compete on a more level playing field in trade relationships with other nations. Overall, I believe progress toward free trade is good for the United States. This agreement includes many positive steps toward that end.

First, GATT would create a new international trade framework and establish rules to govern international trade. It would also expand the number of participating nations from 40 to 123.

Second, GATT's intellectual property provisions would broaden and strengthen the protection of U.S. patents, copyrights and trademarks around the world. This would provide new and better protection in world markets from piracy of U.S. entrepreneurship, copyright and invention in industries such as pharmaceutical, entertainment and computer software.

Third, the Uruguay Round would expand the trading system to include services and agriculture for the first time. This includes many important U.S. industries such as accounting, advertising, computer services, tourism, engineering and construction.

Finally, this GATT agreement would set forth multilateral trading rules for all member countries to abide by, including developing nations. Furthermore, it would establish a forum and procedures to resolve trade disputes that might arise among trading partners. Together, these measures would create a more level playing field in international trade than exists today.

But let us be candid—the Uruguay Round Agreement does not bring about free and fair trade. This agreement permits a number of countries to continue to engage in blatant protectionism. And as a result, certain countries and industries will do better under this agreement than others.

I am deeply troubled by the fact that this agreement continues to allow unfair foreign trade restrictions which adversely affect key Michigan exports in autos and auto parts. GATT fails to address the discriminatory trade barriers of greatest importance to Michigan. I'm speaking of Japan's keiretsu system, the collusive and unfair Japanese business practice whereby producers and suppliers form strategic alliances and effectively block outside competition. Measures to break down such non-tariff trade barriers such as these are conspicuously absent in GATT.

Since this GATT agreement does not specifically cover Japan's keiretsu system, we would most likely have to fight barriers to trade such as this using U.S. domestic trade remedy laws. I specifically asked the Administration to indicate how it would deal with Japan's keiretsu system under the new GATT agreement. I was assured by the USTR that they would continue a firm bilateral approach with Japan in an effort to bring about an end to Japan's discriminatory trade practices. But this is the same decades-old method that has failed to produce any result.

This agreement could actually make matters worse and weaken remedies under U.S. trade law that we can use to retaliate against unfair trade practices. I am concerned that the use of quotas and tariffs to retaliate against unfair trade practices, such as those contained in Section 301 and Super 301, would be in violation of the agreement. Under the new system, should the U.S. choose to use sanctions, such as Section 301, to respond to unfair and restrictive Japanese trade policies not explicitly prohibited by GATT, such as keiretsu, the WTO could well rule that such U.S. action violates the GATT agreement and such finding could no longer be blocked by a United States veto under the new GATT. In my view, this might tend to undermine the credibility of a threat to use Section 301.

In the Statement of Administrative Action, the Administration has made assurances that it intends to use Section 301 to pursue vigorously unfair trade barriers that violate U.S. rights or deny benefits to the U.S. under the Uruguay Round agreements. The Administration has also stated their intention to use section 301 to pursue foreign unfair trade barriers that are not covered by the GATT agreements. The implementing legislation specifically identifies two important manufacturing industries that face unfair competition policies that are not clearly covered under GATT—auto parts and flat glass—to be addressed under the revised Section 301 law. The Administration has strongly committed to the continued use of U.S. trade remedy laws unilaterally when deemed necessary.

I also have a serious problem with an agreement that reinforces Mexico's local content requirements which discriminate against U.S. auto parts. These requirements have often resulted in U.S. manufacturers locating production in Mexico rather than in the U.S. While the Uruguay Round Agreement will eventually eliminate all such local content requirements, Mexico is allowed to maintain these protections for ten years under the terms of this agreement. Although I am glad to see Mexico's local content requirements phased out, I think we got a bad deal in this area under NAFTA and now GATT reinforces it.

The Uruguay Round also allows the European Union to maintain its limits on imports of vehicles from Japan for five more years. Because the U.S. government has no similar import restraints, and under the Uruguay Round we will be restricted from imposing similar restrictions, I am concerned that there is the danger that Japan will dump its excess auto capacity into the U.S. market.

On the other hand, the European-Japanese agreement exists now and is unlimited in duration. This GATT agreement arguably has the virtue of setting a time limit on it.

The issue is close surely. But a factor pointing toward a "yes" vote is the impact of rejection of GATT on American leadership in the world. If we abandon this hard fought agreement, after eight long years of negotiation, with the nations of the world looking to us to lead, it will be a blow to America's role in the world.

On balance, I have decided to cast my vote in favor of the budget waiver and the implementation of the Uruguay Round Agreement.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the attached letter by John O. Wilson and Robert Kramer be printed in the RECORD.

BANK OF AMERICA,
August 10, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: During your recent meeting with a delegation of California businessmen and women who support passage of the Uruguay Round Agreement, Mark Kadesh asked that Bank of America provide additional information on the impact the Agreement would have on the California economy. We have attached the results of a study of this question using the bank's California macroeconomic model (attachment 1).

We used the model to project out the likely effects of the Agreement over the next five years on: employment, unemployment rates, exports through California ports and exports originating within the state. Since the Agreement will be phased in over a ten year period not all of the impact is captured by this five year projection, however, the trend is quite apparent. California will benefit substantially from passage of the Uruguay round, and delaying passage could have serious repercussions of the state's ongoing economic recovery (attachment 2).

Sincerely,

JOHN O. WILSON,
Executive Vice President, Chief Economist.
ROBERT KRAMER,
Vice President, Policy Manager.

Attachments.

ATTACHMENT 1.—IMPACT OF THE GATT URUGUAY ROUND AGREEMENT [URA] ON CALIFORNIA ECONOMY—AUGUST 8, 1994

	1993	1994	1995	1996	1997	1998	1999	2000
I. California civilian employment (thousands of jobs)								
Without GATT Uruguay round	13,853	14,136	14,077	14,124	14,289	14,465	14,639	14,780
With GATT Uruguay round	13,853	14,146	14,250	14,313	14,492	14,698	14,889	15,033
Jobs added by Uruguay round	0	10	173	190	203	233	250	253
II. California unemployment rate (percent)								
Without GATT Uruguay round	9.20	8.70	9.06	8.73	8.15	7.78	7.64	7.65

ATTACHMENT 1.—IMPACT OF THE GATT URUGUAY ROUND AGREEMENT [URA] ON CALIFORNIA ECONOMY—AUGUST 8, 1994—Continued

	1993	1994	1995	1996	1997	1998	1999	2000
With GATT Uruguay round	9.20	8.70	7.98	7.64	7.13	6.76	6.63	6.65
Percentage points added to unemployment rate if Uruguay round not passed	0.00	0.00	1.09	1.09	1.02	1.02	1.01	1.00
III. Merchandise exports through California ports (millions of current dollars)								
Without GATT Uruguay round	82,340	88.040	93,870	101,860	112,070	122,270	131,610	141,550
With GATT Uruguay round	82,340	88,040	94,000	102,290	113,020	124,010	134,430	145,810
Additional exports added by URA	0	0	130	430	950	1,730	2,810	4,260
IV. Merchandise exports originating in California (millions of current dollars)								
Without GATT Uruguay round	70,320	75,180	80,170	86,990	95,710	104,420	112,400	120,880
With GATT Uruguay round	70,320	75,180	80,280	87,360	96,520	105,900	114,800	124,520
Added exports added by URA	0	0	110	370	810	1,480	2,400	3,640

Source: Bank of America Macroeconomic model of California. Contact: John O. Wilson, Chief Economist. The California econometric model captures movements of key economic components of the California economy. It consists of about 20 annually estimated equations for California's important economic indicators such as employment, gross state product and personal income. It is structured for the corresponding U.S. economic indicators and their forecasts (generated by BofA using DRI's U.S. macroeconomic model) to directly drive the California economy. However, significant differences between California and the United States in the ways these indicators vary over time are also carefully specified.

[Attachment 2]

IMPACT OF GATT ON CALIFORNIA ECONOMY—AUGUST 8, 1994

After seven years of negotiation, a GATT accord was signed in December, 1993. The U.S. Congress is now debating ratification of the GATT accord, and the outcome of that ratification is far from certain. That outcome will have a very significant impact on the California economy. If the GATT accord is not approved by the United States, the current recovery in the California economy would be greatly weakened.

GATT establishes the basis for world trade, and the GATT accord emphasizes such important areas to California as gaining greater access to foreign markets in high-tech goods, capital goods, business and computer services, and agriculture. All of these are leading industries in California. Furthermore, GATT will reduce the average level of tariffs by one-third and eliminate many non-tariff barriers over the next ten years. Since California is such a large exporter, the lower barriers will lead to even further gains in California trade and jobs related to trade. Furthermore, GATT, through its new structure referred to as the World Trade Organization, sets up new dispute settlement mechanisms which would prevent trade wars which would be detrimental to California exports.

California accounts for 15 percent of U.S. merchandise exports, and the value of exports to the California economy has grown significantly during the past several years. As shown in Table 1, the value of California merchandise exports through California ports has increased from $54 billion in 1988 to $82 billion in 1993. Some of these exports were actually manufactured in other states, and transported to California for shipment. This creates jobs for Californians engaged in the transportation and shipping, but not the manufacturing of those goods. However, $70 billion of the $82 billion shipped out of California ports in 1993 was manufactured or produced within the state, and this represents the greatest source of trade related employment to California. That employment is significant.

TABLE 1.—CALIFORNIA MERCHANDISE TRADE

[Billions of dollars]

	Exports through California ports	Exports produced in California
1988	$53.6	$47.8
1989	63.0	53.5
1990	68.6	58.4
1991	73.8	63.1
1992	81.0	68.9
1993	82.3	70.3

The exports which are produced in California account for one million direct jobs. These are jobs that are directly related to the manufacture, production, and transportation of California exports. Another 800,000 jobs support trade employment through the provision of services and support industries. Thus, the total number of jobs created through exports in California is 1.8 million. This represents 13 percent of our entire employment of 14 million.

There have been major changes in the relative importance of California's trading partners during the past several years. While Japan remained the number one export partner in 1993, two neighbors, Canada and Mexico, significantly increased their imports from California during the 1990–93 period. In 1993 their combined imports easily surpassed Japans imports. Furthermore, California's exports to China increased a staggering 145 percent during the 1990–93 period. (See Table 2)

TABLE 2.—MAJOR MARKETS FOR CALIFORNIA EXPORTS

[Millions of dollars]

Country	Value of California exports, 1993	Percent change 1990–93
Japan	$10,501	2.3
Canada	7,689	32.5
Mexico	6,521	39.6
Taiwan	4,718	49.1
South Korea	4,132	9.1
Singapore	3,705	40.3
Germany	3,511	−3.8
U.K	3,475	3.5
Hong Kong	3,041	80.6
France	2,247	4.6
China	1,611	145.6

California's exports consist primarily of high-tech electronic products, computers, transportation equipment, and agriculture products. Since 1991, the growth in these major products has been very large: electronic products (30 percent), computers (17 percent), and food products (15 percent). Only transportation equipment, primarily aircraft, and petroleum have declined. (See Table 3)

TABLE 3.—MAJOR COMMODITIES OF CALIFORNIA EXPORTS

[Millions of dollars]

Commodity	Value of exports 1993	Percent change 1991–93
Electronic equipment (except computers)	$16,928	29.5
Computers and other industrial equipment	16,613	16.9
Transportation equipment	8,486	−15.5
Food products and agriculture crops	7,012	14.7
Precision instruments	5,345	14.0
Chemicals	2,644	13.8
Petroleum	1,626	−2.5
Fabricated metal products	1,567	3.0
Primary metal industries	1,544	47.8

If it is not ratified, what would the absence of a GATT accord have on trade developments? Globally, we could anticipate the following developments in world trade and growth: (1) a general negative impact on global economic growth due to loss of productivity gains that occur in a free-trade economy; (2) an increase in intra-regional trade such as trade within the European Union, trade within ASEAN in Asia, and trade within NAFTA countries in North America, but a reduction in inter-regional trade between Asia, North America, Latin America, and Europe; (3) a move towards unilateral protectionism in the form of higher tariff and non-tariff barriers which will reduce overall world trade.

Specifically for California, we could anticipate the following developments: (1) an increase in tariff and non-tariff barriers to California exports to Asia, Latin America, and Europe; (2) a reduction in California exports to those regions, and particularly to Japan, China, Germany, and France; (3) little impact on trade with Canada and Mexico which would still be guided by the NAFTA agreement; and (4) an immediate loss of 173,000 jobs in California (1995) growing to a loss of 252,000 jobs by 2000. This would increase the unemployment rate by a full one percent.

JOHN O. WILSON,
Executive Vice President and
Chief Economist, Bank of America.

Mr. MACK. Mr. President, when all is said and done, the GATT agreement lowers tariffs by one-third across the board between a majority of the world's trading partners. This, without question, is good for Florida and the United States and therefore I will vote for this agreement.

This GATT agreement is the result of efforts made during the last three administrations. The agreement will mean an expected $100–$200 billion increase in our GDP by the year 2005. By any accounting, this will be a tremendous benefit for our country.

Expanding trade opportunities is something the United States should aggressively pursue. It is one of our most promising opportunities for continued economic growth. Our future prosperity lies not in tariff wars but in our ability to capitalize on our strengths and export the resulting products to the world's markets.

Over the last few months, I have heard from businesses in Florida and from across the country in support of the GATT. They have told me how vital this agreement is to their firms and to the people they employ. They're right, and we should continue to knock down foreign trade barriers for American products. The GATT will allow us to do just that.

Recent data from the Commerce Department's International Trade Administration shows the potential benefits the GATT agreement can provide to Florida. Between 1987 and 1993, Florida's exports grew by almost $7 billion. Over two-thirds of these exports were from industries such as industrial machinery, electric and electronic equipment, chemical products, and scientific measuring equipment. With the lower tariffs under this agreement, Florida will clearly benefit.

The Commerce Department also shows Florida as the Nation's eighth leading exporter of merchandise, with nearly 10,000 businesses who sell goods abroad. What's more, virtually all of these businesses have fewer than 500 employees. Clearly, this agreement is vitally important to the small businesses that create capital, produce jobs, and generate an impressive share of this country's economic growth.

Many countries provide subsidies and impose significant tariffs. These trade practices destroy American jobs, and should not be tolerated. The American worker is the most productive in the world, and has always excelled on a level playing field. The GATT will help level the field for U.S. exports.

There is an additional element in this debate that is important to note for both this and future debates. In this legislation, the administration has conceded that there are legislative changes which will pay for themselves, even if the static accounting models used by both the Congressional Budget Office and the Office of Management and Budget do not capture the resulting revenue increases.

In particular, the Clinton administration—and now many in the Democratic leadership—acknowledge that the economic growth created by the passage of GATT will increase revenues to the Federal Government. So despite the loss of some tariff revenue, the economic effects of GATT are a plus for the Federal budget.

This is precisely the same argument that has been made for so long about a capital gains tax reduction. Capital gains tax cuts will generate revenue increases through economic growth just like tariff reductions. I would hope, therefore, that the Clinton administration will concede this point next year when Republicans pass a capital gains tax cut.

Like a reduction in the capital gains tax rate, the GATT will create opportunities, and stimulate the creation of new jobs and new businesses. I look forward to the expansion of the Florida and U.S. economies that will follow the passage of this agreement.

THE U.S. MUST ENDORSE THE URUGUAY ROUND AGREEMENT

Mr. DASCHLE. Mr. President, I wish to express my strong support for the Uruguay Round Agreement reached under the auspices of the General Agreement on Tariffs and Trade.

Among the nations of the world, the United States of America has long been the foremost advocate of open trade. The Uruguay Round Agreement is the culmination of decades of work—by Americans of all political persuasions—to extend that advocacy. And it is that rare example of a treaty that allows us to benefit while our neighbors in the global community also benefit.

This agreement consolidates the triumph of political freedom we have witnessed in the past few years and extends the philosophy of openness to the field of international economics. It continues the process of tearing down the barriers that hinder trade among nations.

Some critics of this measure say it tears down too many walls, and exposes America too nakedly to the vagaries of the international marketplace. I say, this Nation need never fear fair competition.

Simply put, we are already the most open Nation on earth. We have nothing to fear from further opening the international trading system so long as all nations stand on the same level field. More than ever, this agreement ensures that our trading partners will extend the same openness to us. To deny this agreement would be to deny our national heritage, substitute fear for optimism, and forsake the economic benefits that will accrue to our Nation from free and fair international trade.

This agreement is first and foremost an indispensable tool for facilitating economic growth and job creation in our country. Its benefits to American workers in the form of increased incomes and better job opportunities will extend from high tech industries in the Silicon Valley to farms and ranches in the Heartland to the steel mills of Pennsylvania to the furniture factories of the Carolinas.

But, as beneficial as are the agreement's immediate specific benefits to individual Americans, so too are the principles of multilateral free trade that it advances.

One strong advocacy of a free and fair multilateral trading system began shortly after World War II with the establishment of GATT. The expanded trade resulting from GATT was largely responsible for reviving the depressed, war-torn economies of Europe and creating thriving new markets for American products.

That experience demonstrated the benefits free trade bestows upon both the United States and its trading partners. Since that time, we have been steadfast in our support for GATT, and it has served us well. The many trade agreements reached under its auspices have fueled economic growth around the world and brought more countries and consumers into the international marketplace served by American industry.

Meanwhile, as many are quick to point out, circumstances have changed over the years. While the United States still dominates the international marketplace, competition for market share is becoming fiercer every year. In the face of this new challenge, some have been tempted to turn away from multilateral arrangements toward protectionism.

The concerns and frustration underlying that protectionist sentiment are powerful. And they are understandable. However, the policy response those emotions elicit is myopic. In international trade, our course should be charted along the lines of our enlightened self interest, not by a visceral reaction to the history of our grievances with other nations.

Closing our markets to foreign goods will close our goods to foreign markets. In the long run, that will harm more than help American interests.

By contrast, joining other nations in a multilateral trading system on equal terms will expand opportunities for American businesses to sell their goods and services abroad. This is truly a case of a rising tide lifting all boats.

There is no dispute about our stake in international trade. Exports are vital to the continued growth of the U.S. economy.

Over the past 5 years, international trade has been the bright spot of our economy, generating more new jobs and more economic growth than any other sector. International trade represents roughly 25 percent of our gross domestic product [GDP], a share that has almost doubled in the past 20 years. During the past four decades, new jobs in trade-related fields grew at three times the pace of overall job creation. As a result, export-related industries and companies currently employ over 10 million American workers.

The reduction of trade barriers is absolutely essential to the continued expansion of the U.S. economy. The Uruguay Round Agreement will reduce import tariffs, export subsidies and other trade distorting practices. Moreover, it will create a structure that will hold signatory countries to their commitments to fair and more open trade.

The agreement is particularly beneficial to the United States because we already have significantly fewer trade barriers than our foreign competitors. Cutting tariffs worldwide by an average of 38 percent over the next 6 years, combined with standardizing and simplifying customs procedures and licensing, will further reduce the cost of exporting U.S. goods and services.

The lower cost of exporting goods and services will encourage more U.S.

companies to sell their products abroad. Currently, less than 10 percent of U.S. companies that could export products or services choose to participate in the international marketplace. With the Uruguay Round Agreement, these companies will have new incentives to develop markets around the world. They also will have new assurances that the time they invest in developing new markets will not be squandered on trading partners that abruptly change their rules and close their markets. Such assurances will be especially important to small and innovative companies.

The Uruguay Round Agreement also holds great promise for American agriculture, consistently one of our most successful economic enterprises in the international marketplace. Experts estimate that agriculture exports will increase by as much as $14 billion over the next 10 years, creating perhaps 190,000 new jobs in the process. And when the agreement is fully implemented, the United States can expect an additional $10 to $30 billion of economic activity in agriculture.

As one who is intimately familiar with the economics of the heartland, I can attest that this increased growth is essential to the continued prosperity of rural America.

This new trade environment will be a tremendous advantage for the United States. American workers, farmers and entrepreneurs are the best in the world. If we make everyone play by the same rules, we will continue to excel. The Uruguay Round Agreement is a significant landmark in the march toward free and fair trade.

The projected results of the agreement speak for themselves. Most important is the bottom line: the Uruguay Round Agreement is estimated to create over 1 million new high-wage jobs in the United States over the next 10 years as a result of increased exports of U.S. products and services.

Certainly, this agreement is not perfect. We would all make some changes if given the opportunity to draft it on our own terms. But that is not the way trade agreements are reached. In fact, when one considers the torturous, multiyear negotiating process that brought us to this point, it is surprising how favorable the resulting agreement is to American interests.

Before I conclude, Mr. President, I want to address the controversy surrounding the World Trade Organization. Many Americans are concerned that this new body will undermine American sovereignty. That is a serious concern that should not be minimized. And it has not been minimized. The WTO has been widely mischaracterized as a world regime with unlimited jurisdiction that will run roughshod over American interests and American laws. In fact, the role of the WTO is limited. It will serve primarily to facilitate resolution of disputes over rules to which the signatories of the Uruguay Round have already agreed.

In this role, the WTO will help ensure that our trading partners abide by the commitments they made when they signed the Uruguay Round Agreement. When American companies venture into the international marketplace, they will be able to do so with confidence, because they will know the rules of the game and they will know that those rules will be enforced.

Critics have charged that the WTO will undermine our worker protection, environmental, and food inspection laws. That is not the case. The authority to change or make U.S. laws rests solely with the Congress of the United States. By the express terms of the agreement signed by over 120 countries, even negative rulings of a WTO dispute resolution panel are mere recommendations. The WTO does not have enforcement powers. This fact is reaffirmed in section 102(a)(1) of the implementing language, which explicitly states that U.S. law will not be superseded by any provision of the Uruguay Round Agreement.

While the protections in the agreement and the implementing legislation are significant, those who still have doubts about the WTO should find reassurance in the recent agreement reached between the administration and the Senate Republican leader. The agreement ensures that the United States will have the opportunity to pull out of GATT if the WTO's decisions are repeatedly inconsistent with American interests.

Mr. President, we cannot afford any further delay. Some of my colleagues will oppose this agreement because it violates a technicality in the Senate's budget rules. Others will oppose it because they would like to change various details in the agreement and implementing legislation. I myself am not without some reservations.

But the simple fact is that the time for equivocation has passed. Too much hangs in the balance to back away.

If we fail to act, we risk setting a dangerous protectionist precedent that could nullify all of the gains we have made in market access over the last four decades. If we fail to act, we could begin a process that will break the world into trading blocs—and cause the walls to go once again.

The Uruguay Round Agreement represents an important continuation of our decades-long advocacy of free and fair trade and will serve as a building block for future trade agreements. To balk now, after 7 years of negotiation under three administrations, would send dangerous signals around the world about our commitment to the principles of free and fair trade.

The agreement we consider today reflects the collective bipartisan belief of three presidents that an international trading system that is both free and fair serves the American national interest. I share that assessment.

Mr. President, on November 8 we experienced a remarkable election. While individual members have different reactions to it, the overriding message delivered by the voters was unmistakable. The American people are tired of what they perceive to be "business-as-usual," partisan wrangling among professional politicians. They question our motives and relevance in the face of our inability to address very real national problems. And they want the Congress and the President to work together to deal constructively with these problems and improve the quality of their lives.

While the new congressional line-up does not take effect until January, this debate marks the initial post-election test of whether Congress learned the lesson of the election and can respond to the will of the American people. There will be policy differences between our political parties and among individual members. That is inevitable in a democracy, and it is healthy.

Votes are judgment calls, and our constituents elect us to analyze facts and make judgments. Americans are, however, becoming less tolerant of our penchant for seeking to score political or rhetorical points while their concerns go unattended.

It is time to stop bickering and start governing. This vote, on this issue, at this time, will demonstrate that we have heard the voice of the people and can work together for the common good.

My judgment is that approval of the Uruguay Round Agreement is important to the future growth of our national economy, and I am delighted that the President and the Republican Leader were able to work together to reach consensus on the implementing legislation that we consider today.

I urge all my colleagues to approve this historic agreement.

Mr. DODD. Mr. President, I rise in strong support of the Uruguay Round agreement.

In this town, we talk a great deal about winners and losers. We wonder who will benefit and who will be hurt by the decisions we make. But on the issue before us today, the answer to this question is quite easy.

The typical working family in America would be the true winner if we approve this trade agreement. To be sure, American business would be a winner, but that's not why we should vote aye. Our standing around the world would be strengthened, but that's not why we should back GATT.

We should back GATT because of what it would mean to working people in this country. Although people in some sectors would unfortunately be hurt, the gains overall would be impressive. Working people would enjoy a major tax cut on many essential products they buy. They could find better employment opportunities in a growing export sector. Their children would look forward to a brighter future in a competitive, vibrant global economy.

That's what is really at stake here this week. We will hear a great deal of ominous talk about something called a world trade organization. We will hear about dolphins and tuna. We will hear philosophical discussions about national sovereignty and abstract ruminations over international law.

But when it comes right down to it, GATT is about two things a great deal more immediate and a great deal more real to families all across this country: better jobs and lower taxes.

A major boost in family income and a $12 billion tax cut over five years for the working people of America. When we get through the pages and pages of abstract trade language and the hours and hours of red-hot rhetoric, that's what GATT is all about. Better jobs and lower taxes.

This vote presents us with our first opportunity since the election to come together—Republican and Democrat, conservative and liberal—on behalf of the working families of this country. Passing this trade agreement is just about the best holiday present we could give them.

U.S. TRADE LEADERSHIP

For almost 50 years, the United States has been the principal leader in efforts to expand world trade. After World War II, we vigorously pursued trade liberalization not only to increase our own economic prosperity but also to bolster the stability of our allies and former enemies alike.

Expanded trade has been the success story of the post-war economy. Since the beginning of multilateral trade negotiations, GATT membership has increased from 23 nations to 124, and tariffs—which are simply taxes on traded goods—have been cut from 40 percent to 5 percent. During that time, the global economy has grown faster than during any comparable period of world history, and U.S. job creation in trade-related fields has grown at a rate several times faster than over-all job creation.

Increased trade has also proven to be a foreign policy success. Prosperous nations linked together in trade are far less likely to go to war. People engaged with each other in commerce are far less likely to engage each other in violence.

It took two world wars to teach us this lesson, and it's as valid today as it was half a century ago.

WHERE DO WE GO FROM HERE?

Today the nations of the world are linked together in a complex web of overlapping trading relations. More than one trillion dollars a day is traded in the global markets. And the growth industries in the industrialized nations of the world are disproportionately those that are succeeding at trade.

Most have sought these opportunities because the domestic markets for their products have been saturated. Their growth—and ours—is dependent on increased trade opportunities.

Recognizing this fact, the past three presidents—Republican and Democratic alike—have demonstrated an extraordinary commitment to opening markets and expanding world trade. A major step was the North American Free Trade Agreement, Already responsible for increasing our exports to Mexico at a rate more than three times as fast as U.S. exports to the rest of the world.

The next step is the Uruguay round of GATT, launched under President Reagan, advanced by President Bush and completed by President Clinton. At the start of negotiations, we enacted legislation outlining our principal trading objectives. The Omnibus Trade and Competitiveness Act of 1988 established three overall goals: increased market access, a reduction of over-all trade barriers and an improved and strengthened dispute settlement process.

The final Uruguay Round Agreement achieves all of these objectives. It will cut overall tariffs by approximately one-third, expand GATT discipline to new areas of commercial activity and increase enforcement authority for trade violations.

WORLD TRADE ORGANIZATION

By far, the most controversial part of the Uruguay Round Agreement is the formation of a world trade organization to administer, oversee and enforce the conduct of trade relations among participating member nations.

The formation of a governing body with teeth was one of the American business community's top priorities during the Uruguay round. Current enforcement procedures have proven inadequate. Insufficient deadlines for resolving trade challenges have frustrated and delayed decisions for years.

The current reliance on decision-making by consensus has allowed one country to block favorable decisions from being implemented. And lax surveillance and implementation of final decisions have prevented corrective action.

These deficiencies have disproportionately harmed American businesses, which export more products than those from any other nation. Since the United States has fewer trade barriers than other countries, we have the most to gain by creating and enforcing more fair and open international economic playing rules.

We have nothing to fear from fair competition and an even playing field. A team that plays by the rules should have no problem with a referee.

But, as the agreement worked out between the administration and Senator DOLE last week makes clear, congress can pull the United States out of the World Trade Organization if it repeatedly and groundlessly rules against us.

WHAT EXPANDED TRADE MEANS TO CONNECTICUT

My State of Connecticut is already taking advantage of the Global economy and is poised to do even more should we pass GATT. Exports have been one of the few profit-making and job-creating sectors of Connecticut's economy during the recent downturn. The state's exports grew by $5.5 billion from 1987 to 1993.

For years, Connecticut has been one of the most defense-dependent States in our Nation. The decline in Federal defense dollars has had a severe and lasting impact on our economy. We are fortunate, however, that exports helped fill the gap—increasing at approximately the same rate as defense dollars declined.

Connecticut businesses are no longer asking why they should export, but how. And they are doing so in greater numbers, thanks to the increased level of awareness in the business community heightened by the NAFTA debate last year. Connecticut firms and their employees are thirsty for trade, and they are anxious to benefit from more targeted and coordinated export and financing opportunities.

The benefits in Connecticut are seen by small and large businesses alike. The commerce department reports that 97 percent of all exporting businesses in Connecticut have fewer than 500 employees.

Let me give you just one example of how international trade is benefiting Connecticut. Heublein Corportion—which employs 2,000 Americans, 800 of them in Connecticut—is now selling American-manufactured Smirnoff vodka in Russia. Smirnoff—produced from a Russian recipe by American workers—is a status symbol in Russia. This year, Heublein will sell 500,000 cases of Smirnoff, up from zero in 1990. Most of the vodka is produced in Hartford.

Heublein has barely tapped this market. The 500,000 cases of vodka represent only one-half of one percent of Russian vodka consumption. If Heublein can increase Smirnoff's share of the Russian market to just five percent, it will see substantial profits, and Connecticut workers will hopefully see more jobs.

The entire New England region—with its large export industries and high-technology companies will benefit substantially from the intellectual property provisions and increased market access included in the Uruguay round.

Let's take just one example: The pharmaceutical industry, which supports 10,000–12,000 jobs in my state alone. While the industry leads the world in the development and production of new medicines, it loses as much as $5 billion a year through international piracy. A lack of recognized and enforced patent protections have enabled foreign businesses to easily and inexpensively reproduce U.S. drugs, drugs that often take years and millions of dollars to bring to market.

The Uruguay round agreement will help remedy this problem by providing 20 years of patent protection for pharmaceuticals and strict enforcement of intellectual property rights, including special border measures to prevent the importation of infringing imports. That means fair competition for American pharmaceutical firms, and better jobs for American workers.

WESTERN HEMISPHERE FREE TRADE

I hope we will approve this trade agreement, and then look beyond it to find other dramatic ways to cut taxes and create high-quality jobs for working families through international trade. I believe the first step should be a concerted effort to expand trade opportunities in our own hemisphere.

Thirty years ago, John Kennedy proposed a new alliance for progress to strengthen our ties to our Latin American and Caribbean neighbors. Kennedy implored:

> Let us once again transform the American continent into a vast crucible of revolutionary ideas and efforts—a tribute to the power of the creative energies of free men and women—an example to all the world that liberty and progress walk hand in hand. Let us once again awaken our American revolution until it guides the struggle of people everywhere—not with an imperialism of force or fear, but with the rule of courage and freedom and hope for the future of man.

Three decades later, the political and economic conditions necessary to give fruit to these hopes have improved substantially. In my view, the hemisphere is ready to move toward free trade and closer ties.

I believe that we should give the President the authority to negotiate a comprehensive and inclusive western hemisphere free trade agreement by the end of this century. We should seize the opportunity presented by the historic summit of the Americas meeting in Miami as the first major step in this direction. If we act with leadership and vision, the western hemisphere will enter the 21st century strengthened by democracy, warmed by friendship and linked by free trade.

Latin America and the Caribbean are rapidly becoming larger players in the global marketplace, providing promising new markets for American exported goods. Since 1989, U.S. exports to the region have grown by 60 percent. The region is now our third largest trading partner, surpassed only by Canada and Western Europe.

A western hemisphere free-trade area would comprise the largest single market in the world. It would include nearly three-quarters of a billion people and have a gross domestic product of more than $7.3 trillion.

A hemispherewide free-trade agreement would cement and further recent democratic and economic reforms in Latin America. Expanded trade is the best tool we have to strengthen the democracies of the region and prevent civil strife. And it is the best tool we have to expand markets thirsty for U.S. products.

In addition to expanding market access, our participation in a hemispherewide accord would strengthen our hand in trade negotiations with the Europeans and the Japanese. It would give us more leverage in opening up markets around the world. And it would position our economy for success in the coming century.

CARIBBEAN INTERIM TRADE PROGRAM

I want to briefly address another piece of unfinished business involving trade in our hemisphere.

Originally, President Clinton had intended to submit as part of the GATT implementing bill a measure that would expand our special trading relationship with the Caribbean basin. This provision, called the Interim Trade Program (ITP), was intended to encourage trade liberalization in the Caribbean region while stimulating a growing market for U.S. exports.

It was—and still is—necessary because of increased pressures on the U.S.-Caribbean trading relationship as a result of the North American Free Trade Agreement and the Uruguay round of the GATT.

During the past few months, I have been contacted repeatedly by U.S. and Caribbean business leaders and government officials who are concerned that without the Interim Trade Program trade relations between the United States and the region will be slowly undermined. Already, there is evidence that Caribbean garment exports to the United States have been displaced by exports from Mexico and Asia. Further erosion of these trade patterns could have a disastrous effect on investment, economic growth and, ultimately, peace and stability in the region.

I understand that the Clinton administration has pledged to resubmit this legislation early next year, and that it "staunchly" supports its enactment as soon as possible. The Caribbean now ranks as our 10th largest trading partner, and it is one of the regions with which we consistently maintain a trading surplus.

So I hope my colleagues will join me in urging the administration to move quickly on this pledge so we can continue to strengthen our mutually beneficial relationship with our Caribbean partners.

ENHANCING U.S. COMPETITIVENESS

Expanding trade opportunities—whether in the Caribbean, Latin America, or elsewhere—is essential to our nation's future prosperity, but it alone is not enough. Throughout our trade debates, concerns have been voiced about the impact of increased international competition on our work force.

While I disagree with these critics' conclusions that we should turn back the clock on free trade, I share many of their concerns. If all Americans are to benefit from expanded trade, it is critical that we enhance the competitiveness of our nation's work force.

The American work force is in the process of substantial structural change. Increased global economic competition and rapid advances in technology have transformed the economy, streamlining manufacturing processes and placing a premium on highly skilled and highly educated workers.

While the demand for skilled workers has increased, the number of jobs available for those lacking skills has declined. According to the Congressional Research Service, over the past fifteen years manufacturing jobs—the bedrock of the middle class—declined by 19 percent and real wages dropped by 10 percent.

These trends threaten traditional American middle-class life, and they undermine our shared sense of opportunity and experience that form the basis for our success as a nation.

The solution to these difficulties, though, is not to turn back, but to confront the obstacles head-on. And we are doing so.

As a result of the Clinton administration's new investment priorities and broad, bipartisan congressional support: 130,000 more children will enroll in Head Start each year, and enter school ready to learn; national education standards and goals will help guide student instruction for the first time; new school-to-work programs will assist students who choose to move directly from high school to work through job training programs, apprenticeships, and vocational education; student loan reform legislation is expanding college access, permitting more flexible repayment options, and saving taxpayer dollars through direct student lending; our unemployment system is shifting to a reemployment system, ensuring that Americans who lose their jobs receive skills and job-search assistance to help them find new ones—not just an unemployment check.

We must do more—and we will. I look forward to working with colleagues in both parties in the Congress ahead to increase the security and competitiveness of the American work force.

CONCLUSION

The United States entered the twentieth century as a struggling young democracy, and here in the century's closing days we find ourselves the world's only superpower. The twentieth century has been correctly labeled the

American century. If we are to continue our extraordinary and unprecedented record of success and leadership, we must embrace the future with enthusiasm, strength, and foresight.

The United States has proven itself to be the strongest and most resilient nation on earth. Our citizens are our greatest source of talent and strength. Time and time again, they have been at their best when they have risen to face difficult challenges.

The American people will face the challenge of the global economy, and they will prevail.

And this Congress will face a decision over whether we will march into the economy of tomorrow face first, with our eyes wide open, or whether we will be dragged into it from behind, with our eyes firmly fixed on the past.

I urge my colleagues to support the Uruguay round and cast a vote for the working families of America.

Mr. BIDEN. Mr. President, I will vote for this agreement today, Mr. President, because I am convinced that it is a good deal for our country, that it will open more opportunities for our workers—the most productive in the world today—to sell their products in expanding overseas markets.

But before I explain my decision, I want to say a few words about the concerns of those Americans who oppose this agreement.

If this is such a good deal, why do we hear so many voices raised in opposition? I believe that there are real reasons for Americans to be concerned about the place of our economy in the world, and concerned about the possible effects on our standard of living from increased international competition.

In recent years, American faith in the future, American confidence in dealing with the rest of the world, has been replaced with a growing anxiety. Before we have had a chance to enjoy our victory in the cold war, we now face a world that appears to many of us as a threat to our economic wellbeing.

Mr. President, if you take a hard look at what has happened to our standard of living over recent decades, you know why many Americans no longer face the future with confidence.

Two key elements that traditionally supported Americans' faith in the future were job security and growing incomes. If you worked hard and played by the rules, America was the land where you could make a better life for yourself and your children.

This was the promise, and the reality, of the American economy for a whole generation after World War II.

But in recent years that reality, that promise, has too often been replaced by stagnant wages and declining job stability. In particular, middle-class manufacturing jobs have become scarcer, and the security of lifetime employment has been replaced by an era of downsizing and restructuring.

In my own State of Delaware, we have worked hard, and succeeded in keeping unemployment below the national average, but those trends have still hit every key industry.

In an atmosphere like this, it only makes sense for Americans to be concerned about the future, and something that appears as new and different as a World Trade Organization as yet another threat to American wages and job security.

For the average working American, wages have not grown for over two decades. Families now have to run faster—with both parents working—just to stay in place. And the jobs that they do find no longer offer the promise of security.

No wonder Americans are skeptical about, even frightened, by an agreement that appears to draw us deeper into a world economy, and, they are told, ties us to a new international organization over which we have no control.

But these changes that worry us today were not caused by the GATT agreement, and rejecting this agreement will not make it any easier for us to deal with those changes.

Other forces have been the source of the changes that rightfully concern us. A revolution in technology—led by the United States—has transformed virtually every industry in this country. Almost every kind of work has been made easier and faster by computers and many other new ways of moving and handling information.

These advances in productivity allow us to make more products with less labor. Productivity gains in turn have caused companies here to restructure the way they do business, reducing workforces and changing the job structure in our country.

Under these new conditions, we must find new, expanding markets for our products if we hope to create new jobs. Those markets exist, overseas, but we need agreements like this one to open them to American goods.

Mr. President, if we reject this agreement, we will give up a $700 billion cut in other countries' tariffs, $700 billion in barriers to American products and American job growth.

If we reject this agreement, we will give up American negotiating victories that won us fairer treatment of agricultural and service exports. For the first time, these sectors—our most competitive internationally—will be subject to fairer rules and will be sold at lower prices and higher volume overseas.

If we reject this agreement, we will give up powerful new protections for American intellectual property—the scientific achievements embodied in the advanced products and processes we protect with patents. Other countries are required for the first time to honor those protections.

That means more jobs here at home, jobs that without this agreement will go to countries that will continue to pirate our formulas, software, and other American inventions.

Mr. President, another revolution—against State-controlled societies and economies—was led by the United States. The obvious superiority of democracy and free enterprise—the lesson America helped to teach the world—weakened and then toppled totalitarian systems. Communism failed; we won.

Along with the rise of new, developing, industrial countries, this revolution has opened a huge new market to international competition. We won the cold war, and our way of life is the most copied and most envied on the planet. Now, people in other nations seek their fortunes in a global economy in which we are the best prepared to compete.

Despite the many dangers and evils still abroad in the world today, we now see a world less hostile to our way of life, not a world split by two irreconcilable visions.

Mr. President, we are a long way from a world in which everyone enjoys the rights and privileges of Americans. And as some of my colleagues have argued, there remain far too many countries where wages and living standards are low. But in recent years we have seen more nations look to the American way as the guide for economic development.

This is a world in which our workers, our entrepreneurs, scientists, and inventors, can compete and win. But to win, we must compete, not retreat.

Just this year, our economy returned to its position as the most productive in the world. A world reshaped by our inventions and convinced of the superiority of our way of life offers us rich new opportunities in expanding markets, if only we will stick to our principles of free trade and vote to approve this agreement.

I have listened to the charges that opponents of this agreement have made. They scared me, Mr. President, as they have scared some Americans. If I thought those charges were true, there is no way I could vote for it. But this agreement is not the cause of the problems we face in our economy. In fact, I am convinced that it can be part, but only part, of a solution.

Mr. President, like most of the legislation we pass here in Washington, this latest trade deal is neither all its supporters or its detractors claim it to be. This legislation is a compromise among many different interests, representing something most of us here can agree on but that none of us is completely happy with.

That is also what happened in the years of international negotiations, conducted under the Reagan, Bush, and Clinton administrations, during which this deal was put together. They produced an agreement that is the best accommodation among the one hundred and twenty countries that have committed themselves to the world trading system.

And this agreement is just the latest part of a long history of international trade agreements since World War II.

Mr. President, some Americans might gather from some of the discussion about this agreement that this is something new for the United States, something that will permanently affect our trading relations with the rest of the world.

In fact, this is the eighth round of negotiations we have conducted under the General Agreement on Tariffs and Trade since 1947. As the leading market economy in the world, we have consistently pressed negotiations with our trading partners to reduce artificial barriers to free markets.

The Uruguay round is a significant step forward, including for the first time trade in services and agriculture—areas in which the United States has a real advantage, and bringing the frustrating and chaotic practices and procedures of the GATT system into a more formal structure, the new World Trade Organization.

As important as those changes are, they are incremental, not a radical departure from the past.

For those citizens whose attention is drawn to trade policy for the first time with the debate on this, the eighth round of GATT agreements, it is important to put its features into that historical context.

I see this process a little differently, from a perspective that I gained in a very different policy area—our arms control negotiations over this same period. In some ways, our attempts to lower trade barriers is similar to our attempts to reduce the threat of weapons around the world.

From the beginning of the cold war, we recognized that we could not achieve our own goal of national security by ourselves. We saw that if every nation went its own way, building more and more weapons to match the threats of others, no one would be safe.

Not everyone thought each deal we struck was the best for us—some criticized arms control agreements for giving too much to the other side, some thought they did not reduce weapons fast enough. But we continued to keep the talks going, in the belief—which proved to be right—that these complicated issues would only yield to long-term, patient negotiation.

Taking the best we could get at each stage, our arms control policy achieved real progress. Today, new, equally difficult negotiations continue this process. The alternative—demanding complete capitulation by the other side, or abandoning negotiations altogether—will gain us nothing.

International trade negotiations follow this same pattern. Because there is no final authority to compel countries to follow any trade rules, progress can only be made on those areas in which there has been agreement.

That point bears repeating, Mr. President. The new World Trade Organization has authority over trade rules only as long as we agree that those rules are in our interest. By the terms of the agreement, we can get out of the organization at any time, on six months notice.

In addition to that fundamental safeguard, we have put into this legislation requirements for an annual report on the benefits of this deal to the United States, and have scheduled votes every 5 years on whether we should stay a member.

A final, additional safeguard sets up a panel of judges to look at any rulings that the World Trade Organization may make affecting the United States. If those rulings are not made according to procedures we accept, that is grounds for a vote to get out.

Mr. President, some of my colleagues have argued that we will have only one vote in the new World Trade Organization, and claim that will put us at an obvious disadvantage in an organization of 120 countries, many of which are smaller and less developed than we are.

But the formal operating rule of the WTO is decision by consensus—everyone, including the United States must agree before a decision is made. Under the current GATT, consensus is used, but only by tradition, not by the formal rule required in the Uruguay round before us today.

If a vote is taken, if consensus fails to produce a decision, no important change in our rights or obligations can be made without a two-thirds vote, a supermajority in which the influence of the largest market and the most productive economy—the United States—will be felt.

But even if we fail to get support to prevent a two-thirds vote, Mr. President, any change in rights or obligations will apply only to those who vote for it, not to those who disagree. Only by a vote of three-quarters of the members can change in rights and obligations apply to all members, and even then there are provisions for waivers.

These are hardly the procedures of an organization designed to steamroll our country.

And no action of the WTO has any bearing on State laws, such as Delaware's incorporation and other laws that make our State such a good place to do business. The Association of State Attorneys General, National Governors' Association, and National Council of State Legislatures support the Uruguay Round Agreement because they worked closely with the U.S. Trade Representative to get additional protection into the legislation we will vote on today.

This is not the end of the process. It is one more step in a series of negotiations to improve the long-term growth opportunities for American industries. There are certainly many more barriers and unfair practices out there that we want to remove. But there will be other agreements, if, and only if, there is a structure that continues to serve the interests of the United States.

Do I like every aspect of the deal? I do not. But I am sure of two things: First, with this agreement, American products have better access to more markets around the globe than ever before, and opportunities are better now for future job creation—in the highest paying jobs, in exporting industries.

And second, I am sure that we have preserved our options—we can continue to use the forum of the World Trade Organization to fight for American economic interests in the future. Without the organization—including the stronger rules that we fought for—countries would go their own way, back into a system where every nation looks after its own narrow interests, and everyone loses.

Mr. President, that retreat into protectionism will cost American jobs, as companies move overseas to beat the tariffs other countries raise against products made here. To keep out cheaper imports, we might try to raise the cost of products from overseas—by raising tariffs, which are taxes on American consumers. We lose jobs, and prices increase—this is no answer to the very real problems in our economy.

If there is any doubt about that, just open your history books to the period of the 1930's. That was when we and the rest of the world retreated behind protectionism, and we accelerated the slide into a world-wide depression. We learned from that bitter experience, and after World War II we established the GATT, and have systematically pushed back trade barriers ever since.

Mr. President, my own State of Delaware has been in a great position to take advantage of lower trade barriers that we have achieved under the GATT. And many of the successes scored by United States negotiators in the Uruguay round directly benefit Delaware's key industries.

At Wilmington, Delaware boasts one of the most important seaports on the East Coast, and many of the world's most important high technology, chemical and pharmaceutical companies. We stand at the edge of our country, and have always looked out to the rest of the world for new opportunities.

The chemical industry is the nation's, and Delaware's, biggest exporter—last year, our companies sold $2.3 billion of their products overseas, over two-thirds of the State's total exports.

The Uruguay round cuts tariffs of our most important trading partners, widening the markets for Delaware chemical exports. But I want us to do more, particularly to bring developing countries under the same rules our biggest customers have agreed to. That is why I support the creation of a strong organization to continue to press for more open markets.

Our chemical and pharmaceutical companies will also gain important protection for their patents—the "intellectual property" in their formulas and processes. For years, other countries have pirated these formulas and processes, but at the insistence of the United States, they will now be protected.

The Delaware Department of Agriculture endorses the Uruguay round agreement, because it will increase American exports of poultry and other products important to Delaware. United States poultry exports are predicted to rise 32 percent over the next ten years under the terms of the Uruguay round agreement.

Not just our biggest companies and industries will benefit from this agreement. Delaware has more than 250 exporting businesses. Fully 96 percent of them are small businesses, with fewer than 500 employees each. Throughout our state, jobs are tied to the international economy which will continue to grow with the global tariff cuts in the Uruguay round agreement.

Mr. President, this agreement is one step toward a fairer, more predictable world trading system, one in which the specific advantages of the United States—in the fast growing service sector, in agricultural products, in high technology products—receive new protection and greater access to the markets of the world.

Americans are understandably concerned about the changing role of our economy in a changing world. In response to those concerns, this agreement will open more growing markets to our workers and factories—the most productive in the world. The agreement will remove $750 billion in tariff barriers in the international economy, increasing the flow of trade in a system where we have the advantage of the biggest single market and the most productive workers.

Mr. FEINGOLD. Mr. President, I have several concerns with the proposed World Trade Organization [WTO] and associated trade agreements.

The latest series of negotiations on the General Agreement on Tariffs and Trade [GATT] was officially completed on April 15 of this year when representatives of over 100 countries signed the final act of the Uruguay round in Morocco, coming over 4 years after the original completion date of December 1990.

In some important ways, trade barriers are reduced and free-trade is enhanced by the most recent GATT. According to the Congressional Research Service, tariffs will be reduced an average of one-third on thousands of manufactured goods, and it is my understanding that a number of improvements have been made in the area of intellectual property that may benefit U.S. companies.

But, Mr. President, there are aspects of the proposed agreement that are troubling. There are clearly imbalances in the costs and benefits flowing from the proposed agreement, and for certain sectors of the economy, the proposed agreement may be a bad deal.

One of the most important small businesses in my own State of Wisconsin, the family dairy farmer, may be particularly hard hit.

Under the proposed agreement, European nations will be allowed to subsidize 30 billion pounds of dairy exports while we will have reduced subsidized exports to just 1.5 billion pounds. In addition, we have agreed to open our domestic markets to increased dairy imports which will, in all likelihood, reduce domestic prices for our own producers.

A recent analysis of the proposed agreement by Cornell University economist Andy Novakovic concluded that the proposed GATT trade agreement could lower U.S. milk price by as much as $2 per hundredweight.

In Wisconsin, such a price drop could result in the devastating loss of as much as $480 million in annual farm income.

Mr. President, the economic consequences of such a drop in income would extend well beyond the family farms themselves. That kind of blow could send many rural areas into significant economic downturns, at a time when many are still recovering from last year's floods, and dairy farmers are already having to cope with the arrival of bovine growth hormone, and the continuing loss of dairy farms to the west and south due in large part to a Federal milk marketing order system that discriminates against them.

Mr. President, the potential economic consequences could go even further, underscoring my second concern that there may be an effort to implement the proposed trade agreement without funding that pact.

Mr. President, some have argued that we should waive the budget rules, and allow the implementing legislation to add to our Federal budget deficit. According to a number of estimates, this will amount to an additional $40 billion in deficit increases over the next 10 years, not including the additional interest that will accrue because of those higher deficits.

Adding such a huge additional burden to the Federal deficit not only betrays future generations of taxpayers, it arguably undercuts everything we have accomplished in the last 1½ years to reduce the deficit. By ducking our responsibility on the proposed implementing legislation, we will have undone the progress we made to reduce the deficit, progress which was so difficult to achieve.

Waiving our own budget rules in this instance also makes it all the easier to do so again whenever finding sufficient funding for a politically appealing proposal becomes difficult.

Making exceptions to tough budget rules will soon render those rules meaningless.

Perhaps even worse than waiving the provisions of our budget rules, some are now proposing to change the way we calculate fiscal effects to allow controversial assumptions to be made about potential economic behavior. The effect of this risky new procedure would be to make it much easier for legislative proposals to be considered without being fully funded.

At least a motion to waiver our budget rules is an open, public act, for which each Member may be held accountable. Changing the way fiscal estimates are calculated is a surreptitious and disingenuous attempt to circumvent our budget rules.

I strongly reject such an effort to sidestep our tough budget rules merely to make it easier to promote a political agenda.

The only way we will continue to reduce the Federal budget deficit is to maintain strict budget discipline and fully fund legislative proposals with real offsets, not by "cooking the books" with questionable assumptions.

If any savings are realized above and beyond those that are calculated under the current, more conservative approach, then they can be applied to further reducing the deficit.

Are we now to change the budget rules every time compliance with them becomes inconvenient or even difficult?

Mr. President, we are confronted on a regular basis with having to make tough decisions on worthy programs because of our budget rules, and rightly so. The Federal budget deficit must be brought down.

The proposed World Trade Organization is certainly a significant matter, but the importance of an issue should not determine whether or not it should conform with the budget rules we have set for ourselves.

Indeed, the true test of our resolve to bring the deficit under control is our willingness to apply the budget rules to the important issues.

To those who suggest that we will generate more revenues than will be lost, I say, "all the better." Let us fully fund the implementing legislation. Then, any hoped for additional revenues we realize will reduce the deficit that much further.

Measure that against the terrible precedent of waiving the budget rules, or even worse, of changing those rules to meet our convenience.

Mr. President, the last concern with the proposed World Trade Organization I want to discuss relates to the potential impact it may have on how this body, and other democratic policymaking institutions, will be affected by our adoption of the proposed agreement.

Despite a comprehensive set of rules, detailing what trade activities are permitted and what are not, as well as a dispute mechanism, the world trade system has largely been one of concensus. As the senior Senator from New York [Mr. MOYNIHAN] has pointed out, this is because there never has been a formal ratification of what was to have been the treaty formalizing our membership in something called the International Trade Organization, proposed just after World War II.

Instead, we have operated in the trade system by unanimous consent.

Mr. President, this system has worked both for and against our trade interests, just as the rules of this body sometimes stymie legislation we may want, while also providing individual members and groups of members protection against possible abuse of majority power.

An example where the United States has exercised its effective veto power by refusing to consent is the tuna-dolphin issue. Despite findings against our Marine Mammal Protection law, the United States has not consented to those findings. As a result, we have not had to change our Marine Mammal Protection law, nor have we been forced to pay compensation, nor have we been subjected to trade sanctions because of the findings against us.

This would not be the case under the proposed WTO. If we were to lose the tuna-dolphin dispute as a member of the WTO, and there is every reason to suppose that we will, the United States would be put into the position of having to choose between changing one of our laws, paying compensation, or being subject to trade sanctions.

We would be faced with these same three options any time we lost a dispute with respect to a domestic law.

Mr. President, responsible representatives of a number of different organizations have noted that there may well be a significant impact on our current laws and regulations as well as on future policy and policy making.

The response that some forward—that the proposed WTO and associated trade agreements will mean freer trade—is not sufficient reason for the Senate to ratify membership in the proposed WTO.

With respect to our Nation's domestic policies, and aside from the noneconomic goals of our country, though free trade may be a priority for our economy, no trade agreement should come at the expense of the policies that enhance the 90 percent of our economy that is entirely domestic.

Nor is free trade the only goal of our foreign policy.

Mr. President, a foreign policy that promotes democratic ideals, that enhances human rights, that protects the common environment of the world in which we live, is certainly also a goal. Two useful methods of achieving these goals have been through trade levers and economic sanctions.

The proposed agreement greatly diminishes our ability to use these tools, and leaves us with fewer, more perilous alternatives.

And, Mr. President, as others have noted, in addition to our Federal laws, our State and local laws would be subject to the oversight of the WTO as well.

The ominous and far-reaching effect of this agreement has been felt already. Responding to a number of Members who expressed concerns about the effect the proposed agreement would have on our ability to ban imports made by child labor, U.S. Trade Representative Michael Kantor, in a letter to those Members, conceded that nothing in the proposed agreement would change previous GATT rulings that the United States could not block the importation of a product made by child labor.

Of broader concern were Ambassador Kantor's additional comments in that letter in which he also conceded that it was likely that the administration will oppose legislation they consider to conflict with the rules of the proposed new World Trade Organization.

In fact, this may have occurred already as it is my understanding that during the past session the administration voiced their opposition to at least one telecommunications reform proposal as being GATT illegal.

Mr. President, because of this very aspect of the pact, some have suggested this proposal should be considered as a treaty. Given the potential impact our membership may have on our federal, state and local laws and lawmaking, and on our ability to promote the foreign policy goals I noted earlier, requiring the agreement to be ratified as a treaty may be appropriate.

Mr. President, there have been some recent developments with respect to the proposed implementing legislation that I also want address. In particular, I know many were interested in the agreement reached between the administration and the Republican Leader, Mr. DOLE.

As I understand this agreement, a judicial panel that would advise Congress is created to review the WTO dispute settlement process, and to determine whether WTO dispute panels exceed their authority or act outside the scope of the GATT agreement.

On the charge given to this proposed judicial panel, I would only note that much of the foreboding that surrounds the WTO dispute settlement procedures have not been that a WTO panel would act outside its scope or exceed its authority, but that the scope and authority granted such panels in the first place are enormously broad and overly intrusive.

Beyond that, Mr. President, the creation of a judicial review panel to advise Congress on the General Agreement on Tariffs and Trade, whatever its charge, does not satisfy the concerns I have outlined.

The creation of a judicial advisory panel does nothing to solve the deficit problem created by the GATT implementing bill. Not one more penny in offsets is added to the current inadequate level of funding, so the implementing legislation still violates our budget rules.

Nor does the creation of judicial panel correct the gross inequities confronting our domestic dairy industry. European nations will still be allowed to subsidize 30 billion pounds of dairy exports while we will have reduced subsidized exports to just 1.5 billion pounds, with potential devastating economic consequences for family farms and many rural communities.

Nor does the creation of a judicial panel change the outcome of any ruling by the WTO, nor would it change the impact such a ruling could have on our Federal, State, and local laws, or on our ability to conduct foreign policy.

In this respect, the defect in the current agreement, as presented to Congress, is that we are asked to choose between increased trade and independent democratic institutions. That choice is fundamentally flawed, and the creation of a judicial panel does not correct the shortcoming.

Mr. President, I hope we will not decide that, in the name of free trade, we should join a new international organization that may dramatically alter and even harm the ability of our democratic institutions to set trade and non-trade related policies.

Mr. President, we should reject the proposed pact, and seek a new one—one that provides truly free and fair trade for all sectors of the economy, one that is fully funded, and one that preserves our cherished democratic institutions.

Mr. RIEGLE. Mr. President, I rise in support of this bill to implement the Uruguay Round of the General Agreement on Tariffs and Trade—GATT. While this is not perfect legislation, and there are parts of this bill that I am deeply concerned about, I believe it is important for our Nation's economic future that we pass this legislation.

The Uruguay round opens foreign markets to U.S. goods and services by lowering tariffs and non-tariff barriers in foreign countries, which will benefit many Michigan industries. For example, it will, on average, reduce foreign tariffs on autos by over 50% and on auto parts by over 25% by our major trading partners. It will cut foreign tariffs on household appliances in our major markets by over 40% on average. It will eliminate duties on furniture exports to Japan and the European Union as well as strengthen intellectual property protection for furniture designs. And it will cut foreign tariffs on machine tools and open up foreign government procurement markets to U.S. companies.

While lowering foreign trade barriers, the legislation preserves U.S. trade laws. For example, this bill includes a 1-year legislative extension of Super 301. While the provision is not identical to the original Super 301 provision I coauthored with Senator DANFORTH in the 1988 Trade Act, I am pleased that the administration and the Congress have recognized the usefulness of this important tool for overcoming foreign trade barriers.

The bill also includes a provision directing the President to request the establishment of a working group on trade and labor rights within the new World Trade Organization—WTO. While I would like to have seen more on labor rights in this legislation, I believe that such a working group is an appropriate first step toward grappling with these issues.

There are a number of specific issues included in this legislation that I would like to briefly mention. First of all, let me point out that there are losers as well as winners under this Agreement. One of those industries that we face increased pressure under this Agreement is the zinc alloy industry. Because of reduced U.S. tariffs on zinc alloy imports, this industry is in danger of facing a surge of low-priced imports.

I am pleased that the Statement of Administrative Action—SAA—accompanying this Agreement, which has the force of law, contains a provision which I sponsored requiring the administration to monitor zinc alloy imports. This monitoring will continue as tariffs are reduced for a period of at least 8 years, to determine if there is an injury or threat of injury to the industry and to the national security. If there is reason to believe that there is either severe injury or the threat of severe injury, or injury to national security due to imports of zinc alloys, the administration will initiate a section 201 or section 232 investigation to halt the injurious surge of imports. I hope the administration will be aggressive in its monitoring and investigation activities concerning zinc alloy imports.

A second provision relates to how the anti-dumping laws are applied agricultural growers and processors. This problem came to my attention in the late 1980's when Michigan cherry growers complained that dumped cherry concentrate was causing them injury, even though the domestic processors themselves, the concentrators, were not necessarily affected. Because it was concentrate, and not cherries, that was being dumped, and because not all of the Michigan cherries went into concentrate, the domestic growers did not have a remedy under current law.

This is a very complicated problem, affecting many agricultural products. The SAA commits the administration to review the issue and propose legislation, if appropriate, to solve this problem. Again, I hope the administration will be aggressive is addressing this ongoing problem.

There are other provisions in this legislation, specifically in the area of anti-dumping and countervailing duties, that continue to concern me. One outstanding issue is that of duty absorption. In too many cases, importers who have been caught unfairly dumping or subsidizing their products are simply absorbing the costs of the duties imposed on them. By not raising prices by the amount of the duty as they should be doing, the importers continue their unfair practice of buying market share even though they may be losing money. The result is that the anti-dumping and countervailing duties are not effective in stopping the unfair practices.

This bill takes steps to correct the problem by requiring that duty absorption be considered when the International Trade Commission undertakes its administrative reviews of a dumping order to determine whether those orders should continue. However, the bill does not go the next step to require a calculation of the size of the duty absorption. Such a calculation as part of the review process would help policymakers by showing the extent of the problem. The Administration does not need legislation to perform this calculation; nor does the legislation prohibit such a calculation. I hope they will take it upon themselves to make this calculation.

I am also concerned over the method used to calculate the exemption for start-up costs in an anti-dumping or countervailing duty case. This legislation contains a provision clarifying that such an exemption is available only for true start-up costs and not for costs such as a model year change over in the auto industry. However, the legislation allows variable costs, as well as fixed cost, to be excluded from the calculation of costs in start-up situations. While fixed costs are a legitimate start-up expense, variable costs are an on-going operational cost and should not have been included in this exemption. I hope this issue will be revisited by a future Congress.

In addition, I am concerned about the Agreement's new subsidies code. Some of my colleagues fear that the new subsidies rules will force the U.S. into a subsidies war by allowing only a very limited amount of government funding for industrial research. I disagree. The subsidies war started long ago, and America has been losing. I fear that these new subsidies rules will push us more toward unilateral disarmament while not stopping our foreign competitors. An Agreement will not stop other nations from unfairly trying to wreck American industries. That will take vigorous action by the Federal government in enforcing the new rules and in pursuing assistance to industry where allowed under the rules. We must continue to do all that we can to promote and maintain America's technological competitiveness.

GATT AND NAFTA

Mr. President, I was a strong opponent of the North America Free Trade Agreement (NAFTA). I felt, and still believe, that NAFTA was fundamentally a bad deal for American workers and the American economy. Much of the recent celebratory noises about NAFTA are, at best, premature. Shifts in investment and the movement of plants and jobs takes years to show up in the statistics. However, the trend is very clear. One just has to look at the number of petitions for the special NAFTA Trade Adjustment Assistance benefits to realize that companies are already shipping jobs south.

But the GATT agreement is not NAFTA. At its core, NAFTA was all about the economic integration of a developed nation with a developing nation. It was a merger between two economies with fundamentally different structures and situations.

I supported the U.S.-Canadian Free Trade Agreement (CFTA). The CFTA was essentially a deal between like-parties. The U.S. and Canadian economies are similar in their structure and level of development, and were already highly integrated. The CFTA was an agreement to set in place rules to govern our already intertwined economies. NAFTA was designed to put in place rules to force a joining of very different economies.

In that sense, the new GATT agreement is much more similar to the CFTA than it is to NAFTA—even though GATT does not go as far as toward integrating economies as the CFTA does. GATT is more a deal between equals. While the agreement broadens the scope of GATT coverage to include more developing countries under its rules, its core is comprised of the developed nations—especially the so-called "quad" of the U.S., Canada, Japan and the European Union.

Whereas NAFTA was, at heart, an issue of economic integration, GATT is, at heart, an issue of lowering foreign trade barriers. The Uruguay Round includeds an over 40% reduction in tariffs on the most important manufacturing exports to Europe and Japan. It includes large tariff reductions in developing nations, such as the rapidly expanding markets in Asia and the Pacific. It also includes an important agreement on agriculture, including the opening of the Japanese rice market.

At the same time, unlike NAFTA, the Uruguay Round does not eliminate all U.S. tariffs. Under NAFTA, all tariffs on Mexican and Canadian goods will be eliminated. Under GATT, some tariffs will be phased out, others will be reduced, and yet others will remain in place.

A look at the dispute settlement process in GATT and NAFTA confirms the difference. Under NAFTA as an economic integration process, the binational dispute settlement panels can review and overturn decisions by the Commerce Department and the International Trade Commission in cases involving U.S. antidumping and countervailing duty laws. The new WTO dispute settlement panels under the new Uruguay Round agreement don't have the power to overturn U.S. decisions. They can authorize other nations to seek retaliation, but they have no power directly over U.S. decisions. Rather than seeking economic integration, as under NAFTA, the Uruguay Round Agreement seeks to set up a mechanism to manage the rules of the road on international trade.

Finally, and very importantly, the issue of investment is treated very differently in GATT and NAFTA. NAFTA was, in my view, an agreement to make Mexico safe for U.S. investments. One of its major purposes was to reduce the barriers to U.S. companies who wanted to set up operations in Mexico. The proponents of NAFTA couched this in terms of being able to have Mexican plants to serve the Mexican market. I think time will show that the results will be to move U.S. plants to Mexico to then sell products back to the U.S. market.

GATT, on the other hand, says very little about investment. To some, this is a great short-coming of the agreement. However, I believe that the entire issue of the link between investment and trade is one which we need much more time to discuss and understand. Had the uruguay Round Agreement taken major steps that would have increased incentives for U.S. companies to move overseas, I would be strongly against it. But the new GATT Agreement, unlike NAFTA, does not include these incentives.

FUNDING

One of the areas that concerns me about this bill is the financing package. Under the current pay-as-you-go budgeting rules, Congress must insure that the bill will be budget neutral. Since implementing the agreement involves reducing tariffs on foreign goods sold in the U.S., Congress must either raise new revenues or cut spending to replace the revenues lost due to these cuts in tariffs. The amount in question is almost $12 billion over the first 5 years of the agreement. The bill sent to us by the Clinton Administration includes a $12 billion financing package, worked out in cooperation with the Senate Finance Committee and the House Ways and Means Committee.

Technically, however, the bill does not cover all the revenues lose. Under a special Senate rule, revenues offsets are required for a full 10 years. This rule is separate and beyond the budget deficit reduction requirements we have enacted over the years, As I stated earlier, the funding package included in this bill covers only the first 5 years. Thus, the bill is subject to a point of order under the Senate rules, which requires 60 votes to waive.

I firmly believe that this legislation, by opening foreign markets to U.S. goods and services, will promote economic growth here in America and will not result in an increase in the Federal budget deficit. Therefore, I will vote to waive any budget point of order that may be raised with respect to this bill. We should not allow technical accounting rules to get in the way of doing what must be done to ensure that America remains a strong player in the global economy.

While I generally do not oppose this funding package, I am opposed to one element of it—the provisions concerned with the Pension Benefit Guarantee Corporation [PBGC]. I stand committed to ensuring that secure retirements are available to the working men and women in this country and understand that PBGC reform may be needed. However, the PBGC reform proposal included in this legislation has been subject to few hearings and almost no formal scrutiny by the relevant committees. I am concerned that we may be enacting far reaching changes to the pension system in our country without adequate debate or discussion.

FAST TRACK

The issue of the PBGC reform proposals highlights my second concern over this bill—the so-called "fast track" process. Under the fast track procedure, legislation to implement a trade agreement proceeds under a specific timetable for Congressional consideration with no amendments allowed. My concern is not over the timetable for debate. I am, however, deeply concerned over the no amendment rule.

As the PBGC issue illustrates, fast track is being used for more than simply trade-specific items coming out of a multilateral negotiation. At a very minimum, future Congresses should not allow fast track procedures for trade agreements to be used beyond the intended scope to enact non-trade legislation. Any future procedure for handling trade agreements should allow amendments in general—and must, at least, allow amendments to non-trade, non-germane provisions.

There are those who claim that trade agreements must be an all-or-nothing vote by the Congress. They claim that to allow amendments to such a large agreement, negotiated by so many countries, would result in an unraveling of the agreement and its certain death.

I disagree. The Congress, as the elected representatives of the people, should and must have a say in not only the final product of such trade agreements but also in the details.

Even if such a fast track procedure were critical for large, multilateral agreements, the same procedure need not apply to bilateral trade agreements. Proponents of fast track claim it would be impossible to renegotiate an amendment with over 100 other nations. Even accepting that, surely it would be possible to renegotiate with a single nation over an issue held by the Congress to be important. Our experience with the NAFTA side-agreements confirms that such renegotiations are possible.

Likewise, there is no need to extend fast track to the financing packages of a trade agreement. Under the current budget rules, any amendments to the fund provisions would have to be completely offset by a substitute funding provision. Opponents could not kill the agreement by amendment, as some fear. Changes in the financing package would not require renegotiations of the trade agreement itself. Thus, the rationale for fast track does not apply.

I believe that our experience with this GATT implementing legislation should serve as a lesson to future Congresses. When used, if at all, fast track procedures should be explicitly reserved for truly multilateral trade provisions. They must be clearly restricted to only those parts of a multilateral agreement negotiated with other nations. All other parts of the bill must be subject to amendment—including the right of the Congress to add additional safeguards if necessary. Under this process, the rights and obligations of Congress are preserved while the negotiated parts of the agreement are not subject to amendment and the threat of renegotiation.

This system I have proposed would, I believe, overcome the flaws that have become evidence in the current fast track process, while continuing our ability to negotiate trade agreements. I hope future Congresses will look carefully at this suggestion when debating any renewal of fast track authority.

SOVEREIGNTY AND RELATED ISSUES

While I have concerns over this Agreement, I do not believe that it violates U.S. sovereignty, as some have claimed. The rules under which the WTO will operate are generally the same as for the current GATT—something not well understood. In most cases where there have been changes to the rules, the new rules have a stricter voting requirement—such as increasing the voting requirement from a simple majority or two-thirds to three-quarters, or even to requiring a consensus.

Thus, the fears that the United States will be "out-voted" are even less under the new rules than under the existing system.

In addition, the WTO, like the GATT, provides a mechanism for leaving the Agreement. This is the ultimate safeguard of U.S. interests—one that I hope this administration and future administrations will use wisely.

There is one change in the rules that has caused legitimate concern. Under the existing system, any finding by a dispute settlement panel can be blocked by either party. In other words, if we challenge another country's trade laws as unfair in the GATT, that country can block a GATT finding that their law or practice is an unfair trade restriction. Likewise, we can block any finding against us.

Some have claimed that this means that all U.S. laws are at the mercy of foreign governments. This is not the case. First of all, the finding of a dispute settlement panel is only that—a finding. Such findings do not overturn U.S. laws or regulations. Only Congress can change U.S. law.

If another nation does win a dispute settlement finding against us, there are only four things that could happen. First, the United States could change its law or regulation. Second, the United States could give the other nation a trade compensation—such as lowering existing tariffs on some good exported by that nation to us. Such a compensation must be in the same amount as the economic harm to that nation's trade caused by the U.S. law. Third, the other nation could retaliate against some U.S. export by, for example, raising their tariffs in the same amount as the economic harm.

Finally, nothing might happen. The U.S. might decide not to change its law or regulation and not to grant a trade compensation. And the other nation might decide not to retaliate, even under WTO sanction, for fear of starting a trade war.

While I reject the claims that the agreement violates U.S. sovereignty, I share the concern that adverse rulings by the dispute settlement panel will be used as political pressure to force a change in U.S. law. We must keep up our vigilance to ensure that U.S. laws, especially those concerning worker rights and health and safety issues, are not changed merely to suit the convenience of other nations. I commended those who have raised this concern and hope that they will continue as strong watchdogs of this agreement.

FUTURE OF TRADE

Mr. President, as all my colleagues know, I share the concern of many that for too many years America has been the patsy of the world when it comes to trade. We have opened up our markets while others have kept them closed—a situation I hope this agreement will finally reverse.

Labor Secretary Robert Reich has coined the term "the anxious class" to describe the feeling that has afflicted the middle class in this country. Wages, incomes and standards of living for working Americans stagnated over 20 years ago. Two incomes are now needed to maintain middle-class status. At the same time, job security has declined as too many companies continue to look upon workers as a cost rather than as an asset.

Recessions have made matters worse; but recoveries have not helped. Even now, the benefits of the most recent economic recovery have been too few for too many Americans.

Many are opposed to this agreement—based on these all to real fears. However, rejecting this agreement will do nothing to advance our agenda to create an effective trade strategy. It will only slow us down as it forces us to re-open all of the old trade arguments of the past decade.

Rather than turn inward, we need to continue to insist on a trade strategy that opens foreign markets to U.S. goods and services. We need a trade strategy that targets our export promotion activities toward those markets and those products were we excel. And we need a trade strategy that aggressively uses all the tools at our disposal to counteract unfair and predatory practices by our trading partners.

We have the elements of the strategy today. For example, the work of the Trade Promotion Coordinating Committee (TPCC) within the administration has strengthened our export promotion activities. The TPCC has produced and is implementing a strategy to target the so-called Big Emerging Market and Big Emerging Sectors.

These efforts need to be backed up with strong efforts to counter closed markets and unfair trading practices. We have begun to make progress in some cases, such as in telecommunications and government procurement in Japan. But much more is needed, especially in the area of autos and auto parts.

Finally, we need to proceed carefully with the next steps of trade talks. We should not let the heady rhetoric of global free trade obscure the harsh reality of the strategic nature of the global economy. We should proceed slowly with grand plans for free trade areas in the Asian-Pacific region and Latin American—carefully weighing the costs and benefits of such plans. Opening of foreign markets and the reduction of trade barriers should be our goal—not the headlong rush toward economic integration regardless of the costs.

I am convinced that we can craft a strategic trade policy for America—one that opens markets to U.S. goods and services abroad and raises workers' standard of living at home. The first step is to move forward, not backward. Adoption of this legislation to implement the Uruguay Round Agreement is that step forward. We need to pass this Agreement and move on.

Mr. PRYOR. Mr. President, today we face one of the most important votes in the economic history of this Nation. The job growth and expansion opportunities for our country hang in the balance of this vote and it is up to us to make the right decision. As the world becomes smaller because of the explosion in communications and information technologies, we must make the transition to this global economy in a way that provides the maximum benefit for these United States of America. Will this task be easy—No. Is it possible—Yes. Well, how can we get there—By passing the Uruguay Round GATT Agreement, the United States can take advantage of our inherent competitive advantages in these new global markets.

Mr. President, our historic debate on GATT, which culminates in a final vote today, should answer a number of important questions for the American people. In the next few minutes, I would like to pose some of those questions and provide some answers.

What is GATT? Simply put, this agreement sets up a system to help govern how the various member countries will trade. With varying cultures, customs, and laws, this type of agreement is necessary to facilitate open and fair trade among nations. GATT reduces tariffs around the world by roughly one-third. Since a tariff is nothing more than a tax on exports, this translates into the largest worldwide tax cut in history of some $744 billion. Just as the NAFTA agreement has helped open markets with our trading partners to the north and south and set up a better defined system to facilitate trade, the GATT will accrue these same benefits with over 120 countries.

Is the GATT agreement perfect?—No, few things are. Will every sector of our economy win under this GATT?—No, but rejecting this agreement on behalf of a handful of industries is hardly equitable for the overwhelming majority of our economic sectors that stand to benefit greatly by expanded opportunities around the world.

What does GATT mean for my home State of Arkansas?—It means new markets, new jobs and economic growth. Just look at what Arkansas has experienced the last few years in terms of exports. In 1987, Arkansas exported merchandise worth around $408 million. By 1993, Arkansas exports had grown to over $1.1 billion—an increase of 172 percent, giving it the eighth largest percentage increase among all the States. We have clearly demonstrated our ability to compete in the world and this agreement only facilitates more opportunities with new markets.

Where are Arkansas exports going?—All over the world. In the Pacific rim alone, exports from Arkansas totaled some $269 million. In addition, we enjoyed approximately $174 million in exports to the European union and had sales to Latin America and the Caribbean region totaling $107 million.

What kind of exports does Arkansas make?—Some 95 percent of Arkansas' export sales in 1993 consisted of manufactured goods which translate into jobs and opportunities for Arkansans. Specifically, $305 million of these from the food products industry, $185 million from the chemical products industry and nearly $122 million from the industrial machinery and computers industries, not to mention electric and electronic equipment, transportation equipment, and fabricated metal products representing over $250 million cumulatively.

Mr. President, I am confident that America will benefit from GATT. But it is also my responsibility to look after the effect GATT or any other measure before Congress will have on the State of Arkansas. Mr. President, the facts I have just mentioned make if abundantly clear that Arkansas will be a major winner under this trade agreement by increasing the trade exports that have benefited our State tremendously during the last several years. I for one, will not sit back and take a pass on an opportunity to increase Arkansas' prosperity.

If it is true that 95 percent of the world's population is outside the United States, then why shouldn't Arkansas and the rest of the Nation be the ones to sell food, goods and products to these consumers? If we don't, someone else will. We cannot afford to allow some other country to surpass our position as the world's largest exporter.

Roughly, 60 years ago, this country turned away from foreign markets and sought to build a wall around our country. This legislation was known as the Smoot-Hawley Act and helped lead us to our worst economic depression. Today, the Congress is again faced with the choice between free markets or isolationism. –I believe we should learn from our mistakes and not let history repeat itself. We should take advantage of the enormous benefits this agreement will bring to Arkansas and the rest of the country.

There have been red herring arguments galore in this debate predicting gloom and doom should we pass this legislation implementing the agreement. For example, some have argued the very sovereignty of our country may be jeopardized. Mr. President, as much or more than any member of the Senate, I am concerned anytime our sovereignty may be threatened, but this agreement does not. Even the conservative jurist Robert Bork has studied this agreement and in his legal opinion GATT does not pose a threat to the sovereignty of the United States. The Congress of the United States and only the Congress can change any law of the United States.

Mr. President, let us not fall into the easy traps of being against change especially when the benefits can be so great. The United States needs this GATT agreement and it is up to us to deliver. Let's pass the GATT and any procedural votes necessary to do so.

Ms. MOSELEY-BRAUN. Mr. President, I support the GATT implementing legislation. I believe that the GATT Agreement is good for the American people, good for our international competitiveness, and good for our collective future as a nation and a people.

The history of expanding trade opportunities has been a history of increasing economic growth, both here in the United States and overseas. Lowering trade barriers has consistently produced new jobs—good jobs—here at home.

Over the last 50 years, the United States has provided an enormous market to the countries of the world. At the same time, we have worked to gain market access for American products. Both Americans and the rest of the world have benefitted. Eliminating trade barriers and increasing trade has therefore been a win-win proposition for the United States.

The Uruguay Round Agreements of the General Agreement on Tariffs and Trade is designed to continue that "win-win" tradition. It opens markets and reduces tariff and nontariff barriers, in order to expand trade, economic growth and job opportunities.

The evidence is convincing that this agreement will be good for the American people. Over the next 10 years, United States GDP will expand by $100 to $200 billion as a result of GATT. It will create hundreds of thousands of new jobs. It will increase U.S. productivity, real wages, and living standards. In 1992, 10½ million U.S. workers owed their jobs to exports of goods and services. And jobs related to exports pay an average of 13 percent more than the national average wage.

Under the new GATT Agreement, the United States achieved a 40 percent average reduction of tariffs that our major trading partners impose on U.S. products. In the area of industrial goods, worldwide tariffs on construction equipment, farm equipment, medical devices, pharmaceuticals, steel mill products, and beer and distilled spirits will be eliminated. Tariffs on electronic equipment and scientific instruments will be halved.

These are all areas where U.S. products are of the highest quality in the world. What is more, workers who make medical devices and construction equipment are well paid. When we sell more of these products to the rest of the world, we create high skilled, high paying jobs.

In agriculture, the Uruguay round has been very successful in reducing trade-distorting subsidies. The United States Department of Agriculture expects U.S. agricultural exports to nearly double from $4.7 billion to $8.7 billion in the next 10 years as a result of the Uruguay Round Agreements. Increased exports will raise U.S. farm prices, increase farm income, and lower U.S. Government outlays on price and income support programs. Agricultural export-related employment is expected to increase by as much as 190,000 jobs in the next 10 years.

For the first time ever, the GATT Agreements establish multilateral, legally enforceable rules for trade in services. Areas such as accounting, advertising, architecture, and engineering services, as well as financial services, will come under the General Agreement on Trade in Services. Foreign governments' will no longer be able to discriminate against U.S. banking and insurance companies. Service providers from other countries will receive no less favorable treatment than that accorded to local service suppliers. U.S. firms will also have the right of repatriate profits.

Seventy percent of U.S. jobs are in the service sector. The General Agreement on Trade in Services provides new international rules that will greatly benefit this largest sector of the American economy in its effort to compete overseas, and that will mean additional new jobs here in the United States.

In the area of intellectual property, the trade-related intellectual property rights agreement establishes enforceable multilateral obligations to protect copyrights, patents, and trade secrets. Computer software and databases will finally have the same protection as a literary work.

These agreements will have a very positive effect on Illinois, because Illinois is a major exporting State. In 1993, Illinois exported just over $20 billion of merchandise and services. From 1987 to 1993, Illinois exports doubled, and the GATT Agreement will lead to further major increases in Illinois exports.

More importantly, the GATT reduces tariffs imposed by our largest trading partners. Illinois exports $4.7 billion of goods and services to the European Union. Those tariffs will be reduced an average of 54 percent. Illinois exports almost $2 billion of goods and services to Japan. Those tariffs will be reduced an average of 39 percent.

This agreement eliminates and reduces tariffs in areas where Illinois products are strongest. Illinois exported $5.5 billion in industrial machinery. We exported $3 billion in agricultural products. With the reduction of tariffs and trade distorting agricultural subsides, these numbers will only increase. And that means more Illinois jobs for urban, suburban, and rural communities.

I would like to address some of the concerns I have heard from people in Illinois regarding the World Trade Organization, and the new rules regarding dispute resolution. Under the WTO, the procedures of investigating a trade dispute will be much the same as the current process. The difference is that decisions, which are the outcomes of these investigations, will be enforceable.

The United States will continue to be able to reject a decision of the WTO. If a decision is made against the United States, and subsequent negotiations cannot resolve the issue, the plaintiff can retaliate by lifting tariffs back to where they are today. Further, the President will support legislation to establish a WTO dispute settlement review commission to ensure that the WTO acted fairly.

I do not believe that the United States will be losing its sovereignty by joining the WTO. Quite the opposite, the WTO will ensure that the rest of the world practices the kind of fair and open trade that the United States has always practiced.

I would like to take a moment to address the anxiety of labor unions, environmental groups, and consumer groups, who have expressed their deep concerns bout the GATT agreements. To my friends in the environmental movement, I would like to say that I would not support the GATT if I thought it would lower American environmental standards. I do not believe that laws that protect food safety and air quality will be found GATT illegal. As we saw in the recent ruling on cafe standards, our environmental laws are legal as long as they do not favor domestic producers over foreign ones.

With regard to labor, I understand the concerns of Americans who worry about losing jobs to low-wage workers overseas. I think it is worth keeping in mind, however, that fully 40 percent of our overall trade deficit is with Japan, a country that pays its workers even more, in dollar terms, than American workers earn. Yet Japan not only runs an enormous trade surplus with the United States, but with the entire world.

It is also worth keeping in mind that defeating the GATT will not protect Americans from low-wage workers abroad. U.S. tariffs are already far lower than tariffs in most other nations, and defeating GATT would not increase them. Our future depends not on high tariffs, but on continuing to do what we are already doing, working much smarter, working much more productively, than our international competition.

To take just one example of what I mean, it wasn't very long ago that many people were writing off the U.S. automobile industry. U.S. manufacturers were steadily losing market share to foreign competitors. Now, the U.S. is the place to manufacture. Foreign car companies eagerly build plants in the United States because of the advantages of manufacturing here, and one of the most important of those advantages is the American work force. In one industry after another, Americans are demonstrating that we are the most productive workers in the world. We can compete—and win—internationally, and that is what we must continue to do.

Mr. President, the Uruguay round builds upon the long U.S. tradition of open markets. It increases the volume of trade and investment worldwide, which will create jobs at home and abroad. It anchors the United States in the family of trading nations, and it sets fair and universal standards for us to compete in the global marketplace.

The GATT agreements are, in essence, about confidence, confidence in our future and confidence in our children. I am voting for GATT because I am confident that Americans will prosper under the new trading regime. Americans are ready to compete and succeed, and GATT will help them to be more successful.

Mr. KERREY. Mr. President, after a careful listening to those on both sides of the issue, I have decided to support the implementing legislation for the Uruguay round of the General Agreement on Tariffs and Trade [GATT], as well as the motion to waive the budget point of order against the bill. I have concluded that the Uruguay Round Agreement, on balance, offers a promising opportunity for the United States—already the largest and most open market in the world—to secure its fair share of a growing world marketplace, and more importantly, to generate here at home the kind of good-paying, skilled jobs that, in my view, give purpose to our efforts to pursue trade reform.

This agreement, as some of its detractors unfortunately fail to mention, is actually the product of nearly 8 years of negotiations involving over 120 countries. It is a work that has been many, many months in progress, and the subject of numerous hearings and debates in Congress ever since this trade round was inaugurated in September, 1986. This implementing measure would have been voted on months ago, except for the procedures governing consideration of the bill which specifically provided various committees of the Congress an established timetable to examine the bill's provisions and weight its impact. But for the fact that a single committee exercised its full rights under these procedural timetables, we would have voted on this agreement well in advance of this fall's election. Although this bill is indeed a very complex piece of legislation, this is not, in other words, a document that has been sprung on Congress and the American people without notice, without debate, and without the opportunity for challenge. It's a sad commentary on the state of civic debate in this country that the agreement's opponents have resorted to describing the current situation in a manner deliberately intended to fuel public suspicion that this is a back-room deal, written in secrecy under the direction of multinational corporations at the expense of U.S. workers and consumers, presented for rushed, last-minute approval by defeated Members of Congress.

As the largest but already the most open economy in the world, the United States has something to lose but certainly much to gain as we reduce our trade barriers still further but in turn secure from our GATT trading partners, as this agreement does, the obligation to provide even greater access to their markets. The vast majority of the economic assessments that I have seen point to the agreement's likely result in creating more American jobs, boosting national income and returning more, not less, to the U.S. Treasury, despite the known revenue loss associated with the tariff reductions included in the implementing bill.

The likelihood that this agreement will increase Treasury receipts rather than decrease them is the reason why I will support the motion to waive the budget point of order against the agreement. This bill, I believe, is as clear an example as any why our budget procedures rightly provide a limited opportunity for a waiver. Under our current budget rules, we are required to acknowledge the known costs of a bill—in this case, the revenue losses resulting from the tariff cuts. However, those same rules prevent us from assuming—on the ground that they are too speculative—the likely gains to the Treasury that most studies conclude should result from the increased U.S. employment, income, and tax revenue expected to be generated by the pact. I support the waiver, in short, because I agree that the Uruguay round is likely to lead to increased trade and increased economic activity that will offset expected tariff revenue losses, leaving our annual budget deficits no worse than currently projected. I believe strongly that free trade, fairly conducted, is good for the world economy and particularly good for the United States and its workers. From agriculture, to services, to technology, to basic manufacturing, the U.S. ranks among the world leaders and has the potential, under this agreement, to strengthen its position still more.

A central source of controversy surrounding this agreement involves, of course, the proposed new World Trade Organization [WTO] that will be established to replace the current GATT body as the forum for considering and resolving trade disputes. In my view, this issue essentially boils down to one question: Do we favor finally putting some teeth into the enforcement of decisions that arise from international trade disputes? Or do we prefer to continue the current system under which the United States has, on several occasions, brought unfair trade complaints against other countries, and prevailed under a subsequent GATT review, only to have the offending country ignore the GATT decision and snub the United States? I believe the United States has much more to gain than to lose by giving meaning to the resolution process governing international trade.

I understand that there is strong concern, quite legitimate, about the impact of a WTO finding that may go against the United States. Despite considerable misinformation to the contrary, an adverse WTO decision could not force the United States to change a Federal, State, or local law or regulation. What it would require the United States to do, however, is to decide whether to comply with the WTO decision by enacting changes in our laws or regulations, or to ignore the decision, thus providing the opportunity for the country that prevailed in the dispute to impose compensatory tariffs on U.S. exports to that country. But it's up to the United States to decide how to comply or whether to comply, and possibly face sanctions. In any event, only the United States may change its own laws, if that's what we decide to do.

On the other hand, it must be pointed out, and I believe this is vital, that the same risks the United States accepts by becoming a member of the new WTO affords the United States, for the first time, the assurance that we can obtain redress and compensation if we win a fair trade case brought before the WTO. As the largest and most open economy already in the world today, it only stands to reason that we have considerably more to gain than to lose by agreeing to participate in a world market suddenly obliged to adhere to enforceable standards of fair trade.

Although I have reached the conclusion, Mr. Prsident, that this legislation, on balance, is good for the United States and deserving of strong support, I believe the agreement itself is deficient in some key respects.

For example, nothing in the agreement prompts the United States and its trading partners to cooperate in a deliberate way to develop the type of environmental and labor standards that we have adopted in this country to help ensure that our economic gains do not come at the cost of environmental degradation and worker exploitation. Yet, I agree with those who espouse the belief that increased trade, and the economic activity and jobs it generates, tends to list the living standards of those individuals it touches, but I think that as civilized nations, we can and should do more. Those who bring fervor and ideological force to the argument for breaking down trade barriers should be called upon to bring a concurrent commitment to elevating the living and working standards of all those who paritcipate, in whatever small part, in the world economy. We in the United States should cede no economic or trade advantage to another country simply because that country has, for example, no Clean Air Act, no Clean Water Act, no child labor safeguards, or no wage and hour standards. Such countries enjoy no real advantage because they lack such measures, and the United States bears no unacceptable burden because it has them. But we should, as a member of the WTO, do much more to ensure that all nations engaged in international commerce adhere to similar standards. This must be a central objective of the trade agreements of the future.

Finally, Mr. President, I must note that many of those who have expressed to me their opposition to this agreement have cited their deep-seated concerns about economic concentration in this country; the stressful impact of today's changing and uncertain economy on struggling workers—especially those families with children; the eroding sense of community and company loyalty; and evidence of failed domestic policies in such areas as agriculture. In short, they have expressed to me their personal anxiety about a rapidly evolving economy that they fear—and the operative word is indeed fear—is producing more losers than winners.

I say to these opponents that I understand and agree with these sentiments. But an international trade agreement alone will not and cannot be expected to overcome the effects of failed domestic policies. Those policies deserve our separate but equally focused attention. And no new trade agreement will halt the fundamental changes that are rocking our economy and are likely to continue apace with or without this agreement. But I am confident, and I urge them to consider, that one of our best opportunities, as a country, to overcome these dislocations in our economy and relieve the anxiety felt by families is to build on the strengths of the many U.S. industries that currently make up our competitive export sector and employ millions of Americans.

For all of these reasons, Mr. President, I intend to support the GATT implementing bill and urge its adoption.

Mr. DURENBERGER. Mr. President, I rise in strong support of the legislation to implement the GATT Agreement. The agreement represent 7 years of hard work by over 100 countries to overhaul a GATT system that was not working—that was not imposing the needed disciplines which enable countries to work together and prosper in a global economy.

The new World Trade Organization will enable our country, for the first time, to effectively address unfair trade practices by other countries. We will no longer have our complaints blocked by an offending country. This is major progress. A more effective dispute settlement mechanism is something we fought for during the entire negotiation process—and we got it. It will not affect our sovereignty. It will not force us to weaken our environmental protection laws. It will not impose world government. It will help Americans sell their goods and services abroad under a level playing field. It will impose a discipline which I believe will avoid the pursuit of protectionist efforts by other countries as well as to remind our own leaders how counterproductive these efforts can be in our own country.

The Uruguay round agreement achieved significant progress in many areas. Agriculture, services, investment and intellectual property rights will now be covered under GATT disciplines. Tariffs have been cut significantly and important market access goals have been met. Improvements were made in the subsidies and antidumping codes. There will be fewer standards barriers. There was an explicit recognition of the right of all nations to retain their tough health and environment standards—unless those standards are imposed solely for the purpose of restricting imports. This is important progress for Minnesota as well as the whole country.

The progress we made on tariff cuts alone—a global tax cut of $744 billion over next 10 years—and on expanded market access to help us export more of our Minnesota products and services, is worth a vote for the agreement through its implementing legislation. That is progress we can all understand.

We have also achieved major progress on more esoteric areas such as subsidies and antidumping. We now have a better system to identify and control the use of government subsidies abroad as well as to maintain and improve our own tough antidumping laws which have benefited industries such as steel. Yet we have attempted to control the kinds of changes in our antidumping laws which could result in more dumping cases against U.S. companies operating in other countries. I have worked with the steel industry in Minnesota throughout my entire career in the Senate to help them combat unfair trade practices and to improve their own competitiveness. That industry has gone through a very painful, but necessary, modernization and restructuring process and appears to be well on its way to regaining its competitiveness globally. But, it, and all of our other industries, need the level playing field of this Agreement to continue to compete.

The agreement is a definite plus for Minnesota, as an export economy which will significantly benefit from lower tariffs abroad as well as fewer barriers and further access for Minnesota products. Minnesota exported $10 billion in 1993—the 13th largest State exporter. Minnesota's exports grew by 80 percent over 1987-93 and will only increase under this agreement. Minnesota service companies and agricultural producers will now be able to use the disciplines of the GATT to ensure that they can trade fairly. Tariff cuts will help many of our Minnesota companies cut their costs in order to increase competitive opportunities abroad. Intellectual property protection abroad is instrumental to Minnesota's huge high tech community.

In my judgement, agriculture fared very well in the agreement. Minnesota's agricultural exports are vital to its economy. Agricultural exports in Minnesota increased 25 percent from 1987-93 and totaled $2.8 billion in 1993.

The USDA has estimated that the GATT Agreement will boost agricultural exports by $5 to $14 billion over the next 5 years. Ag subsidies abroad, particularly in the European Union, have been slashed significantly, albeit not to the extent we desired. I am pleased that so many agriculture interests strongly support this agreement—the Corn Growers, Barley Growers, Pork Producers, Cattlemen's Association, the Farm Bureau, Poultry and Egg Council, Sugar Industry and many others.

The dairy industry has protested the market opening which will bring dairy imports up to about 1 percent of consumption—but dairy now has more access for its exports abroad. The soybean growers wanted lower tariffs. The administration is committed to continuing efforts to lower tariffs worldwide. The GATT Agreement does not halt that progress.

To recognize further efforts to help our important agricultural in Minnesota, I was pleased to hear that BOB DOLE has secured a commitment by the administration to propose $600 million in additional greenbox programs which will help us export even more agricultural commodities, including dairy and soybeans. Further, the administration indicates it will not propose ag program cuts in the fiscal year 1996 and 1997 budgets.

Minnesota has a long history of support for trade agreements and legislation which expands trade opportunities, My record, from my support of the Tokyo round implementing legislation in 1979, for the two major trade bills we have passed since then, and for the NAFTA has been consistent with the interests of my State. I am proud to have played a role in each one of these efforts, just as I am proud to have been an active promoter of the GATT Agreement.

Despite opposition from labor, I have been encouraged by estimates of job creation due to the GATT Agreement. The DRI-McGraw-Hill study estimates an employment gain, over that of normal economic expansion, of 1.4 million jobs by the 10th year.

I was also pleased that soon-to-be majority leader DOLE was able to work out an agreement with the administration to satisfy some of the concerns about the agreement itself, as well as its funding mechanism. While I had thought the 6-month notification period in the agreement that would enable us to withdraw from the WTO was adequate, the Dole-U.S. review panel was a positive improvement and should satisfy some of the concerns that the WTO panel process could be used unfairly against us.

Mr. President, I am well aware that this agreement is controversial, largely because it is not easily understandable by many people. It has not received much attention by the press, partly because much of it is so technical in nature. I regret the opposition by many of my friends from labor unions, from environment groups, from the dairy industry.

Particularly I regret what has been an unfair characterization of the agreement by Ralph Nader and others who have tacked many of the world's evils onto this agreement. They are the ones who do not understand the agreement—who have not read the agreement.

I admit that the agreement fell short in some areas. We did not, and could never, achieve 100 percent of our negotiating objectives. In my judgement, we reached far more of our objectives than other nations. We should not delay the agreement. It cannot be reopened next year to achieve further progress. That just will not happen—no other country would agree to that. So the significant progress we made over 7 years will be lost if that happens.

In addition, the administration communicates that even a 6-month delay would cost the united States $70 billion in lost production and reduce employment in the United States by 25,000 jobs a year for 10 years. There is no need to delay. The final agreement has been before us for well over a year. We have known our negotiating objectives and have had briefings over the last 7 years from our negotiators.

The budget waiver vote before us is the only real vote on the implementing legislation. If we do not waive the Budget Act, the GATT Agreement will die.

Earlier in the year, I joined many of my colleagues to protest what I had heard was an intention on the part of the administration to waive the full 10 years of the agreement. This was not acceptable, and I strongly communicated that to the administration. However, the administration was able to waive the first 5 years, and I believe that the economic growth this agreement will bring to us will definitely pay for the second 5 years. In fact, the Treasury Department reports $100 to $200 billion in added income per year as a result of the Uruguay round agreement progress. As a result, I will vote to waive the budget rules, although I am generally loathe to do so.

Mr. President, we have far more work to do in the area of addressing unfair trade barriers and to expand export opportunities for American interests. I wish we could have solved all of the problems in the Uruguay round, but we didn't. But we cannot scrap 7 years of hard work that is significant progress. There will be future trade negotiations. There will be efforts to improve the WTO as we gain experience with it. There will be discussions in many international fora to focus on the unfair labor practices and the need for more environmental protection efforts in other countries. We can pursue such issues as CBI parity, which is necessary to afford the same benefits to our CBI friends as that granted under the NAFTA, again next year.

We must adopt this progress and move on to develop and pursue future trade goals which will bring us even closer to where we should be. I believe that as we do move toward implementing the agreement, it will become evident to the public that this is a positive and fair agreement.

I urge the support of my colleagues for the implementing legislation. I particularly urge support for the waiver of the Budget Act and to oppose any constitutional point of order that the agreement should be considered a treaty. Trade agreements have never been negotiated as treaties, and this one was no exception.

Mr. DANFORTH. Mr. President, there has been some controversy about section 801 of the GATT implementing legislation, which requires PCS pioneers to pay at least half a billion dollars for their FCC licenses. Some have questioned whether this provision is the product of some unfair sweetheart deal for the pioneers.

I am intimately familiar with this provision, which was crafted over the course of several months in an open fashion. I am also familiar with the history of the proceedings at the FCC by which the pioneers obtained their preferences. I believe that section 801 guarantees a more than fair return for the government. That is why I supported section 801 in the first place. As far as I am concerned, the matter of the PCS pioneers should now be considered closed.

The FCC promised for four years to guarantee the pioneers a license as a reward for their innovative efforts—not just an option to purchase a license, but a guaranteed license. In January of this year, the FCC clarified that it would give pioneers free licenses, even though it now can auction licenses. Only in August of this year did the

FCC change its mind. The pioneers have taken the FCC to court, and all informed observers believe the pioneers will win. They will receive licenses for free—the taxpayers will get nothing.

The GATT bill guarantees the taxpayers will get payments of 85 percent of an average auction price from the pioneers. The pioneers will make a minimum payment of some $530 million even if bid prices are lower than expected. No other company has committed to minimum price. And the pioneers have not been granted a ceiling—if the auction yields billions, they will pay according to the GATT legislation's formula.

The GATT implementing legislation's formulation of 85 percent of the auction price for the top 20 non-pioneer markets will produce a fair return for the American taxpayer. The Office of Management and Budget estimates that the GATT bill's formula will bring in $1.5 billion—more than the FCC formula, which used a figure of 90 percent of the top 10 markets.

Whatever the projection, it is important to remember that the goal of the FCC's pioneer preference policy, which we permitted the FCC to continue in the 1993 auction legislation, was to provide incentives for innovators. Raising revenue was not a consideration. The three companies that received preferences created the new PCS technologies, and their efforts will benefit the public as a whole. Jobs will be created. Tax revenue will be produced. Competition to cellular duopolies and telephone monopolies will be created. And consumers will pay lower prices.

It would have been fair for the pioneers to have received their licenses without charge. Requiring pioneers to pay an 85 percent average auction price is more than fair. The pioneers worked for five years to develop PCS and made their research and development available to the public so that all could learn and benefit from it. The pioneers relied on a ten-times-reaffirmed promise of a free license—a promise the FCC broke only after the pioneers had performed their side of the bargain. They put millions of dollars at stake at a time when PCS was a glimmer in an entrepreneur's eye.

Some have called for an assessment after the auctions of whether the payments from the pioneers made a fair return to the taxpayers. I would like to make a few points with regard to this proposal:

First, everyone agrees that the pioneers should be immediately granted their licenses. Section 801 specifies that the FCC cannot delay issuing licenses to the pioneers more than 15 days after the legislation's enactment. I do not expect the FCC to have any difficulty complying with that mandate. The license applications have been pending most of this year, and the pleading cycle has been completed for months. The Administration's letters to Senator DOLE on November 23, 1994, recognized that the pioneers would be issued their licenses now.

Second, all of us who are involved in this issue understand that all relevant factors must be taken into consideration. These factors, as I mentioned before, include the hard work of the pioneers, their commitment of high-risk capital, their public sharing of research results, their longstanding reliance on the FCC's promises, and the extent to which the work of the pioneers created all the auction revenues that the Treasury will receive.

Third, no one involved intends the potential for some future review to have a chilling effect on the commercial plans of the pioneers. We assume that the pioneers will be turning to investors to fund the hundreds of millions of dollars needed to pay the Government for their licenses and build out their systems. These investors should not be concerned that Congress will ignore the contributions of the pioneers and force them into an unfair and retroactive payment scheme. I believe that there will be no further legislation. It is my view, and, I believe, the view of my colleagues on the Commerce Committee, that Section 801 already provides a fair return to the public. This matter should be considered closed.

Finally and most importantly, retroactive legislation to increase the price of the pioneers' licenses would be grossly unfair. For years, the pioneers were led to believe their licenses would be issued early in 1994 and would be free. Then the legislative process delayed insurance of the licenses and we required the pioneers to pay 85 percent of the average auction price for those licenses. Now that the pioneers have some finality, we cannot in good conscience enact legislation to increase the price again. We should let the pioneers get on with the business of PCS. Further retroactive legislation would just be plain wrong.

Mr. SMITH. Mr. President, I believe in free trade. I think that lowering tariffs, eliminating quotas, and reducing other trade barriers is clearly in the best economic interest of the United States. I disagree with those who have taken the floor in opposition not just to the GATT agreement before us, but to the very principles of free trade. In my opinion, the principles of free trade are clear and unwavering.

For far too long, U.S. exports have not had a real chance to compete in many foreign markets. American producers of goods and services are not looking for a handout in the international marketplace. They are looking for a level playing field. They know that they can compete in world markets if they are given adequate access to those markets.

Free trade is not a complicated proposition. If we lower tariffs abroad, American products are less expensive to the foreign consumer. It's like a permanent "sale" on American products. It is the holiday season in America, and any shopper at any store will tell you that they're more likely to buy an item on sale. After all, why pay more when you don't have to?

So free trade means more foreign consumers buying more American goods and services for less money. Foreign sales means American jobs. That is called a win-win agreement. Who could find fault with that?

Mr. President, if the GATT agreement stopped right there, this Senator would be its strongest supporter. I have no qualms with the tariff reduction schedules included in the agreement. I have no problem with the elimination of non-tariff barriers. But the GATT that we are required to vote on today does not stop at that point. It goes much, much further.

The agreement jumps off the free-trade track with the creation of the World Trade Organization (WTO). This Senator doesn't believe we need another international bureaucracy of any kind. But the WTO is particularly offensive, and it should be of grave concern to every American.

The WTO is given substantial legislative, executive and judicial authority. Under the WTO, any member nation—and there are 117 of them—can challenge another nation's law if they believe that the law is "WTO-illegal." "WTO-illegal" is a vague term that has far-reaching implications. Any domestic law that restricts free trade could be subject to challenge.

Challenges would then be investigated by a three member panel. The dispute panel—or tribunal—would be staffed by trade experts who would not have to adhere to any conflict-of-interest rules. Nor would the panels be required to adhere to previous precedents—the cornerstone of the judicial system in the United States.

The tribunal would meet in secret: no press, no citizen groups, no industry groups. Only national governments would have standing to address the tribunal. Even worse, the final decisions of the panel would be binding unless there is unanimous agreement among all WTO participants to set aside the findings—a highly unlikely scenario at best.

If a country appeals the decision of the tribunal, the resolution process is no better. Instead of an ad-hoc tribunal, the challenge would be considered by three people from the seven member WTO appellate body. The appellate panel again issues recommendations or findings that cannot be reversed except by unanimous consent of the members.

So let us assume for a moment that among the thousands of state and federal laws on the books, one is challenged as a barrier to free trade. The initial tribunal is formed and rules that the law is "WTO-illegal." The United States appeals the decision, and the appellate tribunal also rules that the law is "WTO-illegal." What is our nation to do?

Under such circumstances, the United States can: (a) negotiate a settlement, or (b) change the offending law, or (c) face fines and/or sanctions from the WTO.

"None of the above" is not a choice under the stringent rules of the WTO.

What leverage would be United States have under such a scenario? The answer is: none. The dispute settlement procedures under the World Trade Organization are clearly and unequivocally flawed.

Other procedures governing the World Trade Organization are similarly defective. Changes to the WTO rules or interpretations will be put to a vote unless—again—there is unanimous consensus among all 117 participating nations. According to article IX of the WTO agreement, "each member of the WTO shall have one vote." The United States is not given a veto, as it is under the United Nations security council. The United States is not given weighted votes, as it is in the World Bank. Instead, the United States is given one vote—the same as Cuba, and Chad, and Haiti, and Mexico, and on and on and on.

Mr. President, not all nations of the world are equal trading partners, and creating an international bureaucracy to make them equal just doesn't make it so.

There is no reason to believe that—when the votes are cast in the World Trade Organization—the outcome will be favorable to the United States. Let me give a few examples from the voting record of the United Nations:

Nation and percentage of Votes Against U.S.: India—81.5; Cyprus—77.6; Morocco—78.1; Sri lanka—78.8.

The rest of the 117 nations are not much better. In fact, some have worse voting records. All told, developing nations will hold 83 percent of the votes in the World Trade Organization. When the results are consistently anti-American, no one should feign surprise.

Mr. President, we have a free trade agreement burdened with the ill-conceived World Trade Organization. But the problems do not stop there.

In August, 1994, OMB Director Alice Rivlin wrote that: "We do not believe it is necessary to sacrifice budget discipline to pass GATT in the Congress."

Yet the Clinton Administration is asking Senators to do just that. Implementing the GATT is projected to result in a budget shortfall of $26.7 billion over the next ten years. Congressional budget rules require that $26 billion of this shortfall be paid for by spending cuts and/or tax increases.

The Agreement before the Senate would finance the GATT with $4.7 billion in tax hikes and $3.1 billion in spending reductions. The implementing legislation makes changes in the U.S. Savings bond program, pension law, licensing fees and a host of other areas wholly unrelated to free trade. And still, the Clinton Administration failed to reach its goal. The remaining $18.9 billion will simply be added to the national debt.

That is unacceptable to this Senator. I had looked forward to supporting a clean GATT agreement that would move America forward. Instead, I will vote against an agreement that takes us two steps back.

Mr. President, the GATT legislation before the Senate should be about free trade, and only free trade. It should not be saddled with the weight of an uncontrollable international bureaucracy and unrelated domestic provisions.

I urge my colleagues to oppose this agreement so we can support an improved GATT next year. That is the only way to achieve an unfettered, win-win free trade agreement.

Mr. HATFIELD. Mr. President, I rise today to discuss a matter of great importance to the citizens of our United States: The Uruguay Round Free Trade Agreement, a bill that needs our immediate attention and support in this turbulent era of international trade. Free trade is truly the road to economic success, both foreign and domestic. By supporting open markets and ensuring our industries have the room they need to compete internationally, the United States will remain the world's trade leader.

Conceived under President Reagan, nurtured under President Bush and finalized by President Clinton, it is time for the Uruguay Round GATT to be implemented. In the United States, lower tariffs and trade restrictions mean increased productivity. As our firms are allowed to compete globally, our workers will maximize their skills and talents. As the demand for U.S. products rises, so too will our Gross Domestic Product. We can welcome a net gain in employment and a stronger economy due to this dramatic rise in exports. When this happens, we will experience the strongest international economy the world has ever seen.

Shielding and protecting domestic industries can lead to preposterous outcomes. The U.S. has come a long way since our protectionist trade policy was so strikingly and detrimentally enacted during the pain of the Great Depression. What happened, in response to these substantially higher tariffs, could be predicted by any first-semester, economics student—international trade came to a stand-still, reduced to twenty-five percent of its pre-tariff level. The Great Depression became even greater.

A combination of the 1934 Reciprocal Trade Agreements Act, which lowered some tariffs, and World War II, which taught us the power of working with our partners and not against them, laid the groundwork for the first General Agreement on Tariffs and Trade in 1947. Anything less than multilateral negotiations for significantly reduced tariffs and the practical elimination of trade barriers, would drastically hamper the international economy. The original GATT called for this and international trade took a huge step towards increased efficiency and effectiveness through trading partner cooperation. The original GATT agreement and its successors have served us well by expanding world trade. However, the current GATT is not enough, we need the Uruguay Round Trade Agreement in order to keep pace with our rapidly changing global economy.

Be it stopping tariff wars, clamping down on import quotas, or any number of other types of restrictions, international trade needs a boost. For example, the U.S. is constantly and unjustifiably accused, by other nations, of dumping its exports into their economies—consistent, specific anti-dumping laws simply do not exist outside of the United States. Secondly, unfair agricultural subsidies have been a thorn in the side of U.S. farmers for decades. Fearing U.S. competition, nations resort to protectionist economic policies which not only hurt their industries, but their citizens as well.

When the U.S. brings these disputes to the current GATT Council in Geneva, years may go by before any settlements are suggested. Furthermore, members of the pre-Uruguay Round GATT have been known to completely ignore Agreement rules and dispute settlements. Uruguay Round GATT provisions and the World Trade Organization can bring order to the whirlwind of chaotic bilateral trade agreements and broken promises.

The current system's chaos and inefficiency represent more than mere inconvenience; it translates into lost U.S. efficiency, lost U.S. competitiveness and lost U.S. jobs. Furthermore, without a World Trade Organization, countries who are not members of GATT, who have not agreed to lower their trade restrictions, will continue to unfairly reap the benefits of trade with members who have lowered tariffs. The institution of an organization which efficiently and objectively reports on trade disputes and expedites the process through which a settlement is reached, will benefit current GATT members and give all world traders incentives to play by the rules.

The Uruguay Round includes, for the first time in history, the service sector in a world-wide economic agreement. Members of the new GATT, over 100 nations, are making commitments to open their economies to business, health, environmental, engineering and construction services, to name just a few. This is an incredible boost to the U.S. service sector.

In addition, the agreement strengthens international trade law with regard to intellectual property rights. America loses billions of dollars each year as everything from CDs to computer circuits are pirated in foreign countries. The Uruguay Round GATT would make copyrights, patents, trademarks and even trade secrets enforceable amongst all trading partners.

Advances in biotechnology would also be protected by the new patent rules. While I believe this is a positive step, I continue to express concern over the ethical and moral implications of patenting genes and animals, now magnified in the global sphere. My concern is compounded by the intrusion of "use" doctrines, currently regulated at the national or local level. Therefore, I strongly urge the establishment of a forum to discuss these issues surrounding the sanctity and essence of life, while preserving the beneficial advancement of biotechnology.

As crucial as this new GATT is to the nation's economy, it runs the risk of being lost if we do not pass the budget waiver. With one vote the Senate can approve using the PAYGO balance of $1.6 billion and waive the Senate's rule requiring the bill to be financed for ten years. I have not taken budget waivers lightly in the past, nor do I take this one lightly, but we must find the courage to pass this bill. The Budget Rule Enforcement Act was not meant to inhibit our legislative ability. Every so often, in the name of good legislation, an exception needs to be made—this is one of those times. Make no mistake, those who preach "free trade", but do not support the waiver are not friends of free trade—they are signing this agreement's death warrant.

Any fair discussion of the Uruguay Round GATT must clarify the World Trade Organization's "one member one vote" policy. Some are worrying that less developed or communist countries will have as much voting power as the United States. It is important to keep this in perspective: The United States is the world's largest importer and this assures economic and political clout, giving a major player such as the U.S. a dominant role in the WTO system; we will take a backseat to no single nation or group of special interests.

It must be emphasized that the WTO cannot change U.S. law and U.S. sovereignty is not in jeopardy. Any vote to add an amendment which affects certain fundamental GATT obligations, such as Most Favored Nation status, the General Agreement on Trade in Services and the Agreement on Trade-Related Intellectual Property Rights, requires a consensus by WTO members. Moreover, any amendments that change the rights or obligations of members, while requiring a two-thirds majority to go into affect, affect *only* those members who vote for the amendment.

While I believe the Uruguay Round satisfies all sovereignty concerns, the Administration has assured Senator DOLE that if the WTO Dispute Settlement Body rules adversely against the United States, even three times in a five year period, we will begin withdrawal from the WTO Agreement. This is only one part of Senator DOLE's efforts to make the Uruguay Round GATT more palatable. I congratulate the Republican Leader for his courage and foresight in building these safeguards into the agreement.

Finally Mr. President, I want to get specific and discuss how vitally important this legislation is to my state. The Uruguay Round GATT clears the road for statewide economic growth. Oregon has an export economy of over $6.2 billion, during its 1987 figure. While Oregon is ranked only 29th in population, it ranks 18th among all states for the number of business establishments that export. Oregon's whole economy is preparing to feel solid and significant.

The revised GATT actually provides overlapping benefits for some of Oregon's largest industries. For example, in 1993 Oregon exported one billion dollars worth of industrial machinery and computers. Under the Uruguay Round rules, the European Union, which imports more U.S. computers than any other member of GATT, will reduce its tariffs on U.S. computers by 80 percent. Not only will Oregon benefit from this reduction in trade restrictions, but strengthened intellectual property rights will aid the computer industry even more.

The hi-tech sector is not the only one which stands to gain. The paper industry, one of Oregon's largest exporters, would face tariff cuts of 100 percent. The U.S. Department of Commerce expects a $2 billion increase in U.S. paper and allied product exports—this means millions for Oregon. Electronic components, industrial and analytical instruments and semiconductor manufacturing equipment are other Oregon industries that will reap huge rewards if the Uruguay Round passes. Agriculture, one of Oregon's mainstays, generates over $1.4 billion in economic activity. Over five years, the Uruguay Round GATT would increase agriculture exports anywhere from $5-14 billion.

The Uruguay Round GATT will spur trade on with Oregon's leading trading partners. Looking towards the future, it has the potential of opening up whole new territories such as Russia, the Far East and the markets of developing economies. President Clinton, at the Asia-Pacific Economic Cooperation (APEC) forum, laid the groundwork for economies to be opened and all trade restrictions of Pacific Basin countries to be removed by the year 2020. Let the Uruguay Round finish the job so that Americans can benefit from the buying power of the Asian nations, including Japan.

The United States Congress found the courage to vote for the North American Free Trade Agreement (NAFTA). Since then, we have seen our exports to Mexico increase by 20.5 percent and Canada by 11.4 percent. NAFTA is working, let GATT work too. This is the time for the United States and our trading partners to completely turn our backs on the destructive, isolationist and protectionist policies we have seen this century.

Other countries are looking for us to take the lead—it is time we did. In the realm of international trade, the United States has no choice but to be the leader, but it requires our vote to be a member. The best way to be a champion of the U.S. economy is to support free trade. Let me have the foresight to pass the Uruguay Round Free Trade Agreement.

PIONEER PREFERENCE PROVISION

Mr. CAMPBELL. Mr. President, for a variety of reasons, I have been very torn about my vote on this implementing legislation for Uruguay round agreement of GATT.

I am in complete agreement, though, with the provision in this agreement that addresses pioneer preferences granted to innovators in personal communications systems technology by the FCC. Administration officials, FCC officials, and company officials came up with a deal that is fair, and that deal should hold regardless of whether this legislation passes. Those who decry this provision as "elitist" or worse simply do not understand the history and facts.

In 1992, the FCC awarded pioneer licenses to three PCS innovators. One of the companies is Omnipoint Communications, Inc., a small entrepreneurial company based in Colorado Springs. At that time, the FCC did not charge anything for any spectrum license. In August 1993, Congress enacted budget legislation requiring the FCC to auction off spectrum licenses. Initially, the FCC excluded the PCS pioneers from this requirement. But in August 1994, 2 years after naming the PCS pioneers, the FCC ruled that the pioneers including Omnipoint would have to pay for their licenses, up to 90 percent of average fees in other large markets.

The pioneers promptly sued, arguing that the FCC had no authority to retroactively impose such huge fees. Instead of fighting in court and risking complete failure, the FCC crafted an agreement with the House Committee on Energy and Commerce: PCS pioneers would pay fees at a rate of 85 percent of average fees for the 20 next largest markets.

Even though this compromise will cost the PCS pioneers from $500 million to $1 billion in unanticipated fees, they accepted it rather than waste time and resources in court—assuming that this was a done deal and that they could get on with their development work. Now, however, some people are calling this a "giveaway," and some want to revisit the issue next year and attempt to force the PCS companies to fork over even more dollars.

It seems to me that the PCS companies, awarded pioneer preferences and working constructively with Congress and the FCC, make this agreement in good faith, and it ought to stand. It would be very unfair to retroactively charge these companies more money. Already, the uncertainty over this issue has hurt Omnipoint's ability to attract investors.

By converting military technology to commercial applications, Omnipoint is now the manufacturer of the only American noncellular PCS radio frequency technology. If PCS is launched soon, Omnipoint is likely to become a leading manufacturer of PCS equipment. This will mean hundreds of jobs in my State. When coupled with spinoffs and export opportunities, it also will mean hundreds of jobs for Americans elsewhere in the country. If the deployment of PCS is delayed, many of these opportunities will be lost to foreign competitors.

Whatever happens with this GATT legislation, I will continue to work to support Omnipoint's efforts and to protect jobs in Colorado.

Mr. MATHEWS. Mr. President, in the final hours of this Congress we have an opportunity to keep America on the course of economic growth and trade expansion that have been the hallmarks of the Clinton administration and the high point of bipartisan cooperation in this body. With a single vote, we have the chance to increase jobs and incomes for American families, open closed markets for American goods, and bring American consumers a broader variety of lower priced products. We have the chance to build upon the success of the North American Free Trade Agreement, and to establish the United States as an economy to contend with in a new world order. We should—and must—make these possibilities into realities by voting to affirm the Uruguay accord of the General Agreement on Tariffs and Trade.

Mr. President, the prospects from an affirmative vote are overwhelming. Conservative estimates suggest that implementing GATT will create 300,000 to 700,000 American jobs over 10 years. Over that same period, we stand to increase our gross domestic product by upward of 3 percent, an amount equal to somewhere between $32 billion and $50 billion. That translates into an average pay raise of $1,700 a year for American families.

Beyond this, strengthened trade rules under the Uruguay GATT will give American exporters the level playing field they have demanded and deserved for far too long. GATT will implement more effective mechanisms for resolving trade disputes, preserve our ability to prosecute unfair trade practices, augment our ability to combat foreign dumping, and enable us to take more effective action to assure that product standards do not bar imports.

Little wonder, Mr. President, that support for this agreement has come from businesses large and small, manufacturers and farmers, companies that have long been exporters and companies that long have wanted to be, companies with globally established products, and companies that desperately need recourse against infringements of intellectual property. These people know what is good for their business, and we must listen to them if we are to do what is good for the United States.

I know that there will be winners and losers under this accord. But that is a fact of economic life which we need to face as a fact and deal with realistically. Their experience should teach us that there is no safe haven against change, and we are foolish to deny the spectrum of American business a world of opportunities in their name.

I also find it significant that many of the loudest arguments of resistance to NAFTA have been retreaded for GATT. In the few slim months since we passed NAFTA, the evidence against those arguments has mounted. The disasters they predicted have not materialized. That giant sucking sound we were supposed to hear is nowhere to be heard.

You sure do not hear it in my native Tennessee. Tennessee sold more than $6 billion in exports last year. Our exports more than doubled between 1987 and 1993. Canada, Mexico, and Japan now are Tennessee's No. 1, 2, and 3 export customers. They purchased nearly $2.5 billion from Tennessee farms and factories in 1993—an increase of 175 percent in sales to those nations over 5 years.

The only thing that keeps Tennessee companies from selling more goods overseas and creating new jobs at home are foreign barriers to trade—the kind of barriers that GATT removes. Through substantially expanded and enforced trade rules, the Uruguay accord will be positive for Tennessee and for America's Sunbelt.

Last year, Tennessee's top manufacturing sectors ranked by exports were chemical products, transportation equipment, and industrial machinery and computers. That jives with the Sun Belt as a whole, where leading exports are electrical and electronic components, chemical products, and transportation equipment. These are the very industries that will have continued export and jobs growth because tariffs will be reduced or eliminated by whopping percentages in Japan, South Korea, and the European Community.

That goes for American farmers and farm products, too. American farmers are the most efficient producers on the globe. But what keeps them from being the most financially fertile producers is the kind of foreign production subsidies, export subsidies, and import trade barriers that GATT will reduce—especially in Europe. U.S. agricultural exports stand to gain between $1.6 billion and $4.7 billion in the year 2000 and nearly $9 billion by 2005 as a result of this agreement.

Mr. President, we are just beginning to count the winners from this accord, and one of those winners will be our trade deficit. In 6 to 10 years after we pass the Uruguay accord, the Economic Strategy Institute projects an annual improvement of $13.5 billion and 25 billion in our trade deficit, including an increase of $3 billion in annual U.S. exports of services.

Another winner will be our budget deficit. We all know what we need to do in order to waive the budgetary point of order because of the $11.9 billion in lost revenues that GATT will claim. But if we do it, GATT soon will more than pay for itself by increased economic gains that offset tariff cuts.

Yet another winner is American ingenuity and innovation. The International Trade Commission has estimated that foreigners' piracy of U.S. copyrights costs American businesses between $43 billion and $61 billion every year and costs the American economy 750,000 jobs. The Uruguay accord resolves key problems in copyright protection. U.S. software producers, pharmaceutical companies, semiconductor manufacturers, chemical producers, publishers, and entertainment industries will be beneficiaries.

Just as the benefits of action are great, so are the costs of inaction. Fast track authority expires at the end of this year. If we open this measure to amendment, a 6-month delay in implementing GATT could cost the United States $70 billion in lost production, 25,000 jobs, and $200 billion in the Nation's economic well-being. Vice President GORE is right when he says that delay of GATT will mean the death of GATT.

We must not let that happen. This accord is the culmination of American postwar trade policy, the continuation of efforts we have made with NAFTA and the Asia-Pacific Economic Cooperative, and the climax of hard efforts by three U.S. administrations. And beyond all these things, GATT is the future. Let us embrace all the possibilities that future brings—face the future without fear, confident that American workers and American businesses can compete and prosper. Let's vote this agreement into law.

Mr. MCCAIN. Mr. President, the vote before the Senate on the Uruguay round of the General Agreement on Tariffs and Trade is more than a indication of how well a Republican Congress and Democrat administration can work together. I imagine that we will continue to have very sharp disagreements on a variety of issues.

But trade has always been a special case. There has been, since the end of the Second World War, a shared vision regarding our Nation's trade policy. The bipartisan consensus on the benefits of free trade has led to the successful conclusion of seven previous rounds of GATT and a corresponding high level of prosperity both in the United States abroad.

Far from simply signaling the level of collegiality the American people can expect from the new Congress, today's vote will determine whether free trade has a place in both parties' vision for America's future. We will decide with this vote whether to take counsel from our fears or our aspirations; whether we yield to unfounded fears of competition or affirm our confidence in the ability of the American worker.

The agreement before us is historic in its scope. It builds on previous GATT rounds by cutting tariffs by over one-third and breaching areas formally beyond the reach of international trading rules. It seeks to make transparent the sort of barriers that have been used, in lieu of high tariffs, to keep American products out of foreign markets. Nations will have a greater burden to prove that regulations governing such matters as licensing, inspection procedures, and production methods are purely a matter of domestic politics and not intended to protect national industries.

The GATT contains the first multilateral agreement to open up trade in services, an increasingly important part of the American economy. The U.S. service sector will have greater market access in the areas of general business services, professional services, information and computer services, health services, and environmental services, among many other areas. Although our Nation remains the largest exporter in terms of goods, and is the world's greatest industrial power, exports in the area of services now add $180 billion to our economy annually. Creating additional opportunities for these businesses is no small accomplishment.

All together the GATT agreement will add $100 to $200 billion to the U.S. economy annually when fully implemented and 1.4 million new jobs over the next 10 years.

In the debate on GATT, we have heard the same old arguments from opponents about these numbers: "They're cooked." "We'll lose more jobs than we produce." "Low wages in foreign countries make it impossible for American companies to compete."

During the NAFTA debate last year, Congress exhaustively considered and rejected these claims. There is no need to go over the counterarguments again. Let's just look at the facts. NAFTA has been in effect for a year. United States exports to Mexico are up 17 percent and growing. Increased trade with Mexico has already produced thousands of new U.S. jobs, and with our exports growing at the current rate, it will produce thousands more.

The gains from the GATT are goals that three successive administrations, Democrat and Republican, have sought to achieve. The Clinton administration deserves credit for bringing the negotiations to a close, but as was the case with NAFTA, it will take Republicans to put the agreement into law. Unfortunately, we will also put into law provisions in the implementing legislation that could have been more carefully crafted, or are simply unrelated to the GATT.

Many in my State, and I know many across the Nation, continue to be concerned about U.S. sovereignty and the effect that our membership in the World Trade Organization will have on our right to decide our own laws and regulations. The implementing legislation states unequivocally that "no provision of any of the Uruguay Round Agreements, or the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect."

The implementing legislation, however, is not clear with regard to the course of action should the WTO demonstrate a pattern of unfair decisions against the United States.

This is where the Republican leader's initiative to establish a WTO Dispute Settlement Review Commission is important. As a nation that demands our trading partners establish fair trading practices, we should seek no unfair advantage abroad, nor should we seek to keep competitive products out of our markets. However, we should not be in a position where we are forced to comply with the decisions of the WTO which go beyond our commitments under the GATT, or that are reached on other than an objective basis.

If there is a demonstrated pattern of unfair decisions against the United States, Senator DOLE's proposal establishes a mechanism whereby we can withdraw from the agreement—our right to set the terms of our contracts with foreign governments being the ultimate expression of national sovereignty.

In some provisions, the implementing legislation breaks with the continuity of purpose over three administrations by encompassing issues unrelated to the agreement.

In the case of patents, this tendency has created a perilous situation for our Nation's inventors—historically one of our greatest resources. The implementing legislation goes beyond any of the commitments made in the Uruguay round to seek changes the administration believes prudent in United States patent laws.

Signatories agreed that patents should run for 20 years. This is a significant achievement for American companies which lose an estimated $15 to $17 billion a year to various forms of piracy. In drafting the implementing legislation, however, the administration has sought to codify a 20-year protection from the date of filing. Because some patents take as long as 10 years—and longer—to be approved, the legislation threatens to weaken U.S. protection of patents. U.S. patents are currently protected for a period of 17 years after they are issued.

Senator DOLE also sought to address this issue. He obtained assurances that the White House would not oppose changing the terms of the implementing legislation if Congress reviews the issue and decides to guarantee the current period of 17 years. Many inventors believe this is not quite enough. There is no guarantee either that Congress will decide to change the law next year or even whether they will review it. Despite the serious effort of the Republican leader, we would have been better off had the administration simply waited until next year to address the issue at all.

There are other areas of the implementing legislation where I believe the administration exceeded the terms of the agreement, or delved into completely unrelated areas, either for the sake of convenience or to garner support. In addition to patents, the implementing legislation contains unnecessary provisions relating to rules of origin on textiles, African economic development and workers' rights.

In an effort, apparently, to gain the votes of members from textile producing States, the administration changed the rules of origin on imported textiles and apparel to prevent our competitors from spreading the production process out among various countries. Because many textile producers find it costly to produce goods wholly in one country, the provision in the implementing legislation is sure to raise the cost of production and the prices of imports.

Another provision resembling the sort of deals the President thought necessary to gain congressional approval of NAFTA is the section regarding workers rights. The President is required under section 131 to "seek the establishment * * * in the WTO of a working party to examine the relationship of internationally recognized worker rights" to GATT obligations. One cannot help but speculate that this was included in part to appease those disappointed over the administration's failure to win fast-track authority for a new round of trade talks focused on workers' rights.

Provisions such as these put traditional supporters of free trade in a very difficult position. Aware that there are many shortcomings in the legislation, we are forced to support it in order not to jeopardize the overwhelming benefits of free trade. Unless the implementing legislation is intolerably flawed, when it comes to a vote on a historic worldwide reduction in tariffs, we have to weigh the virtues of the agreement itself against our reservations about the implementing legislation.

In the future, I hope we can avoid loading implementing legislation with deals intended to pad the voting margin. Free trade can, and should, stand on its own. Although the legislation before us today is a far cry from the Christmas tree the NAFTA implementing bill became, the extraneous provisions it does contain take away from the cause of free trade. It is difficult to portray an affirmative vote for the agreement as a vindication of the principles of Adam Smith, when opponents can justly point to provisions in the implementing legislation with no connections to the agreement.

The revenue measures contained in the implementing legislation create similar complications for the agreement.

It is a simple matter of common sense that reducing tariffs and other barriers to American products increases exports; greater exports mean greater productivity; and greater productivity means more Federal revenues. In fact, it has been estimated that for every dollar lost because of lower tariff rates, the increased economic activity resulting from the GATT will create $3 in new revenues.

Despite indications that the administration subscribes to this truism, the implementing legislation contains a score of revenue measures, at least one of which has opened the agreement to considerable criticism. It seems to me that if anticipated Federal revenues negate the need to offset a portion of the tariff losses resulting from the GATT, they should negate the need to offset any tariff losses.

Like other unrelated provisions, the revenue measures undermine the case to be made for the agreement. Those of us who are perfectly comfortable advocating free trade find ourselves defending measures that have nothing at all to do with the GATT. The most visible of these extraneous issues has been the deal struck over pioneer preferences. It seems inappropriate that discussions on GATT, an agreement likely to result in an average increase in income of $1,700 per family, would focus on the issue of pioneer preferences. We should have the opportunity to debate of pioneer preferences. We should have the opportunity to debate the issue of pioneer preferences on its own merits. It should not be settled in a manner which jeopardizes the most comprehensive trade agreement in history.

All of the shortcomings of the implementing legislation aside, I will support passage of the Uruguay round of GATT. The benefits it offers American businesses, workers and consumers are simply too great to forego. That America's advocacy of free trade is critical to our continued prosperity and world leadership should be beyond dispute. It is my sincere hope that free trade will remain at the center of both parties' vision for America, and that we will demonstrate this commitment, as the other House did yesterday, by approving the GATT.

Mr. LIEBERMAN. Mr. President, I rise in support of this legislation to overhaul the GATT, the General Agreement on Tariffs and Trade by implementing the Uruguay Round Agreements. This legislation is the end of a long road that began in 1986—the result of thousands, quite possibly millions, of hours of negotiations with our trading partners. After 8 years of wrangling over the agreement, I am tempted to agree with the observation of Lee Kuan Yew of Singapore that GATT actually stands for the "general agreement to talk and talk." Fortunately all of that talk led to something that will have concrete benefits for this country and for the world trading system as a whole.

The agreement reduces import duties with our major trading partners by an average of 40 percent. Since import duties into the United States are already quite low, one of the great benefits of this agreement for the United States is to bring down the tariff and non-tariff barriers that other countries have built, barriers that have made those markets tough for American exporters to enter. And 40 percent is just an average, in many cases, the drop in duties is much more dramatic. For instance, under the Round Agreements the duty on getting paper products into South Korea will go from 10.32 percent to 0 percent; the duty on aerospace items into Japan will go from nearly 5 percent to 0 and the duty on pharmaceuticals to the European Union will go from 5.89 percent to 0.

Reducing the cost of exporting U.S. products has particular importance for my home State of Connecticut. The dramatic rise in exports has been one of the few bright spots in my State's economy over the last decade. According to the Department of Commerce, Connecticut's exports totaled over $10 billion in 1993. Those exports translate into jobs and lots of them. Commerce's Hartford District Office says that a conservative estimate of the number of Connecticut jobs linked either directly or indirectly to exports is 176,800.

Smaller exporters are also uniquely poised to benefit from the GATT since the agreement simplifies and standardizes customs procedures. The reduction in paperwork and red tape will let small exporters spend more time making sales to a wider range of customers and less time trying to meet the paperwork requirements of each individual country. This is particularly important in Connecticut where over 95 percent of our exporters have fewer than 500 employees.

The reduced tariffs under the Uruguay Round Agreements will also mean lower tariffs for American consumers. This cut in tariffs has been described as one of the largest tax cuts in history. the U.S. Treasury Department has conservatively estimated that the round will cut tariffs worldwide by $744 billion over the next 10 years. Since tariffs are largely passed on to consumers in the form of higher prices, consumers can expect to share in lower prices as a result of these tariff reductions.

In the area of intellectual property this agreement is historic; it creates international standards for the protection and enforcement of intellectual property rights for the first time. A July 18 letter from seven former U.S. Trade Representatives rightly notes that,

> One of our greatest, strengths as a nation is our creativity. Our software, pharmaceuticals, films, and sound recordings are sold around the globe, and export revenues from products that depend on the protection of intellectual property totaled $20 billion in 1992.

While I believe we should eventually go further in reducing trade losses due to piracy and counterfeiting, I am convinced that the agreement takes a sizable step forward in this area.

As anyone who has followed this issue knows, a tremendous amount of time and energy has gone into debating the merits and pitfalls of the World Trade Organization [WTO]. I understood and shared some of those concerns about the WTO. But I have now concluded that most of those concerns have been addressed. At present, GATT decisions are made in much the same way that Parent-Teacher Associations and Kiwanis Clubs across this country make their decisions—by consensus. The WTO explicitly continues this practice of consensus. Since the U.S. is the world's largest trader, it is clearly in everyone's best interest to get our consent before any big decisions are made.

There has been understandable anxiety expressed about the WTO's potential ability to overturn U.S. law. If the WTO had the power to overturn our laws, I would not support the legislation before us today. The decision to adopt, repeal or amend U.S. laws was ours under GATT and remains ours under the WTO. To be sure, the WTO offers more than lip service to GATT's dispute settlement procedures. This was done largely at the insistence of the United States since some of our trading partners had been taking advantage of our open market and taking advantage of us in their markets. As the Chamber of Commerce noted in testimony before the House Ways and Means Committee.

> The Chamber has long been concerned with the inefficient workings of both United States and multilateral dispute settlement processes. Far too often, companies with legitimate grievances against foreign trade practices have had to wait years before their cases get resolved—by which time those companies could very well end up out of business.

A Chamber survey found that unfair trade cases that went to the GATT took 4.6 years on average to resolve. By streamlining that process, organizations like the Chamber believe the WTO dispute settlement, procedures are significant improvements over the status quo for America's businesses and workers.

Even if a WTO dispute settlement panel finds that a country has not lived up to its Uruguay round commitments, it is up to the countries in dispute to decide how to resolve that dispute. One option that is not available is overturning another country's laws. A defending country might choose to make a change in its law or it may decide to offer some type of compensation to the aggrieved country or the defending country may choose to do nothing. In this case, the aggrieved country may decide to suspend a trade benefit or take retaliatory action, mindful of the fact that the consequences may be severe if they retaliate against a major trading partner. As Secretary Bentsen has observed:

> The dispute settlement system is not only fair, it also plays to our strengths. Due to our enormous domestic market, the United States has far more trade leverage than any other country in the world. The new dispute settlement regime is tailor-made for us to use. Most other countries simply do not have the economic clout to make retaliation against us a credible option.

I am grateful that because of concerns that have been raised about the WTO by Senator DOLE and others the administration has developed a system which would allow the United States to leave the WTO if the organization consistently rules against the United States. This should bring a tremendous amount of comfort to those who are worried about the potential breadth and depth of the WTO's powers.

As a former State attorney general, I've also paid particular attention to what impact the World Trade Organization [WTO] would have on State and local laws. After being contacted by the National Association of Attorneys General [NAAG] I in turn asked Ambassador Kantor to respond to concerns that had been raised about how the WTO would impact State and local laws. A July 15 meeting between the U.S. Trade Representative and the NAAG resulted in a July 27 follow-up letter to Ambassador Kantor from the NAAG in which the NAAG expressed satisfaction with USTR's efforts to accommodate their concerns. The implementing package before us today ensures that State governments are alerted to any important developments affecting State laws, allow States and localities to formally participate in the defense of their laws, and makes clear that States may maintain health, safety and environmental standards that are higher than those of other States or the Federal Government. I commend USTR for acting to address the legitimate concerns that were raised by the States.

The last issue I would like to discuss is the budget waiver. Under Senate rules, we are charged with paying for tariff cuts for 10 years while the House is bound to paying for these for 5 years. Because of various constraints, the House Ways and Means Committee and the Senate Finance Committee came up with a 5-year package of tariff offsets. I am disappointed that we are not able to vote on a package that meets the 10-year test. However, I will not vote against the budget waiver and thereby prevent this important legislation from coming to the Senate floor. If there is interest in ensuring that the second 5 years of this agreement are paid for by passing a package of spending cuts in the next Congress I will support that effort. During the last Congress I joined with a bipartisan group of Senators in offering a package of $91 billion in spending cuts—elements of the package could pay the tariff cuts in the second 5 years of this agreement if need be.

Mr. President, I hope that this chamber will approve this implementing legislation. The agreement stands on its own merits. In addition, I think a strong vote to approve this implementing legislation is the right message to send about the Senate's ability to grow our economy and protect and create jobs for American workers in a bipartisan way. Begun under President Reagan, continued under President Bush and completed under President Clinton, the agreement is proof that administrations from both parties can work together in the best interests of the United States.

Mr. DORGAN. Mr. President, I hope that today is the day that our Nation's economic reality finally replaces kneejerk ideology and business as usual in this body. Because if it does not, the loud scream for change that we heard from voters three weeks ago will seem like a quiet autumn breeze when compared with the roar and crash of outrage that surely lies just ahead on the path that we are now headed.

We are here today to discuss the most important economic decision this body has faced in many decades—and the least painful opportunity that we are likely to face for many years to change our current ruinous economic course.

The cynicism of the American people is nowhere more justified than with the steady diet of broken promises and misleading information that they are fed concerning the international economic forces that now shape U.S. jobs, incomes, business profitability and government revenues.

For some time, successive Presidents, many of my Senate colleagues, respected academics and the media have talked exclusively about expanding U.S. exports while they have ignored the far larger growth in U.S. imports. They have spoken of only 40 percent of the trade story. If we took the same blind approach in our budget debates and talked only about the growth of federal revenue—ignoring federal spending and our enormous budget deficits—would we trick the taxpayers into thinking that government finance was in great shape and that more of the same would be a terrific idea? I doubt it.

The U.S. position in international trade has collapsed since the mid 1970s. Our 1994 merchandise trade deficit (net exports) could reach a world record $160 billion. While some claim that further world trade liberalization would yield a $1 trillion tax cut, the reality since the last (Tokyo) round of trade liberalization in 1979 has been a cumulative U.S. merchandise deficit of $1.2 trillion; well over $1 trillion in all goods and services; and almost $1 trillion in manufacturing alone.

Although still very poorly understood by most Americans, and by many members of this body, global market forces and trade are no longer merely esoteric and glamorous marginal aspects of our economy. This year the U.S. will import $550 billion of foreign manufactured goods. That is almost half of total U.S. manufacturing Gross Domestic Product. We now have a net export deficit of over half a billion dollars each day just in manufacturing trade. We have enormous deficits in most high tech products of the future—including semiconductors. This has tremendous effects on every aspect of our economy.

Just this week, the U.S. Department of Commerce announced our trade deficit is reducing real Gross Domestic Product by $120.8 billion per year. That figure is particularly important to today's discussion about the budget waiver. Chronic U.S. trade losses are a constant, enormous drain on federal revenues—amounting to a loss of perhaps $30 billion in fiscal 1994 alone. And yet many GATT proponents want to ignore the tidal wave of imports into the U.S.; ignore our trade deficits; and see only our exports. Wearing self-imposed blinders, they would vote to waive our hard-won budget agreements and insist that these chronic trade losses somehow, magicly, add to federal revenue.

Does our experience with NAFTA and trade with Mexico support the idea of expanding trade world-wide through a new GATT agreement? Let me say that there has been much hyperbole about

US-Mexico trade. The U.S. does continue to have a trade surplus with Mexico and our exports are growing. But U.S. imports from Mexico are growing faster than exports. So the U.S. surplus fell by 72 percent from 1992 to 1993. Since NAFTA went into effect, our surplus has fallen another 51 percent.

Since NAFTA, the U.S. deficit in electronics trade with Mexico has doubled to $1.4 billion in just the first half of 1994, compared with 1993. Despite the export hype from the auto industry, since NAFTA, the U.S. deficit with Mexico in autos and parts worsened in the first six months of 1994 to a deficit of $1.1 billion.

Again, concerning global trade, while some promise hundreds of thousands of new trade-related U.S. jobs, the reality is no net jobs in internationally traded industries for over twenty years; all of the 44 million net jobs created over the past 20 years have come in non-traded service sectors such as health care, local governments, retail sales and building maintenance. If the U.S. Commerce Department's estimate is correct—that each $1 billion in net exports equals 20,000 high wage jobs—this year's $160 billion deficit alone would eliminate over 3 million such jobs.

In our flexible labor market, however, the major effect of our chronic deficits is not always to terminate jobs, but to erode income as workers and businesses give up wages and profits to hold on to their jobs and markets. While some promise increased prosperity, the reality is that real U.S. income growth has slowed dramatically from more than 4 percent per year 30 years ago to less than 1 percent today.

This is a very important point, Mr. President, because it is often claimed that trade provides an enormous benefit to U.S. consumers. As I have indicated, some claim that this current GATT agreement would provide a $1 trillion tax cut. The reality, however, is that only those who are independently wealthy enjoy net benefits, because the purchasing power of workers and their families have been driven down sharply by trade for a generation.

While some promise enhanced U.S. world leadership and status with further trade liberalization, the reality is that in order to pay for its massive and chronic trade deficits, the U.S. has plunged from being the world's leading creditor and banker by far to the world's biggest debtor by far. And the once strong U.S. dollar has collapsed in value; it bought 360 Japanese Yen in 1970, 260 in 1985, and less than 100 today.

This collapse in both wages and the purchasing power of the dollar is pricing more and more Americans out of foreign travel. In 1989, for the first time in the post-World War II period, the U.S. became a net host in world travel. Our services sector shows a trade surplus mostly because of the travel sector—foreign people come to the U.S., but our own citizens can no longer afford to travel abroad.

The end of the cold war and today's information technologies have given us the same sort of primitive market condition for the global economy that existed for many individual national economies 100 years ago. The current directive for GATT and the World Trade Organization is not some high-minded "world government" but a sort of world anti-government. Its mandate is not to seek prosperity for workers, adequate profits for business and a healthy environment for everyone. Instead, its mandate is to assure that nothing interferes with raw market forces, and the mandate will be carried out by a new, secretive world bureaucracy.

I cannot stress enough how extremely naive and dangerous this is. We must not approve these agreements.

The real issue, of course, is how to cope with a fundamentally new, post-cold war global economy in which our new information technologies have radically transformed the way national economies work. Until we face the fact that it costs a company $50,000 to $100,000 a year to hire a first-rate softwear engineer in the U.S., but $5,000 to $10,000, to hire the same talent in Bangalor, India or Moscow, we are not facing the real world. And the unhappy consequences of avoiding this real world are increasing every day.

Clearly, trade is vital in today's dynamic global economy. Yet this strategy now serves perversely to bring down our personal income, our levels of productivity, and standard of living, to lead our industries off-shore, to cost America millions of jobs, and, in general, to make this nation poorer.

The proposed Uruguay Round Agreements are more of the same trade policies that are already bleeding this nation. They are the wrong kind of trade agreements and ought to be rejected. They ought not be rejected in a close vote, but decisively, because they are agreements that hurt America.

Mr. CRAIG. Mr. President, the GATT, or General Agreement on Tariffs and Trade, is the regime under which we conduct international trade.

Here in the Senate we now have before us a very lengthy and complicated document referred to as the Uruguay Round Agreement. This agreement, negotiated over several administrations, will change the GATT significantly, in both good and bad ways.

I supported fast-track authority, and in general support free and fair trade.

I have expressed opposition to the Uruguay Round Agreement based mainly on the establishment of the World Trade Organization. Also, as a fiscal conservative, I have been strongly opposed to waiving the budget agreement which would allow passage without covering the cost for the full first 10 years of implementation.

In an effort to get a broad perspective on what Idahoans were thinking about the Uruguay Round Agreement, I sent out a mailing to business, agriculture and local community leaders. The limited response was mixed, even within the business community.

In unsolicited mail and phone calls, the overwhelming majority have been opposed to the World Trade Organization specifically and the Uruguay round agreement in general.

GATT is expected to be generally good for agriculture. However, the agreement has both good and bad components depending on the commodity. Unfortunately the agreement is not good for some Idaho commodities such as dairy, wheat, and sugar beets.

There has been a great deal of talk in the press about Senator DOLE's efforts in an attempt to strike a compromise agreement on the WTO language. I commend Senator DOLE for his efforts, but I am not satisfied with the results of negotiations with the White House.

The President was only willing to work on legislation dealing with this problem in the beginning of the next Congress. The administration expressed a willingness to support legislation next year to establish a WTO dispute Settlement Review Commission.

The Commission would consist of five Federal appellate judges, appointed by the President in consultation with the leadership of both houses and the chairman and ranking members of the Ways and Means, and Finance Committees.

The Commission would then review all the final WTO dispute settlement reports adverse to the United States to determine whether the panel exceeded its authority or acted outside the scope of the agreement.

In addition, Mr. President, should the Commission issue an affirmative determination a member from either the Senate or the House of Representatives could introduce a joint resolution for the President to have new dispute settlement rules negotiated, to address the problems identified by the Commission.

The agreement allows for withdrawal from the WTO if their are three affirmative determinations within a 5-year period. However, it requires an act of Congress and Presidential approval.

While the agreement is filled with good intentions, I am not confident that it provides the necessary safety-net to uphold U.S. sovereignty. The problem with this sort of arrangement is that the WTO dispute settlement panel may stay within the scope of authority in the agreement, but still pose a problem or threat to our sovereignty.

In other words, the problem lies within the parameters that have been set in the GATT agreement. Therefore, the issue of sovereignty remains unresolved.

I have a number of concerns about a provision in the Uruguay round agreement which would establish a new international entity, referred to as the World Trade Organization [WTO].

The World Trade Organization is not a minor change to the structure of the GATT. It creates an entity that is, to me, more than an international organization. Rather, it is a regime with powers stronger than those of the United Nations.

There is a fundamental problem with the WTO. It was created as a supranational structure that would strengthen the enforcement of trade disputes under the jurisdiction of the GATT. There have been previous attempts to establish a supranational body to cover trade relations and dispute settlements.

Mr. President, after World War II, representatives from the United States and Great Britain designed a post-war economic system with three pillars: the World Bank, the International Monetary Fund, and the International Trade Organization [ITO].

The ITO was intended to be the administrating body covering the General Agreement on Tariffs and Trade [GATT]. As I mentioned earlier, Mr. President, the U.S. Congress rejected the ITO as a threat to U.S. sovereignty.

The congress took that action despite warnings from the political insiders that failure to join would impede economic recovery. Our predecessors realized that the United States and our trading partners did not need a bureaucracy to free trade.

The fear of granting broad authority over our trade rules to a mostly foreign entity led to the repeated rejection by the Senate of "The International Trade Organization" between 1947 and 1950 and a similar body known as "The Organization for Trade Cooperation" in 1955.

The WTO must be dropped or dramatically reformed so that there is no question about our sovereignty as a nation, and the sovereignty of state governments.

Mr. President, when forming the United Nations, special care was taken to ensure that the United States would have both veto power and a permanent seat on the security council. However, it is apparent that no such effort has been made with regard to the WTO.

In the WTO, the United States could be outvoted by a small coalition of nations, regardless of the overall size of their populations, their geographic sizes, their contribution to world trade, their funding contribution to the WTO, or their commitment to fair trade and democracy.

The WTO would initially consist of a diverse coalition of 117 nations. Each member nation of the WTO, including the United States, would have one vote in resolving trade disputes under the auspices of the two agreements—GATT and GATS.

The World Trade Organization would vote on amendments and interpretation of GATT provisions.

Again, Mr. President, the United States would be only one in 117 votes. Therefore, we could easily be outvoted by third world countries in the WTO, as often happens in the United Nations. Another point of frustration is that we will be paying 20 percent of the WTO budget with a voice behind only one vote.

Under the GATT as it currently exists, the United States has veto power and can block a panel decision by denying the necessary consensus to adopt a panel decision.

Consensus is also replaced in the WTO with the following guidelines: A two-thirds vote to amend the WTO; a three-fourths vote to impose an amendment on parties and to adopt an interpretation of WTO provisions. Under the interstate and foreign commerce clauses of the Constitution, States cannot discriminate against foreign businesses, including the application of State tax law.

Therefore, under the GATT currently, the failure of a State to comply with these provisions results in a United States court action allowing the parties to receive fair and open redress of their complaints.

The dispute settlement mechanism included in the Uruguay round agreement, on the other hand, would require such matters involving State tax policy and foreign businesses to be brought before the WTO.

It is my understanding, Mr. President, that a WTO dispute settlement panel can meet in secret and need not consider U.S. constitutional standards, nor follow the constraints of U.S. jurisprudence. This is a serious concern that needs clarification.

It is also my understanding that no individual U.S. State government is guaranteed representation on a WTO dispute panel. And, the United States cannot reject a WTO dispute panel mandate without facing foreign retaliation and trade penalties enforced by the WTO.

This may be a "worst case" scenario, but if it is a scenario that could occur under the WTO, then that provision in the Uruguay round agreement must be changed.

Mr. President, I would like to take a moment to discuss efforts to resolve the problems with the Uruguay round agreement and the WTO language.

Earlier this year, Senator THURMOND offered an amendment which would have been a nonbinding resolution, stating the sense of the Senate that a joint Senate-administration commission should be convened to perform a 90 day blue ribbon panel report on whether the WTO should be considered as a treaty rather than an executive agreement.

It also requested further hearings both in Washington, DC, and in the field, so that the ramifications of the WTO could be fully examined and understood.

Mr. President, let me be clear, this amendment did not make the GATT Agreement "DOA" [dead on arrival]. It simply reflected the importance of the agreement and the need to understand fully the development of a new international organization prior to our country's acceptance.

In short, it would have provided the kind of real solution I was looking for to ensure U.S. sovereignty.

In addition to the amendment, I joined Senator THURMOND in sending a letter to Senator DOLE requesting the following:

1. Mandate that the bill be fully funded.

2. Extend, for 1 year only, fast track authority, restricted solely to allow the introduction of new Uruguay round implementing language.

3. Include in the extension of fast track, requirements that the agreement establishing the WTO be considered as a treaty requiring a two-thirds approval in the Senate. The trade provisions of the Uruguay round would need only a simple majority in both Houses for passage.

4. Remove the special interest provisions such as the $2 billion discount of Federal licensing fees to three communications companies.

The intent of the letter was to allow ourselves the time necessary to resolve problems surrounding the WTO with a view to removing barriers from passage of the tariff reductions and other, positive components of the Uruguay round agreement. Unfortunately, Senator DOLE was not able to accomplish these four goals in his discussions with the White House.

Before concluding, Mr. President, I would also like to take a moment to add that I will be voting against waiving the Budget Act. The bill violates the fiscal year 1994 budget resolution agreement and will be adding $31 billion to our budget deficit.

As a fiscal conservative and long-term supporter of the balanced budget amendment, I cannot support the circumvention of deficit reduction plans.

Mr. President, any potential loss of U.S. sovereignty is not worth risking. World trade has progressed well under the current GATT system that is voluntary and requires unanimous consent for decisions. International trade has grown dramatically since the beginning of the GATT in 1948—the value of world trade has increased from about $60 billion to more than $3.7 trillion. The volume of world trade has increased about sevenfold.

Trade in Idaho has tripled from $752 million in 1987 to $1.9 billion last year.

The increase for this year is anticipated to top $2 billion.

I do not argue against the value of international trade. It is evident in the growth of Idaho's economy. However, I will argue that the WTO is not necessary for this trend to continue.

After all, this growth has occurred under the current GATT rules, without the WTO. I urge my colleagues to vote against the budget waiver and against the GATT agreement.

Mr. SIMON. Mr. President, I have decided to vote for ratification of the Uruguay Round of GATT and the budget waiver necessary under Senate financing rules.

In some areas, such as worker rights and environmental protection, the agreement fell short of the high ideals that the United States has historically championed. These issues, in particular, concerned me as I considered this wide-ranging document. I now will look to the administration to pursue further multilateral agreements to achieve the same parity in these areas that the Uruguay round brings to goods and services.

In the end, however, the agreement is about trade, and about our ability to compete in the world. As a leading export State, Illinois is a strong competitor and will be one of the first to gain from this agreement in new jobs and economic growth in our agricultural, industrial and services trade. We will see similar benefits as a nation from the leadership we are showing through this agreement.

There will be costs, and I do not vote to waive our tough budget rules lightly. I am concerned that this not be taken as precedent for widespread use of dynamic scoring. But we must be practical and realize the economic benefits that will result in the long term from this agreement.

The Uruguay round takes a further step toward a truly level playing field for American products in the world. I do not see the WTO as a threat to our sovereignty but as the common forum for global trade issues. If we are to set our own destiny we must remain engaged with the economies of the world, leading not by the bullying force of protectionism and veto power but by the strength of our workforce.

The more open global marketplace of the Uruguay round will continue to place a premium on worker skills and productivity. I hope that the passage of the Uruguay round will refocus our efforts to improve our Nation's educational systems to ensure that our workers remain the most productive in the world.

Mr. GLENN. Mr. President, I will support the legislation to implement the Uruguay round GATT agreement and hope that the full Senate will pass this measure by a substantial and bipartisan majority.

The United States is the world's largest exporter; we have the most productive workforce; and we have recently regained the distinction of the world's most competitive economy. Exports have been critical to the rebound in our economy, accounting for one half of U.S. economic growth over the past 5 years. Further, as has been stated repeatedly, we are already the world's most open market. Hence, competitive goods produced in this country, and those who produce them, have much to gain from the market-opening, tariff-reducing provisions of the new GATT agreement.

Like it or not, we are operating in a truly global economic environment from which we could not, and should not, withdraw. In 1965 exports accounted for approximately 5 percent of U.S. GDP; they have now risen to almost 12 percent. We cannot afford to ignore the substantial contribution of exports to our economic wellbeing. I have often said that if we did not have GATT to set the parameters for trade among nations, we would have to invent it, or something close to it.

I am not sure that this GATT is worthy of all the superlatives being attributed to it. However, it is a solid and substantial step forward toward the longstanding U.S. goal of freer and fairer world trade—a goal we have pursued since the origin of GATT in the aftermath of World War II.

My State of Ohio has a substantial and growing stake in the export market. We are the sixth largest exporting State. Our exports have grown rapidly in the last several years, from $6.5 billion in 1987 to $19.4 billion last year. One of every seven to eight jobs in Ohio's manufacturing sector currently produces for the export market.

In this negotiating round, spanning three administrations, Republican and Democratic, the United States made substantial progress toward realization of most of our major objectives. The new GATT mandates a reduction of worldwide tariffs by about one-third. That's a worldwide total of nearly $750 billion of tariffs eliminated, of which the U.S. share is $32 billion.

In addition to the reduction of tariffs—traditional barriers to trade which earlier GATT agreements primarily focused on—the new GATT makes significant progress in addressing another important U.S. concern—non-tariff trade barriers. For example, the new agreement requires all GATT parties to give greater protection to intellectual property rights. Lax or nonexistent protection for such intellectual property rights has proved a very effective non-tariff barrier to research- and creativity-sensitive industries such as pharmaceuticals, electronics, software and recorded entertainment, costing U.S. companies billions of dollars a year.

The new GATT agreement more fully incorporates into the GATT system major new sectors of world trade not previously covered or not fully covered; for example services, textile products, and agriculture.

In agriculture, the new GATT agreement requires non-tariff trade barriers, like quotas, to be converted to tariffs and then reduced. Further reductions in tariffs on agricultural goods in the future will be made easier by the requirement to quantify these non-tariff barriers.

The reduction of agricultural trade barriers in this GATT agreement is expected to result in increased agricultural exports by $5 to $14 billion over the next 5 years. U.S. farmers are the most productive in the world, already producing substantially more than we can consume at home. Presently, exports take about one-third of U.S. agricultural production. For U.S. agriculture to prosper, it must aggressively pursue markets abroad. This GATT provides an important tool to support that effort.

The agreement brings all parties, developing and developed, into the GATT system, with all the obligations and responsibilities that membership entails. Previously, developing countries had been free to opt out of certain GATT obligations.

Many critics of the new agreement have focused on the new World Trade Organization and its alleged ability to overturn U.S. laws. Let me reiterate, as clearly as I can, what has been repeatedly stated throughout the debate on this question—the Congress, and only the Congress, makes the laws of this country. A dispute resolution panel of the new WTO could rule that a U.S. law is contrary to our obligations under the GATT, but there is nothing self-enforcing about such a ruling. Any decision to amend that law to conform to GATT would have to be a U.S. initiative approved by both Houses of Congress and signed by the President.

In addition it has been suggested that somehow the provisions for decisionmaking and voting within the WTO create a tyranny of a majority who oppose U.S. interests. Let us examine the facts. The WTO agreement provides that the current GATT practice of decisionmaking by consensus will ordinarily be followed. This process of consensus decisionmaking is so well established within the current GATT that, it is my understanding there has never been a formal vote taken in GATT since the system was established after World War II. If consensus fails, then a matter may be decided by a majority of votes.

However, major issues such as waivers of agreement obligations and interpretations of most agreements will require a supermajority of three-fourths. Amendments to agreements will require a two-thirds majority, with those affecting basic rights and obligations of Members to take effect only for those Members that have accepted them. Further, amendments to certain cornerstone GATT obligations will take effect only if all WTO members accept them.

I do not expect that the WTO will become a vehicle for attacking U.S. trade and economic interests. Indeed, I fear a more reasonable prediction is that an international organization with over 100 members which operates by consensus will be greatly challenged to do anything at all. Nevertheless, if experience proves contrary to my expectation, the United States should not hesitate to exercise its right under the agreement to withdraw, with 6 months notice.

As chairman of the Senate Governmental Affairs Committee, I would like to say a word about subtitle E, which makes necessary changes in U.S. law in order to implement agreements reached by the member nations of the GATT Government Procurement Code. The primary objective of the GATT Procurement Code is to ensure the establishment of Government procurement systems based on the principles of transparency, openness, and fairness.

Highlights of the revised code include a threshold of $182,000 for waiver of buy national requirements for central Government purchases. U.S. minority and small business setasides would not be affected, nor would procurements necessary for national security. Government construction contracts, with a $7 million threshold, and services will be covered for the first time.

In addition the GATT implementation bill would extend the U.S. procedure for responding to unfair Government procurement practices to cover failure to adequately enforce antibribery and corruption laws in the awarding of Government contracts.

The agreement will not impede the use of new information management and other technologies to improve the efficiency of Government procurement systems and is consistent with recently passed Government procurement reform legislation.

Is this agreement everything we could have wanted? No, it is not. Is there additional work to do? Yes, there is. Is this agreement a panacea for our economic problems? No, it isn't. Can we afford to be complacent about our productivity and competitiveness? No, we certainly cannot. However, on balance, I believe that this new GATT agreement makes a significant and positive contribution to furthering a freer and fairer system of world trade. I am convinced that it will be good for the U.S. economy—for producers and consumers alike. And I am confident that in such a freer and fairer international trading environment, American industry and American workers will prove very competitive.

Mr. NUNN. Mr. President, I rise today to support the GATT enabling legislation. The economic benefits of this agreement are, by now, familiar to everyone in this chamber. The GATT Agreement is projected by experts to: Increase U.S. national income by an additional $100–200 billion a year, and increase global income by as much as $5 trillion by 2005; reduce global tariffs by an average of one-third, producing a global tax cut of $750 billion over the next ten years, the largest in history; expand free trade rules to areas not previously covered by GATT, such as agriculture and services; and protect intellectual property rights through creation of the Agreement on Trade Related Intellectual Property Rights (TRIPs).

The result of these changes will be the creation of between 300,000 and 700,000 new American jobs and an additional $1,700 in income for a family of four by the year 2004.

Beyond the new opportunities GATT offers, its passage is vital to ongoing American global leadership. The GATT signals our continued commitment to free trade and competition, and to the conviction that consumers—not governments—make the wisest economic decisions.

The Uruguay Round is the seventh extension of the General Agreement on Tariffs and Trade, and it represents the culmination of 8 years begun during the Reagan Administration, continued throughout the Bush Administration, and concluded by the Clinton Administration. The United States was a founding member of the GATT in 1947, and we have been steadfast proponents of economic development through the reduction and ultimate elimination of trade barriers. The U.S. has been instrumental in reducing global tariffs from almost 60 percent at the conclusion of World War II to under 4 percent when the Uruguay round is fully implemented.

This strategy has worked well for America and the world. In 1987 constant dollars, U.S. Gross Domestic Product has quadrupled from $1.3 billion to $4.3 billion since the creation of GATT. The increase in trade during this same period represents a significant portion of this growth. Although we are no longer alone at the top, the United States remains the largest and most powerful economy in the world, and this agreement will help raise living standards in our country and around the world.

Mr. President, individuals fare best when they are allowed to do what they do best. Economists call this concept "comparative advantage," and it applies to nations as well as individuals. Because American workers are the most productive in the world, the GATT Agreement presents an unprecedented opportunity to utilize our advantages to export more goods and services overseas. Since the United States already has among the lowest tariffs in the world, the GATT's reduction of foreign tariff and non-tariff barriers can be expected to benefit American exports.

I believe GATT will prove to be beneficial for Georgians. For example, the forest products industry in Georgia is a $13.2 billion business, the largest in the State. The GATT Agreement includes the "zero-for-zero" agreement on wood and paper products. Paper products are already Georgia's leading export to Mexico and the second leading export to the rest of the world. As the forest products industry continues moving South, I expect that its exports will be a critical component in the region's continued economic growth.

Mr. President, Georgians are also proud of our poultry industry. Last year, poultry income in Georgia reached $1.73 billion, exceeding, for the first time, all other crop income combined. Poultry is one of the best and least expensive protein sources in the world, and nobody produces it more efficiently than Georgians. Under GATT, poultry exports are projected to increase 32 percent by 2005. The developing countries of Asia, South America, Eastern Europe, and Africa are hungry, and we want to help feed them. The GATT will help those economies grow, and will assure that as they do, their consumers have the opportunity to buy Georgia poultry.

Mr. President, the textile and apparel industry is Georgia's largest manufacturing sector and accounts for almost one-fifth of manufacturing employment in the State. I understand the industry is divided on GATT, but I would note that in Georgia, almost one-half of the industry is comprised of carpet manufacturers and suppliers, which is already benefiting from brisk overseas sales. According to the Department of Commerce, exports from the 307 ZIP code, which encompasses Georgia's "Carpet Crescent," grew 426 percent between 1987 and 1993, from $75.102 million to $395.37 million. So the carpet industry is clearly already benefiting from international markets. As for the rest of the textile industry, I note that the leadership of the American Textile Manufacturers Institute has endorsed the agreement, and is especially pleased that the Breaux-Cardin rules-of-origin requirement was retained in the implementing legislation.

Georgia is also a leader in the production of industrial machinery, chemical products, transportation, and electric equipment. These four industries accounted for more than $1.27 billion in Georgia's 1993 export sales in 1993, more than one-fifth of total exports. The same four industries grew an average of 143.65 percent between 1987 and 1993.

I have mentioned just a few Georgia industries by way of example, so let me address generally for a moment the importance of exports to Georgia. In 1993, Georgia shipped $6.05 billion worth of goods to the rest of the world. That's at 148.8 percent increase over 1987. Mr. President, jobs supported by merchandise exports pay above average wages (17 percent above average in 1990). The growth in these exports provided new jobs for Georgians and an increasing standard of living. GATT promises more of the same.

Some of my constituents have said to me, "How can we possibly compete with or sell to a country with $1 an hour wages?" That's a fair question, but it assumes that labor is the only component that matters in trade. This is, of course, untrue. Transportation, energy, education, and investment—in a word, productivity, all play a vital role in manufacturing, and the United States offers the best total package. That's why BMW and Mercedes Benz will soon begin manufacturing automobiles in South Carolina and Alabama, and why YKK, Matsushita and other foreign manufacturers have made Georgia seventh in the nation in direct foreign investment, with 10 new manufacturing plants.

As a practical matter, Mr. President, we have no choice but to trade with the rest of the world. The United States represents four percent of the world's population and 22 percent of the world's economy. But the United States, Western Europe and Japan are mature economies and their growth potential is limited. If we close the door to the fast-growing developing world, we are resigning ourselves to a declining standard of living; and if we don't capitalize on opportunities in the developing world, someone else will. But we cannot have it both ways. We cannot demand that other countries open the door to the U.S. while we shut the door on them.

Mr. President, a final word about the World Trade Organization (WTO). I know some of my constituents are concerned about the implications of the WTO's Dispute Settlement Board on U.S. sovereignty. I have studied this issue closely, and based on my review, I do not believe it will infringe on our sovereignty. The WTO cannot change U.S. law; only Congress can. In any event, the ultimate recourse in any GATT dispute is for the United States is to withdraw from GATT. I would certainly support exercising that option if I though the GATT infringed upon our sovereignty. I believe this Agreement protects U.S. interests while increasing economic opportunities at home and abroad.

Mr. KOHL. Mr. President, I rise today in support of the GATT implementing legislation. This is not perfect legislation or a perfect trade agreement. But we are not here today to vote on a perfect trade agreement. We are here to decide whether Wisconsin and the United States will be part of the world economic market.

Both proponents and opponents of GATT are trying to answer that question using the same criteria. What vote will lead to more jobs, more economic prosperity and a better standard of living for the most Americans?

For the people in my home State of Wisconsin, GATT and entrance into a more open world market is the answer. We can try to preserve our current standard of living by shutting out the rest of the world—and that might work to preserve a few jobs in a few industries for a short period of time. Or we can try to improve our future standard of living by using the GATT to enter new world markets—and that gives us an opportunity to create new jobs in many industries for the foreseeable future. Choosing GATT is choosing the chance for a richer, better future for our children.

The U.S. economy is increasingly dependant on the international economy. In 1992, according to the Department of Commerce, over 7 million workers in the U.S. owed their jobs to merchandise exports and an additional 3.5 million U.S. workers owed their jobs to U.S. service exports. In 1993 in Wisconsin, exports totaled $5.8 billion, almost double the level of exports in 1987. The days are gone in which the rest of the world needed our business more than we needed theirs. Trade is responsible for millions of current U.S. jobs and thousands of Wisconsin jobs. It has created millions of U.S. jobs and thousands of Wisconsin jobs. And expanding trade will create millions more.

The reductions in tariffs and trade barriers will stimulate economic growth and enhance export opportunities for American business. One study by the Economic Strategy Institute concludes that the agreement would increase annual U.S. income between $100 billion and $200 billion over ten years. It is also estimated that this agreement will generate from 300,000 to 700,000 new jobs by 2004. American consumers will benefit from lower prices and increased competition, which will lead to higher quality, competitively-priced goods and services. Wisconsin's leading manufactured exports include industrial machinery, scientific and measuring instruments, and electric and electronic equipment. These three industries together accounted for nearly 60 percent of the state's total exports in 1993. Under this agreement, tariffs on these products will be reduced by over 50 percent.

For all of these reasons, I believe moving toward free trade and U.S. participation in the world market is the best choice, and that is why I support GATT. But that does not mean I believe GATT is perfect. There are some provisions of this massive agreement with which I take issue.

First of all, passing GATT requires waiving the Budget Act—something I do not take lightly. The lower tariffs in GATT will lead to a loss of tariff revenue for the United States of $10 billion over the next five years and $26.6 billion over the next ten years. When GATT was first released, I and several other Senators wrote to the President asking him to develop implementing legislation that fully offset these revenue losses. The Administration did subsequently develop a financing package that is included in the implementing legislation before us. It reduces the revenue loss to $1.7 billion in the first five years and $12 billion over ten years.

I would have preferred a full offset; I believe that is the more responsible course. But I also believe that GATT will generate new economic activity that will offset the revenue losses many times over. It is proper that we do not count such revenue in our budget figures because it is based on assumptions about economic growth that are not 100 percent certain. However, it is also proper that we waive the budget rules to pass legislation that almost certainly will lead to a healthier economy and a stronger government balance sheet. As Senator Domenici pointed out earlier today, we allow our budget rules to be waived by vote of the Senate exactly because there are some measures—like GATT—that have positive economic and budgetary effects which are not reflected by our current, conservative accounting.

Second, I have heard from some who are concerned about the effect this agreement will have on the dairy industry, one of the largest industries in my state. However, it must be noted that, in general, GATT is good for agriculture. U.S. farmers can expect to gain new export markets for products from feed grains to meat products to fruits to vegetables.

However, it is no secret that dairy farmers are unhappy with this Agreement. They are correct that U.S. negotiators did not place a high enough priority on gaining new markets for U.S. dairy products. And the mixed signals sent from U.S. dairy representatives in Geneva during the GATT negotiations made it difficult for negotiators to set a clear objective for dairy trade.

The question is, however, what do you do with that information? Oppose the Agreement and all of its other benefits or attempt to bring about appropriate changes in the GATT for dairy farmers. I have chosen the latter course. I have worked with the Administration and our trading partners to do everything possible to make this Agreement better for the dairy farmers of this nation.

One of the biggest concerns of dairy farmers about this GATT Agreement has been the large increases in cheddar cheese imports from New Zealand and Australia. Since cheddar cheese acts as a commodity cheese in this nation, increased imports of cheddar cheese have a direct effect on milk prices paid to U.S. farmers. And milk prices are already too low.

To soften the blow to U.S. dairy farmers, several of my colleagues and I were able to work with Australia to achieve a mutually beneficial agreement to adjust the type of cheese entering U.S. markets from that nation. As a result of these efforts, Australia has agreed to swap half of their cheddar cheese allocation for an equal allocation of specialty cheeses, which do not directly effect milk prices.

Another priority for U.S. dairy trade has been access to the Canadian market. While Canada has agreed to remove their import quotas on dairy products imports, they have replaced them with high tariffs, in direct conflict with the NAFTA and U.S.-Canada Free Trade Agreement. Although this matter is still unresolved, Ambassador Kantor has assured me that he will continue negotiation with Canada on this matter, and bring formal NAFTA dispute action against Canada if necessary.

And finally, I have listened with concern to those who have argued that the World Trade Organization established by this Agreement will lead to weakening of the environmental laws of the United States. Clearly, that would be counter to the purpose of GATT, which is to further unite trading partners through reduced economic barriers. I view a general trend of increased environmental standards worldwide to be an appropriate corollary to the increased economic trade envisioned by this GATT Agreement. As a nation's standard of living increases, so also does that nation's ability to devote resources to environmental goals.

Contrary to some accounts, the World Trade Organization has no sovereignty over U.S. environmental laws. The WTO does, however, have the authority to declare U.S. environmental laws GATT illegal, but only if they are not scientifically based. If, as some suggest, the WTO consistently rejects U.S. environmental laws as GATT illegal, the United States retains the full right to withdraw from that body. But for the United States to reject this GATT Agreement, would be to discard our ability to be a force for environmental change worldwide. It is my hope that the United States will be able to join with European nations in using the power of the WTO to persuade other nations to adopt more environmentally progressive laws.

Despite these reservations, I believe that the legislation before us today is exactly the type of legislation we should hope to pass in the 104th Congress—bipartisan, practical, good for the nation as a whole. Yes, it is full of compromises. Yes, I would have drafted some parts differently. But, overall, GATT moves Wisconsin and this nation into the world market, into opportunities for a better standard of living, into a prosperous and healthy future. It does so because it is not a political document—it is a practical attempt to provide the most hope and opportunity for the most Americans. That is good legislation. And that is legislation worthy of our support.

Mr. KENNEDY. Mr. President, I support the General Agreement on Tariffs and Trade. A year ago, there was extensive debate in Congress and the Nation over whether the United States should enter into the North American Free Trade Agreement with Canada and Mexico, our two closest neighbors to the North and South. Today, the Senate will vote on whether to enact legislation implementing a much more far-reaching effort to reduce barriers to trade among more than a hundred nations throughout the world.

As with NAFTA last year, GATT has provoked strong feelings on both sides of the issue, especially with respect to its impact on the workforce. In Massachusetts, I held a hearing and heard from a number of witnesses who are deeply concerned that the long-term consequences of GATT will be further pain and dislocation for working men and women who have already been hard hit by the massive structural changes that have transformed our economy over the last two decades.

There is one fundamental principle we can all agree on. The success of our trade policies must be measured by the degree to which they improve the living standards of the people and advance the well-being of our society.

It is clear that many families have yet to experience the sense of enhanced economic security that should come with an expanding economy. Despite significant progress in the last 2 years in making up the ground lost to the recession, reducing unemployment, creating new jobs, holding inflation down and cutting the Federal deficit, there continues to be a pervasive sense of unease among large numbers of working families.

Many of them have been affected by the dislocations accompanying this period of economic change—if not directly, then through the experiences of relatives, neighbors, or friends. The prospect of expanded trade and increased international competition in these difficult times often means greater anxiety among these families for their own jobs and for their families' futures.

One answer to this increasing global competition is more investment in technology, infrastructure, and education and training. America must not engage in a "race to the bottom," where we are obliged to lower our living standards to those of Third World nations. Instead, we must compete on productivity, and that means investment, public and private.

I hope that many of my colleagues will be mindful of these needs. It isn't enough just to expand trade. We must provide necessary investments, while keeping our fiscal house in order. We must do more to alleviate the fears that many working men and women now have, and that have made passage of this agreement so controversial.

In recent years, we have been working hard in Massachusetts to overcome the effects of the recession and to create new jobs and better jobs for our workers. We have made substantial progress, especially in areas such as telecommunications equipment, software, biotechnology, construction, and other industries. Our primary goal is the retention and creation of good jobs and good wages.

In Massachusetts, we are fortunate to have a number of industrial sectors that will continue to grow and expand, as long as we continue to focus on their needs, and invest in them. We must provide an educated and skilled workforce, a quality living environment, and the infrastructure necessary to keep our State economy strong. To do so, we must maintain the competitive advantage that has made our State a place where we can create good jobs for our workers.

I have supported the administration's efforts to negotiate GATT, because I believe our economic strength depends on expanded trade. In Massachusetts alone, exports increased almost 50 percent during the depth of the recent recession. While many industrial sectors across the State and country were downsizing, those that were able to take advantage of export opportunities created 60,000 new jobs and more than $3 billion in new economic activity.

GATT will help many sectors of the economy to grow even more rapidly. Its broad provisions reducing tariff and nontariff barriers for large numbers of products will open foreign markets at long last to countless U.S. enterprises. Barriers that have long denied U.S. access to markets in Europe, Asia, and other parts of the world will be removed.

The machine tool industry, which was founded in New England and has recently begun to rebound, will have improved access to new world markets. Our medical equipment, computer, and telecommunications industries will be better able to compete in international markets.

GATT also increases the protections for intellectual property and helps to combat intellectual piracy, a significant issue for high-technology industries like computer software. More open access to foreign government procurement contracts will allow U.S. industries to compete for new business across the globe.

Our financial services sector did not gain the export opportunities that we had hoped for, but the foundation for future negotiations has been laid.

Overall, expanded world trade will help the economies of Massachusetts and America. But no one disputes that there will be losers. The textile and apparel industry, for example, will be faced with the phase out of the Multi-Fiber Agreement, which sets the quotas that have allowed the industry to remain competitive over the years.

We should provide effective assistance to such industries, helping them to use more productive technologies and have a well-trained work force. We should take some of the benefits from expanded trade, and use them to assist those industries like textiles that have already been hurt by global competition, and that will be harmed even more by GATT.

But the consequences of failing to pass GATT are much worse than the damage that will be done by approving it. If Congress fails to pass this agreement, it will weaken America's position in the world economy. It will encourage other nations to continue with their own protectionism and unfair trading practices that have blocked many American industries from fair competition.

Like many of my colleagues, I wish that this agreement had higher standards for labor and better environmental protections. But rejection of GATT now will not advance these other worthwhile goals. If GATT fails, the world trading system will be set back for years, if not decades. In such a contentious atmosphere, it will be even more difficult to make progress on the labor and environmental issues that we care deeply about and that should be part of future trade negotiations.

Additional concerns over GATT involve the World Trade Organization, U.S. sovereignty, and our relations with other nations. In fact, though, we will be in at least as strong a position under the new organization as we were prior to GATT.

A more effective dispute resolution mechanism was one of America's principal negotiating objectives under GATT. Under current procedures, when the United States won favorable rulings against other nations' unfair trade practices—which was the case more often than not—we had no effective means of implementing those rulings.

Senator DOLE and the administration have worked well together to improve GATT on issues relating to the WTO. If the WTO truly threatens U.S. sovereignty, we can withdraw from the agreement, and Congress will now have an enhanced role in facilitating that withdrawal. I do not anticipate such a scenario taking place, but the ability of the United States to withdraw in these ways should reassure some of the critics.

For all of these reasons, and recognizing the agreement's flaws, I urge the Senate to support GATT. The real challenge we face will be to see that GATT fulfills our hopes, not our fears. Above all, we must help the industries and workers hurt by this expansion of trade, and I intend to do all I can in the months and years ahead to see that this challenge is fully met.

Mr. McCONNELL. Mr. President, today the Senate will vote on history's most ambitious world trade agreement. Since World War II, the world economy has become increasingly interdependent and trade has played an increasing role in political affairs. For the past seven years and through three administrations, two Republican and one Democratic, the U.S. has worked to expand free trade in the Uruguay round. Studies indicate that the U.S. will receive a boost of over $100 billion annually through expanded trade. I support the agreement, because it mandates not just free trade, but fair trade for U.S. goods.

Mr. President, this agreement has been expanded to include coverage for a number of new areas such as the trade in services, agriculture and protection from piracy of intellectual property. This agreement will also implement the largest tax cut in history. The across-the-board reduction in tariff, subsidy, and quota levels will amount to a $744 billion tax cut worldwide. "Tariff" is a fancy name for "tax" and these taxes are applied to both consumers and U.S. exports. These added costs put U.S. exports at a distinct disadvantage.

Since GATT's inception in 1948, eight trade rounds have been completed that have established rules of trade reducing tariff and non-tariff barriers. As a result, world trade has steadily expanded.

In fact, between 1965 and 1990 merchandise trade has increased by a whopping 439 percent. Currently, the U.S. is the leading world exporter, with 11.6 percent of our Gross Domestic Product coming from exports. As this figure increases, so will higher paying export-related jobs.

This agreement achieves four major objectives. First, foreign markets will open to U.S. producers through the reduction in tariff and non-tariff barriers. I am especially pleased in this round we were able to crack the protectionist foreign agriculture markets which to this point have heavily subsidized their own agricultural interests.

Second, this agreement strengthens the procedures for dealing with unfair trade. The new dispute settlement procedures will ensure that nations engaged in unfair trade will be required to come to the table in good faith to resolve trade disputes. This will eliminate the delays and stalling tactics which foreign countries have used in blocking U.S. entry into their markets.

Mr. President, the third objective this agreement achieves presents the best opportunity for the U.S. to expand trade. This allows for the establishment of rules of trade in services and the protection of intellectual property.

This is the first multi-lateral and enforceable agreement to include either provision. This is a tremendous achievement for the United States. In 1991, services accounted for 62 percent of U.S. GDP, employing 57 percent of U.S. workers. Currently, the U.S. maintains a $55 billion surplus in this area.

With regard to intellectual property, U.S. corporations have lost billions because there have been no trade protection against the piracy of intellectual property. In 1987, a survey by the International Trade Commission estimated that U.S. companies lose $23 billion annually due to piracy of intellectual property. With the U.S. the undeniable leader in intellectual property, such protection is critical to ensure future innovation and prosperity.

A letter I received from the Software Publishing Association states that this new trade protection will help American software producers retain nearly $7.5 billion annually. Mr. President, this figure represents an astounding 48 percent of the software market share.

Lastly, this agreement will reduce federal subsidies and instill some discipline in international agriculture trade. For too long, U.S. farmers have fought a losing battle to gain access to European and Asian agriculture markets.

Prohibitive subsides and tariff barriers have stymied the growth of our highly productive agriculture industry. Without a doubt, exports are essential to continued market expansion. The U.S. Department of Agriculture estimates that the Uruguay Round Agreement will increase exports by $5 to $14 billion over the next five years.

What is more important for future agricultural trade expansion is the discipline that the agreement applies to countries who might otherwise choose to close markets and subsidize exports. This agreement has important consequences for our large trading partners that are currently outside of the GATT such as: China, Taiwan, and the nations of the former Soviet Union.

This agreement enables countries to use GATT rules to challenge unjustified health-related regulations that restrict trade, while protecting every country's right to ensure food safety and animal and plant health through policies based on scientific evidence. I am confident that U.S. laws will prevail and set a higher standard for our trading partners to meet. That is why the American Farm Bureau and the Kentucky Farm Bureau both proudly support GATT.

I have heard from a number of organizations who have attempted to deflect the debate away from the importance of free and fair trade to other issues. Mr. President, we must not lose sight of what this agreement is about.

It is about expanding trade and providing access to other markets that currently maintain barriers that deter the sale of U.S. products. This will ensure our own economy will grow and create new, higher-paying jobs.

Mr. President, I am not aware of any respected analysis which estimates that this agreement would have an overall negative impact on employment on the economy as a whole. Instead, GATT will reduce world tariff rates by 34 percent on average, and entirely eliminate tariffs in key exports such as pharmaceuticals, toys, medical equipment and heavy industrial machinery.

This agreement will cut tariffs worldwide by $744 billion, and the cuts borne by the U.S. represents only a small fraction of this total. It is widely accepted by economists that a reduction in trade barriers will stimulate trade.

The most recent and telling free trade success was the NAFTA agreement implemented at the beginning of this year. NAFTA has sparked the creation of more than 100,000 new jobs this year alone, and contributed to a 21 percent increase in trade with Mexico in the first nine months of the agreement. U.S. corporations are selling everything from apples to X-rays because of NAFTA.

NAFTA, though it has proven to be a stunning success, pales in comparison to the GATT which includes over one hundred countries. The Department of Treasury estimates GATT will contribute to the creation of an estimated 500,000 new U.S. jobs and over $100 billion in increased economic activity per year. This economic boost will more than offset the revenue lost in the last five years of this agreement.

There are some who claim that this agreement will serve our sovereignty up to some higher world government. This is absolutely not true. The World Trade Organization is a framework for resolving trade disputes. The decision issued by a dispute resolution panel is not self-enforcing and can't override U.S. domestic law. Only the U.S. Congress can change U.S. law. In fact. Section 102 of the Agreement states that "no provision of any of the Uruguay Round Agreement, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect." As a Senator, I have sworn to uphold the Constitution and I am confident this agreement does not pose any threat to U.S. sovereignty.

Further, I am hardly alone in that view. The distinguished Judge Robert Bork, as well as the highly conservative Heritage Foundation, have both concluded the same thing.

This agreement, however, will establish the most effective and binding dispute settlement procedures to ensure compliance and fair trade. These procedures give the U.S. a stronger hand in bringing unfair trading nations into arbitration and settlement in a timely fashion. More importantly, it eliminates the ability of nations to veto their penalty for unfair trade practices under the current GATT.

If, however, the gloom and doom scenarios of protectionists do come true, the U.S. has the opportunity to withdraw from this executive agreement and continue under the old regime.

As the leading free trade nation, the U.S. stands to benefit greatly from this dispute resolution framework. Instead of looking at the glass half empty, as many protectionist have, we can be confident that the U.S. will have a mechanism for opening various unfairly protected markets. If a nation is found guilty of unfair trading, the U.S. has every opportunity to take unilateral action to even the playing field. Obviously, losing a foothold in our market would be a significant deterrent for any nation or industry.

Mr. President, I have wrestled with this decision for some time. I am disappointed that President Clinton did not remain committed to the passage of this agreement after it was signed early this year. The "lame duck" nature of this special session has fueled the mistrust of the American people. Unfortunately, we are left with zero options. Without the fast-track protection, which expires at the end of this year, this agreement would be decorated like a christmas tree, with special interests each putting their ornaments on it until it collapses from the weight. This would harken back to the Smoot-Hawley Tariff bill that led to the most proetectionist and failed trade regime the world has ever seen.

Despite receiving the endorsement of Constitutional scholars, academics, trade experts, consumer organizations, farm groups, employees, business and state and local officials, we have had to fend off assaults from the opponents of free trade and avowed protectionists. for their own reasons, the opponents have a strong desire to continue under the old system of high tariffs and record U.S. trade deficits.

Mr. President, I find it difficult to understand why the opponents of this agreement want to continue to pit U.S. exporters against our trading partners with one hand tied behind our back.

I too believe we need to reduce our trade deficit, but the only way that can happen is to expand our markets and sell more abroad. I find it incredible that the GATT's opponents believe our trade deficit will be reduced by the defeat of this bill.

For the long term benefit of the United States, we must focus on the expansion and protection of our exports, which this agreement ensures. This agreement will tear down longstanding trade barriers and create new markets for U.S. goods. We must not forego this opportunity to expand exports and create new jobs. I urge my colleagues to support a winner, support GATT, and allow America to compete freely and fairly on a more level playing field of trade.

With a new century only six years away, we must not turn the clock back now. A great future lies ahead for us, and GATT will help make us ready for it.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. I yield the remainder of our time to the distinguished majority leader.

Mr. MITCHELL. Madam President, Members of the Senate, the Senate will shortly vote on the Uruguay round of the General Agreement on Tariffs and Trade. It is one of the most important votes of this Congress for the future prosperity of our Nation.

This trade agreement, if approved, will bring enormous benefits to our economy, our businesses, our workers.

Expanding international trade has been the engine of American prosperity since the end of the Second World War. It has been the focus of all of our past international trade policies.

Immediately after the war, the United States financed the reconstruction of an international order based on stable, prosperous democracies because we saw that our Nation's security would be best preserved in such a world.

We succeeded to an unprecedented degree. The Marshall plan rebuilt European industry and fired the engines of the so-called German economic miracle.

In Japan, the introduction of democratic political institutions went hand in hand with the grant of favorable trade access for Japan and other devastated nations in the Pacific.

During that period, we undertook the defense of the free world in the interests of Western security. While our trading partners rebuilt their economies, we protected them against aggression.

But as our trading partners became our trading competitors, they began to protect not only their favored, relatively free access to our markets, but they began to protect their own markets against others, including ourselves.

We have not insisted with sufficient vigor that our trading competitors carry their own defense weight, but we will. We have asked them to open their markets to our goods. The agreement now before us is a huge step in that direction.

Immediately following the Second World War, the American economy dominated the world. We had little competition. American production, as a percentage of the world's economic production, was 37 percent. The crippled economies of postwar Europe and Japan were struggling to get on their feet. Former colonies in Pacific Asia and South Asia were just beginning the process of economic development.

In the intervening 40 years, our economic growth has been solid. So has the growth of our trading partners and our competitors.

Former colonies in Asia are growing faster than are the mature economies. The American economy has kept pace, but in such a changed world America's share of a hugely enlarged global economy was bound to be smaller relative to others, as it is.

Today, the output of the 260 million people of the United States is about 22 percent of the combined output of the other 5.5 billion people in the world.

A lower relative share of world production means that we have to compete both for developed and emerging markets throughout the world. We cannot be satisfied any longer with simply selling American products in America. This agreement will give us the tools to compete on a more level playing field, to compete against competition, not against artificial trade barriers.

The economic miracle of the postwar world is that with the expansion of international trade, every participating nation's economy has grown. Human well-being has reached more people at higher levels than ever before in history. The leading beneficiary of that trend has been the United States.

The future of our economy depends on our ability to respond to the demands of the global marketplace. This agreement will define the American role in the global economy and in world affairs well into the 21st century.

With the passage of this agreement, the Senate will affirm the leadership role of the United States around the world. Rejection would send a far different signal: That the United States fears the challenges of the post-cold war global economy. Rejection of this agreement would be a signal of American weakness.

We should not turn our backs on opportunities in new and growing markets around the world. Our own economic security depends on our willingness and our skill at adapting to a rapidly changing global economy. American companies have adapted to the competitive international marketplace by increasing productivity through new manufacturing techniques and by streamlining production. The American worker is the most productive worker in the world.

Let me repeat that for those who fear competition with other nations: The American worker is the most productive worker in the world. But the price of these productivity increases has often been the reduction of a company's work force.

Automation and improved computer technologies have made many jobs vanish as silicon chips now perform functions that once were performed by human beings.

It is no wonder that many working Americans fear the fallout of economic change. They have a right to be wary, for too often in the past swift economic change has disrupted the lives of families and whole communities, and too often, our Government has responded slowly, begrudgingly, inadequately.

The government which wants to expand trade must recognize that it has a reciprocal responsibility to the people most at risk from the effects of trade expansion.

Those who favor the trade agreement, as I do, must acknowledge and accept the responsibility to remember that there is more than one step in our progress toward a more prosperous nation and world.

The first step is opening markets and freeing trade.

But the second and equally important step is to make certain that our people do not disproportionately pay the costs that are part of every significant economic change.

We must work together to prepare the U.S. economy for the challenges of the 21st century. Our workers must be educated and trained so the industries of the future will invest in this country and create new jobs here. We must reduce the burden that health care costs place on American businesses, which reduce their global competitiveness.

Like every one of my colleagues, every single Member of this Senate, I have seen first hand the dislocations of families and communities that occur when a production facility is moved offshore, or competition from lower wage countries gives our consumers a better bargain. The displaced workers should not be forced to pay the price of change.

But we must recognize also the benefits of change and harness them to our advantage. In my home State of Maine, companies and their workers have greatly benefited from expanded global trade.

In 1993, Maine exported more than $1 billion of merchandise to foreign markets, almost 10 percent more than in the previous year. Maine's sales to foreign markets grew more than three times the rate of the domestic economy.

Our economic future depends on expanding international trade though lower tariff and eliminating nontariff barriers. So does the economic future of every other State in the Nation.

The North American Free-Trade Agreement, passed only last November, has already produced tangible economic benefits in Maine.

In the first quarter of 1994, Maine's exports to Mexico increased 141 percent over the previous first quarter. The agreement before us today will have an even greater positive impact, a much greater positive impact, on economic growth on Maine and the Nation than did the North American Free-Trade Agreement.

For example, this agreement will eliminate tariffs on paper and paper products in European and Asian markets. The American paper industry has estimated that this tariff elimination alone will produce a $2 billion increase every year in American exports of paper and paper products.

The agreement lowers tariffs now levied against other Maine product, including semiconductors, electronic components, wood and wood products, blueberries and leather products. When those tariffs are cut, Maine-produced goods will be less costly and more attractive to foreign buyers, and Maine's exports will have a chance to grow. That is true for the products of virtually every State in the Nation.

In addition to the tariff cuts, the agreement will establish new rules to help eliminate foreign import barriers based on unjustified or unreasonable local regulations. In the past, to cite one example, foreign countries have restricted imports of American potatoes from Maine and other States, and fish products through the use of unfair sanitary and phytosanitary standards.

Under this agreement such standards will have to be based on science. Since our regulations are now based on science and others are not, we can only benefit from compelling other nations to adhere to the high standards which we already observe. The agreement will not prevent the United States or any other nation from adopting more stringent standards but it will curtail their use as tools of protectionism.

These are only a few of the benefits that this agreement will produce for the State of Maine and the Nation.

Here in the debate and across the country opponents of this agreement have attacked it because it will not immediately produce impeccable fairness in every aspect of every trade exchange among an international community whose member nations vary enormously in wealth, resources, manpower, and laws.

It has been attacked because the agreement itself does not eliminate child labor practices in foreign nations. It has been attacked because the United States currently has a balance of trade deficit, and the agreement cannot guarantee that the U.S. trade deficit will be eliminated in the future.

Of course, the reality is that the United States could never reach a multilateral agreement that would by itself solve all of these problems. But this world's nations, with all their differences in wealth, resources and laws, are the only trading partners we have.

We do not trade with Mars. We do not trade with the Moon. We do not trade with people and countries made in heaven. We trade with the countries which exist on this Earth. And so we must negotiate with them as we must trade with them.

No agreement of this scope could be perfect. This one is not. It leaves open the potential of trade disputes in the future. That potential can never be eliminated. Foreign agriculture subsidies were not completely eliminated under this agreement, although they are substantially reduced. The transition period for imposing the intellectual property rules on developing nations is disappointingly too long. And the concerns of the U.S. audio-visual industry were not properly addressed in the services agreement.

But we should not measure this trade agreement against a perfect and unrealizable ideal. We must weigh it against the current world trading system, and the current rules. And by that comparison, this agreement is a very good deal for America, and a very great improvement on the current system.

Mr. President, I want to address that aspect of the debate which has generated the most misinformation; that is, the role of the World Trade Organization and its impact on the American sovereignty.

Let me make it clear and unmistakable. The Uruguay round agreement will not undermine the U.S. sovereignty; will not undermine U.S. sovereignty. The power to make and change American law will remain where it is right now, right here with the U.S. Congress.

And section 102 of the implementing legislation plainly states, and I quote its exact words: "No provision of any of the Uruguay Round Agreements, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect."

No provision, nor its application, that is inconsistent with any law of the United States, shall have any effect.

That is a direct, unmistakable response to the allegations of a loss of sovereignty.

Neither the World Trade Organization nor any dispute settlement panel will have any authority to enjoin the enforcement of any United States law or any State law, or to impose any monetary sanctions against the United States. The dispute settlement panel will have the power only to recommend that a member nation bring its laws into conformity with its international obligations.

But that does not mean we must change our laws. If a dispute settlement panel rules against us and says that a U.S. law is inconsistent with GATT, we may offer to the complaining country compensation, or we may make another agreement.

The decision-making rules of the World Trade Organization are protective of American interests. For over 30 years, the GATT has operated by consensus—in which any member nation can block action and exercise an effective veto. There has not been a GATT wide vote on any trade policy issue since 1959.

Article Nine of the Uruguay round agreement specifically codifies this past GATT practice of operating by consensus.

If World Trade Organization members attempt to change the Uruguay round agreement in the future, the rules provide that certain important provisions, such as the most-favored-nation obligations, decisionmaking rules, and the amendment rule, can be changed only—I repeat—only—when all members of the World Trade Organization agree to the change. That means that if any amendment is against American interests, we can block it.

To allay concerns about the World Trade Organization, the President has consulted with Secretary of the Treasury Bentsen, U.S. Trade Representative Kantor, and Senator DOLE. They have reached agreement, an agreement which will create an exclusively American commission of five retired judges who will review any adverse decision made by a World Trade Organization dispute settlement panel. This American commission will determine if such a panel decision is outside the scope of the trade agreement or exceeds the panel's authority.

If the review commission makes three adverse determinations within 5 years, Congress will have the authority to approve a joint resolution for U.S. withdrawal from the World Trade Organization.

The legislation will provide another procedure to withdraw from the World Trade Organization. There is existing authority in the agreement that allows any nation, including ours, to unilaterally withdraw from the World Trade Organization after giving 6 months' notice. So let us put it to rest once and for all. The World Trade Organization will not undermine American sovereignty; it will enhance our economic interests.

On the budget issue—and that is the first vote we will have—we should not be mistaken about the impact of this agreement. If it is implemented, the agreement will lower, not increase, the Federal budget deficit. The increased economic growth will generate more revenue for the Treasury than it will lose from the tariff reductions.

The congressional budget rules are important, but we must now waive those rules in this case because the agreement serves both the national interests and promotes the goal of deficit reduction.

The potential dangers of this agreement have been much discussed and, in my respectful view, much exaggerated. Meantime, the potential benefits are much more real and realistically based.

Over time this agreement will reduce average merchandise tariffs by more than one-third. In the world's developed economies, average tariffs would decrease from 6.3 percent to 3.9 percent.

These lower tariffs will encourage economic growth in the United States and around the world.

Economists estimate that when the agreement is fully implemented, the American gross domestic product will increase between $100 billion and $200 billion every year. That will produce hundreds of thousands of new jobs for American workers.

My fellow Senators, we have come to the end of a long and vigorous debate. Eight years ago, negotiations on this agreement began. Three Presidents negotiated it. Their cumulative efforts reached a successful conclusion almost a year ago. The world's trading nations signed the accord on April 15 of this year, many months ago.

The administration and the Congress jointly drafted the implementing legislation. It was introduced more than 2 months ago. The vote we are about to cast, as we all know, was delayed for 2 months for even more hearings.

The Senate has fully, exhaustively, carefully, debated and considered this issue. Almost every provision in the agreement and the implementing legislation has been thoroughly examined.

On Tuesday, the House of Representatives gave it an overwhelming bipartisan endorsement by a vote of 288–146.

It is now the Senate's turn to act in the national interest. I urge my colleagues to vote for this agreement. It is in the Nation's best interest, and that must be our sole standard for voting on a measure of this significance. Reasonable men and women in this Chamber can disagree on how to define that interest. For myself, I say the Uruguay round trade agreement is good for America. Let us pass it now.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. MOYNIHAN. Mr. President, I yield the remainder of our time.

Mr. PACKWOOD. Mr. President, I yield the remainder of my time.

The PRESIDENT pro tempore. The question is on the motion to waive titles 3 and 4 of the Congressional Budget Act of 1974, and section 23 of H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995, for the consideration of H.R. 5110. A vote of three-fifths of the Senators duly chosen and sworn is required for the adoption of the motion.

The yeas and nays have not been ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand sustained? Obviously, the demand is sustained.

The yeas and nays are ordered.

The clerk will call the roll, and the clerk will please repeat the name of each Senator and the vote cast so that these may be audibly heard by all people in the Chamber.

The assistant legislative clerk called the roll.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber who have not voted?

The yeas and nays resulted—yeas 68, nays 32, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—68

Akaka
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Feinstein
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Hutchison
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pryor
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Specter
Warner
Wofford

NAYS—32

Baucus
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Craig
Dorgan
Exon
Faircloth
Feingold
Ford
Harkin
Heflin
Helms
Hollings
Inhofe
Inouye
Jeffords
Kempthorne
Leahy
Metzenbaum
Murkowski
Pressler
Reid
Shelby
Smith
Stevens
Thurmond
Wallop
Wellstone

The PRESIDENT pro tempore. Under the rules, there will be no demonstrations of approval or disapproval from the galleries.

On this vote, 68 Senators have voted in the affirmative, the nays are 32; three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order fails.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The clerk will read the bill for the third time.

The bill (H.R. 5110) was ordered to a third reading, and was read the third time.

Mr. MOYNIHAN. Mr. President, I ask that the yeas and nays be ordered on the forthcoming vote.

The PRESIDENT pro tempore. Is the demand sustained? The demand is obviously sustained.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

Before the clerk proceeds, the Senate will be in order and the clerk will please repeat the names of Senators and state the vote that was cast so that all within the hearing of the clerk may be able to understand.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDENT pro tempore. Are there any other Senators who wish to change their votes?

The result was announced—yeas 76, nays 24, as follows:

The result was announced—yeas 76, nays 24, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—76

Akaka
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bumpers
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Hutchison
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Specter
Wallop
Warner
Wofford

NAYS—24

Baucus
Brown
Bryan
Burns
Byrd
Campbell
Craig
Dorgan
Exon
Feingold
Heflin
Helms
Hollings
Inhofe
Jeffords
Kempthorne
Leahy
Metzenbaum
Reid
Shelby
Smith
Stevens
Thurmond
Wellstone

So the bill (H.R. 5110) was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. May we have order, Mr. President?

Mr. MITCHELL. May we have order?

The PRESIDENT pro tempore. The Senate will be in order. The Chair requests that all Senators please be in order.

The majority leader.

Mr. MITCHELL. Mr. President the vote to approve this treaty was overwhelming and bipartisan. On the crucial motion to waive the Budget Act, 68 Senators voted in favor, 32 opposed. Of 46 Republican Senators voting, 31 voted in favor, 15 against. That is 67 percent in favor. Of the 54 Democratic Senators voting, 37 voted for, 17 against. That is 69 percent in favor; 67 percent of Republicans; 69 percent of Democrats, a total of 68 percent of the Senate voting in favor.

Many persons deserve credit for this result.

Mr. President, first I extend my congratulations to those who fought a vigorous battle in opposition to this agreement here in the Senate on high principle and with powerful arguments, led by the distinguished Senator from South Carolina, Senator HOLLINGS, the distinguished Presiding Officer, the Senator from West Virginia, Senator BYRD, and all of those. We respectfully reached different conclusions on how to define the national interest, but we recognize and acknowledge that every single Senator has voted in the national interest as he or she sees it.

I foremost congratulate the President, who provided crucial leadership on this important measure. He followed the path set by President Reagan and President Bush when they began and continued the negotiations, and President Clinton brought them to a successful conclusion last year. He was greatly assisted by the powerful and very effective work of the U.S. Ambassador for Trade, Mickey Kantor, a name not well known to most Americans but as a result of whose efforts Americans for generations to come will lead better lives.

Here in the Senate, of course, great credit goes to the distinguished Republican leader, Senator DOLE, who took an active role in working to improve what he saw as deficiencies in the agreement, and his work produced a better result. And our distinguished chairman and ranking member of the Finance Committee, Senators MOYNIHAN and PACKWOOD who led the debate with eloquence and fairness over these past 2 days. I thank them for their work, and I thank all Senators who saw fit to support the agreement, and I commend those who opposed it on principle.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senate is now engaged in a period for the transaction of morning business.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Republican leader is recognized.

THANKS AND CONGRATULATIONS

Mr. DOLE. Mr. President, first let me echo what I indicated earlier in my statement thanking the chairman, Senator MOYNIHAN; my colleague, Senator PACKWOOD; the majority leader; Secretary Bentsen; Trade Representative Mickey Kantor; and, of course, the President of the United States, and to also congratulate those who were in opposition: The Presiding Officer, Senator BYRD, and Senator HOLLINGS.

TRIBUTE TO TOM KUCHEL

Mr. DOLE. Mr. President, while I did not have the privilege of serving in this Chamber with Tom Kuchel of California, I admired his many accomplishments and was saddened by his death on November 21.

Senator Kuchel entered this chamber in 1952, when then California Gov. Earl Warren appointed him to take the place of Richard Nixon, who had been elected Vice President of the United States. Prior to his appointment, Senator Kuchel had served as chairman of the California State Republican Party, a State assemblyman, a State senator, and State controller.

Throughout his 16 years in the Senate, Senator Kuchel served California and America with great distinction—serving for 10 years as Republican whip, alongside the legendary Republican leader, Everett Dirksen.

Senator Kuchel reached across party lines throughout his years in the Senate, serving with Democrat whip Hubert Humphrey as cofloor manager of the Civil Rights Act of 1964. He also helped to write what became the Voting Rights Act of 1965.

I know I speak for all members of the Senate in sending our condolences to Senator Kuchel's wife, Betty, and his entire family.

Mr. President, like all Members of the Senate, I was saddened by the announcement that former President Ronald Reagan is suffering from the early stages of Alzheimer's disease.

And, like all Members of the Senate, I was also inspired by the eloquence and courage of President Reagan's letter to the American people. The words were typical Ronald Reagan. Honest. Open. Positive.

By going public with his diagnosis, President Reagan has also focused attention on the plight of the estimated 4 million Americans who are afflicted with Alzheimer's.

This tragic disease is now the fourth leading cause of death among American adults. And because our population is aging, it is estimated that 14 million Americans will have the disease by the year 2050.

In the past several years, Congress has moved to increase funding for Alzheimer's research and support programs for victims and their families. It is my hope that the 104th Congress will also devote careful attention to these programs.

Mr. President, I know I speak for the entire Senate when I say that our thoughts and prayers are with President Reagan as he begins what he described as "the journey that will lead me into the sunset of my life."

And our thoughts and prayers are also with Nancy Reagan, the remarkable woman who has played such an important role in his life, and who served as First Lady with such grace and dignity.

I would also ask unanimous consent, Mr. President, that President Reagan's letter to the American public be printed in the CONGRESSIONAL RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF LETTER FROM PRESIDENT RONALD REAGAN TO THE AMERICAN PEOPLE

My Fellow Americans, I have recently been told that I am one of the millions of American who will be afflicted with Alzheimer's Disease.

Upon learning this news, Nancy & I had to decide whether as private citizens we would keep this a private matter or whether we would make this news known in a public way.

In the past Nancy suffered from breast cancer and I had my cancer surgeries. We found through our open disclosures we were able to raise public awareness. We were happy that as a result many more people underwent testing. They were treated in early stages and able to return to normal, healthy lives.

So now, we feel it is important to share it with you. In opening our hearts, we hope this might promote greater awareness of this condition. Perhaps it will encourage a clearer understanding of the individuals and families who are affected by it.

At the moment I feel just fine. I intend to live the remainder of the years God gives me on this earth doing the things I have always done. I will continue to share life's journey with my beloved Nancy and my family. I plan to enjoy the great outdoors and stay in touch with my friends and supporters.

Unfortunately, as Alzheimer's Disease progresses, the family often bears a heavy burden. I only wish there was some way I could spare Nancy from this painful experience. When the time comes I am confident that with your help she will face it with faith and courage.

In closing let me thank you, the American people for giving me the great honor of allowing me to serve as your President. When the Lord calls me home, (sic) whenever that may be, I will leave with the greatest love for this country of ours and eternal optimism for its future.

I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead.

Thank you, my friends. May God always bless you.

Sincerely,

RONALD REAGAN.

TRIBUTE TO GEORGE MITCHELL

Mr. DOLE. Mr. President, tomorrow will be a very important day on this side of the Capitol because Republican Senators will meet to elect their leaders for the upcoming 104th Congress. It is my hope that I will again have the honor of serving as Senate majority leader.

From Lyndon Johnson to Mike Mansfield to Howard Baker to ROBERT BYRD, the office of Senate majority leader has been filled by public servants who have made important contributions to this institution and to America.

But when future historians write about the office of majority leader, I think they will conclude that one of the most effective Senators to serve in that office was the current majority leader, my friend, GEORGE MITCHELL.

As I said many times these past months, while Senator MITCHELL and I may not share a political philosophy or a voting record, one thing we have shared these past 6 years is a friendship and a working relationship based on complete respect and trust.

For some, politics is a game of secret strategies and attempting to confuse and surprise your opponents.

For GEORGE MITCHELL, however, politics and public service are not games—they are opportunities to make a difference in the life of our Nation and her people.

As we sought to make that difference, Senator MITCHELL never told me anything but the truth.

As Senator MITCHELL has said, the values he exhibits every day are values he learned from his father, an orphan who worked as a laborer, and his mother, a Lebanese immigrant.

Something else that Senator MITCHELL'S parents instilled in him was the value of an education.

And the great promise of America is that someone from such humble beginnings could—through education and hard work—forge a career which included service as a United States attorney, a United States district judge, and a United States Senator.

Many organizations wanted to honor Senator MITCHELL before he left the Senate. It is typical of Senator MITCHELL, however, that he asked all efforts be concentrated into one dinner, and that all proceeds be used to set up a college scholarship fund for deserving Maine students.

All of us have been students of GEORGE MITCHELL these past years—and we have all learned a thing or two about honesty, patience, and public service.

And although he is leaving the Senate, I suspect that Senator MITCHELL—after an upcoming honeymoon—will continue to play an important role in the day-to-day work of democracy.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The majority leader is recognized.

Mr. MITCHELL. Mr. President, I thank my colleague very much for his generous remarks. They are deeply appreciated.

One of the pleasures of service in the Senate has been the opportunity to work with and to get to know so many outstanding individuals. And it has been a great pleasure to work with my friend, BOB DOLE, who has had a remarkable career going from majority leader to minority leader and now back to majority leader. I would give him advice on the transition except that he has done it and I have not.

I congratulate him and wish him Godspeed, and good luck, and thank him very much.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. DOLE. Mr. President, will the Senator yield for just one moment?

Mr. COHEN. Surely.

WISHING SENATOR THURMOND A HAPPY BIRTHDAY

Mr. DOLE. Mr. President, I did want to note that the distinguished Senator from South Carolina is on the floor, and next week he will be celebrating his 92nd birthday.

We certainly all join in wishing our friend and our colleague Senator THURMOND a happy and prosperous not only birthday but several more years. I understand he is considering term limits. I am not certain. But we know he is going to have a happy birthday.

[Applause.]

Mr. THURMOND. Mr. President, I appreciate the kind remarks of our able leader. I will be 92 December 5th, but 92 years young. I feel active and as if I were only half that age.

I appreciate the friendship of all the Members of the Senate and their cooperation and courtesies extended to me, and I thank all of them from the bottom of my heart.

[Applause.]

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

TRIBUTE TO SENATOR GEORGE J. MITCHELL

Mr. COHEN. I rise today to pay tribute to my colleague from Maine, Senator GEORGE MITCHELL. Today is the final day of the 103d Congress and marks the end of Senator MITCHELL'S service after more than 14 years of representing Maine in the U.S. Senate. From a quiet young lawyer in Waterville, ME, has come a great leader who has done his country and his State proud.

GEORGE MITCHELL had big shoes to fill when he was appointed to Senator Muskie's seat 14 years ago. When he first came to the Senate, I, in the infinite wisdom I had as Maine's senior Senator, offered to take him under my wing and show him the Senate ropes. In retrospect, that offer was a little like Larry Bird offering to give instruction to Michael Jordan on how to improve his vertical leap.

Most of you know that we share much more than just the position of Senator from Maine. We both grew up in similar circumstances. with very similar backgrounds. Senator MITCHELL is half Irish, and half Lebanese. I am half Irish and half Jewish. We both graduated from Bowdoin College. We both become lawyers before entering public service. And we wrote a book together that produced many headlines and only a few royalties. But I must tell you it was a great experience for both of us.

Since his elevation to majority leader, like Michael Jordan, he continues, along with BOB DOLE, to play well above the rim. There have been countless articles speculating on the reasons for his dramatic rise in the Senate. There is a Chinese proverb that says "when drinking the water, don't forget to remember those who dug the well." I think to really understand GEORGE MITCHELL's success one needs to look no further than the fact that he had Ed Muskie as his mentor. Ed provided Senator MITCHELL with the basic principles of public service which I think have guided him over the years. And I think it is no surprise that the Senate majority leader demonstrates many of the attributes of Senator Muskie, who had an abundance of intelligence, integrity, and independence. I believe Oscar Wilde must have had someone like GEORGE in mind when he said: "I can stand brute force, but brute reason is quite unbearable. There is something unfair about its use. It's hitting below the intellect."

Senator MITCHELL has always hit well above not only the belt but the intellect as well.

Mr. President, Justice Oliver Wendell Holmes once wrote:

> I have always thought that not place or power or popularity makes the success that one desires, but the trembling hope that one has come near to an ideal. The only ground that warrants a man for thinking that he is not living the fool's paradise if he ventures such a hope is the voice of a few masters. I feel it so much I don't want to talk about it.

GEORGE MITCHELL comes as close to the ideal public servant that I know. His voice has reminded those of us that believe public service is a noble calling that we are not living a fool's paradise. We are truly going to miss him—and I feel it so much, I don't want to talk about it.

I yield the floor, Mr. President.

Mr. MITCHELL. Mr. President, I thank my friend and colleague, Senator COHEN very much for his generous remarks. It has been a true pleasure for me to serve with him in the Senate, and under him—I as the junior Senator, he as the senior Senator from Maine. We have worked closely in behalf of the people of our State and in the process have become close personally. I am honored to serve as a Senator with Senator COHEN to represent the people of Maine, but most of all, I treasure and value his friendship.

I am very deeply grateful and moved by his remarks here this evening.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I ask unanimous consent that I may extend my remarks beyond the 10-minute period of time for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCOLADES TO SENATOR MITCHELL

Mr. DECONCINI. Mr. President, I join the senior Senator from Maine in offering my accolades to the majority leader. I have already done so before we recessed last month. But no one has served this body as well as he has. We have had some distinguished Members here, but Senator MITCHELL has consistently been a true leader in the most effective way.

INTEREST RATES—UP AGAIN

Mr. DECONCINI. Mr. President, I rise today to comment on the fact that the Federal Reserve once again has raised interest rates. In its never-ending quest to appease the "gods of Wall Street," the Federal Reserve has raised interest rates—this time by three-fourths of a percentage point. The total Federal Reserve imposed increase in interest rates for 1994 is 2½ percent. Two and one-half percent—that makes the brokers and bond traders happy and puts more Americans out of work.

The Federal Reserve's stated goal is to slow economic growth in this country. Their objective: Approximately a 1 percent reduction in growth. The result? According to the Economic Policy Institute, this means a loss of over 1.3 million jobs.

First we need to look at who benefits from the Federal Reserve policies. The simple answer is the wealthy. You will not find any middle-income Americans with large bond portfolios. The top 7 percent of households own 60 percent of the bonds. So these new higher rates are flowing to the wealthiest of Americans.

Who is being hurt by the Federal Reserve policies? Again, the answer is simple: Working Americans.

These new higher interest rates for credit cards, car loans, home loans disproportionately hit families with incomes under $50,000 annually. These are the Americans most heavily dependent upon borrowing and least likely to be able to absorb these increases. Even before this latest increase was announced, home loans, interest rates for 30-year mortgages had jumped from 6.8 percent to 9.2 percent over the last year.

The Federal Reserve seems to have forgotten that what drives this economy is the middle Americans who spend their money and can use that buying process, but not by higher interest rates. Unemployment is down, the economy is booming, and inflation is down. There is no justification for this latest rise, in my judgment.

The middle Americans are the ones who buy the cars, homes, dishwashers, and other durable goods. They are the ones who keep our Americans employed. The Federal Reserve needs to get in touch with working Americans. They had better move fast before their

Wall Street wealthy people find out that maybe the voters in this country want the middle Americans, the workers, to succeed in this economic growth, not just the wealthy.

THE BLOOD BATH IN BIHAC

Mr. DECONCINI. Mr. President, the blood bath in Bihac, a so-called safe haven, highlights the utter failure of the international community to confront the aggression and genocide which has ravaged Bosnia and Herzegovina for the past 3 years. There is a growing chorus of those calling for further concessions to bring the Serbs back to the negotiating table.

Mr. President, the score is a familiar one dating back to the 1930's when another dictator sought to carve up a neighboring country in the name of ethnic unity. This theme was first played out in Munich in 1938. It is simply entitled appeasement.

Precious time has been lost over the past 2½ years as diplomats have shuttled to Belgrade and Pale coddling up to the very individuals responsible for the carnage in Bosnia. Precious little time remains.

The international community, through its timidity, has allowed the situation in Bosnia to deteriorate to its current low. Some have tried to pin blame on the Bosnians themselves for having tried to stand up in the face of continued aggression. This is a sad and frightening endorsement of the principle that "might makes right."

The current crisis demands immediate and forceful action. Inaction at this critical juncture will have grave consequences for the United Nations, NATO and, most importantly at this point, for the people of Bosnia and Herzegovina. Failure to act, and act with meaningful air strikes, will effectively seal the fate of the Bosnians. Winston Churchill's phrase "a small nation thrown to the wolves" fits all too well in the case of Bosnia.

The international community has failed to come to grips with the fact that the current military imbalance in the region precludes stability there. The United Nations and NATO have been rendered effectively impotent by the failure of the world's strongest alliance to stand up to a bunch of two-bit thugs. In the name of peacekeeping the United Nations, and in particular the members of the Security Council, have accepted humiliation after humiliation. Subordination of NATO operations in Bosnia to the United Nations has given the Russians a virtual veto over NATO action in this regard. Mr. President, Russian nationalists and the Russian military would take great delight in the weakening of the alliance. In the process NATO has been placed in an untenable and embarrassing position.

One administration official is quoted as saying "we are favoring NATO unity over what we have long believed the course in Bosnia ought to be." NATO unity? Unity to what end? What good is this unity if the very principles upon which the world's greatest alliance was built are rendered meaningless?

Former British Defense Minister Sir John Nott on just last Saturday accused his own government of appeasing the Bosnian Serbs. He said:

> The British, principal appeasers in this thing * * * should detach ourselves from the French and Russians and try to get back together with the Americans and come to some serious Anglo-American solution to this problem.

Former Prime Minister Thatcher, in a statement released yesterday, warned that "effective action must be taken now to help the people of Bihac and the sovereign State of Bosnia by air strikes against missile sites, artillery positions and other military targets."

I am told, and I have not seen the quote, that Chancellor Kuhl of Germany has also come out to something similar that former Prime Minister Thatcher is quoted as saying: "Forceful action is imperative."

Foolhardy attempts to lure the Serbs back to the negotiating table will only further fuel Serbian demands.

Emboldened by their repeated ability to cow the United Nations and NATO into submission, it is absurd to think that the Serbs will desist in pursuing their ultimate objective: creation of a "Greater Serbia."

Appeasement will not work. It will only fan the flames of the fire of extreme nationalism, ignited by Slobodan Milosevic, which threatens to consume all of Bosnia. Unless he is challenged there is nothing to stop the Bosnian Serb commander, General Mladic, from pursuing his recently expressed conviction that "borders are drawn with blood."

Mr. President, if the precedent continues, Europe will not be what it is planned to be and what it can be.

It needs help. These people need help. So does Europe.

THE SUCCESS OF THE CLINTON ECONOMIC PLAN

Mr. DECONCINI. Mr. President, despite predictions by Republicans that enactment of the Clinton economic recovery package would result in economic catastrophe, the opposite has proved to be the reality. Republican doom and gloom predictions that the plan would be inflationary, kill jobs, stall the economic recovery and end up increasing the deficit were dead wrong. The sky did not fall. In fact, the economic storm clouds have disappeared and the sun is out. The deficit is shrinking, the economy is growing, business is expanding and jobs are being created. Alan Greenspan, the Chairman of the Federal Reserve, said that the economy is in the strongest shape in two decades, and that the deficit reduction plan passed last August had contributed to this stronger economy. As you know, this plan was passed with NO Republican support. So let's give the President some credit. Bill Clinton was right; the Republicans were wrong. The Democrats in the House and Senate who supported the plan were right; the opponents were wrong.

Senator PHIL GRAMM of Texas purveyed the gloom and doom message to the Senate.

> I want to predict here tonight that if we adopt this bill the American economy is going to get weaker and not stronger, the deficit four years from today will be higher than it is today and not lower * * * when all is said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

Contrary to Senator GRAMM's wishful thinking, the deficit is coming down, interest rates and inflation are low; business investment was up 18 percent in 1993 (the fastest pace since 1972); consumer confidence is up; and unemployment is down.

Senator GRASSLEY asserted: "I really do not think it takes a rocket scientist to know this bill will cost jobs."

In the Clinton Administration's first year, the economy created 1.7 million private sector jobs—70 percent more in 1 year than had been created in the previous 4 years.

Majority Leader DOLE told us "President Clinton knows * * * I know, and the American people know that the plan does not tackle the deficit head on."

After a 12 year unstoppable increase, the deficit is now projected to decline 3 years in a row, the first time since Harry Truman was in the White House.

Kudos for the Clinton plan's results has come from some unlikely places. In testimony before the House Budget Committee at the end of June 1994, the Chairman of the Federal Reserve Alan Greenspan, stated, in part: "The outlook for the U.S. economy is as bright as it has been in decades. Economic activity has strengthened, unemployment is down, and price trends are subdued." And in January 1994, he proclaimed:

> To President Clinton's credit, early last year he rejected an either/or construction for U.S. growth versus deficit reduction. Clinton's blueprint for economic revival had as its centerpiece a multi-year program of deficit reduction, but it promised higher growth in the short run. A move to restrain deficit spending, he wagered, would both lower U.S. long-term rates and energize U.S. interest sensitive sectors. Lower deficits, lower long-term rates and higher real growth were the overall promise. With the data now rolling in for December 1993, it seems clear that President Clinton delivered on all three counts over the second half of the year.

Let's take a look at the specifics of what has taken place since the election of President Clinton. The midsession review of the budget, which was released by the Office of Management and Budget in mid-July, demonstrates that the President's economic package continues to be a remarkable success.

THE DEFICIT

The 1955 deficit is now projected to be 40 percent lower that when President Clinton took office in January 1993.

While policy changes in the deficit reduction package accounted for approximately $500 billion in deficit reduction, improvements in the economy have helped to raise overall deficit reduction predictions over 5 years to nearly $700 billion.

SPENDING CUTS

The historic deficit reduction was achieved by making very tough choices about spending cuts. Half of the President's package, or $255 billion, was devoted to cutting Federal programs. The following deserve to be mentioned: A reduction of 272,000 in the Federal work force, bringing it down to its lowest level since the Kennedy administration; cuts in 300 different programs 2 years in a row; reductions in nearly every entitlement area including Medicare, Medicaid, and Farm subsidy programs.

Perhaps the most effective measure of the success of the President's economic plan is how it has affected both individual Americans and American businesses. By any objective standard, the plan has proven to be a resounding success for both these groups. More Americans are working; more Americans are confident about their future, and more businesses are optimistic about the economic outlook.

JOBS

Since President Clinton took office in January 1993, the job situation has dramatically improved, giving hope to millions of Americans.

Since January 1993, the economy has created 3.1 million private sector jobs—almost 2 million more private sector jobs than in the previous 4 years combined.

The economy has created more than 1.237 million total jobs in the first 5 months of this year, 96 percent of which have been in the private sector. The bottom line is that this Administration has created nearly 2 million more private sector jobs than the last administration in one-third the time.

After serious declines in manufacturing jobs over the past few years, they were up in 6 of the past 8 months, an increase of 56,000.

Construction employment, one important measure of the health of the economy, has increased for 11 straight months.

The current job growth rate puts the economy well ahead of schedule to meet the President's goal of 8 million new jobs in 4 years.

One of the most impressive statistics of all is that more than 60 percent of the new jobs created since 1993 were professional, managerial, or technical jobs which paid 45 percent above the average wage.

Finally, unemployment is down from 7.7 percent in January 1993 to 6 percent in May 1994. There are names and faces associated with this dramatic decline in unemployment. Many individuals now have jobs; they have hope for the future; their families feel the security that comes with full time employment.

The success of the economic plan has had an equally impressive impact on the business sector. Fortune magazine found that CEOs of both large and small companies are more optimistic about the future than they have been in nearly a decade. And the most recent Business Week/Harris Executive Poll demonstrates broad-based, growing optimism among business executives around the country, 90 percent of whom have a positive outlook about the country's economic future, and 44 percent of whom believe the gross domestic product will increase more in the next 12 months than it did over the last year. Of the executives polled, 94 percent reported making a profit in 1993, and over 80 percent say they expect increased profits in 1994. And the good news continues, with more than 40 percent indicating their intention to hire new employees. Dunn & Bradstreet confirms the optimism within the business sector. It reported that "In 1993, the United States posted the greatest number of yearly business incorporations since Dunn & Bradstreet began reporting this data in 1946." In addition to increased business confidence, business investment in equipment in 1993 was at its highest level in 20 years; and in 1994, it is at its highest level relative to GDP in the postwar period. Equally important, consumer confidence is up as well—up over 50 percent since enactment of the Clinton economic plan last summer.

Finally, I cannot let this moment pass without again pointing out, as I did when I cast my vote last August, that all the rhetoric about the plan simply being a tax bill on middle income Americans is simply that—rhetoric. The taxes contained in the plan, a fact confirmed by H&R Block, fell on only the wealthiest 1.2 percent of Americans. And according to Citizens for Tax Justice, 81 percent of those taxes will come from Americans with incomes in excess of $200,000. In reality, middle class Americans were exempt from the tax, and low income Americans, through the expansion of the Earned Income Tax Credit, received a tax cut. This is not fiction; this is fact. In Arizona, 26.9 percent or 255,800 families received a tax cut. This is not fiction; this is fact.

I supported the Clinton economic package because I felt it was the right thing to do. I believe this President deserved to have an opportunity to implement his plan for the economic future of America. There is no doubt in my mind that I made the right decision. The report card is in. The President gets an A in economics. In fact, he should get an A plus because the plan has been successful beyond any of our expectations. And any objective observer would have to reach the same conclusion.

Although the recent election did not lead to the same conclusion. That is the political reality. But leadership means first doing what you think is right and then taking that issue to the people and leading. I think the President must and will take the issue of reduced deficit and continue again to ask the Congress to reduce the deficit again. He must and I believe will lead. It's the right thing to do.

I thank my colleagues for their indulgence.

The PRESIDING OFFICER. The Senator from Ohio [Mr. GLENN] is recognized.

TRIBUTE TO SENATOR SASSER

Mr. GLENN. Mr. President, sometimes we have people decide to leave the Senate, for whatever personal reasons, and go back home, and we hate very much to see them go. That is the case with several of our colleagues, Senator DECONCINI, Senator RIEGLE, and others, who are leaving here, whom we have worked long and hard with through the years.

At other times the voters at home and our judgment here may differ on who should be sent back to the Senate. And that makes it particularly difficult sometimes, because we make valued friendships here in the Senate. We work closely with people. We know their work up close and firsthand.

When the voters, for whatever reason—tides or political winds or whatever—see things differently than we do here and someone is not returned to office, it is particularly difficult to accept that judgment, though that is exactly what we must do.

Such a difficult time for many of us here, for me in particular, came when the people of Tennessee saw fit not to return my seatmate here, JIM SASSER, to the U.S. Senate.

JIM and I have been seatmates here for, I guess, maybe 10 years, sitting side by side; you get to know someone pretty well over that lengthy period of time, as well as working with him in committee.

JIM came from Tennessee, of course, was at Vanderbilt, spent 6 years in the Marine Corps Reserve—which I do not hold against him as far as part of his career pattern goes—and has done an outstanding job here in the U.S. Senate.

I know him from long work on the Governmental Affairs Committee where we served together, where he was in particular there cutting waste in Government, and supported such things as the Chief Financial Officer Act, the Inspectors General Act, procurement change, and so on.

When JIM had his opportunity to take over the Budget Committee, I think he was not quite sure what he wanted to do on that, but take it over he did. He did such an outstanding job with it, that his presence and his leadership on that committee will truly be sorely missed in the U.S. Senate.

We remember some of those times in the Budget Committee when we had what was called the "dueling budgets" back and forth. Everybody had a budget they were submitting, and it was up to JIM to try to reconcile these things. We sent through reconciliation here a year ago last summer, which we will remember as one of the giant steps taken in control of our fiscal policy, I think, since I have been in the Senate, and I have been here just 2 years longer than JIM. I have been here 20 years, just finishing that up, and Jim was elected in 1976.

This was really a giant step, and it is a major step forward to help the administration and the policies that have been established that literally have reduced the budget deficit over the last years from about $300 billion down to around a little above $250 billion this year; down to $167 billion or $168 billion estimated, I believe it is, next year. The first time in 3 years in a row we had a decline in the budget deficit 3 years in row I believe since the days of Harry Truman. Much of the credit for that goes to JIM SASSER and the work he did on that committee.

He has been on Appropriation, Military Construction, Banking, and I mentioned Governmental Affairs. His interest in foreign policies go back several years when we discussing Nicaragua, Costa Rica, and so on.

I will not try to go through all of his dossier or portfolio here today. But let us just say it is particularly difficult when someone tried for re-election and the voters have a different idea, and particularly difficult when they have been a close friend, as I consider JIM to be. We have become close friends here.

JIM ran in 1976 as a believer in the United States and its people. One of his slogans repeated over and over again out of that campaign when he first ran and came to the Senate was he wanted a Government that reflects our decency, a Government that reflects our decency as a people.

I know JIM as just such a decent person himself, as an example of what hardworking Senators should be, decent, honest hard working. We certainly wish JIM and Mary well. We hope to see them around here often. Whether he is a voting Member or not he will certainly be missed here. He is a personal friend, and I personally hope that we see JIM in public service again. JIM, best regards to you and Mary, and thank you.

The PRESIDING OFFICER. The Senator from Michigan is recognized by the Chair, Mr. RIEGLE.

TRIBUTE TO SENATOR SASSER

Mr. RIEGLE. Mr. President, I want to follow the remarks of my colleague from Ohio, Senator GLENN, in reflecting on the enormous contribution that JIM SASSER has made here in the United States Senate. Those of us who had the rare privilege to come here as Senators and see the country in terms of two individuals coming from each of the 50 States we have a chance to learn a lot about America and the regions of America, and we have the chance, the good fortune, the rare good fortune to meet some truly outstanding individuals.

And to my mind one of those people is JIM SASSER from Tennessee. The qualities of leadership that the country needs, every single one of those qualities that I count the highest I have seen in JIM SASSER—courage, wisdom, tireless effort, caring about the public, the whole public, not just part of it but the whole public, caring about the institution, making sure it works, skillfully serving as budget chairman. And I have been able to serve on that committee with JIM for many years. It is one of the toughest duty stations in this place. The budget process is complex. It is time consuming. Everybody has a different idea how to do it. The administration in power submits a budget that has to be altered, and it takes hundreds, literally thousands of hours of effort to plow through it and to sort it out and to get it right, and it takes really an amazing individual in terms of scope of talent to be able to handle that kind of an assignment

We have had a lot of budget chairmen here in the Senate who have done very valuable work but none who has had to function under as difficult a set of circumstances as Chairman JIM SASSER. He got the assignment when it was as tough as it has ever been, when the Federal budget deficits were out of control. There was a lot of mistaken economic and financial policy that had been set loose in the country. Deficits were skyrocketing. And he was given the challenge to lead that committee and lead the Senate and help lead the country through those problems, to establish a new budget discipline, to get it into place, and to make sure that it would work.

And what has been happening since that time is the Federal budget deficits have been coming down. Now, they have not been coming down because the economy has been shut down. We have brought them down at the same time the economy has been put on a growth track and unemployment has been dropping, the number of jobs in the country has been increasing, and we are getting some of the best economic performance we have had in many, many years. Not perfect; there are some problems. But we are making substantial progress and things are a lot better than they were. And JIM SASSER has been a principal architect of the economic and budget plans that has made that possible.

Now, there is no glamor in that job. The Budget Committee chairmanship is probably the chairmanship that people here would least hope would fall on them, because it is so demanding and because even an outstanding performance is not going to be appreciated because there are no simple or perfect answers. But JIM has done an amazing job in that respect. And he has done it in a way in which I think he has looked after the interests of his home State and his home region, and looked after the broad national interests. That is a tremendous accomplishment.

I have had the good fortune to have him serve with me on the Senate Banking Committee. I have served the last 6 years as chairman of that committee. We have had a lot of demanding and difficult problems to solve there. We have been able to work through them and get them solved with help from colleagues on both sides of the aisle. But no one was more valuable to me in that effort in terms of carrying my chairmanship responsibilities there than my friend, JIM SASSER.

I think the thing that probably is the most important about JIM, though, is just the kind of human being he is. You really only have to look at his family to understand who JIM SASSER is, his mother and father. His father's role in public service years back before JIM, sort of setting a model and path that JIM has followed with such distinction; his wife Mary, their two lovely children.

Balancing the requirements of having an exceptional family life and an exceptional professional life is very difficult to do and not everyone can do it. JIM SASSER has done it, and he has done it in a way oftentimes that makes it look easy when it is about the most difficult thing, particularly with respect to the mechanics of the budget process, of anything here that we have to do.

As a member of the Appropriations Committee, as well, he has blazed trails off in many directions where his responsibilities have been in that area.

We do not have many JIM SASSERs in the Senate, and that is unfortunate because we need more and we need as many as we can get.

I think those of us who had the special privilege to know JIM quite intimately understand his special qualities because he is not a self-promoter. He is not a person who is up tooting his own horn. There is a lot of that that goes on around here, and I do not say that I am immune from it from time to time myself.

But I think JIM is probably, if you were to do a ratio of quality of effort and accomplishment to personal horn blowing, he would have the best ratio in the place in terms of modesty, on the one hand, and accomplishment, on the other. That cannot be said about very many people. It can be said about JIM.

I feel very privileged to have had this seat on the Senate floor next to my friend from Tennessee. There is no seat here I would rather have had than sitting beside him.

I just want to close by saying—we are emotional people, at least I am—I remember years ago when my father, who was a local political elected official and was mayor of my hometown, the city of Flint, was defeated in a race for reelection. He should not have been defeated because he was the best man in the race and had a remarkable record of achievement, but he lost anyway, because elections can go that way. I think that is what happened here. I do not say that disrespectfully to anybody else, but I say it knowing the qualities of JIM SASSER. And I know something of the pain that comes with those kinds of losses within a family. Well, that was my father's loss. I think I felt it maybe even more strongly than he did.

So I say to JIM, and I say to his family and to his supporters and friends and staff, his excellent staff, that you have every right to feel as proud as anybody can feel for their service here in the U.S. Senate, in this case for 18 long, hard, tough years. It has been a terrific piece of work, and it has lifted all the rest of us. It has set a standard that the rest of us have many times tried to ratchet ourselves up to in terms of making sure that we were hitting the same kind of high-quality standard and high-effort standard that JIM had in his work.

He is a terrific human being. He is a terrific husband and father. He has been an outstanding United States Senator. He will be greatly missed within this institution and by his friends who love him.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California, Mrs. BOXER.

SENATOR JIM SASSER

Mrs. BOXER. Mr. President, I am deeply honored to be here tonight and to follow my friend, Senator RIEGLE, who will be sorely missed. I spent quite a few moments on this floor the day that he decided he would not seek reelection, saying that the people who work for a living, who work with their hands, who are not privileged, are going to miss DON RIEGLE. I reiterate that today, and I wish him every wish.

You can tell from the emotion in his voice that he is very torn. It was his decision to leave here voluntarily. Some of the rest of us do not have that privilege.

By the way, I have lost an election in my life. It is a very difficult thing. But, you know, when you lose an election, there are a lot of reasons. In the case of my friend, JIM SASSER, it had nothing to do with him. It was a much greater force that was at work. I want him to understand that and to know that.

I want to take a little different tack. I want to thank the people of Tennessee for sending us this man for 18 years. For me, it was a gift.

When I came here—I have only been here 2 years—I wanted to get on his committee, his Budget Committee. I had served over in the House for 10 years. I had spent 6 years on the Budget Committee and I watched JIM SASSER work, and this was someone I wanted to work with. I wanted to help.

I have to say, he was very tough. He wanted to make sure that I had the stuff, that I was going to be able to make the tough votes, because it is not easy on that committee. He really made sure before he supported me that I would be able to cast those votes, that I had what it took, that I would be there when maybe I had to cast a vote that was not popular. And, of course, I respected him all the more for making me pass this test.

When I got on the committee, I really became a student of JIM SASSER. In many ways, he has been a teacher here in the U.S. Senate, a teacher on the economy, a teacher on many, many issues; a teacher on how to be a good Senator, how to be brave and courageous and true to yourself, but yet understand the art of compromise that it takes to make things happen here.

If you think it is easy to get a budget resolution through this place, then you simply have not watched the U.S. Senate. And this man did it over and over and over again. Why? Because he is so respected and so trusted.

So I say to the people of Tennessee, we in politics have to accept what happens at election time. For some of us, this was a painful election; for others, it was a joyous election.

I can tell you, when I watched what happened in Pennsylvania, and my friend HARRIS WOFFORD lost a very close race, we lost a voice of reason and sanity and common sense and compassion.

And when I look to Tennessee, I lost my chairman of the Budget Committee and the people of this country lost more than they really will ever understand.

So I am a very fortunate person that I was able to serve with JIM SASSER for 2 years on his Budget Committee, on the Banking Committee. We have become very good friends. I will consider him forever to be a mentor, and if he is willing to be an adviser to me, I would consider myself very fortunate.

I think it is important to note that many of us here wanted him to be our leader. I do not think that should go unsaid. There are very few people—very few people, indeed—that win the trust of their colleagues the way this man has done. And it is because of his decency and his integrity and his caring and, yes, his toughness.

The other day, the people of Tennessee suffered a terrible natural disaster. It was a hurricane, I think. I quickly thought, how lucky they are to have JIM SASSER out there fixing it, making sure the Federal Government responded. And I caught myself and I said, "But he is only going to be here for a few more days."

And so I understand the people of Tennessee, am I right, have never really sent back a Senator more than three terms? Is that correct, Senator SASSER? Once they did? They had a second time to do it in history, and they chose to go for change. They will decide if they made the right decision.

But I can just say as someone who really for the first year watched what went on here and watched who the leaders were and watched who the consistent people were and watched who the compassionate people were, and watched for the people who really cared about the people who may not be able to afford to put on a pin-stripe suit and fly down here and make their case, I watched for who those people were here. And one of those people was my chairman, JIM SASSER.

I hope when he gets over the pain of this that he will sit back and smile at what he has been able to do for this Nation. Senator RIEGLE touched on it. Senator GLENN touched on it. We had an economy in this country that was falling apart. We had a budget deficit that was going through the roof. We had a President who went to Japan for a trip and tried to tell the Japanese to lower their interest rates, and he got sick in Japan, and that image became the symbol of our economic weakness.

But with this new President and JIM SASSER serving on the Budget Committee, we are getting our economic house in order. And I say to my friend, how many people in America could ever know that they played such a role? I say, I do not know of anybody else, personally. It is extraordinary and it was hard. My image of JIM SASSER I will always have: In this Chamber, with his charts and his pointer and his sense of knowing exactly what had to be said to make the point.

There are so many other things I could say about what JIM SASSER did for Tennessee's environment, the Smoky Mountains, all the things he did for people who will never meet him and never know what he did.

I will close and say to my friend, having lost an election myself, your life is definitely not over. It just takes a different twist and a different turn. There are so many ways that the voice of JIM SASSER must be heard, and I am completely confident—completely confident—that it will continue to be heard.

He knows that I feel very strongly about the kind of person he is, and I will never, never forget his friendship, his help, and the many wonderful times that we spent together in the U.S. Senate.

To his family, I say you are lucky to get to see him a little more these days. And to his constituents in Tennessee, thank you for sending him back to us for 18 years. You made a gift to this Nation and this Nation will ever be grateful.

I yield the floor.

Mr. MATHEWS addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Tennessee [Mr. MATHEWS] is recognized.

SALUTE TO JIM SASSER

Mr. MATHEWS. Mr. President, I want to join my colleagues this evening in paying tribute and offering a salute to my close colleague, JIM SASSER. I want to say to his wife, Mary, who is in the gallery, and his daughter Elizabeth, that the people of Tennessee are much better off for JIM SASSER's service in this assembly. The people in the Nation are better today because of what JIM SASSER has done.

If you look at the history of our State, you will find that Tennessee has a tradition of sending men and women of distinction to the Congress and to Washington to play their important role of setting the course of action for our Nation. If we look back, we see that our State has furnished three Presidents: Andrew Jackson, James K. Polk, and Andrew Johnson, all men of distinction who came from Tennessee to DC and left there imprimatur on this Nation.

We have furnished the Secretary of State, Cordell Hull, and more recently such leaders as Estes Kefauver and Howard Baker and Albert Gore, Sr., and Jr. And ALBERT GORE, JR., sits in the White House as Vice President today, and because of that, I was privileged to be appointed to serve in his place and I have served with JIM for 2 years.

So I am sure it was no surprise to anyone here that a person of JIM SASSER's ability and distinction and compassion was elected from our State to serve this Nation.

JIM came from a family of modest means, like many of us who are here. As was said by someone a couple of years ago, he was not born with either a silver spoon or a silver foot in his mouth. He was born with a heart as big as this Nation, and he has tried to share that heart in making life easier for Tennesseans, to be sure, but to make life easier for the people of this Nation by having the foresight through the Budget Committee and through the Banking Committee, and others, to stand firm on those actions that he felt were needed in order to make life better for America.

JIM, I say to you on behalf of Tennesseans, what happened is as unexplainable as the flood last year that devastated the midsection of our country. You led with distinction, and the love that we Tennesseans have for you remains today. Because of you, as everyone here has mentioned, this is a better Nation, ours is a better State, and we want you to know that we look forward to your being a moving force in Tennessee government and Tennessee politics, and we will be there when you need us. We will be there to help in any way that we can.

On behalf of the people of Tennessee, thanks for the good job that you have done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD] is recognized for 10 minutes.

DON RIEGLE

Mr. DODD. Mr. President, earlier in this session of Congress, I had the opportunity to speak regarding my good friend, DON RIEGLE, who made the decision not to seek reelection this year. He served with distinction as my chairman on the Banking Committee. I served on other committees and in other capacities with him during my 14 years here in the U.S. Senate. We have served in the minority together and the majority together. We have been through election cycles together.

I will not repeat what I said earlier about him, but I think all of our colleagues here, regardless of party, feel the same way about DON RIEGLE and his tremendous contribution to this Nation, to his State, to the Senate. He will be sorely missed, I think, by all of us.

HARRIS WOFFORD

Mr. DODD. HARRIS WOFFORD, as someone who was involved in the earliest days of the Peace Corps, had a significant impact on me at an early age. He was one of those who literally created and founded the Peace Corps, along with Sargeant Shriver and the Kennedy administration 30 years ago.

When I had a full head of black hair, Mr. President, and was a little thinner of girth, I was a Peace Corps volunteer in the mountains of the Dominican Republic for 2½ years. It was, aside from the experience of growing up in my own family, the most profound experience in my life. I owe a deep debt of gratitude to HARRIS WOFFORD and the people who came up with the creative and imaginative idea of how a younger generation of Americans could serve their own Nation by serving others.

I never imagined in those days that I would have the privilege and the honor of serving with this remarkably fine man in the U.S. Senate. I am deeply saddened that the people of Pennsylvania made a different choice on November 8—I would say to them, with all due respect, I think an unwise choice, in rejecting HARRIS WOFFORD. But I am confident, as I stand here this evening, that we will hear continuously of the efforts of HARRIS WOFFORD as he continues throughout his life to make this a stronger, a healthier, and a more decent nation. And I am saddened by his departure.

HARLAN MATHEWS

Mr. DODD. HARLAN MATHEWS, we only served a short time together. But friendships can be formed in a short period of time. I feel as though I have a new friend in HARLAN MATHEWS. We sat on the same committee, the Foreign Relations Committee. We got to be good colleagues and worked together. He served his State well. He came here under different circumstances, being asked to replace our colleague, AL GORE, and he did a great job in serving his State, serving the Senate.

I can say to you, Harlan, that even though you may have been here only a short time, you have left a lasting impression and you have permanent friends.

JIM SASSER

Mr. DODD. Mr. President, I want to speak briefly about my colleague from Tennessee, JIM SASSER. I just cannot tell you how saddened I am about the decision of November 8 in Tennessee. Tomorrow, our caucus is going to have a vote on leadership. I am a candidate in that race. I do not know this evening what the outcome of that will be. It is a close race. But I would not be a candidate had JIM SASSER been reelected from Tennessee. I say with all due respect to my opponent, and I am sure he will appreciate this in the contest tomorrow, that had JIM SASSER been reelected, he would be the new minority leader of the U.S. Senate, in my view.

I say this not just because I was a supporter of his, but because of my deep appreciation for the vision that JIM SASSER brought to the U.S. Senate. I was the most junior member of his Budget Committee for a number of years and watched a remarkable, remarkable performance by one United States Senator. Time after time, he marshalled the votes and brought together people of totally different persuasions and opinions on one of the most difficult jobs that any Member of this body has. That is to fashion a budget in the environments that we have been living in. And he did it successfully, on six different occasions, in addition to three reconciliation bills. These victories came under the tightest and most difficult circumstances—even in a Republican administration under George Bush, when he fashioned one of the most difficult budget compromises in modern history.

So, let me just add to the words of my colleagues, DON RIEGLE and JOHN GLENN, BARBARA BOXER and HARLAN MATHEWS and many others who have spoken about JIM SASSER's contribution to the Senate, his contribution to his State, and his contribution to the country.

Let me also say that while people may look at this body through some objective lens, those of us who serve together here develop strong and deep friendships. I have developed one of those friendships with JIM SASSER.

I listened to DON RIEGLE only a few moments ago talk about his father, a person who had been involved in the politics of Michigan. And I know of JIM SASSER's experience through his father. I had a similar experience with my father. We are second-generation Democrats, second-generation members of families that believed deeply in public service.

From his earliest days of involvement as a driver with Estes Kefauver to his work putting together a new party in 1973 in Tennessee, JIM SASSER has demonstrated over and over and over again his deep, deep patriotism for this country; his deep, deep love for the values that America holds dear.

So, in these waning hours of the 103d Congress, I wanted to join my colleagues in saying to JIM that you will be missed dearly by this Member. I would have enjoyed nothing more—nothing more than to have worked with the minority leader, JIM SASSER, in trying to put together the creative alternatives that we are going to have to fashion in this coming Congress. I would have enjoyed working with him as he shepherded a Democratic Party in the Senate, as he had done in his State, to the ideals and values and principles that have been the pillars of his own life in public service.

So, JIM, to you tonight, and to Mary and your children, I say God bless and Godspeed, but know as well that you have a lifelong friend in your colleague from Connecticut. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG] is recognized for 10 minutes.

THE BEST AND THE BRIGHTEST

Mr. LAUTENBERG. Mr. President, I listened very carefully to the words of our colleagues, as we talked about some of our friends and fellow Senators who were saying goodbye on this, their last session on the floor of the U.S. Senate.

I do not want this to become too funereal. These are people who are going to make a contribution that is important in their States and to our country. But something went awry, and we are losing some of the best people that I have met in my lifetime; but also people who have made a contribution that continues to enhance the value of our Government service in this institution that we have all fought so hard to join.

Among our newer friends, HARLAN MATHEWS, someone who had an immediate response from others that was always very positive. It was always good to see HARLAN MATHEWS and to have him say hello, give you a pat on the back, encourage you. I was disappointed to hear that HARLAN MATHEWS decided that he was not going to continue to try to serve here.

HARRIS WOFFORD, from my neighboring State, who is a man with a mission which he served so diligently. He won a tough race the first time he ran. But he distinguished himself in that race and he added a dimension to this body and to all of us, on both sides of the aisle, that will last, again, way beyond his relatively short service.

We are seeing some of the best and some of the brightest and some of the most caring people leave this place, all regarded with a great degree of sadness. GEORGE MITCHELL's decision to retire; Senator DECONCINI, Senator METZENBAUM—who has been kind of our watchdog and friend to all, even those who may sharply disagree with him on some policy matters.

But there are a couple with whom I have had especially good relationship, people whose views I treasure, whose values I share, and whose friendships I value.

DON RIEGLE

Mr. LAUTENBERG. First, Senator DON RIEGLE. No one ever stood on this floor and presented the case with more force, with more commitment, with more diligence, with more sincerity, to serve his community and his country than my friend, DON RIEGLE. I learned a lot from DON, and so much of it was beyond the process.

But more important, I think, was the need to feel something really deeply and fight for it, stand up for it, even on the most contentious issue where he served a minority view: tenacious and deliberate—good guy.

JIM SASSER

Mr. LAUTENBERG. JIM SASSER: He and I served on two committees together; one was the Budget Committee, which he chaired, the job he took willingly—had people scratching their heads. Talk about the ultimate service to this Constitution, this body, this country of ours—the chairman of the Budget Committee. I know, because when I came in a mutual friend of ours, Senator BIDEN, from Delaware, whom I knew before I arrived here, said: FRANK, I am going to do you a favor. I am going to get off the Budget Committee and give you a chance to serve. I have never quite forgiven him for that.

The budget committee is a tough place to be. But JIM SASSER had a way of engaging everybody in the process, even those with whom he differed most deeply. He did it with a degree of elegance and flare that won people to his side. And I remember JIM thumbing through the charts in the caucus room one after another. I could not remember what page we were on. He was looking at the bottom page, sometimes pulling out those little glasses to make sure he saw the numbers right, but always in friendship and always making you feel good even if you disagreed with him, which was hard to do.

JIM SASSER, as was said by our colleague from Connecticut, was sure to be the next leader on our side. And I do not know whether he remembers but I remember it. I am sure everybody said this to him so far. "I was one of the first to encourage you to do that." Everybody is always the first. Like the folks back home, you cannot figure out how you got so few votes when everybody you meet said they voted for you. Similarly, here.

But JIM SASSER is someone who is always balanced in his point of view, always has charm about himself. And when Mary got into the picture, his wife, Mary, that melted the resistance altogether.

I believe that our friendship will continue to carry on. But I hope that the decision made by the voters who took away the opportunity of JIM SASSER, HARRIS WOFFORD, to continue to serve, will not discourage them from continuing to try to make a contribution.

JIM SASSER has such enormous ability. He is when I visited with him in Tennessee, I think it is fair to say, beloved by the people that I got to talk to and that I met. So it was here.

There are very few people who do not feel very deeply about JIM SASSER. Like more than just a friend, a deep bond that connected us together because of the belief that we had that our country is good and our country is right and that we fought genuinely believing that we could make it better.

I want to say that Senator SASSER, JIM, the fight that he has fought, has made this place and this country better for the engagements. I can speak for myself. Despite the fact that I differ from CHRIS DODD, I came here with white hair. I had already had a lot of experience in the business world, worked with corporate types all over the place, some of the biggest corporations. I have never seen bigger people than the people who we are talking about tonight, bigger people than DON RIEGLE, JIM SASSER, HARRIS WOFFORD, people who put up with a lot from the outside world even as they defended the view of the smallest of them, the most needy of them, and the greatest of them.

So I say God bless, continued good health, continued friendship. I would hope that we will have a chance to share a minute or a dinner or a phone call together. I need it. This place needs it. Thank you.

TRIBUTE TO SENATOR SASSER

Mr. BYRD. Mr. President, JIM SASSER has greatly distinguished himself during his 18 years of service in the Senate as one of the hardest working, most intelligent and most dedicated and effective Senator with whom I have had the privilege of serving in my now 36 years in the Senate.

Senator SASSER assumed the chairmanship of the Budget Committee in 1989, the same year that I became chairman of the Appropriations Committee. Over the past 6 years, we have worked together on a number of important budgetary and appropriations matters. And it has been truly a joy—a joy that I shall remember as long as I serve in this body and as long as the Lord God gives me life.

We both represented the Senate at the budget summit in 1990. Although later disowned by President Bush because it was politically unpopular, that summit resulted in a number of important improvements to the Budget Act. Among those improvements were the institution of binding caps, enforceable through a sequester on discretionary spending, along with provisions to hold appropriations harmless for miscalculations and economic and technical forecasts.

The agreement also created the pay-as-you-go requirements on entitlement spending. I think that JIM SASSER was the key Senator at that budget summit. He worked tirelessly to protect the prerogatives of Congress in budgetary matters, while at the same time cutting the budget deficit by an estimated $450 to $500 billion.

JIM SASSER also serves on the Appropriations Committee, where he has been the very able chairman of the Military Construction Subcommittee for a number of years. As the subcommittee chairman, Senator SASSER ran a very tight ship. He—unlike some of the other subcommittee chairmen—often recommended cuts in the military construction budget, below what the President requested. Yet, he was always careful to ensure that the vital needs of the military were met and that they were kept.

More than this, JIM SASSER has been a very pleasant man with whom to work, a man who has a way of putting other people at ease in his presence. He is my friend; he has been my friend, and he will always be my friend.

He has served this Nation and the State of Tennessee with great integrity and distinction throughout his service in the Senate.

Darius the Great was sitting at dinner with others in his court and he was presented with a pomegranate. He was asked what he would like to have if he could indeed have a wish fulfilled, and he turned to his brother Artabanes and said, "If I could have as many Megabazes, as many Megabazes"—Megabazes was the name of one of his foremost generals—"If I could have as many Megabazes as there are seeds in that pomegranate I would be pleased more than if I could be ruler of all Greece."

So, Mr. President, I have that feeling about JIM SASSER. If I could have had as many effective and loyal and dedicated friends and colleagues as was JIM SASSER, then I would have enjoyed my service on the Senate Appropriations Committee as its chairman even more than it was my pleasure to enjoy.

JIM SASSER, perhaps more than any other person that I know of, embodies the word of the official slogan of the State of Tennessee. "Tennessee—America At Its Best." JIM SASSER is Tennessee and JIM SASSER is America at its best.

It is not enough to say in your heart that you like a man for his ways. It is not enough that we fill our minds with songs of silent praise. Nor is it enough that we honor a man as our confidence upward mounts. It is going right up to the man himself and telling him so that counts.

Then when a man does a deed that you really admire do not leave a kind word unsaid for fear to do so might make him vain or cause him to lose his head but reach out your hand and tell him well done and see how his gratitude swells. It is not the flowers we throw on the graves. It is the word to the living that tells.

My wife Erma joins me in the expression of these sentiments, and I must say that here was a man who really had the markings of not only a good Senator but a great Senator.

Any individual who can bring that Budget Committee together and develop a consensus and bring tough controversial well-crafted measures out of that committee had to have ability. He must have had a more than ordinary portion of patience. And I personally, as one who was a majority leader upon two different occasions, want to express my gratitude to JIM SASSER for the service that he rendered as chairman of the Appropriations Committee. I will express my gratitude to him for the service he rendered there and as the former minority leader in this body together with service as majority leader, as I have already mentioned, it was my experience always when I wanted to call other Senators together, when I called other Senators together to get a feeling of what the situation was with respect to the body and in what direction we should prepare to move as we looked ahead, how we could best craft the program of our party, JIM SASSER was one of those whom I always called to sit in on those deliberations.

I have seen men and women come and I have seen men and women go, but I am truly sad to see JIM SASSER say farewell as a Member of the body.

The roses red upon my neighbor's vine
Are owned by him, but they are also mine.
His was the cost, and his the labor, too,
But mine as well as his the joy,
their loveliness to view.
They bloom for me and are for me as fair
As for the man who gives them all his care.
Thus I am rich, because a good man grew
A rose-clad vine for all his neighbors view.
I know from this that others plant for me,
And what they own, my joy may also be.
So why be selfish, when so much that's fine
Is grown for me, upon my Tennessee neighbor's vine.

I thank God for the privilege of working with JIM SASSER, and I am grateful for the opportunity to say this publicly. I am sorry it is under such circumstances, but we all know that life has its ups and downs, its defeats and its victories, and we accept them as they come, always looking upwards, not backyards and believing that the future may present the opportunities still to serve, especially to one who is so capable in service to his country and to his State.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I want to thank my colleagues and friends for those touching and generous words.

I must say that I feel a bit like Tom Sawyer peeping out from behind the church balcony listening to his own funeral eulogy.

I am looking forward to the next chapter of my life with the same energy, exuberance and expectations that I brought to Washington 18 years ago.

Today I look back with no bitterness, with no remorse and with no regrets.

The memories I will take with me from the Senate will be warm ones.

I have had 18 wonderful years in this great institution doing what I knew best, doing what I loved best, and doing it with passion and devotion.

Not many men and women have been so fortunate.

It has been my greatest reward and my greatest honor to represent the people of Tennessee.

I did my very best to ease their burdens and to nourish their dreams.

Abraham Lincoln once remarked:

> I want it said of me by those who know me best that I always plucked a thistle and planted a flower where I thought a flower would grow.

I would hope that my Senate career will be recollected and characterized in such a warm and caring light.

Mr. President, our Nation seems to be in the midst of a very troubling season, a day and age often punctuated by high anxiety, a time when cynicism whittles away at our time-honored institutions of democracy.

But I depart this great institution with only the highest esteem for it and for the men and women who serve our Nation, men and women who give so unselfishly of themselves, men and women who bring the hopes, dreams, and fears of the American people to be played out on this stage, men and women who still hear and give shape to the thundering promise of America.

I have been privileged to serve with them.

Finally, Mr. President I want to take a moment to thank my wonderful wife, Mary, and my children, Gray and Elizabeth, for everything they have done, for the enormous sacrifices they made for me. They have been the center of my life and they always will be.

I want to thank my staff for their tireless work and for the loyalty they have shown me. It has been my honor to serve with these dedicated, fine individuals.

Mr. President, the hour approaches. And even though time often seems to stand still in the Senate, it's time for me to say to all of my friends and colleagues, "Thank you, Godspeed and Goodbye."

Mr. President, may I just say to my distinguished friend from West Virginia how much I appreciate the remarks that he has made this evening and say that the distinguished President pro tempore over many years has taught me many things, including an enormous respect for this institution. And I leave here feeling very reassured that our friend from West Virginia will be here to instill in other new Senators as they come the sense of tradition of the U.S. Senate and its place in our system of Government.

I thank the distinguished President pro tempore for his remarks.

The PRESIDING OFFICER. The majority leader, Mr. MITCHELL, is recognized.

Mr. MITCHELL. Mr. President, I listened with great interest to the words of the distinguished President pro tempore of the Senate about our friend and colleague, Jim SASSER. And while I know that I cannot match his eloquence, I can match his affection for Senator SASSER and his regret at the fact that Senator SASSER will be leaving the Senate.

I thank the distinguished President pro tempore for his truly eloquent and obviously heartfelt words about someone who he and I and many other Senators share a great affection and immense respect.

I first had the pleasure of meeting Jim SASSER a quarter a century ago when we were both active in political campaigns in our respective States.

I have had the pleasure of calling him a friend over those many years. When I entered the Senate, he was already here and because of our earlier friendship, he welcomed me, made me feel at home, greatly assisted me, as he has so many others who followed.

I do not think any Member of the Senate has a tougher job than the chairman of the Budget Committee. I think every Senator recognizes that.

Indeed, Mr. President, one of the most fortuitous moments of my life occurred when, 14 years ago, after having been appointed to the Senate and then in the election of 1980, having seen the Senate revert from Democratic to Republican control, I was summarily kicked off the Budget Committee after only 5 months of service there. At the time, my feelings were hurt. But I shortly thereafter was able to gain appointment to the Finance Committee, where I served since then. In my mind, that is the best trade since the Yankees got Babe Ruth from the Red Sox for a couple of minor leaguers many years ago.

I saw firsthand, in my limited time on the Budget Committee and in my prior experience with Senator Muskie, who was the first chairman of that committee, and since then, especially as majority leader, the extremely difficult and demanding, indeed, the punishing task of serving as chairman of the Budget Committee.

Everyone here has one or more tough tasks. And I think it is fair to say Senator BYRD, as the distinguished former leader, and myself serving in this position, being majority leader is no piece of cake. But there is nothing here that compares to serving as chairman of the Budget Committee. It is the toughest job there is.

No one has ever done it with greater skill, tact, patience and, most importantly, success than has Jim SASSER. He has led the way courageously, at great political risk and cost to himself, to economic policies which have benefited the people of this Nation. As a direct result of what Jim SASSER has done, unemployment in America is today much lower than it has been at any time for several years, the Federal budget deficit next year will go down for the third year in a row, the first time that has happened in 50 years, economic growth is rising and the economy is growing, nearly 5 million jobs have been created in the past 21 months. All of that directly resulting, at least in part, from the actions taken by the Congress shaped and guided by Senator SASSER.

We are going to miss him very much, not just in personal terms, which will be large enough, but in terms of his service to the Senate and to the country. And I know, because I regard Jim SASSER as a very close and dear friend, that he will be sorely missed.

Mr. President, I thank Senator SASSER for all he has done. It has been a real pleasure to serve with him and now to leave the Senate with him.

SENATOR HARRIS WOFFORD

Mr. MITCHELL. Mr. President, I want to, if I might, say a word also—I see our other colleague here, Senator WOFFORD—about Senator WOFFORD.

We share something in common, both having been appointed to the Senate. We are a tiny minority of an already very tiny minority; that is, people who have been appointed to the Senate. As Senator WOFFORD knows, it is an unusual, truly extraordinary experience and one which he handled with great skill and talent.

Senator WOFFORD, I think, is an outstanding example of a person who has devoted his life to helping others, to public service from his very early days organizing the Peace Corps, fighting hard for justice and equality in our society and culminating in extraordinary service to the Senate where he championed the cause of health care. He did not succeed, I did not succeed, we did not succeed, but we hope very much that what we did is a building block for the future, and that ultimately when, as I am certain it will, meaningful health care reform occurs in this country, historians will trace it to that day in November 3 years ago when Harris WOFFORD made it his cause and brought it to the attention of the Senate and the Nation.

It has been a real pleasure to serve with Senator WOFFORD and I thank him for his service and wish him very well.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania, Mr. WOFFORD, is recognized.

AN HONOR TO HAVE SERVED IN THE SENATE

Mr. WOFFORD. Thank you, GEORGE MITCHELL and JIM SASSER and my other colleagues. Thank you most of all for your leadership, but also for your warm words.

I am almost but not quite happy to be on the distinguished roll of those who are departing, the top of which is GEORGE MITCHELL who gave such great leadership in this body.

As I say my last words from this desk, I want to tell my colleagues what an honor and what an opportunity it has been to serve here. The ties of friendship with so many on both sides of the aisle are important to me and are going to be lasting.

One of the memorable moments for me came when I was asked in my first year to do the annual reading of George Washington's Farewell Address. Little did I think then that I would be making my own so soon.

But my thoughts tonight are most of all on how lucky I have been, how very lucky, first, to have been appointed by

Governor Robert Casey and then to have been elected by the people of Pennsylvania to fill the unexpired term of Senator John Heinz.

When I first addressed this body, I said I had vowed to do everything in my power to make something good come out of the tragedy of the loss of a good Senator, a great Senator like John Heinz. So, I am lucky to have had the chance to help shape and shepherd the National Service bill, the Civilian Community Corps, the new CCC bill, the school-to-work opportunity bill, the college reform bill, and to have had the chance to work and to fight on so many fronts in this body, some of which bore fruit, and in all of which, all of these matters it was bipartisan cooperation that worked; and in my case, with the help of a wonderful staff.

Luck ran out for me and for the American people when we failed to find common ground for a health reform bill that would assure all Americans of the kind of choice of private health insurance that Members of Congress and millions of Federal employees and their families enjoy.

That simple test for health reform that what has been good for Members of Congress is an example of what must be assured for the American people, I have often put to this body and to the people of Pennsylvania. I will continue to use that test as I follow from the outside what you do inside this Chamber in these next years. I hope to be able to do something more than to follow. I hope to help from the outside to see that we find the ways and means to assure all Americans do have the right to a choice of affordable health care and it becomes a reality for all Americans.

Now, the past is said to be prolog. And I am going to go a little further back in the past than GEORGE MITCHELL just did, about my activities. I want to note that this half a term in the Senate has been the high point of more than half a century of involvement with the Senate—most of it as a private citizen.

The other day, when I was asked to carve my name inside this desk, I discovered the names of the Senators who preceded me. At the top of the list were the names of Copeland and Wagner, of New York. It made me remember that when I was 11 or 12 years old, in a brief Republican period, I conducted a letter-writing campaign to the Senate against the court packing plan of Franklin Roosevelt. I have in my scrapbook letters from a number of the Senators who sent back responses, and two I vividly remember were Royal Copeland, of New York, and Robert Wagner, of New York.

Let me go back just a little further, elaborating on this. This is my unknown long life with the Senate. In 1940 and 1941, I was an interventionist who wanted to fight against Hitler and I actively lobbied the Senate in favor of Roosevelt's lend-lease plan.

At age 17, in the summer of 1943, just before joining the Army Air Corps, I spent many days around the halls of the Senate, seeing Senators and asking their support for the B-2-H-2 bill, the Ball-Burton-Hatch-Hill bill, a bipartisan bill to promise that the Senate would not go isolationist after the war but would join a world organization to keep the peace.

Then, in 1947, on the way back from Europe on a converted troop ship, with hundreds of students who had gone to Europe for the summer, Claire, my spouse of 46 years—not quite, then—and I organized a petition on shipboard to support the Marshall plan. I came down to the Senate to deliver it before going back to college.

In the 1950's I spent a good deal of time lobbying, unpaid, for the first Civil Rights Act since reconstruction. After we got that in 1957, a lot of us kept at it until we won the Comprehensive Civil Rights Acts of 1964 and 1965. And in the 1960's, too, there was the effort that took seeing every Senator in the U.S. Senate—Sargeant Schriver did, and Bill Moyers, and I was at their side often—to get the first Peace Corps bill passed. Before long, some of us, including JAY ROCKEFELLER and PAUL SIMON, and later joined by Peace Corps volunteer CHRIS DODD, who spoke earlier, started the campaign for national service to bring the idea of the Peace Corps home to this country. The first victory there was the Volunteers in Service to America bill, VISTA.

So if past is prolog, and it often seems to be, all this suggests that you may see more of me—not as a Senator, but once again as a citizen who will do his best to help the Senate do its duty.

On election night I said something, but it was cut off on television so not many would have known that I said it. But on election night, after thanking so many people—I had about half the voters of Pennsylvania minus 80-some thousand to thank—I said: To all things there is a season, turning to some good old words.

There is a time to win and a time to lose; a time to plant and a time to reap. And, above all, I think in this country today, where we know there is a time to tear down, the time has come for us, together, to build.

Thank you.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOBBYING DISCLOSURE ACT

Mr. PRESSLER. Mr. President, during the debate on S. 349, the Lobbying Disclosure Act, just prior to the recess, I was deluged with hundreds of phone calls, faxes, and letters urging me to oppose that legislation, which I did. My constituents and the organizations to which many of them belong were concerned with the provisions proposing to regulate grassroots lobbying.

Illustrative of their concern is a letter recently published in newspapers across my home State of South Dakota. As I am sure many of my colleagues had similar experiences with this issue, I would like to share this letter with them.

Mr. President, I ask unanimous consent that the letter appear in the RECORD immediately following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRESSLER VOTED RIGHT WAY ON REFORM

TO THE EDITOR: Sen. Pressler deserves our thanks for opposing the so-called "lobbying reform bill." This legislation would have made many citizens hesitant about contacting their elected officials in Washington. Making ordinary citizens register as lobbyists is not what the founding fathers intended.

The regulations and paperwork required under this law would have placed a great burden on our organization and its members in South Dakota. I'm sure many of our members would not have bothered contacting our elected leaders about upcoming legislation if it meant living under this law.

Grassroots organizations like ours try to make it easy for our members to get in touch with elected representatives. This so-called lobbying reform bill was merely an attempt by some lawmakers to make it harder for grassroots organizations to lobby Congress.

We thought the ban on gifts to members of Congress and their staffs was a good part of the bill. So did Sen. Pressler. But legislative rules prevented passing just the good parts of the conference report. Hundreds of grassroots organization members called, wrote and faxed Sens. Daschle and Pressler and Rep. Johnson to urge a vote against the bill. Sen. Pressler was the only one who voted the right way. He did the right thing in voting against this bill, while stating his continued support for a separate gift ban.

ED GLASSGOW,
Chairman, South Dakota Christian Coalition, Rapid City.

ON THE NORTH AMERICAN WETLANDS CONSERVATION ACT

Mr. CHAFEE. Mr. President, I rise today to pay tribute to a dramatically successful wetlands conservation program and the architect of that program, our majority leader, Senator MITCHELL.

Last month, the New York Times reported that after decades of decline, waterfowl populations are on the rebound in North America. The spring of 1994 is reported to be the most successful breeding season for ducks since the

1950's. According to this article the population of breeding ducks among the 10 most common species jumped to an estimated 32.5 million in 1994. This represents an increase of 24 percent above last year and 5 percent above the long-term average.

The Times article cites the North American Wetlands Conservation Act, authored by Senator MITCHELL in 1988, as one of the major factors accounting for the resurgence of waterfowl populations. In drafting this legislation, Senator MITCHELL looked beyond State, regional, and even national boundaries and recognized that only a comprehensive, international conservation effort would stem the decline in migratory bird populations.

The North American Wetlands Conservation Act is a model for public/private sector cooperation and innovation. The act encourages partnerships among public agencies and private interests to conserve wetlands ecosystems for migratory birds and other fish and wildlife in the United States, Canada, and Mexico. One of the major purposes of the act is to help accomplish the goals of the North American Wetlands Waterfowl Management Plan—which sets out specific continentwide conservation measures. Thus far 342 public and private partner or partner groups have contributed to over 317 wetlands conservation projects across North America.

Under Senator MITCHELL's leadership, the North American wetlands program has made substantial progress, despite the severe budgetary constraints of recent years. In just the 5 years since the act was passed, over 860,000 acres of critical wetlands habitats have been protected, restored, or enhanced pursuant to the act.

This has been possible because the North American program requires that Federal contributions be matched by private funding. As a result, $76 million in U.S. Federal moneys has been matched by $154 million in non-Federal funding. In this cost-effective program, Federal dollars have been used to leverage non-Federal contributions by more than a 2-to-1 margin. In addition, the involvement of the States and private conservation groups have lowered the cost of restoring and enhancing wetlands and spurred innovation.

Senator MITCHELL has also played an active role in building support for the North American program and ensuring it receives adequate resources to achieve its potential. He has helped enlist the support of other Senators, including Senators STEVENS, NICKLES, and BYRD, whose support has been critical to the North American program's continued success. In recognition of this impressive record, I was pleased to cosponsor, along with Senator MITCHELL, a bill to reauthorize the North American Act, which the Congress approved last month.

The North American Wetlands Conservation Act is a landmark law, which has already made a major contribution to the conservation of this Nation's wildlife. It will benefit the natural resources of this continent and will be an enduring legacy of the environmental leadership of Senator MITCHELL. The success of the Wetlands Conservation Act is proof that one Senator—GEORGE MITCHELL in this case—can be an extraordinary force for good.

I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed, as follows:

[From the New York Times, Oct. 11, 1994]

PRAIRIE DUCKS RETURN IN RECORD NUMBERS

(By William K. Stevens)

Few birds are more avidly sought after by nature fanciers and hunters alike than the ducks, and a lot of people have been distressed to watch the sharp decline of wild duck populations over the last decade.

Now, though, the biggest flocks in years are forming up on marshes across the mid-North American continent for their annual migration south. The once-dwindling numbers of mallards and widgeons, pintails and teal, redheads and canvasbacks, gadwalls, shovelers and scaups have suddenly and spectacularly rebounded, according to the United States Fish and Wildlife Service, raising hopes for a long-term recovery.

The population of breeding ducks this year was double the average of the last four decades in the "prairie pothole" region of the Dakotas and Montana, the heart of the midcontinental "duck factory" where most of North America's ducklings are fledged—vivid evidence of how profoundly the restoration of lost habitat can affect wild creatures.

Under Federal legislation passed nearly a decade ago, millions of acres of farmland in the prairie pothole region have been converted to grassland reserves where ducks can nest in safety from predators. At the same time, hundreds of thousands of acres of prairie potholes and other wetlands that attract and feed ducks have been restored. And two wet years in a row, after a decade-long dry spell, doubled the number of ponds and puddles in much of the pothole region during last spring's breeding season.

Together these three factors made the spring of 1994 the most successful breeding season for ducks since the 1950's and 1970's in the midcontinental United States and southern Canada.

The success confirms the operating premise of the North American Waterfowl Management Plan, a program in the United States, Canada and Mexico to rebuild waterfowl populations over the long term, said a member of the program, Michael W. Tome. "When you put good habitat and water conditions together at the same time, you're going to produce ducks," said Dr. Tome, a Fish and Wildlife Service specialist in migratory birds.

But the permanence of the duck recovery is in doubt. The Conservation Reserve Program created by the Farm Security Act of 1985, the main purpose of which is to combat erosion on fallow land, rescued more than 10 million acres of farmland in the prairie pothole region. As it happens, the land is prime duck nesting habitat. But wildlife experts and conservationsts are worried that Congress may not renew the program when it expires next year. They are also concerned that farmers may not sign up for a new program.

While "it's good to hear" about this year's resurgence of ducks, "it would be a mistake to say we've turned some permanent corner," said Dr. Joseph S. Larson, a wetlands biologist at the University of Massachusetts at Amherst.

Still, conservationists see this year's convergence of positive factors as a chance for further progress. It is "probably the best opportunity to produce waterfowl on a broad-scale basis we've had since the 1950's," said Jeff Nelson, chief biologist for Ducks Unlimited, a private conservation organization and leader in conserving duck habitat. "The reason is, we haven't had this extensive an area of grass with this kind of water since those days."

While wet and dry climatic cycles cause natural fluctuations in duck populations, few ducks will be hatched even in the wettest of years if there is insufficient nesting habitat. "Water attracts ducks to the landscape, but water doesn't make ducks," said Ron Reynolds, a wildlife biologist who heads the Fish and Wildlife Service's habitat and population study team based in Bismarck, N.D.

Different species of ducks make different use of ponds and wetlands. There are dabbling ducks and diving ducks. Dabbling ducks, also known as puddle ducks, feed in shallow water, dipping their heads just below the surface to eat plants, insects and small fish. They build their nests on uplands near the water. Mallards, pintails, teal, gadwalls, widgeons and shovelers are dabblers. Diving ducks like the redhead and canvasback, on the other hand, plunge into deep water to feed on the bottom and make their nests on floating mats of vegetation.

The dabbling ducks took a double hit when the wetlands were drained and their nesting areas converted to farmland. The loss, combined with a prolonged midcontinental dry spell, sent breeding populations into a tailspin. The number of Northern pintails shrank by nearly two-thirds; that of blue-winged teal, widgeons and mallards dropped by nearly a third each, and the population of readheads by nearly a quarter. By the 1990's, North American ducks seemed in serious trouble. Most of the decline took place in the midcontinent, the very heart of duck country. The climate was more favorable and the habitat more stable on the eastern and western ends of the continent. But far fewer ducks breed there.

"The reason ducks have declined is low nesting success," said Mr. Reynolds. Diving ducks had fewer wetlands for their floating nests and the dabblers, confined to shrunken patches of grassland, could not conceal their eggs and young from foxes, crows and many other predators.

Governments have joined forces with private organizations like Ducks Unlimited and the Nature Conservancy to restore wetlands in the prairie pothole region, an especially important development for diving ducks. But the Conservation Reserve Program has brought the biggest habitat dividends by far. The program paid farmers to protect formerly cultivated land that lay fallow, often because of fallen crop prices.

Although the main purpose of the program was to prevent soil erosion, it turned out that as the grasslands grew back, an abundance of thick cover was created for ducks, as well as other birds like meadowlarks, black terns, bobolinks and sandpipers. Along with the grasslands and birds there returned a variety of wildflowers, small mammals and invertebrates.

The grasslands also tipped a balance between two of the duck's main predators in the victims' favor. Foxes, which hunt a small area intensively and are the greater threat to ducks, gave way to coyotes that hunt a larger range and plunder fewer nests. "When we see coyotes on the landscape, we see that as being good news," said Mr. Reynolds.

At the same time, the biological enrichment that followed the regrowth of grasslands has been good for creatures like meadow voles and white-footed deer mice, offering predators a broader menu: "They don't have to key in on just duck eggs," he said.

The other good news for the ducks was heavy precipitation in 1993 and early 1994. Though the historic floods they caused wreaked havoc with the upper Mississippi basin, the summer rains of 1993 also filled many dry potholes and other wetlands. A snowy winter in 1993-94 further increased the number of spring ponds in prairie Canada and the north-central United States to six million, according to the Fish and Wildlife Service—47 percent more than a year before and a third more than the long-term average of 1955 through 1994. In Montana and the western Dakotas, the heart of the duck-producting region, the number of ponds was double the long-term average.

From this confluence of factors, more ducks congregated this year on the midcontinent breeding grounds than in many years. In a standard survey area encompassing the northern midcontinent and Alaska, the population of breeding ducks among the 10 most abundant species jumped to an estimated 32.5 million in 1994, up 24 percent from last year and 5 percent above the long-term average. The increase was mostly accounted for by Montana and the Dakotas, where the population roughly doubled between last year and this, and nearby southern Saskatchewan, where it grew by 64 percent.

Just as important, the hatching rate of ducks also went up this year. In the case of mallards, the most abundant and familiar species, about 30 percent of the eggs hatched, compared with 10 or 12 percent before the Conservation Reserve Program's benefits took hold, said Mr. Reynolds. "Mallards need a nesting success of about 15 percent to maintain their population," he said.

The Fish and Wildlife Service predicts that when the mallards that hatched last spring join their parents on this fall's migration to wintering grounds in the southern United States and the tropics, 12 million in all, 36 percent more than in 1993, will make the trip. Over all, the fall migration flight from the standard survey area is expected to total 71 million, 20 percent more than in 1993.

In fact, said Dr. Tome, this year's 32.5 million breeding ducks in the standard survey area approaches the North American Waterfowl Management plan's long-term recovery target of 36 million for that area—roughly the average count of the 1970's, when at one point it exceeded 40 million for a record. For the entire continent, the recovery target is a breeding population of 62 million by the year 2000, with a fall migration flight of 100 million. No continentwide survey of the present population has been made.

The immediate concern, said Mr. Nelson of Ducks Unlimited, "is that we get them up to where they were in the 1970's before the next dry spell."

For now, anyway, pothole and pond resonate once more with predawn sounds that evoke images of abundance in the mind's eye. Aldo Leopold, the naturalist and conservationist, put it this way in his book "A Sand County Almanac": "When you hear a mallard being audibly enthusiastic about his soup, you are free to picture a score guzzling among the duckweeds. When one widgeon squeals, you may postulate a squadron without fear of visual contradiction."

It will be almost like old times this October as squadron after squadron, species after species rises and, in Leopold's phrase, heads toward the equator "on quivering wings, ripping the firmament neatly into halves."

WHEN CONGRESS DOESN'T DO ITS WORK

Mr. PRESSLER. Mr. President, immediately before Congress recessed on October 8, 1994, the House of Representatives and the Senate passed H.R. 5060 to provide funding for the Securities and Exchange Commission for fiscal year 1995. The course which this legislation followed points up how damaging it can be for Congress to procrastinate and stumble about in passing legislation necessary to keep our Federal departments and agencies operating.

Last July, the Senate passed its version of H.R. 4603, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies. Senate amendments to the bill included a provision extending for the Securities and Exchange Commission a self-financing, higher rate of fee for registering securities. The Senate Appropriations Committee forewarned in its report, "If the House version of H.R. 4603 stands, the SEC will be forced to shut down and cease operations on October 1, 1994."

Nevertheless, because of a jurisdictional dispute between committees in the House, the Senate amendment extending the higher rate of fees was deleted in conference. Hence, it became necessary for the House finally to take up and pass a special measure (H.R. 5060) extending the higher rate of registration fees for fiscal year 1995. The bill was not received in the Senate until September 27.

Members of Congress had been forewarned by the Senate Appropriations Committee report of what might occur if funding for the Securities and Exchange Commission were not provided by October 1, 1994. Further, Arthur Levitt, the capable and highly regarded Chairman of the Commission, stated in very clear terms what some of the consequences would be if funding were delayed beyond September 30. Nevertheless, the prior and continued delays resulted in the Senate not passing H.R. 5060 until October 8.

I am informed, Mr. President, the following resulted from failure to pass this legislation prior to October 1:

From October 1 through October 9—date of enactment—fees paid by filers to register securities offerings were reduced from one twenty-ninth to one-fiftieth of 1 percent of the offering amount, resulting in a loss of revenue to the Government of over $20 million.

The Commission was forced to cancel 6 mutual fund inspections, 30 broker-dealer examinations, 77 sessions of investigative testimony, and 18 trips to pursue enforcement investigations.

Executive and administrative staff also spent hundreds of hours trying to resolve the agency's budget crisis and preparing the agency's slowdown and possible shutdown.

The staff prepared for a furlough of at least 3 days per week beginning mid-November and for severe reductions in overhead expenses: telephone, travel, mail, enforcement support, automated data services, and supplies.

Mr. President, this is a glaring example of how the Government should not operate. Hundreds and hundreds of hours are lost in a fruitless effort to pass legislation necessary for the operation of an important agency. The agency is crippled in its operations. Law enforcement suffers. Over $20 million of taxpayer funds are lost—only to benefit large security registrants who shrewdly took advantage of the loophole created by Congress. I hope somehow we will learn from this experience.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's have a little pop quiz. How many million dollars would you say are in a trillion dollars? And when you arrive at an answer, remember that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business yesterday, Wednesday, November 30, the Federal debt stood down to the penny at $4,778,520,357,397.29. This means that every man, woman, and child in America owes $18,328.80 computed on a per capita basis.

Mr. President, to answer the pop quiz question—how many million in a trillion—there are a million million in a trillion, for which you can thank the U.S. Congress for the present Federal debt of $4½ trillion.

COMMENDING THE ANTARES GROUP, INC., OF LANDOVER, MD

Mr. JOHNSTON. Mr. President, I would like to take this opportunity to recognize and commend the Antares Group, Inc., of Landover, MD, for their work on energy and environmental technologies. The Small Business Administration has awarded the Antares Group the Administrator's Award for Excellence for outstanding contribution and service in a joint Government-industry project as a subcontractor of the National Renewable Energy Laboratory [NREL]. The Antares Group came to my attention through their work on a biomass energy project to utilize switchgrass in electric power generation. This is an actual testing and demonstration project involving the NREL and several electric utilities.

The Antares Group is a young company of engineers and economists with the expertise and drive to move technology from the research and development stage to demonstration and commercialization. The United States is recognized around the world for its initiative and creativity in energy and environmental technology. Companies like Antares are key to maintaining our edge internationally in commercial applications of energy and environment technology.

Ms. MIKULSKI. Mr. President, I would like to join with Senator JOHNSTON in recognizing the Antares Group of Landover, MD. As a small business contractor, Antares has earned a reputation for engineering and economic excellence. With outstanding companies such as Antares working with Government and industry, we are able to achieve maximum leverage for our Federal dollars in developing and commercializing energy and environment technology, and creating jobs in Maryland.

STATE REPRESENTATIVE JIM SIMPSON

Mr. COCHRAN. Mr. President, a few weeks ago, my State of Mississippi lost one of its finest public officials when former State representative, Jim Simpson, died.

Many of my colleagues know Bill Simpson, who was a key staff member for Senator James D. Eastland and President Jimmy Carter.

Bill Simpson delivered the eulogy at his older brother Jim's funeral, and I invite Senators to read it. While it conveys in an eloquent way the special bond of friendship and love among the members of Jim Simpson's fine family, it reminds all of us in public office how important our families really are.

Incidentially, Jim Simpson was one of the most effective, hard-working, and respected members who has ever served in our State legislature. He died while working for the election of his son to serve in the seat he had held for over 20 years, and I am sure his son will be a distinguished and successful representative, too.

With a loving and supporting family of Simpsons on his side, he cannot miss.

I ask unanimous consent that a copy of the eulogy of Bill Simpson be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY OFFERED FOR JAMES C. SIMPSON, NOVEMBER 11, 1994, BY WILLIAM G. SIMPSON

I would offer a few remarks about my only brother and my faithful friend.

This day, Veterans Day, is the time for me to speak of a brave and proud Marine. He was a forward observer for artillery in Korea out in front where danger was ever present.

He brought his dedication to duty home with him. He was always willing to put himself in harm's way to take the risks to protect and serve others.

When he was chosen by his people to go to the legislature, he did two great things.

First, when he raised his hand and committed himself to well and faithfully discharge the duties of his office, he was not participating in a ceremony, he was binding himself to what he saw as a solemn duty.

Second, the term representative was not a title to him. It was the sum of his mission. He sought with all his strength to represent the citizens of his district and of this beautiful coast and of the State he loved.

Seven times his people sent him to Jackson to be out in front for them and at the end of a distinguished career. He returned the office to them with the honored term integrity engraved upon it.

I would tell you from my heart, several personal things.

The bond between my brother and me stretched from his birth to this day and will stretch into the future until the end of my life.

He was my always friend: Through my service in the Governor's office to Senator Eastland's office, to the White House, and to the present. He was there: solid as a rock to advise, to guide, to encourage, to remind me that we are not here to curse the darkness, we are here to light a candle.

My other observation deals with family and with abiding love.

Jim loved the wife he was blessed with. He loved his children and their mates and their children. He loved his brother and my family and his sister and her family. To close this shining circle each of us returned his love in full measure.

During the passage of the Simpson family through this valley of sadness, you should know that our hearts have been lifted and our spirits strengthened by the flood of affection and support that many hundreds of friends, like those gathered here, have given so freely to us.

Finally, even on an occasion like this one, something so right occurs that it must be marked.

I would point to the small group who are Jim's pallbearers today. He shared with them his hopes and dreams and his life. They carried each other for more than a quarter of a century. I wish I possessed the talent to say how far they have carried this State and her people. It is fitting and proper that they should bear Jim to his rest from the labors that will now be taken up by one of his beloved sons.

As we bid farewell to this good and decent man, let us take comfort from the certain knowledge that Jim Simpson fought the good fight. He finished the course. He kept the faith.

VERMONT GAINS A LEADER

Mr. LEAHY. Mr. President, yesterday Vermont's Gov. Howard Dean announced that Theresa Alberghini will become the head of Vermont's Health Care Authority. It is one of the most challenging, difficult jobs in all of Vermont. In Theresa Alberghini, Governor Dean could not have made a better choice. Theresa is my legislative director, and has been my senior adviser on health care matters for many years.

Governor Dean takes his commitment to providing health insurance to every Vermonter seriously. In Theresa, he has hired a brilliant, loyal Vermonter who will help make that commitment happen.

Theresa began working in my office almost 10 years ago, answering phones in my front office. From there, she has risen to become one of the most senior and respected staff members on Capitol Hill. Her knowledge of health care issues is unsurpassed. Her ability to work with everyone, whether they are the largest corporations in our society, or those Americans with the greatest needs but the quietest voices, is one of her greatest strengths.

Theresa is one of my closest advisers. She is also a close friend. A native of Barre who grew up in Burlington, Theresa has served our Nation with distinction. Her parents, Roy and Concetta Alberghini, should be proud of their daughter. The people of Vermont are lucky that one of their native daughters is coming home.

TRIBUTE TO CHARLES JOHNSON

Mr. COCHRAN. Mr. President, during the recent recess of the Senate, a distinguished citizen of the State of Mississippi, Charles Johnson, passed away.

He was a good friend of my family for many years, and his assistance to me as an adviser on education issues will always be remembered and deeply appreciated.

A wonderful article describing his career and his valuable contributions to the State of Mississippi and to public education was written by Danny McKenzie and published in the Jackson Clarion Ledger. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Clarion-Ledger, Jackson, MS, Oct. 16, 1994]

CHARLIE JOHNSON TOUCHED PEOPLE IN ALL WALKS OF LIFE

(By Danny McKenzie)

So today we must say goodbye to another of the all too few Southern gentlemen who for so many years played a major role in the shaping of Mississippi.

Today we say goodbye to Charles A. Johnson Jr., who for nearly 50 years was involved in the education of Mississippi children.

Johnson died Sunday, following a long and tough fight with cancer. His funeral is 10 a.m. today at Briarwood Presbyterian Church in Jackson with burial at 3:30 p.m. in Odd Fellows Cemetery in Aberdeen.

He was known simply as "Charlie" and his nickname fit him perfectly. There was not one ounce of pretentiousness about Johnson.

MORE THAN AN EDUCATOR

Charlie Johnson's specialty was education, but his qualities transcended job descriptions and reached across all human boundaries and touched people in all walks of life.

Johnson was superintendent of schools in Canton and Starkville and he was president of Chamberlain-Hunt Academy in Port Gibson.

For 10 years he was the executive secretary of the Mississippi Education Association.

He was a progressive leader in education during a time when progress and education were often mutually exclusive terms.

John Hartman, Johnson's executive assistant during his days with MEA, recalled a program the quiet leader came up with in 1967 that was too bold for many in the state Legislature, but one that endeared him to teachers.

"He convinced the MEA board of directors to fund a program called 'You Decide'," said Hartman, now the executive director of the Mississippi Association of School Boards. "We trotted out everything that was absolutely true about public schools, and some of it was not exactly positive.

"But the complete honesty of it caught the attention of Gov. (John Bell) Williams, and he then took the reins and turned it into a $1,000 pay raise for teachers—something that was unheard of in the South during that time.

"Charlie was totally loyal to the proposition of providing to schools the absolute best that could be provided."

"SUPREMELY HONEST"

Hartman also recalled Johnson's dealings with the Mississippi Legislature during some extremely turbulent years.

"Charlie was supremely honest," he said. "One of the things he insisted on were legislative hearings on matters that had to do with education. That's another thing that was just not done back then."

David Barham, the director of operations of the Mississippi Lions Eye and Tissue Bank, was an MEA staff member during Johnson's tenure. He said it was Johnson's dignity that made the deepest impression on him.

"That above all else," Barham said.

"Charlie always maintained a very quiet dignity in the toughest of situations. I'm sure that's why he had so much respect from the Legislature—his complete equanimity during some really trying circumstances."

Hartman concurred. "I think he could be characterized as being supremely honest with an absolute absence of any pretense, and he was kind to the core."

Both Hartman and Barham also mentioned another of Johnson's traits: strength.

Charlie Johnson was not a physically imposing man; he was tall and extremely slim. But those who knew him best knew his strength, and those who didn't know him and judged his inward strength by his outward appearance soon found how wrong they had been.

Johnson's resolve, his dignity and his caring all stemmed from a close relationship with his Lord. He was one of those rare individuals who truly knew right from wrong, and who had the Christian courage to carry out his convictions.

It is, I suppose, a cliche to state that Charlie Johnson was a man who made better people of all of us who knew him.

He did, though, and that will be Charlie Johnson's legacy.

GEORGETOWN UNIVERSITY LAW CENTER

Mr. LEAHY. Mr. President, earlier this year, I had the honor to give the commencement address to the class of 1994 of the Georgetown University Law Center.

The address was given on a beautiful spring day on the main campus of Georgetown University in Washington. It was a most meaningful day for my wife and myself because 30 years before, I had graduated from Georgetown with a law degree but was unable to attend the graduation because I had returned to Vermont to begin my clerkship in preparation for admission to the Vermont Bar.

Both my wife Marcelle and I talked later about how Georgetown had finally given me the graduation I had waited 30 years for, and the gratitude felt for that opportunity.

Mr. President, I ask unanimous consent that a text of my remarks at Georgetown be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

HUMANITY AND SERVICE ARE FORMATIVE PRINCIPLES FOR A SUCCESSFUL LEGAL CAREER

It was 30 years ago that I had the opportunity to sit where you are today. I had been inspired by the knowledge that was gained at this magnificent law school and I was confident of my sharply honed reasoning skills. After all, I had survived the unmerciful pounding of my law professors, these olympian Gods of this institution, and I was surrounded by friends that were going to last me a lifetime. And my generation had been inspired by another young president. He had called on the privileged, which included a lot of us, to serve the underprivileged. He lifted us all in the cause of civil rights. He encouraged us to dedicate ourselves to democratic principles. It was Camelot and it was a brief shining moment in our history. So I remember these years at Georgetown.

But in the many years since, the thing I remember most was standing with my wife on a cold November day in my last year of law school—standing on Pennsylvania Avenue with a half a million people so silent you could literally hear the lights click as they changed on the stoplights, and standing near where the law school was at that time we heard the drums as the cortege left the White House bringing the body of John Kennedy up Pennsylvania Avenue. Any one of us who were there will never forget that day, and we knew the future wasn't as structured or predictable as an idealistic young law student had imagined.

When I graduated from Georgetown Law School I didn't have the chance to sit here and listen to a graduation speaker. I missed my own commencement exercises. I had to rush home to Vermont, start work, start a clerkship. Marcelle and I packed up our worldly possessions in a rented car, bundled up our infant son, and we held tight to the family fortune of $150. We had Marcelle's final paycheck as a nurse from a local hospital as we headed back to an uncertain future. But in the intervening years I have been fortunate to serve in ways that I really enjoyed: as a lawyer, as a prosecutor, as a United States Senator. And the people of Vermont have been very kind to me. They overlooked the fact that I am a Democrat and the only one they have ever elected. They don't expect me to agree with them all the time, but they expect me to show character and strong and thoughtful representation and integrity, which are the things you have learned if you have really understood what was taught here.

These qualities are the greatest assets of a lawyer: to use good judgment and integrity in representing a client. Judgment and integrity are all that separates good lawyers from a mere wordsmith and don't ever forget that because Georgetown has given you the tools of your trade. Learn how to use them. Of course you will read cases, of course you will study the law, of course you will use honest effort, but judgment rests on far more. Good lawyers remain students all their lives because they refine their skills through experience, both inside and outside of the courtroom and law office. Remember what Walter Scott said, "a lawyer without history or literature is a mechanic, a mere working mason. If he posseses some knowledge of these he may venture to call himself an architect." So enjoy the experience of living and teaching others to live. Place a priority on the spiritual life you give your family and then protect that closeness and that privacy with as much zeal as you bring to the courtroom or the negotiating table. The law is going to consume your professional life, but don't let it overwhelm it. Take time for music and literature, tend your gardens however they might be, share with friends and take pleasure in your family, just as your parents or spouses or sons or daughters and family take great pride in you. Take time to take pride in others after this day. You can be a good lawyer and still be a good person. It's possible. It is!

Take advantage of the opportunities your education has given you. Take advantage of being happy. You are entering an honorable profession, believe it or not. It's too easily belittled, it's too often reviled for its apparent fixation on money, whether in people or principle. Look at Judge McDonald, look what she has done in serving not only as a federal judge but as a professor and now stepping into the maelstrom of what will be some of the most difficult questions after the tragedy of Bosnia-Herzegovina.

You know the image of the miserable lawyer is shared by too many who are miserable in what they do in their work. They're trying to figure out how they bill 30 hours a day as some do, how to collect fees, how to generate new cases, and they fail to find a way to work on matters they care about. I was fortunate. I found serving in government important and satisfying. I loved being a trial attorney. I thoroughly enjoyed being a prosecutor—incidentally the best job one might have—and then went to the second best job in the United States Senate. And there I have had an interest in health care and the health of children. I have been active on our federal nutrition programs and have written most of them as they now exist, to expand the WIC program for poor pregnant women and their infants and children. We are the wealthiest, most powerful nation on eath. Nobody in this audience goes hungry except by choice. But let me tell you, you can walk five minutes from here and see people who don't have that choice. Work as lawyers and Americans to get rid of hunger in this country.

I go to work with scores of professionals, Republicans and Democrats, on Capitol Hill every day. There are young lawyers and older lawyers who work hard to make this nation a better place. So when you leave law school, remember, don't buy into an endless rat race that is made all the more depressing by its apparent meaninglessness. There are other options. Find a way to be happy in your professional life or you have failed the magnificent opportunity you have been given. Think about why you came here.

In January of last year another Georgetown graduate took the Presidential oath of office and called upon your generation to serve in the renewal of America in its defining moment and the life of this nation. Now, change is upon us. When I vote on Judge Stephen Breyer's nomination I will—in a short 20 years—have voted on all nine members of the Supreme Court. Think of that change. Think of the change coming for you. Most of you are going to live most of your lives in the next century and that is where our needs are, to balance health care system with privacy requirements, to find out how you can maintain your own privacy, to weigh law enforcement desires for wiretap authority in the age of digital switching with Fourth Amendment rights, consider how intellectual property rights and privacy and security concerns are going to be accommodated along an information superhighway.

All these things will involve you as lawyers. But think what it means to you always as an individual if we can put all the information about you in your whole life on a credit card, to be read by a computer. Think about whether you want to give up that privacy. Think of whether your interest is the environment or equal justice or promoting access to those isolated in urban and rural communities and respond to the challenge of what the President has called a "season of service" to act on your idealism.

The practice of law is not about clever arguments or stirring up lawsuits, but about good men and women resolving disputes, by creating opportunities affecting other people's lives for the better. That is what you can do: seek to maintain faith with our history as we journey to the future.

Think of what you have been handed, think of what your responsibilities are. But don't forget you are a person before you are a lawyer. And you have to be true to yourself in that regard. Don't ever forget it. Don't let the rat race get away with you. Keep the promise that you made to yourself when you came here.

And let me give a word of thanks. Thirty years ago I had to miss my graduation at Georgetown. Today you gave me the graduation I thought I'd never have and I will always be grateful.

RETIREMENT PROTECTION ACT OF 1994

Mr. MOYNIHAN. Mr. President, I want to take this opportunity to recognize the many staff people who played an important role in crafting the Retirement Protection Act of 1994, the pension reform legislation that is in title VII of the GATT implementing bill.

Staff of the Pension Benefit Guaranty Corporation have provided invaluable assistance to the Finance Committee in this regard. In particular, I wish to thank Martin Slate, PBGC's executive Director; Judy Schub, Assistant Executive Director for Legislative Affairs; Nell Hennessy, Chief Negotiator; William Posner, Chief Operating Officer; Stuart Sirkin, head of the Corporate Planning and Research Department; Carol Connor Flowe, General Counsel; and their staffs, most notably, William Beyer, Terrence Deneen, Deborah Forbes, Russlyn Guritz, Richard Ippolito, William James, Leslie Kramerich, Linda Mizzi, Mrichael Rae, Gail Sevin, and Gretchen Young.

Special note should be made of the actuaries whose advice and testing of alternative proposals helped us formulate major changes to the complex pension funding rules: from the PBGC, C. David Gustafson, Jane Pacelli, Eric Palley, Gary Gilliam, John Langhans, and Ruth Williams; from the Office of Benefits Tax Counsel at the Treasury Department, Harlan Weller; and from the IRS, James Holland.

The Treasury Department also provided us with the invaluable assistance of Leslie Samuels, Assistant Secretary for Tax Policy; Randolf Hardock, Benefits Tax Counsel; and Mark Iwry, Deputy Benefits Tax Counsel.

Finally, I would like to express my appreciation to Joe Gale, Will Sollee, Mark Prater, and Doug Fisher on the tax staff of the Finance Committee, whose tireless efforts to smooth out the rough edges in the legislation made it possible to include the Retirement Protection Act in GATT.

JOHN PODESTA

Mr. LEAHY. Mr. President, earlier this year, the Washington Post wrote an article about one of the most extraordinary people in Washington.

John D. Podesta is an assistant to the President and is also White House staff secretary.

John Podesta is also a very special friend, a valued adviser, and an admired public servant. John has worked with me as a key political adviser and with me and the U.S. Senate in capacities ranging from legal counsel to chief of staff. In every capacity, he has set the standard of excellence.

I have benefited greatly from his friendship and advice. Our country is benefited every day by his service to America.

Mr. President, I ask unanimous consent that an article from the Washington Post profiling John Podesta be printed in the RECORD at this point.

I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 5, 1994]

WHEN CLEANING UP IS THE WORST JOB: A WHITEWATER SUCCESS STORY

(By David Von Drehle)

John Podesta has been questioned before a federal grant jury, he has been obliged to correct the president of the United States—*veeerry* carefully—he has been assigned to explain the First Lady's commodities trading, and then to change his explanation.

And he is a Whitewater success story.

This has been life among the ruins of the Clinton administration's early Whitewater damage control. Podesta's job is to clean up the mess that was made the first time around. But so extensive was the mess that the cleaning man got dirty.

A lot of insiders say Podesta has the worst job in Washington. They're not talking about his official role. Officially, he is White House staff secretary—one of those gray but powerful jobs. (The staff secretary controls the paper going to and from the president, and is best known as the guy with the arm that reaches into famous scenes, like the Israeli-PLO peace accord signing, to put a historic document on the president's desk.)

What folks call the worst job in Washington is Podesta's unofficial duty: White House cleanup chief. When bombs go off in the nation's capital, most people assume the classic Washington position—duck your head and cover your posterior. Podesta shoulders a shovel and trudges into the rubble.

Ever since subpoenas began arriving at the White House, and the administration began to understand that finger-wagging and wounded pleas would not solve the crisis, Podesta has been trying to pull together documents, recreate long-lost wheelings and dealings, and generally patch up the image of a dissembling White House. Slowly, with frequent setbacks, he may be making some progress.

The most obvious sign came late last month, when Hillary Rodman Clinton called a news conference and fielded Whitewater questions for an hour and a quarter. As she spoke, Podesta—an intense, slight man with sharp features and a quick laugh—watched happily from the edge of the room. Much of the senior White House staff was caught flatfooted by the news conference; Podesta helped in the First Lady's preparation.

Along came the deputy White House counsel Joel Klein and Clinton family lawyer David Kendall. Podesta fields scores of telephone calls each day from reporters. Instead of scolding them, he generally tries to answer their questions. He has collected and released hundreds of pages of documents: old tax returns, commodities trading records. Whitewater corporate tax documents.

"There's been a distinct change of approach since John's taken on this job," said one senior administration official. "Since John has gotten in, you've seen a fairly aggressive presentation of facts and documents, and a tightly coordinated effort."

Colleagues at the White House give Podesta high marks for pooling the Whitewater frenzy in a few offices—giving the rest of the staff a chance to tackle other tasks. As Podesta says: "People are back to business, and I'm absorbing most of the arrows."

One veteran Democrat knowledgeable of the inner workings at the White House, called Podesta's appearance as Whitewater troubleshooter "the most hopeful sign in a long time" that the administration might calm the tempest. Why? "He's strong as a political organizer, strong as a lawyer. He knows Congress, and he can talk to the press. He has the probity. And he understands a lawyer's job is simple: to solve your client's problem."

Podesta's strategy is simple. Get the facts and make them your weapon. An example of the Podesta style came recently: He and Kendall were plowing through Hillary Clinton's investment records, and they discovered a profit on which the Clintons failed to pay taxes in their 1980 return. Fact was, the statue of limitations was long past; moreover, an Internal Revenue Service auditor had approved the Clintons' 1980 return. Legally, they were on solid ground.

But Podesta hustled to 'fess up. Painful as it was, it was better than having some newspaper reporter discover the unpaid tax. An old foul-up is better than a fresh expose.

Former White House counsel Bernard W. Nussbaum probably would not have handled it this way. When he was dealing with Whitewater, Nussbaum—an accomplished

Wall Street lawyer—preferred the classic Wall Street approach: Lock the files, hunkerdown, occasionally flip your enemies a middle-finger salute.

New York's ways are not Washington's ways. Here, we bury people in paper and make nice by phone. "You've got a lot of people who can sit down and tell you the law," said Sen. Patrick J. Leahy (D-Vt.), Podesta's boss for a number of years. "But they don't have a sense of the political ramifications."

Podesta learned by doing, coming up through Democratic Party ranks on the heels of his older brother, Tony, a longtime political strategist. In state and national campaigns spanning a generation—from Eugene McCarthy's presidential bid in 1968 to the Clinton victory in 1992—Podesta, 45, learned the art of the sound bite, the care and feeding of the press, the importance of answering fire with fire (without wounding friends.)

As Leahy's top aide on the Judiciary Committee, and later chief counsel to the Senate Agriculture Committee, Podesta also mastered the fine print of government. Over time, he became the rare Washington figure who can match the nerds detail-for-detail on, say, intellectual property law in the digital age and hatch strategy with the backroom politicos. "John's both a rigorous lawyer and good pol and they don't usually go together," said Leslie Dach, who worked with Podesta on Michael S. Dukakis's ill-fated 1988 presidential campaign. "He can memorize bank records and also know how they'll play in Peoria."

The lousy jobs began coming his way almost a year ago: The first mess was the travel office. Seven employees of the White House travel office had been fired, and the press was full of charges of cronyism, moneygrubbing, manipulation of the FBI. Normally, the White House counsel's office would handle it, but Nussbaum's staff was involved. Enter Podesta.

With his deputy, Todd Stern, Podesta went from office to office around the White House asking people how they managed to screw up so badly. Then he published his findings. He linked important people—like Vince Foster, presidential adviser George Stephanopoulos, even the First Lady hereself—to the debacle. Annoy your colleagues, embarrass your boss . . . the worst job in town.

Except: Podesta pulled it off. His comeclean strategy deflated the issue. "It ended the story," Stephanopoulos said.

Podesta then was called in to preserve the nomination of Joycelyn Elders to be surgeon general, when it seemed like Elders might talk herself out of the job. Then he shepherded William Gould's nomination to head the National Labor Relations Board through a pack of grumbling conservative senators. Next, he persuaded the Senate Foreign Relations Committee that resort owner M. Larry Lawrence had qualifications to be an ambassador beyond writing fat checks to the president's party.

Then came Whitewater.

Podesta has made mistakes, including one doozy. When he announced the tax error, he produced supporting documents, which undermined an earlier description of one Clinton commodities trading account. A reporter asked if the new material made the old version "inoperative." And Podesta confirmed: "That is inoperative."

"I can't believe you repeated it!" a colleague said to him after the briefing. Only then did the scope of the error sink in: "Inoperative" is a Watergate word. He had echoed the quote of a Nixon aide. "And the blood drained out of my face," Podesta recalled.

But in a White House where gaffes often turn into gaping wounds, Podesta minimized the damage. Since uttering the fateful word, Podesta has jumped on any reporter who has tried to use "inoperative" to stand for anything beyond the specific details of a single ancient commodities account. For example, he fired off a letter chiding a Washington Post columnist: "I have to publicly eat my mistakes. I hope you acknowledge yours."

Podesta denies he has the worst job in Washington. "I actually like defending the president and the First Lady and the administration," he said. But Whitewater is dramatically more complex than his earlier crises: The stakes are higher, more people are watching, the questions are more complicated, the documentation is more sketchy.

Sometimes, Podesta says, when he ventures into the First Lady's office with the latest question about her finances, Mrs. Clinton slaps her hand to her forehead and, exasperated, says, "I just can't remember any more!" (Or words to that effect) Podesta allows that he doesn't know all the answers—and so each quiet Whitewater day feels like the slow climb to the top of a roller coaster.

"I'm trying to get the truth as best I can," he said recently. "And I believe in the truth of our position. We're trying to get information out quickly, to avoid the appearance of stonewalling. As we gather more information, we correct our mistakes.

"I expect we'll take some more hits before it is over," he said, "but I believe we are going to get through it."

FAREWELL TO SENATOR JIM SASSER

Mr. ROCKEFELLER. Mr. President, I want to pay tribute to a departing colleague who will be sorely missed in the Senate. A review of Senator JIM SASSER's record and commitment is a reminder of how much one individual can contribute through public service.

We all are hearing the charge that Congress has lost touch with the people we represent—that the beltway is a border of sorts between the lives of Members and the lives of people we work for. I hope to never allow that wall come between my service here for West Virginians and the people

If you want to find an example of a colleague at work who not only disapproves that view of Congress, you turn to Senator JIM SASSER. His energy and his deep affection of the people of Tennessee he represents set the standard for how we should be involved in the life of our home States.

I have always been amazed at how JIM managed to visit each and every one of Tennessee's 95 counties each and every year. This is a man who hiked through Tennessee's Cherokee National Forest every year to check on how fish are affected by water pollution. For 18 years, JIM SASSER has been a fixture in Tennessee even as he has been such an effective leader in Washington—and we all should learn from his example.

Senator SASSER's departure will leave us short of a role model for senatorial grace, excellence, and achievement. He never wore this office as a title. Rather, he worked across geographic, political, and ideological lines with a very real, very serious sense of responsibility. This is a trust to be earned and to be maintained, and we will miss the way Senator SASSER made the entire institution look better for his seriousness and integrity.

Senator SASSER has earned some private peace and quiet. He fought some of the toughest battles here in the Senate—not in the spotlight, but in the trenches where our real work gets done. As chairman of the Budget Committee, he had the unenviable task of setting spending levels for thousands of programs. And determined to be true to his principles of honesty, fiscal prudence, and progress, he had to wage hard-fought battles to persuade his own colleagues to make real choices and tough choices. JIM SASSER was a voice of fiscal reason and common sense when a path of lesser resistance would have been much easier. As our Nation's economy grows and strengthens, this country owes JIM SASSER for the dividends of his difficult work.

The standard of excellence Senator SASSER helped set will be a challenge to match. I have always respected his moderate, even-handed leadership and I frequently was amazed at the quiet way he so effectively went about his business. This style is something I hope future Members will embrace and appreciate.

JIM SASSER learned from his father, an agricultural official who traveled all over rural Tennessee working on Government programs, that Government should be an active, helpful, nurturing, and encouraging force in people's lives.

Because of that background, because of that personal history, he kept the Senate from losing sight of the world beyond Capitol Hill. He pushed us to have the courage to ignore political expediency, because being a Senator is about hard work and hard decisions that sometimes have hard consequences.

That has been JIM SASSER's role in the Senate for nearly 20 years and that work ethic has made Tennessee proud. Even when you did not agree with JIM, he always dealt with you honestly and respectfully. If the Senate is supposed to be a place for individuals to disagree, Senator SASSER maintained that practice with aplomb.

But that willingness to work together and to seek common ground should never be taken for weakness or apathy. The famous Southern streak of independence is alive and well. Senator SASSER followed his heart in the face of pressure, stood firm when yielding was just plain wrong, and was never outworked.

I know that in Tennessee colloquialism, when you show someone how to do something, you "learn" them. Well, I think JIM SASSER "learned" many of us on how to go about our business with dignity and care.

Pearl Buck said of Tennessee, "It appears to be a very American State, this Tennessee, and inhabited by very American people." Senator JIM SASSER definitely reflected that sentiment—he came to Washington with his sleeves rolled up. He took his work seriously for his 18 years here and he took great pride in not just what he did, but in what the entire Senate achieved. He has been a straight-forward, low-key, dignified, and determined Senator. And he's never let the 600-plus miles that separated his home State from his work here weaken his Tennessee roots.

I wish Senator SASSER the greatest happiness and success as he leaves Congress. He has done himself, his marvelous family, his State, and all of us—his colleagues—so very proud. Tennessee and the 104th Congress will feel a void as JIM SASSER leaves here, and he leaves with my greatest admiration, respect, and wishes for his next challenge.

TO OUTGOING SENATOR HARRIS WOFFORD

Mr. ROCKEFELLER. Mr. President, with deep feelings, I want to pay tribute to a colleague, HARRIS WOFFORD, who now embarks on the next chapter of a life that could already be called a masterpiece.

Claude Pepper, a fixture here in Washington for two generations whom I had the privilege of working with, used to say, "If more politicians in this country were thinking about the next generation instead of the next election, it might be better for the United States and the world."

Perhaps Senator WOFFORD's election results prove that he was in that special breed. HARRIS WOFFORD, my good friend from Pennsylvania, has been an effective, dignified leader, working for the future, since the day he walked into this Chamber in 1991.

Many of us recall that it was a tragic loss, the death of Senator Heinz, which first brought HARRIS here. That is something he himself never lost sight of, and he carried himself with the care and courtesy and seriousness of one who knew that his position shouldered an extra, intangible responsibility. His earnest, straightforward approach to the Senate, which eschewed distraction and hyperbole, was rooted in a sense of duty not just to his fellow Pennsylvanians but to his predecessor.

No one here should be surprised by the hard work and seriousness that drove Senator WOFFORD. But we should have expected nothing less from him. This is the man who influenced Martin Luther King with his own writings on nonviolence in India. Who persuaded President Kennedy to telephone Coretta Scott King in October 1960 after Dr. King had been jailed in rural Georgia, putting the national spotlight on the case and protecting Dr. King when his life was in danger. And who helped establish the Peace Corps.

So it is little wonder that Senator WOFFORD spent his time here as a driven, focused Member with a sense of mission that did not include self-promotion.

With all that he had done—with all the lives he touched and bettered—Senator WOFFORD could have stayed in academia at Bryn Mawr, or could have continued on in private life. Instead, he took on greater challenges in public service. Because the same fire that drove him to work for Civil Rights and to help send some of America's best and brightest young people across the globe to make a difference never ebbed or faded.

I have been fortunate enough to work with him on one of the issues that he cared deepest for: health care reform. As a candidate in 1991, he seemed outgunned by a higher profile opponent. But HARRIS WOFFORD knew there was one fear, one worry running through every single working household in America—the fear that a serious health care need could very well drag a family into bankruptcy.

In West Virginia, health care concerns have long been one of our most important issues. But it was HARRIS' election in 1991, a referendum on just how precarious and confusing and ultimately undependable health care really was in America, that woke up much of the Nation to this very real problem. He took that problem as his top priority in the Senate. If Pennsylvania sent him to Capitol Hill because he understood their health care worries, then he was going to do everything in his power to allay those fears.

We all know that health care reform fell short in the 103d Congress. But the issue moved from the subject of academic symposia and economic modeling into the national conversation. Topics like managed care, alliances, and shared responsibility made their way into discussions in factory cafeterias and around dinner tables and in just about every office, business, and household in America. Television, newspapers, and magazines put more and more of their time and resources into looking at the American health care system—what worked, what did not, what we need, and what we have.

HARRIS WOFFORD was one of the first leaders to really hear how frightened this Nation was about health care. And when he started to work on it, the people of Pennsylvania responded. So Congress took its cue—from his startling election and from the anger and fear of the electorate.

We did not get the job done for a variety of reasons—distractions, delays, and a $100 million media blitz ran out the congressional clock before we could really get to work. All that arguing and posturing was the Senate's legislative engine revving loudly while stuck squarely in neutral. But health care reform is firmly entrenched at the top of our political agenda and serious reform came farther than ever before in Congress. Senator WOFFORD supplied much of the fuel which fired that movement. His candidacy, his election, and his service in the Senate were a release for the built up pressures parents and children, workers, and employers were all feeling about health care in America.

I do not want to weigh the terms of his leaving the Senate, because that is unimportant. I will miss him as a friend and as a colleague of uncommon patience, respect, and thoroughness. America will miss him as a champion for health care reform and for seeing the charge of the Senate as being active and concerned and compassionate.

And the challenge Senator WOFFORD brought here in 1991—to fix the American health care system—still confronts us. I have every hope that the 104th Congress will understand that we have not done anything to relieve the health care worries of our people and that the problems still continue. When we answer this call, it will be in large part due to Senator WOFFORD'S work here and to the constant reminder he served as while in the Senate.

HARRIS WOFFORD never wore his office as a title. He believed being a Senator meant carrying very real, very serious responsibilities—a trust to be earned and to be maintained.

Most people with HARRIS WOFFORD's record and years of contributing would close the book with a chapter of tremendous service in the U.S. Senate. Somehow, I would guess that this will not be his instinct. I look forward to where the next pages in the life and career of this great patriot and human being will take him. I will miss his smile, his wisdom, and the fruits of his labor in the Senate. He and his talented, dedicated staff have earned infinite respect and thanks from the State and Nation they served so well.

TRIBUTE TO ASHLEY DANIELLE HAMMOND

Mr. NICKLES. Mr. President, I am saddened to report that early Tuesday morning, the Senate lost a vibrant and enthusiastic young staff member, Ashley Hammond, to cancer at the age of 23. She served as a staff assistant for the Republican Policy Committee, of which I am chairman.

Ashley Hammond was a talented, exuberant, and delightful young woman. She faced her cancer with courage and strength. Throughout her ordeal, she always maintained a positive outlook and encouraged others by her cheerfulness and caring attitude. The cancer which took her life never did take away those attributes of character for which she will be remembered.

My family and I extend our condolences to Ashley's family. I know that I also speak for the Policy Committee staff, the staff of my Senate office, and many others within the congressional community. We miss Ashley, and we pray that her family will be comforted and strengthened.

Ashley joined the Policy Committee staff in the fall of 1993. I was eager to hire her because she had interned in my Senate office in the summer of 1991 and had distinguished herself in that capacity. When she completed her bachelor's degree, I was pleased that she agreed to rejoin my Senate staff. Shortly after beginning her job in the Policy Committee Office, she learned that she had cancer.

Ashley fought her personal battle with courage and perseverance. Most of the staff for many months did not know she had cancer: She just wanted to continue on with her normal life and do her job. Even after the repeated bouts with chemotherapy took away her beautiful shoulder-length brown hair, Ashley maintained her composure and her sense of humor. She was the first person any visitor to the Policy Committee would see, acting as our hostess with her warm smile beneath her newly acquired baseball cap. If she was embarrassed by her appearance, no one could ever tell. She continued to come into work, even on days when her condition was so weak that the office manager would be forced to send her home. She loved working as much as her fellow staffers loved having her there.

Ashley earned a degree in English from Sweet Briar College in the spring of 1993. While at Sweet Briar, she was very active on the campus and within the community. She chaired the College Republicans and was an officer of the junior class. She also was a member of the lacrosse team and the diving team. She was honored by being chosen to participate in leadership development programs and interned with the Office of Community Planning and Development in Lynchburg, VA. She later was a volunteer at a children's cancer clinic. Little did she know that her selfless service at that clinic would be recalled as she, too, would have her own battle with cancer.

Ashley's high school years were equally busy and productive. She was graduated in 1989 from Casady Episcopal Day School in Oklahoma City where she participated in numerous school and civic activities. Somewhere between soccer and French Club and yearbook and field hockey and cheerleading and civic work she found time to volunteer at the Canterbury Nursing Home and to help with the Harvest II Food Drive. In an expression of her faith, she was also a member of the Fellowship of Christian Athletes.

During her junior high and high school years she was a counselor at Kamp Kristley, an Oklahoma City day camp for children ages 3–12. During high school and college years she worked at Allied Drilling Fluids of Oklahoma City.

We have lost a friend, a coworker, and an outstanding young woman. We have also lost a talented broadcast journalist because Ashley had planned to work on the Hill for a few years, and then return to school, get a degree in communications, and become a political reporter for CNN. She would have been terrific.

We all will deeply miss her and, at the same time, we are grateful for having known this warm and very special person. May God grant her family peace and comfort with the knowledge of His love.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I offer on behalf of the Members of this side, our condolences, indeed, to the Senator from Oklahoma for truly a lovely person who will be missed.

TRIBUTE TO PRIDE INDUSTRIES OF ROSEVILLE, CA

Mrs. FEINSTEIN. Mr. President, I rise today to recognize PRIDE Industries of Roseville, CA. I had the distinct pleasure of meeting employees of PRIDE, and I want to share what I learned of this truly impressive organization.

PRIDE Industries, the only not-for-profit organization run as a business, began in 1966 when a group of parents sought to provide meaningful opportunities for their physically and developmentally disabled sons and daughters. By 1983, the organization had a budget of $400,000, most of which came from the government. In 1983, Michael Ziegler became president and CEO, and by 1993, PRIDE had a budget of almost $20 million, 90 percent of which is selfgenerated. PRIDE boasts of impressive contracts with both private companies, such as Intel and Hewlett Packard, and the government, including contracts with McClellan Air Force Base.

The success of PRIDE can most certainly be attributed to its employees. Out of a total of 1,600 persons employed, 1,100 are disabled. Additionally, PRIDE provides vocational training to disabled persons and helps them find jobs outside of PRIDE. All in all, PRIDE demonstrates the business and human success to be found from a truly empowered work force; a work force of individuals in charge of their destiny, and with a sense of independence rarely found.

And PRIDE's success will certainly continue for the long-term. Given 90 percent self-generated revenues, PRIDE has taken an original base of government funds and created a prosperous business. It is no surprise that PRIDE has received numerous business and human service awards, including the chairman's award of the President's Committee on Employment of People with Disabilities.

I am honored that PRIDE Industries is from my home State of California, and I commend the employees and President Ziegler for their continuing contribution to both persons with disabilities and to the business community.

FEDERAL AVIATION AUTHORIZATION

Mrs. BOXER. Mr. President, with your permission, I would like to engage in a brief colloquy with Senator FORD, who sponsored the recently enacted Federal Aviation Administration Authorization Act of 1994.

Section 505 of that act provided additional authority for the FAA to participate with the National Park Service and the United States Air Force in funding asbestos removal and building demolition and removal work at Mount Tamalpais in Marin County, CA. Section 505 is intended to enable the FAA to aid in the cleanup of the site, participate with other agencies in the overall cleanup of the site, and thus share in the cost of carrying out the necessary demolitions and removals. I know that we specifically discussed this issue prior to Senate passage of the bill and all agreed on the intent. No one wanted to have FAA pay for the entire cleanup, but rather wanted to ensure that the FAA pay a portion of the costs. This issue has been a longstanding issue, and now appears to finally be resolved.

I would like to confirm with the Senator from Kentucky that the intent of the language is to facilitate FAA participation by authorizing the FAA to assist these other agencies in the cleanup activities. I understand that the FAA's earlier agreed upon one-third share of the remaining costs, meaning the FAA's additional costs, would not exceed $320,000.

Mr. FORD. The Senator from California has correctly stated the intent of this provision. As you stated, we did specifically discuss this matter on the Senate floor, and in crafting the provision, sought to facilitate the cleanup, and put a reasonable limitation on the FAA's share of the project. In providing the additional authority to assist in the cleanup activities at Mount Tamalpais, the provision will enable the FAA, as you indicated, to expend an additional $320,000 at the site. This represents FAA's share of the remaining costs. The other agencies will provide their fair share, which constitutes the remaining two-thirds of the cleanup costs.

JERRY TINKER REMEMBERED

Mr. SARBANES. Mr. President, I want to pay tribute to Jerry M. Tinker, who until his unexpected death this year at the age of 55 was the Staff Director of the Subcommittee on Immigration and Refugee Affairs of the Senate Judiciary Committee. Jerry has already been memorialized most eloquently, by both the chairman of the subcommittee, the senior Senator from Massachusetts, and the subcommittee's ranking minority member, the senior Senator from Wyoming. It is important to me now to add my voices to theirs, and while my tribute will be brief, it is profoundly heartfelt.

Although Jerry Tinker and I did not work together on a regular basis, I got to know him rather well. In the area of immigration and refugee issues which inevitably had ramifications beyond the limits of the subcommittee or even the full committee, he could always be counted upon for solid information and sage counsel. Jerry was, in my view, precisely what a public servant should be: knowledgeable and hard-working; judicious and fair-minded; a person of real integrity and courage. He, himself, was a person of great intelligence and tact.

Jerry joined the staff of the Subcommittee on Immigration and Refugee Affairs in 1970, at the age of 31. Thus he gave the past quarter-century—most of his adult life—to issues as complex and wrenching as any this Nation has faced. In one capacity or another he devoted much of the decade of the 1980's to immigration reform, beginning with the study conducted by the Select Commission on Immigration and Refugee Policy in 1979–81 and continuing with the landmark legislation of 1986 and 1990, which implemented the Commission's recommendations. Yet he made time to travel when pressing refugee problems required it; he kept a phenomenal schedule. There are few refugee camps in the world that Jerry did not visit, and his experience made his voice all the more powerful on questions of effective humanitarian aid.

I do not know precisely what led Jerry to make the commitment to which he gave his working years. Just out of college, he went to India in 1962–63 as part of the Maxwell Fellowship Program at Syracuse University and, by then a Ph.D. candidate, he returned to India in 1969 to carry out research on his dissertation. He then went on to a year at the International Peace Research Institute in Oslo, Norway, after that year returning to the United States and joining the staff of the Immigration and Refugee Subcommittee. Was it the experience of India that inspired him, or his undergraduate years, or perhaps his family? I do not know. I know only that Jerry Tinker was conscience as well as draftsman of this immigration and refugee legislation for more than two decades. His wise presence will be greatly missed, and I feel deeply the loss of a kind and trusted friend.

DEATH OF FORMER FOREIGN RELATIONS COMMITTEE AIDE MILRAE JENSEN WIRSIG

Mr. PELL. Mr. President, I regret to report that an esteemed former professional staff member of the Foreign Relations Committee, the former Milrae Jensen, died on September 20.

Milrae Jensen was on our committee staff from 1956 until her retirement in 1973. For the first 2 years she was a valued assistant to Dr. Carl Marcy, the longtime staff director of the committee.

Starting in 1958 she held a newly created position with responsibility for relations with other parliamentary bodies. In this capacity she arranged meetings of congressional delegations with international organizations, and with their counterparts in other countries. She was also responsible for arranging the Senate reception of distinguished foreign visitors.

In 1967, Dr. Marcy nominated her for the Federal Woman's Award, stating "She handles Senate relations with other parliamentary bodies the world over and does a magnificent job—an assertion that no less than two-thirds of the Senate would endorse." It turned out that this award was limited to candidates from the executive branch so Milrae Jensen could not be considered for it, a restriction to which Dr. Marcy took strong exception at the time.

Milrae Jensen had worked previously in the State Department's Office of Congressional Relations where she began her service to Members of Congress traveling abroad. Her State Department and Foreign Relations Committee experience combined to make her the invaluable arranger for Senate participation in international meetings and Senate reception of foreign government leaders.

I am one of the few Senators still serving who recalls Milrae Jensen and her gracious and devoted service not just to the Foreign Relations Committee, but to all Senators.

After her retirement, she married former Army Maj. Gen. Otto L. Nelson, Jr., who died in 1985. In 1990 she married Woodrow Wirsig and moved to Florida. At the time of her death she was traveling with her husband on a cruise to the Far East. She is survived by her husband, a brother, and three nieces.

She is remembered for her many years of dedicated service to Members of this body.

SHELDON WHITEHOUSE'S THOUGHTS ON DEMOCRACY

Mr. PELL. Mr. President, I would like to call the attention of the Senate to a very thoughtful article written recently by the new U.S. attorney for Rhode Island, Sheldon Whitehouse.

Mr. Whitehouse, who was my choice for the post of U.S. attorney, has a distinguished record of public service, having served as executive counsel and director of policy to the Governor of Rhode Island before being named director of the State's department of business regulation in 1992.

A graduate of Yale and the University of Virginia Law School, he clerked for a State appeals court judge in West Virginia before returning to Rhode Island to practice law in 1983. Two years later, he joined the civil division of the Rhode Island attorney general's office, specializing in utility regulation.

It was against this background that Mr. Whitehouse reflected on the current plight of government and the democratic process, in an article entitled "Learning to Live with Democracy" which was published in the Providence Journal of October 15, 1994.

His article is a plea for citizen involvement as an antidote to the current mood of disenchantment with electoral government. The mood is nothing new, Mr. Whitehouse reminds us. It results from the inevitable tension between the promise and actual performance of democracy, which now is accentuated by the superficiality of the electronic age. Americans must "learn to become discerning consumers of information about government," he says, and must "avoid the easy lure of cynicism."

Mr. Whitehouse has given us much food for thought and I commend his article to the attention of the Senate. I ask unanimous consent that the article entitled "Learning to Live with Democracy" be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEARNING TO LIVE WITH DEMOCRACY

(By Sheldon Whitehouse)

"There is a compelling need for a revaluation of our public attitudes toward political life. The national attitude that politics is somehow a degrading occupation for which no man of intelligence or ambition should aspire is becoming too deeply ingrained in our national thinking."

Robert F. Kennedy opened a speech with that very sentence on the day I turned four years old.

Now my own daughter has passed her fourth year. In the intervening generation, the view that political life is degrading has become more widespread. A recent survey by the Volcker Commission on Public Service showed that only 3 percent of college honor society students ranked the federal government as their "most preferred employer." State government rated less than 2 percent, and local government less than 1 percent.

What is the trouble with democracy that keeps this problem so current across the generations?

To say that it is the degraded nature of politicians is too easy. There is a natural tension built into democracy that may explain it better: On the one hand, we need to believe in our democracy in order for it to work; on the other hand, the way it works makes it sometimes hard to believe in. The opposing forces creating this tension have been described in the words of two of democracy's heroes: Ben Franklin and Winston Churchill.

Benjamin Franklin warned that we must have a good opinion of our government if it is to serve us well (note: not vice versa). He said: "Much of the strength and efficacy of any government, in procuring and securing happiness to the people, depends on opinion, on the general opinion of the goodness of that government as well as of the wisdom and integrity of its governors."

At the end of World War II, Winston Churchill rose to speak in Parliament. Churchill was the political embodiment of the wartime courage of his small nation. Under the circumstances, he could be excused for exaggerated praise of democratic government. Instead, Churchill said, "Democracy is the worst form of government, except all those other forms that have been tried from time to time."

The tension exists because Ben Franklin and Winston Churchill were both right. In a nutshell, that's the trouble with democracy: How do we, the people, keep a "good opinion" of this "worst form of government"? Democracy is never going to be easy; and we shouldn't expect it to be easy. The ancient Greeks had one name for those who participated in their democratic process and another name for those who did not. Those who were involved were called civites. From this ancient word comes a host of modern terms: civil, civilization, civic, city, citizen, civilized. Those who were not involved were called idiotes. Perhaps the Greeks were giving us a hint.

Indeed, Pericles said of democratic Athenians that they "regard the man who takes no part in public affairs, not as one who minds his own business, but as good for nothing."

Not only is democracy not easy, it's getting harder. We are now on the edge of a third major revolution in U.S. democracy, and these revolutions increase our obligations as citizens.

The first was our ideological revolution denying the divine right of kings to govern, and establishing self-governance by the people. We often refer to the war of 1775–83 as the Revolution, but the real revolution was the emergence of this idea.

In the second, quieter, revolution, the benign and idealistic paternalism expected by the Founding Fathers was overwhelmed by vigorous local political representation. This second revolution is represented in U.S. history by the election of President Andrew Jackson. The recent passing of Tip O'Neill perhaps marks the end of that "all politics is local politics" era.

Before these two revolutions, political life for the average citizen was very simple: You obeyed the king and paid your taxes. The first revolution made life more difficult: It gave us the obligation to select our own government from a small meritocracy of educated, property-owning white men. The second revolution required us to seek among a broader candidate pool the white male who best represented our local community's interests, and required us to decide for ourselves what those local interests would be.

In the modern age, elected officials are of every race and both sexes; local issues compete with national, international, economic, ideological and factional issues for our attention. It is a great achievement that our political mainstream is becoming broader and more diverse, but it makes our job as citizens harder than ever.

The difficulties compound as government and politics try to find their way in the electronic information age. Look at what is happening to politics and government already, as we enter this third revolution. Devotion to image and appearance has replaced loyalty to party and constituency. The old-fashioned ward heeler is out; the opposition research consultant is in. Hundreds of single-issue special interests besiege the political process, each ready, willing and able to deploy vast arsenals of dollars and disinformation on the electronic superhighway at the first whiff of threat.

Political aspirants themselves are willing to attack the institutions they seek to join, to gain an advantage in getting there. And of course there now seem to be no holds barred between candidates in political contests. Our sources of information about government and politics—the media, opposition research consultants and spin doctors—are all richly rewarded by concentrating on the superficial and the scandalous. All of these changes make the information we receive more negative, more divisive and more simplistic.

How could we possibly keep a "good opinion" of this mess? First, we need to get smart. We must learn to be discerning consumers of information about government.

We should no more rely on the information these sources feed us than we should rely on McDonald's and Dunkin' Donuts for our food. A junk food diet of information creates a public that is more likely to know what the yacht "Monkey Business" is than what the national debt is. (I looked it up: Roughly $4 trillion.) We've gotten a lot smarter about our food diets, and we're healthier as a result. Now we need to get smart about our information diet. We need to encourage legitimate efforts to expose and address real problems, and reject media scandal-mongering, interest group propaganda and partisan political posturing; we need to separate the real food from the junk food.

We also need to avoid the lure of easy cynicism. The harder the task of being a citizen becomes, and the more we are required to think for ourselves, the more seductive is this lure. Cynicism about government hurts us. It hurts us in two practical respects. First, it is an excuse for us an individuals to draw the limit on our obligations as citizens to participate in our own democracy. It is an excuse to become idiotes rather than civites. Second, as Ben Franklin pointed out, cynicism about government actually weakens government's ability to do the things we need government to do.

This is not to say that we should ignore misdeeds in government. We must root out misdeeds and corruption with a vengeance.

But we must also recognize that cynicism about government has its own price.

And we need to understand the problems we find in government to be a call to action, rather than an excuse to condemn. There comes a point when the accumulation of contempt for government, like a run on a bank, threatens the viability of the institution itself.

It is time to restore our faith in our beliefs and our principles, and it is time to be prepared as citizens to act on that faith. The most precious thing we as a country have to provide to ourselves, to future generations, and to the world, is our democracy. Franklin Delano Roosevelt said, "Our constitutional system has proved itself the most superbly enduring political mechanism the modern world has produced." It has provided unparalleled civil liberties and economic freedoms to our people, it has survived a bitter civil war and emerged strengthened; and it has sheltered and sustained for more than two centuries the growth of an ever fairer and more prosperous society.

The battle is a long way from over, but our democracy remains the model for freedom-loving people around the world.

We all want to restore our faith in our government; to do so we need to solve the riddle of keeping a "good opinion" of our "worst form of government."

The question is, how do we do it?

The answer is the one that Greeks hinted at when they called the group civites and the other idiotes. It is self-evident in the phrase "participatory democracy." It is contained in the central phrase of Abraham Lincoln's description of our government as "of the people, by the people, and for the people."

The answer is to get involved. Inform yourself. Don't be discouraged. Get involved in government yourself. (Don't be afraid to start small. Your local school committee or town council probably makes a bigger difference in your family's life than the U.S. Supreme Court.)

The way to a good opinion of this worst form of government is to restore our belief in its principles.

The simple way to restore our belief in its principles is to participate in it and participate in it and participate in it, until we respect those who participate in it.

IMPROVING RELATIONS WITH TAIWAN

Mr. PELL. Mr. President, I wish to commend the President for his decision to send Secretary of Transportation Pena to Taiwan next week to participate in the annual meeting of the U.S.-R.O.C. Economic Council.

This is an important development that, coming on the heels of the successful Asian Pacific Economic Cooperation meeting in Indonesia, signals the administration's intent to advance American economic interests in Asia.

Secreatary Pena's visit is the result of President Clinton's policy review of our relations to Taiwan. Last August I wrote the President concerning our policy, advocating such measures as have just been taken. For the first time since the formulation of the Taiwan Relations Act, the United States will now permit visits by cabinet officials to Taiwan.

As a long time proponent of up-grading our relations with this emergent democracy, I hope that this visit will be followed by many more and will include visits by Taiwanese officials to the United States.

With a population of approximately 22 million, a gross national product of $209 billion that has grown on average at the astounding rate of 9 percent per annum for the past 3 decades, Taiwan has achieved a remarkable position in the international economy. Taiwan is our 6 largest export market and ranks 13th among the world's major traders. This astonishing pace has earned Taiwan foreign exchange reserves amounting to almost $84 billion. In terms of its reserves Taiwan is now the world's richest country.

Modernization plans now underway represent a significant market opportunity for American business. The change in American policy represented by Secretary Pēna's visit should help American businessmen to benefit from the growing Taiwanese economy.

Once again, the President has demonstrated his commitment to advancing American economic interests.

THE LAW OF THE SEA CONVENTION ENTERS INTO FORCE

Mr. PELL. Mr. President, on the 16th of this month, the United Nations Convention on the Law of the Sea entered into force. The event passed relatively unnoticed. Nonetheless, the convention, and the Senate's decision on whether the United States should participate in the convention, will have a significant impact on our country for years to come.

The arguments in support of Senate advice and consent are compelling.

First and foremost, the convention will strengthen our national security. It establishes as a matter of international law, navigational freedoms critically important to the operation of our military forces. The significance of these freedoms was underscored in a letter from Secretary of Defense William Perry in which he stated, "To send a strong signal that the United States is committed to an ocean regulatory regime that is guided by the rule of law, General Shalikashvili and I urge your support in securing early advice and consent to the United Nations Convention on the Law of the Sea and implementing Agreement." I ask unanimous consent that the letter appear in the RECORD immediately following my remarks.

The United States also has significant economic interests in the oceans regime established by the convention. The shipping industry, and Americans whose jobs are dependent on ship-borne commerce, will benefit from the stability of the legal order on which such commerce depends. U.S. telecommunications companies, world leaders in advanced communications technologies, will benefit from the convention's provisions on undersea cable protection.

Mr. President, in 1982, the Reagan administration announced that it was prepared to support ratification of the convention, provided that its concerns with the convention's provisions on deep seabed mining resolved. It took almost a decade and a half, but that aim was achieved through an agreement signed earlier this year in New York. As a result, both the convention and the agreement were transmitted to the Senate for its approval on October 7 (Treaty Doc. 103-39).

In granting its advice and consent to the convention and agreement, the Senate now has the opportunity to advance a long-held, bipartisan foreign policy objective: The establishment of internationally recognized laws and norms to govern the oceans and their uses and to protect our rights to use the seas off our own coast and off distant shores throughout the world.

We should seize this opportunity and we should seize it soon. The convention has entered into force. With or without the United States as a party, decisions will be made that will significantly affect this country. Virtually all of our NATO allies and most other developed nations have indicated their intention to ratify and are expected to complete their national approval processes within the next 1 to 2 years.

The longer the United States delays its accession to the convention, the less influence we will have in shaping the institutions, rules, and procedures under which it will operate. This would be unfortunate, particularly given the critical, positive contributions the United States has already made in achieving the agreement modifying part XI.

Mr. President, in August the Foreign Relations Committee held a hearing to examine the convention and the modifying agreement (S. Hrg. 103–737). That hearing underscored the strong support for the convention and its importance to the United States. I hope that in the 104th Congress, these arguments will find resonance and that the Senate can proceed to fulfill its constitutionally mandated responsibilities.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE,
Washington, DC, July 29, 1994.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In 1982, the United States made a decision that it would not become a party to the United Nations Convention on the Law of the Sea because of its concerns about the deep seabed mining provisions, contained in Part XI of the Convention. The Convention is due to enter into force on November 16, 1994, now that the requisite number of other states (60) have ratified it. However, consultations were recently concluded which resulted in an Agreement to correct what the United States has long viewed as the Convention's flawed deep seabed mining provisions. The United States now intends to sign the Agreement at the United Nations on July 29, 1994. Accordingly, the Convention as modified will be transmitted to the Senate for its advice and consent at the end of the 103rd Congress.

The Department of Defense fully supports U.S. signature of the Agreement, and ratification of the Convention as modified by the Agreement. In the Administration's view, the new Agreement satisfactorily resolves the issues that the U.S. Government and ocean mining interests raised in the early 1980's during deliberations over whether the United States should sign the Law of the Sea Convention. The new Agreement meets these objections by correcting the serious institutional and free market deficiencies in the original Convention. We have received indications from other industrialized nations that, with adoption of the new Agreement, they will soon accede to the modified Convention.

The Convention establishes a universal regime for governance of the oceans which is needed to safeguard U.S. security and economic interests, as well as to defuse those situations in which competing uses of the oceans are likely to result in conflict. In addition to strongly supporting our interests in freedom of navigation, the Convention provides an effective framework for serious efforts to address land and sea-based sources of pollution and overfishing. Moreover, the Agreement provides us with an opportunity to participate with other industrialized nations in a widely accepted international order to regulate and safeguard the many diverse activities, interests, and resources in the world's oceans. Historically, this nation's security has depended upon the ability to conduct military operations over, under, and on the oceans. The best guarantee that this free and unfettered access to the high seas will continue in the years ahead is for the U.S. to become a party to the Convention, as modified by the Agreement, at the earliest possible time.

In the coming months, we anticipate heightened public debate of the merits of the Law of the Sea Convention. To put that debate into perspective, you will find enclosed a paper which briefly outlines the history of the original Convention, the steps leading to the formalization of the Part XI Agreement, and the nation's vital national security and other interests in becoming bound by the modified Convention.

To send a strong signal that the United States is committed to an ocean regulatory regime that is guided by the rule of law, General Shalikashvili and I urge your support in securing early advice and consent of the United Nations Convention on the Law of the Sea and implementing Agreement.

Sincerely,

WILLIAM J. PERRY.

SLOVAKIA SHOULD STAY THE COURSE

Mr. PELL. Mr. President, I recently visited Bratislava, Slovakia, where I met with, among others, President Michael Kovac, Foreign Minister Eduard Kukan, and Parliament Chairman Ivan Gasparovic. As many of my colleagues may know, I have a special tie to Slovakia where I served as a young foreign service officer at the time of the Communist takeover in 1948. It was indeed a pleasure to return to free Slovakia once again.

This trip was particularly gratifying for me, as I presented a U.S. Government check to one of my former foreign service national employees, Frank Sporka, to compensate him for the years he spent in prison because of his service to the U.S. Government. As I told Mr. Sporka, he can never be compensated for his 7 long years of maltreatment and imprisonment, but that he should view the check as a token of the U.S. Government's high regard for his service.

Recalling the difficult days of 1948 that ushered in 50 years of oppression in Slovakia, I emphasized during my meetings the importance that the United States places on Slovakia's democratic and economic progress and its continued adherence to the constitution and the rule of law. I was very encouraged by the commitment of those with whom I met to do just that.

Slovakia is going through a very difficult period, but I hope the current situation will not derail the important process of creating institutions such as a free press, and of moving forward with privatization. Slovakia's desire to become more fully integrated into the institutions of Europe and the West will depend on its continued commitment to democratic and free market principles. The parliamentary elections held earlier this fall yielded no clear majority, although the Movement for Democratic Slovakia received a plurality. Party leaders continue discussions about forming a new government, and I am hopeful that the new government that emerges will stay the course.

GEORGE KENNAN'S WISDOM

Mr. PELL. Mr. President, I would like to bring to the attention of my colleagues a speech recently delivered by Ambassador George F. Kennan on the occasion of his receipt of the first George F. Kennan Award for Distinguished Public Service.

Ambassador Kennan, a self-described man of this century—and I would add, one of the century's most visionary statesmen—offers some perspectives on the 100 years. I was particularly struck by the fact that Ambassador Kennan, who defined the overriding theme of the cold war period—containment—does not believe a central policy thrust is definable at this time. He says: "What we need is not any single policy. That would be quite impossible at this point. What we need is a variety of policies."

I would like to extend my congratulations to Ambassador Kennan, for whom I have the highest regard, for his speech and for his award. Without objection, I would ask that the full text of Ambassador Kennan's speech be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF AMBASSADOR GEORGE F. KENNAN ON THE OCCASION OF HIS RECEIPT OF THE FIRST GEORGE F. KENNAN AWARD FOR DISTINGUISHED PUBLIC SERVICE

Waldorf-Astoria, New York City

October 17, 1994

Ambassador George F. Kennan: Mr. Flynn, Doctor Schwab, ladies and gentlemen: I think you will all know without my laboring the point how deeply I appreciate this honor. I feel very inadequate to know how to acknowledge it. It would be difficult for anyone, I think, to respond to the honor itself and to the lovely things that have just been said. If the task of this committee is, as I have always assumed it to be, to promote sound and constructive thinking about the problems of American foreign policy, then the conferring of this award enables me to think that my own efforts of these past years have been at least supplementary to those of the committee, and that in itself gives me deep satisfaction and encouragement.

When Dr. Schwab first spoke to me last spring about the possibility of such an occasion, I told him that honored as I would be, of course, by the award, I could not, for reasons of age and health, contemplate giving an address. This remains, for better or for worse, the situation, but I have been told recently that there were expectations in one quarter or another that I would say something about my view of what should constitute the general thrust of American foreign policy in this post cold war era, and this I will try do do, although necessarily very briefly.

I must say, before I begin my remarks, that this is a very intimidating group of people I have before me. I see a great many people who know a lot more than I do about the things I'll be talking about, and I feel a certain hesitation in saying anything at all about our policy of the present day. I am, after all, a man of this past century, and what we are getting into now is the century that is about to dawn on us. At times I thought I knew something about the century that will soon pass; but I'm sure that I do not know nor can I foresee a great deal about the century that is coming. Nevertheless, I will say a few words.

If the suggestion is that I outline a central thrust of American foreign policy to replace that which preoccupied us during the period of the cold war, then I can say only that this is a very difficult thing for me to respond to. I don't think there is any central thrust of policy possible at this time. It is a varied, very confused, very unbalanced, and uncertain world that we face. What we need is not any single policy. That would be quite impossible at this point. What we need is a variety of policies. But perhaps there is one unifying factor that could bring these things together, and that is the question of motivation, of purpose, and what we conceive ourselves to be doing. This question, I think, can take two forms: One is a very natural traditional and unavoidable concern for our military and political security and for the security of our closest allies. The other is the hope, endemic, I think, to all generations of Americans, that we, as a great democratic people, will be able to play a useful and effective role in promoting peace, stability, and humane government in other parts of the world.

In the years since communism broke down, our military security, providentially, has not been seriously threatened. That is true for most though not all of our allies. So perhaps it was only natural that we should have concentrated a large part of our attention on and invested a large part of our efforts in being helpful to others in troubled situations involving, for the most part, countries other than those in the advanced areas of Europe and the Far East. I have in mind, of course, such places as Korea, Iraq, the Balkans, the Near East, Somalia, and now Haiti.

I have few criticisms to make of the way in which we have handled these situations. I have only admiration and pride for the way in which our armed forces have conducted themselves in performing the tasks to which they have been assigned, tasks that, in many instances, were quite the limits of their traditional training. I think that they have been models of what military people can do in difficult circumstances.

With the exception of Somalia and the still unfinished intervention in Haiti, I do not see that our government had any choice but to respond to those situations in the way that it did. And, finally, after all the political wrangling and jousting and mutual denunciations about foreign policy that have gone on here at home, I consider that both administrations, that of Mr. Bush and that of Mr. Clinton, have handled these various situations diplomatically in a reasonably sound and creditable manner. I hope that when these involvements have been liquidated in a way that is consistent with the preservation of the honor and dignity of this country (and, in this instance, that is going to be, I am afraid, a very long time), we will not be in too much of a hurry to replace those involvements with others.

All that being said, I still have some anxieties to voice about various ventures. But, first, I must say (and some of you may find this hard to believe) that I have anxieties about the highly dangerous and urgent problems, social, political, and economic, that we have right here in our own country. They are problems that the media have found it hard to recognize and that the politicians have found it hard to admit but I hope that these problems will soon become the subject of national debate, that they will receive the attention and the discussion that they deserve, and for this it is desirable that we be not too distracted with the involvements and problems beyond our borders.

Second, we have our relations with the other great powers, and we must not permit our preoccupations with the less developed world to distract us from doing justice to the importance of those relations. We have before us in this respect a situation, a providential situation, I think, namely, that for the first time in modern history—the first time that I can think of—there is a group of major powers to which we belong whose relations are not marked by any great and serious conflicts, by no conflicts, at least, that cannot be alleviated by patience, understanding, negotiation, and compromise. We have every reason to appreciate this situation, to cherish it, and to do all in our power to perpetuate it, remembering that good relations with great powers, like those with small ones, require constant attention and nurturing not only in crises but at all times. Here too we must be careful not to take our relations with great powers for granted, not to allow ourselves to be too heavily distracted by involvements in other parts of the world.

There is one other thing that I would like to mention about the various involvements that we have been concentrating on in the last two or three years. That is a very difficult one for me to talk about, for it's one on which one can be easily misunderstood: We have had a tendency to focus most of our efforts (or, it seems to me, a great many of them) on attempting to ensure democracy and human rights in other parts of the world. Though this ideal does credit to our own life and to our own aspirations and is one with which no one can argue, I must say that I don't think that all of the world is going to become democratic in our time no matter what we do. And I'm always a little afraid, a little disturbed, when I hear Americans talking to others about democracy and human rights because I always hear an undertone of self-congratulation, which I don't like. I don't like speaking down to people. In many instances the problems of other countries have been as severe as ours. And while we can tell them or can show them by example the way that we feel about these things, I think we should be very careful about telling them how to behave. One of the things that bothers me is that we have had a tendency to cast so many of these involvements in terms of our own struggle for democracy and human rights and done this in instances in which what we really should have been talking about (but which, for some curious reason, Americans never like to talk about) is simply our own national interest.

Not least among the problems that we have to handle in our relations with the major powers and some of the others as well is the continuing widespread development, cultivation, and proliferation of nuclear weapons and other weapons of mass destruction. That is not merely a regional problem; it is a global one that involves a little less than the whole future of humanity and its stake in the future of civilization. I have never forgotten Robert Oppenheimer's reply when Ed Murrow asked him in a television interview whether humanity could survive a major nuclear war. "I don't know, I don't know," Oppenheimer replied. "But it would take the greatest act of faith to believe that what might survive it would be human." That remark, if anything, remains as true today as it was when Oppenheimer made it, for the control of this form of weaponry now rests in a larger number of hands. I believe that we, as the first country to have developed those weapons and the only one to use them against another population, and a largely helpless one at that, have a great and special responsibility and even a duty to take the lead in bringing those weapons under eventual control either through international organs or in having them eliminated from national arsenals.

Meeting this responsibility will require us to persuade others and to impose no small measure of restraint and scrutiny on our own words and actions. I welcome and commend the measures that we, the Russians, and others have undertaken recently. They are encouraging developments but are far from sufficient to meet the need. I greatly hope that we will now take a new look at this entire problem and will give to it the attention that it warrants. This is the least we can do for our children and our grandchildren.

There you have it: a voice from the century that is now passing to the inhabitants of the one about to begin. As always, when an older person tries to talk to younger people (and, believe me, practically everyone in this hall is younger than I), much of what he or she says is boring, for older people have a tendency to repeat themselves and talk about things seemingly removed from the interests and thoughts of their listeners. But it has been known to happen, here and there, that a small portion of what an oldster has had to say had relevance for the future as well as for the past. In this instance I leave that for you to judge. I cannot. I thank you for your attention.

GEORGE MITCHELL'S NEW JOB

Mr. PELL. Mr. President, I am delighted by the news that President Clinton today named Senator MITCHELL to be the special adviser to the President and Secretary of State for economic initiatives in Ireland. This news is doubly welcome. First, I am pleased that the President has decided to create the position of an adviser on initiatives in Ireland. Second, I can think of no one better than GEORGE MITCHELL to take on this difficult but extremely important task.

Today's announcement signals President Clinton's continuing commitment to the peace process in Northern Ireland. I am pleased by the emphasis the administration has placed on trade and investment as an instrument of the peace process, which has been a constant theme in meetings with leaders from Northern Ireland, including with my good friend John Hume. These leaders have driven home to me the importance of offering economic hope to the communities torn apart by years of violence. Investment and trade, they have told me, are more important than assistance.

In fact, I encouraged the President to create a point person for economic initiatives. Today's announcement, together with Commerce Secretary Ron Brown's upcoming trip to Belfast for a British-sponsored trade conference are concrete signs of the administration's commitment.

Those of us who have served with GEORGE MITCHELL know that he is the perfect candidate for the position of special adviser. He has a close working relationship with the President and the Secretary of State; he is well-respected by his colleagues in the Congress, who of course, are important partners in the administration's efforts to encourage the peace effort; he is known and trusted by the leaders of Ireland, Britain, and the various actors in Northern Ireland.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 309(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report, which is the first for fiscal year 1995, shows the effects of congressional action on the budget through October 8, 1994. The estimates of budget authority, outlays and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.1 billion below the revenue floor in 1995 and above by $0.1 billion over the 5 years, 1995–99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $239.6 billion, $1.4 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since the last report, dated October 7, 1994, Congress has approved and the President has signed the following bills, Public Law 103–354, Public Law 103–352, Public Law 103–365, Public Law 103–375, Public Law 103–387, Public Law 103–394, Public Law 103–415, Public Law 103–433, Public Law 103–434, Public Law 103–438, Public Law 103–446, Public Law 103–448, and Pvt. Law 103–8. These actions changed the current level of budget authority, outlays, and revenues. The President also signed Public Law 103–337, and Public Law 103–353.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, November 30, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1995 budget and is current through October 8, 1994. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated October 5, 1994, Congress has cleared and the President has signed the following bills: Continuation of certain SEC fees (P.L. 103–352), Federal Crop Insurance Reform Act (P.L. 103–354), Arizona Wilderness Land Title Resolution Act (P.L. 103–365), North American Wetlands Conservation Act Amendments (P.L. 103–375), Social Security Domestic Employment Reform Act of 1994 (P.L. 103–387), Bankruptcy Reform Act (P.L. 103–394), State Department Authorization Technical Corrections Act (P.L. 103–415), California Desert Protection Act (P.L. 103–433), Yavapai-Prescott Indian Tribe Water Rights Claims Settlement Act (P.L. 103–434), International Antitrust Enforcement Assistance Act of 1994 (P.L. 103–438), Veterans Benefits Improvements Act (P.L. 103–446), Healthy Meals for Healthy Americans Act (P.L. 103–448) and a bill for the relief of James B. Stanley (Pvt.L. 103–8). These actions changed the current level of budget authority, outlays, and revenues. The President has also signed the National Defense Authorization Act for 1995 (P.L. 103–337), and the Uniformed Services Employment and Reemployment Rights Act (P.L. 103–353).

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS OCT. 8, 1994.

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,238.7	1,236.5	−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	977.6	−0.1
1995–99	5,415.2	5,415.3	0.1
Maximum Deficit Amount	241.0	239.6	−1.4
Debt Subject to Limit	4,965.1	4,597.5	−367.6
OFF-BUDGET			
Social Security Outlays:			
1995	287.6	287.5	−0.1
1995–99	1,562.6	1,562.6	(3)

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS OCT. 8, 1994.—Continued

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
Social Security Revenues:			
1995	360.5	360.3	−0.2
1995–99	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note: Detail may not add due to rounding.

TRIBUTE TO JUDGE R. CLIFFORD FULFORD

Mr. HEFLIN. Mr. President, U.S. Bankruptcy Judge R. Clifford Fulford, a strong force in Alabama politics for two decades, passed away on October 29, 1994. He has been a Federal bankruptcy judge in Birmingham since 1985. He will probably best be remembered for his role in keeping the Alabama Democratic Party from being taken over by the Dixicrats in 1948 and for keeping it in touch with the national during a turbulent time in the State's history. he was one of those rare individuals who got into politics to do the right thing, regardless of what might be popular at the moment.

Clifford Fulford served as president of the student body at the University of Alabama, from which he graduated in 1940. He received his law degree there in 1942. He served in the Navy during both World War II and the Korean war. After serving with the Office of Price Stabilization as an enforcement officer, he entered private law practice in Birmingham. He served as assistant U.S. attorney in Birmingham in 1953. During the 1960's and 1970's, he served as attorney and treasurer of the Alabama Democratic Executive Committee. Over the years, Judge Fulford proved himself to be an honest and successful politician and an outstanding lawyer and judge.

I extend my sincerest condolences to Judge Fulford's wife Toula and their entire family in the wake of their tremendous loss.

TRIBUTE TO WILLIAM POPE SWIFT, JR.

Mr. HEFLIN. Mr. President, longtime Selma, AL businessman William Pope Swift, Jr. passed away on September 26 in Birmingham. Bill was president of Swift Drug Co., where he practiced pharmacy for more than 40 years.

Bill Swift received his bachelor's degree in pharmacy from the Alabama Polytechnic Institute—now Auburn University—in 1940, and served in the U.S. Army Air Corps during World War II. His college and military years were the only periods of his life during which Bill was away from Selma. He was an avid sportsman and successful trainer and handler of field trial bird dogs, including two national champions.

In Selma, Swift Drug Co. has been a part of downtown for longer than most of its residents can remember, just as it seemed Bill Swift had been filling prescriptions forever for hundreds of Selmians. Bill was known for his wit and friendly manner, which contributed significantly to his professional success. His leadership and generosity will be greatly missed not only among his family and friends, but throughout Selma, Dallas County, and the Black Belt.

I extend my sincerest condolences to Bill's wife Cornelia Morrissette Swift and their entire family in the wake of this loss.

TRIBUTE TO BEN HALEY

Mr. HEFLIN. Mr. President, Ben Haley, of Atmore, AL, will long be remembered as a man who loved life and served his community well. Ben passed away on November 13.

Ben Haley moved to Atmore in 1933 with his family, served with the Navy and Marine Corps during World War II, returning to Atmore in 1947. He was employed by Retail Credit Corp. until 1956, when he became a partner in Maxwell-Haley. He continued with the firm as a broker until he died. He was elected to the Atmore City Council in 1968, serving until 1980.

Ben was a great friend to me personally, as well as a close political adviser. He helped me numerous times when I campaigned in Escambia County. He knew everyone throughout the county and was friends with virtually all of them. His hard work and drive led him to prominent positions not only in the Atmore city government, but also with the Alabama Real Estate Commission.

Ben was one of those people you immediately took to. He had a pleasant and warm demeanor and always made me feel at home when I visited Atmore and Escambia County. He had an engaging personality.

Ben Haley will be sorely missed by those of us fortunate to have known him over the years. My condolences and prayers are with his wife, Barbara, and their children during their time of mourning.

TRIBUTE TO ELEANOR UNGER INGE

Mr. HEFLIN. Mr. President, Eleanor Unger Inge, long recognized for her contributions to the world of art and education, passed away on October 22 at her home in Mobile, AL.

Mrs. Inge's life was one characterized by community service. She worked with the Mobile Public Library, the University of South Alabama and was president of Friends of the Saenger Center of the Arts. She also served on the boards of the Mobile Mental Health Association, the Allied Arts Council, the USA Arts Council, Mobile United, and was a member of the Board of Trustees of Alabama A&M University.

Her spirit of activity and goal for betterment of the community reflects well on her profession of Christianity and membership of St. Paul's Episcopal Church.

Earlier in her life, Mrs. Inge graduated from Smith College WAVE Officers School and served as a lieutenant junior grade in the U.S. Navy during World War II. She also attended international graduate school at Oxford University and the University of London.

Eleanor Unger Inge will be missed greatly by the community which she served so well for so long and by all who knew her.

My sincerest condolences are extended to Eleanor's husband, Herndon Inge, Jr., and their entire family during this time of sadness.

CHANGING ROLE OF THE UNITED NATIONS

Mr. HATCH. Mr. President, I rise to offer for the record some reflections on the changing role of the United Nations. Many of us recognize that the U.N. must change. It must change in response to the radical geopolitical transformations of the past five years that began with the unraveling of the Soviet communist empire and led to the largest creation of new states since the period of decolonization following World War II. It must change in response to the demands placed upon it by these new nations striving for stable independence. And it must change in response to the conflicts that continue to arise throughout the developing world. Indeed, the role played by the United Nations in liberating Kuwait from Iraqi occupation was a pivotal point in the history of the United Nations.

There has been much debate about the role the United Nations will play in the future. Regrettably, there still exists in this debate vague notions about ideals, ideals that, however benign, detract from the realistic thinking necessary to keep the U.N.'s participation in world events relevant.

Recently the distinguished Ambassador Joseph Verner Reed has the occasion to present the commencement address to the graduating class of Southern Utah University in Cedar City, Utah. Ambassador Reed, who serves as Under Secretary General of the United Nations and Special Representative of the Secretary General for Public Affairs, shared some very realistic thinking about the future of the United Nations with the students and faculty of this respected institution.

The ambassador recognized that "there is irony in the present moment because for all the shortcomings of the Cold War period there was a stability and a sense of international coordination in those years that today we are lacking."

"We live in an inescapably and absolutely interconnected world," the ambassador said. "What affects one society will come to affect others. Environmental degradation, trade, migration, violations of human rights, a concern for democracy—unite and affect us all. These issues know no national borders."

He is correct to say that the U.N. "is asked to carry out the multiple and difficult demands of peace-keeping, peace-making, peace-building and post-conflict development and security...(and) it is not surprising that the United Nations has faced difficulty in carrying out such ambitious, complex tasks." As the Ambassador reminds us: "The United Nations has entered complex crises * * * because the Security Council and member states have asked it to do so.

While we will continue to debate the role the U.N. must play in many of these issues, I am heartened to note that the distinguished ambassador recognizes that there is no question that states are the repositories of authority and international legitimacy. I also agree with the ambassador when he says: "But that authority and legitimacy is today called upon to answer international concerns and shared global problems."

As the ambassador told the class of 1994 of Southern Utah University: "It is not idealism to support the United Nations. It is realism. With all its merits and all its defects, the United Nations represents our joint experience as citizens of this planet. Our task is to improve the organization, to consolidate international commitment to its necessary purpose, and to make this a peaceful and nurturing world for the peoples the United Nations represents."

Ambassador Reed shared his realism with the graduates from my state when he told them: "The United Nations cannot carry out such tasks alone. The organization reflects the support, political and financial, that it receives from the member states, including the United States of America, founder-member of the United Nations, host country, permanent member of the Security Council and its largest contributor. Without such support the United Nations cannot act, cannot grow, cannot improve its capabilities. There has been a tendency to ask the organization to take on task after task, without significantly increasing its resources. The United Nations is not perfect, but it is obviously a mistake to criticize it for stumbling while at the same time demanding that it run on one leg."

The ambassador's comments and observations, regardless of one's point of view on the United Nations, contribute greatly to our reassessment of the role this country should play at the United Nations. As a result of this debate, I hope that we will more concretely determine what functions the United Nations can best perform in the future.

TRIBUTE TO SENATOR SASSER

Mr. JOHNSTON. Mr. President, for 18 years, Senator SASSER has done the heavy lifting, the hard, painstaking, nuts-and-bolts work of this body. Concentrating on the details of programs and policies, he has served as Chairman of the Budget Committee, as Chairman of the Subcommittee on Military Construction of the Appropriations Committee, on the Banking and Governmental Affairs Committees, and on the Democratic Working Groups on Central America and on Drug and Substance Abuse. JIM SASSER worked quietly and without fanfare to make government work, to make it more efficient, less costly and more responsive to the needs of the nation and its citizens.

For instance, he established a GAO Fraud Hotline which enabled people to report fraudulent and wasteful government practices. Thousands of citizens called in tips, and million of taxpayer dollars were saved as a consequence. The Pentagon procurement scandal first came to light on the Fraud Hotline.

On Appropriations he did his homework, traveling to uncomfortable and even dangerous parts of the world to see how American military dollars were being spent. He went to Thailand to see how Cambodian refugees were being treated, he checked out the Contras in Nicaragua, the Afghan war and the Persian Gulf. He inspected the USS Stark after it was hit by Iraqi missiles. Only after seeing the situations for himself did he make up his mind about the policies the United States should follow. This is what distinguishes Senator SASSER as a legislator, that he learns the facts, makes up his own mind and trusts his judgment.

My colleague from Tennessee is one of those members who has brought to the Senate the qualities of common sense and rationality all too often missing from the heated discourse in this body. That has been manifest in our close association as members of the Appropriations Committee and especially in his work in the thankless but critical role as a member and as Chairman of the Committee on the Budget.

It is fair to say that the latter has been a forum for considerable partisan posturing since its creation some 20 years ago. And it is certainly true that the role and contribution of that committee has been maligned and underappreciated by the press and even members of this body. The Senator from Tennessee has always been a voice of cool reason in the Budget Committee, and I truly believe that years from now people will look back on the role that Senator SASSER played in the budget summit of 1990 as one of the critical components in finally awakening the administration and the Congress to the need to take Draconian steps to curb runaway budget deficits.

But if there is one thing in particular that Senator SASSER's colleagues will miss, it is his sense of humor and his fine sense of irony about the Congress and its cast of characters. No one in my years here has taken his job more seriously or has worked more diligently for the people who sent him here. But no Senator has possessed more of a gift for laughing at himself and at the foibles of those who would confuse the seriousness of public service with the fatuousness of self-importance. Many of the seemingly endless late-night Senate sessions have been enlivened and enriched by the wit and endless repertoire of political stories and anecdotes of the Senator from Tennessee.

One of those stories which the Senator often tells is about the candidate in Tennessee who would finish every stump speech with the declaration, "Them's my views, and if you don't like 'em, I'll change 'em." It can be said here of the Senator from Tennessee that, in fact, he brought a set of views and convictions to his work in this body that greatly enriched the public product, not only for the people of Tennessee, but for all the people of this country. If those views changed at all, it was owing to common sense and evolving circumstances, not because JIM SASSER legislated with a finger in the wind. He spent eighteen years in this body doing only what he thought was right for a State he loves deeply. For that, he will be long remembered and greatly missed by those of us who were honored to call him a colleague.

TRIBUTE TO SENATOR RIEGLE

Mr. JOHNSTON. For his 27 years in Congress, including 18 years in this body, Senator DON RIEGLE has believed—to paraphrase another famous man from Michigan—that what was good for Detroit and the automobile industry was good for the country. As chairman of the Committee on Banking, Housing and Urban Affairs, and as a senior member of the Finance and Budget Committee, he has been in a position to make his views known, and often, to see them enacted into law.

While he supports free trade and open markets, Senator RIEGLE has consistently insisted that free trade must be fair trade, and that foreign markets must be open to American products. Section 301 of the trade bill, which he authored, protects American workers by addressing the issue of trade barriers which harmed American exports.

Senator RIEGLE's commitment to rebuilding American cities, especially the rust-belt communities of the Middle West which were devastated in the economic dislocation of the 80's, is well known. He fought for urban development grants and was an early advocate of enterprise zones. The landmark legislation coming out of the Banking Committee during his term as chairman strengthened communities by stabilizing financial and real estate markets thrown into chaos by the S&L collapse.

But his principal concern has always been for workers and their families affected by the structural changes in the Nation's economy. Over a Presidential veto, he led the fight to extend unemployment coverage. He put a human face on the health care crisis in his weekly floor statements featuring Michigan citizens and their problems with the health care system. His legislation setting uniform standards for "Medigap" policies protected vulnerable senior citizens from exploitation.

DON RIEGLE leaves the Senate with the economies of Michigan and the United States healthier than they have been for many years. Much of the robust growth they are currently enjoying is due to the understanding of the economics of industrialized societies, his stubborn insistence that the Nation prospers only when its citizens prosper and his political skills which allowed him to incorporate his insights into legislation. His accomplishments in the Senate served his constituents and his country well, and represent an enduring legacy.

TRIBUTE TO SENATOR BOREN

Mr. JOHNSTON. Mr. President, during his 15 years in the Senate, and before that, during his legislative and gubernational career in Oklahoma, Senator David Boren's legislative agenda could be summed up in three words, innovation, reform, and education. With energy, uncommon intelligence, highly developed parliamentary skills, and rigorous honesty, he has advanced that agenda much farther than anyone would have thought possible, and both Oklahoma and the Nation are in his debt.

Building on educational programs he instituted during his term as Governor of Oklahoma—at the time, the youngest Governor in the United States—Senator Boren established in 1985 the Oklahoma Foundation for Excellence. He serves as the chairman of this innovative effort to provide private sector support for the Oklahoma public school system.

As chair of the Senate Select Committee on Intelligence, Senator Boren led the effort to reorder American priorities for a post-cold war world, stressing bipartisan cooperation and streamlined intelligence operations. In the Finance Committee's Subcommittee on Tax Policy, which he also chairs, he has worked to reform Federal tax and energy policy. As a leading member of the Agriculture Committee, he authored the Farm Credit Act of 1987 which saved thousands of farmers from bankruptcy.

In 1992, the Congress recognized Senator Boren's commitment to making government institutions more honest, efficient, and responsive. He was appointed chairman of the Joint Committee on the Organization of Congress, and asked to lead an investigation into congressional bureaucracy and gridlock. Unfortunately for the Congress, academe made him a better offer. He is leaving the Senate to become president of the University of Oklahoma. I can only say, speaking for myself and his colleagues in this body, that the search committee made a superlative choice, and predict that in this new career David Boren will once again perform superlatively.

TRIBUTE TO SENATOR DECONCINI

Mr. JOHNSTON. Mr. President, in his 4 years as the Pima County Attorney, DENNIS DECONCINI was the busiest law enforcement official in the State of Arizona. He implemented programs in drug enforcement and consumer affairs, prosecuted organized crime bosses and ran an office which was named the model office of its size in the nation by the National District Attorneys Association. In his 18 years in the Senate, he has continued this pattern of productive activity, attention to detail and concentration on the basic problems on the nation: the health and safety—physical, mental and economic—of American families, the health of the economy and the safety of society.

Working Americans and the companies they work for have much to thank him for. He played a major role in passing legislation to provide quality affordable child care for families, and led the fight to establish fair and flexible laws for unpaid parental leave. He sponsored bills to provide employer tax incentives for public-private partnerships for on-site child care.

In an era of indifference, DENNIS DECONCINI has demonstrated concern for those whom Hubert Humphrey described as being in the "dawn and dusk of life." He has consistently supported funding for child nutrition and education programs, and sponsored legislation creating a national program for the identification and prevention of elder abuse. He has been particularly sensitive to the health needs of the elderly, leading the fight for increases in funding for home health and hospice care.

At the same time, he has vigorously opposed threats to the fabric of society: crime, drugs and violence. He authored the Anti-Drug Abuse Act of 1988, the most comprehensive anti-drug legislation in our national history, and made it possible for military aircraft to protect U.S. borders from drug smugglers.

DENNIS DECONCINI believes that a sound society requires a sound economy. For many years, he has been leading the battle to cut Government waste, and has succeeded in limiting funds the Federal Government can spend on public relations and motor vehicles. He is the founder and co-chairman of the Senate Grace Commission Caucus, a bipartisan group which looks for ways to eliminate waste and abuse. And he literally puts his money where his mouth is. He opposed a pay raise for Members of Congress. When the legislation passed, and his paycheck got bigger, he gave the increase to the Treasury to reduce the national debt.

DENNIS DECONCINI is a real Westerner, from a long time Arizona family. He brought to the Senate the candor and directness of the Old West, and the commitment of a man who has spent his life in the law, as lawyer, law enforcement official and legislator. The Senate and the Nation will miss him.

TRIBUTE TO SENATOR WOFFORD

Mr. JOHNSTON. Mr. President, Senator HARRIS WOFFORD is, like Thomas More, "a man for all seasons": lawyer, writer, teacher, college president, politician. In his eventful life, he has been acquainted with important political figures from Gandhi to Martin Luther King to John Kennedy. He has studied and practiced their philosophies, from nonviolence to citizen service, and observed the seminal social movements of the second half of the 20th century. More to the point, he has participated actively in events, acting as a catalyst for change and betterment. He was one of the founders of the Peace Corps, one of those drafting the first civil rights act in 1956, and the candidate who focused the attention of the American people on the issue of health care.

Senator WOFFORD brought to the Senate this wealth of service and insight, and sponsored legislation drawing upon his experiences. The National and Community Service Trust Act which he successfully managed on the Senate floor offers young Americans an opportunity to earn an education in exchange for a community service. It incorporates the principles of PennSERVE, the Governor's Office of Citizen Service, which Senator WOFFORD founded when he was Pennsylvania's Secretary of Labor and Industry.

It has been a privilege to know and serve with HARRIS in the Senate.

TRIBUTE TO SENATOR MITCHELL

Mr. JOHNSTON. Mr. President, before GEORGE MITCHELL was a Senator, he was a Federal judge. He has been quoted in Down East magazine as saying that it was a wonderful job, that he loved the work. He then went on to say "So is being a Senator wonderful, only in a different way. If I were able to order my life completely, I would have done it in reverse. I would have gone the conventional route: Served a couple of terms in the Senate and then become a judge."

I, for one, am glad that Senator MITCHELL didn't go the conventional route. The Senate has been the better for his experience as a judge. The dignity, the calm deliberation and careful thoroughness, the judicial temperament which was reinforced during his service on the bench have proved to be a great asset both to the Majority Leader and to those whom he led. Throughout his term in the Senate, and especially in his memorable exchange with Oliver North, Senator MITCHELL has demonstrated "gravitas", the quality of high seriousness which the ancient Romans demanded of their leaders.

If seriousness of purpose is his defining characteristic, competitiveness runs it a close second. I can testify from first-hand experience, having seen him on the tennis court. He learned about hard work from his parents, immigrants who urged their five children to go to college, and from his brothers, who were all star athletes. In competition, in the Senate or on the tennis court, GEORGE MITCHELL is well prepared and fiercely competitive, but he is always a good sport. He plays hard, but he plays fair. And he always tries to win.

Those of us who have served with him, on and off the tennis court, respect him for his determination. He has worked extraordinarily long and hard during his term as Majority Leader. We admire his dedication to duty, but we hope that in his next career, there will be time for reading books, playing tennis and watching Red Sox games. He leaves with our thanks and the thanks of the American people.

TRIBUTE TO SENATOR METZENBAUM

Mr. JOHNSTON. Mr. President, everyone has a defining characteristic, and Senator HOWARD METZENBAUM's is loyalty, loyalty to the New Deal principles of President Roosevelt, to the Democratic party, to his family, and above all, to the working people of Ohio threatened by structural changes in an industrial society. In their service, he has spent more than 50 years in politics, serving in the Ohio legislature and the United States Senate. In this body, he has fought fiercely and tenaciously for his principles, not always winning but always making his opponents aware that it is not safe to ignore him. In his mastery of parliamentary and Senate procedure, he has made himself the "majority of one" who often prevails against a less well-prepared numerical majority.

He is a legislative wizard, called a "leader without portfolio" by Congressional Quarterly, who has a 65 percent success rate in getting his bills enacted into law. In response to the needs of his constituents in northeast Ohio, he passed worker retraining legislation. Among the high points of his distinguished legislative career were plant-closing notification legislation, the 7-day waiting period of the Brady bill, and the FIRREA legislation of 1989.

Given his history of involvement in both private industry and public service, it is not possible to think of HOWARD METZENBAUM in retirement. He doesn't have the temperament for it. By 1996 I predict he will have found some new outlet for his indomitable spirit, abounding energy, fierce combativeness and intellectual curiosity. I expect that he will make a success of anything that he does and join his colleagues in wishing him well.

TRIBUTE TO SENATOR MITCHELL

Mr. CONRAD. Mr. President, soon the 103d Congress will be history. The end of the 103d Congress also will mean the end of the historic and distinguished career of Senator GEORGE MITCHELL as the majority leader of this body. Mr. President, today, I want to pay tribute to a man that every Member of this body holds in the highest regard.

Earlier this year, Senator MITCHELL was mentioned as a candidate for commissioner of baseball. He was asked about dealing with the egos of the 28 baseball owners. His reply, that the commissioner's job would be a 72-percent reduction from his role as Senate majority leader, has now become famous. But I think his reply also illustrates Senator MITCHELL's approach to what is surely one of the most difficult jobs in Washington. There are 100 Members of the U.S. Senate. We come from 50 different States. We are members of different political parties, and we represent a wide variety of personalities, views, and political philosophies. Yet, we are able to work together. Our successes over the years are in no small part due to the fairness, perseverance, integrity and the good humor of Senate Majority Leader MITCHELL. I know that many of my colleagues on the other side of the aisle—even while they might have disagreed with him on various issues—respect Senator MITCHELL's ability to deal with them fairly. Senator ALAN SIMPSON, the minority whip, recently said of Senator MITCHELL: "Not once, ever did he do anything he said he would not do. He wouldn't cut a corner." All of us who have served with Senator MITCHELL would agree with that assessment.

It has been my great pleasure to serve with the distinguished majority leader. Like many of my colleagues, I have admired his intelligence, his patience, and his steady leadership. As majority leader, he guided legislation through this body with great skill. As a Senator representing the citizens of Maine, he worked diligently on behalf of his constituents, just as he worked for the well-being of Americans throughout the Nation.

We all know GEORGE MITCHELL could have left this body earlier this year and taken his place on the Nation's highest court. There is little doubt he would have served in that capacity with great distinction, and continued to make a significant difference in the history of our country. But he chose not to take that opportunity. Instead, he decided to remain in the Senate and to attempt to reform our national health care system. Mr. President, he made that decision because of his deep and sincere dedication to accomplishing a goal he felt was in the best interests of our Nation. He put the national interest above his personal interest.

While we were not able to pass legislation reforming our Nation's health care system this year, it was certainly not due to a lack of commitment or determination on the part of the distinguished Senator from Maine. Senator MITCHELL put his personal convictions ahead of personal gain, and demonstrated to every other public servant the true meaning of public service.

In that spirit of public service, Senator MITCHELL has established a scholarship fund with the remainder of his campaign fund and the donations of many, many generous people from across the country. That fund will help needy and deserving students receive a higher education. At the fundraising dinner for the scholarship bearing the majority leader's name, GEORGE MITCHELL said: "Public service must be and is its own reward, for it does not guarantee wealth, popularity, or respect." I know many of us share those sentiments.

While he may be correct that serving in the Senate does not guarantee those things, Senator MITCHELL has earned the respect and admiration of his colleagues. He will leave this Chamber with a wealth of memories of legislative battles—he has won some impressive victories, and suffered some disappointing defeats. But above it all, he has earned the respect of everyone who has had the privilege of working with him. Although he may be retiring from the Senate, I know that will not mean the end of his desire to serve his country.

Indeed, just today President Bill Clinton announced that GEORGE MITCHELL has agreed to serve as a special U.S. adviser for economic initiatives in Ireland. As that troubled area moves toward ending decades of violence and confrontation, efforts to ensure economic stability and growth will be an essential part of helping Northern Ireland achieve peace and prosperity. The President said he needed someone of "great talent, great stature and great wisdom" for the job as special economic adviser to Northern Ireland. Mr. President, I think all of us who have served with Senator MITCHELL agree the President has found the right man. All of us in this Chamber have been fortunate to serve with him in the Senate, and his steady and distinguished presence will be missed.

ON THE RETIREMENT OF SENATOR DON RIEGLE

Mr. CONRAD. Mr. President, I rise today to pay tribute to the senior Senator from Michigan, Senator DON RIEGLE, as he prepares to retire from this body. During my eight years of service in the Senate, I have had the opportunity to serve with Senator RIEGLE on both the Budget and Finance Committees and have enjoyed the chance to work with him on a wide range of issues—particularly fair trade and health care reform.

Senator RIEGLE has spent eighteen years in the Senate fighting for the working families of Michigan while protecting and expanding job opportunities and economic growth for our nation. His expertise in economic and financial policy issues and his voice on trade issues, industrial policy and U.S. competitiveness will be greatly missed.

Senator RIEGLE has made it a priority in the Senate to ensure that American workers and businesses are competing in an open and free environment. He and I agree that free trade agreements are often not free or fair trade but negotiated trade that pits one American business interest against another while giving our global competitors an unfair advantage. As a result he has been an effective advocate of a tough trade policy. He has worked to end trade barriers that shut out American exports and to halt unfair dumping by foreign manufacturers.

Senator RIEGLE has long warned of the need to address the health care crisis in this country and has worked for a new system that would decrease the number of uninsured and contain the increasing costs of health care. During the historic health care debate this past year, Senator RIEGLE met with me and other members of the Finance Committee, both Republicans and Democrats, to seek out common ground and areas of agreement. He served as a calm voice of reason during the long hours of often contentious debate. Although we were not able to reach agreement, in the end, I am confident that any health care reform enacted in the future will bear the mark of DON RIEGLE'S hard work.

While serving the people of Michigan in the Senate, Senator RIEGLE has also served his nation as chairman of the Senate Banking Committee for the past 5 years. During that time his committee has overhauled the banking industry, increased accountability for financial institutions, increased protection for consumers and expanded home ownership opportunities for low- and middle-income Americans.

I have been constantly impressed with Senator RIEGLE'S ability to write and pass legislation in an efficient, fair and effective manner. I have always found him accommodating and helpful with questions or concerns I have had with legislation that fell under the Banking Committee's jurisdiction. His highly praised role as a fair and unbiased chairman during this summer's Whitewater hearings serve as evidence of his substantial leadership abilities.

Not content to focus on economic issues, Senator RIEGLE has fought hardest to protect the children and senior citizens of our country. He is largely responsible for providing immunizations for uninsured children and has supported increased funding for expanded day care facilities for latchkey kids. He is well-known for his continual efforts to make good on the government's promises to the eldest members of our society.

Mr. President, DON RIEGLE has served with distinction for eighteen years in the Senate and before that, ten in the House of Representatives. The people of Michigan, the country and his colleagues here in the Senate will greatly miss him, and I wish him and his family good fortune in the future.

THE RETIREMENT OF SENATOR DENNIS DECONCINI

Mr. CONRAD. Mr. President, it has been more than 20 years since DENNIS DECONCINI made his first bid for public office in Arizona and was elected Pima County attorney. Just 4 years later in 1976, he was elected to the U.S. Senate. Now, after 18 years, Senator DECONCINI has decided to retire from this body. Mr. President, today I want to comment on our colleague's distinguished career in the Senate. His retirement will be a loss for the Senate.

When he was a freshman Senator, the Wall Street Journal described him as the most likely member of that class to succeed in the Senate. He has lived up to those high expectations. As a chairman of the Select Committee on Intelligence and a member the Appropriations and Judiciary Committees, he has served Arizona and this Nation with dedication. Senator DECONCINI and I have shared the view that reducing the Federal deficit must be our top priority even if it means we have to make difficult choices on reducing Federal spending. On the wall in Senator DECONCINI'S office there is a short poem that reads: "Politics is like a rose, it has beauty and thorny issues." As Members of the Senate, we often face difficult choices on thorny issues. Senator DECONCINI was always able to meet that challenge and make those choices.

He was the sponsor of a constitutional amendment to require a balanced budget. Senator DECONCINI also was a founder and cochairman of the Senate Grace Commission Caucus, a bipartisan group of Senators dedicated to looking for ways to eliminate waste in the Federal Government. On many occasions, I have worked with Senator DECONCINI on the floor of this Chamber to help reduce wasteful Federal spending. He has shown courage in supporting the budget package we passed in 1993 that proved Congress could deal with the thorny issue of reducing Federal spending and making a serious attempt to reduce the Federal deficit.

Senator DECONCINI has taken tough stands on other issues. As an example, he cosponsored with Senator DIANNE FEINSTEIN the assault weapons ban that eventually became part of the comprehensive anticrime bill. Against all opponents Senator DECONCINI stood his ground. Like many of us, he knew these weapons were used by criminals and drug dealers to kill—often to kill innocent bystanders and police. In the end, the assault weapons ban became the law of the land, thanks in no small part to Senator DECONCINI'S courage and perseverance.

While has career in the Senate has been one of fighting for what he believed was right, it has also been a career of accomplishment and compassion. One area where Senator DECONCINI has been a consistent leader is in the effort to help children. He played a major role in passing legislation to provide quality, affordable child care for families and children. He has been a leader in efforts to reduce child abuse and to increase funding for programs to improve the nutrition and health of pregnant low-income women, infants, and preschool children.

On a wide variety of issues, Senator DECONCINI has been at the forefront. He sponsored legislation to promote increased cooperation between Mexico and our country to stop the flow of illegal drugs and to promote trade and commerce along our southwest border with Mexico. He is the principal author of the most comprehensive antidrug legislation in history, the Anti-Drug Abuse Act of 1988. He founded the Western Coalition Work Group made up of western Senators working together on clean air issues. I personally have worked with him on legislation to protect our Nation's air and water quality and to strengthen the historic clean water legislation. Mr. President, Senator DECONCINI's career in the Senate has touched a wide variety of issues of national importance. His leadership and experience will be greatly missed by those of us who have had the pleasure of serving with him in the Senate. I wish him the best as he ends his outstanding service to his State and our Nation.

TRIBUTE TO SENATOR JIM SASSER

Mr. CONRAD. Mr. President, I rise today to pay a tribute to Senator JIM SASSER of Tennessee, who will be leaving the Senate at the end of this session of Congress. Senator SASSER has served his State and the country extremely well during his three terms in the Senate, and next year this body will be a lesser institution without him.

It has been an honor and a real privilege to serve with Senator SASSER, and work with him in the Budget Committee. He has chaired that committee with great skill, searching for realistic, achievable solutions to one of our Nation's toughest problems—cutting the Federal budget deficit.

He has put a great deal of energy and thought into putting our fiscal house in order, and in the coming years we will truly miss his experience and his insights on that very complex and difficult issue.

Every year for 6 years, Chairman SASSER had the immensely difficult job of finding consensus among conservative, moderate and liberal members of the Budget Committee in one of the toughest annual political battles on the Hill. Several major reconciliation bills were enacted on his watch, and he has earned our thanks and appreciation for guiding that legislation skillfully through the Senate.

I was proud to have worked closely with my friend from Tennessee on legislation reforming the procurement practices in the Department of Defense and on legislation to get our allies to pay more for the defense we provide them.

The Senator from Tennessee also established a national toll-free fraud hotline, which he intended to be used to report fraud and waste in the Federal Government. Mr. President, that hotline has been used by thousands of people reporting wasteful Government practices, and has helped save taxpayers millions of dollars.

JIM SASSER's innovative ideas for cutting unnecessary spending, and his steadfast devotion to sound fiscal policies have made a significant and lasting difference in this country. Without the leadership of Senator SASSER, many important reforms may have never come to pass.

JIM SASSER has also served the needs of his State extremely well. He fought to create jobs for Tennessee and bring economic opportunity to the Nation as a whole, and has been a leader in the fight for many other programs important to his State.

He has always kept the needs of Tennessee in the forefront of his thinking—his constituents can be proud of the job he has performed.

It is with great sadness that we say farewell to the Senator from Tennessee. He will be missed in this Chamber, and I wish him the very best as he returns to private life.

THE RETIREMENT OF SENATOR HOWARD METZENBAUM

Mr. CONRAD. Mr. President, as you know our colleague from Ohio, Senator HOWARD METZENBAUM, will not be returning to the Senate when the 104th Congress convenes next month. I would like to take a moment to praise his accomplishments and wish him well in the future.

Over 50 years ago HOWARD METZENBAUM was elected to the Ohio Legislature, beginning what would prove to be a highly distinguished and productive career in public service. During his time here in the Senate, Senator METZENBAUM has been a tireless crusader for those in our society who are often without a voice: consumers, children, and workers.

His work on behalf of our Nation's disenfranchised is unequaled in the Senate. In this Congress alone, Senator METZENBAUM has worked to reform the insurance industry, provide pension security for retirees, increase civil rights, increase environmental protection, and increase child safety and labor fairness. During my 8 years in the Senate, I've seen his worker retraining bill, plant closing notification legislation, and food labeling requirements become law.

I have long admired Senator METZENBAUM'S dogged determination as he struggled to fight special interests and Government waste. Senator METZENBAUM is a man with deeply held convictions—agree or disagree—you rarely wonder where he stands on an issue. I am sure that my colleagues who have opposed him on the floor will attest that his debating skills are unmatched, and he has not been reluctant to use these skills to promote or defeat legislation in defense of the principles and causes in which he strongly believes.

This knowledge of the inner workings of the Senate combined with his experience as a successful businessman have served him well on issues relating to American business. As a Senator he successfully led the fight for stiffer penalties for child labor law violations, increased job training opportunities for women in nontraditional jobs, expansion of antitrust laws and stronger penalties for contractor fraud.

Mr. President, our colleague Senator SIMON has called HOWARD METZENBAUM the "tiger of the Senate." After viewing the ferocity with which he mounts a filibuster or questions a Supreme Court nominee, I agree with that assessment. While his retirement brings to an end his battles in this Chamber, I strongly doubt it will mark the end of his fight to see that all Americans receive a fair opportunity to live a happy, successful life. HOWARD METZENBAUM has been a champion for the left out and the left behind. He can be intensely proud of his service in the U.S. Senate.

TRIBUTE TO SENATOR BOREN

Mr. CONRAD. Mr. President, I rise today also to pay tribute to Senator David Boren of Oklahoma. While Senator Boren no longer serves in this Chamber, having retired 2 weeks ago to become president of the University of Oklahoma, he has certainly left a lasting impression on many of his colleagues, including me.

David Boren's public life has been impressive. He served in the Oklahoma House of Representatives for 8 years before becoming Governor of Oklahoma for one term. Following his stay in the Oklahoma Governor's mansion, he began his distinguished, 16-year career here in the U.S. Senate.

And now he has returned to Oklahoma to concentrate on higher education and improving the lives of the youth of this country. The Senate's loss will surely be the University of Oklahoma's gain.

It has been a real pleasure to work with Senator Boren during the 8 years we have both served in the Senate, from the time we spent together on the Agriculture Committee working to reform the Farm Credit System to the past 2 years working together on the Finance Committee seeking solutions on health care, international trade, and energy issues. Watching him work, I have gained a real appreciation for his intelligence, his dedication, and his passion for getting things done.

The effort to save the Farm Credit System, which he led, was a model of how the U.S. Senate should work. Senators working together on a bipartisan basis spent over 100 hours in markups preparing legislation to rescue the seriously threatened Farm Credit System. David Boren, as chairman of the Credit Subcommittee, led those sessions with enormous skill, intelligence, and wisdom. The result was a Farm Credit System saved from bankruptcy that did not cost the taxpayers of America one dime. It was a legislative accomplishment of great importance. Senator Boren deserves most of the credit.

Senator Boren's willingness, indeed his desire, to work together in the spirit of bipartisanship should serve as a lesson to us all. His preference to seek bipartisan solutions to our country's problems rather than seeking partisan political gain demonstrates his desire to work for the good of the people who elected him to represent them.

Senator Boren has continuously attempted to reform Congress to make it more efficient and responsive to the needs of the American people. He has fought to reform our system of financing campaigns in this country, and his work will not be forgotten as we once again consider campaign finance reform during the next Congress. Year after year, he has striven to improve this institution, and to restore the reputation of the Senate as a thoughtful, deliberative body.

I wish Senator Boren well in his new position, and thank him for his 16 years of distinguished service to our country as a Member of the U.S. Senate. It has truly been a pleasure to work with Senator Boren, and we will miss him.

THE RETIREMENT OF SENATOR JOHN DANFORTH

Mr. CONRAD. Mr. President, when the U.S. Senate begins its next session in January, one of our most distinguished colleagues will no longer be among us. As you know, Senator JOHN DANFORTH of Missouri will retire when his current term ends. I wanted to take this opportunity to comment on Senator DANFORTH's career and his service in this body.

Several years ago, David Broder of the Washington Post wrote that if you were to ask members of the Washington Press Corps for a list of Senators who had distinguished themselves for their dedication and service to the Nation one of the names you would hear most often is that of Senator JOHN DANFORTH. U.S. News and World Report singled him out "as an honorable" man. When Senator DANFORTH retires from the Senate it will be the end of a 20-year career in public service beginning in 1968 when he was elected attorney general of Missouri. Senator DANFORTH is the only Republican in the history of his State to be elected to three terms as a U.S. Senator. When he served as chairman of the Senate Commerce Committee, it was the first time a Missouri Senator had chaired a major congressional committee since the end of World War I.

As a senior member of the Finance and Commerce Committees, he has devoted significant attention to international trade policy. The trade goals were aimed at expanding U.S. exports and establishing the concept of reciprocity in trade by removing foreign trade barriers to American goods and services. Senator DANFORTH has authored laws to require strict on-the-job testing of key transportation workers for drugs and alcohol, to strengthen Federal and State laws against drunken driving, and to improve the inspection of safety equipment on commercial trucks and buses. He also has sponsored legislation to modernize airports and our Nation's air transportation system. He was the principal sponsor of the Cable Television Consumer Protection Act that stimulated competition in the cable industry and allowed greater local authority over cable television rates in markets where service was a monopoly. He has been a leader in efforts to reduce hunger and malnutrition throughout the world, and among the many awards he has received is the Presidential World Without Hunger Award.

But perhaps it is his sponsorship of the Civil Rights Act of 1991 that will be best remembered in this Chamber. At times, Senator DANFORTH's convictions forced him to take issue with a President of his own party. But he put what was morally right above what was politically expedient. Discussing Senator DANFORTH's work on the Civil Rights Act, Senator GEORGE MITCHELL cited Senator DANFORTH's "unshakable commitment to a society free of discrimination." As the only ordained minister among us, Senator DANFORTH has over and over reminded us what was morally right.

Senator DANFORTH's dedication to working for the American people without regard to partisanship or parochialism was demonstrated earlier this year when he joined me and several other Senators of both parties to form what came to be called the Mainstream Coalition—a bipartisan group dedicated to reaching a compromise plan for national health care reform. Let me say we did not always agree, but we listened to each other, worked together and eventually came up with a proposed bill that would have dramatically increased access to health care for millions of Americans. In the end, time ran out on health care reform. But as Senator DANFORTH returns to private life we should remember that in his last year here he remained committed to working for the greater good of the people of our Nation. As a friend, I will miss Senator DANFORTH. As a body, we will miss his dedication and service to our Nation.

THE DEPARTURE OF SENATOR HARRIS WOFFORD

Mr. CONRAD. Mr. President, I would like to take a moment to salute the Senate career of our colleague from Pennsylvania, Senator HARRIS WOFFORD. Senator WOFFORD can leave this body proud of an impressive list of accomplishments during a relatively brief tenure here in the Senate.

Senator WOFFORD brought a lifetime of public service to his role as United States Senator. Prior to being appointed to the Senate, he had served as an assistant to President Kennedy, an adviser to Dr. Martin Luther King, a founder of the Peace Corps and a college president. In all these positions he worked to protect the rights and opportunities of all Americans no matter their color, age or economic standing—a fight he has continued here in the Senate.

Perhaps more than anyone, Senator WOFFORD is responsible for placing health care at the top of our Nation's agenda. His election to this body reflected the widespread insecurity felt by America's middle-class about their health care coverage and gave many of us in Congress the impetus to take action.

Senator WOFFORD has worked to author several key reform efforts and I wholeheartedly agree with him that we must reach consensus on health care, and that we must do it sooner rather than later. While we have not been able to reach a viable solution yet, his work on the issue has certainly brought us closer to giving Americans a health care system on which they can depend.

Although well known for his work on health care, Senator WOFFORD has also played a major role on other important issues facing American families during the past 3 years. Last year he sponsored the National and Community Service Act which provides college funds for the youth of this country in exchange for community service. I recall Senator WOFFORD's call for an American Peace Corps as he successfully managed the bill through the Senate. And because of his efforts, Congress passed legislation making it easier for middle-class families to pay for their children's college education.

Mr. President, based on his previous achievements it is clear HARRIS WOFFORD does not need to be a U.S. Senator to make a positive difference in the lives of middle-class America. I have no doubt he will continue to ably serve this country outside this Chamber and to play a major role in the fight for health care security for all Americans. He has served the people of Pennsylvania with great distinction and as he prepares to depart, he should do so with the satisfaction of a job well done.

THE RETIREMENT OF SENATOR HARLAN MATHEWS

Mr. CONRAD. Mr. President, I want to take a few moments today to salute Senator HARLAN MATHEWS of Tennessee. As you know, Mr. President, when our former colleague Senator ALBERT GORE, Jr., of Tennessee was elected Vice President of the United States, HARLAN MATHEWS was appointed to fill his unexpired term.

When he came to this body, HARLAN MATHEWS listed three major goals for his service in the Senate—working to balance the Federal budget, reducing the deficit, and reforming our Nation's health care system. Those concerns were shared by many of us. Before coming to the Senate he served as Tennessee Commissioner of Finance for 10 years, the longest tenure of any commissioner in his State's history. In 1974 he was elected State treasurer of Tennessee and his 13 years in that office again were the longest of any treasurer in Tennessee history. When he came to Washington, HARLAN MATHEWS brought with him a clear understanding of the need for fiscally responsible government.

A fiscal conservative, he demonstrated his commitment to his personal beliefs by cosponsoring legislation calling for a balanced Federal budget and supporting efforts to reduce the Federal deficit. He can point with pride to the fact that during his service in the Senate, we passed by far the most sweeping budget deficit reduction plan in decades. During his tenure as a member of the Senate Commerce Committee, he supported efforts to strengthen U.S. trade policy. Senator MATHEWS felt strongly that our Nation's economic future was linked directly to improving our Nation's trade performance. In line with that view, he sponsored legislation to emphasize the importance of trade relations between the United States and the Asia Pacific nations in an expanding global market.

As a member of the Energy and Natural Resources Committee, Senator MATHEWS was a strong voice for Tennessee on issues ranging from coal production to research and development at the Oak Ridge National Laboratory and preservation of the Great Smoky Mountains National Park. He cosponsored legislation to strengthen the Department of Energy's ability to work with industry and educational groups to share research and technological advances. Senator MATHEWS also has been a team player. He has repeatedly assumed responsibility for presiding over the Senate to relieve other Senators from that obligation. His many courtesies and kindnesses to his fellow Senators will long be remembered in this body.

THE RETIREMENT OF SENATOR DAVID DURENBERGER

Mr. CONRAD. Mr. President, I rise today to speak on the retirement of one of this Chamber's most dedicated Members, Senator DAVID DURENBERGER of Minnesota. In 1988, Senator DURENBERGER became the first Minnesota Republican elected to three terms in the U.S. Senate. Now, Mr. President, Senator DURENBERGER has decided to retire from this body after 16 years of dedicated service to the Senate and to the Nation. Since I came to the Senate 8 years ago my respect for my colleague from Minnesota has grown with each opportunity of working with him on matters of common concern. My home State of North Dakota and his home State of Minnesota share a common border. And although we are of different political parties, we often have worked together in a spirit of bipartisan cooperation on issues of common interest to the Upper Midwest and to the Nation as a whole.

Senator DURENBERGER once said: "We need to measure government by outcomes—not how much government spends." I share that view. He also said one of the problems in Washington is that too often accomplishments are framed by how much money we spend or how much we save rather than what is most important—"what we produce for the American people." Again, I share those sentiments. Time after time Senator DURENBERGER has cast votes to restrain Federal spending even when they were sometimes not politically popular. It is that spirit of political courage, rather than political expediency that has characterized his years in the Senate.

But I think the historic health care reform debate of 1994 may be considered the fitting culmination to the career of my colleague from Minnesota. As a member of the Jackson Hole Group, chairman of the Senate Health Subcommittee from 1981 to 1986, and as a member of the Senate Finance Committee, he has for years been a leader in the effort to enact health care reform. The term managed competition is now a household word, but it wasn't when Senator DURENBERGER began his effort to promote managed care in the early 1970's. In 1993, he cosponsored with Senator JOHN BREAUX of Louisiana the Managed Competition Act, which was based on the experience of Minnesota on the health care issue.

This spirit of bipartisanship has been a hallmark of Senator DURENBERGER's service in this Chamber. He has been called an architect of compromise. he was one of a group of seven Senate conferees who hammered out a realistic compromise to end a 10-year impasse over the Clean Air Act. I have worked with him in a spirit of cooperation on that legislation and other major environmental laws, including the Superfund Act, the Clean Water Act, and the Safe Drinking Water Act. In 1993, he was a leader in the effort that secured the bipartisan compromise allowing passage of a campaign finance reform bill in the Senate. I believe the record of Senator DURENBERGER in working to achieve bipartisan consensus on crucial issues is what the people of this Nation want from their elected officials.

Earlier, I mentioned his years of work to achieve reform of our Nation's troubled health care system. Those efforts continued this year. As you know, Mr. President, Senator DURENBERGER and I joined several other Senators to form what came to be called the mainstream coalition. This was a bipartisan group of Senators who worked to come up with a compromise health care plan that would not create a huge new bureaucracy, but would instead rely on our existing private system to expand access to health care for millions of Americans.

We spent countless days and nights working together to try to reach a compromise. As the debate continued, the mainstream coalition's numbers grew as other Members of this body joined us in the effort at bipartisan accomplishment. It is unfortunate that in the end time ran out and we were unable to see our mainstream plan enacted into law. But that in no way diminishes the work of Senator DURENBERGER and other Members of our group. Although Senator DURENBERGER now will return to private life, he can take satisfaction in the fact that he fought the good fight for health care reform and for the people of our Nation. It is my hope one day he can look back and see the plan he worked on so many hours in his final months in the Senate become the basis for the eventual reform of our country's health care system.

Mr. President, I wish Senator DURENBERGER well as he returns to private life. I also hope those of us who remain will remember his legacy of compromise and bipartisanship as we take on the new issues that will confront us in the next session of Congress.

TRIBUTE TO MS. NANCY BRODERICK

Mr. NUNN. Mr. President, I would like to recognize the retirement of Ms. Nancy J. Broderick, Deputy Staff Director for Congressional Affairs at the Defense Logistics Agency (DLA), who is retiring after 25 years of dedicated public service.

For the past 15 years, Ms. Broderick has worked closely with the Armed Services and Appropriations Committees on numerous defense readiness and acquisition issues. She has worked hard to ensure that the Congress has had ready access to the material necessary to make informed decisions. She was especially effective in assuring that the impact of military logistics was properly considered in our readiness-related initiatives and in helping to clarify the tremendous complexity of acquisition reform.

Ms. Broderick has been a consumate professional. Her candor, energy, and dedication have served as an inspiration to her colleagues, and reflect the best traditions of public service. I wish her the best in her retirement.

THE SATELLITE HOME VIEWER ACT OF 1994

Mr. HATCH. Mr. President, before the 103d Congress finishes its business, I would like to comment on one of the important bills passed by this body, but one that has not, in my judgment, received sufficient attention. I am referring to the Satellite Home Viewer Act, S. 2406, which passed both Houses of Congress in early October and which has already been signed into law by President Clinton.

I was pleased to be a cosponsor of that legislation along with my good friend Senator DECONCINI, Senator LEAHY, Senator THURMOND, and many others. Its principal provision was an extension of the satellite compulsory license, section 119 of the Copyright Act. That provision was scheduled to expire at the end of this year. It will now expire at the end of 1999. The importance of this provision lies in the fact that it ensures uninterrupted reception of basic television service to many Americans who depend on the satellite dish for their television reception. This means most, of course, to our many rural citizens. I know, for example, that in my home State of Utah there are at least 28,000 satellite dishowners who cannot receive television signals in the normal over-the-air manner that most of us enjoy. For them, extension of the satellite compulsory license was necessary at the time, if they were to continue to receive such programming at an affordable price.

I must at this point, Mr. President, note that I have long been an opponent of compulsory licensing as a general proposition. And so it was with some reluctance that I came to cosponsor S. 2406. Instead, I have always believed that our free market system and our copyright laws are strong enough, and flexible enough, to permit our television and cable industries to clear copyrights without the need for Government regulation.

There was, to be sure, a point in time—some 20 years ago—when the cable industry did in fact need the Government assistance which the cable and satellite compulsory licenses provide. But that time has clearly passed. Neither the satellite license nor the cable compulsory license—section 111 of the Copyright Act—was ever intended to subsidize successful companies in perpetuity. However, it became clear as we approached the end of the satellite license's first 5-year experiment that all parties involved in the home delivery of satellite signals needed an acceptable transition to the marketplace, and the final text of S. 2406 provides just such a transition.

I, therefore, commend my colleagues on the Patent Subcommittee for supporting the extension of the satellite compulsory license through 1999. It is my hope that this bill will promote a transition to the marketplace by ensuring that Government established compulsory license rates will reflect the fair market value of the programming on all stations, as specified in the text of the bill.

The decision to seek a compulsory license fee based on "fair market value" under S. 2406 was the result of many compromises, which is the way that most legislation, particularly in the copyright field, is crafted. And, as is often the case with legislative compromises, not all parties are entirely satisfied with the outcome. But I am confident that the legislative language contained in the final text of S. 2406 makes sufficiently clear the intent of the legislators who voted on it that the arbitration panel which must carry out the mandate of S. 2406 will have no need for recourse to the remarks of Senators such as myself when they set about the business of determining the fair market rates required under the law.

One salutary benefit of the compulsory license is its ability to minimize the problem of excessive transaction costs. But the license is fairly criticized for failing to mandate rates that clearly represent the true market value of the programming. I hope that the new arbitration panels established under S. 2406 will develop the practice of encouraging true negotiation among the parties and that this will ultimately lead to a time when the license itself is no longer necessary. In establishing market rates, the arbitration panels must weigh all relevant information supplied by the parties. Although royalty rates paid by cable operators will certainly be considered, their significance will no doubt be affected by the fact that cable charges to subscribers are regulated by the FCC whereas satellite carriers are not subject to rate regulation.

In summary, Mr. President, I would simply restate my desire that license fees which reasonably reflect the true worth of programming be recognized as the ultimate goal of our legislative efforts in this area. That is the only fair way that we can honor America's creative community and protect their valuable, hard-earned copyrights. It may be that the inflexibility written into the cable compulsory license will prevent us from reaching that goal under our current legislative framework. If so, I will not hesitate to suggest again, as Senator DECONCINI and I did in the 102d Congress, that it may be time for a complete overhaul of all compulsory licenses under the Copyright Act.

ROSS EARL THOMAS, SR.

Mr. MITCHELL. Mr. President, on November 19, 1994, Mr. Ross Earl Thomas, Sr., passed away. Mr. Thomas was an employee of the Sergeant at Arms and Doorkeeper of the Senate with 24 years of Federal service.

In 1954 he enlisted in the U.S. Army and during his military career he served in Europe and Asia. In 1963, Mr. Thomas attended Officers Candidate School at Fort Benning, GA and was commissioned as a second lieutenant in the U.S. Signal Corp. He served in the Vietnam war at which time he received many awards and decorations, including the Bronze Star. During his distinguished military career, he served as a member of the elite Green Beret. In 1976, he retired from the Army with the rank of Major.

In June 1992, Mr. Thomas joined the staff of the Senate Sergeant at Arms as Supervisor of Environmental Services. He took great pride in his position as caretaker of the U.S. Capitol Building. Through his efforts, remarkable strides have been made to improve facility services and to meet the needs of Members of the Senate. As a result of his hard work, many visitors to the U.S. Capitol have been provided the opportunity to view this historic building at its very best. Mr. Thomas will be sincerely missed by all and on behalf of the Senate, I extend our sincere sympathy to his family.

RETIREMENT OF MAJORITY LEADER GEORGE J. MITCHELL

Mr. MOYNIHAN. Mr. President, President Clinton announced today that our distinguished majority leader, Senator GEORGE J. MITCHELL, who cast his last vote in the U.S. Senate this evening, will be appointed U.S. Special Advisor to the President and Secretary of State for Economic Initiatives in Ireland.

It is welcome news that the majority leader will continue, at least in the near term, in public service, for it is a pursuit to which he seems to be uniquely qualified—although by no means limited. Senator MITCHELL is in fact the ideal candidate for any job requiring vision, wisdom, integrity, and leadership. Indeed, how many other Americans—in the space of less than 1 year—are deemed to be the number one candidate for a seat on the U.S. Supreme Court, Commissioner of major league baseball, and now Special Advisor to the President on Ireland?

The answer, of course, is none. For Senator MITCHELL is a leader of singular abilities and singular achievements. Since his election as majority leader in 1988, he has led us with incomparable strength and unwavering conviction, but also with immeasurable patience and an uncompromising sense of fairness befitting a former Federal judge.

It is difficult to imagine how we will get along without Senator MITCHELL's formidable presence here in this Chamber. Just prior to the votes on the General Agreement on Tariffs and Trade implementing legislation, the majority leader delivered a masterful speech—as he does before every major vote—in favor of the GATT legislation. It reminded me how much we will miss the majority leader's superb oratory, his lawyerly precision, and his rare gift for persuasion.

The majority leader's retirement from the Senate will be a great loss to this institution, to the State of Maine which he has represented so ably, and to the Nation. We are terribly saddened at his departure, but gratified and comforted by the knowledge that he will be continuing on in service to his country.

HAWAII AIR NATIONAL GUARD'S HOLIDAY FAIR WILL BE TURKEY

Mr. AKAKA. Mr. President, as we enter the holiday season, on December 3, some 200 members of the Hawaii Air National Guard's 154th Operations Group will be taking off for Turkey—the country, that is. There, they will become a part of Operation "Provide Comfort II," furnishing protection to Iraqi Kurds by preventing Iraqi air forces from flying above the 36th parallel. Return to Hawaii is expected to take place on or about January 12 of next year.

The move is intended to temporarily relieve active duty forces who are stationed in Europe. In January, the 154th itself will be replaced by members of the Louisiana Air National Guard.

The 20 F-15 pilots attached to the 199th Fighter Squadron and the 120 maintenance and support personnel accompanying them will be a half-world away from their families during the Christmas and New Year season. Still, as Maj. Wayne "Wildman" Wakeman told a local newspaper recently, his family knows "it's important that we do this, so they feel like they're participating by letting me go. We'll celebrate some other time." 1st Lt. Wade "Ninja" Oganeku stated it most simply and directly: "It's our turn to go. This is what we signed up to do."

That, of course, is true. These dedicated individuals have willingly accepted the obligation of answering their country's call—whenever that call may come. To them, they are just doing their jobs. Nonetheless, as a fervently and deservedly proud representative of Hawaii, I raise this matter for one reason * * * that it is too-often forgotten that the Aloha State is as integral a facet of all our Nation's affairs as any other.

In specific point of fact, the 154th Group is more than integral. It is exemplary. This September, it was presented its fifth Distinguished Flying Unit Plaque from the National Guard Association of the United States. It is also a five-time recipient of the U.S. Air Force Outstanding Unit Award.

I pay high tribute to these committed citizens of Hawaii and the families who sustain them. The sacrifices you make in service to your country are acknowledged with profound gratitude.

WAH KAU KONG, THE NATION'S FIRST CHINESE-AMERICAN FIGHTER PILOT

Mr. AKAKA. Mr. President, this year, we commemorated the 50th anniversary of the Normandy Invasion, which set into motion the liberation of an anguished Europe. D-Day was a monumental undertaking and a stunning achievement. However, Mr. President, during the very same year, the war in Europe was the backdrop of another event—far less historically noted but historic nonetheless—and I would like to bring it to the attention of the members of this body.

On February 22, 1944, Army Air Corps Second Lieutenant Wah Kau Kong flew his 14th and last mission. From his position as wingman to the squadron commander, Kong sighted a Messerschmidt 109. He attacked, streaking in from above, a deadly torrent spewing from the machine guns of his P-51 Mustang. His aim true, Kong's tracers ripped into the German's wing tanks, the exploding fuel rending the craft's airframe.

Kong pulled swiftly out of his dive to avoid a collision and throttled past the burning plane. As the Mustang shot in front of the Messerschmidt, incredibly, a lethal fusillade issued from the flying inferno. Bullets coursed through the P-51's wings, igniting the fuel within, and Kong's fighter erupted in a mass of searing flame. It plummeted into the forest below, slicing through a tree before plowing into the ground.

Wah Kau Kong, the first Chinese-American fighter pilot in United States history had valiantly given his life in battle to the cause of liberty.

Born twenty-five years earlier in the quiet Honolulu neighborhood of Palama, Wah Kau Kong grew up an exceedingly bright young man with an abiding, sardonic wit. He went on to the University of Hawaii and graduated with a bachelor's degree in chemistry, with honors. Possessed of great athletic aptitude as well, Kong was a skilled competitor in swimming, basketball and track and field.

He also undertook another endeavor. Wah Kau scraped together enough money to take up flying lessons. It was the whetting of what would be a lifelong thirst for the freedom of flight.

As a chemist working toward his master's degree when the U.S. entered World War II in 1941, Kong found himself in great demand, particularly by the Federal Government. However, not having been called to active duty, when so many others had, gnawed at Wah Kau. He decided to join the fighting and enlisted in the Army Air Corps in early 1942, recording the highest national score in his entrance examination. Combined with his commissioned officer status through ROTC participation in school and his flying experience, it meant immediate acceptance into the aviation cadet training program.

By the end of the year, Kong had completed the primary elements of flight school. Then began the greater rigors, and often-harsh treatment, of advanced training. The threat of failure was a constant companion, and a number of his comrades "washed out." In May of 1943, though, Wah Kau Kong got his wings.

Now, in the final stages of combat preparation, he moved from the old training planes to a powerful P-39 Airacobra. Skillful, intelligent and gutsy (with the keen reflexes to match his daring), Kong emulated the British tactic of "rhubarb," where trains and other ground targets would be attacked from levels as low as 20 feet. Not surprisingly, he was an adept practitioner. Unfortunately, he was grounded for it when two other pilots were badly injured when they crashed while attempting to do same.

Writing to his family, Kong said, "Flying around here is getting sissified . . . just because of an accident or two. If they keep this up, there will be no difference between us and bomber pilots * * * However in the future I'll cut it out and not try to out-do others too much."

Finally, in October of 1943, Kong was sent to England and assigned to the 353rd Fighter Squadron of the 354th Fighter Group.

The conditions were totally miserable—cold and muddy, with barely-edible food and primitive facilities.

His P-51B Mustang was utterly wonderful—new and powerful, with the ability to escort bombers at high altitude all the way to Germany and back.

While others christened their craft with the names of girlfriends or mothers, exhortations of bravado and the like, it was all far too prosaic for Wah Kau. With typical, unabashedly irreverent flare, he had emblazoned on the cowling of his Mustang: "Chinaman's Chance" and "No Tickee-No Washee."

Weeks passed before Kong was able to see any action, and he was champing at the bit. During an interview with an Army public relations officer, Wah Kau thought to spice up his reputation in a more unique way, having yet to score any victories in the air. "Well," he said, "you could announce that Kong is without question the handsomest Chinese fighter pilot in the ETO." When it was pointed out that he was the only Chinese pilot in the ETO, he replied, "Well, we could drop the ETO and eliminate the Chinese. There's a story, the handsomest pilot."

Finally, on February 11, 1944, he garnered his first air conquest, and what a moment it was! The feat even caught the attention of Time magazine, which reported:

> KONG GETS A GERMAN
>
> The frustrated Nazi was at 27,000 feet, madly popping his Fokke-Wulf's guns at U.S. bombers well out of his range. A U.S. P-51B Mustang turned into him and the Nazi peeled

> off into a diving turn. Ten thousand feet farther down the Mustang pilot nailed his man with a long close-in burst. First the FW's wheels fell out, then the plane exploded and its pieces tumbled earthward. Second Lieut. Wah Kau Kong, pilot of "Chinaman's Chance" and one of the U.S. Fighter Command's hottest aerobats, had made his first kill.
>
> "The handsomest Chinese fighter pilot in the European Theater of Operations" is what the slight, Hawaiian-born Lieut. Kong calls himself (he is the only one * * *).

Time magazine! National recognition! "The handsomest Chinese fighter pilot in the ETO!" "(he is the only one . . .)"

Wah Kau would have been overwhelmed with pride, and surely overcome with laughter, about it all. Would have been. The article was published on February 28, six days after he had flown his last mission in the skies above Blomberg, Germany.

As one would expect, Wah Kau himself summed it all up best. In a letter to his parents, he wrote:

> To me, to sit on the sideline and cheer when I'm needed in the battle, brings a distaste in my conscience and thoughts. I'd like to know and feel that I had a part in the fulfillment of my kind of world and creed—glamour, excitement, adventure, and thrills have something to do with it, but mainly, 'twas my beliefs.

Mr. President, a far more comprehensive biography, "Wah Kau Kong, America's First Chinese-American Fighter Pilot," from which facts and excerpts in my statement were gleaned, has been written by Mr. Dean C. Sensui and Mr. Mun Charn Wong. It was a genuine labor of love and respect for Mr. Wong, who had been a dear friend of Wah Kau Kong since their high school days together. In 1944, determined to find out exactly what had happened, he embarked upon a personal journey of friendship that eventually took him up into the mountains near a little village north of Blomberg, Germany—to the exact spot where Wah Kau Kong's Mustang had crashed. Mr. Wong was instrumental in establishing a special scholarship in Kong's name for academic excellence among Air Force ROTC students at the University of Hawaii. I would like to thank Mun Charn Wong for enlightening me about the historic and inspiring life of Wah Kau Kong.

RETIREMENT OF SENATOR GEORGE MITCHELL

Mr. NUNN. Mr. President, I rise today to pay tribute to GEORGE MITCHELL, our majority leader, on his retirement from the United States Senate and to wish him well on the challenges which await him in the future.

When the 104th Congress convenes next January, the Senate will elect a new Majority Leader. We can and will do that, but we will not be able to replace GEORGE MITCHELL. He will leave a tremendous void in this institution. It will be less wise, less savvy and less compassionate. We will also miss his calm demeanor, his carefully thought out arguments, his great passion when he is fighting for the rights of ordinary people, and his judicious temperament. GEORGE MITCHELL combined great skill in analyzing both legislation and the temperament of this body at any given moment.

In the 22 years I have had the honor of serving in the Senate, I can recall no Senator that I hold in higher regard than GEORGE MITCHELL. We have served together since 1980 when he was appointed to serve the remainder of Ed Muskie's term. I consider myself privileged to have been able to work closely with GEORGE MITCHELL on many occasions, including our work on the Iran-Contra Committee.

Those of us who have had the responsibility as committee chairmen in moving a bill on the Senate floor appreciate Senator MITCHELL's unique talents perhaps more than others. The 2 to 3 weeks that it sometimes takes to complete debate on our Armed Services authorization bill have given me a close vantage point to see the kind of extreme stress and pressure that our Majority Leader has endured in our behalf. From both sides of the aisle, we call on him for special consideration in the schedule, in accommodating our amendments, in enduring or breaking filibusters, and on and on.

Through all of this, GEORGE MITCHELL has maintained his warmth and courtesy and kindness. His dignity and sense of fairness have enhanced this institution at a time when that contribution was particularly important to the Senate and to the country.

GEORGE MITCHELL is a man of many talents. He served with distinction in the United States Army in its counterintelligence branch. He later worked in the Department of Justice. He served as a United States Attorney and as a United States District Judge before beginning his service as a U.S. Senator. Most of his adult life has been dedicated to public service.

To GEORGE MITCHELL, public service is a high calling, not to be undertaken to fulfill one's selfish ambitions or for one's own rewards, but to serve the people. He has had the courage to govern—to endure the long, tedious hours and the delicate negotiations necessary to reconcile opposing parties, to be resolute when that was required, but without rancor or recklessness, always respectful of both those who opposed him, and those who followed his banner.

As Senator MITCHELL so wisely stated the other night at the Senate Spouses' and Retiring Members' Dinner:

> Public service must be and is its own reward, for it guarantees neither wealth nor popularity. And, to paraphrase Rodney Dangerfield, you don't get no respect, either. It's often frustrating. But when you do something that will change the lives of people for the better, then it's worth all the frustrations.
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> Ours is virtually the only Government in history dedicated to opening doors, not closing them. In America today, I believe anyone can go as far and reach as high as work, talent, and education allow. We can't equalize effort or talent. But we can equalize opportunity—the promise of a fair chance to succeed.

Mr. President, I believe these comments by Senator GEORGE MITCHELL reflect his life's story. GEORGE MITCHELL represents the ideal of the American dream. As a son of immigrant parents of humble means, he worked hard to acquire a superb education. Fortunately for this nation, he has chosen to use that education and his talents and skills and the opportunity they opened for him to serve his country and better the lives of its people. I am confident that his future plans will not stray from this course either.

Although in a short time he will no longer be with us day to day here in the Chamber, I and his many friends in the Senate look forward to continuing our friendship.

MOMENT OF TRUTH IN THE MIDDLE EAST

Mr. PELL. Mr. President, we have entered a crucial moment in Middle East diplomacy. In the past several weeks, Islamic extremists from the Hamas and Islamic Jihad organizations have carried out a number of bloody and violent acts that threaten to unravel the peace agreement between Israel and the PLO. The extremists have succeeded in polarizing the Palestinian population to the point where Yasir Arafat's power and influence are in serious doubt. Several extraordinary public demonstrations against Arafat, coming on top of the Palestinian Authority's woeful lack of progress in establishing an economic system, have undermined both Palestinian and Israeli confidence in Arafat's ability to maintain order in Gaza and Jericho.

At the same time—and on a more positive note—Israel and Jordan have made great strides in implementing their landmark peace treaty. The two countries recently announced the establishment of formal diplomatic relations and are expected to exchange Ambassadors before the end of the year. In addition, Israeli and Jordanian citizens have begun cross-border tourist exchanges, and early accounts lend a fair amount of hope to those who look for a warm, cooperative Israeli-Jordanian relationship.

These striking fluctuations in the Middle East peace process underscore the delicacy and uncertainty of the current situation. The noble thoughts and sentiments that were expressed in the Israel-PLO Declaration of Principles, were, after all, only paper and ink. The true test of peace comes now, and success will require hard work, steady concentration, and immense patience on all sides. Even though it seems clear that the parties in the region want to move forward, they are entering a period when they must follow through on promises made, and when they must make some very tough choices so additional agreements can be reached.

A number of difficult issues need to be resolved in the coming year if a comprehensive peace is to remain a possibility. These include establishing mechanisms to prevent the spread of Palestinian violence and terror against Israel, to shore up the Palestinian economy, and to promote an acceptable compromise between Israel and Syria on the Golan Heights. All of these issues will require a tremendous amount of effort from the United States. As my colleagues well know, the Middle East peace process has been a cornerstone of U.S. foreign policy for decades, spanning Republican and Democratic administrations alike. Our interests here have been well defined and seldom constrained by partisanship. I, for my part, expect to work very closely with the administration and with the incoming Republican leadership during the next session to continue to promote this fundamental U.S. interest.

POTENTIAL WASTE OF TAXPAYERS' DOLLARS IN THE FEDERAL GOVERNMENT'S MILITARY FACILITIES PROGRAM

Mr. DORGAN. Mr. President, on Wednesday, June 22, 1994 I conducted a hearing of the Governmental Affairs Committee's Task Force on Government Waste, to examine the potential waste of taxpayer dollars in the Federal Government's Military Facilities Program.

This hearing focused on the fact that poor planning and failure to heed early warning signs have resulted in wasting hundreds of millions of dollars in unneeded and unnecessary construction projects. Further the hearing highlighted the fact that the Department of Defense [DOD] does not have adequate controls in place to ensure the continued need for a facility as it moves through the approval process. Finally, there is overwhelming evidence to suggest that Defense Department routinely ignores the recommendations of the DOD IG or their in-house auditors with respect to redefining or cancellation of unneeded or bloated projects.

This was the case with the Army's plan to construct new office space for 30,000 personnel at Fort Belvoir, VA.

The Army plans to develop new office space at the 820-acre Engineer Proving Ground [EPG] in Fairfax County, VA to consolidate 30,000 Army employees currently in leased space throughout the Metro Washington Area.

An independent report prepared by Tai Realty Consultants of McLean, VA for the Fairfax County Office of Comprehensive Planning and released in October 1993 questioned the viability of the project.

Due to substantial differentials between the value of development rights at the site, and the cost of required infrastructure and of Army buildings, the Tai Consultants concluded the EPG Development Program, as originally envisioned, is simply not feasible. We estimate that the Army's Development Program will result in total, outstanding lease obligations of over $200 million following the sale of the Phase V Development Rights. Based upon somewhat more conservative estimates, this figure would exceed $270 million, and county staff estimates of additional infrastructure costs could increase this amount of by possibly $80 million, or more.

Because of these concerns, I requested that the U.S. Army Audit Service review the feasibility of the proposed project and report their findings to the task force on government waste.

On November 16, 1994, the U.S. Army Audit Service released Audit Report SR 95-753.

Overall Conclusions:

The Army's plan to obtain 2.9 million gross square feet of office space in exchange for development rights on the Engineer Proving Ground was overly optimistic and not financially feasible.

Requirements in the draft request for proposals weren't clear enough to make sure the Army selects the developer that can provide the best value.

The Army's requirement for 2.9 million gross square feet of office space was overstated.

Procedures for keeping potential tenants up to date are inadequate. But procedures for identifying potential tenants needed improvement.

The program manager didn't maintain adequate documentation to support cost analyses. Because adequate documentation wasn't maintained, we couldn't determine if documentation was accurately prepared.

Procedures for identifying the information mission area infrastructure are generally inadequate.

The program office didn't have adequate documentation to support its market projections. We couldn't determine if the projections were reasonable.

Procedures for ensuring the Army receives fair market value for its property were properly documented and reasonable. However, we can't determine how effective they are, until they are implemented.

Because of this report I will request that the Secretary of the Army report to Congress any contractual commitment impacting the EPG at least 10 working days prior to ratification. This action will insure that the project can indeed be completed without cost to the taxpayer and that it meets legitimate military needs.

GEORGE MITCHELL

Mr. KENNEDY. Mr. President, all of us were surprised when we learned last March about Senator MITCHELL'S decision to retire at the end of this session of Congress. But that was then and this is now. And now we know why he did it. GEORGE has always been able to see farther ahead than the rest of us.

But seriously, GEORGE MITCHELL has been an outstanding majority leader for the past 6 years and an outstanding Senator for the people of Maine since 1980.

He began his political career in the office of another outstanding Senator from Maine, Ed Muskie. Even before coming to the Senate, GEORGE had already served his State and his country with great distinction, first as the State Democratic Party Chair, then as the U.S. attorney for Maine, and then as a Federal judge.

When Ed Muskie left the Senate to become Secretary of State in the Carter administration in 1980, GEORGE MITCHELL was appointed to fill the Senate vacancy. He won a dramatic victory to a full term in 1982, and that's when the true MITCHELL legend began. Six months before that election, he trailed his opponent by more than 30 points. But he performed as brilliantly on the campaign trail as he has in so many other endeavors. With the wit, intelligence, charm, determination, and patience that all of us know so well, he won that race by more than 20 points. And in the years since then, it can well be said just as Maine went for GEORGE MITCHELL, so did the Senate and so did the Nation.

When Democrats regained control of the Senate in 1986, it was GEORGE MITCHELL who led us to that victory as chairman of the Democratic Senatorial Campaign Committee. Two years later, he was chosen to be our majority leader—and what a brilliant job he has done ever since.

GEORGE will be missed by every member of this body. Attending to the needs and schedules of 99 other Senators is probably one of the most difficult and thankless jobs in the American political system. But he did it superbly, treating requests from all Members of the Senate equally, and with the fairness and wisdom that have always been his hallmark as leader.

But he also set an ambitious and positive agenda for this body, and he never stopped pushing for its completion. The Clean Air Act. The Minimum Wage. The Americans With Disabilities Act. The 1991 Civil Rights Act. The Family and Medical Leave Act. The Crime Bill. The Goals 2000 and Direct Loan Bills. The dramatic victory for

President Clinton's budget. None of these measures would have passed without the energy, intelligence, and tireless commitment of GEORGE MITCHELL.

I especially commend Senator MITCHELL for his effective role in health reform. His leadership has been indispensable in bringing this issue to the center of the national agenda. In the last Congress, Senator MITCHELL decided to make health reform a Democratic leadership issue. He worked hard to unite our party around the HealthAmerica bill, and his efforts were essential in raising the Nation's consciousness on health reform and laying the groundwork for President Clinton's successful use of the issue of the issue in the 1992 campaign.

In this Congress, Senator MITCHELL knew that the gap between campaign rhetoric and actual legislation would be large, and that the goal would be difficult to achieve. But he made the decision early that this cause was of the highest importance to the American people and deserved the highest priority for action by Congress.

Last summer, Senator MITCHELL led a skillful effort to write a bill that could command the support of most Democrats. In the fall, he worked just as hard to try to achieve a compromise with the bipartisan mainstream group that could command the support of the full Senate.

Senator MITCHELL passed up a nomination to the Supreme Court in order to continue the battle for health reform. Had he been nominated, he certainly would have been confirmed. It is a measure of his dedication and patriotism that he made the choice he did. While his efforts were unsuccessful in this Congress, the progress we made under his leadership has brought us closer than ever to the goal. For this, and for so many other causes that he selflessly and tenaciously supported during his years in the Senate, the American people owe him a profound debt of gratitude.

While he worked hard on these and other national priorities, his first priority was always the people of Maine. Whether creating jobs through Navy contracts for the Bath Iron Works, enacting legislation to help rural Maine communities find doctors and nurses, fighting to keep the Brunswick Naval Air Station and Portsmouth Naval Shipyard open, or working to protect Maine's magnificent environment and natural resources, the needs of the people of Maine were always GEORGE MITCHELL's highest concern.

Of course, he always made time to help his colleagues as much as possible—so much so in fact that JOHN KERRY and I often thought of GEORGE MITCHELL as Massachusetts' third Senator. I have no doubt that many other Senators felt the same way about him. He's been their Senator too—he's that able, and that fair.

But whether we think of him as a great colleague, a great leader or a great friend, we know that we will miss him, just as the people of Maine will miss him. We honor him for his years of outstanding service and for his commitment to his constituents, to this institution and to the Nation. We hope very much that he will soon be back in public service. The Nation needs him.

JIM SASSER

Mr. KENNEDY. Mr. President, I'm honored to join my colleagues in paying tribute to JIM SASSER and his outstanding service to Tennessee, the Senate, and the Nation for the past 18 years.

His friends and colleagues, and especially the people of Tennessee, will miss his dedication to the issues, his hard work for his constituents, his compassion for the average working person, his eloquence in debate, and especially the extraordinary sense of humor he brings to everything he does.

One of the mottoes of JIM's State is "Tennessee—America at its best." And all of us know how well that quality is reflected in JIM.

JIM comes from a family that has always believed government can make a positive difference in the lives of citizens. His career in public service began in his work in the 1960 Senate campaign of another great Tennessee Senator and one of the great populist Senators of all time, Estes Kefauver.

In 1973, JIM was elected chair of the Tennessee Democratic Party. In 1976, he was elected to the Senate, and for the past 18 years, he has been an outstanding leader on issue after issue and a close friend to many of us.

He was effective in championing local economic development projects such as the Oak Ridge National Laboratories and the Tennessee Valley Authority, and equally effective in leading the way on national issues that have made a difference in the lives of millions of Americans.

Above all, we have come to know and admire his outstanding leadership abilities during his brilliant service as chairman of the Senate Budget Committee. He had a special ability to bring even the most difficult negotiation to a successful conclusion. One of his most superb achievements was passage of the 1993 Deficit Reduction Package that has cut the Federal deficit by more than 40 percent.

JIM also ably used his role as Budget Committee chairman to protect America's senior citizens. He skillfully defended Social Security and Medicare against budget cuts. And he was equally a leader in developing more effective ways to make long-term care accessible and affordable to senior citizens who need it.

We honor JIM now for his many outstanding accomplishments. But most of all, we honor JIM for his friendship. We wish him well in the years ahead, and we will miss him dearly.

DON RIEGLE

Mr. KENNEDY. Mr. President, after 28 years of service to the people of Michigan in both the House and the Senate, DON RIEGLE is retiring. His friends, colleagues and constituents will miss him deeply, and his outstanding service to the people of Michigan will be long remembered.

DON's knowledge of business and finance is extensive, and his able leadership of the Banking Committee has been impressive. But his real strength has always been his ability to understand the concerns and defend the rights of average citizens and working families.

He is the son of a small businessman from Flint, Michigan, and early in his career, he seemed to be following in his father's footsteps. He received his undergraduate degree from the University of Michigan and his MBA from Michigan State. He also studied business and government at Harvard before working in financial services for IBM in New York.

But in 1966 DON went home to Michigan, ran for Congress as a Republican, and won. He was a Republican for his first 7 years in the House, but he finally saw the light in 1973 and joined the Democratic Party. In 1976, DON was elected to the first of three terms in the United States Senate.

DON has always been known as a fierce defender of Michigan and its people. Whether it was pushing through the Chrysler Assistance Bill, passing the National Affordable Housing Act, shepherding the HUD Reform Act through Congress, or working hard to deal with the savings and loan crisis, DON RIEGLE has done an outstanding job for Michigan and the country.

On all of these issues and many others, DON has worked tirelessly to provide fair opportunities for all Americans. And he has educated us all on the Senate floor with his eloquence in debate and his brilliant and passionate arguments for the causes he leads.

DON will be especially remembered for the sense of humor, loyalty, and friendship he has shown to all of us in the Senate, and for the leadership that he has always brought to so many issues. To DON and Lori and their five children, we say well done, goodbye and good luck. He has served Michigan, the Senate, and the Nation with extraordinary ability, dedication, and achievement, and we will miss him very much in the years ahead.

HOWARD METZENBAUM

Mr. KENNEDY. Mr. President, I learned with real regret of HOWARD METZENBAUM's decision last summer to retire from the Senate. His retirement is a great loss to the Senate, and to the people of Ohio whom he served so well. It is also a great loss to the country, because HOWARD METZENBAUM is a wise and brilliant and dedicated Senator who has left an indelible mark on virtually every aspect of the Nation's life for the past two decades of his outstanding service.

If President Kennedy were writing his book today, he would have a special chapter on HOWARD METZENBAUM as a profile in courage for our times.

Day after day on the Senate floor, year in and year out, HOWARD METZENBAUM has taken principled stands for the people of America and against the special interests. He has stood up with eloquence and insight and wisdom for the working men and women of America, for the consumers of America, and for the hard-pressed taxpayers of the country. In the years ahead, it will be said of HOWARD METZENBAUM, as it was of Franklin Roosevelt, "He was loved for the enemies he made."

Senator METZENBAUM was often at his best in the closing hours of each Congress—insisting that special interest legislation shall not pass. He has stood up for countless courageous whistleblowers, and in fact he has been a courageous whistleblower himself, insisting that the Senate meet its responsibility to the people.

I could single out a thousand issues and a hundred bills that HOWARD METZENBAUM has left his mark on—and the "Metzenbaum Mark" is like the Good Housekeeping Seal of Approval. It means that these issues and these laws are in better and fairer shape, because HOWARD METZENBAUM cared enough to roll up his sleeves, get to the bottom of the issue, and persuade a Senate committee, the full Senate, and even the entire Congress to do the right thing.

He and I have served together on the Labor Committee and the Judiciary Committee for many years, so I feel his loss especially deeply and personally. His leadership on those two committees from health care and education to the Brady bill and the most arcane issues of antitrust policy, has set the highest standard of excellence for us all.

All Senators, when we take the oath of office, solemnly swear to support and defend the Constitution. Few, if any, Senators have been more committed to that document and to "We the People." Often, in battles for civil rights and on Supreme Court nominations, Senator METZENBAUM's ability and his passionate commitment to the basic principles of the Constitution have carried the day and won the battle. He would have made a great Supreme Court Justice too.

I know the decision to retire was a difficult one for Senator METZENBAUM to make. And I suspect that all of us, on both sides of the aisle, wish it had come out the other way. It has been both a privilege and a constant learning experience for us all to serve with HOWARD METZENBAUM. He will rank as one of the greatest Senators in the long and enduring history of this institution. We will miss his leadership and his statesmanship—but most of all, we will miss his friendship.

HARRIS WOFFORD

Mr. KENNEDY. Mr. President, it is an honor to join in the tributes to our outstanding colleague from Pennsylvania, HARRIS WOFFORD. His Senate years, like his entire career, have been extraordinary.

I suspect it all began as a young man, when HARRIS went to India to study the career of Mohandas Gandhi. In many ways, HARRIS exemplified that ideal—the ideal of the Philosopher-activist. There could have been no more appropriate joining of student and subject, because HARRIS WOFFORD—in the Senate for the past 3½ years and throughout a lifetime of public service—has been an American version of that ideal.

All of us who know HARRIS recognize his outstanding qualities, especially his unflinching commitment to doing what is right. He knows the details of policy issues as well as the broader social and historical context from which they emerge. He is able to reach across partisan and ideological lines to bring about far-reaching agreements that are compromises on details and tactics, but that are never compromises of basic principles. He is a Senator I have been proud to work with in the Labor and Human Resources Committee and on the floor of the Senate on so many issues to improve the quality of life for hard-working men and women across this country.

HARRIS served in the Army Air Corps during the Second World War.

He went from the Army to the University of Chicago, to India, to a kibbutz in Israel, and to Howard University Law School. After he graduated from law school, he enlisted in one of the great moral struggles of our time here in the United States, the fight for civil rights for American of all races. HARRIS was an adviser to Martin Luther King from the time of the Montgomery bus boycott onward. He helped draft the first Civil Rights Act in 1966 and was counsel to the U.S Commission on Civil Rights under Rev. Theodore Hesburgh.

HARRIS' work in civil rights had a special significance for the Kennedy family. He was a key aide to Senator John Kennedy in his 1960 campaign, and he was a special assistant to President Kennedy with responsibility for chairing the sub-cabinet group on civil rights. He also worked with Sargent Shriver on the creation of the Peace Corps, and was its associate director.

After leaving the Peace Corps in 1966, HARRIS served as the president of two colleges, as well as practicing law. He entered public service again in 1987 as secretary of labor and industry for the State of Pennsylvania.

HARRIS was appointed to the Senate in 1991. He won re-election in his own right later that year in a dramatic victory over Dick Thornburgh. HARRIS' election sent a shock wave through Washington, because it showed that universal health care was an issue that mattered deeply to the people of Pennsylvania and to the people of this country. HARRIS crystallized the issue in two simple sentences: "Under the Constitution, those accused of a crime have the right to a lawyer. It should be just as fundamental that when a person is sick they should have the right to see a doctor."

Just as securing the right to equal justice under the law for African-Americans was a basic test for the Nation in the 1960's, securing the fundamental right to health care for all Americans is a basic measure of our national character in the 1990's. HARRIS WOFFORD had the vision to understand both of the imperatives, and the commitment and courage and skill to help others to understand the need for action.

I have worked most closely with HARRIS on the causes that engaged us on the Labor Committee over these past 3 years—the struggle for universal health care, for community service, for an effective school-to-work educational program to improve job opportunities for the young, and for many other important issues. HARRIS' contributions to our work cannot be over estimated.

Community service was a cause HARRIS brought with him from his days at the Peace Corps, and even more from his life experience and his vision of citizenship. He was a strong and effective voice for passage on that landmark legislation in 1993. On the school-to-work legislation, the programs he created in Pennsylvania provided an important model for our committee's efforts, and he helped immeasurably in shaping the legislation and moving it to final passage.

On health reform and universal health care—the cause with which his Senate career has been most identified—he worked to bridge bipartisan differences by cutting bureaucracy and streamlining the program. He was the principal author of the provisions in the bill protecting privacy and creating administrative simplification. He authored important provisions protecting retirees, and he worked to include a program giving senior citizens and others a chance to participate in a voluntary program providing insurance against high nursing home costs at a reasonable price.

But more than any specific provision, it was HARRIS' constant and unremitting effort to push the committee and the Senate toward reform that was his unique contribution. And until the very end of the debate in the full Senate, he worked with his usual optimism, extraordinary spirit, and deep commitment to find some way of enacting at least a down payment on reform this year. We did not reach the goal line this year, but surely no one moved the ball farther toward that goal than HARRIS WOFFORD.

When the framers of the Constitution conceived the idea of a U.S. Senate, they had in mind the notion of an assembly of wise statesmen, philosophers who would take the long view of the Nation's needs and an expansive vision of its interests. HARRIS WOFFORD has been the kind of Senator the founding fathers would have liked the most. I am proud to have had the opportunity to serve with him, and I am confident that the Nation will have future opportunities to call on his unique talent for public service.

DENNIS DECONCINI

Mr. KENNEDY. Mr. President, as this Congress ends, I would like to offer a few words in tribute to a colleague who is retiring after 18 years of distinguished service, Senator DENNIS DECONCINI.

Senator DECONCINI has been an able leader in the Senate's efforts to reduce crime, gun violence, and the use of illegal drugs. For many years, he worked to assure that the fight against illegal drugs received the attention and support of the executive and legislative branches. And he played an indispensable role this year in securing passage of a comprehensive ban on the sale of semiautomatic assault weapons.

Senator DECONCINI also was a leader in the Senate's successful effort to extend temporary safe haven to refugees from the bloodshed in El Salvador. Through his determined efforts, that program was enacted into law.

Senator DECONCINI also performed admirably as chairman of the Subcommittee on Treasury, Postal Service, and General Government on the Appropriations Committee. All of us know how difficult it is to allocate Federal dollars in this era of scarcity. Senator DCCONCINI did an excellent job in these very difficult times.

Senator DECONCINI also did an excellent job as chairman of the Intelligence Committee, where he diligently examined the failures of the CIA in the Aldrich Ames case.

I had the privilege of serving with Senator DECONCINI on the Judiciary Committee, where he ably chaired the Subcommittee on Patents, Copyrights, and Trademarks. That panel plays a tremendously important role in shaping our Nation's policies regarding technology, innovation, communications, literature, and the arts. During his tenure, DENNIS skillfully crafted patent and copyright legislation that advanced consumers' interests while carefully balancing the rights of others.

We worked closely together on a number of important measures, including the Visual Artists Rights Act, which enables painters and sculptors to prevent the desecration of their work, and legislation to enable biotechnology firms to better protect their innovative products.

These are but a few of Senator DECONCINI's many accomplishments. He was a very able Senators, skilled at finding common ground with Senators from both sides of the aisle.

I want to join my colleagues in extending our very best wishes to DENNIS DECONCINI for every happiness in the years ahead.

DAVID DURENBERGER

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to our able colleague from Minnesota, DAVE DURENBERGER, who is retiring at the end of this Congress.

DAVE and I have worked together on many issues, but I have especially valued and long admired his understanding of our health care system and his commitment to better health care for the American people. We have sometimes differed on the best way to achieve that goal, but I have always admired his willingness to work as hard as possible to achieve this objective.

I have worked with DAVE on health care issues since 1986, when we jointly introduced the Access to Health Care Act. We worked closely together on the COBRA extension of coverage legislation in 1986. It now makes insurance available at employer group rates to more than three million people a year who otherwise would have lost their coverage when they lost their job, when they were widowed, or when they were divorced or disabled. We also worked together in 1986 to modify the formula for calculating the Medicare hospital deductible which unfairly burdened our senior citizens.

Since DAVE joined the Labor and Human Resources Committee in 1989, our work together has extended far beyond health. Senator DURENBERGER played a vital role in the passage of last year's national community service legislation, which is giving thousands of Americans the opportunity to serve their communities and receive educational aid in return. When we considered the bill in the Labor Committee, he urged us to emphasize not just national service, but also community service, and at his suggestion we changed the bill's name to the National and Community Service Trust Act of 1993.

On the Senate floor, at Senator DURENBERGER's request, we included a provision requiring the Corporation for National and Community Service to look closely at some of the essential aspects of national service, such as the importance of educational awards in attracting participants and the significance of diversity in service programs. Most important, when Republican Senators had concerns with the committee-reported legislation, DAVE DURENBERGER served as an able negotiator, worked out key compromises, and helped draft the alternative bill that eventually passed the Senate with strong bipartisan support.

Senator DURENBERGER has been a steadfast and indispensable leader in shaping bipartisan education legislation. He helped develop a new Federal agenda that moved away from support for categorical, fragmented programs and toward greater support for locally-developed school reform.

On Goals 2000, he was an unwavering supporter of the legislation itself and of the cloture vote that became necessary for the bill to pass. He also was a principal architect, along with Senator HATFIELD, of the "waiver flexibility demonstration" that will give 6 States the authority to waive Federal education regulations that are barriers to coherent planning by local schools.

On the Elementary and Secondary Education Act, he crafted a sound and far-reaching charter school provision and shepherded it through the legislative process. Federal support for charter schools is now an important reality for Massachusetts and many other States. He was also a dependable partner in the cloture petition on that legislation. In addition, Senator DURENBERGER was an early, consistent, and effective advocate for direct student lending, which Congress passed as part of the Budget Reconciliation Act of 1993.

On each of these occasions, Senator DURENBERGER was willing to fight for what he believed, despite strong pressures to oppose it. Instead, he helped mold in it ways that broadened its appeal, improved its quality, and made it genuinely bipartisan, in the best tradition of leadership.

His willingness to fight for what he believed to be the right course was nowhere more apparent than in the battle for universal health care. As a key member of the "Mainstream Coalition," he worked hard to pass a constructive alternative to President Clinton's plan and to resist proposals that he felt would not sufficiently expand coverage or use true market principles to reduce health costs.

DAVE DURENBERGER achieved a great deal during his career in the Senate. I will miss him greatly as we continue to deal with the issue of comprehensive reform of the health care system, and I wish him well in the future.

JACK DANFORTH

Mr. KENNEDY. Mr. President, as this Congress draws to a close, I would like to pay tribute to one of our retiring colleagues, Senator JOHN DANFORTH. Throughout his 18 years in the Senate JACK DANFORTH has ably represented the people of Missouri, and he has earned the admiration and respect of each and every one of his Senate colleagues as a man who stands by his principles.

Over the years, I have had the opportunity to work closely with him in many efforts to preserve and extend the laws protecting the civil rights of all Americans. When the Bush Administration refused to support legislation to overrule a series of Supreme Court decisions that had carved large loopholes in those laws, Senator DANFORTH worked tirelessly to craft a bill that could and did overcome that opposition. In the highest tradition of the party of Lincoln, Senator DANFORTH rejected the harsh politics of division, and the Nation owes him a debt of gratitude for his outstanding efforts.

Senator DANFORTH has been a voice of conscience on other issues as well. An ordained minister in the Episcopal Church, he has steadfastly resisted efforts to breach the Constitutional separation of church and state. And after the Supreme Court's decision in the flag burning case, when some sought to limit the First Amendment's guarantee of freedom of speech, Senator DANFORTH studied the issue carefully, and his thoughtful and effective opposition to a constitutional amendment turned the tide in the public debate. When JACK DANFORTH spoke of the liberties guaranteed by the first amendment, Senators listened.

He and I did not agree on every issue. But he has been a man of his word, open to compromise, and free of partisan bitterness. He has been an outstanding Senator. We will miss him in the Senate. We wish him and Sally every happiness in the years ahead.

ON THE RETIREMENT OF SENATORS

Mr. RIEGLE. Mr. President, several of my Senate colleagues will be retiring with me at the end of this Congress. Some of them, like Senators SASSER, DANFORTH, WALLOP, and DECONCINI, were elected in 1976 just as I was. Others, like Senators BOREN, MITCHELL, MATHEWS, WOFFORD, and DURENBERGER, arrived in later elections. But we all arrived in the Senate with a common goal; to help improve the lives of our constituents, and the Nation as a whole. Although we may have had differing views on how to accomplish our goal, each of us has endeavored to do our best for our constituents and our country.

I have been very fortunate to work closely with some of these Senators over the past years, and I would like to congratulate them on their important public service.

HOWARD METZENBAUM has had a great impact on my life, and the lives of many of us here. It is an understatement to say that he is both a great Senator and a great human being. He has brought special qualities to the Senator—he is a man of conscience with the courage and skill needed to act upon his conscience. Every debate was elevated by HOWARD's participation, and his fearlessness in confronting tough issues is the stuff of political legend. Nobody works harder or accomplishes more than he does, and this institution will be diminished by the lack of his presence. I have been honored to have worked shoulder to shoulder with HOWARD on countless issues that matter to the working people of our states, and I am especially privileged to be his friend.

When HOWARD announced his retirement, he paid tribute to his wife, Shirley. HOWARD has had the good fortune to have a loving wife and partner, and a family situation from which great children and grandchildren have come. I know that he's looking forward to spending more time with Shirley and their family, but I'm glad to know that as the head of the Consumer Federation of America HOWARD METZENBAUM will still be on the political front lines, fighting for the interests of working Americans.

The end of this Congress will also mark the departure of our majority leader, GEORGE MITCHELL. I have rarely seen such exceptional talent and grace in a person as one sees in GEORGE MITCHELL. He has one of the toughest jobs in Government, even tougher than the President's at times, and he has helped elevate the Senate with his dignity, brilliance, and fierce determination. In every way, GEORGE MITCHELL has been the model of what a majority leader should be. Had fate been different, he might well have served as President. He would have had my vote.

I have also worked with him in Finance Committee on an issue of great importance to all Americans—health care reform. GEORGE MITCHELL worked tirelessly over many years with every Senator who genuinely wanted to forge a meaningful compromise on this issue. In the past 2 years, the majority leader endeavored to find a workable middle ground and, although we were finally blocked from passing health reform legislation, he continued to work on this issue until the very last days of session.

A couple of months ago, most of our colleagues attended a dinner for GEORGE MITCHELL during which he gave a most moving speech, reflecting on his years of service and the pivotal moments of his life. It is the kind of speech that can change a young person's life, and so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATE MAJORITY LEADER GEORGE J. MITCHELL, OCTOBER 5, 1994

I'm grateful to President Clinton, to my colleagues from the Congress, and to all of you for your support for this scholarship fund. This is as important to me as anything I've done since I entered public service.

Before I entered the Senate, I had the privilege of serving as a Federal judge. In that position, I had great power. The one I most enjoyed exercising was when I presided over what are called naturalization ceremonies. They're citizenship ceremonies. A group of people gathered before me in a federal courtroom. They'd come from every part of the world. They'd gone through the required procedures. Now in the final act, I administered to them the oath of allegiance to the United States. And then I made them Americans.

It was always emotional for me because my mother was an immigrant, my father the orphan son of immigrants. They had no education and they lived hard lives. But because of their efforts, and more importantly, because of the openness of American society, I, their son, am today the Majority Leader of the United States Senate.

After every ceremony I spoke personally with each of the new Americans. I asked where they came from, how they came, why they came. Their stories were as different as their countries of origin, but all were infused with a tangible and inspiring love for this, the country of their choice. The answers of the new Americans to my question of why they came were different. But a common theme ran through them. It was best expressed by a young Asian man who replied, in slow, broken English: "I came because here in America everyone has a chance." A young man who'd been an American for five minutes summed up the meaning of America in a single sentence. Here, everyone has a chance.

But in the twenty-first century, and the third century of American history, everyone will not have a chance to succeed unless they first have a chance to learn. The competition will be fierce and unforgiving. Those who lack knowledge and skill will not succeed. I consider myself to be especially fortunate. I had a chance. I got an education.

My mother spent her entire working life on the night shift in textile mills. She was a woman of strength and substance, the most influential person in my life. My father was a laborer and a janitor. Like many in their generation, they devoted their lives to providing for their children the education they never had. They had a profound, perhaps even exaggerated sense of the value of formal education. Although they died without property of prominence, my parents had rich and fulfilling lives by their standards—and mine.

I experienced early in life the value of learning. In my junior year at high school, I met an English teacher named Elvira Whitten. I was fifteen years ago, naive, totally lacking in self awareness or self-confidence. I had never read a book, other than what was required to move from one grade in school to the next. She was elderly, intelligent and kind.

One day she asked me to come back to class after school. I did, not knowing what to expect. She talked for a few minutes, then she asked me what and how much I read. I told her. She picked a book up off her desk and handed it to me, and said she thought I would find it interesting.

She made it clear I didn't have to read it, but she asked if I would, for her, and, if I did, to come back and tell her what I thought of it. I agreed to read the book because I respected her and knew that it would please her. That night, I got into bed, opened the book and began reading.

It was "The Moon is Down," a short novel by John Steinbeck about a wartime military occupation—presumably the Nazi occupation of Norway. I stayed up most of the night reading it, and could hardly wait to tell Mrs. Whitten about it. She smiled, handed me another book and said, "I thought you'd like it. Here's another one you might like."

It went that way for a few months, and then she gently suggested that I start picking out my own books. I did so, and felt the first stirring of self-worth. It was my exposure to the world of books, to the excitement of knowledge, and it was my first step to adulthood.

I've often wondered what would have become of me if I had not met Mrs. Whitten, or if she had not taken an interest in me. I will always regret that before her death I never went back to tell her what a difference she made in my life. This is my way of doing so, and through her, all of the other teachers who hold the wondrous power to open young minds and inspire young lives.

Earlier this year, when I announced that I would not seek reelection, I received hundreds of requests from groups who wanted to honor me in some way. I asked that all such offers be concentrated into this one effort. The money raised tonight will be combined with the remainder of my campaign fund to set up a scholarship foundation to help needy and deserving students get a college education.

Nothing is more important to success in American life than a good education. I believe that, because of my own experience and because of what I expect to be the rising demands of the next century.

I once needed help and got it. Now, fate has provided me the opportunity to help others. I'm grateful for that opportunity. And I'm grateful to you for helping to make it possible. I've been proud to serve the people of Maine in the United States Senate. It's a great honor, the greatest of my life. But when the 104th Congress convenes in January, I will not be there to take the oath of office as a United States Senator.

My decision not to seek reelection was based solely on my personal concept of public service. I will miss the Senate. I will miss my colleagues. Most of all, I will miss public service.

I've been in the private sector and then in the public sector, and I'm now returning to the private sector. I take nothing away from private life when I say that nothing can ever give the deep and meaningful satisfaction that comes from public service. Public service gives work a value and meaning greater than mere personal ambition and private goals.

Public service must be and is its own reward, for it does not guarantee wealth, popularity, or respect. It's often frustrating. But when you do something that will change the lives of people for the better, then it's worth all the frustrations. We are the most fortunate people ever to have lived, to be Americans, citizens of the most free, the most open, the most just society in human history. Ours is virtually the only government in history dedicated to opening doors, not closing them.

In America today, I believe anyone can go as far and reach as high as work, talent, and education allow. We can't equalize effort or talent and we shouldn't. But we can provide equal opportunity—the promise to everyone of a fair chance to succeed. It's because of the promise of America that I was able to become the Majority Leader of the United States Senate.

Whatever new problems arise, whatever unforeseeable challenges come, if we can keep that promise alive for our children and theirs, America will lose her way. For me, that's the purpose of public service, its inspiration and finally, its reward.

Thank you for your support, your trust, and your friendship.

Mr. RIEGLE. Mr. President, JIM SASSER and I came to the U.S. Senate together in the 1976 election. We've served together on Budget Committee for many years now, and we have been most fortunate to have him as the chairman of that committee. He was masterful and tireless in handling the many complex aspects of the budget process. His important accomplishments will leave a lasting mark on our country.

JIM SASSER and I have worked closely together, we have relied upon each other's counsel and advice, and I deeply admire and respect him—and feel very privileged to have been his seat mate on the Senate floor.

On the Budget Committee, JIM has led our country to greater economic stability and a dramatically declining deficit—without draconian cuts to vital human programs. He fought to keep the budget firewalls down and to make fair and reasonable program cuts where necessary. JIM SASSER has led the charge for policies of economic expansion, job growth and increased economic investment. He has represented the people of Tennessee with integrity, and he has served his country with strength and honor.

JIM has also managed to do something that is all too rare around here—he's successfully combined the roles of husband, father, and Senator. JIM's wife, Mary, has been with him for 32 years and she and their two children, Gray and Elizabeth, deserve great credit in putting up with the often harsh demands of public life.

Senator DAVID BOREN is another colleague who is leaving the Senate, in fact he has just resigned his seat so that a new Oklahoma Senator could be sworn in. DAVID announced many months ago that he had been asked to become the next president of the University of Oklahoma. With his exceptional talent, the University and its students will be very fortunate indeed.

DAVID BOREN began his public service career in the Oklahoma House of Representatives in 1966. He was the youngest sitting Governor when he was elected in 1974, and he served in that office until 1979 when he won his first Senate election.

As a member of Agriculture Committee, DAVID has pushed policies that have positively affected farmers in my State of Michigan and across the country. The Farm Credit Act of 1987 stabilized the Farm Credit System and saved thousands of borrowers from bankruptcy. He has also taken a lead role in pushing for improved export programs which will increase our farm products' markets overseas. As DAVID has now embarked on his new life as president of the University of Oklahoma, I wish him and his wife, Molly, happiness and success.

The 104th Congress will also mark the departure of my good friend Senator DENNIS DECONCINI, who has been in public service for over 22 years. His first successful Arizona campaign was for Pima County attorney in 1972, a position in which DENNIS distinguished himself as a tough prosecutor, especially on drug crimes.

Four years later, he and I were both elected to our first terms as U.S. Senators. In the years since then, DENNIS has continued championing drug enforcement issues on the Judiciary Committee and as chair of the Select Committee on Intelligence, as well as being active on the Appropriations Committee, Veterans' Affairs Committee, and the Select Committee on Indian Affairs. He has served the people of Arizona with distinction, and has continued the tradition of public service established by his parents, Evo and Ora.

DENNIS is a man of heart and conscience, who cares deeply about the public interest and our country's future. He has been devoted to his work as a Senator and he has accomplished much that is good and that will be enduring. He will be missed by the Senate—and missed by me.

Another Senator who has dedicated his life to public service is HARRIS WOFFORD of Pennsylvania. Few people have led a life as touched by history as HARRIS WOFFORD. He was a key aide to John F. Kennedy in his 1960 presidential campaign, and effectively forged the bond between Senator Kennedy and Dr. Martin Luther King that was a key event in the closing days of that historic election. HARRIS went on to become Special Assistant to President Kennedy and helped found the Peace Corps, an organization in which he later became Associate Director and Special Representative to Africa.

HARRIS was an advisor to Dr. Martin Luther King from the time of the Montgomery Bus Boycott in 1955, was chairman of President Kennedy's Sub-Cabinet Group on Civil Rights, and has been a tireless advocate for civil rights and liberties in our country for the past 40 years.

HARRIS WOFFORD has also been a leader in voicing the concerns and needs of working men and women in our country, served admirably as Pennsylvania's Secretary of Labor and Industry, and continued to actively champion those issues here in Congress. The U.S. Senate has benefited greatly from HARRIS WOFFORD's great decency and effective service, as have the people of Pennsylvania. We need more people like HARRIS WOFFORD at all levels of public service. I wish HARRIS, his wife Clare, and their family all the best in the years to come—I have no doubt that they will continue their active lives of public service.

Finally, I would like to say a few words about my good friend and able colleague Senator HARLAN MATHEWS. HARLAN has served the State of Tennessee, in various roles, for the past 44 years. In the 1950s, he was a staffer for Governor Browning, became a budget advisor to Governor Clement, and went on to become Commissioner of Finance. HARLAN held that post through Governor Ellington's administration and, after a decade, became the longest-serving Finance Commissioner in Tennessee history.

He went on to be elected as Tennessee State Treasurer in 1974 and, again, he went on to hold that position for a record 13 years. HARLAN was serving as Deputy to Governor McWherter when he was asked to serve the remaining 2 years of Vice-President GORE's Senate term.

Here in the Senate his has always been a voice of reason and clear thinking. His insight has shaped our actions here and I, like others, have come to greatly value his counsel. I shall miss his company. As he has in the past 40 years, HARLAN represented the people of Tennessee with integrity and dedication, and I send to him and to Patsy our best wishes for their future.

FINAL ADDRESS

Mr. WALLOP. Mr. President, 18 years ago, and again 12, and again 6 years ago, the people of Wyoming sent me to Washington to reaffirm their vision of America—to protect the America they know and love against all enemies foreign and domestic. In each of my campaigns, I made no bones about who those enemies were, and what we should do about them. Today, as I choose to end my years in the Senate, I am delighted that our main foreign enemies have collapsed, happy to have been among the staunchest opponents of communism and the Soviet Union, and thrilled to have played a major part in leaving our country a splendid new weapon against new enemies who might arise. But I regret that the domestic enemies against whom I campaigned—big government and the culture of statism—are a greater threat than ever to the American way of life. The only encouraging sign on this front is that illusions about the benevolence of government have well-nigh vanished among ordinary Americans. Perhaps politicians will get the message.

Far be it from me to claim credit on behalf of conservatives for the fall of communism. I thank God alone for the fact that the bloody hammer and sickle was hauled down the Kremlin's flagpole on Christmas Day 1991. And I recognize that the Communist system, corrupt in every way, would still be aiming missiles at us except for the total, comical incompetence of Mikhail Gorbachev. It is both presumptuous and futile to speculate what effect, if any, foreigners had on the minds of the Soviet officials who made decisions that inadvertently destroyed the Soviet Union. Their intramural discussions at the time contained nothing either about the hardness or the softness of American policy. Nor for that matter are they about economics. The evidence points to Gorbachev, his friends, and his antagonists being motivated by the pettiest politics. Moreover, living in the house that Stalin built, they had lost the will to rule by mass murder, as Stalin had.

But we can be precisely certain of what Americans were trying to do with regard to the Soviet Union. There can be no doubt about some of us. I told anyone who would listen, every chance I got, that the Soviet Union and its empire were our mortal enemy, that we ought to do everything in our power to throw it on the scrap heap of history, and that we ought to prepare to fight, survive, and win a war against it. President Reagan felt this passion but there is little doubt how ridiculed this point of view was in high places. Just look up the countless declarations of the Secretaries of State about how brilliant Gorbachev was, and how dedicated we should be to a United States-Soviet partnership. Or look up theirs and the prestige press' disdain for the view that communism was something to be destroyed, not compromised with. These same sophisticates opposed providing the key weapons to the Afghans who defeated the Soviet invasion of their country. As chairman of the Budget Subcommittee of the Intelligence Committee, I doubled the budget for our Afghan operations every time it came before me, and put in provisions for Stinger missiles. I also fought these same officials to put weapons into the hands of the Nicaraguan Contras who defeated a Soviet–Cuban takeover of their country that could have put Mexico onto a path far worse than the excellent one that it is now treading. When these officials, never mind liberal Senators, put their faith in arms control and in the Soviet Union's observance of treaties, I preferred to trust in American defensive weapons. The Soviet Foreign Minister acknowledged that the American officials and Senators felt no inclination to apologize to those whom they had maligned for being right. But that was not surprising. A press that had joined them in maligning us was not about to insist upon contrition.

Most of all I am proud of the role I played between 1978 and 1983 in starting many of the Defense Department programs that would later be labeled SDI. Let me emphasize the difference: The programs I helped to start did not aim at research. Nor did they aim at abstract, grand schemes: They aimed to produce actual, individual weapons and sensors to kill missiles that could kill Americans. Then President Reagan put the SDI Program into the hands of people who, sad to say, wanted to use it for every imaginable purpose—except to build real weapons. And so, in the name of SDI, hucksters spent billions of dollars for never-never projects, while arms controllers handicapped real weapons programs diluting, delaying, and usually dooming them.

But, I am happy to say, one anti-missile program managed to survive SDI better than might have been expected. This is the chemical-power space based laser, the very weapon that first raised interest in serious missile defense 15 years ago. No program was so maligned as this. Everybody from Edward Teller to Sidney Drell said this laser weapon couldn't be built, and—paradoxically—said it would be dangerous to try to build it. None was so politically incorrect. But in a nutshell, by adhering to the guidelines I laid out for it 15 years ago, this program has produced all the pieces of a weapon that could destroy any missile ever built or designed within 2 seconds, at distances greater than 3,000 miles. If this country and this Congress want protection against the missiles that Saddam Husseim, Kim Jong-Il, or anybody else might send against us or our allies, they have only to say so, and this defensive weapon can be put together. It is there. Now.

Sure, the arms controllers in the U.S. Government made certain that no program would produce any component of a weapon. But the good guys can play with definitions as well as the bad guys—and sometimes the good guys win. The Space-Based Laser Program was broken up into any number of pieces. But the people running the pieces remembered: Don't build laboratory devices. Build only things that can be mass-produced. If you must scale down a piece of equipment, do it by using a fraction of other parts you would use in the real McCoy. Thus the laser you can see at the TRW facility at San Juan Capistrano, CA develops about 2 megawatts of power. But it has only one-third of the pieces that an 8-megawatt missile killing device would have. And what is there is laid out in a frame designed from the outset to accept the remainder of other pieces. So it is with the rest of the weapon.

The credit goes to the marvelous American engineers who did it. I hope that the incoming Congress takes the opportunity to spend some of the money that the American people mistakenly believe is spent on our mutual protection to buy this device, which could save millions of American lives. If this happens, I will be glad I had something to do with making it possible.

But why continue to worry about foreign enemies now that communism is gone? In short, because as Charles de Gaulle used to say, "The future lasts a long time." During the past half century we have been involved in only two major wars, and the parts of the world that are most important to us have been relatively peaceful because the United States of America has been militarily strong. But in recent years, under Presidents of both parties, we have been living under the assumption that history has ended. Nothing could be further from the truth. No assumption could be more dangerous. American military power—and nothing but American military power—has kept a Pax Americana over Europe and the Northern Pacific Rim. Now that American power is withdrawing, we see NATO humiliated on its doorstep, and Japan and South Korea cowering before North Korea's budding nuclear arsenal. We risk losing the world that our grandfathers won for us in World War II, and we risk the birth of a world disorder that may require a lot more from our children than the post-war world has required of us.

Our country needs better defense policy. Reversing the shrinkage and denuclearization of our Armed Forces, as well as providing a serious anti-missile defense, would be good places to begin. More important, we need a more serious national discussion of foreign and defense policy. I am leaving the Senate, but will take part in that discussion.

The people of Wyoming first sent me to Washington in 1976 in part because I articulated their frustration with Federal occupational safety and health regulations. Who could be against health and safety on the job? Who could be against clean air and water? Certainly not the good people of Wyoming. Certainly not me. Our beef—if you will pardon the expression—is with a government that uses these and other lofty purposes as a means of exercising arbitrary bureaucratic power. Government at all levels taxes, spends, and regulates roughly twice as much as when I grew up. It touches every aspect of our lives, and harms just about everything it touches. It will fine you for not wearing a seatbelt, but will not protect your life from criminals. It will deliver contraceptives to your children, but cannot deliver the mail. It prohibits a Jewish community in New York from having a school district—who knows what politically incorrect things their kids might learn from reading the bible—and it forces the culture of abortion on the whole country. In the name of racial equality, the Government forces us to discriminate on the basis of race. Once upon a time, our Government was a bulwark against domestic enemies. Now big Government has become our chief domestic enemy.

In 1980 the American people voted for the Republic Party, hoping that the Republicans would shrink the Government and make it switch sides in the great cultural conflict that is raging among us. But the Republicans put on their tuxes and spent their time trying to make the system work. And so taxes rose, regulations multiplied, officials became more arrogant, courts took over more of other people's powers, and society continued to become less recognizably American. In 1992 the American people threw out a Republican President who, obviously was on the side of the Government rather than of the people. Now the electorate has put its hopes in a Republican Congress, but the American people have made clear that they do not trust Republicans very far. Almost three out of five Americans say they would like to see a new political party—and most of those who say so usually vote Republican. To me, this means that the Republican Party has one more chance to be on the side of the America's people and against their Government. If it muffs this chance, it will be abandoned—deservedly so. The electorate asked republican politicians to do something very unnatural to any politician—yield back power. Restore the people's dominion over turf you have now occupied from democratic plantation managers.

What should the Republican Party do? Nothing less than to pursue a vision of America radically opposed to that of contemporary sophisticates—the America our Founding Fathers established, our fathers fought for, and the America we grew up in. Our Founders—Washington, Jefferson, Lincoln—set this country on the path to greatness by making sure that our Government would be small and frugal, that it would be on the side of the virtues necessary to preserve the system. Lincoln, for example, argued that accepting slavery as an alternative source of labor would undermine respect for all labor, and that it would foster the habit of living off one another. Lincoln taught that fear of God, respect for human life, freedom and property, would allow generations of Americans who had no blood ties to the Founders to become "flesh of the flesh and blood of the blood" with them. The Government established by the Founders did not make us moral. But it took pains to be on the right side of the great moral questions.

This country was peaceful and secure not because the streets were patrolled by Government agents, but because citizens enforced high standards of civil behavior, because citizens were armed and protected their own property, and because local police were highly responsive to the demands of local citizens. The police knew the difference between the decent citizens whom they served, and the deviants against whom they worked.

This country was wealthy not because of its natural resources—the Indians had lived in violent semi-starvation—or because Government gave us this or that, nor because Government forced wages up nor because it granted privileges to favorite companies. Americans created more wealth than the world had ever known because Government in America taxed less, regulated less, and gave fewer privileges than any other government in history.

This country became a world power not because there are so many of us—the Chinese are six times as numerous—or because we are so rich—the European Union has a bigger economy—or because we have so many weapons—Russia has more. Our numbers, our wealth, and our weapons became military power because the American people are more patriotic, and more apt to think that we have a duty to do what is right and reasonable than any other people in the world. And we became powerful because until recently our leaders honored the American people's religion and manliness, and because they themselves served in the Armed Forces.

With each passing year, however, our America resembles less and less what the Founders left us and looks more and more like the countries our immigrant forefathers tried to get away from. This is happening in large part because the people who are running this country want it to happen and have used the enormous powers of the U.S. Government to make it happen.

But Why? It is all too plain that the people who are running this country deeply dislike the America of the Founders. If the people who run our Government, our universities, our media, the entertainment industry, the arts, and the so forth had their way, you and I would be placed in re-education camps—financed by us, of course—to learn new ways.

What do the elites of this country have against us? They think our patriotism is unsophisticated at best, and chauvinistic at worst. They thought our opposition to communism was dangerous and anti-progressive. The current generation of American leaders thought that we were on the wrong side in the Vietnam war. Two-thirds of our Congressmen have never served in the Armed Fores. Military service is the rare exception in the families of those who have the most to say about putting Americans in harm's way. Many in power say that America is nothing special, and that our troops ought to do the bidding of the United Nations. Moreover, our patriotism exalts qualities that they abhor: manliness, righteousness, the capacity to use force.

Often as not American political elites dislike the American people's prosperity. It is the stated policy of the U.S. Government that the American people consume too much of the world's energy and natural resources, that our appetite for automobiles, for meat and comfortable houses, is a drag on the planet and contributes to poverty in the Third World. So, those who run this country want to tax us to support the United Nations, and they want us to make cars and industry more expensive. They think that America suffers from public poverty amidst private luxury, so they want to tax more and to regulate more, to shift power and wealth to people like themselves. Whether the excuse is environmentalism, or poverty, or crime, the recipe is always the same: Take money away from independent working Americans and give it to the favorites of the governing class. It transfers only power—not solutions, only dependency, not liberty.

Of course, this is a recipe for economic decline. I would remind the Senate that nowhere in the writings of the Founding Fathers is there anything about managing the economy. Our Founders wanted to promote prosperity. So they set about ensuring that Government would be small, frugal, impartial, and moral. We became a wealth country because Government, in Jefferson's words, would not "take from the mouth of labor the bread it had earned." If we abandon the Founders' mores, no economic policy can keep us out of the poorhouse.

Our leaders dislike our tradition of self-government. They equate local control of crime with brutality and racism. Local zoning is racism. Local control of schools is racist. We are all racists—except they. The have turned laws that prohibit racial discrimination into mandates for racial preferences in everything from school admissions to congressional districting, to hiring and firing and promotions, and contracting, and insurance, and lending. A whole industry has grown up to administer this American form of apartheid. If you want your town or business to stay out of trouble nowadays, you need highly paid and well-connected human relations specialists. Within the U.S. Government, in schools and businesses, there are mandatory counseling sessions—not unlike under communism.

Of course this sows racial hatred amongst us. It emboldens young blacks to demand menacingly, and creates new classes of victims among young whites, Hispanics, Asians and politically unconnected people in general. But in the end, this has nothing to do with race, and everything to do with leftist politics. The people who run these programs are white men, who are not about to give up their own privileges to anybody. In the name of racial justice, and at the price of racial harmony, they are increasing their own power to privilege their friends at the expense of everyone else, and to diminish competition for themselves.

The people who run this country don't care about public safety, having made it very difficult for States and localities to police themselves, having left ordinary citizens with no choice but to protect themselves as best they can. They are now trying to take our guns away. In fact they blame us and our guns for crime. This is so wrong that it cannot be an honest mistake. The don't want safety for us. The want to strike at our culture.

The people who run this country don't care that our children are being diseducated or that schools are becoming factories of ignorance and decay. Every proposal regarding education that has come out of the establishment has called for more money. Over the past 30 years we have tripled the amount of money that we pay to the public schools per pupil, in real terms. And guess what? Not only has educational performance dropped everywhere, but it dropped worst where we spent most. The places where kids are not being hurt too badly, where test scores are highest, are out in the sticks—in places like Utah, Iowa, and Wyoming, where the establishment has not yet been able fully to implement its model of big, bureaucratically controlled districts that give out condoms, banish prayer, teach self-esteem, and bash all American history prior to the 1960's, maybe we hicks aren't so stupid after all. But the establishment continues to want money, tries to grab more control, and keeps looking down on us.

Above all, the people who run this country have deep contempt and enmity for the culture on which it rests. What must be the moral priorities of those who run the Democratic National Committee, who declared that the Christian pro-family movement is the most serious threat to America today? What vision of America must be in their minds that they are frightened by the prospect of more moms, dads, and children going to church? Clearly their's is a vision very different from George Washington's and Abe Lincoln's. And are Republican leaders so different? The tell us we are zealots if we talk about social issues and about the role of religion in public life. I say, what else is worth talking about? They say: concentrate on the economy. But prosperity comes from the morality and sense of responsibility of the population, as well as from small government. It comes from the culture, not from recipes dreamed up in Government offices or think tanks.

So how do we safeguard, how do we promote the culture that made us prosperous? Do we do it by celebrating people who terminate their responsibility to the child they have conceived by killing him or her and at the same time use Medicaid to provide fertility medicines? Do we say, as Stephen Douglas said about slavery, that we "don't care" one way or the other? I think Lincoln would warn us against expecting that any sort of prosperity, never mind decency, could be built on such views of responsibility and human life. Again, can education turn out competent workers, never mind decent citizens, if it continues to stress condoms over continence and relativism over religion? And again, are we going to be healthy economically—never mind in other ways—if our establishment keeps on talking and spending as if alternative families and alternative lifestyles were on the same moral plane as mom, dad and the kids? Not a chance.

The sum of all this is that our Government is run by people who are using the powers vested in them by the Constitution, and the powers that come from spending $1.5 trillion per year of our money to undo what remains of the culture, the habits, the freedoms that made this country unique. There is a struggle about what kind of country we will be. Government and its allies in the media, education, and big business are on the wrong side.

It is all too easy to list the ways in which the U.S. Government is providing incentives to break up families, to put generations and races at war with one another, to devalue honest work, to dumb-down and coarsen children, for bureaucrats to seek their own interest, for businesses to court regulators, to seek protection, and the public be damned. It is also easy enough, as well as satisfying, to discuss remedies for all these phenomena.

We can and should end welfare—not "as we know it." Just end it, period. Charity for those who deserve it is something with a long and honorable history. But the short history of welfare tells us that as a Federal program it does no good, only harm.

We can and should eliminate Social Security. Just as certainly people who are already retired or about to retire should get every penny already promised. But just imagine if every penny deducted from us henceforth went into individual retirement accounts. We could all look forward to a lot more money, and the Government would have a lot less to spend from day to day.

For the monsters of Medicare and Medicaid we can and should substitute individual medical savings accounts, backed up by vouchers.

We can be rid of the ponderous educational establishment by giving parents vouchers for whatever amount any level of government taxes them to educate their children.

We can be rid of the most noxious parts of the university world by cutting all direct aid to higher education and substituting tuition scholarships to individual students which they must repay. Where this scheme has been tried, students deserted rotten professors in droves.

We can stop our tax system's pressure against families by increasing deductions for children. Perhaps those moms who want to will be able to raise their own children again.

We can be rid of the terrible bureaucracy of the IRS, and of all the distortive inequities of the system just by instituting a flat tax.

We can restore self-government by reducing the power of the Federal courts to review the acts of State courts and the enactments of State legislatures.

The objective of these and many other provisions would be to shrink Government and to stop it from doing further harm.

The good news is that all these things are double. Sure, the American people are sick enough of big government and have learned to distrust the establishment so much that a reform program of this kind stands a chance. The bad news is that no set of legislation or even constitutional amendments is going to sweep away the entrenched interests and bad habits built up over a generation. Our moral fiber has been damaged. We are no longer quite the virtuous people for whom the Founding Fathers wrote the Constitution, the people who fought at Gettysburg and at Omaha Beach. That is why to set us back on the Founders' path we need moral leadership. By this I mean that we must understand every change we make above all as a means of restoring the character that made Americans unique.

We want to cut taxes not primarily because doing so will put more money in our pockets, but principally because it will put the means of freedom in our hands. We want to cut the Government's power to grant privilege not primarily because privilege is economically inefficient, but because we don't want to be a nation of favor-seekers. We want to keep and bear our guns not because we want to shoot somebody, but because we have an irreducible right to take care of ourselves. Moral leadership, today as in 1789, does not mean that the President of the United States forces anyone to go to church or synagogue. But it does mean that by word and deed he leads the country in giving unto God the things that are God's. Today according to the current Supreme Court, Abraham Lincoln's proclamation of Thanksgiving Day would be unconstitutional. I say that Lincoln knew better, and that recent Supreme Court decisions on religion are unconstitutional.

It is impossible to lay out all the instances in which political leaders can exercise moral leadership precisely because every act of Government influences our habits in some way. Let us not forget that the Greek philosophers taught that we are the sum of our habits, and that the Greek word for habits is "Ethics." If we want to live like Americans, we had better shun the ethics of the people who are tearing down this country, and strive for the ethics of those who built it.

Let me conclude by noting that I have not mentioned the name "Clinton," and that I mentioned both the Republican and Democratic Parties as part of the problem. America faces a choice between two radically opposed views of itself and of the good life. On one side is the view you and I grew up with, the view of the Founders, the way of life of most families in this country. On the other is the view you can read in the pages of Time magazine, the New York Times, and the Prestige Press. This is the view that animates the U.S. Government. The great question of our time is whether Government will continue to work against the original American way of life, or will switch and support it as it once did. The only possible way of enabling Government to make this switch, I think, is to cut it down to a small fraction of its current size. Now, this is an issue that transcends parties. It is an issue that, most likely, will cause a realignment of Parties, or even the death of one or both of our current parties and the birth of a new one. The more secular we have become the more we pray to Government for that which we once prayed to God. Nothing happens anymore. Everything is caused and is therefore to someone's credit or blame. This is nonsense and is unsustainable policy. Decency yields no more credit than indecency. How can we sustain families on this notion?

All of that is not so important. The only important thing is that the American people and the American way of life be defended against their enemies, and that they be defended worthily.

In all my public life, nothing has cheered and sustained me as much as the constantly recurring evidence of the good sense and virtue of the American people. And nothing has angered and dispirited me more than politicians' and other so called elites' disdain for the average American.

I recall that during the first half of the Vietnam war, the wise men of foreign policy, from McGeorge Bundy to George Ball, were belittling the American people's demand, echoed by Barry Goldwater, that we win the war or get out. No, they said. This insistence on victory is simplistic, unsophisticated, outdated, and lacking in maturity. In our modern age, victory is impossible but involvement is inevitable. Knowledgeable professionals, namely themselves, were going to adjust the conflict to a mutually acceptable solution, if only the children of lesser Americans—not their own—would continue to get themselves shot. Then in the second half of the war, as well as after the war, these same people told us that our militarism had pushed us in, that we had gotten the lesson we deserved, but that now we, the American people, had become incapable of supporting a meaningful foreign policy, namely one led by them. This was Henry Kissinger's constant theme in the 1970's. Remember the tones of Spenglerian gloom with which he justified renouncing the United States' right to protect itself against ballistic missiles? The weakness of the American people made him do it. By the same token, during the 1980s, from Strobe Talbott in Time magazine as well as from Harvard and Stanford, we heard how dangerously stupid the American people were to harken to Ronald Reagan's call to defend this country and to relegate the Soviet Union to the dustbin of history. The elites knew better—or thought they did. Now the same people decry as neo-isolationism the elites' call to send the children of average Americans—surely not their own—to so-called peace-keeping and nation-building missions. Meanwhile they strip this country's military while their bungling diplomacy stores up future troubles. And they wonder why the American people think foreign policy is a mess?

Well, the American people lack neither wisdom nor the capacity for generous sacrifice. The same year the people of Wyoming sent me to Washington, the country also elected Jimmy Carter. Carter had campaigned for "A government as good as its people." He had seemed to reject the establishment's prescriptions for America's managed decline, most eloquently expressed by Henry Kissinger. Sadly, he brought in a wing of the establishment that was even further out of sympathy with America. Almost the same can be said of the American people's choice of Bill Clinton my point is this: the American people always vote for the Presidential candidate who seems to embody the old American virtues, the traditional, common sense view of America in the world. More often than not, alas, politicians have not been worthy of the people's trust. They have drawn on the well of the American people's generous patriotism, but have done nothing to refill it. Thank God that well is deep.

Today it is fashionable among Republican as well as Democratic elites to ascribe the ills of big government to the American people's supposedly insatiable appetite for government checks and privileges, combined with their miserly unwillingness to pay for them. According to what one can hear from practically every talking head in the mainstream media, pork and corruption are demand-side problems. The politicians and their bureaucratic allies are innocent, just following orders.

This is nonsense. The social programs that have done so much harm to this country have been sold to the

American people with false pretenses. Sometimes the very names of the programs are Orwellian reversals of reality—none more so than "aid to families with dependent children." Who would have voted for Social Security if it had been presented as what it is, a chain letter, a ponzi scheme, that spends the workers money the moment it comes in, and that cannot return it unless each generation is taxed more heavily than the previous one? Who would have voted for Medicare if it had been made clear that this would bureaucratize and render much more expensive all health care in America? And who the heck voted for the Supreme Court decisions that ended America's tradition of local self-government, and made pornography, abortion, and vagrancy into basic rights while pushing religion out of public life? Who ever voted to institute a system of racial classification in this country? Certainly not the American people. All of these things are anathema to the average American.

But now comes the crucial questions: How long can any people, no matter how virtuous, remain uncorrupted when governed by laws and elites that tend to corrupt? This week's New York Times carries an account of widespread tax evasion in Germany. In Germany? That most order-loving of countries? Buy why? Simply because it seems that tax burden has grown so great that the people think it unreasonable. There is no doubt that our own laws and administration, fiscal and otherwise, have become so burdensome and unreasonable that our own tradition of law-abiding is fading.

There is no doubt that entitlements and privileges corrupt those who give and those who receive them, whether they are rich or poor. This list of threats to the American people's virtue is long. No one can say how long the character and habits bequeathed to us by the Founding Fathers will last and whether they will vanquish the threats or be overcome by them.

The size our continent, its fabulous wealth, its indescribable beauty, the ships, tanks, and airplanes in our arsenal, are no treasure compared to the moral character of the American people. I pray to God that he will graciously help us preserve and improve it.

REGULATORY DIFFERENTIATION OF ANIMAL FATS AND VEGETABLE OILS

Mr. HARKIN. Mr. President, on this final day of the 103d Congress I want to mention my interest in continuing to work in the next Congress to enact legislation to clarify Congressional intent regarding the regulation of animal fats and vegetable oils under provisions of the Oil Pollution Act of 1990. I was pleased to have the opportunity during this session to work with Senator LUGAR on legislation designed to bring a common sense resolution to the regulation of these animal fats and vegetable oils. I hope that we will be able to bring these efforts to fruition in the next Congress.

Last spring, with Senator LUGAR's cosponsorship, I introduced legislation, S. 2065, to require that Federal agencies, in implementing the Oil Pollution Act, differentiate between animal fats and vegetable oils, and other oils and greases, including petroleum products. Later in the session we worked to enact provisions addressing this problem as a part of other legislation, and did finally succeed in gaining unanimous Senate passage on October 8 of S. 2559, a free-standing bill consisting of language similar to that which had previously been passed only by the House as parts of larger bills. Unfortunately, there was no opportunity for the House to take up S. 2559 during this Congress.

This legislation, designed to alleviate burdensome and unnecessary regulations, is straightforward and eminently reasonable. It would simply require that agencies differentiate in their regulations between animal fats and vegetable oils, which are nontoxic, and other oils, including petroleum oils, based on their physical, chemical, biological and other properties, and on their environmental effects. The differentiation would apply to agency classifications of such oils and to regulations governing response plans and other aspects of the transportation and handling of oils. The legislation would in no way exempt animal fats and vegetable oils from appropriate regulation. It would simply require that agencies use commonsense to devise reasonable regulations which take into account the particular properties and characteristics of animal fats and vegetable oils.

Because of the clear merit of and need for this legislation, I can foresee no good reason why we should not be able to obtain its enactment very early in the next Congress.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees. (The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bill, previously received from the House of Representatives, was read the first and second times by unanimous consent and referred as indicated:

H.R. 5292. An act to amend the Defense Base Closure and Realignment Act of 1990 to extend the deadline for the submission of nominations for the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3494. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of proposed obligations for fiscal year 1993; to the Committee on Armed Services.

EC-3495. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on program activities to facilitate weapons destruction and nonproliferation in the Former Soviet Union for fiscal year 1994; to the Committee on Armed Services.

EC-3496. A communication from the Deputy Under Secretary of Defense (Logistics), transmitting, pursuant to law, the report on cargo preference for the period June 1, 1993 through May 31, 1994; to the Committee on Armed Services.

EC-3497. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3498. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3499. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3500. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3501. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3502. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3503. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3504. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-3505. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the notice of a determination to use less than full and open competition to award a contract; to the Committee on Commerce, Science and Transportation.

EC-3506. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the status of public ports of the United States for calendar years 1992 and 1993; to the Committee on Commerce, Science, and Transportation.

EC-3507. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the efforts of the United Nations and North Atlantic Treaty Organization in Bosnia-Herzegovina; to the Committee on Foreign Relations.

EC-3508. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the correction of the automated visa lookout system; to the Committee on Foreign Relations.

EC-3509. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the designation by the State Department of a senior advisor on women's human rights issues; to the Committee on Foreign Relations.

EC-3510. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of certifications and justifications for waiving certain prohibitions for certain countries; to the Committee on Foreign Relations.

EC-3511. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential determination for assistance for Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC-3512. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential determination relative to Rwanda and Burundi; to the Committee on Foreign Relations.

EC-3513. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential determination relative to Serbia and Montenegro; to the Committee on Foreign Relations.

EC-3514. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a determination relative to the countries of Europe and the Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC-3515. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a proposal relative to Serbia and Montenegro; to the Committee on Foreign Relations.

EC-3516. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of proposals relative to the Non-Proliferation and Disarmament Fund; to the Committee on Foreign Relations.

EC-3517. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on U.S. agreements and commitments relative to efforts in Haiti; to the Committee on Foreign Relations.

EC-3518. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-3519. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-3520. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-3521. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-3522. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3523. A communication from the President and Chief Executive Officer of the Enrichment Corporation, transmitting, pursuant to law, the report of the Office of Inspector General for the period July 1, 1993 through October 31, 1994; to the Committee on Governmental Affairs.

EC-3524. A communication from the Executive Secretary of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3525. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3526. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report relative to the Program Fraud Civil Remedies Act of 1986 for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3527. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report relative to the Program Fraud Civil Remedies Act of 1986 for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3528. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the allocation by agency and account of procurement-related budgetary resources; to the Committee on Governmental Affairs.

EC-3529. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3530. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3531. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3532. A communication from the Chairman of the Federal Reserve System, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1994 through September 30, 1994; to the Committee on Governmental Affairs.

EC-3533. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3534. A communication from the Commissioner of the General Services Administration, transmitting, pursuant to law, the report on the utilization and donation Federal personal property programs; to the Committee on Governmental Affairs.

EC-3535. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3536. A communication from the Chairperson of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3537. A communication from the Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period May 1, 1994 through September 30, 1994; to the Committee on Governmental Affairs.

EC-3538. A communication from the Chairman of the National Endowment For the Humanities, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3539. A communication from the President of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3540. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-3541. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report relative to the Program Fraud Civil Remedies Act for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3542. A communication from the Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3543. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the valuation of the U.S. Coast Guard Military Retirement System for fiscal year 1993; to the Committee on Governmental Affairs.

EC-3544. A communication from the Chief of Staff of the White House, transmitting, pursuant to law, a report relative to the Executive Office of the President's Drug Free Workplace Plan; to the Committee on Governmental Affairs.

EC-3545. A communication from the Director of the Woodrow Wilson Center, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC-3546. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1994 through September 30, 1994; to the Committee on Governmental Affairs.

EC-3547. A communication from the Director of the Division of Commissioned Personnel, Department of Health and Human Services, transmitting, pursuant to law, the report on the Public Health Service Commission Corps Retirement System; to the Committee on Governmental Affairs.

EC-3548. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1994 through September 30, 1994; to the Committee on Governmental Affairs.

EC-3549. A communication from the Director of the Office of the Personnel Management, transmitting, pursuant to law, the report on the physicians' comparability allowance; to the Committee on Governmental Affairs.

EC-3550. A communication from the Director of the Office of the Personnel Management, transmitting, pursuant to law, the annual report on drug and alcohol abuse prevention, treatment and rehabilitation programs and services for Federal civilian employees; to the Committee on Governmental Affairs.

EC-3551. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the reports and testimony for September 1994; to the Committee on Governmental Affairs.

EC-3553. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Analysis of Fiscal Year 1995 Consolidated Cash Flow Statement"; to the Committee on Governmental Affairs.

EC-3554. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Program Review of the District of Columbia Lottery and Charitable Games Control Board For Fiscal Years 1988 Through 1993"; to the Committee on Governmental Affairs.

EC-3555. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "D.C. Auditor Testimony on the Government Managers Accountability Act of 1994—Bill 10-705"; to the Committee on Governmental Affairs.

EC-3556. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Review of Implementation of the D.C. Depository Act During Fiscal Years 1992 and 1993"; to the Committee on Governmental Affairs.

EC-3557. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Program Review of the Economic Development Finance Corporation For Fiscal Years 1989 Through 1993"; to the Committee on Governmental Affairs.

EC-3558. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-331 adopted by the Council on October 4, 1994; to the Committee on Governmental Affairs.

EC-3559. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-332 adopted by the Council on October 4, 1994; to the Committee on Governmental Affairs.

EC-3560. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-333 adopted by the Council on October 4, 1994; to the Committee on Governmental Affairs.

EC-3561. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-334 adopted by the Council on October 4, 1994; to the Committee on Governmental Affairs.

EC-3562. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-335 adopted by the Council on October 4, 1994; to the Committee on Governmental Affairs.

EC-3563. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-336 adopted by the Council on October 4, 1994; to the Committee on Governmental Affairs.

EC-3564. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-337 adopted by the Council on October 4, 1994; to the Committee on Governmental Affairs.

EC-3565. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 10-338 adopted by the Council on October 4, 1994; to the Committee on Governmental Affairs.

EC-3566. A communication from the Assistant Secretary of Interior for Indian Affairs, transmitting, pursuant to law, a proposed plan for the use and distribution of the Mission Indian's judgement funds; to the Committee on Indian Affairs.

EC-3567. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Refugee Resettlement Program; to the Committee on the Judiciary.

EC-3568. A communication from the President of the United States, transmitting, pursuant to law, the President's report on Immigration; to the Committee on the Judiciary.

EC-3569. A communication from the National President of the Women's Army Corps Veterans Association, transmitting, pursuant to law, the annual audit of the Association for the year ending June 30, 1994; to the Committee on the Judiciary.

EC-3570. A communication from the Assistant Attorney General, transmitting, pursuant to law, the annual report of the Bureau of Justice Assistance for fiscal year 1993; to the Committee on the Judiciary.

EC-3571. A communication from the President of the National Safety Council, transmitting, pursuant to law, the combined report of the audit of the financial transactions of the National Safety Council; International Safety Council; Foundation for Safety and Health; and the Texas Safety Association/National Safety Council Joint Venture; to the Committee on the Judiciary.

EC-3572. A communication from the Assistant Secretary of Education (Office of Special Education and Rehabilitation Services), transmitting, pursuant to law, the report of final priorities—Early Education Program for Children with Disabilities; to the Committee on Labor and Human Resources.

EC-3573. A communication from the Assistant Secretary of Education (Office of Special Education and Rehabilitation Services), transmitting, pursuant to law, the report of final regulations—Training of Interpreters for Individuals Who Are Deaf and Individuals Who Are Deaf-Blind; to the Committee on Labor and Human Resources.

EC-3574. A communication from the Secretary of Education, transmitting, pursuant to law, the biennial report of the waivers approval list of schools with significant minority enrollment; to the Committee on Labor and Human Resources.

EC-3575. A communication from the Chairman of the National Advisory Council on Educational Research and Improvement, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Labor and Human Resources.

EC-3576. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Department's Advisory Council for Employee Welfare and Pension Benefit Plans for calendar years 1992 and 1993; to the Committee on Labor and Human Resources.

EC-3577. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the implementation of the Breast and Cervical Cancer Mortality Prevention Act of 1990; to the Committee on Labor and Human Resources.

EC-3578. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Older Americans Act: Funding Formula Could Better Reflect State Needs"; to the Committee on Labor and Human Resources.

EC-3579. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Substance Abuse and Mental Health Services Administration; to the Committee on Labor and Human Resources.

EC-3580. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Child Care and Development Block Grant; to the Committee on Labor and Human Resources.

EC-3581. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Department's Council on Alzheimer's Disease; to the Committee on Labor and Human Resources.

EC-3582. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Low Income Home Energy Assistance Program for fiscal year 1993; to the Committee on Labor and Human Resources.

EC-3583. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the User Fee Feasibility Study; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM-671. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

"ASSEMBLY JOINT RESOLUTION NO. 87

"Whereas, The Congress of the United States enacted the Education for All Handicapped Children Act of 1975 (Public Law 94-142), now known as the Individuals with Disabilities Education Act (IDEA), to assure that all children with disabilities in the United States have available to them a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities; and

"Whereas, The Congress of the United States developed a formula in 1975 to determine the maximum amount of funding to which states are entitled for purposes of implementing the federal mandates to provide special education and related services. That entitlement amounts to "40 per centum, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per pupil expenditure in public elementary and secondary schools in the United States," multiplied by the number of children receiving special education and related services; and

"Whereas, 1995 budget appropriations measures currently pending before Congress only propose to fund special education programs in the states, under Part B of IDEA, at approximately 7 percent. That amount is 3 percent less than Section 1411 of Title 20 of the United States Code authorized for the fiscal year ending September 30, 1979; and

"Whereas, The California Master Plan for Special Education was approved for statewide implementation in 1980 on the basis of the anticipated federal commitment to fund special education programs at the federally authorized level; and

"Whereas, The Governor's Budget for the 1994-95 fiscal year includes $1.6 billion in General Fund support for special education programs; and

"Whereas, The State of California anticipates receiving approximately $220 million in federal special education funds under Part B of IDEA for the 1994-95 school year, even though the federally authorized level of funding would provide over $900 million annually to California; and

"Whereas, In addition to the $168 million local general fund contribution required by state law, local educational agencies in California have to pay for the underfunded federal mandates for special education programs, at the cost of approximately $600 million annually, from regular education program money, thereby reducing funding that is available for other education program; and

"Whereas, Whether or not California participates in the IDEA grant program, the state has to meet the requirements of Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701) and its implementing regulations (34 C.F.R. 104), which prohibit recipients of federal financial assistance, including educational institutions, from discriminating on the basis of disability, yet no federal funds are available under that act for state grants; and

"Whereas, California is committed to providing a free and appropriate public education to children and youth with disabilities, in order to meet their unique needs; and

"Whereas, The California Legislature is extremely concerned that, since 1978, Congress has not given states the full amount of financial assistance necessary to achieve its goal of ensuring children and youth with disabilities equal protection of the laws; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature respectfully memorializes the President and Congress of the United States to provide the full 40 percent federal share of funding for special education programs by the year 2000, so that California and other states participating in these critical programs will not have to take funding from other vital state and local programs to fund underfunded federal mandates; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Chair of the Senate Committee on the Budget and the Chair of the House Committee on the Budget, to the Senate Committee on Appropriations and the Chair of the House Committee on Appropriations, to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of Education."

POM-672. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"ASSEMBLY JOINT RESOLUTION NO. 62

"Whereas, Violent felons account for nearly two-thirds of all prisoners; and

"Whereas, Recent events, however, have demonstrated that many violent felons who should be incarcerated for the protection of the public, are instead out of prison and free to prey upon helpless citizens; and

"Whereas, The lack of adequate prison space significantly contributes to this situation and will continue to result in the early release of inmates who constitute a danger to public safety; and

"Whereas, The recent enactment of the "3 strikes, you're out" law has been said to be too costly in that it will require the construction of new prisons; and

"Whereas, The Governor has called for the construction of six new prisons to be financed through the issuance of two billion dollars ($2,000,000,000) in state general obligation bonds; and

"Whereas, California has many major military bases scheduled for closure; and

"Whereas, It is reasonable to argue that living facilities that are adequate for our fighting men and women are adequate for housing prisoners; and

"Whereas, While some security related modifications of closed military bases may be necessary in order for the bases to be used for state prison purposes, some security measures are already in place, and the modifications would in many cases require relatively minor expenditures; and

"Whereas, California's base closures will result in the loss of 250,000 jobs and forty billion dollars ($40,000,000,000) to the local economy; and

"Whereas, California has already lost 800,000 jobs due to the recession and California continues to lag behind the rest of the nation in recovery from the recession; and

"Whereas, The federal government should assist in the economic recovery of California; and

"Whereas, Allowing conversion of closed military bases in California for state prison use would provide an opportunity for the federal government to assist in this recovery by providing the state with the needed savings in capital outlay expenditure and by facilitating the replacement of lost defense-related jobs in the affected communities; and

"Whereas, Conversion of closed military bases to state prisons would address the need for new prison space without the need for the issuance of construction bonds, thus saving the state two billion dollars ($2,000,000,000) plus the financing costs at a time when the state should do whatever possible to maximize its resources; and

"Whereas, The conversion of local area military bases to state prison use shall be approved by the local area reuse commission or entity; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to allow California to, upon local approval, convert closed military bases to state prisons; and be it further

"*Resolved*, That the Speaker of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-673. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs.

"ASSEMBLY JOINT RESOLUTION NO. 24

"Whereas, Fraudulent payment of charge card and credit card accounts with misappropriated checks is becoming increasingly common; and

"Whereas, Thousands of inquires are being made each week to charge card and credit card companies regarding the misappropriation of checks intended for payment on a particular account but which were applied to another account; and

"Whereas, An illegal practice has developed among dishonest persons employed in a bookkeeping or accounting capacity, wherein these dishonest persons have taken advantage of existing industry practice which holds that the remittance stub is controlling as to the payment of checks which were submitted with the remittance stub of one account, although the checks were intended for payment on another account; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, and the Federal Reserve Board and its Board of Governors, to review the Truth in Lending Act (15 U.S.C. Sec. 1601 et seq.), Regulation Z, and other related statutes and regulations that control the information required to be disclosed on the billing statement for charge cards and credit cards, and make appropriate revisions thereto, such that cardholders are required to be advised that the only way to ensure that their check is credited to their account is to inscribe the payee's name and the words "for credit to account number——only," with their account number, on the portion of their check designated "Pay to the order of"; and be it further

"*Resolved*, That the Legislature of the State of California urges that Congress enact a statute or the Federal Reserve Board adopt a regulation, or both, which would deem this inscription controlling in cases in which the account number inscribed on the payee line on the check is different from the account number on the remittance stub; and be if further

"*Resolved*, That the Legislature of the State of California urges Congress and the Federal Reserved Board to make it clear that this statute, regulation, or both, will apply to all charge cards and credit cards, regardless of use or cardholder status, and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Chairman and each member of the Board of Governors of the Federal Reserve Board."

POM-674. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"ASSEMBLY JOINT RESOLUTION NO. 58

"Whereas, Violence has increased in the lives of young children who live in California; and

"Whereas, The United States is now the country with the most violence in the industrialized world, leading the world in homicides, rapes, and assaults; and

"Whereas, California is home to 12 percent of the nation's 65 million children; and

"Whereas, California's 7.8 million children represent one-quarter of the state's total populations; and

"Whereas, In 1990, handguns were used to kill 87 people in Japan, 68 in Canada, 22 in great Britain, 10 in Australia, and 10,567 in the United States; and

"Whereas, In 1990 Handguns were used to kill 222 children under the age of 10 and 6,795 youths under the age of 25; and

"Whereas, National Trauma Center data reveals a 300 percent increase in hospital admissions involving gunshot wounds to children who were shot by other children (age of 16 or under); and

"Whereas, Gun-related violence takes the life of one American child at least every three hours and the lives of at least 25 children—the equivalent of a classroom—every three days; and

"Whereas, Since the Federal Communications Commission's 1982 decision to deregulate children's commercial television, television time for war cartoons jumped from one and one-half hours per week to 43 hours per week; and

"Whereas, Since deregulation of children's television in the early 1980s, the marketing of violent toys through the media has increased tremendously; and

"Whereas, The incidence of violence in children's television programs has increased from 18.6 acts of violence per hour a decade ago to 26.4 violent acts each hour today; and

"Whereas, Years of research show that children exposed to excessive viewing of television violence become less sensitive to the pain and suffering of others, more fearful of the world around them, and are more likely to behave in aggressive or harmful ways toward others; and

"Whereas, Research also shows that exposure to media violence leads children to see violence as a normal response to stress and as an acceptable means of resolving conflict; and

"Whereas, California's diversity makes it imperative that children develop respect for all cultures and learn about nonviolent means of conflict resolution; now therefore be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature memorializes the Federal Communications Commission to review television's efforts and accomplishments in addressing the impacts of violence on children; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairperson of the Federal Communications Commission, and to each Senator and Representative from California in the Congress of the United States."

POM-675. A resolution adopted by the Municipal Assembly of the City of Barranquitas, Puerto Rico relative to Presidential elections; to the Committee on Energy and Natural Resources.

POM-676. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION NO. 56

"Whereas, Six contiguous years of drought in California and western Nevada have contributed to insect-caused tree mortality rates of 25 to 80 percent in the forest stands within the Lake Tahoe Basin; and

"Whereas, Unless removed, these dead trees will remain for decades and provide the heavy material to fuel intense, disastrous fires into the next century; and

"Whereas, National forest land with heavy tree mortality is located within, and adjacent to, high value urban areas, and even the more removed forest areas present a threat if serious fire conditions occur; and

"Whereas, National forest land occupies 75 percent of the lands within the Lake Tahoe Basin; and

"Whereas, The USDA Forest Service-Lake Tahoe Basin Management Unit has demonstrated that, with adequate funding, it can satisfactorily remove excess quantities of dead and dying trees that pose a serious fire threat; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully requests the Congress of the United States to allocate to the USDA Forest Service-Lake Tahoe Basin Management Unit sufficient funding to meet the immediate and long-term vegetation management needs to address the following:

"(a) Fire hazard reduction on urban lots on national forest land; and

"(b) Reduction of forest fuels accumulations caused by insect-caused tree mortality in the national forest lands surrounding urbanized areas; and

"(c) Forest health on national forest lands throughout the Lake Tahoe Basin to prevent the recurrence of fire threat problems in the future; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to each Representative and Senator from California in the Congress of the United States."

POM-677. A resolution adopted by the Lafourche Parish Council of the City of Thibodaux, Louisiana relative to the proposed Floodplain Management, Environmental Restoration, and Recreation Act of 1994; to the Committee on Environment and Public Works.

POM-678. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION NO. 21

"Whereas, Social security laws, with respect to the taxing of social security as income at the federal level, have not been changed since the additional law was passed in 1993; and

"Whereas, Social security is still taxable if personal income is more than $25,000 (single) or $32,000 (married); and

"Whereas, During that period of time, inflation has increased more than 35 percent, with no change in the limits of taxable income; and

"Whereas, On top of the initial tier of social security taxes, a federal law that imposes an additional higher social security tax was recently enacted whereby, under specified conditions, in the case of a single person earning $34,000 and a married couple earning $44,000, 85 percent of social security benefits are added to taxable income without an upward shift in the first tier threshold of taxable income; and

"Whereas, Senior income increases at a very low percentage but the amount of social security that is taxed is increasing each year; and

"Whereas, The people who are affected by this inflation are the people who can least afford it; and

"Whereas, Those income limits, which include both social security and any tax-free income, no longer represent a fair amount of earnings to warrant tax on social security; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation to eliminate the two tier taxation of social security by allowing a single person to earn $34,000 and a married couple to earn $44,000 before any portion of their social security is taxed; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice president of the United States, to the Speaker of the House of Representatives, to the Chairpersons of the House and Senate Committees on Aging, and to each Senator and Representative from California in the Congress of the United States."

POM-679. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION NO. 66

"Whereas, A child under the age of 18, or a son, daughter, or spouse who provides in-home care services to a disabled family member for compensation from that disabled family member may not be subject to employment taxes; and

"Whereas, Among 13 million households with disabled persons, there are 7 million Americans who are spouses or children of an older adult with a disability; and

"Whereas, 80 to 90 percent of the care for disabled older Americans is provided by a family member; and

"Whereas, The federal government requires a disabled person, who compensates any immediate family member over one thousand dollars ($1,000) per quarter for providing in-home domestic services, to pay certain employment taxes; and

"Whereas, If a disabled person is able and willing to compensate any immediate family member for in-home domestic services in order for the person to maintain his or her quality of life and independence, that person should not be considered an employer; and

"Whereas, In order for an immediate family member to perform in-home domestic services for a disabled family member, the immediate family member may have to be compensated in order to maintain his or her livelihood and should not be considered an employee; and

"Whereas, Exempting disabled family members from paying employment taxes could potentially result in additional family members taking on the role of providing in-home care services and thereby allow those immediate family members who have been providing those services to better maintain their livelihood; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation that would exempt disabled persons from paying any employment taxes when they compensate any immediate family member who provides domestic services in their home; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–680. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION NO. 55

"Whereas, The people of the State of California enjoy a sister state relationship with the people of the Republic of China on Taiwan; and

"Whereas, Commercial interaction with the Republic of China on Taiwan has grown substantially in recent years, to the benefit of our state; and

"Whereas, A democratic, multiparty political system has been smoothly established in the Republic of China on Taiwan in recent years; and

"Whereas, The direct role of the Republic of China on Taiwan in international development programs and humanitarian relief operations has expanded significantly during the past decade, often in close coordination with our nation's efforts; and

"Whereas, Seven Central American countries have proposed to the Secretary General of the United Nations that a supplementary item be included in the provisional agenda of the 48th General Assembly session to consider the exceptional situation of the Republic of China on Taiwan in the international community, based on the principle of universality, and in accordance with the established pattern of parallel representation by divided countries in the United Nations; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That our ongoing commercial relationship with the people of the Republic of China on Taiwan should be recognized as serving our mutual interest in an equitable and reciprocal manner; and be it further

"*Resolved*, That the record of the Republic of China on Taiwan in light of her democratization at home and humanitarian service abroad, be accorded appropriate recognition by the people of this state; and be it further

"*Resolved*, That due consideration should be given by the United States to the readiness of the Republic of China on Taiwan for the latter's further contributions to the broader participation in the international community, including the United Nations and such forums as multilateral trade associations, and humanitarian relief organizations; and be if further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, and each Senator and Representative from California in the Congress of the United States."

POM–681. A resolution adopted by the Town Council of Kittery, Maine relative to unfunded Federal mandates; to the Committee on Governmental Affairs.

POM–682. A resolution adopted by the City Council of Augusta, Maine relative to unfunded Federal mandates; to the Committee on Governmental Affairs.

POM–683. A resolution adopted by the City Council of Saco, Maine relative to unfunded Federal mandates; to the Committee on Governmental Affairs.

POM–684. A resolution adopted by the Town of Skowhegan, Maine relative to unfunded Federal mandates; to the Committee on Governmental Affairs.

POM–685. A resolution adopted by the City Council of Camarillo, California relative to unfunded Federal mandates; to the Committee on Governmental Affairs.

POM–686. A resolution adopted by the Town Council of Gorham, Maine relative to unfunded Federal mandates; to the Committee on Governmental Affairs.

POM–687. A resolution adopted by the Board of County Commissioners of Catron County, New Mexico relative to unfunded Federal mandates; to the Committee on Governmental Affairs.

POM–688. A joint resolution adopted by the Legislature of the State of California; to the Committee on Governmental Affairs.

"ASSEMBLY JOINT RESOLUTION NO. 72

"Whereas, The California Department of Finance has calculated that the state faces federal mandates in 1993–94 of $7.5 billion and in 1994–95 of $7.7 billion; and

"Whereas, These mandates place the economy of the State of California in a precarious position since these mandates divert funds whose use could be better determined by the people of the State of California; and

"Whereas, The federal government should provide the necessary funds for federally mandated programs or relieve the State of California from those mandates; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California, respectfully memorializes the President and Congress of the United States to provide funding for, or relieve the State of California from, federally mandated programs; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON (for himself, Mr. BRYAN, and Mr. MCCAIN):

S. 2567. A bill to amend the Internal Revenue Code of 1986 to extend the exemption for commercial aviation from the transportation fuels tax ; to the Committee on Finance.

By Mr. WALLOP:

S. 2568. A bill to enhance the management of public lands, reduce Federal expenditures associated with such lands, and empower states with respect to the ownership and control over lands that are or have been part of the public domain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 2569. A bill to prohibit the United States from entering into any international agreement which would prevent full implementation of the United Nations moratorium on large-scale driftnet fishing on the high seas; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. STEVENS, Mr. BURNS, Mr. BENNETT, and Mr. MURKOWSKI):

S. Res. 288. A resolution to request that the Secretary of the Interior withdraw proposed regulations concerning rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOLE:

S. Res. 289. A resolution to authorize the President of the Senate to administer the oath of office to the Honorable Fred Thompson of Tennessee; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 290. A resolution appointing a committee to notify the President concerning the proposed adjournment of the session; considered and agreed to.

S. Res. 291. A resolution tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 292. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. DOLE:

S. Res. 293. A resolution to commend the exemplary leadership of the Majority Leader; considered and agreed to.

By Mr. MITCHELL:

S. Res. 294. A resolution to commend the exemplary leadership of the Republican Leader; considered and agreed to.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON (for himself, Mr. BRYAN and Mr. MCCAIN):

S. 2567. A bill to amend the Internal Revenue Code of 1986 to extend the exemption for commercial aviation from

the transportation fuels tax; to the Committee on Finance.

THE COMMERCIAL AVIATION FUEL TAX EXEMPTION EXTENSION ACT

• Mr. GORTON. Mr. President, today I am introducing legislation on behalf of myself, Senator BRYAN, and Senator MCCAIN to extend the current tax exemption on commercial aviation fuel which is due to expire on October 1, 1995.

Over the past 4 years, U.S. airlines have lost over $12 billion. During that time they have either canceled or deferred orders and options for more than 1,000 aircraft. As a result, 125,000 aircraft manufacturing jobs have been eliminated. Each aircraft order that is canceled translates into job losses of approximately 250 airline employees and almost 5,000 manufacturing employees.

If the 4.3-cents-per-gallon tax goes into effect on October 1, 1995, it will cost the airlines more than $527 million annually. It will only escalate employee layoffs, aircraft order cancellations, and service cutbacks. Recognizing this, the chairman of President Clinton's own National Airline Commission has written to the President to urge that the exemption be extended.

Mr. President, I recognize that this is the last day of the 103d Congress, and that this legislation will not be enacted prior to adjournment. Nonetheless, I am introducing this bill to underscore the importance of this issue and to serve notice that I will reintroduce it at the beginning of the 104th Congress.

Mr. President, a majority of Senators have already indicated their support for an extension of the jet fuel tax waiver. I ask unanimous consent that the following items be printed in full in the RECORD.

A copy of a letter to President Clinton signed by 56 Senators.

Letters to the President from Senators HOLLINGS, FAIRCLOTH, and HELMS and Congressmen KYL, INHOFE, SANTORUM, WATT, QUINN, MCCURDY, and BYRNE.

A letter to the President signed by the leadership of the House Public Works Committee.

Letters from Arkansas Governor Jim Guy Tucker, Texas Governor Ann Richards and Hawaii Governor Jim Waihee.

A list of organizations supporting extension of the waiver.

A letter to the President from the Transportation Trades Department of the AFL-CIO.

A letter to the President from former Virginia Governor Gerald Baliles, chairman of the National Airline Commission.

A list of airports that support extension of the waiver.

Mr. President, extension of the fuel tax exemption for the airlines is vitally important to the health of the entire aviation industry. This industry has suffered through four devastating years and is just now beginning to show signs of improvement. The airlines must be allowed to recover and cannot afford one more enormous tax increase.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 7, 1994.

President William J. Clinton,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In 1993, when Congress enacted the Administration's $500 billion deficit reduction plan, an overwhelming majority of Members of the United States Senate believed that the 4.3 cent per gallon tax on transportation fuels should not apply to the financially troubled airline industry. While the Senate passed version of the bill included a full five year exemption for the airline industry, the compromise reached by the conference committee reduced the exemption to two years. The exemption expires on October 1, 1995.

In the meantime, the airline industry continues to struggle. Over the past four years, the industry's losses have totaled a staggering $12.8 billion. Although there have been some signs of recovery, the industry suffered $150 million in losses in the first half of 1994. The possibility of the fuel tax applying to the industry could not come at a worse time. The industry is faced with massive fleet replacement restrictions mandated by the government. It is conservatively estimated that it would cost $7–$8 billion a year for the industry to meet noise requirements, as well as replace aging aircraft.

In its final report last year, the National Airline Commission stated that to return the industry to profitability, Congress must act to "relieve the airline industry of its unfair tax and user fee burden." In addition, the Commission recognized that the airline industry is already under an enormous tax burden. Adding an additional tax at this point will cause even greater losses and layoffs, and is not in the best interests of our nation's travel and tourism industry.

Given the current state of the airline industry, and the potential adverse impact of new taxes on the industry, we are requesting that the Administration include in its FY 1996 budget an extension of the tax exemption on domestic jet fuel through September 30, 1998. Providing this exemption will give this beleaguered industry a chance to resolve other pressing financial issues and find firmer economic ground in its attempt to compete in the global marketplace.

Sincerely,

Richard H. Bryan, Paul Simon, Claiborne Pell, Lauch Faircloth, John Glenn, Richard Shelby, Jim Sasser, Don Nickles, Byron Dorgan, Kay Bailey Hutchison, Charles Robb, Ben Nighhorse Campbell, Harris Wofford, John McCain.

Also, Harlan Mathews, Arlen Specter, Christopher Dodd, Larry Pressler, Kent Conrad, Ted Stevens, Harry Reid, Dan Coats, Orrin Hatch, Paul Sarbanes, John Danforth, David L. Boren, Slade Gorton, Frank H. Murkowski, Sam Nunn, Thad Cochran, John Warner, and Connie Mack.

Also, Howell Heflin, Alfonse D'Amato, Malcolm Wallop, Strom Thurmond, Daniel K. Akaka, Joseph I. Lieberman, Patty Murray, Nancy Landon Kassebaum, Bob Dole, Mark Hatfield, Carol Moseley-Braun, Dennis DeConcini, Jeff Bingaman, William S. Cohen, Herb Kohl, Robert F. Bennett, Tom Harkin, Pete Domenici, Robert C. Smith, Kit Bond, Paul D. Coverdell, Barbara A. Mikulski, Daniel K. Inouye, Hank Brown.

COMMITTEE ON COMMERCE, SCIENCE,
and Transportation,
Washington, DC, November 4, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On October 7, 1994, fifty-six of my colleagues wrote to you expressing their desire to extend the current gasoline tax exemption for the airline industry. I want to let you know that I too support the need to extend further the exemption. In 1993, in accordance with the Administration's $500 billion deficit reduction plan, the House and Senate both agreed that a two-year exemption of the 4.3 cents per gallon gasoline tax should apply to the commercial airline industry due to its precarious economic situation. The exemption expires on October 1, 1995, and I believe it should be extended.

When you first took office, you visited Seattle and met with the aircraft manufacturers and airline CEOs to stress the importance of this industry to our economic recovery. While the economic recovery of our nation continues, the imposition of a fuel tax could have a harmful impact on the airlines' chances for economic recovery. Over the last four years the industry has lost more than $12.8 billion. The airlines' ability to provide service, particularly to small communities, is at risk and could be at greater risk should the fuel tax apply to them. I urge you to support an extension of the exemption until September 30, 1998, so that the industry may continue to work on its economic problems.

With kindest regards, I am.

Sincerely,

ERNEST F. HOLLINGS,
Chairman.

U.S. SENATE,
Washington, DC, October 10, 1994.

Hon. WILLIAM J. CLINTON,
Office of the President,
Washington, DC.

DEAR MR. PRESIDENT: In 1993 when Congress enacted the Administration's $500 billion deficit reduction plan, an overwhelming majority of Members of the United States Senate believed that the 4.3 cent per gallon tax on transportation fuels should not apply to the financially troubled airline industry. As a result, a compromise was reached to defer the implementation of the tax on the airline industry until October 1, 1995.

As you recognized when you established the National Airline Commission, the industry—which is critical to the economic development of our country and to our balance of trade payments—continues to struggle. Over the past four years, the industry's losses have totaled a staggering $12.8 billion. Although there have been some signs of recovery, the industry suffered $150 million in losses in the first half of 1994.

The prospect of this jet fuel tax applying to this industry effective in October of next year is alarming. If the tax had been in effect this year, it would have added a new tax burden of $527 million per year to the industry—clearly worsening the industry's financial situation. As recognized by your Commission, this industry is already under an enormous tax burden. In addition to federal income taxes and state taxes, the passenger and cargo excise taxes which are equivalent to a 45.82 per gallon fuel tax. In addition, the airlines indirectly pay or collect a 10% ticket tax and numerous other fees. Overall, about 25% of the price of a ticket goes to taxes.

The possibility of the fuel tax applying to this industry could not come at a worse time. The industry is faced with massive fleet replacement restrictions—mandated by the government. it is conservatively estimated that it would cost $7–$8 billion a year for the industry to meet noise requirements, as well as replace existing aircraft.

In order to restructure itself and remain competitive, the industry has let thousands of employees go because of financial losses. Since 1992, over 20,000 employees have been furloughed or terminated at our major airlines. At the same time, the industry has deferred billions of dollars of capital investment because of this bleak economic situation. This deferral itself has meant that the industry will employ tens of thousands fewer people this year than expected.

In its final report last year, the National Airline Commission stated that to return the industry to profitability, Congress must act to "relieve the airline industry of its unfair tax and user fee burden." The airline industry and its 540,000 employees, joined by the aircraft manufacturing industry, ask you to give serious attention to your Commission's recommendation and continue the industry's exemption from the 4.3 cent per gallon transportation fuel tax beyond its October, 1995 expiration date. Otherwise, the industry will be faced with the need to layoff additional employees and continue to shrink. This is not in the interest of our nation's travel and tourism industry which is so critical to this country.

Given the state of the industry, we are requesting that the Administration extend the tax exemption on domestic jet fuel that expires on September 30, 1995 to September 30, 1998. This would give this beleaguered industry a chance to resolve other pressing financial issues and find firmer economic ground in its attempt to compete in the global marketplace.

Sincerely,

JESSE HELMS,
LAUCH FAIRCLOTH,

HOUSE OF REPRESENTATIVES,
Washington, DC, October 14, 1994.

Hon. BILL CLINTON,
President of the United States of America,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Omnibus Budget Reconciliation Act of 1993 included provisions to exempt the financially troubled airline industry from the 4.3 cents per gallon tax on transportation fuels for a period of two years. The exemption expires on October 1, 1995.

As you know, the airline industry continues to struggle, with industry losses over the last four years totalling more than $12 billion. Although there have been some signs of recovery; losses totalled $150 million in the first half of 1994 alone. Those continuing losses come at a time when the industry is facing costly federal mandates to modify its fleet, e.g. to meet noise requirements, and replace aging aircraft—at a cost of between $7 billion and $8 billion. The imposition of the fuel tax at the start of the next fiscal year could not come at a worse time.

Given the state of the airline industry and the adverse impact new taxes are likely to have on its ability to recover and thrive, I urge you to include in your FY96 budget an extension of the tax exemption on domestic jet fuel through September 30, 1998.

Thank you for your consideration.

Sincerely,

JON KYL,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my concern about the impending expiration of the transportation fuel tax exemption.

In 1993, when Congress enacted the Administration's $500 billion deficit reduction plan, it included a 4.3 cent-per-gallon tax on transportation fuels. However, because of the immense financial losses plaguing the airline industry, the tax was deferred until 1993.

In the past four years, the industry's losses have exceeded $12 billion, while more than 120,000 airline employees have lost their jobs and 125,000 U.S. aircraft manufacturing jobs have been eliminated.

Moreover, the industry is now facing government-mandated fleet replacements to meet "Stage 3" aircraft noise requirements at a cost of roughly $7–8 billion a year to the industry for the foreseeable future.

In its final report last year, the National Airline Commission recognized the industry must be relieved of its "unfair tax and user fee burden," and recommended "exempting airline fuel from any proposed transportation fuel tax." We ask that you give serious attention to that recommendation and continue the industry's exemption from the jet fuels tax before it expires in 1995.

Providing the exemption will give the airline industry a chance to regain its financial footing and remain competitive in the international marketplace.

Sincerely,

JAMES M. INHOFE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 1994.

Hon. WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC

DEAR MR. PRESIDENT: I am writing with regard to the October 1, 1995 expiration of the airline industry fuel tax exemption.

The 1993 Omnibus Budget Reconciliation Act (OBRA) imposed a new 4.3 cents per gallon tax on transportation fuels. The conference agreement for the OMRA '93 bill provided a short-term exemption for gasoline and jet fuel used in commercial aviation. That exemption is set to expire next year, however, and the tax will become effective for commercial aviation on October 1st. A floor stocks tax assessment is also scheduled to become effective on that same date.

In preparing your budget recommendations for fiscal year 1996, I hope you would review the current airline industry tax exemption and consider an extension of that exemption in hopes of bolstering the industry's economic recovery. Over the past four years, the airline industry as a whole has suffered losses of $12.8 billion. Since 1990 in particular, U.S. airlines have had workforce reductions of 120,000 and have witnessed corresponding reductions of 125,000 employees in the aircraft manufacturing sector due to cancellation or deferment of approximately 1,000 aircraft orders and options.

Federal tax policies have contributed directly to the industry's financial problems. Tax collection from the industry over the past four years has resulted in cumulative losses of $12 billion. As jet fuel remains the industry's second largest operating cost for airlines, the pending imposition of the new fuels tax carries a projected annual cost to airlines of $527 million. As the industry struggles to regain its financial footing, this new tax will be a further setback and could exacerbate additional employee layoffs, aircraft order cancellations, and service cutbacks.

I appreciate your time and consideration of this matter.

Sincerely,

RICK SANTORUM,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 1994.

Hon. WILLIAM J. CLINTON,
The White House,
Washington, DC

DEAR MR. PRESIDENT: I am writing to express my concern about the scheduled imposition of the fuel tax on the airline industry. This tax on commercial aviation jet fuel was included as part of last year's budget deficit reduction package and is scheduled to go into effect on October 1, 1995.

USAir, which is a major employer and has a hub at the Charlotte Airport in my congressional district, has expressed deep concern about the jet fuel tax. USAir is struggling particularly hard to recover from the huge losses suffered by the airline industry during the recession and from other business adversities. The imposition of the fuel tax would have a major, adverse effect on its ability to recover.

Because of the importance of USAir and the airline industry to the economic health of my congressional district and the Nation as a whole, I ask you to consider including a deferment of the fuel tax for the industry in the Administration's budget for FY 1996. Deferring the tax until the industry is better able to sustain it will greatly assist in the industry's recovery and will contribute to the improving economic health and employment picture of the Nation.

Thank you for you attention to this request. I look forward to continuing to work with you on important issues in the balance of this Congress and next year.

Sincerely,

MELVIN L. WATT.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 18, 1994.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to you regarding a tax imposed on transportation fuels, which was part of your budget reconciliation plan enacted last year. This additional tax on transportation fuels of 4.3 cents-per-gallon was imposed with a two-year deferment, in the hopes that by 1995 the airline industry would be in better financial standing and consequently able to handle the additional tax burden.

Unfortunately, as I am sure you are aware, the financial situation of the airline industry has only gotten worse. Financial losses, along with the loss of some 60,000 airline jobs and an already-imposed ticket tax of 10% make the airlines unable to handle any further tax burdens. Moreover, the size of the airline industry makes its financial viability essential to our country's economic recovery. For these reasons, I urge you to consider a continued deferment of this fuel tax. I ask that this deferment be imposed indefinitely so that the airline industry can once again gain firm financial standing.

I'm sure you would agree that the airline industry greatly contributes to the economic stability of our country. If I can assist you further regarding this matter, please do not hesitate to contact me.

Thank you very much for your consideration of this issue.

Very truly yours,

JACK QUINN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 1994.

Hon. WILLIAM JEFFERSON CLINTON,
The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my concern about the impending expiration of transportation fuel tax exemption.

In 1993, when Congress enacted the Administration's $500 billion deficit reduction plan, it included a 4.3 cent-per-gallon tax on transportation fuels. However, because of the immense financial losses plaguing the airline industry, the tax was deferred until 1995.

In the past four years, the industry's losses have exceeded $12 billion, while more than 120,000 airline employees have lost their jobs and 125,000 U.S. aircraft manufacturing jobs have been eliminated.

Moreover, the industry is now facing government-mandated fleet replacements to meet "Stage 3" aircraft noise requirements, at a cost of roughly $7–8 billion a year to the industry for the foreseeable future.

In its final report last year, the National Airline Commission recognized the industry must be relieved of its "unfair tax and user fee burden," and recommended "exempting airline fuel from any proposed transportation fuel tax." We ask that you give serious attention to that recommendation and include in the Administration's budget next year a continuation of the industry's exemption from the jet fuels tax.

Providing the exemption will give the airline industry a chance to regain its financial footing and remain competitive in the international marketplace.

Sincerely,

DAVE MCCURDY.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 28, 1994.

Hon. WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to raise my concerns about the 4.3 cents-per-gallon gasoline tax that passed last year but was deferred for the airline industry until October 1, 1995. With the airline industry continuing to experience financial losses, I ask that you continue your strong commitment to strengthening the airline industry by deferring the imposition of this tax in your budget proposals until the airline industry is in better financial shape.

This issue is of particular concern to my constituents because of the economic stimulus that one particular carrier, USAir, has in Virginia. USAir is Virginia's largest air carrier employing over 4,947 people and pumping over $2 billion into the Virginia economy annually. Their economic viability is intricately linked to the economic health and well-being of many of my constituents, with their payroll exceeding $12,545,924 in the 11th Congressional District.

As you know, when the 4.3 cents-per-gallon tax passed in August, 1993, as part of the deficit reduction plan, it was deferred for the airline industry until October 1, 1995, with the hope that the industry would be out of the financial woods at that time. A 10% ticket tax was imposed specifically in lieu of a fuel tax, which means that the industry is already contributing $5.129 billion toward deficit reduction.

Recent reports indicate that the industry continues to experience financial woes. Imposing the gas tax on top of the 10% ticket tax at this sensitive time could jeopardize the health and viability of the airline industry and threaten our nation's economic recovery. Therefore, I ask that you continue to defer this tax in your budget proposals until the airline industry is in better financial shape.

Thank you for your leadership on this matter and your commitment to strengthening the airline industry. I look forward to continuing to work with you on issues affecting the health of the airline industry.

Sincerely,

LESLIE L. BYRNE,
Member of Congress.

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, November 16, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge that the Administration include in its FY 1996 budget an extension (through September 30, 1998) of the airline industry exemption from the domestic jet fuel tax. A continued exemption is justified as a matter of fairness to the airline industry which is already paying more than its share of special taxes. The extended exemption will also enable the industry to continue its recovery from recent catastrophic financial losses, which have undermined the industries' ability to compete in the global marketplace.

The airline industry is already subject to an overwhelming array of special taxes. Federal taxes imposed exclusively, or primarily, on the airlines include a 10% excise tax on airline tickets, a 6.25% excise tax on cargo shipments, a $6 per passenger international departure tax, special taxes to support customs, immigration, and agricultural inspection services, and a $3 passenger facilitation charge at many major airports. These taxes impose costs of $6.7 billion a year on an industry with total revenues of $64 billion a year.

The heavy taxes have been an important factor in the industry's cumulative losses, which exceeded $12 billion over the past four years. If the industry is profitable in 1994, profits are not expected to exceed $1 billion.

The industry's poor financial results have to led the elimination of 125, 000 high paying jobs. The impacts have extended beyond the airlines and into this country's most successful export business—aircraft manufacturing. Since 1990, U.S. airlines have canceled or deferred orders and options for more than 1,000 new aircraft.

In recognition of the airlines' financial difficulties and high tax burden, the 1993 deficit reduction package exempted airlines from the new 4.3 cents per gallon tax on jet fuel for two years. Since the condition of the airline industry has not changed significantly, the exemption should be continued. The industry is in no position to pay the additional $527 million a year which this tax would cost. The elastic demand for air travel prevents airlines from raising their fares to cover these added costs. The price sensitive market means any increase in air fares is likely to be offset by a decline in passengers. An additional $527 million tax burden would wipe out much of the industry's estimated profit for 1995, further exacerbating the industry's tenuous financial position.

Mr. President, as your Administration prepares its fiscal year 1996 budget, we respectfully ask that this budget include an extension of the exemption of airlines from the commercial aviation fuel tax, through September 30, 1998. This action would forcefully demonstrate your Administration's strong commitment to the vital travel and tourism sector of our nation's economy.

Sincerely yours,

BUD SHUSTER,
Ranking Republican, Committee on Public Works Transportation.

WILLIAM F. CLINGER, JR.,
Ranking Republican, Subcommittee on Aviation.

NORMAN Y. MINETA,
Chair, and Committee on Public Works and Transportation.

JAMES L. OBERSTAR,
Chairman, Subcommittee on Aviation.

STATE OF ARKANSAS,
OFFICE OF THE GOVERNOR,
Little Rock, AR, November 1, 1994.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On October 1, 1995, the airline industry's exemption from the 4.3 cents per gallon transportation fuels tax will expire. Unfortunately with that date fast approaching, the U.S. airlines are far from being able to absorb an additional $527 million annually. Still recovering from four years of staggering losses totaling over $12 billion and with $150 million loss during the fist half of this year, any new tax could not come at a more fragile time for the industry.

As your National Airline Commission indicated in its report last year, the airlines are already under heavy tax burden. In addition to the federal and state taxes paid by all businesses, the airlines pay over $5.4 billion annually in passenger and cargo excise taxes—the equivalent of a 45.8 cents per gallon fuel tax. Now at a time when the industry also faces fleet replacement costs conservatively estimated at $7 to $8 billion a year to comply with mandated quiet-technology requirements, the prospect of a new tax is especially devastating.

As a former governor, you understand that a healthy U.S. airline industry is critical to the vitality of a state's economy, especially in the way it serves as a catalyst for our booming travel and tourism sector.

On behalf of the state of Arkansas, I respectfully request that your administration's FY 1996 budget include an extension of the tax exemption on commercial aviation fuel through September 30, 1998.

Sincerely,

JIM GUY TUCKER.

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, October 25, 1994.

Hon. WILLIAM J. CLINTON,
The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On October 1, 1995, the airline industry's exemption from the 4.3 cents per gallon transportation fuels tax will expire. Unfortunately, with that date fast approaching, the U.S. airlines are far from being able to absorb an additional $527 million annually. Still recovering from four years of staggering losses totaling over $12 billion and with $150 million loss during the fist half of this year, any new tax could not come at a more fragile time for the industry.

As your National Airline Commission indicated in its report last year, the airlines are already under a heavy tax burden. In addition to the federal and state taxes paid by all businesses, the airlines pay over $5.4 billion annually in passenger and cargo excise taxes—the equivalent of a 45.8 cents per gallon fuel tax. Now, at a time when the industry also faces fleet replacement costs conservatively estimated at $7 to $8 billion a year to comply with mandated quiet-technology requirements, the prospect of a new tax is especially devastating.

As a former governor, you understand that a healthy U.S. airline industry is critical to the vitality of a state's economy, especially in the way it serves as a catalyst for our booming travel and tourism sector. Because the airlines have such a large direct impact on the Texas economy—boarding over 48 million passengers annually and employing over 61,000 in this state—it is crucial that government does all it can to assist the industry in its recovery.

On behalf of the state of Texas, I respectfully request that your administration's FY 1996 budget include an extension of the tax exemption on commercial aviation fuel through September 30, 1998.

Sincerely,

ANN W. RICHARDS,
Governor.

EXECUTIVE CHAMBERS,
Honolulu, HI, November 2, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I urge you to include in your Fiscal Year 1996 budget a two-year extension of the tax exemption presently authorized on commercial aviation fuel. In my view, the airlines are still struggling to become consistently profitable and need assistance in reducing their tax burden.

The State of Hawaii has provided financial support for airlines serving the State through a subsidy to reduce airport fees and charges. The special fund of the State airport program will provide the subsidy through the 1997 fiscal year. Funds came from cash reserves generated by airport concessions and were intended for airport improvement projects.

With Hawaii's dependence on reliable, regular air service to support our tourism industry and for intra- and inter-state transportation for our citizens, we feel it is urgent that our nation's airline industry be assisted until it becomes financially stable. Extending the fuel tax exemption will provide some of the relief they need.

Your favorable consideration of our request is appreciated.

With kindest regards,

Sincerely,

JOHN WAIHEE.

DECEMBER 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: For two reasons, next year will be an extremely important one for the travel and tourism industry: Your Administration will highlight the significance of our industry to our nation's economy by hosting the White House Conference on Travel and Tourism. Unfortunately, next year will also be the year in which the backbone of our industry, the U.S. airline industry, will lose its exemption from the 4.3 cents per gallon tax on transportation fuels. As your Administration works to develop its budget for the coming fiscal year, we respectfully ask that you extend the current exemption on commercial aviation fuel.

As you are probably aware, the U.S. airline industry has lost a staggering $12.8 billion since 1990. More devastating, however, has been the decimation of airline, aircraft manufacturing and travel and tourism jobs. During this same period, nearly 120,000 U.S. airline employees and 125,000 U.S. aircraft manufacturing employees have lost their jobs. While the industry has recently shown small signs of recovery, U.S. airlines collectively suffered $150 million in losses during the first half of 1994. Sadly, on October 1, 1995, the airline industry's exemption from the transportation fuels tax will expire. At current consumption levels, this new 4.3 cents per gallon tax will amount to an additional $527 million annual burden on this industry. Almost certainly, this new tax will wipe out any profit the industry had hoped to make in 1995, and further exacerbate the industry's already tenuous financial position. Because the airlines have such a large impact on our economy—transporting nearly 500 million passengers each year—they are a major catalyst for the entire U.S. travel and tourism industry, as well as the economy as a whole. Whether the fuel tax results in higher fares or more service cutbacks, the repercussions will be felt throughout our industry by hotel, restaurant, rental car, and all other travel industry employees.

In its final report to Congress and your Administration last year, the National Airline Commission stated that, to return the industry to profitability, Congress must act to "relieve the airline industry of its unfair tax and user fee burden." The Commission clearly recognized that the U.S. airline industry is already under an enormous tax burden. In addition to the federal and state taxes paid by all businesses, the airline industry is currently paying over $5.4 billion annually in passenger and cargo excise taxes—the equivalent of a 45.8 cents per gallon fuel tax. Airlines indirectly pay or collect a 10 percent ticket tax, a $6.00 International Departure Tax, a $6.50 Customs User Fee, a $6.00 Immigration User Fee and a $1.45 Agriculture Inspection Fee.

Mr. President, as your Administration prepares its Fiscal Year 1996 budget, we respectfully ask that this budget include an extension of the tax exemption on commercial aviation fuel. With the White House Conference on Travel and Tourism already underway, this one action would forcefully demonstrate your Administration's strong commitment to this vital sector of our nation's economy.

Sincerely,

Aerospace Industries Association, Air Freight Association of America, Air Midwest, Inc., Air Wisconsin Airlines Corporation, African-American Travel and Tourism Association, Alamo Rent-A-Car, Allegheny Commuter Airlines, Inc.

Allied Tours, Allied Signal, Inc., American Express Company, American Hotel and Motel Association, American Recreation Coalition, American Society of Travel Agents, Arizona Airways, Inc.

Association of Retail Travel Agents, Atlantic Southeast Airlines, Inc., Bemidji Aviation Services, Inc., The BF Goodrich Company, The Boeing Company, Greater Boston Convention and Visitors Bureau, Business Express, Inc., California Chamber of Commerce, California Travel Industry Association, Cascadia Airlines.

Chautauqua Airlines, Inc., Chicago Convention and Tourism Bureau, Citicorp Diners Club, Cleveland Growth Association, Colorado Association of Commerce and Industry, Colorado Hotel and Lodging Association, Colorado Ski Country USA, Comair, Inc., CommutAir, Conquest Airlines Corporation.

Continental Express, Inc., CUC Travel Services, Inc., Dallas Convention and Visitors Bureau, Denver Metro Convention and Visitors Bureau, Embry-Riddle Aeronautical University, Empire Airlines, Executive Airlines, Inc., Fairmont Hotels.

Flagship Airlines, Inc., Florida Gulf Airlines, General Electric Company, Georgia Hospitality and Travel Association, GP-Express Airlines, Inc., Gray Line Air.

Great Lakes Aviation, Ltd., Gulfstream International Airlines, Inc., Greater Hartford Tourism District, The Hertz Corporation, Hilton Hotels & Resorts, Hilton International, Holiday Inn, Honeywell, Inc., Horizon Air Industries, Inc., Hospitality Sales and Marketing Association International.

Greater Houston Partnership, Hyatt Hotels Corporation, Hyatt Regency Denver, Intercontinental Hotels, International Airline Passengers Association, International Association of Convention and Visitor Bureaus, Jetstream International Airlines, Inc., Las Vegas Convention and Visitors Authority, Liberty Express Airlines, Lone Star Airlines.

Louisiana Travel Promotion Association, McDonnell Douglas Corporation, Meeting Professionals International, Mesa Airlines, Inc., Mesaba Aviation, Inc., Greater Miami Convention and Visitors Bureau, Michigan Hotel, Motel and Resort Association, Greater Minneapolis Convention and Visitors Bureau, Nantucket Airlines/Cape Air.

National Air Carrier Association, National Association of RV Parks and Campgrounds, National Council of Area and Regional Tourism Organizations, National Park Hospitality Association, National Restaurant Association, New York State Hospitality and Tourism Association, Pacific Air.

Paradise Island Airlines, Inc., Passenger Vessel Association, Piedmont Airlines, Inc., Greater Pittsburgh Convention and Visitors Bureau, Greater Raleigh Convention and Visitors Bureau, Recreational Vehicle Industry Association, Red Lion Hotels & Inns, Regional Airline Association.

Rockwell Collins Commercial Avionics, Sandals Resorts, San Francisco Convention & Visitors Bureau, SkyWay Airlines, SkyWest Airlines, Inc., Society of Travel Agents in Government, Trans States Airlines, Inc., Trans World Express, Inc.

Travel Council of North Carolina, Travel Industry Association of America, Travel and Tourism Government Affairs Council, United States Tour Operators Association, United Technologies Corporation, Washington Airports Task Force, Wings Airways, Wings West Airlines, Inc., Wyndham Hotels and Resorts.

TRANSPORTATION TRADES DEPARTMENT,
Washington, DC, Nov. 3, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Since 1990, the U.S. airlines have lost a combined total of more than $12.8 billion. While the financial suffering has been substantial, what is clearly most distressing is the toll these losses have had on the industry's employees. In the preceding 4 years, nearly 120,000 U.S. airline employees and 125,000 U.S. aircraft manufacturing employees have lost their jobs.

During this same period, employees of nearly every U.S. airline have sacrificed pay and/or benefits annually totaling in the billions of dollars. Unfortunately, while employees have contributed their fair share to help bring this industry back to sustained profitability, next year the government will impose a new commercial aviation fuel tax which will almost certainly result in additional airline employee layoffs. As representatives of the vast majority of these employees whose jobs have already been lost, we ask that, as your administration works to develop its budget for the coming fiscal year, you not jeopardize the concessions made by labor and extend the current exemption on commercial aviation fuel through September, 1998.

In its final report to Congress and your Administration last year, the National Airline Commission stated that, to return the industry to profitability, Congress must act to "relieve the airline industry of its unfair tax and user fee burden." The Commission clearly recognized that U.S. airlines are already under an enormous tax burden, and currently pay taxes and fees totaling the equivalent of a 45.8-cents-per-gallon fuel tax. Although the industry has recently begun to show modest signs of financial improvement, U.S. airlines collectively suffered losses of $150 million during the first half of 1994. When the industry's exemption from the transportation fuels tax expires on October 1, 1995, this new 4.3 cents per gallon tax will amount to an additional $527 million annual burden on this industry—a burden our employees simply cannot bear.

Mr. President, airline industry employees are some of the most highly-trained, productive and efficient employees of any U.S. industry. We ask that you not jeopardize the fragile economic environment under which our employees work, and extend the current tax exemption on commercial aviation fuel through September, 1998.

Sincerely,

J. RANDOLPH BABBITT,
President, Air Line Pilots Association.
DEE MAKI,
Association of Flight Attendants.
WILLIAM SCHERI,
General Vice President, International Association of Machinists and Aerospace Workers.
RON CAREY,
President, International Brotherhood of Teamsters.
BARRY KRASNER,
National President, National Air Traffic Controllers, Association/MEBA.
SONNY HALL,
International President, Transport Workers Union of America.

HUNTON & WILLIAMS,
Richmond, VA Oct. 18, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Among the bright spots on today's economic landscape is the improved performance of the U.S. airline industry. While problems such as high debt levels ensure continued uncertainty, the fact remains that the trends have been moving in the right direction over the past year.

As the administration begins to focus on the legislative agenda for the new Congress, you will hear a great deal of discussion about the issue of fuel taxes on the commercial airline industry. As you might remember, the National Airline Commission addressed this issue in its report.

The Commission recommended that no *new* tax on commercial airline fuel be imposed.

In the commentary since the Commisison's report, our tax recommendations have been characterized as special "tax relief." Nothing could be further from the truth. I would like to share with you the Commission's thinking on the fuel tax, and then conclude with a general comment on our overall approach to tax issues.

The commercial airline industry has *never* been subjected to a federal fuel tax. Unlike road improvements which are funded through a fuel tax, aviation infrastructure improvements are funded through the airline and cargo ticket tax. Thus, the source of revenue for those purposes already exists.

The Commission could see no good public policy reason for changing the tax treatment of airline fuel, one of the industry's two highest cost items. In fact, one could hardly call our recommendation "tax relief" since we were not recommending the reduction of a tax, but that a new tax not be imposed.

As Chairman of the Commission, I hope you will support efforts to extend permanently the two-year exemption from the 4.3 cent fuel tax contained in the 1993 budget legislation.

Allow me to conclude with a few general comments about the Commission's tax recommendations.

The National Airline Commission examined the entire range of tax laws affecting the airline industry, as required by our enabling legislation. The industry, and others, had many ideas for our consideration. In some cases we took action, in others we did not. In those areas in which we did make recommendations, we believed there were important public policy reasons to do so, such as the recommendation that there be no new fuel tax.

Our recommendations had nothing to do with "tax relief" for the industry. We rejected several ideas that would have injected more cash into the industry, and advanced only those we believed made sense in a critical, high tech, industry struggling to compete in the 1990's. If tax relief for its own sake was our goal, we would have focused in other areas. Our only goal was to help make sense of the tax treatment of this industry.

I have been disappointed that some have sought to portray the Commission's recommendation as some sort of special interest pleading. I wanted you to have a clear sense of our thinking. I would be happy to discuss this issue with you at any time.

With kindest regards, I am

Sincerely,

GERALD L. BALILES.

AIRPORTS THAT SUPPORT EXTENSION OF THE WAIVER

The following is a list of airports that have agreed to either sign on the ATA airports letter or send its own letter to the President:

AUS—Austin.
BUR—Burbank.
CLE—Cleveland.
CMH—Ohio.
DCA—Wash. National.
TPA—Tampa.
DFW—Dallas Fort Worth.
DIA—Denver.
EWR—Newark.
GRR—Michigan.
IAD—Dulles.
JFK—New York.
LAS—Las Vegas.
LGA—New York.
MDW—Chicago.
OAK—Oakland.
ORD—Chicago.
STL—St. Louis.

BURBANK-GLENDALE-PASADENA,
AIRPORT AUTHORITY,
November 2, 1994.

Ron Ricks,
Vice President, Governmental Affairs, Southwest Airlines Co., Dallas, TX.

DEAR RON: Yes, I agree with you! In fact, the aviation industry is in no position to bear the burden of financing irrelevant federal programs. It is equally important that airports and airlines together press for increased funding levels in the AIP programs. The money is already there and needs to be appropriated for desperately needed airport infrastructure.

As I see it, these are issues on which we both can and should stand side by side as a unified voice urging the Administration and Congress to not kill the goose that lays the golden egg-Air Transportation.

Let me know when and how you want to proceed with sending the letter to the President.

Very truly yours,

THOMAS E. GREER,
Executive Director.•

By Mr. WALLOP:

S. 2568. A bill to enhance the management of public lands, reduce Federal expenditures associated with such lands, and empower States with respect to the ownership and control over lands that are or have been part of the public domain, and for other purposes; to the Committee on Energy and Natural Resources.

THE PUBLIC LAND EMANCIPATION AND MANAGEMENT ACT

• Mr. WALLOP. Mr. President, I am today introducing the Public Land Emancipation and Management Improvement Act [PLEA] which, when enacted, will greatly limit the ponderous Federal influence on the West.

In the West today, we are faced with an administration that is reaching unprecedented levels of government intervention into every aspect of each of our lives using the terms "environmentalism" and "fair market value" as spears which they chuck at every perceived public resource management problem.

Increasingly, the role of the Federal Government has become one of "ruling" the people rather than one of "serving" the people. They are the masters; we have become their servants.

I do not often agree with the Clinton administration, nor its spokespersons, but no one has expressed the problem in a more articulate manner than the former Western Governor, and now, Secretary of the Interior Bruce Babbitt.

Mr. President, listen to excerpts from a speech he gave while Governor at a National Governors Association meeting in Denver.

He said,

> I share the concerns of my fellow governors. My sense of alarm is perhaps a little more extreme. A lot of observers in this country feel that, taken on a historic scale, the states are obsolete, they are headed the way of the passenger pigeon and the Edsel. Even the optimist, I think, would say the states at best are in dire danger of becoming simply administrative agents of Washington * * * it didn't begin that way.

He goes on to say,

> the proper role between states and the Federal Government * * * was the centerpiece * * * of the most brilliant debate in the history of western institutions.
>
> * * * That debate * * * has gone neglected. The result is a federal system * * * in total disarray.
>
> * * * The United States Congress has lost all sense of restraint. It no longer asks the question that Hamilton, Madison and Jefferson considered to be the central question * * * Is this an appropriate function for the Federal system?
>
> * * * Hamilton and Jefferson would certainly ask * * * how have we allowed their creation—a carefully layered construction of federal, state and local responsibilities, to become scrambled into one great undifferentiated, amorphous omelet by a cook in Washington?

Mr. President, those words were spoken by a Federal chef who has become so supreme at his craft as to make Julia Childs look like a fry-cook.

Fourteen years have passed since Bruce Babbitt spoke those words in the last year of the Carter administration—another Democratic administration that had an ill-conceived agenda for the West. Today, the current administration's concept of the "New West" has rapidly degenerated to a "war on the West." Government officials have been transformed from environmental problem solvers to environmental storm troopers with the power to punish, to prohibit, and to take. Virtually, all Federal agencies are making decisions on the use of land and resources in unquestioning response to an ill-conceived environmental agenda which ignores the human side of the equation and disregards the concept of private property rights. Worse still, it ignores Governor Babbitt's concern that the Federal Government has lost all sense of restraint and the concepts of Jefferson and Madison.

In a 1994 speech to the Sierra Club's Annual Dinner, Secretary Babbitt said:

> We need a new western land ethic for nonwilderness. The old concept of multiple use no longer fits the reality of the new West. It must be a concept of public use. From this day on, we must recognize the new reality that the highest and best, most productive use, of western land will usually be for public purposes—watershed, wildlife and recreation.

Typically, he made no distinction in this speech between public and private land. Unlike his views in 1980 as a Western Governor, he now feels that the Federal Government should be omnipotent.

The Clinton administration's agenda is clear, and only the users of the public lands will become endangered in their war on the West. Citizens have been threatened with rules and regulations denying access to guns, rock collecting, and recreation.

In order to pay for increased control by big government, we see repeated proposals to increase fees. Hunters, outfitters, radio broadcast users, commercial air tour operators, ski area operators, concessioners, and any other use that requires a Federal permit are being asked to shoulder a bigger burden. Not all of these permit holders will be able to afford to stay in business after paying the new fees on top of existing expenses. In addition, many who have traditionally enjoyed a cooperative partnership with the Federal Government—including counties and municipalities—are now being asked to help pay the costs for more Federal control. Further, they are asked to cede back water rights, mineral rights, and respass rights for renewals of their permits. How ironic. How very contrary to the Clinton campaign rhetoric.

The current furor over grazing fees is not a Federal deficit issue, as portrayed by the administration and the media. It is, in fact, a personal economic issue for thousands of rural, western families. If implemented, this range reform will result in seriously reduced revenues ironically to the Federal Government, but more importantly to States and counties which will suffer from rules and regulations that no one they know ever voted on.

Recently, the Secretary was forced by the courts to issue patents on a Nevada gold mine. He had the nerve to characterize this as a steal and giveaway of land and minerals. It made for good press to the uninformed. But the Secretary failed to state that the Barrick Goldstrike Mines in Nevada have developed over 1,700 jobs that did not exist before. It means millions of dollars in tax revenue to counties, States, and yes, the Federal Government. The Secretary failed to mention the $1 billion the company spent on developing technologies to extract the mineral. That is $1 billion that did not exist in the American economy before this mine was planned. He also forgot to mention that the land was worth nothing, to the Federal Government, until after the private sector had developed the technology to recover the minerals.

Washington does not know how to mine anything. It never will know how to mine minerals and Congress won't ever pay for 1 billion dollars' worth of experimental technology. You know it and I know it. The wealth and the jobs that have been created from these lands for America has been realized by the private sector's willingness to commit capital and technology to a plan it had no way of knowing was going to be successful.

The battle in the war on the West, if won by this administration will only serve to send the private mining sector to foreign countries. The governments in those lands will not prohibit investors from achieving success, boosting their economy, and employing their people. Nor will they protect the environment.

Mr. President, as an example of the arrogance of which I speak, let me also remind you that during the grazing debates, we were told by the then director of the BLM "that if Congress refuses to act, we will do it administratively." That, Mr. President, is arrogance, and this administration may never understand that laws in this country are not made by residentially appointed bureaucrats, but by the Congress. When the administration says to hell with them they are saying to hell with us. The hell with America's citizens of the West.

Mr. President, more recently, Interior Secretary Babbitt seriously missed the point in claiming that a Federal judge's recent decision to take the gnatcatcher off the Endangered Species list was just the result of a procedural error.

Any observer can see that Judge Stanley Sporkin's detailed analysis of this case of administrative arrogance on the part of the administration is almost a roadmap to some of the most serious shortcomings of the Endangered Species Act. It highlights the abuses that Babbitt has tolerated in his eagerness to show that he can make the Endangered Species Act work. How different from the Babbitt of 1980. How sad that this man does not view his job as Secretary of Interior, but still the advocate of the League of Conservative Voters.

Even more troubling is Babbitt's apparent willingness to defy the courts. The Secretary says if Judge Sporkin doesn't immediately reinstate protections for the gnatcatcher while the Government appeals his ruling, he'll do it himself by declaring an emergency and invoke the emergency listing procedures in the law so the Secretary of the Interior can just ignore the courts.

Mr. President, allow me to mention the subject of ecosystem management. What the Clinton team apparently likes about this ecosystem approach is its sheer vagueness. If we don't understand what "ecosystem health" is we won't be aware when that policy fails. Since most of us wouldn't recognize an ecosystem boundary if we fell on it, there's no limit to the amount of real estate the agencies can claim they need to "protect the ecosystem." All in the name of the new West.

This administration is trying to close down roads and rights-of-way which are vital to the transportation, safety, law enforcement, and general access of Western States.

Mr. President, it is time to take the war on the West seriously.

The Federal Government currently owns more than half of all the land in the 12 Western States. Unfortunately, recent actions taken by the Clinton administration have made it clear that the Federal Government is managing these lands for the benefit of specific political interest groups with little regard for the legitimate interests of Western citizens and businesses. As a result, citizens of Western States have little or no control over vast areas of land that were contemplated as a source of their livelihood at the time of their statehood.

The radical "new West" reforms proposed by Secretary Babbitt and others are designed primarily to limit or prevent commercial and even some recreational uses of many federally managed lands. Where such uses are allowed, land users face a daunting maze of Federal regulations, redtape, and increased fees and arrogance.

There is little hope on the horizon as storm clouds grow.

Proposed revisions to timber, mining, and grazing policies coupled with aggressive application of environmental laws such as the Endangered Species and Clean Water Acts have only served to promote economic uncertainty, with no resolution in sight. New initiatives to revise Western water law, hydropower projects, fish and wildlife programs, and hunting regulations are just beginning to surface. The assault on the West is real. There is a strong feeling in many Western States that these policies should not be decided inside the beltway by people who have no constituent interest or control. The Federal Government has become too powerful, too prescriptive, too pervasive, and too arrogant.

After personally witnessing Washington's increasing indifference—and even hostility—toward the interests in the West, I believe there is a simple, fair, and straightforward solution to these problems that can be accomplished by transferring the ownership of much of this land from the Federal Government to the States.

This legislation, when enacted, will approach but not provide equity among the States. The playing field will never be completely level, but this will help ensure that Western States have a chance to continue to be a vital and productive part of this Nation, just as their eastern counterparts have always been able to do. Other than Louisiana, no State east of the 100th meridian has more than 14 percent of the lands within its boundary tied up by the Federal Government.

Under this bill, at a State's behest, the Federal Government would be prevented from owning more than 20 percent of the land area of any State, excluding Indian lands. In those States where the Federal ownership currently is higher than 20 percent, the President would be required to select up to 20 percent of the land in the State that would remain under Federal ownership. The remainder would be transferred to the State unless the Governor determines that some portion of it should remain under Federal ownership and control.

Recognizing the special nature of our national parks, these lands would automatically be included within the 20 percent and would therefore perpetually remain under Federal ownership. However, other Western lands owned by the Federal Government would be turned over to the States, where locally elected officials would be immediately accountable to the citizens who have proven to be wise stewards for over a century.

There will be those opposed to this proposal, some hunting and fishing groups will at first panic citing their access as a major problem. Yet when they think about the behavior and objectives of this administration, I believe they will come to embrace its purpose. The rules and regulations that were recently pulled back by the Forest Service regarding firearms and law enforcement coupled with Forest Service Chief Thomas' idea to impose a $100 Federal hunting license to kill one elk because the elk once lived on a National Forest give some insight to the fact there is an active movement to eliminate hunting, guns, and other recreation on public lands.

> Without fanfare, the U.S. Fish and Wildlife Service has decided that stocking trout and bass fish is a politically incorrect ecological evil. It plans to prohibit this activity on State and private, as well as Federal, lands.

I am quoting from an Austin Chase article in the Washington Times, Mr. President, and I ask unanimous consent that the article be included in the RECORD.

Additionally, today there is legislation, advanced by the administration, working its way through Congress which would eliminate any multiple use activity on a wildlife refuge, if a bureaucrat declares it incompatible. And do not forget this is the administration that pushed through the Brady bill and assault weapons ban ostensibly to fight the war on crime but in reality the first ominous steps toward gun control.

Others may fear that the States will only dispose of the previously Federal lands for profit. Mr. President, let me tell you what just happened in my own State with regard to that issue. There was a recent effort by the State land board to dispose of certain State trust lands. However, the citizens of Wyoming rose up and literally stopped the venture in its tracks. It is my view that I trust citizens of a State to be responsible, to care, and to better be able to effect policy at the level of State and local government than are the unaffected Members of Congress and the anonymous bureaucracy in Washington.

I firmly believe that the States will manage these lands better and in a more cost-effective manner than the bloated bureaucracy. For example, the Federal Government spends $60 million to collect $400 million in mineral royalties in Wyoming while the State achieves the same result at a much lower cost. The identical cost saving rationale can easily be applied to other land management programs currently conducted by the Federal Government.

Our fight is for the West. We need first to reestablish multiple-use and the rights of Westerners and second we need to establish fairness and equity among the States by returning their land to them.

The West constitutes some of the best of America—the best in America, let us see that it is not the last of the best.

I urge my colleagues to support this legislation. I now ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2568

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Public Land Emancipation and Management Improvement Act".

SEC. 2. Effective on January 1, 1998, all right, title, and interest in and to any real property owned by the United States that is or has been at any time part of the public domain, including, but not limited to, lands that have been withdrawn or disposed of and reacquired, is vested by operation of law in the State in which such property is located subject only to the limitations set forth in section 3 of this Act and any valid existing rights.

SEC. 3. For the purposes of this Act, the definition of real property shall exclude:

(a) any lands or interests therein owned by the United States as of January 1 1998 within the exterior boundaries of any unit of the National Park System;

(b) any lands or interests therein which the United States holds title to in trust for the benefit of a federally recognized Indian Tribe, a member thereof, or an individual allottee;

(c) such lands as the President shall have identified for continued federal retention, except that the total of all lands and interests therein identified pursuant to this subsection, when combined with any other lands or interests therein owned by the United States, excluding only lands included under subsections (b) or (d) of this section, may not exceed twenty percent of the total acreage within any given State; and

(d) any lands or interests therein which the Governor of the State in which such lands are located does not wish to have transferred pursuant to this Act and which the Governor has identified in writing to the President prior to January 1, 1998 as not subject to transfer.

SEC. 4. Not later than January 1, 1997, the President shall prepare a comprehensive inventory of all real property owned by the

Federal Government within each of the several States and transmit such list to the Governor of each State and shall accompany such list with an identification of all real property which meets requirements of subsections 3 (a) or (b) or which have been identified for continued Federal retention under subsection 3(c).

SEC. 5. In the event that the identification of real property under section 3(c) exceeds 20 percent of the total acreage within a State, the Governor of the State may bring an action to modify the list of lands in any Federal district court within such State. Review shall be limited solely to whether the acreage exceeds 20 percent of the total acreage within the State. If the court concludes that the acreage contained in the listing prepared pursuant to subsection 3(c) does exceed 20 percent, then the court shall exclude such acreage as is necessary to reduce the total to no more than 20 percent. The acreage to be excluded shall be based solely on a priority list furnished by the Governor. The list shall be final and shall not be subject to any review or modification.

SEC. 6. For the purpose of this Act, the term "State" shall include the several States of the Union, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands.

SEC. 7. The Federal Government shall remain strictly liable for the cost of any cleanup associated with hazardous materials or contamination associated with any lands transferred pursuant to this Act.●

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 2569. A bill to prohibit the United States from entering into any international agreement which would prevent full implementation of the United Nations moratorium on large-scale driftnet fishing on the high seas; to the Committee on Commerce, Science, and Transportation.

THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT

● Mr. STEVENS. Mr. President, once again I come before this body to introduce legislation to help protect our fishery resources. This bill would prohibit the United States from entering into any agreement that would prevent the full implementation of the United Nations moratorium on high seas driftnet fishing.

In 1989, at the urging of Members of this body, the United States introduced the resolution at the United Nations which established a global moratorium on large-scale driftnet fishing. In 1991 the President signed into law strong legislation to enforce that moratorium.

While still not fully complied with in all the world's oceans, the moratorium has been effective in the North Pacific. The Coast Guard has worked closely with other Federal agencies to detect and pursue fishing vessels that try to violate the moratorium in the North Pacific and the Bering Sea. We need to bring that same cooperation to the aid of fisheries that need protection in other areas of the world. This bill would help do that.

As a result of the efforts by the United States and other concerned nations to prevent the use of large-scale driftnet fishing on the high seas and to limit fishing on other shared stocks in areas like the central Bering Sea and the South Pacific, the nations of the world have recently adopted "an agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas", and are discussing a draft agreement on the conservation and management of straddling fish stocks and highly migratory fish stocks. Both of these agreements should help further advance efforts to protect and rebuild the world's fish stocks and other living marine resources.

There is concern that some nations might try to use the straddling stocks negotiations as a means to undo the United Nations moratorium on large-scale driftnet fishing. This bill simply makes it clear that the United States will not support or endorse any effort to prevent the full implementation of the United Nations moratorium on large-scale driftnet fishing. Nor will we be part of any effort to undermine its effectiveness. Under this bill the United States cannot sign any agreement that would have that effect.

As this is the last day of the 103d Congress we will not have a chance to pass this bill this year. But I want to put the world on notice that our commitment to halting large-scale driftnet fishing has not weakened, and I look forward to reintroducing this bill early in the 104th Congress.●

ADDITIONAL COSPONSORS

S. 324

At the request of Mr. BAUCUS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 324, a bill to improve monitoring of the domestic uses made of certain foreign grain after importation, to use the export enhancement program to promote the export of wheat to Mexico, and for other purposes.

S. 2057

At the request of Mr. KOHL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 2057, a bill to replace the Aid to Families with Dependent Children Program under title IV of the Social Security Act and a portion of the Food stamp program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare to work programs, and for other purposes

S. 2565

At the request of Mr. PRESSLER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2565, a bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

SENATE RESOLUTION 288—RELATIVE TO A REQUEST TO THE SECRETARY OF THE INTERIOR

Mr. HATCH (for himself, Mr. STEVENS, Mr. BENNETT, and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 288

Whereas in 1866 Congress established, through section 2477 of the Revised Statutes, a procedure for granting rights-of-way across unreserved public lands to local governments to ensure reasonable access by the public to and across public lands and resources;

Whereas thousands of valid rights-of-way were conveyed to State and local governments through this mechanism until the statute was repealed by section 706 of the Federal Land Policy and Management Act of 1976 (Public Law 94–579);

Whereas section 701 of the Federal Land Policy and Management Act of 1976 (Public Law 94–579; 43 U.S.C. 1701 note) recognized and protected all valid existing rights-of-way granted under section 2477 of the Revised Statutes (43 U.S.C. 932 note);

Whereas those rights-of-way are valid property rights held in trust for the public by State and local governments;

Whereas those rights-of-way continue to be critical to ensuring access to and across public lands;

Whereas the Secretary of the Interior proposed a rule on August 1, 1994 (59 Fed. Reg. 39216), to address rights-of-way across lands now administered by the Bureau of Land Management, the National Park Service, and the United States Fish and Wildlife Service;

Whereas there is an established body of case law, legislative history, historical precedents, and departmental decisions that does not appear to be reflected in the proposed rule of the Department of the Interior affecting those rights-of-way;

Whereas the proposed rule would substantially conflict with existing law and congressional intent regarding the scope and future administration of those rights-of-way and impose an excessive burden on State and local governments to legitimize all right-of-way claims, including those already validated by an appropriate Federal agency or a court;

Whereas the established public comment process outlined in the proposed rule, including the subsequent extension periods, is inadequate to address the many fundamental problems raised by the rule; and

Whereas the proposed rule seeks to exceed the authority granted to the Department of the Interior under the Constitution, through political and legal precedent, and by Executive order: Now, therefore, be it

Resolved, That the Senate requests that the Secretary of the Interior—

(1) immediately withdraw the proposed rule regarding rights-of-way granted under section 2477 of the Revised Statutes (43 U.S.C. 932 note) published in the Federal Register of August 1, 1994; and

(2) reissue the proposed rule for public review and comment, only after—

(A) consulting with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; and

(B) revising the proposed rule to adequately reflect and comply with all pertinent laws, Executive orders, rules, and historical and legal precedent.

SENATE RESOLUTION 289—TO AUTHORIZE THE PRESIDENT OF THE SENATE TO ADMINISTER THE OATH OF OFFICE TO THE HONORABLE FRED THOMPSON OF TENNESSEE

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 289

Resolved, That the President of the Senate be, and he is hereby, authorized to administer the oath of office to the Honorable Fred Thompson of Tennessee in the Senate Chamber of Friday December 9, 1994, and that the said oath, when administered as herein authorized, shall be accepted and received by the Senate as the oath of office of the said Fred Thompson.

SENATE RESOLUTION 290—APPOINTING A COMMITTEE TO NOTIFY THE PRESIDENT CONCERNING THE PROPOSED ADJOURNMENT OF THE SESSION

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 290

Resolved, That a committee of two Senators be appointed by the Presiding Office to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

SENATE RESOLUTION 291—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 291

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Third Congress.

SENATE RESOLUTION 292—THANKING THE PRESIDENT PRO TEMPORE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 292

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Robert C. Byrd, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Third Congress.

SENATE RESOLUTION 293—COMMENDING THE MAJORITY LEADER

Mr. DOLE submitted the following resolution, which was considered and agreed to:

S. RES. 293

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Maine, the Honorable George J. Mitchell, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 103d Congress.

SENATE RESOLUTION 294—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE REPUBLICAN LEADER

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 294

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Republican Leader, the Senator from Kansas, the Honorable Robert Dole, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 103d Congress.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2:30 p.m. on Thursday, December 1, 1994, in closed session, to receive a briefing on the situation in Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Thursday, December 1, for a hearing on the subject of human subject radiation experiments: progress on records search and ethical evaluation, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, December 1, 1994, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee of Foreign Relations, be authorized to meet during the session on the Senate on Thursday, December 1, 1994, at 9 a.m. to hold a hearing on implications of the United States-North Korea nuclear agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REGULATION OF ANIMAL FATS AND VEGETABLE OILS

• Mr. LUGAR. Mr. President, I want to apprise Senators of the status of the regulation of animal fats and vegetable oils under the Oil Pollution Act of 1990. This law, known as OPA 90, was enacted in response to catastrophic petroleum oil spills such as the *Exxon Valdez* incident, to improve the response to, and minimize the impact of those spills. However, due to the broad statutory definition of "oil," OPA 90 has been applied not only to toxic oils, for example, petroleum oil, but also to nontoxic agricultural products such as animal fats and vegetable oils. As a result, these nontoxic substances used to make foodstuffs and other consumer products are unfortunately swept up in the same broad definition as petroleum and other toxic oils.

Lacking clear congressional direction on differentiation, implementing agencies, such as the Environmental Protection Agency and the Coast Guard, are issuing rules that regulate animal fats and vegetable oils in much the same way as toxic oils, while ignoring the unique nontoxic nature of these agricultural products. Although these agencies have classified them in a nonpetroleum oil category under the various interim and final rules for spill response, there are a long list of toxic oils in this same nonpetroleum category.

Senator HARKIN and I, along with others, introduced and supported legislation to insure that both of these objectives are accomplished. The underlying principles of OPA 90 would remain unchanged with the language to require differentiating animal fats and vegetable oils from other oils. The House passed a nearly identical measure twice as part of H.R. 4422 and H.R. 4852. The Senate passed the bill as S. 2559.

Although final legislation could not be completed in the time remaining in this Congress, I want to assure all Senators that I will be working to clarify this unintended consequence of the Oil Pollution Act when we reconvene in the 104th Congress. This issue should be a priority as we examine more closely the unnecessary and costly regulatory burdens placed on U.S. business that do not add any additional measure of protection to the environment or the health and safety of our citizens.

The scientific data collected to date indicate that the animal fats and vegetable oils industry has an excellent spill history for these products justifying differentiation of these materials from toxic oils. Specifically, these products account for less than one-half of 1 percent of all oilspills in the United States, which are mostly less than 1,000 gallons each. In making these remarks, I want to be clear that the animal fats and vegetable oils industry is not seeking to be exempt from oilspill response requirements, but is merely seeking two simple objectives.

First, the industry seeks a separate category for vegetable oils. This is as much for scientific differences in the oils as it is for economic reasons. There is no reason why nontoxic vegetable oils must be in the same category as toxic oils.

Second, the industry seeks response requirements that recognize the different characteristics of animal fats and vegetable oils within this separate category. A separate category without separate response requirements is nothing more than a hollow gesture. There is more flexibility available under the National Contingency Plan to respond in the case of a spill of nontoxic animal fats and vegetable oils than there is for toxic oils like petroleum. These agencies should more fully and clearly spell out the additional appropriate options available under the NCP in the regulations themselves so that no doubt exists as to the availability of these options.

Now, all spills involving oils of any kind are unfortunate and may have some similar environmental impacts. However, the response to all spills does not have to be the same. Nontoxic animal fats and vegetable oils by their very nature do not have the same total environmental impact as a toxic oil, and it makes sense that the response plan need not be identical. Vegetable oils, after all, are the same products used in most households every day, the same products each of us consumes in the normal course of living.

So I hope that agencies will exercise common sense and promulgate rules that reflect these differences. To insure that this is the case, I will pursue legislation to require differentiation for animal fats and vegetable oils under OPA 90 in the 104th Congress, and hope my colleagues will join me in that effort.•

TRIBUTE TO U.S. MARSHAL ARTHUR D. BORINSKY

• Mr. LAUTENBERG. Mr. President, I rise today to inform the U.S. Senate of the death of Arthur D. Borinsky, a respected Federal employee of New Jersey and a close personal friend.

Mr. Borinsky served with distinction as a U.S. Marshal for 6 years until his recent, premature death on September 18, 1994. Arthur Borinsky was dedicated to the U.S. Marshal Service and will not be forgotten by those he served and those he served with.

Mr. Borinsky's many accomplishments include spearheading the successful capture of Eddie Antar, the former head of the now defunct Crazy Eddie, Inc., who hid in Israel from Federal authorities after he was charged with stock fraud. Mr. Borinsky is also widely praised for his role in expediting the return of fugitive former State Senator David Friedland following his arrest in the Maldive Islands is the Indian Ocean in 1987.

Whether his job took him across the country, across the world or just throughout the State, Arthur Borinsky always displayed enthusiasm, diligence, and the kind of professionalism that impressed his colleagues here in America and in countries around the world.

Mr. Borinsky was revered by all his colleagues for his unflagging commitment to fighting crime. He has been praised as "undoubtedly and unqestionably" the most dedicated and best U.S. Marshal in the State of New Jersey.

Arthur D. Borinsky was a truly exceptional person who dedicated his life to his family and friends, to crime prevention, and to his country. He will be missed by his many friends, by the U.S. Marshals Service, the State of New Jersey, and by everyone who respected him for his commitment to law enforcement.•

BUSINESS ASSISTANCE PROGRAMS

• Mr. RIEGLE. Mr. President, I rise to bring to the attention of my colleagues a report from the General Accounting Office, written at the request of myself and the distinguished Senator from Connecticut, Senator LIEBERMAN.

For a number of years, I have been deeply concerned over the state of our economy and the standard of living of American working men and women. The last two decades have not been kind to American workers, who have seen their wages stagnate at the same time they have seen their job security disappear.

To overcome our economic stagnation, I have long advocated a coherent plan of concerted action by business, labor and government, working together in a team America approach. I believe we have made strides in crafting such a partnership to address the deep root structural problems facing our economy. For example, the Partnership for a New Generation Vehicle, also know as the "Clean Car" initiative, holds great promise. This partnership between the government and the auto industry is dedicated to ensuring that the American industry remains a leader in innovation, economic growth and job creation. Other initiatives of the Clinton administration, such as Secretary Reich's proposals to overhaul and strengthen our worker training and retraining system, are all steps in the right direction.

Yet, the Federal Government still lacks a coherent strategy for assisting American business in dealing with structural change in the economy. As the GAO report points out, there are at least 24 Federal programs to provide managerial and technical assistance to business. However, there is no office that tracks or coordinates these programs.

Many of these programs fulfill complimentary needs, and should not simply be eliminated in a mindless rush to cut programs. For example, the Trade Adjustment Assistance Centers provide marketing, cost accounting, human resources management and business strategy assistance. The Manufacturing Technology Centers specialize in the deployment of modern manufacturing technology. The Small Business Development Centers typically specialize in assistance to firms in the retail and services sector, not manufacturing firms. Likewise, the Minority Business Development Centers exist to serve a specialized need.

All of these programs are compliments to one another, not replacements for each other. Eliminating any one of them would tear a large hole out of this business assistance network. However, they do need to be coordinated if they are to be as effective as they should be.

A similar situation faced us a few years ago in the area of export promotion. Again, a GAO report identified numerous export promotion programs with no coordination among them. At a hearing of the Banking Committee where we had all of the heads of these agencies appear as witnesses, my colleague Senator SARBANES asked a simple question—"have you ever met before." The answer was astonishing—that was their first meeting. Not only did they not coordinate programs, they didn't even know each other.

That hearing lead us to pass legislation creating the Trade Promotion Coordinating Committee [TPCC]. The TPCC is made up of the head of 19 agencies and departments involved in export promotion, including the President's Council of Economic Advisors [CEA] and the Office of Management and Budget [OMB]. Chaired by Secretary of Commerce Ron Brown, the TPCC has made tremendous progress in raising the level of effectiveness of our export promotion activities.

The TPCC show what can be done to improve Government effectiveness in the delivery of importance assistance to business. It is my hope that the 104th Congress will build on the example of the TPCC and other initiative to bring coherence to all our business assistance programs.●

● Mr. LIEBERMAN. Mr. President, I rise to echo the sentiments of the distinguished gentleman from Michigan. He has been a leader in the effort to address the structural problems facing our economy and I commend him for all his work. We will certainly miss him in the years ahead.

It has been said that in order to manage a problem you have to be able to measure that problem. This study is a variation on that theme. In order to figure out how to coordinate among the various Federal programs that provide management and technical assistance, we need to know how many of these programs exist and where they exist. This report gives us that information.

With this information in hand, I hope that we can work toward coordinating these programs in the next Congress as a way to raise the level of effectiveness of these business assistance programs.

Mr. President, I ask that the summary and appendix of this GAO report which outlines the various Federal program that provide management and technical assistance to U.S. businesses, be printed in the RECORD following my statement.

The material follows:

GENERAL ACCOUNTING OFFICE,
GENERAL GOVERNMENT DIVISION,
Washington, DC, October 14, 1994.
Hon. JOSEPH I. LIEBERMAN,
U.S. Senate.
Hon. DONALD W. RIEGLE, Jr.,
U.S. Senate,

As you requested, this fact sheet provides information on federal government programs that give management and technical assistance to business. As agreed with you, we have attempted to (1) identify as many federal government programs that provide management and or technical assistance to business as possible, within the limited time constraints of this assignment; (2) provide a brief description of these programs and identify the target customers that these programs were designed to serve; and (3) report the current funding levels for these programs.

RESULTS IN BRIEF

We found no particular federal office that tracks or coordinates all the various management and technical assistance programs at the different government agencies. We identified 24 federally sponsored government programs that primarily provide management and technical assistance to business. They are listed in the appendix. These programs offer a variety of services to business, including assistance in areas such as accounting; developing business plans; proposal and bid preparation; marketing; worker training; and assistance in implementing improved manufacturing technology.

The Small Business Administration (SBA) and the Department of Commerce (DOC) had the largest number of management and technical assistance programs that we identified for fiscal year 1994. Other programs were in the Departments of Defense, Energy, Labor (DOL), Transportation, and the Treasury. In addition, government agencies that have procurement authority generally have an Office of Small and Disadvantaged Business Utilization (OSDBU) that, in conjunction with SBA, is designed to assist in the development of small businesses owned and controlled by socially and economically disadvantaged individuals. OSDBUS primarily focus on helping companies procure contracts with the federal government through various outreach efforts including conferences, procurement fairs, and business strategy sessions.

The majority of the programs that we identified were targeted to small business.

Proposed fiscal year 1994 funding levels for the programs varied widely, ranging from a high of $71 million for SBA's Small Business Development Centers to a low of $1.5 million for DOL's Micro-enterprise Grant Program.

SCOPE AND METHODOLOGY

To determine which government agencies had management and technical assistance programs, we interviewed officials at SBA and at DOC's Economic Development Administration and its Minority Business Development Agency. These particular agencies were identified in the request that we conduct this review. In order to identify additional programs, we also searched government publications, such as the Federal Register and the Catalog of Federal Domestic Assistance.

We obtained documentation describing these programs from respective program officials, notifications in the Federal Register, and prior GAO studies.

When possible, we obtained proposed fiscal year 1994 program funding levels from the federal budget; however, because not all programs were explicitly identified in the federal budget, we also consulted program officials for this information.

We did our work between July 1994 and September 1994 in accordance with generally accepted government auditing standards.

We are providing copies of this fact sheet to the agencies we identified in the appendix that have programs and to interested congressional committees. We will also make copies available to others upon request.

Please contact me on (202) 512-4812 if you have any questions concerning this fact sheet. The information of this fact sheet was developed by John R. Schultz, Assistant Director; Barbara Keller, Assignment Manager; Jean-Paul Reveyoso, Evaluator-in-Charge; and Robert Shields, Evaluator.

Sincerely yours,
ALLAN I. MENDELOWITZ,
Managing Director, International Trade, Finance, and Competitiveness.

APPENDIX I—FEDERALLY SPONSORED PROGRAMS OFFERING MANAGEMENT AND TECHNICAL ASSISTANCE TO BUSINESS

[In millions of dollars]

Agency and Program	Program description	Customer	Proposed FY 1994 funding
U.S. Small Business Administration (SBA):			
8(a) Minority Small Business Contract Set-Aside	Provides development assistance to small businesses that are owned by minorities and other socially and economically disadvantaged individuals.	Socially and economically disadvantaged individuals	N/A
7(j) Management and Technical Assistance	Provides management and technical training in accounting, marketing, proposal and bid preparation, and industry-specified technical assistance.	Small disadvantaged businesses (SDB) low-income individuals, firms in either labor-surplus areas or areas with a high proportion of low-income individuals. Most participants in this program are 8(a) firms.	$7.5
Business Information Centers	Provide technical assistance in high-tech hardware, software, and communications	Small business entrepreneurs	N/A
International Trade Assistance	Provides financial and business development assistance. The assistance includes trade counseling, training, and legal aid.	Small businesses in developing export markets	N/A
Pilot Technology Access	Provides computerized databases containing technical and business information and experts knowledgeable in various technical fields.	Small businesses	N/A
Service Corps of Retired Executives (SCORE)	Uses a network of about 13,000 volunteer retired executives to provide development, management, and technical assistance, which includes counseling and training.	Small businesses, entrepreneurs, start-ups	3.5
Small Business Development Centers (56 centers, 900 service locations).	Provide management and technical assistance, which includes counseling, training, and other activities.	Small businesses, entrepreneurs, small business start-ups	71.0
Small Business Institute	Provides management assistance in marketing, accounting, and other areas	Small businesses	3.0
Demonstration Project for Women Business Owners	Provides management and technical assistance, which includes long-term training and counseling in all aspects of ownership and operation.	Women-owned small businesses	2.0
Women's Network for Entrepreneurial Training	Provides development, management, and technical assistance by matching successful women successful women entrepreneurs with women seeking to expand their businesses.	Women-owned small businesses	N/A
Department of Commerce (DOC); Economic Development Administration:			
Trade Adjustment Assistance Centers (12 centers)	Provide technical assistance, which includes an assessment of a firm's strengths and weaknesses and possible recovery strategies, if recovery appears viable.	Trade-injured manufacturing firms	10.0
University Centers (64 centers)	Provide technical assistance in engineering, feasibility studies, and marketing, as well as management assistance.	Small and medium-sized businesses	7.5
DOC, Minority Business Development Agency: Minority Business Development Centers (108 centers).	Provide development, management, and technical assistance	Minority businesses	38.0
DOC National Institute of Standards and Technology (NIST) Manufacturing Extension Partnership:			
Manufacturing Extension Centers (28 centers)	Provide a range of technical assistance. The assistance includes the following: assessing current technology needs and competitive position, understanding and undertaking fundamental company changes, and defining and implementing company-specific technology projects.	Small and medium-sized manufacturing firms	36.5
Manufacturing Technology Centers (7 centers)	Provide technical assistance to enhance the productivity and technological performance of U.S. Manufacturing.	Small and medium-sized manufacturing firms	16.8

APPENDIX I—FEDERALLY SPONSORED PROGRAMS OFFERING MANAGEMENT AND TECHNICAL ASSISTANCE TO BUSINESS—Continued

[In millions of dollars]

Agency and Program	Program description	Customer	Proposed FY 1994 funding
State Technology Extension Program	Provides grants to help states develop and implement their own technology assistance programs.	Small and medium-sized manufacturing firms	2.3
Department of Defense, Defense Logistics Agency: Procurement Technical Assistance.	Provides assistance to businesses seeking to market their products and services to DOD. The assistance includes marketing, pre-award survey assistance, contract administration, and other special assistance.	Large and small businesses	15.8
DOD, Office of Small and Disadvantaged Business Utilization (OSDBU): Pilot Mentor-Protégé.	Provides management and technical assistance in the following areas: financial and personnel management, marketing, proposal development, loans, and capital investment. Successful defense contractors are matched with SDB subcontractors seeking to expand their contracting opportunities.	SDB subcontractors	45.0
Department of Energy (DOE): Small Business Initiative	Provides technical information, up to 80 hours of consultation services, or access to unique, specialized facilities for the evaluation of new processes or equipment.	Small manufacturing business	8.0
DOE, OSDBU: Management and Technical Assistance for Minority Business Enterprises.	Provides advisory services and counseling in financial proposal and bid preparation	Minority businesses seeking to obtain DOE contracts	0.38
Department of Labor: Micro-enterprise Grants	Provide funds to states, on a competitive basis, for business-related training, technical assistance, and support.	Owners and potential owners of micro-enterprises	1.5
Department of Transportation Federal Highway Administration: Disadvantaged Business Enterprise.	Provides training and other assistance to help businesses achieve proficiency to compete on equal basis for contracts.	Socially and economically disadvantaged businesses in the highway construction industry and related industries.	0.23
Department of the Treasury: Section 308 FIRREA	Provides training, technical assistance, and educational programs to preserve minority ownership of financial institutions.	Minority-owned institutions and minority investors acquiring failed financial institutions.	N/A
National Aeronautics and Space Administration (OSDBU): Pilot Protégé.	Provides management and technical assistance in the following areas: financial and organizational management, business development and planning, and engineering. Successful contractors are matched with SDB subcontractors seeking to expand their contracting opportunities.	SDB subcontractors	N/A•

IN RECOGNITION OF BISHOP EDWARD M. EGAN OF BRIDGEPORT, CT

• **Mr. LIEBERMAN.** Mr. President, a short while ago, the Most Reverend Edward M. Egan, bishop of Bridgeport, was asked to deliver the homily at the Red Mass at St. Matthew's Cathedral here in Washington. The Red Mass is held every October on the Sunday before the Supreme Court convenes to ask for God's blessing for the judiciary and Congress as well.

Bishop Egan has provided wonderful leadership in his time in Connecticut in so many different ways. I am proud to consider him a friend. His homily to the leaders of our legal system, including the Attorney General and the members of the Supreme Court, was on the timely problem of political correctness. Whether my colleagues agree or disagree with all of Bishop Egan's words and examples, I know they will find his homily to be eloquent and thought-provoking. It is in that spirit that I ask that it be printed in the RECORD.

The homily follows:

HOMILY OF THE MOST REVEREND EDWARD M. EGAN, OCTOBER 2, 1994

Your Excellency, Archbishop Cacciavillan, Reverend Clergy, Members of the John Carroll Society, Distinguished Representatives of the Bench and Bar, and Friends All:

This past summer, in Canton in the South of China, I sat in a hotel restaurant with a Chinese tour-guide who spoke English quite well. He had brought a busload of tourists to a store that sold porcelain and silk; and once they were safely inside, he invited me to join him for a cup of tea.

He was forty-five years of age, he told me. In his youth he had dreamed of mastering the English language and French as well. However, in the second year of his university studies, the so-called Cultural Revolution had intervened.

His eyes flashed as he described that decade of madness in China. He and dozens of his fellow students had been forced to watch two of their professors killed in a public square by a government-inspired mob. He had stood at attention for hours on several occasions as thousands of books from the university library were destroyed in bonfires. And in due course, he had been taken to the West of China to labor for three years on collective farms, his whereabouts unknown to family and friends.

"What," I asked him, "were the leaders of the Cultural Revolution hoping to achieve with all of this?"

"They wanted the people to stop having unapproved thoughts," he replied. "They felt that the nation could prosper only if all were thinking in the same way—their way, the approved way."

He winced a bit as he offered this explanation but was clearly convinced that his analysis was correct. For he repeated it word for word as he stared into his empty teacup: "They felt that the nation could prosper only if all were thinking in the same way—their way, the approved way."

You and I, my dear friends, are privileged to live in a land in which the imposition of thought by government is rejected out of hand. And in no small measure we have the legal profession to thank for this blessing.

It was lawyers like Montesquieu and Montaigne who were crucial in developing the basic political ideas of our free society. Twenty-five of the fifty-six who signed the Declaration of Independence, with its cry for justice and equality, were practicing attorneys. Even more, the fundamental charters of our nation, such as the Constitution and the Bill of Rights, with their uncompromising commitments to freedom of thought, were largely the work of legal experts with names like Jefferson, Adams, Wilson, Jay, Wythe, and Marshall.

Still, there are in our country today rumblings in many quarters about thoughts that are approved and thoughts that are not. Thus, the expression, "politically correct," has become a staple in our vocabularies. Indeed, over the past year or two it has graduated to the level of a familiar abbreviation. Few there are who do not know the meaning of "p.c."

One is politically correct, we understand, when one agrees with the "important" newspapers, the "quoted" professors, the "best" commentators, the "most influential" personalities. Nor can there be any doubt that this understanding is operating with remarkable efficiency. From Atlantic to Pacific, the vast majority of adult Americans are able to identify with extraordinary case and accuracy those ideas, positions, and thoughts which are today in our land "correct" or, if you prefer, "approved."

The Readings from Sacred Scripture in our Mass this morning remind us of two cases in point. The first of these Readings, from the Book of Genesis, is among the most familiar in all of Holy Writ. It speaks of the mind of the Divinity as regards the basics of the human condition. The male, we read, was from the time of creation not to be left alone. Rather, he was to be joined by a companion, a partner, a wife, so that together they might live out their years, two in fact but one in heart and love. And from that love was to result a miracle within the wife, a miracle before which every generation since creation has stood in awe.

In our time, however, the miracle has become as well a source of controversy. Simply put, the matter under discussion is this: May society stand idly by while a private party puts a violent end to the miracle?

Those who have embraced the "approved" thinking, the "correct" thinking, answer with a resounding "yes." The miracle, they allege, may be killed with impunity.

Others, however, dare to sing outside the chorus. Their reasoning should not be difficult to understand. The being within the mother, they note, gives strong indications of being a human being, a person with an inalienable right to live. Certainly, no one has ever been able to prove the contrary. Hence, they conclude, society has no choice but to fulfill its most fundamental duty as regards the being in question. It must protect it against attack.

There is no hint of religion in any of this unapproved thinking, through many religious people, for a multitude of religious reasons, support it. There is no mention of doctrine, dogma, sacred writings, or anything of the sort. At issue are only matters which are properly and strictly matters of the law: the meaning of personhood, the basic rights of individuals, the power of legal presumptions, and the most elementary and essential duties of society. These and nothing more.

Still, there is a tactic abroad in our land to characterize the unapproved thinking as exclusively religious and to refuse to allow it a fair hearing on this score. The tactic is clever, widespread, and effective. It should also be frightening to all who cherish the free and honorable exchange of ideas, positions, and thoughts—lawyers first and foremost.

The Gospel Reading, too, calls to mind a controversy of our time in which only certain thoughts appear to be approved.

The Lord, in the lovely account of Saint Luke, instructs His closest followers not to keep children from Him. "Let them come to Me, do not hinder them," He says, "for it is to such as these that the kingdom of God belongs."

Parents there are, to be sure, who would not be comfortable with having their children, the miracles of their love, accept such an invitation. And in this free land of ours their point of view is properly and vigorously protected. But other parents there are who firmly believe that the invitation of the Lord is most worthy, parents who wish their offspring to be educated according to the mind and will of the One Whom they call their God.

The thought of this second group is, of course, unapproved; and the tactic for dismissing it is well-known. All monies that governments collect to support schools, it is announced, must go only to those institutions in which every mention of the Divinity is outlawed. For otherwise, the state would be sustaining religion.

But when such a rule is implemented, the unapproved thinkers protest, it is not irreligion being sustained? Why erect a wall only between religion and the state? Why not erect another no less high, between the state and irreligion? Or more to the point: why not simply concede to all parents equally the right to choose the schools of their children and to share in the funds gathered by society to support them.

The plea is somehow ruled out of order. The "important" newspapers, the "quoted" professors, the "best" commentators, the "most influential" personalities have spoken. It remains, it would seem, for lawyers to insist that the unapproved point of view be heard and explored. For they are uniquely positioned to do this as counselors, judges, writers, thinkers, and legislators; and what is more: they have a long and noble tradition in this land of respecting and defending thought, even when it is "unapproved."

But the second Reading of our Mass this morning, from the Epistle to the Hebrews, provides yet another reason for lawyers to address the aforementioned issues of unapproved thinking and any others that come to mind. That reason is, I confess, plainly and exquisitely religious. It is simply this: We are all children of the one Father in heaven; hence, we have no choice but to listen to one another with attention, concern, and love.

Many years ago I pastored a parish on the Southside of Chicago. The community was African-American. In fact, one of my parishioners often reminded me that I was very likely the only white voter in the precinct.

My closest adviser was a retired army major who spent many an evening chatting with me about life in the distressed neighborhoods of the Windy City.

"Father," he used to tell me, "we are never going to be the nation we should be as long as any of us are kept out of the national conversation. We've got to find some powerful folks to let us all in."

This morning, thanks to the very kind invitation of the Archbishop of Washington, James Cardinal Mickey, I have the honor to speak to just such "powerful folks." Over the past thirty years, we as a nation have learned that the Black community must be a respected participant in the "national conversation." We are every day becoming more aware that the same is true of the Hispanic community. I pray that now is the time for the religious community as well. And I pray too that lawyers will lead the way in this regard, not only because of their historic position as protectors of thought and its free expression but also, and especially, because they realize, indeed, embrace in faith, that we are all children of one God, sisters and brothers who need—and have a right—to be heard.•

PHISH

• Mr. LEAHY. Mr. President, Vermont may be one of the last States in the Union to host the Grateful Dead, but we may have spawned their eventual successor—Phish.

The band Phish began 10 years ago with a live debut at Nectar's, a modest tavern in downtown Burlington, VT. Trey Anastasio, the lead guitarist and songwriter, remembers playing to a crowd of two on their second week.

In 1991, 7 years later, Phish produced its first album with a major record label and paid tribute to their Vermont roots. The album, "A Picture of Nectar", has sold a quarter of a million copies.

When Phish came through this area most recently they broke the Patriot Center's all-time attendance record, selling 10,356 seats. They have toured through Europe and filled venues coast to coast for several years. This fall they sold out Madison Square Garden in 4 hours. Their star is on the rise.

Phish's music spans many genres—from classically inspired pieces—to hillbilly country—to slick jazz—to hard rock. Add two trampolines, a vacuum cleaner, a first rate light show and you have a live performance that is hard to forget.

A lot of good things come out of Vermont—Phish is one that seems poised to play a prominent role in the American musical scene. Do not expect hit singles from these talented Vermonters, but expect the grassroots of the Phish movement to grow thick.

Mr. President, I want to congratulate Trey Anastasio, Mike Gordon, Jon Fishman, and Page O'Connell on their success. I look forward to their continued success. I ask that an article from the Washington Post be printed in the RECORD at this point.

The article follows:

THE HOTTEST BAND THE WORLD HAS NEVER HEARD

(By Richard Leiby)

It all sort of came together in the little town of Bethlehem, Pa. There I found a gentle, longhaired wanderer named Nazzarine ("Nazz" for short), who is among the many followers of a group whose symbol is a fish. Generally I don't consult Scripture, but that night after the concert I did. The Gideon Bible on the hotel room dresser was already open and turned to Psalm 31, which was written "to the chief musician."

This I took to be a sign.

"Pull me out of the net that they have laid privily for me: for thou art my strength," the psalmist wrote. "Thou has set my feet in a large room."

Yes, rock-and-roll works in mysterious ways. Hear now the tale of a band called Phish.

They've been together for 11 years, and touring the country for seven, but most of America has never heard of Phish. The Vermont-based quartet has never had a hit single or a gold album. Radio deejays ignore them because their sound fits no format; it's capable of roaming from dissonant classical to mellow bluegrass, from screeching rock to syncopated funk, sometimes in the same song. MTV shunned their one and only video, from the latest album, "Hoist."

And yet: On Saturday, Oct. 8, the night after the Bethlehem gig, Phish broke Patriot Center's all-time attendance record, selling 10,356 tickets. That's more tickets than Jimmy Buffett, who established the record in 1987; more than such million-album-selling acts as the Spin Doctors, Kenny G, Pearl Jam and Mary Chapin Carpenter, all of whom have played Patriot Center in recent months.

Why? All Phish fans—be they suburban teeny-boppers or erudite college students, grimy homeless hippies or married-with-kids professionals—talk about the uplifting "vibe" of the band's live performances, the inexplicable "connection" they feel with the musicians, though they rarely address the crowd. Some fans cite the spiritual charge they get from a Phish concert, although the band itself espouses no religious mission or message.

At best, the members of Phish offer awkward explanations for their cultlike following. "It's an intangible energy," attempts Trey Anastasio, the shaggy red-haired guitarist. "This spiritual aspect," theorizes bassist Mike Gordon, "is that there's something universal that exists and can come through the musicians and the music, if we're not blocking. To put it all in words sounds kind of pretentious. It sounds like a bunch of words, until it's actually an experience."

Phish frequently has been compared to the Grateful Dead, another touring band blessed with a trailing caravan of seekers. Jerry Garcia and Co., having been at it for more than a quarter-century, draw far larger audiences—selling some 1.5 million tickets compared with Phish's 650,000 this year. But, says Dead researcher Rebecca Adams, "Phish is the heir apparent to the Dead. It's quite clear they are winning the lottery."

An academic cottage industry and an Internet debating society have formed around both bands, allowing sages and neophytes to proselytize, soothsay and trade revelations.

"It's a spiritual phenomenon, not just entertainment," argues professor Adams, a sociologist at the University of North Carolina who's writing a book about Deadheads and discerns connections to Phish's fans. "But it's not a belief in musicians as deities. It's a belief in the power of music to create community."

"It is an experience unlike any other," insists Shira Koch, Phish Head, Wesleyan Class of '98, by e-mail message. "For a few short hours or days, we can almost lose ourselves in music, fun, youth." (Though she feels compelled to add: "Maybe I am just a spoiled college student who tries to give meaning to an activity which is senseless.")

True belief requires going "on tour," committing oneself to an ascetic lifestyle of following the band's every stop. But unlike hard-core Deadheads, some of whom survive on food stamps, Phish fans tend to arrange tours around their lives—knocking off in the fall when school starts, working toward real-world careers. The tour community, even if only temporarily joined, offers more than mere fellowship; it is an example of how children of unstable modern households have reinvented the very concept of family.

"Definitely the scene is a surrogate family," says Nav Jiwan Khalsa, 21, whose American parents (now divorced) adopted the Sikh religion in the '60s. "Anywhere you go that the Dead and Phish are playing, you find people of like minds."

BIG PINEY PILGRIM

My journey to Bethlehem really began in July in the remote mountains near Big Piney, Wyo., where I camped along with 13,000 other people in search of something transcendent, or at least something you'll never see on C-SPAN. It was the Rainbow Gathering, an annual celebration of woolly-headed idealism and primitive collectivism that attempts to transplant the Good Samaritan spirit—usually at loose in America only on Christmas Day—to a national forest for an entire week.

Incredibly, it works. Everyone belongs, everyone pitches in, everyone gets fed—for free.

"Where you headed?" I asked a skinny, dirt-caked youth of 18 who was hiking down the two-mile trail from the Rainbow encampment. He was struggling with his box of meager possessions, so I offered a hand.

"Vermont," he said. "Going to follow Phish."

Who?

"Brother, you should check them out. When Jerry Garcia dies, they are gonna be it."

A chain of equally crusty teens, friends of his, soon filed alongside us, offering water and fruit.

"Mmmm nomm me nommm," they loudly hummed. "Do do do do do."

The tune sounded familiar. It made everyone smile against the drudgery of the hike.

"Is that Phish?" I asked.

No, they giggled. "It's from 'Sesame Street.' The Muppet theme."

PHISH AND THE DEAD

Last week, many of those who journeyed to Fairfax for Phish's show moved on to the Dead's three-night stand at USAir Arena. The parking-lot villages for both bands often feature the same characters and rituals: tribal drum circles convened by dead-headed white kids: the wandering, LSD-dosed bliss ninnies in search of "miracle" free tickets; the unmistakable musk of patchouli oil and BO; and the insistent hiss of nitrous oxide tanks, as kids suck $5 balloons full of laughing gas—called "hippie crack" because the rush lasts about 20 seconds.

Though the bands' following intersect, it's not because the music is the same. Many years ago Phish covered Dead songs, but any comparison today is wrongheaded; the only similarity is that both are jam bands, offering hours-long sets and extended improvisations capable of sending listeners into a twirling dance of ecstasy. ("If you need to find me later, I'll be spinning at Portal 4," Buckley Kuhn, 20, a former debutante from McLean, told me at the Patriot Center show.)"

What Phish shares principally with the Dead is a marketing strategy that breaks down the barrier between artist and audience. Both bands invite fans to record their live shows, and tapes are traded extensively (never sold). Both use hot lines and mailing lists to enhance the word-of-mouth network. All of this builds a more intimately connected, and loyal, fan base. Today both the Dead and Phish generate their main income from touring rather than album sales, subverting the music industry wisdom that touring is something a band does to sell records.

Several other young groups—Blues Traveler, Widespread Panic, God Street Wine, Aquarium Rescue Unit, Leftover Salmon and the Dave Matthews Band—are applying the Dead-Phish formula with varying degrees of success. Matthews, a regional favorite based in Charlottesville, has caught on with Phish fans and last month sold out the 3,400-seat Roseland Ballroom in New York.

Many of these bands share something else: a rejection of the voguish alienation and anger of so-called alternative groups, and a return to a celebratory spirit of rock's barefoot-and-tie-dyed past. Phish in particular is a fun band, as playful as children (though the members' average age is 29½) and inventively wacky; for example, when drummer Jon Fishman, dressed in a frock, sings Prince's "Purple Rain" while accompanying himself on a Electrolux vacuum cleaner.

Add in expertly honed, unpredictable sets and on-stage trampoline gymnastics, and the Dead start to look like what they are; a bunch of old men.

"With the Dead, you're going to get an average to lame show," says Steve Logan, 27 a computer salesman from suburban Philadelphia who used to collect live Dead tapes but now concentrates on Phish. He's seen them 73 times; he has stockpiled nearly 500 hours of digital audio tape. "With Phish, for the most part, it's an excellent show," Logan says after setting up his $600 Sony recorder. "The majority of the crowd is going to walk away saying, 'That's one of the best shows I've ever seen.'"

Says Jonathan Epstein, 21, a Massachusetts correspondent on the Phishnet, a computer bulletin board: "I lost my faith in the Grateful Dead. I lost my faith in the Dead when I herd Phish."

ON THE ROAD

Stun the puppy!
Burn the whale!
Bark a scruff and go to jail!
Forge the coin and lick the stamp!
Little Jimmy's off to camp.

—From Phish's "The Squirming Coil"

Nazz and his four friends were road-tripping from Cincinnati in a red Bronco packed with sleeping bags, flannel shirts and sustenance that included a case of Pete's Wicked Ale. First stop, Bethlehem, then on to Fairfax, then Louisville before returning to reality at the University of Cincinnati.

Many Phish fans attend college. But some, like Scott Nazzarine, are taking a break. He is 20, an architecture school dropout. He follows both the Dead and Phish, and tramped to Wyoming this summer for the Rainbow Gathering. He wrote his high school senior thesis on Jack Kerouac.

"I try to avoid working as much as possible," he says, laughing. He doesn't worry about surviving, he says because "people are so friendly" on tour.

But like the hippies of yore, today's self-seeking transients often have middle-class roots to return to.

"I've worked Phish into my master plan," says Todd Overbeck, 21, a ponytailed sociology major at the U of C. That blueprint includes: graduating with a good GPA, mastering Swahili and enrolling in the Peace Corps (he hopes to work in Africa), then getting a graduate degree. But for a year or two in between, starting in fall '95, he will follow Phish.

Why? It's part of his religion, he says, but not the conservative Catholicism he was raised in. "It's the spirituality of carpe diem—of seizing life, being happy," he says. "It's the spirituality of having a good time."

Do Phish's lyrics contain deeper meaning? Of course, Overbeck and his friends say. They cite the parable of "Possum": "I was driving down the road one day and I hit a possum. Possum, possum, possum."

Nazz smiles, as if revealing a secret. "Sometimes whatever they're saying doesn't matter," he says. "They could be saying anything."

SACRED MUSIC

Before the Bethlehem show, the rabbi tends the cookstove, stirring beans to make veggie nachos, a quick nosh for the parking lot faithful.

How much?

"By donation," He demurs. He also offers Camel wides for a more worldly sum of $3 a pack, and a free glimpse at his set-list catalogue of Phish's live shows, back to '86.

"This is part of my research and part of my occupation, because I'm clergy," says Yanni Cohen, 25, an assistant rabbi in Manhattan. "I get a spiritual boost big-time from Phish shows. And I'm here for advice if someone needs it."

It pleases Cohen that Phish sometimes breaks into the ancient chant "Aveinu Malkeinu" ("Our father, our king") and other Hebrew songs in concert, (Though no longer an observant Jew, bassist Mike Gordon attended Hebrew day school.) "It's a right-on message," the young rabbi says.

I offer Cohen my extra free ticket to attend the concert. Sorry, he says, but the sun has set, his observation of Sabbath has begun. He cannot attend.

So I offer it to his friend, Wanda D'Orta, 32, a former dental hygienist who now sells tie-dyed clothing, who was raised by strict Christian parents and still follows Jesus but rejects the institutional church. D'Orta says she finds truly Christ-like "unconditional love" among Phish fans.

"There are a lot of disciples here," she says, gesturing to the assembled, "even if they don't know it."

She has never seen a Phish concert. She marvels at the free ticket and seems on the verge of weeping with happiness.

"This is such a blessing," she says, "God bless you."

PRESENT AT THE CREATION

Amy Skelton is the legendary Phirst Phan. She alone was there to applaud Phish during its debut live show 10 years ago on a winter night in Burlington, Vt., at Nectar's—a tavern that is now a sacred site, drawing pilgrims by the carload.

"The second week there were two people, literally," recalls guitarist Trey Anastasio. From there the affinity circle kept expanding, as Skelton used her pickup truck to haul loads of 10 fans to bar gigs. "And we met all of them," says Anastasio.

He and other band members still wander into the parking lot after shows, but nobody treats them like gurus, or even rock stars. They dress like perpetual grad students. Their idea of a wicked good time on the bus is a chess match (keyboardist Page McConnell and drummer Fishman ended the spring tour tied 11–11).

"The guys have never taken themselves too seriously," says Skelton, 29, who now handles the band's merchandising on tour. That's her horse, Maggie, dangling on the cover of "Hoist," which has sold about 250,000 copies.

Phish's third album for Elektra, "Hoist" was an exercise in, well, fishing for radio and MTV exposure, Elektra hoped for a breakthrough after earlier releases flopped commercially.

"So we made a conscious decision," Anastasio recalls. "They want a couple of radio songs, they want a video, let's just do it and see how it feels. And we did it, and I didn't like it."

Why? "It's too commercial."

Anastasio realizes the irony of this. Most bands, no matter how loudly they bray about the evils of selling out, actually are willing to enter pacts with Lucifer to get a record on the Billboard chart. Phish is genuinely fearful of becoming too popular, of losing the intimate relationship with its fans (up until last year, band members even answered all mail personally). Many Phish Heads denounced the making of a video for the song "Down With Disease."

"We don't think we'll make any more," says Gordon, who directed it.

So far, the band has played to no audience larger than 18,000; New York's Madison Square Garden, an upcoming stop, holds 20,000. Anastasio says that's the limit.

"We won't be hitting RFK Stadium," he vows. "It's too big; it's just a stupid place to have a concert. The only reason to play in a room like that is because you make a whole lot of money."

It is a very large room, indeed. But perhaps the Great tour Manager in the Sky will decide the size of the room into which this man sets his feet.

PHAME

Within minutes of asking Phish to pose for photos, we are surrounded by a frenzied swarm of pre-pubescent girls demanding autographs. The girls play for a 13-and-under soccer team in Cold Spring Harbor, on Long Island, they're in Fairfax for a tournament, and not only have they heard of Phish, they have CDs right here for them to sign! Albums their 15-year-old sisters told them to buy! They looooovvve Phish!

The band is estatic, yet surprised that their fame has reached this level. "This is new for us," Anastasio says, shaking his mane.

But it's no wonder: Phish's music has built-in kid appeal. Anastasio used to write songs with his mom, once the editor of Sesame Street magazine. One of Phish's songs, "The Divided Sky," takes its melody from a family musical, "Gus the Christmas Dog."

It turns out the soccer team has no idea Phish is playing that very night, right down the street. Instantly, Anastasio invites all 15 girls to the concert. A few hours later, in the middle of "Cymbal," the Cold Spring Harbor Muppets file in front of the 10,356 spinners, seekers and just plain astonished music lovers, and chant:

"Everything we go, people wanna know! Who we are, where we come from! So we tell them: North, south, east, west—Muppets are the best!"

It's too perfect. The lesser deities that watch over feature journalists are clearly working overtime. And in the end, the story of Phish becomes a simple lesson:

To find happiness, be as if a child. Play and share. Love one another. Dance and sing. Somewhere in there, you may even find God.•

TRIBUTE TO KEN HARPER

• Mr. McCONNELL. Mr. President, I rise today to recognize a great Kentucky Republican for his excellence in representing a portion of northern Kentucky in Kentucky's General Assembly for 18 years. Mr. Ken Harper did not seek re-election this year and plans to retire in January after his current term expires.

Mr. Harper was first elected in 1963, but gave up his seat later that decade to serve the citizens of Kentucky in other capacities, including Assistant Commissioner of the Department of Child Welfare and Secretary of State for former Governor Louie Nunn. In 1981, he was once again elected to Kentucky's General Assembly for the 63d House seat. He subsequently ran unopposed in three of his six re-elections. Mr. Harper served on many committees including the Appropriations and Revenue Committee, Program Review and Investigations Committee and the Tourism and Energy Committee, where he served as vice chairman.

Throughout his tenure in public service, Mr. Harper has continued to operate his realty company in Northern Kentucky. After retiring, he plans to focus on this business, as well as spend more time with his six grandchildren. Among his major accomplishments, he lists legislation that helped create Northern Kentucky University and a flood prevention project on the Doe Run Lake in Kenton County.

Mr. Harper is a graduate of the Kentucky Military Institute [KMI] and has been honored many times. In 1963, he was the Outstanding Young Man of Kentucky. In 1966, he received the KMI Humanitarian Award, and in 1980 he received the Walter L. Pieschel Award from the Northern Kentucky Chamber of Commerce.

Mr. Harper's hard work and dedication has proven to be a great asset to Kentucky's 63d House District and will be missed in that district and the entire Commonwealth.•

PROPOSITION 187

• Mr. SIMON. Mr. President, while implementation of proposition 187, the so-called "Save our State" initiative passed by Californians this past election day, has already been stayed by both Federal and State courts on constitutional grounds, the informal implementation of proposition 187 has been very much in the news the past month.

We have already heard stories of Hispanic teenagers being refused service at restaurants unless they could furnish evidence of lawful immigration status; of individuals with Hispanic surnames being denied service at local government offices; of Hispanic schoolchildren being told by their classmates to go "back across the border." According to USA Today, "[l]awyers and civil rights groups say they're flooded with complaints from residents who say they're being wrongly questioned about citizenship." Clearly, the citizens of California have come to view proposition 187 as a license to take any adverse action—whether warranted under law or not—against anyone whose complexion or surname suggests that they may be Hispanic, and, therefore, of undocumented immigration status.

The problems with proposition 187 are not confined to illegal acts by California's citizens. Many individuals who are of undocumented status are declining to seek service at California hospitals, for fear that these hsopitals—in line with the dictates of proposition 187—will turn them in to the Immigration and Naturalization Service. Clinics in Hispanic neighborhoods have already reported a marked decrease in patients, and a young boy recently died because, many have said, his grandparents were afraid of seeking service at an area hospital for fear of being reported to the INS.

Some of the consequences I have described were intended by proponents of INS, while others were largely unintended. Governor Wilson of California has already counseled Californians to "learn the limits" of proposition 187. What Governor Wilson and other proponents of the initiative fail to recognize, however, is the racism and anti-immigrant sentiment cannot easily be contained. Once such sentiments are given official sanction, as they are in proposition 187, they permeate all walks of life and affect behavior toward many, many individuals who have as much right to be in this country as you or I do.

In but one month since its passage proposition 187 has been exposed as both constitutionally problematic and as unwise as a matter of policy. Neither of these developments comes as a surprise to many people who opposed the initiative from the outset. Clearly, illegal immigration is a problem that must be addressed in an effective manner. The early returns on proposition 187, however, indicate that that approach is not the answer. Many positive steps have already been taken in the past year to combat illegal immigration; I look forward to continuing working with my colleagues in Congress and with the Administration this issue.•

THE CANADAIGUA TREATY OF 1794

• Mr. D'AMATO. Mr. President, I rise today to recognize one of the oldest and most respected treaties ever written in New York State. The Canadaigua Treaty of 1794 signed between the United States and the people of the Six Nations of Indians, established a firm and permanent friendship which has lasted two hundred years. In recognizing this treaty, we also recognize the many great things accomplished all over New York State through the team work of the Haudenosaunee and the descendants of all those who have settled in New York State. Together our State has grown and prospered, always respecting the rights of all who live within our borders.

The Treaty of 1794 served as a model to the entire United States. The friendship that it recognized on paper has grown into a bond which knows no separation. The American Frontier had seen much bloodshed. People from all over the globe came to America to escape injustice and begin new lives, free of oppression. As the fight for expansion raged on in the West, the people of the Six Nations of Indians worked with their new neighbors to establish what would serve all in the United States as a model of peace and understanding based on trust and respect.

The first article of the treaty proclaims the underlying theme of the entire agreement—peace and friendship. That friendship has remained for 200 years, and continues to grow as we work together.

The second through fourth Article establishes the recognized boundaries between the United States and the Haudenosaunee. The focus is mutual respect and an understanding that the United States, having acknowledged what lands belong to the Six Nations "will never claim the same, nor disturb the Six Nations people or their Indian friends in the free use of and enjoyment thereof".

The last Article of the Canandaigua Treaty, article No. 7, incorporates the spirit of cooperation and the sense of justice which both signatories held so sacred. Article 7 establishes "that, for injuries done by individuals, on either side, no private revenge or retaliation shall be made by the party injured, to the other; but, instead thereof, complaint shall be made by the party injured, to the other".

The celebration of the Canandaigua Treaty of 1794 is a celebration of friendship and cooperation. This day is important because it commemorates that great spirit of friendship which keeps our separate communities together. I congratulate the people of Canandaigua and the Haudenosaunee.•

WAYS IN WHICH THE UNITED STATES CAN SUPPORT AFRICAN PEACE AND RECONCILIATION

• Mr. SIMON. Mr. President, I rise today to enter into the record recommendations from the report of a trip that I led to Africa earlier this year with Senators HARRY REID of Nevada and RUSSELL FEINGOLD of Wisconsin. We traveled to Liberia, Angola, and Tunisia to look at the effects of war and the prospects for peace. In addition, we met with Yassir Arafat to discuss the Palestinian National Authority, and Foreign Minister Solana of Spain regarding the Western Sahara.

Considering the current state of affairs in Liberia and Angola these recommendations will help in providing some guidance to the administration. Liberia remains enmeshed in war with the regional peacekeeping operation—the first of its kind in Africa—funded by western African nations, most of the problems that the mission is experiencing are due to resource shortages. Others are due to the upsurge in the war among the factions. Under the new leadership of President Jerry Rawlings of Ghana, the region is getting re-engaged on Liberia, and working hard to put together a workable peace agreement that incorporates all parties within Liberia.

The recommendations suggests ways in which the United States can support those regional efforts, and how we can put pressure on those Liberians who are working against the cause of peace. In addition, the full report suggests how we can make a difference in the lives of ordinary Liberians.

Recently a peace accord was signed in Lusaka, Zambia, by the warring sides in the Angolan conflict. Our country has had a long history with Angola beginning during the colonization of America. Angolans were brought to the south eastern part of the United States as slaves. Some of their descendants are presently known as the Gullah people of the Carolina's. However, most of us have come to know Angola during the period of the cold war where the United States provided support to a number of Angolan parties.

Angola's people, economy, and territory have been devastated by war, but with the signing of this new peace accord, brokered by the international community, we may for the first time in two decades see peace in Angola.

This peace is not only historic for Angola, but also for the southern Africa reason. With elections this year in Mozambique and South Africa, we may now see a southern African region that will begin to see its potential as an engine for Africa.

Our report addresses areas where the United States can make a difference in the lives of Angolans from immunizations for kids to reconstructing civil society. We hope that this report will serve as a basis for the new Congress and the administration to work with Africans on constructing peace and national reconciliation.

NOTE.—Because of limitations on the amount of material that could be placed in the RECORD, I urge my colleagues to contact my office for a copy of the trip report.

VISIT TO LIBERIA, ANGOLA, TUNISIA, AND SPAIN—RECOMMENDATIONS TO THE COMMITTEE ON FOREIGN RELATIONS BY SENATOR PAUL SIMON, SENATOR HARRY REID, AND SENATOR RUSSELL FEINGOLD

FINDINGS AND RECOMMENDATIONS FOR U.S. POLICY

The main findings of our report are listed below for each country we visited:

LIBERIA

1. Liberians who raise money in the United States for weapons and/or are implicated in committing crimes in Liberia should be bared entry. Most of the Liberian factions have high ranking members that reside in the United States.

Under the Immigration and Naturalization Act of 1986, the President may make a proclamation that individuals or groups from certain countries are barred access to the United States for foreign policy reasons.

2. Senators Simon and Reid believe that the Secretary of State should recognize the Liberian National Transitional Government [LNTG].

Senator Feingold raised concern about the premature recognition of the LNTG. He noted that since the LNTG was appointed as a caretaker government pending democratic elections in Liberia, U.S. recognition should be tied to the holding of elections. Indeed, consistent with its priority on advancing human rights and democracy, US policy has explicitly linked recognition of the Liberian Government to elections. No other country has recognized the LNTG, though the United States and the United Nations have regular contact with members of the LNTG on a working basis. Senator Feingold supports developing a "road map"—a graduated step-by-step plan—aimed at legitimizing an elected Liberian Government.

3. There needs to be increased UN scrutiny of the arms embargo against Liberia. Recent reports have suggested that the embargo needs to be strengthened.

The delegation was particularly alarmed by widespread reports that other countries—including Burkina Faso and Cote D'Ivoire—are participating in the arming of various factions in Liberia. It is also concerned about the role of ECOMOG in enforcing the embargo. It is our belief that the war will not end and economic development and political reconciliation will not begin unless the arms trade is halted. As private and public negotiations on a peace accord continue, the arms trade should be a top priority. The delegation heard from many sources that the Nigerian component of ECOMOG is arming certain factions in Liberia.

4. Given that ECOMOG appears to be the only hope for Liberia, particularly under the invigorated leadership of President Jerry Rawlings. The Administration should consider providing additional resource support for ECOMOG, including logistical and vehicle support that would allow the force to fan out throughout the country.

5. During our negotiations with the warring parties, there should be an emphasis on demobilization and the reintegration of soldiers with the understanding that elections can occur if "real" demobilization is adhered to.

Demobilization and reintegration, however, are inextricably linked to economic development and peace. For instance, soldiering is one of the only employment options available to children. For disarming, soldiers are offered only a pair of tennis shoes, a bag or rice, and a can of cooking oil—hardly enough to sustain a family. The U.S., the U.N. and, ideally, ECOWAS should look at possibilities (1) to create jobs as a lever in the peace negotiations and (2) to develop programs—such as "midnight basketball"—for children to give them alternative activities to fighting.

6. The Administration should discuss with ECOWAS the request, made by the Transitional Government, to name a political envoy to liaise with the Government.

7. We should stress to all factions that they must abide by the Cotonou Accord. The international community is looking to the U.S. to take the lead in Liberia, and given our historical ties and responsibilities in Liberia, we recommend that the resolution of the war in Liberia become a higher priority in our policy in Africa. Specifically, we recommend that the U.S. send a high-level delegation to the region at the appropriate time in the peace talks.

ANGOLA

1. The Agency for International Development should provide funding to the Centro

Orthopedica Neves Bendinha center in Luanda. The center is the only operating prosthetic and orthopedic hospital in Angola.

2. The Agency for International Development should provide funding to the UNICEF appeal for a national immunization program.

3. A problem common throughout the developing world is also present in Angolan refugee camps: vaccines expire before they arrive, or they spoil upon receipt because there are inadequate storage facilities in Angola. The same is true for food shipments. Critically, the U.S. should support ongoing research on cold chain technology to ensure the utility of vaccines as intended, as well as continuing research on bags and containers holding food supplies.

4. The Administration should insist that President Mobutu of Zaire stop overflights of weapons shipments destined for Angola.

5. The Chairman of the Export-Import Bank should examine the issue of providing risk insurance and financing for U.S. firms operating in Angola.

6. The Administration should discuss with Angolan President Dos Santos the proposal by the opposition to convene on a regular basis the Council of the Republic. The opposition believes it needs institutional protection to guarantee its voice in government decisions. This would also be a positive confidence-building measure.

7. The Administration should discuss with President Dos Santos the opposition's proposal to accelerate the appointment of justices to fulfill the remaining seats in the Judiciary.

8. Humanitarian NGO's on the ground should be mindful of the concern that humanitarian assistance efforts not thwart the production of indigenously produced goods. In addition, resettlement programs should begin whenever areas that are calm and safe can be opened up.

9. Within funding already allocated for foreign assistance, AID should provide additional money to initiatives like OTI (Office of Transition Initiatives) because they can dispatch assessment missions and quick infusions of money to countries in transition such as Angola. Many times these countries do not need humanitarian assistance for extended periods because they have extreme potential, however, until they get beyond the crisis, they cannot be provided developmental assistance.

TUNISIA

1. As events develop in the Middle East peace process and democratic reforms take hold, the Administration should consider participating in joint exercises with the Tunisian military for the purpose of strengthening Tunisia's defensive capabilities.

2. The Congress should consider holding joint meetings with Tunisian legislators on focused issues, such as regional concerns and the development of democracy.

3. The U.S. should continue its support of Tunisia as Chairman of the Organization of African Unity.

4. As Tunisia continues its process of democratization, the U.S. should emphasize the importance of the protection of internationally-recognized human rights in a democratic and pluralistic society. For example, the U.S. should continue to raise issues such as the incarceration of human rights activists and freedom of speech.

MEETING WITH PALESTINE LIBERATION ORGANIZATION CHAIRMAN YASSER ARAFAT

1. The Administration should continue to press Chairman Arafat to take the lead in lifting the Arab boycott of Israel.

2. Israelis, Jordanians and Palestinians should work together to determine whether there is a need for a desalination plant and other clean water technologies in the region. As water resources become more stressed and water sources are increasingly shared, desalination techniques are more timely than ever.

3. The Administration should discuss with Arab states the need to allow the Palestinian National Authority to collect Palestinian remunerations that remain in Arab banks, in connection with the Middle East peace process.

4. The Administration should work closely with multilateral institutions and other donor countries to ensure that the Palestinian National Authority in the West Bank and Gaza is receiving the money it has been pledged as implementation of the peace accords continues.

MEETING WITH FOREIGN MINISTER SOLANA OF SPAIN REGARDING THE WESTERN SAHARA

1. As the process of reconciliation appears to be on the verge of a breakthrough, the delegation supports the continuation of MINURSO.

2. The U.S. Ambassador to the United Nations should carefully monitor the development of the identification commission which is mandated to register voters from the Western Sahara.•

75TH ANNIVERSARY OF THE SCHOOL OF MANAGEMENT

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to a fine institution in upstate New York, the Syracuse University school of management, on the occasion of its 75th anniversary. In truth it's not so much the institution that is deserving of our admiration and respect, but the cooperative efforts of faculty, staff, and students over many years of change.

Syracuse University has a longstanding tradition of being one of the most revered institutions in New York State and the School of Management has played a major role in carving out this notable legacy.

The year was 1919, the war was over, and Americans were embracing the principles of scientific management for the omni-present industrial boom. No one embraced the business ideology more devoutly than John Herman Wharton, a professor of English in the college of engineering at Syracuse University. Wharton seemed an unlikely champion of business education, yet he succeeded in convincing James Roscoe Day, then chancellor, that there was an imminent need for sound collegiate business programs.

It was an academic response to the challenge of technology which brought forth the school of management at Syracuse University. The school has been nurtured by many hands over 50 years of change beginning with Dean John Herman Wharton. We can all take great pride in the success of this school and all programs of this caliber that responded then and continue to respond today to the needs of our nation long before they become apparent to the masses. It is my hope that our institutions of higher learning will continue to lead the way in responding to our educational needs as we remain competitive in a global economy. I congratulate Syracuse's school of management on 75 years of achievement, and look forward to its continued success in the year ahead. Thank you, Mr. President.•

ELECTRIC VEHICLES

• Mr. SIMON. Mr. President, I want to share with our colleagues a recent articles by Matthew L. Wald published in the New York Times about Noel Perrin, a professor emeritus of English and American literature at Dartmouth. Mr. Wald writes about Professor Perrin's experiences with electric cars and of his devotion to bringing about a pollution free environment through the widespread use of these vehicles.

Automobile ownership is expected to increase worldwide by up to 50 percent in the next 20 years. If we do not take action, the environmental and energy problems that will result from the use of gasoline-powered cars will be monumental. The air pollution and oil consumption will create problems that simply will be intractable. The widespread use of electric cars, however, would go a long way toward resolving our Nation's environmental and energy problems.

For some years I have been trying to promote greater research and use of electric cars. And we are making progress. New environmental regulations have been adopted in California, New York and Massachusetts, and are under consideration in other States. In these three States, starting in 1998, 2 percent of the cars sold in the State must be electric. Early this year, the Ozone Transport Commission, representing a group of eastern States and the District of Columbia, voted to support California's efforts to develop a market for electric cars as a means of reducing air pollution. The Commission vote was a formal recommendation to the EPA to require "progressively cleaner standards" for automobile emissions.

We are making progress, but we must continue our efforts. We must work on the problems that are inherent in any new technology. Batteries that take too long to recharge, the short range of travel before recharging, and the high cost of the electric car are some of the problems that must be resolved.

There is great interest in the electric car abroad. Japan wants to have 200,000 electric cars in use by the year 2000, and Europe will not be far behind. We must encourage U.S. auto companies in every way we can to produce electric cars. We must get on the cutting-edge of this technology, Mr. President, before other nations move ahead of us.

Mr. President, I ask unanimous consent that the New York Times article

"A Man and His Plug-In-Car and their American Odyssey" be printed in full in the RECORD.

A MAN AND HIS PLUG-IN CAR AND THEIR AMERICAN ODYSSEY

(By Matthew L. Wald)

As bad trips through the Donner Pass go, Noel Perrin's ended relatively painlessly. Nobody froze, starved or ate any unusual meals; all that died was his dream of driving an electric car from Los Angeles home to Vermont. Instead, he rolled back down the mountain, bought a secondhand 1981 Toyota pickup and ignominiously towed the electric across the continent.

Mr. Perrin, a professor emeritus of English and American literature at Dartmouth, has recently been teaching environmental studies and driving what he preaches—just now a 1983 Audi, converted to electricity in 1992. Last year it made the daily run from his home in Thetford, Vt., to his classroom in Hanover, N.H., 13 miles each way, and covered 5,000 miles; this semester he is teaching at Boston University, and the Audi sits at the bus station in White River Junction, where he picks it up every Friday night for the drive home.

Auto executives are very nervous about requirements in California, New York and Massachusetts that beginning in 1998, 2 percent of the cars offered for sale must be electric. But Mr. Perrin is confident: "They've got to make them attractive. But the electric cars are like those girls in 1950's movies that don't realize they're beautiful. The cars are attractive. It's just that Ford and Chrysler and G.M. don't really realize that."

Could he sell the idea to 2 percent of his neighbors?

Actually, he could, he said in a telephone interview last week. "The reason I think I can get one in 50 and probably one in 20 of my neighbors to buy is almost entirely environmental," he explained. "Someone speculated that about 1 percent of Americans are eco-fanatics but that in Vermont the percentage is more like 20."

Professor Perrin was goaded into pioneerhood in 1990, by a student who listened to his lecture on energy conservation and then asked how he could drive a gas-guzzler. A few months later, he flew to Santa Rosa, Calif., to buy a car from the only manufacturer he could find, Solar and Electric Engineering, now U.S. Electricar. It was a 1985 Escort, equipped with lead-acid batteries, which he named Solo. It had a quoted range of 45 to 60 miles between recharges. It turned out to be less going uphill.

NOT THE FIRST

He is a self-conscious pioneer, as he shows in his 1992 book, "Life with an Electric Car" (reissued last month by the Sierra Club Paperback Library, on acid-free paper containing a minimum of 50 percent recovered waste paper). He wrote that he had believed he was the first to try to cross the country with an electric, but found out later that others had preceded him. Still, if the late 1990's turns out to be the dawn of a new age of transportation, he can lay claim to experiences that are already a thing of the past. One is having to cross the country to find a car; there are now at least 16 builders and converters around the country.

He made the trip with nine half-pints of Vermont maple syrup, to barter along the way or give to people who were particularly helpful. He also carried a letter from the manufacturer to show wary motel managers that his car, plugged in overnight with an extension cord strung through a window or into a laundry room, could not draw more than $1.50 worth of electricity.

"You can plug one in anywhere there's power right now; it's just that you have to explain what you're doing," he said.

He did not take a gasoline-powered generator, which, he said, would not have drawn converts to the cause of electric vehicles. As it was, Solo did not win over everybody; there was the service station attendant in Utah, for example, who asked what he had paid for the converted Escort ($17,500) and offered, "Around here you could get three 1985 Ford Escorts for that. Maybe four."

At home, Mr. Perrin avoids tapping into the local utility, which simply trades pollution from a tailpipe for pollution from a power plant stack. To get electricity for his car, he covered the south side of his barn roof with $18,000 worth of solar photovoltaic cells.

The automakers argue that apart from some elite, special cases like Professor Perrin—although "special" isn't quite the term they use—Americans don't have the money or the inclination to deal with an electric. Professor Perrin disagrees.

"It certainly is true that right now they're more expensive, because electric cars are hand-converted," he said. But they have fewer parts than conventional cars, and in three or four years, with mass production, will be cheaper than internal-combustion models. "I don't see that that's particularly elitist," he said. "You may say it's elitist for people to buy Cadillacs and Ferraris and read Road and Track or Car & Driver."

Detroit has drawn its own profile of who would buy an electric, and Professor Perrin fits much of it, as an "early adopter" of new technology with unusually strong views on the environment. Detroit has missed another characteristic of those who buy first; they are extroverts, who will roll down the window at every red light to answer questions. (Solo called attention to itself with a roof rack of photovoltaic cells and the words "Solar Electric Vehicle" on its back and sides.)

WHITE-HAIRED FANS

"All sorts of people, white-haired old ladies—I'm a white-haired gent myself—will come up and say that they're determined to have one before they die," he said. "Kids in high school come up, too."

"Now, all of us Americans want convenient personal transportation even more than we want to be good to the environment. But I think there are going to be several different kinds of electric cars built from the ground up."

In these closing years of the 20th century, Professor Perrin, at 67, is like a test pilot in a battle among the auto manufacturers, the air regulators, the entrepreneurs and, of course, the lawyers for each. The battle is to determine whose legacy will prove more enduring on the American road; the contestants are Henry Ford, who perfected the mass-produced internal combustion car, and his friend Thomas Edison, who built the first practical electric generator.

There is another pioneer Professor Perrin would like to emulate: Sacagawea, the Shoshone Indian who accompanied Lewis and Clark. In later years, Sacagawea covered part of the route again by train.

"My fantasy is just really good batteries in an electric car, maybe lithium polymer," he said, "because I want to drive across country and visit all the places I had trouble when I first brought Solo home in 1991."

Solo is just a memory now. The car died on a back road in a collision with a telephone pole, as Mr. Perrin's book recorded:

"There was a monster dent in front, exactly the size and shape of a telephone pole, but there was no flood of sulfuric acid from the forward batteries. No hiss of steam from the radiator. (Couldn't be. No radiator.) Dazed as I felt, I still was able to notice the one tiny bit of silver lining. This head-on crash showed that electric cars are pretty safe in accidents, maybe safer than gasoline cars. At least Solo was."●

NATIONAL STANDARDS FOR GEOGRAPHY AND NATIONAL STANDARDS FOR CIVICS AND GOVERNMENT

● Mr. BINGAMAN. Mr. President, 2 weeks ago draft national standards for the teaching of civics and government in grades kindergarten through 12 were released by the Center for Civil Education. At about the same time, draft national standards in geography were also released by the Geography Education Standards Project. I have long been an advocate of the development of standards in the core academic subjects as a way to improve our Nation's educational system and the academic achievement of America's young people. Accordingly, I am very happy to see two more installments of proposed national standards announced to the public. I want to congratulate the Center for Civic Education and the Geography Education Standards Project for what appear to be two very solid and comprehensive efforts to produce standards in these important areas.

I would like to take this occasion to comment on the standards process, of which these latest releases are a part, and on the importance of academic standards to the improvement of education in America.

In 1991 Congress created a National Council on Education Standards and Testing—NCEST—and charged it with advising the Congress and the Nation on the desirability and feasibility of establishing world class education standards for the United States, methods to assess their attainment and a mechanism for establishing those standards. I was privileged to serve on that Council and joined in its report, "Raising Standards for American Education." That report concluded that national standards were needed to provide more equitable educational opportunity for all Americans and to increase the competitiveness of the economy. That report further called for high, nationwide, voluntary standards as a resource to State and local reform efforts and recommended that an new council be established to review standards and, with the National Education Goals Panel, participate in approval of such standards.

The Goals 2000 legislation—Public Law 103-227—which we passed last spring carries forward the recommendations of NCEST. It provides for the establishment of the National Education Standards and Improvement

Council—known as NESIC—to encourage the development of standards, to review standards and, as appropriate, certify them. The NESIC, which has not yet been appointed, is to consist of experts in various aspects of education. The members will be appointed by the President from nominations made by the Goals Panel, the leaders of the House and the Senate, and the Secretary of Education. Its members are to be evenly split in political affiliation.

When appointed, the NESIC will adopt criteria for the certification of standards and will review the standards submitted to it in accordance with such criteria. Criteria for review have suggested in the excellent report "*Promises to Keep: Creating High Standards for American Students*" which was prepared for the Goals Panel last November by a panel consisting of such distinguished individuals as Shirley Malcom, Chester Finn, David Hornbeck, Richard Mills, among others. Those criteria for standards include the following: world-class, important and focussed; useful; reflective of broad consensus-building; balanced; accurate and sound; clear and usable; assessable; adaptable and flexible; and developmentally appropriate. These or other similar criteria may be adopted by NESIC for purpose of reviewing standards submitted to it. If standards meet such criteria, NESIC may certify the standards. NESIC will also consider other issues, such as whether there can be more than one set of national standards certified in a single subject.

NESIC will submit the standards that it certifies to the National Education Goals Panel for its review. The Goals Panel, on which I serve, may disapprove those standards within 90 days of receipt; otherwise, the certification will stand as a kind of "Good Housekeeping Seal of Approval" to guide States in their selection of standards for their schools. Those States may adopt these certified national standards if they choose; alternatively, they may develop their own standards and seek certification for them from NESIC; or they may adopt standards without certification or decline to adopt any standards at all. The standards are purely voluntary, but it is my hope and expectation that all States will adopt the NESIC certified standards or comparable State-developed standards.

Thus, the standards process envisioned by Goals 2000 is one with many steps—the first of which is the development of the standards themselves by interested groups. The civics and government standards and the geography standards are steps in that initial process, but not the first steps. Other standards have already been developed and released. In 1989, the National Council of Teachers of Mathematics released standards for mathematics which are now in use in about 30 percent of the country's school districts. This year has seen the announcement of standards in the arts and in history in addition to the civics and geography standards which were just released. I understand that science and foreign language standards will be announced soon. The process is moving along and we are getting closer to having a set of world-class standards in each of the nine core academic subjects identified in the Goals 2000 law.

Having challenging, world-class standards for our students to meet in the core academic subjects is critical to the efforts to improve the educational level of our citizens. For too long, we have concerned ourselves with making sure that our students meet minimum standards, with the result that while many students do reach those minimum standards, not enough meet the higher standards that students in other countries meet. As a Nation, we need to challenge ourselves and our young people to do our best, not just get by. The adoption of national, voluntary standards in the core academic subjects will send a very strong and positive message to our young people: that the entire Nation wants and supports the best for them.

National, voluntary standards are important because they set an agenda of excellence for all students, not just the privileged or the gifted. I have not yet met a parent who does not want his or her child to meet high standards—and when I talk to students in my State of New Mexico, they say that they want to be given the same opportunities and held to the same expectations as students in other States.

Further, in our highly mobile society, national standards will provide some uniformity and predictability and, I hope, the opportunity for the first time for students to know that whatever school they may attend will share academic objectives with other schools across the country.

I also expect that the standards process will help us all focus on and understand what we as a Nation expect from our schools so that we can set about supporting and helping the schools meet those expectations.

The standards which I see being certified as a result of the process set out in the Goals legislation should be realistic but tough and provide a benchmark for all schools in the Nation to meet. Local districts can choose how to teach in order to meet the voluntary standards, but they will be guided in their curriculum decisions by consistent, challenging standards. The kinds of standards I am talking about are not a list of facts which each student will be expected to memorize by a certain age. Rather, they are standards such as those set out in the civics standards—for example, by grade 4, "a student should be able to explain the purposes of rules and laws and why they are important in their classroom, school, community, state and nation." Or, by grade 12 "students should be able to evaluate, take and defend positions on the proper relationship between the national government and the state and local governments." These and similar standards are critical for our students to meet, no matter where the school or the circumstances of the student.

There are many reasons that we should all be pleased that the process of developing standards in the core academic subjects is proceeding. There is still a long way to go: these standards must all be reviewed by NESIC before certification. I have always envisioned that the NESIC review would encompass dialog and revisions so that the standards which emerge meet broadly accepted criteria. Nevertheless, the announcement of these civics and geography standards signals another major step down the road toward educational excellence for our Nation.

In conclusion I would like to note that it is fitting that civics standards should come at this time, following historic elections which have changed the majority in both the House and the Senate for the first time in over 40 years. This dramatic change in the majority of Congress was accomplished in an election in which less than 40 percent of the voters exercised their right to vote. The commentators have written at great length about the anger of our citizens as expressed at the ballot box—but there has been little commentary on a more dramatic fact—the fact that a majority of those entitled to vote chose not to do so in this election. There may be many reasons for that low level of participation in our democracy, but I believe that one of those reasons is a lack of appreciation and understanding of the system and the important role that individuals must play in it at all levels of government.

The newly announced civics standards seek through ambitious and challenging standards to provide an understanding of that system to students at all levels as they move through school from kindergarten to graduation. As a member of the Goals Panel which will review the standards if they are certified by NESIC, I do not want to prejudge them at this point. But as I looked through them I thought to myself how wonderful it would be if all students in America could leave high school with a firm grasp of the material covered by these standards and a commitment to responsible, informed and active participation in our democracy.

Again, my congratulations to the Center for Civic Education, to the Geography Education Standards Project, and to all the groups and individuals who participated in the drafting of these standards. They have made an important contribution to the process which I hope will transfer our educational system and give all of our students the chance to be the best in the world.●

THE PROBLEMS FACING TRIBAL COLLEGES

● Mr. SIMON. Mr. President, I want to bring to the attention of the Senate a true success story in Indian country. Back in 1978, I served as chairman of the Subcommittee on Postsecondary Education in the House of Representatives. One of the bills that came out of that Subcommittee was the Tribally Controlled Community College Assistance Act of 1978.

What these colleges do, they do very well, with funding sharply below that of State or Federally support community colleges. Little Federal money is available to tribal colleges for renovation and repair, and no money for new construction.

Tribal colleges prepare students for today's job market and provide instruction in Native American traditions and history. Because of their success, tribal college enrollments have been steadily increasing over the past decade. In 1993, over 14,000 students were enrolled in tribal colleges.

A review of tribal college facilities by the Bureau of Indian Affairs [BIA] found that most of the classrooms were minimally functional, and all the colleges had buildings that were in noncompliance with safety and building codes. Most of the colleges were established in surplus buildings from the BIA and the Indian Health Service must remain in deplorable condition.

The article "Breaking Point" details the problems facing the Navajo Community College. Over 300 deficiencies were identified by the BIA for health and safety violations. Yet students travel hours from all over the reservation to attend college. We must even the playing field by increasing the money tribal college institutions receive. I ask that the article "Breaking Point" be printed in the RECORD.

The article follows:

BREAKING POINT

(By Kathleen Kennedy Manzo)

SHIPROCK, NM.—The aging sandstone structure that serves as a main instructional facility at the satellite campus of the Navajo Community College has suffered from years of neglect.

It is a victim of the limited resources and the need to address greater priorities that characterize the mission of most of the 31 tribal colleges throughout the nation.

When inspectors for the Bureau of Indian Affairs (BIA) visited the campus last spring, they found poor lighting throughout the building, a leaking roof that caused electrical problems and slippery floors, a gymnasium floor that collapsed on the locker rooms below it and a fire alarm system and safety lights that did not function properly.

Some of the nearly 300 deficiencies identified by BIA safety managers who inspected the site had been evident for years, ignored as either too minor, or too expensive, to fix. But when the inspectors threatened to close the facility unless more than half the problems were repaired, it set into motion a cooperative effort to ensure that classes could go on.

Workers have been repairing the facility for more than a month by replacing light bulbs, patching the roof and doing routine maintenance to keep the building open. BIA safety personnel completed another inspection recently and found that more than half the problems were fixed, so the building could stay open for classes. The Navajo Nation Tribal Council granted $300,000 toward the upgrading of the structure. Tribal and education leaders, the U.S. Department of the Interior, the BIA and college officials are all working to secure funding to continue the repairs.

The U.S. Congress, concerned about the poor financial health of Native American colleges, has begun work on amendments to bring their financing more in line with community colleges nationwide. But that effort is still making its way through the sluggish Capitol Hill legislative process.

BIA inspectors have noted the deficiencies at Navajo Community College for years, according to Alfred Abeyta, of the safety management office in Gallup, NM. But the repairs have never been a priority with college officials who have put more immediate concerns first, he said.

"They had a very poor maintenance program because of the lack of manpower and lack of funds," Abeyta said. "We have so many deficiencies in all our [tribal] schools that it's hard to say who to fault. . . . They are thinking about things like books and trying to get the kids educated."

PROBLEMS DEBATED

There has been disagreement about the extent of the problems. The BIA first advised closure and demolition of the building, which houses about 60 classrooms. An agency report issued in July stated, "Because of the excessive number of deficiencies and the enormous amount of money required to correct these deficiencies, the Shiprock Acting Safety Manager recommends [that the building] be totally demolished. The structure is a hazard to students, educators, administrative personnel and visitors. The building is rapidly decaying and is past the point of safe usage and occupancy."

It was estimated it would cost anywhere from $4 million to $8 million to make the building and the campus safe. But school administrators felt the BIA report was overly harsh because it blew the problems out of proportion.

"All in all, the big old uproar about the building being in [an] unsafe condition is just a small factor," compared to other challenges, said Shiprock campus spokesman D Johnson. "The building is old and it does need some work, but I don't think it's in critical condition."

The problems paled in comparison to those of smaller and older community centers run by the college, according to NCC Vice President James McNeley.

"It is a structurally sound facility," in need of some repairs, he said of the former boarding school site. "It's like a comfortable old shoe. Some of the facility needs at the community centers are much greater."

But Abeyta said the severity of the report was necessary to force the college to take action on long-standing problems.

ABANDONED BUILDINGS, TRAILERS

Navajo Community College, established in 1968, was the first tribally controlled college in the nation. Its main campus, where the administration is housed, is in Tsaile, AZ, 100 miles west of the Shiprock campus. The Shiprock campus serves older adults—the average age of its students is 29—and offers programs in science and engineering. The two campuses and five community centers serve the Navajo reservation, which stretches 25,000 square miles into New Mexico, Arizona and Utah. Like many of the reservations throughout the United States, the Navajo Nation is sparsely populated and plagued by high unemployment, low educational attainment and severe poverty.

These factors have created extreme challenges for the tribal colleges. The problems highlighted in the BIA report brought national attention to some of those challenges, particularly those centered on inadequate facilities and resources.

"It's a miracle we're even around with the amount of money we were given to start up. By and large, tribes are impoverished and don't have the money to support the colleges," said David Archambault, president of Standing Rock Community College in North Dakota. "With regards to facilities, many of the tribal colleges are in abandoned buildings and even condemned buildings . . . most operate out of the cheapest mode of shelter, like trailers."

Archambault said that NCC has one of the better facilities among tribal colleges.

Blackfeet Community College in Browning, MT, was founded in 1976 and housed in an old house, an abandoned metal building and a renovated roller rink. Fort Belknap College in Harlem, Mt, moved into a tribe-owned storefront and erected partitions to wall off offices and classrooms. The Institute for American Indian and Native American Art Development in Santa Fe, NM, a 32-year-old federally chartered college dedicated to he fine arts, conducts classes in 50-year-old military barracks and portable buildings located on the campus of Santa Fe Community College.

AID FROM CONGRESS

In its last session, the U.S. Senate approved an amendment, as part of the reauthorization of the Elementary and Secondary Education Act, to give limited land-grant status to tribal colleges in an effort to bring their funding levels up to par with other community colleges. At presstime Congress was expected to pass the legislation by early October.

Sen. Jeff Bingaman (D-NM), who sponsored the legislation, pointed to the "report on the deplorable condition of the Navajo Community College in Shiprock [as] a glaring, but instructive example of the funding inequities that confront American Indian community colleges."

Said Bingaman: "If tribal colleges don't even have the resources necessary to provide basic facilities, they certainly can't provide the skills necessary for American Indians to compete and succeed in the job market."

Sen. Pete V. Domenici (R-NM), who cosponsored the legislation, said shortly after the BIA report was released that the bureau's recommendations were made in haste and threatened the educational future of the nearly 500 students at the northwest New Mexico campus.

Domenici was critical of the BIA regulations that prevented the bureau from making the repairs. Since the college became a contract school and was released from BIA control six years ago, the bureau's authority is limited, according to Alfred Abeyta in the bureau's Gallup office. But Domenici said that the BIA does have the authority to make the repairs under the Tribally Controlled Community Colleges Act. He has charged that the BIA has spent no money or made other efforts to force in to action a plan for repairs despite the threat to student safety.

Although Congress approved $43 million in its fiscal 1995 budget for the BIA to make repairs to education facilities, NCC is not included in that plan. However, the land-grant status would provide a $23 million endowment, held in trust for the colleges, with the annual dividend going to supplement current educational programs. Each school, including NCC, will also get $50,000 per year. And the colleges will share $1.7 million per year in building grants.

Although relying almost entirely on federal funds, tribal colleges receive less than $3,000 per full-time equivalent student in government aid. Historically Black colleges receive nearly $17,000 per student, and mainstream community colleges get about $7,000 per student. Land-grant colleges were established to improve economic opportunities in rural areas. HBCUs and those institutions located in American territories were first given that designation more than 100 years ago.

The limited land-grant status is expected to give the tribal colleges access to a wider variety of programs and resources and foster cooperative agreements between them and existing land-grant colleges seeking to attract more Native-Americans.

The lack of adequate facilities has not discouraged many students from attending the two-year schools. Although officials expected that the problems in Shiprock would negatively affect enrollments, they remain high. The Tsaile campus had a record number of students last year with 2,500 attending full-time. Many of the tribal colleges represent an opportunity for students to pursue higher education while allowing them to stay close to their families, a high priority steeped in centuries-old traditions and a strong attachment to their homelands, McNeley said.

"We have no difficulty attracting students because, in their hearts, most Navajo people would prefer to stay on the reservation," McNeley said. "Our challenge is to be able to meet that demand."

Despite the limitations, tribal colleges have continued to meet the varied needs of thousands of Native Americans, said Joseph McDonald, president of Salish Kootenai College in Pablo, MT.

"The working conditions are austere . . . but I've been in real nice buildings where the educational programs are poor," he said. "You can teach in a barn, or a hay shed, or have an exciting program on the street. Tribal colleges have proven that . . .. But inflation keeps going up, faculty salaries, electrical costs and the cost of books and materials keep increasing . . . but the money [appropriated to tribal colleges] stays the same. We're really at the breaking point where something has to give real soon, or the tribal colleges will be in great trouble."•

RETIREMENT OF "PINKY" THOMPSON

• Mr. INOUYE. Mr. President, yesterday marked the retirement of one of the foremost contributors to native Hawaiian education, Myron Thompson, known as Pinky to his many friends.

Pinky is one of those rare individuals that very few of us ever have the opportunity to meet, but when we do, our own lives are forever changed in a most unusual and positive manner. He is without question the dedicated public servant who is always there when needed, who actively shuns receiving credit for what he has accomplished, and who truly possesses national vision. Many years ago, my mother as a very young child was adopted by a native Hawaiian family and as I was growing up, she constantly reminded me of the importance of the inherent value that native Hawaiian people have always placed on family and country. I have never forgotten her words and have been pleased to work closely with Pinky for decades on behalf of these indigenous peoples and especially their children and families.

I still vividly recall the first time that any U.S. Secretary of Education ever met with native Hawaiians to discuss their pressing and unique educational needs. That meeting was held in then-Secretary Terrence Bell's office with Pinky, then-Representative DAN AKAKA—the first native Hawaiian to serve in Congress—and myself. From that meeting more than a decade ago, a whole new generation of impressive health and educational programs have evolved. Programs that focus on the unique needs of children and their families; programs that work and that have become inspirational models for all our Nation's children, not only for native Hawaiians.

I could cite similar incidents of Pinky's leadership in the job training and health care arena, and equally importantly, in ensuring that native American cultures will thrive and be appreciated for generations to come. His son, Nainoa, following Pinky's vision, with only the guiding light of the stars and his cultural heritage, has navigated the "Hokule'a" throughout the Pacific waters, in so doing giving life to the history of native Hawaiians. This is the legacy that Pinky leaves us. Truly impressive accomplishments that very few have ever even dreamed to seek.

Pinky retired yesterday as chairman of the board of trustees for Kamehameha Schools Bishop Estate, after a distinguished service spanning 20 years. He was born and raised in Hawaii, and in his 70 years of life has managed to involve himself in nearly every educational program Hawaii offers for its native Hawaiian citizens.

As trustee for Kamehameha Schools/Bishop Estate, he helped guide the expansion of educational programs throughout the Hawaiian community, reaching over 30,000 people each year. His foresight and support enabled Kamehameha Schools Bishop Estate to create alternative education programs for at-risk students, such as Healthy Start and Safe Hawaii, which envisions a safe, healthy, and violence-free Hawaii in two generations.

I am convinced that Pinky will continue to guide the programs he was so involved in during his trusteeship: the Native Hawaiian Health Act, and the Native Hawaiian Education Act.

His motivation to improve the well-being and cultural pride of the Hawaiian community is rooted in the philosophy of self-help. He believes education is the key to addressing a variety of concerns within the Hawaiian community, including health, employment, and substance abuse.

I commend this man for his many years of commitment to native Hawaiians and the State of Hawaii. I am sure he will remain just as active in retirement as he has been in the past.

On behalf of the people of Hawaii, I extend to Mr. Myron Thompson our fondest aloha. I wish him the very best in navigating new waters and know he will sail on as a champion of native Hawaiians and native Americans everywhere.•

UNITED STATES-NORTH KOREA NUCLEAR DEAL

• Mr. BOND. Mr. President, just over a month ago, the administration announced that it had entered into a deal with the North Koreans to address the smoldering nuclear crisis on the Korean peninsula. At the time the agreement was announced, I had serious reservations as to whether it was in our Nation's—or the world's—best interests. Having had more time to understand the agreement and to gather more information about it, I am now even more concerned that we got a bad deal—a deal that will come back to haunt us in the future.

The problems with this agreement are many. Most important, it grants major concessions to the North Koreans while not requiring significant reciprocal actions for a decade. The administration agreed to give North Korea the two things it has coveted for decades—the prestige of diplomatic recognition and the economic boost that will come with a lowering of sanctions.

The lowering of economic sanctions is particularly important to a regime that is unable to feed its population to the point that it has been forced to lead a national campaign to cut back on the number of meals that its citizens eat each day. This move to lower economic barriers will significantly relieve pressure on the current leadership and give them breathing room they would not otherwise have had.

Another problem with the agreement is that it leaves North Korea with control over the nuclear weapons—which our intelligence services have said they have—for at least a decade. That gives them a significant amount of leverage in future negotiations, and continues a great threat to stability in Northeast Asia.

Also, the agreement fails to address the conventional military threat to South Korea and the tens of thousands of Americans there. North Korea will continue to maintain a 1-million-man Army just 30 miles from Seoul, along with thousands of artillery pieces and other offensive equipment. Withdrawal of at least some of those forces should have been a requirement of an agreement.

And, not insignificantly, the agreement sets the precedent for other nations that don't want to live up to their commitments under the Nuclear Non-proliferation Treaty, that they do not have to do so. Instead, they can try to bargain their way into a better deal as North Korea has done.

Proponents of the agreement will, of course, argue that we got a good deal because once it is fully implemented—10 years from now—nuclear weapons will have been eliminated from the peninsula. The problem with that argument is that it assumes the agreement will be fully implemented and that the North Koreans will live up to their promises. Experience would show that those are not safe assumptions.

The North Koreans have mastered the art of using negotiating tactics as a means of delay. Time and again they have made agreements and then failed to live up to them. There is no reason to believe that they are not once again simply buying time—getting diplomatic recognition, getting economic assistance and investment—only to change their minds when it comes time to fulfill their side of the bargain. I hope the administration is not so naive as to assume that the North is telling the truth this time as they have failed to do so many times in the past.

All of these objections occurred to me when I first learned about the agreement in October. My concern soared, however, when I learned about a side letter that the President had signed along with initial agreement.

It is interesting to note that there was no mention of the side letter when the agreement was first announced by the administration. In fact, the letter was not released until the following week, giving the clear appearance that the administration was trying to avoid scrutiny of its contents.

There are several problems with the letter which is from the President to Kim Jong Il, the son of recently deceased dictator Kim Il Song.

The letter is addressed to "His Excellency Kim Jong Il, Supreme Leader of the Democratic People's Republic of Korea." That is news to me. Unless I have missed something, Kim has never been designated the leader of the DPRK. Instead, the leadership of the country has remained in limbo. It seems particularly ill-advised to have addressed the letter in a way that may not be accurate and that may have an impact on some internal power struggle of which we are not aware.

More importantly, in the letter, the President gives his commitment that he will use the full powers of the White House to facilitate the construction of light-water reactor in the DPRK and the provision of interim oil supplies to meet that country's needs. He goes on to indicate that if the reactor and oil supplies are not paid for—as planned—by other countries such as Japan and South Korea, he will do all he can to ensure that the United States pays for them. He does mention that such action would be subject to the approval of Congress.

In my opinion, that is a very significant letter. In it, the President commits to pay—with our tax dollars—the billions it will cost to build a nuclear reactor, and to pay for the hundreds of thousands of tons of oil that the agreement promises over the next several years.

Already there are disputes over who will bear the costs of the deal. South Korea's Foreign Minister has stated clearly that his country does not intend to pay for the supply of oil to the North over the next decade, and already the U.S. taxpayers are picking up the tab for the first 50,000 tons.

I strongly question the idea of using U.S. taxpayer dollars to provide economic assistance to North Korea—a country responsible for a major war, for the fact that we are forced to station almost 40,000 troops in Korea, for dozens of acts of terrorism, and for contributing to the spread of dangerous weapons throughout the world. I would imagine that the majority of this body would share that view.

It is clear to me that the Korean agreement deserves significantly more study. I am pleased that several Members of this body have announced the intention to review the agreement, and I certainly intend to participate in that review.•

MARTIN R. GARA

• Mr. SIMON. Mr. President, Martin R. Gara, a member of my staff, passed away on November 16.

Marty was a diligent worker who was enthusiastic about his job, just as he was enthusiastic about life. He was struck down by a sudden, severe attack of asthma. On December 21 he would have celebrated his 24th birthday.

Marty is survived by Thomas and Therese Gara, his parents; by two brothers, Thomas M. and Daniel; by four sisters, Maureen Crocker, Marikay, Sheila, and Maggie; and by his grandmother, Margaret Quinn.

Marty was a native of Chicago, graduating in 1989 from the Loyola Academy in Wilmette and in 1993 from Marquette University with degrees in political science and American history. In his eulogy to Marty, his cousin, the Rev. Robert Gara, speculated that Marty was "the only Irishman who's taken eight years of German and could name every German general. He read history books like they were fiction."

Marty came to my office earlier this year, joining us as an intern, after interning with Congressman TOM EWING of Illinois. His work was top-rate, and this summer Marty became a full-time member of my staff.

Marty delighted in the time he spent with his young nephews and niece, and no one in the family could summon smiles and giggles from them as easily as Marty could. He took seriously his role as godfather to his nephew Eugene, who was born August 23. Another nephew, Aidan, was born last month, and his niece, Genna Gara, is two-and-a-half years old. In his good humor, in his sense of optimism about life, and in his intense curiosity about the world, "Marty was a big kid himself," says his sister Maureen.

Marty loved reading and he loved ideas, and he devoured books one after the other, a habit he set for himself in childhood. He and another member of my staff, Corbin Stone—who mirrors Marty's attributes of decency and compassion and curiosity—were close friends and regularly swapped books and then talked about what they had read.

Another of Marty's passions was hockey. "Fan" is too mild a term to describe his allegiance to the Chicago Blackhawks. Marty's love for the sport led him to another hobby, roller blading, which he enjoyed at every opportunity.

His personal achievements were many, but if you had asked Marty this fall what his greatest recent satisfaction was, he would have told you it was learning to sew on buttons.

We knew Marty for his hard work. But much more than that, we knew Marty for his kindness. We knew him for his optimism. We knew him for his curiosity. We knew him as a good person and a good friend.

The priest who led a second memorial service for Marty—this one in Washington—quoted these words in capturing some of what we feel and treasure in having known Marty:

> When through one man a little more love and goodness, a little more light and truth come into the world, then that man's life has had meaning.

My staff and I join Marty's family and friends in mourning this loss, and we want them to know our gratitude for having had the chance to know Marty.•

TRUTH IN LENDING ACT

• Mr. MACK. As soon as we return for the start of the 104th Congress, I intend to introduce amendments to the Truth in Lending Act ("TILA") in response to the recent case of Rodash against A.I.B. Mortgage Co., 16 F. 3d 1146 (11th Cir. 1994) decided in March of this year.

In Rodash, the Court held that a tax levied on security instruments that must be paid as a pre-condition to recording the mortgage and delivery fees were both "finance charges" under TILA. Although the tax and fees were disclosed to the consumer, in the opinion of the court, their disclosure as components of the "amount financed" rather than as part of the "finance charge" was improper. Based primarily on Rodash, over fifty class action suits have already been filed and more are being brought every week. At least 30 of these suits have been brought in my home state of Florida. The average tax is about $200.00 and on average the courier fees are $30.00 per transaction.

These developments present a serious and immediate threat to the future of mortgage lending that necessitate prompt responsive steps to address the issue. Under the TILA, a refinance or second mortgage loan can be rescinded if a lender is found to have made improper material disclosures, including the amount of the finance charge. Virtually all of the class actions have sought class rescission or a declaration by the Court that members of the class have continuing rescission rights. The Courts have liberally construed what constitutes a material nondisclosure so that even minor discrepancies allow borrowers to exercise the right to rescind a loan or seek statutory penalties. If a borrower rescinds a loan, the lender must reimburse all fees and cost to the borrower, including all interest paid, and must release the mortgage lien. Generally speaking, the borrower's right to rescind may be asserted against any subsequent owners of the loan, even if it did not make or contribute to the incorrect disclosure. This aspect affects mortgages that have been resold as mortgage-backed securities.

Mortgage lending faces dire consequences if loans are rescinded in significant numbers because the losses could be in the billions of dollars. Since 1991, 11.8 million loans totaling $1.3 trillion have been refinanced. The exposure from this litigation could impair the safety and soundness of the thrift and banking institutions. Prepayments from massive rescissions would also affect the mortgage-backed securities marketplace.

The legislation I will offer will address liability under the TILA based upon the manner in which a creditor disclosed certain taxes and delivery fees.

Mr. D'AMATO. I understand the importance of the amendment my colleague from Florida intends to offer. I expect that the issues he raises will be considered early in the next session. I also appreciate the disruptive affect of unlimited future litigation on this issue. However, I am concerned about the impact of this legislation on pending lawsuits and recission claims.

Mr. MACK. I understand and share his concern. My amendment will strike a balance in eliminating hyper-technical liability on lenders while preserving individual consumer rights under TILA. We will propose, therefore, to exclude from the effect to the limitations on liability only individual actions filed, rescission claims made by individuals, or class action certified, prior to October 1, 1994, and in which a claimant alleged, prior to that time, improper disclosure of delivery fees or taxes. The consumers who will be affected by these amendments are those who have not filed an individual action or counterclaim, who are not part of certified "class," or who have not made a rescission claim prior to October 1, 1994. Cases already decided, including Rodash, will not be affected. We've made out intention to act on this issue very clear and none will suffer any unanticipated adverse affect.

It is also my intention that the legislation have a fixed effective date so that it will be apparent that future class actions would be foreclosed insofar as they allege violations of the items treated in the amendment, as would existing class action suits where the class had not been certified before October 1, 1994. For class actions that were not certified before that date however, the named individual plaintiff's representatives would be permitted to pursue their individual claims.•

ONE OF THE BEST

• Mr. BAUCUS. Mr. President, many times, for good reason, the lobbying profession has a bad name. But there are many Americans who lobby Congress and our State legislatures who just do not fit the negative stereotype of a lobbyist.

My friend Marie Durkee of Helena, MT, is one of the best. For many years, as executive secretary of the Montana Tavern Owners and Innkeepers, Marie has been an effective voice for the Montana hospitality industry. She worked hard for her membership. Along with the members of the Montana Legislature, I've always known her to be a force to be reckoned with.

But there is nothing slick or high pressure about Marie. She's down to Earth. She's honest. She's loyal. And she speaks her mind. She cares deeply about what is best for her membership, Montana and our country. In short, Marie is a Montanan through-and-through.

Marie recently decided to retire. I know that the Montana small businesses she represented so effectively for so long will miss her. But I also know she will stay active in her hometown of Helena. And I know that she and her husband Bob will continue to work for what is best for Montana. I wish them both well.•

CODEL TRIP REPORT

• Mr. LEAHY. Mr. President, I ask that a report of a Codel trip to Russia, Ukraine, Moldova, and Italy be printed in the RECORD.

The report follows:

REPORT OF CODEL LEAHY TRIP TO RUSSIA, UKRAINE, MOLDOVA, ITALY, SEPTEMBER 2–12, 1994

Senator Patrick Leahy, chairman of the Foreign Operations Subcommittee of the Appropriations Committee, led a delegation of senators to Russia, Ukraine, Moldova, and Italy September 2–12, 1994. In addition to Senator Leahy, the delegation consisted of Senators Thad Cochran, J. James Exon, and Hank Brown. Mr. James Collins, Senior Coordinator, Office of the Ambassador at Large for the New Independent States, U.S. Department of State, and Ms. Barbara Turner, Deputy Assistant Administrator, Bureau for Europe and the New Independent States, U.S. Agency for International Development, accompanied the delegation.

The delegation was assisted by William Witting, clerk of the Foreign Operations subcommittee, Luke Albee, Administrative Assistant to Senator Leahy, Hunt Shipman, Legislative Assistant to Senator Cochran, and Leah Gluskoter, Personal Assistant to Senator Leahy. Jan Paulk, Director of Interparliamentary Services, provided scheduling and logistical assistance. Lt. Colonel Nicki Watts and Lt. Colonel Rick Pyatt, USAF Senate Liaison Office, were the military escorts.

The U.S. Department of State, the U.S. Agency for International Development, the U.S. Department of Agriculture, the U.S. Export-Import Bank, the Overseas Private Investment Corporation, the U.S. Trade and Development Agency, the U.S. Department of Commerce, the U.S. Information Agency, and the Peace Corps all provided briefing materials.

I. DELEGATION ACTIVITIES

Russia

Saint Petersburg: The delegation travelled to St. Petersburg to observe the progress that the city, a leader in Russia's efforts to make the transition to a private enterprise-oriented market economy, is making.

The delegation met with Americans and Russians involved in an AID-sponsored Rule of Law project and discussed work being done to establish an independent judiciary, protect individual rights, attack crime, and establish a framework of commercial and contract law.

Representatives of a U.S. company working under AID contract described to members of the delegation their efforts to help a group of independent stockbrokers in St. Petersburg organize themselves into an association modeled on the American NASDAQ. The aim of this AID project is to have the brokers establish rules of conduct for themselves, much as Wall Street did during its first century of existence, and begin to create sufficient order, reliability, and transparency to attract large numbers of investors and become a significant source of finance for private investment.

Many people have had to pursue second jobs in the service economy. The delegation spoke with college students forced to sell trinkets in sidewalk stalls in order to make ends meet. Despite the fact that their lives are far more stressful than in the days when their life at university was financed entirely by the State, the general spirit among these students seemed to be one of stress and resignation that life will be difficult for some time, but cautious optimism that the future will be better.

The delegation visited a private food market where good-quality foods of all kinds, including imported fruits like bananas, were in plentiful supply. Prices were high, but the delegation observed that significant numbers of people of modest income were making purchases there.

Moscow: In Moscow, the delegation held a lengthy meeting with Russian Foreign Minister Andrei Kozyrev during which they discussed the conflict in Bosnia, Russian relations with Ukraine and Moldova, and U.S.-Russia economic relations. The delegation discussed Russia's program of enterprise privatization and economic reform and U.S. technical assistance to that program with Deputy Prime Minister and Minister of Privatization Anatoly Chubays and a group of other senior economic policy-makers. During meetings with leaders of the Duma (the lower house of Parliament) and the Council of the Federation (the upper house), the Senators inquired into the politics of enacting legislation in support of Russia's transition to democracy and a market economy. Senator Exon met with Minister of Atomic Energy Viktor Mikhaylov to discuss Russian nuclear security. U.S. Ambassador to Russia Thomas Pickering hosted a dinner meeting with U.S. business representatives, including the President of the American Chamber of commerce and the President of the Russian-American Enterprise Fund, with whom the delegation discussed new developments and continuing problems in the conditions for operation of private enterprise in Russia. The delegation visited a USAID new business development project, and an OPIC-supported U.S.-Russia cellular telephone leasing joint venture enterprise. Senator Brown visited a USAID capital market development project.

Nizhny Novgorod: Nizhny Novgorod, Russia's third largest city, located on the Volga River east of Moscow, has, through the leadership of Governor Boris Nemtsov and with the assistance of a wide range of U.S. and other technical assistance agencies, established itself as a leader in implementing economic reform at the regional and local levels. The delegation met with Governor Nemtsov and Mayor Ivan Sklarov and discussed their efforts to create a market economy in Nizhny Novgorod. The delegation travelled outside the city to visit a privatized farm and discussed the problems of agricultural reform and land privatization with the USAID project officer, the representative of the International Finance Corporation providing technical assistance to the farmers, and the farmers themselves. The delegation had lunch with representatives of a number of U.S. agencies and organizations including the Peace Corps, Volunteers Overseas Cooperative Assistance, Research Triangle Institute, and International Executive Service Corps working on economic reform in Nizhny Novgorod. The delegation also walked around the downtown to observe the extent of private enterprise established in the city.

Ukraine

Newly independent and exercising control of their own affairs for the first time, Ukrainian political leaders have been working to establish the structure and lines of authority of their government, and have not yet made much progress in reforming their heavily centralized economy. The delegation travelled to Kiev, Ukraine to express support for Ukraine's independence and to urge the Ukrainian government to move without further delay to stabilize the economy and encourage private enterprise. Newly elected President Leonid Kuchma met with the delegation and discussed the policies and priorities that his government will be following. The delegation also met Rada (Parliament) Speaker Oleksandr Moroz and other Rada members to explore the prospects for enactment of reform legislation by the Rada. Economic Minister Roman Shpek provided the delegation details of his government's economic reform program. U.S. Ambassador William Miller hosted a reception for the delegation during which the senators met representatives of many USAID contractor and related agencies. The delegation also visited an open-air food market where both state-controlled and private food distributors were present.

Moldova

Moldova, a small, landlocked country on the Dniester river sandwiched between the Ukraine to the east and Romania to the west, is working aggressively to establish itself as an independent country and develop close ties with the West to balance existing ties with Russia and other countries of the former Soviet Union. It is pursuing actively a program of economic reform, particularly in its large agricultural and agro-industrial sectors, and is eagerly seeking western investment and trade to bolster that program. Drought in the spring, followed by serious flooding in August, have increased Moldova's need for foreign assistance. Separatist sentiments, among the Gagauz in southern Moldova and the Russian-speakers who inhabit the trans-Dniester region in eastern Moldova (where the Russian 14th Army is still stationed), have complicated the government's efforts at nation-building.

The delegation met in Chisinau with President Mircea Snegur and with Parliament President Petru Lucinschi. The senators travelled outside Chisinau to Cojusna where a group of farmers from collective farms that have been privatized and are receiving USAID-funded technical assistance from Volunteers in Overseas Cooperative Assistance hosted a lunch for the delegation and discussed the challenges they must overcome to survive in a market environment. The delegation visited a collection site for vouchers provided to Moldovans as part of Moldova's enterprise privatization program. Parliament President Lucinschi hosted a dinner for the delegation and U.S. Ambassador Mary Pendleton.

Italy

Aviano Air Force Base: Aviano Air Force Base is a major base of operations for U.S. and NATO air forces dedicated to enforcement of UN sanctions against Serbia and other actions in the former Yugoslavia. 16th Air Force Commander Lt. General Joseph W. Ashy and 31st Fighter Wing Commander Colonel John H. Campbell briefed the delegation in detail on these operations, and the role of U.S. forces in the NATO effort. The delegation also toured the base and observed operations.

Rome: In Rome, the delegation met with newly arrived U.S. Representative to the United Nations Agencies for Food and Agriculture Thomas Forbord and with UN Food and Agriculture Organization Director-General Jacques Diouf and discussed with them strategies for reducing costs and enhancing the effectiveness of the FAO. James Creagan, Deputy Chief of Mission, U.S. Embassy Rome, hosted a meeting for the delegation with members of the Italian Senate and Chamber of Deputies concerned with international cooperation to ban anti-personnel landmines.

II. FINDINGS

Russia

President Yeltsin and his government have made impressive progress over the past two years in introducing democracy and a market economy to Russia. American aid is helping a lot.

Russia still has a long way to go to complete the process of transition. Many of the essential elements of a successful private enterprise-oriented economic system still do not exist. If they are not created quickly, corruption and crime rather than competition could become the dominant features of the Russian economy.

Russia's transformation to a private enterprise-oriented market economy requires a massive reallocation of resources and people. Russia has not yet escaped from the devastating depression that accompanied the collapse of the command economy. Millions of people have been laid off from jobs that they held in the old command economy but that are not valued by the new market economy. The rate of unemployment may exceed 12 percent. The delegation saw many people reduced to standing shoulder-to-shoulder on street corners trying to sell clothing and toys.

Despite continuing debate within the Russian government over the best path and pace for economic reform, the Russian government is moving forward with a broad range of reforms including privatization of land and agriculture, creation of an independent judiciary, and encouragement of small enterprises. The Duma passed Prime Minister Chernomyrdin's austere budget in June. Monthly inflation is down (although has begun to increase for the first time since 1991. Consumer spending is up. Russia is continuing to fulfill its commitments under its program of cooperation with the International Monetary Fund.

Although it took time, the U.S. assistance program for Russia is now in full operation. Russian government and non-government representatives with whom the delegation met were virtually unanimous in praising the contributions of the program, and many requested increases in technical assistance for elements of the reform program. All agreed that Russia has no further need for humanitarian assistance now.

With strong assistance from USAID, Russia has over the past two years, privatized 70 percent of state-controlled enterprises, a feat far beyond anything anyone imagined possible as recently as two years ago. Although much more remains to be done, Russia has succeeded in creating a large class of shareholders who are beginning to hold enterprise managers responsible for generating sufficient revenues to cover obligations and yield a return to them. By some estimates, more than half of Russia's GDP now comes from the private sector, and more than half the workforce is employed in the private sector. In a short space of time, a large number of Russians have been given a stake in the preservation and expansion of a market economy in Russia.

The growth of corruption and crime in Russia is today the single largest threat to establishment of a democratic, market society in Russia. Neither individuals nor companies feel secure. No element of government is competent at the moment to provide them security. Russian law enforcement authorities need to strengthen their performance defending citizens' rights. The United States should include technical assistance for law enforcement as a major element of its assistance to Russia.

The United States should also give high priority to assisting Russia to create a framework of law to govern private enterprise. A commercial code, legal protection of land ownership, prohibitions against monopoly and other anti-competitive practices, and rules to govern corporate issuance of stocks and bonds and trading in such securities, are all essential to a private enterprise economy. USAID's projects in the areas of democratic pluralism and rule of law are attempting to respond to this need.

Much remains to be done to create an attractive climate for private investment in Russia. Excessively heavy regulation and an unpredictable tax regime are major concerns among businessmen. This may be less of a problem for Russians because of a tradition in Russia of evasion of government regulation and taxation. U.S. companies are required by U.S. law to respect the laws of all countries in which they operate. If regulation is too heavy, U.S. companies are likely simply to withdraw from Russia.

Creation of an effective, equitable, and well-enforced system of taxation is essential to the survival of a private enterprise-based economy in Russia. The government needs taxes to survive. Government employees need to be paid realistic wages if they are to resist corrupt practices. The United States should give priority to providing technical assistance in the areas of drafting tax law and creating both police and judicial enforcement mechanisms.

Russia has taken the crucial first step in agricultural reform by placing ownership of some farms in a few regions such as Nizhny Novgorod in the hands of the farmers. Much remains to be done. The traditional Soviet collective farm provided not only employment for farmers but also housing, education, health care, social, and other services. In restructuring the farm, the farmers will be seeking to maintain access to essential services. This is something that they can best work out for themselves. U.S. agricultural reform assistance projects in Russia should support privatization of the collective farms, i.e., placing ownership of the farm in private hands and exposing the owners to the challenge of making the farm earn income. They should also assist farmers in learning to function in a market system, purchasing inputs, marketing produce, controlling costs and assessing profitability. They should refrain from trying to influence the outcome of debates among Russians about how farms should be structured and whether individual or cooperative ownership of farms better suits their needs.

The delegation met many Russian, Ukrainian, and Moldovan agriculturalists who have received training in the United States under the Cochran Fellowship program in areas vital to agricultural reform such as product marketing, agricultural input supply, farm management and agricultural credit. Without exception, the beneficiaries appreciated and benefited from their participation in the program. The United States should seek to maintain funding for this program.

In Nizhny Novgorod, the delegation saw how focusing U.S. assistance at the sub-national level can achieve impressive results. Governor Nemtsov and his colleagues have moved ahead of the central government in experimenting with strategies for enterprise privatization, encouraging private investment, and privatization of collective farms, consciously trying to establish a model for other governorates in Russia. They confirmed that they could not have accomplished as much as they have without the assistance they have received from the United States and multilateral agencies such as the International Finance Corporation, and appealed for an increase in this assistance. Aid to Nizhny Novgorod is making a concrete contribution to helping Russia make the transition to democracy and a market economy, particularly as it is reaching people at the grassroots level. USAID should continue it, but, given budgetary limitations, will have to balance it with other priorities.

USAID is seeking through its New Business Development program to provide support for grassroots entrepreneurship and private enterprise creation. Stimulation of entrepreneurship is critical to Russia's transition to a market economy and the United States has a lot of expertise from which the Russians should be able to learn. The delegation is concerned, however, about the potential for inefficiency in a project of this kind. USAID should monitor this program carefully and continuously to ensure that all of its elements deliver value commensurate with their cost.

Russia is struggling to define how it will interact with the other states of the former Soviet Union. There is no consensus among the Russian people on this question, and leaders such as Vladimir Zhirinovsky have tried to win support by criticizing President Yeltsin for tolerating the dissolution of the Soviet empire. Russia has the potential to play a constructive role in assisting economic restructuring in some of its neighbors, for example in helping the Ukraine to adjust to paying world market prices for the natural gas that it purchases from Russia. It is important for the United States to support strongly the independence of all of the new independent states of the former Soviet Union. The United States should oppose actions by Russia that compromise that independence. It should at the same time support interaction between Russia and its neighbors that is consistent with international principles of respect for national independence and is undertaken by mutual agreement.

Foreign Minister Kozyrev assured the delegation that the Russian Government shares the desire of the United States to see the Bosnian Serbs accept the UN-sponsored peace plan. Minister Kozyrev himself has invested much effort in attempting to convince the Serbs to accept it. Given Russia's strong influence over the Serbs, it is important that the United States continue to seek Russia's cooperation in its search for a formula to bring a halt to the fighting in the former Yugoslavia.

Minister Kozyrev noted to the delegation that the final document of the "G-8" meeting in Naples in July, signed by President Yeltsin, included a statement of support for a ban on the export of anti-personnel landmines. This is an important commitment since Russia is among the largest exporters of such mines. The U.S. Government should seek to cooperate with the Russian Government in promoting broad international agreement on banning anti-personnel landmine exports. The U.S. Embassy in Moscow should report to Washington on Russian actions to implement the ban.

The Overseas Private Investment Corporation is making a substantial positive contribution to promoting the expansion of private investment in Russia by providing insurance and financing for U.S. investments and by sponsoring seminars and other exchanges to acquaint Russians with western business practices. Demand for OPIC support exceeds its resources. The U.S. Government is going to have a difficult time over the next several years deciding how to fund OPIC programs that support private investment in Russia without prematurely cutting off funding for technical assistance that is helping create the framework necessary for private investment to succeed in Russia. Given the commitment of the present Russian Government to economic reform, the U.S. Government should give strong weight to its views about where the funds will achieve the best results.

Peace Corps volunteers are making a unique contribution to reform in Russia, Ukraine, and Moldova by bringing western business, agricultural, and other know-how to the grassroots level. The delegation was impressed with the skills of the volunteers with whom it met.

The Eurasia Foundation is playing a key role in the U.S. assistance program for the NIS. Its mandate is to provide on-the-ground, small-scale, citizen-to-citizen and institution-to-institution grants in support of economic reform and democracy building. It has established offices in five cities across the NIS and has in an admirably short space of time funded a wide range of projects in the areas of economic reform, governmental reform and development of non-governmental organizations, and institution-building in the field of media and communications. The Foundation specializes in making small loans rapidly and with a minimum of red tape. Its projects have the advantage of demonstrating U.S. goodwill to Russians at the micro, man-in-the-street level in cities across Russia.

After a very lengthy start-up period, the Russian-American Enterprise Fund has recently made its first loans to small and medium-sized enterprises in Russia. Given the rapidly expanding scope of private enterprise activity and the corresponding demand for credit in Russia, the Fund should expand its loan portfolio rapidly over the next year.

Ukraine

The United States has a strong interest in supporting the independence and sovereignty of Ukraine, and its transition to democracy and a market economy.

As the delegation informed President Kuchma, the U.S. Congress attaches strong importance to Ukraine's ratification of the Nuclear Nonproliferation Treaty. The Congress has welcomed warmly the Rada's vote in favor of ratification on November 16, 1994.

The Ukrainian economy is mired in depression resulting from the collapse of the command economy and the government's lack of revenues to stimulate recovery. Excessive money creation has also provoked hyperinflation.

Newly-elected President Leonid Kuchma assured the delegation that his administration would reach agreement with the International Monetary Fund on an economic stabilization and reform program and move forward with the program. He subsequently has concluded that agreement and obtained Rada ratification of the economic program.

The Ukrainian Government is in urgent need of additional resources to finance this program.

The United States has promised Ukraine generous financial and technical assistance in support of this program. Specific plans for additional assistance were announced during the state visit of President Kuchma to Washington November 21-23, 1994. In addition, the United States should act as a leader in organizing international support for Ukraine's reform program.

Ukraine is heavily dependent on Russia and Turkmenistan for its energy. Russia has been generous in continuing to supply natural gas to Ukraine and accepting delay of payment for much of it. Ukraine needs to move quickly to make its energy use more efficient. USAID is providing useful support to this effort.

The Ukrainian Government has announced that it will proceed early in 1995 with a broad program of privatization of state-owned enterprises. USAID has committed extensive technical assistance. The Ukrainian economy is starving for capital investment that can only come from the private sector. Privatization of state-owned enterprises and enactment of laws to support and regulate private enterprise activity are necessary to stimulate such investment.

Some Ukrainian officials told the delegation they consider foreign investment more important to Ukraine's economic recovery than economic reform. It is unlikely that Ukraine will succeed in attracting significant private investment without also pursuing economic reform. Private investors of any nationality will undertake projects only in places that offer a stable, predictable business environment where the prospects of earning an attractive return on their investment are good. Stabilization of prices, liberalization of restrictions on exchange conversion, and establishment of a stable and fair corporate taxation system are among the steps investors who are contemplating investment in Ukraine consider vital.

Ukraine's agricultural potential is enormous. Privatization of farms and of land will stimulate realization of that potential.

Entrenchment of democracy in Ukraine requires establishment of sound legal, judicial, and law enforcement systems. USAID is providing technical assistance to strengthening of democratic institutions and the rule of law. This assistance should be expanded. In addition, the United States should offer cooperation in the area of law enforcement.

Moldova

Although it is one of the smallest of the new independent states of the former Soviet Union, Moldova has proven to be one of the bolder champions of political and economic reform. It has held democratic elections for both its President and its parliament, and has just instituted a new constitution. Starting last December, it has concluded a series of agreements with the International Monetary Fund and is implementing economic policies consistent with those agreements. The United States should provide generous technical assistance in support of these efforts.

On top of an extended drought that had caused a large reduction in agricultural production, Moldova was devastated in August by floods. The United States has led the international community in providing humanitarian assistance and should continue to do so.

The Moldovan Government needs to create conditions that will attract foreign technology and investment to develop the Moldovan economy and enable it to begin to export into western markets. Agencies like the Western NIS Enterprise Fund and the Overseas Private Investment Corporation should make themselves available to counsel the Moldovan Government on the policies needed to promote private investment.

Moldova's program of privatization of state-owned enterprises, being undertaken with substantial U.S. technical assistance, is proceeding actively, but the number of enterprises currently being privatized is modest. Expansion of the privatization program would help erase any remaining doubts about the government's commitment to move to a market economy.

U.S. assistance to Moldova in the area of agricultural reform has been warmly received. Farmers on privatized farms and managers of agribusiness companies with whom the delegation met expressed eagerness to adopt western management techniques and hope for both expanded technical assistance and investment from the United States in this field. Given continuing resistance among many Moldovan government officials to privatization of agriculture (privatization of land is suspended until the year 2000), however, U.S. assistance will have to be carefully targeted to be productive. The U.S. Farmer-to-Farmer program is achieving positive results.

The Russian 14th Army continues to be stationed in the trans-Dniester region of Moldova. Negotiations are underway between the Russian and Moldovan Governments regarding withdrawal of the 14th Army. The United States should continue to support the sovereignty, independence, and territorial integrity of Moldova and urge the Russians to withdraw the 14th Army as soon as possible. The delegation expressed this concern to Russian officials during its visit to Moscow.

To date, USAID has maintained no direct-hire staff in Moldova and has overseen its program of assistance to Moldova through its mission in Kiev, Ukraine. Given the encouraging prospects for the Moldova aid program, U.S. Embassy Chisinau and USAID should work together to station USAID direct-hire staff in Chisinau.

Italy

U.S. military officers and forces participating in NATO efforts to enforce United Nations sanctions against Serbia and Bosnia are substantially integrated with the forces of other NATO countries. Any action by the United States to pursue a policy vis-a-vis the conflict in Bosnia independent of NATO would force de-integration of those forces. Prior to undertaking such action, the U.S. Government should evaluate carefully its implications for NATO and the role of the United States in that organization.

The Director General of the Food and Agriculture Organization is working to increase the FAO's effectiveness in increasing world food security. Food shortages are a major underlying cause of conflict in the world. The United States should support efforts to increase food security. It also should support the Director General's efforts to increase the effectiveness of the organization through reorganization.

The delegation was told by Italian Deputy Emma Bonino that Italy, traditionally a major producer and exporter of anti-personnel landmines, is about to join the United States in imposing a moratorium on these exports, and that it will also in the near future take the steps necessary to block production of these inhumane weapons. The U.S. Government should welcome these steps by Italy. The U.S. Embassy in Rome should keep Washington up to date on Italian actions in this regard. The Department of State should maintain contact with Deputy Bonino and other responsible Italian officials and consult with them about future steps to reduce the threat to innocent civilians posed by anti-personnel landmines.•

OBSERVATIONS ON U.S. ROLE IN AFRICA

• Mr. FEINGOLD. Mr. President, today Senator PAUL SIMON, chairman of the Subcommittee on African Affairs, Senator HARRY REID, and I are submitting a report on the our trip to Africa earlier this summer. As a new member of the Senate Foreign Relations Committee and the Subcommittee on African Affairs, I was exposed firsthand to some of the tragedies in Africa, and, for the first time, had an opportunity to meet with international actors in the region, as well as reflect on the role the United States can play in Africa. I benefited greatly from Senator SIMON'S and Senator REID's experience and expertise during the trip, and thank them for their leadership on these issues.

The severe problems in Africa today are, by and large, the consequences of colonial and post-colonial struggles. In the past decades, countries such as Angola have transitioned from colonies to battlegrounds for cold war ideological warfare to struggling post-cold war democracies. Today, the continent continues to suffer serious political problems. The bitter wars in western and southern Africa destroy not only entire countries but prevent subregional and continental development as well. And clearly, the violence exacerbates transnational problems such as the environment, public health, and demographics.

From an economic and political point of view, the United States would do well to transcend its historic view that Africa is of marginal importance. With almost 700 million people and rich natural resources, Africa holds tremendous potential for United States interests. Democratic and free market reforms are sweeping almost all 48 countries in the continent, which, with political stability and proper land management, will create a booming consumer base and labor market for the next century. As the United States forges new alliances throughout the globe, we would be foolish to leave Africa behind.

The United States also bears at least partial responsibility for the militarization of western and southern Africa during the cold war, which has led to the humanitarian disasters in Angola and Liberia. For these reasons, the United States has an obligation and an interest to help wage peace in Africa.

In the past, the United States has perceived its policy options in Africa very narrowly: We can either send money, including weapons, or deploy troops. Today, with a mounting Federal deficit and questionable effectiveness of some foreign aid programs, Americans have been disinclined to throw money at problems. The use of United States military force, especially as part of multilateral operations in places like Somalia has been equally unpopular. With the dissolution of the Soviet Union, the United States and Africa can both benefit from an expanded and more creative relationship.

1. FACILITATION OF PEACE NEGOTIATIONS

First, with most of Africa tilting in our direction, the United States and other Western leaders have unprecedented opportunities to facilitate peace negotiations in decades-old conflicts, as we have seen in other parts of the world. In Liberia and Angola particularly, where peace negotiations are in their second rounds, the United States can set a tone—or create an atmosphere for peace—by persuading all parties that peace and regional stability are in everyone's interest. The United States has taken an active role in negotiations in both these conflicts, and its tenacity has helped push along an often frustrating and discouraging process. Hopefully, the conclusion of the Lusaka protocols on November 20 signals a new start to the peace process in Angola.

From our discussions in Liberia it was evident that the implementation of the Cotonou agreement of 1991, the first peace treaty in Liberia, had failed. During this past summer, fighting intensified and the humanitarian situation worsened. Nongovernmental organizations [NGOs]—the lifeline in many of these areas—are leaving because the United Nations cannot protect them. As a step toward perfecting Cotonou, Ghanaian President Jerry Rawlings, the new President of the Economic Community of West African States [ECOWAS], mediated the Akosombo accords, consolidating factions of the opposition of the LNTG. As followup, he will convene all parties to the Cotonou and Akosombo agreements this month to conclude Akosombo II, which hopefully will end 5 years of civil war and anarchy. With historical United States interest and ties to Liberia, the resolution of this war deserves higher American priority, and we should stand ready to advance the process of reconciliation and cooperation.

Like Liberia, the Angola peace process appears to be on the verge of a breakthrough. During our visit, the U.N.-sponsored Lusaka talks were at a standstill: The Angolan Government had accepted a U.N. proposal, but UNITA had not. Our delegation explored several ways to accommodate as well as pressure Dr. Jones Savimbi, leader of UNITA, to accept the agreement. We encouraged the principals to seek South African President Nelson Mandela's help to break the stalemate. Since then President Mandela has met with Angolan President dos Santos and Zairian President Mobutu. Dr. Savimbi did not attend.

After protracted negotiations, the Angolan Government and the UNITA rebel movement initialed the Lusaka protocols on October 31, and, after much touch and go, including abominable air strikes by the Government against UNITA, signed a peace pact on November 20. In a major concession, Dr. Savimbi agreed to abandon control of Huambo, the province of his headquarters, in exchange for the vice-presidency and control of some diamond-rich areas. The protocols also call for talks between the two militaries on the modalities of a ceasefire and disarmament, as mandated in the Bicesse accords.

In spite of these achievements, though, I am somewhat skeptical that this is the end of warfare in Angola. Immediately following the initialing, the Government sought to consolidate its gains by launching aggressive attacks on several UNITA strongholds, forcing UNITA leaders to flee. Both sides are heavily armed, and neither trusts the other, or feels the other has demonstrated a commitment to peace. The United States should use its influence to discourage any further offensive in Angola by either side, and clarify that we will not support any multilateral aid package to any party that undermines the Lusaka protocols or the spirit of the accords. At the same time, we should assist to the extent we can in the daunting tasks which lay before Angola: No matter what agreement is reached, the road to reconciliation will be difficult.

I also want to mention an important point about United States forces joining a United Nations peacekeeping force in Angola. I raised this issue during the appropriate meetings in Angola. The unanimous response from the President, the Foreign Minister and the United Nations Mission [UNAVEM] was that U.S. troops were neither expected nor wanted. In fact, President dos Santos has submitted to the United Nations a list of countries from which he will request peacekeepers; the United States was not included. Furthermore, American pubic opinion would not support such a deployment. According to a UNAVEM general, the most effective contribution America can make is administrative and financial support, an extension of its role in facilitating the peace talks.

2. HALTING THE PROLIFERATION OF CONVENTIONAL ARMS

A second avenue for American leadership is halting the proliferation of conventional arms. Wars continue to ravage Angola and Liberia in part because regional governments and peacekeepers lack the resolve to intercept the arms trade. The smuggling of weapons prospers because, among other reasons, corrupt officials will tolerate the sales if they will earn a profit; military men with an interest in one side will transfer weapons out of ethnic affinities; or, as in the case with Liberia, soldiers need additional money to buy food.

This is an area which the United States can influence. We should work more closely with other countries to crack down on arms smuggling by sanctioning arms suppliers; raising the issue at the highest levels, and publicizing violations of arms embargoes and sales moratoria. Upon our return, several Senators wrote letters requesting leaders in Burkina Faso, Cote D'Ivoire and Nigeria to crackdown on arms trading, but so far no one has come forward willing to work with us. I would urge the State Department to leverage the issue.

We also urged the United Nations to report publicly on ceasefire violations, such as arms smuggling, a request supported by the United Nations Security Council on July 13. I would further suggest that the United Nations Observer Mission in Liberia [UNOMIL] look into halting the trade at the point of origin by tightening border controls in Cote d'Ivoire and Guines; and at the point of entry by inspecting all aircraft destined for Liberia for illegal weapons.

3. LESSONS OF AMERICA FOR AFRICA

A third approach the United States can take is offering some of its own experiences and successes as possible solutions to problems in Africa. While we have not as a nation experienced much of the horrific warfare or extreme poverty that has transpired in Africa, some of our dilemmas may relate in some way to problems in Africa. One issue in which I saw a connection is in the wrenching problem of the widespread use of child soldiers.

According to UNICEF, an estimated 6,000 children under the age of 15 are combatants in Liberia's civil war. Human Rights Watch/Africa reports that children are often conscripted to fight or to monitor military checkpoints, and many of them are tortured. This issue resonated strongly with representatives of the LNTG when I raised it in our meeting. They stressed that children are going into soldiering because they have to survive, or there is little else to do.

I was reminded of a Milwaukee project called "Hang Tough" which encourages child-gang members to give up their guns and integrate into mainstream society. Kids ask, though, "Hang Tough, for what?" To disarm, a gang member or a child warrior has to be granted safety and given a chance. I described to the LNTG the "midnight basketball" program we have in some areas which offers children a positive alternative to roaming the streets at night, dodging bullets, and running drugs. In response, someone said that is what was needed in Liberia.

America must urge the warring factions in Liberia to end the recruitment of child soldiers in accordance with international human rights conventions. And we should support the campaigns of UNICEF and the International Red Cross to ban the use of child soldiers. But we must also give the children an alternative to professional soldiering by which they can still feed and protect themselves. A pilot program such as that in Milwaukee may be useful.

4. IMPROVING QUALITY OF HUMANITARIAN ASSISTANCE

Africa has suffered vicious brutality from these wars. After 19 years of war, Luanda is barely a functioning capitol. Though the worst of the war has not reached inner-Luanda, it bears the scars of a city that has been isolated and starved for years. What was once a beautiful urban center is today a series of delapidated, nonfunctional buildings. There are few young men in the city, and those that remain are either armed, or are amputees. Random gunshots are heard all day and night, and violent personal crimes are common. Every few blocks you can see and smell 4-foot heaps of garbage, which serve as playgrounds for Angolan children. Hospitals are barely supplied, and in the only children's hospital in Luanda up to 15 children die a day.

In response to early warning signs that up to 1,000 people could die a day in Luanda, the United Nations, through the World Food Programme, established the largest food lift in the history of the world. While the humanitarian effort has been successful, I became concerned when I learned that, like in other parts of the world, much of the food and vaccines are spoiled or rotten by the time they reach refugee camps. In our tour of a refugee camp outside of Luanda, we saw vaccines which had not been properly refrigerated, and were administered with dirty, recycled needles. Bags of rice and wheat were either rotten or infested because of weather conditions in Angola. In some cases, it is more dangerous to get a spoiled product than to get nothing at all.

In an effort to maximize the limited supplies sent overseas, we should be applying the necessary technology to ensure that food and vaccines are administered intact. At the request of officials in the camps, we looked into available packaging to preserve the food sent to Angola. A time-released pesticide within the bags, as suggested by some, is not possible because it would expose consumers directly to harmful toxins. I have been able to find no other technologies to address this problem.

The Department of Agriculture maintains that approximately 2 percent of the world's food assistance is lost because of infestation and/or moisture problems, and that storage problems in-country account for far more problems than packaging does. The reports we heard on the ground indicated that closer to 25 percent of all food was spoiled even before it reached the camps, and that a great deal more was invested while in the camps. It is imperative that international food assistance efforts include technical assistance for storage in-country and in the camps, and that the donor community send only usable food as assistance. It makes little sense to get through the logistical nightmare of shipping food to crisis areas only to see it spoiled upon distribution.

Similarly, we have looked into available mechanisms to preserve the "cold chain," the path by which vaccines reach their destinations. In essence, the cold chain depends upon trained personnel setting up a system in which vaccines can be transported from cold storage box to cold storage box to protect their integrity until they are used. Because so many warring countries lack any kind of refrigeration, electricity, or easy transport, it becomes a complicated process. In fact, WHO estimates that 50 percent of vaccines purchased for developing countries become unviable in the cold chain. USAID, UNICEF, and WHO are working together to develop technologies to strengthen the cold chain, but success is of course intertwined with overall development and infrastructure. I will continue to work to apply available technologies to our humanitarian assistance programs, particularly to war-torn areas, in the hope that we get the most for our money.

These assistance programs are critical to Africa's survival, and should continue. However, in some cases, such as Angola, the Government should be required to contribute more to internal needs. For example, the Government of Angola takes in a reported $3 billion a year in oil revenues. While it claims that all of its resources are tied up in the war effort, the President recently inaugurated his new $10 million place, and the Government just opened up a lavish new central bank in the capitol. Similarly, UNITA earns hefty profits from its diamond mines. Instead of supplying supporters with basic services, though, UNITA invests more in weapons. As peace nears, the international community cannot be expected to provide basic services if the Government is squandering its money.

In the same vein, as the President of the Angolan National Assembly pointed out, food and medical aid will only save people from dying: It will sustain their lives. In peacetime, Angola has the potential not only to feed itself, but to generate revenue by feeding other countries as well. For this reason, donor countries and aid agencies should promote "food for work" programs to give Africans the tools to grow and sell their own food. The United States can organize such packages without being the sole donor.

5. SUPPORTING REGIONAL INSTITUTIONS

While development assistance for basic needs such as nutrition, education, family planning and immunizations are critical, these programs will lack sustainability unless the political systems in Africa can guarantee stability. As the saying goes, it is more hopeful if African solutions can be found for African conflicts.

To operationalize this, we should concentrate on strengthening regional and subregional institutions, such as the OAU, the Intergovernmental Authority on Drought and Development [IGAAD], Southern Africa Development Community [SADC], and the Economic Community of West African States [ECOWAS]. These organizations could provide a framework for Africans—rather than the United Nations or individual nations—to engage in preventive diplomacy, and resolve their own conflicts, on their own terms, before they explode. As regionalism overtakes the globe, the development of such institutions will be an important factor in the growth of areas such as Asia and the Middle East. Likewise, regional organizations can potentially facilitate peace and growth in Africa, and minimize the cost to the international community.

While the OAU may have been ineffective in the past, it is worthwhile and timely to enhance the organization's conflict resolution capabilities. Indeed, with a tightly stretched United Nations and "crises fatigue" by the international community, there is no other option. We discussed these issues in Tunisia, and encouraged President Ben Ali to take an activist approach in restructuring the OAU for its new responsibilities. The African Conflict Resolution Act, introduced by Congressman HARRY JOHNSTON, chairman of the House Subcommittee on African Affairs and enacted last month, is the kind of creative and experimental approach which integrates African and American interests.

6. ADVANCING HUMAN RIGHTS AND DEMOCRACY

While democracy and human rights are completely absent in war-torn Angola and Liberia, other African countries are making real attempts to incorporate these concepts into their government. The United States should support these movements, while emphasizing the links between human rights and economic development.

In Cote D'Ivoire, where the Government is transitioning to a market economy while building democracy, human rights are being sacrificed for the Government's policy of economic austerity. For example, during unofficial meetings in Abidjan with human rights activists and a member of Parliament, our delegation discovered that human rights has become the underlying theme of the student movement. Upon learning of 18 students who were missing after protesting cuts in student subsidies, the delegation conveyed the importance of police accountability in a democracy, and urged the Ivorian Government to inform the families of the whereabouts of those arrested. Within days after our visit, the U.S. Embassy in Abidjan told us that the 18 students were released from police custody.

Cote D'Ivoire should be commended for its efforts to reconstruct the country. But the United States should continue to press for the protection of human rights throughout all phases of development. This will not only strengthen democracy, but ensure the success of economic reforms.

Our policy in Tunisia should be the same. Tunisia has made significant gains in women's rights, family planning, and protection of religious beliefs. However, it has administered an often oppressive policy toward human rights activists. The Government justifies its crackdown by citing legitimate concerns about Islamic fundamentalism dominating its political and military system. With Algeria to its west and Libya to its east, Tunisia is trapped between two countries which do not support its new direction. Further, internal support for religious extremism is potentially threatening to the regime.

Tunisia is on the verge of becoming a fully developed country. However, its economic prosperity could be sacrificed if it is not followed up by political freedom. I believe that it is in the interest of the United States to support Tunisia's continued reforms, assist in its struggle against violent extremism, and support its integration into the international economy. To do this most effectively, we should encourage human rights reform as well. As one Tunisian official said, the moderate government is truly Islamic in its values, while the extremists, in many cases, are using religion as a political tool to defeat Western influence in the Arab world. While we have been unable to design a policy to combat violent Islamism in the world, I believe that democracy is one of our most potent weapons against extremism.

With the end of the cold war and its emergence as the strongest power in the world, the United States has new responsibilities and new opportunities. Through creative approaches to diplomacy, we potentially have the ability to influence events which will determine whether the majority of Africa joins the international community, or whether it destroys itself in the aftermath of its post-colonial struggles. Beyond a moral imperative to assist Africa in its transition, the United States has a great deal to gain from a properous Africa. If we strategize wisely, the investment we make today can be small, but garner significant advantages later.●

THE LITTLE RAILROAD THAT COULD—AND DOES

● Mr. SIMON. Mr. President, over the years I have been proud to know and work with Hugh Crane, an extraordinary entrepreneur in Marion, Illinois, who is the visionary founder, president and driving force at the throttle of the Crab Orchard and Egyptian Railroad.

From coast-to-coast, there is no better example than the CO&E in illustrating the vital link that the nation's short line railroads provide as vital gateways connecting local businesses to the interstate railroad network.

Hugh will leave no stone unturned when it comes to serving his customers, potential customers, and Southern Illinois' economy; I've seen—and experienced—his dedication and persistence time and time again. He has waged and won countless crusades ranging from saving abandoned rail segments to achieving fair treatment from the large railroads for his customers.

Hugh Crane and his railroad have been honored by the Chamber of Commerce in Marion and have been spotlighted in national news programs. Hugh deserves a place in anyone's business hall of fame, and he would certainly get my vote.

The story of the roles played by short-line railroads was told recently, using Crab Orchard & Egyptian Railroad as an example, in a nationally published news story by the Associated Press that ran in many newspapers on Oct. 9. I call the attention of my colleagues to the article and ask that it be printed in the RECORD.

The article follows:

SMALLER LINES PERFORM SERVICE OTHERS WON'T

MARION, IL. (A)—Hugh Crane believes in the power of his Crab Orchard and Egyptian Railroad, even though it only has 15 miles of track and four engines.

Dozens of industries and hundreds of jobs depend on a "short line" that runs between two Illinois cities.

When Illinois Central announced in 1976 it wanted to abandon the small length of track, Crane and some investors got permission to run it.

Today, the disel-electric locomotives sporting white pyramid logos are a vital link for more than a dozen industries—and hundreds of jobs.

WHAT'S BEHIND THIS

C.O. & E. was one of the pioneers in an explosion of small railroads nationwide that was sparked by the relaxation of federal regulations that made it easier for major carriers to shed less-lucrative routes.

The number of "short line" and regional railroads has more than doubled to greater than 500 since 1980, the American Short Line Railroad Association says.

"There are people * * * who have jobs only because they're able to tie into the enormity of the North American continent," Crane said.

REVENUE

Last year, short line and regional railroads accounted for $2.8 billion in revenue, or 9 percent of the railroad industry's total, the short line association says. They operated 43,000 miles of track—25 percent of the total—and accounted for 11 percent of railroad jobs.

Short lines are defined as railroads having $20 million or less in annual railroad operating revenue. Regionals fall between $20 million and $250 million.

VIEWPOINT

Major railroads don't see their smaller brethren as competition. Rather, they realize short lines and regionals keep track in use that otherwise might be abandoned: nearly 30,000 miles since 1980, by the short line association's reckoning.

The big freight carriers, however, are quite competitive among themselves.

Union Pacific Corp., the nation's biggest railroad company, Wednesday offered $3.4 billion for Santa Fe Pacific Corp., hoping to block a pending merger between Santa Fe and Burlington Northern Inc. Santa Fe rejected Union Pacific's offer a day later.

Burlington Northern and Union Pacific, aside from their designs on Santa Fe, have something else in common too: little C.O. & E.

HOW THIS WORKS

With tracks in Marion and Herrin, two towns about 330 miles south of Chicago, Crane's railroad hands off and receives cars from the two big carriers. They pay by the car and C.O. & E.'s fees average about $200 per car, Crane said.

He won't release any financial figures for his six-employee company but would say the railroad ran 166 loaded cars last month.

Crane who serves as president and chief engineer of C.O. & E., deflects attempts to credit his railroad with boosting the area's economy. But some clients disagree.

"If we have to choose between moving to a location that has rail and a location that doesn't, we'll chose the one that has it." said Rudy Bond, president of 21-worker Perma-Treat Lumber Co., which came to Marion in 1982.●

RETIREMENT OF LINDA STOLL-ANDERSON

● Mr. BAUCUS. Mr. President, it is always tough to see a dedicated public servant step down when they are at the top of their game. Linda Stoll-Anderson of Helena, MT, is retiring as a 12-year commissioner for Lewis and Clark County, but not before making her community a better place in which to live.

Linda serves as an outstanding example of a public servant. She is honest and patient. She works hard. She's a great mediator. She's extremely bright. She never stops putting Montana and Lewis and Clark County first.

Her passion about environmental issues has been inspirational. For many years, Linda has been dedicated to maintaining what makes Montana the last best place, in particular, protecting our beautiful Rocky Mountain front. I know, because I worked with Linda to preserve many acres of this pristine land. When some would settle for less, Linda held true to her principles.

I hate to see her go. Based on her track record, I know she has a promising future in whatever she chooses to pursue next. She and her husband Bob, who serves as a public service commissioner in Montana, are highly committed to our State. They demonstrate it each day in their work. I wish them both well.●

U.S. POLICY ON BOSNIA

● MR. LIEBERMAN. Mr. President, I rise to express my deepest concern over the appalling recent developments in Bosnia and the apparent new U.N. and European policy of offering yet another round of concessions to the aggressors. I am very disturbed that the United States appears to be acquiescing in this step. Bosnia, a member state of the United Nations, has been the victim of Serbian aggression for the past 32 months. The U.N.'s misguided effort to stem violence in the former Yugoslavia by prohibiting arms exports has helped make Bosnia a victim by preventing an effective self-defense and preserving a Serbian advantage in military equipment. Although the international community has adopted various other means to defend Bosnia—including a U.N. resolution to restrain the Serbs, a series of unsuccessful peace plans and an international peacekeeping force—none of these measures have proved a credible substitute for a Bosnian defensive capability.

The events in Bihac this past week demonstrate that no amount of U.N. resolutions, peacekeeping troops or fine tuning of peace plans can stop the fighting in Bosnia until the warring parties want to stop fighting. Every new round of U.N. resolutions or diplomatic negotiations lowers the threshold for Serb cooperation. I understand that, following the latest Serbian aggression in Bihac, the administration is agreeing to yet another round of peace talks, which I fear will only be a cover for a continuation of war and for more concessions to the Serbs.

The policy of the Contact Group, of which the U.S. is a party, is one of appeasement. Such a cynical policy is inconsistent with our national character. We know from experience that war is horrible. But to take responsibility for the welfare of another country like Bosnia and then cynically offer up ever-growing slices of its sovereignty for the sake of international comity is wrong, violative of international law, and unworkable. Such a policy will not end the fighting in Bosnia—the outgunned Bosnian army proved that last month in Bihac. It will not stop Serb aggression and nationalism. It will not prevent widening the war—weak U.N. enforcement of its own Security Council resolutions will encourage disregard for the U.N. What this policy will do is send a dangerous message that aggression will not only be tolerated but rewarded if the aggressor remains aggressive and uncooperative. Given all the volatile situations round the world, this is a signal we cannot afford to send.

Mr. President, the United States should reject the course of appeasement. We should lift the arms embargo against Bosnia—with or without the cooperation of our NATO allies—and allow the self defense of Bosnia.•

NATIONAL STANDARDS FOR CIVICS AND GOVERNMENT

• Mr. JOHNSTON. Mr. President, I would like to take this opportunity to go on record indicating my strong support for the National Standards for Civics and Government that were unveiled by the Center for Civic Education earlier this month.

These voluntary content standards will help our schools educate students to be responsible citizens who are knowledgeable about American constitutional democracy. They are the result of collaboration by over 3,000 groups and individuals and are a resource local school systems can use to develop their own civics curricula. The future of our great National depends on our youth, and a strong civics background is a prerequisite for an informed citzenry. The new guidelines are organized around five questions that cover such issues as the duties of citizens, the foundations of American democracy, and definitions of politics and government. They also emphasize the role of State and local governments in the American political system.

American adults are often criticized for low voter turnout and lack of interest in the political process. Education is the best way to combat such disinterest. The National Standards for Civics and Government, which are designed to focus civics education as early as kindergarten, will provide a foundation for our young people to build on to become the responsible leaders of tomorrow, leaders committed to perpetuating the fundamental values of our constitutional democracy.

I would also like to use this occasion to express my support for the continued growth and success of the "We The People—The Citizen and the Constitution" program administered by the Center for Civic Education. Millions of students have participated in the program, learning lessons that will stay with them throughout their lives, which confirm that our republic can thrive only when citizens remain engaged in the debate of politics and governing.

We must continue to encourage civic education for our young people. Programs like We The People and guidelines such as those issued by the Center for Civic Education will ensure that American students are prepared to enter the 21st century as active citizens who have taken the principles of American democratic government to heart.•

GLENN MILLER TRIBUTE

• Mr. HARKIN. Mr. President, later this month family, friends and fans of the great band leader, Glenn Miller, will assemble at Arlington National Cemetery for a memorial service to honor his memory. This event will commemorate the 50th anniversary of his disappearance during World War II.

I would like to take a moment to reflect on the life of this man who I am proud to say was born in Clarinda, IA on March 1, 1904. He grew up in neighboring Missouri and founded the very successful Glenn Miller Orchestra. The band was synonomous with his distinctive "big band" style of music and gave us many memorable songs including "Moonlight Serenade" and "Little Brown Jug".

Glenn Miller was a gifted musician with a popular band when he enlisted in the armed forces during the Second World War. He left the relative security of the United States for the turbulent and dangerous environs of Europe. This was an act of great courage and showed his dedication to public service.

Then in a tragic turn of events, he disappeared on December 15, 1944, somewhere between Bedford, England and Paris, France. Unfortunately, he was the only member of the Army Air Forces Band who did not return to the United States after the war. He may have been lost, but he has certainly not been forgotten because his music still lives on.

On December 15 we will remember Glenn Miller and celebrate his life. It will be a day to honor the man and his music.•

TRIBUTE TO MAYOR EDWARD S. BISHOP, SR., "A FRUITFUL BOUGH"

Mr. LOTT. Mr. President, I rise today to pay tribute to an outstanding Mississippian, and great American, Mayor Edward S. Bishop, Sr., of Corinth, MI. Mayor Bishop retired last month after 64 years of dedicated service to this country, and the State of Mississippi. He has distinguished himself in the fields of elementary and secondary education, community relations, and county and State Government.

Mayor Bishop is well noted in Mississippi for his long and successful career as an educator In his lifetime, he has served as a classroom teacher, principal, college professor, and director of in-service training programs for teachers and others. I have known him for a number of years, and I would like to pay homage, and share with my colleagues, how service speaks for this fine gentleman.

Mayor Bishop attended public elementary and secondary schools in the State. He received the bachelor of science degree from Jackson State University; the master of science degree from the University of Southern Illinois; did further graduate study in social economy, principalship, and guidance counseling. He also received an honorary doctorate degree from Rust College.

In 1978, Mayor Bishop became the executive director of the Tennessee Valley Regional Planning Commission and the Alcorn-Prentiss County Human Resource Agency. At present, he serves as executive director of the Alcorn County Resource Agency, the umbrella for a comprehensive elderly program, and an emergency shelter for children. All of Mayor Bishop's untiring efforts in community service should be well noted. He has been a driving force in the city of Corinth, and Alcorn County, in securing funding dollars for diverse human service programs. Through great personal effort, a new permanent home has been established for all senior citizen activities in Corinth and the surrounding area. Also, he was instrumental in the establishment of a new and permanent home for neglected and abused children.

Mayor Bishop's entry into public service has been marked with distinction. He was elected three terms as alderman of the city of Corinth, and ran unopposed, for his last two terms.

After serving as alderman, he was appointed vice-mayor by the City Council, and subsequently served as mayor pro tempore. On October 10, 1989, he was sworn in as mayor of the city of Corinth. He was later elected in November 1990, by the citizens of Corinth to serve a full term as mayor. His retirement this past November, closed one chapter of a very fine career. We, in Mississippi, however, expect to see Mayor Bishop continue to give of his time and energy. As an educator, community activist, and pubic servant, Mayor Bishop has enjoyed the support and adoration of a region of our country, and an historic county in the State of Mississippi. The service he has rendered speaks volumes. He has been a fruitful bough.•

UNITED STATES POLICY TOWARD CUBA

• Mr. SIMON. Mr. President, this past summer the Clinton administration chose to tighten the economic embargo and accept more Cuban immigrants in response to thousands of Cuban rafters who set sail to Florida. I question its goals in tightening the embargo against Cuba. Tightening the embargo, which is already tighter than the one we have against Iraq, could lead to a major crisis in Cuba. The embargo against Cuba only makes the situation there worse by restricting the supply of food and medicine to people who desperately need it, without lessening Castro's grip on the Cuban political machinery. Our recent experience in Eastern Europe has shown us that sealing Communist countries from contact with democratic societies is not the answer. Progress can be obtained by encouraging a steady flow of information and goods between Cubans who seek change and Americans.

During the 104th Congress, the administration and Congress should take a close look at our current policy toward Cuba. It is in the interest of the United States to encourage democracy and the rule of law in Cuba, but it is not in our interest to continue a policy that causes needless suffering and that has proven unsuccessful. I urge my colleagues to read the following article from the National Journal, "The Cuban Conundrum," by Bruce Stokes. It provides a good outline of current U.S. policy toward Cuba and what it could lead to.

I ask that the article be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the National Journal, Sept. 17, 1994]

THE CUBAN CONUNDRUM

(By Bruce Stokes)

In recent weeks, the searing television images of women and children in inner tubes and flimsy rafts braving the shark-invested waters of the Straits of Florida to flee Cuba have momentarily overshadowed the more complex, underlying story of the economic collapse that sparked the exodus.

While the Clinton Administration has, for the time being, apparently resolved the crisis by agreeing to take in more Cubans as legal immigrants, the long-term challenge that faces Havana—and Washington—is the reconstruction of the Cuban economy through its transformation, in one form or another, from a socialist to a market economy.

The stakes in such a transformation are high.

"An early restructuring to a market-oriented economy could produce a very quick and robust recovery from Cuba's present crisis situation," said Ernest H. Preeg, an economist at the Washington-based Center for Strategic and International Studies.

But failure could unleash a new torrent of Cuban migration—legal or illegal—to the United States. Already, more people have tried to flee Cuba this year than in the previous decade. And with Cuba's geographic proximity to Florida, a large Cuban-American population to welcome refugees and the wide disparity between the standard of living in Havana and what's available in Key West, just 90 miles away, experts say it's possible that as many as a million Cubans may want to emigrate to the United States rather than wait for better times in Cuba.

The experts seem to agree that the transformation of Cuba's economy has already begun. But there's no agreement on how far it has gone or how much further Cuban President Fidel Castro is willing to go.

"Castro is gradually losing power to market forces, and the reform process appears irresistible," Carmelo Mesa-Lago, a professor of Cuban studies at the University of Miami, said. But unfortunately, he added, "I don't really think they understand how the market works."

And lulled by 35 years of false hopes of Castro's imminent demise, few American economists or U.S. government officials have begun to prepare for the day when a new, transitional Cuban government will have to make the market work or risk backsliding into deeper economic and political chaos.

"This thing is going to catch them with their pants down, and they are unprepared," said Armando M. Lago, the president of Ecosometrics Inc., a Bethesda (Md.)-based consulting company and the current president of the Association for the Study of the Cuban Economy.

The Clinton Administration's instinctive reaction to the new flood of Cuban boat people was to tighten the current U.S. trade embargo on Cuba. It was decision driven more by domestic political considerations—chief among them the desire to placate the conservative Cuban-American community—rather than with any forethought of its debilitating impact on emerging market forces inside Cuba.

It's been up to Congress and some Cuban-American economists to begin to lay out a new economic strategy for dealing with Cuba. Their plans include a lifting of the embargo calibrated to political and economic reforms inside the island nation, detailed blueprints for the macro-economic stabilization of a transitional Cuban economy and guidelines for foreign investment and trade expansion.

When and whether these plans are tested, of course, depends on how long Castro remains in power.

DESMERENGAMIENTO

Like a giant, tempting meringue, the Cuban economy is collapsing in on itself, its frothy exterior no longer supported by the hot air that first gave it form. This process—what the Spanish call *desmerengamiento*—is well-known to pastry chefs the world over, but economists have never seen such a dramatic economic contraction.

From 1989-93, the Cuban economy shrank by nearly half, according to most reliable estimates. This contraction exceeds that experienced by Cuba during the Great Depression in the 1930s, Mesa-Lago said, and is much worse than the economic deterioration suffered in recent years in Eastern Europe.

The Cuban economy is rapidly disengaging from the global marketplace. In 1993, the value of Cuba's exports and imports was less than a third of what it was in 1989. (See table) Eastern Europe and the former Soviet Union, once Castro's main trading partners, will no longer sell him machinery and oil at cut-rate prices, and they refuse to buy Cuban sugar at prices far in excess of the world market price.

Reflecting this economic breakdown, the value of the Cuban peso has plummeted. While a Cuban peso is still officially worth $1, the black market exchange rate in August was 130 to $1.

"Cuba has become an undeveloping country," Preeg said. Nothing works.

In Havana, power blackouts are a daily occurrence. With gasoline and spare parts in short supply, automobiles, trucks and buses are disappearing in favor of bicycles and ox carts. Unemployment is soaring because at any given time more than two-thirds of Cuba's industrial plants are closed, owning to a lack of power or raw materials.

Government rationing provides only about half of the food that average families need to survive, forcing them to turn to the underground economy. And while state-set prices for many basic goods and services have changed little in the past three decades, no such constraints exist on the black market, where inflation is rampant. In May, Cuba's monthly minimum wage would buy only a two-pound chicken or a pound of pork or four liters of milk in unofficial markets.

In a society that once prided itself on meeting basic human needs, the human toll of food shortages in mounting. Infectious diseases that were once thought to have been eradicated, such as tuberculosis and malaria, are returning. In early 1993, the U.N. Children's Fund reported that half of all Cuban infants in their first year of life showed symptoms of anemia.

To reflate the collapsing Cuban economic meringue, the Castro government has introduced some elements of a market economy into what was once an autarkic socialist state. Some foreign investment is now allowed. To encourage farmers to grow more food, many state farms have been turned into cooperatives, and the prices of agricultural products have been increased somewhat to stimulate production. Taxi drivers, hairdressers and workers in more than 130 other categories can now sell their services on the open market. And the widespread use of the dollar as the preferred medium of exchange has been legalized.

But the economic reform process is a halting one, raising uncertainty about the evolution of Cuban capitalism. In the past few months. For example, the government has arrested people for making "too much" money in the flourishing dollar economy. The scope of permitted "family business" has been scaled back. And tax rates have been raised on self-employment income.

"The adopted measures and reforms are incoherent, inconsistent and ill-conceived in design; incomplete in scope; incorrect and delayed in execution; and, consequently, inadequate in impact," George Plinio Montalván, a former chief economist of the Organization of American States, said.

The problem, Mesa-Lago said, is that "Castro listens to different ideas and implements only those that appeal to him most—he lacks a blueprint."

FIDELISMO WITHOUT FIDEL

Most experts see only two designs for the Cuban economy of the future.

Now that the emigration turmoil has subsided, the likeliest scenario is that Cuba will renew its tentative reforms and evolve toward a Nicaraguan-style economy, in which the state continues to play a major role. Under such conditions, there will be an increasing number of small and medium-sized private companies. But the commanding heights of the economy will be controlled by large, public enterprises. And while at some point Castro will step down or die, his cadre of bureaucratic apparatchiks will continue to drive economic decision making.

But this option holds little attraction to the outside world because, at best, it would provide only modest economic growth. And the paucity of serious research on such an eventuality is primarily because many conservative Cuban-Americans, who provide much of the money for academic work on Cuba, see a Nicaraguan-style Cuba—what they call "Fidelismo Without Fidel"—as their worst nightmare. It would delay indefinitely the emergence of a truly free market economy in Cuba. And, more important to some of them, it would postpone their own return to power.

"There is distaste among many Cuban-Americans to consider the unconsiderable," admitted Matias F. Travieso-Diaz, a partner in the Washington law firm of Shaw, Pittman, Potts & Trowbridge.

The scenario preferred by most Cuban-Americans and Administration officials is a fairly rapid transition to a market-style economy. Most economists agree that only this course will provide Cuba with the rate of sustained economic growth needed to bring unemployment down to manageable levels, while continuing to provide sufficient social services to ensure political stability.

The first obstacle on this path is the U.S. embargo against trade with, and investment in, Cuba.

The 1961 Foreign Assistance Act first imposed the trade ban, both to pressure Cuba into compensating Americans for property nationalized by the revolutionary regime and to punish the Castro government for its embrace of Communism. The 1992 Cuban Democracy Act extended the embargo by denying foreign subsidiaries of U.S. firms the licenses they need to trade with Cuba. And to signal its dissatisfaction with the Cuban government's failure to curb the current exodus of boat people, the Clinton Administration has banned all dollar remittances to Cuba from relatives or friends living in the United States. (Previously, remittances of as much as $500 per quarter were permitted.)

It is an article of faith among older, more conservative Cuban-Americans—and the politicians they have supported—that any loosening of these economic screws will only prop up the Castro government and postpone the transition to a market economy. To this end, hard-liners have supported escalation of the embargo through imposition of an economic blockade on Cuba.

Younger, more moderate Cuban-Americans and critics of the current U.S. policy toward Cuba question why trade with China and Vietnam is viewed as a means of liberalizing their socialist economies, while trade with Cuba is rejected as counterproductive.

"If the goal is as peaceful and as productive a transition as possible," said Andrew Zimbalist, a professor of economics at Smith College, "engagement rather than isolation has proven to be a better policy."

But engagement is prohibited by the Cuban Democracy Act, which requires democratic elections in Cuba before the embargo can be lifted. Such sequencing flies in the face of the experience in Eastern Europe, where democracy came at the end of the transition from socialism, well after the seeds of capitalism had been planted and nurtured and had borne fruit. And, said Rep. Charles B. Rangel, D-N.Y., "we are losing billions of dollars in business opportunities to invest and trade with Cuba."

There is growing sentiment on Capitol Hill to reverse the policy of isolating Cuba. Rangle has proposed the Free Trade With Cuba Act, which would repeal the Cuban Democracy Act and the embargo; open up travel, mail and telecommunications services; and launch new negotiations on U.S. economic claims against Havana and on the human rights situation in Cuba. Claiborne Pell, D-R.I., the chairman of the Senate Foreign Relations Committee, and Lee H. Hamilton, D-Ind., the chairman of the House Foreign Affairs Committee, have proposed a similar unilateral lifting of the ban on travel, remittances and commercial sales of food. And Rep. Robert Menendez, D-N.J., has introduced legislation that would offer a transitional Cuban government humanitarian assistance and help in downsizing its military.

Rolando H. Casteñeda, a senior operations officer at the Inter-American Development Bank, and Montalván have suggested a step-by-step approach, linking the expansion of U.S. economic ties with Cuba to Cuban political liberalization. They suggest that the United States take the first step by permitting commercial sales of U.S. food, medicine and medical instruments to Cuba and rescinding the recent prohibition on all remittances. If Cuba then agrees to free political prisoners and adhere to international human rights conventions, Castañeda and Montalván say, the United States should lift what's left of the trade embargo. If Havana implements market-based economic reforms, Washington in return wouldn't stand in the way of International Monetary Fund (IMF) loans to Cuba. Finally, once Cuba adopts a new constitution and has free and fair elections, they say, the United States would lift its ban on travel and investment, support a restructuring and some forgiveness of Cuban debt and further open the U.S. market to Cuban goods.

None of these proposals is likely to pass Congress this session. And all face an uphill political fight.

"The idea that opening a McDonald's in Havana will make Castro into a Thomas Jefferson blows my mind," said Jose S. Sorzano, the chairman of Austin Group Inc., a consulting firm in Arlington, Va. Once the embargo is cracked, conservatives predict, the pressure from U.S. commercial interests to quickly normalize economic relations without regard to political concessions by Castro will prove inexorable and Washington will end up trading something for nothing.

Moreover, for most lawmakers, there is potential pain and little gain for supporting an end to the embargo. The business community is not pressing for liberalization. In the past, lawmakers who have advocated an easing of tensions with Cuba have been Red-baited. Finally, if the Administration dares to change its stance and supports a calibrated relaxation of the embargo, conservative Cuban-Americans have threatened to pillory President Clinton for waffling on yet another foreign policy issue.

RESTITUTION V. COMPENSATION

Once the economic transformation of Cuba has begun, the biggest obstacle to normalization of economic relations with the United States will be the claims against the Cuban government by Americans whose property in Cuba was nationalized after the revolution.

"It's the crazy-aunt-in-the-basement issue," said Robert E. Freer Jr., a senior partner in the Washington law firm of Freer & McGarry. And like the unpredictable relative it's a highly emotional issue likely to cause hitches in lifting the embargo and serious clashes between the exile community and the people in Cuba today.

In the 1960s the U.S. Foreign Claims Settlement Commission valued the nationalized property—primarily industrial plants, commercial buildings and farmland—at $1.8 billion. It's now valued at $5.6 billion. And then there's all the confiscated property, much of it residential, that was owned at the time of the revolution by Cuban citizens who subsequently became U.S. citizens.

Claimants have different interests in resolving the status of the assets. Some large U.S. corporations, especially those with a brand name to protect, want restitution of their original property. Similarly, many middle and upper-class Cuban-American refugees who left a lot of property behind in Cuba have an economic and emotional stake in the return of their original holdings. Others who have little desire to return to Cuba would be happy with financial compensation for their losses. And some Cuban-Americans who made their fortunes in the United States only care that the confiscated properties be privatized at auction so that they will have a crack at them.

Freer, who's the general counsel to the U.S.-Cuba Business Council, contends that restitution will ensure an immediate infusion of foreign investment and modern management in Cuba.

But fights over restitution delayed the privatization of property in Eastern Germany for years, holding up foreign investment. Moreover, Montalván argued, "restitution would install the same distribution of wealth in Cuba that you had before the revolution." Americans would control 90 per cent of Cuba's electricity generating capacity, its entire telephone system, most of its mining industry and some of its best land, providing dry tinder to rekindle Cuban nationalism.

Compensation—on the surface, a more straightforward resolution of the problem—sparks similar controversy. It could burden an already indebted Cuba with new foreign obligations. It took the Foreign Claims Settlement Commission six years to come up with estimates of losses. "To ask a country in the midst of rebuilding to administer that kind of thing, or deal with claimants on an individual basis, is absolute folly," Montalván said.

Nevertheless, Travieso-Diaz said, "the paramount issue is, when and how is the title going to be put to rest?" Claimants' lawyers have threatened to use the courts to delay the privatization of their former properties until some restitution or compensation is made. To avoid that economically debilitating eventuality, Travieso-Díaz suggested that some partial compensation for claims, some percentage on the dollar, is inevitable.

The sleeper political issue could be what to do with small and medium-sized businesses, which have sentimental and real estate value, and residential property. These were the hardest claims to resolve in Eastern Germany and the Baltic states. The Cuban-American community has largely disavowed any interest in restitution of former residences. But this is, in part, a tactical move to counter Castro's propaganda that Cuban-Americans want to return to steal people's homes. Notwithstanding such disavowals, reclaiming family homesteads could suddenly have a powerful emotional appeal once the opportunity arises.

CONTAINING INFLATION

Clearing the underbrush of the embargo and foreign claims issues merely sets the stage for tackling the fundamental economic challenges facing Cuba's transition to a market economy.

The first problem is to contain the seemingly inevitable inflation that's triggered by the end of socialism. The government subsidies inherent in a state-run economy mask inflation by making up the difference between what consumers pay and what the price of a good or service would be if the value were determined strictly by supply and demand. As Cuba's economic crisis worsened in the past few years, subsidies grew, and by 1993 Cuba's budget deficit was equal to a third of the value of its economy. By printing money to cover those subsidies as domestic production shrank, the Cuban government provided average citizens with plenty of money, but little to buy. As a result, a huge volume of excess liquidity has been built up that will feed inflationary fires if restraints on prices are lifted.

To stimulate production to meet demand and get the Cuban economy moving again, most economists recommend an immediate end to price controls, which could lead to a tripling or quadrupling in prices. The trick will be to stabilize those prices once they have initially adjusted so that the inflation rate doesn't spiral out of control.

This requires curbing the flow of money into the economy and sopping up some of the excess liquidity. Economists prescribe a reduction in government spending and some hard budget constraints; a freeze on public-sector wages and a cutback in public-sector employment, including the military; the imposition of new taxes; and a positive real interest rate to encourage savings.

CAPITAL FROM ABROAD

Domestic macroeconomic stability is a necessary, but not sufficient, condition for a robust economic recovery in Cuba. If Cuba is to climb out of its economic hole, it also needs new capital from abroad.

Cuba's needs are great. In the mid-1980s, the Soviet Union pumped an estimated $4.4 billion a year into Cuba's economy—about 15 per cent of its gross national product. With the collapse of the Soviet Union, however, that largess ended, and Cuba will somehow need to make up the shortfall. In addition, Manuel Cereijo, a professor of engineering at Florida International University in Miami, estimates that Cuba will need $3.6 billion over a decade to reconstruct its rundown transportation system and another $2.5 billion to modernize its telecommunications system.

Simply lifting the current ban on remittances, economists say, could inject as much as $1 billion a year into Cuba's economy.

Cuba has an estimated $10.8 billion debt with European and Asian lenders and a 20 billion-ruble obligation (about $100 million at the current exchange rate) to the former Soviet Union. To obtain some breathing room during its economic transition, economists say, Havana will first have to negotiate a moratorium on repaying its debts and then renegotiate them at some fraction of their original value. There is ample international precedent for such debt restructuring, and the lenders should be obliging because Cuba hasn't paid any interest or principal on its debt since the mid-1980s.

A speedy resolution of the debt question would open lending windows at the IMF and World Bank. Depending on the initial exchange rate, Cuba's per capita income may be judged to be low enough to qualify for concessional loans, a definite plus. Economists estimate that Havana will initially need to borrow at least $750 million a year. The main sticking point could be bureaucratic inertia.

"From the time Latvia turned democratic and applied for a loan and got it, it took 18 months," economist Lago said. "If the international financial institutions take that long in Cuba, with the current economic conditions, there will be mass starvation."

Foreign aid is another likely source of foreign exchange. Many economists think that Cuba will need as much as $1 billion a year in foreign aid. With the shrinking U.S. foreign aid budget, however, Havana cannot expect much help from Washington.

Foreign investors could provide an additional supply of capital. Foreign investment in Cuba has been growing. By the end of 1993, there were 83 joint ventures in the industrial sector and 29 in tourism, with Spanish companies in the lead. Foreign interest was further whetted in June 1994, when it was announced that Grupo Domos of Mexico had bought 49 per cent of EmtelCuba, the national phone company, for $1.5 billion. But despite all this hoopla, many of the investments have involved little cash upfront, and economist Preeg estimates that real foreign investment may have totaled only $50 million in 1992.

Long constrained by the embargo, U.S. companies have only begun to show any interest in Cuban investment opportunities. (Business consultants, for example, tell stories of U.S. oil companies scouting for gasoline station sites.) Lago and José F. Alonso, a senior economic researcher with Radio Marti, estimate that direct foreign investment in Cuba could reach $250 million a year 5 years into an economic transition and top $1 billion a year 15 years out.

At first, investments are likely to center on a few key sectors of the Cuban economy:

Sugar.—Sugar plantations and mills are Cuba's largest employers, and sugar exports provide its largest single source of foreign exchange. The 1994 sugar harvest was 3.4 million tons, less than half the harvest in 1989. Four of every five sugar mills in Cuba were built before World War I, and many need to be replaced.

Tourism.—Tourism, Cuba's second largest source of foreign exchange, is deemed by many economists to have the greatest economic potential. Cuba once dominated the Caribbean tourist trade, but had only 3.2 per cent of the market in 1992. Alonso and Lago think that Cuba's market share could rise to 11 per cent with adequate investment and to 15 per cent if gambling returns.

Minerals.—Cuba has the fourth-largest nickel reserves in the world. But Cuban mining technology, largely from the former Soviet Union and Eastern Europe, is obsolete, pushing up production costs at a time when world nickel prices are falling. As a result, Cuba's nickel production has fallen dramatically in the early 1990s. Reviving it will be costly.

Manufacturing.—Manufacturing plants for textiles, shoes and sporting goods all have the potential to start up quickly. The key will be the revival of small and medium-sized firms, the conversion of military airports and ports to civilian export use and the reconstruction of Cuba's public infrastructure to support industrial expansion. Low wages will initially be a major draw for new investors, but labor costs will have to rise if state food, education and health care subsidies are trimmed.

Most economists who have studied Cuba advocate, as part of the initial economic stabilization package, a sharp devaluation of the peso to ensure that Cuban-made products are competitive internationally. They say that this should be coupled with partial convertibility of the peso, to enable investors to repatriate their profits. Such a move would not be without risk, however, because it could fuel inflation.

Cuban investors will also want greater access to the U.S. market. Without most-favored-nation trading status, however, Cuban exports would face prohibitive U.S. import duties. Cuba's poverty would also qualify it for lower tariffs under the U.S. generalized system of trade preferences. And admission to the Caribbean Basin Initiative and the North American Free Trade Agreement (NAFTA) is on every Cuban-American economist's wish list.

CUBA AFTER 35 YEARS OF CASTRO

[Selected economic indicators]

	1989	1990	1991	1992	1993
Change in gross social product (equivalent to gross domestic product) (Percent)	0.1	−3.1	−25	−14	−10
Exports (in billions of pesos)	5.4	4.4	3.6	2.3	2.1
Imports (in billions of pesos)	8.1	6.4	3.7	2.5	1.7
Sugar production (in millions of metric tons)	8.1	8.4	7.6	7.0	4.2
Budget deficit as per cent of GSP (Percent)	11	16	NA	NA	34

Source. George Plinio Montalvan

MAJOR OBSTACLES

But trade expansion and increased foreign investment in Cuba face major obstacles.

In the 1950s, the United States bought nearly three million tons of sugar from Cuba, accounting for more than half of its total exports. Today, the United States imports only one million tons of sugar from the entire world. Increasing the import quota, even by several hundred thousand tons, as a gesture of support for Cuba would garner Havana only a few hundred million dollars in revenue. Moreover, upping the quota would draw severe opposition from U.S. sugar growers. Expanding tourism in Cuba will come largely at the expense of the tourism-dependent economies of other Caribbean nations, leading to new requests for aid from them. And any proposal to include Cuba in NAFTA is likely to be rapidly enmeshed in domestic U.S. politics, with labor unions fearing job losses to apparel and other labor-intensive assembly operations that could shift to Cuba.

Moreover, Cuba currently lacks the basic legal and institutional framework needed to assure foreign investors that their funds are safe. Cuban law doesn't sufficiently protect private property rights, the court system doesn't adequately enforce the law and there are no bankruptcy procedures to speed entrance and exit from the marketplace.

Moreover, the recent experiences of foreign investors have already given ammunition to critics in Cuba. They complain about investment deals at bargain basement prices. They object to foreign control over national industrial assets, such as the telephone company, and natural resources, such as some of Cuba's best beaches, which are now off-limits to most citizens. They resent the selling off of the nation's patrimony—Grupo Domos obtained a 55-year monopoly over telecommunications services. And they question the benefits of foreign investment for average workers. Under the current system, foreign investors must contract with the Cuban government for labor. Havana is paid $400 per month per employee. The workers are paid an average of 250 pesos per month, less than $3 on the black market. The government pockets the difference. "It's an incredible case of exploitation," Lago said.

To set a new standard for foreign investors in Cuba, Castañeda of the Inter-American Development Bank and Montalv́an have drafted a set of foreign investment guidelines that have been dubbed the Arcos Principles (after Gustavo Arcos Bergns, the secretary-general of the Cuban Committee for Human Rights in Cuba). Signatories would pledge to hire Cubans directly instead of through a government intermediary, commit themselves to a 48-hour workweek, hire regardless of political background and allow employees to organize independent unions. In a swipe at the tourist oasis that exists amid the desert-like Cuban economy, investors would pledge to grant all Cubans equal access to all public areas—such as beaches and hotels—and equal access to the goods and services that are now often reserved for tourists.

PRESERVING THE SOCIAL SAFETY NET

The greatest threat to the success of Cuba's economic transportation into a market economy is the social and political unrest that could accompany a further fraying of its already tattered social safety net.

During an economic transition, Cuba's high unemployment would be expected to climb even higher. The first victims are likely to be those on the state payroll. Cuba's regular armed forces are 200,000 strong. Argentina protects a landmass 25 time the size of Cuba, with a population three times Cuba's, with an army, navy and air force just a 10th the size. Cuba has a million civil servants out of a population of 11 million. Most economists think that the government could function adequately with 150,000 employees.

To sop up the expected legions of jobless workers. Montalván said, "Cuba will need a WPA-type program," referring to FDR's famous public works program.

Cubans pride themselves on their long life expectancy, their low infant mortality rate and their widespread literacy—all fruits of the revolution.

But, Lago said, "there is clearly an over-investment of resources in the Cuban health system." Hospitals have long served as employer of last resort. Fully half of all health care workers are gardeners, cleaners and cooks. Moreover, the average Cuban visits a doctor 9.3 times per year. Americans make the trip only 5.6 times per year.

Analysts forecast draconian cutbacks in medical staffing. And, shades of Clinton, they suggest payroll taxes for basic health care and a fee for all additional services.

Similar changes may be needed in the social security system. Cubans don't pay for their pensions. Analysts say that this has to change, at least for those under 50 with some productive years left. The retirement age may also have to be raised. Cuban women currently can retire at 55, and men at 60.

"People will have to understand that they will have to take care of themselves," Cereijo said.

But any significant shrinkage of the social safety net risks exacerbating existing racial and class differences in Cuban society. Most of the Cuban-American community that will be investing in and returning to Cuba is white and middle class, while more than half the island population is black and poor. Tensions have already flared between whites in Cuba with relatives abroad (who, until recently, had access to dollar remittances and could live off the underground economy) and blacks (who were confined to the peso economy). During a transition, such friction could worsen.

European intellectuals like to gloat that "Cuba will be America's East Germany"—a debilitating drain on the U.S. economy that will give Washington a lesson in humility when Americans begin preaching about making the transition from socialism to a market economy.

The analogy is overdrawn. Cuba's population of 11 million is only two-thirds that of the former German Democratic Republic. Its economy is less than a fifth the size of East Germany's. And the United States has no intention of ever merging the Cuban and American economies, with all the costs that would entail.

But as Cuba's most significant neighbor, it is the United States that will have to foot the bill if Cuba's impending economic and political transition is botched. Faced with that reality, Washington has some tough choices—on the U.S. trade embargo, on claims against the Cuban government and on the nature of any post-Castro economic stabilization program. Is the goal of U.S. policy a short-term one—to punish Cuba and bring about Castro's rapid downfall, regardless of the long-run impact on the island nation's economy? Or are the interests of the United States best served by easing the transformation of Cuba into a market economy, even if it means that Castro might stay in power longer than some conservative Cuban-Americans might wish? Will the U.S. interests in having a politically stable Cuba best be served by restoring to its original owners all property seized after the Cuban revolution and by imposing fiscal discipline on Cuba or by policies that attempt to avoid reimposing the old patterns of the distribution of wealth in Cuba and by seeking to preserve the Cuban social safety net?

The recent, at least temporary, resolution of the migration crisis could once again relegate Cuba to the Administration's back burner. But as long as Washington continues to overlook Cuba's underlying economic problems—which drove its people onto all those makeshift rafts in the first place—they will continue to fester, and ultimately guarantee that Cuba will come back to haunt Washington again soon.•

PROPOSED ANTITRUST AGREEMENTS

• Mr. METZENBAUM. Mr. President, I ask that a letter which I received from the Department of Justice on November 30, 1994 be placed in the RECORD. The letter clarifies the legislative intent behind the publication and comment provisions for proposed antitrust mutual assistance agreements contained in the International Antitrust Enforcement Assistant Act of 1994.

The letter follows:

U.S. DEPARTMENT OF JUSTICE
ANTITRUST DIVISION
Washington, DC, November 30, 1994.
Hon. HOWARD M. METZENBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR METZENBAUM: I wanted once again to express appreciation for the critical leadership that you provided, along with Senator Thurmond, Chairman Brooks, and Representative Fish, leading to the passage of the International Antitrust Enforcement Assistant Act of 1994 only ten weeks after its introduction.

I also wanted to thank you and your colleagues for the careful handling of the provisions in the Act that require publication and an opportunity for public comment on proposed antitrust mutual assistance agreements under the Act. As you explained in your floor statement of October 8, 1994, Section 7 of the Act, among other things, "requires publication for public comment" of proposed antitrust mutual assistance agreements and amendments thereto, and final agreements, negotiated pursuant to the Act, between the United States government and foreign governments. The final agreement must be published (albeit not for further comment) before it "can be effective under the [A]ct." 140 Cong. Rec. S15022 (daily ed., Oct. 8, 1994).

As you know, a publication-and-comment provision is extremely unusual in matters involving the President's prerogative to conclude international agreements. Indeed, it is precisely because such a procedure is "rare if not unprecedented in foreign affairs" matters, H.R. Rep. No. 103–772, 103d Cong., 2d Sess. 22 (Oct. 3, 1994) ("House Report"), that Section 9(c)(1) of the Act, your floor statement, and the House Report on the Act all make clear that the publication-and-comment requirement is "not intended to make that procedure, or the use of the agreements, subject to judicial review under the Administrative Procedure Act." 140 Cong. Rec. S15022; *see* House Report at 22.

In the particular and unique circumstances of this statute, you have found a way for these provisions to coexist with the basic principle that the negotiation of international agreements is the responsibility of the President. Section 7 ensures that the Attorney General and the Federal Trade Commission will have the benefit of public views about the protection afforded potentially sensitive U.S. business information under a contemplated agreement, without requiring that the Attorney General or the Commission change a proposed agreement, modification, or amendment on the basis of any public comment. The opportunity to receive such views would not necessarily arise otherwise under the Act since the Attorney General and Federal Trade Commission are not required to provide public or other notice before sharing certain information in their files pursuant to an antitrust mutual assistance agreement. The Attorney General and the Commission will retain, however, the option of not letting an agreement go into effect as originally crafted if, after considering the public comments, the Attorney General and Commission agree that the Act's requirements have not been met.

In closing, let me say once again how grateful I am for your outstanding work in accomplishing the passage of this important legislation. We intend to make good use of this new tool that Congress has given to U.S. antitrust enforcers for the benefit of American consumers.

Sincerely yours,

ANNE K. BINGAMAN,
Assistant Attorney General.•

TRIBUTE TO NAVY CAPT. (SELECT) NANCY LESCAVAGE

• Mr. INOUYE. Mr. President, as the 103d Congress draws to a close, I want to pay tribute to a distinguished naval officer who has served as a Congressional Science Fellow on my staff for the past 21 months, Capt. Nancy Lescavage, U.S. Navy. As the first Navy Nurse selected for this highly coveted fellowship, her impeccable credentials quickly earned her the highest respect and admiration of the Senator staff. She promptly distinguished herself as a professional who possesses an infectious demeanor and exudes tremendous integrity, incisive leadership, political savvy, and a keen business acumen. The epitome of a naval officer, Captain Lescavage is the consummate professional who embodies not only visionary thinking but also the ability to operationalize these visions and see them through no completion.

Captain Lescavage joined my office in the midst of one of the most controversial debates of our times—the reform of our Nation's health care delivery system. As the sole representative of all military nurses, she immediately and capably tackled complex health care issues as they came before the various congressional committees. While most of the debate focused on national health care reform without regard for its potential effect on our Nation's military, it is important to note that the military health care system is among the world's largest with over 8.3 million beneficiaries. It was and is absolutely critical that any health care reform reflect the needs of our military health care system that is at the foundation of military readiness. This was Captain Lescavage's charge when she came to my office. As this office's dominant force behind our national and military health care initiatives, she worked tirelessly with the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, the Senate Subcommittee on Defense Appropriations, and the Senate Subcommittee on Defense Appropriations, and the Senate Armed Services Committee in an effort to realize the strategic goals of our evolving national health care systems. This was accomplished in a manner that would be consistent with any eventual health care reform.

As a recognized authority on health care, Captain Lescavage's expertise was in constant demand as a speaker and writer. She authored a book and journal articles; she has been involved in a myriad of speaking engagements and interviews. At significant personal sacrifice, she eagerly sought each and every opportunity to advance the health care goals and vision of America.

In all my years in the Congress, I have rarely seen such dedication. Captain Lescavage is an officer of whom the military and our Nation can and should be justifiably proud. As she leaves my office, I want to personally and publicly acknowledge my sincere appreciation to Captain Lescavage for her dedicated months of exemplary service and to bid her a fond aloha and heartfelt mahalo.•

HISTORY OF THE CROW PEOPLE

• Mr. BAUCUS. Mr. President, last Sunday morning an exceptionally distinguished delegation from the Crow Nation in Montana began what was to be a long trip to Washington, DC, to take part in a ceremony that represented a turning point in the history of the Crow people.

At the outset, the Crow delegation, led by Madame Chair Clara WhiteHip Nomee, had difficulty leaving Billings, MT. Then they were routed through Des Moines, IA and Omaha, NE. They got stuck in Minneapolis, MN. They arrived later than scheduled in Washington: tired and frustrated, but not discouraged. They had come to Washington for a very special and important reason.

The honorable delegation from the Crow Nation came to Washington to join Secretary of the Interior Bruce Babbitt in signing the Crow Settlement Agreement finally resolving the 107th meridian boundary dispute.

The Crow Settlement Agreement settles a century-old dispute that deprived the Crow Nation of 36,000 acres of land. This land was promised by the Federal Government under the 1868 Fort Laramie Treaty. Yet, before the Crow Tribe had the opportunity to begin settling upon this land, a surveying error stole away a significant piece of their reservation.

The disputed land is in the southeastern corner of Montana, north of the Wyoming border, south of the Yellowstone River. Under the Fort Laramie Treaty, the Crow Tribe's eastern boundary was designated as the 107th meridian. Sixteen years later, the Northern Cheyenne Reservation was established with a western boundary as the 107th meridian. The two tribes lived as neighbors, sharing a common boundary. But in 1889–91, a U.S. surveying team erroneously drew the eastern boundary of the Crow Reservation one-fourth mile west of the 107th meridian. The Crow Tribe lost 36,000 acres of their tribal lands. This error was not discovered until the 1950's.

Throughout the intervening 60 years, patents to the minerals and allotments to these lands were issued to the Northern Cheyenne, Crow, and other holders. Almost 13,000 acres of the Crow Tribe's original land has been settled by the Northern Cheyenne Tribe.

Boundaries established by treaty constitute a solemn promise to a tribe by the U.S. Government. A promise of land to be given to the tribe in perpetuity. The land above, and the natural resources below, belong to the tribe. No one has the right to take away what is legally the Crow's. Yet an administrative error caused significant hardship to the Crow Tribe, the Northern Cheyenne Tribe and all residents of the 107th meridian strip.

The Crow Settlement Agreement seeks to reconcile this injustice. By returning to the Crow Tribe the land and coal within the strip that has not gone out of Federal ownership and compensating the tribe for lands and minerals lost forever, the Federal Government is seeking to make good on their promise.

The Crow Settlement Agreement and the act which passed this Congress are the products of good faith effort, compromise, and sometimes difficult negotiations between the Crow Tribe, the Northern Cheyenne Tribe, the State of Montana and the U.S. Government. It is a credit to all concerned that an agreement of this importance could receive the unanimous endorsement of the Senate when so many critical issues were allowed to remain unresolved in the final days of the 103d Congress.

I applaud the efforts of so many people involved in the successful conclusion of this dispute: representatives of the Crow and Northern Cheyenne Tribes, the excellent staff of the Senate Indian Affairs Committee, and the negotiators on behalf of the Department of the Interior. I am honored to have played a role in resolving this issue.

But no one has worked harder or preserved longer than Madame Chair Clara WhiteHip Nomee of the Crow Nation. Her dedication to her people and her grace under difficult circumstances is a tribute to her leadership. I congratulate her.•

THE RIGHT TO TRAVEL

• Mr. SIMON. Mr. President, on Wednesday, October 5, I held a hearing in my capacity as chairman of the Constitution Subcommittee of the Judiciary Committee on the Constitutional Right to International Travel. The hearing focused on the derivation of this well-established constitutional right, on the circumstances under which the right can be restricted, and on the wisdom as a policy matter of restricting the ability of Americans to visit nations with whom we may have political differences.

In the course of this hearing, it became clear to me that there are limited instances in which the right of Americans to travel abroad should be restricted—namely, instances where international travel endangers the safety of the traveler or implicates national security concerns. Otherwise, as a matter of both constitutional law (the First and Fifth Amendments as well as other constitutional provisions) and policy, the right to a free trade in ideas and to investigations into other nations and cultures should be not only left untrammelled, but encouraged.

During the course of this hearing, it also became clear to me that this Administration, as well as past Administrations, has been less protective or supportive of the right to travel as I think the Constitution requires. Administrations both past and present have on several occasions restricted travel to nations that pose absolutely no security risk either to the United States or to those who travel to that nation, relying on the Executive's foreign policy authority to effect these restrictions. This is true even though we have managed to achieve the greatest foreign policy successes in those very areas that we have left open to American travelers.

On several occasions, Congress has not stood idly by while restrictions have been placed on international travel, and has often undertaken efforts to protect the right to travel from inappropriate and unwise restrictions. More needs to be done, however; currently travel restrictions are in place with respect to a number of countries that pose no risk to our nation's or citizens' security. I intend to look at this issue closely in the next session, and probably to introduce legislation to address both present and future travel restrictions. I hope to work closely with my colleagues in both Houses of Congress who agree with me as to the necessity of protecting this important right.

In the meantime, I would like to place in the record the written statement from the October 5 hearing of Kate Martin, Executive Director of the ACLU's National Security Project. This statement explains the history of the constitutional right to travel, the ways in which Congress may inject itself into this debate, notwithstanding claims that congressional involvement in the travel issue impinges on the President's foreign affairs authority. It is a thoughtful and thorough discussion of the travel issue, and one that suggests the need for reform in this area in the very near future.

The statement follows:

STATEMENT OF KATE MARTIN, DIRECTOR, CENTER FOR NATIONAL SECURITY STUDIES, AMERICAN CIVIL LIBERTIES UNION ON THE CONSTITUTIONAL RIGHT TO TRAVEL

Chairman and Members of the Subcommittee: I am very pleased to have this opportunity to testify on behalf of the Center for National Security Studies of the American Civil Liberties Union on the constitutional right to travel. The ACLU is a non-profit, non-partisan organization, with over 275,000 members, dedicated to the protection of civil liberties and the democratic process. The ACLU takes no position on substantive matters of U.S. foreign policy, including the Cuban embargo, except to the extent that such policies violate individual liberties or the democratic process.

INTRODUCTION

The right to travel is a fundamental aspect of individual liberty protected by both international law and the Constitution. It is also essential to the exercise of First Amendment freedoms. The Supreme Court recognizes that right, and the Congress has acted repeatedly to protect the right against infringement by Executive branch actions.

The current travel ban on travel to Cuba imposed under the Trading with the Enemy Act (TWEA), violates this fundamental right. Bureaucratic enforcement of the current restrictions has been arbitrary and involved improper government inquiries and censorship. Moreover, the administration's most recent actions tightening the Cuban travel restrictions also violate its commitments made to Congress earlier this year.

The 1982 Supreme Count case, Regan v. Wald, which rejected a challenge to the Cuba travel ban then in effect, is no authority for the continuation of the present restrictions in this post-Cold War world. The opinion in that case, written by Justice Rehnquist for a narrow 5-4 majority did not hold that there was no constitutional right to travel. Nor did it hold that the government may restrict travel whenever it deems such restrictions useful. To the contrary, Regan held only that when the government asserts the weightiest of national security reasons, important to the military defense of the United States, for restricting travel, the court will defer to such reasons. The reasons found sufficient in that case—all related to the existence of the Cold War—no longer exist. The current justification proffered for the travel ban—to promote democracy and human rights in Cuba—does not as a matter of law or common sense justify restricting the human rights of Americans.

The events of the last fifteen months demonstrate that protection of this constitutional right will never be secure so long as it can be held hostage to the political or foreign policy objectives of the moment. Congress should act now to protect this right, by prohibiting all travel restrictions imposed under economic embargoes.

THE CONSTITUTION PROTECTS THE RIGHT TO TRAVEL

Most Americans do not realize that it is a crime for them to travel to Cuba and would be shocked to find out that is the case. They instinctively understand that the right to travel freely is part of the basic liberty which our democratic government was established to protect. Indeed, the Universal Declaration of Human Rights, Art. 13, recognizes the right to travel both inside one's country and internationally. The Supreme Court has repeatedly recognized that the right to travel is protected under the Fifth Amendment as a liberty interest that cannot be deprived without due process of law.[1] Indeed, even the Executive Branch concedes that "the right to travel—both domestically and internationally—is constitutionally protected," although it violates this principle in action. Report of the United States of America Under the International Covenant on Civil and Political Rights, (ICCPR Report) July 28, 1994, Art. 12, p. 99.

Moreover, restrictions on the right to travel must be judged against the central principle of the First Amendment: "Congress shall make no law . . . abridging the freedom of speech," means that every person is free to speak her mind about the actions of the government and to participate in the debate about the great issues of the day. To participate effectively in this process, private persons must have access to information. To participate in debate about foreign policy questions, they must have access to information about events taking place in the world. It would seem beyond debate that, except in the most compelling circumstances, the government may not interfere with the ability of private citizens to find out for themselves what is going on around the world and to use that information to influence public debate.

As the Supreme Court has explained:

". . . . In Anglo-Saxon law that right [to travel] was emerging at least as early as the Magna Carta. Chafee, Three Human Rights in the Constitution of 1787 (1956), 171–181, 187 *et seq.*, shows how deeply engrained in our history this freedom of movement is. Freedom of movement across frontiers in either direction, . . . was a part of our heritage. Travel abroad, like travel within the country, may be necessary for a livelihood. It may be as close to the heart of the individual as the choice of what he eats, or wears, or reads. Freedom of movement is basic in our scheme of values. . . . "Our nation," wrote Chafee, "has thrived on the principle that, outside areas of plainly harmful conduct, every American is left to shape his own life as he thinks best, do what he pleases, go where he pleases."

"Freedom of movement also has large social values. As Chafee put it:

"Foreign correspondents and lectures on public affairs need firsthand information. Scientists and scholars gain greatly from consultations with colleagues in other countries. Students equip themselves for more fruitful careers in the United States by instruction in foreign universities. Then there are reasons close to the core of personal life—marriage, reuniting families, spending hours with old friends. Finally, travel abroad . . . helps them to be well-informed on public issues. An American who has crossed the ocean is not obliged to form his opinions about our foreign policy merely from what he is told by officials of our government or by a few correspondents of American newspapers. Moreover, his views on domestic questions are enriched by seeing how foreigners are trying to solve similar problems. In many different ways direct contact with other countries contributes to sounder decisions at home."

(Citations and footnotes omitted.) *Kent* v. *Dulles*, 357 U.S. at 126–127.

Nevertheless, there is a long history of efforts to abridge Americans' right to travel, usually in the name of some foreign policy goal, such as fighting communism or promoting democracy, sometimes, to punish Americans holding minority political views. Each political branch has at different times, acted both to protect and to restrict the right, depending on the prevailing political winds. At times, the Supreme Court has wavered in its commitment to this fundamental right. However, history demonstrates a growing and inexorable recognition that the sharing of information and ideas by travel and otherwise is a cornerstone of individual liberty, and essential to the building of democracy.

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[1] Footnotes at end of article.

It has become increasingly clear that banning travel by Americans to foreign dictatorships has never resulted in the avowed goal of undermining that dictatorship. Indeed the current Administration no longer even attempts to justify the Cuban travel ban on that basis. They, like all serious observers, recognize the positive benefits democratic forces derive from the sharing of information and ideas. Thus, they are driven to pretend that in banning travel, they are not banning the sharing of information and ideas, but only implementing currency regulations. Testimony of Alexander Watson, Assistant Secretary of State, Joint Hearing on U.S. Policy and the Future of Cuba, Subcommittees on Economic Policy, Trade, and Environment; Western Hemisphere Affairs; and International Operations; of the Committee on Foreign Affairs of the House of Representatives, Nov. 18, 1993, p 19.

In recent years, protection of the right to travel and to share information and ideas has fallen mainly to the Congress. In particular, Congressman Howard Berman has been instrumental in passing Free Trade In Ideas legislation, first in 1988, then in 1991, and again this year. The recent tightening of the Cuban travel ban demonstrates the necessity for Congress to act again.

HISTORY OF THE RIGHT TO TRAVEL

Historically, Americans' right to travel was regulated under the Passport Act, not the economic embargo laws. For the first hundred years of travel regulations, travel was restricted only during time of war. Although Congress passed the first Passport Act in 1856, it did not make it illegal to travel without a passport until 1918. The 1918 statute delegated to the President the right during time of war, to impose by proclamation, a requirement that U.S. citizens use a passport when entering or leaving the country. In 1918 and again in 1941, the President issued such proclamations. In 1952, as part of the McCarren-Walter Act, the Congress again delegated power to the President to proclaim a national emergency during which use of a passport would be required and in 1953, President Truman declared the situation in North Korea to be a national emergency. Immigration and Nationality Act §215. Only in 1978, when Congress otherwise restricted the President's authority, did it permit him to always require a passport for entering or leaving the country. 8 U.S.C. §1185(b).

During the McCarthy era, the government also sought to deny the right to travel to certain Americans based on their political beliefs. That practice was not finally outlawed until 1991 when Congress amended the Passport Act. In 1952, the Secretary of State declared pursuant to the delegation provision in the 1926 Passport Act that passports were not to be issued to members of the Communist Party for reasons of national security. This prohibition was challenged as unconstitutional and unauthorized and in 1958, the Supreme Court struck it down on the ground that Congress had not authorized it. *Kent* v. *Dulles*, 357 U.S. 116 (1958).

Six years later, the Court again considered the issue of revocation of passports of Communists and this time held a statute specifically authorizing such revocation unconstitutional. *Aptheker* v. *Secretary of State*, 378 U.S. 500 (1964). In this case, the Subversive Activities Control Act specifically provided that members of the Communist party should have their passports revoked. There being no issue whether the Executive had authority to revoke the passports, the Court was forced to reach the constitutional issue and struck down the law as overly broad and indiscriminate. Justice Douglas declared that absent war, the government had no power to keep a citizen from traveling unless there was power to detain him or her.

Nevertheless, as late as 1981, the Executive Branch continued to assert that the President's foreign policy powers include the right to revoke an American's passport in order to prevent her from denouncing U.S. policy abroad. See *Haig* v. *Agee*, 453 U.S. 280 (1981). In 1991, Congress amended the Passport Act to prohibit revocation of passports on the basis of activities protected by the First Amendment.

The Executive Branch also sought to restrict the travel rights of Americans by putting area restrictions on the use of passports. In *Zemel* v. *Rusk*, 381 U.S. 1 (1965) the Supreme Court decided that the statutory language, which had been held not to authorize the President to refuse passports to Communists, did authorize the President to refuse to validate passports for travel to Cuba. The court went on to find the passport restriction on travel to Cuba to be constitutional, because it was supported by the "weightiest considerations of national security."

However, even as the Supreme Court deferred to the Executive concerning passport controls, the Congress became increasingly active in protecting that right against executive limitation. In 1978, Congress rejected the result in Zemel and explicitly prohibited the President from imposing geographic restrictions on the use of passports under the Passport Act except "where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travellers." 22 U.S.C. §211a. In our judgment, this provision of the Passport Act includes all circumstances, in which the government may legitimately ban travel.

Indeed, in the late 1970's, Americans' right to travel and in particular their right to travel to Cuba was for a time secure. Although the trade embargo of Cuba first declared in 1963 under the TWEA, included restrictions on travel by Americans, in 1977, President Carter lifted the ban to permit all Americans to travel to Cuba, for any purpose. Thereafter, Congress amended the Trading with the Enemy Act to restrict its invocation by the President to times of war, although it grandfathered existing restrictions. When Congress also amended the Passport Act in 1978 to prohibit the Executive from imposing geographic restrictions on the use of U.S. passports except in narrowly limited circumstances, it appeared that the right to travel had been protected.

However, in 1982, President Reagan found a way around the limitation in the Passport Act by using the trade embargo statute to impose currency restrictions on travel to Cuba. President Reagan prohibited all travel to Cuba except by journalists, professional researchers, and persons visiting close relatives, or where Cuba hosted the travel. Americans seeking to travel to Cuba brought suit challenging the reimposition of the ban on the grounds that the President did not have the authority to impose it under the TWEA. They argued that when Congress repealed the President's national emergency powers under TWEA, the grandfather clause preserving "the authorities" "which were being exercised with respect to a country on July 1, 1977" did not include authority to impose a travel ban not in effect in July, 1977.

The appeals court struck down the travel ban as unauthorized, based on earlier Supreme Court decisions requiring a narrow construction of delegated presidential powers restricting the right to travel.[2] The appeals court also reasoned that the 1978 Passport Act amendment prohibiting geographic restrictions on the use of passports would be meaningless if the President could achieve the same result by imposing currency restrictions under the trade embargo laws.

The Supreme Court, with Justice Rehnquist writing the opinion, reversed. *Regan* v. *Wald*, 468 U.S. 222 (1984). Taking an expansive view of the President's powers in areas affecting foreign policy, the Supreme Court read the grandfather clause broadly to authorize the subsequent travel restrictions. The Court did not explain how its conclusion could be reconciled with Congress' explicit prohibition of the imposition of geographic restrictions on the right to travel. It upheld the travel restrictions, by a 5-4 vote, because of the overriding national security concerns asserted by the government. Specifically, the Court relied on State Department assertions that the influx of hard currency from beach tourism and other travel to Cuba posed a threat to the national security of the United States because Cuba was allied with the Soviet Union, was supporting armed insurrection in the Western Hemisphere, and had 40,000 troops stationed in Africa and the Middle East in support of objectives inimical to U.S. national security interests. 468 U.S. at 243.[3]

Of course, none of these national security concerns exist today. The Soviet Union no longer exists. Cuba poses no threat to the national defense of United States. It no longer has troops stationed in Africa or elsewhere and is no longer providing support for violence in the Western Hemisphere.

CURRENT DEVELOPMENTS: 1994 FREE TRADE IN IDEAS ACT

After the end of the Cold War, Congress again took up the issue of travel restrictions. In 1993, Rep. Howard Berman introduced H.R. 1579, the "Free Trade in Ideas Act of 1993" to prohibit trade embargo restrictions on the free exchange of information and to protect the right to travel.

In June, 1993, Secretary of State Warren Christopher wrote Mr. Berman a letter asking him to withdraw the provision in exchange for regulatory reform and "an interagency review of our existing sanctions programs, policies, and legislation to ensure they properly reflect our mutual commitment to the dissemination of information and ideas."[4] Secretary Christopher also affirmed "the Administration's commitment to the dissemination of information and ideas as a significant element in the promotion of democracy" and expressly endorsed "the underlying objectives of tne Free Trade in Ideas Act." *Id.* In response, Congress deferred further consideration of the bill.

When the Executive Branch review was not finished by the spring of 1994, Congress enacted the 1994 Free Trade in Ideas Act as part of the State Department Authorization Act. In passing this bill, Congress explicitly recognized that constitutional rights were at stake and acted to prohibit travel bans being imposed as part of future embargoes. H. Rept. 103–482, at 238. The Act amends the International Emergency Economic Powers Act (IEEPA) to prohibit any restrictions on travel (including currency restrictions) in any future embargoes imposed pursuant to the IEEPA. The provision exempts all current IEEPA embargoes from this requirement, and it does not apply to embargoes under the TWEA, such as Cuba and North Korea. The Clinton Administration opposed this change. This is an important protection for future embargoes, although it does not explicitly apply to embargoes imposed by the United Nations and implemented pursuant to the United Nations Participation Act.

Based on its understanding of the Administration's commitment to the principle of free trade in ideas and the unfinished status of the inter-agency review, the Congress did not pass binding legislation governing travel under current embargoes. It did, however, pass a non-binding Sense of the Congress resolution that "the President should not restrict travel or exchanges for informational, educational, religious, cultural, or humanitarian purposes or for public performances or exhibitions, between the United States and any other country." The conference report accompanying the final bill noted that "[t]he committee of conference understands that it is the policy of the executive branch to now undertake to incorporate this principle through regulatory and administrative changes, including issuance of visas for these purposes, and removal of currency restrictions for such activities, in all existing and future embargoes." H. Rept. 103–482, at 239.[5]

Finally, the 1994 Act amends the TWEA and the IEEPA to collect overly narrow Treasury Department interpretations of 1988 free trade in ideas legislation which prohibited restrictions on the import or export of information and informational materials. These changes make clear that all information and informational materials are exempted from all existing and future embargoes, regardless of the type, format, or means of transmission (including electronic information). Apparently in response to this provision, the United Nations economic embargo to Haiti exempted information from its coverage. See United Nations Security Council Resolution 917 (May 6, 1994).

CURRENT RESTRICTIONS ON TRAVEL TO CUBA

For five years from 1977 to 1982, the government imposed no restrictions on the right of Americans to travel to Cuba. See 42 Fed. Reg. 16621 (1977); 42 Fed. Reg. 25499 (1977). This was the case despite ongoing Cold War hostilities and the maintenance of the economic embargo. In 1982, however, President Reagan reimposed the travel ban, with very limited exceptions. Even though the reasons for imposition of the 1982 ban have all disappeared, the Cuban travel ban remains in large measure unchanged. In June 1993, in response to the Cuban Democracy Act, it was slightly eased. However, 6 weeks ago, on August 26, 1994, it was tightened. Current restrictions are more stringent than those imposed by President Reagan.

When the current administration took office, the Cuban embargo banned travel by all Americans, except professional researchers "with an established interest in Cuba," journalists, people visiting close family relatives, and persons whose travel was hosted by Cubans. Thus, American journalists, professional researchers doing work on Cuba, and Americans visiting their family were free to travel to Cuba under a general license, meaning that they did not have to ask the U.S. Government for permission to go. Of course, if individuals went to Cuba, who did not come within these categories, they would be guilty of committing a federal felony. Tourist travel was banned. In addition, since July 1993, persons could apply for special permission to go for educational purposes, to travel on behalf of human rights organizations, or for purposes of importing informational materials, or for public performance or exhibitions.

In practice, these restrictions have proved unworkable and discriminatory, as set out in more detail below. However, after passage of the congressional resolution in the Free Trade in Ideas Act, we understood that the Administration was working on changes to implement the congressional resolution and to allow all travel except tourist travel.

We were extremely disappointed on August 26, when, instead of making changes to implement the resolution, the Administration issued new regulations, tightening instead of loosening the travel restrictions. They did so, not in response to any asserted national security threat, but because record numbers of Cubans were fleeing Cuba for the United States and as part of an effort to persuade Castro to prevent more Cubans from leaving.

The new regulations ban all family travel, except in cases of terminal illness or severe medical emergency. Even then, you have to ask and wait for U.S. government permission to visit your dying mother. Such an absurd restriction is not only a violation of the right to travel, but also of the fundamental liberty interests that protect family relations. Congress clearly intended such travel to be protected when it passed the non-binding resolution. While the congressional resolution does not explicitly refer to "family" travel, it instead refers to the broader category of travel for "humanitarian" purposes. The resolution was meant to cover all travel except tourist travel, and did not explicitly refer to "family" travel only because no one ever thought that the administration would reverse this decade old policy.

The new regulations no longer permit travel by free-lance journalists or documentary film-makers: the general license for journalists is now restricted to those "regularly employed in that capacity by a news reporting organization" when the regulations had included a general license for "persons who are traveling for the purpose of gathering news, making news or documentary films," 31 C.F.R. §515.560(a)(1)(ii).

The new regulations require professional researchers to individually apply for permission to go, when they were previously free to travel under a general license.

The new regulations no longer permit travel "for purposes of public performances, public exhibitions or similar activities", when specific licenses for such purposes have been available since last June, and travel for this purpose was specifically referred to in the congressional resolution.

The new regulations contain no safeguards to ensure that even people coming within these limited categories will receive timely approval of their travel requests or that the Treasury Department will cease arbitrarily denying such licenses as it was doing prior to the passage of the Congressional resolution.[6]

Since August, Administration policy has been unclear. While Anthony Lake stated that "the President remains firmly committed to the free exchange of ideas and information," that commitment evidently extends only to persons who can demonstrate "genuine educational or research needs" to the satisfaction of the Treasury Department.[7] Although Lake also announced that "travel for educational or research purposes will continue to be permitted under the same standards as before" in practice that has not turned out to be the case.

Since the August tightening of restrictions, groups of academics seeking to attend academic conferences who would previously have been free to travel under the general license for professional researchers have been forced to submit extensive information about themselves and their scholarly pursuits. They needed a lawyer to obtain permission. Dan Walsh of Liberation Graphics, an importer of Cuban political posters, has been unable to get his specific license renewed, even though Treasury Department employees told him he was in full compliance and entitled to renewal of this license. Treasury Department employees have also said that while they have been directed to first process requests for permission from Cuban-Americans seeking to visit family members in emergencies, they do not have the staff to do so.

In general there is great confusion about who is entitled to go under the regulations and no written guidance from the Treasury Department. For example, while the regulations state that only persons "regularly employed . . . by a news reporting organization," travel under the general license, Treasury has informed some people that it interprets this to include free-lance journalists. As a result, Americans seeking to exercise their constitutional rights must find a lawyer to advise them whether they face jail for doing so.

Even before the August charges, the regulatory scheme had proved unworkable and discriminatory. Some persons, including a group of mathematicians who should have been entitled to a specific license for educational travel were denied licenses. The government threatened to criminally prosecute a group of travelers who were clearly entitled to a specific license for an educational trip, but chose as a matter of principle not to apply for a license. In October, 1993 and again in June, 1994, the group called the Freedom to Travel Campaign organized an educational trip to Cuba, but did not apply for a specific license because they believed the regulations to be unconstitutional. The 175 travelers on the October trip were professionals, free-lance journalists, and others with an established interest in Cuba. They came from around the country and included doctors, teachers, engineers, priests, and blue collar workers, ranging in age from 4 to 89. They spent a week in Cuba with a full-time schedule of educational, research, and journalistic activities, including visiting day care centers, health clinics, and agricultural cooperatives. They met and had extensive discussions with government officials, experts on Cuban affairs, and ordinary citizens. Upon their return, many were questioned and harassed by Customs agents. The travelers were then referred to the Department of Justice for possible criminal prosecution under the Trading with the Enemy Act and the matter has not been resolved. The group organized a second trip in June and right before the trip, the Treasury Department blocked the group's bank account on the grounds that they intended to violate the law. The group went anyway and has filed a lawsuit seeking return of their money and challenging the Cuba travel regulations. The lawsuit is now pending and the group is at this moment in Cuba on a third trip.

All of these examples illustrate the grave constitutional problems which arise under a regulatory scheme which picks and chooses which Americans may exercise their constitutional rights and then makes those rights subject to bureaucratic regulations. Indeed, as far as we can determine, the government threatened with prosecution and froze the bank account of the Freedom to Travel campaign without any high level policy review of whether the government interest at stake is the "weightiest national security interest" necessary to restrict these constitutional rights. Indicting Americans for simply exercising their First and Fifth Amendment rights would be unprecedented in recent history. Before the government even considers doing so, the Secretary of State and the Attorney General personally should determine that doing so is essential to the national security. We do not believe that determination can be made in good faith.

Moreover, a regulatory scheme such as this, which gives Treasury officials unbounded discretion to grant or deny a permit application, violates the First Amendment on that ground as well. See 31 C.F.R. §515.560(b) (allowing OFAC to grant licenses "in appropriate cases" without defining such cases). "[I]n the area of free expression a licensing statute placing unbridled discretion in the hands of a government official or agency constitutes a prior restraint and may result in censorship." *Lakewood* v. *Plain Dealer Pub. Co.*, 486 U.S. 750, 757 (1988).

CONCLUSION

None of the national security considerations found by the Supreme Court to justify the Cuban travel ban in 1982, apply today. Recognizing these changed circumstances, the Executive no longer attempts to justify the travel restrictions as necessary to our national defense. Instead, the restrictions are justified as helpful to the U.S. foreign policy objective of promoting democracy and human rights in Cuba.[8] The most recent tightening of the restrictions was done in response to the increased flow of refugees permitted by Cuban Premier Castro. But there is no support for the proposition that fundamental rights of Americans may legitimately be sacrificed to promote human rights in Cuba.

While our constitutional history is replete with instances in which fundamental rights have been subordinated to real or asserted threats to the national security, never have such rights been sacrificed for the reasons that now underlie the present restrictions on travel to Cuba. Although those reasons may be sufficient to prevent Americans from purchasing cigars, rum, or sugar, they are not sufficient to restrict the exchange of ideas and information via the right to travel. Moreover, we suggest that it is paradoxical at the very least to promote democracy and human rights in Cuba through a policy that limits constitutional rights here.

Congress should now act to protect the constitutional right to travel so that the Executive Branch may not sacrifice that right whenever it deems it expedient to do so.

FOOTNOTES

[1] *See Regan* v. *Wald*, 468 U.S. 222 (1984); *Zemel* v. *Rusk*, 381 U.S. 1, 14 (1965); *Aptheker* v. *Secretary of State*, 378 U.S. 500, 505–06 (1964); *Kent* v. *Dulles*, 357 U.S. 116, 125 (1958).

[2] The Executive Branch agrees that a narrow construction of "all delegated powers that curtail or dilute citizens' ability to travel" is required. ICCPR Report at 99, quoting *Kent* v. *Dulles*, 357 U.S. at 129.

[3] The Regan Court reiterated the position it took in *Zemel* v. *Rusk*, 381 U.S. 1 (1965), that the government could prohibit travel in the face of an overriding national security threat. *Zemel* was decided shortly after the Cuban Missile Crisis, based on the government's assertions that allowing Americans to travel could endanger their lives and provoke a similar international incident if the Cuban government attacked or took Americans hostage.

[4] Letter dated June 7, 1993 from Secretary of State Christopher to Howard Berman, Chairman of the Subcommittee on International Operations ("Christopher Letter"). [A copy of this letter is attached to this testimony.]

[5] However, in his April 20, 1994 signing statement, President Clinton appeared to retreat from this commitment stating that "[w]e will carefully consider the sense of the Congress as we complete our review of the standards for general and specific licenses under embargo programs. We have not, however, committed as a matter of policy to remove restrictions affecting" such travel.

[6] The new regulations also further restrict specific licenses for "activities of recognized human rights organizations" to instances "investigating human rights violations."

[7] Letter from Anthony Lake, National Security Advisor, to Audrey Chapman, American Association for the Advancement of Science, September 19, 1994, copy attached.

[8] See "Speech by Alexander F. Watson, Assistant Secretary of State for Inter-American Affairs before the Cuban American National Foundation" (Oct. 26, 1993) ("Human rights and democracy are two of the pillars of United States foreign policy under the Clinton administration, and are at the core of our policy towards Cuba.").

THE SECRETARY OF STATE,
Washington, DC, June 7, 1993.

Hon. HOWARD L. BERMAN,
Chairman, Subcommittee on International Operations, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I am writing in regard to the "Free Trade in Ideas Act of 1993", which is contained in Title II, Part E, of your legislation to authorize appropriations for FY 1994 and 1995 for the Department of State.

I am pleased to take this opportunity to affirm the Administration's commitment to the dissemination of information and ideas as a significant element in the promotion of democracy, a central tenet of our foreign policy. If conducted in a manner which safeguards national security, and which does not merely constitute an informational pretext for evasion of the larger financial purposes of economic embargoes, the free flow of ideas and information is also consistent with the maintenance and enforcement of economic embargoes. Indeed, the free flow of information can advance rather than hinder the foreign policy goals which embargoes seek to accomplish.

Accordingly, the Department endorses the underlying objectives of the Free Trade in Ideas Act. Nonetheless, like you, we believe the Administration should retain the authority to control information flow for nonprolife action, anti-terrorism, export control and other highly compelling foreign policy or national security purposes. We also believe that the objectives of your legislation, for the most part, can be achieved through regulation although some statutory clarification of these matters may be useful.

I propose that the Department conduct, on an expedited basis, an inter-agency review of our existing sanctions programs, policies, and legislation to ensure they properly reflect our mutual commitment to the dissemination of information and ideas. We will consult closely with you and your staff during this review. In return, I ask that you agree to withdraw this Title from the bill when it comes before the full committee.

I hope this proposal will be satisfactory to you. I look forward to hearing from you.

Sincerely,

WARREN CHRISTOPHER.

THE WHITE HOUSE,
Washington, DC, September 19, 1994.

AUDREY CHAPMAN,
Program Director, American Association for the Advancement of Science,
1333 H Street, N.W., Washington, DC.

DEAR MS. CHAPMAN: Thank you for your letter regarding United States policy toward Cuba. The decisions announced by the President on August 20, 1994, and subsequently implemented by the Department of the Treasury, are consistent with our long-standing goal of seeking a peaceful transition to democracy in Cuba. The careful application of sanctions is designed to pressure the Cuban government and cut off the supply of foreign currency it uses to support its failed economy.

I can assure you that the President remains firmly committed to the free exchange of ideas and information. Travel for educational or research purposes will continue to be permitted under the same standards as before. This will ensure that people with genuine educational or research needs will still be permitted to travel to Cuba.

I appreciate your concerns and assure you that the President and I share your goal of moving toward a democratic Cuba and resuming normal relations with a freely elected Cuban government.

Sincerely,

ANTHONY LAKE,
National Security Affairs.•

TRIBUTE TO EMERGENCY NURSES AND BARBARA FASSBINDER

• Mr. HARKIN. Mr. President, I rise today to recognize the work and dedication of emergency nurses in our country. Emergency nurses deliver the highest quality of care in times of crisis and distress. They respond quickly to situations in which every second is vital to the welfare of their patients. The Emergency Nurses Association estimates that over 70,000 emergency nurses work in the United States and deliver care in trauma centers, health clinics, ambulatory care centers as well as rural and urban hospitals. Throughout our Nation's history, nurses including emergency nurses, have been at the core of our health care system, providing high quality and cost-effective care.

Mr. President, I want to take this opportunity to reflect upon the life and work of a very special emergency nurse from Iowa who worked courageously to prevent the spread of AIDS. In 1986, while treating an emergency room patient, Barbara Fassbinder became infected with the HIV virus. Barbara responded to her personal crises by working to raise AIDS awareness and educating all of us. She focused not on her own problems but on how to help others. She worked to prevent others from being infected and sought to help those already living with AIDS. She explained, "If this can happen to me, it can happen to anybody. If what I'm doing prevents it from happening to just one other health care worker, then it means a lot to me." Because of the work and dedication of Barbara Fassbinder and other advocates, precautions are now taken to help protect health care professionals. Preventive measures, such as the use of gloves and masks, are widely used to protect providers and patients from infection.

Barbara Fassbinder reflected upon her role in the fight against AIDS and remarked, "Think of it this way. You're traveling down a mountain road. You see a guard rail. How many people had to go over the edge before they put a guard rail up? We were a few of those people who had to go over the rail." Barbara is greatly missed by not only her colleagues, friends, and family in Iowa, but by all those who are working to end the spread of AIDS. I had the pleasure of meeting with Barbara on a number of occasions and she was a valuable resource for me as well as my staff. She was a remarkable woman. I cannot begin to imagine the number of lives which have been touched and will continue to be touched by Barbara and her work. I can only express my deepest gratitude.

Emergency nurses, like Barbara Fassbinder, have improved the quality of medical care in our country. It must be clear that their dedication is not taken for granted. For this reason, I would like to extend much deserved recognition and appreciation to the many emergency nurses who serve our country.●

AUTHORITY FOR BANKING COMMITTEE TO FILE REPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Banking Committee be permitted to file its report on the Whitewater hearings on Tuesday, January 3, between the hours of 12 noon and 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING ADMINISTRATION OF OATH OF OFFICE

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 289) to authorize the President of the Senate to administer the oath of office to the Honorable Fred Thompson, of Tennessee.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 289) was agreed to, as follows:

S. RES. 289

Resolved, That the President of the Senate be, and he is hereby, authorized to administer the oath of office to the Honorable Fred Thompson of Tennessee in the Senate Chamber on Friday, December 9, 1994, and that the said oath, when administered as herein authorized, shall be accepted and received by the Senate as the oath of office of the said Fred Thompson.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTING COMMITTEE TO NOTIFY PRESIDENT CONCERNING PROPOSED ADJOURNMENT OF SESSION

Mr. MITCHELL. Mr. President, I send a resolution to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 290) appointing a committee to notify the President concerning the proposed adjournment of the session.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 290) was agreed to, as follows:

S. RES. 290

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are as ready to adjourn unless he has some further communication to make to them.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the resolution just adopted, the Chair appoints the majority and minority leaders as members of the committee to inform the President of the United States that the two Houses have completed their business of the session and are ready to adjourn, unless he has some further communication to make to them.

THANKING THE VICE PRESIDENT

Mr. MITCHELL. Mr. President, I send a resolution to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 291) tendering the thanks of the Senate to the Vice President for the courteous, dignified and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 291) was agreed to, as follows:

S. RES. 291

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Third Congress.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THANKING THE PRESIDENT PRO TEMPORE

Mr. MITCHELL. Mr. President, I send a resolution to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 292) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 292) was agreed to, as follows:

S. RES. 292

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Robert C. Byrd, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Third Congress.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THANKING THE MAJORITY LEADER

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 293) to commend the exemplary leadership of the majority leader.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 293) was agreed to, as follows:

S. RES. 293

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Maine, the Honorable George J. Mitchell, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 103d Congress.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE REPUBLICAN LEADER

Mr. MITCHELL. Mr. President, acting in the belief that one good resolution deserves another, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 294) to commend the exemplary leadership of the Republican Leader.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 294) was agreed to as follows:

S. RES. 294

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Republican leader, the Senator from Kansas, the Honorable Robert Dole, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 103d Congress.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, the following appointments, which were made during the previous Senate recess, to the Senate Delegation to the North Atlantic Assembly Fall Meeting during the Second Session of the 103d Congress, which was held in Washington, DC, November 14–18, 1994: The Senator from Connecticut [Mr. DODD]; the Senator from South Dakota [Mr. DASCHLE]; and the Senator from Texas [Mrs. HUTCHISON].

BOSNIA

Mr. DOLE. Mr. President, this morning I returned from a trip to NATO headquarters and London. While in Brussels, I met with the NATO Secretary General Willy Claes, our Supreme Allied Commander George Joulwan, the 16 Permanent Representatives to NATO, including our U.S. Ambassador to NATO, Robert Hunter, representatives of the countries participating in the Partnership For Peace, and the Russian Ambassador to NATO.

I went to Brussels because I am a strong supporter of NATO—I have been since the very beginning of the alliance. And, as a staunch supporter of NATO I have been extremely concerned about the impact of the situation in Bosnia-Herzegovina on the future of NATO. As I told those I met with in Brussels, I would like to see NATO expand in the near future—As NTO decided to do today. And I believe that there is an important role, for NATO in defending against potential instability in Europe and the former Soviet Union in the future. However, realistically it will be difficult to make progress on these matters until we deal with Bosnia.

I carried the same message to London where I met with former Prime Minister, Lady Thatcher, Foreign Minister Douglas Hurd, Defense Minister Rifkind, and Prime Minister Major. Moreover, I emphasized that as I see it, close ties between our Government and that of the United Kingdom are as essential to NATO's success in the future, as they have been in the past. Our differences over Bosnia should not and will not change that fact.

However, as I see it, NATO's failure to respond adequately to the war in Bosnia has undermined its credibility and raised serious questions about NATO's continued relevance. It is not that NATO is unable, to act decisively, it is that NATO has an unwilling partner—namely, the United Nations who can veto air strikes and limit NATO targets. Last April, NATO decided "* * * if any Bosnian Serb attacks involving heavy weapons are carried out on any U.N.-designated safe areas * * * these weapons and other Bosnian Serb military assets * * * will be subject to NATO air strikes." That's pretty clear. And it's pretty clear that nothing has happened. The bottom line is that because of the so-called dual key arrangement, NATO does not have control over its military operations in Bosnia—the U.N. protection forces do. In my view this U.N. veto over NATO actions sets a dangerous precedent. I recognize the need for coordination, but not for subordination.

Mr. President, I raised these concerns in my meetings at NATO. No one disputed the facts as I presented them. Everyone admitted that NATO's military actions have not been "robust," because of the U.N. straitjacket. I was told however, that the decision had been made several years ago to go this route and so NATO was stuck with this decision. It seems to me that the worst excuse for sticking with any policy, is to say, well that is the way we've been doing it, so we must continue to do it this way.

President Clinton assumed office with a "lift and strike" policy. In the spring of 1993, the White House held serious consultations with the congressional leadership on this matter and I told the President I would support him—it was the right thing to do. But, in May 1993, the administration decided to abandon its push for "lift and strike" and go along with the European approach of creating and protecting safe havens in Bosnia and pursuing a "negotiated settlement." At the U.N. Security Council request and pursuant to U.N. Security Council resolutions, NATO agreed to protect all six safe havens in Bosnia through this use of air power. But while U.N. Security Council members make these bold decisions on paper, U.N. commanders block their implementation.

As events in Bihac demonstrate, these U.N. resolutions and NATO authorities are meaningless. And whether intentionally or not, the failure of U.N. protection forces in Bosnia to permit militarily effective air strikes, against Serbian military targets—as decided upon by NATO in April of this year—is helping the Serb aggressors. The situation all over Bosnia is deteriorating—food convoys are not getting through; the U.N. airlift has been suspended; missile attacks on Sarajevo are escalating; more peacekeepers have been kidnapped; and the war in Bosnia has widened to include Serb forces from the Serb-occupied area of Croatia known as Krajina. Why is this happening? Is it because NATO put a few holes in a runway last week?

In my view the situation in Bosnia is deteriorating because United Nations and NATO's passivity amount to a green light to the Serbs. Far from adding to the protection of U.N. peacekeepers, inaction in the face of Serbian defiance has made the U.N. peacekeepers more vulnerable.

As I told Prime Minister Major, I understand and appreciate the concerns of the British and others who have peacekeepers on the ground. I respect the soldiers who are making sacrifices and taking real risks on the ground in Bosnia. But, let's face it. The U.N. protection forces are unable to protect themselves, and they are even less able to protect the Bosnians. So, the idea that the United States should send peacekeepers to Bosnia, in the same helpless position and unable to effectively carry out their mandate, in order to have a say in Bosnia policy is ridiculous. We have done our share in the former Yugoslavia, just as we have done our share elsewhere around the globe. This argument distracts from the real issue—which is whether or not this policy has been a success.

The European approach was designed to do two things: protect Bosnian civilians and bring about a negotiated settlement. We know that it has not achieved the first objective, and despite the Bosnian Government's signature on the Vance/Owen plan and the Contact Group plan last July, there is no peace. There are only two ways to achieve a settlement: by pressuring the Serbs, or by making further concessions to them. Unfortunately, the international community, and this administration, have only been prepared to do the latter.

Apparently half of Bosnia is not enough for the Serbs to sign up to the Contact Group plan. But, it is not only land the Bosnian Serbs wants—they want to join Serbia in a "Greater Serbia." And, the French have a proposal that may make this a reality. The French want to allow the Bosnian Serbs to confederate with Serbia—after all, they say, the Bosnians and the Croats have that option now through the agreements signed in Washington last spring. The French say this proposal provides for "equality of rights"—equality of rights for the aggressors. What about equality of rights for the more than 2 million people who have lost their homes? What about equality of rights for those who were tortured and maimed in concentration camps?

Mr. President, this policy has failed not only the moral test, but has failed by its own standards. British officials say that the war has been "contained." Serbs from the U.N. protected areas in Croatia are now involved. Furthermore, I don't understand how we contain Serbian aggression by legitimizing the results. If Bosnia, as a member state of the United Nations, is denied its basic rights—such as the right to self-defense—how does this deter Serbian repression of the 2 million Albanians in Kosova who do not have the rights accorded to a state? In my view, it doesn't. It gives another green light.

During my meeting in London with Lady Thatcher I discussed NATO and U.N. policy toward Bosnia. Lady Thatcher agrees with me not only in pronouncing the president policy a miserable failure, but in the outlines for a new policy. It is time to return to President Clinton's original idea of "lift and strike" although it will probably have to be "strike and lift."

The Bosnians have the inherent right to self defense—which is recognized in article 51 of the U.N. Charter. The U.N. arms embargo was imposed on the former Yugoslavia and extending it to Bosnia is not only unjust, but illegal. One way to avoid the issue of illegality of denying Bosnia the ability to defend itself in the face of aggression, is to redefine the Bosnian War as a "civil war"—which the Europeans have done and the Clinton administration has joined in doing. If the war in Bosnia is a civil war, why are Secretary Christopher and the British and French Foreign Ministers considering traveling to Belgrade this weekend to offer Serbian President Milosevic more concessions? If this is a civil war, why were sanctions imposed on Serbia? By redefining this war, the United States, its allies, and the United Nations, hope to limit their responsibility for the course of the war these past 3 years.

Lifting the arms embargo on Bosnia is legally and morally right. The practical difficulties of doing so are not to be minimized—the risks are there; they were outlined to me by Prime Minister Major quite eloquently. But, Bosnia is bleeding right now, despite the presence of thousands of peacekeepers. And, in the absence of NATO and U.N. resolve, the only alternative to the Bosnians continuing their struggle is a disguised surrender. Maybe the Bosnian Government will agree to a Greater Serbia. I don't know. They have had few options as they sit at the negotiating table with a Serb gun to their head and international mediators pressing for a signature at their side.

However, if the Bosnians do not agree to sign up to a greater Serbia, if they want to continue their struggle for survival, those of us in the United States Senate who have supported their efforts, such as myself and Senator LIEBERMAN will be back in January to work to lift the arms embargo. I will ask the Foreign Relations Committee, the Armed Services Committee, and the Intelligence Committee to hold hearings on all aspects of U.S. policy towards Bosnia and on options for lifting the arms embargo.

I would like to bring to the attention of my colleagues, a most compelling editorial by Morton Abramowitz, the president of the Carnegie Endowment for International Peace, who writes in today's Washington Post about the risks of writing Bosnia off. And I quote, "Wouldn't assisted suicide be best for everybody, Bosnia most of all? We're practically there already. . . ."

He continues, "Should Bosnia disappear from the map or be left a misshapen shadow of itself, its dismembered ghost would haunt the region . . . for years to come." What then would be the fate of multiethnic Macedonia? . . . of Belgrade-oppressed Kosova, with its 95-percent Albanian population? . . . The more we try to put the partition of Bosnia behind us the larger it looms ahead.

"Some prefer to think of Bosnia as a terminal case. But Bosnia is fighting for its life. It is we, in the west, who are inert and insensible. Whose life is it anyway." I ask unanimous consent that the entire article be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 1, 1994]

BOSNIA: LAST CHANCE

(By Morton Abramowitz)

Do we really want to wake up someday and read this obituary in the morning paper? "Poor Bosnia—we didn't know her well. Once a multiethnic state in the Balkans, now gone—partitioned, annexed, absorbed, confederated—a casualty of post-Cold War ethnic conflict. . . . Survivors include 3 million refugees. Awarded (posthumously) the Nuremberg Prize for Justice. In lieu of flowers, please send donations to the Save NATO Fund."

If we and our allies are too quick to write Bosnia off, we may end up burying other things besides.

For more than two years, an increasingly divided West has watched Bosnia bleed. Frustration has mounted because the victim hasn't done us the courtesy of going fast or gently, and we have grown weary of our vigil. No one shows any will to save Bosnia, and no one will help Bosnia try to save itself.

Lacking a consensus on anything from lifting or not lifting the arms embargo to delivering punishing air strikes or pinpricks, the West has been left with a non-strategy of wait and see and hope that something will turn up. Something always has: Sarajevo market bombings, Gorazde, Bihac. Always more refugees. Yesterday's papers even featured pictures of Serbs forcing Muslims to wear the fez, like Jews forced by the Nazis to wear the Star of David.

The only thing worse than no consensus is a bad consensus. And this week, a consensus worthy of Dr. Kevorkian has begun to form. Whether it is being reached with agonized reluctance, as in the U.S. case, or harsh realism, as in the British and French, matters little. The effect on Bosnia would be the same: pulling the plug.

Wouldn't assisted suicide be best for everybody, Bosnia most of all? We're practically there already. A big "no aggressive measures" sign long has hung on Bosnia's door, despite all the reassurances to the patient that we will use "all necessary means." Last summer, the five-nation contact group persuaded Bosnia to sign the consent form for an ethnic split of territory one step shy of partition: "So you lose a limb or two—or three—dismemberment's better than death. Besides, we'll make the Serbs agree—or else."

Of course, the "else" never occurred. Instead, we relied on Serbian President Milosevic turning against his arch rival, the Bosnian Serb leader Karadzic. But Karadzic was unimpressed by Milosevic's hollow sticks and ours. So now, we're trying to entice him with juicy carrots.

Meanwhile, Bosnia has the temerity to keep fighting for its own existence. Only a month ago, the media marveled at the success that the Bosnian army was having in the Bihac pocket, regaining home ground lost to Serbian ethnic cleansing. Now, as resurgent Bosnian Serb and Croatian Serb forces converge on the Bihac "safe area," cleansing and burning as they go, the Bosnian army is castigated for having had the nerve to try to take back its own territory.

The Bihac "safe zone," swelled with refugees from both the prior and current Serb campaigns, reportedly is being hit at a rate of six shells a minute. The unchecked Serb attack on Bihac is also destroying the

Bosnian-Croat Federation. Though the West thus far has prevented Zabreb from re-entering the war, Croatia now sees that only force, and not the West's intercession, will get back the Krajina.

There is still time—very little—for the West and the international community to act, not only to preserve Bosnia but also to restore some respect for international institutions, for principles and for something called the Western alliance. That will not come from pressuring Bosnia to surrender—it won't—or agreeing to a Greater Serbia. We and our allies should:

Recognize that UNPROFOR—now more than ever clearly a hostage—has become more of a hindrance than a help. Withdraw it.

Since UNPROFOR's withdrawal inevitably giving up the enclaves, evacuate their civilian inhabitants to other, less-exposed areas.

Put the Bosnian Serbs on notice that any interference with the U.N. and civilian withdrawals will be met with massive NATO air attacks.

Focus on consolidating the Bosnian government and its position in central Bosnia.

Once UNPROFOR is gone, open up the arms spigot to Bosnia.

Tell the Bosnian Serbs that if they continue to attack civilian populations, prevent the delivery of humanitarian supplies or fail to engage in any serious negotiations, we will use air power against arms dumps, oil depots and military targets throughout the territory they occupy.

This is not a great proposal. It has uncertainties and difficulties, particularly with relief supplies. None of the above can work unless we and our NATO allies are prepared to use robust, sustained air power, and even if we are, the desired results are not guaranteed. The Bosnian government may balk at some of it. Civilian populations would have to be moved—safely—en masse. NATO must be persuaded. But it is better in the long term than Western capitulation to Serb aggression.

Critics will argue that doing the above will only prolong the misery and expand the war. They have said that for three years while Bosnia has hemorrhaged. They have constantly proposed straw-man military options for the infusion of large numbers of ground troops that are not options but excuses for inaction. They do not explain how a Bosnia-less Balkans, or its equivalent, can produce a stable peace.

Should Bosnia disappear from the map or be left a misshapen shadow of itself, its dismembered ghost would haunt the region and cause the West even bigger headaches—for years to come. What then would be the fate of multiethnic Macedonia? Of the volatile Krajina? Of Belgrade-oppressed Kosovo, with its 95 percent Albanian population? If the Serbs get their Greater Serbia, wouldn't the Albanians of Kosovo be entitled to a Greater Albania? The more we try to put the partition of Bosnia behind us, the larger it looms ahead.

Some prefer to think of Bosnia as a terminal case. But Bosnia is fighting for its life. It is we in the West who are inert and insensible. Whose life is it anyway?

Mr. DOLE. Mr. President, finally, Mr. President, I would like to call attention to a letter I received from Prime Minister Benazir Bhutto of Pakistan who supports our efforts to lift the arms embargo. Pakistan is one of many countries who would be willing and able to assist Bosnia if the arms embargo were lifted. The United States would not be alone. Recently, 96 countries in the U.N. General Assembly voiced their support for lifting the arms embargo. I ask unanimous consent that the Prime Minister's letter to me be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRIME MINISTER,
Pakistan, November 29, 1994.

Senator ROBERT DOLE,
Embassy of the United States,
London.

MY DEAR SENATOR DOLE: I had hoped we would be able to meet during your visit to London and I would be able to offer personally my felicitations on the remarkable victory achieved by the Republican Party in the recent elections and your own elevation in the new Congress to the position of Senate majority leader. Unfortunately it appears that our schedules make this difficult and I must therefore be content with congratulating you through this note.

I recall with great pleasure our meeting during my visit to the United States in 1989 and the clear manifestation of your views on America's foreign policy and what its objectives should be. Under your guidance the Senate will now move purposefully to mould and promote these objectives. A matter of immediate concern in Bosnia. Like you I have been deeply concerned about the situation in Bihac. The United States, Pakistan and other like-minded countries must work together to ensure that Serbian aggression is not rewarded and the dismemberment of a member state of the United Nations is not tolerated. The consequences of temerity, particularly the repercussions in other parts of the world, are too horrible to contemplate and must weigh heavily with all of us.

Yours sincerely,

BENAZIR BHUTTO.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT SINE DIE

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, and no other Senator is seeking recognition, I now move that the Senate stand adjourned sine die in accordance with the provisions of House Concurrent Resolution 315.

The motion was agreed to, and the Senate, at 9:14 p.m., adjourned sine die.

NOMINATIONS

Executive nominations received by the Senate December 1, 1994:

STATE JUSTICE INSTITUTE

TERRENCE B. ADAMSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997. (REAPPOINTMENT)

NATIONAL COUNCIL ON DISABILITY

YERKER ANDERSON, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996, VICE ANNE C. SEGGERMAN, TERM EXPIRED.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM OF 6 YEARS, VICE JACK EDWARDS, TERM EXPIRED.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

HOWARD W. CANNON, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 1998. (REAPPOINTMENT)

DEPARTMENT OF DEFENSE

HERSCHELLE CHALLENOR, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE STEVEN MULLER.

SHEILA CHESTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE GILBERT F. CASELLAS.

DEPARTMENT OF VETERANS AFFAIRS

DENNIS M. DUFFY, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE VICTOR P. RAYMOND.

NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT TALCOTT FRANCIS II, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 1999, VICE JOHN K. LAUBER, TERM EXPIRING.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

E. GORDON GEE, OF OHIO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1999, VICE GARY EUGENE WOOD, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

SANFORD D. GREENBERG, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE WARREN J. BAKER, TERM EXPIRED.

DEPARTMENT OF DEFENSE

ELEANOR HILL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE SUSAN J. CRAWFORD.

DEPARTMENT OF STATE

LEE C. HOWLEY, OF OHIO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 49TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ISABELLE LEEDS, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 49TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HERMAN E. GALLEGOS, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 49TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

FEDERAL DEPOSIT INSURANCE CORPORATION

NORWOOD J. JACKSON, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION. (NEW POSITION)

RAILROAD RETIREMENT BOARD

JEROME F. KEVER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 1998. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

KATHLEEN A. MCGINTY, OF PENNSYLVANIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE MICHAEL R. DELAND, RESIGNED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

DALE MINAMI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION)

NATIONAL SCIENCE FOUNDATION

CLAUDIA I. MITCHELL-KERNAN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE DANIEL C. DRUCKER, TERM EXPIRED.

DIANA S. NATALICIO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE CHARLES L. HOSLER, JR., TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

LILLIAM RANGEL POLLO, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A

TERM EXPIRING SEPTEMBER 17, 1996, VICE HELEN WILSHIRE WALSH, TERM EXPIRED.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

LT. GEN. WILLIAM W. QUINN, U.S. ARMY, RETIRED, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 1999. (REAPPOINTMENT)

NATIONAL COUNCIL ON DISABILITY

DEBRA ROBINSON, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE ANTHONY HURLBUTT FLACK, TERM EXPIRED.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

ISADORE ROSENTHAL, OF PENNSYLVANIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

LYNDA HARE SCRIBANTE, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 1999, VICE DEAN BURCH.

RAILROAD RETIREMENT BOARD

VIRGIL M. SPEAKMAN, OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 1999. (REAPPOINTMENT)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JOSEPH E. STEVENS, JR., OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1997, VICE TRUMAN MCGILL HOBBS, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

WARREN M. WASHINGTON, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE ROLAND W. SCHMITT, TERM EXPIRED.

JOHN A. WHITE, JR., OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE BENJAMIN S. SHEN, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

STEVEN L. ZINTER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1997, VICE RICHARD J. FITZGERALD, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

MARTIN NEIL BAILY, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE ALAN S. BLINDER, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROBERT G. BREUNIG, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998. (REAPPOINTMENT)

KINSHASHA HOLMAN CONWILL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE WILLARD L. BOYD, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

G. EDWARD DESEVE, OF PENNSYLVANIA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE EDWARD JOSEPH MAZUR, RESIGNED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

ROBERT F. DRINAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION)

DEPARTMENT OF TRANSPORTATION

JAY C. EHLE, OF OHIO, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE CONRAD FREDIN.

NATIONAL COUNCIL ON DISABILITY

JOHN A. GANNON, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995. (REAPPOINTMENT)

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2000, VICE BARRY M. GOLDWATER, JR., TERM EXPIRED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

SUSAN HAYASE, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION)

NATIONAL INSTITUTE OF BUILDING SCIENCES

STEVE M. HAYS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1997, VICE DIANNE E. INGELS, TERM EXPIRED.

NATIONAL MEDIATION BOARD

KENNETH BYRON HIPP, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1997, VICE PATRICK J. CLEARY, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CHARLES HUMMEL, OF DELAWARE, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1999, VICE MARILYN LOGSDON MENNELLO, TERM EXPIRED.

NUCLEAR REGULATORY COMMISSION

SHIRLEY ANN JACKSON, OF NEW JERSEY, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF 5 YEARS EXPIRING JUNE 30, 1999, VICE FORREST J. REMICK, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

AYSE MANYAS KENMORE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 6, 1995, VICE DAPHNE WOOD MURRAY, RESIGNED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

CHERRY T. KINOSHITA, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION)

CIVIL LIBERTIES PUBLIC EDUCATION FUND

ELSA H. KUDO, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION)

YEIICHI KUWAYAMA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS. (NEW POSITION)

COMMUNICATIONS SATELLITE CORPORATION

CHARLES T. MANATT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1997, VICE RUDY BOSCHWITZ.

SECURITIES PROTECTION CORPORATION

CHARLES L. MARINACCIO, OF THE DISTRICT OF COLUMBIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996, VICE GEORGE H. PFAU, JR., TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NANCY MARSIGLIA, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998, VICE GEORGE S. ROSBOROUGH, JR., TERM EXPIRED.

NATIONAL INSTITUTE FOR LITERACY

MARCIENE S. MATTLEMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 12, 1995, VICE JIM EDGAR, RESIGNED.

NATIONAL COUNCIL ON DISABILITY

AUDREY L. MCCRIMON, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE ROBERT S. MUELLER, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

EVE L. MENGER, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE ARDEN L. BEMENT, JR., TERM EXPIRED.

FEDERAL HOUSING FINANCE BOARD

BRUCE A. MORRISON, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2000, VICE WILLIAM C. PERKINS, RESIGNED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

DON T. NAKANISHI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS. (NEW POSITION)

EXECUTIVE OFFICE OF THE PRESIDENT

ROSE OCHI, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY, VICE KAY COLES JAMES, RESIGNED.

FEDERAL HOUSING FINANCE BOARD

J. TIMOTHY O'NEILL, OF VIRGINIA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR THE REMAINDER OF THE TERM EXPIRING FEBRUARY 27, 1997, VICE MARILYN R. SEYMANN, RESIGNED.

FEDERAL TRADE COMMISSION

ROBERT PITOFSKY, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM SEPTEMBER 26, 1994, VICE DEBORAH KAYE OWEN, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARTHUR ROSENBLATT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE RICHARD J. SCHWARTZ, TERM EXPIRED.

PANAMA CANAL COMMISSION

VINCENT REED RYAN, JR., OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE PANAMA CANAL COMMISSION, VICE WALTER J. SHEA.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

NIRANJAN SHAMALBHAI SHAH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 1998, VICE TIMOTHY W. TONG, TERM EXPIRED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

STANLEY K. SHEINBAUM, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE JOHN P. ROCHE, RESIGNED.

NATIONAL SCIENCE FOUNDATION

ROBERT M. SOLOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000, VICE PETER H. RAVEN, TERM EXPIRED.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CATHERINE BAKER STETSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000, VICE JAMES D. SANTINI, TERM EXPIRED.

NUCLEAR REGULATORY COMMISSION

ROBERT M. SUSSMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF 5 YEARS EXPIRING JUNE 30, 1998, VICE JAMES R. CURTISS, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RUTH Y. TAMURA, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1996, VICE JAMES H. DUFF, TERM EXPIRED.

NATIONAL INSTITUTE FOR LITERACY

LYNNE C. WAIHEE, OF HAWAII, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF 3 YEARS. (NEW POSITION)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

TOWNSEND WOLFE, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1995, VICE ROSEMARY G. MCMILLAN, TERM EXPIRED.

CONSUMER PRODUCT SAFETY COMMISSION

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 26, 1996, VICE JACQUELINE JONES-SMITH, RESIGNED.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

JOHN A. KOSKINEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 104TH CONGRESS, VICE HANSFORD T. JOHNSON, TERM EXPIRED.

JOHN M. DEUTCH, OF MASSACHUSETTS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 104TH CONGRESS, VICE BEVERLY BUTCHER BYRON, TERM EXPIRED.

THOMAS P. GLYNN, OF MASSACHUSETTS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 104TH CONGRESS, VICE REBECCA GERNHARDT COX, TERM EXPIRED.

GIL CORONADO, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 104TH CONGRESS, VICE PETER B. BOWMAN, TERM EXPIRED.

JOSEPH E. STIGLITZ, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 104TH CONGRESS, VICE ROBERT D. STUART, JR., TERM EXPIRED.

BOB J. NASH, OF ARKANSAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 104TH CONGRESS, VICE ARTHUR LEVITT, JR., TERM EXPIRED.

CASSANDRA M. PULLEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR A TERM EXPIRING AT THE END OF THE FIRST SESSION OF THE 104TH CONGRESS, VICE HARRY C. MCPHERSON, JR., TERM EXPIRED.

SENATE—*Tuesday, December 20, 1994*

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on December 2, 1994, subsequent to sine die adjournment, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 5110. An act to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations.

Under the authority of the order of the Senate of January 5, 1993, the enrolled bill was signed on December 2, 1994, subsequent to sine die adjournment of the Senate by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3584. A communication from the President of the United States, transmitting, pursuant to law, the second monthly report on the situation in Haiti dated December 6, 1994; to the Committee on Foreign Relations.

URUGUAY ROUND AGREEMENTS

• Mr. PACKWOOD. Mr. President, one of the key achievements of the Uruguay agreement is the obligation it establishes in respect of protection of intellectual property rights. America is the preeminent producer and exporter of creative and inventive products—motion pictures, software, records, books, computers, airplanes, to name but a few—all of which are subject to copyright, patent, or trademark protection. By implementing the Uruguay round agreements, foreign countries will be obligated to provide American right holders protection under their national laws. These steps will improve our ability to sell our products overseas, and encourage further creative and inventive efforts in our country.

It is our intention that this agreement establish a new floor for future initiatives to improve intellectual property protection, and not a ceiling on standards or an obstacle to further efforts to upgrade protection. In this implementing legislation, the U.S. Congress directs the administration to continue its trade policy initiatives aimed at improving export opportunities through bilateral negotiations and consultations. In 1984, and again in 1988, we amended our trade laws to require the U.S. Trade Representative [USTR] to undertake deliberate and forceful bilateral trade initiatives to promote protection of American intellectual property rights. Over the past decade, progress on intellectual property issues has been achieved through complementary bilateral and multilateral initiatives. The World Trade Organization [WTO] agreements represent a major step forward on the multilateral prong of this approach. While the WTO result is a necessary element for attaining our goal of increased export opportunities, bilateral initiatives remain an indispensable element.

Implementation of the Uruguay agreements leaves unchanged the intent of the Congress mandating continued effective bilateral negotiations. Thus, this implementing legislation states specifically that, notwithstanding that a foreign country may have implemented the specifically enumerated obligations contained in the TRIP's chapter of the WTO, or the obligations of any other bilateral or multilateral agreement, those acts by themselves do not mean that the country's laws meet the "adequate and effective protection" standard of the U.S. trade law.

Bilateral initiatives are especially important for at least two reasons. First, they are to be used to ensure that countries that have been the subject of past bilateral negotiations move promptly to implement adequate and effective protection, and not take advantage of the overly long transition periods that are in almost all cases unnecessary. Bilateral efforts are necessary to ensure that the United States has the ability to address all impediments to trade such as measures which deny Americans the right to use, exploit, and derive full commercial benefits from their intellectual property. Experience demonstrates that bilateral negotiations can produce immediate results. Moreover, bilateral initiatives are well suited for resolving trade irritants unique to certain markets. Finally, bilateral negotiations have consistently resulted in high levels of protection and effective enforcement measures.

For all these reasons, the intent of the Congress with respect to bilateral initiatives remains clear and unchanged: The USTR shall not diminish in any way bilateral efforts under Special 301, GSP, CBI, and ATPA programs to improve protection for U.S. holders of intellectual property. Implementation of the Uruguay round agreements shall not be construed or interpreted as a change in this mandate. Such bilateral efforts shall aim to supplement and strengthen the standards and obligations contained in the WTO's TRIP's agreement, secure their early implementation and to eliminate discrimination, unreasonable exceptions or preconditions to the protection, enforcement or commercial enjoyment of the full economic benefits arising from any use or exploitation of intellectual property rights. In particular, the United States, through bilateral negotiations, shall seek to secure fair, equitable and nondiscriminatory market access opportunities for U.S. persons holding intellectual property rights.•

ADDITIONAL STATEMENTS

TRIBUTES TO DEPARTING SENATORS

• Mr. STEVENS. Mr. President, I want to take this opportunity to say farewell to the colleagues on both sides of the aisle who will not be with us when the 104th Congress convenes.

I was absent from the Senate when others made their comments. Because of the time involved, I shall speak to all of our retiring friends in these remarks.

Each, in his own way, in serving as Senator from his State, has made his mark on the history of our Nation.

We may not always have agreed on issues, but we've shared a great bond as Members of this distinguished body.

To JOHN DANFORTH—with whom I have had a long relationship, beginning with his campaign and continuing through the years we served together on the Senate Commerce Committee—I will always appreciate how he helped to expand my horizons, particularly when we dealt with legislation on the oceans and the atmosphere. Our shared interest in amateur sports and the Olympics has been another special link.

I remember well when MALCOLM WALLOP first ran for the Senate. He conducted himself than as the complete western gentleman. He has fulfilled the promise of that first impression in his years as a Member of the Senate. His understanding of issues affecting our western States, and his expert knowledge of defense will be missed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I will always appreciate DENNIS DECONCINI's involvement in assisting in the survival of the Postal Service during the years we served together on the Appropriations Committee. As another Senator from the West, he understood our unique issues.

My association with David Boren has been rewarding, particularly when we worked together on congressional and campaign finance reform issues. He will be a great asset to the University of Oklahoma, and offer much in understanding our great democracy to the young men and women who will study there.

DAVID DURENBERGER's interest in developing medical technology, particularly in the field of telemedicine, has ensured his status as a leader in health issues. For my State, with its vast distances between small villages and major medical centers, telemedicine is vital. I thank him for his work in this area.

As Democratic leader, GEORGE MITCHELL has always been considerate of my position as a former member of the leadership on the other side of the aisle. I have enjoyed our relationship, and look forward to knowing what the next phase of his career will be.

Like HARLAN MATHEWS, I first served as an appointed Senator 26 years ago. It takes a good deal of hard work to learn the vagaries of the Senate. He has learned well and done a fine job for the people of Tennessee. On a personal level, I enjoyed our travel together to the United States-British Parliamentary Conference.

Tennis with HOWARD METZENBAUM has been a pleasure through the years. And his kindness to our daughter Lily, as she grew up in these Halls, has always meant much to me and to Catherine. HOWARD has been a model grandparent for her as well as to his own grandchildren.

I've enjoyed many hours in the gym with DON RIEGLE. His deep devotion to family and his concerns about family matters are an inspiration to us all. I wish him well.

Serving on the Appropriations Committee with JIM SASSER has been a good experience. And, as Budget Committee chairman, he has been most fair in his work on matters pertaining to small States. I thank him for being a friend.

Mr. President, much more could be said about these Senators, as they enter new stages of their careers. I know that each one of us who served with them has special reasons to pay them tribute, as they leave Washington, DC, for their homes.

I am sure my colleagues join me in wishing them all the brightest of futures.●

BLACKSTONE HERITAGE AREA'S NEW PRESERVATION APPROACH

● Mr. PELL. Mr. President, I would like to share with my colleagues an excellent cover story from the Christian Science Monitor of December 5, 1994, that examines the vision of the Blackstone River Valley National Heritage Corridor.

This story is particularly timely because we will be seeking to reauthorize this corridor during the 104th Congress. As the Senate author of the current authorization, I am proud of the work that already has been done and the community pride that has grown with the corridor.

I anticipate the reauthorization proposal will encompass the entire watershed of the Blackstone River Valley, which runs from Woonsocket, MA to Providence, RI. We want to highlight the role of the valley as the cradle of the American Industrial Revolution.

This story also highlights the role of Jim Pepper, the executive director of the corridor commission. Jim has proven to be an able diplomat and an indefatigable advocate of both the corridor and the community involvement that has become its signature.

As we start to reconsider the corridor authorization and the goals that it has developed, this story presents an excellent portrait of the corridor's accomplishments and potential. I hope my colleagues will join in supporting its plans for the future.

I ask that the story, "New Preservation Approach Aims To Save Cultural Landscape," from the December 5, 1994, Christian Science Monitor, be printed in the RECORD.

The material follows:

NEW PRESERVATION APPROACH AIMS TO SAVE CULTURAL LANDSCAPE

(By James Andrews)

Jim Pepper pushes aside brambles, strides across spongy bottom land, and scrambles up a rocky embankment. About 50 yards from the road, he stops and looks around at what appears to be nothing but a patch of Rhode Island woods.

"We're standing in the mill," he says. "The water ran down this trough," he explains, gesturing to stone walls and arches under the overgrowth.

Mr. Pepper is a visionary with a twist. Not only can he peer into the future to see what might be, he also can gaze into the past to see what has been. Now he is seeing Mammoth Mill, once a bustling woolen factory on the Blackstone River in Northern Smithfield, R.I. These neglected ruins are all that remain of the 1836 mill, which was torn down in 1930—but to Pepper, they are the substance of things hoped for.

Pepper is the executive director of the Blackstone River Valley National Heritage Corridor Commission. He has guided a pair of journalists to this obscure spot to make a point about his job and the work of the commission.

"Mammoth Mill is symbolic of so many places in this valley that are unknown and unseen. Our job is to make them known," he says. Although Pepper has no plans for the site yet, his imagination already is leaping ahead to a day when the plot, tidied up and properly "interpreted" through signs and diagrams, may inform tourists about America's early industrialization.

The Blackstone River Valley National Heritage Corridor is one of five regions that have been designated "American Heritage Areas" by Congress. Besides the Blackstone River Valley in Rhode Island and Massachusetts, there are the Illinois and Michigan Canal National Heritage Corridor in Illinois, the Delaware and Lehigh Canal National Heritage Corridor in eastern Pennsylvania, the America's Industrial Heritage Project in southwestern Pennsylvania, and the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in Connecticut, which Congress approved just this fall.

If a bill in Congress that passed the House of Representatives is reintroduced and enacted by the 104th Congress, 10 more zones from Georgia to Washington State will be designated national-heritage areas and become eligible for federal matching funds. The legislation would establish a mechanism whereby additional regions could obtain heritage recognition by Congress in the future.

As important as they are, however, federally sanctioned heritage areas are just the crown jewels of a burgeoning movement to revitalize distinctive but underrecognized parts of the American landscape. Scores of places in nearly every state have acquired or are seeking a degree of official or unofficial classification as heritage sites.

It is primarily a grass-roots movement, explains Shelley Mastran, a program director at the National Trust for Historic Preservation in Washington and the executive director of the recently formed National Coalition for Heritage Areas (NCHA). Referring to a long list of putative heritage areas compiled by the National Trust, Ms. Mastran says, "These are initiatives that are or have the potential to become heritage areas. Some of them are just self-anointed."

But many other heritage areas have progressed beyond the gleam-in-the-eye stage, Mastran says. Their proponents are working with state governments and the National Park Service to create programs through which a heightened "sense of place" can help achieve environmental, economic-development, and historic-preservation goals.

Massachusetts, New York, and Pennsylvania have their own programs for recognizing heritage areas, though sometimes by other names. New York, for instance, has established the Hudson River Valley Greenway Council, a regional-planning compact among 240 cities and towns in 10 counties from Albany to New York City. Despite its name, the members of the compact are cooperating on a much broader array of initiatives than are implied by the term greenway, says David Sampson, director of the Hudson River Valley Greenway Council.

Asked if he thinks that interest in heritage areas and other forms of regional planning is growing, Mr. Sampson says he responds to speaking invitations all around the country, and he has traveled to the Czech Republic twice to consult on greenways.

What, exactly, is a heritage area? "This question has as many definitions as there are heritage areas," the NCHA observed last January in the first edition of its quarterly newsletter, Heritage Links, because "no two heritage areas are exactly the same. * * *" But the organization says the "basic components" of heritage areas include:

A sense of place and identity.

Regional scope and management.

Large-scale natural or manmade resources that unify the region.

A variety of land uses.

Predominantly private ownership of land and resources.

Local, regional, state, or national significance.

A common goal or "big idea."

One could almost say (although it would make many proponents of the concept wince) that heritage areas are theme parks—except that the theme in each area is not imposed by a Disneyesque developer, but rather grows out of the unique geography, history, and living culture of the region.

In contrast to national or state parks, heritage areas—where most property remains in private hands—are an approach to resource conservation and management that emphasizes partnerships among all levels of government, environmentalists, business people, and citizen groups.

Pepper says that, in the Blackstone River Valley, he has seen the regional cooperation that is fostered by the national-heritage concept start to bridge divides between environmentalists, historic preservationists, and community planners on one side and business people and property owners on the other side.

"If you push the time horizon out a distance, most people all want basically the same things—livable communities, good places for their kids to grow up, places with a mixture of jobs and green spaces and recreation facilities," Pepper says. "Once you have identified common goals, then it becomes a question of, 'How do we achieve it?' That's when meaningful planning really begins."

According to Pepper, planning for community development and resource management is often misunderstood. "Too many towns just have a permitting process, not a true planning process," he says. "When communities and regions develop real, long-term plans, there are fewer fights over specific permitting issues. And people feel empowered when they have effective planning tools in their hands."

Pepper was hired by the Blackstone River Valley National Heritage Corridor Commission in 1989. A career employee of the National Park Service who previously worked in Alaska, he cheerfully calls himself a "pro-government liberal" and says he came to the job with a wilderness lover's distrust of business people.

But Pepper says he has learned a lot about planning from corporate executives. "Business types often are more skilled than bureaucrats and yuppie environmentalists at establishing long-range goals and setting up implementation schedules," he admits.

As Pepper wheels a van along the highways and byways of the Blackstone River Valley, the words rush out as quickly as parts of the waterway that once was called the "hardest working river in America." In nearly every town and village he passes through, indeed, around almost every bend of the road, Pepper points to a historic site, a distinctive piece of architecture or Americana, a scenic vista or significant landmark, a restoration project, new heritage-area signage, or—and there are still many of these—evidences of neglect, disrepair, and pollution.

"The Blackstone River Valley, like many regions that are candidates for recognition as heritage areas, had been largely forgotten," Pepper says. "There are many places in America that have become anonymous, that we don't see, and that have lost a lot of their own self-consciousness as an identifiable place with a history and heritage that are worth preserving."

The Blackstone River Valley National Heritage Corridor extends 46 miles from the outskirts of Worcester, Mass., south to Providence, R.I., where the Blackstone River empties into Narragansett Bay. The 250,000-acre zone encompasses some 40 cities, towns, and villages, together with forest and farmland.

While the corridor includes wilderness areas like the rugged Purgatory Chasm State Park, its distinctiveness as a heritage area stems from what Pepper calls the "cultural landscape" more than from its natural features.

A National Park Service publication calls the Blackstone River Valley the "birthplace of the American Industrial Revolution." In 1790 Samuel Slater, an English mill boss, engineered America's first successful watered-powered cotton-spinning mill on the river at Pawtucket, R.I. Over the following decades, manufacturing spread along the swift stream and its tributaries, dotting their banks with textile mills and other factories, each surrounded by clusters of worker housing. These company-owned mill towns are the valley's most distinguishing feature.

Based on a National Park Service inventory of the region's natural and historical assets, Congress voted to help preserve the Blackstone River Valley's cultural landscape in 1986. It established the boundaries of the national-heritage corridor, created the commission to be a funding and planning catalyst (but without zoning, eminent domain, or other powers to regulate land use), and provided $250,000 a year—raised to $350,000 in 1991—for the commission's operations and as matching funds for a variety of conservation, historic-preservation, and economic-development uses. Congress also has given the commission about $4.2 million over the years for bricks-and-mortar projects.

The annual authorization pays for, among other things, Pepper's five-person staff, which includes a National Park Service ranger and community planner. The staff works out of a refurbished former depot of the Providence & Worcester Railroad in Woonsocket that was donated by the state of Rhode Island.

But the real development money for heritage-area projects comes from state, local, and private sources. Pepper estimates that he has leveraged federal dollars with other funds on a scale of 15 to 1.

While the commission provides funds for historic preservation, Pepper emphasizes that it is not interested simply in saving isolated structures or "little vest-pocket displays of historic sites." For instance, he says, when the town of Blackstone asked the commission for funds to restore an old church that had been condemned, the commission refused to help unless the town developed a more comprehensive heritage-protection plan, as it subsequently did.

As another example of how the commission tries to spread ripples, Pepper takes his visitors to a small, attractive riverside park where a mill once stood in Valley Falls, R.I. Pointing to signs of refurbishment around the park, Pepper says residents in the rundown neighborhood have become convinced that their community has value.

"We're constantly on the lookout for these little 'gene pools' of potential revitalization, where we can make a difference," he says.

Pepper says he is heartened by the extent to which many local companies have caught the spirit of the corridor's purpose. For instance, he says, in Slatersville, R.I. (founded by Samuel Slate's brother, John), Polytop Corporation, a maker of container lids and other plastic products, has spent more than $1 million to purchase and rehabilitate a vacated mill and surrounding worker housing. The company is collecting the stories of former factory workers in an oral-history project.

Despite such evidence of success, national-heritage areas have encountered opposition from two directions: some factions within the National Park Service, and the property-rights or so-called "wise use" movement.

Skeptics in the park service voice doubts about heritage areas primarily because they fear that money for such areas will detract from funding for national parks. Moreover, Pepper says, many of his colleagues in the park service have what he suggests is a hidebound approach to safeguarding precious national assets.

"They believe that to protect a resource, the government has to own it," Pepper says. "For them, Yellowstone is the model: You put land behind red-velvet ropes and keep people away except under tightly controlled conditions."

Pepper and other heritage-area supporters like A. Elizabeth Watson, a conservationist and the chair of the NCHA, believe that critics within the National Park Service are shortsighted and are missing an important wave in the future of conservation and environmentalism.

"Americans need more places to go to experience their heritage," Ms. Watson says. "We need to build partnerships to preserve the American landscape, not just lock up land in national parks."

Both Pepper and Watson see signs that some critics in the park service are softening their attitudes toward heritage areas.

Resistance to heritage areas from the property-rights movement is predictable, since some "wise use" activists oppose government involvement in decisions affecting private property.

Heritage-area advocates like Mastran and Watson of the National Coalition for Heritage Areas wonder if property-rights groups understand heritage areas and know that management authorities in the areas lack coercive powers over land use. "I don't think they have a clue," Mastran says. "They just used the bill as another vehicle for raising their favorite issues."

Sampson of the Hudson River Valley Greenway Council also is puzzled by right-wing opposition to heritage areas. "They seem like a very Republican idea: Using private planning and investment to improve the quality of life and to revitalize communities," Sampson says. "It's a market economy that makes heritage areas and green ways work."•

RETIREMENT OF SENATOR RIEGLE

• Mr. LEAHY. Mr. President, one of those retiring this year is DON RIEGLE of Michigan, the chairman of the Senate Banking Committee.

DON RIEGLE is far more than a trusted and valued colleague. He is a special friend.

DON and I first met when I was State's attorney for Chittenden County in Vermont and he was a member of the House of Representatives. I was sitting on the front lawn of my farm house on a summer day during the Congress' August recess over 20 years ago when DON drove up looking for directions. I recognized him as the author of the book, "Oh Congress," and we sat on the lawn having a nice chat. This began a generation-long friendship, and I later told him that I was thinking of running for the U.S. Senate. DON helped me a great deal on the race and I was very glad to support him when he then ran for the Senate from Michigan.

DON RIEGLE has brought a passion to the Senate that has expressed itself in the truest principles of the Democratic Party. He has sought a Government that works better and is more responsive to people, while reminding all of us that Government is there for every American.

I will miss DON, Laurie, Ashley, and their newest daughter, Allison. Marcelle and I are so glad to be godparents of Ashley, but we are especially proud to be friends of DON, Laurie, and of the whole family.•

TRIBUTE TO 2D LT. WAYLAND E. BENNETT

• Mr. BUMPERS. Mr. President, on September 16, 1994, the citizens of Texarkana, AR, and Texarkana, TX, honored the memory of 2d Lt. Wayland E. Bennett.

Lieutenant Bennett served in the Armed Forces in the South Pacific during World War II as part of the Black Sheep Squadron. This loyal marine's remains had been declared unrecoverable in 1948, but were recovered earlier this year. Lieutenant Bennett was buried with full military honors, among the oldest MIA's to be returned.

Lieutenant Bennett's family has been designated as a "Gold Star Family" in the tradition and honor of the World War II conflict.

I think Lieutenant Bennett's namesake, John Wayland Knox of Austin, TX, said it best:

> Lieutenant Bennett was not a great man, he was not a war hero, his life was cut short. He was killed in the service of his country, as so many men have been.

As a marine, I take particular pride in joining in paying tribute to this soldier's memory.•

TRIBUTE TO DONALD J. "COOTIE" MASTERS

• Mr. PRESSLER. Mr. President, there are thousands of weekly newspaper editors in the United States. I have met many of them in my home State of South Dakota. These editors contribute more than publishing the community paper. Few of the ones whom I have had the privilege of knowing have contributed more or had a greater impact on me than my hometown paper's editor and publisher, Donald J. "Cootie" Masters.

More than the publisher of the Humboldt Journal and a leader in our community, Cootie Masters was a true South Dakotan. He took great pride in his work, his family, his community, and his faith. As the editor of our local newspaper, Cootie was part of the lives of thousands of South Dakotans. I don't know whether Cootie ever really understood his positive impact on us. He was an example and inspiration to many South Dakotans.

Cootie had a great impact on my life. He had been a member of the State legislature. He was a man of letters. He was a mentor of mine in many ways. I always kept in touch with him, even when I was serving in Vietnam, studying at Harvard Law School, and later at Oxford University as a Rhodes scholar. At my swearing-in ceremony to the U.S. Senate, held at the Humboldt High School gym, Cootie was the master of ceremonies.

Cootie passed away in October. I want to take this opportunity to pay tribute to him.

Cootie was born on July 7, 1906. He spent his life in Humboldt near the farm where I grew up. His Humboldt upbringing and strong family ties instilled in him a deep respect for traditional values. He graduated from Humboldt High School in 1924 and went on to attend the University of South Dakota. In 1924, it was quite an accomplishment for a young student from a small town to attend college. This was to be only the beginning of Cootie's many accomplishments.

In addition to his studies at the University of South Dakota, Cootie participated in basketball and became a fraternity brother in Delta Tau Delta. He demonstrated at a young age the importance of life of social involvement and a balance between intellectual and physical pursuits.

After Cootie graduated from college, he became involved in the family business. His father owned and operated the Humboldt Journal and began passing on his business knowledge to Cootie. Cootie's father died suddenly in 1936, leaving Cootie as the sole owner and editor of the Journal. Anyone in family business will tell you that the successful passing on of a family business to the next generation is much more difficult than most people think. Cootie was not only successful at taking over the Journal in 1936, he was successful in operating it until well after his retirement.

Cootie's life involved much more than his newspaper work. He contributed to the whole State of South Dakota by serving in the legislature as a representative from Minnehaha County from 1936 to 1941.

Cootie balanced his successful business and political career with devotion to his family and friends. On June 12, 1933, Cootie married Mildred Newton. Cootie and Mildred had three sons: Neal, Tom, and Bob. Today, the Masters family includes 7 grandchildren and 11 great grandchildren. I know Cootie considered his family to be the most precious blessing in his life.

Aside from his children, grandchildren, and great grandchildren, what may have kept Cootie young for so long was his robust enjoyment of life. After college, he continued to participate in baseball and basketball. An avid sportsman, Cootie enjoyed fishing and hunting. He certainly picked the right State to enjoy the great outdoors.

What is most impressive about Cootie is that with all of his public activities, he was always described as a man without an enemy.

Cootie was a true friend to me, to our community, and to our State. I always will remember him fondly.•

TRIBUTE TO SENATOR MITCHELL

• Mr. LEAHY. Mr. President, in my 20 years in the Senate, I have had the honor to serve with a number of exceptional majority leaders. They have included Senators Mike Mansfield of Montana; ROBERT BYRD, of West Virginia; Howard Baker, of Tennessee; BOB DOLE, of Kansas; and in the past several Congresses, with my good friend, GEORGE MITCHELL, of Maine.

Each of the majority leaders has brought their individual strengths to the Senate and each have contributed to the good of our great country. I must note though my special appreciation and friendship for my New England neighbor, GEORGE MITCHELL.

I worked as closely with him as anybody in the Senate and I have seen him in the most difficult of times, always maintaining his judicial composure as he has brought parties together for the good of the country, and to uphold the promise of the U.S. Senate.

I have often said that the U.S. Senate should be the conscience of the Nation, and on those occasions when it has achieved that it has been because of GEORGE MITCHELL, and people of his nature. I have never heard Senator MITCHELL advance a cause for his own personal benefit or glory, but always for what is best in this country.

Many have spoken of his humble background in Maine, but I think more of all that he has done to make it possible for someone of that background to achieve whatever they are willing to work for in our country. It will not be the same Senate without him, and I know my own views toward the Senate will be different absent his leadership.

I do cherish the fact that I had this chance to serve with him.•

URUGUAY ROUND ANTIDUMPING AND COUNTERVAILING PROVISIONS

• Mr. PACKWOOD. Mr. President, I would like to provide further clarification of the antidumping and countervailing duty provisions contained in title II of H.R. 5110, the Uruguay Round Agreements Act.

Evaluation of industry support: Section 212 establishes procedures for determining industry support and provides conditions under which the petition may establish adequate support.

Section 212 provides that the International Trade Commission may, in appropriate circumstances, exclude a domestic producer of a like product from the industry where the producer is itself related to exporters or importers. As a general rule, Commerce should not include as members of the domestic industry those domestic producers who oppose the petition, but are related to exporters, unless such producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an order. It is expected that related domestic producers must demonstrate to the Commerce Department how an order resulting from an investigation would adversely affect their interests, for example, by showing that their domestic production operations would be damaged.

Captive production: Section 222 of H.R. 5110 provides for the treatment of captive production in an injury inquiry. It is expected that the Commission, in implementing the captive production provision, will fully comply with articles 3.5 and 4.1 of the antidumping agreement and articles 15.5 and 16.1 of the subsidies agreement, which require a finding that the dumped or subsidized imports are causing material injury to the domestic industry as a whole. It is my understanding that, when examining a captive production situation, the Commission will focus primarily, but not exclusively, on the factors provided in the legislation. However, the captive production provision does not limit the Commission to analyzing the merchant market, and an affirmative injury finding not based on an analysis of the industry as a whole, including captive production, would be inconsistent with the agreement. In addition, to the extent the Commission focuses its inquiry on noncaptive production in the domestic industry, it must also focus on noncaptive imports. It is expected that the Commission will apply the same criteria in its determination of whether to focus primarily on noncaptive imports as it applies in its determination of whether to focus primarily on noncaptive domestic production.

Negligible imports: In preliminary determinations, section 212 of the new legislation requires the Commission to base its finding on a determination whether there is a reasonable indication that imports are not negligible. It is expected that the Commission will, when necessary, use reasonable estimates when calculating import volumes. It is further expected that the Commission will normally terminate an investigation when import levels are below the statutory threshold, except when import volumes are extremely close to the statutory threshold and reliable data obtained in a final investigation establishes that imports exceed the statutory threshold.

Sunset reviews: Section 220 of the legislation establishes that Commerce and the Commission will make their determinations concerning termination of an order based on the facts available if responses by the parties are inadequate. In judging the adequacy of responses, it is expected that Commerce and the Commission shall apply the same standard as that applied in other contexts of the antidumping and countervailing duty laws, such as Commerce's use of best information available.

Article 11.3 of the Antidumping Agreement permits antidumping duties to remain in force pending the outcome of a sunset review, even if the review is not completed until after the 5-year deadline. The agreement thus authorizes the continued collection of duty deposits, but only up to the point that a sunset determination is made to revoke the order. In order to comply with our agreement obligations in cases where the determination is made to revoke the order, it is expected that, pursuant to section 751(d)(3), Commerce will determine that the revocation will apply to entries on or after the date of the 5-year anniversary, and that Commerce will direct Customs to refund antidumping duty deposits on merchandise entered after the 5-year anniversary of the order.

Section 221 of H.R. 5110 states that the Commission, in making its sunset determination, "shall consider that the effects of revocation may not be imminent, but may manifest themselves only over a longer period of time." Although a sunset review is necessarily prospective in nature, it is not intended that Commerce or the Commission use this fact to extend orders indefinitely. It is not expected that the Commission will find that injury is likely to continue or recur based on uncertainty over the possible conditions at a point in time well beyond the time of the determination. It is expected that the order will be extended only in those cases where there is substantial evidence on the record that material injury is likely to continue or recur within a reasonable period of time.

Consideration of duty absorption in sunset reviews: Section 221 and 222 of H.R. 5110 provide for Commerce and the Commission to consider the issue of duty absorption. It is expected that before initiating a duty absorption inquiry, Commerce shall ensure that there is a reasonable basis to believe that duty absorption has occurred. The Statement of Administrative Action makes clear that "during the administrative review initiated 2 or 4 years after the issuance of an order, Commerce will examine, if requested, whether absorption has taken place by reviewing the data on the volume of dumped imports and dumping margins." Therefore, Commerce's inquiry will result in either an affirmative or negative finding of duty absorption. Nothing in the Statement of Administrative Action or legislative language provides that Commerce would determine or compute the extent of duty absorption, or the magnitude of duty absorption. Therefore, it is expected that Commerce will not quantify the level of duty absorption, and that an affirmative finding will have no effect on the dumping margins calculated. In making its determination, Commerce should give less probative weight to dumping margins and data based on best information available, as these may be a poor indicator of whether a company is actually absorbing duties.

Commerce will notify the International Trade Commission of its findings made during the 4-year review. An examination of duty absorption in the second-year review is intended only to have a deterrent effect on continued duty absorption by affiliated importers. The Commission should take these findings into account in determining the likelihood of continuation or recurrence of material injury in the sunset review. It is expected that the Commission will not consider duty absorption to the exclusion of other statutory factors. Further, it is expected that the weight accorded by the Commission to Commerce's duty absorption finding will depend on the extent to which it bears on the issue of the likelihood of continuation or recurrence of material injury in light of the facts of each case.

Finally, the duty absorption provision does not permit the treatment of antidumping duties as a cost to be deducted from the U.S. price. The treatment of antidumping duties as a cost has been repeatedly rejected by Commerce and U.S. reviewing courts. Moreover, in the U.S. retrospective duty assessment system, treatment of duties as a cost would violate the Uruguay Round Antidumping Agreement, result in the over-assessment of antidumping duties, and serve as a disincentive to investment in the United States.

Basis for determination of threat of injury: Article 3.7 of the Antidumping Agreement, regarding the determination of threat of material injury, is unchanged from the 1979 Antidumping Code. It is expected that, as provided in the Statement of Administrative Action at page 184, the Commission's practice in threat determinations will remain unchanged from current practice. As noted in the Statement of Administrative Action, revision of the threat language of the statute in section 771(7)(F)(ii) in no way changes Commission practice or judicial interpretations of the statute.

Export price and constructed export price definitions: The Statement of Administrative Action at page 152 states that the change in terminology from "purchase price" and "exporter's sales price" to "export price" and "constructed export price" will in no way change the criteria now used to categorize U.S. sales as one or the other. Commerce's decisions will be monitored closely to ensure that no change is, in fact, made in the Department's methodology for categorizing U.S. sales.

Reimbursement of antidumping duties: The Statement of Administrative Action expresses the administration's intent to continue to apply, when appropriate, the current regulation (19 CFR 353.26) providing for antidumping duties to be increased when Commerce finds that an exporter has directly paid the antidumping duties due, or has reimbursed the importer for the importer's payment of the antidumping duties. The legislation makes no change in this regulation. It is not intended that this provision be extended to apply to countervailing duties. Countervailing duties differ from antidumping duties, and it is not intended that Commerce will deduct countervailing duties from export price or constructed export price when calculating the margin of dumping.

Constructed export price profit deduction: Section 223 of H.R. 5110 provides for a deduction of profit from constructed export price. The deduction is to be calculated based on the total profit realized on all sales of the subject merchandise in the U.S. market and the foreign like product in the foreign market. It is expected that the total profit will be equal to the sum of the profit realized in the home market—or the third country market—and the profit realized in the United States. If the sum is equal to zero or less, no profit will be deducted from constructed export price.

Fair comparison/normal value adjustments: Section 224 of H.R. 5110 implements the requirement in antidumping agreement article 2.4 that "a fair comparison shall be made between export price and normal value." It is expected that Commerce will ensure a fair, apples-to-apples comparison is made in all cases. In particular, a fair comparison requires that, as a general rule, normal value shall be adjusted for the same costs and expenses for which adjustments are made to the export price or constructed export price. For example, when U.S. price is based on constructed export price, it is expected that Commerce will make either a level of trade adjustment or a constructed export price offset adjustment to normal value.

In measuring the effect on price comparability and interpreting the statutory requirement that a pattern of consistent price differences be shown, it is expected that Commerce will follow the Statement of Administrative Action, which states that "while the pattern of pricing at the two levels of trade under section 773(a)(7)(A) must be different, the prices at the levels need not be mutually exclusive; there may be some overlap between prices at the different levels of trade."

Initiation of cost investigations in reviews: As noted in the Statement of Administrative Action, page 163, section 224 amends section 773(b) to provide that Commerce must have reasonable grounds to initiate a cost of production investigation in an administrative review, if Commerce excluded below-cost sales of a particular exporter or producer from the determination of normal value "in the most recently completed segment of the antidumping proceeding." Thus, in an administrative review, Commerce may initiate a cost investigation if it has excluded below cost sales in the most recently completed administrative review, or, if no review has been completed, in the original investigation.

Anticircumvention: Section 230 of H.R. 5110 amends the anticircumvention provision of the law, which currently provides for a test of whether the difference between the value of parts imported from the subject country and the value of the finished product is small. The legislation replaces this test with two inquiries: Whether minor or insignificant assembly or completion is occurring in the United States or the third country, and whether the value of parts imported to the United States or third country from the country subject to the order is a significant proportion of the total value of the finished product. The structure of the statute is based on the anticircumvention provisions of the Dunkel Text. It is expected that Commerce will adhere to the statutory requirement that the value of the parts is a significant proportion of the value of the finished product.

It is expected that Commerce will not interpret these criteria such that the value added in the United States becomes the essential determinant of whether circumvention is occurring. The anticircumvention rules must not operate as a domestic content rule, or as a critical component rule. Moreover, in order to comply with the antidumping agreement and article VI of the GATT 1994, Commerce must only apply antidumping duties to merchandise for which a final determination of dumping and injury has been made.

Startup costs: Section 224 of H.R. 5110 implements the adjustment for startup operations provided for in article 2.2.1.1 of the antidumping agreement. This provision was one of the agreement's most important accomplishments on behalf of U.S. exports, in particular, high-technology exports. Commerce must not undercut this accomplishment by prematurely ending the startup period or by limiting the startup adjustment. It is expected that Commerce will determine the startup period to end at the point at which commercial production levels characteristic of the product, producer or industry under investigation are achieved, based on production of merchandise of quality levels sufficient for sale.

Short supply: Imports of merchandise not produced in the United States cannot injure a U.S. petitioning industry. On the other hand, antidumping duties on such imports may in some circumstances injure domestic users of those products. The administration has stated that there are mechanisms under current law to address short supply situations. Specifically, the fact that a product is not being produced in the United States should be reflected in the Commission's determination of whether the imports are a cause of injury to the domestic industry. That is, if petitioning companies are not producing a competing product, there will be no adverse effect with respect to the imported merchandise, and the Commission must take this into account in its injury determination. After an order is in effect, Commerce has the authority to declare a product outside the scope of an order if it has substantially different characteristics or uses than the subject merchandise, or if it is unclear whether the order included the specific product. It is expected that Commerce and the Commission will actively use their existing authority to address short supply situations. It is expected that Commerce and the Commission will also use this authority at the time of the sunset review, and will revoke the order with respect to merchandise not available from domestic sources.•

TRIBUTE TO SENATOR SASSER

• Mr. LEAHY. Mr. President, my good friend, JIM SASSER, with whom I have served for 18 years will not be with us in the new Congress. I regret this not only for the good of the Senate, but for the country itself. In 20 years in the Senate I rarely have seen anybody who can match his abilities as a legislator, nor his conscientious service as chairman of the Senate Budget Committee.

I recall during the early 1980's when the Budget Committee was willing to close a blind eye to the danger of Reaganomics and instead answered the popular Siren call of huge tax cuts, huge defense buildups, with a promise of a balanced budget. Instead because the Budget Committee did not stand up and do its part, our country saw our national debt nearly quadruple in one decade. Our children, and our children's children, will pay for this folly.

By contract, Senator SASSER showed great strength and courage as Budget chairman, refusing to accept half-baked measures to bring down the budget deficit, and instead made us all stand up and face the tough votes. As a result, we have seen the deficit come down now 2 years in a row, with a third on track. Much of the ability in the past couple of years to actually see a lowering of the deficit is due to the courage and leadership of JIM SASSER. I applaud him and I will miss him.•

IT'S OK TO BE DIFFERENT

• Mr. SIMON. Mr. President, during the recess I read the column in Newsweek magazine under the title, "It's OK To Be Different," written by a high school sophomore from Wayzata High School in Plymouth, MN. She is Angie Erickson, and the people of Plymouth, MN, ought to be very proud to have someone like Angie Erickson in their community.

She writes about living with a disability.

I read a booklet written for children about "being different." As fine as that booklet is, Angie Erickson's simply relating of what life has been like for her is powerful.

I ask that the article be printed in the RECORD.

The article follows:

[From Newsweek, Oct. 24, 1994]

IT'S OK TO BE DIFFERENT

STOP MAKING FUN OF MY DISABILITY

(By Angie Erickson)

Why me? I often ask myself, why did I have to be the one? Why did I get picked to be different? Why are people mean to me and always treating me differently? These are the kinds of questions that I used to ask myself. It took more than 10 years for me to find answers and realize that I'm not *more* different than anyone else.

I was born on June 29, 1978. Along with me came my twin sister, Stephanie. She was born with no birth defects, but I was born with cerebral palsy. For me, CP made it so I shake a little; when my sister began to walk, I couldn't. The doctors knew it was a minor case of cerebral palsy. But they didn't know if I'd ever walk straight or do things that other kids my age could do.

At first my disability did not bother me, because when you're a toddler, you do things that are really easy. When it took me a little longer to play yard games, because I couldn't run that well, my friends just thought I was slow. My disability was noticed when other children were learning how to write and I couldn't. Kids I thought were my friends started to stay away from me because they said I was different. Classmates began commenting on my speech. They said I talked really weird. Every time someone was mean to me, I would start to cry and I would always blame myself for being different.

People thought I was stupid because it was hard for me to write my own name. So when I was the only one in the class to use a typewriter, I began to feel I was different. It got worse when the third graders moved on to fourth grade and I had to stay behind. I got held back because the teachers thought I'd be unable to type fast enough to keep up. Kids told me that was a lie and the reason I got held back was because I was a retard. It really hurt to be teased by those I thought were my friends.

After putting up with everyone making fun of me and me crying about it, I started sticking up for myself when I was 10, in fourth grade. I realized if I wanted them to stop, I would have to be the person who made them stop. I finally found out who my real friends were, and I tried to ignore the ones who were mean. Instead of constantly thinking about the things I couldn't do, I tried to think about the things I could do, and it helped others, and myself, understand who I really was. When there was something I couldn't do, such as play Pictionary, I sat and I watched or I would go find something else to do. A few people still called me names and made fun of me, but after a while, when they saw they didn't get a reaction, they quit, because it wasn't fun anymore. What they didn't know was that it did still hurt me. It hurt me. It hurt me a lot more than they could ever imagine.

When I was 12, my family moved. I kept this fairy tale in my head that, at my next school, no one would be mean to me or would see that I had a disability. I'd always wished I could be someone other than myself. I found out the hard way that I wasn't going to change, that I'd never be able to write and run with no problems. When kids in my new school found out that I couldn't write and my talking and walking were out of the ordinary, they started making fun of me. They never took time to know me.

Everything went back to the way it was before. I went back to blaming myself and thinking that, since I was different, I'd never fit in. I would cry all the time, because it was so hard for me to make friends again. I didn't know whether I should trust anyone—I thought that if people knew that I had a disability they would not like me anymore. It took me a long time to understand that I had to return to not caring about what other people say.

People make fun of others because of insecurity. They have to show off to feel better about themselves. When a person made fun of me everyone thought it was just a big joke. After a while I just started laughing along with them or walking away. It really made some kids mad that they weren't getting any reaction out of me. Yeah, it still hurt a lot. I wanted to break down and start crying right then and there, but I knew I didn't want them to get their pleasure out of my hurt feelings. I couldn't cry.

I still get really frustrated when I can't do certain things, and I probably always will. I thought I should give people a better chance to get to know me, but I knew that I would probably get hurt. I never thought that anyone would want to be friends with somebody who had cerebral palsy. At times I have trouble dealing with kids making fun of me, but these are people who need help figuring out things in life and need to be treated better themselves. Maybe then they'll treat others the same. They look disappointed when I walk away or laugh when they try to make fun of me. Perhaps they're hurting more than I am.

It took a lot of willpower on my part and a lot of love from family and friends to get where I am today. I learned that no one was to blame for my disability. I realize that I can do things and I can do them very well. Some things I can't do, like taking my own notes in class or running in a race, but I will have to live with that. At 16, I believe I've learned more than many people will learn in their whole lives. I have worked out that some people are just mean because they're afraid of being nice. They try to prove to themselves and others that they are cool, but, sooner or later, they're going to wish they hadn't said some of those hurtful things. A lot of people will go through life being mean to those with disabilities because they don't know how to act or what to say to them—they feel awkward with someone who's different.

Parents need to teach their children that it's all right to be different and it's all right to be friends with those who are. Some think that the disabled should be treated like little kids for the rest of their lives. They presume we don't need love and friends, but our needs are the same as every other human being's.

There are times when I wish I hadn't been born with cerebral palsy, but crying about it isn't going to do me any good. I can only live once, so I want to live the best I can. I am glad I learned who I am and what I am capable of doing. I am happy with who I am. Nobody else could be the Angela Marie Erickson who is writing this. I could never be, or ever want to be, anyone else.•

TRIBUTE TO SENATOR HARRIS WOFFORD

• Mr. HEFLIN. Mr. President, during his relatively brief time in the Senate, our distinguished colleague HARRIS WOFFORD emerged as one of this body's most respected Members. His insight and leadership on a wide range of issues inspired both sides of the aisle, and reminded us daily of our responsibility to represent our States in pursuit of the national interest. His historic experience as a Kennedy administration official, a civil rights leader, and academician added immeasurably to the unique environment we have in the Senate.

HARRIS' dramatic upset victory in a special election in the fall of 1991 demonstrated to the Nation that the public truly was ready to put its domestic house in order, and to truly concentrate on pressing needs like health care reform and the budget deficit reduction. His triumph gave Democrats renewed confidence, and set the tone early for the campaign that followed. For his perseverance, stamina, political acumen, and grit, we owe him our thanks and gratitude.

HARRIS WOFFORD served his constituents and this body well for 3½ years. He is deeply admired and greatly appreciated.•

TURKEY'S CONFIDENT LEADER

• Mr. SIMON. Mr. President, recently, Lally Weymouth had an op-ed piece in the Washington Post about Turkey's remarkable prime minister.

It is a great tribute to her.

The political storms are not easy to weather in Turkey, but one of the things that our friends in Turkey must understand is that an improved relationship with the United States, and much of Western Europe, is in the interest of all of us. But it is not likely to happen until Turkey faces up to the Cyprus question and the Armenia question.

I recognize that is easy for a politician of the United States to say, and not easy for a political leader in Turkey to say because of the decades of emotion on these issues.

But if the people in the Middle East can get together, even though it is not all smooth, and if the people in Northern Ireland can get together, then it seems to me, the Turks, the Greeks, and the Armenians ought to be able to work out a better relationship than the one they now have, and that is in the interest of all parties.

I ask that the Lally Weymouth column be printed in the CONGRESSIONAL RECORD.

The column follows:

[From the Washington Post, Nov. 23, 1994]

TURKEY'S CONFIDENT LEADER

(By Lally Weymouth)

ISTANBUL.—In a country where a radical Islamist party is growing in strength, and increasingly women are seen on the streets of major cities wearing the chador, the prime minister is a decidedly modern woman who has surprised the experts with her staying power. From the day 48-year-old Tansu Ciller came to power little over a year ago, analysts have been predicting the fall of her coalition. So far, however, she has managed to prove them wrong.

It remains true, however, that virtually every move Ciller makes is controversial. Some Turks criticize her as a disorganized novice; she's an academic-turned-prime-minster. Others say she has failed to deal with Turkey's economic crisis; inflation this year is running at 116 percent, and the growth rates is negative.

Yet the prime minister appears cool and unflappable as she steps out of a helicopter in Istanbul and enters her palace to talk about Turkey's problems.

For one thing, Turkey's relationship with Washington has deteriorated in the post-Cold War era. Meanwhile, Ciller has many soldiers deployed fighting terrorists in the southeast of Turkey. On the domestic front, she's engaged in an effort to reschedule a by-election for some national assembly seats, a vote originally scheduled for early December. Experts have been predicting that Ciller's party wouldn't fare well in these elections, since the majority of seats at stake are located in southeast Turkey, where the fundamentalist "Welfare Party" is strong.

Ciller, however, says confidently, "We are the majority party in the parliament . . . and I think we'll increase that majority. . . . We're going to do much better than ANAP [the other right-of-center party.] . . . I'm secular and democratic and progressive and this is what people want."

The central threat to Ciller's party and to all mainstream Turkish parties is the radical Islamist "Welfare Party." The prime minister nevertheless plays down the fundamentalist threat, claiming that the fundamentalists have only 15 or 16 percent of the vote, Indeed, she argues that their core vote is even smaller than that; she believes that Welfare attracts a considerable number of protest voters who are reacting to Turkey's economic problems.

Shouldn't her party (the True Path) merge with the other right-of-center party (the Motherland Party)—to offer voters a united front against the fundamentalists? Ciller, who has acquired a populist touch, strikes out at the Motherland Party, calling it elitist, "the product of the military coup. They had contacts [only] with the upper class," says Ciller, claiming that her True Path Party "represents the peasants and small businessmen, the artisans and free traders—the private sector." In the next elections, she predicts, Turkish voters will opt for one party, and "very likely it's going to be me and my party they will choose."

As Ciller sees it, she's faced with two major problems: an economic crisis and a terror threat. In the economic realm, she's trying to privatize the state sector: "I'm for a free market economy. . . but we've had problems in the economy because the government sector was so big. The government is in finance, in banking, in manufacture—everywhere."

As for terrorism, when Ciller became prime minister, the Syrian-sponsored PKK terrorists controlled large areas of southeast Turkey. Although she and other Turkish officials have not noticed any dropoff in Syrian support for the terror group, Ciller says she has used her army to regain control over much of the southeast. The prime minister says confidently that factories and schools are open again after having been closed for six years. "Life is going back to normal. . . and I did it in one year," she said. "We still have problems, but it's a big step in the right direction."

Her government has been criticized for the harsh methods used by the army in fighting the PKK, but Ciller claims she had no choice: "The fight was not against people living in the southeast [but] against the PKK who were killing the Kurdish and Turkish people without discrimination."

Turning to foreign affairs, Ciller notes that Turkey was a faithful U.S. ally during the Cold War, and cooperated with the United States and its allies in prosecuting the gulf war, shutting down an oil pipeline from Iraq that had produced large revenues for Turkey, thus causing economic hardship.

Recently, when Saddam marched toward Kuwait, Ciller said she told President Clinton that "we back the U.S. 100 percent and that I would provide any help the president would ask."

Yet she hesitates when it comes to the question of renewing "Operation Provide Comfort"—the program started by the United States and the international community to aid the Kurds in northern Iraq. "My people have hesitations about Provide Comfort because they feel it might help separate northern Iraq from the rest of the country," she said. "We feel the territorial integrity of Iraq should be maintained."

Ciller has endeavored to warn Washington about Russia's aggressive posture. "We know what is going on there . . . and we cannot close our eyes to the fact . . . that there are forces within Russia who want to go back to the old empire, to the old ways. . . . Aggression should be stopped—be it in Bosnia, in Azerbaijan or Kuwait."

Tansu Ciller is looking to the future. She plans to guide Turkey into the Customs Union of the European Union. Then, she wants Turkey to play some role in the Middle East peace process. Moreover, she wants to aid the Turkic Republics of the former Soviet Union emerge into independence.

But, says the prime minister, "we need help." She does; she also deserves it.•

TRIBUTE TO SENATOR JAMES SASSER

• Mr. HEFLIN. Mr. President, JIM SASSER's departure from the Senate next year will leave a void that will prove difficult, if not impossible to fill.

JIM is a product of a classic Tennessee Democratic background. His father was an agriculture official who moved all over the rural areas of the State working on government programs. He went to law school at Vanderbilt and practiced in Nashville. He became active in politics in 1972, when he was named to head the Tennessee Democratic Party. He was elected to the Senate just 4 years later, and soon emerged as an expert on floor procedure and budget issues. He leaves as one of our most respected colleagues.

Over the years JIM kept in touch with Tennesseans by visiting each of the State's 95 counties once a year, hiking through the Cherokee National Forest to see how much timber is harvested, and boating over Kentucky Lake to see how the fish are affected by water pollution. His career was a lesson in how to successfully pay attention to the specific concerns of the people we represent, while at the same time serving as a strong national leader. His vision will be missed by his colleagues who remain in the Senate, but we hope to see him in other leadership positions in the future.•

STARVING THE POOR

• Mr. SIMON. Mr. President, while the editorial "Starving the Poor" appeared in the New York Times some weeks ago, what it says is still pertinent.

We should not continue to be the only modern industrial nation with a high percentage of our people in poverty.

It is not an act of God, but the result of flawed political policies. And my fear is we may compound our problems.

I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the New York Times, Nov. 24, 1994]

STARVING THE POOR

The poor, particularly at election time, are routinely demonized for political gain. Their exploitation in this way has brought us to a cruel place in the political landscape, a place where Americans—conservative, moderate and liberal—are finding it frighteningly easy to blame the poor for their own fate, even though that means condemning millions of children to poverty, hunger and hopelessness.

Given the savagery of the climate, it is useful to note what the Roman Catholic Church is saying in response. The church, through its efforts to feed and house America's poor, is intimately familiar with the problem of poverty. Of late the church's most compelling voice has been that of the Archbishop of New York, John Cardinal O'Connor, who last month lashed out at politicians who caricature the poor for political benefit. Cardinal O'Connor's observations last month in his column, published in the newspaper Catholic New York, merit extensive quotation:

"Cuts in serving the poor are the cuts most vehemently demanded and most popularly accepted because the poor have been so grossly caricatured, easy to blame, easy to hate." He continued: "'The poor are poor because they want to be poor,' because 'they don't want to work'. . . .: such are the clichés by which the poor can starve to death. . . . Will we be proud of ourselves to know that we have saved money on the bellies of the starving? Will we ease our consciences by asking with Scrooge, 'Are there no prisons? Are there no workhouses?'"

About the cruel stereotyping of the poor, the Cardinal said: "It is increasingly rare for many of us . . . to believe that people can be poor, but honest, poor, but deserving of respect. Poverty is no longer blamed on anyone but the poor themselves. Contempt for the poor has become a virtue."

These views were underscored last week at the National Conference of Catholic Bishops, meeting in Washington. Its president, Archbishop William H. Keeler of Baltimore, warned against "punitive welfare provisions" that would destroy fragile families and bury children deeper in poverty. Archbishop Keeler said the bishops' opposition to such cruelty was not partisan, but based on the church's teachings about "the dignity of life." He put the church squarely on the side of the vulnerable.

By all means, reform the welfare system, end the cycle of dependency, put able-bodied people to work. But politicians also need to remember that the country has a moral obligation to feed and protect those who cannot feed and protect themselves. Even trying, we fall short of the mark. If we cease to try at all, we inflict needless human suffering, and become less of a society as we do.•

TRIBUTE TO H.A. ALEXANDER

• Mr. HEFLIN. Mr. President, H.A. Alexander, mayor of the city of Moulton, AL, from 1968 to 1988, died on December 1, 1994.

Mr. Alexander is remembered well for his contributions and sound leadership as mayor. During his tenure, he managed to get paved roads in Moulton, establish the city's first water treatment facility, and put in place its first public water system. He was also instrumental in improving the city's recreational facilities, as demonstrated by the youth softball and baseball complexes and the Deer Run Golf Course.

Alexander was a veteran of World War II, a teacher and principal at Speake High School, and the owner and operator of Alexander Sales, which he owned for 22 years.

H.A. Alexander will be missed greatly by the community of Moulton, and by all who knew him.

My sincerest condolences are extended to Alexander's wife, Olivia Wilcoxson Alexander, and their entire family during this time of sadness.•

WHY WE HATE GOVERNMENT

• Mr. SIMON. Mr. President, a longtime friend of mine, Charles Klotzer, publisher of the St. Louis Journalism Review, recently had some observations about the election of November 8, 1994, that I think should be of interest to people of every political persuasion.

At one point, he hits on what I think is the nub of a problem that we have that goes beyond anyone's politics. He writes:

> We have lost compassion. Helping our community has been reduced to handing our ineffectual neighborhood breadbaskets. The community as a collective is eager to dismantle welfare and unemployment programs.
>
> We reject an egalitarian society which provides equal opportunities, substituting a class structure that equates value with income. We believe that school districts without much property to tax probably deserve no better.
>
> We resent others. The schism between various ethnic and religious groups is growing. We cultivate righteousness at the expense of community.
>
> These trends have been abetted if not promoted by the media. Marketing consultants are earning their keep by telling the media they can only survive if they offer what is popular. Catering to the lowest common denominator of public acceptance as most media do, abandons the media's crucial function as a wellspring of new and independent ideas.
>
> The public indoctrination of what government represents could never have gotten hold without the media.

Mr. President, I ask the Charles Klotzer editorial/observation, which appears under the title, "Why We Hate Government," be printed in the RECORD.

The material follows:

"WHY WE HATE GOVERNMENT"

(By Charles L. Klotzer)

"What lies behind the turnover of power," asked Robert MacNeil when opening that evening's discussion on the MacNeil-Lehrer News-hour the day after the elections.

The common consensus by pollsters, commentators, politicians on the media circuit is that voters revolted against "big government" and against too much control from Washington DC. They say the vote was largely propelled by fear of crime, by uncertainty about their future, by cynicism about programs and officials, elected or appointed, and by anger against a leadership symbolized by President Bill Clinton.

Beyond any doubt, the public was out to repudiate government. This phenomenon, so the media tells us, was evident from the precinct level to the national arena. It was not that anyone in particular opposed the rebuilding by government of a bridge in disrepair, or the investigation by government of an airplane accident, or the investment by government of funds to find a cure for cancer. Nevertheless, everyone was bitter, be it in their reduced take-home pay, their apprehension—well founded or not—of taking walks at night, or their unmet expectations in their personal or professional lives. Somehow it was all linked to the "failure" of government.

The institution of government, more so than the Democratic or Republican parties, is suspect. Governmental regulations are resented. Paperwork required in dealing with any governmental level is always excessive. Officials are probably corrupt, and if not corrupt, they are probably lazy.

If we just could function without governmental interference in our daily life, without all the regulations. A poll by the Times Mirror Center for the People and the Press found a massive, public disaffection among the electorate.

The electorate is "angry, self-absorbed and politically unanchored," were the findings. Frustrations and deep skepticism with the political system is rooted "in their struggle with the economic limitations they face."

The one question which has not been asked is simply: why does the public think that the government is the cause of their perceived misery?

If your wages are too low, wouldn't it be more logical to organize and pressure employers to increase benefits?

If you cannot afford health insurance anymore, wouldn't it make more sense to demand that government step in until you find another job?

If you are bothered by crime in your neighborhood, wouldn't it be appropriate to ask you local police to provide more protection, even if your taxes will go up as a result?

Some problems, we know, cannot be solved by individuals. You need a collective, a government, representing the majority of its constituents to address those concerns beyond the reach of individuals.

Rationally, we know we need government.
Emotionally, we resent government.

The question is: why?

It appears that this public attitude has been cultivated, nurtured and shaped by all the interests which oppose governmental intervention and governmental supervision.

Environmental laws have hurt some sections of our industry.

Requirements for a safe work place have not been uniformly welcome.

Reducing the production of weapon systems represents a redistribution of economic power.

Supervision of America's processing facilities and required modifications will incur unwelcome expenditures.

The list is endless.

All of these interests—hurt in the short term, although beneficiaries, like all of us, in the long term—knew that an anti-government drive in their own name would be rejected by the American public.

Attacking protective and regulatory legislation in their own name would be counterproductive. These interests had to convince the public at large that it is in their interest to suspect government. And were they successful.

Their aim went beyond a particular piece of legislation; they struck out at government itself, the root cause of their discomfort.

No, these concerted efforts were not due to some conspiracy hatched out in secret. No need for that. The self-interest, which usually means the bottom line, propelled the economic movers and shakers in our country to finance movements, politicians, and media campaigns to mold public opinions. Ultimately, we all felt that it was our idea in the first place.

The net outcome is not only a change in political power, but also attitudinal changes which are much more serious.

We have lost compassion. Helping our community has been reduced to handling our ineffectual neighborhood breadbaskets. The community as a collective is eager to dismantle welfare and unemployment programs.

We reject an egalitarian society which provides equal opportunities, substituting a class structure that equates value with income. We believe that school districts without much property to tax probably deserve on better.

We resent "others." The schism between various ethnic and religious groups is growing. We cultivate righteousness at the expense of community.

These trends have been abetted if not promoted by the media. Marketing consultants are earning their keep by telling the media they can only survive if they offer what is popular. Catering to the lowest common denominator of public acceptance as most media do, abandons the media's crucial function as a wellspring of new and independent areas.

The public indoctrination of what "government" represents could not have gotten hold without the media.•

TRIBUTE TO BEN H. CRAIG

• Mr. HEFLIN. Mr. President, Ben H. Craig, former mayor of Florence, AL and 1994 Shoals Chamber of Commerce Small Business Person of the Year, died recently at his home after a lengthy illness.

Ben was known as a true gentleman by those who knew him and by his entire community for his contributions to historic preservation and his generosity to the University of North Alabama.

His company, B.H. Craig Construction, contributed to many public projects and stands as a tribute to Ben and his betterment of the community.

Ben Craig will be greatly missed by the people of Florence and by all those who knew him personally.

My sincerest condolences are extended to Ben's wife, Ann Craig, and their entire family in the wake of this tremendous loss.

I ask that a news article recounting the life and work of Ben Craig be printed in the RECORD.

The article follows:

FORMER FLORENCE MAYOR BEN CRAIG DIES

(By Lena Mitchell)

FLORENCE.—Former Mayor Ben H. Craig, the 1994 Shoals Chamber of Commerce Small Business Person of the Year, died Sunday at his residence after a lengthy illness. He was 73.

Florence and the Shoals lost a builder, historian benefactor, former mayor and generally great gentleman, said many who were close to him.

Craig founded B.H. Craig Construction Co. in 1951, and his company's work includes Joe Wheeler State Park Resort near Rogerville, Turtle Point Yacht and Country Club in Florence, the Franklin County Courthouse in Russellville, Bradshaw High School in Florence and the Natchez Trace Bridge across the Tennessee River.

His firm was recently named the prime contractor on the city's $6.7 million conference center adjacent to Renaissance Tower.

"He was one of the finest gentlemen in the area, well-respected, and will be missed by all of us," said architect Stan Tomblin. "We worked together on a number of different projects over the years—Eliza Coffee Memorial Hospital, Colbert County Courthouse, and they had just completed the renovations for the Florence Police Department."

Craig was mayor of Florence from 1966 to 1969 and retired Florence Housing Authority director Karl Tyree remembers that he not only led a very progressive administration, but left his mark on the city in a very personal way.

"He was invaluable to us in his progressive thinking," Tyree said. "He was a mayor at a time when it was very important to continue our program when they were under attack nationally. He really had a wonderful and productive life. He was a close friend and very dear to all of us."

Craig and his wife, Ann, recently made a gift of $250,000 to the University of North Alabama to establish an endowment in memory of his mother, Emma Vaughn Craig, and grandmother, Susan Kirkman Vaughn, and an endowment for the Ben H. Craig professorship in geography.

His firm built Flowers Hall and did renovations on Powers Hall, Rogers Hall and the Towers residence halls at UNA.

University President Robert L. Potts said he was deeply saddened by Craig's passing.

"Ben Craig was a kind, gentle and generous man," Potts said. "He was a true friend of the university who gave freely of his time and resources to advance our programs and he will be greatly missed by all at the university. He was a very special person."

Craig was a member of the UNA President's Cabinet, past president of the Florence Rotary Club, was named a Paul Harris Fellow and was an elder at First Presbyterian Church of Florence, where he had also served as a deacon.

Florence historian William L. McDonald praised Craig's commitment to preserving the history of the city and the Shoals area.

"We shall long remember his as one of our outstanding mayors and church and community leaders," McDonald said. "Ben has done more for historic preservation then perhaps anyone in North Alabama. It was through his expertise, labor and love that many of our historic shrines have been rescued and preserved for the generations yet to come."

Survivors include his wife, Ann Craig, Florence; daughters, Landis Williams, Caroline O'Brien, Nancy Marbury, Catherine Craig, all of the Shoals area, Margaret Schafer, Houston, Texas, Frances Craig, New York, N.Y.•

HOUSE OF REPRESENTATIVES—*Tuesday, December 20, 1994*

The House was not in session today. Its next meeting will be held on Wednesday, January 4, 1995, at 12 noon.

APPOINTMENTS BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

Pursuant to the provisions of section 114(b) of Public Law 100–458, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to appoint Commissions, Boards, and Committees authorized by law or by the House, the Speaker, on Monday, December 5, 1994, did reappoint to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development the following member on the part of the House:

Mrs. Boggs, Louisiana, for a term of 6 years.

Pursuant to the provisions of section 4 of the Congressional Award Act, section 803 of title 2, United States Code, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker, on Monday, December 5, 1994, did reappoint to the Congressional Award Board the following members on the part of the House:

Mr. Eugene Moos, Washington, DC.

Mr. Thomas Hale Boggs, Jr., Washington, DC.

Ms. LaBrenda Garrett-Nelson, Washington, DC.

Pursuant to the provisions of section 491 of the Higher Education Act, as amended by section 407 of Public Law 99–498, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to appoint Commissions, Boards, and Committees authorized by law or by the House, the Speaker on Monday, December 5, 1994, did appoint to the Advisory Committee on Student Financial Assistance the following member on the part of the House:

Ms. Lola J. Finch, Pullman, WA.

Pursuant to the provisions of section 904(b) of Public Law 103–236 and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker, on Monday, December 5, 1994, did appoint to the Commission on Protecting and Reducing Government Secrecy the following member on the part of the House:

Mr. Maurice Sonnenberg, New York, NY.

Pursuant to the provisions of section 503(b)(3) of Public Law 103–227, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Monday, December 5, 1994, did appoint to the National Skill Standards Board the following members on the part of the House:

For 3-year terms:

Mr. James D. Burge, Washington, DC.

Mr. Kenneth R. Edwards, Rockville, MD.

Mr. William E. Weisgerber, Ionia, MI.

For 4-year terms:

Mr. Herbert J. Grover, Gresham, WI.

Ms. Carolyn Warner, Phoenix, AZ.

Mr. George H. Bliss III, Washington, DC.

Pursuant to the provisions of section 211(b)(F) of Public Law 101–515, as amended by section 260001 of Public Law 103–322, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to appoint Commissions, Boards, and Committees authorized by law or by the House, the Speaker and the minority leader on Monday, December 5, 1994, did jointly appoint to the National Commission To Support Law Enforcement the following Member of the House:

Ms. SLAUGHTER, New York.

Pursuant to the provisions of section 211(b)(F) of Public Law 101–515, as amended by section 260001 of Public Law 103–322, and the order of the House of Friday, October 7, 1994, authorizing the Speaker and the minority leader to appoint Commissions, Boards, and Committees authorized by law or by the House, the Speaker on Friday, December 9, 1994, did appoint to the National Commission To Support Law Enforcement the following member on the part of the House:

Mr. Sam Cabral, Burke, VA.

COMMUNICATION FROM HON. ROBERT H. MICHEL, MINORITY LEADER

OFFICE OF THE REPUBLICAN LEADER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 30, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 604 of Public Law 103–394, I hereby appoint the following individual to serve as a member on the National Bankruptcy Review Commission:

M. Caldwell Butler of Roanoke, VA.

Sincerely,

BOB MICHEL,
Republican Leader.

COMMUNICATION FROM HON. ROBERT H. MICHEL, MINORITY LEADER

OFFICE OF THE REPUBLICAN LEADER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 2, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 4 of the Congressional Award Act (2 U.S.C. 803), I hereby appoint the following individuals to serve as members of the Congressional Award Board:

Mr. Thomas A. Campbell of Alexandria, VA and

Ms. Candice Shy Hooper of Arlington, VA.

Sincerely,

BOB MICHEL,
Republican Leader.

COMMUNICATION FROM HON. ROBERT H. MICHEL, MINORITY LEADER

OFFICE OF THE REPUBLICAN LEADER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 902(a) of Public Law 103–359, I hereby appoint the following individuals to serve on the Commission on the Roles and Capabilities of the United States Intelligence Community:

Representative Porter Goss of Florida and

Mr. Robert E. Pursley of Stamford, CT.

Sincerely,

BOB MICHEL,
Republican Leader.

COMMUNICATION FROM HON. ROB PORTMAN

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 30, 1994.

Hon. THOMAS FOLEY,
Speaker of the House, H–204 of the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Southern District of Ohio for materials related to a civil lawsuit.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

BOB PORTMAN,
Representative.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMUNICATION FROM THE CLERK OF THE HOUSE FOLLOWING THE SINE DIE ADJOURNMENT OF THE 103D CONGRESS

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 2, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, December 2, 1994 at 9:55 a.m.: that the Senate passed without amendment H.R. 5110.

With great respect, I am

Sincerely yours,
DONALD K. ANDERSON, *Clerk,*
U.S. House of Representatives.

ENROLLED BILL SIGNED AFTER SINE DIE ADJOURNMENT

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5110. An act to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations.

BILL PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On December 2, 1994:

H.R. 5110. An act to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted Tuesday, December 13, 1994]

Mr. FORD of Michigan: Committee on Education and Labor. Report of the Activities of the Committee on Education and Labor during the 103d Congress (Rept. 103–872). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 15, 1994]

Mr. McDERMOTT: Committee on Standards of Official Conduct. Report of the Summary of Activities of the Committee on Standards of Official Conduct during the 103d Congress (Rept. 103–873). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 19, 1994]

Mr. SABO: Committee on the Budget. Activities and Summary Report of the Committee on the Budget during the 103d Congress (Rept. 103–874). Referred to the Committee of the Whole House on the State of the Union.

Mr. GIBBONS: Committee on Ways and Means. Report on legislative review activity during the 103d Congress of the Committee on Ways and Means (Rept. 103–875). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on Post Office and Civil Service. Report of the Activities of the Committee on Post Office and Civil Service during the 103d Congress (Rept. 103–876). Referred to the Committee of the Whole House on the State of the Union.

EXTENSIONS OF REMARKS

MANAGED CARE IN THE DISTRICT OF COLUMBIA: IT MAY BE DANGEROUS TO YOUR HEALTH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. STARK. Mr. Speaker, in an effort to control Medicaid costs and to use the savings to expand coverage to additional uninsured residents, the Department of Health and Human Services has been granting Medicaid waivers to some States to experiment with various managed care systems.

The people being "experimented" on are poor people, people who have historically been unable to obtain adequate, dependable, quality health care.

One of the waivers which has been granted is to the District of Columbia. Following are some memos I've received from the House District of Columbia Committee Staff members indicating some severe problems with HHS's oversight of and the District government's operation of the D.C. program.

It is imperative that HHS give more attention to the operation of the District's program. The new leadership in the District government must take steps to improve the program and to ensure that private contractors are providing quality care to this vulnerable population.

The managed care problems in the District of Columbia are also occurring in other jurisdictions. HHS's entire "waiver" program needs strong congressional oversight in the 104th Congress.

NOVEMBER 7, 1994.

To: Pete Stark
From: Staff
Re: D.C. Medicaid Managed Care

Over the last few days I've talked to HCFA, several providers, community groups, and others about the District's new mandatory Medicaid managed care program. There appear to be several serious problems.

Five major problems include:

1. Recipients do not know they've been moved into managed care, how it works or that they've been assigned to an HMO. The District's procedures for informing recipients about the managed care program and getting them transferred in are inadequate. The three hospital outpatient clinics I've talked to estimate that 70-80 percent of their patients show up to get care and have no knowledge of the program, or of any choice they were supposed to make about doctors. The District's own data indicates that less that 25 percent of all beneficiaries choose a doctor during the 10-day choice period, while the other 75 percent (a large majority of whom later attempt to change) are assigned one. There are a number of practices that appear to contribute to the problem: letters sent to recipients explaining the program and what the recipient needs to do are unintelligible (I have read them, and without great effort cannot make them out), and are not accompanied by any other efforts to educate recipients about the program; the letters provide misleading and incomplete information; there is no follow up when a letter comes backs indicating an address change, etc; the 10-day "choice period" is horribly inadequate and by the time recipients actually get the letter, translates to a 2-3 day choice period; recipients are not being contacted within the required 30-day time frame by the HMO/doctor to whom they've been assigned; and according to counsel for a class action suit being brought against the District[1] provider lists are not even being sent to many recipients (they should be sent to recipients along with the letter informing them they have 10 days to choose).

2. Recipients have great difficulty disenrolling from a plan once they've been assigned to it, or believe they cannot disenroll (recipients should be able to disenroll at any time, without cause, by simply calling the program's "HelpLine"—the central number that handles all enrollment, disenrollment, eligibility verification, and payment issues). Because such a small percentage of recipients actually select a doctor during the 10 day period they are given to make a selection, this problem affects the large majority of beneficiaries. The problem is apparently caused by a combination of factors: inability to get through to the "Helpline" (in a test of the system last Friday, I was on hold for 1 hour and 15 minutes before I hung up); incorrect information given by "Helpline" staff to recipients about their ability to change and about what they must do in order to change (a number of recipients have been told they must first call their HMO and discuss with them their reasons for wanting to disenroll); misleading information in letters that implies that recipients are not allowed to disenroll beyond a certain date; and slow processing of disenrollment requests (by law, all disenrollments must be processed within 60 days; many recipients, however, have seen waits of 4-5 months). Although the problem has apparently improved somewhat since a private company called First Health temporarily took over the Helpline, there is concern the problem will continue once the District takes back this responsibility.

3. Recipients have difficulty or are unable to get referrals for needed care. This problem has been particularly evident for pregnant women transferred into the program. It occurs when a patient shows up to see their old doctor and finds out she is now in managed care and has been assigned a new doctor. The recipient wants to keep her old doctor and needs treatment then. In order to get treatment at that time from her previous doctor/clinic, the patient is told—despite internal policy that allows the Helpline staff to approve referrals automatically for pregnant women—that she must first get a signed referral from the new primary care provider. Frequently, the new doctor/HMO refuses to provide the referrals, the patient is unable to get in touch with him/her, or it takes several weeks to get the referral. Apart from the issues of disruption is care and choice, the referral problem is exacerbated by the fact that many pregnant women get assigned to pediatricians, interns, and other doctors who don't even do prenatal care, but are classified under the system as "primary care providers". Providence hospital has provided us documentation of 35-40 cases they had in a two week period involving pregnant women receiving prenatal care through their outpatient OB-GYN clinic (many of whom were in their last two weeks of pregnancy when they were shifted into managed care) who were unable to get referrals. Although I don't have documentation of this yet, Prudential is apparently going so far as to (illegally) tell their Medicaid members that they—as a rule—can only refer them to providers within their network.

4. Families are being split up under the program such that family members are being assigned to different HMO's or primary care providers. As far as I can tell, this is caused by the District's "automatic computerized enrollment" process that currently can only group and assign recipients on the basis of last name.

5. Medicaid recipients enrolled in certain HMO's appear to have access to only a very limited number of the doctors available to non-Medicaid enrollees in the HMOs. I do not yet have documentation of this, but if it is in fact occurring, such a practice would raise serious questions about access and quality of care, and potential questions about violation of current law.

NOVEMBER 10, 1994.

To: Pete Stark
From: Staff
Re: D.C. Medicaid Managed Care: HMO Provider Networks

Since my last memo I've received a list of the primary care providers in the Prudential and George Washington HMO's, as well as a list of the providers available to Medicaid members enrolled in these HMO's. In both cases, Medicaid members have access to only a small fraction of the network providers available to non-Medicaid members.

In addition to dramatically reducing the total number of primary care doctors available to Medicaid recipients—both in terms of the number that would otherwise be available under the District's managed care program, and in terms of the number that were available prior to managed care—the practice of limiting Medicaid enrollees to a subset of an HMO's providers appears to be prohibited under current law.

Information on the Prudential and George Washington networks, as well as a summary of current law and regulation affecting Medicaid member's access to HMO provider networks follows.

PRUDENTIAL AND GEORGE WASHINGTON NETWORKS

A comparison of the Prudential plans shows that:

(a) While the company's complete HMO network (known as the Prudential HMO of the Mid-Atlantic) consists of 836 primary care providers, its current provider network

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[1] The suit includes six claims—all relating to problems in the District's overall Medicaid eligibility determination process.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for Medicaid members consists of 41 primary care providers.

(b) 426 of the network's 836 providers are within Prudential's own definition of the Washington DC Metro/Western Maryland Area (and are thus reasonably accessible, in terms of travel time, to District Medicaid recipients).

(c) Of the 42 providers listed in Pru's general HMO network within the District itself, 20 are not available to Medicaid enrollees (making any argument that the network was defined by what Providers are most accessible to District beneficiaries moot).

(d) And, perhaps most important, 22 of the providers in the provider network open to Medicaid members are not in Prudential's general HMO network (suggesting potential serious quality of care/credentialing differences that should be examined).

A comparison of the George Washington plans shows that:

(a) While the CWU HMO allows its non-Medicaid members to choose between two general delivery options—they can choose to receive care through either a network of participating private practice physicians or through one of six Health Care through a Health Care Center.

(b) Of the six Health Care Centers available to non-Medicaid members, five are not available to Medicaid members. Medicaid enrollees are limited to receiving care through only *one* of these six Centers and through one additional Center which is not availiable to GWU's non-Medicaid members.

(c) While the GWU HMO consists of more than 540 primary care doctors, a total of only 44 doctors are available to Medicaid members.

(d) Of the 540 doctors in GWU's network, however 135 are within the District itself (again, making any argument that the network has been defined to include those doctors most accessible to Medicaid recipients moot)

STATUTORY AND REGULATORY REQUIREMENTS FOR HMO MEDICAID PROVIDER NETWORKS

1. Although there are no District (or federal) laws that specifically address whether panels one companies' various plans must be open, there are two District regulations (both included in the District's "Regulations for Managed Care Providers that serve AFDC and AFDC-related Medicaid Recipients") that define requirements for access to providers and integration of Medicaid members into HMO health plans.

41 DCR 1766 (2307.5) states that "each AFDC and AFDC-related Medicaid recipient enrolled in a pre-paid, capitated provider's plan shall receive service through the same health care providers and facilities that serve non-AFDC and AFDC-related Medicaid enrollees."

41 DCR 1766 (2307.6) states that "each AFDC and AFDC-related Medicaid enrollee shall be fully integrated into the prepaid, capitated provider's plan membership and shall not be treated in a manner different from non—AFDC or AFDC-related Medicaid enrollees."

2. Although there are no federal statutory or regulatory requirements that specifically address what providers Medicaid and non-Medicaid members must have access to, there are two federal rules that addresses the scope of beneficiaries' access to providers. One focuses on Medicaid members' freedom of choice within an HMO, and another focusses on equality in access.

42 CFR 434.14 states that "the HMO must * * * make the services it provides to its Medicaid enrollees as accessible to them (in terms of timeliness, amount, duration, and scope) as those services are to nonenrolled Medicaid recipients within the area served by the HMO."

42 CFR 434.29 states that "the contract [between the state and HMO] must allow each enrolled recipient to choose his or her health provider in the HMO to the extent possible and appropriate." According to HCFA, this rule is designed to ensure benficiaries' ability (a) to choose—versus be assigned to—providers within an HMO's network, and (b) to select from among all providers within a HMO that are accepting new patients.

MR. GINGRICH IS RIGHT ON THE NEED TO BUILD THE "SEAWOLF" SUBMARINE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 20, 1994

Mr. MACHTLEY. Mr. Speaker, since being elected to the House of Representatives in 1988, a year before the fall of the Berlin Wall and the symbolic end of the cold war, I have paid particular attention to the future of our national defense. I am proud of my service as a member of the House Armed Services Committee. I have worked hard to ensure that our men and women in uniform are trained and ready to fight and are equipped with the world's most modern and lethal weaponry.

Defense planning and budgeting is no easy business, especially with the uncertainties the Defense Department now faces from new threats abroad and at home due to a constrained budget environment. We are already seeing the first signs of a new, hollow Army, and I fear that we will soon experience the same hollowness in our industrial capability.

Like matters of troop readiness, the future of the Nation's defense industrial and technological base is too important to be decided by partisan politics. As I leave the House of Representatives, I am concerned about our ability to build the world's most quiet, technologically advanced, lethal, safe, and cost-effective nuclear submarines. I fear that the balance struck between our ability to design and engineer future submarines and the need to maintain even modest production of present generation submarines will be wrecked with little regard for our own future defense requirements.

But I am encouraged by some recent statements of the gentleman from Georgia, Mr. GINGRICH, regarding the future of the Nation's submarine industrial base and a vow to push hard for funding for SSN–23, the third and last *Seawolf* attack submarine, and for its successor, the Navy's new attack submarine.

Mr. Speaker, if there is no objection, I would like to enter for the RECORD an article from the October 16, 1994, New London Day headlined "Gingrich Endorses More Subs While Stumping for Munster."

Mr. Speaker, the gentleman from Georgia should be praised for his attention to matters of national defense during his tenure in the House of Representatives. As an Army brat, he knows first hand the importance of a ready military equipped with the most modern weaponry. Mr. GINGRICH has served on study groups at the Center for Strategic and International Studies and other think tanks. I expect that he will continue to be a strong leader on matters of national defense in the 104th Congress.

It is clear from the article that the gentleman from Georgia has paid particular attention to the future of the submarine industrial base as the Nation develops and equips its post-cold-war military for the uncertainties of the next century. I was pleased to read that he told an audience in Connecticut that—

> You can't allow our industrial base to collapse in the defense area. * * * Developing the most acoustically silent submarine in the world takes years of technical skill.
>
> And if that base ever disappears, it will take us 20 years to rebuild it.

The third and final *Seawolf* has been labeled an "industrial base" submarine due to its crucial role in maintaining the vital submarine industrial base. There is, Mr. Speaker, substantial military value for the submarine missions of the 21st century to justify the cost of completion of SSN–23.

The environment of the 21st century will demand a highly adaptable attack submarine for: convert surveillance and intelligence collection in the coastal regions; covert insertion and recovery of Special Forces; quick response, covert Tomahawk strike missions; antisubmarine warfare against modern diesel-electric submarines owned by rogue states like North Korea and Iran; and anti-SSSN capability against missile submarines in the event Russia or China comes under control of unfriendly or erratic leadership.

The *Seawolf,* designed to be the world's most advanced submarine, has multimission capabilities that complement the less expensive new attack submarine and are much improved over those of the SSN–688I. The *Seawolf* has greater weapons capacity, higher speed capabilities, more internal space and a greater depth capability than the SSN–688I or the new attack submarine.

The civilian and military leadership of the Pentagon—the Office of the Secretary of Defense, the Department of the Navy, and the Joint Chiefs of Staff—all agree that the only way to preserve the nuclear submarine industrial base is to keep building submarines. Following detailed analyses and numerous studies, the Department of the Defense concluded that the most technologically and cost-effective path to take is the one it has embarked on: build the third and final SSN–23 *Seawolf* nuclear attack submarine in fiscal year 1996 and commence production of a the new attack submarine in fiscal year 1998.

The submarine supplier base represents a fragile national security asset. It is large and diversified, but is rapidly contracting due to cutbacks in military spending and changed defense priorities. There are approximately 600 major equipment suppliers and a total base of almost 3,000 companies when subtier and commodity suppliers are included. This nationwide network is made up of large firms that devote a small percentage of their engineering expertise and productive capacity to a small nich market, as well as small companies with such highly specialized products and skills that they are heavily—or even wholly—dependent on submarine work for their survival.

The importance of the supplier base is highlighted by the fact that shipyard costs account for about 35 to 40 percent of the total cost of a submarine; the remainder goes to hundreds of other suppliers for products and services furnished to the shipyard and the Navy.

Many of the companies that make up the submarine supplier base have gone through significant, and in some cases drastic, downsizing and reorganization in their efforts to remain viable. Some have abandoned submarine work or gone out of business altogether. Others will follow before the shakeout in the defense industry runs its course.

There is a great wealth of information available to all Members of Congress on the preservation of the submarine industrial base and the vast but fragile vender base around the Nation that supports submarine building. I would urge my colleagues—and all new Members of the House of Representatives—to call the Defense Department for a detailed briefing on this important matter of national security that affects all of our constituents.

The gentleman from Georgia also spoke about the continuing Russian submarine production program. He stated: "People need to be aware * * * that the Russians are continuing the momentum of their submarine research. So you just can't stop with this generation [of submarine]. We've got to continue to work on the kind of breakthroughs that will allow us to build a next generation submarine. That submarine would be built in Connecticut."

Much of the information about the continuing Russian submarine research and production programs—as well as the growing Third World submarine threat—is classified and cannot be discussed publicly in any detail. I would encourage all of my colleagues and those newly elected Members of Congress to arrange a briefing with the Department of the Navy.

While the gentleman from Georgia acknowledged that he had in fact voted for a rescission of SSN–22 and SSN–23, the second and third *Seawolfs,* during the Bush administration, he stated that his "presumption was that we'd come back and build number two the year after and number three the year after that," adding that, "It's a flat falsehood to suggest I ever voted to zero out the *Seawolf.*"

Mr. Speaker, there will be those who will oppose building the third and final *Seawolf* for purely political reasons. But as Mr. GINGRICH knows, there is nothing political about ensuring the Nation's ability to first deter through strength any potential adversary, and if deterrence fails, fight and quickly win any conflict anywhere in the world. Preserving the nuclear submarine industrial base—first by buying the third and final *Seawolf* in fiscal year 1996 and then commencing production of the new attack submarine in fiscal year 1998—is an integral part of our national defense.

[From The Day, Oct. 18, 1994]

GINGRICH ENDORSES MORE SUBS WHILE STUMPING FOR MUNSTER

MINORITY WHIP'S CLAIM "LAUGHABLE," SAYS GEJDENSON

(By Stan DeCoster)

NEW LONDON.—U.S. Rep. Newt Gingrich, the controversial, conservative Republican who hopes to be the next speaker of the House of Representatives, on Monday declared himself to be a major supporter of continued submarine construction at Electric Boat.

Gingrich made the comments before attending a $100-a-plate fund-raising luncheon at the Lighthouse Inn for Edward W. Munster, the Republican who is trying to unseat U.S. Rep. Sam Gejdenson, the Democratic incumbent in the 2nd Congressional District.

The Georgia Republican vowed to push for funding of the third Seawolf in the next Congress as well as continued financing of the attack sub that will succeed the Seawolf.

"You can't allow our industrial base to collapse in the defense area," he said at a press conference. "Developing the most acoustically silent submarine in the world takes years of technical skill. And if that base ever disappears, it will take us 20 years to rebuild it."

Gejdenson called Gingrich's comments laughable, saying he voted in 1992 to rescind funds for the second and third Seawolf subs in support of then-President Bush.

"The 1992 vote was a referendum on the future of the Seawolf submarine, plain and simple," Gejdenson said. "We won that referendum, no thanks to Newt Gingrich."

Gingrich, who is minority whip in the House, likely would become speaker if Republicans gain enough seats in November to claim a majority.

He is traveling about the country in hopes of boosting the chances of GOP candidates, especially those such as Munster who are in competitive races. In a poll commissioned by The Day and released Sunday, Gejdenson had the support of 42 percent of those expected to vote and Munster 33 percent. David B. Bingham, the nominee of A Connecticut Party, lagged behind with 9 percent.

Gingrich had been expected to attend a Monday morning fundraiser for Kevin Vigilante, a Republican congressional candidate in Rhode Island. But Paul Moore, a Vigilante spokesman, said they couldn't sell enough tickets to make the event worthwhile.

About 65 people attended the Munster luncheon.

Inside the Inn, Gingrich met briefly with reporters, talking mostly about the future of submarines. He carried a letter for Munster, assuring the Haddam Republican that he would seek to place him on the House Armed Services Committee if he defeats Gejdenson, a 14-year incumbent.

Gejdenson has been criticized by some in southeastern Connecticut for not sitting on the committee, which establishes defense and military priorities.

Gingrich also defended the Republican "Contract with America," a compliation of Republican priorities that the GOP promises would come to a vote within the first 100 days of the 104th Congress. Munster has signed the contract.

Gejdenson has charged the contract is nothing more than "Reaganism II" that would provide tax breaks for the rich and cut Social Security and Medicare.

Democrats, according to Gingrich, refuse to say what they would do to move America ahead.

"They don't like our contract," he said. "But where's theirs?"

He said defense spending should be geared up, with some estimates the Clinton White House is short-changing the defense and military by $80 billion and $120 billion below needed levels. Regarding submarines, he said:

"People need to be aware—that the Russians are continuing the momentum of their submarine research. So you just can't stop with this generation (of submarine). We've got to continue to work on the kind of breakthroughs that will allow us to build a next generation submarine. That submarine would be built in Connecticut."

He acknowledged that he voted for a "recission" during the Bush administration that included putting off the second and third Seawolf subs.

"My presumption was that we'd come back and build number two the year after and number three the year after that," he said. "It's a flat falsehood to suggest I ever voted to zero out the Seawolf."

Gejdenson responded by issuing a partial transcript of President Bush's recission notice. It stated; "Dissolution of the Soviet Union loading to a reduced threat, and the vigorous pace of U.S. submarine construction in the past decade, have eliminated the need for a new class of submarine."

"If," Gejdenson said, "the president's recission package would have passed, the Seawolf program would have been dead. And EB would have closed its doors."

Gingrich said he regularly supported increased defense spending while Gejdenson voted the other way.

"Gejdenson was voting to cut defense and get more for Connecticut," he said. "And in the long run, that's not sustainable."

COMMENTS ON THE NATION OF MALTA

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. HILLIARD. Mr. Speaker, it is inherent in Washington's role as the Capital of the free world for heads of state to come here for consultations and discussions with the leaders of the United States, and unfortunately many of their visits go unnoticed. However, one such visit which did not go unnoticed was a tour by the Prime Minister of Malta, the Honorable Fenech-Adami.

Prime Minister Fenech-Adami was the leader of a delegation which included his deputy prime minister/minister of foreign affairs, the honorable Guido de Marco. The delegation from Malta met with President Clinton, the Secretary of State, the National Security Advisor, the chairman of the House Foreign Affairs Committee, as well as the chairman of the Senate Foreign Relations Committee.

It is wonderful for the United States to host a delegation of leaders from another nation who exemplify the characteristics of honor and integrity. In an age when many of the nations of the world are entangled in blood feuds and ethnic genocide, it is refreshing to know that there are still nations, like Malta, who have able and fair-minded leaders.

A recent article in the Washington Times by Andrew Borowiec, succinctly described the positive changes which the strategic island of Malta has undergone since the 1987 election of Dr. Fenech-Adami. I hereby submit the aforementioned Washington Times article for inclusion in the CONGRESSIONAL RECORD.

[From the Washington Times, Sept. 25, 1994]

MALTA'S PRIME MINISTER TOUTS ISLAND AS NEW BUSINESS BASE

(By Andrew Borowiec)

Seven years of conservative rule have turned Malta into a prosperous island striving to become a major center of business activity in the western Mediterranean, its prime minister said yesterday.

Pointless prestige projects have been discarded, infrastructure has been developed, and Malta is anxious to join the European Union, Edward Fenech-Adami told editors and reporters of The Washington Times.

Because of structural problems in the EU, Malta's membership cannot be considered until 1996, "although legally we are entitled to it now," he said.

South of Sicily and a short distance from Tunisia, the "Island of Honey and Roses" remains painfully aware of the threat of Islamic fundamentalism battering Algeria.

Mr. Fenech-Adami described the Islamic movement as a "cauldron that has to be watched" and said the solution is "not to suppress it now and then, but eliminate it."

With a population of 370,000 and an area of 122 square miles, barely twice that of the District of Columbia, Malta is a bastion of Roman Catholicism. It has three churches per square mile.

The overwhelming influence of the church was challenged somewhat by the socialists who were voted out of power in 1987.

Overcoming the opposition of labor unions, the government this week drafted a major plan to revamp the huge shipyards it inherited from Britain upon independence in 1964.

Mr. Fenech-Adami described the agreement as a "milestone," saying Malta no longer will build ships, but will develop the yards into joint ventures making containers and cranes.

Trying to keep the shipyards working "was a desperate act on the part of the socialist government," he said. When the socialists flirted with Libya before the rise to power of Mr. Fenech-Adami's Nationalist Party, Libyan gunboats were repaired in the shipyards.

Although under his leadership Malta has distanced itself from Libya, Mr. Fenech-Adami said a "good working relationship" continues and "the proximity of Libya cannot be ignored."

Mr. Fenech-Adami said Malta has registered constant economic growth in recent years, including 8.1 percent last year. Unemployment is 4 percent on an island whose men in the past frequently left in search of work.

The inflation rate has been reduced to 4 percent, he said. "We now think of Malta as a hub, promoting it as a center of international trade and business activity."

Discussing the plans for Malta's EU membership, Mr. Fenech-Adami said: "The prospects are good. Malta has gained a lot of credibility. Our low unemployment—and I call it full employment—is due to the high degree of confidence."

TRIBUTE TO PAT RIESLER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. GILMAN. Mr. Speaker, I rise today to pay tribute to Pat Riesler, staff director of the Education and Labor Committee on the occasion of her retirement at the end of the 103d Congress.

As the ranking Republican on the House Post Office and Civil Service Committee, I had the pleasure of working with Pat for 10 years. During that time, Pat served as deputy staff director and staff director of the House Post Office and Civil Service Committee. Pat was always ready and available to meet the needs of all the members of the committee on both sides of the isle. Her political instincts, as well as her knowledge of the issues, were always well thought out and professional.

Pat Riesler came to Congress 31 years ago, and as Roll Call noted in its 1993 article, Pat Riesler was among the elite group of "Hill climbers." She started as a staff assistant and worked her way up to her current position as staff director of the Education and Labor Committee.

Mr. Speaker, Pat, who has always been pleasant and accommodating, has devoted her entire professional life to Congress, advancing a legislative agenda that was balanced and fair. Pat was especially instrumental in promoting the enactment of such reforms as the Federal Employment Retirement System, changes in the Federal pay statutes, the Ethics in Government Act, which established the Office of Government Ethics, and numerous other legislative initiatives that benefited Federal and Postal employees.

Accordingly, Mr. Speaker, I appreciate this opportunity to honor the outstanding career and contributions Pat Riesler has made to this institution, and I ask you and my colleagues to join me in wishing Pat a wonderful life and all the best in her future endeavors.

CONSUMER PROTECTIONS NEEDED IN HEALTH MANAGED CARE PLANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. STARK. Mr. Speaker, managed care represents a threat and an opportunity. The threat is that quality care and innovative treatment will be sacrificed to short-term profit. The opportunity is the potentially wider availability of health care.

The tools of managed care—credentialing, case management, control of utilization, innovative use of information systems, and efficiency through total quality management—have been used in an attempt to lower costs through a more rational use of resources. The success of managed care programs is questionable, however, and numerous accounts of abuse in managed care programs are highlighted each day in newspapers, magazines, and scholarly journals.These accounts demonstrate the destructive potential of managed care approaches.

The following is a list of concerns extracted from recent articles. This list, combined with emerging data on the effectiveness of managed care programs presents convincing evidence that we are just beginning to understand the ramifications of one of the most dramatic trends in health care—that of managed care. Regulation of the managed care industry is necessary to protect consumers' rights to quality health care.

ISSUES OF CONCERN IN MANAGED CARE

I. ENROLLMENT

Agents enroll beneficiaries who do not understand managed care restrictions.

Some beneficiaries have been enrolled and re-enrolled in plans dozens of times. This is often known as "churning of enrollees".

Lock-in provisions are often not explained.

Enrollment of the beneficiaries is often done through M.D. offices without complete disclosure to the beneficiary.

Reports of mass enrollment by trickery. For example, reports state that citizens were asked to come to a local library to "practice" filling out their enrollment forms. The forms were then collected and used to enroll unsuspecting seniors in managed care plans.

II. MARKETING

Selective marketing is sometimes directed toward healthier seniors.

Reports that prohibition on marketing practices and fraudulent claims is being violated. Agents may excessively raise expectations of the beneficiary.

Ex. agents convincing seniors to switch HMO's using false attacks on competitor, e.g., not enough funds to pay doctors.

Out of network coverage can be misleading. For example, a seventy-five year-old woman with a broken hip was expected to travel across the country following initial hospitalization.

III. QUALITY OF CARE

Care decisions are often made by inexperienced gatekeepers instead of by on line physicians.

Inappropriate denial of procedures that are recommended by a physician and covered by Medicare.

Inappropriate delay in providing services/goods which the HMO approved (ex. wheelchair).

No professional obligation to the enrollee by the HMO similar to that of the MD/patient or nurse/patient relationship. The lack of professional relationship could limit recourse for appeal by patient.

Approved list of drugs (formulary) given to MDs may not include name brands.

Difficulty in getting any drug not on the formulary.

Quantity of drugs may be limited at the pharmacy so that patients have to make numerous trips to get the drugs for the prescribed number of treatment days.

Inappropriate refusal to cover a skilled nursing home or failure to develop a safe plan for patient discharge.

Medicare beneficiaries encouraged to disenroll from risk contract HMOs once they get sick.

High turnover of HMO physicians. There is a lack of care continuity.

Patients are assigned physicians rather than choosing them.

There is a need to protect patient confidentiality. For example, software packages for internal outcomes-related criteria are shared with health professionals in managed care plan/hospital not on patient case.

Enrollee complaints about waiting for appointments.

IV. OVERSIGHT/REGULATION

There is often no pattern for state regulation of HMOs. There are no uniform state quality assurance requirements.

Advocates express frustration at lack of oversight efforts in federal HMO regulation.

No uniform national standard requirement for solvency and quality assurance.

The split in oversight responsibility at the state level leads to gaps:

Insurance departments have oversight over business issues and contracts;

Health departments regulate quality of care and credentials of providers;

Complaints and ratings are areas of interaction. However, in practice, ratings are primarily dealt with by the Insurance Commissioners.

Preferred Provider Organizations (PPOs) are regulated only when they assume risk.

There is a lack of uniform comparative information on HMO plans for consumer use.

HMOs liability for denial of care may be inappropriately limited.

V. PROVIDER ISSUES

In some cases, there are limited contract termination rights for physicians.

There are some reports of limited referrals to specialists in the network when referral is appropriate.

Need for more comprehensive utilization review standards.

Unclear utilization standards.

Difficulties getting prior authorization.

Inadequately qualified reviewers.

Standards and process differ to every plan.

Plan standards and processes constantly changing.

No provider input into developing standards.

Some managed care plans use a physician's name in a marketing appeal without approval from the physician.

Some managed care plans do not notify physicians when they are seeking to create or expand a network.

Refusal to reimburse non-network providers for emergency out-of-area services.

"Gag rule" to limit information providers may give patients regarding alternative treatments (Rep. McDermott).

Non-HMO providers pursue patients for bills that are the responsibility of the HMO.

Some HMOs may hire "problem" physicians.

Providers rate/evaluated based on their cost of practice procedures (referrals/ tests/ hospitalizations).

VI. GRIEVANCE PROCEDURES/DUE PROCESS

Review by an HMO may take as long as the HMO wants to extend it—time works against the elderly sick.

Failure of HMOs to meet requirements of notice of right to appeal.

Beneficiary needs notice of the right to submit independent information to support his position when a treatment is denied.

Beneficiary may be denied care without being shown the information on which the decision was made.

No paperwork means no notice of how benefits, particularly drug benefits, are calculated.

There is often no notice to the beneficiary that the drug benefit limit is fast approaching so that seniors can budget for payments that will be inevitable.

Wholesale drug price the HMO uses to calculate benefit may exceed retail cost at other pharmacies.

In many cases, there is no immediate access to an independent peer review authority.

There is no right to have representation at appeal.

Medicare beneficiary appeals take too long to resolve—4 to 6 months on average.

No advocates for the consumer in the HMO.

Beneficiaries have problems getting reimbursed for out-of-area emergency services.

A SPECIAL HARLEM HOMECOMING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. RANGEL. Mr. Speaker, I'd like to share with you and my colleagues here in the House, a story which appeared in the October 19, 1994 edition of the New York Daily News. The story is about a homecoming, a very special homecoming of friends, neighbors, and acquaintances from years past coming together for the annual gathering of residents of the Harlem River Houses.

It was the best of times and gives true meaning to what we term today as the good ol' days:

THEIR HARLEM HOMECOMING

(By Lenore Skenazy)

A PROJECT'S ALUMNI RETURN TO CELEBRATE THE OLD NABE

It could have been a Harvard reunion. The judge from Detroit greeted the cardiologist from California who joshed with the official from the UN who hugged the executive from CBS who called over the deputy commissioner of the NYPD * * *

Except it wasn't a Harvard reunion. It was a housing project reunion in a church basement on 151st St.: The annual gathering of folks lucky enough to have grown up in the Harlem River Houses—New York's first federally funded housing development.

"I don't think you'll find too many communities where folks will come back from the far corners of the nation for a reunion." says Don Matthews, a city housing honcho. "But I grew up here with a bevy of friends. This is truly the personification of community."

As it was born to be. In 1936, Mayor Fiorello LaGuardia helped break the ground for a great New Deal experiment: A housing complex straddling Seventh Ave. at 152d St. for low-income New Yorkers anxious to escape Harlem's tenements.

The project would be four stories high, sturdy and attractive. The apartments would overlook a courtyard, making it easy to keep an eye on the kids. The application process would be lengthy, affording a superselect tenant base: Only two-parent, stable-income, churchgoing families need apply.

And 11,000 did.

For 433 places.

"This was an experiment," explains Rodney Saunders, now an architect. "The idea was: If they were going to build more [public housing], this one had to work."

It did better than that. It became a lovely place to live.

"We were poor, but we didn't know it," recalls David Scott, now second in command at the NYPD. "It just felt so secure!"

It was secure, thanks, in great part, to the fact that all the adults looked out for all the kids. "If you were crossing the street and someone saw you, they'd call your parents and say, 'What's your son doing crossing the street?' Then some parent or your own parent would come and get you," says Don Fitzpatrick, who went on to become Andrew Young's policy affairs officer at the United Nations.

The shopkeepers—and there were 24 stores in the project back then—did the same thing. Buy a box of cigarets, "and before you got home they'd have called your parents to let them know you're smoking," recalls Peggy Grant Baylor, now a judge in Detroit.

"You were given very little room to do wrong," sums up George Edwards. "You really had to work to be a bad egg." If, somehow, you succeeded, you did not escape unpunished. The project's one and only security guard would give you a whack. And then your parents would do the same.

THE BEST OF TIMES

"I wish I could've grown up there," pines Joe Bourne, a former Harlem Globetrotter, who grew up on 144th St. He used to play ball against the Harlem River Houses kids and, the everyone else in the neighborhood, he considered them rich. "They had the best housing," he says. "the best everything!"

They even had some of the best athletes: John Carlos, who won the bronze medal for the 200-meter dash at the 1968 Olympics (and raised his hand in a black power fist at the awards ceremony)—he used to race from one end of the courtyard to the other. "And I'll tell you something," confides Saunders, the architect. "He wasn't even the fastest guy in the project!"

The Apaches, one of the five local baseball teams thriving at the time, became the first black team to win the citywide Police Athletic League championship. That was back in '49 or '50—no one can remember for certain. But they do remember what happened:

"Being from a poor neighborhood," says Emmett Baylor (now special assistant to the mayor of Detroit), he and his teammates were very attracted to the jackets worn by their opponents. "They were big, bulky, wool fleece jackets that the P.A.L. champions always got," Baylor recalls. "We said, 'Man, we will win those jackets!'" And they did win.

But they didn't get the jackets.

"They gave us runnerup windbreakers that they stitched 'Winner' across," says Baylor, shaking his head. "This was not too long after Jackie Robinson [had broken the baseball color barrier]. The system could not stand a black team winning."

LOOK BACK IN NON-ANGER

The system could not stand too many blacks doing too well at anything, back then. But strangely enough, despite the rampant discrimination of the era, Harlem River's alums still remember a halcyon childhood.

"In the '50s and '60s, no one locked their doors," says Saunders. On sunny days, the kids played in "The Pit," a playground in the central courtyard. Rainy days, they'd chase each other through the tunnels connecting all the buildings.

"We'd play Wild Bill Hickok or Roy Rogers," Saunders recalls. "It was very clear in those days: Good guys versus bad guys. Nowadays you have a lot of anti-heroes. Kids are really confused about who the good guys are."

True, life in the 1990s is not simple. Drugs and violence pollute too many projects. Too few parents peer out the window. But to this day, the Harlem River Houses look good. There's a branch of the public library still operating in one of the buildings. Lots of trees—and little graffiti—grace the project. The Pit still beckons to kids.

If the early alums no longer live here, it's mostly because they've moved up and on.

"This was nice in the beginning," says Don Fitzpatrick, pointing to the project. "It's still nice. But now I have an apartment on Fifth Ave."

Thanks to a solid childhood in Harlem.

SPECIAL TRIBUTE TO STAFF

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. MAZZOLI. Mr. Speaker, I would like to take this opportunity to thank all current and former members of my staff for their tireless efforts and dedication to my office and to the Third Congressional District of Kentucky.

Over my 24 years in Congress, there have been hundreds of individuals who have dedicated their time, knowledge, and energy to my office. Although I do wish that I could list each one by name, I would just like to extend my most sincere gratitude for their years of service.

I would, however, like to thank specifically and by name my current Washington office staff: Dennis Ambach, Jayne Jordan, Jane Kirby, Alva Lewis, Christian Patterson, Henry Semple, and Greta Stovall. And I want to thank my office staff in Louisville: Ron Crawford, Sheila Embry, Anne Marks, Charles Mattingly, Diane Murrah, and Brenda Sweatt.

I would also like to mention my staff on the Subcommittee on International Law, Immigration, and Refugees, who have been so helpful and devoted over the years: Kevin Anderson, Lizzie Daniels, Judy Knott, Leslie Megyeri, Eugene Pugliese, and Katherine Urban.

I would also like to thank Renee Benjamin, Leslie Hawk, Michael Long, Janice Cassidy, and Ken McCarthy, who, although they left my office recently for other pursuits, will always be remembered for their hard work and loyalty.

I have truly been fortunate to have the support of a very capable staff, who, through their dedication, hard work, and loyalty, have enabled me to devote all of the talents of mind, body, and spirit that God has granted me to the people of the Third Congressional District of Kentucky. I am truly grateful to all of them and I wish for them much happiness and success in the future.

TRIBUTE TO RUTH BRASWELL TRUMAN

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. ROSE. Mr. Speaker, I would like to take this time to recognize Ms. Ruth Braswell Truman, who will be celebrating her 80th birthday on January 8, 1995. Ms. Truman is a native North Carolinian and a constituent of mine. She was born in Winston-Salem in 1915 to Flora and Lonnie Braswell and attended R.J. Reynolds High School and High Point College.

After her move to Washington, DC, in 1936, she pursued a career with a major life insurance company where she worked until her retirement in 1973. Ms. Truman now resides in Wilmington, NC, and is an active member of Wrightsville United Methodist Church. I would like to congratulate her and extend the best wishes of the U.S. Congress as she approaches this great milestone.

JEFFERSON HIGH SCHOOL BEARS HONORED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. DINGELL. Mr. Speaker, I would like to recognize and pay tribute to the newly crowned Michigan High School Athletic Association Class BB football champions who hail from my congressional district, the Jefferson High School Bears.

Under the leadership of Head Coach Marc Cisco, Jefferson took the championship by defeating the defending State champion, the East Grand Rapids High School Pioneers. Coach Cisco has worked with assistant coaches John Castiglione, Russ Terrasi, and Dave Porter to oversee the development of a balanced team dedicated to hard work and discipline. Although the opposing team in the State championship game was larger, faster, and viewed by many as the likely winner, the near-flawless play of the Bears enabled them to capture the school's first State championship. The outstanding performance of the Jefferson players is demonstrated by the fact that the team was not assessed one penalty during the game.

On offense, the Bears' solid running attack, spearheaded by Jeff Kenney, Tony Panza, and Dave Gill, amassed 170 rushing yards and scored three touchdowns. Also contributing on offense with his smart play and leadership skills was quarterback J.D. Panza, who played despite a lingering shoulder injury. Finally, the exceptional performance of Jefferson's defense contributed mightily to the team's impressive win. Greg Maddux, Dennis Bowdler, Jason Miller, and the other members of the squad were able to keep the powerful Pioneer offense in check through four quarters of hard-nosed football.

To achieve an accomplishment of such magnitude takes a total team effort. Without unity, dedication, and hard work on the part of each player, the likelihood of success is greatly diminished. It is in this regard that the Jefferson High players deserve to be recognized as true champions. Their victory stands as a shining example to others of the seemingly insurmountable obstacles that can be overcome by those who commit themselves to teamwork and excellence.

Mr. Speaker, I am proud to honor the Jefferson High School Bears, and ask that my colleagues join me in congratulating these fine players and their coaches on a truly impressive achievement.

HIAS AWARDS DINNER HONOREES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. GILMAN. Mr. Speaker, this past fall the Hebrew Immigrant Aid Society [HIAS] held its annual awards dinner in New York City, and conferred celebratory awards to individuals who have contributed to humanitarian efforts. One of those honored was our distinguished ranking Republican Member of the House Judiciary Committee, Representative HAMILTON FISH, Jr., who was awarded HIAS' Liberty Award.

The Liberty Award recognizes an individual who has helped further world peace and freedom. Congressman FISH, during his decades of service to his constituents, New York State, and the Nation, on the House Judiciary Committee, has made important and lasting contributions to the lives of immigrants and refugees. He is richly deserving of this award, and I wish to congratulate him on behalf of our colleagues in the House of Representatives.

Also recognized at the awards dinner were the recipients of HIAS' Harold Friedman Memorial Award. Benjamin and Vladka Meed of the American Gathering/Federation of Jewish Holocaust Survivors received this newly established honor, which recognizes former refugees who have achieved noteworthy success in the United States. Mr. and Mrs. Meed have devoted their lives to the memory of the Holocaust and the welfare of its survivors, and are leaders in Holocaust education efforts.

Accordingly, Mr. Speaker, I would like to share the acceptance speeches of Congressman FISH and Benjamin Meed with my colleagues. Their responses illuminate lifetimes of service for the benefit of others, as well as a dedication to one of the highest principles of Jewish tradition, that of tikkun olam, repairing the world. Accordingly, I request that their statements be printed at this point in the CONGRESSIONAL RECORD for the benefit of our Members and other interested individuals.

REMARKS BY THE HONORABLE HAMILTON FISH, JR., HIAS AWARDS DINNER, OCTOBER 13, 1994

I am honored to receive this award and humbled by the company of former recipients I am joining. Emanuel Celler and Peter Rodino, past chairman of the House Judiciary Committee, mentored me in immigration and refugee affairs. Father Ted Hesburgh led the efforts of the Select Commission on Immigration and Refugee Policy in articulating our national commitment to a generous immigration policy and a humane response to refugee crises.

HIAS' vigilance and guidance over the years energized and sustained those of us in the Congress who believe in the ennobling work of helping persecuted people. Under the leadership of Martin Kesselhaut and Marty Wenick, HIAS is a positive and constructive voice in the heated national debate over immigration policy. Ed Shapiro, a former HIAS president and personal friend, continues to inspire me with his involvement in HIAS's work of rescue and resettlement.

The Liberty Award has special meaning of me because I have admired—for many years—the devotion of the HIAS leadership and staff to compassionate values. The satisfaction I have derived, however, from participating in endeavors on behalf of refugees has been its own record. Over the years, opportunities to visit refuseniks in Moscow, spend time in Rome and Vienna with Jews in transit, and learn in Israel in the the United States about the meaning of freedom directly from former victims of religious hatred is a source of continuing personal satisfaction.

The current refugee program for Jews from the former Soviet Union—as you all know so well—represents a culmination of our long struggle to lower emigration barriers. Opportunities for Jews in that region to find havens in Israel and in the United States must continue to be facilitated and sustained. Any discussion of winding down U.S. admissions is premature because anti-Semitism remains a potent force. The Immigration and Naturalization Service refugee interviewing capacity in the former Soviet Union cannot be compromised if the essential humanitarian work of identifying individuals and families qualified for U.S. resettlement is to be maintained. Pressures to cut admission numbers must be resisted as long as significant backlogs remain.

This period of transition for me is an opportunity to reflect on the most significant migration-related legislation that has become law during my congressional service. Since 1980, in contrast to earlier periods, we have had a strong and flexible refugee law that can facilitate the expeditious admission of persons escaping persecution. We successfully resisted attempts, in the early 80s, to lump refugees and immigrants together under the same ceiling—a step that would have placed the need to save lives in competition with legitimate desires to bring relatives to this country. In enacting the Immigration Reform and Control Act of 1986, we sought to effectuate the interrelated goals of discouraging future illegal immigration and responding humanely to the plight of those undocumented aliens who already had become a part of our society. At the beginning of the new decade—with the passage of the Immigration Act of 1990—we gave enhanced expression to the principle of family reunification and provided expanded opportunities for persons without family ties to contribute to our country's economic life.

In my view, the major principles that find expression in American immigration and refugee law remain sound. The biggest challenge we face is sentiment that fails to distinguish between people who act in contravention of our laws without persecution claims and legal immigrants, asylees, and refugees who all must receive a welcome consistent with our traditions. HIAS has a critical role to play in preventing the erosion of support for our refugee and legal immigration policies.

The United States' willingness to welcome refugees and immigrants to our shores is one of the great sources of our nation's strength. The humanitarian work of providing refuge is satisfying not only because the United States—a leader in refugee resettlement—is helping people who need our assistance but also because that same effort adds to our country's vitality. When we display generosity toward persons escaping persecution, we not only express our compassion as a nation, but also advance the foreign policy interests of the United States, set an example for other countries, and reaffirm our commitment to individual freedom. Continued American receptivity to refugees must go hand in hand with an immigration policy that promotes the goal of family unity and gives expression to the values of a pluralistic society.

In the decade of the 90s, I have every confidence the United States will continue to benefit greatly from the contributions of those we welcome as refugees and immigrants. I look forward to remaining active on these issues of mutual concern in the years ahead.

Thank you.

HEBREW IMMIGRANT AID SOCIETY [HIAS] FIRST ANNUAL HAROLD FRIEDMAN MEMORIAL AWARD

(Acceptance Speech by Benjamin Meed, Co-recipient (With Vladka Meed))

Ladies and Gentlemen: Vladka and I are deeply moved to be honored as the first recipients of the Harold Friendman Memorial Award. We also very much appreciate the kind words spoken about us here tonight. However, we feel that this award, although given to us, is really intended to honor the achievements of all of the Holocaust survivors who—with the help of the Hebrew Immigrant Aid Society—came to rebuild their lives in this and other countries.

It is a long way, in time, in distance and in feelings—from the German Nazi concentration camps, partisan forests, witnessing the destruction of the Warsaw ghetto and, after the war, the displaced person camps—to be here this evening to be honored by the HIAS. What survivor would have dared even to dream, 50 years ago, of such an evening as we are experiencing tonight?

I remember very clearly the day, almost half a century ago, when a gentleman, wearing the uniform of the UNRRA, climbed up the four flights of steps to the small apartment Vladka and I shared with others in Munich, Germany. That man came to give us the affidavit and other papers necessary to travel to the golden medina, the USA. His name was Mr. Ilja Dijour. At the time, he was the HIAS director of operations in Germany and Austria.

He spoke to us in Yiddish and made us feel that a family member had found us. We will never forget his kind words as he explained what our trip and our new country, America, would be like. He told us there would be many people there who spoke Yiddish, and that we would even be able to read a daily Yiddish newspaper and listen to the radio in our own language. He said, "In America you will feel at home."

We will never forget his thoughtful expressions of hope for our new life. I remember that when I asked him, why did you come to us, he showed us a telegram he had received from the Jewish Labor Committee in New York. The telegram said, "Your friends are waiting for you."

Today, I know how right he was. I still have Mr. Dijour's image in my mind. And whatever words I use tonight will not do justice to him and his actions in helping thousands upon thousands of people to come to the United States.

Two weeks later we were in Bremerhaven, along with a few hundred other Holocaust survivors, boarding the *Marine Perch*, one of the first ships to leave for the United States. Eight days later, on May 24, 1946, we arrived in New York. And as we left the ship, HIAS distributed to each one of us our first $10 in U.S. currency. Excited but anxious, not knowing what to expect, we arrived in our first home in the U.S.: The HIAS building at 425 Lafayette Street. From there we started our new life in this country. Vladka and I are two among the hundreds of thousands of immigrants who have come here because of the tireless efforts of HIAS. For both of us, I thank you again for all the help we were given.

I also want to say something more about the Holocaust survivors who, many with the assistance of HIAS, came to and settled in this country. For many years, the images which came to mind when the word "survivor" was uttered were those terrible pictures of concentration camp inmates taken from the German archives. They are such pitiful images. But today, we survivors—who came from the pit of Hell itself—have shown the world a very different picture of our lives in these 50 years after the Holocaust.

Most of us came here with very little, or nothing at all. We knew nothing of this country's language or culture. Yet we did not despair. Nor did we become embittered or controlled by hatred, as would have been easy based on our experiences. We worked hard—day and night—doing whatever was necessary to take advantage of the great opportunity this nation provided to start anew.

We know that America is a country built by immigrants, but Holocaust survivors are immigrants whose relatives were murdered, and the villages, towns and countries of our birth have become cemeteries. Jewish life and culture are gone from so many places. We had nothing to look back on, so we had to look forward. Here, in our adopted country, we gradually established new homes, rebuilt our families, provided our children with the best education, and contributed—in every way we could—to our communities and to the life of this great nation.

And the Holocaust not only robbed us of our homes and families; it also destroyed our chances for education. Yet education is so highly prized by us all, and I am proud to say that today the vast majority of our children—estimated to number close to 250,000—have academic degrees. These wonderful children are represented in every field of endeavor, and thirty percent of them are doctors, lawyers, and teachers.

In addition to our contributions to country and community—in the professions, business, the arts, and home life—survivors and their families have also become pillars of the Jewish community, holding leadership positions, supporting significant activities, and infusing Jewish life with their special energy.

It should also be said that if not for the motivation and support of survivors, there probably would be no Holocaust remembrance commemorations in the nation's capitol and around the country. And there would be far fewer, if any, Holocaust-related museums, memorials and resource centers. We are pleased that Holocaust survivors have taken on the mission of remembrance, and have been integral in helping to build the U.S. Holocasust Museum in Washington.

We are so proud of all that our fellow survivors have achieved, against overwhelming odds, in the past fifty years. Yes, we still have a long way to go. There are many things we still need to accomplish, both for ourselves and for history. Our principal enemy is time, but—somehow—our goals must be reached.

Again, we thank HIAS for its wonderful work through all of these years. We have learned through our terrible experiences that the greatest danger was, and will continue to be, indifference. HIAS has never stood idle. Instead, it has played a major role in helping our people wherever they are in need. HIAS has always understood that we must be our brothers'—and sisters'—keepers. HIAS embodies the best of the Jewish spirit.

Thank you for being with us tonight.

REMARKS OF BUREAU OF RECLAMATION COMMISSIONER DAN BEARD

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. MILLER of California. Mr. Speaker, the Bureau of Reclamation was created over 90 years ago as the Government agency dedicated to the goal of settling the West through the construction of dams, reservoirs, and canals for delivering irrigation water. This construction legacy on rivers throughout the Western United States will undoubtedly continue to produce reliable water supplies for many years.

The realities of the changing needs of the West must be reflected in the mission of the resource development agencies that may have outlived their original purposes. In his 18 months as reclamation commissioner, Dan Beard has recognized this challenge and successfully transformed the Bureau of Reclamation into a water resource management agency and will be fully equipped to adapt to the changing water needs of the Western United States.

REMARKS OF DANIEL P. BEARD, COMMISSIONER, U.S. BUREAU OF RECLAMATION BEFORE THE INTERNATIONAL COMMISSION ON LARGE DAMS, DURBAN, SOUTH AFRICA, NOVEMBER 9, 1994

Thank you for giving me this opportunity to address the 18th Congress of the International Commission on Large Dams (ICOLD).

As most of you know, the United States Bureau of Reclamation, the agency I direct, was founded as a construction agency.

The results of our work are well known.

Hoover Dam, Glen Canyon Dam, Grand Coulee Dam, and other works were monumental undertakings that are a source of pride to our nation and our employees.

In the last two years, however, we have come to the realization that we must make significant changes in USBR's program.

It is these changes I would like to discuss with you today.

There are several reasons why changes are taking place in USRB.

A premise for our program was the project costs would be repaid. We now realize the significant construction and operating costs of large-scale projects cannot be repaid.

Our experience has shown that the actual costs of completed projects substantially exceeded the original estimated costs, and many project benefits were never realized. We lost our credibility with the public and our political leadership because we failed to accurately estimate project costs and benefits.

The USBR generally served the needs of a few agricultural water users. We generally did not serve the needs of expanding urban populations. The result was that the base of support for our program declined.

Over time, our operating experience has given us a more clear appreciation for the secondary environmental impacts of the large-scale water projects we developed. We were slow to recognize those problems, and we are still learning how severe they are and how to correct them.

We have also come to realize there are many alternatives to solving water problems that do not involve dam construction. Nonstructural alternatives are often less costly to implement and can have fewer environmental impacts.

What has been the result of these forces?

The result is that the dam building era in the United States is now over. We can no longer count on public or political support for large, traditional construction projects. Those projects we have underway will be completed as quickly as possible. Any new construction will take place only in small increments, narrowly targeted to meet well-defined, but limited, objectives. We now anticipate facing the challenge of water management using the tools of the "Information Age"—improved data collection and modeling, geographic information systems, and demand-side management tools.

How have we in the USBR approached these turbulent times?

We have become realistic about our future. We recognize our budget and our staffing levels will decline, not increase, as our program changes.

In addition, we can't continue to do business the same old way. President Clinton and Vice President Gore have initiated a comprehensive program to reduce costs, eliminate unnecessary paperwork, reduce personnel, and deliver a better product in a shorter period of time. We have made a conscious choice to be a leader in this effort.

In brief, we needed to change and change quickly. And we have.

I initiated a top-to-bottom review of the agency which has led to a significant restructuring last April.

We've embraced a new philosophy of delegating day-to-day operating decisions to field personnel. We will give them the responsibility and authority to make decisions, within established general policy, without coming to headquarters for approval. We've also undertaken an aggressive restructuring designed to eliminate layers of unnecessary management and unnecessary practices.

Although we've just begun, the results are impressive.

We have reduced our budget request for this year by 12 percent—a $93 million reduction.

Since May 1993, our staff level has been reduced by approximately 1,000 positions, or 13 percent.

We have reduced the number of senior level managers.

Our field offices have been given significant new authority and responsibility.

Our Denver office has been significantly altered. The new organization, now called the Reclamation Service Center (RSC), will be a customer service organization working for other parts of USBR.

In Denver and our regional offices, we have reduced at least two layers of management.

Finally, we have launched a series of new program initiatives, including expanded efforts in wastewater reclamation and resuse, an conservation.

One final note about the participation of the USBR in international activities. My attendance at this conference is not a coincidence. We have been an active participant in ICOLD affairs since it was founded. Previous Commissioners have been very supportive, and many USBR employees serve on committees.

The USBR will remain an active participant in the affairs of ICOLD. This organization offers all of us an opportunity to discuss, debate, and consider new approaches to solving the world's water resource problems. There is much we can learn from one another, and we want to continue that tradition.

As we seek to keep ourselves well informed, so should we seek to maintain an open exchange of information and opinion with all groups. USBR is committed to full disclosure of information to the public. Open access to information will be a hallmark of our operations, both domestic and international.

To President Pircher, Secretary General Cotillon, and Congress Chairman Val Robbroeck, thank you for giving me the opportunity to be with you this morning.

I am enjoying participating in this Congress during my first trip to South Africa. I look forward to meeting as many of you as possible during the rest of the week.

Thank you.

DRS. ERNEST AND DOROTHY GARCIA, EDUCATORS, PATRONS OF THE ARTS, AND COMMUNITY LEADERS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. BROWN of California. Mr. Speaker, the husband and wife team of Drs. Ernest and Dorothy Garcia will be receiving the prestigious Golden Baton Award from the Inland Empire Symphony Association at a special tribute to be held January 14, 1995. The two have given countless hours of dedicated work and devoted the past 40 years toward the growth and improvement of their community.

Dr. Ernest Garcia began his career as an elementary school teacher in the Barstow School District. He eventually went on to continue his studies at the University of California, Riverside, and upon graduation Dr. Garcia returned to the Barstow school district as an assistant elementary principal.

In 1961, after having worked as coordinator and curriculum consultant in the Rialto Unified School District, he became the principal of George Dunn School. During a leave of absence, he worked on his doctorate at UCLA and worked for Systems Development Corp., in the area of educational technology. After completing his doctorate in 1966, he became a professor at the University of Redlands and later Cal State, San Bernardino. During these years, Ernest was also elected to the Rialto School Board. In 1979, he became the dean of the School of Education, where he served for 11 years.

Recently, I had the honor of attending a naming ceremony for the new Dr. Ernest Garcia Elementary School in the Rialto Unified School District.

Mrs. Garcia has an equally illustrious career as her husband. Dr. Dorothy Garcia has worked as an educational consultant and faculty member at both the university and elementary level, where she also served as a principal in the Colton Joint Unified School District. Additionally, Dr. Dorothy Garcia has worked on program quality review teams for the State of California, as well as volunteering her time by serving on numerous community boards and chairing several volunteer programs.

Dr. Dorothy Garcia has been recognized by the United Way and the Parent Teachers Association for her years of dedicated community service.

Since their retirement in 1990, Drs. Ernest and Dorothy Garcia have enjoyed traveling, spending time with their grandchildren, and continuing their active involvement in the community.

Mr. Speaker, I ask my colleagues to join me today in commemorating Drs. Ernest and Dorothy Garcia and the example they provide for all Americans.

IN HONOR OF HARDYAL SINGH, PRESIDENT OF THE AMBEDKAR INTERNATIONAL MISSION, U.S.A.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Mr. Hardyal Singh, founder and president of the Ambedkar International Mission for his many contributions to the Indian community. Mr. Singh is also the president of the Federation of Indian Associations in New Jersey and senior vice president of the Indian National Congress of North America.

Mr. Singh's latest accomplishment will be celebrated on December 6, which is the anniversary of the death of Dr. B.R. Ambedkar. On this day, Mr. Singh will be honored for his efforts in naming a portion of Tonnelle Avenue, between Kennedy Boulevard and Newark Avenue in Jersey City as Dr. B.R. Ambedkar Avenue.

Mr. Singh was the first Indian-American to be named a special deputy sheriff of Hudson County. He was successful in his campaign to have the Indian national flag raised at Jersey City City Hall. Mr. Singh's contributions to the Indian community also include the role he played in renaming Public School No. 23 to Mahatma Gandhi School, and the designation of Mahatma Gandhi Day by Gov. Jim Florio. He led the drive to change the names of two Jersey City Streets to India Square and Mahatma Gandhi Plaza. Mr. Singh was also instrumental in many programs designed to strengthen India-United States relations and increase American understanding of Indian culture and traditions.

Mr. Singh obviously understands the importance of achieving a better understanding of Dr. Ambedkar and Gandhian values of life, peace, and friendship. These are values we must all remember to uphold so that we can live together in harmony. I commend Mr. Singh for all of his hard work in the community and for devoting so much time and energy to maintaining Indian-United States relations. It is people like Mr. Singh who really make a difference in our society.

Please join me in wishing the Ambedkar International Mission a successful event and prosperous future. It gives me great pleasure to have people such as Mr. Singh in my district. I salute Mr. Singh for his many accomplishments and wish him much luck in the future.

A SPECIAL SALUTE TO CHARLES O. HILL, ESSAY CONTEST WINNER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. STOKES. Mr. Speaker, I am proud of youth throughout my congressional district who often exhibit tremendous talent and ability in both academic settings and throughout their respective communities. I rise today to salute a special young man, Charles O. Hill, whom I recently had the pleasure of meeting.

Charles is currently a ninth grade student at John Hay High School in Cleveland. Earlier this year while attending Central Intermediate School, Charles was the winner of an essay contest sponsored by the National Institution for Responsible Fatherhood and Family Development. The contest challenged youth to express their views on a very important subject, the issue of fatherhood. Charles' essay, entitled, "Greatest Dad," not only noted the difference between a "dad" and "father," but he also paid tribute to men, such as his own father, who take their responsibilities as fathers and parents seriously.

One of the prizes Charles was awarded was the opportunity to have lunch and a photo session with his Congressman. I was pleased to meet both Charles and his father, Jack Hill. Charles is an outstanding young man who is bright and articulate. He also has the potential to be a future leader. During our meeting, I was also struck by the close bond that exists between father and son. It became clear that Charles' essay was written from the heart about an individual whom he greatly admires.

Mr. Speaker, I want to share the "Greatest Dad" essay written by Charles Hill with my colleagues and the Nation. It is a very moving piece which deserves this kind of recognition.

GREATEST DAD

A dad is nothing but a man who makes a baby. He may or may not be able to take care of it. But a "*father*" to me, is a man who takes good care of his children.

Father—a male parent; one deserving the respect and love given.

The definition above is explaining a father according to the Webster's dictionary. To me a *father* has to be more than that. He has to have love in his heart, and everyday actions. A *father* gives his all toward his children not part of it.

A dad is a man who makes a baby and leave. I like to call them sperm donors. Sperm donors are one of the reasons that many male youth are being labeled trouble makers, hood rats, or just plain dumb, but they know no other way to live because their dad is not being a *father*.

A *father* don't necessarily have to give and give until he has no more. But gives to the point that his child will lay down and die for him. Many times I find out that people who join gangs, get into drugs, have no male figure in their home so they find security some place else, or the male figure is so weak that the child don't have faith.

Young female children need a *father* too, not just the male children, as I hear many times. Females need a *father* to have an idea of a good man.

School has a way of making life so plain about sex, but not about parenthood, they should at least give young people an idea of parenthood. Sex is easy. Being responsible and a good parent takes a lot of hard work and dedication.

To have a good *father* is a gift. A gift almost as good as life. Because a good *father* will raise a descent child along with the help of a good mother, to have a great life or simply succeed. Children have a responsibility to live life to the fullest and a *father* can help. So the bottom line is, having a "*father*" or a dad can make you or brake you.

—Charles O. Hill, Central Intermediate School.

A SPECIAL SALUTE TO DR. SELMA BURKE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. STOKES. Mr. Speaker, there are many African-Americans and other people of color who have made significant contributions to the development of this Nation. Today I come to share with my colleagues a special article which appeared in the Cleveland Plain Dealer newspaper about one such individual. The article explores the life of Dr. Selma Burke, a remarkably gifted African-American sculptor whose outstanding artwork has been featured at the Malcolm Brown Gallery in the 11th Congressional District.

Dr. Burke, now 93 years of age, was first noted for her mastery of art during the Harlem Renaissance period of the 1920's and 1930's. Her involvement in the field of art spans more than 5 decades. In fact, Dr. Burke remains one of the oldest African-American artists still actively involved in the visual arts. She is the founder of the Selma Burke School of Sculpture in New York City and the Selma Burke Art Center in Pittsburgh.

Despite the success Dr. Burke has enjoyed in the field of art, however, the recognition for one of her most famed works eluded her for many years. In 1943, Dr. Burke won the District of Columbia Fine Arts Commission competition for her bronze plaque of President Roosevelt. Today, this plaque hangs in the Recorder of Deeds Office here in Washington, DC, and according to scholars, is the basis for the image of President Franklin D. Roosevelt which appears on the United States dime.

Mr. Speaker, I recently had the pleasure of meeting with Dr. Burke during a special exhibition in Shaker Heights, OH. On Sunday, December 11, 1994, she was the guest of Ernestine and Malcolm Brown, two of Cleveland's outstanding individuals who are also the owners of the Malcolm Brown Gallery. To mark the occasion, I was proud to present Dr. Burke with a Congressional Proclamation in honor of her significant accomplishments. During her visit to Cleveland, this gifted artist spoke and told a fascinating story of how she began her career. Dr. Burke is an articulate and engaging speaker who held our attention to every word she spoke. Her appearance in Cleveland and other places was highlighted on the CBS Morning News. Thus, the Nation is now aware of the work of this great woman who says, "I was born to be a sculptor."

Mr. Speaker, I believe that Dr. Selma Burke deserves special recognition for her continued efforts to foster a greater appreciation for the arts. I am pleased to share with my colleagues the Plain Dealer article which traces the phenomenal history of this great African-American.

SCULPTOR, 93, CARVING ARTWORKS, OPINIONS

(By Steven Litt)

Selma Burke, 93, has earned more honors in her long career than many other 20th-century American artists. She first garnered attention as a sculptor in the Harlem Renaissance, the burst of art, music and literature by blacks in New York during the 1920s and

'30s. She later studied in Europe, founded an art school in New York and an art center in Pittsburgh, and was awarded nearly a dozen honorary degrees.

But one thing eludes her. It is credit for the portrait of Franklin D. Roosevelt that appears on the dime, which was issued by the U.S. Mint in 1946.

The dime bears the tiny initials "JS," which stand for John Sinnock, the former mint chief engraver who, according to Burke, copied a bronze portrait plaque of Roosevelt created by Burke in 1944 for the Recorder of Deeds Office in Washington, D.C.

"I'm so mad at that man," she says of Sinnock.

Officials at the mint say their records show Sinnock deserves full credit for the Roosevelt dime. But Burke isn't convinced. She says that because she is black, she will never get the recognition she feels she deserves.

"This has happened to so many black people," she says. "I have never stopped fighting this man and have never had anyone who cared enough to give me the credit."

It is a warm Friday afternoon in June, and Burke is musing over her career while visiting the Malcolm Brown Gallery in Shaker Heights, where a solo show of her work is on view through July 31. The artists sits in a carved wooden chair in the corner of the gallery, gazing at 15 stone and bronze sculptures as if they were children she loves despite their flaws.

"There are things you wished you had done differently, and things you're glad you did," she says, wistfully.

The 15 works on view include a plaster portrait bust of Duke Ellington, a wood carving of a falling angel clutching a snake to her chest, and a semi-abstract brass sculpture of a nude female torso with liquid contours and highlights. The work blends African-American subjects with a style rooted in the academic realism of the Works Progress Administration (WPA) Art Project, in which Burke took part. The FDR plaque is not part of the show.

As she speaks about her career, Burke oscillates between grandmotherly warmth and righteous anger. But the artist is not consumed in bitterness.

She speaks rapturously about how she still works three hours a day in her studio in Solebury Township, Pa., and occasionally teaches classes of young schoolchildren in the area.

"Oh, I love it!" she says, "I love carving wood and stone." And she talks about how she finds peace attending a local Quaker meeting because "I like the silence."

Burke was born on Dec. 31, 1900, in Mooresville, N.C. Despite an early interest in art, she followed her parents' urgings that she became a nurse.

It was in New York in the mid-1920s that the wealthy heiress who employed Burke as a nurse encouraged her to take lessons at the Art Student's League. Burke also worked as a model for sculptor Paul Manship and photographers Edward Steichen and Alfred Stieglitz.

In 1935, she met the Harlem Renaissance poet Claude McKay, whom she later married. On the eve of World II, Burke earned fellowships that allowed her to travel in Europe, where she studied with Henri Matisse and Aristide Maillol.

In 1943, while working as a truck driver for the U.S. Navy in a New York navy yard, Burke entered a competition to sculpt a profile of Roosevelt for the Recorder of Deeds office in Washington, DC. Burke tried for months to work from photographs, but failed to find a precise profile of the president. Finally, she wrote the president and requested a visit.

To her surprise, Roosevelt agreed. During a 45-minute sketching session in the White House on Feb. 22, 1944, the loquacious commander in chief peppered the sculptor with so many questions she couldn't concentrate. Finally, she grabbed Roosevelt's head in both hands and said: "Mr. President, could you hold your head like this?" Roosevelt stood still, which allowed Burke to sketch his profile on a sheet of brown supermarket paper. To her surprise, the president invited her back the next day for a second session.

A year later, Eleanor Roosevelt visited the artist's New York studio to view the finished plaque, and told Burke, "I think you've made Franklin too young."

But the artist said: "I didn't make it for today, I made it for tomorrow and tomorrow. There's something of a Roman gladiator in there, a strong ruler in a time of war."

Burke and some scholars believe that Sinnock used her sketches and plaques to design the profile of Roosevelt that appears on the dime.

But Brenda Gatling, public information officer for the mint, says "both Ms. Burke and Sinnock did live sittings with the president. Historical records do not bear out Ms. Burke's statements that he copied her design. Those who could have provided eyewitness accounts have long passed on."

But Burke isn't discouraged. "Everybody knows I did it," she says.

RECOGNIZING THE LATE JUDGE FRANK BATTISTI OF CLEVELAND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 20, 1994

Mr. STOKES. Mr. Speaker, on October 19, 1994, the Cleveland community suffered the loss of a legal giant. I rise today to honor the late U.S. District Court Judge Frank J. Battisti, who passed away on that date at the age of 72.

Judge Frank Battisti was the lifelong jurist, both in and out of the courtroom. His devotion to law carried him from Youngstown to Harvard Law School, and eventually to an appointment on the U.S. district court in Cleveland by President John F. Kennedy. At the age of 39, he was the youngest Federal judge in the country.

Judge Battisti's legal career was driven by his head and fueled by his heart. He was a respected, and sometimes feared, judge who felt a passion for the court that he was able to translate through his decisions. Judge Battisti clearly understood the responsibility of his position, and the weight of fairness and jurisprudence. He considered how the law would affect people, not just how a decision would fit neatly into legal theory. In short, Judge Frank Battisti had the human touch.

Mr. Speaker, Judge Battisti never backed down from controversial cases. From the acquittal of the Ohio National Guardsmen after the Kent State shootings to a plan to desegregate public housing, he found answers to very tough problems in very troubled times. His unblinking eye on social and racial injustice helped him focus on the legal injustice he saw in his courtroom.

His human touch never shone brighter, and the criticism never roared louder, than after his controversial and historic decision to desegregate Cleveland's school district in Reed against Rhodes. Judge Battisti simply believed that children, regardless of race, religion, or background, had an equal right to an equal education in the Cleveland public school system. His maverick stand clearly had the children's interest at heart, and he never wavered in the firestorm of protest that followed Reed against Rhodes. Nearly two decades later, it still remains to be seen whether Reed against Rhodes was the right answer, but the underlying principle Judge Battisti defended in that decision showed his remarkable courage and determination.

Mr. Speaker, as a former practicing attorney in Cleveland, I had the utmost respect and admiration for Judge Battisti. The passing of Frank Battisti is a loss to the legal community, a loss to Cleveland, and a loss to the never-ending quest for equality, fairness, and justice. He did not simply sit on the bench, he embodied law. He was every bit a judge, in every sense of the word.

Mr. Speaker, I ask that an editorial from the Cleveland Plain Dealer newspaper that pays tribute to Judge Battisti be entered into the RECORD for my colleagues to read. I also ask that my colleagues join me in recognizing the late Judge Frank Battisti.

[From the Plain Dealer, Oct. 20, 1994]

JUDGE FRANK J. BATTISTI

Some admired him. Some reviled him. Few would deny the powerful impact U.S. District Judge Frank J. Battisti, who died yesterday at age 72, had on Cleveland.

On his name and on his most famous ruling—which found that Cleveland public schools had violated the law by practicing racial segregation—countless candidates premised their campaigns for public office. In his name and in the name of his most famous ruling, tens of thousands of black schoolchildren learned one of the most important lessons of their lives: that the Constitution's protections extended to them. To understand Battisti is to gain greater knowledge about a vital, unfinished chapter of Cleveland history and one of its central characters.

By 1976, when Battisti issued his finding against the school district, black children in Cleveland already had learned about meanness, hatred and prejudice. The U.S. Supreme Court had decided in the 1954 case of Brown vs. Board of Education that state laws allowing racially segregated schools violated the constitutional right to equal protection.

Many big-city school districts began addressing racial patterns soon after that landmark decision. Cleveland was not among them: Officials continued practices that deliberately separated black and white students. In fact, even after a class action was filed in U.S. District Court in 1973, the black school board president and the white superintendent fought against disassembling "black" schools.

The Cleveland and Boston school districts reacted with the most extreme defiance to court desegregation orders, said Gary Orfield, a professor of education and social policy and the head of the Harvard Project on School Desegregation.

The rancor did not stop after the ruling. Battisti's comprehensive order had 14 components intended to bring an equal education to all of the city's students. One of the provisions, reassigning students to achieve integration, overshadowed all the rest. A single word summed it up: busing.

When Battisti required student reassignments, he used one of the most favored methods of the day for integrating schools. But neither the schools nor the city were the same after the order. Whites and blacks fled as soon as they could afford to do so.

Busing became a lightning rod for some incumbent and aspiring school board members who blamed it for all of Cleveland's ills. The rest of Battisti's order, which forced neglectful district officials to install more responsible management and promote improved student achievement, was forgotten by the public and cruelly ignored by a succession of school boards and administrations.

Now, 20 years after Battisti's finding, 40 years after Brown vs. Board of Education, Cleveland schools are predominantly one race and nearly all the children are getting an equally insufficient education. Schools cannot integrate in cities with such segregated housing patterns, as communities across the United States have learned.

Time has proven that reassigning students to integrate schools was the wrong remedy.

But what motivated Battisti, who was appointed to the U.S. District Court by President John F. Kennedy in 1961, is not so clear-cut.

Friends and associates say he was a deeply religious Catholic who felt that injustices like segregation were morally as well as legally wrong. And so he also took on cases in which he ordered the integration of public housing in Cleveland and Parma.

The devout and passionate Battisti saw the federal judgeship as a calling he felt compelled to answer and continually act upon. In that mission, people were divided into the good and the bad.

"Battisti believed and stood for something much larger than the minutiae of constitutional doctrine. He possessed the intellect to understand the sweep of history," said Daniel McMullen, who recently left as the director of the Office on School Monitoring and Community Relations, the federal court's watchdog of the Cleveland schools' desegregation effort.

Perhaps only deep moral convictions could have shaped that broader vision and helped Battisti confront racism. Deep moral convictions could have provided comfort and courage through years of being vilified, of death threats directed at him and his family. His life had been threatened, too, when he acquitted eight former Ohio National Guardsmen in the 1970 killings of students at Kent State University. Battisti likely would have been hounded still more as the question returned to his court of whether John Demjanjuk should be deported.

Battisti could handle harassment directed at him. But the judge was anguished when those he cared for were the targets.

Some say Battisti was sustained by the ample ego and strong sense of independence that led him into conflicts with his colleagues on the federal bench. Ego and independence may have contributed to him sticking with student reassignments to attain integration in Cleveland schools even when it became unpopular among blacks, the very victims of the original discrimination.

What the public saw and read did not reflect the private side of Frank Battisti. He was a devoted family man and a fiercely loyal friend who used to sit around with pals at a local furniture store and gab.

He and his wife had no children, but doted on their niece and nephew.

He could be stoic, stern and even arrogant to those who came before him in court. But Battisti had a good sense of humor and never tired of telling stories, especially about fishing. He loved fly fishing and he loved Montana, and it was ironic that an insect bite he suffered while fly fishing in Montana brought about the illness that killed him.

Judge Frank J. Battisti's impact on Greater Cleveland will be debated for as long as it is remembered. That is understandable.

But the man himself should also be recalled as a longtime public servant who unflinchingly took on cases of injustice. He should be mourned as a person who knew the value of friends and of family—and of a fight hard-fought.